TITLE: FEDERAL REGISTER

REEL NO: 1 OF 8

PAGES: 1-3756

VOLUME: 47

ISSUES: 1-17

DATE: JANUARY 4 - 26, 1982

PUBLICATION NO: 2575

NOTES: INCLUDES THE CODE OF FEDERAL REGULATIONS FOR JANUARY AND THE JANUARY - JUNE 1982 INDEX

THIS PERIODICAL MAY BE COPYRIGHTED, IN WHICH CASE THE CONTENTS REMAIN THE PROPERTY OF THE COPYRIGHT OWNER. THE MICROFORM EDITION IS REPRODUCED BY AGREEMENT WITH THE PUBLISHER. DUPLICATION OR RESALE WITHOUT PERMISSION IS PROHIBITED.

UNIVERSITY MICROFILMS INTERNATIONAL, ANN ARBOR, MICHIGAN

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS THE BEST COPY AVAILABLE.

Volume 47—Numbers 1-126
Pages 1-28604

Volume 47—Numbers 1-126
Pages 1-28604

federal register

January-June 1982

SAVE THIS ISSUE
For Guide to Freedom of Information Indexes for January to June 1982

index

INDEX

THIS INDEX is based on a consolidation of contents entries appearing in the January–June issues of the FEDERAL REGISTER together with broad subject references. The entries are arranged first under the name of the agency which issued the document. Under each agency, the entries are then listed alphabetically within the categories of Rules, Proposed Rules, and Notices. Executive Orders, Proclamations, and other documents from the President are listed under Presidential Documents. The number at the end of each entry gives the page in the FEDERAL REGISTER where the document begins. Use the table of Federal Register Pages and Dates at the back of this index to locate the issue date for each page number. This index is published monthly and is cumulated for 12 months.

A general index to the entire Code of Federal Regulations, the CFR INDEX, is revised as of January 1 each year.

Numerical Finding Aids. The LSA, a cumulative list of CFR sections affected, is published monthly and is cumulated for 12 months, keyed to the revision dates of the various CFR volumes.

All FEDERAL REGISTER publications are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Roy Nanovic was Chief Editor of the Federal Register Index. The Index was prepared under the direction of Martha B. Girard, assisted by Ruth Pontius.

INQUIRIES may be made to the Finding Aids Unit at area code 202—523–5227 or (TTY) 202—523–5229. These are not toll free numbers.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

TABLE OF CONTENTS

Entries / 1
Privacy Act Publications—January–June / 111
Freedom of Information Indexes / 113
Federal Register Pages and Dates / 116

FEDERAL REGISTER 1981 ANNUAL INDEX ERRATUM

Entries carried under PROPOSED RULES for Commodity Futures Trading Commission are actually a combination of both RULES and PROPOSED RULES documents.

FEDERAL REGISTER INDEX, January-June 1982

ACCIDENTS

See Consumer Product Safety Commission.
Mine Safety and Health Administration.
National Transportation Safety Board.
Research and Special Programs Administration, Transportation Department.

ACTION

See also Peace Corps.

RULES

Grants and contracts; suspension, termination, and denial of application for refunding, 5718
Reporting and recordkeeping requirements, 3553

PROPOSED RULES

Regulatory agenda, 18634

NOTICES

Agency forms submitted to OMB for review, 25385, 27575
Fixed income consumer counseling program, guidelines, 21286
Foster grandparent program; income eligibility levels; revision, 25751, 27575
Grants; availability, etc.:
  Mini-grant program; proposed guidelines revision; inquiry, 22130
Meetings:
  National Voluntary Service Advisory Council, 11301, 13389, 13848, 15816
Privacy Act; systems of records, 3576
Privacy Act; systems of records; annual publication, 60
Reporting and recordkeeping requirements, 63
Senior companion program; income eligibility levels; revision, 25751, 27575
VISTA; program guidelines; demonstrations, 60
Young Volunteers in ACTION program; proposed guidelines; inquiry, 21895

ACTUARIES, JOINT BOARD FOR ENROLLMENT

NOTICES

Meetings:
  Actuarial Examinations Advisory Committee, 6499, 16127, 22238
Privacy Act; systems of records; annual publication, 11995

ADDITIVES

See Environmental Protection Agency.
Food and Drug Administration.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register, Administrative Committee.

ADMINISTRATIVE CONFERENCE OF UNITED STATES

PROPOSED RULES

Recommendations:
  Federal grant programs; procedures for resolving disputes, 12631
  Federal regulation of cancer-causing chemicals and procedures for negotiating proposed regulations, 11024

NOTICES

Meetings:
  Business Regulation Committee, 13848
  Grants, Benefits and Contracts Committee, 9258, 18636, 24160
  Informal Action Committee, 24160
  Interagency Coordination Committee, 4544, 12647
  Judicial Review Committee, 8388, 15816
  Plenary Session, 24160
  Public Access and Information Committee, 1157, 5914, 7863, 11301, 12199, 21902
  Rulemaking Committee, 7863, 10884, 24373

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

NOTICES

Judicial Branch; pay rates for certain officers and employees, 4715

ADVERTISING

See Alcohol, Tobacco and Firearms Bureau.
Federal Trade Commission.
Food and Drug Administration.

ADVISORY COMMITTEE ON FEDERAL PAY

See Federal Pay, Advisory Committee.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.

AGED

See ACTION.
Health and Human Services Department.
Health Care Financing Administration.
Human Development Services Office.
National Institutes of Health.
Social Security Administration.
Social Security Reform, National Commission.

AGENCY FOR INTERNATIONAL DEVELOPMENT

RULES

Commodity transactions financed by AID; U.S. flag vessel shipping requirements, 8766
Incorporations by reference, approval, 13670
Nondiscrimination:
  Incorporations by reference, approval, 13670
Procurement, 13144, 14914, 25964

PROPOSED RULES

Registration of agencies for voluntary foreign aid; extension of time, 4535
Regulatory agenda, 18363

NOTICES

Authority delegations:
  Africa, Mission Directors, et al.; grant functions, 873
  Africa, Mission Directors, et al.; operating authorities, 26255
  Africa, Principal AID Officers; operational program grants, 7529, 21931
  Africa Bureau Field Posts; project extensions approval, 28478
  Asia, Mission Directors; grant functions, 872
  Assistant Administrator for Management, 7345
  Commodity Management Office, Director; furnishing of commodities, 21931
  Controller; Financial Management Office, 7346
  Deputy Administrator et al.; order of succession as Acting Administrator, 5054
  Deputy Assistant Administrator for Management, 7346
  Director, Defense Security Assistance Agency, Defense Department, 21931
  East Africa Regional Economic Development Services Office, Director; contracting functions, 2944
  Egypt, Mission Director; contracting functions, 2945
  Egypt, Mission Director, et al.; authority to approve negotiation with a single source for host country contracts, 2945
  Food for Peace and Voluntary Assistance Bureau, Deputy Assistant Administrator, 8266
  Indonesia, Mission Director; contracting functions, 2945
  Latin America and Caribbean Bureau, Director, Development Resources Office; project implementation orders/ training for participating agency service agreements, etc.; redelegation, 16227
  Latin America and Caribbean Bureau, Mission Directors; approval and authorization of project and non-project assistance, 24472
  Latin America and Caribbean Bureau, Mission Directors; loans, grants, and guaranty agreements, 24471
  Latin America and Caribbean Bureau, Mission Directors et al.; grant functions, 873, 16694
  Latin America et al., Principal AID Officers; operational program grants, 7529
  Near East, Mission Directors et al.; grant functions, 873

Personnel Management Office, Director, 7346
Potocki, Raymond J.; contracting authority, 2944
Program Operations, Assistant Director et al.; contracting functions, 10651
Regional Assistant Administrators et al.; source, origin, and nationality for procurement, 1049
Stuart, John; contracting authority, 2944
Suva, Fiji, Regional Development Officer; operational program grants, 7529
West Africa Regional Economic Development Services Office, Director; contracting functions, 2944
Financing participation with U.S. financial institutions doing business in selected developing countries, 20686
Housing guaranty programs:
El Salvador, 10651
Sri Lanka, 12886
Zimbabwe, 10651
Meetings:
International Food and Agricultural Development Board, 4361, 5804, 10102, 14802, 17886, 24871
Research Advisory Committee, 6109, 8266
Voluntary Foreign Aid Advisory Committee, 11328, 22434, 23229
Privacy Act; systems of records, 26257
Privacy Act; systems of records; annual publication, 18197
Private sector agribusiness enterprises financing in developing countries; request for applications, 23826
Private sector enterprise and intermediate credit lending institutions, financing in developing countries; request for applications, 23825
Senior Executive Service:
Performance Review Board; membership, 11788

AGRICULTURAL COMMODITIES AND PROGRAMS

See Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Agriculture Department.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Farm Credit Administration.
Federal Crop Insurance Corporation.
Federal Grain Inspection Service.
Food and Drug Administration.
Food Safety and Inspection Service.

AGRICULTURAL MARKETING SERVICE

See also Packers and Stockyards Administration.

RULES

Almonds grown in Calif, 9809, 19666, 25001
Apple juice, canned; grade standards, 5875
Applesauce, canned; grade standards, 5877
Avocados, imported, 22075
Avocados grown in Fla, 22073, 22075
Celery, canned; grade standards, 5880
Cherries grown in Wash, 23684
Dates (domestic) produced or packed in Calif, 4489, 23416
Filberts, imported, 12609, 13504
Filberts/hazelnuts grown in Oreg. and Wash, 10775, 12609, 13504
Fruits, vegetables and other products, processed; increase in inspection fees and charges, 20107
Gladiolus corms (bulbs); grade standards, 9185
Grapes grown in Calif, 15095, 18572
Hops of domestic production, 16770, 17034, 18847
Lemons grown in Ariz. and Calif, 939, 2767, 3082, 4227, 5404, 6421, 7388, 8319, 9188, 9387, 10774, 11816, 12938, 14137, 15310, 16315, 17467, 17793, 18570, 19667, 20743, 22072, 23415, 24251, 25319, 26370, 27548
Limes grown in Fla, 22073
Livestock grading and certification services; fees, increase; final rule, 12327
Meat and poultry inspection:
Grading and certification services; increase in fees, 11641
Melons grown in Tex, 6421, 13118, 24109
Milk marketing orders:
Alabama-West Florida, 11495, 13757
Central Arizona, 23417
Central Arkansas, 8319, 23417
Central Illinois, 23417
Chicago Regional, 23417
Eastern Colorado, 22938
Eastern South Dakota, 23417
Fort Smith, Ark, 8319, 23417
Georgia, 16611, 19313, 23417
Grande Valley, 23417
Greater Kansas City, 23417
Greater Louisiana, 23417
Indiana, 23417
Iowa, 23417
Lake Mead, 7203, 17036
Louisville-Lexington-Evansville, 20285, 23417
Lubbock/Plainview, Tex, 23417
Memphis, Tenn, 8319, 23417
Middle Atlantic, 5193, 13504, 18322, 22077
Nashville, Tenn, 4228, 23417
Nebraska-Western Iowa, 23417
Neosho Valley, 23417
New Orleans-Mississippi, 10510, 23417
Ohio Valley, 23418
Oklahoma Metropolitan, 17035, 23417, 25505
Oregon-Washington, 22937
Paducah, Ky, 23417
Southern Illinois, 16315, 23417, 25113
Southern Michigan, 23419, 26370
St. Louis-Ozarks, 23417
Tampa Bay, 19313
Tennessee Valley, 19313, 19667, 20743, 23417
Texas, 23417
Texas Panhandle, 23417
Upper Florida, 19313
Upper Midwest, 16613, 23417
Wichita, Kans, 23417
Naval stores; user fee increases; final rule, 3343
Nectarines grown in Calif, 23913
Olives, imported, 747
Olives grown in Calif, 13117
Onions grown in Idaho and Oreg, 7999
Onions grown in Tex, 8551
Oranges, grapefruit, tangerines, and tangelos grown in Fla, 589, 5192, 5699, 6247, 6421, 7203, 16005, 21755, 25935
Oranges, imported, 1265
Oranges and grapefruit grown in Tex, 1265
Oranges (navel) grown in Ariz. and Calif, 746, 2074, 2980, 4039, 5403, 6248, 7435, 8151, 9188, 10509, 11650, 12787, 13116, 13757, 15095, 16161
Oranges (Valencia) grown in Ariz. and Calif, 15095, 17271, 18321, 19511, 20553, 21756, 23138, 24137, 25113, 26122, 27243
Organization and functions:
Grading, standardization and voluntary inspections transferred from Food Safety and Inspection Service; correction, 5196
Papayas grown in Hawaii, 6422, 10775
Peaches grown in Ga, 18571, 20285
Peaches grown in Wash, 5995
Pears, plums, and peaches grown in Calif, 23913
Perishable Agricultural Commodities Act; regulations clarification, 21233
Potatoes (Irish) grown in Idaho and Oreg, 17271
Potatoes (Irish) grown in Southeastern States, 22499
Prunes (dried) produced in Calif, 7388
Raisins produced from grapes grown in Calif, 5883
Reporting and recordkeeping requirements, 745
Spearmint oil produced in Far West, 16769
Tobacco; nonquota tobacco produced in quota areas; identification and certification; interim, 8979
Tobacco inspection:
Tobacco publications; fees and charges; interim rule and request for comments, 25933
User fees for inspection and certification; interim rule and request for comments, 27057
Warehouse regulations:
Grain storage; marketing transactions and financial statements, 23910

PROPOSED RULES

Almonds grown in Calif, 17299
Cantaloups; grade standards, 12805
Cotton:
Fiber and processing tests; fee schedule, 26637
Egg research and promotion:
American Egg Board membership and rates of assessment, etc.; hearing, 1106
American Egg Board membership and rates of assessment; recommended decision, etc, 20258, 21268
Food grading policy; options under consideration for major food commodities; termination of rulemaking, 3126
Lemon juice; grade standards; extension of time, 23462
Meats, prepared meats, and meat products:
Lamb, yearling mutton, and mutton carcasses grade standards, 23725
Melons grown in Tex, 631
Milk marketing orders:
Alabama-West Florida, 5124
Central Arkansas, 4277
Chicago Regional, 11283
Eastern Colorado, 778, 814, 27299, 27342
Eastern Ohio-Western Pennsylvania, 814, 27342
Fort Smith, Ark, 4277
Georgia, 962, 2122, 10053, 10230, 14919, 17530
Great Basin, 778, 814, 27299, 27342
Greater Louisiana, 10230, 17530
Inland Empire, 814, 27342
Lake Mead, 814, 3361, 13368, 27342
Louisville-Lexington-Evansville, 2999, 10230, 17530, 26656
Memphis, Tenn, 4277

Middle Atlantic, 2118, 10230, 13532, 17530
Nashville, Tenn, 2999, 10230, 17530, 26656
Nebraska-Western Iowa, 26840
Neosho Valley, 21684, 26665
New England, 27080
New Orleans-Mississippi, 7676, 10230, 17530
Ohio Valley, 814, 20146, 27342
Oklahoma Metropolitan, 13532, 21684, 22544, 26665
Oregon-Washington, 814, 18603, 27342
Puget Sound, Wash, 814, 27342
Red River Valley, 21684, 26665
Southeastern Florida, 814, 27342
Southern Illinois, 12995, 21846
Southern Michigan, 814, 23462, 27342
Southwestern Idaho-Eastern Oregon, 814, 27342
Tampa Bay, Fla, 814, 10230, 17530, 27342
Tennessee Valley, 2999, 10230, 11679, 17530, 26656
Texas, 21684, 26665
Texas Panhandle, 21684, 26665
Upper Florida, 814, 10230, 17530, 27342
Upper Midwest, 8367
Western Colorado, 778, 814, 27299, 27342
Wichita, Kans, 21684, 26665
Olives grown in Calif, 20593, 26394
Peas, frozen; grade standards, 25366
Potatoes (Irish) grown in Colo, 28400
Potatoes (Irish) grown in Idaho and Oreg, 7676
Potatoes (Irish) grown in N.C. and Va, 17528
Regulatory agenda. For references, see entry under Agriculture Department.
Research, promotion, and education programs proceedings; practice and procedure rules, establishment, 23733, 24338
Spearmint oil produced in Far West, 8784
Tobacco inspection:
Burley and flue-cured; alternative packaging methods; identification and prevention of nested tobacco; advance notice, 17825
Warehouse regulations:
Grain; financial statement requirements; extension of time, 631

NOTICES

Committees; establishment, renewals, terminations, etc.:
Flue-Cured Tobacco Advisory Committee, 16664
Meetings:
Flue-Cured Tobacco Advisory Committee, 22131, 25751
Peanut Administrative Committee; 1982 crop year, expenses and rate of assessment, 27387
Peanuts, 1982 crop; incoming and outgoing quality regulations and indemnification, 26410
Tobacco inspection and price supports:
Maryland broadleaf, Type 32
Maryland auctions; elimination of mandatory Federal inspection and grading; referendum, 4718, 13848
Warehouses, licensed; list; availability, 7863
Wheat and wheat foods; research and nutrition education; 1983 FY budget notice, 18838
Wool and mohair advertising and promotion; referendum among producers, 27576

AGRICULTURAL RESEARCH SERVICE

PROPOSED RULES

Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES

Meetings:
National Arboretum Advisory Council, 10884

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

RULES

Conservation and environmental programs, 937
Forestry incentives program, 20109
Dairy indemnity payment program extension, 24689
Farm reconstitution when land is across county lines and established quotas or allotments are subject to lease and transfer restrictions; final rule, 9981
Marketing quotas and acreage allotments:
Acreage determination and compliance, 5403
Peanuts, 12938, 15966
Tobacco (burley), 10773, 27548
Tobacco (fire-cured, etc.); identification and marketing quotas, 10770, 27546
Tobacco (flue-cured), 10772, 27547
Reporting and recordkeeping requirements, 745

PROPOSED RULES

Marketing quotas and acreage allotments:
Peanuts; poundage quotas, 9972, 10045
Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES

Committees; establishment, renewals, terminations, etc.:
Cotton, upland; study committee on premiums and discounts; call for nominations, 990
Emergency conservation program payments; determination of primary purposes for excluded amounts, 9036, 9486
Forestry incentives program payments; determination of primary purposes for excluded amounts, 9037, 9487
Marketing quotas and acreage allotments:
Corn and sorghum, 19195
Cotton, extra long staple, 991
Cotton, upland, 5444
Cotton, upland and extra long staple, 25754
Peanuts, 3149, 3576, 8804
Tobacco (burley), 5914
Tobacco (fire-cured, etc.), 5916, 20167
Wheat, 22573
Water bank program (WBP) payments; primary purpose determination for Federal income tax purposes, 25385
Wool and mohair advertising and promotion; referendum among producers, 27576

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.
Agricultural Research Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Economic Research Service.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Grain Inspection Service.
Food and Nutrition Service.
Food Safety and Inspection Service.
Foreign Agricultural Service.
Forest Service.
Packers and Stockyards Administration.
Rural Electrification Administration.
Science and Education, Office of Director for.
Soil Conservation Service.
Statistical Reporting Service.

RULES

Administrative regulations:
Swine Health Protection Act, hearings; adjudicatory proceedings, 15559
Authority delegations by Secretary and General Officers:
Assistant Secretary for Administration et al.; reorganization changes, 24101
Economics, Assistant Secretary; establishment of Economic Analysis Staff, 27539
Executive Assistant to the Secretary; responsibilities under Paperwork Reduction Act of 1980, 23137
Federal Crop Insurance Corporation; transfer of general supervision, 15559
General Counsel; Law Library transfer, 23681
Inspector General Office; law enforcement authorities, 2073
International Affairs and Commodity Programs, Under Secretary, et al.; international agricultural trade, etc, 13115
Marketing and Inspection Services, Assistant Secretary, et al.; Lacy Act Amendments of 1981 functions, 22935, 22936
Natural Resources and Environment, Assistant Secretary, et al.; farmland protection policy implementation, 7387, 18111, 23415
New agencies, realignment of functions, etc.; conforming authority delegations; correction, 6, 18111
Rural Development Policy Office; establishment, 5
Conflict of interests, 12327
Ethics in Government Act of 1978; administration of provisions by Personnel Director, 10509
Ethics in Government Act of 1978; employment and financial disclosure statements, 12607
Equal Access to Justice Act; implementation, 26611
Natural Gas Policy Act; certification of essential agricultural uses and requirements; monosodium glutamate, 25319
Nondiscrimination:
Handicapped in federally assisted programs; final rule and request for comments, 25458
Handicapped in federally assisted programs; notification to USDA employees of Section 504 prohibitions, 25458
Procurement:
Small business and labor surplus area concerns, 16335
Reporting and recordkeeping requirements, 745
Rulemaking proceedings; reimbursement of participants; rescinded, 22071

Agriculture

PROPOSED RULES

Natural Gas Policy Act; certification of essential agricultural uses and requirements; monosodium glutamate, 8786

Regulatory agenda, 18096, 18603

NOTICES

Agency forms submitted to OMB for review, 19397, 20334, 21565, 22990, 24161, 25038, 25984, 27088

Attache commodity reports to private sector; user fees for distribution, 19197

Cheese, Swiss; imported French Swiss; domestic price-undercutting determination, 13015

Committees; establishment, renewals, terminations, etc.:
- Plant Genetic Resources National Board, 15818
- Upland Cotton Land Program, Study Committee to Study Alternative Methods of Establishing Premiums and Discounts, 9872

Emergency conservation program payments; determination of primary purposes for excluded amounts, 9036

Forestry incentives program payments; determination of primary purposes for excluded amounts, 9037

Import quotas and fees:
- Meat import limitations; quarterly estimates, 13545, 28442
- Sugar; fee adjustment, 17600
- Sugar; quarterly determination, 656, 14200, 26420, 28442

Marketing quotas and acreage allotments:
- Cotton, upland and extra long staple; 1982 determinations, 25754

Meetings:
- Advisory Group meetings; determinations to close, 19394, 19395, 19396, 19397
- Agricultural Research and Extension Users National Advisory Board, 4719, 5446, 16664
- Equal Opportunity Citizens' Advisory Committee, 5737
- Food and Agricultural Sciences Joint Council, 14744
- Future of Cooperative Extension Joint Committee, 1157, 13851
- Rural Development National Advisory Council, 12649, 24377
- Science and Education Research Grants Program Technical Advisory Committee, 13390, 13391
- Upland Cotton Land Program, Study Committee to Study Alternative Methods of Establishing Premiums and Discounts, 9872

Organization and functions:
- Economics Management Staff, 21563
- Energy Office, 21564

Privacy Act; systems of records, 63, 5024, 9037, 12649, 26680

Privacy Act; systems of records; annual publication, 5276

Regulatory calendar, 1662

Senior Executive Service:
- Performance Review Board; membership, 10885

Soil and water conservation program, national; report and environmental statement, drafts; availability; extension of time, 2896

Watershed protection and flood prevention program payments; income tax exclusion determination, 10886

World Agricultural Outlook Board; Supply-Demand Report; subscription availability, 19569

AIR FORCE DEPARTMENT

RULES

Civilian personnel:
- Part-time career employment program, 13521
- Part-time career employment program; military leave, 16780

Military personnel:
- AFROTC cadets; enlistment and discharge; CFR Part removed, 13521
- Air Force Reserve and AFROTC graduates; delay in active duty; CFR Parts removed, 13521

Privacy Act; implementation, 26617

PROPOSED RULES

Privacy Act; implementation, 17307

Regulatory agenda. For references, see entry under Defense Department.

NOTICES

Active military service and discharge determinations; civilian or contractual personnel:
- AAF Operations Analysts et al, 6916
- American Merchant Marine members, 5755
- Army Transport Command, World War II, 23196
- OSS Civilians in World War II, 7475, 21290
- Wake Island Defenders, Guam, 17324

Agency forms submitted to OMB for review, 19401

Environmental statements; availability, etc.:
- Vandenberg AFB space shuttle program, Calif.; draft supplement, extension of review and comment time, 14216

Foreign currency arrangements; contract solicitation, 19577

Meetings:
- Academy Board of Visitors, 8808
- Air University Board of Visitors, 11546
- Community College Advisory Committee, 14215
- Historical Program Advisory Committee, 16193
- Scientific Advisory Board, 999, 2911, 3581, 4549, 5755, 7303, 8039, 10271, 11762, 12377, 15823, 16193, 17324, 18945, 21118, 21912, 22393, 23196, 25399, 26883, 27089, 27402, 27885

Privacy Act; systems of records, 5285, 7478, 7479, 9500, 14936, 16827, 23968

AIRCRAFT, AIR CARRIERS, AIRPORTS

See Air Force Department.
Civil Aeronautics Board.
Federal Aviation Administration.
National Transportation Safety Board.

ALASKA NATURAL GAS TRANSPORTATION SYSTEM, OFFICE OF FEDERAL INSPECTOR

NOTICES

Authority delegations:
- Environmental Protection Agency, Agency Authorized Officer; oil spill response enforcement, 7865

Senior Executive Service:
- Bonus awards schedule, 7556

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

NOTICES

Advisory committees; filing of annual reports, 2405

Committees; establishment, renewals, terminations, etc.:
- Mental Health Behavioral Sciences Research Review Committee, 25622

Grants; availability, etc.:
- Alcohol research center to conduct research on effects of alcohol on the elderly, 6996

Meetings; advisory committees:
- February, 1332, 1422, 1423, 3412, 3885, 4742
- March, 6489, 6997, 10078
- April, 10078, 12862
- May, 16887, 17671
- June, 20025, 20671
- July, 24652

ALCOHOL, TOBACCO AND FIREARMS BUREAU

RULES

Alcohol; viticultural area designations:
- Chalone, Calif, 25517
- Edna Valley, Calif, 20298
- Hudson River Region, N.Y, 24293
- Lancaster Valley, Pa, 20300
- Leelanau Peninsula, Mich, 13328
- Lime Kiln Valley, Calif, 24295

Alcoholic beverages:
- Incorporations by reference, approval, 13670
- Volatile fruit-flavor concentrate producers; reduction of regulatory requirements, 23920, 25003
- Wine transfer without tax payment to customs bonded warehouses for embassy removals and other purposes; final rule, 20302

Denatured alcohol and rum and tax-free alcohol; distribution and use, 22522

Incorporations by reference, approval, 13670

PROPOSED RULES

Alcohol; viticultural area designations:
- Chalk Hill, Calif, 20321
- Green Valley, Calif, 1149
- Isle St. George, Ohio, 5011
- Los Carneros, Calif, 24344
- Madera, Calif, 3564
- North Coast, Calif, 1151
- Suisun Valley, Calif, 1153

Alcoholic beverages:
- Labeling and advertising; reopening of comment period, 11884
- Vodka; identity standard; advance notice, 1148
- Vodka; identity standard; advance notice; extension of time, 16187
- Wine, juice, and distilling materials; materials and processes for production and treatment, 26399

Regulatory agenda, 18500

Regulatory flexibility review plan, 16033

NOTICES

Committees; establishment, renewals, terminations, etc.:
- Grape Varietal Designations Advisory Committee, 13623

Firearms, granting of relief, 10132
Liquor bottles; use of polyethylene terephthalate (PET) in manufacture; environmental assessment, 1234
Reporting and recordkeeping requirements, 3461

ALIENS

See Employment and Training Administration.
Immigration and Naturalization Service.
Internal Revenue Service.
State Department.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

RULES

Animal and poultry import restrictions:
Bird quarantine facility, commercial; procedures for recovery of costs of services, 591
Denmark; removal from list of countries free of rinderpest or foot-and-mouth disease; interim, 12612
Harry S. Truman Animal Import Center; cooperative and trust fund agreement revision and use of letter of credit method for deposit payment in special authorization cases, 22079
Harry S. Truman Animal Import Center; elimination of lottery for less than 50 animals; affirmation of final rule, 21529
Horses, Standardbred from Australia and Thoroughbred from West Germany; and clarification of required information on horses from CEM-affected countries; interim rule and request for comments, 4043
Mares from countries affected with CEM, 6609, 11509, 15097, 17795
Stallions from countries affected with CEM; interim rule and request for comments, 24540
Livestock and poultry disease control:
Communicable diseases; foot-and-mouth, pleuropneumonia, rinderpest, etc.; indemnity claims for animals destroyed; affirmation of final rule, 5995
Livestock and poultry quarantine:
Exotic Newcastle disease, 1109, 3089, 3757, 4042, 5700, 7389, 11243, 13321, 16772, 21237
Interstate transportation; movement of diseased animals and poultry; restrictions, 7825
Texas (splenetic) fever in cattle, 11001
Organization, functions, and authority delegations:
Equal Employment Opportunity staff transfer to Human Resources Division, etc, 19961
Plant Protection and Quarantine Deputy Administrator; functional responsibilities under Federal Plant Pest Act, 27243
Plant Protection and Quarantine Deputy Administrator; plant importation and exportation under Lacey Act, 25001
Overtime services relating to imports and exports:
Commuted traveltime allowances, 13503, 23429
Plant pest regulations:
Mediterranean fruit fly; Florida, 14891
Plant quarantine, domestic:
Golden nematode; interim, 12328, 13116
Gypsy and browntail moths; affirmation of interim rule, 5191, 6247
Gypsy moth; regulated areas, 18113
Gypsy moth; regulated areas; affirmation of final rules, 4675
Imported fire ant; regulated areas, 1257, 23683
Mediterranean fruit fly; affirmation of rules, 17462, 17463
Mediterranean fruit fly; California; interim rule and request for comments, 23682
Mediterranean fruit fly; interim rule and request for comments, 26121
Pink bollworm regulated areas; interim rule and request for comments, 8982
Plant quarantine, foreign:
Apples imported from Australia, including Tasmania; fumigation requirements, 13319
Hyacinth; nursery stock, plants, roots, bulbs, seeds, etc.; importation regulations, 3086
Khapra beetle; restriction on importation of certain articles; interim rule affirmed, 3082
Poultry improvement plan and auxiliary provision; control of poultry diseases, 21990, 23431
Reporting and recordkeeping requirements, 745
Viruses, serums, toxins, etc.:
Biological products, packaging, 8759
Pasteurella multocida bacterin, avian isolate, type 4; purity requirements, etc, 5194, 6817

PROPOSED RULES

Animal and poultry import restrictions:
Harry S. Truman Animal Import Center; cooperative and trust fund agreement revision and use of letter of credit method for deposit payment in special authorization cases, 12633
Horses from Canada; certification of negative results from equine infectious anemia tests; less restrictive requirements, 9854
Ireland, importation of cattle, 23172
Animals, purebred; recognized breeds and books of record; listing for Russian Arabian Stud Book of Moscow, 17068
Livestock and poultry quarantine:
Brucellosis, 3490
Brucellosis; comment period reopened, 13827
Noxious weeds; list revision; hearing and comment period reopened, 2874
Plant pest regulations:
Mediterranean fruit fly; Florida, 14891, 14915
Plant quarantine, foreign:
Apples imported from Australia, including Tasmania; fumigation requirements, 4693
Regulatory agenda. For references, see entry under Agriculture Department.
Swine health protection; treatment of garbage used as feed, 16534, 26841

NOTICES

Animal and poultry import restrictions:
Cattle; Harry S. Truman Animal Import Center; applications for special authorization receipt deadline and fee schedule, 12647
Animal welfare; lists:
Carriers and intermediate handlers, registered, 7160
Dealers, licensed, 7088
Exhibitors, licensed, 7134
Exhibitors, registered, 7154
Horse protection; exhibitors, auctioneers, etc.; disqualification, 2139
Research facilities, registered, 11158
Boll weevil eradication program; assessment of effectiveness; meeting, 839
Environmental statements; availability, etc.:
Gypsy moth cooperative suppression and regulatory program; 16057, 19196
Khapra Beetle Methods Development Laboratory, Hoboken, N.J.; construction and operation, 27387
Miami International Airport, Fla.; bird quarantine facility, 27388
Swine health protection; treatment of garbage used as feed, 27879
Meetings:
Boll weevil eradication program; assessment of effectiveness; 839
Plant quarantine programs, State; termination or curtailment of Federal involvement:
Golden nematode management control program, 25036
Gypsy moth survey and eradication programs, 25036
Pink bollworm survey and control programs, 25037
Witchweed survey and control programs, 25036
Stockyards; bruceilosis prevention; specific approval; list, 2756
Stockyards and livestock markets; hog cholera and other swine diseases prevention; specific approval; list, 15381, 19728

ANIMALS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.
Land Management Bureau.
National Oceanic and Atmospheric Administration.

ANTITRUST

See Antitrust Division.
Federal Trade Commission.

ANTITRUST DIVISION

NOTICES

Competitive impact statements and proposed consent judgments:
Acorn Engineering Co, 3435, 12886
American Consulting Engineers Council, 8267, 20877
American Maize-Products Co. et al, 8423, 26939
American Telephone & Telegraph Co. et al, 4166, 7170, 21214, 23320
ARA Services, Inc., et al, 27164
Ashland-Warren, Inc, 17350, 27180
Baldwin-United Corp. et al, 9591
Beatrice Foods Co. et al, 4622
Beven-Herron, Inc., et al, 5059
Bristol-Myers Co, 5484
Business Investment & Development Corp, 18202
Crown Oil Corp. et al, 8885
Hospital Affiliates International, Inc, 1451
Kahan & Lessin Co. et al, 7541
McAliley, Gary L., et al, 25640
Montana Nursing Home Association, Inc, 17886, 25222
Motor Vehicle Manufacturers Association, 7529

Realty Multi-List, Inc, 17353
Stroh Brewery Co, 18445
Western Electric Co., Inc., et al, 4166, 7170, 21214, 23320
Merger guidelines, 28493

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

RULES
Accessible design minimum guidelines and requirements:
Telephones and related equipment, 3934
PROPOSED RULES
Accessible design minimum guidelines and requirements, 3939
NOTICES
Meetings, 8237, 17842

ARMED FORCES

See Air Force Department.
Arms Control and Disarmament Agency.
Army Department.
Civil Aeronautics Board.
Defense Department.
Defense Intelligence Agency.
Defense Logistics Agency.
Defense Nuclear Agency.
Navy Department.
Selective Service System.

ARMS CONTROL AND DISARMAMENT AGENCY

RULES
Conflict of interests; Civil Service Commission references, nomenclature change, 11858
NOTICES
Hubert H. Humphrey Fellowship competition, 18943
Meetings:
General Advisory Committee, 26421
Senior Executive Service:
Performance Review Board; membership, 11736

ARMY DEPARTMENT

See also Engineers Corps.
RULES
Claims; Federal Tort Claims Act, extension, 26616
Law enforcement:
Armed forces disciplinary control boards and off-installation military enforcement services, 8349
Military education; promotion of rifle practice, 13329
Panama Canal employment system, 12952
Privacy Act; implementation, 17281, 27262
PROPOSED RULES
Army General Counsel's honors program, 190
Law enforcement:
Use of force by personnel engaged in law enforcement and security duties, 8790
Military education; promotion of rifle practice, 822
Privacy Act; implementation, 14925, 20632
Regulatory agenda. For references, see entry under Defense Department.
NOTICES
Agency forms submitted to OMB for review, 18946
Environmental statements; availability, etc.:
Pine Bluff Arsenal, Ark.; binary chemical munitions program, 6318
Pine Bluff Arsenal, Ark.; proposed BZ demilitarization (disposal) facility, 14937
Meetings:
Coastal Engineering Research Board, 11762
Historical Advisory Committee, 5031
Medical Research and Development Advisory Committee, 5288, 5289, 7721, 8609, 11547, 12843, 12844, 17108
Military personal property symposium, 224, 17108, 20656
Rifle Practice Promotion National Board, 25994
ROTC Affairs Advisory Panel, 23800
Science Board, 658, 843, 2507, 3821, 4110, 5755, 5756, 6462, 8238, 8239, 9046, 9047, 9270, 10617, 13858, 14216, 16065, 17609, 18406, 18407, 18946, 21567, 22141, 24769, 26883
U.S. Military Academy, Board of Visitors, 14748, 23196
Military air freights; required filing of Uniform Tender (Form 280) with Military Traffic Management Command, 8809
Military personal property symposium, 224, 17108, 20656
Patent licenses, exclusive:
Fiber Materials, Inc, 4328
Swiss Serum and Vaccine Institute Berne, 19731
University of Michigan, 15405
Patents; availability for licensing:
Oral vaccine for immunization against enteric disease, 8618
Privacy Act; systems of records, 8609, 17324, 20654, 23510, 25760, 25987, 26686
Senior Executive Service:
Performance Review Boards; membership, 26884

ARTS AND HUMANITIES, NATIONAL FOUNDATION

PROPOSED RULES
Regulatory agenda, 14734
NOTICES
Committees; establishment, renewals, terminations, etc.:
Arts and Artifacts Indemnity Advisory Panel, 9114
Humanities Advisory Panel, 9114
Humanities National Council, 9114
Meetings:
Artists-in-Education Advisory Panel, 10932, 23833
Arts and Artifacts Indemnity Advisory Panel, 14815
Arts National Advisory Council, 3898, 17358
Dance Advisory Panel, 8703, 23834
Design Arts Advisory Panel, 6396, 7780, 8703, 9298, 11582, 13935, 26479, 26952
Expansion Arts Advisory Panel, 7780, 11582, 17357, 23230
Expansion Arts Special Policy Committee, 5550
Folk Arts Advisory Panel, 7780, 22262
Humanities Advisory Panel, 363, 3227, 6741, 7021, 7898, 12703, 15181, 16437, 17136, 17890, 18080, 21159, 22262, 23229, 24236, 24487, 25078, 25430, 25643, 28183
Humanities National Council Advisory Committee, 4626, 15941, 27424
Inter-Arts Advisory Panel, 8703, 10330, 20397, 26952
Literature Advisory Panel, 12888, 21941
Media Arts Advisory Panel, 875, 7780, 12888, 24487
Museum Advisory Panel, 5958, 16695, 20397
Music Advisory Panel, 875, 3047, 9298, 13249, 17136, 19493, 20397, 22263, 23834
State Programs Advisory Panel, 3047, 26479
Theater Advisory Panel, 5061, 10330, 20398, 23833, 23834, 25223
Visual Arts Advisory Panel, 4370, 6396, 7781, 8703, 14985, 19831, 23834, 24488, 25223
Privacy Act; systems of records, 15179, 21352

BANKS, BANKING

See Comptroller of Currency.
Depository Institutions Deregulation Committee.
Export-Import Bank.
Farm Credit Administration.
Farmers Home Administration.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Reserve System.
National Credit Union Administration.

BIOLOGICAL PRODUCTS

See Animal and Plant Health Inspection Service.
Food and Drug Administration.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

PROPOSED RULES
Regulatory agenda, 20156
NOTICES
Privacy Act; systems of records; annual publication, 15403
Procurement list, 1982; additions and deletions, 998, 999, 4327, 7720, 7721, 11917, 11918, 15402, 15403, 18639, 22140, 22141, 25398, 25399, 27595, 27596

BONNEVILLE POWER ADMINISTRATION

PROPOSED RULES
Rate adjustments; procedure rules; withdrawn, 6029
NOTICES
Billing credits policy; review and comment, 9760, 14756
Customer service policy, revision; inquiry, 25761
Customer-owned facilities; operating and maintenance charge, adjustment; inquiry, 18947, 23803
Environmental costs and benefits; proposed methodology for determining quantifications; procedure to estimate resource cost-effectiveness; inquiry and meeting, 3158
Environmental statements; availability, etc.:
Alderwood Area Service project, 115-kV transmission line and 115-12.5-kV, 25-MW substation, Alderwood, Oreg, 26180

Bell-Half Moon 230-kV transmission project, proposed, 2154
Idaho Falls Hydroelectric Project; acquisition, 16368
Malin-Warner 230-kV Transmission Line Project, 23512
Northwest Montana/North Idaho Support and Libby Integration 230-kV transmission line, 17327
Federal Columbia River Transmission System:
Transmission policy revision, notice of intent; future procedures outline, 21912
Impact aid payments formula, proposed; review and comment, 20657, 22584
Meetings:
Garrison-Spokane 500-kV Transmission Project, 13860
Pacific Northwest regional electric load forecast; review, inquiry and meetings, 15156
Power rates, wholesale; intent to revise; closing of comment period, 27402
Power rates, wholesale; intent to revise; inquiry and hearings, 13710, 16066, 24620
Rate adjustments; public participation procedures, 6240
Utility power sales contracts; correction and clarification, etc, 24381
Utility power sales contracts; settlement of lawsuits and implementation of Northwest Electric Power Planning and Conservation Act; inquiry, 25308

BOYCOTTS

See International Trade Administration.

BRIDGES

See Coast Guard.
Engineers Corps.
Federal Highway Administration.

CANAL ZONE

See Panama Canal Commission.

CENSUS BUREAU

RULES

Foreign trade statistics:
Shipper's export declaration commodity descriptions, reporting partial shipments, etc.; elimination of obsolete requirements and update, 7213
Special services and studies:
Fee structure for special population census; actual cost basis, 18

PROPOSED RULES

Foreign trade statistics; data on movements of merchandise into and out of U.S. foreign trade zones, 2122
Regulatory agenda. For references, see entry under Commerce Department.

NOTICES

Cubans and Haitians who entered U.S. between April 1 and September 30, 1980; estimates 18945
Meetings:
Agriculture Statistics Advisory Committee, 14504
American Economic Association Advisory Committee, 13020
American Marketing Association Census Advisory Committee, 15818
American Statistical Association Census Advisory Committee, 13179
Population Statistics Census Advisory Committee, 10265
Neighborhood statistics program (1980 census); revised final guidelines, 25039
Procurement:
Commercial or industrial activities; cost comparison reviews, 25390
Senior Executive Service:
Performance Review Board; membership, 20170
Surveys, determinations, etc.:
Retail sales and inventories, 842
Voting age population, 1981; estimates, 16058

CENTERS FOR DISEASE CONTROL

NOTICES

Advisory committees; annual reports; availability, 4600
Biomechanical stress, minimization; handle placement on containers; NIOSH meeting, 5041
Committees; establishment, renewals, terminations, etc.:
Immunization Practices Advisory Committee, 14781
Continuous subcutaneous insulin infusion pumps; analysis of data on patient use; meeting, 6998
Diesel exhaust/coal dust study; NIOSH meeting, 3413
Fabricated structural metal industry, safety recommendations; NIOSH meeting, 6716
Grants; availability, etc.:
Childhood immunization, 15903
Refugees health programs, 15902
State-based diabetes control programs, cooperative agreements, 15902
Venereal disease control, 15903, 17672
Venereal disease research, demonstrations, and public information and education, 15904
Meetings:
Health National Advisory Council, 19582
Immunization Practices Advisory Committee, 16412
Isolation manual for hospital infection control committees, revision work group, 4600
Isolation techniques manual work group, 20672
Mine Health Research Advisory Committee (NIOSH), 2205, 15901, 16412
1990 prevention objectives implementation; seminar, 23208, 24819
Nosocomial Pneumonia Guidelines Revaluation Work Group, 8249
Safety and Occupational Health study section (NIOSH), 7332, 19582
Seventeenth National Immunization Conference, 15901
Sexually transmitted diseases, treatment recommendations work group, 16412
Occupational safety and health field research projects (NIOSH), 21302
Positive and negative pressure air-purifying respirators, review protocols for field studies; NIOSH meeting, 15901
Reproductive effects of glycol ethers, contract awards investigation; NIOSH meeting, 3413
Safety recommendations for manufacture of precast concrete products; NIOSH meeting, 3413
Vibration transmission characteristics of workglove materials; NIOSH meeting, 22410

CENTRAL INTELLIGENCE AGENCY

NOTICES

Privacy Act; systems of records, 18943

CENTRAL SECURITY SERVICE/ NATIONAL SECURITY AGENCY

See National Security Agency/Central Security Service.

CHEMICALS

See Drug Enforcement Administration.
Environmental Protection Agency.
Food and Drug Administration.
Occupational Safety and Health Administration.
Research and Special Programs Administration, Transportation Department.

CHILD SUPPORT ENFORCEMENT OFFICE

RULES

Federal financial participation:
IV-D State plan and annual compliance audits; final rule and request for comments, 24716
Public assistance programs; cost allocation plans; interim rule and request for comments, 17506
Program standards operations:
Collection of child support by Internal Revenue Service, 16027
Collection of past-due support from Federal tax refunds; interim rule and request for comments, 7425
IV-D State plan and annual compliance audits; final rule and request for comments, 24716
State plan approval and grant procedures; withholding of advance funds for not reporting, 8568
State plan requirements:
Collection of child support by Internal Revenue Service, 16027
Collection of past-due support from Federal tax refunds; interim rule and request for comments, 7425
IV-D State plan and annual compliance audits; final rule and request for comments, 24716

PROPOSED RULES

Regulatory agenda. For references, see entry under Health and Human Services Department.
State plan requirements:
Unemployment compensation, withholding; decision to develop regulations, 4713

NOTICES

Research demonstration grants; 1982 FY, 27224

CHILDREN, CHILD PROTECTION

See ACTION.
Child Support Enforcement Office.
Education Department.
Food and Nutrition Service.
Human Development Services Office.

Juvenile Justice and Delinquency Prevention Office.
Social Security Administration.

CITIZENSHIP AND NATURALIZATION

See Immigration and Naturalization Service.
State Department.

CIVIL AERONAUTICS BOARD

RULES

Accounts and reports for certificated air carriers; uniform system:
  Employment levels reporting, 9744
Air carriers:
  Certificate restrictions removal program for domestic scheduled service; CFR Part removed, 7210
  Local service carriers' operating authority; removal of obsolete policy statements, 140
  Stock ownership reports; exemption, 761, 762
Air taxi operators, exemption:
  "Commuter air carrier" definition change; small uncertificated cargo and mail carriers removed from classification, 12948
  Dual authority after domestic route deregulation; certificated airlines, passenger operations with small aircraft route limitation removal, 604
  Handicapped travelers and air service, 25935
Aircraft accident liability insurance; Canadian charter air taxi operators minimum coverage, 12946
Aircraft accident liability insurance; correction, 16172
Aircraft accident liability insurance; editorial amendment, 4982
Aircraft accident liability insurance; uncertificated small cargo carriers removed from coverage, 12946
Certificates authorizing scheduled route service; terms, conditions, and limitations:
  Airport notice and approved service plan requirements and unnecessary operating restrictions; discontinuance, 10516
Certificates of public convenience and necessity; domestic air transportation; application requirement to list points of service removed, 132
Charters:
  Contracts between U.S. airline and charter operator; aircraft accident liability insurance; removal of obsolete reference, 9819
  Foreign air carriers; registration procedures; change in effective date, 5204
  Foreign air carriers; reporting requirements, 8006
  Foreign indirect air carriers; charter organization and freight consolidation in interstate and overseas markets, 19690
  Less-than-planeload charters; terms, conditions, and limitations, etc, 134
  Part charters; authorization, 134, 135, 140
Delegations and review of action under delegation, nonhearing matters:
  Airport notice and approved service plan requirements and unnecessary operating restrictions; discontinuance, 10517
Domestic cargo transportation:
  Operating authority applications; elimination of insurance certificate filing requirement, etc, 18587
Employee protection program, 9744
Employee protection program; airline employee applications for federal payments; reporting and recordkeeping requirements, 11819
Equal Access to Justice Act; implementation, 16006, 18587
Fees and charges for special services:
  Airport notice and approved service plan requirements and unnecessary operating restrictions; discontinuance, 10518
Fitness determinations supporting data; "commuter air carrier" definition change, 12945
Foreign air carrier permits; terms, conditions, and limitations:
  Airport notice and approved service plan requirements and unnecessary operating restrictions; discontinuance, 10517
Foreign air carrier permits and foreign citizen exemptions; continuance by law of expired authorizations pending renewal applications determination, 7211
Foreign air freight forwarders and cooperative shippers associations:
  Freight consolidation in interstate and overseas transportation, 19683
Foreign civil aircraft; navigation within U.S.:
  Commercial transport operations; reporting requirements, 12950
Mail transportation; service within Alaska and Hawaii; filing of schedules, 137
Nondiscrimination:
  Handicapped travelers and air service, 25936
Organization, functions, and authority delegations:
  Associate General Counsel; pricing and entry, 22504
  Congressional, Community, and Consumer Affairs Office; establishment, etc, 22503
  Data Systems Management Division Chief, Office of Comptroller; release of confidential commuter origin and destination data; removal, 28088
  Deputy General Counsel; "smoking rule" waivers, 10200
  Deputy General Counsel et al.; transfer of authorities to reflect staff reorganization, etc, 5204, 9200
  Domestic Aviation Bureau, Director; airline subsidy rates, 13138
  International Aviation Bureau, Director; registration of foreign charter operators; change in effective date, 5205
Oversales and denied boarding compensation; double compensation paid to passengers with confirmed reservations not accommodated on alternative transportation; temporary waiver, 24689
Procedural regulations:
  Board proceedings; conduct rules; separation of functions between General Counsel and Deputy General Counsel, 5202
  Board proceedings; practice rules; serving of domestic certificate applications, 138, 7393
  Board proceedings; practice rules; transfer of functions from Compliance and Consumer Protection Bureau to Deputy General Counsel, 5203
  Informal nonpublic investigations; practice rules; transfer of functions from Compliance and Consumer Protection Bureau to Deputy General Counsel, 5203
  Merger applications (Section 408); information requirements; final rule, 19688
  Unused authority procedures; content and service of applications, 139
Tariffs:
  Domestic travel, post 1982; policy statement, 14892
  Sum of segments fares; permission to use rather than higher through fare, 12947
Terminations, suspensions, and reductions of service; filing requirements reduced, 7393, 26809

PROPOSED RULES

Air carriers:
  Baggage liability rules, 5232
  Charter air transportation reporting requirements, 15350
  Fees to indirect carriers, 633
  Liability limits and defenses; waiver of Warsaw Convention provisions and adoption of Montreal Agreement, 25019
  Political candidates, extension of credit; reporting requirements, 13001
Air taxi operators, classification and exemptions:
  Flight schedules, elimination of filing requirements, 23949
Charters:
  Registration and bonding requirements, eligibility, etc, 7443
Domestic passenger fare flexibility, 16792
Domestic passenger fare flexibility; correction, 24598
Fee schedules for services benefiting individual recipients; license fees elimination and filing fees revision, 7846, 17575
Hawaiian joint fares; interline service, 16795
Hawaiian joint fares; interline service; correction and extension of time, 18913
Mail transportation:
  Flight schedules, elimination of filing requirements, 23949
Oversales; consumer protection; comprehensive review; extension of time, 7261
Regulatory agenda, 21069
Small business; definition, 23474
Small communities; essential air transportation:
  Overflights, 21270
Tariffs:
  Maximum amounts statements for prices in foreign air transportation; termination of rulemaking, 15144
Terminations, suspension, and reductions of service:
  Notification requirement, 27081
  Notification requirement; correction, 28111

NOTICES

Agency forms submitted to OMB for review, 21288, 27089
Airline employee protection program, 22990
Airport slot allocations; recommendation to Federal Aviation Administration; inquiry, 12369, 14202
All-cargo air service certificate applications, 8805, 11915, 19398
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 1314, 2896, 4544, 5447, 6456, 7475, 8391, 9872, 10888, 11914, 13019, 14203, 16057, 16363, 17602, 18637,

20168, 21114, 22390, 23503, 24759, 25390, 26683, 27880
Committees; establishment, renewals, terminations, etc.:
CAB-Industry Advisory Committee on Aviation Mobilization, 27881
Commuter fitness determinations, 1315, 3015, 3809, 5448, 6985, 8391, 10888, 12650, 14204, 17603, 18159, 19398, 20338, 22390, 23504, 26176, 26882
Mail rates, domestic, 17603, 27388
Mail rates; international service, 12651, 27388
Mail rates; intra-Alaska service, 3016, 20338, 22391, 23505
Mail rates; intra-Hawaii service, 8391, 11302, 25559, 27881
Mail rates; Latin American rate area, 26177
Mail rates; temporary service; establishment, 23505
Meetings:
Airline Scheduling Committees, 6456
Meetings; Sunshine Act, 720, 1235, 2805, 4192, 4636, 4796, 5069, 5398, 5961, 8904, 9629, 10139, 10706, 12421, 13442, 14824, 15955, 16927, 17370, 17706, 18464, 18702, 19506, 20243, 21675, 22446, 23250, 24015, 24495, 24688, 25088, 25434, 26730
Passenger fare matters, composite; agreements adopted by International Air Transport Association Tariff Coordinating Conferences, 23500
Regulatory calendar, 1662
Senior Executive Service:
Performance Review Board; membership, 25558
Standard foreign fare level; establishment, 11915, 25558
Subsidy rate adjustments, 14929, 17843, 26684
Tariffs:
World Airways; request for urgent action concerning reregulation of domestic market discount fares, 12199
Hearings, etc.:
A/S Conair, 16363
Aeroamerica, 25389, 25757, 27881
Air Atlanta, Inc, 14202, 14928, 17842
Air Cargo, Inc, 22577
Air Niagara, Inc, 20335, 21114, 26176
Air North & Nenana Air Service, 17842
Air Wisconsin, Inc, 6309
Airlift International, Inc, 9258
Airpac, Inc, 10265
Alaska Airlines Inc. et al, 5447, 26684
Alaska International Air, 7716
Altair Airlines, Inc, 27388
American Airlines, Inc, 3152, 14928
American World Airways, Inc, 26684, 27879
Arista International Airlines, 840
Arrow Airways, Inc, 15149, 25038
Atlanta Express Airline Corp, 27880
Avia International Airlines, Inc., et al, 17099
Bergt-AIA-Western-Wien, 8035, 11302, 25558
Best Airlines, Inc, 4326, 5026
Braniff Airways, Inc, 841
Braniff-Pan American route transfer case, 18159, 20169, 20335
Cape Smythe Air Service, Inc, 5025
Capitol International Airways Inc, 1315
Channel Flying, Inc, 5025
China Interocean Transport, Inc, 27089
Compagnie Nationale Air France, 9873, 14930, 25038
Competitive marketing of air transportation, 1315, 26177
Cumberland Airlines et al, 18398
Deutsche Lufthansa Aktiengesellschaft, 11302
Eastern Air Lines, Inc., et al, 8607
Emergency air transportation requirements, 9873
EOA, Inc, 15390, 16363, 18944
Flying Tiger Line Inc. et al, 17099
Former large irregular air service investigation; terminated, 11915
Former large irregular air service investigation et al, 9874, 11543
Harold's Air Service, Inc, 2896, 17842
Hawaii Express, Inc, 23504, 24162, 25757
Hermens Air, Inc, 5025
Holiday Airlines, Inc, 24615
Houston Airlines, Inc, 7716, 8607
Houston-Acapulco route proceeding, 18159, 20338
Independent Air, Inc, 25390, 25757
KLM Royal Dutch Airlines, 24759
Kodiak Western Alaska Airlines, 8035
Midwestern Airlines, Inc, 10888, 11543
MPA International Airways, 8237, 16814
National Commuter Airlines, Inc, 18398
Norfolk & Western Railway Co. et al, 10889
North American Airlines, Inc, 22578, 23505
North Atlantic and North/Central Pacific fares, 11302
North Atlantic passenger fares, 22391
North Pacific Airlines, Inc, 15149, 16364
Northeast Sunrise Airlines, Inc, 6905, 7476, 13019, 16364, 20169, 24615
Northeastern Airlines, Inc, 13019
Northeastern International Airways, Inc, 12650, 14929, 17603, 20338, 24615
OK-Air, Inc, 14929
Overseas National Airways, 7716
Pacific East Air, Inc, 12651, 13546
Pan American World Airways, Inc., et al, 14930
Pan American's U.S.-Germany special normal economy fares investigation and dismissal of Lufthansa's complaint against "two-for-one pass", 4327
Premiere Airlines (formerly Wings International Airways), 4327
Qantas Airways Ltd, 15390
Reeve Aleutian Airways, 3809
Saipan/Guam/Palau-Philippines service case, 15150, 16364, 20170
Samoa Airlines, Inc, 18159, 18397, 18944, 22995, 24162
SCANAIR, 16364
Scandinavian Airlines System, 5448, 8035
Sea Coast Airways, 23504, 24162, 26177
SouthCentral Air, Inc, 12651
Southeast Airlines, Inc, 8238, 13546
Southeast Alaska Airlines, Inc, 2897
Star Airlines, Inc, 3153
Sterling Airways A/S, 16365
Stockton, Modesto and Merced, Calif., carrier selection case, 4719
Thompson Travel Ltd, 10265
Trans International Airlines, Inc., et al, 6058
Trans World Airlines, Inc., et al, 6456, 13020
Transportes Aeros Kantuta, LTDA, Trak Airlines, 3152
Trenton Hub Express Airline, 2897, 3153, 4719, 7295
Tyee Airlines, 5026
United Air Lines, 9043
United States-Brazil/Argentina all-cargo exemption proceeding, 7717, 9875
UT Freight Services (USA) Ltd, 27089
Valdez Airlines, 24759
Visit USA fare/export inland contract rate investigation, 3809, 18159, 20170
Western Air Lines, Inc., et al, 4326
Western Yukon Air, 6906, 9258
Worldwide Airlines, Inc., 13019
Yute Air Alaska, 7476

CIVIL RIGHTS

See Civil Rights Commission.
Education Department.
Equal Employment Opportunity Commission.
Fair Housing and Equal Opportunity, Office of Assistant Secretary.
Federal Contract Compliance Programs Office.
Health and Human Services Department.
Housing and Urban Development Department.
Justice Department.

CIVIL RIGHTS COMMISSION

NOTICES

Meetings; State advisory committees:
Alabama, 2788, 6679, 12833
Alaska, 4545
Arizona, 10070, 16365
California, 6457, 7717, 8805, 13546, 15391, 17603, 18944
Colorado, 3016, 17603
Connecticut, 3576, 11302, 21902, 27881
Delaware, 20652
District of Columbia, 5026, 10071, 20652
Florida, 3810, 23966
Georgia, 2788, 6679, 13178
Hawaii, 3577
Idaho, 20170, 26421
Illinois, 2788, 7717, 12199, 21902
Indiana, 3810, 7718, 14205, 21903
Iowa, 16365
Kansas, 16365
Kentucky, 24377
Louisiana, 13851, 15391
Maine, 6906, 14503, 21903
Maryland, 2788, 22132
Massachusetts, 222, 2139, 2140, 6906, 7717, 8607, 19729, 24760, 25559
Michigan, 2140, 7718, 13178, 18944, 23787
Minnesota, 5737, 21903
Mississippi, 2788, 6679, 13178
Missouri, 8607, 16365
Montana, 6310
Nebraska, 7718
Nevada, 12200, 22995, 24377
New Hampshire, 6906, 13179, 16665
New Jersey, 222, 2140, 11915, 16366, 23787, 26421
New Mexico, 2789, 28443
New York, 10071, 18160, 21288
North Carolina, 2789, 10612
North Dakota, 11054, 14503
Ohio, 6310, 14503, 27578
Oklahoma, 23788
Oregon, 19729, 25757
Pennsylvania, 22132
Rhode Island, 7718, 15391, 21903, 22132
South Carolina, 222, 2140, 13179
South Dakota, 222, 2140
Tennessee, 1316, 2789, 18160
Texas, 19729
Utah, 1401, 13178
Vermont, 5737, 5922, 14504, 21566
Virginia, 18013, 19729
Washington, 4545
West Virginia, 14205, 27881

Wisconsin, 5923, 24760
Wyoming, 23966
Meetings; Sunshine Act, 2451, 4192, 5398, 6413, 9629, 15476, 18982, 24905

COAL

See Economic Regulatory Administration.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Land Management Bureau.
Mine Safety and Health Administration.
Surface Mining Reclamation and Enforcement Office.

COAST GUARD

RULES

Anchorage regulations:
California, 19519
Delaware, 20577
Louisiana, 12793
Maryland, 23158
Massachusetts, 6268
New York, 4062
Virginia, 1117
Wisconsin, 18333
Boating safety:
Vessels; certificate of number applications; change in required contents, 8175
Visual distress signal equipment requirements, 24548
COLREGS; implementation and interpretation; application procedures for certificates of alternative compliance, 13798, 20577
Dangerous cargoes:
Self-propelled vessels carrying hazardous liquids; safety requirements, 21198, 27293
Deepwater ports:
Liability fund; interim rule and request for comments, 27478
Districts, marine inspection zones, and captain of port zones:
Boundary realignments, 13796
Los Angeles-Long Beach, and San Diego, Calif.; boundary clarification, 27263
Drawbridge operations:
California, 4065, 9825, 15136
District of Columbia, 10532
Florida, 4516, 8566, 11010, 24543
Georgia, 11010
Hawaii, 1118
Iowa, 4064
Louisiana, 27265
Maine, 4516
Maryland, 7657
Michigan, 4065
New Jersey, 21785, 26126
New York, 26125, 26127
North Carolina, 24543
Ohio, 20579
Oregon, 24544
South Carolina, 11010
Virginia, 4517
Electrical engineering, 15210
Great Lakes pilotage:
Rates increase, etc, 13808
Inland waterways navigation regulations:
Certificates of alternate compliance for vessels of special construction or purpose, 13800, 18332
Distress signals, 16173
Fishing vessels in close proximity; signals; correction, 7657
Fishing vessels in close proximity; signals; Great Lakes effective date, 10531, 15135
Lights and shapes; positioning and technical details; correction, 7657
Lights and shapes; positioning and technical details; Great Lakes effective date, 10531, 15135
Nautical charts; removal of obsolete citations from CFR, 27265
Pilot rules, 16174
Pilot rules for inland waters and western rivers and interpretive rulings; CFR Parts removed, 19518
Sound signal appliances; technical details; correction, 7657
Sound signal appliances; technical details; Great Lakes effective date, 10531
Lifesaving equipment:
Ring life buoys, cork and balsa wood; obsolete specifications revoked, 10558
Ring life buoys; cork and balsa wood; use on artificial islands, fixed offshore structures, and recreational boats, 10533
Load lines:
Obsolete regulations revoked and editorial corrections, 5720
Survey fees; removal of regulations, 25148
Marine engineering:
Merchant vessels; acceptance of ASME U or UM symbol stamp for pressure vessels, fittings, and accumulators, 21807
Navigation requirements:
COLREGS demarcation lines; Puget Sound and adjacent waters, Wash.; interim; correction, 3351
Navigation safety regulations:
Electronic position fixing devices; delayed installation of continual tracking complementary system to satellite navigation receivers, 6269
Organization, functions, and authority delegations:
Commander, Coast Guard District, et al.; Regulatory Flexibility Act certifications; correction, 25519
Fifth Coast Guard District, Portsmouth, Va., Merchant Marine Technical Branch; disestablishment, 24547, 24554
Outer Continental Shelf activities, 9366
Outer Continental Shelf activities; correction, 11011
Pollution:
Deepwater port liability fund; interim rule and request for comments, 27478
Ports and waterways safety:
Shipping safety fairways, 20580
Regattas and marine parades; safety of life:
Columbia River, Oreg.; Columbia River Yachting Association Opening Day Boat Parade, 18333
Detroit River, Mich.; International Freedom Festival Air and Water Show, 25141
Detroit River, Mich.; Stroh Gold Cup Regatta, 25141
Elizabeth River, Va.; Norfolk Harborfest, 21784
Lake Macatawa, Mich.; Queen Beatrix Regatta, 27264
Lake St. Clair, Mich.; Wishing Well Classic, 25142
Lake Superior, Minn.; Duluth Harbor fireworks, 25140
Niagara River, N.Y.; B&T Icebreaker Regatta, 23157
Saginaw River, Mich.; Bay City Outboard Association 1982 Regional Championship, 25139
San Francisco Bay, Calif.; 1982 Pacific Inter-Club Yacht Association Opening Day Parade, 12792
Union Bay, Portage Bay, and Lake Washington, Wash.; Seattle Opening Day Yacht Parade and Crew Race, 16176
Safety zones:
Fritz Cove, Juneau, Alaska, 16177
Gastineau Channel, Alaska, 7658
James River at Newport News, Va., et al, 4515
Lower Mississippi River, Old River Control Structure, 1118
Newark Bay, New York Harbor, N.J., et al.; temporary, 18851
Penns Landing Park, Delaware River, Philadelphia, Pa, 21785
Snake Island, Texas City, Tex, 13802
Security zones:
James River at Newport News, Va., et al, 4515
Juan De Fuca Strait and Hood Canal, Wash, 25519, 27858
Lower Hudson River, N.Y., et al.; temporary, 18851
Vessel documentation, 27490
Vessel documentation and measurement:
Commercial vessels; optional simplified admeasurement method, 18334
Marine inspection zones; Albany and Guam; deletion, 17290
Yaoht documentation fees, 8581
Vessel traffic management:
Puget Sound tank vessel operations; oil tankers in excess of 125,000 deadweight tons prohibition, 17968
Visual distress signal violations; written warnings by Coast Guard boarding officers, 21041

PROPOSED RULES

Anchorage regulations:
California, 6288
Louisiana, 15145
Maryland, 6660
Michigan, 19555, 26165
Wisconsin, 20633
Boating safety:
Recreational boats; personal flotation devices, 15606
Boundary lines; definitions, consolidation, and implementation of Seagoing Barge Act revisions, 24604
Dangerous cargoes:
Bulk liquid hazardous waste cargoes; compatibility of cargoes and operational requirements; withdrawn, 23188
Self-propelled vessels carrying hazardous liquids and bulk liquefied gases safety rules; examination and certification procedures for tankers, 20084
Drawbridge operations:
California, 5729, 21857
Florida, 4094, 8597, 8599, 12811, 16188
Illinois, 8597
Louisiana, 15146
Massachusetts, 9864, 13838, 18374
New York, 12194
North Carolina, 8212
Oregon, 3010
Virginia, 10595
Washington, 4095
Wisconsin, 18373

Equipment, contruction, and materials; specifications and approval:
Uninspected vessels, fixed fire extinguishing systems; standards and procedures, 16648
Great Lakes pilotage:
Rates increase and increased revenue for pilot organizations, 6300
Load lines:
Freeboards, assignment, 5266
Freeboards, assignment; correction, 7271
Marine engineering:
Tank stop valves and their controls and indicators; termination of rulemaking, 13838
Marine noise abatement standards; withdrawn, 26667
Merchant marine officers and seamen:
Licenses and certificates, issuance; establishment of regional examination centers, 18929
Motorboat operators and staff officers, licensing and registration; second class operator of uninspected towing vessels; withdrawn, 11046
Temporary licenses and endorsements; withdrawn, 6300
Navigation safety regulations:
Lights for small vessels; withdrawn, 826
Pollution:
Marine sanitation devices; program review; extension of time, 9248
Waterfront facilities; safety and environmental protection; withdrawn, 26166
Ports and waterways safety:
Marine safety investigations; withdrawn, 17307
Traffic separation schemes, 26167
Traffic separation schemes; correction, 27870
Regattas and marine parades; safety of life:
Lake Erie, Ohio; 1982 Cleveland National Air Show, 18372
Lake Superior, Minn.; Duluth Harbor fireworks, 18370
Lake Washington, Wash.; Seattle SEAFAIR Sea-Galley Trophy Race, 15144
Niagara River, N.Y.; B&T Icebreaker Regatta, 18371
Niagara River, N.Y.; Joe Gimbrone Memorial Regatta, 18373
Union Bay, Portage Bay, and Lake Washington, Wash.; Seattle Opening Day Yacht Parade and Crew Race, 9863
Regulatory agenda. For references, see entry under Transportation Department.
Safety zones:
Calcasieu Channel, Industrial Canal, Calcasieu River, Lake Charles, La, 20634
Southern California; Outer Continental Shelf structures and navigable waters, 11719
Tank vessels:
Barges, new and existing; oil pollution prevention; withdrawn, 12829
Existing crude oil and product carriers of 20,000 to 40,000 deadweight tons; segregated ballast tank, crude oil washing system, or dedicated clean ballast tank requirement; intent to develop regulations, etc, 11724
Uninspected vessels, fixed fire extinguishing systems; standards and procedures, 16648, 25166
Vessel documentation and measurement:
Commercial vessels; optional simplified admeasurement method, 2131
Vessel installations:
Elevators and dumbwaiters; design and construction requirements; termination of rulemaking, 25166
Vessel traffic management:
Prince William Sound; installation of Loran-C Position Transmitting System (LPTS) shipboard unit on self-propelled tank vessels; advance notice; withdrawn, 26166
Vessels, U.S. Flag; maneuvering performance standards; advance notice; extension of time, 15147
Waterfront facilities:
Pollution control and safety and environmental protection; withdrawn, 26166

NOTICES

Bridges, highway; proposed construction:
Danvers River, between Salem and Beverly, Mass.; hearing, 23246
Citizenship oath filing:
Dundee Cement Co, 20706
Schlumberger Technology Corp, 881
SIBO Kentucky, Inc, 5394
Texasgulf, Inc, 10697, 20706
Committees; establishment, renewals, terminations, etc.:
Rules of the Road Advisory Council, 23246
Environmental statements; availability, etc.:
Harlem River, Bronx Shoreline, New York, N.Y.; proposed railroad bridge; hearing, 8720
Equipment, construction, and materials approval; list, 20706
Inland Navigational Rules Act of 1980; effective date for Great Lakes, 5834, 16242
International Association of Lighthouse Authorities (IALA) buoyage system; meeting, 5834
LORAN-C coverage in Alaska; additional transmitting station; meeting, 22440
Meetings:
Boating Safety National Advisory Council, 17363
Chemical Transportation Advisory Committee, 15202
Coast Guard Academy Advisory Committee, 12255
International Association of Lighthouse Authorities (IALA) buoyage system, 5834
LORAN-C coverage in Alaska; additional transmitting station, 22440
Rules of Road Advisory Council, 24681
Ship Structure Committee, 21947
Towing Safety Advisory Committee, 7357, 20061
Organization, functions, and authority delegations:
Rotterdam, Netherlands, Kobe, Japan, and Singapore Marine Inspection Offices; closure and reassignment of activities to offices within U.S, 12255
Port access routes; study results, 879, 27430
Small vessel towing and salvage policy study; inquiry, 27434
Superfund; hazardous substances, emergency response to releases; mechanism for funding costs; memorandum of understanding with EPA, 4631
Tank vessels moored to shore facilities, electrical hazard protection; study, 16242
Vessel admeasurement services; memorandum of understanding with American Bureau of Shipping, 13947
Vessel construction, new; plan review and inspection functions; memorandum of understanding with American Bureau of Shipping, 25235

COMMERCE DEPARTMENT

See also Census Bureau.
Economic Analysis Bureau.
Economic Development Administration.
Foreign-Trade Zones Board.
International Trade Administration.
Maritime Administration.
Minority Business Development Agency.
National Bureau of Standards.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
National Telecommunications and Information Administration.
Patent and Trademark Office.
Travel and Tourism Administration.

RULES

Conflict of interests:
Official business transactions, prohibition; revocation, 3350
Equal Access to Justice Act; implementation; interim rule and request for comments, 13509
Nondiscrimination:
Handicapped in federally assisted programs, 17744

PROPOSED RULES

Industrial technology centers, 20316
Regulatory agenda, 18782

NOTICES

Agency forms submitted to OMB for review, 26177
Committees; establishment, renewals, terminations, etc.:
Gulf of Mexico Fishery Management Council, Advisory Panel, 17606
International Legal Metrology Advisory Committee, 17606
Mid-Atlantic Pacific Fishery Management Council, Advisory Panel, 12376
Minority Enterprise Development Advisory Committee, 28123
New England Fishery Management Council Advisory Panel, 12376
Oceans and Atmosphere National Advisory Committee; Independent Areas Task Force, 13179
Pacific Fishery Management Council; Advisory Panel, 17606
Western Pacific Fishery Management Council Advisory Panel, 12376
Ethics in Government; financial disclosure reports; public inspection and copying procedures; location change, 25759
Laboratory Accreditation Program, National Voluntary:
Acoustical testing services, technical requirements development; workshops, 223
Electromagnetic calibration services, 2146
Personnel dosimetry processing; specific benchmarks of technical adequacy; workshop, 6914
Quarterly report, 2149, 16063

Solid fuel room heaters (Stove) program; establishment, 16823
Solid fuel room heaters (Stove) program; fees, 16825
Thermal insulation materials, freshly mixed field concrete, and carpet programs; accreditation process, 9492, 9496
Windows and doors; inquiry, 3025
Windows and doors; withdrawn, 23509
Organization, functions, and authority delegations:
International Trade Administration, 27586, 27589
National Bureau of Standards, 27590
Travel and Tourism Administration, 27594
Regulatory calendar, 1662
Senior Executive Service:
Performance Review Board; membership, 16667
Technology transfer to State and local governments; memorandum of understanding with Federal Laboratory Consortium, 25172

COMMISSION ON FINE ARTS

See Fine Arts Commission.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See Textile Agreements Implementation Committee.

COMMODITY CREDIT CORPORATION

RULES
Cooperative marketing associations; eligibility requirements for price support; final rule, 15763
Loan and purchase programs:
Barley, 20744, 23138
Cotton; interim, 15764
Emergency feed program; interim rule and request for comments, 9981
Feed grain reserve; interim rule and request for comments, 9188
Grain, rice, dry edible beans, and seed; warehouse approval standards, 22341, 22500
Honey; interim, 13120
Mohair, 15096
Peanuts, 5995, 8553, 17793
Peanuts; warehouse storage loans and handler operations; interim rule and request for comments, 28069
Processed agricultural commodities, extracted honey, and bulk oils; dry and cold storage warehouse approval standards, 15310
Sugar beets and sugarcane, 8000, 9194, 18573, 23420
Wool, 16161
Reporting and recordkeeping requirements, 745

PROPOSED RULES
Cooperative marketing associations; eligibility requirements for price support; capital interest amount change, 11284
Loan and purchase programs:
Tobacco, 7436
Tobacco, burley; alternative packaging methods; advance notice, 17825

NOTICES
Delinquent debts; interest rate, 2506, 19394
Loan and purchase programs:
Barley, 13389
Corn, 13389
Honey, 10884
Milk, 17316
Oats, 13389
Peanuts, 8388
Rice, 13389
Rye, 13389
Sorghum, 13389
Soybeans, 13389
Wheat, 13389
Meetings:
Study Committee to Study Alternative Methods of Establishing Premiums and Discounts for Upland Cotton Loan Program, 27879
Meetings; Sunshine Act, 8448, 9629, 13951, 14650, 16133, 21675, 22631, 26730
Price support rates:
Tobacco, 26418, 28441
Wool and mohair; 1982 determination, 14927

COMMODITY FUTURES TRADING COMMISSION

RULES
Conflict of interests; ethics in Government requirements, post employment restrictions, etc, 26810, 28089
Floor brokers, execution of discretionary orders; exception to hand-off requirements; interpretation, 11250
Futures commission merchants; minimum financial and reporting requirements; adusted net capital requirement, 22352
Omnibus accounts; gross collection of exchange-set margins, 21026
Organization, functions, and authority delegations:
Foreign gifts and decorations, receipt and disposition, 24113
Proceedings, administrative and reparations; Commission review of initial decision prior to seeking judicial review requirement, 5998
Registration forms, 27550
Reporting and recordkeeping requirements, 16173
Reports:
Traders; calls for series '03 reports, 7636

PROPOSED RULES
Arbitration and reparation procedures; extension of time, 9225
Bankruptcy; procedures; extension of time, 8789, 16187
Commodity option transactions on exempted securities, certificates of deposit, and foreign currencies, 7677
Commodity trading advisors and commodity pool operators; registration of employees, 2325
Domestic exchange-traded commodity options; pilot program; options on physicals, etc, 28401
Foreign brokers, domestic and foreign traders, futures commission merchants, and contract markets; selected special calls, 23941
Futures commission merchants; minimum financial and reporting requirements; adjusted net capital requirement, 12353, 13169
Regulatory agenda, 18614
Small entities; policy statement and definitions, 18618

NOTICES
Committees; establishment, renewals, terminations, etc.:
State Jurisdiction and Responsibilities Advisory Committee, 17608, 18405
Contract market and clearing organization employees, restrictions; staff interpretation, 7300, 8038
Contract market proposals:
Chicago Board of Trade
Chicago grain delivery billing requirements, 14747
GNMA-CDR and CNMA-CD futures contracts, 11308
Long-term Treasury notes, 6915
Prime-rate futures contract, 3157
Stock market, transport, and gas and electric indexes, 14935
Chicago Mercantile Exchange; leaded and unleaded regular gasoline, 11918
Coffee, Sugar, and Cocoa Exchange, Inc.
Coffee "C" contract, 17608
Number 12 sugar contract, 19198
Kansas City Board of Trade; 90-day Treasury bills, 2393
New Orleans Commodity Exchange; corn, 27884
New York Futures Exchange
New York Stock Exchange Industrial Index Futures Contract, 13549
Treasury bonds, 1403
New York Mercantile Exchange; crude oil futures, 18405
Domestic exchange-traded commodity options; pilot program; exchange proposals, 223, 12843, 18639, 26426
Joint audit plan; Amex Commodities Exchange, Inc., et al.; revision; inquiry, 15403
Meetings:
State Jurisdiction and Responsibilities Advisory Committee, 3026
Meetings; Sunshine Act, 887, 2451, 2974, 3251, 4193, 5398, 5961, 6413, 7797, 8300, 10340, 11587, 11808, 12259, 12913, 13951, 16133, 16252, 16440, 17156, 17370, 17706, 17910, 18094, 18210, 19266, 19612, 19844, 20436, 21174, 21951, 22269, 24015, 25245, 26067, 27192, 28003, 28525
Privacy Act; systems of records, 19575
Regulatory calendar, 1662

COMMON CARRIERS

See Civil Aeronautics Board.
Federal Communications Commission.
Federal Maritime Commission.
Interstate Commerce Commission.

COMMUNICATIONS

See Federal Communications Commission.
National Telecommunications and Information Administration.
Rural Electrification Administration.

COMMUNITY DEVELOPMENT

See Community Planning and Development, Office of Assistant Secretary.
Community Services Office.
Economic Development Administration.
Small Business Administration.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

RULES

Community development block grants:
- Indian tribes and Alaskan natives; housing assistance plan; application requirements removed, 16321
- State programs; administration of nonentitlement funds; final rule, 15290, 21532
- State programs; administration of nonentitlement funds; interim rule and request for comments; effective date, 9822
- Urban development action grants, 7982

Neighborhood development program; CFR Part removed, 1117
Neighborhood facilities program; CFR Part removed, 1117
Open-space land program; CFR Parts removed, 1117
Public facility loans program; CFR Part removed, 1117
Public water and sewer facilities grants; CFR Parts removed, 1117
Transfer of regulations; neighborhood self-help development program, 5886

NOTICES

Authority delegations:
- Acting Assistant Secretary; order of succession, 23811
- Field Operations and Environment/Energy Programs, Deputy Assistant Secretary; noise abatement and control waivers and approvals; redelegation, 25776

Community development block grants:
- Rental rehabilitation program demonstration program, second round, 26350
- Small cities program; revised minimum standards, 24820
- Urban development action grants; large cities and urban counties; minimum standards of physical and economic distress, 24652

COMMUNITY SERVICES OFFICE

RULES

Grants funded by Community Services Administration; close-out process, 22533

PROPOSED RULES

Grants funded by Community Services Administration; close-out process, 10598

NOTICES

Grants; availability, etc.:
- Community Services Administration 1981 FY program grantees in States which have not qualified for 1982 FY community services block grant, 6998
- Community Services discretionary authority; funds and requests for applications, 19948

COMPTROLLER OF CURRENCY

RULES

Adjustable rate mortgages, 13775
Fiduciary powers of national banks and collective investment funds, 27828
Investment securities:
- Bank holdings, purchase, dealings, and underwritings; publication of rulings, 18323

National banks:
- Corporate activities; rules, policies, and procedures; general revision; correction, 132
- Corporate activities; rules, policies, and procedures; technical corrections, etc, 22342
- Investment securities, eligibility for purchasing, dealing, underwriting and holding, 5701

PROPOSED RULES

Adjustable rate mortgages; interest rate adjustments limits, 23944, 26157
Credit life insurance income; disposition, 3555
Fiduciary powers of national banks and collective investment funds; advance notice, 27833
National banks:
- Accrual accounting, 17069
- Transfer agents; registration, 23473

Regulatory agenda, 18476
Regulatory flexibility review plan, 16033

NOTICES

Organization, functions, and authority delegations:
- Order of succession to act as comptroller, 20719

CONSERVATION AND RENEWABLE ENERGY OFFICE

RULES

Geothermal loan guaranty program; new project applications no longer accepted, 8555
Methane transportation research and development; review and certification of contracts, grants, cooperative agreements, and projects, 13704
Residential conservation service program:
- Energy audits of customer homes by large natural gas and electric utilities, 27752

Residential energy efficiency program, 19980
Schools, hospitals, and buildings owned by local government, etc.:
- Grant programs, administration; allocation formula and notification of fourth grant program cycle, 15765

Standby Federal emergency plan:
- Odd-even motor fuel purchase restrictions, employer-based commuter and travel, speed limit enforcement and reduction, and non-residential building temperature restrictions measures elimination, 5688

Wind energy technology application program, 16166

PROPOSED RULES

Appliances and consumer products:
- Energy efficiency standards, 14424
- Energy efficiency standards; hearing cancellation, 19369

Consumer products:
- Dishwashers; test procedures, 26143

Emergency energy conservation program; State program submissions; grant procedures and requirements; withdrawn, 28107
Geothermal loan guaranty program; eligible amounts, project costs determinations, etc, 1302
Geothermal reservoir confirmation projects, loans, 12740
Geothermal reservoir confirmation projects, loans; hearing cancellation, 14490
Municipal waste energy price support loan program; withdrawn, 25535
Municipal waste reprocessing demonstration facilities program; evaluation, assessment, and reporting guidelines; withdrawn, 3127
Residential conservation service program:
- Energy auditor training and certification grants; withdrawn, 1301
- Foam insulation; material and installation standards; proposed use of urea-formaldehyde; withdrawn, 27803
- Passive solar measures, 26148

Schools, hospitals, and buildings owned by local government, etc.:
- Grant programs, administration; hearing, 2880

Weatherization assistance for low-income persons:
- Sub-grantee selection criteria, 1299

Wind energy systems and small hydroelectric power project loans, 6776, 9017

NOTICES

Consumer products, energy conservation program; representative average unit costs of residential energy sources, 19200
Consumer products; petitions for waiver of test procedures:
- Arkla Industries, Inc.; furnaces, 27957
- General Electric Co.; dishwashers, 8813, 10272, 23543
- Lennox Industries, Inc.; furnaces, 8812

Industrial energy conservation program:
- Corporations; exempt and adequate reporting programs, 28351
- Corporations; industrial energy efficiency improvement and recovered materials utilization reporting, 28346

CONSTRUCTION INDUSTRY

See Employment Standards Administration.
Occupational Safety and Health Administration.

CONSUMER PRODUCT SAFETY COMMISSION

RULES

Architectural glazing materials; modulus of elasticity, hardness, and indoor aging tests for plastic glazing materials; partial revocation, 27853
Conflict of interests; disciplinary actions concerning post employment conflicts of interest, 18125
Equal Access to Justice Act; implementation, 25512
Flammable fabrics:
- Clothing textiles and vinyl plastic film; disposable diapers, exemption, 8136

Informal rulemaking proceedings other than for development of safety standards; financial compensation of participants; revocation, 12789
Poison prevention packaging:
- Potassium supplements; child-resistent packaging exemption, 10201

Consumer

Space heaters, unvented gas-fired; oxygen depletion safety shutoff systems; safety standards; enforcement policy statement and request for comments, 18331
Toys, stuffed; injury from strangulation, risks; public notification and remedial action, 13514
Urea-formaldehyde foam insulation; ban, 14366

PROPOSED RULES

Chain saws, components, and replacement parts; advance notice, 19369
Coal and wood burning appliances; deferral of consideration, 14711
Flammable fabrics:
Children's sleepwear standard (sizes 0-6X); use of alternate test apparatus and procedures, 21085
Children's sleepwear standard (sizes 7-14); use of alternate test apparatus and procedures, 21089
Clothing textiles and vinyl plastic film; interpretations, clarifications, and exemptions; extension of time, 8139
Clothing textiles standard; use of alternate test apparatus and procedures, 21081
Mattresses and mattress pads; flammability standard; advance notice, 25159
Hair dryers containing asbestos; withdrawn, 27867
Poison prevention packaging:
Prednisone tablets; child-resistant packaging exemption, 10235
Power lawn mower standard; petition for extension of effective date; hearing, 17827
Regulatory flexibility agenda, 24034
Toy chests, strangulation risk; advance notice, 16041
Urea-formaldehyde foam insulation; notices to purchasers, withdrawn, 14420
Urea-formaldehyde foam insulation; proposed ban; extension of time, 6436, 12353

NOTICES

Committees; establishment, renewals, terminations, etc.:
Asbestos Chronic Hazard Advisory Panel, 17323
Toxicological Advisory Board, 16064
Complaints issued:
Ford Manufacturing Co., Inc, 23194
Robertshaw Controls Co, 27884
Roper Corp. et al, 9498, 23196
Consent agreements:
Fountainhead Group Inc. et al, 28124
Meetings:
Toxicological Advisory Board, 13549, 21912
Meetings; Sunshine Act, 720, 1466, 2806, 2974, 3672, 4193, 4636, 5838, 7046, 7365, 7797, 8904, 9630, 10139, 11144, 13442, 14824, 14999, 15955, 15956, 16927, 17910, 18982, 19266, 20243, 21375, 22631, 25651, 26276, 26961, 28202
Priority projects, 1982 FY list; policy statement, 16667
Privacy Act; systems of records, 18165
Privacy Act; systems of records; annual publication, 69
Regulatory calendar, 1662
Urea-formaldehyde foam insulation; mandatory standard; petition denied, 14421

CONSUMERS

See Consumer Product Safety Commission.
Federal Trade Commission.
National Highway Traffic Safety Administration.

COOPERATIVE STATE RESEARCH SERVICE

PROPOSED RULES

Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES

Meetings:
Committee of Nine, 14744
Plant Genetic Resources National Board, 16813
Science and Education Research Grants Program Technical Advisory Committee, 21561, 21562, 21563

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

RULES

Cable systems; compulsory license; interim rule and request for comments, 21786
Phonorecord players, coin-operated (jukeboxes); recordation and certification fees, 25004

PROPOSED RULES

Claims registration:
Acquisition and deposit of unpublished television transmission programs; hearing, 5259

NOTICES

Copyright registration applications; special handling fee; policy decision, 19254
Rights of creators and needs of users of works reproduced by certain libraries and archives; final comment period and report availability, 23061, 26951

COPYRIGHT ROYALTY TRIBUNAL

NOTICES

Cable royalty fees; distribution determination; secondary transmission (1979), 9879, 10894, 24175
Cable royalty fees, 1978; national public radio claim; final determination, 24767
Cable royalty fees, 1979; distribution determination; partial stay denied, 24767
Cable royalty fees, 1979; partial distribution determination; inquiry, 19731
Cable royalty fees, 1980; distribution controversy, 8808
Cable royalty fees, 1980; distribution procedures, 24768
Cable royalty fees (1980, Phase I); distribution proceedings, 12203
Copyright royalty fees, 1978; distribution determination, 18019
Jukebox royalty fees; 1979 and 1980 distribution proceeding; final determination, 18406
Meetings; Sunshine Act, 12913, 23615
Noncommercial broadcasting, use of certain copyrighted works; royalty rates determination proceedings, 28446

COSMETICS

See Federal Trade Commission.
Food and Drug Administration.

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

COUNCIL ON WAGE AND PRICE STABILITY

See Wage and Price Stability Council.

CUSTOMS SERVICE

RULES

Air commerce:
Clearance procedures for aircraft departing United States for foreign territory, 20750
Transit air cargo, transportation to interior port of destination; penalties imposed for failure to deliver within specified time limit, 2085
Aircraft, private, arriving from areas south of U.S.; notice of intended arrival via Gulf of Mexico and Atlantic Coasts and landing requirements; interim, 12620, 19517
Articles conditionally free, subject to a reduced rate, etc.:
Aircraft supplies and equipment; China, 20752
Articles exported for repairs or alterations, and theatrical effects, motion-picture films, commercial travelers' samples, and tools of trade, taken abroad and subsequently returned to U.S, 12159
Beef, fresh, chilled, or frozen; importation, 944
Carnets; conforming amendments, 27260
Controlled substances, illegally imported; summary forfeiture to U.S. and immediate disposal upon seizure; interim, 20753
Customhouse brokers; exemption from transaction requirements; authority delegation to District Directors of Customs, 6615
Fines, penalties, etc.; failure to declare articles upon entry into U.S.; interim guidelines for disposition of liabilities, 7408
Merchandise, imported; transportation in bond and merchandise in transit:
Assessment of liquidated damages under carrier's bonds, 2086
Metal, dutiable; imported smelted or refined products; simplified reporting requirements, 20753
Organization and functions; field organization; ports of entry, etc.:
Gramercy, La., et al, 21039
Houston-Galveston, Tex.; port limits description, 2088
Houston-Galveston, Tex.; port limits description; correction, 4985
Saginaw-Bay City-Flint, Mich., et al, 12
Springfield, Mo, 5406
Personal declarations and exemptions; foreign-made tourist articles to be taken abroad, registration, 24117
Vessels in foreign and domestic trades:
China; special tonnage tax and light money; exemption, 2084
Oil and refuse matter or hazardous substances, illegal discharge of, and coastal and navigable water pollution, 5225

PROPOSED RULES

Administrative rulings:
Government procurement; country of origin determinations issued for purpose of

waiving "Buy American" restrictions for products of eligible countries, 25975
Articles conditionally free, subject to a reduced rate, etc.:
Returned goods; informal entry, 11706
Shipments valued in excess of $250; waiver of Generalized System of Preferences Form A as evidence of country of origin, 2124
Commercial aircraft, fees, 23182
Country of origin marking:
Semiconductor devices, including transistors, diodes, and integrated circuits, imported; change of position, 14493, 24344
Customhouse brokers; applications for licenses in additional districts; elimination of investigation requirement, 1396
Customs bonds:
Immediate delivery and consumption entry bond (term), Customs Form 7553; guidelines in fixing amount, 7456
Customs relations with Canada and Mexico:
Vehicles or vessels of less than five net tons arriving otherwise than by sea from Canada or Mexico; Customs Form 7533 elimination and standardized form development, 17072
Foreign-trade zones; admission of merchandise from customs bonded warehouse, 20627
Forms:
Vehicles or vessels of less than five net tons arriving otherwise than by sea from Canada or Mexico; Customs Form 7533 elimination and standardized form development, 17072
Informal entries; returned goods, 11706
Liquidation of duties:
Currency rates of exchange certified quarterly; amendments, 21847
Merchandise, imported; transportation in bond and merchandise in transit:
Shipment shortages; entry acceptance when merchandise cannot be recovered intact, 2125
Merchandise entry; importation of large machines, 18621
Organization and functions; field organization; ports of entry, etc.:
Bridgeport, Conn. and Providence, R.I.; consolidation under Boston, Mass. District, 22964
San Luis and Douglas, Ariz, 7455
Regulatory agenda, 18480
Regulatory flexibility review plan, 16033
Tariff classification of merchandise:
Footwear; administrative ruling, 3375
Footwear; administrative ruling; extension of time, 12194
Garments with simulated features considered as ornamentation, 2126, 10058
Vessels in foreign and domestic trades:
Lighter-Aboard-Ship ("LASH") barges and similar unmanned vessels; owner and operator applications for remission or refund of duty paid on foreign repairs and equipment purchases; alternative evidentiary proofs, 3374, 4535
Warehouses, Customs bonded; general revision, 9225
Warehouses, Customs bonded; general revision; correction, 13170

NOTICES

Customhouse broker license cancellation, suspension, etc.:
Andersen, Robert L., 5837
Organization and functions; ports of entry:
Andrade and Tecate, Calif.; change in hours of service; inquiry, 1065
Criteria for establishment, 10137
Petroleum products, approved public gauger:
Grover Morgan Loss Control & Inspections, Inc, 17895
Petroleum volumetric conversion tables; importation measurement corrections; availability, 6768
Reimbursable services; excess cost of preclearance operations, 7364, 20061
Senior Executive Service:
Performance Review Board; membership, 18208, 21373, 24246
Tariff classification of imported printing mechanisms; proposed correction; inquiry, 23065
Tariff reclassification petitions:
Chinaware, 20719
Prefinished hardboard siding, 12258, 23249
Tariff-rate quotas:
Tuna fish, 25433
Trade name recordation applications:
Bristol-Myers Co, 5063, 16699
Britches Great Outdoors; Canterbury Tales, Inc, 21672
Clairol Inc, 5063, 16699
Mead Johnson & Co, 21672
SON-EXPORT, S.A. de C.V., 19261
Tuna and tuna products from Costa Rica; import restrictions removed, 8446

DEFENSE CRIMINAL INVESTIGATIVE SERVICE

RULES

Organization and functions; establishment of Service, 22530

PROPOSED RULES

Privacy Act; implementation, 26857

DEFENSE DEPARTMENT

See also Air Force Department.
Army Department.
Defense Criminal Investigative Service.
Defense Intelligence Agency.
Defense Logistics Agency.
Defense Nuclear Agency.
Engineers Corps.
National Security Agency/Central Security Service.
Navy Department.
Uniformed Services University of the Health Sciences.

RULES

Charters:
Defense Assistant Secretary (Review and Oversight), 22529
Defense Criminal Investigative Service; establishment, 22530
Civilian health and medical program of uniformed services (CHAMPUS):
Abortions; policy statement and technical change, 12163
Ambulatory surgery, 7220
Claims, filing deadlines exceptions, 16014
Electric-powered cart-type vehicles; physician authorized use as alternative to wheelchairs, 20123
Medical services provided beneficiaries whose primary insurance covers 75 percent of cost; elimination of nonavailability statement, 20122
Reimbursement methodology, 16321
Civilian law enforcement officials; DOD cooperation, 14899
Credit unions serving DOD personnel; CFR Part removed, 2112
Defense Acquisition Regulation; amendments (DAC 76-31), 9399
Freedom of Information Act; implementation; Joint Chiefs of Staff implementation; removal of CFR Part, 5892
Organization, functions, and authority delegations:
Health Sciences Uniformed Services University; officers reporting to President of University, 24297
Personnel:
Enlisted administrative separations, 10162
Enlisted administrative separations; alcohol and drug abuse provisions, 10162
Nondiscrimination on basis of handicap in federally assisted programs, 15122
Senior Reserve Officers Training Corps programs, 19322
Technical manual (TM) management; CFR Part removed, 7411

PROPOSED RULES

Atmospheric nuclear test program; radiation dose for participants; guidance for determination and reporting, 21853
Banking institutions on DOD installations; operating procedures, 11717
Banking offices on DOD installations; operating procedures, 11708
Civilian health and medical program of uniformed services (CHAMPUS):
Claims forms submission; relaxation of beneficiary signature requirement, 11707
Durable medical equipment; rent or obtainment under lease/purchase arrangement restriction removed, 18149
Discharge Review Boards procedures and standards, 18135
Freedom of Information Act; implementation; National Security Agency record searches, advance payment of fees, 8791
Regulatory agenda, 18364
Veterans:
Educational benefits; flight training, 11041
Post-Vietnam era veterans' educational assistance fund; advance payment of allowance, 12363
Post-Vietnam era veterans' educational assistance program; implementation of legislation, 12640

NOTICES

Acquisition improvement program; contractor use incentives, 9046
Agency forms submitted to OMB for review, 20020, 23512, 24381, 26687, 26888, 28446
Courts-Martial Manual; amendments; inquiry, 15823
Courts-Martial Manual; policy on publication of proposed amendments, 3401
Foreign assistance:
Venezuela; international security assistance programs, 22393
Meetings:
Armed Forces Epidemiological Board, 844, 20020
Defense Systems Management College Board of Visitors, 9047, 26687
DIA Advisory Committee, 2152, 2394, 6319, 8401, 10072, 11763, 12844, 15405,

15406, 17610, 18946, 20020, 21118, 21119, 25760, 25761, 27402
Education of Handicapped Dependents National Advisory Panel, 11547
Electron Devices Advisory Group, 224, 1317, 7873, 7874, 8809, 13182, 18642, 20656, 23001, 28126, 28446
Joint Strategic Target Planning Staff Scientific Advisory Group, 16828, 18407, 23001
National Defense University and Defense Intelligence School Board of Visitors, 18020
Science Board, 1165, 15639, 26180, 28126
Science Board task forces, 1316, 1317, 5928, 6060, 6061, 8039, 8401, 11920, 12168, 15639, 15823, 18167, 19577, 19732, 22393, 23001, 25400, 26426, 26887, 26888, 28126, 28127
Wage Committee, 3157, 8618, 12204, 17845, 22583, 26687
Women in Services Advisory Committee, 3027, 11055, 21567
Privacy Act; systems of records, 6462
Privacy Act; systems of records; annual publication, 2544
Regulatory calendar, 1662
Security of mail in APO/FPO system overseas; inquiry, 14864, 26888
Senior Executive Service:
Performance Review Board; membership, 22580
Travel per diem rates; civilian personnel; changes, 658, 13181, 23800, 24769, 28446

DEFENSE INTELLIGENCE AGENCY

NOTICES
Privacy Act; systems of records, 11309, 15636

DEFENSE LOGISTICS AGENCY

NOTICES
Agency forms submitted to OMB for review, 28125
Environmental statements; availability, etc.:
Realignment of consumable item management assignments, 24175
Terminal Island Mole, Naval Station, Long Beach, Calif.; construction and relocation of fuel pier, 17609
Privacy Act; systems of records, 11919, 16193, 20016, 25041, 25175, 26685

DEFENSE NUCLEAR AGENCY

RULES
Privacy Act; implementation, 17989

NOTICES
Meetings:
Scientific Advisory Group on Effects, 20656

DELAWARE RIVER BASIN COMMISSION

RULES
Basin regulations; water quality standards; technical amendment, 8343, 9206
Ground water protection, southeastern Pennsylvania, 21776

NOTICES
Hearings, 3027, 11763, 16828, 20021, 25562

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

RULES
Interest on deposits:
Premiums, finders fees, and payment of interest, 11246
Short-term time deposit instruments; 91-day time deposits of less than $100,000, 14690
Time deposits of less than $100,000 with original maturities of three and a half years or more, 15098

NOTICES
Meetings; Sunshine Act, 11587, 27446

DISASTER ASSISTANCE

See Agency for International Development.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Emergency Management Agency.
Small Business Administration.

DISEASES

See Animal and Plant Health Inspection Service.
Centers for Disease Control.
National Institutes of Health.
Public Health Service.

DRUG ENFORCEMENT ADMINISTRATION

RULES
Schedules of controlled substances:
Exempt chemical preparations, 11513
Mazindol, 26616

PROPOSED RULES
Schedules of controlled substances:
Stimulant and depressant compounds; excepted prescription drugs, 6888

NOTICES
Registration applications, etc.; controlled substances:
Aerojet Strategic Propulsion Co, 19493
Argon Research Corp, 11579
Brotherston Hospital Supply Co, 17890
Burroughs Wellcome Co, 874
Care Clinic, Inc, 23998
Eli Lilly & Co, 11995
Eli Lilly Industries, Inc, 875
Endo Laboratories, Inc, 6499
Ganes Chemicals, Inc, 26476
Hoffman La Roche, Inc, 5370
Johnson Matthey, Inc, 8894
Knoll Pharmaceutical Co, 5370, 26476
Lee Laboratories, Inc, 874
Lemmon Co, 8270
Li, Gail G. L., M.D, 3897
M.D. Pharmaceutical, Inc, 27183
Mallinckrodt, Inc, 362
McNeilab, Inc, 875, 14234
Merrell Dow Pharmaceuticals Inc, 8271
Northwestern Drug Co, 26476
Paramount Drugs, Inc, 26475
Pritchett, Joseph Henry, M.D, 26053
Sigma Chemical Co, 362, 9595
Smithkline Beckman Corp, 27183
Stepan Chemical Co, 11995, 13249
Sterling Drug, Inc, 362, 8894, 23827, 27183
Sundry, Vincent A., D.O, 6120
Syncátes Associates, Inc, 362
U.S. Pharmacopeial Convention, Inc, 11995
Upjohn Co, 6499, 8109
W. F. Merchant Pharmaceutical Co., Inc, 26475
Western Fher Laboratories, Inc, 26474
Woodson, Thomas E., D.O, 1353
Wyeth Laboratories, Inc, 6120
Schedules of controlled substances:
Diphenoxylate with atropine sulfate; temporary importation authorization, 13430
Schedules of controlled substances; production quotas:
Schedule II, 1982 aggregate, 18692
Schedules I and II, 1982 aggregate, 27423

DRUGS

See Alcohol, Drug Abuse, and Mental Health Administration.
Drug Enforcement Administration.
Food and Drug Administration.

ECONOMIC ANALYSIS BUREAU

RULES
Direct investment surveys:
Foreign direct investment in U.S.; acreage exemption level for reporting in BE-15 annual survey, 23705
U.S. direct investment abroad and foreign direct investments; U.S. reporter transactions with foreign affiliate, Form BE-577 revision, etc, 13138, 14138, 15579

PROPOSED RULES
Direct investment surveys:
U.S. direct investment abroad and foreign direct investment; U.S. reporter transactions with foreign affiliate, Form BE-577 revision, etc, 4530
Regulatory agenda. For references, see entry under Commerce Department.

ECONOMIC DEVELOPMENT ADMINISTRATION

RULES
Economic development and adjustment assistance grants; designation of eligible areas, 5997
Petroleum and natural gas conservation; financial assistance programs; interim, 19982
Public works and development facilities program:
Disbursement of funds for grants, 15101

PROPOSED RULES
Regulatory agenda. For references, see entry under Commerce Department.

NOTICES
Grants; availability, etc.:
Economic adjustment program; sudden and severe economic dislocation assistance, 14504
Economic Development Districts, redevelopment areas and Indian tribes, 11302
Regional or national technical assistance, 18398
State planning grants, 11303
University center grants, 11304
Urban planning grants, 11305
Senior Executive Service:
Performance Review/Executive Resources Board; membership, 15616

ECONOMIC REGULATORY ADMINISTRATION

RULES

Powerplant and industrial fuel use:
- Electric utility conservation plans, 25729
- Electric utility conservation plans; correction, 26615
- Electric utility system compliance option and special rule for temporary public interest exemption; removal, 749
- Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification and clarification, 15311
- Existing electric powerplants; involuntary conversion to coal or alternate fuel; elimination of prohibition orders, etc, 17037
- Natural gas for outdoor lighting; sale and direct industrial use; interim rule and request for comments, 4493, 23436
- Prohibition orders; financial feasibility and technical capability findings; interim rule and extension of time, 23435

PROPOSED RULES

Coal; priority delivery under Defense Department contracts; removal, 1137

Consumer services; grants to State offices, 18604

Powerplant and industrial fuel use:
- Electric utility conservation plans, 10589
- Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification; extension of time, 161
- Existing facilities; administrative procedures and exemption criteria, 22365, 25153

Public Utility Regulatory Policies Act:
- Ratemaking standards, etc.; annual reports from States and nonregulated utilities, 11178, 12996

State utility regulatory commissions and eligible nonregulated electric utilities; financial assistance programs, 18606

NOTICES

Consent orders:
- Allied Materials Corp. et al, 11057, 13029, 25177
- American Petrofina, Inc, 9905, 20839
- Bayou State Oil Corp. et al, 3160
- California et al, 8815
- Cox, John L, 27599
- Energy Services, Inc, 6462, 19401
- Getty Oil Co, 20347
- Guam Oil & Refining Co., Inc, 844, 19733
- Husky Oil Co, 10072, 25764
- Inexco Oil Co, 17613
- Little America Refining Co, 6322
- Long Beach, Calif, 8815
- McGowan, John W, 9907
- Mountain Fuel Supply Co, 4722
- Northwest Pipeline Corp, 5758, 19401
- Permian Corp, 11765, 27597
- Pioneer Corp, 3161
- Quaker State Oil Refining Corp, 15641
- Robinson Energy Corp, 6463, 19402
- Saber Energy, Inc, 18646
- Signal Petroleum, 22142
- T. W. Oil, Inc, 5759, 21913
- Union Oil Co. of California, 26699
- Williams Exploration Co, 23004

Crude oil, domestic; allocation program, 1981; entitlement notices:
- Publication stay due to litigation, 11549

Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
- New England Electric Transmission Corp, 5454
- Niagara Mohawk Power Corp. et al, 1404
- San Diego Gas & Electric Co, 14756
- Vermont Electric Power Co, 5455

Environmental statements; availability, etc.:
- Powerplant conversions to coal in Florida; scoping meetings, 15088
- Ravenswood and Arthur Kill Generating Stations, N.Y.; hearings schedule, 16672

National Energy Conservation Policy Act:
- Gas and electric utilities covered in 1982; list, 226

Natural gas; fuel oil displacement certification applications:
- American Cyanamid Co, 3159, 5929
- Capco Pipe Co., Inc, 3160
- Consolidated Edison Co. of New York, Inc, 845, 5930, 12845, 15640
- Energy Systems Co, 4549, 5930
- Houston Lighting & Power Co, 27094
- Jones & Laughlin Steel Corp, 9047, 12378
- Long Island Lighting Co, 9048, 12378
- Nebraska Municipal Power Pool, 13550, 16836
- Public Service Electric & Gas Co, 20661, 23513, 25047, 25048, 27403, 28447
- Salt River Project Agricultural Improvement & Power District, 8316, 11921

Natural gas exportation or importation petitions:
- Flormex Energy Corp, 20345
- Michigan Wisconsin Pipe Line Co, 81
- Midwestern Gas Transmission Co, 5757
- Natural Gas Pipeline Co. of America, 8316
- Northwest Pipeline Co, 10894
- Phillips Petroleum Co. et al, 25177

Organization and functions:
- Oil and Gas Imports Division, Natural Gas Branch; relocation of offices, 16368

Petroleum allocation and price regulations:
- Puerto Rican naphtha entitlements; benefits received by petrochemical producers; stay of decision, etc, 12659

Powerplant and industrial fuel use; existing powerplant or installation; classification requests:
- Upjohn Co, 999, 7874

Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
- Air Products & Chemicals, Inc, 25763
- Brunswick Pulp & Paper Co, 27889
- Chugach Electric Association, Inc, 19578
- Consolidated Edison Co. of New York, Inc, 5290, 5291
- Crown Zellerbach Corp, 27093
- Federal Paper Board Co., Inc, 3581, 8622
- General Motors Corp, 19201, 20346
- Gulf States Utilities Co, 5454, 14756
- Jersey Central Power & Light Co, 18020
- Kimberly-Clark Corp, 20349
- Kissimmee, Fla, 237
- Kissimmee Municipal Electric System, 5453, 15640
- Montaup Electric Co, 7875
- New Energy Corp. of Indiana, 5034, 18645
- North Little Rock Electric Department, 18407
- Northwestern University, 20348
- Phillips Petroleum Co, 8239
- Procter & Gamble Paper Products Co, 25762
- Publishers Paper Co, 16066
- Puget Sound Power & Light Co, 18408
- Sierra Pacific Power Co, 27888
- Turbo-Resources, 5931, 19579
- University of Michigan, 7723, 11764
- Upjohn Co, 7874
- Westvaco Corp, 18409

Public Utility Regulatory Policies Act:
- Gas and electric utilities covered in 1982; list, 226

Remedial orders:
- Anchor Distributors, Inc, 11310
- Appalachian Flying Service, Inc, 11765
- Atlantic Richfield Co, 1326
- Barkett Oil Co., Inc, 9906
- Cabrillo Arco et al, 23004
- Cordele Operating Co, 25566
- County Fuel Co., Inc, 24620
- Crown Central Petroleum Corp, 26698
- Dalco Petroleum Corp. et al, 26690
- Delany, Thomas J, 16837
- Dorchester Gas Corp, 15158
- Engineered Operating Co, 25566
- Fasgo, Inc, 26690
- Fuel Oil Supply & Terminaling, Inc., et al, 15158
- Hudson Oil Co., Inc, 14217
- Indian Wells Oil Co, 27597
- J. D. Streett Co., Inc, 25049
- Jay Petroleum, Inc, 6323
- Lawrence Oil Co., Inc, 9906
- LeClair Operating Co, 25566
- Metropolitan Petroleum Co., Inc, 11310
- Mobil Oil Corp, 5033
- Morris Oil Co, 22142
- Petroleum Delivery Service, Inc, 15158
- San Joaquin Oil Co. et al, 25765
- Scott, Walter J., et al, 26691
- Scott, William J, 26690
- Scott Oil Co, 26691
- Secor Petroleum Co., Inc, 20349
- Shore Oil Co., Inc, 28127
- Southern Natural Resources, Inc, 11921
- Southern Terminal & Transport Co, 13551
- Spencer Companies, Inc, 22143
- Standard Oil Co, 2155
- Texaco, Inc, 8816
- Thomas P. Reidy, Inc, 21914
- Timco Oil Co, 22393
- U.S.A. Oil Co, 15642
- Universal Resources Corp, 5292
- Vermont Morgan Corp, 13028
- Western Avenue Properties, 15642
- Whitaker Oil Co, 11058

ECONOMIC RESEARCH SERVICE

NOTICES

Publications, subscription fees, 13178

EDUCATION

See Education Department.
Food and Nutrition Service.
Science and Education, Office of Director for.
Student Financial Assistance, National Commission.
Veterans Administration.
Wage and Hour Division.

EDUCATION DEPARTMENT

See also National Council on the Handicapped.

RULES

Authority delegations:
- General Counsel et al.; service of process, 16780

Education

Bilingual education and minority language affairs:
Cuban and Haitian entrant children, educational services; CFR Part removed, 7659
Educational research and improvement:
Grant programs; CFR Parts removed, 7659
Library career training program, 9786
Elementary and secondary education:
Migrant education program activities; grants to State educational agencies to improve interstate and intrastate coordination, 17246
School expenditures and construction assistance in cases of certain disasters, 3328
Grant programs; CFR Parts removed, 7659
Insular areas; consolidated grant applications, 17420
Postsecondary education:
College housing program, 22020
College-work study grant programs; expected family contributions, 736
Cooperative education program, 17252
Cooperative education program, supplemental funds, 18852
Disadvantaged students special services program, 9150
Disadvantaged students special services program; consideration of prior experience, 24938
Educational opportunity centers program, 2258
Educational opportunity centers program; consideration of prior experience, 24938
Fund for improvement of postsecondary education, 15552
Graduate and professional study institutional grants; correction, 11866
Grant programs; CFR Parts removed, 7659
Institutional aid programs; eligibility requirements, application procedures, and selection criteria, 540, 6826
International education programs, 14112, 20582
National direct student loan grant program; expected family contributions, 736
Parent loans for undergraduate students (PLUS) program, 17200
Pell grant program; cost of attendance, 20737
Pell grant program; expected family contributions, 736
Special programs staff and leadership personnel training program, 17786, 24938
Student assistance; expected family contributions, 736
Supplemental educational opportunity grant program; expected family contributions, 736
Talent search program, 7604
Talent search program; consideration of prior experience, 24938
Upward bound program, 9158
Upward bound program; consideration of prior experience, 24938

PROPOSED RULES

Direct grant programs, State-administered programs, etc. (EDGAR); nonapplicability of regulations to Chapter 2 of Education Consolidation and Improvement Act of 1981 progams, 6598
Education Appeal Board; hearings concerning expenditures under Chapter 2 of Education Consolidation and Improvement Act of 1981, 6598
Elementary and secondary education:
Disadvantaged children; financial assistance to local educational agencies to meet special educational needs, 6584
Education Consolidation and Improvement Act of 1981; Chapter 2 implementation, 6598
Insular areas; consolidated grant applications, 17420, 17424
Postsecondary education:
College work-study program; funding procedures, 908
National direct student loan, 908
Pell grant program; institutional accountability under alternate disbursement system, 19288
Student assistance general provisions; institutional satisfactory progress standards and adjudicatory hearings, 19288
Supplemental educational opportunity programs; funding procedures, 908
Privacy Act; implementation, 21096
Regulatory agenda, 20809
Special education and rehabilitative services:
Vocational rehabilitation service projects; draft availability, 5439

NOTICES

Accrediting agencies and associations, nationally recognized; list, 25563, 27885
Blind and visually impaired; vending facility program (Randolph-Sheppard Act); arbitration panel decision, 15825
Civil Rights Office; final annual operating plan, 1982 FY, 9900
Committees; establishment, renewals, terminations, etc.:
Indian Education National Advisory Council; membership nominations, 18168
Data acquisition activities involving educational agencies and institutions; inquiry, 7958
Education Appeal Board hearings:
Appeals, 6688, 16368
Applications for review, 6685
Grants to local educational agencies serving areas with concentrations of children from low-income families; claim compromise against Colorado State Department of Education, 7304
Elementary and Secondary Education Act; intent to waive requirements:
American Samoa, 7482
Grant applications and proposals; closing dates:
Bilingual education; training projects program, 6917
Challenge grant program, 3823
College assistance migrant program, 6319
College housing program, 22028
Cooperative education program; administration, demonstration, research, and training projects, 17109
Desegregation assistance center programs, 16670
Direct grant programs; 1982 FY; amendments and correction, 3821
Discretionary grant programs, 26888
Discretionary grant programs; handicapped projects, 26108
Discretionary grant programs; rehabilitation services, 14748
Education for public service program, fellowships, 13027
Educational opportunity centers program, 2152
Educationally deprived children, neglected or delinquent; compensatory education programs, 17610
Follow through program; continuation awards, 14216
Handicapped children, severely; innovative programs, 27091
Handicapped children's model program, 3401
Handicapped research; research and training centers, 24040
High school equivalency program, 6321
Interpreters for deaf individuals; training program, 11548
Law school clinical experience program, 8319
Law-related education program, 25045
Migrant education interstate and intrastate coordination program, 224
Migrant education programs; college assistance applications; request for field readers, 7304
Migrant education programs; high school equivalency program applications; request for field readers, 7304
National diffusion network program, 4329, 5929
Pell grant program, 8810
Postsecondary education improvement, 7305
Refugee children transition program, 21290
Regional education programs for handicapped persons, 5928
School construction program, 17108
Special needs program, 3821
Special programs staff and leadership personnel training program, 27886
Special services for disadvantaged students program, 5450
State educational agency programs for race, sex, and national origin desegregation assistance, 16671
Strengthening program, 3822
Talent search program, 7481
Undergraduate international studies and foreign language program, 14755
Veterans' cost-of-instruction payments program, 13827
Women's educational equity program; new and noncompeting continuation projects, 6918
Grantback arrangements; award of funds:
Arkansas, 18643
District of Columbia, 23002
North Dakota, 27092
Wisconsin, 20343
Guaranteed student loan and PLUS programs; special allowances, 5756
Guaranteed student loan program; family contribution schedule, 19086
Handicapped children, severely; innovative programs; annual funding priorities, 11547, 27089
Handicapped Research National Institute; funding priorities, 1982 FY, 24038
Handicapped Research National Institute; proposed funding priorities, 1982 FY, 3028, 21567
Meetings:
Accreditation and Institutional Eligibility National Advisory Committee, 6919, 19199
Adult Education National Advisory Council, 13859, 18643, 25995

Bilingual Education National Advisory Council, 11764, 15639, 15823, 15824
Black Higher Education and Black Colleges and Universities National Advisory Committee, 6061, 15825, 17327
Career Education National Advisory Council, 14217
Community Education Advisory Council, 5450, 23197
Continuing Education National Advisory Council, 24770, 26888
Dependents' Education Advisory Council, 13860, 16670
Education Intergovernmental Advisory Council, 22584, 23969
Education Statistics Advisory Council, 5289, 11920
Ethnic Heritage Studies National Advisory Council, 20021
Excellence in Education National Commission, 5757, 9271, 16066, 20176, 26427
Financing Elementary and Secondary Education Advisory Panel, 844, 12844, 15156
Indian Education National Advisory Council, 13026, 18946, 23197, 25761
National Assessment of Educational Progress Assessment Policy Committee, 5940, 24770
Postsecondary Education Improvement Fund, National Board, 12377, 26180, 28127
Vocational Education National Advisory Council, 18407, 19200, 23969, 24176
Women's Educational Programs National Advisory Council, 80, 2507
Meetings; Sunshine Act, 2806, 9135
Parent loans for undergraduate students (PLUS) program; special allowances, 5756
Postsecondary education:
College work-study grant program, 11057, 11921, 15406
College work-study grant program; approved systems of need analysis, 25761
College work-study program; sample cases and expected parental contributions; publication, 17612
National direct student loan grant program, 11057, 11921, 15406
National direct student loan grant program; approved systems of need analysis, 25761
National direct student loan program; sample cases and expected parental contributions; publication, 17612
Strengthening program, special needs program, and challenge grant program; transmittal of requests for designation as an eligible institution for 1982 FY, 3824
Supplemental educational opportunity grant program, 11057, 11921, 15406
Supplemental educational opportunity grant program; approved systems of need analysis, 25761
Supplemental educational opportunity grant program; sample cases and expected parental contributions; publication, 17612
Privacy Act; systems of records, 24617, 27885
Privacy Act; systems of records; annual publication, 16829
Regulatory calendar, 1662
Upward bound program, 5451

ELECTIONS

See Census Bureau.
Civil Rights Commission.
Federal Election Commission.
Justice Department.

ELECTRIC POWER

See Bonneville Power Administration.
Conservation and Renewable Energy Office.
Economic Regulatory Administration.
Federal Energy Regulatory Commission.
Reclamation Bureau.
Rural Electrification Administration.
Tennessee Valley Authority.
Western Area Power Administration.

EMPLOYEE BENEFIT PLANS

See Comptroller of Currency.
Internal Revenue Service.
Pension and Welfare Benefit Programs Office.
Wage and Hour Division.

EMPLOYMENT AND TRAINING ADMINISTRATION

RULES

Comprehensive Employment and Training Act programs:
Complaints, investigations, and sanctions; correction and reaffirmation of regulations in effect, 15988
Reporting and recordkeeping requirements, 145
Unemployment compensation:
Ex-servicemembers, remuneration schedule, 8344

PROPOSED RULES

Employment service system:
Labor surplus areas and areas of unemployment; classification, 23754
Regulatory agenda. For references, see entry under Labor Department.

NOTICES

Comprehensive Employment and Training Act programs:
Youth programs for members of migrant and other seasonally employed farmworker families; grant applications and allocation of funds, 17692
Employment transfer and business competition determinations; financial assistance applications, 14235, 18073
Labor surplus area classifications; annual list, 24474
Labor surplus area classifications; annual list; additions, 112, 1060, 10923, 11996, 13431, 18693
Meetings:
Apprenticeship Federal Committee, 24474
Unemployment compensation; extended benefit periods:
Alabama, 8428
Arkansas, 11996
California, 7547
Delaware, 19814
Illinois, 11996
Indiana, 6501
Iowa, 8428
Maine, 9595
Maryland, 8428
Massachusetts, 15436
Michigan, 10924
Minnesota, 10924
Mississippi, 4361
Missouri, 13431
Montana, 19249
Nevada, 7547
New Jersey, 10924
North Carolina, 6502
Ohio, 4362
Pennsylvania, 6499
Rhode Island, 6500
South Carolina, 4362
Tennessee, 6501
Utah, 10924
Vermont, 10924
Virgin Islands, 15437
West Virginia, 19250
Wisconsin, 2421
Adjustment assistance:
A.C. Williams Co, 23828
A. E. Nettleton Shoe Co, 19251
A.M. General Corp, 15927
A.P. Parts Co, 24872
A. Soloff & Son Co, 19251
A-One Knitting Mills, Inc, 20223
Abbot Fabrics, Inc, 14234
Abex Corp, 15927
ABU-Garcia, Inc, 15927
Acme Leather Sportwear, Inc, 15927
Adams Co, 19251
Adesol Dress Corp, 3646
Adriatic Original et al, 26477
Advance Glove Manufacturing Co, 23828
Advanced Technology & Testing, 11342
Advent Corp, 11342
Aero Manufacturing, 8894
Aileen, Inc, 28177
Al Kamen Coat, Co., Inc, 23828
Alatex, Inc, 4768
Albany International et al, 14235
Alees Shake Mill, 8426
Allegheny Foundry Co, 14234
Allegheny Ludlum et al, 3647
Allen Manufacturing Co, 21318
Allen-Brandley Co, 21318
Allied Corp, 18074
Allis-Chalmers, 8894
Alpha Portland Cement Co, 14234
Alphine Togs, Inc, 23828
Alpo Coat Co., Inc, 28177
AM Cable TV Industries, Inc., et al, 1061
American Biltrite, Inc, 19251
American Bosch Corp. et al, 23603
American Handling Equipment, Inc, 8426
American Medical Instrument Corp, 1062
American Optical Corp, 5491
American Rehers Zwirne, Ltd., et al, 20223
American Steel Foundries, 14234
AMF, Inc, 14234
AMI Medical Electronics, Inc, 15927, 19251
Amore Chain Co, 18074
Anderson Development Corp, 14234
Andrew Bruce Fashions, Ltd, 8427
Androme Leather Corp, 28177
Angela Manufacturing Co., Inc, 21318
Apeco Corp, 24872
Apex Handbags, 26945
Arbaba Sportswear, Inc., et al, 23602
Arista Knitwear Manufacturing Corp, 8894
Armco, Inc., et al, 14803, 27638
ARP Instruments, Inc, 23828
Arrow Co, 25792
Art Shirt, Ltd, 18074

Employment

Arvin Industries, Inc, 14234
Arvin Outerwear, Inc, 24872
Astatic Corp, 1059
Atlantic Sportswear, Inc, 28177
Automatic Feed Co, 3646
Avante Fashions, Inc, 24872
Avondale Mills, 28177
B & B Coat Corp, 3646
B & W Shake Co., Inc, 3646
Babcock & Wilcox, 18074
Barker Engineering Corp, 9598
Baros Coat & Suit Corp, 26945
Basic Aluminum Casting Co, 24872
Batino Fashions, 8894
Beach Engineering, Inc, 7546
Beauti-Full Women, Inc, 23828
Beekay Fashions, Inc, 28177
Bell & Howell Co, 19251
Benchmasters, Inc, 18074
Bender Brothers Sportswear, Inc, 14803
Bendix Corp, 14234
Bernardi Fashions, Inc, 23828
Bertsch & Co, 8894
Best Coat Co., Inc, 23828
Bethlehem Steel Corp. et al, 9596
Bird & Son, Inc, 11342
Blue Bird Products Co, 15927
Blue Ridge Shoe Co, 21318
Bobbie Brooks Corp, 21318
Bon-Art Industries, Inc., et al, 26947
Boonton Molding Co, 20223
Bozak, Inc, 23828
Brave-Moc, Inc, 24872
Breckenridge et al, 3219
Brentwood Sportswear, Inc, 1059
Brickhan Stamping Co, 14803
Bristol Locknut Co, 14234
Broderick & Bascom Rope Co, 3646
Brown Shoe Co, 11342
Brunswick Corp, 8427, 24872
Bunker Hill Co, 18075
Burgher Shingle Ridge, Inc, 1059
Burlington Industrial Fabrics Co, 23828
Butler Furniture Industries, Inc, 11342
C.A.M, 23828
C & M Coat Co. Inc, 18074
Cal Feather Products, 11996, 14236
Calgon Corp, 1059, 3647
Carnivale Bag Co. et al, 12402
Carole Curtis, Inc, 21318
Carroll Shoe Co, 21318
Cashiers Manufacturing Corp, 20223
Caterpillar Tractor, 1062
CCS/Hatfield Wire & Cable et al, 15928
Cerden & Son Manufacturing, Inc, 15927
Char-Len Handbags, Inc, 14234
Charming Miss Fashions, Inc, 28177
Chicago Pneumatic Tool Co, 23828
Christenson Brothers Shake, Inc, 11342
Christopher Dyeing & Finishing Co., Inc, 21318
Chrysler Corp, 2421, 4768
Cincinnati Rubber Manufacturing Co., Inc, 15927
Cinderella Knitting Mills, Inc, 14234
Classic Dress Co. et al, 18075
Classic World, 9598
Clayburne Highlands Corp, 20223
Clayburne Manufacturing Corp, 20223
Cleveland Metal Products Co, 4768
Clover Fashions, Inc, 14234
Cluett Peabody & Co., Inc, 25792
Coats Plus, Inc, 23828
Coccia Manufacturing Co, 15927
Colorguard Corp, 20223
Compressed Gas Cylinders et al, 19250
Conca D'oro, Inc, 20223
Conlin & Roberts, 15927
Continental Rubber Works, 20223
Coos Head Timber Co, 23828
Cosmic Fashions, 28177
County Fair Toy & Novelty Corp. et al, 5492
Cousin's Fashions, 19251
CPC International, Inc, 23828
Cracker Barrel Dress, Ltd, 18074
Crawfton Coat Co, 19251
Crescent Knitting Mills, Inc, 19251
Crossville Rubber Products, Inc, 4768
Crown Pants Co, 25792
Cummins Engine Co, 5491
D. L. Auld Co, 3646
D. Look Sportswear Corp, 2422
Dana Corp, 16434
Dante Fashions, Inc, 19251
Day Mines, Inc, 19251
Dayton Malleable, Inc, 7546
Dayton-Walther Corp, 7546
Decision Makers, Inc, 14234
Dee Knitting Mills, 25792
Deere & Co, 7546
Del-Ba-Coat, Inc, 14234
Deltrol Controls, 26945
Diamond Coat, 1059
Diane Handbags, Inc, 3646
Dippy Knits, Inc, 25792
Doreen Fashions, 25791
Duke of Hollywood Co, 18074
Duvid Sportswear, 14234
E & M Coat, Inc, 1059
East Side Lighting, 9598
Elanjay Corp, 1059
Elder Manufacturing Co, 18075
Electric Apparatus Co, 15927
Electro-Voice, Inc, 21318
Electromech, Inc, 11342
Electronic Memories & Magnetics Corp, 18075
Elizabeth Fashions, Inc, 3646
Elk Creek Cedar, Inc, 5491
Ella Coat Co, 23828
Elton Fashions, 23828
Eltra Corp, 1059, 20223
Ely & Walker, Inc, 28177
Elyria Manufacturing Corp, 15927
Emerson Electric Co, 2423
Emil Fashions, Inc, 1059
Empress Sport Togs, Inc, 1062
Enro Shirt Co, 1059
Essex Group, Inc, 11342
Eugene Rothmund, Inc, 1062
Eutaw Manufacturing, 8894
Ex-Cell-O Corp, 14234, 20223
Exide Corp, 3646
F. A. Neider Co, 19251
F & D Ladies' Coats & Suits, Inc, 26945
F/V Cape Windy, 24872
F/V Northern Lights, 24872
F/V Seal, 24872
Fabrics America Group, 24872
Fairview Tubular Products, Inc, 11342
Fairy Tale Children's Wear, 24872
Fashions By Ande, Inc, 14234
Favorite Footwear, Inc, 2423
Feddera Automotive Components Co, 20223
Fenway Manufacturing Co, 18075
Fiat Allis North American Operations, Inc, 24872
Fiesta Fashions, Inc, 24872
Finetone Knitting Mills, Inc, 28177
Firestone Tire & Rubber Co, 23828
Fisher Controls International, Inc., et al, 6739
Five Sons, 24872
Fleetline Industries, Inc, 26945
Flo-Nor Corp, 18074
Florsheim Shoe Co, 11342, 15927, 18074
Fly Manufacturing Co., Inc, 20223
FMC Corp, 9598, 14234, 20223
Ford Aerospace & Communications Corp, 20223
Ford Motor Co, 1059, 5491, 8894
Fortune Fashions, Inc, 3646
Fox Shoe Manufacturing Corp, 23828
Frank Foundries Corp, 8894
Freddi-Gail, Inc, 21318
Freeman Shoe Co. et al, 14803
FX Systems Corp, 7546
G.C. Fashions, Inc, 23828
G.C. Lingerie Corp, 15927
G.T.E. Products Corp, 23828
Gaines Co, 3646
Galileo Electro-Optics Corp, 14234
Gallant International, Inc, 26945
Garden City Apparel Co, 1062
Garrison Stove Works, Inc, 11342
Gastrans, Inc, 8428
Gay Coat Co., INc, 24872
General Electric Co, 1059, 3646, 11342, 15927, 18074, 19251, 21318
General Motors Corp. et al, 7894, 9597, 26945
General Tire & Rubber Co, 8895, 24872
George E. Keith Co, 7546
Gianna Originals, 28177
Gilda Fashions, Inc, 19251
Glendale Mills, Inc, 15927
Gold-EE Fashions, Inc, 24872
Gracinda Fashions, Inc, 24872
Grafton Apparel Manufacturing Co., Inc, 23828
Grance Coat Co, 11342
Greentree Fashions, 9598
Guida Wood Heel Co., Inc, 18074
Gulf & Western Manufacturing Co, 18074
H & D Sportswear, Inc, 14234
H. L. Friedlen & Co., Inc, 7545
H. Swoboda & Sons, 7545
H. W. Carter & Sons, 23602
H. W. Gossard Co, 20223
H-F Manufacturing Co, 15927
Hamilton Digital Controls, Inc, 14234
Harvey Manufacturing Corp, 25792
Herbert Kenzer, Inc, 15927
Herd Seeder Co., Inc, 19251
Hertford Apparel, 2423
Hide-Away Creations, Ltd, 18074
High Fashion Sportswear, Inc, 28177
Hillcrest Garment Co., Inc, 7545
Homemaker Industries, Inc, 14234
Hoover Universal, Inc, 1059
Houdaille Industries, Inc, 3220
Hudson Pants Co, 28177
Humboldt Products, Co, 21318
Hunter Offshore Enterprises, 24872
Hurn Shingle Co, 19251
Huron Forge & Machine Co, 23828
Hyde Park Chemical Corp, 19251
Hyster Co, 23828
I & S Shoe Co., Inc, 20223
I.S. Sutton & Sons, Inc, 21318
IAI Co, 23828
ICL, Inc, 23828
Imerman Industries, Inc, 20223
Imperial Glass Corp, 7896, 24873
Imperial Optical Manufacturing Co, 26945
Indianapolis Glove Co, 14234

Industrial Electronic Rubber Co, 14234
Industrial Strainer Co, 3646
Inter-Lakes Steel Product Co, 4768
International Harvester, 15927
International Hat Co, 24872
International Shoe Co, 7546, 15927, 19251
International Telephone & Telegraph Corp, 5594
ISG Extrusion Toolings, Inc, 18074
Italcraft, Inc, 23828
J.B. Coat, Inc, 28177
J. C. Glenzer Co, 18074
J.C. Manufacturing Co., Inc, 28177
J.C. Sportswear, Co., Inc, 24872
J.P. McElwain Co, 23828
J.H. Apparel, 1062
J.P. Stevens & Co, 20223
J & V Products, 3646
J & W Cedar Products, 3646
J.X. Palms Co, 14234
Jacana Sportswear, Inc, 7546
Jack Winter, Inc, 19251
Jackie Stuart, Inc, 1059, 28177
Jacoby-Bender, Inc, 7896
James Textile Corp. et al, 28178
Jay Clothing Industries, 25792
Jay Garment Co., Inc, 7545
Jeri Morton, Inc, 18076, 19251
Jersey Fashions, Inc, 19251
Jersey Made Fashions, Inc, 23828
Jo Gal Shoe Co, 28177
John Demolet Lincoln Mercury, Inc, 18074
Julius Resnick, Inc, 7545
Junior Colony Fashions, Ltd, 25792
K & R Sportswear, Inc, 18074
K.T. Plas, Inc, 9598
Kaye Coat Co., Inc, 8431, 15927
Keds Corp, 23828
Kelly Park, Ltd, 1059
Keystone Fireworks Manufacturing Co, 7546
Keystone Group, 4768
Klingman Brothers, Inc, 3646, 15928
Knudsen Pole Co, 23828
Kransco Manufacturing, Inc, 4768
Krown Manufacturing Co., Inc, 26945
Lacks Industries, Inc, 20223
Lady Arrow, 7546
Lakeland Manufacturing Co, 14803
Lamson & Sessions Co, 5491
Lane Cedar Products, Inc, 8894
Lapeer Metal Products Co, 21318
Lawrence Manufacturing Co., Inc, 20223
Leader Metal Products, Inc, 5491
Lear Siegler, Inc, 21318
Leather Sports, Inc, 23828
Leslie Fashions, Inc, 7546
Levi Strauss & Co, 15927
Libbey-Owens-Ford Co, 11342
Liberty Fashions, Inc, 26945
Linden Manufacturing Co, 23828
Litton Systems, Inc, 14234
Lone Star Industries, Inc, 7546
Long Island City Coat & Suit Corp, 14234
Long Island Coat & Suit Co, 14236
Longview Booming Shakemill, 15927
Lou Levy & Sons Fashions, 19251
Lukens Steel Co, 23828
Lydall, Inc, 1059
M & A Manufacturing, 7546
M.C.S. Fashions, Inc, 23828
M. O. Dorby, Inc, 14803
M. Shower & Co, 1062
Magic Marker Corp, 18074
Main Gate Ltd, 1059
Manny's Outerwear, Inc, 23828
Marco Electric Manufacturing Co, 8894
Marcraft Recreation Corp, 23604
Marine Optical, Inc, 9598
Mario Sportswear Co., Inc, 14234
Marion Power Shovel, 21318
Massey-Ferguson, Inc., et al, 15929
Mayflower Coat Co, 15927
Mayflower Coat Manufacturing Co, 23828
McCord Corp, 23602
McGrew Brothers Sawmill, Inc, 15927
McLaughlin Co, 1059
MCM Coat Co., Inc, 24872
Meco Knitting Mills, 14234
Melville Corp. et al, 14234, 20223
Merck & Co., Inc., et al, 3647, 8429
Merit Clothing Co, 5491
Merit Plastics, Inc, 1062
Metalloy Corp, 7546
Miami Express, Inc, 15927
Michel Coat, Inc, 11342
Microdot Manufacturing, Inc, 21318, 26948
Middletown Leather Co, 23828
Midland Steel Products Co, 23828
Midway Shake Co, 8429
Mighty-Mac, Inc, 3220
Mil Garment Co., Inc, 23828
Milwaukee Glove Co, 21318
Milwaukee Toole & Equipment Co, 23828
Mirando Manufacturing Co., Inc, 15927
Misty Harbor, Ltd, 8894
Misty Manufacturing, 8894
Mitchell Apparel, Inc, 15927
Mitchell Industries, Inc, 23828
MKD Corp, 25792
Modern Coat Annex, 28177
Modern Tool & Die Co, 15927
Modine Manufacturing Co, 19251, 20223
Modulus Corp, 8894
Mold Masters Co, 23828
Monsanto Plastics & Resins Co, 9598
Morgan Shirt Co, 14234
Moss Sportswear, Inc, 14234
Movie Star, Inc, 9598
MSM Coat Co., Inc, 4768
Munsingwear, Inc, 7546, 11342
Musgrove Milling, 3646
N.E.B. Jean & Sportswear Co., Inc, 20223
Natalie Ann Fashions, Inc, 1062
Natalie Fashions, Inc, 14803
National Fiber Glass Products, 4768
National Standard Co, 20223
Neimor Contractors, Inc, 1059
Niagara Plastics Co, 9598
Nickoletta Fashions, Inc, 3646
Norrwock Shoe Co, 1062, 8429
North Hoquiam Cedar Products, Inc, 23828
North Shore Shake, Inc, 3646, 15930
Northwestern Steel & Wire Co, 9598
Oak Rubber Co. et al, 14234
Old Mr. Boston Distiller Corp, 14803
Opelika Manufacturing Corp, 20223
Owens Illinois, Inc, 4768
P.D.A. Coat Corp, 11342
P.F. Industries, Inc, 8430
Pacific Highland Cedar Products, Inc, 18074
Page Plastics, Inc, 20223
Pantasote, Inc, 15927
Paragon Leather Services, Inc, 5491
Paris Knitting Mills, Inc, 1059
Park Fashions, Inc, 20223
Park Silk Co., Inc, 23828
Parker Hannifin Corp, 5491
Parr, Inc, 5956
Pathfinder Mines Corp, 7546
Paula Lawrence, Ltd, 2423
Pearl, 23828
Penchansky Brothers, Inc, 7546
Pennsy Coats, Inc, 1059
Penry Manufacturing Co, 24872
Perception, 9596
Perkins Engines, Inc, 15927
Perry Plastics, Inc, 1062
Peter Cooper Corp, 28177
Peterson Shake Co, 3646
Peterson Spring Corp, 14234
Petite Dreamwear, Inc, 20223
Phelps Dodge Corp, 19251
Phill Jacobs, Inc, 1062
Pivot Manufacturing Co, 5491
Port Clinton Manufacturing Co, 1059
Portera Garments, Inc, 9598
Portion King, Inc, 1062
Powder River, Inc, 9598
Princess Stitching, Inc, 1059
Products Section, 21318
Proto Tube, Inc, 11342
Publix Shirt Corp, 15927
Q & T Coat Corp, 11342
Quad Knit, Inc, 19251
Quality Art Corp, 19251
Quatro Knits, Inc, 25792
R. Fox Ltd, 20223
R. Jackson Manufacturing Corp, 24872
R & K Fabrics, Inc, 18074
R & S Apparel Contractors, Inc, 23828
Randy Coat Co., Inc, 28177
Raycord Co., Inc, 20223
RCR Sportswear, Inc, 23828
Red Cedar Products, 3646
Redfern Manufacturing Co, 18076
Regal Sportogs, Inc, 8894
Reid Stevens, 3648, 23828
Reid-Meredith, Inc, 9598
Reidbord Brothers Co, 9598
Reiss Sportswear, 2423
Reproduction Technologies, Inc, 15930
Rexnord, Inc, 5491
Richard Callahan, Inc, 6502
Richard Todd, Inc, 18074
Rico Fashions, Inc, 14234
Ritus Rubber Corp, 5491
Robert Bruce, Inc, 15927
Rochelle Apparel Co, 9598
Rockport Log & Shake Co, 19251
Rockwell International, 7546, 19251, 24872, 28177
Rondalco Industries, Inc, 21318
Rosalba Coat Co., Inc, 23828
Rosemary Fashions Coat Co, 28177
Rubin Gloves, Inc, 15927
Russel Taylor, Inc, 23828
Russell, Burdsall & Ward Corp, 14234, 25792
Russell Gasket Co, 4768
Rutgers Cloak Manufacturing Co., Inc, 19251
S. M. Astro Drilling & Blasting Co., Inc, 14236, 15930
S & M Leather Coat Co, 23828
Saco Tanning Corp, 1059
Sager Glove Corp, 2423
Sam Bruitin & Co, 15927
Samsonite Corp, 23828
Sanitary Scale Co, 9598
Saywood Sportswear, Inc, 14234
Schott Brothers, Inc., et al, 18074
Schreck Industries, Inc, 21318
Schwartz Manufacturing Co., Inc, 9598
Scott & Fetzer Co, 23828
Scovill, Inc, 24872
Scranton Foods, Inc, 3220

Seal-O-Matic Corp, 21318
Sebewaing Industries Inc, 3646
Sellner Manufacturing Co, 23828
Selmer Co, 25792
Sensors, Inc, 11342
Shamokin Dress Co, 18074
Sheep Mates, Inc, 18075
Shelburne Shirt Co, 20223
Sheldon Machine Co., Inc, 19251
Sheller-Globe Corp, 19251
Shez Manufacturing Co, 9598
Shroyer Dress Co, 18074
Simon Ellis, Inc, 7546
Sintered Metals, Inc, 15927
Sjoblom Shake Mill, 14236
Smallwood Packing Co., Inc, 3646
Smart Maid Coat & Suit Corp, 14234
Snob Fashions, Inc, 14234
Society Lingerie, Inc, 8894
Somar, Inc, 18074
Sondra Coat Co, 26945
South Bend Lathe, Inc, 25792
Sprague Electric Co, 21318
Spring Valley Garment Co, 28177
Standard Forgings Corp, 19251
Standard Plastic Products, Inc, 11342
Standard Products Co., Inc, 20223, 23828
Star Coat Manufacturing Co., Inc, 24872
Star Debs, Inc, 19251
Starbuck, Inc, 18074
Stephanie Coat, Inc, 5956
Sturbridge, Inc, 28177
Stutz Products Corp, 28177
Sue Brett, Inc, 11342
Sun Ship, Inc, 5491
Supercraft Coats, Inc, 19251
Superior Shake Co, 18074
Suzette Fashions, 14234
Swiss Time Impertra Corp, 21318
Syntax Corp, 8894
T. J. Corp. et al, 14803
T. M. Landis, Inc, 18075
Talon, Inc, 11342
Tandra Dress, Inc, 7546
Tectonic Industries, Inc, 7546
Tel-Aviv, Inc, 26945
Texas Apparel Co, 2423
Textron, Inc, 1059, 18076
Thom McAn Shoe Co, 19251
Thompson Steel Co., Inc, 14234
Thorntown Textile Co, 3646
Three Dee Knitting, 25792
3M Co, 21318
Tiara Coat Fashions, 23828
Tilton Spongers Corp, 14234
Toby Fashions, Inc, 15927
Tommy Alpren Togs, Inc, 14234
Toni Totes of Vermont, Inc, 23828
Tonia Fashions, Inc, 21318
Torsion Balance Co, 19251
Town & Country Shoes, Inc, 19251
Townsend Fastening Systems, 19251
Treiber Brothers, Inc, 8430
Tri City Sportswear, Inc., 14234
Trifine Trouser Co., Inc, 15927
Twine Products Corp, 14234
Two-B-Wear, 24872
Tyco Crystal Products, Inc, 1059
U.S.M. Corp, 20223
U.S. Steel Corp, 11342, 23828
Ultratek Disposable Co, 21318
Union Carbide Corp, 15927
Uniroyal, Inc, 23828
United Industrial Sindicate, Inc, 14234
United Merchants & Manufacturers, Inc, 20223
United States Shoe Corp, 14803
United Technologies Corp, 21318
Upland Cedar Products, 4768
Upson Co, 11342
Van De Mark Chemical Co., Inc, 15927
Varbros Corp, 14234
Venus Coat Co, 23828
Venus Creations, Inc, 23828
Venus Textile Manufacturing Co, 23828
Vera Industries, Inc, 15927
Viner Brothers, Inc, 21318
Walworth Co, 9598
Warner & Swasey Corp, 24872
Warrior Asphalt Co, 23828
Washington Stove Works, 3646
Wasser & Fluhrer, Inc, 14234
Watertown Industries, Inc, 23828
Wayne Production Braoching Co, 23828
Wells Lamont Corp, 28177
Wells Manufacturing Corp, 14234
West New York Sportswear, 18077
West Virginia Malleable Iron Co. et al, 5491
Westclox U.S, 23828
Western Electric Co., Inc, 23828
Westinghouse Electric Corp. et al, 18074, 21318
Whitley Products, Inc, 23828
Wilcox Forging, Inc, 15927
William B. Haskell Manufacturing Co, 28177
William B. Kessler, Inc, 14234
Willow Coat Co, 15927
Winer Industries, Inc, 21318
Woman's Haberdashers, 23604
Wurlitzer Co, 7546
York Mills, Inc, 18075
Young Timers, Inc, 11342
Young Timers, Inc., et al, 23602
Youthcraft Coats & Suits, Inc, 7546
Zenith Electronics Corp. of Missouri, 25792

EMPLOYMENT POLICY, NATIONAL COMMISSION

NOTICES
Meetings, 4369, 8898, 15459

EMPLOYMENT STANDARDS ADMINISTRATION

See also Wage and Hour Division.
RULES
Contractors and subcontractors on public building or work financed by U.S. loans and grants; reporting requirements, etc, 23678
Contracts covering federally financed and assisted construction (and nonconstruction contracts subject to Contract Work Hours and Safety Standards Act); labor standards provision, 23658, 24296, 24297
Reporting and recordkeeping requirements, 145
Wage rates; procedures for predetermination, 23644
PROPOSED RULES
Black lung disease:
Claims for benefits; standards for disability or death, 22674
Regulatory agenda. For references, see entry under Labor Department.
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions:
Alabama, 5612, 8486, 13096, 14336, 17718, 19862, 20978, 24514
Alaska, 4454, 5612, 13096, 24514
Arizona, 584, 7588, 17718, 19862
Arkansas, 6536, 8486
California, 2454, 3270, 5612, 7588, 8486, 9650, 12022, 13096, 14336, 16506, 18730, 23620, 24514
Colorado, 584, 5612, 6536, 7588, 8486, 10942, 13096, 14336, 15488, 18730, 20978, 23620, 26530
Connecticut, 414, 5612, 7588, 13096, 15488, 16506, 19862, 25454, 26530
Delaware, 8486, 24514
District of Columbia, 9650, 19862, 22300, 23620, 24514, 27676
Florida, 7588, 9650, 10942, 12022, 14336, 15488, 17718, 18730, 24514, 27676
Georgia, 5612, 7588, 9650, 10942, 13096, 27676
Hawaii, 4454, 10942, 16506, 19862, 23620
Idaho, 584, 5612, 7588, 13096, 14336, 16506, 24514
Illinois, 2454, 4454, 6536, 9650, 13096, 14336, 15488, 16506, 18730, 19862, 20978, 22300
Indiana, 4454, 6536, 13096, 15488, 18730, 20978, 24514
Iowa, 414, 2454, 6536, 8486, 10942, 12022, 17718, 19862, 22300, 23620, 24514, 26530
Kansas, 2454, 5612, 7588, 8486, 13096, 15488, 16505, 18730, 20978, 22300, 23620, 26530
Kentucky, 4454, 14336, 18730
Louisiana, 414, 2454, 8486, 9650, 15488, 16506, 18730, 19862, 22300, 26530
Maine, 5612
Maryland, 9650, 13096, 17718, 19862, 20978, 22300, 23620, 24514, 25454
Massachusetts, 12022, 17718, 18730, 24514, 26530
Michigan, 8486, 9650, 15488, 18730
Minnesota, 8486, 15488, 16506, 18730
Mississippi, 5612, 8486, 14336, 23620
Missouri, 4454, 7588, 14336, 15488
Montana, 4454, 5612, 7588, 10942, 16506
Nebraska, 4454
Nevada, 4454, 5612, 12022, 18730
New Hampshire, 8486, 18730
New Jersey, 4454, 5612, 6536, 7588, 8486, 10942, 12022, 13096, 14336, 15488, 16506, 19862, 20978, 24514, 27676
New Mexico, 26530, 27676
New York, 15488, 18730, 19862, 26530
North Carolina, 13096, 18730, 27676
North Dakota, 5612
Ohio, 4454, 10942, 15488, 18730, 19862, 22300, 23620
Oklahoma, 6536, 12022, 13096, 17718, 22300, 27676
Oregon, 584, 4454, 5612, 9650, 10942, 14336, 16506, 18730, 24514, 26530
Pennsylvania, 414, 2454, 3270, 4454, 5612, 6536, 7588, 8486, 9650, 10942, 12022, 13096, 15488, 18730, 20978, 22300, 23620, 24514, 25454, 26530
Rhode Island, 4454, 8486, 12022, 15488, 24514
South Carolina, 27676
South Dakota, 12022
Tennessee, 584, 12022, 16506
Texas, 414, 2454, 4454, 6536, 8486, 9650, 14336, 15488, 16506, 18730, 19862, 22300, 23620, 26530

Utah, 584, 14336, 16506, 27676
Vermont, 3270, 7588, 20978
Virginia, 414, 4454, 9650, 13096, 17718, 19862, 22300, 23620, 24514, 27676
Washington, 584, 3270, 5612, 7588, 8486, 12022, 14336, 16506, 17718, 24514, 27676
West Virginia, 4454, 20978, 25454
Wisconsin, 8486, 9650, 10942, 12022, 13096, 15488, 18730
Wyoming, 4454, 6536, 10942, 18730, 23620

ENDANGERED SPECIES

See Fish and Wildlife Service.
National Oceanic and Atmospheric Administration.
Pacific Northwest Electric Power and Conservation Planning Council.

ENERGY

See Bonneville Power Administration.
Economic Regulatory Administration.
Federal Energy Regulatory Commission.
Geological Survey.
Nuclear Regulatory Commission.
Pacific Northwest Electric Power and Conservation Planning Council.
Rural Electrification Administration.
Southeastern Power Administration.
Synthetic Fuels Corporation.
Western Area Power Administration.

ENERGY CONSERVATION

See Commerce Department.
Conservation and Renewable Energy Office.
Economic Regulatory Administration.
Energy Department.
Energy Information Administration.
General Services Administration.

ENERGY DEPARTMENT

See also Bonneville Power Administration.
Conservation and Renewable Energy Office.
Economic Regulatory Administration.
Energy Information Administration.
Energy Research Office.
Federal Energy Regulatory Commission.
Hearings and Appeals Office, Energy Department.
Minority Economic Impact Office.
Southeastern Power Administration.
Western Area Power Administration.

RULES

Administrative procedures and sanctions; interpretations, 13767
Freedom of Information Act; implementation, 9995
Nondiscrimination in employment by government contractors; sanction proceedings hearing rules; removal, 12135
Procurement, 16730, 21539, 26390
Regulatory review, 18574
Standby Federal emergency plan:
Odd-even motor fuel purchase restrictions, employer-based commuter and travel, speed limit enforcement and reduction, and non-residential building temperature restrictions measures elimination, 5688
Weatherization assistance for low-income persons; interim, 9014

PROPOSED RULES

Administrative procedures and sanctions:
International electric power system applications; fee structure review, 16907
Classified matter or special nuclear material, access; criteria and procedures for determining eligibility, 2874
Coal leasing, Federal; diligence requirements; hearing cancelled and address correction, 6283
Coal leasing, Federal; diligence requirements; submission of comments to Geological Survey, 817, 819
Emergency energy conservation program; State program submissions; grant procedures and requirements; withdrawn, 28107
Financial assistance; grants and cooperative agreements; update and clarification of requirements, 12038, 19154
Procurement, 18923, 23780
Regulatory agenda, 19304
Regulatory flexibility review plan, 18574, 18604
Regulatory review, 18574, 18604
Residential conservation service program:
Energy auditor training and certification grants; withdrawn, 1301
Weatherization assistance for low-income persons:
Sub-grantee selection criteria, 1299

NOTICES

Authority delegations:
Coal Regulations, Assistant General Counsel; issuance of interpretations, 19732
Conservation and Renewable Energy, Assistant General Counsel; issuance of interpretations, 19732
Natural Gas and Mineral Leasing, Assistant General Counsel; issuance of interpretations, 19732
Committees; establishment, renewals, terminations, etc.:
Advisory committees; review, 10618
Federal Assistance for Alternative Fuel Demonstration Facilities Advisory Committee, 3873
Magnetic Fusion Advisory Committee, 23198
National Petroleum Council Advisory Committee, 846
Conflict of interests:
Divestiture requirements; supervisory employees; waivers granted, 16093
Crude oil imports; weekly crude watch report; OMB approval, 17613
Electric system reliability; Jersey Central Power & Light Co.-Ontario Hydro Interconnection; inquiry, 18645
Environmental statements; availability, etc.:
Canadian border; electric transmission line, construction and operation effects; scoping meetings, 8619
Ethanol; financial incentives for production of up to 60,000 barrels per day, 7483
Magnetic fusion program; scoping meeting, 9271
Naval Reactor Fuels Materials Facility, Savannah River Plant, Aiken, S.C.; construction and operation, 21576
Radioactive waste (high-level) repositories siting; draft national plan, 10618
Radioactive wastes (high-level); Defense Waste Processing Facility construction and operation at Savannah River Plant, Aiken, S.C.; record of decision, 23801
Rocky Flats Plant site, Jefferson County, Colo, 9500
Strategic petroleum reserve; phase III expansion, Tex, 9736
Equal Access to Justice Act; applicability determination, 8619
Floodplain and wetlands environmental review determinations; availability, etc.:
Strategic petroleum reserve; phase III expansion, Tex, 9730
U.S. Ethanol Corp.; construction of fuel alcohol plant, East Baton Rouge Parish, La, 4110
Grants; availability, etc.:
Solar central receiver repowering; cooperative agreements, 15827
Heavy water; termination of production and sale, 22393
International atomic energy agreements; civil uses; subsequent arrangements:
Australia, 1166, 1403, 2911, 10897, 20851
Canada, 1165, 1403, 4134, 4330, 10897, 13401, 14945, 20852, 27960
Egypt, 10897
European Atomic Energy Community, 1166, 1404, 3203, 4134, 4135, 4330, 5452, 6689, 6690, 10897, 10898, 13031, 13401, 14945, 16196, 16197, 16674, 17111, 17664, 17665, 18170, 18171, 18946, 19733, 20375, 23003, 23543, 26181
Finland, 1166, 4135, 18170
Indonesia, 4135, 10898
International Atomic Energy Agency, 3202, 4134, 18170, 26427, 27960
Japan, 2154, 4134, 4135, 6689, 6690, 10898, 10899, 13031, 14945, 16674, 17664, 18170, 18171, 18946, 20851, 20852, 23543, 25047, 26428
Korea, 1166, 3202, 4136, 6689, 26428
Mexico, 3202
Norway, 1166, 1404, 3203, 10898
Spain, 14945, 20375, 25047, 26428
Sweden, 1166, 3202, 10898, 13031, 23003
Switzerland, 5452, 17664, 23003, 25047, 26181, 26428
Taiwan, 18171
Meetings:
Dose Assessment Advisory Group, 17111
Energy Research Advisory Board, 12379
High Energy Physics Advisory Panel, 17112
International Energy Agency Industry Advisory Board, 6322, 16197, 20852, 24618
International Energy Agency Industry Working Party, 2153, 13028
Magnetic Fusion Advisory Committee, 23197
National Petroleum Council, 3029, 7484, 12854
National Environmental Policy Act; implementation, 7976
Patent licenses, exclusive:
Anthony's Manufacturing Co., Inc, 23968
Atom Sciences, Inc, 6362, 17112
Electronics, Missiles, & Communications, Inc, 6362
Patents, exclusively or nonexclusively; availability, 26688
Privacy Act; systems of records; annual publication, 14284
Radioactive waste (high-level) repositories siting; draft national plan and environmental assessment, 10618
Remedial orders. See entries under Economic Regulatory Administration.

Three Mile Island accident:
Solid nuclear wastes; removal and disposition from cleanup of Three Mile Island Unit 2 Nuclear Plant; memorandum of understanding with NRC, 16229
Uranium depleted in isotope U-235 (tails); sale pricing policy change; inquiry, 846, 4330, 17110
Uranium hexafluoride; separative work and base charges, 7483

ENERGY INFORMATION ADMINISTRATION

NOTICES

Agency forms submitted to OMB for review, 9048, 19579, 22143, 25179, 26181
Financial Reporting System (Form EIA-28); inquiry, 9048
Meetings:
American Statistical Association Committee on Energy Statistics, 3834, 18169
Monthly and quarterly petroleum product sales reports (EIA Forms 782 and 783), proposed; hearing, 15534
Monthly power plant report (Form EIA-759); revision and inquiry, 26691
Natural gas, high cost; alternative fuel price ceilings and incremental price threshold, 3029, 7722, 11921, 16883, 19734, 21914, 23803, 26700
Petroleum supply data collections forms, changes; inquiry and hearing, 17614, 22143
Reporting and recordkeeping requirements, 12920, 23106
Steam-electric plant air and water quality control data (Federal Power Commission Form 67); revision and inquiry, 8621

ENERGY RESEARCH OFFICE

NOTICES

Committees; establishment, renewals, terminations, etc.:
Energy Research Advisory Board, 27599
Meetings:
DOE/NSF Nuclear Science Advisory Committee, 2394, 8840, 14510
Energy Research Advisory Board, 845, 846, 2398, 3873, 4330, 7721, 8402, 12379, 13571, 18170, 18651, 20176, 20840, 25766, 26428
High Energy Physics Advisory Panel, 5035, 17112

ENGINEERS CORPS

RULES

Danger zones:
California; Pacific Ocean at San Miquel Island, 4990
Flood damage prevention; level of protection for urban areas; CFR Part removed, 18596

PROPOSED RULES

Navigation regulations:
Carr Inlet, Puget Sound Area, Wash.; restricted area, 16046
Regulatory agenda. For references, see entry under Defense Department.

NOTICES

Environmental statements; availability, etc.:
Abiquiu Reservoir, Rio Chama, N. Mex.; water supply storage, 5928, 12204
Ararat River, N.C.; flood control project; meeting, 843
Berry's Creek, Bergen County, N.J.; dredging and disposal of mercury contaminated bottom sediments, 6060
Bonneville Lock and Dam, Oreg. and Wash.; proposed navigation development, 14937
Bridgeport and Black Rock Harbors, Conn.; proposed navigation improvements, 27596
Central and Southern Florida Shark River Slough Area; Everglades National Park, Fla, 8039
Chignik Bay, Alaska; proposed hydropower project, 15155
Chignik Lagoon, Alaska; proposed hydropower project, 15154
Clear Lakes Hydropower study, Idaho, 3026
Columbia River, Oreg. and Wash.; deepening of entrance channel, 6461
Denver Board of Water Commissioners, Denver, Colo.; future water development proposals, cumulative effects, 15405
Dosewallips River, Brinnon, Wash.; flood damage reduction study, 11762
Hickory/Spring Creek Flood Control Project, Joliet, Ill, 8618
Kansas and Osage Rivers, Kans.; mineral intrusion study, 6319
Kansas-Osage study, Kans.; fish hatchery construction, 843
Kaw Lake, Arkansas River, Okla, 11547
Lake Darling, Souris River, N. Dak.; proposed flood control project, 18167
Limestone Creek, Manlius, N.Y.; flood control project; scoping meeting, 13400
Lorain Harbor, Ohio; recreational navigation project, 26886
Manteo (Shallowbag) Bay Project, Dare County, N.C, 17609
Matheny, W.Va.; Laurel Fork small flood control authority project, 4110
Mississippi River-Coon Rapids Dam to Ohio River, South Quincy Drainage and Levee District, Ill, 13025
Missouri River at river mile 1588.76, etc.; construction and operation of pipeline crossings by Northern Tier Pipeline Co, 7480
Missouri River Levee System Unit L 325-319; flood protection, 6916
Parachute Creek, Garfield County, Colo.; earth fill dam construction, 13858
Perryville, Alaska; proposed hydropower project, 15155
Pointe Mouillee, Mich.; confined disposal facility; proposed wetland establishment project, 5031
Portsmouth, Va.; proposed coal terminal, 24768
Puerto Rico to St. Thomas, V.I.; construction of fresh water pipeline, 7480
Sacramento River and Tributaries bank protection and erosion control investigation, Calif, 15155
Sacramento San Joaquin Delta Investigation, San Joaquin County et al., Calif, 15154
Unalaska, Alaska; proposed hydropower project, 15154
Meetings:
Environmental Advisory Board, 11056
Pipeline right-of-way applications:
Idaho, 10072
Montana, 10072
Washington, 10072
Water resources planning guidance, internal, 18640
Water Resources Support Center, Waterborne Commerce Statistics Center; microfiche publications; inquiry, 5288

ENVIRONMENT AND ENERGY OFFICE, HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Environmental Quality Office, Housing and Urban Development Department.

ENVIRONMENTAL PROTECTION AGENCY

RULES

Air pollutants, hazardous; national emission standards:
Arkansas; authority delegation, 7665, 22095
Chlor-alkali plants and sewage sludge incinerators; test methods for mercury emissions, 24703
Delaware; authority delegation, 17989
Iowa; authority delegation and addition of address, 11662
Mississippi; authority delegation, 12626
Oregon; authority subdelegation, 20305
Air pollution; standards of performance for new stationary sources:
Arkansas; authority delegation, 7665, 22095
Delaware; authority delegation, 17989
Gas turbines, stationary; industrial power generation, 3767
Homer City Steam Electric Generating Station, Pa.; waiver; correction, 2314
Lead-acid battery manufacture, 16564
Louisiana; authority delegation, 7665
Mississippi; authority delegation, 12626
Oklahoma; authority delegation, 17285
Pennsylvania; authority delegation, 25524
Phosphate rock plants, 16582
Priority list of categories of stationary sources, 950
Air pollution control; new motor vehicles and engines:
Carbon monoxide emission standards; 1981 model year light-duty vehicles, 14904
Carbon monoxide emission standards; 1982 model year light-duty vehicles, 16182
High altitude emission standards; 1983 model year light duty trucks; interim rule and request for comments, 21793
Low-emission vehicles; certification procedures removed, 12797
Nitrogen oxides (NOx) emission standards; 1981-1984 model years; light duty-diesel vehicles, 6629, 16334
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
Alabama, 7666
Arkansas, 20490
California, 28099
Delaware, 10535
Florida, 7666
Georgia, 23162
Kentucky, 22955
Louisiana, 20490, 20491, 20492
Maryland, 20126
New Mexico, 10004
Pennsylvania, 5900

Utah, 25335
Air programs; energy related authority; delayed compliance orders, etc.:
Massachusetts, 5893
Air programs; fuel and fuel additives:
Lead-in-gasoline test procedure; optional automated method, 764
Air programs; nonferrous smelter orders, primary (NSO's):
New Mexico, 21790
Air quality implementation plans; approval and promulgation; various States, etc.:
Alabama, 7660
Arizona, 5411, 15579, 16326, 17483, 19326, 26382, 28374
Arkansas, 1290, 2112, 2113, 16328, 18860, 19135
California, 3110, 3353, 3548, 3549, 3550, 10206, 11866, 13140, 15585, 15784, 15785, 17486, 18854, 19330, 19694, 20124, 23159, 24306, 25013, 26379, 26384, 26388, 26618, 27065, 28374
Colorado, 4257
Connecticut, 762, 6827, 24552
Delaware, 5716, 10535, 11013
Florida, 3111, 13336, 15581, 15793, 19992, 26386, 28096
Georgia, 6017, 15794
Hawaii, 3110
Illinois, 8772, 12164, 13337, 17814, 22362, 25008, 26619
Indiana, 4991, 6274, 6621, 10813, 20583, 26832
Iowa, 1119, 9462, 15583, 22531
Kansas, 3112, 8358, 11661, 12965, 26387
Kentucky, 1291, 9832, 15788, 20125, 25010
Louisiana, 3115, 6015, 6623, 16015, 16016, 19994, 25012
Maine, 947, 6829, 9462
Maryland, 7834, 7835, 15140, 19994, 20126, 26381
Massachusetts, 3352, 6011, 9835, 13143, 15789, 23927, 25007, 28372
Michigan, 1292, 3764, 3765, 6013, 6828, 7227, 7661, 12625, 15792, 19133, 21534
Minnesota, 19520, 26623
Missouri, 6829, 15581, 19523, 25143, 26833
Montana, 23927
Nebraska, 3113, 22954
Nevada, 9833, 15790, 26386, 26620, 27065, 27070, 28374
New Hampshire, 763, 24552
New Jersey, 25334
New Mexico, 13338, 16330, 18858, 19332, 19333
New York, 7662, 9463, 10208
North Carolina, 7836
Ohio, 3114, 9834, 12164, 15782, 16784, 20586, 20770, 25144, 27071, 28097, 28375
Oklahoma, 15795, 16324, 16328, 20771
Oregon, 10534
Pennsylvania, 8358, 16325, 25009
Rhode Island, 17816
South Carolina, 6017
State implementation plan processing procedures, 27073
Technical amendments, 28373
Tennessee, 20304, 23160, 25010, 26621, 27267
Texas, 3766, 13142, 17284, 18857, 20769, 21533, 27071
Utah, 6427, 23447, 25335
Vermont, 948, 6014, 16331
Virginia, 2768, 8009, 8566, 9836, 14707, 18859, 19134, 19523
Washington, 7837, 12166, 16018
West Virginia, 11280
Wisconsin, 15783, 21042, 26622
Wyoming, 5892
Air quality implementation plans; delayed compliance orders:
Arizona, 1293
Washington, 21536
Air quality implementation plans; interstate pollution abatement:
Kentucky and Indiana; final determination, 6624
Air quality implementation plans; preparation, adoption, and submittal:
California, 20124
New stationary source construction and existing source modifications; deletion of vessel and mobile source as secondary emissions requirements, etc, 27554
Stack height (tall stacks), 5864
Stack height (tall stacks); availability of fluid modeling demonstration and hearing opportunity, 25006
Air quality planning purposes; designation of areas:
Alabama, 6628, 23163
California, 3354, 28100
Colorado, 1377, 2113
Indiana, 11014
Iowa, 19526
Kentucky, 6628, 18861, 23163
Maine, 19137
Michigan, 6428, 7228
Minnesota, 20306
Nebraska, 10208
Nevada, 20772
New Mexico, 19136
New York, 1120
Ohio, 11014, 11870, 20586, 25016
Oregon, 15587
Pennsylvania, 21792
South Carolina, 952
Tennessee, 27267
Texas, 2115, 4067, 17285
Wisconsin, 16333
Equal Access to Justice Act; implementation; interim rule and request for comments, 16780
Grants, State and local assistance:
Municipal wastewater treatment works construction; class deviation, 4066
Procurement under assistance agreements; effective for treatment works construction grants; interim rule, 20474
Treatment works construction; clarification and simplification of regulation and reduction in project costs; interim rule and request for comments, 20450
Hazardous waste:
Generators; annual reporting requirements; delayed compliance dates, 7841
Generators; on-site storage; permit requirements, 1248
Correction, 5413
Incinerators; standards for owners and operators and consolidated permit regulations; interim and final rules and request for comments, 27520
State programs; review and modification of permits prior to final authorization; regulation interpretation memorandum, 15307
Treatment, storage, and disposal facilities; annual reporting, quarterly groundwater readings submission, and groundwater quality assessment outlines requirements; delayed compliance dates, 7841
Treatment, storage, and disposal facilities; financial requirements, 15032
Correction, 19995
Treatment, storage, and disposal facilities; interim status period for owners and operators; ground water monitoring standards used to neutralize corrosive wastes; interim rule and request for comments, 1254, 2316
Treatment, storage, and disposal facilities; liability coverage requirements for bodily injury and property damage; interim, 16544
Correction, 17989
Treatment, storage, and disposal facilities; seismic location standard compliance, political jurisdictions list; interim; correction, 953
Treatment, storage, and disposal facilities; standards and interim status period standards for owners and operators; landfill disposal of containerized free liquid and liquid ignitable waste
Extension of compliance date, etc, 8304, 9803, 10006
Interim restrictions, 12316
Hazardous waste management system; summary of rulemaking petitions, 9007
Hazardous waste programs; interim authorizations:
Permitting under proposed suspended standards; policy statement, 8010
States
Arizona, 3551
Arkansas, 16624
Connecticut, 17055
Florida, 19698
Georgia, 22096
Illinois, 21043
Montana, 6831
Nebraska, 20773
North Carolina, 12966
Texas, 12347
Wisconsin, 2314
National Environmental Policy Act; implementation, 9827, 9831
Noise abatement programs:
Medium and heavy trucks and truck mounted solid waste compactors; deferral of effective dates, 7186
Transportation equipment; interstate rail carriers; correction, 14709
Permit programs, consolidated:
Hazardous waste management facilities, underground injection control facilities, and facilities that discharge pollutants to navigable waters; issuance of permits; correction, clarification, etc, 15304
State underground injection control program criteria and standards; final rule and request for comments, 4992
Treatment, storage, and disposal facilities; standards and interim status period standards for owners and operators; landfill disposal of containerized free liquid and liquid ignitable waste; extension of compliance date, 8304, 10006
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Acephate, 622
Aldicarb, 14906
Allethrin, 20307

Alpha-(P-(1,1,3,3-tetramethylbutyl)phenyl)-omega-hydroxypoly (oxyethylene), 9001
2-Amino-4,5-dihydro-6-methyl-4-propyl-S-truaziki (1,5-alpha) pyrimidin-5-one, 16022
Aqueous extract of seaweed meal, 16021
Atrazine, 3771, 8012
Beans, 623
Bromoxynil, 2862, 8999
Carbaryl, 623, 25960
Carbofuran, 1379, 2863
2-Chloro-N-isopropylacetanilide, 25958, 28380
Chlorothalonil, 23934, 25741
Chlorpyrifos, 6019, 9000, 13525, 16011, 19335, 25961
Colletotrichum gloeosporioides f. sp. aeschynomene, 25741
Corn syrup, 10212
(plus/-)Cyano(3-phenoxyphenyl)methyl(plus)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate, 619
Cyano (3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate, 5001, 5002, 6019, 14907, 17056, 21537, 25962
2,4-D, 620
Diethatyl-ethyl, 8011
O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, 25959
Dimethoate, 16019
Dimethylformamide, 10212, 18127
Diquat, 8013, 16020
Earth chlorides, rare, 23935
F.D. & C. Blue No. 1, 25963
Glyphosate, 23931, 28381
(Z)-11-Hexadecenal, 14905
Hexakis, 21538
Mefluidide, 13526
Methamidophos, 13524
Methomyl, 23931
2-Methyl-4-chlorophenoxyacetic acid (MCPA), 8013
Methyl eugenol/malathion combination, 9001
Metolachlor, 10536, 14910, 23932
N-Methylpyrrolidone, 18128
Nitrapyrin, 22957
Norflurazon, 14908, 14909, 17057
Nosema locustae, 21536
Oryzalin, 3771
Oxamyl, 8998
Oxyfluorfen, 1380, 1381, 1383, 1384
Phenmedipham, 6018
Polyethylene glycol, 10210
Potassium oleate and related C12-C18 fatty acid potassium salts, 1378
Potassium sorbate, 23933
Propanil, 1382
Propargite, 25017
Residues in dry bulb onions, 1381
Seaweed meal aqueous extract, 1384
Sodium chlorate, 13528
Sulfuric acid, 13527
Terbufos, 17058
Thiabendazole, 8998, 28380
Thidiazuron, 25957
Thiobencarb, 6832
Tolerances for minor uses based on residue data from limited geographical areas, 10211
Trifluralin, 13523, 20307
Triforine, 18129

Pesticide programs:
Antimicrobial pesticide ingredients; designation as inert then active; notification to Agriculture Secretary, 16020, 28377
Biological control agents, exemption, 23928
Registration standards ranking scheme; pesticide chemical active ingredients; availability of administrative record, 3770

Pesticides; tolerances in animal feeds:
Aldicarb, 14897
Butachlor, 14898
Carbofuran, 1375, 1376, 2860
2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate, 28368
Chlorpyrifos, 16020, 19322, 25954
Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate, 14896
O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, 25953
Ethephon, 27063
Metalaxyl, 25952
Methamidophos, 20297, 27064
Norflurazon, 14897
Thidiazuron, 25953
Thiodicarb, 16011

Pesticides; tolerances in food:
Aldicarb, 14894
Chlorothalonil, 22949
Chlorpyrifos, 19321
(plus/-)Cyano(3-phenoxyphenyl)methyl(plus)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate, 616, 2986
O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, 25951
2,2-Dimethyl-1,3-benzodioxol-4-ol methylcarbamate, 14895, 28366
Diquat, 8007
Ethephon, 27062
Hexakis, 21531
Metalaxyl, 25950
Norflurazon, 14895
Oxyfluorfen, 1374, 1385, 18127

Toxic substances:
Asbestos; friable asbestos-containing materials in schools; identification and notification, 23360
Correction, 25145
Chemical manufacturers; preliminary assessment information reporting requirements, 26992, 28382
Chlorofluoroalkanes, fully halogenated; chlorofluorocarbons in automatic timed-release insecticide dispensing systems used in tobacco storage, 23713, 23717
Chlorofluoroalkanes, fully halogenated; essential use exemption for pharmaceutical rotary tablet press punch lubricants, 148, 149
Citizen suits, prior notice; procedures, 2771, 25145
Inventory reporting; release of aggregate production statistics; final rule and request for comments, 27075
Polychlorinated biphenyls (PCBs); manufacturing, processing, distribution in commerce, and use prohibitions
Incorporations by reference update, 22098
Recodification, 19526
Premanufacture notification exemptions; chemicals used in or for instant photographic and peel-apart film articles, 24308

Waste management, solid; State plans:
Alabama, 6639
Arizona, 6833
Arkansas, 14910
California, 6834
Connecticut, 9002
Florida, 6641
Georgia, 9003
Illinois, 9004
Indiana, 17286
Kentucky, 6641
Louisiana, 14911
Massachusetts, 17059
Michigan, 9004
Minnesota, 9004
Mississippi, 6640
North Carolina, 6638
Oklahoma, 14911
Oregon, 26835
Pennsylvania, 14912
Tennessee, 6643
Wisconsin, 9005

Water pollution; effluent guidelines for point source categories:
Best conventional pollutant control technology (BCT) limitations exceeding best practicable control technology currently available (BPT) limitations; withdrawn, 6835
Inorganic chemicals manufacturing; pretreatment and new source performance standards, 28260
Iron and steel manufacturing, 23258
Iron and steel manufacturing; correction, 24544
pH effluent limitations under continuous monitoring, 24534
Pretreatment standards, general; new and existing industrial users of POTWs; partial deferral of effective date, 4518, 5413
Timber; best conventional pollutant control technology (BCT) limitations; withdrawn, 6835

Water pollution control:
Criteria and standards; final rule and request for comments, 4992
Drinking water, interim primary regulations; determination of compliance with microbiological maximum contaminant levels, etc.; correction, 10998
Drinking water; interim primary regulations; small public water systems; determination of compliance with microbiological maximum contaminant levels (MCLs), 8997
National pollutant discharge elimination system; application
West Virginia, 22363
Ocean dumping; Gulf of Mexico; redesignation site, 17817
Secondary treatment requirements; discharge into marine waters, 24918, 25963, 27075
State underground injection control programs
Louisiana, 17487
New Mexico, 5412
Oklahoma, 27273
Texas, 618, 17488

PROPOSED RULES

Air pollution; standards of performance for new stationary sources:
Pennsylvania; construction moratorium and Federal assistance limitation, 9477

Phosphate fertilizer industry, 26750
Synthetic organic chemicals manufacturing industry, volatile organic compounds (VOC) from fugitive emission sources; document availablity, 19724
Air pollution control; aircraft and aircraft engines:
Emission standard, JT3D engines, 20153
Air pollution control; new motor vehicles and engines:
Carbon monoxide emission standards; 1981 model year light-duty vehicles; waiver applications; hearing, 972, 11537
Gaseous emissions; 1984 and later model year light-duty trucks and heavy-duty engines, 1642, 8606, 12366
Nitrogen oxides (NOx) emission standards; 1981-1984 model years diesel powered light-duty vehicles; hearing, 1306, 16806
Nitrogen oxides (NOx) emission standards; 1985 and later model years light-duty trucks; advance notice; hearing, 16646
Nitrogen oxides (NOx) emisssion standards; 1986 and later model years heavy-duty engines; advance notice; hearing, 16646
Particulate emissions averaging; 1985 and later model year; diesel-fueled light-duty vehicles and light-duty trucks; correction, 8606
Particulate matter emission standards and testing procedures; 1986 and later model years heavy-duty diesel engines; hearing, 16646
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
Georgia, 26169
Air programs; fuel and fuel additives:
Average lead content in gasoline, 7812
Average lead content in gasoline; extension of time and hearing changes, etc, 11536
Small refineries; maximum average lead content in gasoline; suspension of effective date, 7814
Air quality implementation plans; approval and promulgation; various States, etc.:
Alabama, 21555
Arizona, 5439, 7267
California, 12195
Connecticut, 8212
Florida, 20327, 22122
Idaho, 21097, 24755
Illinois, 5015, 9479, 9480, 23485
Indiana, 9019, 10860, 11042, 15147, 16361, 20824, 22976, 23773, 27870
Kansas, 9481
Kentucky, 27871
Maryland, 4704, 5892
Massachusetts, 5729
Michigan, 11045, 15810, 28112
Minnesota, 12364, 19556
Missouri, 7696, 10058, 15609
Montana, 3138, 21860
Nevada, 7267
New Hampshire, 22978
New Jersey, 5014
New York, 15811
North Carolina, 13172, 27873
Ohio, 1398, 6441, 7856, 9478, 13535, 15368, 15812, 15814, 19722
Oregon, 18004
Pennsylvania, 9477, 20007, 23186, 25743, 25745
Rhode Island, 2129
South Carolina, 21859
Tennessee, 191, 27874
Texas, 6296
Utah, 4096
Wisconsin, 1304, 1398, 15813, 23778
Air quality implementation plans; delayed compliance orders:
Hawaii, 969, 2889
Ohio, 4320, 14177
Washington, 6442
Air quality implementation plans; interstate pollution abatement:
New York, Pennsylvania, and Maine, 1304
Air quality implementation plans; preparation, adoption, and submittal:
New stationary source construction, etc.; vessel emissions; extension of time, 4096
Air quality planning purposes; designation of areas:
Alabama, 6661, 18922
California, 8791, 15815
Colorado, 2131
Connecticut, 24755
Guam, 16805
Idaho, 21097
Indiana, 5440, 9019
Kentucky, 6661
Nevada, 10243
Air quality planning purposes; designation of areas; attainment designations by county for establishing baseline air quality data, 3011
Air quality standards; national primary and secondary:
Air monitoring instruments, calibration and audit standards; use of Certified Reference Materials (CRM), 2127
Carbon monoxide, 26407
Sulfur dioxide, suspended particulates, and carbon monoxide; measurement reference methods, etc, 2341
Air quality surveillance, ambient; State and local air monitoring stations:
Air monitoring instruments, calibration and audit standards; use of Certified Reference Materials (CRM), 2127
Grants; debarments and suspensions under EPA assistance programs, 7194
Grants, State and local assistance:
Assistance programs, general regulations, 26564
Environmental programs; draft availability, 7461
Municipal wastewater treatment works, construction; draft availability, 4704
Procurement under assistance agreements, 8960
Treatment works construction; facilities planning and design activities allowance, 20470
Uniform administrative requirements and procedures, 25912
Hazardous waste:
National oil and hazardous substances pollution contingency plan, 10972, 13174
Treatment, storage, and disposal facilities; disposal of containers holding free liquids in landfills, 8307
Correction, 8606, 10059
Extension of time, 13173
Treatment, storage, and disposal facilities; permitting standards for incinerators and storage surface impoundments; temporary suspension of effective date; proposed rule withdrawn, 27516
Wastewater treatment units; management and permitting regulations; reopening of comment period, 4706
Hazardous waste management system, etc.:
Uniform hazardous waste manifest, 9336
Uniform hazardous waste manifest; correction, 9865
Uniform hazardous waste manifest; extension of time, 20008, 28428
Hazardous waste programs; interim authorizations; various States:
Arkansas, 6443
California, 23955
Florida, 6444
Georgia, 10861, 18007
Illinois, 1155
Indiana, 15609
Michigan, 8382
Mississippi, 26170
Nebraska, 6297
New Jersey, 6298
New York, 6298
Puerto Rico, 6298
Texas, 3378
Permit programs, consolidated:
Minimization of regulatory burdens, 25546
National Pollutant Discharge Elimination System (NPDES); Caribbean rum distilling; reconsideration of effluent limitations, 15368, 24144
Underground injection control program; Class II programs for Indian lands; increased Agency flexibility, 17578
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Alkyl (C8-C18) sulfate and its salts, 25032
Aquatic pesticide uses, residues in drinking water; procedural changes, 25746
Benomyl, 22980
Bromoxynil, 651, 25748
Carbaryl, 18151
2-Chloro-N-isopropylacetanilide, 18154
Chlorothalonil, 12152, 18150
Chlorpyrifos, 653, 10244
Corn syrup, 2889
Crop grouping; tests on amount of residue remaining in minor crops, 20635
Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate, 23957
Dimethoate, 10596
F.D. & C. Blue No. 1, 20328
Glyphosate, 16051
Inorganic bromides resulting from soil treatment with methyl bromide, 23955
Malathion, etc, 22982
Methomyl, 16050
2-Methyl-4-chlorophenoxyacetic acid, 25749
Methyl eugenol/malathion combination, 652, 6299
Methyl parathion, 22981, 24604
1-Naphthaleneacetic acid, 25750
Nitrapyrin, 13537
Norflurazon, 6894, 8030, 9025
Oxamyl, 25981
Phosphorothioate, 19382
Poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(nonylphenoxy), 25031
Potassium sorbate, 17078
Propargite, 13536
Rare earth chlorides; cerous, etc, 18155

Sodium chlorate, 3798
Sulfuric acid, 6896
Thiabendazole, 654
Trifluralin, 6033
Pesticide programs:
Aquatic pesticide uses, residues in drinking water; procedural changes, 25746
Pesticide products; data requirements for registration; notice to Agriculture Secretary, 26171
Pheromones and identical chemicals used in traps and baits, exemption; notification to Agriculture Department Secretary, 25030
Rebuttable presumption against registration (RPAR) process, initiation criteria; notification to Agriculture Secretary, 28428
Registration procedures; notification to Agriculture Department Secretary, 25030
State primary enforcement responsibility for violations (FIFRA Sections 26 and 27); interpretation, 16799
Pesticides, aerial applications; rulemaking and policy changes, petition, 22069
Pesticides; tolerances in animal feeds:
Norflurazon, 6887
Pesticides; tolerances in food:
Norflurazon, 6886
Procurement:
Contracts involving current or former employees; prevention of conflicts of interest, 17581
Real property acquisition and relocation assistance, 22010
Real property acquisition and relocation assistance; correction, 24755
Regulatory agenda, 15702
Superfund:
National oil and hazardous substances pollution contingency plan, 10972, 13174
Toxic substances:
Chemical manufacturers; preliminary assessment information reporting requirements, 27009
Data reimbursement, 24348
Dichloromethane, nitrobenzene, and 1,1,1-trichloroethane; implementation of changes in test rules policy, 13012
Diethylenetriamine; test rule, 18386
Fluoroalkenes; response to Interagency Testing Committee recommendation for testing; advance notice; extension of time, 2379
Phenylenediamines; response to Interagency Testing Committee; advance notice, 973, 10597
Polychlorinated biphenyls (PCBs); American Society for Testing and Materials test methods; incorporations by reference, 22123
Polychlorinated biphenyls (PCBs); manufacture, processing, distribution, and use in closed and controlled waste manufacturing processes, 24976, 25555
Polychlorinated biphenyls (PCBs); research and development activities decontrol, closure and post closure fund requirements, salvage of metals, etc.; petition denied, 2379
Polychlorinated biphenyls (PCBs); use in electrical equipment, 17426
Small manufacturers; reporting and recordkeeping requirements; exemption standards, 27206
Test standards policy and test rule development process change, 13012
Tetrachlorodibenzo-p-dioxin; contaminated waste disposal; prohibition and notification requirements; reevaluation; advance notice, 193
Toxic Substances Control Act; implementation; meeting, 9864, 26859
Waste management, solid:
Beverage containers, resource recovery facilities, and source separation for materials recovery guidelines; reporting requirements removal, 1307, 2379
State plans
New Hampshire, 4097
Water pollution; effluent guidelines for point source categories:
Leather tanning and finishing, 23958
Ore mining and dressing, 25682
Water pollution control:
Drinking water; interim primary regulations; maximum contaminant levels (MCLs) for trihalomethanes, 9796
Drinking water, National primary regulations; volatile synthetic organic chemicals in drinking water; advance notice, 9350, 24756
National pollutant discharge elimination system; application
New Jersey, 2378
West Virginia, 6662
National pretreatment program; assessment of impacts of industrial discharges on publicly owned treatment works; availability of report on regulatory impact analysis, 6897
Ocean dumping; cancellation of site designations, 17580
Ocean dumping; Gulf of Mexico; site designation, 18155
Corrections, 19382, 20639, 21103
Secondary treatment requirements; discharges into marine waters, 24921
Meetings, 25963, 25981
State underground injection control program, primacy applications
Alabama, 13011
Arkansas, 15369
California, 19172
Florida, 5731, 11538
Idaho, 11538
Illinois, 6445, 10861
Louisiana, 5262
Mississippi, 14925, 15147, 19381, 19382
Missouri, 16049
Nebraska, 13011
New Hampshire, 19726
Oklahoma, 8792, 10861
Texas, 5732
Utah, 14926
Wyoming, 10862
Water quality standards; State plans:
Ohio, 6662

NOTICES

Agency forms submitted to OMB for review, 27405
Air pollutants, hazardous; national emission standards:
Iowa; authority delegation, 11767
Kentucky, 12214
Mississippi, 12214
New York; authority delegation, 16409
North Carolina, 12214
Air pollution; ambient air monitoring reference and equivalent methods applications, etc.:
Dasibi Model 1008-AH Ambient Air Ozone Analyzer, 17331
Model LC-12 Ozone Analyzer, 13572
Air pollution; standards of performance for new stationary sources:
Kentucky, 12214
Mississippi, 12214
New Mexico, 28130
New York; authority delegation, 16409
North Carolina, 12214
United Cement Co.; penalties, assessment, and collection, 6362
Air pollution control:
Emissions trading policy statement; general principles for creation banking, and use of emission reduction credits; inquiry, 15076
Health assessment documents, list; availability, 17860
Natural gas/gasoline processing plants; volatile organic compound emissions from equipment leaks; control techniques guideline document availability and inquiry, 3403
Air pollution control; control techniques guideline documents, availability, etc.:
High density dibasic ester coating solvent, adjustment; VOC emissions; inquiry, 26452
High-density polyethylene, polypropylene, and polystyrene resins manufacture; VOC emissions; inquiry, 19580
Air pollution control; new motor vehicles and engines:
California pollution control standards; emission standards and test procedures for motorcycles and nitrogen oxides standards for 1982-1985 model year vehicles; waiver of Federal preemption, 1015
California pollution control standards; motorcycle fill-pipe and fuel tank opening regulations; preemption waiver, 7306
California pollution control standards; waivers of Federal preemption, 23204
California pollution control standards; 1982 model year vehicles; assembly-line test procedures, 848
California pollution control standards; 1983 model year vehicles; assembly-line test procedures; waiver of Federal preemption, etc, 26451
California pollution control standards and test procedures; heavy-duty engines and emissions from motorcycles, etc.; inquiry, 849
Federal certification test results, 1982 model year; availability, 25403
Air pollution control; steel industry compliance extension applications, etc.:
Alabama By-Products Corp, 27127
Ford Motor Co, 13039
National Steel Corp, 11563
Sharon Steel Corp, 6483
Shenango, Inc, 28455
Shenango Inc, 6484
Air programs; fuel and fuel additives:
Synco 76 Fuel Corp.; waiver application, 1407, 22404
Unleaded gasoline; blends of ethanol, 14596
Air quality; prevention of significant deterioration (PSD):

Final determinations, 11767, 19783
Louisiana; authority delegation, 670, 11107
Nebraska; authority delegation, 11767
New Hampshire; authority delegation, 21618
New Mexico; authority delegation, 11318
Nonapplicability determinations, 15644
Oklahoma; authority delegation, 6992
Permit approvals, 1167, 5036, 13403, 15643, 15896, 15897, 15898, 21617, 21916, 22211, 25769
Texas; authority delegation, 10901
Air quality criteria:
Lead; effects in humans, animals, ecosystems, etc, 15643
Lead; workshops, 17665
Ozone and photochemical oxidants; call for information, 11561
Air quality implementation plans; approval and promulgation:
Ohio; sulfur dioxide emission limitations, enforcement policy extension, 9572
Volatile organic compounds from can coating operations; approval of revised compliance schedules, 10293
Committees; establishment, renewals, terminations, etc.:
Toxic Substances Advisory Committee, 8403
Confidential data:
Toxic substance and confidential business information; contract with Maxima Corp.; typing and editing services, 7312
Environmental statements; availability, etc.:
Agency statements; review and comment; report availability, 1016, 4334, 7489, 13033, 17668
Agency statements; weekly receipts, 1016, 2399, 3203, 4334, 5456, 6483, 7488, 8402, 9573, 10901, 11960, 13032, 14219, 15406, 16402, 17667, 18652, 19785, 20854, 22213, 23555, 24406, 25404, 26450, 27609
Cumberland I Generating Station, Millville, N.J.; withdrawal, 14219
East Texas Lignite and Troup Lignite Mine; cancellation, 19785
Estech General Chemicals Corp., Manatee County, Fla.; phosphate mine, 8402
Fayetteville, Ark.; wastewater treatment facility; withdrawn, 9574
Houston Lighting & Power Co. et al.; discharges from Malakoff Electric Generating Station et al., Tex.; scoping meeting, 9574, 25404
Middle East Fork Planning Area, Ohio, et al.; wastewater treatment facilities, etc.; scoping meeting, 4335
Rainbow Valley, Ariz.; proposed sale of Federal land to State for siting of hazardous waste management facility; scoping meetings, 2919
Texas Utilities Generating Co.; Martin Lake Mining Area D lignite surface mine, Rusk County, Henderson, Tex.; scoping meeting, 1016
Topeka, Kans., et al.; wastewater treatment facilities, 4336
Tri-State Synfuels Co.; indirect liquefaction facility, Henderson County, Ky, 25404
Grants; State and local assistance:
Washington; reduction in non-Federal matching share under Clean Air Act; hearing, 4591, 14220
Hazardous substances, emergency responses to releases; mechanism for funding costs; memorandum of understanding with Coast Guard, 4631
Hazardous waste:
Land disposal; panel discussion summary availability; RCRA/Superfund Hotline, 2316, 2398
Meetings:
Air Pollution Control Techniques National Advisory Committee, 19786, 26453
Clean Air Scientific Advisory Committee, 16885
Construction Grants Program Management Advisory Group, 8674
Environmental Engineering Committee, 19783
Interagency Toxic Substances Data Committee, 3031
Lead; air quality criteria workshops, 17665
National Drinking Water Advisory Council, 9910
Science Advisory Board, 1326, 14220, 15159, 26233, 26234
Science Advisory Board Executive Committee, 16197
State FIFRA Issues Research and Evaluation Group, 5036, 18176, 26020
Superfund Contracting Symposium, 9573
Toxic Substances Control Act Interagency Testing Committee; chemicals for review; inquiry, 8244
Motor vehicle fuel economy, evaluation of retrofit devices:
Energy gas saver, 11562
Fuel Maximiser, 3596
Grancor Air Computer (Self-Modulating Air Bleed), 338
Sav-A-Mile, 2203
Super-Mag Fuel Extender, 10287
Outer Continental Shelf; oil and gas operations off California; NPDES permit, 7312, 14597
Pesticide, food, and feed additive petitions:
American Cyanamid Co. et al, 1405, 8089
BASF Wyandotte Corp. et al, 1408, 5035
BFC Chemicals, Inc., et al, 28453
Ciba-Geigy Corp. et al, 1407, 23020, 26019
Diamond Shamrock Corp, 1409, 17113
Diamond Shamrock Corp. et al, 25049
Dow Chemical Co, 6991, 6992
Elanco Product Co. et al, 10286
FMC Corp. et al, 28451
Hercules, Inc, 11562
ICI Americas, Inc., et al, 8087, 10290, 17112
Janssen R&D, Inc., et al, 6990, 16094
Mobay Chemical Corp. et al, 9067, 27126, 28453
Oregon Agriculture Department, 23023
Pennwalt Corp, 21615
Rhone-Polenc Chemical Co, 20379
Rohm & Haas Co. et al, 8087
Shell Chemical Co, 14951
Shell Oil Co. et al, 9067, 13580, 28452
Stauffer Chemical Co, 11562
Union Carbide Agricultural Products Co., Inc., et al, 8089
Union Carbide Corp. et al, 6991, 6994, 10293
Upjohn Co. et al, 3875
Zoecon Corp. et al, 21614
Pesticide programs:
Cacodylic acid and salts, etc.; rebuttable presumption against registration; determination, 20376
Diallate; determination concluding rebuttable presumption against registration, 27109
Interior Department; plan for certification of employees to apply restricted use pesticides; intent to approve, 25768
Oxyfluorfen; determination concluding rebuttable presumption against registration, 27118
Pentachloronitrobenzene (PCNB); determination concluding rebuttable presumption, 18177
Predator control; sodium fluoracetate (Compound 1080) use, applications; hearing, 13211
Pesticide registration; cancellation, etc.:
Activate and Enhance, 9064
3-(alpha-acetonylbenzyl)-4-hydroxycoumarin (warfarin), etc, 27125
Antor 4 ES Emulsifiable Solution, 13573
Belclene 319 Algicide, etc, 6089
Carbon dioxide, 14951
2-Chlorotoluene, 3596
Combat Roach Control System, 13580
Copper Prolin Rat and Mouse Killer et al, 16096
Cymbush 3E, etc, 6089
Dropp Cotton Defoliant, 28455
Du Pont Oust Weed Killer, etc, 672
Du Pont Oust Weed Killer Dry Flowable, 10289
Ectrin Insecticide 10% Water Dispersible Liquid, 23969
EPTC 7EC, etc, 13574
Ethion, 12681
Hi-Yield Killer, etc, 1406
Imazalil Technical, 6090
Intercept Housefly Larvicide, 16095
Mavrik 2E Insecticide, 23970
Methyl Eugenol, etc, 3874
MV-678 Insect Growth Regulator, etc, 10289
Ortho Bolero 10G, 13576
Paraclox Slimicide, 3875
Pay-Off Insecticide, 6089
Prevex Turf Fungicide, 10288
Requat Antimicrobial 1977 Liquid, 16097
Rhone-Poulenc, Inc, 20377
Ro-Tox et al, 16098
Sonalan E. C, 10286
Spa Brom Feeder Sticks and Spa Brom Mini Pak, 1405
Sweeney's Rat & Mouse Killer, etc, 10291
Ultra Fresh DM-50, 672
Wasco Brand Formaldehyde Solution U.S.P., etc, 20377
Pesticide registration guidelines, availability of draft; inquiry, 22405, 26022
Pesticides; emergency exemption applications:
Benomyl, etc, 20378
Bromoxynil, etc, 9064
3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide, etc, 9065
Diethatyl-ethyl, etc, 9065
Ethyl 4-(methylthio)-m-tolyl isopropyl phosphoramidate, etc, 9067
Fenvalerate, etc, 13576
Paraquat, etc, 9062
Polymeric film coating, 21616
Pesticides; emergency exemptions granted during April through September (1981), 6091
Pesticides; emergency exemptions granted during April 1982 through April 1983, 27116
Pesticides; experimental use permit applications:
Abbott Laboratories et al, 6992, 9066, 13578, 25050

AMVAC Chemical Corp, 19446
BFC Chemicals, Inc., et al, 16098
Dow Chemical Co. et al, 12679
FMC Corp. et al, 16094
Interior Department, 10288
University of California, 10288
Upjohn Co, 17114
Pesticides; experimental use permit programs; State plans:
Idaho, 3873, 18177
Vermont, 3874, 16096
Pesticides; temporary tolerances:
Acephate, 21613
Acetochlor, 12679
Acifluorfen, 13573
American Hoechst Corp, 26020
Amitraz, 21613, 21614
Bendiocarb, 16093
BFC Chemicals Inc, 13575
Butachlor, 21617
Carbofuran, 9062
5-Chloro-3-methyl-4-nitro-1H-pyrazole, 6994
Chlorothalonil, 23020
Chlorpyritos, 2918, 17113
Ciba-Geigy Corp, 26021
(plus/minus)Cyano (3-phenoxyphenyl)methyl(plus)-4-(difluoromethoxy)-alpha-(1-methyl)benzeneacetate, 19445, 19446
Cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate, 9063
Desmedipham, 8088
Dow Chemical Co, 17114
Dow Chemical U.S.A, 13576
EM Industries, Inc, 23021
Ethalfluralin, 1405
Ethephon, 28454
Fenarimol, 28454
ICI Americas, Inc, 13581
Isobutyric acid, 13574
Methamidophos, 20375, 27118
Oxyfluorfen, 13579
Pendimethalin, 8088, 23022
Phenmedipham, 6096
Rhone-Poulenc, Inc, 13579
Shell Oil Co, 13581
2,4,5,6-tetrachloroisophthalonitrile and its metabolite, 10292
Thiodicarb, 21616
Zoecon Corp, 26021
Pesticides on commercial non-food/non-feed nursery and greenhouse crops not named on product labels; inquiry, 21610
Regulatory calendar, 1662
Reporting and recordkeeping requirements, 1168
Senior Executive Service:
Bonus awards schedule, 25615
Performance Review Board; membership, 21619
Superfund; hazardous substances, emergency responses to releases; mechanism for funding costs; memorandum of understanding with Coast Guard, 4631
Superfund and other statutes; guidelines for using imminent hazard, enforcement and emergency response authorities; policy statement, 20664
Toxic and hazardous substances control:
Alkyl phthalates and benzyl butyl phthalate; follow-up response to Interagency Testing Committee recommendations, 335
Alpha-chloroacetophenone; ban on manufacture, distribution, possession, or use; petition denied, 333
Chemical substances inventory; cumulative supplement II; availability, 25767, 27604
Chemical substances inventory; removal of incorrectly listed substances; inquiry, 20663, 23205
Chemical substances inventory; synthetic fuels and related substances; proposed actions; inquiry, 25198
Chlorinated paraffins; response to Interagency Testing Committee, 1017
2-chlorotoluene; response to Interagency Testing Committee recommendations; inquiry, 18172
Confidential business information; OMB access, 22213
Confidential business information; release to CPSC, 17860
Confidential information and data transfer to contractors, 15896, 22404, 26909
Hexachloroethane; response to Interagency Testing Committee recommendations; inquiry, 18175
Premanufacture notices; data transfer to contractors, 9572
Premanufacture notices; monthly status reports, 4591, 8240, 13033, 18042, 23547, 27604
Premanufacture notices receipts, 336, 1019, 1020, 1409, 1410, 1411, 1414, 2399, 2401, 3031, 3591, 3592, 4143, 4144, 4735, 4736, 5328, 5329, 5330, 5932, 5933, 6363, 6365, 7310, 7486, 7752, 8675, 8676, 8840, 10073, 10900, 11957, 13037, 14218, 15406, 16403, 17666, 18652, 19781, 20852, 22214, 23552, 25400, 25401, 26234, 27610
Premanufacture notices review period extensions, 4335, 21141, 26453
Premanufacture notification requirements; test marketing exemption applications and approvals, 847, 850, 1414, 1415, 1416, 2401, 3596, 4146, 5933, 6362, 6706, 6707, 6708, 8674, 8677, 9277, 10899, 11959, 13032, 15407, 16406, 16407, 16408, 16410, 17665, 18422, 18423, 18424, 19781, 23021, 23551, 23554, 24407, 25197, 26236, 27604, 27960, 28130, 28131
TSCA Interagency Testing Committee report to EPA; priority list for chemical substances testing; inquiry, 5456, 22585
Waste management, solid:
Open dumps; availability of inventory, 18425
Water pollution; discharge of pollutants (NPDES):
Mississippi, 21618
New Jersey, 17331
North Carolina, 26908
South Carolina, 16099
South Dakota, 28127
Vermont, 13894
Virginia, 6709, 16100
Water pollution; effluent guidelines for point source categories:
Organic chemicals manufacturing and plastics and synthetics; transfer of confidential information to contractor; notice of intent, 24819
Water pollution control:
National pollutant discharge elimination system (NPDES); availability of revised Treatability Manual and inquiry, 4330, 9278, 23555
National pretreatment program; "Pretreatment Resource Reader"; report availability, 17861
Safe drinking water, public systems designations
Pennsylvania, 4737
Washington, 14779
Wisconsin, 2789
Safe Drinking Water Act; implementation review and meetings, 670

ENVIRONMENTAL QUALITY COUNCIL

RULES
Public meeting procedures, 6276
PROPOSED RULES
National oil and hazardous substances pollution contingency plan; transfer of regulations to Environmental Protection Agency, 10862, 10972
NOTICES
Basin Electric Power Cooperative; report availability, 9270
National Environmental Policy Act:
Housing and Urban Development Department procedures; conditional approval, 9270

ENVIRONMENTAL QUALITY OFFICE, HOUSING AND URBAN DEVELOPMENT DEPARTMENT

NOTICES
Environmental statements; availability, etc.:
Broken Circle Planned Development et al., Wyo, 14607
East Riverfront Development Project, Sites No. 1, 2, and 3, Detroit, Mich, 27129
KaKa'aKo Community development district plan, Oahu, Hawaii, 5468
Leisure Knoll et al., Ocean County, N.J, 1175
Leisuretowne, Southampton Township. Burlington County, N.J, 1176
Planned Residential/Commercial Development, Portage, Mich, 19235
Shenandoah New Community, Coweta County, Ga, 27130
Southridge Village Planned Residential Community, Fontana, Calif, 28161
Willow Heights Development, Orangeville, Utah, 4600

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RULES
Privacy Act; implementation, 18594
Procedural regulations:
Designated 706 agencies; York (Pa.) Human Relations Commission, 22094, 24703
Employment discrimination charges, handling by State and local fair employment practices agencies (706 agencies), 24542
PROPOSED RULES
Records and reports:
Elementary-secondary staff information report (EEO-5); filing requirement, etc, 20530
Regulatory agenda, 15807

NOTICES
Agency forms submitted to OMB for review, 19447
Meetings; Sunshine Act, 127, 1067, 2451, 2974, 4387, 6769, 7046, 7365, 7569, 9324, 10938, 13951, 15476, 16440, 17910, 19844, 20436, 21174, 22446, 24495, 26492, 28202
Privacy Act; systems of records; annual publication, 18654
Regulatory calendar, 1662
Senior Executive Service:
Bonus awards schedule, 5036

ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH, PRESIDENT'S STUDY COMMISSION

NOTICES
Meetings, 4186, 9311, 12889, 18086, 24239, 26957

EXECUTIVE OFFICE OF THE PRESIDENT

See Central Intelligence Agency.
Environmental Quality Council.
Management and Budget Office.
Presidential Advisory Committee on Federalism.
Presidential Documents.
President's Economic Policy Advisory Board.
President's Task Force on Private Sector Initiatives.
Science and Technology Policy Office.
Trade Representative, Office of United States.
Wage and Price Stability Council.

EXPLOSIVES

See Alcohol, Tobacco and Firearms Bureau.

EXPORT-IMPORT BANK

RULES
Eximbank meetings; schedule change, 12136

FAIR HOUSING AND EQUAL OPPORTUNITY, OFFICE OF ASSISTANT SECRETARY

RULES
Community Housing Resource Board program; voluntary affirmative marketing agreements programs; interim, 12926, 20298
Fair housing assistance program; eligibility criteria and funding standards, 8991

PROPOSED RULES
State and local fair housing laws; recognition of substantially equivalent laws, 20317

NOTICES
Grants; availability, etc.;
Community Housing Resource Board program, 18298
Fair housing assistance program; non-competitive and competitive solicitation for funding, 19583

FARM CREDIT ADMINISTRATION

RULES
Coordination:
Farm credit system institutions; clarification and update, 12136
Eligibility and scope of financing:
Farm credit system institutions; clarification and update, 12136
Examinations, audits, and irregularities:
Farm credit system institutions; clarification and update, 12136
Farm credit system institutions; clarification and update, 12136
Funding and fiscal affairs, loan policies and operations, etc.:
Farm credit system institutions; clarification and update, 12136
General provisions:
Farm credit system institutions; clarification and update, 12136
Loan policies and operations:
Cooperative banks; financial and leverage leases involving noncooperative lessors, etc, 21003
Farm credit system institutions; clarification and upate, 27060
Farm credit system institutions; clarification and update, 12136, 28088
Financing institutions; Federal intermediate credit bank lending authority; effective date, 2477
Organization:
Farm credit system institutions; clarification and update, 12136

PROPOSED RULES
Funding and fiscal affairs, loan policies and operations, etc.:
Debt management and electronic data processing policies, etc, 11536
General provisions:
Farm credit system institutions; sale of insurance limitations, 12806, 13834
Loan policies and operations:
Farm credit system institutions; responsibilities for approval of loans to employees, 25535

FARMERS HOME ADMINISTRATION

RULES
Appeals procedure, 13758, 24539
Drought stricken areas, special assistance; CFR Part removed, 22078
Farm labor housing, seasonal; guidelines, 28082
Farmer programs insured borrower responsibilities and loan servicing options, 21235
Loan and grant programs:
Business and industrial loan program, 4039
Community domestic water and waste disposal systems development grants, 590
Community facility loan program; planning advances, 11509
New full-time family farmer and rancher development project; correction, 590
Organization, functions, and authority delegations, 15560
National Office Staff and State Directors et al.; organizational titles changes resulting from headquarters structure reorganization, 5699
Reporting and recordkeeping requirements, 745
Rural housing loans and grants:
Lender's agreement; CFR correction, 19112
Multiple family housing loans; security servicing, 19962
Policies, procedures, and authorizations (Section 502); revision and redesignation; correction, 17467
Servicing of delinquent loans (Section 502); mailing of Form FmHA 451-35 temporarily suspended, 6423

PROPOSED RULES
Housing:
Tenant grievance and appeals procedures, 17300
Loan and grant programs:
Community domestic water and waste disposal systems development grants; method of determining assistance; median family income of service area formula, 13364
Community facility and water and waste disposal loans; alternate interest rates based on median family income of service area, 13366
Community facility loans, domestic water and waste disposal system loans and grants; funding priorities, 2774
Community program loans and grants, servicing, 11521
Guaranteed loan programs; tax-exempt transactions prohibition, 7437
Regulatory agenda. For references, see entry under Agriculture Department,
Rural housing loans and grants:
Multiple family housing borrowers and grant recipients; management and supervision, 17544
Policies, procedures, and authorizations (Section 502); one year interest credit agreement, 10566
Rental loans; policies, procedures, and authorizations, 8016
Site loan policies, procedures, and authorizations, 15589
Services and collections:
Credit needs and graduation of borrowers analysis, 33
Truth in lending disclosure requirements and real estate settlement procedures, 27366

NOTICES
Environmental statements; availability, etc.:
Seward Energy Group, Ltd., project; fuel grade alcohol production, 1312
Loan and grant programs:
Prototype funds receipt and disbursement system (FRADS); pilot test, 25037

FEDERAL AVIATION ADMINISTRATION

RULES
Air carriers certification and operations:
Clarifications, editorial corrections, safety requirements, etc, 13312
Air traffic operating and flight rules:
Air traffic control system; interim operations plan; transfers and exchanges of slots, 7816, 19989, 22492
Extension of time and request for comments, 25508
Clarifications, editorial corrections, safety requirements, etc, 13312
Emergency air traffic regulations; update, 8161
Ferry flights with one engine inoperative; authorization, 25116

Seats, safety belts, and shoulder harnesses for flight crewmember and attendants, 10515
Aircraft identification and registration marking:
Clarifications, editorial corrections, safety requirements, etc, 13312
Position of zero and use of letters "I" and "O", 12153
Aircraft products and parts, certification:
Noise requirements; voluntary changes in type design; turbojet engine power, 756
Piper Aircraft Corp. Model PA-31T series; special conditions, 8154
Aircraft registration; non-citizen U.S. corporations reporting requirements; correction, 8158
Airmen; clarifications, editorial corrections, safety requirements, etc, 13312
Airmen certification:
Medical certificates, special issuance; and cardiovascular and alcoholism standards, 16298
Pilots and flight instructors; instrument rating requirements; cross-country experience, 3486
Airports, Metropolitan Washington:
Aircraft, operational restrictions and limitations, flights into or out of Washington National Airport, etc.; correction, 2079
Airspace regulations; annual compilation; future availability of handbook, 18
Airspace regulations; annual compilation published as Advisory Circular AC 70-3; availablity, 12156
Airworthiness directives:
Air Cruisers, 14483
Air Tractor, 12151
Airbus Industrie, 4053, 13784
Avco Lycoming, 23691
Beech, 5707, 18848, 22349, 27245
Bell, 8559, 11002
Bendix, 23692, 27246
Boeing, 10, 1111, 7207, 9812, 17276, 19984
British Aerospace, 16614, 16616, 22350, 23693, 23694, 23695, 23696
Canadair, 7620, 8555, 9812, 11003, 11004, 11005, 11006
Cessna, 6611, 8559, 13785, 15574
Costruzioni Aeronautiche Giovanni Agusta, 11, 7206
Detroit Diesel Allison, 4498, 23696, 27247
Dowty Rotol, 14484
EMBRAER, 8155
Enstrom, 11007
Fairchild Swearingen, 17804
Garrett, 4499, 20562, 23145
Gates Learjet, 12, 14, 2477, 9813, 15575
Government Aircraft Factories, 3346, 23145, 25114
Gulfstream American, 22350
Hamilton, 27845
Helio, 9196, 19985
Hiller, 21003, 27248
Hughes, 1110
Janitrol, 13788
Lockheed, 5197
Lockheed-California, 3347, 7620, 8556, 8557, 16617
Maule, 5199
McDonnell Douglas, 3544, 4054, 5199, 7208, 7209, 7621, 9814, 15102, 19986, 23697
Mitsubishi, 2479, 15569
Piper, 1112, 5708, 8156, 8560, 12152, 15572, 16615, 23144, 27846
Pratt & Whitney, 9815, 27487
Robinson, 8157, 21004
Rockwell, 19988
Rockwell International, 19987
Rolls-Royce, 18329, 24541
Schweizer, 13788, 27848
Short Brothers, 4056
Sikorsky, 759, 4501, 10511, 11652, 13136, 23698
Societe Nationale Industrielle Aerospatiale, 1113, 8561, 19513, 19514, 25115, 27244
Varga, 11008, 15576
Vickers-Slingsby, 12787
Wing, 17805
Airworthiness standards:
Clarifications, editorial corrections, safety requirements, etc, 13312
Transport category airplanes; combined safety belt and shoulder harness requirement; compliance date extension and request for comments, 10514
Control areas, 4502, 5200, 11009
Control zones, 1113, 1114, 2984, 2985, 3348, 3349, 4057, 4058, 6251, 8160, 9817, 10512, 10513, 12154, 13137, 13789, 13790, 15104, 16618, 16619, 18330, 20564, 22351, 23145, 23701, 24112, 27850
Federal airways; green, 20564
IFR altitudes, 8163, 27253
Jet routes, 9200, 9817, 16171, 20569, 26615, 27252, 27253
Prohibited areas, 26123
Reporting points, 20569, 26615
Restricted areas, 2986, 4503, 4504, 5709, 6252, 8563, 11010, 11653, 11654, 12156, 12789, 16172, 20570, 23147
Security control:
Air traffic; flight plan filing requirements for operation in coastal ADIZ (South Florida); final rule and request for comments, 12324
Standard instrument approach procedures, 1115, 5201, 5710, 7623, 9818, 12157, 14485, 16621, 18849, 21007, 23703, 25510, 27851
Transition areas, 15, 16, 17, 18, 759, 760, 1115, 2079, 2984, 2985, 3348, 3349, 3350, 4059, 5708, 6249, 6613, 8159, 8160, 9816, 10513, 12154, 12788, 13790, 15103, 15104, 15105, 15106, 15577, 15578, 15579, 16170, 16619, 16620, 17279, 17280, 19515, 19516, 20565, 20566, 20567, 21005, 21006, 23146, 23699, 23700, 23701, 23702, 25506, 25507, 26615, 27249, 27849, 27850
VOR Federal airways, 2481, 4057, 4502, 6249, 6250, 6613, 7622, 8562, 11653, 12155, 16170, 16171, 17278, 20566, 20568, 20569

PROPOSED RULES

Administrative regulations:
Designated airworthiness representatives, 27472
Air carriers certification and operations:
Flight attendants; number required during intermediate stops, 3068
Flight crewmember flight time limitations and rest requirements, 10748
Air traffic operating and flight rules:
Air traffic control system; interim operating plan, 26112
Air traffic control system; interim operations plan, 26158
Air traffic control system; interim operations plan; extension of time, 27866
Ferry flights with one engine inoperative; authorization, 818
Flightcrew requirements for aircraft certificated under SFAR 41, 4092, 5727
"New entrants"; definition, etc. (SFAR 44-3), 12320
Temporary flight restrictions, 18560
Aircraft products and parts, certification:
Beach 200, 300, and 1900 series airplanes; special conditions, 24596
Boeing Model 767 series airplanes (three-man crew); special conditions; withdrawn, 9859
Aircraft registration:
Rotorcraft; location and size of identification marks, 14128
Airmen certification:
Petition for rulemaking; student recreational, recreational, student other than recreational, and private pilot certificates, 11026
Airworthiness directives:
Aerospatiale, 23175
Agusta, 6284
Air Cruisers, 1141
Aircraft Tank Service, Inc, 15600
Beech, 19550
Boeing, 1142, 12186, 12189, 18342
Cessna, 19550
Detroit Diesel Allison, 12190
EMBRAER, 5231
Flight Equipment & Engineering Corp, 24138
Fokker, 2485, 4523
Gates Learjet, 19550
Israel Aircraft Industries, 12190
Lockheed-Georgia, 20001
Piccard Balloon, 1140
Pratt & Whitney, 11034, 11035
Rolls-Royce, 11036, 18913, 23176, 23177
Societe Nationale Industrielle Aerospatiale, 10591, 11037, 23178
Airworthiness standards:
Small multiengine airplanes, reciprocating and turbopropeller-powered; standards, 9360
Transport category rotorcraft, certification; draft advisory circular, 21078, 27866
Area high routes, 9222, 24597
Control areas, 2489, 26665
Control zones, 4090, 13834, 17303, 19552, 21079, 24140, 26157
Federal airways, green, 12191
Jet routes, 8596, 15143
Regulatory agenda. For references, see entry under Transportation Department.
Reporting points, 9222
Restricted areas, 1146, 2488, 2490, 4529, 11700, 20620
Rulemaking petitions; summary and disposition, 817, 3369, 4089, 4523, 11026, 12186, 22069, 23174
Transition areas, 36, 37, 38, 1144, 1145, 3002, 3003, 3004, 3005, 3370, 4090, 4091, 4092, 4527, 4528, 5231, 5726, 6286, 8206, 8595, 9222, 9224, 9860, 10592, 10593, 10594, 11038, 12193, 12808, 13168, 13835, 15601, 16642, 16643, 17303, 17304, 17305, 17306, 19551, 19552, 19553, 19554, 21079, 21080, 22375, 22376, 23179, 23180, 23752, 24139, 24141, 25155, 25156, 25536, 25537, 25538, 25539, 26665, 27373, 27374
VOR Federal airways, 4528, 5726, 6284, 6285, 6286, 7677, 8206, 11038, 12192

NOTICES

Aeronautics Radio Technical Commission; advisory circular; availability and inquiry, 5835

Air carriers; random drawing to determine priority sequence for additional system capacity, 23248
Air carriers certification and operations:
Carriage of cargo in restricted category aircraft; special purpose operations; advisory circular, issuance, 12255
Random drawing to determine priority of sequence for additional system capacity, 8722
Supplier audit procedures and implementation of bilateral agreements; draft advisory circular; inquiry, 9948
Air traffic computer replacement program; indemnification of contractors, 1229
Aircraft Certification Procedures Handbook; availability and briefing; date change, 8296
Aircraft certification status, etc.:
Bell Helicopter, 11142
Costruzioni Aeronautiche Giovanni Agusta, 5835
Sensenich fixed-pitch wood model propeller, 6404
Societe Nationale Industrielle Aerospatiale, 124
Turbofan engines, 5394
Aircraft simulator and visual system evaluation and approval; advisory circular; inquiry, 27435
Airspace system plan, national; availability and inquiry, 2226
Airworthiness representatives, designated; advisory circular; inquiry, 27475
Aviation standards, national; traffic alert and collision avoidance system II; inquiry, 17390, 25647
Committees; establishment, renewals, terminations, etc.:
Air Traffic Procedures Advisory Committee, 12908
National Airspace Review Advisory Committee, 6404
Designated alteration station (DAS) authorization program; withdrawn, 9952
Environmental statements; availability, etc.:
Mulino Reliever Airport, Oreg, 7791
San Juan Island Airport, Wash, 4188
Exemption petitions; summary and disposition, 882, 3057, 5394, 6403, 8720, 9312, 9950, 12908, 16243, 22441
Meetings:
Aeronautics Radio Technical Commission, 3458, 6405, 7791, 8296, 9952, 11142, 15203, 15679, 17363, 22441, 23838, 25236, 25647, 27999
Air Traffic Procedures Advisory Committee, 12908, 26724
High Altitude Pollution Program Scientific Advisory Committee, 15203
Informal airspace; Missouri, 9312
National Airspace Review Advisory Committee, 16243, 25647
National airspace review program, 21948
Spring airline schedules, 3057
Traffic Alert and Collision Avoidance System (TCAS) Conference, 881
Vertical separation standards and measurement program, 3458
Washington National Airport; transfer of air carrier services to Dulles International and Baltimore-Washington International Airports, 1230, 8724
National airspace review program, 17448
National airspace review program; meeting, 21948
Organization and functions.
Aircraft Certification Directorates establishment; Aircraft Certification Procedures Handbook; availability and briefing, 6404
Augusta, Ga., Airport Traffic Control Tower; reduction of hours, 881
Aurora, Colo.; Rocky Mountain Headquarters closing, and establishment of Airport and Security Field Offices, 11142
Houston, Tex.; Flight Standards District Office, 8296
Huntsville, Ala.; airport traffic control tower, reduction of hours, 4633
Martha's Vineyard, Mass.; Air Traffic Control Tower, commissioning, 23247
Pacific-Asia Region Headquarters, Honolulu, Hawaii; closing, 5394
Valley Stream, N.Y.; Airports District Office, relocation and merger with Regional Office Airports Division, 6403
Wilmington, Del.; Flight Standards Field Unit, relocation and merger with Philadelphia, Pa., Flight Standards District Office, 25646
Technical standard orders, draft; inquiries, etc.:
Airborne radar approach and beacon systems for helicopters, 26725
Aircraft tires, 26726
Aircraft wheels and wheel brake assemblies, 26726
Airspeed instruments, 26726
Direction instrument, non-magnetic (gyroscopically stabilized), 26727
ILS glide slope receiving equipment operating within 328.6 to 335.4 Megahertz, 26727
Optional display equipment for weather and ground mapping radar indicators, 26728
Over speed warning instruments, 26725
Powerplant fire detection instruments (thermal and flame contact types), 26728
Vertical separation standards and measurements program; meeting, 3458
Washington National Airport; transfer of air carrier services to Dulles International and Baltimore-Washington International Airports; meetings, 1230, 6513, 7361

FEDERAL COMMUNICATIONS COMMISSION

RULES

Commercial radio operators:
Examination procedures, 17819
Outdated notes, etc., removed, 25972
Common carrier services:
Broadcast auxiliary service for television pickup on a secondary basis, 953
Domestic public fixed radio service; editorial amendment and corrections, 10852
Domestic public fixed radio services; annual common carrier and satellite radio licensee qualification report (Form 430); new filing date, 5724
Domestic public mobile radio service; annual report of licensee (Form L); temporary suspension of reporting requirements, 10852
Domestic public mobile radio service; editorial amendment and corrections, 10852
Domestic public mobile services; cellular communications systems, 10018, 14710
Federal-State Joint Board; jurisdictional separations, 9170
Federal-State Joint Board; jurisdictional separations; correction, 15142
Federal-State Joint Board; supplemental ex parte procedures, 23459
Jurisdictional Separations Manual, amendments; and Federal/State Joint Board establishment; phase out of customer premises equipment (CPE); recommended decision and order, 24720
Public mobile radio services; one initial two-way frequency applications; policies and procedures, 21551
Public mobile radio services; one-way paging station policies and procedures, 24557
Recoding devices, use in connection with telephone service; extension of time for filing revised tariff regulations, 27293
Record carrier competition, domestic and international; interconnection guidelines; interim, 18883
Satellite service, domestic fixed; space station applications, processing procedure, 22958
Telephone companies; uniform system of accounts; station connections, etc.; reconsideration and clarification, 19361
Equal Access to Justice Act; implementation, 3785
Frequency allocations and radio treaty matters:
Broadcast auxiliary service for television pickup on a secondary basis, 953
Computing equipment operation prior to certification or verification, 13809
Fixed and mobile services; Government usage at certain GHz band, 9464
International fixed public radiocommunication service; editorial amendment, 10852
Multiple-address radio systems, 6869
Multiple-address radio systems; private operational-fixed microwave service and domestic public land mobile radio service, 6869
One-way paging stations in domestic public radio and private land mobile radio services, 24557
Public land mobile radio services; annual common carrier and satellite radio licensee qualification report (Form 430); new filing date, 5724
Record retention requirements; trouble report history records and "active file" clarifications, 10559
Satellite communications; editorial amendment, 10852
Telephone network; connection of terminal equipment; editorial amendments, 10219
UHF-TV broadcast channel reallocation for fixed relay and control operations; Hawaii, 16786
Organization, functions, and authority delegations:
Adjudication Division, General Counsel Office; transfer and name change; correction, 1294
Aviation and maritime services; editorial amendments, etc, 15333
Broadcast Bureau, Chief; renewal, assignment and transfer applications, denial orders and petitions, 20129

Cable Television Bureau, Chief; monetary limitations involved in imposition of forfeitures, 8194
General Counsel; petitions or requests for approval of settlement agreements among applicants in comparative hearing cases, 16031
Private Radio Bureau; reorganization, 28102
Science and Technology Office; reorganization, 28103
Practice and procedure:
Aviation and maritime services; editorial amendments, etc, 15333
Pleadings, etc.; acceptable paper size requirements, 26393
Private Radio Bureau applications processing section; relocation to Gettysburg, Pa, 9208
Radio broadcasting:
AM stereophonic broadcasting; technical standards, equipment authorization requirements, etc, 13152
Annual financial report (Form 324); removal of filing requirements, 13345
Auxiliary broadcast service license class, short term operation, etc, 9214
Broadcast construction permit applications; proof of publication of local notice submission requirement eliminated, 17065
Cable television relay service; editorial amendment, 10852
Daytime-only class II stations on U.S. I-A clear channels, 27861
Editorial amendments and corrections, etc, 24580
FM table of assignments; policies and procedures governing petitions to amend, 26624
Interference jeopardizing safety of life or protection of property, 1392, 2864
Licensing periods; renewals, 150
Oversight; update clarification, editorial corrections, etc, 28385
Radio services; editorial amendment, 10852
Reregulation and oversight, 8583
Reregulation and oversight; correction, 13812
Reregulation and oversight; correction and clarifications, etc, 3790
UHF-TV broadcast channel reallocation for fixed relay and control operations; Hawaii, 16786
Utility load management; FM subsidiary communications authorization, 1386
Utility load management; use of AM carrier, 25342
Radio services, special:
Amateur radio service; frequency measurement and regular check rule; removal, 16789
Amateur radio service; transmitter power supply rule; removal, 16790
Amateur radio services; facsimile and television transmissions in additional frequency bands, 2872, 3360
Amateur service; expired club and military recreation station licenses, 7434
Amateur service; novice license exams; return deadline extension, 19368
Amateur service; repeater operation, ERP limitations, 28103
Aviation and maritime services; editorial amendments, etc, 15333, 17512
Aviation service; editorial amendment, 10852
Aviation services; automatic aviation weather reporting systems, 17296
Aviation services; frequency allotments for aeronautical mobile services on world-wide basis, 4684
Aviation services; revision or removal of obsolete regulations and editorial amendments, 7433
Aviation services; simplification and clarification, etc, 23722
Bio-medical telemetry operations; transmission of vital life signs for diagnosis and prescribed treatment; correction, 7669
Emergency radio service; additional systems on a secondary basis, 12628
Land mobile services; bandwidth limitations and modulation requirements for transmitters; clarification; correction, 15588
Land mobile services; cooperative use and multiple licensing of stations, 19527
Land mobile services; editorial amendment, 10852
Land mobile services; expanded use of digital voice modulation, 15337, 24581
Land mobile services; general eligibility in industrial radio services, 6021
Land mobile services; geographic reallocation to business radio service, Detroit, Mich, 26631
Land mobile services; interconnection with public switched telephone network, 17512, 18338, 26631
Land mobile services; mobile station, control point and control station authorization procedures for common user systems for certain MHz frequency, 19357
Land mobile services; offset assignments; correction, 5226, 6432, 16789
Land mobile services; police zone and interzone stations, removal, 14489
Land mobile services, private; permissible paging techniques, 23722
Local government radio service; disaster radio response program; correction, 11022
Maritime services; compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over; correction, 2317
Maritime services; inland waterways communications system; Gulf Intracoastal Waterway, 18881
Maritime services; radiotelegraph requirement exemption for cargo vessels, 10220, 20775
Maritime services; revision or removal of obsolete regulations and editorial amendments, 7433
Maritime services; simplification and clarification, etc, 23722
Maritime services; Vessel Traffic Service (VTS) communications; exclusive availability of frequency band in Houston VTS radio protected area, 22962, 23460
Multiple-address radio systems; private operational-fixed microwave service and domestic public land mobile radio service, 6869
Personal radio service; licensee possession of current copy of rules requirement; elimination, 19367
Private operational fixed microwave service; editorial amendment, 10852
Radio stations; table of assignments:
Alabama, 11872, 15334, 18900
Alaska, 8779, 10219, 26836
Arizona, 20134
Arkansas, 22959, 26838
California, 2116, 2865, 13812, 24572, 26624
Colorado, 8361, 20134, 22536, 24572, 26838
Florida, 7429, 8362, 24572
Georgia, 2868, 11023
Guam, 9210
Idaho, 7430
Indiana, 2868, 6431, 7240
Iowa, 20135, 22960
Kansas, 2870, 8363, 8780, 15335, 20135
Louisiana, 11872
Maine, 13349
Massachusetts, 24576
Michigan, 6873, 11873, 13813, 25345
Minnesota, 15335
Mississippi, 8363, 22959, 24577
Missouri, 8364, 18901
Montana, 6431, 13814, 17292, 18901, 20136
Nebraska, 6653
Nevada, 2865, 11873
New Mexico, 8781, 20130, 22098
North Dakota, 8781, 17292, 22961
Ohio, 6873
Oklahoma, 8782, 25346
Oregon, 13350
South Carolina, 8782, 10560
South Dakota, 17293, 24577
Tennessee, 20132
Texas, 9208, 13816, 16630, 18902, 20133, 25346
Utah, 11874
Vermont, 2867
Virginia, 2870
Washington, 15336, 24578
West Virginia, 2871, 17295
Wyoming, 7432
Television broadcasting:
Annual financial report (Form 324); removal of filing requirements, 13345
Auxiliary broadcast pickup stations on a secondary basis; frequency band allocation, 17994
Broadcast auxiliary service for television pickup on a secondary basis, 953, 24723
Cable television operators; annual fee computation, and Form 326-A filing requirements eliminated, 8783
Licensing periods; renewals, 150
Low power television broadcasting and translators, 21468
Oversight; update clarification, editorial corrections, etc, 28385
Remote control operation; vertical interval test signal requirements removed, 3789
Reregulation and oversight, 8583
Reregulation and oversight; correction, 13812
Reregulation and oversight; correction and clarifications, etc, 3790
Television stations; table of assignments:
Florida, 9211, 16629
Kansas, 13813, 17291, 24575
Oklahoma, 20132
South Carolina, 7431
Texas, 6875, 8364, 13815
Virginia, 9210

PROPOSED RULES

Common carrier services:

AT&T; restrictions on resale and sharing of private line services to form equivalents of message telecommunications service (MTS) and wide area telecommunications service (WATS), 6303
Deregulatory approaches and proposals; rates and facility authorization policies; inclusion of domestic record services of international record carriers, 17308, 19726
Domestic fixed-satellite service; space stations licensing; extension of time, 3573
Domestic fixed-satellite transponder sales, 6446
Domestic public fixed radio services; annual common carrier and satellite radio licensee qualification report (Form 430); elimination of filing requirement, 5732
Domestic public mobile radio service; annual report of licensee (Form L); simplification, 10871
Federal-State Joint Board; jurisdictional separations; phase out customer premises equipment, 15374
Interconnection arrangements between Western Union and U.S. international carriers for promotion of competitive markets, 10863
MTS and WATS market structure; tentative access charge plan, 26668
Pacific telecommunications needs, 1981-1995; alternate facilities construction and use plans, 21868, 24612
Public land mobile radio services; annual common carrier and satellite radio licensee qualification report (Form 430); elimination of filing requirement, 5732
Radio control of model aircraft, boats, cars and similar devices; allocation of additional spectrum, 19187
Second computer inquiry (telephone deregulation); detariffing of customer premises equipment and enhanced services; implementing procedures, 17083
Telephone companies; uniform system of accounts; acquisition of plant filing requirements, 17840
Telephone companies; uniform system of accounts and financial reporting requirements; advisory group membership additions, 6039
Communications equipment:
Auditory training devices; assistance services to handicapped, 216, 5442
Radio frequency devices; electronic coin-operated games; reclassification from Class B to Class A computing device; extension of time, 836
Frequency allocations and radio treaty matters:
Alaska; fixed communications frequencies, 983
Electric utilities; recognition of power line carrier operations, 3799
Equipment authorization procedures, 21888
Fixed services; sharing by government and nongovernment users on co-equal and co-primary basis, 23491, 23495, 27875
World Administrative Radio Conference, 1979; implementation, 25982
National Environmental Policy Act; implementation, 8214, 10871, 27384
Practice and procedure:
Domestic public mobile radio service; annual report of licensee (Form L); simplification, 10874
Telecommunications licenses; random selection technique for choosing among mutually exclusive applicants; withdrawn, 11886
Radio broadcasting:
AM broadcasting in Region 2; Medium Frequency Broadcasting Administrative Conference, Rio de Janeiro 1981; plan implementation, 18009
Applications for voluntary assignments or transfers of control; "three year rule" removed, 985
Broadcast renewal applicants; comparative hearing process; formulation of policy; extension of time, 5270, 7462
Experimental, auxiliary, special broadcast, and program distributional services; policies and procedures; extension of time, 3807
FM noncommercial educational stations; wider range of uses for FM multiplex channels; proceeding terminated, 4321
FM stations; interference blanketing, 18936
FM stations; interference blanketing; extension of time, 26408
Microwave boosters used to relay station signals, 9251
Multiple ownership of AM and FM broadcast stations; "one-to-a-market," and regional concentration exceptions; withdrawn, 17313
Noncommercial, educational FM broadcast stations; reception protection for TV channel 6 broadcasts, 24144
Subsidiary Communications Authorization (SCA); operating restrictions on public broadcasting stations removed, 2384, 7701
Utility load management; use of AM carrier, 1308
Radio services, special:
Amateur service; handicapped operator license applicants; telegrapy examinations; termination of proceeding, 14197
Amateur service; station identification requirements; reconsideration petition denied, 6305
Amateur service; telephony expansion in high frequency bands, 8798, 20165
Automobile emergency service; allocation of frequencies for use by operational-fixed stations, 11731
Aviation services; removal of station log requirements, and utilization of additional frequencies, 17309
Aviation services; reporting and recordkeeping requirements, 28113
General mobile radio service; update and codification, 14178
Instructional television fixed service, multipoint distribution service, and private operational fixed microwave service; frequency allocations and technical requirements; extension of time, 18932, 25033
Land mobile services; elimination of portable to vehicular mobile ratio in loading criteria for radio systems operating above 470 MHz, 10064
Land mobile services; frequency coordination in business radio service; simplified requirements, 26677
Land mobile services; Los Angeles Urbanized Area; effective radiated power limitations, 21276
Land mobile services; one-way paging stations; additional frequency allocations, etc, 16052
Land mobile services; service area measure; 20 miles substituted for 40 dBu; extension of time, 1310
Maritime services; establishment of minimum performance standards for radio receivers; withdrawn, 9249
Maritime services; International Maritime Satellite (INMARSAT) requirements, 7857
Maritime services; radiotelephony; frequency changes, operating procedures, etc.; extension of time, 5735
Maritime services; Vessel Traffic Service (VTS) communications; exclusive availability of frequency band in Seattle (Puget Sound) VTS radio protected area, 2894
Maritime services; Vessel Traffic Services (VTS); enlargement of New Orleans VTS radio protected area, 4322
Mobile services, general; users of relay stations; temporary permit, 17836
Police and local government radio services; operation of speed detection devices, authorizations, 16661
Radio control of model aircraft, boats, cars and similar devices; allocation of additional spectrum, 19187
Vehicle detector, self powered; frequency channels allocation and assignment, 28429
Wideband and spread spectrum modulation techniques; extension of time, 25033
Radio stations; table of assignments:
Alaska, 5271, 22124
Arizona, 11046, 11727, 16655, 20827, 22125
Arkansas, 6452, 7463, 10260, 15376, 16807, 23189
California, 13844, 15377
Colorado, 2890, 6898, 11901, 16657
Florida, 4537, 6901, 16652
Georgia, 11902, 23496, 26861
Hawaii, 3389, 8792, 10603, 11905, 18009, 20157, 20827
Idaho, 16658, 26862
Illinois, 17312
Indiana, 4538
Iowa, 2135, 6903, 26864
Kansas, 11906, 20158
Kentucky, 4538, 10601, 13839
Louisiana, 8793
Maine, 2136, 4537, 11733
Massachusetts, 13840
Michigan, 7274, 12831
Minnesota, 837, 4321, 8383, 10261, 11728, 16661, 20160
Mississippi, 13843
Missouri, 9482
Montana, 2891, 20827, 22126, 26865, 26866
Nebraska, 20164
New York, 22127
North Carolina, 11908, 18011
Oklahoma, 2893, 7463, 11733, 23189, 26867
Oregon, 7465, 16052, 16660, 26868
Pennsylvania, 5271, 15379, 16660, 20162
South Dakota, 3388, 8795
Tennessee, 4538, 6900, 16809
Texas, 11730, 11909, 13841, 20163, 22987, 24613, 27385, 27572
Virginia, 6039

Washington, 8796, 13841
Wyoming, 8797, 16653
Regulatory agenda, 20328
Regulatory flexibility; review of rules, 27087
Television broadcasting:
Auxiliary facilities shared with broadcast and nonbroadcast entities; and establishment of new licensing policies; extension of time, 4323
Experimental, auxiliary, special broadcast, and program distributional services; policies and procedures; extension of time, 3807
Multiple ownership of broadcast stations; "one-to-a-market," and regional concentration exceptions; withdrawn, 17313
Subscription television ("STV") station; operational requirements; elimination of constraints on development; extension of time, 58
Teletext transmissions in vertical blanking interval; authorization; extension of time, 2385
Television stations; table of assignments:
Arizona, 18934
Arkansas, 20156
Hawaii, 11903
Iowa, 22988
Kansas, 5734
Minnesota, 18011
Mississippi, 6897, 20828
Montana, 22985
Nebraska, 15378
North Carolina, 7462
Ohio, 14177
Oregon, 7467
South Carolina, 10259
Washington, 9249

NOTICES

Agency forms submitted to OMB for review, 22596
AM broadcasting; proposals invited for new Canadian clear channel stations, and filing of applications on U.S. clear channels suspended, 8403
Broadcast-satellite services, 1983 region 2 planning conference; inquiry, 18046, 23207
Canadian standard broadcast stations; notification list, 3404, 9278
Committees; establishment, renewals, terminations, etc.:
National Industry Advisory Committee; Public Safety Services Subcommittee, 11107
Common carrier services:
AT&T et al.; prescription of revised percentages of depreciation, 5333
Continental Telephone Co. of Virginia et al.; prescription of revised percentages of depreciation, 5342
Cordless phone operation with more liberal technical standards; extension of time, 6994
Exchange network facilities for interstate access (ENFIA) agreement; extension, 24408
General Telephone Co. of Florida et al.; prescription of revised percentages of depreciation, 5345
Telephone network, nationwide; customer-provided telephone equipment; permanent exemption and temporary authority grant for Energy Department; inquiry, 12858
United Inter-Mountain Telephone Co.; prescription of revised percentages of depreciation, 5351
Computer rules (Bulletin OST 54); availability, 16100
Emergency broadcast system; closed circuit test, 8403, 25052
Frequency allocations and radio treaty matters:
World Administrative Radio Conference; implementation of agreement; inquiry, 1022
ITU Administrative Conference on Medium Frequency (AM) Broadcasting in Region 2; report availability, 16197
Meetings:
Alternative Financing for Minority Opportunities in Telecommunications Advisory Committee, 9281, 13212
Alternative Financing for Public Telecommunication, Temporary Commission, 6486, 8246
American Telephone & Telegraph Co.; en banc meetings, 12681, 18047, 19786
Communications policy issues; en banc meetings, 2921
Federal-State Joint Board; jurisdictional separations, 3405, 8403
International Telegraph and Telephone Consultative Committee, 2403, 8852, 15409, 20185
ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee, 87, 88, 2919, 7876, 8843, 10639, 11108, 12854, 14220, 18047
ITU 1985 Space World Administrative Radio Conference Advisory Committee, 8246, 14220, 17332, 19447, 23970, 24415, 25052, 26454, 28455, 28456
Marine Services Radio Technical Commission, 94, 5332, 9281, 14955, 19581, 20185, 24223, 27962
National Industry Advisory Committee, 2403, 3598, 3876, 9281, 10639, 10640, 11107, 18428
North Atlantic Consultative Process; preparation for senior level, 21916
Radio Broadcasting Advisory Committee, 8248, 18047, 20854, 23559, 23971, 27406, 28456
Telecommunications Industry Advisory Group, 1023, 6096, 8852, 11107, 12858, 14781, 16198, 27406
Telecommunications Industry Advisory Group Steering Committee, 5332, 24647, 28134
Meetings; Sunshine Act, 887, 1235, 1466, 2231, 2805, 3251, 3672, 4387, 5069, 5070, 5071, 5571, 5961, 5962, 5963, 7365, 7366, 7797, 8119, 8725, 9133, 10139, 10140, 11587, 11588, 12712, 13268, 13269, 13951, 13953, 15956, 15957, 16133, 16440, 16700, 17910, 17911, 17912, 18464, 19506, 20063, 20064, 20436, 20909, 21675, 21676, 21951, 22269, 22631, 24905, 26276, 26730, 26731, 28202, 28203
Organization and functions:
Cincinnati, Ohio; field office closed, 23557
Pittsburgh, Pa.; field office closed, 18957
Public broadcasting; alternative financing for public telecommunications entities; inquiry, 3597
Radio broadcasting:
Foreign AM broadcasting station notifications; termination of publication in Federal Register, 23970
Radio services, special:
Private land mobile services, future requirements; inquiry, 4737
Regulatory calendar, 1662
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies, 91, 2403, 3597, 3876, 5331, 6096, 6995, 8852, 13403, 14955, 15409, 16100, 17335, 20185, 23558, 24415, 26024, 26703, 26910, 27405, 28133
Senior Executive Service:
Bonus awards schedule, 17332
Performance Review Board; membership, 5778
World Administrative Radio Conference:
Broadcasting service, allocation of high frequency bands; preparations for 1984/1986 conference; inquiry, 15408
Space services conference, 24223
Hearings, etc.:
Aero Flite Service, Inc., et al, 8843
Airsignal International, Inc., et al, 5769, 17332, 26701
American Telephone & Telegraph Co. et al, 2402, 19447, 20177, 21141, 24621, 26022
Apogee, Inc., et al, 7489, 12854, 16675
B.F. Broadcasting, Inc., et al, 11768
B & M Communications, Inc., et al, 5771
Bennett, George, 8247
Berryville Media Group et al, 22215
Blue Ridge Media, Inc., et al, 8844
Bott Broadcasting Co, 88
Bowie County Broadcasting Co., Inc., et al, 24629
Broadco, Inc., et al, 14220
Bryan Industrial Electronics, Inc., et al, 3404
Butler, John C., et al, 23555
Cascade Video of Oregon, Ltd., et al, 22405
Cedar Creek Radio Co. et al, 5772
Citrus Communications Corp. et al, 13895
CM Broadcasting Co. et al, 5772
Coleman Broadcasting Co. et al, 5770
Connecticut Yankee Broadcasting Co. et al, 18957
Continental Telephone Co. of Illinois et al, 14951, 23557
Creation House Research Institute of Science & Technology, Inc., et al, 17333
Cullman Mobile Phone, Inc., et al, 19203
Digital Paging Systems of Kentucky, Inc. et al, 16677
Faith Center, Inc., et al, 18960
Family Television, Inc., et al, 8846
Focus Television Co. et al, 22216
Ford County Broadcasters, Inc., et al, 14222
Happy Broadcasting Co., Inc, 24634
Hawaii Broadcasting Co., Inc., et al, 14953
HGB Corp. et al, 9278
Hubbard, Cecil W., et al, 28132
International Television Corp. et al, 9279
Johnson, Edward M., et al, 18047
K-106, Inc., et al, 8848
Kaye-Smith Enterprises et al, 24631
Kentucky Authority for Educational TV et al, 8849
La Vergne's Telephone Answering Service et al, 19786
Lafayette Radiotelephone Co. et al, 24646
Lakeland Telecasters, Inc., et al, 24635
Lehigh Valley Mobile Telephone Co. et al, 13896
Limestone Broadcasting, Inc., et al, 89
Little Rock Radio Telephone Co., Inc., et al, 11960

Little Rock Signal Corp. et al, 12855
Massachusetts-Connecticut Mobile Telephone Co. et al, 93
Matos, Aurio, et al, 24628
Message Center, Inc., et al, 851
Microband Corporation of America et al, 19787
Mid-Ohio Communications, Inc., et al, 24639
Minn-Iowa Christian Broadcasting, Inc., et al, 8850
Mobile Phone of Texas, Inc., et al, 21142
Mobilfone Service, Inc., et al, 16678
Montgomery County Broadcast Co., Inc., et al, 26023
Montgomery County Broadcasters et al, 24630
Multi-Communications Service, Inc., et al, 16679
Murphy Broadcasting, Inc., et al, 19204
New England Broadcasting, Inc., et al, 25405
New West Broadcasting Co., Inc., et al, 8851
Northstar Communications et al, 5775
Ohio Telecasting, Inc., et al, 24642
Owens, Dale A., et al, 2920
Owens, Robert Paul, et al, 90
Pac-West Telecomm, Inc., et al, 27961
Pathfinder Communications Corp. et al, 5775
Radio Station WSIB et al, 2921
Radio Telephone Co. of Gainesville, Inc., et al, 14953
Radio Voice of Yauco, Inc., et al, 5777
Radiocall Corp. et al, 91
Rawlins Broadcasting Corp. et al, 14954
RCA American Communications, Inc, 4336
Redwood Television Ministries, Inc., et al, 1326
Rockford Communications Co., Inc., et al, 92
Rural California Broadcasting Corp. et al, 4595
Salisbury Mobile Telephone, Inc., et al, 92
Shoblom Broadcasting, Inc., et al, 12855
Sixty-One Corp. et al, 2922
Southern New England Telephone Co, 26705
Sudds, Max E, 6486
Summitridge Communications Corp. et al, 5778
Swartz, Larry D., et al, 5773, 7489
Tele-Broadcasters of California, Inc., et al, 5779
Tele-Com, Inc. of Indiana, et al, 6487
Vacationland Broadcasting Co., Inc., et al, 851
Venton Corp. et al, 7490
Waterloo Communications, Inc., et al, 11965
Western Union Telegraph Co. et. al, 8246, 13404
WFLI, Inc, 2924
Williams Metro Communications Corp. et al, 93
WKKQ, Inc, 23559
WRLJ, Inc., et al, 26703

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

RULES
Affirmative action requirements for government contractors; disabled veterans, and Vietnam era veterans; quarterly report requirements suspended, 4258
Reporting and recordkeeping requirements, 145

PROPOSED RULES
Affirmative action requirements for government contractors, 17770
Regulatory agenda. For references, see entry under Labor Department.

FEDERAL CROP INSURANCE CORPORATION

RULES
Crop insurance; multi-crop application form, 11642
Crop insurance; various commodities:
Almond, 27059
Barley, 18315
Grapes, 27058
Oat, 18319
Peanuts, 6, 11645
Tobacco (quota plan); interim, 13320
Wheat, 14675, 17033
Reporting and recordkeeping requirements, 745

PROPOSED RULES
Combined crop insurance regulations; interest on overdue premium payments, etc, 826
Crop insurance; various commodities:
Citrus, 14915
Flax, 18339
Rye, 18340

NOTICES
Meetings; Sunshine Act, 5071, 9955, 13953

FEDERAL DEPOSIT INSURANCE CORPORATION

RULES
Acquisition of control; applications, requests, submittals, and notices; truth in lending violations reimbursement relief, 9810
Assessments:
Interest charges on delinquent assessment payments and overpayments, 943
Authority delegations:
Bank Supervision Division Director; approval of deposit insurance applications, 12943
Disclosure of information, 22344
Equal Access to Justice Act; implementation, 9811
Interest on deposits:
Nondeposit obligations; insured State nonmember banks permitted to continue offering repurchase agreements in less than $100,000 denominations with maturities of 90 days or more, 28087
Management official interlocks, 22343
Practice and procedure rules:
Applications, requests, submittals, and notices of acquisition of control; truth in lending violations reimbursement relief; reporting and recordkeeping requirements, OMB approval, 25733

PROPOSED RULES
Authority delegations:
Board of Review et al.; section 8 enforcement matters and procedural motions, 28108
Freedom of Information Act; implementation, 22371
Regulatory agenda, 18908
Regulatory flexibility; review of rules, 3127
Savings banks, insured; special reporting basis, 23743
Securities transfer agents; registration, 18910
Unsafe and unsound banking practices:
Accrual accounting, 17264

NOTICES
Agency forms submitted to OMB for review, 19788, 25052, 25053
Meetings; Sunshine Act, 721, 1466, 1467, 2231, 2974, 2975, 3061, 3906, 4636, 5071, 5072, 5398, 6413, 6414, 7046, 7047, 7366, 7367, 8119, 8120, 8300, 8725, 9134, 9324, 10340, 10706, 11808, 11809, 12913, 12914, 13625, 13954, 14270, 14999, 15000, 15206, 15476, 16252, 16253, 16927, 17156, 17157, 17370, 17912, 18210, 18702, 19506, 19612, 20243, 20436, 20437, 20720, 21174, 21951, 22446, 22447, 22450, 23615, 23616, 24248, 24249, 24495, 25088, 25434, 26731, 26732, 27446, 27447, 28003, 28203

FEDERAL ELECTION COMMISSION

RULES
Contribution and expenditure limitations and prohibitions:
Honoraria; limitation on acceptance; technical amendment, 15098

PROPOSED RULES
Contribution and expenditure limitations and prohibitions:
Communications and advertising; clarification of disclaimer notice requirements, 3796

NOTICES
Meetings; Sunshine Act, 127, 887, 2231, 3061, 4193, 6515, 7367, 8301, 9325, 10706, 11810, 12914, 13954, 15206, 16253, 16928, 17370, 18464, 19612, 20720, 21375, 21952, 24249, 24495, 25245, 26277, 27447
Regulatory calendar, 1662, 5559
Special elections; filing dates:
California, 15898
Ohio, 21142

FEDERAL EMERGENCY MANAGEMENT AGENCY

RULES
Disaster assistance grant programs for individuals and families, 10553
Federal crime insurance program:
Residential and commercial businesses; premiums and deductibles, protective device requirements, classification, and definitions, 19347
Flood elevation determinations:
Alabama, 10540, 24321
Alaska, 3772, 6859, 24321
Arizona, 22, 3772, 10540, 12968, 17490
Arkansas, 22, 10540, 17490, 23720
California, 22, 3772, 6859, 10540, 12968, 12991, 17490
Colorado, 12968, 24321
Connecticut, 22, 3772, 6859, 10540, 12968, 17502, 24321
Delaware, 17490, 24321
Florida, 22, 3772, 6652, 10006, 12968, 24321
Georgia, 22, 3772, 12968, 24321
Hawaii, 12991
Idaho, 12968, 17502
Illinois, 22, 3772, 6859, 10540, 12968, 17502, 18395, 24321

Indiana, 22, 3772, 12968, 17490, 24321
Iowa, 22, 3772, 10540, 24321
Kansas, 3772, 10540
Kentucky, 10540, 17490
Louisiana, 17502
Maine, 10540, 12968
Maryland, 12968, 17490
Massachusetts, 22, 3772, 6859, 10540, 12968, 17490, 24321
Michigan, 22, 3772, 6859, 12968, 17490, 17502, 24321
Minnesota, 22, 3772, 6859, 10540, 12968, 12991, 17490, 24321
Mississippi, 12991
Missouri, 22, 3772, 6859, 10540, 12968, 17490, 24321
Montana, 10540, 12968
Nebraska, 3772, 17490, 24321
Nevada, 3772, 6859
New Hampshire, 22, 6859, 17490, 24321
New Jersey, 22, 3772, 6859, 10540, 12968, 17490, 24321
New Mexico, 10540, 12968, 24321
New York, 22, 3772, 6859, 10540, 12968, 17490, 17502, 23720, 24321
North Carolina, 3772, 6859, 10540, 12968, 17490
North Dakota, 10540, 12968
Ohio, 22, 3772, 10540, 12968, 17490
Oklahoma, 6859, 24321
Oregon, 22, 3772, 6859, 10540
Pennsylvania, 22, 3772, 12968, 17490, 17502, 23448, 24321
Puerto Rico, 24321
Rhode Island, 12968
South Carolina, 10540, 12968, 17490
South Dakota, 10540
Tennessee, 22, 6859, 10540, 12968, 17490
Texas, 22, 3123, 3772, 6430, 6859, 10540, 12968, 17490, 23720
Utah, 6859, 12968
Vermont, 10540, 12968
Virginia, 10540, 17490, 24321
Washington, 3772, 10540, 12968, 17490
West Virginia, 3772, 6859, 17490
Wisconsin, 22, 3772, 6859, 10540, 12968, 12991, 17490

Flood elevation determinations; hearing procedures, 23448

Flood elevation studies; consultation with local officials, 770

Flood insurance; communities eligible for sale:
Alabama, 3116, 3119, 3355, 6646, 6648, 6650, 10827, 12798, 16023, 21797, 21800
Alaska, 6646, 23168, 25146
Arizona, 4259, 6646, 6648, 10827, 10829, 12798, 16025, 19344, 23168
Arkansas, 3116, 3355, 6646, 6648, 10829, 13806, 16025, 16027, 17287, 19344, 21797, 21800, 25145
California, 3116, 3355, 6646, 6648, 12798, 18597, 18867, 19344, 21547, 23168, 23170, 25145, 26133
Colorado, 3355, 6648, 10827, 16023, 21797, 21800
Connecticut, 3119, 3355, 4259, 6646, 6648, 6650, 10827, 12798, 18867, 19344, 21800, 25146, 26133
Florida, 3116, 3119, 3355, 4259, 6646, 6648, 10827, 10829, 12798, 13806, 16025, 17287, 18867, 19344, 21797, 21800, 23168, 25146, 26133
Georgia, 18867, 21800, 23170, 25145, 26133
Hawaii, 25145
Idaho, 3116, 3119, 6646, 6648, 6650, 8359, 10827, 12798, 16025, 19344
Illinois, 3116, 3119, 3355, 6646, 6648, 8359, 10827, 10829, 12798, 13806, 16023, 16025, 18597, 18867, 19344, 21797, 21800, 23168, 23170, 25145, 25146, 26133
Indiana, 3119, 3355, 10827, 10829, 12798, 13806, 16025, 18597, 18867, 19344, 21797, 21800, 23168, 23170, 25145, 26133
Iowa, 4259, 10827, 12798, 18597, 18867, 23168, 23170, 25145, 26133
Kansas, 3119, 6646, 13806, 16023, 21797, 21800, 23168, 26133
Kentucky, 3119, 10829, 16025, 19344
Louisiana, 3119, 3355, 6650, 8359, 10827, 12798, 16025, 18597, 19344, 21547, 23170, 25145
Maine, 6646, 6648, 10829, 13806, 16023, 16025, 18597, 19344, 21797, 21800, 23170, 25145
Maryland, 6646, 6650, 10827, 12798, 26133
Massachusetts, 3119, 3355, 4259, 6646, 6648, 10827, 10829, 12798, 13806, 16025, 18867, 19344, 21797, 21800, 23168, 25146, 26133
Michigan, 3119, 3355, 6650, 8359, 10827, 10829, 12798, 13806, 16023, 16025, 17278, 18867, 19344, 21797, 21800, 23168, 25145, 25146, 26133
Minnesota, 3119, 3355, 6646, 6648, 6650, 10827, 10829, 12798, 13806, 16023, 16025, 18597, 18867, 19344, 21797, 21800, 23168, 23170, 25145, 25146, 26133
Missouri, 3119, 6646, 6648, 13806, 16023, 17287, 18867, 21547, 21797, 21800, 23168, 25146, 26133
Montana, 3355, 10829, 16025, 19344
Nebraska, 4259, 10827, 12798, 16023, 17287, 21797, 21800, 23168
Nevada, 21797, 23168
New Hampshire, 3119, 13806, 16023, 18597, 18867, 21797, 21800, 23170, 25145, 25146, 26133
New Jersey, 3116, 3119, 3355, 4259, 6646, 6648, 6650, 8359, 10827, 10829, 12798, 13806, 16023, 16025, 17287, 18867, 19344, 21797, 21800, 23168, 23170, 25146, 26133
New Mexico, 6648
New York, 3116, 3119, 3355, 4259, 6646, 6648, 6650, 8359, 10827, 10829, 12798, 13806, 16023, 16025, 17287, 18597, 18867, 19344, 21797, 21800, 23168, 23170, 25145, 25146, 26133
North Carolina, 3116, 3119, 3355, 6430, 6646, 6650, 8359, 10827, 12798, 13806, 17287, 21797, 21800, 23168, 23170, 25146
North Dakota, 4259, 10827, 12798, 16027, 21797
Ohio, 3119, 3355, 6646, 6648, 10827, 12798, 13806, 16023, 18867, 21797, 21800, 23168, 25145, 26133
Oklahoma, 3116, 6646, 6648, 6650, 10827, 12798, 16023, 17287, 19344, 21797, 21800, 25145
Oregon, 3119, 3355, 4259, 6646, 6648, 6650, 8359, 10827, 10829, 12798, 16025, 18597, 18867, 19344, 21800, 23168, 23170, 25145, 25146, 26133
Pennsylvania, 3116, 3119, 3355, 4259, 6646, 6648, 6650, 8359, 10827, 10829, 12798, 13806, 16023, 16025, 18597, 18867, 19344, 21797, 21800, 23168, 23170, 25018, 25145, 26133
Rhode Island, 6646, 8359, 10829, 13806, 16025, 21797
South Carolina, 3119, 3355, 6646, 6648, 10827, 12798, 25145
South Dakota, 3119, 4259, 6646, 10827, 12798
Tennessee, 3116, 6646, 8359, 17287, 18867, 26133
Texas, 3116, 3119, 3355, 4083, 6646, 6648, 8359, 10827, 10829, 13806, 16025, 17287, 18867, 19344, 21797, 21800, 23168, 25145, 26133
Utah, 4259, 8359, 10827, 12798, 16025, 19344, 25146
Vermont, 3116, 3119, 3355, 6646, 6648, 6650, 8359, 10827, 16023, 16025, 19344, 21797, 21800, 25145
Virginia, 3119, 3355, 4259, 10827, 12798, 13806, 16023, 18597, 21797, 21800, 23170
Washington, 3119, 3355, 4259, 6650, 10827, 10829, 12798, 16023, 16025, 18597, 19344, 21797, 21800, 23168, 23170, 25145
West Virginia, 4259, 16023, 17287, 21797, 21800, 23168, 25146, 26133
Wisconsin, 3119, 3355, 6646, 6648, 6650, 8359, 10827, 12798, 13806, 16023, 16025, 18597, 19344, 21797, 21800, 23168, 23170, 25145, 25146
Wyoming, 10827

Flood insurance; special hazard areas:
Alabama, 3357, 21802
Arizona, 10215, 10538, 12627
Arkansas, 12627, 13340, 17290
California, 769, 3121, 7423, 10006, 10215, 10538, 21802
Colorado, 10538, 21802
Connecticut, 10215, 21802, 23718
Delaware, 10538, 21802
Florida, 3121, 10538, 21802, 23718
Georgia, 3357, 10538, 17290, 23719
Idaho, 7423, 10006, 10538, 23719
Illinois, 3358, 10215, 10538, 13341, 17289, 21802, 23718
Indiana, 10538, 13340, 17289, 21802, 23718
Iowa, 10538, 21802
Kansas, 10538, 21802
Kentucky, 10215, 10538
Louisiana, 10006, 10538, 17290, 21802, 23719
Maryland, 3123, 10538
Massachusetts, 10215
Michigan, 3121, 3358, 7423, 10215, 10538, 12627, 21802, 23718
Minnesota, 3357, 3358, 7423, 10215, 13341, 21802
Mississippi, 10538
Missouri, 21802
Montana, 7423, 17289
Nebraska, 21802
New Hampshire, 3357, 21802
New Jersey, 10215
New Mexico, 10538
New York, 10215, 12627, 17290, 21805, 23718, 23719
North Carolina, 3358, 10215, 10538, 21802, 21805
North Dakota, 7423, 10215, 10538, 13341, 21802
Ohio, 3357, 3358, 7423, 10215, 12627, 13340, 13341, 21805, 23718
Oklahoma, 10006, 10538, 12627, 13341, 17290, 21802, 21805, 23719
Oregon, 10538, 17289, 21802, 21805
Pennsylvania, 3122, 3358, 7423, 10215, 10538, 12627, 13341, 17290, 21802, 21805, 23718, 23719
Rhode Island, 21802
South Carolina, 10215
South Dakota, 10538, 21802
Tennessee, 10538

Texas, 3358, 7423, 10215, 10538, 12627, 17290, 21802, 23719
Utah, 10215, 10538
Vermont, 10215, 17289
Virginia, 3358, 7423, 13341, 21802, 21805, 23719
Washington, 10215, 10538, 21802
West Virginia, 7423, 13341
Wisconsin, 7423, 10215, 10538, 13341, 21802, 23718
Wyoming, 10215, 10538
Flood insurance; special hazard areas; map corrections:
Arizona, 771, 10007, 23450
California, 10007, 17061, 18870, 18872, 23451, 23452
Colorado, 3124, 21549
Connecticut, 10008
Florida, 10009, 13150, 17064, 18873, 23452, 23453, 23454
Illinois, 10009, 10010, 10830, 18871, 18874, 21549
Iowa, 3124
Louisiana, 10011
Maryland, 772, 10011, 10012, 23455
Michigan, 18871, 18874, 18875, 18876
Minnesota, 10013, 18872, 18877, 21551
Mississippi, 10013, 17062
Montana, 10830
Nevada, 10014
New Jersey, 10014, 10015, 13151, 17063, 23456
New York, 23456
North Carolina, 23457
Ohio, 10830
Oklahoma, 4683, 10016, 10830, 21550, 23457, 23458
Pennsylvania, 10830
South Carolina, 10016, 17063
South Dakota, 18877
Texas, 772, 4682, 10017, 10018, 13151, 17064, 18878, 18879, 21548
Vermont, 3125
Virginia, 10830
West Virginia, 10830
Wisconsin, 10830
Flood insurance program:
Coverage, sales, and loss prevention provisions, 19138
Organization, functions, and authority delegations, 12172
Organization and functions; changes in titles of agency officials, 13148
Preparedness:
Military ready reserve; peacetime screening of non-Federal employees, 7239
Radiological emergency response planning and preparedness; final rule, 10758

PROPOSED RULES

Disaster assistance:
Declarations of major disasters or emergencies; process and procedures, 17956
Flood elevation determinations:
Arizona, 10061, 10245, 21557, 21558, 23486, 24357
Arkansas, 10245, 12814
California, 3379, 6664, 17078, 17583, 19177, 19186, 19383, 19556, 21558, 21566, 21865, 23486, 23781
Colorado, 3140, 6664, 10062, 10245, 12812, 12814, 19174, 19178, 19179, 21559
Connecticut, 3379, 6664, 17583
Delaware, 17583, 19556
Florida, 5016, 6664, 12814, 17583, 19383, 19556, 23487, 23782, 24357
Georgia, 3141, 12814, 19383, 24357
Hawaii, 19383
Idaho, 6664, 19556
Illinois, 3142, 3146, 3379, 6664, 9865, 10060, 10245, 17079, 17080, 19179, 19383, 19556, 21865, 23488, 23783
Indiana, 3146, 5016, 6664, 10245, 15373, 17583, 23488, 24357
Iowa, 3140, 3379, 4712, 6664, 12814
Kansas, 4712, 12814, 17081, 19180, 19383
Kentucky, 19383
Louisiana, 3143, 17081, 19556, 24357
Maine, 19383
Maryland, 3379, 6664, 10063, 10245, 19556, 21560
Massachusetts, 3142, 3379, 4710, 6664, 10245, 12814, 17583, 19383, 19556, 24357
Michigan, 6664, 12814, 15373, 17583, 19383, 19556, 23489, 24357
Minnesota, 3012, 3147, 6664, 10059, 17583, 19383, 21866, 21867, 24357
Missouri, 4712, 6664, 17583, 19181, 19383, 19556, 23490, 24357
Montana, 12813, 12814, 17583
Nebraska, 3379, 6664, 15373, 17082, 17583, 19383, 24357
Nevada, 24357
New Hampshire, 3379, 10245, 12814, 19556
New Jersey, 3379, 5016, 6664, 10245, 12814, 17583, 19175, 19176, 19383, 19556, 24357
New Mexico, 17583
New York, 3379, 4710, 6445, 6446, 6664, 10062, 10245, 12814, 17583, 19176, 19383, 19556, 23491, 24357
North Carolina, 17583, 19181, 19383
North Dakota, 3379, 19556
Ohio, 3379, 6664, 8383, 10245, 12814, 17583, 17596, 19174, 19383, 19556, 23780, 24357
Oklahoma, 3379, 10245, 17583, 19556, 24357
Oregon, 12814, 21868
Pennsylvania, 3143, 3144, 3145, 3379, 10245, 12814, 13175, 19556, 23784, 23785, 24357
Puerto Rico, 6664
Rhode Island, 19383, 19556, 24357
South Carolina, 19383
South Dakota, 3145
Tennessee, 3379, 10245, 12814, 19383, 24357
Texas, 3379, 10245, 12814, 13174, 17583, 19556, 24357
Utah, 6664, 19173, 23781
Virginia, 3379, 6664, 10245, 12814, 17583, 19184, 24357
Washington, 4709, 6664, 12814, 19182, 19383
West Virginia, 3379, 10245, 19184
Wisconsin, 3379, 6664, 10245, 12814, 17583, 19183, 19383, 24357
Wyoming, 19172, 19185, 19186
Grants and cooperative agreements, 2491
Housing assistance, temporary, 827
Preparedness:
Civil defense-State and local emergency management assistance program (contributions for personnel and administrative expenses); allocation formula, etc.; advance notice, 14500
Natural disasters; use of civil defense personnel, materials, and facilities, 11297
Regulatory agenda, 18391

NOTICES

Agency forms submitted to OMB for review, 19581
Disaster and emergency areas:
Arkansas, 18965
California, 2404, 3203, 3877, 6487, 18966
Hawaii, 18428
Illinois, 26025
Indiana, 13212, 14597, 18429
Michigan, 14597
Mississippi, 17115
North Dakota, 21619
Ohio, 14597, 17115, 21620
Texas, 17115, 25053
Disaster and emergency areas; request formats and processing declarations, 17961
Flood insurance:
Communities with special hazard area subject to prohibition of Federal assistance; correction, 10078
Meetings:
Advisory Board, 16100
National Fire Academy Board of Visitors, 2204, 26025
Privacy Act; systems of records, 21620
Radiological emergency; State plans:
Arkansas, 10077
Colorado, 10077
Delaware, 18428
Illinois, 26024
Nebraska, 21619
New Jersey, 11108
North Carolina, 13212
Pennsylvania, 2404
South Carolina, 852, 25054
Regulatory calendar, 1662
Riots or civil disorder losses; reinsurance, 16100

FEDERAL ENERGY REGULATORY COMMISSION

RULES

Electric utilities (Federal Power Act):
Annual reports (Form No. 1), class A and B licensees; elimination of unnecessary data requirements, 1267
Hydroelectric power projects, small; exemptions from licensing requirements, 4232, 13517, 20295
Monthly power plant report (Form No. 4); discontinuance, 2083
Power system statement (Form No. 12); filing suspension, 13324
Rate schedules; requirements for filing changes and for preparation and submission of supporting data; correction, 6826
Tax normalization for timing difference transactions; computation for ratemaking and income tax purposes of expenses or revenues; rehearing denied, stay lifted, and clarification, 8329, 8991
Water power projects; "short form" license application for minor water power projects and major water projects 5 megawatts or less; correction, 6826
Freedom of Information Act; implementation, 23148, 24691
Natural gas companies (Natural Gas Act):
Annual reports (Form R0284); system flow diagrams, 10202
Pipelines; gas supply annual report (Form No. 15); revision; rehearing denied, 6263
Pipelines, interstate; certificates for routine transportation, 24254
Tax normalization for timing difference transactions; computation for ratemaking and income tax purposes of expenses or

revenues; rehearing denied, stay lifted, and clarification, 8329, 8991
Natural Gas Policy Act:
Ceiling prices; maximum lawful prices and inflation adjustment factors, 4504, 17981
Ceiling prices for high cost natural gas produced from tight formations; various States
Alabama, 28364
Colorado, 4247, 4248, 8342, 15316, 15317, 17054, 25132
Louisiana, 5224, 8564
Nebraska, 10203
New Mexico, 22946, 25133, 28365
New York, 4246
Ohio, 20573
Texas, 6423, 6424, 8565, 12618, 12619, 15315, 28366
Utah, 4248
Wyoming, 12620, 20574, 20575, 20576
First sales by affiliates; interim, 11812
Fraud standard, interstate pipelines; policy statement, 6253
Incremental pricing; acquisition cost thresholds, 20, 3763, 8343, 12790, 17984, 24117, 27857
Pipelines, interstate; certificates for routine transportation, 24254
Resales of natural gas, maximum lawful price, interim collections, etc.; and MMBtu content standard determination method; termination of partial stay of effective date and clarification, 614
Oil pipeline companies quarterly report (Form ICC-QPS); discontinued, 16317
Organization, operation, information, etc.:
Chief Accountant et al.; authority delegation for accounting proposals and applications, etc, 17806
Policy and interpretations:
Tax normalization for timing difference transactions; computation for ratemaking and income tax purposes of expenses or revenues; rehearing denied, stay lifted, and clarification, 8329
Correction, 8991
Practice and procedure:
Commission proceedings; conduct, 19014
Commission proceedings; conduct; correction, 23440
Commission proceedings; conduct; rehearing, 28364
Public Utility Regulatory Policies Act:
Cost of services and load data; extension for initial filing, 22947
Electric energy and capacity, shortages; reporting procedures; interim rule extended, 20296
Reporting and recordkeeping requirements, 613

PROPOSED RULES

Electric utilities (Federal Power Act):
Annual reports (Form No. 1), class A and B licensees; elimination of data requirements; rehearing, 10237
Cost and quality of fuels for electric plants, monthly report (Form No. 423); revision; extension of time, 39, 3374
Power system statement (Form No. 12); revision, 2329
Equal Access to Justice Act; implementation, 4313
Fees for services and benefits, 27375
Natural gas companies (Natural Gas Act):
Fees for services and benefits provided producers, 20621
Fees for services and benefits provided producers; correction, 28425
Rates and tariffs; impact of NGPA on current and projected natural gas markets, 19157
Reports submitted by pipeline companies on service interruptions, revision, 16644, 20317
Natural Gas Policy Act:
Ceiling prices; impact of NGPA on current and projected natural gas markets, 19157
Ceiling prices for high cost natural gas produced from tight formations; various States
Alabama, 10239
Colorado, 5237, 10238, 10239, 26163, 27082, 27083
Kansas, 14590
Kentucky, 15805
Louisiana, 39, 12809
Montana, 24342
New Mexico, 8377, 10241, 10242, 14591, 14592, 15806, 19719, 23181, 24141, 25374, 25540
New York, 28425
Ohio, 6028
Texas, 2883, 2884, 6437, 7451, 13001, 15353, 15355, 15356, 18362, 23752, 25374
West Virginia, 6438
Wyoming, 6883, 6884, 7453, 7454, 17070
Fees for services and benefits provided, 24726
Fees for services and benefits provided; correction, 28425
High cost natural gas produced from intermediate deep drilling, 638, 4535, 6439, 8596, 13169
Public Utility Regulatory Policies Act:
Collection of cost of service information, 5437
Collection of cost of service information; extension of time, 13836

NOTICES

Environmental statements; availability, etc.:
American Natural Rocky Mountain Co. et al.; construction and operation of pipeline from Fremont County, Wyo., to Kiowa County, Kans., etc, 3402
Idaho Falls, Idaho; Gem State Project; scoping meeting, 21578
Northwest Pipeline Corp. et al.; pipeline transportation facilities construction proposals, etc.; inquiry and scoping meetings, 26449
Tennessee Gas Pipeline Co.; proposed Tennessee/Boundary looping project; intent to prepare, 4564
Federal Power Commission reports; availability, 21119
Meetings; Sunshine Act, 1237, 3061, 3466, 3907; 4637, 5571, 5572, 5738, 6415, 7798, 8301, 9955, 12421, 13091, 14650, 17912, 19507, 20064, 20438, 20720, 22447, 23067, 24015, 25651, 26492, 28003
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 2159, 4552, 5764, 6920, 7731, 7746, 8834, 11073, 13565, 16859, 18411, 20362, 21120, 24771, 26011
Small producer certificates, applications, 5326, 8834, 13567, 16068, 21593, 26006
Natural Gas Policy Act:
Determination process report receipts, 9516
Fuel oil displacement transportation certificates; applications filed by various companies, 4565, 11938, 19441, 25194
Jurisdictional agency determinations, 268, 274, 279, 290, 300, 306, 312, 319, 1003, 2169, 2180, 2189, 3162, 3170, 3177, 3184, 3856, 3866, 4567, 4574, 5293, 5303, 5314, 6327, 6336, 6346, 6353, 6935, 6945, 6962, 6969, 8054, 8062, 8071, 8646, 8653, 8664, 9520, 9528, 9537, 9546, 11078, 11083, 11090, 11096, 11941, 11950, 12665, 12674, 13866, 13871, 14515, 14524, 14531, 14539, 14545, 14553, 14559, 14568, 14574, 14583, 14591, 15828, 15838, 15849, 15859, 16075, 16082, 16869, 16878, 17642, 17649, 17654, 18022, 18029, 19408, 19417, 19758, 19771, 20351, 20356, 21125, 21134, 22146, 22159, 22169, 23524, 23534, 24193, 24199, 24203, 24213, 24786, 24794, 24803, 24809, 25572, 25579, 25591, 25601, 26210, 26219, 26226, 26437, 26443, 26889, 26895, 27906, 27918, 27936, 27949
Jurisdictional agency determinations; well category withdrawals, etc, 256, 2395, 6480, 9504, 9513, 12383, 13562, 18020, 18651, 22177, 22398, 26203, 27902
Oil pipeline construction costs; 1981 annual, 14514
Oil pipelines, interstate; tentative basic valuations, 10284, 10895, 16853, 19580, 22585, 26186
Privacy Act; systems of records, 20021
Public utilities:
Construction work in progress; petition denied, 17850
Regulatory calendar, 1662
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
Alternative Energy Decisions, Inc, 21577, 21578, 21595, 21596, 21597, 25996
Alton Packaging Corp, 22179
American Energy Projects, 25181
California Portland Cement Co, 17847
Cargill, Inc, 27890
Chevron, USA, Inc, 8818, 11060
Cleek Dairy Farm, 20364
Community Linen Rental Services of Los Angeles, Calif, 9514
Consortium of Alternate Energies, 13864
Copley, Ernest L, 5320
Energenics Systems Inc, 17623, 20365
Federal Paper Board Co., Inc, 26002
Geo Energy, Inc, 20366
Goodman, David, et al, 26003
Great American Federal Savings & Loan Association, 17626
Hercules Inc, 8046
Hetzler, Robert, 6988
Hooker Chemicals & Plastics Corp, 11064
Hydro-Nelson, Ltd, 24182
ITT Continental Baking Co, 5321
J. R. Wood, Inc, 18415
Jacquin-Florida Distilling Co, 18648
Kimberly-Clark Corp, 17627
Koppers Co., Inc, 19737, 27932
Long Lake Energy Corp, 20367

Massachusetts Hydro Association of Boston, Mass, 9515
Nornev Demonstration Geothermal Co, 8826
North Canal Waterworks, 8827
Pond Lily Great Falls Co, 26008
Reick, Vaylord, 25190
Richter, Jim, 25190
Ring Power Corp, 19438
Roberson, J. Clyde, 13570
Rockfish Corp, 4558, 26008
Scott Paper Co, 20369
Sea World, 258
South San Joaquin Irrigation District, 665
Steamco, Inc, 11073
Stone Container Corp, 25192
Sunlaw Energy Corp, 24780
Union Carbide Corp, 14776
Urban-Refergy Skokie Partnership, 11075
Verduyn, Walter, M.D, 24191
Victoria Hospital, Inc, 26015
Watson Biogas Systems, 21582
Wehran Energy Corp, 13885
Westfir Energy Co, 8833
Wheelabrator-Frye Inc, 9910, 15895
Wind Energy Systems of Texas, Inc, 17855
Windfarms Ltd, 11076

Hearings, etc.:

Aby, David C, 7725
Alabama Electric Cooperative, Inc, 22177
Alabama Power Co, 1317, 3849, 8040, 12379
Alabama-Tennessee Natural Gas Co. et al, 3189, 19740, 21291, 25180, 26186
Alaska Power Authority, 22178
Alaskan Northwest Natural Gas Transportation Co, 4111
Algonquin Gas Transmission Co, 1317, 6061, 6984, 9513, 19739, 22394, 25995
Algonquin LNG, Inc., et al, 22178
Allegheny Power System et al, 237
Allegheny County, Pa, 25180
Allegheny Power Service Corp, 3849, 3850
American Electric Power Service Corp, 2156, 2157, 16368, 16369, 19739, 22179
American Enertech, 23198
American Hydro, Inc, 26186
American Hydro Power Co, 6062, 6922, 14946, 27928
American Municipal Power-Ohio, Inc., et al, 23005
American Public Power Association, 17846
Amoco Production Co, 14511, 25996
Anchorage, Alaska, 10272
ANR Storage Co, 2912, 5320
Appalachian Flying Service, Inc, 18647
Appalachian Power Co, 237, 7726, 23007
Appomattox Hydro Associates, 6063
Appomattox River Water Authority, 6063
APS-PJM Interconnection Agreement et al, 4550, 13861
Arcata, Calif, 10272, 10619, 24387
Arctic Development Corp, 9048
Argyle, Wis, 9510
Arizona Public Service Co, 2157, 5766, 8817, 9049, 11059, 16837, 17846, 19425, 19734, 20363, 27095
Arkansas Electric Cooperative Corp. et al, 27956
Arkansas Louisiana Gas Co, 10273, 11059, 11549, 11923, 12381, 16067, 19734, 19740, 20841, 20842, 26187
Arkansas Power & Light Co, 237, 5760, 8629, 8630, 10274, 13182, 13861, 19734, 20363, 21584
Ashton, Philip T, 17846
Augusta, Ga, 6464
Austin, Stephen E., et al, 17617, 18947, 19425, 19426, 25996
B & C Energy, Inc, 4114
Bair, Howard W, 6696
Bandon, Oreg., et al, 4723
Bangor Hydro-Electric Co, 3834, 26695
Banister Hydro Associates, 27104
Banta Carbona Irrigation District, 20177
Bar 717 Ranch, Inc, 3837
Barnet Hydro Co, 4722
Battle Creek Gas Co, 13564
Bean, Richard, et al, 8631
Bedford, Va, 9503
Belco Petroleum Corp, 25997
Belgrade Development Corp, 26188
Bellevue, Wash, 13551
Bell's Texaco, 21590
Bibb Co, 13551
Bibb County, Ga, 27956
Bidwell, Floyd, 4115
Big Rivers Electric Corp, 27105, 27106
Big Wood Canal Co, 19741
Black Hills Power & Light Co, 17846
Bonneville Power Administration, 3583, 24176
Bonney Lake, Wash, 7726
Booraem, Jonathan W, 238
Borgmann, Earl A, 26188
Boston Edison Co, 22394, 23007, 24783
Boulder City, Colo, 27404
Bountiful, Utah, 21578
Boyd, James O, 7727, 15866
Brown, Malcolm S, 16837
Bryan, Ohio, 6923
Burgess, Edward F., et al, 11550
Burgess, N., et al, 17618
Burrows Paper Co, 9555
Burton, John R, 17847
BYS, Inc, 18647
Cabot Pipeline Corp, 4551
Cagnetta, John P, 17847
California Department of Water Resources, 14947, 15866
Campbell and Thayer, Mo, 27107
Canyonville, Oreg, 4115
Capital Development Co, 10275
Carolina Power & Light Co, 10627, 12846, 13861, 18410, 19735, 23008, 27890
Cascade Irrigation District, 18415
Central City, Pa., et al, 11059, 14757
Central Hudson Gas & Electric Corp, 6985, 22180
Central Illinois Light Co, 3850, 11059
Central Illinois Public Service Co, 81, 4551, 9049, 10275, 13182, 18648
Central Louisiana Electric Co., Inc, 16369
Central Maine Power Co, 83, 6064, 8040, 11059, 16838, 23513
Central Power & Light Co. et al, 83, 2394, 11551, 24772
Central Telephone & Utilities Corp, 84, 8042, 11060, 12381
Central Vermont Public Service Co, 25997
Central Vermont Public Service Corp, 9555, 15867, 25998
Centralia, Wash, 8632, 11923
Cereghino, David, 8631, 27891
Champlain Narrows Improvement Co, 16839
Channel Industries Gas Co, 9502
Charles River Hydroelectric Power Co, 16839
CHASM Hydro, Inc, 238, 8817
Chester Water Authority, 4551
Chiara, Gary C, 22180
Chittenango, N.Y, 19740
Cimarron Transmission Co, 6690
Cincinnati Gas & Electric Co. et al, 239, 1317, 3850, 8044, 8818, 18410, 26428
Citics Service Gas Co. et al, 1318, 8818, 9049, 11061, 13182, 13183, 13554, 13864, 17847, 19427, 21585, 21586, 22181, 24772, 24773
Clark, Frank T, 25182
Clark-Skamania Joint Operating Agency, Wash, 4119
Cleveland Electric Illuminating Co, 239, 11925, 19735, 22394
Cliffs Electric Service Co, 6465, 22394, 27095
CMC Energy, Inc, 23007
Cobey, James F., Jr, 5766
Cohen, Romano & Rice, 6476
Coke, Ken, 6696
Color Cable Inc, 13863
Colorado Interstate Gas Co, 4552, 10273, 13565, 15867, 16840, 17618, 17848, 18948, 26430
Colorado River Water Conservation District, 6921
Columbia Gas Transmission Corp. et al, 84, 2912, 4120, 6065, 6923, 8819, 10629, 11925, 12204, 13183, 13184, 14757, 22181, 26188, 26430, 27891
Columbia Gulf Transmission Co. et al, 6691, 6985, 11551, 13555, 14758, 25182, 25567, 26431
Columbia Irrigation District, 24176
Columbus, Ohio, 27928
Columbus Development Corp, 6924
Columbus & Southern Ohio Electric Co, 6986
Colville Confederated Tribes, 6925
Comanche Natural Gas Co., Inc., et al, 24177
Commercial Pipeline Co., Inc, 14511
Commonwealth Edison Co, 6065, 6465, 6986, 10630, 11061, 11554, 15867, 20364, 21587, 24177, 24387, 27893
Commonwealth Edison Co. of Indiana, 4552
Commonwealth Electric Co, 1009
Commonwealth Oil Refining Co., Inc, 25183
Connecticut Light & Power Co. et al, 239, 6323, 6465, 6691, 7728, 8044, 10630, 10631, 20365, 21589, 22182, 22183, 22184, 24388
Connecticut Valley Electric Co., Inc, 16068
Conoco, Inc., et al, 24177
Consolidated Edison Co. of New York, Inc, 5320, 15868, 26695
Consolidated Gas Resources, Inc, 10620
Consolidated Gas Supply Corp. et al, 2913, 4724, 6067, 6986, 8819, 9050, 17619, 18412, 21119, 25567, 27928
Consolidated Hydroelectric, Inc, 19735
Consulting Associates, Inc, 6976
Consumers Power Co, 240, 2913, 5760, 5766, 5767, 13184, 14758, 15868, 15869, 16841, 19428, 22395, 27095
Continental Divide Pipeline Co, 6925
Continental Hydro Corp, 3834, 14759, 15868, 22184
Cook Electric, Inc, 240, 659
Copper Valley Electric Association, Inc., et al, 13185
Coppock, Thomas W, 1318, 6323
Cordua Irrigation District, 9051
Cornelius, William E, 14759
Cornell University, 9503

Cornwall Paper Mills, 11554
Counsil, William G, 17848
CP National Corp. et al, 1009, 18648, 24783
Cripple Creek Hydro Associates, 26189
Cromwell, Gary A, 12205
Crown Zellerbach Corp, 6465
Crystal Springs Ranch, 16370
Danielson Fence Co, 241
Danville, Va., Electric Department, 14947
Darrington, Wash, 6975
Davis, James E, 8045
Dayton Power & Light Co, 6466, 10631, 11554, 14760
Deep River Hydro, 9504
Delhi Gas Pipeline Corp, 11061, 13185, 19428
Delmarva Power & Light Co, 6068, 24784, 27893
DeMaria, Peter J, 24177
DeMera, David G, 24388
Denver Board of Water Commissioners, 8633
Deschutes Valley Water District, 18416
Detroit Edison Co, 1011, 3834, 17848, 23199, 24178
Diamond Power Corp, 3839
Dickhonor, William H, 26188
Dimos, Zoes J., et al, 10627
Distrigas Corp. et al, 25998
Distrigas of Massachusetts Corp, 2913, 3189, 7728, 9051, 13555, 17619
Dixie Escalante Rural Electrie Association, Inc, 16841
Dodge Falls Hydro Associates, 7729
Dole & Roberts Sales Corp, 13555
Dover, N.H, 27891
Dow Intrastate Gas Co, 16673, 25999
Drain, Oregon, 18417
Duke Power Co, 241, 242, 7729, 12381, 15869, 24178
Dundee Water Power & Land Co, 11062
Duquesne Light Co, 2914
Eames, Alfred W., Jr, 13185
East Coast Engineering, 7730, 10276, 10620
East Kentucky Power Cooperative, Inc, 22184
East Lexington Hydro Associates, 8634
East Providence, R.I, 21587
East Tennessee Natural Gas Co, 5760, 17619, 21589, 25999
Eastern Edison Co, 6467, 26000
Eastern Shore Natural Gas Co. et al, 6691, 10621, 13185, 15870
Edison Sault Electric Co, 2157, 17849
Edmondson Hydro Associates, 11555
Edwards Energy Systems, Inc, 21579
El Paso Electric Co, 2395, 6467, 7730, 9556, 11063, 13566, 18413, 19428, 20365
El Paso Exploration Co. et al, 20365, 25568
El Paso Natural Gas Co. et al, 660, 1318, 6068, 6692, 7731, 9553, 9907, 10276, 11555, 13186, 15870, 16069, 16842, 17620, 17621, 17622, 20842, 20843, 22185, 22186, 24179, 24773, 26000, 26189, 27095
Electric Energy, Inc, 2157
Emerald Peoples Utility District, 8820, 18949
Empire District Electric Co, 19429
Empire State Hydro Corp, 9557
Endbehr Corp, 1011
Energenics Systems, Inc, 3840, 3841, 4121, 7732, 8635, 8820, 8821, 10277, 10278, 13186, 13187, 13880, 13881, 14760, 14761, 15870, 15871, 15872, 16370, 16843, 17622, 17623, 17624, 18949, 19742, 19743, 21579, 21598, 22187, 22188, 23513, 25183, 26001, 26002, 26190, 26191, 27892, 27893
Energy Conversions of America, Inc, 27096
English, William N, 24179
EOOE Gas Co, 8822
Ephraim City, Utah, 23514
Equitable Gas Co, 6068, 11925
Essex County Industrial Development Agency, 3841
Evans, Lewis D, 19429, 24180
Eveready Machinery Co. & McCallum Enterprises, Inc, 16843
Evergreen Metropolitan District, 23515
F & T Services Corp, 22189
Fairview Orchards Associates, 8636, 19430
Fall River Rural Electric Cooperative, Inc, 21580
Falling Waters Development, Inc. IV, 6698
Falling Waters Development, Inc. VIII, 19744
Falling Waters Development, Inc. X, 24180
Farmers Irrigation District, 21599
Fayetteville Public Works Commission, 15872
Ferland, E. James, 17849
Ficadenti, Frank J, 26192
Fiorillo, John, 8637
Fleisher Finishing, Inc, 18648
Florida Gas Transmission Co., et al, 2395, 3190, 9514, 9908, 10278, 11926, 11927, 16371, 22395, 24774
Florida Power Corp, 84, 2158, 24389
Florida Power & Light Co, 3835, 5761, 5768, 6467, 7732, 7733, 8638, 9558, 9908, 10631, 13187, 14761, 14762, 16371, 19736, 20366, 24389, 24774, 26192, 26193, 27097
Flormex Energy Corp, 16844, 24181
Foresthill Public Utility District, 3191
Forsyth, Ga, 14762
Foster, Margery Somers, 20844, 23010
Frazier, Arthur C, 4121
Ft. Miller Pulp & Paper Co., Inc, 3190
G&B Water Users, 26194
Galion, Ohio, 13552, 13553, 13862, 13863, 14762, 14763
Gamble, Lawrence A, 11063
Gas Co. of New Mexico, 13402, 25183
Gas Gathering Corp, 6068, 11556
Gas Research Institute, 26193
Gas Transport, Inc, 22189
Gasdel Pipeline System Inc, 6987
Georgia-Pacific Corp. et al, 14947, 15872
Gilbert, Britt R., et al, 25184
Glacier Energy Co, 242
Glacier Lodge, 23516
Glendale, Calif, 26695
Gold Bar, Wash, 24390
Goldenwest Power, 19744, 26194, 27894, 27929
Goodlett, Orin M, 24181
Goodman, David, et al, 243
Goose Creek Hydro Associates, 13188
Gordon Falls Hydro Associates, 243, 23516
Goshen Hydro Associates, 6069
Gotzinger, Firmin O, 13556
Gover Ranch Power Project Inc, 4122
GPU Service Corp, 15873
Granite State Gas Transmission, Inc, 12846, 26003, 27107
Great Lakes Gas Transmission Co. et al, 4553, 5321, 15873
Green River Electric Corp, 8045
Greene County Electric Co, 21581
Griffin, James E, 244
Grisdale Hill Co, 3585, 4123, 6468, 6926, 11557, 13557, 18950, 22190
Grossman, Albert, 8638
Groveton Papers Co, 2914, 3192, 3842, 3843
Guercio, James W, 25185
Gulf States Utilities Co, 2158, 4123, 6069, 6693, 8045, 10632, 11927, 13882, 16069, 24181, 26431
H.M.M., Inc, 22191
H-O-H Power, 4123
Haemmig, Adrian B., et al, 26695
Hafer, Fred D, 17849
Hampshire Gas Co, 20843
Hartford Electric Light Co, 2158, 22190, 22191
Hartwell, Robert W, 24181
Hatch, Arthur A, 26195
Head, George F, 26195
Heber Light & Power Co, 24389
Henderson City Utility Commission, 16371, 16372, 16373
Henderson-Union Rural Electric Cooperative Corp, 8045
Hewett, Robert M, 19430
Hibbing, Minn, 13188
Hillsborough, N.H, 17625
Hirschey, Mary Jane Ruderman, 6926
Hodgson, Albert E, 662
Holden Energy Corp, 4554
Hollingsworth & Vose Co, 244, 3192
Holyoke Power & Electric Co, 9052
Holyoke Water Power Co, 9052
Homestake Consulting & Investments, Inc, 6069, 7733, 12846, 12847, 12848, 13189, 13190, 26196, 27930, 27931
Honeoye Storage Corp, 22192
Hood River, Oreg, 10628
Hopkinton, N.H, 10636
Houston Oil & Minerals Corp, 21590
Howard, Charles D, 11928
Huggard, Ernest D, 26196
Hunter, Robert S, 24182
Hydro Corp. of Pennsylvania, 8822
Hydro Development Group, Inc, 9558, 18950, 23008, 23009
Hydro Management, Inc, 245, 246, 247, 3843, 6468, 6469, 6698, 6988, 7734, 8639, 10632
Hydro Resource Co, 247, 661, 3850, 4725
Hydroelectric Development, Inc, 9559, 10621, 12205
ICG Vista Petroleums, Inc, 20366
Idaho Falls, Idaho, 4116
Idaho Power Co, 3835, 4124, 6470, 8639, 11064, 16844, 16845, 22395, 26695
Illinois Power Co, 85, 248, 8822, 16845, 23009, 26003
Independent Oil & Gas Association of West Virginia, 15874
Indiana & Michigan Electric Co, 248, 6070, 6323, 6324, 6470, 8046, 10633, 16373, 23009, 26004, 26005
Indiana Municipal Power Agency, 26005, 27931
Indianapolis Power & Light Co, 13190, 15874, 24390
Inland Gas Co., Inc, 23199
Inter-City Minnesota Pipelines, Ltd., Inc, 22192
International Paper Co., Inc, 8640, 11064
Interstate Power Co, 8822, 19736, 24182
Iowa Electric Light & Power Co, 19736
Iowa Power & Light Co, 4554
Iowa Public Service Co, 2160, 4555, 23199
Iowa Southern Utilities Co, 14948, 24182

Iowa-Illinois Gas & Electric Co, 11065
Iroquois Manufacturing Co., Inc, 27894
Ithaca Falls Development Association, 8642
J. R. Ferguson & Associates, Inc, 8636
Jackman Lakes Restoration Corp, 9560
Jackson Hydro Associates, 6699
Jacobs, Jerrold L, 27098
Jersey Central Power & Light Co, 15874, 24391
Jersey City, N.J, 10279
Johnson, Ben, 248
Johnson, Michael E, 3586
Joint Ypsilanti Recreation Organization, 9054
Jones, Cyril M., et al, 17626
Jones, John C, 16847
Jordan, John M, 662, 9053
Jordon-Reiwerts, 3588
Jupiter Energy Corp, 249
Kanawha Valley Power Co, 26005
Kansas City Power & Light Co, 2160, 5321, 6988, 16374, 19736, 21119, 27895
Kansas Gas & Electric Co, 663, 1011, 5761, 6324, 14764, 15874, 19737, 24182, 24392
Kansas Power & Light Co, 2396, 7734, 9054, 17626, 17849, 18413, 19430, 27096
Kansas-Nebraska Natural Gas Co., Inc, 11557, 14766, 20844, 27931
Keating, Joseph M, 21602, 26196
Keizer, Kevin Jon, 11929
Kelly, Richard J, 26197
Kemmerer, Wyo, 10637
Kentucky Power Co, 24183, 26006
Kentucky Utilities Co, 6470, 7735, 8823, 11928
Kentucky West Virginia Gas Co, 15875, 26197
Ketchikan Public Utilities et al, 27897
Keys Mill Hydro Associates, 27108
Keyser, F. Ray, Jr, 24183
Koch Industries, Inc, 14512
Kodiak Electric Association, Inc., et al, 13191
Kunkel, Edward S, 6471
Laconia, N.H, 25185
Lafayette, Edgar F, 4124
Lake Cushman Co, 19431
Lake Hemet Municipal Water District, 6700
Lake Oswego Corp, 7735
Laketon Asphalt Refining, Inc, 8046, 14949
Lakeview Hydro Associates, 10280
Lassen Research, 2915
Lawrenceburg Gas Transmission Corp. et al, 1321, 6070, 9515, 24183
Leavenworth, Wash, 249
Leech Lake Reservation Business Committee, 27897
Leva, James R, 16847
Lewis County Public Utility District No. 1, 23010
Liberty Oil & Gas Corp, 25186, 27097
Linville, Richard K, 663, 3844
Little Falls Hydroelectric Associates, 26197
Lockheed Missiles & Space Co., Inc, 6070
Locust Ridge Gas Co, 6071, 9055, 22395
Lone Star Gas Co, 11065, 16848
Lone Star Gathering Co, 8823
Long Lake Energy Corp, 6471, 6977, 7735, 8641, 9560, 10281, 11558, 12206, 13557, 15876, 16374, 16848
Los Angeles, Calif, 13553
Los Angeles Department of Water & Power, 18951
Louisiana Intrastate Gas Corp, 11929, 16849
Louisiana Power & Light Co, 85, 664
Louisiana Resources Co, 8824
Louisiana State Gas Corp, 9055
Louisiana-Nevada Transit Co, 22192
Louisville Gas & Electric Co, 6989, 11066, 22193
Loup River Public Power District, 3193
Lucas, Dale L. R, 21597, 21598
Lyons, Colo, 26013
Mac Hydro-Power Co., Inc, 14766, 16374, 16849, 18952
MacArthur, Charles E., et al, 24184
MacGregor Downs, Inc, 23200
Madera Irrigation District, 4125, 22193
Maine Electric Power Co, 250, 2396
Maine Public Service Co, 2160, 9561, 26229
Maine Yankee Atomic Power Co, 2915
Mallary, Richard W, 250
Maloney, Gerald P, 24184
Marr, Douglas S, 3586
Mason County Public Utility District No. 1, 7737, 9505, 11930, 15876, 16375, 16850, 27898
Massey, Bruce J, 17627, 23200
Mathews, Eugene R, 16851
Mathews, Richard K., et al, 12207
Maury Hydro Associates, 8643
McCarthy, Donald W, 16376
McDowell County Consumers Council, Inc., et al, 13029
McDowell Forest Products, Inc, 22208, 27898
McLeod, Darrow R, 9055, 26198
McMaster, Thomas M, 6700
McMoRan-Freeport Oil Co. et al, 20367
McMurtrey, L. J, 11066
McMurtrey, Lawrence J., et al, 3194, 3835, 3845, 3846, 6977, 7736, 12850, 15877, 18953, 19431, 19745, 19746, 19747, 21581, 21600, 22194, 22208, 25186, 27899
Mega Hydro, Inc, 11930
Meherrin Hydro Associates, 8046
Menasha, Wis, 14511
Meredith, Kenneth T, 9506
Merrill, Dr. Daniel C, 3194
Metals Selling Corp, 7737
Metropolitan Water District of Southern California, 9563, 11931, 14948, 16376, 19432
Michigan Consolidated Gas Co. et al, 11067, 16851
Michigan Gas Storage Co, 20368
Michigan Power Co, 16851
Michigan Wisconsin Pipe Line Co. et al, 5323, 6071, 6978, 9055, 11068, 13191, 15878, 17628, 18954, 19432, 21121, 22194, 25568, 26198, 26431
Mid Louisiana Gas Co, 4125, 12381, 16852, 18649
Mid-Continent Area Power Pool Agreement, 250, 3851, 22396
Mid-Continent Gas Storage Co, 8824
Middle South Services, Inc, 21590
Midwestern Gas Transmission Co, 4126, 26006, 26199
Mielke, Frederick W., Jr, 13191
Milburnie, Inc, 6072
Millboro Hydro Associates, 6701
Millenium Power, Inc, 13192
Miller, James H., Jr, 26199
Miller, Steve, 23200
Millspaugh, Theodore W., Jr, 251
Mini-Watt Electric Co, 15878
Minnesota Power & Light Co, 24185
Mississippi Power Co, 22195, 22396
Mississippi Power & Light Co, 251, 252, 5762
Mississippi River Transmission Corp, 6072, 10282, 13558, 13882, 22396, 24185
Missouri Edison Co. et al, 8047
Missouri Public Service Co, 2161
Missouri Utilities Co, 16069
Mitchell Energy Co., Inc, 14512
Mitco Pipeline Co, 5763
Modesto Irrigation District, 252, 253, 664, 3587, 18417, 18418, 18419, 18420, 18421, 18955, 19433, 19737, 19748, 27900
Mono County, Calif, 660, 3584
Monongahela Power Co, 15879
Montana Department of Natural Resources & Conservation, 12850
Montana Power Co, 6472, 6693, 7738, 8825, 9516, 9909, 11068, 12851, 13882, 15879, 15881, 15882, 16377, 18414, 18649, 24784, 27098, 27099
Montana-Dakota Utilities Co, 3195, 4127, 4555, 10282, 14767, 15880, 16377, 21122, 22584, 26199, 26200, 27932
Montana-Dakotas Utilities Co, 6073
Montaup Electric Co, 9056, 11068, 13882, 17850, 18037, 24395, 26696
Montery Pipeline Co, 16852
Montpelier Hydroelectric Co, 15882
Montrose, Colo, 26200
Moosehead Manufacturing Co, 8643
Moran, William J, 26200
Mountain Fuel Resources, Inc., et al, 10282, 19434, 20845
Mountain Fuel Supply Co. et al, 6978, 10283, 10622, 14768, 16852, 17850, 18955, 19748, 20846, 21122, 22195
Murray City, Utah, 9056
Murrill, Paul W, 26200
Mustang Fuel Corp, 11559
Nantahala Power & Light Co, 2161
National Fuel Gas Distribution Corp, 2916
National Fuel Gas Supply Corp. et al, 5323, 6073, 9516, 9553, 11069, 12207, 13193, 15883, 22196, 22209
Natural Gas Pipeline Co. of America et al, 1321, 2396, 4725, 6073, 6927, 6928, 6929, 9555, 11559, 11932, 13193, 13194, 13195, 13402, 13883, 15880, 17628, 18413, 22196, 24774, 25187
Nevada Irrigation District, 6929, 8644, 25188
Nevada Power Co, 3836, 24186
New England Energy Development Systems, Inc, 4555
New England Hydro, 26201
New England Power Co, 253, 8047, 8645, 9057, 24395
New England Power Pool, 253
New Hampshire Hydro Associates, 27900
New Hampshire Water Resources Board, 12208
New Jersey Environmental Protection Department, 23521
New York State Department of Environmental Conservation, 19749
New York State Electric & Gas Corp, 15883, 19434, 24775
New York State Energy Research & Development Authority, 4726, 6472, 6473, 6474, 8825
Newbury Hydro Co, 12207
Niagara Mohawk Power Corp, 254, 6073, 8826, 10633, 11069, 13195, 14512, 22396
Nichols, Frank B, 6074
Nornev Demonstration Geothermal Co, 10634
North Canal Waterworks, 7738
North Carolina Electric Membership Corp, 23011, 23201, 23202
North Penn Gas Co, 6074, 22397, 23516

North Valley Baptist Church, 17851
Northampton, Mass, 10628
Northeast Utilities Co. et al, 14768
Northern Border Pipeline Co, 1321, 6979, 13883, 15883, 18414, 21591
Northern Colorado Water Conservancy District, 17629, 25188
Northern Illinois Gas Co, 14767
Northern Indiana Public Service Co, 16377
Northern Natural Gas Co. et al, 4127, 4128, 6075, 6979, 6980, 8048, 9517, 10283, 13196, 13197, 13566, 16069, 17630, 18414, 19435, 19738, 21122, 21123, 24186, 26201, 27100
Northern Resources, Inc, 18649
Northern States Power Co. et al, 254, 1012, 2161, 4556, 9517, 13198, 16070, 21591, 21592, 22397, 24777
Northwest Alaskan Pipeline Co, 11560
Northwest Pipeline Corp. et al, 6930, 6980, 7739, 7740, 8049, 8827, 8828, 10622, 11070, 13402, 14770, 14771, 15884, 16070, 16071, 20847, 22209, 24777, 25189, 26432, 26433
Nueces Co, 27932
Oakdale & San Joaquin Irrigation Districts, 6474
Oasis Petroleum Corp, 22397
Oasis Pipeline Co. et al, 6075, 26201
Ocean Shores, Wash, 6975
Oglethorpe Power Corp, 6475
Ohio, 9057
Ohio Edison Co, 1322, 2161, 7742, 15885, 24395
Ohio Power Co, 1013, 1322, 4556, 12382, 13884, 21593, 26007
Ohio River Pipeline Corp, 22210
Oklahoma et al v. Western Gas Interstate Co. et al, 21292
Oklahoma Gas & Electric Co, 6324, 8828, 9058, 9519, 12851, 14771
Oklahoma Refining Co, 17851
Olcese Water District, 26202
Old Sturbridge Village, Mass, 14773
Opeka, John F, 17852
Orange & Rockland Utilities, Inc, 254, 26007, 26202
Oroville-Wyandotte Irrigation District, 17630
Osborne, George, et al, 6076
Otter Tail Power Co, 9058, 11070, 13198, 24396
Owens Corning Fiberglas Corp, 6076
Ozark Gas Transmission System, 4117
Pacific Gas & Electric Co, 664, 1322, 6476, 6701, 8050, 8828, 9563, 9564, 11932, 13198, 13558, 14774, 22198, 23011, 23012, 24187
Pacific Interstate Offshore Co, 10623
Pacific Interstate Transmission Co, 4556, 5324, 16072
Pacific Offshore Pipeline Co, 11560
Pacific Power & Light Co. et al, 5764, 8828, 8829, 12209, 15885, 16853, 19436, 19738, 21593, 24778, 26203, 27101, 27902
Packwood, Ordell O., et al, 19436
Pancheri, Inc, 255
Panhandle Eastern Pipe Line Co. et al, 2163, 4118, 5324, 7741, 8050, 9506, 10623, 13199, 15885, 15886, 16072, 16853, 17631, 19436, 19437, 19749, 21124, 24187, 26008, 26433
Panhandle Electric Pipe Line Co. et al, 11933, 11934
Paradise Irrigation District, 3195
Parkinson, Douglas B, 15886, 22199
Parkinson, Keith Roberts, 10279
Pataya Storage Co. et al, 16854
Paterson, N.J., et al, 6985
Pegar, Douglass, 15887
Penn Yan, N.Y., et al, 6481
Penn-York Energy Corp, 5325
Pennsylvania, 8633
Pennsylvania Electric Co, 27101
Pennsylvania Hydroelectric Development Corp, 9565
Pennsylvania Power Co, 3851, 11934
Pennsylvania Power & Light Co, 22200
Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement, 14775
Peoples Natural Gas Co, 16854
Perry Logging Co, 26203
Phi Sig Associates, 6981
Philadelphia Electric Power Co. et al, 5764, 6325, 7741, 8050, 8645, 8829, 11070, 16378
Phillips Petroleum Co, 24396
Phillips & Spradley, 23202
Pickett Hydro Associates, 15887
Pigeon Cove Power Co, 3846
Placer County Water Agency, 13200, 13201, 13202, 13203, 13204, 13205, 13559, 13560, 13561, 13568, 13569, 15888
Placid Oil Co, 18020
Platte River Power Authority, 2916
Pocanticq Development Associates, Inc., et al, 9058
Pogo Producing Co, 6694
Portland, Oreg, 27933
Portland General Electric Co, 11070, 18650, 24784
Potomac Edison Co, 1013, 8829
Potsdam Paper Corp, 17632
Potter, Keith R, 24187
Power Authority of State of New York, 8623
Powerine Oil Co, 24397
Powers, John W, 255, 2163
Powers, William A., et al, 12209
Prelle, Walter O, 17852
Preston, Idaho, 12210
Prince William Electric Cooperative, 18415, 21291
Producer's Gas Co, 4557
Propane Gas & Appliance Co. et al, 26696
Public Service Co. of Colorado, 85, 3196, 4557, 6477, 24188, 24784
Public Service Co. of Indiana, Inc, 1013, 2164, 5768, 6324, 6479, 10634, 11071, 12852, 13205
Public Service Co. of New Hampshire, 255, 6077, 8051, 17852
Public Service Co. of New Mexico, 8829, 16379, 16854, 19738, 20368, 22200, 22398
Public Service Co. of Oklahoma et al, 1014, 2164, 6325, 7741, 13206, 15889, 22201, 24778
Public Service Electric & Gas Co. et al, 7742
Public Utility District No. 1 of Jefferson County, Wash, 6702, 10634, 10635, 12210, 12211
Public Utility District No. 1 of Lewis County, Wash, 8830, 9508, 11935, 12212, 14949, 16380, 16855, 19750
Public Utility District No. 1 of Okanogan County, Wash, 9507
Public Utility District No. 1 of Snohomish County, Wash, 4119, 4727, 4728, 6702
Puget Sound Power & Light Co, 4128, 17852
Quincy-Columbia Basin Irrigation District et al, 23517
Rael Gas Co, 7743
Rainsong Co, 19438, 19750, 21602
Ralph Wagner, Consulting Engineer, Inc, 19755
Randel, James B, 16856
Rapidan Redevelopment Ltd, 12213
Raton Natural Gas Co, 13562
Ravenscroft, Gordon, 9508
Raymond Oil Co, 2166
Redding, Calif, 4116, 25181
Reid, J. E, 16856
Renewable Energy Ventures of Maryland, 23517
Resource Investment, Inc, 27902
Resource Investments, 6930, 7743
Resources Recovery (Dade County), Inc, 3853, 11936, 24397
Reynolds Irrigation District, 23518
Richvale Irrigation District, 22202
Ridgeway Marine Services, Inc, 13562
Rimrock Gas Co, 7744
Ringwood Gathering Co, 11071, 22210
River Street Associates, 8623
Rocky Brook Electric, Inc, 8624, 19439
Rocky Gorge Corp, 23203
Rocky Mount, N.C, 26008
Rocky Mountain Embryos, 6982
Rogers, Doris E, 665
Rome, N. Y, 27901
Roseburg Lumber Co, 8624
Rosenfield, Raymond, 15889
Rushford, Donald L, 257
Salyersville, Ky, 12849
San Diego Gas & Electric Co, 257, 11071, 20369, 22398, 26009
San Francisco Public Utilities Commission, 256
Sandy Hollow Hydro Associates, 26009
Santa Clara, Calif, 11061
Santa Clara Valley Water District, 4558, 4559, 4560, 4561, 4562
Saybrooke Manufacturing Co, 24188
Scherer, Robert W, 27101
Schill, Robert E, 257, 27102
Sea Robin Pipeline Co, 1322, 11937, 15890, 24778, 26010
Sears, Herbert W, 17852
Seattle Oil Service, Inc, 17633, 17634, 23519, 23520, 24188
Seaward Development-Chase Island, Inc, 10636
Sebastopol, Calif, 13554
Seminole Electric Cooperative, Inc., et al, 6479
Shenandoah Hydro Associates, 13206
Sherman, Robert H, 16860
Shipp, Robert B, 13207
Shoshone Piute Tribe of Duck Valley Reservations, 8625
Sierra County, Calif, 6697, 6989
Sierra Pacific Power Co, 6078, 15890
Sierra PowrQuip Associates, Inc, 6703
Simon Pearce (U.S.), Inc, 4129
Siskiyou County Flood Control & Water Conservation District, 23012
Slater, Ted Lance, 17636
Small Scale Hydropower, 2917
Smith, Floyd J, 16861
Smith, John J, 17853
Smith, Stewart W., Jr, 13207
Snake River Pottery, 24399
South Carolina Industrial Committee et al, 11072
South Carolina Public Service Authority, 12679, 18021

South Georgia Natural Gas Co. et al, 3197, 10285, 26204
South Yuba Water District, 27933
Southeastern Hydro-Power, Inc., et al, 23013
Southeastern Power Administration, 1323
Southern California Edison Co, 85, 2166, 4564, 5764, 5768, 6480, 8051, 11072, 12852, 16073, 20369, 22203, 23521, 24400, 25190, 26696
Southern Company Services, Inc, 665, 19738, 24779, 26696
Southern Indiana Gas & Electric Co. et al, 6325, 6694, 11938
Southern Natural Gas Co. et al, 258, 1323, 5325, 8626, 9519, 11072, 13208, 18956, 24779, 25191, 26697
Southern Pacific Land Co, 19751, 19752
Southern Union Gathering Co, 6480, 17853, 21594
Southwest Gas Corp. et al, 259, 4129, 10285, 17637, 24779, 26010
Southwest Gas Storage Co. et al, 11072
Southwestern Electric Power Co, 8830, 19439, 22204
Southwestern Power Administration, 4562, 13884, 16857
Southwire Co, 4729
Spring River Power Developers et al, 259, 3847
Springer, Michael, et al, 24189
Springer, Michael E., et al, 19440
Springer, Michael Earl, et al, 17635, 22203
Springfield Utility Board, 10624, 10625, 16380, 21600, 27902
Stephens, James H, 3848
Stevens, Warren L, 667
Sun Exploration & Production Co. et al, 2167
Sun Gas Co, 4130
Sunapee, N.H, 17637
Sunny M Ranch Inc, 26204
Susquehanna Power Co. et al, 8830, 19753
Sutter, Fred N., Jr, 260
Swanson Mining Corp. et al, 260, 20847
Swift River Co. et al, 6481
Synergics Inc, 7748
Tacoma, Wash, 667
Taft, Lawrence R, 2396
Tallman, William C, 24190
Tampa Electric Co, 5765, 9909, 17853
Tejas Gas Corp, 11075
Tennessee Gas Pipeline Co. et al, 261, 262, 1324, 2167, 3854, 7744, 8052, 8626, 13208, 13209, 13884, 14513, 15890, 16861, 17638, 18956, 19440, 20848, 21124, 24402, 24780, 25192, 26010, 26012, 26205, 27102, 27933
Tennessee Natural Gas Lines, Inc, 5326, 26013, 26434
Texas City Refining, Inc, 8831
Texas Eastern Transmission Corp. et al, 1325, 2397, 3198, 4130, 4729, 6080, 7745, 8052, 8831, 9509, 13209, 13211, 13570, 17638, 20848, 21594, 24190, 24781, 25569, 26205, 26434, 27934
Texas Gas Transmission Corp, et al, 2397, 6931, 7745, 12383, 16861, 19441, 19753, 20849, 21595, 26011, 26206
Texas-New Mexico Power Co, 4564
Texon, Inc, 4131
Thayer, Mo, 17639
The Dalles, Oreg, 14759
Thermalito Irrigation District et al, 8626
Thirftway Co, 22204
Thompson, Robert I, 26206
Thousand Trails, Inc, 19754
Timberlay Petroleum Co, 12852
Toledo Edison Co, 13210, 15891
Topico, 8832
Tranquility Irrigation District, 6080
Transco Gas Supply Co, 22211
Transcontinental Gas Pipe Line Corp. et al, 2917, 3837, 3838, 4132, 5765, 6079, 6081, 6931, 6990, 7746, 8053, 9059, 9510, 11939, 13210, 13563, 14775, 15891, 16073, 16862, 21124, 21125, 22211, 25570, 26434, 27103
Transok Pipe Line Co. et al, 22144
Transwestern Pipeline Co, 2168, 4730, 10285, 10286, 23014, 25193, 27934
Trinity Meadows, Inc, 26207
Triton Power Co, 10626
Trunkline Gas Co. et al, 4132, 4133, 6081, 6082, 13563, 15892, 16862, 16863, 17854, 19442, 26014, 26435
Trunkline LNG Co, 23522
Tuck Industries, Inc, 27103
Tucson Electric Power Co, 3839, 8832, 9059, 9909, 10638, 24785, 26014, 26697
Tullis, Richard B, 15892
Tuolumne County, Calif, 21601
Tuolumne Regional Water District, 3588
Tuscon Electric Power Co, 5765
Unicon Producing Co, 25571
Union Carbide Corp. et al, 15892
Union Electric Co, 263, 264, 6082, 6325, 12382, 14776, 24402, 26697
United Gas Pipe Line Co. et al, 86, 264, 6932, 6982, 11560, 11939, 14514, 15893, 16863, 18957, 19443, 20849, 20850, 21125, 24190, 24782, 24783, 26014, 26208, 26436
United Gas Pipeline Co, 25193
Upper Peninsula Power Co, 5766, 15892, 23522, 26697
Utah Board of Water Resources, 24403
Utah Power & Light Co, 2918, 6990, 11075, 11311, 14776, 17854, 18650, 19739, 24403, 25193
Valero Interstate Transmission Co, 667, 1325, 22204
Valero Transmission Co, 26015
Vallejo, Calif, 4724
Valley Gas Transmission, Inc, 15893
Valley Industries, Inc, 9059
Vanceburg Electric Light, Heat & Power System, et al, 13211
Vermillion River Co, 7749
Vermont Electric Power Co, 8832, 19754
Vermont Public Power Supply Authority, 4566, 8627
Verrochi, William A, 16864
Virginia Electric & Power Co, 3839, 5769, 6083, 6482, 9060, 13211, 15893, 24403, 27903
W. T. Waggoner Estate, 13564
Wagner, Delmer, 19754
Waltham Hydroelectric Power Co, 3589
Ward, Timothy A, 22205
Warrensburg Pulp & Paper Corp, 4730
Washington Electric Cooperative, 25195
Washington Natural Gas Co, 19443, 19444
Washington Water Power Co, 3839, 3854, 4566, 7749, 12853, 17854, 27904
Watershed, Inc, 13571, 15894
Webster Hydro Electric Co., Inc, 8628
Weil, Roberta B, 265
Werner, Richard P, 17855
West Lake Arthur Corp, 2398, 6083
West Slope Power Co, 6932, 6933, 9060, 14950, 21583, 21603, 24191, 27904
West Texas Utilities Co, 3854, 5769
Westerman Realty Co, 25196
Western Area Power Administration et al, 20369, 20371
Western Continental Operating Co, 10638
Western Gas Interstate Co, 2918, 12214, 13885, 15894, 22205, 27104
Western Hydro Electric, Inc, 265, 3849, 7749, 11561, 16864, 17639, 19444, 21583, 26208, 27904, 27905
Western Massachusetts Electric Co, 24405
Western Power, Inc, 4731, 6983, 25196
Western Slope Gas Co, 7751
Western Transmission Corp, 22206, 26698
Westfir Energy Co., Inc, 4133, 15895
Weyerhaeuser Co, 6934
Whale Rock Commission, 16865
Wheelabrator Frye, Inc, 26906
Wheelabrator-Frye, Inc, 10638, 14776
White Chuck Water Co, 6694, 6704, 9061, 11076, 23203
White Current Corp, 24191
Williams River Electric Corp, 6083
Williamson, Richard V, 12853
Willow Creek Community Services District, 19756
Winchester Water Control District, 6084
Wisconsin Electric Power Co, 2398, 10639, 14777, 16381, 16865, 24406
Wisconsin Power & Light Co, 1014, 3854, 3855, 9511, 15896, 17855
Wisconsin Public Power Incorporated System, 22206
Wisconsin Public Service Corp, 668, 6084, 6482, 22206
Wiwi, Robert P, 26209
Woodbridge Irrigation District, 266, 11076
Woods Creek, Inc, 3198, 3590, 6695, 7751
Woolsey Petroleum Corp, 14513
Wyandotte Hydro Associates, 19757
Yankee Power Co, 16867, 17640
Yensen, Robert Maynard, 27934
Yolo County Flood Control & Water Conservation District, 14950
Ypsilanti, Mich, 7750
Yuba County Water Agency, 17641
Zack, Milton M., et al, 22207
Zamansky, Alan, 26209

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

NOTICES

Commercial banks, insured; quarterly report of condition and income (Call Report), proposed revision; inquiry, 25615

FEDERAL GRAIN INSPECTION SERVICE

RULES

Beans; standards; grade tables format revision, 19309
Beans; standards; grade tables format revision; correction, 20545
Grain inspection equipment tolerances, 2979
Grain standards:
Hay, hop, miscellaneous processed commodity, pulse, and straw inspection service; adjustment of fees, 129, 2074
Lentils; standards, 6245
Official agency designation; renewal procedures; final rule, 131
Official inspection and weighing services, 2254

Peas; whole dry; standards, 6245
Reporting and recordkeeping requirements, 745

PROPOSED RULES
Grain standards:
Inspection and Class X weighing requirements; shipments by rail or truck to Canada and Mexico; reinstatement of 15,000 metric-ton exemption, 13700
Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES
Agency designation actions:
Alabama, 4471
Alaska, 4472, 18941
Arkansas, 4471, 18941
California, 18942
Colorado, 13980
Eastern Iowa, 6307
Idaho, 24375
Illinois, 4470, 8731, 13980, 18942
Indiana, 8731, 13981
Iowa, 4471, 8730, 24374
Kansas, 8730, 21113
Kentucky, 13981, 24374
Michigan, 8732
Nebraska, 8730, 13980
North Dakota, 4470, 13980, 13981, 24374
Ohio, 13981, 24374
South Dakota, 8730, 24374
Tennessee, 4471, 18941
Texas, 8730, 27577
Utah, 24375
Wyoming, 8731
Meetings:
Advisory Committee, 1313, 12369

FEDERAL HIGHWAY ADMINISTRATION

RULES
Engineering and traffic operations:
Emergency relief program; Federal roads repair or reconstruction procedures; authority delegation, nomenclature change, 10529
Forest highways; administration and construction procedures, 10525
Highway design standards; streets and highways; resurfacing, restoration and rehabilitation, 25268
Highway pavement structures, design standards, 13794
Incorporations by reference, approval, 13670
Off-system roads program administrative guidelines; rescission, 8172
Traffic safety in highway and street work zones; separation of opposing traffic and edge of pavement excavation requirements, 21778
Federal-aid highway programs; State internal audit responsibilities, 10522
Highway safety programs; determination of effectiveness, 15116
Incorporations by reference, approval, 13670
Motor carrier safety regulations:
Accident register; elimination of requirement, 6654
First aid kits on buses operating in interstate or foreign commerce; requirement eliminated, 17820
Interstate or foreign transportation; minimum levels of financial responsibility; clarification and corrections, 12800
Safety ratings, 26135
Research and development studies and programs; correction, 6266
Right-of-way and environment:
Environmental action plans, impact statements, and related procedures, etc, 21780
Relocation assistance; revised interest payment; discount rate change, 6618
Right-of-way revolving fund; estimates requirement removed, 10529

PROPOSED RULES
Engineering and traffic operations:
Construction and maintenance; contract procedures for Federal-aid highway projects and subcontracting requirements, 1146
Skid resistant pavement surface design; withdrawn, 9247
Traffic surveillance and control, 25541
Uniform Traffic Control Devices Manual; amendments, 5238
Equal employment opportunity on Federal and Federal-aid highway construction contracts; supportive services program provisions; advance notice, 4536
Highway safety programs; determination of effectiveness; hearings, 5254
Motor carrier safety regulations:
Drivers; written examination options; advance notice, 9256
Driver's logs; elimination of forms, etc, 7702
Farms, operations involving retail fertilizer distribution; exemption; advance notice, 5273
Regulatory cost accounting program; meeting, etc, 10066, 10610
Vehicles; inspection, repair, and maintenance, 26172
Regulatory agenda. For references, see entry under Transportation Department.
Right-of-way and environment:
Environmental action plans, impact statements, and related procedures, etc, 6287
Relocation assistance; review of requirements, meeting, etc, 12811

NOTICES
Bridge tolls, etc.:
Delaware River Port Authority, 6762, 9953
Environmental statements; availability, etc.:
Baltimore, Md, 11804
Boston, Mass, 2227
Burleigh County, N. Dak, 18456
Clinton County, N.Y., and Franklin County, Vt, 15203
Columbus, Ind, 17364
Decatur, Ill, 4188
Delaware County, Pa, 23247
Hanalei, Hawaii, 25237
Honolulu, Hawaii, 17364
Lansing, Mich, 2228
Lehigh County, Pa, 3059
Montgomery County, Ohio, 25237
Orange County, Calif, 18456
Pittsfield, Mass, 6405
Quay County, N. Mex, 11805
Richmond County, Ga., and Aiken County, S.C, 7358
San Diego, Calif, 5396
San Jose, Calif, 27435
Snohmish County, Wash, 5835
Solano County, Calif, 16245
Stanislaus County, Calif, 5396
Valencia County, N. Mex, 4189, 6405
Vanderburgh County, Ind, 2226
Washington, D.C, 22443
Washington County, Tenn, 11142
Interstate resurfacing, restoration, rehabiliation, and reconstruction program; inquiry, 1229
Meetings:
National Motor Carrier Advisory Committee, 24681
National Environmental Policy Act; implementation, 10698
Public transportation in nonurbanized areas; administration of formula grant (Section 18) program under State management plan, 5835

FEDERAL HOME LOAN BANK BOARD

RULES
Federal home loan bank system:
Advances secured by Federal Savings and Loan Insurance Corporation obligations, 16316
Retail repurchase agreements; transfer and repurchase of Government securities, 23140
Savings accounts; activity charges, etc, 13776
Federal mutual savings banks:
Application requirements for corporate titles and office relocations; revision, 13505, 16170
Charter conversions for supervisory purposes, 10788
Mutual capital certificates issuance, 4048
Federal savings and loan holding companies:
Manufactured home lending rules, liberalization, 10785
Federal Savings and Loan Insurance Corporation:
Borrowing; limitations and net worth requirements, etc, 4049
Consumer leasing; authorization, 3541
Deferred compensation plans, IRA and keogh accounts; insurance coverage, 20748
Federal and State-chartered insured institutions; employment contracts with officers, 17471
Insured accounts; conversions from mutual to stock form; final rule and request for comments, 19672, 24252
Interim savings and loan associations used for holding company reorganization and formation and insured institution acquisitions; processing of applications; temporary rule and request for comments, 17797
Manufactured home lending rules, liberalization, 10785
Merger approvals; authority delegation to Principal Supervisory Agents, 8152, 17801, 26807
Mortgage assets, etc.; amortization of discounts and matching losses, 2857, 22346
Mutual capital certificates issuance, 4048
Real estate sale; treatment of gains and losses; amortization periods for premiums, discounts, and credits, 3091
Reserve and net worth requirements, 3543
Reserve and net worth requirements; correction, 5996, 10511

Retail repurchase agreements; transfer and repurchase of Government securities, 23140
Savings accounts; activity charges, etc, 13776
Secondary reserve; annual credit, 13509
Securities of insured institutions, 18327
Federal savings and loan system:
Application requirements for corporate titles and office relocations; revision, 13505, 16170
Borrowing; limitations and net worth requirements, etc, 4049
Consumer leasing; authorization, 3541
Consumer leasing; authorization; correction, 4498
Correspondent activities of Federal associations, 17468
Federal and State-chartered insured institutions; employment contracts with officers, 17471
Interim savings and loan associations used for holding company reorganization and formation and insured institution acquisitions; processing of applications, etc.; temporary rule and request for comments, 17797
Manufactured home lending rules, liberalization, 10785
Merger approvals; authority delegation to Principal Supervisory Agents, 8152, 17801, 26807
Mutual capital certificates issuance, 4048
Savings accounts; activity charges, etc, 13776
Trust powers of Federal Associations; Principal Supervisory Agents, applications approval authority, 19115
Savings and loan holding companies:
Interim savings and loan associations used for holding company reorganization and formation and insured institution acquisitions; processing of applications, etc.; temporary rule and request for comments, 17797

PROPOSED RULES

Federal home loan bank system:
Retail repurchase agreements; transfer and repurchase of Government securities, 8204
Federal Savings and Loan Insurance Corporation:
Application processing; mergers, 17999
Conversions from mutual to stock form, issuance of mutual capital certificates and debt securities, etc.; information disclosure requirements, 21056
Deferred compensation plans; insurance coverage, 10858
Forward commitments, financial options trading, and financial futures trading, 9472
Home loans; adjusted net worth, 19711
Retail repurchase agreements; transfer and repurchase of Government securities, 8204
Stock institutions and holding companies; changes in control, 20616
Subordinated debt securities; issuance, 8026
Federal savings and loan system:
Application processing; mergers, 17999
Branching in connection with supervisory and non-supervisory mergers and acquisitions; policy statement, 19154
Forward commitments, financial options trading, and financial futures trading, 9472
Home loans; adjusted net worth, 19711
Service corporations; permitted activities, 9855
Service corporations; permitted activities; correction, 28110
Nondiscrimination requirements; monitoring fair lending practices, 16633

NOTICES

Conservator appointments:
Community Federal Savings & Loan Association, Hialeah, Fla, 17335
El Centro Federal Savings & Loan Association, 5780
Meetings:
Federal Savings and Loan Advisory Council, 10293
Meetings; Sunshine Act, 127, 1067, 1238, 1366, 2232, 2805, 2975, 3251, 6769, 7800, 7955, 8120, 8725, 9325, 9956, 10140, 12009, 14652, 15684, 15957, 16253, 16700, 17914, 18211, 18464, 18982, 19507, 19844, 20066, 20438, 20909, 21676, 22269, 22449, 23067, 24688, 25434, 26277, 26733, 27192, 28004, 28525
Receiver, appointment:
Buffalo Savings & Loan Association, Houston, Tex, 3203, 4596
Civic Savings & Loan Association, Irving, Tex, 4596
Fidelity Savings & Loan Association, 18048, 18049
1st Financial Savings & Loan Association, 15644
First Savings & Loan Association, New Brunswick, N.J, 4596
Republic of Texas Savings Association, Houston, Tex, 4596
Royal Federal Savings & Loan Association, Dallas, Tex, 4597
Unity Savings Association, Norridge, Ill, 8249, 10078
Regulatory calendar, 1662
Reporting and recordkeeping requirements, 94
Senior Executive Service:
Bonus awards schedule, 27406
Performance Review Board; membership, 21916
Applications, etc.:
Broward Federal Savings & Loan Association of Sunrise, Fla, 6709
Cleveland Savings & Loan Association, 6709
Continental Federal Savings & Loan Association, 10293
El Paso Federal Savings & Loan Association, 15409
First Federal Savings & Loan Association of Catawba County, N.C, 6710
First Federal Savings & Loan Association of Claremore, Okla, 6710
First Federal Savings & Loan Association of Florida Keys, Fla, 1330
First Federal Savings & Loan Association of LaFollette, Tenn, 6710
First Federal Savings & Loan Association of Morrilton, Ark, 1330
Fortune Federal Savings & Loan Association, 23207
Highland Federal Savings & Loan Association, 10294
Home Federal Savings & Loan Assocation of Deming, N. Mex, 10294
Home Federal Savings & Loan Association, Tuscon, Ariz, 10294
Home Federal Savings & Loan Association of Deming, N.C, 6710
Homestead Savings & Loan Association, 6710
Investors Federal Savings & Loan Association, 1330
Keene Co-Operative Bank, 10294
Local Federal Savings & Loan Association, 10294
Louisiana Savings Association, 23207
Mid-State Federal Savings & Loan Association, 10294, 15409
Phenix Federal Savings & Loan Association, 17335
Phoenix Federal Savings & Loan Association, 23208
Provident Federal Savings & Loan Association, 19205
Santa Clara Savings & Loan Association, 6710
Standard Savings Association, 27962
Sun Belt Federal Savings & Loan Association, 17335
Washington Federal Savings & Loan Association of Seattle, 10295, 15409
Westside Federal Savings & Loan Association of Seattle, 25616

FEDERAL HOME LOAN MORTGAGE CORPORATION

NOTICES

Meetings; Sunshine Act, 4796, 17157, 27657

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

RULES

Assistance payments, homes for lower income families; CFR Part removed; correction, 11655
Consumer manual requirements:
"Manufactured home," definition, 28091
Incorporations by reference, approval, 13670
Low income housing. See entry under Housing and Urban Development Department.
Manufactured (mobile) home construction and safety standards:
Incorporations by reference, approval, 13670
"Manufactured home," definition, 28091
Manufactured (mobile) home procedural and enforcement regulations:
"Manufactured home," definition, 28091
State Administrative Agency (SAA); approval period for participation; interim, 5887
Minimum property standards:
Acrylonitrile-butadiene-styrene (ABS) and poly (vinyl chloride) (PVC) plastic drain, waste and vent pipe and fittings (Materials Bulletin No. 79a); effective date; correction, 9206
Particleboard interior stair treads and certification program (Materials Bulletin No. 70), 14487

Mortgage and loan insurance programs:
Coinsurance for private mortgage lenders; eligibility broadened, "sound capital resources" requirement, Government National Mortgage Association expenditures, etc.; interim, 13517, 20760
Combination and manufactured (mobile) home lot loans; limit increase, 616
Debenture interest rate, 26124
Interest rate changes, 4059, 10205
Manufactured (mobile) home loans; limit increase, 617
Maximum mortgage amounts; single family limits; interim rule and request for comments, 916
Multifamily housing; eligibility of mortgages on existing projects, 4507, 5886, 6619
Mutual mortgage insurance and rehabilitation loans; negotiated interest rate program, 16776, 21783
Nomenclature changes, 20113
Property improvement and mobile home loans; interest rate changes, 10204
Transfer of regulations; Interstate Land Sales Registration Office, and Office of Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection, 5886

PROPOSED RULES

Defaulted property improvement loans; method of computing interest, 6893
Low income housing. See entry under Housing and Urban Development, Department.
Mortgage and loan insurance programs:
Aliens; restriction on use of assisted housing, 18914
Aliens; restriction on use of assisted housing; correction, 20149
Debentures; issue date, 20319
Mobile home loans; increased maximum loan limits, 27867
Multifamily housing, urban renewal, and low cost and moderate income mortgage insurance, 26852
Mutual mortgage and rehabilitation loans; temporary mortgage assistance payments and assignments to HUD; single-family mortgagor qualifications and mortgagee and field offices administration standards, 14495
Mutual mortgage insurance and rehabilitation; mortgage insurance premium (MIP), annual; monthly installment payments, 20149, 22568
Property improvement loans; loan security decrease, 14712
Single family waiver authority, 14713

NOTICES

Controlled business practices; application of anti-kickback provision of Real Estate Settlement Procedures Act; withdrawn, 21304
Elderly or handicapped housing loan program (Section 202); 1982 FY fund availability, 16892
Grants; availability, etc.:
Elderly and non-elderly handicapped; congregate housing services, new construction, 12864
Interstate land sales registration; proceedings and opportunity for hearing, 6722
Interstate land sales registration; suspension orders, 18181
Land sales program, State certification applications:
Arizona, 18183
Florida, 13415
Low income housing. See entry under Housing and Urban Development Department.
Participation and Compliance Division; availability of documents, 20208

FEDERAL LABOR RELATIONS AUTHORITY

RULES

Equal Access to Justice Act; implementation; interim rule expiration date extension, 11243
Office addresses and geographic jurisdictions:
Denver, Colo.; address change, 3343
Honolulu, Hawaii, 16611
New York, N.Y.; location change, 22935
Organization and functions:
Headquarters offices; relocation; correction, 9185

NOTICES

Freedom of Information Act; quarterly indexes; availability, 9574
Professional Air Traffic Controllers case ex parte contacts; hearing, 8853
Professional Air Traffic Controllers case ex parte contacts; prehearing conference, 8090

FEDERAL MARITIME COMMISSION

RULES

Carriers and related activities; interpretations and policy statements:
Wage and price programs; terminated, 27861
Credit information; collection, compilation, and exchange; exemption of agreements, 10217
Document filing and confidentiality of closed Commission meetings; policy statement, 14709
Equipment interchange agreements, exclusive; filing and approval requirements exemption, 21051
Independent ocean freight forwarders, licensing:
Affiliation restrictions removal, 24555
Relief agencies or charitable organizations, shipments by; waivers or reductions of fees, 16030
Vessel operating common carriers, etc.; compensation on shipments, 25530
Interpretations and policy statements:
Bulk commodities loaded and carried in containers, trailers, rail cars or similar intermodal equipment; status of tariff filing requirements, 10851
National Environmental Policy Act; implementation, 3359
Practice and procedure:
Domestic rate filings; protests; confidential information requirements, 6430
Reporting and recordkeeping requirements; nonapplicability of OMB clearance requirements to rules affecting nine or fewer respondents, 13344
Tariffs filed by common carriers in foreign commerce of U.S.:
Per-container/trailer rates filing requirements, 25532

PROPOSED RULES

Domestic offshore trades, rates, 10600
Relief agencies or charitable organizations, forwarding services to, 215
Military rates level; removal of CFR Part, 12367
Practice and procedure:
Prehearing and discovery procedures; improvements, 14734
Prehearing and discovery procedures; improvements; extension of time, 24372
Regulatory agenda, 21110
Shipping in foreign trade of United States; actions to adjust or meet unfavorable conditions; Guatemala, 27875
Tariffs filed by common carriers in foreign commerce of U.S.:
Bulk commodities loaded and carried by liner operators in containers, trailers, rail cars or similar intermodal equipment; exemption, 10862
Extension of time, 13538
Temporary amendments filing prohibition; certification of no significant economic impact, 4098
Time/volume rate contracts; filing regulations; extension of time, 655

NOTICES

Agreements filed, etc, 95, 1330, 1418, 1420, 2405, 3405, 3407, 4737, 5037, 5934, 6995, 6996, 7753, 8854, 10901, 11319, 11320, 11769, 12215, 12385, 13039, 13226, 13227, 13582, 14599, 14600, 14955, 15899, 16885, 17668, 18049, 18050, 19205, 19206, 19788, 20185, 20667, 21292, 21294, 22407, 22596, 24415, 25770, 26911, 28134
Casualty and nonperformance, certificates:
Alaska Tour & Marketing Services, Inc., et al, 11966, 26025
American Line, Inc., et al, 14600
Canadian Cruise Lines Ltd. et al, 21621, 26708
Chandris Lines/Chandris Cruises, 2507
DFDS Seaways (Bahamas) Ltd. et al, 5463
Exploration Cruise Lines, 11966
Hadag Cruise-Line GmbH & Co. et al, 24647
Holland America Cruises, N.V., et al, 19206
Lido Maritime Inc. et al, 2507
M.S. Lindbald Explorer et al, 4597
Maritime Enterprises (1981) Ltd. et al, 2507
Norwegian Caribbean Lines, 25617
Peninsular & Oriental Steam Navigation Co. et al, 14600
Prince of Fundy Cruises Ltd. et al, 18180, 19206
Scandinavian World Cruises (Bahamas) Ltd. et al, 28456
Schiffahrtsgesellschaft MS Berlin Beteiligungs-GmbH & Co. et al, 12682
Schiffahrtsgesellschaft MS Frankfurt GmbH & Co, 22597
Special Expeditions, Inc., et al, 18966
Complaints filed:
Belco Petroleum Corp, 2925
Burlington Industries, Inc, 27611
California Cartage Co, 2204
Carrier International Corp, 5353
Cocoon Holland B. V, 13582
Containerfreight Terminals Co, 5935
Gila River Products, 24416
International Harvester Co, 13227
Johnson & Johnson International, 8404
Kerr Steamship Co., Inc, 12386
Phillips-Parr, Inc., et al, 27127
Rascator Maritime S.A, 20855
Sun Chemical Export Corp, 20380

United States Atlantic & Gulf/Southeastern Caribbean Conference, 13226
Energy and environmental statements; availability, etc.:
California-Japan/Korea space charter agreement, 4597
Delta Steamship Line, Inc. and Societe Ivoirienne de Transport Maritime; space charter arrangment, 1023
Jacksonville Port Authority and Trans Freight Lines, Inc.; lease real property and improvements consisting of five acres at Blount Island Docks and Terminals located in Jacksonville, Fla, 1023
Long Beach, Calif. and Pacific Maritime Services; leasing of wharf berths and land for marine terminal operations, 4597
Malaysia-Pacific rate agreement, U.S. and Canada conference intermodal tariffs, et al, 7876
North Atlantic, South Atlantic and Gulf Coasts and International Longshoremen's Association; steamship carriers, 28135
North Atlantic Mediterranean Freight Conference et al.; ocean commerce between U.S. North Atlantic ports and Mediterranean Sea ports, etc, 21143
Pacific/Australia-New Zealand Conference and Karlander Kangaroo Line; trade in ports and inland areas, 340
Pensacola, Port Everglades, and Tampa, Fla.; portwide exemptions, 23972
Port Authority of New York et al.; payment of dock and wharf rates, 7754
Ratemaking agreements covering trades from Hong Kong, Taiwan, and Macao to Atlantic and Gulf Coast ports of U.S. (Agreements 5700-29 and 10108-7), 5353
Shipping Corp. of India, Ltd., et al, 23208
Transconex, Inc., et al. (Agreements Nos. 10435 and 10437); joint loading of cargo, 10640
Freight forwarder licenses:
Air-Sea Brokers, Inc, 24648
All International Freight Forwarders, Inc, 25616
American Cargo Corp, 339
American Forwarding, Inc, 14601
Argus Shipping Co, 21293
Armco International Shipping Corp, 22596
Atlantic Freight Forwarders, Inc., et al, 4738
Basa Cargo Services, Inc, 19205
Benedict Shipping International, Inc, 20023
Cargo Export Corp, 14598
Cargo International, Inc, 8855
Cargo Ven, Inc, 7754
Celaya-Guerin International et al, 5780
Chaz Forwarding Co. et al, 14598
Chicago International Customs Service, Inc, 1417
Contract Crating, Inc, 5935
Cougar International Corp, 7329
Delgado et al, 7330
Dunnington & Arnold of Philadelphia, Inc, 1023
Edward C. Snead & Associates of S.C. Inc, 14600
Elia, Joseph R, 22597
Estrella Forwarding Co, 16886
Ferguson Shipping & Forwarding Co., Inc, 340
Freedman & Slater, Inc, 24648
Gen-Trans International, Inc, 19206
Global Freight International, Inc., et al, 23803
Hawk World International Corp. et al, 9911
Herb B. Meyer Co. Inc, 14599
Houston Expeditors, 3879, 9911
Ikeda International Corp, 16886
Inex, Inc., et al, 8855
Intercontinental Transport, 3878
International Express Co., Inc, 21294
International Freight Forwarding et al, 25616
J. M. Altieri, Inc, 21293, 27962
J. R. Prescott & Co., Inc, 21294
Kormin Shipping Co., Inc, 16886
Linster, Johanna P., et al, 16679
Love Shipping Corp, 1024
M.A.C. Cargo Services et al, 11320
M&B Forwarding Inc, 14599
McDermott, James Robert, et al, 3878
Melvin Export Shipping, 18050
Middle Eastern Transport Agencies, Ltd, 339
Nationwide International Forwarders & Brokers, Inc, 25617
NAVTRANS International Freight Forwarding et al, 1417
New York International Customs Service, Inc, 1417
Ocean Traffic Services, Inc, 1417
Ord, Brough & Collins, Inc., et al, 20023
Ortiz Cargo of Miami, Inc, 7754
Panalpina Airfreight, Inc, 14599
R. P. C. Shipping Co, 3878
Renn F. LaMaster, Inc., et al, 18050
Ro-Modal International, 24648
San Francisco International Customs Service, Inc, 1418
Sea Cargo, Inc, 3879
Simpson, Donald Franklin, et al, 24648
Trade Express, Inc, 22596
Transport Specialists, Inc, 1023
TVA Enterprises, Inc, 18050
Unicorn Shipping Co, 27963
Universal Shipping Service et al, 21294
Valtor Import & Export Inc. et al, 27962
Virginia Shipping Co, 24648
W. F. Whelan & Co, 3879
Wolf & Gerber, Inc, 24648
Freight forwarders; portwide exemptions for Port Everglades and Tampa, Fla.; intent to review, 18179
Household Goods Forwarders Association of America, Inc.; joint loading of used military household goods and personal effects by non-vessel operating common carriers serving foreign and domestic off-shore commerce; exemption petition, 25769
Investigations and hearings, etc.:
ABC Container Line N. V. et al.; "50 mile container rules" violations, etc.; interim report and order, 6365
American West African Freight Conference Agreement (No. 7680-39); intermodal services, 8853
Contract Marine Carriers, Inc, 27611
International Household Goods Rate Agreement (No. 8470) et al.; noncompliance with self-policing system requirements (General Order 7), 3877
National Customs Brokers and Forwarders Association of America, Inc.; brokerage payments, petition, 1024
North Atlantic trades, unfiled agreements, 23971
Pacifica America Container Express (PACE) cooperative working agreement (No. 9925-3); vessel utilization/scheduling, etc, 19462
South Atlantic-North Europe Rate Agreement and Gulf European Freight Association, 2926
Trans-Pacific Freight Conference of Japan/Korea; authorization of minority rate initiative, 3032
U.S. Pacific trades conference members bloc voting; extension of investigation, 27611
Western Pioneer, Inc.; tariff filing, 3034
Meetings; Sunshine Act, 887, 1366, 1467, 2232, 2976, 3062, 4193, 5072, 5738, 6415, 7569, 8301, 9325, 10706, 11144, 12009, 13092, 13955, 14824, 15206, 15684, 16253, 17371, 18464, 18982, 19613, 20066, 21174, 21676, 23250, 24249, 25245, 26067, 27447, 28203
Organizations, functions, and authority delegations, 15899, 22407
Petitions for declaratory orders:
American President Lines, Ltd.; shipment rates, 18180
Totem Ocean Trailer Express, Inc, 4597
Totem Ocean Trailer Express, Inc.; joint rates between water carriers and motor carriers, 95
Privacy Act; systems of records, 13213
Privacy Act; systems of records; annual publication, 13214
Regulatory calendar, 1662
Senior Executive Service:
Performance Review Board; membership, 1024
Tariff cancellations:
Alexander & Associates et al, 12385
Continental Forwarders, Inc., et al, 19581
Seatrain International, S.A., et al, 18180
Seatrain Lines, Inc., et al, 11966
Unifreight Corp.; cancellation rescinded, 16101
West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference, 339
Terminal agreements, determinations; Federal Register publication termination, 18180

FEDERAL MEDIATION AND CONCILIATION SERVICE

RULES

Arbitrators; award copy requirement discontinued, 9823
Organization, functions, and authority delegations:
Regional offices designation, and location for filing labor negotiation dispute notices, etc, 10530
Part-time career employment for Federal employees, 15779

NOTICES

Committees; establishment, renewals, terminations, etc.:
Arbitration Services Advisory Committee, 27963
Labor-management cooperation program:
Application solicitation and 1982 FY funding guidelines, 6711
Meetings:
Arbitration Services Advisory Committee, 17335
Senior Executive Service:
Bonus awards, 7492

Bonus awards schedule, 2927
Performance Review Board; membership, 2927

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

RULES
Equal Access to Justice Act; implementation; interim rule and request for comments, 10000

NOTICES
Meetings; Sunshine Act, 2451, 2976, 3673, 4193, 5399, 6125, 6415, 7367, 8120, 8905, 11144, 11366, 11810, 12421, 13626, 15206, 16253, 17371, 17706, 18464, 19613, 20438, 21676, 22449, 23616, 24015, 25089, 25804, 26733, 28004

FEDERAL PAY, ADVISORY COMMITTEE

NOTICES
Continuation of committee; inquiry, 8388

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICES
Meetings, 3204, 7492, 10902, 16410, 20185, 25407

FEDERAL PROCUREMENT POLICY OFFICE

PROPOSED RULES
Federal Acquisition Regulation (FAR):
Acquisition of utility services and progress payments based on costs; draft availability, 19193
Automatic data processing and telecommunications; publication by GSA and intended incorporation from procurement and property management systems, 8384
Construction and architect-engineer contracts; draft availability, 18157
Contract financing; draft availability, 10878
Contract termination forms and formats; draft availability, 4713
Contracts, supply; preparation of invitations for bids and transportation considerations; draft availability, 12646
Loan guarantees for defense production; traffic and transportation management; and contracts for transportation or transportation-related services; draft availability, 8385
Procurement forms; draft availability, 26679
Research and development contracting, indirect cost rates, and disallowance of costs and suspension of payments; draft availability, 16189
Service Contract Act, professional employee compensation, contract debts, assignments of claims, and warranties; draft availability, 6453
Small business and small disadvantaged business concerns; draft availability, 25034
Small purchase and other simplified purchase procedures; management and operating contracts; draft availability, 1400

NOTICES
Architect-engineer services; memorandums, 15464
Circulars, policy letters, etc.:
A-76, 4629, 6511
A-119, 16919
A-120, 1196, 1198
A-124, 7556
81-22, 117, 4628
Commercial or industrial products and services; acquisition policies (Circular A-76), 4629
Consulting services, guidelines (Circular A-120); proposed revision; inquiry, 1198
Cost comparison handbook and OMB circular A-76, proposed revision; inquiry, 6511
Federal participation in development and use of voluntary standards (Circular A-119), proposed revision, 16919
Management and professional services, special studies and analyses, and management and support services for research and development activities; proposed bulletin; inquiry, 1196
Patents; small firms and nonprofit organizations (Bulletin 81-22); extension, 117, 4628
Patents; small firms and nonprofit organizations (Circular A-124), 7556

FEDERAL RAILROAD ADMINISTRATION

RULES
Conrail commuter service operations, transfer; interim, 5227
Conrail commuter service operations, transfer; interim; correction, 11677
Freight car safety standards, final rule and request for comments, 27293

PROPOSED RULES
Locomotives; display of alerting lights at public grade crossings; withdrawn, 16189
Railroad power brakes and drawbars; clarification and elimination or modification of unnecessary regulations, 7283
Regulatory agenda. For references, see entry under Transportation Department.
Track safety standards; revision, clarification, and elimination of unnecessary regulations, 7275

NOTICES
Environmental statements; availability, etc.:
Shaw's Cove Bridge and Approaches, New London, Conn, 6406
Expedited supplemental transaction proposals:
Consolidated Rail Corp, 14646, 17365, 24683, 27435
Locomotives, passenger cars, and cabooses; safety glazing standards; waivers, 4633
Petitions for exemptions, etc.:
Chestnut Ridge Railway Co. et al, 8722
Clarendon & Pittsford Railroad Co, 24682
Eastern Shore Railroad et al, 13266
Jefferson Parish Council, La.; waiver of power brake standards, 15679
Louisiana Southern Railway Co, 28000
Michigan Northern Railroad Co, 24682
National Railroad Passenger Corp. et al, 6406
North Stratford Railroad Co, 24682
Tradewater Railroad Co, 24683
Transkentucky Transportation Railroad Co, 15680
Rail passenger equipment; general safety inquiry, 17365

FEDERAL REGISTER, ADMINISTRATIVE COMMITTEE

See also Federal Register Office.

RULES
Subscription rate:
Federal Register, 8151

FEDERAL REGISTER OFFICE

RULES
Incorporations by reference, approval, 13670

NOTICES
Incorporations by reference, approval; publication, 28503
List of acts requiring publication in Federal Register (1981). See Reader Aids section in May 6 Federal Register issue.
Public Laws; final cumulative list for first session of 97th Congress. See Reader Aids section in February 5 Federal Register issue.
Taiwan, cultural, commercial, and unofficial relations with U.S. people; agreements between American Institute in Taiwan and Coordination Council for North American Affairs; availability, 5781

FEDERAL RESERVE SYSTEM

RULES
Authority delegations:
Board members acting in absence of quorum; "sunset" provision removed, 27845
Consumer and Community Affairs Division, Director; issuance of consumer compliance materials, 4981
Consumer and Community Affairs Division, Director; rescission of authority to grant exemptions, 16169
Bank holding companies (Regulation Y):
Nonbanking activities; management consulting advice offered to unaffiliated nonbank depository institutions and management interlocks authorization, 13134
Transfer agents; elimination of registration statement amendments (Form TA-1), 14684
Banking institutions, State; membership (Regulation H):
International banking operations; technical amendment, 19320
Technical amendment, 18122
Transfer agents; elimination of registration statement amendments (Form TA-1), 14684
Consumer leasing (Regulation M):
Official staff commentary, 20553
Consumer leasing (Regulation M); deferral of effective date, 755
Credit by banks for the purpose of purchasing or carrying margin stocks (Regulation U):
Margin rules simplification; securities credit transactions, 2981
Credit by brokers and dealers (Regulation T):
Letters of credit use as required deposit for borrowed securities, 21238
Margin rules simplification; securities credit transactions, 2981
Home mortgage disclosure (Regulation C); final HMDA-1 form, 750

Interest on deposits (Regulation Q):
Conformance with Depository Institutions Deregulation Committee rules; correction, 9
Early withdrawal penalty; temporary suspensions
Arkansas, 20747
California, 2857, 4230, 20748
Connecticut, 27244
Indiana, 14483
Michigan, 16773
Ohio, 16773
Texas, 16774, 24252
Investment companies and trusts in which entire beneficial interest is held exclusively by depository institutions eligible to sell Federal funds, 8987
International banking operations (Regulation K):
Foreign customers offered certain investment management and economic advisory services in United States by Edge Corporations, 11817
OTC margin stocks; list (Regulations G, T, and U); revised criteria for initial and continued inclusion, 21756
OTC margin stocks; list (Regulations G, T, U, and X), 8988
Reserve requirements of depository institutions (Regulation D):
De novo depository institutions; and reporting and reserve requirements of institutions experiencing above normal growth, 14481
Investment companies and trusts in which entire beneficial interest is held exclusively by depository institutions eligible to sell Federal funds, 8987
Time deposits, nonpersonal, 18847
Securities credit by persons other than banks, brokers, or dealers (Regulation G):
Margin rules simplification; securities credit transactions, 2981
Securities of state member banks (Regulation F):
Safe harbor from liability for projections, corporate governance, tender offers, etc.; correction, 4230
Truth in lending (Regulation Z):
"Arranger of credit," definition, 7391
Truth in lending (Regulation Z); deferral of effective date, 755

PROPOSED RULES

Bank acquisitions, mergers or consolidations; applications and public information; proposed guidelines, 9017
Collection of checks and other items and transfer of funds (Regulation J):
Midweek closings and nonstandard holidays, 15349
Credit by banks for the purpose of purchasing or carrying margin stocks (Regulaton U):
Margin requirements for futures contracts based on stock indexes; advance notice, 8788
Credit by brokers and dealers (Regulation T), 13376
Margin requirements for futures contracts based on stock indexes; advance notice, 8788
Supplemental chart, 18608
Electronic fund transfers (Regulation E):
Documentation, procedures for resolving errors, and exemptions, 12997
Equal credit opportunity (Regulation B):
Business credit exemptions; adverse action in loan transactions, 23741
Income consideration and disclosure of reasons for adverse action; interpretations, 23738, 25019
Home mortgage disclosure (Regulation C):
Exemption continuation applications (Conn., Mass., N.J., and N.Y.), 22370
Regulatory agenda, 13827
Securities credit by persons other than banks, brokers, or dealers (Regulation G):
Margin requirements for futures contracts based on stock indexes; advance notice, 8788
Truth in lending (Regulation Z):
Open-end and closed-end consumer credit; official staff commentary update, 20603

NOTICES

Agency forms submitted to OMB for review, 19467, 22597
Bank holding companies; proposed de novo nonbank activities:
Alliance Corp. et al, 19463
Bank of New England Corp. et al, 22219
Bank of New York Co., Inc., et al, 27964
BankAmerica Corp. et al, 18430, 24649
Bankers Trust New York Corp. et al, 24225
Barclays Bank Ltd. et al, 10902, 12216, 17669
Barclays Bank PLC et al, 22408
CBT Corp. et al, 17670
Chase Manhattan Corp. et al, 6713, 12860, 24650, 25054
Chemical New York Corp. et al, 5038, 11771, 28135
Citicorp et al, 673, 3598, 5938, 8678, 9282, 9577, 13583, 20668, 25618, 25619, 26455, 26708, 28138, 28457
Fidelcor, Inc., et al, 25203
First Alabama Bancshares, Inc., et al, 23806
First Bank System, Inc., et al, 6487
First Interstate Bancorp, 23807
First National Bancorporation, Inc., et al, 15410
First National Boston Corp. et al, 4598, 7330
Fleet Financial Group, Inc., et al, 19789, 20669, 21917, 25618
Heritage Bancorporation et al, 23972
Hospital Trust Corp. et al, 14602
Industrial National Corp. et al, 10903, 16200
Interstate Financial Corp. et al, 23804
Manufacturers Hanover Consumer Services, Inc., et al, 21145
Manufacturers Hanover Corp. et al, 15159, 16101, 21144, 22408, 27966
Northeastern Bancorp, Inc., et al, 11770
Northwest Bancorp et al, 18431
Philadelphia National Corp. et al, 3600, 5465
Ramapo Financial Corp. et al, 23023, 27128
Seafirst Corp. et al, 21295
Wachovia Corp. et al, 13584
Committees; establishment, renewals, terminations, etc.:
Consumer Advisory Council, 24223
Consumer leasing (Regulation M):
Maine and Connecticut; exemption determinations; notice of intent, 16210
Federal Open Market Committee:
Domestic open market operations, authorization, 3599, 5353, 25408
Domestic policy directives, 3599, 25770
Federal Reserve Bank services; fee schedules and pricing principles:
Wire transfer of funds and net settlement services, 2790, 13406
Meetings:
Consumer Advisory Council, 3411, 9912, 14603
Meetings; Sunshine Act, 127, 376, 888, 1366, 2232, 2976, 3252, 3907, 4387, 5072, 5399, 5572, 5963, 6415, 6515, 7047, 7367, 7955, 8448, 9134, 9325, 9630, 10341, 10938, 11588, 12009, 12010, 12421, 13269, 13443, 13626, 14270, 14824, 15001, 15207, 15957, 16440, 16700, 16928, 17706, 18094, 19266, 19613, 20066, 20438, 21175, 21375, 21952, 22450, 23067, 23250, 24249, 24495, 25089, 25653, 25804, 26492, 26961, 27447, 27448, 28203
Privacy Act; systems of records; annual publication, 674
Regulatory calendar, 1662
Truth in lending (Regulation Z):
Arizona et al.; effect on State laws, determinations, 16201
Maine and Connecticut; exemption determinations; notice of intent, 16210
Applications, etc.:
A.B.T. Corp, 5936
ABC Bancshares, Inc, 4337
Aktivbanken A/S et al, 3407
Alden Bancshares, Inc, 12386
Allied Bancshares, Inc, 1170
Allied Bancshares of Illinois, Inc, 8855
Amarillo National Bancorp, Inc, 1172
Ambanc Corp, 12859
Ameribanc, Inc, 9281
American Bancorporation Holding Co, 13408
American Bancshares of Arkansas, 12386
American Eagle Holding Corp, 9911
American Security Bancshares, Inc., et al, 27967
Americana Bancorporation of Danube, Inc., et al, 23807
AmeriTrust Corp. et al, 18966
AmSouth Bancorporation et al, 27963
Andrew Johnson Bancshares, Inc, 5936
Area Financial Corp, 11967
Argyle Financial Services, Inc, 673
Associated Ban-Corp. et al, 17336
Baldy Bancshares, Inc, 9574
Ballerton Corp, 341
Banc One Corp. et al, 22219
Banco Del Pacifico International, 18967
Bancorp of Mississippi, Inc, 11563
Bancshares, Inc, 12386
Bank of Boston International South, 8678
Bank of Tokyo International, U.S.A., 19464
Bank Sales Department, Inc., et al, 16680
BankAmerica Corp, 16104
Bankcore, Inc., et al, 19464
BankEast Corp, 8404, 26238
Bankers Trust International, 20671
Bankers Trust New York Corp, 18180
Banque Nationale De Paris, 5463
Barnett Banks of Florida, Inc, 13408
Basin Bancorp, Inc., et al, 16103
Bay Bankshares, Inc, 9282
Bay-Herman Bancshares, Inc, 5463
Beacon Financial Corp., Inc, 8090
Benbrook Bancshares, Inc, 4338
Benton Bancorp, Inc, 26708
Bethesda Bancorporation et al, 21146
Bluegrass Bancshares, Inc., et al, 21147
BMC Bankcorp, Inc., et al, 16887
BNW Bancorp, 7331

Federal Reserve

Boatmen's Bancshares, Inc, 13408
Boulevard Bancorp, Inc, 23562
Bowbells Holding Co, 8405
Bradley Bancshares, Inc, 8405
Brady National Holding Co., Inc, 6488
Bremen Bancorp, Inc, 14603
Broadway Bancshares, Inc, 4338
Broadway Capital Corp, 4338
BSD Bancorp, Inc, 3879
Buckeye Associates, Ltd., et al, 17668
Buffalo Bancorporation, Inc, 3879
Bushnell Bancorp, 8679
Business Bancorp, 13897
BWC Financial Corp, 5936
Cairo Banchshares, Inc, 10640
Caldwell Bancshares, Inc, 14956
Calumet City Bancorp., Inc, 13408
Cameron Bancshares, Inc, 13408
Canadian Imperial Bank of Commerce et al, 14603
Canadian Imperial Holdings, Inc., et al, 11967
Caneyville Bancshares, Inc, 12387
Capital Bancorp, 8405
Capitol Commerce Corp, 6488
Carbondale Bancshares, Inc, 12387
Carolina BanCorp, Inc, 3880
Carter Bancshares, Inc, 5464
CB&T, Inc., et al, 22409
CB&T Bancshares, Inc, 6488
CBC Bancorp, Ltd, 4338
Centerre Bancorporation, 12859
Central Bancorporation, Inc., et al, 3880, 4338, 9282
Central Capital Corp, 11967
Central Counties Bancorp, Inc, 3880
Central Financial Corp, 12216
Central National Chicago Corp, 17671
Central of Illinois, Inc, 6488
Central Service Corp, 25771
Ceylon Bancorporation, Inc., et al, 18429
Chase Bank International, 5780
Chase Manhattan Corp, 16103, 19791
Chebelle Corp, 1170
Cheltenham Corp. et al, 15900
Chemical First State Corp. et al, 28138
Chemical New York Corp. et al, 28137
Chicago Heights Bancorp, Inc, 4739
Citba Financial Corp, 12387
Citibank International, 21917, 26238
Citicorp, 12387, 15160, 26238, 28456
Citizens Bancorp et el, 11109, 21294
Citizens Bank Holding, Inc, 9911
Citizens First Bancorp, Inc., et al, 23805, 23807
Citizens National Corp, 5780
Citizens & Southern Georgia Corp, 25055
Citizens Union Bancorp of Shelbyville, Inc, 9911
City Bancorp of Norman, Inc, 11108
City National Bancshares, Inc, 13897
CNB Bancorporation, Inc, 25056
Coastal Bankshares, Inc., et al, 25408
Coleman Bancshares, Inc, 9575
Collinsville Bancorp., Inc, 11109
Colonial Bancgroup, Inc., et al, 25617
Colonial Bancshares of Greenville, Inc, 11967
Colonial Capital Corp, 25408
Columbia Bancshares, Inc, 13409
Commerce Bancshares, Inc, 3407, 19464
Commercial Bancorp, 11967
Community Bancshares, Inc, 5039
Community Banks, Inc., et al, 27406
Community Bankshares, Inc, 4339
Conifer Group, Inc, 1172
Consolidated Holding Co, 12388
Continental Bancorp, Inc., 4739
Continental Illinois Corp, 4739, 9912
Corporate Bankshares, Inc, 1172
Coulee Bancshares, Inc, 9575
Country Bancshares, Inc, 6714
Country Bank Co, 5936
Credit Lyonnais, 16104
Crookston Financial Services, Inc, 4740
Crowley Holding Co, 9283
Crown Bancshares, Inc., et al, 21143
Cullen/Frost Bankers, Inc, 8405, 9283
Dahlonega Bancorp., Inc, 8855
Dairy State Financial Services, Inc, 8406
Dakota Bankshares, Inc, 11968
DCB Corp, 6714
De Kalb County Bancshares, Inc, 12388
Delhi Bancshares, Inc, 12388
Detroitbank Corp, 4339, 8406
DetroitBank Corp. et al, 25617
Deutsche Bank AG, 5039
Dewey County Bancorporation, 4339
Dixie Bancshares Corp, 20380
Eagle Agency, Inc, 11968
Earners & Savers Bancorporation, 4339
East Central Holding Co, 28458
East-Tex Bancorp., Inc, 21143
Ellis Banking Corp, 14604
England Bancorp, 4740
English Valley Bancshares, Inc, 15160
Equitable Bancorporation et al, 15900
European American Bancorp, 16104
Exchange Bancshares, Inc, 8406
Exchange Financial Corp, 11563
Exchange State Corp, 9283
F.L. & T. Financial Corp, 9283
F & M Financial Services Corp, 3881
Fairfield Bancshares, Inc, 7331
Far-Mer Bankshares, Inc, 1170
Farmers National Bancorp, Inc, 8855, 11968
FB&T Corp. et al, 15899
Fertile Bancshares, Inc, 7493
Fidelity BancShares, Inc., et al, 19790
Fifth Third Bancorp, 3407, 4740
Financial Services of Lowry, Inc, 12388
First Abilene Bankshares, Inc, 8091
First Alabama Bancshares, Inc., et al, 9575, 16201
First Alsip Bancorp, Inc, 3880
First American Bank Corp, 13409
First American Corp. et al, 16199
First Ashland Corp, 11968
First Atlanta Corp. et al, 17668
First Bancgroup-Alabama, Inc, 21143
First Bancorp of Belleville, Inc, 3881
First Bancshares, Inc, 3408
First Bancshares of St. Landry, Inc., et al, 16199
First Bancshares of Texas, Inc, 1170, 13409
First Bank Holding Co., Inc, 14604
First Bolivar Capital Corp. et al, 22220
First Bulloch Banking Corp, 3408
First Carrollton Bancshares, Inc, 5040
First Charter Bancshares, Inc, 5936
First Citizens Corp, 14604
First City Bancorp, Inc, 8855
First City Bancorporation of Texas, Inc, 3408
First City Bancshares, Inc, 13409
First Colonial Bankshares Corp, 341
First Community Bancshares of Tifton, Inc., et al, 18050
First Community Bank Group, Inc, 1171
First Continental Bancshares, Inc, 1171
First Delhi Corp, 341
First Dodge City Bancshares, Inc, 341
First Eastern Corp, 4339, 9575
First Farmers & Merchants Corp. et al, 27407
First Freeport Corp, 10078
First Glen Bancorp, Inc, 3408
First Harvey Banc Corp, 6715
First Indiana Bancorp, 11969
First Maryland Bancorp, 9912
First Massachusetts Management Corp, 3881
First & Merchants Corp, 11563
First Mid-Illinois Bancshares, Inc, 341
First Midwest Bancorp, Inc, 9575, 13409
First Murphysboro Corp, 11969
First National Bancorp, Inc, 9283, 12388
First National Bancorp of Rutherford County, Inc, 11564
First National Bancorporation, Inc, 13897
First National Bancshares, Inc, 9575
First National Bankshares, Inc, 10640
First National Co. et al, 26911
First National Corp. of Picayune, 11564
First of Austin Bancshares, Inc., et al, 18967
First Prague Bancorporation, Inc, 4740
First Prestonsburg Bancshares, Inc., et al, 20381
First Rockford Bancorp, Inc, 4740
First San Benito Bancshares, Inc, 7331
First Selmer Bancshares, Inc, 12388
First Southeast Banking Corp, 13898
First State Bancshares, Inc, 11564
First State Bank Holding Co, 8856
First State Corp. et al, 21295
First State Holding Co., Inc, 3409
First Stratford Bancorporation, Inc, 4740
First Tazewell Bancorp, Inc, 7493
First Tennessee National Corp, 21916
First Texas Financial Corp, 3881
First Vermont Financial Corp. et al, 25204
First Virginia Banks, Inc., et al, 24649
Flagship Banks, Inc., et al, 15645
Florida National Banks of Florida, Inc, 8091
Florida Westcoast Banks, Inc, 14956
FM Co, 25055
FN Bancorp, 13410
FNB Bancorp, Inc, 6715
Fort Wayne National Corp, 6489
Fourth Financial Corp, 342
Frankford Corp. et al, 16679
Franklin Bancorp et al, 19465
Fremont Bancshares, Inc., et al, 25203
Frontier Bancshares, Inc, 9576
FSB Bancorporation, 23562
Fulton Bancshares, Inc, 3881
Gale Bank Holding Co., Inc., et al, 21917
Garrison Bancshares, Inc, 9576
Gary-Wheaton Corp, 8856
Gaylord Bancorporation, Ltd, 342
Georgia Peoples Bankshares, Inc., et al, 24651
Girard Co. et al, 23804
Goddard Financial Corp, 8406
Graceville Bancorporation, Inc, 9284
Great Guaranty Bancshares, Inc, 3409
Groos Bancshares, Inc, 6715
GRP, Inc, 3881
Guaranty, Inc, 22598
Guaranty Commerce Corp, 6489
Gulf Coast Holding Corp, 10640
Gulf South Bancshares, Inc., et al, 26454
Halo Bancorporation, Inc, 7493
Hammond Bancshares, Inc, 4339
Harris Bankcorp, Inc., et al, 23562
Hawkeye Bancorporation, 10641

Heart of Texas Bancshares, Inc, 7331
HNB Corp, 1171
Hol-Ark, Inc, 342
Home Interstate Bancorp, 9912
Hospital Trust Corp, 24225
Hudson Bancshares, Inc, 11564
Huntington Bancshares Inc, 13410
ILB Financial Corp, 5937
Imperial Bancorp, 19466
Independence BanCorp, 9576
Independent Bankshares, Inc, 9913
Indian Springs Bancshares, Inc, 5937
Indiana Southern Financial Corp, 11969
InterFirst Corp, 5464, 14956
International Bancorp, 8406
International Bancshares of Oklahoma, Inc, 21147
Interstate Financial Corp, 13585
Ireton Bancorp, 8091
Island American Bancshares, Inc, 3882
James Madison, Ltd, 6715
JDOB, Inc, 15161
Jefferson Bancorporation, Inc, 5937
Jefferson Bankshares, Inc., et al, 20023
Jeffersonville Bancorp, 11109
Johnston County Bancshares, Inc, 13582
Kansas Bancorp II, Inc, 5937
Kansas State Financial Corp, 12216
Keene Bancorp, Inc, 3882
Keyesport Bancshares, Inc, 1173
Keystone Heritage Group, Inc., et al, 25621
Knob Noster Bancshares, Inc, 23806
Lakeside Bancshares, Inc, 13898
Landmark Banking Corp. of Florida, 15161
Latham Bancshares, Inc, 13410
Lawton Financial Corp, 5781
League City Bancshares, Inc, 8091
Letchworth Independent Bancshares Corp, 11564
Lewellen National Corp, 5040
Liberty Holding Co, 4741
Liberty National Bancshares, Inc, 3409
Lincoln Bancorp, 7493
Lisle Bancorporation, Inc, 15161
Longmont National Bankshares, Inc, 11969
Loup Valley Bancshares, Inc, 9576
Lubbock Bancorporation, Inc, 4741
Lyon County State Bancshares, Inc, 3882
M-L Bancshares, Inc, 342
Madison Bancorp, Inc, 14956
Manufacturers Hanover Corp, 9577
Manufacturers Hanover International Banking Corp, 13410, 16199
Mark Twain Bancshares, Inc, 3409, 13411
Maryland National Corp, 3882, 24651
Mellon Bank, N.A, 25621
Mercantile Bancorp, Inc, 11109
Mercantile Texas Corp, 4741, 5937, 12389, 13898, 23808
Merchants Bancorp, Inc, 3883, 7493
Merchants Bancorporation, 14957
Merchants Corp, 5040
Met-State Corp, 5464
Metropolitan National Bancshares, Inc, 4340
Miami Corp, 23563
Mid-Central Bancshares Corp, 1173
Mid-Nebraska Bancshares, Inc, 12389
MidAmerica BancSystem, Inc, 19791
Midland California Holdings Ltd, 11109
Midlands Financial Services, Inc, 14957
Midwest National Bancshares, Inc, 342
Miles-Advance Bancshares, Inc, 26455
Milford, N. V, 343
Minnehaha Bancshares, Inc, 3882
Minto Bancorporation, 3409
Montana Bancsystem, Inc, 13411
Morgan County Bancorp, 5937
MPS Bancorp, Inc, 12389
Mt. Vernon Bancorp, Inc, 12389
Murdock Bancshares, Inc, 13411
National Bancshares, Inc, 11565
National Bancshares Corp. of Texas, 3883, 24649
National City Corp, 8856, 22599
National Penn Bancshares, Inc, 12859
NBC Bank Corp, 10641
NBD Bancorp, Inc., et al, 1171
NBE Bancshares, Inc, 12390
NBG Atlantic International Corp, 343
NCB, Corp, 343
Nebraska First Security Corp, 15161
New Galveston Co., Inc, 9284
New London Agency, Inc, 14604
Norris Bancorp, Inc, 673
North America International Corp, 13582
North County Bancorp, 14957
North Plaza Bancshares, Inc, 1171
Northern Cities Bancorporation, Inc, 15411
Northern Trust Corp, 1172, 4340
Northwest Bancorporation, 21918, 23973
Northwest Bancshares, Inc, 9284
Northwest Funding Co., Inc., et al, 18429
Northwest International Bank, 7494
Ocheyedan Bancorporation, 8407
Ohnward Bancshares, Inc, 9577
Old Colony Co-Operative Bank, 25204
Old Second Bancorp, Inc, 4340
OMB Financial, Inc., et. al, 26239
Oswego Bancshares, Inc, 10641
Our Bancshares, Inc, 13411
Overbrook Bancshares, Inc, 11565
Pan American Banks, Inc, 3883
Paraclete Bancorp, 1172
Patriot Bancorporation, 11969
Peachtree Bancshares, Inc, 13583
Peoples Bancorp, Inc, 11970
Peoples Banking Co. of Cecil Co, 13411
Peoples Capital Corp, 3883
Philadelphia International Bank, 20671
Philadelphia National Corp, 4340
Pinellas Bancshares Corp, 13898
Pioneer Bancshares, Inc, 14957
Plum Grove Bancorporation, Inc, 14604
Prairie Bancorp, Inc, 1173
Princeton Bank Holding Co. et al, 27966
Quad Cities First Co, 3883
Raymondville State Bancshares, Inc, 4340
Republic International Bank of New York (California), 18968
Republic of Texas Corp, 5464, 8407, 14605
Republicbank Dallas, N.A, 13411
Rhode Island Hospital Trust National Bank, 25056
Riverton State Bank Holding Co. et al, 27127
RLG Bancshares, N.V, 5465
Rock Creek Bancshares, Inc, 11970
Rockwall Financial Corp, 4341
Rocky Financial Corp, 12390
Roxton Corp, 5938
Royal Trustco Ltd. et al, 20186
Salem Financial Corp, 12390
San Jose Banco, Inc, 4341
San Saba National Corp, 5938
Santa Barbara Bancorp, 11970
Santa Fe Trail Banc Shares, Inc, 25409
Sarcoxie Bancorp, Inc, 12859
Satanta Bancshares, Inc, 11565
Saver's Bancorp, Inc., et al, 17336
Seafirst Corp, 27968
Seaport Bancorp, Inc, 8856
Security Bancorp., Inc, 8857
Security Bancorporation, Inc, 7331
Security Bancshares, Inc, 3409
Security National Corp, 12390
Security Pacific Corp, 26236
Security Pacific International Bank, 8091
Shawmut Corp, 343
Shively Bancshares Corp. et al, 21917
Smith Center Bancshares, Inc, 9913
Southeast Banking Corp, 14957, 20023
Southern Bancorp, 9284
Southern Bancorporation, Inc, 12390
Southern Wisconsin Bancshares Corp. et al, 19791
SouthTrust Corp. et al, 14605, 20667
Southwest Financial Corp, 4741
Southwest Missouri Bancorporation, Inc, 8092
Southwest National Corp, 3410
Spiro Bancshares, Inc, 673
Springfield State Bancorporation, Inc, 14605
Standard Bancshares, Inc, 8857
State Bancshares, Inc, 12391
State Bank of India, 4341
State National Corp, 10641
Statewide Bancorp, 13898
Stockmens Financial Corp, 10641
Suburban Bancorp, Inc, 19465
Sumitomo Bank, Ltd, 21916
Summit Bancorporation, 15410
Susquehanna Bancshares, Inc., et al, 21146
T-C Holdings, Inc, 15162
Taylor County Bancshares, Inc, 10905
Tecumseh Bancshares, Inc., et al, 16103
Tennessee National Bancshares, Inc., et al, 13412, 26454
Terre Du Lac Bancshares, Inc, 5465
Texas American Bancshares, Inc, 3884
Texas Commerce Bancshares, Inc., et al, 17861, 19790
Texas Independent Bancshares, Inc, 7332
Thomas L. Karsten Associates, 21145
Thurman State Corp, 7494
Trabanc, 3884
Transworld Corp, 26709
Traxshares, Inc, 4741
Trimont Bancorporation, Inc., et al, 23972
Trust Company of Georgia, 7494
TrustCo Bank Corp. et al, 15645
U.C.B. Banc Corp. et al, 18967
U.S. Bancorp, 4341, 11565
U.S. Trust Co. International Corp, 14605
UNB Bancshares, Inc, 3410
Unibank Corp, 1173
Union Bancorp of West Virginia, Inc, 5041
Union Bank Corp, 13899
Union Colony Bancorp, 3884
Union Commerce Corp, 19466
United Ban Holding Corp, 4738
United Bancorp of Maryland, Inc, 11565
United Banks of Colorado, Inc., et al, 4739, 12860, 27963
United Hamblen, Inc, 11970
United Madison Bancshares, Inc, 3410
United Southern Bancorp, 8092
Universal Bancorp, 8679
Uptown Bancorporation, Inc, 1173
Vermont Financial Services Corp. et al, 25620
Victoria Bankshares, Inc, 10642
Volunteer Bancshares, Inc, 8092
Wabanc, Inc, 3884
Wabash Valley Bancorporation, Inc, 3884
Walnut Valley Corp, 5041
Washington Community Bancshares, Inc, 4739

Washington Independent Bancshares, Inc, 1173
Wells-Foster Bankshares, Inc, 3885
West Baton Rouge Bancshares, Inc., et al, 22598
West Carroll Bancshares, Inc, 7332
Western Bancshares of Farmington, Inc., et al, 24225
Western Bank Holding Co, 13583
Western Holding Co. of Wolf Point, 5465
Western National Bancorp, 6715
Westlake Bancshares, Inc, 1174
Westlands Diversified Bancorp, Inc, 8857
Wilburton State Bancshares, 4341
Williamsburg Holding Co, 10642
Winnsboro Bancshares, Inc, 10642
Woodriver Banco, Inc, 3410
Wyoming Bancorporation, 344
Yazoo Capital Corp, 14958
Youell Sales Department, Inc, 3410
Zappco, Inc, 19466

FEDERAL SERVICE IMPASSES PANEL

RULES

Office addresses and geographic jurisdictions:
Denver, Colo.; address change, 3343
Honolulu, Hawaii, 16611
New York, N.Y.; location change, 22935

FEDERAL TRADE COMMISSION

RULES

Appliances, consumer; energy cost and consumption information in labeling and advertising:
Furnaces and dishwashers; comparability ranges, 18
Refrigerators and water heaters, etc.; comparability ranges, 18330
Room air conditioners; comparability ranges, 19
Motor vehicles; sale of used cars, dealer window sticker requirements; consideration following disapproval by Congress, 24542
National Environmental Policy Act; implementation, 3095
Procedures and practice rules:
Filing of documents; number of copies and signature requirements, 7826
Service of documents in Commission proceedings; CFR correction, 18125
Prohibited trade practices:
ABC Vending Corp. et al, 6252
American Honda Motor Co., Inc, 5885, 7625
American Medical Association et al, 25118
Brunswick Corp. et al, 19990
Chrysler Corp. et al, 8328, 9821
Credit Card Service Corp, 6824
D'Arcy-MacManus & Masius, Inc, 8329
General Electric Co, 21530
Gifford-Hill-American, Inc, 9388
Godfrey Co, 1372
Grolier, Inc., et al, 12613
Hercules Inc. et al, 17472
Kellogg Co. et al, 6817
Mastic Corp, 17806
Renuzit Home Products Co, 5885, 6423
Tomy Corp, 3350
Vinyl Improvement Products Co, 21530
Volkswagen of America, Inc, 24113
Western General Dairies, Inc, 21530
Worthington Ford of Alaska, Inc., et al, 6825
Truth in lending orders, interpretation; compliance alternatives of creditors; enforcement policy statement, 13322

PROPOSED RULES

Franchising and business opportunity ventures; disclosure requirements and prohibitions:
Reporting and recordkeeping requirements for pilot study on impact of rule; application for OMB approval, 25372
Home insulation, labeling and advertising:
Representative thickness testing; intent to lift temporary stay of regulations, 6026
Prohibited trade practices:
Broward County Medical Association, 11285, 12809
Germaine Monteil Cosmetiques Corp, 3371
Mastic Corp. et al, 4532
National Association of Scuba Diving Schools, Inc, 21272
Texas Dental Association, 25157
Western Dairies, Inc, 7853
Textile products and leather clothing; care labeling, 21847
Truth-in-lending; enforcement policy statement; interpretation, 3128

NOTICES

Agency forms submitted to OMB for review, 22599
Financial reports program, quarterly; confidentiality procedures; modification to reflect organizational changes; correction, 1174
Line of business program; costs and benefits; inquiry, 8407, 15646
Line of business reports program; confidentiality; 1973-1977 and future years LB reports; adoption of final procedures; inquiry; correction, 1174
Line of business reports program; 1976 LB annual report; authorization to publish, 25410
Meetings; Sunshine Act, 721, 1238, 3467, 11366, 16701, 17706, 24249, 25089, 26277
Premerger notification waiting periods; early terminations:
American Financial Corp, 20024
Armco, Inc, 1420
Brae Corp, 1420, 3411
Brunswick Corp, 1420
Damson Oil Corp, 20024
Devon Energy Corp, 25409
Dowty Group, PLC, 25410
Dresser Industries, Inc, 1331
Farm House Foods, 20025
Foster Poultry Farms, 4342
Frank B. Hall & Co., Inc, 1421
Gannett Co. Inc, 24416
Goldsmith, Sir James, 16411
Goudchaux's Inc, 6097
Hilton Hotels Corp, 1331
Interstate-Federal Corp, 16411
John D. Hollingsworth on Wheels, Inc, 15646
Lear, Norman, 1421
Madison Fund, Inc, 15645
McLean Securities, 24417
MCO Holdings, Inc, 25410
Perenchio, A. Jerrold, 1421
Richco, N.V, 3411
Rollins Leasing Corp, 1332
Saatchi & Saatchi Co., P.L.C, 24417
Southmark Properties, 19467
Swire Pacific Ltd, 1422
WEDGE International Holdings B.V, 1422
Western Institutional Properties Trust, 24417
Regulatory calendar, 1662

FINE ARTS COMMISSION

NOTICES

Meetings, 2506, 9046, 11563, 19198, 24766

FIREARMS AND AMMUNITION

See Alcohol, Tobacco and Firearms Bureau.

FISCAL SERVICE

RULES

Bonds, U.S. individual retirement; termination of offering, 18596
Bonds, U.S. retirement plan; termination of offering, 18595
Service charges for allotments of pay to savings accounts of Federal civilian employees; increase, 9823, 24131

PROPOSED RULES

Regulatory agenda, 18506

NOTICES

Funds rate; Treasury current value, 12006, 26489
Renegotiation interest rate for excessive profits and refund, 366, 27654
Reporting and recordkeeping requirements; Public Debt Bureau, 1459
Surety companies acceptable on Federal bonds:
Allendale Mutual Insurance Co, 3250
Anvil Insurance Co, 6409
Cotton Belt Insurance Co., Inc, 12006
General Casualty Co. of Wisconsin, 14997
Glacier General Assurance Co, 1066
Ideal Mutual Insurance Co, 12912
Merchants Bonding Co. (Mutual), 20434
Mid-Continent Casualty Co, 11806
National Mutual Insurance Co, 12419
Northwestern Pacific Indemnity Co, 14997
Occidental Fire & Casualty Co. of North Carolina, 24246
Planet Insurance Co, 14997
Regent Insurance Co, 14997
Republic Western Insurance Co, 24247
Texas Pacific Indemnity Co, 2448
Western National Assurance Co, 24247

FISH, FISHING

See Fish and Wildlife Service.
Food and Drug Administration.
National Oceanic and Atmospheric Administration.
National Park Service.

FISH AND WILDLIFE SERVICE

RULES

Endangered and threatened species:
Ash Meadows speckled dace and Amargosa pupfish, 19995
Hawksbill Sea Turtle, 27295
Hay's Spring amphipod, 5425
Leopard in southern Africa, 4204
Navasota ladies'-tresses, 19539
Tecopa pupfish, 2317
Endangered Species Convention:
Bobcat taken in 1981-1982 season; suspension, 1294
Correction, 2117
Federal aid in fish and wildlife restoration program, 22538

Forfeited or abandoned property; disposal, 17521
Hunting:
Blowing Wind Cave National Wildlife Refuge, Ala., et al, 1131
Cibola National Wildlife Refuge, Ariz., et al, 1125
Eufaula National Wildlife Refuge, Ala., et al, 1122
Kofa National Wildlife Refuge, Ariz., et al, 1134
Lower Klamath National Wildlife Refuge, Calif., et al, 1129
Overflow National Wildlife Refuge, Ark., et al, 1126, 1135
Salton Sea National Wildlife Refuge et al., Calif, 1127
Migratory bird hunting:
Hunting and conservation stamp program, "duck stamp contest" 1982 announcement and requirement changes, 26635
Public entry and use:
Alaska Maritime National Wildlife Refuge et al., Alaska, 25150
Wichita Mountains Wildlife Refuge, Okla.; extension of time, 17066

PROPOSED RULES

Endangered and threatened species:
Blue pike and longjaw cisco, 22570
Smoky madtom; status review, 26878
Spotted bat, 9867
Tar River spiny mussel, 9483
Wood stork; status review of breeding population, 6675
Endangered Species Convention:
Appendixes; amendments, 7190, 14472
Appendixes; request for information on species to be considered for inclusion, 6772
Bobcat, lynx, river otter, Alaskan brown bear and gray wolf, American alligator and ginseng taken in 1982-1983 season, 14664
Bobcat; removal from Appendix II, 1242
Fish and Wildlife Conservation Act of 1980; implementation, 14739
Importation, exportation, and transportation of wildlife:
Raccoon dog; importation of injurious wildlife, 21892
Wild animals and birds; humane and healthful transport to U.S.; meeting, 8386
Wild animals and birds, humane and healthful transport into U.S.; notice of intent, 28431
Marine mammals:
State management authority, transfer procedures, 20508
Marine mammals, nondepleted; authorization of incidental taking; request for information, 9869
Migratory bird hunting:
Hunting and conservation stamp program, "duck stamp contest" 1982 announcement and requirement changes, 16810
Seasons, limits, and shooting hours; establishment, etc, 16718, 25922
Waterfowl hunting; zones for required non-toxic shot, 15614

NOTICES

Endangered and threatened species:
Captive-bred green sea turtle, exemption; rulemaking petition, 13917
Endangered and threatened species; wildlife and plants list; availability, 27616
Endangered and threatened species permit applications, 2415, 4157, 5946, 7332, 8254, 9579, 11113, 11323, 12683, 13052, 13918, 15418, 16682, 16683, 17118, 17119, 18054, 19236, 20904, 22230, 23596, 24455, 25417, 26246, 26923, 27976
Endangered Species Convention:
Annual report, 1979; availability, 7881, 11570
Environmental statements; availability, etc.:
Atlantic Salmon and American Shad in New England; restoration program, 16418
False Cape State Park and Back Bay National Wildlife Refuge, Virginia Beach, Va.; State-Federal land exchange, 25417
Matagorda Island, Tex.; disposition of 19,000 acres of Federal property; notice of intent, 5048
Reeves Bottom (Hornersville Swamp), Dunklin County, Mo.; bottomland hardwood habitat, 14607
San Bruno Mountain Habitat Conservation Plan and Endangered Species Permit, San Mateo County, Calif, 16417
Formalin, fish culture use; availability of data, 15411, 15418
Golden eagle management plan; draft plan and inquiry, 6100, 16224
Kenai National Wildlife Refuge, Alaska; land exchange with Kenai Native Association, Inc.; meeting, 15916
Marine mammal permit applications, 2416, 11114, 13918, 18054, 23025, 26247, 26923
Meetings:
Kenai National Wildlife Refuge, Alaska; land exchange with Kenai Native Association, Inc, 15916
Migratory bird hunting, 11979
Migratory birds:
National waterfowl management plan; availability, 16223
Pipeline rights-of-way applications:
Alaska; Kenai National Wildlife Refuge, 11774, 27615
Louisiana; Sabine National Wildlife Refuge, 22616, 23812

FLOOD ASSISTANCE

See Engineers Corps.
Federal Emergency Management Agency.

FOOD AND DRUG ADMINISTRATION

RULES

Administrative practice and procedure:
Reimbursement for participation; removal of pilot program, 12951
Reimbursement for participation in administrative proceedings; removal of pilot program; conforming amendments, 26375
Animal drugs, feeds, and related products:
Abbot Laboratories and nifurpirinol capsules; sponsor change, 20758
American Hoechst Corp.; sponsor name change, 15327
Amitraz liquid, 18589
Antibiotic, nitrofuran, and sulfonamide; furazolidone premixes in chicken and turkey feeds, 12951, 16320
Antibiotic drugs; tetracycline boluses, 4678
Antibiotic nitrofuran and sulfonamide in premixes, 17986
Apramycin sulfate soluble powder, 15770
Bacitracin methylene disalicylate, 18591
Bacitracin methylene disalicylate soluble powder, 17985
Bacitracin zinc, 12952
Bacitracin zinc soluble powder, 24693
Butorphanol tartrate, 14701
Byk-Gulden, Inc., sponsor address change, 21241
CEVA Laboratories, Inc.; sponsor name change from Abbott Laboratories, 14148, 23712
Chlormadinone acetate, 23443
Chlortetracycline hydrochloride in combination with monensin, 9398
Cloprostenol sodium injection, 4678
Cloxacillin sodium for intramammary infusion, 14150
Continental Grain Co.; sponsor name change from Allied Mills, Inc, 14148, 17482
Copper naphthenate solution, 4250
Cutter Laboratories, Inc., and fluprostenol sodium injection; sponsor change, 22091
Cutter Laboratories, Inc.; sponsor name change from American Cyanamid Co, 14149
Dexamethasone sodium phosphate injection, 5408, 6616
Dichlorophene and toluene capsules, 17482
Diethylcarbamazine citrate capsules, 26376
Diethylcarbamazine citrate chewable tablets, 8347, 22515
Diethylcarbamazine citrate tablets, 10805
Dihydrostreptomycin sulfate injection, sterile, 24290
Endo Pharmaceuticals, Inc., and naloxone hydrochloride injection; sponsor change, 146, 20757
Erythromycin, 15772
Estradiol in ear implants, 10805
Franklin Laboratories; change of sponsor address, 26375
Gentamicin sulfate, betamethasone valerate ointment, 26377
Hygromycin B, 18592, 18593, 19117, 20759, 22092, 24694, 24695
Hygromycin B premixes, 4250, 8764, 26378 Correction, 12338
Incorporations by reference, approval, 13670
Lemmon Co.; sponsor name change from D-M Pharmaceuticals, Inc, 2767
Levamisole hydrochloride paste, 22516
Levamisole phosphate injection, 10806
Lincomycin, 10807
Lincomycin with lasalocid, 14703
Mibolerone, 6617
Monensin, 19118
Monensin, bacitracin zinc, and roxarsone, 23444
Monensin-mineral granules, 5407
Nitarsone, 14151
Nitrofurazone ointment, 5410, 16320, 17482, 18589
Nitrofurazone solution, 8346, 10807, 15771
Novobiocin, 18590
Oxytetracycline hydrochloride injection, 14702
Pentazocine lactate injection, 5409
Philips Roxane, Inc., and dexamethasone-21-isonicotinate suspension; sponsor change, 14703
Piperazine monohydrochloride liquid, 20757

Potassium phenoxymethyl penicillin tablets, 16320
Praziquantel injectable solution, 6616
Praziquantel tablets, 26377
Pyrantel pamoate suspension, 16775
Pyrantel tartrate premixes, 26379
Roxarsone tablets, 15328
Roxarsone with lasalocid, 14151
Selenium disulfide suspension, 4249
Sulfamethazine oblets and sodium soluble powder and drinking water solution, 25320
Sulfamethazine sodium drinking water solution, 25734
Tetracycline boluses, 20111
Tiletamine hydrochloride and zolazepam hydrocholoride for injection, 15328
Tylosin, 1289, 7828, 8765, 9394, 14700, 14704, 18593, 20112, 20758, 23445
Tylosin and sulfamethazine, 4251, 7410, 8348, 10808, 15773, 18594, 19120, 20760, 22092, 22517, 23446, 26825
Tylosin injection, 9398
Tylosin premix, 2312
Virginiamycin, 20112
Biological products:
Blood grouping serum; additional standards for chemically modified antisera, 22519
Container label requirements; caution statement, 22518
Cryoprecipitated antihemophilic factor (human); plasma processing requirements, 15329
Incorporations by reference, approval, 13670
Viral and rickettsial vaccines; efficacy review, 24696
Viral and rickettsial vaccines; efficacy review; correction, 27552
Color additives:
Caramel; use in cosmetics; permanent listing and exemption from certification; effective date confirmed, 10804
Certification services fees, 24691
D&C Green No. 5; use in drugs and cosmetics; permanent listing, 24278, 27551
D&C Green No. 5; use in internally ingested and externally applied drugs and cosmetics; provisional listing; postponement of closing date, 24285
D&C Green No. 6; externally applied drugs and cosmetics; provisional listing removal, 14138, 17985
D&C Green No. 6; provisional listing; postponement of closing date, 4677, 14147
D&C Green No. 6; use in externally applied drugs and cosmetics; confirmation of effective date, 24278
D&C Orange No. 4; effective date confirmed, 11819
D&C Red No. 30; provisional listing; postponement of closing date, 22511
D&C Red No. 30; use in drugs and cosmetics excluding eye area; permanent listing, 22509
Grape color extract; nonbeverage food use; exemption certification; effective date confirmed, 16319
Incorporation by reference requirements, 946
Cosmetics:
Coal tar hair dyes; warning statements; judicial stay of effective date, 7829
Incorporations by reference, approval, 13670
Food additives:
Adhesive coatings and components; hydrocarbon resins, 9395
Adhesive coatings and components; polyamide coatings for polypropylene film, 22512
Adjuvants, production aids, and sanitizers
Antioxidants and/or stabilizers for polymers; octadecyl 3,5-di-tert-butyl-4-hydroxyhydrocinnamate, 14700, 22091
Antioxidants and/or stabilizers for polymers; 2,2'-ethylidenebis(4,6-di-tert-butylphenol), 22512
Antistatic and/or antifogging agents in food-packaging materials, 26824
Azodicarbonamide, 22089
Dimethyl succinate polymer with 4-hydroxy-2,2,6,6-tetramethyl-1-piperidineethanol, 9999
Stearoylbenzoylmethane as stabilizer for polyvinyl chloride, 16319
Synthetic wax polymer, 1288
Alpha-alky-omega-hydroxypoly(oxyethylene) and alkanolamide, 8345
Ammonium zirconium carbonate, 14697
Esterase-lipase enzyme derived from mucor miehei, 28089
Ethyl acetate as solvent in coffee decaffeination, 145
Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer, 24288
Incorporation by reference regulatory text, 11835
Incorporation by reference regulatory text; correction, 16775
Incorporation by reference requirements, 946
Mono-, di-, tri-(1-methly-1-phenylethyl)-phenol, ethoxylated, sulfated, ammonium salt, 21239
Natamycin (pimaricin) as cheese preservative, 26823
Paper and paperboard components in contact with aqueous and fatty foods; polyamine-epichlorohydrin resin, 9998
Perfluorocarbon resins, 14698
Polymers; azodicarbonamide, 22089
Polymers; rubber articles or repeated use; polyester elastomers, etc, 22089
Selenium, 24292
Siloxanes and silicones, etc. used in paper and paperboard, 17986
Styrene-maleic anhydride copolymers, 14697
Synthetic wax polymer, 1288
White mineral oil, 8763
Food and Drug Administration; rulemaking authority in matters involving significant public policy, 16010
Food for human consumption:
Bakery products and flour; iron fortification; identity standards; effective date confirmed, 6425
Berries, canned; identity standard; correction, 6426
Canned vegetables; asparagus; effective date confirmed, 8345
Cereal flours and related products, 24692
Grapefruit juice; identity standards and fill of container; effective date confirmed, etc, 24286
Ice cream, frozen custard, ice milk, and sherbert; identity standards; effective date confirmed, 1287
Incorporation by reference regulatory text, 11820
Incorporation by reference requirements, 946
Incorporations by reference, approval, 13670
Infant formula quality control procedures, 17016
Infant formula recall requirements, 18832
Lowfat milk and skim milk; stabilizers and emulsifiers; stay of effective date, 11270
Margarine labeling; extension and confirmation of effective date, 3108
Peaches, canned; identity standard; effective date confirmed, 2311
Pineapple, canned; identity and quality standards; stay of effective date, 9997
Food labeling:
Incorporation by reference regulatory text, 11820
Freedom of Information Act; implementation, 24277
GRAS or prior-sanctioned ingredients:
Acetic acid, ammonium acetate, sodium acetate, and sodium diacetate, 27813
Adipic acid and sodium adipate, 27808
Calcium chloride, calcium gluconate, calcium acetate, and calcium phytate, 27806
Incorporation by reference regulatory text, 11835
Propylene glycol and propylene glycol monostearate, 27810
Stannous chloride (anhydrous and dihydrated), 27815
Whey, whey products and hydrogen peroxide; correction, 7410
Hearings, public, before advisory committees; establishment or termination, etc.:
Allergenic Extracts Review Panel, 8763
Human drugs:
Antibiotic and antibiotic-containing drugs; histamine test method; correction, 13326
Antibiotic and antibiotic-containing drugs; penicillin; tests and methods of assay; correction, 6615
Antibiotic drugs; cephradine dihydrate capsules, 11856
Antibiotic drugs; erythromycin enteric-coated tablets, 15326
Antibiotic drugs, peptide; polymyxin B sulfate-acetic acid-propylene glycol otic solution et al.; hearing denied, etc, 17473
Antibiotic drugs; sterile piperacillin sodium; certification, 15767
Antibiotic drugs; update and technical changes, 22513, 23707
Cefamandole sodium for injection, 20755
Erythromycin ethylsuccinate for oral suspension, 21240
Incorporation by reference; clarification in regulatory text, 27551
Incorporations by reference, approval, 13670
Marketing status of ingredients recommended for over-the-counter use; amended enforcement policy statement, 17738

Neomycin sulfate-sodium propionate otic solution; stay of effective date terminated, 22543
Oligosaccharide, peptide, and other antibiotic drugs, 23440
Oligosaccharide, peptide, and other antibiotic drugs; correction, 25320
Oligosaccharide antibiotic drugs; tobramycin ophthalmic ointment, 7827, 12951, 16320
Penicillin antibiotic drugs; bacampicillin hydrochloride for oral suspension, 23711
Human subjects, protection:
Informed consent requirements; correction, 6617
Incorporation by reference; regulatory text requirements, 11820, 11835
Incorporations by reference, approval, 13670
Incorporations by reference; clarification in regulatory text, 9395, 27551
Infant formula quality control procedures, 17016
Infant formula recall requirements, 18832
Information, trade secret and confidential, disclosure to other Federal government departments and agencies; correction, 10804
Medical devices:
Incorporations by reference, approval, 13670
Menstrual tampons; toxic shock syndrome warning, labeling requirement, 26982
Obstetrical and gynecological; viscometer for cervical mucus; reclassification, 14705
Organization and authority delegations:
Bureau of Biologics, et al.; certification of true copies, etc, 11269
Division Directors; approval of new drug applications, 26822
Food and Drug Administration rulemaking authority in matters involving significant public policy, 16010, 16318
Food and Drug Commissioner; Equal Access to Justice Act; implementation, 25733
Headquarters and field structure, 8761
Correction, 11269, 13326
Radiological Health Bureau officials; approval of medical devices, 23705

PROPOSED RULES

Animal drugs, feeds, and related products:
Antibiotic drugs and antibiotic susceptibility medical devices; certification exemption, 19954
Biological products:
Allergenic products; equivalent methods, 27566
Anti-human globulin serum; standards, 18623
Blood derivative, source plasma, and whole blood regulations review; meetings, 12358
Color additives:
Carcinogenic chemicals; policy change; advance notice, 14464
Drug labeling:
Manufacturer's name designation requirements; products made by corporately related firms, 24735
Prescription drug products; patient package inserts requirements; revocation, 7200, 7458
Food additives:
Carcinogenic chemicals; policy change; advance notice, 14464
Cinnamyl anthranilate; prohibition, 22545
Food for human consumption:
Blueberries, quick frozen; Codex standard; advance notice; termination of consideration, 13004
Fructose; Codex standard; advance notice; correction, 163
Fruit or vegetable juice beverages, diluted; common or usual names for nonstandardized foods; proposed delay of effective date, 13003
Fruit salad, canned tropical; Codex standard; advance notice; termination of consideration, 13003
Infant formula recall requirements, 2331
Leeks, quick frozen; Codex standard; advance notice; termination of consideration, 13004
Mushrooms, canned; standards of identity and fill of container, 26843
Orange juice, frozen concentrated; identity standard; advance notice, 963
Powdered dextrose (icing dextrose); Codex standard; advance notice; correction, 163, 15357
Powdered sugar (icing sugar); Codex standard; advance notice; termination of consideration, 15357
Food labeling:
Protein products; warning label, 25379
Sodium content; declaration and label claims, 26580
Freedom of Information Act; implementation, 162
GRAS or prior-sanctioned ingredients:
Calcium oxide and hydroxide, 27818
Cinnamyl anthranilate; prohibition, 22545
Direct and indirect uses; listing procedure, 27817
Human drugs:
Acne drug products, topical (OTC); monograph establishment; advance notice, 12430, 17575
Acute toxic ingestion treatment drug products (OTC); monograph establishment; advance notice, 444, 19721
Alcohol products for topical antimicrobial use (OTC); monograph establishment and reopening of administrative record; advance notice, 22324
Antibiotic drugs and antibiotic susceptibility medical devices; certification exemption, 19954
Antifungal drug products, topical (OTC); monograph establishment; advance notice, 12480, 17575
Boil ointment drug products (OTC); advance notice, 28306
Corn and callus remover drug products (OTC); monograph establishment; advance notice, 522
Deodorant drug products (OTC) for internal use; monograph establishment; advance notice, 512, 19721
Digestive aid drug products (OTC); monograph establishment; advance notice, 454, 13385
Erythromycin estolate adult dosage forms; revocation of certification; withdrawn and petition denied, 22547
Fever blisters treatment drug products (OTC) orally administered; monograph establishment; advance notice, 502
Hormone-containing drug products (OTC) topically applied; advance notice, 430, 21274
Insect repellent drug products (OTC) for oral use; advance notice, 424
Mercury-containing drug products (OTC) for topical antimicrobial use; monograph establishment; advance notice, 436
Oral discomfort relief products for over-the-counter use; monograph establishment; advance notice, 22712
Oral health care drug products for over-the-counter use; monograph establishment; advance notice, 22760
Pediculicide drug products (OTC); monograph establishment; advance notice, 28312
Smoking deterrent drug products (OTC); monograph establishment; advance notice, 490
Weight control products (OTC); monograph establishment; advance notice, 8466, 16796, 17576, 18004
Infant formula recall requirements, 2331
Medical devices:
Anesthesiology; classification; nonindwelling blood carbon monoxide analyzer, etc.; withdrawn, 11880
Clinical chemistry and toxicology; general provisions and classification, 4802, 11879
Ear, nose, and throat devices; general provisions and classification, 3280, 11879, 16796
General and plastic surgery (including dermatological devices); general provisions and classification, 2810, 11879
General hospital and personal use; classification; urine collection bag for infants and nasogastric tube; withdrawn, 11880
Microbiology or immunology; classification; hemolytic immunological test system; withdrawn, 1180
Ophthalmic devices; general provisions and classification, 3694, 11879
Radiology; general provisions and classification, 4406
Extension of time, 11879

NOTICES

Animal biological products; regulation as biologicals or drugs; memorandum of understanding with Animal and Plant Health Inspection Service, 26458
Animal drugs, feeds, and related products:
Antibiotic drugs and antibiotic susceptibility medical devices; certification procedures, 20186, 22224, 24820
Antimicrobial drugs for intramammary infusion; proposed guideline availability; meeting, and extension of time, 8857
Bovine anthelmintics, effectiveness evaluation; guideline availability, 345
Chlormadinone acetate; approval withdrawn, 23568
Diethylcarbamazine; approval withdrawn, 22224
Food-producing animals, chemical compounds in; carcinogenic residues assays evaluation criteria and procedures; availability of new threshold assessment guideline criteria, 4972, 7499, 14781
Formalin, fish culture use; availability of data, 15411
Medicated feed establishments inspection; memorandum of understanding with

Kansas State Board of Agriculture, Control Division, 2406
Polystat and polystat-3; approval withdrawn, 5466
Sulfaquinoxaline and arsanilic acid medicated feed; approval withdrawn, 2410
Target animal safety for new drugs; draft guidelines; availability, 5939, 24439
Tylosin phosphate premix; approval withdrawn, 2409
Biological product licenses:
Puerto Rico Community Blood Center, Inc.; revocation hearing, 20192
Committees; establishment, renewals, terminations, etc.:
Allergenic Extracts Review Panel; nominations, 8859
Anesthetic and Life Support Drugs Advisory Committee, 22221
Arthritis Advisory Committee, 16887
Blood Products Advisory Committee, 23563, 25411
Drug Abuse Advisory Committee, 23808
Fertility and Maternal Health Drugs Advisory Committee, 16887
Gastrointestinal Drugs Advisory Committee, 11972
Medical devices advisory committees and panels; request for nominations for representatives of consumer and industry interests, 19206, 19208
Medical Radiation Advisory Committee; request for nominations of voting members, 10086
Peripheral and Central Nervous System Drugs Advisory Committee, 25412
Psychopharmacologic Drugs Advisory Committee, 25412
Pulmonary-Allergy Drugs Advisory Committee, 23808
Radiological Health and Safety Advisory Committee; request for nominations of voting members, 20187, 22224
Radiopharmaceutical Drugs Advisory Committee, 16887
Science Advisory Board, 25412
Vaccines and Related Biological Products Advisory Committee, 4345
Drug Experience Report (Form FDA 1639); availability, 3205
Environmental statements; availability, etc.:
Federal Building No. 8, Washington, D.C.; determination of ambient level concentrations of chemical compounds related to emissions from various laboratory sources, 3204
Headquarters laboratory facilities construction, Beltsville, Md.; decision record availability, 22222
Food additives, petitions filed or withdrawn:
Abbott Laboratories, 2791
Air Products & Chemicals, Inc, 11970
American Cyanamid Co, 1335
Borg-Warner Chemicals, Inc, 4344, 4345
Centre Pharmaceutique European, 11972
Ciba-Geigy Corp, 1332, 4743, 10906, 11972, 17672, 24423, 25772, 27614
Coconut Products Corp, 9579
Cook Paint & Varnish Co, 22599
Dow Chemical Co, 4348
E. I. du Pont de Nemours & Co, 11971
Huntington Laboratories, Inc, 13040
JSR America, Inc, 17672
Kawasaki Kasei Chemicals Ltd, 2407
Kuraray Co., Ltd, 15413
Lonza, Inc, 4345
Mobil Chemical Co, 10907
NL Chemicals/NL Industries, Inc, 25772
Ralston Purina Co, 10907, 25411
Reynolds Metal Co. et al, 1334
Rohm & Haas Co, 25773
Sandoz Colors & Chemicals, 15411
Springborn Institute for Bioresearch, Inc, 18051
TAL Chemicals Co, 347
Toyo Seikan Kaisha, Ltd, 11971
Union Carbide Corp, 25773, 28159
Uniroyal Chemical, 13413
Food for human consumption:
Cooperative food and cosmetic program; memorandum of understanding with Defense Department, 19792
Cottage cheese; identity standards deviation; temporary permits for marketing testing, 14782, 14783
Food Chemicals Codex; revisions of monographs; inquiry, 5467, 10907
Pistachio nuts, in-shell domestic and imported; uniform sampling procedures; availability of guide, 3205
Polychlorinated biphenyls (PCB'S) in fish and shellfish; reduction of tolerances; availability of decision and inquiry, 10079
Rennet casein exported to U.S.; memorandum of understanding with Norway, 15414
Tomato juice; identity standards deviation; temporary permit for market testing, 15416, 20193
Tomato products, canned; defect action levels; guides withdrawn, 2410
Food manufacturing cooperative inspection and violation referral; memorandum of understanding with Food Safety and Inspection Service, 7495
GRAS or prior-sanctioned ingredients, 11269
Calcium hypochlorite for sanitizing barley, 11320
Sodium chloride (salt); deferral of change in regulatory status, policy for voluntary reduction in processed foods, etc.; inquiry, 26590
Human drugs:
Antibiotic drugs and antibiotic susceptibility medical devices; certification procedures, 20186, 22224, 24820
Antibiotics and antifungal agents, combination drugs; hearing, 23564, 25411
Benylin Cough Syrup, prescription; notice of opportunity for hearing rescinded, 18669
Calcium propionate and sodium propionate vaginal gel; approval withdrawn and hearing denied, 24418
Carbazochrome salicylate preparations; approval withdrawn and hearing denied, 24423, 27614
Chlorpromazine hydrochloride; hearing, 23566, 25411
Chlorzoxazone and acetaminophen; approval withdrawn; hearing opportunity, 22599
Compomol liquid, etc.; approval withdrawn, 23567, 25411
Cough, cold, or allergy oral prescription drugs no longer marketed; approval withdrawn, 16888
Cough, cold, or allergy prescription products; drug efficacy study implementation; exemption revoked, etc, 4346, 7880, 11973, 18667, 22604, 22606, 22609, 22610, 23809
Cough, cold, or allergy prescription products; withdrawn, 21301
Darbid Tablets; drug efficacy study implementation; hearing opportunity, 24439
Depo-provera (medroxyprogesterone acetate) sterile aqueous suspension; contraceptive agent; hearing, 346
Diephenhydramine hydrochloride for oral use; drug efficacy study implementation; hearing opportunity, 20856
Diphenhydramine (OTC); nighttime sleep-aid, marketing status; enforcement policy, 17740
Erythromycin estolate tablets and capsule; revised labeling, 22607
Isoprinosine; hearing, 7878
Isoprinosine; hearing request withdrawn and approval refused, 24819
Marketing requirements; drug efficacy study implementation; followup notice, 347
Methdilazine and trimeprazine; drug efficacy study implementation and hearing opportunity, 14223, 18051
Onycho-phytex solution; approval withdrawn, 18669
Ophthalmic combination drug containing sodium sulfacetamide, prednisolone acetate, phenylephrine hydrochloride, and antipyrine; drug efficacy study implementation; exemption revocation and hearing opportunity, 22223
Ophthalmic combination drugs containing steroid and anti-infective(s); drug efficacy study implementation, 21296, 27613
Pathilon with phenobarbital sequels containing tridihexethyl chloride and phenobarbital; approval withdrawn, 25411
Pentylenetetrazol; final order on objections and requests for hearing, 19208
Phenobarbital and atropine tablets, etc.; approval withdrawn, 23568, 25411
Phenoxybenzamine hydrochloride; drug efficacy study implementation; final evaluation, 13041
Prescription topical anti-infective drug products; drug efficacy study implementation; application withdrawn, 17677
Psychotropic substances convention; international drug scheduling; benzodiazepines; inquiry, 19793
Radiopharmaceutical drugs investigation; clinical guidelines availability, 7498
Single-entity coronary vasodilators; drug efficacy study implementation; exemption revoked and hearing, 17673, 28156
Single-entity coronary vasodilators; exemption revoked and hearing rescinded, 27613
Sodium pentobarbital and carbromal for oral use; approval withdrawn, 24432, 27615
Supertah H-C Ointment; approval withdrawn, 13040
Tetrahydrocannabinol; scheduling status, 10080
Trifluoperazine hydrochloride; drug efficacy study implementation; hearing opportunity, 24445
X-Otag Plus Tablets; abbreviated application approval refused, 14781

Laser variance approvals, etc.:
Standard Telephones & Cables, Ltd, 8408
Marihuana and its components; scheduling status; proposed recommendations to Drug Enforcement Administration; hearing, 28141
Medical devices:
Coherent, Inc., et al.; microsurgical argon laser for use in otology; reclassification petitions, 20188, 22224
Schmid Laboratories, Inc.; condom with spermicidal lubricant; reclassification, 13670
Medical devices; premarket approval:
Advanced Catheter Systems, Inc.; Simpson-Robert Coronary Balloon Dilatation Catheter, 13043
Allergan Phamaceuticals, Inc.; Softears for polymacon nydrophilic contact lenses, 20855
Allergan Pharmaceuticals, Inc.; LENSOAK Sterile Buffered Isotonic Solution, 14226
Amcon, Inc.; Amcon Way salt tablets, 7494
American Medical Products Corp.; Collastat, Absorbable Collagen Hemostatic Sponge, 344
Avery Laboratories, Inc.; spinal epidural electrode, 8858
Barnes-Hind Pharmaceuticals, Inc.; Soft Mate Weekly Cleaning System, 13044
Central Pharmaceuticals, Inc.; Central Salt Tablets, 2405
Cobe Laboratories, Inc.; Cobe Centry TPE System, 15417
Coopervision, Inc.; Cooper 38 (polymacon) hydrophilic contact lens, 22221
CooperVision, Inc.; J-Loop Planar and J-Loop Angular Posterior Chamber Lenses, 22608
CooperVision, Inc.; Permasol Cleaning, Rinsing, and Storage Solution, 4342
Gonorrhea test kits; hearing, 7877
Hewlett-Packard Co.; Hewlett-Packard Capnometer, Model 47210A, Option A10 Cutaneous, 15908
Horizon Pharmacal, Inc.; Horizon System, 1333
Howmedica, Inc.; DEKLENE Nonabsorbable Surgical Sutures, U.S.P., Polypropylene Monofilament Surgical Sutures (Dyed), 24438
Infusaid Corp.; INFUSAID Implantable Drug Delivery System, Models 100, 200, 400, and 500, 13045
Interface Biomedical Laboratories Corp.; Superstat Modified Collagen Hemostatic Sponge, 27612
IOLAB Corp.; SHEARING Planar Open Loop Posterior Chamber Lens Models 101, 101B, and 101T, 13046
Kontron Cardiovascular, Inc.; Kontron Cutaneous pCO2 Monitor, 26457
Medtronic Blood Systems, Inc.; Hall-Kaster Prosthetic Heart Valve, Models A7700 and M7700, 4343
National Patent Development Corp.; Hydron Saline System, 15415
Precision-Cosmet Co., Inc.; Tennant and Kelman Type II Anterior Chamber Intraocular Lenses, 16888, 19792
Professional Pharmacal Co.; salt tablets for hydrophilic contact lenses, 345
Professional Supplies, Inc.; Soft Rinse System, 4343
Robbin Associates, Inc.; Normaline Kit, 1334
Standard Pharmacal Corp.; LENS-SOL (Normal Saline Tablets) for soft contact lenses, 13042
Unilab, Inc.; Kiel Surgibone; approval denied, 26458
Warner-Lambert Co.; Autobac MTS Plus Test System, 13044
Meetings:
Advisory committees, panels, etc. 347, 2408, 2410, 6716, 8858, 10078, 10905, 15411, 15904, 15906, 20859, 20860, 23564, 24444, 25412, 25771, 28153
Consumer information exchange, 348, 1332, 1335, 4345, 6717, 11971, 12391, 13046, 15412, 18667, 21296, 23563, 26458
Health professional organizations, 6717, 20862
Industry participation, 1025
Radiation therapy quality assurance, 8408
Reye's Syndrome-Salicylates Workshop, 20862
Scientific professional organizations, 13413
Small business participation, 23564
Organization and functions:
Medical Devices, Radiological Health, and Biologics Bureaus; working relationships agreement; availability, 15412
Public health measures coordination; memorandum of understanding with Centers for Disease Control, 7497
Radiological health:
Clinical nuclear magnetic resonance (NMR) systems; electromagnetic exposure risk, evaluation guidelines; availability, 11972
Potassium iodide as thyroid-blocking agent use during emergency; final recommendations; availability, 28158
Sunlamp variance approvals, etc.:
Sun Industries et al, 28155
X-ray systems variance approvals, etc.:
CGR Medical Corp, 28154
Hennepin Medical Center, 348

FOOD AND NUTRITION SERVICE

RULES

Child nutrition programs:
Cash in lieu of donated foods; eligibility for increased level of assistance, etc.; interim rule and request for comments, 15978
Child care food program; reimbursement rates for day care homes sponsors; interim rule and request for comments, 3539, 27540
Food service equipment assistance program, termination, 14134
Nutrition education and training program; quarterly participation report requirements, 22071
School breakfast program
Matching requirements, direct USDA administration limitations and claims adjustment authority; emergency rule, 14131
Private school tuition limitations, 18564
State plans of operation; removal of submission requirement, 18563
School lunch program
Assessment, improvement, and monitoring system (AIMS); interim, 18842
Eligibility for increased level of assistance, etc.; interim rule and request for comments, 15978
Food preference information collected by State Food Distribution Advisory Councils, 17465
Matching requirements, direct USDA administration limitations and claims adjustment authority; emergency rule, 14131
Private school tuition limitations, 18564
State plans of operation; removal of submission requirement, 18563
Special milk program
Matching requirements, direct USDA administration limitations and claims adjustment authority; emergency rule, 14131
Private school tuition limitations, 18564
State plans of operation; removal of submission requirement, 18563
Technical amendment, 14134
State administrative expense funds; carryover authority and revised minimum funding levels, 18566
State administrtative expense funds; assessment, improvement, and monitoring system (AIMS); interim, 18842
Summer food service program; sponsor eligibility, etc, 6790
Summer food service program; sponsor eligibility, etc.; correction, 15309
Women, infants, and children; special supplemental food program; food delivery systems, 23626
Women, infants and children; special supplemental food program; food packaging requirements; implementation delay extended, 20108
Food distribution program:
Cash in lieu of donated foods; eligibility for increased level of assistance, etc.; interim rule and request for comments, 15978
Indian reservations; implementation schedules, etc, 19665
Indian reservations; technical amendments, 14135
Puerto Rico nutrition assistance grant program, 18567
Puerto Rico nutrition assistance grant program; interim rule and request for comments, 10767
School lunch program; eligibility for increased level of assistance, etc.; interim rule and request for comments, 15978
Food stamp program:
Administrative grants to States; requirements for increased Federal funding of automated systems, 25496
AFDC/Food stamp consolidation demonstration project, 532
Eligibility limits; income, 17977
Eligible household certification; thrifty food plan adjustment schedule; final rule, 11815
Financial institutions permitted to redeem food stamps for authorized retailers and wholesalers, 23460

Household eligibility and benefit levels; proration of initial month benefits, 20739
Household income calculation procedures; monthly reporting by recipients and retrospective budgeting by State agencies; interim rule and request for comments, 22684
Illegal aliens referral, ineligible aliens income and resources treatment, optional administrative fraud determination hearings, etc, 17756
Northern Mariana Islands, nutrition assistance, 28067
Puerto Rico; termination of program; interim rule and request for comments, 18567
Puerto Rico nutrition assistance grant program; interim rule and request for comments, 10767
Supplemental security income (SSI) households; recertification, 27544
Wage matching; USDA and State agency access to IRS information on income provided to Social Security Administration, 19940
Reporting and recordkeeping requirements, 745

PROPOSED RULES
Child nutrition programs:
Child care food program; elimination of cost as a factor for reimbursement to child care centers, 20144
Meals, free and reduced, and free milk in schools; eligibility determination; application procedures, 22704, 22707
School breakfast program
Cost based accountability requirements, elimination, 15342
School lunch program
Cost based accountability requirements, elimination, 15342
Meat alternates, minimum required equivalencies, 28106
"Offer versus serve" method of meal service in elementary and below senior high level schools, 11877
State administrative expense funds; discretionary funds, limitations on allocations, 25368
Women, infants and children; special supplemental food program; food packaging requirements; implementation delay, 15348
Food stamp program:
Demonstration project pre-operational procedures, and removal of actual dollar amounts for net income eligibility limits, etc, 6433
Fraud and misrepresentation disqualification penalties and overpayments recovery improvements, 26639, 27038
Northern Mariana Islands, nutrition assistance, 15346
Shelter and medical deductions for elderly and disabled; reopening of comment period, 11878
State agencies; increased administrative flexibility, 14160
State agency administrative costs; reimbursement of past activities, limitation, 12995
Wage matching; State agency access to income information from Social Security Administration, etc, 19943
Workfare program, optional, 24968
Workfare program, optional; correction, 26840
Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES
Child nutrition programs:
Meals, free and reduced, and free milk in schools; income poverty guidelines for determining eligibility, 25752
Summer food service program; availability, 10068
Summer food service program; 1982 FY reimbursement rates, 7469
Women, infants, and children; special supplemental food program; income poverty guidelines, 23498
Elderly nutrition program:
Donated foods or cash in lieu of; 1982 FY level of assistance, 9488
Food distribution programs:
Cheese, surplus; availability, 25752
Cheese, surplus; demonstration project, 10068
Food stamp program:
Collected claims, State share, 23786
Meetings:
Maternal, Infant and Fetal Nutrition Advisory Council, 24758

FOOD SAFETY AND INSPECTION SERVICE

RULES
Meat and poultry inspection:
Fumaric acid; use as a cure accelerator in cured comminuted products, 7613
Inspection services rate increase; final rule, 4046
Mechanically separated (species) and products using it; standards and labeling requirements, 28214
Phosphates and sodium hydroxide, 10779
Retail exemptions; sales to nonhousehold consumers; dollar limitation raises, 12134
Sale, transportation, and marking of products, 17272
Whey and whey products in sausage, bockwurst, chili con carne, and pork and beef with barbecue sauce, 26371
Young chicken slaughter inspection rate maximums, 23431
Meat and poultry inspection, mandatory; special provisions for designated States:
Arkansas, 13130
Idaho, 13131
Michigan, 13132
Rhode Island, 13133
South Carolina, 3089, 7390
Organization and functions:
Grading, standardization and voluntary inspections transferred to Agricultural Marketing Service, and nomenclature changes; correction, 5196
Reporting and recordkeeping requirements, 745

PROPOSED RULES
Margarine or oleomargarine; labeling consistency and uniform standards, 4085, 13168
Meat and poultry inspection:
Barbecue standards; need for revision, 14168
Microbiological inplant screening procedures; expanded use, 10856
Obsolete labels, reporting, 9471
Preparation and cleanup time, reimbursement, 19701
Prior labeling approval system, 22101
Substances in products; approval procedures, 23941
Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES
Meat and poultry inspection:
Sulfonamide residues in poultry and red meat tissues; determination methods, 7715

FOOD SAFETY AND QUALITY SERVICE

See Food Safety and Inspection Service.

FOREIGN AGRICULTURAL SERVICE

See also Agriculture Department.

PROPOSED RULES
Regulatory agenda. For references, see entry under Agriculture Department.

FOREIGN AID

See Agency for International Development. State Department.

FOREIGN ASSETS CONTROL OFFICE

RULES
Cuban assets control:
Certificates of origin accompanying importations; increased content flexibility, 4254
Travel-related transactions, 17030
Czechoslovakian assets control regulations; unblocking, 12338
Iranian assets control regulations, 145, 366, 12339, 22361, 25003

NOTICES
Cuban assets control:
Nickel-bearing materials for importation from Italy; availability of certificates of origin, 4386
Iranian assets control regulations; standby letters of credit; filing deadline, 366
Restricted merchandise; publications originating in Cuba, North Korea, Vietnam or Cambodia, 4385, 8447

FOREIGN CLAIMS SETTLEMENT COMMISSION

RULES
Czechoslovakian claims program, second; form, content and filing of claims, 10850

NOTICES
Czechoslovakian claims program, commencement, 8092
Meetings; Sunshine Act, 5399, 8448
Privacy Act; systems of records, 12682

FOREIGN-TRADE ZONES BOARD

NOTICES
Applications, etc.:
Alabama, 992, 5923
Arizona, 14931
Arkansas, 6310
California, 8238
Connecticut, 14932

Florida, 1401, 2897, 10612, 24760
Georgia, 15616
Hawaii, 18014
Illinois, 3153
Maryland, 5737
Michigan, 5738
Nebraska, 17317
New Hampshire, 3810
New Jersey, 2898, 9259, 20339
New York, 2898, 18014
North Carolina, 8392
Ohio, 10612, 24163, 27579
Oregon, 24162
Puerto Rico, 16058
Tennessee, 16191
Texas, 5923, 25390

FOREST SERVICE

RULES

Forest highways; administration and construction procedures, 10525
Reporting and recordkeeping requirements, 745
Timber sales, national forest; new procedures; final policy, 16178

PROPOSED RULES

National forest system land and resource management planning, 7678, 24348
Regulatory agenda. For references, see entry under Agriculture Department.
Timber sales, national forest; new procedures, 2886

NOTICES

Big Valley Federal Sustained Yield Unit, Modoc National Forest, Calif.; hearing, 22577
Classification, development plans, and boundary descriptions:
  Salmon Wild and Scenic River, Idaho, 18362
Environmental statements; availability, etc.:
  Cooperative Federal-State spruce budworm integrated pest management program, Maine, 13849, 18397
  Cooperative Gypsy Moth Suppression Projects, 1982; Maine et al, 13849
  Daniel Boone National Forest, Red River wild and scenic river study, Ky, 25387
  Devers-Serrano-Villa Park Transmission Line Project; Cleveland and San Bernardino National Forests, Calif.; supplement, 13390
  Hells Canyon National Recreation Area comprehensive management plan; Idaho and Oreg, 19567
  Hiawatha National Forest; land and resource management plan, Mich, 839
  Homestake Phase II Transmountain Water Diversion Project, White River National Forest, Eagle County, Colo, 840
  Kootenai National Forest; Great Northern Mountain alpine winter sports site, Mont, 24161
  Los Padres National Forest, Calif.; mineral exploration, 25984
  Montana and North Dakota; oil and gas leasing in National Forest Wilderness and Primitive areas, and proposed wildernesses and wilderness study areas, 20832
  Nicolet National Forest, land and resource management plan, Wisc, 3013
  Northwest Montana/North Idaho Support and Libby Integration 230-kV transmission line, 17327
  Pacific Crest National Scenic Trail; comprehensive management plan, 20833
  Pacific Crest National Scenic Trail relocation; Cleveland National Forest, Calif, 3013
  Rogue River National Forest, site preparation and conifer release (control of undesirable vegetation), Oreg. and Calif, 9034
  Salmon National Forest, land and resource management plan, Idaho, 9035
  Sequoia National Forest, Peppermint Recreation Area, Calif, 13850
  Shawnee National Forest, Lusk Creek Area, Ill.; fluorspar prospecting, 6307
  Shoshone National Forest, Washakie Wilderness, Wyo.; oil and gas exploration and leasing, 13850
  Siskiyou National Forest, vegetation management programs for site preparation and conifer release, Oreg. and Calif, 9034
  Siuslaw National Forest, vegetation management program, Oreg, 13545, 25984
  Six Rivers National Forest, Calif.; California Nickel Corp., Gasquet Mountain mining project, 1313
  Stillwater PGM Resource's proposed platinum mining and milling facilities, Gallatin National Forest, Big Timber Ranger District, Mont.; interagency meeting, 6058
  Tongass National Forest, Quartz Hill exploration activities, 1980-1983 plan of operations, Alaska, 26881
  Tongass National Forest, Situk Wild & Scenic River Study; Alaska, 7863
  Umpqua National Forest, vegetation management in conifer plantations, Oreg, 9871
  Wayne National Forest, land and resource management plan, Ohio, 5445
  Western Spruce Budworm Management, Oreg, 11911
  White River National Forest, Adam's Rib Recreation Area, Colo, 5445
  Willamette and Mt. Hood National Forests, Breitenbush II Geothermal Area, Oreg, 19197
Forest Service Manual:
  Economic and social analysis of programs, resource plans, and projects; policy and procedure, 17940
Geothermal leases; test on use of contingent right stipulation, 18158
Land and resource management planning schedules; status and actions; 1982-1985 FYs, 11049
Meetings:
  Apache National Forest Grazing Advisory Board, 5922, 8235
  Black Hills National Forest Grazing Advisory Board, 3013
  Boise National Forest Grazing Advisory Board, 21565
  Carson National Forest Grazing Advisory Boards, 2139
  Coconino National Forest Grazing Advisory Board, 28442
  Coronado National Forest Grazing Advisory Board, 15149
  Fremont National Forest Grazing Advisory Board, 5445
  Gila National Forest Grazing Advisory Board, 10069
  Humboldt National Forest Grazing Advisory Board, 8235
  Lincoln National Forest Grazing Advisory Board, 24373, 26881
  Medicine Bow National Forest Grazing Advisory Board, 4105, 25172
  Modoc National Forest Grazing Advisory Board, 8804, 25172
  Nezperce National Forest Grazing Advisory Board, 4105
  Ochoco National Forest Grazing Advisory Board, 4105
  Payette National Forest Grazing Advisory Board, 6058
  Prescott National Forest Grazing Advisory Board, 3013
  Routt National Forest Grazing Advisory Board, 24373
  San Juan National Forest Grazing Advisory Board, 21902
  Sawtooth National Forest Grazing Advisory Board, 4719
  Sierra National Forest Grazing Advisory Board, 13851
  Sitgreaves National Forest Grazing Advisory Board, 5922
  State Foresters Committee, 6058
  Toiyabe National Forest Grazing Advisory Board, 10612
  Tonto National Forest Grazing Advisory Board, 17317
  Uinta National Forest Grazing Advisory Board, 10885
  Umatilla National Forest Grazing Advisory Board, 2139, 4325
National Forest System; winter-sports special uses; policy revision; inquiry, 6455
Oil and gas leases, noncompetitive; test on use of contingent right stipulation, 18158
Resources Planning Act program, 1985 FY; alternative goals; inquiry; extension of time, 10069
Wild and scenic rivers system; Rogue National Wild and Scenic River, Oreg.; recreation use controls, 8235, 24373
Wilderness study areas:
  Cherokee and Chattahoochee National Forests, Big Frog and Citico Creek, Ga. and Tenn.; hearings, 26881
  Ouachita National Forest, Ark.; hearing, 14503
  Tongass National Forest, Alaska; legal descriptions and maps for National Forest Wildernesses in Alaska, 21113

GAS

See Alaska Natural Gas Transportation System, Office of Federal Inspector.
Economic Regulatory Administration.
Federal Energy Regulatory Commission.
Geological Survey.
Land Management Bureau.

GENERAL ACCOUNTING OFFICE

RULES

Cost accounting standards:
  Home office expenses; allocation to segments; interpretation, 23137

GAO

Waiver of claims for erroneous payment of pay and allowances; report of investigation required for minimum claims of $100, etc, 12607

GENERAL SERVICES ADMINISTRATION

See also Federal Register Office.
National Archives and Records Service.

RULES

Conflict of interests
  Ethics in Government; post employment conflict of interest; administrative enforcement procedures, 6848
Nondiscrimination:
  Handicapped in federally assisted programs, 25337
Organization and functions, 23164
Procurement:
  ADP acquisitions under GSA delegations of procurement authority; alternate procedure for agency requests; temporary, 8774
  ADP services; Government-wide procurement and contracting; contract and teleprocessing services programs and software conversion requirements, 20532
  Contract data reporting requirements; temporary; expiration date extended, 25018
  Cost accounting standards policies and procedures, 4068
  Negotiated supply contract and advertised construction contracts forms; new editions of Standard Forms 18 and 21; effective date postponed, 16335
  Small and small disadvantaged business concerns; subcontracting; temporary; extension of time, 27859
  Trade Agreements Act of 1979, purchases from foreign business; implementation; identification of items, operating floor for procurements reduction, etc.; temporary, 6021
  Women's business enterprises; subcontracting; temporary; extension of time, 27860
Procurement (GSA):
  Audit of contractors' records, 11019
  Bid abstract; new form and technical changes, 18865
  Contract administration, 11017
  Foreign purchases; authority delegations, 18862
  Labor policies and procedures; transfer, 17990
  Reporting and recordkeeping requirements; revision of status report of orders and shipments (GSA Form 1678), 2481
  Reports of identical bids; listing of subcontractors, 6643
  Service contracts; taxpayer identification numbers reporting procedures, 1385
Property management:
  ADP and telecommunications; hardware and data transmission standards, 7411
  Excess personal property reporting requirements, 8192
  Excess personal property reporting requirements; correction, 15797
  Gasoline, fuel oil (diesel and burner), kerosene, and solvents; increase in maximum annual amounts procured, 4681
  Motor vehicle operators; use of self-service pumps; temporary, 15141
  Motor vehicles, dispatch; obtaining for trip or daily assignment; use of Motor Pool Charge Plate (GSA Form 2649) discontinued, 13148
  Nonstock items procured for direct delivery to agencies; payment to GSA contractors, 8779
  Real property disposal and utilization; geographical locations, 4521
  Shipping-type discrepancies and billing adjustments; minimum line item dollar values, 20589
  Space management problems; systems furniture, cost effectiveness identification, 12167
  Telecommunications facilities; ordering major changes or new installations; simplification of agency requests for FTS intercity and local services, 8777
  Telecommunications management; local telephone service systems; clarification of major changes and required approval of agency exclusive teleconferencing facilities, 8014
  Transportation; quantity (bulk) ticket purchases; dollar limit increase, 11281
Property management (GSA):
  Document security and declassification; classification authority, 5416

PROPOSED RULES

Procurement:
  Automatic data processing and telecommunications; publication and intended incorporation into Federal Acquisition Regulation (FAR), 8384
Property management:
  Automatic data processing and telecommunications; publication and intended incorporation into Federal Acquisition Regulation (FAR), 8384
  Government bills of lading; correction notice form, 18007
  Government bills of lading; correction notice form; correction, 19556
  Transportation; issuing office records, elimination of notification to paying office, 7461
  Transportation; use of cash to procure passenger transportation services costing more than $100, 13387, 24357
  Transportation claims payable by agencies, 4709
  Transportation services, unused; refunds from carriers for exchanged tickets and redemption of unused tickets procedures, 4707, 11296
Regulatory agenda, 18626

NOTICES

Agency forms submitted to OMB for review, 24651, 26026
Authority delegations:
  Defense Department Secretary, 1174, 2204, 2205, 6097, 6489, 7877, 8679, 8680, 8681, 11773, 11774, 13412, 14605, 14606, 15647, 16105, 16106, 21147, 21148, 21919, 23208, 25204, 25621, 25622, 26456, 26457
  Energy Department Secretary, 1175, 12391, 19468
  Treasury Department Secretary, 16412
Environmental statements; availability, etc.:
  Matagorda Island, Tex.; disposition of 19,000 acres of Federal property; notice of intent, 5048
Meetings:
  Advisory Board, 674, 10905, 12683, 23023, 26026
  Commercial firms, audit of transportation payment documents; proposed contract procurement; pre-solicitation conference, 21919
Procurement:
  Bidders mailing list; addresses of Government entities, 3601
  Commercial firms, audit of transportation payment documents; proposed contract procurement; pre-solicitation conference, 21919
  Renegotiation interest rate, 7876
Property management:
  Real property disposition program, consolidation (FPMR H-38), 5466
Public utilities; hearings, etc.; proposed intervention:
  California Public Utilities Commission, 11774
  District of Columbia Public Service Commission, 1422, 15162, 20025
  Texas Public Utility Commission, 13412
Regulatory calendar, 1662
Senior Executive Service:
  Performance Review Board; membership, 26026

GEOLOGICAL SURVEY

See also Minerals Management Service.

RULES

Exploration, development, and production; clarifications, 24128
Geothermal resources operations on public, acquired and withdrawn lands; operation plans and exploration expenditures reporting, 24129
Minerals royalties; Federal onshore, offshore, and Indian; late payment assessments, etc, 22524
Oil and gas operating regulations; National Petroleum Reserve, Alaska; correction, 8175
Oil and gas operating regulations; onshore Federal and Indian leases; crude oil removal by means other than approved lease automatic custody transfer system; final, 20762
Outer Continental Shelf; geological and geophysical explorations:
  Deep stratigraphic test wells; requirement for completion of prelease drilling, 15781
  Reimbursement to lessees and permittees, 25330
Outer Continental Shelf; oil, gas, and sulphur operations:
  Reimbursement to lessees and permittees, 25330
  Unitized leases, segregation, 6620
Reorganization; transfer of functions to Minerals Management Service, 28368

PROPOSED RULES

Coal leasing, Federal; diligence requirements; revestment of rulemaking authority and submission of comments; meeting, 819
Federal lands, Outer Continental Shelf (OCS), or Indian lands leases; payor information form, 21849
Mineral leases; designation of operator of record and single payor plan implementation; notice of intent, 26856

Minerals leases royalties; alternate reporting and paying procedure, 18132, 23185
Oil and gas and exploration, development, and production operating regulations; tar sand development under Combined Hydrocarbon Leasing Act, 20324
Oil and gas operating regulations:
Onshore Federal and Indian oil and gas leases; site security; advance notice, 17076, 21853
Oil and gas unit agreements, onshore, 25252
Outer Continental Shelf; oil, gas, and sulphur operations:
Air quality standards; exemption formulas and significance levels for emissions from facilities off California; withdrawn, 16349
Lessees and operators; shallow hazards surveys and analyses prior to exploratory drilling; minimum requirements, 24751

NOTICES

Committees; establishment, renewals, terminations, etc.:
National Earthquake Prediction Evaluation Council, 854
Digital cartographic and geographic data tapes; price list, etc, 3044
Environmental statements; availability, etc.:
Outer Continental Shelf; Atlantic oil and gas operations; exploration proposals, 2928
Geothermal resources areas, operations, etc.:
Nevada, 7333
Mining orders, general:
Reporting recoverable coal reserves from Federal leaseholds; intent to revise, 1338
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
Aminoil U.S.A., Inc, 853, 3622
Amoco Production Co, 853
Best available and safest technologies (BAST); drilling and production operations; inquiry, 2416
Chevron U.S.A. Inc, 3044
CNG Producing Co, 3045, 4348
Diamond Shamrock Corp, 854,
Exxon Co., U.S.A, 2206, 3622
Kerr-McGee Corp, 2206, 4349
Mobil Oil Exploration & Producing Southeast Inc, 2927
Oil and gas information program; Arctic Region; summary report availability, 5784
Shell Oil Co, 3622, 4157
SONAT Exploration Co, 2206, 3045
Tenneco Oil Exploration & Production, 4349
Texoma Production Co, 3045
Transco Exploration Co, 2928

GOLD COMMISSION

NOTICES

Meetings, 96, 5466, 8857

GOVERNMENT EMPLOYEES

See Equal Employment Opportunity Commission.
Federal Labor Relations Authority.
Merit Systems Protection Board.
Personnel Management Office.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

RULES

Attorneys-in-fact list, 4252, 5226, 17055, 21784
Mortgage-backed securities program; inclusion of graduated payment mortgages guaranteed by VA in mortgage pools, 13139

NOTICES

Mortgage-backed securities program; commitment application fee increase, etc, 23812

GOVERNMENT PRINTING OFFICE

NOTICES

Meetings:
Depository Library Council, 13040

HANDICAPPED

See Architectural and Transportation Barriers Compliance Board.
Blind and Other Severely Handicapped, Committee for Purchase from.
Education Department.
Equal Employment Opportunity Commission.
General Services Administration.
Health and Human Services Department.
National Council on the Handicapped.
Personnel Management Office.
Social Security Administration.
Veterans Administration.

HAZARDOUS SUBSTANCES

See Coast Guard.
Consumer Product Safety Commission.
Environmental Protection Agency.
Nuclear Regulatory Commission.
Occupational Safety and Health Administration.
Research and Special Programs Administration, Transportation Department.

HEALTH

See Alcohol, Drug Abuse, and Mental Health Administration.
Animal and Plant Health Inspection Service.
Centers for Disease Control.
Food and Drug Administration.
Health and Human Services Department.
Health Care Financing Administration.
Health Resources Administration.
Health Services Administration.
Mine Safety and Health Administration.
National Institutes of Health.
Occupational Safety and Health Administration.
Public Health Service.
Social Security Administration.
Social Security Reform, National Commission.
Veterans Administration.

HEALTH AND HUMAN SERVICES DEPARTMENT

See also Alcohol, Drug Abuse, and Mental Health Administration.
Centers for Disease Control.
Child Support Enforcement Office.
Community Services Office.
Food and Drug Administration.
Health Care Financing Administration.
Health Resources Administration.
Health Services Administration.
Human Development Services Office.
National Institutes of Health.
Public Health Service.
Social Security Administration.

RULES

Conflict of interests:
Post-employment restrictions; debarment or suspension of former employees for violations, 17505
Equal Access to Justice Act; implementation; interim rule and request for comments, 10834
Freedom of Information Act, implementation, 5413, 20309
Human subjects, protection:
Medicaid demonstration projects involving cost-sharing; waiver, 9208
Organization and authority delegations:
Food and Drug Administration; rulemaking authority in matters involving significant public policy, 16010, 16316
Procurement:
Small and disadvantaged business concerns, 6837
Public assistance programs, cost allocation plans; informal grant appeals procedures; etc.; interim rule and request for comments, 17506
Social services programs; removal and technical amendments, 7668

PROPOSED RULES

Administrative practice and procedure, 26860
Block grant programs; consolidation of grants to insular areas, 26104
Freedom of Information Act; implementation, 15610
Human subjects, protection:
Exemption of certain research and demonstration projects, 12276
Procurement:
Profit or fees; policy, 6034
Regulatory agenda, 18756
Sterilization regulations, 17582

NOTICES

Agency forms submitted to OMB for review, 17680, 18672, 19797, 20862, 22225, 23576, 24417, 25412, 26459, 27615
Grants; availability, etc.:
Retirement policy studies, 7501
Transfer policy studies, 6720
Human subjects, protection:
Biomedical and behavioral research; reports on adequacy and uniformity of federal rules and policies and study of ethical problems; request for comments, 13272
Meetings:
Mental Retardation, President's Committee, 26027
Physical Fitness and Sports, President's Council, 18968
National Environmental Policy Act; implementation, 2414
Nondiscrimination on the basis of handicap; withholding treatment or nourishment to newborn infants with birth defects; notice to health care providers, 26027
Organization, functions, and authority delegations:
See also entries under subagencies.
Assistant Secretary for Health; continued use of former Public Health Service facilities, 19797, 21621

Civil Rights Director; HHS block grants, civil rights enforcement, 4348
Civil Rights Office, 20032
Committee Management Division; name change from Committee Management Office, 22417
Employee Systems Center, 13586
Equal Employment Opportunity, Office of Deputy Assistant Secretary; reorganization, 25773
General Counsel Office, 1426
General Counsel Office; Associate General Counsel for Enforcement, 25775
Inspector General Office, 20035
Inspector General Office; personnel conduct standards investigations and internal personnel security program, 4348
Office of Regional Director, 3608
Regional Director; equal employment opportunity, 8095
Poverty income guidelines, 15417
Privacy Act; systems of records, 2791, 12862, 15647, 16415, 22612
Regulations development; policy and procedures implementing Executive order, 1426
Regulatory calendar, 1662
Reporting and recordkeeping requirements, 7880
Social security benefits:
Contribution and benefit base; "old law" determination, 6098
Cost-of-living increases and income limitations, 20863
Supplemental security income:
Income limitations, 20863

HEALTH CARE FINANCING ADMINISTRATION

RULES

Medicaid:
Cost allocation plans; interim rule and request for comments, 17490
Drugs, less than effective; interim rule; legislation affecting implementation and enforcement, 1386, 16339
Nurse-midwife services; interim rule and request for comments, 21046, 23448
Reimbursement, statewide method or level; interim rule and request for comments; correction, 8567
State residency requirements; individual institutionalized in one State and resident of another State; extension of time period for coverage; interim rule and request for comments, 27076
Medicare:
Drugs, less than effective; interim rule; legislation affecting implementation and enforcement, 1386, 16339
Nurse-midwife services; interim rule and request for comments, 21046, 23448

PROPOSED RULES

Medicaid:
Health care facilities; survey and certification, 23404
Skilled nursing and intermediate care facility services; survey and certification, 23404
Sterilization regulations, 17582
Medicare:
Ambulatory surgical services, 12574
Correction, 13174
Automobile, liability, and employer group health insurance; services covered under, 21103
Comprehensive outpatient rehabilitation facility services, 20092, 22389
End-stage renal disease program; reimbursement for dialysis services, 6556
Health care facilities; survey and certification, 23404
Home health agencies; assignment and reassignment to designated regional intermediaries, 15370
Inpatient services; payment where beneficiary is not at fault, 5263
Optometrists services coverage; inclusion of examination services related to condition of aphakia, 27084
Providers dealing directly with HCFA; reduction in number, 7269
Regulatory agenda. For references, see entry under Health and Human Services Department.

NOTICES

Committees; establishment, renewals, terminations, etc.:
National Professional Standards Review Council; request for nominations, 25056
Drugs, limitations on payment or reimbursement; maximum allowable cost:
Acetaminophen w/codeine, etc, 27968
Butabarbital sodium, oral tablets, etc.; hearing, 23570
Grants; availability, etc.:
Health financing research and demonstration grants; alternative health plans to Medicaid beneficiaries, 8740
Medicaid:
Cost sharing demonstration projects; solicitation of applications, 23572
Physical and respiratory therapy services; schedules of guidelines; update factor, 13047
Medicaid; State plan amendments, reconsideration; hearings:
Alabama, 3206
Indiana, 6490
Iowa, 6490
Massachusetts, 6491
Michigan, 8093
Minnesota, 5047
Mississippi, 8093
New Jersey, 23569
Rhode Island, 5782
South Carolina, 10295
Tennessee, 27128
Wisconsin, 25205
Medicare:
Ambulatory surgical services; list of covered surgical procedures, 12592
Physical and respiratory therapy services; schedules of guidelines; update factor, 13047
Meetings:
National Professional Standards Review Council, 20194
Privacy Act; systems of records, 6718, 17862, 19235

HEALTH RESOURCES ADMINISTRATION

NOTICES

Advisory committee reports, annual; availability, 4147, 6374
Committees; establishment, renewals, terminations, etc.:
Advanced Financial Distress Review Panel, 6374
Grants; availability, etc.:
Health professions and nursing student loans; low income levels for loan repayment, 26027
Health manpower shortage areas (primary care and dental); designations; list, 25828
Health service area designations:
Population determinations; annual, 9068
Meetings; advisory committees:
February, 7499
March, 4743, 7499
April, 13586
May, 13586, 16106
July, 23023
Organization, functions, and authority delegations:
Regional Health Administrators et al.; assistance for construction and modernization of hospitals and medical facilities, 13413
Regional Health Administrators et al.; health resources development authorities, 13413

HEALTH SERVICES ADMINISTRATION

NOTICES

Advisory committee reports, annual; availability, 6719
Committees; establishment, renewals, terminations, etc.:
Migrant Health National Advisory Council; rechartering, 6720
Grants; availability, etc.:
General family planning training, 5042
Health professions and nursing student loans; low income levels for loan repayment, 26027
Indian health and health professions scholarship programs, 15912
Indian health scholarship recipients, 8860
Scholarships for first-year students of exceptional financial need program; medical, osteopathy and dental schools awards, 17116
Health education assistance loan (HEAL) program; interest rates, 5041, 25056
Meetings; advisory committees:
May, 18181

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

NOTICES

Applications for exception:
Cases filed, 1167, 2203, 3591, 4136, 4137, 5327, 6085, 8078, 10895, 10896, 11766, 13028, 13886, 15826, 17855, 19202, 20661, 20850, 20851, 23014, 25612, 25613, 26232, 26233, 27959, 28449
Decisions and orders, 1167, 2202, 3199, 3200, 4137, 4138, 4732, 4733, 4734, 6085, 6086, 6087, 7485, 9273, 9276, 12384, 13886, 14777, 14778, 15158, 16091, 16092, 16883, 17856, 17857, 17858, 18040, 19201, 19406, 23545, 24620, 25613, 25615, 25766, 26015, 26017, 26018, 27108, 27958, 28448, 28450, 28451

Remedial orders:
Objections filed, 1404, 7484, 8079, 9274, 13029, 13887, 19407, 19580, 20375, 20662, 23546, 26018, 27109
Special refund procedures; implementation and inquiry, 324, 329, 2196, 4583, 8079, 8835, 9274, 11312, 13887, 16381, 16396, 19402, 21604, 22398, 23015
Special refund procedures; refund application determination, 9566
Special refund procedures; refund application submission deadline, 18421

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

PROPOSED RULES
Hearings and appeals procedures; withdrawn, 27086

HERITAGE CONSERVATION AND RECREATION SERVICE

See National Park Service.

HIGHWAYS

See Federal Highway Administration.
Interstate Commerce Commission.
National Highway Traffic Safety Administration.
National Transportation Safety Board.

HISTORIC PRESERVATION, ADVISORY COUNCIL

RULES
Conflict of interests; interim rule and request for comments, 25520
Historic and cultural properties protection; temporary suspension of rules and request for comments, 24306

NOTICES
Federalism and preservation; hearings, 18013
Meetings, 839, 1157, 1312, 5914, 19567, 20334, 22573
Privacy Act; systems of records; annual publication, 26176
Programmatic memorandums of agreement:
Arizona Public Service-San Diego Gas & Electric Co. interconnection project, Calif.; approval, 25751
Coal mining operations; protection of historic and cultural properties agreement; inquiry, 12833
Lease and exchange of historic and cultural properties; inquiry, 20011
Montana; in-lieu selection of Federal lands, 1312
Naval Air Station administered lands, North Island, Calif, 6905
New Mexico, historic properties protection, 25172
Oregon; exchange of lands agreement; inquiry, 12833
Walla Walla District projects, Idaho, Oreg., and Wash.; treatment of historic properties; inquiry, 25558

HISTORY, HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.
National Archives and Records Service.

HOUSING

See Agency for International Development.
Farmers Home Administration.
Federal Home Loan Bank Board.
Federal Home Loan Mortgage Corporation.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Housing and Urban Development Department.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary.
Environmental Quality Office, Housing and Urban Development Department.
Fair Housing and Equal Opportunity, Office of Assistant Secretary.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Government National Mortgage Association.
Interstate Land Sales Registration Office.
Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.

RULES
Community development block grant programs; environmental review procedures for Title I programs; interim, 15750, 21532
Federal National Mortgage Association, conduct of secondary market operation; "mortgage loan" definition revised, 5410
Freedom of Information Act; implementation, 17810
Low income housing:
Comprehensive improvement assistance program, 22312
Comprehensive improvement assistance program; correction, 24293
Elderly or handicapped housing, interest rate determination, 9206
Elderly or handicapped housing loans (Section 202); cost savings procedures; interim, 20113
Fair market rents; financing adjustment; interim rule and request for comments, 22520
Fair market rents for new construction and substantial rehabilitation (Section 8); selected areas, 19124, 25735
Housing assistance; allocation and review of applications; interim rule and request for comments, 24120
Housing assistance payments (Section 8); automatic annual adjustment factors publication; correction, 4252
Housing assistance payments (Section 8); gross family contribution formula; interim rule and request for comments, 19128
Mutual mortgage insurance and rehabilitation loans; negotiated interest rate program; effective date, 21783
Public housing development; processing procedures; prototype cost determination, 17811
Public housing program; income-percentage formula for determining gross rent payable by families; interim rule and request for comments, 19120
Rent adjustments (Section 8); housing assistance program, 24700

PROPOSED RULES
Federal National Mortgage Association, maximum debt-to-capital ratio, 21093
Low income housing:
Aliens; restriction on use of assisted housing, 18914
Aliens; restriction on use of assisted housing; correction, 20149
Housing assistance payments program (Section 8); existing housing; elimination of higher fair market rents (FMRs) for recently completed housing, 27869

NOTICES
Agency forms submitted to OMB for review, 25775
Authority delegations:
Acting Regional Administrator, Region II (New York); order of succession, 19470
Acting Regional Administrator, Region III (Philadelphia); order of succession, 13415
Acting Regional Administrator, Region IV (Atlanta); order of succession, 5355
Acting Secretary; order of succession, 8249
Assistant Secretary for Community Planning and Development; neighborhood self-help development program, 4149
Assistant Secretary for Housing, Federal Housing Commissioner; reject, modify or suspend dispositions authorized by Property Disposition Committee, 19471, 23024
General Counsel; responsibilities under Multifamily Mortgage Foreclosure Act of 1981, 5468
Low income housing:
Housing assistance payments (Section 8); contract rent annual adjustment factors, 4474
Rental rehabilitation program demonstration program, second round, 26350
Meetings:
Housing, President's Commission on, 7000, 10642
Privacy Act; systems of records, 3035, 4148, 5782, 15912, 15914, 17336, 18184
Regulatory calendar, 1662

HUMAN DEVELOPMENT SERVICES OFFICE

RULES
Social services programs; public assistance programs; cost allocation plans; interim rule and request for comments, 17506
Social services programs; removal and technical amendments, 7668

PROPOSED RULES
Older Americans programs:
Grants for State and community programs; deletion of program development and coordination activities as allowable social services costs, 5440
Regulatory agenda. For references, see entry under Health and Human Services Department.
Social services programs:
Sterilization regulations, 17582

NOTICES
Debt collection procedures; inquiry, 20028
Grant applications and proposals; closing dates:
Child abuse and neglect program; research and demonstration projects, 18968

Child welfare services training program; teaching grants, 21919
Child welfare services training program; traineeship grants, 21921
Discretionary funds programs, 1658, 3885
Gerontology program; multidisciplinary centers, 19794
Head Start training and technical assistance program, 21190
Historically black colleges and universities initiative, 27973
Native American programs, 3885, 11112, 20194, 20196, 20199, 20202, 22410, 22412, 22414, 25726
Meetings:
Federal Council on Aging, 18432
White House Conference on Aging; annual report; availability, 11320

HUNTING

See Fish and Wildlife Service.
National Park Service.

IMMIGRATION AND NATURALIZATION SERVICE

RULES

Aliens:
Petition to classify as immediate relative of U.S. citizen or preference immigrant; certification of documents, 942
Presumption of lawful admission and registration of fingerprinting of aliens, etc, 940
Unlawful transportation, seizure and forfeiture of vehicles, vessels, and aircraft; interim rule and request for comments, 19315
Aliens and nationality; efficiency of service; remedial and technical changes; interim rule and request for comments, 12129
American institutions of research, listing of organizations:
Institute for Development Anthropology, Inc., and University of Arizona Environmental Research Laboratory, 132
Immigration Appeals Board; denial of oral argument requests and summary dismissal of appeals, 16771
Nationality and naturalization; Immigration and Nationality Act Amendments, revisions, 10776
Nonimmigrants; documentary requirements; waivers, etc.:
Afghanistan; transit without visa privilege withdrawn, 5990, 8005
Organization, functions, and authority delegations:
Dallas, Tex., District Office; jurisdiction realignment, 25002
General Counsel; supervision and reclassification of attorneys; correction, 18122
Ogdensberg, N.Y., border patrol sector incorporation into Buffalo, N.Y., and Swanton, Vt., sectors, 27549
Pinnacle, Vt, port of entry, 19671
Transportation line contracts:
Air Afrique, 131
Big Sky Airlines, 9982
Guy-America Airways, Inc, 8759
Kuwait Airways Corp, 3757
Nigeria Airways Ltd. et al, 12939
Trans-Florida Airlines, Inc, 20110

PROPOSED RULES

Immigration Appeals Board; denial of oral argument requests and summary dismissal of appeals, 1396
Nonimmigrant classes; uniform minimum admission period for admissible visitors, 20147
Nonimmigrant students and schools approved for their attendance; filing requirements, and classification for vocational students, 23463, 24596, 27565

IMPORTS AND EXPORTS

See Agriculture Department.
Alcohol, Tobacco and Firearms Bureau.
Animal and Plant Health Inspection Service.
Commerce Department.
Customs Service.
Drug Enforcement Administration.
Economic Regulatory Administration.
Export-Import Bank.
Federal Maritime Commission.
Foreign Agricultural Service.
Foreign-Trade Zones Board.
International Trade Administration.
International Trade Commission.
State Department.
Textile Agreements Implementation Committee.
Trade Representative, Office of United States.

INDIAN AFFAIRS BUREAU

RULES

CFR Parts redesignation, 13326
Law and order on Indian reservations:
Court of Indian Offenses, list; addition, 22093

PROPOSED RULES

Enrollment:
Preparation of roll of Pribilof Islands Aleut Communities of St. Paul and St. George, 17072
Fishing; Hoopa Valley Indian Reservation; conservation regulations; revision, 23755

NOTICES

Alaska school transfers, proposed, 8409
Child custody proceedings, reassumption of jurisdiction; petition receipt, approval, etc.:
Passamaquoddy Tribe, 3414
Winnebago Tribe, Nebr, 6379
Winnebago Tribe and Reservation, Nebr, 17337
Educational facilities; closures and transfers:
North Dakota, Oklahoma, and Alaska; hearings, 11568, 12683
Environmental statements; availability, etc.:
Navajo Indian Reservation, McKinley and San Juan Counties, N. Mex.; railroad construction, 10088
Zuni Indian Reservation, McKinley County, N. Mex.; Nutria Coal Mine, 13590
Grant applications and proposals; closing dates:
Child and family service programs, 3414
Grants; child and family service program; grant fund distribution formula, 3413
Indian oil and gas leases; communitization agreements, approval; guidelines, 26920
Indian tribes, acknowledgment of existence; petitions, 5048, 9285, 14783, 23973, 26920
Indian tribes; acknowledgment of existence determinations, etc.:
Death Valley Timbi-Sha Shoshone Band, 10912
Munsee-Thames River Delaware Indian Nation, 10912
Irrigation projects; operation and maintenance charges:
Blackfeet Irrigation Project, Mont, 3886
Flathead Irrigation Project, Mont, 26028
Fort Hall Irrigation Project, Idaho, 854, 8688
San Carlos Irrigation Project, Ariz, 9069, 21926
Uintah Indian Irrigation Project, Utah, 7504
Wind River Irrigation Project, Wyo, 15915
Judgment funds; plan for use and distribution:
Hannahville Indian Community of Michigan, 7503
Mescalero Apache Tribe, N. Mex, 20208
Seminole Nation of Oklahoma, 6379
Land additions:
Grand Portage Indian Reservation, Minn, 23813
Nisqually Indian Reservation, Wash, 23812
Pueblo of Isleta, N. Mex, 15162
Pueblo of Laguna Reservation, N. Mex, 13230
Sokaogon Chippewa Community, Wis, 17337
Liquor and tobacco sale or distribution ordinance:
Citizen Band of Potawatomi Indians, Okla, 10643
Keweenaw Bay Indian Community of L'Anse Indian Reservation, Mich, 18185
Nisqually Indian Reservation, Wash, 5940
Meetings:
Exceptional Children Advisory Committee, 4150, 18675
Sauk-Suiattle Indian Tribe, Wash.; establishment of reservation, 26243

INFORMATION SECURITY OVERSIGHT OFFICE

RULES

National security information, 27836

INSURANCE

See Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Deposit Insurance Corporation.
Federal Emergency Management Agency.
Federal Home Loan Bank Board.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Fiscal Service.
Social Security Administration.
Social Security Reform, National Commission.

INTER-AMERICAN FOUNDATION

NOTICES

Meetings; Sunshine Act, 3907, 16254, 25434

INTERIOR DEPARTMENT

See also Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Indian Affairs Bureau.
Land Management Bureau.
Minerals Management Service.
Mines Bureau.
National Park Service.
Reclamation Bureau.
Surface Mining Reclamation and Enforcement Office.

RULES

Conflict of interests; correction, 2995
Conflict of interests; positions subject to annual financial reporting requirements; Appendixes C through G availability, 2316

PROPOSED RULES

Coastal barriers, undeveloped; flood insurance prohibition; preliminary identification; draft document availability, 2381
Mineral materials disposal and surface exploration; mining and reclamation of land, 19066
Regulatory agenda, 16936
Surface exploration, mining, and reclamation of land:
Clarification and update, etc, 13472

NOTICES

Agency forms submitted to OMB for review, 22617
Alaska Land Use Council; call for work program items, 12393
Culebra and Culebrita Islands, P.R.; disposition and administration of lands declared excess by Navy Department, 11114
Environmental statements; availability, etc.:
Undeveloped coastal barriers, Federal flood insurance prohibition; preliminary identification, 22231
Fiscal Accountability of Nation's Energy Resources Commission; report availability, 3417
Land and water conservation fund, Federal portion; policy for use, 11777, 19784, 21304
Meetings:
Alaska Land Use Council, 2515
Oil Shale Environmental Advisory Panel, 18187
Outer Continental Shelf Advisory Board, 20908
Oil and gas lease rental rates, noncompetitive; impacts; inquiry, 1177
Oil and gas royalty rates on Federal onshore and Indian leases, increase; inquiry, 10091
Organization, functions, and authority delegations:
Alaska Native Claims Appeal Board; transfer of functions to Interior Board of Land Appeals, 22617
Minerals Management Board and Minerals Management Service; establishment, 4751
Outer Continental Shelf oil and gas leasing program; proposed 5-year schedule; inquiry, 11980
Outer Continental Shelf oil and gas leasing program; 5-year schedule; reoffering Sale No. 2, 14961
Privacy Act; systems of records, 859, 7336, 24655, 27977
Regulatory calendar, 1662
Reporting and recordkeeping requirements, 3415
Watches and watch movements; allocation of quotas:
American Samoa, 10614
Guam, 10614, 19398
Virgin Islands, 10614, 19398

INTERNAL REVENUE SERVICE

RULES

Employment taxes:
Annuity payments; voluntary withholding of income tax, 3545
Voluntary withholding from sick pay, 11275
Withholding exemption certificates (Form W-4), 3546
Estate and gift taxes:
Generation-skipping transfer tax; extension of effective date, 8995
Generation-skipping transfer tax return due date; temporary, 24127
Excise taxes:
Crude oil windfall profit tax; exempt royalty oil; temporary, 8995
Tires, tubes, and tread rubber, 6004
Income taxes:
Annual accounting period change; temporary, 15330
Charitable contributions of inventory and other property; deduction, 4508
Corporations; treatment of interests as stock or indebtedness; effective date delayed, 147
Dollar value last in, first out (LIFO) inventories; use of government price indexes, 11271
Life insurance companies, foreign; percentage to be used for computing income tax, 15122
Mortgage subsidy bonds; tax-exempt status of interest; temporary, 22360, 24701, 28094
Moving expense deduction for foreign moves and for retirees or dependents of decedents who were working abroad, 6002
Partnerships and investment credit for used property, 25139
Pecuniary bequests, property use; and carryover basis treatment of property acquired from decedent, 4681
Thrift institutions; bad debt deduction for joint filings of consolidated returns, 11515
Travel expenses of Members of Congress; temporary, 2986
Travel expenses of Members of Congress; temporary; correction, 4680
Wells drilled for geothermal deposit; option to capitalize or deduct intangible drilling and development costs, 4060
Procedure and administration:
Federal tax refunds; collection of past-due support; temporary regulations and final regulations, 5712

PROPOSED RULES

Employment taxes:
Accident or health plans; withholding from amounts paid, 6440
Employers' qualified educational assistance programs; hearing, 6894
Estate and gift taxes:
Special use valuation and special lien provisions, 22388
Excise taxes:
Crude oil windfall profit tax; exempt royalty oil, 8995, 9018
Private foundation distribution requirements, 20629
Private foundations; minimum investment return, 3558
Income taxes:
Accident or health plans; withholding from amounts paid, 6440
Accumulated earnings tax; hearing, 11296
Business energy credits; reduction by subsidized borrowings, 3559, 16797
Corporations; treatment of interests as stock or indebtedness; hearing, 163, 164
Dividends and interest; partial exclusion, 5902
Dividends and interest; partial exclusion; hearing, 20802
Employee retirement plans
Cash or deferred arrangements; extension of time and announcement of hearings, 988, 8028
Qualified; early termination, 3562
Employers' qualified educational assistance programs; hearing, 6894
Industrial development bonds, deep discount; determination of proceeds, 25026
Industrial development bonds; definition of airport, 8029
Industrial development bonds, procedures for electing limitation on exempt small issues, etc, 26854
Industrial development bonds for residential rental housing, 22966, 28427
Life-nonlife consolidated returns, 24737
Movie and television films; investment credit, 24142
Reinsurance transactions; treatment of certain amounts refunded; and allocation of certain items in modified coinsurance contracts, 11882
Royalty oil exemption; hearing, 22387
Travel expenses of Members of Congress, 2986, 3006
Travel expenses of Members of Congress; correction, 4694
Travel expenses of Members of Congress; hearing, 12361
Volunteer fire departments; interest on certain obligations, 26666
Procedural rules statement; taxpayer authorized representatives; implementation of Centralized Authorization File (CAF), 13533
Procedure and administration:
Deposits and overstated deposit claims; penalties for underpayment, 22970
Disclosures of return information, 3007
Federal tax refunds; collection of past-due support, 5712, 5728
Service of notice of levy by mail, 8378
Special use valuation and special lien provisions, 22388
Regulatory agenda, 18483
Regulatory flexibility review plan, 16033

NOTICES

Art Advisory Panel; 1981 closed meetings; availability of report, 3060
Authority delegations:
Assistant Commissioner (Support and Services); responses to administrative appeals filed under Freedom of Information Act, 18209
Chief, Collection Branch, Compliance Division; filing of tax liens, 28090
Chief, Collection Branch, Compliance Division; levy on property in hands of third parties, 8447
Chief Counsel et al.; tax liability agreements, 19842
Chief Counsel Office; technical and appeals functions transferred from Corporation Tax Division et al, 17153
District and Service Center Directors; authorization of service employee testimony, 4191

District Director et al.; determination and revocation letters, etc, 26273
Employee Plans and Exempt Organizations Key Districts; revocation and reestablishment of exemption, 16131
Regional Directors of Appeals et al.; authority to execute consents fixing the period of limitations on assessment or collection, 2449
Fuel credit, nonconventional source; inflation adjustment factor and reference prices 1981; publication, 13949
Meetings:
Art Advisory Panel, 12006
Art Print Advisory Panel, 9322
Commissioner's Advisory Group, 17153
Privacy Act; systems of records, 18699
Tax Forms Coordinating Committee; annual forms review process; hearings and inquiry, 15204

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

See Mexico and United States, International Boundary and Water Commission.

INTERNATIONAL BROADCASTING BOARD

NOTICES
Meetings; Sunshine Act, 3251

INTERNATIONAL COMMUNICATION AGENCY

RULES
Exchange-visitor program; employment of aliens for translation or narration of foreign languages or programs, 24119

NOTICES
Agency forms submitted to OMB for review, 23825, 25779
Art objects, importation for exhibitions:
"Along the Ancient Silk Routes: Central Asian Art from West Berlin State Museums", 8106
Egypt; "Treasures of Egypt", 13421
Egypt et al.; "The Heritage of Islam", 4767
"El Greco of Toledo", 5474
Mauritshuis: Dutch painting of the Golden Age from the Royal Picture Gallery, The Hague, 12393
Netherlands et al.; "Dutch Figure Drawings from the 17th Century", 13421
Romania; "Treasures of Romania: 6,000 Years of Art in Gold", 13234
Soviet Union; "Jacob van Ruisdael", 10919
Foreign medical graduates; special immigration status, 8106
Meetings:
Book and Library Advisory Committee, 25429, 26939, 27145
New Directions Advisory Committee, 7004
Public Diplomacy, U.S. Advisory Commission, 1038, 7004, 14615, 19485

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

See Agency for International Development. Overseas Private Investment Corporation.

INTERNATIONAL TRADE ADMINISTRATION

RULES
Export licensing:
Application form (ITA-622P); revision, 5206
Application form (ITA-622P); revision; correction, 25118
Applications, documentation, and reports filed with Export Administration Office; mailing and street addresses, revision, 15106
China; export control policy, 19516
Cobalt reporting requirement, termination, 18587
Commodity control list
Atomized aluminum powder; footnote revised, 16624
Exports of capacitors footnote removed, and lithium decontrol, 22946
Recording and/or reproducing equipment; clarification, 6614
Single crystal sapphire substrates; clarification, 5884
Commodity policies and provisions, special; clarification, 22945
Distribution license, additional nuclear restrictions; interim rule and request for comments, 22944
Exporter's service staff; responsibility to provide status information on applications, 16622
Foreign policy export controls; extension, 609
Foreign policy export controls, extension; clarification; interim, 16623
Foreign policy export controls, extension and modifications; interim rule and request for comments, 9201
General license shipments of limited value (GLV); shipper's export declaration requirements, 4677
Iraq; export controls policy, 9201
Libya; foreign policy export controls; expansion; interim rule and request for comments, 11247
License application; simplification and clarification, 22941
Multiple gift parcels consolidated in single shipment; limitation clarification, 14695
Namibia; export controls policy, 9201
Parts and components, and Freedom of Information Records Inspection Facility; change of addresses, 23439
Permissive reexports under General License (GLV), 22945
South Africa; export controls policy, 9201
Soviet Union
Export controls policy, 9201
Petroleum transmission and refining equipment; interim rule and request for comments, 141
Suspension of all licensing; interim rule and request for comments, 144
National security; effects of imported articles, 14692
Oil and gas goods and technology, U.S. and non-U.S. origin; export restrictions to U.S.S.R.; interim rule and request for comments, 27250

PROPOSED RULES
Export licensing:
Regulatory review and simplification, etc.; advance notice, 18613
Regulatory agenda. For references, see entry under Commerce Department.
Restrictive trade practices or boycotts; reduction in reporting requirements and clarification of banking and financial transactions boycott terms, 2320

NOTICES
Antidumping:
Acrylic sheet from Japan, 993
Anhydrous sodium metasilicate from France, 15620
Animal glue and inedible gelatin from Netherlands, 2388
Animal glue and inedible gelatin from Yugoslavia, 25391, 28443
Bicycle tires and tubes from Taiwan, 23797
Birch 3-ply doorskins from Japan, 1162, 11737, 22578
Cadmium from Japan, 10613, 23506
Calcium pantothenate from Japan, 4105, 7476, 10614, 23506
Canned Bartlett pears from Australia, 3393, 13020, 24761
Carbon steel bars and structural shapes from Canada, 1162, 17318
Carbon steel plate from Taiwan, 4545, 13547
Carbon steel wire rod from Venezuela, 9259
Ceramic wall tile from United Kingdom, 3811, 13020
Chlorine from Canada, 18163
Clear sheet glass from Italy, 992, 14506, 28444
Clear sheet glass from Japan, 14506
Clear sheet glass from Taiwan, 8607
Diamond tips for phonograph needles from United Kingdom, 24761
Electric motors from Japan, 26421
Elemental sulphur from Canada, 3811, 14507, 18016
Expanded metal of base metal from Japan, 3394, 15150
Fireplace mesh panels from Taiwan, 1316, 3153, 15393, 24616
Frozen french fried potatoes from Canada, 23505
High power microwave amplifiers and components from Japan, 3393, 22134
Hot-rolled carbon steel plate from Romania, 23509
Impression fabric of man-made fiber from Japan, 17319
Instant potato granules from Canada, 20170
Kraft condenser paper from Finland, 3813
Kraft condenser paper from France, 6910
Large power transformers from France, 10268
Large power transformers from Italy, 15820
Melamine in crystal form from Japan, 11741, 23507
Metal-walled above ground swimming pools from Japan, 3814, 15822
Motorcycle batteries from Taiwan, 9264
Pig iron from Canada, 21908
Pig iron from Czechoslovakia, 11743, 20171
Pig iron from East Germany, 20172
Pig iron from Finland, 5279
Pig iron from Romania, 17321
Pig iron from U.S.S.R, 20172
Pig iron from West Germany, 5280
Polychloroprene rubber from Japan, 2389, 14746

Portland cement, other than white, nonstaining portland cement, from Dominican Republic, 15621
Potassium chloride (muriate of potash) from Canada, 13021
Prestressed concrete steel wire strand from United Kingdom, 13396
Printed vinyl film from Argentina, 2390
Printed vinyl film from Brazil, 2391
Racing plates (aluminum horseshoes) from Canada, 6912
Railway track maintenance equipment from Austria, 6912
Self-propelled bituminous paving equipment replacement parts from Canada, 6681
Sheet pilings from Canada, 27881
Small motors from Japan, 26423
Sodium nitrate from Chile, 19569
Sorbitol from France, 6459, 15391
Spun acrylic yarn from Italy, 5280
Spun acrylic yarn from Japan, 3577, 13022
Stainless clad steel plate from Japan, 12200, 24379
Stainless steel plate from Sweden, 16666, 19571
Stainless steel sheet and strip products from France, 24764
Stainless steel sheet and strip products from West Germany, 22132
Steel I-beams from Belgium, 5924
Steel pipes and tubes from Japan, 6457, 22999
Steel products from Belgium, 5745
Steel products from Belgium, Brazil, France, Romania, South Africa, and Spain, 5754
Steel products from Belgium, West Germany, France, Italy, Luxembourg, and Netherlands, 23508
Steel products from France, 5740
Steel products from Italy, 5747
Steel products from Luxembourg, 5749
Steel products from Romania, 5752
Steel products from the Netherlands, 5744
Steel products from United Kingdom, 5747, 23508
Steel products from West Germany, 5742
Steel reinforcing bars from Canada, 5282
Steel sheet piling from Canada, 16366
Steel wire nails from Korea, 5028, 11916, 14745, 27392
Steel wire rope from Japan, 3395
Steel wire strand for prestressed concrete from Japan, 21909
Sugar and syrups from Canada, 15621, 25393
Sugar from France, Belgium, and West Germany, 3399
Synthetic methionine from Japan, 15622
Tapered roller bearings and components from Japan, 25757
Tempered sheet glass from Japan, 8037
Titanium sponge from U.S.S.R., 11306
Truck trailer axle-and-brake assemblies and parts from Hungary, 66
Unrefined montan wax from East Germany, 3579
Viscose rayon staple fiber from Belgium, 20173
Water circulating pumps, wet motor type, from United Kingdom, 1164
Cheese, quota; foreign Government subsidies, annual list, 3577
Cheese, quota; foreign Government subsidies list; quarterly update, 14931
Commercial News USA; publication fee for participating firms, 12375
Committees; establishment, renewals, terminations, etc.:
  Importers' and Retailers' Textile Advisory Committee, 5754
  Trade Policy Matters Industry Policy Advisory Committee et al, 17100
Countervailing duties:
  Barley from France, 1401, 18637
  Bicycle tires and tubes from Taiwan, 6913
  Carbon steel pipes and tubes from Brazil, 24168
  Carbon steel pipes and tubes from France, 24169
  Carbon steel pipes and tubes from Italy, 24167
  Carbon steel pipes and tubes from West Germany, 24170
  Carbon steel plate from Brazil, 26310
  Carbon steel structural shapes from Luxembourg, 26331
  Carbon steel wire rod from Argentina, 9260, 9261
  Carbon steel wire rod from Belgium et al, 9261, 17319
  Carbon steel wire rod from Brazil, 9261
  Carbon steel wire rod from France, 9262
  Carbon steel wire rod from South Africa, 9263
  Ceramic tile from Mexico, 7866, 20012
  Chain of iron or steel from Japan, 11739, 22391
  Chains and parts of iron or steel from Spain, 6908, 22391
  Compressors and parts from Italy, 6909
  Cordage from Cuba, 23966
  Cotton yarn from Brazil, 15392
  Deformed steel bars for concrete reinforcement from South Africa, 25174
  Fasteners from India, 2391
  Float glass from Belgium, 6310
  Float glass from Italy, 5026
  Footwear from India, 6906
  Lamb meat from New Zealand, 1316, 2392
  Leather wearing apparel from Colombia, 24378
  Michelin X-radial steel belted tires from Canada, 15616, 16665
  Oleoresins of paprika from Spain, 11916
  Potassium permanganate from Spain, 5924, 17844
  Prestressed concrete steel wire strand, 18402
  Prestressed concrete steel wire strand from Brazil, 13396, 20652
  Prestressed concrete steel wire strand from France, 13397, 21114
  Prestressed concrete steel wire strand from South Africa, 2789, 16060, 18162, 22137
  Prestressed concrete steel wire strand from Spain, 2141, 15618
  Refrigerators, freezers, other refrigerating equipment and parts from Italy; revocation, 5279
  Scissors and shears from Brazil, 10266
  Ski-lifts and parts from Italy, 1164
  Stainless steel products from Spain, 10268, 18401, 25392
  Steel products from Belgium, 5744, 26300, 28121
  Steel products from Belgium, Brazil, France, Romania, South Africa, and Spain, 5754
  Steel products from Belgium, West Germany, France, Italy, Luxembourg, Netherlands, Brazil, South Africa, and Spain, 11738
  Steel products from Brazil, 5751
  Steel products from France, 5739, 26315
  Steel products from Italy, 5746, 26327
  Steel products from Korea, 24166
  Steel products from Luxembourg, 5750
  Steel products from South Africa, 5751, 26340
  Steel products from Spain, 5753, 18402, 25393
  Steel products from the Netherlands, 5743, 26335
  Steel products from United Kingdom, 5748, 11739, 26343
  Steel products from West Germany, 5741, 26321
  Steel units for electrical transmission towers from Italy, 5449
  Steel wire nails from Korea, 6458, 13392, 27397
  Textiles and textile products from Argentina, 24377
  Toy ballons (including punchballs) and playballs from Mexico, 23798
  Vitamin K from Spain, 8805
Countervailing duties; treatment of subsidy practices involving merchandise under investigation; conference for presentation of views, 16665
Environmental statements; availability, etc.:
  International Exposition, 1984; New Orleans, La, 20341
Export privileges, actions affecting:
  Goldberg, Albert A. (International Affiliates Co., Inc.), et al, 6681
  Ingeneria y Desarrollo Industrial, S.A, 25396
  Piher Semiconductores, S.A, 9044, 16819, 24765
  Siong Hian Kwik et al, 18403
  Weber, Wolfgang R, 8805
Foreign Traders Index (FTI); data tapes price change, 22133
Foreign Traders Index (FTI); expanded data tape service, 22133
Grants; availability, etc.:
  Small business international marketing programs, 12653, 13180
Imports and national security; investigations:
  Bolts, nuts, and large screws of iron or steel, 13546
  Glass-lined chemical processing equipment, 11746
Meetings:
  Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 656, 14746, 18017
  Computer Systems Technical Advisory Committee, 4545, 4546, 4547, 8036, 18017, 18018, 18161, 24616, 24617
  East-West Trade Advisory Committee, 2141, 13546
  Electronic Instrumentation Technical Advisory Committee, 4546, 8036, 9490, 26424
  Exporters' Textile Advisory Committee, 16814
  Importers' and Retailers' Textile Advisory Committee, 4547, 8607, 16814, 24765
  Management-Labor Textile Advisory Committee, 4547, 8607, 10889, 16814, 24765

Numerically Controlled Machine Tool Technical Advisory Committee, 65, 4548, 13180, 24763
President's Export Council, 1402, 3399, 5449, 5924, 8399, 12201, 12202, 13398, 14213, 17099, 18162, 18945, 27579, 28444
President's Export Council Executive Committee, 6914
Semiconductor Technical Advisory Committee, 1165, 2141, 2506, 6913, 24763, 24764, 25174, 25175
Telecommunications Equipment Technical Advisory Committee, 657, 4106, 5028, 5449, 25175
Organization, functions, and authority delegations, 14205
Commercial Services Director General el al.; E-award program responsibility, etc, 24163
Export Development, Deputy Assistant Secretary, et al.; export reporting, etc, 19570
Export Enforcement, Deputy Assistant Secretary; export compliance functions, 25985
International Economic Policy, Assistant Secretary, 7295, 16815, 22996
International Trade, Deputy Under Secretary, 22996
Trade Adjustment Assistance, Deputy Assistant Secretary, et al, 7296
Trade Development, Assistant Secretary, 23788
University of Florida, 20837
Standards related activities; State and local governments and private sector organizations; voluntary guidelines, 18014
Steel trigger price mechanism:
Stainless steel wire imports, monitoring, 16820, 17102
Suspension of operation, 2392
Trade adjustment assistance determination petitions:
Aspen Recreational Products, Ltd., et al, 6058
Century Industries, Inc., et al, 17100
Corrales & Medina Carnations et al, 8807
Fair Lawn Fashions, Inc., et al, 27392
J. W. Trueth & Sons, Inc., et al, 2392
Kenasco Corp. et al, 13180
M. S. Willett, Inc., et al, 19571
Paris Processing Corp. et al, 21907
Trade lists; price change, 22133
Trade opportunity program (TOP); data tapes price change, 22133
Watches and watch movements; allocation of quotas:
American Samoa, Guam, and Virgin Islands, 10614
Guam, 19398
Virgin Islands, 19398
Scientific articles; duty free entry:
Agriculture Department et al, 11736
Arizona State University et al, 1157, 20339
Bigelow Laboratory for Ocean Science, 8392
Brookhaven National Laboratory, 12652, 20011, 20339
Butterworth Hospital, et al, 16059
Clemson Unversity, 1161
Colorado State University et al, 27388
Commerce Department, 13548
Cornell University, 21907
Duke University et al, 25394
Florida State University et al, 24165
Frederick Cancer Research Center, 20015
Geological Survey, 8807
Howard University et al, 27391
Indiana University, 11740
Institute for Astronomy, 1158
Iowa State University, 16059
Jet Propulsion Laboratory, 1158, 8392
Johns Hopkins University, 11740, 12652, 17101
La Jolla Cancer Research Foundation et al, 7297
Lehigh University, 11741
Maine Maritime Academy, 16366
Massachusetts Institute of Technology, 8393, 21115
Medical College of Ohio Hospital et al, 4719
Michigan Molecular Institute, 11742
Michigan Technological University, 8393
Monsanto Research Corp. et al, 13393
Montana State University, 11742
NASA Lewis Research Center et al, 18160
NASA/Goddard Space Flight Center, 11742
National Aeronautics and Space Administration, 1160, 1161
National Bureau of Standards, 12652
National Radio Astronomy Observatory, 1158
Niagara County Community College, 24171
Northwestern University, 1160
Ohio University, 11743
Pennsylvania State University, 12373, 13392
Princeton University, 18161
Purdue University, 24171
Research Foundation of State University of New York, 17321
Rice University, 20340
Rocky Mountain Eye Foundation, 12657
Sandia National Laboratories, 12657
Smithsonian Institution, 8393, 20015
Solar Energy Research Institute, 8394, 11743, 21909
SRI International, 8394
Stanford University, 8397, 17322
State University of New York et al, 12373
Texas Tech University, 20016
Thomas S. Clarkson Memorial College of Technology, 26179
University of Alaska et al, 9259
University of Arizona Health Science Center, 17319
University of California et al, 8394, 11744, 20836, 21906, 24171, 24172
University of Chicago et al, 1160, 8395, 25395
University of Cincinnati et al, 13393
University of Colorado, 8395
University of Delaware, 12658
University of Florida, 11744, 20837
University of Hawaii, 21910
University of Illinois et al, 1159, 6679, 7868, 8396
University of Iowa, 8396
University of Kansas, 8396
University of Kentucky, 12658
University of Louisville, 17101
University of Lowell, 1161
University of Maine at Orono, 21115
University of Maryland Medical School, 11744
University of Michigan, 1159
University of Minnesota, 12373, 20341
University of New Mexico et al, 20340
University of North Carolina, 19572
University of Texas at Austin, 11745
University of Texas Health Science Center, 8397
University of Utah et al, 21903, 23797
University of Washington et al, 15818
University of Wisconsin, 8397, 8398, 12658, 13548
University of Wisconsin-Madison, 8398
Utah State University, 26178
Villanova University, 13548
Washington University, 11745
Westley Medical Center, 1159
Yale University, 12374, 13549, 26179, 27396

INTERNATIONAL TRADE COMMISSION

RULES
Equal Access to Justice Act; implementation, 9389
Import trade; investigation of unfair practices: Initial determination and discretionary review procedures, 25134
Investigations; procedural rules, 6182, 13791
Investigations; procedural rules; correction, 12792

NOTICES
Agency forms submitted to OMB for review, 18197, 23046
Automobile industry, monthly reports; information on production, imports, exports, etc, 6118
Foreign export credit subsidies; economic impact studies:
Civil transport aircraft, heavy electrical equipment, and self-propelled railcars industries, 28480
Commuter aircraft industry, 28480
Generalized System of Preferences:
Straw headwear; probable economic effect of continued designation as eligible for duty-free treatment, 13611
Harmonized commodity description and coding system; inquiry, 5369, 8108, 17135, 20396
Import investigations:
Airtight cast-iron stoves, 2946, 12701, 21637
Amplifier assemblies and parts from Japan, 2946, 5368
Automotive visors, 9296, 10314, 11329
Barley from France, 2960, 13604
Bicycle tires and tubes from Taiwan, 20395, 27145
Birch three-ply door skins from Japan, 6116, 14978
Canadian softwood lumber, 3897
Carbon steel structural shapes, 2950
Carbon steel structural shapes from Italy and Netherlands, 6117
Carbon steel wire rod from Brazil, Belgium, and France, 7346
Carbon steel wire rod from Brazil, Belgium, France and Venezuela, 13927
Carbon steel wire rod from Venezuela, 7347
Card data imprinters and components, 6117, 7348
Casein, mixtures of casein, and lactalbumin, 6110
Ceramic kitchenware and tableware from People's Republic of China, 24231
Chemicals, including pharmaceuticals; impact of foreign trade-related performance requirements on U.S. industry and foreign investment abroad, 23055

Chlorine from Canada, 16126, 23048
Coin-operated audiovisual games and components (Pac-Man and Rally-X), 8107, 11329, 12701, 17132, 23047, 25077, 28479
Cold-formed alloy steel bar, 2951
Cold-formed carbon steel bar, 2951
Cold-rolled carbon steel sheet and strip, 2952
Commuter airplanes from France and Italy, 25077
Compressors and parts from Italy, 2949
CT scanner and gamma camera medical diagnostic imaging apparatus, 24232, 25076
Cube puzzles, 687, 7348, 11329, 21638, 28479
Doxycycline, 17135, 20396
Drill point screws for drywall construction, 9113, 10314, 28479
Drycleaning machinery from West Germany, 5055, 6119
Fall-harvested fresh white or Irish potatoes in selected markets; competitive status of major supply regions, 14978, 23047
Fireplace mesh panels from Taiwan, 5055, 23053
Frozen french fried potatoes from Canada, 20396, 27151
Galvanized carbon steel sheet, 2953
High-precision solenoids and components, 11330, 12702
Hot air corn poppers and components, 687, 5056, 7348, 12702, 13608, 20395
Hot rolled stainless steel bar, cold-formed stainless steel bar, and stainless steel wire rod from Spain, 27160
Hot-rolled alloy steel bar, 2953
Hot-rolled carbon steel bar, 2954, 6117
Hot-rolled carbon steel plate, 2955, 7350
Hot-rolled carbon steel plate from Belgium, Brazil, and Romania, 1050
Hot-rolled carbon steel plate from France, 1054
Hot-rolled carbon steel sheet and cold-rolled carbon steel sheet from United Kingdom, 7351
Hot-rolled carbon steel sheet and strip, 2955
Hot-rolled carbon steel sheet and strip from United Kingdom, 6117
Hot-rolled stainless steel bar, cold-formed stainless steel bar, and stainless steel wire rod from Spain, 19487, 25077, 28481
Lamb meat from New Zealand, 1449
Log splitting pivoted lever axes, 688, 3896, 26047, 27150
Metal working machine tool industry, U.S.; competitive assessment, 16125
Methods for extruding plastic tubing, 17133, 21638
Michelin X-radial steel belted tires from Canada, 11341, 18073, 26049
Miniature, battery-operated, all-terrain, wheeled vehicles, 21638, 23047, 24233
Miniature plug-in blade fuses, 1448, 3896, 21639
Modular pushbutton switches and components, 5056
Molasses from France, 5057, 23055
Molded-in sandwich panel inserts and installation methods, 19485
Motor vehicles and equipment; impact of foreign trade-related performance requirements on U.S. industry and foreign investment abroad, 23055
Motorcycle batteries from Taiwan, 13609
Multi-sequential coded radio pagers, 8107, 17133
Mushrooms, 688, 18197
Nuts, bolts, and screws from Japan, 9297, 12703
Office and computing machines; impact of foreign trade-related performance requirements on U.S. industry and foreign investment abroad, 23055
Petrochemical industry; probable impact on U.S. industry of expansion by oil-producing nations industries, 6119
Plastic-capped decorative emblems, 21639, 21640
Power woodworking tools, accessories and parts, 5058
Power woodworking tools, parts, accessories, and special purpose tools, 4165
Prestressed concrete steel wire strand from Brazil, France, and United Kingdom, 11342, 18200, 18441
Prestressed concrete steel wire strand from Spain, 21641
Printed circuit boards and base material laminates, 4166
Refrigerators, freezers, and other refrigerating equipment and parts from Italy, 1449
Salmon gill fish netting of manmade fibers from Japan, 3897, 14979
Seamless steel pipes and tubes from Japan, 4164, 11331
Sheet piling from Canada, 2947
Silica-coated lead chromate pigments, 17134, 18199
Skateboards and platforms, 28485
Sneakers with fabric upper and rubber soles, 10103, 11336, 19485, 26258, 27150
Sodium nitrate from Chile, 17136, 24234
Sorbitol from France, 14981
Stabilized hull units and components, and sonar units, 11577, 26048
Stainless clad steel plate from Japan, 14985
Stainless steel shears, 9113, 26048
Stainless steel sheet and strip from France, 21642, 28486
Stainless steel sheet and strip from West Germany, 19487, 27157
Steel products from Belgium, Brazil, France, Italy, Luxembourg, Netherlands, Romania, United Kingdom, and West Germany, 9087, 10314
Steel products from Korea, 21640, 28481
Steel products from Spain, 19486, 26038
Steel rod treating apparatus and components, 2950, 23047
Steel wire nails from Korea, 3896, 7349, 11336, 16126, 21641, 24233
Sugar, 2956, 26049
Sugar from European Communities, 5058, 23057
Sugars and sirups from Canada, 19488
Surface grinding machines and promotional literature, 2957
Synthetic organic chemicals; reports, 6120
Thermal conductivity sensing gem testers and components, 6118, 17134
Truck trailer axle-and-brake assemblies and parts from Hungary, 2949
Tubeless-tire valves, 19492
U.S. metalworking machine tool industry; competitive assessment, 7350
Ultrafiltration membrane systems and components, including ultrafiltration membranes, 11578
Unrefined montan wax from East Germany, 2957
Vacumm bottles and components, 8107, 26048
Vacuum cleaner brush rollers, 689, 27150
Welded carbon steel pipes and tubes from Brazil, France, Italy, South Korea, and West Germany, 21643, 28488
Meetings; Sunshine Act, 127, 376, 721, 1067, 1238, 2805, 3062, 4637, 5572, 6769, 7955, 8448, 9956, 10938, 11810, 12915, 13092, 13093, 15001, 16701, 19507, 19613, 20244, 21175, 21677, 22450, 23844, 24688, 25653, 28525
Transportation costs in U.S. foreign trade; study, 18202
Watches and watch movements from insular possessions; determination of U.S. consumption and quotas for duty free entry, 13935

INTERSTATE COMMERCE COMMISSION

RULES

Accounts, uniform system:
Business entertainment expenses, 9466
Disclosure of long-term obligations, 4265
Income taxes, deferred; financial statement classification, 12349
Railroads, Class II; elimination of requirements, 6879
Intermodal transportation:
Trailer on flatcar and container on flatcar service improvements; antitrust immunity, clarification, 26634
Motor carriers:
Agricultural cooperative exemption; correction, 13352, 15142
Baggage, checked; articles exempted from liability, 21840
Compensated intercorporate hauling operations; interpretation; correction, 2117
Electronic transmission of freight bills and loss and damage claims, 12803, 14710
Evidencing lawfulness of interstate operations, 8365
Fuel surcharge program modification; compliance schedule, 4689
Gateway elimination rules; removal, 12349
Household goods carriers operational practices; correction, 777
Household goods transportation; revision of operational regulations; availability of corrected copies of Form OCP-100, 3553
Intercorporate hauling operations; final rule; correction, 12994
Intercorporate hauling operations; reform legislation implementation; court action, 26142
Lease and interchange of vehicles, 6878, 21396
Pooling agreements; application contents and procedures; policy statement; clarification, 2317
Organization, functions, and authority delegations:
Vice Chairman; Suspension Board matters; reinstatement, 9466

Practice and procedure:
Oil pipeline filings and proceedings; termination of applicability by FERC, 18906, 19014
Practitioners, non-attorney; qualifications and requirements, and examination schedule changes, 4691
Rail carriers; waiver of insignificant amounts and simplification of special docket proceedings, 9011
Rail carriers consolidation, finance, and reorganization; deletion of general requirements for filing applications and reports, 24594
Rail service continuation subsidies; Northeast-Midwest region; locomotive fuel apportionment on fuel cost per locomotive unit hour basis, 25973
Rail service continuation subsidies standards in Northeast-Midwest region; apportionment of train supplies and expenses on a loaded freight train basis, 5006
Railroads; leased property improvements and retirements, 26634
Rail carriers:
Certificate to construct, acquire or operate railroad lines; application procedures, 8195
Electronic transmission of freight bills and loss and damage claims, 12803, 14710
Fuel; filing of statements of divisions of joint rates; removal, 16186
Hops; general exemption authority, 20591
Rerouting of traffic; appointment of agents, 19700
Railroad car service orders; various companies:
Burlington Northern Railroad Co. et al, 152, 776, 4690, 7258, 19150
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; track use by various railroads, 152, 13529, 22963
Chicago, Rock Island, & Pacific Railroad Co.; track use by various railroads, 151, 773, 2482, 4261, 4691, 6022, 7843, 11518, 18599, 21052, 24332, 25347, 27561, 28393
Chicago & North Western Transportation Co, 13530, 23723
Escanaba & Lake Superior Railroad Co, 624, 4690, 9010, 13530, 19150
Oklahoma, Kansas & Texas Railroad Co, 5006
Railroad consolidation procedures; acquisition, control, mergers, etc.:
Information and application requirements, consolidation transaction general acquisition procedures, time revisions, etc, 9844
Traffic protective conditions, 11875
Reports:
Motor carriers
Annual reporting requirements; elimination of supporting schedules, 9468, 19150
Disclosure of long-term obligations, 4265
Quarterly form QFR-S; elimination of filing requirements, 6881
Railroads; annual report form R-1; elimination of schedules no longer needed and inclusion of selected operating statistics and debt holding information, 10041
Railroads, Class II; elimination of requirements, 6879

PROPOSED RULES
Accounts, uniform system:
Motor carriers; property accounting rules; advance notice, 22569
Railroad map specifications, 11910
Railroad track structures, accounting; alternative methods, 11539
Freight forwarders:
Operating restrictions removal, 8801
Intermodal transportation:
Trailer on flatcar and container on flatcar service; clarification of exemption and nonapplicability to Alaska Railroad, 220
Motor carriers:
Vehicles, loading and unloading responsibility; information required on bills and receipts; withdrawn, 6904
Practice and procedure:
Rail service continuation subsidies; Northeast-Midwest region; locomotive fuel apportionment on fuel cost per locomotive unit hour basis, 8031
Railroad cost recovery; all-inclusive index; advance notice, 18012, 25035
Redesignation and revision, 28115
Rail carriers:
Abandonment of lines out of service for at least two years; proposed exemption, 13538
Consolidated Rail Corp.; exemption from regulation movements in boxcars; petition denied, 4100, 13388, 27573
Demurrage and detention records, etc.; maintenance, 3574
Fuel; filing of statements of divisions of joint rates; removal, 1155
General exemption authority; hops, 5912
Northeast corridor costing methodologies; commuter service and Conrail freight service; advance notice, 3392, 3418
Protective services contracts; removal, 26409
Regulatory agenda, 18395
Reports:
Railroad companies; map specifications, 11910
Railroads, Class I; freight commodity statistics quarterly and annual report (Form QCS), 26870
Railroads; switching and terminal companies; annual survey form, 13540
Railroads; waybill analysis of transportation of property; data items added, 6040, 11541, 22570
Tariffs and schedules:
Freight rates for named shipper, receiver, or location; publication prohibition eliminated, 28430
Motor carriers; justification statements for rates and charges higher than applicable classification ratings; extension of time, 59, 7294, 8801

NOTICES
Agency forms submitted to OMB for review, 28166
Agreements under sections 5a and b, applications for approval, etc.:
Chemical Manufacturers Association, 15177
National Railroad Freight Committee, 871, 11788
Western Railroads et al, 21940
Environmental statements; availability, etc.:
Guilford Transportation Industries, Inc.; control of Boston & Maine Corp, 6499
Freight forwarders:
Released rate applications, 21316
Long and short haul applications for relief, 352, 1041, 2209, 2515, 3630, 3631, 4761, 6494, 8691, 9585, 14963, 16225, 19590, 21307, 21625, 23979, 24656
Meetings; Sunshine Act, 4796
Motor carriers:
A&A Transfer & Storage Co., Inc., et al; pooling, 21931
Agricultural cooperative transportation; filing notices, 869, 4158, 7337, 9583, 11570, 14790, 17344, 20214, 23028, 24669, 27134
Canadian operating authority; American applications; law and policy investigation, 7778
Charge for shipments moving on order-notify bill of lading; reopening of investigation, 11572
Compensated intercorporate hauling operations; intent to engage in, 1038, 2417, 3208, 4354, 5482, 6493, 7527, 8411, 9583, 10919, 11986, 13055, 14228, 15424, 16426, 17682, 18689, 19803, 20871, 22232, 23598, 24466, 25419, 26465, 27627
Finance applications, 677, 679, 1432, 1436, 2418, 2419, 2933, 2935, 3427, 3628, 3631, 4353, 4619, 4762, 5051, 5365, 6101, 6386, 7239, 7338, 7519, 8098, 8411, 8412, 8871, 9073, 9074, 9915, 10098, 10299, 10300, 11573, 11778, 11779, 12218, 12394, 12396, 13596, 13598, 14231, 14791, 14792, 14793, 14794, 15420, 15421, 15920, 16121, 16123, 16683, 17874, 18056, 18057, 18187, 18435, 19475, 19477, 19803, 20214, 20386, 20678, 21307, 21932, 21934, 22419, 22420, 23028, 23598, 24465, 24860, 24862, 25072, 25217, 25779, 25780, 27135, 27137, 28461
Fuel; unscheduled non-labor expense increase; future costs and requirements for additional data, 10920
Fuel costs recovery, expedited procedures, 111, 1431, 2934, 3626, 4761, 5955, 7337
Fuel surcharge program modification; owner-operator reimbursement rate, 13421, 17129, 18056, 24228, 25791
Fuel surcharge program modification; various petitions, 22234
Gray Moving & Storage, Inc.; tariff filing exemption, 8255, 9295, 18690
Lease and interchange of vehicles, 1040, 1436, 7519, 7885, 9073, 11778, 11986, 11987, 15168, 16427, 18689, 19801, 20220, 23819, 25071, 26248
Lease of equipment and drivers to private carriers; policy statement, 7885
Licensing proceedings; issuance of certificates and appeals; policy statement, 5785
Operating authority; acceptable forms of requests and operating authorities restrictions removal; property carriers, 13603
Permanent authority applications, 105, 106, 354, 679, 683, 1044, 1178, 1341, 1343, 1437, 2209, 2211, 2417, 2420, 2515, 2516, 2517, 2518, 2933, 2938, 2939, 2940, 3209, 3627, 3632, 3636, 4158, 4161, 4356, 4616, 4618, 4751, 4767, 5052, 5474, 5475, 5796, 5798, 5949, 6102, 6108, 6386, 6387, 6494, 6497, 6725, 7015, 7016, 7520, 7521, 7890,

7893, 8099, 8260, 8261, 8416, 8417, 8701, 8873, 9075, 9078, 9087, 9588, 9916, 10091, 10102, 10305, 10312, 11325, 11573, 11574, 11781, 11783, 11987, 11992, 12220, 12397, 12398, 12690, 12695, 12874, 12881, 13055, 13247, 13248, 13249, 13422, 13600, 13921, 14232, 14615, 14969, 14970, 15168, 15426, 15652, 15921, 16109, 16225, 16429, 16684, 16900, 17122, 17125, 17345, 17346, 17683, 17686, 17875, 18059, 18061, 18188, 18438, 18683, 19243, 19244, 19479, 19480, 19591, 19596, 19805, 19806, 20041, 20053, 20215, 20390, 20391, 20679, 20680, 20684, 20874, 21149, 21310, 21315, 21628, 21632, 21936, 22235, 22237, 22429, 22619, 23030, 23033, 23034, 23220, 23600, 23602, 23819, 23979, 23982, 23997, 24457, 24463, 24864, 24865, 24866, 25218, 25420, 25422, 25637, 25782, 25784, 26038, 26248, 26251, 26468, 26720, 26721, 26929, 27139, 27141, 27415, 27627, 27628, 27631, 27983, 27984, 28168, 28466, 28474

Permanent authority applications; operating rights republication, 1047, 1437, 2518, 2933, 3047, 3429, 3630, 4355, 5801, 5953, 6496, 7341, 7528, 7765, 8105, 8256, 8692, 8855, 9586, 11994, 12883, 15167, 16125, 17346, 19482, 19591, 19811, 20394, 20873, 21634, 24229, 25076, 26252, 26937, 27421, 27422, 27625

Permanent authority applications; restriction removals, 104, 870, 1041, 1349, 1440, 2935, 3214, 3634, 3890, 4163, 4765, 5053, 5367, 5801, 5953, 6390, 6738, 7013, 7342, 7888, 8257, 8415, 8880, 9586, 10100, 12219, 13246, 13920, 14796, 14967, 15175, 15424, 15650, 16120, 16428, 17685, 18190, 19239, 19811, 20218, 20389, 20873, 21625, 22421, 23028, 23228, 23601, 23981, 24464, 24666, 25073, 25219, 25636, 25790, 26467, 26927, 27421, 27629, 28167, 28477

Property motor carrier industry; loading and unloading study; availability, 10921

Released rates applications, 8885, 13603, 20871

Revenue proceedings; inclusion of Niagara Frontier Tariff Bureau, Inc, 20053

Temporary authority applications, 98, 685, 1181, 1442, 2522, 3430, 3893, 4606, 5786, 7005, 7765, 8692, 9085, 9917, 10301, 11115, 11787, 12225, 13236, 13246, 13601, 14623, 14963, 15658, 16117, 16685, 17127, 17876, 18192, 18973, 19483, 20044, 20679, 21149, 21634, 22422, 23031, 23986, 24656, 25628, 26031, 26710, 27144, 27988, 28463

UTF Carriers, Inc.; tariff filing exemption, 24668, 26939

Organization, functions, and authority delegations:

Restriction Removal Board; appointment of members, 27626

Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate, 676, 5366, 9085, 12397, 14790, 15920, 18683, 20871, 22421

Petitions filed:

National Industrial Traffic League; updating of railroad routing guides; petition denied, 27626

Press release summary publication, contractor distribution service implementation, and existing box service termination, 12885

Press release summary publication procedures; press box service and advise-of-all proceedings participation restricted; extension of time, 2932, 7887

Rail carriers:

Car service compensation; basic per diem charges, 8259

Chicago & North Western Transportation Co.; tariff notice and posting requirements, 26036

Consolidated Rail Corp.; proposed exemption, 9585

Cost recovery percentage; proposed standards, 13430

Cost recovery procedures; approval of railroad cost index, 13234, 27982

Delaware Otsego Corp., New York, Susquehanna & Western Railway Corp.; securities issuance prior approval requirements and trackage rights; exemption, 16227

Information requirements, financial and statistical; discussion memorandum availability, 7015

Joint rates study, report to Congress; inquiry, 11787, 20686

New York, Susquehanna & Western Corp.; surcharge exemption, 16693

Norfolk & Western Railway Co.; export coal tariff exemption; extension of time, 5368

Northeast corridor costing methodologies; commuter service and Conrail freight service; interim and proposed procedures, 3418, 9084

Protective services contracts; exemption; inquiry, 26463

Railroad cost of capital; limited revenue adequacy proceeding, 687, 26938

Shippers; compensation charged for use of privately owned cars; agreements; inquiry, 5956

State intrastate rail rate authority; Commission jurisdiction, 20220

State intrastate rail rate authority; provisional certification extended, 5786, 15423

Waybill data to states and railroads; availability, 7778

Rail carriers; contract tariff exemptions:

Atchison, Topeka, & Santa Fe Railway Co, 24469

Baltimore & Ohio Railroad Co, 3046, 16226, 18439, 21625, 27422

Boston & Maine Corp, 4620, 5954, 10921, 11571, 12239, 12394

Burlington Northern Railroad Co, 24858

Chesapeake & Ohio Railway Co, 24230, 25428

Chessie System, 15178

Chicago & North Western Transportation Co, 21317, 26253

Consolidated Rail Corp, 8259, 13059, 13429, 15434, 16910, 20219, 26938

Denver & Rio Grande Western Railroad Co, 1048, 26037, 26464, 27625

Elgin, Joliet & Eastern Railway Co. et al, 17346

Grand Trunk Western Railroad Co, 18196

Kansas City Southern Railway Co, 18439

Louisville & Nashville Railroad Co, 15665

Missouri Pacific Railroad Co. et al, 17130, 21939

Missouri-Kansas-Texas Railroad Co, 352, 24468

Norfolk & Western Railway Co, 19813

Pittsburgh & Lake Erie Railroad Co. et al, 353, 13060, 14630, 16123, 18972, 24230

Richmond, Fredericksburg & Potomac Railroad Co, 10650, 17130

Seaboard Coast Line Railroad Co, 2223, 7777, 18440, 21317, 24469, 24858, 26254

Soo Line Railroad et al, 8422, 18440

Southern Pacific Transportation Co, 11571, 18691, 25429, 26254, 28176

Southern Railway Co, 5483

Texas Mexican Railroad Co, 20053, 24231

Texas & Mexican Railway Co, 27423

Union Pacific Railroad Co, 24469, 24470, 24859, 26723

Union Pacific Railroad Co. et al, 353, 5955, 6498, 8105, 10651, 13235, 17348, 19248

Western Pacific Railroad Co, 21317

Railroad freight rates and charges:

Coal rate guidelines, nationwide; interim decision and inquiry; extension of time, 6109

Railroad operation, acquisition, construction, etc.:

Amherst Industries, Inc, 25222

Aroostook Valley Railroad Co.; abandonment exemption, 3895

Atchison, Topeka & Santa Fe Railway Co., et al, 10922

Baltimore & Ohio Railroad Co, 11577

Batten Kill Railroad Co.; exemption, 19802

Bay Colony Railroad Corp.; exemption, 24230

Brockway, Inc.; exemption, 24229

Burlington Northern Railroad Co. et al, 5364, 6109, 7344, 9296, 13058, 18441, 24669

Canadian Pacific Ltd. et al, 25427

Centrail Corp, 26467

Central of Georgia Railroad Co.; abandonment exemption, 20876

Chicago, Milwaukee, St. Paul & Pacific Railroad Co, 3895

Chicago, Rock Island & Pacific Railroad Co. et al, 20685

Chicago & North Western Transportation Co, 15665, 17875

Cisco Cooperative Grain Co, 3217

Colorado & Southern Railway Co, 686

ConAgra, Inc.; exemption, 26253

Consolidated Rail Corp, 22433

Consolidated Rail Corp; Southern Railway Co. trackage rights, 11787

Continental Group, Inc, 3646

CSX Corp, 23819, 25071

Dakota Rail, Inc, 18441, 19812

Denver & Rio Grande Western Railroad Co, 19598

Diamond Shamrock Corp, 5054, 15178

Enid Central Railway, Inc, 20877

Graham County Railroad, Inc., et al, 16227

Grand Trunk Western Railroad Co.; trackage rights exemption, 351

Guilford Transportation Industries, Inc., et al, 5484, 13246, 25221

Hardeman County Railroad Co., Inc., et al, 18072

Illinois, Central Gulf Railroad Co, 353, 6394, 8701
Jefferson Warrior Railroad Co., Inc, 24468
Little Rock & Western Railway Corp, 351
Louisville & Nashville Railroad Co, 5483
M&E Transportation Co. et al, 1187
Michigan Interstate Railway Co.; stock split exemption, 15435
Missouri-Kansas-Texas Railroad Co, 3896
Natchez Trace Railroad et al.; exemption, 9586
New York State Department of Transportation, 26465, 26938, 26939, 28176
Norfolk & Western Railway Co.; merger exemption, 15178
Port of Pend Oreille, Wash, 19484
Prairie Central Railway Co, 13234, 13919, 17347, 18691, 18973
Sacramento Northern Railway, 13919
Seaboard Coast Line Railroad Co. et al, 9933, 10922
Sidney & Lowe Railroad, Inc, 28175
Soo Line Railroad Co. et al. exemption petition, 23978
Southern Railway Co. et al, 1187, 17131
TeCe Corp, 3645
Tradewater Railway Co, 2529, 5786
Union Pacific Railroad Co. et al, 20394, 24859

Railroad services abandonment:
Atchison, Topeka & Santa Fe Railway Co, 9296, 10922
Baltimore & Ohio Railroad Co, 872
Burlington Northern Railroad Co, 1048, 5954, 8420, 9084, 10923, 11994, 13058, 19801, 20876
Chesapeake & Ohio Railway Co. et al, 21939
Chessie System, 13429, 25791
Chicago & North Western Transportation Co, 4621, 6497, 17346, 22433, 22434, 22621, 27423
Consolidated Rail Corp, 1431, 1455, 3217, 3218, 4758, 4759, 4760, 4761, 7344, 8420, 8421, 8422, 9931, 9932, 9933, 11122, 12696, 12697, 12698, 12699, 12700, 12883, 12884, 13059, 13604, 13920, 14789, 14790, 14799, 14800, 14801, 14802, 14977, 15429, 15430, 15431, 15432, 15433, 15434, 15435, 15436, 15666, 15667, 15668, 15669, 15670, 15922, 15923, 15924, 15925, 15926, 15927, 16434, 17131, 17132, 17344, 17691, 17875, 20053, 20054, 22238, 24227, 24228, 25627, 25628, 26037, 26722, 26723, 27135, 27624, 28478
Detroit, Toledo & Ironton Railroad Co, 20394
Duluth, Missabe & Iron Range Railway Co, 23598
Georgia Northern Railway Co, 6497
Illinois Central Gulf Railroad Co, 3218, 5365, 6498, 7776, 12394, 15435, 17347, 20220, 24470, 25428, 26253
Los Angeles & Salt Lake Railroad Co, 7344
Louisville & Nashville Railroad Co, 4355, 13430, 25072
Missouri Pacific Railroad Co, 13919
Montour Railroad Co, 25628
Norfolk, Franklin & Danville Railway Co, 12885
Norfolk & Western Railway Co, 15435
Oregon Short Line Railroad Co. et al, 7528, 24468
Sacramento Northern Railway, 8260, 10298
Seaboard Coast Line Railroad Co, 3218, 9084, 10650, 10922, 13430, 25428, 25628
Soo Line Railroad Co, 11994, 11995
Southern Pacific Transportation Co, 10922
Southern Railway Co, 25791
Wabash Railroad Co. et al, 1049, 6498
Regulatory calendar, 1662
Rerouting of traffic:
All railroads, 23046
Consolidated Rail Corp. et al, 16910, 19802, 24667, 24668, 24858
Michigan Interstate Railway Co. et al, 18072
St. Louis Southwestern Railway Co. et al, 1049, 10102, 21624, 24859
Water carrier applications:
Inland River Transportation Corp, 24669
Lockwood Brothers, Inc, 4621, 7890

INTERSTATE LAND SALES REGISTRATION OFFICE

RULES
Transfer of regulations to Federal Housing Commissioner Office of Assistant Secretary for Housing, 5886

NOTICES
Land sales program, State certification applications:
Minnesota, 1336

INVESTMENTS

See Overseas Private Investment Corporation.
Securities and Exchange Commission.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

See Actuaries, Joint Board for Enrollment.

JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS OFFICE

NOTICES
Organization and functions:
Law Enforcement Assistance Administration; transfer of programs and staff, 16694

JUSTICE DEPARTMENT

See also Antitrust Division.
Drug Enforcement Administration.
Foreign Claims Settlement Commission.
Immigration and Naturalization Service.
Justice Assistance, Research, and Statistics Office.
Justice Statistics Bureau.
Juvenile Justice and Delinquency Prevention Office.
National Institute of Justice.
Parole Commission.
Prisons Bureau.

RULES
Atomic Weapons and Special Nuclear Materials Rewards Act; implementation, 11516
Equal Access to Justice Act; implementation; final rule, 15774
Federal officials and employees; representation for suits taken against individuals for actions performed within scope of employment, 8172
National security information program; implementation, 2861
Organization, functions, and authority delegations:
Federal Bureau of Investigation, Director; authority to provide laboratory assistance to foreign law enforcement agencies and courts, 4513
Federal Bureau of Investigation, Director, et al.; investigation of criminal drug law violations, 4989
Immigration and Naturalization Service, Comptroller; certification of obligations, 9822
Information and Privacy Office; establishment, 10809
Reorganization of Department; restructuring of authorities and responsibilities of Deputy and Associate Attorney Generals; correction, 21532
Recusal or disqualification motions; procedures to be followed by Government attorneys prior to filing, 22094

PROPOSED RULES
Regulatory flexibility agenda; nonpublication notice, 18604

NOTICES
Agency forms submitted to OMB for review, 23997
Committees; establishment, renewals, terminations, etc.:
Justice-Treasury Advisory Committee on State and Local Law Enforcement Training, 12703
Meetings:
National Crime Information Center Advisory Policy Board, 21643
State and Local Law Enforcement Training Justice-Treasury Advisory Committee, 20222, 26258
Newspaper operating arrangement; Seattle Times Co. and Hearst Corp.; application approved, 26472
Pollution control; consent judgments:
Alcoa Generating Corp et al, 9297
Associated Electric Cooperative, Inc, 7021
Central Illinois Light Co, 21941
Ciszar, Andrew and Mae L., et al, 7545
Compania Sun Oil de Yabucoa, 1450
Duracell International, Inc., et al, 1451
Dusek, Franklin J., et al, 12887
Ford Motor Co, 14234
Georgia-Pacific Corp, 9298
Glendale, Colo, 22621
Hamilton, Ohio, 2961
Louisville & Nashville Railroad Co, 26945
Mahoning Valley Sanitary District et al, 16227
Many, La, 4622
Martin Marietta Corp, 6394
Non-Ferrous Processing Corp, 25429
Republic Steel Corp, 24472
Sharon Steel Corp, 12887
Silver Spring Taxi, Inc, 1450
South Carolina Recycling & Disposal, Inc., et al, 19598
Spectron, Inc., et al, 7545
Springfield (City Utilities), Mo, 18691
U.S. Steel Corp, 1450
Wheeling Brake Block Manufacturing Co, 13060
Wheeling-Pittsburgh Steel Corp, 10652
Young, Jack, et al, 13249
Privacy Act; systems of records, 4621, 17348, 20221, 20686, 22239, 24473, 27994

Regulatory calendar, 1662

JUSTICE STATISTICS BUREAU

NOTICES

Five year program plan, 689

JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

RULES

Formula grants for juvenile justice; valid court order; confirmation and partial stay of effective date, and request for comments, 28546

Formula grants for juvenile justice; valid court order; final rule and request for comments, 21226

PROPOSED RULES

Formula grants for juvenile justice; hearings on valid court order, 5982

NOTICES

Coordinating Council on Juvenile Justice and Delinquency Prevention; program priorities; inquiry and hearings, 5974, 5109

Juvenile delinquency in insular areas of U.S.; supplemental financial assistance, 4626

Meetings:

Coordinating Council, 5974

Juvenile Justice and Delinquency Prevention National Advisory Committee, 24872

National juvenile justice standards resource and demonstration program; draft solicitation, 26055

National priority and discretionary program announcements:

Serious and violent juvenile offender research plan; inquiry, 11579

Special emphasis program; 1982 FY funding policy, 9933, 27633

LABELING

See Alcohol, Tobacco and Firearms Bureau.
Consumer Product Safety Commission.
Federal Trade Commission.
Food and Drug Administration.
Research and Special Programs Administration, Transportation Department.

LABOR DEPARTMENT

See also Employment and Training Administration.
Employment Standards Administration.
Federal Contract Compliance Programs Office.
Labor Statistics Bureau.
Mine Safety and Health Administration.
Occupational Safety and Health Administration.
Pension and Welfare Benefit Programs Office.
Wage and Hour Division.
Workers' Compensation Programs Office.

RULES

Contractors and subcontractors on public building or work financed by U.S. loans and grants; reporting requirements, etc, 23678

Contracts covering federally financed and assisted construction (and nonconstruction contracts subject to Contract Work Hours and Safety Standards Act); labor standards provision, 23658, 24296, 24297

Organization and functions:

Office of Solicitor; reorganization, 24702

Procurement:

Small business and small disadvantaged business program, etc, 11374

Reporting and recordkeeping requirements, 145, 14696, 14706

Reporting and recordkeeping requirements; correction, 28094

Wage rates; procedures for predetermination, 23644

PROPOSED RULES

Contracts covering federally financed and assisted construction, etc.; labor standards provisions:

Overtime pay requirements for aircraft pilots, etc. (fire fighting), 966

Regulatory agenda, 18706

Regulatory flexibility review list, 402

NOTICES

Committees; establishment, renewals, terminations, etc.:

Employee Welfare and Pension Benefit Plans Advisory Council; request for nominations, 12000

Consumer price index, all items; U.S. city average, 11999

Meetings:

Trade Negotiations and Trade Policy Labor Advisory Committee, 2438, 6506, 12000, 14802, 16915, 23604, 27639

Regulatory calendar, 1662

Worker's Compensation Programs beneficiaries; computer matching project report, 21319

LABOR STATISTICS BUREAU

NOTICES

Meetings:

Business Research Advisory Council, 5491, 17692

Business Research Advisory Council Committees, 3219, 5491, 17691

Labor Research Advisory Council Committees, 16911

LABOR-MANAGEMENT SERVICES ADMINISTRATION

See Pension and Welfare Benefit Programs Office.

LAND MANAGEMENT BUREAU

RULES

Coal management; federally owned coal; competitive leasing, 9008

Geothermal resources; future or fractional interest leases, 5004

Hydrocarbon leasing, combined:

Conversion of existing oil and gas leases and valid mining claims in special tar sand areas, 22474

Minerals management:

Outer Continental Shelf minerals and rights-of-way, 25967

Oil and gas leasing:

National Petroleum Reserve, Alaska; competitive bidding procedures; final regulatory impact analysis; availability, 21546

Noncompetitive applications filing fees increase; and simultaneous leases rental increase, 2864

Payment of filing fees by guaranteed remittance, pre-numbered assignment forms for transfer, and qualification documentation; requirements removed; interim, 8544

Simultaneous oil and gas leasing application forms; application procedures and filing, 14487

Organization and functions:

Alaska Native Claims Appeal Board, abolishment transfer of functions to Interior Board of Land Appeals; hearings and appeals implementation; interim rule and request for comments, 26390

Forms, filing of; place and time, 12292

Program management:

Advisory committees; membership, 6428

Public land orders:

Alaska, 6277, 11022, 11517, 17061, 20590, 20775

Arizona, 6429, 7232, 10825, 11022, 11668, 11669, 16628, 27288

California, 5417, 5418, 5420, 5425, 6852, 6856, 7230, 7231, 7235, 11662, 11667, 11668, 14157, 16627, 24133, 26131, 26132, 26133, 27286, 28382

Colorado, 5416, 5421, 6851, 6854, 6855, 7236, 7238, 7414, 9838, 9839, 10215, 10826, 11670, 12798, 16627, 20590, 27287

Florida, 11668, 21547

Idaho, 5423, 6856, 6858, 9839, 10826, 19344, 21547, 21796, 27079, 27283

Montana, 769, 5003, 5419, 5423, 5424, 6852, 6855, 7233, 7237, 7239, 9838, 9841, 10214, 10537, 11664, 11665, 11667, 12172, 14157, 14158, 17287, 17818, 21797, 26130, 27078, 27283, 27284, 27285

Nebraska, 11671

Nevada, 5418, 5422, 6851, 6857, 7236, 11673, 23935, 26130

New Mexico, 9842, 10213, 13340, 21797, 27290

North Dakota, 5422, 11675, 11676

Oklahoma, 9842, 11282, 26133

Oregon, 21, 3355, 5419, 5421, 5422, 5424, 6856, 7232, 7234, 7237, 7667, 7842, 9840, 10214, 10215, 11282, 11665, 11666, 11669, 11675, 11871, 16628, 17060, 20590, 21546, 26129, 26132, 27285, 27289, 27290, 27291, 27292

Utah, 6849, 6850, 6857, 8779, 9840, 10826, 11663, 11670, 11675, 26132, 27286, 27287, 28382

Washington, 5423, 6646, 7230, 7232, 7235, 9838, 9841, 10213, 11664, 11666, 11674, 26129, 26130, 26131, 27285, 27290

Wyoming, 5418, 5421, 5424, 6853, 7233, 9839, 10213, 10825, 11667, 11671, 16626, 24133

Recreation management:

National trails system; motorized vehicle use, etc, 23102

Rights-of-way:

Grant application requirements; principles and procedures, 12568

Oil and natural gas pipelines; applications for grants under Mineral Leasing Act, 12570

PROPOSED RULES

Disclaimer of interest, recordable; conveyancing documents; correction, 19060

Forest management:

Sales of forestry products; speculative bidding restrictions, 12078

Geothermal resources leasing; diligent exploration requirement, minimum annual

rentals, nonelectrical geothermal resource uses on Federal lands, etc, 18826
Grazing administration:
Livestock grazing on public rangelands; extension of time, 1155
Hydrocarbon leasing, combined:
Conversion of existing oil and gas leases and valid mining claims in special tar sand areas, 8734, 9026
Special tar sand areas; competitive leasing program, 25720
Mineral leasing:
Clarification and update, etc, 13472
Mineral materials disposal and surface exploration; mining and reclamation of land, 19066
Minerals management, and oil and gas leasing on Federal lands; Alaska exploration and development, regulatory burden reduction, etc, 28550
Mining claims; recordation and filing of proof of annual assessment work or notice of intention to hold claims, mill or tunnel sites; clarification, 19298, 24144
Oil and gas leasing:
National Petroleum Reserve, Alaska; lease consolidation procedures, 16807
Rights-of-way:
Oil and natural gas pipelines; applications, rental payments, suspensions and terminations, etc.; elimination of burdensome regulations, 15286
Principles and procedures; "right-of-way corridor" definition, applications, rental fees, etc.; elimination of burdensome regulations, 15284
Roads and highways; CFR Part removed, 20009
Special category lands; unpatented mining claims, surface management; elimination of operations plan requirement, 12197
Wildlife program policy statement; draft availability, 20009
Wildlife program policy statement; draft availability; extension of time, 25384

NOTICES

Agency forms submitted to OMB for review, 21305, 24857, 26463, 27975
Agriculture leases of public lands:
Utah, 10916
Airport leases:
Nevada, 4351, 7763, 21928, 23814, 27410
Wyoming, 23815, 24226
Alaska native claims selection; applications, etc.:
Alaska Peninsula Corp. et al, 14784
Askinuk Corp, 25206
Bristol Bay Native Corp, 12868
Calista Corp, 13048
Chignik River Ltd. et al, 25776
Chitina Native Corp. et al, 3886, 7759
Cook Inlet Region, Inc, 5049, 7759, 8689, 9289, 12871, 16107, 19798, 23596, 25208, 25209
Danzhit Hanlaii Corp. et al, 12869, 16223, 16681
Dinyea Corp. et al, 27616
Doyon, Ltd, 12866, 25625, 27131
Kasigluk, Inc., et al, 9285, 13233
Kokhanok Native Corp, 5945
Kootznoowoo, Inc., et al, 7761, 12872
Kotlik Yupik Corp. et al, 13899, 17681
Koyuk Native Corp. et al, 13231
NANA Regional Corp., Inc, 13591, 13594
Napakiak Corp. et al, 14610
Napaskiak Inc. et al, 13901
NGTA, Inc., et al, 13903, 15419
Nunakauiak Yupik Corp. et al, 13905, 17681
Oscarville Native Corp. et al, 14609
Paug-Vik Inc., Ltd., et al, 10646
Pilot Station, Inc., et al, 4150
Salamatof Native Association, Inc., et al, 25210, 26461
Shishmaref Native Corp. et al, 5355
Sitnasuak Native Corp, 25211
Solomon Native Corp. et al, 12683
St. Michael Native Corp. et al, 4600
Stebbins Native Corp. et al, 13048
Swan Lake Corp. et al, 14612
Tulkisarmute Inc, 27618
Tulkisarmute Inc. et al, 9287
Umkumiute Ltd, 25626
Unalakleet Native Corp. et al, 4602
White Mountain Native Corp, 9913
Authority delegations:
Arizona; Chief, Lands and Mineral Operations Branch, 18675
Arizona District Managers; public lands, 16495
California District Managers; land uses, 7505
Idaho; Chief, Division of Operations; cadastral surveys, etc, 10912
Nevada; Elko, Winnemucca, Ely and Battle Mountain District Managers, 10647
Nevada State Office; Lands and Minerals Operations Branch, Division of Operations, Chief; mining claim instruments filing, 16420
New Mexico; Albuquerque District Manager; land use casework, 11776
Oregon; Lands Operations Section Chief, 21623
Oregon; Minerals Operations Section Chief, 21623
Oregon, Salem District Office Area Managers; rights-of-way, etc, 24226
State Chief Cadastral Surveyors et al.; approval authority, 14227
Utah Area Managers; rights-of-way, 13418
Utah districts Area Managers; sale or contract for sale of material other than forest products; redelegation, 858
Wyoming District Managers; land uses and realty actions; redelegation, 7763
Boundary descriptions, classification, and management plans:
Las Vegas District Resource Area, Nev, 10297
Classification of land, Idaho; suitability for agricultural development; initial classifications; inquiry, 16212, 21929
Classification of public lands:
Arizona, 3036, 3042, 4745, 4746, 5470, 6379, 8254, 9579, 11569, 15162, 17339, 17866, 18433, 20674
California, 17340, 25414, 27410
Colorado, 20676
Idaho, 6099, 7000, 16107, 21622, 25065
Montana, 5470, 6380, 18679, 26029
Nevada, 5471, 7002, 14961, 16682, 24452, 26460, 27618, 27619
North Dakota, 26029
Oregon, 2515, 4352, 9293, 10296, 13418, 17342, 24454, 25213
South Dakota, 10914, 10915, 27132
Utah, 857, 16220, 16221, 16222, 17117, 18054, 18435
Washington, 24454
Wyoming, 7763, 8865, 13052, 15165, 15916, 18682, 27623
Closure of public lands:
Nevada, 2208
Oregon, 4155, 8410, 12688
Wyoming, 9070
Coal leases, exploration licenses, etc.:
Alabama, 10295, 19586, 22229
Colorado, 857, 6381, 7882, 12872, 16422, 19586, 19587
Montana, 3040, 13912, 23814, 27411
North Dakota, 9581, 23975
Oklahoma, 4351, 7505, 11113
Oregon, 5050
Utah, 1177, 3041, 6725, 7001, 12689, 17869, 17870, 20383, 23815
Virginia, 24455
Washington, 5050
Wyoming, 3040, 10296, 12687, 13912, 16420, 17341, 19586, 19587, 21927, 26246, 28461
Coal management program:
Denver-Raton Mesa Coal Production Region, Colo. and N. Mex, 14227
Farrell-Cooper Mining Co.; coal resources fair market value; inquiry, 675
Fort Union Coal Region, Mont.; final unsuitability determination, 13911
Kemmerer Resource Area, Rock Springs District, Wyo, 11322
Powder River Federal Coal Production Region, Wyo. and Mont.; competitive leasing; filing deadline for qualified surface owner consents, 9914
Price River/Range Creek Coal Area, Utah; land use plan amendment, 13911
Rawlins District, Overland and Divide Planning Units, Wyo.; update management framework plans, 19472
Uinta-Southwestern Utah Coal Production Region, Utah and Colo.; Federal coal production goals and preliminary leasing targets; hearing and comment period reopened, 13417
Coal unsuitability assessment criteria and reports, etc.:
Garfield, Prairie, Custer, and Fallon Counties, Mont.; inquiry, 2928
Price River/Range Creek Coal Area, Utah; meeting and inquiry, 20039
Committees; establishment, renewals, terminations, etc.:
Bakersfield District Grazing Advisory Board; membership, 8253
Fairbanks District Advisory Council; nominations from public for membership, 27618
Federal-State Coal Advisory Board, 14961
National Public Lands Advisory Council, 1034
National Public Lands Advisory Council; appointment of members, 7333
Conservation and recreation areas:
California Desert Conservation Area Plan; record of decision, 24855
California Desert Conservation Area Plan; review, 8250
Conveyance of public lands:
Arizona, 9291, 28459
California, 5470, 17117, 23217
Colorado, 16217, 21928
Idaho, 10913
Montana, 9293, 10913, 20676
Nevada, 16419
South Dakota, 8865
Wyoming, 5946, 6382, 17682, 23974
Diamond Craters Outstanding Natural Area, designation, 16218

Disclaimer of interest to lands:
Idaho, 16423
Minnesota, 16681
Nevada, 22228
Wisconsin, 18681
Environmental concern; designation of critical areas:
Henry Mountain Resource Area, Utah, 23026
Juniper Forest Area, Wash., et al, 8252, 15165
Red Wall, Casper District, et al., Wyo, 28459
Environmental statements; availability, etc.:
Andrews Area, Burns District, Oreg.; grazing management plan; scoping meetings, 6379
Ashley Creek Planning Area, grazing management program, Utah, 25067
Big Dry vegetation allocation, Mont., 6492, 21148
Bodie-Coleville Planning Units, Calif.; livestock grazing management, 27413
Brothers livestock grazing management program, Prineville District, Oreg, 19236
Bruneau and Owyhee Resource Areas, Boise District, Idaho; grazing management and installation of range improvements; hearings, 23813
Buffalo Resource Area, Casper District, Wyo.; resource management plan, 6382
California Desert Conservation Area Plan; proposed amendments; notice of intent, 20209
Central California Study Area, Bakersfield District, Calif.; wilderness recommendations, 24450
Challis Planning Unit, Salmon District, Idaho; wilderness study areas, draft plan amendment; hearing, 22227
Chevron Phosphate Plant Complex project, Sweetwater County, Wyo., et al.; development of a phosphate fertilizer plant complex and associated ancillary facilities; scoping meetings, 27619
Circle West coal deposit, Circle, Mont.; proposed coal exchange, 24451
Clark County, Nev.; proposed livestock grazing management program; hearing, 26244
Coeur D'Alene District Office, Idaho; wilderness study areas; meetings, 27622
Colorado-Ute Electric Association, Inc.; proposed Southwest Generating Station construction; intent to prepare and scoping meetings, 13417
Eastside Salem, Clackamas-Molalla and Santiam Sustained Yield Units, Oreg.; draft timber management plan, 3039
Ellis-Pahsimeroi planning unit, Salmon District, Idaho; grazing management program, 5783, 25776
Escondido-Border Planning Unit; Western Counties wilderness study project, Calif, 24450
Eugene District timber management plan, Oreg.; scoping meeting, 8251
Eugene-Medford, Oreg.; 500kV electrical transmission line; hearing, etc, 20209
Farrell-Cooper Mining Co., Latimer County, Okla.; coal resources fair market value; inquiry, 675
Fortymile Resource Area, Alaska; coal preference right lease application; hearing, 5784
Frontier Pipeline Project, Anschutz Ranch Field, Uinta County to Casper, Wyo.; scoping meetings, 858, 3043
Grand Resource Area, Utah; resource management plan, etc, 23216
Grand Teton National Park, Wyo.; proposed land exchange, 25419
Grass Creek Resource Area, Bighorn Basin, Wyo.; grazing management, 16421
Gunnison Basin and American Flats/ Silverton Planning Units, wilderness study areas, Montrose District, Colo, 15418
Lewistown District, Mont.; wilderness suitability recommendations, 20898
Lower Gila North Planning Area, Ariz.; grazing management program; hearings, etc, 12688, 26461
Madison and Beaverhead Counties Wilderness Study Areas, Mont.; wilderness suitability recommendations, 20897
National Petroleum Reserve, Alaska; oil and gas lease, 9072
Outer Continental Shelf
Alaska, oil and gas lease sales; hearings, 2415, 7881, 11321
Diapir Field, Alaska; proposed oil and gas lease sale, 22615
Five-year oil and gas lease sale schedule, 9914
Gulf of Mexico, oil and gas lease sales, 19799, 22418
New York; oil and gas lease sale, 16421, 18186
Owyhee Resource Area, Boise District, Idaho; wilderness study areas, 24450
Pinyon Planning Unit, Beaver County, et al., Utah; grazing management program; hearing, 27975
Prototype oil shale leasing program; scoping meeting and environmental statement supplement, 8096
Riley grazing management, Burns District, Oreg.; meeting, 24654
Rio Blanco County, Colo.; coal lease application; hearing, 857
Rio Blanco County, Colo.; sodium preference right lease applications; hearing, 27409
Roseburg District timber management plan, Oreg, 27413
Salt Wells-Pilot Butte area, Rock Springs District, Wyo.; proposed grazing management; scoping meeting, 27975
San Gorgonio Pass Wind Energy Project, Riverside County, Calif, 18971, 19589, 27622
San Gorgonio Wind Resource Study, Riverside County, Calif, 11979, 15164
San Juan County, N. Mex.; proposed 2,000-megawatt coal-fired generating station and ancillary facilities; public meetings schedule, 4349
Schell Resource Area, livestock grazing management program, Ely District, Nev.; hearings, 26922
Shoshone/Sun Valley Management Framework Plan, Idaho, 14785
Sierra Planning Unit, Folsom Resource Area, Bakersfield District, Calif.; proposed livestock grazing management, 21305
Southern California; oil and gas lease sale, 22418
Tonopah Resource Area, Nev.; preliminary wilderness recommendations, 17116
Twin Falls livestock grazing management program, Idaho, 3624, 26922
Uinta-Southwestern Utah Coal Production Region; scoping meetings, 14614
West Socorro rangeland management program, New Mexico, 18434
Western Counties Wilderness Study Project, Calif, 19798
Western Oregon vegetation management program; scoping meetings, 25627
White Pine County, Nev.; proposed coal-fueled steam/electric generating facility; notice of intent, 5360
White River biological opinion, Uintah County, Utah, 13051
White River Dam Project, Uintah County, Utah, 23974
Willow Creek Planning Unit, Eagle Lake Resource Area, Susanville District, Calif.; proposed grazing management program, 9070
Exchange of public lands for private land:
Arizona, 23975, 28161
California, 2930, 28162
Colorado, 1428
Idaho, 2513, 5360, 8251, 8254, 16419, 17868, 24856
Montana, 5049, 12873, 16681, 24451, 25413
Nevada, 12686
New Mexico, 20898
Oregon, 16219, 18053, 21622, 25215
Utah, 3038, 3041, 8865, 11979, 16223, 24455
Wyoming, 9294, 9581, 24453, 25214, 25419
Floodplain management:
Lower Colorado River floodplain sewage treatment facility, San Luis, Ariz.; issuance of recreation and public purposes lease, 25064
Geothermal resources lease sales:
Cosco and Wedel Amedee KGRA's, Inyo and Lassen, Calif, 18971
Dunes, Glamis, Ford Dry Lake, Little Horse Mountain, Love Lady Ridge, Lake City-Surprise Valley, Calif, 12686
Geyser, Knoxville, and Witter Springs KGRA's, Calif, 26030
Geysers-Calistoga, Glass Mountain, Calif., et al, 349
Gillard Hot Springs KGRA, Greenlee County, Ariz, 17338
Land and resource management planning schedules; status and actions; 1982-1985 FYs, 11049
Leasing of public lands:
Alaska, 17340, 18678, 21926
Arizona, 3043, 26028
Colorado, 21928
Idaho, 2514, 9290
New Mexico, 18435
Oregon, 7334, 7507, 8865, 9580, 23976
Livestock grazing on public lands; 1982 fee schedule, 15165
Management framework plans, review and supplement, etc.:
Arizona, 5469
California, 2209, 8096, 9580, 13050, 20675, 21929
Colorado, 9292
Idaho, 14785
New Mexico, 4350, 10648, 12686, 13911, 18678, 27132
North Dakota, 9293
Oklahoma, 4156, 12873, 25414, 26921
Oregon, 3415

Utah, 5784, 13051, 23596
Wyoming, 7506, 17341, 23216, 27975
Maps of public lands and Federal mineral rights; availability:
Wisconsin, 24856
Meetings:
Arizona Strip District Grazing Advisory Board, 10089
Baker and Vale Districts, 10912, 11975
Bakersfield District Grazing Advisory Board, 8253
Battle Mountain District Grazing Advisory Board, 3415, 26245, 27618
Boise District Grazing Advisory Board, 1428, 25212
Burley District Grazing Advisory Board, 23813
Butte District Grazing Advisory Board, 8409
Butte District Multiple Use Advisory Council, 13911, 18676
California Desert District Grazing Advisory Board, 18677
California Desert District Multiple Use Advisory Council, 9291, 9292, 18677
Canon City District Grazing Advisory Board, 25064
Carbon and Emery County, Utah; coal lease applications and fair market value information request, 17869
Carson City District Advisory Council, 1428
Carson City District Grazing Advisory Board, 2206, 26029
Casper District Grazing Advisory Board, 4350
Cedar City District Grazing Advisory Board, 2208, 13590
Cedar City District Multiple Use Advisory Council, 2207
Craig District Grazing Advisory Board, 3037
Elko District Grazing Advisory Board, 21622
Ely District Grazing Advisory Board, 26921
Eugene District Advisory Council, 10296
Fort Union Regional Coal Team, 16217
Green River-Hams Fork Regional Coal Team, 21624
Idaho Falls District Grazing Advisory Board, 2208, 18678, 19588
Iditarod Trail Advisory Council, 16223
Kingman Resource Area Grazing Advisory Board, 6380
Lakeview District Grazing Advisory Board, 5471, 15163
Las Cruces District Advisory Council, 10647
Las Vegas District Grazing Advisory Board, 13910
Lewistown District Grazing Advisory Board, 3039
Miles City District Grazing Advisory Board, 11776
Moab District Grazing Advisory Board, 7508, 26245
Montrose District Grazing Advisory Board, 7002
National Public Lands Advisory Council, 16423
Outer Continental Shelf Advisory Board, 2207, 3624, 10648, 13050, 16222
Phoenix/Lower Gila Resource Areas Grazing Advisory Board, 9291
Prineville District Advisory Council, 855
Prineville District Grazing Advisory Board, 16223, 24453
Rawlins District Grazing Advisory Board, 26030
Regional Oil Shale Team, 13912
Richfield District Multiple Use Advisory Council, 3039
Rock Springs District Grazing Advisory Board, 10913
Roswell District Grazing Advisory Board, 3038
Safford District Grazing Advisory Board, 11774, 27407
Salt Lake District Grazing Advisory Board, 17341, 20209
San Gorgonio Wind Energy Resources Study, Palm Springs, Calif.; open house, 15164
San Juan River Regional Coal Team, 3207, 4605, 11975
Shoshone District Grazing Advisory Board, 3946
Socorro District Grazing Advisory Board, 857, 20676
Southern Appalachian Regional Coal Team, 10912
Susanville District Grazing Advisory Board, 3042, 11322, 19472
Uinta-Southwestern Utah Regional Coal Team, 26029
Vale District Grazing Advisory Board, 1431, 15165
Vernal District Grazing Advisory Board, 8252
Winnemucca District Grazing Advisory Board, 7506
Worland District Grazing Advisory Board, 16681
Mineral Lands Leasing Act of 1920; alien ownership provisions; implementation, 27622
Mineral leasing:
Southcentral Land Use Plan, Alaska, 4352
Motor vehicles, off-road, etc.; area closures and openings:
California, 6380, 27407, 28460
Colorado, 8409
Idaho, 24226
Montana, 10917, 17340, 23973
New Mexico, 6379, 24453
Utah, 12687
Wyoming, 22614, 25064
Oil and gas leases:
Applications, simultaneous; place of filing Forms 3112-6, 3112-6(a), and 3112-1, 23815
Combined hydrocarbon leasing; clarification of tar sand leasing, 349
National Petroleum Reserve, Alaska; sale notice and listing of tracts, 15516, 17681, 20898
National Petroleum Reserve, Alaska; tracts identification and ranking; inquiry, 4349
Piceance Creek Basin, Colo, 7334
Opening of public lands:
Arizona, 3622, 4152, 6098, 8249, 8864, 9291, 9579, 14961, 17867, 18053, 20675, 21927, 22227, 26243
California, 12392, 12393, 13230, 25409
Montana, 2207
Nevada, 6492, 14961, 15916, 16894, 25213, 26460, 28163
Oregon, 859, 1337, 2929, 7763
South Dakota, 20677
Utah, 11776, 16218
Washington, 855, 2929
Wyoming, 16421
Organization and functions:
Alaska State Office; public hours, 17681
Arizona State Office; public hours, 16419
Colorado State Office; public hours, 16217
Eastern States Office, Va.; hours, 21928
Montana State Office; public hours, 17338
Oregon State Office; public hours, 17342
Oregon State Office, relocation, 5360
Tuscaloosa Office, Ala.; location change, 12689, 13590
Utah State Office; public hours, 16219
Outer Continental Shelf; oil and gas lease sales:
Bidding systems; inquiry, 3613
Central and Northern California, South and Mid-Atlantic, and Lower Cook Inlet/ Shelikof Strait, 13984
Gulf of Mexico, 1072, 1102, 5472
Navarin Basin, 22336
North Atlantic, 18806
Restricted joint bidders; list, 14785
Southern California, 5178, 20518, 20529
Pipeline right-of-way applications:
Colorado, 10916
New Mexico, 5471, 9580, 12872, 15163, 15164
Wyoming, 27623
Protraction diagrams:
Idaho, 3044
Rangeland management policy:
Livestock grazing on public lands, 11568
Rangeland program summary; availability, etc.:
Southern Rio Grande Planning Area, Las Cruces District, N. Mex, 10649
Realty action:
Oregon, 13230, 14961
Recreation management restrictions, etc.:
Nestucca River, Oreg.; overnight camping prohibition, 28163
Redding District, Calif.; campground user fees, 17338
Recreation use permit systems:
North Eagle Lake Campground, Susanville District, Calif.; fee schedule, 20210
Upper Missouri National Wild and Scenic River, Mont.; commercial float boating operations, 2209
Resource management designations:
Beatty Creek Research Natural Area, Oreg, 8095
Resource management plans:
Billings Resource Area, Lewistown, Mont.; wilderness studies, 19588
Caliente, Folsom, and Hollister Resource Areas, Bakersfield District, Calif.; wilderness studies, 7505
Glenwood Springs Resource Area, Colo.; workshop schedule, 17117
Grand Resource Area, Utah, 23216
Harding County et al., S. Dak, 24451
Hollister Resource Area, Bakersfield, District, Calif, 8410
Hollister Resource Area, Bakersfield District, Calif.; planning criteria availability, 27410
Honey Lake-Beckwourth Land Use Plan, Eagle Lake Resource Area, Calif, 15915
Sanibel/Pine Island Sound Plan, Fla, 20673
Steese National Conservation Area and White Mountains National Recreation Area, Alaska; draft planning criteria availability, 18186
Sale of public lands:
Arizona, 4744, 11569

California, 3041, 3043, 5358, 18681, 19799
Colorado, 4153
Idaho, 4350, 5359, 6099, 8254, 11775, 27622
Montana, 12872, 26244, 27411
Nevada, 676, 3037, 3415, 6382, 6493, 11775, 18679, 18680, 27409, 27412
New Mexico, 25215
Oregon, 13591, 21929; 23973
Washington, 5359
Wyoming, 96, 3886, 6492, 26460
Survey plat filings:
Arizona, 18676
California, 21623, 27410, 27411
Colorado, 17868
Idaho, 17340
Michigan, 28163, 28459
Minnesota, 5050, 7333
Montana, 3624
Nevada, 28163
Transfer of public lands:
Arizona, 4153
Utility corridor land use plans:
Alaska, 9581
Wild and scenic rivers system; Rogue National Wild and Scenic River, Oreg.; recreation use controls, 8235, 24373
Wilderness areas; characteristics, inventories, etc.:
Arizona, 2207, 8252
California, 18676, 19798, 24855
Colorado, 22615
Idaho, 1427, 22229
Michigan, 9070
Nevada, 18680, 22229
New Mexico, 4154
Oregon, 22229
Utah, 3889, 4604, 10649, 11323, 16219, 18054, 21623, 22230
Wisconsin, 9070
Wilderness study policy, final; policies, criteria and guidelines for conducting wilderness studies on public lands; availability, 5098
Wilderness study procedures; incorporation into planning amendments within individual Utah districts, 2930
Wind energy applications; competitive bidding procedures; San Gorgonio, Calif, 8253
Withdrawal and reservation of lands, proposed, etc.:
Alaska, 11113
Arizona, 3623, 11774, 20675, 23214, 25205, 26243
California, 5470, 5945, 19799
Colorado, 675, 856, 9292, 18186, 23214, 25065, 26243
Idaho, 8250, 18434, 22418, 23026, 23215, 27409
Montana, 4154, 10297, 13907, 13910, 14227, 18434, 20898, 21928, 23814, 25212
Nevada, 4351, 11775, 11776, 26246, 27619
New Mexico, 9290, 16218, 17342, 24454, 27412
Oregon, 3044, 6382, 11569, 16420, 18681, 19798, 22616, 24452, 25215
Utah, 1429, 21926
Washington, 8865, 11323
Wyoming, 5050, 6100, 16222, 18972, 20677, 23974, 25213, 25214

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

See National Institute of Justice.

LEGAL SERVICES CORPORATION

RULES
Eligibility for legal assistance; maximum income levels, 25148

NOTICES
Meetings; Sunshine Act, 376, 8301, 11366, 18094, 19507, 23067, 23844, 24906, 25653

LIBRARIES AND INFORMATION SCIENCE, NATIONAL COMMISSION

NOTICES
Meetings; Sunshine Act, 2232, 20438

LIBRARY OF CONGRESS

See also Copyright Office, Library of Congress.

NOTICES
Meetings:
American Folklife Center Board of Trustees, 1188, 20054

LOW-EMISSION VEHICLE CERTIFICATION BOARD

RULES
CFR Chapter removed, 12797, 12798

MANAGEMENT AND BUDGET OFFICE

See also Federal Procurement Policy Office.

NOTICES
Agency forms under review, 705, 1191, 1194, 2530, 3443, 3445, 4175, 5374, 5377, 5818, 5823, 6397, 6742, 7783, 8277, 8707, 9299, 9940, 9944, 11126, 11793, 12245, 13255, 13938, 15188, 15190, 15673, 15676, 16230
Agency forms under review; termination of publication in Federal Register, 18453
Budget rescissions and deferrals, 4022, 6194, 8146, 12750, 18302, 22484, 24992
Budget rescissions and deferrals; cumulative report, 2268, 7029, 11624, 16742, 21450, 27020
Circulars, etc.:
A-21, 932
A-76, 4629, 6511
A-119, 16919
A-120, 1196, 1198
A-124, 7556
Comparability of statistics on business size; new statistical standard, 21362
Cost principles for educational institutions (Circular A-21); proposed revision, 932
Energy Department petroleum price and distribution forms, action on extension requests, 1456
Federal fund allocations; development and use of population projections; proposed circular withdrawn, 5385
Privacy Act; supplemental guidance for computerized matching programs, 21656
Senior Executive Service:
Bonus awards schedule, 12705
Standard industrial classification manual; status, 5385

MARITIME ADMINISTRATION

RULES
Merchant marine training:
U.S. Merchant Marine Academy; admission and training of midshipmen, 21811
Reporting and recordkeeping requirements, 25530

PROPOSED RULES
Regulatory agenda. For references, see entry under Transportation Department.
Subsidized vessels and operators:
National defense feature communications equipment program; suspension of rulemaking action, 5732

NOTICES
Collision avoidance radar training courses; revised tuition fees, 2229
Committees; establishment, renewals, terminations, etc.:
Maritime Advisory Committee, 13949
Environmental statements; availability, etc.:
Tanker construction program; construction-differential subsidy applications for retrofitting vessels, 18980
Tanker construction program; oil-carrying vessels; construction-differential subsidy applications, 6408
Meetings:
Maritime Advisory Committee, 21949
Rulemaking petitions:
American Maritime Association; vessels of less than 100,000 DWTs operating in Alaskan oil trade, 11805, 13267
Trustees; applicants approved, disapproved, etc.:
Bank of Southwest, 11805
Bank of Sturgeon Bay, 2229, 8724
Crocker National Bank, 2228
First National Bank of Oregon; name change, 21948
Girard Trust Bank, 23838
Savings Banks Trust Co, 2228
Seattle Trust & Savings Bank, 19610
Voluntary Tanker Agreement; draft revisions; extension of time, 4635
Applications, etc.:
Acturus Shipping, Inc, 8297
Aeron Marine Shipping Co. et al, 13948
American President Lines, Ltd, 883, 4189
American Shipping, Inc, 6408
Archon Shipping, Inc, 8297
ARCO Transportation Co, 8298
Atlantic Richfield Co, 26272
Boston VLCC Tankers, Inc. VI, 8298
Chestnut Shipping Co, 11806
Equity Carriers, Inc., et al, 15204

MATERIALS TRANSPORTATION BUREAU

See Research and Special Programs Administration, Transportation Department.

MEDICAID

See Health Care Financing Administration. Social Security Administration.

MEDICARE

See Health Care Financing Administration.

MERIT SYSTEMS PROTECTION BOARD

RULES
Freedom of Information Act; implementation, 26369

Practice and procedures:
Adjudication procedures for appeals of personnel actions filed by Board employees; interim rule and request for comments, 936
Adverse action; election of exclusive negotiated grievance procedure or appellate procedure; interim rule and request for comments, 15309
Hatch Act violation, penalties, 936
Privacy Act; implementation, 26369
Whistleblower allegations referred to agencies for investigation or report, etc, 13361

PROPOSED RULES
Freedom of Information Act; implementation, 8367
Investigations; rights of witnesses and responsibilities of agency employees, etc, 18602
Privacy Act; implementation, 8367

NOTICES
Air traffic controller appeals; completion of appeals actions, 7898, 22623
Conduct standards, 4778
Decisions and index publication; availability, 7898

METRIC BOARD

NOTICES
Meetings:
Mining and Mineral Research Advisory Committee, 24654
Meetings; Sunshine Act, 7800, 7801, 17371, 17372, 26961, 26962
Voluntary metric conversion plans:
Chemicals and allied products sector, 3439
Instrument sector, 3439
Transportation tariffs, standard reference tables; availability and inquiry, 11581

MEXICO AND UNITED STATES, INTERNATIONAL BOUNDARY AND WATER COMMISSION

NOTICES
Environmental statements; availability, etc.:
Hidalgo County Drainage District No. 1; construction of structure through Main Floodway Divisor Dike near Mercedes, Tex, 2931

MINE SAFETY AND HEALTH ADMINISTRATION

RULES
Civil penalties; criteria and procedures for assessment, 22286
Electrical equipment:
Electric cap lamps, 11368
Telephones and signaling devices, 11369
Mechanical equipment:
Electrical components and headlights for mobile diesel-powered transportation equipment, 11371
Nomenclature changes, etc, 23640
Nomenclature changes, etc. and corrections, 28095

PROPOSED RULES
Civil penalties for violations; hearings, 2335
Metal and nonmetallic mine safety:
Ground control, fire prevention and control, air quality, and explosives standards, etc.; review of regulations; public conferences, 10190, 23484
Regulatory agenda. For references, see entry under Labor Department.

NOTICES
Petitions for mandatory safety standard modifications:
A & E Coal Co., Inc, 4768, 24480
Alabama By-Products Corp, 6502, 6506, 12402
Aluminum Co. of America, 27639
Amax Coal Co, 8895, 18077
American Borate Co, 6503
American Salt Co, 13060
Amherst Coal Co, 6503
Angela Mining Co, 22240
ASARCO, Inc, 2424
Associated Producers & Miners, Inc, 113
Barnes & Tucker Co, 15931
Barrett Coal Co, 13432
Bartley & Bartley Coal Co, 22240
BCNR Mining Corp, 8896
Beckley Lick Run Co, 18077
Bethlehem Mines Corp, 114, 11343
BHT Coal Co, 2424
Big J Coal Co., Inc, 11343
Brown Badgett Coal Co., Inc, 22241
Buffalo Mining Co, 27639
Carbon County Coal Corp. et al, 2793
Carbon Fuel Co, 1354, 22241
Carey Salt Co, 13061
Cathedral Bluffs Shale Oil Co, 7547
Cedar Coal Co, 6503
CF&I Steel Corp, 21321
Cimarron Coal Corp, 18078
Clarence Maggard Coal Co., Inc, 9599
Coal Valley Mining Co, 12403
Colorado Westmoreland Inc, 1354
Consolidation Coal Co, 113, 2424, 8896, 12403, 13061, 13062, 21323, 22241
D.C. Coal Co, 2425
Dominion Coal Corp, 2425
Energy Fuels Nuclear, Inc, 7896
Franklin Limestone Co, 8896
Freeman United Coal Mining Co, 5493
G. M. & W. Coal Co., Inc, 5493, 24481
Georgia-Pacific Corp, 24481
Gold Bond Building Products, 18078
Golden Age Coal Co, 15931, 16911
Harlan-Bell Coal, Inc, 7548
Harlan-Cumberland Coal Co, 2425, 4768
Homestake Mining Co, 7896, 18078, 24481
Independent Salt Co, 13062
Inspiration Consolidated Copper Co, 11997
Island Creek Coal Co, 114, 24482
J & C Coal Co, 13432
Johns Manville Sales Corp. et al, 21321
K. & D. Coal Co, 7897
Kanawha Coal Co, 6504, 13432
Kentland Elkhorn Coal Corp, 113, 14237
Kentucky Stone Co, 13433
Laurel Run Mining Co, 16912
Little Egypt Coal Co, 13433
Martin Marietta Alumina, 11344
Mary Lou Coal Corp, 7548
Mathies Coal Co, 26478
McDaniel Mining Co., Inc, 7548
Morton-Norwich Products, Inc, 8897, 24482, 24483, 24484
Mullins & Sons Coal Co., Inc, 2426
New River Co, 24484
New Way Coal Co, 8897
Noranda Mining, Inc, 5493
North American Coal Corp, 11344
Old Ben Coal Co, 2426, 6504, 19252
Ormet Corp, 2426
Ozark Lead Co, 114
Peabody Coal Co, 13434
Plateau Mining Co, 21323
Preece Coal Co., Inc, 14237
Preece Enterprises, Inc, 18079
Preston Energy, Inc, 4769
Quality Coal Co, 18079
Quarto Mining Co, 21323
R.C. & R. Coal Co, 6504, 24485
Ranger Fuel Corp, 6505
Raven Coal Co, 13434
Rio Blanco Oil Shale Co, 26478
Rock-Bull, Inc, 18079
Sahara Coal Co., Inc, 14237, 27640
San Pedro Mining Corp, 11997
Sandy Fork Mining Co., Inc, 27639
Sewell Coal Co, 7897
Sourwood Coal Co, 15931
South Hopkins Coal Co, 14238, 15932
St. Cloud Mining Co, 21324
T.A.G. Coal Co, 11344
Texasgulf Metals Co, 13063
Tram Coal Co, 16912
U.S. Steel Corp, 2427
UNC Mining & Milling, 18080
Union Carbide Corp, 21324
Union Oil Co. of California, 24485
Utah International, Inc, 2427
Valley Camp Coal Co, 115, 13435
Walden Coal Co, 6505
Wyomac Coal Co, 13063
Youghiogheny & Ohio Coal Co, 24486
Ziegler Chemical & Mineral Corp, 8898

MINE SAFETY AND HEALTH FEDERAL REVIEW COMMISSION

See Federal Mine Safety and Health Review Commission.

MINERALS, MINING

See Federal Mine Safety and Health Review Commission.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Land Management Bureau.
Mine Safety and Health Administration.
Minerals Management Service.
Mines Bureau.
Surface Mining Reclamation and Enforcement Office.

MINERALS MANAGEMENT SERVICE

See also Geological Survey.

RULES
Reorganization; transfer of functions from Conservation Division, Geological Survey, 28368

NOTICES
Coal, Federal; valuation used for in situ gasification projects; inquiry, 16897
Coal lease areas; maximum economic recovery and fair market value:
Southern Appalachian Coal Region, Alabama; inquiry, 20904
Environmental statements; availability, etc.:
Getty Oil Co.; Cache Creek-Bear Thrust, proposed oil and gas drilling, Jackson, Wyo, 14962
J.R. Simplot Co., Smoky Canyon Mine, Caribou County, Idaho; proposed surface phosphate mine and slurry pipeline, 14608
Outer Continental Shelf; Alaska oil and gas lease operations, 6138

Outer Continental Shelf; Alaska oil and gas operations; mineral pre-lease and exploration proposals, 5362, 17343
Outer Continental Shelf; Atlantic oil and gas operations; mineral exploration proposals, 16897
Outer Continental Shelf; Diapir Field, Alaska; oil and gas lease sale proposals, 26080
Outer Continental Shelf; Gulf of Mexico oil and gas operations; mineral exploration and development/production proposals, 5362, 20677
Outer Continental Shelf; Navarin Basin, Alaska; oil and gas lease sale proposals; scoping meetings, 26080
Outer Continental Shelf; Pacific oil and gas operations; mineral exploration proposals, 5363
Geothermal resources areas, operations, etc.:
California, 12218, 14962
New Mexico, 26247
Meetings:
National Outer Continental Shelf Advisory Board, 23217
Oil, crude; complete documentation from point of origin to final destination requirement; inquiry, 26924
Oil and gas leases, onshore Federal and Indian; drilling approval, etc.; notice to lessees and operators; inquiry, 16426
Oil shale land classifications:
Nevada, 19800
Outer Continental Shelf; official protraction diagrams; availability, 26463
Outer Continental Shelf; oil, gas, and sulphur operations:
Alaska; oil and gas lease operations, proposed orders, 6138
Blowout preventer for use in hydrogen sulfide environment; acceptability determination, 12218
Development and production plans
Aminoil USA, Inc., 5784, 19473
Amoco Production Co, 7518, 18054
Anadarko Production Co, 10917
ARCO Oil & Gas Co, 10649
Chevron U.S.A. Inc, 7517, 17343, 19236, 20040, 21148, 22616, 25216, 26247
Cities Service Co, 13918
CNG Producing Co, 16895
Conoco Inc, 8255, 10649, 16895
Exxon Co., U.S.A, 11570, 15165, 15166, 20677, 23218, 24456, 26247
Getty Oil Co, 7518, 22419, 23976
Gulf Oil Exploration & Production Co, 6383, 16896, 19473, 21930, 25216, 28164
Hunt Oil Co, 24226
Kerr-McGee Corp, 20385
Marathon Oil Co, 13919, 15167, 16896
McMoRan Offshore Exploration Co, 10917, 27976
Mesa Petroleum Co, 8255, 24857
Mobil Exploration & Producing Southeast Inc, 19237
ODECO Oil & Gas Co, 6383, 8690, 9295, 21930, 24227
Pennzoil Co, 28461
Pennzoil Exploration & Production Co, 15165, 17343
Quintana Offshore Inc, 5362
Shell Offshore Inc, 16896, 20678, 26248
SONAT Exploration Co, 15166, 26709
Superior Oil Co, 9295, 13595, 16224, 16897, 23977, 24456
Tenneco Oil Exploration & Production, 7518, 13595, 23977
Texaco U.S.A, 18435, 20678
Transco Exploration Co, 8690, 20040
Union Oil Co, 16224
Union Oil Co. of California, 7518, 9915, 14785, 15166, 22617, 23218, 23977
Diapir Field, Alaska; oil and gas lease sale proposals, 26081
Failure and inventory reporting system; rescission, 18682
Fair market value of natural gas for royalty purposes; hearings, 26030
Fair market value of natural gas for royalty purposes; opportunity for hearing, 16423, 26031
Gulf of Mexico; oil and gas leases; set-aside production, 21929
Gulf of Mexico; proposed oil and gas lease sale, 28018
Minerals and rights-of-way management; administration of regulations, 26031
Oil and gas leases; tract evaluation procedures to assure receipt of fair market value; inquiry, 5694
Research and development program; availability of report, 9072
Royalty payments on oil and gas lost or used, 20672
Outer Continental Shelf standards:
Training and qualification of personnel in well-control equipment, etc, 7508
Sodium leasing areas:
California, 20210

MINES BUREAU

NOTICES
Meetings:
Mining and Mineral Research Advisory Committee, 20385
Organization and functions:
State Mining and Mineral Resources and Research Program; transfer, 10089

MINORITY BUSINESS DEVELOPMENT AGENCY

NOTICES
Financial assistance application announcements:
Alabama, 15624, 15630, 15631, 20652
Alaska, 10891
Arizona, 10891
Arkansas, 3155, 20652
California, 3016, 6316, 7718, 10269, 17322, 19399, 20652, 21289
Colorado, 3155
Connecticut, 11054
Delaware, 11543, 16062, 20653
District of Columbia, 8702, 12202, 13851, 16062, 19399, 20653
Florida, 3021, 3022, 3023, 15629, 15634, 19399
Georgia, 6311, 6313, 15626, 15633, 19399, 20652
Hawaii, 7718, 17322
Illinois, 2906, 2908, 16667, 19399
Indiana, 12834, 12835
Kansas, 12836
Kentucky, 3815
Louisana, 3155, 19399, 20174, 20652
Maryland, 994, 8702, 16062, 19399, 20653
Michigan, 7869, 12838
Minnesota, 2901
Mississippi, 15627, 20652
Missouri, 12839
Nevada, 7718, 17322
New Jersey, 4108
New Mexico, 3155, 20652
New York, 4108, 9875, 17102, 19399
North Carolina, 11755, 11756, 11758, 11759, 20652
Ohio, 2899, 2900, 2907, 7868, 7870
Oklahoma, 3155, 4106
Oregon, 7718, 10891, 16667, 17322
Pennsylvania, 995, 2904, 16062, 20653
Puerto Rico, 4108, 19399
South Carolina, 3018, 3019, 6314, 20652
Tennessee, 3816, 3818
Texas, 3155, 4106, 16667, 19399, 20174, 20652
Utah, 4106, 20341
Virginia, 2903, 8702, 10889, 11760, 13853, 13854, 16062, 20653
Washington, 10269, 10891, 16667, 17322
West Virginia, 16062, 20653
Wisconsin, 12841

MINORITY ECONOMIC IMPACT OFFICE

NOTICES
Loan applications; DOE contract preparation cost, etc, 11318

MISSISSIPPI RIVER COMMISSION

NOTICES
Meetings; Sunshine Act, 888, 13270, 18703

MOTOR CARRIER RATEMAKING STUDY COMMISSION

NOTICES
Hearings, 2962, 4779, 7779, 9619, 11122

MOTOR VEHICLES

See Environmental Protection Agency.
Federal Highway Administration.
General Services Administration.
Interstate Commerce Commission.
Low-Emission Vehicle Certification Board.
Motor Carrier Ratemaking Study Commission.
National Highway Traffic Safety Administration.
Urban Mass Transportation Administration.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See Oceans and Atmosphere, National Advisory Committee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RULES
Administrative authority and policy:

Facility planning and project coordination with State and local authorities and clearinghouses; authority citations updated, etc, 15767
Procurements, competitive negotiated; debriefing of unsuccessful companies, 14893
Small and Disadvantaged Business Utilization Office; establishment, 18124
Equal Access to Justice Act; implementation; interim rule and request for comments, 3758
Organization and general information; 20571
Procurement, 17489, 27283
Directive 81-8, 8179
Directive 82-1, 27274
Space transportation system:
STS Commander, authority; chain of command, 3095

PROPOSED RULES

Regulatory agenda, 14923

NOTICES

Agency forms submitted to OMB for review, 25642, 27184
Environmental statements; availability, etc.:
Gamma Ray Observatory program, 25792
Inventions, Government-owned; availability for licensing, 6395
Meetings:
Advisory Council, 3226, 7779, 28502
Aeronautics Advisory Committee, 4170, 7779, 9937, 13612, 17693, 22434, 22435, 22623
Life Sciences Advisory Committee, 7898, 26258
Solar System Exploration Informal Ad Hoc Committee, 20689
Space Systems and Technology Advisory Committee, 6507, 6508, 9938, 10932, 16228, 20689
Wage Committee, 16228
Patent licenses, exclusive:
American Innovation, Inc, 24670
Asian American Macromolecular Materials, Ltd, 12000
Behavioral Engineering Corp, 24670
CARRE, Inc, 15671
D.F.M. Co, 4779
Inductron Corp, 12001
Kobayashi, Herbert S, 12001
LIXI Research Limited Partnership et al, 4779
Solartherm, Inc, 15670
Xomed, Inc, 7553
Senior Executive Service:
Bonus awards schedule, 21644
Performance Review Board; membership, 12887

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

RULES

Records management:
Disposition of Federal records; transfer to Federal records centers; extension of shipment deadline after SF 135 receipt, 11281

PROPOSED RULES

Regulatory agenda. For references, see entry under General Services Administration.

NOTICES

Meetings:
Preservation Advisory Committee, 19468
Public use of records and donated historical materials:
Cartographic and Achitectural Archives; temporary suspension of public service, 16680

NATIONAL BUREAU OF STANDARDS

NOTICES

Information processing standards, Federal:
Advanced data communication control procedures, 23798, 25397
American National Standard Code for Information Interchange (ASCII), additional controls, 5450, 22139
Data encryption standard; inquiry, 12375
Fixed block rotating mass storage subsystem, operational specifications; inquiry, 15396
FORTRAN (FIPS PUB 69), nested parentheses in expressions; interpretation, 9876
I/O channel level interface standards; technical verification guidance, 12375
Interface standards exclusion list; additions, 3580, 17604
Interface standards exclusion list; proposed changes, 3581, 7872, 11306, 20838, 21911
Magnetic tape cassettes for information interchange, 10891
Optical character recognition (OCR); character sets, 27579
Parallel recorded magnetic tape cartridge for information interchange, 28121
Public key cryptographic algorithms; solicitation request, 28445
Rotating mass storage subsystems; operational specifications, 23510
Laboratory Accreditation Program, National Voluntary:
Carpet testing; public workshop, 17104
Electromagnetic calibration services; public workshop, 14214
Windows and doors; withdrawn, 23509
Meetings:
Carpet testing public workshop; national voluntary laboratory accreditation program, 17104
Electromagnetic calibration services; public workshop, 14214
International Laboratory Accreditation Conference, 24172
International Legal Metrology Advisory Committee, 3819
Product Standards Policy Office transfer and reorganization, 21115
Visiting Committee, 2911
Weights and Measures National Conference, 2911, 22139
Metric system of measurement; interpretation and modification of International System of Units for U.S, 8399
Procurement:
Government commercial or industrial activities; review schedule (OMB A-76 implementation), 9877
Senior Executive Service:
Performance Review Board; membership, 68, 3580
Voluntary product standards:
Status report, 2910

NATIONAL CAPITAL PLANNING COMMISSION

NOTICES

Privacy Act; systems of records; annual publication, 15179

NATIONAL COMMISSION ON EMPLOYMENT POLICY

See Employment Policy, National Commission.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

See Libraries and Information Science, National Commission.

NATIONAL COMMISSION ON SOCIAL SECURITY

See Social Security Reform, National Commission.

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

See Student Financial Assistance, National Commission.

NATIONAL COUNCIL ON THE HANDICAPPED

NOTICES

Meetings; Sunshine Act, 6125, 8120

NATIONAL CREDIT UNION ADMINISTRATION

RULES

Charter suspension or revocation, and involuntary liquidation procedures, 22939
Federal credit unions:
Accounting manual and data processing guidelines removal from incorporated by reference material, 23685
Insurance and group purchasing activities; operational systems; pension plans trustees and custodians; suspension and confirmation of effective dates, 8006
Loan interest rates; increase, 10199
Membership; interpretation and policy statement, 16775, 26808
Payout priorities for involuntary liquidation; interpretation and policy statement, 18122, 21003
Public unit accounts; payment on shares, 17979
Share, share draft, and share certificate accounts; terms and conditions; deregulation, 17978
Minimum security devices and procedures, 17980
Records preservation program; free storage of records discontinued, 8006
Reporting and recordkeeping requirements, 1371

PROPOSED RULES

Charter suspension or revocation, and involuntary liquidation procedures; administrative hearings, 7441
Federal credit unions:
Accounting manual; removal from incorporation by reference material; extension of time, 963

Insurance and group purchasing activities; restrictions removed, 8007, 23751
Organization, bylaws, and charters; deregulation, 23750
Service corporations; deregulation, 10232
Share, share draft, and share certificate accounts; conditions and classes; deregulation, 10234
State unclaimed property laws; compliance examination; interpretation and policy statement, 26842
Liquidity reserve requirements deregulation, 22964
Regulatory agenda, 23747
Reserves; full and fair disclosure requirements; use of accounting manual principles and standards; interpretive ruling and policy statement; extension of time, 2122

NOTICES
Agency forms submitted to OMB for review, 19598
Meetings; Sunshine Act, 888, 3467, 5838, 8726, 13270, 16440, 16441, 20909, 25435, 26733
Regulatory calendar, 1662
Senior Executive Service:
Performance Review Board; membership, 11581

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See Arts and Humanities, National Foundation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

RULES
Automobile Fuel Efficiency Act of 1980, petitions and plans for relief; interim rule and request for comments, 7245
Bumper standards:
Improved bumper technology innovation and development; future actions to maximize consumer cost savings and public net benefits and information development and collection, 21819
Test impact speeds reduction and damage resistance criteria modification, 21820
Confidential business information; response to reconsideration petition, 24587
Consumer information:
Performance data on new vehicle models, etc.; modification of initial preintroduction submissions by manufacturers, 7257
Tires; reserve load information, passenger cars, 24593
Uniform tire quality grading; interim rule and request for comments, 25930, 26139
Fuel economy standards, average:
Light trucks, 1982 model year; procedures for expanded manufacturer flexibility; interim rule and request for comments, 7245
Highway safety programs; determination of effectiveness, 15116
Incorporations by reference, approval, 13670
Motor vehicle safety standards:
Bus window retention and release; school bus emergency exit requirements; final rule, 7255
Controls and displays; headlamp high beam actuation light color, 2996
Fields of direct view for passenger cars; revocation of standard reaffirmed, 26138
Incorporations by reference; approval and availability, 7253
Lamps, reflective devices, and associated equipment; deletion of headlamp retaining rings dimensional requirements, 25149
Seat belt assemblies, manual and automatic, installed in motor vehicles weighing 10,000 pounds or less; performance requirements; deferral of effective date, 7254
Speedometers and odometers; removed, 7250
Tires, new pneumatic, for passenger cars, 18904
State highway safety programs, uniform standards; incorporations by reference, approval, 13670

PROPOSED RULES
Fuel economy reports, automotive:
Semi-annual reporting requirements, 7706
Fuel economy standards, average; passenger automobile; exemptions:
Aston Martin Lagonda, Ltd., et al, 20639
Highway safety programs; determination of effectiveness; hearings, 5254
Motor vehicle safety standards:
Air brake hoses; adhesion test; petition granted, 7293
Air brake systems; spring brakes; terminated, 7292
Brake hoses; metric sizes labeling; rulemaking petition granted, 15612
Brake hoses; removal of mounting brackets prior to conducting "whip test"; petition granted, 13176
Controls and displays; tell-tale light intensity requirement modification, seat belt warning symbol words alternative, and informational readout display definition, 4541
Head restraints; evaluation report, 7291
Lamps, reflective devices, and associated equipment; alternative location for front identification lamps, 7711, 7712
Motorcycle speed control devices; petition denied, 26174
Occupant crash protection; fuel loading test conditions, 4098
Occupant crash protection; informational readout displays, seat belt warning symbol words alternative, 4541
Occupant protection in interior impact, 25169
Power-operated window systems, 13845
School bus body joint strength; maintenance access panel requirement; extension of time, 4100
School bus passenger seating and crash protection; increased seat spacing, 8231
"Seating reference point" definition and manufacturer specification; and passenger car driver's eye ranges; advance notice; petitions granted, 9865
Tire rims for motor vehicles other than passenger cars; termination, 8232
Wheelchair restraint systems used in vans; petition denied, 7713
Regulatory agenda. For references, see entry under Transportation Department.
Regulatory review report; availability, 14501

NOTICES
Automobile safety regulations, cost; preliminary report; availability and inquiry, 14648
Highway safety program:
Evidential breath measurement devices; qualified products list amended, 9313
Meetings:
International harmonization of safety standards, 15680
Rulemaking, research and enforcement programs, 9313, 23248
Motor vehicle defect proceedings; petitions, etc.:
Kerwan, Marilyn; petition denied, 10698
Muldoon, Katherine; petition denied, 6409
Nader, Ralph, 2538
White, Marvin L., et al.; petitions denied, 12257
Motor vehicle safety standards:
State safety approval programs, preemption; interpretation, 884
Motor vehicle safety standards; exemption petitions, etc.:
Anden Holdings Ltd, 2229
Boyertown Auto Body Works, Inc, 19610
Bridgestone Tire Co, 4189, 12257
Chrysler Corp, 7791
Dunlop Tire & Rubber Corp. et al, 7794, 19610
Electric Auto Corp, 27436
Firestone Tire & Rubber Co, 26272
General Motors Corp, 3059, 9953
International Harvester Co, 7792
Iveco Trucks of North America, Inc, 7793
Jeep Corp, 6768
Modular Ambulance Corp, 19611
Mohawk Rubber Co, 7793
National Coach Corp, 4190
PPG Industries, Inc, 7794
SEV Corp, 11806
Shay Motors Corp, 7358
Toyo Kogyo Co., Ltd, 7792
Toyo Rubber Industry Co., Ltd, 5397
Uniroyal Tire Co, 26273
Vintage Reproductions, Inc, 7360
Volvo White Truck Corp, 4190

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

See Centers for Disease Control.

NATIONAL INSTITUTE OF JUSTICE

NOTICES
Grants solicitation, competitive research:
Career criminal research program, 17890
Controlling offenders under community supervision sanctions, 18693
Exclusionary rule; impact on police operations, 20879
Forensic evidence in courts, 19493
Improved handling of long term offenders, 18206
Police order-maintenance function, 21318
Pretrial release decision-making; use of public safety criterion, 22622
Robbery-murder and robbery with serious victim injury, study, 19249
Selective prosecution by career criminal adjudication programs, evaluation, 24235
Sentence enhancement laws use and effect, 22622

Victim assistance service delivery programs evaluation, 21318
Program plan; 1982 FY, 5804

NATIONAL INSTITUTES OF HEALTH

NOTICES

Cancer bioassay reports; availability:
Selenium sulfide and selsun, 5468
Committees; establishment, renewals, terminations, etc.:
Cancer Institute, National; committees, 7499
Cancer Regional Studies Review Committee, 28160
Frederick Cancer Research Facility Advisory Committee, 19235
Public advisory committees, 28160
Meetings:
Acquired Immunodeficiency and Kaposi's Sarcoma International Workshop, 28161
Advisory Committee to the Director, 7499
Aging Institute, National; Scientific Counselors Board, 14958
Aging National Advisory Council, 16890
Aging Review Committee, 7754, 25622
Allergy, Immunology, and Transplantation Research Committee, 8681, 11111, 20032, 23209
Allergy and Infectious Diseases Institute, National; Scientific Counselors Board, 1425, 16890
Allergy and Infectious Diseases National Advisory Council, 17865, 21303
Animal Resources Review Committee, 5042, 6374, 15908
Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, 13227, 13228
Arthritis, Diabetes, and Digestive and Kidney Diseases Institute, National; Scientific Counselors Board, 15909
Arthritis, Diabetes, and Digestive and Kidney Diseases National Advisory Council, 5045, 22226
Arthritis National Advisory Board, 10907, 23211
Beta-Blocker Trials for Post-MI Patients, implications; workshop, 21303
Biomedical Library Review Committee, 7755, 23209
Biometry and Epidemiology Contract Review Committee, 2412, 14958, 26911
Biotechnology Resources Review Committee, 5043, 20029
Bladder and Prostatic Cancer Review Committee, 5043, 17863, 17864
Blood Diseases and Resources Advisory Committee, 1335, 15909
Blood Resources and Substitutes Working Group, 7500, 13586
Cancer Center Support Review Committee, 7755, 28159
Cancer Clinical Investigation Review Committee, 2413, 23209
Cancer Control Grant Review Committee, 6375, 22225
Cancer Institute, National; advisory committees, 26239
Cancer Institute, National; Community Clinical Oncology Program Ad Hoc Working Group, 8409
Cancer Institute, National; Scientific Counselors Board, 5043, 6375, 12392, 15910, 22226
Cancer National Advisory Board, 3034, 10087, 15910, 17866, 28160
Cancer Research Manpower Review Committee, 2413, 14958
Cancer Special Program Advisory Committee, 7755, 23210
Cardiology Advisory Committee, 7500
Cellular and Molecular Basis of Disease Review Committee, 7756, 25624
Child Health and Human Development Institute, National; Scientific Counselors Board, 25623
Child Health and Human Development National Advisory Council, 14959
Clinical Applications and Prevention Advisory Committee, 8681
Clinical Cancer Education Committee, 6375
Clinical Cancer Program Project Review Committee, 7756, 26912
Communicative Disorders Review Committee, 1425, 16890
Dental Research Institute, National; Scientific Counselors Board, 11111
Dental Research Institute, National; Special Grants Review Committee, 10087, 25623
Dental Research National Advisory Council, 16891
Dental Research Programs Advisory Committee, 13228
Diabetes National Advisory Board, 2413, 7880, 13586
Digestive Diseases National Advisory Board, 10907, 13227, 15647, 24449, 25624
Digestive diseases research; role of fiber optic instrumentation, 1335
Environmental Health Sciences Institute, National; Scientific Counselors Board, 16889
Environmental Health Sciences National Advisory Council, 16891, 16892
Environmental Health Sciences Review Committee, 11111
Eye Institute, National; aldose reductase inhibitors and their relationship to the treatment of diabetic complications; workshop, 5354
Eye Institute, National; Scientific Counselors Board, 22227
Eye National Advisory Council, 1424, 22226
General Clinical Research Centers Committee, 1424, 23210
General Medical Sciences National Advisory Council, 16891
General Research Support Review Committee, 5044, 15910, 20029
Genetic Basis of Disease Review Committee, 5044, 25623
Heart, Lung, and Blood Institute, National; Clinical Applications and Prevention Advisory Committee, 5044, 28160
Heart, Lung, and Blood Institute, National; Clinical Trials Review Committee, 7756, 7757, 25624, 26912
Heart, Lung, and Blood Institute, National; Interagency Technical Committee, 5354
Heart, Lung, and Blood Institute, National; Scientific Counselors Board, 11110
Heart, Lung, and Blood Institute, National; Working Group on Blood Resources and Blood Substitutes, 15912
Heart, Lung, and Blood National Advisory Council, 1424, 13228
Heart, Lung, and Blood Research Review Committees, 7757, 20030
High Blood Pressure Education Program National Coordinating Committee, 1424
Large Bowel and Pancreatic Cancer Review Committee, 2414, 6376, 16890, 26912
Maternal and Child Health Research Committee, 5045, 20030
Mental Retardation Research Committee, 7758, 23210
Microbiology and Infectious Diseases Advisory Committee, 8682, 23211
Minority Access to Research Careers Review Committee, 5045, 20031
National Library of Medicine; Board of Regents, 15909
National Library of Medicine; Scientific Counselors Board, 13229
Neurological and Communicative Disorders and Stroke Institute, National; Scientific Counselors Board, 11111
Neurological and Communicative Disorders and Stroke National Advisory Council, 13229
Neurological Disorders Program Project Review Committees, 15911
Pharmacological Sciences Review Committee, 5046, 20031
Population Research Committee, 5046, 23211
President's Cancer Panel, 6376, 21303
Pulmonary Diseases Advisory Committee, 8682
Recombinant DNA Advisory Committee, 732, 23110
Research Grants Division study sections, 1425, 2411, 15911, 17864, 18433
Research Manpower Review Committee, 7758, 23212
Research Resources National Advisory Council, 5046, 20031, 24449
Resources, Centers, and Community Activities; Scientific Counselors Board, 12392, 18432
Sickle Cell Disease Advisory Committee, 7500, 21302
Total hip joint replacement consensus development conference, 5354
Vision Research Program Committee, 7758, 26913
Recombinant DNA molecules research:
Actions under guidelines, 732, 13308, 17166
Actions under guidelines, proposed, 23110
Guidelines, 17180

NATIONAL LABOR RELATIONS BOARD

NOTICES

Meetings; Sunshine Act, 10341, 16254, 19844
Organization and functions:
Executive Secretary Office; Information Division functions, 20888

NATIONAL MEDIATION BOARD

NOTICES

Meetings; Sunshine Act, 1067, 3907, 7801, 10707, 15684, 22450

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

RULES

Administrative proceedings; financial compensation of participants, suspension; interim, 9820
Civil procedures; financial compensation of participants in administrative proceedings; interim suspension, 9820, 10200
Civil procedures; interim rule and request for comments; correction, 19990
Coastal zone management program:
  Administration, improvement, 21009, 21759
  Federal consistency term "directly affecting the coastal zone"; interpretation withdrawn, 4231, 20110, 27062
Deep seabed mining; exploration licenses:
  Correction, 5966
  Pre-enactment explorer and new entrant applications, procedures, 5966, 11512, 24945
  Pre-enactment explorer applications, notification, 3762
  Suspension of rules, 8171
Fishery conservation and management:
  Atlantic butterfish, foreign and domestic fishing, 8366, 15341
  Atlantic groundfish; interim, 13357, 14158, 19151, 20781
  Atlantic mackerel; foreign fishing, 1294
  Atlantic mackerel; foreign and domestic fishing, 15341
  Atlantic sea scallop; interim rule and request for comments, 20776, 28398
  Atlantic surf clam and ocean quahog, 3795, 4268, 14158
  Bering Sea and Aleutian Islands groundfish; foreign and domestic fishing, 1295, 4083, 7674, 27862
  Bering Sea and Gulf of Alaska groundfish; foreign and domestic fishing, 4266
  Bering Sea and Gulf of Alaska groundfish; foreign fishing, 10227
  Foreign fishing fees, 625
  Gulf of Alaska groundfish; foreign and domestic fishing, 23936, 27862, 28105
  Gulf of Mexico shrimp, 20310, 22542
  Hearings; preemption of State fishery management authority; interim, 12181, 16791
  High seas salmon off Alaska, 24724
  North Pacific Ocean and Bering Sea; foreign fishing, 10227
  Northern anchovy, 629
  Northwest Atlantic squid; foreign fishing, 20775, 25018
  Ocean salmon off coasts of Calif., Oreg., and Wash.; emergency interim rule and request for comments, 21256, 24134, 24136, 28105
  Ocean salmon off coasts of Calif., Oreg., and Wash.; technical changes and correction, 4275
  Seizure of illegally caught fish; policy statement, 6881
  Spiny lobster, Gulf of Mexico and South Atlantic; emergency interim rule, 13353, 15588, 21256
  State fishery management authority, preemption; interim; extension of time, 16632
  Stone crab, Gulf of Mexico, 3795
  Tanner crab off Alaska, 5008, 6655, 7675, 10043, 10044, 10228, 10853, 12184, 16339
Fishery products, processed:
  Shrimp, fresh or frozen; grade standards; interim rule and request for comments, 21840
Marine mammals:
  Small numbers of non-depleted marine mammals; authorization of incidental taking upon request, 21248
Marine sanctuaries:
  Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries, Calif, 5211, 18588
Pacific halibut fisheries, 19990
Pacific Salmon Fisheries Commission, International:
  Fraser River System; sockeye salmon and pink salmon; protection, and preservation, 24723
Tuna, Atlantic fisheries:
  Bluefin tuna, 25350
  Bluefin tuna; area closure, 26393
Whaling:
  Bowhead whales, taking by Indians, Aleuts, or Eskimos for subsistence purposes, 20137
Whaling Commission, International:
  Convention schedule amendments, 3792

PROPOSED RULES

Administrative proceedings; financial compensation of participants, 9861
Fishery conservation and management:
  Atlantic groundfish, 10605
  Atlantic surf clam and ocean quahog, 3808, 18939, 23496
  Coral and Coral Reef; Gulf of Mexico Fishery Management Council; meeting, 6057
  Coral and Coral Reef; South Atlantic Fishery Management Council; hearing, 5442
  Fishery management plans; guidelines, 27228
  Foreign fishing; joint venture processing capacity and total allowable level of foreign fishing publication as notice announcements, 11299
  Gulf of Alaska groundfish; foreign and domestic fishing; correction, 2386
  Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 21279
  Gulf of Mexico shrimp, 4104, 6454, 22572
  High seas salmon off Alaska, 20830
  King and Tanner crab off Alaska; North Pacific Fishery Management Council hearing, 8234
  Ocean salmon off coasts of Calif., Oreg., and Wash.; hearings, 5913
  Pacific Coast groundfish; foreign and domestic fishing, 6043
  Spiny lobster, Gulf of Mexico and South Atlantic, 10878
  Spiny lobster; Western Pacific region, 28433
  Stone crab, Gulf of Mexico, 17597
Marine mammals:
  Small numbers of non-depleted marine mammals; authorization of incidental taking upon request, 9027
  State management authority, transfer procedures, 20496
Regulatory agenda. For references, see entry under Commerce Department.
Tuna, Atlantic fisheries:
  Bluefin tuna, 17086
  Bluefin tuna; environmental impact statement, 12367, 14501

NOTICES

Coastal zone management programs:
  American Samoa, 13856
  California, 13856, 25559
  Connecticut, 13856
  Delaware, 13856
  Florida, 13856
  Guam, 13856
  Hawaii, 13856
  Maine, 13856
  Massachusetts, 13856
  Michigan, 13856
  Mississippi, 13856
  New Hampshire, 24766
  Northern Marianas, 13856
  Pennsylvania, 13856
  Puerto Rico, 13856
  Virgin Islands, 13856
  Wisconsin, 13856
Deep seabed mining; exploration license applications:
  Kennecott Consortium, 27583
  Ocean Management, Inc, 27583
  Ocean Minerals Co, 27583
  Ocean Mining Associates, 27583
Emergency striped bass study; meeting, 21289
Endangered and threatened species:
  Captive-bred green sea turtle, exemption rulemaking petition, 13917
Environmental statements; availability, etc.:
  Hudson River estuarine sanctuary, N.Y.; hearing, 10271, 25985
  Machias Bay, Maine; proposed national estuarine sanctuary, 8238
  Mink River, Wis.; estuarine sanctuary, 17844
  New York State coastal management program, 2393, 25986
Experimental fishing permit applications:
  Pacific Coast groundfish; inquiry, 16367
Fishermen's contingency fund:
  Claims notification, 998, 5284, 9491, 18404, 25397, 28122
Fishery conservation and management:
  Foreign observer surcharge; fee calculation and method of payment; inquiry, 15399
Fishing industry, U.S.; financial assistance for research and development projects (Saltonstall-Kennedy funds), 4214
Grants; availability, etc.:
  Postdoctoral research; atmospheric, oceanic, and fisheries sciences, and related fields, 15151
Marine mammal permit applications, etc.:
  Alaska Department of Fish and Game, 3400, 10071, 27400
  Brundage, Harold, III, 5755, 13399
  Buchwald, Dr. Jennifer, et al, 997
  Dawson, Dr. William W, 69
  Dinnes Memorial Veterinary Hospital, 17605
  Dolphin, William Ford, 13024, 20175
  Dorsey, Eleanor M, 22999
  Durov Zoo Animals World, 21117
  Envirosphere Co, 23025
  Gilbert, Dr. James R, 6317
  Graybill, Michael, 21118, 27584
  Hall, Dr. John D, 997
  Hall, Dr. Nicholas R., et al, 16192
  Hochseefischerei Nordstern AG et al, 7478
  Japan Deep Sea Trawlers Association et al, 997
  Ketten, Dr. Darlene R, 4721
  Korea, 3400, 10071
  Lawler, Matusky, & Skelly Engineers, 19730

LGL Alaska Research Associates, Inc, 20175, 27883
Louis Scarpuzzi Enterprises, Inc, 4722
Manomet Bird Observatory, 4548
Marine Animal Productions, Inc, 9045
Marineland Amusements Corp, 10071, 17605
McLean, Craig N., et al, 5283
Merrick, Richard L., 6682, 15823, 26425
Mystic Marinelife Aquarium, 4548
National Zoological Park, 21118, 23967, 27883
Naval Ocean Systems Center, 22140
New York Zoological Society, 6317
Northwest and Alaska Fisheries Center, 7478, 21566
Oceanarium Jaya Ancol, 16823, 26425
Point Defiance Zoo and Aquarium, 14934
Point Reyes Bird Observatory, 8808
Reino Aventura, 6316, 13399
S.E.E. Okeansky Ribolov, 997
Sea Life Park, 20653
Sea World Pty. Ltd, 23967
Southeast Fisheries Center, 19730
Southwest Fisheries Center, 4722, 5283, 10270, 11755, 17322, 20653, 26425
Stewart, Brent, 4549, 26883
Tel-Aviv Dolphinarium Ltd, 22999
Wells, Randall S., et al, 4549, 10893
Zapol, Dr. Warren M., et al, 27400
Marine mammals:
Ringed seals; taking of marine mammals incidental to on-ice seismic activities; issuance of letters of authorization; 22140
Tuna and tuna products, yellowfin; taking of marine mammals incidental to commercial fishing operations; determination, 11307
Marine mammals, taking incidental to commercial fishing operations; fish import certification:
El Salvador, 15151
Marine pollution research; financial assistance opportunities, 9877
Marine recreational fisheries; policy and report availability, 5926
Marine sanctuaries:
Fagatele Bay, American Samoa, 15397, 18163, 18164
Flower Garden Banks, Gulf of Mexico; active candidates list, withdrawn, 17845
Hawai'i Humpback Whale National Marine Sanctuary; issue paper availability and workshops, 14933
Hawaiian waters; active candidate, 11544
National marine sanctuary program development plan, availability, 9490
St. Thomas, V.I.; removal from list of active candidates, 10271, 11917
Meetings:
Caribbean Fishery Management Council, 7299, 7719, 9490, 16367, 21566
Coastal and Great Lakes States and Territories, State Fish and Wildlife Directors, et al.; "State/Federal Cooperation in Fisheries Management-Adjusting to New Federalism", 11307
Emergency striped bass study, 996, 21289
Gulf of Mexico Fishery Management Council, 5031, 9268, 11307, 13398, 14214, 19730, 25398
Land Remote Sensing Satellite Advisory Committee, 21911
Marine Fisheries Advisory Committee, 26685
Mid-Atlantic Fishery Management Council, 1403, 7299, 12376, 15401, 15402, 21116, 21289, 25398
New England Fishery Management Council, 5031, 7299, 12842, 14214, 17104, 19198, 20343, 21289, 21566
North Pacific Fishery Management Council, 8608, 18018, 27584
Pacific Fishery Management Council, 7299, 7719, 8609, 14933, 21116, 25560, 26179
Regional Fishery Management Councils, 18405
Salmon and Steelhead Conservation and Enhancement Act of 1980, implementation, 21289
Sea Grant Review Panel, 22392, 26883
South Atlantic Fishery Management Council, 5031, 8609, 9045, 14214, 15402, 22392, 25759
Western Pacific Fishery Management Council, 2145, 7720, 9045, 13399, 21290
Organization, functions, and authority delegations:
North Pacific Fishery Management Council, 2142
Procurement:
Commercial or industrial activities and service contracts; schedule of reviews, 10616
Distribution services, cost comparison; Government versus off-premises contract operation (OMB Circular A-76), 657
National Geophysical and Solar-Terrestrial Data Center, Boulder, Colo.; microfilming; discontinuance of reviews, 10617
Salmon and Steelhead Conservation and Enhancement Act of 1980, implementation; meeting, 21289
Vessel ownership transfer, 21116, 21117
Whaling Commission, International; Interagency Committee preparation schedule, etc, 3400

NATIONAL PARK SERVICE

RULES
Historic Places National Register; nomination and listing procedures; interim rule; extension of comment period, 3109
National capital parks:
Camping regulations; final rule and policy statement, 24299
Demonstrations and special events; final rule and policy statement, 24302
Special regulations:
Buffalo National River, Ark.; motor boat use, 17812
Cuyahoga Valley National Recreation Area, Ohio; alcoholic beverages restrictions, 24298
Delaware Water Gap National Recreation Area, N.J. and Pa.; snowmobile route redesignation, 4255
Fire Island National Seashore, N.Y.; seaplane regulations, 11011
Urban park and recreation recovery program; supplemental grants, 15137
World Heritage Convention, 23392

PROPOSED RULES
General regulations; public use and recreation activities, boating, etc, 11598, 24143
Historic Places National Register; nomination procedures; extension of time, 3138
Historic property; leases and exchanges, 17829
Mining and mining claims; rulemaking petition, 23768
National Capital parks:
Camping activities; policy statement, 13170
Demonstrations and special events; policy statement, 11725
Special regulations:
Acadia National Park, Maine; snowmobile regulations, 11040
Big Cypress National Preserve, Fla.; Indian use and occupancy; extension of time, 8382
Cuyahoga Valley National Recreation Area, Ohio; alcoholic beverages restrictions, 3797
Grand Portage National Monument, Minn.; snowmobile regulations, 19171
Grand Teton National Park, Wyo.; snowmobile regulations, 8600
Herbert Hoover National Historic Site, Iowa; snowmobile regulations, 8602
John D. Rockefeller, Jr., Memorial Parkway, Wyo.; snowmobile regulations, 8603
Olympic National Park, Wash.; snowmobile regulations, 17077
Perry's Victory and International Peace Memorial, Ohio; snowmobile regulations, 16048
Pictured Rocks National Lakeshore, Mich.; snowmobile regulations, 16047
St. Croix National Scenic Riverway, Wis.-Minn.; snowmobile regulations, 8605

NOTICES
Agency forms submitted to OMB for review, 22617, 23819
Cape Cod National Seashore, Mass.; water resources management alternatives analysis; availability and inquiry, 3625, 13595
Committees; establishment, renewals, terminations, etc.:
Cape Cod National Seashore Advisory Commission, 8097
Statue of Liberty-Ellis Island Centennial Commission, 15420
Temporary Ellis Island Preservation Advisory Council, 15420
Concession contract negotiations:
Cape Hatteras Fishing Pier, Inc.; Cape Hatteras National Seashore, N.C, 350
Chicamacomico Enterprises, Inc.; Cape Hatteras National Seashore, N.C, 350
Frederick Swain et al.; C&O Canal National Historical Park, Md, 10091
Harvey, Fred.; Petrified Forest National Park, 96
Howard T. Rose Co., Inc.; Fire Island National Seashore, NY, 20906
Little Mountain Service Center, Inc.; Natchez Trace Parkway, Miss., 14788
National Park Concessions, Inc.; Big Bend, Isle Royale, Mammoth Cave and Olympic National Parks on Blue Ridge Parkway, 19474
Oak Bottom Marina; Whiskeytown National Recreation Area, Calif, 8097
Prince William Travel Trailer Village; Prince William Forest Park, Va, 16900
Watch Hill Marina, Inc.; Fire Island National Seashore, N.Y, 4353
Environmental statements; availability, etc.:
Badlands National Park, S. Dak.; master plan and development concept plan, 10918

Big Thicket National Preserve, Tex.; Seis Pros, Inc.; geophysical exploration plan of operations, 25418
Canaveral National Seashore, Fla.; general management plan and wilderness proposal, 97
Capital Reef National Park, Utah; general management plan, 21624
Catoctin Mountain Park, Md., Camp Round Meadow; development concept plan, 20213
Chesapeake and Ohio Canal, Cumberland/North Branch Area, Md.; development concept plan, 20906
Delaware Water Gap National Recreation Area, Pa, 9581, 15167
Georgia O'Keeffe National Historic Site, Rio Arriba County, N. Mex.; general management and development concept plans, 23218
Grand Canyon National Park, Ariz.; adjacent lands study, 17122
Grand Canyon National Park, Ariz.; North Rim Development; draft comprehensive design, 11777
Grand Teton National Park, Wyo., proposed land exchange by Land Management Bureau, 25419
Grant Village, Yellowstone National Park, Wyo., 17119
Great Smoky Mountains National Park, N.C. and Tenn.; general management plan, 2515
Katmai National Park and Preserve, Alaska; management plan, etc.; public workshops and scoping meetings, 20907
Kenilworth Park and Aquatic Gardens development concept plan, D.C.; hearing, 7002
Lake Mead National Recreation Area, Ariz. and Nev.; general management plan, 14982
Maggie L. Walker National Historic Site, Richmond, Va.; general management plan, 3890
Padre Island National Seashore, Tex, 19800
Santa Monica Mountains National Recreational Area, Calif.; general management plan, 20213
Geophysical exploration plans of operation; availability, etc.:
Big Thicket National Preserve, Tex, 20906, 25418
Historic Places National Register; annual supplement update, 4932
Historic Places National Register; pending nominations:
Alabama, 350, 2792, 3625, 4749, 5946, 8866, 10089, 13418, 20210, 28164
Alaska, 14785, 15917, 16898, 20210, 25067
Arizona, 1340, 4749, 10089, 13418, 15917, 18055, 21306, 26924, 28164
Arkansas, 10089, 14785, 15917, 16898, 19237
California, 350, 1340, 2417, 2792, 3625, 4749, 5946, 7003, 7883, 8866, 10089, 11323, 13053, 13418, 14785, 15917, 16898, 18055, 23219, 23816, 25067, 26924, 28164
Colorado, 8866, 16898, 21306, 28164
Connecticut, 350, 2792, 3625, 4749, 5946, 7883, 10089, 13053, 13418, 14785, 15917, 16898, 20210, 21306, 23219, 25067, 28164
Delaware, 2792, 11323, 11980, 14785, 21306, 23977, 25067
District of Columbia, 11323, 14785
Florida, 14785, 16898, 21306, 26924, 28164
Georgia, 19237, 23816, 25067, 26924, 28164
Hawaii, 16898
Idaho, 13418, 19237, 21306, 25067, 26924, 28164
Illinois, 3625, 7003, 8866, 14785, 21306, 23816, 25067
Indiana, 2792, 3625, 4749, 5946, 7003, 10089, 13418, 14785, 20210, 23816, 25067, 25777, 26924, 28164
Iowa, 2792, 4749, 7003, 13053, 14785, 20210, 26924
Kansas, 4749, 7883, 13053, 16898, 23219, 25067
Kentucky, 1340, 2792, 3625, 5946, 7883, 13418, 15917, 16898, 18055, 20210, 21306, 23816, 25067, 26924, 28164
Louisiana, 5946, 7883, 13053, 14785, 15917, 16898, 19237, 23219, 23816, 25067, 28164
Maine, 2792, 3625, 4749, 13053, 26924, 28164
Maryland, 7883, 10089, 13053, 15917, 16898, 18055, 25067, 26924, 28164
Massachusetts, 1340, 5946, 11323, 13055, 13418, 15917, 17873, 20210, 21305, 21306, 26924
Michigan, 8866, 8868, 13418, 14785, 15917, 18055, 23816, 25067, 26924, 28164
Minnesota, 1340, 2792, 3625, 4749, 7003, 7883, 8866, 13418, 14785, 16898, 11323 13053
Mississippi, 8866, 10089, 15917, 16898, 17682, 18055, 20210, 23219, 23816, 25067, 26924, 28164
Missouri, 7003, 8866, 13053, 14785, 21306, 23816, 25067, 28164
Montana, 3625, 13418, 15917, 16898, 25067
Nebraska, 3625, 23219, 25067, 26924, 28164
Nevada, 2792, 10089, 15917, 18055, 25067
New Hampshire, 4749, 5946, 7003, 8866, 13418, 16898, 21306
New Jersey, 13053, 13418, 14785, 15917, 20210, 21306, 23816, 25067, 26924
New Mexico, 1340, 2792, 4749, 10089, 11323, 13053, 18055, 20210, 25067, 25777, 26924, 28164
New York, 1340, 3046, 5946, 7003, 11323, 14785, 15917, 16898, 21306, 23219, 23816, 25067, 26924, 28164
North Carolina, 5051, 13418, 14785, 15917, 20210, 23219, 23597, 23816, 28164
Ohio, 3625, 5051, 7883, 10089, 11323, 13053, 13418, 15917, 16898, 18055, 19237, 20210, 23816, 26924, 28164
Oklahoma, 350, 3625, 5946, 7003, 8866, 10089, 13053, 13418, 16898, 25067, 25777, 26924
Oregon, 7003, 7883, 13418, 15917, 18055, 19237, 20210, 23219, 23816, 26924
Pennsylvania, 5946, 13053, 13418, 14785, 14963, 15917, 16898, 26924
Puerto Rico, 23816, 26924
Rhode Island, 20210
South Carolina, 350, 7003, 8866, 10089, 15917, 18055, 20210, 23816, 23977, 25067, 27134, 28164
South Dakota, 5946, 7003, 14785, 18055, 20210, 23219, 23816, 25067, 26924, 27414, 28164
Tennessee, 2792, 5946, 8866, 10089, 11323, 13053, 13418, 14785, 15917, 16898, 18055, 25067
Texas, 1340, 3046, 7883, 8866, 20210, 23816, 26924, 28164
Utah, 1340, 2792, 3046, 3625, 4749, 5946, 13418, 15917, 16898, 20210, 23597, 25067, 25777, 26924
Vermont, 13053, 14785, 18055, 23816
Virgin Islands, 4749
Virginia, 13053, 23219, 25067, 26924, 28164
Washington, 4749, 5946, 8866, 13053, 15917, 18055, 25777, 28461
West Virginia, 350, 4749, 7883, 11323, 13053, 13418, 28164
Wisconsin, 1340, 3046, 5946, 8866, 10089, 11323, 13053, 13055, 14785, 15917, 16898, 18055, 20210, 23219, 23816, 25067, 26924, 28164
Wyoming, 25067
Management and development plans:
Canaveral National Seashore, Fla, 97
Canyonlands National Park, Utah; river management plan, 1177
Cape Cod National Seashore, Mass.; off-road vehicle use, 13595
Denali National Park and Preserve, Alaska; environmental assessment, workshops, etc, 25418
Eugene O'Neill National Historic Site, Calif, 17873
Grand Canyon National Park, Ariz.; Colorado River, 6384
Kenia Fjords National Park, Alaska; environmental assessment, workshops, etc, 25418
Oregon National Historic Trail, 13596
Rio Grande Wild and Scenic River, Tex, 1208
Meetings:
Appalachian National Scenic Trail Advisory Council, 14788
Boston National Historical Park Advisory Commission, 16108
Canaveral National Seashore Advisory Commission, 6100
Cape Cod National Seashore Advisory Commission, 3046, 10298, 21305
Cuyahoga Valley National Recreation Area Advisory Commission, 97, 10918, 19473
Delta Region Preservation Commission, 17873
Eugene O'Neill National Historic Site, Calif, 17873
Gateway National Recreation Area Advisory Commission, 10918, 16900
Golden Gate National Recreation Area Advisory Commission, 9582, 19237
Ice Age National Scenic Trail Advisory Council, 4353, 23218
Indiana Dunes National Lakeshore Advisory Commission, 5785, 19474
Kalaupapa National Historical Park Advisory Commission, 17119
Lake Chelan National Recreation Area; compatibility standards for Stehekin Valley, 97
Martin Luther King, Jr. National Historic Site Advisory Commission, 8411, 20907
National Park System Advisory Board, 7002, 7003, 8691
North Country National Scenic Trail Advisory Council, 25778
Overmountain Victory National Historic Trail Advisory Council, 97
Ozark National Scenic Riverways Advisory Commission, 19590
Pictured Rocks National Lakeshore Advisory Commission, 8097

San Antonio Missions Advisory Commission, 5785, 14789
Santa Monica Mountains National Recreation Area Advisory Commission, 3890, 15410, 17873, 26927
Sleeping Bear Dunes National Lakeshore Advisory Commission, 20907
Temporary Ellis Island Preservation Council, 16224, 19238
Upper Delaware Citizens Advisory Council, 6101, 11570, 16109, 20908, 25419
Mining plans of operation; availability, etc.:
Death Valley National Monument, Calif, 5785, 13596
Natural Landmarks National Registry; proposed additions, deletions, etc.:
California, 27414
Connecticut, 27414
New Hampshire, 27414
New Jersey, 10298
New Mexico, 27414
New York, 10298
Oklahoma, 10298
Texas, 10298, 27414
Virgin Islands, 27414
Ninety Six National Historic Site, S.C.; establishment, 4605
Oil and gas plans of operation; availability, etc.:
Big Cypress National Preserve, Fla, 15917, 26926
Pelto Oil Co.; Padre Island National Seashore, Tex, 8691
Reservation system, nationwide, for overnight accommodations in National Park System; proposals, 3208
World heritage properties list; U.S. nominations inventory, 19648
World heritage properties list; U.S. nominations process; 1982 FY; inquiry, 1034, 17120

NATIONAL RAILROAD PASSENGER CORPORATION

RULES
Freedom of Information Act; implementation; interim rule and request for comments, 17822

NOTICES
Meeting notices; mailing list participation, and discontinuance of publication in Federal Register, 10932
Meetings; Sunshine Act, 2806, 7047

NATIONAL SCIENCE FOUNDATION

RULES
Nondiscrimination on basis of handicap in federally assisted programs, 8570

PROPOSED RULES
Conflict of interests rules, 193
Regulatory agenda, 18634

NOTICES
Advisory committee reports; availability, 14260, 16695
Agency forms submitted to OMB for review, 20055, 23230, 27184
Commercial and industrial firms, involvement with NSF-supported research facilities; meeting, 24488
Committees; establishment, renewals, terminations, etc.:
Advisory Committees; extension, 363
Alan T. Waterman Award Committee, 16695
Astronomical Sciences Advisory Committee et al, 9298
Industrial Science and Technological Innovation Advisory Committee, 9619
Information Science and Technology Advisory Committee, 21941
National Science Foundation Advisory Council, 10652
Precollege Education in Mathematics, Science and Technology Commission, 13436
Environmental statements; availability, etc.:
Mauna Kea, Hawaii; California Institute of Technology 10-meter submillimeter and millimeter wave telescope, 2224, 23605
Mauna Kea, Hawaii; National Radio Astronomy Observatory 25-meter, millimeter wave telescope, 25793
Grants; availability, etc.:
Research apprenticeships for minority high school students (RAMHSS), 13067
Meetings:
Advisory Council, 5816, 8109, 11788, 12704, 13067, 17137
Alan T. Waterman Award Committee, 7781
Astronomical Sciences Advisory Committee, 11788
Behavioral and Neural Sciences Advisory Committee, 1455, 3439, 3440, 4627, 4780, 21644, 22263
Behavioral and Neural Sciences Advisory Panel, 14260, 14631, 17890, 17891, 18449, 18450, 18695, 19599, 19832
Chemistry Advisory Committee, 14259
Earth Sciences Advisory Committee, 7781, 17891
Engineering Advisory Committee, 3440, 20689, 24894, 25430
Environmental Biology Advisory Committee, 8109
Environmental Biology Advisory Panel, 11789, 13067, 14260, 18450
Equal Opportunities in Science and Technology Committee, 2962, 11789, 26057
Information Science and Technology Advisory Committee, 18080
International Programs Advisory Committee, 19831
Materials Research Advisory Committee, 17892
National Medal of Science, President's Committee, 27996
Ocean Sciences Advisory Committee, 14259, 19832
Physics Advisory Committee, 17891
Physiology, Cellular, and Molecular Biology Advisory Committee, 2962, 3440, 3441, 4627, 13066
Physiology, Cellular, and Molecular Biology Advisory Panel, 11345, 17358, 17892, 18449, 19832, 19833
Precollege Education in Mathematics, Science and Technology Commission, 26479
Social and Economic Science Advisory Committee, 4628, 5816, 14259
Social and Economic Science Advisory Panel, 15182, 15942, 17358, 20690, 24893
Meetings; Sunshine Act, 1467, 6515, 10938, 20439, 25089
Science education development program; computer equipment donated by industry to grantees of supported projects; invitation for companies to participate, 13935
Senior Executive Service:
Performance Review Board; membership, 13936

NATIONAL SECURITY AGENCY/ CENTRAL SECURITY SERVICE

NOTICES
Cryptography; invitation to submit and review papers, 8704

NATIONAL TECHNICAL INFORMATION SERVICE

NOTICES
Inventions; Government-owned; availability for licensing, 998, 14215, 17605, 18019, 20016
Patent licenses, exclusive:
Adria Laboratories, 7720
Auto-Syringe, Inc, 9269
Bentley Laboratories, Inc, 23800
Cordis Corp, 19198
Cranbury Medical Labs, Inc, 21567
Efratom Systems Corp, 20016
Medical Instrument Research Associates, Inc, 6317
Pennwalt Corp, 10072
Radian Corp, 21911
Stauffer Chemical Co, 3025

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

RULES
Public telecommunications facilities program; interim rule and policy statement, 11228

PROPOSED RULES
Regulatory agenda. For references, see entry under Commerce Department,

NOTICES
Grants and cooperative agreements; availability, etc.:
Public telecommunications planning and construction, 11054
Public telecommunications services grant program, 27585
Meetings:
Frequency Management Advisory Council, 14510
International Standards workshop, 27584
Senior Executive Service:
Performance Review Board; membership, 6461

NATIONAL TRANSPORTATION SAFETY BOARD

RULES
Reporting and recordkeeping requirements, 773

NOTICES
Accident reports, safety recommendations and responses, etc.; availability, 876, 2224, 3048, 5370, 8271, 8298, 10652, 11789, 13936, 15182, 17358, 19599, 21941, 24236, 26259
Meetings; Sunshine Act, 128, 4796, 5963, 7048, 7368, 8120, 8905, 10707, 11588, 12712, 13443, 15958, 20066, 21375, 22631, 24015, 25089, 27448

Senior Executive Service:
Performance Review Board; membership, 21941

NATIVE HAWAIIANS STUDY COMMISSION

NOTICES
Meetings and hearings, 876, 23596

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

RULES
Commission operations and relocation procedures:
Employee responsibilities and conduct, 11858
Recodification, revision, and additions, 2089, 17987
Recodification, revision, and additions; correction, 15774

NOTICES
Grants; availability, etc.:
Discretionary funds program; request for proposals, 6396
Privacy Act; systems of records; annual publication, 18081

NAVY DEPARTMENT

RULES
Islands under Navy jurisdiction:
Kaho'olawe Island, Hawaii; public entry regulations, 27553
Navigation, COLREGS compliance exemptions:
USS Boone, 19517
USS Boston, 6009
USS Copeland, 24131
USS Dolphin, 4989
USS Houston, 6010
USS John L. Hall, 24132
USS Pegasus et al, 7222
USS Stephen W. Groves, 6008
Personnel, procurement, property, etc.:
Nomenclature changes and technical corrections, 28370
Salvage claims, affirmative; per diem rates increase and editorial changes, 6011

PROPOSED RULES
Regulatory agenda. For references, see entry under Defense Department.

NOTICES
Environmental statements; availability, etc.:
Feral animal removal program, San Clemente Island, Calif, 5033
Feral burro management, Naval Weapons Center, China Lake, Calif, 5032
Naval Education Training Center, Newport, R.I.; homeporting of four additional Knox class frigates; hearing, 26887
Navy administrative offices, Washington, D.C.; consolidation; hearings, 6684
Submarine reactor plants, decommissioned and defueled; permanent disposal, 2151
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee, 224, 7303, 8618, 23800, 26887
Education and Training Advisory Board, 25562
Naval Research Advisory Committee, 14938, 27596
Naval War College Board of Advisors, 19577
Navy Resale System Advisory Committee, 19577
Naval Discharge Review Board; hearing locations, 25562
Privacy Act; systems of records, 4328, 14938, 14943, 14944, 15636, 15638, 20018, 25041

NEIGHBORHOOD REINVESTMENT CORPORATION

NOTICES
Meetings; Sunshine Act, 13626, 25435

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION, OFFICE OF ASSISTANT SECRETARY

RULES
Transfer of regulations to Office of Assistant Secretary for Community Planning and Development and Federal Housing Commissioner--Office of Assistant Secretary for Housing, 5886

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

NOTICES
Meetings, 26260

NUCLEAR MATERIALS

See Environmental Protection Agency. Nuclear Regulatory Commission.

NUCLEAR REGULATORY COMMISSION

RULES
Administrative claims under Federal Tort Claims Act, 8983
Byproduct material, human uses:
Reagent kits; use for preparation of disofenin, 12939
Reagent kits; uses for preparation of radiopharmaceutical technetium-99m labeled succimer, 28087
Byproduct material domestic licensing:
Regional licensing program; authorities delegated to Regional Administrators, 23138, 27060
Debt collection procedures, 7615
Environmental protection; licensing and regulatory policy and procedures:
Operating license proceedings; need for power and alternative energy source issues, 12940
Exemptions and continued regulatory authority in agreement States and offshore waters:
Installation information submittal by applicants for licenses pursuant to US/IAEA Safeguards Agreement; lessening of requirements, 8
National security information program; implementation; access authorizations and fees, form requirements, and security facility approvals, 9194
Nuclear equipment and material, export and import:
Safeguards samples, export pursuant to US/IAEA agreement, 6610
Nuclear material, special; criteria and procedures for determining eligibility for access to or control over; full field security background investigations fee schedule, 5197
Nuclear material, special; domestic licensing:
Installation information submittal by applicants for licenses pursuant to US/IAEA Safeguards Agreement; lessening of requirements, 8
Regional licensing program; authorities delegated to Regional Administrators, 23138, 27060
Organization, functions, and authority delegations:
Executive Director for Operations; rulemaking authority, 11816
Operating license applicant's activities, etc.; determination of significant changes since construction permit antitrust review, 9983, 17797
Plants and materials; physical protection:
Irradiated reactor fuel shipments; advance notification to State governors, 600
Physical security events; reporting, 11511
Special nuclear material of moderate strategic significance; in transit requirements, 19112
Practice rules:
Adjudications involving conduct of military or foreign affairs functions, exceptions; applicability to pending proceedings, 4490
Enforcement actions; policy and procedure, 9987
Enforcement actions; policy and procedure; correction, 16005
Privacy Act; implementation, 4676
Production and utilization facilities; domestic licensing:
Emergency planning and preparedness for research and test reactors; extension of submittal dates, 19512
Environmental qualifications of electric equipment for nuclear power plants, 28363
Financial qualifications requirements; electric utility applicants for permits or licenses; elimination of review, 13750
Nuclear power plants; pending construction permit and manufacturing license applications, 2286, 4497
Standard review plan deviations; applicant evaluation procedures, 11651, 15569
Radiation protection standards:
Respiratory protective equipment; replacement of requirements incorporated by reference, 16162, 19511
Radioactive material packaging and transportation:
Nuclear waste; advance notification to States, 596
Reporting and recordkeeping requirements, 13774
Source material domestic licensing:
Installation information submittal by applicants for licenses pursuant to US/IAEA Safeguards Agreement; lessening of requirements, 8
Regional licensing program; authorities delegated to Regional Administrators, 23138, 27060
Uranium mill tailings; possession and disposal; revocation of general license, 7205

Nuclear

PROPOSED RULES

Byproduct material, human uses:
- Tc-99m pentatate sodium used for lung function studies; exemption from FDA-approved labeling requirements, 15798
- Teletherapy room radiation monitors and inspection and servicing of teletherapy machines, 18131
- Teletherapy units; calibration measurements; rulemaking petition, 4311

Nuclear material, special; domestic licensing:
- Emergency preparedness level required for protection of communities near nuclear reactors; rulemaking petition, 12639

Plants and materials, physical protection:
- Personnel; log out requirements from vital areas; elimination; petition, 6658
- Personnel; search of hand-carried packages; elimination of requirement; petition, 6657
- Security personnel; qualifications; petition, 6659

Practice rules:
- Domestic licensing procedures; rulemaking petition, 4310

Production and utilization facilities, domestic licensing:
- Codes and standards for nuclear power plants; ASME boiler and pressure vessel code; construction and inservice inspection of components; incorporation by reference, 5010, 15801
- Construction permit and licenses applicants; required operating design features; petition for rulemaking, 27371
- Emergency planning and preparedness for fuel loading and low power operations; elimination of certain requirements; extension of time, 2879
- Emergency planning and preparedness for research and test reactors; extension of submittal dates; correction, 3796
- Emergency planning exercises; clarification; extension of time, 2879
- Emergency preparedness level required for protection of communities near nuclear reactors; rulemaking petition, 12639
- Environmental qualifications of electric equipment for nuclear power plants, 2876
- Hydrogen control; interim requirements; extension of time and correction, 8203
- Licensee event report system, 19543
- Nuclear power reactors; technical specifications, 13369
- Nuclear reactors, decontamination; mandatory property insurance; advance notice, 27371
- Rulemaking petitions; extension of operating life of nuclear power plants; withdrawn, 21847

Radioactive material packaging and transportation:
- General license for shipment in packages approved for use by another person; recordkeeping requirements, 21269

Radiography licenses and radiation safety requirements for radiographic operations:
- Industrial radiographers certification; advance notice, etc, 19152, 20149

Regulatory agenda, 18508, 20783

Regulatory agenda; quarterly report, availability, 8788

Restricted data, national security information, and employment clearances, eligibility determination for access; criteria and procedures, 19703

Rulemaking petitions:
- American Association of Physicists in Medicine, 4311
- Council on Energy Independence; withdrawn, 21847
- Eddlerman, Wells, 4310
- Ohio Citizens for Responsible Energy, 27371
- Wisconsin Electric Power Co. et al, 6657, 6658, 6659

Rulemaking petitions; issuance of quarterly report; availability, 5010

NOTICES

Abnormal occurrence reports:
- Beaver Valley Power Station Unit 1, Pa.; high head safety injection isolation valve misalignment, 5550
- Coolant flow blockage to safety-related systems and components, 21653
- Diablo Canyon Nuclear Power Plant, Calif.; seismic design errors, 15460
- Pilgrim Nuclear Power Station Unit 1, Mass.; major deficiencies in management controls, 25793
- Quarterly reports to Congress, 8434, 26723

Committees; establishment, renewals, terminations, etc.:
- Lawyer and Technical Vacancies on Licensing Board Panel Screening Committees, 9119
- Nuclear Reactor Licensing Reform Proposals Ad Hoc Review Committee, 12243

Environmental agreements for cooperation with listed States:
- Colorado, 20057

Environmental statements; availability, etc.:
- AMAX Inc.; storage of contaminated soil under license, 20055
- Arizona Public Service Co.; Palo Verde Nuclear Generating Station, Units 1, 2 and 3, 11791
- Babcock & Wilcox Co.; Lynchburg pool reactor, 2802
- Cleveland Electric Illuminating Co. et al.; Perry Nuclear Power Plant, Units 1 and 2, Ohio, 13067
- Commonwealth Edison Co.; Byron Station, Units 1 and 2, 17137
- Conoco, Inc.; Sand Rock Mill Project, Campbell County, Wyo, 15462
- Consumers Power Co., Midland County, Mich, 7351
- Detroit Edison Co.; Enrico Fermi Atomic Power Plant, Unit No. 2; Lake Erie, Monroe County, Mich, 12001
- Energy Fuels Nuclear, Inc, 15185
- Florida Power & Light Co. et al.; St. Lucie Plant, Unit 2, Fla, 19605
- General Electric Co.; Morris Operation, Ill, 20231
- General Electric Co.; Nuclear Fuel Fabrication Plant, Wilmington, N.C, 16128
- Illinois Power Co.; Clinton Power Station, DeWitt County, Ill, 1063, 24489, 25793
- Kansas Gas & Electric Co. et al.; Wolf Creek Generating Station, Unit 1, Kans, 4370, 28185
- Kerr-McGee Chemical Corp.; Rare Earths Facility, West Chicago, Ill, 21943
- Kerr-McGee Nuclear Corp.; Sequoyah Uranium Hexafluoride Facility, Gore, Okla, 26261
- National Bureau of Standards research reactor, Gaithersburg, Md.; license renewal and power increase, 8273
- Public Service Co. of New Hampshire et al.; Seabrook Station, Units 1 and 2, N.H, 22264
- Puget Sound Power & Light Co. et al.; Skagit/Hanford nuclear project, Units 1 and 2, Wash.; scoping meetings, 4173, 20234
- Tennessee Valley Authority; Tennessee Valley Authority Browns Ferry Nuclear Plant, Athens, Ala, 26262
- Union Electric Co.; Callaway Plant, Unit 1, Mo, 7555
- Washington Public Power Supply System, Nuclear Project No. 2; Benton County, Wash, 3048

Export license applications for nuclear facilities or materials, 6122, 8275, 9619, 15459, 18450, 20409, 23063, 25430, 28184

Grants; availability, etc.:
- Technology transfer and dissemination of nuclear energy process and safety information, 5551

International Atomic Energy Agency draft safety guide; availability and inquiry, 13253, 26057

Licensing proceedings; State assessment of need for power; workshop, 5960

Meetings:
- Licensing proceedings; State assessment of need for power; workshop, 5960
- Nuclear power plants; proposed safety goals, 13253
- Nuclear Reactor Licensing Reform Proposals Ad Hoc Review Committee, 16127, 25080
- Reactor Safeguards Advisory Committee, 2225, 2438, 2801, 2802, 2964, 3650, 3898, 4174, 4628, 5960, 6120, 6508, 6741, 6742, 7022, 7029, 8272, 8435, 8704, 8705, 9938, 10104, 10105, 10654, 10932, 11123, 11124, 11345, 11790, 12704, 13068, 13252, 13253, 13613, 14631, 15464, 15671, 15944, 16228, 16695, 16916, 16919, 17698, 17699, 17700, 17894, 19255, 19256, 19600, 19835, 20227, 20398, 20889, 20890, 21160, 21644, 21645, 22265, 22435, 22436, 23062, 23064, 23605, 24000, 24001, 24238, 24894, 25080, 26058, 26264, 26481, 27998
- Reactor Safeguards Advisory Committee; proposed schedule, 2963, 15942
- Regional State Liaison Officers, 10935, 25431
- Review of Nuclear Reactor Licensing Reform Proposals Ad Hoc Committee, 21168
- Three Mile Island Unit 2 Decontamination Advisory Panel, 14986

Meetings; Sunshine Act, 376, 888, 1366, 2232, 3062, 3907, 4797, 5572, 5963, 7368, 8121, 9325, 9956, 10707, 11588, 12421, 13626, 15477, 15958, 16928, 18982, 19613, 21376, 21677, 21952, 22269, 23250, 24016, 24496, 25089, 25653, 26277, 26733, 28005

NRC Public Document Room (PDR) Daily Accessions List; availability of subscription service, 20410

Nuclear medicine physicians; training and experience criteria; proposed revision, 3228

Nuclear power plant staff working hours; policy on factors causing fatigue, 7352, 23836

Nuclear Standardization Act of 1982; proposed legislation; inquiry, 24044
Nuclear waste, transportation of; notification to State designees; list, 24671
Petitions filed:
Lewis, Marvin I.; close down of all suspect reactors, BWRs and PWRs; denied, 15184
Privacy Act; systems of records, 4780
Regulatory agreements; various States, etc.:
Nebraska, 19258
South Carolina, 23836
Texas, 15186
Washington, 11346
Washington; transportation enforcement cases, 17893
Regulatory calendar, 1662
Regulatory guides; issuance, availability, and withdrawal, 1062, 3441, 3662, 5373, 7353, 7782, 10106, 12243, 13612, 14816, 14987, 15672, 16696, 16917, 18451, 19258, 19602, 20056, 25078, 27426, 27998
Reporting and recordkeeping requirements, 117, 26479
Reports; availability, etc.:
Clinch River Breeder Reactor Plant, Oak Ridge, Tenn.; site suitability report, 27998
Control room design review, detailed; evaluation criteria; inquiry, 2803
Human factors acceptance criteria for safety parameter display system, 2804
Incident response plan; agency procedures, 15672
Near-surface disposal of low-level wastes; site suitability, selection, and characterization; technical position, 18452
Radioactive waste, high-level; documentation of models used in waste disposal analysis; draft technical position, 879
Suppression pool temperature limits for BWR containments, 12405
Safety analysis and evaluation reports; availability, etc.:
Armed Forces Radiobiology Research Institute, 8275
Cleveland Electric Illuminating Co. et al, 26480
Commonwealth Edison Co., Byron Station, Units 1 and 2, Ill, 7899
Illinois Power Co, 7782
Kansas Gas & Electric Co, 17697
Safety goals for nuclear power plants; proposed policy statement and report availability, 7023
Senior Executive Service:
Performance Review Board; membership, 19603
Systematic Assessment of Licensee Performance (SALP); inquiry, 12240
Three Mile Island accident:
Solid nuclear wastes; removal and disposition from cleanup of Three Mile Island Unit 2 Nuclear Plant; memorandum of understanding with DOE, 16229
Applications, etc.:
Alabama Power Co, 5371, 10932, 15183, 19600, 19833, 20228, 28503
Arizona Public Service Co. et al, 10331, 12888, 14631, 19604, 20055, 24670
Arkansas Power & Light Co, 6508, 8898, 9620, 11124, 16916, 20690, 20890, 21355, 21646, 22263, 23063, 24238
Armed Forces Radiobiology Research Institute, 16438, 18451, 23835
Babcock & Wilcox Co, 2802
Baltimore Gas & Electric Co, 702, 1356, 5372, 7554, 7555, 12404, 17694, 19256, 21160, 21356, 24894
Boston Edison Co, 3650, 4171, 6509, 7781, 8899, 13250, 13251, 14986, 15183, 16916, 20398, 24670
Carolina Power & Light Co. et al, 877, 3651, 3655, 3898, 5958, 8434, 8705, 9116, 10105, 10106, 10933, 11582, 12705, 13437, 13937, 15183, 20400, 21161, 21648, 25643
Cincinnati Gas & Electric et al, 1456, 3227, 7899, 15461
Cleveland Electric Illuminating Co. et al, 14632
Combustion Engineering, Inc, 23063
Commonwealth Edison Co. et al, 363, 1456, 3652, 3653, 3654, 3655, 5373, 5553, 13437, 14632, 15461, 16916, 17694, 17695, 19604, 20055, 20410, 20695, 21942, 23064, 23230, 23998, 24489, 26057, 26260, 27424, 27425, 28184
Connecticut Yankee Atomic Power Co. et al, 5553, 13068, 16917, 20891, 21164
Consolidated Edison Co. of New York, Inc., et al, 2803, 2964, 13068, 19601, 21943, 23835
Consumers Power Co, 115, 1356, 2439, 2803, 4371, 6509, 8707, 9939, 9940, 11122, 11346, 11792, 12240, 13937, 15184, 15462, 16127, 16229, 17137, 17695, 19257, 19601, 20410, 20690, 21358, 23999, 24489, 26724
Dairyland Power Cooperative, 9939, 11582, 23605
Dayton X-Ray Co, 14816
Detroit Edison Co, 11792
Duke Power Co. et al, 702, 1188, 1356, 2803, 5554, 5959, 6121, 8706, 8899, 13251, 14817, 16438, 16917, 16918, 23231, 24895, 27425
Duquesne Light Co. et al, 5061, 5816, 12244, 14986, 15462, 20228, 22265, 27996
Edlow International et al, 1355
Energy Department et al, 4371, 6510
Exxon Minerals Co, 9114
Exxon Nuclear et al, 9938, 10330, 12403
Florida Power Corp. et al, 702, 3048, 7028, 8706, 9115, 14987, 20691
Florida Power & Light Co, 1189, 1456, 5554, 6397, 8275, 10106, 10933, 12404, 13938, 15672, 16438, 17696, 17892, 18206, 18451, 20230, 21162, 21358, 23835, 25644
General Electric Co, 20231
General Public Utilities Nuclear Corp, 21649
Georgia Power Co. et al, 3900, 3901, 5372, 5374, 10331, 20692, 20693, 22263, 25796
GPU Nuclear Corp. et al, 703, 3656, 6121, 10654, 26480
Gulf States Utilities Co. et al, 9115
Houston Lighting & Power Co. et al, 8900, 9620, 11792, 12705, 16128, 19605, 20401, 21942
Illinois Power Co. et al, 10655, 11792, 28185
Indiana & Michigan Electric Co, 364, 1189, 7352, 11793, 13438, 20695
Iowa Electric Light & Power Co. et al, 3657, 10934, 17696, 26261, 27425
Isotope Measurements Laboratories, Inc, 1191
Jersey Central Power & Light Co, 702
John C. Haynes Co, 26952
Kansas Gas & Electric Co. et al, 28185
Long Island Lighting Co, 116, 6510, 12888, 13069, 17893
Louisiana Power & Light Co, 4371, 15463
Maine Yankee Atomic Power Co. et al, 116, 3049, 15185, 23231
Met Lab, Inc, 16696, 24673
Metropolitan Edison Co. et al, 1356, 1357, 8273, 14987, 15945, 19602, 23835, 25645
Mississippi Power & Light Co. et al, 20696, 26953
Nebraska Public Power District, 10332, 10934, 15463, 20406, 22436
Niagara Mohawk Power Corp, 364, 3658, 26262, 27996
Northeast Nuclear Energy Co. et al, 365, 877, 3659, 9620, 11124, 11125, 12244, 15185, 17696, 19602, 25644, 26057
Northern Indiana Public Service Co, 28185
Northern States Power Co, 878, 1358, 3660, 10332, 12405, 20408, 20696, 23606
Nuclear Diagnostics, Inc, 704
Nuclear Energy Services, Inc, 26953
Nuclear Fuel Services, Inc., et. al, 21166
Nuclear Pharmacy, Inc, 9115
Nuclear Rule Services, Inc., et al, 7352
Omaha Public Power District, 7028, 8276, 20056, 27997
Pacific Gas & Electric Co, 878, 1063, 2965, 6510, 9621, 13438, 14632, 26954
Pennsylvania Power & Light Co., et al, 16918
Philadelphia Electric Co. et al, 365, 3661, 3902, 3903, 7899, 8435, 20698, 27185, 27997
Portland General Electric Co. et al, 10656, 19257, 20700, 20891, 22264, 26262, 27997
Power Authority of State of New York, 1358, 3661, 5554, 5817, 6122, 7782, 7900, 9621, 10656, 13252, 14633, 20232, 21166, 21650
Public Service Co. of Colorado, 10332, 12889
Public Service Co. of New Hampshire et al, 9299, 11793, 16696, 24490
Public Service Electric & Gas Co. et al, 878, 5959, 9116, 14633, 19603, 20233, 21944, 23999
Puget Sound Power & Light Co. et al, 5554, 8274, 15186, 16128
Rochester Gas & Electric Corp, 2965, 6123, 14988, 19258, 23999, 24490, 24491, 25079
Rockwell International, 8706
Southern California Edison Co. et al, 3442, 7782, 8274, 8276, 10935, 14817, 19605, 21167, 26058, 27426
Stepan Chemical Co, 8900
Tennessee Valley Authority, 703, 1189, 1190, 3662, 3663, 3664, 5557, 6123, 8274, 14633, 14634, 14988, 15463, 20700, 20892, 23606, 24000, 25431
Texas Utilities Generating Co. et al, 14634, 17698, 19835, 26724
Toledo Edison Co. et al, 365, 10107, 16918, 20702
U.S. Energy Department et al, 3228
University of California Regents, 3228, 19257
University of Lowell, 3442
Vermont Yankee Nuclear Power Corp, 3442, 21360, 21652, 26263
Virginia Electric & Power Co, 1190, 1358, 3443, 5061, 5817, 7555, 8707, 8902, 9299,

10657, 14634, 14635, 17697, 19259, 20702, 20703, 20892, 23064, 25431, 27185
Washington Public Power Supply System, 4780, 14988, 16128, 17697, 26955
Westinghouse Electric Corp, 4372
Wisconsin Electric Power Co, 704, 2804, 3904, 8275, 14636, 20704, 24574, 25645
Wisconsin Public Service Corp. et al, 18452, 19606, 20234, 21361, 26263
Yankee Atomic Electric Co. et al, 5959, 11125

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

RULES
Health and safety standards:
Employee exposure and medical records, access; partial stay of regulations extended for flavor and fragrance industries, 8349
Lead; occupational exposure; lead smelting and battery manufacturing industries; deferral of effective date, 26557
Occupational health and environmental control; sources of standards; correction, 25323
Inspections, citations, and proposed penalties:
Personal sampling devices; use during inspection, 6530
Reporting and recordkeeping requirements, 145
Shipyard employment safety and health standards; consolidation of regulations, 16984
State plans; development, enforcement, etc.:
Arizona, 25323
Indiana, 25323
Iowa, 25323
Minnesota, 25323
Nevada, 25323
New Mexico, 25323
Puerto Rico, 25323, 25327
Virgin Islands, 25323
Virginia, 25323
Washington, 5888, 5889, 5891
Wyoming, 1289, 25323

PROPOSED RULES
Carcinogens, potential occupational; identification, classification, and regulation; reevaluation; advance notice and partial stay, 187
Construction health and safety standards:
Concrete, concrete forms, and shoring; advance notice, 5910
Respiratory protection; advance notice, 20803
Health and safety standards:
Advisory and repetitive standards; revocation, 23477
Advisory and repetitive standards; revocation; correction, 24751, 25743
Chemical manufacturers; hazard communication, 12092
Chemical manufacturers; hazard communication; hearing change, 20324, 20803
Coal tar pitch volatiles, 23482
Commercial diving operations; advance notice, 8379, 16348
Cotton dust exposure; advance notice, 5906
Educational/scientific diving; inapplicability of commercial diving operations regulations, 13005, 22972, 23475
Ethylene dibromide occupational exposure standards; advance notice; extension of time, 8380, 14169
Ethylene oxide; occupational exposure standards; advance notice, 3566
Hazard communication; chemical manufacturers; hearings, 16348
Inorganic arsenic, occupational exposure; risk assessments, reopening of comment period and hearing, 15358
Lead; occupational exposure; administrative stay for lead smelting and battery manufacturing industries, 26560
Lead; occupational exposure standards; administrative stay for stevedoring industry, 8381
Occupational noise exposure; hearing conservation program; informal public hearing, 4317
Private service station attendants, and ban on use of latch-open devices on gasoline delivery nozzels; removal of standards, 13386
Respiratory protection; advance notice, 20803
Inspections, citations, and proposed penalties:
Personal sampling devices; use during inspection, 6534
Long shoring safety and health standards:
Respiratory protection, 20803
Marine terminals; health and safety standards; extension of time and hearing, 14716
Occupational injuries and illnesses; exemption from recording requirements, 24346
Regulatory agenda. For references, see entry under Labor Department.
Shipyard employment safety and health standards:
Respiratory protection; advance notice, 20803

NOTICES
Committees; establishment, renewals, terminations, etc.:
Construction Safety and Health Advisory Committee; request for nomination of members, 6507
Occupational Safety and Health National Advisory Committee; request for nomination of members, 6507
Health and safety standards; voluntary programs, inquiry, 2796
Lead; occupational exposure; new trigger levels for medical removal protection, 8431, 16435
Meetings:
Construction Safety and Health Advisory Committee, 6506, 25429
Occupational Safety and Health Federal Advisory Council, 18694, 21325, 24873
Occupational Safety and Health National Advisory Committee, 11345
State plans; standards approval, etc.:
Arizona, 10104, 24486
Indiana, 7549
Maryland, 21325
North Carolina, 26948
Oregon, 7550, 22622
South Carolina, 18694, 26948, 26949
Washington, 1354, 5956, 5957, 8433, 11998, 11999, 18694, 26949, 26950
Variance applications, etc.:
Dow Chemical USA, 23829
PACECO, Inc, 23831
Robinson Brothers Drilling et al.; rotating equipment on oil and gas well drilling rigs, 24874
U.I.D.C. of Colorado, Inc, 13435

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NOTICES
Meetings; Sunshine Act, 1238, 2806, 3908, 5399, 8121, 13093, 19507, 22450, 24016, 28525

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

NOTICES
Meetings, 1454, 3897, 6740, 10931, 13066, 20054, 21644, 23604

OFFICE OF MANAGEMENT AND BUDGET

See Management and Budget Office.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

See Science and Technology Policy Office.

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

See Trade Representative, Office of United States.

OIL

See Economic Regulatory Administration.
Geological Survey.
International Trade Administration.
Land Management Bureau.
National Park Service.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NOTICES
Meetings; Sunshine Act, 5964, 15477, 19266

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

PROPOSED RULES
Columbia River Basin fish and wildlife program; recommendations, 1138
Sunshine Act; implementation, 22368

NOTICES
Columbia River Basin; fish and wildlife program; intent to consult, 16129
Committees; establishment, renewals, terminations, etc.:
Council Advisory Committee; procedures and charter availability, 17360
Meetings:
Scientific and Statistical Advisory Committee, 17360, 25645, 25797, 26059, 26060
Meetings; Sunshine Act, 19844, 19845, 23616, 24016, 25435

PACKERS AND STOCKYARDS ADMINISTRATION

See also Agricultural Marketing Service.

PROPOSED RULES

Registrations, rates, brand inspection, and stockyard posting; review and consolidation of regulations, etc, 20311

Regulations and policy statements; review, 4668

Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES

Stockyards; posting and deposting:

Dundee Community Auction, Mich., et al, 9488, 10885

East Carolina Livestock Arena, Rocky Mount, N.C., et al, 16664

East Carolina Stockyard, N.C., et al, 11911

Edgerton Livestock Auction Market, Edgerton, Minn., et al, 24615

Fairfax Livestock Auction, Fairfax, Okla, 16664

Green's Livestock Auction Co., DeWitt, Iowa, et al, 16664

Johnson City Livestock Market, Inc., et al., Tenn, 9488

Mountain Home Horse Auction, Ark., et al, 27088

North Georgia Farmers Livestock Market, Inc., Ga., et al, 27088

Rich Prairie Livestock Exchange, Inc., Minn., et al, 5276

Sparr Farm & Home Auction, Fla., et al, 5276

PANAMA CANAL COMMISSION

RULES

Panama Canal employment system. See entry under Army Department.

Privacy Act; implementation, 9207

Shipping and navigation:

Passage of vessels through Panama Canal; transit booking system; interim rule and request for comments, and revocation of expired interim rule, 2991

Tolls; procedures for changing rules of measurement or rates; final rule and request for comments, 8176

PROPOSED RULES

Shipping and navigation:

Tolls for use of canal; rate increase; advance notice, 16360

NOTICES

Agency forms submitted to OMB for review, 26264

Privacy Act; systems of records, 18979

PAROLE COMMISSION

RULES

Federal prisoners; paroling, releasing,recommitting, and supervising:

Information disclosure concerning parolees; interim rule and request for comments, 13520

Parole consideration waiver; simplifiction of procedural requirements, 21041

Parole dates; reopening and retarding date by Regional Commissioners for institutional misconduct, 2312

Parole review hearings; correction, 25735

Parole revocation hearing; preliminary interview; correction, 25735

Parole violators incarcerated with new sentences; confirmation of final rule, 5411

Paroling policy guidelines; change in format, 25736

Ultimate release date notification at outset of term; initial hearing procedure; correction, 25736

Youth guidelines and reparole; correction, 25736

PROPOSED RULES

Federal prisoners; paroling, releasing, recommitting, and supervising:

Appellate hearings; elimination of oral presentations in certain cases, etc, 21095, 22972

Offense severity scale; policy guidelines, 27567

NOTICES

Meetings; Sunshine Act, 1239, 2976, 3252, 4387, 6515, 8302, 9630, 11144, 12915, 13443, 15207, 16254, 18465, 20909, 22632, 23616, 26277, 28525, 28526

PATENT AND TRADEMARK OFFICE

RULES

Patent cases:

Reissue, reexamination, protest and examination procedures, 21746

PROPOSED RULES

Patent cases:

Fees; revision, 28042

Regulatory agenda. For references, see entry under Commerce Department.

Trademark cases:

Applications and examination, interference, concurrent use, opposition and cancellation, and post-registration proceedings, 28324

Fees; revision, 28063

NOTICES

Senior Executive Service:

Performance Review Board; membership, 9878

PEACE CORPS

NOTICES

Agency forms submitted to OMB for review, 28504

Meetings:

Advisory Council, 14503, 26264

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

RULES

National Environmental Policy Act; implementation, 8767

PROPOSED RULES

Regulatory agenda, 18381

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

RULES

Fiduciary responsibility:

Plan assets and trust establishment, 21241

PROPOSED RULES

Employee benefit plans:

Reporting and disclosure requirements, 13007

Regulatory agenda. For references, see entry under Labor Department.

NOTICES

Employee benefit plans; class exemptions:

Fiduciaries; payment for securities lending services, 14804

Fiduciaries; payment for securities lending services; correction, 16437

Insurance agents and brokers, etc.; prohibited transaction exemption amendment, 14808, 16915

Mortgage pool investment trusts, 21325

Residential mortgage financing arrangements, 21331

Employee benefit plans; prohibited transaction exemptions:

Adler, Pollock & Sheehan, Inc, 9617, 19814

Alaska Electrical Pension Fund, 22244

Alaska Teamster-Employer Pension Trust, 9607

Alco Standard Corp, 13063, 21344

Alexander & Alexander Services, Inc., et al, 5494, 20880

Allan Dee Corp, 2430

Alliance Capital Management Corp, 9605

Allied International-American Eagle Trading Corp, 9615, 19252

American Medical Association, 4769

Anderson's Employees Profit-Sharing Trust, 22248

Arizona Bank, 24876

Bale Non-Salaried Employees Profit Sharing Plan et al, 10924

Basic Steel Corp, 22253

Bee Line Cooling, Ltd, 5497, 14247

Bell System Trust, 7551, 19815, 20224

Bellco Glass, Inc, 4770

Bermo, Inc, 2432

Bonacker & Leigh, Inc, 27640

Boyd, Veigel & Gay, Inc, 5498, 15932

Boyles Furniture Employees Profit Sharing Plan & Trust, 22260

Bradford Clinic, P.A., 15449

Building Trades United Pension Trust Fund, 22250

C & R Electric, Inc, 5542

Caldwell & Fisher Keogh Plan, 16914

Cargill Group Life Insurance, 28178

Carpenters Retirement Trust of Western Washington, 9604

Carroll Co, 9603

CCR Marine, Inc, 5500, 14248

Central Fidelity Banks, Inc, 2437

Central States, Southeast and Southwest Area Pension Fund, 2428

Chaimson Brokerage Co., Inc, 2429

Charter Mortgage Co, 5502, 14243

Chase Manhattan Bank, N.A, 24878

Chemical Distributors, Inc, 9600

City Investing Co. et al, 4771

Clementson Engineers, Inc, 9599

Commerce Southwest, Inc., et al, 22242

Consolidated Steel & Supply Co, 15440, 26950

Control Data Retirement Plan, 21347

Crocker National Bank, 5506

Custom Machine, Inc, 15452, 27642

Dell, Jeff, 9611

Earth Consultants, Inc, 19816

East Tennessee Orthopedic Clinic, 5506

Edwin J. Lojeski, D.D.S., P.C, 9608

Ern Construction Co., Inc., et al, 5507, 14246

Farnsworth Realty & Development Co, 4772

First Federal Savings & Loan Association of Phoenix, 3223

First-Wichita Bancshares, Inc, 2434

Flournoy Electric Co., Inc, 4773

Fowler, White, Gillen, Boggs, Villareal and Banker, P.A, 5542

Frederick E. Fried, M.D., P.C, 5510, 22242
Gearhart Employees' Trust Plan, 5511, 19818
Genesco Retirement Plan et al, 15454
Gibraltar Savings Association, 14252, 24881
Goel Medical Corp, 10926, 19819
Graphic Arts International Union, Local 109-B, 28182
Greater Cleveland Hospital Association, 24879
Hammer, Siler, George Associates, 24882
Hanes Corp, 9602
Heifetz Pension Plan, 3220
Heifetz Profit Sharing and Retirement et al, 3221
Henderson, Franklin, Starnes & Holt P.A, 4773
Hinderliter Profit Sharing Plan and Trust, 5513, 15933
Hoyle E. Setzer P.C, 9616
Hoyle E. Setzer Pension Plan & Trust, 19828
Hub Surgical Co., Inc, 5543
Impact Sales, Inc, 10927, 19253
Internal Medicine Group of Cape Girardeau, Inc, 19820
International Ladies' Garment Workers' Union, 9601
International Union of Electrical Radio and Machine Workers, AFL-CIO Pension Fund, 15444
International Union of Electrical Radio & Machine Workers, 27643
J. E. Morgan Knitting Mills, Inc, 2434
James W. Good, M.D., Inc, 2428
Jeff Dell Pension & Employee Benefit Plans & Trust, 21348
Jim D. Owen, Pension Plan Trust, 21351
JMB Institutional Realty Corp, 19820
John F. Long Properties, Inc, 5515, 15437
John Wieland Homes, Inc., et al, 5516, 14247
Johnson, Carl J., D.D.S, 15438, 24884
Kennedy Associates, Inc, 3648, 13065
Kinco, Inc, 9610, 21340
Laird Noller Ford, Inc, 4363, 14251
Lincoln County National Bank, 15441
Little Rock Diagnostic Clinic, P.A, 22251
Littler, Mendelson, Fastiff & Tichy, 5544
Lojeski, Edwin J., D.D.S., P.C, 27643
Marsh & McLennan Real Estate Advisors, Inc, 22255
Massachusetts State Carpenters Pension Fund, 21345
McGuire Lumber Co., Inc, 5545, 14242
Mead Retirement Master Trust, 5518
Merrill Lynch, Hubbard, Inc, et al, 4774
Michael Merkley Ranch, Inc, 10929, 21339
Middlesex Ophthalmologists, Inc, 5547, 14250
Mingledorff's, Inc, 3225
Minnesota Farms Co, 2431
Mittleman, Smith, Wynn Money Purchase Pension Plan, 14253, 24886
Munising Mill of Kimberly-Clark Corp, 10931
Mutual Life Insurance Co. of New York, 5520
National Bank of Fairfax/First & Merchants National Bank, 15456, 27644
National Reserve Life Insurance Co, 15934
National Rural Electric Cooperative, et al, 15447
Nielsen Lithographing Co, 15446, 24886
Norick Employees Profit Sharing Retirement Plan, 4364, 15935
Ophthalmic Associates Employees Pension Plan et al, 15936, 27645
Oppenheimer Funds Self-Employed Individual Retirement Plan et al, 3222
Palmetto Spinning Corp, 3222
Pension Equity Growth Trust, 14811
Pezrow Companies Profit Sharing Plan, 5522, 14242
Plastic Surgery Associates, Ltd. Pension Plan, 20881
Plumbers & Steamfitters Local 60 Health & Welfare Trust Fund, 15442, 27648
Prudential Life Insurance Co. of America, 24887
Puget Sound Group Health Cooperative Staff Pension Plan, 15454
R. C. Willey & Son, Inc, 2436
R. M. Bradley Co., Inc., et al, 4776
Reisman, Milberg, Abramson & Margo, P.C, 20882
Retail Clerks Local 212 Western New York Pension Plan, 5526, 21341
Retail Clerks Union & Employers Midwest Pension Plan, 19826
Rex Companies Employees' Profit Sharing Plan & Trust, 5527
Riverside Manufacturing Co, 5528, 15938
Ro-Mac Lumber & Supply, Inc, 14255, 24890
Robert B. Scheidt, M.D., Pension Plan and Trust, 20886
Robert V. Bain, M.D., P.C, 3226
RREEF Corp, 14238
RREEF Fund-II, Inc, 22246
RREEF MidAmerica Fund-II, 5524, 14249
Sakas, Inc, 19827
Seafirst Corp, 9613, 24889
Semtner Companies, Inc, 2435
Shearson/American Express, Inc. Keogh Plan, 20884
Sheet Metal Workers Pension Plan of Southern California, Arizona, and Nevada et al, 5531
Smith & Schnacke Retirement Trust, 4366, 15939
Southwestern Stationary & Bank Supply of Ponca City, Inc, 4368, 15940
Spreitzer, Inc, 5530
Teamsters Local No. 20 Insurance, Health and Welfare Plan and Trust, 4777
Tech Plastics, Inc, 5532, 19829
Thomasville Orthopedic Clinic, Inc, 27646
Tip Top, Inc, 5534
Tip Top Poultry, Inc, 14245
TP Laboratories, Inc, 9603
Union Carbide Corp, 14256
Union Carbide Corp. et al, 23832
United Mine Workers of America 1950 Benefit Plan & Trust, 7553, 15458
W. A. Tayloe Co., Inc, 5535, 28180
W. G. Yates & Sons Construction Co, 5549, 19830
West Coast Bank, 24890
Westinghouse Electric Corp. et al, 5537, 21342
Whittle, Michael, M.D., P.C, 16912, 24885
Wilco Trading Co, 2433
Wolverine Aluminum Corp. Profit Sharing Trust, 20887
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 5494, 19831

PENSION BENEFIT GUARANTY CORPORATION

RULES
Bylaws; approval of regulations and voting and amendment procedures, 19130
Multiemployer plans:
Special withdrawal liability rules extension; procedures for approval of plan amendments, 12622, 14899
Plan benefits valuation:
Non-multiemployer plans; determination of expected retirement age, 15780
Non-multiemployer plans; interest rates and factors, 2313, 4062, 6426, 20761
Premiums, late payment of; interest rate change, 8174
PROPOSED RULES
Multiemployer plans:
Mergers and transfers; correction, 1304
Special withdrawal liability rules extension; advance notice, 19376
Regulatory agenda, 19373
NOTICES
Multiemployer pension plans; bond/escrow exemption requests:
Almac Plastics, Inc, 9310, 20411
Flushing Shirt Manufacturing Co., Inc, 20412
Kohlberg, Kravis, Roberts & Co, 14817
Manley Truck Line, Inc, 118
Philadelphia National League Club et al, 1440
RGZ, Inc./Gulf Elevator & Transfer Co., Inc., et al, 17137
Southland Corp, 711, 8109
Tri/Valley Growers, Inc, 119
Privacy Act; systems of records, 19836

PENSION PLANS

See Internal Revenue Service.
Pension and Welfare Benefit Programs Office.
Pension Benefit Guaranty Corporation.
Personnel Management Office.
Railroad Retirement Board.
Social Security Administration.
Social Security Reform, National Commission.
Veterans Administration.
Workers' Compensation Programs Office.

PERSONNEL MANAGEMENT OFFICE

See also Federal Prevailing Rate Advisory Committee.
RULES
Alternative work schedules experiments; extension of expiration date, 13363
Competitive service exceptions; Agriculture Department, 4227
Ethics in Government:
Post employment conflict of interest; designation of senior employee positions, and statutory and non-statutory agencies/bureaus, 9694
Health benefits, Federal employees:
Medically underserved areas, 17465
Open season and administrative changes, 14868
Personnel records, establishment of Employee Performance File (EPF) system, 3077
Retirement:
Health care employees of National Health Service Corps serving limited

appointments; exclusion from coverage, 2284
Information disclosure; Privacy Act routine use provisions, 12937
Senior Executive Service:
Removal, reinstatement, and guaranteed placement; furlough procedures; interim rule and request for comments, 2283
Training programs:
Selection or authorization procedures, 935
Veterans readjustment appointment authority; extension of expiration date, 27539

PROPOSED RULES

Administrative law judges; availability of methodology for appealing applicant ineligibility determinations, etc, 4277
Contributions to private voluntary organizations; solicitation of Federal civilian and uniformed service personnel (CFC), 20278
Excepted service:
Schedule B appointment authority for professional and administrative career positions, 20264, 21055, 21267
Executive and management development; Senior Executive Service recruitment, 16341
Health benefits, Federal employees:
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); enrollment coverage changes, 961
Nonpay status; continued payment by employees, 15996
Open season and administrative changes; hearing, 6283, 6433
Intergovernmental Personnel Act programs:
Merit system standards; revision, 20142
Part-time, seasonal, on-call, and intermittent employment, 24726
Pay administration:
Workweeks and premium pay, etc.: clarification, 958
Prevailing rate systems; private industry blue collar supervisory pay practices; study results; implementation, 22100
Reduction in force (RIF) procedures and effects; advance notice, 17528
Reemployment rights:
Panama Canal Commission employees, 956
Regulatory agenda, 154
Retirement:
State tax withholding, voluntary, 9470
Training programs:
Employee agreements to continue in service after assignment in non-Government facility, 10855
Veterans, disabled; affirmative employment programs, 24336

NOTICES

Agency forms submitted to OMB for review, 23610
Excepted service:
Schedules A, B, and C; positions placed or revoked, update, 12405, 18082, 23606, 27649
Privacy Act; systems of records, 3231, 8436, 8438, 9306, 9623, 20235
Privacy Act; systems of records; annual publication, 16466
Regulatory calendar, 1662
Retirement:
State tax withholding, voluntary, 9621
Senior Executive Service:
Career reserved positions; list, 8930
Performance Review Board; membership, 26482

PESTICIDES

See Environmental Protection Agency.
Food and Drug Administration.

PLANTS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.

POLLUTION

See Coast Guard.
Environmental Protection Agency.
Environmental Quality Council.
Environmental Quality Office, Housing and Urban Development Department.
Federal Aviation Administration.
Federal Maritime Commission.
Low-Emission Vehicle Certification Board.
Occupational Safety and Health Administration.

POSTAL RATE COMMISSION

RULES

Conflict of interests; outside employment and disclosure of financial interests, 19131
Organization:
Commission proceedings; representation of interests of general public; policy guidelines, 25523
Practice and procedure rules:
Computer studies and analyses; availability with evidence, 12794, 23712

NOTICES

Mail classification schedules:
Express mail flexible acceptance times; waiver, procedural rules, and prehearing conference, 5557
Meetings; Sunshine Act, 1067, 8905, 11144, 11366, 13093, 17372, 18211, 19845, 23067
Post office closing; petitions for appeal:
Donnan, Iowa, 1457
Sessums, Miss, 17360
Snydertown, Pa, 13941
Stonewall, Ark, 10132
Virginia Beach, Va, 20058
Webb City, Okla, 4373
Woolsey, Ga, 10657
Regulatory calendar, 1662
Visits to facilities, 4374, 11348, 14819, 16438

POSTAL SERVICE

RULES

Domestic Mail Manual:
Controlled circulation type second-class publications; alternative II; requester provision effective date, 22095
Controlled circulation type second-class publications; requester provision effective date; correction, 3352
Editorial and clarifying amendments, 8178, 8357
Express mail next day service acceptance times, 25957
Express mail next day service acceptance times; interim rule and request for comments, 10206
Miscellaneous amendments, 27266
Northern Mariana Islands; mail security, 3351
Official mail; facing identification marks, 6270
Second-class eligibility information; retention period, 6826
Freedom of Information Act; implementation, 20303, 21248
International Mail Manual:
Establishment, and replacement of Postal Service Publication 42, 7830, 7831
National Environmental Policy Act; implementation, 5716, 19991
Organization and administration:
Inspection Service authority; rewards for information and services concerning postal offenses, 26831
Privacy Act; implementation, 17813
Procurement of property and services:
Postal Contracting Manual; amendments, 1377

PROPOSED RULES

Domestic Mail Manual:
Carrier route presort customer products, 20006
Military postal system overseas; mail security and mail cover regulations, 14862
Second-class mail privileges; circulation requirements; comprehensive revision; advance notice, 3377
International mail:
Mexico; express mail rates, 28111
Military postal system overseas; mail security and mail cover regulations, 14862
National Environmental Policy Act; implementation, 10859
Organization and administration:
Conduct in postal property; prohibition of solicitations to postal employees by mail or telephone, 20326
Privacy Act; implementation, 6295

NOTICES

Advertising space, proposed sale; summary, 26060
Mail classification schedules:
Express mail next day service acceptance times, 25432
Express mail next day service acceptance times; temporary, 9311
Meetings; Sunshine Act, 2451, 5072, 6769, 8121, 9956, 13443, 16133, 19266, 22269, 24017, 25804, 26067, 28204
Privacy Act; systems of records, 16232
Privacy Act; systems of records; annual publication, 1199
Rates and fees:
Preferred postage, step increase, 28504

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

NOTICES

Meetings, 10658

PRESIDENTIAL DOCUMENTS

ADMINISTRATIVE ORDERS

Antigua and Barbuda, military assistance (Presidential Determination No. 82-12 of April 8, 1982), 22495
El Salvador:
Financial assistance (Presidential Determination No. 82-4 of January 28, 1982), 6417
Military assistance (Presidential Determination No. 82-5 of February 2, 1982), 6419
Foreign aid:
Antigua and Barbuda, military assistance (Presidential Determination No. 82-12 of April 8, 1982), 22495

El Salvador, financial assistance (Presidential Determination No. 82-4 of January 28, 1982), 6417
El Salvador, military assistance (Presidential Determination No. 82-5 of February 2, 1982), 6419
Pakistan, security assistance (Presidential Determination No. 82-7 of February 10, 1982), 9805
National security information (Order of May 7, 1982), 20105
Pakistan, security assistance (Presidential Determination No. 82-7 of February 10, 1982), 9805
Sugar exports (Memorandum of June 28, 1982), 28361

EXECUTIVE ORDERS

Animal damage controls on Federal lands, environmental safeguards (EO 12342), 4223
Armed forces:
Courts-Martial Manual, United States; amendments (EO 12340), 3071
Fundraising, charitable; on-the-job solicitations of Federal employees and Armed forces members (EO 12353), 12785
Naval Nuclear Propulsion Program (EO 12344), 4979
Uniformed Services, subsistence allowances (EO 12337), 1367
Arts and Humanities, President's Committee on; establishment (EO 12367), 26119
Committees; establishment, renewals, terminations; etc.:
Arts and Humanities, President's Committee on; establishment (EO 12367), 26119
Crime, President's Task Force on Victims of; establishment (EO 12360), 17975
Cuba, Presidential Commission on Broadcasting to; membership (EO 123660), 23135
Drunk Driving, Presidential Commission on; establishment (EO 12358), 16311
Foreign Service Board; establishment (EO 12363), 22497
Housing, President's Commission on; membership (EO 12339), 2475
Physical Fitness and Sports, President's Council on; continuation (EO 12345), 5189
Women, Task Force on Legal Equity for; reporting requirements (EO 12355), 14479
Courts-Martial Manual, United States; amendments (EO 12340), 3071
Crime, President's Task Force on Victims of; establishment (EO 12360), 17975
Cuba, Presidential Commission on Broadcasting to; membership (EO 12366), 23135
Cuban and Haitian entrants, delegation of assistance functions (EO 12341), 3341
Drug abuse policy functions (EO 12368), 27843
Drunk Driving, Presidential Commission on; establishment (EO 12358), 16311
EURATOM, nuclear cooperation period; extension (EO 12351), 10505
Federal employees:
Fundraising, charitable; on-the-job solicitations of Federal employees and Armed forces members (EO 12353), 12785
Labor-management relations programs, Federal; exclusions from (EO 12338), 1369
Management Intern Program, Presidential (EO 12364), 22931
Federal real property (EO 12348), 8547
Foreign aid:
Foreign assistance and arms control (EO 12365), 22933
Foreign service:
Foreign Service Board; establishment (EO 12363), 22497
Overseas employees; competitive status (EO 12362), 21231
Foreign Service Board; establishment (EO 12363), 22497
Fundraising, charitable; on-the-job solicitations of Federal employees and Armed forces members (EO 12353), 12785
Generalized System of Preferences; amendments (EO 12349, 12354), 8749, 13477
Government employees:
Overseas employees; competitive status (EO 12362), 21231
Government procurement, agreement on (EO 12347), 8149
Housing, President's Commission on; membership (EO 12339), 2475
Imports and exports:
Generalized System of Preferences; amendments (EO 12349, 12354), 8749, 13477
Labor-management relations programs, Federal; exclusions from (EO 12338), 1369
Management Intern Program, Presidential (EO 12364), 22931
National security information (EO 12356), 14874, 15557
Naval Nuclear Propulsion Program (EO 12344), 4979
Overseas employees; competitive status (EO 12362), 21231
Physical Fitness and Sports, President's Council on; continuation (EO 12345), 5189
Procurement reforms, Federal (EO 12352), 12125
Public international organizations, entitlement to privileges, exemptions, and immunities (EO 12359), 17791
Sinai Support Mission (EO 12357), 15093
State Department; Secretarial succession (EO 12343), 4225
Synthetic fuels development; transfer of functions and funds from Energy Department to Synthetic Fuels Corporation (EO 12346), 5993
Uniformed Services, subsistence allowances (EO 12337), 1367
Urban and community impact analyses, termination (EO 12350), 10503
Women, Task Force on Legal Equity for; reporting requirements (EO 12355), 14479

PROCLAMATIONS

Clothespin imports (Proc. 4901), 7997
Imports and exports:
Clothespin imports (Proc. 4901), 7997
Mushroom imports (Proc. 4904), 8753
Petroleum imports; Libya (Proc. 4907), 10507
Sugars, sirups and molasses imports (Procs. 4940, 4941), 19657, 19661
Trade agreement with Japan and technical corrections to U.S. Tariff Schedules (Proc. 4889), 1
Louisiana World Exposition of 1984 (Proc. 4906), 9807
Multinational Force and Observers reports (EO 12361), 18313
Mushroom imports (Proc. 4904), 8753
Northern Mariana Islands, application of certain United States laws (Proc. 4938), 19307
Petroleum imports; Libya (Proc. 4907), 10507
Special observances:
Afghanistan Day (Proc. 4908), 10763
Agriculture Day, National (Proc. 4910), 12127
Amelia Earhart Day (Proc. 4943), 22339
Architecture Week, National (Proc. 4930), 16759
Armed Forces Day (Proc. 4934), 16767
Asian/Pacific American Heritage Week (Proc. 4927), 16001
Bald Eagle, Bicentennial Year of the American, and National Bald Eagle Day (Proc. 4893), 4673
Baltic Freedom Day (Proc. 4948), 26805
Cabanatuan Prisoner of War Memorial Day, American Salute to (Proc. 4926), 15761
Cancer Control Month (Proc. 4919), 14669
Child Abuse Prevention Week, National (Proc. 4946), 25503
Citizenship Day and Constitution Week (Proc. 4949), 27537
Construction Industry Week, National (Proc. 4905), 8977
Consumers' Week, National (Proc. 4892), 3339
Crime Victims Week (Proc. 4929), 16313
Defense Transportation Day, National (Proc. 4915), 13113
Disabled Persons, National Year of (Proc. 4935), 18109
Dutch-American Friendship Day (Proc. 4928), 16003
Energy Education Day, National (Proc. 4909), 10765
Farm Safety Week, National (Proc. 4933), 16765
Father's Day (Proc. 4937), 18311
Flag Day and National Flag Week (Proc. 4939), 19509
George Washington, 250th birth anniversary (Proc. 4900), 7823
Heart Month, American (Proc. 4894), 5401
Jaycee Week, National (Proc. 4890), 2855
Jewish Heritage Week (Proc. 4936), 18309
Law Day U.S.A. (Proc. 4931), 16761
Loyalty Day (Proc. 4912), 12931
Maritime Day, National (Proc. 4916), 14475
Medic Alert Week, National (Proc. 4920), 14671
Memorial Day, Prayer for Peace (Proc. 4932), 16763
Mother's Day (Proc. 4922), 14885
National P.O.W.-M.I.A. Recognition Day (Proc. 4944), 24097
National Peach Month (Proc. 4947), 26117
Nurses, National Recognition Day for (Proc. 4913), 12933
Older Americans Month (Proc. 4918), 14667
Orchestra Week, National (Proc. 4945), 24099
Pan American Day and Pan American Week (Proc. 4911), 12605

Parliamentary Emphasis Month (Proc. 4925), 15091
Patriotism Week, National (Proc. 4898), 6815
Poison Prevention Week, National (Proc. 4896), 5873
Prayer, National Day of (Proc. 4897), 6813
Red Cross Month (Proc. 4899), 7611
Reflection, National Day of (Proc. 4921), 14673
Safe Boating Week, National (Proc. 4917), 14477
Save Your Vision Week (Proc. 4902), 8549
Scleroderma Week, National (Proc. 4895), 5871
Small Business Week (Proc. 4923), 14887
Solidarity Day (Proc. 4891), 2977
Transportation Week, National (Proc. 4915), 13113
U.S.-Korea Centennial (Proc. 4942), 20543
Women's History Week (Proc. 4903), 8751
World Trade Week (Proc. 4924), 14889
Zoo and Aquarium Month (Proc. 4914), 12935
Sugars, sirups and molasses imports (Procs. 4940, 4941), 19657, 19661
Trade agreement with Japan and technical corrections to U.S. Tariff Schedules (Proc. 4889), 1

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

See Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Study Commission.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

See White House Fellowships, President's Commission.

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

NOTICES
Meetings, 9623, 21363

PRESIDENT'S TASK FORCE ON PRIVATE SECTOR INITIATIVES

NOTICES
Meetings, 7043, 21168

PRISONS BUREAU

RULES
Inmate control, custody, care, treatment, and instruction:
Adult basic education program, 22006
Central inmate monitoring system; interim rule and request for comments, 22000
Commutation of sentence petitions; and work/study release, 9755, 10206
Correspondence policy, 22005
Suicide prevention program, 27218
Use of force, chemical agents, and physical restraints, 27219

PROPOSED RULES
Inmate control, custody, care, treatment, and instruction:
Youth Corrections Act institutions, adult basic education program, and suicide prevention program, 3752

NOTICES
Meetings:
Corrections Advisory Council, 8109, 26477
National Institute of Correction Advisory Board, 24872
National Institute of Corrections Advisory Board, 8276
Prisons institutions; list, 9754

PROCUREMENT, FEDERAL

See Defense Department.
Federal Procurement Policy Office.
General Services Administration.

PUBLIC HEALTH SERVICE

See also Alcohol, Drug Abuse, and Mental Health Administration.
Centers for Disease Control.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

RULES
Grants:
Genetic and other diseases service projects, 27824
Genetic disease testing and counseling programs, 27824
Hospitals and medical facilities, construction and modernization; reinstatement of notification requirements for transfer of facilities or termination of services, 27860
Maternal and child health and crippled children's services, 27824
Health maintenance organizations:
Health Maintenance Organization Amendments of 1981; implementation, etc, 19336
Health systems agencies; elimination of reviews, etc, 3551
Indian health:
Abortion services, 4016
Medical care quality and cost containment:
Capital expenditures, limitation on Federal participation; policy statement, 7230
Uncompensated services; income criteria for eligibility, 17489

PROPOSED RULES
Grants:
Family planning services; project requirements, 7699
Sterilization regulations, 17582
Health planning, national guidelines:
Computed tomographic (CT) scanners; rescission of standards, 21862
Regulatory agenda. For references, see entry under Health and Human Services Department.

NOTICES
Advisory committees; annual reports; availability, 6491
Committees; establishment, renewals, terminations, etc.:
Health Care Technology Study Section, 3412
Health Services Research and Developmental Grants Review Committee, 2205
Grants; availability, etc.:
Adolescent family life, 8685
Adolescent family life demonstration projects, 8682
Grants; debarment from eligibility for financial assistance:
Straus, Marc J., M.D, 25413
Health maintenance organizations:
Compliance reestablishment, 4744, 6097, 9284, 9285, 19582
Noncompliance determinations, 19583, 21622
Voluntary surrender of qualification, 5354
Health maintenance organizations, qualified; list, 4147, 4148, 8094, 13229, 18971, 26239
Health planning and resources development:
Health systems agency and State health planning and development agency reviews; certificate of need programs; adjustment factor for capital and operating cost expenditure minimums, 13414
Medical technology scientific evaluations:
Endothelial cell photography, 20205
External insulin infusion pump for treatment of diabetes mellitus, 6376
Implantable chemotherapy infusion pump (via hepatic artery) for treatment of cancer, 6377
Implanted and external heparin infusion pumps for treatment of thromboembolic diseases, 6377
Liver transplantation for treatment of liver disease, 20205
Melodic intonation therapy for treatment of aphasic patients, 6377
Non-invasive (transcutaneous) method of monitoring cardiac output by Doppler ultrasound in acute myocardial infarction or other cardiac disease, 5864
Pancreas transplantation for treatment of diabetes mellitus, 6377
Photocoagulation treatment for macular degeneration, 20206
Photoplethysmography for diagnosis of peripheral artery disease, 20205
Plasma perfusion of charcoal filter for treatment of pruritis of cholestasic liver disease, 6378
Thermography for diagnosis of breast lesions, 26026
Topical oxygen therapy for treatment of decubitus ulcers, 6376
Transcutaneous electrical stimulators, single and multiple channel, for treatment of chronic and acute pain, 1175
Meetings:
National Toxicology Program; Scientific Counselors Board, 5355, 7500, 21302
Meetings; advisory committees:
March, 6378
June, 23808
National toxicology program:
Cancer bioassay reports
C.I. acid red 14, guar gum, and tara gum, 21303
1,2-Dibromo-3-chloro-propane (DBCP), 20032
1,2-Dibromoethane (EDB), etc, 14959

Di(2-ethylhexyl)phthalate bisphenol A, 14959, 19235
Locust bean gum, 8094
2,3,7,8-Tetrachlorodibenzo-p-dioxin, etc, 8094
Carcinogens; second annual report; availability, 23212
Chemicals nominated for toxicological testing; inquiry, 7758, 14960
Strategies to determine needs and priorities for toxicity testing; availability, 11321
1982 annual plan; availability, 20912
Organization, functions, and authority delegations:
Bureau of Health Personnel Development and Service, Director, et al.; granting of waivers of payment for National Health Service Corps assignees, 21925
Centers for Disease Control; consumer affairs function establishment, etc, 13587, 15908
Food and Drug Administration, 3206, 3603, 3607, 3608, 4744, 5940
Food and Drug Administration; establishment of National Center for Drugs and Biologics, 26913
Health Resources Administration, Administrator; health resources development, 4744
Health Services Administration, Administrator; block grant funds, 5940
Health Services Administration, Administrator, et al.; maternal and child health services block grant, 17866
Health Services Administration, Administrator; general powers and duties, 17679
National Institutes of Health, 18673, 27407
National Institutes of Health; Allergy and Infectious Diseases, National Institute; extramural activities program, 11566
National Institutes of Health, National Aging Institute, 853
National Institutes of Health, National Cancer Institute, 23024
President's Council on Physical Fitness and Sports; transfer of program support functions, 22225
Patent licenses, exclusive:
Starks Associates, Inc, 14223
Westport Pharmaceuticals, Inc, 8408
Privacy Act; systems of records, 2508, 2510, 5940, 11566, 16413, 18181, 20206, 20381, 23212, 23576, 26240
Uniformed services facilities, designation; list, 16106

RADIATION PROTECTION

See Environmental Protection Agency.
Food and Drug Administration.
Nuclear Regulatory Commission.

RAILROAD RETIREMENT BOARD

RULES
Annuities; disability eligibility, application procedures, etc, 7636

PROPOSED RULES
Retirement Claims Bureau and Data Processing and Accounts Bureau; requests for reconsideration and appeals within Board from issued decisions, 20797

NOTICES
Agency forms submitted to OMB for review, 24001, 25223
Meetings:
Actuarial Advisory Committee, 13260
Meetings; Sunshine Act, 2233, 8905, 9630, 16133, 21952
Privacy Act; systems of records, 11796
Supplemental annuity program; determination of quarterly rate of excise tax, 7566, 20706

RAILROADS

See Federal Railroad Administration.
Interstate Commerce Commission.
National Railroad Passenger Corporation.
Railroad Retirement Board.
United States Railway Association.

RECLAMATION BUREAU

RULES
Arid lands; reclamation rules and regulations; water right applications, 6277
Teton flood victims; sale of replacement farm units; CFR Part removed, 624

PROPOSED RULES
Acreage limitation; reclamation rules and regulations; extension of comment time on environmental impact statement and hearings; correction, 2890
Acreage limitation; reclamation rules and regulations; postponement of hearings, etc, 6299

NOTICES
Contract negotiations:
Cheyenne, Wyo, 18187
Deaver Irrigation District, Shoshone Project, Wyo, 17118
East and Quincy Columbia Basin Irrigation Districts, Wash, 20385
H&RW Irrigation District, Neb, 5472
Keyhole Unit, Pick-Sloan Missouri Basin Program, Wyo, 13234
New Melones Unit, Central Valley Project, Calif, 5472
Outlook Irrigation District, Wash, 5363
Quarterly status tabulation of water service and repayment, 17870, 19590
Rapid Valley Unit, Pick-Sloan Missouri Basin Program, S. Dak, 12874
Strawberry Valley Project, Utah, 24227
Energy generation, availability:
New Melones Powerplant, Stanislaus River, Calif, 14608
Environmental statements; availability, etc.:
Anderson Ranch Powerplant Third Unit Boise Project, Idaho, 24655
Boise Project, Idaho; Cascade Reservoir land use management plan, 18972
Central Arizona Project, Ariz.; water allocations and service contracting, 12689
Chikaskia project, Kans. and Okla, 3626
Creston Steam Electric Station, Creston, Wash, 21930
Douglas County Project, Oreg, 5473
Dunn-Nokota Methanol Project, N. Dak.; scoping meeting, 19472
Front Range Unit, Longs Peak Division, Pick-Sloan Missouri Basin Program, Colo, 25071
Glenwood-Dotsero Springs Unit, Colorado River water quality improvement program, Colo.; scoping meetings, 12689
Grand Coulee Dam, Wash.; downstream riverbank stabilization program, 10919
Hungry Horse Project, Mont, 17344, 19472
McGee Creek Project, Atoka County, Okla, 2931
Minidoka powerplant rehabilitaztion and enlargement project, Idaho-Wyo.; feasibility report, 24857
San Luis Valley Project, Closed Basin Division, Colo, 7335, 10297
Tucson Aqueduct Phase A, Central Arizona Project, Ariz.; hearing, 859
Floodplain and wetlands environmental review determination; availability, etc.:
San Luis Valley Project, Closed Basin Division, Colo.; hearings, 10297
Land jurisdiction transfer:
Idaho National Energy Laboratory Lands transfer to Department of Energy, 676
San Louis Valley Project, Closed Basin Division, Colo.; acquisition of less than fee interests in lands for recreation and fish and wildlife enhancement, 6493
Water service and repayment contract negotiations; public participation procedures, 7763
Water service contracts, interim; intent to negotiate, 6725

RECREATION

See Fish and Wildlife Service.
Interior Department.
National Park Service.

REGULATORY INFORMATION SERVICE CENTER

NOTICES
Regulatory calendar, 1662
Regulatory calendar; correction, 5559

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, TRANSPORTATION DEPARTMENT

RULES
Hazardous materials:
Aluminum cylinders (DOT 3AL seamless); specifications and usage requirements; correction, 13816, 16632, 18904, 20591, 26633
Anhydrous ammonia, transportation in intrastate commerce, 7244
Cylinders; marking and record retention requirements, 16183
Dispersant and refrigerant gases; obsolete compliance reporting requirements removed; correction, 7670
Liquefied petroleum gas; transportation in intrastate commerce, 7242
Radioactive materials package designs; reinstatement of Energy Department approval authority, 7243
Wet electric storage batteries; transportation requirements, 24582
Pipeline safety:
Metal alloy fittings in plastic pipelines, 9842
Natural and other gas, transportation; damage prevention program, 13818

PROPOSED RULES
Hazardous materials:

Cargo tanks, MC-306; design, maintenance, and testing; advance notice, 27876
Hazardous materials table; removal of certain commodities, etc, 24157
Paint and paint related material and adhesive, n.o.s.; flash point limitation reduction for flammable containerized liquids shipped as consumer commodities and uniform description of paint products, 4538
Performance-oriented packagings standards; advance notice, 16268, 26172
Steel drums (Specification 17E); advance notice, 25167
Uniform hazardous waste manifest; shipping papers, 9346
Uniform hazardous waste manifest; shipping papers; extension of time, etc, 9865, 19566
Pipeline safety:
Natural and other gas; hot taps in gas pipelines; withdrawn, 25555
Natural gas and hazardous liquids transportation; placement of longitudinal weld seams in upper half of pipe; advance notice withdrawn, 6675
Regulatory agenda. For references, see entry under Transportation Department.

NOTICES

Committees; establishment, renewals, terminations, etc.:
Technical Pipeline Safety Standards Committee, 7360
Hazardous materials:
Applications; exemptions, renewals, etc, 2538, 3458, 3459, 6409, 6411, 9314, 9318, 9320, 10698, 10699, 15681, 16245, 16246, 17366, 20714, 21172, 23838, 25647, 25649, 26728, 27437
Propylene dichloride in aluminum packagings; prohibition, 12911
Hazardous materials inconsistency rulings:
American Trucking Associations, Inc., et al.; Boston regulations, 18457
National Tank Truck Carriers, Inc, 1231
International standards on transport of dangerous goods; meeting, 17368
Meetings:
International standards on transport of dangerous goods, 17368
Pipeline safety:
Northern Border Pipeline Co.; waiver petition, 16248, 20715
Tennessee Gas Pipeline Co.; maximum allowable operating pressure of transmission line segments; waiver petition, 27443
Pipeline transportation of liquids; waiver of six-month valve inspection requirement, 26729

REVENUE SHARING OFFICE

PROPOSED RULES

Financial assistance to State and local governments:
"Indian tribe population," definition, 25029
Regulatory flexibility review plan, 16033

NOTICES

Entitlement period allocations:
Data improvement program, 15480

RURAL ELECTRIFICATION ADMINISTRATION

RULES

Electric borrowers:
Architectural services contract; Form 220 revision (Bulletin 42-1), 3088
Loan distribution criteria; supplemental financing for loans (Bulletin 20-14), 19111
Single pole steel structures complete with arms (Spec. T-9), 4229
Standards, specifications, drawings, materials and equipment, and timber inspection programs and agencies; establishment of separate electric and telephone programs bulletins (Bulletin 44-7 et al.), 20747
Supplemental financing for loans (Bulletin 20-14), 28080
Wood poles, stubs, and anchor logs, etc. (Bulletin 44-2); deferral of effective date, 19671
Organization and functions, 23427
Reporting and recordkeeping requirements, 745
Telephone borrowers:
Aerial and underground cable and filled buried wire, PE-22 and PE-54 (Bulletins 345-13 and 345-70), 4229
Electronic equipment housings (Bulletin 345-79), 4229
Figure 8 multipair and one-pair distribution wires (Bulletins 345-19, 345-20); withdrawn, 7825
Filled telephone cable with expanded insulation (Bulletin 345-89), 5884
Microwave radio equipment, PE-63 (Bulletin 345-57), 24251
Self-supporting cable, PE-38 (Bulletin 345-29), 9387
Standards, specifications, drawings, materials and equipment, and timber inspection programs and agencies; establishment of separate electric and telephone programs bulletins (Bulletin 44-7 et al.), 20747
Wood poles, stubs, and anchor logs, etc. (Bulletin 345-1); deferral of effective date, 19671

PROPOSED RULES

Electric borrowers:
Accounting interpretations (Bulletin 181-3); interest income and expense related to pollution control facilities financing, 8785
Development, approval, and use of power requirements studies (Bulletin 120-1); advance notice, 11285
Electric system planning requirements and system capacity (Bulletin 60-2), 26841
Electric transmission specifications and drawings for 115 kV-230 kV structures (Bulletin 50-2), 25371
Loan distribution criteria; supplemental financing for loans (Bulletin 20-14); advance notice, 3126
Loan payments and statements; quarterly to monthly billing conversion, 17999
Minutes of meetings of Boards of Directors, Members, or Stockholders (Bulletin 100-2), 10057
Supplemental financing for loans (Bulletin 20-14, Attachment A), 3554, 3555
Uniform systems of accounts and accounting interpretations (Bulletins 181-1 and 181-3), 5901
Regulatory agenda. For references, see entry under Agriculture Department.
Telephone borrowers:
Expanded dielectric coaxial cable, PE-84 (Bulletin 345-84), 10057
Gas tube surge arresters; Specification PE-80 (Bulletin 345-83), 20782
Loan payments and statements; quarterly to monthly billing conversion, 17999
Microwave radio equipment, PE-63 (Bulletin 345-57), 4310
Preloan procedures for rural telephone cooperatives and telephone loan applicants, and loans for telephone system improvements and extensions; "file with" (Bulletins 320-1, 320-4, and 320-14), 21268
Telephone sets (500 type) PE-41 (Bulletin 345-74), 27565
Voice frequency repeater equipment; Specification PE-29 (Bulletin 345-69), 20782

NOTICES

Electric borrowers:
Bulletins, review and retention, 15816
Environmental statements; availability, etc.:
Alabama Electric Cooperative, Inc., et al, 3150
Arizona Electric Power Cooperative, Inc, 26881
Associated Electric Cooperative, Inc, 16813
Basin Electric Power Cooperative, 4325
Brazos Electric Power Cooperative, Inc, 2387, 7469
Central Electric Power Cooperative, Inc, 3150, 11301
Chugach Electric Association, Inc, 64
Continental Divide Electric Cooperative, Inc, 2387
Dairyland Power Cooperative, 5445
Delta-Montrose Electric Association, Inc, 23499
East Kentucky Power Cooperative, 6678, 21287
East River Electric Power Cooperative, Inc, 10070
Empire Electric Association, Inc, 13015
French Broad Electric Membership Cooperative, 6678
L & O Power Cooperative, 7470
Lower Valley Power & Light, Inc, 23499
Minnkota Power Cooperative, Inc, 1314
Mt. Wheeler Power, Inc, 8390
Oglethorpe Power Corp, 3151
Plains Electric Generation & Transmission Cooperative, Inc, 3151, 14744, 25754
Seminole Electric Cooperative, Inc, 10069, 27577
Soyland Power Cooperative, Inc., et al, 5446, 5922
Tri-State Generation & Transmission Association, Inc, 15817
Wolverine Electric Cooperative, Inc, 11911
Loan guarantees, proposed:
Arizona Electric Power Cooperative, Inc, 26420
Basin Electric Power Cooperative, 13015
Continental Telephone Co. of Kentucky, 28120
Continental Telephone Co. of Missouri, 19728
French Broad Electric Membership Corp, 19197

Northern Michigan Electric Cooperative, Inc, 25387
Wabash Valley Power Association, Inc, 25388
Wolverine Electric Cooperative, Inc, 24758
Telephone borrowers:
Bulletins, review and retention, 15816

SAFETY

See Centers for Disease Control.
Coast Guard.
Consumer Product Safety Commission.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hearings and Appeals Office, Interior Department.
Mine Safety and Health Administration.
National Highway Traffic Safety Administration.
National Transportation Safety Board.
Occupational Safety and Health Administration.
Occupational Safety and Health Review Commission.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

RULES

Seaway regulations; penalties for violation; and assessment, mitigation, or remission of penalties, 20581
Tariff of tolls, 13333, 13803

PROPOSED RULES

Regulatory agenda. For references, see entry under Transportation Department.
Seaway regulations; clarification, etc, 18375
Seaway regulations; clarification, etc.; correction, 21858
Seaway regulations; penalties for violation; and assessment, mitigation, or remission of penalties, 11039, 13838

NOTICES

Meetings:
Advisory Board, 885, 15683, 24246

SCIENCE AND EDUCATION, OFFICE OF DIRECTOR FOR

NOTICES

Meetings:
Agricultural Research and Extension Users National Advisory Board, 4719, 5446, 16664
Food and Agricultural Sciences Joint Council, 9871, 17474

SCIENCE AND TECHNOLOGY POLICY OFFICE

NOTICES

Committees; establishment, renewals, terminations, etc.:
White House Science Council, 7353
Meetings:
White House Science Council, 8280, 16128, 16232, 19493, 19836, 25080, 25432

SECRET SERVICE

RULES

Presidential residence, temporary; designation of buildings and grounds to restrict access, 27552

SECURITIES AND EXCHANGE COMMISSION

RULES

Accounting bulletins, staff:
Accounting and auditing enforcement releases index; interpretation, 21030
Business combinations accounted for as pooling of interests; presentation of pro forma information, 23915
Financial reporting policies codification; interpretation and availability, 21028
Financial statements, etc, 10789
Interim financial reporting requirements, interpretations; and revised topical index for staff accounting bulletin series, 23916
Parent company and other financial disclosures, early adoption of new rules; interpretation, 1266
Ratio of earnings to fixed charges, computation; rescission of interpretive releases, 11475
Annual reports to security holders or Commission filings; statement of management on internal accounting control; interpretive release, 5215
Broker-dealer registration procedure; rescission of obsolete rule, 1373
Brokers and dealers, nonmember; self-underwriting requirements, 1372
Brokers and dealers; securities net capital requirements, 21759, 23919
Alternative net capital requirements and net capital computation under basic or alternative method, 3512
Business development companies; permanent notification forms; statement of staff position, 10518
Equal Access to Justice Act; implementation; final rule and request for comments, 609
Holding companies:
Registered companies and subsidiaries; statements of beneficial ownership of securities; identification of correct forms for filing reports, etc, 5223
Insurance companies:
Registration statements; processing post-effective amendments, 22356
Integrated disclosure system, 11380
Integrated disclosure system; correction, 11819
Investigations; access to files, 26820
Investment companies:
Investment advisers; disclosure and reporting requirements; request for comments, 22505
Registration statements; automatic effectiveness of post-effective amendments, 3098
Unit investment trusts; automatic effectiveness of registration statements, 20290
National market system securities, designation; deferral of effective dates of Tiers 1 and 2 and grant of temporary exemption, 9388
Organization, functions, and authority delegations:
General Counsel; determinations regarding submission of briefs in private litigation as amicus curiae on issues previously considered, 13516
General Counsel; Freedom of Information Act decisions, appeals, 20287
General Counsel; waivers of imputed disqualification, 7827
Headquarters offices, relocation, 26818
Proxy statements, disclosure; registrants and independent accountants relationships, nonaudit services, 5404
Proxy statements; 1981 disclosure monitoring program; analysis of results; interpretation, 10792
Registration statements and reports, etc., rescission and redesignation of preparation and filing guides, 11476
Reporting and recordkeeping requirements; correction, 4982
Reporting and regulatory requirements; "small business" and "small organization"; definitions, 5215
Securities:
Integrated disclosure system, 11380
Integrated disclosure system; correction, 11819
National market system securities, designation; final rule and request for comments, 2079
Registration requirements; interests in real estate limited partnerships (Guide 5), 25120
Registration requirements, transactions involving limited offers and sales, exemption (Regulation D), 11251
Registration requirements (optional form S-18), 25126
Securities reported; dissemination of quotations on voluntary basis, 7399
Self-regulatory organizations; inspection of newly registered brokers and dealers, 11267
Small business; system of classification of small issuers; reporting exemptions, etc, 17046

PROPOSED RULES

Brokers and dealers, registered nonmember; minimum qualification requirements, 20783
Brokers and dealers; securities net capital requirements:
Customer protection rule; borrowing and lending of securities and related requirements, 3531
Percentage deductions ("haircuts") increase, 3521
Uniform net capital and customer protection rules; treatment of fails to deliver and fails to receive, 3534
Dollar exemptive limits, increase; and rescission of obsolete rules, 16043
Financial statements (Regulation S-X):
Registered investment companies; requirements, 2776
Registered investment companies; requirements; extension of time, 19719
Fingerprinting requirements; exemptions, 18351
Insurance companies:
Registration statements; processing post-effective amendments, 3130
Integrated disclosure system; withdrawal of proposals, 11482
Investment companies:
Foreign banks and foreign securities depositories; exemption for custody of securities, 16341
Valuation of debt instruments and computation of current price per share by open-end companies (money market funds), 5428
Regulatory agenda, 18342

Securities:
Beneficial ownership disclosure requirements, 26161
Filing requirements; elimination of legal size paper, 25372
Integrated disclosure system; withdrawal of proposals, 11482
National market system securities, designation; partial deferral of proposed amendments, 2079, 2124
Options trading, registration; withdrawal, 11704
Order exposure rules, 22376
Pro rata rule, 24338
Prohibitions against trading by persons interested in a distribution, etc, 11482, 18359
Registration of securities offered and sold on delayed or continuous basis, examination; hearings, 11701
Registration requirements; optional form S-18, 11288

NOTICES
Agency forms submitted to OMB for review, 19502, 21169, 21944, 27650, 27652
Intermarket trading system; proposed amendments to plan, 10658
Intermarket trading system and National Association of Securities Dealers, Inc.; automated interface; deferred implementation, 10682, 20413
Investment advisers; cancellation of registrations, 12897, 24681
Investment advisers; cancellation of registrations; correction, 28198
Meetings:
Government Business Capital Formation Forum, Executive Committee, 16130
Government-Business Forum, 27185
Shareholder Communications Advisory Committee, 10333, 18453
Meetings; Sunshine Act, 1067, 1239, 2233, 2976, 3063, 4388, 4637, 5399, 5964, 6770, 7569, 7955, 8122, 8905, 9326, 10140, 10341, 10707, 11145, 12010, 12713, 13955, 15001, 15477, 16441, 16701, 17707, 18703, 19508, 20244, 20909, 21677, 22450, 23250, 24496, 24688, 25654, 26067, 26492, 27192, 27657, 28204
National market system securities; designation plan; approval, 2226
National market system securities; National Association of Securities Dealers, Inc.; temporary exemption, 21944
National market system securities; proposed transaction reporting plan, 7354
National market system securities; transaction reporting plan, 13617
Regulatory calendar, 1662
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., et al, 879, 1226, 2965, 2966, 4790, 7901, 9623, 9624, 11348, 19499, 19500, 24001, 24899, 28186, 28190
Boston Stock Exchange, Inc, 2443, 3246, 3665, 10684, 10935, 12895, 16922, 17152
Boston Stock Exchange Clearing Corp, 16235
Chicago Board Options Exchange, Inc, 1364, 3666, 4790, 5560, 9946, 10333, 10334, 12896, 13946, 18696, 19609, 21169
Cincinnati Stock Exchange, Inc, 2967, 3666
Depository Trust Co, 11134, 24677
Midwest Clearing Corp. et al, 3247, 10334, 11135, 18697, 19259, 24003, 28512
Midwest Securities Trust Co, 5829, 10334, 11136, 15201, 17147, 17700, 18087, 18207, 24002, 24003
Midwest Stock Exchange, Inc, 4791, 15948, 16236, 19496, 19609, 20429, 22438, 24002
Municipal Securities Rulemaking Board, 3049, 6756, 9123, 10689, 13946, 18697, 20895, 21658, 21659, 21671, 22439, 24680, 27429, 28517, 28518
National Association of Securities Dealers, Inc, 717, 1364, 5567, 6757, 11137, 11803, 12896, 14641, 14642, 18697, 19500, 20429, 21947, 28195, 28196
National Securities Clearing Corp, 8283, 8295, 14645, 15471, 18698, 19501, 22265, 25645, 26488
New England Securities Depository Trust Co, 10690, 16237
New York Stock Exchange, Inc, 5567, 8113, 8284, 8713, 14992, 15471, 15945, 17148, 17701, 17702, 18088, 19494, 19609, 20239, 24900, 25232
Options Clearing Corp, 2444, 3248, 5569, 8443, 13617, 18089, 21170, 24677, 24900, 25085, 27186, 27429
Pacific Clearing Corp, 4792, 11804, 16237, 18699
Pacific Securities Depository Trust Co, 4793, 16238
Pacific Stock Exchange, Inc, 2968, 4793, 4794, 5392, 8112, 9627, 10334, 11138, 12002, 15202, 17152, 22626, 23245, 24901, 25085
Philadelphia Depository Trust Co, 7567, 13618, 21662, 22626, 24901
Philadelphia Stock Exchange, Inc, 2445, 2970, 3667, 5392, 7355, 8443, 9124, 27650, 27652
Stock Clearing Corp. of Philadelphia, 2446, 3249, 6402, 10335, 12001, 21664, 22627, 24902
Self-regulatory organizations; unlisted trading privileges:
Boston Stock Exchange, Inc, 5826, 8441, 11134, 17149, 27427, 28504
Cincinnati Stock Exchange, 3666, 4784, 7566, 8442, 9627, 10682, 14989, 18086, 25230, 27185
Midwest Stock Exchange, Inc, 1361, 3666, 6511, 8442, 13439, 16922, 21658, 24678, 27187, 28191
Pacific Stock Exchange, Inc, 13070, 14642, 18090, 24681, 28195
Philadelphia Stock Exchange, Inc, 5828, 11804, 13070, 19838, 21664, 25432, 27187
Senior Executive Service:
Bonus awards schedule, 3242
Performance Review Board; membership, 3242
Hearings, etc.:
AAA U.S. Government Money Market Account, Inc, 11348
ACF Industries, Inc, 20238
Alabama Power Co, 9119
Alex. Brown Cash Reserve Fund, Inc, 12410
Allied Capital Corp. et al, 10682, 17139, 25223
Allison-Williams AccessFund, Inc, 4382
American Airlines, Inc, 7900
American Electric Power Co., Inc., et al, 8714, 9121, 10684, 11797, 23233, 24239, 25080
American Federation of Labor and Congress of Industrial Organizations Pooled Investment Trust, 12411
American General Life Insurance Co. of Delaware et al, 26957
American Money Market Fund, 9121
American Shares, Inc, 21665
Anplan Variable Account et al, 4781
Appalachian Power Co, 5559
Armco Inc, 16233
Artra Group Inc, 13069
Automated Cash Management Trust, 26061
Avatar Holdings Inc. et al, 27426
Axe-Houghton Money Market Fund, Inc, 5386
Bancomer, S.A, 3242
Bankers Security Variable Annuity Fund D et al, 20892
Barclays Bank of Canada, 6745
Benham Management Corp. et al, 11798
Bison Money Market Fund, 13260
Blackhawk Coal Co, 14989
Boston Five Mutual Fund, 13613
Bradford Securities Processing Services, Inc., et al, 13262
Calvert Municipal Management Co. et al, 20422
Canadian Imperial Bank of Commerce, 25225
Capital Venture Fund, Inc, 1359
Capitol Life Insurance Co. et al, 24004
Cash Account Fund, Inc, 24239
Cash Assets Fund, 12413
Cash Investment Fund, 13263
Cash Reserve Management, Inc, 8281
Centennial Government Trust, 6747
Central Appalachian Coal Co. et al, 19498
Central Power & Light Co, 2440, 12890
Central & South West Corp. et al, 1359, 2439, 28505
Central & South West Services, Inc., et al, 25228
Central Vermont Public Service Co., Inc, 28506
Chancellor Cash Fund, Inc., et al, 17144
Chestnut Street Cash Fund, Inc, 4782
Clabir Corp, 17149
Columbia Gas System, Inc., et al, 2440, 14990, 27427
Columbus & Southern Ohio Electric Co, 15464
Colvin, Donald L, 11799
Connecticut Light & Power Co. et al, 6748, 7902, 15192, 15946, 21667, 24674, 25230
Connecticut Mutual Financial Services Series Fund I, Inc, 10685
Connecticut Mutual Liquid Account, Inc, 15192
Conoco, Inc, 11138, 15947
Consolidated Natural Gas Co. et al, 1459, 3904, 8716, 23238, 26487
Continental Assurance Co. et al, 17361
Continental Illinois Bank, 24675
Cortez Capital Corp, 28507
Cralin Money Market Fund, Inc, 8286
Cummins Engine Co., Inc, 17149
Current Interest, Inc, 28509
Daily Cash Government Fund, 20423
DBL Cash Fund Inc, 8288
Dean Witter Reynolds Intercapital Inc. et al, 21945
Delaware Fund, Inc., et al, 4784
Delaware Treasury Reserves, 8110
Denver Partners I Limited Partnership et al, 23240
Depository Trust Co. et al, 13266
Dove, Guy O., III, 25081
Dreyfus Institutional Money Market Fund, Inc, 12415

Durcell International, Inc, 24241
E. W. Axe & Co., Inc., et al, 26063
Eastern Edison Co. et al, 20896
Eastern Utilities Associates et al, 1459, 9131, 11800
Eaton & Howard Special Fund, Inc, 712
Entertainment Systems, Inc, 16235
Equitable Life Assurance Society of United States et al, 15465, 26488, 27187
Exxon Finance N.V, 26265
Family Life Insurance Co. et al, 15194, 20893
Federated Option Income Fund, Inc, 22623
Fidelity Financial Corp, 16697
Financial Daily Income Shares, Inc, 6751
Financial Institutions Series Trust, 713
First American Money Fund, Inc, 5388
First Investors Tax Exempt Fund, Inc, 11350
Flight Transportation Corp, 27189
Fort Washington Money Market Fund, 26266
Foster & Marshall Growth Fund, Inc, 8290
Franklin Life Insurance Co. et al, 15467
Franklin Money Fund et al, 20424
Fundamerica of Japan, Inc, 5390
Gallatin Investment Corp, 12904
Gateways Industries, Inc, 13620
General American Life Insurance Co. et al, 15469
General Housewares Corp, 28511
George Putnam Fund of Boston et al, 11131
Georgia Power Co, 12890, 13942, 23242
Gintel FUND, Inc., et al, 2440
Gotham Funds, 17145
Gradison U.S. Government Trust, 12417
Great Lakes Money Fund, Inc, 4374
Great-West Life & Annuity Insurance Co. et al, 13943
Greyhound Corp, 25797
Guardian Insurance & Annuity Co., Inc., et al, 12906, 15196
Gulf Power Co, 26482
Hartford Electric Light Co, 13942
Hartford Fund, Inc., et al, 13614, 24005
Hartford Variable Annuity Life Insurance Co. Separate Account, 24007
HIG Fund, Inc, 20425
Home Life Money Management Fund, Inc, 6755
Hotel Investors Trust et al, 19607
Hughes Tool Co, 23242
Hutton AMA Cash Fund, Inc, 6753
Hutton Government Fund, Inc, 23233
Hutton Investment Partnership I, 11801
IDS Government Securities Money Fund, Inc, 20427
INA Investment Securities, Inc., et al, 10687
Indiana & Michigan Electric Co, 10689
Insuramerica Corp. et al, 13943
Insured Municipals-Income Trust et al, 25230
InterCapital Dividend Growth Securities Inc. et al, 14636
International Harvester Credit Corp, 120
International Metals & Petroleum Corp, 19499
Investment Pool for U.S. Government Guaranteed Securities, 28512
J. C. Penney Co., Inc, 15947
Jersey Central Power & Light Co. et al, 27428
John Hancock Mutual Life Insurance Co. et al, 12705, 12707
JP Money Market Fund, Inc, 21667
Kemper Government Money Market Fund, Inc., et al, 7903
Kemper Investors Life Insurance Co. et al, 5561
Kentucky Power Co. et al, 20895
Kidder, Peabody Premium Account Fund, 12892
Kingsport Power Co, 7566
Kleinert's, Inc, 16130
Louisiana Power & Light Co, 11802, 24895
Managed Cash Account Trust, 7905
Massachusetts Cash Management Trust, 26064
Massachusetts Financial High Income Trust et al, 12708
Massachusetts Financial International Trust et al, 4785
Massachusetts Mutual Life Insurance Co. et al, 13621
Massmutual Liquid Assets Trust et al, 21669
MB Canada Funding, Inc, 5826
Meltzer, Samuel, et al, 14993
Merrill Lynch Kecalp Ventures Ltd. Partnership 1982 et al, 11356
Michigan Power Co, 24491
Middle South Utilities, 12893, 13069
Middle South Utilities, Inc., et al, 24492, 24896
Midwest Income Trust, 8292
Mississippi Power Co, 8716
Mississippi Power & Light Co, 11803
ML Corporate Income Fund Investment Plan, 24678
ML Venture Partners, I, L.P., et al, 28191
Money Asset Fund, 26268
Money Manager Fund, 5563
Money Market Instruments Trust, 14638
Moneymart Assets, Inc, 24678
Monongahela Power Co. et al, 23235
Montana Power Co, 121
Municipal Fund for Temporary Investment, Inc, 6400
Mutual Life Insurance Co. of New York et al, 10690, 14640, 28194
Narragansett Capital Corp. et al, 3667, 9126, 14990
Narragansett Electric Co, 1361
National Association of Securities Dealers, Inc, 2225, 13265
National Fuel Gas Co. et al, 8283, 23236
National Government Reserves, Inc, 25797
Natwest Capital Corp, 12894
NEL Cash Management Trust, 22624
New England Electric System et al, 5565, 10335, 15198, 21169
New England Mutual Life Insurance Co. et al, 6757
New England Power Co. et al, 16923
Nordic Bank PLC, 15949
North River Securities Co., Inc., et al, 11351
Northeast Utilities et al, 10336, 12711, 19607, 23244
Northeast Utilities Service Co. et al, 15198
Occidental Petroleum Corp, 24492
Ohio Power Co, 5390, 6759
Pacific Asset Management et al, 25082
Paramount Mutual Fund, Inc., et al, 18453
Peckham Plan Fund, Inc, 15199
Pegasus Income & Capital Fund, Inc, 4786
PepsiCo, Inc, 11361, 22437
Petro-Lewis Corp, 19497
Potomac Edison Co. et al, 17703
Principal World Fund, Inc., et al, 3456
Property Mortgage Co. Sequoia Fund, Inc, 25799
Prudential Funding Corp, 14643
Prudential Insurance Co. of America, 17150
R. C. Brown Money Market Fund, 20430
R. J. Reynolds Industries, Inc, 19499
RCA Corp, 5391, 9946
Real Estate Associates Ltd. IV et al, 715
Renaissance Ready Assets Trusts, 11132
Research-Cottrell, Inc, 7568
Rodney Square Fund, 26270
Rothschild Earnings & Liquidity, Inc, 13618
SAFECO Money Market Mutual Fund, Inc, 8294
Safeguard Scientifics, Inc, 16924
Savings Industry Primary Liquidity Fund, Inc, 11354
Scanner Energy Exploration Corp, 5828
Sears U.S. Government Money Market Trust et al, 2442, 15199
Security Benefit Life Insurance Co. et al, 3050, 3243
Security First Life Insurance Co. et al, 16238
Security First Money Market Fund, Inc, 11355
Seneca Resources Corp, 5565
Sentinel Group Funds, Inc., et al, 26484
Shearson FMA Cash Fund, 4376
Shearson FMA Government Fund, 4377
Shearson FMA Municipal Fund, 3053, 8443
Southern Co. et al, 8717, 10337, 25646
Southern Natural Gas Co, 13438
Southern Ohio Coal Co. et al, 4787
Southwest Funding Corp, 19838
Southwestern Electric Power Co, 15201
Standard Chartered Bank Ltd, 8115
Standard Oil Co, 4379
State Bond Cash Management Fund, Inc, 4788
State Bond Government Securities Fund, Inc, 24241
Stewardship Money Fund, Inc, 7355
Strategic Investments Fund, Inc., et al, 5566
Sunmont West Fund, Inc, 20432
Sutro Money Market Fund, 9124
Svenska Handelsbanken Inc, 7906
System Fuels, Inc., et al, 19841
T. Rowe Price U.S. Treasury Money Fund, Inc, 24898
Tacoma Boatbuilding Co, 14995
Tannetics, Inc, 1362
Tappan Co, 7356
Temporary Investment Fund, Inc, 15472
Toronto Dominion (U.S.A.), Inc, 8285
Tri-Continental Corp, 19607
Trilogy Computer Development Partners, Ltd., et al, 25233
Trust for Short-Term Federal Securities, 15950
Tucker Anthony Mutual Fund, 1360
Union Pacific Corp, 6511, 16697
United Services Group of Funds, Inc, 4380
United States & Foreign Securities Corp, 718
Variable Annuity Account C of Aetna Life Insurance & Annuity Co. et al, 10693
Variable Annuity Life Insurance Co. et al, 26959
Wayne Hummer Money Fund Trust, 6759
West Texas Utilities Co, 17704, 20896, 23236
Wingate Housing Partners, Ltd., et al, 26486

Winthrop Residential Associates II et al, 1362
Working Capital Trust, 24008

SELECTIVE SERVICE SYSTEM

RULES
Deferment or exemption claims adjudication procedures, organizational changes, and administration, 4640, 5716, 7411
Freedom of Information Act; implementation, 7223
Privacy Act; implementation, 7223, 24542
PROPOSED RULES
Alternative service, 24599
Privacy Act; implementation, 17578
NOTICES
Privacy Act; systems of records, 8117, 14819

SMALL BUSINESS ADMINISTRATION

RULES
Business loan policy:
Eligibility for loan assistance; illegal activity prohibitions, 8990
"Subsection (b) lenders"; authority to approve repealed lending companies, 9
Business loans:
Export revolving line of credit loans, 24110
Conflict of interests, 12332
Conflict of interests; correction, 17804
Equal Access to Justice Act; implementation; interim rule and request for comments, 22082
Minority small business and capital ownership development assistance:
Advance payments on section 8(a) subcontracts; authority of Regional Administrators regarding approval or denial of requests, 1109
Organization, functions, and authority delegations:
Authority delegations to conduct program activities in field offices, 2305, 4676, 6611
Central Office, 2074
Central Office; correction, 4981
Procurement assistance; certificate of competency applicants, eligibility requirements, 22347
Small business investment companies:
Movie production and distribution; termination of specialized financing pilot program, 2859
PROPOSED RULES
Business loans:
Qualified employee trusts; determination of funds as "otherwise available", 18613
Disaster loans; guarantees exceeding SBA administrative limits, prohibition, 20315
Loans to State and local 503 development companies; uniform certification requirements, 22374
Nondiscrimination:
Federally assisted programs; updated lists, 21554
Regulatory agenda, 19156
Small business size standards; advance notice, 18992
NOTICES
Agency forms submitted to OMB for review, 23610, 24243
Authority delegations:
Administration, Assistant Administrator; title change, 5392
Administrative Services Office, Director et al.; administrative and financial activities, 11583
Associate Deputy Administrator et al.; order of succession to Administrator, 4187
Disaster Assistance, Deputy Associate Administrator; loans; ratification of actions, 15953
Finance and Investment, Associate Administrator, et al.; loans and debentures; ratification of actions, 15952
Finance and Investment, Associate Administrator; financial assistance activities, etc, 14995
Procurement and Technology Assistance, Associate Administrator; title change, 5393
Disaster loan areas:
Alaska, 27189
Arkansas, 22266
California, 2447, 3457, 21372
Florida, 23245
Illinois, 12254, 27189
Indiana, 16130, 16924, 18699
Kansas, 15474
Massachusetts, 11141, 24010, 27190
Michigan, 15474
Mississippi, 5062, 8446, 21671
Missouri, 21672, 23246
Northern Mariana Islands, 3250
Ohio, 15474, 16924, 18699
Oklahoma, 15474, 27190
Oregon, 12419
Pennsylvania, 7952
Puerto Rico, 1229
Texas, 16924, 27190
Washington, 12254
Interest rates; quarterly determinations, 12419, 28520
License surrenders, 14645
Meetings:
National Advisory Council, 9131
Small and Minority Business Ownership Presidential Advisory Committee, 5570, 8903, 15202, 18699, 20706, 23246
Meetings; regional advisory councils:
Pennsylvania, 16439, 26724
Virginia, 16439, 28519
Minority small business and capital ownership development assistance; minority group consideration; Asian Indian Americans, 21372
Privacy Act; systems of records, 7908
Regulatory calendar, 1662
Senior Executive Service:
Performance Review Board; membership, 8296
Small business investment companies:
Maximum annual cost of money to small business concerns; Federal Financing Bank rate, 719, 5393, 8718, 13947, 19503, 22628
Applications, etc.:
Affiliated Investment Fund, Ltd, 18090
AFL Business Funding, Inc, 3055
AID America, Inc, 3054
Alaska Pacific Investment Corp, 12253
All State Venture Capital Corp, 28518
Allied Business Investors, Inc, 28519
ALPHA Financial Corp, 17704
American Asian Consolidated, 13440
American Commercial Capital Corp, 14821
AMF Financial, Inc, 10694
Atlas Small Business Investment Corp, 15202
Bache Small Business Lending Corp, 5062
Caddo Capital Corp, 6513
Capital-Management Services, Inc, 20059
CEDCO Capital Corp, 4794
Center City Minority Enterprise Investment Co., Inc, 9627
City Ventures, Inc, 12005, 28518
Claremont/LaSalle Corp, 14821
Clifton Capital Corp, 18208
Consolidated Bankers Capital Corp, 12253
Creative Credit Services, Inc, 17363
Credi-I-F.A.C., Inc, 24009
Credito Investment Co., Inc, 22440
Croesus Securities Ltd, 7789
Dania Venture Corp, 18090
Detroit Metropolitan Small Business Investment Co, 3056
Enterprise Venture Capital Corp, 28519
Equity Financial Corp, 16698
Fair Capital Corp, 9312
Faulkner Investment Co, 3671
FB Small Business Lending Corp, 10339
First American Investment Corp, 24902
First Capital Resources Corp, 7952
First Ohio Capital Corp, 1228, 20060
First Wall Street Small Business Investment Co., Inc, 21171
Fluid Financial Corp, 9628
FMA Capital Corp, 28520
Foothill Venture Corp, 3055
FSA Capital, Ltd, 10694, 21171
Grocers Capital Co., Inc, 10695, 14821, 18091, 24903, 26272
Gulf American SBL, Inc, 20060
H&T Capital Corp, 9947
Hamco Capital Corp, 12005
Hampshire Capital Corp, 11583
Harding Financial Corp, 7789
Independence Financial Services, Inc, 18455
International Paper Capital Formation, Inc, 3671
Livingston Capital, Ltd, 122
Marcon Capital Corp, 17704
Mariners Capital, Inc, 10695
Mercantile Dallas Corp, 17894
Mesirow Capital Corp, 18208
Metro Capital Corp, 1365
Miami Capital Corp, 9131
Michigan Tech Capital Corp, 24009, 25235
Milestone Capital Corp, 15678
Model Capital Corp, 26489
Mountain Ventures, Inc, 2448
MRN Capital Co, 21172
New Publication Fund, Inc, 15678
New West Partners, 23246
O.H.P. Capital Corp, 12005
Omega Capital Corp, 26489
PCIB Development Corp, 3056
Pencor Financial Associates, Ltd, 2447
PNC Capital Corp, 9947
R.P.B. Investment Enterprises, Inc, 7568
Rainbow Capital Corp, 15679
Raybar Small Business Investment Corp, 13070
Richardson Capital Corp, 25086
RIHT Capital Corp, 14822
Risa Capital Associates, 16439
Rockland Small Business Investment Corp, 9945
SBC Resources, Ltd, 22266
Seattle Trust Capital Corp, 9132, 26272
Southern Capital Funding Corp, 14822
Sun Capital Corp, 24903

Texas Commerce Investment Co, 13071
Tidewater Dominion Small Business Lending Co, 8718
Trans Florida Capital Corp, 1063
Transatlantic Capital Corp, 8718
Transworld Ventures, Ltd, 10936
United Oriental Capital Co, 7357
V-H Investment Co, 4630
Vadus Capital Corp, 3671
Vista Capital Corp, 14822
Walnut Capital Corp, 6123
Walnut Street Capital Co, 28520
Washington Finance & Investment Corp, 10339, 28521
White River Capital Corp, 21372

SOCIAL PROGRAMS

See ACTION.
Community Services Office.
Food and Nutrition Service.
Health and Human Services Department.
Human Development Services Office.
Social Security Administration.
Social Security Reform, National Commission.

SOCIAL SECURITY ADMINISTRATION

RULES

Black lung benefits:
Overpayment, recovery of withholding benefits; final rule, 19116
Public assistance programs:
Aid to families with dependent children; final rule, 5648
Aid to families with dependent children applicants or recipients; public audits, disclosure of information; interim rule and request for comments, 18879
Cost allocation plans; interim rule and request for comments, 17506
Refugee resettlement and Cuban/Haitian entrant programs; cash and medical assistance; interim, 10841, 16183
Social security benefits:
Earnings test for retirement purposes; interim rule and request for comments, 5999, 8171, 13792
Limitation on benefits and payments to survivors causing death of worker, 13324
Remarried widowers and surviving divorced husbands, 12161
Remarried widowers and surviving divorced husbands; correction, 14894
Retroactive benefits, reduction, 4985
Supplemental security income:
Benefits continuation and medicaid eligibility for certain severely impaired recipients who work, 15319
Eligibility, benefits, residence and citizenship, 3099
Income, unearned; treatment, 13792
Institutionalized individuals; deeming of income and resources; interim rule and request for comments, 24274
Retroactive benefits, reduction, 4985

PROPOSED RULES

Regulatory agenda. For references, see entry under Health and Human Services Department.
Social security benefits:
Annual earnings test, 22965
Disability cases; hearing procedures; experiment involving presence of SSA representative, 7261
Disability determinations; medical criteria, 19620
Disability determinations; medical criteria; correction, 23954
Experiments and demonstration projects, 15602
Experiments and demonstration projects; correction, 17575
Impairment-related work expenses for substantial gainful activity purposes and for determining countable earned income, 642
Old-age benefits for which payment has not been made prior to number holder's death; withdrawal of applications; decision to develop regulations, 8789
Prisoners disability payment limitations; and disability determination restrictions for felony and prison related impairments, 25376
Supplemental security income:
Disability cases; hearing procedures; experiment involving presence of SSA representative, 7261
Experiments and demonstration projects, 15602
Impairment-related work expenses for substantial gainful activity purposes and for determining countable earned income, 642, 2127
Income, unearned; treatment, 6885

NOTICES

Grants; availability, etc.:
Cuban/Haitian entrant programs; funding in high-impact areas, 10908
Low back pain; assessment of disability, 18051
Refugee resettlement program; social service funds; allocation formula, 11566
Organization, functions, and authority delegations:
Actuary Office, 10088
Central Operations Office, 1427
Work incentive demonstration programs, 6722
Privacy Act; systems of records, 1025, 19468
Social security; foreign insurance or pension systems:
Solomon Islands, 16107
St. Lucia, 10911
St. Vincent and the Grenadines, 10911
Social security benefits:
Contribution and benefit base; 'old law" determination, 6098
Cost-of-living increases, 20863
Supplemental security income:
Income limitations, 20863
Reconsideration and notification forms, changes, 25057

SOCIAL SECURITY REFORM, NATIONAL COMMISSION

NOTICES

Meetings, 6395, 10329, 17693, 24487

SOIL CONSERVATION SERVICE

RULES

Contracting, long term:
Great Plains conservation program; extended date for new contracts and terminology changes, 130
Organization and functions, 14683

PROPOSED RULES

Regulatory agenda. For references, see entry under Agriculture Department.

NOTICES

Environmental statements; availability, etc.:
Alburg School Land Drainage RC&D Measure, Vt, 20833
Allen Park Land Drainage RC&D Measure, Ky, 25388
Altus Roadside Erosion Control RC&D project, Okla, 14745
Anson County Schools RC&D Measure, N.C, 7470
Asticou Gardens RC&D Measure, Maine, 19729
AuSable River Access Sites, Mich, 15388
Balls Branch Watershed, Nebr, 7473
Bayou Pierre Watershed, Miss, 22577
Bear Creek Watershed, Ala, 6307
Bear Lake County Road Critical Area Treatment RC&D Measure, Idaho, 15388
Beaver Creek Watershed, Ga, 14201
Beaverdam Creek Watershed, Ga, 11913
Belfast City Park RC&D Measure, Maine, 24376
Bibb County Recreation Park RC&D Measure, Ala, 7474
Big Cedar Creek Watershed, Ga, 17600
Big Creek Watershed, Mo, 13392
Big Lost River Streambank Critical Area Treatment RC&D Measure, Idaho, 16814
Blind Brook Watershed, N.Y, 24758
Bluefield Roadside Critical Area Treatment RC&D Measure, Va, 26421
Briar Creek Watershed Project, Pa, 11912
Buffalo-Muddy Fork Creeks Watershed, N.C, 13016
Buncombe County Schools Flood Prevention, Land Drainage and Critical Area Treatment RC&D measure, N.C, 21288
Bunker R-3 School Critical Area Treatment RC&D Measure, Mo, 17601
Camp Creek Watershed, Nebr, 6308
Cane and Maxwell Creeks Critical Area Treatment RC&D Measure, Tex, 7474
Carronde Park RC&D Measure, Mich, 7864
Childress County Roadside Erosion RC&D Measure, Tex, 4325
Chocolay Township, Mich, 14200
County Road Backslopes Critical Area Treatment RC&D Measure Plan, Ga, 26882
Cushman Road Agricultural Land Drainage RC&D Measure, N.Y, 19728
Dallas School District Land Drainage RC&D Measure, Pa, 11913
Delaware County Roadsides RC&D Project, Okla, 6455
Devil's Backbone RC&D Measure, Illinois, 20835
Dickey Brook Watershed Project, Maine, 18636
Dickson County Critical Area Roadside Treatment Measure, Five Rivers Area, Tenn, 7475
Dover Recreational Park RC&D Measure, Tenn, 6308
Eastanollee Creek Critical Area Treatment RC&D Measure, Ga, 24376
English Coulee Watershed, N. Dak, 8390
Erin's Southern Gage Flood Prevention RC&D Measure, Tenn, 6308
Fogland Marsh RC&D Measure, R.I, 7473

George Mason River Retreat, Mich, 11914
Government Canyon RC&D Measure, Nebr, 7475
Grand Isle Elementary School Land Drainage RC&D Measure, Vt, 20834
Guayanes River Watershed, P.R, 15389
Hart County Roadbanks Critical Area Treatment RC&D Measure, Ga, 65
Haskell County Critical Area Treatment No. 1 RC&D project, Okla, 20834
Haskins Road RC&D Measure, N.Y, 6455
Henderson County, Roadbank Stabilization RC&D Measure, N.C, 15389
Indian Creek-Van Buren Watershed, Iowa and Mo, 6679
Interlakes School RC&D Measure, N.H, 25388
Juniper Canyon Watershed, Oreg, 9489
Katheryn Hanlon Memorial Park RC&D Measure, Ohio, 13018
Lake McLeansboro, Heard's Pond RC&D Measure, McLeansboro, Ill, 20836
Lake Waramaug State Park RC&D Measure, Conn, 16813
Logan County Road 43 RC&D Measure, Ohio, 22131
Lower Birch Creek Watershed, Mont, 27578
Lower Bogue Phalia-Murphy Bayou Watershed, Miss, 3152
Machias Athletic Field Land Drainage RC&D Measure, Down East RC&D, Maine, 13016
Machias Athletic Field RC&D Measure, Maine, 13017
Maiden Rock Coulee Watershed, Wis, 13018
Mansfield Township Elementary School RC&D Measure, N.J, 10887
Maplesville Recreation Park RC&D Measure Plan, Ala, 7470
Montgomery County Schools RC&D Measure, N.C, 7471
Moore County Schools RC&D Measure, N.C, 7471
Mt. Hood Watershed, Oreg, 7474
Mudline Road Critical Area Treatment RC&D project, Okla, 20835
Nemasket River Corridor RC&D Measure, Mass, 23786
New Hampshire Critical Area Treatment RC&D Measures, 27578, 28120
North Hocking Watershed, Ohio, 9489
North Jefferson Elementary School Flood Prevention RC&D Measure, W.Va, 24376
Northeast Moscow City Park Public Water-Based Recreation RC&D Measure, Idaho, 11913
Northside Park Critical Area Treatment RC&D Measure, Md, 11912
Norton Point Critical Area Treatment RC&D Measure, Mass, 20836
Ocqueoc River RC&D Measure, Mich, 7864
Oneida County Road Critical Area Treatment RC&D Measure, Idaho, 16362
Ontonagon Township Park RC&D Measure, Mich, 20835
Patagonia Critical Area Treatment RC&D Measure, Ariz, 15817
Perrytown Flood Prevention and Land Drainage RC&D Measure, N.C, 15389
Pipe Creek Critical Area Treatment RC&D Measure, N.Y, 2387
Pocinto Critical Area Treatment RC&D Measure, Tex, 5447
Red Bud River Front Park RC&D Measure, Mich, 17601
Richmond County Schools RC&D Measure, N.C, 7472
Roane County 4-H Camp Land Drainage RC&D Measure, W. Va, 13017
Sebasticook Lake Watershed Project, Maine, 65
South Range, RC&D Measure, Mich, 9489
South Union Township Land Drainage and Critical Area Treatment RC&D Measure, Pa, 14201
Spring Creek Subwatershed, Central Sonoma Watershed, Calif, 7472
Spring Valley Watershed Critical Area Treatment RC&D Measure, Wis, 8390
Spring-Bull Creek Watershed, S. Dak, 4326
St. Mary's City Critical Area Treatment RC&D Measure, Md, 28120
State Highway 109 Critical Area Treatment RC&D Project, Okla, 15817
Temple Landing Park RC&D Measure, Ga, 17602
Uncle John Creek Watershed, Okla, 6309
Upper Big Blue River Watershed, Ind, 15817
Upper Piedmont Agricultural Research Station RC&D Measure, N.C, 25389
Upper West Branch Pecatonica Watershed, Wis, 8804
Village of Breedsville Historical Park, RC&D Measure, Mich, 14745
Washington Mountain Brook Watershed, Mass, 3152
Webber Pond Watershed Project, Maine, 23787
Whallonsburg Critical Area Treatment RC&D Measure, N.Y, 18013
Wolf Creek Watershed, Pilcher Creek, Subwatershed, Oreg, 18636
Wood County 4-H Camp Land Drainage RC&D Measure, W. Va, 13018
Watershed assistance to local organizations, authorization:
Arkansas, 2388
Texas, 840, 991
Watershed projects; deauthorization of funds:
Big Slough Watershed, Ga, 20168
Mill Creek Watershed, Ind, 22131
Upper and Lower McKee Creek Watersheds (North Fork), Ill, 4326

SOUTHEASTERN POWER ADMINISTRATION

NOTICES

Jim Woodruff project; proposed rate adjustment; inquiry and hearing, 9910
Kerr-Philpott projects; interim power and revised proposed long-term marketing policies; inquiry and hearing, 27600
Kerr-Philpott projects; proposed rate extensions and adjustment; inquiry, 26908

STATE DEPARTMENT

RULES

Consular services; schedule of fees, 9999
Visas:
Afghanistan; transit without visa privilege withdrawn, 5990
Immigrants, documentation; definition of "accompanying"; CFR correction, 2089
Immigrants, illiterate; ineligible classes, 21778
Immigrants, issuance fees, 15773
Students; nonimmigrant classification, 21776
Students; nonimmigrant classification; correction, 24293

PROPOSED RULES

Regulatory agenda, 21555
Visas:
Nonimmigrant classification of students, 12359

NOTICES

Agency forms submitted to OMB for review, 27190
Argentina, denial by Export-Import Bank of applications for credit regarding non-financial or non-commercial considerations, 19842
Authority delegations:
Secretary and Deputy Secretary; order of succession, 16131
Bridge permits, applications:
Vanceboro, Maine, and St. Croix, New Brunswick, Canada, 23064
Environmental statements; availability, etc.:
Convention for Conservation of Salmon in North Atlantic Ocean, ratification, 20897
Health implications in U.S. associated with herbicide spraying on marijuana in Western hemisphere countries, 11141
International Center, Washington, D.C.; modifications, 4631
Fishing permits, applications:
Bulgaria, 1064, 14261, 28198
Denmark, 28198
Italy, 14261
Japan, 1064, 14621, 28198
Korea, 1064
Norway, 1064
Poland, 14261, 28198
Union of Soviet Socialist Republics, 1064, 14261, 28198
West Germany, 1064
Gifts; foreign government sources to Federal employees; listing of statements filed, 13071
Grants; availability:
U.S.-Spain Joint Committee for Scientific and Technological Cooperation; post doctoral research and travel, 7790
Haiti; continuation of assistance, credits, and guarantees, 24010
Hostile action declaration; Brigadier General James L. Dozier, U.S. Army, 25235
International conferences:
Private-sector representatives on U.S. delegations; list, 5830, 10695, 18091
Iran, claims against; Tribunal procedure rules, 8118
Iran, registration of claims against, 1063
Meetings:
Broadcasting to Cuba, Presidential Commission, 4187, 6761, 11363, 15953, 16240
Conservation of Atlantic Tunas International Commission, 123
Fine Arts Committee, 7357
International Intellectual Property Advisory Committee, 4187, 13622
International Investment, Technology, and Development Advisory Committee, 4383, 7043, 9132, 10697, 19503
International Radio Consultative Committee, 13622, 16240, 16241, 19503, 24903, 24904

International Telegraph and Telephone Consultative Committee, 123, 2448, 8446, 11362, 11363, 13622, 13623, 16241, 19503, 20240, 24903
Law of the Sea Advisory Committee, 4384, 28521
Oceans and International Environmental and Scientific Affairs Advisory Committee, 4383
Overseas Schools Advisory Council, 18455
Private International Law Advisory Committee, 7357, 10697
Shipping Coordinating Committee, 123, 2448, 4384, 4385, 7043, 11363, 13623, 18456, 19504, 20240, 20241, 24904
Passports, foreign; validity:
Antigua and Barbuda et al, 27190
Privacy Act; systems of records; annual publication, 8719
Senior Executive Service:
Performance Review Board; membership, 8117, 13623
Visas:
Mexico; nonimmigrant validity, 16241
Nonresident alien Mexican border crossing cards; issuance by U.S. Consulate General at Tijuana, Mexico, 10937

STATISTICAL REPORTING SERVICE

RULES
Peanut statistics; CFR Part removed, 2981
NOTICES
Crop and livestock estimating program; modification of reports, 11542
Crop Reporting Board releases; changes in distribution to a fee system, 13392
Organization, functions, and availability of information, 23499

STUDENT FINANCIAL ASSISTANCE, NATIONAL COMMISSION

NOTICES
Meetings, 4171
Meetings; Sunshine Act, 18211, 24250

SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE

RULES
Abandoned mine land reclamation program, 28574
Abandoned mine land reclamation program; plan submissions:
Alabama, 22060
Colorado, 25332
Illinois, 23858, 23886
Kansas, 4513
Kentucky, 21435
Maryland, 25955
Missouri, 4253
Oklahoma, 2989
Permanent and interim regulatory programs:
Backfilling and grading; general requirements, 18552
Cessation orders, 18555
Excess spoil disposal, 18553
State programs; submission, approval, and maintenance procedures, etc, 26356
Permanent program submission; various States:
Alabama, 22030
Arkansas, 3108
Georgia, 10372
Iowa, 7829, 22950
Kansas, 16012
Kentucky, 21404
Maryland, 7214
Massachusetts, 18232
Michigan, 18232
Missouri, 20116
Montana, 6266
New Mexico, 23150, 23153
Oklahoma, 7217, 14152
Oregon, 18232
Rhode Island, 18232
Texas, 24130
Utah, 23155, 26827
Virginia, 8008
West Virginia, 20119, 23156
Wyoming, 7218
PROPOSED RULES
Abandoned mine land reclamation program; plan submissions:
Colorado, 13009, 22568
Crow Tribe, 21274, 25029
Illinois, 57, 25164
Indiana, 3008, 26857
Maryland, 13836
Oklahoma, 22974
Tennessee, 17576
Wyoming, 20002
Abandoned mines land reclamation program; clarification of relationships and responsibilities of States and Federal Government; extension of time, 967
Coal exploration on non-Federal and non-Indian lands; Federal program regulations, various States:
Michigan, 26779
Oregon, 26786
Washington, 26794
Coal mining; Federal/State cooperative agreements:
Colorado, 4694
New Mexico, 23898
North Dakota, 26769
Utah, 13738, 20002
Federal lands program; surface coal mining and reclamation operations, 25092, 28427
Permanent and interim regulatory programs:
Auger mining, 12088
Auger mining; extension of time, etc, 13535, 20631
Coal exploration permit requirements and performance standards, 21442
Coal mine waste disposal, 26598
Effluent limitations and sedimentation pond design criteria; extension of time, etc, 20631
Excess spoil fills; disposal, 24954
Exemptions for operations which affect two acres or less, definitions and terminology, 41, 3377, 5728
Experimental practices mining, 12082
Experimental practices mining; extension of time, etc, 13535, 20631
Explosives use; blasting schedules, preblasting surveys, airblast monitoring requirements, and ground vibration, 12760, 13535, 16349, 22121
Explosives use or blasting; training, examination and certification of blasters, 12779, 13535, 16349, 20631
Hydrology and geology permitting and performance standards, 27712
Permit processing and application content, etc, 27694
Postmining land uses and variances, 16152, 20631
Prime farmland; grandfather exemption, 12310
Prime farmland; grandfather exemption; extension of time, 15605, 18134
Prime farmland; performance standards and permit application procedures, 19076, 20631, 22121
Program submission, review, approval, etc., and Federal program substitution and establishment procedures; partial deferral of requirements, etc.; advance notice, 17269
Remining and reprocessing mine waste; permit and performance standards, 27734
Revegetation requirements, 12596
Revegetation requirements; extension of time, etc, 13535, 20631
Small operator assistance program, 27744
Special bituminous coal mines in Wyo., performance standard, 41, 3377
Special bituminous coal mines in Wyo., reopening of comment period, 5728
State regulatory authority inspection and enforcement, Federal inspection and enforcement, and civil penalty assessments, standards and procedures; partial deferral of requirements; advance notice, 17269
Steam buffer zones and fish, wildlife, and related environmental values protection, 13466, 20631
Steep-slope mining; new operations affecting previously mined lands which do not generate sufficient spoil to completely backfill highwall, 928, 2340
Subsidence control and concurrent surface and underground mining operations, 16604, 20631
Support and transportation facilities, utility installations, and coal processing plants, 27688, 28359
Surface and underground coal mining operations; backfilling and grading requirements, 26760
Surface and underground coal mining operations; erosion and attendant air pollution control and regrading or stabilizing rills and gullies, 7384, 10501
Surface coal mining, unsuitable areas; designation and termination procedures, etc., 25278
Surface coal mining and reclamation operations; permanent and temporary impoundments, 26754
Surface coal mining and reclamation operations; roads, designation as primary or ancillary, 16592, 20631
Surface coal mining operations on or near alluvial valley floors; permit requirements and performance standards, 25486
Topsoil; handling regulations, 10742, 20631
Permanent program regulations, revisions; availability of draft supplemental environmental impact statement and hearings, 26405
Permanent program regulations, revisions; cumulative environmental impacts; availability of environmental assessment, etc, 18920
Permanent program submission; various States:
Alabama, 2338, 16797, 20631

Colorado, 8207, 12639, 25979
Georgia, 17240, 25981
Illinois, 10058, 16046
Indiana, 22974, 26406
Iowa, 6029, 9862
Kansas, 23766, 26165
Kentucky, 820, 8030, 15605
Massachusetts, 560, 3377
Michigan, 560, 3377
Missouri, 23767, 26164
New Mexico, 7855, 12361, 16188
Ohio, 3571, 19721, 26406
Oklahoma, 7262, 14170, 27383
Oregon, 560, 3377
Pennsylvania, 4318, 15368, 19721, 25383
Rhode Island, 560, 3377
Tennessee, 6031, 21096, 25165
Texas, 14170, 18626, 21853
Utah, 7264, 7266
Virginia, 5013, 17827, 20152
West Virginia, 2340, 11885, 17829
Wyoming, 22975

NOTICES

Abandoned mine land reclamation program; grant applications:
Alabama, 9582
Kentucky, 8868
Montana, 8869
Virginia, 8870
Agency forms submitted to OMB for review, 20041, 22618, 23597, 26710, 27134, 28166
Coal mining operations, underground; Mower Lumber Co.; determination of valid existing rights in Monongahela National Forest, W. Va, 23026
Environmental statements; availability, etc.:
Alabama abandoned mine land reclamation plan; 56 projects, 22064
Consolidation Coal Co. et al.; mining and reclamation plans for surface coal mines; Big Horn County, Mont, 23978
Heal Property, Centerville, and Klein Mine, Roundup, Mont.; abandoned mine land reclamation projects, 12393
Illinois abandoned mine lands reclamation plan; seven projects, 25216
NERCO, Inc.; Antelope Coal Mine; Converse County, Wyo, 4158
North Antelope Coal Co.; North Antelope Coal Mine; Campbell and Converse Counties, Wyo.; hearing, 5364
North Antelope Mine, Campbell County, Wyo, 24456
Rosebud Area C Mine, Wyo, 23597
Shell Oil Co. Mining; North Rochelle Coal Mine, Campbell County, Wyo.; scoping meeting, 8691
State and Indian abandoned mine land grants, approval to fund, 19238
Tennessee abandoned mine land reclamation plan; seven projects, 27976
Virginia abandoned mine land reclamation plan; twenty-two projects, 8868
Organization and functions:
State Offices and Technical Service Center; address changes, 1038, 7337
Surface coal mining operations; lands unsuitable for mining; petitions, designations, etc.:
Texas, 20040

SUSQUEHANNA RIVER BASIN COMMISSION

NOTICES

Cowanesque Lake project; Elmira, N.Y., hearing, 19504

SYNTHETIC FUELS CORPORATION

NOTICES

Conflict of interests; interim policy, 21363
Meetings, 1365, 6403
Meetings; Sunshine Act, 12010, 16928, 19267, 19845, 24906, 25435
Project proposals; second solicitation; clarification, 20241

TAHOE REGIONAL PLANNING AGENCY

NOTICES

Environmental statements; availability, etc.:
Lake Tahoe Basin threshold carrying capacities, Calif. and Nev, 3904

TELECOMMUNICATIONS

See Federal Communications Commission.
General Services Administration.
Rural Electrification Administration.
Science and Technology Policy Office.

TENNESSEE VALLEY AUTHORITY

NOTICES

Agency forms submitted to OMB for review, 25235, 28199
Meetings; Sunshine Act, 128, 889, 4388, 6516, 8726, 10939, 15001, 16441, 18704, 20908, 23251, 26277
Public Utility Regulatory Policies Act:
Time-of-day rates and allocation of benefits of hydro power in residential rate design; inquiry, 16241, 19260, 23614

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

NOTICES

Cotton, wool, or man-made textiles:
Brazil, 17607
China, 25560
Colombia, 23194
Dominican Republic, 3820, 15152, 23000
Haiti, 8400, 14934
India, 12377, 12842, 15153, 20653
Indonesia, 24766
Korea, 9269, 13399
Macau, 28445
Mauritius, 12659
Mexico, 7299
Pakistan, 3819, 13024
Philippines, 22579
Romania, 6059, 6317, 8038, 13856
Singapore, 7872, 28123
Sri Lanka, 18638, 24173
Thailand, 19730, 24172, 24380, 25986
Export visa requirements; certification, etc.:
Brazil, 27401
Dominican Republic, 7873
Indonesia, 24174
Korea, 10893, 17104
Singapore, 6683, 27400
Sri Lanka, 13857
Export visa requirements and quotas during 1982; man-made fiber luggage and related products; exemption, 19400
Textile and apparel categories; correlation with U.S. Tariff Schedules, 5926, 20654
Textile category classification of cotton fabrics (Printcloth), 24174
Textile consultation with China; review of trade in cotton playsuits and man-made fiber woven shirts and blouses, 19400
Textile program; apparel entireties visa requirements; procedure to obtain waivers from correct category provision, 842

TOBACCO PRODUCTS

See Alcohol, Tobacco and Firearms Bureau.

TOXIC SUBSTANCES

See Environmental Protection Agency.
Environmental Quality Council.
Food and Drug Administration.
Occupational Safety and Health Administration.

TRADE REPRESENTATIVE, OFFICE OF UNITED STATES

NOTICES

Committees; establishment, renewals, terminations, etc.:
Defense Policy Advisory Committee, 18093
Industry Advisory Committee; closed meetings determination, 18696
Services Policy Advisory Committee, 20410
Generalized System of Preferences:
Articles eligible for duty-free treatment, etc, 9948, 20235
Import information (January through October, 1981), 3235
Import quotas and exclusions, etc.:
Casein, mixtures of casein, and lactalbumin, 15475
Clothespins; inquiry, 719
Coffee from non-members of International Coffee Agreement, 5062
Color television receivers and printed circuit boards from Korea and Taiwan, 28201
Color television receivers from Korea, 1066
Furniture; tariff rate reductions, 12737
Mushrooms, prepared or preserved, and canned and frozen broiled in butter or butter sauce, 20060
Tobacco investigation, 7364
International trade agreements; application determinations; various countries, etc.:
Philippine; supply access for rattan, 12737
Spain, 16697
Meetings:
Commodity Policy Advisory Committee, 6411, 14269
Investment Policy Advisory Committee, 23065
Services Policy Advisory Committee, 26490
Trade Negotiations Advisory Committee, 8440, 26490
Unfair trade practices, petitions, etc.:
Houdaille Industries; machine tools from Japan, 20411, 26490
Tool and Stainless Steel Industry Committee et al.; subsidies from Austria, Belgium, Brazil, France, Italy, Sweden and United Kingdom, 10107, 11347

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Maritime Administration.
National Highway Traffic Safety Administration.
Research and Special Programs Administration, Transportation Department.
Saint Lawrence Seaway Development Corporation.
Urban Mass Transportation Administration.

RULES

Organization, functions, and authority delegations:
Coast Guard Commandant; vessel documentation, 1122
Coast Guard Commandant et al.; Deep Seabed Hard Mineral Resources Act functions, 24581
Coast Guard Commandant et al.; prevention of pollution from ships, 11676
Coast Guard Discharge Review Board, 18903
Urban Mass Transportation Administrator; commuter rail service under Northeast Rail Service Act, 16631
Relocation assistance and land acquisition for Federal and federally assisted programs; moving expense allowance schedule; individuals and families, 6278

PROPOSED RULES

Nondiscrimination on basis of race, color, and national origin; review of regulations, 23190
Regulatory agenda, 14014

NOTICES

Agency forms submitted to OMB for review, 25237, 27444
Deepwater port license extension; Texas Offshore Port Inc.; inquiry, 27444
Grants; availability, etc.:
Minority and women-owned business enterprises, surety bonding program; establishment of reinsurance underwriting pool, 25649
Minority enterprises, financial assistance programs; participation of minority banks, 25650
Meetings:
Minority Business Resource Center Advisory Committee, 3460, 5397, 15204, 24246, 25238
Regulatory calendar, 1662
Washington National Airport; transfer of air carrier services to Dulles International and Baltimore-Washington International Airports; meetings, 1230, 6513, 7361

TRAVEL AND TOURISM ADMINISTRATION

NOTICES

Meetings:
Travel and Tourism Advisory Board, 15152, 16064

TRAVEL SERVICE

See Travel and Tourism Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.
Comptroller of Currency.
Customs Service.
Fiscal Service.
Foreign Assets Control Office.
Internal Revenue Service.
Revenue Sharing Office.
Secret Service.

RULES

Economic stabilization activities; CFR part removed, 2285
Equal Access to Justice Act; implementation, 20763

PROPOSED RULES

Gold and silver and emergency banking provisions; revocation of obsolete regulations, 25543
Regulatory agenda, 18505
Regulatory flexibility review plan, 16033

NOTICES

Agency forms submitted to OMB for review, 18980, 19505, 20718, 21949, 23248, 24493, 25243, 26490, 27654
Bonds, Treasury:
2002 series, 886
2006-2011 series, 5066
Boycotts, international:
Countries requiring cooperation; list, 124, 14269
Committees; establishment, renewals, terminations, etc.:
Justice-Treasury Advisory Committee on State and Local Law Enforcement Training, 12703
Federal assistance award data system for notification to States, 17705
Hazardous substance liability insurance; private insurance, feasibility for post-closure financial responsibility; inquiry and hearing, 19504, 23842
Iran-U.S. Claims Tribunal, payment of awards; issuance of directive license to New York Federal Reserve Bank, 25243
Meetings:
Debt Management Advisory Committee, 124, 8903, 15475, 26274
National Productivity Advisory Committee, 3250, 9323, 14997, 16698, 25433
Notes, Treasury:
A-1992 series, 5065, 6124
B-1992 series, 19261, 20434
D-1989 series, 13440, 15205
E-1987 series, 7952, 9323
E-1989 series, 28199
F-1987 series, 22444, 23842
G-1986 series, 11584, 13624
H-1986 series, 25801, 28001
L-1985 series, 5063, 6124
M-1985 series, 19262, 20434
N-1984 series, 2971, 3905
P-1984 series, 7043, 8118
Q-1984 series, 11364, 12711
R-1984 series, 16925, 18209
S-1984 series, 21373, 23066
T-1984 series, 25799, 27445
Organization, functions, and authority delegations:
Customs Service; regional reorganization, 27655
Energy Legislative and Regulatory Analysis Staff, Office of Special Studies, Office of Assistant Secretary (Economic Policy), et al, 14998
Foreign Operations Internal Revenue District, 13267
Internal Revenue Service National Office; reorganization, 3464
Secretary et al.; supervision of Bureaus and Offices and order of succession, 2449
Privacy Act; systems of records, 20241, 21672
Privacy Act; systems of records; annual publication, 22628
Regulatory calendar, 1662
Senior Executive Service:
Bonus awards schedule, 7795, 28000
Legal Division Performance Review Board; membership, 13090
Tax treaties, income; various countries:
Sweden, 12007

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

NOTICES

Meetings; Sunshine Act, 9135

UNEMPLOYMENT

See Economic Development Administration.
Employment and Training Administration.
Labor Department.
Railroad Retirement Board.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

NOTICES

Meetings; Sunshine Act, 9326, 20439

UNITED STATES RAILWAY ASSOCIATION

NOTICES

Loan applications:
Consolidated Rail Corp, 26275
Meetings; Sunshine Act, 7801, 14652, 22450, 26962

URBAN AFFAIRS

See Community Planning and Development, Office of Assistant Secretary.
Community Services Office.
Economic Development Administration.
Urban Mass Transportation Administration.

URBAN MASS TRANSPORTATION ADMINISTRATION

RULES

Conrail commuter service operations, transfer; interim, 5227
Conrail commuter service operations, transfer; interim; correction, 11677
Reporting and recordkeeping requirements, 13825

PROPOSED RULES

Capital and operating grants; maintenance of effort requirements; withdrawn, 3391
Grantees; project management procedures; withdrawn, 3391
Regulatory agenda. For references, see entry under Transportation Department.
Urban mass transit program (section 5 formula grants) operating assistance application requirements; withdrawn, 3391

NOTICES

Bus specifications, elimination of advanced design; inquiry, 24246
Environmental statements; availability, etc.:
San Francisco metropolitan area highway and transit improvement; California Department of Transportation et al, 21949
Grants; availability, etc.:
Managerial training grant short courses (Section 10), 885
New bus equipment introduction program, 886, 1234
Public transportation technology introduction, and Innovative techniques and methods programs, 20718
Technology introduction, and innovative techniques and methods in management and operation of transportation programs, 10700
Transit bus procurement, bonding requirements; policy statement; inquiry, 18462
Public transportation in nonurbanized areas; administration of formula grant (Section 18) program under State management plan, 5835
Rolling stock procurement; statutory requirements and program guidelines, and inquiry, 7361, 9322
Section 5 operating assistance application instructions; revised Circular 9050.1A; availability, 3460
Third party contracting guidelines (UMTA Circular 4220.1A), issuance; and request for comments on bid protest procedures (Attachment B), 25239
Urbanized area formula apportionment mechanism, 12280

VESSELS

See Coast Guard.
Customs Service.
Engineers Corps.
Federal Maritime Commission.
Interstate Commerce Commission.
Maritime Administration.
Panama Canal Commission.
Saint Lawrence Seaway Development Corporation.

VETERANS ADMINISTRATION

RULES

Adjudication; pensions, compensation, dependency, etc.:
Burial allowance, 11012
Disability compensation payable for loss of two upper extremities, dependency and indemnity compensation payments, automobile allowance, etc, 24549
Marriage and birth documentary evidence submission by claimants, 28096
Monetary allowance payable in lieu of Government-furnished headstone or marker; increase, 19131
Pension rates and income limitations; increase, 20767
Prisoners of war, former, 11655
Appeals from decisions of contracting officers, 12340
Life insurance, U.S. Government and National Service; payment to decedent's estate, 28371
Life insurance, U.S. Government and National Service; updating of regulations, 11656
Loan guaranty:
Disclosure of information, 11279
Graduated payment mortgages; authorization; final rule and request for comments, 15137
Home and condominium loans; maximum permissible interest rate increase, 4256
Mobile home, condominium, and home improvement loans; maximum permissible interest rates decrease, 9826
Mobile home loans; maximum term increase, 12346
Mobile home loans; post-liquidation agreements for indemnification and foreclosure or repossession clarification, 12964
Medical benefits:
Health professional scholarship program, 10809
Health professional scholarship program; correction, 13523
State home facilities; construction grants; interim rule and request for comments, 27858
Privacy Act; implementation, 16322
Procurement, 4082, 8777, 15332, 15333, 18866, 25525, 26127

PROPOSED RULES

Adjudication; pensions, compensation, dependency, etc.:
Disability compensation payable for loss of two upper extremities, dependency and indemnity compensation payments, automobile allowance, etc, 6291
"Former prisoner of war," definition, 20004
Ionizing radiation exposure in military service; disability claims, 21858
Marriage and birth documentary evidence submission by claimants, 12362
Monetary allowance payable in lieu of Government-furnished headstone or marker; increase, 6290
Loan guaranty:
Condominium program, 14172
National cemeteries; disinternments, 23954
Regulatory agenda, 17833
Vocational rehabilitation and education:
"Education program," definition, etc, 24603
Educational assistance; eligibility period extensions, 16797
Educational benefits; flight training, 11041
Educational benefits; surviving spouse's delimiting date, approval requirements for nonaccredited courses, 19380
On-the-job training; promotion and development, 7460
Post-Vietnam era veterans' educational assistance fund; advance payment of allowance, 12363
Post-Vietnam era veterans' educational assistance program; implementation of legislation, 12640
Vocational rehabilitation program, amendments, 18382

NOTICES

Agency forms submitted to OMB for review, 22266
Automobile and adaptive equipment program; evaluation report availability, 26960
Committees; establishment, renewals, terminations, etc.:
Career Development Committee, 24494
Cooperative Studies Evaluation Committee, 22445
Medical Research Service Merit Review Boards, 9954
Veterans' Advisory Committee on Rehabilitation, 8299
Education benefits:
Policies and procedures; additional eligibility; inquiry, 10702
Environmental statements; availability, etc.:
Cleveland, Ohio; clinical improvements, surgical service relocation, 18700
Fort Mitchell, Ala.; Federal Region IV National Cemetary; land use restrictions, 17369
Hawaii; National Cemetery, 2973
King, Wis.; nursing care facility construction, 23066
Los Angeles, Calif.; Barrington Recreation Center, expansion by city on land leased from Brentwood VAMC, 22267
Owings Mills, Md.; Garrison State Veterans Cemetery, 17369
Pittsburgh, Pa.; construction of new laundry, 17155
Portland, Oreg.; replacement boiler plant and building relocation, 7795
Portland, Oreg.; Willamette National Cemetery, 13949
Quincy, Ill.; Illinois State Veterans Cemetery, replacement maintenance and storage building, 10701
St. Louis, Mo.; medical center, clinical addition, 10701
Medical care reimbursement rates; 1983 FY, 27656
Medical research service merit review boards; annual report, availability, 7954
Meetings:
Cooperative Studies Evaluation Committee, 28001
Educational Allowances Station Committee, 5837, 5960, 7795, 12419, 12711, 13090, 13624, 13949, 15475, 16251, 19505, 24014, 24687
Educational Assistance Advisory Committee, 8447
Former Prisoners of War Advisory Committee, 9954, 22630
Geriatrics and Gerontology Advisory Committee, 10937, 20061
Health-Related Effects of Herbicides Advisory Committee, 3905, 19264, 28521
Medical Research Service Merit Review Boards, 25244
Rehabilitative Engineering Research and Development Scientific Review and Evaluation Board, 12007, 28521
Structural Safety of Veterans Administration Facilities Advisory Committee, 9954
Veterans' Advisory Committee on Rehabilitation, 8299, 19843
Wage Committee, 12007, 26729
Privacy Act; systems of records, 367, 1460, 6513, 16132, 20242, 24010, 28522, 28523
Procurement; cost review schedule, 125, 15953, 17895, 22267
Senior Executive Service:
Bonus awards schedule, 7796
Performance Review Board; membership, 124
Vocational rehabilitation and counseling procedures; inquiry, 17895
Wage committee annual report; availability, 13624

VOCATIONAL REHABILITATION AND EDUCATION

See Education Department.
Human Development Services Office.
Veterans Administration.

WAGE AND HOUR DIVISION

RULES

American Samoa industries; minimum wage rates, 26825
Child labor violations, civil penalties; practice rules amendment, 24702
Reporting and recordkeeping requirements, 145
Reporting and recordkeeping requirements; correction, 28094
Wage order procedure for Puerto Rico, Virgin Islands, and American Samoa; compensation of committee members, 11865

NOTICES

American Samoa; special industry committee; appointment, convention, and hearing, 4777
Learners, certificates authorizing employment at special minimum wages, 2438, 15941

WAGE AND PRICE STABILITY COUNCIL

RULES

CFR Title vacated, 2285

WASTE TREATMENT AND DISPOSAL

See Community Planning and Development, Office of Assistant Secretary.
Engineers Corps.
Environmental Protection Agency.

WATER AND POWER RESOURCES SERVICE

See Reclamation Bureau.

WATER AND WATERWAYS

See Coast Guard.
Delaware River Basin Commission.
Engineers Corps.
Environmental Protection Agency.
Federal Maritime Commission.
Interior Department.
Interstate Commerce Commission.
Panama Canal Commission.
Reclamation Bureau.
Saint Lawrence Seaway Development Corporation.
Soil Conservation Service.
Water Resources Council.

WATER RESOURCES COUNCIL

PROPOSED RULES

Water and land resources planning; CFR Parts removed; reopening of comment period and replacement principles and guidelines availability, 12296

NOTICES

Water and land resources planning; proposed economic and environmental principles and guidelines for implementation studies; inquiry, 12297

WESTERN AREA POWER ADMINISTRATION

NOTICES

Central Valley project, Calif.; final power allocations, 4139
Central Valley project, Calif.; proposed allocations, 21608
Customer conservation and renewable energy programs; announcement of general administrative procedures for review/evaluation, 17937
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
  Brookings-White proposed transmission line; Brookings County, S. Dak, 5327
Meetings:
  Loveland-Fort Collins Area Office; post-1989 consolidated marketing plan, 6088, 13031
Power marketing plans:
  Colorado River Storage Project et al.; post-1989 marketing plans; public information forum, 23895
  Loveland-Fort Collins Area Office; marketing plan for excess capacity; public comment forum, 23893
  Loveland-Fort Collins Area Office; post-1989 consolidated marketing plan, 13031
  Pick-Sloan Missouri Basin Program-Western Division; public information and comment forums, 86
Power rate adjustments:
  Central Valley Project, 27602
  Fryingpan-Arkansas Project, 23546
  Loveland-Fort Collins Area Office; Resource Coordination Program rates; public information and comment forums, 23892
  Pick-Sloan Missouri Basin Program, 6705, 10299
  Rio Grande project, 22403
Public Utility Regulatory Policies Act:
  Lifeline rates for projects with annual sales not for resale in excess of 500 million kilowatthours; hearings, etc, 13893

WHITE HOUSE FELLOWSHIPS, PRESIDENT'S COMMISSION

NOTICES

Meetings, 17139

WORKERS' COMPENSATION PROGRAMS OFFICE

RULES

Reporting and recordkeeping requirements, 145

PRIVACY ACT—January-June 1982

ACTION

NOTICES
Systems of records, 3576
Systems of records; annual publication, 60

ACTUARIES, JOINT BOARD FOR ENROLLMENT

NOTICES
Systems of records; annual publication, 11995

AGENCY FOR INTERNATIONAL DEVELOPMENT

NOTICES
Systems of records, 26257
Systems of records; annual publication, 18197

AGRICULTURE DEPARTMENT

NOTICES
Systems of records, 63, 5024, 9037, 12649, 26680
Systems of records; annual publication, 5276

AIR FORCE DEPARTMENT

RULES
Implementation, 26617
PROPOSED RULES
Implementation, 17307
NOTICES
Systems of records, 5285, 7478, 7479, 9500, 14936, 16827, 23968

ARMY DEPARTMENT

RULES
Implementation, 17281, 27262
PROPOSED RULES
Implementation, 14925, 20632
NOTICES
Systems of records, 8609, 17324, 20654, 23510, 25760, 25987, 26686

ARTS AND HUMANITIES, NATIONAL FOUNDATION

NOTICES
Systems of records, 15179, 21352

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

NOTICES
Systems of records; annual publication, 15403

CENTRAL INTELLIGENCE AGENCY

NOTICES
Systems of records, 18943

COMMODITY FUTURES TRADING COMMISSION

NOTICES
Systems of records, 19575

CONSUMER PRODUCT SAFETY COMMISSION

NOTICES
Systems of records, 18165
Systems of records; annual publication, 69

DEFENSE CRIMINAL INVESTIGATIVE SERVICE

PROPOSED RULES
Implementation, 26857

DEFENSE DEPARTMENT

NOTICES
Systems of records, 6462
Systems of records; annual publication, 2544

DEFENSE INTELLIGENCE AGENCY

NOTICES
Systems of records, 11309, 15636

DEFENSE LOGISTICS AGENCY

NOTICES
Systems of records, 11919, 16193, 20016, 25041, 25175, 26685

DEFENSE NUCLEAR AGENCY

RULES
Implementation, 17989

EDUCATION DEPARTMENT

PROPOSED RULES
Implementation, 21096
NOTICES
Systems of records, 24617, 27885
Systems of records; annual publication, 16829

ENERGY DEPARTMENT

NOTICES
Systems of records; annual publication, 14284

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RULES
Implementation, 18594
NOTICES
Systems of records; annual publication, 18654

FEDERAL EMERGENCY MANAGEMENT AGENCY

NOTICES
Systems of records, 21620

FEDERAL ENERGY REGULATORY COMMISSION

NOTICES
Systems of records, 20021

FEDERAL MARITIME COMMISSION

NOTICES
Systems of records, 13213
Systems of records; annual publication, 13214

FEDERAL RESERVE SYSTEM

NOTICES
Systems of records; annual publication, 674

FOREIGN CLAIMS SETTLEMENT COMMISSION

NOTICES
Systems of records, 12682

HEALTH AND HUMAN SERVICES DEPARTMENT

NOTICES
Systems of records, 2791, 12862, 15647, 16415, 22612

HEALTH CARE FINANCING ADMINISTRATION

NOTICES
Systems of records, 6718, 17862, 19235

HISTORIC PRESERVATION, ADVISORY COUNCIL

NOTICES
Systems of records; annual publication, 26176

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

NOTICES
Systems of records, 3035, 4148, 5782, 15912, 15914, 17336, 18184

INTERIOR DEPARTMENT

NOTICES
Systems of records, 859, 7336, 24655, 27977

INTERNAL REVENUE SERVICE

NOTICES
Systems of records, 18699

JUSTICE DEPARTMENT

NOTICES
Systems of records, 4621, 17348, 20221, 20686, 22239, 24473, 27994

MANAGEMENT AND BUDGET OFFICE

NOTICES
Supplemental guidance for computerized matching programs, 21656

MERIT SYSTEMS PROTECTION BOARD

RULES
Implementation, 26369

PROPOSED RULES
Implementation, 8367

NATIONAL CAPITAL PLANNING COMMISSION

NOTICES
Systems of records; annual publication, 15179

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

NOTICES
Systems of records; annual publication, 18081

NAVY DEPARTMENT

NOTICES
Systems of records, 4328, 14938, 14943, 14944, 15636, 15638, 20018, 25041

NUCLEAR REGULATORY COMMISSION

RULES
Implementation, 4676

NOTICES
Systems of records, 4780

PANAMA CANAL COMMISSION

RULES
Implementation, 9207

NOTICES
Systems of records, 18979

PENSION BENEFIT GUARANTY CORPORATION

NOTICES
Systems of records, 19836

PERSONNEL MANAGEMENT OFFICE

NOTICES
Systems of records, 3231, 8436, 8438, 9306, 9623, 20235
Systems of records; annual publication, 16466

POSTAL SERVICE

RULES
Implementation, 17813

PROPOSED RULES
Implementation, 6295

NOTICES
Systems of records, 16232
Systems of records; annual publication, 1199

PUBLIC HEALTH SERVICE

NOTICES
Systems of records, 2508, 2510, 5940, 11566, 16413, 18181, 20206, 20381, 23212, 23576, 26240

RAILROAD RETIREMENT BOARD

NOTICES
Systems of records, 11796

SELECTIVE SERVICE SYSTEM

RULES
Implementation, 7223, 24542

PROPOSED RULES
Implementation, 17578

NOTICES
Systems of records, 8117, 14819

SMALL BUSINESS ADMINISTRATION

NOTICES
Systems of records, 7908

SOCIAL SECURITY ADMINISTRATION

NOTICES
Systems of records, 1025, 19468

STATE DEPARTMENT

NOTICES
Systems of records; annual publication, 8719

TREASURY DEPARTMENT

NOTICES
Systems of records, 20241, 21672
Systems of records; annual publication, 22628

VETERANS ADMINISTRATION

RULES
Implementation, 16322

NOTICES
Systems of records, 367, 1460, 6513, 16132, 20242, 24010, 28522, 28523

GUIDE TO FREEDOM OF INFORMATION INDEXES

January–June 1982

Editorial Note: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first two quarters of 1982 in order to notify the public of the availability of these indexes for sale or public inspection or both.

For Further Information Contact:

Roy Nanovic, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408 (202–523–5227).

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0–9). Jan. 8, 1982. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock. $3.75 per copy; reproduced copy, $9.15; shelf stock will be used while supply lasts. Checks payable to AFO (name of base furnishing copies).	Chief, Central Base Administrator at nearest Air Force installation.
Do	Guide to indexes, catalogs, and lists of departmental publications (AFR 0–1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock. $2.85 per copy; reproduced copy, $2.85 per copy; shelf stock will be used while supply lasts. Checks payable to AFO (name of base furnishing copies).	Do.
Do	Numerical index of standard publications (AFR 0–2). Apr. 1, 1982. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock. $3.68 per copy; reproduced copy, $8.66; shelf stock will be used while supply lasts. Checks payable to AFO (name of base furnishing copies).	Do.
Do	Miscellaneous Air Force and other Government agency publications (AFR 0–16). July 24, 1978. Lists a wide range of subjects of interest to the Air Force.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock. $2.85 per copy; reproduced copy, $2.95 per copy; shelf stock will be used while supply lasts. Checks payable to AFO (name of base furnishing copies).	Do.
Do	Publications Numbering Systems (AFR 5–4). June 2, 1981. Contains subject series and description guide and alphabetical list of subjects.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock. $3.01 per copy; reproduced copy, $3.97 per copy; shelf stock will be used while supply lasts. Checks payable to AFO (name of base furnishing copies).	Do.
Do	Disposition of Air Force documentation (AFM 12–50). Oct. 1, 1969. Pt. 2 consists of decision logic tables which provide for disposition of documentation created or accumulated by all Air Force activities. Attachment 3 is an index to the tables, arranged alphabetically by title of the record.	Chief, Central Base Administration at nearest Air Force installation. Shelf stock will not be used. Pt. 2 is voluminous, therefore, only tables pertaining to requested records will be reproduced. $2.85 for first 6 pages, plus $0.07 for each additional page. Checks payable to AFO (name of base furnishing copies).	Do.
Department of Education (ED), Office of the Assistant Secretary for Legislation and Public Affairs, Executive Staff.	ED Index contains those records required by Public Law 90–23 (Freedom of Information Act). The index is a guide to ED policies, instruction memoranda, organization function statements, guidelines, decisions and procedures not published in the Federal Register. Contains records produced between Sept. 1, 1981 and Dec. 1, 1981.	Freedom of Information Officer, Department of Education, Office of Legislation and Public Affairs, 400 Maryland Ave., S.W. Washington, D.C. 20202.	Office of Legislation and Public Affairs, Room 2089, 400 Maryland Ave., S.W. Washington, D.C. 20202 Tel. 245–8601 or 245–8499.
Department of Energy, Bonneville Power Administration.	BPA Manual Index dated Mar. 28, 1979 (33 pages). Policy, procedural, and directives material indexed by subject and BPA Manual chapter number.	The public may review the index, obtain a copy of the index, without charge, or secure further information concerning the contents of the records listed by contacting Bonneville Power Administration's Office of Public Information, 1002 NE. Holladay Street, Portland, Oregon 97232, or the Washington, D.C., Office, Federal Building, Room 5317, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461..	Bonneville Power Administration offices listed in previous column or BPA Areas and Districts at the following: 1500 NE. Irving, Portland, OR 97208; 415 First Ave. N., Seattle, WA 98109; U.S. Courthouse, Spokane, WA 99201; West 101 Popler St., Walla Walla, WA 99362; U.S. Federal Bldg., 211 E. 7th St., Eugene, OR 97401; Highway 2E, Box 756, Kalispell, MT 59901; U.S. Federal Bldg., 301 Yakima St., Wenatchee, WA 98801; and 531 Lomax St., Idaho Falls, ID 83401.
Department of Health and Human Services, Public Health Service, Centers for Disease Control (HHS/PHS/CDC).	CDC Freedom of Information Act (FOIA) Index contains those records required by the Freedom of Information Act (P.L. 90-23). This index provides identifying information, by program and subject, for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and not published in the Federal Register. Index is updated quarterly.	Public Inquiries, Management Analysis and Services Office, Centers for Disease Control, Atlanta, Ga. 30333. No charge for 1 copy.	Public Inquiries, Management Analysis and Services Office, Centers for Disease Control, Atlanta, Ga. 30333.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Health and Human Services, Public Health Service, Health Services Administration (HHS/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to June 30, 1982. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of June 30, 1982. The respective bureau level indexes are listed as follows:.	Office of Communications and Public Affairs, HHS/PHS/HSA, Room 14A-39, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to HHS/Public Health Service. Mail to HSA Collection Officer, HHS/PHS/HSA, Room 16-36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs, HHS/PHS/HSA, Room 14A-39, 5600 Fishers Lane, Rockville, Md. 20857.
	OA—OFFICE OF THE ADMINISTRATOR		
	OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1979-83; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to HHS manuals; HSA Circulars; OM/OFS—policy decisions, procedures, and opinion..		
	BMS—BUREAU OF MEDICAL SERVICES		
	Division of Hospitals and Clinics Operations Manual; BMS supplements to HHS manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; BMS circulars; Contract Physician's Guide.		
	IHS—INDIAN HEALTH SERVICES		
	IHS circulars; IHS supplements to HHS manuals; IHS Operations Manual; General Counsel opinions; policy and procedural manual and circulars.		
	BCHS—BUREAU OF COMMUNITY HEALTH SERVICES		
	BCHS administrative guide system; BCHS Operations Manual; "Emergency Medical Service Systems Program Guidelines"; BCHS Regional Memorandum Series.		
	BHPDS—BUREAU OF HEALTH PERSONNEL DEVELOPMENT AND SERVICE		
	BHPDS supplements to the HHS manuals; BHPDS operations manuals which include memoranda, guidelines, handbooks and procedures..		
Department of the Interior, Bureau of Mines.	Basic Bureau of Mines Manual General Table of Contents and Checklist-July 6, 1976.	In accordance with fee schedule in 43 CFR 2, App. A.	Helen M. Gellett, Directives Management Officer, 2401 E St. NW., Washington, D.C. 20241; telephone: 634-4730.
	Numeric and subject listing of internal policies and procedures by series, part, chapter, paragraph, and subordinate paragraph.	Bureau of Mines.	
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index - April 1, 1974: Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects.	Division of Management Support, E&R Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225. No charge.	Division of Management Support, E&R Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225; telephone: 303 234-2081.
Department of the Treasury, Office of the Secretary.	Index of Selected Records: July 1967 to June 1982; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, $1.50, Treasury of the United States.	Treasury Department Library, Room 5010 Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of Additions and Deletions to the Procurement List: (a) Procurement List 1982 incorporates all additions and deletions through November 7, 1981; (b) Current index November 1981-June 1982.	Order from Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 North 14th Street, Suite 610, Arlington, Va. 22201. Price: Ten cents per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped, Attention: Freedom of Information Officer.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
General Services Administration (GSA).	GSA Freedom of Information index; July 4, 1967 through June 30, 1982. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect members of the public.	GSA, Director of Information (XI), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18th & F STS. NW, Rm. 1033, Washington, D.C. 20405 Business Service Centers: National Capital Region: 7th & D STS. SW., Washington, D.C. 20407 Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109 Region 2: 26 Federal Plaza, New York, N.Y. 10278 Region 3: 9th & Market Sts., Philadelphia, Pa., 19107 Region 4: Richard B. Russell Bldg., 75 Spring St., Atlanta, Ga. 30303 Region 5: 230 So. Dearborn St., Chicago, Ill., 60604 Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131 Region 7: 819 Taylor St., Ft. Worth, Tex. 76102 Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225 Region 9: 525 Market St., San Francisco, Calif. 94105 Region 10: GSA Center, Auburn, Wash. 98002
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do	Brochure: Falcon Dam and Power Plant	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do	Water Bulletins: Containing data for 1 year covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas–for years 1931 through 1980.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $4.50 per bulletin (data for 1 year). Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Water Bulletins: Containing data for 1 year covering flow of Colorado River and other Western Boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1980.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $5.50 per bulletin (data for 1 year). Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Color print map – Lower Rio Grande Valley United States and Mexico.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $4.00 per map. Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
Do	Annual Report: Operation of Rio Grande Dams and Reservoirs. This report provides data concerning the operation of the international dams and reservoirs constructed by the Governments of the United States and Mexico on the reach of the Rio Grande which forms the boundary between the two countries.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. No charge.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
Do	Color print map: El Paso Rio Grande Projects, Canalization and Rectification Projects.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $10.00 per map. Payable to International Boundary and Water Commission, U.S. Section.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
Office of Personnel Management	Index to Information, OPM Document No. 1. As of February, 1982. A listing of policy and non-policy publications and information systems arranged alphabetically by title and subject. This index includes some information formerly published in the Index to Civil Service Commission Information.	Internal Distribution Unit, Room B–443, Office of Personnel Management, 1900 E Street, NW, Washington, D.C. 20415. Free.	OPM Library or any OPM Office, including regional and area offices.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to June 30, 1982; interpretive letters addressing the provisions of Title IV of the Employee Retirement Income Security Act (ERISA)–plan termination insurance program.	Disclosure Officer, Office of the Executive Director, Pension Benefit Guaranty Corp., Room 7000, 2020 K St. NW., Washington, D.C. 20006; Charge $0.10 per page; Payable to The Pension Benefit Guaranty Corp.; or contact Disclosure Officer for information regarding a subscription to the Opinion Manual.	Disclosure Officer, Office of the Executive Director, (202) 254–4827, 2020 K St. NW., Washington, D.C. 20006
Pension Benefit Guaranty Corporation, Office of Program Operations.	Index to Pension Benefit Guaranty Corp. OPO Operations Manual; as of June 30, 1982; contains statements of basic policies and procedures used by Office of Program Operations staff in administering Title IV of the Employee Retirement Income Security Act (ERISA)—plan termination insurance program.	Disclosure Officer, Office of the Executive Director, Pension Benefit Guaranty Corp., Room 7000, 2020 K St., N.W. Washington, D.C. 20006. Charge $.10 per page. Payable to Pension Benefit Guaranty Corp. or contact Disclosure Officer for price of entire Operations Manual.	Do.

FEDERAL REGISTER PAGES AND DATES—JANUARY–JUNE 1982

Pages	Date	(Issue No.)
1–128	Jan. 4	(1)
128–588	5	(2)
589–744	6	(3)
745–934	7	(4)
935–1108	8	(5)
1109–1256	11	(6)
1257–1366	12	(7)
1367–2072	13	(8)
2073–2282	14	(9)
2283–2474	15	(10)
2475–2766	18	(11)
2767–2854	19	(12)
2855–2976	20	(13)
2977–3070	21	(14)
3071–3338	22	(15)
3339–3538	25	(16)
3539–3756	26	(17)
3757–4038	27	(18)
4039–4222	28	(19)
4223–4488	29	(20)
4489–4672	Feb. 1	(21)
4673–4978	2	(22)
4979–5188	3	(23)
5189–5400	4	(24)
5401–5698	5	(25)
5699–5870	8	(26)
5871–5992	9	(27)
5993–6244	10	(28)
6245–6416	11	(29)
6417–6608	12	(30)
6609–6812	16	(31)
6813–7202	17	(32)
7203–7386	18	(33)
7387–7610	19	(34)
7611–7822	22	(35)
7823–7996	23	(36)
7997–8148	24	(37)
8149–8318	25	(38)
8319–8546	26	(39)
8547–8748	Mar. 1	(40)
8749–8976	2	(41)
8977–9184	3	(42)
9184–9386	4	(43)
9387–9804	5	(44)
9805–9980	8	(45)
9981–10198	9	(46)
10199–10502	10	(47)
10503–10762	11	(48)
10763–11000	12	(49)
11001–11242	15	(50)
11243–11494	16	(51)
11495–11640	17	(52)
11641–11814	18	(53)
11815–12124	19	(54)
12125–12326	22	(55)
12327–12604	23	(56)
12605–12784	24	(57)
12785–12930	25	(58)
12931–13112	26	(59)
13113–13318	29	(60)
13319–13476	30	(61)
13477–13756	31	(62)
13757–14130	Apr. 1	(63)
14131–14474	2	(64)
14475–14666	5	(65)
14667–14884	6	(66)
14885–15090	7	(67)
15091–15308	8	(68)
15309–15556	9	(69)
15557–15760	12	(70)
15761–16000	13	(71)
16001–16160	14	(72)
16161–16310	15	(73)
16311–16610	16	(74)
16611–16758	19	(75)
16759–17032	20	(76)
17033–17270	21	(77)
17271–17464	22	(78)
17465–17790	23	(79)
17791–17974	26	(80)
17975–18108	27	(81)
18109–18308	28	(82)
18309–18562	29	(83)
18563–18846	30	(84)
18847–19110	May 3	(85)
19111–19306	4	(86)
19307–19496	5	(87)
19497–19656	6	(88)
19657–19960	7	(89)
19961–20104	10	(90)
20105–20284	11	(91)
20285–20542	12	(92)
20543–20738	13	(93)
20739–20982	14	(94)
20983–21230	17	(95)
21231–21528	18	(96)
21529–21754	19	(97)
21755–22070	20	(98)
22071–22338	21	(99)
22339–22494	24	(100)
22495–22930	25	(101)
22931–23134	26	(102)
23135–23414	27	(103)
23415–23680	28	(104)
23681–23912	June 1	(105)
23913–24096	2	(106)
24097–24250	3	(107)
24251–24538	4	(108)
24539–24688	7	(109)
24689–25000	8	(110)
25001–25112	9	(111)
25113–25318	10	(112)
25319–25502	11	(113)
25503–25728	14	(114)
25729–25932	15	(115)
25933–26116	16	(116)
26117–26368	17	(117)
26369–26610	18	(118)
26611–26804	21	(119)
26805–27056	22	(120)
27057–27242	23	(121)
27243–27536	24	(122)
27537–27842	25	(123)
27843–28066	28	(124)
28067–28360	29	(125)
28361–28604	30	(126)

No.)

35)
36)
37)
38)
39)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
00)
01)
02)
03)
04)
05)
06)
07)
08)
09)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)

e 1982

INDEX

Now Available 1980-1981 Microfilm Editions of the Federal Register

The microfilm editions of the **Federal Register** for 1980 and 1981 (volumes 45 and 46) are now available at a cost of $735. These volumes cover 150,566 pages, the annual indexes, and the quarterly indexes of the List of CFR Sections Affected. Volume 45, the 1980 edition, is available on 26 rolls of microfilm at a cost of $390. Volume 46, the 1981 edition, is on 23 rolls and costs $345. The entire microfilm publication (M190), now comprising 410 rolls and spanning the years 1936–1981, is for sale at $6,150. Further information concerning the 1980–81 volumes or any other volumes may be obtained from the Publications Sales Branch (NEPS), National Archives and Records Service, Washington, D.C. 20408.

Institutions or business may place their orders directly with NEPS. The **Federal Register** is filmed on 35 mm. roll film only.

BEST COPY AVAILABLE

code of federal regulations

LSA

List of CFR Sections Affected

January 1982

TITLES 1–16
Changes January 4, 1982
through January 29, 1982

TITLES 17–27
Changes April 1, 1981
through January 29, 1982

TITLES 28–41
Changes July 1, 1981
through January 29, 1982

TITLES 42–50
Changes October 1, 1981
through January 29, 1982

PARALLEL TABLE OF
AUTHORITIES AND RULES

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Triangles △ appearing on page numbers under a particular title indicate that the page numbers span 2 years. The triangle is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 46 FR for 1981 page numbers and 47 FR for 1982 page numbers. Example: Page 45875 cite as 46 FR 45875; △ 3353 cite as 47 FR 3353.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved: the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains references to new authorities cited for CFR regulations added or revised since July 1, 1981, as well as removals from Table I for CFR regulations removed since July 1, 1981.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 and July 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

(Comprising a complete CFR set)

Title	Price†	Revision Date
1, 2 (2 Reserved)	$5.00	Jan. 1, 1981
3 (1976 Compilation and Parts 100 and 101)	3.50	Jan. 1, 1977
(1977 Compilation and Parts 100 and 101)	4.75	Jan. 1, 1978
(1978 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1979
(1979 Compilation and Parts 100 and 101)	8.50	Jan. 1, 1980
(1980 Compilation and Parts 100 and 101)	7.50	Jan. 1, 1981
4	7.50	Jan. 1, 1981
5	10.00	Jan. 1, 1981
5 (Parts 1–1199)	8.00	Jan. 1, 1982
6	4.00	Jan. 1, 1981
7 (Parts 0–52)	8.50	Jan. 1, 1981
(Parts 53–209)	7.50	Jan. 1, 1981
(Parts 210–299)	8.00	Jan. 1, 1981
(Parts 300–399)	7.00	Jan. 1, 1981
(Parts 400–699)	7.50	Jan. 1, 1981
(Parts 700–899)	8.00	Jan. 1, 1981
(Parts 900–944)	8.00	Jan. 1, 1981
(Parts 945–980)	6.50	Jan. 1, 1981
(Parts 981–999)	6.50	Jan. 1, 1981
(Parts 1000–1059)	7.50	Jan. 1, 1981
(Parts 1060–1119)	7.50	Jan. 1, 1981
(Parts 1120–1199)	12.00	Jan. 1, 1981
(Parts 1200–1499)	8.50	Jan. 1, 1981
(Parts 1500–1899)	7.00	Jan. 1, 1981
(Parts 1900–2799)	11.00	Jan. 1, 1981
(Parts 2800–2851)	8.00	Jan. 1, 1981
(Part 2852)	9.00	July 1, 1981
(Part 2853–End)	7.00	Jan. 1, 1981
8	6.50	Jan. 1, 1981
9 (Parts 1–199)	8.50	Jan. 1, 1981
(Part 200–End)	7.50	Jan. 1, 1981
10 (Parts 0–199)	12.00	Jan. 1, 1981
(Parts 200–399)	8.50	Jan. 1, 1981
(Parts 400–499)	8.00	Jan. 1, 1981
(Part 500–End)	8.50	Jan. 1, 1981
11	6.50	Jan. 1, 1981
12 (Parts 1–199)	7.00	Jan. 1, 1981
(Parts 200–299)	9.00	Jan. 1, 1981
(Parts 300–499)	7.00	Jan. 1, 1981
(Part 500–End)	9.00	Jan. 1, 1981
13	8.00	Jan. 1, 1981
14 (Parts 1–59)	8.50	Jan. 1, 1981
(Parts 60–199)	9.50	Jan. 1, 1981
(Parts 200–1199)	8.50	Jan. 1, 1981
(Part 1200–End)	7.00	Jan. 1, 1981
15 (Parts 0–299)	6.50	Jan. 1, 1981
(Part 300–End)	9.50	Jan. 1, 1981
16 (Parts 0–149)	7.50	Jan. 1, 1981
(Parts 150–999)	7.50	Jan. 1, 1981
(Part 1000–End)	8.00	Jan. 1, 1981
17 (Parts 1–239)	9.50	April 1, 1981
(Part 240–End)	8.00	April 1, 1981
18 (Parts 1–149)	8.00	April 1, 1981
(Parts 150–399)	8.00	April 1, 1981
(Part 400–End)	7.00	April 1, 1980
19	9.50	April 1, 1981

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

†Prices are subject to change.

CHECKLIST OF CURRENT CFR VOLUMES

(Comprising a complete CFR set)

Title	Price	Revision Date
20 (Parts 1–399)	$7.00	April 1, 1981
(Parts 400–499)	8.50	April 1, 1981
(Part 500–End)	9.00	April 1, 1981
21 (Parts 1–99)	7.00	April 1, 1981
(Parts 100–169)	7.50	April 1, 1981
(Parts 170–199)	7.50	April 1, 1981
(Parts 200–299)	5.50	April 1, 1981
(Parts 300–499)	9.00	April 1, 1981
(Parts 500–599)	8.50	April 1, 1981
(Parts 600–799)	6.50	April 1, 1981
(Parts 800–1299)	7.00	April 1, 1981
(Part 1300–End)	5.50	April 1, 1981
(Part 1300–End—Part 1308 Table)	4.75	Apirl 1, 1979*
22	9.50	April 1, 1981
23	8.50	April 1, 1981
24 (Parts 0–199)	7.00	April 1, 1981
(Parts 200–499)	9.00	April 1, 1981
(Parts 500–799)	7.00	April 1, 1981
(Parts 800–1699)	8.00	April 1, 1981
(Part 1700–End)	7.00	April 1, 1981
25	9.00	April 1, 1981
26 (Part 1 §§ 1.0–1.169)	9.00	April 1, 1981
(§§ 1.170–1.300)	7.50	April 1, 1981
(§§ 1.301–1.400)	6.50	April 1, 1981
(§§ 1.401–1.500)	8.00	April 1, 1981
(§§ 1.501–1.640)	8.50	April 1, 1981
(§§ 1.641–1.850)	7.50	April 1, 1981
(§§ 1.851–1.1200)	9.00	April 1, 1981
(§§ 1.1201–End)	9.50	April 1, 1981
(Parts 2–29)	8.00	April 1, 1981
(Parts 30–39)	6.50	April 1, 1981
(Parts 40–299)	8.50	April 1, 1981
(Parts 300–499)	7.00	April 1, 1981
(Parts 500–599)	7.50	April 1, 1980**
(Part 600–End)	5.50	April 1, 1980**
27 (Parts 1–199)	8.50	April 1, 1981
(Part 200–End)	7.50	April 1, 1980
28	7.00	July 1, 1980
29 (Parts 0–99)	9.50	July 1, 1981
(Parts 100–499)	6.50	July 1, 1981
(Parts 500–899)	9.00	July 1, 1981
(Parts 900–1899)	6.50	July 1, 1981
(Parts 1900–1910)	9.00	July 1, 1981
(Parts 1911–1919)	6.00	July 1, 1981
(Part 1920–End)	8.50	July 1, 1981
30 (Parts 0–199)	7.50	July 1, 1981
(Part 200–End)	9.00	July 1, 1981
31 (Parts 0–199)	7.00	July 1, 1981
(Part 200–End)	8.00	July 1, 1981
32 (Parts 1–39) (V.I.)	9.00	Aug. 1, 1981
(V.II)	11.00	July 1, 1979
(V.III)	9.50	Aug. 1, 1981
(Parts 1–39, Supplement)	6.00	July 1, 1980
(Parts 40–399)	13.00	July 1, 1981
(Parts 400–699)	10.00	July 1, 1981
(Parts 700–799)	8.50	July 1, 1981
(Parts 800–999)	8.00	July 1, 1981
(Part 1000–End)	7.00	July 1, 1981
33 (Parts 1–199)	9.50	July 1, 1981
(Part 200–End)	8.50	July 1, 1981

*No amendments to this volume were promulgated in the FEDERAL REGISTER during the 1979–1981 revision period. The CFR volume issued in 1979 should be retained.

**No amendments to this volume were promulgated during the period April 1, 1980 to March 31, 1981. The CFR volume issued as of April 1, 1980, should be retained.

(Comprising a complete CFR set)

Title	Price	Revision Date
34	$7.00	July 1, 1980
34 (Parts 1–399)	14.00	July 1, 1981
35	7.00	Dec. 31, 1980
36 (Parts 1–199)	6.50	July 1, 1981
(Part 200–End)	7.50	July 1, 1981
37	6.50	July 1, 1981
38 (Parts 0–17)	8.00	July 1, 1981
(Parts 18–End)	7.00	July 1, 1981
39	6.50	July 1, 1981
40 (Parts 0–51)	8.50	July 1, 1981
(Part 52)	9.50	July 1, 1981
(Parts 53–80)	9.00	July 1, 1981
(Parts 81–99)	9.50	July 1, 1981
(Parts 100–149)	7.50	July 1, 1981
(Parts 150–189)	7.50	July 1, 1981
(Parts 190–399)	8.00	July 1, 1981
(Parts 400–424)	8.00	July 1, 1981
(Part 425–End)	8.00	July 1, 1981
41 (Chapter 1—1–1 to 1–10)	8.00	July 1, 1981
(Chapter 1—1–11 to Appendix)	7.50	July 1, 1981
(Chapter 3–6)	8.50	July 1, 1981
(Chapter 7)	5.25	July 1, 1981
(Chapter 8)	5.00	July 1, 1981
(Chapter 9)	8.00	July 1, 1981
(Chapters 10–17)	7.50	July 1, 1981
(Chapter 18, Vol. I, Parts 1–5)	8.00	July 1, 1981
(Chapter 18, Vol. II, Parts 6–19)	9.50	July 1, 1981
(Chapter 18, Vol. III, Parts 20–52)	8.00	July 1, 1981
(Chapters 19–100)	8.00	July 1, 1981
(Chapter 101)	9.00	July 1, 1981
(Chapter 102–End)	7.00	July 1, 1981
42 (Parts 1–399)	10.00	Oct. 1, 1980
(Parts 61–399)	6.50	Oct. 1, 1981
(Part 400–End)	9.50	Oct. 1, 1980
43 (Parts 1–999)	7.00	Oct. 1, 1981
(Part 1000–End)	12.00	Oct. 1, 1980
44	8.00	Oct. 1, 1980
45 (Parts 1–99)	7.50	Oct. 1, 1980
(Parts 100–149)	8.50	Oct. 1, 1980
(Parts 150–199)	8.50	Oct. 1, 1980
(Parts 200–499)	6.50	Oct. 1, 1980
(Parts 500–1199)	7.50	Oct. 1, 1981
(Part 1200–End)	8.50	Oct. 1, 1980
46 (Parts 1–29)	5.50	Oct. 1, 1981
(Parts 30–40)	5.50	Oct. 1, 1981
(Parts 41–69)	7.50	Oct. 1, 1980
(Parts 70–89)	6.00	Oct. 1, 1981
(Parts 90–109)	7.00	Oct. 1, 1980
(Parts 110–139)	4.75	Oct. 1, 1979***
(Parts 140–155)	6.50	Oct. 1, 1981
(Parts 156–165)	7.50	Oct. 1, 1980
(Parts 166–199)	7.00	Oct. 1, 1980
(Parts 200–399)	8.00	Oct. 1, 1981
(Part 400–End)	7.00	Oct. 1, 1980
47 (Parts 0–19)	7.50	Oct. 1, 1981
(Parts 20–69)	8.50	Oct. 1, 1980
(Parts 70–79)	8.50	Oct. 1, 1980
(Part 80–End, 48 (48 Reserved)	8.50	Oct. 1, 1981
49 (Parts 1–99)	6.00	Oct. 1, 1981
(Parts 100–177)	9.00	Dec. 1, 1980
(Parts 178–199)	8.00	Oct. 1, 1981
(Parts 200–399)	8.00	Oct. 1, 1980
(Parts 400–999)	8.50	Oct. 1, 1980

***No amendments to this volume were promulgated during the period October 1, 1979 to September 30, 1980. The CFR volume issued as of October 1, 1979 should be retained.

(Comprising a complete CFR set)

Title	Price	Revision Date
49 (Parts 1000–1199)	$8.50	Oct. 1, 1980
(Parts 1200–1299)	10.00	Oct. 1, 1980
(Part 1300–End)	7.00	Oct. 1, 1981
50 (Parts 1–199)	7.00	Oct. 1, 1980
(Part 200–End)	8.50	Oct. 1, 1980
Complete 1980 CFR set	450.00	1980
Complete 1981 CFR set	525.00	1981
Microfiche CFR edition:		
Complete set (one-time mailing)	150.00	1980
Individual copies	2.00	1980
Microfiche CFR edition:		
Subscription (mailed as issued)	250.00	1981
Individual copies	2.00	1981
CFR Index and Findings Aids	9.50	July 1, 1981

Other Related Publications

Federal Register—What it is and how to use it	4.00	1980
Federal Register Document Drafting Handbook	1.50	1980
Guide to Record Retention Requirements	5.50	1981
List of Sections Affected, 1949–1963	15.00	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	15.00	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	10.00	
Individual copies	1.00	monthly
Federal Register Index:		
Yearly subscription	8.00	
Individual copies	1.00	monthly

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

TITLE 3—THE PRESIDENT

Proclamations

	Page
4707 Amended and superseded in part by Proc. 4889	1
4889	1
4890	2855
4891	2977
4892	3339

Executive Orders

	Page
1643 Revoked by PLO 6101	769
10839 Revoked by EO 12343	4225
11157 Amended by EO 12337	1367
11476 *See* EO 12340	3071
11643 Revoked by EO 12342	4223
11835 *See* EO 12340	3071
11846 *See* Proc. 4889	1
12018 *See* EO 12340	3071
12171 Amended by EO 12338	1369
12198 *See* EO 12340	3071
12233 *See* EO 12340	3071
12251 Revoked by EO 12341	3341
12306 *See* EO 12340	3071
12310 Amended by EO 12339	2475
12315 *See* EO 12340	3071
12337	1367
12338	1369
12339	2475
12340	3071
12341	3341
12342	4223
12343	4225

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

	Page
6.8 (c) added	4227
293.401—293.406 (Subpart D) Added	3080
359.801—359.807 (Subpart H) Added; interim	2284
410.302 Revised	935
410.503 (e) revised	935
831.201 (a)(18) added	2285

Chapter II—Merit Systems Protection Board

	Page
1201.11 Amended; interim	937
1201.13 Added; interim	937
1201.126 Revised	936

Chapter XIV—Federal Labor Relations Authority and Federal Service Impasses Panel

	Page
Chapter XIV Appendix A amended	3343

Title 5—*Proposed Rules:*

	Page
1—1001 (Ch. I)	154
352	956
550	958
610	958
890	961
930	4277

TITLE 6—ECONOMIC STABILIZATION

	Page
Title vacated	2286

Chapter VI—Assistant Secretary for Administration, Department of the Treasury

	Page
Chapter VI Removed	2286
602 Removed	2286

Chapter VII—Council on Wage and Price Stability

	Page
Chapter VII Removed	2286
701 Removed	2286
702 Removed	2286
703 Removed	2286
704 Removed	2286

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

	Page
1a Added	2073
2.23 (a)(1) revised; (b)(14) added	5
2.27 Technical correction	6
2.43 Correctly removed	6
2.70 (a)(1) revised; (a)(15) through (27) removed	5
2.71 Added	6
6.28 Amended	746
17.6 Amended	746
17.17 Amended	746
20.6 Amended	746

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Title 7—Continued

Chapter I—Agricultural Marketing Service (Standards, Inspections Marketing Practices), Department of Agriculture

		Page
29.9407	Amended	745
46.14	Amended	745
46.15	Amended	745
46.18	Amended	745
46.19	Amended	745
46.21	Amended	745
46.22	Amended	745
46.24	Amended	745
46.25	Amended	745
46.28	Amended	745
46.29	Amended	745
46.31	Amended	745
46.32	Amended	745
58.139	Amended	745
58.148	Amended	745
58.322	Amended	745
58.441	Amended	745
59.200	Amended	745
59.504	Amended	745
59.530	Amended	745
59.575	Amended	745
59.600	Amended	745
59.610	Amended	745
59.720	Amended	745
68.42a	Revised	129
	Effective date corrected	2074
70.76	Amended	745
70.77	Amended	745
101.16	Amended	745
101.17	Amended	745
101.19	Amended	745
101.28	Amended	745
101.33	Amended	745
101.36	Amended	745
101.47	Amended	745
101.49	Amended	745
102.18	Amended	745
102.20	Amended	745
102.22	Amended	745
102.29	Amended	745
102.30	Amended	745
102.34	Amended	745
102.37	Amended	745
102.38	Amended	745
102.54	Amended	745
103.16	Amended	745
103.17	Amended	745
103.19	Amended	745
103.24	Amended	745
103.28	Amended	745
103.39	Amended	745
103.40	Amended	745
103.41	Amended	745
104.16	Amended	745
104.17	Amended	745
104.19	Amended	745
104.28	Amended	745
104.29	Amended	745
106.16	Amended	745
106.17	Amended	745
106.19	Amended	745
106.30	Amended	745
106.37	Amended	745
106.39	Amended	745
106.48	Amended	745
106.54	Amended	745
107.18	Amended	745
107.19	Amended	745
107.21	Amended	745
107.31	Amended	745
107.33	Amended	745
107.43	Amended	745
107.45	Amended	745
107.51	Amended	745
107.55	Amended	745
108.16	Amended	745
108.17	Amended	745
108.19	Amended	745
108.27	Amended	745
108.29	Amended	745
108.33	Amended	745
108.35	Amended	745
108.42	Amended	745
108.47	Amended	745
111.17	Amended	745
111.18	Amended	745
111.20	Amended	745
111.31	Amended	745
111.33	Amended	745
111.41	Amended	745
111.44	Amended	745
111.52	Amended	745
111.56	Amended	745
160.1	(c) amended	3344
160.68	Revised	3345
160.69	Removed; new 160.69 redesignated from 160.70	3345
160.70	Redesignated as 160.69; new 160.70 redesignated from 160.71	3345
160.71	Redesignated as 160.70; new 160.71 redesignated from 160.72 and amended	3345
160.72	Redesignated as 160.71 and amended	3345

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

	Page
160.76 Amended	3345
160.201 Revised	3345
160.202 Revised	3345
160.204 Revised	3345
160.205 Revised	3346
201 Amended	746

Chapter II—Food and Nutrition Service, Department of Agriculture

210.7 Amended	745
210.11 Amended	746
215.6 Amended	746
215.7 Amended	745
215.11 Amended	745
215.12 Amended	745
215.14 Amended	745
220.3 Amended	745
220.7 Amended	745
220.8 Amended	746
220.9 Amended	746
220.13 Amended	746
220.14 Amended	746
220.16 Amended	746
225.11 Amended	746
225.19 Amended	746
225.20 Amended	746
225.22 Amended	746
226.12 (a)(3)(i), (ii), and (iii) revised; interim	3541
226.16 (d)(4)(ii) revised; interim (effective date pending)	3541
227.4 Amended	746
227.30 Amended	746
227.31 Amended	746
230.12 Amended	746
230.14 Amended	746
230.15 Amended	746
245.4 Amended	746
245.7 Amended	746
245.10 Amended	746
246.15 Amended	746
247.3 Amended	746
247.5 Amended	746
247.6 Amended	746
247.8 Amended	746
247.9 Amended	746
247.13 Amended	746
247.14 Amended	746
247.15 Amended	746
247.19 Amended	746
247.20 Amended	746
247.21 Amended	746
250.5 Amended	745
250.6 Amended	745
250.8 Amended	745
250.15 Amended	745
282.18 Added	536
283.5 Amended	746
283.7 Amended	746
283.8 Amended	746
283.9 Amended	746

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

301.81–2a Revised; interim	1260
319 Authority citation	3085
319.37–8 (f) added	3087
319.75—319.75–8 (Subpart) Confirmed	3082
Heading amended	3085
319.75 (a) revised; (b) amended	3085
319.75–2 Revised	3085
319.75–3 Footnotes 1 and 2 redesignated as Footnotes 3 and 4; (b)(6) removed; (b)(7) and (8) redesignated as (b)(6) and (7)	3085
319.75–5 (a)(6) removed	3085
319.75–9 Added	3085

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401.111 Amended	745
401 Amended	746
402.7 Amended	745
402 Amended	746
403.7 Amended	745
403 Amended	746
404 Amended	746
405 Amended	746
406 Amended	746
407 Amended	746
408 Amended	746
409.35 Amended	745
409 Amended	746
410 Amended	746
411 Amended	746
412 Amended	746
413 Amended	746
414 Amended	746
415 Amended	746
416 Amended	746
417 Amended	746
418 Amended	746
419 Amended	746

90-145 O - 82 - 2

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Title 7, Chapter IV—Continued

		Page
420	Amended	746
421	Amended	746
422	Amended	746
423	Amended	746
424	Amended	746
425	Authority citation	7
425.7	(d) amended; interim	7
425	Amended	746
426	Amended	746
427	Amended	746
428	Amended	746
429	Amended	746
430	Amended	746
431	Amended	746
432	Amended	746
433	Amended	746
434	Amended	746
435	Amended	746
436	Amended	746
437	Amended	746
438	Amended	746
439	Amended	746
440	Amended	746
441	Amended	746
442	Amended	746

Chapter VI—Soil Conservation Service, Department of Agriculture

631	Nomenclature change	131
631.8	(a) corrected	131

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701.3	(b) (8) added	939
701.9	(i) added	939
701.13	(b) revised	939
701.14	Revised	939
701.19	(a) and (b) revised	939
701.51	Revised	939
722.90	Amended	745
724.105	Amended	745
725.98	Amended	745
725.103	Amended	745
725.104	Amended	745
725.111	Amended	745
726.92	Amended	745
729.66	Amended	745
729.71	Amended	745
730.34	Amended	745

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.19	Amended	745
800.25	Amended	745
800.71	(a) Schedule B, Table 1 revised	2255
800.76	Amended	745
800.145	Amended	745
800.146	Amended	745
800.149	Amended	745
800.150	Amended	745
800.151	Amended	745
800.152	Amended	745
800.153	Amended	745
800.154	Amended	745
800.155	Amended	745
800.160	Amended	745
800.166	Amended	745
800.205	Interim rule confirmed	131
801.2	(b) (4) and (12) revised	2980
801.3	Revised	2980
801.7	Revised	2980
801.10	Revised	2980

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

905	Limitation of handling	589
906	Limitation of handling	1266
907	Limitation of handling	747, 2074, 2980, 4039
910	Limitation of handling	940, 2767, 3082, 4227
944	Limitation of handling	1266
944.401	(a) (1) amended; (b) introductory text, (c), (d), (e), (f), and introductory text of (j) revised; (b) (12) added; interim eff. 1-11-82 to 7-31-82	748

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1098.7	(a) revised	4228

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

	Page
1200.3 Amended	746

Chapter XII—Statistical Reporting Service (Agricultural Statistics), Department of Agriculture

1300 Removed	2981

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1421.290 Amended	745
1425.17 Amended	745
1435.12 Amended	745
1446.1 Amended	745
1474.18 Amended	745
1475.68 Amended	745
1487.15 Amended	746
1491.8 Amended	746
1493.14 Amended	746

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Appendix A amended	746, 3088, 4229, 4230

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1823.285 Amended	745
1924.51 Corrected	590
1924.58 Amended	745
1942.17 Amended	745
1942.357 (b) redesignated as (c); new (b) added; new (c)(1) revised	590
1944.555 Amended	745
1944.559 Amended	745
1948.1—1948.47 (Subpart A) Exhibit A amended	745
1948.51—1948.98 (Subpart B) Exhibits A and B amended	745
1980.411 (a)(12) revised	4041
1980.441 Amended	4041
1980.443 (b) revised; Administrative paragraph added	4042

Title 7—*Proposed Rules:*

	Page
27—202 (Ch. I)	3126
102	631
360	2874
979	631
1004	2118
1006	814
1007	962, 2122
1011	2999
1012	814
1013	814
1033	814
1036	814
1040	814
1046	2999
1097	4277
1098	2999
1102	4277
1108	4277
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814, 3361
1250	1106
1701	3126, 3554, 3555, 4310
1865	33
1942	2774
1951	33

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

101.3 Revised	940
101.4 Added	941
204.2 (h) revised	942
238.3 (b) amended	132, 3757
264.2 Added	941
316a.2 Amended	132

Title 8—*Proposed Rules:*

3	1396

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

2.75 Amended	746
2.76 Amended	746

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Title 9, Chapter I—Continued

	Page
2.77 Amended	746
2.78 Amended	746
2.79 Amended	746
2.80 Amended	746
2.81 Amended	746
11.21 Amended	746
73.7 Amended	746
82.3 (c)(1) added	1109
(c)(2) added	3089
(c)(3) added	3758
(c)(1)(i) removed	4043
92.1 (z) corrected	594
92.2 (i)(2)(iii) introductory text and (A) revised; interim	4046
92.4 Amended	746
92.11 (e), (f) introductory text and (7)(i) and (iii) introductory text, (B), and (C) amended; (f)(6)(ii)(D) added; (f)(7)(ii), (iii)(A), and (g) introductory text revised; (f)(8) removed	594
Amended	746
103.2 Amended	746
113.5 Amended	746
113.250 Amended	746
114.5 Amended	746
116.1 Amended	746
116.2 Amended	746
116.3 Amended	746
116.4 Amended	746
116.6 Amended	746
116.8 Amended	746
145.2 Amended	746
145.4 Amended	746
147.26 Amended	746
147.32 Amended	746
147.33 Amended	746

Chapter II—Packers and Stockyards Administration, Department of Agriculture

201.42 Amended	746
201.43 Amended	746
201.45 Amended	746
201.46 Amended	746
201.49 Amended	746
201.50 Amended	746
201.89 Amended	746
201.95 Amended	746
201.99 Amended	746
201.101 Amended	746
201.107 Amended	746
201.200 Amended	746
203.4 Amended	746
203.15 Amended	746
203.16 Amended	746

Chapter III—Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture

303.1 Amended	746
307.5 Authority citation and (a) revised	4047
309.16 Amended	746
320.1 Amended	746
331 Authority citation	3091
331.2 Table amended	3091
350.7 Authority citation and (c) revised	4047
350 Amended	746
351.8 Section and authority citation revised	4047
351.9 Authority citation and (a) revised	4047
351 Amended	746
352 Amended	746
353 Amended	746
354.101 Authority citation, (b), and (c) revised	4047
354 Amended	746
355.12 Section and authority citation revised	4047
355 Amended	746
356 Amended	746
357 Amended	746
358 Amended	746
359 Amended	746
360 Amended	746
361 Amended	746
362.5 Authority citation and (c) revised	4047
362 Amended	746
381 Authority citation	3091
381.38 Authority citation	4047
(a) revised	4048
381.175 Amended	746
381.221 Table amended	3091

Title 9—*Proposed Rules:*

78	3490
317	4085

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Page
318 ---- 4085
319 ---- 4085

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

2 Authority citation ---- 2305
2.764 (e)(1)(ii) and (3)(iii) revised ---- 2305
40 Authority citation ---- 8
40.31 (g) revised ---- 8
50 Authority citation ---- 2301
50.34 (f) added ---- 2301
70 Authority citation ---- 9
70.21 (g) revised ---- 9
71 Authority citation ---- 599
71.4 (r) and (s) added ---- 600
71.5a—71.5b Undesignated center heading added ---- 600
71.5a Added ---- 600
71.5b Added ---- 600
73 Authority citation ---- 603
73.37 (f) and (g) added ---- 603
150 Authority citation ---- 9
150.17a (c) revised; (d) added ---- 9

Chapter II—Department of Energy

504.4 Removed ---- 750
508 Removed ---- 750

Title 10—*Proposed Rules:*

2 ---- 4310
35 ---- 4311
50 ---- 2876, 2879, 3796
317 ---- 1137
378 ---- 817, 819
440 ---- 1299
455 ---- 2880
457 ---- 1301
486 ---- 3127
500 ---- 161
501 ---- 161
503 ---- 161
710 ---- 2874
790 ---- 1302
Ch. XVI ---- 1138

TITLE 11—FEDERAL ELECTIONS

Title 11—*Proposed Rules:*

110 ---- 3796

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Page
206.44 Form F-4 corrected ---- 4231
213 Compliance date deferred to 10-1-82 ---- 756
217.4 (d) temporarily suspended in part ---- 2857, 4230
217.7 (b) table corrected ---- 9
203 Appendix C added ---- 751
207.1 (h) and (i) revised ---- 2982
207.2 (i) revised ---- 2982
207.5 (c) and (f) amended ---- 2983
220.7 (a) revised ---- 2983
220.8 (e)(1), (3), and (4), (g)(1), and (2) amended ---- 2983
221.1 (a), (b), and (c) amended ---- 2983
221.3 (a), (m), (p), (q), (r)(2), (s), and (t)(4) amended; (c) revised ---- 2983
221.4 (a), (c), and (f) amended ---- 2983
226 (Pre-simplification) Expiration deferred to 10-1-82 ---- 756
226.5 (Pre-simplification) (b) through (e) removal deferred to 10-1-82 ---- 756
226.502 (Pre-simplification) Removal deferred to 10-1-82 ---- 756
226.503 (Pre-simplification) Removal deferred to 10-1-82 ---- 756
226.505 (Pre-simplification) Removal deferred to 10-1-82 ---- 756
226 (Pre-simplification) Supplement I removal deferred to 10-1-82 ---- 756
226 (Simplified) Compliance date deferred to 10-1-82 ---- 756
226.14 (Simplified) Footnote 31a amended ---- 756
226.22 (Simplified) Footnote 45a amended ---- 756

Chapter III—Federal Deposit Insurance Corporation

327 Authority citation ---- 944
327.06 Added ---- 944

Chapter V—Federal Home Loan Bank Board

541.25 Amended ---- 3542
544.1 (a) introductory text ---- 4048

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Title 12, Chapter V—Continued

	Page
544.2 (h) added	4048
(d) revised	4052
544.2–1 Removed	4048
545.7–10a Added	3542
545.8–10 Revised	4052
561.8 Revised	4052
561.38 Amended	3543
563.7–4 (d) revised	4048
563.8 (j) and (k) removed; (a), (b), and (c) revised	4052
563.8–3 Removed	4052
563.9–4 Revised	4052
563.13 (a)(2), (b)(2) and (4) amended	3543
(b)(2) amended	4052
563.23 Removed	4052
563.23–1 Revised	3093
563c.13 (b) revised	3095
563c.14 Heading and (b)(3)(ii) revised; (c) and (d) redesignated as (d) and (e); new (c) added	2859
571.13 Revised	4052
577.1 Introductory text revised	4049
577.1–1 (a) revised; (c) and (d) removed	4049

Chapter VI—Farm Credit Administration

614.4540—614.4660 (Subpart P) Effective date confirmed	2477
614.4560 (b)(5) effective date confirmed	2477

Chapter VII—National Credit Union Administration

701.2 (d)(3) amended	1371
701.12 Amended	1371
701.14 (c) amended	1371
701.21–1 Amended	1371
701.21–3 Amended	1371
701.21–6 Amended	1371
701.21–7 Amended	1371
701.21–8 Amended	1371
701.24 Amended	1371
701.26 Amended	1371
701.27–1 Amended	1371
701.27–2 Amended	1371
701.28 Amended	1371
701.35 Amended	1371
701.36 Amended	1371
702.2 Amended	1371
702.3 Amended	1371
703.2 Amended	1371
704.3 Amended	1371
704.4 Amended	1371
706 Amended	1371
707 Amended	1371
708 Amended	1371
710 Amended	1371
721.4 Amended	1371
725.3 Amended	1371
725.5 Amended	1371
725.17 Amended	1371
741.6 Amended	1371
745 Amended	1371
748.4 Amended	1371
748.5 Amended	1371
749.3 Amended	1371

Title 12—*Proposed Rules:*

2	3555
309	3127
311	3127
332	3127
335	3127
338	3127
345	3127
349	3127
701	963
702	633, 2122

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.2—101.2–7 Revised	2075
101.2–7a—101.2–7e Removed	2074
101.2–8 Revised	2076
101.2–8a—101.2–8b Removed	2074
101.2–9 Revised	2077
101.2–9a—101.2–9c Removed	2074
101.2–10 Revised	2077
101.2–10a—101.2–10d Removed	2074
101.2–11 Revised	2077
101.2–11a—101.2–11d Removed	2078
101.2–12—101.2–16 Added	2078
101.3–2 Revised	2305
107 Policy statement	2859
120.4 (b) revised; (c)(2) removed	10
124.1–2 (c)(2) revised	1110

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

21.93 (b) introductory text and (2) amended	758

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

Page

39.13 ... 11–14, 759, 1110–1113, 2478, 2479, 3346, 3347, 3544, 4053, 4055, 4056
61.65 (e) introductory text and (1) revised ... 3486
71 Intent to publish annual compilation handbook ... 18
71.123 ... 2481, 4058
71.171 ... 1114, 2984, 2985, 3348, 3350, 4057, 4058
71.181 ... 15–17, 760, 761, 2985, 3348, 3349, 4059
Corrected ... 1115, 2079
Effective date corrected ... 3350
73 Intent to publish annual compilation handbook ... 18
73.69 ... 2986
75 Intent to publish annual compilation handbook ... 18
93.123 (a) and (b)(3) amendments and (c) removal effective date clarified ... 2079
97.21—97.35 ... 1115
159.40 Removal effective date clarified ... 2079
159.59 (a) through (c) redesignation and new (a) and (b) addition removal effective date clarified ... 2079
159.60 Removal effective date clarified ... 2079

Chapter II—Civil Aeronautics Board

201 Authority citation ... 133
201.4 (b), (c)(3), and (e)(1) revised ... 133
201.6 Removed ... 134
207 Authority citation ... 134
207.11 (a) introductory text and (2) introductory text and (3) revised; (b)(4) removed ... 134
207.13 (b) amended ... 134
208 Authority citation ... 134
208.6 (a) introductory text and (2) introductory text and (3) revised ... 134
208.32 (e) amended ... 134
212 Authority citation ... 137
212.3 (a) introductory text and (1) introductory text and (2) revised; (b)(3) removed ... 137
212.4 (b) revised ... 137
212.5 (a) amended; (d)(2) revised ... 137
212.8 (a) amended ... 137
231 Authority citation ... 138

Page

231.1 Existing text designated as (b); (a) added ... 138
245 Authority citation ... 761
245.1—245.3 (Subpart A) Heading revised ... 761
245.1 Revised ... 762
245.2 Removed ... 762
245.3 Removed ... 762
245.12 (a) revised ... 762
246 Authority citation ... 762
246.3 (b) removed ... 762
298 Authority citation ... 608
Heading revised ... 608
298.2 (v) added ... 608
298.11 Introductory text and (g) revised ... 608
298.13 Revised ... 608
298.32 Removed ... 608
298.90 Revised ... 608
298.92 Revised ... 608
298.93 Revised ... 608
298.94 Revised ... 608
298.96 Removed ... 608
298.99 (a) revised ... 608
302 Authority citation ... 139
302.930 Revised ... 139
302.1705 (a) and (b)(1) and (2) revised ... 139
321 Authority citation ... 140
321.10 (d) introductory text and (1) revised ... 140
321.11 (a)(3) revised; (a)(4) removed ... 140
379.4 (f)(1)(i)(p) revised; interim ... 142
380 Authority citation ... 140
380.10 (e) removed ... 140
385.2 (c) revised; interim ... 142
399 Authority citation ... 141
399.10 Removed ... 141
399.11 Removed ... 141

Chapter V—National Aeronautics and Space Administration

1214.703 (d) added ... 3095
1262 Added; interim ... 3758

Title 14—*Proposed Rules:*

1—199 (Ch. I) ... 817, 3369, 4089
39 ... 1140–1142, 2485
71 ... 36–38, 1144, 1145, 2488, 2489, 3002–3005, 3370, 4090–4092
73 ... 1146, 2488, 2490
91 ... 818, 4092
121 ... 3068
296 ... 633
297 ... 633

CHANGES JANUARY 4 THROUGH JANUARY 29, 1982

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

Page

0.735–13 (b) revised 3350

Chapter I—Bureau of the Census, Department of Commerce

50.10 Revised 18

Chapter III—International Trade Administration, Department of Commerce

371 Foreign policy controls extended to 2–28–82 609
373 Foreign policy controls extended to 2–28–82 609
376 Foreign policy controls extended to 2–28–82 609
378 Foreign policy controls extended to 2–28–82 609
385 Foreign policy controls extended to 2–28–82 609
390.8 Added; interim 145
399 Foreign policy controls extended to 2–28–82 609
399.1 Supplement No. 1 amended; interim 142
399.2 Supplement No. 1 amended; interim 143

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

922.32 (December 1981 LSA failed to list this section as "Removed; interim" at 46 FR 61652, 12–18–81)
922.33 (December 1981 LSA failed to list this section as "Removed; interim" at 46 FR 61652, 12–18–81)
930.32 Redesignation and addition removed (effective date pending) 4231
(December 1981 LSA incorrectly listed this section as removed at 46 FR 61652, 12–18–81; 922.32 was the section removed at that page.)
930.33 Redesignation and addition removed (effective date pending) 4231

Page

(December 1981 LSA incorrectly listed this section as removed at 46 FR 61652, 12–18–81; 922.32 was the section removed at that page.)
930.34 Redesignation removed (effective date pending) 4231
930.35 Redesignation removed (effective date pending) 4231
930.36 Redesignation and amendment removed (effective date pending) 4231
930.37 Redesignation and (e) addition removed (effective date pending) 4231
930.38 Redesignation removed (effective date pending) 4231
930.39 Redesignation and (b) amendment removed (effective date pending) 4231
930.40 Redesignation and (a) amendment removed (effective date pending) 4231
930.41 Redesignation and (a) and (b) amendment removed (effective date pending) 4231
930.42 Redesignation removed (effective date pending) 4231
930.43 Redesignation removed (effective date pending) 4231
930.44 Redesignation removed (effective date pending) 4231
930.45 Redesignation removed (effective date pending) 4231
930.46 Redesignation removed (effective date pending) 4231
970.300 (Subpart C) Added 3763

Title 15—*Proposed Rules:*
30 2122
369 2320

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

1.81—1.89 (Subpart I) Revised 3096
13 Amended 3350
Corrected 1372
305 Energy efficiency ranges confirmed 19, 20

Title 16—*Proposed Rules:*
13 3371
14 3128

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

1 Authority citation 54515
1.3 (aa) effective date deferred to 7-1-82 24940
(d), (h), (n), (p), (r), (s), (x), (y) introductory text, (2) (iii) (B), (C), (v) (B) and (C), (bb), and (cc) revised; (y) (2) (viii) amended; (gg) through (kk) added 54515
(bb) corrected 55925
1.7—1.9 Undesignated center heading removal effective deferred to 7-1-82 24940
1.7 Removal effective date deferred to 7-1-82 24940
Revised (to be removed 7-1-82) 48917
1.9 Removal effective date deferred to 7-1-82 24940
Revised 48917
Redesignated as 3.2; eff. 7-1-82 48917
1.10—1.18 Undesignated center heading effective date deferred to 7-1-82 24940
1.10 Heading revision and (a) (1) removal effective date deferred to 7-1-82 24940
(a), (b), and (f) amended 63035
1.10a Amended 63035
1.10b Amended 63035
1.10c Amended 63035
1.10d Amended 63035
1.10a—1.10e Removal effective date deferred to 7-1-82 24940
1.10f Added 48917
Redesignated as 3.33; eff. 7-1-82 48918
Amended 63035
1.11 Removal effective date deferred to 7-1-82 24940
1.12 Amended 63035
1.13—1.15 Removal effective date deferred to 7-1-82 24940
1.14 Amended 63035
1.15 Amended 63035
1.16 (a) (4) added 54516
Amended 63035
1.17 (b) (2) and (5), (c) (1) (ii) and (iii), (2) (ii) (C), and (5) (viii) through (x), (d) (1) (ii), (e), and (j) (2) revised; (c) (5) (xi) removed; (c) (5) (xii) redesignated as new (c) (5) (xi) and revised; new (c) (5) (xii) added 54516
(c) (1) (iii) and (5) (x) (A), (e), and (j) (2) corrected 55925
Amended 63035
1.18 Amended 63035
1.19 Revised 54518
1.20 Revised 54518
Amended 63035
1.21 Revised 54519
1.22 Revised 54519
1.23 Revised 54519
Amended 63035
1.24 Revised 54519
1.25 Revised 54519
1.26 Revised 54519
Amended 63035
1.27 Revised 54520
Amended 63035
1.28 Revised 54520
1.29 Revised 54520
1.30 Revised 54520
1.31 Amended 63035
1.32 Revised 54520
Amended 63035
1.33 Revised 26000
Technical correction 27473
Effective date deferred to 8-24-81 34799
Revised 54520
(c) amended 63035
1.34 Revised 54521
Amended 63035
1.35 (a), (a-1), (b), (d), (e), and (h) revised 54521
(b) (1) corrected 55925
Amended 63035
1.36 Revised 54522
Amended 63035
1.37 Revised 54523
(a) corrected 55925
(b) amended 63035
1.38 Revised 54523
Amended 63035
1.39 (a) introductory text, (2), and (4) revised 54523
Amended 63035
1.40 Amended 63035
1.41 (a) (2), (4) (i), (ii) introductory text, (C), and (G), and (5), (b) introductory text, (c) introductory text, (d), and (g) revised 54523
Amended 63035

Note: Symbol (△) refers to 1982 page numbers

90-145 O - 82 - 3

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 17, Chapter I—Continued

Page

1.42 Amended 63035
1.43 Amended 63035
1.44 Amended 63035
1.46 (a), (b), and (d) introductory text revised; (d)(1) added 54524
Amended 63035
1.47 Amended 63035
1.48 Amended 63035
1.50 Revised 54525
Amended 63035
1.51 (a) introductory text, (1), (3), and (4) revised 54525
Amended 63035
1.52 (c)(2) revised 54525
Amended 63035
1.55 Amended 63035
1.56 Added 62844
1.60 Amended 63035
1.61 Added 50945
Amended 63035
1 Appendix A redesignation as Part 3 Appendix A effective date deferred 24940
Form 1-FR revised 54535
3 Effective date deferred to 7-1-82 24940
3.2 Redesignated from 1.9; eff. 7-1-82 48917
3.10 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 24943
Correctly designated 26299
3.11 (a) added; eff. 7-1-82 24942
(b)(1) amended; eff. 7-1-82 24943
Correctly designated 26299
3.12 (c)(1)(ii), (iii), and (d)(3) revised; (c)(1)(iv) added; eff. 7-1-82 24942
(a), (c)(3), and (d)(1) amended; eff. 7-1-82 24943
Correctly designated 26299
3.13 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 24943
Correctly designated 26299
3.14 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 24943
Correctly designated 26299
3.30 Added; eff. 7-1-82 24943
Heading corrected 26299
3.31 (c)(2) and (d) added; eff. 7-1-82 24943
3.33 Redesignated from 1.10f; eff. 7-1-82 48918
3 Appendix A redesignation from Part 1 Appendix A effective date deferred 24940

Page

4 Revised 26013
4.1 Effective date deferred to 8-24-81 34799
Amended 63035
4.2 Effective date deferred to 8-24-81 34799
Amended 63035
4.13 (b) and (c) effective date deferred to 8-24-81 34799
Amended 63035
4.14 (a) introductory text corrected 26761
4.20 (a) revised 34311
Amended 63035
4.21 (a) introductory text, (17)(i) and (ii), and (18) corrected 26761
Effective date deferred to 8-24-81 34799
Amended 63035
4.22 Effective date deferred to 8-24-81 34799
Amended 63035
4.23 Effective date deferred to 8-24-81 34799
Amended 63035
4.31 (a)(8)(i), (ii), and (9) corrected 26761
Effective date deferred to 8-24-81 34799
(f)(2) corrected 56171
Amended 63035
4.32 Effective date deferred to 8-24-81 34799
Amended 63035
4.41 Amended 63035
7.201 Added 57464
8 Authority citation 54525
8.03 (f) revised 54525
8.07 Amended 63036
8.09 Amended 63036
8.11 Amended 63036
8.14 Amended 63036
8.16 Amended 63036
8.17 Amended 63036
8.18 Amended 63036
8.19 Amended 63036
8.26 Amended 63036
9 Authority citation 54525
9.2 (d) revised 54525
9.5 Amended 63036
9.11 Amended 63036
9.12 Amended 63036
9.21 Amended 63036
9.22 Amended 63036
9.34 Amended 63036

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
9.35 Amended	63036
15 Authority citation	54525
15.00 (b) effective date deferred	26472
(b) effective date corrected to 6–21–81	29931
Introductory text, (a)(1), and (b) through (e) revised; (j) and (k) added	54525
(b)(1) introductory text and (i) revised	59964
15.01 (a) and (b) revised; (e) removed	59964
15.02 Revised	59964
15.03 (a) revised; (c) removed	59964
15 Amended	63036
16 Revised	54526
16.00 (a) and (e) effective date deferred	26472
(a) and (e) effective date corrected to 6–21–81	29931
Authority delegation	61250
Amended	63036
16.01 Authority delegation	61250
Amended	63036
16.02 (c) and (d) effective date deferred	26472
(c) and (d) effective date corrected to 6–21–81	29931
(a) revised	59965
Authority delegation	61250
16.04 Authority delegation	61250
16.06 Amended	63036
16 Amended	63036
17 Authority citation	54528
Heading revised	59965
17.00 (a) effective date deferred	26472
(a) effective date corrected to 6–21–81	29931
(a)(1) and (2) introductory text and (i) revised	54528
Heading, (a) heading and (1), and (b) revised; (c) redesignated as (f); (d) removed; new (c), (d), and (e) added	59965
17.01 Revised	54528
(b) introductory text, (3), (4), and (7) revised; (b)(9), (10), and (11) redesignated as (b)(10), (11), and (13) and revised; (b)(9) and (12) and (d) added	59966
Amended	63036
17.02 (a) revised	59966
17.03 Revised	59966
17.04 (a) and (b) introductory text revised	59966
17 Amended	63036
18 Authority citation	54528
18.00 Introductory text, (a), (c), (h)(2)(v) and (vi) effective date deferred	26472
Introductory text, (a), (c), (h)(2)(v) and (vi) effective date corrected to 6–21–81	29931
Introductory text and (h)(2) introductory text and (i) revised; (h)(2)(ii) removed; (h)(2)(iii), (iv), (v), and (vi) redesignated as (h)(2)(ii), (iii), (iv), and (v)	59966
18.03 Removed	59967
18.04 (a) introductory text, (1), (2), (6), and (7) revised; (a)(9) and (d) redesignated as (a)(10) and (11) and revised, new (a)(9) added	59967
(b)(1) and (3) removed; (b)(2), (4), (5), and (6) redesignated as (b)(1), (3), (4), and (5); new (b)(2) added; new (b)(1) and (c)(4) revised; (e) redesignated as (d) and revised	59967
18.05 Revised	54528
Revised	59967
Amended	63036
18.07 Removed	59967
18 Amended	63036
19 Amended	63036
21 Authority citation	54529
Heading revised	59967
21.02 (b) effective date deferred	26472
(b) effective date corrected to 6–21–81	29931
Revised	54529
(a) introductory text and (2) revised	59967
Amended	63036
21 Amended	63036
32.5 Amended	63036
32.6 Amended	63036
32.7 Amended	63036
32.12 (a) amended	63036
33 Added	54529
33.2 Amended	63036
33.3 Amended	63036
33.4 (g) corrected	55925
Amended	63036
33.5 Amended	63036

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 17, Chapter I—Continued

	Page
33.6 Amended	63036
33.7 (b), (c), and (f) corrected	55925
Amended	63036
33.8 Amended	63036
33.9 (b) corrected	55925
140.93 Added	26023
(a)(4) added	34311
140.95 Added	48918
145.5 (f)(2) revised; eff. 7-1-82	24943
(d)(1)(iv), (v), and (vi) revised; (d)(1)(vii) added	54534
145.6 (b) revised; eff. 7-1-82	24943
147.3 (b)(6)(ii) revised; eff. 7-1-82	24943
(b)(4)(i)(D) through (F) revised; (b)(4)(i)(G) added	54534
148 Added	57671
155 Authority citation	54534
Amended	63036
155.2 Introductory text, (a), (b), and (g) revised	54534
155.3 (a)(1) revised	54535
166 Authority citation	54535
166.1 (a) and (b) revised	54535
166.2 Amended	63036
170.5 Amended	63036
170.6 Amended	63036
170.7 Amended	63036
170.11 Amended	63036
180 Authority citation	54535
180.1 (b) revised	54535
Amended	63036
180.2 Amended	63036
180.3 Amended	63036
190.04 Amended	63036
190.06 Amended	63036

Chapter II—Securities and Exchange Commission

200.30-3 (a)(36) added	40003
(a)(37) added	49837
(a)(4) revised	58291
Technical correction	59532
200.30-5 (a)(1)(xxvi) through (xxx) added	60192
200.30-6 (d) revised	40002
200.800 (Subpart N) Added	63036
201.1—201.28 Designated as Subpart A	△610
201.17 (g)(3) added	43137
201.31—201.60 (Subpart B) Added	△610
210.1-01 (a)(4) revised	36124
(a)(4) effective date clarified	37244
210.1-02 (v) revised; (aa) added	56178
210.2-05 Revised	40872
210.3-01 (g) added	36124
(g) effective date clarified	37244
210.3-02 (c) added	36125
(c) effective date clarified	37244
210.3-03 Removed	56179
210.3-04 Removed	56179
210.3-05 Removed	56179
210.3-09 Revised	56179
210.3-10 Heading and (a) revised	56179
210.3-12 (d) added	36125
(d) effective date clarified	37244
210.3-18 Added	36125
Effective date clarified	37244
(a) corrected	46795
210.3A-02 (e) removed	56179
210.3A-03 Removed; new 210.3A-03 redesignated from 210.3A-04	56179
210.3A-04 Redesignated as 210.3-A-03; new 210.3A-04 redesignated from 210.3A-06	56179
210.3A-05 Removed; new 210.3A-05 redesignated from 210.3A-08	56179
210.3A-06 Redesignated as 210.-3A-04	56179
210.3A-07 Removed	56179
210.3A-08 Redesignated as 210.-3A-05	56179
210.4-08 (e) revised; (g) through (k) redesignated as (h) through (l); new (g) added	56179
210.5-01 (a)(5) revised	54335
210.5-02 Amended	43412
210.5-04 Amended	48137
(a) and Schedule III revised	56180
210.6-03 Amended	43412
210.6-22 Amended	43412
210.7-01—210.7-05 Undesignated center heading revised	54335
210.7-01 Revised	54335
210.7-02 Revised	54335
210.7-03 Revised	54335
210.7-04 Revised	54336
210.7-05 Revised	54337
210.7-06 Removed	54335
210.7A-01—210.7A-06 Undesignated center heading and sections removed	54337

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
202.5 (a) revised	47532
210.12–01 Revised	54337
210.12–04 Revised	56180
210.12–15 Revised	54337
210.12–16 Revised	54338
210.12–17 Revised	54338
210.12–18 Removed	54338
211 Interpretative releases	22569, 36127, 50947, 63252
Interpretative releases	△1266
230.180 Added	58291
230.242 (a)(5)(iii) removed; (a)(5)(iv) redesignated as (a)(5)(iii) and revised; (a)(5)(v) redesignated as (a)(5)(iv) and amended	31880
230.251 Amended	41767
230.253 (c)(1) revised	41767
230.254 (b) and (d)(1) revised	41767
230.255 Revised	41767
230.256 (a) introductory text and (1), (b) and (c) introductory text revised; (d) removed; (e) through (i) redesignated as (d) through (h)	41768
230.257 Introductory text and (a) revised	41769
230.258 Introductory text and (c) revised	41769
230.259 Revised	41769
230.260 Revised	41769
230.261 (a) introductory text, (2) and (4), (b) and (d) revised	41770
Section designation corrected	42655
230.262 (a) introductory text revised	41770
230.263 Revised	41770
230.264 Revised	41770
230.463 Revised	48142
230.465 (b) introductory text, (2), and (3), and (d) revised	△3099
231 Interpretative releases	48637, 60421
Policy statement	48640
239 Incorporation by reference approvals	41753, 47938
239.14 Form N–2 amended	36126
Form N–2 effective date clarified	37244
239.15 Form N–1 amended	36125
Form N–1 effective date clarified	37244
239.61 Revised	48142
239.90 Revised	41770
239.96 Added	41770
240.10a–1 (e)(12) revised	49114
240.11Aa2–1 (a)(2), (b)(1) and (2) and (4)(i)(B), (D), and (F) and (ii)(B), (D), and (F), instruction 1 and (g) revised; (b)(4)(iii) and instruction 4 added	△2082
240.11Ac1–2 (h) revised	43962
240.13a–13 (c)(1) revised	63255
240.14a–3 (b)(1) revised	40872, 54338
240.14a–101 Schedule 14A amended	40872, 56180
240.14c–3 (a)(1) revised	40873, 54338
240.15b2B–1 Removed	△1374
240.15b10–9 (c)(3) added	△1373
240.15c3–1 (a), (c)(2)(iv)(B) and (v), (e), and (f)(1)(i) and (2) revised; (c)(2)(i)(E) added; (g) removed; eff. 5–1–82	△3517
240.15c3–1b (a)(3)(ii), (xii), (xiii) and (xviii) revised	37041
240.15c3–1d (c)(6) redesignated as (c)(6)(i); (c)(6)(ii) added	35635
(b)(6)(iii), (7), (8)(i), (10)(ii)(B), and (c)(2) and (5) revised; eff. 5–1–82	△3519
240.15d–13 (c)(1) revised	63255
240.17a–8 Added	61455
240.17a–9 Removed	49114
240.17a–10 (a) revised; (e) removed	60193
240.17a–11 (b)(2) revised; eff. 5–1–82	△3520
240.19b–1 Removed	35633
240.19h–1 Revised	58661
240.171–5 (l)(1)(i) introductory text and (E) revised	35635
241 Interpretative releases	22571, 48148, 48637, 60421
249 Incorporation by reference approvals	41753
249.331 Form N–1Q and instructions amended	62253
249.504o Added	38680
249.917(1) Removed	49114
249.917(2) Removed	49114
249.917(3) Removed	49114
249b Incorporation by reference approvals	41753
251 Interpretative releases	55510
259 Incorporation by reference approvals	41753

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 17, Chapter II—Continued

Page

260.4a–1 Added; final 53255
260.4a–2 Added; final 53256
261 Interpretative releases 48637
269 Incorporation by reference approvals 41753
270.6c–6(T) Added; interim 49582
270.30d–1 Revised 36126
Effective date clarified 37244
271 Interpretative releases 48637, 50421
Policy statement 48640
274 Incorporation by reference approvals 41753
274.11 Form N–1 amended 36125
Form N–1 effective date clarified 37244
274.11a–1 Form N–2 amended 36126
Form N–2 effective date clarified 37244
274.106 Form N–1Q and instructions amended 62253
276 Interpretative releases 38497, 41775
279 Incorporation by reference approvals 41753
285.3 Revised 48179
286.3 Revised 48179
287.3 Revised 48179
301 Incorporation by reference approvals 41753

Title 17—*Proposed Rules:*

1—180 (Ch. I) 23940, 24209, 29952, 53445
1 ..... 23469, 25106, 33293, 35682, 54570, 55994, 61140, 62864
..... Δ2325
3 ..... 20679, 23469, 25106
8 ..... 54570, 55994
9 ..... 54570, 55994
12 60834
15 ..... 42463, 54570, 55994
16 ..... 54570, 55994
17 ..... 33293, 35682, 42463, 54570, 55994, 62864
18 ..... 42463, 54570, 55994
21 ..... 54570, 55994
32 ..... 23469, 25106, 25107
33 ..... 33293, 35682, 54570, 55994
140 20679
145 ..... 54570, 55994
147 ..... 54570, 55994
155 ..... 54570, 55994
166 ..... 54570, 55994
180 ..... 54570, 55994, 60834
190 ..... 57535, 60007
200—301 (Ch. II) 23942, 33287, 53679
201 ..... 41971, 42470, 44194, 46233

Page

210 ..... 21020, 27344, 48943, 50553, 58505, 58507, 58511
..... Δ2776
229 ..... 25638, 26789, 41925, 42001, 58507, 58511
230 ..... 36195, 41791, 41971, 42001, 42015, 42024, 42029, 42042, 42470, 44194, 52378, 58511
..... Δ3130
231 50553
239 ..... 41791, 41902, 42029, 52378, 58511, 62291
..... Δ3130
240 ..... 20218, 22602, 26789, 41971, 42042, 42470, 43181, 43457, 43459, 44194, 44775, 48943, 49594, 52382, 56426, 58511
..... Δ2079, 2124, 3521, 3531, 3534
249 ..... 42042, 48943, 50553, 52382, 58511
250 42042
260 ..... 42042, 58511
270 32595
274 62291
..... Δ3130
275 38529
279 38529
285 32879
286 32879
287 32879

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

1.8 (f)(3) added 55250
1.38 Amended Δ614
1.40 Amended Δ614
1.41 Amended Δ614
2.56a Amended Δ614
2.69 Amended Δ614
2.78 Amended Δ614
2.79 (g)(2)(x) revised 53653
Amended Δ614
2.202 Undesignated center heading and section added 26636
2 Appendix A heading revised 55936
4.30—4.34 (Subpart D) Amended Δ614
4.30 (d) added 55250
4.31 (h) added 55251
(a)(2)(iii) revised 55942
(a) introductory text, and (a)(2) introductory text and (ii) revised 55952
4.33 (a) and (b)(2) revised; (g)(3) and (4) amended; (i) added 55251

Note: Symbol (Δ) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
4.35 Added	55251
4.40—4.41 (Subpart E) revised	55936
4.50—4.51 (Subpart F) Amended	△614
4.50 (a) revised; (b)(5)(i) and (ii) amended; (b)(5)(iii) and (iv) removed	55942
4.51 (a)(5)(i) revised	55251
Introductory text and (f) revised	55942
4.60—4.61 (Subpart G) revised	55949
4.70—4.71 (Subpart H) revised	55942
4.81 (a)(4) revised	55252
4.101—4.108 (Subpart K) clarification	55252
4.101 Revised	△4243
4.102 (l) amended	△4246
4.103 Heading, (a), and (d) revised	△4243
4.104 Heading revised; section text amended	△4246
4.105 (b)(6) amended	△4246
4.106 Heading and introductory text revised; (c) amended	△4246
4.109 Added	△4243
4.110 Added	△4243
4.111 Added	△4244
4.112 Added	△4245
4.113 Added	△4245
4.200—4.202 (Subpart L) added	55943
5 Removed	55944
6 Amended	△614
8.11 Revised	50059
9 Amended	△614
11.26 Amended	△614
11.31 Amended	△614
13.1 Amended	△614
16.7 Introductory text revised	55944
16.12 Revised	55952
24.1 Amended	△614
33 Amended	△614
34 Revised	50514
Rehearing petition granted	60428
Amended	△614
35.0—35.11 (Subpart A) Amended	△614
35.1 (f) added; interim	50520
Technical correction	55952
35.12 Amended	△614
35.13 Amended	△614
35.13a Added; interim	50520
Technical correction	55952
45 Amended	△614
46.4 Introductory text revised	22181
Technical correction	25084
46.6 Amended	△614
101 Amended	△614
104 Amended	△614
116 Amended	△614
125 Amended	△614
131.2 Removed	55944
131.5 Removed	55944
131.6 Removed	55952
131.31 Added	22181
Heading and text corrected	23048
Heading corrected	25084
131.43 Amended	50517
131.50 Revised	50517
141.1 (b)(1) and (c)(1) amended; (b)(2) and (c)(2) revised	29461
Revised; FERC Form No. 1 revised	△1280
141.14 Revised	50059
141.22 Removed	△2084
141.23 Removed	△2084
141.24 Removed	△2084
153 Amended	△614
154.38 (h)(3) revised; interim	38685
(h)(9) added; interim	38909
(h)(3) effective 7-31-81	42260
(h)(3) and (9) effective dates confirmed; (h)(3)(vi) introductory text and (*a*) and (9)(vi)(*b*) revised	58293
154.61 Amended	△614
154.62 Amended	△614
154.63 Amended	△614
154.64 Amended	△614
154.65 Amended	△614
154.91 Amended	△614
154.92 (a) and (b) amended; (e) removed	60432
Amended	△614
154.93 Amended	△614
154.94 (f) revised; Appendix A amended	60432
Amended	△614
154.95 Amended	△614
154.96 Amended	△614
154.97 Amended	△614
154.98 Amended	△614
154.99 Amended	△614
154.100 Amended	△614
154.101 Amended	△614
154.104 Removed	60432
156 Amended	△614
157.5 Amended	△614
157.6 Amended	△614
157.7 Amended	△614
157.8 Amended	△614
157.9 Amended	△614

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 18, Chapter I—Continued

	Page
157.10 Amended	△614
157.11 Amended	△614
157.12 Amended	△614
157.13 Amended	△614
157.14 (a)(10)(vi) revised	42265
Form No. 15 approved by OMB through 8-31-84	51381
Amended	△614
157.15 Amended	△614
157.16 Amended	△614
157.17 Amended	△614
157.18 Amended	△614
157.20 Amended	△614
157.22 Amended	△614
157.24 (a) introductory text amended	60432
157.40 (a)(1) amended	60432
157.100 Amended	△614
158 Amended	△614
160.1 Amended	△614
201 Amended	△614
204 Amended	△614
216 Amended	△614
225 Amended	△614
250.5 Added	60432
Amended	△614
250.10 Amended	△614
250.11 Removed	60433
250.13 Amended	△614
250.14 Added	60433
Amended	△614
260.6 Removed	60435
260.7 Revised	42265
Form No. 15 approved by OMB through 8-31-84	51381
260.7a Revised	42265
Form No. 15 approved by OMB through 8-31-84	51381
260.8 Amended	△614
260.9 Amended	△614
270.204 Rehearing applications denied and clarification	24537
Deferred in part	45600
Partial deferral of effective date confirmed	51381
(c) added and effective date confirmed	△615
271.101 (a) tables I and II revised	24175, 38911, 53633
271.102 (c) table III revised	24177, 38912, 53635
271.303 Amended	29699
Technical correction	32237
271.703 (d)(19) added	20669
(d)(20) added	20670
(d)(20) rehearing application denied	32235
(d)(21) added	20671
(d)(23) added	24584
(d)(22) and (24) added	24549
(d)(25) added	29700
(d) (26) correctly added	30489, 36692
(d)(29) and (30) added	30490
(d)(27) added	30491
(d)(33) added	31254
(d)(31) and (32) added	31255
(d)(35) added	31256
(d)(36) added	31257
(d)(38) added	32237
(d)(37) added	32238
(d)(39) added	33023
(d)(40) added	33024
(d)(41) through (44) added	33025
(d)(34) correctly added; (d)(27)(i) corrected	36692
(d)(45) added	38687
(d)(46) added	38688
(d)(47) added	38689
(d)(49) and (50) added	46901
(d)(48) and (53) added	46902
(d)(52) added	46903
(d)(51) and (54) added	46904
(d)(55) added	50060
(d)(36) revised	50785
(d) introductory text revised; (d)(57) and (59) added	58294
(d) introductory text revised; (d)(58) added	58295
(d) introductory text revised; (d)(56) added	58296
Technical correction	59533
(d) introductory text revised; (d)(60) added	60194
(d)(61) added	62439
(d)(62) and (63) added	62440
(d)(66) added	△4247
(d)(64) and (65) added	△4248
(d)(67) added	△4249
271.701—271.703 (Subpart G) Supplemental notice	27635
271.803 (e) added	57466
271.805 (a)(3) amended	57467
Revised	57469
271.806 (b) and (c) redesignated as (c) and (d); new (b) added; new (c) amended	57467
271.1100—271.1106 (Subpart K) Amended	△614

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
273.302 Amended	△614
274.206 (f) added	57467
274.208 (d) added	20982
(e) added	35083
274.501 (a)(2) table amended	48180
275.204 Amended	△614
276.102 Amended	△614
276.103 Amended	△614
276.104 Amended	△614
276.108 Amended	△614
277.210 Amended	△614
281 Amended	△614
281.203 (a)(2) effect of court decision	45127
281.204 (b)(2) amended; (a)(2) and (b)(4) removed; (a)(1) redesignated as (a)	27913
281.205 (c)(2) amended	27913
281.211 (b)(1), (2), and (3) amended	27913
281.212 (b) and (c) amended; (d) removed	27913
281.213 (c) and (e) amended	27913
281.216 Removed	27913
282 Order	24550, 28829, 33240, 38689, 43830, 47443, 53405, 58296
Agricultural use exemption (judicial decision	41034
Agricultural use exemption (denial of rehearing and stay)	45752
Order	△20, 3763
282.202 (a) effective date deferred	25600
(a)(1)(ii) and (iii) revised	57473
282.203 (d) added (effective pending congressional review)	50063
(d) effective date confirmed	55253
282.204 (d)(7) waived in part	25601
(e)(2)(iii) removed; (e)(2)(iv) redesignated as (e)(2)(iii) (effective pending congressional review)	38917
(e)(2)(iii) effective date confirmed	50064
(d)(7) waived in part	55253
282.210 Added (effective pending congressional review)	50063
Effective date confirmed	55253
282.402 Revised (effective pending congressional review)	38917
Effective date confirmed	50064
282.403 Removed (effective pending congressional review)	38917
Removal effective date confirmed	50064
282.404 (b) and (c) revised	50540
282.502 Amended	△614
284.1—284.6 (Subpart A) Amended	△614
284.105 Amended	△614
284.106 Amended	△614
284.107 Amended	△614
284.125 Amended	△614
284.126 Amended	△614
284.127 Amended	△614
284.141—284.148 (Subpart D) Amended	△614
284.161—284.165 (Subpart E) Amended	△614
284.200—284.208 (Subpart) F) Amended	△614
284.201 (e) revised	50492
284.221 Amended	△614
284.241—284.246 (Subpart H) Amended	△614
290 Amended	△614
292.202 (o)(1) corrected	32239
292.203 (b)(1) introductory text revised; (c) removed	33027
292 Amended	△614
294.101 (a)(1), (2), and (b)(4) amended	24551
300 (Subchapter L and part) Added; interim	60818
300.10 Amended	△614
300.11 Amended	△614
351 Amended	△614
352 Amended	△614
356 Amended	△614
360.100 Amended	△614
360.101 Amended	△614
360.102 Amended	△614
360.103 Amended	△614
360.104 Amended	△614
361.100 Amended	△614
361.101 Amended	△614
361.102 Amended	△614
361.103 Amended	△614
362.1 Correctly designated	21155
362.2 Correctly added	21155
362.3 (a)(1) through (6) correctly designated and added	21155
375 Memorandum on publication of procedures for closed meetings	45755
375.302 (u) and (v) removed	29702
375.303 (e)(6) amended	29702

Note: Symbol (△) refers to 1982 page numbers

90-145 O - 82 - 4

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 18, Chapter I—Continued

Page

375.307 (a)(2), (b)(2) and (3), and (j) amended; (a)(3), (4), (5), and (7) revised; (a)(8) removed; (a)(9) and (10) redesignated as (a)(8) and (9); new (a)(10), (11), (12), (13), (b)(4) and (5), (n), and (o) added 29702

375.308 (p) and (w) revised; (ll), (mm), (nn), (oo), (pp), and (qq) added 29703

(ll) clarification 55252

(c) revised 55952

(n) and (o) revised; (ss) added ..... △4246

Chapter III—Delaware River Basin Commission

401.35 Suspended in part 26638

401.38 Redesignated as 401.39; new 401.38 added 25439

401.39 Redesignated as 401.40; new 401.39 redesignated from 401.38 25439

401.40 Redesignated as 401.41; new 401.40 redesignated from 401.39 25439

401.41 Redesignated as 401.42; new 401.41 redesignated from 401.40 25439

Suspended in part 26638

401.42 Redesignated as 401.43; new 401.42 redesignated from 401.41 25439

401.43 Redesignated as 401.44; new 401.43 redesignated from 401.42 25439

401.44 Redesignated as 401.45; new 401.44 redesignated from 401.43 25439

401.45 Redesignated as 401.46; new 401.45 redesignated from 401.44 25439

401.46 Redesignated from 401.45 25439

401.51—401.67 (Subpart D) Suspended in part 26638

Chapter XIII—Tennessee Valley Authority

1300.735-41 Appendix revised 35499

1301.2 Revised 31002

1309 Added 30811

Title 18—*Proposed Rules:*

Page

1—376 (Ch. I) 31902

1 39846

..... △4313

2 ..... 39445, 45624, 49141, 55535, 57696, 60467, 62472

3 39846

4 55536

8 35298

35 ..... 39445, 45624, 49141, 55535, 57696, 62472

141 ..... 35298, 60214

..... △39, 2329, 3374

154 44777

157 ..... 21189, 24585, 30505, 35529

159 42075

260 21189

271 ..... 20218, 20219, 20683–20686, 21192, 22004, 25643, 25644, 27963–27966, 30833, 32270, 32596, 32597, 35119, 38934, 38935, 40043, 40044, 43843–43845, 43847, 45155, 46142, 47239, 47466, 48234, 48235, 49141, 50085, 50563, 50564, 51617, 51618, 52126, 52127, 52389, 52390, 54384, 55540, 55542, 56428, 56429, 56819, 56820, 56822, 60467, 60468, 62086, 63321

..... △39, 638, 2883, 2884

273 55542

..... △638

274 ..... 21027, 21192, 55542

..... △638

282 ..... 23487, 23947, 23950, 26352, 28672, 41748

284 ..... 23952, 24585, 27355

292 ..... 26353, 31663, 36715

357 60617

375 ..... 30505, 35529, 39846

711 45368

713 45368

714 45368

716 45368

1010 (Ch. X) 60406, 62867

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.22 Amended 20537, 38350, 49838

Amended ..... △2085

4.93 (b)(1) and (2) amended 21989

(b)(2) amended 48181

6.22 (e) revised ..... △2086

10.59 (f) table amended 38351

10.178 (a) interpretation 55686

10.179 Undesignated center heading and section added 58069

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Page

10.180 Undesignated center heading and section added ..... △945
18.2 (e) removed 45602
18.4 (a)(2) amended; (d) revised 36842
18.8 (b) introductory text, (1) and (c) revised; eff. 4-14-82 ..... △2088
18.15 Removed 37887
24.13 (a) and (d) revised; (c) amended 36842
24.13a Revised 36842
101.3 (b) table amended 20539, 29463, 32436
(b) table amended ..... △1287, 2089
101.4 (c) table amended 20539
101.5 Revised 20538
103 Revised 32565
103.1 Corrected 35084
103.5 (b)(1) corrected 35084
103.8 (a)(3) corrected 35084
112.11 (a)(4) revised 45602
112.12 (b)(3) revised 45602
123.41 Revised 21990
123.42 Revised 21991
132.13 (a)(1)(ii) amended; (a)(1)(iii) added 49841
134.0 Revised 58070
134.42 Policy statement 30338, 51243
Policy statement effective date corrected to 1-18-82 53405
141.61 (e)(1)(i) and (f)(2) revised 49841
141.89 (b)(2) revised 58071
142.21 (f) revised 49842
142.22 (b) revised 49842
148.65 Revised 42657
151 Technical correction 46310
151.1 Revised 45130
151.2 Revised 45130
151.111 Revised 37888
152.42 (b) amended 32574
159.34 (a) amended 24944
175.21 (b) amended 32574
177 Court decision affecting tariff classification 42446
Court decision affecting tariff classification corrected 51382

Chapter II—United States International Trade Commission

200.735-105 (b)(2) amended 41036
(b)(2) amendment eff. 8-14-81 43137
201.42—201.44 (Subpart F) Added 36692
212 Added; interim 56781

Chapter III—International Trade Administration, Department of Commerce

Page

353 Annex I amended 22754, 32864, 32865
Annex I removed 39588
355 Annex III amended 21156, 21359, 26473-26475
Annex III removed 39588

Title 19—*Proposed Rules:*

4—177 (Ch. I) 22116, 28172, 29953, 50893
4 23952
..... △3374
10 ..... 48235, 51619, 55273
..... △2124
12 ..... 34598, 55273, 61142
18 ..... 48235, 51619
..... △2125
19 ..... 48238, 58090
24 ..... 44195, 50393
101 ..... 35682, 45625, 53448, 58093
111 ..... 44195, 50393
..... △1396
114 ..... 48235, 51619
134 58094
141 ..... 44195, 50393
143 ..... 48235, 51619
148 46594
162 45626
177 21194
..... △2126, 3375
200 29729
201 28673
207 28673
210 62292
353—355 (Ch. III) 24096, 54044

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10 Authority citation 49543
10.11 (e) removed; (f) redesignated as (e) 49543
10.145 Amended ..... △145
10.410 (a) amended ..... △145

Chapter II—Railroad Retirement Board

214 Removed; regulations transferred to Part 218 61252
218 Added 61252
220.4 (f) amended 63040
232 Heading corrected 61254
232.205 Removed 61254

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 20, Chapter II—Continued

Page

232.403 Removed 61254
233 Added; interim 50786
237.411 Removed 61254
266.12 Amended 63041
320.18 Authority citation; nomenclature change 38689
345.24 (b) amended 63040

Chapter III—Social Security Administration, Department of Health and Human Services

404 Authority citation 45757
Heading corrected 47444
404.403 (c) and (d) (1) introductory texts revised; (d-1) added 25601
404.603 (b) revised 47444
404.621 (a) (1) revised; (2) amended 47444
404.622 Introductory text revised 47445
404.1255a (a) and (c) (5) revised; eff. 7-1-80 43964
Heading, (c) (2) and (5) revised; eff. 1-1-81 43964
404.1502 Revised 29204
404.1503 Revised 29204
404.1514 Revised 45757
404.1517 (a) revised 45757
404.1601—404.1610 (Subpart Q) Redesignated as 404.2001—404.2010 (Subpart U) and heading revised 29204
404.1601—404.1694 (Subpart Q) Added 29204
404.2001—404.2010 (Subpart U) Redesignated from 404.1601—404.1610 (Subpart Q) and heading revised 29204
410.560 (d) revised 39588
(d) authority citation corrected 41492
(a) revised; interim 45943
416 Technical correction 21992
416.200—416.223 (Subpart B) Revised ..... △3103
416.401—416.435 (Subpart D) Authority citation ..... △3106
416.414 Added ..... △3106
416.902 Revised 29211
416.903 Revised 29211
416.1001—416.1078 (Subpart J) Redesignated as 416.1801—416.1878 (Subpart R) and heading revised 29211

Page

416.1001—416.1081 (Subpart J) Correctly redesignated as 416.1801—416.1881 (Subpart R) and heading corrected 42063
416.1001—416.1094 (Subpart J) Added 29211
416.1015 (c) corrected 42063
416.1027 (b) corrected 42063
416.1100—416.1182 (Subpart K) Authority citation 57276
416.1161 Introductory text revised; (a) (16) added 57276
416.1600—416.1618 (Subpart P) Added ..... △3106
416.1801—416.1878 (Subpart R) Redesignated from 416.1001—416.1078 (Subpart J) and heading revised 29211
416.1801—416.1881 (Subpart R) Correctly redesignated from 416.1001-416.1081 (Subpart J) and heading corrected 42063
416.1901—416.1910 (Subpart S) Revised 47449
416.1902 Corrected 50947
416.2086 (h) (2) revised 58665

Chapter V—Employment and Training Administration, Department of Labor

653.103 Amended 62845
Amended ..... △145
653.106 Amended 62845
Amended ..... △145
653.107 Amended 62845
Amended ..... △145
653.108 Amended 62845
Amended ..... △145
653.109 Amended 62845
Amended ..... △145
653.111 Amended 62845
Amended ..... △145
653.112 Amended 62845
Amended ..... △145
653.230 Heading revised; (c) (1) (iii) table amended 34800
653.501 Amended 62845
Amended ..... △145
653.503 Amended 62845
Amended ..... △145
655.202 (b) (4) revised 57032
655.207 Revision (46 FR 4573) withdrawn; section restored to prior status 32438
658.410 Amended 62845
Amended ..... △145

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Page

658.413 Amended 62845
Amended ..... △145
675.3 Amended 44731
676.16 (a) corrected 25084
676.26–1 (c)(1) through (3) revised 51217
676.40–2 (a) revised 44731
677.15 (b)(3)(ii) removed; (b)(3)(iii) redesignated as new (b)(3)(ii) 44731
677.32 Revised 44731
679 Revised 51217
Technical correction 55090
680.3 Revised 44731
680.4 (a)(1) revised 44731
680.13 Removed 44731
680.102 (c) added 44731
680.113 Revised 44731
680.119 Removed 44731
680.121 Revised 44731
680.202 Revised 44732
684.95 (d) removed; (e) and (f) redesignated as (d) and (e) 49543
689.103 Amended 20157
689.105 Revised 20157
689.204–1 (c)(5) revised 20158

Chapter VI—Employment Standards Administration, Department of Labor

702.111 Amended 62845
Amended ..... △145
702.148 Amended ..... △145
725.531 Amended ..... △145

Title 20—*Proposed Rules:*

1—71 (Ch. I) 23884, 26790, 33536, 53958
..... △402
214 43998
218 43998
232 43998
237 43998
401—450 (Ch. III) 24424, 55612
404 ..... 22609, 23765, 29953, 37521, 46283, 50756, 53684, 54963, 55709
..... △642
416 ..... 22609, 23765, 50756, 51778, 53449, 53684, 60470
..... △642, 2127
501 (Ch. IV) 23884, 53958
601—699 (Ch. V) 23884, 33536, 53958
..... △402
655 ..... 50981, 50982
656 26789
676 ..... 25645, 27462
679 ..... 25645, 27462

Page

701—727 (Ch. VI) 23884, 33536, 53958
..... △402
801—802 (Ch. VII) 23884, 53958
901 51258

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

1.24 (a)(6)(i), (ii), and (iii) amended ..... △946
2.19 Amended ..... △946
5.1 Redesignated as 5.10 and (a)(15) amended 26052
Redesignation and amendment republished 26300
5.10 Redesignated from 5.1 and (a)(15) amended 26052
Redesignation and amendment republished 26300
(a)(2) through (7), (19), and (21) revised 50064
(c) revised 55090
Heading corrected 57032
5.11 Added 26052
Republished 26300
5.22 Revised 46310
5.37 (a)(6) revised 44755
5.45 (e) revised 31003
5.47 Revised 31003
5.49 Added 59235
5.50 Revised 31003
5.52 Revised 31003
5.53 (a) and (b) revised 31003
5.59 Revised 31004
16.1 (b)(33) effective date confirmed 22359
20.100 (c)(32) effective date confirmed 22359
21.1120b (c) amended 48642
50.1 Effective 7–27–81 35084
50.3 (b) effective 7–27–81 35084
50.40—50.48 (Subpart C) Effective date deferred pending reproposal 35085
73.160 (a) and (b) amended ..... △946
73.169 Added 47532
73.450 (a)(1) and (b) amended ..... △947
73.2085 Added 38501
74.705 (d)(2) effective date deferred in part to 7–1–82 31004
74.1260 Effective date confirmed 35085
74.1261 Effective date confirmed 35085

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 21, Chapter I—Continued

	Page
74.1602 (c)(2) effective date confirmed	47217
Technical correction	55510
74.2260 Effective date confirmed	35085
74.2261 Effective date confirmed	35085
81 Heading corrected	57474
81.1 (b) effective date confirmed	35085
(g) amended	38501, 38502
(b) amended	47533, 59235
81.10 (m) effective date confirmed	35085
81.27 (b) removed; (d) redesignated as (b)	38501
81.30 (n)(1) effective date confirmed	35085
82.1260 Effective date confirmed	35085
82.1261 Effective date confirmed	35085
101.22 (c) effective date deferred in part to 7-1-82	31004
103.35 (a) and (d)(1) revised	41037
(a) and (d)(1) effective date confirmed	51382
105.65 (c)(4)(i) and (ii) amended	△947
109 Hearing	24551
130.17 (b) through (g), (l), (k), and (l) amended; (c) introductory text revised	37500
135.110 (f) effective date deferred to 7-1-82	31004
(b) revised; eff. 7-1-83	44433
(b) effective date of 7-1-83 confirmed	△1288
135.120 Cross referenced regulation	44432
Cross referenced regulation effective date of 7-1-83 confirmed	△1288
135.140 (b) revised; eff. 7-1-83	44434
(b) effective date of 7-1-83 confirmed	△1288
136.115 (a)(1) revised; eff. 7-1-83	43413
137.165 (a) revised; eff. 7-1-83	43414
137.185 (a) revised; eff. 7-1-83	43414
145.170 (a)(2)(iii) and (4)(ii) revised; eff. 7-1-83	33028
(a)(2)(iii) and (4)(ii) effective date confirmed	△2312
145.180 (a)(1) effective date deferred to 7-1-83	28840
(a)(2)(viii) and (b)(1)(ii)(g) revised; (a)(2)(xi) added; eff. 7-1-83 (voluntary compliance 1-25-82)	57475
146.132 (a)(3)(ii) correctly redesignated as (a)(3)(iii); new (a)(3)(ii) correctly added	21359
(a)(3)(ii) corrected	26300
155.170 Effective date confirmed	21359
(a)(2) effective date deferred	35086
155.172 Effective date confirmed	21359
155.200 (c)(9) through (12) redesignated as (c)(10) through (13) and revised; new (c)(9) added; eff. 7-1-83 (voluntary compliance 1-18-82)	56410
166.40 (b) revised; eff. 7-1-83	31005
(b) revision effective date deferred to 7-1-85	△3108
170.30 (h)(1) amended	△947
172.280 (a) amended	△947
172.340 Added	38072
172.372 (a) revised	59968
172.399 Added	58297
172.804 Reinstated	50948
172.808 (b)(3) revised	57476
172.841 Added	30081
172.870 Revised	50065
172.892 (b) table amended	32015
173.5 (c)(1) revised	30494
173.25 (a)(18) and (b)(4) added	40181
(a)(19) added	57033
(a)(19) effective date corrected	59235
173.228 Added	△146
173.340 (a)(2) amended	30493
(a)(2) table amended	57476
175.105 (c)(5) table amended	△1288
175.300 (b)(3)(xxix) amended	32015, 46796
(b)(3)(xxxii) amended	60566
176.170 (a)(5) table amended	35087
(a)(5) table corrected; CFR correction	38503
(b)(2) table amended	39589
(a)(5) table corrected; CFR correction	43414
(a)(5) table amended	△1288
176.180 (b)(2) table amended	57477
176.300 (c) table amended	36129
177 Heading corrected	58297
177.1010 (a)(7) redesignated as (8); new (a)(7) added	46796
177.1580 (b) table amended	23227
177.1680 (a)(1) amended	57033
177.2600 (c)(4)(viii) amended	46796
177.2800 (d)(5) table amended	37042

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
178.1010 (b)(22) and (c)(17) added	31006
(b)(9) revised	60567
178.2010 (b) table amended	31007, 35087, 47217, 47218, 57034
178.3295 Added	59236
178.3850 (d)(3) table amended	△1288
178.3860 (b) table amended	51902
184.1366 Added	44439
184.1979 Added	44439
184.1979a Added	44440
184.1979b Added	44441
184.1979c Added	44441
193 Policy statement	24945
193.15 (a) correctly revised	39829, 42063
(a) corrected	45130
193.43 Added	58487
193.45 Added	32866
193.65 Added	32866
193.83 Added	57035
193.85 (e) added	31008
(f) added	54729
193.99 Revised	30494
Revised	△616
Table corrected	△2986
193.135 Added	55511
193.152 (c) revised	26762
193.160 Existing text designated as (a); (c) added	30339
193.186 (d) added	47534
193.323 Added	32866
193.325 (d) added	23229
(a) revised	32239
Revised	△1375
193.375 Added	43965
201.160 Removed; CFR correction	55512
203.31 Addition and table revision effective dates deferred	33739
211.137 (f) redesignated as (g) and revised; new (f) added	56412
211.166 (d) added	56412
310.516 (e)(4) redesignated as (e)(5) and revised; new (e)(4) added	53657
(e)(4) and (5) effective date corrected to 11-30-81	57893
312.1 (a)(12) and (13) corrected	59969
314.1 (c)(2) and (f)(7) corrected	21360
314.8 (n) corrected	21360
(a)(5)(xiv) revised; (a)(6) removed	32017
314.9 (e) corrected	21360
314.12 (e) corrected	21360
314.110 (a)(11) corrected	21360
320.22 (c)(1) table amended	36130
330.10 (e) corrected	21360
(a)(7), (9), (10), and (12) revised; (a)(13) removed	47738
430.4 (a)(48) added	61069
(a)(27) removed	61071
430.5 (b)(1)(xii) added	25602
(a)(71) and (b)(71) added	25605
(a)(72) and (b)(72) added	58298
(a)(73) and (b)(73) added	61069
(a)(1)(iv) and (v) and (28), (b)(1)(iv) and (b)(29) removed	61071
430.6 (b)(73) added	25605
(b)(74) added	58298
(b)(75) added	61069
(a)(1)(iv) and (b)(28) removed	61071
431.53 (b)(1) table amended	60568, 61071
436.33 (b) table amended	25602, 25605, 58298, 61069, 61071
436.35 Revised	60568
(c) table amended	61071
436.105 (a) and (b) tables amended	25605, 46312
(a) table corrected; CFR correction	57477
(a) and (b) tables amended	61071
436.106 (b) table amended	25608
(a) table amended	33512
(b) table corrected; CFR correction	57477
(a) and (b) tables amended	61072
436.204 (b)(2) table amended	25602
(b)(1) table amended	46312
(b)(2) table amended	58298
(b)(1) and (2) tables amended	61072
436.205 (c) table amended	25602
(c) table corrected; CFR correction	57477
(b) and (c) tables amended	61072
436.314 Removed	25608
436.315 Removed	25608
436.330 Added	25602
436.332 Added	61069
436.333 Added	61070
436.541 (b) table amended; (c)(4) added	25603
440.3 (b)(5)(ii) corrected; CFR correction	57477
440.8 Added	25603

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 21, Chapter I—Continued

	Page
440.37a Added	58298
440.69 Removed	61072
440.82 Removed	61072
440.108 Added	25604
440.169 Removed	61072
440.169a Removed	61072
440.169b Removed	61072
440.182 Removed	61072
440.182a Removed	61072
440.182b Removed	61072
440.237 Added	58299
442.13a Added	25606
442.25a Heading revised and (a)(1) amended	46312
442.40 (b)(1)(ii)(*b*)(*4*) revised	25608
442.104a (b)(1)(i) and (ii) corrected	21360
442.104b (b)(1)(i) and (ii) corrected	21360
442.105 (b)(1)(ii)(*c*) corrected; CFR correction	57477
442.213 Added	25607
442.225c (a)(1), (3), and (b)(1) revised; (b)(7) and (8) added	38503
444.42b Correctly removed	41814, 42447
444.44 Removed	61072
444.62 (a)(1) introductory text corrected	22359
444.70a (a)(1)(v), (3)(i), and (b)(5) amended	60568
444.142a (b)(2) revised	25608
444.220 (a)(1), (3)(ii)(*b*)(*1*), and (b)(4) revised	31009
444.270b (a)(1), (3)(i)(*a*) and (*b*), and (b)(5) amended	60568
444.380 (a)(1) heading and effective date corrected	22359
444.442f Heading revised; (a)(1) amended	25608
444.442h (a)(1) corrected	55091
444.520b (b) revised	45332
444.542k Correctly removed	41814, 42447
444.542l Correctly removed	41814, 42447
444.542m Correctly removed	41814, 42447
446.10a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.16 (b) corrected; CFR correction	57477
446.20a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.65a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.67a (a)(1)(v), (3)(i) and (b)(5) amended	60568
446.75a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.76a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.81a (a)(1)(v), (3)(i), and (b)(5) amended	60568
446.150a (a)(1) amended	46313
446.220 (a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.260 (a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.265 (a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.267 (a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.275a (b)(1) amended	46313
(a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.275b (b)(1) amended	46313
(a)(3)(i)(*a*) amended	60568
446.276a (b)(1) amended	46313
(a)(1), (3)(i)(*b*), and (b)(5) amended	60568
446.276b (b)(1) amended	46313
(a)(3)(i)(*a*) amended	60568
446.281 (a)(3)(i)(*a*) amended	60568
446.282 (a)(1), (3)(i)(*a*), and (b)(6) amended	60568
446.381b (b)(1) amended; (b)(3) revised	46313
446.542 (b)(2)(iii) corrected	21361
448.15a (a)(1)(v), (3)(i), and (b)(5) amended	60568
448.30a (b)(1) corrected	22359
448.80a (a)(1)(v), (4)(i), and (b)(5) amended	60568
Removed	61072
448.280 Removed	61072
449.120d (a)(1) corrected	21361
(b)(1) corrected by removing the second (ii)	46313
450.10a (a)(1)(v), and (3)(i) amended	60568
450.220 (a)(1) amended; (b)(5) revised	46313
450.224 (a)(1), (3)(i)(*b*), and (b)(4) amended	60568
450.240 (a)(1), (3)(i)(*b*), and (b)(7) amended	60568
450.245 (a)(1), (3)(i)(*b*), and (b)(5) amended	60568
452.40 Removed	61072

△ Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
452.110b (a)(1) amended	44442
452.110c (b)(3) corrected	22359
453.22a (a)(1)(vi), (3)(i), and (b)(6) amended	60568
453.30a (a)(1)(v), (3)(i), and (b)(5) amended	60568
453.222 (a)(1), (3)(i)(b), and (b)(5) amended	60568
453.230 (a)(1), (3)(i)(b), and (b)(5) amended	60568
455.80a (a)(1)(vi), (3)(i), and (b)(6) amended	60568
455.170a (a)(1) amended	46314
455.230 Added	61070
455.251 (b)(5) revised	25608
455.310a (b)(1)(i) and (ii) removed	46313
460.42 (a)(1) amended	60569
510.600 (c)(1) and (2) tables amended	20158, 21362, 22360, 23230, 33029, 37501, 45333, 48642, 50066, 50365, 56413, 60570
(c)(1) and (2) tables amended	△147, 2312, 2768, 4249
520.23 Revised	44443
520.82a (b) amended	48642
520.82b (b) amended	48642
520.222 (c) amended	48642
520.580 (b)(1) amended	20158
(b)(2) amended	31010
520.620b (a) revised	51383
520.622a Revised	23230
(a)(3) republished	41038
Technical correction	44443
(a)(5) added	46315
Technical correction	55954
(a)(6) added	61653
520.622c (b)(5) added	25609
520.784 (b) amended	48642
520.863 (b) amended	48642
520.905a (e) added	29464
520.905b (c)(2) and (3) revised	37502
520.905c Added	32018
520.1120a (c) amended	48642
520.1120b (c) amended	48642
520.1236 Added	25085
520.1242a (c)(2) revised	25085
520.1320 (d)(1)(ii) revised	47218
(d)(2)(i) and (ii) amended	53658
520.1326 (c)(3) amended	52330
520.1448 (c) added	33029
(d) added	50067
520.1450 Added	50949
520.1628 (c)(2) revised	26301
(b) amended	60570
520.1638 Added	50948
520.1660c Added	32440
520.1720a (b)(1) amended	48642
520.1780b (b) amended	31010, 48642
520.1804 (b) amended	20158
520.1870 Added	60570
520.1900 (b) revised	23231, 57477
520.2002 (c) amended	60570
520.2087 Added	41039
520.2088 Added	41040
(b) added	42448
Technical correction	44443
520.2122 (b)(2) amended	60570
520.2160 Redesignated as 520.2160a and revised; new 520.2160 added	38505
520.2160a Redesignated from 520.2160 and revised	38505
520.2160b Redesignated from 520.2162 and revised	38505
520.2160c Added	38506
520.2160d Added	46316
520.2162 Redesignated as 520.2160b and revised	38505
520.2260b Revised	36132
520.2362 (c) amended	48642
520.2380f Heading, (a) and (c) revised	52330
520.2610 (a) and (b) revised	23231
(b) revised	32438
(b) amended	48642, 60570
522.23 Revised	43831
522.82 (b) amended	48642
522.518 Added	20159
522.540 (b)(2)(ii) revised	42841
522.690 (a), (b), (c), and (d)(1)(iii) revised; (d)(2)(iii)(e) and (f) removed; (d)(2)(iii)(g) redesignated as (d)(2)(iii)(e); (d)(3) added	39127
522.784 (b) amended	48642
522.863 (b) amended	48642
522.900 Revised	23232
522.1143 Removed	26763
522.1155 (b) amended	48642
522.1183 (d)(1) revised	39128
522.1235 Added	25086
522.1260 (a) amended	37043
522.1380 Technical correction	24553
522.1462 (b) amended	△147
522.1468 Redesignated as 522.1468a; new 522.1468 added	26763
522.1468a Redesignated from 522.1468	26763
522.1468b Added	26763

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 21, Chapter I—Continued

	Page
522.1660 (c)(1)(i) revised	20160
(c)(2)(i) revised	27913
522.1662a (i) added	37501
522.1680 (b) revised	61073
522.1720 (b)(1) amended	48642
522.1884 (c) revised; (d)(2)(iv) added	33513
522.2002 (c) amended	60570
522.2120 (b) amended	60570
522.2260 Added	62055
522.2610 Added	41041
522.2640 Redesignated as 522.2640a and revised; new 522.2640 added	48643
522.2640a Redesignated from 522.2640 and revised	48643
522.2640b Added	48643
524.463 Revised	△4250
524.1580b (b) revised	40183, 44755
524.1580d Added	22360
(c)(2) and (3) revised	40182
524.1742 (b) and (c)(1) introductory text revised; (c)(3) redesignated as (4) and amended; new (c)(3) added	27914
Technical correction	32440
524.2101 (b)(2) revised	37043
(b)(1) revised	△4250
526.820 (b) amended	60570
529.1115 Added	27915
540.274d (a)(4)(iii)(c) amended	60569
540.814 (c)(2)(ii) and (3)(ii) added	33030
540.815a Added	55954
540.874a (c)(4)(iii)(A) and (B) redesignated as (c)(4)(iii)(*a*) and (*b*); (c)(4)(i) and new (iii)(*a*) revised	43415
544.173a (a)(1) amended	60569
544.173b (a)(1) amended	60569
544.173c (a)(1) and (b)(2) amended	60569
544.173e (a)(1) amended	60569
544.211a (b)(3) amended	60569
544.211b (a)(1)(iv), (4)(ii)(*a*), and (b)(3) amended	60569
544.274 (a)(1)(ii), (4)(ii)(*a*), and (b)(2) amended	60569
544.370a (a)(4) and (b)(2) amended	60569
544.373a (a)(1) amended	60569
544.373b (a)(1) amended	60569
544.973b (a)(1) amended	60569
546.1801 Added	25086
546.312a (a)(1)(iii) amended	60569
548.314a (c)(2)(ii) amended	48642
548.314b (c)(2) amended	48642
555.110c (a)(1) amended; (c)(2) and (3)(i) revised	21362
(c)(2)(ii) revised	59969
556.425 Added	50950
556.750 (b)(4) revised; CFR correction	53658
558.15 (g)(1) amended	23233
558.45 (c) revised	45333
558.55 (e)(2)(iv) table amended	46797
558.76 (e)(1) table amended	21363, 21749, 22361, 22755, 41042
558.78 (e)(1) table amended	21363
(e)(1) table amended; footnote 1 added	37044
(e)(1) table amended	60571, 61073
558.95 (e)(1)(x) added	54537
(b)(1) revised; (e)(3) added	58300
558.120 (e)(2)(ii) added	46797
558.195 (g)(2) table amended	32019
558.274 (a) revised; (e)(1) table amended	20161, 21364
(a)(2) revised; (a)(3) added; (e)(1) table amended	32018
(a)(4) added; (e)(1) table amended	50067
(a)(5) added; (e)(1) table amended	△4251
558.311 (b) revised; (e) table amended	46798
(e) table amended	54538
558.325 (f)(2)(i)(*b*), (ii)(*b*), and (iii)(*b*) amended	24553
558.355 (b)(5) and (f)(1)(xiii) added	46799
558.360 Added	50950
558.369 Added	47535
558.450 (a) revised	26764
558.485 (a)(8) added	28840
(a)(11) added	38506
(a)(10) added	39128
(a)(9) added	39129
558.530 Revised	52331
558.565 Revised	43832
558.625 (b)(27) revised	20161
(b)(5) revised	20162
(b)(52) revised	53658
(b)(50) revised	53659
(b)(65) revised	53660
(b)(8) and (69) revised	55956
(b)(77) added	56413
(b)(29) removed	57478
(b)(4) revised	△1289
(b)(59) removed	△2312

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Page

558.630 (b)(3) revised; (b)(8) added 36133
(b)(9) added 40183
(b)(3) amended 55955
(b)(3) amended; (b)(8) revised ..... △4252
558.635 (f)(3)(ii) added 46798
(f)(3) added 46799
561 Policy statement 24945
561.53 (a) revised 36134
561.65 Added 55092
Technical correction 59533
561.67 Added 58488
Heading revised; (a) table amended ..... △1376
Existing text designated as (a); (b) added ..... △1377
(a) table amended ..... △2861
561.93 Added 57036
561.95 Revised 57479
561.97 Added 47772
561.98 (b) revised 31638
561.145 Added 55512
561.195 Revised 50366
561.215 Added 30340
561.225 Added 47536
Correctly designated 55092
561.232 (a) revised 26765
561.385 (a) revised 37502
(a) and (b) revised 57480
561.395 (a) revised 55093
Technical correction 59533
573.310 Added 30082
573.450 (d) revised 49115
573.920 (b)(1) and (c)(1) revised; (f) removed 43416
(b)(7) added; (c)(1) revised 49116
584 Added 52333
610.13 (b) introductory text, (2), and (c) revised 62845
610.15 (a) revised 51903
610.53 (a) table amended 56412
640.63 (b)(2) revised 57480
660.2 (f) revised 36134
660.6 Added 36134
880.4 Added 39135
Technical correction 42448
680.40 (b)(2)(v) corrected 43832
700.3 (r) removed 38073
701 Incorporation by reference approvals corrected 29220
710.4 Amended 38073
720.4 (d)(2) amended; footnote 1 through 4 removed 38073
720.5 (c)(1) amended; footnotes 1 through 4 removed 38073

Page

730.1 Amended 38073
730.2 (b) removed 38073
730.3 Amended 38073
730.4 (a)(5) revised; (a)(7) and (8), (b), and (c)(5) removed; (d) introductory text, (1), and (3) and (e) amended 38073
730.7 Amended 38074
808.101 Corrected 59236
809.3 (a) revision and (c) removal effective date confirmed 22359
809.4 Effective date confirmed 22359
809.10 (c) introductory text effective date confirmed 22359
809.30—809.35 (Subpart D) Effective date confirmed 22359
812.65 Correctly removed 21360
812.70 Correctly removed 21360
861 Effective date confirmed 22359
880.2440 (a) corrected 21364
1030.10 (b)(8) and (c)(1), (3)(i), and (ii) effective date stayed 23233

Chapter II—Drug Enforcement Administration, Department of Justice

Chapter II Nomenclature change; CFR correction 50068
1301.26 (e) amended 28841
1301.71 (d) amended 28841
1301.74 (k) amended 28841
1303.12 (b) and (d) amended 28841
1303.22 Amended 28841
1303.27 Amended 28841
1304.35 (a) amended 28841
1304.37 (a) and (b) amended 28841
1304.39 (d) amended 28841
1304.41 (d) amended 28841
1304.42 (a) amended 28841
1306.26 Added 48919
1308.04 (a) amended 28841
1308.11 (f) added 37504
(b)(6) through (45) redesignated as (b)(7) through (46); new (b)(6) added 46800
(f) revised 59970
(f) effective date corrected 60572
1308.13 (b)(5) removed; (b)(6) redesignated as (b)(5) 52334
1308.14 (c)(21) added 20672
(e) revised 52334
(c)(11) through (22) revised 53408
(c)(1) through (22) redesignated as (c)(2) through (23); new (c)(1) added 55688

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 21, Chapter II—Continued

Page

1308.22 Table amended 51603
1308.23 (b) amended 28841
1308.24 (d) amended 28841
(i) table amended 32020, 53406
1311.53 (c) amended 28841
1312.13 (d) and (e) added 41776
1312.15 (b) amended 28841

Title 21—*Proposed Rules:*

1—1250 (Ch. I) 24424, 35120, 55612
1 26790
7 ..... △2331
20 57568
..... △162
50 61666
105 ..... 33053, 46340, 62868
135 ..... 60007, 62087
145 ..... 33055, 51923, 55994
146 ..... △963
148 ..... 51926, 55994, 58343
158 51402
161 30505
166 26790
168 ..... 60625, 60626, 60628
..... △163
180 ..... 24593, 31020, 32453
182 ..... 24593, 31020, 32453
193 58343
203 ..... 42470, 45785
207 21368
210 21368
225 21368
226 21368
310 43465
..... △424, 430
333 ..... △436
345 57914
351 25107
357 ..... △444, 454, 490, 502, 512
358 ..... △522
430 ..... 25651, 30115
436 ..... 25651, 30115, 48714
440 ..... 22389, 25651, 30115
444 ..... 25651, 30115
448 ..... 25651, 30115
452 ..... 25651, 30115, 38536, 47240, 48714, 62087
455 ..... 48714, 62087
501 21368
510 21368
514 21368
539 22389
540 ..... 22389, 25107
555 ..... 48714, 62087
558 21368
561 42683
606 47623
610 ..... 23765, 35121, 40212
660 35122
801 ..... 23766, 57569
803 57568
864 ..... 20221, 20222, 22764

Page

868 20223–20226
874 ..... △3230
876 ..... 20687, 22393
878 ..... △2810
880 ..... 20227, 20228
886 ..... △3694
892 ..... △4406
899 57569
1030 ..... 23266, 41102
1301—1316 (Ch. II) 24129, 53669
1308 ..... 22393, 23953, 24593, 29484, 35529, 39848, 42285, 45156, 60008

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

9.16 (l) (1) revised 21992
22 Revised 58071
22.1 Table corrected 60572
41.1 Amended 28637
41.20 Revised 28637
41.122 (c) amended 41777
41.127 (b) (1) amended; (c) revised 30082
41.128 (a), (a) (1) and (2), and (b) through (f) redesignated as (a) (1), (a) (1) (i) and (ii), and (a) (2) through (6); new (b) added 54729
(b) (2) corrected 58074
42.1 CFR correction ..... △2089
46.8 Removed 55513
124.10 (i) amended 60820
126.01 Amended 60821
134 Added 58301
181 (Subchapter S and part) Added 35918

Chapter II—Agency for International Development, International Development Cooperation Agency, Department of State

201 Authority citation 47068
201.11 (b) (3) and (4) and (j) (3) amended 27104
201.13 Revised 47068
201.22 (f) revised 27105
201.52 (a) (4) (ii) revised; (a) (4) (iii) added 47069
201.63 (i) removed 27105
210 Removed 50068
213 Confirmed 58488
220 Authority citation 42841
220.04 (c) revised 42842
223 Added 55957

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Chapter XIV—Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel

	Page
Chapter XIV Revised	45854
1411—1414 (Subchapter B) Revised	45854
1411 Revised	45854
1413 Revised	45858
1414 Revised	45859
1420—1429 (Subchapter C) Revised	45861
1420 Revised	45861
1421 Revised	45861
1422 Revised	45862
1423 Revised	45868
1424 Revised	45873
1425 Revised	45875
1427 Revised	45875
1428 Revised	45875
1429 Revised	45876
1470—1471 (Subchapter D) Revised	45879
1470 Revised	45879
1471 Revised	45879
Chapter XIV Appendix A Revised	45881
Appendix B Added	45882

Title 22—*Proposed Rules:*

1—191 (Ch. I)	22394, 51258
22	48884, 61298
171	30649
200—222 (Ch. II)	24212, 57570
203	60009
514	63322

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

Chapter I Policy statement	49842
Policy statement clarification	55253
1.34 Revised	21156
140.607 (a) and (b) amended	21156
140.608 (b) and (e) amended	21156
140.609 Amended	21156
160.103 (d) amended	21156
230.101—230.121 (Subpart A) Appendixes A through G transferred from 230.201—230.209 (Subpart B)	21157
230.201—230.209 (Subpart B) Appendixes A through G transferred to 230.101—230.121 (Subpart A)	21156
450.100—450.124 (Subpart A) Effective date deferred to 7–31–81	33514
Effective date deferral republished	34564
Revised; interim	40173
450.200 (b) effective date deferred to 7–31–81	33514
(b) effective date deferral republished	34564
(b) amended; interim	40176
450.202 Nomenclature change and (c) effective date defered to 7–31–81	33514
Nomenclature change and (c) effective date deferral republished	34564
Nomenclature changes; interim	40176
450.204 Nomenclature change effective date deferred to 7–31–81	33514
Nomenclature change effective date deferral republished	34564
Nomenclature change; interim	40176
450.206 Nomenclature change and (b) effective date deferred to 7–31–81	33514
Nomenclature change and (b) effective date deferral republished	34564
Nomenclature changes; interm	40176
450.300—450.320 (Subpart C) Effective date deferred to 7–31–81	33514
Effective date deferral republished	34564
Revised; interim	40176
476.302 (b)(7) added	45603
490.107 (e) removed; (f) redesignated as (e)	42266
511 Added	59534
520 Removed; regulations transferred to Part 511	59534
522 Removed; regulations transferred to Part 511	59534
524 Removed; regulations transferred to Part 511	59534
530 Removed; regulations transferred to Part 511	59534

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 23, Chapter I—Continued

Page

540 Removed; regulations transferred to Part 511 59534
542 Removed; regulations transferred to Part 511 59534
544 Removed; regulations transferred to Part 511 59534
560 Removed; regulations transferred to Part 511 59534
625 Interpretations 34565
630.106 (b), (c), and (d) effective date deferred to 7-31-81 .. 33514
(b), (c), and (d) effective date deferral republished 34564
(b) removed; (c) and (d) redesignated as (b) and (c); (46 FR 5717 withdrawn) 40173
650.607 (a)(1)(ii) amended 21157
652.7 (d) amended 21157
655 Interpretations 34565
655.601—655.607 (Subpart F) Technical correction 21157
656 Technical correction 21157
659.9 (a) revised 21157
659 Appendix removed 21157
665 Removed 35502
920.7 (c) amended 21157

Title 23—*Proposed Rules:*

1—924 (Ch. I) 20036, 21184, 48422
140 45744
200 21620
230 21620
625 ..... 21620, 27722, 32880, 62664
635 21620
..... △1146
646 ..... 45744, 62664
655 ..... 32880, 62664
740 45627
770 21620
771 21620
772 59550
795 21620
1204—1252 (Ch. II) 20036, 21184, 48422
1205 43692
1221 56823

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

81.2 (j) revised; interim 39435

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

Page

115.11 Revised 46317

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200 Incorporation by reference approvals 29220
200.925—200.935 (Subpart S). Appendix amended 56413
Appendix effective date corrected 61839
201.4 (a) revised 25610, 44444, 46905, 57037
201.530 (a) amended; (c) revised 37504
(a) and (c) revised ..... △618
201.540 (a) revised 25610, 44444, 46905, 57037
201.560 Revised ..... △618
201.1504 Revised ..... △617
201.1511 (a)(1) revised 25610, 44444, 46905, 57037
201.1625 (a) revised 25610, 44444, 46905, 57037
203.18b (c) added; interim ..... △917
203.20 (a) revised 23049, 27105, 44445, 46906, 51244, 57038
(a) revised ..... △4060
203.45 (b) revised 23049, 27105, 44445, 46906, 51244, 56420, 57038
(b) revised ..... △4060
203.46 (c) revised 23049, 27105, 44445, 46906, 51245, 56420, 57038
(c) revised ..... △4060
203.405 Revised 41158
203.479 Revised 41158
203 Appendix A amended 25088
Appendix A revised; interim ..... △917
205.50 Revised 27105, 44445, 46906, 57038
207.7 (a) revised 23049, 27105, 44445, 46906, 57038
207.259 (e)(6) revised 44158
213.10 (a) revised 23049, 27106, 44445, 46906, 57039
213.511 (a) revised 23049, 27106, 44445, 46906, 51245, 57039

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Page

(a) revised ..... △4060
215.1 (i) added; interim 56422
215.20 (b) redesignated as (b)(1); (b)(2) added; interim 56422
220.576 (a) revised 23050, 27106, 44445, 46906, 57039
220.830 Revised 44158
221.518 (a) revised 23050, 27106, 44446, 46906, 57039
232.29 (a) revised 23050, 27106, 44446, 46906, 57039
232.560 (a) revised 23050, 27106, 44446, 46907, 57039
234.26 Revised; interim 46318
234.27 (c) added; interim ..... △917
234.29 (a) revised 23050, 27106, 44446, 46907, 51245, 57040
(a) revised ..... △4060
234.75 (b) revised 23050, 27106, 44446, 46907, 51245, 56420, 57040
(b) revised ..... △4060
234.76 (c) revised 23050, 27106, 44446, 46907, 51245, 56420, 57040
(c) revised ..... △4060
234 Appendix A amended 25088
Appendix A revised ..... △924
235.5 (g) added; interim 56422
235.10 (e) added; interim 56422
235.12 Added; interim 28401
235.25 Revised; interim 29259
(b) corrected 31257
235.30 Revised; interim 29259
235.325 (c) correctely added; interim 56422, 61455
235.330 Revised; interim 29259
235.375 (a)(1) and (e) amended; (a)(5) added; interim 56422
235.540 (a) revised 23050, 27107, 44446, 46907, 57040
236.2 (l) added; interim 56422
236.15 (a) revised 23050, 27107, 44446, 46907, 57040
236.70 (a) revised; (d) added; interim 56423
236.710 (c) added; interim 56423
241.65 Revised 51383
Authority citation corrected 54339
241.75 Revised 23050, 27107, 44446
(a) revised 46907
Revised 57040
242.33 (a) revised 23051, 27107, 44447, 46907, 57040
244.45 (a) revised 23051, 27107, 44447, 46907, 57041

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

Page

300.11 (c) table amended 39811, 48644
(c) table amended ..... △4252

Chapter IV—Office of Assistant Secretary for Housing Management, Department of Housing and Urban Development

420 Removed 56785
Authority citation corrected 59971

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

511 Removed ..... △1117
540 Removed ..... △1117
541 Removed ..... △1117
551 Removed ..... △1117
555 Removed ..... △1117
556 Removed ..... △1117
561 Removed ..... △1117
570 Designation corrected 57675
570.105 (e) through (h) added; interim 45604
570.436 Added 29910
570.488—570.499 (Subpart I) Added; interim (effective pending congressional review) 57258
571.101 (c) added 37505

Chapter VIII—Low-Income Housing, Department of Housing and Urban Development

800 Revised 57277
801 Removed; regulations transferred to Part 800 57282
802 Removed 57282
803 Removed 57282
812.2 (d)(1) revised; (g) added 56423
841 Prototype cost determinations 33469
868 Revised; interim 21934
882.108 (a)(1)(i)(A) corrected ..... △4252
882.411 (a)(1) corrected ..... △4252
885.410 (g)(1) and (2) revised 28842
888.101 (b)(1) revised; interim 51905

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 24, Chapter VIII—Continued

Page

888.101—888.103 (Subpart A)
Schedule A revised 28638
Schedule A amended; interim 47773
Schedule A revised; interim 51906, 57839
Schedule A effective date confirmed 63256
888.202 Corrected ..... △4252
888.203 (a) corrected ..... △4252
888.201—888.204 (Subpart B)
Schedule C removed ..... △4252

Chapter XX—Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development

3280 Incorporation by reference approvals 29220
Incorporation by reference approvals; corrected 33980
3282.454 Revised 46127

Title 24—*Proposed Rules:*

0—81 (Subtitle A) 41708
15 54571
100—135 (Ch. I) 41708
200—290 (Ch. II) 41708
200 41723
203 ..... 37279, 41723
221 41723
231 41723
235 ..... 22394, 24594
236 41723
300—390 (Ch. III) 41708
401—491 (Ch. IV) 41708
500—590 (Ch. V) 41708
570 41729
600 (Ch. VI) 41708
600 41729
700—720 (Ch. VII) 41708
800—899 (Ch. VIII) 41708
804 41723
805 41723
841 41723
885 ..... 25107, 41723
888 23955
891 41729
1700—1730 (Ch. IX) 41708
1895 (Ch. X) 41708
2700 (Ch. XV) 41708
3280—3610 (Ch. XX) 41708, 41733
3280 ..... 40498, 43466
3282 ..... 40496, 40498
3283 40498

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Page

5 Removed 26765
43e Added 62649
52 Effective date deferred to 6-15-81 24177
Effective date deferred to 9-1-81 31881
Effective date advanced to 7-27-81 38353
52.11 (a) revised 38352
103a Added 47774
103b Added 47775
105 Removed 26475
115 Added 36136
115.5 (c) corrected 38074
120 Revised 47537
173 Removed 26476
242 Removed 26476
251.5 *See* EO 12328 50357
252.31 *See* EO 12328 50357
256.11—256.21 (Subpart B) Revised 33242
258.18 Added 40511
259.1 (e) revised 37045

Chapter IV—Navajo and Hopi Indian Relocation Commission

700 Revised ..... △2092
700.17 (a) introductory text amended 27915
Redesignated as 700.331 27921
700.301—700.321 (Subpart L) Added 46801
700.331—700.343 (Subpart M) Added 27921
700.331 Redesignated from 700.-17 27921
700.451—700.479 (Subpart N) Added 27916

Title 25—*Proposed Rules:*

1—277 (Ch. I) 24458, 53870
43e 50565
161 22205
258 55542
700 ..... 27967, 62476

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Page

1.167(a)–11 (c)(2)(iv)(e) corrected 32239
1.385–1 (a)(1) revised 24946
(a)(1) revised ..... △147
1.385–6 Nomenclature change 24946
1.482–2 (a)(2)(ii) and (iii) and (5) revised; (a)(2)(iv) removed; (a)(7) added 34569
1.483–1 (c)(2)(ii), (3) introductory text, (4), (d)(1)(ii), (4) introductory text, (e)(3) introductory text, (f)(5) introductory text, (6)(iv) introductory text, (g)(2) tables IV, V, and VI headings, (6), (7)(i), (ii) introductory text, and (8) revised 34570
(c)(3) example (7), (5), (d)(4) example (7), (e)(3) example (8), (g)(2) tables VII through IX, (9), (10), and (11) added 34570
Correctly designated 39589
(d)(1)(ii)(A) and (f)(6)(iv) corrected 39589
1.507–2 (c)(1)(iv)(A) amended 37889
1.509(a)–3 (a)(1) heading, (2) heading, and (4) heading added; (a)(1), (4), (c)(1)(i) and (iii)(a), (c)(3), 6, (d)(2) and (3) (iii), and (e)(4)(i)(f) amended; (a)(3) revised 37889
1.509(a)–4 (k)(2) amended 37890
1.509(a)–5 (a)(1), (b)(1) and (c) amended 37890
1.612–5 Added ..... △4061
1.671–4 Revised 57481
1.819–2 Determination 20162
1.956–2 (b)(1)(ix) revised 57675
1.1033(g)–1 (b)(1) and (2)(i)(A), and (b)(2)(iii) heading corrected 23235
1.1244(a)–1 (b) revised 29467
1.1244(b)–1 Revised 29467
1.1244(c)–1 Revised 29468
1.1244(c)–2 Revised 29470
1.1244(d)–3 Revised 29472
1.1244(d)–4 Revised 29473
1.1244(e)–1 (a) revised 29473
(a)(2)(vi) corrected 31881
1.1441–4 (d)(1) revised 27636
(d)(1) corrected 31409
1.1563–3 (b)(5)(iii) revised 29474
1.6012–3 (a)(9) added 57482
1.6033–2 (j) amended; (a)(2)(ii)(f) added 38507
1.6056–1 (b)(3) amended 38507
5a Removed ..... △4062
5c Added 51584
Heading revised 51907
5c.0 Added 54538
5c.44F–1 Added 51907
5c.103–1 Added 51907
5c.103–2 Added 63257
5c.103–3 Added 63257
5c.168(f)(8)–1 Added 51907
(d) revised; temporary 56148
5c.168(f)(8)–2 Added 51908
(a)(3)(ii) and (b) amended; (a)(5) revised; (a)(6) through (8) added; temporary 56148
(a)(3) revised 63257
5c.168(f)(8)–3 Added 51909
(c) revised; (d) amended; temporary 56149
5c.168(f)(8)–4 Added 51910
5c.168(f)(8)–5 Added 51910
5c.168(f)(8)–6 Added 51910
(b)(4) amended; temporary 56150
(a)(2)(ii) and (b)(3) revised 63258
5c.168(f)(8)–7 Added 51912
(b), and (c)(1) introductory text, (i), and (ii) revised; (d)(1) introductory text amended 56150
5c.168(f)(8)–8 Added 51913
(b)(2) and (3) revised; (b)(10) through (12) added; (d) amended 56150
(b)(2) revised; (b)(13) and (14) added 63259
5e Added ..... △2987
6a Added 34314
6a.103A–1 (c)(2), (d)(3), and (e)(2)(iii) corrected 37890
(b)(5) revised 55514
6a.103A–2 (c)(1)(ii) and (iv) introductory text and example (1), (d)(3), (i)(3)(iv) and (j)(2) revised; (c)(1)(iv) example (4) added 55514
6a.103A–3 (f) corrected 37890
7.0 (c)(5) correctly removed 43036
7a Added 25292
7a.2 (g) example corrected 30495

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 26, Chapter I—Continued

Page

11.414(c)–4 (b)(5)(iii) revised 29474
14a Added 61840
15a Heading and authority citation correctly added 43036
15a.453–0 Correctly designated 43036
15a.453–1 Correctly designated; (b)(3)(i) corrected 43036
(b)(1)(ii), (iii), and (v) and (3)(ii) revised; (b)(5) amended 48920
16a Added 27637
16a.126–1 (g) corrected 41043
20.2032A–3 (b)(1) amended 43037
20.2032A–8 (a)(2) amended 43037
22 Added 54540
25.2514–3 (e) amended 27642
26a.2621–1 (k) revised 54541
31.3401(e)–1 (b) amended △3547
31.3402(f)(2)–1 (g) added △3547
31.3402(n)–1 Amended △3547
31.3402(o)–1 Heading and (a) heading revised △3546
31.3402(o)–2 Redesignated from 32.1 and nomenclature change and heading revised △3546
31.3402(q)–1 Added 46908
31.6205–1 (b)(2)(iii) added 37890
32 Removed △3546
32.1 Redesignated as 31.3402(o)–2 and nomenclature change and heading revised △3546
34 Removed 46908
35 Added 24554
35.1 (h)(1)(ii) example (2) corrected 30495
35.2 (a) introductory text corrected 30495
37 Removed △3548
51 Added 52337
57 Added 37632
150.4995–3 (g)(2)(ii) example (1) corrected 19935
301.6059–1 Added 57483
(d) introductory text and (6) corrected 60435
301.6104–2 (a)(1), (c)(2), and (4) amended; (b) and (c)(1) revised 38507
301.6104–3 (b)(3)(ii)(*a*) and (*c*) and (c) amended 38508
301.6109–1 (a) redesignated as (a)(1) and heading added; (a)(2) added 57482
301.6692–1 Added 57484

Page

601.102 (b)(1)(iv) revised; (b)(1)(v) added 26053
601.103 (b) amended 26053
601.105 (b)(4) and (h) amended 26053
601.106 (a)(1)(ii)(*1a*), (d)(2)(ii), and (g)(1) amended 26053
601.201 (e)(2), (8), (19), and (s)(2) amended 26053
601.203 (a)(1), (2), (c)(1)(iii), (iv), (c)(2)(i), (iv), (3), and (4) amended; (c)(2)(ii) revised; (c)(2)(v) removed 26054
601.506 (a) amended 26055
601.602 Revised 26055

Title 26—*Proposed Rules:*

1—601 (Ch. I) 22121, 50897
1.0–1—1.169 22611, 27723, 34348, 36198, 36865, 42286, 50014, 50015, 50808, 55544, 57325, 63326 △163, 164, 3559
1.170—1.300 36198, 42082, 51588 △163, 164, 3006
1.301–1.400 △163, 164
1.401—1.500 27968, 36198, 40774, 42082, 42285, 55544, 56431 △163, 164, 988, 3562
1.501—1.640 51588, 56431
1.641—1.850 51588
1.851—1.1200 22611, 28677, 42285
1.1201—end 24594, 27723, 27968, 42285, 46966, 50808, 61144
6a 34348, 42286
7 28677
15A △164
20 32598
25 36198
31 22395, 24595, 27357, 31278, 36198, 46966, 52391, 57325, 61144
32 27357
51 19947, 24595, 26660
53 △3558
54 36198
301 36198 △3007

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

1.3 Revised 46911
1.28 Removed 46911
4.3 Added 46911
4.10 Amended 55095

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

	Page
4.25a (b)(2)(i) and (ii), and (e)(1)(ii) and (3) revised	29261
(e)(2)(v) revised	46912
4.32 (a) introductory text revised; (c) removed; (d) redesignated as (c)	55095
4.37a Removed	55095
4.38 (b)(1) and (2) revised	55095
4.39 (a)(7) revised; (d) amended	55095
4.39a (e) amended	46912
4.40 Footnote removed	46912
(b), (c), and (d)(1) through (4) removed; (d) and (e) redesignated as (b) and (c) and revised	55095
4.50 Footnote removed	46912
(a) amended; (b) and (c) removed; (d) redesignated as (b)	55096
4.64(a)(8) revised	55096
5.3 Added	46912
5.11 Amended	55096
5.22 (i) amended	55096
5.32 (b) and (c) revised; (d) removed	55096
5.33 (b)(5) removed; (b)(6) redesignated as (b)(5); (b)(1), (2), (4), and (5) revised	55096
5.39 (b) (to be effective until 1-1-83) retained; (b) (to become eff. 1-1-3) now revised as (c)	55097
5.39a (e) amended	46912
Removed	55097
5.51 Footnote removed	46912
(b), (c)(1) through (4), and (f) removed; (c), (d), and (e) redesignated as (b), (c), and (d); new (b) and (c) revised	55097
5.55 Footnote removed	46912
(a) revised; (b) and (c) removed; (d) and (e) redesignated as (b) and (c) and new (b) revised	55097
7.3 Added	46912
7.10 Amended	55097
7.22 (c) removed	55097
7.27a (e) amended	46912
Removed	55097
7.28 (b)(1)(i) and (2)(i) revised; (b)(1)(iii) and (2)(iii) removed	55097
7.31 Footnote removed	46913
(b), (c)(1) through (4), and (e) removed; (c) and (d) redesignated as (b) and (c) and revised	55097
7.41 Footnote removed	46913
Revised	55098
9.3 (b)(5) revised	46913
9.25 Added	41493
9.26 Added	56786
9.28 Added	39812
Technical correction	40873
9.29 Added	59238
9.31 Added	59240
9.33 Added	46320
9.36 Added	59243
13.1 Revised	46913
13.24 Revised	46913
13.61—13.67 (Subpart E) Cross reference added	46913
18.21 Revised	46913
19.11 Effective date deferred to 10-1-81	29261
19.61 Revised	46914
19.233 Revised	46914
19.519 Effective date deferred to 10-1-81	29261
19.523 Nomenclature change effective date deferred to 10-1-81	29261
19.523a Effective date deferred to 10-1-81; (f) removed	29261
19.524 (a) effective date deferred to 10-1-81	29261
19.632 Revised	32225
47.35 Revised	46914
55 Added; regulations transferred from Part 181	40384
Heading corrected	52105
55.11 Amended	46916
55.21 Revised	46916
55.23 Revised	46916
55.78 Amended	46916
55.126 (c) and (d) revised	50787
55.141 (a)(2) revised	46916
70.1 Effective date deferred to 10-1-81	29261
70.11 Effective date deferred to 10-1-81	29261
70.51 (Subpart D) Effective date deferred to 10-1-81	29261
71.42 (c)(1) and (2) revised	46914
72.2 Revised	46914
72.24 Revised	46914
72.25 Revised	46914
170.91 Amended	46915

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Title 27, Chapter I—Continued

	Page
170.95 Revised	46915
170.99 Amended	46915
170.302 Revised	46915
170.614 Revised	46915
178.21 Revised	46915
178.24 Revised	46915
178.80 Amended	46916
179.21 Revised	46916
181 Removed; regulations transferred to Part 55	40384
194.41 Revised	46916
195.2 Revised	46916
196.2 Revised	46917
197.2 Revised	46917
197.3 Added	46917
197.66 Revised	46917
197.96 Amended	46917
197.109 (d) amended	46917
197.130a (b) amended	46917
200.2 Revised	46917
200.3 Revised	46918
200.31 Amended	46918
200.129 Amended	46918
211.21 Revised	46918
211.73 Revised	46918
212.1a Added	46918
212.2 Revised	46918
212.66 Amended	46919
212.69 Amended	46919
212.73 Amended	46919
212.78 Amended	46919
212.80 Amended	46919
212.80a Revised	46919
212.81 Amended	46919
212.81a Amended	46919
212.83 Amended	46919
212.87 Amended	46919
212.90 Amended	46919
213.21 Revised	46919
213.72 Revised	46919
213.73 Amended	46919
231.2 Revised	46919
240.1 Amended	39813
240.2 Revised	46920
240.10 Effective date deferred to 10–1–81	29261
240.221 Revised	39814
240.226 Revised	46920
240.227 Amended	46920
240.258 Existing text designated as (a); (b) added	46920
240.527 Revised	25613
240.527a Revised	25613
240.590a (b) effective date deferred to 10–1–81	29261
240.591 Heading and (a) effective date deferred to 10–1–81	29261
240.591a Effective date deferred to 10–1–81; (f) removed	29261
240.594 Effective date deferred to 10–1–81	29261
240.595 Effective date deferred to 10–1–81	29261
240.596 Effective date deferred to 10–1–81	29261
240.670—240.673 (Subpart EE) Heading revised	39814
240.670 Revised	39814
240.673 Undesignated center heading and section added	39814
240.901 Effective date deferred to 10–1–81	29261
240.902 Effective date deferred to 10–1–81	29261
240.1051 Table amended	25614
245.2 Revised	46920
245.5 Effective date deferred to 10–1–81	29261
245.52 Revised	46920
245.53 Amended	46920
245.110b (a) effective date deferred to 10–1–81	29261
245.112 Effective date deferred to 10–1–81	29261
245.117 Effective date deferred to 10–1–81	29261
245.117a Effective date deferred to 10–1–81; (e) removed	29261
245.135 Existing text designated as (a); (b) added	46920
245.117a Effective date deferred to 10–1–81	29261
245.117c Effective date deferred to 10–1–81	29261
245.117d Effective date deferred to 10–1–81	29261
245.117e Effective date deferred to 10–1–81	29261
245.117f Effective date deferred to 10–1–81	29261
245.227 Effective date deferred to 10–1–81	29261
250.2 Revised	46920
250.11 Effective date deferred to 10–1–81	29261
250.62 Revised	46921
250.63 Amended	46921
250.112 (e) effective date deferred to 10–1–81	29261
250.112a Effective date deferred to 10–1–81; (f) removed	29261
251.2 Revised	46921

Note: Symbol (△) refers to 1982 page numbers

CHANGES APRIL 1, 1981 THROUGH JANUARY 29, 1982

Page

252.1 Revised 39814
252.2 Revised 46921
252.25 Revised 39814
252.26 Heading and (b) revised.. 39815
252.27 Revised 39815
252.28 Added 39815
252.52 Revised 46921
252.61 Revised 39815
252.62 Revised 39815
252.103 Revised 21158
252.121—252.133 (Subpart F) Heading revised..... 39816
252.121 (c) amended; (d) redesignated as (e); new (d) added 39816
252.122 (a) heading revised..... 39816
252.123 Revised 21158
(a) revised..... 39816
252.127 Revised 39816
252.130 Revised 39816
252.143 Revised 21158
252.150e Revised 21158
252.154 Revised 21159
252.193 Revised 21159
252.216 Revised 21159
252.223 Revised 21159
252.244a Revised 39816
252.286 Revised 39816
252.315 Revised 39816
270.11 Effective date deferred to 10–1–81 29261
270.22 (i) amended..... 46921
270.41 Revised 46921
270.131 Existing text designated as (a); (b) added..... 46921
270.162 (a) effective date deferred to 10–1–81..... 29261
270.165 (c) effective date deferred to 10–1–81..... 29261
270.165a Effective date deferred to 10–1–81; (f) removed..... 29261
270.166 Effective date deferred to 10–1–81..... 29261
270.167 (a), (b), and authority citation effective date deferred to 10–1–81..... 29261

Page

270.168 Effective date deferred to 10–1–81..... 29261
275.11 Effective date deferred to 10–1–81 29261
275.21 Revised 46922
275.39 (i) amended..... 46922
275.114 Effective date deferred to 10–1–81 29261
275.115 Effective date deferred to 10–1–81..... 29261
275.115a Effective date deferred to 10–1–81; (f) removed..... 29261
275.119 Revised 46922
285.2 Revised 46922
285.71 Revised 46922
285.72 Amended 46922
290.2 Revised 46922
290.121 Revised 46923
290.129 Revised 46923
Correctly designated..... 48644
296.11 Revised 46923

Title 27—*Proposed Rules:*

1—296 (Ch. I)..... 22133, 50909
4 ..... 24962, 34816, 37282, 39849, 54963, 55549
5 ..... 24962, 34816, 37282, 44000, 55549, 56824, 56826 ..... △1148
7 ..... 24962, 34816, 37282, 55549
9 ..... 21195, 21197, 21623, 31020, 38536, 39852, 40045, 43468, 49597, 49599, 49600, 50568, 51619, 53688, 53691, 56827, 59273, 59274, 59276 ..... △1149, 1151, 1153, 2564
18 ..... 46340, 47467
19 ..... 21624, 44000, 51929, 52199, 53458
170 44000
173 44000
194 ..... 44000, 46347
195 52129
211 ..... 51929, 53458
213 ..... 51929, 53458
240 ..... 39853, 46340, 47467
250 ..... 44000, 46347
251 ..... 44000, 46347, 51929, 53458
252 39853

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0.0 Removed 52340
0.1 Amended 52340
0.6 Removed 52340
0.10 (b) introductory text and (5) revised 52340
0.11 Revised 52340
0.12 Amended 52340
0.15 Revised 52340
0.16 Redesignated as 0.22 (Subpart D–1) and revised 52341
0.17 Redesignated as 0.28 (Subpart E–2) and revised 52341, 52343
0.18 Removed 36843
0.19 Revised 52341
0.19a Redesignated as 0.23a revised 52341, 52342
0.20 Introductory text, (b) and (c) revised; (d) removed; (e) redesignated as new (d) and revised 52341
0.22 (Subpart D–1) Redesignated from 0.16 and revised 52341
0.23—0.23c (Subpart D–2) Redesignated from 0.28, 0.19a, 0.29, and 0.29a and revised 52341–52343
0.25 Introductory text revised; (c), (i), (j), and (k) removed; (d) through (h) and (l) through (o) redesignated as (c) through (k) and revised 52342
0.27 Introductory text and (d) revised 52343
0.28 Redesignated as 0.23 and revised; new 0.28 (Subpart E–2) redesignated from 0.17 and revised 52341–52343
0.29 Redesignated as 0.23b and revised 52342, 52343
0.29a Redesignated as 0.23c and revised 52342, 52343
0.30 Introductory text revised 52343
0.33a Revised 52343
0.33b (b) and (o) revised 52343
0.34 (Subpart F–2) Added 52343
0.35 Revised 52344
0.36 Revised 52344
0.37 Revised 52344

Page

0.38 Revised 52344
0.40 Introductory text, (a), (b), (d), and (f) revised; (j) added 52344
0.41 Introductory text, (b), and (h) revised 52344
0.45 Introductory text, (c), and (d) revised; (h) amended 52345
0.45a Removed 52345
0.48 Revised 52345
0.50 Introductory text and (a) introductory text revised 52345
0.55 Introductory text, (b), (d), and (s) revised 52345
0.61 (e), (f), (i), and (n) removed; (g), (h), (j), (k), and (l) redesignated as (e), (f), (g), (h), and (i); introductory text, (a), (c), new (f), (g), and (h) revised 52345
0.65 Introductory text revised; (i) removed; (j) redesignated as (i) 52346
0.70 Introductory text revised 52346
0.75 Introductory text, (d), (f), (h) through (k), and (p) revised; (r) added 52346
0.76 Introductory text, (f), and (j) revised; (l) and (t) removed; (m) through (w) redesignated as (l) through (t) revised 52346
0.77 Introductory text, (l), and (m) revised 52347
0.78 Introductory text revised 52347
0.85 Introductory text, (b), (h), (i), and (j) revised 52347
0.85a Revised 52347
0.86 Revised 52347
0.90—0.94 (Subpart P–1) Revised 52347
0.95 Introductory text and (h) revised 52348
0.96 (l), (m), and (n) removed; (o) through (t) redesignated as (l) through (q); new (r) added 52348
0.95—0.99 (Subpart Q) Appendix amended 52348
0.100 Introductory text revised 52348
0.101 Introductory text revised 52348
0.100—0.104 (Subpart R) Appendix amended 52348
0.105 Introductory text revised 52348

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

	Page
0.111 Introductory text, (e), (k), and (o) revised; (g) removed; (h) through (j) redesignated as new (g) through (i) and revised; new (j) added	52348
0.115 Introductory text, (b), (d), and (e) revised; (f) and (g) redesignated as (g) and (h) and revised; new (f) and (i) added	52349
0.116 Introductory text revised; (d) added	52349
0.124 Added	52349
0.128—0.128b (Subpart V–1) Added	52349
0.130 (b) amended	52349
0.134 Removed	52349
0.137 Revised	52350
0.138 Heading and text amended	52350
0.139 (a) and (c) revised	52350
0.140 Introductory text and (a) amended	52350
0.141 Amended	52350
0.142 Introductory text revised; (f) added	52350
0.143 Amended	52350
0.144 Revised	52350
0.145 Amended	52350
0.146 Amended	52350
0.147 Revised	52351
0.148 Revised	52351
0.149 Revised	52351
0.151 Amended	52351
0.152 Amended	52351
0.153 Revised	52351
0.154 Amended	52351
0.155 Amended	52351
0.160 Revised	52351
0.161 Revised	52351
0.162 Heading and text amended	52352
0.164 Amended	52352
0.165 Amended	52352
0.167 (a) and (b) revised	52352
0.168 (b) amended	52352
0.171 (a) revised	52352
0.160—0.172 (Subpart Y) Appendix amended	52352
0.175 (a), (b) and (c) amended	52353
0.176 Amended	52353
0.178 (a) amended	52354
0.190 Revised	52354
1.1 Revised	52354
1.4 Amended	52354
2.1 (c) amended	52354
2.14 Correctly revised	39136
2.20 Table amended	35638, 36139
Corrected	41494, 42842
Technical correction	42842
2.24 (b)(1) revised	35639
2.25 (a) and (b) revised	35639
(b) introductory text corrected	42842
2.27 (a) and (b) amended	52354
2.28 (c) revised	36138
2.34 (a) amended	△2313
2.40 (a)(1) amended	52354
2.43 (e)(1)(i) and (ii) revised	35639
Technical correction	42842
2.47 Revised; interim	35637
2.48 (c) corrected	42842
2.56 (d) amended	52354
3.2 Revised	52354
3.5 Revised	52354
3.6 Revised	52354
4.3 Amended	52354
4.17 Amended	52354
5.200 (b) amended	52355
5.201 (a)(1) and (2) amended	52355
5.202 (e) amended	52355
5.203 (a) amended	52355
5.204 (a) amended	52355
5.205 (a) amended	52355
5.401 (b) amended	52355
8.1 Revised	52355
9a.5 Heading and text amended	52355
9a.7 (b) amended	52355
12.3 Heading amended	52355
14.1 Revised	52355
14.2 (a) and (b)(1) amended; (b)(2) revised	52355
14.5 Amended	52355
15.1 (a) and (b) amended	52355
15.2 (a) and (b) amended	52355
16.1 (a) and (b) amended	52356
16.2 Revised	52356
16.3 (a) amended	52356
16.4 (a), (b), and (c) amended	52356
16.5 (e) amended	52356
16.6 (b)(3) amended	52356
16.7 (a), (b), and (g) amended	52356
16.8 (a), (b), (c) amended	52356
16.10 (b)(2) amended	52356
16.21—16.26 (Subpart B) Appendix revised	52356
16.31 Revised	52356
16.45 (a) and (b)(5) amended	52356
16.47 Amended	52356

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 28, Chapter I—Continued

	Page
16.48 (b), (c), (d), and (e) amended	52356
16.52 (a) amended	52356
16.57 (a) amended	52356
16.40—16.57 (Subpart D) Appendix correctly revised	36140
16.204 (a) amended	52357
16.207 (a) amended	52357
17.144 Revised	△2861
17.148 (b) and (c) revised	△2861
17.150 (c) added	△2861
20.3 (b) corrected	52357
24 Added; interim	48922
25.4 Amended	52357
31 Revised	63262
40 Revised	48186
Technical correction	49584
40.12—40.23 (Subpart B) removed	36843
41 Redesignated from 45 Part 85; nomenclature change; authority citation	40686
Suspended	40687
Technical correction of suspension	50366
41.1 Amended	40687
41.3 (a) revised	40687
41.4 (b) amended	40687
41.55 Amended	40687
42.1 Revised	52357
42.2 (a) and (b) amended	52357
42.3 Amended	52357
42.50—42.59 (Subpart B) Removed	52357
42.102 (a) amended	52357
42.302 (c) amended	52357
42.401—42.415 (Subpart F) Authority citation revised	52357
42.401 Introductory text amended	52357
42.403 (c)(3) amended	52357
42.412 (a) revised	52357
42.501—42.540 (Subpart G) Headed	52357
42 Appendix B removed	52357
45.735–1 (b) reivsed	52357
45.735–2 (b), (c), and (d) removed; (e) redesignated as (b) and revised	52358
45.735–3 (b) amended	52358
45.735–4 Removed	52358
45.735–5 (a)(2) amended	52358
45.735–9 (a) revised; (c) and (e) amended	52358
45.735–12 Heading revised; (c) amended	52358
45.735–13 Removed	52358
45.735–14 (b) revised; (c)(5) and (6) removed	52358
45.735–14a Added	52358
45.735–18 Removed	52358
45.735–19 (a) revised	52358
45.735–21 (o) and (p) added	52358
45.735–22 (a) introductory text, (b), and (c) revised	52358
45.735–26 Revised	52359
50.4 Removed	52359
50.9 d)(1) and (2) amended	52359
55 Appendix amended	52359
58.2 Amended	52360
58.5 Amended	52360
60.3 (a)(3) amended	52360

Chapter V—Bureau of Prisons, Department of Justice

	Page
503 Authority citation	59507
503.6 (d) revised; (e) removed; (f) through (i) redesignated as (e) through (h) and revised	59507
503.7 (a) revised; (c) removed; (d) redesignated as (c) and revised	59507
512 Added	48577
522.40—522.42 (Subpart E) Added	59507
527.30—527.31 (Subpart D) Added	34549
527.40—527.45 (Subpart E) Added	59508
540 Authority citation	43809
540.20 Revised	43809
541.40—541.49 (Subpart D) Authority citation	34547
541.41 (b) (2), (5), (6), and (c) (1) and (2) revised	34547
541.42 Revised	34547
541.43 (a) and (b)(3) revised	34547
541.46 Introductory text, (d), (e) (1) and (5), (g), (i), (j), (l), and (n) revised	34547
541.47 Revised	34548
541.48 (a) revised	34548
541.49 (a) revised	34548
543 Authority citation	59509
543.10 Revised	59509
544.110 (Subpart L) Added	43810
545.50—545.56 (Subpart F) Added	34549

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

545.60—545.64 (Subpart G) Added 43810
551 Authority citation 59509
551.2 Revised 59509
551.4 (c) added 59509
551.6 Redesignated as 551.7; new 551.6 added 59509
551.7 Redesignated from 551.6 59509
570.30—570.37 (Subpart C) Added 34552
571 Authority citation 59509
571.21 (c) removed; (d) through (f) redesignated as (c) through (e) and revised 59509

Title 28—*Proposed Rules:*

0—63 (Ch. I) 53669
13 46968
16 ..... 35301, 61456
18 46144
31 44408
40 36865
301 (Ch. III) 53669
500—572 (Ch. V) 53669
524 ..... △3752
540 34554
544 ..... △3752
549 ..... △3752
553 43812
571 59510

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

1 Effective date deferred to 8–15–81 36140
Authority citation 36141
Effective date deferred; authority citation 41044
2.4 Removed 49543
2.20—2.25 (Subpart C) Added 49543
Authority citation 49543
3.4 (b) amended ..... △145
4 Effective date deferred to 8–15–81 36140
Authority citation 36141
Effective date deferred; authority citation 41045
4.6 (b)(2) and (g) amended ..... △145
4.133 Effective date deferred 41045
5 Effective date deferred to 8–15–81 36140
Authority citation 36141
Effective date deferred; authority citation 41044
5.5 (a)(3) and (e) amended ..... △145
6 Effective date deferred to 8–15–81 36140
Authority citation 36141
Effective date deferred; authority citation 41045
16 Added 50353, 63021
Removed 50377
40.51 Amended ..... △145
40.52 Amended ..... △145
40.53 Amended ..... △145
56.1 (a) and (c) amended; (b) revised; interim 48610
Amendments republished 48649
56.16 (b) revised; interim 48610
(b) revision republished 48649
56.20 (b)(2), (8), and (9) revised; (b)(11) added; interim 46778, 46806
(a) and (c)(4) revised; (b)(10) added; interim 48611
(a) and (c)(4) revision and (b)(10) addition republished 48649
56.21 (a)(5) revised; interim 48611
(a)(5) revision republished 48649
56.22 (b) revised; interim 46779, 46806
(e) revised; (f) and (g) redesignated as (g) and (h); new (f) added; interim 48611
Revision, redesignations, and addition republished 48650
56.30 (b)(5) removed; (a), (b)(2) and (3), and (e) revised; interim 48611
Removal and revisions republished 48650
56.32 Revised; interim 48611
Revision republished 48650
56.34 (a) revised; interim 48612
(a) revision republished 48650
56.41 Revised; interim (effective pending OMB review) 48612
Revision republished 48650
56.50 (e) revised; (h) added; interim 48612
(e) revision and (h) addition republished 48651
56.51 (a)(2) and (3) redesignated as (a)(3) and (4); new (a)(2) added; interim 46779, 46806
Revised; interim 48612
Revision republished 48651

Note: Symbol (△) refers to 1982 page numbers

90-145 O - 82 - 7

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 29, Subtitle A—Continued

Page

56.63 (a) revised; (b)(2) removed; (b)(3) redesignated as (b)(2) and revised; (b)(4) through (8) redesignated as (b)(3) through (7) and republished; interim 48612
Revisions, removal, and redesignations republished 48651
Amended ..... △145
56.76 Removed; interim 48613
Removal republished 48651

Chapter I—National Labor Relations Board

102.68 Revised 45922
102.69 (a), (c), (d), and (g) revised 45923
Technical correction 47776
102.143—102.155 (Subpart T) Added 48087

Chapter V—Wage and Hour Division, Department of Labor

516.2—516.10 (Subpart A) Amended 62845
Amended ..... △145
516.11—516.34 (Subpart B) Amended 62845
Amended ..... △145
530.1 (f) removed; (g) through (j) redesignated as (f) through (i) 50349
530.2 Revised 50349
530.4 (a)(2)(i)(f) removed; (a)(2)(i)(g) redesignated as (f) 50349
547.1 Amended ..... △145
549.1 Amended ..... △145
570.35 (b)(3)(vi) amended ..... △145
575.3 Amended 62845
Amended ..... △145

Chapter XIV—Equal Opportunity Commission

1601.13 Revised 43039
(a)(2) and (b)(2)(ii) corrected 48189
1601.75 Added 50367
1601.76 Added 50367
1601.77 Added 50367
1601.78 Added 50367
1601.79 Added 50367
1601.80 Added 50367
Amended 62056
1602.1 Amended 63268
1602.12 Amended 63268
1602.14 Amended 63268
1602.27 Amended 63268
1602.28 Amended 63268
1602.30 Amended 63268
1602.31 Amended 63268
1602.39 Amended 63268
1602.40 Amended 63268
1602.42 Waiver 50950
1602.48 Amended 63268
1602.49 Amended 63268
1607.4 Amended 63268
1607.15 Amended 63268
1613.708 Revised 51384
1613.710 Removed 51384
1620.21 Amended 63268
1625 Authority citation 47726
Heading corrected 48654
1625.1—1625.10 Added 47726
1625.13 Added 47728
1627.3 Amended 63268
1627.4 Amended 63268
1627.5 Amended 63268
1627.6 Amended 63268
1627.7 Amended 63268

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1904.2 Amended 62845
Amended ..... △145
1904.4 Amended 62845
Amended ..... △145
1904.5 Amended 62845
Amended ..... △145
1906 Removed 49544
1910.20 Effectiveness deferred in part to 2-15-82 40490
Effectiveness confirmed 45758
1910.95 (c) through (s) and appendixes A through I effective date deferred to 8-22-81 39137
(c) through (s) and appendixes A through I stayed in part and technical amendments 42632
Appendix A corrected 45334
Amended 62845
1910.96 (n) amended 62845
1910.301 (e) corrected 40185
1910.302 (a)(2)(iii) and (iv), (b)(1) introductory text and table corrected 40185

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

1910.303 (e), (f), (g)(1)(i) table S–1, and (h)(3)(i) table S–2 corrected 40185
1910.304 (c)(4), (f)(1)(ii)(b), (5)(v)(a), (c)(3) and (4), and (6)(ii) corrected 40185
1910.305 (a)(1)(i), (2)(iii)(a) and (f), (3)(i)(a) (6), (b)(1), (b)(1), (g)(1)(iv), (j)(4)(ii)(f)(1), and (7) corrected 40185
1910.306 (a)(1) and (2), (b)(1), (c)(1), (g)(2)(i), (h)(1), (3)(ii), (7)(ii), and (j)(2)(ii)(a) corrected 40185
1910.307 (b) introductory text, (2)(ii) introductory text, and (a) corrected 40185
1910.308 (a)(2)(i), (b)(2), and (e)(1) corrected 40185
1910.399 (a)(24)(ii) Note, (25)(ii) and Note, (7), (112)(i), and (124)(i) corrected 40185
1910.301—1910.399 (Subpart S) Appendix A corrected 40185
1910.1025 (k) Petitions denied; variance applications and interim orders 37891
(k) petitions denial, applications and orders republished 38074
(e)(1) table I effective date deferred to 10–11–81 43416
(k) interim orders 48654
(e)(1) table I effective date deferred to 12–10–81 50068
(e)(1) and Table I revised 60775
1952.115 Added 52361
(c) added 53660
1952.250—1952.255 (Subpart S) Virgin Islands plan supplements approved 42847
1952.254 (l) added 41046
Heading revised; (m) added 46808
1952.294 (g) through (l) added 42844
Heading revised; (m) added 42846
1952.295 Added 52361
1952.324 (b) through (m) added 49119
(n) added 49121
1952.344 (g), (h), and (i) added ..... △1290
1952.350—1952.354 (Subpart CC) Arizona plan supplements approved 52361
1952.354 Heading revised and (i) added 46322

Page

1952.370—1952.373 (Subpart EE) Virginia plan withdrawal petition denied 36141

Chapter XX—Occupational Safety and Health Review Commission

2200.200—2200.211 (Subpart M) Effectiveness extended to 12–31–81 43137
Added; final 63041
2204 Added; interim 48080
Comment time extended 59243

Chapter XXV—Pension and Welfare Benefit Programs, Department of Labor

2520.101 Amended 62845
2520.103–1 (e) added 61079
Forms 5500, 5500–C, and 5500–K amended 61079
2520.104 Amended 62845
2530.203–3 Effective date deferred to 9–1–81 39138
Effective date deferred to 10–1–81 43664
Effective date deferral republished 43833
Effective date deferred until action taken on proposed amendments 47584
Heading, (b)(1), (3), (c)(1), (2) introductory text and (d) revised; (b)(4) amended; section effective 1–1–82 59245
(c)(2) introductory text correctly revised 60572

Chapter XXVI—Pension Benefit Guaranty Corporation

2610.3 Amended 63268
2615.3 Amended 63268
2616.3 Amended 63268
2617.12 Amended 63268
2617.23 Amended 63268
2618.1 Revised 49845
2618.2 Amended 49845
2618.4 Amended 49845
2618.30—2618.32 (Subpart C) Added 49845

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 29, Chapter XXVI—Continued

		Page
2619	Authority citation	63269
	Authority citation	△2313
	Appendix B amended	36694, 45762, 50788, 55959
	Appendix D amended; interim	63269
	Appendix B amended	61085
	Appendix D amended; interim	63269
	Appendix B amended	△2314
	Appendix B corrected	△4062
2621	Authority citation	62441
2621	Appendix A amended	62441
2622.3	Amended	63268
2640	Added	46129
2642.2	Removed	46129
2643	Added	46129
	Technical correction	55515
2643.2	Amended	63268
2671.3	Amended	63268
2673	Added (effective pending OMB review)	37245
	Effective date confirmed	43965
2673.2	Amended	63268

Chapter XXVII—Federal Mine Safety and Health Review Commission

2700.44	(a) revised; interim	39138

Title 29—*Proposed Rules:*

0—99 (Subtitle A)	53958
	△402
1	41444, 42872
4	41380, 42872, 50397, 51405
5	41456, 42872
	△966
6	41428
8	41438
207—215 (Ch. II)	53959
225	47240
401—486 (Ch. IV)	53959
505—870 (Ch. V)	53958, 55122
	△402
900	43848
1400—1440 (Ch. XII)	51621
1600—1690 (Ch. XIV)	48717, 48720
1601	37523
1620	43848
1901—1990 (Ch. XVII)	53958
	△402
1910	35683, 38108, 40492, 40704, 42639, 47241, 61671
	△3566, 4317
1952	57060
1990	△187
2200	51933
2500—2560 (Ch. XXV)	53958
	△402
2530	43695, 43852
2601—2671 (Ch. XXVI)	53692
2670	62087
2672	62087
	△1304

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

200.1	(g) removed	42267
211.1	(c) and (d) removed; (e) through (h) redesignated as (c) through (f)	48656
211.3	(a)(1)(vi) removed; (a)(1)(vii) through (x) redesignated as (a)(1)(vi) through (ix)	48656
221	Authority citation	58306
221.1	Revised	58306
221.2	(a) revised; (q) added	58306
221.2–1	Added	44756
221.20	(a) revised	44756
221.64	Revised	58306
222	Removed	48656
231.3	(b) and (g) removed; (c) through (f) redesignated as (b) through (e)	48657
231.4	(a) revised	48657
231.25	Removed	42267
231.30	Removed	42267
231.42	Removed	48657
231.43	Removed	48657
241	Removed	48657
270.76	Removed	42267

Chapter VI—Bureau of Mines, Department of the Interior

601	Revised	37506
602	Revised	60436

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

Chapter VII	Policy statement	43041
	Policy statement corrected	48925
	Policy statement	54495
700.11	(b) revision withdrawn	40650
715.15	(a)(15) added	37233
716.7	(a) and (b) revision effective date deferred to 9–28–81	41046
	(a)(2) revision effective date deferred to 9–29–81	41046

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

	Page
(a)(1), (b)(1) through (3), and (d)(1) revised; (a)(2) removed; effective date confirmed	47529
(a)(2) and (3) added	47721
722.12 (d) revised; (e) through (i) added	41704
730.5 (b) revised	53384
731 Note amended	53384
731.12 (b) revised	50019
731.13 Removed	53384
732.14 Revised	50019
732.15 (a) revised	53384
785.17 (a) revision effective date deferred to 9-29-81	31046
(a) revised	47722
801.16 (a) suspended	59935
806.14 (a)(2) through (4) and (6) suspended; (a)(5) suspended in part	59936
808.12 (c) suspended	42063
843.12 (c) revised; (f) through (j) added	41705
816.71 (o) added	37234
817.71 (o) added	37234
904.10 (a) revised	△3109
904.11 Removed	△3109
906.11 Nomenclature change	54070
920.11 (a), (e), (l), and (p) nomenclature change	54071
925.20 Added	△4254
931.11 Nomenclature change	54071
934.11 Nomenclature change	54071
934.20 Added	62256
936 Conference	49846
936.20 Added	△2991
944.11 (f), (g), and (h) nomenclature change	54071
946 Added	61114
946.20 Added	61088
948.11 (a)(1), (2), (4) through (17), (19) through (24), and (26) through (35) nomenclature change	54071
950.11 (b) and (c) nomenclature change	54071

Title 30—*Proposed Rules:*

	Page
1—100 (Ch. I)	53958
	△402
55	57253, 57570
56	57253, 57570
57	57253, 57570
100	△2335
200—290 (Ch. II)	36212, 40706, 53870
211	61424, 63082
	△819
221	56564, 61298
231	56433
250	37524, 42286, 42287, 48951, 48952, 49554
251	44994, 48952
252	48952
270	44778
700—950 (Ch. VII)	41525, 42684, 43698, 47467, 53870, 62477
	△820, 2338, 3571, 4318
700	40652
	△41, 3377
701	△41, 3377
715	34784, 37283, 39854
716	△928, 2340
717	34784
725	46744
730	34384, 40706, 46596, 59482
731	34348, 40706, 46596, 59482
732	34348, 40706, 46596, 59482
733	59482
735	46744
736	59482
764	△41, 3377
770	△41, 3377
771	△41, 3377
779	△41, 3377
780	△41, 3377
780	△41, 3377
783	△41, 3377
784	△41, 3377
785	△41, 3377
786	△41, 3377
788	△41, 3377
809	45082
801	45082, 52287
805	45082
806	45082, 52287
807	45082
808	42082, 45082
809	45082
816	34784, 37283, 37716, 39854
	△41, 3377
817	34784, 37283, 39854
	△41, 3377
825	△41, 3377
826	37283
	△928, 2340
828	△41, 3377
840	54761, 58464, 61676
842	58464, 61676
843	58464, 61676
845	58464, 61676
870	60778
	△967
872	60778
	△967
874	60778
	△967
875	60778
	△967
877	60778
	△967
879	60778
	△967
882	60778
	△967

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 30—*Proposed Rules*—Continued

Page

884 60778
..... △967
886 60778
..... △967
888 60778
..... △967
901 40049
904 ..... 42873, 46350
906 39855
913 ..... △57
914 ..... △3008
915 56433
916 ..... 42874, 46350, 57327
917 40047
920 ..... 44475, 46596, 57697, 61145
921 ..... △560, 3377
922 ..... △560
925 ..... 42875, 46350, 54572
926 ..... 50984, 55275
931 40050
934 ..... 40212, 49141
936 ..... 49143, 53695, 55275
937 ..... △560
939 ..... △560, 3377
946 ..... 54385, 60216
948 61897
..... △2340
950 ..... 44995, 48720

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

6 Added; temporary 53025

Chapter I—Monetary Offices, Department of the Treasury

51 Revised 48035
51.55 Interim rule, partial implementation 41047

Chapter II—Fiscal Service, Department of the Treasury

203.2 (d) revised 42267
316.8 (b) and tables 1 through 176 revised; table 176a removed; tables 177 through 245 added 49260
317.8 Appendix added 38664
332.8 (b) and tables 1 through 57A revised; tables 58 through 121A added 54074

Page

341.1 (a) revised 60573
341 Appendix amended 60573
342.2a (b) revised; tables 1 through 14 revised; tables 15 through 21 added 49518
346.1 (a) revised 60577
346 Appendix amended 60577
351 Revised 49498
352 Revised 49506

Chapter V—Office of Foreign Assets Control, Department of the Treasury

515.536 (d)(2) revised ..... △4254
535 Filing claims deadline notice ..... △145, 366
535.210 (a) revised 42063
535.213 (e) removed; (b) revised 35106
535.214 (e) removed; (b) revised 35107
535.215 (c) removed 35107
535.440 Existing text designated as (a); (b) added 35107
535.621 Added 59939

Title 31—*Proposed Rules:*

0—15 (Subtitle A) 50915
51 37717
202—353 (Ch. II) 50916
209 36715
240 54763

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

1—39 (Subchapter A) Amendments to 1979 DAR CFR volumes 36347, 36496, 36599, 50680, 53029
54 Removed 39817
57 Added 62260
70.5 (b)(9)(i) revised 62443
70.6 (b) revised 34574
114 Revised 55689
166.11 Revised 60821
185 Revised 48189
199 Policy statement 34326
Policy statement; interim 46570
199.8 (b)(103) revised 34326
(b)(111) revised 34328
199.9 (b)(2) introductory text 34328

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

199.10 (b)(5)(iii) introductory text and (c)(3)(iii) revised... 34326
(g)(45) revised... 47539
(e)(8)(i)(d), (ii)(c), and (v)(c) revised; (e)(8)(i)(e) added... 55516
(e)(8)(ii)(c) and (d) and (iv) corrected... 62846
210 Added... 58306
212 Removed... 37635
Reinstated... 43965
230 Removed... △2112
251 Removed... 39817
286.5 Enclosures 1 through 7 correctly removed... 37642
286.31 (a) designations corrected... 37642
288.6 (a) revised... 61254
298a.1 (b) amended... 35640
298a.2 (d) amended... 35640
298a.3 Revised... 35640
298a.4 (b), (c), and (d) revised... 35640
298a.5 (b)(1) and (2) and (c) revised... 35641
298a.6 (b)(1) revised; (b)(7) amended... 35641
298a.7 (b), (c), and (d) removed... 35641
298a.8 (a) amended; (c) removed... 35641
298a.9 (a) introductory text and (b) revised; (a)(3)(ii) amended... 35641
298a.10 (a) introductory text (4)(iii) and (b) amended... 35641
298a.11 (b) introductory text amended... 35641
298a.12 Revised... 35641
298a.14 (a) amended... 35641
298a.15 (b) and (j) revised; (c) and (g)(3) removed... 35641

Chapter V—Department of the Army

504 Added... 60195
505.9 (b) amended... 35258, 42847, 61116
556 Added... 37635
581.2 Appendix C amended... 42267

Chapter VI—Department of the Navy

701.104 (a)(3) correctly amended... 60445, 62267

Page

706.2 Tables one and four amended... 35503
Tables one and three amended... 43664, 46323, 46924
Tables four and five amended... 46324, 46925, 47219
Table four corrected... 49121
Tables one and four amended... 53661
Tables four and five amended... 55254

Chapter VII—Department of the Air Force

806b.22 (a) amended... 54730
888.7 (e) through (g) redesignated as (f) through (h); (da) redesignated as new (e)... 35642

Chapter XII—Defense Logistics Agency

1287 Removed... 61116
1289 Removed... 61116

Chapter XIX—Central Intelligence Agency

1900.51 (a) revised... 46808

Chapter XXII—National Security Agency, Central Security Service

Chapter removed... 34328

Title 32—*Proposed Rules:*

1—372a (Ch. I)... 53697
57... 45368, 47000
70... 42876, 43185
199... 34351, 38538, 39167, 46597, 47624, 61299
210... 42083
501—657 (Ch. V)... 53697
543... △822
585... △190
631... 54964
700—775 (Ch. VI)... 53697
801—1030 (Ch. VII)... 53697
806b... 43187
989... 41527
1602—1680 (Ch. XVI)... 55550, 56434
1608... 62093
1662... 62093
1665... 62093

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

Page

1.01–60 Correctly added ... 38353, 42268
1.05–1 (g) and (h) revised; (i) and (j) added ... 38353
(i) added ... 42268
80.1385 Revised; interim ... 61457
Designation corrected ... △3351
89.1390 Revised; interim ... 61457
Designation corrected ... △3351
80.1395 Added; interim ... 61457
Designation corrected ... △3351
84 Added (effective date pending in part) ... 62447
85 Added (effective date pending in part) ... 61845
86 Added (effective date pending in part) ... 61848
95 Authority citation ... 40874
95.36 (f) added ... 40874
100 Temporary regulations list ... 42658, 54935
100.35–05.02 Added (temporary) ... 50369
100.35–0908 Added (temporary) ... 42657
100.35–1301 Added (temporary) ... 34575
100.35–1302 Added (temporary) ... 39436
109.07 Revised ... △4063
110.1a Revised ... △4063
110.60 (h) revised ... 48194
110.81 Revised ... 48195
110.147 Revised ... 48193
110.155 (d) and (e) revised; (1) (1) through (13) redesignated as (l)(2) through (14); new (l)(1) added ... △4063
110.166–05 Added (temporary) ... 50369
110.168 (c)(2) revised ... 61458
(c)(2) corrected ... △1117
110.195 Revised; interim in part ... 49850
114.01 (d) revised ... 38353
(d) corrected ... 42268
114.05 (l) added ... 38353
114.25 Revised ... 38354
114.30 (a) revised ... 38354
114.50 Revised ... 38354
114.60 Removed ... 38354
115.10 (c) removed ... 38354
115.50 (a) (b), and (h) revised; (l) removed ... 38354
115.60 Revised ... 38354
(d)(1) and (e) corrected ... 42268
115.70 (b) and (d) removed; (c) redesignated as (b) ... 54936

Part

116.15 (a) and (b) amended ... 38355
116.20 (a) and (c) amended ... 38355
117.1 (d) removed; (e) introductory text and (4) revised ... 58669
117.1b Added ... 58669
117.5 (a) amended ... 58670
117.5a Revised ... 34578
117.8 (b) removed ... 58670
117.10 (c) removed ... 58670
117.15 Amended ... 58670
117.20 (c) removed ... 58670
117.25 (b), (c), and (f) removed ... 58670
117.35 (a)(1) through (3) removed ... 58670
117.50 (b) amended; (i) removed ... 58670
117.55 (a)(1) amended; (a)(5) removed ... 58670
117.60 (i) removed ... 58670
117.65 (b) amended; (d) and (e) removed ... 58670
117.80 (c) removed ... 58670
117.81 (d) removed ... 58670
117.85 (b) removed ... 58670
117.87 (a) removed ... 58670
117.90 (e) removed ... 58670
117.95 (a)(2) and (b)(7) and (8) removed ... 58670
117.100 (b) removed ... 58670
117.105 (e) removed ... 58670
117.110 (c) removed ... 58670
117.115 (a) removed ... 58670
117.125 (a)(2) and (b)(4) removed ... 58670
117.135 (a) amended; (b) and (c) removed ... 58670
117.145 (c) removed ... 58670
117.150 (a) and (b) removed ... 58670
117.155 (c) removed ... 58670
117.156 (c) amended; (d) removed ... 58670
117.160 (d) removed ... 58670
117.165 (c) removed ... 58670
117.175 (f) removed ... 58670
117.180 (h) removed ... 58670
117.185 (g) removed ... 58670
117.200 (d) removed ... 58670
117.210 (c) removed ... 58670
117.215 (c) removed ... 58670
117.220 (c) amended; (e) removed ... 58670
117.227 (a) and (b) removed ... 58670
117.230 (a)(2) amended ... 58670
117.235 (c) removed ... 58670
117.235a (a) and (b) removed ... 58670

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
117.240	(b), (c) and (h) removed	58670
117.245	(h)(12–a) added	37247
	(h)(30) added	44757
	(j)(16) revised	48195
117.270	Revised	49852
	(c) removed	58670
117.280	(b) removed	58670
117.285	(b) removed	58670
117.305	(a) revised	58670
117.310	(c) removed	58670
117.340	(b), (c), and (h) removed	58670
117.345	Added (temporary)	50369
17.349	(a) and (b) removed	58670
117.365	Revised	34576
117.370	Revised	34576
117.442	(a) and (b) amended	58670
117.442a	(a) and (b) amended	58670
117.443	(a) and (b) amended	58670
117.462	Revised	34577
117.466	Revised	54938
117.540	(b) amended	48195
117.555	(b), (e), and (f) amended; (d) removed	58670
117.560	(g)(8) removed	△4065
117.605	(b) removed	58670
117.642	(c) removed	58670
117.643	(b)(3) amended; (d)(2) removed	58670
117.644a	(b) removed	58670
117.645	(b) removed	58670
117.652	(c) removed	58670
117.655	Revised	60446
117.660	(a), (d), and (e) revised	36844
117.676	(d) removed	58670
117.690	(c) removed; (e) amended	58670
117.692	(e) removed	58670
117.695	(b) through (d) removed	58670
117.696	(c) and (d) removed	58670
117.697	(d) removed	58670
117.700	(c) and (d) removed	58670
	(j)(2) revised; (j)(4) added	△4065
117.702	(c) removed	58670
117.703	(c) removed	58670
117.705	(d) removed	58670
117.705a	(c) removed	58670
117.705b	(c) removed	58670
117.706	(a)(2) through (4) and (b)(2) removed	58670
117.706a	(a)(4), (5), and (b)(3) removed	58670
117.707a	(c) through (f) removed	58670
117.709	(d) removed	58670
117.710	(b) removed	58670
117.712	(i)(4) removed	△4065
117.715	(a) removed	58670
117.716	(a)(1)(iv) and (b)(1) removed	58670
	(a)(2)(i) removed	△4065
117.725	Revised	34579
	(a)(1) amended	58671
117.755	(a)(1) amended	58671
117.759a	(b) removed	58670
117.759b	(e) removed	58670
117.761	(b) removed	58670
117.765	(a)(2) and (3) removed	58670
	(a)(4) amended	58671
117.776	(b) removed	58670
117.784	(b)(2) and (d)(2) removed	58670
117.785	(f)(2)(i) removed	34578
	(f)(2)(i) correctly removed	39436
117.795	(c) removed	58670
117.800	(b) removed	58670
117.801	(b)(2) removed	58670
	(c) amended	58671
117.805	(b)(1)(i) amended	58671
117.900	(a) revised	△1118
128.303	Added	56182
161.301	Revised	34580
161.303—161.307	Revised	34581
161.309	Revised	34581
161.311	Revised	34581
161.320	Revised	34581
161.322	Revised	34581
161.324	Revised	34581
161.326	Revised	34581
161.328	Revised	34581
161.330	Revised	34581
161.332	Revised	34581
161.334	Revised	34581
161.336	Revised	34582
161.338	Revised	34582
161.340	Revised	34582
161.342	Revised	34582
161.348	Revised	34582
161.350	Revised	34582
161.352	Revised	34582
161.354	Revised	34582
161.356	Revised	34582
161.370	Revised	34582
161.372	Revised	34582
161.374	Revised	34582
161.376	Revised	34582
161.378	Revised	34582
161.380	Revised	34583
161.383	Revised	34583
161.385	Revised	34583
161.387	Revised	34583
162	Authority citation	43665

Note: Symbol, (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

Title 33, Chapter I—Continued

162.50 Removed 43665
162.80 (b) added; interim 49851
165 Temporary regulations list 42658, 54935
165.211 Revised 41495
(b)(1)(iv) and (2) revised; (b)(3)(ii) and (4) removed 48926
Removed 63270
165.327 Added 41494
165.331 Added 51740
165.800 Added ..... △1119
165.1705 Added (temporary) 56183

Chapter II—Corps of Engineers, Department of the Army

204.202 Revised 48657
204.202a Removed 48658
204.224c Added 43044
207.6 Revised 43045
(a) corrected 61116
208.11 (e) table revised 58075
209.135 (b)(2)(v) revised; (d)(17) removed 53408
209.405 Removed 47776
257 Removed 55517
265 Removed 55517
266 Removed 55517
290 Removed 47776
291 Removed 47776
292 Removed 47776
293 Removed 47776
294 Removed 47776
295 Removed 47776
305 Removed 55517
380 Removed 55517
384 Removed 55517
393 Removed 47776

Title 33—*Proposed Rules:*

1—183 (Ch. I) 48422
64 56829
66 56829
80 38378
84 37002
85 37006
86 37008
87 ..... 37010, 59563
88 37012
..... △826
89 ..... △826
100 40057
109 44779
110 ..... 40057, 44779, 44782
117 ..... 34600, 35531, 35532, 40057, 43698, 43699, 48239, 48954, 49910, 49913, 56207, 56208, 59554, 60477
..... △3010, 4094, 4095

Page

144 37286
149 37286
153 42288
159 62479
161 ..... 42288, 51779, 52131, 54973
165 ..... 35941, 43701, 54973
175 37286
203—396 (Ch. II) 59697
204 44006
209 ..... 34583, 35123
401—403 (Ch. IV) 48422
402 45318

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

19 Added 48927

Chapter II—Office of Elementary and Secondary Education, Department of Education

206 Added (effective pending congressional review) 35075
208 Removed; eff. 10-1-82 42847
209 Removed; eff. 10-1-82 42847
219 Revised (effective date pending) ..... △3329
220 Removed (effective date pending) ..... △3328
240 Removed; eff. 10-1-82 42847
280 Removed; eff. 10-1-82 42847
295 Removed; eff. 10-1-82 42848
296 Removed; eff. 10-1-82 42848

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

345 Removed; eff. 10-1-82 42848
346 Removed; eff. 10-1-82 42848
347 Removed; eff. 10-1-82 42848
350 Added (effective pending congressional review) 45305
351 Added (effective pending congressional review) 45308
352 Added (effective pending congressional review) 45309
353 Added (effective pending congressional review) 45310
354 Added (effective pending congressional review) 45311
355 Added (effective pending congressional review) 45312
356 Added (effective pending congressional review) 45312

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

362.60—362.66 (Subpart D) Removed (effective pending congressional review) 45313

Chapter IV—Office of Vocational and Adult Education, Department of Education

419 Removed; eff. 10–1–82 42848
440 Removed; eff. 10–1–82 42848
441 Removed; eff. 10–1–82 42848
442 Removed; eff. 10–1–82 42848
443 Removed; eff. 10–1–82 42848
444 Removed; eff. 10–1–82 42848

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

510.21 Added (effective pending congressional review) 44141
510.32 Introductory text revised; (a) removed; (b) through (f) redesignated as (a) through (e) effective pending congressional review) 44141
510.34 Added (effective pending congressional review) 44141
510.42 Added (effective pending congressional review) 44141
520 Revised (effective pending congressional review) 37596
Effective date corrected 38079

Chapter VI—Office of Postsecondary Education, Department of Education

605 Revised 46926
606 Revised (effective pending congressional review) 43966
610 Removed 46926
614 Revised (effective pending congressional review) 38882
Technical correction 42658
624 Revised (effective date pending) △541
625 Added (effective date pending) △546
626 Added (effective date pending) △548
627 Added (effective date pending) △550
629 Revised (effective pending congressional review) 39779
631 Revised (effective pending congressional review) 39784
632 Added (effective pending congressional review) 39787

Page

633 Added (effective pending congressional review) 39790
634 Added (effective pending congressional review) 39791
635 Added (effective pending congressional review) 39793
636 Added (effective pending congressional review) 39805
637 Redesignated from 735 and revised (effective pending congressional review) 51204
639 Revised (effective pending congressional review) 36339
644 Revised (effective date pending) △2258
647 Removed; eff. 10–1–82 42848
648 Revised (effective pending congressional review) 37867
649.1 (b)(2) and (3) revised (effective pending congressional review) 55256
649.2 Revised (effective pending congressional review) 55256
649.4 (b) revised (effective pending congressional review) 55256
649.10 (b)(2)(ii) amended; (b)(2)(iii) revised (effective pending congressional review) 55256
649.11 (a)(3) amended (effective pending congressional review) 55257
649.12 (a) introductory text, (d), and authority citation revised (effective pending congressional review) 55257
649.20 Revised (effective pending congressional review) 55257
649.40 (c)(2) removed; (c)(3) redesignated as new (c)(2) (effective pending congressional review) 55257
649.50 (a) revised (effective pending congressional review) 55257
649.52 (a)(1) redesignated as (a); (a)(2) and (b) through (d) removed; (e) redesignated as new (b) (effective pending congressional review) 55257
651 Added (effective pending congressional review) 36870
674.2 Amended △743
675.2 Amended △743
676.2 Amended △743
690.31—690.39 (Subpart C) Revised △737
690.41—690.48 (Subpart D) Revised △741

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 34, Chapter VI—Continued Page

690.51—690.58 (Subpart E) Removed (eff. 3–30–81); new Subpart E added (effective pending congressional review) 37863
692 Revised (effective pending congressional review) 36342
Effective date corrected 37247

Chapter VII—Office of Educational Research and Improvement, Department of Education

703 Revised (effective pending congressional review) 49585
735 Redesignated as 637 and revised (effective pending congressional review) 51204
752 Removed; eff. 10–1–82 42848
753 Removed; eff. 10–1–82 42848
755 Removed; eff. 10–1–82 42848
757 Removed; eff. 10–1–82 42848
758 Removed; eff. 10–1–82 42848
763 Removed; eff. 10–1–82 42848
765 Removed; eff. 10–1–82 42848
766 Removed; eff. 10–1–82 42848
767 Removed; eff. 10–1–82 42848
768 Removed; eff. 10–1–82 42848
769 Removed; eff. 10–1–82 42848
774 Removed; eff. 10–1–82 42848
777 Revised (effective pending congressional review) 37484
Effective date corrected 38079
793 Removed; eff. 10–1–82 42848
797 Removed; eff. 10–1–82 42848

Title 34—*Proposed Rules:*

1—99 (Subtitle A) 54574
75 50809
76 50809
78 50809
100—106 (Ch. I) 54574
104 50809
200—296 (Ch. II) 54574
205 51870
211 50809
215 50809
223 50809
230 50809
231 50809
300—395 (Ch. III) 54574
300 50809
305 50809
307 50809
309 50809
315 50809
318 50809
322 50809
324 50809

Page

332 50809
338 50809
361 50809
365 50809
366 50809
369 50809
370 50809
371 50809
372 50809
373 50809
374 50809
375 50809
378 50809
379 50809
385 50809
386 50809
387 50809
388 50809
389 50809
390 50809
400—444 (Ch. IV) 54574
408 50809
525 50809
526 50809
527 50809
603—695 (Ch. VI) 54574
614 ..... 38889, 42685
624 ..... 37470, 50809
625 37470
626 37470
627 37470
630 48092
642 ..... 51621, 61060
643 ..... 50809, 61060
644 ..... 50809, 61060
645 ..... 50809, 61060
646 ..... 50809, 61060
649 50809
655 50809
656 50809
658 50809
660 50809
667 50809
668 51184
674 ..... △908
675 ..... △908
676 ..... △908
700—797 (Ch. VII) 54574
726 50809
730 48092
735 50809
740 50809
753 50809
757 50809
776 ..... 50809, 53362, 59555
778 ..... 50809, 53370

Title 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

9.4 Revised 48659
9.8 (b)(1) revised 48659

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

	Page
9.9 (a) and (b) introductory text revised	48659
10.3 (c) revised	48659
10.14 (b)(1) revised	48659
10.15 (a), (b) introductory text, and (c) introductory text revised	48659
10.21 (a)(i) through (16) revised; (a)(17) through (30) removed	48659
10.22 (a)(1)(i), (2)(i) through (xxvii), (4)(i), (5)(i) through (vi), and (6)(i) through (iv) revised; (a)(1)(ii) through (iv), (2)(xxviii) through (xli), and (5)(vii) through (x) removed	48659
101 Heading revised; authority citation	63175
101.1 Text and cross reference revised	63175
101.2 Revised	63175
101.3 Revised	63175
101.5 Removed	63175
101.6 Removed	63175
101.7 Removed	63175
101.8 (e) revised	63175
101.9 Revised	63176
101.10 Revised	63176
101.11 Removed	63176
101.13 Revised	63176
101.14 Added	63176
103 Authority citation	63176
Authority citation	△2994
103.3 Revised	63176
103.4 (b) and (c) revised	63177
103.5 Revised	63178
103.6 Revised	63177
103.7 Revised	63179
103.8 Revised; interim	△2994
103.10 (e) revised	63179
103.12 Revised	63180
103.13 Revised	63180
103.14 Revised	63180
103.15 Revised	63180
103.16 Revised	63180
103.18 Revised	63180
103.19 Revised	63180
103.20 Revised	63180
103.21 Revised	63180
103.22—103.24 Removed	63180
103.25 Revised	63181
103.26 Revised	63181
103.27 (a), (b), (c), and (e) revised	63181
103.28 Revised	63181
103.29 Revised	63181
103.30 Revised	63181
103.32 (a) and (c) revised	63181
103.34 Revised	63181
103.35—103.38 Removed	63181
103.41 Revised	63182
103.41a Redesignated as 103.42	63182
103.42 Redesignated from 103.41a	63182
105 Authority citation	63182
105.1 Revised	63182
105.2 Revised	63182
105.3 Revised	63182
105.4 Revised	63182
107 Authority citation	63182
107.1 Revised	63182
107.2 Revised	63182
107.3 (b) revised; (c) added	63182
109 Authority citation	63183
109.3 Revised	63183
109.6 Revised	63183
111 Authority citation	63184
111.1 Revised	63184
111.58 (d) revised	63184
111.150 (a) and (e) revised	63184
111.155 Removed	63184
111.161 (d) and (e) revised	63184
111.162 (b), (c), and (d) revised	63184
111.163 (a) revised	63184
111.203 (a) and (b) revised	63185
111.204 Revised	63185
111.205 Revised	63185
111.206 Revised	63185
111.207 Removed	63185
113 Revised	63185
115 Authority citation	63187
115.1 Revised	63187
115.2 (a), (b), and (c) revised	63187
117.1 Text and cross reference revised	63188
117.1b Revised	63188
117.2 Revised	63188
117.3 Revised	63188
117.4 Revised	63188
117.5 Revised	63188
117.6 Revised	63189
119 Authority citation	63189
119.1 Revised	63189
119.2 Revised	63189
119.3 Revised	63189
119.4 Removed	63189
119.6 Revised	63189
119.9 Revised	63189
119.10 Revised	63190
119.12 (a), (f), and (h) revised	63190
119.13 Revised	63190
119.14 Revised	63190
119.16 Revised	63190
119.17 (e) revised; (f) removed	63190

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 35, Chapter I—Continued

	Page
119.18 Revised	63190
119.22 Removed	63190
119.23 Revised	63191
119.25 Revised	63191
119.61 Revised	63191
119.62 Removed	63191
119.63 Revised	63191
119.64 Removed	63191
119.102 Removed	63191
119.103 Revised	63191
119.104 Removed	63191
119.141 (a), (b), (c), and (e) revised	63191
119.142 Removed	63191
119.143 Revised	63191
119.144 Removed	63191
119.183 Revised	63191
119.184—119.186 Removed	63192
119.187 Revised	63192
119.222 Introductory text, (a), (b), and (d) revised	63192
119.223 Introductory text, (a), and (c) revised	63192
119.224 Introductory text, (a), and (b) revised	63192
119.225 Revised	63192
119.226 Removed	63192
121 Authority citation	63192
121.1 Revised	63192
121.2 (a) revised	63192
121.3 Revised	63192
121.43 Revised	63192
121.89 (a) revised	63193
121.90 Introductory text revised	63193
121.92 Revised	63193
121.171 Revised	63193
121.173 Revised	63193
123 Authority citation	63193
123.2 Revised	63193
123.3 (a) introductory text, (b), (c), (d), and (e) revised	63193
123.4 (a) amended; (b) introductory text revised	63193
123.5 Revised	63193
123.6 Removed	63194
123.7 Revised	63194
123.9 Revised	63194
123.10 Revised	63194
125 Authority citation	63194
125.1 Revised	63194
125.3 Removed	63194
125.4 Revised	63194
129 Removed	63194
131 Revised	63194
133 Authority citation	63194
133.35 Removed	63194
133.37 Revised	63194
133.71 (b) revised	63194
133.74 Revised	63194
133.75 Revised	63195
135 Authority citation	63195
135.443 Revised	63195
135.483 Revised	63195
135.484 Revised	63195
135.486 Revised	63195
135.511 Revised	63195

Title 35—*Proposed Rules:*

3—255 (Ch. I)	57915
10	60216
103	60013

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.12 (b) added	40875
7.23 (e) and (f) effective date deferred to 9–1–81 and request for comments	36694
(g) added	50370
7.28 (b)(2) amended; (d) removed	37896
7.34 (a) added	39818
7.71 (b) revised	△4256
13 Technical correction	38690
13.13 (f) corrected	35258
50.19 Amended	55962
60 Redesignated from Part 1202; nomenclature change	34329
Revised; interim	56187
Interim revision comment time extended	△3110
61 Redesignated from Part 1201; nomenclature change	34329
62 Redesignated from Part 1212; nomenclature change	34329
63 Redesignated from Part 1204; nomenclature change	34329
64 Redesignated from Part 1226; nomenclature change	34329
65 Redesignated from Part 1205; nomenclature change	34329
67 Redesignated from Part 1208; nomenclature change	34329
68 Redesignated from Part 1207; nomenclature change	34329

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

71 Redesignated from Part 1227; nomenclature change 34329
Correctly redesignated from Part 1227 43045
72 Redesignated from Part 1228; nomenclature change 34329
Correctly redesignated from Part 1228 43045

Chapter II—Forest Service, Department of Agriculture

214.5 Amended ..... △746
221.11 Amended ..... △746
222.1—222.11 (Subpart A) Authority citation 42449
222.2 (c) revised 42449
222.3 (c) (1) (i) revised 42449
222.4 (a) (3) through (7) revised; (a) (8) added 42449
222.20—222.36 (Subpart B) Authority citation 42450
222.29 (e) revised 42450
222.50—222.53 (Subpart C) Authority citation 42450
222.50 (c) and (h) revised 42450
223.10 Amended ..... △746
228 Redesignated from Part 252; nomenclature change 36142
251 Amended ..... △746
252 Redesignated as Part 228; nomenclature change 36142
272 Current regulations continued 62056

Chapter VII—Library of Congress

701.1 Revised 48660
701.2 Amended 48660
701.4 Amended 48660
701.5 Revised 48660
701.6 Amended 48661
701.7 (b) revised 48661
701.8 Amended 48661
701.9 Amended 48661
701.10 (a), (c), (f), and (h) amended; (b) (2) (i), (d), and (e) revised 48661
701.13 Redesignated as 701.28 and amended 48661
Added 48663
701.14 Redesignated as 701.27 and revised; new 701.14 redesignated from 701.20 and revised 48661, 48662
701.15 Redesignated as 701.17 and revised 48661
Redesignated from 701.24 and revised 48662
701.16 Redesignated as 701.20 48662
Added 48663
701.17 Redesignated as 701.21; new 701.17 redesignated from 701.15 and revised 48661, 48662
701.18 Redesignated as 701.24 and revised; new 701.18 redesignated from 701.26 and revised 48662
701.19 Redesignated as 701.29 and revised; new 701.19 redesignated from 701.25 and revised 48662
701.20 Redesignated as 701.14 and revised; new 701.20 redesignated from 701.16 48662
701.21 Redesignated as 701.25 and revised; new 701.21 redesignated from 701.17 48662
701.22 Redesignated as 701.26 and revised; new 701.22 redesignated from 701.23 and revised 48662
701.23 Redesignated as 701.22 and revised 48662
Added 48663
701.24 Redesignated as 701.15 and revised; new 701.24 redesignated from 701.18 and revised 48662
701.25 Redesignated as 701.19 and revised; new 701.25 redesignated from 701.21 and revised 48662
701.26 Redesignated as 701.18 and revised; new 701.26 redesignated from 701.22 and revised 48662
701.27 Redesignated as 701.30 and revised; new 701.27 redesignated from 701.14 and revised 48661, 48663
701.28 Redesignated as 701.31 and revised; new 701.28 redesignated from 701.13 and amended 48661, 48663
701.29 Redesignated as 701.32; new 701.29 redesignated from 701.19 and revised 48662, 48663
701.30 Redesignated as 701.34 and revised; new 701.30 redesignated from 701.27 and revised 48663

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 36, Chapter VII—Continued

Page

701.31 Added 35088
Redesignated as 701.33; new 701.31 redesignated from 701.28 and revised 48663
701.32 Redesignated from 701.29 48663
701.33 Redesignated from 701.31 48663
701.34 Redesignated from 701.30 and revised 48663
702.2 Amended 48663
702.6 Amended 48664
702.10 Heading revised 48664
702.12 Revised 48664
702.13 Amended 48664
703.3 (a)(4) revised 48664
703.4 (a) amended 48664
703.6 (a)(1) and (3), and (b) amended 48664

Chapter VIII—Advisory Council on Historic Preservation

801 Added 42428
810 Added 45334

Chapter XI—Architectural and Transportation Barriers Compliance Board

1151.4 Added 37045
1190.31 (q) revised ..... △3935
1190.40 (c)(5) text, (d) introductory text and (1) revised; figures 4.12 through 4.16 redesignated as 4.14 through 4.18; new figures 4.12 and 4.13 added ..... △3936
1190.210 (c) and (d) redesignated as (d) and (e); new (c) added; figures 21.1 through 21.5 and new (d)(1) revised; figure 21.6 removed ..... △3937

Chapter XII—Heritage Conservation and Recreation Service, Department of the Interior

Chapter removed 34329
1201 Redesignated as Part 61 34329
1202 Redesignated as Part 60 34329
1204 Redesignated as Part 63 34329
1205 Redesignated as Part 65 34329
1207 Redesignated as Part 68 34329
1208 Redesignated as Part 67 34329
1212 Redesignated as Part 62 34329
1226 Redesignated as Part 64 34329
1227 Redesignated as Part 71 34329
Correctly redesignated as Part 71 43045
1228 Redesignated as Part 72 34329
Correctly redesignated as Part 72 43045

Title 36—*Proposed Rules:*

1–69 (Ch. I) 53870
7 ..... 43471, 55709
..... △3797
60 56209
..... △3138
73 51558
200—295 (Ch. II) 52552
..... △2886
211 46969
221 40706
296 44007
312—330 (Ch. III) 53697
810 38379
901—923 (Ch. IX) 53703
1190 ..... 34353, 39764, 45376, 47744
..... △3939

TITLE 37—PATENTS TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce

1.225 (a) revised 52363
1.231 (d) revised 52363
1.253 (e) revised 52363
1.254 Amended 52363
1.258 Revised 52363
1.288 Added 52363

Chapter II—Copyright Office, Library of Congress

201.20 Added 58312
202.2 (a)(1) corrected 34329
202.17 Revised 58671

Chapter III—Copyright Royalty Tribunal

304.3 (a) and (d) amended 39139
304.4 (a) amended 39139
304.5 (c) amended 39139
304.6 (c)(1) and (2) amended 39139
304.7 (b)(1) through (4) amended 39139
304.8 (b)(1) revised 39139
307.2 Amended 62268
307.3 Revised 62268
307.4 Removed 62268

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 37—*Proposed Rules:*

	Page
1–102 (Ch. I)	54044
1	55666
2	49602
202	49145
307	45785, 55276

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

Chapter I Current regulations continued	37046
1.516 Revised	62059
1.518 (b) introductory text and (1) revised; (d) added	62059
1.519 (a)(4), (b), (c), and (f) revised	62059
1.520 Revised	62059
1.916 Revised	62057
1.919 Revised	62057
1.920 Revised	62057
1.922 Added	62058
2.6 (b)(3) added	41496
3.7 (x)(7) and (8) added	51246
3.203 (a)(1) revised	51246
3.340 (a)(2) and (3) (iii) amended	47541
3.341 Revised	47541
3.342 (a) revised	47541
3.350 Introductory text of section and (a) introductory text revised	47541
3.500 (b)(1), (e), and (n)(4) amended; (s) revised	34800
3.551 (c)(3) revised	47541
3.552 (g) revised	47541
3.661 (b) revised	55098
3.665 Added	47542
3.666 Heading and (d) revised	47543
3.669 (a) amended; (b) revised	34801
3.750 (a), (b), and (c) amended; (d) added	47543
3.809 Heading and introductory text revised	47543
3.809a Added	47543
3.1550 Removed	59971
3.1552—3.1556 Revised	59971
3.1558 Removed	59971
3.1559 Removed	59971
3.1561 Removed	59971
3.1562 Removed	59971
3.1564—3.1568 Removed	59971
3.1570—3.1575 Removed	59971
3.1690 Removed	59971
3.1691 Removed	59971
4.97 Amended	43666
4.119 Revised	43666
4 Appendix A revised	43666
6.58 Amended	57043
6.60 Amended	57043
6.62 (a) amended	57043
6.69c Added	57043
6.70 Amended	57043
8.26 (a) introductory text and (3) revised	57043
8.28 Revised	38691
8.82 Added	57043
21.4131 Introductory text and (e) revised	62060
21.4135 (o) revised	48196
21.4136 (j)(2)(iii) amended; (j)(2)(iv) revised	43667
(k) revised	48664
21.4137 (g)(4) amended; (g)(5) revised	43667
21.5040 (a) revised	59247
21.5060 (b) revised	59247
21.5065 Added	59247
36.4204 (a)(4), (5), and (b) amended; (a)(6) and (d)(7) added; (e) revised	43669
36.4205 (a), (b), and (f) revised	43669
36.4206 Revised	43670
36.4209 (b) introductory text, (e), and (g) revised	43670
36.4212 (a) revised	42850
(d) added	43670
(a) revised	46572, 57042
36.4214 Revised	43670
36.4216 (g) and (i) amended	43670
36.4220 (a) introductory text and (a)(1) revised	43670
36.4221 (b) and (d) amended	43671
36.4223 Added	43671
36.4232 (a)(4) amended; (a)(5) added; (c) revised	43671
36.4233 (a)(3), (b), and (d) amended	43671
36.4234 (a) introductory text amended	43671
36.4235 (a), (b), and (d) amended	43671
36.4254 (a)(4) amended; (c) revised	43671
36.4275 (a) revised	51386
36.4301 (ff)(2) amended; (aa) revised	43671
36.4302 (e) amended; (a), (c), and (i) revised	43672
36.4303 (g) introductory text revised	43672

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 38, Chapter I—Continued

Page

36.4306 (a) and (b) introductory text and (c) revised 43672
36.4360a Added 43672
36.4308 (b) revised 43673
(a) revised; (e) added 51386
36.4311 (a) revised 42849
(d) added 43673
(a) and (b) revised 46573
(a) revised 51741
(a) and (b) revised 57042
(a) revised ..... △4257
36.4312 (d)(6)(i)(A) amended 43673
36.4324 (f)(3) amended; (g) and (h) removed 43673
36.4329 Revised 43673
36.4336 (a)(1) and (2) revised 43673
36.4342 (b) and (d) amended 43673
36.4343 Heading revised 43673
36.4401 (a), (c), and (f) amended; (e) revised; (h) added 43673
36.4402 Revised 43673
36.4403 Revised 43674
36.4404 Revised 43674
36.4405 Amended 43674
36.4406 Amended 43674
36.4408 (b) revised 43674
36.4409 Amended 43674
36.4410 Introductory text and (b) revised 43674
36.4501 (a) and (e) amended 43674
36.4502 Revised 43675
36.4503 (a) revised 42849, 43675, 46573, 51741, 57042
(a) revised ..... △4257
36.4505 Revised 43675
36.4506 Revised 43675
36.4507 (a) introductory text and and (c) revised 43675
36.4508 (a), (b), (c) introductory text and (3) amended 43675
36.4519 (a)(6) and (c) added 43675
36.4520 (b) and (d) amended 43675
36.4523 Revised 43675
36.4525 Amended 43676

Title 38—*Proposed Rules:*

0-39 (Ch. I) 51935
1 ..... 43058, 45785, 58095, 62296
3 ..... 38539, 42877, 51406, 57571
6 56213
8 56213
17 ..... 38540, 63327
21 ..... 38547, 38548
36 ..... 35123, 62868

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

Page

2.2 Revised 34329
Amended 40876
10.3 Publication 42 amended; incorporation by reference 36695, 51518, 58077
111.3 DMM amended; incorporation by reference 34330, 37046, 41050, 51683, 52106, 53662, 56612, 58078, 60200, 60201, 61460, 62449, 63159
DMM corrected; incorporation by reference 54339
Technical correction 59247
DMM amended; incorporation by reference; interim 62269
DMM amended; incorporation by reference ..... △3351
DMM amended; incorporation by reference; correction ..... △3352
211.2 (a)(2) revised; (a)(3) amended 34329
221.6 (a) amended 34329
222.1 (d) amended 34330
224.6 (b)(9) and (12) revised 34330
(b)(12) revised 40876
225.2 (a) amended 34330
232 Heading revised 34330
232.1 Removed; new 232.1 redesignated from 232.6 and amended 34330
232.2 Removed 34330
232.3 Removed 34330
232.4 Removed 34330
232.5 Redesignated as 233.1 34330
232.6 Redesignated as 232.1 and (f) amended 34330
233.1 Redesignated as 233.2 and (b)(2) amended; new 223.1 redesignated from 232.5 24303
233.2 Redesignated as 233.3; new 233.2 redesignated from 233.1 and (b)(2) amended 34330
233.3 Redesignated as 233.4; new 233.3 redesignated from 233.2 34330
233.4 Redesignated as 233.5; new 233.4 redesignated from 233.3 34330
233.5 Redesignated from 233.4 34330
310.2 (b)(1) through (6) suspended 35503
(b)(1) through (6) suspension revoked 41496

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

601 PCM amended; incorporation by reference 35503, 38691, 48196, 61116
PCM amended; incorporation by reference ..... △1377
958 Heading revised 62847
958.2 Revised 62847
958.3 Revised 62847
960 Added 45945

Chapter III—Postal Rate Commission

3000.735–307 (a) and (f) revised 42064

Title 39—*Proposed Rules:*

111 ..... 34600, 43187, 44998, 45787, 51940, 52136, 53458, 61897
..... △3377
775 58097
3001 45376

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

35 Class deviations 38355, 39590, 40511, 43417
Class deviations ..... △4066
50 Appendix G amended 44163
51.17 (b) removed 44163
51.18 (j)(1)(iv), (vii)(e)(2), (xvii), and (2)(i) and (ii) temporarily deferred in part 36699
(j)(1)(ii) amended; (j)(1)(iii), (ix), and (x) removed; (j)(1)(iv) through (viii) and (xi) through (xxi) redesignated as (j)(1)(iii) through (xviii) 50771
(j)(2)(i) and (ii) deferred in part 61612
51.24 (b)(3)(vi)(*b*), (4), (5), (6), and (17) temporarily deferred in part 36699
(b)(5) and (6) deferred in part 61612
51 Appendix S temporarily deferred in part 36699
Appendix S amended 50771
Appendix S deferred in part 61612
52 Incorporation by reference approvals 47938
Policy statement 51386
Interpretation 62651

Page

52.21 (b)(3)(vi)(*b*), (4), (5), (6), and (17) temporarily deferred in part 36699
(b)(5) and (6) deferred in part 61612
52.24 (f)(1), (2), (4), (7)(v)(*b*), and (15) temporarily deferred in part 36699
(j) added 41498
(f)(2) amended; (f)(3), (f)(9), and (f)(10) removed; (f)(4) through (8) and (11) through (27) redesignated as (f)(3) through (24) 50771
(f)(1) and (2) deferred in part 61612
52.50 (c)(27) added 42659
(c)(29) added 46131
(c)(28) added 53410
(c)(22) and (23) added 55107
(c)(32) added 55518
(c) introductory text revised; (c)(33) added 57485
(c) introductory text revised; (c)(31) added 61122
(c) introductory text revised; (c)(30) added 62061
(c)(34) added 63044
52.52 Added 55107
Existing text designated as (a); (b) added 63044
52.54 Table amended 55107
52.60 (a) and (b) removed 55518
52.120 (c)(41) added 40513
(c)(48) added 45606
(c)(49) added 46809
52.122 (d)(1) revised; (e) added 45606
52.131 Table amended 45607
52.170 (c)(9) added 40006
(c)(9) and (10) correctly designated; (c)(11) added 43146
(c)(12) added 43147
(c)(13) added 50371
(c)(16) added ..... △1291
(c)(15) added ..... △2112
(c)(14) added ..... △2113
52.181 Revised ..... △2112
52.220 (c)(90) added 40513
(c)(47)(iii)(B), (51)(i)(B), (52)(i)(B), (71), (75), and (76) added 42459
(c)(67)(ii), (70)(i)(B), (79)(ii), (86)(i)(C) and (88)(ii) added 43969
(c)(50)(x), (51)(vii)(B), (58)(ii)(B), (65), (67)(i)(B), (69)(ii), (70)(i)(C) and

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

	Page
(ii), (79) (iv) and (v), (87) (ii), (88) (iii), and (96) added	47452
(c) (51) (viii) (B), (ix) (B), and (x) (B), (52) (iv) (B), (v) (B), (vi) (B), (vii) (B), (ix) (B), and (xv) (B), (67) (iii), (83) (iii) (B), (85) (i) (B) and (ii), (87) (iii), (88) (i) (B) and (v), (94), and (95) added	60203
(c) (99) added	△3110
(c) (51) (xviii) added	△3354
(c) (89) (iii) and (iv) added	△3549
(c) (96) (ii), (iii), and (iv), and (98) (ii) added	△3550
(c) (51) (xvi), (xvii), (52) (xvi), (xviii), (xix), (54) (iv), (vi), (vii), (viii), (58) (vi), (vii), (67) (iv), (70) (iii), and (79) (vi) added	△3550
52.222 (b) (4) added	42460
52.223 (b) (5) added	42460
52.226 (a) removed	42461
52.231 (a) removed	42461
52.232 (a) (5) and (6) added	42460
52.233 (a) (4) added; (d) (7) and (g) (1) (vii) removed	42460
52.238 Table amended	42461
52.253 (b) (3) added	42461
52.254 (a) (1) introductory text and (ii) revised	42461
52.255 (b) (1) (ii) removed; (b) (3) (ii) added	42461
(b) (3) (xiv) added	△3550
52.256 (b) introductory text revised	60203
52.320 (c) (24) added	58080
(c) (26) added	59537
(c) (25) added	△4258
52.331—52.340 Removed	58080
52.370 (c) (11) corrected	34801
(c) (16) correctly added	43418
(c) (14) and (15) added	43422
(c) (17) added	51915
(c) (18) added	56615
(c) introductory text revised; (c) (19) added	62062
(c) (20) added	△763
52.373 (a) added	56615
52.380 Correctly designated	34801
(d) (1) and (2) removed; (d) (9) and (10) and (e) added	56615
(d) (9) (ii) and (iv) removed	62062
(c) (1), (3), and (6) removed	△763
52.420 (c) (17) added	43150
(c) (18) added	43677
(c) (22) added	47544
(c) (18), (19), and (20) added	47779
(c) (16) added	53663
52.433 (a), (b), (c), (d), (f), (g), and (h) removed; (e) revised and redesignated as (a)	47779
52.470 (d) and (c) (4) through (8) redesignated as (c) (4) through (9); (c) (19), (20), and (21) added	61262
52.471 Table amended	61263
52.472 (c) revised	61263
52.473 Added	61263
52.474 (a) removed	61263
52.476 (a) through (d) removed	61263
52.478 Removed	61263
52.479 (a) and (c) removed; (b) revised	61263
52.481 Table revised	61263
52.483 Removed	61263
52.490 Removed	61263
52.491 Removed	61263
52.492 Removed	61263
52.493 Removed	61263
52.494 Removed	61263
52.495 Removed	61263
52.496 Removed	61263
52.520 (c) (28) added	36700
(c) (25) added	43151
(c) (29) added	47220
(c) (36) added	53141
(c) (31) added	55970
(c) introductory text revised; (c) (33) added	57486
(c) introductory text revised; (c) (32) added	57488
(c) introductory text revised; (c) (35) added	61122
(c) (18) amended; (c) (30) added	61270
(c) introductory text revised; (c) (34) added	62061
Technical correction	62850
(c) introductory text revised; (c) (40) added	△3112
52.528 (b) removed	61270
Technical correction	62850
52.570 (c) (22) added	40007
(c) (23) added	41051
(c) (24) added	41499
(c) (25) added	54941
(c) (29) added	55968
(c) introductory text revised; (c) (28) added	57488

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

52.620 (c)(12) added 40513
(c)(13) added ..... △3111
52.720 (c)(16) introductory text revised 44185
(c)(27) and (28) added 51605
(c)(33), (34), and (35), added 56198
(c)(16) amended; (c)(36) and (37) added 57895
52.725 (a)(3) added; (b) revised; (c) removed 44185
(a)(1) removed 59972
52.737 Removed 56198
52.770 (c)(23) added 40005
(c)(22) added 44448
(c)(25) and (26) added 54943
(c)(27) and (28) added 57895
52.820 (c)(37) added 51607
(c) introductory text revised; (c)(38) and (40) added 59974
(c)(34) added ..... △1120
52.822 (b) removed 47546
52.823 Amended 47546
52.825 (c) amended 51607
52.826 (b) removed 47546
(a), (c), and (e)(1) and (2) removed 59974
52.827 Amended 47546
52.870 (c)(10) added 51743
(c) introductory text revised; (c)(11) added 61118
(c) introductory text revised; (c)(12) added ..... △3113
52.873 Amended 35089, 61118
52.875 (a)(1) revised 35090
52.879 Table amended 51743, 61118
52.920 (c)(17) added 40187
(c)(16) added 40189
(c)(20) added 45610
(c)(19) added 53410
(c)(25) added 53411
(c) introductory text revised; (c)(18) added 56199
(c) introductory text revised; (c)(24) added 57044
(c) introductory text revised; (c)(22) added 57488
(c) introductory text revised; (c)(21) and (27) added 58082
(c) introductory text revised; (c)(23) added 58083
(c)(26) added ..... △1292
52.922 (d) and (e) added 40187
52.930 (a) removed 40189
(a) added 57488
(b)(1) revised 58082
52.932 (b) and (c) redesignated from 52.936 (a) and (b) 40188

Page

52.936 Removed; regulations transferred to 52.932 (b) and (c) 40188
52.970 (c)(20) added 40006
(c)(24) and (25) added 53413
52.980 (c) added ..... △3116
52.1020 (c)(14) added 43152
(c) introductory text revised; (c)(15) added ..... △948
52.1030 Added ..... △948
52.1070 (c)(45) added 39822
(c)(48) added 41778
(c)(44) added 43679
(c)(46) and (47) added 44450
(c)(49) added 44758
Heading revised; (c)(37) through (40) added 45336
(c)(43) added 45339
(c)(41) and (42) added 45341
(c)(51) and (52) added 49588
(c)(50) added 49853
(c)(53) added 50070
(c)(54) added 56195
(c)(56) and (57) added 61264
(c)(55) added 62848
52.1075 Added 45341
52.1120—52.1166 (Subpart W) State implementation plan documents availability 54939
52.1120 (c)(38) added 40688
(c)(30) revised 43148
(c)(35) added 44186
(c)(33) amended 46133
(c)(39) added 47451
(c)(43) added 61119
(c)(41) added 61124
(c)(44) added ..... △3353
52.1126 (b) amended 46133
52.1166 (b) added 43148
(a)(8) and (9) removed ..... △3353
52.1170 (c)(36) added 34584
(c)(39) added 43423
(c)(41) added 57896
(c)(40) added 58674
(c)(44) added ..... △3765
(c)(48) added ..... △3765
52.1175 (e) table amended 34585, 58674
(e) table amended ..... △3766
52.1220 (c)(18) added 57896
(c)(19) added 59973
52.1320 (c)(30) added 43139
(c)(16)(iii) revised; (c)(29) added 45131
(c)(32) added 53142
(c)(33) added 54732

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

		Page
	(c) introductory text revised; (c)(31) added	55519
	(c)(34) added	55969
	(c) introductory text revised; (c)(35) added	61123
52.1324	(c)(1)(ii) removed	43140
	(c)(2) removed	45131
	(c)(1) introductory text and (iii)(A) and (B) removed	55519
52.1335	(a) table amended	53142, 55969, 61123
52.1420	(c)(21) added	49123
	(c) introductory text revised; (c)(22) added	△3114
52.1470	(c)(19) added	40513
	(c)(14)(vii), (16)(viii) and (ix), (17)(ii), (19)(ii) and (22) added	43142
	(c)(20) added	45607
52.1476	(c) added	43142
52.1478	Added	43142
52.1480	Table amended	45607
52.1481	(c)(1) revised	45607
52.1520	(c)(18) added	36700
	(c)(19) added	△764
52.1527	(a)(1) removed	△764
52.1570	(c)(30) added	47780
	(c)(31) added; (c) introductory text revised	54543
52.1582	(c) removed	57677
52.1583	Removed	57677
52.1584	Removed	57677
52.1585	Removed	57677
52.1587—52.1591	Removed	57677
52.1593	Removed	57677
52.1595	Removed	57677
52.1599	Removed	57677
52.1600	Removed	57677
52.1605	Added	61266
	Amended	57677
52.1620	(c)(16) added	40006
	(c)(18) added	42065
	(c)(20) added	43153
52.1624	(d) removed	43154
52.1625	(a) revised	43152
52.1628	(a)(1), (2), and (3) revised	43152
52.1670	(c)(61) added	44982
	(c)(63) added	47071
	(c)(44)(v) revised	55692
52.1673	Revised	44982
52.1676	(b) added	55693
52.1678	(d) added	55693
52.1679	Added	55692
	Table amended	62064
52.1680	Added	55693
52.1683	Removed	62064
52.1770	(c)(28) added	43138
	(c) introductory text revised; (c)(29) added	58083
52.1870	(c)(31) added	41053
	(c)(30) added	43423
	(c)(31) removed	53411
	(c)(16) and (22) revised	57489
	(c)(32) added	57491
	(c)(33) and (34) added	57896
	(c)(38) added	61655
	(c)(37) added	62849
	(c)(39) added	△3115
52.1875	(a) table footnote e corrected	43423
	(a) table footnote f revised	49124
52.1878	(h) revised	55108
52.1880	(d)(1) revised	43423
52.1881	(b)(35)(vi) and (vii) and (38)(iii) and (iv) confirmed; response to petitions for reconsideration	37642
	(b)(39)(vi)(A) and (B) and (viii)(A) through (H) revised; (b)(39)(viii)(I) and (J) added	43046
	(b)(52) revised	49125
	(b)(35)(B)(vii) and (38)(iv) removed	62274
52.1882	(j) added	49125
52.1886	(b)(2) and (3) removed	57489
52.1887	(b)(3) removed	57490
52.1920	(c)(15) added	40006
52.1970	(c)(35) added	43143
	(c)(36) added	54940
	(c)(37) through (44) added	55104
52.1982	Revised	54940
52.1985	Revised	54940
52.2020	(c)(34) added	39823
	(c)(35) added	41780
	(c)(23) revised	43140
	(c)(36) added	43424
	(c)(38) added	45763
	(c)(37) added	46134
	(c)(4) revised	51611
	(c)(39) added	55972
	(c) introductory text revised; (c)(40) added	61268
	(c)(42) added	62850
52.2022	(d) revised	43141
52.2034	Revised	43141
	Table amended	43424, 61268
52.2055	(a) and (b) removed	51742
52.2070—52.2085	(Subpart OO) State implementation plan documents availability	60204
52.2070	(c)(14) added	63043

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

	Page
52.2120 (c)(14) added	35259
(c)(15) added	37048
(c)(16) added	40190
(c)(17) added	55099
(c)(19) added	55908
(c) introductory text revised; (c)(18) added	57488
(c) introductory text revised; (c)(20) added	58083
(c) introductory text revised; (c)(13) added	61270
Technical correction	62850
52.2126 Removed	61270
Technical correction	62850
52.2170 (c)(8) added	54542
52.2172 Revised	54542
52.2175 Removed	54542
52.2220 (c)(30) amended; (c)(37) added	43970
(c) introductory text revised; (c)(38) added	56199
(c) introductory text revised; (c)(39) added	57488
(c) introductory text revised; (c)(40) added	58083
(c) introductory text revised; (c)(35) added	61121
(c) introductory text revised; (c)(43) added	61271
52.2225 (a) removed	43971
(d) added	57488
(c) removed	61271
52.2270 (c)(25) added	35643
(c)(26) added	43425
(c)(27) added	47545
(c)(28) added	55970
(c)(29) added	61125
(c)(33) added	△3767
52.2275 (a)(1) and (2) removed	35643
(a)(3) and (4)(i) and (ii) removed; (a)(5) and (6) redesignated as (a)(1) and (2)	47545
52.2276 (b) and (c) added	43425
Revised	47545
52.2299 Revised	35643
52.2320 (c)(9) added	61851
52.2324 Revised	61851
52.2327 Removed	61851
52.2328 Removed	61851
52.2330 Revised	61852
52.2334 Removed	61851
52.2370 (c) introductory text revised; (c)(14) added	△950
52.2420 (c)(43) added	40004
(c)(41) added	41500
(c)(42) added	41781
(c)(44) and (45) added	43145
(c)(46) added	44187
(c)(50) added	49126
(c)(57) and (58) added	55101
(c)(56) added	55105
(c)(51) added	55973
(c)(47) added	57284
(c)(52) through (55) added	△2771
52.2431 (e) removed	57284
52.2470 (c)(29) added	41054
(c)(16) through (24) revised; (c)(26) added	45608
52.2473 Amended	45609
52.2479 Revised	45609
Table note 4 added	62065
52.2484 Removed	45610
52.2487 Removed	45610
52.2488 Removed	45610
52.2520 (c)(14) added	43144
(c)(15) added	53414
(c)(16) added	57045
52.2530 Removed	43144
52.2570 (c)(20) added	41055
(c)(16) and (17) corrected	42269
(c)(21) added	51606
(c)(22) and (23) added	57896
52.2577 Amended	42270
52.2583 Revised	42270
52.2770 (c)(12) added	44188
52.2773 Added	61267
55.450 (Subpart V) Added	53143
55.471 Added	57493
58.1 (r) added	44163
58.14 Revised	44164
58.20 (c) and (e) amended	44164
58.30 (a) amended	44164
58.34 Introductory text amended	44164
58.35 (d) revised	44164
58 Appendix A amended	44164
Appendixes B and D amended	44168
Appendix E amended	44170
Appendix F amended	44171
60 Authority delegation notices	62065–62067
Policy statement	63270
60.4 (a) amended; (b)(CC) revised	39422
(b)(F) amended	49853
(b)(F) amended; (b)(F)(1) added	49854
(b)(ww)(viii) added	62450
60.16 Revised	△951
60.42 (b)(3) added	57498
60.45 (g)(1)(iii) added	57498

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

Page

60.47 Added ... 55980
Technical correction ... △2314
60.195 (b)(1) added ... 61126
60.331 (q), (r), and (s) added ... △3770
60.332 (a), (b), and (d) revised; (j), (k), and (l) added ... △3770
60.334 (c)(4) added ... △3770
60 Appendix A amended ... 53148
61.04 (a) amended; (b)(CC) added ... 39422
(b)(F) amended ... 49853, 49854
62.1170 (c)(42) added ... △1293
62.2101—62.2129 (Subpart J) Added ... 41783
62.3300—62.3325 (Subpart O) Added ... 57896
62.3625 Added ... 57896
(c) added ... 57897
62.5101 Section and undesignated center heading added ... 62852
62.8350 (Subpart II) Added ... 41056
Revised ... 62853
62.8360 Section and undesignated center heading added ... 62853
62.9600 Existing text designated as (a); (b) added ... 52107
62.9601—62.9629 (Subpart NN) Heading added ... 41783
62.9601 Added ... 52107
(b) added ... 58084
62.9620 Added ... 41783
62.11601—62.11629 (Subpart VV) Added ... 41783
62.11601 Revised ... 55973
(e) added ... 55975
62.11602 Revised ... 55974
62.11603—62.11609 Removed ... 55974
62.13102 Added ... 43834
62.13103 Added ... 43834
65.70 Table amended ... △1294
65.90 Table amended ... 43154
65.400 Table amended ... 54944
80 Authority citation ... 50472
80.3 Revised ... △765
80.24 (c) added; interim ... 50472
80 Appendix B heading revised and text amended ... △765
81.301 Amended ... 46930, 53415
81.305 Amended ... 37897
Amended ... △3354
81.306 Amended ... △1378, 2114
81.309 Amended ... 48929
81.311 Amended ... 46930, 53415
81.315 Amended ... 47222, 54341
Amended ... 63272
81.316 Amended ... 48930

Page

81.318 Amended ... 46325, 57047
81.321 Amended ... 43156, 58085
81.323 Amended ... 46575, 55109
81.324 Amended ... 51744
81.326 Amended ... 40008
81.328 Amended ... 57046
81.329 Amended ... 37897
81.330 Amended ... △764
81.332 Amended ... 40190
81.333 Amended ... 47454
Amended ... △1122
81.334 Amended ... 36701
Corrected ... 38508
81.336 Amended ... 36702, 43426, 47221, 47782, 49857, 51915, 57678, 57896, 59974, 61271
81.339 Amended ... 51612
81.341 Amended ... 53416
Amended ... △952
81.344 Nonattainment status designation reaffirmed ... 46573
Amended ... 51745, 56200
Amended ... △2115, 4067
81.345 Amended ... 41785
81.346 Amended ... 41784
81.347 Amended ... 55258
81.348 Amended ... 61657
81.349 Amended ... 55262
81.350 Amended ... 41057
81.351 Amended ... 61127
85.2108 Revised ... 38692
86 Authority citation ... 50475
Waiver application; request for comments ... 56615
86.077-1—86.077-39 Removed; interim ... 50498
86.078-1 Removed; interim ... 50498
86.078-2 Removed; interim ... 50498
86.078-5 Removed; interim ... 50498
86.078-8—86.078-39 Removed; interim ... 50498
86.079-1—86.079-11 Removed; interim ... 50498
86.079-21—86.079-26 Removed; interim ... 50498
86.079-28—86.079-30 Removed; interim ... 50498
86.079-35 Removed; interim ... 50498
86.079-38 Removed; interim ... 50498
86.080-2 Removed; interim ... 50498
86.080-8 Removed; interim ... 50498
86.080-24 Removed; interim ... 50498
86.080-26 Removed; interim ... 50498
86.081-1 Removed; interim ... 50498
86.081-2 Removed; interim ... 50498
86.081-14—86.081-28 Removed; interim ... 50498

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
86.081–30	Removed; interim	50498
86.081–35	Removed; interim	50498
86.082–1	(c), (d), and (e) added; interim	50475
86.082–2	Revised; interim	50475
86.082–8	(a)(1)(ii) revised	37049
	(a)(1)(iii) revised	37248, 37509
	(a)(1)(ii) revised	46576
	(a)(1)(iii) revised	47223
86.082–23	Added; interim	50478
86.082–24	(a)(2), (4), (8), (9), and (10), (b)(1)(i), (ii), (iii), (iv), (vii), (2)(iii), and (g)(3) revised; (a)(11), (b)(2)(iii)(A) and (B), (v), (e)(1) and (2), (f)(1) and 2), and (g)(3)(i) and (ii) added; (b)(2)(ii) removed; interim	50478
86.082–25	Added; interim	50480
86.082–26	(a)(3)(i)(A), (B), and (C), (ii)(A), (B), and (C), (4)(i), (ii), and (iii), (5), (6), (7), and (8), (b)(5) through (9) revised; (a)(4)(iv) added; interim	50483
86.082–28	(a)(4)(i)(A) introductory text and (B), (ii)(A) and (B), and (b)(4)(i)(B) revised; (a)(4)(i)(A)(4) and (b)(4)(i)(A)(4) added; interim	50485
86.082–30	(a)(2), (3), (6) through (9), and (b)(5)(ii) and (iii) revised; interim	50486
86.082–34	Added; interim	50486
86.084–23	(a), (c)(1)(i) and (2) revised; (c)(1)(ii) removed; interim	50486
86.084–24	(a)(2), (4), (8), (9), (10), (b)(1)(i) through (iv), (vii), (2)(iii), (e), and (g)(3) revised; (a)(11), (b)(2)(iii) and (v) added; (b)(1)(v), (vi), and (2)(ii) removed; interim	50487
86.084–25	(a) introductory text, (1) introductory text, and (i) introductory text, (10), (b)(5)(iv) and (v) revised; (a)(8)(ii) and (iii) and (b)(3)(ii) and (iii) removed; interim	50488
86.084–26	(a)(3)(i)(A) and (ii), (4)(i) and (ii), (5) through (8), (b)(2)(ii), (4)(i)(A), (ii)(A), and (iv), (c)(4), and (d)(2)(i) and (3) revised; (a)(4)(iii) added; (a)(3)(i)(B) and (C), (4)(i)(B) and (C), and (ii)(B) and (C), and (d)(4) removed	50489
86.084–28	(a)(4)(i)(A) introductory text and (B), (ii), (b)(4)(iii), (6)(ii) and (iii), and (c)(4)(iii) revised; (a)(4)(i)(A)(4) added; interim	50491
86.084–30	(a)(1), (2), (3), (7), (8), and (9), and (b)(5)(ii) and (iii) revised; interim	50491
86.085–28	(a)(4)(i)(A) introductory text and (B), (ii), (b)(4)(iii), (6)(ii) and (iii), and (c)(4)(iii) revised; (a)(4)(i)(A)(4) added; interim	50492
86.108–78	Removed; interim	50498
86.110–82	(c)(1)(iv) revised; interim	50493
86.113–78	Removed; interim	50498
86.113–79	Removed; interim	50498
86.113–82	Added; interim	50493
86.114–78	Removed; interim	50498
86.128–78	Removed; interim	50498
86.129–78	Removed; interim	50498
86.129–79	Removed; interim	50498
86.135–78	Removed; interim	50498
86.142–78	Removed; interim	50498
86.142–79	Removed; interim	50498
86.145–82	(a) introductory text revised; interim	50494
86.177–1—86.177–23	Removed; interim	50498
86.307–79	Removed; interim	50498
86.307–82	Added; interim	50494
86.308–79	(a)(1) and (g) revised; interim	50495
86.310–79	(a)(1) and (2) revised; interim	50495
86.311–79	(e) revised; interim	50495
86.330–79	(b)(7) added; interim	50495
86.332–79	(a) revised; (d) and (e) added; interim	50495
86.337–79	(b)(6) revised; interim	50495
86.338–79	(a)(6) revised; interim	50495
86.340–79	(c)(1)(ii) and (2) revised	50496
86.341–79	(b) revised; interim	50496
86.342–79	(a)(1) revised; interim	50496
86.348–79	Added; interim	50496
86.410–78	Removed; interim	50498
86.416–78	Removed; interim	50498

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

Page

86.428–78 Removed; interim 50498
86.437–78 (a)(2)(ii) and (b)(3) revised; interim 50496
86.513–78 Removed; interim 50498
86.513–82 Added; interim 50496
86.777–1—86.777–15 (Subpart H) Removed; interim 50498
86.879–11 (a)(3) revised; interim 50496
86.977–1—86.977–15 (Subpart J) Removed; interim 50498
86.1313–84 (a)(2) revised; interim 50497
120.43 Removed 55520
122 Authority citation 35249, 55113
Incorporation by reference approvals 47938
122.3 Amended 43160
122.11 (c) revised; interim; effective date confirmed 47433
122.15 (a)(7) effective date confirmed 38318
122.16 (a) introductory text revised 43160
122.17 (e) effective date confirmed 38318
(f)(1) revised 43160
122.20 Added 35249
122.23 (a) interpretation 60446
122.25 (b)(5)(iii)(A)(3) and (4) revised 35249
Effective date confirmed 38318
(b)(5) effective date confirmed 38318
(b)(1)(ii) and (iii) redesignated as (b)(1)(iii) and (iv); new (b)(1)(ii) added; (b)(4) revised; interim 55113
122.27 (b)(1)(i)(C) and (D) revised 35249
Effective date confirmed 38318
122.29 Effective date confirmed 38318
Revised; interim; effective date confirmed 47433
122.31 (d) amended 43160
122.32 (c)(2), (3), and (4) revised; (c)(5) added 43160
122.36 (b) added 43160
122.37 (a)(1)(ii) and (2)(i)(H) revised 43160
122.38 (a) and (b)(2) revised 43160
122.41 (c) introductory text and (2)(ii) revised 43160
122.43 (a) and (b) revised 43160
122.44 (a) revised; (b)(4) added 43161
122.53 (d)(7)(ii)(A) suspended in part 35091
(c)(2) table suspended in part 36703
123 State program approved 35259, 36844, 36846, 40689, 46576, 54544, 54545, 58488
State program approved △618, 2314, 3551
Authority citation △1251
123.34 (c) revised △1251
123.128 (b)(4) revised △1251
123.129 (d) revised; interim 36706
124.10 (b)(1) and (c)(2) revised; (c)(1)(ix) added; interim 36706
124.12 (a) revised; interim 36706
125.30—125.32 (Subpart D) Heading effective date deferred to 1–31–82 50502
125.30 (a) revision and (b) amendment effective date deferred to 1–31–82 50502
136.5 Test procedure approved 58489
146.03 Amended 43161
146.05 (c)(2), (e)(8), (11), (13), (14), and (15) revised; (c)(3) and (4) redesignated as (c)(4) and (5); new (c)(3) added 43161
146.06 (a) and (b) revised 43161
146.07 (a) and (b) revised 43162
146.08 (c)(1) and (2) revised 43162
146.12 (d) introductory text revised 43162
146.13 (a)(1) revised 43162
146.14 (a)(11) and (16) and (b)(3) revised 43162
146.22 (a) and (f) introductory text revised 43162
146.23 (a)(1) and (c)(1) revised 43162
146.24 (a)(2), (3), and (7), and (b)(3) revised 43162
146.32 (b) and (f)(5) revised 43163
146.33 (a)(1) and (5) revised 43163
146.34 (a)(2), (3), (11), and (15), and (b)(3) revised 43163
162 Policy statement 51745
Availability of ranking order of chemical clusters △3770
162.16 Temporary exempting; expires 4–22–82 36706
162.22 Amended 34345
180 Nomenclature change 34345
180.1 (h) table amended △623
(j)(5) revised △1381

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
180.103	Revised	55114
180.108	Table amended	△622
180.127	Revised	48665
180.128	Revised	48666
180.142	Revised	△620
180.169	(a) table amended	△624
180.205	Revised	51614
180.207	Table amended	37250
180.220	(a) table and (b) table CFR correction	54944
	(b) table amended	△3771
180.240	Revised	37249
180.247	Revised	42067
180.254	Amended	58490
	Table amended	62275, 62276, 63045, 63046
	Table amended	△1380, 2864
180.269	Table amended	57048
180.274	Table amended	△1383
180.275	Table amended	48931
180.294	Revised	55694
180.300	Table amended	42660, 47547
180.303	Table amended	43165
180.304	Table amended	△3772
180.324	Revised	△2862
180.325	Table revised	57499
180.328	Table amended	39828, 47548
180.342	Table amended	34585, 48197, 54945
180.350	Revised	58315
180.359	Table amended	59249
180.362	Table amended	48931
180.364	Table amended	43164, 47224, 54547, 55115
180.379	Table amended	47783
180.381	Table amended	△1381, 1382
	Table corrected	△1384
180.383	Table amended	61272
180.396	Revised	42851
180.399	Added	42066
180.400	Added	△620
180.1001	(d) table amended	34586, 34587, 37509, 39824, 43972
	(d) and (e) table amended	39825
	(c) and (e) table amended	39826
180.1028	Existing text designated as (a); (b) added	46580
180.1042	Revised	△1385
180.1044	Removed	43972
180.1060	Added	39827
180.1062	Added	43971
180.1063	Added	38356
180.1064	Added	50372
180.1066	Added	47225
180.1068	Added	△1379
193.325	Technical correction	△1385
204.5–7	Suspended	41058
204.53	Suspended	41058
204.55–2	(a)(2)(ii), (iii), and (f) suspended	41058
204.55–4	Suspended	41058
204.55–10	Suspended	41058
204.57–5	Suspended	41058
204.58–1	Suspended	41058
204.58–2	Suspended	41058
204.58–3	Suspended	41058
205.4	Suspended	41059
205.5–7	Suspended	41058
205.53	Suspended	41058
205.157–2	(a)(2)(ii), (iii), and (f) suspended	41058
205.157–4	Suspended	41058
205.157–9	Suspended	41058
205.158	(e) suspended	41058
205.160–5	Suspended	41058
205.161	Suspended	41058
205.162–1	Suspended	41058
205.162–2	Suspended	41058
205.162–3	Suspended	41058
205.162–4	Suspended	41058
205.168–2	(a) and (g) suspended	41059
205.168–3	Suspended	41059
205.168–10	Suspended	41059
205.171–7	Suspended	41059
205.172	Suspended	41059
205.173–1	Suspended	41059
205.173–5	Suspended	41059
205.203	Suspended	41059
205.205–2	(a)(2) and (f) suspended	41059
205.205–9	Suspended	41059
205.207–5	Suspended	41059
205.208–2	Suspended	41059
205.208–3	Suspended	41059
211.110–5	Suspended	41059
211.209	(a) and (b) suspended	41059
211.210–2	(a)(2) suspended	41059
211.210–3	Suspended	41059
211.212–5	Suspended	41059
256	State solid waste management plans approved	34802
	Authority citation	47051
256.03	(a) revised; (f) added	47051
256.04	(f) added	47051
256.24	(d) added	47051
256.60	(a)(1) revised	47051
256.64	Redesignated as 256.65 and (c) removed; new 256.64 added	47052

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

Page

256.65 Redesignated from 256.64 47052
257 Authority citation 47052
257.1 (a) revised 47052
257.3–3 (a) and (b) revised 47052
257.3–4 (b) revised 47052
257.3–7 (b) revised 47052
260 Authority citation 35247
260.11 Added 35247
260.20 Petitions 59537
260.21 Petitions 59537
260.22 Petitions 59537
261 Authority citation 34587, 35247, 44972, 47429, 56588
Incorporation by reference approvals 47938
261.3 (a)(2) revised; interim 56588
261.4 (d) added; interim 47429
261.5 (e) correctly designated 34587
261.6 Introductory texts of (a) and (b) revised; (a)(3) added; interim 44973
261.21 (a)(1) revised; footnote 1 removed 35247
261.22 (a)(1) and (2) revised; footnotes 2 and 3 removed 35247
261.31 Petitions for temporary exemptions granted 40154
Petitions for temporary exemptions granted; request for comments 61272
261.32 Petitions for temporary exemptions granted 40154
Petitions for temporary exemptions granted; request for comments 61272
261 Appendix II revised; Appendix III amended 35247
262 Authority citation △1251
262.10 (b) revised △1251
262.34 Interpretation 60446
Revised △1251
264 Authority citation 35249, 55112
Incorporation by reference approvals 47938
264.10 Effective date confirmed 38318
(b) effective date confirmed 38318
264.13 (b)(3) amendment and (6) addition effective date confirmed 38318
(b)(6) revision effective date confirmed 38318
264.14 Effective date confirmed 38318
264.15 (b)(4) amendment effective date confirmed 38318
(b)(4) revision effective date confirmed 38318

Page

264.16 (a) effective date confirmed 38318
264.17 Effective date confirmed 38318
264.18 Effective date confirmed 38318
264.36 Removal effective date confirmed 38318
264.73 (b)(2) through (8) effective date confirmed 38318
(b)(3) and (6) through (8) effective date confirmed 38318
264.75 (e) through (h) effective date confirmed 38318
264.77 Effective date confirmed 38318
264.110—264.120 (Subpart G) Effective date confirmed 38318
264.112 (a) introductory and (1) effective date confirmed 38318
264.140—264.151 (Subpart H) Effective date confirmed in part 38318
264.142 (a) effective date confirmed 38318
264.143 Effective date deferred to 4–13–82 48197
264.145—264.151 Effective date deferred to 4–13–82 48197
265.143 Effective date deferred to 4–13–82 48197
265.145—265.151 Effective date deferred to 4–13–82 48197
264.170—264.178 (Subpart I) Effective date confirmed 38318
264.175 Revised; interim 55112
264.190—264.199 (Subpart J) Effective date confirmed 38318
264.191 Comment removed 35249
264.198 (b) revised; comment removed 35249
264.220—264.230 (Subpart K) Effective date confirmed 38318
264.250—264.258 (Subpart L) Effective date confirmed 38318
264.250 Revised; interim 55112
264.340—264.351 (Subpart O) Effective date confirmed 38318
264 Appendixes V and VI effective date confirmed 38318
Appendix VI revised; interim 57285
Appendix VI corrected; interim △953
265 Authority citation 35249, 56596
Incorporation by reference approvals 47938
Authority citation △1255
265.73 (b)(3) effective date confirmed 38318
265.90 (e) added; interim △1255

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

265.110—265.120 (Subpart G) Effective date confirmed 38318
265.140—265.151 (Subpart H) Effective date confirmed in part 38318
265.198 (b) revised; comment removed 35249
265.312 (a) revised; interim 56596
Technical correction ..... △2316
265.314 (b)(2) revised; (b)(3) added; interim 56596
Technical correction ..... △2316
265.316 Added; interim 56596
Technical correction ..... △2316
265.340—265.351 (Subpart O) Effective date confirmed 38318
267 Added; interim; effective date confirmed 47433
403 Effective date deferred to 1–31–82 50502
413.01 (a) amended 43973
429 Authority citation 57287
Development document availability 57287
429.11 (c) revised 57287
429.64 Amended 57287
600 Authority citation 50497
600.002–77—600.002–79 Removed; interim 50498
600.006–82 Added; interim 50497
600.111–78 Removed; interim 50498
600.206–77 Removed; interim 50499
600.206–79 Removed; interim 50499
600.207–78 Removed; interim 50499
600.306–77—600.306–80 Removed; interim 50499
600.307–77—600.307–80 Removed; Interim 50499
600.308–77 Removed; interim 50499
600.308–78 Removed; interim 50499
600.309–77 Removed; interim 50499
600.309–78 Removed; interim 50499
600.311–77 Removed; interim 50499
600.312–77 Removed; interim 50499
600.313–78 Removed; interim 50499
600.315–78 Removed; interim 50498
600.315–79 Removed; interim 50498
600.501–78 Removed; interim 50499
600.502–78 Removed; interim 50499
600.506–78 Removed; interim 50499
600.507–78 Removed; interim 50499
600.507–79 Removed; interim 50499
600.510–78 Removed; interim 50499
600.510–79 Removed; interim 50499
600.511–78 Removed; interim 50499
600.512–78 Removed; interim 50499
600.512–79 Removed; interim 50499
600.513–80 Removed; interim 50499
702 Added ..... △2773
707 Clarification 37608
762.58 (b) correctly revised 42851
(h) added ..... △149
(b) revised ..... △150

Title 40—*Proposed Rules:*

1—775 (Ch. I) 49604, 53387, 53990, 62098
33 45963
35 ..... 42472, 45963, 55220
50 ..... △2127, 2341
51 ..... 49814, 61613
..... △4096
52 ..... 34815–34818, 35301, 35684–35686, 36716, 36869, 37057, 37525, 37527, 37722, 37723, 37911–37913, 37915, 38381, 38383, 38725, 38730, 38731, 38937, 39611, 39612, 39614, 39861, 39863, 39864, 40218, 40536, 40774, 41103, 41814, 42289, 42290, 42292, 43188, 43701, 43704, 43855, 44476, 44783, 44785, 45157–45160, 45378, 45381, 45383, 45628, 46351, 47241, 47469, 47470, 47624, 48240, 50086, 52138–52140, 53196, 53460, 53461, 54767, 55123, 55550, 55551, 55714, 55716, 55719, 55720, 55994, 56461–56463, 57061, 57572, 58098, 60015–60017, 60217, 61490, 61491, 61613, 62298, 62665, 63082
..... △191, 1304, 1398, 2129, 3138, 4096
55 ..... 38939, 39168, 39175
57 42084
58 ..... △2127
60 ..... 37287, 41817, 42878, 46813
62 ..... 38385, 41814, 45160
65 ..... 37057, 38386, 44196, 49604, 61676
..... △969, 2889, 4320
80 44477
81 ..... 34819, 37724, 38386, 38387, 38732, 41814, 41818, 42292, 42293, 42878, 44787, 45162, 54974, 55722, 55994, 60017, 62480
..... △2131, 3011
85 ..... 36717, 62608
86 ..... 35126, 49611, 62366, 62608, 62869
..... △972, 1306, 1642
122 ..... 36719, 39426, 40896, 43472, 48243, 48254, 61145
123 ..... 41103, 43472, 47626, 48955, 54770, 55997, 58464, 60477, 61145
..... △1155, 2378, 3378
124 43472
125 ..... 46597, 50503
140 62479
141 58345

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 40, Chapter I—Continued

Page

146 ---------- 43472, 48243, 45254
162 ---------- 53197
163 ---------- 44197
180 ---------- 34353, 34603, 37290, 37916, 39865, 40220, 42088, 42089, 42298, 42299, 42685, 45162, 47242, 48720, 51622, 52141, 52395, 52397, 52398, 54584, 54771, 55725, 55998, 56465, 60020, 60217, 62299, 62300, 63085
---------- △651–654, 2889, 3798
204 ---------- 41104
205 ---------- 41104
211 ---------- 41104
228 ---------- 50986
244 ---------- △1307
245 ---------- △1307
246 ---------- △1307, 2379
256 ---------- 50810, 54772, 54775, 54776, 56465, 58108
---------- △4097
260 ---------- 40896
261 ---------- 40058
262 ---------- 39426
263 ---------- 39426
264 ---------- 37527, 39426, 40896, 51407, 61145
265 ---------- 39426
267 ---------- 61145
403 ---------- 50503, 62098
434 ---------- 39456
723 ---------- 54585, 54688
761 ---------- 56626
---------- △2379
762 ---------- 42880
773 ---------- 36213, 40898, 58108
775 ---------- △193
796 ---------- 42472
799 ---------- 53704
---------- △973, 2379
1517 ---------- 38389

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1–1.314 Existing text designated as (a); (b) added---------- 46931
1–1.1008 Added ---------- 46931
1–3.703 (c) revised---------- 61128
1–3.1200 Revised ---------- △4068
1–3.1201 Revised ---------- △4068
1–3.1202 Revised ---------- △4068
1–3.1202–1 Revised ---------- △4069
1–3.1202–2 Added ---------- △4069
1–3.1203 Revised ---------- △4070

Page

1–3.1203–1 Added ---------- △4070
1–3.1203–2 Added ---------- △4071
1–3.1203–3 Added ---------- △4072
1–3.1204 Revised ---------- △4074
1–3.1204–1 Revised ---------- △4074
1–3.1204–2 Revised ---------- △4076
1–3.1204–3 Added ---------- △4077
1–3.1205 Revised ---------- △4077
1–3.1206 Revised ---------- △4078
1–3.1207 Revised ---------- △4078
1–3.1208 Revised ---------- △4079
1–3.1210 Removed ---------- △4079
1–3.1211 Revised ---------- △4079
1–3.1212 Revised ---------- △4079
1–3.1213 Revised ---------- △4080
1–3.1214 Revised ---------- △4081
1–3.1218 Removed ---------- △4081
1–3.1219 Revised ---------- △4081
1–3.1220 Revised ---------- 61852
1–3.1220–1 Amended ---------- 61855
1–3.1220–2 Amended ---------- 61856
1–3.1220–3 Amended ---------- 61856
1–3.1220–4 Amended ---------- 61857
1–3.1220–5 Amended ---------- 61857
1–3.1220–6 Amended ---------- 61857
1–3.1220–7 Amended ---------- 61857
1–3.1220–8 Amended ---------- 61857
1–3.1220–9 Amended ---------- 61857
1–3.1220–10 Amended ---------- 61858
1–3.1220–13 Added ---------- 61858
1–3.1220–14 Amended ---------- 61862
1–3.1220–15 Added ---------- 61862
1–3.1220–16 Added ---------- 61864
1–3.1220–17 Added ---------- 61866
1–3.1220–18 Added ---------- 61867
1–3.1220–20 Added ---------- 61870
1–12.904–3 Added ---------- 62277
1–15.108 Revised ---------- 61128
1–4.1104 See Temp. Reg. 62---------- 36143
1–4.1105 See Temp. Reg. 62---------- 36143
1–4.1107 See Temp. Reg. 62---------- 36143
1–4.1400—1–4.1407 (Subpart 1–4.14) Added---------- 46931
1–7.103–27 Revised ---------- △4082
1–7.203–23 Revised ---------- △4082
1–7.303–55 Revised ---------- △4082
1–7.403–50 Revised ---------- △4082
1–7.603–27 Revised ---------- △4082
1–7.703–22 Revised ---------- △4082
1–15.205–16 Revised ---------- 61128
1–15.205–42 (f) revised---------- 61129
1–15.701—1–15.713–9 (Subpart 1–15.7) Heading revised---------- 61129
1–15.701–1 Revised ---------- 61129

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
1–15.701–2	Revised	61129
1–15.701–3	Revised	61129
1–15.702–5	Revised	61129
1–15.702–6	Revised	61130
1–15.702–7	Revised	61130
1–15.702–8	Revised	61130
1–15.702–9	Redesignated as 1–15.702–10 and revised; new 1–15.702–9 added	61130
1–15.702–10	Redesignated as 1–15.702–11 and revised; new 1–15.702–10 redesignated from 1–15.702–9 and revised	61130
1–15.702–11	Redesignated as 1–15.702–12 and revised; new 1–15.702–11 redesignated from 1–15.702–10 and revised	61130
1–15.702–12	Redesignated as 1–15.702–13 and revised; new 1–15.702–12 redesignated from 1–15.702–11 and revised	61130
1–15.702–13	Redesignated from 1–15.702–12 and revised	61130
1–15.703–1	(a) revised	61130
1–15.709–3	Revised	61130
1–15.709–4	(b) revised	61130
1–15.709–5	(b) revised	61130
1–15.709–6	Revised	61130
1–15.709–7	Added	61130
1–15.711–1	Revised	61130
1–15.711–10	Revised	61130
1–15.711–14	Revised	61131
1–15.711–16	Revised	61131
1–15.713–6	Revised	61131
1–16.201–1	Revised	49858
1–16.401	(e) revised	49858
1–16.901–18	Revised	49859
1–16.901–21	Revised	49861
1–1—1–30 (Chapter 1 Appendix)	Temporary Reg. 53, Supplement 1 added	34803
	Temporary Reg. 62 added	36143
	Temporary Reg. 51, Supplement 1 added	45948

Chapter 1—*Proposed Rules:*

		Page
1–1—1–30 (Ch. 1)		53708

Chapter 3—Department of Health and Human Services

Chapter 3—*Proposed Rules:*

		Page
3–1		51410
3–7		51410

Chapter 4—Department of Agriculture

Chapter 4—*Proposed Rules:*

		Page
4–1—4–50 (Ch. 4)		52552

Chapter 5—General Services Administration

		Page
5–12	Added	△1385

Chapter 5A—Office of Acquisition Policy, General Services Administration

		Page
5A–1.1603—5A–1.1603–3 (Subpart 5A–1.16)	Added	56786
5A–1.5001	Removed	56786
5A–1.5009	Revised	56786
5A–1.5074	Revised	56786
5A–7.103–52	Revised	△2481
5A–16.950–1448	Removed	△2482
5A–16.950–1649	Removed	△2482
5A–16.950–1678	Amended	△2482
5A–16.950–1773	Removed	△2482
5A–72.209	Revised	△2482

Chapter 5B—Office of Acquisition Policy, General Services Administration

		Page
5B–1.700	Revised	51746
5B–1.701–8	(c) revised	51746
5B–1.703–1	Revised	51746
5B–1.704–2	(c) removed	51746
5B–1.706	(a), (b), (c) and (e) revised	51746
5B–1.901—5B–1.902 (Subpart 5B–1.9)	Added	51747
5B–1.1203	Removed	51747
5B–1.1204	Revised	51747
5B–1.1205	Added	51747
5B–1.1205–2	Added	51747
5B–1.1205–4	Added	51747
5B–1.1250	Revised	51747
5B–1.1251	Removed	51747
5B–2.201–70	Revised	51747
5B–2.201–81	Revised	51748
5B–2.202–1	Revised	51748
5B–16.871	(j) revised	51748
5B–16.875	Revised	51748
5B–16.950–894	Added	51748
5B–16.950–1467	Revised	51748
5B–16.950–1467–A	Revised	51748
5B–16.950–1468	Revised	51748

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 41, Chapter 5B—Continued

Page

5B–16.950–1714 Revised 51748
5B–16.950–2166 Revised 51748

Chapter 7—Agency for International Development, International Development Cooperation Agency

7–1.260 Added 51916
7–1.261 Added 51916
7–1.262 Added 51916
7–3.101–50 (b)(2), (c), and (d)(6) revised 62278
7–7.5002–1 Undesignated center heading and (a)(3) and (4) amended; (g) and (h) added 51916
7–7.5002–2 Undesignated center heading, (a) and (b) amended; (e) and (f) added 51916
7–7.5002–3 Undesignated center heading, (f), (i)(1), (2), and (4), and (j) amended 51916
7–7.5002–6 Undesignated center heading amended 51916
7–7.5002–7 Undesignated center heading amended 51916
7–7.5002–13 Undesignated center heading amended; (c) removed; (d) through (f) redesignated as new (c) through (e) 51916
7–7.5402–2 Undesignated center heading, (e) and (f) amended 51916
7–7.5502–1 Undesignated center heading amended; (p) and (q) added 51917
7–7.5502–6 Undesignated center heading and (c)(7) amended 51917
7–7.5502–7 Undesignated center heading amended; (a) revised 51917
7–12.101–1.50 Revised 51917
7–15.205–6 (b)(3) added 51917
7–15.303–51 Existing text designated as (a); (b) added 51917
7–15.603–2.50 Existing text designated as (a); new (b) added 51918
Chapter 7 Appendix E amended 62278

Chapter 8—Veterans Administration

8–1.403–52 (a) revised 60824
8–1.403–60 Revised 60824
8–1.405 (a)(1) revised 60824

Page

8–3.207 (a)(1), (b) introductory text, (1), and (5) revised ..... △4083
8–3.209 (a)(1), (b) introductory text, (1), and 5) revised ..... △4083
8–74.113 (b), (c) introductory text, and (1) revised 60824
8–74.114 (d) removed 60824
8–74.116 Added 60825

Chapter 8—*Proposed Rules:*

8–1—8–95 (Ch. 8) 51935

Chapter 9—Energy Department

Chapter 9 Authority citation 54733
9–1.051–1 (c) revised 54733
9–1.051–4 Revised 54733
9–1.807 Amended 63209
9–1.1003 Existing text designated as (a); (b) added 54733
9–1.1203–2 (d) amended 54733
9–1.5408 Amended 63209
9–1.5408–2 (b) amended 54734
9–1.5409 (a) amended 54734
9–3.405–50 (h) added 54734
9–3.805–51 (d)(2)(ii) amended 54734
9–3.809 (d)(1)(i) amended 54734
9–4.909 (g) amended 54735
9–4.1004–50 Amended 63209
9–4.1004–53 Amended 63209
9–4.5000—9–4.5002 (Subpart 9–4.50) Added 54735
9–4.5107–1 (a) and (b)(3) amended; (f) revised 54735
(c) amended 63209
9–4.5108–2 (e) amended 54736
9–4.5109 Amended 63209
9–4.5111 Amended 63209
9–4.5112–4 (a)(3), (4), and (7) revised 54736
Amended 63209
9–4.5702–5 Amended 63209
9–4.5702–6 Amended 54736
9–4.5802–3 Amended 54736
9–4.5802–4 Amended 63209
9–4.5804 (a)(2) amended 54736
9–4.5905 Amended 63209
9–4.5906 Added 54736
9–7.102–51 Removed 54736
9–7.102–56 Added 54736
Amended 63209
9–7.103–3 (e) removed 54737
9–7.103–53 (f) removed 54737
9–7.104–50 Amended 54738
9–7.202–2 Added 54738
9–7.202–4 Revised 54738
9–7.202–51 Removed 54739

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
9–7.302–51	Removed	54739
9–7.302–58	Amended	63209
9–7.302–59	Added	54739
9–7.303–57	Amended	54739
9–7.402–2	Added	54739
9–7.402–3	(d) and (e) added	54739
9–7.402–51	Removed	54739
9–7.404–5	Added	54739
9–7.602–52	Removed	54739
9–7.703–51	Removed	54739
9–7.802–5	Revised	54739
9–7.802–10	Amended	63209
9–7.802–51	Removed	54740
9–7.804–3	Amended	63209
9–9.103–3	(b) amended	54740
9–9.104	Amended	63210
9–9.107—9–9.109	Policy statement	51371
9–9.107–4	(a)(6) amended	54740
9–9.107–5	(a) amended	54740
	Amended	63210
	(a) amended	63209
9–9.107–6	Amended	63210
9–9.109–2	Amended	63210
9–9.109–3	(d)(5) amended	54740
9–9.109–6	(d)(8), (i)(1), (5)(i), and (7) introductory text amended	54740
	Amended	63209, 63210
	(c)(7) and (i)(5)(iii) amended	63209
	(i)(6)(ii) amended	63209
9–9.110	Amended	63210
	amended	54740
9–9.202–3	(e)(2) and (4)	
9–9.202–4	(c)(2) amended	54740
	Amended	63210
9–12.810	Amended	63210
9–15.205–60	Removed	54740
9–15.307	Amended	63210
9–16.701–50	Amended	63210
9–16.5002–1	Amended	54741
9–23.104	(b) amended	54741
9–23.107	(a) revised	54741
9–23.108	(d)(2) and (g) amended	54741
9–23.110	(a) amended	54741
9–50.81	Amended	63210
9–50.108	(c) amended	63210
9–50.302–5	(a)(5)(ii) revised	54741
9–50.302–5	(a)(6)(ii) amended	63210
9–50.402	Amended	63210
9–50.506–3	Amended	63210
9–50.601–1	Revised	54741
9–50.601–2	Added	54742
9–50.703–4	Note C added	54742
9–50.704–1	(a) amended	63210
9–50.704–2—9–50.704–37	Amended	63210
9–50.704–2	(b) amended	54742
9–50.704–3	Amended	54742
9–50.704–13	(d)(15) amended	54742
9–50.704–24	(a) amended	54742
9–50.704–36	Removed	54742
9–50.704–41	Amended	63210
9–50.704–42	Amended	63210
9–50.704.43	Amended	63210
9–50.704–48	Removed	54742
9–50.704–48	Amended	63210
9–50.1002	Amended	54742
9–50.1003	Amended	54742
9–50.1103–1—9–50.1103–4	Amended	63210
9–50.1210–2	Amended	63210
9–50.1213–6	(b) amended	54742
	Amended	63210
9–50.1402	Amended	63210
9–50.1803	Amended	54742
9–50.1804–2	Amended	63210
9–50.1805	Amended	63210

Chapter 9—*Proposed Rules:*

9–1—9–53	(Ch. 9)	62480

Chapter 12—Department of Transportation

Chapter 12—*Proposed Rules:*

12–1—12–99	(Ch. 12)	48422

Chapter 14—Department of the Interior

14–1.000	Revised	49864
14–1.001—14–1.008	(Subpart 14–1.0) Revised	49864
14–1.205—14–1.206	(Subpart 14–1.2) Removed	49864
14–1.302	Removed	49864
14–1.302–3	Removed	49864
14–1.305	Removed	49864
14–1.305–50	Removed	49864
14–1.305–51	Removed	49864
14–1.305–52	Removed	49864
14–1.318	Heading revised	61462
14–1.318–1	Removed	61462
14–1.318–4	Added	61462
14–1.327–5	Revised	61462
14–1.340	Added	49865
14–1.350	Revised	61463
14–1.351	Revised	61463
14–1.352	Removed	49864
14–1.352–1	Removed	49864

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 41, Chapter 14—Continued

	Page
14–1.352–2 Removed	49864
14–1.352–3 Removed	49864
14–1.353 Removed	49864
14–1.400 Removed	49865
14–1.401 Removed	49865
14–1.402 Revised	49865
14–1.404 Revised	49865
14–1.404–1—14–1.404–3 Removed	49865
14–1.450—14–1.450–4 Removed	49865
14–1.701 Removed	49865
14–1.701–50 Removed	49865
14–1.702 Removed	49865
14–1.704 Revised	49865
14–1.704–1 Revised	49865
14–1.704–2 Removed	49865
14–1.704–3 Removed	49865
14–1.704–4 Removed	49865
14–1.705–50 Revised	49865
14–1.706–2 Revised	49865
14–1.706–5 Revised	49865
14–1.706–6 Revised	49866
14–1.710–2 Added	49866
14–1.710–4 Removed	49865
14–1.850 (Subpart 14–1.8) Added	49866
14–1.902 (Subpart 14–1.9) Removed	49866
14–1.1003—14–1.1003–7 (Subpart 14–1.10) Removed	49866
14–1.1204—14–1.1204–1 (Subpart 14–1.12) Removed	49866
14–1.1300—14–1.1351 (Subpart 14–1.13) Heading revised	49866
14–1.1302 Revised	49866
14–1.1603 (Subpart 14–1.16) Removed	49866
14–1.2302—14–1.2302–5 (Subpart 14–1.23) Removed	49866
14–1.5000—14–1.5005 (Subpart 14–1.50) Removed	49866
14–2.104—14–2.104–1 (Subpart 14–2.1) Removed	49866
14–2.201—14–2.207–50 (Subpart 14–2.2) Removed	49866
14–2.405 Removed	49866
14–2.405–50 Removed	49866
14–2.406–3 Revised	49866
14–2.406–4 Revised	49866
14–2.406–50 Removed	49866
14–2.407–1 Removed	49866
14–2.407–8 Revised	49866
14–3.103—14–3.152 (Subpart 14–3.1) Removed	49867
14–3.153 Added	40877
14–3.201—14–3.214 (Subpart 14–3.2) Removed	49867
14–3.303—14–3.305–51 (Subpart 14–3.3) Removed	49867
14–3.408—14–3.410–2 (Subpart 14–3.4) Removed	49867
14–3.603 Removed	49867
14–3.603–1 Removed	49867
14–3.604–3 Removed	49867
14–3.604–4 Removed	49867
14–3.650 Removed	49867
14–3.650–1 Removed	49867
14–3.650–2 Removed	49867
14–3.808—14–3.808–7 (Subpart 14–3.8) Added	61463
14–3.809 Revised	61467
14–3.1203—14–3.1211 (Subpart 14–3.12) Removed	49867
14–4.1004–1 Removed	49867
14–4.1004–2 Removed	49867
14–4.1004–3 Revised	61468
14–4.1004–4 Removed	49867
14–4.1004–5 Removed	49867
14–4.1005 Removed	49867
14–4.1005–1 Removed	49867
14–4.1006–1 Revised	61468
14–4.1006–2 Added	61468
14–4.1050 Revised	61468
14–4.1150 (Subpart 14–4.11) Removed	49867
14–4.5101—14–4.5101–3 (Subpart 14–4.51) Removed	61468
14–4.5201 Removed	49867
14–4.5202 Removed	49867
14–4.5203 Removed	49867
14–4.5204 Removed	49867
14–4.5205 Removed	49867
14–4.5206 Revised	61468
14–4.5207 Removed	61468
14–4.5208 Revised	61468
14–4.5300 (Subpart 14–4.53) Removed	49867
14–6 Removed	61468
14–7.150–2 Removed	61468
14–7.150–3 Revised	61468
14–7.150–4 Removed	61468
14–7.150–5 Removed	61468
14–7.150–6 Added	61469
14–7.203 Removed	61469
14–7.203–15 Removed	61469
14–7.204–5 Revised	61469
14–7.205 Added	61469
14–7.250–1 Added	61469
14–7.350—14–7.350–1 (Subpart 14–7.3) Added	61469
14–7.403 Removed	61469
14–7.403–25 Removed	61469
14–7.404–9 Revised	61469
14–7.450 Added	61469

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

		Page
14–7.450–1	Added	61469
14–7.650–1	Removed	61469
14–7.650–2	Removed	61469
14–7.650–3	Removed	61469
14–7.650–5	(c), (d), and (e) removed	61469
14–7.650–7	Revised	61469
14–7.650–8	Removed	61469
14–7.650–9	Removed	61469
14–7.650–10	Added	61469
14–7.650–11	Added	61469
14–7.5001	Revised	61469
14–8	Removed	49867
14–9	Added	61469
14–10.2—14–10.201	(Subpart 14–10.2) Removed	49867
14–10.109—14–10.109–50	(Subpart 14–10.1) Removed	61469
14–10.401	Redesignated from 14–10.450 and heading and (a) revised	61469
14–10.401–50	Redesignated from 14–10.451 and revised	61470
14–10.450	Redesignated as 14–10.401 and heading and (a) revised	61469
14–10.451	Redesignated as 14–10.401–50 and revised	61470
14–10.501	(Subpart 14–10.5) Removed	49867
14–12	Removed	49867
14–16.703	(Subpart 14–16.7) Added	61471
14–16.804	Removed	49867
14–16.804–3	Removed	49867
14–17	Added	61471
14–18.208	(Subpart 14–18.2) Removed	49867
14–18.604	Revised	61471
14–18.704—14–18.705–10	(Subpart 14–18.7) Removed	49867
14–18.803—14–18.803–5	(Subpart 14–18.8) Removed	49867
14–19.108–50	Revised	61471
14–26.402	Introductory text revised; paragraph designation removed	61471
14–26.404	Removed	49867
14–30.201—14–30.250	(Subpart 14–30.2) Removed	49867
14–30.403	Removed	49868
14–30.406	Removed	49868
14–30.406–50	Removed	49868
14–30.408	Removed	49868
14–30.408–1	Removed	49868
14–30.410	Removed	49868
14–30.413	Removed	49868
14–30.414	Revised	61471
14–30.414–2	(a) and (b) revised	61471
14–30.501—14–30.505	(Subpart 14–30.5)	49868
14–55	Removed	49868
14–63.101	Revised	61472
14–63.102	Removed	49868
14–63.103	Revised	61472
14–63.104	Revised	61472
14–63.104–1	Removed	61472
14–63.104–2	Removed	61472
14–63.104–3	Removed	61472
14–63.105	Removed	49868
14–63.105–1	Removed	49868
14–63.105–2	Removed	49868
14–63.105–3	Removed	49868

Chapter 14—*Proposed Rules:*

	Page
14–1—14–63 (Ch. 14)	53870
14–1	54777
14–3	54777
14–4	54777
14–6	54777
14–7	54777
14–9	54777
14–10	54777
14–16	54777
14–17	54777
14–18	54777
14–19	54777
14–30	54777
14–63	54777

Chapter 15—Environmental Protection Agency

		Page
15–3.405–3	Revised	63272
15–3.405–3–50	Revised	63272
15–3.405–3–51	Revised	63272
15–3.405–3–52	Removed	63272
15–3.808–50	(a)(3), (b)(2) and (3) revised	62854
15–15	Added	36707

Chapter 16—Office of Personnel Management

		Page
Chapter	established	51569
16–1	Added	51569
16–3	Added	51572
16–4	Added	51576
16–7	Added	51578
16–8	Added	51580
16–11	Added	51580
16–12	Added	51581
16–15	Added	51581
16–20	Added	51582
16–26	Added	51582

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 41—Continued

Chapter 16—*Proposed Rules:*

Ch. 16 35688

Chapter 18—National Aeronautics and Space Administration

1.112 Heading and (a) revised .. 40009
1.113–1 (a) amended 40009
1.302–6 Added 40009
3.501 (b) amended 40010
3.802–3 (d)(i), (ii), and (iii) revised; (d)(vi) added 40010
3.809 (b)(1) amended 42852
6.401—6.404 (Subpart 4) Revised .. 54341
7.103–8 Amended 40010
7.103–9 Table of contents amended 40010
7.104–35 (a) and (b) amended .. 40020
7.104–36—7.104–39 Table of contents revised 40019
7.104–53 (b) amended 42852
7.104–54 Revised 42852
9.107—9.107–1 Revised 42853
9.107–3—9.107–4 Revised 42854
9.107–5 Revised 42855
9.107–7—9.107–9 Revised 42857
9.108—9.108–4 Revised 42858
9.108–5 Revised 42860
9.108–7 Revised 42862
9.108–9—9.109–1 Revised 42862
9.109–2—9.109–3 Revised 42863
9.109–4—9.109–6 Revised 42864
15.205–9 (j) introductory text amended; (j)(3) added 42852
15.205–34 (a) amended; (f) added 42852
20.5002 Introductory text revised 42852
20.5004 (a) and (b) amended 42852
23.202 (a)(v) amended 40010
1—52 (Chapter 18) Appendix A amended 40011
Appendix E amended 40020
Supplement No. 3 amended 54342

Chapter 25—National Science Foundation

Chapter 25—*Proposed Rules:*

25–1—25–50 (Ch. 25) 52142

Chapter 29—Department of Labor

Chapter 29—*Proposed Rules:*

29–1—29–70 (Ch. 29) 53958

Chapter 34—Department of Education

Chapter 34—*Proposed Rules:*

Page
34–1 53716

Chapter 50—Public Contracts, Department of Labor

50–201.501 Amended ..... △145

Chapter 51—Committee for Purchase from Blind and Other Severely Handicapped

51–4.2 (e) added 63047
51–4.3 Introductory note removed; (c) added 63047

Chapter 60—Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor

60–1 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–1.7 (a)(3) amended 62845
60–1.40 Amended 62845
60–2 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–3 Amended ..... △145
60–4 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–4.3 Amended 62845
60–20 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–30 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–40 Amended ..... △145
60–50 Technical correction 34804
Effective date deferred to 8–26–81 36144

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Page

Effective date deferred 42865
Amended ..... △145
60–60 Technical correction 34804
Effective date deferred to 8–26–81 36144
Removal effective date deferred .. 42865
Amended ..... △145
60–140 Amended 62845
60–250 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–250.4 (d) suspended ..... △4259
60–250.5 Amended 62845
60–250.26 Amended 62845
60–250.52 Amended 62845
60–250.53 Amended 62845
60–741 Technical correction 34804
Effective date deferred to 8–26–81 36144
Effective date deferred 42865
Amended ..... △145
60–741.5 Amended 62845
60–741.26 Amended 62845
60–741.52 Amended 62845
60–741.53 Amended 62845

Chapter 60—*Proposed Rules:*

60–1—60–741 (Ch. 60) ..... 36213, 37528, 42490, 53958, △402
60–1 ..... 42968, 46815
60–2 ..... 42968, 46815
60–4 ..... 42968, 46815
60–20 42968
60–30 ..... 42968, 46815
60–50 42968
60–60 42968
60–250 ..... 42968, 46815
60–741 ..... 42968, 46815

Chapter 101—Federal Property Management Regulations

101–2.102 (a) revised 50951
101–4 See Temp. Reg. A–20 39593
101–7 Amended; incorporation by reference 58315
101–7.003 Amended; incorporation by reference 53664
101–1—101–7 (Subchapter A Appendix) Temporary Reg. A–11, Supp. 12 added 36145
Temporary Reg. A–20 added 39593
Technical correction 40192
Temporary Reg. A–19 added 40690
Temporary Reg. A–19 corrected .. 42067

Page

Temporary reg. A–16 effectiveness extended; supplement 1 added 53664
Temporary Reg. A–19, Supp. 1 added 55263
101–11.404–1 (a)(3) through (5) and (e) revised; (a)(6), (f) and (g) added 60205
101–11.406–7 Revised 60205
101–11.408–1 (a) revised 60205
101–11.408–3 (b) revised 60205
101–11.409–9 (c) revised (d) added 60205
101–11.410–2 (e) revised 60205
101–11.411–2 (a)(2) and (b) revised 60206
101–11.411–3 (a)(1) revised 60206
101–17—101–21 (Subchapter D Appendix) Temporary Reg. D–66 effectiveness extended; supplement 1 added 39437
Temporary Reg. D–65, Supp. 3 added 40191
101–25.302–1 See Temp. Reg. E–74 42271
101–26.312 See Temp. Reg. E–77 .. 60204
101–25—101–34 (Subchapter E Appendix) Temporary Reg. E–75 added 43974
Temporary Reg. E–77 added 60204
101–26.502 Removed 35644
101–26.502–1 Removed 35644
101–26.502–2 Removed 35644
101–26.503 Removed 35644
101–26.503–1 Removed 35644
101–26.503–2 Removed 35644
101–26.4801 Revised 57288
101–30.000 Revised 35644
101–30.101–1 Revised 35644
101–30.101–1a Added 35644
101–30.101–2 Revised 35644
101–30.101–9 Revised 35645
101–30.101–14 Revised 35645
101–30.201 (b)(1) through (5) revised 35645
101–30.303 (b) revised 35645
101–30.304 Revised 35645
101–30.305 Introductory text revised 35645
101–30.401–1 (a)(3) and (5) revised; (a)(6) removed 35645
101–30.404 Revised 35645
Correctly revised 55991
101–30.501 Revised 35646
101–30.503 (a) and (b) revised; (e) added 35646
101–30.601 Revised 35646

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

Title 41, Chapter 101—Continued

	Page
101–30.603 Revised	35646
101–30.604 Revised	35646
101–30.703 (b) revised	35646
101–30.704–1 (b)(1) revised	35646
101–30.704–2 (c) revised; (e) added	35647
101–30.705 Revised	35647
101–25—101–34 (Subchapter E Appendix) Temporary Reg. E–74 added	42270
Temporary Reg. E–70, Supp. 1 added	43165
101–35.304 Revised	37651
101–35.304–2 (a) revised; (c) removed	37651
101–36.701 (a) revised	37651
101–37.301—101–37.311 (Subpart 101–37.3) Heading revised	36709
101–37.301 Revised	36709
101–37.302 (a) revised	36709
101–37.303 (a) and (b) revised	36709
101–37.309–1 Revised	36709
101–37.309–2 (a) revised	36709
101–39.701–1 Added	45949
101–39.704 Revised	45949
101–39.805 Revised	45949
101–39.807 Revised	45949
101–41 Authority citation	42661
101–41.001 Revised	42661
101–41.002 Revised	42661
101–41.003 Revised	42661
101–41.004 (a) revised	42661
101–41.100 Revised	42661
101–41.101 Introductory text and (a) introductory text revised	42661
101–41.102 (e) revised	42661
101–41.202–5 Revised	42662
101–41.204–1 Revised	42662
101–41.204–2 Revised	42662
101–41.205–1 (a)(2) revised	42662
101–41.205–2 (a)(1) revised	42662
101–41.206 (c) introductory text revised	42662
101–41.210–1 Revised	42662
101–41.210–3 Revised	50951
101–41.210–4 Revised	42663, 50952
101–41.210–5 Revised	42663, 50952
101–41.210–5a Added	50952
101–41.211–3 (b) revised	42663
101–41.211–4 Revised	42663
101–41.211–5 (b) and (c) revised	42663
101–41.214–2 (a) revised	42663
101–41.214–5 (e) added	42663
101–41.302 Revised	42663
101–41.302–1 (u) through (z) added	42663
101–41.302–2 (c) and (d) redesignated as (d) and (e); new (c) added	42663
101–41.302–3 (e) revised	42664
101–41.303–4 Revised	42664
101–41.304–2 (b)(1) and (e)(2) revised	42664
101–41.305–2 (a) and (c) introductory text revised	42664
101–41.305–5 Revised	42664
101–41.307–5 Revised	42664
101–41.310–1 Revised	42664
101–41.310–2 (d) added	42664
101–41.310–3 Revised	42665
101–41.311 Introductory text revised	42665
101–41.312 (c)(3) revised	42665
101–41.313–1 Revised	42665
101–41.314–1 Revised	42665
101–41.314–2 Revised	42665
101–41.401 Revised	42665
101–41.402–1 Revised	42666
101–41.501 (a) revised	42666
101–41.502 (a)(1) introductory text and (b)(2) revised	42666
101–41.503 Revised	42666
101–41.506 Revised	42666
101–41.602 (a), (b)(4), and (c) revised	42666
101–41.603–2 (b) revised	42666
101–41.603–4 Revised	42667
101–41.604–1 Introductory text and (d) revised	42667
101–41.604–2 (a), (c) introductory text, and (d) revised	42667
101–41.605–2 (b), (c) introductory text and (1), and (d) revised	42667
101–41.700 (a) revised	42668
101–41.701 (b) revised	42668
101–41.800 Revised	42668
101–41.802 (b) revised	42668
101–41.803 (a) revised	42668
101–41.805–1 (b) revised	42668
101–41.806–3 Revised	42668
101–41.807–2 (a) and (d) revised	42668
101–41.808–1 Revised	42668
101–41.4900—101–41.4902–7933 (Subpart 101–41.49) Note added	42669
101–41.4901–1203—101–41.4901–1206 Added	42669
101–41.4902–7931—101–41.4902–7932 Revised	42669

Note: Symbol (△) refers to 1982 page numbers

CHANGES JULY 1, 1981 THROUGH JANUARY 29, 1982

	Page
101–38—101–41 (Subchapter G Appendix) Temporary Reg. G–40 and Supplement 1 and Temporary Reg. G–44 removed	42661
101–38—101–41 (Subchapter G Appendix) Temporary reg. G–38 and Supplement 1 effectiveness extended; Supplement 2 added	51615
101–42.101 (b) and (c) revised	39590
101–42.102 (a) and (b) revised	39590
101–42.203 (b) revised	39590
101–43.001–16 Revised	45951
101–43.303–1 (b) revised	39591
101–43.312 (c) revised	39591
101–43.313–3 Revised	39591
101–43.315–2 (d) revised	39591
101–43.4701 (c) revised	39591
(b) removed	51389
101–43.4801 (a)(2) and (b)(2) revised	39592
101–43.4901–122 Revised	39592
101–43.4901–122–1 Added	39592
101–43.4901–365 Removed	51389
101–43.4902–1539–1 Amended	39592
101–45.105–3 (c) added	46326
101–45.304–8 (a) and (d)(1) revised	39592
101–45.312 Removed	43626
101–46.407 Revised	39592
101–47.103–13 Revised	45951
101–48.201–2 Revised	39592
101–48.201–3 Revised	39593
101–48.201–5 Revised	39593
101–48.4902 (b) revised	39593
101–49.001–5 Introductory text revised	51389
101–49.304 (c)(1) and (2) revised	51389
101–42—101–49 (Subchapter H Appendix) Temporary Reg. H–23 effectiveness extended to 10–1–83	55262

Chapter 101—*Proposed Rules:*

101–1—101–49 (Ch. 101)	53706, 58108
101–11	44788
101–14	42686
101–38	45163
101–41	47472
101–43	53718
101–47	62301
101–48	53718

Chapter 105—General Services Administration

105–61.5101–3 (a) revised; (g) added	37652
105–61.5201 (c)(2), (5) and (6) revised	37652
105–61.5205 (a), (d), and (e) revised	37652
105–61.5206 (b) through (j) revised	37652
105–61.5207 Revised	37653
105–61.5208 Revised	37653

Chapter 114—Department of the Interior

Chapter 114 Nomenclature change	52364
114–26.501 Amended	52364
114–26.501–1 Amended	52364

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

32 Authority citation ... 51918
32.91 Added ... 51918
36.41 (e) revised ... 54743
36.51—36.57 (Subpart F) Added ... △4018
50 Authority citation ... 48595
50.101—50.107 (Subpart A) Removed; interim ... 48595
50.601—50.606 (Subpart F) Removed; eff. 10–1–82 ... 48593
51 Removed; eff. 10–1–82 ... 48593
Authority citation ... 48595
51.101 Amended; interim ... 48595
51.102 (a) removed; interim ... 48595
51.103 Revised; interim ... 48595
51.104 Removed; new 51.104 redesignated from 51.105; interim ... 48595
51.105 Redesignated as 51.104; interim ... 48595
51a Removed; eff. 10–1–82 ... 48593
51a.309 Introductory text amended; (a) through (g) removed; interim ... 48595
51b Authority citation ... 48595
51b.301—51b.306 (Subpart C) Removed; eff. 10–1–82 ... 48593
51b.304 (b)(1), (6), (c)(1), (2), (3), and (5), and (d) removed; interim ... 48595
51b.701—51b.706 (Subpart G) Removed; eff. 10–1–82 ... 48593
51e Removed; interim ... 48595
51g Authority citation ... 48593
51g.1 Amended; eff. 10–1–82 ... 48593
51g.4 (c)(2) removed; eff. 10–1–82 ... 48593
51g.5 Introductory text amended; (c) removed; eff. 10–1–82 ... 48593
52.3 (a) introductory text, (1), and (2) revised ... 58675
54 Removed; eff. 10–1–82 ... 48593
Authority citation ... 48595
54.101 Revised; interim ... 48595
54.102 Amended; interim ... 48595
54.103 (d)(2) removed; interim ... 48595
54.104 Revised; interim ... 48595
54.105 Removed; interim ... 48595
54.106 (c)(3), (f)(1), and (g)(3) removed; (g)(2) amended; interim ... 48595
54.107 (a) introductory text revised; (a)(10), (11), and (12), (c), and (d)(3) removed; (d)(1)(i) and (iv) amended; interim ... 48596
54.110 (c)(1) amended; (c)(2) removed; interim ... 48596
54.201—54.203 (Subpart B) Removed; interim ... 48596
54.301 Amended; interim ... 48596
54.302 (b)(2)(iv), (v), and (3) removed; interim ... 48596
54.401 Amended; interim ... 48596
54.501—54.503 (Subpart E) Removed; interim ... 48596
54.601 Amended; interim ... 48596
54a Authority citation ... 48593, 48596
54a.101—54a.107 (Subpart A) Removed; eff. 10–1–82 ... 48593
54a.101 Revised; interim ... 48596
54a.105 Removed; interim ... 48596
54a.201—54a.206 (Subpart B) Removed; eff. 10–1–82 ... 48593
54a.201 Revised; interim ... 48596
54a.203 Revised; interim ... 48596
54a.204 Removed; interim ... 48596
Technical correction ... 55695
54a.205 (b) removed; interim ... 48596
54a.207 Revised; interim ... 48596
54a.208—54a.215 Removed; interim ... 48596
54a.301—54a.306 (Subpart C) Removed; eff. 10–1–82 ... 48593
Authority citation ... 48596
54a.301 Amended; interim ... 48596
54a.303 (a) amended; interim ... 48597
54a.305 (a) revised; interim ... 48597
54a.401—54a.409 (Subpart D) Removed; eff. 10–1–82 ... 48593
54a.401 Revised; interim ... 48597
54a.403 (c)(2) removed; interim ... 48597
54a.404 (k)(1), (m), (n), (o), (q)(1) and (2), (r), (s), (t), and (u) removed; interim ... 48597
54a.405 (a)(4) and (5), (b), (c), and (d) removed; interim ... 48597
54b Removed; eff. 10–1–82 ... 48593
Heading revised; authority citation; interim ... 48597
54b.101 Revised; interim ... 48597
54b.102 Revised; interim ... 48597
55 Removed ... 58676
56a Removed; eff. 10–1–82 ... 48593
Authority citation ... 48597
56a.106 (d) through (j) removed; interim ... 48597

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

	Page
56a.201—56a.206 (Subpart B) Removed; interim	48597
56a.302 (a)(2), (b), and (c) removed; interim	48597
56a.303 (c), (d), (e), (k)(1), (k)(2)(i) and (ii), (m), and (n) removed; interim	48597
56a.304 (b) and (d) removed; interim	48597
56a.305 (b)(4) through (7) removed; interim	48597
56a.306 (a) removed; interim	48597
56a.403 (a)(2), (b), and (c) removed; interim	48597
56a.404 (c), (d), (e), (h), (j), (l)(2)(i) and (ii), (m), and (n) removed; interim	48597
56a.405 (b) and (d) removed; interim	48597
56a.406 (b)(3) through (6) removed; interim	48597
56a.408 (a) removed; interim	48597
59.301—59.310 (Subpart D) Removed; eff. 10–1–82	48593
59.304 (a)(16) and (17) removed; interim	48597
87 Revised	58676
91 Removed; eff. 10–1–82	48593
91.5 (c) introductory text and (4)(i) amended; (c)(3) revised; (c)(7) and (10) removed; interim	48597
100 Policy statement revised	61287
110 Effect of statutory amendments	45694, 51246
122.107 (c)(15) and (17) revised; (c)(19) added	△3552

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

	Page
401.101 Revised	55696
401.102 Revised	55697
401.105 (b)(2) revised	55697
401.106 Added	55697
401.108 Added	55697
401.110 Added	55697
401.112 Added	55697
401.116 Added	55697
401.118 Added	55698
401.120 Added	55698
401.126 Added	55698
401.128 Added	55698
401.130 Added	55698
401.132 Added	55699
401.133 Added	55699
(a)(1) and (c) corrected	59249
401.134 Added	55700
401.135 Added	55700
401.136 Added	55700
401.140 Added	55701
401.144 Added	55701
401.148 Added	55701
401.152 Added	55701
405.201—405.252 (Subpart B) Authority citation	48553
405.232 (c) revised; interim	48554
(c) court order	53664
(c)(2)(iii) corrected	54744
(c) notice of legislation affecting enforcement and implementation	△1386
405.401—405.488 (Subpart D) Authority citation	48546
405.430 (a), (b)(7), (c), (d), and (e) revised; interim	48546
(e)(1) corrected	54744
405.482 (a) uniform implementation withdrawn	49126
405.483 Uniform implementation withdrawn	49126
405.501—405.544 (Subpart E) Authority citation	63274
405.501 Revised; interim	63274
405.504 (a)(2) revised; interim	63274
430 Authority citation	48559
430.1 Amended; interim	48559
431 Authority citation	48527, 48539
431.50 (a) and (c) revised; interim	48527, 48539
(c)(1) and (3) corrected	54744
431.51 Revised; interim (effective in part pending OMB review)	48527
431.54 Added; interim	48527
(d) correctly designated and introductory text corrected	54744
431.55 Added; interim (effective in part pending OMB review)	48528
(f) introductory text corrected	54744
431.630 Revised; interim (effective in part pending OMB review)	48565
Introductory text correctly removed	54744
432.50 (b)(4) removed; interim	48566
433 Authority citation	48559
Authority citation corrected	54744
433.10 (b) revised; interim	48559

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 42, Chapter IV—Continued

Page

433.15 (b)(1) removed; (b)(6) redesignated as (b)(7); new (b)(6) added; interim 48566
(b)(6)(i) corrected 54744
433.139 (c) added; interim (effective in part pending OMB review) 48560
433.203 Corrected 54744
433.213 (b)(2)(ii) corrected 54744
435 Authority citation 48539, 48560
435.2 Introductory text revised; interim 48560
435.3 Amended; interim 48539
Corrected 54744
435.222 (b) introductory text and (2) corrected 54743
435.232 Added; interim 48539
435.324 Introductory text corrected 54743
435.726 Added; interim 48539
435.735 Added; interim 48540
435.821 (b) corrected 54743
435.822 (b)(1) corrected 54743
435.840 (c) corrected 54743
435.841 (b)(1) and (2), and (d) introductory text corrected 54743
436.301 (b)(1)(ii) introductory text corrected 54743
436.811 Corrected 54744
436.812 (c) corrected 54744
436.840 (c) corrected 54744
436.841 (b)(2) corrected 54744
436.843 (b) corrected 54744
440 Authority citation 48528, 48540
440.1 Revised; interim 48540
440.170 (f) revised; interim 48540
440.180 Added; interim 48540
440.200 Revised; interim 48528
440.220 (d) introductory text corrected 54744
440.250 (h) through (k) added; interim 48528, 48541
441 Authority citation 48560
441.10—441.40 (Subpart A) Authority citation 48554
441.10 (f) and (g) added; interim 48554
(f) and (g) court order 53664
(f) and (g) notice of legislation affecting enforcement and implementation ..... △1386
441.12 Added; interim 48554
Court order 53664

Page

Notice of legislation affecting enforcement and implementation ..... △1386
441.25 Added; interim 48554
Court order 53664
Notice of legislation affecting enforcement and implementation ..... △1386
441.155 (d)(1) revised; interim 48560
441.300—441.305 (Subpart G) Added; interim (effective in part pending OMB review) 48541
447.200 Revised; interim 48560
447.205 Revised; interim 58680
447.251 Heading and text corrected 54743
447.252 (f) corrected 54743
447.253 (d) corrected 54743
447.300 Added; interim 48560
447.302 Added; interim 48560
447.304 Added; interim 48560
447.321—447.371 Designated as Subpart D; interim; authority citation 48560
447.341 Removed; interim 48560
447.342 Undesignated center heading and section revised; interim 48560
447.351 Removed; interim 48560
447.352 Removed; interim 48560
456 Authority citation 48561
456.1 (b)(2)(i) revised; interim 48561
456.2 Revised; interim 48566
456.60 Revised; interim 48561
456.160 Revised; interim 48561
456.260 Revised; interim 48561
(a)(1) corrected 54744
456.360 Revised; interim 48561
456.652 (a)(1) revised; interim 48561
462 Authority citation 48566
462.4 (a)(3) and (5) and (c)(1) revised; interim 48566
462.6 (b)(4) removed; (b)(7)(i) revised; interim 48566
462.8 (b)(2) revised; interim 48566
462.11 (a) and (b)(2) revised; (c) and (d) added 48567
462.12 Redesignated as 462.13; new 462.12 added; interim 48567
462.13 Redesignated as 462.14; new 462.13 redesignated from 462.12; interim 48567
462.14 Redesignated as 462.15; new 462.14 redesignated from 462.13; interim 48567

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Page

462.15 Redesignated as 462.16; new 462.15 redesignated from 462.14; interim ... 48567
462.16 Redesignated from 462.15; interim ... 48567
463.1 Amended; interim ... 48567
463.2 Revised; interim ... 48567
463.3 (b)(2) and (c) revised; interim ... 48568
463.4 (c)(1) revised; interim ... 48568
463.5 Revised; interim ... 48568
463.8 (c)(1) revised; interim ... 48568
463.10 Revised; interim ... 48568
463.11 Removed; interim ... 48568
463.15 Revised; interim ... 48568
463.16 (c) revised; interim ... 48568
463.17 Revised; interim ... 48569
463.18 Revised; interim ... 48569
Corrected ... 54745
463.25—463.28 (Subpart C) Heading revised; interim ... 48569
463.27 Removed; interim ... 48569
463.30—463.37 (Subpart D) Removed; interim ... 48569
466.1 (a)(1) and (2) revised; interim ... 48569
(a)(1) and (2) corrected ... 54745
466.2 Amended; interim ... 48569
466.10 (b) and (d) revised; interim ... 48569
466.12 (f)(2) revised; interim ... 48569
466.16 (c) removed; (e) revised; interim ... 48569
466.21 (a)(1) revised; interim ... 48569
466.32 (c) revised; interim ... 48569
466.33 (b)(2) revised; interim ... 48569
466.38 (c) revised; interim ... 48570
466.62 (c)(3) removed; (d) revised; interim ... 48570
(d)(2) corrected ... 54745
473.2 (a) revised; interim ... 48570
478.4 (f)(1) revised; interim ... 48570
478.6 (c)(2) and (f) revised; interim ... 48570
(c)(2) corrected ... 54745
478.102 (a)(3) revised; interim ... 48570
(a)(3) introductory text corrected ... 54745
480 Removed; interim ... 48570

Title 42—*Proposed Rules:*

2—124 (Ch. I) ... 55612
52d ... 58706
86 ... 58706
110 ... 50394, 52566
301—306 (Ch. III) ... 55612
401—489 (Ch. IV) ... 55612

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

Page

4.100—4.128 (Subpart C) Revised ... 57499
7 Removed ... 58425
20 Revised ... 58425
20.735–1 (e)(14) corrected ... △2995
20.735–7 (b)(2)(ii) correctly removed; (b)(2)(iii), (iv), and (v) correctly redesignated as (b)(2)(ii), (iii), and (iv) ... △2995
20.735–8 (b)(5) corrected ... △2995
20.735–9 (b)(1) corrected ... △2995
20.735–22 (a)(3) corrected ... △2995
20.735.24 (b)(2) introductory text, (i), (ii), (d)(4), and (e)(1)(i) and (ii), and (3)(i) corrected ... △2995
20.735.27 (b)(3) introductory text and (i) and (e)(2)(i) corrected ... △2995
20.735–28 (c)(1) corrected ... △2996
20.735–30 (a) corrected ... △2996
20.735–31 (a)(7) and (9) corrected ... △2996
20.735–36 (a) corrected ... △2996
20 Appendixes C through G notice of revision availability ... △2316

Chapter I—Reclamation Bureau, Department of the Interior

428 Removed ... △624

Chapter II—Bureau of Land Management, Department of the Interior

1820.2–1 (d) amended ... 58316
3100.0–3 (d)(5) revised; (d)(7) amended ... 62042
3101.4–5 Revised ... 62042
3101.4–7 Heading revised ... 62043
3103.1–3 Amended ... △2864
3103.2–1 (a) amended ... △2864
3103.3–2 (f) added ... △2864
3109.5–2 (e) and (g) heading revised ... 62043

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 43, Chapter II—Continued

	Page
3111.1–3 (e) and (g) heading revised	62043
(a) amended	△2864
3111.2–2 (a) amended	△2864
3130 Redesignated as 3140; new 3130 added	55497
3140 Redesignated from 3130	55497
3500.0–3 (c)(7) revised; (c)(9) amended	62043
3500.1–3 (f) and (h) heading revised	62043
3504.1–2 (f) and (h) heading revised	62043
3566.1—3566.4 (Subpart 3566) Revised	62043
3568.0–3 Amended	62044

Public Land Orders

	Page
80 Revoke in part by PLO 6040	49871
559 *See* PLO 6044	49869
642 Revoked in part by PLO 6057	53170
814 Revoked by PLO 6013	48671
1131 Revoked in part by PLO 6048	51246
1272 Amended by PLO 6002	48671
1450 Amended by PLO 6010	48672
1581 Revoked by PLO 6017	48668
2278 Revoked in part by PLO 5996	48669
2354 Revoked in part by PLO 6049	53169
2545 Revoked by PLO 6088	57290
3026 Amended by PLO 6001	48675
3249 Amended by PLO 6058	53162
3917 Revoked by PLO 6022	48674
3961 Revoked by PLO 6060	53162
4788 *See* PLO 5996	48669
5161 *See* PLO 6002	48671
5169 Amended by PLO 6092	57048
5170 Amended by PLO 6092	57048
5171 Amended by PLO 6092	57048
5172 Amended by PLO 6092	57048
5173 Amended by PLO 6092	57048
Amended by PLO 6098	61472
5174 Amended by PLO 6092	57048
5176 Amended by PLO 6092	57048
5178 Amended by PLO 6092	57048
5179 Amended by PLO 6092	57049
5180 Amended by PLO 6092	57049
Amended by PLO 6098	61472
5184 Amended by PLO 6098	61472
5191 *See* PLO 6092	57048
5192 *See* PLO 6092	57049
5193 *See* PLO 6092	57049
5213 *See* PLO 6092	57048
5214 *See* PLO 6092	57048
5242 Amended by PLO 6092	57048
See PLO 6092	57049
5250 *See* PLO 6092	57048
5251 *See* PLO 6092	57048
5253 *See* PLO 6092	57048
5255 *See* PLO 6092	57048
5256 *See* PLO 6092	57048
5257 *See* PLO 6092	57048
5321 *See* PLO 6092	57048
5353 Amended by PLO 6092	57048
5389 *See* PLO 6092	57048
5391 *See* PLO 6092	57048
5392 *See* PLO 6092	57048
5393 *See* PLO 6092	57048
5395 *See* PLO 6092	57048
5396 *See* PLO 6092	57048
5411 *See* PLO 6092	57048
5418 *See* PLO 6092	57048
5428 *See* PLO 6092	57048
5442 *See* PLO 6092	57048
5450 *See* PLO 6092	57048
5501 *See* PLO 6092	57048
5556 *See* PLO 6092	57048
5557 *See* PLO 6092	57048
5804 Corrected	62068
5844 Amended by PLO 6020	48666
5861 Corrected by PLO 6009	48674
5924 Corrected by PLO 6096	62451
5932 Corrected by PLO 6055	53163
5996	48670
5997	48675
5998	48669
5999	48674
6000	48675
6001	48675
6002	48671
6003	48673
6004	48672
6005	48667
Corrected	55264
6006	48676
6007	48673
6008	48670
6009	48674
6010	48672
6011	48668
6012	48670
6013	48671
6014	48673
6015	48671
6016	48668
6017	48668
6018	48669

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

	Page
6019	48667
6020	48666
6021	48666
6022	48674
6023	48669
6024	48676
6025	49870
6026	49876
6027	49872
6028	49872
6029	49873
6030	49873
6031	49873
6032	49875
6033	49872
6034	49868
6035	49876
6036	49877
6037	49868
6038	49874
6039	49875
6040	49871
6041	49868
Corrected	55991
6042	49871
6043	50541
6044	49869
6045	49874
6046	49875
6047	49876
6048	51246
Corrected	56200
6049	53169
6050	53169
6051	53169
6052	53168
6053	53171
6054	53163
6055	53163
6056	53168
6057	53170
6058	53162
6059	53170
6060	53162
6061	53163
6062	53164
6063	53167
6064	53167
6065	53164
6066	53170
6067	53166
6068	53417
6069	53166
6070	53165
6071	53166
6072	53165
6073	53165
6074	53167
6075	56787
Corrected	58086
6076	54345
6077	54344
Corrected	56616
6078	54345
6079	54345
6080	54344
6081	55265
6082	55265
6083	56787
6084	57289
6085	57288
6086	57290
6087	57289
6088	57291
6089	57290
6090	59542
6091	57290
6092	57048
See PLO 6098	61472
6093	58491
6094	59974
6095	62450
6096	62451
6097	62451
6098	61472
6099	63047
6100	△21
Corrected	△3355
6101	△769

Title 43—*Proposed Rules:*

1—35 (Subtitle A)	53870, 58346, 60022
	△2381
230—430 (Ch. I)	53870
426	63331
	△2890
1600—9260 (Ch. II)	53870
1600	57448
3100	53645, 58109
3110	43645, 58109
3300	58264
3400	61390, 63062
3410	61390
3420	61390
3430	61390
3440	61390
3450	61390
3460	61390
3470	61390
3500	63331
4100	56132
	△1155
8350	51258, 61677

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

Page

9.11 (e)(1), (2) and (3) revised 51752
10 Heading corrected 55116
10.8 (c)(2)(vii)(J) revised; (c)(2)(vii)(K) and (L) removed; (c)(2)(vii)(M) redesignated as (c)(2)(vii)(K) and revised 54346
64.6 Table amended 48686, 52108, 52110, 52112, 54547, 56617, 57506, 57508, 57509, 60448, 60450, 60452, 62069
Conversion effective date established 49126
Table corrected 51756
Table amended △3118, 3119, 3355, 4260
Table corrected △4083
65.3 Table amended 48678, 54550, 57512, 62071
65.4 Table amended; interim 58316, 63045
Table amended 60453
Table amended △3357
Table amended; interim △3358
65.6 Revised △3121
Amended △3122
65.7 Table amended 51756, 57291, 57292
Table amended △3123
65.8 Table amended 54553, 57898
Table amended △769
66.1 (c)(4) added △771
66.4 Revised △771
66.5 Revised △771
66.6 Removed △771
67 Flood elevation determinations 48932, 50789, 51757, 52115, 57517, 57519, 57679, 58319, 60207, 60581, 61872, 63049
Flood elevation determinations △22, 3123, 3773
70 Map amendments 51759–51774, 54347–54365, 57292–57299, 57898–57901, 60207, 60208, 61873–61879, 63050
Map amendments △772, 773, 3124, 3125
81.1 (b) revised 63051

Title 44—*Proposed Rules:*

Page

0—360 (Ch. I) 54386
13 △2491
61 63085
67 48255–48257, 48722, 48725, 48730, 48956, 49149, 49150, 49612, 51780–51783, 51940–59142, 52143, 54599, 54606–54612, 54975, 57329–57332, 57573–57581, 57698, 59278, 60218–60220, 61898, 61900–61907, 62099, 62113, 63094, 63332 △3012, 3140–3147, 3379
68 61299
80 61146
81 61146
82 61146
83 61146
84 61146
205 △827

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

16 Appendix A amended; interim 48592
74.4 (a) amended; interim 48592
96 Added; interim 48587

Chapter II—Office of Family Assistance (Assistance Programs), Department of Health and Human Services

205 Technical correction 50797
224.1 Amended; interim 48613
Amendments republished 48652
224.16 (b) revised; interim 48613
(b) revision republished 48652
224.20 (a) and (c)(4) revised; (b)(10) added; interim 48613
(a) and (c)(4) revision and (b)(10) addition republished 48652
224.21 (a)(5) revised; interim 48614
(a)(5) revision republished 48652
224.22 (e) revised; (f) and (g) redesignated as (g) and (h); new (f) added; interim 48614
Revision, redesignations, and addition republished 48652
224.30 (a), (b)(2) and (3), and (e) revised; (b)(5) removed; interim 48614
Revisions and removal republished 48653

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Page

224.32 Revised 48614
Revision republished 48653
224.34 (a) revised; interim 48614
(a) revision republished 48653
224.41 Revised; interim (effective pending OMB review) 48615
Revision republished 48653
224.50 (e) revised; (h) added; interim 48615
(e) revision and (h) addition republished 48653
224.51 Revised; interim 48615
Revision republished 48654
224.63 (a) revised; (b)(2) removed; (b)(3) redesignated as (b)(2) and revised; (b)(4) through (8) redesignated as (b)(3) through (7) and republished; interim 48615
Revisions, removal, and redesignations republished 48654
224.76 Removed; interim 48616
Removal republished 48654
233.20 Amendatory language corrected 50372
233.100 Amendatory language corrected 50372
260 Removed; interim 48598

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health and Human Services

302.35 Revised 54556
302.70 Removed 54557
303.70 Added 54557
303.15 Added 54557
303.69 Added 54559
304.20 (b) introductory text revised 54559
304.23 (h) added 54559

Chapter XI—National Foundation on the Arts and the Humanities

1170 Added 55897

Chapter XII—ACTION

1203.5 (a)(1) amended ..... △3553
1207.2–2 Amended ..... △3553
1208.2–2 Amended ..... △3553
1209.2–2 (a) amended ..... △3553

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

Page

1391—1393 (Subchapter J) Heading revised; interim 48598
1391 Removed; interim 48598
1393 Removed; interim 48598
1395 Removed; interim 48598
1396 Removed; interim 48598

Title 45—*Proposed Rules:*

1—99 (Subtitle A) 55612
74 58706
201—282 (Ch. II) 55612
206 54613
233 ..... 53720, 57065
301—306 (Ch. III) 55612
400 60629
401 60629
600—670 (Ch. VI) 52142
680 ..... △193
681 ..... △193
682 ..... △193
683 ..... △193
684 ..... △193
1100—1160 (Ch. XI) 49913, 53725
1300—1397 (Ch. XIII) 55612
1336 58706

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

3 Added 56202
4.01–3 Effective date confirmed 49877
4.02–3 Redesignation effective date confirmed 49877
4.03–1 (b) and (c) effective date confirmed 49877
4.03–5 Removal effective date confirmed 49877
4.05–1 Effective date confirmed 49877
4.05–5 Effective date confirmed 49877
4.05–30 Effective date confirmed 49877
4.07–50 Removal effective date confirmed 49877
14.20–1—14.20–15 (Subpart 14.20) Added 56203
24.10–20 Revised 56204
26.08–1—26.08–25 (Subpart 26.08) Effective date confirmed 49877
34 Incorporation by reference approvals corrected 63478
35.15–1 (a) and (b) effective date confirmed 49877
45.139 (b) revised; (c) added 56788

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 46, Chapter I—Continued

Page

76 Incorporation by reference approvals corrected 63478
78.07–1 (a) effective date confirmed 49877
78.07–5 Effective date confirmed 49877
97.07–1 (a) effective date confirmed 49877
97.07–5 Effective date confirmed 49877
109.411 (a) and (b) effective date confirmed 49877
151 Incorporation by reference approvals corrected 63478
151.01–10 (b) table revised; eff. in part 12–31–82 63276
151.05–1 Table 151.05 amended; eff. in part 12–31–82 63277, 63279
151.50–20 (b)(1) amended; eff. in part 12–31–82 63279
151.50–71 Added; eff. in part 12–31–82 63279
151.50–72 Added; eff. in part 12–31–82 63279
151.50–73 Added; eff. in part 12–31–82 63279
151.50–74 Added; eff. in part 12–31–82 63279
151.50–75 Added; eff. in part 12–31–82 63279
151.50–76 Added; eff. in part 12–31–82 63279
151.50–77 Added; eff. in part 12–31–82 63279
151.50–78 Added; eff. in part 12–31–82 63279
151.50–79 Added; eff. in part 12–31–82 63279
151.50–80 Added; eff. in part 12–31–82 63280
151.50–81 Added; eff. in part 12–31–82 63280
151.50–82 Added; eff. in part 12–31–82 63280
151.50–83 Added; eff. in part 12–31–82 63280
151.50–84 Added; eff. in part 12–31–82 63280
151.50–85 Added; eff. in part 12–31–82 63280
153 Incorporation by reference approvals corrected 63478
160.017–1—160.017–27 (Subpart 160.017) Revised 63286
161 Incorporation by reference approvals corrected 63478
163.002–1—163.002–27 (Subpart 163.002) Added 63287
163.003–1—163.003–29 (Subpart 163.003) Added 63291
164 Incorporation by reference approvals corrected 63478
167 Incorporation by reference approvals corrected 63478
167.65–65 (a) and (b) effective date confirmed 49877
185.15–1—185.15–25 (Subpart 185.15) Effective date confirmed 49877
188.01–1 Revised 56204
188.01–3 (a) amended 56204
188.01–10 Amended 56204
188.05–1 (a) table amended 56204
188.05–2 Heading, (a), and (b) amended 56204
188.05–3 (b) and (c) amended 56204
188.05–5 Amended 56204
188.05–33 (a) amended 56204
188.10–49 Revised 56204
188.10–53 Revised 56204
188.10–67 Amended 56204
188.10–71 Amended 56204
188.10–77 Amended 56204
189.60–1 (a) and (b) amended 56204
189.60–45 (a) amended 56204
193 Incorporation by reference approvals corrected 63478
196.07–1 (a) effective date confirmed 49877
196.07–5 Effective date confirmed 49877
197 Incorporation by reference approvals corrected 63478

Chapter II — Maritime Administration, Department of Transportation

281 Determination 48198
310.58 (c) revised 62451

Chapter IV—Federal Maritime Commission

510 Authority citation; note added 62652
510.1 Existing text designated as (a); (b) added 62652
510.32 (j) effective date deferred in part 48199
511 Removed 53176

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Page

512.2 (a), (d), (e), (f)(1)(i), (g), (h) amended; (b), (f) introductory text, and (l) revised; (p) added 53174
512.3 Introductory text and (a) amended 53175
512.5 (f)(2)(ii), (vii), (viii) amended; (o), (s), (t), and (u) revised 53175
512.6 (a)(1) introductory text, (2), (b)(1)(i)(A), (B), (5) and (6) revised; (b)(1) introductory text, (2)(i), and (4)(i) amended; (b)(4)(iii) removed 53175
(b)(7), (c)(9)(i), (e)(2), and (f)(2) amended; (c)(3) and (11) revised 53176
520 Heading revised; existing text designated as Subpart A 51247
520.10—520.14 (Subpart B) Added 51247
522 Authority citation; note added 62652
522.1 Existing text designated as (a); (b) added 62652
523 Authority citation; note added 62652
523.1 (c) added 62652
524 Authority citation; note added 62652
524.1 Existing text designated as (a); (b) added 62652
524.2 (d) added 48200
524.3 Amended 48200
534 Authority citation; note added 62652
534.1 Existing text designated as (a); (b) added; authority citation removed 62652
534.2 Authority citation removed 62652
536 Authority citation; GAO clearance removed; note added 62653
536.0 (c) added 62653
540.1—540.9 (Subpart A) Authority citation revised; note added 62653
540.1 Existing text designated as (a); (b) added 62653
540.9 Note removed 62653
540.20—540.27 (Subpart B) Authority citation revised; note added 62653
540.30—540.36 (Subpart C) Authority citation revised 62653

Page

540 Appendix A note removed 62653
542 Authority citation; GAO clearance removed; note added 62653
542.1 (d) added 62653
547 Authority citation; note added 62653
547.1 (c) added 62653
547.4 (a) introductory text amended; (a)(3), (12), and (18) revised; (a)(30) through (35) added ..... △3360
551 Authority citation; GAO clearance removed; note added 62653
551.1 (m) added 62653

Title 46—*Proposed Rules:*

1—197 (Ch. I) 48422
10 53624
33 49914
42 55278
50 49078
66 ..... 49078, 56318
67 56318
68 56318
69 56318
..... △2131
75 49914
94 49914
106 49078
110 49078
160 49914
180 49914
192 49914
201—391 (Ch. II) 53462, 56988
401—403 (Ch. III) 48422
500—552 (Ch. IV) 57066
510 62667
..... △215
536 ..... 54390, 54391, 62669
..... △655, 4098

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.11 (h) added 51248
Revised 59975
0.12 Revised 59976
0.31 Technical correction 53176
0.41 (p) added 57050
Technical correction ..... △1294
0.42 (d) added 57050
Technical correction ..... △1294

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 47, Chapter I—Continued

	Page
0.171 Undesignated center heading and section removed	57050
Technical correction	△1294
0.251 (f) and (g) added	57050
Technical correction	△1294
0.311 (e) added	△1395
Technical correction	△2865
0.361 Revised	58681
0.362 Added	58681
0.363 Added	58681
0.365 Revised	58682
0.367 Revised	58682
0.371—0.377 Undesignated center heading removed	57050
0.371 Removed	57050
Technical correction	△1294
0.377 Removed	57050
Technical correction	△1294
1.267 (c) revised	△3786
1.301 (c)(6) revised	58682
1.403 Revised	60403, 60404
1.405 Introductory text added	60403
Introductory text revised	60404
1.420 (a) and (b) revised	60404
1.959 Revised	52365
1.1501—1.1530 (Subpart K) Added	△3786
2.102 (h) added	51250
2.105 (a) and (b) removed	51251
2.106 Table amended; footnote NG 21 removed	50376
Table amended	52370
Footnote NG 15 corrected	53176
Table amended; footnote NG 122 added	△955
Table amended; footnote NG 128 added	△1391
2.1202 (a) revised; (c) added	52366
2.1203 Revised	52366
2.1205 Revised	52366
2.1207 Revised	52366
2.1209 Revised	52366
2.1211 Revised	52366
2.1215 Revised	52366
2.1219 (b) revised	52367
15.63 (d) revised	55527
15.120 Introductory text revised	55527
15.122 Added	55527
15.141 (c) revised	55527
15.142 Table amended	55527
15.182 Removed	55527
15.183 Removed	55527
15.184 Heading and introductory text revised	55527
15.185 (a) amended; (b) removed	55527
15.201—15.215 Undesignated center heading added	55527
15.201 Added	55527
15.202 Added	55528
15.203 Added	55528
15.204 Added	55528
15.205 Added	55528
15.207 Added	55528
15.211 Added	55528
15.213 Added	55529
15.215 Added	55529
15.221—15.228 Undesignated center heading added	53180
15.221 Added	53180
15.224 Added	53180
15.225 Added	53180
15.226 Added	53180
15.227 Added	53180
15.228 Added	53180
15.770—15.783 (Subpart I) Added	53180
21.801 (a) footnote 6 added	△955
22.521 (b) table amended	60404
22.601 (c) removed	50376
22.900—22.917 (Subpart K) Application filing date deferred	53665
31.2–20 (d) revised	52376
31.171 (c) implementation	50952
33.31 (d) revised	52376
34.1–1 (c) revised	52376
35.1–1 (d) revised	52376
63.01 (r) added	58687
Technical correction	59976
63.58 Added	58687
Technical correction	59976
64.702 Reconsideration of prior determinations	59976
73.202 (b) table amended	48203, 48204–48206, 50542, 50543, 50797, 50799, 50959, 50960, 53418, 56689, 56789–56793, 56795–56798, 58690, 58691, 59543, 59544, 60455, 60457, 61659, 62077, 62857, 62858, 62860
Petition denied	58688
(b) table amended	△2117, 2867, 2868, 2870–2872
73.220 (c) removed	50376
73.293 (a) introductory text revised; (a)(3) added	△1391
73.603 (b) revised	50376
73.606 (b) table amended	59544, 60455, 60456, 61289, 61290, 61658, 62356

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Page

73.653 (d) added ..... △3791
73.676 (f) removed ..... △3790
73.677 Revised 51252
73.699 Figures 13, 14, and 15 removed ..... △3790
73.733 Revised ..... △151
73.1020 (a) revised 57051
73.1201 (d) added ..... △3791
73.1820 (a)(4)(i)(C) removed ..... △3790
73.1930 (a) revised ..... △3791
73.3500 Table amended 55117
Table corrected 56618
73.3526 (a)(8) revised 55117
73.3548 Revised 51252
73.3610 Removed 55117
73.4065 Revised ..... △3792
73.4082 Added ..... △3792
73.4246 Added ..... △3792
73.4247 Added ..... △3792
73.4267 Added ..... △3792
74.15 (d) introductory text and (1) through (10) revised; (f) redesignated as (e) ..... △151
74.23 Added ..... △1395
Technical correction ..... △2865
74.602 (a) amended ..... △955
74.702 (b)(1) amended 50376
74.1202 (b)(3) amended 50376
81.303 (c) removed 60458
81.312 (a)(6) removed 49589
81.913 (b) revised 61887
83.115 (a)(1) and (2) corrected ..... △2317
83.134 (l)(4) through (6) added 61887
83.465 (c) revised 51616
(b) corrected ..... △2317
90.17 (b) table amended; (c)(25) added 52372
90.19 (d) table amended; (e)(4) removed 52372
90.79 (c) table corrected 59996
90.129 (m) added 52372
90.141 Revised 52365
90.173 (j) added 55704
90.176 Added 55704
90.205 (b) introductory text revised; (b) table footnote 9 added 52372
90.207 (e) revised 52373
90.209 (b)(3), (d)(1), (2), and (3) revised 52373
90.213 (a) table amended; footnotes 4 through 13 redesignated as 5 through 14; new footnote 4 added 52373
90.237 (g) added 52373

Page

90.264 Added 52373
90.365 (a)(1)(i) and (3) revised 58693
90.555 (b) table amended 52374
97.61 (b)(2) corrected 53176
(a) revised ..... △2873
Technical correction ..... △3360
97.65 (d), (e), and (f) revised ..... △2873
Technical correction ..... △3360
97.84 (a) revised; (h) added 50800
99.1 (c) added 52374

Title 47—*Proposed Rules:*

0—99 (Ch. I) 49617, 50563, 51259, 55279, 55726, 56466, 62869
1 ..... 58110, 60022
2 ..... 49617, 51784, 55124, 56473, 60221, 60633 ..... △983, 1308, 3799
15 ..... 50569, 53462 ..... △216, 836, 3799
21 ..... 55124, 56473, 57332
22 ..... 49621, 60022
25 ..... 57067 ..... △3573
31 53463
33 53463
42 53463
43 53463
63 48733
64 60839
67 ..... 63344, 63354, 63357
68 48733
73 ..... 48258, 49624, 50569–50571, 50810, 50988–50990, 51260, 52145, 52151, 52152, 52398, 53469, 53471, 53725, 53726, 54787, 55125, 55283, 56214, 56831, 56833, 56835, 56836, 57078, 58710, 58712–58716, 58718, 58719, 58721–58724, 58726, 58727, 59555, 59557, 59559, 59561–59563, 60023, 60478, 60480, 60851, 61301, 61303–61305, 61677, 61679, 62113, 62870, 62871, 62874–62876, 62878, 62880 ..... △58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385, 2890, 2891, 2893, 3388, 3389, 4321
74 ..... 60024, 60222 ..... △983, 3807, 4323
81 ..... 49621, 50573, 58347, 60022, 60633, 62113 ..... △2894, 4322
83 ..... 49621, 50573, 51784, 60022, 60633, 62113 ..... △2894, 4322
87 51784
90 ..... 52402, 58728, 59564, 60031 ..... △1310, 3799
94 ..... 55124, 57332
95 53473
97 ..... 49617, 50991, 50993, 50996, 53473, 60033, 60859

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

TITLE 48 [1]

Chapter I—Office of Federal Procurement Policy, Office of Management and Budget

Title 48—*Proposed Rules:* Page

7 60634
13 ..... △1400
15 ..... 50997, 62670
17 50997
..... △1400
22 ..... 56223, 60634, 62670
34 60634
37 ..... 50997, 56223
43 62670
49 56223

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.45 (a) introductory text and (12) revised 55265
1.46 (ff) and (gg) added 63294
(d) revised ..... △1122
1.47 (m) added 63294
1.48 (w) added 63294
1.49 (x) added 63294
1.53 Introductory text revised; (a)(7) added 63294
1.55 Introductory text and (f) revised 55266
6 Added; interim 49879
23.5 (b) revised; (c) through (e) redesignated as (d) through (f); new (c) added 60459

Chapter I—Research and Special Programs Administration, Department of Transportation

171.7 (d)(5)(x) through (xii) and (d)(25) added; (d)(19) revised 62455
172.101 Table amended 49884, 49891, 58694
Petitions denied 58086
172.336 (c)(8) amended 50801
173 Appendix A correctly designated 55266
173.23 (c) added 62455
173.31 (a)(5) revised; (b)(3) amended 49892

[1] Reserved for Federal Acquisition Regulations.

Page

173.34 (e) introductory text table amended; (e)(4) and (f)(4) revised 62455
173.60 (a)(4), (5), (b)(1), (c)(1), (d)(1) and (d)(3) amended 49892
173.63 (a)(2), (c)(1) and (2), and (d)(2) amended; (b) introductory text and (e)(1) revised 49892
173.64 (a)(1) revised 49892
173.65 (a)(1), (b)(1), (c)(1) and (2), (g) introductory text, and (h)(1) revised; (i)(1) and (2) amended 49892
173.66 (e)(1) revised 49892
173.68 (d)(1) revised 59892
173.79 (a)(1) revised 49892
173.91 (a)(2) revised; (b)(1), (c)(1), (d)(1), (e)(1) and (g)(1) amended 49893
173.92 Heading and (a)(1) revised 49893
173.93 (a)(5), (6), (8), (9) and (11), (b)(3) and (d)(3) revised; (e)(1) and (g)(1) amended 49893
173.94 (a)(1) revised 49893
173.95 (a)(1) revised 49893
173.108 (a)(2) revised 49893
173.109 (a)(1) revised 49894
173.111 (a)(1) revised 49894
173.112 (a)(1) revised 49894
173.119 (m)(2) amended; (m)(14) revised 49894
(b)(6) added 58694
(m)(9) revised 62455
173.121 (a)(3) revised 49894
(a)(7) added 62455
173.122 (a)(2) and (b)(1) revised 49894
173.123 (a)(1) revised 49894
173.124 (a)(1) amended 49894
173.126 Revised 62455
173.128 (a)(3) revised 58694
173.131 (a)(2) revised 58694
173.132 (a)(2) revised 58695
173.133 (a)(1) and (b)(1) revised 49894
173.134 (a)(2) revised 49894
(a)(1) introductory text revised 62455
173.135 (a)(1) revised 49894
(a)(6) revised 62455
173.136 (a)(1) revised 49894
(a)(5) revised 62455
173.137 (a)(1) revised 49894
(a)(3) revised 62455
173.138 Revised 62455

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

	Page
173.139 (a)(1) and (a)(2) revised	49895
173.140 (a)(1) revised	49895
173.141 (a)(1) revised	49895
(a)(9) revised	62456
173.143 (a)(2) revised	49895
173.145 (a)(2) revised	49895
173.154 (a)(8) revised	49895
(a)(5) added	58695
173.155 (a)(1) revised	49895
173.156 (a)(1) revised	49895
173.157 (a)(1) revised	49895
173.158 (a)(1) revised	49895
173.160 (a)(1) revised	49896
173.161 (a)(1) revised	49896
173.163 (a)(4) revised	49896
173.164 (a)(3) revised	49896
(a)(7) added	58695
173.175 (a)(1) revised	49896
173.176 (d)(1) revised	49896
173.177 (a)(2) revised	49896
173.178 Heading and (a) introductory text revised	58695
173.182 (b)(6)(ii) amended	58695
173.184 (a)(2) revised	49896
173.187 Heading, (a) introductory text, and (1) revised	49896
173.188 (a)(1) revised	49896
173.189 (a)(1) revised	49896
173.190 (b)(1) and (c)(1) revised	49896
173.191 (a)(1) revised	49896
173.193 (a)(1) revised	49897
173.195 (a)(1) and (b)(2) revised	49897
173.197 (a)(1) revised	49897
173.201 (a)(2) revised	49897
173.202 (a)(1) revised	49897
173.203 (a)(1) amended	49897
173.204 (a)(1) revised	49897
173.205 (a)(1) revised	49897
173.206 (b)(1), (e)(1), and (f) revised	49897
173.207 (a)(1) and (b)(1) revised	49897
173.208 (a)(1) and (b)(1) reviseed	49897
173.214 (a)(1) and (c)(1) amended	49898
173.216 (a)(1) revised	49898
173.218 (a)(1) revised	49898
173.220 Heading and introductory texts of (b) and (b)(2) revised	58695
173.221 (a)(2) revised	49898
173.222 (a)(1) revised	49898
173.223 (a)(1) revised	49898
173.224 (a)(1) revised	49898
173.225 (a) introductory text and (1) revised	49898
173.226 (a)(1) revised	49898
173.230 (a)(1) and (a)(4) amended	49899
173.231 (a)(1) revised	49899
173.233 (a)(1) revised	49899
173.238 (a) revised	49899
173.239 (a)(1) revised	49899
173.245 (a)(7) revised	49899
(a)(38) added	58695
(a)(28) revised	62456
173.247 (a)(1), (5) and (6) revised	49899
173.248 (a)(3) revised	49899
173.249 (a)(2) and (b)(3) revised	49899
173.251 (b)(1) amended	49900
(a)(1) revised	62456
173.252 (a)(1) revised	49900
173.253 Heading and (a)(1) revised	49900
173.254 (a)(2) revised	49900
173.255 (a)(3) revised	49900
173.256 (b) added	58695
173.257 (a)(7) and (c) revised	49900
173.259 (a)(1) revised	49900
173.261 (a)(1) revised	49900
173.262 (a)(4) and (b)(3) revised	49900
173.263 (a)(1) revised	49900
(a)(8) added	58695
173.264 (a)(1) revised	49900
173.265 Nomenclature change; heading, (a)(1) and (c)(3) revised	49900
173.266 (a)(1), (b)(1) and (c)(4) revised	49901
173.267 (a)(1) and (c)(1) revised	49901
173.268 (d)(1), (e)(1), (i)(1) and (j)(1) revised	49901
173.269 (a)(1) revised	49901
173.270 (a)(1) revised	49901
173.271 (a)(4) revised	49902
173.272 (g) and (i)(1) revised	49902
173.273 (a)(1) revised	49902
173.274 (a)(1) revised	49902
173.275 (a)(1) revised	49902
173.276 (a)(2) revised	49902
(a)(12) added	58695
173.277 (a)(1) revised	49902
(c) added	58695
173.278 (a)(1) and (b)(1) revised	49902

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 49, Chapter I—Continued

Page

173.280 (a)(1) revised 49902
(a)(6) revised 62456
173.281 (a)(1) revised 49902
173.282 (a)(1) revised 49902
173.288 (a)(1) revised 49902
173.291 (a)(6) revised 49903
173.293 (a)(1) revised 49903
173.295 (a)(1) revised 49903
173.298 (a)(1) revised 49303
173.300 (i) added 49887
173.301 (k) introductory text revised 58695
(d)(2) and (3) revised; (h) table amended 62456
173.302 (a)(2) revised 49903
(a)(5) added; (a)(4)(ii), (iii), and (f) revised 62456
173.304 (a)(2) table amended 49887
(a)(2) table and (f)(1) amended 49903
(a)(2) table amended; (a)(3) and (4) added; (d)(3)(i) revised 62457
173.314 (c) table amended 49887
173.315 (a)(1) and (h) tables amended 49888
(m)(5) and (6) revised; (7) added 49903
173.328 (a)(2) revised 62457
173.329 (a)(2) revised 49903
173.331 (a) introductory text revised; (a)(1) amended 49903
173.332 (c)(1) amended 49903
(a)(2) revised 62457
173.336 (a)(2) revised 62458
173.337 (a)(1) and (2) revised; (a)(3) and (4) removed 62458
173.345 (a)(1) revised 49903
173.346 (a)(9) revised 49903
173.347 (a)(1) revised 49904
173.351 (a)(1) revised 49904
Revised 62458
173.352 (a)(3) revised 49904
173.353 (a)(2) amended 49904
173.354 (a)(1) revised 49904
(a)(3) revised 62458
173.356 (a)(2) revised 49904
173.357 (a)(1) and (c)(1) amended; (c)(2) revised 49904
(b)(3) revised 58696
173.358 (a)(3) revised 49904
(a)(7) revised 62458
173.359 (a)(4) and (b)(3) revised 49904
173.360 (a)(2) revised 49904
173.362 (a)(2) revised 49904

Page

173.365 (a)(8) and (9) revised 49904
(a)(11) added 58696
173.369 (a)(7) and (8) revised 49905
173.370 (a)(1) and (c)(2) revised 49905
173.372 (a)(2) revised 49905
173.375 (a)(1) revised 49905
(a)(3) added 58696
173.377 (a)(2) and (b)(2) revised 49905
173.382 (a)(3) revised 49905
173.384 (a)(2) amended 49905
173.385 (a)(1) and Note 1 revised 49905
173.500 (b)(2) introductory text revised 49905
173.505 (b) revised 58696
173.1060 Removed 49905
173 Appendix A amended 49906
175.10 (a)(12) introductory text revised 49906
175.310 (c)(1) revised 58696
176.340 Revised 58696
178.46 Added 62458
178.46–1—178.46–16 Added 62458
178.51–2 Revised 58696
178.51–10 (b) and (c) revised; (d) added 58696
178.51–12 Revised 58696
178.51–13 Revised 58697
178.51–19 (c) revised 58697
178.118–10 (a) introductory text revised 58697
178.245–6 (a) introductory text amended 49906
178.251–7 (a) introductory text amended 49906
178.255–14 (a) introductory text amended 49906
179.102–1 (a)(1) revised; (a)(6) added 49906
(a)(1) corrected 55286
179.102–4 (a)(4) added 49906
179.105–9 Correctly removed 49888, 51775
179.200–7 (d) table amended 49906
179.200–14 (c) revised 49906
179.220–7 (d) table amended 49906
179.220–15 (b) amended 49906

Chapter III—Federal Highway Administration, Department of Transportation

387 Form MCS–82 corrected 56799
391.43 (c) amended 53418
399.203 Amended 56799

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

Page

512 Effective date deferred to 6–1–82 55266
525.6 (g) effective date deferred to 6–1–82 55266
525.12 Effective date deferred to 6–1–82 55266
525.13 Removal effective date deferred to 6–1–82 55266
537.5 (c)(7) effective date deferred to 6–1–82 55266
537.11 Effective date deferred to 6–1–82 55266
537.12 Removal effective date deferred to 6–1–82 55266
555.5 (b)(6) effective date deferred to 6–1–82 55266
555.10 (b) effective date deferred to 6–1–82 55266
571.101–80 Amended ..... △2998
571.105 Amended; eff. 9–1–83 61893
571.109 Amended 57902, 61478
571.110 Amended 61479
571.208 Amended 53427
571.213 Amended and corrected 51252

Chapter VIII—National Transportation Safety Board

801 Appendix revised 48207
826 Added 48209
830.15 (a) revised ..... △773

Chapter X—Interstate Commerce Commission

Chapter X Program modifications 50070
Program modification clarification 54745
Program modification corrected 54746
1001.1 Revised 54948
1002.2 (d)(47) and (48) added 54947
1016 Added 61660
1033.1473 Revised 48214, 50961, 54560, 55267, 56799, 59996, 62861
(n) revised 57692
(n) revised ..... △151
Revised ..... △774, 2482
Decision ..... △4261
1033.1474 Revised 54747
(n) revised ..... △152
1033.1493 (n) revised 49127, 54562, 58491
(n) revised ..... △625
1033.1495 Revised 48212
(n) revised 54560, 57691
(n) revised ..... △152
Revised ..... △776
Decision ..... △4261
1033.1498 Added 55705
1033.1499 Added 58697
1034.1344 Revised 48938, 54948
1039.1 Interim revision removed 48216
1039.2 Interim removal removed 48216
1039.3 Interim revision removed 48216
1039.4 Interim revision removed 48216
1039.5 Interim rule removed 48216
1039.6 Interim rule removed 48216
1048.10 (c) revised 56424
1056 Effective compliance date 2–1–82 62654
1056.2 (a)(1) Form OCP–100 revised 62655
(a)(1) Form OCP–100 corrected ..... △777
(a)(1) Form OCP–100 corrected copies availability ..... △3553
1100.9 Revised 51253
1100.251 (h)(7) revised 57052
1100 Appendix F corrected 48216
1102 Amendatory language corrected 51255
1102.1 Clarification and petition denied 48938
(f) added 55270
1108 Heading correctly revised 48216
1111.10 Amendatory language corrected 48216
1111.11 (c) correctly revised 48216
1116 Revised 54946
1121.37 (a)(i) and (ii) correctly redesignated as (a)(1) and (2) 48216
1132.3 (c) revised 57054
1134.51 Heading and (a) revised 57054
1136.1 Amended 62462
Authority citation corrected ..... △2117
1139 Clarification ..... △2317
1201 Amended 59251
Amended ..... △4266
1206 Amended 59545
Amended ..... △4266
1207 Amended 59546
Amended ..... △4266
1241.11 Amended 59252
1249.1 Annual reports amended ..... △4266
1249.2 Annual reports amended ..... △4266

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 49, Chapter X—Continued

Page

1300 Amended ..... △614
1300.13 (f) added 55270
1300.300 Interim rule removed 48216
1300.310 Interim rule removed 48216
1300.311 Interim rule removed 48216
1300.312 Interim rule removed 48216
1300.313 Interim rule removed 48216
1300.314 Interim rule removed 48216
1300.315 Interim rule removed 48216
1310.0 (f) (21) effective date confirmed 60208
1331.5 Amendment 45 FR 86736 correctly designated 57692

Title 49—*Proposed Rules:*

1—99 (Subtitle A) 48422
71 51786
101—195 (Ch. I) 48422
107 51261
171 51261
172 61908
173 ..... 51261, 61908
175 61908
200—268 (Ch. II) 48422, 49925
301—399 (Ch. III) 48422
420—453 (Ch. IV) 48422
501—590 (Ch. V) 48422
571 ..... 48260, 48261, 50394, 50396, 51777, 51788, 51793, 54391, 54392, 57939, 60481 ..... △4098, 4100
580 60482
581 ..... 48262, 48958
601—680 (Ch. VI) 48422
635 ..... △3391
650 ..... △3391
658 ..... △3391
1000—1332 (Ch. X) ..... 50088, 51413, 54613, 54614 ..... △3392, 4100
1001 63358
1007 63358
1008 63358
1031 ..... △1155
1033 ..... △3574
1039 ..... △220
1044 57708
1047 50086
1057 49151
1109 51261
1125 ..... 50998, 53731
1207 60035
1220 63358
1240 60035
1254 ..... △3574
1300 ..... △220
1310 ..... 56629 ..... △59

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

Page

17.3 Amended 54750
17.11 (h) table amended ..... △2319, 4211
17.40 (a) (1) (i) (B) interpretation 63295
(f) added ..... △4211
20 Authority citation 58335
20.141—20.143 (Subpart M) Removed 58335
20.151—20.155 (Subpart N) Added 62079
23.23 Table corrected 58088
23.51 (d) added 50777
23.52 (e) added; effective date deferred 50777
(e) effective date deferred to 1-12-82 60589
(e) suspended for 6 months ..... △1294
(e) effective date corrected to 1-12-82 ..... △2117
23.53 (e) added 50777
23.54 (e) added 50777
23.55 (e) added 50777
23.56 (e) added 50777
23.57 (c) added 50777
32.11 Amended 60825
32.12 Amended ..... △1123, 1125, 1127, 1128, 1130
32.21 Amended 68025
32.22 Amended ..... △1128, 1130, 1132, 1134, 1136
32.31 Amended 68026
32.32 Amended ..... △1131, 1133, 1136
33.4 Amended 68026

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216.5—216.8 Redesignated from 216.62—216.65; interim 61652
216.51—216.61 (Subpart F) Removed; interim 61652
216.62—216.65 Redesignated as 216.5—216.8; interim 61652
218 Removed; interim 61652
246.6—246.16 Removed; interim 61652

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Page

258.5 Revised 49128
258.30—258.41 (Subpart C) Revised 58805
259.31 (d) added 54563
285.6 (a) revised; interim 61653
296 Revised; interim 59999

Chapter III—International Regulatory Agencies (Fishing and Whaling)

351 Authority citation ..... △3793
351.30 Added ..... △3793
351.33 (d) and (e) revised ..... △3793
351.35 Revised ..... △3794
351.39 Revised ..... △3794
351 Tables 1, 2, and 3 revised; Appendix A amended ..... △3793

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

611 Authority citation 49129, 58336, 58699, 60003, 62863, 63302
Authority citation ..... △628, 1295, 1296, 4267
611.8 (b) revised; authority citation 60209
611.9 Appendix II amended 63303
Appendix II corrected ..... △4083
611.20 Appendix I amended 58336, 58699, 62863, 63304
Appendix I amended ..... △1295, 1297
Appendix I amended; eff. 12-14-81 to 12-31-81 ..... △4267
611.22 (a)(1)(i), (2)(i), and (b) revised; (a)(2)(iv) removed ..... △629
611.92 (e)(2)(iii) revised 49129
611.93 (b)(4)(ii)(D) and (E) added; (b)(3)(i), (ii), and (iii)(A), (B), (C), (D)(2), (E), and (F) amended 60004
Revised (effective date pending in part) 63304
(c)(2)(ii)(F) revised ..... △1297
(c)(2)(i) corrected; (c)(2)(ii)(D) and (E) correctly removed; (c)(2)(ii)(F) correctly redesignated as (c)(2)(ii)(D) ..... △4083
621.21—621.26 (Subpart B) Removed; interim 61653
621.31—621.42 (Subpart C) Removed; interim 61653

Page

651 Authority citation 49589
Appendix B revised 48589
652 Authority citation 53183
Designation correction and temporary regulation 49907
Temporary regulation ..... △3795
Revised ..... △4270
652.4 (a)(3) and (d) revised; interim; eff. to 12-8-81 53183
(a)(3) and (d) interim effectiveness extended to 1-23-82 60826
652.7 (j) added; interim; eff. to 12-8-81 53183
(j) interim effectiveness extended to 1-23-82 60826
652.21 Revised; interim; eff. to 12-8-81 53183
Interim effectiveness extended to 1-23-82 60826
652.22 Revised; interim; eff. to 12-8-81 53183
Interim effectiveness extended to 1-23-82 60826
652.25 Added; interim; eff. to 12-8-81 53184
Interim effectiveness extended to 1-23-82 60826
653 Temporary regulation 50963
654 Authority citation ..... △3795
654.2 Amended ..... △3795
654.24 Added ..... △3795
661 Authority citation ..... △4276
661.5 (t) corrected ..... △4276
661.6 (a)(3)(ii) revised; (a)(4) added ..... △4276
661.7 Introductory text amended ..... △4276
661.10 (a)(3) heading and (iii) revised; (b)(1) and (2), and (c) table amended, (a)(4) added ..... △4276
661.11 (a)(4) revised; (b)(2) and (3), and (c) table amended ..... △4276
661.12 (a)(3) and (5) removed; (a)(4), (6), and (7) redesignated as (a)(3), (4), and (5); new (a)(3) and (4) amended ..... △4276
662 Authority citation ..... △630
662.3 Revised ..... △630
671 Authority citation 57303, 58700
671.2 Amended 57303
671.21 (c) amended 57305
671.24 (a)(1) amended; (a)(4) removed 57303

Note: Symbol (△) refers to 1982 page numbers

CHANGES OCTOBER 1, 1981 THROUGH JANUARY 29, 1982

Title 50, Chapter VI—Continued

	Page
671.26 (f)(1)(i) and (ii) revised; (f)(1)(iii) and (iv) redesignated as (f)(1)(iv) and (v); new (f)(1)(iii) added	57303
(d)(2), (e)(2)(i) and (ii), and (f)(3) amended; (f)(2) revised	57305
(f)(2)(i) through (v) revised	58700
671.27 (a)(1), (b)(1), and (b)(4)(i), (ii), and (iv) amended	57305
672 Authority citation	△4268
672.20 Table I amended; eff. 12-14-81 to 12-31-81	△4268
674 Authority citation	57302
Interim revision confirmed	57302
674.5 Removed	57302
674.23 (a)(1) and (2), and (b)(1), (2)(iv), (3), and (4) amended	57302
675 Added	63307
Authority citation	△1298
675.20 Table 1 revised	△1298

Title 50—*Proposed Rules:*

	Page
1—96 (Ch. I)	53870, 58122
16	58348
22	49925
23	△1242
210—296 (Ch. II)	54044
216	57098
301—371 (Ch. III)	54044
401—453 (Ch. IV)	53870, 54044
601—680 (Ch. VI)	50999, 54044, 60483
611	53475, 55729, 55732, 56480, 59278, 59565, 61911, 63359
	△2386
638	62302
652	57707
	△3808
657	61911
658	△4104
661	62303
672	59565, 63359
	△2386
675	53475

Note: Symbol (△) refers to 1982 page numbers

Additions to Table I, January 1982

This table lists the sections of the U.S. Code and U.S. Statutes at Large and Presidential documents which are being added to Table I as a result of authority citations carried in the *Federal Register* during January 1982. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of July 1, 1981. Additions from July through December 1981 are in the December 1981 List of CFR Sections Affected.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, consult the List of CFR Sections Affected.

U.S. Code:	CFR
5 U.S.C.:	
504	14 Part 1262
	17 Part 201
	47 Part 1
1103	5 Part 293
1104	5 Part 293
3133	5 Part 359
3136	5 Part 359
4305	5 Part 293
4315	5 Part 293
App	7 Part 1a
7 U.S.C.:	
450b	9 Part 92
1501	7 Part 425
8 U.S.C.:	
1101	8 Parts 101, 264
12 U.S.C.:	
1703	24 Parts 203, 234
1725	12 Part 577
1726	12 Part 577
15 U.S.C.:	
77r	17 Part 201
78x	17 Part 201
2619	40 Part 702
16 U.S.C.:	
1801 et seq	50 Part 662
1824	50 Part 611
1912	43 Part 20
18 U.S.C.:	
201 note	43 Part 20
799	14 Part 1214
19 U.S.C.:	
1202	19 Part 6
20 U.S.C.:	
236—244	34 Part 219
631—647	34 Part 219
1001 et seq	34 Part 644
1051	34 Parts 625–627
1051—1069c	34 Part 624
1057—1059	34 Part 625
1060—1063	34 Part 626
1064—1069c	34 Part 627
1066—1069c	34 Parts 625, 626
1070d–1c	34 Part 644
1221e–3	34 Parts 625–627
26 U.S.C.:	CFR
280A	26 Part 5e
7805	26 Part 5e
33 U.S.C.:	
151	33 Part 80
38 U.S.C.:	
1652	34 Part 644
40 U.S.C.:	
486	41 Part 5–12
42 U.S.C.:	
1980	7 Part 1980
2282	10 Part 40
2473	14 Part 1262
4371 et seq	16 Part 1
6392	43 Part 20
6912–6925	40 Part 123
43 U.S.C.:	
1743	43 Part 20
1864	43 Part 20
44 U.S.C.:	
3506	7 Parts 6, 17, 20, 29, 46, 58, 59, 70, 101–104, 106–108, 111, 201, 210, 215, 220, 225, 227, 230, 245–247, 250, 283, 401–442, 722, 724–726, 729, 730, 800, 1200, 1421, 1425, 1435, 1446, 1474, 1475, 1487, 1491, 1493, 1701, 1823, 1924, 1942, 1944, 1948
	9 Parts 2, 11, 73, 92, 103, 113, 114, 116, 145, 147, 201, 203, 303, 309, 320, 350–362, 381
	36 Parts 214, 221, 223, 251
49 U.S.C.:	
1379	14 Parts 245, 246
1551	14 Part 231
U.S. Statutes at Large:	
93 Stat.:	
252	19 Part 10
94 Stat.:	
280	10 Part 73
789–790	10 Part 71
95 Stat.:	
1197	34 Part 690

Public Laws:	CFR
92–512	31 Part 51
94–142	32 Part 57
94–488	31 Part 51
95–87	30 Parts 730–732
95–561	32 Part 57
96–10	6 Parts 705–707
96–19	5 Parts 734, 738 10 Part 1506 16 Part 1030
96–22	38 Part 17
96–28	5 Parts 738, 1304 10 Part 0
96–30	10 Parts 210–212
96–32	42 Part 54
96–39	7 Parts 2, 6 19 Parts 10, 19, 113, 144, 152, 159, 174, 175, 177 27 Parts 19, 170
96–41	41 Part 101–14
96–53	22 Parts 220–222
96–58	7 Parts 272, 274
96–70	35 Parts 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 133, 135
96–72	15 Parts 368–379, 385–390, 399
96–73	49 Part 200
96–79	42 Parts 122, 123
96–82	28 Part 52
96–86	45 Parts 1391–1393, 1395–1397
96–88	24 Part 279 34 Parts 3, 230, 231, 797 41 Parts 34–1—34–4, 34–8, 34–12, 34–30 45 Part 12
96–101	20 Parts 397, 398
96–103	24 Part 279
96–108	7 Parts 210, 215, 220, 225, 700, 701
96–123	45 Part 1069
96–126	7 Parts 223, 272, 273
96–129	49 Parts 195, 301
96–151	38 Part 21
96–153	7 Part 1944 24 Parts 200, 590
96–154	41 Parts 101–42—101–49
96–157	28 Part 23
96–159	50 Part 17
96–178	45 Part 304
96–179	5 Parts 831, 890
96–185	10 Part 474 40 Part 600
96–191	4 Parts 2–9, 27, 28
96–192	14 Parts 121, 127, 135
96–193	14 Part 159
96–199	36 Part 810
96–205	7 Part 226
96–206	7 Parts 210, 230
96–212	34 Part 538

Public Laws—Continued	CFR
	45 Part 400
96–213	7 Part 795
96–220	7 Parts 1945, 1980
96–221	12 Parts 7, 29, 201, 204, 213, 217, 225, 226, 329, 523, 526, 532, 534, 541, 545, 550, 561, 563, 570, 571, 578, 584, 590, 701, 741, 742, 1204
96–222	7 Part 14
96–223	26 Part 150 45 Parts 260, 1061
96–242	16 Parts 300, 301, 303
96–244	36 Part 810
96–247	28 Part 40
96–249	7 Parts 271–275, 277, 278, 282
96–252	16 Part 1
96–254	49 Parts 1, 201, 1033
96–265	20 Parts 404, 416 42 Part 435 45 Parts 205, 1396
96–270	34 Parts 230, 231
96–272	38 Part 3 45 Part 95
96–275	19 Part 4
96–276	7 Parts 1, 1250
96–283	15 Part 970
96–289	50 Part 258
96–294	7 Parts 1990, 2900 10 Parts 211, 212, 456, 503, 799 18 Parts 4, 292, 375 24 Part 1895 29 Parts 1, 5
96–295	10 Parts 71, 73
96–296	49 Parts 1, 301, 387, 399, 1100, 1139, 1331
96–298	26 Part 154
96–302	7 Parts 1865, 1945, 1951 13 Part 120
96–305	25 Part 700
96–318	25 Parts 43b, 43c
96–320	15 Part 981 49 Part 1
96–324	33 Part 82
96–325	46 Part 502
96–339	12 Parts 523, 545
96–342	38 Part 3
96–354	13 Part 123 45 Part 366
96–355	7 Part 2
96–364	29 Parts 2601–2608, 2610–2613, 2615–2622, 2640, 2642, 2643, 2652, 2670, 2671, 2673
96–365	7 Parts 713, 730
96–369	44 Part 9 45 Parts 95, 260, 1069
96–374	34 Parts 206, 604, 605, 606, 631–637, 644, 648, 649, 651, 674, 690, 773, 776–778

Public Laws—Continued	CFR
96–378	46 Parts 10, 12, 90, 157, 175
96–391	5 Part 831
96–398	42 Part 64a
96–399	36 Part 801
96–400	46 Part 67
	49 Part 660
96–410	49 Part 387
96–425	49 Part 535
96–427	5 Part 870–873
96–437	7 Part 800
96–440	28 Part 59
96–448	49 Parts 1011, 1033, 1109, 1111, Chap. X
96–449	22 Part 191
96–453	46 Part 310
96–463	16 Part 406
96–465	22 Parts 18, 901–909
	29 Parts 207–209
96–468	7 Parts 2, 371
96–477	17 Part 260
96–481	5 Part 2430
	12 Parts 308, 509b
	14 Parts 373, 1262
	16 Part 3
	17 Part 148
	19 Part 212
	22 Part 134
	28 Part 24
	29 Parts 16, 102, 2204
	31 Part 6
	39 Part 960
	47 Part 1
	49 Parts 6, 826, 1016
96–487	36 Part 13
	50 Part 36
96–499	5 Part 831
	7 Parts 210, 215, 220, 226, 230, 235, 245, 246, 250
	20 Part 404

Public Laws—Continued	CFR
96–501	10 Part 903
	18 Part 35
96–510	49 Part 387
96–511	4 Part 20
	10 Parts 205, 209, 201, 211, 212, 213, 221, 420, 440, 445, 455, 456, 463, 465, 470, 500, 501, 503, 504, 515, 516, 600, 781, 796, 797, 799
	36 Part 13
	41 Parts 9–1, 9–4, 9–7, 9–9, 9–12, 9–15, 9–16, 9–50
	50 Part 36
96–514	43 Part 3130
96–515	36 Part 810
96–533	15 Part 399
96–536	45 Part 95
96–561	50 Part 258
96–586	43 Part 2710
96–589	26 Part 7a
96–591	33 Parts 84, 85, 86
96–601	26 Part 35
	27 Parts 240, 252
96–604	31 Part 51
96–606	45 Parts 500, 531
97–12	34 Part 690
	45 Part 95
97–31	46 Parts 200–399
97–35	7 Parts 28, 210, 215, 220, 226, 235, 245, 246, 800, 1430
	16 Parts 1201, 1205, 1301, 1402, 1505, 1615, 1616, 1632
	20 Parts 233, 675–677, 680
	42 Parts 50, 51, 51b, 54, 54a, 54b, 56a
	45 Parts 96, 238, 239
97–92	34 Part 690
97–98	7 Part 1a

Removals from Table 1, January 1982

This table lists the sections of the U.S. Code and U.S. Statutes at Large and Presidential documents which are being removed from Table I as a result of CFR Part removals cited in the *Federal Register* during January 1982.

Table I is in the CFR Index and Finding Aids revised as of July 1, 1981. Removals from July through December 1981 are in the December 1981 List of CFR Sections Affected.

In order to determine the *Federal Register* page numbers of the citations, consult the List of CFR Sections Affected.

5 U.S.C.:	CFR
552	6 Part 702
552a	6 Part 703
7 U.S.C.:	
956	7 Part 1300
10 U.S.C.:	
131 et seq	32 Part 230
12 U.S.C.:	
1751 et seq	32 Part 230
1904 note	6 Parts 701–704
20 U.S.C.	
241–1	34 Part 220
242	34 Part 220
244	34 Part 220
646	34 Part 220
1070d–1	34 Part 644
21 U.S.C.:	
111–113	9 Part 83
115	9 Part 83
117	9 Part 83
120	9 Part 83
121	9 Part 83
123—126	9 Part 83
134b	9 Part 83
134f	9 Part 83
25 U.S.C.:	
640d–1—640d–24	25 Part 700
26 U.S.C.:	CFR
263	26 Part 5a
6051	26 Part 32
6364	26 Part 32
7805	26 Parts 5a, 32, 37
29 U.S.C.:	
794	34 Parts 219, 220
42 U.S.C.:	
1469—1469c	24 Part 511
1491—1494	24 Part 561
1500	24 Part 541
2011	43 Part 428
3102	24 Parts 555, 556
3103	24 Part 551
3105	24 Parts 555, 556
3535	24 Part 540
4402	34 Part 219
7101 et seq	10 Part 508
8301 et seq	10 Part 508
8701	10 Part 503
U.S. Statutes at Large:	
85 Stat.:	
743	6 Part 602
Executive Orders:	
11296	34 Part 219
11788	6 Part 602

CODE

Pages
19813–19
19901–20
20135–20
20533–20
20667–20
20977–21
21143–21
21339–21
21591–21
21747–21
21983–22
22175–22
22351–22
22559–22
22745–22
22889–23
23043–23
23193–23
23405–23
23737–23
23913–24
24141–24
24519–24
24927–25
25077–25
25289–25
25421–25
25595–26
26037–26
26275–26
26471–26
26605–26
26759–27
27089–27
27323–27
27469–27
27623–27
27899–28
28145–28
28395–28
28611–28
28833–29
29239–29
29453–29
29691–29
29921–30
30073–30
30327–30
30481–30
30623–30
30797–30
30997–31
31249–31
31403–31
31635–31
31869–31

1981

Pages	Date
19813–19900	Apr. 1
19901–20134	2
20135–20532	3
20533–20666	6
20667–20976	7
20977–21142	8
21143–21338	9
21339–21590	10
21591–21746	13
21747–21982	14
21983–22174	15
22175–22350	16
22351–22558	17
22559–22744	20
22745–22888	21
22889–23042	22
23043–23192	23
23193–23404	24
23405–23736	27
23737–23912	28
23913–24140	29
24141–24518	30
24519–24926	May 1
24927–25076	4
25077–25288	5
25289–25420	6
25421–25594	7
25595–26036	8
26037–26274	11
26275–26470	12
26471–26604	13
26605–26758	14
26759–27088	15
27089–27322	18
27323–27468	19
27469–27622	20
27623–27898	21
27899–28144	22
28145–28394	26
28395–28610	27
28611–28832	28
28833–29238	29
29239–29452	June 1
29453–29690	2
29691–29920	3
29921–30072	4
30073–30326	5
30327–30480	8
30481–30622	9
30623–30796	10
30797–30996	11
30997–31248	12
31249–31402	15
31403–31634	16
31635–31868	17
31869–31998	18
31999–32226	June 19
32227–32424	22
32425–32550	23
32551–32852	24
32853–33018	25
33019–33236	26
33237–33508	29
33509–34302	30
34303–34556	July 1
34557–34790	2
34791–35078	6
35079–35250	7
35251–35474	8
35475–35628	9
35629–35906	10
35907–36104	13
36105–36688	14
36689–36824	15
36825–37016	16
37017–37236	17
37237–37494	20
37495–37624	21
37625–37872	22
37873–38064	23
38065–38328	24
38329–38490	27
38491–38666	28
38667–38894	29
38895–39106	30
39107–39430	31
39431–39560	Aug. 3
39561–39808	4
39809–39982	5
39983–40180	6
40181–40500	7
40501–40670	10
40671–40768	11
40769–40858	12
40859–41018	13
41019–41486	14
41487–41752	17
41753–42058	18
42059–42234	19
42235–42436	20
42437–42650	21
42651–42830	24
42831–43034	25
43035–43128	26
43129–43370	27
43371–43646	28
43647–43822	31
43823–43952	Sept. 1
43953–44146	2
44147–44414	3
44415–44732	4
44433–44974	8
44975–45108	9
45109–45320	10
45321–45590	11

Pages	Date
45591–45746	Sept. 14
45747–45924	15
45925–46106	16
46107–46278	17
46279–46558	18
46559–46780	21
46781–46874	22
46875–47052	23
47053–47206	24
47207–47434	25
47435–47530	28
47531–47746	29
47747–48096	30
48097–48616	Oct. 1
48617–48886	2
48887–49098	5
49099–49566	6
49567–49822	7
49823–50040	8
50041–50356	9
50357–50504	13
50505–50778	14
50779–50916	15
50917–51232	16
51233–51362	19
51363–51590	20
51591–51704	21
51705–51890	22
51891–52084	23
52085–52322	26
52323–53020	27
53021–53388	28
53389–53646	29
53647–54312	30
54313–54496	Nov. 2
54497–54720	3
54721–54916	4
54917–55080	5
55081–55232	6
55233–55502	9
55503–55678	10
55679–55912	12
55913–56152	13
56153–56406	16
56407–56596	17
56597–56774	18
56775–57022	19
57023–57262	20
57263–57454	23
57455–57664	Nov. 24
57665–57884	25
57885–58058	27
58059–58270	30
58271–58480	Dec. 1
58481–58638	2
58639–59226	3
59227–59526	4
59527–59940	7
59941–60172	8
60173–60410	9
60411–60564	10
60565–60798	11
60799–61064	14
61065–61244	15
61245–61440	16
61441–61632	17
61633–61832	18
61833–62044	21
62045–62238	22
62239–62390	23
62391–62640	24
62641–62804	28
62805–63030	29
63031–63202	30
63203–63554	31

1982

Pages	Date
1–128	Jan. 4
129–588	5
589–744	6
745–934	7
935–1108	8
1109–1256	11
1257–1366	12
1367–2072	13
2073–2282	14
2283–2474	15
2475–2766	18
2767–2854	19
2855–2976	20
2977–3070	21
3071–3338	22
3339–3538	25
3539–3756	26
3757–4038	27
4039–4222	28
4223–4488	29

1-4-82
Vol. 47 No. 1
Pages 1-128

federal register

Monday
January 4, 1982

Highlights

1 **Trade Agreement with Japan and Technical Corrections in the Tariff Schedules of the United States** Presidential proclamation.

33 **Loan Programs—Community Program and Multiple Housing** USDA/FmHA proposes to revise regulations on analysis of credit needs and graduation of borrowers.

9 **Small Businesses** SBA repeals authority to approve additional companies as participating lenders.

18 **Census** Commerce/Census provides procedures for conducting special population censuses on an actual cost basis.

41 **Surface Mining** Interior/SMREO proposes to revise Permanent Regulatory Program definitions and two-acre exemption and Wyoming special bituminous coal mine rules.

8 **Nuclear Power Plants and Reactors** NRC relieves license applicants of requirements to submit installation information.

20 **Natural Gas** DOE/FERC prescribes incremental pricing acquisition cost thresholds.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

18, 19 **Energy Conservation** FTC announces that ranges of comparability for furnaces, dishwashers and room air conditioners will remain in effect for the next year. (2 documents)

60 **VISTA Program** ACTION announces policy on involvement of volunteers in demonstrations.

124 **International Boycotts** Treasury lists countries requiring cooperation.

55 **Antidumping** Commerce/ITA suspends investigation on truck trailer axle-and-brake assemblies and parts thereof from Hungary.

Privacy Act Documents

60 ACTION
63 USDA
69 CPSC

127 **Sunshine Act Meetings**

Contents

Federal Register

Vol. 47, No. 1

Monday, January 4, 1982

The President

PROCLAMATIONS

1 Trade agreement with Japan and technical corrections to the Tariff Schedules in the United States (Proc. 4889)

Executive Agencies

ACTION

NOTICES

60 Privacy Act; systems of records; annual publication
63 Recordkeeping requirements
60 VISTA; program guidelines; demonstrations

Agriculture Department

See also Farmers Home Administration; Federal Crop Insurance Corporation; Rural Electrification Administration; Soil Conservation Service.

RULES

Authority delegations by Secretary and General Officers:

6 New agencies, realignment of functions, etc.; conforming authority delegations; correction
5 Rural Development Policy Office; establishment

NOTICES

63 Privacy Act; systems of records

Census Bureau

RULES

Special services and studies:

18 Fee structure for special population census; actual cost basis

Commerce Department

See Census Bureau; International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Consumer Product Safety Commission

NOTICES

69 Privacy Act; systems of records; annual publication

Economic Regulatory Administration

NOTICES

Natural gas exportation or importation petitions:

81 Michigan Wisconsin Pipe Line Co.

Education Department

NOTICES

Meetings:

80 Women's Educational Programs National Advisory Council

Employment and Training Administration

NOTICES

112 Labor surplus area classifications; annual list

Energy Department

See Economic Regulatory Administration; Federal Energy Regulatory Commission; Western Area Power Administration.

Equal Employment Opportunity Commission

NOTICES

127 Meetings; Sunshine Act

Farmers Home Administration

PROPOSED RULES

Services and collections:

33 Credit needs and graduation of borrowers analysis

Federal Aviation Administration

RULES

18 Airspace regulations; annual compilation; future availability of handbook

Airworthiness directives:

10 Boeing
11 Costruzioni Aeronautiche Giovanni Agusta
12, 14 Gates Learjet (2 documents)
15–18 Transition areas (6 documents)

PROPOSED RULES

36–38 Transition areas (4 documents)

NOTICES

Aircraft certification status, etc.:

124 Societe Nationale Industrielle Aerospatial

Federal Communications Commission

PROPOSED RULES

Television broadcasting:

58 Subscription television ("STV") station; operational requirements; elimination of constraints on development; extension of time

NOTICES

Hearings, etc.:

88 Bott Broadcasting Co.
89 Limestone Broadcasting, Inc., et al.
93 Massachusetts-Connecticut Mobile Telephone Co. et al.
90 Owens, Robert Paul, et al.
91 Radiocall Corp. et al.
92 Rockford Communications Co., Inc., et al.
92 Salisbury Mobile Telephone, Inc., et al.
93 Williams Metro Communications Corp. et al.

Meetings:

87, 88 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee (3 documents)
94 Marine Services Radio Technical Commission
91 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies

Federal Crop Insurance Corporation

RULES

Crop insurance; various commodities:

6 Peanut; interim

Federal Election Commission

NOTICES

127 Meetings; Sunshine Act

Federal Emergency Management Agency

RULES

Flood elevation determinations:

22 Arizona et al.

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
20 Incremental pricing; acquisition cost thresholds
PROPOSED RULES
Electric utilities:
39 Cost and quality of fuels for electric plants, monthly report (Form No. 423); revision; extension of time
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
39 Louisiana
NOTICES
Hearings, etc.:
81 Central Illinois Public Service Co.
83 Central Maine Power Co.
83 Central Power & Light Co.
84 Central Telephone & Utilities Corp.
84 Columbia Gas Transmission Corp. et al.
84 Florida Power Corp.
85 Illinois Power Co.
85 Louisiana Power & Light Co.
85 Public Service Co. of Colorado
85 Southern California Edison Co.
86 United Gas Pipe Line Co.

Federal Home Loan Bank Board
NOTICES
127 Meetings; Sunshine Act
94 Recordkeeping and reporting requirements

Federal Maritime Commission
NOTICES
95 Agreements filed, etc.
Petitions for declaratory orders:
95 Totem Ocean Trailer Express, Inc.; joint rates between water carriers and motor carriers

Federal Procurement Policy Office
NOTICES
117 Patents; small firms and nonprofit organizations (Bulletin 81-22); extension

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
9 Conformance with Depository Institutions Deregulation Committee rules; correction
NOTICES
127 Meetings; Sunshine Act

Federal Trade Commission
RULES
Appliances, consumer; energy cost and consumption information in labeling and advertising:
18 Furnaces and dishwashers; comparability ranges
19 Room air conditioners; comparability ranges

Gold Commission
NOTICES
96 Meetings

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Antidumping:
66 Truck trailer axle-and-brake assemblies and parts from Hungary
Meetings:
65 Numerically Controlled Machine Tool Technical Advisory Committee

International Trade Commission
NOTICES
127 Meetings; Sunshine Act

Interstate Commerce Commission
PROPOSED RULES
Tariffs and schedules:
59 Motor carriers; justification statements for rates and charges higher than applicable classification ratings; extension of time
NOTICES
Motor carriers:
111 Fuel costs recovery, expedited procedures
105, 106 Permanent authority applications (2 documents)
104 Permanent authority applications; restriction removals
98 Temporary authority applications

Labor Department
See Employment and Training Administration; Mine Safety and Health Administration.

Land Management Bureau
RULES
Public land orders:
21 Oregon
NOTICES
Sale of public lands:
96 Wyoming

Management and Budget Office
See also Federal Procurement Policy Office
NOTICES
117 Patents; small firms and nonprofit organizations (Bulletin 81-22); extension

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
113 Associated Producers & Miners, Inc.
114 Bethlehem Mines Corp.
113 Consolidation Coal Co.
114 Island Creek Coal Co.
113 Kentland-Elkhorn Coal Corp.
114 Ozark Lead Co.
115 Valley Camp Coal Co.

National Bureau of Standards
NOTICES
Senior Executive Service:
68 Performance Review Board; membership

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
69 Dawson, Dr. William W.

National Park Service
NOTICES
Concession contract negotiations:
96 Petrified Forest National Park, Painted Desert area; Fred Harvey
Environmental statements; availability, etc.:
97 Canaveral National Seashore, Fla.; general management plan and wilderness proposal
Meetings:
97 Cuyahoga Valley National Recreation Area Advisory Commission
97 Lake Chelan National Recreation Area; compatibility standards for Stehekia Valley
97 Overmountain Victory National Historic Trail Advisory Council

National Transportation Safety Board
NOTICES
128 Meetings; Sunshine Act

Nuclear Regulatory Commission
RULES
Source material domestic licensing, etc.:
8 Installation information submittal by applicants for licenses pursuant to US/IAEA Safeguards Agreement; lessening of requirements
NOTICES
Applications, etc.:
115 Consumers Power Co.
116 Long Island Lighting Co.
116 Maine Yankee Atomic Power Co.
117 Reporting, recordkeeping, and application requirements

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer pensions plans; bond/escrow exemption requests:
118 Manley Truck Line Inc.
119 Tri/Valley Growers, Inc.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
64 Chugach Electric Association, Inc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
120 International Harvester Credit Corp.
121 Montana Power Co.

Small Business Administration
RULES
Business loan policy:
9 "Subsection (b) lenders"; authority to approve repealed lending companies
NOTICES
Applications, etc.:
122 Livingston Capital, Ltd.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
65 Hart County Roadbanks Critical Area Treatment RC&D Measure, Ga.
65 Sebasticook Lake Watershed Project, Maine

State Department
NOTICES
Meetings:
123 Conservation of Atlantic Tunas, International Commission for
123 International Telegraph and Telephone Consultative Committee (2 documents)
123 Shipping Coordinating Committee

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Abandoned mine lands reclamation program; plan submissions:
57 Illinois; closing of comment period
Permanent regulatory program, etc.:
41 Exemptions for operations which affect two acres or less, definitions and terminology, and performance standards for special bituminous coal mines in Wyoming

Tennessee Valley Authority
NOTICES
128 Meetings; Sunshine Act

Transportation Department
See Federal Aviation Administration.

Treasury Department
NOTICES
Boycotts, international:
124 Countries requiring cooperation; list
Meetings:
124 Debt Management Advisory Committee

Veterans Administration
NOTICES
125 Procurement; cost review schedule
Senior Executive Service:
124 Performance Review Board; membership

Western Area Power Administration
NOTICES
Power marketing plans:
86 Pick-Sloan Missouri Basin Program—Western Division; public information and comment forums

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
65 Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (closed), 1–21–82

EDUCATION DEPARTMENT
80 Women's Educational Programs National Advisory Council, Washington, D.C. (open), 1–21 and 1–22–82

FEDERAL COMMUNICATIONS COMMISSION
ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee, Washington, D.C.:
87 Full committee, 1–28–82;
87 Service Requirements Subgroup, 1–26–82;
88 Technical Parameters Subgroup, 1–25–82
Marine Services Radio Technical Commission, Washington, D.C. (open):
94 Executive Committee, 1–21–82;
94 Special Committee No. 76, 1–13–82;
94 Special Committee No. 80, 1–21–82

GOLD COMMISSION
96 Meeting, Washington, D.C. (open), 1–8–82

INTERIOR DEPARTMENT
National Park Service—
97 Cuyahoga Valley National Recreation Area Advisory Commission, Valley View, Ohio (open), 1–28–82
97 Overmountain, Victory National Historic Trail Advisory Council, Charlotte, N.C. (open), 2–17–82
97 Stehekin Valley compatability standards, Stehekin, Wash., 2–5–82; Chelan, Wash., 2–6–82; Seattle, Wash., 2–9–82 (all sessions open)

STATE DEPARTMENT
123 Conservation of Atlantic Tunas International Commission, United States National Section Advisory Committee, Washington, D.C. (open), 1–19–82
International Telegraph and Telephone Consultative Committee, U.S. Organization, Washington, D.C. (open), 1–14–82:
123 Study Group A;
123 Study Groups A and B
123 Shipping Coordinating Committee, Ocean Dumping U.S. Advisory Committee, Washington, D.C. (open), 1–26–82

TREASURY DEPARTMENT
Office of the Secretary—
124 Debt Management Advisory Committee, (Public Securities Association U.S. Government and Federal Agencies Securities Committee), Washington, D.C. (closed), 1–26 and 1–27–82

HEARING

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
41 Two-acre exemption rule, Washington, D.C., 1–25–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

4707 (Amended by Proc. 4889)..... 1
4889..... 1

7 CFR

2 (2 documents)..... 5, 6
425..... 6

Proposed Rules:

1865..... 33
1951..... 33

10 CFR

40..... 8
70..... 8
150..... 8

12 CFR

217..... 9

13 CFR

120..... 9

14 CFR

39 (4 documents)..... 10–14
71 (7 documents)..... 15–18
73..... 18
75..... 18

Proposed Rules:

71 (4 documents)..... 36–38

15 CFR

50..... 18

16 CFR

305 (2 documents)..... 18, 19

18 CFR

282..... 20

Proposed Rules:

141..... 39
271..... 39

30 CFR

Proposed Rules:

700..... 41
701..... 41
764..... 41
770..... 41
771..... 41
779..... 41
780..... 41
783..... 41
784..... 41
785..... 41
786..... 41
788..... 41
816..... 41
817..... 41
825..... 41
828..... 41
913..... 57

43 CFR

Public Land Orders:

6100..... 21

44 CFR

67..... 22

47 CFR

Proposed Rules:

73..... 58

49 CFR

Proposed Rules:

1310..... 59

V
4
7
/
1
J
A
4
8
2
IMI

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

Presidential Documents

Title 3—

The President

Proclamation 4889 of December 29, 1981

Staged Reduction of Rates of Duty on Certain Products To Carry Out a Trade Agreement With Japan, and Technical Corrections in the Tariff Schedules of the United States

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 124(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2134(a)) that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreement with Japan identified in the third recital of this proclamation.

2. Sections 131(a), 132, 133, 134, 135, and 161(b) of the Trade Act (19 U.S.C. 2151(a), 2152, 2153, 2154, 2155, and 2211(b)) and section 4(c) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971–1975 Comp. 974) have been complied with.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, on September 30, 1981, entered into a trade agreement with Japan pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in Annexes I and II to this proclamation, is exchange for certain measures which will benefit United States interests.

4. Pursuant to the Trade Act, I determine that the modifications or continuance of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreement identified in the third recital of this proclamation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to sections 124 and 604 of the Trade Act (19 U.S.C. 2134 and 2483), do proclaim that:

(1) The TSUS is hereby modified as provided in Annex I to this proclamation;

(2) Annexes II and III to Presidential Proclamation 4707 of December 11, 1979, are amended as provided in Annex II to this proclamation;

(3) Annex IV of Proclamation 4707 of December 11, 1979, is superseded to the extent inconsistent with this proclamation.

(4) Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this proclamation is reduced to the same level as, or to a lower level than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I of this proclamation, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

(5) Each of the modifications made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

Annex I

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Items 687.65, 687.70, 687.75, and 687.76 and their superior heading are superseded by:

	[Electronic...:]			
	[Other:]			
"687.66	Electronic tubes, except cathode-ray tubes.....	[See Annex II]	4.2% ad val.	35% ad val.
	Transistors and other related electronic crystal components; mounted piezo-electric crystals:			
687.70	Transistors.....	[See Annex II]	4.2% ad val.	35% ad val.
687.72	Diodes and rectifiers.....	[See Annex II]	4.2% ad val.	35% ad val.
687.74	Monolithic integrated circuits.....	[See Annex II]	4.2% ad val.	35% ad val.
687.77	Other integrated circuits...	[See Annex II]	4.2% ad val.	35% ad val.
687.79	Mounted piezo-electric crystals.....	[See Annex II]	4.2% ad val.	35% ad val.
687.81	Other.....	[See Annex II]	4.2% ad val.	35% ad val.
	Other, including parts not specially provided for:			
687.83	Parts of electronic tubes...	[See Annex II]	4.2% ad val.	35% ad val.
687.85	Parts of semiconductors.....	[See Annex II]	4.2% ad val.	35% ad val.
687.87	Other.....	[See Annex II]	4.2% ad val.	35% ad val.
687.89	Any article described in the foregoing items 687.66 to 687.87, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).....	Free".		

Annex II

Annex III, Section A to Presidential Proclamation No. 4707 of December 11, 1979, is amended--

1. by deleting in the column entitled "Item in TSUS as modified by Annex II", the TSUS item number "321.25" and substituting "351.25" in lieu thereof;

2. by deleting, in the column entitled "1987" as to TSUS item 722.42, the rate of duty of "2%" and substituting "2.2%" in lieu thereof;

3. by deleting, in the column entitled "1982" as to TSUS item 730.63, the rate of duty of "13.3%" and substituting "11.3%" in lieu thereof;

4. by deleting the following TSUS item numbers with their corresponding rates of duty and footnotes:

687.58 687.70 708.85
687.65 687.75 709.40; and

5. by inserting the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty, effective with respect to articles entered on and after January 1,--							
		1980	1981	1982	1983	1984	1985	1986	1987
687.58 2/	6% ad val.	5.8%	5.6% 2/	2/	2/	2/	2/	2/	2/
687.65 2/	6% ad val.	5.8% 2/	5.6% 2/	2/	2/	2/	2/	2/	2/
687.66 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.70 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.72 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.74 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.75 2/	6% ad val,	5.8% 2/	5.6% 2/	2/	2/	2/	2/	2/	2/
687.77 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.79 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.81 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.83 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.85 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.87 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
708.85	12.5% ad val.	11.8%	11%	9.6%	8.8%	8.1%	7.3%	6.6%	6.6%
709.40	6% ad val.	5.8%	5.6%	5.1%	4.9%	4.7%	4.4%	4.2%	4.2%

Footnote 2 for items 687.58, 687.65, 687.66, 687.70, 687.72, 687.74, 687.75, 687.77, 687.79, 687.81, 687.83, 687.85, and 687.87:

2/ Item 687.58 discontinued effective March 31, 1981, and superseded by items 687.65, 687.70, and 687.75. Item 687.65 is renumbered as item 687.72 and item 687.75 is discontinued and is superseded by items 687.66, 687.74, 687.77, 687.79, 687.81, 687.83, 687.85, and 687.87, effective January 1, 1982.

[FR Doc. 81-37472
Filed 12-30-81; 4:20 pm]
Billing code 3195-01-C

Rules and Regulations

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and the Under Secretary for Small Community and Rural Development to reflect the establishment of the Office of Rural Development Policy. This action is necessary to ensure effective and efficient implementation of the rural development responsibilities mandated by the Rural Development Act of 1972 and the Rural Development Policy Act of 1980.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC, 20250, 202–447–6035.

SUPPLEMENTARY INFORMATION: This rule transfers the delegations of authority relating to rural development activities from the Administrator of the Farmers Home Administration to the Director of the newly created Office of Rural Development Policy. The Director of the new Office reports directly to the Under Secretary for Small Community and Rural Development and will assist the Under Secretary in carrying out the Department's responsibilities for leadership and coordination of national, State, and local rural development efforts through the identification of emerging rural issues and needs; the development and implementation of policy guidelines that seek to provide proper government program direction for service to rural America; the incorporation of these guidelines into a congressionally mandated national rural development strategy, and management of the Section 111, Area Development Assistance Planning grants program. This rule relates to internal agency management and organization. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management and organization, it is exempt from provisions of Executive Order 12291 and Secretary's Memorandum 1512–1.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

1. Section 2.23 is amended by revising paragraph (a)(1) and by adding a new paragraph (b)(14) to read as follows:

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

* * * * *

(a) *Related to farmers home activities.*

(1) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq) except (i) with respect to loans for rural telephone facilities and service and financing for community antenna television services or facilities delegated to the Under Secretary for Small Community and Rural Development in paragraphs (c)(2) and (c)(3) of this section; (ii) the authority contained in section 342 of said act, 7 U.S.C. 1013a; (iii) the authority under 7 U.S.C. 1926(a)(11), to administer areawide rural development planning assistance to public bodies; and (iv) the authority under 7 U.S.C. 1926(a)(13), for assistance to eligible volunteer fire departments. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration, or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

* * * * *

(b) *Related to rural development.*

* * *

(14) Administer areawide rural development planning assistance to public bodies. (7 U.S.C. 1926(a)(11)).

* * * * *

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

2. Section 2.70 is amended by revising paragraph (a)(1) and by removing paragraphs (a)(15) through (a)(27) as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* * * *

(1) Administration of the Consolidated Farm and Rural Development Act (Act) except (i) financing under section 306(a)(1) of the Act, 7 U.S.C. 1926(a)(1), of any rural electrification or telephone systems or facilities other than hydroelectric generating and related distribution systems and supplemental and supporting structures if they are not eligible for Rural Electrification Administration financing; (ii) financing for community antenna television services or facilities; (iii) the authority contained in section 342 of the Act, 7 U.S.C. 1013a; (iv) the authority contained in section 306(a)(11) of the Act, 7 U.S.C. 1926(a)(11); and (v) the authority contained in section 306(a)(13) of the Act, 7 U.S.C. 1926(a)(13). This delegation includes the authority to collect, service, and liquidate loans made or insured by Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional

Agricultural Credit Corporation of Washington, D.C.

* * * * *

(15)–(27) [Reserved]

* * * * *

3. A new § 2.71 is added to read as follows:

§ 2.71 Director, Office of Rural Development Policy.

(a) *Delegations.* Pursuant to § 2.23(b), and subject to policy guidance and direction by the Under Secretary for Small Community and Rural Development, the following delegations of authority are made by the Under Secretary for Small Community and Rural Development to the Director, Office of Rural Development Policy:

(1) Provide leadership and coordination within the executive branch of a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. (Sec. 526(b) of the Revised Statutes, 7 U.S.C. 2204(b)).

(2) Coordinate activities relative to rural development among agencies under the Under Secretary for Small Community and Rural Development and, through appropriate channels, serve as the coordinating agency for other departmental agencies having primary responsibilities for specific titles of the Rural Development Act of 1972 and allied legislation.

(3) Administer a national program of economic, social, and environmental research and analysis, statistical programs, and associated service work related to rural people and the communities in which they live including rural industrialization; rural population and manpower; local government finance; income; development strategies; housing; social services and utilization; adjustments to changing economic and technical forces; and other related matters.

(4) Work with Federal agencies in encouraging the creation of rural community development organizations.

(5) Assist other Federal agencies in making rural community development organizations aware of the Federal programs available to them.

(6) Advise rural community development organizations of the availability of Federal assistance programs.

(7) Advise other Federal agencies of the need for particular Federal programs.

(8) Assist rural community development organizations in making contact with Federal agencies whose assistance may be of benefit to them.

(9) Assist other Federal agencies and national organizations in developing means for extending their services effectively to rural areas.

(10) Assist other Federal agencies in designing pilot projects in rural areas.

(11) Conduct studies to determine how programs of the Department can be brought to bear on the economic development problems of the country and assure that local groups are receiving adequate technical assistance from Federal agencies or from local and State governments in formulating development programs and in carrying out planned development activities.

(12) Assist other Federal agencies in formulating manpower development and training policies.

(13) Authority to enter into contracts for the support of rural development.

(14) Administer the Area Development Assistance Planning grant program. (7 U.S.C. 1926(a)(11)).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subpart C:

Dated: December 28, 1981.

John R. Block,

Secretary of Agriculture.

For Subpart I:

Dated: December 18, 1981.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 81-37399 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-01-M

---

7 CFR Part 2

Revision of Delegations of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: In FR Document 81-26167 appearing at page 47747 in the **Federal Register** of September 30, 1981, the amendatory language to § 2.27 appearing on page 47750 is corrected to read as follows:

"9. Section 2.27 is further amended by revising paragraphs (a)(7) and (a)(13) to read as follows:"

In addition, § 2.43 should have been removed.

The purpose of this document is to make those corrections.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, Department of Agriculture, Washington, D.C. (202) 447-6035.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Issued at Washington D.C. this 28th day of December, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-37401 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

7 CFR Part 425

[Amdt. No. 4]

Peanut Corp Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1981 crop year only, by extending the cancellation date from December 31, 1981, to March 1, 1982. The 1981 crop year policy is amended to provide for change in cancellation date prior to the 1982 crop year. This amendment will become effective immediately for all present peanut policyholders whose 1981 crops are protected by the Federal Crop Insurance Corporation (FCIC).

This amendment is necessary because of delay in enactment of farm legislation which will have a direct impact on the Department of Agriculture's Peanut Program and the FCIC Peanut Crop Insurance Policy.

The effect of this amendment is to provide additional time to advise policyholders of any amendment to the regulations brought about by the farm legislation.

This amendment is promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*).

DATES: Effective date: This interim rule is effective January 4, 1982.

Comment date: The Federal Crop Insurance Corporation is soliciting public comment on this interim rule for a period of 60 days following publication in the **Federal Register**. A final rule will then be promulgated. Written comments, data, and opinions on this interim final rule must be submitted not later than March 5, 1982, to be sure of consideration.

ADDRESS: All written comments on this interim rule should be sent to the Office

of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this interim final rule and the impact of implementing each option is available upon request from Peter F. Cole at the above address.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981), and has been classified as "not significant."

Melvin E. Sims, Chairman of the Federal Crop Insurance Corporation (FCIC), has determined that an emergency situation exists which warrants foregoing public notice and comment procedure and a 30-day delay in effective date on this action because the Peanut Crop Insurance Regulations (7 CFR Part 425) provide that any changes regarding the contract must be placed on file 15 days prior to the cancellation date in order to allow policyholders sufficient time to decide on their insurance plans. Farm legislation is not final and FCIC is therefore not able to notify its policyholders before the 15-day time limit prior to December 31; therefore, in order to provide sufficient time to notify policyholders, FCIC is extending the cancellation date from December 31, 1981, to March 1, 1982.

Each peanut crop insurance policyholder will be notified that the cancellation date is extended to permit them to examine possible contract changes due to the pending farm legislation.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with regard to this interim rule are impracticable and contrary to the public interest and good cause is found for making this action effective immediately.

Comments have been solicited for 60 days after publication of this document, and this interim action is scheduled for review so that a final document discussing any comments received and any amendments required can be published in the **Federal Register** as soon as possible.

All written submissions made pursuant to this action will be available for public inspection in the Office of the Chairman during regular business hours, Monday through Friday.

The Chairman, FCIC, has also determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

The information gathering and recordkeeping requirements of the regulations to which this amendment applies (7 CFR Part 425) have been approved by OMB under the following control numbers:

RMS OMB NBR
0565–0001
0563–0003
0563–0007

Background

Section 10 of the Appendix to the Peanut Crop Insurance Policy provides that the Corporation is required to notify the insured of any changes in the terms and provisions of the peanut insurance contract. Such notification must be made at least 15 days prior to the cancellation date (normally December 31) preceding the crop year for which the changes are to become effective. Farm legislation is not pending before the Congress which directly affects the Department of Agriculture's 1982 Peanut Program. FCIC cannot amend the regulations to conform with the legislation and still notify the policyholders in time; therefore, this action will serve to extend the deadline of December 31, 1981, to March 1, 1982, thus allowing time for possible changes to be made in the regulations and sufficient time given to the policyholder to examine such changes.

Under the authority contained in the Federal Crop insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 435), as published in the **Federal Register** on Wednesday, November 28, 1979, at 44 FR 67953–67960, effective for the 1981 crop year only.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to the sunset review date of November 28, 1984.

Interim Rule

PART 425—PEANUT CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1981 and succeeding crop years, in the following instances;

1. The authority citation is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1501, 1516).

2. 7 CFR 425.7(d), paragraph (c) of Section 12 of the Peanut Crop Insurance Policy is revised to read as follows:

§ 425.7 The application and policy.

* * * * *

(d) * * *

Peanut Crop Insurance Policy

* * * * *

12. Life of contract: Cancellation and termination

* * * * *

(c) Following are the cancellation and termination dates for the 1981 crop year:

State	Cancellation date	Termination date for indebtedness
All States	Mar. 1	Mar. 31.

For the 1982 and succeeding crop years, the following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All States	Dec. 31	Mar. 31

Done in Washington, D.C., on December 24, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 28, 1981.

Approved by:
Melvin E. Sims,
Chairman.

[FR Doc. 81-37417 Filed 12-31-81; 8:45 am]
BILLING CODE 3410-09-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 70, and 150

Submittal of Installation Information Pursuant to US/IAEA Safeguards Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Commission is amending 10 CFR Parts 40, 70 and 150 to relieve applicants for licenses of the requirements to submit installation information. This information provides a detailed description of the licensee's physical plant and methods for the control of nuclear material relative to the IAEA safeguards inspection program. Presently all applicants are required to provide installation information irrespective of selection by the IAEA. The amendments will permit the Commission to request installation information of a license applicant if it deems for a particular case that the information is needed in accordance with the US/IAEA Safeguards Agreement.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Branscome, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC. 20555 (301–443–5976).

SUPPLEMENTARY INFORMATION: The US/IAEA Safeguards Agreement entered into force on December 9, 1980. Notice of entry into force was published in the **Federal Register** on December 24, 1980, 45 FR 84967, at which time the Commission's implementing regulations became effective.

Under the Agreement and regulations, the IAEA has the right to apply safeguards to licensees listed on the United States eligible list, as defined in 10 CFR 75.2(b). In order to assure that a licensee on the U.S. eligible list could be visited and inspected by the IAEA promptly after listing, NRC regulations provided that certain applicants for a license to possess and use source material and special nuclear material should file specified information with NRC at least 9 months prior to the date when the applicant desires to receive the material (or earlier upon request by the Commission). The Commission explained in the **Federal Register** on May 25, 1978, 43 FR 22368, that this procedure was necessary to enable IAEA to place its control procedures in force before nuclear material is received. The Commission noted on July 17, 1979, 44 FR 41473, in reply to public comments, that the prelicensing review provisions would allow it, in cooperation with licensees, to avoid delays in the licensing process.

A further consideration of this issue has led the Commission to conclude, after consultation with the Department of State, that the prelicensing review provisions, at least for the time being, are unnecessarily burdensome on applicants for certain licenses.

The Commission has determined that it will be sufficient to require that an applicant submit installation information and permit verification of the information submitted only when specifically requested to do so by NRC. Ordinarily, the time between submission of an application and the issuance of a license would be more than adequate to enable an IAEA facility attachment to be negotiated in the interim. But even where this may not be the case, the Commission will have official knowledge of significant new installations, prior to commencement of construction, by virtue of the environmental report requirements in 10 CFR 40.32(e) (relating to the production of uranium hexafluoride and certain other activities) § 70.23(a)(7) (relating to processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, and certain other activities). The Commission will be able to determine whether prelicensing review is needed and, if it is, to make an appropriate request in a timely manner.

Since there is no counterpart requirement to inform NRC of new operations in Agreements States, 10 CFR 150.17a has been amended to require advance notice from applicants located there. Then, instead of routinely requiring submission of installation information, the Commission would obtain it only when the Commission finds that there is a need for the information. The license applicant would be advised of the need for the information.

The promulgation of the amendments will not result in any activity that affects the environment. Accordingly, the Commission has determined, under the National Environmental Policy Act and the criteria of 10 CFR 51.5(d)(2) and (3), that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the amendments to 10 CFR Parts 40, 70, and 150 is required.

Because these amendments relate solely to minor procedural matters and are solely for the purpose of relieving licensees of existing requirements, notice of proposed rulemaking and public procedure thereon are unnecessary. Because the rule relieves persons of existing restrictions, it can be made effective immediately upon publication.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 40, 70, and 150 are published as a document subject to codification.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for Part 40 is revised to read as follows:

Authority.—Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 83, 84, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended, (42 U.S.C. 2234).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 40.3, 40.25(d)(1)–(3), 40.35 (a)–(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c) and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 40.25 (c) and (d)(3) and (4), 40.26(c)(2), 40.35(e), 40.41(f), 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

2. In § 40.31, paragraph (g) is revised to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4(o) of this chapter) shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of this installation information by the International Atomic Energy Agency and take other action as may be necessary to implement the US/

IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§ 75.11 through 75.14 of this chapter.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. The authority citation for Part 70 is revised to read as follows:

Authority.—Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, as amended, 948, as amended, 953, as amended, 954 (42 U.S.C. 2071, 2073, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)–(k), 70.24 (a) and (b), 70.32(a) (3), (5), and (i), 70.36, 70.39 (b), and (c), 70.41(a), 70.42 (a) and (c), 70.56, are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.20a(d), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51 (c)–(g), 70.56, 70.57 (b) and (d), 70.58 (a)–(g)(3) and (h)–(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.32(h), 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k) and (l), 70.59 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 70.21, paragraph (g) is revised to read as follows:

§ 70.21 Filing.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use more than one effective kilogram of special nuclear material shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of such installation information by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§75.11 through 75.14 of this chapter.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

5. The authority citation for Part 150 is revised to read as follows:

Authority.—Sec. 161b, 68 Stat. 948, sec. 274, 73 Stat. 688 (42 U.S.C. 2201(b), 2021). Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243, (42 U.S.C. 5841).

Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under sec. 161b, 68 Stat. 950 (42 U.S.C. 2201(b)).

6. Section 150.17a is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 150.17a Compliance with requirements of US/IAEA Safeguards Agreement.

* * * * *

(c) An applicant for an Agreement State License authorizing possession of source material in amounts greater than one effective kilogram (except in ore processing) shall notify the Commission at least 9 months prior to the date when the applicant desires to receive the source material.

(d) In response to a written request by the Commission, an applicant for an Agreement State License authorizing possession of source material in amounts greater than one effective kilogram (except in ore processing) shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of such installation information by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§ 75.11 through 75.14 of this chapter.

Dated at Bethesda, Md. this 14th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–37464 Filed 12–31–81; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R–0379]

Interest on Deposits; Regulation Q; Technical Amendments

Correction

In FR Doc. 81–36795 appearing at page 62397 in the issue for Thursday, December 24, 1981, on page 62398, in the second column, in § 217.7(b), in the table, make the following corrections:

1. In the second line, "5¼" should have read "5¾";

2. In the third line, "6¾" should have read "6".

BILLING CODE 1505–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Revision 6; Amt. 27]

Business Loan Policy; Small Business Lending Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is repealing its authority to approve as participating lenders additional small business lending companies (also known as "Subsection (b) Lenders"), since SBA does not have adequate resources to service and effectively supervise additional lenders.

While the effective date of the repeal of the regulation is the date of publication in the **Federal Register**, SBA will continue to process all applications received prior to the date of publication and will approve or disapprove such applications according to procedures established prior to the effective date of repeal.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rule may be directed to Robert C. Hull, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653–7894.

SUPPLEMENTARY INFORMATION: On August 17, 1981, notice was published in the **Federal Register** (46 FR 41523) setting forth proposed amendments to Part 120 which would (1) repeal the authority of SBA to approve as participating lenders additional small business lending companies (known as "Subsection (b) Lenders") and (2) require that all Subsection (b) Lenders maintain unimpaired capital and surplus of not less than $2,000,000 or the aggregate of the lender's share of all outstanding loans, whichever is greater.

Interested parties were given until the close of business on or before October 16, 1981, to submit their comments on the proposed amendments. Comments were received from only eight parties of which five are approved Subsection (b) Lenders (SBLC's); two are applicants for SBA approval as SBLC's; and one U.S. Government Agency, the Department of Transportation. The four respondents who commented on the proposed repeal believed that SBLC's provided an effective alternative to traditional bank lending, and one of the respondents suggested that SBA have CPA firms expand their audit parameters to the extent necessary to eliminate the need

for SBA audits of the SBLC's. SBA does not believe this proposal can be implemented effectively since its supervision of SBLC's extends beyond only auditing. Seven respondents commented on the proposal to increase the financial requirements of SBLC's. A majority of them noted that the proposed capital increases would not be applicable to bank lenders so that the proposal was discriminatory. Several suggested a formula approach to any capital increase. One respondent believed that increasing the capital would not necessarily make an SBLC more efficient in its lending.

SBA has reviewed and considered the comments and believes some of those relating to increasing the capital requirements have merit. Therefore, the Agency wishes to study the area further. Accordingly, SBA is deferring action on an increase in capital requirement as proposed in the Notice and is not now promulgating a rule on this point. However, SBA does repeal by this publication its authority to accept and process additional applications to become SBLC's. SBA will continue to process applications received prior to the date of this publication pursuant to established procedures, and any applications approved subsequent to the date of publication will be considered SBLC's for all purposes.

In the Notice of publication of the proposed rule, SBA certified that such rule, if promulgated, would not have a significant impact upon a substantial number of small entities, and provided an explanation of that certification. Accordingly, this Notice contains no analysis under the Regulatory Flexibility Act. In addition SBA hereby recertifies that this rule does not constitute a major rule for the purpose of Executive Order 12291.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 120, Chapter I, Title 13 of the Code of Federal Regulations, is amended as follows:

PART 120—BUSINESS LOAN POLICY

1. Section 120.4(b) is revised to read as follows:

§ 120.4 Eligible loan participants.

* * * * *

(b) *Small Business Lending Companies.* Lending institutions which have qualified as "Subsection (b) Lenders" (Small Business Lending Companies) may continue as loan participants if in addition to the requirements set forth in subparagraphs (a) (1), (2) and (3) of this section, they also meet each of the following requirements:

(1) *Business Purpose.* Be a corporation (profit or non-profit) engaged solely in the making of loans in participation with SBA, and shall not be engaged in any other business or activity except as hereinafter authorized.

(2) *Subject to SBA Supervision and Examination.* Be subject to supervision and examination by SBA and to conduct their business operations in accordance with such regulations as may be promulgated by SBA.

2. Section 120.4 is amended by removing subparagraph (c)(2):

§ 120.4 Eligible loan participants.

* * * * *

(c) Determination of eligibility.

* * * * *

(2) [Removed]

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: December 18, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37360 Filed 12-31-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-75-AD; Amdt. 39-4291]

Airworthiness Directive; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On October 16, 1981, the FAA issued a telegraphic Airworthiness Directive (AD) T81-22-51, effective upon receipt, to all operators of Boeing 747 series aircraft equipped with RollsRoyce RB.211 engines, certificated in all categories. This AD requires revision of the airplane flight manual limitations and procedures and requires certain aircraft modifications so that the flight crew is promptly alerted to indications of possible impending engine failure and immediate action can be initiated to preclude a failure from occurring. RollsRoyce has released Alert Service Bulletin RB.211-77-A6424, Rev. 1, dated October 14, 1981, pertaining to this subject. Further rulemaking action is contemplated. This AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES: Effective date: January 11, 1982.

This AD was effective earlier to all recipients of telegraphic AD T81-22-51 dated October 16, 1981.

ADDRESSES: The Service Bulletins specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas D. Moreland, Aerospace Engineer, ANM-140S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, Northwest Mountain Region, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION: There have been three recent inflight failures of the Rolls-Royce RB.211 engine low pressure (LP) fan shaft on Lockheed L-1011 aircraft which resulted in significant damage to the aircraft. In a recent incident on September 22, 1981, 3 of the 4 hydraulic systems on a Lockheed L-1011 aircraft were rendered inoperative as a result of the engine failure, and engine fragments penetrated the aft pressure bulkhead. An engine modification which will preclude such failure is not yet available. All incidents were preceded by an abnormally high vibration indication on the airborne vibration monitoring (AVM) system. Since the same type engine failure could occur on the 747 airplanes equipped with RollsRoyce RB.211 engines, interim action is necessary. Accordingly, in the interim it is necessary to revise the airplane flight manual limitations and procedures, and to require certain aircraft modifications so that the flight crew is promptly alerted to indications of possible impending engine failure and immediate action can be initiated to preclude a failure from occurring. Rolls Royce has released Alert Service Bulletin RB.211-77-A6424, Rev. 1, dated October 14, 1981, pertaining to this subject. Further rulemaking action is contemplated.

Since this condition was likely to exist or develop on other airplanes with Rolls Royce RB.211 engines, a telegraphic airworthiness directive was issued which requires airplane flight manual revisions and modifications to Boeing Model 747 series airplanes with RB.211 engines. It is now published to make it effective to all persons.

Since a situation existed and still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists

for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 747 series airplanes certificated in all categories with Rolls-Royce RB.211 engines. To alert the flight crew to conditions which may precede engine failure, perform the following, unless previously accomplished:

A. Within 25 hours time in service after the receipt of this AD, or within 3 calendar days, whichever occurs later, revise the Boeing 747 FAA approved Airplane Flight Manual to add the following and provide to the flight crew:

Section 1—Limitations

Powerplant Limitations

Airborne Vibration Monitor (AVM) System

- At least one channel (A or B) of the AVM system must be operative for each engine for all flight operations.
- The operative AVM channel (A or B) must be the same for all engines.
- When both channels of the AVM system are operative, select channel A. If this channel becomes inoperative (indication goes to zero) in flight, select B.
- The AVM filter selector must be set to the norm position at all times except during routine AVM monitoring checks.

Section 2—Emergencies

Engines Abnormal Vibration Indication

During steady running conditions, if an airborne vibration monitor (AVM) system channel indicates a sudden increase of 1 (one) unit or more, or if the AVM warning light activates, even if the indicator returns to normal:

Immediate Action
Thrust Level—Close
Start Lever—Cut Off

Note.—During takeoff roll, a momentary fluctuation of the AVM indicator with no other indication of engine malfunction is not cause for shutdown.

Note.—When holding or descending in severe icing conditions, the AVM indication may gradually increase to above 2.5 units (warning light setting). This condition can be alleviated by increasing N1 to 90% for 5 seconds when ice accumulation (gradual vibration increase) is first detected. AVM indications may exceed 2.5 units during shedding. No action is required unless other indications of engine malfunction are observed.

Engine Oil Light Illuminated

If the engine oil light illuminates steadily or filter blockage is indicated:

Immediate Action
Thrust Lever—Close
Start Lever—Cut Off

B. Within 60 days calendar time after effective date of this AD, install an amber repeater light (annunciator) for the vibration meter alarm lights on the pilot's panel in accordance with Boeing Service Bulletin 747–77–2061 dated November 4, 1981, or later revision approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. When the indications specified in paragraph A above occur, engines must undergo the following maintenance actions prior to further engine operation for flight:

1. Rolls Royce RB.211–77–A6424, Rev. 1, dated October 14, 1981, paragraph D.(4) for oil pressure and/or AVM indications.

2. Boeing Maintenance Manual Chapter 71–00–46, High Indicated Vibration.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Alternate methods of compliance with this AD may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the address listed above. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective January 11, 1982, and was effective earlier to those recipients of telegraphic AD T81–22–51 dated October 16, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, and evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption, "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington on December 21, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–37414 Filed 12–31–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Airworthiness Docket No. 81–ASW–43; Amdt. 39–4290]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta Model A109A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires replacement of the engine mount central legs with improved design legs on Agusta Model A109A helicopters. This action is needed to prevent engine mount leg failure during operation which may result in improper support of the engine and possible drive shaft failure, and emergency descent of the helicopter.

DATE: Effective February 8, 1982.

Compliance is required within 200 hours' time in service after the effective date of this AD.

ADDRESSES: A copy of the service information may be examined at Office of Regional Counsel, Airworthiness Docket No. 81–ASW–43, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

The applicable Agusta Technical Bulletin No. 109–25 may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or J. H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of improved design engine mount central legs within 200 hours' time in service was published in 46 FR 48941. The proposal affecting Agusta A109A helicopters was prompted by

several reports of engine mount central leg failures and resulting improper support of an engine. Improper support of an engine may cause possible drive shaft failure and emergency descent of the helicopter.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA: Applies to Model A109A series helicopters through Serial Number 7169 equipped with engine mount central legs, P/N 109–0605–06 and 109–0605–07, certificated in all categories (Airworthiness Docket No. 81–ASW–43).

Compliance is required within 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the engine mount central leg and possible loss of engine support, accomplish the following:

(a) Remove the engine mount central legs, P/N 109–0605–06–13, 109–0605–06–14, 109–0605–07–13, and 109–0605–07–14.

(b) Install engine mount central leg assemblies, P/N 109–0640–84–1 and –2, and P/N 109–0640–85–1 and –2 as described in Section 71–20–00 of the A109A maintenance manual.

(c) Install engines and check engine to transmission alignment as described in Section 71–00–00 of the A109A maintenance manual.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalency must be approved by the Chief, Aircraft Certification Staff, AEU–100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium. Compliance with Agusta Technical Bulletin No. 109–25, dated August 29, 1980, constitutes compliance with this AD.

This amendment becomes effective February 8, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is not considered major under the provisions of Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since 19 helicopters will be affected for a total estimated impact of $132,050. A copy of the final regulatory evaluation prepared for this regulation is contained in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 18, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–37409 Filed 12–31–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–CE–17–AD; Amendment 39–4296]

Airworthiness Directives; Gates Learjet Models 25, 25A, 25B and 25C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models 25, 25A, 25B, and 25C airplanes. The AD requires the installation of an improved pitch trim actuator, trim-in-motion warning, pitch axis master interrupt, autopilot roll monitor and several other associated alterations and an initial and repetitive inspection of the unmodified stall warning system. If these airplanes are operated with a flight control system not modified or inspected in accordance with this AD, it could adversely affect safety of flight.

DATES: Effective date: January 8, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Corporation, Airplane Modifications Kits referenced in paragraph A) of this AD, may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946–2000. A copy of each of the Airplane Modification Kit documents is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Larry Malir, ACE–213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7008.

SUPPLEMENTARY INFORMATION: Amendment 39–4184, AD 81–16–08 published in the **Federal Register** (46 FR 39990, 39991) applicable to Gates Learjet Models 24E/F and 25D/F airplanes was issued as a final rule. Although that action involved requirements affecting immediate flight safety, interested persons were afforded an opportunity to participate in rulemaking action on Learjet aircraft by inviting comments on the contents of that rule. Due consideration has been given to those comments in the development of this AD. While those comments will also be considered in any future AD action on other Learjet models, the FAA feels that no additional information would be forthcoming from a further invitation for comments and therefore a similar invitation has not been included in this document.

Inspection of the stall warning system on all Learjet model airplanes was previously required as one-time inspection by Paragraph E) of AD 80–19–11 (45 FR 65999, 66002). In view of the comments received on AD 81–16–08, particularly those which questioned if unsafe conditions exist and the one commentator who related actual malfunctions he had experienced or was aware of on certain affected Learjet model airplanes in various phases of flight, and on further review of discrepancy findings requested by paragraph E) of AD 80–19–11, the FAA has determined there is a need to require reinspection of the stall warning system on Gates Learjet Models 25, 25A, 25B, and 25C airplanes in accordance with Gates Learjet Service Bulletins SB 23, 24, 25–301B. This need for reinspection is based on reported failed accelerometers or improperly wired stall warning systems. The resulting improper operation of a failed accelerometer or improperly wired stall warning system when coupled with an inadvertent stick pusher operation during cruise flight could present control forces and flight upset beyond the capability of the crew to recover.

Also, airplane modification kits, which install the improved pitch trim actuator, trim-in-motion warning, redesigned pitch axis master interrupt, autopilot roll monitor and stick puller/mach warning wire changes in the Learjet Model 25, 25A, 25B and 25C airplanes have become available and are incorporated in this AD.

Because the Airplane Flight Manual (AFM) changes provided with those kits would be in conflict with certain AFM revisions required by AD 80–19–11, the AD will also include provisions to resolve this conflict.

Accordingly, the FAA has decided to issue an AD applicable to the Learjet

Model 25, 25A, 25B, and 25C airplanes to require modifications that have been FAA approved to be installed on those airplanes. The AD also requires an initial and repetitive inspection of the stall warning system as specified in Learjet Service Bulletin SB 23, 24, 25–301B.

Further, in response to comments received on AD 81–16–08, the modification procedures of this AD differ from those previously specified in that AD in that it includes provisions to allow the horizontal stabilizer trim actuator work to be accomplished at FAA certificated maintenance repair agencies not limited to the agencies performing the airplane modifications required by this AD. Finally, the AD identifies certain restrictive AFM procedures which were required by AD 80–19–11 and allows those procedures to be relieved when the specified Learjet kits are installed and the respective AFM changes are incorporated.

Since the unsafe condition described herein may still exist on other Gates Learjet Models 25, 25A, 25B, 25C airplanes, an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is being published in the **Federal Register.**

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

GATES LEARJET: Applies to the following models and serial number airplanes certificated in any category:

Models and Serial Nos.

25, 25A—25–003 through 25–066 except 25–061
25B, 25C—25–061, 25–067 through 25–205

COMPLIANCE: Required as indicated, unless previously accomplished.

(A) On or before the compliance date (Reference Table I), accomplish the requirements of this paragraph at an FAA certificated maintenance repair agency. However, the modification and inspection of the horizontal stabilizer trim actuator as required in the airplane modification kits referenced in Table I may be performed by another FAA certificated repair agency utilizing qualified technicians who must have recent accessory overhaul experience performing the overhaul and test of the Gates Learjet Horizontal Stabilizer Trim Actuator with the necessary shop equipment (Attachment I hereto) as referenced in Learjet Repair Manual Number 1711–9, or the equivalent equipment.

(1) Modify Learjet Models 25, 25A and 25B/C airplane flight control systems, stall warning and control wheel in accordance with the following:

TABLE I

Gates Learjet airplane modification kit	Learjet models	Compliance date/ time
AMK 81–9, *AMK 81–8, and AMK 80–13 Change 3.	25 B/C	On or before Oct. 31, 1982.
AMK 81–10 Change 1, *AMK 81–8 and AMR 80–13 Change 3.	25, 25A	On or before Aug. 31, 1982.

*Kit AMK 81–8 does not apply unless Kit AAK 76–4 has been installed.

(B) Required Airplane Maintenance Record entry must be accomplished by the facility performing its portion of the AD as prescribed in paragraph A) of this AD.

(C) Insert in the appropriate sections of the existing Airplane Flight Manual (AFM) the FAA approved temporary Airplane Flight Manual Change pertaining to procedures required as a result of the modification of the flight control system in accordance with Airplane Modification Kit, all as listed in Table II below. Upon completion of the modifications required by paragraph A) of this AD and the insertion of the temporary AFM changes or equivalent permanent AFM revision, the identified, more restrictive paragraphs of AD 80–19–11 set forth in Table II below are no longer applicable.

TABLE II

Learjet AMK	Learjet model	AFM change date	AD 80–19–11 [1]
AMK 81–10	25, 25A	Oct. 14, 1981	(A)2, (A)5, (A)6.
AMK 81–9	25B/C	Sept. 4, 1981	(A)2, (A)5, (A)6.

[1] Paragraphs of AD superseded.

(D) To assure proper operation of the Stall Warning Accelerometer Unit, unless previously inspected in the last 100 hours time-in-service before the effective date of this AD, within the next 50 hours time-in-service, and at every 150 hours time-in-service thereafter, inspect the Stall Warning Accelerometer in accordance with Gates Learjet Service Bulletins SB 23, 24, 25–301B.

(E) Prior to accomplishing the modification required by paragraph A) of this AD, contact the FAA office noted in paragraph G) of this AD if any modification or alteration has been performed on the affected airplane for further instruction relative to the compatibility of the modification of this AD.

(F) Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on January 8, 1982.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on December 23, 1981.

Murray E. Smith,

Director, Central Region.

Attachment I

The stabilizer actuator test stand (P/N ST–00463) is used to functionally test the stabilizer actuator after overhaul. The physical structure of the test must be capable of withstanding a minimum load of 2500 lbs. without any bending or deformation.

The stabilizer actuator is vertically mounted on the test stand with one end stationary and the other end movable through a hydraulic actuator. The test stand consists of the following components:

a. Hydraulic Actuator—The hydraulic actuator is capable of applying a regulated load of 0 to 2500 lbs. on the stabilizer actuator during the entire extend or retract cycles.

b. Hydraulic Pressure Regulator—The pressure regulator is used to select hydraulic pressures applied to the stabilizer actuator during the functional test.

c. Hydraulic Pressure Gauge—The hydraulic pressure gauge is used to monitor hydraulic pressure applied to the stabilizer actuator. The gauge must be certified at least monthly.

d. Digital Position Readout—The digital position readout indicator is used to monitor the travel of the stabilizer actuator. Signals to the indicator are picked up from a rigid mounted linear potentiometer and movable wiper attached to the hydraulic actuator. The digital readout is accurate to 1/1000th of an inch.

e. Linear Scale—A linear scale, graduated in 100th of an inch, is permanently mounted on the test stand to verify the digital readout. A tool of known length is used to verify the

linear scale and digital readout before the stabilizer actuator functional test is performed. The tool length must be certified at least yearly.

f. Lapse Timer—A lapse timer is coupled to the control switches and the stabilizer actuator to monitor travel time during the extend and retract cycles. The lapse timer must measure seconds to be accurate to 1/100th of a second.

g. Trim Controller—The trim controller is used to simulate two-speed input to the stabilizer actuator primary motor. The trim controller part number is EM 2079–6.

h. Pre-Select Timer—The pre-select timer is used to check stabilizer actuator travel vs. time, voltage and amperage inputs in accordance with the functional test.

i. Power Supply—The power supply is variable through 0–30 volts DC and 0–30 amperes DC.

j. DC Voltmeter—The DC voltmeter must be capable of measuring 0–30 volts DC and must be certified at least yearly. The voltmeter is used to monitor the voltage inputs to the stabilizer actuator in accordance with the functional test.

k. DC Ammeter—The DC ammeter must be capable of measuring 0–30 amperes DC and must be certified at least yearly. The ammeter is used to monitor the amperes inputs to the stabilizer actuator in accordance with the functional test.

l. Millivolt Meter—The millivolt meter is used to monitor the stabilizer actuator linear potentiometer for a smooth and steady signal output. The meter is 0–50 volts graduated in 100 mv increments.

m. Switches—Necessary switches installed to operate the stabilizer actuator primary and secondary motors to extend or retract.

n. A digital or Simpson 260 meter, not a part of the test stand, is used to verify the resistance of the stabilizer actuator linear potentiometer. The digital or Simpson 260 meter must be certified at least every 90 working days.

[FR Doc. 81-37410 Filed 12-31-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-CE-19-AD; Amendment 39-4297]

Airworthiness Directives; Gates Learjet Model 23, 24, 25, 28, 29, 35 and 36 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models, 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25D, 25F, 28, 29, 35, 36, 35A and 36A airplanes. The AD requires an initial and repetitive inspections of the unmodified stall warning system on all of the applicable Learjet models. If these airplanes are not inspected in accordance with this AD, it could adversely affect safety of flight.

DATES: Effective Date: January 8, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Corporation, Airplane Modifications Kit referenced in paragraph A) of this AD, may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946–2000. A copy of each of the Airplane Modification Kit documents is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Larry Malir, ACE–213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7008.

SUPPLEMENTARY INFORMATION: Inspection of the stall warning system was previously required as a one-time inspection by paragraph E) of AD 80–19–11 (45 FR 65999, 66002).

In view of the comments received on AD 81–16–08 (46 FR 39990, 39991), particularly those which questioned if unsafe conditions exist and the one commentator who related actual malfunctions he had experienced or was aware of on certain affected Learjet model airplanes in various phases of flight, and on further review of discrepancy findings requested by paragraph E) of AD 80–19–11, the FAA has determined there is a need to require reinspection of the stall warning system in accordance with appropriate Gates Learjet Service Bulletin SB 23, 24, 25–301B, SB 28, 29–27–3B or SB 35, 36–27–12B. This need for reinspection is based on reported failed accelerometers or improperly wired stall warning systems. The resulting improper operation of a failed accelerometer or improperly wired stall warning system when coupled with an inadvertent stick pusher operation during cruise flight could present control forces and flight upset beyond the capability of the crew to recover.

Accordingly, the FAA has decided to issue an AD applicable to the aforementioned Learjet Model airplanes to require an initial and repetitive inspection of the stall warning system as specified in the respective Learjet Service Bulletins. Since the unsafe condition described herein may still exist on other Gates Learjet Models 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes, an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is being published in the **Federal Register**.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register**.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

GATES LEARJET: Applies to the following models and serial number airplanes certificated in any category:

Models	Serial No.
23	23–003 through 23–099.
24, 24A	24A–011, 24A–012, 24–015, 24–019, 24–031, 24–043, 24–050, 24–051, 24–055, 24–060, 24–065, 24–067, 24–096, and 24–100 through 24–180.
24B, 24B–A	24–181 through 24–217, 24–219 through 24–229.
24C, 24D, 24D–A	24–218, 24–230 through 24–328.
24E, 24F, 24F–A	24–329 through 24–357.
25D, 25F	25–206 through 25–336, 25–338 and on.
28, 29	28–001 and on, 29–001 and on.
35, 36, 35A, 36A	35–001 and on, 36–001 and on.

COMPLIANCE: Required as indicated.

(A) To assure proper operation of the Stall Warning Accelerometer Unit, unless previously inspected in the last 100 hours time-in-service before the effective date of this AD, perform, within the next 50 hours time-in-service, and at every 150 hours time-in-service thereafter, inspect the Stall Warning Accelerometer in accordance with appropriate Gates Learjet Service Bulletins SB 23, 24, 25–301B, SB 28, 29–27–3B, or SB 35, 36–27–12B.

(B) Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on January 8, 1982.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under

DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on December 23, 1981.

Murray E. Smith,

Director, Central Region.

[FR Doc. 81-37411 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASW-44]

Alteration of Transition Area: El Dorado, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at El Dorado, AR. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the El Dorado Downtown Airport. This amendment is necessary to provide controlled airspace for aircraft executing a new instrument approach procedure to the Downtown Airport. Coincident with this action, the El Dorado Downtown Airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52123) stating that the Federal Aviation Administration proposed to alter the El Dorado, AR, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. One commentor objected to this proposal.

Discussion of Comments

Mr. Thomas F. Conway, Director of Operations of Jamaire, Inc., interposed an objection. The objection stated that another established approach procedure in the same airspace would further derogate the efficient and timely flow of IFR traffic. The amount of traffic using the approach procedure to EL Dorado Downtown Airport is expected to be very low. One of the principal users of Downtown, Mr. D. R. Womack, was contacted and it was determined that his aircraft presently execute approaches to Goodwin Field and, when weather conditions permit, they proceed to Downtown using special visual flight rule procedures. If weather conditions do not permit, the pilot will land at Goodwin Field. Since the majority of aircraft that will be making approaches to the Downtown Airport presently are making approches to Goodwin Field and proceeding to Downtown Airport under special visual flight rule conditions, we have determined that establishment of this approach will not result in a substantial increase in instrument operations.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, 1981, as follows:

El Dorado, Arkansas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of El Dorado Goodwin Airport (latitude 33°13'15"N., longitude 92°48'47"W.) and within a 5-mile radius of the Downtown Airport (latitude 33°11'00"N. longitude 92°40'00"W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37613 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-SO-51]

Designation of Transition Area, Leesburg, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate the Leesburg, Florida, Transition Area and will lower the base of controlled airspace in the vicinity of Leesburg Municipal Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A standard instrument approach procedure has been developed and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 GMT, February 15, 1982.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Monday, September 28, 1981, (46 FR 47464), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Leesburg, Florida, Transition Area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to this publication.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes the Leesburg, Florida, Transition Area. A new standard instrument approach procedure (NDB Runway 31) has been developed for Leesburg Municipal Airport utilizing the proposed Leesburg NDB (nonfederal, nondirectional radio beacon). This action is necessary to provide the required controlled airspace to protect aircraft conducting Instrument Flight Rule operations.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, February 15, 1982, as follows:

Leesburg, Florida

That airspace extending upward from 700 fee above the surface within a 6-mile radius of Leesburg Municipal Airport (lat. 28°49'20" N.; long. 81°48'35" W.), within 3 miles each side of the 126° bearing from the Leesburg RBN (lat. 28°49'44" N.; long. 81°49'08" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on December 21, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 81-37403 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-58]

Alteration of Transition Area: Westminster, Maryland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Westminster, Maryland, (Westminster Airport), Transition Area. It changes the description to cause "Westminster Airport" to read "Carroll County Airport" where the former appears.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 4, 1982.

Amend § 71.181 of Part 71, Federal Aviation Regulations by altering:

(a) The caption of the Westminster Maryland (Westminster Airport) 700-foot floor transition area by deleting, "(Westminster Airport)" and by substituting, "(Carroll County Airport)", therefor.

(b) The description of the Westminster Maryland (Westminster Airport) 700-foot floor transition area by deleting, "Westminster Airport", and by substituting, "Carroll County Airport", therefor.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37378 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-39]

Alteration and Revocation of Transition Areas: Albion and Berlin, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Berlin, New Jersey, and revokes the Albion, New Jersey, Transition Areas. The alteration results in a combining of the former Albion, New Jersey, Transition Area into the Berlin, New Jersey, Transition Area. These changes result from a change in the name of Albion Airport to Camden Airport, and a recognition that both airports and the transition areas are located in Berlin, New Jersey.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 4, 1982 as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, as follows:

a. *Albion, N.J.*—Revoke the Albion, N.J., 700-foot floor Transition Area in its entirety.

b. *Berlin, N.J.*—Amend the text of the Berlin, N.J., 700-foot floor Transition Area by deleting, "13 miles north of the VORTAC." and by substituting, "13 miles north of the VORTAC; within a 5-mile radius of the center 39°34'40" N., 74°56'55" W., of Camden County Airport, Berlin, N.J., and within 2 miles each side of the Cedar Lake VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N.J., Transition Area. The Camden County Airport Transition Area is effective from sunrise to sunset, daily." therefor.

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37404 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ANW-13]

Alteration of Transition Area; Medford, Oregon

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The revocation of Low Altitude Airway V-23E between Fort Jones, California, and Medford, Oregon, to be effective January 21, 1982 (ASD-81-ANW-8), necessitates a redescription of the 1,200-foot transition area for Medford, Oregon, which is accomplished by this document.

EFFECTIVE DATE: January 21, 1982.

Comments must be received on or before January 30, 1982.

ADDRESSES: Send comments on the rule in triplicate to:

Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location:

Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe a portion of the 1200 foot transition area southeast of Medford, Oregon. The revocation of V-23E negates its use as a reference in the description of the transition area. 46 FR 56779, November 19, 1981. No substantive changes are made in the transition area. Since this change is editorial in nature only, it is found that notice and public procedure herein are unnecessary and that the amendment may be made effective in less than 30 days. However, comments are invited on the rule. When the comment period closes, the FAA will use the comments and any other available information to review the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 540), is further amended, effective 0901 GMT, January 21, 1982, as follows:

Medford, Oregon

Replace the words * * * "on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-23E;" beginning on line 8 with: "on the southeast by a line 5 miles southeast and parallel to the Fort Jones Vortac 041° radial, on the west by the east edge of V-23;" * * *

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C.1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, December 23, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-37397 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASW-48]

Designation of Transition Area; Seminole, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Seminole, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Gaines County Airport. This amendment is necessary to provide protection for aircraft executing instrument approaches using the proposed nondirectional radio beacon (NDB). Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 53434) stating that the Federal Aviation Administration proposed to designate the Seminole, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, as follows:

Seminole, TX

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gaines County Airport (latitude 32°40'35"N., longitude 102°39'06"W.) and within 3 miles each side of the 189° bearing of the NDB (latitude 32°40'19"N., longitude

102°38'43"W.) extending from the 7-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37412 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 71, 73, and 75

[Airspace Docket No. 81-AWA-12]

Compilation of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: In the past, the FAA has published, in the **Federal Register**, an annual Compilation of Regulations containing current airspace designations. This compilation was published annually for the benefit of the public, since airspace designations are not carried in the Code of Federal Regulations or the Federal Aviation Regulations. This year the FAA will not publish the compilation in the **Federal Register.** The FAA plans to publish a handbook containing the compilation at a later date.

FOR FURTHER INFORMATION CONTACT: Mary Ann Webb, Airspace Regulations and Obstruction Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

The publication cost of the compilation in the **Federal Register** has escalated. Accordingly, a more cost efficient handbook will be published that will reflect the annual compilation with page changes to reflect the updates.

Further information regarding the availability and cost of the handbook will be published in the **Federal Register** when the information is available.

Issued in Washington, D.C., on December 24, 1981.

Shelomo Wugalter,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-37186 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 50

Fee Structure for Special Population Censuses

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of the Census is amending the regulation for conducting special population censuses by removing the fee structure for conducting a special population census. The special censuses will be conducted on an actual cost basis. Concerned communities may write the Bureau to obtain an individual estimate.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: George Hurn, Chief, Special Census Branch, Bureau of the Census, Washington, D.C. 20233, (301) 763-5806.

SUPPLEMENTARY INFORMATION:

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF CENSUS

The Bureau is amending title 15, chapter 1, part 50, fee structure for special population censuses, by removing § 50.10(b) and removing the designation "(a)."

Section 50.10 is revised to read as follows:

§ 50.10 Fee structure for special population censuses.

The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Associate Director for Demographic Fields, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population. The Associate Director will reply giving an estimate of the cost and other pertinent information.

Title 13, United States Code, section 196, Special Censuses, requires payment to the Bureau of the actual or estimated cost of each such special census.

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major rule and does not require a Regulatory Impact Analysis.

This rule is not subject to the requirements of the Regulatory Flexibility Act.

This rule does not impose an information collection requirement.

Dated: December 15, 1981.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 81-37379 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances; Ranges of Comparability for Furnaces and Dishwashers

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy efficiencies for furnaces and energy costs for dishwashers have not changed this year by as much as 15%. Therefore, the ranges published last year for furnaces and dishwashers remain in effect until new ranges are published next year.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-724-1491, or Lucerne D. Winfrey, 202-724-1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)[1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and, (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type. [4] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for furnaces and dishwashers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for these two product categories have changed by 15% or more.

In consideration of the foregoing, the present ranges for furnances and dishwashers will remain in effect for the next year.

As a consequence of this, all cost figures for dishwashers required to be disclosed along with dishwasher ranges must be based on the same representative average unit costs for energy that were used in establishing the existing ranges. That is, the representative average costs per unit for energy that are to be used in calculating the estimated annual operating cost for dishwashers remain the same as were published in § 305.9 of the Commission's final Appliance Labeling Rule: 4.97 cents per KWH for electricity; 84.1 cents per gallon for oil; 36.7 cents per therm for natural gas; and, 54.5 cents per gallon for propane gas. This will require recalculation (but not resubmission) for any models submitted to the Commission based on the 1981 representative average unit costs for energy published by DOE on December 1, 1980[5] and the Commission on January 13, 1981.[6]

When calculating the estimated annual operating costs to be used in the cost grids on fact sheets pertaining to gas-fired and oil-fired furnaces and boilers, manufacturers of these products may continue to use 4.97 cents per KWH as the cost rate for the electricity consumed by the electrically powered parts of the furnaces or boilers.

Issued: By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-37437 Filed 12-31-81; 8:45 am]

BILLING CODE 6750-01-M

---

16 CFR Part 305

Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances; Ranges of Comparability for Room Air Conditioners

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy efficiencies for room air conditioners have not changed this year by as much as 15%. Therefore, the ranges published last year remain in effect until new ranges are published.

---

[1] Pub. L. 94-163, 89 Stat. 871, (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1980).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

[5] 45 FR 79575 (December 1, 1980).

[6] 46 FR 2974 (January 13, 1981).

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–724–1491, or Lucerne D. Winfrey, 202–724–1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and, (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[4] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for room air conditioners have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more.

In consideration of the foregoing, the present ranges for room air conditioners will remain in effect for the next year.

(Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94–163 (42 U.S.C. 6294)); as amended by the National Energy Conservation Policy Act (Pub. L. 95–619))

Issued: By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–37438 Filed 12–31–81; 8:45 am]

BILLING CODE 6750–01–M

[1] Pub. L. 94–163, 89 Stat. 871 (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerator-freezers and freezers are due by August 1.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket RM 79–14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978; Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

December 28, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of January 1982 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.581
Calendar Year 1981												
Increment Pricing Threshold	$1.891	$1.906	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.725	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.250	9.010	9.510	9.430	9.360	9.250	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057											
NGPA Section 102 Threshold	3.003											
NGPA Section 109 Threshold	2.128											
130% of No. 2 Fuel Oil in New York City Threshold	9.180											

[FR Doc. 81-37467 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6100

[OR-19328]

Oregon; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 7,479.62 acres of land for reclamation purposes. This action will restore portions of the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: February 2, 1982.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of April 26, 1909, which withdrew the following described lands for use by the Bureau of Reclamation for reclamation purposes in connection with the Columbia South Side Project, is hereby revoked in its entirety:

Willamette Meridian

Columbia South Side Project

T. 7 S., R. 19 E.,
- Sec. 17, S½SW¼;
- Sec. 18, lots 3 and 4, SE¼SW¼, W½SE¼, and SE¼SE¼;
- Sec. 19, lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, E½W½, W½SE¼, and SE¼SE¼;
- Sec. 28, N½, N½SW¼, SE¼SW¼, and SE¼;
- Sec. 29, NW¼NW¼;
- Sec. 30, E½;
- Sec. 32, NW¼;
- Sec. 33, N½NE¼, SE¼NE¼, and SW¼NW¼;
- Sec. 34, W½NE¼, NW¼, and N½S½.

T. 8 S., R. 19 E.,
- Sec. 3, lot 3, SE¼NW¼, and W½SE¼;
- Sec. 4, lot 7, SE¼SW¼, and SE¼;
- Sec. 5, lots 3, 4, and 5, SW¼NE¼, and SE¼NW¼;
- Sec. 9, lots 3 and 4, NE¼, and E½SW¼;
- Sec. 10, W½NE¼, and E½SW¼;
- Sec. 15, lot 1, and E½W½;
- Sec. 21, lot 1, NE¼, NE¼NW¼, N½SE¼, and SW¼SE¼;
- Sec. 22, lots 3 and 4, NE¼NE¼, E½SW¼, and S½SE¼;
- Sec. 23, lots 1 and 2, E½NW¼, NE¼SW¼, and N½SE¼;
- Sec. 25, NE¼NW¼, S½NW¼, SW¼, and S½SE¼;
- Sec. 26, lot 1, W½NE¼, NE¼NW¼, and SE¼;
- Sec. 35, NE¼.

T. 9 S., R. 19 E.,
- Sec. 1, S½NE¼, and E½SE¼;
- Sec. 12, N½, NW¼SW¼, NE¼SE¼, and S½SE¼;
- Sec. 24, SE¼NE¼, W½NW¼, and NE¼SE¼.

T. 8 S., R. 20 E.,
- Sec. 31, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SW¼SE¼.

T. 9 S., R. 20 E.,
- Sec. 6, lots 1 and 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
- Sec. 30, lots 1 and 2, W½E½, and E½NW¼.

The areas described aggregate 7,479.62 acres in Jefferson, Wasco, and Wheeler Counties.

2. The following described lands are withdrawn and reserved for the John Day Fossil Beds National Monument and remain segregated from operation of the public land laws generally, including the mining and mineral leasing laws:

Willamette Meridian

T. 7 S., R. 19 E.,
- Sec. 33, N½NE¼, and SE¼NE¼;
- Sec. 34, W½NE¼, NW¼, and N½S½.

The area described contains 520 acres in Wheeler County.

3. The following described lands are withdrawn for Powersite Reserve No. 24 of July 2, 1910; Powersite Reserve No. 145 of July 2, 1910; Powersite Reserve No. 556 of November 24, 1916; and Powersite Classification No. 383 of August 15, 1947, and remain segregated from operation of the public land laws generally, but will be open to the mining laws:

Willamette Meridian

T. 7 S., R. 19 E.,
- Sec. 17, S½SW¼;
- Sec. 18, lots 3 and 4, W½SE¼, and SE¼SE¼;
- Sec. 19, lots 2 and 3, N½NE¼, SW¼NE¼, E½NW¼, NW¼SW¼, W½SE¼, and SE¼SE¼;
- Sec. 28, NW¼NE¼, NW¼NW¼, S½N½, N½SW¼, SE¼SW¼, and SE¼;
- Sec. 29, NW¼NW¼;
- Sec. 30, E½E½, SW¼NE¼, and NW¼SE¼;
- Sec. 32, NW¼.

T. 8 S., R. 19 E.,
- Sec. 3, lot 3, SE¼NW¼, NE¼SW¼, and W½SE¼;
- Sec. 4, lot 7, SE¼SW¼, and SE¼;
- Sec. 5, lots 3, 4, 5, SW¼NE¼, and SE¼NW¼;
- Sec. 9, lots 3 and 4, NE¼NE¼, S½NE¼, and E½SW¼;
- Sec. 10, W½NE¼, and E½SW¼;
- Sec. 15, lot 1, and E½SW¼;

Sec. 21, lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, NW¼SE¼, and SE¼SW¼;
Sec. 22, lots 3 and 4, E½SW¼, and S½SE¼;
Sec. 23, lot 2, NE¼SW¼, and NW¼SE¼;
Sec. 25, NE¼NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, lot 1, W½NE¼, NE¼NW¼, NW¼SE¼, and E½SE¼;
Sec. 35, NE¼NE¼.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼, and E½SE¼;
Sec. 12, NE¼NE¼, S½N½, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 24, SE¼NE¼, and NE¼SE¼.
T. 8 S., R. 20 E.,
Sec. 31, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SW¼SE¼.
T. 9 S., R. 20 E.,
Sec. 6, lots 1, 2, 3, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 30, lots 1 and 2, W½E½, and E½NW¼.

The areas described above aggregate 5,631.15 acres in Jefferson, Wasco, and Wheeler Counties.

4. At 10 a.m. on February 2, 1982, the lands described in paragraph 1, except as provided in paragraphs 2 and 3, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 2, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. At 10 a.m. on February 2, 1982, the lands described in paragraph 1, except as provided in paragraph 2, will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 28, 1981.

[FR Doc. 81-37420 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Arizona	Fredonia (town), Coconino County FEMA-6121	Kanab Creek	Intersection of creek and center of Pipe Spring Road (State Highway 389).	*4,682
Maps available for inspection at Town Clerk's Office, Fredonia, Arizona.				
Arkansas	City of Shannon Hills, Saline County (FEMA 6129)	Otter Creek	Approximately 100 feet downstream of Shannon Hills Dr..	*314
			At the southern corporate limits	*319
		Shannon Hills Tributary	Approximately 200 feet upstream of Clayton Drive	*315
			Just upstream of Joan Drive	*321
Maps available for inspection at Shannon Hills City Hall, 10401 High Road East, Mabelvale, Arkansas 72103.				
California	Galt (city), Sacramento County FEMA-6129	Dry Creek	100 feet upstream from center of State Highway 99	*44
Maps available for inspection at Department of Engineering, 380 Civic Drive, Galt, California.				
California	Red Bluff (city), Tehama County FEMA-6121	Sacramento River	Intersection of Willow Street and Riverside Way	*269
			Intersection of Williams Avenue and Sale Lane	*270

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
	East Sand Slough	Samson Slough	100 feet upstream from center of Antelope Blvd.	*271
		Paynes Creek Slough	Intersection of Slough and center of Antelope Blvd.	*272
		Dibble Creek	650 feet downstream from center of Interstate Highway 5.	*280
		Brewery Creek	At confluence with Brewery Creek Tributary	*273
		Brickyard Creek	100 feet upstream from center of Baker Road	*319
		Reeds Creek	Area between Creek and the west end of Locust Avenue.	*269
		Grasshopper Creek	100 feet downstream from center of Interstate Highway 5.	*269
	Maps available for inspection at Department of Planning, 555 Washington Street, Red Bluff, California.			
California	Redwood City (city), San Mateo County, FEMA–6121	San Francisco Bay	Intersection of Bloomquist Street and Harbor Boulevard.	*7
	Maps available for inspection at Planning Department, City Hall, 1017 Middlefield Road, Redwood City, California.			
California	Siskiyou County (Unincorporated Areas) FEMA–5979	Johnson Creek (Near Etna)	Upstream side of state Highway 3 over the channel	*2,919
		Etna Creek	Approximately 400 feet south of the intersection of the channel and State Highway 3.	#2
		Shasta River (Near Edgewood)	Upstream side of Southern Pacific Railroad over the channel.	*2,943
		Yreka Creek (Near Yreka)	Approximately 150 feet south along the channel from its intersection with Sharps Road.	*2,684
		Moffett Creek (Near Fort Jones)	Approximately 100 feet east of the intersection of Fort Jones Highway and Scott River Road.	*2,725
			Douglas Avenue Bridge over the channel	*2,743
			Approximately 1,000 feet southwest along Marble View Drive from its intersection with State Highway 3.	#1
		Cottonwood Creek (Near Hornbrook).	Upstream side of Front Street over the channel	*2,161
		Indian Creek (Near Happy Camp)	Approximately 300 feet northwest of Deer Lick Creek confluence.	*1,300
		Sacramento River (Near Dunsmuir)	Upstream side of Scherrer Avenue over the channel	*2,247
		Klamath River (Near Happy Camp)	At Elk Creek confluence	*1,076
		Klamath River (Near Seiad Valley)	At confluence with West Grider Creek	*1,361
			Downstream side of State Highway 96 over the channel.	*1,396
		Humbug Gulch (Near Yreka)	Intersection of downstream county limits and channel	*2,748
		Seiad Creek	Approximately 500 feet north of the intersection of State Highway 96 and Old Seiad Creek Road.	#2
	Maps available for inspection at Public Works Building, 311 4th Street, Yrek, California.			
California	Yuba County (Unincorporated Areas) FEMA–6124	Feather River	Intersection of river and center of Southern Pacific Railroad.	*73
		Yuba River	200 feet west along Walnut Avenue from intersection with Hallwood Boulevard.	*88
		Jack-Simmerly Slough	Intersection of Simmerly Slough and center of Woodruff Lane.	*74
		Linda Drain	50 feet northeast along Grand Avenue from the intersection with Western Pacific Railroad.	*58
			Intersection of drain and center of McGowan Parkway	*60
			150 feet north from intersection of Linda-Hurst Road and Sharp Avenue.	*62
			100 feet upstream from center of North Beale Road	*70
			Intersection of North Beale Road and Widget Avenue	#2
			Intersection of Linda-Hurst Road and Sharp Avenue	#1
		Olivehurst Drain	100 feet upstream from center of Southern Pacific Railroad.	*63
		Plumas Lake	100 feet southeast from the intersection of McGowan Parkway and Rancho Road.	*60
	Maps available for inspection at County Department of Public Works, 215 5th Street, Marysville, California.			
Connecticut	Marlborough, town, Hartford County (Docket No. FEMA–6053).	Blackledge River	Downstream Corporate Limits	*159
			Downstream State Route 2	*174
			2,400' upstream State Route 2	*184
			Upstream South Main Street	*195
			2,300' upstream South Main Street	*205
			4,850' downstream J. Daniels Road	*215
			2,300' downstream J. Daniels Road	*225
			Upstream J. Daniels Road	*235
			2,200' upstream J. Daniels Road	*249
			3,700' upstream J. Daniels Road	*259
			5,800' upstream J. Daniels Road	*270
			Downstream State Route 66	*275
			Upstream State Route 66	*284
			2,100' upstream State Route 66	*295
			3,350' upstream State Route 66	*305
			Downstream Parker Road	*315
			1,600' upstream Parker Road	*326
			4,000' upstream Parker Road	*336
			Upstream West Road	*342
		Dickinson Creek	1,000' downstream Flood Road	*350
			Upstream Flood Road	*359

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Downstream State Route 66	*373
			3,600' upstream State Route 66	*383
			5,000' upstream State Route 66	*392
			Downstream Chapman Road	*407
			Upstream North Main Street	*416
			Downstream Sarah Lane	*425
			Upstream West Road	*436
			550' upstream West Road	*450
			850' upstream West Road	*460
			1,200' upstream West Road	*470
			1,500' upstream West Road	*479
			1,850' upstream West Road	*490
			2,2000' upstream West Road	*499
			Approximately 2,500' upstream West Road	*510
			1,100' downstream Old Stagecoach Road	*515
			850' downstream Old Stagecoach Road	*525
			Approximately 600' downstream Old Stagecoach Road	*535
			Approximately 250' downstream Old Stagecoach Road	*647
			Upstream Old Stagecoach Road	*555
			Approximately 300' upstream Old Stagecoach Road	*565
			550' upstream Old Stagecoach Road	*574
			Approximately 850' upstream Old Stagecoach Road	*584
		Flat Brook	Downstream Standish Drive	*350
			Downstream Jones Hollow Road	*362
			Upstream Jones Hollow Road	*369
			750' upstream Jones Hollow Road	*380
			Approximately 1,250' upstream Jones Hollow Road	*390
			Downstream Finley Hill Road	*405
			350' upstream Finley Hill Road	*416
			850' upstream Finley Hill Road	*430
			1,200' upstream Finley Hill Road	*440
			1,550' upstream Finley Hill Road	*450
			Approximately 1,850' upstream Finley Hill Road	*462
			2,100' upstream Finley Hill Road	*473
			2,300' upstream Finley Hill Road	*483
			2,500' upstream Finley Hill Road	*492
			2,700' upstream Finley Hill Road	*502
			Upstream Corporate Limits	*511
		Foot Sawmill Brook	Confluence with Blackledge River	*351
			300' upstream South Buckboard Lane	*361
			1,550' upstream South Buckboard Lane	*368
			Approximately 2,350' upstream South Buckboard Lane	*381
			2,800' upstream South Buckboard Lane	*390
			Approximately 3,300' upstream South Buckboard Lane	*400
			Approximately 3,700' upstream South Buckboard Lane	*408
			Approximately 700' downstream Stony Brook Road	*419
			Downstream Stony Brook Road	*426
			500' upstream Stony Brook Road	*434
		Lyman Brook	Approximately 350' downstream Private Drive	*206
			Downstream Private Drive	*218
			Approximately 300' upstream Private Drive	*230
			Approximately 600' upstream Private Drive	*241
			1,900' upstream Private Drive	*250
			Downstream State Route 2 (downstream crossing)	*257
			3,300' downstream State Route 2 (upstream crossing)	*268
			Downstream State Route 2	*277
			950' downstream Johnson Road No. 1	*290
			Downstream Johnson Road No. 1	*302
			350' upstream Johnson Road No. 1	*315
			650' upstream Johnson Road No. 1	*325
			1,050' upstream Johnson Road No. 1	*335
			Approximately 1,400' upstream Johnson Road No. 1	*345
			Approximately 1,750' upstream Johnson Road No. 1	*355
			1,100' downstream State Route 66	*365
			800' downstream State Route 66	*373
			400' downstream State Route 66	*385
			75' downstream State Route 66	*396

Maps available for inspection at the Office of the Town Clerk, Town Assessor, and Town Planner, Marlborough Town Hall, Marlborough, Connecticut.

Florida	Unincorporated Areas of Glades County (FEMA-6129)	Caloosahatchee River	Just upstream of U.S. Highway 27 Bridge (State Highway 25).	*13
		Bee Branch	Just upstream of State Highway 720	*42
		Pollywog Creek	Just upstream of State Highway 720	*45
		Turkey Branch (Shallow Flooding Areas).	Just downstream of State Highway 78	*22
		Long Hammock Creek (Shallow Flooding Areas).	Approximately 0.5 Mile North of State Highway 80	*15
		Stream J (Shallow Flooding Areas)	Approximately 200 feet north of State Highway 80	*18
		Stream K (Shallow Flooding Areas)	Approximately 200 feet north of State Highway 80	*19
		Okeechobee Rim Canal Interior Drainage Areas.	Just upstream of Indian Prairie Canal	*17
		Lake Okeechobee	Entire Shore Line	*21

Maps available for inspection at Glades County Courthouse, U.S. Highway 27th and Sixth Street, Moore Haven, Florida 33471.

Florida	Unincorporated Areas of Hendry County (FEMA-6129)	Caloosahatchee River	Just downstream of State Route 29	*9
		Jacks Branch	Just downstream of State Route 78	*10
		Stream A	Unnamed Road at 1,750 feet above mouth	*12

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Stream B	Unnamed Road at 600 feet above mouth	*15
		Stream C	Just upstream of Niles Street	*26
		Stream D	Just upstream of State Route 78	*16
			Just upstream of North River Road	*28
		Stream E	Just downstream of State Route 78	*10
		Bee Branch	Just downstream of State Route 78	*14
		Pollywog Creek	Just downstream of State Route 78	*14
		Labelle "A"	Just upstream of Devils Garden Avenue	*19
			Just downstream of State Route 29	*29
		Canal 139	Approximately 700 feet north of confluence with South Alico Canal.	*29
		Stream "F"	Just downstream of State Route 80	*19
		Stream "G"	Just downstream of State Route 80	*21
		Long Hammock Creek	Approximately 1600 feet upstream of State Route 80	*25
		Stream I	Approximately 8,000 feet upstream from State Route 80	*22
		Stream J	Approximately 1,000 feet upstream of State Route 80	*19
		Stream K	Approximately 10,000 feet upstream of State Route 80	*32
		Lake Okeechobee	Entire Shoreline	*21
	Maps available for inspection at County's Engineers Office and Building and Zoning Department, Hendry County Courthouse, LaBelle, Florida 33935.			
Florida	City of Inverness, Citrus County (FEMA-6015)	Tsala Apopka Lake	Entire Shoreline	*43
		Henderson Lake	Entire Shoreline	*43
		Little Spivey Lake	Entire Shoreline	*43
		White Lake	Entire Shoreline	*36
		Grant Lake	Entire Shoreline	*36
	Maps available for inspection at City Hall, Main Street, Inverness, Florida 32650.			
Florida	City of Perry, Taylor County (FEMA-6129)	Spring Creek	Just downstream of Springfield Street	*39
			Just upstream of Washington Street	*43
			Just upstream of Clark Street	*45
		Pimple Creek	Just upstream of Main Street	*39
			Just upstream of Jefferson Street	*43
		Pimple Creek East Branch	Just upstream of Helen Street	*49
		Shallow Flooding (Ponding)	Approximately 150 feet north of the intersection of First Street and South Avenue.	*38
			Approximately 600 feet south of the intersection of Young Street and Stephen Street.	*42
			At the intersection of Bacon Street and Alvarez Street	*43
			At the intersection of Cross Road and Oak Street	*44
			Approximately 400 feet south of the intersection of Ash Street and Johnson Stripling Road.	*45
			At the intersection of Oquin Road and Crit Jones Drive	*46
	Maps available for inspection at City Hall, 224 South Jefferson, Perry, Florida 32347.			
Florida	City of Wewahitchka, Gulf County (FEMA-6129)	Apalachicola River	Confluence of Taylor Branch with Chipola River	*28
			Intersection of Bass Street and State Road 22	*30
		Taylor Branch	Just downstream of State Road 71	*28
			Just upstream of State Road 71	*33
			Just downstream of Catalpa Avenue	*35
	Maps available for inspection at City Clerk's Office, City Hall, Osceola Avenue and Second Street, Wewahitchka, Florida 32465.			
Georgia	City of Flemington, Liberty County (FEMA-6129)			
		Peacock Canal	Just downstream of U.S. 82	*21
			Just upstream of Dirt Road	*26
		Mallard Canal	Just upstream of Dirt Road	*20
		Alligator Canal	Just upstream of Dirt Road	*20
			Just upstream of Old Hines Road	*21
		Goshen Canal	Just upstream of confluence of Alligator and Goshen Canal.	*19
	Maps available for inspection at the Office of the Mayor, 111 Oglethorpe Highway, Flemington, Georgia 31313.			
Illinois	(C) Belvidere Boone County (Docket No. FEMA-6124)	Kishwaukee River	At the confluence of Tributary A	*753
			About 250 feet upstream of Main Street	*761
			At the upstream corporate limits	*764
		Tributary A	At the confluence with Kishwaukee River	*753
			Just upstream of Newburg Road	*757
			About 200 feet downstream of the Chicago and North Western railroad crossing.	*757
			About 1,000 feet upstream of the downstream Chicago and North Western railroad crossing.	*768
			About 50 feet downstream of the upstream Chicago and North Western railroad crossing.	*775
			About 200 feet upstream of Stone Quarry Road	*781
			Just downstream of East Chrysler Drive	*782
			Just upstream of East Chrysler Drive	*784
			About 3,000 feet upstream of East Chrysler Drive	*786
	Maps available for inspection at the Clerk's Office, Municipal Building, 123 South State Street, Belvidere, Illinois			
Illinois	(C) Fulton Whiteside County (Docket No. FEMA-6129)	Mississippi River	About 0.56 mile downstream of State Route 136	*581
			About 1.44 miles upstream of State Route 136	*593
		Shallow Flooding	About 1,100 feet south of intersection of 6th Street and 22nd Avenue.	*581
			About 500 feet southeast of intersection of State Route 136 and levee.	*584
			Northeastern corporate limits	*585
	Maps available for inspection at the City Hall, 406 13th Avenue, Fulton, Illinois.			

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Indiana	(C) Boonville Warrick County (Docket No. FEMA-6129).	Cypress Creek	About 650 feet downstream of Southern Railway	*392
			About 0.52 mile upstream of State Route 62	*396
Maps available for inspection at the City Hall, 113 South Second Street, Boonville, Indiana.				
Indiana	(C) Greenwood Johnson County (Docket No. FEMA-6124).	Fountain Creek	At mouth	*738
			Just upstream of Rolling Hill Road	*743
			Just downstream of County Line Road	*747
		Grassy Creek	About 740 feet downstream of Granada Drive	*[illegible]
			At the upstream corporate limits (above Fiesta Drive)	*815
		Pleasant Creek	At mouth	*761
			Just downstream of U.S. Route 31	*782
			Just downstream of Conrail	*803
			Just upstream of Conrail	*810
			About 0.73 mile upstream of Broadway Street	*811
			Just downstream of South Emerson Avenue	*823
		Pleasant Creek	At mouth	*819
		South Branch	Just downstream of South Emerson Avenue	*825
		Pleasant Run	At downstream corporate limits (about 2,000 feet upstream of 300 West Road).	*725
			Just upstream of Fry Road (near Fountain Creek)	*744
			Just downstream of Main Street (about 1,200 feet east of 125 West Road).	*755
			Just downstream of U S. Route 31	*768
			Just downstream of County Line Road	*780
Maps available for inspection at the City Hall, Planning and Zoning Department, 335 South Madison Avenue, Greenwood, Indiana.				
Indiana	(T) Newburgh Warrick County (Docket No. FEMA-6129).	Ohio River	At downstream corporate limits	*382
			At upstream corporate limits	*383
Maps available for inspection at the Town Hall, 200 State Street, Newburgh, Indiana.				
Indiana	(Uninc.) Warrick County (Docket No. FEMA-6129)	Ohio River	At the downstream county boundary	*381
			At the upstream county boundary	*385
		Cypress Creek	Just upstream of Southern Railway (about 1.1 miles north of South 150 Road).	*391
			Just upstream of North 250 Road	*396
		Pigeon Creek	About 1.6 miles downstream of West 1025 Road	*386
			Just downstream of North 250 Road	*390
		Weinsheimer Ditch	At mouth	*[illegible]
			Just downstream of West 900 Road	*[illegible]
		Little Pigeon Creek	At mouth	*384
			About 7.5 miles upstream of State Highway 161	*392
Maps available for inspection at the County Courthouse, Warrick County Commission Office, Boonville, Indiana.				
Iowa	(C), Denison, Crawford County (Docket No. FEMA-6124).	Boyer River	Just downstream of confluence of East Boyer River	*1,161
			About 1.1 miles upstream of Avenue C	*1,169
		East Boyer River	Just upstream of Illinois Central Gulf Railroad	*1,161
			Just downstream of County Highway M-36	*1,178
		Mud Creek	At downstream corporate limits (near U.S. Highway 30).	*1,186
			About 1.04 miles upstream of U.S. Highway 30	*1,213
Maps available for inspection at the City Hall, Box 518, Denison, Iowa.				
Iowa	(C), Glenwood, Mills County (Docket No. FEMA-6129)	Keg Creek	Just upstream of U.S. Highway 34 (downstream of Hazel Street).	*983
			About 2,000 feet upstream of U.S. Highway 34 (upstream of Green Street).	*992
		Fallons Creek	Just downstream of U.S. Highway 34	*991
			About 2,300 feet upstream of U.S. Highway 34	*998
Maps available for inspection at the City Hall, 107 South Locust, Glenwood, Iowa.				
Iowa	(C), Kirkman, Shelby County (Docket No. FEMA-6124)	West Nishnabotna River	About 350 feet downstream from the downstream corporate limits.	*1,225
			About 300 feet upstream from the upstream corporate limits.	*1,226
Maps available for inspection at the Mayor's Home, Kirkman, Iowa.				
Massachusetts	Bridgewater, Town, Plymouth County (Docket No. FEMA-6012).	Mattfield River	Confluence with Tauntion River	*33
			Downstream of West Pond Street	*33
			Upstream of West Pond Street	*33
		Sawmill Brook	Confluence with Taunton River	*23
			Downstream of State Routes 18 and 28	*23
			Upstream of State Routes 18 and 28	*25
			Approximately 1,400' upstream of State Routes 18 and 28.	*26
		Snows Brook	Confluence with Taunton River	*22
			Upstream of South Street	*31
			Approximately 1,200' downstream of Footbridge	*33

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Approximately 500' downstream of Footbridge	*35
			Downstream of Footbridge	*37
			Upstream of Footbridge	[illegible]
			Approximately 1,100' downstream of Cross Street	*40
			Approximately 500' downstream of Cross Street	*42
			Downstream of Cross Street	*44
			Upstream of Cross Street	*48
			Approximately 500' upstream of Cross Street	*50
			Approximately 1,000' upstream of Cross Street	*53
			Approximately 1,500' upstream of Cross Street	*55
			Approximately 1,300' downstream of Forest Street	*56
			Approximately 700' downstream of Forest Street	*60
			Downstream of Forest Street	*62
			Upstream of Forest Street	*66
		South Brook	Confluence with Town River	*36
			Downstream of Water Street (Upper crossing)	*36
			Upstream of Water Street (Upper crossing)	*41
			Approximately 450' downstream of Conrail	*41
			Downstream of Conrail	*47
			Upstream of Conrail	*51
			Downstream of Summer Street	*51
			Upstream of Summer Street	*55
			Approximately 1,500' downstream of Bedford Street	*55
			Approximately 100' downstream of Bedford Street	*57
			Bedford Street	[illegible]
		Taunton River	Corporate Limits	*21
			Downstream of Plymouth Street	[illegible]
			Confluence of Sawmill Brook	*23
			Upstream of Bedford Street	*24
			Upstream of Titicut Street	*25
			Downstream of Woodward Bridge	[illegible]
			Downstream of Auburn Street	*27
			Downstream of Cherry Street	[illegible]
			Approximately 1,500' upstream of Cherry Street	*29
			Downstream of Dam	[illegible]
			Downstream of Mill Street	*31
			Upstream of Mill Street	*32
			Confluence of Town and Mattfield Rivers	*33
		Town River	Confluence with Taunton River	*33
			Approximately 550' upstream of confluence with Taunton River.	*35
			Approximately 2,000' upstream of Hayward Street	*36
			Upstream of Broad Street	*37
			Downstream of Oak Street	[illegible]
			Upstream of Oak Street	*39
			Upstream of Dirt Road	*40
			Downstream of High Street	*41
			Upstream of High Street	*48
			Upstream of Corporate Limits	*49
	Maps available for inspection at the Engineering Office, Academy Building, Central Square, Bridgewater, Massachusetts.			
Massachusetts	Templeton, Town, Worcester County (Docket No. FEMA-6129).	Otter River	Approximately 2,160' upstream of Maple Street	*856
			Approximately 8,000' upstream of Maple Street	*865
			Upstream side of Hamlet Mill Road	*887
			Approximately 1,600' upstream of Otter River Dam	*914
			Upstream Corporate Limits	*919
	Maps available for inspection at the Planning Board, Templeton Town Hall, Central Street, Baldwinville, Massachusetts.			
Michigan	(Twp.), Caledonia, Shiawassee County, (Docket No. FEMA-6124).	Shiawassee River	About 500 feet upstream of Gould Street	*733
			About 1.5 miles upstream of Gould Street	*734
	Maps available for inspection at the Town Hall, 135 North State Road, Owosso, Michigan.			
Michigan	(Twp.), Marengo, Calhoun County (Docket No. FEMA-6124).	Rice Creek	About 1,600 feet downstream of dam	*897
			Just downstream of 20 Mile Road	*907
		Kalamazoo River	At western corporate limit	*901
			About 0.9 mile downstream of B-Drive North	[illegible]
			Just downstream of 24 Mile Road	*920
		Mill Race	About 1,700 feet downstream of dam	[illegible]
			Just upstream of dam	[illegible]
	Maps available for inspection at the Town Hall, 21375 H Drive, North, Marshall, Michigan.			
Michigan	(Cht. Twp.), Watertown, Clinton County (Docket No. FEMA-6124).	Looking Glass River	Just upstream of Bauer Road	*771
			Just downstream of Airport Road	*794
	Maps available for inspection at the Town Hall, 12603 South Wacousta Road, Grand Ledge, Michigan.			
Minnesota	(Uninc.), Faribault County (Docket No. FEMA-6130)	Blue Earth River	At Riverside County Club Road	*1,945
			Just downstream of County Highway 8 (about 5,250 feet downstream of Interstate 90 westbound).	*1,056
			Just downstream of County Highway 4	*1,073
		East Fork Blue Earth River	About 1,100 feet downstream of East Street	*1,062
			About 3,900 feet upstream of 7th Street	*1,065
		Coon Creek	At confluence of Blue Earth River	*1,065
			Just upstream of U.S. Highway 169	*1,072
			Just downstream of County Highway 4	*1,088
		Badger Creek	At confluence with Blue Earth River	*1,062

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just downstream of Township Road (about 3,350 feet upstream of confluence of Little Badger Creek).	*1,064
		Little Badger Creek	At confluence with Badger Creek	*1,062
			At Township Road	*1,077
		Minnesota Lake	Shoreline	*1,036
Maps available for inspection at the Faribault County Courthouse, Main Street, Blue Earth, Minnesota.				
Minnesota	(C), Lino Lakes, Anoka County (Docket No. FEMA-6130).	Amelia Lake	Shoreline	*910
		Bald Eagle Lake	Shoreline	*913
		Baldwin Lake	Shoreline	*885
		Centerville Lake	Shoreline	*886
		Forsham Lake	Shoreline	*886
		Otter Lake	Shoreline	*913
		Peltier Lake	Shoreline	*887
		Randeau Lake	Shoreline	*888
		Reshanau Lake	Shoreline	*886
		Rice Lake	Shoreline	*886
Maps available for inspection at the City Hall, 1189 Main Street, Lino Lakes, Minnesota.				
Minnesota	(c), Luverne, Rock County (Docket No. FEMA-6130)	Rock River	About 250 feet downstream of the confluence of Poplar Creek.	*1,437
			Just upstream of County Highway 4	*1,443
			About 2,400 feet upstream of County Highway 4	*1,445
		Poplar Creek	Confluence with Rock River	*1,437
			Just upstream of Kniss Avenue	*1,451
			Just upstsream of Main Street	*1,472
			Just downstream of Dodge Street	*1,482
Maps available for inspection at the City Hall, 203 East Main Street, Luverne, Minnesota.				
Minnesota	(Uninc.), Washington County (Docket No. FEMA-6052).	Mississippi River	At the confluence with the St. Croix River	*691
			About 0.8 mile upstream of Lock and Dam No. 2	*695
			Just upstream of the upstream corporate limits of Cottage Grove.	*697
			Just downstream of the downstream corporate limits of St. Paul Park.	*701
		St. Croix River	Just upstream of the confluence of Trout Brook	*691
			Just upstream of the Chicago and North Western Railroad.	*692
			Just upstream of the upstream corporate limits of Stillwater.	*693
			Just downstream of the downstream corporate limits of Marine-on-St. Croix.	*696
			Just upstream of the upstream corporate limits of Marine-on-St. Croix.	*696
			About 3,500 feet downstream of the upstream county boundary.	*701
		Browns Creek	About 2,200 feet upstream of the confluence of the St. Croix River.	*705
			About 4,550 feet upstream of the confluence of the St. Croix River.	*769
			About 200 feet upstream of County Highway 5	*840
			Just upstream of the crossing of the Burlington Northern railroad.	*855
			Just downstream of the upstream crossing of the Burlington Northern railroad.	*862
			Just upstream of the upstream crossing of the Burlington Northern railroad.	*868
			Just upstream of abandoned dam	*882
			About 1,650 feet downstream of State Highway 96	*895
			Just downstream of State Highway 96	*898
		Hardwood Creek	At the downstream corporate limits of the City of Hugo	*920
			At the upstream corporate limits of the City of Hugo	*921
		Big Marine Lake	At shoreline	*943
		Big Carnelian Lake	At shoreline	*866
		Long Lake	At shoreline	*882
		Halfbreed Lake	At shoreline	*939
Maps available for inspection at the Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota.				
Missouri	Unincorporated Areas of Pemiscot County (FEMA 6130).	Mississippi River	Just downstream of Interstate Highway 155	*278
		Clay Roost Bayou (Shallow Flooding Area).	Just north of the intersection of State Highway A and the St. Louis San Francisco Railway.	*261
		Ditch No. 72 (Shallow Flooding Area).	Just downstream of Main Street	*257
		Lateral No. 21 (Shallow Flooding Area).	At west corporate limits of the City of Hayti Heights	*267
		Ditch No. 6 Lateral A (Shallow Flooding Area).	Approximately 1,000 feet downstream of Interstate Highway 155.	*269
		Ditch No. 6 Lateral AA (Shallow Flooding Area).	Just upstream of the St. Louis San Francisco Railway	*268
		Ditch No. 4 (Shallow Flooding Area).	Just downstream of the St. Louis Southwestern Railway.	*254
		Ditch No. 6 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*254

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Ditch No. 8 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*274
		Ditch No. 9 (Shallow Flooding Area).	Just upstream of State Highway M	*249
		Franklin Ditch (Shallow Flooding Area).	Just downstream of Interstate Highway 155	*206
			Approximately 4,500 feet upstream State Highway 164	*264
		Perniscot Bayou (Shallow Flooding Area).	Approximately 3,000 feet downstream of the St. Louis San Francisco Railway.	*257
		Little River (Shallow Flooding Area).	Just upstream of State Highway B	*267
		Ditch Nos. 61, 1, 66, 251, 258, 259 (Parallel Ditches, Shallow Flooding Area).	Just downstream of St. Louis Southwestern Railway	*262
		Old Perniscot Bayou (Shallow Flooding Area).	At State Route 164	*259
Maps available for inspection at County Clerk's Office, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.				
New Hampshire	Exeter, Town, Rockingham County (Docket No. FEMA-6130).	Squamscott River	Entire shoreline	*8
		Exeter River	Approximately 250' downstream Chestnut Hill Avenue	*8
			Upstream Chestnut Hill Avenue	*12
			Upstream Dam	*30
			Confluence with Little River	*32
			Upstream Court Street	*33
			Upstream Linden Street	*35
			Upstream Boston and Maine Railroad	*39
			Upstream Kingston Road (Route 111)	*42
			Downstream Cross Road	*51
			Upstream Dam	*66
			Downstream Corporate Limits	*66
		Little River	Confluence with Exeter River	*32
			Upstream Linden Street	*32
			Downstream Dam	*42
			Upstream Dam	*49
Maps available for inspection at the Planning Office, Exeter Town Office, 10 Front Street, Exeter, New Hampshire.				
New Hampshire	Portsmouth, City, Rockingham County (Docket No. FEMA-6146).	Atlantic Ocean	Entire Portsmouth Shoreline	*8
Maps available for inspection at the Planning Department, Portsmouth City Hall, 126 Daniel Street, Portsmouth, New Hampshire.				
New Jersey	Cranbury, Township, Middlesex County (Docket No. FEMA-6130).	Millstone River	Downstream Corporate Limits	*74
			Upstream U.S. Route 130	*84
			Upstream Corporate Limits	*90
		Cranbury Brook	Downstream Corporate Limits	*70
			Upstream Dam (4th Dam Crossing)	*82
			Upstream U.S. Route 130	*91
			Upstream Corporate Limits	*95
		Cedar Brook	Confluence with Cranbury Brook	*72
			Upstream Warren Petty Road	*81
			Upstream North Main Street	*97
			Upstream Washington Road	*101
			Downstream New Jersey Turnpike	*106
			Upstream Corporate Limits	*110
		Tributary to Millstone River	Confluence with Millstone River	*77
			Approximately 3,450' upstream confluence with Millstone River.	*89
		Shallow Brook	Upstream U.S. Route 130	*109
			Upstream Corporate Limits	*110
Maps available for inspection at the Municipal Building, 23 North Main Street, Cranbury, New Jersey.				
New Jersey	Glen Gardner, Borough, Hunterdon County (Docket No. FEMA-6080).	Spruce Run	Downstream Corporate Limits approximately 8,200' upstream of confluence with Spruce Run Reservoir.	*365
			Approximately 9,140' upstream of confluence with Spruce Run Reservoir.	*375
			Approximately 100' downstream of Main Street	*385
			Main Street (Upstream side)	*388
			Sanatorium Road (Upstream side)	*399
			Approximately 1,300' upstream of Sanatorium Road	*409
			Approximately 710' downstream of School Street	*419
			School Street (Upstream side)	*428
			Main Street (Upstream side)	*431
			Approximately 960' upstream of Main Street	*441
			Conrail (Upstream side)	*450
			Bell Avenue (Upstream side)	*453
			Approximately 2,680' upstream of Bell Avenue	*472
			Upstream Corporate Limits	*485
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Glen Gardner, New Jersey.				
New Jersey	Rockleigh, Borough, Bergen County (Docket No. FEMA-6005).	Sparkill Brook	400' upstream of confluence with Sparkill Creek at downstream Corporate Limits.	*31
			Downstream of Paris Avenue	*32
			Downstream of Golf Course Road	*38
			Piermont Road at upstream Corporate Limits	*45
Maps available for inspection at the Rockleigh Borough Hall, Rockleigh Road, Rockleigh, New Jersey.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
New York	Rush, Town, Monroe County (Docket No. FEMA-6122).	Genesee River	Downstream Corporate Limits	*532
			Upstream Corporate Limits	*537
		Honeoye Creek	Confluence with Genesee River	*535
			Upstream West Henrietta Road	*542
			Upstream Dam	*549
			Upstream Corporate Limits	*555
		Pinnacle Creek	Confluence with Honeoye Creek	*550
			Upstream State Route 251	*570
			Upstream Pinnacle Road (second crossing)	*604
			Upstream Wardell Road	*621
		Railroad Creek	Confluence with Genesee River	*535
			Upstream Martin Road	*548
			Upstream East River Road	*587
			Upstream Farm Road	*600
		Stoney Brook	Confluence with Honeoye Creek	*544
			Upstream Stoney Brook Road	*558
			Upstream Abandoned Railroad	*575
			Upstream Dam	*586
			Upstream Five Points—Honeoye Falls Road	*618
			Downstream Honeyoye Falls Road	*665
Maps available for inspection at the Town Hall, 5877 East Henrietta Road, Rush, New York.				
New York	Tioga, Town, Tioga County (Docket No. FEMA-6130)	Susquehanna River	Downstream Corporate Limits	*783
			State Route 282	*791
			Confluence with Pipe Creek	*799
			Confluence with Owego Creek	*814
		Catatonk Creek	Confluence with Owego Creek	*824
			Glen Mary Drive (upstream side)	*837
			Upstream Corporate Limits	*846
		Owego Creek	Confluence with Susquehanna River	*814
			Talcott Street	*817
			Upstream of Dam	*822
			Confluence with Catatonk Creek	*824
			Upstream of State Route 96	*832
			Upstream Corporate Limits	*857
Maps available for inspection at the Tioga Town Hall, Tioga Center, New York.				
Ohio	(V), Alexandria, Licking County (Docket No. FEMA-6124).	Raccoon Creek	About 200 feet downstream of Old State Route 37	*940
			Just upstream of State Route 37	*944
			About 950 feet upstream of State Route 37	*948
Maps available for inspection at the Mayor's Office, Town Hall, Granville Street near Route 37, Alexandria, Ohio.				
Ohio	(V), Granville, Licking County (Docket No. FEMA-6124).	Raccoon Creek	About 2100 feet downstream of State Route 661	*912
			At upstream corporate limits	*918
		Clear Run	At downstream corporate limits	*929
			Just upstream of Cedar Street	*952
			Just downstream of State Route 661	*970
Maps available for inspection at the Village Manager's Office, Town Hall, 118 South Main Street, Granville, Ohio.				
Ohio	(V), Johnstown, Licking County (Docket No. FEMA-6124).	Raccoon Creek	At downstream corporate limits	*1056
			At upstream corporate limits	*1061
		Kiber Run	At downstream corporate limits	*1073
			At upstream corporate limits	*1079
Maps available for inspection at the Mayor's Office, Town Hall, Route 62, 129 East Coshocton Street, Johnstown, Ohio.				
Oregon	Florence (City), Lane County FEMA-6122	Siuslaw River	Intersection of river and center of U.S. Highway 101	*11
Maps available for inspection at Planning Department, 250 Highway 101, Florence, Oregon.				
Oregon	Hillsboro (City), Washington County FEMA-6122	Tualatin River	Intersection of river and center of State Highway 219 (at corporate limits).	*147
		Dawson Creek	Intersection of creek and center of Burlington Northern Railroad.	*151
		Dairy Creek	100 feet upstream from center of State Highway 8	*150
Maps available for inspection at Planning Department, 295 S.E. Second Avenue, Hillsboro, Oregon.				
Oregon	Tangent (City), Linn County FEMA-6122	Calapooia River	Approximately 800 feet south along Glass Drive from the point where Glass Drive bends from an east-west to a north-south orientation.	*238
		North Lake Creek	Intersection of the channel and State Highway 99E	*239
			Intersection of Blackberry Lane and Tangent Drive	*242
Maps available for inspection at City Hall, 32908 Highway 99E, Tangent, Oregon.				
Pennsylvania	Beaver Falls, city, Beaver County (Docket No. FEMA-6145)	Beaver River	Downstream Corporate Limits	*720
			Upstream of Patterson Dam	*734
			Upstream of Eastvale Dam	*753
			Upstream Corporate Limits	*755
		Walnut Bottom Run	Approximately 1,300' downstream of 22nd Street	*779
			22nd Street Upstream	*785
			25th Street Upstream	*792
			6th Avenue Upstream	*803
			Clayton Road Upstream	*823

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Upstream Corporate Limits	*[illegible]
		Wallace Run	Upstream Corporate Limits	*755
Maps available for inspection at the Municipal Building, 715 Fifteenth Street, Beaver Falls, Pennsylvania.				
Pennsylvania	Big Beaver, borough, Beaver County (Docket No. FEMA-6146).	Beaver River	Downstream Corporate Limits	*755
			Pennsylvania Turnpike (upstream side)	*757
			Upstream Corporate Limits	*[illegible]
		Stockman Run (Lower)	Confluence with Beaver River	*758
			Approximately 1,920' upstream of confluence with Beaver River.	*[illegible]
		Stockman Run (Upper)	Approximately 385' downstream of Careywood Road	*941
			Careywood Road (downstream side)	*[illegible]
			Private Drive (upstream side) approximately 1,930' downstream of Fairlane Boulevard.	*1,019
			Fairlane Boulevard (upstream side)	*1,083
			Approximately 965' upstream of Fairlane Boulevard	*1,094
		Wallace Run	Confluence with Beaver River	*755
			Culvert inlet upstream of Norwood Drive	*[illegible]
			Wallace Run Road (upstream side)	*[illegible]
			Private Drive (upstream side) approximately 660' downstream of Sunview Drive.	*[illegible]
			Sunview Drive (upstream side)	*965
			Shenango Road (upstream side)	*1,073
			Approximately 3,000' upstream of Shenango Road	*1,110
		West Clarks Run	Downstream Corporate Limits	*912
			Downstream crossing of Conrail (upstream side)	*[illegible]
			McKinley Road (upstream side)	*[illegible]
			Upstream crossing of Conrail (upstream side)	*1,044
			Approximately 2,100' upstream of Conrail	*1,109
		North Fork Little Beaver Creek (Lower).	Downstream Corporate Limits	*[illegible]
			Approximately 7,340' upstream of Corporate Limits	*917
		North Fork Little Beaver Creek (Upper).	Downstream Corporate Limits	*941
			Upstream Corporate Limits	*941
		Tributary to Wallace Run	Confluence with Wallace Run	*1,003
			Wallace Run Road (upstream side)	*1,065
			Approximately 2,280' upstream Wallace Run Road	*1,105
Maps available for inspection at the Big Beaver Borough Building, Beaver Falls, Pennsylvania.				
Pennsylvania	Coatesville, city, Chester County (Docket No. FEMA-[illegible]).	West Branch Brandywine Creek	Downstream Corporate Limits	*[illegible]
			Upstream of Lincoln Highway	*315
			Upstream of Conrail Spur Crossing	*321
			Approximately 3,050 feet downstream of Route 30 By-Pass.	*345
			Upstream of Route 30 By-Pass	*357
			Upstream Corporate Limits	*[illegible]
		Sucker Run	Strode Avenue	*315
			Upstream Corporate Limits	*319
Maps available for inspection at the City Hall, Coatesville, Pennsylvania.				
Pennsylvania	Neshannock, township, Lawrence County (Docket No. FEMA-6130).	Neshannock Creek	Approximately 350' downstream of Maitland Road	*899
			Approximately 6,600' upstream of Maitland Road	*902
			Approximately 7,090' downstream of upstream Corporate Limits.	*914
			Upstream Corporate Limits	*926
		Shenango River	Approximately 150' upstream of Downstream Corporate Limits.	*[illegible]
			Upstream Corporate Limits	*[illegible]
Maps available for inspection at the Neshannock Township Municipal Building, 3131 Mercer Road, New Castle, Pennsylvania.				
Pennsylvania	Upper Salford, township, Montgomery County (Docket No. FEMA-6124).	Perkiomen Creek	Downstream Corporate Limits	*146
			Spring Mount Road bridge (upstream side)	*160
			Salford Station Road bridge (upstream side)	*171
			Hendricks Road bridge (upstream side)	*182
			Upstream Corporate Limits	*[illegible]
		Unami Creek	Downstream Corporate Limits	*213
			Upstream Corporate Limits	*[illegible]
		East Branch Perkiomen Creek	Downstream Corporate Limits	*[illegible]
			Shelly Road bridge (upstream side)	*211
			Old Sumneytown Pike bridge (upstream side)	*215
			Upstream Corporate Limits	*[illegible]
		Vaughn Run	Confluence with East Branch Perkiomen Creek	*214
			Old Sumneytown Pike bridge (upstream side) Upstream crossing.	*[illegible]
			Approximately 1,100' upstream from upstream crossing of Old Sumneytown Pike bridge.	*260
Maps available for inspection at the Upper Salford Township Municipal Building, Salfordville, Pennsylvania.				
Tennessee	City of Mt. Juliet, Wilson County (FEMA-6130)	Cedar Creek	Just upstream of State Highway 70 (Lebanon Pike)	*477

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Stoners Creek	Just upstream of Old South Mt. Juliet Road. Approximately 300 feet north of intersection of Old South Mt. Juliet and Stoney Creek Roads.	*534
			Just downstream of South Mt. Juliet Road	*545
Maps available for inspection at City Manager's Office, Mt. Juliet Road, Mt. Juliet, Tennessee 37122.				
Texas	Town of Dalworthington Gardens, Tarrant County (FEMA-6130).	Rush Creek	Approximately 950 feet upstream of Indian Trail	*543
			Approximately 100 feet downstream of Pleasant Ridge Road	*557
		Ryan's Branch	Just upstream of Roosevelt Drive	*577
		Twins Springs Draw	Just downstream of Bowen Road	*577
Maps available for inspection at Dalworthington Gardens Town Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.				
Texas	Town of Iowa, colony, Brazoria County (FEMA-6122)	West Fork Chocolate Bayou	Just downstream of County Road 64	*46
			Just upstream of County Road 57	*54
		Unnamed Tributary of Chocolate Bayou.	Just upstream of County Road 62	*47
		Hayes Creek	Just upstream of County Road 54	*52
			Just upstream of County Road 382	*54
		Chocolate Bayou	Just downstream of County Road 72	*51
Maps available for inspection at Town Hall, Iowa Colony, Texas 77583.				
Texas	City of Laredo, Webb County (FEMA-6130)	Chacon Creek	Approximately 760 feet upstream of the confluence of Tributary 2.	*388
			Just upstream of State Highway 359	*390
		Chacon Creek Tributary 1	Just downstream of U.S. Highway 83	*394
			Just downstream of Canada Avenue	*418
			Just downstream of Vicente Street	*431
		Las Manadas Creek Tributary 2	Just downstream of Missouri Pacific Railroad	*417
			Just upstream of Interstate Highway 35	*424
		Rio Grande River	Just upstream of International Bridge No. 2	*390
			Just upstream of Missouri Pacific Railroad Bridge	*391
		Zacate Creek	Just upstream of Washington Street	*395
			Just upstream of Hillside Road East	*402
			Just upstream of Park Street	*405
		Zacate Creek Tributary 1	Approximately 1,190 feet downstream of West Calton Road	*422
			Just downstream of entrance ramp to Interstate Highway 35.	*423
		Zacate Creek Tributary 2	Approximately 480 feet upstream of confluence with Zacate Creek.	*436
			Approximately 800 feet upstream of confluence with Zacate Creek.	*438
Maps available for inspection at Mayer's Office, City Hall, 500 Florence Avenue, Laredo, Texas 78040.				
Texas	Unincorporated Areas of Webb County (FEMA-6130)	Chacon Creek	Just upstream of the Texas and Mexican Railroad	*408
			Just downstream of U.S. Highway 59	*414
		Chacon Creek Tributary Two	Just upstream of Loop 20	*404
			Approximately 130 feet upstream of Century Boulevard	*419
		Las Manadas	Just downstream of County Highway 1472	*406
			At the confluence of Las Manadas Creek Tributary Three.	*411
			Just downstream of Missouri Pacific Railroad	*429
		Las Manadas Creek Tributary One	Just upstream of Dirt Road B	*413
			Just upstream of Dirt Road C	*419
		Las Manadas Creek Tributary Two	Just upstream of Missouri Pacific Railroad	*417
		Las Manadas Creek Tributary Three.	Just downstream of Unnamed Road	*422
		Rio Grande River	Unnamed Road "A" Extended	*384
			Just downstream of Unnamed Road "B" Extended	*406
Maps available for inspection at Road and Bridge Administration, Webb County Courthouse, 1000 Houston Street, Laredo, Texas 78040.				
Wisconsin	(V) Kimberly, Outagamie County (Docket No. FEMA-6124).	Fox River	About 120 feet upstream of Washington Street bridge	*687
			Just downstream of Cedars Lock Dam	*694
			Just upstream of Cedars Lock Dam	*702
			At upstream corporate limits	*703
Maps available for inspection at the Office of the Village Clerk, Village Hall, 515 Kimberly Avenue, Kimberly, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 9, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37169 Filed 12-31-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1865 and 1951

Analyzing Credit Needs and Graduation of Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise and redsignate its regulations pertaining to the analysis of credit needs and graduation of borrowers. The intended effect of this action is to clarify the District Director's responsibilities for analyzing the credit needs and graduation of Community Program and Multiple Housing borrowers. Also, the period of time between the date of initial loan making and the first graduation review is shortened. This action is needed to tighten graduation review requirements, to comply with an overall restructuring of FmHA regulations, to meet the requirements for review of existing regulations and to reflect FmHA's field office reorganization.

DATE: Comments must be received on or before March 5, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: John W. Sones, Jr., Real Estate Loan Officer, Farm Real Estate Loan Division, Room 5320, South Agriculture Building, Washington, D.C. 20250, telephone 202–447–3646.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated "non-major" because this proposed revision would not increase the costs to borrowers since graduation was a part of their agreement when loans were made. It is the intent of the Program to provide assistance to rural populations only until they are eligible for credit elsewhere. All loan servicing actions described in this Instruction will be conducted without regard to race, color, sex, marital status, national origin, age, physical or mental handicap. As proposed, FmHA revises and redesignates its regulations on analyzing credit needs and graduation of borrowers from Part 1865 to a new Subpart F of Part 1951, Chapter XVIII, Title 7, Code of Federal Regulations. These regulations enable FmHA loans to be analyzed to determine credit needs and to be reviewed for graduation to other sources of credit. They prescribe the authorities, policies, and routines for analyzing and reviewing FmHA borrowers for graduation in addition to those contained in other FmHA regulations.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

This regulation does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review.

The following is a list of Catalog of Federal Domestic Assistance numbers of programs affected by this regulations:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.413 Recreation Facility Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.420 Rural Self-Help Housing Technical Assistance
10.421 Indian Tribes and Tribal Corporation Loans
10.423 Community Facilities Loans
10.428 Economic Emergency Loans

(7 U.S.C. 1989; 42 U.S.C. 1480; Title II of Pub. L. 95–334; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 21, 1981.

Charles W. Shuman,
Administrator, Farmers Home Administration.

PART 1865—[Reserved]

Therefore, as proposed Part 1865 is removed and reserved and a new Subpart F of Part 1951 is added and reads as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

Sec.
1951.251 Purpose.
1951.252 Objectives.
1951.253 Responsibility.
1951.254–1951.260 [Reserved]
1951.261 Graduation of FmHA borrowers to other sources of credit.
1951.262 Action when borrower fails to refinance.
1951.263 Special requirements for Multiple Housing Borrowers.
1951.264–1951.300 [Reserved]

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

§ 1951.251 Purpose.

This Subpart prescribes the policies to be followed when analyzing borrowers' needs for continued Farmers Home Administration (FmHA) supervision and credit, and graduation of borrowers to other sources of credit. All borrowers' loan account(s) will be reviewed for graduation purposes in accordance with this Subpart, except Guaranteed, Watershed, and Resource Conservation and Development borrowers.

§ 1951.252 Objectives.

(a) Borrowers will graduate to other credit when it is available at reasonable rates and terms when they are able to do so. For the purpose of this Subpart, reasonable rates and terms are considered as being those which similar rural borrowers are expected to meet when borrowing for similar purposes and periods of time from responsible

lenders serving the area. However, in the case of Multiple Housing Program borrowers, the adverse effect that requiring graduation may have on the objective of providing housing for low- and moderate-income persons must be considered, as well as the prepayment restrictions of Section 502 of Title V of the Housing Act of 1949 for loans and transfers approved on new terms after December 21, 1979.

(b) The graduation of FmHA borrowers to other credit sources should be accomplished by voluntary means. This is desirable from the standpoint of the borrower, other lenders, the Government, and the public. Borrowers should be inspired to graduate as a mark of success in their financial affairs. However, it must be recognized that the notes, security instruments or loan agreements of most FmHA borrowers contain enforceable agreements requiring them to refinance the loans under certain conditions. When voluntary graduation by refinancing cannot be accomplished, legal action to enforce graduation will be recommended, as necessary, when the note, security instrument or loan agreement contains such provisions.

(c) All loan servicing actions described in this Subpart will be conducted without regard to race, color, sex, marital status, national origin, age, physical or mental handicap (borrower must possess the capacity to enter into a legal contract for services).

§ 1951.253 Responsibility.

(a) The State Director is responsible to assure that the provisions of this Subpart are complied with in each State under his or her jurisdiction.

(b) The County Supervisor is responsible for the review and followup action on all Farmer Program and Single Family Rural Housing Program borrowers.

(c) The District Director is responsible for the review and followup action on all Community Program and Multiple Housing borrowers.

§§ 1951.254–1951.260 [Reserved]

§ 1951.261 Graduation of FmHA Borrowers to other sources of credit.

(a) Reaching an understanding with applicants and borrowers. The County Supervisor or District Director, when applicable, will take the following action to implement the policy of this subpart:

(1) Periodically discuss the refinancing requirements and any prepayment restrictions contained in the note, security instruments, or loan agreement form with borrowers and document the discussion in the running case record.

(2) Conduct reviews with borrowers for the purpose of determining their financial ability to graduate to other sources of available credit.

(3) Advise all borrowers that their loans will be reviewed periodically for graduation purposes by FmHA. Also, advise each borrower that refinancing will be required if other credit is available even though the loan has not fully matured. Multiple Housing borrowers subject to the prepayment restrictions will further be advised of the conditions under which prepayment can be considered.

(b) When borrowers should be advised to refinance their FmHA indebtedness. Borrowers, other than those indebted for only the current year's operating expenses, will be advised to obtain credit from other sources to refinance their FmHA debt(s) when the County Committee, County Supervisor or District Director determines that they have made sufficient progress to do so. For EM borrowers who are able to obtain their credit elsehwere when they received their EM actual loss loans, the initial review will be conducted 3 years after the loan is made and every other year thereafter. In making this determination, the following factors will be considered:

(1) Availability of other credit in the area of reasonable rates and terms.

(2) Present and potential income to meet the terms, costs, and conditions of other credit (i.e., debt-paying ability).

(3) Equity in property owned and funds available.

(4) Typical user costs, rental rates, lease fees, or other charges when borrowers rely on collections from these sources for debt repayment.

(c) Review of borrower's status and progress. On September 1 of each year the Finance Office will furnish County Supervisors with lists of active borrowers who ave been indebted for at least 3 years for Emergency (EM) and Economic Emergency (EE) loans; 4 years for Operating Loans; 6 years for Farm Ownership, Soil and Water, and Recreation loans; 10 years for Grazing, Irrigation and Drainage and Indian Land Acquisition loans; and 6 years for individual rural Housing loans. District Directors will be furnished a list of Community Program borrowers who have been indebted for at least 10 years, and Multiple Housing borrowers and transferees who have assumed loans on new terms and who have been indebted for 15 years in the case of an unsubsidized project and 20 years in the case of a subsidized project. These listings will be compiled on the basis of the year in which the initial loan was made, i.e. the listings in odd numbered years will include the names of all borrowers who received loans during odd numbered calendar years and who are currently eligible for review. The same procedure will apply in even numbered years to borrowers who received loans during even numbered calendar years.

(d) Subsequent graduation reviews will be made every other year after the initial review. Annually, between October 1 and March 1, the County Committee, with the assistance of the County Supervisor, will conduct a review of the status of all borrowers listed by the Finance Office, except, for borrowers with Multiple Housing, Community Program, and Single Family Housing Loans, unless the applicant has also applied for or already received a Farmer Program Loan. The District Director will review the status of Community Program and Multiple Housing borrowers. However, if the County Supervisor or a County Committee member or the District Director, whichever is applicable, has knowledge of any other borrower whose circumstances have changed sufficiently to enable the borrower to possibly obtain suitable credit elsewhere, the borrower will be included in the graduation review. A determination of the borrower's potential for obtaining credit from other sources will be made after considering the factors outlined in § 1951.261(b).

(e) Upon completion of the review, the County Supervisor will prepare Form FmHA 451–24, "Results of Borrower Graduation Review by County Committee and County Supervisor," listing only those active borrowers who will be requested to refinance. The County Supervisor will document on this Form the basis for requesting each borrower to refinance and the County Committee will execute the last page of the Form in accordance with the Forms Manual Insert for Form FmHA 451–24. The District Director will prepare Form FmHA 451–24 for those Community Program and Multiple Housing borrowers who will be requested to refinance. The District Director will also document the Form as to the basis for requesting each borrower to refinance and execute the last page of the Form.

(f) Notifying the borrower to refinance. A borrower who is determined to be eligible for other credit will be requested, in writing, immediately after the review to refinance the FmHA debt(s) involved.

(1) FmHA Guide Letter Number 451–1 will be used to request a borrower whose note, security instrument, or loan agreement, contains an applicable

refinancing requirement to inform the County Supervisor or the District Director, when applicable, of the progress being made to obtain other credit. If the borrower is unable to graduate, evidence must be furnished by the borrower of the credit sources contacted and the reasons why the required credit is not available. The date by which refinancing should be accomplished by a borrower who has been requested to graduate will be shown on the managment system card for appropriate followup action. This date should be 60 days from whenever FmHA Guide Letter Number 451–1 is mailed to the borrower or, in unusual situations, a longer period may be given if conditions warrant such action. For example, this may include a case where the borrower expects to receive income in the near future for payment of FmHA account(s) which would substantially reduce the amount required for refinancing or a case in which the borrower is a public body and must issue bonds to accomplish graduation.

(2) When the note, security instrument, or loan agreement does not contain a refinancing requirement, the borrower will be encouraged to refinance the account if otherwise eligible for refinancing. No further action will be required in such cases.

(g) Additional loans or subordinations will not be made to a borrower who has been requested to refinance unless:

(1) Documentation clearly establishes that the borrowerr is unable to obtain and repay the total credit needed from other sources at reasonable rates and terms. For Multiple Housing borrwers this documentation must also indicate that the rates and terms available from other credit would not permit the continued use of the facility by eligible tenants. Before a loan or a subordination of the loan type for which the borrower hsas been requested to graduate may be made, it must be documented that the borrower is no longer able to graduate to other credit sources. The request to refinance will then be withdrawn. Conditions which may substantiate inability to graduate include but are not limited to:

(i) Losses beyond the borrower's control.

(ii) Adverse economic conditions or lack of other credit.

(iii) Insufficient repayment ability as a result of increased credit needs required by the borrower's operation.

(2) Depending on where the case is being serviced, the County Supervisor, the District Director or the State Director will determine when additional loans or subordinations may be made, subject to the Appeals Procedure found in Subpart B of Part 1900. When applicable, certification by the County Committee will be obtained. If the case is in the County Office, the County Committee must consider the factors in paragraph (g)(1) of this section and certify as to the borrower's eligibility. If the case file has been submitted to the State Office or to the Office of the General Counsel (OGC) for further servicing action, the County Supervisor or District Director will notify the State Director of the request for additional loan assistance including the circumstances concerning the loan request and include recommendations concerning the request. However, an application for additional loan assistance or a request for subordination will not be approved until notification has been received from the State Director that additional loans or subordinations may be made. If the case has been referred to OGC for servicing and the State Director determines that additional loan assistance will be given, the State Director will contact OGC and recommend that legal action be withdrawn, request that the case file be returned, and notify the County Supervisor or District Director, when applicable, if additional loans may be made to the borrower.

§ 1951.262 Action when borrower fails to refinance.

The following action will be taken when a borrower fails to refinance as requested:

(a) For borrowers other than Community Programs and Multiple Housing. At the expiration of the 60-day period or other period mentioned in § 1951.261(f) of this Subpart, the County Supervisor will:

(1) When borrowers with a five-percent interest rate refinancing ceiling have not refinanced their accounts because other credit is not available in the area at this rate, document this fact on Form FmHA 451–24 opposite the borrower's name. The County Supervisor will continue to make reasonable efforts to encourage such borrowers to refinance on a voluntary basis. However, it will not be necessary to include these borrowers in the annual review as long as credit at five-percent interest is not available from other sources.

(2) For other borrowers who have not made arrangements to refinance their FmHA indebtedness. The County Supervisor will consider in consultation with the County Committee, when applicable, any new information submitted by the borrower or obtained from other sources and make a further determination whether refinancing should be required. Before making this redetermination the County Supervisor must verify that the information submitted by the borrower is suitable. If the information submitted by the borrower is unsuitable, the County Supervisor will contact suitable sources of credit available in the area and document the information received from these sources in the case folder. Under appropriate circumstances, an appearance of the borrower before the County Committee may be advisable.

(i) If such additional consideration confirms that suitable credit is not available to a borrower, the borrower will be notified that further efforts need not be made toward refinancing for the remainder of the year.

(ii) If further consideration confirms that refinancing should be required, the County Supervisor will obtain a complete farm and home plan or, when appropriate, a nonfarm business or family budget. Usually, the information needed can be documented by completing Form FmHA 431–3, "Family Budget," and Form FmHA 431–2, "Farm and Home Plan," and, when nonfarm businesses are involved, supplemental information can be obtained on Form FmHA 431–4, "Business Analysis—Nonagricultural Enterprise." However, other acceptable forms may be used, provided that those forms show the financial condition of the borrower and a budget.

(iii) On Grazing, Irrigation and Drainage, and Loans to Indian Tribes, FmHA Form 442–2, "Statement of Budget Income and Equity," or other acceptable forms will be used. If it appears that the borrower has and will have adequate debt repayment ability from a realistic plan to accomplish graduation, the County Supervisor will inform the borrower, in writing, that refinancing of the FmHA debt must be accomplished immediately or else the case will be forwarded to the State Director for further action. If the plan fails to show that the borrower will have adequate repayment ability to accomplish graduation, the County Supervisor will present the information to the County Committee and recommend that the graduation request be withdrawn in accordance with paragraph (a)(2)(i) of this section.

(iv) If the borrower fails to cooperate in providing this information, the County Supervisor will inform the borrower that the request to refinance is still in effect and that the case is being forwarded to the State Director for further action.

(v) If the Farm and Home Plan, or other plan, confirms that graduation can be accomplished by the borrower or if

the borrower fails to cooperate and furnish the requested information, the County Supervisor will prepare Form FmHA 455–1, "Request for Legal Action," or, in the case of real estate loans, Form FmHA 465–7, "Report on Real Estate Problem Case," and submit the original to the State Director together with the borrower's case folder. One each form the County Supervisor will include, among other pertinent facts:

(A) Credit sources contacted by the borrower and a statement of the reasons given by the borrower for failure to refinance, and

(B) Action taken by the County Supervisor to verify the availability of credit to the borrower.

(b) For Community Program and Multiple Housing borrowers: The District Director will follow § 1951.262 (a) for the action to be taken when borrowers fail to refinance, except that Form FmHA 442–2, "Statement of Income and Expense for the Fiscal Year to Date;" Form Fm HA 1930–8 "Year End Report and Analysis for Fiscal Year Ending ———"; or another suitable form as appropriate will be used to determine the borrower's financial condition, including present and future debt repayment ability, and Exhibit A or B, as appropriate, of FmHA Instruction 451.5, (which is available in any FmHA office) will be used to report the problem case to the State Director.

(c) For all borrowers: The State Director will review each case submitted and determine what action should be taken on the basis of the latest note, security instrument, or loan agreement signed by the borrower and the facts and recommendations available.

(1) Some notes, security instruments or loan agreements provide for refinancing when it can be obtained

(i) Upon reasonable terms and conditions,

(ii) On terms prevailing in the area for loans for similar periods of time and purposes, or

(iii) At reasonable rates and terms for loans for similar purposes and period of time.

(2) These three provisions in paragraph (c)(1) of this section are all construed to mean that the borrower agrees to and can be forced through legal action to refinance if credit can be obtained from another source at reasonable rates and terms as defined in § 1951.252(a).

(3) If the State Director determines that refinancing will be required, the borrower will be notifed, in writing, to refinance the FmHA indebtedness in accordance with the agreement contained in the note, security instruments, or loan agreement within 30 days for all borrowers except Community Programs type borrowers. For Community type borrowers this 30-day period may be extended, if necessary, so as to allow the borrower to comply with any State statute. A copy of the State Director's letter to the borrower will be sent to the County Supervisor or District Director. If the borrower fails to comply with the request within 30 days, or fails to furnish satisfactory evidence of inability to obtain the necessary credit, the State Director will refer the case to OGC with recommendations for legal action; or, if the borrower has income from all sources sufficient to repay the account within the authorized period, the State Director may accelerate certain accounts with the borrower as authorized in § 1872.17(g) of Subpart A of Part 1872 of this Chapter.

§ 1951.263 Special Requirements for Multiple Housing Borrowers.

Upon graduation and acceptance of the full payment from a Multiple Housing borrower, the State Director will provide the National Office with a report as described in 1944.250(c) of Subpart E to Part 1944.

§§ 1951.264–1951.300 [Reserved].

[FR Doc. 81–37461 Filed 12–31–81; 8:45 am]
BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–EA–45]

Proposed Alteration of Transition Area; Pittstown, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Pittstown, New Jersey, Transition Area over Alexandria Airport, Pittstown, New Jersey. A new VOR–8 instrument approach procedure has been developed for Alexandria Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedural Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995–3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Pittstown, New Jersey, Transition Area by designating an area within a 7 mile radius of the

airport and adding to the western extension an area approximately 10 miles wide and 2 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Pittstown, New Jersey 700-foot floor transition area by deleting, "to 23 miles west of the VORTAC." and substituting, "to 23 miles west of the VORTAC; within a 7-mile radius of Alexandria Airport (40°35'15" N., 75°01'00" W.) and within 5 miles each side of the Solberg, N.J., 271° radial extending from the 7-mile radius area to 25 miles west of the Solberg VORTAC.".

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37406 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-40]

Proposed Alteration of Transition Area: Albion, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Albion, N.Y., Transition Area over Pine Hill Airport, Albion, N.Y. A new VOR/DME–A instrument approach procedure has been developed for Pine Hill Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995–3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Albion, N.Y., Transition Area by adding an extension to the southwest 9 miles wide and 10 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the Albion, New York, 700-foot floor Transition Area description as follows:

In the text, delete, "20 miles west of the VORTAC." and substitute, "20 miles west of the VORTAC; within 4.5 miles each side of the Buffalo, N.Y., 048° radial extending from the 5-mile radius area to 10 miles northeast of the VORTAC." therefor.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37407 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-48]

Proposed Alteration of Transition Area: Romulus, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Romulus, New York, Transition Area over Seneca Army Airfield, Romulus,

New York. A new instrument approach procedure has been developed for Seneca Army Airfield, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995–3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Romulus, New York, Transition Area. The 700-foot transition area will be altered by increasing the radius area by ½ mile and moving its center 2 miles to the south and adding an extension to the southwest approximately 8 miles wide and 4½ miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Amend § 71.181 of Part 71 by altering the description of the Romulus, New York, 700-foot floor transition area by deleting, "within a 6-mile radius of a point lat. 42°44'30" N., long. 76°52'20" W.," and by substituting, "within a 6.5 mile radius of Seneca Army Airfield 42°42'58" N., 76°53'00" W.); and within 4 miles each side of the Romulus, N.Y., VOR (42°42'47" N., 76°52'57" W.) 153° radial extending from the 6.5 mile radius area to 11 miles southest of the VOR;" therefor.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Notes.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therfore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 8, 1981.

Timothy L. Hartnett,
Acting Director, Eastern Region.

[FR Doc. 81–37377 Filed 12–31–81; 8:45 am]
BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–EA–42]

Proposed Designation of Transition Area; Punxsutawney, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a Punxsutawney, Pa. Transition Area over Punxsutawney Municipal Airport, Punxsutawney, Pa. A new VOR/DME—A instrument approach procedure has been developed for the airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation

Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995–3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700 foot Punxsutawney, Pa., Transition Area. The 700-foot transition area will be designated within a 6-mile radius of the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by adding a new Punxsutawney, Pennsylvania, 700-foot floor transition area as follows:

Punxsutawney, Pa.

That airspace extending upwards from 700 feet above the surface within a 6-mile radius area of Punxsutawney Municipal Airport (40°58'15"N., 78°55'30"W.).

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them opeationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern, Region.

[FR Doc. 81-37406 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-4]

Revision of Monthly Report of Cost and Quality of Fuels for Electric Plants: Form No. 423; Extension of Time for Comments

December 28, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On December 3, 1981, the Commission issued a Notice of Proposed Rulemaking involving the revision of the monthly report of cost and quality of fuels for electric plants (46 FR 60214, December 9, 1981). The comment period is being extended at the request of Duke Power Company.

DATE: Comments must be submitted on or before January 18, 1982.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357–8400.

SUPPLEMENTARY INFORMATION: On December 21, 1981, Duke Power Company filed a request for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued December 3, 1981, in the above-docketed proceeding. The motion states that because of the upcoming holidays, the company requires additional time to complete its evaluation of the proposed rulemaking and to prepare an adequate response.

Upon consideration, notice is hereby given that an extension of time for the filing comments is granted to and including January 18, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37466 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

---

18 CFR Part 271

[Docket No. RM79-76 (Louisiana—3 Addition)]

High-Cost Gas Produced From Tight Formations; Louisiana

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Louisiana Office of Conservation that the Cotton Valley Group be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 27, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 12, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued December 28, 1981.

I. Background

On October 29, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cotton Valley Group located in the northern part of the State of Louisiana, be designated as a tight formation. The Commission previously adopted a recommendation that the Cotton Valley Sandstone Formation be designated as a tight formation (Order No. 158, issued June 17, 1981, in Docket No. RM79–76 (Louisiana—3)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that the Cotton Valley Group be designated a tight formation should be adopted. Louisiana's recommendation and

supporting data are on file with the Commission and are available for public inspection.

II Description of Recommendation

The Cotton Valley Group is composed of the Cotton Valley Sandstone formation and the Bossier Shale Formation. The area recommended by Louisiana encompasses the area previously adopted by the Commission as the Cotton Valley Formation (Louisiana—3). The recommended formations are located in northern Louisiana. They are situated in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, LaSalle, Madison, Morehouse, Rapides, and Richland Parishes. Areas excluded in the recommendation are certain portions of the Cotton Valley Group in the following fields: Beekman, Calhoun, Cheniere, Cotton Valley, Greenwood-Waskom, Hico-Knowles, Lisbon, North Carlton, Northeast Lisbon, Ruston, Sentell, Sligo, South Downsville, Terryville and West Lisbon.

Louisiana defines the Cotton Valley Group from electrical log measurements in the Phillips Petroleum Company—Martin B No. 1 well located in Section 32, Township 11 North, Range 10 West, Natchitoches Parish, Louisiana. The Cotton Valley Sandstone Formation is that interval encountered between the depths of 9,740 feet and 11,421 feet and the Bossier Shale Formation is that interval encountered between the depths of 11,421 feet and 12,737 feet.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates that for each formation:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that the requirement of Statewide Order No. 29-B will assure that development of the Cotton Valley Group will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply. Further, Louisiana is in the process of establishing rules and regulations in accordance with the Environmental Protection Agency's Underground Injection Control guidelines which it believes will further prevent the contamination of any fresh water aquifer.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Cotton Valley Group as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 22, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Louisiana—3 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 12, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301—3432.))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271— CEILING PRICES

Section 271.703(d)(37) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(37) *Cotton Valley Group in Louisiana.* The Cotton Valley Group consists of the Cotton Valley Sandstone and the Bossier Shale Formations. RM79–76 (Louisiana—3).

(i) *Delineation of Formation.* The Cotton Valley Group is located in northern Louisiana. It is situated in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, LaSalle, Madison, Morehouse, Rapides and Richland Parishes. Certian portions of the Cotton Valley Group in the following fields are excluded from the designated area: Beekman, Calhoun, Cheniere, Cotton Valley, Greenwood-Waskom, Hico-Knowles, Lisbon, North Carlton, Northeast Lisbon, Ruston, Sentell, Sligo, South Downsville, Terryville and West Lisbon.

(ii) *Depth.* The Cotton Valley Sandstone Formation and the Bossier Shale Formation are defined as those intervals encountered between the measured depths of 9,740 feet and 11,421 feet and 11,421 feet and 12,737 feet, respectively, on the induction electrical log of the Phillips Petroleum Company—Martin B No. 1 well located in Section 32, Township 11 North, Range 10 West, Natchitoches Parish, Louisiana.

[FR Doc. 81–37463 Filed 12–31–81; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 764, 770, 771, 779, 780, 783, 784, 785, 786, 788, 816, 817, 825, and 828

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions and Terminology

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend existing rules in 30 CFR Chapter VII relating to the two-acre exemption and definition and use of the terms "adjacent area," "affected area," "permit area," and "road." The term "mine plan area" is proposed for deletion and replaced where appropriate with either "permit area," "permit area and adjacent area," or "permit area and potentially impacted offsite areas." A new term "area of expected subsidence" or "area of potential subsidence" is proposed.

OSM is also proposing to amend 30 CFR 700.11(b), which provides an exemption from the requirements of the Surface Mining Control and Reclamation Act of 1977 for the extraction of coal where a coal mining and reclamation operation affects two acres or less. The proposed regulations would provide new criteria for determining when an operation qualifies for the exemption. The proposed rules also would establish a procedure by which the regulatory authority may make a determination that an operation is exempt. These changes are being made to clarify the rule and as a result of litigation on the Permanent Regulatory Program regulations.

In addition, OSM is proposing to amend 30 CFR Part 825 to eliminate unnecessary regulations regarding special bituminous coal mines in Wyoming.

DATES: The comment period for the proposed amendments will extend until February 3, 1982. Public hearings are scheduled for January 25, 1982. Public meetings may be held between January 4, 1982 and February 3, 1982.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record Office, Room 5315L, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. All comments, notices of public meetings, and summaries of the meetings will be available for inspection at Room 5315, 1100 L Street, NW., Washington, D.C.

A public hearing will be held in Washington, D.C., at the following location:

Department of the Interior Auditorium, 18th and C Sts., NW.

For the address where additional copies of these proposed amendments are available, see "Availability of Copies" under "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: Two-acre exemption: Harriet Marple, Division of Regulation and Inspection, Office of Surface Mining, U.S. Department of the Interior; 202–343–5365. Definitions and terminology: Ray Aufmuth, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior; 202–343–5244.

SUPPLEMENTARY INFORMATION:

I. Procedural Matters.
II. Revision of Definitions.
III. Proposed changes to Two-Acre Exemption Rule.
IV. Special Bituminous Coal Mines in Wyoming.

I. PROCEDURAL MATTERS

Public Comment Period

The comment period on the proposed rule will extend until February 3, 1982. All written comments must be received at OSM Headquarters, U.S. Department of the Interior, Administrative Record Office, Room 5315L, South Building (R&I–03), 1951 Constitution Avenue, NW., Washington, D.C. 20240, by 5:00 p.m. on that date. Comments received after that time will not be considered or included in the Administrative Record for the final rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to a location other than that specified above will be considered and included in the Administrative Record for the final rulemaking.

Public Comments

Written comments should be as specified as possible. Comments not pertaining to the issues proposed cannot be considered under this rulemaking. OSM appreciates any and all comments, but those most useful and likely to influence decisions on these revisions will be those which include a reason for any given recommendation. Written comments will be accepted until 5:00 p.m. on February 3, 1982, at the address indicated above under "Addresses."

Availability of Copies

Copies of these proposed amendments may be obtained from the following OSM office:

OSM Headquarters, U.S. Department of the Interior, Administrative Record, Room 5315L, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240; 202–343–4728.

Public Hearing

A public hearing on these proposed rules will be held on January 25, 1982, to hear all those who wish to testify.

Persons wishing to testify at the public hearing on this proposed revision should contact the person listed under "For Further Information Contact" on or before January 22, 1982. Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officals. Advance submissions will give these officials an opportunity to consider appropriate questions for clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings

Representatives of OSM will be available to meet between 8:00 a.m. and 4:00 p.m., at the request of members of the public, State representatives, and other organizations to listen to advice and recommendations concerning the content of these proposed amendments. Persons wishing to meet with representatives of OSM during this time period may request a meeting at the Washington office. Persons to contact to schedule such meetings are as follows.

Washington—Two-acre exemption: Harriet Marple, 202–343–5365. Definitions and terminology: Ray Aufmuth, 202–343–5244.

OSM representatives will be available at the Washington office or the regional offices for these meetings between 9:00 a.m. and noon and 1:00 and 4:00 p.m. local time, Monday through Friday, excluding holidays. All such meetings are open to the public. If possible, notices of the meetings will be publicly posted in advance in the Administrative Record Office listed above under "Addresses" as to the location of the meeting. A written summary of the meetings will be made a part of the Administrative Record and will be available to the public.

Description of Proposed Rule

II. REVISION OF DEFINITIONS

The Office of Surface Mining (SM) is proposing to delete the term "mine plan area" and to clarify or revise certain definitions used in its permanent program regulations, 30 CFR Chapter VII, including the terms "adjacent area," "affected area," "mine plan area," "permit area," and "road." OSM is also proposing to add as a new term either "area of expected subsidence" or "area of potential subsidence." Legal authority for defining these terms is found in Sections 102, 201, 501, 503, 504, 506, 507, 508, 509, 510, 511, 515, 516, 517, 519, 522, 523, and 701 of the Surface Mining Control And Reclamation Act of 1977, 30 U.S.C. 1201 et seq. (SMCRA, the Act).

Discussion of these proposed changes is divided into two parts: (1) Definitions related to areal descriptions, and (2) Definition of the term "road".

(1) *Discussion of Definitions Relating to Areal Descriptions.*

Considerable confusion has arisen in the interpretation of several terms relating to certain areal description used in the permanent program regulations. A variety of terms is used with often unclear and occasionally conflicting definitions. The program has been further complicated by the fact that use of the term "mine plan area" was suspended by order of the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation*, No. 79–1144 (D.D.C.), Slip op. at pp. 35–36 (February 26, 1980) and Slip op. at pp. 57–58 (May 16, 1980.

Under the rules proposed today, the term "mine plan area" would be removed from the regulations; the terms "adjacent area," "affected area," and "permit area" would be redefined; and a new term, either "area of expected subsidence" or "area of potential subsidence" would be provided. Each of these proposed changes is discussed in the following.

"Mine Plan Area"

The term "mine plan area" was originally used in the permanent regulations to define that area where mining operations are authorized to be conducted throughout the entire life of the operations, or the total of all permit areas for the mining operations (44 FR 14920, March 13, 1979). The term was used primarily to define areas beyond the boundaries of the permit area for which certain information must be included in a permit application. The term was also used to a more limited extent in the sections relating to performance standards for surface coal mining and reclamation operations and to standards for designating lands as unsuitable for mining.

The removal of the term "mine plan area" from the permanent program regulations poses some significant issues with respect to alternate terms to be used in its place. Several major alternatives were considered: (a) Substitute the term "permit area" for "mine plan area," (b) substitute the term "permit area and adjacent areas" for "mine plan area" and clarify the definition of "adjacent area," (c) develop a new term to replace "mine plan area," or (d) substitute the term "minesite and surrounding areas" for "mine plan area." As described more fully below, OSM is proposing to use alternatives (a), (b) and (c) by selecting the appropriate alternative for each current reference in the permanent program regulations to "mine plan area."

Substitution of the term "permit area" for "mine plan area" would have the advantage of using a term that delineates an area that is well known by both the operator and the regulatory authority. The disadvantage of such a direct substitution is that certain information that may be required under the Act to be collected as part of the permitting process for areas other than the permit area might not be covered by the revised regulations.

Because of the interrelationship of different elements of the environment, information regarding proposed mining operations must include some data concerning resources outside of the immediate permit area. Sections 507(b)(11) and (12), and 508(a)(1) of the Act, for example, require that information concerning hydrology, climatology, and identification of lands subject to mining operations be furnished for an area larger than the permit area. Thus, in certain cases, reliance on the term "permit area" may create a somewhat arbitrary boundary not necessarily related to the environmental and ecological resources intended to be protected under the Act.

The second alternative would substitute the term "permit area and adjacent areas" for "mine plan area." One difficulty with this revision is that the definition of the term "adjacent area" includes the term "mine plan area." Thus, revision of the definition of the term "adjacent area" would be necessary. Revision of this term is discussed under the heading "Adjacent Area."

The term "permit area and adjacent areas" would be preferable where information necessary to evaluate the environmental impacts of a proposed mining operation is required for areas outside the actual limits of the permit area. The disadvantage of this term is that in certain circumstances its use may require permit applicants to obtain information on areas that will not be impacted by the proposed mining operation. This could place an additional burden on mine operators without an attendant improvement in environmental protection. Use of the term "permit area and adjacent area" may also complicate analysis of the probable hydrologic consequences of mining required by Section 507(b)(11) of the Act and the hydrologic plan requirements of Section 508(a)(13). These sections refer to the potential impact of a proposed mining operation both "on and off the minesite." Depending upon the definition of the term "adjacent area," there may be little relationship between the "permit area and adjacent areas" and the hydrologic regime potentially impacted by the proposed mining operation.

The third alternative considered was proposal of a new term, based upon the Act's emphasis with respect to the evaluation of the hydrologic consequences of mining in onsite (*i.e.*, within the permit area) and offsite areas. Under this alternative, the term "mine plan area" would be replaced by the phrase "permit area and potentially impacted offsite areas." The term "offsite areas" alone, without modification, was rejected as being too broad, since it could, in theory, encompass anything that is not onsite, no matter how remote from the minesite. While it is clear that Congress recognized a need to consider environmental impacts outside the limits of the permit area, it does not appear that Congress intended the Act's requirements to apply to areas that would not be impacted by such operations. This, in considering a definition that would include "offsite areas," OSM proposes to limit the offsite

areas requiring consideration to those areas which have the potential of being impacted by the mining operations.

A final term considered was "minesite and surrounding areas," which is used in Section 507(b)(11) of the Act. This term, however, was rejected as adding little to the other alternatives considered. It would be difficult to determine how to differentiate between "adjacent areas" and "surrounding areas," and use of the term "minesite" would add little to the available definitions of "disturbed area" and "permit area."

Review of the use of the term "mine plan area" throughout the regulations reveals that none of the alternatives alone can be satisfactorily used to cover the Act's requirements in each instance. Instead, different alternatives are appropriate in different cases. OSM proposes to select "permit area," "permit area and adjacent areas," and "permit area and potentially impacted offsite areas" as the alternatives that best cover the range of areal standards established under the Act. Each use of the term "mine plan area" in the existing regulations and the proposed substitute phrase selected for use in replacement of that term are detailed below.

Sections 779.11; 779.12(b), 779.22(c); 779.24 (i) and (k); 779.25 (e) and (j); 783.11; 783.12(b); 783.22(c); 783.24 (i) and (k); 783.25 (e) and (j); 816.13; and 817.13.

These regulations currently utilize the phrases "mine plan area and adjacent area(s)," "mine plan and adjacent area(s)," or "mine plan or adjacent area(s)" are used in these sections. The proposal would substitute for these phrases the phrase "permit area and adjacent areas" in each of the cited regulations. This is consistent with the intent to indicate that certain environmental resources information may be necessary for areas outside the boundaries of the permit area.

Sections 779.13 (a) and (b)(1); 779.14(a); 779.15(a); 779.16(a); 779.17; 779.25 (f) and (g); 780.21(a)(1), (a)(3), and (c); 783.13(a) and (a)(1); 783.14(a); 783.15(a); 783.16(a); 783.17; 783.25 (f) and (g); 784.14 (a)(1), (a)(3), and (c); 785.19(c)(1); 816.41(a); 816.51(b), 816.52(a)(11); 817.41(a); 817.52(a)(1); 828.11(e); 828.12(a).

The terms "mine plan area," "mine plan area and adjacent area(s)," "mine plan and adjacent area(s)," or "mine plan or adjacent area(s)" are used in each of the above sections in relation to requirements pertaining to the protection of the hydrologic balance. Additionally, §§ 779.13(a) and 783.13(a) use the phrase "the proposed mine plan area, the adjacent area, and the general area," and §§ 816.51(b) and 828.12(a) use the phrase "in the mine plan and in adjacent areas. "As noted by the U.S. District Court and by OSM in its preamble to the permanent regulatory program (44 FR 14921, March 13, 1979), the term "mine plan area" is not used in the Act. The Act, when referring to the protection of the hydrologic balance, refers to onsite and offsite areas (Sections 507(b)(11), 508(a)(13), 515(b)(10), and 517(b)(2)). This use is consistent with the physical characteristics of the hydrologic regime, which is a dynamic ecological system and cannot be confined to specific geographic boundaries.

For this reason, OSM proposes to delete the phrases noted in the above paragraph and replace them which relate to hydrologic balance and that it with the phrase "permit area and potentially impacted offsite areas." OSM believes that use of this term is in accordance with the requirements of the Act and will provide better guidance to regulatory authorities, operators, and the public in evaluating and minimizing the hydrologic impact of mining operations.

Sections 764.15(a)(7); 770.5; 779.18(a); 771.23(e)(2); 779.22(b); 779.25(d) and (h); 779.27(a), (b)(5), (d) (2 locations), (d)(1), and (d)(2); 780.11; 780.14(b)(2); 780.21(b)(1); 780.25(a) and (b); 780.37(e); 783.18(a); 783.22(b); 783.25(d) and (h); 783.27(b)(5); 784.11; 784.14(b)(1) and (d); 784.16(a) and (b)(1); 784.23(b)(2); 784.19(e); 785.19(e)(1)(iv); 786.14(b)(3); 786.19(c); 816.104(a), (b), (b)(1), and (b)(3); 816.105(a), (b), (b)(1), and (b)(4); 816.116(b)(2)(iii); 817.116(a) and (b)(2)(ii).

The term "mine plan area" is used alone in the above sections. Substitution of the term "permit area" for the term "mine plan area" is proposed to clarify the scope of the requirements in these sections. This substitution is based upon a review of the sections and an interpretation of the scope of each requirement.

Section 780.14 and 784.23

It is proposed that the term "mine plan and adjacent areas" in the first sentence of §§ 780.14 and 784.23 be deleted as unnecessary. Sections 780.14(a) and (b) and 784.23(a) and (b) indicate the specific areas covered by the map and plan requirements of the respective sections. Therefore, the term "mine plan and adjacent areas" in the first sentence is superfluous.

The phrase "unless specifically required for the mine plan area or adjacent area by the requirements of this section" is proposed for deletion from §§ 780.14(b) and 784.23(b) as unnecessary. These sections do not specify that any information be provided for the "adjacent area." Therefore, the term "adjacent area" is meaningless in the context used. The only reference to "mine plan area" is contained in paragraph (b)(2) and, as indicated above, the use of that term has been suspended and is proposed to be replaced by the term "permit area" by this rulemaking.

Sections 779.16(b)(2), 779.24(g), 783.16(b)(2), 783.24(g)

The phrases "affected area(s) within the proposed mine plan area" or "affected areas in the proposed mine plan area" are used in these four sections. These sections are proposed for revision by deletion of the words "within the proposed mine plan area(s)" and "in the proposed mine plan area."

The intent of these requirements was to assure that all waters that will receive discharges from areas proposed to be affected by mining operations would be described in the permit application for purposes of evaluating the impacts of mining on the hydrologic balance. It is proposed that the definition of the term "affected area" be revised through this rulemaking to include any land or water surface area used to facilitate or physically altered by surface coal mining and reclamation operations. Permit information requirements with respect to waters that receive discharges from "affected areas" are consistent with the necessity to evaluate the hydrologic impacts of mining operations. The term "mine plan area" in this description is unnecessary in this context, and it is therefore proposed that it be deleted.

Section 780.21(b)(3)

Section 515(b)(10)(D) of the Act requires "restoring of the recharge capacity of the *mined area* to approximate premining conditions" (emphasis added). The objective of this requirement is to assure that areas disturbed during mining will be reclaimed in such a manner as to restore the ability of the mined area to transmit water to ground-water systems after mining is completed. Section 780.21(b)(3) requires a plan for such restoration. Areas that require consideration in this process are areas that are disturbed and reclaimed during the mining process. The plan would not be applicable to areas that are not disturbed during mining. For this reason, § 780.21(b)(3) is proposed for revision by deleting the term "mine plan area" and replacing it with the term "disturbed area."

Sections 816.52(a)(2) and 817.52(a)(2)

The phrase "on or off the mine plan area" is used in §§ 816.52(a)(2) and 817.52(a)(2) in reference to areas relating to the hydrologic balance. This phrase is proposed for deletion and replacement with the phrase "permit area and potentially impacted offsite areas." As indicated, the phrase "permit area and potentially impacted offsite areas" is consistent with the requirements for protection of the hydrologic balance in Section 517 of the Act.

Section 783.14(a)(2)

The term "mine plan area" is use in § 783.14(a)(2) in describing requirements for information on the geology of areas underlain by the coal seam to be extracted during underground mining activities. This information is required to assist the regulatory authority, the operator, and the public in evaluating the potential impact of the proposed mining operation on the hydrologic balance and also on the surface due to subsidence. In some operations, the area for which this information is required may extend beyond the limits of the permit area. To clarify the scope of the requirements, it is proposed that paragraph (a)(2) of this section be revised by replacing the phrase "(2) The geology of those surface lands within the proposed mine plan area" with the phrase "(2) The geology of those lands."

Revision of the substantive requirements of § 783.14 are being conssidered as part of OSM's regulatory reform effort, and revised requirements for the entire section will be proposed in the near future.

Section 771.23(e)(1)

Section 771.23(e)(1) refers to "the mine plan area and the adjacent areas." The proposal would delete the phrase "the remainder of the mine plan area and" from this section. The scale of maps for areas within the permit area is specified earlier in this paragraph. Therefore, use of the term "permit area and adjacent areas" would be contradictory in this usage.

Section 771.23(e)(2)

The phrase "at any place within the mine plan area" is proposed for deletion from § 771.23(e)(2). The section as proposed to be revised would recognize that certain information, such as that which is required under Section 508(a)(1) of the Act for the "estimated life" of the operations, may be required for a term beyond the initial permit term.

Sections 779.12(a) and 783.12(a)

The phrase "of the subareas of the mine plan area" is proposed for deletion from §§ 779.12(a) and 783.12(a) as it no longer would be relevant.

Section 788.13(b)

The phrase "including, but not limited to, any remainder of the mine plan area described in the application for the existing permit," in § 788.13(b) is proposed for deletion as it no longer would be relevant.

Sections 825.11(b)(2) and (b)(6)

With deletion of the term "mine plan area" from the permanent program regulations, the terms "mine plan" and "mining plan" also need to be reconsidered. The terms "mine plan" and "mining plan" are terms of art used in the regulations as they pertain to mining operations on Federal lands (Subchapter D). Consequently, it is proposed that the terms "mining plan" and "mine plan" in § 825.11(b)(2) and (b)(6), respectively, be deleted and the term "permit" be used in their place.

"Adjacent Area"

The term "adjacent area" is proposed for revision in order to eliminate the reference to "mine plan area" and to reword the definition to more closely complement the definition of the term "permit area" as also proposed in this rulemaking.

As previously indicated (43 FR 41671, September 18, 1978), the term "adjacent area" is intended to refer to an area of variable size in which resources protected under the Act could be impacted by mining operations. The size of the adjacent area would depend upon whether impacts on air, water, fish, wildlife, cultural, or other resources are being considered.

Two alternatives are proposed for consideration. The first alternative defines "adjacent area" as including the area outside the permit area where resources protected by the Act are located and where those resources will be impacted or *could reasonably be expected to be impacted* by surface coal mining and reclamation operations. Limiting the adjacent area to the area that "reasonably could be expected to be impacted" by mining was considered in an earlier rulemaking (44 FR 14923, March 13, 1979) and rejected on the premise that the Act establishes a strict liability standard for enforcement purposes. OSM is reconsidering this proposal because the term "adjacent area" is used primarily to describe permit application information requirements, and, therefore, reliance on the Act's enforcement standard may have been misplaced. Under this standard, the operator would not be penalized for failure to cover in his or her permit application areas in which an impact could not reasonably have been expected.

The second alternative, which more closely follows the existing definition, would include areas where resources protected by the Act are located and where those resources will be impacted or *may be impacted* by surface coal mining and reclamation operations.

Under either proposal, the extent of the adjacent area would be determined by the particular context in which the term is used in the regulations and the particular resource requiring protection.

"Affected Area"

The present definition of the term "affected area" specifies that it is any area where surface coal mining activities are conducted or located. The basis for this definition is the definition of "surface coal mining operations" in Section 701(28) of the Act. (44 FR 14920, March 13, 1979.) In practice, OSM has found difficulties and ambiguities in the application of this definition. As a result, this proposal would revise the definition of "affected area" to more closely reflect the scope of areas covered in Section 701(28) of the Act.

The proposed revised definition of "affected area" also would clarify ambiguity concerning its application to (1) Roads and (2) lands that overlie underground mine workings.

Section 701(28)(B) of the Act defines "surface coal mining operations" as including all lands affected by the "construction of new roads or the improvement or use of existing roads to gain access to the site of such activities [the surface coal mining operations] and for haulage." Thus, a road is part of a surface coal mining operation if it is built, used, or upgraded for access to the site of the mining operation or for haulage of coal. Once it is determined that a road falls within this classification, it must be included within the "affected area" of the mine.

The purpose of the broad statutory definition of roads included in surface coal mining operations is revealed in the legislative history of the Act:

> Access and haul roads constructed for the purpose of the mining operation area are major sources of siltation on a continuing basis both during and after mining . . . In order to overcome the continuing and longstanding environmental problems these roads present, the committee specifies in the Bill that roads are to be designed and constructed with appropriate limits to grade, width, surface material and culvert placement and size in order to control drainage and prevent erosion outside the permit area. H.R. Rept. No. 95–218, 95th Cong., 1st Sess. 128 (1977).

The legislative history [1] and the language of the Act itself cast light on how Congress viewed the scope of Section 701(28) and which roads it intended to be included in the "affected area" of the mine. The definition of "surface coal mining operations" in the Act speaks of land the use of which is "incidental" to mining and of roads constructed, used, or improved "to gain access to the site . . . and for haulage." Thus, it is the use of roads for mining operations, and their association with a mine, that determines whether they should be considered to be part of the mining operations.

However, an outer limit to the types of roads which are regulated as part of a "surface coal mining operation" under the Act must exist. Otherwise, a State superhighway could be considered a haul road when used to transport coal—a result Congress did not intend. There is evidence in the Act itself that such a line must be drawn. Under Section 522(e)(4), mining may not take place within 100 feet of a public road, except where a mine road joins the public road. For purposes of the Act in other areas, the limit must logically be drawn from Congress' intent and the language of the Act which emphasizes the purpose and function of the road.

The purpose for which a road is constructed, used, or improved depends upon a variety of factors. For an operator who merely uses a road which is already an established part of the public road system and which has substantial public use, then to the extent that the public use continues undiminished, it would appear reasonable to conclude that the road should not be included as part of a "surface coal mine operation." This would clearly be the case where the operator uses a major State highway or interstate highway to transport coal. On the other hand, when a right-of-way is acquired by a coal company and cleared or improved to a level which would enable coal trucks to reach a mine, a strong presumption would arise that the road is subject to the Act even though title to the road may rest in a public body.

Under the proposed modification of the definition of "affected area," the circumstances under which roads constructed, improved, or used to gain access to or to haul coal from surface coal mining operations would be treated as unregulated roads, and not part of a surface coal mining operation, would be clarified. Several alternatives are currently being considered, and public comment is specifically requested with respect to each alternative and any part of each alternative presented. The final rule will be structured to reflect the requirements of the Act, Congress' intent, and public comment received on the proposed rule, utilizing all, any portion, or any combination of the proposed alternatives presented.

Section 701.5

As proposed, would include in the affected area every road used for purposes of access to or haulage to or from a coal mining operation unless one of the following alternatives applies. The term road also means a segment of a road, where applicable.

The first alternative would exclude from the affected area any part of a road used for coal haulage or access which is owned unconditionally, controlled and maintained by a public entity, used frequently for purposes other than coal haulage or access, and maintained (using public funds) in a manner similar to other public roads of a similar nature in the jurisdiction.

"Owned unconditionally" would mean that the road is owned by the public entity in fee simple or through a perpetual easement or right of way. Thus, where a public entity has title or an easement to a road that is for a term of years or is subject to reversion to someone other than a public entity, it would not own the road "unconditionally". Further, to be owned unconditionally a road may not be subject to any contract, agreement, or other limitation under which the road may at some future date cease to be owned by the public entity. For example, if a miner deeds an access or haul road to a public entity with a reverter clause under which ownership of the road reverts back to the miner after termination of the mining operations, the public entity would not unconditionally own the road.

"Uncontrolled and maintained" would mean that the road is upgraded, patrolled, repaired, kept open, cleared of snow, paved and otherwise taken care of by the public entity exclusively, using public funds. A road use of which is prevented or restricted by any person other than the public entity would not be "controlled" by that entity. Thus, if a miner blocks access to a publicly owned road, by erecting a gate or regularly leaving equipment in the road, the road would not be regarded as controlled by the public entity. Furthermore, if access is limited by the public entity on behalf of a miner, except for good cause, the road would not be considered as controlled by the public entity.

"Public funds" would be considered to include only funds from the general treasury of the public entity, and would not include funds contributed to the public treasury by persons conducting coal mining operations directly or through a tax levied upon such persons for the purpose of maintaining specific roads for particular operations. If funds contributed by, or derived from a tax levied upon, all persons conducting coal mining operations, for purposes of generally maintaining all roads within the jurisdiction, those would be public funds. Further, a person using a road for haulage or access may not perform the maintenance or provide the maintenance materials for the public entity.

The second alternative would exclude from the affected area a road or part of a road used for coal haulage or access if it has been designated a public road under the laws of the jurisdiction in which it is located, is maintained with public funds in a manner similar to other public roads of a similar nature in the jurisdiction, meets road construction standards at least as stringent as the coal haulage and access road standards in the State program, and is used substantially (more than incidentally) by the public. The differences between the

[1] A colloquy between two Senators illuminates the relationship between a regulated access or haul road and an unregulated road:

Mr. **McClure.** I would understand the purpose of the amendment to be to cover the roads which are appurtenanced to or part of the mining operations, that it would not be the intention of the sponsor of the amendment to extend the control mechanisms of the Act to roads which are public roads and not associated directly with mining operations; is that not correct?

Mr. **Baker.** That, I believe, would accord fully with my understanding. Let me make one or two limitations on that though. *If, as is sometimes the case, a public road is chosen to be used as an access road to a strip mining operation, the maintenance and retention of that road would be supervised by reclamation techniques; that is, if it is a public road and still used for mining operations it would be.*

Mr. **McClure.** If the maintenance operation of a public road became the obligation of the mining owner under local or state regulations that would be correct, right?

Mr. **Baker.** That is correct. It would not put any additional burden of responsibility on the part of the government.

Mr. **McClure.** But if the road were not taken over as part of the mining operations, then it would not cause that fall over the public road to extend the reclamation and criteria control under this to all such roads that might be traversed.

Mr. **Baker.** That is correct. I would point out that the bill itself has applications to mining operations which in no way deal with responsibilities of units of the government. If for that reason, and no other, it could not effect the roads, the Senator describes, only in a case where a public road was taken over by a strip mining operation would be drawn in light of Congress's intent and the language of the Act, which with their emphasis on the purpose and function of the road.—S. Cong. Rec. 3302 (Oct. 9, 1973). (Emphasis added.)

first and second alternatives are that (1) while the first alternative requires that to be excluded from the affected area a road must undergo frequent use for purposes other than coal haulage or access, the second alternative only requires "substantial or more than incidental" public use and (2) the second alternative requires road construction that meets construction standards at least as stringent as the haul and access road standards in the applicable State program. Once constructed according to equivalent standards, the road would have to be maintained using public funds and in a manner no less stringent than maintenance of other roads of a similar nature in the jurisdiction.

The third alternative would replace the public use and road construction criteria with a requirement that the road be paved. "Paved" is intended to mean that the entire length of the road be surfaced with applied allweather surfacing material of asphalt, concrete or similar consolidated, hard and durable material. The placement of gravel, rock or other unconsolidated material would not constitute paving. Thus, under these criteria, an unsurfaced and unimproved road used for coal haulage or access would not be a public road. OSM is proposing this test to provide a simple criterion that would not vary from State to State and requests comment on the reliability and applicability of the test.

The fourth alternative would replace the paving requirement of alternative three with the requirement that the road meet the road classification standards for a class 1, 2, or 3 road under the mapping system established by the U.S. Geological Survey for 7.5-minute topographic maps. Class 1 roads are primary highways, all-weather hard surface; class 2 roads are secondary State roads, and primary county roads that are all-weather and hard surface; and class 3 roads are light duty, all-weather, improved surface roads that are passable in all weather and are adjuncts to the primary and secondary highway systems. Roads that do not meet the standards for classifications 1, 2, or 3 are unsurfaced roads and unimproved roads considered passable in dry weather. Under this alternative, any road used for coal haulage or access that does not meet the U.S.G.S. road classification 1, 2, or 3 could not be considered a public road.

The second type of area requiring clarification in the definition of the term "affected area" involves areas located above underground mines. The existing rule includes all "land or water which is located above underground mine workings" as being within the "affected area". This has become known as the "shadow area" of a mine.

OSM has received many comments on this definition suggesting that the "shadow area" concept is too broad in relation to Congress' intent. These comments were rejected in an earlier rulemaking on the basis of Congress' intent to protect surface areas overlying underground workings. The use of the shadow area concept was based upon "the express provisions of Section 516(b)(1) and 516(c) of the Act, protecting the use of surface lands from subsidence." For this reason "the Office decided to retain coverage of lands overlying underground mine workings in the definition of affected area." (44 FR 14920, March 13, 1979).

In attempting to apply the "shadow area" concept during the past 3 years, OSM has found some inconsistencies in its application in relation to Congress' intent to regulate underground mine workings only to the extent that they have a surface impact. For this reason, OSM is proposing to revise the definition of "affected area" to more clearly define the limits of the "affected area" for underground mines.

The proposed rule includes in the "affected area" for an underground mine all surface areas where surface facilities are located, where excavation occurs, and where regulated roads are used; and for underground mines, in situ mines, and auger mines, the "area of expected subsidence." The area of expected subsidence would be defined to include the area where a vertical movement of the surface is expected to result from subsidence of underground excavations.

"Area of Expected Subsidence" or "Area of Potential Subsidence"

The term "area of expected subsidence" is intended to reflect Congress' concern expressed in Section 516 of the Act for the protection of surface lands from subsidence. OSM is aware that in the permitting process certain information for areas outside the area of maximum expected subsidence would be required in order to evaluate the operator's subsidence control plan. It is accepted that Congress did not intend to limit the scope of information required for a permit application to the "permit area," "affected area," or other artificial boundaries. Rather, Congress intended that the regulatory authority have sufficient information to evaluate the potential impacts of the proposed operation and the probability that the operation would meet the requirements of the Act and the regulatory program. It is not the OSM's intent in using the term "area of expected subsidence" to limit the subsidence-control plan to the specific area to be affected. Rather, it will be the operator's plan for the underground workings and the physical and geological conditions at the mine which will define the "area of expected subsidence."

The proposed amendments would add a new term "area of expected subsidence." This term would be used to define those surface areas overlying underground excavations resulting from in situ, auger, and underground mining activities that would be included within the "affected area" for a surface coal mining and reclamation operation. Two alternatives are provided.

The first alternative would define the "area of expected subsidence" as the area where a vertical movement of the surface is expected to result from subsidence of underground excavations. The basis for the term can be found in the definition of two other terms commonly used in mining engineering: (1) Subsidence area and (2) maximum expected subsidence.

A subsidence area is defined as the "area affected by subsidence over areas where minerals or other substances have been removed. The area is larger than the mined out area below. "A Dictionary of Mining, Mineral, and Related Terms," compiled and edited by Paul W. Thrush and staff of the U.S. Bureau of Mines, 1968. The term "maximum expected subsidence" means the "maximum possible vertical movement caused by an underground working." Subsidence Engineers' Handbook, National Coal Board Mining Department, 1975.

Under this alternative, the area of expected subsidence would be based on the operator's subsidence-control plan. This plan includes sufficient data and supporting documentation to determine those locations where the operator intends to utilize planned and controlled subsidence as part of the mining plan and those areas where the operator intends to design the mining operation to prevent the occurrence of subsidence. The subsidence-control plan would be reviewed by the regulatory authority to verify the operator's analysis of the area of expected subsidence.

The second alternative would propose a new term "area of potential subsidence" to be used in place of "area of expected subsidence." Under this alternative, the "area of potential subsidence" would be defined to mean the area where vertical movement of the surface may result from subsidence of underground excavations. The area of potential subsidence would include any areas where the operator intends to use

planned and controlled subsidence in the mining operation and any areas where the operator intends to prevent subsidence but where there is a possibility of failure of such efforts. The primary difference between the two alternatives is that the second alternative would include the area where subsidence was possible although not anticipated in the "affected area" for the mine. Only in those circumstances under which the geologic conditions at the mine would preclude subsidence of the surface, would the second alternative exclude the surface areas over underground workings from the "affected area" of the mine.

"Permit Area"

The definition of the term "permit area" in § 701.5 of the permanent program regulations is proposed for revision to more closely follow the definition of "permit area" set out in Section 701(17) of the Act and to indicate that overlapping permit areas for more than one operation are not required. Two alternatives are being considered.

The first alternative would define "permit area" as the area of land indicated on the approved map submitted with the operator's application, which includes the area of land upon which the operator will conduct surface coal mining and reclamation operations under the permit. This definition roughly follows the language of section 701(17) of the Act and defines the permit area in terms used in the Act to define lands that must be covered by the operator's bond under Section 509 of the Act. This area will be the land upon which the operator will initiate and conduct surface coal mining and reclamation operations. The definition also provides that areas adequately bonded under an existing valid permit may be excluded from a new permit area. OSM feels that this provision is consistent with the Act's intent to assure that adequate bond is provided for all areas where surface coal mining and reclamation operations are to be conducted. Because each bond must be adequate to cover the anticipated costs of reclamation of the area involved, duplicative bonding is unnecessary and not required.

The second alternative would define "permit area" as the area of land and water within boundaries designated on the permit application maps, as approved by the regulatory authority. This area would include, at a minimum, all affected areas during the term of the permit. This definition more closely follows the existing definition, which requires that all affected areas be included within the permit area. OSM specifically requests comments on the two proposed alternative definitions and means of clarifying the extent of the permit area. As proposed, the first alternative would appear to exclude the area of expected subsidence from the permit area, whereas the second area would include within the permit area all of those areas included in the first alternative as well as the area of expected subsidence.

(2) Discussion of the Term "Roads"

The road classification system used in the permanent regulatory program definition of the term "road" (44 FR 15320, March 13, 1979) was enjoined by the U.S. District Court *In Re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, Slip Op. at 32–36 (D.DC May 16, 1980). OSM is now proposing that the definition of "road" be revised to remove the classification system enjoined by the District Court. The revised definition would follow the definition in 30 CFR 701.5, with the exception of the classification system.

III. PROPOSED CHANGES TO TWO-ACRE EXEMPTION

Backgound

A. Introduction

Section 528(2) of the Act exempts from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." Regulations implementing this provision (30 CFR 700.11(b)) were originally published on March 13, 1979 (44 FR 15311). In litigation over the permanent regulatory program, the Commonwealth of Virginia challenged the two-acre rule as being overly broad.

In re: Permanent Surface Mining Regulation Litigation, No. 79–1144 (D.D.C. 1979). In response to this legal challenge, OSM agreed to modify § 700.11(b) to reflect more closely congressional intent. Accordingly, on November 27, 1979, OSM suspended the following language in the original § 700.11(b): "any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year" (44 FR 67942). On February 6, 1980, OSM published a new proposed rule on the two-acre exemption (45 FR 8241).

A final two-acre rule was published on January 23, 1981, with an effective date of February 23, 1981 (46 FR 7902). On January 29, 1981, however, the President issued a memorandum directing that the effective dates of all final rules which were not yet effective be postponed for 60 days. Pursuant to that directive, the effective date of the January 23, 1981, rule was postponed until March 30, 1981 (46 FR 10707, February 4, 1981). On March 23, 1981 (46 FR 18023), a notice was published, in error, which purported to suspend the two-acre rule pending the outcome of rulemaking. On April 3, 1981, OSM cancelled the March 23, 1981, notice, extended the effective date of the two-acre rule for 31 days, and proposed to indefinitely suspend the rule (46 FR 20211). Comments on the proposed suspension were solicited until April 30, 1981.

On April 29, 1981, the effective date of the January 23, 1981, rule was further extended until June 14, 1981, and the comment period was reopened for 10 days (46 FR 23925). In order to fully consider the voluminous comments received on the proposed suspension of the two-acre rule, OSM extended the effective date of the January 23, 1981, rule until August 14, 1981, by notice published on June 14, 1981 (46 FR 31258). On August 10, 1981, OSM withdrew the January 23, 1981, two-acre rule (46 FR 40651). As a result of that action the rule implementing the two-acre exemption that was published March 13, 1979, has continued in effect except for the portion (quoted above) suspended on November 27, 1979.

In view of the complicated history of the two-acre rule, OSM today is proposing an entirely new two-acre rule. OSM will only consider public comments received in response to this notice of proposed rulemaking, as well as any substantive comments on the two-acre rule received in response to the postponement of the effective date of the January 23, 1981 rule. See 46 FR 40650, August 10, 1981.

B. Reorganization of § 700.11

As proposed, 30 CFR 700.11 has been reorganized so that the exemptions provided for in the Act, other than the two-acre exemption, which are currently in subsections (a) and (c)–(g), would all be put into a new subsection (a) as paragraphs (1)–(6). No substantive change is intended by this reorganization. The two-acre exemption would remain in a new subsection (b). A new subsection (c) would provide for determinations of exemption by the regulatory authority

C. Legislative History of Two-acre Exemption

Section 528(2) of the Act exempts from regulation the "extraction of coal for commerical purposes where the coal mining operation affects two acres or

less." In explaining this provision, the Senate Committee on Interior and Insular Affairs, referring to the exemption for the extraction of coal by a land owner for his own non-commercial use, the extraction of coal in the process of highway construction, and the two-acre exemption, stated its belief that "these three classes of surface mining cause very little environmental damage and that regulation of them would place a heavy burden on both the miner and the regulatory authority." S. Rep. No. 128, 95th Cong., 1st Sess. 97–98 (1977).

An early version of the surface mining bill contained a more restrictive version of this exemption. The early version would have allowed the exemption only for "the extraction of minerals or the removal of overburden for commercial purposes in amounts of less than one thousand tons in any one location (of not more than two acres) in any one calendar year." 119 Cong. Rec. 1357, 1368 (1973). Congress referred to such operations as "pick and shovel" operations that should be specifically excluded from regulation under the Act because "the scope of their impact is so minor" and they "do not present the environmental or social costs which regulation under the Act would internalize." *Id.* Since Congress ultimately removed the 1000-ton limitation, and otherwise altered the language of the exemption, it is unclear whether these particular statements represent Congress' view of the two-acre exemption as enacted.

In hearings on the final bill, Senator Metcalf gave further indication of the type of operation intended to be exempted under the language finally adopted. He stated that the Act would not "prevent this mine operator who handles a truckload of coal once a week, or something like that, from having complete opportunity to mine without any permit whatsoever. . . . You don't have to do it under this proposed regulation exemption of two-acres." Senator Metcalf concluded with the statement, "We are trying to exempt the one-man operation." Surface Mining Control and Reclamation Act of 1977, Hearings on S. 7 before the Subcommittee on Public Lands and Resources of the Committee on Energy and Natural Resources, 95th Cong., 1st Sess. 436 (1977). From the legislative history, it is clear that Congress provided this exemption because it perceived the exempted operations as causing minimal environmental damage and regarded the benefit to the environment of regulation as very small in relation to the burden on both the miner and the regulatory authority.

Proposed Changes to Two-Acre Exemption Rule (§ 700.11(b))

A. Background

Section 700.11(b) would provide that the requirements of 30 CFR Chapter VII would not apply to the extraction of coal for commerical purposes where the coal mining and reclamation operation (together with any related operations) has or will have an affected area, as defined in § 701.5, of two acres or less. This subsection would replace existing § 700.11(b). This subsection also would make it clear that related operations, discussed in detail below, would be considered as one operation for purposes of determining the affected area and the application of the exemption. The definition of affected area in § 701.5, which is an essential element of the exemption, is also being proposed for revision and is discussed earlier in this preamble. The proposed revised § 700.11(b) would apply where the operation "has or will have" an affected area of two acres or less. The language would be included in the regulation to clarify that the first two acres of a larger operation or a series of less-than-two-acre operations that are actually one operation would not be excluded. OSM believes that this is the proper interpretation of the Act and its legislative history, which makes it clear that the Congress was trying to provide an exemption for small operations and not to provide an exemption for the first two acres of any operation.

Accordingly, proposed § 700.11(b) provides that the exemption applies where the operation has "or will have" an affected area of two acres or less. Thus, for example, if an operation were intended to affect 20 acres, it would not be entitled to the exemption at any time. If an operation were originally intended to affect two acres or less, but before two acres was exceeded the person conducting the operation changed his or her intention and decided to mine a total of four acres, at that time the operation would cease to be exempt. This is a change in wording, not a change in substance from the previous regulation.

Other principal changes to the two-acre exemption would be the addition of criteria for determining how to treat, haul or access roads used by two or more operations and new criteria for determining whether two or more operations are related. Also, in proposed § 700.11(b), the term "coal mining operation" is used in place of all references to "surface coal mining operation" and "surface mining operation." The changes would be made so that this regulation would be consistent with all other regulations if the changes in definitions discussed above are adopted.

For purposes of this preamble, the term "operator" is used to refer to all persons conducting coal mining operations. Use of the term is not meant to be limited to the definition of "operator" in 30 CFR 701.5, *i.e.*, a person removing at least 250 tons of coal in a twelve-month period.

In the regulatory language, OSM has proposed alternative language for certain paragraphs. These alternatives are not in any particular order. Because one alternative is presented before another does not mean that OSM prefers that alternative. Therefore, commenters should consider equally all alternatives.

B. Roads (Proposed § 700.11(b)(1))

Two issues have arisen in the past concerning the treatment of a road used by a coal mining operation for access or haulage. The first issue is whether such a road used and/or owned by a person other than a coal mining operation can be included in the "affected area" of that coal mining operation. This issue is dealt with in the proposed amendment to 30 CFR 700.5 discussed elsewhere in this preamble. The second issue is whether a road used by more than one operation should be included in whole or in part in the "affected area" of each such operation. This issue is dealt with in the proposed 30 CFR 700.11(b)(1), as follows.

Under proposed 30 CFR 700.11(b), in determining whether a coal mining operation affects two acres or less, the regulatory authority would first look to proposed 30 CFR 701.5 to determine the affected area of the coal mining operation and any related operations. If a road used by a coal mining operation is part of its "affected area" under 30 CFR 701.5, it would be counted for purposes of determining whether that operation affects two acres or less. Conversely, a road which is not part of the affected area of an operation would not be counted. Often, however, portions of the same road are used by more than one operation for access or haulage. In this case, it is not clear under the present § 700.11(b) to which operation the road should be attributed. Any operation which uses a road for access or coal haulage *affects* the road and therefore there may be no basis for not including a road in the "affected area" of one operation simply because it is used by other coal mining operations. On the other hand, if the total area of a road used by two or more operations is included in the affected area of each of the operations, the road is in effect being counted twice.

The proposed rule provides five alternatives for treating segments of roads used by more than one operation, for purposes of determining whether the two-acre exemption applies. These alternatives would not apply to segments of roads used by only one operation; such segments would be included in the affected area of the operation using the road.

Under the first alternative, if one operation owned and used a segment of a road which was also used by other operators, the segment would be attributed to the operation that owned it. If the segment of the road was not owned by one of the operations using it or if more than one of such operations owned the road, it would be attributed to the operation which made the greatest use of the road.

This alternative might be difficult to administer because it depends on usage which may change from time to time. For example, if the operation to which the segment was attributed ceased operations, the road would have to be re-attributed.

Under the second alternative, the entire segment of the road used by more than one operation would be included in the affected area of each of those operations. Therefore, a segment of the road could be "counted twice". For example, suppose the road is 5,000 feet long and 20 feet wide, and the first 500 feet is used by operators A, B, and C, the next 3,000 feet is used only by operators A and B, and the final 1,500 feet is used only by operator A. The regulatory authority would include 100,000 square feet (20 x (500 + 3,000 + 1,500)), 70,000 square feet (20 x (500 + 3,000)) and 10,000 square feet (20 x 500), respectively, in the "affected area" of operators A, B, and C. If operators B and C were "related" operations (as discussed elsewhere in this Notice), their affected areas would be combined, and 70,000 (not 80,000) square feet of the road would be attributed to the combined affected area. Thus, under this alternative, the total area attributed to the three operations could exceed the actual area of the road.

Under the third alternative, the area of the commonly used segment would be divided equally among the users so that the total area attributed to the users could not exceed the actual area of the road. Thus, in the example given above, 63,333 square feet (500(20)÷3+3000(20)÷2+1500(20)) would be attributed to operator A; 33,333 square feet (500(20)÷3+3000(20)÷2) would be attributed to operator B; and 3,333 square feet (500(20)÷3 would be attributed to operator C. The total area attributed to the three operators (63,333+33,333+3,333 square feet) would not exceed the total area of the road (100,000 square feet), unlike the second alternative. However, because of the operation of the proviso to subsection (b)(1) (explained below), if operators B and C were "related" their affected area would include 35,000 square feet of road, and the affected area for operator A would be 65,000 square feet.

Under the fourth alternative, the segment of the road used by more than one operation would be pro-rated among the users, but the proration would be based on usage. Usage could be measured by various methods such as vehicular traffic or coal production. The measure of usage would be determined by the regulatory authority. For instance, using the example discussed above with regard to the third alternative, if operators A, B, and C had coal production of 1,000, 7,000 and 25,000 tons, respectively, the road area would be attributed as follows:

Operator A

$$500(20) \times \frac{1000}{1{,}000 + 7{,}000 + 25{,}000} = 303 \text{ sq. ft.}$$

$$3000(20) \times \frac{1000}{1000 + 7000} = 7{,}500$$

$$1500(20) \times 1000 = 30{,}000$$

Total area attributed to Operator A 37,803 sq. ft.

Operator B

$$500(20) \times \frac{7000}{1{,}000 + 7{,}000 + 25{,}000} = 2{,}121 \text{ sq. ft.}$$

$$3000(20) \times \frac{7000}{1000 + 7000} = 52{,}500$$

Total area attributed to Operator B 54,621 sq. ft.

Operator C

$$500(20) \times \frac{25{,}000}{1{,}000 + 7{,}000 + 25{,}000} = 7{,}576 \text{ sq. ft.}$$

Total area attributed to Operator C 7,576 sq. ft.

While it may be argued that the fourth alternative is the fairest, it would pose substantial administrative problems. The relative usage by the operators could be expected to change from time to time, and gathering enough data to determine usage could be expensive and time-consuming.

Under the fifth alternative, the regulatory authority could adopt any method for attributing a road segment used by more than one operation, so long as the entire segment was allotted by the regulatory authority and the method was consistent with the Act. Thus, the regulatory authority could adopt a procedure similar to the other alternatives proposed for this subsection, or could develop a different approach. This alternative would thus provide the maximum flexibility to States and would allow them to continue their present practices to the extent consistent with the Act.

For purposes of applying any of these alternatives, it would be irrelevant which person or operation may have permitted or bonded the road. Therefore, if four operations use a segment of a road, and that segment was permitted by one of those operations, the area of the segment would be attributed to one or more of those operations in accordance with the alternative finally adopted. Similarly, if the segment was permitted by a person other than the four operations using the road, *e.g.* an owner of the road which did not use it, the segment still would be attributed to one or more of those four operations for purposes of determining whether they affected two acres or less.

If two or more operations use the same segment of a haul or access road, and those operations are deemed to be related under proposed § 700.11(b)(2), then these operations would be counted as one operation in making the calculation under paragraph (1). Otherwise, in determining whether two or more related operations qualify for the two-acre exemption under some of the alternatives discussed above, the same segment of road could be counted more than once for the same operation. By way of illustration, if there are two related operations with sites affecting three-quarters of an acre each, and they share a road with an area of one-half acre, if the road were counted for each site, as under the second alternative above, these sites would exceed two acres in "affected area" even though their combined actual acreage was two acres. This would be an unfair method of calculating the acreage for purposes of the two-acre exemption.

C. Related Sites

As was note above, Congress' intent in adopting this provision was to avoid imposing the Act's requirements on "the one-man operation." Congress' rationale for the exemption was that it "would cause very little environmental damage and that regulation of [such operators] would place a heavy burden on both the miner and the regulatory authority." S. Rep. No. 95–128, 95th Cong., 1st Sess. 98 (1977).

In promulgating its existing regulations to implement section 528(2) of SMCRA, OSM was concerned that the limited exemption provided by Congress not be abused to evade the permitting and environmental protection performance standards of SMCRA. This concern was focused primarily on related operations, *e.g.*, operators dividing larger sites into sites of two acres or less, or a group of small operators hired by one person to mine a particular site with each such small operator mining less than two acres. Thus, in § 700.11(b) of the permanent program regulations as originally adopted, OSM attempted to avoid extension of the exemption to operations not intended to be exempted by Congress; OSM excluded from the scope of the exemption operations "conducted by a person who affects or intends to affect more than two acres at physically related sites, or any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year." 44 FR 15312, 15315 (March 13, 1979).

The Commonwealth of Virginia challenged § 700.11(b), alleging that the exemption should not be denied to operators with physically unrelated sites which in total area exceed two acres, but individually are less than two acres. *In re: Permanent Surface Mining Regulations Litigation, Supra.* In response to this legal challenge, OSM agreed to change § 700.11(b). The series of regulatory actions which followed are explained above in the "Background" section of the preamble.

The proposed new § 700.11(b) provides specific criteria for determining when two or more operations should be considered as one for purposes of the exemption. Proposed § 700.11(b)(2) would provide that coal mining and reclamation operations would be deemed related only if (a) the operations occur within 12 months of each other and (b) the operations meet both the physical relatedness test in proposed § 700.11(b)(2)(i) *and* the common ownership or control test in proposed § 700.11(b)(2)(ii).

Under the proposed relatedness test, before two or more sites would be considered as one for purposes of the two-acre exemption, it would be necessary for those operations to be related both physically and through ownership or control. Proposed § 700.11(b)(2)(i) provides three criteria for determining whether two or more coal mining operations have a physical relationship. Two or more operations that meet any one of these physical relatedness criteria, and only one of the ownership or control criteria (explained below) would be deemed related for purposes of the two-acre exemption.

The first physical criterion, paragraph A of proposed § 700.11(b)(2)(i), is an areal test. Two alternatives are proposed. Under the first alternative, two or more operations would be related if they were contiguous. However, it is frequently possible to leave an undisturbed parcel of land between two sites being mined. Therefore, under the "contiguity" criterion such operations, which in reality are parts of a large operation capable of causing more than minimal environmental harm, would not be considered physically related under this criterion. They could be related, however, under one of the other criteria, discussed below.

Under the second alternative proposed for paragraph A, if any portion of one site is in the same or adjacent counties as any portion of the other site *and* drainage from both sites flows into the same watershed at or before a point located in the same county as, or within 10 aerial miles of, either site, then the sites would be related. OSM is proposing the standard of "same or adjacent county" because it establishes a reasonable means of eliminating operations which are not physically related, particularly when coupled with the requirement that drainage from the sites must affect the same local watershed, *i.e.*, a watershed in the same county as, or within 10 miles of, either site. Operations which are at least two counties apart are sufficiently remote that they could not in reality be parts of one larger operation. Consequently, OSM rejected using a State boundary as a parameter for the physical criterion. The purpose of the 10-mile provision would be to cover situations where two sites near a county boundary drain into a nearby watershed which happens to be in another county. It should be noted, however, that if the affected watershed is in the same county as either site, the 10-mile limitation would not apply.

The requirement that sites affect the same watershed would provide a limit on the scope of this physical relatedness test. Therefore, two two-acre operations on opposite sides of a ridge, even though in the same or adjacent counties, might not be physically related since they probably would drain into separate local watersheds. This limitation is consistent with the Congressional intent behind the two-acre exemption, since these sites separately would have only limited environmental impact. Where two or more sites in close proximity do drain into the same local watershed, however, the environmental impact is cumulative and therefore more significant, and one of the premises for the two-acre exemption (*i.e.*, that a two-acre operation would cause only minimal environmental impact) is no longer valid since the impact is caused by operations of more than two acres.

This second alternative for paragraph A would result in more operations being considered physically related than the first alternative. In fact, two sites mined consecutively by a "one-man operation" could be deemed related, resulting in loss of exemption for both sites. For example, if a single operator mined two acres at a site, and upon completion of the first site that same operator immediately began to mine a second two-acre site in the same county, at a location from which drainage would flow into the same local watershed, those operations would be considered related under the second alternative. Thus, to avoid being deemed related, the two sites mined consecutively by a "one-man operation" would either have to be two counties apart or would have to drain into separate local watersheds in order to be exempt.

OSM also would like commenters to address whether the final rule should not include the requirement that both sites affect the same watershed. In other words, once it was established that the sites were in the same or adjacent counties, then that would be sufficient to meet the physical relatedness test. Commenters also should address the appropriateness of the 10-mile limitation if the watershed test is retained in the final rule.

Section 700.11(b)(2)(i)(B) would provide a different measure of physical relationship. As was noted above, an operation only has to meet one of the physical relatedness criteria in order to be physically related. Under this second criterion, two or more two-acre operations would be considered physically related if they shared the same equipment or personnel on site or used some of the same access or haul roads, or loading, processing, shipping or other handling facilities. Two

operations also would be considered related if they used some of the same impoundments, dumps, fills, or other structures or facilities such as dams, refuse banks, stockpiles, overburden piles, spoil banks, culm banks, or storage areas. If two operations are sufficiently close so as to be sharing the same equipment, personnel, or facilities, and are under common ownership or control (as discussed below), then such operations should be considered as related and should not be exempt from the Act if their combined affected areas exceed two acres.

Under proposed § 700.11(b)(2)(i)(C), the third physical relatedness criterion, two or more operations would be considered physically related if they are situated so that surface mining operations at one site could cause harm to some of the same persons or environments as surface mining operations at the other site or sites. The type of harm contemplated by this section would include adverse effects on surface and ground water, damage from blasting, or air quality diminution. These are meant as illustrations and are not the only effects which could be considered under this paragraph. If commonly owned or operated sites are sufficiently proximate to have significant cumulative adverse environmental impacts, such operations should be deemded related for purposes of the two-acre exemption.

Paragraph (C) differs from the second alternative to paragraph (A). For two or more sites to be related under paragraph (C), actual or potential harm to persons or environment must be demonstrated. Under paragraph (A), it would not be necessary for two operations draining into the same local watershed to actually or potentially harm the watershed. The fact that they drain into the same watershed would be sufficient to meet that criterion.

Pursuant to proposed § 700.11(b), before two or more operations could be deemed related for purposes of the two-acre exemption, those operations would have to meet one of the physical relatedness critria (described above) and criteria demonstrating common ownership or control. Section 700.11(b)(2)(ii) would provide that two or more physically related operations would be deemed related for purposes of the two-acre exemption if they are owned or controlled, directly or indirectly, by or on behalf of: (A) The same person; (B) two or more persons one of which controls, is under control with, or is controlled by the other; or (C) members of the same family and their relatives, unless the person conducting surface coal mining operations establishes that there is no direct or indirect business relationship between them. For purposes of this section, "control" would be defined as ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what another does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold, or disposed of.

The most important aspect of this proposed section is the definition of control. If one person exercises sufficient authority over another (whether by contract, lease, other agreement, or implied authority) to determine how that person mines, handles, stores or disposes of coal mined from a site, then there would be control. By way of illustration, if company A owns 100 acres and leases two acres each to operators X, Y, and Z for a prescribed fee, and company A has no authority to direct operators X, Y, or Z as to how the coal should be mined, handled, or sold, then operations X, Y, and Z would not be considered controlled by company A. Alternatively, if company A, by agreement with operators X, Y, and Z, requires that all coal mined at those sites be sold to company A and delivered to a prescribed tipple, then company A would "control" the operations under the proposed definition. Similarly, if company A required certain mining practices to be followed, the operations would be deemed to be related. A similar result would follow if company A and operators X, Y, and Z were part of the same corporate structure, since the operations then would be controlled or owned, directly or indirectly, by or on behalf of the same person.

Under the proposed definition of control, ownership of 50 percent or more of the voting shares in a company is not always required for control. Control would exist if enough shares were owned by a person to give him the "ability in fact or law to direct" what the company did.

As noted above, pursuant to proposed § 700.11(b)(2), two or more coal mining operations would be deemed related only if they met both a physical relatedness criterion in paragraph (i) and an ownership or control criterion in paragraph (ii). OSM has tentatively rejected the idea that meeting a criterion under either paragraph (i) or paragraph (ii) would be sufficient to consider operations related. Such an approach would result in a significant further narrowing of the scope of the exemption. Obviously, this would not be consistent with the intent of section 528(2) of the Act since few, if any, operations could then qualify for the exemption.

For this reason, OSM is proposing that to be related, two or more operations must be related both physically and through control.

If two operations are deemed to be related under the criteria proposed in § 700.11(b)(2), and therefore not exempt because their combined affected areas exceed two acres, this determination would not affect any contractual or other relationship which might exist between these operations or between these operations and a third party. The only difference would be that those operations would be required to comply with the regulatory program. Any contractual requirements which affect such matters as mining methods or handling or disposition of coal generally would not be affected.

Two or more operations which meet the relatedness criteria would not be deemed related, unless they also occur within 12 months of one another. This means that if there were more than 12 months between the time that one operation ends and a second begins, the two operations would not be considered related for purposes of § 700.11(b)(2). A person conducting surface coal mining operations therefore could mine a two-acre or less site, leave the area for more than 12 months, and then return to a nearby site and mine an additional two acres or less without being required to comply with the Act or the applicable program for either site.

Establishing a time limit makes it clear that if an operator moves from one two-acre site to another within a prescribed period of time those sites would be considered as one (if they also met the relatedness criteria described in detail above).

Without any time limit, a single operator effectively could be deterred from ever returning to an area it had previously mined since, under the proposed relatedness criteria, the area affected by all such related operations could be added together. Once the combined affected area exceeded two acres, the exemption no longer would be available to that operator for those sites. With a time limit, however, the operator could return to a previously mined area after the prescribed period, and if the affected area of the new operation is less than two acres, it would be exempt. It would not matter that the operations met the proposed relatedness criteria.

OSM specifically would like commenters to address the issue of whether 12 months is an appropriate time limitation, or whether it should be shortened or lengthened.

It should be noted that the proposed time limitation would be different from a limitation that exempted operations affecting two acres or less *during* a 12-month period. The latter limitation would allow an operator to mine up to two acres during a 12-month period of time, and on the first day of the 13th month begin a second two-acre operation without having to comply with the Act. OSM believes that such a limitation is not consistent with Congress' intent, since, for example, it could allow an operator to mine a ten-acre site over a five-year period, causing significant environmental damage if the standards of the Act were not applied.

D. Extraordinary Circumstances

OSM believes that these criteria should operate to assure that the exemption will apply to all operations intended by Congress to be exempt and to no others. However, OSM recognizes that there is a great variety of possible legal and factual situations to which the rule may apply. Therefore, OSM is considering the adoption of a provision (proposed § 700.11(b)(3)) under which the regulatory authority could determine that two or more operations were entitled to the exemption despite being "related" within the meaning of § 700.11(b)(2). Exempting the operation must be consistent with the purposes of the Act. The regulatory authority would make such a determination only after considering the entire circumstances surrounding the operations and their history. The determination would have to be made in writing and after public notice. It is intended that this provision would be used only in rare cases. OSM solicits comments on the appropriateness of this proposed provision and in particular would like commenters to provide examples of situations in which paragraph (b)(3) might apply.

E. Notice and Determination of Exemption

The existing regulations do not provide for a person who intends to conduct coal mining operations on two acres or less, or pursuant to an exemption in § 700.11(a), to be able to request a written determination of exemption in advance from the regulatory authority. The existing regulations also do not contain a formal procedure for the regulatory authority to make such a determination on its own initiative. OSM has proposed a provision in § 700.11(c)(2) that would allow the regulatory authority on its own initiative to make a written determination that an operation is exempt, and would give any person who intends to conduct exempt coal mining operations a right to receive a written determination. An advance determination of an operation's status might be desired, for example, by a person who intends to conduct surface coal mining operations on two acres or less, because it would provide a measure of certainty about the proposed operation's status.

OSM also is proposing a provision addressing the situation where a person requests in good faith and obtains an exemption which is later reversed. OSM believes that in such cases the operation or person conducting the operation should not be cited for violations or otherwise penalized for regulatory program violations during the time it was believed the operation was exempt. Where, for example, administrative or judicial action results in a reversal of the regulatory authority's determination that an operation is exempt, the coal mining operation would become subject to the applicable regulatory program requirements only as of the date the final determination is rendered.

F. Activities Other Than Coal Extraction

The exemption set forth in section 528(2) of the Act applies to "the extraction of coal" where the "surface coal mining operation" affects two acres or less. It is not clear from the statute what is meant to be included in the term "extraction of coal." The title of section 528 is "surface mining operations not subject to this Act." This term presumably has the same meaning as "surface coal mining operations", which is defined in section 701(28) of the Act. However, there are many activities covered by section 701(28) which can exist independently of extraction of coal, such as coal processing plants, coal preparation facilities, and tipples. OSM believes that the most reasonable interpretation of the Act is that "extraction of coal" does not cover such facilities where they exist independently of extraction of coal.

G. Undergound Mines

The application of the two-acre exemption to underground mines has been a subject of controversy. As discussed elsewhere in this Notice, 30 CFR 700.5 as currently in effect includes in the "affected area" of an underground mine the entire surface area ("shadow") over the undergound workings, and OSM is proposing to change the definition of "affected area."

Comments and Miscellaneous Information

OSM has proposed numerous modifications to the regulation in 30 CFR Chapter VII. OSM may adopt some or all of these proposals, or make modifications thereto as the result of comments received from the public.

OSM seeks comment on these proposals or any parts of these proposals and any suggestions for other approaches.

IV. SPECIAL BITUMINOUS COAL MINES IN WYOMING

OSM also is proposing to amend 30 CFR Part 825 which provides for alternative permanent program performance standards for special bituminous coal mines in Wyoming. Pursuant to the proposed changes, OSM would make clear that all authority to regulate such mines is with the State of Wyoming.

Section 527 of SMCRA authorizes the regulatory authority to issue separate regulations for certain aspects of mining two groups of special bituminous coal mines in Wyoming; those mines actually producing coal since January 1, 1972, and new mines commenced after the enactment of SMCRA. Such alternative regulations only may pertain to standards governing handling of spoil, elimination of depressions capable of collecting water, creation of impoundments, regarding to the approximate original contour and retention of stable highwalls. (Sec. 527(c)). All other requirements of the Act and regulations are applicable to these special mines. Pursuant to the authority in Sec. 527(c), OSM promulgated regulations at 30 CFR Part 825 which established alternative performance standards for special bituminous coal mines in Wyoming. (44 FR 14901, 15289–90, 15452–53, March 13, 1979).

Since the issuance of OSM's permanent program regulations, two events have occurred which have made OSM's regulations in Part 825 unnecessary. First, Wyoming's State program was approved by OSM pursuant to Sec. 503 of the Act and 30 CFR Part 732 (45 FR 78637, November 26, 1980). The alternative performance standards for special bituminous coal mines are contained in the State of Wyoming's regulatory program in the Wyoming Department of Environmental Quality, Land Quality Rules and Regulations, 1980, chapter VIII, Section 1, "Special Bituminous Coal Mines."

OSM and the State of Wyoming also have entered into a cooperative agreement to provide for State regulation of surface coal mining and reclamation operations on Federal lands in Wyoming (46 FR 9065, January 28, 1981). Therefore, any special bituminous coal mines on Federal lands in Wyoming also would be regulated pursuant to the standards in the Wyoming State Program, cited above.

In view of the foregoing, OSM has determined that it no longer is necessary to have regulations in 30 CFR establishing alternative performance standards for special bituminous coal mines. All such mines, whether on State or Federal lands in Wyoming, are governed by the standards in Wyoming's program. Any subsequent changes to Wyoming's program would be required to be consistent with Section 527 of SMCRA, and the provisions of 30 CFR 732.17 would ensure adequate review by both OSM and the public.

Therefore, OSM is proposing to delete all substantive sections of existing Part 825. A new § 825.2 would provide that special bituminous coal mines in Wyoming, as specified in Section 527 of the Act, must comply with all the approved or amended State of Wyoming statutes, its regulatory program approved pursuant to 30 CFR Part 732, and other regulations and decisions. This provision would make clear Wyoming's primacy regarding such mines.

Section 825.1 also would be amended by deleting paragraph (b). The remaining sections of Part 825 would be deleted in their entirety.

The Department of the Interior has determined that this document is *not* a major rule and does not require a regulatory impact analysis under Executive Order 12291.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354.

OSM has prepared a draft environmental assessment (EA) on this rule that reaches an interim conclusion that this rule would not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Record, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95–87 have cumulative effects on the environment. At that time, OSM will prepare any further environmental analysis required by the National Environmental Policy Act.

Dated: December 10, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Title 30 Subchapters A, F, G, and K of the Code of Federal Regulations are proposed to be amended as set forth below:

§§ 779.11, 779.12, 779.22, 779.24, 779.25, 783.11, 783.12, 783.22, 783.24, 783.25, and 817.13 [Amended]

1. The sections of 30 CFR Parts 779, 783, 816 and 817 listed below are proposed to be amended by removing the words "mine plan area and adjacent areas(s)," "mine plan or adjacent area(s)," and "mine plan and adjacent area(s)" and inserting in their place the words "permit area and adjacent area(s)" in the following places:

(a) 30 CFR 779.11
(b) 30 CFR 779.12(b)
(c) 30 CFR 779.22(c)
(d) 30 CFR 779.24 (i) and (k)
(e) 30 CFR 779.25 (e) and (j)
(f) 30 CFR 783.11
(g) 30 CFR 783.12(b)
(h) 30 CFR 783.22(c)
(i) 30 CFR 783.24 (i) and (k)
(j) 30 CFR 783.25 (e) and (j)
(k) 30 CFR 816.13
(l) 30 CFR 817.13

§§ 779.13, 779.14, 779.15, 779.16, 779.17, 779.25, 780.21, 783.13, 783.14, 783.15, 783.16, 783.17, 783.25, 784.14, 785.19, 816.41, 816.51, 816.52, 817.41, 817.52, 828.11, and 828.12 [Amended]

2. The sections of 30 CFR Parts 779, 780, 783, 784, 785, 816, 817 and 828 listed below are proposed to be amended by removing the words "mine plan area," "mine plan area and adjacent area(s)," "mine plan or adjacent area(s)" "mine plan and adjacent area(s)," "the proposed mine plan area, the adjacent area, and the general area," and "in the mine plan and in adjacent areas" and inserting in their place the words "permit area and potentially impacted offsite areas" in the following places:

(a) 30 CFR 779.13(a) and (b)(1)
(b) 30 CFR 779.14(a)
(c) 30 CFR 779.15(a)
(d) 30 CFR 779.16(a)
(e) 30 CFR 779.17
(f) 30 CFR 779.25 (f) and (g)
(g) 30 CFR 780.21 (a)(1), (a)(3), and (c)
(h) 30 CFR 783.13(a) and (a)(1)
(i) 30 CFR 783.14(a)
(j) 30 CFR 783.15(a)
(k) 30 CFR 783.16(a)
(l) 30 CFR 783.17
(m) 30 CFR 783.25 (f) and (g)
(n) 30 CFR 784.14 (a)(1), (a)(3) and (c)
(o) 30 CFR 785.19(c)(1)
(p) 30 CFR 816.41(a)
(q) 30 CFR 816.51(b)
(r) 30 CFR 816.52(a)(1)
(s) 30 CFR 817.41(a)
(t) 30 CFR 817.52(a)(1)
(u) 30 CFR 828.11(e)
(v) 30 CFR 828.12(a)

§§ 764.15, 770.5, 771.23(e)(2), 779.18, 779.22, 779.25, 779.27, 780.11, 780.14, 780.21, 780.25, 780.37, 783.18, 783.22, 783.25, 783.27, 784.11, 784.14, 784.16, 784.23, 784.24, 785.19, 786.14, 786.19, 816.104, 816.105, 816.116, and 817.116 [Amended]

3. The sections of 30 CFR Parts 764, 770, 779, 780, 783, 784, 785, 786, 816, and 817 listed below are proposed to be amended by removing the words "mine plan area" and inserting in their place the words "permit area" in the following places:

(a) 30 CFR 764.15(a)(7)
(b) 30 CFR 770.5
(c) 30 CFR 771.23(e)(2)
(d) 30 CFR 779.18(a)
(e) 30 CFR 779.22(b)
(f) 30 CFR 779.25 (d) and (h)
(g) 30 CFR 779.27(a), (b)(5), (d), (d)(1), and (d)(2)
(h) 30 CFR 780.11
(i) 30 CFR 780.14(b)(2)
(j) 30 CFR 780.21(b)(1)
(k) 30 CFR 780.25 (a) and (b)
(l) 30 CFR 780.37(e)
(m) 30 CFR 783.18(a)
(n) 30 CFR 783.22(b)
(o) 30 CFR 783.25 (d) and (h)
(p) 30 CFR 783.27(b)(5)
(q) 30 CFR 784.11
(r) 30 CFR 784.14(b)(1) and (d)
(s) 30 CFR 784.16(a) and (b)(1)
(t) 30 CFR 784.23(b)(2)
(u) 30 CFR 784.24(e)
(v) 30 CFR 785.19(e)(1)(iv)
(w) 30 CFR 786.14(b)(3)
(x) 30 CFR 786.19(c)
(y) 30 CFR 816.104 (a), (b), (b)(1), and (b)(3)
(z) 30 CFR 816.105 (a), (b), (b)(1), and (b)(4)
(aa) 30 CFR 816.116(b)(2)(ii)
(bb) 30 CFR 817.116(a) and (b)(2)(ii)

§ 780.21 [Amended]

4. 30 CFR 780.21(b)(3) is proposed to be amended by removing the words "mine plan area" and inserting in their place the words "distrubed area."

§§ 816.52 and 817.52 [Amended]

5. The sections of 30 CFR Parts 816 and 817 listed below are proposed to be amended by removing the words "on or off the mine plan area" and inserting, in their place, the words "permit area and potentially impacted offsite areas" in the following places:

(a) 30 CFR 816.52(a)(2)
(b) 30 CFR 817.52(a)(2)

§ 825.11 [Amended]

6. 30 CFR 825.11(b)(2) and (b)(6) are proposed to be amended by removing the words "mining plan" and "mine plan," and inserting, in their place, the words "permit".

§§ 779.16 and 783.16 [Amended]

7. 30 CFR Parts 779 and 783 are proposed to be amended by removing the words "within the proposed mine plan area" in the following places:
(a) 30 CFR 779.16(b)(2)
(b) 30 CFR 783.16(b)(2)

§§ 779.24 and 783.24 [Amended]

8. 30 CFR 779.24(g) and 783.24(g) are proposed to be amended by removing the words "in the proposed mine plan area."

§ 771.23 [Amended]

9. (a) 30 CFR 771.23(e)(1) is proposed to be amended by removing the words "the remainder of the mine plan area and,"

(b) 30 CFR 771.23(e)(2) is proposed to be amended by removing the phrase "at any place within the mine plan area."

§§ 779.12 and 783.12 [Amended]

10. 30 CFR Parts 779 and 783 are proposed to be amended by deleting the phrase "of the subareas of the mine plan area" in the following sections:
(a) 30 CFR 779.12(a)
(b) 30 CFR 783.12(a)

11. 30 CFR 780.14 is proposed to be amended by removing the words "of the proposed mine plan area and adjacent areas" from the introductory text and by removing the words "unless specifically required for the mine plan area or adjacent area by the requirements of this section" from paragraph (b). As amended, the introductory text of § 780.14 and paragraph (b) reads as follows:

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 780.14 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:
* * * * *

(b) The following shall be shown for the proposed permit area:
* * * * *

12. 30 CFR 783.14 is proposed to be amended by removing the words "surface" and "within the proposed mine plan area" from paragraph (a)(2). As amended paragraph (a)(2) reads as follows:

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

§ 783.14 Geology description.
* * * * *

(a) * * *

(2) The geology for those lands which are underlain by the coal seam to be extracted and the geology of the coal seam itself, including—
* * * * *

13. 30 CFR 784.23 is proposed to be amended by removing the words "and cross-sections of the proposed mine plan and adjacent areas" from the introductory text and by removing the words "unless specifically required for the mine plan area or adjacent area by the requirements of this section" from the introductory text of paragraph (b). As amended, the introductory text, and the introductory text of paragraph (b) read as follows:

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 784.23 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:
* * * * *

(b) The following shall be shown for the proposed permit area:
* * * * *

PART 788—PERMIT REVIEWS, REVISIONS, AND RENEWALS, AND TRANSFER, SALE, AND ASSSIGNMENT OR RIGHTS GRANTED UNDER PERMITS

14. 30 CFR 788.13(b) is proposed to be revised to read as follows:

§ 788.13 Permit renewals: General requirements.
* * * * *

(b) Permit renewal shall not be available for conducting coal mining and reclamation operations on lands beyond the boundaries of the permit area approved under the existing permit. Approval of permits to conduct operations on these lands shall be obtained in accordance with § 788.14(b)(2).

PART 701—PERMANENT REGULATORY PROGRAM

§ 701.5 [Amended]

15. 30 CFR 701.5 *Definitions* is proposed to be amended by removing the term "mine plan area" and its definition.

16. 30 CFR 701.5 *Definitions* is proposed to be amended by revising the definition of the term "adjacent area" according to one of the following alternatives:

[Alternative A]
* * * * *

[*Adjacent area* means the area outside the permit area where resources protected by the Act are located and where those resources are impacted or reasonably could be expected to be impacted by the coal mining and reclamation operations. The extent of the adjacent area will vary according to the context in which the term is used.]
* * * * *

[Alternative B]
* * * * *

[*Adjacent area* means the area outside the permit area where resources protected by the Act are located and where those resources are or may be adversely impacted by coal mining and reclamation operations. The extent of the adjacent area will vary according to the context in which the term is used.]
* * * * *

17. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "affected area" according to one of the following alternatives:
* * * * *

Affected area means any land or water surface area which is used to facilitate or is physically altered by coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to or for hauling coal to or from coal mining and reclamation operations, except as provided in this paragraph; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from or incidental to coal mining and reclamation operations; and, with respect to underground, in situ, and auger mining activities, the area of expected subsidence. The affected area shall include every road used for puproses of access to or for hauling coal to or from coal mining and reclamation

operations, unless—[insert Alternative A, B, C, or D]

[Alternative A]

[The road is owned unconditionally, controlled, and maintained by a public entity and is used frequently for purposes other than coal haulage or access. A road is owned unconditionally by a public entity only if it is not subject to any contract or other agreement or limitation under which the road may cease to be owned by the public entity. The road must be maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located.]

[Alternative B]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) There is substantial (more than incidental) public use of the road; and

(d) The road meets road construction standards at least as stringent as the standards applicable to access and haul roads under the State program.]

[Alternative C]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) The road is paved.]

[Alternative D]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) The road meets the classification standards for a Class 1, 2 or 3 road under the mapping system established by the U.S. Geological Survey for 7.5 minute topographic maps.]

* * * * *

18. 30 CFR 701.5 is proposed to be amended by adding either the term "area of expected subsidence" or the term "area of potential subsidence" according to one of the following alternatives:

[Alternative A]

* * * * *

[*Area of expected subsidence* means, with respect to auger, in situ, and underground mining activities, the area where a vertical movement of the surface is expected to result from subsidence of underground excavations.]

* * * * *

[Alternative B]

* * * * *

[*Area of potential subsidence* means, with respect to auger, in situ, and underground mining activities, the area where a vertical movement of the surface may result from subsidence of underground excavations.]

* * * * *

19. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "permit area" according to one of the following alternatives:

[Alternative A]

* * * * *

[*Permit area* means the area of land indicated on the approved map submitted by the operator with his or her application, which shall include the area of land upon which the operator proposes to conduct coal mining and reclamation operations under the permit; provided that areas adequately bonded under another valid permit may be excluded from the permit area.]

* * * * *

[Alternative B]

* * * * *

[*Permit area* means the area of land and water within the boundaries designated on the permit application maps, as approved by the regulatory authority. This area shall include, at a minimum, all affected areas during the term of the permit, except that areas adequately bonded under another valid permit may be excluded from the permit area.]

* * * * *

20. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "road" to read as follows:

* * * * *

Road means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, surface, and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road-construction procedure or roads within the immediate mining-pit area.

* * * * *

PART 700—GENERAL

21. Section 700.11 is proposed to be amended as follows:

§ 700.11 Applicability.

(a) Except as provided in paragraph (b), this chapter applies to all coal exploration and coal mining and reclamation operations, except:

(1) The extraction of coal by a landowner for his or her own noncommercial use from land owned or leased by him or her. Noncommercial use does not include the extraction of coal by one unit of an integrated company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;

(2) The extraction of 250 tons of coal or less by a person conducting a coal mining and reclamation operation. A person who intends to remove more than 250 tons is not exempted;

(3) The extraction of coal as an incidental part of Federal, State, or local government-financed highway or other construction in accordance with 30 CFR Part 707;

(4) The extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the mineral tonnage removed for commercial use or sale;

(5) The extraction of coal on Indian lands in accordance with 25 CFR Part 177, Subpart B; and

(6) Coal exploration on Federal lands outside a permit area.

(b) This Chapter does not apply to the extraction of coal for commercial purposes where the coal mining and reclamation operation (together with any related operations) has or will have an affected area, as defined in § 700.5 of this chapter, of two acres or less. For purposes of this paragraph:

(1) Where a segment of a road is used for access or coal haulage by more than one coal mining and reclamation operation, [insert Alternative 1, 2, 3, 4, or 5].

[First Alternative]

[the entire segment shall be included in the affected area of the operation that owns and uses that segment. If none of the operations owns the segment, or if it is owned by two or more of the operations using the segment, it shall be included in the affected area of the

operation that makes the greatest use of that segment;]

[Second Alternative]

[the entire segment shall be included in the affected area of each of those operations;]

[Third Alternative]

[the segment shall be divided equally among those operations;]

[Fourth Alternative]

[a *pro rata* share of the segment (based upon frequency of usage of the segment, as determined by a measure adopted by the regulatory authority) shall be included in the affected area of each of those operations;]

[Fifth Alternative]

[the entire segment shall be included, in whole or in part, in the affected area of any one or more of those operations, in accordance with the applicable regulatory program.]

provided, that where two or more operations which use the same segment are deemed to be related pursuant to paragraph (b)(2) of this section, those operations shall be considered as one operation.

(2) Except as provided in paragraph (b)(3) of this section, coal mining and reclamation operations shall be deemed related if they occur within twelve months of each other, and

(i) The operations meet any of the following criteria: [insert alternative 1 or 2]

[First Alternative]

[(A) The operations are contiguous;]

[Second Alternative]

[(A) Any portion of one operation is in the same or adjacent counties as any portion of the other operation, and drainage from both operations flows into the same watershed at or before a point located in the same county as, or within 10 aerial miles of, either operation;]

(B) The operations share some of the same equipment or personnel; or use some of the same access or haul roads or loading processing, shipping, or other handling facilities; or use some of the same impoundments, dumps, fills, or other structures or facilities;

(C) The operations are situated so that coal mining and reclamation operations at one site could cause harm to some of the same persons or environments as coal mining and reclamation operations at the other site or sites; and

(ii) The operations are owned or controlled, directly or indirectly, by or on behalf of:

(A) The same person;

(B) Two or more persons one of which controls, is under control with, or is controlled by the other; or

(C) Members of the same family and their relatives, unless the person conducting coal mining operations establishes that there is no direct or indirect business relationship between them;

Provided, that for purposes of this paragraph, "control" means: ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what the other does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of.

(3) Notwithstanding the provisions of paragraph (b)(2) of this section, the regulatory authority may determine, in accordance with the same procedures applicable to requests for determination of the exemption pursuant to § 700.11(c), that two or more coal mining operations shall not be deemed related if, considering the history and circumstances relating to the coal, its location, the coal mining operations, all related operations and all persons mentioned in paragraph (b)(2)(ii) of this section, the regulatory authority concludes in writing that the operations are not of the type which the Act was intended to regulate and that there is no intention on the part of such operations or persons to evade the requirements of the Act or the applicable regulatory program.

(4) The exemption provided by this section applies only to coal mining operations on two acres or less which are necessary to the extraction of coal for commercial purposes on the same two acres or less.

(c) The regulatory authority may on its own initiative and shall, within a reasonable time of a request from any person who intends to conduct coal mining and reclamation operations, make a written determination whether the operation is exempt under this section. The regulatory authority shall give reasonable notice of the request to interested persons. Prior to the time a determination is made, any person may submit and the regulatory authority shall consider any written information relevant to the determination. If a written determination of exemption is reversed through subsequent administrative or judicial action, any person who, in good faith, made a complete and accurate request for an exemption and relied upon the determination, shall not be cited for violations which occurred prior to the date of the reversal.

22. 30 CFR Part 825 is proposed to be revised as follows:

PART 825—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—SPECIAL BITUMINOUS COAL MINES IN WYOMING

Sec.
825.1 Scope.
825.2 Special bituminous coal mines in Wyoming.

Authority: Surface Mining Control and Reclamation Act of 1977.

§ 825.1 Scope.

This part establishes requirements for certain bituminous surface coal mining activities located west of the 100th meridian west longitude in Wyoming which existed on January 1, 1972, and for surface coal mining activities immediately adjacent thereto which began development after August 3, 1977, in accordance with section 527 of the Act.

§ 825.2 Special bituminous coal mines in Wyoming.

Special bituminous coal mines in Wyoming, as specified in Section 527 of the Act, shall comply with all the approved or amended State of Wyoming statutes, its regulatory program approved pursuant to 30 CFR Part 732, and other regulations and decisions.

[FR Doc. 81-37450 Filed 12-31-81; 8:45 am]
BILLING CODE 4310-05-M

---

30 CFR Part 913

Illinois Abandoned Mine Land Reclamation Plan; Closing of Review and Comment Periods

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior..

ACTION: Proposed Rule—Closing of public comment period on the Illinois Abandoned Mine Land Reclamation Plan.

SUMMARY: The Assistant Secretary of the Department of the Interior is closing the period for review and comment on the proposed Abandoned Mine Land Reclamation Plan for the State of Illinois.

DATE: Written comments on the Plan must be received on or before 5:00 p.m., January 11, 1982.

ADDRESSES: Copies of the full text of the Illinois Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region III, Administrative Records Center, Public Review Facility, Room 512, Federal Building and U.S. Court House, 46 East Ohio Street, Indianapolis, Indiana 46204.
Illinois Department of Mines and Minerals, 704 Stratton Building, 400 South Spring Street, Springfield, Illinois 62706.
The Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: 202/343–7951.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State reclamation plan, demonstrating its capability for administering an abandoned mine reclamation program. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

Background on the Illinois Abandoned Mine Land Reclamation Plan Submission

On July 22, 1980, the State of Illinois submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Notice of receipt of the Illinois Plan and establishment of a period for public comment until August 27, 1980 were published in the **Federal Register** on July 28, 1980 (45 FR 49958–49959).

On August 27, 1981, a public hearing was held by OSM in Springfield, Illinois and there were no public comments.

On October 24, 1980 (45 FR 70480–70481), OSM extended the public comment period on the Illinois Plan while a final decision by the Secretary on the Illinois permanent surface mining regulatory program was pending. Now that the decision on the permanent regulatory program is near, OSM will close the public comment period on the Illinois Plan so that it can conclude its review of the proposed Plan. Copies of all comments received are available for review along with the proposed Illinois Plan at the address of the Office of Surface Mining Region III listed above under "addresses."

Dated: December 29, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81–37462 Filed 12–31–81; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 21502; RM–2737]

Subscription Television; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in response to a petition filed by the Consumer Electronics Group of the Electronic Industries Association. The extension will provide additional time for responding to a Further Notice of Proposed Rule Making concerning the Subscription Television Service.

DATE: Comments must be filed on or before January 15, 1982, and reply comments on or before January 29, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 73 of the Commission's rules and regulations in regard to § 73.642(a)(3) and Other Aspects of the Subscription Television Service, Docket No. 21502, RM–2737, 46 FR 57078, November 20, 1981.

Adopted: December 15, 1981.
Released: December 21, 1981.

1. On December 10, 1981, the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") filed a Motion for an Extension of Time in which to file comments in this proceeding. Comments are due on December 21, 1981. The petitioner requests that this date be extended to January 29, 1982.

2. EIA/CEG, as a trade association representing all the leading manufacturers of television receivers for sale in the United States, requests additional time to answer two of the issues raised in the Further Notice of Proposed Rule Making released in this proceeding. These issues involve whether STV subscribers should be allowed to purchase decoders and whether STV stations should be required to comply with current television technical standards. Since movant desires to canvass its members on their views, it alleges that it needs more time, especially during this holiday season, to prepare a response to the Notice than originally provided by the Commission.

3. We believe that petitioner has demonstrated a need for more time within which to file comments. Other parties may also find the holiday season impedes a timely preparation of comments and, therefore, find additional time beneficial. However, we believe a 3½ week extension is more than adequate for petitioner's purposes. We are concerned that allowing more time would impede our efforts to timely resolve the issues before us.

4. We conclude on the facts before us that petitioner has shown good cause for an extension of time. Therefore, it is ordered, that the "Request for Extension of Comment Period" submitted by the Consumer Electronics Group of the Electronic Industries Association is granted in part. The times for filing comments and reply comments in this proceeding are extended to and including January 15, 1982, and January 29, 1982, respectively.[1]

5. Authority for this action is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

[1] Another petition for extension of time was filed on December 14, 1981, by the Subscription Television Association ("STVA"). This request asked for a comment date of January 21, 1982, because of the complexity of the

Continued

6. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-37418 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[No. 36135]

Rules Governing Publication of Exceptions Ratings Higher Than Classifications Ratings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: In its notice of proposed rulemaking, the Commission sought comments on the merits of a petition seeking the removal of 49 CFR 1310.7(r), and on the merits of modifying rather than removing the paragraph. The paragraph requires motor common carriers to submit justification statements with any tariff that results in rates and charges higher than what would be applicable under classification ratings. In response to a request by the Central and Southern Motor Freight Tariff Association, a 90-day extension of the comment period in this rulemaking proceeding has been granted.

DATES: Comments of interested persons will now be due on or before April 6, 1982.

ADDRESS: An origianl and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Doland J. Shaw, Jr. or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPR) was served in this proceeding on November 13, 1981 and published in the **Federal Register** on November 18, 1981 at 46 FR 56629. The NPR was prompted by a petition filed by Central and Southern Motor Freight Tariff Association, Inc. (C&SMFT), seeking to have a regulation removed which requires prejustification of rates and charges higher than the classification ratings (49 CFR 1310.7(r)). Comments were due within 45 days or by January 4, 1982. By letter dated December 15, 1981, C&SMFT requested a 90-day extension of the comment period until April 6, 1982, on the ground that more time would be needed for the various rate bureaus to discuss and adopt a position on this issue.

Good cause has been shown to grant the extension.

Dated: December 24, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37366 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

---

proceeding, especially the issue of STV decoder sales. Nothing in STVA's petition warrants granting more time than the 3½ weeks already provided.

Notices

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: ACTION.

ACTION: Annual publication of systems of records.

SUMMARY: The purpose of this notice is to inform the public of the Privacy Act systems of records maintained by ACTION and the Peace Corps.

DATES: This document fulfills the annual notice requirements of the Privacy Act of 1974.

FOR FURTHER INFORMATION CONTACT: Anthony L. Wildt, Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N.W., Washington, DC 20525. Telephone number (202) 254–8941.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. ACTION last published the full text of ACTION and Peace Corps' systems of records on page 55490, **Federal Register** Volume 44, dated September 26, 1979.

Since that publication, ACTION published an amendment to ACTION/Peace Corps's Syetems of Records in the **Federal Register** Volume 45 on December 22, 1980, on page 84113 to reflect the nondisclosure of data submitted in confidence to the agency which might reveal the identity of a confidential source. Under the heading of "Statement of General Routine Uses" the section regarding the "Exemption of Disclosure" is amended by adding the following paragraph:

—Nondisclosure of information furnished to the agency with a promise or implied promise of confidentiality-Certain systems of records maintained by the Agency contain information furnished with a promise of confidentiality as to the individual's identity. Such information is exempted as authorized by The Privacy Act (5 U.S.C. 552a(k)(5)). The information is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information. Such material shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an expressed promise of confidentiality of identity or, prior to the effective date of The Privacy Act, under an implied promise of such confidentiality of identity.

The following systems may contain information furnished with a promise or implied promise of confidentiality:

ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records
Domestic and International Volunteer Security Files
ACTION Talent Bank
Discrimination Complaint File
Domestic Volunteer Appeal File
Personal Service Contracts Records
Legal Files Staff and Applicants
Contractors and Consultants Records File

On October 1, 1981, in **Federal Register** Volume 46, at page 48273, ACTION published a notice of a proposed system of records entitled "Peace Corps Volunteer Recruitment Resource File." The system will be comprised of members of the general public who by means of their professional positions/affiliations would be willing to refer prospective candidates in needed skill and/or emphasis areas for volunteer service. The system will be adopted as published or as a result of comments received that would cause a change.

The full text fo the ACTION/Peace Corps systems of records also appears in Privacy Act issuances, 1980 Compilation Volume IV, page one. Copies are available for review in Federal depository libraries nationwide. Copies of ACTION/Peace Corps' systems of records notices may be obtained by contacting the ACTION Administrative Services Division.

This notice is issued in Washington, D.C., on December 29, 1981.

Winifred A. Pizzano,
Deputy Director, ACTION.

[FR Doc. 81–37364 Filed 12–31–81; 0:45 am]
BILLING CODE 6050–01–M

VISTA Guidelines—Part IV

AGENCY: Action.

ACTION: Final notice of VISTA Guidelines—Part IV.

SUMMARY: This notice contains the final provisions of the Agency's policy concerning the involvement of VISTA Volunteers in demonstrations. The policy prohibits both VISTA sponsors from approving the involvement of VISTA Volunteers in project-related demonstrations and VISTA Volunteers from participating in demonstrations except under limited circumstances when on either authorized periods of leave or during off-service hours.

EFFECTIVE DATE: Part IV of VISTA Guidelines shall take effect on February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur F. Fergenson, General Counsel, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525; 202–254–3116.

SUPPLEMENTARY INFORMATION: Part IV of the VISTA Guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), may, in whole or in part, be required by section 420 of our Act (42 U.S.C. 5060) to be published in proposed form for comments prior to their publication in final. That section was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guideline, interpretation, order, or requirement of general applicability" must, except in limited circumstances, have a 30-day comment period and will be effective 45 days from date of final publication.

The policy promulgated herein as Part IV was published in proposed form as part of the VISTA Guidelines in the **Federal Register** for comment on Monday, November 9, 1981 (46 FR 55287–91). Parts I–III were published in final on December 22, 1981 (46 FR 62122). After extensive consideration of the comments received, the Agency

hereby adopts as final the proposed Part IV of the VISTA Guidelines with one substantive change and with the addition of a section establishing an internal advisory mechanism.

Description of Part IV and Agency Response to Public Comments

The new Guidelines proposed in our notice of November 9, 1981, effected a significant change in policy concerning the participation of VISTA Volunteers in project-related demonstrations approved by sponsoring organizations.

Under the previous guidelines, VISTA Volunteers were prohibited from participating in unlawful demonstrations, as defined by local law, but were permitted, in carrying out their official duties, to participate in lawful and nonpolitical demonstrations and protest activities which were approved by their sponsoring organization as part of its project activity and not otherwise in violation of Agency guidelines. But as we pointed out in our Notice of November 9, 1981, this policy is no longer supportable.

First, the Administration is committed to ending the VISTA program and returning to local communities the responsibility for those projects in which VISTA Volunteers are now engaged. The "confrontational-spirit" created by demonstrations and protest activities "will damage efforts to find local sources of support to continue worthwhile VISTA projects in light of the reduced funding and anticipated phase-out of VISTA" (46 FR 55291). The Agency cannot permit its volunteers to join in causing such damage.

Second, the previous policy is at odds with "principles of the New Federalism" to which this Administration adheres (46 FR 55291). "The new administration of ACTION recognizes the importance of respect in the operations of government: respect for the states, for the municipal governments, and for the voluntary and profitmaking entities which form the base of this society" *(Id.)*. This respect is diminished "when representatives of the federal government are used by a federal grantee to demonstrate" *(Id.)*.

Third, the previous policy was subject to abuse by sponsoring organizations, because VISTA Volunteers could "be required to participate in demonstrations, at risk of discipline or dismissal for refusal to assist in attaining the goals of the project" (46 FR 55291). The Agency firmly believes that "[f]orced advocacy does not belong in VISTA," and that "VISTA Volunteers must be free of the constitutionally abhorrent practice of political compulsion through obliging them to participate in the public display of idealogical or political positions through demonstrations" *(Id.)*.

For these reasons the Agency proposed to change the demonstrations policy by prohibiting sponsoring organizations from using VISTA Volunteers in demonstrations. The change is made in the form of a memorandum agreement between the Agency and sponsoring organizations that says:

> No sponsor shall approve the involvement of any VISTA Volunteer assigned to them [sic] in planning, initiating, participating in, or otherwise aiding or assisting in any demonstration whatsoever. (46 FR 55291).

The Agency has received several comments concerning the proposed new demonstrations policy. The most detailed comments were submitted on the last day of the comment period, December 9, 1981, by the American Civil Liberties Union Fund of the National Capital Area. Essentially, the ACLU claims that the demonstrations policy violates the First Amendment. We have considered this claim, but we have concluded that the new policy does not violate the First Amendment.

The ACLU says that the new policy can withstand constitutional scrutiny only if it is "essential to the furtherance of a substantial government interest." It contends that the reasons stated by the Agency for the new policy "fall far short" of showing that it furthers a substantial governmental interest. But that is a political judgment, which is not shared by the Agency. On the contrary, the Agency maintains that the new policy furthers several substantial governmental interests, as outlined above. The fact that the ACLU and the Agency may hold different political opinions about what is a "substantial governmental interest" is not grounds for invalidating the new demonstration policy.

The ACLU also says that the new policy is "impermissibly vague in specifying the nature of the conduct to which it applies." But the new policy is clear and succinct. The terms "planning, initiating, participating in, or otherwise aiding or assisting" are sufficiently precise and easily understood. The term "demonstration" has been used, unadorned, in every previous VISTA policy statement on this issue, and has acquired a concrete meaning over the years which has been successfully communicated to VISTA Volunteers and sponsoring organizations. It is appropriate to recall the words of the Supreme Court, that "there are limitations in the English language with respect to being both specific and manageably brief, and it seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, they are set out in terms that the ordinary person exercising common sense can sufficiently understand and comply with, without sacrifice to the public interest" (*Civil Service Commission* v. *Nat'l Ass'n of Letter Carriers*, 413 U.S. 548, 578–579 (1973)). Furthermore, as we note below, the Agency is establishing a Demonstrations Unit in its Office of General Counsel, and any VISTA Vounteer or sponsoring organization which is in doubt about the permissiblity of a proposed course of conduct may seek and obtain advice from that Unit and thereby remove any doubt as to the meaning of the demonstrations policy.

Finally, the ACLU says that the Agency committed procedural violations in the manner in which it issued the new policy, by "unilaterally" imposing the new policy on sponsoring organizations and by circulating a memorandum containing the new policy before publishing it in proposed form in the **Federal Register** and inviting public comment. However, the Agency has full discretion under its enabling legislation to control the activities of its volunteers, and it need not seek the concurrence of sponsoring organizations to policy changes affecting those volunteers. While the VISTA Volunteer Handbook, at page 9, provides that amendments to memoranda of agreement between the Agency and sponsoring organizations may be made only upon "mutual agreement," that provision deals with amendments to the specific obligations undertaken in connection with a particular project. It does not deal with broad Agency policy changes. Such changes may be effected permissibly in a revision to the Agency's guidelines, such as those proposed in the Notice of November 9, 1981. Although the Agency does not necessarily subscribe to the view that revision of these guidelines may be accomplished only through notice-and-comment rulemaking, the Agency has fully complied with notice-and-comment rulemaking procedures. Thus, any alleged prior defect in the issuance of the new demonstrations policy has been cured.

The ACLU also submitted comments about an aspect of the previous demonstrations policy which the Agency has retained, namely, the prohibition against participation by VISTA Volunteers in lawful and nonpolitical demonstrations which were *not* approved by sponsoring organizations. The ACLU says that this aspect of the demonstration policy is overbroad, and unjustifiably infringes the First

Amendment rights of VISTA Volunteers. In addition, the ACLU claims that this aspect of the policy violates the Hatch Act.

In our Notice of November 9, 1981, we pointed out that the policy of the Agency for several years, including under the previous Administration, had been to prohibit VISTA Volunteers from participating in lawful and nonpolitical demonstrations which were not approved by sponsoring organizations, except during periods of authorized leave. We observed that VISTA Volunteers are available for service 24 hours a day, and that their high visibility in the communities they served justified "the historic ACTION policy forbidding VISTA Volunteers from engaging in demonstrations pursued outside the project and its goals" (46 FR 55290).

Despite the fact that this long-standing aspect of the demonstrations policy was never previously challenged by the ACLU or anyone else, the Agency has reexamined it against recent case law development under the First Amendment. The Agency has concluded that there are legitimate constitutional concerns about this long-standing policy. Therefore, the Agency will not enforce this aspect of the demonstrations policy in the future. VISTA Volunteers will be permitted, either while on authorized leave or while not engaged in performing service or on service time, to participate in lawful and nonpolitical demonstrations which are not related to projects of their sponsoring organizations, so long as they do not attempt to represent the views of VISTA or of any group of VISTA Volunteers on any public issue; so long as their participation could not reasonably be understood by the community to be identified with VISTA, the VISTA project, or other elements of the volunteer's VISTA service; and so long as participation does not interfere with the performance of their duties of service. In order to assist VISTA Volunteers in complying with this policy, the Agency is establishing a Demonstrations Unit in the Office of General Counsel, from whom volunteers and sponsoring organizations may obtain additional guidance and advice.

The Agency received many other comments on the new demonstrations policy, the overwhelming number echoing the concerns of the ACLU. Two other comments stated that the new policy was overly restrictive, and that project-related demonstrations were an effective means by which VISTA could achieve its purpose to help eliminate poverty and by which the poor could achieve the self-advancement needed to succeed. But the Agency believes that the confrontational approach characterized by demonstrations impairs the ability of sponsoring organizations to forge those ties with all parts of the local community which will sustain worthwhile VISTA projects when VISTA funding is reduced and the VISTA program is phased out. Moreover, the new demonstrations policy does not infringe on the independent rights of sponsoring organizations and poor people to demonstrate. It merely prohibits them from using VISTA Volunteers to join in such demonstrations. Furthermore, the new demonstrations policy affirmatively protects the First Amendment rights of volunteers. Finally, the policy protects the integrity of the VISTA program itself. For all the above reasons, we believe that the demonstrations policy is justified.

Another comment received by the Agency supported the new demonstrations policy.

Part IV—Involvement of VISTA Volunteers in Demonstrations

I. Demonstration Policy

The longstanding policy of VISTA has been that volunteers are not to engage in demonstrations to promote their own ideas of what is desirable in the communities into which they are sent by VISTA to serve. The old policy allowed that only those lawful demonstrations which, in fact, serve the project goals and which were specifically approved by the project sponsor could be engaged in by any volunteer at any time during their VISTA service in the community to which they were assigned. Recent developments in the law have convinced the Agency that the old demonstration policy can no longer continue to be applied as a blanket prohibition on non-service-time demonstrations.

The rationale for this longstanding VISTA policy is quite clear. Section 104 of the Domestic Volunteer Service Act of 1973, as amended (the Act), provides that VISTA Volunteers "shall be required to make a full-time personal commitment to combating poverty and poverty-related human, social, and environmental problems." Furthermore, the volunteers are committed "to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave." 42 U.S.C. 4954(a). Given these statutory obligations of service, it is apparent that VISTA Volunteers do not leave their jobs at the office when they go home for the evening. They are supposed to be as one among the people they serve. It is plain, then, that VISTA Volunteers must take special care in their nonservice, nonproject activities to avoid identification of VISTA with their personal demonstration efforts. The Agency must continue to protect the independence of the Agency and integrity of its VISTA program by insuring that the participation by volunteers in non-project-related and non-service-time demonstrations remain separate from their VISTA service.

The potential for coercion of the poor is particularly great in the case of the relationship VISTA Volunteers develop with those they serve. We must continue the policy strictly defining VISTA Volunteers' engagement in demonstrations on their own. This policy provides some modicum of protection to the poor people served by the volunteers; established as the poor are by many VISTA projects as well as by the long-promoted attitudes of the welfare state mentality in treating the problems of the poor into a cycle of dependency, the possibilities of coercion, even by example, are great. It is not at all preposterous to recognize the great hold VISTA Volunteers may have on many whom they serve; it takes no great imagination to understand the fears that those served might have respecting the possible withdrawal of assistance by VISTA Volunteers, and of the unspoken, but understood, *quid pro quo* set up between the provision of volunteer service and acquiesence in political means and goals espoused by the VISTA Volunteers in demonstrating. We mean to protect against the opportunity for and appearance of such coercion by enforcing fully the policy described herein; carefully segregating the volunteer's personal policy and political agenda from the poverty community which they serve as VISTA Volunteers.

It is not only in the above manner that ACTION has moved to protect the operation of the VISTA program, as well as the interests of the poor whom the volunteers serve, and to insure the integrity of the Congressional mandate concerning VISTA. There are stringent prohibitions contained in section 403 of the Act restricting lobbying, political activity, and voter registration efforts. ACTION has promulgated regulations under section 403 (45 CFR Part 1228) implementing these statutes. The regulations prohibit VISTA Volunteers from aiding in voter registration, and from engaging in partisan or nonpartisan electoral activity of any sort, as well as lobbying—by so-called grassroots

methods or otherwise—at any level of government, except in rare, precisely enumerated situations which are unlikely to frequently arise. These prohibitions prevent the above activities from being engaged in directly or indirectly by any VISTA Volunteers at any time or any place while on assignment.

ACTION intends to fully enforce these prohibitions. VISTA Volunteers who violate the regulations and notice are subject to discipline, including, when appropriate, separation. VISTA projects are subject to discipline, including termination, if they participate in any such violations. Projects up for renewal which have violated the regulations or notice shall not by renewed.

II. New Policy Element

On July 16, 1981, a memorandum was sent by Jim Burnley, the Director of VISTA, to all VISTA project sponsors entitled "Project Responsibility for VISTA Volunteer Activities," which alerted each sponsor of the new policy statement concerning demonstrations. That memo stated:

> No sponsor shall approve the involvement of any VISTA Volunteer assigned to them (sic) in planning, initiating, participating in, or otherwise aiding or assisting in any demonstration whatsoever.

This policy is readopted herein. VISTA Volunteers will be permitted, either while on authorized leave or while not engaged in performing service or on service time, to participate in lawful and nonpolitical demonstrations which are not related to projects of their sponsoring organizations, so long as they do not attempt to represent the views of VISTA or any group of VISTA Volunteers on any public issue; so long as their participation could not reasonably be understood by the community to be identified with VISTA, the VISTA project, or other elements of the volunteer's service; and so long as participation does not interfere with the performance of their duties of service.

No sponsor may approve participation in any demonstration.

The reasons for this policy affecting VISTA sponsors were clearly set out in the memorandum. A confrontational spirit will damage efforts to find local sources of support to continue worthwhile VISTA projects in light of the reduced funding and anticipated phase-out of VISTA. The new policy of eliminating demonstrations as an approved method of reaching project goals will also aid in establishing the principles of the New Federalism. The new administration of ACTION recognizes the importance of respect in the operations of the federal government: respect for the States, for the municipal governments, and for the voluntary and profitmaking entities which form the base of this society. This respect is not enhanced when representatives of the federal government are used by a federal recipient of financial assistance to demonstrate.

Another reason which ACTION considers critical in the adoption and implementation of the new element of the demonstration policy is the unhappy history forced advocacy has had in our country. The Supreme Court has consistently struck down attempts by the State to require citizens to adopt any set of beliefs. Prior to the new policy preventing VISTA sponsors from requiring volunteers to demonstrate as part of the project and in support of its goals, the VISTA Volunteer stood out as the only nonmilitary representative of the federal government who was obligated to affirm through a public demonstration a specific belief or set of beliefs. Although aimed at sponsors, the new policy directly and immediately enhances the First Amendment rights of volunteers. No more can VISTA Volunteers be required to participate in demonstrations at risk of discipline or dismissal for refusal to assist in attaining the goals of the project. We at ACTION do not mean to see VISTA Volunteers again be subject to such an abuse of their constitutional liberties. Forced advocacy does not belong in VISTA; and just as VISTA Volunteers cannot, by longstanding policy, be forced to compel the poor they serve to adopt the VISTA Volunteers' personal political agendas, so, too, the VISTA Volunteers must be free of the constitutionally abhorrent practice of political compulsion through obligating them to participate in the public display of ideological or political positions through demonstrations.

If either sponsors or volunteers require further guidance or wish to present specific factual questions, they may contact the Demonstrations Unit in the Office of the General Counsel. This Unit will consist of the General Counsel and two other attorneys. The Unit will advise on ACTION's view as to the applicability of the demonstration policy within 24 hours after receipt of the inquiry.

(45 U.S.C. 4953, 4954)

Dated in Washington, D.C. on December 28, 1981.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 81-37362 Filed 12-31-81; 8:45 am]

BILLING CODE 6050-01-M

OMB Control Numbers; List of Existing Recordkeeping Requirements

AGENCY: ACTION.

ACTION: Notice of List of Existing Recordkeeping Requirements.

SUMMARY: This Notice sets forth the existing recordkeeping requirements contained in 45 CFR Chapter XII, and provides the OMB control numbers for ACTION's recordkeeping requirements.

FOR FURTHER INFORMATION CONTACT: Randi J. Greenwald, Associate General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525; 202-254-7974.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the public protection clause (Section 3512) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Office of Management and Budget has asked agencies to publish in the **Federal Register** lists of existing recordkeeping requirements, showing regulatory citations, sections containing the requirements, and current OMB numbers.

ACTION's list follows.

CFR Section	Description	OMB Number
45 CFR 1203.5	Non-discrimination assurances.	3001-0016
45 CFR 1207.2-2, 1208.2-2, 1209.2-2.	Project narrative for SCP, FGP, RSVP.	116-R0351
	Grant application for all ACTION programs.	116-R0268

Dated in Washington, D.C., on December 28, 1981.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 81-37457 Filed 12-31-81; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Amendment to Existing System of Records

The Department of Agriculture gives notice that, as of this date, it is amending the following Privacy Act

system of records: USDA/FS–4, Certification of Engineering Personnel. The amendment eliminates the system's automated data base which has proven to be too costly to maintain.

A description of this system of records (USDA/FS–4) was published in the **Federal Register**, February 19, 1980, at 45 FR 10824. The amended description is set forth below.

For further information, interested persons may contact A. L. Colley, Forest Service-USDA, Engineering Staff, P.O. Box 2417, Washington, D.C., 20013, telephone (703) 235–8077.

Dated: December 24, 1981.

John R. Block,

Secretary.

USDA/FS–4

SYSTEM NAME:

Certification of Engineering Personnel, USDA/FS

SYSTEM LOCATION:

Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A, where individual is or was employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

At the Forest Service employees who have taken examinations in one or more of the certification categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the name, social security number, work location, written and oral examination results, and certificates issued for each Forest Service employee defined in the preceding paragraph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 7 CFR 2.60.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Examination results and supporting documents.

RETRIEVABILITY:

Manual system is indexed by name, social security number, and location.

SAFEGUARDS:

Records are maintained in standard filing system. The records are located in offices that are locked during non-office hours. They are available only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Engineering, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C., 20013, or the appropriate Regional Forester, or Forest Supervisor in charge of the unit where the individual is or was employed.

NOTIFICATION PROCEDURE:

Employees (past or present) may request information as to whether or not the system contains records pertaining to them from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, social security number, approximate date of last certification or examination, and place of employment at that time.

RECORD ACCESS PROCEDURES:

Use same procedure as for requesting Notification.

CONTESTING RECORD PROCEDURES:

Use same procedures as for requesting Notification.

RECORD SOURCE CATEGORIES:

Information in this system comes primarily from written, oral, and applied examinations.

[FR Doc. 81–37458 Filed 12–31–81: 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Chugach Electric Association, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Chugach Electric Association, Inc., (Chugach) of Anchorage, Alaska, for the following projects in Kenai Peninsula Borough, Alaska: (1) Bernice Lake Power Plant Unit No. 4, a 26 MW gas combustion turbine, and (2) Beluga Station Oil Storage Facilities, comprising two fuel oil storage tanks with capacities of 54,800 barrels each. The gas turbine has been purchased and installed, but will not be operated until required permits are obtained. The oil storage tanks have not yet been constructed.

REA reviewed the Borrower's Environmental Report (BER) prepared by Chugach and determined that the BER is an accurate assessment of the environmental aspects of the project. Based upon the BER, REA prepared an Environmental Assessment addressing the impacts of the proposed project.

Alternatives to the proposed projects include no action, energy conservation, purchase power, transmission line construction, additional generation at other existing plants, use of alternate fuels and construction of new generation plants. REA determined that the proposed project: (1) Will have no effect on important farmlands, floodplains, federally listed threatened or endangered species or known cultural resources; and (2) will have no significant adverse effect to air quality. Construction and operation of the projects will not, in REA's judgment result in any unacceptable environmental impact. REA concluded that the proposed projects are an acceptable alternative because they best meet Chugach's need with a minimum of adverse impacts.

REA concludes that the proposed projects are not a major Federal action that will significantly affect the quality of the human environment. REA reaches a Finding of No Significant Impact in accordance with REA Bulletin 20–21:320–21, Part 1.

The FONSI, Environmental Assessment and BER may be reviewed at, or requested from, the Office of the Director, Distribution Systems Division, Room 3304 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone: (202) 382–8848, or at the office of Chugach Electric Association, Inc., (L. J. Schultz, General Manager) P.O. Box 3518, (Gambell at Eight Avenue) Anchorage, Alaska 99501, telephone: (907) 276–3500.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22nd day of December, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81–37289 Filed 12–31–81: 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Hart County Roadbanks Critical Area Treatment RC&D Measure, Georgia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404–546–2273.

NOTICE: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hart County Roadbanks Critical Area Treatment RC&D Measure, Hart County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the treatment of critically eroding roadbank areas. The planned works as described in the Finding of No Significant Impact consist of the establishment of erosion control vegetation on 105 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404–546–2273. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until February 3, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590 a-f,q)

Dated: December 21, 1981.

Dwight M. Treadway,

State Conservationist.

[FR Doc. 81–37211 Filed 12–31–81; 8:45 am]

BILLING CODE 3410–16–M

Sebasticook Lake Watershed Project, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine, 04473, telephone (207) 866–2132.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sebasticook Lake Watershed, Penobscot and Somerset Counties, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Consevationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance for land treatment and water quality improvement.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until February 3, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 22, 1981.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 81–37238 Filed 12–31–81; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place

January 21, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW, Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal

Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: December 28, 1981.

Talbot Lindstrom,

Deputy Director, Office of Export Administration.

[FR Doc. 81-37402 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-25-M

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Suspension of Antidumping Investigation on Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary.

SUMMARY: The Department of Commerce (the Department) has decided to suspend the antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from the Hungarian People's Republic. The basis for the suspension is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise their prices to eliminate sales of this merchandise to the United States at less than fair value.

With this notice's publication we are directing officers of the U.S. Customs Service to resume liquidation of this merchandise. They also are being instructed to refund any cash deposited and to release any bond or other security posted as a result of the prior suspension of liquidation declared in the preliminary determination.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230 (202) 377–3464.

SUPPLEMENTARY INFORMATION:

Suspension of Antidumping Investigation

The Department of Commerce has decided to suspend the antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from the Hungarian People's Republic. The basis for the suspension is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise its prices to eliminate sales of this merchandise to the United States at less than fair value.

With this notice's publication we are directing officers of the U.S. Customs Service to resume liquidation of this merchandise. They also are being instructed to refund any cash deposited and to release any bond or other security posted as a result of the suspension of liquidation declared in the preliminary determination. If, within 20 day's of this notice's publication, we receive a request from an interested party to continue this investigation in accordance with section 734(g) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673c), the Department and the U.S. International Trade Commission (the Commission) will do so, notwithstanding the suspension agreement. A final determination will not be made in this case unless there is such a request for continuation of the investigation in which case the Department will make a final determination.

The Department will conduct an administrative review of this case within 12 months of this notice's publication.

Case history

On February 12, 1981, the Department received a petition from counsel representing Rockwell International Corporation of Pittsburgh, Pennsylvania. The petitioner simultaneously filed a copy of the petition with the United States International Trade Commission. The petition alleged that truck trailer axle-and-brake assemblies and parts thereof are being sold in the United States at less than fair value and that the truck trailer axle industry in the United States is being materially injured by reason of the importation of this merchandise. After conducting a summary review of the petition, we instituted an investigation, and notice was published in the Federal Register of March 11, 1981 (46 FR 16109).

On March 30, 1981, the Commission notified us that it had determined, as required by section 733(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation of the subject imports. The Commission's determination and the reasons therefore were published in the Federal Register of April 8, 1981 (46 FR 21121).

On June 19, 1981, the Department decided that Hungary is a state-controlled-economy country for the purposes of this investigation. Subsequently, Italy was selected as the surrogate country for the purposes of determining fair value.

On September 10, 1981, we preliminarily determined that truck trailer axle-and-brake assemblies are being sold in the United States at less than fair value. Notice of the preliminary affirmative antidumping determination was published in the Federal Register on September 17, 1981 (46 FR 46152).

We verified RABA's response to the producer's questionnaire on September 28–30, 1981. On October 5–7, 1981, we verified the response supplied by O/CAVA, the company in the surrogate country. We determined that RABA's exports of truck trailer axle-and-brake assemblies and parts thereof the United States were made at prices lower than the equivalent O/CAVA home market prices during the investigatory period of September 1, 1980 through February 28, 1981.

On October 16, 1981, Rockwell requested that the Department find that "critical circumstances" exist in this investigation, alleging that Eaton Corporation, the importer, knew or should have known that RABA was selling at less than fair value, and that there had been massive imports over a short time. The Department, on November 16, 1981, informed the petitioner that it was denying Rockwell's request because Eaton Corporation could not have known that Italy would be selected as the surrogate country in this investigation and, therefore, could not have known that RABA would be found selling at less than fair value.

Counsel for RABA, in a letter dated October 29, 1981, proposed to enter into a suspension agreement pursuant to section 734 of the Act and section 353.42 of the Commerce Department Regulations. In the proposal RABA stated that all necessary price

adjustments would be made to eliminate completely any amount by which the fair value of the product exceeds the U.S. price.

For purposes of this agreement, we do not consider it appropriate or necessary to depart from our preliminary determination that axles manufactured by O/CAVA in Italy are such or similar merchandise for purposes of this investigation.

RABA also has agreed to allow the Department to monitor the agreement and will submit quarterly reports detailing sales of the products to the United States. Further, RABA will make any price adjustments that are necessary after each administrative review.

On November 3, 1981, we provided copies of the proposed suspension agreement between RABA and the Department of Commerce to the petitioner for its consultation and to other parties to the proceeding for their comments.

On December 1, 1981, Rockwell International Corporation and Dana Corporation, an interested party, submitted comments on the proposed suspension agreement.

The Department has consulted with the petitioner and has considered all comments, in accordance with section 734(e) of the Act (19 U.S.C. 1673c). The Department has determined that the criteria for suspension of an investigation pursuant to section 734(e) of the Act have been met. The Department is satisfied that the agreement offsets completely the amount by which the fair value exceeded the U.S. price.

We have considered comments received on the proposed suspension agreement. The Department has agreed to make the following amendments. First, the Department has included separate brake assemblies in the agreement (see section one of Annex I). Second, the Department has clarified the section which describes when RABA may request a termination of the agreement. Third, the Department has further described the monitoring requirements in this Federal Register notice. Finally, the Department has made several minor changes in language, which do not substantially alter the agreement.

The Department will review the agreement according to section 751 of the Act, either annually or at such shorter periods as necessary, rather than an automatic quarterly review as the petitioner requests. The petitioner also has requested that the Department make Eaton Corporation a party to the suspension agreement. The Department has no valid legal basis to require Eaton to become a party to this agreement, or to submit data on its inventories and sales of the merchandise since Eaton is not related to RABA and this is a purchase price situation. Eaton Corporation, however, has given the Department a letter stating its willingness to provide the Department with any information in its possession concerning the purchase of axles from RABA.

The terms and conditions of the agreement are set forth in Annex I to this notice.

Monitoring Terms

RABA shall supply the Department with such information as the Department deems necessary to monitor the assurance that no future sales at less than fair value will occur, and such information as required for the Department to monitor compliance with the terms of the agreement, including, but not limited to the following.

RABA shall submit a quarterly report listing the following information for each entry: total value, quantity, terms of sale (e.g., fob, terms of payment, etc.), sales price per model, copies of the purchase order and shipping invoice of the product to the United States, whether such shipments occur directly or through intermediary countries. The first such report shall include all entries of the merchandise upon which liquidation had been suspended as well as those entered on or after the effective date of the suspension agreement and shall include all entries occurring through December 31, 1981. This first report shall be received by the Department no later than January 30, 1982. Subsequent quarterly reports will be provided to the Department on the basis of calendar quarters. Such reports shall be filed with the Department no later than 30 days from the end of each calendar quarter.

Further, RABA shall provide any additional information that the Department deems necessary in order to assure continuation of the agreement. The Department may require additional information as is necessary in order to conduct its administrative review under section 751 of the Act. This additional information will include, but not be limited to, all data concerning any subsequent price adjustments relative to the subject merchandise between RABA and Eaton. The administrative review will occur annually or at such shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value.

The Department shall determine the information to be verified under section 751 review.

The Department shall instruct the U.S. Customs ports of entry to report all entries of the product to the Department for as long as this agreement remains in effect.

Monitoring this agreement is considered to be practicable since there is only one exporter. As long as RABA submits all information requested, the Department will be able to effectively monitor the agreement.

Enforcement

The Department shall enforce this agreement in accordance with section 734(i) of the Act (19 U.S.C. 1673c). The Department shall reopen the investigation with respect to the products exported by RABA that are subject to this agreement (1) if the Department determines that the agreement has not been complied with; (2) if the Department determines that the suspension of the investigation is no longer in the public interest; or (3) if the Department determines that effective monitoring is no longer practicable.

Public Interest

As this proposed agreement, *inter alia*, eliminates all sales of the merchandise at less than fair value, influences axle producers in the United States to be competitive and, therefore, is of direct benefit to consumers of trailer axles, it is deemed to be in the public interest.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 29, 1981.

ANNEX 1—TRUCK TRAILER AXLE–AND–BRAKE ASSEMBLIES AND PARTS THEREOF

Suspension Agreement

Pursuant to the provisions of section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c) (the "Act") and §353.42 of the Commerce Department Regulations (19 CFR 353.42), the Department of Commerce (the Department) and the Hungarian Railway Carriage and Machine Works (RABA) enter into the following agreement on the basis of which the Department shall suspend its antidumping investigation with respect to truck trailer axle-and-brake assemblies and parts thereof from Hungary to the extent and in accordance with the terms and provisions set forth below.

1. Product Coverage

The investigation shall be suspended as to those trailer axle-and-brake assemblies and parts thereof (the "product") which are included in the investigation and are imported under item numbers 692.32 and 692.60 of the Tariff Schedules of the United States. This agreement also includes any parts which may be imported under any other

TSUS category to be utilized in trailer axles. These parts include, but are not limited to the beam, spindle, brake spider, camshaft, brake shoes, and separate brake assemblies when imported for use on trailer axles.

It is understood that this agreement does not include separate brake assemblies and other parts which are to be utilized solely in truck components other than trailer axles.

2. Basis for the Agreement

A. RABA agrees to make any necessary price adjustments to eliminate completely any sales of the product at less than fair value, as determined on the basis of the price of such or similar merchandise in the surrogate country and appropriate adjustments attributable to bringing the merchandise into the United States, by ensuring that:

(1) Beginning from the effective date of suspension of the investigation, the price RABA will charge any U.S. importer or customer for sales of the product which are entered into the United States or withdrawn from warehouse for consumption in the United States or previously released under cash deposit, bond or other security pursuant to the Department's preliminary determination (46 FR 46152) will not be less than the current fair value of the product as determined by the Department on the date of initialing of the proposed agreement.

(2) Subsequent price adjustments will be made by RABA as necessary to ensure that future sales of the product will not be made at less than fair value. Such adjustments shall be made in accordance with the Department's administrative review under section 751 of the Act (and § 353.53(a) of the Regulations).

(B) In accordance with the applicable law and regulations, this agreement applies to trailer axle-and-brake assemblies and parts thereof, described in paragraph 1 above, produced by RABA, which enter the United States for consumption therein, either directly or through intermediaries and which are exported either directly from Hungary or are transshipped through third countries.

(C) This agreement has no termination date. The Department will not consider a request for termination of this agreement until, at a minimum, it is able to determine that RABA has honored the agreement for at least two years from the effective date of the agreement.

3. Monitoring

Upon the request of the Department, RABA will supply to the Department such information as the Department deems necessary to ensure that RABA is in compliance with the terms of this agreement. At a minimum this will include a quarterly report from RABA itemizing all shipments and prices of trailer axle-and-brake assemblies and parts thereof to the United States.

The Department shall conduct administrative reviews under section 751 of the Act annually or at such shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value. The Department shall verify information upon which its review is based. The Department shall also request the U.S. Customs Service to direct the ports of entry to forward an Antidumping Report of Importations for all entries of such trailer axle-and-brake assemblies and parts thereof while this agreement is in effect.

4. Reopening of Investigation

The Department shall reopen the investigation with respect to the axle-and-brake assemblies and parts thereof exported by RABA that are the subject of this agreement if the Department determines that RABA has not honored its obligations under this agreement. Additionally, the Department will reopen the investigation if it determines that the suspension agreement is no longer in the public interest or that effective monitoring is no longer practicable.

5. Other Provisions

In entering into the agreement, RABA does not hereby admit that any sales of the product have been made at less than fair value. RABA acknowledges that all other types of axles imported are subject to the import laws of the United States. The effective date of this suspension agreement is January 4, 1982.

Agreed to on this the 18th day of December, 1981.

Arthur T. Downey,

Hungarian Railway Carriage and Machine Works.

I have determined that the provisions of paragraph 2 eliminate any current unfair trade practices which were the subject of this investigation and that the provisions of paragraph 3 ensure that this agreement can be monitored effectively. Therefore, I have determined that this agreement to suspend this investigation meets the requirements of section 734(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) and is in the public interest as required in section 734(d) of the Act.

Gary N. Horlick,

United States Department of Commerce.

[FR Doc. 81-37390 Filed 12-31-81; 8:45 am]
BILLING CODE 3510-25-M

National Bureau of Standards

Membership of General Performance Review Board

In a notice published in the Federal Register on September 2, 1981, the National Bureau of Standards (NBS) announced the latest changes in the membership and terms of the General Performance Review Board (GPRB). The purpose of the GPRB is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Director of NBS as the Appointing Authority for the Senior Executive Service at NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives and the organizations of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

This notice announces further changes in the membership through the appointment of the following individuals for the terms shown below.

Mr. Karl E. Bell, Deputy Director of Administration, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

Dr. Howard T. Yolken, Chief, Office of Measurements for Nuclear Technology, National Measurements Laboratory, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

The membership and expiration dates of the GPRB as now constituted, including the changes made by this notice, are set out below:

Dr. Howard E. Sorrows, Chair, Technology Adviser to the Director, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—September 11, 1982

Dr. Arthur O. McCoubrey, Associate Director for Measurement Services, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—September 11, 1982

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—December 31, 1983

Mr. Bascom W. Birmingham, Director, Boulder Laboratories, National Bureau of Boulder, Colorado, 80303, Expiration of Appointment—September 11, 1982

Mr. Karl E. Bell, Deputy Director of Administration, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—December 31, 1983

Dr. Howard T. Yolken, Chief, Office of Measurements for Nuclear Technology, National Measurement Laboratory, National Bureau of

Standards, Washington, D.C. 20234.

Expiration of Appointment—December 31, 1983

The appointment of the seventh member of the GPRB, to replace a member whose term has expired, will be announced in the **Federal Register** at such time as the appointment is made.

Persons desiring any further information about the GPRB or its membership may contact Mrs. Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3555.

Dated: December 28, 1981.

Raymond G. Kammer,

Deputy Director.

[FR Doc. 81–37381 Filed 12–31–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Dr. William W. Dawson; Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations on endangered species (50 CFR Parts 217–227), the Scientific Research Permit No. 250 issued to Dr. William W. Dawson, Professor of Ophthalmology and Physiology, Department of Ophthalmology, Box J–284, J. Hillis Miller Health Center, University of Florida-College of Medicine, Gainesville, Florida 32610 on November 14, 1978 (43 FR 54284) as modified on October 22, 1981 (46 FR 208) is further modified as follows:

Section B–1 is modified by the addition of:

"Eye excretions of bottlenose dolphins shall be imported from Mexico as described in the modification request."

The modification is effective upon the date it is signed.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: December 24, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–37439 Filed 12–31–81; 8:45 am]

BILLING CODE 3510–22–M

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication and Revisions

AGENCY: Consumer Product Safety Commission.

ACTION: Annual Publication of Systems of Records.

SUMMARY: The Consumer Product Safety Commission is publishing the complete text of its Privacy Act systems of records, as amended.

DATES: Effective January 4, 1982, except as to deleted systems and revised systems CPSC–2, 3, 4, 7, 11, and 13 which will become effective March 5, 1982, unless comments are received by that date which justify a contrary determination.

ADDRESSES: Send comments to Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be inspected during business hours at the Commission's public reading room, eighth floor, 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (202) 634–7770.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Consumer Product Safety Commission last published the full text of its systems of records at 42 FR 48751, September 23, 1977. Since that publication, the Commission's systems of records have been amended by an annual publication at 44 FR 77235, December 31, 1979; and by documents published at 45 FR 34337, May 22, 1980, 45 FR 5680, August 26, 1980, 46 FR 141, January 2, 1981, and 46 FR 22253, April 16, 1981. The Commission is now making further revisions to its systems of records, as described below, and publishing them in full text.

General Revisions

Numerous minor revisions have been made to correct typographical, punctuation, and grammatical errors, to correct citation formats, to update or change organizational designations, to reflect address changes resulting from the relocation of certain Commission organizations from 1111 18th Street, N.W., Washington, D.C. to 5401 Westbard Avenue in the Washington suburb of Bethesda, Maryland, and to reflect the transfer of functions from the former Civil Service Commission to the Office of Personnel Management. These minor revisions will not be enumerated.

In addition, a "routine use" which appeared in Privacy Act Systems CPSC–12 through CPSC–19 has been deleted. This routine use—"A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA"—is not in accord with Commission practice since GSA does not provide administrative services for CPSC record systems except in connection with revised CPSC–13, Personnel Data System, for which GSA merely provides data processing support.

Deletions

The Commission is deleting six systems of records, as follows:

SYSTEM NAME:

CPSC–6 Employee Career Development

Reason: This system is covered by Office of Personnel Management System OPM/GOVT–1.

SYSTEM NAME:

CPSC–9 Employee Financial Interest Statements

Reason: This system is covered by Office of Personnel Management System OPM/GOVT–8.

SYSTEM NAME:

CPSC–14 Employee Personnel Data File

Reason: Combined with revised CPSC–13, Personnel Data System.

SYSTEM NAME:

CPSC–20 Field Working Track System

Reason: System discontinued.

SYSTEM NAME:

CPSC–21 Ethics in Government Financial Disclosure Records

Reason: This system is covered by Office of Personnel Management System OPM/GOVT–4.

SYSTEM NAME:

CPSC–23 Health Unit Medical Records

Reason: System discontinued. CPSC no longer operates employee health units.

Additions

The Commission is making additions as follows:

SYSTEM NAME:

Appendix II—Pertinent Record Systems of other agencies

Reason: Some record systems physically located at CPSC are covered by Office of Personnel Management government-wide systems. These systems include the Official Personnel Folders and the materials previously described in deleted systems CPSC–6, CPSC–9, and CPSC–21. Other agencies also maintain record systems containing CPSC-related records. Appendix II is being added to inform CPSC employees and others about these systems containing data on CPSC employees.

Changes

The Commission is making the following changes in its systems of records:

SYSTEM NAME:

CPSC–2 Advisory Committee Records (name change)

Categories of individuals covered by the system: System expanded to cover members as well as applicants or nominees.

Categories of records in the system: System expanded to include correspondence and information relevant to selection of members and members' service.

Routine uses: System now also used to administer committees.

Retention and disposal: Provisions added dealing with termination of an individual's membership or of an entire committee.

SYSTEM NAME:

CPSC–3 Claims

Routine uses: New uses cover disclosure to a party having a legal interest in a claim and to federal, state, and local law authorities in connection with official proceedings.

SYSTEM NAME:

CPSC–4 Consumer Volunteer Roster

Storage: Computer records added.

Retrievability: Computer records added.

Safeguards: Computer records added.

Retention and disposal: Computer records added.

SYSTEM NAME:

CPSC–7 Employee Diścrimination Complaint and Investigation File

Categories of individuals covered by the system: Expanded to include applicants for employment, as well as employees, who file complaints of discrimination.

Routine uses; Reference to Federal Womens Program deleted, since it is not longer a program external to CPSC.

Categories of records in the system: Expanded to include information on any alleged discriminatory official, as opposed to merely the specific person against whom a complaint is filed.

SYSTEM NAME:

CPSC–11 Employee Motor Vehicle Operators and Accident Report Records

Retrievability: Revised to show that records are retrievable by the name of the person to whom they pertain.

SYSTEM NAME:

CPSC–13 Personnel Data System (old name: Emplotee Payroll, Leave and Travel Records)

This system notice is a combination of two previously separate systems: CPSC–13, Employee Payroll, Leave and Travel Records, and CPSC–14, Employee Personal Data File. It has been extensively revised in form and closely follows the General Service Administration's notice for GAS/PPFM–4, Human Resources Files. Although GSA/PPFM–4 is not a government-wide system, it does describe the payroll- and personnel-related data processing services which GSA performs for CPSC and many other agencies. Accordingly, the new CPSC–13 notice more accurately describes a largely automated record system which is essentially the same as that maintained by other agencies.

SYSTEM NAME:

CPSC–18 Job Applicant File

System location: Amended to reflect fact that records are no longer kept outside of the Division of Personnel Management.

Most of the changes made are non-substantive and are being made immediately. However, the system deletions and the revisions to systems CPSC 2, 3, 4, 7, 11, and 13 will not be put into effect for 60 days to permit comments by the Office of Management and Budget, the President of the Senate, the Speaker of the House of Representatives, and the public. OMB and the Congress have been sent a copy of this **Federal Register** notice.

Sadye E. Dunn,

Secretary.

December 28, 1981.

CONSUMER PRODUCT SAFETY COMMISSION

Table of Contents

CPSC–1 Accident Reports (In-Depth)
CPSC–2 Advisory Committee Records
CPSC–3 Claims
CPSC–4 Consumer Volunteer Roster
CPSC–5 Employee Biographies
CPSC–6 [Reserved]
CPSC–7 Employee Discrimination Complaint and Investigation File
CPSC–8 Employee Executive Development Records
CPSC–9 [Reserved]
CPSC–10 Employee Merit Promotion Program Files
CPSC–11 Employee Motor Vehicle Operators and Accident Report Records
CPSC–12 Employee Outside Activity Notices
CPSC–13 Personnel Data System
CPSC–14 [Reserved]
CPSC–15 Employee Relations Files
CPSC–16 Employee Upward Mobility Counseling Files
CPSC–17 Commissioned Officers Personal Data File
CPSC–18 Job Applicant File
CPSC–19 Labor-Management Relations File
CPSC–20 [Reserved]
CPSC–21 [Reserved]
CPSC–22 Management Information System
CPSC–23 [Reserved]
Appendix I Regional Office Addresses
Appendix II Pertinent Record Systems of Other Agencies

CPSC–1

SYSTEM NAME:

Accident Reports (In-Depth)—CPSC–1

SYSTEM LOCATION:

Consumer Product Safety Commission, Directorate for Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Victims of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act, section 5 (15 U.S.C. 2054).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be provided to another Federal, State or local agency or authority engaged in activities relating to health, safety or consumer protection in accordance with section 29(e) of the Consumer Product Safety Act, as amended (Pub. L. 92–573), as amended by Pub. L. 92–284, 15 U.S.C. 2078(e)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Directorate for Epidemiology in file folders.

RETRIEVABILITY:

Records are retrievable by a coded number which indicates the date of assignment of the investigation, the Commission unit requesting the report, the product involved and a sequential number assigned to the investigation.

SAFEGUARDS:

Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c) (15 U.S.C. 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

RETENTION AND DISPOSAL:

Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Executive Director for Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is subject to the specific exemption provided for in 5 U.S.C. 552a(k)(4) and is therefore exempt from subsections (c)(3), (d) (2) and (3), (e)(1), (e)(4) (G), (H) and (I) of section 552a. The data is required to be maintained by 15 U.S.C. 2054 and is used solely as statistical records.

CPSC–2

SYSTEM NAME:

Advisory Committee Records—CPSC–2

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Public Affairs, 1111 18th Street, N.W., Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking or nominated for or selected for membership on CPSC Advisory Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of applicants contain an individual's name, address, personal history and qualifications, any correspondence with the individual and any Commission memoranda relating to the selection of the individual. Records of members additionally contain information about the member's financial compensation and Commission documents relating to the individual's service as a member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 2077, 2079(a) and 2079(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to select candidates for filling vacancies on advisory committes and to administer the operation of the committees.

Disclosure may be made to a congressional office from the record of an individual in response to an injury from the congressional office made at the request of that individual. Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of committee and then by name of applicant or member.

SAFEGUARDS:

Records are maintained in file cabinets in a secured area.

RETENTION AND DISPOSAL:

Applicants' and nominees' records are retained until new applications are solicited or committee is terminated and then destroyed. Members' records are retained for 2 years after termination of membership and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Committee Management Officer, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director of Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by applicants, nominees for, and members of Advisory Committees and by Commission staff.

CPSC–3

SYSTEM NAME:

Claims—CPSC–3

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees sustaining personal property damage or loss incident to service; CPSC employees involved in situations where personal injury or property damage to others results from wrongful or negligent act or omission of employee acting within scope of employment; claimants sustaining injury or property damage due to activities of CPSC or its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain claims for money damages, accident and investigative reports, and correspondence and other documents concerning claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240–243; 28 U.S.C. 1346(b), 2672. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) For processing claims and litigation under the Federal Tort Claims Act or the Military Personnel and Civilian Employee's Claims Act; (b) For preparation of reports.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Information from a record in this system of records may be disclosed to a person or entity having a legal interest in the claim.

Information may be disclosed to Federal, state, or local law authorities, court authorities, administrative authorities, for use in connection with civil, criminal, administrative, and regulatory proceedings and actions relating to the claim. Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of individual claimant.

SAFEGUARDS:

Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained up to six years after case is closed. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor and Employee Relations Branch, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by (1) the individual to whom the record pertains (2) CPSC and/or its employees (3) affidavits, statements, or testimony of witnesses (4) official documents relating to claim (5) correspondence from organizations or persons involved.

CPSC–4

SYSTEM NAME:

Consumer Volunteer Roster—CPSC–4

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of the Secretary, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers who wish to volunteer their services in the development of safety standards as members of development committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains consumer's name, address, and qualification for serving in the Standards development process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7, Consumer Product Safety Act (15 U.S.C. 2056).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is made available to organizations developing safety standards for consumer products in order to obtain consumer participation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy and on computer magnetic media.

RETRIEVABILITY:

Records are indexed by state and name of consumer. Computer records are retrieved by any one or any combination of data elements.

SAFEGUARDS:

Hard copy records are maintained in secure file cabinets. Access to computer records is restricted to the staff of the Office of the Secretary by use of computer passwords.

RETENTION AND DISPOSAL:

Records are retained until new set of volunteer's names are solicited by the Commission; e.g., each 12 months. Hard copy records are destroyed. Computer records are made available for reuse.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Consumer Product Safety Commission, Office of the Secretary, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by individuals on whom the record is maintained.

CPSC–5

SYSTEM NAME:

Employee Biographies—CPSC–5.

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Public Affairs, 1111 18th Street, N.W., Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees who have submitted biographical information.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act (15 U.S.C. 2051–81).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of employee.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured areas.

RETENTION AND DISPOSAL:

Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Affairs, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Wahington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the employee to whom it pertains.

CPSC-7

SYSTEM NAME:

Employee Discrimination Complaint and Investigation File—CPSC–7.

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Equal Employment Opportunity and Minority Enterprise (OEEOME), 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees and applicants for employment who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information pertaining to the complainant, any alleged discriminatory official, and others having a relationship to the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Part 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or a record may be used for: (1) review by the assigned EEO Investigator (2) review by the Director, Office of Equal Employment Opportunity and Minority Enterprise (3) referral to Office of General Counsel for legal analysis and action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured areas.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OEEOME, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC–8

SYSTEM NAME:

Employee Executive Development Program Records—CPSC–8.

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees in grade GS–13 and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number, home address of applicants for the various executive development programs which are offered on an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and OPM covering reporting requirements on CPSC employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11348, 5 U.S.C. 4103, 4104, 4108, 4109, 4110, 4113, 4118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or a record may be used:

(a) To facilitate career development of employees.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions of manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Office of Personnel Management for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Office of Personnel Management activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

(k) To provide data to the Executive Inventory Files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by combination of names or subject matter.

SAFEGUARDS:

Records are located in metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained indefinitely. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Policy and Evaluation Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, and information provided by other agency officials.

CPSC–10

SYSTEM NAME:

Employee Merit Promotion Program—CPSC–10.

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to promotions subject to the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 335.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

(1) To respond to requests from employees regarding the status of their merit promotion case.

(2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.

(3) To respond to a court subpoena and/or refer to a court in connection with a civil suit.

(4) To adjudicate an appeal, complaint, or grievance.

(5) To effectuate promotion of employees concerned.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained and by Merit Promotion case numbers.

SAFEGUARDS:

Records are located in a metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to two years after a selection has been made.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employment Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is provided by:

(1) Individual to whom the record pertains,

(2) Agency and/or Commission officials,

(3) Affidavits or statements from employee,

(4) Official documents relating to appeal, grievance, or complaint,

(5) Correspondence from specific organization or persons.

CPSC–11

SYSTEM NAME:

Employee Motor Vehicle Operators and Accident Report Records—CPSC–11

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains data on employees issued a Government motor vehicle operator's permit, and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act (15 U.S.C. 2051–2081) and 28 U.S.C. Chap. 171.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used as indicated below:

(1) To identify those CPSC employees authorized to operate Government-owned or Government-leased vehicles.

(2) For use by the Office of General Counsel in connection with claims litigation.

(3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.

(5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Records are maintained in a secured area.

RETENTION AND DISPOSAL:

Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC-12

SYSTEM NAME:

Employee Outside Activity Notices—CPSC–12

SYSTEM LOCATION:

Consumer Product Safety Commission, Ethics Counselor, Deputy General Counsel for Regulatory Development and General Law, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees carrying on outside activities such as consultative services, practice of law, or teaching.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM; INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used by the Ethics Counselor in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in this system:

STORAGE:

Records are maintained on hard copy.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained until employee terminates with agency. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, Deputy General Counsel for Regulatory Development and General Law, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ASSESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The information in these records is furnished by the employees to whom they pertain.

CPSC 13

SYSTEM NAME:

Personnel Data System—CPSC–13

SYSTEM LOCATION:

Consumer Product Safety Commission, Associate Executive Director for Administration 5401 Westbard Avenue, Washington, D.C. 20207 and the Headquarters unit or Regional Office to which and employee is assigned. Regional Office addresses are listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of CPSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of payroll records, personnel security records, safety records, EEO records, and personnel records. In addition, the system contains data necessary to update the Central Personnel Data File at the Office of Personnel Management, to process personnel actions, to perform detailed accounting distributions, to automatically provide for such tasks as mailing checks and bonds, and to

prepare and mail tax returns and reports. Records include, but are not limited to the following categories of records:

1. Employee indentification and status data such as name, social security number, date of birth, sex, work schedule, type of appointment, education, veterans' preference, military service, and race/national origin.

2. Relevant data such as service computation date for leave, date probationary period began, and date of performance rating.

3. Position and pay data such as pay plan, occupational series, grade, step, salary, merit pay, organization location.

4. Employment data such as merit pool identifier, position description, special employment program, and target occupational series and grade.

5. Payroll data such as time; attendance; leave; Federal, State, and local tax; allotments; savings bonds; and other pay allowances and deductions.

6. Personnel security data such as security clearance level and basis with dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)(2), and 26 CFR 31.6109–1. The authority for the personnel security clearance and statistical records is contained in Executive Order 19450, April 27, 1953, as amended; Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318(a) through (d).

PURPOSE(S):

This system supports the day to day operating requirements associated with personnel oriented program areas from hiring employees and paying employees to calculating estimated retirement annuities. Payroll-related outputs include a comprehensive payroll; detailed accounting distribution of costs; leave data summary reports; an employee's statement of earnings, deductions and leave every payday for each employee; State, city, and local unemployment compensation reports; Federal, State, and local tax reports; W–2 wage and tax statements; and reports of withholdings and contributions. Personnel-related reports include automated personnel actions as well as organization rosters, retention registers, retirement calculations, reports of the Federal civilian employment, employee master record printouts, length of service lists, and listings of within-grade increases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of records maintained in the system include:

a. Providing data to the Office of Personnel Management's Central Personnel Data File (CPDF).

b. Providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.

c. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Administrator for Plans, Programs, and Financial Management, General Services Administration (B), Washington, D.C. 20405.

d. To the extent necessary, records are available to Commission and outside government agencies to monitor and document grievance proceedings, EEO complaints, and adverse actions; and to provide reference to other agencies and persons for employees seeking employment elsewhere.

e. Some records or data elements in this system of records may also be in the Office of Personnel Management's government-wide system OPM/GOVT–1 and are subject to that system's routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on computer magnetic media.

RETRIEVABILITY:

Paper records are filed by name. Computer records are retrievable by any data element or combination of data elements.

SAFEGUARDS:

Paper records are stored in lockable metal cabinets or in secured rooms. Password system protects access to the computerized records. Information is released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Payroll-related records are sent to storage 2 years after the end of the fiscal year to which they pertain.

Personnel-related records are disposed of 2 years after termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

For payroll-related records: Director, Division of Financial and Management Services, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

For personnel-related records: Chief, Employment Branch, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, other agencies' management officials, non-Federal sources such as private firms, and data from the systems of records OPM/GOVT–1 and EEOC/GOVT–1.

CPSC–15

SYSTEM NAME:

Employee Relations Files—CPSC–15

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Consumer Product Safety Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to: (1) Disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; (2) retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its requests in connection with the hiring or retention of an employee, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision of that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to 2 years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Ghief, Labor and Employee Relations Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC-16

SYSTEM NAME:

Employee Upward Mobility Counseling Files—CPSC-16

SYSTEM LOCATION:

Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons participating in the Upward Mobility Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement or Upward Mobility assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is reviewed by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked files in a secured area.

RETENTION AND DISPOSAL:

Records are retained until employee reaches goal. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the employee to whom it pertains and by employee's supervisors.

CPSC-17

SYSTEM NAME:

Commissioned Officers Personal Data File—CPSC-17

SYSTEM LOCATION:

A complete record on every commissioned officer is maintained in the office of the Directorate for Compliance and Enforcement Litigation, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Records concerning the commissioned officer's activities and performance are maintained by the CPSC Regional Office to which the individual is assigned. Regional Office addresses are listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State employees commissioned as officers of CPSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents related to the commissioning of the individual and personal data including name, social security number, date of birth, educational background, employment history, security clearance information, medical information, fingerprints, home address and phone number, duty station, service computation date and benefits information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 29(a)(2), Consumer Product Safety Act (15 U.S.C. 2078(a)(2)); E.O. 10450, sections 8(c), 9(a), 9(b); E.O. 10561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) By agency officials for purposes of review in connection with appointments, reassignments, and determination of qualificaitons for reappointment of an individual.

(2) To provide statistical reports to Congress, agencies and the public on characteristics of the Commissioned officer program.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

(4) To provide information or disclose to a Federal or state agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant, or other benefit.

(6) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained and disposed of in accordance with Commission records management policies and procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in these records comes either from the individual to whom it pertains or from agency officials, CPSC supervisors, or state officials.

CPSC-18

SYSTEM NAME:

Job Applicant Files—CPSC-18

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 56401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain personal data and job history in the form of a resume or Standard Form 171.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapters 333 and 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these files is reviewed as vacancies occur for the purpose of placement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of applicant within general job categories.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained up to two years and disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employment Branch, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the person to whom it pertains.

CPSC–19.

SYSTEM NAME:

Labor Management Relations Files—CPSC–19

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain data relating to (1) employees involved in the maintenance of the labor-management program (2) employees presenting grievances under the collective bargaining agreement (3) employees involved in unfair labor practice charges pursuant to statute (4) employees whose grievances are presented to arbitration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Materials in these records are used primarily for reference except in the case of grievances, unfair labor practice charges, and arbitration where information may be essential to prepare for a hearing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor and Employee Relations Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by:

(1) Individual to whom the records pertain,

(2) Agency and/or Commission official,

(3) Documents from union representatives,

(4) Testimony of witnesses,

(5) Official documents relating to labor matters,

(6) Correspondence from specific organization or persons.

CPSC–22

SYSTEM NAME:

CPSC Management Information System—CPSC–22.

SYSTEM LOCATION:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Bethesda, Maryland 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CPSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information on work and leave hours charged by individual employees against CPSC programs, projects, and organization categories. The data included are: Program Codes, Project Codes, Organization Codes, Reporting Period, Employee Name and CPSC Employee Number, and hours charged.

AUTHORITY FOR MAINATENANCE OF THE SYSTEM:

15 U.S.C. 2051 et seq.; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used to produce periodic printed reports which show total employee time and costs allocated to commission programs and projects by organizational elements. The cost information includes information derived from the Commission's accounting system. Some of the reports will display the time charged by individual employees by programs and projects within organizational elements.

These reports are distributed to CPSC managers and staff at all levels as a management tool to:

(a) Inform project managers of time worked by individuals on specified program and project activities;

(b) Assure accurate reporting and recording of time worked on Agency programs and projects;

(c) Track the agency's work in terms of programs and projects;

(d) Assist in the preparation of the CPSC Fiscal Year Operating Plan;

(e) Assess achievement of planned goals established in the CPSC Fiscal Year Operating Plan;

(f) Identify resource allocation deficiencies;

(g) Provide an historical record of Agency program, project, and organization resource expenditures;

(h) Assure effective distribution of staff skills for planned workloads;

(i) Provide reports to top level management on Agency accomplishment.

Printed reports produced by the system are distributed to project leaders, management, and supervisory personnel within the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM;

STORAGE:

Records are maintained in hard copy, on computer punch cards, and on computer magnetic media.

RETRIEVABILITY:

Records are retrievable by any of the data items on the records.

SAFEGUARDS:

Access to individual computer records is restricted to staff of the Associate Executive Director for Administration through the use of special computer identification codes. Hard copy individual records and punch cards are kept in locked file cabinets with access

also restricted to the staff of the Associate Executive Director for Administration. Management Information System data will not be used as evidence against the supplying employee in employee performance evaluations or adverse actions.

RETENTION AND DISPOSAL:

Individual hard copy employee records, punch cards, and computer records, other than time and cost totals, are retained for not more than one year. Disposal is accomplished through magnetic disc or magnetic tape erasure for computer-stored records, and direct disposal into trash for hard copy individual records and punch cards.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland 20207.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Information in these records is furnished by the employees to whom it pertains.

Appendix I—Regional Office Addresses

Southeastern Regional Office, 800 Peachtree Street, N.E., Suite 210, Atlanta, Georgia 30308.

Midwestern Regional Office, 230 S. Dearborn Street, Room 2945, Chicago, Illinois 60604.

Southwestern Regional Office, 1100 Commerce Street, Room 1C10, Dallas, Texas 75242.

Northeastern Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048.

Western Regional Office, 555 Battery Street, Room 416, San Francisco, California 94111.

Appendix II—Pertinent Record Systems of Other Agencies

Other Federal agencies maintain government-wide systems of records which may contain information about CPSC employees.

Some of these records may be physically located at CPSC. These systems include:

1. Office of Personnel Management, OPM/GOVT–1, General Personnel Records (includes official personnel folders).

2. Office of Personnel Management, OPM/GOVT–2 (proposed), Performance Appraisal Records.

3. Office of Personnel Management, OPM/GOVT–3, Adverse Action Records.

4. Office of Personnel Management, OPM/GOVT–4, Executive Branch Public Financial Disclosure Records (includes financial interest disclosure forms of CPSC employees subject to the Ethics in Government Act).

5. Office of Personnel Management, OPM/GOVT–5, Recruiting, Examining, and Placement Records.

6. Office of Personnel Management, OPM/GOVT–6, Personnel Research and Test Validation Records.

7. Office of Personnel Management, OPM/GOVT–7, Applicant Race, Sex, National Origin, and Disability Status Records.

8. Office of Personnel Management, OPM/GOVT–8, Confidential Statements of Employment and Financial Interests (contains CPSC employees' Form 219).

9. Office of Personnel Management, OPM/GOVT–9, File on Position Classification Review Requests (Appeals) and Grade and Pay Retention Appeals.

10. Federal Emergency Management Agency, FEMA/GOVT–1, Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies.

11. Equal Employment Opportunity Commission, EEOC/GOVT–1, Equal Employment Opportunity Complaint Records and Appeal Records.

12. Merit System Protection Board, MSPB/GOVT–1, Appeal and Case Records.

[FR Doc. 81–37301 Filed 12–30–81; 9:31 am]
BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive Committee. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: January 21, 1982, 9:00 a.m. to 6:00 p.m. and January 22, 1982, 9:00 a.m. to 4:00 p.m.

ADDRESS: January 21, 1982 the meeting will be held in the Holiday Inn, 550 C Street, S.W., Washington, D.C. and on January 22, 1982 the meeting will be held in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathleen Dauito, Administrative Officer, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036, (202) 653–5846.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95–561. The Council is mandated to (a) advise the Secretary on matters relating to equal educational opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (c) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council

The meeting of the Executive Committee will take place on January 21, 1982 from 5:00 p.m. to 6:00 p.m. at the Holiday Inn, 550 C Street, S.W., Washington, D.C. The agenda will include consideration of the Council's Annual Report, budget, and future plans and activities.

On January 21, 1982, the meeting of the National Advisory Council on Women's Educational Programs will take place from 9:00 a.m. to 5:00 p.m. at the Holiday Inn, 550 C Street, S.W., Washington, D.C. On that day, the Council will participate in the conference of current and former grantees of the Women's Educational Equity Act Program which will include workshops on the status, needs, and future of the programs and other sex equity efforts in the context of the changing Federal role in education. On Janury 22, 1982 the Council meeting will be held from 9:00 a.m. to 4:00 p.m. in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C. The agenda will include development of policy and program recommendations to the Department of Education and discussion

of the future structure, activities, and plans of the Council. There will be reports on legislation and budget.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036.

Signed at Washington, D.C. on December 21, 1981.

Joy R. Simonson,

Executive Director.

[FR Doc. 81-37358 Filed 12-31-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-34-NG]

Michigan Wisconsin Pipe Line Co.; Application for Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application To Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for authorization to import 100,000 Mcf per day of natural gas to be purchased from TransCanada PipeLines Limited (TransCanada) beginning November 1, 1982, or as soon thereafter as feasible, and extending for a period of ten years from the date of first delivery. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on February 3, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 6304, RG-13, Washington, D.C. 20461, (202) 653-3626

Patricia J. Neel (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue, SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: On November 2, 1981, Michigan Wisconsin filed an application to import 100,000 Mcf of natural gas per day for a period of ten years, beginning on the date deliveries begin. The gas is to be purchased from TransCanada under a proposed "Gas Purchase Contract" pursuant to a "Precedent Agreement" between the two companies, dated January 29, 1981. The gas is to be delivered for the account of Michigan Wisconsin by TransCanada to Great Lakes Gas Transmission Company (Great Lakes) at the existing interconnection of these two companies on the Minnesota-Manitoba border near Emerson, Manitoba. Great Lakes presently delivers Canadian gas received at this interconnection to Michigan Wisconsin at existing interconnections between the two companies. TransCanada has applied to the National Energy Board of Canada for authority to export the gas, and to the Energy Resources Conservation Board of the Province of Alberta, Canada, for authorization to remove such gas from that Province. No decision has been made by either agency.

The proposed "Gas Purchase Contract" is to become effective on November 1, 1982, or as soon thereafter as practicable, pursuant to requisite authorizations and completion of any necessary facilities. The price of the gas to be imported will be the authorized international border price, currently $4.94 per MMBtu. The proposed contract also contains a provision whereby Michigan Wisconsin will take or pay for a minimum annual quantity of 75 percent of the daily contract quantity times the number of days in the contract year, less the difference between the daily amounts requested and the actual amounts delivered.

In support of its application, Michigan Wisconsin states that the proposed additional import of natural gas at the "border price" is in the public interest. Michigan Wisconsin states that it faces the problem of declining supplies of gas from existing sources and must replace such gas from a variety of sources to enable it to serve adequately the gas consumers in the areas it supplies. In addition to the proposed expansion of gas purchases from Canada, Michigan Wisconsin states that it is making extensive efforts to secure replacement gas from other sources and to expand its own production, and that these efforts must be pursued in order to serve adequately existing markets which rely upon the company.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 6304, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., February 3, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Michigan Wisconsin's application is available for inspection and copying in the Division of Natural Gas Docket Room, located in Room 6013, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on December 21, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-37411 Filed 12-31-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-736-000]

Central Illinois Public Service Co.; Order Clarifying Prior Order and Denying Application for Rehearing

Issued: December 28, 1981.

On November 25, 1981, Central Illinois Public Service Compay (CIPSCO) filed an application for rehearing of our order of October 30, 1981, in this proceeding. In that order the Commission, *inter alia*, suspended a wheeling tariff filed by CIPSCO for one day and directed the company to eliminate from the tariff a provision allowing it to discontinue service after 10 days notice if a bill remains delinquent for 15 days or more. CIPSCO contends that: (1) The

Commission erred in failing to determine that its filing constituted an initial rate; and (2) the Commission has improperly applied §35.15 of its regulations in ordering the company to revise its tariff.

Although not expressly stated in our prior order, we treated CIPSCO's filing, by suspending it for one day and permittting it to go into effect subject to refund, as a change in rates and not as an initial rate.

CIPSCO contends that the tariff which it filed has the attributes of an initial rate schedule particularly in that it is a tariff which was not previously filed with the Commission and which is available to any taker who meets the conditions set forth therein, including customers not previously served by the company. CIPSCO also contends that the policy of maintaining the *status quo*, which underlies our authority to suspend rate filings, is inapplicable in the instant case.

We disagree with CIPSCO's view of its filing. Under the Commission's regulations,[1] a rate schedule which purports

> to supersede, *supplement*, cancel, or *otherwise change* any of the provisions of a rate schedule required to be on file with this Commission (*such as providing for other or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers*) shall be filed as a change in rates * * * (Emphasis added).

In the instant case, CIPSCO is currently providing full and partial requirements service to various Illinois municipalities. This service includes transmission of electric power. Thus, insofar as the wheeling tariff filed by CIPSCO is applicable to these municipalities, it constitutes a supplemental filing, a change in service and rates under section 205 of the Federal Power Act and under the Commission's regulations. *Florida Power & Light Co.* v. *F.E.R.C.*, 617 F.2d 809 (D.C. Cir 1980), *affirming Florida Power & Light Co.*, Docket No. ER77–175 (April 12, 1977).[2]

CIPSCO contends that *Florida Power & Light Co.* is distinguishable in that the wheeling agreements filed in that case were executed only by prior customers of the utility, whereas the tariff that has been filed in this docket is one of general applicability. It is unnecessary to determine, at this time, the status of CIPSCO's filing as it would apply to prospective, but as yet unidentified customers. We need not address this question until such time as CIPSCO submits an appropriate service agreement under the filed tariff. However, as *Florida Power & Light Co.* establishes, the Commission may classify the instant filing, at least with respect to CIPSCO's existing wholesale requirements customers, as a change in rates. Accordingly, we shall deny CIPSCO's application for rehearing on this issue.

As to the second issue raised by CIPSCO's application for rehearing, we stated in our October 30, 1981 order that the discontinuation provision contravened section 35.15 of the regulations, CIPSCO, however, contends that this regulation applies to outright termination of a rate schedule, and not to discontinuation of service. We find no effective difference between the two; §35.15 implements, in part, section 205 of the Federal Power Act which, in the absence of Commission action, precludes any change in existing service (including cessation of same) without 60 days notice to the Commission and the public. *See Missouri Utilities Co.*, Docket Nos. ER79–642, *et al.* (February 6, 1981).[3] This statutory notice requirement not only provides the Commission with an opportunity to evaluate an anticipated interruption in service, but also preserves the reliability of electric service by avoiding the possibility of cancellation as a result of customer oversight or omission. Because we find that CIPSCO's argument is unsupportable, we shall deny the application for rehearing on this issue as well.

The Commission orders

(A) CIPSCO's application for rehearing of the Commission's order of October 30, 1981, is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hughes concurred with a separate statement attached.

Kenneth F. Plumb,

Secretary.

HUGHES, COMMISSIONER, *concurring:*

Again we are confronted with a rate filing which is argued by its proponent to be an initial rate filing, but which the Commission finds to be a change of rate. The Commission's finding is made to avoid the problems caused by the Commission's historic view that an initial rate filing is immune from our suspension power. It is my view that the only barriers to suspension of an initial rate are of the Commission's own making, and we should set about unmaking them without delay. For the completeness of this record, I here immodestly, but for the last time, quote the explanation of this view contained in my concurring statement issued December 17, 1981 in *Puget Sound Power & Light Co.*, Docket Nos. ER81–778–000, 17 FERC ¶ 61,185.

The view that initial rates cannot be suspended under sectin 205(e) of the Federal Power Act has been a part of our lore for many years.[5] I believe that view was erroneous, albeit arguable, when it was first espoused, but that judicial interpretations of cognate statutes over the last few years have made it perfectly clear that the Power Act should be read to give equal authority to suspend rates for new services and changed rates for existing services.

The most compelling argument is the unequivocal holding of the Supreme Court in the *Trans Alaska Pipeline Rate Cases*, 436 U.S. 631 (1977). The Court there reviewed orders of the Interstate Commerce Commission suspending the initial rates for the Trans Alaska Pipeline System and permitting the filing of interim rates subject to refund.[6] The ICC acted under section 15(7) of the Interstate Commerce Act, 49 U.S.C. 15(7). The language of that section was adopted, almost verbatim, as section 205(e) of the Federal Power Act.

The Court's opinion retraced the development of the tariff filing and suspension provisions of the Interstate Commerce Act in both textual and practical terms. The analysis led squarely to the conclusion that the power to suspend initial rates was not only permissible, but was an essential part of the statutory scheme. The Court went on to sustain and commend the ICC's interim rate provisions under what the Court described as an ancillary power. 436 U.S. at 654.

One point that weighed in the Court's opinion is that the same result clearly obtains under Parts II, III and IV of the Interstate Commerce Act, which were adopted during the 1930s to extend the ICC's coverage to motor carrier, inland water carrier and freight forwarder operations. 436 U.S. at 650 and footnote 32.

To gild the lily, two other rate statutes of the 1930s adopted the language of section 15(7) and permit suspension of initial rates. See *MCI Communications, Inc.* v. *FCC*, 561 F.2d 365 (D.C. Cir. 1976), *cert. denied* 434 U.S. 1040, involving sections 203–205 of the Communications Act of 1934, 47 U.S.C. 203–205.[7] Also, see Section 3 of the Intercoastal

---

[1] 18 CFR 35.1.

[2] CIPSCO cites *Otter Tail Power Co.* v. *FERC*, 583 F.2d 399 (8th Cir. 1978), as dictating a contrary conclusion. However, the *Otter Tail* decision preceded *Florida Power & Light Co., supra*, in which the reviewing court both acknowledged and affirmed a subsequent change in Commission interpretation.

[3] CIPSCO attempts to distinguish *Missouri Utilities Co.*, in which the Commission rejected a similar termination provision, on the grounds that the tariff filed in that proceeding would have allowed for discontinuation of service without notice to the affected customer; in contrast, CIPSCO's tariff provides for 10 days notice. CIPSCO's argument, however, fails to account for the statutory requirement of notice *to the Commission*, apart from any notice given to the untility's customer.

[5] It is recited in our Statements of Policy at 18 CFR 2.4(d) and applies to Natural Gas Act filings through 18 CFR 252.

[6] And thereby triggering the investigation now before us in Docket No. OR78–1

[7] Section 204, which contains the suspension provisions, has since been amended to provide an

Continued

Shipping Act, 46 U.S.C. 845,[8] which was enacted with a proviso clause exempting a limited class of initial rates from suspension.

I find it unmistakable that section 205(e) of the Federal Power Act, modelled after section 15(7) of the Interstate Commerce Act, and passed contemporaneously with five other principal ratemaking statutes, has the same meaning as those statutes with respect to interim rate suspensions.

Yet the Federal Power Commission in 1945 adopted the opposite view. Reviewing courts have uncritically accepted the Commission's position, and within that framework have affirmed Commission findings that filings were rate changes rather than initial rates. But their analysis of the underlying proposition, that initial rates cannot be suspended, has been very thin.

In *Otter Tail Power Company* v. *FERC*, 583 F.2d 399 (8th Cir. 1978), the Court regarded that purpose of the suspension power as preservation of the status quo: "This supplemental suspension power is not available when considering initial rates since there exists no service status quo to maintain." 583 F.2d at 406. But there is more at stake than just the status quo. The power to suspend and to investigate under suspension importantly affects the availability of refunds and the allocation of the burden of proof. Since the Power Act lacks a reparations procedure comparable to that of the Interstate Commerce Act,[9] the practical case for initial rate suspensions is even stronger under the Power Act.

In *Florida Power & Light Co.* v. *FERC*, 617 F.2d 809 (D.C. Cir. 1980), the Court took the view that the word "such" in the opening phrase of section 205(e) finds its antecedent in the references to rate increase filings in section 205(d), rather than the references to "schedule" in section 205(c). 617 F.2d at 812. That discussion is plainly labelled as dictum, and did not consider the most obvious meaning of the phrase, which was to avoid suspensions of the first filing with the FPC of "old" rate schedules, i.e., preexisting rate schedules in effect before the passage of the Power Act, but which the Act required to be filed with the FPC. The *Florida Power* decision also relies on *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) as similarly construing the Natural Gas Act's parallel section 4. My reading of *Mobile* finds no discussion, analysis or holding to support that reliance, but only truncated paraphrasing of the statute to highlight the issue there at bar. The *TAPS* case analysis, with the foregoing amplification, persuades me that a reviewing court presented squarely with this issue would sustain a suspension of an initial rate.

A further practical argument that has been advanced against initial rate suspensions is that they prevent customers from using new services during the period of suspension. That argument, if not answered by our frequent use of a minimum or one-day suspension, has been put to rest by the Supreme Court's approval in TAPS of refundable interim rates under circumstances where a longer suspension is indicated. In the Court's view, this arrangement permits service to be rendered while customers interests are protected.

There is no statutory, practical or logical reason why we must struggle to engage in the fiction of labelling initial rate filings as changes in existing rates. It simply should not affect our powers whether they are or not. I urge my colleagues to consider changing the Commission's Policy Statement § 2.4(d).[10] That Policy Statement perpetuates an ill-founded opinion from the Devonian period of the FPC's history that has become an anachronism.

[FR Doc. 81-37436 Filed 12-31-81; 8:45 am]
BILLING CODE 6717-01-M

---

[8] interim ratemaking provisions, which is now section 204(b).

[8] Also recently amended to add new regulatory powers.

[9] See *TAPS*, 456 U.S. at 639-646

[10] If we undertake such a review, it should also include 19 CFR 35.12, which governs filing requirements for initial rates. If an initial rate filing is subject to suspension, the required filing package should give us enough information to make a reasoned suspension decision, but we have to recognize that pertinent historic operating results will not usually be available for service.

[Docket No. ER82-155-000]

Central Maine Power Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Central Maine Power Company, (CMP) on December 15, 1981, tendered for filing proposed changes in its FERC Wholesale Electric Tariffs. The proposed changes would increase revenues from jurisdictional sales and service by $420,174 based on the 12 months period ending December 31, 1980. The changes would also establish a plan for future wholesale transactions.

CMP filed these changes in its FERC Electric Tariff in order to raise the rate of return from this class of customer to a level that is just and reasonable and to establish a program for future wholesale planning. CMP proposes an effective date of February 13, 1982.

According to CMP copies of this filing were served upon the public utility's three jurisdictional customers and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37427 Filed 12-31-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-159-000]

Central Power and Light Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Central Power and Light Company (CP&L), on December 18, 1981, tendered for filing a Transmission Services Agreement (Agreement) between CP&L and Houston Lighting and Power (HL&P). Accompanying the Agreement is the Rate Schedule (designated TS No. 64) and a cost of service study. Depending upon capacity use, CP&L anticipates the transmission rate will be less than one mill. Under the agreement the transmission service charge will be in effect for a calendar year. A cost of service study and impact study will be updated annually with a new charge to be effective with the ensuing January billing period.

CP&L requests that February 14, 1981 be assigned as the filing date of the Agreement and effective date of rates for transmission services.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37428 Filed 12-31-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-160-000]

Central Telephone & Utilities Corp., Western Power Division; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that on December 18, 1981, Western Power Division, Central Telephone & Utilities Corporation (Western Power) tendered for filing proposed changes to its present rate schedules for service to its REA Cooperative customers as follows:

Substitute Rate Schedule 82-CWh-2 for Rate Schedule 81-CWh-2

for service to its Municipal Wholesale customers as follows:

Substitute Rate Schedule 82-MWh-5 for Rate Schedule 81-MWh-5

for service to Midwest Energy, Inc. (an interconnected transmission and distribution cooperative) as follows:

Substitute Schedule 82-A for firm power service for present Schedule 81-A.

and for service to interconnected municipal utilities (the cities of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Osborne, Stockton, Russell, and Washington, Kansas) as follows:

Substitute Schedule 82-A-1 for firm power service for present Schedule 81-A-1.

for Transmission Service to Kansas Electric Power Cooperative Inc. as follows:

Substitute Schedule 82-TSv-1 for Transmission Service for present Schedule 81-TSv-1.

Western Power proposed February 16, 1982, as the effective date of these new rate schedules and states that copies of this filing were served upon each of its wholesale customers affected by this filing and the Kansas State Corporation Commission.

The proposed rate schedules, according to Western Power, will produce in the case of its REA Cooperative customers a 4.97% increase in revenue, in the case of its Municipal Wholesale customers an 11.23% increase in revenue, in the case of Midwest Energy, Inc., a 14.41% increase in revenue, in the case of the Interconnected Municipal Utilities a 13.92% increase in revenue, and in the case of KEPCo a 19.34% increase in revenue over projected unadjusted test period revenue, the test period being the 12 months ending December 31, 1982. The rates under which the Company presently provides service to its REA Cooperatives and Municipal Wholesale customers are prohibitively low and confiscatory. The rates proposed for these customers will provide an adequate rate of return on the Company's investment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protesters should be filed on or before *January 15, 1982*. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37429 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-117-002, et al.]

Columbia Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 11, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Dec. 15, 1981	Columbia Gas Transmission Corporation	RP81-117-002	LFUT Report.
Dec. 15, 1981	Columbia Gas Transmission Corporation	RP81-117-003	LFUT Report.
Dec. 15, 1981	East Tennessee Natural Gas Company	RP82-22-000	LFUT Report.
Dec. 15, 1981	Mid-Louisiana Gas Company	RP81-108-001	LFUT Report.
Dec. 16, 1981	Midwestern Gas Transmission Company	RP82-23-000	LFUT Report.
Dec. 15, 1981	Northern Natural Gas Company	RP81-110-001	LFUT Report.
Dec. 15, 1981	Texas Eastern Transmission Corporation	RP81-121-001	LFUT Report.
Dec. 15, 1981	Transwestern Pipeline Company	RP82-24-000	LFUT Report.

[FR Doc. 81-37430 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-157-000]

Florida Power Corp.; Filing

December 28, 1981.

The filing company submits the following:

Take notice that on December 17, 1981, Florida Power Corporation ("Florida Power") tendered for filing a revision to its contract with the city of Wauchula, Florida, for wholesale electric service. The revision reflects a change in electric service from 12kV to 69kV as of September 1, 1981, and results in a net rate reduction to Wauchula.

Florida Power requests waiver of the Commission's 60-day notice requirement to allow an effective date of September 1, 1981, for the contract amendment.

Copies of this filing have been served on Wauchula and the Florida Public Service Commission.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-37431 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC82-4-000]

Illinois Power Co.; Application for Merger

December 28, 1981.

Take notice that Illinois Power Company ("the Company") on December 14, 1981, tendered for filing an application for the merger of its wholly-owned subsidiary, I.P., Inc., into Mt. Carmel Public Utility Co. ("Mt. Carmel").

Under the terms of the proposed merger, I.P., Inc. will exchange stock with Illinois Power and then I.P., Inc. will merge into Mt. Carmel. The aggregate value of Illinois Power stock distributed to Mt. Carmel shareholders is approximately $3,559,219. All property of Mt. Carmel, including the electric generation, transmission, distriubution and street lighting systems and related materials, supplies and equipment, the gas distribution system and other property, will be consolidated with the facilities of Illinois Power. Mt. Carmel is a public utility engaged in the generation, transmission, distribution and sale of natural gas in the eastern two-thirds of Wabash County and in one community in southern Lawrence County, Illinois. I.P., Inc. was incorporated on October 8, 1981 to aid in the consummation of the merger into Mt. Carmel, and is presently a corporation under the laws of the State of California.

The facts relied upon by Illinois Power and Mt. Carmel to show that the proposed transaction is consistent with the public interest include the following:

(a) Decreases in billing for Mt. Carmel's customers;

(b) Illinois Power will establish a district office at Mt. Carmel;

(c) Illinois Power will upgrade the existing electric facilities to the standards of Illinois Power and thus will increase service reliability;

(d) With its various sources of gas supply, Illinois Power may be able to connect new customers in the Mt. Carmel area; and

(e) The acquisition of additional service territory will benefit Illinois Power's existing customers and stockholders by increasing the market area for sales of electric and gas energy.

Illinois Power requests approval of its application pursuant to section 203 of the Federal Power Act and § 33.2 of the Commission's regulations.

Copies of this filing were served upon Mt. Carmel Public Utility Co., Central Illinois Public Service Company, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37432 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Compliance Filing

Issued: December 28, 1981.

Take notice that Louisiana Power & Light Company (LP&L), on December 14, 1981, tendered for filing a revised Electric Service Agreement and attached rate schedule for Resale Service to the City of Winnfield. This filing was made pursuant to an Initial Decision issued November 2, 1981, which was modified and affirmed by Commission Order issued December 11, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 15, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37433 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-153-000]

Public Service Co. of Colorado; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on December 15, 1981, tendered for filing the Western Systems Coordinating Council (WSCC) Broker Identified Energy Agreement and the WSCC Broker Transmission Service Agreement (Agreements).

PSCo states that the Agreements provide, *inter alia*, for sales and/or transmission of Broker identified economy energy between the electric systems of PSCo and other participating WSCC members either directly or through the systems of other parties. The Agreements provide for establishing terms and conditions of such Broker arranged economy energy sales. Certain individual WSCC Economy Energy "Broker" Letter Agreements will be replaced by the above-mentioned Energy Agreement and Transmission Agreement.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37434 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-156-000]

Southern California Edison Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that on December 17, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Capacity Exchange Agreement Between Southern California Edison Company and State of California, Department of Water Resources" which has been executed by Edison and State of California, Department of Water Resources (CDWR).

Edison states that under the terms and conditions of the agreement, Edison will make available to CDWR off-peak capacity and associated energy in exchange for on-peak capacity and associated energy made available to Edison by CDWR at either Midway

Substation near Bakersfield, California, or the 500 kV bus at Vincent Substation, located near Palmdale, California.

Edison further states that the agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission, with service to be made initially available between December 31, 1984, and April 2, 1987.

According to Edison copies of this filing were served upon the Public Utilities Commission of the State of California, and State of California, Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37435 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-16-000]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

December 23, 1981.

Take notice that United Gas Pipe Line Company (United), on December 2, 1981, tendered for filing the following proposed tariff sheets for inclusion in its FERC Gas Tariff, First Revised Volume No. 1:

Twenty-First Revised Sheet No. 21
Seventh Revised Sheet No. 22
Fourteenth Revised Sheet No. 23.

United states that the purpose of such filing is to revise the minimum bill provision applicable to pipeline service under its Rate Schedule PL-N. United has requested that the revised tariff sheets be made effective as of January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 7, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37436 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Proposed Power Marketing Plan for Excess Capacity and Public Information and Public Comment Forums Loveland-Fort Collins Area Office

AGENCY: Western Area Power Administration, DOE.

ACTION: Proposed power marketing plan and public information and public comment forums—Loveland-Fort Collins Area Office.

SUMMARY: Approximately 80 MW of previously unallocated firm capacity without energy is available through 1989 from power plants of the Pick-Sloan Missouri Basin Program—Western Division (P-SMPB—WD). Western Area Power Administration (Western) proposes to market this capacity and wishes to explore, with its customers, various alternative methods.

A public information forum will be held at which representatives of Western will explain and answer questions concerning the various alternatives. A public comment forum will be held at which comments will be received.

DATES: The public information forum will be held January 19, 1982, beginning at 9:30 a.m. and ending no later than 4 p.m.

The public comment forum will be held February 3, 1982, beginning at 9:30 a.m. and ending no later than 4 p.m.

Written comments on the alternatives must be received by the Area Manager of Western's Loveland-Fort Collins Area Office (LFCAO) at the address given below, by February 5, 1982, to be assured of consideration.

After review of the comments on the various alternatives, Western will develop a plan to market the capacity.

ADDRESSES: The public information and public comment forums will be held at the Holiday Inn Thorton, located north of Denver at the intersection of 120th Avenue and I-25 (Exit 223), in Thornton, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 201 South College, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 224-7201

Mr. Harold E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231-1545.

SUPPLEMENTARY INFORMATION:

A. Regulatory Procedural Requirements

1. *Determination Under Executive Order 12291:*

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of Section 1(b) of Executive Order 12291 published in the **Federal Register** on February 19, 1981 (46 FR 13193). This rule was submitted to the Director of the Office of Management and Budget prior to publication in the **Federal Register.**

2. *Environmental Evaluation:*

Western will conduct an environmental evaluation of the proposed marketing plan when developed. It appears that implementation of the alternatives would have no significant effect on the quality of the human environment.

3. *Statutory Basis:*

The Western Area Power Administration was established on December 21, 1977, under the Department of Energy Organization Act (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to the power marketing functions of the Bureau of Reclamation. Western was established to administer those functions trasferred from the Bureau of Reclamation.

The marketing plan for the excess capacity is being developed by Western pursuant to the Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 *et seq.*), and the Reclamation Act of 1900 (32 Stat. 388, 43 U.S.C. 372 *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9c of the Reclamation Project Act of 1939 (53 Stat. 1194, 43 U.S.C. 485h(c)).

B. Description of Resource To Be Marketed

Western's Loveland-Fort Collins Area Office markets power generated at 16 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a

200,000-square-mile service area. Fifteen of these powerplants comprise the Pick-Sloan Missouri Basin Program—Western Division power system. They have a combined nameplate capacity of 518 MW.

The adverse water year peaking capability of these plants is 515 MW in the summer season and 465 MW in the winter season. Allowing 52 MW and 47 MW, respectively, for reserves, the marketable capacity at load is 463 MW in the summer season and 418 MW in the winter season.

The amount of capacity committed to firm power contracts through 1989 by the 1961 allocation procedure is 384 MW in the summer season and 346 MW in the winter season. This is the amount of capacity supportable with 1,860 million kWh of energy available in an average water year.

The resource available is this excess firm capacity (79 MW in summer and 72 MW in winter), plus seasonal capacity in excess of the 515 MW in the summer season and 465 MW in the winter season.

Prior to the 1980 winter season, the excess firm capacity together with excess seasonal capacity was diverted through the Yellowtail Powerplant, combined with P–SMBP Eastern Division resources, and marketed by Western's Billings Area Office. Beginning in 1979, operational limitations began to restrain transfers between the Eastern and Western Divisions at Yellowtail. It became necessary to develop other means to market LFCAO excess capacity. During the 1980 winter season and the 1981 summer season, excess capacity was marketed through a LFCAO coordinated marketing program to Western's Colorado River Storage Project (CRSP) power system for their firming and oil conservation use. This program will through the 1981 winter season.

C. Marketing Alternatives

Western has considered four alternatives for marketing the excess firm capacity and seasonal excess capacity. First, Western could offer to sell the excess capacity without energy to existing customers. This would result in an incease in contract rate of delivery with no additional energy entitlement.

The second alternative considered would require Western to puchase energy to integrate with the excess capacity, and to sell the resulting product—firm capacity with energy. Implementing this alternative could require the appropriation of about $5 million per year to finance the purchase of firming energy.

A third alternative would be to market the capacity with return of energy.

The fourth alternative considered is to use the excess capacity to expand the scope of the LFCAO coordinated marketing program which has been operating since October 1980. This program is called the Resource Coordination Program and is described briefly in subsection D.

The amount of energy available under the second and fourth alternatives will depend upon the availability of energy and the extent to which P–SMBP—WD can store energy, which is a function of offpeak load requirements. The amount of energy available under the third alternative would also depend upon the extent to which energy can be stored.

D. The Resource Coordination Program Description

The Resource Coordination Program (Program) is a power pooling arrangement managed by a steering committee in which the Program participants commit their individual generation resources to shape surplus energy to maximize its availability and value in the displacement of oil-fired and more costly thermal generation. The resulting benefits are split among Program participants in accordance with split-saving principles. The participants in the Program include Western and non-Federal preference utilities that own thermal-generation facilities and that have loads in Western's Loveland-Fort Collins load control area.

The major benefits of resource coordination are achieved through integration of Federal hydroelectric generation with thermal generation owned by preference entities. Surplus energy generated during offpeak hours of low demand is converted to onpeak use by reducing hydroelectric generation associated with Federal nighttime load obligations and serving that entitlement with surplus thermal-generated energy. Backing-off Federal hydrogeneration keeps in the reservoirs the water which would otherwise have been used for generation. This stored water is subsequently used to generate and sell surplus energy during daily and seasonal high-load periods when the energy is most valuable.

Issued at Golden, Colorado, December 24, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81–37442 Filed 12–31–81; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Meeting

Meeting

Thursday, January 28, 1982, 9:30 a.m.–3:00 p.m., COMSAT Theater, Off the Lobby, 940 L'Enfant Plaza, SW., Washington, D.C.

Agenda

(1) Approval of Agenda.

(2) Presentation of Draft Reports by Subcommittee Chairmen.

(A) Service Requirements—S. Doyle.

(B) Technical Parameters—R. Reinhart.

(C) Inter-Service Sharing—J. Kelleher.

(3) Preview of Remaining Committee Tasks.

(4) Other Business.

(5) Adjournment.

Dated: December 23, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–37386 Filed 12–31–81; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 1; Meeting

Subgroup 1

Service Requirements.

Meeting

Tuesday, January 26, 1982, 9:30 a.m.–4:30 p.m., Federal Communications Commission, 1229 20th Street, NW., Room A–106, Washington, D.C.

Agenda

(1) Approval of Agenda.

(2) Presentation of Overview of Subcommittee Report.

(3) Consideration of Revision of Amendments to Subcommittee Report.

(4) Planning of Subsequent Work.

(5) Other Business.

(6) Adjournment.

Dated: December 22, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–37393 Filed 12–31–81; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 2; Meeting

Subgroup 2

Technical Parameters.

Meeting

Monday, January 25, 1982, 9:30 a.m.–4:30 p.m., Federal Communications Commission, 1229 20th Street, NW., Room A–110, Washington, D.C.

Agenda

(1) Approval of Agenda.
(2) Approval of Minutes of last meeting.
(3) Announcements.
(4) Progress Report of Working Group 2A—J. Ramasastry.
(5) Progress Report of Working Group 2B—E. Martin.
(6) Inputs from Subcommittee 1.
(7) Inputs from Subcommittee 3.
(8) Final Subcommittee Report.
(9) Other Business.
(10) Date for Next Meeting and Adjournment.

Dated: December 22, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37394 Filed 12-31-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-902; File No. BP-801205AA]

Bott Broadcasting Co.; Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

Adopted: December 14, 1981.
Released: December 29, 1981.

In re application of Bott Broadcasting Company, KCCV, Independence, Missouri, Has: 1510 kHz, 1 kW, Day, Req: 1510 kHz, 1 kW, 10 kW–LS, DA–2, U, BC Docket No. 81–902, File No. BP–801205AA, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, now considers (i) the above-captioned application of Bott Broadcasting Company to modify the facilities of KCCV, (ii) a petition to deny it filed by Sudbrink Broadcasting of Tennessee, Inc., licensee of cochannel class I–B station WLAC, Nashville, Tennessee, (iii) Bott's opposition to the petition, (iv) Sudbrink's supplement to the petition, (v) Bott's opposition to the supplement, and (vi) Sudbrink's reply to that.

2. Because Sudbrink alleges that the proposed nighttime operation may cause objectionable interference to the secondary service area of its station, WLAC, Nashville, Tennessee, it has standing to object to the Bott proposal. Federal Communications Commission v. National Broadcasting Co., 319 U.S. 239 (1943); see also Thunderbird Broadcasting Co., 61 FCC 2d 1190 (1976).

3. *Sudbrink's petition.* Sudbrink's interference argument is based on assertions that the terrain of the proposed nighttime site is unsuitable, that the site is near several sources of potential reradiation, and that a stability study it conducted shows that the proposed directional antenna is inherently sensitive to minor parameter variations, with the result that the antenna cannot be adjusted and maintained within the proposed standard-pattern values of radiation. Therefore, it concludes that there is a risk of interference to WLAC.[1] Sudbrink also alleges that Bott failed to broadcast notice of the retender of its application, that Bott has not complied with local zoning restrictions for its proposed nighttime site, that that site is unavailable, and that the proposed daytime power increase would create substantial problems of blanketing interference within the 1 V/m blanket contour.

4. In opposition, Bott argues that the nighttime site is suitable; that Sudbrink has not shown anything likely to present a serious reradiation problem; and that Sudbrink has not shown that the alleged site and antenna defects would result in interference to WLAC, since interference would not occur unless radiation substantially exceeded standard-pattern values. Further, Bott contends that publication was not required for its retendered application, that the nighttime site and necessary zoning approval can be acquired, and that its daytime proposal does not violate the Commission's blanketing rules.

5. With respect to Sudbrink's principal argument, a determination of array stability involves consideration of factors both internal and external to an array. Using our computerized stability study and the one adopted in Home Service Broadcasting Corp., 68 FCC 2d 1135 (1978), we find that with parameter variations as small as 0.5-percent current-ratio deviation and 0.5° phase deviation, nighttime radiation in the direction of WLAC would exceed the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis.) Further, a high RSS/RMS ratio of 3.002 also indicates instability. In light of these factors, we are unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern.[2] Therefore, exploration of the proposed nighttime operation at hearing is required, at which time Sudbrink's reradiation and site-suitability arguments can be considered.

6. Turning to the other matters raised, the retendered application was accompanied by a timely petition for reconsideration of an earlier Bureau action returning the application, and a minor technical amendment. Since the retender represented continued prosecution of the application for which local notice had already been given and the amendment did not affect a major change, no further notice was required. See § 73.3571(b) of the Commission's rules.

7. Bott has satisfactorily rebutted Sudbrink's assertion that the owner of the proposed nighttime transmitter site is not willing to sell or lease it to Bott. Petitioner's remaining argument as to site availability reduces to the mere fact that Bott has not yet secured the required special use permit. Therefore, no substantial question of site availability is presented. See San Francisco Wireless Talking Machine Co., Inc., FCC 80–160, Mimeo No. 27330, 47 RR 2d 889 (1980).

8. Finally, as Bott correctly points out, its daytime proposal complies with § 73.24(g) of our rules in that the population within the 1V/m contour (4,192) is less than one percent of that within the 25 mV/m contour (570,450). Further, Bott recognizes its obligation under § 73.88 of the rules to satisfy any reasonable complaints of blanketing interference that may develop. Therefore we find no basis to Sudbrink's allegation of potentially serious blanketing interference problems. See generally Mariner Communications, Inc., FCC 80–760, Mimeo No. 28570, 48 RR 2d 1218 (1980).

9. *Other matters.* Applicant has requested waiver of § 73.24(j) of the rules because its proposed 5 mV/m nighttime contour would not serve all residential areas of Independence.[3] In

[1] We note that Sudbrink does not assert that the proposed standard pattern would cause interference to WLAC, only that the antenna cannot be adjusted and maintained within the standard pattern values of radiation.

[2] Since we are unable to determine that the nighttime array can be adjusted and maintained within the proposed standard pattern, we need not reach the question of whether there would be interference to WLAC.

[3] In pertinent part, § 73.24(j) requires "that the 5 mV/m contour (or, at night, the interference-free

Continued

support of its request, Bott says it would provide service to over 97 percent of the residential area and 99 percent of the population of the city. However, it has not said what part of the city's total area would not receive service or described that unserved area in more than general terms. Such information is critical to a determination of whether waiver is warranted. Further, internal inconsistencies in Bott's submissions supporting its waiver request raise questions as to the validity of the data submitted. There is an unexplained substitution of units of area (square miles versus acres), with no corresponding change in the associated numerical values; Bott does not recognize any difference in the area covered by the 5 and the 4.26 mV/m (interference-free) contours (though Bott's own maps show some, as we would expect); and part of one planning district which appears not to receive 5 mV/m service was apparently not taken into account. We will therefore specify an appropriate issue.

10. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to conclude that grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing.

11. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at at time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed nighttime antenna system can be adjusted and maintained within the proosed limits of radiation.

2. To determine whether the nighttime proposal would provide coverage of Independence, Missouri, as required by § 73.24(j) of the Commission's rules, and if not whether circumstances exist which warrant waiver of that rule.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

12. It is further ordered, that the petition to deny filed by sudbrink Broadcasting of Tennessee, Inc. is granted to the extent indicated, and is denied otherwise, and that Sudbrink is made party to the proceeding.

13. It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample-current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array, to insure maintenance of the radiated fields within the authorized values of radiation.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of daily observations of the base currents and their ratios, relative phases, sample currents and their ratios, and sample current ratio deviations for each element of the array, along with the final amplifier plate voltage and current, the common point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days to demonstrate that the array will be maintained within the specified tolerances.

14. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rule, the parties shall within 20 days of the mailing of the order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

15. It is further ordered, that pursuant to Section 311(a)(2) of the Communicatons Act of 1934, as amended, and § 73.3594 of the Commission's rules, Bott shall give notice of the hearing and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-37385 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-887—81-889; File Nos. BPH-800923AD, etc.]

Limestone Broadcasting, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 11, 1981.

Released: December 28, 1981.

In re applications of Limestone Broadcasting, Inc., Mexia, Texas, Req: 104.9 MHz, Channel 285 3 kW (H&V), 292 feet, BC Docket No. 81-887, File No. BPH-800923AD; Summit Broadcasting Associates, Inc., Mexia, Texas, Req: 104.99 MHz, Channel 285 2.3 kW (H&V), 335 feet, BC Docket No. 81-888, File No. BPH-810112AE; BI-Stone Radio Company, Inc., Mexia, Texas, Req: 104.9 MHz, Channel 285 3 kW (H&V), 300 feet, BC Docket No. 81-889, File No. BPH-810205AA; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) The above-captioned mutually exclusive applications filed by Limestone Broadcasting, Inc. (Limestone), Summit Broadcasting Associates, Inc. (Summit), and Bi-Stone Radio Company, Inc. (Bi-Stone), and (ii) a petition to dismiss filed by Limestone against Bi-Stone and related attachments.

2. Since no determination has been reached that the antennas proposed by Limestone, Summit, and Bi-Stone would not constitute a menace to air navigation, an issue regarding this matter is required.

3. *Other Matters.* Limestone has filed a petition to dismiss Bi-Stone's application on the ground that Bi-Stone's application is unacceptable for filing since it was received February 5, 1981, one day after the February 4, 1981 cut-off listed on the Public Notice (Mimeo No. 05235) released December 22, 1980. However, as noted in the Public Notice (Mimeo No. 07123) released February 18, 1981:

Since the intervening holidays delayed publication of the report in the **Federal Register** until January 16, 1981, applications and/or petitions which were required to be on file by February 4, 1981 will be considered to have met that deadline if they were filed by February 17, 1981.

Accordingly, Limestone's petition is denied.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by Limestone Broadcasting, Inc., Summit Broadcasting Associates, Inc., and Bi-Stone Radio Company, Inc.

---

contour, if of a higher value) [encompass] all residential areas of such community."

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

6. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

7. It is further ordered, that in the event the application of Limestone Broadcasting, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Limestone Broadcasting, Inc. will divest itself of either KBUS(AM) or its FM station in accordance with the requirements established in such rulemaking proceeding.

8. It is further ordered, that the petition to dismiss filed by Limestone Broadcasting, Inc. is denied.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.359(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 81-37387 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-885, 81-886; File Nos. BPCT-810716KF; BPCT-810908KI]

Robert Paul Owens and O. L. Turner; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 11, 1981.

Released: December 28, 1981.

In re applications of Robert Paul Owens, Sikeston, Missouri, BC Docket No. 81-885, File No. BPCT-810716KF; O. L. Turner, Sikeston, Missouri, BC Docket No. 81-886, File No. BPCT-810908KI; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 45, Sikeston, Missouri.

2. Since no determination has been reached that the tower heights and locations proposed by Robert Paul Owens and O. L. Turner would not constitute a hazard to air navigation, an issue regarding this matter is required.

Robert Paul Owens

3. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Robert Paul Owens published the required notice. To remedy this deficiency, Robert Paul Owens will be required to publish local notice of his application, if he has not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

4. The proposed antenna and tower is to be located 1.67 miles from the existing AM station KSIM tower. Therefore, in order to insure that the AM pattern will not be adversely affected, a grant of this application will be appropriately conditioned.

5. Applicant estimates that $183,576 will be required to construct and operate for three months. Applicant has demonstrated that $179,750 is available to finance the proposal. So, there is a $3,826 short-fall. In light of the strong financial condition of Robert Paul Owens, it is reasonable to assume he will be able to obtain the additional $3,826. Therefore, no financial issue will be specified.

O. L. Turner

6. Applicant did not submit Section II, FCC Form 301, but submitted a Statement In Lieu of Section II, which contains some ownership information and seeks to incorporate by reference information from other applications filed by him. He has not indicated whether there have been any changes since the date of filing. In light of the above, applicant will be required to submit to the Commission, within 30 days of the mailing of this Order, all the requisite FCC Form 301, Section II information.

7. Applicant estimates that $582,970 will be required to construct and operate for three months as proposed. To finance its proposal, applicant relies upon: (1) A net loan of $221,600 from The Bank of Harrisburg, and; (2) existing capital of $600,000. With respect to (2) above, Turner has $100,000 in cash and $105,293 in certificates of deposit as a liquid assets. Substracting the $22,500 current portion of Real Estates Mortagages liabilities, net liquid assets are $182,793. Net liquid assets added to the $221,600 net loan, gives total funds available of $404,393. Since $582,970 is required to finance the proposal, there is a $178,576 short-fall. Therefore, an appropriate financial issue will be specified.

Conclusion and Order

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Robert Paul Owens and O. L. Turner whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine with respect to O. L. Turner:

(a) The source and availability of an additional $178,576;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, that, Robert Paul Owens file a statement of publication of local notice of its application with the presiding Administrative Law Judge in accordance with § 73.3580(f) of the Commission's rules.

11. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

12. It is further ordered, that should a construction permit be granted to Robert

Paul Owens, such grant will be subject to the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station KSIM so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional and the results submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence Limited Program Tests.

13. It is further ordered, that O. L. Turner shall, within 30 days of the mailing of this Order, file with the presiding Administrative Law Judge, an amendment containing F.C.C. Form 301, Section II information which was omitted from the original application.

14. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-37386 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1325]

Petitions for Reconsideration of Actions in Rule Making Proceedings

December 28, 1981.

The following listing of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before January 15, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coxsackie and Rotterdam, New York) (BC Docket No. 81-322, RM's 3722 & 3935)

Filed by: Scott H. Robb, Attorney for Catskill Communications, Inc., (WCKL) on 12-21-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37392 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-900, 81-901; File Nos. 22286-CG-P-(3)-81, 20118-CG-P-(3)-81]

Radiocall Corp. and Skyphone, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 16, 1981.
Released: December 22, 1981.

In re applications of Radiocall Corporation, for authority to construct a new air-ground radiotelephone station on working frequencies 454.725 and 454.850 and on signalling frequency 454.675 in the Domestic Public Land Mobile Radio Service at Honolulu, Hawaii, CC Docket No. 81-900, File No. 22286-CG-P-(3)-81; Skyphone, Inc., for authority to constuct a new air-ground radiotelephone station on working frequencies 454.750 and 454.950 MHz and on signalling frequency 454.675 in the Domestic Public Land Mobile Radio Service at Honolulu, Hawaii, CC Docket No. 81-901, File No. 20118-CG-P-(3)-81.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the captioned applications of Radiocall Corporation (Radiocall) and Skyphone, Inc. (Skyphone) for air-ground radiotelephone stations at Honolulu, Hawaii. In its Report and Order in Docket 16073, which estabished the public air-ground radiotelephone service, the Commission listed Honolulu as one of the locations where air-ground radiotelephone service would be available.[1] In each of these locations, the Commission set aside from one to four working frequencies, but only one signalling frequency. Thus, even though Radiocall and Skyphone requested different working frequencies, their applications for the signalling frequency at Honolulu are electrically mutually exclusive. It is not the Commission's policy at this time to allow sharing of the signalling frequency. Also in Docket 16073, the Commission stated that it would authorize only one carrier to provide air-ground service in each of the locations where frequencies were made available. Therefore, a comparative hearing will be held to determine which of these applicants would better serve the pubic interest. We find both Radiocall and Skyphone to be legally, technically and otherwise qualified to construct and operate the proposed facilities.

2. Accordingly, it is ordered pursuant to section 309 of the Communications Act of 1934, as amended, that the applications of Radiocall Corporation, File No. 22286-CG-P-(3)-81 and Skyphone, Inc., File No. 20118-CG-P-(3)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

4. It is further ordered that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37384 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Report and Order in Docket No. 16073, 22 FCC 2d 716, released January 7, 1970.

[CC Docket Nos. 81-879, 81-880; File Nos. 22144-CD-P-(1)-81, 21258-CD-P-(1)-81]

Rockford Communications Company, Inc. and Answer Iowa, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.
Released: December 22, 1981.

In re applications of Rockford Communications Company, Inc., for a construction permit to establish an additional location for Station KSJ610 to operate in the Domestic Public Land Mobile Radio Service on frequency 152.15 MHz at Grand Detour, Illinois, CC Docket No. 81-879, File No. 22144-CD-P-(1)-81; Answer Iowa, Inc., for a construction permit to establish a new two-way station to operate in the Domestic Public Land Mobile Radio Service on frequency 152.15 MHz near Sterling, Illinois, CC Docket No. 81-880, File No. 21258-CD-P-(1)-81.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications. These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.[2]

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Rockford Communications Company, Inc., File No. 22144-CD-P-(1)-81, and Answer Iowa, Inc. File No. 21258-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within 37 dBu contours,[3] based upon the standards set forth in § 22.504(a) of the Commission's rules,[4] and services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, an necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commisison pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37382 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-875, 81-876; File Nos. 22216-CD-P-(1)-81, 23043-CD-P-(1)-81]

Salisbury Mobile Telephone, Inc. and Airsignal International of Philadelphia, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.
Released: December 22, 1981.

In re applications of Salisbury Mobile Telephone, Inc., for construction permit to modify its facilities operating on frequency 152.24 MHz for Station WXR994 in the Domestic Public Land Mobile Radio Service at Ocean City, Maryland, CC Docket No. 81-875, File No. 22216-CD-P-(1)-81, Airsignal International of Philadelphia, Inc., for construction permit to add a new location for Station KWU287 on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at Wildwood, New Jersey, CC Docket No. 81-876, File No. 23043-CD-P-(1)-81.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the captioned applications of Salisbury Mobile Telephone, Inc. and Airsignal International of Philadelphia, Inc. These applications are electrically mutually exclusive; [1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Salisbury Mobil Telephone, Inc., File No. 22216-CD-P-(1)-81 and Airsignal International of Philadelphia, Inc., File No. 23043-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commission's rules,[3] and compare the need for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

---

[1] We note that while Rockford is applying to add an additional location for Station KSJ610, Answer is seeking a new station. A grant of either application would preclude a grant of the other.

[2] By MO&O released July 31, 1981, The Common Carrier Bureau, pursuant to delegated authority, denied a "Petition to Dismiss or Deny" filed by Rockford and granted the application of Answer Iowa, Inc. This grant was set aside and the Answer Iowa, Inc. application was returned to pending status by MO&O released August 6, 1981. In its order setting aside the grant, the Bureau stated that the matters raised in Rockford's petition were properly disposed of and would not be revisited.

[3] For the purpose of this proceeding, the interference-free area is defined as the area within the 37 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[4] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in twoway communications service in frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicant should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

[1] We note that while Salisbury is applying to modify its existing facilities, Airsignal is seeking to add an additional location for its existing Station KWU287. A grant of either application would preclude a grant of the other.

[2] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicant should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Chief, Mobil Services Division, Common Carrier Bureau.

[FR Doc. 81-37389 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-898, 81-899; File Nos. 20189-C6-P-2-81, 22321-CG-P-2-81]

Williams Metro Communications Corp. and Porta-Phone, Inc.; Order Designating Applications for Hearing; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 16, 1981.

Released: December 28, 1981.

In re applications of Williams Metro Communications Corporation, for authority to construct a new airground radiotelephone station on frequencies 454.675 and 454.700 MHz in the Domestic Public Land Mobile Radio Service at Tallahassee, Florida, CC Docket No. 81-898, File No. 20189-CG-P-2-81; Porta-Phone, Inc., for authority to construct a new airground radiotelephone station on frequencies 454.675 and 454.700 MHz in the Domestic Public Land Mobile Radio Service at Tallahassee, Florida, CC Docket No. 81-899, File No. 22321-CG-P-2-81.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the above-captioned applications of Williams Metro Communications Corporation (WMCC) and Porta-Phone, Inc. (Porta-Phone) for airground radiotelephone stations at Tallahassee, Florida. An informal objection to WMCC's application was filed by Porta-Phone. Responsive pleadings have been filed. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest.

2. The issue we have before us is whether allegations relating to an application filed by Williams & Williams Radio Telephone (Williams & Williams) for a new two-way facility at Tallahassee, Florida, raise substantial questions about WMCC's basic qualifications to be a licensee in the Domestic Public Land Mobile Radio Service. The objector in that proceeding alleges that Williams & Williams failed to disclose family relationships among principals of Williams & Williams and WMCC.[1] WMCC is already licensed to operate a two-way facility at Tallahassee. The objector in that proceeding also alleges that the principals of Williams & Williams and WMCC filed the two-way application at Tallahassee with a strike motive.

3. In a separate proceeding, we have reviewed the allegations raised against Williams & Williams and conclude that Porta-Phone has not raised a substantial question about the basic character qualifications of either Williams & Williams or WMCC. Therefore, we will not designate for hearing a character issue.[2]

4. We find both WMCC and Porta-Phone to be legally, technically and otherwise qualified to construct and operate the proposed facilities. Accordingly, it is ordered, that the informal objection filed by Porta-Phone is denied. It is further ordered pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Williams Metro Communications Corporation, File No. 20189-CG-P-2-81 and Porta-Phone, File No. 22321-CG-P-2-81 are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

5. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

7. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37388 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Williams & Williams is a partnership comprised of A. Suzanne Williams and Betty J. Williams. A. Suzanne Williams is the wife of WMCC's President, Kenneth L. Williams, and Betty J. Williams is the mother of two of WMCC's three stockholders, Kenneth L. Williams and Karen W. Dunlap.

[2] By a separate order adopted on November 12, 1981, we denied the informal objection which raised the disclosure and strike allegations and found Williams & Williams to be qualified to construct and operate its proposed facility. Williams & Williams Radio Telephone, Mimeo 865, adopted November 12, 1981.

[CC Docket Nos. 81-877, 81-878; File Nos. 21160-CD-P-(1)-81, 21853-CD-P-(1)-81]

Henry M. Zachs, et al; Order Designating Applications for Hearing; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.

Released: December 22, 1981.

In re applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company, for a construction permit to add an additional location on frequency 152.2 MHz for Station KCC803 in the Domestic Public Land Mobile Radio Service at New Haven, Connecticut, CC Docket No. 81-877, File No. 21160-CD-P-(1)-81; Beep Communications Systems, Inc., for a construction permit to modify the facility of Station KEC739 on frequency 152.12 MHz in the Domestic Public Land Mobile Radio Service at Coram, New York, CC Docket No. 81-878, File No. 21853-CD-P-(1)-81.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company and Beep Communications Systems, Inc. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company, File No. 21160-CD-P-(1)-81, and Beep Communications Systems, Inc., File No. 21853-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance,

personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 37 dBu contours, [1] based upon the standards set forth in § 22.504(a) of the Commission's rules, [2] and services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37383 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76
"Maritime Advisory Committee in Preparation for the 1983 Mobile Services World Administrative Radio Conference (1983 Mobile Services WARC)"
Notice of 11th Meeting
Wednesday, January 13, 1982—9:30 a.m.
1st Floor Auditorium
Comsat Building, 940 L'Enfant Plaza, SW, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of FCC Fourth Notice of Inquiry.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, D.C., Phone: (202) 554-6756

Executive Committee Meeting
Notice of January Meeting
Thursday, January 21, 1982—9:30 a.m.
Conference Room A-110, 1229 20th Street, NW, Washington, DC

Agenda

1. Administrative Matters.
2. Consideration of proposal to modify RTCM Radar Specifications.

Special Committee No. 80
"FCC Rules Review as Required by Regulatory Flexibility Act of 1980"
Notice of 2nd Meeting
Thursday, January 21, 1982—1:30 p.m.
Conference Room A-110, FCC Annex, 1229 20th Street, NW, Washington, DC

Agenda

1. Administrative Matters.
2. Discussion concerning tasks, organization and schedule.
3. Working group assignments.

Charles S. Carney, Chairman SC-80, Nav-Com, Inc., 711 Grand Blvd., Deer Park, NY 11729, Phone: (516) 667-7710

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37391 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

---

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 37 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6404, equation 8.

[2] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

FEDERAL HOME LOAN BANK BOARD

[No. 81-836]

Publication of Recordkeeping and Reporting Requirements

Dated: December 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Paperwork Reduction Act of 1980 requires agencies to obtain and display a control number upon any information collection request. The Board has obtained a control number from the Office of Management and Budget for all information collection requests in effect on November 5, 1981. By this action, the Board is publishing the control number and the information collection requests to which it applies for the benefit of those subject to those requests.

SUPPLEMENTARY INFORMATION: Section 3507 of the Paperwork Reduction Act of 1980 (the "Act") [Pub. L. No. 96-511, 94 Stat. 2812 (1980) (to be codified at 44 U.S.C. 3501 *et seq.*)] requires any federal agency to obtain a control number from the Director of the Office of Management and Budget ("OMB") and to display that number on any information collection request. After December 31, 1981, no person may be penalized for failing to maintain or provide information unless the information collection request displays a current control number.

The Board has submitted all of its information collection requirements to the Director of OMB and received a control number for recordkeeping requirements on November 5, 1981. This number will be in effect until December 31, 1982. In order to notify members of the public affected by these requirements, the Board is taking this opportunity to publish the control number and the recordkeeping requirements to which it applies. Accordingly, the following recordkeeping requirements have been approved by the Office of Management and Budget under the Act and have been assigned OMB #3068-0031:

12 CFR 523.13(b)
12 CFR 523.29(c)
12 CFR 545.1-1(f)
12 CFR 545.6(b)
12 CFR 545.6-2(d)
12 CFR 545.6-13(c)
12 CFR 545.18
12 CFR 545.20
12 CFR 545.24a(e)
12 CFR 545.29
12 CFR 552.11
12 CFR 563.9(b)
12 CFR 563.9-3(c)
12 CFR 563.13(d)
12 CFR 563.17-2(a)
12 CFR 563.17-3(e)
12 CFR 563.23-1(f)
12 CFR 563.23-2(d)
12 CFR 563.23-3(b)
12 CFR 563.8(j)(2)

12 CFR 563.8(k)
12 CFR 563.25(c)
12 CFR 563.25(f)
12 CFR 563.39–1(f)
12 CFR 563b.4(a)(3)(ii)
12 CFR 563c.10(c)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-37415 Filed 12-31-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Totem Ocean Trailer Express, Inc.; Petition for Declaratory Order; Order on Remand

On November 23, 1981, the United States Court of Appeals for the Ninth Circuit issued an opinion in *Totem Ocean Trailer Exp. v. FMC,* No. 80–7721, in which it upheld certain determinations set forth in our October 22, 1980 Report and Order in this proceeding denying the petition for declaratory order sought by Totem Ocean Trailer Express, Inc. (TOTE). The Court affirmed our conclusions that joint rates could exist between water carriers and motor carriers for the transportation of non-Interstate Commerce Commission (ICC) regulated commodities in the domestic offshore trades in the absence of specific statutory authority, and that, if they did, the Commission would have no jurisdiction over all or any part of them. The Court remanded the case to us for consideration of the question of whether the Commission ought, because of regulatory problems, to prohibit water carriers from establishing joint rates in the domestic offshore trades with motor carriers providing transportation not regulated by the ICC.

We will therefore reopen this proceeding for the limited purpose of considering the issue formulated by the Ninth Circuit in remanding this matter to us:

> Does effective implementation of the Shipping Acts require that the joint through rates between motor carriers of non-ICC regulated commodities and water carriers in the domestic offshore trades be prohibited?

Although we recognize the problems which may arise if the Commission does not prohibit the establishment of joint rates of the type here in issue, we have substantial reservations as to our power to create such a prohibition. Where, as here, the literal language and legislative history of section 2, Intercoastal Shipping Act, 1933, 46 U.S.C. 844, and case law construing that statutory provision all indicate that the Commission was not intended to regulate joint motor-water rates in the domestic offshore trade,[1] the prohibition of the establishment of such rates would seem to be an attempt to do indirectly what Congress desired the agency not do. Analogies present themselves which make such prohibition very problematical. Thus, for example, in *Austasia Intermodal Lines v. FMC,* 580 F. 2d 642 (D.C. Cir. 1978) (*Austasia*), where the court held that the Commission lacked jurisdiction over rates for transportation between interior United States points and foreign countries where the water transportation utilized Canadian rather than United States ports, could the Commission have ordered the water carrier there involved to use only United States ports? Similarly, in *FMC v. Seatrain Lines, Inc.,* 411 U.S. 726 (1973), where the Supreme Court held that the Commission had no jurisdiction over mergers or acquisitions of its regulated carriers, could the Commission have ordered the carriers there involved not to engage in such activities so that Commission jurisdiction would be preserved? On the contrary, it would seem that, as the court observed in *Austasia,* "It is not * * * the prerogative of a court or an administrative agency to expand the scope of legislation beyond what was originally intended by Congress." See 580 F. 2d, *supra,* at 647.

It would also seem, moreover, that the type of problem which led the ICC to prohibit its regulated carriers from establishing joint rates for through transportation with ocean carriers in *Cosmopolitan Shipping Co. v. Hamburg-American Packet Co.,* 13 I.C.C. 266, 279–281 (1908) (*Cosmopolitan*) is far removed from the type of problem here under consideration. In *Cosmopolitan* the ICC prohibited the filing of joint rates between regulated rail and the then unregulated ocean carriers because such joint rates would, since the ICC could not control the activities of the rail carriers with respect to the water portion of those rates, enable the rail carriers to utilize the water portion to give rebates and engage in discreminatory activities. See 13 I.C.C., *supra,* at 280. Here, however, the problem is not the inability effectively to control activities which were meant to be regulated, but the inability to regulate activities which it would seem were not meant to be regulated in the first place.

Therefore, it is ordered, that this proceeding is reopened for the limited purpose of examing the question posed by the Ninth Circuit as set forth on page 2 of this order; and

It is further ordered, that copies of this Order shall be served upon TOTE and all carriers served with copies of TOTE's petition for declaratory order as listed in the Appendix hereto, and a copy thereof shall be published in the Federal Register; and

It is further ordered, that all persons desiring to file comments in this proceeding shall do so and serve a copy thereof on each of the carriers listed in the appendix to this order on or before Janurary 27, 1982; and

It is further ordered, that any person desiring to respond to comments so filed shall file such responses and serve copies thereof upon all of the carriers listed in the appendix hereto on or before March 1, 1982; and

It is further ordered, that all persons commenting or responding to comments herein should address the question of legal authority to prohibit such rates as well as questions of "policy" which they feel may be applicable.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

Boyer Alaska Barge Lines, Inc., 7318 Fourth Avenue South, Seattle, Washington 98108
Coastal Barge Lines, Inc., 834 Nickerson Street, Seattle, Washington 98111
Foss Alaska Line, Inc., Terminal 115, Seattle, Washington 98106
Husky Barge Lines, 3115 Mountain View Drive, Anchorage, Alaska 99503
Northland Services, Inc., 6425 N. E. 175th Street, Seattle, Washington 98155
Pacific Western Lines, 5225 E. Marginal Way, Seattle, Washington 98134
Sea-Land Service, Inc., P.O. Box 900, Edison, N.J. 08817
Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, Washington 98124

[FR Doc. 81-37416 Filed 12-31-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefore at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto

[1] See *e.g., Trailer Marine Transport Corp. v. FMC,* 602 F. 2d 379, 393–397 (D.C. Cir. 1979); *Puerto Rico Maritime Shipping Authority v. ICC,* 645 F. 2d 1102, 1112–1113 (D.C. Cir. 1981).

Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 14, 1982, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T–4012.

Filing Party: Mr. E. A. Shaw, General Traffic Manager, Jacksonville Port Authority, P.O. Box 3005, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.

Summary: Agreement No. T–4012 between the Jacksonville Port Authority (Authority) and Trans Freight Lines (TFL) provides for the lease by the Authority to TFL of five acres on Blount Island, in the Port of Jacksonville, Florida for use as a container marshalling yard. The agreement provides that a guaranteed berth with container crane will be provided to TFL upon 48 hours' advance notice, subject to the Authority prior berthing guarantee commitments by the Japanese Charter Group and the Puerto Rico Maritime Shipping Authority. The term of the lease shall be for one year with option to renew for two additional one-year periods. As rental TFL shall pay to the Authority $47,500 during the term of the agreement. The agreement will become effective upon approval by the Commission.

Date: December 29, 1981.

By order of the Federal Maritime Commission.

Francies C. Hurney,

Secretary.

[FR Doc. 81–37376 File 12–31–81; 8:45 am]

BILLING CODE 6730–01–M

GOLD COMMISSION

Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96–389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress, will meet in the Treasury Department Cash Room on Friday, January 8, 1982, beginning at 10:00 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph V. Korp, Director, Office of International Monetary Affairs, U.S. Department of Treasury, Washington, D.C. 20220, (202) 566–5365.

Dated: December 29, 1981.

Robert C. Fauver,

Acting Director, Office of International Monetary Affairs, Department of Treasury.

[FR Doc. 81–37398 Filed 12–31–81; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–72270]

Realty Action; Sale of Public Lands in Sublette County, Wyoming

January 4, 1982.

The following described lands have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value.

Sixth Principal Meridian, Wyoming

T. 30 N., R. 103 W.,
Sec. 34: E½NE¼SW¼NE¼.
Containing 5 acres.
Fair Market Value: $3,500.00.

The above-described land is being offered as a direct, noncompetitive sale to the White Acorn Sheep Company.

The lands are not required for any Federal purpose. The sale is consistent with the Bureau's planning for the land involved. The land will not be offered for sale until 60 days after the date of this notice. The public interest would be served by offering these lands for sale. The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with sec. 209(a) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. The right of Robert E. Skinner, his successors and assigns under oil and gas lease W–67870 issued July 1, 1979 through June 30, 1989 pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.).

Detailed information concerning the sale, including the planning documents and environmental assessments, is available for review at the Rock Springs District Office, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

On or before February 18, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–37263 Filed 12–30–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Amfac Hotels & Resorts, Inc.; Intent To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Amfac Hotels and Resorts, Inc., d/b/a Fred Harvey, authorizing it to continue to provide food and beverage, general merchandise, and gasoline station facilities and services for the public at the Painted Desert area of Petrified Forest National Park for a period of five (5) years from January 1, 1982 through December 31, 1986.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981 and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect grants Fred Harvey, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of

Fred Harvey is substantially equal to others received. In the event a responsive proposal superior to that of Fred Harvey (as determined by the Secretary) is submitted, Fred Harvey will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Fred Harvey. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before February 3, 1982, to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, CA 94102, for information as to the requirements of the proposed contract.

Dated: December 11, 1981.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 81-37452 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EST), on Thursday, January 28, 1982, at the Canal Visitor Center located at 6699 Canal Road, 1 mile south of Rockside Road in Valley View, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Discussion of non-National Park Service owned public lands within the Cuyahoga Valley National Recreation Area and their relationship.
2. Presentation on Historical Resource Management at Cuyahoga Valley National Recreation Area.
3. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: December 22, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-37456 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

General Management Plan and Wilderness Proposal, Canaveral National Seashore, Florida; Availability of Finding of No Significant Impact and Extension of Availability Date

We are extending the availability of the Finding of No Significant Impact and General Management Plan for Canaveral National Seashore, Florida, as announced in the **Federal Register**, Volume 46, No. 229, Monday, November 30, 1981, page 58199, FR Doc. 81–34295, from December 28, 1981, to January 31, 1982.

All other information contained in this announcement remains the same.

Dated December 23, 1981.

Neal G. Guse, Jr.,

Regional Director, Southeast Region.

[FR Doc. 81-37454 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

North Cascades National Park Service Complex, Lake Chelan National Recreation Area; Public Meetings

Notice is hereby given that public meetings will be held concerning Compatibility Standards for Stehekin Valley, Lake Chelan National Recreation Area. The purpose of the meeting is to discuss alternatives for enabling the National Park Service to carry out its responsibility to protect the area's cultural and natural values and provide public recreation while allowing continued private use of the Stehekin Valley.

The meetings will be held at the following times and places:

1. Stehekin, Washington—February 5, 1982, 7 p.m., Community Hall.
2. Chelan, Washington—February 6, 1982, 7 p.m., Masonic Hall, 216 North Emerson.
3. Seattle, Washington—February 9, 1982, 7:30 p.m., Seattle Center Conference Center, Room G.

Anyone interested in obtaining a copy of the environmental assessment for the Compatibility Standards should contact the Regional Director, Pacific Northwest Region, Westin Building, Room 1920, 2001 Sixth Avenue, Seattle, Washington 98121. Written comments may be submitted up to 30 days following the meetings.

Dated: December 22, 1981.

Daniel J. Tobin, Jr.,

Regional Director, Pacific Northwest Region.

[FR Doc. 81-37455 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

Overmountain Victory National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Overmountain Victory National Historic Trail Advisory Council will be held at 9:00 a.m. on Wednesday, February 17, 1982 at Sheraton Center, 555 S. McDowell Street, Charlotte, North Carolina 28204.

The purpose of the Overmountain Victory National Historic Trail Advisory Council is to consult and advise the Secretary of the Interior on all matters of planning, management and trail development of the Overmountain Victory National Historic Trail. The agenda will include a discussion of the draft comprehensive management plan and the organization and responsibilities of the Advisory Council.

The members of the Advisory Council are as follows:

Mr. Robert M. Baker, Chairman, Atlanta, Georgia
Mr. James A. Cannaday, Eden, North Carolina
Mr. E. Ervin Dargan, Darlington, South Carolina
Mr. Randall Ray Gregory, Raleigh, North Carolina
Mrs. Jean Hawkins, Hilton Head, South Carolina
Mr. Dennis Kline, Rogersville, Tennessee

Mr. Tommy G. Reed, Isle of Palms, South Carolina
Mr. Sydnor M. White, Raleigh, North Carolina
Mr. Roy A. Taylor, Black Mountain, North Carolina
Mr. Walter H. Schroder, Rock Hill, South Carolina
Mr. Frank Robinson, Elizabethton, Tennessee
Mr. W. Blair Keller, Jr., Abingdon Virginia
Mr. Terry Chilcoat, Norris, Tennessee
Mr. George Olson, Asheville, North Carolina
Mr. Andrew Duncan, Jr., Wilkesboro, North Carolina
Mr. Hayes Cantrell Martin, Asheville, North Carolina

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Paul Swartz, Chief, Planning and Compliance Division, National Park Service, Southeast Region, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone 404/221–5465. Minutes of the meeting will be available for public inspection at the above address approximately 4 weeks after the meeting.

Dated: December 21, 1981.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 37453 Filed 12–31–81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note:—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–178

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 146676 (Sub-II–9TA), filed December 18, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 235, Green Springs, OH 44836. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. *Aluminum beverage cans,* from Fremont, OH to Fogelsville and Belfast, PA. An underlying ETA seeks 120 days authority. Supporting Shipper: Stroh Container, Inc., 415 Cedar St., Fremont, OH 43420.

MC 149043 (Sub-II–11TA), filed December 21, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy. Fairfax, VA 22030. *Liquid Sweeteners,* in bulk, intank vehicles, from St. Louis, MO to points in IN, IL, KY and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Cargill, Inc., Box 1400–A, 3201 Needmore Rd., Dayton, OH 45414.

MC 140889 (Sub-II–23TA), filed December 21, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square Bldg. #1001, Cleveland, OH 44113. Contract, irregular: *Chemical, plastic, rubber and related products* between facilities of B. F. Goodrich Co. located in Lorain, Cuyahoga, Summit, Franklin counties, OH; Jefferson County, KY; Jefferson County, TX; Salem County, NJ; Chester County, PA; Allen County, IN; Ottawa County, OK; Tuscaloosa County, AL, on the one hand, and, on the other, points in CA, NV, TX, IL, OK, LA, NJ, CO, OH, PA, IN and MI, for 270 days, under continuing contract(s) with B. F. Goodrich Co. of Akron, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich Co., 500 S. Main St., Akron, OH 44318.

MC 143308 (Sub-II–1TA), filed December 21, 1981. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: Thomas B. Hill, c/o Leaseway Transportation Corp., 1010 Jorie Blvd., Ste. 200, Oak Brook, IL 60521. *Contract,* irregular: *General Commodities* (except Classes A and B explosives), between Seattle and Spokane, WA; Portland, OR; San Leandro and Los Angeles, CA; Salt Lake City, UT; and El Paso, TX, on the one hand, and, on the other, points in AZ, CA, ID, MT, NM, NV, OR, UT, WA, WY and points in TX on and west of Hgwy. US 83. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, OH 44316.

MC 82007 (Sub-II–1TA), filed December 21, 1981. Applicant: GREGG BUS SERVICE, INC., P.O. Box 125, Yorklyn, DE 19736. Representative: Thomas N. Willess, 1000 Sixteeth Street, NW, Suite 502, Solar Building, Washington, DC 20036. *Passengers and their baggage,* in the same vehicle with passengers, in charter operations beginning and ending at West Grove, Kennett Square, Oxford, and Avondale, PA, and Wilmington and Newark, DE, and extending to pts. in NC and TN for 180 days. Supporting shipper: There are 13 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 143210 (Sub-II–7TA), filed December 21, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Malt liquor, materials, supplies and equipment used in the manufacture, sale and distribution of malt liquor,* between Winston-Salem, NC, on the one hand, and, on the other, Fredericksburg and Warsaw, VA for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of Fredericksburg Distributing Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Fredericksburg Distributing Co., Inc., 1315 Lafayette Blvd., Fredericksburg, VA 22401.

MC 73533 (Sub-II–11TA), filed December 21, 1981. Applicant: KEY

WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: W. F. Lamperelli, (same as applicant). *Foodstuff: olives and olive oil (except in bulk); alcoholic beverages: wine (except in bulk)* from the facilities of Pompeian, Inc., Baltimore, MD to Phoenix, AZ; Portland, OR; Denver, CO; Houston and Dallas, TX; Kansas City, MO; Detroit, MI; Cleveland, OH; Chicago, IL; Memphis, TN; New Orleans, LA; Jacksonville, Miami and Tampa, FL; Atlanta, GA; Greenville, SC; and Boston, MA for 270 days, under continuing contract(s) with Pompeian, Inc., Baltimore, MD. Supporting shipper(s): Pompeian, Inc., 4201 Pulaski Hwy., Baltimore, MD 21224.

MC 149163 (Sub-II–1TA), filed December 21, 1981. Applicant: PAGERLY DETECTIVE AND SECURITY AGENCY, INC., Hill Road, Wernersville, PA 19565. Representative: Calvin Leiberman, 635 Walnut St., Reading, PA 19601. *Contract carrier:* irregular routes: *Cash letters and non-negotiable bank documents,* between points in Reading and King of Prussia, PA on the one hand, and, on the other, points in Newark, NJ, under a continuing contract(s) with American Bank and Trust Co. of PA, Reading, PA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Bank and Trust Co. of PA, Reading, PA.

MC 150724 (Sub-II–6TA), filed December 21, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., Youngstown, OH 44515. Representative: Norman A. Cooper, 145 W. Wisconsin Ave. Neenah, WI 54956. *Transporting drugs, toilet articles and materials and supplies used in their manufacture, sale and distribution* between the facilities of Pennex Products Co., Inc. at Verona, PA and its subsidiaries, Pennex Products International, Inc. at Verona, PA and Bonoplast, USA, Inc. at Verona, PA on the one hand, and on the other, points in FL, GA, and in and west of MN, IA, MO, AR, & LA for 270 days. Supporting shipper, Pennex Products Co., Inc., Eastern Avenue at Pennex Drive, Verona, PA 15147.

MC 20916 (Sub-2–3TA), filed December 23, 1981. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., 523 South Cameron St. Winchester, VA 22601. *Clay brick and masonry materials,* from Bigler, Clearfield, New Oxford, Reading, Shoemaker, Watsontown and York, PA to Brooklyn, NY, for 270 days. Supporting shipper Kings Material Co., Inc., 3707 15th Ave., Brooklyn, NY 11218.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159845 (Sub-3–1TA), filed December 24, 1981. Applicant: TRANSPORT SOUTH, INC., 2625 Cumberland Parkway, Suite 100, Atlanta, GA 30339. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *Gasoline and diesel fuel,* between points in AL, GA and FL, under continuing contract(s) with Racetrac Petroleum, Inc. Supporting shipper: Racetrac Petroleum, Inc., P.O. Box 105035, Atlanta, GA, 30348.

MC 146451 (Sub-3–33TA), filed December 23, 1981. Applicant: WHATLEY-WHITE, INC., 211 Murray Road, Dothan, Alabama 36302. Representative: W. Larry White (same as above). *Sugar, except in bulk, in tank vehicles,* from Mathews, LA to points in AL, FL, and GA for the account of Albany Brokerage Company, Inc. Supporting shipper, Albany Brokerage Company, Inc., 1107 4th Avenue, Albany, GA, 31702.

MC 119917 (Sub-3–4TA), filed December 18, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 736 Memorial Drive S.E., Atlanta, Ga. 30316. Representative: Tom Gramling (same address as above). *Pulp, Paper, Printed Matter and Related Items* between Atlanta, Ga. (including commercial zone) and all points in the U.S. except Ak. and Hi. Supporting shipper: Dittler Brothers, Inc., 1375 Seaboard Ind. Blvd. N.W., Atlanta, Ga. 30325.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 135410 (Sub-4–45TA), filed December 18, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meat, meat products, meat by-products and articles distibuted by meat-packing houses (except commodities in bulk),* from the facilities of Dubuque Packing Co. at or near Denison and Dubuque, IA, Rochelle, IL and Milwaukee, WI to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, WI and DC. Supporting shipper: Dubuque Packing Company, Genesco, IL 61254.

MC 149308 (Sub-4–9TA), filed December 22, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office P., Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contrct,* irregular: *Silicone products and materials, equipment and supplies utilized in the manufacture and distribution of silicone products (except in bulk),* between the facilities of, or utilized by, Dow Corning Corp., at or near Midland and Hemlock, MI; Greensboro, and Charlotte, NC; Elizabethtown and Carrollton, KY; Cleveland, OH; Melrose Park, IL; Trumbull, CT; Edison, NJ; Costa Mesa and Carson, CA; and Dallas, TX, for 270 days. Restricted to the transportation of shipments handled under a continuing contract(s) with Dow Corning Corp. Supporting Shipper: Dow Corning Corp., So. Saginaw Rd., Midland, MI 48640.

MC 144121 (Sub-4–11TA), filed December 21, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *foodstuffs* between points in MI, MN and WI, on the one hand and, on the other hand, points in the New York, NY, Commercial Zone and the Boston, MA, Commercial Zone, and points in PA. Restriction: restricted to transportation performed under continuing contract(s) with Hunter, Walton & Co., Inc., and Valley Lea Dairies, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Hunter, Walton & Co., Inc., 310 12th Street, Jersey City, NJ 07302; and Valley Lea Dairies, Inc., Box 6369, South Bend, IN 46660.

MC 144369 (Sub-4–1TA), filed December 21, 1981. Applicant: GERARDO & SON MOTOR SERVICE, INC., 9850 Balmoral Ave., Rosemont, IL 60018. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract:* Irregular: *Merchandise as is sold or dealt in by a retail department store,* between Alsip, IL, on the one hand, and, on the other, Zayre stores in the states of IL, IN, IA, KY, MI, OH, and WI, under continuing contract(s) with Zayre Corp., Framingham, MA. Supporting shipper: Zayre Corp., Framington, MA 01701.

MC 146184 (Sub-4–2TA), filed December 21, 1981. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Attorney, Olde Towne Office Pk., 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *malt beverages* between Stearns County, MN, and points in WI, IL, and IN. Restriction:

restricted to transportation performed under continuing contract(s) with Cold Spring Brewing Co. An underlying ETA seeks 120 days authority. Supporting shipper: Cold Spring Brewing Co., 219 North Red River, Cold Spring, MN 56320.

MC 146329 (Sub-4–4TA), filed December 18, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401, Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Prefabricated fireplaces, gas and oil space heaters, stoves, chimneys, and parts and accessories* between points in Portage and Wood Counties, WI on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, and TX. Supporting shipper: Preway, Inc., 1430 2nd St., N., Wisconsin Rapids, WI 54494.

MC 148538 (Sub-4–1TA), filed December 22, 1981. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Metal products* between Hammond, IN, on the one hand, and, on the other, Wilton, IA. Supporting shipper: Jones & Laughlin Steel Co., 141 W. 141st St., Hammond, IN 46320.

MC 149308 (Sub-4–6TA), filed December 17, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract,* irregular: *Such commodities as are dealt in, used or distributed by a manufacturer of water beds,* from the facilities of Horizon Manufacturing, Inc., at or near Lubbock, TX, to points in the US and east of ND, SD, NE, KS, OK, and TX. Restricted to the transportation of shipments handled under a continuing contract(s) with Horizon Mfg., Inc. Supporting shipper: Horizon Mfg., Inc., 221 26th Street, Building 4C, Lubbock, TX 79404.

MC 150187 (Sub-4–7TA), filed December 21, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Boulevard, Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. (1) *paint, stain, and varnish,* from the facilities of Olympic Stain Div. of The Clorox Company, at Louisville, KY, to points in the U.S. east of the Mississippi river, except WI, IL and MI, and (2) *packaged cleaning compounds,* between the facilities of the Pluto Corp., French Lick, IN, Accra Pac, Inc., Elkhart, IN, Peterson/Puritan, Inc., Danville, IL, and ATI, Inc., Towtowa, NJ, on the one hand, and, on the other, the facilities of The Clorox Company at Atlanta, GA, Boston, MA, Charlotte, NC, Chicago, IL, Cleveland, OH, Frederick, MD, Houston, TX, Jersey City, NJ, Kansas City, MO and Tampa, FL. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of The Clorox Company or Olympic Stain Division of The Clorox Company. Supporting shipper: The Clorox Company, 1221 Broadway, CA 94612.

MC 152005 (Sub-4–3TA), filed December 21, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 South Archer Ave., Chicago, IL 60608. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. *General commodities,* except classes A and B explosives, household goods and commodities in bulk from to and between all points in the U.S., under a continuing contract with Federal Mogul Corporation, Detroit, MI. Supporting shipper: Federal Mogul Corporation, P.O. Box 1966, Detroit, MI 48235.

MC 155409 (Sub-4–2TA), filed December 18, 1981. Applicant: MICHALETZ TRUCKING, INC., 3302 Park Drive, Owatonna, MN 55060. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Malt beverages* between points in Memphis, TN, and its commercial zone, on the one hand, and, on the other, points in MN, ND, SD, and IA. Supporting shipper: Joseph Schlitz Brewing Co., 235 West Galena St., Milwaukee, WI 53212.

MC 159650 (Sub-4–1TA), filed December 21, 1981. Applicant: GEYSER TRUCKING, INC., P.O. Box 295, Greenville, IN 47124. Representative: Jerry G. Tush, P.O. Box 295, Greenville, IN 47124. *Contract* irregular: *Industrial boilers and materials, equipment, supplies, parts and accessories* related thereto, between points in the U.S. restricted to traffic moving under continuing contract with Ivan Ware & Son, Inc. Supporting shipper: Ivan Ware & Son, Inc., P.O. Box 16045, Louisville, KY 40216.

MC 159793 (Sub-4–1TA), filed December 21, 1981. Applicant: DAVID B. STEVENSON d/b/a. STEVENSON EXPRESS, 13722 Lowe Ave., Riverdale, IL 60627. Representative: T. M. Schlechter & D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Recyclable Materials and Products,* between points in the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, NY, OH, PA, and WI. Supporting shippers: Dallis Recycling Corp., 1338 W. 21st, Chicago, IL 60608; Evanstons Paper & Paper Shredding Co., 640 Pitner, Evanston, IL 60202; M. Ruben Metal Co., 2416 Archer Ave., Chicago, IL 60616.

MC 141459 (Sub-4–7TA), filed December 23, 1981. Applicant: AGS ENTERPRISES, INC., #1 Clyde Avenue, Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). *Rubber and plastic products; metal products and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1),* between points in Marion and Jefferson counties, IL, on the one hand, and, on the other, points in CA, and points in the U.S. in and east of MN, IA, NE, KS, OK, and TX. Supporting shippers: Midwest Stoves, Inc., 1 Old Timer Dr., P.O. Box 1704, R.R. 5, Mt. Vernon, IL 62864; Plastiflex Company, 823 North Brooks Dr., P.O. Box 1040, Centralia, IL 62801; and Jiffy Packaging Corp., P.O. Box 469, Salem, IL 62881. And underlying 120 days ETA filed.

MC 143280 (Sub-4–35TA), filed December 23, 1981. Applicant: SAFE TRANSPORTATION CO., 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: ROBERT P. SACK, P.O. Box 6010, West St. Paul, MN 55118. *Non-alcoholic beverages,* between Sunman, IN on the one hand, and, on the other, points in IL, MI, OH, OK, TN, PA, VA, and WV. Supporting shipper: Pri-Pak, Inc., P.O. Box 450, Sunman, IN 47041.

MC 143500 (Sub-4–9TA), filed December 22, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Alcoholic beverages,* from points in CA to points in IN and KY. Supporting shippers: National Liquor Corp., 1102 E. 16th St., Indianapolis, IN 46202 and Southern Liquors, Inc., P.O. Box 1379, Louisville, KY 40201.

MC 145485 (Sub-4–4TA), filed December 23, 1981. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman Drive, Corunna, MI 48817. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Food and food products* between the facilities of I.A.M. Company at Perrysburg, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: I.A.M. (International Automated Machines, Inc.), P.O. Box 346, 30600 Oregon Rd., Perrysburg, OH 43551.

MC 146886 (Sub-4–6TA), filed December 23, 1981. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th St., Hales Corners, WI 53130. Representative: Richard A. Westley,

4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Such commodities as are dealt in by wholesale drug business houses and retail drug stores and pharmacies,* from Aberdeen, SD to points in ND and points in MN on and west of U.S. Highway 71. An underlying ETA seeks 120 days authority. Supporting shipper: Jewett Drug Co., Inc., 217 East Railroad Ave., Aberdeen, SD 57401.

MC 149492 (Sub-No. 4–4), filed December 23, 1981. Applicant: CHICAGOLAND QUAD CITIES EXPRESS, INC., 817 W. 21st St., Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Titanium oxide,* from Glouster City, NJ to the Chicago, IL commercial zone. Supporting shipper: American Thermoplastics, 142nd and Paxton Ave., Calumet City, IL 60409.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 24583 (Sub-5–5TA), filed December 21, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Contract; Irregular. *Chemicals, plastics, plastic products, metal products, material, equipment and supplies,* between points in the U.S. (except AK and HI), under continuing contracts with The Dow Chemical Company. Supporting shipper: The Dow Chemical Company, P.O. Box 36000, Strongsville, OH 44136.

MC 60157 (Sub-5–2TA), filed December 21, 1981. Applicant: C. A. WHITE TRUCKING COMPANY, 5327 N. Central Expressway, Suite 316, Dallas, TX 75205. Representative: Pernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Metal products, and related materials and supplies used in the manufacture thereof,* between points in St. John The Baptist Parish, LA, and the New Orleans, LA Commercial Zone, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, MO, OK, TN, and TX, restricted to shipments originating at or destined to the facilities of Bayou Steel Corporation. Supporting shipper: Bayou Steel Corporation, P.O. Box 5000, La Place, LA 70068.

MC 115669 (Sub-5–15TA), filed December 22, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *General commodities (with usual exceptions),* between Hamilton County, NE, on the one hand, and, on the other, points in CO, IA, KS, and MO. Supporting shipper: Suppliers Warehouse of NE., 1st & Railroad Ave., Aurora, NE 68818.

MC 124174 (Sub-5–55TA), filed December 22, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Iron and steel articles—floor and roof deckings,* from Wilmington, NC to Hartford, CT. Supporting shipper(s): Roll Form Products, Inc., 140 Federal Street, Boston, MA 02110.

MC 124511 (Sub-5–8TA), filed December 21, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, Mexico, MO 65265. Representative: Leonard R. Kofkin, 29 South La Salle Street, Chicago, IL 60603. *Pipe, casing, and tubular products,* from Houston, Lone Star, and Wichita Falls, TX and Tulsa and Cushing, OK to points in TX, LA, OK, KS, NE, AR, and IL, for 270 days. Supporting shipper: Trident Steel, 10097 Manchester Road, St. Louis, MO 63122.

MC 139973 (Sub-5–12TA), filed December 21, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* from the facilities of Hereford BI-Products, Inc. at or near Hereford and Plainveiw, TX, to points in KS, MO, IA, and IL. Supporting shipper: Hereford BI-Products, Inc., Rt. 1, P.O. Box 339, Hereford, Texas 79045.

MC 145040 (Sub-5–1TA), filed December 22, 1981. Applicant: RAMSEY'S TRAILWAYS, INC., 825 Hudson Avenue, Jonesboro, LA 71251. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. Common, regular, *passengers and their baggage, and express and newspapers in the same vehicle with passengers* (1) between El Dorado, AR and Shreveport, LA as follows: from El Dorado over U.S. Highway 82 to Magnolia, then over Arkansas Highway 132 to Spring Hill, LA, then over Louisiana Highway 7 to junction U.S. Highway 80, then over U.S. Highway 80 to Shreveport, and return over the same route, serving all intermediate points; (2) between Shreveport, LA and Monroe, LA as follows: from Shreveport over U.S. Highway 71 to Elm Grove, then over Louisiana Highway 154 to Ringgold, then over Louisiana Highway 4 to Chatham, then over Louisiana Highway 34 to Monroe, and return over the same route, serving all intermediate points; and (3) between Jonesboro, LA and Winfield, LA as follows: from Jonesboro over U.S. Highway 167 to Winfield, and return over the same route, serving all intermediate points. Supporting shipper(s): 8.

Note.—Applicant intends to interline.

MC 146457 (Sub-5–5TA), filed December 21, 1981. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Fertilizer, in bags,* from Madison, WI to points in Dubuque, Jackson, Clayton, and Delaware Counties, IA. Supporting shipper(s): Hendricks Feed Company, 880 Central Avenue, Dubuque, IA 52001.

MC 146553 (Sub-5–19TA), filed December 21, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber, lumber products and millwork,* from points in AR, ID, LA, MS, MT, OR and WA to the facilities of Mueller Lumber Co. at Davenport, IA and Moline, IL. Supporting shipper(s): Mueller Lumber Co., 501 West Second Street, Davenport, IA 52801.

MC 148107 (Sub-5–8TA), filed December 22, 1981. Applicant: JESSE J. MESA d.b.a. J. J. MESA TRUCKING COMPANY, 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald E. Mercier (same as applicant). *Food and related products including frozen items except items in bulk* between points in TX, on the one hand, and points in NM, AZ, CO and CA, on the other. Supporting shipper: (1) Calavo Growers Of California, Terminal Annex, Box 3486, Los Angeles, CA 90054.

MC 150783 (Sub-5–35TA), filed December 21, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773. *Aluminum products,* between points in Washington County, AR on the one hand, and, on the other, points in the U.S. Supporting shipper: Kawneer Company, Inc., Niles MI 49120.

MC 152959 (Sub-5–9TA), filed December 21, 1981. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75067. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Trailer or Trailer Chasis and/or Parts Thereof* between points in the United States. Under continuous contract with Kraft Tank Co. of Kansas City, MO; Great Dane Trailers-Tennessee of Memphis, TN; Alamo Truck Centers, Inc. of San Antonio, TX; Polar-America

of Oklahoma City, OK; Timpte of Oklahoma City, OK.

MC 155178 (Sub-5–2TA), filed December 22, 1981. Applicant: SPECIALIZED SERVICE EXPRESS, INC., 15 Court Street, Fort Smith, AR 72901. Representative: Troy R. Douglas, 400 North 6th Street, Fort Smith, AR 72901. *General commodities, except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment* (1) between points in States of AR, OK, MO, and MS; (2) from points in AR, OK, MO, and MS on the one hand, and, on the other, points in the U.S. Supporting shippers: Allen Canning Company, Siloam Springs, AR 72761, Baldor Electric Company, 5711 South 7th Street, Fort Smith, AR 72901.

MC 158938 (Sub-5–3TA), filed December 21, 1981. Applicant: BOSWELL FARMS, INC., 403 South State Street, Lamoni, IA 50140. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Metal fencing and wire products,* from the facilities of Oklahoma Steel & Wire, Inc. at or near Madill, OK to points in AR, CO, IA, KS, LA, MN, MO, ND, NE, SD, TN, and TX. Supporting shipper(s): Oklahoma Steel & Wire Co., Inc., P.O. Box 220, Madill, OK 73446.

MC 159451 (Sub-5–1TA), filed December 22, 1981. Applicant: GOLDEN WEST EXPRESS, INC. 4902 So. 61st Street, Omaha, NE 68117. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B Omaha, NE 68114. *Food and related products,* from points in IA and NE on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 day authority. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 159576 (Sub-5–1TA), filed December 21, 1981. Applicant: CONSTANTINE VAINALIS, d/b/a/ DINO'S TRUCKING, 5072 Mardel Avenue, St. Louis, MO 63109. Representative: Constantine Vainalis (same address as applicant). Contract: Irregular: *snack foods* between points in MO, TN, IL, KS, WI, MS, KY, OH, and AL under continuing contract with So-Good Potato Chip Company, 4190 Hoffmeister, St. Louis, MO 63125.

MC 159744 (Sub-5–1TA), filed December 22, 1981. Applicant: W. J. WHITE d/b/a W. J. WHITE, TRUCKING, 133 East Parker, Houstion TX 77076. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. *Contract* irregular *Metal products* between points in Harris County, TX, on the one hand, and, on the other, points in CA, PA, LA, OK, NM, MO, AZ, and TX, under a continuing contract(s) with Gulf Forge Company of Houston, TX.

MC 159787 (Sub-5–1TA), filed December 21, 1981. Applicant: NEWGEN TRANSPORTATION COMPANY, 1101 East Capitol Avenue, Jefferson City, MO 65101. Representative: James C. Swearengen, Hawkins, Brydon & Swearengen P. C., P.O. Box 456, Jefferson City, MO 65102. Contract, irregular; *metal products, building materials, and iron and steel articles, as well as materials, equipment, and supplies used in the manufacture, sale or distribution of said commodities,* between points in the U.S. pursuant to a contract, or continuing contracts, with DeLong's, Inc., of Jefferson City, MO. Supporting shipper: DeLong's, Inc., 301 Dix Road, Jefferson City, MO 65101.

MC 159813 (Sub-5–1TA), filed December 22, 1981. Applicant: CEDAR FALLS MOTOR SPORTS, INC., 325 Roosevelt, Cedar Falls, IA 50613. Representative: John Fellmer (same address as applicant). *Vehicles, in driveway or towaway service,* between points in IA, on the one hand, and, on the other points in the U.S. Supporting shipper: GMAC Cedar Rapids, P.O. Box 548, Cedar Rapids, IA 52406.

MC 159782 (Sub-6–1TA), filed December 14, 1981. Applicant: ANZAC CALIFORNIA TOURS & LIMOUSINE SERVICE, INC., 6861 La Tijera Blvd., Los Angeles, CA 90045. Representative: Richard A. Lintz (same address as applicant). *Passengers and their baggage, in the same vehicle with passengers* in charter operations between points in CA on the one hand, and, on the other hand points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Air New Zealand, Auckland, New Zealand; Investment Travel Ltd, Wellington, New Zealand; Variety Travel Service, Wellington, New Zealand.

MC 157068 (Sub-6–2TA), filed December 11, 1981. Applicant: BLUE RIVER BUS LEASING, INC., 4649 N.E. 115th Ave., Portland, OR 97220. Representative: Orville J. Luther, (same as above). *Passengers and their baggage in special and charter operations* beginning and ending at points in OR and WA and extending to points in CA, OR, WA, NV, AZ, VT, NM, CO, and ID for 180 days. Supporting shippers: There are 9 shippers. Their statements may be examined at the regional office listed above.

MC 153958 (Sub-6–1TA), filed December 15, 1981. Applicant: CALGARY GOOSENECK SERVICE, LTD., 936 Abbeydale Drive, NE., Calgary, Alberta, CD T2A6H2. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Mercer Commodities,* not to exceed 21,000 pounds, between points of entry on the International Boundary Line between Canada and the US located in ND, MT, ID, WA and MN, on the one hand, and on the other, points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 152096 (Sub-6–2TA), filed December 17, 1981. Applicant: TERRANCE E. CARLSON and KENNETH d.b.a. CARLSON BROS., P.O. Box 1401, Lewiston, ID 83501. Representative: Darwin D. Grewe, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier,* Irregular routes: *lumber, wood and forest products, and building materials* between points in the United States under continuing contract with Hodge Forest Industries, Inc., Idaho Timber Corporation, Hodge Lumber Wholesale & Supply, Inc., Idaho Pacific Lumber, Inc. and Intermountain-Orient, Inc., all of Boise, ID, for 270 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 159739 (Sub-6–1TA), filed December 11, 1981. Applicant: D & H TRANSPORTATION, INC., 17081 E. 59th Ave., Denver, CO 80239. Applicant's representative: Merle A. Roberts, (same as applicant). *Contract Carrier;* Irregular routes: *Such commodities dealt in by wholesale and retail food businesses* between Denver, CO and Albuquerque, NM for the account of Nobel, Inc. for 270 days. Supporting shipper: Nobel, Inc., 1101 W. 48th Ave., Denver, CO 80217.

MC 159798 (Sub-6–1TA), filed December 17, 1981. Applicant: M. F. DAVALOS TRUCKING, INC., 13906 Valley Blvd., La Puente, CA 91746. Representative: Raymond Davalos, (same address as applicant). *Contract Carrier,* Irregular routes: (1) *Corrugated boxes, pallets, and related machinery* (2) *Glass bottles; pallets; materials, equipment and supplies used in the manufacturing and distributing of glass containers* (3) *Air compressors and pumps* (4) *Wire products* (5) *Paper and paper products; materials, equipment and operating supplies used in the manufacture of paper and paper products,* between points in CA on the one hand and points in AZ, ID, NV, NM,

OR, UT and WA on the other hand for 270 days. Supporting shipper(s): Western Kraft Paper Gp, 19615 S. Susana Rd, Compton, CA. (2) Latchford Glass Co, 7507 Roseberry Ave., Los Angeles, CA (3) Teglen-Airdraulic Div. 2043 Saybrook Ave, Commerce, CA (5) Boise Cascade Corp. 555 Maple Ave, Torrance, CA.

MC 159398 (Sub-6–1TA), filed December 16, 1981. Applicant: TALOREM LTD., d.b.a. FLEETLINE EXPRESS, 155 Sansome St., Suite 800, San Francisco, CA 94104. Representative: William E. Gore, 155 Sansome St., Suite 800, San Francisco, CA 94104. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in WA, OR, CA, ID, NV, UT, and AZ, for 270 days. An underlying ETA seeks 120 days authority. There are 12 supporting shippers. Their statements may be examined at the Regional office listed above.

MC 147590 (Sub-6–1TA), filed November 30, 1981. Applicant: GOLD STREAK FREIGHT LINES, INC., 1855 E. 3rd Ave., Anchorage, AK 99501. Representative: Dalton B. Coor (same as applicant). *General Commodities,* (except Class A and B explosives and household goods as defined by the commission), between all points in AK for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Environmental Support Services Co., 601 W. 41st St. Suite 103, Anchorage, AK 99503; Peninsula Shippers Assoc., Inc., 1907 Post Rd., Anchorage, AK 99501; Busby Alaska, 6927 Old Seward Hwy., Anchorage, AK 99502.

MC 159304 (Sub-6–1TA), filed November 16, 1981. Applicant: INTERMOUNTAIN TRANSIT HOMES, INC., Box 104–C, Inkom, ID 82345. Representative: Eldon E. Bresee, 2881 East 3400 South, Salt Lake City, UT 84109. *Mobile Homes, Buildings, Building Sections, Modules, and parts and accessories thereto* in initial and secondary movements, between points in CO, ID, NV, UT, and WY, for 270 days. There are 7 supporting shippers. Their statements may be examined at the regional office listed above.

MC 158880 (Sub-6–1TA), filed December 18, 1981. Applicant: JACK FRICKEY AND PAUL FRICKEY d.b.a. J & P TRUCK SERVICE, 802 1st St., So, Nampa, ID 83651. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Hides,* (1) From Boise and Nampa, ID, and the commercial zones thereof, to Portland, OR, Seattle, WA and the commercial zones thereof and points in CA; (2) from Portland, OR and its commerical zone to points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Pacific Hide and Fur Depot, Inc., P.O.B. 849, Nampa, ID 83651; Southwest Hide Co., Inc., P.O.B. 7946, Boise, ID 83707.

MC 159769 (Sub-6–1TA), filed December 15, 1981. Applicant: LARRY L. DARLINGTON, d.b.a. L & F TRUCKING, P.O.B. 116, Mills, WY 82644. Representative: Larry L. Darlington (same as applicant). (1) *Oilfield commodities, machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points and places in WY, CO, UT, ID, MT, ND, NE, SD, NM, restricted against the transportation of complete oil drilling rigs "fopr 270 days". Supporting shippers: "There are (9) shippers." Their statements may be examined at the Regional Offices listed above.

MC 156032 (Sub-6–3TA), filed December 14, 1981. Applicant: ROY LEATHAM TRANSPORT, INC., 5217 S. E. Aldercrest Drive, Milwaukie, OR 97222. Representative: David R. Benson, 3170 N.W. Parkview Drive, Beaverton, OR 97006. *Contract Carrier,* Irregular Routes: *GENERAL COMMODITIES, except Class A and Class B Explosives,* between points in the U.S., for the account of Deseret Transportation for 270 days. Supporting shipper: Deseret Transportation, 1600 South Wallace Road, Salt Lake City, UT 84104.

MC 144953 (Sub-6–5TA), filed December 11, 1981. Applicant: MULLEN TRUCKING LTD., P.O.B. 8009, Station F, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth 717—17th St., Ste. 2600, Denver, CO 80202. *Mercer commodities* between ports of entry on the International Boundary between the U.S. and Canada located in WA, ID, MT, and ND on the one hand, and on the other, points in OH, IL, PA, and MO; restricted to traffic moving in foreign commerce, for 270 days. Supporting shipper: SRL Metals, Inc., 35 Brook Hollow Dr., Santa Ana, CA 92705; Comco Distributors Ltd., Box 5558, Station L, Edmonton, Alberta, CD T6C 4E9.

MC 146985 (Sub-6–4TA), filed December 17, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O.B. 3306, Redding, CA 9649. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Plasterboard,* between Redding, CA and points in or near Empire, NV for 270 days. Supporting shipper: Evans & Co. Material and Supply, 3671 Charlanne, Redding, CA 96003.

MC 159092 (Sub-6–1TA), filed December 17, 1981. Applicant: ROLLERS VAN AND STORAGE CO., INC., 3170 East 36th Street, Tucson, AZ 85713. Representative: Lewis P. Ames, 8201 North 7th Street, NO. 3, Phoenix, AZ 85020. *General Commodities* between Los Angeles County, CA; Pima County, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 155812 (Sub-6–2TA), filed December 21, 1981. Applicant: SEA–PAC FREIGHT LINES, INC., P.O. Box 3763, Seattle, WA 98124. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104. *Contract Carrier,* Irregular routes: *General commodities (except classes A and B explosives and except household goods),* between points in WA, OR, CA, ID, MT, AZ, CO, UT, WY, AK, NV, NM, for the accounts of Certified Grocers, Rogers Walla Walla, Inc., Consolidated Dairy Products Co., Treetop, Inc., United Grocers, for 270 days. Supporting shippers: There are five (5) shippers. Their statements may be examined at the regional office listed.

MC 145513 (Sub-6–1TA), filed December 14, 1981. Applicant: SERVICE TRANSPORTATION, INC., P.O.B. 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Salt, in bulk [liquid calcium chloride],* from Newark and Amboy, CA, to points in ID, OR, UT, WA, and WY, for the account of Leslie Salt Company, for 270 days. Supporting shipper: Leslie Salt Company, P.O.B. 364, Newark, CA 94560.

MC 147375 (Sub-6–1TA), filed December 18, 1981. Applicant: G. H. SINGH & SONS TRUCKING CO., LTD., 8742 S. Broadway, Chilliwack, B.C., CD V2P5V6. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Salt, in bulk,* from the international border line located at or near Douglas, WA to all points in WA. An underlying ETA seeks up to 120 days authority. For 270 days. Supporting shipper: Canadian Occidental Petroleum, Ltd., 100 Amherst Ave., No. Vancouver, B.C., CD V7H1F4.

MC 144631 (Sub-6-7TA), filed December 14, 1981. Applicant: HVH TRANSPORTATION, INC., d.b.a. THACKER TRANSPORTATION, 4201 E. 52nd Ave., Commerce City, CO 80022. Representative: Dale E. Isley, 330 Steele Park Bldg., 50 S. Steele St., Denver, CO 80209. *Common Carrier:* Regular routes: *General Commodities* (except classes A and B explosives) between Pueblo, CO and the plant site and warehouse facilities of Atlantic Richfield Company at or near Gardner, CO, via Interstate 25, CO Hwy. 69, and County Rd. 565, for 270 days. Supporting shipper: Daniel Construction Co., 520 S. Albert St., Walsenburg, CO 81089.

MC 156509 (Sub-6-2TA), filed December 17, 1981. Applicant: W. M. M. COMPANY, INC., P.O.B. 80, Goshen, OR 97401-1043. Representative: Wilford L. Main, 2299 Willona Dr., Eugene, OR 97401. (1) *Roofing, wallboard, plaster, tape, shakes, lumber, laminated beams, particle board, plywood, forest by-products, decorative tile, brick, all building materials* from points in OR to points in CA, WA, and NV; from points in WA to points in OR, CA and NV; from points in CA to points in WA, OR and NV; from points in NV to points in OR, WA and CA for 270 days. Supporting shippers: U.S. Lumber Sales, 2080 Vista, Salem, OR 97302; Bohemia Inc., 2280 Oakmont Way, Eugene, OR 97401; Simulated Brick, 85357 Hwy. 99S., Eugene, OR 97405; and Oregon-McKenzie Lumber Products Co., Inc., P.O.B. 2743, Eugene, OR 97402.

MC 148692 (Sub-6-2TA), filed December 15, 1981. Applicant: ZABEN TRANSIT, INC., 5320 Wadsworth Blvd., Arvada, CO 80002. Representative: Jerry L. Mutchie (same as applicant). *Baby knapsacks, baby backpacks, strollers, swings, gates, plastic articles, and other materials and supplies related to the care and safety of infants and children. Materials, supplies, and equipment used in the manufacture and distribution of the above.* Between Denver, CO and points in its commecial zone on the one hand and points in the U.S. (except AK and HI) on the other, for 270 days. Supporting shipper: Gerico, Inc., 12520 Grant Drive, Thornton, CO 80241.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37370 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. 215]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of an application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich

Secretary.

MC 621 (Sub-7)X, filed December 9, 1981. Applicant: PAUL ARPIN VAN LINES, INC., 150 Manton Avenue, Providence, RI, 02909. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Lead and Sub-No. 4, broaden: (1) in both authorities, household goods, as defined by the Commission, to "household goods and furniture and fixtures," and (2) lead, from Winfield, KS, and points within 50 miles of Winfield to points in Butler, Chautaugua, Cowley, Elk, Greenwood, Harper, Harvey, Kingman, Sedgwick, and Sumner Counties, KS.

MC 47791 (Sub-9)X, filed December 11, 1981. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter St., Blossburg, PA 16912. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Subs 1, 3, 5, 6 and 7: (1) broaden commodity description: coal to "coal and coal products" in Subs 1, 3 and 6; scrap metal to "waste or scrap materials not identified by industry producing" in Sub 1; sand and gravel to "ores and minerals" in Sub 5; and such commodities as are transported in dump vehicles to "dry bulk commodities" in Sub 7; (2) broaden territorial description: Cortland to Cortland County, NY; Binghamton to Broome County, NY; Syracuse to Onondage County, NY; Blossburg to Tioga County, PA; McConnellsville to Oneida County, NY; and Barton to Tioga County, NY; (3) change one-way to radial authority, and (4) remove "originating at" named facilities restriction in Sub 5.

MC 65419 (Sub-8)X, filed December 10, 1981. Applicant: ARMORED CAR COMPANY, INC., P.O. Box 32930, Louisville, KY 40232. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Lead and Subs 1, 3, 4, and 6 permits, broaden (A) from money, bullion, securities, and bonds, lead and Sub 3; and coin, Sub 4, to "money, bullion, securities, bonds and other commodities and articles of unusual value", and (B) to between points in the U.S. under continuing contract(s) with unnamed shippers, lead and Subs 1, 3 and 4; and named shippers, Sub 6.

MC 80443 (Sub-51)X, filed December 16, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Lead in part, and Subs 8, 10, 18F, 29F, 31F, 32F, 36, 38F, 39F, and 44F (A) remove (1) all exceptions, except classes A and B explosives, and (2) the restriction against serving intermediate points, in its general commodity authority in a part of its lead (B) broaden (1) polypropylene agricultural baler twine to "rubber and plastic products" in Subs 8 and 32; (2) foodstuffs to "food and related products" in Sub 10; (3) plastic articles to "rubber and plastic products" in Sub 18; (4) furniture and furniture parts to "furniture and fixtures" in Sub 29; (5) outerwear and flotation devices to "apparel, or other finished textile products or knit wear" in Sub 31; (6) iron and steel articles to "metal products" in Sub 36; (7) such commodities as are dealt in or used by manufacturers or distributors of electric ranges and microwave ovens to "such commodities as are dealt in or used by manufacturers or distributors of electrical machinery, equipment or supplies" in Sub 38; and (8) material handling equipment and parts for material handling equipment to "transportation equipment" in Sub 39; (C) broaden irregular route points and plant sites to county-wide: In Subs 8 and 32, Albert Lean, MN, to Freeborn County, MN; Sub 10, Arlington, MN, to Sibley County, MN; Sub 18 (plant site) Mora, MN to Kanabec County, MN; Sub

29 (plant site) Wadena, MN, to Wadena County, MN; Sub 31, St. Cloud and Sauk Rapids, MN, to Stearns, Sherburn and Benton Counties, MN; Sub 38, Sioux Falls, SD, to Minnehaha County, SD; Sub 39 (plant site) Hopkins, MN, to Hennepin County, MN: (D) delete (1) restriction against transportation of traffice to points less than county-wide: Kansas City, KS, and Kansas City and St. Joseph, MO, in Sub 8; (2) restriction to traffic having a subsequent movement by rail, in Sub 10; (3) restriction against transportation of commodities in bulk, in tank vehicles, in Sub 39; and (4) "originating at and destined to" restriction, in Subs 18 and 44; (E) broaden to radial authority in Subs 8, 10, 29, 31, 32 and 36.

MC 126927 (Sub-6)X, filed December 18, 1981. Applicant: PANTHER TRANSPORTATION, INC., 7301 West 15th Avenue, Gary, IN 46406. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Lead (1) part 1, change lead to "metal products", and allow service to all intermeidate points, (2) part 2, change scrap metals to "waste materials", and allow service to all intermediate points, and remove delivery only limitation, (3) part 3, change fertilizer to "chemicals and related products", (4) part 4, change sugar to "foods and related products", (5) parts 5 through 9, change glass containers, stoppers, and caps, and knocked-down paper cartons and parts thereof to "containers and related products", (6) part 8 delete poundage restriction, (7) part 11, change reclaimed lead to "metal and metal products", (8) part 12, change scrap metals to waste materials", and Whiting, IN to Lake County, IN; (9) parts 13 and 14, change chemicals and soda ash to "chemicals and related products," (10) part 15, change loose brass borings to "metals and metal products", (11) part 16, change cheese to "food and related products", (12) part 17, change fertilizer to "chemicals and related products", (13) part 18, change feeds to "farm products", (14) parts 19 and 20, change canned goods and sugar to "foods and related products", (15) authorize radial service in all but parts 23, and 25, (16) part 22, change containers, manufactured from paper or paper products to "containers", (17) part 23, change butter to "food and related products", (18) part 24, change pallets, platforms and skids to "shipping devices", (19) part 25, change corrugated paper boxes, corrugated paper sheets, and machines and supplies to "paper and paper products, and machinery", and delete the originating at and destined to restriction; and (20) part 26, delete (except feed and feed ingredients and (21) change one way authorities to two way authorities.

MC 144212 (Sub-5)X, filed December 14, 1981. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, CD N0A 1A0. Representative: Willaim J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Subs 2F, 3F and 4F permits broaden: (1) and Sub 2F and 3F from gypsum products and roofing materials to "building materials, and clay, concrete, glass or stone products"; Sub 4F, from marble chips, decorative stone, kitty litter to "clay, concrete, glass or stone products," soil to "ores and minerals," processed manure to "chemicals and related products," and from horticultural commodities to "farm products"; (2) remove originating at or destined to named Canadian points restriction, Sub 2F, (3) remove in bulk, in tank vehicles restrictions, Sub 3F, (4) to between all points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-37367 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-328

Decided: December 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143710 (Sub-3), filed December 14, 1981. Applicant: KAL-AUTO TRANSPORT, INC., Pier 70, 22nd Street & Illinois Ave., San Francisco, CA 94107. Representative: David J. Marchant, One Maritime Plaza, Suite 300, San Francisco, CA 94111 (415) 954-0200. Transporting, for or on behalf of the United States Government, *general*

commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC–159580, filed December 7, 1981. Applicant: AIR-RIDE MOVING & STORAGE, INC., 6139 Southwest Park Ave., Lawton, OK 73505. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC–159601, filed December 7, 1981. Applicant: JOHN W. ARMSTRONG, d.b.a. JOHN ARMSTRONG & ASSOCIATES, 2442–B Stone Mountain Lithonia Rd., Lithonia, GA 30058. Representative: John W. Armstrong, (same address as applicant), (404) 482–4897. As a *broker of general commodities* (except household goods), between points in the U.S.

MC–159611, filed December 8, 1981. Applicant: INTERCITY LINES, INC., P.O. Box 153, Hardwick, MA 01037. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC–159701, filed December 14, 1981. Applicant: TRU–MORE TRUCKING CO., INC., P.O. Box 365, Roosevelt, NY 11575. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle between points in the U.S.

MC–159730, filed December 16, 1981. Applicant: OPERATIONAL COURIER SERVICE, INC., 3 North Bentz Street, Frederick, MD 21701. Representative: David Arnold Shaw, (same address as applicant), (301) 662–4154. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle on which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–2–249

Decided: December 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chankler, and Fortier. (Member Chandler not participating.)

MC–150602, (Sub-4), filed December 7, 1981. Applicant: CHARLES A. McCAULEY, INC., 100 Industrial Way, Hawthorn, PA 16230. Representative: Larry D. McCauley, (same address as applicant), (814) 365–5714. Transporting *general commodities* (except classes A and B explosives), between Bradford, Broughton, Castleton, Dales, Equality, Havoline, Junction, Lombardville, Shawneetown, and Sherwood, IL, Abbeville, Benoit, Beulah, College Hill, Greenville Air Force Base, Holly Springs, Hudsonville, Lake Vista, Lamont, Lamar, McClary, Metcalfe, Michigan City, Oxford, Rosedale, Scott, Spraggins, Taylor, Waterford, Water Valley, and Winterville, MS. Burton, Chardon, Concord, East Claridon, Middlefield, and West Farmington, OH, Bolivar, Conger, Hickory Valley, Malesus, Medon, Middleburg, and Toone, TN, and Barton, Bergoo, Hylow Mines, and Webster Springs, WV, on the one hand, and, on the other, points in the U.S.

Note—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

Volume No. OPY–4–495

Decided: December 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC–159716, filed December 14, 1981. Applicant: EUGENE LARRIMORE, Route 3, Box 66, Loris, SC 29569. Representative: Susan Nichols, P.O. Drawer 17308, Pensacola, FL 32522. (904) 438–1493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC–159737, filed December 16, 1981. Applicant: RUDY VINES, d.b.a. RUDY VINES TRUCKING, 602 Pennsylvania Ave., Hamptom, VA 23661. Representative: Blair P. Wakefield, Suite 1001, first and Merchants National Bank Bldg., Norfolk, VA 23510. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC–159727, filed December 14, 1981. Applicant: JAY R. KINGERY, d.b.a. Greenwich Couriers, 1 Liberty Way, Greenwich, CT 06830. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37386 Filed 12–31–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed)

appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–327

Decided: December 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 13300 Sub 95, filed August 25, 1981, previously noted in the FR issue of September 17, 1981.

Applicant: CAROLINA COACH COMPANY, d.b.a. CAROLINA TRAILWAYS, 1201 S. Blount Street, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, D.C. 20004, (202) 628–4600. Transporting *passengers and their baggage,* in spcial and charter operations, beginning and ending at Chesapeake, Colonial Heights, Danville, Emporia, Franklin, Hopewell, Norfolk, Petersburg, Portsmouth, Richmond, Suffolk, and Virginia Beach, VA, Baltimore, MD and its commercial zone, Philadelphia, PA and its commercial zone, and the District of Columbia and its commercial zone, and points in Alamance, Beaufort, Bertie, Cabarrus, Camden, Caswell, Chatham, Chowan, Cumberland, Currituck, Dare, Davidson, Durham, Edgecombe, Franklin, Gates, Greene, Guilford, Halifax, Harnett, Hertford, Hyde, Johnston, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pasquotank, Pender, Person, Perquimans, Pitt, Randolph, Rockingham, Rowan, Stanley, Tyrrell, Wake, Warren, Washington, and Wilson Counties, NC, Accomack, Chesterfield, Greensville, Henrico, Isle of Wight, Northampton, Prince George, Southampton, Surry, and Sussex Counties, VA, Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, Kent, New Castle, and Sussex Counties, DE, and Delaware County, PA, and extending to points in the U.S. NOTE: The purpose of this republication is to reflect service to and from the commercial zones of Baltimore, MD, Philadelphia, PA and the District of Columbia.

MC 57311 (Sub-17), filed December 7, 1981. Applicant: PUTNAM TRANSFER & STORAGE CO., 1705 Moxahala Ave., Zanesville, OH 43701. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in Muskingum and Perry Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 61620 (Sub-20), filed December 14, 1981. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, between points in MD, NC, NJ, NY, PA, and VA, and (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Baltimore, MD, on the one hand, and, on the other, points in NC and VA.

MC 87451 (Sub-16), filed December 7, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31—Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *such commodities* as are dealt in or used by (1) packing and crating services, and (2) manufacturers and distributors of containers and packaging products, between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 87451 (Sub-17), filed December 14, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, N. Billerica, MA 01862. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *plastic film and sheeting,* between the facilities of Borden Chemical Co., Division of Borden, Inc., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116300 (Sub-90), filed July 30, 1981. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *lumber and wood products,* (1) between points in AL, AR, LA, MS, and TX; and (2) between points in AL, AR, LA, MS, and TX, on the one hand, and, on the other, points in AZ, CO, FL, GA, IL, IN, KS, KY, MI, MO, MT, NE, NM, NC, ND, OH, OK, SC, SD, TN, UT, VA, WV, and WY.

MC 116621 (Sub-3), filed December 4, 1981. Applicant: J. GRADY RANDOLPH, INC., P.O. Box 712, Blacksburg, SC 29702. Representative: John H. Lumpkin, Jr., 1200 SCN Center, Columbia, SC 29201, (803) 779–3080. Transporting *ores and minerals, and clay, concrete, glass or stone products,* between points in GA, NC, SC, TN, and VA, on the one hand, and, on the other, points in the U.S.

MC 119090 (Sub-13), filed December 7, 1981. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 567, White Lake Road, Sparta, NJ 07871. Representative: Barry Finkle (same address as applicant), (201) 383–8800. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NJ, NH, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 124170 (Sub-192), filed December 7, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521 (312) 629–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contact(s) with Swift Independent Packing Company of Chicago, IL.

MC 128220 (Sub-36), filed December 11, 1981. Applicant: RALPH LATHAM, d.b.a., LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities used by Somerset Foods, Inc. at those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 135231 (Sub-66), filed December 7, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *furniture and fixtures, electric equipment and machinery,* between points in Douglas County, NE, on the one hand, and, on the other, points in the U.S.

MC 135530 (Sub-7), filed December 7, 1981. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Road, Winona, MN 55987. Representative: John G. Grote (same address as applicant), (507) 454–4947. Transporting *automotive parts, marterials, equipment, and supplies,* between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 135611 (Sub-13), filed December 10, 1981. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North Eighth St., Brawley, CA 92227. Representative: Thomas M. Loughran, 100 Bush—21st Floor, San Francisco, CA 94104, (415) 986–5778. Transporting *petroleum, natural gas and their products,* between points in CA, on the one hand, and, on the other, points in AZ, CA, NV, NM, OR, UT, and WA.

MC 138701 (Sub-8), filed December 8, 1981. Applicant: G. D. & K., INC., 500 West Main St., Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Hoechst Fibers Industries, of Spartanburg, SC.

MC 140101 (Sub-13), filed December 11, 1981. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alliance Shippers, Inc., of Willow Springs, IL.

MC 146140 (Sub-8), filed December 7, 1981. Applicant: MELVIN SALES COMPANY, 901 North Vermillion St., Streator, IL 61364. Representative: Paul J. Maton, Ten South LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332–0905. Transporting *alcoholic beverages,* between Plainfield, IL, on the one hand, and, on the other, points in the U.S.

MC 146380 (Sub-5), filed December 8, 1981. Applicant: WILLIAM PIERCE, d.b.a. PIERCE TRUCKING, 205 First St., Ludington, MI 49431. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting (1) *metal products,* between points in Weber County, UT, Lincoln County, NC, Cook County, IL, Jefferson County, KY, and Worcester County, MA, and (2) *chemicals, chemical products, and petroleum-based products,* between points in IL, OH, IN, NJ, CT, AR, MD, MO, TX, CA, GA, and LA.

MC 147911 (Sub-9), filed December 15, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between points in TN, AL, GA, and Outagamie County, WI, on the one hand, and, on the other, points in the U.S.

MC 148600 (Sub-15), filed December 10, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, W. Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, D.C. 20001, (202) 628–9243. Transporting *lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, metal products and building materials* (except commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Master Shield, Inc., of Weatherford, TX.

MC 149100 (Sub-15), filed December 15, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 717–17th Street, Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting (1) *such commodities* as are dealt in or used by a manufacturer and distributor of feed and farm supplies and (2) *food and related products,* between points in the U.S., under continuing contract(s) with Con Agra, Inc., of Great Falls, MT.

MC 149561 (Sub-1), filed December 11, 1981. Applicant: EDWARD P. CASTERLINE, d.b.a. CASTERLINE TRUCKING, 444 Roosevelt St., Exeter, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *metal products,* between points in Luzerne County, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, WI, IL, MS, LA, AR, MO, IA, MN, KS, OK and TX.

MC 150080 (Sub-11), filed December 7, 1981. Applicant: CONTROLLED CARRIERS, INC., PO Box 367, Exton, PA 19341. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *chemicals and related products,* between Los Angeles, CA, and Chicago, IL, and points in Union County, NJ, Clinton County, PA, Worcester County, MA, and Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 150261 (Sub-1), filed December 8, 1981. Applicant: WALVATNE TRUCKING, INC., 717 21st Street North, Fargo, ND 58102. Representative: Todd W. Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ND, SD, and MN, on the one hand, and, on the other, points in the U.S.

MC 150301 (Sub-14), filed December 14, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Root-Lowell Manufacturing Company, of Lowell, MI.

MC 150391 (Sub-2), filed December 7, 1981. Applicant: WEST TEXAS EXPRESS, 9717 Carnegie Avenue, El Paso, TX 79925. Representative: Joe Washington Roberts, 1468 Backus, El Paso, TX 79925, (915) 598–9715. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between El Paso, TX and Alamogordo, NM, over Hwy 54, serving all intermediate points, and (2) between Alamogordo and Las Cruces, NM, over U.S. Hwys 70/82, serving all intermediate points and serving Holloman Air Force Base, White Sands Missile Range and Johnson Space Center as off-route points.

MC 151531 (Sub-1), filed December 10, 1981. Applicant: NATURAL TRUCK LEASING CORP., R.D. 1, Box 381, Monticello, NY 12701. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *textile mill products,* between points in NY, NJ, CT, PA, and MA.

MC 151741 (Sub-4), filed December 15, 1981. Applicant: D. E. WILLOUGHBY TRUCKING, 2058W Carr Hill Road, Columbus, IN 47201. Representative: Sue Willoughby (same address as applicant), 1–812–372–8493. Transporting *general*

commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Cissell Manufacturing Company, of Louisville, KY.

MC 153201 (Sub-2), filed December 8, 1981. Applicant: GTL TRANSPORT COMPANY, 110 Dill Road, Suffolk, VA 23434. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *meats, meat products, meats byproducts, and articles distributed by meat-packing houses*, between Norfolk, VA, and points in Isle of Wight and Southampton Counties, VA, on the one hand, and, on the other, points in DE, FL, GA, MD, NC, NJ, NY, PA, SC, VA, WV, and DC.

MC 153601 (Sub-6), filed December 8, 1981. Applicant: ITO LTD., 121 West Doty Street, Madison, WI 53703. Representative: Melvin M. Freese, P.O. Box 43355, St. Paul, MN 55164, (612) 633–2661. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with (1) The Scott & Fetzer Company, of Lakewood, OH, (2) Conklin Company, Inc., of Shakopee, MN, (3) Leslie Paper Company, of Minneapolis, MN, and (4) National Poly Products, of Mankato, MN.

MC 154121 (Sub-17), filed December 3, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *food and related products, and store displays*, between the facilities used by Wm. Wrigley Jr. Company, its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156390 (Sub-1), filed November 18, 1981, previously noticed in **Federal Register** issue of December 10, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *food and related products*, between Markham, WA, and points in CA, and those in Burlington County, NJ, Kenosha County, WI, and Plymouth County, MA, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products and rubber and plastic products*, between Los Angeles, CA, and Chicago, IL, and points in NJ, PA, and TX, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in by retail department stores, between points in Hudson and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the territorial description.

MC 158020, filed December 7, 1981. Applicant: FRY TRANSPORT, 2831 Barton Beach Rd., Lafayette, IN 47905. Representative: Robert L. Fry (same address as applicant), 317–429–9756. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Lafayette Beverage Distributors, Inc., of Lafayette, IN.

MC 158251 (Sub-1), filed December 9, 1981. Applicant: E & P DAY TRIPS, LTD., Shore Road, Westerly, RI 02891. Representative: Charles J. Moore, 43 Broad Street, Westerly, RI 02891, (401) 596–0151. As a *broker* at Westerly, RI, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at Pawcatuck, CT, and extending to Providence, Newport and Warwick, RI; Boston, Sturbridge, The Cape Cod National Seashore, Hingham, Fall River and New Bedford, MA; Hartford and Stamford, CT; West Point, Hyde Park and New York, NY; Concord, Rindge and Keane, NH; and Brattleboro, Bennington and Rutland, VT.

MC 158511 (Sub-3), filed December 14, 1981. Applicant: WISCONSIN GENERAL CARTAGE AND WAREHOUSE, INC., 4080 North Port Washington Road, Milwaukee, WI 53212. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *transportation equipment*, between Milwaukee, WI, on the one hand, and, on the other, Chicago, IL.

MC 159031 (Sub-1), filed December 9, 1981. Applicant: SMOKY MOUNTAIN TRANSPORTATION, INC., 61½ Craven St., Asheville, NC 28806. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *cosmetics, toilet preparations, and toiled articles*, between points in Carter County, TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KS, LA, MI, MN, MO, NE, NJ, NY, OH, PA, TX, VA, and WI.

MC 159211, filed December 14, 1981. Applicant: CAMPUS LINK, INC., P.O. Box 8536, Moscow, ID 83843. Representative: J. S. Overstreet, 858 Harold Ave., Moscow, ID 83843, (208) 882–8349. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in Nezperce and Latah Counties, ID and Whitman and Spokane Counties, WA.

MC 159520, filed December 1, 1981. Applicant: GUARANTEED EXPRESS, INC., 2306 Bushwick Drive, Dayton, OH 45439. Representative: Gale Kenneth Long, (same address as applicant), (513) 299-4041. Transporting *such commodities* as are dealt in or used by manufacturer and distributor of appliances, between points in the U.S., under continuing contract(s) with Hobart Corporation, Inc., of Troy OH.

MC 159551, filed December 7, 1981. Applicant: FLAMINGO TOURS, INC., 327 Wilshire Blvd., Suite 220, Santa Monica, CA 90401. Representative: Nelly G. Toomaru, 12120 Texas Ave., Apt 203, Los Angeles, CA 90025, (213) 820–0420. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Los Angeles County, CA, and extending to points in NV and AZ, and the port of entry on the international boundary line between the U.S. and Mexico at San Ysidro, CA.

MC 159571, filed December 4, 1981. Applicant: FRED W. GRAVES, STAN W. GRAVES, STEVEN R. GRAVES, d.b.a. GRAVES & SONS, P.O. Box 366, Huntington, OR 97907. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. Transporting *building materials*, between points in OR, WA, ID, NV, CA, MT, CO, AZ, NM, UT, and WY.

MC 159591, filed December 8, 1981. Applicant: CORNELL CARTAGE COMPANY, P.O. Box 4331, Denver, CO 80204. Representative: Charles J. Kimball, #t665, 1600 Sherman St., Denver, Co 80203, (303) 839–5856. Transporting *such commodities* as are dealt in or used by department, auto service, and lawn and garden stores, between points in the U.S, under continuing contract(s) with Sears Roebuck and Co., of Alhambra, CA.

MC 159621, filed December 9, 1981. Applicant: CAROLINA ENTERPRISES, INC., Box 427, Daniel Street Extension, Tarboro, NC 27886. Representative: David H. Permar, Box 527, Raleigh, NC 27602, (919) 828–5952. Transporting *general commodities* (except classes A and B explosives, hazardous materials and materials requiring special equipment), between points in ME, NH, VT, MA, CT, NY, PA, DE, NJ, MD, VA, WV, OH, IN, IL, MI, WI, KY, TN, NC, SC, GA, MS, AL, FL, LA, AR, MO, IA, MN, NE, KS, OK, TX, NV, UT, CO, and RI.

MC 159630, filed December 10, 1981. Applicant: TUCKER TOURS, INC., 4306 Vine Street, Capitol Heights, MD 20743. Representative: William P. Tucker, Jr., (same address as applicant), (301) 735–3595. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in MD, VA, and DC, on the one hand, and, on the other, points in the U.S.

MC 159671, filed December 10, 1981. Applicant: AMERICAN FREEZER TRANSPORT, INC., 1303 N. McClellan, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd. Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Mrs. Smith's Frozen Foods, Inc., of Pottstown, PA.

MC 159690, filed December 14, 1981. Applicant: THOMAS TRAVEL OF SPRINGFIELD, INC., 1615 S. Glenstone, Suite A, Springfield, MO 65804. Representative: Walter A. Thomas, (same address as applicant), (417) 883–9122. As a *broker* at Springfield, MO, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, beginning and ending at points in Greene, Webster, Laclede, Polk, Christian, Lawrence, Barry, Taney, Douglas, Howell, Scott, Jasper, Butler, Vernon and Pulaski Counties, MO, and extending to points in the U.S.

MC 159710, filed December 14, 1981. Applicant: SWAN TRAVEL AGENCY, 54 East Baltimore Ave., Clifton Heights, PA 19018. Representative: Marguerite F. Bruton, 102 Mildred Ave., Collingdale, PA 19023, (215) 586–2614. As a *broker* at Clifton Heights, PA, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, between points in PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–498

Decided: December 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 136596 (Sub–5), filed December 17, 1981. Applicant: APACHE TOURS, INC., Rts. 206 & 70, Vincentown, NJ 08088. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094, (609) 629–2354. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in Bucks and Philadelphia Counties, PA and extending to those points in the U.S. in and east MN, IA, KS, MO, AR, and LA.

MC 140116 (Sub–1), filed December 10, 1981. Applicant: ATLAS TRUCKING CO., LTD., 5005 Irwin Ave., LaSalle, Quebec, Canada H8N 2G9. Representative: Thomas E. Acey, Jr., 1660 L St. N.W., Suite 1100, Washington, DC 20036, (202) 452–8732. Transporting those *commodities* which because of their size and weight require the use of special handling or equipment between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, VA, OH, MI, IL, IN, WI, MN, and DC.

MC 146817 (Sub 14), filed November 6, 1981, and previously noticed in the FR issue of December 1, 1981, and republished this issue. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *such commodities* as are dealt in and used by automotive tire supply stores, between points in Johnson County KS, on the one hand, and, on the other, points in Adams, Christian, Fulton, Hancock, Henry, Rock Island, Schuyler, and Whiteside Counties, IL, and points in IA.

Note. The purpose of this republication is to correct the territorial description.

MC 147536 (Sub-37), filed November 16, 1981, previously noticed in the FR of December 1, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64802. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *clay, concrete, glass or stone products,* between points in Wayne County, MI, Davidson County, TN, and Tulsa County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note. The purpose of this republication is to show Tulsa County in OK. The previous notice inadvertently reflected Tulsa County as in TX.

MC 147066 (Sub-5), filed December 14, 1981. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., 1617-B Whipple Rd., Hayward, CA 94544. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco CA 94111, (415) 986–1414. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Sun-Diamond Growers of California, of San Ramon, CA.

MC 147196 (Sub-20), filed December 11, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70439, (504) 643–1700. Transporting *plastic products,* between points in the U.S. under continuing contract(s) with Rubbermaid, Inc., of Greenville, TX.

MC 147196 (Sub-21), filed December 11, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643–1700. Transporting *petroleum and related products,* between points in the U.S. under continuing contract(s) with Burmah-Castrol, Inc., of Hackensack, NJ.

MC 14796 (Sub-22), filed December 14, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643–1700. Transporting *paper and related products and printed matter* between points in the U.S., under continuing contract(s) with Bowater Computer Forms, Inc.

MC 158956, filed December 14, 1981. Applicant: JOSEPH CALLAVINI, P.O. Box 256, Back St., Lattimer, PA 18234. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *paper and paper products* between points in Columbia County, PA and Gregg County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159116, filed December 14, 1981. Applicant: FRONTIER TRAILS, INC., 18701 S. Wolf Rd., Mokena, IL 60448. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *passengers and their baggage,* in special or charter operations, beginning and ending at points in IL, IN, IA, KA, KY, MO, MI, MN, OH, and WI, and extending to points in the U.S.

MC 159736, filed December 16, 1981. Applicant: DTC, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: John R. Frederick (same address as applicant), (517) 676–3800. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Dart Container Corp., of Mason, MI, Leola, PA, Lithonia, GA, North Aurora, IL, Corona, CA, Waxahachie, TX, Horse Cave, KY, and Plant City, FL, and Formed Products, Inc., of Leola, PA, and North Aurora, IL.

MC 159746, filed December 17, 1981. Applicant: A.M.G. DELIVERIES, INC., 64–05 34th Avenue, Woodside, NY 11377. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting such

commodities as are dealt in or used by manufacturers and distributors of copy machines and copy machines supplies, between points in the U.S. under continuing contract(s) with A. B. Dick Co., Inc., of Chicago, IL.

MC 159766, filed December 17, 1981. Applicant: G & G DRAYAGE, INC., 22 Mill Race Dr., St. Peters, MO 63376. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237–2385, (214) 339–4108. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Valley Industries, Inc., of St. Louis, MO.

Volume No. OPY–4–499

Decided: December 28, 1981.

By the Commission; Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 121457 (Sub-6), filed December 16, 1981. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Rd. No. 3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *oilfield equipment and supplies,* and (2) *pipe,* between points in AL, AR, CO, FL, IA, KS, LA, MS, MT, ND, NE, NM, OK, SD, TX, UT, and WY.

MC 146447 (Sub-20), filed December 14, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Artco-Bell Corporation, of Temple, TX.

MC 148647 (Sub-32), filed December 14, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clairol, Inc., of Stamford, CT, The Mead Johnson Co., of Evansville, IN, Monarch Crown Co., of New York, NY, Pelton & Crane Company, of Charlotte, NC, Synder Laboratories, Inc., of New Philadelphia, OH, Unitek Corp., of Monrovia, CA, and Zimmer USA, Inc., of Warsaw, IN.

MC 152277, filed December 17, 1981, Applicant: LONG MILE RUBBER COMPANY, P.O. Box 45228, Exchange Park, Dallas, TX 75245. Representative: James Petty (same address as applicant), (214) 350–7851. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Stevens Food Company of Dallas, TX, and Quality Import Company of Alberqurque, NM.

MC 153717, filed December 14, 1981. Applicant: CCC TRUCKING CO., 1108 W. Hartford, Ponca City, OK 74601. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in AR, CT, FL, IL, KY, LA, MI, MO, NY, OK, and TN.

MC 154127 (Sub-2), filed December 16, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL, and (2) *such commodities* as are dealt in or used by food services distributors, between points in the U.S., under continuing contract(s) with Grant-Sysco Food Services, Inc., of Saginaw, MI.

MC 154867 (Sub-5), filed: December 14, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address applicant), (919) 228–2239. Transporting *general commodities (except classes A and B explosives and household goods),* between points in the U.S., under continuing contract(s) with Dillard Paper Company, of Greensboro, NC.

MC 157457 (Sub-5), filed: December 11, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *pulp paper or allied products, chemicals, building materials, and rubber plastic articles,* between points in AL, CO, CT, FL, GA, IL, IA, KY, ME, MA, MI, MO, NJ, NC, OH, PA, RI, SC, TN, TX, VA, and WI on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158287, filed: December 14, 1981. Applicant: W. G. LLOYD d.b.a. JET DOG ERRAND & DELIVERY SERVICE, 5207 Mumm Lane, El Paso, Texas 79924. Representative: W. G. LLOYD (same as applicant), (915) 755–4097. Transporting *general commodities, (except classes A and B explosives and commodities in bulk)* between El Paso County, TX, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM.

MC 158687 filed: December 14, 1981. Applicant: EXEC LINE, INC., 2920 Summerfield Dr., Louisville, KY 40220. Representative: Robert C. Bryant (same address as applicant), (502) 491–1081. Transporting *passengers and their baggage, in special and charter operations,* between points in IN and KY, on the one hand, and, on the other, points in and east of MN, LA, MO, KS, OK, and TX, and the State of NV.

MC 158887, filed: December 11, 1981. Applicant: THE VALLEY FERTILIZER & CHEMICAL CO., INC., Valley Rd. P.O. Box 443, Mt. Jackson, VA 22842. Representative: Brian L. Troiano, 918–16th Street NW., Washington, DC 20006, (202) 785–3700. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with CIBA–GEIGY CORPORATION, of Ardsley, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37389 Filed 12–31–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 311][1]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 28, 1981.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0 percent surcharge for United Parcel Service, the 6.7 percent surcharge for bus carriers, or the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having

[1]Because of an inadvertent delay, this decision, originally designated to be served the week of December 21, 1981, is being served the week of December 28, 1981. As all surcharges are being maintained at the same level, no one will be adversely affected by the delay.

jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

The next decision will be issued the week of January 3, 1982.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. December 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.]—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

December 21, 1981 ..... 131.1¢

	Transportation performed by—			
	Owner operator	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	15.9	2.9	6.3	3.3
Percent surcharge developed	18.0	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-37365 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION: Contact James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW., (Attn: TPPL), Washington, D.C. 20213 (202)–376–7192.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this Order for classifying and designating areas which are labor surplus areas. Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by FPR Temporary Regulation 57 which was issued by the General Services Administration on January 15, 1981, 46 FR 3519.

Executive agencies should refer to this regulation in procurements involving foreign businesses or products in order to assess its impact on the particular procurement.

The Department's regulations implementing Executive Order Nos. 12073 and 10582 are set forth at 20 CFR Part 654. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to these provisions the Assistant Secretary of Labor published the annual list of labor surplus areas on June 9, 1981, 46 FR 30594–30599.

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order No. 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order No. 12073 are also areas of substantial unemployment under Executive Order No. 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c). The purpose of this notice is to publish at one time for the convenience of Federal agencies a semi-annual update of the areas that have been added since the publication of the annual list. Accordingly, the following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activity and locating new plants or facilities.

Signed at Washington, D.C. on December 23, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO ANNUAL LIST OF LABOR SURPLUS AREAS

Labor surplus area	Civil jurisdiction included
July 1, 1981	
Alabama: Blount County	Blount County.
District of Columbia: Washington, D.C.	Washington City in the District of Columbia.
Illinois:	
Boone County	Boone County.
Ogle County	Ogle County.
Indiana:	
Balance of Lake County	Lake County less Gary City and Hammond City.
Balance of St. Joseph County.	St. Joseph County less South Bend City.
White County	White County.
Michigan:	
Dickinson County	Dickinson County.
Kalkaska County	Kalkaska County.
Puerto Rico:	
Aguadilla Municipio	Aguadilla Municipio.
Arecibo Municipio	Arecibo Municipio.
Bayamon Municipio	Bayamon Municipio.
Caguas Municipio	Caguas Municipio.
Mayaguez Municipio	Mayaguez Municipio.
Ponce Municipio	Ponce Municipio.
Balance of Puerto Rico	Puerto Rico less Aguadilla Municipio, Arecibo Municipio, Bayamon Municipio, Caguas Municipio, Carolina Municipio, Guaynabo Municipio, Mayaguez Municipio, Ponce Municipio, San Juan Municipio, Toa Baja Municipio.
South Dakota:	
Buffalo County	Buffalo County.
Corson County	Corson County.
Mellette County	Mellette County.
Shannon County	Shannon County.
Todd County	Todd County.
Wisconsin:	
Kenosha City	Kenosha City in Kenosha County.
Racine City	Racine City in Racine County.
Aug. 1, 1981	
Georgia: Cherokee County	Cherokee County.
Massachusetts: Haverhill City	Haverhill City in Essex County.
Rhode Island: Providence City.	Providence City.
Tennessee: Henry County	Henry County.
Sept. 1, 1981	
Massachusetts:	
Acushnet Town	Acushnet Town in Bristol County.
Adams Town	Adams Town in Berkshire County.
Ashby Town	Ashby Town in Middlesex County.
Ashfield Town	Ashfield Town in Franklin County.
Ayer Town	Ayer Town in Middlesex County.
Berkley Town	Berkley Town in Bristol County.
Bourne Town	Bourne Town in Barnstable County.
Boylston Town	Boylston Town in Worcester County.
Brimfield Town	Brimfield Town in Hampden County.
Brockton City	Brockton City in Plymouth County.
Dighton Town	Dighton Town in Bristol County.
Falmouth Town	Falmouth Town in Barnstable County.
Gloucester City	Gloucester City in Essex County.

ADDITIONS TO ANNUAL LIST OF LABOR SURPLUS AREAS—Continued

Labor surplus area	Civil jurisdiction included
Montague Town	Montague Town in Franklin County.
Plainfield Town	Plainfield Town in Hampshire County.
Rehoboth Town	Rehoboth Town in Bristol County.
Shirley Town	Shirley Town in Middlesex County.
Taunton City	Taunton City in Bristol County.
Ware Town	Ware Town in Hampshire County.
Westport Town	Westport Town in Bristol County.
New Jersey:	
Balance of Atlantic County	Atlantic County less Atlantic City.
Bayonne City	Bayonne City in Hudson County.
East Orange City	East Orange City in Essex County.
Sussex County	Sussex County.
New York: Utica City	Utica City in Oneida County.
Wisconsin:	
Milwaukee City	Milwaukee City in Milwaukee County.
Waupaca County	Waupaca County.
Florida: Miami City	Miami City in Dade County.
Maryland: Queen Annes County.	Queen Annes County.
Ohio: Athens County	Athens County.
Nov. 1, 1981	
Alabama:	
Elmore County	Elmore County.
Tallapoosa County	Tallapoosa County.
California: Ontario City	Ontario City in San Bernardino County.
Maine: Androscoggin County	Androscoggin County.
Missouri: Howell County	Howell County.
Wisconsin: Clark County	Clark County.
Dec. 1, 1981.	
Connecticut:	
Bridgeport City	Bridgeport City.
Seymour Town	Seymour Town.

[FR Doc. 81-37443 Filed 12-31-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-221-C]

Associated Producers and Miners, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Associated Producers and Miners, Inc., 508 Adams Street, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its Rough Creek Mine located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs and canopies be installed on the mine's electric face equipment.

2. The coal seam is averaging 41.5 inches in height.

3. Installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the operators would have to hang out from the canopy to see properly, exposing their body parts to potential injury.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37450 Filed 12-31-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-238-C]

Kentland-Elkhorn Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kentland-Elkhorn Coal Corporation, P.O. Box 500, Mouthcard, Kentucky 41548 has filed a petition to modify the application of 30 CFR 75.1708 (surface structures; fireproofing) to its Cain Branch Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all structures erected on the surface within 100 feet of any mine opening be of fireproof construction.

2. The mine office, located eleven feet from the No. 1 Drift Portal, is a metal trailer set on concrete blocks with its wheels removed and it is underpinned. The office cannot be placed greater than one hundred feet from the portal because of limited space surrounding the portal. Personnel are on duty in or around the mine office building at all times when miners are underground.

3. The mine has a blowing type ventilation system, and air from the No. 1 Drift Portal exhausts from the inside of the mine to the surface. Any flames or smoke would be blown away from the portal and would not endanger any miners underground. The mine has no history of excess methane liberation.

4. As an alternative method, petitioner proposes to equip the office building with two ten-pound fire extinguishers mounted on the outside of the trailer at each end. In addition, an automatic sprinkler system will be installed inside the mine office building to protect the interior of the trailer.

5. Petitioner states that the proposed alternative method will at all times provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37444 Filed 12-31-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-245-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (barriers around oil and gas wells) to its Arkwright Mine located in Monongalia County, West Virginia. The petition if filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mines after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gas-free atmosphere in the affected areas. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37445 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-242-C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Ellsworth Division, Eighty-Four, Pennsylvania 15330 has filed a petition to modify the application of 30 CFR 75.303 (preshift examinations) to its Mine No. 60 located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings.

2. Access to the mine from the surface is through two ventilating portal shafts with elevators, one ventilating coal and material slope, two dual ventilating shafts, one fan shaft and one intake air shaft. All sections are ventilated by two separate splits of air.

3. Petitioner proposes that the application of the standard be modified with respect to pre-shift examination of main haulage roads as follows:

(a) Apply eight hours instead of three hours as the time frame for pre-shift examinations of main haulage roads, outby the working section;

(b) All portal-bus haulages used to transport employees to the working sections will continue to be pre-shift examined within three hours prior to the beginning of a shift;

(c) After idle periods, all haulage roads will be pre-shift examined within three hours immediately preceding the beginning of a shift.

4. Petitioner states that the procedures outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37446 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-229-C]

Island Creek Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions), to its Hamilton No. 1 South Mine located in Union County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The return air passes across seals numbered 1 thorough 7 and is exhausted from the mine through airshaft No. 1.

2. To comply with the requirement of the standard that seals No. 1–7 be inspected once each week, the person making such inspection must crawl through old mine workings where the roof is considered unstable and the height generally less than 36".

3. As an alternative method, petitioner proposes to install two methane monitors at specified points in the vicinity of airshaft No. 1. If the methane in the return air exceeds 1%, the monitors will flash red lights and sound an alarm which will result in an immediate investigation and corrective action.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37447 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-62-M]

Ozark Lead Co.; Petition for Modification of Application of Mandatory Safety Standard

Ozark Lead Company, Rural Branch, Sweetwater, Missouri 63680 has filed a petition to modify the application of 30 CFR 57.19–3 (belts, rope and chains; requirements) to its Frank R. Millikan Mine and Mill located in Reynolds County, Missouri. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that belt, rope or chains not be used to connect driving mechanisms to man hoists.

2. Petitioner operates two shafts designated as escapeways. If mechanical problems should cause hoisting to cease in one of these shafts, miners cannot be sent to work until hoisting problems are corrected.

3. As an alternative method, petitioner proposed to use a chain driven hoist with a torque converter in its No. 1 Shaft for emergency purposes only. By designating the No. 1 Shaft as an escape shaft, petitioner states that the shaft will also qualify as a secondary escapeway as required by 30 CFR 57.11–50.

4. In support of the proposed alternative method, petitioner states that the drive chain mechanism is a four chain assembly and each chain is independent of the other three, but drives the same mechanism. Because of the chain assembly configuration, no hoist failure would occur if one chain broke while in use.

5. Because the hoist is designated as an escape hoist, the hoist will not be used as a regular means to lower miners into the mine, but used only to take miners out in emergency situations.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 2, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–37448 Filed 12–31–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–81–215–C]

Valley Camp Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Valley Camp Coal Company, 2971 East Dupont Avenue, Shrewsbury, West Virginia 25184 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 9 Tunnel located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's pumps be housed in fireproof structures and that air currents used to ventilate structures or areas enclosing these pumps be coursed directly into the return.

2. Ventilation in the tunnel is provided by an exhaust fan at the southern opening pulling air through the main entries for the entire length of the tunnel.

3. There is no feasible way to examine or test the air in the returns due to the massive amount of rock falls and debris. The fresh air that passes the pumps is not used to ventilate a working section. These pumps are located in lower areas of the mine and must be operated regularly to prevent flooding of the belt line.

4. Rehabilitation of these returns would expose miners to hazardous conditions and result in a diminution of safety.

5. As an alternative method, petitioner proposes to locate three pumps in the tunnel without requiring the air currents to be coursed directly into the return, providing the following safeguards for its pumps and transformer station:

a. The pumps and transformer station will be housed in a fireproof enclosure;

b. Doors of the enclosure will be fireproof and integrally connected with the fire suppression device to close automatically if a fire should occur;

c. A fire suppression device that meets the requirements of 30 CFR 75.1107–4(a)(1) will be installed over the pump;

d. No combustible material will be stored within the pump enclosure;

e. Electrical circuits will comply with applicable standards;

f. Inspections of these pump stations will be made as required by the standards.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–37499 Filed 12–31–81; 8:45 am]

BILLING CODE 4510–43–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–329 and 50–330]

Consumers Power Co., Midland Plant, Units 1 and 2; Order Extending Construction Completion Dates

Consumers Power Company is the current holder of Construction Permit Nos. CPPR–81 and CPPR–82 issued by the Atomic Energy Commission [1] on December 15, 1972, for the Midland Plant, Units 1 and 2. These facilities are presently under construction at the applicant's site on the south shore of the Tittabawassee River in Midland County, Michigan. By letter dated July 22, 1981, Consumers Power Company filed a request for an extension of the latest construction completion dates for the facilities to December 1, 1984, for Unit 1 and to July 1, 1984, for Unit 2. This extension was requested due to (1) a significant increase in the quantities of projected bulk commodities, and (2) a labor strike which occurred in May 1978 and lasted for 44 days.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation. The preparation of an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement-Construction Permit Stage for the Midland Plant, Units 1 and 2, published in March 1972. A Negative Declaration and an

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that date continued under the authority of the Nuclear Regulatory Commission.

Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room established for the Midland Plant, Units 1 and 2, at the Grace Dow Memorial Library, 1710 W St. Andrews Road, Midland, Michigan 48640.

It is hereby ordered that the latest completion date for CPPR–81 be extended from October 1, 1982, to December 1, 1984, and the latest date for CPPR–82 be extended from October 1, 1981, to July 1, 1984.

Date of Issuance: December 28, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Negative Declaration Supporting: Extension of Construction Permit Nos. CPPR–81 and CPPR–82 Expiration Dates for Midland Plant, Unit Nos. 1 and 2, Consumers Power Co., Docket Nos. 50–329 and 50–330

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the request from Consumers Power Company for an extension of the expiration dates of the construction permits for the Midland Plant, Unit Nos. 1 and 2 (CPPR–81 and CPPR–82) which are located in Midland County in the State of Michigan. The request is for an extension of the permits through December 1, 1984, for CPPR–81 and through July 1, 1984, for CPPR–82, to allow for completion of construction of the facilities.

The Commission's Division of Licensing has prepared an environmental impact appraisal relative to these changes to CPPR–81 and CPPR–82. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been described in the Commission's Final Environmental Statement-Construction Permit Stage or evaluated in the environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Grace Dow Memorial Library, 1710 W St. Andrews Road, Midland, Michigan 48640.

Dated at Bethesda, Maryland, this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81–33473 Filed 12–31–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322A]

Long Island Lighting Co.; Finding of No Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 150c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of the Shoreham Nuclear Power Station by the Attorney General and the Commission. The finding is as follows:

Section 105(c) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of events that have transpired since issuance of the Shoreham Nuclear Power Station construction permit to the Long Island Lighting Company, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the 'staff,' have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not 'significant' in an antitrust context to require a second formal antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensee or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in New York state, the events relevant to the Shoreham construction permit antitrust review, and the events that have occurred subsequent to that permit review.

The Conclusion of the staff's analysis is as follows:

Applicant's activities subsequent to the Shoreham CP antitrust review have been evaluated on several occasions. The staff's review of the operating license application in 1976 found no significant antitrust changes at that time. Subsequent antitrust reviews of the Long Island Lighting Company with respect to the Jamesport, Nine Mile Point No. 2 and New York State Electric and Gas nuclear plants were conducted by the Attorney General. Each of these reviews indicated no actual or potential violation of the antitrust laws on the part of LILCO. These previous reviews have described changes in the Applicant's activities, occurring since the Shoreham CP antitrust review, which have had either no apparent effect on competition or have enhanced the competitive posture of smaller systems in LILCO's service area.

Interconnection agreements have been negotiated between Applicant and the Cities of Freeport and Rockville Center. These agreements call for various coordination services, including LILCO's wheeling of power and energy from the Power Authority of the State of N.Y. The City of Greenport has entered into a more limited interconnection agreement with the Applicant which calls for wheeling services only.

Based on the findings of this current review, the October, 1976 review, and the Attorney General's advice letters with respect to other nuclear facilities, staff has concluded that the changes in the Applicant's activities since the completion of the Shoreham CP antitrust review do not have any antitrust implications that would likely warrant some Commission remedy. As a result, these changes do not meet the 'significant change' criteria and therefore do not require a further, formal antitrust review at the operating license stage. The Department of Justice has concurred in this Analysis.

Based on the Staff's analysis, it is my finding that a formal operating license antitrust review of the Long Island Lighting Company with respect to the Shoreham Nuclear Power Station is not required.

Signed on December 17, 1981 by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 by March 2, 1982.

For the Nuclear Regulatory Commission.

Stephen Skjie,

Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81–37424 Filed 12–31–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Station; Granting of Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear

Power Plant Components," to Maine Yankee Atomic Power Company (the licensee), which revised the inservice inspection program for the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The ASME Code requirements are incorporated by Technical Specification 4.7. The relief is effective as of its date of issuance.

The relief consists of exemption from performing hydrostatic pressure tests of modification weld repairs to piping and components which are 1 inch nominal pipe size and smaller. In lieu of this the licensee will perform a visual, liquid penetrant inspection and an inservice leak check after the modification weld repair and the welds will not be performed using a half bead welding technique in lieu of post weld heat treatment.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and related Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated November 4, 1981, (2) the letter to the licensee dated November 4, 1981, and (3) the Commission's related Safety Evaluation. All of these available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Wiscasset Public Library, High Street, Wiscasset, Maine 04578. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 17th day of December 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-37423 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

Reporting, Recordkeeping, and Application Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: List of approved information collection requirements.

SUMMARY: The Nuclear Regulatory Commission is publishing a list of its regulations that contain information collection requirements that have been approved by the Office of Management and Budget. The list identifies the parts in 10 CFR Chapter I containing approved information collection requirements and the OMB control number under which the part is approved. This action is necessary to meet the procedural requirements of the Paperwork Reduction Act of 1980.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirements be reapproved by OMB as existing GAO clearances expire. This requirement applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

In a memorandum dated November 23, 1981, OMB directed that each agency subject to the Paperwork Reduction Act publish a list of approved information collection requirements by December 31, 1981.

The Nuclear Regulatory Commission is publishing a list of its regulations that contain information collection requirements that have been approved by OMB. The list identifies each part within 10 CFR Chapter I containing approved information collection requirements and the OMB control number under which the part is approved.

Within the next year, NRC intends to amend the Code of Federal Regulations to add a section to the General Provisions of each part containing approved information collection requirements. That section will present the OMB control number and a list of sections within the part that contain approved information collection requirements.

The authority citation for this document is:

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

These parts contain information collection requirements that have been approved by OMB.

CFR part	OMB control number
4	3150-0053
9	3150-0043
11	3150-0062
19	3150-0044
20	3150-0014
21	3150-0035
25	3150-0046
30	3150-0017
31	3150-0016
32	3150-0001
33	3150-0015
34	3150-0007
35	3150-0010
40	3150-0020
50	3150-0011
51	3150-0021
55	3150-0018
70	3150-0009
71	3150-0008
73	3150-0002
75	3150-0055
95	3150-0047
110	3150-0026
140	3150-0039
150	3150-0032

Dated at Bethesda, Maryland, this 28th day of December, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-34646 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Patents—Small Business Firms and Non-Profit Organizations

December 29, 1981.

Memorandum to the Heads of Executive Departments and Establishments

Subject: Extension of OMB Bulletin No. 81-22.

Pending issuance of a final Circular, the sunset date set forth in Part 10 of OMB Bulletin No. 81-22 "Patents—Small Firms and Non-Profit Organizations," (46 FR 34776, July 2, 1981) is revised to January 31, 1982.

Donald E. Sowle,

Administrator, Office of Federal Procurement Policy.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 81-37474 Filed 12-31-81; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Manley Truck Line Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Manley Truck Line, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 in connection with Manley's purchase of assets of Chicago Kansas City Freight Line, Inc. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before February 18, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (Mail Stop 140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"). As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of a contributing employer in a bona fide arm's-length transaction to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of (Title IV)." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Manley Truck Lines, Inc. ("Manley") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the request, Manley represents among other things, that:

1. On March 13, 1981, Manley purchased the operating assets of Chicago Kansas City Freight Line, Inc. ("CKC").

2. CKC contributed to the following multiemployer plans: Central States, Southeast and Southwest Areas Pension Fund ("Central States Fund") Local 710 of the International Brotherhood of Teamsters Pension Fund ("Local 710 Fund"), and Chicago Independent Truck Drivers, Helpers and Warehouse Workers Union Pension Fund ("Chicago Independent Fund").

Under the sales agreement, Manley agreed to contribute to each of these plans for substantially the same number of contribution base units for which CKC had an obligation to contribute.

3. For each plan, the estimated amount of CKC's withdrawal liability, absent section 4204, and the estimated amount of the bond or escrow that Manley would be required to post or deposit, absent a waiver from PBGC, are as follows:

Fund	Withdrawal liability	Bond/escrow
Central States	$1,400,000	$167,082
Local 710	290,550	57,501
Chicago Independent	408,951	47,584

4. Manley was a contributor to the Central States Fund before its acquisition of CKC's assets. Manley contributed $349,806 to the Fund in 1980.

5. According to its financial statements, Manley has net assets of

$2.7 million as of December 31, 1980. Manley had net assets of $2.87 million in 1979 and $3.4 million in 1978.

6. Manley's net income (after taxes) was $133,782 for 1980 and $229,025 for 1978. Manley suffered a loss of $44,987 in 1979. Manley's income for the nine months ending September 30, 1981 was $363,337 before taxes.

7. CKC's financial statements for the fiscal year ending December 31, 1980 show net assets of $1.7 million and net income (after taxes) of $23,944.

8. Pro forma financial statements for the combined Manley-CKC operation after one year project net assets of $3.36 million and net income before taxes of $773,273.

9. Manley has sent a copy of this request to the plans listed above and collective bargaining representatives of the seller's employees.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before February 16, 1982. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 28th day of December, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37243 Filed 12-31-81; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Tri/Valley Growers, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Tri/Valley Growers, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 in connection with Tri/Valley Growers' purchase of assets of Glorietta Foods. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before February 18, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (Mail Stop 140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4860. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of a contributing employer in a bona fide arm's-length transaction to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of (Title IV)." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Tri/Valley Growers, Inc. ("Tri/Valley") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the

request, Tri/Valley represents among other things, that:

1. Under an agreement dated February 25, 1981, Tri/Valley purchased the operating assets of Glorietta Foods ("Glorietta").

2. Glorietta contributed to two multiemployer plans: Western Conference of Teamsters Pension Fund ("Western Conference Fund") and Western States Food Processing Industry Employee Pension Trust ("Western States Trust"). Following the sale, Tri/Valley had an obligation to contribute to these plans with respect to the acquired operations for substantially the same number of contribution base units for which Glorietta had an obligation to contribute.

3. For each plan the estimated maximum amount of Glorietta's withdrawal liability, absent section 4204, and the estimated amount of Tri/Valley's bond or escrow, absent an exemption from PBGC, are as follows:

Plan	Withdrawal liability	Bond/escrow
Western Conference	$2,000,000	$350,000
Western States	1,600,000	450,000

4. Tri/Valley was one of the three largest contributors to the Western States Trust before its acquisition of Glorietta's assets.

5. According to its audited financial statements, Tri/Valley had net assets of $48.4 million as of January 31, 1981, $43.46 million as of January 31, 1980, and $38.86 million as of January 31, 1979.

6. Tri/Valley suffered a net loss of $5,099,019 for the fiscal year ending January 31, 1981 (a loss of $7,066,019 before extraordinary gains resulting from casualty losses). Tri/Valley had net income of $4,941,969 for the preceding fiscal year ($1,515,501 before extraordinary gains from casualty losses).

7. Tri/Valley has sent a copy of this request to the plans listed above and to the collective bargaining representatives of the seller's employees by certified mail.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before February 16, 1982. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 28th day of December 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37357 Filed 12-31-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-52854 (22-11443)]

International Harvester Credit Corp.; Application and Opportunity for Hearing

December 23, 1981.

Notice is hereby given that International Harvester Credit Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, under eight existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

I

The Company alleges that the Company has outstanding on the date hereof the following described securities issued under the following indenture between the Company and American National Bank and Trust Company of Chicago ("American National"), which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of such Registration Statement being set forth in parentheses below:

$75,000,000 9.15% Notes Due 1982, under Indenture dated as of March 1, 1975 between the Company and American National, Trustee (File No. 2-52854).

II

By order dated June 23, 1981, the Commission granted the application of the Company for Commerce Union Bank to succeed as trustee to five existing indentures of the Company each of which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

1. $50,000,000 4¾% Debentures Series B Due 1981, under Indenture dates as of November 1, 1958 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee, as supplemented by Supplemental Indenture dated August 1, 1960 (File No. 2-16795);

2. $50,000,000 8⅝% Debentures Due 1991, under Indenture dated as of August 1, 1971 between the Company and The Chase Manhattan Bank (National Association), Trustee (File No. 2-41096);

3. $60,000,000 7⅝% Debentures Due 1993, under Indenture dated as of February 1, 1972 between the Company the The Northern Trust Company, Trustee (File No. 2-42830);

4. $75,000,000 9% Notes Due April 1, 1984, under Indenture dated April 1, 1976 between the Company and Bank of America National Trust and Savings Association, Trustee (File No. 2-55565); and

5. $100,000,000 8.35% Notes Due December 15, 1986, under Indenture dated as of December 15, 1976 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee (File No. 2-57773).

By order dated November 17, 1981, the Commission granted the application of the Company for Commerce Union to succeed as trustee to two additional existing indentures of the Company, each of which was qualified under the Trust Indenture Act of 1939 in connection with the registration under Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

6. $75,000,000 7½% Debentures Due 1994, under Indenture dated as of January 15, 1973 between the Company and Manufacturers Hanover, Trustee (File No. 2-46636); and

7. $100,000,000 13½% Notes Due August 1, 1988 under Indenture dated as of August 1, 1980 between the Company and Manufacturers Hanover, Trustee (File No. 2-68588).

III

1. As has been publicly reported, the Company and its parent, International Harvester Company ("IH"), are each negotiating for a new loan agreement to replace current short-term borrowings of the Company and IH. The indebtedness of the Company under its now loan agreement will be secured. As a result of its anticipated role in the restructuring of the indebtedness of the Company or for other reasons, American National

has notified the Company of its resignation as trustee under the indenture under which it serves as trustee, such resignation to become effective upon acceptance by the successor trustee of appointment under such indenture. The Company therefore intends to appoint Commerce Union Bank as successor trustee under such indenture.

2. Each of the indentures referred to in Parts I and II above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

3. The securities issued under each of the indentures listed in Parts I and II above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such indenture rank equally with the securities issued under each other such indenture.

4. Each of the indentures referred to in Parts I and II above provides that, with certain exceptions, the Company will not subject to lien any of its property or assets without securing the payment of the principal of and premium, if any, and the interest on the securities issued under such indenture equally and ratably with any and all other obligations and indebtedness secured by such lien, so long as any such other obligations and indebtedness are so secured. Because the indebtedness of the Company under its new loan agreement referred to in Paragraph 1 above will be secured, the securities outstanding under each of the indentures referred to in Parts I and II will, when the Company enters into the new loan agreement, become equally and ratably secured, and will remain so secured so long as any indebtedness of the Company under its new loan agreement is secured; thereafter such securities will again become wholly unsecured.

5. At such time as the indebtedness of the Company under its new loan agreement becomes secured, the issue of securities outstanding under each of the indentures referred to in Parts I and II above will become and be secured by the same pool of collateral, equally and ratably with the indebtedness of the Company under the new loan agreement and with the issue of securities outstanding under each other such indenture, as well as with all other indebtedness of the Company to be secured by such collateral.

6. In order to secure the indebtedness referred to in Paragraph 5 above (the "Secured Obligations"), the Company expects to enter into certain agreements (the "Security and Trust Agreements") with Wilmington Trust Company to be appointed trustee with respect to the collateral (the "Trustee"). The Security and Trust Agreement will provide, *inter alia*, that if circumstances occur under which the Trustee takes action to realize on the collateral, all amounts so realized will be held in trust by the Trustee and distributed equally and ratably, to all holders of Secured Obligations (including for the purposes of any such distribution the trustee under each indenture of the Company under which Secured Obligations are outstanding). If the indebtedness outstanding under any of the indentures referred to in Parts I and II above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such indenture, the trustee under any such indenture will be entitled to give notice to the Trustee requiring the Trustee to take action to realize on the Collateral.

7. The effect of the Security and Trust Agreement will be to insure that if any holder or group of holders of Secured Obligations becomes entitled to cause the Trustee to realize on the collateral, all holders of Secured Obligations, including the indebtedness outstanding under each of the indentures listed in Parts I and II above, will benefit ratably.

8. For the foregoing reasons, the Company believes that serving as trustee under any one of the indentures listed in Parts I and II above, and continung such trusteeship during such time as the indebtedness outstanding under each such indenture is secured and thereafter, when such indebtedness again becomes whlly unsecured, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as trustee under any one or more of such other indentures. Consequently, its trusteeship under all of such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than January 17, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Dvision of Corporation Finance, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 37396 Filed 12-31-81 8:45 am]

BILLING CODE 8010-01-M

The Montana Power Co.; Application and Opportunity for Hearing

December 29, 1981.

In the Matter of the Montana Power Company, File No. 22-11471, Trust Indenture Act of 1939, as amended Section 310(b)(1)(ii).

Notice is hereby given that The Montana Power Company (the "Company") has filed an application under Clause (ii) of Section 310(b)(1) of The Trust Indenture Act of 1939, as amended ("The Act") for a finding that the trusteeship of Citibank, N.A. ("Citibank") under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under both indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under

which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) The Company has outstanding on the date hereof $23,500,000 aggregate principal amount of its 7½% Sinking Fund Debentures due 1998 (the "Debentures") issued under the 1973 Indenture executed by the Company and Citibank, as Trustee. The Debentures were registered under the Securities Act of 1933, as amended (File No. 2–46553), and the Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22–7420). Citibank is currently acting as trustee under the 1973 Indenture.

(2) Pursuant to the 1981 Indenture, there have been issued $50,000,000 aggregate principal amount of the 15⅜% Guaranteed Notes due 1987 of Montana Power International Finance, N.V. ("Finance"), which are guaranteed by the Company (the "Guaranteed Notes"). Inasmuch as the Guaranteed Notes are being offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the Guaranteed Notes are not being registered under the Securities Act of 1933 and the 1981 Indenture is not being qualified under the Act.

(3) Execution of the 1981 Indenture could involve Citibank in a conflict of interest within the meaning of Section 10.09 of the 1973 Indenture since the 1981 Indenture is not being qualified under the Act and is not the subject of any other proceeding of the Commission.

(4) Section 10.09 of the 1973 Indenture provides in part as follows:

"(IV) The Trustee shall be deemed to have a conflicting interest if:

(1) The Trustee is trustee under another indenture under which any other Securities, or certificates of interest or participation in any other Securities, of the Obligor are Outstanding unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; provided, however, that there shall be excluded from the operation of this paragraph another indenture or indentures under which other Securities or certificates of interest or participation in other Securities of the Obligor are Outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures, or (ii) the Obligor shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures; and provided further, that there shall be excluded from the operation of this paragraph the Agreement, dated as of May 1, 1954, between the Company and City Bank Farmers Trust Company (now First National City Bank), Trustee, under which the Company's 3¼% Sinking Fund Debentures due 1979 are outstanding;"

(5) The 1973 and 1981 Indentures are wholly unsecured. The guaranty of the Guaranteed Notes by the Company under the 1981 Indenture ranks equally with the Company's other unsecured and unsubordinated indebtedness, including the Debentures. The primary differences between the 1973 Indenture and the 1981 Indenture, and between the rights of the holders of the Debentures and the holders of the Guaranteed Notes, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such difference and any other difference in the provisions of the 1973 and the 1981 Indentures is not so likely to involve any material conflict of interest between the respective trusteeships of Citibank under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1973 Indenture.

(6) The Company is not in default under the 1973 or the 1981 Indenture.

The Company has waived notice of hearing, and hearing, in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the office of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested persons may, not later than January 28, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–37465 Filed 12–31–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06–0220]

Livingston Capital, Ltd.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1981)), to transfer effective control of Livingston

Capital, Ltd. (Livingston), 5701 Woodway, Houston, Texas 77057, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

Livingston was licensed on January 7, 1980, and has private capital of $1,000,000.

The present structure is:

Corporate General Partner:
Livingston Capital Corporation (1%)
Limited Partners:
J. Livingston Kosberg, 15 Buffalo Ridge Circle, Houston, Texas 77001 (79%)
Mark J. Brookner, 7615 Rollingbrook, Houston, Texas 77071 (20%)

The proposed structure is:

Individual General Partners:
J. Livingston Kosberg (79%)
Mark J. Brookner (20%)
Limited Partner:
Glory S. Green, 716 A Bering Drive, Houston, Texas 77057 (1%)

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new management, and the probability of successful operation of Livingston under their management, including adequate profitability and financial soundness, in accordance with the Act and SBA rules and regulations.

Any person may, on or before February 3, 1982, submit to SBA written comments on the proposed transfer of control. Any such communications should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 23, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-37451 Filed 12-31-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/473]

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas will be held on January 19, 1982, from 10:00 a.m. to 5:00 p.m., in Room 1105 of the Department of State, Washington, D.C.

The meeting will be open to the public and the public may participate in the discussions subject to instructions of the Committee Chairman. The subject of the meeting is the recommendations pertaining to bluefin tuna of the International Commission for the Conservation of Atlantic Tunas and implementation of these recommendations.

Requests for further information should be directed to Barbara Rothschild, Office of International Fisheries Affairs, National Marine Fisheries Service, Department of Commerce, tel. No. (202) 634-7257.

Dated: December 17, 1981.

Norman A. Wulf,

Acting Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc 81-37371 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-3/476]

Shipping/Coordinating Committee, Committee on Ocean Dumping; Meeting

The Advisory Committee on Ocean Dumping, a Subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, January 26, 1982, in Room 1101, West Tower, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review the outcome of the Sixth Consultative Meeting of the London Dumping Convention and to discuss the preliminary agenda for the next meeting of the Ad Hoc Scientific Group.

Requests for further information should be addressed to Ms. Norma A. Hughes, Executive Secretary, Committee on Ocean Dumping (WH-585), U.S. Environmental Protection Agency, Washington, D.C. 20460. Ms. Hughes may be reached by telephone (202) 755-2927. The Chair will entertain comments from the public as time permits.

December 15, 1981.

John T. Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc 81-37374 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/474]

Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 10:00 a.m. in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. These Study Groups deal with the issues of developing a U.S. position relating to international interactive videotex services which would be proposed at upcoming meetings of CCITT Study Groups I and VIII.

The meeting will examine certain proposals that were discussed at the previous meeting held on December 10 and the formation of a panel of experts announced at the meeting to examine the technical aspects of a U.S. position on videotex.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff; Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

December 16, 1981

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-37372 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/475]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 2:00 p.m., in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission

and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT Study Group I and III meetings.

Members of the general public may attend the meeting and join in the discussion subject to instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

Dated: December 16, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-37373 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Societe Nationale Industrielle Aerospatiale Model AS 332C Helicopter—Type Certification and Decision Basis

The formal certification for Aerospatiale Model AS 332C helicopter initiated in May 1979 was completed October 14, 1981.

The Acting Director of the FAA, Europe, Africa and Middle East Office has reviewed a document entitled "Decision Basis for the Type Certification of the Aerospatiale Model AS 332C helicopter.

Based on this summary of the certification process, the Acting Director has approved issuance of Type Certificate H4UE, dated October 14, 1981.

A copy of the "Decision Basis for the Type Certification of the Aerospatiale Model AS 332C helicopter is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of the Type Certificate H4EU. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. Copies of the report may be obtained from the Director, FAA Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, APO New York 09667.

Issued in Burlington, Massachusetts, on December 18, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-37408 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain; Iraq; Jordan; Kuwait; Lebanon; Libya; Oman; Qatar; Saudi Arabia; Syria; United Arab Emirates; Yemen, Arab Republic; Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 81-37245 Filed 12-31-81; 8:45 am]

BILLING CODE 4810-25-M

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on January 26 and 27, 1982, of the following debt management advisory committee:

Public Securities Association, U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association, U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on January 26 and the preparation of a written report to the Secretary of the Treasury on January 27, 1982.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c) (4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: December 29, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-37440 Filed 12-31-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Performance Review Boards; List of Members

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4), notice is hereby given of the names of the members of the Performance Review Boards in the Veterans Administration. This notice

revises the entire list of members published in the **Federal Register**, 46 FR 24365, dated April 30, 1981.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel (05A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202–389–3423).

The Members of the VA's Performance Review Boards are:

VA Performance Review Board

Francis D. DeGeorge—Associate Deputy Administrator for Administration
James F. Hoobler—Associate Deputy Administrator for Planning and Finance
Fielding Cochran—Associate Deputy Administrator for Congressional and Public Affairs
Elizabeth F. Burkhart—Associate Deputy Administrator for Information Resources Management
William F. Sullivan—Associate Deputy Administrator for Logistics
Donald L. Custis, M.D.—Chief Medical Director
Dorothy L. Starbuck—Chief Benefits Director
John P. Murphy—General Counsel
Sydney J. Shuman—Chairman, Board of Veterans Appeals
Jack J. Sharkey—Assistant Deputy Administrator for Data Management and Telecommunications
Conrad R. Hoffman—Assistant Deputy Administrator for Budget and Finance
Joseph Mancias, Jr.—Assistant Deputy Administrator for Public and Consumer Affairs
Raymond S. Blunt—Assistant Deputy Administrator for Program Planning and Evaluation
William A. Salmond—Assistant Deputy Administrator for Construction
Michael Rudd—Assistant Deputy Administrator for Personnel and Labor Relations
Clyde C. Cook—Assistant Deputy Administrator for Procurement and Supply
Robert W. Shultz—Assistant Deputy Administrator for Reports and Statistics

Department of Medicine & Surgery Performance Review Board

Turner Camp, M.D.—Associate Deputy Chief Medical Director
James A. Christian—Executive Assistant to Deputy Chief Medical Director
Stanley Kahane, M.D.—Deputy Associate Deputy Chief Medical Director for Operations
Philip T. White, M.D.—Deputy Associate Deputy Chief Medical Director for Program Management
Charles V. Yarbrough—Director, Management Support Staff
Carlton M. Smith—Director, Northeastern Region
Charles R. Paulk—Director, Mid-Atlantic Region
Donald B. Thompson—Director, Southeastern Region
Albert Zamberlan—Director, Great Lakes Region
Thomas P. Mullon—Director, Mid-Western Region
John J. Peters, Jr.—Director, Western Region

Department of Veterans Benefits Performance Review Board

John W. Hagan, Jr.—Deputy Chief Benefits Director
John P. Travers—Field Director, Western Region
John W. Rue—Field Director, Central Region
David M. Walls—Field Director, Eastern Region
Max R. Woodall—Director, Compensation and Pension Service
James J. Cox—Director, Veterans Assistance Service
Albert W. Glass—Director, Loan Guaranty Service
Stephen L. Lemons—Director, Vocational Rehabilitation and Counseling Service
Charles L. Dollarhide—Director, Education Service
Alex S. Kraut—Director, Budget Staff

Dated: December 28, 1981.

John P. Murphy,

Acting Administrator.

[FR Doc. 81-37421 Filed 12-31-81; 8:45 am]

BILLING CODE 8320-01-M

Schedule of Cost Reviews

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under OMB Circular A–76, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, the Veterans Administration will be conducting cost comparison reviews at various cemeteries within the Department of Memorial Affairs to determine the feasibility of contracting out specific tasks to private contractors. The following list of cemeteries and functions, with review dates, is published for the notification of all interested parties.

FOR FURTHER INFORMATION CONTACT: Charles W. Eyman, Director, Plans and Programs Staff (40D), Department of Memorial Affairs, VA Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 389–5235.

Dated: December 24, 1981.

Francis D. DeGeorge,

Acting Administrator.

Functional Area: Maintenance of Grounds

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1983
California:
Fort Rosecrans National Cemetery, San Diego, CA; May 31, 1983
Golden Gate National Cemetery, San Bruno, CA; June 30, 1982
Los Angeles National Cemetery, Los Angeles, CA; May 31, 1983
San Francisco National Cemetery, San Francisco, CA; June 30, 1982
Hawaii: National Memorial Cemetery of the Pacific, Honolulu, HI; February 28, 1983
Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983
Indiana: Marion National Cemetery, Marion, IN; August 31, 1983
Kansas:
Fort Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Maryland: Baltimore National Cemetery, Baltimore, MD; April 30, 1982
Minnesota: Fort Snelling National Cemetery, St. Paul, MN; July 31, 1983
New Mexico: Sante Fe National Cemetery, Santa Fe, NM; March 30, 1983
New Jersey: Beverly National Cemetery, Beverly, NJ; May 31, 1982
New York: Long Island National Cemetery, Farmingdale, NY; May 31, 1982
Ohio: Dayton National Cemetery, Dayton, OH; August 31, 1983
South Carolina: Beaufort National Cemetery, Beaufort, SC; November 30, 1982
South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982
Tennessee:
Chattanooga National Cemetery, Chattanooga, TN; July 31, 1982
Memphis National Cemetery, Memphis, TN; June 30, 1983
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983
Texas:
Fort Bliss National Cemetery, Fort Bliss, TX; May 31, 1983
Fort Sam Houston National Cemetery, San Antonio, TX; April 30, 1983
Wisconsin: Wood National Cemetery, Wood, WI; July 31, 1983

Functional Area: Maintenance of Buildings and Structures

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1983
Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983
Kansas: Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Minnesota: Fort Snelling National Cemetery, St. Paul, MN; July 31, 1983
New Mexico: Santa Fe National Cemetery, Santa Fe, NM; March 31, 1983
Tennessee:
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983
South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982

Functional Area: Maintenance of Vehicles and Equipment

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1982
Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983
Indiana: Marion National Cemetery, Marion, IN; August 31, 1983
Kansas: Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
New Mexico: Santa Fe National Cemetery, Santa Fe, NM; March 31, 1983
New York: Long Island National Cemetery, Farmingdale, NY; May 31, 1982
Tennessee:
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983
South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982

[FR Doc. 81-37422 Filed 12-31-81; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Election Commission	2
Federal Home Loan Bank Board	3
Federal Reserve System	4
International Trade Commission	5
National Transportation Safety Board	6
Tennessee Valley Authority	7

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, January 12, 1982.

PLACE: Commission Conference Room No. 5240, fifth floor, Colunbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedon of Information Act Appeal No. 81–9–FOIA–16–BI, concerning a request for documents from a file concerning a race discrimination charge.
2. Freedon of Information Act Appeal No. 81–10–FOIA–61–ME, concerning a request for materials pertaining to deferral referral of an ADEA open file.
3. Proposed Section 602 of the Compliance Manual, How to Investigate.
4. Ratification of EEOC's Final Rule Regarding Display of OMB Control Numbers for Recordkeeping Requirements.
5. Report on Commission Operations by the Acting Executive Director.

Closed

1. Litigation Authorization; GC Recommendations.
2. Ratification of Notation Vote.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:
Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued December 29, 1981.

[S–1951–81 Filed 12–30–81; 1:09 pm]

BILLING CODE 6570–06–M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, January 7, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Election of officers.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202–523–4065.

Majorie W. Emmons,
Secretary of the Commission.

[S–1950–81 Filed 12–30–81; 1:00 pm]

BILLING CODE 6715–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Friday, January 8, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for Further Extension of Time to Establish a Branch Office—Farmers and Mechanics Federal Savings and Loan Association, Bloomfield, Indiana
Charter Amendment—Change of Name—Home Federal Savings and Loan Association of San Diego, San Diego, California
Application to Exercise Trust Powers—First Federal Savings and Loan Association of Toledo, Toledo, Ohio
Merger; Increase of Accounts of an Insurable Type—The County Savings and Loan Company, Ravenna, Ohio INTO Transohio Savings and Association, Cleveland, Ohio
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance; and Transfer of Stock—First Federal Savings and Loan Association, Gainsville, Georgia INTO First Federal Savings and Loan Association, Savannah, Georgia (Now known as Great Southern FS&LA)
Amortization Periods for Premiums, Charges and Credits; Treatment of Gains and Losses on Sale of Real Estate for Years Ending on or After December 31, 1981
No. 580, December 31, 1981.

[S–1949–81 Filed 12–30–81; 9:55 am]

BILLING CODE 6720–01–M

4

FEDERAL RESERVE SYSTEM
Board of Governors

TIME AND DATE: 10 a.m., Wednesday, January 6, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed 1982 revision to the fee schedule for Wire Transfer and Net Settlement Services.
2. Proposals regarding the 1982 Private Sector Adjustment Factor.
3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassetts will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling. (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: December 29, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–1948–81 Filed 12–30–81; 9:55 am]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–81–41B]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 62998, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency Notice of Additional Agenda Item for the Meeting on Monday, January 4, 1982:

In deliberations held Tuesday, December 22, 1981, the United States International Trade Commission approved the following agenda item which was inadvertently omitted from the notice of December 29, 1981, as follows:

7. Investigation 337–TA–105 (Certain Audio-Visual Games II)—briefing and vote on request for temporary exclusion order.

Item No. 7 [Any items left over from previous agenda] should be listed as item No. 8.

CONTRACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1947–81 Filed 12–29–81; 5:13 pm]

BILLING CODE 7020–02–M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–82–1]

TIME AND DATE: 9 a.m., Tuesday, January 12, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* World Airways, McDonnell Douglas DC–10–30, N112WA, Over North Atlantic Ocean, September 20, 1981.

2. *Recommendation* to the Federal Aviation Administration Concerning Food and Liquor Cart Retention in DC–10 Lifts and Lift Command and Interlock Switch Circuitry on DC–10 Aircraft.

3. *Marine Accident Report:* Collison of Norwegian Cargo Vessel M/V *Hoegh Orchid* and New York Ferry *American Legion,* Upper New York Bay, May 6, 1981, and *Recommendations* to the U.S. Coast Guard and the City of New York.

4. *Letter* to the Federal Aviation Administration regarding Safety Recommendations A–78–82 and A–78–83.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

December 30, 1982.

[S–1952–81 Filed 12–30–81; 3:47 pm]

BILLING CODE 4910–58–M

7

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1261]

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, January 6, 1982.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ACTION ITEMS:

B—Purchase Awards

1. Req. No. B2–188027—Requirement contract for crushed limestone for Widows Creek Fossil Plant.

C—Power Items

1. Deed covering conveyance from TVA of easement Tract PHBP–36 in the Phipps Bend-Pocket 500–kV Transmission Line to Old Dominion Power Company.

2. Deed and bill of sale conveying to city of Morristown, Tennessee, certain 69–kV transmission lines.

3. Lease and amendatory agreement with Murfreesboro, Tennessee, covering arrangements for 161–kV service at TVA's East Murfreesboro and Murfreesboro 161–kV Substations.

4. Proposed service schedule E providing for term energy exchanges under interchange agreement between TVA and Carolina Power and Light Company, and related arrangements (including Project Authorization No. 3598—Conversion of the Douglas-Walters 115–kV Transmission Line to 161–kV).

5. New ten-year term (replacement) power contract with Cities Service Company covering arrangements for supply of firm power for operation of its Copperhill, Tennessee, plant.

D—Personnel Items

*1. Compensation adjustments for TVA's management and physician schedules.

2. Supplement to personal services contract with Pickard, Lowe and Garrick, Inc., Irvine, California, for assistance to TVA in the performance of a probabilistic risk assessment of the Browns Ferry Nuclear Plant, unit 1, requested by the Office of Engineering Design and Construction.

3. Renewal of consulting contract with Sheppard T. Powell Associates, Baltimore, Maryland, for advice and assistance in the field of Chemical Engineering and other related work associated with power generating plants, requested by the Office of Engineering Design and Construction.

4. Renewal of consulting contract with Jack E. Gilleland, Signal Mountain, Tennessee, for advice and assistance in connection with TVA's power and energy-related programs, requested by the Office of Power.

E—Real Property Transactions

1. Conveyance of rights of way to Winston County, Alabama, for highway adjustments due to the construction and operation of Upper Bear Creek Dam and Reservoir.

2. Grant of permanent easement for a roadway to city of Maryville, Tennessee, affecting 0.27-acre of the Alcoa Substation site, in exchange for fee title to a 0.31-acre parcel of nearby land.

3. Grant of term easement to a competitively selected developer for construction of a multiple-purpose building, to be made available to TVA under a 70-year lease-purchase agreement, affecting approximately 8.05-acres of Muscle Shoals Reservation land.

F—Unclassified

1. Cost-of-living increase for TVA Retirement System retirees.

*2. Contract with Tennessee Valley Center for Minority Economic Development, Inc., for the formation of a Small Business Investment Company in the Memphis area.

*3. Agreement with Eastern Band of Cherokee Indians covering arrangements for development of historical and cultural resources of Tellico project area.

4. Construction of a fire exit to the Evans Building located on Union Avenue in Knoxville, Tennessee.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: December 30, 1981.

[S–1953–81 Filed 12–30–81; 3:52 pm]

BILLING CODE 8120–01–M

*Items approved by individual Board members. This would give formal ratification to the Board's action.

Reader Aids

Federal Register

Vol. 47, No. 1

Monday, January 4, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-4966
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-4986
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JANUARY 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
January 4	January 19	February 3	February 18	March 5	April 5
January 5	January 20	February 4	February 19	March 8	April 5
January 6	January 21	February 5	February 22	March 8	April 6
January 7	January 22	February 8	February 22	March 8	April 7
January 8	January 25	February 8	February 22	March 9	April 8
January 11	January 26	February 10	February 25	March 12	April 12
January 12	January 27	February 11	February 26	March 15	April 12
January 13	January 28	February 12	March 1	March 15	April 13
January 14	January 29	February 16	March 1	March 15	April 14
January 15	February 1	February 16	March 1	March 16	April 15
January 18	February 2	February 17	March 4	March 19	April 19
January 19	February 3	February 18	March 5	March 22	April 19
January 20	February 4	February 19	March 8	March 22	April 20
January 21	February 5	February 22	March 8	March 22	April 21
January 22	February 8	February 22	March 8	March 23	April 22
January 25	February 9	February 24	March 11	March 26	April 26
January 26	February 10	February 25	March 12	March 29	April 26
January 27	February 11	February 26	March 15	March 29	April 27
January 28	February 12	March 1	March 15	March 29	April 28
January 29	February 16	March 1	March 15	March 30	April 29

CFR CHECKLIST; 1981 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1–2	$5.00
3	7.50
4	7.50
5	14.00
6	4.00
7 Parts:	
0–52	8.50
53–209	7.50
210–299	8.00
300–399	7.00
400–699	7.50
700–899	8.00
900–944	8.00
945–980	6.50
981–999	6.50
1000–1059	7.50
1060–1119	7.50
1120–1199	12.00
1200–1499	8.50
1500–1899	7.00
1900–2799	11.00
2800–2851	8.00
2853–end	9.00
8	6.50
9 Parts:	
1–199	8.50
200–end	7.50
10 Parts:	
0–199	12.00
200–399	9.50
400–499	8.00
500–end	8.50
11	6.50
12 Parts:	
1–199	7.00
200–299	9.00
300–499	7.00
500–end	17.00
13	8.00
14 Parts:	
1–59	8.50
60–199	9.50
200–1199	8.50
1200–end	7.00
15 Parts:	
0–299	6.50
300–end	9.50
16 Parts:	
0–149	7.50
150–999	7.50
1000–end	8.00

CFR Unit (Rev. as of Apr. 1, 1981):

17 Parts:	
1–239	8.50
240–end	8.00
18 Parts:	
1–149	8.00
150–399	8.00
400–end	7.00
19	13.00
20 Parts:	
1–399	7.00
400–499	8.50
500–end	9.00
21 Parts:	
1–99	7.00
100–169	7.50
170–199	7.50
200–299	5.50
300–499	9.00
500–599	8.50
600–799	6.50
800–1299	7.00
1300–end	5.50
22	9.50
23	8.50
24 Parts:	
0–199	7.00
200–499	9.00
500–799	7.00
800–1699	8.00
1700–end	7.00
25	9.00
26 Parts:	
1 (§§ 1.0–1.169)	9.00
1 (§§ 1.170–1.300)	7.50
1 (§§ 1.301–1.400)	6.50
1 (§§ 1.401–1.500)	6.00
1 (§§ 1.501–1.640)	8.50
1 (§§ 1.641–1.850)	7.50
1 (§§ 1.851–1.1200)	9.00
1 (§§ 1.1201–end)	9.50
2–29	8.00
30–39	7.00
40–299	8.50
300–499	7.00
27 Parts:	
1–199	8.50
200–end	8.00

CFR Unit (Rev. as of July 1, 1981):

29 Parts:	
0–99	9.50
100–499	6.50
500–899	9.00
900–1899	6.50
1900–1910	9.00
1911–1919	6.00
1920–end	8.50
30 Parts:	
0–199	6.50
200–end	9.00
31 Parts:	
0–199	7.00
200–end	8.00
32 Parts:	
40–399	13.00
400–699	10.00
700–799	8.50
1000–end	7.00
33 Parts:	
1–199	9.50
200–end	8.50
36 Parts:	
1–199	6.50
200–end	7.50
37	7.00
38 Parts:	
18–end	7.00
39	6.50
40 Parts:	
0–51	8.50
52	9.50
53–80	9.00
81–99	9.50
100–149	7.50
150–189	7.50
190–399	8.00
400–424	8.00
425–end	8.00
41 Chapters:	
1 (1–1 to 1–10)	8.00
1 (1–11 to App.)–2	7.50
3–6	8.50
7	5.25
8	5.00
10–17	7.50
18 (Volume I)	8.00
18 (Volume II)	9.50
18 (Volume III)	8.00
102–end	7.00
CFR Index	9.50

CFR Unit (Rev. as of Oct. 1, 1981):

45 Parts:	
500–1199	7.50
46 Parts:	
30–40	5.50
70–89	8.00

NOTE: ABOVE PRICES REFLECT RECENT GPO INCREASE.

MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1980

Complete set (one-time mailing):
$150.00 (domestic).
Individual copies—$2.25 each (domestic).

1981

Subscription (mailed as issued):
$250.00 (domestic).
Individual copies—$2.25 each (domestic).

CFR ISSUANCES
Complete Listing of 1981 Editions and Projected January 1982 Editions

This list restates the complete publication plans for the 1981 editions and projects the publication plans for the January, 1982 quarter. A projected schedule that will include the April, 1982 quarter will appear in the first **Federal Register** issue of April, 1982, immediately after the CFR checklist.

The 1981 edition of the CFR consists of 180 volumes. Titles in the January and April 1981 quarters are presently available at the Government Printing Office. All titles in the July and October 1981 quarters are not available at this time. In the July and October list appearing below, the asterisk (*) indicates the 1981 issuances that are not available.

For pricing information on available 1981 volumes consult the CFR checklist in this **Federal Register**.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1981:

Title	Title
CFR Index	**9 Parts:**
1–2	1–199
3 Compilation	200–end
4	**10 Parts:**
5	0–199
6	200–399
7 Parts:	400–499
0–52	500–end
53–209	**11**
210–299	**12 Parts:**
300–399	1–199
400–699	200–299
700–899	300–499
900–944	500–end
945–980	**13**
981–999	**14 Parts:**
1000–1059	1–59
1060–1119	60–199
1120–1199	200–1199
1200–1499	1200–end
1500–1899	**15 Parts:**
1900–2799	0–299
2800–2851	300–end
2852 (Revised as of July 1, 1981)	**16 Parts:**
2853–end	0–149
8	150–999
	1000–end

Titles revised as of April 1, 1981:

Title
17 Parts:
0–239
240–end
18 Parts:
1–149
150–399
400–end
19
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22
23
24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (Cover only)
600–end (Cover only)
27 Parts:
1–199
200–end

Titles revised as of July 1, 1981:

Title

CFR Index
28 (Revised as of November 1, 1981)
29 Parts:
0–99
100–499
500–899
900–1899
1900–1910
1911–1919
1920–end
30 Parts:
0–199
200–end
31 Parts:
0–199
200–end*
32 Parts:
1–39, Vol. I (Revised as of August 1, 1981)*
1–39, Vol. II (Revised as of August 1, 1981)*
1–39, Vol. III (Revised as of August 1, 1981)*
40–399*
400–699
700–799
800–999*
1000–end
33 Parts:
1–199
200–end
34 Parts:
1–399*
400–end*
35 (Revised as of December 31, 1981)*
36 Parts:
1–199
200–end
37*
38 Parts:
0–17*
18–end
39
40 Parts:
0–51
52
53–80
81–99
100–149
150–189
190–399
400–424
425–end
41 Parts:
Chap. 1 (1–1 to 1–10)
Chap. 1 (1–11 to App.)–2
Chap. 3–6
Chap. 7
Chap. 8
Chap. 9*
Chap. 10–17
Chap. 18 Vol. I
Chap. 18 Vol. II
Chap. 18 Vol. III
Chap. 19–100*
Chap. 101*
Chap. 102–end

Titles revised as of October 1, 1981:

Title

42 Parts:
1–60*
61–399*
400–end*
43 Parts:
1–999*
1000–3999*
4000–end*
44*
45 Parts:
1–199*
200–499*
500–1199
1200–end*
46 Parts:
1–29*
30–40
41–69*
70–89*
90–109*
110–139 (Cover only)*
140–155*
156–165*
166–199*
200–399*
400–end*
47 Parts:
0–19*
20–69*
70–79*
80–end*
48*
49 Parts:
1–99*
100–177*
178–199*
200–399*
400–999*
1000–1199*
1200–1299*
1300–end*
50 Parts:
1–199*
200–end*

Projected January 1, 1981 editions:

Title

CFR Index
1–2
3 (Compilation)
4
5 Parts:
1–1199
1200–end
6
7 Parts:
0–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1944
1945–end
8

Title

9 Parts:
1–199
200–end
10 Parts:
0–199
200–399
400–499
500–end
11
12 Parts:
1–199
200–299
300–499
500–end
13
14 Parts:
1–59
60–139
140–199
200–1199
1200–end
15 Parts:
0–299
300–399
400–end
16 Parts:
0–149
150–999
1000–end

*Indicates volume is still in production and not ready for distribution.

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
E&EO Environment and Energy Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration

ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GOLD Gold Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing December 30, 1981

NEW PUBLICATION NOW AVAILABLE

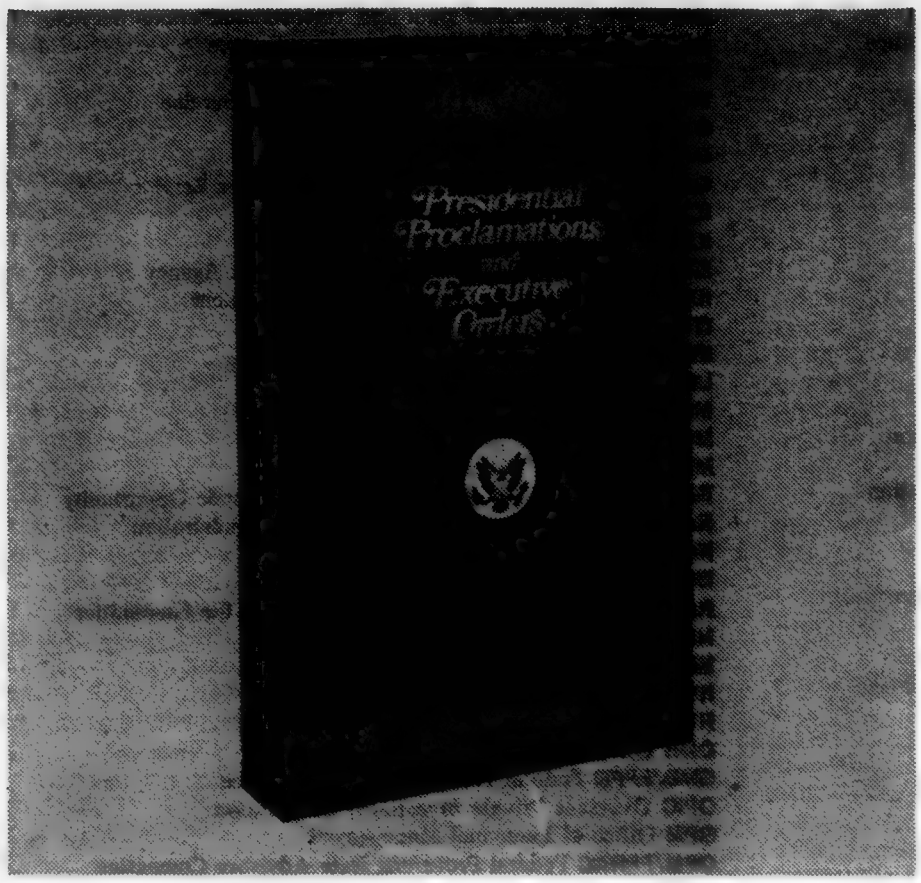

For those of you who must keep informed about Presidential proclamations and Executive orders, there is now a convenient reference source that will make researching certain of these documents much easier.

Arranged by subject matter, this first edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1977, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1977 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402

MAIL ORDER FORM To:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ *check,* ☐ *money order, or charge to my*

Deposit Account No. ☐☐☐☐☐☐☐–☐ *Order No.* _____

master charge

VISA

Credit Card Orders Only

Total charges $ _____. Fill in the boxes below:

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Master Charge Interbank No. ☐☐☐☐

FOR OFFICE USE ONLY		
	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

Please send me _____ *copies of the* ***Codification of Presidential Proclamations and Executive Orders*** *at $6.50 per copy. Stock No. 022-002-00060-1*

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY STATE ZIP CODE

(or) COUNTRY

PLEASE PRINT OR TYPE

1-5-82
Vol. 47—No.2
BOOK 1:
Pages 129-398
BOOK 2:
Pages
399-588

federal register

Book 1 of 2 Books
Tuesday, January 5, 1982

Highlights

144 **Exports—U.S.S.R.** Commerce/ITA suspends export licensing.

141 Commerce/ITA places controls on petroleum transmission and refining equipment for U.S.S.R.

147, 164 **Income Tax** Treasury/IRS issues final rule and proposed rule on treatment of certain interests in corporations as stock or indebtedness. (2 documents).

532 **Food Assistance Programs** USDA/FNS issues regulations on project to coordinate Aid to Families with Dependent Children and Food Stamp Programs. (Part XIII of this issue)

187 **Occupational Safety and Health** Labor/OSHA proposes to reevaluate criteria for identification, classification and regulation of potential carcinogens.

Medical Devices HHS/FDA issues proposed rules on the following over-the-counter drugs for human use:

424 Insect repellent drug products. (Part IV of this issue)

430 Topically applied hormone-containing drug products. (Part V of this issue)

436 Mercury-containing drug products for topical antimicrobial use. (Part VI of this issue)

444 Drug products for treatment of acute toxic ingestion. (Part VII of this issue)

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

454 Digestive aid drug products. (Part VIII of this issue)

490 Smoking deterrent drug products. (Part IX of this issue)

502 Orally administered drug products for treatment of fever blisters. (Part X of this issue)

512 Deodorant drug products for internal use. (Part XI of this issue)

522 Corn and callus remove drug products. (Part XII of this issue)

216 **Education—Handicapped** FCC proposes to amend regulations on use of auditory training devices.

540 **Education** ED issues regulations on Institutional Aid Programs. (Part XIV of this issue)

366 **Iranian Assets** Treasury/FACO issues notice on deadline for filing with the Iran-United States Claims Tribunal.

414, 584 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Parts III and XVI of this issue) (2 documents)

226 **Utilities** DOE/ERA identifies electric and gas utilities to which certain conservation, ratemaking, and regulatory policies apply.

366 **Government Contracts** Treasury/FS announces renegotiation interest rate for excessive profits and refunds.

224 **Grant Programs—Education** ED invites applications for grants under the Migrant Education Interstate and Intrastate Coordination Program.

154 **Regulatory Agenda** OPM

367 **Privacy Act Document** VA

376 **Sunshine Act Meetings**

Separate Parts of This Issue

402 **Part II, Labor/Sec'y**
414 **Part III, Labor/ESA/W&H**
424 **Part IV, HHS/FDA**
430 **Part V, HHS/FDA**
436 **Part VI, HHS/FDA**
444 **Part VII, HHS/FDA**
454 **Part VIII, HS/FDA**
490 **Part IX, HHS/FDA**
502 **Part X, HHS/FDA**
512 **Part XI, HHS/FDA**
522 **Part XII, HHS/FDA**
532 **Part XIII, USDA/FNS**
540 **Part XIV, ED**
560 **Part XV, Interior/SMREO**
584 **Part XVI, Labor/ESA/W&H**

Contents

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 1982

Agriculture Department
See Federal Grain Inspection Service; Food and Nutrition Service; Soil Conservation Service.

Army Department
PROPOSED RULES
190 Army General Counsel's honors program
NOTICES
Meetings:
224 Military personal property symposium

Arts and Humanities, National Foundation
NOTICES
Meetings:
363 Humanities Advisory Panel; cancellation and rescheduling

Civil Aeronautics Board
RULES
Air carriers:
140 Local service carriers' operating authority; removal of obsolete policy statements
132 Certificates of public convenience and necessity; domestic air transportation; application requirement to list points of service removed
Charters:
134 Less-than-planeload charters; terms, conditions, and limitations, etc.
134, 135, 140 Part charters; authorization (3 documents)
137 Mail transportation; service within Alaska and Hawaii; filing of schedules
Procedural regulations:
138 Board proceedings, practice rules; serving of domestic certificate applications
139 Unused authority procedures; content and service of applications

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
222 Massachusetts (2 documents)
222 New Jersey
222 South Carolina
222 South Dakota

Commerce Department
See also International Trade Administration.
NOTICES
Laboratory Accreditation Program, National Voluntary:
223 Acoustical testing services, technical requirements development; workshops

Commodity Futures Trading Commission
NOTICES
223 Domestic exchange-traded commodity options; pilot program; exchange proposals; correction

Comptroller of Currency
RULES
National banks:
132 Corporate activities; rules, policies, and procedures; general revision; correction

Defense Department
See also Army Department; Navy Department.
NOTICES
Meetings:
224 Electron Devices Advisory Group (2 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
362 Mallinckrodt, Inc.; withdrawn
362 Sigma Chemical Co.
362 Sterling Drug Inc.
362 Syncates Associates, Inc.

Economic Regulatory Administration
PROPOSED RULES
Powerplant and industrial fuel use:
161 Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification; extension of time
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
237 Kissimmee, Fla.
Public Utility Regulatory Policies Act of 1978; etc.:
226 Gas and electric utilities covered in 1982; list

Education Department
RULES
Postsecondary education:
540 Institutional aid programs; eligibility requirements, application procedures, and selection criteria
NOTICES
Grant applications and proposals; closing dates:
224 Migrant education interstate and intrastate coordination program

Employment Standards Administration
NOTICES
584 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Colo., Idaho, Oreg., Tenn., Utah, and Wash.)
414 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Conn., Iowa, La., Pa., Tex. and Va.)

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Environmental Protection Agency

RULES

Toxic substances:

148 Chlorofluoroalkanes, fully halogenated; essential use exemption for pharmaceutical rotary tablet press punch lubricants

149 Chlorofluoroalkanes, fully halogenated; essential use exemption for spinnerette release agents

PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States, etc.:

191 Tennessee

Toxic substances:

193 Tetrachlorodibenzo-p-dioxin; contaminated waste disposal; prohibition and notification requirements; reevaluation; advance notice

NOTICES

Motor vehicle fuel economy, evaluation of retrofit devices:

338 Grancor Air Computer (Self-Modulating Air Bleed)

Toxic and hazardous substances control:

335 Alkyl phthalates and benzyl butyl phthalate; follow-up response to Interagency Testing Committee recommendations

333 Alpha-chloroacetophenone; ban on manufacture, distribution, possession, or use; petition denied

336 Premanufacture notices receipts

Federal Communications Commission

RULES

Radio and television broadcasting:

150 Licensing periods; renewals

PROPOSED RULES

Communications equipment:

216 Auditory training devices; assistance services to handicapped

Federal Energy Regulatory Commission

NOTICES

Hearings, etc.:

237 Alleghany Power System et al.
237 Appalachian Power Co.
237 Arkansas Power & Light Co.
238 Booraem, Jonathan W.
238 CHASM Hydro, Inc.
239 Cincinnati Gas & Electric Co.
239 Cleveland Electric Illuminating Co.
239 Connecticut Light & Power Co.
240 Consumers Power Co.
240 Cook Electric, Inc.
241 Danielson Fence Co.
241, 242 Duke Power Co. (2 documents)
242 Glacier Energy Co.
243 Goodman, David, et al.
243 Gordon Falls Hydro Associates
244 Griffin, James E.
244 Hollingsworth & Vose Co.
245–247 Hydro Management, Inc. (3 documents)
247 Hydro Resource Co.
248 Illinois Power Co.
248 Indiana & Michigan Electric Co.
248 Johnson, Ben
249 Jupiter Energy Corp.
249 Leavenworth, Wash.
250 Maine Electric Power Co.
250 Mallary, Richard W.
250 Mid-Continent Area Power Pool Agreement (2 documents)
251 Millspaugh, Theodore W., Jr.
251, 252 Mississippi Power & Light Co. (3 documents)
252, 253 Modesto Irrigation District (2 documents)
253 New England Power Co.
253 New England Power Pool
254 Niagara Mohawk Power Corp.
254 Northern States Power Co.
254 Orange & Rockland Utilities, Inc.
255 Pancheri, Inc.
255 Powers, John W.
255 Public Service Co. of New Hampshire
257 Rushford, Donald L.
257 San Diego Gas & Electric Co.
256 San Francisco Public Utilities Commission
257 Schill, Robert E.
258 Southern Natural Gas Co.
259 Southwest Gas Corp.
259 Spring River Power Developers et al.
260 Sutter, Fred N., Jr.
260 Swanson Mining Corp. et al.
261, 262 Tennessee Gas Pipeline Co. (2 documents)
263, 264 Union Electric Co. (4 documents)
264 United Gas Pipe Line Co.
265 Weil, Roberta B.
265 Western Hydro Electric Inc.
266 Woodbridge Irrigation District

Natural Gas Policy Act of 1978:

267–319 Jurisdictional agency determinations (8 documents)
256 Jurisdictional agency determinations; well category withdrawals, etc.

Small power production and cogeneration facilities; qualifying status; certification applications, etc.:

258 Sea World

Federal Grain Inspection Service

RULES

Grain standards:

129 Hay, hop, miscellaneous processed commodity, pulse, and straw inspection service; adjustment of fees

131 Official agency designation; renewal procedures; final rule

Federal Maritime Commission

PROPOSED RULES

215 Independent ocean freight forwarders, licensing; forwarding services to relief agencies or charitable organizations

NOTICES

Energy and environmental statements; availability, etc.:

340 Pacific/Australia-New Zealand Conference and Karlander Kangaroo Line; trade in ports and inland areas

Freight forwarder licenses:

339 American Cargo Corp.
340 Ferguson Shipping & Forwarding Co., Inc.
339 Middle Eastern Transport Agencies, Ltd.

Tariff cancellations:

339 West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference

Federal Reserve System
NOTICES
Applications, etc.:
341 Ballerton Corp.
341 First Colonial Bankshares Corp.
341 First Delhi Corp.
341 First Dodge City Bancshares, Inc.
341 First Mid-Illinois Bancshares, Inc.
342 Fourth Financial Corp.
342 Gaylord Bancorporation, Ltd.
342 Hol-Ark, Inc.
342 M–L Bancshares, Inc.
342 Midwest National Bancshares, Inc.
343 Milford, N. V.
343 NBG Atlantic International Corp.
343 NCB, Corp.
343 Shawmut Corp. (2 documents)
344 Wyoming Bancorporation
NOTICES
376 Meetings; Sunshine Act

Fiscal Service
NOTICES
366 Renegotiation interest rate for excessive profits and refund

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
146 Endo Pharmaceuticals, Inc., and naloxone hydrochloride injection; change of sponsor
Food additives:
145 Ethyl acetate as solvent in coffee decaffeination
PROPOSED RULES
Food for human consumption:
163 Fructose; Codex standard; advance notice; correction
163 Powdered dextrose (icing dextrose); Codex standard; advance notice; correction
162 Freedom of Information Act; implementation
Human drugs:
444 Acute toxic ingestion treatment drug products (OTC); monograph establishment; advance notice
522 Corn and callus remover drug products (OTC); monograph establishment; advance notice
512 Deodorant drug products (OTC) for internal use; monograph establishment; advance notice
454 Digestive aid drug products (OTC); monograph establishment; advance notice
502 Fever blisters treatment drug products (OTC) orally administered; monograph establishment; advance notice
430 Hormone-containing drug products (OTC) topically applied; advance notice
424 Insect repellent drug products (OTC) for oral use; advance notice
436 Mercury-containing drug products (OTC) for topical antimicrobial use; monograph establishment; advance notice
490 Smoking deterrent drug products (OTC); monograph establishment; advance notice
NOTICES
Animal drugs, feeds, and related products:
345 Bovine anthelmintics, effectiveness evaluation; guideline availability
Food additives, petitions filed or withdrawn:
347 Tal Chemicals Co.
Human drugs:
346 Depo-provera (medroxyprogesterone acetate) sterile aqueous suspension; contraceptive agent; hearing
347 Marketing requirements; drug efficacy study implementation; followup notice; correction
Medical devices:
344 Collastat, absorbable collagen hemostatic sponge
345 Salt tablets for hydrophilic contact lenses
Meetings:
348 Consumer information exchange
347 Skull X-Ray Referral Criteria Panel
X-ray systems variance approvals, etc.:
348 Hennepin Medical Center

Food and Nutrition Service
RULES
Food stamp program:
532 AFDC/Food stamp consolidation demonstration project

Foreign Assets Control Office
RULES
145 Iranian assets control regulations; cross reference
NOTICES
366 Iranian assets control regulations; standby letters of credit; filing deadline

Health and Human Services Department
See Food and Drug Administration.

Hearings and Appeals Office, Energy Department
NOTICES
324, 329 Special refund procedures; implementation and inquiry (2 documents)

Immigration and Naturalization Service
RULES
American institutions of research, listing of organizations:
132 Institute for Development Anthropology, Inc., and University of Arizona Environmental Research Laboratory
Transportation line contracts:
131 Air Afrique

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
RULES
Income taxes:
147 Corporations; treatment of interests as stock or indebtedness; effective date delayed
PROPOSED RULES
Income taxes:
164 Corporations; treatment of interests as stock or indebtedness
163 Corporations; treatment of interests as stock or indebtedness; hearing

International Trade Administration
RULES
Export licensing:
141 Soviet Union; petroleum transmission and refining equipment; interim
144 Soviet Union; suspension of all licensing; interim

International Trade Commission
NOTICES
376 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
152 Burlington Northern Railroad Co. et al.
152 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; track use by various railroads
151 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
PROPOSED RULES
Intermodal transportation:
220 Trailer on flatcar and container on flatcar (TOFC/COFC) service; clarification of exemption and nonapplicability to Alaska Railroad
NOTICES
352 Long and short haul applications for relief
Motor carriers:
354 Permanent authority applications
Rail carriers:
352 Missouri-Kansas-Texas Railroad Co.; contract tariff exemption
353 Pittsburgh & Lake Erie Railroad; contract tariff exemption
353 Union Pacific Railroad Co.; contract tariff exemption
Railroad operation, acquisition, construction, etc.:
351 Grand Trunk Western Railroad Co.; trackage rights exemption
353 Illinois Central Gulf Railroad Co.
351 Little Rock & Western Railway Corp.

Justice Department
See Drug Enforcement Administration; Immigration and Naturalization Service.

Labor Department
See also Employment Standards Administration; Occupational Safety and Health Administration.
RULES
145 Recordkeeping requirements
PROPOSED RULES
402 Regulatory flexibility review list

Land Management Bureau
NOTICES
Geothermal competitive lease sales:
349 Geysers-Calistoga, Glass Mountain, Calif., et al.
Oil and gas leases:
349 Combined hydrocarbon leasing; clarification of tar sand leasing

Legal Services Corporation
NOTICES
376 Meetings; Sunshine Act

National Park Service
NOTICES
Concession contract negotiations:
350 Cape Hatteras Fishing Pier, Inc.; Cape Hatteras National Seashore, N.C.
350 Chicamacomico Enterprises, Inc.; Cape Hatteras National Seashore, N.C.
Historic Places National Register; pending nominations:
350 Alabama et al.

National Science Foundation
PROPOSED RULES
193 Conduct standards and conflict of interest rules
NOTICES
Committees; establishment, renewals, terminations, etc.:
363 Advisory Committees; extension

Navy Department
NOTICES
Meetings:
224 Chief of Naval Operations Executive Panel Advisory Committee

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
363 Commonwealth Edison Co.
363 Commonwealth Edison Co. et al.
364 Indiana & Michigan Electric Co.
364 Niagara Mohawk Power Corp.
365 Northeast Nuclear Energy Co. et al.
365 Philadelphia Electric Co. et al.
365 Toledo Edison Co. et al.
376 Meetings; Sunshine Act

Occupational Safety and Health Administration
PROPOSED RULES
187 Carcinogens, potential occupational; identification, classification, and regulation; reevaluation; advance notice and partial stay

Personnel Management Office
PROPOSED RULES
154 Regulatory agenda

Soil Conservation Service
RULES
Contracting, long term:
130 Great Plains conservation program; extended date for new contracts and terminology changes

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submissions; various States:
560 Massachusetts, Michigan, Oregon, and Rhode Island; operations on non-Federal land, etc.

Treasury Department
See Comptroller of Currency; Fiscal Service; Foreign Assets Control Office; Internal Revenue Service.

Veterans Administration
NOTICES
367 Privacy Act; systems of records

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION

222 Massachusetts Advisory Committee, Boston, Mass. (open), 1–28–82

222 Massachusetts Advisory Committee, Boston, Mass. (open), 2–9–82

222 New Jersey Advisory Committee, Sommerville, N.J. (open), 1–27–82

222 South Carolina Advisory Committee, Columbia, S.C. (open), 1–27–82

222 South Dakota Advisory Committee, Pierre, S. Dak. (open), 1–22–82

COMMERCE DEPARTMENT

Office of the Secretary—

223 National Voluntary Laboratory Accreditation Program, Gaithersburg, Md. (open), Workshop A, 2–23 and 2–24–82; Workshop B, 3–10 and 3–11–82

DEFENSE DEPARTMENT

Army Department—

224 Military Personal Property Symposium, Arlington, Va. (open), 1–21–82

Navy Department—

224 Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 1–20 and 1–21–82

Office of the Secretary—

224 Advisory Group on Electron Devices, Working Group B (Mainly Low Power Devices), Arlington, Va. (closed), 3–24–82

224 DOD Advisory Group on Electron Devices, Working Group D (Mainly Laser Devices), Monterey, Calif. (closed), 2–8 and 2–10–82

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

348 Consumer Participation, Washington, D.C. (open), 1–11–82

347 Skull X-Ray Referral Criteria Panel, Chevy Chase, Md. (partially open), 1–21 and 1–22–82

CHANGED MEETING

ARTS AND THE HUMANITIES, NATIONAL FOUNDATION

363 Humanities Panel, Washington, D.C. (closed), 1–9 and 1–13–82 changed to 1–13 and 1–12–82 respectively, and location change for 1–15–82 meeting

HEARING

TREASURY DEPARTMENT

Internal Revenue Service—

163 Treatment of Certain Interests in Corporations as Stock or Indebtedness, Washington, D.C., 3–10–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Proposed Rules:
Ch. I.....154

7 CFR
68.....129
282.....532
631.....130
800.....131

8 CFR
238.....131
316a.....132

10 CFR
Proposed Rules:
500.....161
501.....161
503.....161

12 CFR
5.....132

14 CFR
201.....132
207.....134
208.....134
212.....135
231.....137
302.....138
321.....139
380.....140
399.....140

15 CFR
379.....141
385.....141
390.....144
399.....141
535.....145

20 CFR
Ch. I.....145
Ch. V.....145
Ch. VI.....145
Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402

21 CFR
173.....145
510.....146
522.....146
Proposed Rules:
20.....162
168 (2 documents).....163
310 (2 documents).....424, 430
333.....436
357 (5 documents).....444–512
358.....522

26 CFR
1.....147
Proposed Rules:
1 (2 documents).....163, 164
15A.....164

29 CFR
Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
1990.....187

30 CFR
Proposed Rules:
Ch. I.....402

921.....560
922.....560
937.....560
939.....560

32 CFR
Proposed Rules:
585.....190

34 CFR
624.....540
625.....540
626.....540
627.....540

40 CFR
762 (2 documents).....148, 149
Proposed Rules:
52.....191
775.....193

41 CFR
Ch. 50.....145
Ch. 60.....145
Proposed Rules:
Ch. 60.....402

45 CFR
Proposed Rules:
680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR
Proposed Rules:
510.....215

47 CFR
73.....150
74.....150
Proposed Rules:
15.....216

49 CFR
1033 (3 documents).....151; 152
Proposed Rules:
1039.....220
1300.....220

Rules and Regulations

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Adjustment of Fees for Certain Federal Inspection Services

AGENCY: Federal Grain Inspection Service [1], USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is increasing the fees for hay, hop, miscellaneous processed commodities, pulse, and straw inspection services to equate the fees, as nearly as possible, with the cost of the services. These services are made available upon request of an applicant. FGIS is also changing the fee schedule by adding some new laboratory tests and corresponding fees, eliminating the cross-referencing of other tests, and specifying the conditions for contract services which previously appeared only in the contract.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management, Resources Management Division, USDA, Federal Grain Inspection Service, Room 1636 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, 202/447–9172.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures pursuant to Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as nonmajor because it does not meet the criteria for a major regulatory action

Kenneth A. Gilles, Administrator, has determined that this final action will not have a significant economic impact on a substantial number of small entities because most users of these Federal inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Section 203(h) of the Agricultural Marketing Act of 1946 provides for the collection of fees for services rendered which are reasonable and as nearly as possible cover the cost of the service. The fees currently in effect (7 CFR 68.42a) do not cover FGIS' costs of providing the services.

A proposed rule to increase the fees and make some miscellaneous changes in hay, hop, miscellaneous processed commodities, pulse (beans, peas, and/or lentils), and straw inspection services was published in the August 26, 1981, **Federal Register** (46 FR 43056–43057) with a 30-day public written comment period ending September 25, 1981. Only one written comment from the Oregon Commodities Company, Portland, Oregon, was received during the comment period. The commentor contended that an increase in the fees would result in a reduction of the volume inspected. FGIS does not anticipate any signficiant reduction in the requests for service as a result of the fee increase.

FGIS indicated in the proposal that the fees for these services have not been changed since 1977. Since 1977, there have been increases in Federal salaries totaling approximately 32 percent of the 1977 base. These increases, coupled with substantial increases in costs charged to FGIS by contract licensees, through the bidding process, and cooperator licensees who perform inspection services for FGIS on an hourly basis, as well as increases in chemicals, laboratory equipment, rent, utilities, transportation and other costs, have resulted in revenue not covering costs. Further, there has been a continuous and accelerating decrease in the operating reserve maintained for contingencies when fees may not cover costs of providing the service.

On the basis of the comment received and all other available information, FGIS has concluded that, in order to continue to provide inspection services to applicants in FY 1982, an increase in inspection service fees (7 CFR 68.42a) is necessary to more closely equate the fees with the costs of rendering the services. FGIS will continue to monitor costs and revenue to maintain fees at the minimum level necessary to continue an effective inspection program.

Accordingly, the regulations published as a proposed rule at 46 FR 43056–43057, are hereby adopted without change as the final rule.

(Sec. 203(h), Pub. L. 79–733, 60 Stat. 1087 (7 U.S.C. 1622))

Dated: December 16, 1981.

Kenneth A. Gilles,
Administrator.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, 7 CFR 68.42a is revised to read as follows:

§ 68.42a Fees for certain Federal inspection services.

The following fees apply to the Federal inspection services specified below:

INSPECTION SERVICE

	Fee
Appeal inspection:	
(a) Basis original or file sample	([1])([3])
(b) Basis new sample	([2])([3])
Bean, lentil, and pea inspection:	
(a) Lot inspection—	
(1) Field run (quality and dockage analysis), per lot	$13.40
(2) Other than field run (grade, class, and quality) per lot	[4] 10.00
(In addition to the fee for analysis or grading in (1) and (2), a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection—	
(1) Field run (quality and dockage analysis), per lot	13.40
(2) Other than field run (grade, class, and quality), per sample	[4] 10.00
Checkloading, per man-hour [5]	20.80
Checkweighing, per man-hour [5]	20.80
Condition examination, per man-hour	20.80
Contract service, per man-hour: FGIS may enter into contracts with applicants to perform continuous inspection services or other types of services. Applicant agrees to pay for 8 hours of service per day, per person, for at least 5 consecutive days per week. All hours of service performed in excess of the contract shall be charged at the rate of $20.80 per man-hour	16.00
Demonstration gradings—per request [5]	245.00
Extra copies of certificates—per copy	1.80
Factor analysis for nongraded, nonprocessed commodities—per factor	4.00
Factor fee, per factor	4.00

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a, 7 CFR 68.2(e)).

INSPECTION SERVICE—Continued

	Fee
Grade factor analysis as defined in the applicable offical U.S. Standards, per factor	4.00
Hay and straw inspection:	
(a) Lot inspection, sampling and grading, per man-hour	20.80
(b) Sample inspection—	
(1) Grade only, per sample	13.40
(2) Factor analyses, per man-hour	20.80
Hop inspection:	
(a) Lot inspection: Seed, leaf, and stem content—per lot (in addition to the fee for analysis, a charge for sampling, if any, will be assessed at the prescribed rate.)	20.80
(b) Sample inspection: Seed, leaf, and stem content—per sample	20.80
Laboratory report	1.80
Laboratory testing:	
(a) In addition to the fees, if any, for sampling or other requested service, a fee will be assessed for each laboratory test as follows:	
(1) Acidity—Greek	5.20
(2) Acid value—oil	5.20
(3) Aflatoxin (Minicolumn method)	15.60
(4) Aflatoxin (TLC)	36.40
(5) Appearance, flavor, and odor—oils	2.60
(6) Arachidic acid	10.00
(7) Ash	6.25
(8) Bacteria count	6.50
(9) Baking test—bread	15.60
(10) Baking test—cake	21.90
(11) Baking test-cookies	19.50
(12) Baumé	5.20
(13) Bostwick (cooked)	10.40
(14) Bostwick (uncooked)	5.20
(15) Calcium (AOAC)	6.50
(16) Calcium enrichment	6.50
(17) Carotenoid color	7.80
(18) Checked and broken macaroni units	5.20
(19) Clarity of oil involving heating	5.20
(20) Cold test—oil	5.20
(21) Coliform	15.60
(22) Color—bleached	7.80
(23) Color—gardner	2.60
(24) Color—lovibond	2.60
(25) Color—oil and shortening	2.60
(26) Congeal point	12.50
(27) Cooking test	5.20
(28) Crude fat	5.20
(29) Crude fiber	8.35
(30) Density	5.20
(31) Dextrose equivalent	14.55
(32) Diastatic activity of flour	15.60
(33) Enrichment—quick test	2.60
(34) Falling number	5.20
(35) Farinograph characteristics	19.50
(36) Fat—acid hydrolysis	10.40
(37) Fat acidity	7.80
(38) Fat stability—Aom	10.40
(39) Filth—heavy	12.90
(40) Filth—light	15.60
(41) Flash point—open and closed cup	7.80
(42) Foam test	15.60
(43) Foots—heated and/or chilled	5.20
(44) Foreign material—processed grain products	7.80
(45) Free fatty acids	5.20
(46) Heating test—oil and shortening	5.20
(47) Hydrogen ion concentration—pH	7.80
(48) Insoluble bromides	5.20
(49) Insoluble impurities—oil and shortening	5.20
(50) Iodine number or value	7.80
(51) Iron enrichment	10.40
(52) Linolenic acid (fatty acid profile)	10.00
(53) Lipid phosphorous	39.00
(54) Loaf volume	15.60
(55) Lysine from fortification	19.10
(56) Lysine from hydrolysis of protein	10.00
(57) Maltose value—flour	15.60
(58) Marine oil in vegetable oil—qualitative	5.20
(59) Melting point—Wiley	10.40
(60) Moisture—distillation	7.80
(61) Moisture—oven	3.85
(62) Moisture and volatile matter—oil and shortening	5.20
(63) Neutral oil loss	15.60
(64) Nitrogen solubility index	13.00
(65) Oven leak test—oil can	7.80
(66) Oil content—oilseed	7.80
(67) Particle size—flour	12.35

INSPECTION SERVICE—Continued

	Fee
(68) Performance test—prepared bakery mix	17.35
(69) Peroxide value	5.20
(70) Phosphorous	10.40
(71) Popping value—popcorn	15.60
(72) Potassium bromate—qualitative	2.60
(73) Potassium bromate—quantitative	7.80
(74) Protein dispersibility index	13.00
(75) Protein, Kjeldahl	5.00
(76) Purity—Monosodium glutamate	20.60
(77) Reducing sugars	15.60
(78) Refractive index	7.80
(79) Riboflavin	20.80
(80) Rope spore count	26.00
(81) Salmonella	30.55
(82) Salt content	7.80
(83) Saponification number	7.80
(84) Sedimentation	13.00
(85) Sieve test	3.85
(86) Smoke point	7.80
(87) Softening point	10.40
(88) Solid fat index	18.00
(89) Specific baking volume—cake mix	18.00
(90) Specific gravity—oils	10.40
(91) Starch damage—flour	12.35
(92) Staphylococcus aureas	20.25
(93) Sucrose	15.60
(94) Test weight per bushel—other than grain	2.15
(95) Tilletia contraversa Kuhn (TCK)	20.80
(96) Unsaponifiable matter	10.40
(97) Urease activity	7.80
(98) Viscosity	10.40
(99) Water soluble protein	13.00
(100) Xanthydrol test for rodent urine	15.40
(b) If a requested test is to be reported on a specified moisture basis, a fee for moisture test will also be assessed.	
Lentil inspection: (see Bean inspection).	
Minimum fee for services covered by the hourly rate—a minimum fee of 2 hours per individual, per service request, will be assessed at the applicable hourly rate.	
New inspection—fees based on service requested.	
Pea inspection: (see Bean inspection).	
Sampling, per man-hour	20.80
Special inspection service, per man-hour	20.80
Split pea inspection: (see Bean inspection).	
Standby time, per man-hour	20.80
Straw inspection: (see Hay inspection).	

[1] The applicable grading or laboratory testing fee. Minimum fee, if any, is $20.80, subject to [5] below.
[2] Applicable sampling fee, if any, plus applicable grading or laboratory testing fee.
[3] No fees shall be assessed if a material error is found in the inspection from which an appeal is taken.
[4] When graded according to the applicable U.S. Standards. Factors requested in addition to those that are in the U.S. Standards will be charged the factor fee for each additional factor. See Factor fee.
[5] Only one fee will be assessed for this service whether performed singly or concurrently (but see minimum fee requirements).
[6] Plus all travel costs associated with the performance of the demonstration grading service.

[FR Doc. 82-232 Filed 1-4-82; 8:45 am]
BILLING CODE 3410-EN-M

Soil Conservation Service

7 CFR Part 631

Great Plains Conservation Program; Correction

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Final rule correction.

SUMMARY: This action revises 7 CFR Part 631 of the Great Plains Conservation Program (GPCP) regulations to make technical corrections.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Guy D. McClaskey, SCS, P.O. Box 2890, Washington, D.C. 20013, telephone (202) 382–1868.

SUPPLEMENTARY INFORMATION: This action makes technical corrections and terminology changes in the final rule to allow entering into new GPCP contracts until September 30, 1991, and change the term "administrator" to "chief." The final rule limits new GPCP contracts to December 31, 1981. On June 6, 1980, Pub. L. 96–263 was approved that extended GPCP to September 30, 1991. The correction will update the extended date set by this law.

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be "nonmajor."

This proposed action has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for individuals, organizations, or other government agencies affected. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises in domestic or export markets.

Since this action only clarifies the final rule and makes minor technical corrections, SCS has determined that publication for public comment would not be in the public interest.

SCS certifies that this regulation will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

These corrections contain no new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

A complete review and revision of the GPCP regulations will be completed in fiscal year 1982. The rule correction in this action will allow the program to continue operations until the complete revision has been made. The Great Plains Conservation Program is authorized by section 16(b) of the Soil Conservation and Domestic Allotment Act (70 Stat. 115, as amended; 16 U.S.C. 590p(b), Pub. L. 96–263). Final program rules were revised and published November 18, 1975, and went into effect at once.

The program provides technical and financial assistance under long-term contracts to land users in 518 designated

counties of the 10 Great Plains States. It is designed to protect and improve soil, water, plant, and wildlife resources of the Great Plains area which is plagued with recurring drought and wind erosion. Installation of complete conservation treatment and management systems on farms and ranches helps stabilize individual enterprises and consequently the local economy.

PART 631—GREAT PLAINS CONSERVATION PROGRAM

Therefore, 7 CFR Part 631 is amended as follows:

At each place the word "administrator" appears it is changed to the word "chief."

§ 631.8 [Amended]

1. The date, December 31, 1981, in § 631.8(a) is changed to September 30, 1991.

(Catalog of Federal Domestic Assistance Program No. 10.900 Great Plains Conservation Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is not applicable.)

David G. Unger,

Associate Chief.

December 24, 1981.

[FR Doc. 82-24 Filed 1-4-82; 8:45 am]

BILLING CODE 3410-01-M

Federal Grain Inspection Service

7 CFR Part 800

Grain Regulations; Revision of Rules

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is adopting without change as a final rule, an interim final rule published in the **Federal Register** on July 27, 1981 (46 FR 38336), in which § 800.205 of the regulations was revised to restate and clarify the procedures to be followed where renewal of a designation of an official agency is involved and where a designation is revoked or suspended for cause.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management, 1400 Independence Avenue SW., Washington, D.C. 20250; telephone (202) 447–9172.

SUPPLEMENTARY INFORMATION: This final action has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been determined to be "nonmajor," because it imposes no additional duties or obligations on persons subject to the regulations and its only purpose is to clarify existing regulations.

Kenneth A. Gilles, Administrator of FGIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], because it applies only to a limited number of private and State grain inspection and weighing agencies which are designated under the Act.

The July 27, 1981, issue of the **Federal Register** (46 FR 38336) contained an interim final rule requesting comments on certain changes to the regulations which restated and clarified the procedures to be followed where renewal of a designation of an official agency is involved and where a designation is revoked or suspended for cause. Comments were to be submitted on or before September 25, 1981. No comments were received.

The procedure which an official agency must follow when it requests to have its designation renewed is set out in §§ 800.196 through 800.199 of the regulations. Section 800.205 was revised so that its provisions will be consistent with those of §§ 800.196 through 800.199 and with section 7(g)(1) of the United States Grain Standards Act (hereinafter the "Act").

Section 7(g)(1) of the Act provides that the designation of each official agency shall terminate at such time as specified by the Administrator but not later than 3 years after issuance. Designations of official agencies may be renewed in accordance with the criteria and the procedure for designation prescribed in section 7(f) of the Act. Further, certain technical changes have been made in § 800.205 so that the regulatory text will be aligned with the revocation and suspension provisions of section 7(g)(3) of the Act. These technical changes were not substantive in nature.

PART 800—GENERAL REGULATIONS

Accordingly § 800.205 of the regulations published as an interim final rule at 46 FR 38336 is adopted without change as a final rule, effective January 5, 1982.

(Sections 8, 18, Pub. L. 94–582, 90 Stat. 2870, 2884 (7 U.S.C. 79, 87e))

Dated: December 16, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 82-233 Filed 1-4-82; 8:45 am]

BILLING CODE 3410—EN—M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Air Afrique

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Air Afrique to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Air Afrique on December 2, 1981 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 533 as to notice of proposed rulemaking and delayed effective date is unnecessary because of the amendments merely make editorial changes to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of

transportation lines in paragraph (b) *Signatory lines* is amended by:

1. Adding in alphabetical sequence, "Air Afrique."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: December 28, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-110 Filed 1-4-82; 8:45 am]

BILLING CODE 4410-10-M

---

8 CFR Part 316a

Residence, Physical Presence and Absence; Addition of Institute for Development Anthropology, Inc., and Environmental Research Laboratory of the University of Arizona

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adds to the list of organizations determined to be "American Institutions of Research" recognized by the Attorney General. The Institute for Development Anthropology, Inc., and the Environmental Research Laboratory of the University of Arizona were recognized as conferring constructive residence for naturalization purposes for their employees overseas.

EFFECTIVE DATE: March 3, 1981, as to the Institute for Development Anthropology, Inc., and December 4, 1981 as to the Environmental Research Laboratory of the University of Arizona.

FOR FURTHER INFORMATION CONTACT: For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone (202) 633-3048.

For Specific Information Keith C. Williams, Acting Assistant Commissioner, Naturalization, Immigration & Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone (202) 633-3320.

SUPPLEMENTARY INFORMATION: Section 316(b) of the Immigration and Nationality Act, 8 U.S.C. 1427(b), allows for certain absences abroad by lawful permanent residents of the United States to preserve residence and be counted towards the residence requirements of naturalization. Among other things, employment overseas by a recognized American institute of research qualifies for this constructive residence benefit. 8 CFR 316a.2 lists those American institutions of research which have been recognized by the Attorney General. Absences abroad in the employment of these institutes will be counted as constructive residence in establishing the residence requirements of naturalization provided all conditions of 8 U.S.C. 1427(b), which lists the requirements of naturalization are satisfied. The Institute for Development Anthropology, Inc., and the Environmental Research Laboratory of the University of Arizona, each in requesting recognition as an American institution of research, have submitted documentation to support their requests. The Regional Commissioner, Eastern Region, Immigration and Naturalization Service, in accordance with Service Operations Instructions (OI 316a.4), has approved the request of the Institute for Development Anthropology, Inc. Similarly, the Regional Commissioner, Western Region, has approved the Environmental Research Laboratory of the University of Arizona.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and effective date is unnecessary because the amendment merely adds to the listing of recognized institutions.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

PART 316a—RESIDENCE, PHYSICAL, PRESENCE AND ABSENCE

§ 316a.2 [Amended]

In § 316a.2 American institutes of research, the listing of organizations is amended by adding in alphabetical sequence, "Environmental Research Laboratory of the University of Arizona" and "Institute for Development Anthropology, Inc."

(Sec. 316, 66 Stat. 163 (8 U.S.C. 1427))

Dated: December 28, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-109 Filed 1-4-82; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 81-21]

Rules, Policies and Procedures for Corporate Activities; Correction

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: On December 4, 1981 (46 FR 59232), the Office of the Comptroller of the Currency (Office) published a correction document to Title 12 of the Code of Federal Regulations Part 5 (FR Doc. 81-34892). The December 4, 1981, correction document, at item #8, corrected § 5.21, Organization of an Interim National Bank, to change the designations of the paragraphs (f), (g), (h), (i), (j), and (k), to (e), (f), (g), (h), (i), and (j) respectively. This correction was unnecessary since the paragraphs were correctly designated prior to issuance of the December 4, 1981, correction document. Therefore, disregard the correction listed as #8 in the December 4, 1981, correction document.

DATE: Effective January 5, 1982.

FOR FURTHER INFORMATION CONTACT: James E. Brennan, Manager, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Telephone: (202) 447-1184.

SUPPLEMENTARY INFORMATION: On 46 FR 59233, in the issue of December 4, 1981, disregard the correction in paragraph "8".

Dated: December 23, 1981.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-30 Filed 1-4-82; 8:45 am]

BILLING CODE 4810-33-M

CIVIL AERONAUTICS BOARD

14 CFR Part 201

[Reg. ER-1274; Amdt. No. 7]

Application for Certificates of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the requirement that applicants for

certificates of public convenience and necessity to engage in domestic air transportation list the communities for which they seek authority in their applications. This action is taken because the CAB will no longer list the points that an airline is authorized to serve in the carrier's certificate. Airlines will be able to serve any community they wish after they obtain a certificate.

DATES: Adopted: December 22, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: In order to operate large aircraft in air transportation, a carrier must obtain from the Board a certificate of public convenience and necessity under section 401 of the Federal Aviation Act. Until now, these certificates listed all the terminal and intermediate points that the carrier was authorized to serve. (Section 401(e)(1) of the Act.) Part 201 of the Board's rules, 14 CFR Part 201, sets forth the requirements for applications for section 401 certificates. Section 201.4 of this rule requires applicants to identify the terminal and intermediate points for each route applied for and to submit an illustrative service proposal for the markets for which authority is sought.

Section 1601(a)(1)(C) of the Act prohibits the Board from continuing to list terminal and intermediate points on domestic certificates after December 31, 1981. This in intended to give certificated airlines the authority to serve any point in the United States without having to obtain authority from the Board for each one. After December 31, 1981, an applicant for a domestic 401 certificate will therefore not have to identify all the terminal and intermediate points it wishes to serve. This calls for conforming changes in Part 201.

The requirement in § 201.4 that an applicant specify routes and list terminal and intermediate points for which it seeks domestic authority is being eliminated. The requirement that it file an illustrative service proposal is being changed. This proposal will have to cover only the routes that the applicant intends to enter initially or similar markets if it does not want to reveal its actual plans. The purpose of this requirement is to demonstrate to the Board that the applicant has some idea of the costs and flight times involved in a given route and has basic managerial capability. The proposed scope of the carrier's initial operations is also essential in determining the amount of financing required to inaugurate the service proposed. It is thus relevant to the question of the applicant's fitness. An applicant would not be bound to commence service to the cities for which it submitted an illustrative service proposal nor would it be prohibited from serving other communities instead. A substantial change in the scope of operations that were proposed would, however, require the submission of additional fitness information under 14 CFR 204.4.

The above discussion does not apply to intra-Alaska and intra-Hawaii freighter air service or to foreign air transportation. For reasons more fully explained in Order 81–11–23 (Docket 40208), 46 FR 55294, November 9, 1981, the Board must continue to list terminal and intermediate points on certificates authorizing such service. Thus, an applicant for intra-Alaska and intra-Hawaii cargo-only or foreign air service will have to identify those points it wishes to serve on its application as well.

The elimination of terminal and intermediate points in domestic certificates also calls for changes in § 201.4(b). That paragraph currently distinguishes between interstate air transportation on the one hand and overseas and foreign air transportation on the other. It prohibits an applicant from including a request for interstate authority in the same application as requests for overseas or foreign authority. With the changes described above, however, this distinction is outmoded. Since certificates will list points for foreign air transportation but not for interstate and overseas service, it makes more sense to consider applications for interstate and overseas services together but to require applications involving foreign air transportation to be filed separately. The amendment to § 201.4(b) below does this.

We are also taking this opportunity to eliminate § 201.6. That section governs applications for authority to provide all-cargo (freighter) air service under paragraphs (a)(1) and (a)(2) of § 418. Those two paragraphs apply to carriers that were already providing all-cargo air service under a certificate or an exemption. They allow such carriers to apply for the broader authority available under section 418 within 45 days after enactment of the section. This 45-day period has long since passed so § 201.6 is now obsolete. Elimination of § 201.6 does not affect applications under § 418(a)(4) from any person seeking authority to provide all-cargo air service for the first time. Those applications are covered by 14 CFR Part 291.

Since this action is procedural in nature, is taken to conform our rules to the change in our statutory authority at the end of this year and relieves restrictions, we find good cause for dispensing with notice and public procedure and for making these amendments effective in less than 30 days.

PART 201—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Accordingly, the Board amends 14 CFR Part 201, *Application for Certificates of Public Convenience and Necessity*, as follows:

1. The authority for Part 201 is:

Authority: Secs. 204, 401, 402, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 757; 49 U.S.C. 1324, 1371, and 1372.

2. The Table of Contents is amended by removing § 201.6.

3. Paragraphs (b), (c)(3), and (e)(1) of § 201.4 are revised to read:

§ 201.4 General provisions concerning contents.

* * * * *

(b) Requests for authority to engage in interstate and overseas air transportation shall not be included in the same application with requests for authority to engage in foreign air transportation. Similarly, requests for authority to engage in scheduled air transportation shall not be included in the same application with requests for authority to engage in nonscheduled air transportation.

(c) * * *

(3) For cargo-only transportation within the States of Alaska or Hawaii and for foreign air transportation, an adequate identification of each route for which a certificate is desired and whether or not this transportation is to be rendered on scheduled operations. The identification of each route shall name the terminal and intermediate points to be included in the certificate for which application is made. For all applications, a specification of the type or types of service (mail, passengers, or property) to be rendered and whether such services are to be rendered on scheduled operations.

* * * * *

(e) * * *

(1) For scheduled carriers only, an illustrative service proposal for the type of markets that the applicant plans to serve initially showing the type and capacity of the equipment it would use and the elapsed trip time of flights in block hours over the segments.

* * * * *

§ 201.6 [Removed]

4. Section 201.6 is removed.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-170 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 207

[Reg. ER-1276; Amdt. No. 33; Docket No. 40236]

Charter Trips and Special Services; Part Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The CAB amends its charter rules to allow airlines to conduct "part charters," which are flights that carry both charter and scheduled-service passengers. The rule is designed to increase airlines' marketing flexibility and eliminate an unnecessary restraint on competition. Supplementary information about this action is set out in ER-1275, issued along with this rule.

DATES: Adopted: December 28, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Patti Szrom, Special Authorities & Administration, Bureau of Domestic Aviation, 202-673-5088, or Patricia DePuy, Regulatory Affairs Division, Bureau of International Aviation, 202-673-5878; Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207, Charter Trips and Special Services, as follows:

1. The authority for Part 207 is:

Authority:—Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1388, 1482.

2. In § 207.11, paragraph (a) is amended by revising the introductory language in paragraph (a)(2) and removing the last two sentences of paragraph (a)(3), and paragraph (b)(4) is removed, as follows:

§ 207.11 Charter flight limitations.

(a) Passenger charter flights in air transportation shall be limited to the following:

* * * * *

(2) Air transportation performed on a time, mileage, or trip basis where all or part of the capacity of an aircraft has been engaged by any of the following persons:

* * * * *

(3) Air transportation performed on a time, mileage, or trip basis by a direct air carrier in accordance with Subpart E of this part.

(4) [Removed]

* * * * *

3. In § 207.13, paragraph (b) is amended by removing "pursuant to § 207.11(a)(3)" from the proviso, so that the proviso is revised to read as follows:

§ 207.13 Terms of service.

* * * * *

(b) * * * *Provided, however,* That in the case of a passenger charter for less than the entire capacity of an aircraft, the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-172 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 208

[Reg. ER-1277; Amdt. No. 34; Docket No. 40236]

Less-Than-Planeload Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rule governing flights by U.S. airlines that have charter authority but no scheduled route authority, to allow flights where part of the aircraft is chartered and part is empty. The rule is designed to increase airlines' marketing flexibility and eliminate an unnecessary restraint on competition. Supplementary information about this action is set out in ER-1275, issued along with this rule.

DATES: Adopted: December 28, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Patti Szrom, Special Authorities & Administration, Bureau of Domestic Aviation, 202-673-5088, or Patricia DePuy, Regulatory Affairs Division, Bureau of International Aviation, 202-673-5878; Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428

SUPPLEMENTARY INFORMATION:

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, Terms, Conditions and Limitations of Certificates to Engage in Charter Air Transportation as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

2. In § 208.6, paragraph (a) is amended by revising the introductory language in paragraph (a)(2) and removing the last two sentences of paragraph (a)(3), as follows:

§ 208.6 Charter flight limitations.

(a) Passenger charter flights in air transportation shall be limited to the following:

* * * * *

(2) Air transportation performed on a time, mileage, or trip basis where all or part of the capacity of an aircraft has been engaged by any of the following persons:

* * * * *

(3) Air transportation performed on a time, mileage, or trip basis by a direct air carrier in accordance with Subpart F of this part.

* * * * *

3. In § 208.32, paragraph (e) is amended by removing "pursuant to § 208.6(a)(3)" from the proviso, so that the proviso reads:

§ 208.32 Terms of service.

* * * * *

(e) * * * *Provided, however,* That in the case of a passenger charter for less than the entire capacity of an aircraft, the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for

one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-179 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 212

[Reg. ER-1275; Amendment No. 43; Docket 40236]

Charter Trips by Foreign Air Carriers; Part Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The CAB amends its charter rules to allow airlines to conduct "part charters," which are flights that carry both charter and scheduled-service passengers. The rule is designed to increase airlines' marketing flexibility and eliminate an unnecessary restraint on competition.

DATES: Adopted: December 28, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Patti Szrom, Special Authorities & Administration, Bureau of Domestic Aviation, 202-673-5888, or Patricia DePuy, Regulatory Affairs Division, Bureau of International Aviation, 202-673-5078; Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

The Proposal

A "part charter" is a flight that includes both charter and scheduled-service passengers. The Board's passenger charter rules, by authorizing charters to be performed on a planeload basis only, have long prohibited part charters. The prohibition was designed to preserve a distinction between charter service and scheduled service, and to protect planeload charters against competition from part charters. (Part charters should not be confused with split charters, whereby two or more charterers together engage the entire capacity of an aircraft and no scheduled-service passengers are carried. Split charters are already permitted.)

In the Airline Deregulation Act of 1978, Pub. L. 95-504, Congress amended section 401(n)(1) of the Federal Aviation Act to prohibit passenger part charters in domestic air transportation. In the International Air Transportation Competition Act (IATCA), Pub. L. 98-192, it amended section 401(n)(1) to extend the prohibition to foreign air transportation. Section 26(b) of IATCA, 94 Stat. 47, terminates the statutory prohibition on December 31, 1981.

The Board is thus free to amend its rules to allow part charters after December 31, 1981. The Board proposed to do that in EDR-435/SPDR-84, 46 FR 56425, November 17, 1981 ("the NPRM"). In the NPRM the Board noted that the original bases for the prohibition no longer exist, and there appears to be no good reason to continue it beyond the period mandated by Congress. When U.S. charter carriers were precluded from offering scheduled service the Board believed the part charter prohibition was necessary to protect those carriers from very low cost charters on scheduled service. Because the former charter carriers can now operate scheduled service, and in view of new forms of scheduled service that have many of the characteristics of charters, we concluded in the NPRM that the restriction is no longer necessary. Moreover, continuing to protect planeload charters against competition from part charters would be inconsistent with the clear Congressional policy to let competition be the primary determinant of the type of service that airlines provide.

The NPRM stated that allowing part charters would increase the travel options available to the public, especially in less popular markets where there is not enough traffic to support planeload charters. Part charter authority would also improve airlines' ability to make the most efficient use of their aircraft, by enabling them to offer the mix of services that best suits the demand in any given market and to sell seats that otherwise might fly empty.

To allow part charters the Board therefore proposed to amend 14 CFR Parts 207 and 212, which apply to direct carriers, and 380, which applies to charter operators, to make part charters a legal charter form. The Board also proposed a corresponding amendment of Part 208, which applies only to U.S. carriers that have no scheduled route authority. Eliminating the planeload requirement for charters by these carriers would not enable them to conduct part charters as described above, because they would still lack the authority to carry scheduled traffic. Even so, such an amendment would be worthwhile, the Board stated, because it would enable these carriers to perform flights where a portion of the space was chartered and the rest remained unsold. A carrier may find such a flight to be economically justified, and there is no need for the Board to supervise carriers' business judgment.

Under the proposed revisions to Part 207, a U.S. route carrier would be allowed to engage in part charters over any domestic or international route authorized by certificate or exemption. Foreign air carriers, however, would not automatically receive this authority. The proposed revisions to Part 212 would make part charters a legal charter form, but would require each foreign air carrier to apply for and obtain a statement of authorization before engaging in part charter services. The NPRM stated that the Board would also entertain applications for "blanket" statements of authorization, under which the grantee carrier could perform unlimited part charters as long as the authorization remained in force. The proposed procedures for applying for such authority were the same as those already employed by foreign carriers seeking to obtain fifth freedom charter authority, except that applications for individual statements of authorization would be required 45 days before the planned part charter.

Our proposal to impose a prior approval requirement for foreign air carriers stemmed directly from the potentially significant economic value of part charters. The NPRM stated that in our view such a valuable right, which is not universally available from foreign governments, should not be conferred automatically. Rather, it should be awarded only after a review of our aviation relations with the foreign carrier's homeland and the confirmation that economically reciprocal rights exist for U.S. air carriers.

The Comments

United Air Lines and Transamerica Airlines filed comments on the NPRM. United supported the proposal. It stated that part charters would be another ingredient in the mix of products that air carriers can market, which would help carriers to tailor group movements to the needs of the traveling public and tour operators. United also stated that charter agreements are often negotiated far in advance of actual operation, and urged the Board to make the amendments effective January 1, 1982, as proposed. United agreed with the Board that foreign carriers should not automatically receive the same part charter authority as domestic carriers. It suggested that the Board examine foreign carriers' applications on a flight-by-flight basis, and stated that the Board's willingness to grant blanket

authorizations for fifth freedom charters has worked to the detriment of U.S. carriers.

Transamerica's comment took no position on the legality or advisability of allowing part charters. The comment suggested, however, that the NPRM presented problems in three areas: technical details, reciprocity issues, and timing.

The technical problems that Transamerica suggested would arise would result from the different ways that scheduled and charter service have been regulated up to now. Transamerica noted that the NPRM's silence on this matter indicated that part charter traffic would move according to charter rules even when carried on scheduled flights commingled with differently-regulated as well as differently-priced traffic. In the case of overbooking, for example, it suggested that there may be a tendency for carriers to discriminate against part charter passengers by bumping them first since they will not be entitled to receive denied boarding compensation. And in cases of involuntary rerouting, the part charter passengers might find themselves worse off than if they were booked on either scheduled tickets or on a planeload charter. Transamerica cited the Public Charter rule's restrictions on cancellations (§§ 380.12, 380.32(h), and 380.43) and stated that their applicability to part charter passengers on scheduled flights would be unclear because scheduled flights are governed by tariff rules, which often differ from the Public Charter rules and which "will not necessarily apply to part charter passengers." It suggested that the responsibility for refunds when a flight is canceled, although clear on a scheduled flight or a planeload charter, would become muddled for a part charter passenger. It also questioned how the rules on payments for split charters would apply to part charters.

With regard to reciprocity in foreign markets, Transamerica agreed with the Board that foreign carriers should not be awarded part charter authority unless U.S. carriers have adequate reciprocal rights. It criticized the NPRM, however, for failing to state what would constitute sufficient reciprocity to support such an award. It urged that the Board, before allowing a foreign carrier to conduct part charters, make sure that the carrier's homeland allows not only part charters by U.S. carriers but also equal and nondiscriminatory access for planeload charters by U.S. carriers. This policy is necessary, Transamerica stated, because the protected flag carrier of a country that sharply restricts planeload charters could be expected to support part charters for itself combined with continued restrictions for planeload charters. If reciprocity were to be decided on the basis of part charter policy alone, the Board might be forced to allow such a carrier to perform part charters, giving up in the process bargaining leverage that could otherwise be used to obtain a more procompetitive charter policy for a broader range of carriers. Even for countries with which the United States has liberal bilateral agreements covering planeload charters, Transamerica cautioned, the Board should not authorize U.S.-origin part charters by a foreign carrier unless U.S. carriers can conduct foreign-origin part charters.

Finally, Transamerica urged that the Board delay action on part charters. It stated that the part charter form will offer a significant competitive advantage to those carriers with extensive scheduled route systems, and that carriers relying primarily on planeload charters will need more flexible charter rules in order to offer a more attractive product. It referred to the National Air Carrier Association's petition in Docket 40215, in which it has joined, seeking the removal of restrictions on charters to make them more competitive with scheduled service. Transamerica urged the Board to consider the part charter and charter liberalization rulemaking proceedings simultaneously, arguing that to do otherwise would "inevitably exacerbate the discriminatory harm to planeload charter services described in the NACA Petition." It stated that such a delay would also enable the Board to review or moot the technical problems described above.

Response to Comments

The Board has decided to adopt the part charter rules as proposed, with one clarifying addition in reponse to Transamerica's comment. The Board is not persuaded to delay this action pending the other rulemaking on charter liberalizations in general. The part charter ban is a regulatory restriction on air carriers' marketing flexibility that limits the services offered to the traveling public. Although it is possible that part charters may cause some change in market share between different segments of the industry, the Board does not consider that a sufficient reason to delay removal of a regulatory restraint. The basic policy underlying deregulation, embodied by Congress in section 102 of the Act, is that free market forces will produce the most efficient and beneficial allocation of resources. It is not necessary or called for to predict all outcomes before taking deregulatory action. In fact, the Board's inability to predict outcomes is one of the main reasons to prefer free competition to a closely regulated system.

The Board is sensitive to the reciprocity concerns raised by Transamerica, but this rulemaking proceeding is not the best forum in which to address them. As Transamerica itself noted, "the issue is complicated by the almost infinite number of variable factors at work in various bilateral markets." The question whether a particular country affords adequate reciprocity can be better addressed in individual cases when a carrier from that country applies to the Board for a statement of authorization for a part charter. Under § 212.5, interested persons may file memoranda in support of, or opposition to, any such application. And while the Board has not yet established specific procedures for considering requests for blanket statements of authorization, it will not grant such a request without affording an opportunity for public comments.

Several of Transamerica's technical points, such as those relating to overbooking and involuntary rerouting, are essentially speculative. There is no question that part charters, as a new form of marketing, may raise some problems that the carriers, charter operators, and passengers will have to work out. But at this point the Board has no reason to believe that the parties involved will need government intervention to resolve these problems. The best way to discover whether any of them would rise to the level of public policy questions is to let the rule go into effect. Part charters are a relatively complex form of air transportation. The thrust of the Board's action here is not to lay down new rules, but to remove regulatory impediments and see whether any problems arise that cannot be satisfactorily resolved by the private sector.

There should be no confusion about the applicability of rules tariffs. These apply to air carriers' scheduled passengers, but not their charter passengers, regardless of whether those passengers are on planeload or part charter flights. Similarly, cancellations and refunds are governed by tariff rules for scheduled passengers, but by the charter rules and operator-participant contracts for planeload and part charter passengers. In response to Transamerica's comment, the Board is amending the rules that require payments for split passenger charters to be made at least 10 days before departure (§§ 207.13(b), 208.32(e), and

212.8(a)), to eliminate a cross-reference that is made inaccurate by the other changes adopted here. The result is that those sections now apply to any passenger charter of less than an entire planeload, whether it be a split charter or a part charter. The Board will be reviewing these provisions in its forthcoming proposal on liberalized charter rules.

This rule amends Part 212, which governs charters by foreign air carriers. Issued along with this rule are ER–1276, which makes a corresponding amendment of Part 207 for U.S. route carriers; ER–1277, which amends Part 208 as described above to allow U.S. charter-only carriers to conduct charter flights that are part empty; and SPR–182, which makes a confronting amendment of Part 380, the Public Charter rule. Because these rules relieve restrictions and create no additional burdens, the Board finds that they may become effective less than 30 days after publication in the **Federal Register**.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–534, the Board certifies that these rules will not have a significant economic impact on a substantial number of small entities. Few if any of the direct air carriers that are affected by the rules are small businesses. Charter operators, many of which are small businesses, will benefit from these rules because they eliminate a restriction on the type of flights on which operators may sell seats.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is:

Authority.—Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

2. In § 212.3, the introductory language in paragraph (a)(1) is revised, the last two sentences of paragraph (a)(2) are removed, and paragraph (b)(3) is removed as follows. (The introductory text of paragraph (a) is included for the convenience of the user.)

§ 212.3 Charter flight limitations.

(a) Passenger charter flights by foreign air carriers in foreign air transportation shall be limited to the movement of persons or their baggage on a time, mileage, or trip basis—

(1) Where all or part of an aircraft has been engaged by any of the following persons:

* * * * *

(2) In accordance with Subpart E.

(b) * * *

(3) [Removed]

* * * * *

3. In § 212.4, paragraph (b) is amended by moving "or" from the end of paragraph (b)(2) to the end of paragraph (b)(3) and adding a new paragraph (b)(4), so that paragraph (b) is revised to read as follows:

§ 212.4 Prior authorization requirements.

* * * * *

(b) Foreign air carriers shall obtain a statement of authorization for each—

(1) Fifth freedom charter flight to or from the United States,

(2) Long-term wet lease to a direct air carrier or direct foreign air carrier,

(3) Charter flight for which the Board specially requires prior authorization under paragraph (e) or (f) of this section, or

(4) Flight carrying both charter and scheduled passenger traffic (hereafter "part charter").

* * * * *

4. In § 212.5, paragraph (a) is amended by removing the first sentence and adding two new sentences, and paragraph (d)(2) is amended by adding "a part charter or for" in the first sentence so that the revised sentence reads as follows:

§ 212.5 Application for authorization.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 (Appendix C), except that for part charters or long-term wet leases the application may be submitted in letter form. An application for a long-term wet lease shall describe the purpose and terms of the wet lease agreement. * * *

* * * * *

(d) * * *

(2) Applications for a part charter or for a long-term wet lease to a direct air carrier or direct foreign air carrier shall be filed at least 45 days before the date of the first proposed flight.

* * * * *

5. In § 212.8, paragraph (a) is amended by removing "under § 212.3(a)(2)" from the proviso, so that the proviso is revised to read as follows:

§ 212.8 Terms of service.

(a) * * * *Provided, however*, that in the case of a passenger charter for less than the entire capacity of an aircraft, the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-171 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 231

[Reg. ER–1279; Amendment No. 6]

Transportation of Mail; Elimination of Domestic Schedule Filing

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative rule.

SUMMARY: The CAB amends its rule on the filing of airline schedules to cover only foreign air transportation and freighter service within Alaska and Hawaii, in order to conform to changes in the agency's statutory authority. This action is at the CAB's initiative.

DATES: Adopted: December 21, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The first sentence of section 405(b) of the Federal Aviation Act requires each air carrier to file with the Board and the Postal Service a statement of the points that it is authorized to serve and all its schedules and schedule changes involving those points. The Board's rule implementing this statutory provision is found at 14 CFR Part 231. The statement of points and the schedules are referred to together in Part 231 as a "general schedule."

In the Airline Deregulation Act of 1978, Pub. L. 95–504, Congress added a new section 1601 to the Federal Aviation Act to provide for the termination of some Board functions and the transfer of others. In particular, section 1601(a)(1)(G) provides that—

(a)(1) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation of persons) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on December 31, 1981:

. . . (G) Section 405(b) of this Act (insofar as such section requires the filing of any statement or schedule by any air carrier).

This section amounts to an amendment of section 405(b) effective December 31, 1981, and requires a corresponding amendment of Part 231. General schedules clearly must continue to be filed for all foreign air transportation. They will no longer be required to be filed for interstate or overseas passenger air transportation.

For interstate and overseas transportation of cargo (*i.e.*, property and mail), however, a question of interpretation arises. Because section 1601(a) refers only to transportation "of persons," a literal reading of that section would preserve the general schedule filing requirements for all interstate and overseas air transportation of cargo, even when carried in combination with passengers. As virtually all passenger carriers also carry cargo along with those passengers on combination aircraft, the practical effect of the literal interpretation would be to continue the schedule-filing requirement even for passenger service, making section 1601(a)(1)(G) virtually meaningless. Congress could not have intended such a result. The Board therefore concludes that section 405(b), as modified by section 1601(a)(1)(G), will no longer require the filing of general schedules for interstate or overseas passenger or combination service. This interpretation affects only the filing requirement of the first sentence of section 405(b). The remainder of that section, which concerns the authority of the Postal Service, is unchanged by section 1601(a)(1)(G).

For interstate and overseas cargo-only air transportation, *i.e.*, on freighter aircraft, the literal reading of section 1601(a)(1)(G) creates no similar problem. The Board therefore concludes that section 405(b) still requires the filing of general schedules for such service. In its rule on domestic cargo transportation (14 CFR Part 291), however, the Board has already exempted carriers from this filing requirement, except for service that is wholly within Alaska or wholly within Hawaii.

This amendment of Part 231 therefore adds a new provision limiting the applicability of the part to foreign air transportation and to cargo-only air transportation within Alaska or Hawaii. Since this amendment is interpretative in nature and creates no additional burdens, the Board finds that notice and public procedure are unnecesary and that it may become effective less than 30 days after publication in the **Federal Register.**

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULES

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 231, *Transportation of Mail; Mail Schedules,* as follows:

1. The authority citations for individual sections within Part 231 are removed and the authority for Part 231 is revised to read:

Authority—Secs. 204, 405, 1601, Pub. L. 85–726, as amended, 72 Stat. 743, 760, 92 Stat. 1744; 49 U.S.C. 1324, 1375, 1551.

2. In § 231.1, the current text is designated as paragraph (b) and a new paragraph (a) is added, to read:

§ 231.1 Filing of general schedules.

(a) This part applies only to:

(1) Foreign air transportation, and

(2) Cargo-only air transportation within the States of Alaska or Hawaii.

(b) * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–202 Filed 1–4–82; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 302

[Reg. PR–238; Amdt. No. 65]

Rules of Practice in Board Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB limits the number of persons upon whom domestic certificate applications must be served. This action is taken because these applications will no longer have to include the points that the applicant seeks authority to serve.

DATES: Adopted: December 22, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Under section 401 of the Federal Aviation Act, any person may apply for a certificate of public convenience and necessity. These certificates authorize carriers to provide air transportation. They may contain terms, conditions, or limitations and, under section 401, an air carrier may also apply to have these terms modified or removed. Subpart Q of Part 302 (14 CFR 302.1705) specifies the persons upon whom these applications must be served. That provision is tied to the points listed in the application or certificate. The application and any responsive documents must be served on the carriers and State agencies at the points listed on the carrier's application or certificate.

After December 31, 1981, domestic certificates will no longer list the points that an air carrier is authorized to serve. Section 1601(a)(1)(C). Carriers will have authority to serve all points in the United States. By ER–1274, issued today, we have amended Part 201 so that carriers will no longer have to list the points they wish to serve in their section 401 applications. This calls for conforming changes in the service requirements of Subpart Q of Part 302 (§ 302.1705(a)). Since a carrier's application for new domestic authority will no longer list points, that cannot be the basis for the service requirement. It will also be too burdensome to require a carrier to serve its application on persons at all points that it will receive authority to serve, as that encompasses all points in the United States, its territories and possessions. Instead, the rule as changed will require an applicant to serve officials and carriers only at the points that it plans initially to serve. These will be the points for which it has filed an illustrative service proposal under 14 CFR 201.4(e)(1), and that are of most immediate interest in the carrier's application.

An application to modify or remove terms or conditions in a certificate will be served on officials and carriers at the points actually affected by the application.

The service requirements for section 401 applications to provide cargo-only air service within Alaska and Hawaii have not been changed. These applications will still have to be served on all points listed in the applicant's application or certificate since these certificates will continue to list points that the carrier will be authorized to serve. (See Docket 40208, 46 FR 55294, November 9, 1981, for a full explanation of why certificates must continue to list points for which intra-Alaska and intra-Hawaii cargo-only air service is authorized.)

The service requirements for applicants for foreign air carrier (402) permits and foreign air transportation (401) certificates have not been changed, but the paragraph governing foreign permits has been renumbered. The requirements of § 302.1705(b)(3) to (b)(6) have not been changed.

A conforming change in Subpart I has been made in light of the amendments to § 201.4 made by ER–1274, issued today.

Since this action is procedural in nature, relieves restrictions, and should be in effect when the Board's route authority expires at the end of this year, we find that notice and public procedure on this rule are unnecessary and that it may take effect in less than 30 days.

PART 302—RULES OF PRACTICE IN BOARD PROCEEDINGS

Accordingly, the Board revises 14 CFR Part 302, *Rules of Practice in Board Proceedings,* as follows:

1. The authority for Part 302 is:

Authority.— Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85–726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; 49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91–90, 42 U.S.C. 4321; 84 Stat. 772, 39 U.S.C. 5402.

2. In § 302.1705 paragraphs (a), (b)(1), and (b)(2) are revised to read:

§ 302.1705 Service of documents.

(a) *General requirements.* (1) In certificate proceedings involving domestic applications under sections 401(d)(1), 401(d)(2), and 401(d)(3) of the Act, the application and all documents filed before the issuance of the order establishing further procedures (§ 302.1750) shall be served on the persons listed in paragraph (b) of this section for each point for which the applicant has submitted an illustrative service proposal under § 201.4(e)(1) of this chapter, and on any other person who has filed a pleading in the docket.

(2) In certificate proceedings involving applications under section 401(g), 401(h), and 401(e)(7)(B) of the Act, all documents filed before the issuance of the order establishing further procedures (§ 302.1750) shall be served on the persons listed in paragraph (b) of this section for each point that is actually affected by the application, and on any other person who has filed a pleading in the docket.

(3) In certificate proceedings under section 401 of the Act involving the provision of cargo-only air service within the States of Alaska or Hawaii or foreign air transportation, all documents filed before the issuance of the order establishing further procedures (§ 302.1750) shall be served on the persons listed in paragraph (b) of this section for each point listed in the carrier's application or certificate, and on any other person who has filed a pleading in the docket.

(4) After the order establishing further procedures under § 302.1750 has been issued, documents need only be served on the persons listed in the service list accompanying the order.

(5) In foreign air carrier permit proceedings described in § 302.1701(c), applicants shall serve on the persons listed in paragraph (b) of this section and the U.S. Department of State a notice that such application has been filed and, upon request, shall promptly provide those persons with copies of the actual documents. All later documents shall be served on any person that has filed a pleading in the docket.

(b) *Persons to be served.* Documents shall be served for each point as described in paragraph (a) of this section, on the following persons:

(1) All air carriers certificated under section 401 of the Act and authorized to engage in the type of air transportation (scheduled or charter) applied for at one or more of the points;

(2) All other air carriers operating at least five flights per week to or from one of the points according to the "Official Airline Guide";

* * * * *

3. Section 302.930 is revised by removing "pursuant to § 201.4(c)(3) and (4)" at the end thereof so that it reads:

§ 302.930 Evidence in route proceedings.

Route authority not specifically applied for. Applicants for certificate authority under section 401 of the Act may not introduce, in support of awards to them of such authority, evidence that does not support service to the points, routes, or areas specifically described in their applications.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–200 Filed 1–4–82; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 321

[Reg. PR–230; Amdt. No. 3]

Unused Authority Procedures; Contents and Service of Applications

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB changes the description of active carriers that must be listed in, and served with copies of, applications for unused authority. The CAB also eliminates the requirement that inactive air carriers be listed or served. These changes simplify the application procedure.

DATES:

Adopted: December 23, 1981.

Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Part 321 of the Board's rules (14 CFR Part 321) sets out procedures governing the unused or "dormant" authority program established by section 401(d)(5) of the Federal Aviation Act. Under that program, if a certificated air carrier does not provide a specified minimum level of service between a domestic pair of points for which it has non-stop operating authority, the Board must ordinarily award a certificate within 15 or 60 days to the first applicant who certifies that it complies with FAA regulations and is able to comply with Board regulations. The deadline is 15 days for markets that have zero or one active incumbent air carrier. The deadline is 60 days for markets that have two or more active incumbents, and the Board may deny an application for such a market if it finds that granting the application would be inconsistent with the public convenience and necessity. In each market, the Board can grant unused authority certificates to as many new applicants as there are inactive incumbent certificated carriers.

Most certificated air carriers will have no need for the unused authority program beginning December 31, 1981, because they will then have virtually unlimited domestic route authority as a result of section 1601(a)(1)(C) of the Act, which eliminates the Board's authority to specify terminal and intermediate points in certificates for domestic passenger transportation. The program will still be useful, however, for new carriers, uncertificated carriers, and certain carriers whose only certificate authority was obtained under section 401(d)(5). For these carriers it is a device to obtain authority quickly and without an initial fitness finding. Because the program will continue, some technical changes in Part 321 are necessary.

An applicant for unused authority is required by the current § 321.11(a)(3) to list the active air carriers, whether or not certificated, in each market covered by the application. This list was originally intended to enable the Board to determine whether the application would be subject to the 15- or 60-day processing deadline. Paragraph (a)(4) of § 321.11 calls for the listing of the inactive carriers in each market, but only those with certificate authority.

This list was intended to enable the Board to verify that there was in fact enough unused certificate authority in each market for all the applicants. And § 321.10(d)(1) requires the applicant to serve copies of the application on all of these carriers.

In each market covered by the unused authority program there will be dozens of certificated carriers beginning December 31 that have certificate authority but are not using it. There will be no doubt, therefore, that there is enough unused authority available for all applicants. Under these circumstances the Board will have no need for applicants to list inactive carriers as currently required by § 321.11(a)(4), so that provision is being removed from the rule. And it would be an undue burden on applicants, with no accompanying benefit, for them to have to serve copies of their applications on virtually all certificated carriers. The Board is therefore amending the service requirement in § 321.10(d)(1) to cover only the active incumbents described in § 321.11(a)(3).

The Board is also amending § 321.11(a)(3) to require applications to list only those active incumbent carriers that are certificated, rather than all active incumbents. The Board has long interpreted section 401(d)(5) as requiring the counting only of certificated active incumbents for the purpose of determining whether to use the 15- or 60-day procedure. A listing in unused authority applications of those active incumbent carriers that do not have certificates is therefore unnecessary.

Because these amendments are procedural in nature, and because there is a need to avoid unnecessary burdens that would otherwise arise on December 31, 1981, the Board finds that notice and public procedure are unnecessary, impracticable, and contrary to the public interest, and that the amendments may become effective less than 30 days after publication in the **Federal Register.**

PART 321—UNUSED AUTHORITY PROCEDURES

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 321, *Unused Authority Procedures,* as follows:

1. The authority for Part 321 is:

Authority: Secs. 204, 401, 1001, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 788; 49 U.S.C. 1324, 1371, 1481.

2. In § 321.10, paragraph (d)(1) is amended by removing "or (4)" so that it reads:

§ 321.10 General requirements for applications.

* * * * *

(d) Applications and amendments of applications shall be served on:

(1) All air carriers named in the application in accordance with § 321.11(a)(3).

* * * * *

3. In § 321.11, paragraph (a)(3) is revised and paragraph (a)(4) is removed and reserved as follows:

§ 321.11 Contents of applications.

Each application shall:

(a)* * *

(3) *Active carriers.* The Official Airline Guide's 2-letter carrier code for each certificated air carrier that has provided the minimum level of service between the points during the period or season described in paragraph (a)(2) of this section.

(4) [Reserved]

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-199 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 380

[Reg. SPR-182; Amdt. No. 14; Docket 40236]

Public Charters; Part Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its charter rules to allow airlines to conduct "part charters," which are flights that carry both charter and scheduled-service passengers. The rule is designed to increase airlines' marketing flexibility and eliminate an unnecessary restraint on competition. Supplementary information about this action is set out in ER–1275, issued along with this rule.

DATES:

Adopted: December 28, 1981.

Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Patti Szrom, Special Authorities & Administration, Bureau of Domestic Aviation, 202–673–5088, or Patricia DePuy, Regulatory Affairs Division, Bureau of International Aviation, 202–673–5878; Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

PART 380—PUBLIC CHARTERS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 380, *Public Charters,* as follows:

1. The authority for Part 380 is:

Authority: 101(3), 204, 401, 402, 407, 416, and 1102, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 757, 766, 771, 797; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1502.

§ 380.10 [Amended]

2. In § 380.10, *Public Charter general requirements,* paragraph (e) is removed.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-196 Filed 1-4-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 399

[PS–106; Amdt. No. 82]

Statements of General Policy; Removal of Obsolete Policy Statements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB removes two obsolete policy statements about local service air carriers' operating authority.

DATES:

Adopted: December 23, 1981;

Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Section 399.10 of the Board's rules (14 CFR 399.10) states that it is the policy of the Board to include in the certificates of local service carriers a provision "to make it clear that their operations are definitely local air transportation, as distinguished from the service rendered by scheduled trunkline air carriers." The local service carriers no longer exist as a separate classification of air carriers, however, and some of them already have route systems that are nationwide in scope. Moreover, they will all have unlimited domestic operating authority beginning December 31, 1981, as a result of the sunset of the Board's authority to name terminal and intermediate points in certificates authorizing domestic passenger air transportation (section 1601(a)(1)(C) of the Federal Aviation Act). The policy statement in § 399.10 has therefore become obsolete, and the Board is now removing it.

Section 399.11 sets out a "use it or lose it" policy for local service carriers receiving subsidy under section 406 of the Act. Under this policy, the Board would take steps to determine whether certain service or route authority should be suspended or terminated if prescribed minimum traffic standards were not met. This policy statement has also become obsolete in light of the

Airline Deregulation Act of 1978, which (1) restricted the Board's authority to reduce subsidy under section 406 of the Federal Aviation Act, and (2) established in section 419 a new program for guaranteeing essential air service. The Board is therefore removing § 399.11 along with § 399.10.

Because this rule merely eliminates obsolete policy statements, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective less than 30 days after publication in the **Federal Register.**

PART 399—STATEMENTS OF GENERAL POLICY

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy,* as follows:

1. The authority for Part 399 is:

Authority: Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended; 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504.

2. The Table of Contents is amended by removing §§ 399.10 and 399.11.

§ 399.10 and § 399.11 [Removed]

3. Sections 399.10, *Local service carrier certificates to indicate nature of operations specifically,* and 399.11, *"Use it or lose it" policy for subsidized local service carriers,* are removed and reserved.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–201 Filed 1–4–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379, 385, and 399

Controls on Exports of Petroleum Transmission and Refining Equipment to the U.S.S.R.

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim Rule.

SUMMARY: Under current regulations, a validated export license is required for foreign policy purposes for the export to the U.S.S.R. (including Estonia, Latvia, and Lithuania) of specified oil and gas exploration and production equipment, and technical data related to oil and gas exploration and production. This rule imposes new foreign policy controls on exports to the U.S.S.R. (including Estonia, Latvia, and Lithuania) of commodities for transmission (including transportation) and refinement of petroleum or natural gas and technical data related to oil and gas transmission or refinement. These controls also apply to Afghanistan.

DATES: These rules are effective December 30, 1981. Comments must be received by the Department by March 1, 1982. However, these regulations may be revised before the close of the comment period.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Regulatory Changes

At the direction of the President and pursuant to section 6 of the Export Administration Act of 1979, the Department of Commerce is expanding the existing oil and gas controls applicable to the U.S.S.R. to include commodities and technical data for transmission (including transportation) or refinement of petroleum or natural gas for energy usage, excluding petrochemical feedstocks. This action is in response to the Soviet Union's heavy and direct responsibility for the repression in Poland. Presently, under 15 CFR 385.2(c) the Department of Commerce controls exports of specified oil and gas exploration and production equipment, technical data (other than GTDA) related to oil and gas exploration and production, and other commodities that require a validated export license for shipment to the Soviet Union and that are intended for use in oil or gas exploration or production. This rule expands the existing controls by applying the controls to the areas of refinement for energy usage and transmission. The commodities and technical data covered by this rule are also subject to the rule, effective December 30, 1981, which suspended the processing of all licensing for export to the U.S.S.R.

Further, the regulations affecting exports of technical data to other destinations are revised. Most types of technical data that are not generally available to the public presently may be exported under General License *GTDR* to all destinations except Cuba, North Korea, Vietnam, Cambodia, the U.S.S.R., East European communist countries, Laos, and the People's Republic of China. For technical data related to oil and gas exploration and production, use of General License *GTDR* is conditioned on the exporter receiving written assurance from the importer that neither the data nor the direct product thereof is intended to be shipped, directly or indirectly, to the U.S.S.R. This rule imposes on the export of technical data related to the transmission and refining of petroleum or natural gas, the condition that General License *GTDR* not be used unless the exporter has received written assurance from the importer that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to the U.S.S.R.

Pursuant to section 6 of the Export Administration Act of 1979 and following consultation with the Department of State, it has been determined that this rule is necessary to further significantly the foreign policy of the United States. Appropriate persons in industry and the Congress have been consulted, and the criteria set forth in section 6(b) of the Act have been considered.

Pursuant to section 4(c), it has been determined that, notwithstanding foreign availability, failure to take this action would be detrimental to the foreign policy of the United States.

Pursuant to section 6(d), it has been determined that there are no feasible alternative means of achieving the purpose of this action. As provided in section 6(g), efforts are being made to obtain cooperation of countries that produce comparable items.

Saving Clause

This rule places a validated license requirement on certain commodities and technical data that previously could be exported under a general license. Therefore, shipments of commodities or technical data removed from general license as a result of changes set forth in this rule that were on dock for lading, on lighter laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 8:00 a.m., E.S.T., December 30, 1981, may be exported under the previous general license provisions up to and including January 14, 1982. Any such shipments not laden aboard the exporting carrier on or before January

14, 1982 require an individual validated license for export.

Rulemaking Requirements

The Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (50 U.S.C. app. 2401 *et seq.* (Supp. III 1979) ("the Act")), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing any final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 3501 *et seq.*

4. This rule is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation" because it relates to a foreign affairs function of the United States.

The period for submission of comments will close on March 1, 1982. Comments received after the close of the comment period cannot be assured consideration in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature, or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations. All public comments to be considered in any revision to these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review.

Accordingly, the Export Administration Regulations (15 CFR 368, *et seq.*) are amended as follows:

PART 379—TECHNICAL DATA

1. Section 379.4(f)(1)(i)(*p*) is revised to read:

§ 379.4 General License GTDR: Technical Data Under Restriction.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(*p*) Machinery, equipment, instruments and other commodities utilized for the exploration, production, transmission or refinement of petroleum or natural gas up to and including refinery operations directed to energy usage but excluding petrochemical feedstock processes.

* * * * *

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

2. Section 385.2(c) is revised to read:

§ 385.2 Country Groups Q, W, and Y[1]; U.S.S.R., Other Warsaw Pact Countries, Albania, Mongolian People's Republic, and Laos.

* * * * *

(c) As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy reasons for the export to the U.S.S.R. of oil and gas exploration, production, transmission or refinement equipment as defined in CCL entries 6098F, 6191F, 6198F, 6388F, 6389F, 6390F, 6391F, 6431F, 6491F, 6598F, 6685F, 6779F, and 6780F. Also included in the scope of this control are technical data (other than that authorized under General License (GTDA) related to oil and gas exploration, production, transmission and refinement and other commodities that require a validated export license for shipment to the Soviet Union and that are intended for use in oil or gas exploration, production, transmission or refinement. The term "refinement" includes refinery operations directed to energy usage, but excludes petrochemical feedstock processes.

* * * * *

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Supplement 1 to 399.1 [Amended]

3. The Commodity Control List (Supplement No. 1 to § 399.1) is amended by adding the following new entries in numerical order, disregarding the first digit:

* * * * *

Export control commodity number and commodity description	Unit	Validated license required	GLV's value limits T&V	Processing code	Reason for control
6198F Equipment utilized in the petroleum and natural gas transmission and transportation, and in refining of petroleum and natural gas for energy usage (excluding petrochemical feedstock); and specially designed parts and accessories therefor (see interpretation 31).		SZ, Afghanistan, and the U.S.S.R.[2,3]		MG	3
6388F Industrial gas turbine engines; and specially designed parts, n.e.s.		SZ, Afghanistan and the U.S.S.R.[1]		MG	3
6389F Compressors specially designed for or intended for the compression and transmission of natural gas, and specially designed parts therefor.		SZ, Afghanistan, and the U.S.S.R.[1]		MG	3
6431F Gas turbine engines for aero, marine or other vehicular use, n.e.s., and specially designed parts.		SZ, Afghanistan and the U.S.S.R.[3]		MG	3
6491F Equipment specially designed for or utilized in the transmission or transportation of petroleum or natural gas; and specially designed parts and accessories therefor.		SZ, Afghanistan and the U.S.S.R.[3]		MG	3

Export control commodity number and commodity description	Unit	Validated license required	GLV's value limits T&V	Processing code	Reason for control
6985F Pipe, tube, and fittings therefor, specially intended for use in the production or transmission of petroleum or natural gas, or in refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock).		SZ, Afghanistan and the U.S.S.R.		MG	3
6780F Chemicals specially intended for use in refining processes for the production of petroleum, petroleum products, and natural gas for energy usage (excluding petrochemical feedstock).		SZ, Afghanistan and the U.S.S.R.		MG	3

4. The following entries on the Commodity Control List (Supplement No. 1 to 399.1) are revised to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	CLV's value limits T&V	Processing code	Reason for control
6096F Other machinery and equipment (including tools, fixtures and jigs) specially designed or modified for the manufacture of equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock); and specially designed parts and accessories therefor, as follows:		SZ, Afghanistan and the U.S.S.R.[1][2]		MG	3
Dowel hole drilling machines, Cone bit drilling machines, Cone bit milling machines, Bit-arm milling machines, Pipe perforating machines, Liner mills, Casing mills, Cone buster mills, Collar mills, Packer mills and Machinery and equipment—n.e.s., specially designed or modified for the manufacture of equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock).					
6390F Other machinery and equipment (including tools, fixtures and jigs) specially designed or modified for the manufacture of equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or for refining petroleum or natural gas; for energy usage (excluding petrochemical feedstock); and specially designed parts and accessories therefor, as follows:		SZ, Afghanistan and the U.S.S.R.[1]		MG	3
Pipe coating equipment, Pipe laying equipment, Pipe wrapping equipment; and Machinery and equipment—n.e.s., specially designed or modified for the manufacture of equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or for refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock).					
6391F Other equipment utilized for the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock); and specially designed parts and accessories therefor. (See Supplement No. 1 to § 399.2, Interpretations 30 and 31, for illustrative list of commodities included in this entry.).		SZ, Afghanistan and the U.S.S.R.[1]		MG	3
6598F Geophysical and mineral prospecting instruments; and other instruments and equipment specially designed or modified for the examination or testing of equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock); and specially designed parts and accessories therefor. (See Supplement No. 1 to § 399.2, Interpretations 30 and 31 for illustrative list of commodities included in this entry.		SZ, Afghanistan and the U.S.S.R.[2]		MG	3

Supplement 1 to § 399.2 [Amended]

5. The Commodity Interpretations (Supplement 1 to § 399.2) are amended as follows:

a. Footnote 1 to Interpretation 29 is revised to read:

[1] A validated license is required for this equipment and any equipment utilized in the exploration for, production of, transmission of, or transportation of petroleum or natural gas, or refining of petroleum or natural gas for energy usage (excluding petrochemical feedstock), as well as specially designed parts and accessories therefor, to the USSR, Afghanistan, Estonia, Latvia, and Lithuania.

b. A footnote No. 1 is added behind the following listings in interpretation 29:

Air or Gas Compressors, n.e.s.
Gas or Liquid Supply Meter, n.e.s.
Gas Turbine Engines, n.e.s.

Internal pneumatic line-up clamps for welding transmission line pipe
Line-travelling coating and wrapping for pipes and tubes
Mechanical instruments, n.e.s., for measurement, transmission, or control of temperature, pressure, or other variables of liquids or gases
Metering and mixing, n.e.s.
Pipe-line cleaning

c. A new interpretation 31 is added to § 399.2, Supplement No. 1 to read as follows:

Interpretation 31: Petroleum and Natural Gas Transportation and Refining Equipment

The following is an illustrative list of petroleum and natural gas transportation and refining equipment subject to validated license control for export to the USSR, Estonia, Latvia, Lithuania, and Afghanistan. This list is illustrative only. It does not include all commodities covered by CCL entry 6198.

Reactors (Crackers)
Separators
Extraction Columns
Exchangers
Agitators
Pipes
Valves
Filtration Units
Electronic Controls
Air or Gas Compressors
Gas or Liquid Supply Meters
Gas Turbine Engines
Internal pneumatic line-up clamps for welding transmission line pipe
Line-travelling coating and wrapping equipment for pipes and tubes
Instruments for measurement, transmission, or control of temperatures, pressure, or other variables of liquids or gases
Metering and mixing equipment
Pipe-line cleaning equipment
Specialized land-based and seaborne petroleum and natural gas transportation equipment

(Sections 4, 6, 13, 15, and 21, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: December 30, 1981.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-37468 Filed 12-30-81; 4:05 pm]

BILLING CODE 3510-25-M

---

15 CFR Part 390

General Orders; Suspension of All Licensing for Exports to the U.S.S.R.

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule.

SUMMARY: This issuance announces a General Order of the Department of Commerce suspending the processing of all licensing for exports to the U.S.S.R. to further U.S. foreign policy objectives in light of the Soviet Union's heavy and direct responsibility for the repression in Poland. This issuance provides notice that no new licenses or other authorizations for export to the U.S.S.R. will be issued by the Department of Commerce. Outstanding validated licenses and authorizations may be reviewed to determine whether suspension or revocation may be necessary to be consistent with the objectives of this action.

DATES: These rules are effective December 30, 1981. Comments must be received by the Department by March 1, 1982. However, these regulations may be revised before the close of the comment period.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Regulatory Changes

At the direction of the President, the Department of Commerce has suspended the processing of applications for validated licenses and other authorizations for export to the U.S.S.R. No changes in the General License provisions of the Export Administration Regulations are being made by this announcement.

Pursuant to section 6 of the Export Administration Act of 1979 and following consultation with the Department of State, it has been determined that this rule is necessary to further significantly the foreign policy of the United States. Appropriate persons in industry and the Congress have been consulted, and the Departments of Commerce and State have considered the criteria set forth in section 6(b) of the Act.

Pursuant to section 4(c), it has been determined that, notwithstanding foreign availability, failure to take this action would be detrimental to the foreign policy of the United States.

Pursuant to section 6(d), it has been determined that there are no feasible alternative means of achieving the purpose of this action. As provided in section 6(g), efforts are being made to obtain cooperation of countries that produce comparable items.

Accordingly, exporters are placed on notice that the processing of validated licenses and other requests for export or reexport authorization for shipments to the U.S.S.R. has been suspended.

This action affects validated export license applications, parts and components applications, special bulk license applications (to the extent they would authorize exports to the U.S.S.R.) and reexport requests that are currently pending, as well as any new applications or requests. This will serve as notice to exporters that pending applications or requests, as well as any that may be submitted in the future, will be returned without action.

The Department may review outstanding validated licenses and other authorizations for exports to the U.S.S.R. to determine if they should be suspended or revoked as a result of the President's announcement.

Rulemaking Requirements

The Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (50 U.S.C. app. 2401 *et seq.*) (Supp. III 1979) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing any final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 3501 *et seq.*

4. This rule is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation" because it relates

to a foreign affairs function of the United States.

PART 390—GENERAL ORDERS

The period for submission of comments will close on March 1, 1982. Comments received after the close of the comment period cannot be assured consideration in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature, or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations. All public comments to be considered in any revision to these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review. Therefore, the Export Administration Regulations (15 CFR 368, *et seq.*) are amended by adding a new § 390.8 to read:

§ 390.8 General order suspending all licensing for exports to the U.S.S.R.

Effective December 30, 1981, the processing of all applications for validated licenses, reexport authorizations, and parts and components authorizations for shipment of any commodities or transfer of any technical data to the Union of Soviet Socialist Republics (U.S.S.R.) has been suspended. Furthermore, outstanding validated licenses and authorizations to export may be reviewed to determine whether suspension or revocation is necessary.

(Sections 4, 6, 13, 15, and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980)

Dated: December 30, 1981.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-37340 Filed 12-30-81; 4:05 pm]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

15 CFR Part 535

Notice to Account Parties With Standby Letters of Credit in Favor of an Iranian Entity

Cross Reference: For a notice that calls to the attention of account parties who have standby letters of credit in favor of an Iranian entity, including instruments against which no demand has been made, relevant factors concerning the purposes of certain sections of the Iranian Assets Control Regulations (15 CFR 535) and the approach of the January 19, 1982, deadline for filing claims with the Iran-United States Claims Tribunal, see FR Doc. 81-37480 appearing in the notices section of this issue.

BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, V, VI

29 CFR Subtitle A and Chs. V and XVII

41 CFR Chs. 50 and 60

Display of Office of Management and Budget Control Numbers for Recordkeeping Requirements

AGENCY: Office of the Secretary, Labor.

ACTION: Technical amendments.

SUMMARY: This document amends certain Department of Labor regulations to include OMB control numbers approved prior to December 31, 1981, at the places in the regulations where current information collection requirements are described. It includes items listed in the December 29, 1981, **Federal Register** (46 FR 62844) and thereby updates that list. It also removes obsolete references to previous GAO and OMB approvals of information collection requirements. OMB control numbers for other DOL recordkeeping requirements will be published in a subsequent issue of the **Federal Register**.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: Paul Larson, Director, Office of Management Reports and Analysis, Directorate of Management Policy and Systems, Room S-5526, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, Telephone 202-523-6331.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers contained in the listing.

Guide to Agency Abbreviation Code

BLS— Bureau of Labor Statistics
ESA—Employment Standards Administration
ETA—Employment and Training Administration

Text of Amendments

Following the text of each paragraph cited in the second column of the table, add parenthetically the corresponding OMB number listed in the third column:

Agency	Regulatory citation	OMB No.
BLS	29 CFR 1904.2, 1904.4, and 1904.5	1220-0029
	29 CFR 1904.5	1220-0045
ESA	20 CFR 702.111	1215-0117
	29 CFR 575.3	1215-0120
	20 CFR 10.145	1215-0115
	20 CFR 702.148	1215-0118
	29 CFR 549.1	1215-0122
	20 CFR 725.531	1215-0124
	29 CFR 516 Subpart A and B	1215-0017
	29 CFR 3.4(b), 4.6(g), 5.5(a)(3), and 5.5(e).	1215-0017
	41 CFR 50-201.501	1215-0017
	41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, and 60-741.	1215-0072
	41 CFR Part 60-3	3046-0017
	29 CFR 547.1	1215-0019
	29 CFR 570.35(b)(3)(i-v)	1215-0121
	29 CFR 4.6(b)(2)(i)	1215-0126
	29 CFR 4.6(1)(6)	1215-0127
	29 CFR 40.51, 40.52, 40.53	1215-0128
	20 CFR 10.410(a)	1215-0103
ETA	20 CFR 653.103, 653.106, 653.107, 653.108, 653.109, 653.111, 653.112, 653.501, 653.503.	1205-0039
	20 CFR 658.410 and 658.413	1205-0029
	29 CFR 56.63	1205-0175

Signed at Washington, D.C. this 31st day of December 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-37481 Filed 12-31-81; 3:06 pm]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 80F-0482]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Ethyl Acetate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of ethyl acetate as a solvent in the decaffeination of coffee. This action is based on data contained in a petition filed by the General Foods Corp.

DATES: Effective January 5, 1982; objections by February 4, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 16, 1981 (46 FR 3983), FDA announced that a petition (FAP 8A3353) had been filed by General Foods Corp., White Plains, NY 10625, proposing to amend Part 173—Secondary Direct Food Additives Permitted in Food for Human Consumption (21 CFR Part 173) to provide for the safe use of ethyl acetate as a solvent for the decaffeination of coffee. In response to the notice of filing, FDA received one comment. The comment and FDA's response are summarized below.

The petition asked that FDA approve ethyl acetate for use as the extraction solvent for moisturized green coffee beans. The comment expressed the belief that the petition is too narrow because it limits the extraction of caffeine to moisturized green coffee beans. According to the comment, ethyl acetate can be used to remove caffeine from whole roasted coffee beans, ground roasted coffee, or aqueous extracts of coffee beans as well as from moisturized green coffee beans. The comment further stated that the good manufacturing practices involved in producing the finished product would limit solvent residues. Thus, there is no reason to restrict the forms of coffee in which ethyl acetate may safely be used, so that manufacturers may have flexibility in their choice of decaffeination processes.

FDA has evaluated the comment, data in the petition, and other relevant material and has concluded that ethyl acetate has a wide margin of safety. Further, the data submitted in support of the petition demonstrate that ethyl acetate effectively decaffeinates coffee. In sum, the agency agrees with the comment that it is not necessary to limit the use of ethyl acetate in the decaffeination of coffee to moisturized green coffee beans, and that ethyl acetate may safely be used in accordance with good manufacturing practice as a solvent in the decaffeination of coffee. Accordingly, Part 173 is amended to provide for the safe use of ethyl acetate as set forth below.

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 173 is amended in Subpart C by adding new § 173.228, to read as follows:

§ 173.228 Ethyl acetate.

Ethyl acetate (CAS Reg. No. 141–78–6) may be safely used in food in accordance with the following conditions:

(a) The additive meets the specifications of the Food Chemicals Codex,[1] (Ethyl Acetate; p. 372, 3d Ed., 1981), which are incorporated by reference.

(b) The additive is used in accordance with good manufacturing practice as a solvent in the decaffeination of coffee.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 4, 1982, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 5, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348).)

Note.—Incorporation by reference was approved by the Director, Office of the Federal Register, September 23, 1981.

Dated: December 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–23 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

[1] Copies may be obtained from: National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418 or examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

---

21 CFR Parts 510 and 522

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a canine, narcotic antagonist (naloxone hydrochloride injection) from Endo Laboratories, Inc., to Endo Pharmaceuticals, Inc. Endo Pharmaceuticals, Inc., filed a supplemental new animal drug application (NADA) providing for the change.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV–104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: Endo Pharmaceuticals, Inc., P.O. Box 363, Manati, PR 00701, filed a supplemental NADA (035–825) providing for its sponsorship of a naloxone hydrochloride injection. By letter of October 6, 1981, Endo Laboratories, Inc., the former sponsor, confirmed the transfer of sponsorship.

The supplemental NADA for the change of sponsor is approved and the regulations are amended to reflect the approval.

Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), the intracorporate transfer of an NADA is a Category I change that does not require reevaluation of the safety and effectiveness data in the parent application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provision of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Endo Pharmaceuticals, Inc., P.O. Box 363, Manati, PR 00701	000060
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
000060	Endo Pharmaceuticals, Inc., P.O. Box 363, Manati, PR 00701.
* * * * *	

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1462 [Amended]

2. In Part 522, § 522.1462(b) is amended by removing sponsor number "000056" and inserting in its place "000060".

Effective date. This amendment is effective January 5, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 23, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-16 Filed 1-4-82; 8:45 am]

BILLING CODE 4150-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7801]

Income Tax; Taxable Years Beginning After December 31, 1953; Treatment of Certain Interests in Corporations as Stock or Indebtedness

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of final regulations.

SUMMARY: This document amends final regulations relating to the treatment of certain interests in corporations as stock or indebtedness by generally changing the effective date of the regulations from January 1, 1982, to July 1, 1982.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Carolyn Swift of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T, 202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 385 of the Internal Revenue Code relates to the treatment of certain interests in corporations as stock or indebtedness. Final regulations under section 385 were published in the **Federal Register** for Wednesday, December 31, 1980 (45 FR 86438) as T.D. 7747. These regulations generally would have applied to certain interests in corporations created after April 30, 1981. However, at the invitation of the Treasury and Internal Revenue Service, several public comments on the final regulations were received after December 31, 1980. The comments recommended changes in several areas of these regulations. In order for the Treasury and Internal Revenue Service to have sufficient time to examine these comments and determine whether changes should be made, the regulations were amended to apply to certain interests in corporations only if they were created after December 31, 1981. (T.D. 7774, published in the **Federal Register** for May 1, 1981, (46 FR 24945)). After further examination of the comments and re-evaluation of the regulations, a decision was made to revise provisions of the regulations under section 385. In order to allow Treasury and the Internal Revenue Service additional time to prepare and publish revisions to certain provisions of the regulations, the regulations are amended so that, in general, they will apply to certain interests in corporations only if they are created after June 30, 1982. It is expected that the revisions to the regulations will be published in the near future as proposed changes with opportunity for public comment.

Drafting Information

The principal author of this regulation is Carolyn Swift of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by Roscoe L. Egger, Jr., Commissioner of Internal Revenue, that there is need for an immediate amendment to the regulations under section 385 of the Code in order to postpone the January 1, 1982, effective date of the regulations. Because of the immediate need for this regulation, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52121), relating to improving regulations, would be impractical, and therefore, these requirements have not been followed.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph (a)(1) of § 1.385-1 is revised to read as follows:

§ 1.385-1 Stock or indebtedness.

(a) *Effective date*—(1) *In general.* The regulations under section 385 apply to instruments [as defined in § 1.385-3(c)] and preferred stock issued after June 30, 1982, and to loans described in § 1.385-7 and guaranteed loans made after June 30, 1982.

* * * * *

There is a need for immediate guidance with respect to the provisions

contained in this Treasury decision. For this reason, it is found impractical to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 385 and 7805 of the Internal Revenue Code of 1954 (83 Stat. 613 and 68A Stat. 917; 26 U.S.C. 385 and 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: December 30, 1981.

David G. Glickman,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-37419 Filed 12-30-81; 3:04 pm]
BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 762

[OPTS-62010B; TSH FRL-1980-1]

Fully Halogenated Chlorofluoroalkanes; Essential Use Exemption for Pharmaceutical Rotary Tablet Press Punch Lubricants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the **Federal Register** of January 21, 1981 (46 FR 6019), EPA proposed amending the chlorofluorocarbon (CFC) rule (40 CFR Part 762) to add an essential use exemption for pharmaceutical rotary tablet press punch lubricants. EPA has concluded that an essential use exemption is necessary because there are no effective alternatives to this use of CFCs, and removal of the CFC-propelled product would have an adverse economic impact and a potentially unfavorable health impact on the public. EPA now promulgates a final rule which amends its CFC rule to include an essential use exemption for pharmaceutical rotary tablet press punch lubricants.

EFFECTIVE DATE: This exemption becomes effective January 5, 1982.

ADDRESS: The official record for this rulemaking is available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, in the office of: Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator 202-544-1404).

SUPPLEMENTARY INFORMATION:

I. Background

In 1978, EPA promulgated a rule (40 CFR Part 762) which prohibited almost all manufacture, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons or CFCs) for aerosol propellant uses that are subject to the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601). This rule was published in the **Federal Register** of March 17, 1978 (43 FR 11318). This rule consisted of two separate parts. Part 712 dealt with recordkeeping while Part 762 addressed specific regulation of the substances. In the interest of making the Code of Federal Regulations easier for users to read and reference, EPA promulgated a rule published in the **Federal Register** of June 30, 1980 (45 FR 43721) consolidating both Parts into a revised Part 762. EPA has granted exemptions from this general prohibition for uses determined by the Agency to be "essential" according to certain criteria described in "Essential Use Determination—Revised," a support document to the March 17, 1978 CFC rule.

The criteria upon which an exemption is evaluated include: the availability of alternative propellants and/or the availability of alternative products; the health and environmental impact of CFC substitutes; and the possibility of severe economic consequences on industry if a CFC aerosol product cannot be used. The absence of an available alternative does not alone qualify a product for an essential use exemption.

In the **Federal Register** of January 21, 1981 (46 FR 6019), EPA proposed amending its chlorofluorocarbon rule to add an essential use exemption for pharmaceutical rotary tablet press punch lubricants. Pharmaceutical rotary tablet press punch lubricants are used to lubricate various moving parts of machines used in the production of medicine tablets. The bases for this proposed exemption were the lack of alternatives to the use of CFCs, the adverse economic and potentially unfavorable health impacts of nonavailability of the CFC-propelled product, and the fact that the release of CFCs into the environment would be small. EPA received one comment on this proposed rule supporting the proposed acton.

II. New Exemption

EPA, therefore, is amending the CFC rule in accordance with its proposal to include an essential use exemption for pharmaceutical rotary tablet press punch lubricants.

III. Regulatory Impacts

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "Major" because it would have an annual impact on the economy of less than $100 million. It would also have the effect of reducing costs for the affected users of CFC-propelled pharmaceutical rotary tablet press punch lubricants, and it would not have adverse effects on factors such as competition, employment, or investment.

The proposed rule was published prior to the establishment of Executive Order 12291, and therefore was not considered under the terms of the Order. However, this final rule was submitted to the Office of Management and Budget (OMB) for review as required by section 7(f) of Executive Order 12291. As mandated by the Regulatory Flexibility Act, EPA is certifying that this regulation will not have a significant impact on a substantial number of small business entities. This certification is being made because it was determined that this rule will provide an economic benefit to companies using pharmaceutical rotary tablet press punch lubricants, regardless of their size.

This exemption becomes effective immediately pursuant to the authority of section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553, which allows rules granting an exemption to become effective less than 30 days after promulgation.

IV. Public Record

The rulemaking record for this action consists of the rulemaking record for EPA's CFC rule (40 CFR Part 762) published in the **Federal Register** of March 17, 1978 (43 FR 11318), and the following documents:

(1) **Federal Register** of January 21, 1981 (46 FR 6019). USEPA. "Fully Halogenated Chlorofluoroalkanes; Proposed Essential Use Exemption for Pharmaceutical Rotary Tablet Press Punch Lubricants."

(2) CIBA-GEIGY, Main Comment, February 17, 1981.

(3) Key Industries, Communication, February 20, 1979.

(4) Key Industries, Communication, March 4, 1979.

(5) Key Industries, Communication, June 8, 1979.

(6) Key Industries, Communication, June 25, 1979.

(7) Key Industries, Communication, July 9, 1979.

(8) Key Industries, Communication, August 28, 1979.

(9) USDHEW, PHS, FDA, Bureau of Foods, Letter from Ralph Stafko to James Silverman, USEPA, OTS, CAD, November 28, 1979.

(10) USEPA, IERL, Memo from C. Frank to James Silverman, USEPA, OTS, CAD, August 16, 1979.

(11 USEPA, OTS, CAD, Letter from James Silverman to C. Frank, USEPA, IERL, August 7, 1979.

(12) USEPA, OTS, CCD, Telephone conversation between Kathleen Ehrensberger and Charlie Kumkumian, FDA, BD, NDE, February 22, 1980.

In addition, any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Public Record for this rulemaking.

(Sec. 6, 90 Stat. 2020., (15 U.S.C. 2065)).

Dated: December 23, 1981.

Anne M. Gorsuch,

Administrator.

PART 762—FULLY HALOGENATED CHLOROFLUOROALKANES

Therefore, 40 CFR Part 762 is amended by adding a new paragraph (h) to § 762.58 to read as follows:

§ 762.58 Essential use exemption.

* * * * *

(h) Pharmaceutical rotary tablet press punch lubricants.

* * * * *

[FR Doc. 82-122 Filed 1-4-82; 8:45 am]

BILLING CODE 6560-31-M

---

40 CFR Part 762

[OPTS-66005D; TSH-FRL 1980-2]

Fully Halogenated Chlorofluoroalkanes; Essential Use Exemption for Spinnerette Release Agents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA proposed in the **Federal Register** of August 25, 1981 (46 FR 42880), a rule reinstating the essential use exemption for spinnerette release agents to the chlorofluorocarbon (CFC) rule under 40 CFR Part 762. EPA took this action based on new information indicating that adequate substitutes do not exist and that substitutes could not be developed and used for all applications or by all man-made fiber producers. EPA now promulgates a final rule to reinstate the spinnerette release agents exemption to the CFC rule.

EFFECTIVE DATE: This exemption becomes effective January 5, 1982.

ADDRESS: The official record for this rulemaking is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the office of: Document Control Officer, Management Support Division (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–107, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, Toll free (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator 202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

In 1978, EPA promulgated a rule (40 CFR Part 762) which prohibited almost all manufacturing, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons or CFC's) for aerosol propellant uses. This rule was published in the **Federal Register** of March 17, 1978 (43 FR 11318). This rule consisted of two separate parts. Part 712 dealt with recordkeeping while Part 762 addressed specific regulation of the substances. In the interest of making the Code of Federal Regulations easier for users to read and reference, EPA promulgated a rule published in the **Federal Register** of June 30, 1980 (45 FR 43721) consolidating both Parts into a revised Part 762.

EPA has granted exemptions from this general prohibition for uses determined by the Agency to be "essential" according to certain criteria described in "Essential Use Determination—Revised," a support document to the March 17, 1978 CFC rule.

The criteria upon which an exemption is evaluated include: the availability of alternatiye propellants and/or the availability of alternative products; the health and environmental impact of CFC substitutes; and the possibility of severe economic consequences on industry if a CFC aerosol product cannot be used. The absence of an available alternative does not alone qualify a product for an essential use exemption.

EPA promulgated a rule published in the **Federal Register** of January 21, 1981 (46 FR 5981) revoking the spinnerette release agents exemption. This rule would have become effective on March 1, 1982. The rule was based upon information EPA received indicating that the development of adequate substitutes for CFCs in spinnerette release agents had progressed to the point where they would be widely available by March 1, 1982.

Following promulgation, the Man-Made Fiber Producers Association and several companies that manufacture man-made fibers presented EPA with convincing evidence that adequate substitutes will not be available for all processes and applications by March 1, 1982. Information provided indicated that companies manufacture many products using different designs, sizes, and shapes of spinnerettes which use different spinning cabinet designs and extrusion methods. Consequently, a release agent that works for one type of process or product line may not be suitable for another. Some man-made fiber companies indicated that if the CFC prohibition became effective in March 1982, they would be forced to use considerably less effective and possibly less safe substitutes in some processes and product lines.

EPA believes that the information and concerns presented by industry are sufficient to warrant reinstatement of the exemption for spinnerette release agents. EPA proposed in the **Federal Register** of August 25, 1981 (46 FR 42880) a rule to reinstate the essential use exemption for spinnerette release agents. EPA received six comments supporting reinstatement of this exemption.

II. Reinstatement of Exemption

EPA, therefore, is amending its CFC rule in accordance with its proposed rule to reinstate the essential use exemption for CFCs used as an aerosol propellant for spinerette release agents. CFC release as a result of this use is an estimated 152,000 kilograms, or only .04 percent of the total U.S. CFC production in 1980. EPA encourages the use of substitutes where feasible.

III. Regulatory Impacts

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "Major." It does not have an annual effect on the economy of $100 million or more. Although EPA has not quantified the regulation's potential effect on the man-made fiber industry, the impact of this rule will be to decrease cost to the

industry compared with the former rule, which would have increased costs by prohibiting the use of CFCs as an aerosol propellant for spinnerette release agents. In addition, the present rule will not create significant adverse effects on factors such as competition, employment, or investment. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

As mandated by the Regulatory Flexibility Act, EPA is certifying that this regulation will not have a significant impact on a substantial number of small business entities. This certification is made because this rule will provide an economic benefit to companies using CFC-propelled spinnerette release agents, regardless of their size.

This exemption becomes effective immediately pursuant to the authority of section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553, which allows rules granting an exemption to become effective less than 30 days after promulgation.

IV Public Record

The rulemaking record for this action consists of the rulemaking records for the CFC rule published in the **Federal Register** of March 17, 1978 (43 FR 11318); the rule revoking the exemption published in the **Federal Register** of January 21, 1981 (46 FR 5981); and the following documents:

(1) **Federal Register** of August 25, 1981 (46 FR 42880). USEPA. "Fully Halogenated Chlorofluoroalkanes; Essential Use Exemption Spinnerette Release Agents."
(2) Allied Chemical, Communication, January 30, 1981.
(3) Allied Chemical, Communication, June 29, 1981.
(4) Allied Chemical, Main Comment, September 8, 1981.
(5) American Enka Company, Communication, January 28, 1981.
(6) American Enka Company, Communication, February 5, 1981.
(7) American Enka Company, Communication, March 5, 1981.
(8) American Enka Company, Main Comment, September 15, 1981.
(9) American Hoechst Corporation, Communication, April 13, 1981.
(10) Badische Corporation, Communication, May 7, 1981.
(11) Badische Corporation, Main Comment, September 28, 1981.
(12) D.B. Powers Corporation, Communication, April 6, 1981.
(13) E. I. du Pont de Nemours and Company, Communication, August 3, 1981.
(14) Eastman Kodak, Communication, February 25, 1981.
(15) Eastman Kodak, Communication, June 29, 1981.
(16) Eastman Kodak, Main Comment, September 10, 1981.
(17) Fiber Industries, Inc., Main Comment, September 22, 1981.
(18) Man-Made Fiber Producers Association, Inc., Communication, February 26, 1981.
(19) Man-Made Fiber Producers Association, Inc., Communication, May 21, 1981.
(20) Man-Made Fiber Producers Association, Inc., Communication, May 29, 1981.
(21) Man-Made Fiber Producers Association, Inc., Communication, June 9, 1981.
(22) Monsanto Textiles Company, Main Comment, September 14, 1981.
USEPA, OTS, CCD, Telephone conversations between Kathleen Ehrensberger and:
(23) C.T. Handy, E. I. du Pont de Nemours and Company, March 12, 1981.
(24) Mike Kemp, Textile Economics Bureau, June 4 and 5, 1981.
(25) Mr. Betts, Wyn-Tex, June 4 and 5, 1981.
(26) Abdul Jalil, Fibers and Plastics of Georgia, June 4, 1981.
(27) Everett Smith, Wellman Industries, June 5, 1981.
(28) Guy Osterneck, Osterneck Company, June 5, 1981.
(29) Ernie Rockwood, American Manufacturing Co., Inc., June 5 and 8, 1981.
(30) Thomas A. Mayberry, Concord Fibers, June 5, 1981.
(31) Herb Wolfgang, ACS Industries, Inc., June 8, 1981.
(32) Scott Allison, IMS Corp., June 8, 1981.

In addition, any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Public Record.

(Sec. 6, 90 Stat. 2020; (15 U.S.C. 2605))

Dated: December 23, 1981.

Anne M. Gorsuch,

Administrator.

PART 762—FULLY HALOGENATED CHLOROFLUOROALKANES

Therefore, 40 CFR Part 762 is amended by revising § 762.58(b) to read as follows:

§ 762.58 Essential use exemptions.

* * * * *

(b) Release agent for molds used in the production of plastic and elastomeric materials.

* * * * *

[FR Doc. 82-121 Filed 1-4-82; 8:45 am]
BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[FCC 81-570]

Television and Radio; Amendment Regarding Five and Seven Year License Periods

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules implementing the five year renewal periods for television and seven year renewal periods for radio as mandated by the Omnibus Budget Reconciliation Act.

DATES: Effective December 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Israel Teitelbaum, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order

Adopted: December 16, 1981.
Released: December 17, 1981.

In the matter of Amendment of §§ 73.733 and 74.15 of the Commission's Rules: Five and Seven Year License Periods; FCC 81-570.

1. On October 30, 1981, the Commission amended § 73.1020 of its Rules to extend the maximum three year license terms for television and radio stations (46 FR 57050; November 20, 1981). *Station License Period,* FCC 81-497, released November 2, 1981. This amendment was mandated by the Omnibus Budget Reconciliation Act enacted into law on August 13, 1981. Public Law 97-35, 95 Stat. 357. Under that Act, radio license terms were extended to seven years and television license terms to five years. Our October 30 *Order* inadvertently failed to amend all pertinent FCC rules. Those amendments are, therefore, being made in this *Order.*

2. The license terms of all independently authorized broadcast facilities will comport with the five year term for television facilities and seven year term for radio facilities. The license terms of auxiliary facilities will run with the terms of the parent facility. (See 47 CFR 74.15(b).) Thus, international stations will be licensed for seven years. (See 47 CFR 73.733.) FM booster licenses will be issued for a period running concurrently with the license of the FM radio broadcast station with which it is used. (See 47 CFR 74.15(c).) Television broadcast translator stations will be

licensed for five years and FM translators for seven years. (See 47 CFR 74.15(d).)

3. Consistent with the actions taken in our October 30 *Order*, this *Order* implements the longer license terms, commencing with affected broadcast authorizations expiring on or after October 1, 1981. Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, requires that a general notice of proposed rulemaking be published in the **Federal Register** and interested parties be given an opportunity to comment upon or participate in any rule making. However, these requirements do not apply when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). The rules revised herein merely implement the intent of Congress in passing the subject legislation. Moreover, in that Congress determined that extended license renewal terms are in the public interest, immediate implementation of the subject revised rules is appropriate. Thus good cause is established for waiver of the 30 day effective period. 5 U.S.C. 553(d)(3).

4. Accordingly, it is ordered, That effective as of the adoption date of this *Order*, the Commission's Rules are amended in the manner set forth in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—RADIO BROADCAST SERVICES

1. 47 CFR Part 73, § 73.733 is revised to read as follows:

§ 73.733 Normal license period.

All international broadcasting station licenses will be issued so as to expire at the hour of 3 a.m. local time and will be issued for a normal license period of 7 years expiring November 1.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

2. 47 CFR Part 74, § 74.15(d) is amended by revising the introductory text of (d) and paragraphs (d)(1)–(10) to read as follows:

§ 74.15 License period.

* * * * *

(d) Initial licenses for television broadcast translator stations and FM broadcast translator stations will ordinarily be issued for a period running until the date specified in this Section for the State or territory in which the station is located or, if issued after such date, to the next renewal date determined in accordance with this Section. When renewed, television broadcast translator stations will ordinarily be renewed for 5 years and FM broadcast translator stations for 7 years; *Provided, however,* That, if the Commission finds that the public interest, convenience, or necessity will be served, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewal licenses will be 3 a.m., local time, on the following dates, and, thereafter, at 5-year intervals for television broadcast translator stations and at 7-year intervals for FM broadcast translator stations:

(1) For stations located in Nevada, February 1, 1983.

(2) For stations located in California, April 1, 1983.

(3) For stations located in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, and the District of Columbia, June 1, 1983.

(4) For stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands, August 1, 1983.

(5) For stations located in Oklahoma and Texas, October 1, 1983.

(6) For stations located in Kansas and Nebraska, December 1, 1983.

(7) For stations located in Iowa and South Dakota, February 1, 1984.

(8) For stations located in Minnesota and North Dakota, April 1, 1984.

(9) For stations located in Wyoming, June 1, 1984.

(10) For stations located in Montana, August 1, 1984.

* * * * *

3. 47 CFR Part 74, § 74.15 is amended by renumbering § 74.15(f) as § 74.15(e) and removing the reference to any reservation of § 74.15(e).

[FR Doc. 82-304 Filed 1-4-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Twenty-ninth Rev. S.O. No. 1473; Amdt. No. 1]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Twenty-ninth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., December 31, 1981, and continuing in effect until 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided December 29, 1981.

Upon further consideration of Twenty-ninth Revised Service Order No. 1473 (46 FR 62860), and with respect to the duration of this amendment, the limited extension of time is to permit the Commission additional time to consider the matter of further extensions as indicated by the Commission's Notice of September 21, 1981, and good cause appearing therefor:

It is ordered, that § 1033.1473 *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee),* Twenty-ninth Revised Service Order No. 1473 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

Effective date. This order shall become effective at 11:59 p.m., December 31, 1981.

(49 U.S.C. 10304–10305 and Sec. 122, Pub. L. 96–254)

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms to that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr., and Melvin F. Clemens, Jr.

Agatha L Mergenovich,

Secretary.

[FR Doc. 82-186 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Tenth Rev. S.O. No. 1474, Amdt. No. 1]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Tenth Revised Service Order No. 1474.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie) Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., December 31, 1981, and continuing in effect until 11:59 p.m., March 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided December 29, 1981.

Upon further consideration of Tenth Revised Service Order No. 1474 (45 FR 54747), and good cause appearing therefor:

It is ordered, that § 1033.1474 *Various Railroads Authorized to Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor, (Richard B. Ogilvie, trustee),* Tenth Revised Service Order No. 1474 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended for an additional ninety (90) days, and shall expire at 11:59 p.m., March 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1981.

(49 U.S.C. 10304–10305 and (Sec. 122, Pub. L. 96–254)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr., and Melvin F. Clemens, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-186 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Fifth Rev. S.O. No. 1495; Amdt. No. 3]

Burlington Northern Railroad Co. and Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Fifth Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., December 31, 1981, and continuing in effect until 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840, 275–1559.

SUPPLEMENTARY INFORMATION:

Decided December 29, 1981.

Upon further consideration of Fifth Revised Service Order No. 1495 (46 FR 48212, 54559 and 57691), and with respect to the duration of this amendment, the limited extension of time is to permit the Commission additional time to consider the matter of further extensions as indicated by the Commission's Notice of September 21, 1981, and good cause appearing therefor:

It is ordered, that § 1033.1495 *Burlington Northern Railroad Company and Fort Worth and Denver Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee),* Fifth Revised Service Order No. 1495 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1981.

(49 U.S.C. 10304–10305 and Sec. 122, Pub. L. 96–254)

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms

of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr., and Melvin F. Clemens, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-187 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Chapter I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development during the 6-month period from November 1, 1981 through April 30, 1982. This agenda carries out OPM's responsibilities to publish semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the Agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones, Issuance System Office, Office of Planning and Evaluation (202) 254–5966.

Office of Personnel Management.

Donald J. Devine,

Director.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
1. 5 CFR Part 274 [1]	Corrective Actions	Proposed new regulations to establish procedures for OPM initiated corrective actions, in cases of violations of civil service rules and regulations. *Justification:* Establish regulatory base for compliance oriented corrective actions. Target Date: 4/30/82.	Terry Evans, Compliance Branch, ACE, AR (202) 632–4540.	No	No.
2. 5 CFR Part 293	Personnel Records and Files	Final regulations to establish an Employee Performance File, analogous to the existing regulations for the Official Personnel Folder, as part of overall agency performance appraisal systems. *Justification:* These regulations provide minimum essential Privacy Act requirements for sensitive employee records while preserving maximum agency flexibility in designing their own recordkeeping systems. Note: Adoption of these final rules was originally targeted for 8/81. Delayed due to the necessity to devote resources to a special high priority project. Target Date: 10/81.	William H. Lynch, Work Force Information Division, ACE, AR, (202) 254–9790, (202) 254–9793.	No	No.
3. 5 CFR Part 294 and 5 CFR Part 293.	Availability of Official Information	Guidance for obtaining information from OPM, under the Freedom of Information Act. Note: Have received comments from agencies; making changes to regulations based on comments. Will send revised regulations through clearance process then forward to the FEDERAL REGISTER. *Justification:* The Freedom of Information Act requires agencies to publish regulations describing how to obtain information from them. Implementation of SES raises questions about availability of data on members, and institution of performance evaluation raises a question of availability of performance standards and/or evaluations. Target Date: Proposed regulations 12/81.	William C. Duffy, Chief, Information Systems Plans and Policies Branch, Office of Budget and Management, (202) 632–7714.	No	No.
4. 5 CFR Part 307, § 307.105	Veterans Readjustment Appointments.	To clarify the right of VRAs to appeal from termination during their first year of service on the same basis as employees in the competitive service (5 CFR 315.804, 815, 806) and to include reference to the right of VRAs who have completed 1 year of service to appeal removal under 5 CFR 432 and 5 CFR 752C. *Justification:* To assure that VRAs have access to appeal rights to which entitled. If not issued, MSPB may continue to dismiss VRA appeals for lack of jurisdiction. Target Date: 10/81 for final regs.	John Schultz, Office of Policy Analysis and Development, Staffing Services, (202) 632–6817.	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
5. 5 CFR Part 307	Veterans Readjustment Appointments.	Proposed extension of VRA Program beyond 9/30/81 contingent on legislation. *Justification:* Extension of VRA authority until 9-30-84 under consideration in Congress. If enacted and signed by the President, regulations will have to be revised to reflect change in law. Target Date: 3/82.	A. Diane Graham, Office of Affirmative Employment Programs, (202) 632-4420.	No	No.
6. 5 CFR Part 316, § 316.302 and § 316.402.	Temporary and Term Employment	Regulations to permit noncompetitive temporary and term appointment of persons eligible for career appointment under 5 USC 3304(c). *Justification:* To give Ramspeck Act eligibles the opportunity to be considered for temporary or term appointment when permanent jobs are not available. This would equalize their benefits and those of eligibles under other special appointing authorities. Target Date: Final regulations 11/81.	Tracy Spencer, Noncompetitive Staffing and College Relations, Staffing Services, (202) 632-6000.	No	No.
7. 5 CFR Part 316	Kinds of Employment for Veterans Readjustment Appointment Eligibles.	Proposed extension affecting temporary and term employment for VRA eligibles beyond 9/30/81 contingent on legislation. *Justification:* Extension of VRA authority until 9/30/84 under consideration in Congress. If enacted and signed by the President, regulations will have to be revised to reflect change in law. Target Date: 3/82.	A. Diane Graham, Office of Affirmative Employment Programs, (202) 632-4420.	No	No.
8. 5 CFR Part 317, Subpart G	SES Career Appointment by Reinstatement.	Final regulations on reinstatement to an SES career appointment following (a) a voluntary separation from SES, or (b) a Presidential appointment. *Justification:* These reinstatements are authorized by law. The regulations set the procedures for implementing the law. Interim regulations were issued on 12/5/80. Need to make regulations final, based on comments on interim. Target Date: 2/82.	Ann Ugelow, SES Division, EPG, (202) 632-6821.	No	No.
9. 5 CFR Part 317, Subpart H	Career Appointees: Retention of SES Provisions Following a Presidential Appointment.	Regulations to implement 5 U.S.C. 3392(c) regarding the right of SES career appointee to retain certain SES provisions while serving under a Presidential appointment made by and with the advice and consent of the Senate. *Justification:* Regulations are needed to insure uniformity in the implementation of the law. Target Date: Proposed regulations 2/82.	Ann Ugelow, SES Division, EPG, (202) 632-6821.	No	No.
10. 5 CFR Part 330, Subpart C.	Displaced Employee Program	Revise regulations to provide limited benefits to spouses of transferred Federal employees; reaffirm agency's primary responsibility to assist its own employees; remove requirement that disability annuitant be under age 60; clarify ineligibility of Schedule C employees; modify conditions under which employee eligibility can be terminated; recognize role of agency delegated examining units. *Justification:* To make provisions of the Displaced Employee Program more responsive to current agency staffing requirements and needs, and to bring eligibility of disability annuitants into conformance with a recent court ruling. Target Date: Final regulations 10/81.	Cathy Lundblad, Noncompetitive Staffing and College Relations, Staffing Services, (202) 632-6000.	No	No.
11. 5 CFR Parts 339, 432, 752, and 831.	Medical Qualification Requirements; Reduction in Grade and Removal Based on Unacceptable Performance; Adverse Action, Retirement.	Final regulation governing medical examinations of Federal employees and agency filed disability retirement applications. *Justification:* Regulations are needed to correct problems that have resulted from misuse of mandatory fitness-for-duty examinations (particularly psychiatric examinations). Present procedures governing medical examination have received much criticism from Congress and employee organization. See #22 for additional information. Target Date: 1/82.	Gay Gardner, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No.
12. 5 CFR Part 351	Reduction in Force	Clarification of existing OPM policy on RIF assignment rights and the identification of employees with a transferring function. *Justification:* These proposed regulation are intended to both (1) clarify and simplify existing policy concerning employee retention rights, and (2) as indicated, make needed revisions to longstanding policy. Target date for proposed regulation: 12/81.	Theodore Dow or Thomas Gleanon, Office of Policy Analysis and Development, Staffing Services, (202) 632-[illegible]	No	No.
13. 5 CFR Part 352	Reemployment Rights after Service with Panama Canal Commission.	Proposed Subpart I for reemployment rights for Federal employees who accept assignment with the Panama Canal Commission. *Justification:* To implement Pub. L. 96-70 which authorizes OPM to prescribe regulations to put reemployment rights into effect. Target Date: 11/81.	Leota Shelkey, Office of Policy Analysis and Development, Staffing Services (202) 632-6817	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
14. 5 CFR Part 352	Reemployment Rights after Service with U.S.Senate Committee on Appropriations.	Add new subpart covering reemployment following service with the U.S. Senate Committee on Appropriations under provisions of 2 USC 67a. Delete Subpart F covering reemployment after service in the Economic Stabilization Program because applicable law has been repealed. *Justification:* New subpart needed to implement 2 U.S.C. 67a. Deletion of Subpart F needed because statutory authority for it no longer exists. Target date for proposed regulations is 10/81; final regulations 4/82.	Tracy Spencer, Noncompetitive Staffing and College Relations, Staffing Services, (202) 632-6000.	No	No.
15. 5 CFR Part 353 [1]	Restoration to Duty	The proposed changes would (1) give agencies greater flexibility in placing an employee entitled to restoration by exempting them (agencies) from the present requirement that they restore a veteran to his/her previous position even though it was occupied by an employee in the same retention subgroup under Part 351; (2) clarify an agency's rights and responsibilities in cases when the DOL takes excessive time to decide a claim or the claimant appeals DOL's decision to stop compensation; and (3) state an agency has discretion to carry an injured employee on LWOP for whatever period it considers appropriate, or separate the employee who is unable to work. *Justification:* Several recent MSPB cases have revealed gaps in the regulations on these issues which have led to ambiguous and contradictory decisions. If we do not move into the vacuum by effecting a fair solution, we may have the Board force something on OPM that is unworkable. Target Date 1/82.	Raleigh Neville, Office of Policy Analysis and Development, Staffing Services, (202) 632-6817.	Yes	No.
16. 5 CFR Part 359 [1]	Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service.	Final regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other SES appointees, and (3) placement rights of certain SES career appointees. *Justification:* These actions are authorized by law. The regulations establish procedures for implementing the law. Interim regulations were issued on July 31, 1979. Target Date: 3/82.	Ann Ugelow, SES Division, EPG, (202) 632-6021.	No	No.
17. 5 CFR Part 410, § 410.302.	Training: Selection and Assignment of Trainees.	Final regulation concerning when merit promotion procedures must be used in selecting employees for training. Present regulation applies to an excessive number of training instances. *Justification:* Proposed regulation will be more economical. Agency comments indicate that it will improve training management. Proposed regulation issued on 2/20/81. Target Date: Final Regulation 12/81.	Constance Guitan, Training Policy Division, WED, (202) 653-6171.	No	No.
18. 5 CFR Part 410, § 410.503.	Training: General Prohibitions on Training Through Non-Government Facilities.	Final regulations to clarify requirement to consider already qualified employees for positions before providing training in non-government facilities. Present regulation applies to an excessive number of training instances. *Justification:* Proposed regulation will be more economical. Agency comments indicate that it will improve training management. Proposed regulations issued on 2/20/81. Target Date: Final regulations 12/81.	Constance Guitan Training Policy Division WED, (202) 653-6171.	No	No.
19. 5 CFR Part 410, § 410.508 and § 410.509.	Training: Agreement to Continue in Service and Failure to Fulfill Agreement to Continue in Service.	Proposed regulations to clarify procedures governing continued service agreement and provide due process procedures when an agency recovers expenses from employee who fails to continue in service after training. *Justification:* Simplify the administration of continued service agreements making them less costly. In order to avoid having agency heads vulnerable to personal liability suits, due process provisions have been added. Target Date: Proposed regulations 11/81; Final regulations 1/82.	Constance Guitan Training Policy Division WED, (202) 653-6171.	No	No.
20. 5 CFR Part 430 Subpart	Performance Appraisal	Proposed amendment to include a statutory requirement regarding the use of performance standards in appraising employee performance on individual elements and to define the term "non critical element." *Justification:* Title 5, U.S.C., Section 4302(b)(1) requires that agencies establish performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance. Since some agencies question this requirement it is essential that the requirement be specifically described in OPM regulations. See FPM Letter 430-4 dated 3/80. Target Date: Proposed regulations by 11/81.	Nat Brown, Performance Appraisal Service Division, WED, (202) 632-8950.	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule: E.O. 12291	Affects small entities; RFA
21. 5 CFR Part 432	Reduction in Grade and Removal Based on Unacceptable Performance.	Final amendment clarifying agency's obligations when an employee's health is an issue. *Justification:* This amendment is intended to define agency and employee obligations to avoid harmful errors by agencies in taking actions based on unacceptable performance resulting in costly reversal by review bodies. See #11 for additional information. Target Date: Final regulations 1/82.	Wilma Lehman, Employee Relations, Policy Coordination Division, OPE, (202) 254-5134.	No	No.
22. 5 CFR Part 451 Subpart B, § 451.207.	Incentive Awards: Eligibility	Proposed revision to regulation would exclude members of the Senior Executive Service from eligibility for lump sum cash awards for sustained superior job performance. *Justification:* Cash awards for sustained superior performance authorized by Chapter 45 of Title 5, U.S.C. are duplicative of performance bonuses for career SES members, authorized under 5 USC 5384. This has led to questions regarding possible misuse of incentive awards authorities to circumvent the intent of Congressional and OPM restrictions on performance bonuses to SES members. Revision of the incentive awards regulations would preclude both misuse and speculation. Target Date: Final regulations 10/81.	Richard P. Brengel, Office of Productivity Programs, WED, (202) 632-4596.	No	No.
23. 5 CFR Part 470	Personnel Research Programs and Demonstration Projects.	Add new Part 470 to implement programs for conducting research and demonstration projects. *Justification:* Implement 5 U.S.C. 4706 (CSRA). Proposed regulation was issued 9/81. Target Date for final: 1/82.	Donald Hill, Office of Planning and Evaluation, (202) 254-6486.	No	No.
24. 5 CFR Part 511, § 511.605, 5 CFR Part 511, § 511.703.	Classification Under the General Schedule.	Clarify retroactive effective date for employees with retained grade. *Justification:* OPM published final rules on classification appeals under the general schedule on 12/30/80. At that time, it was decided that for employees in retained grade there would be no need for retroactive adjustments since neither their title, series or grade would be affected during the retained grade. However, several agencies have raised questions concerning the consequences of a reclassification action when the employee is re-eligible for retained grade and suffers a subsequent RIF. Under current regulations the correct title, series or grade would be used for RIF purpose as opposed to the retained grade. To deny employees in this situation the possibility of retroactive adjustment, if unwarranted, would place them at a disadvantage when compared to other employees. Target Date: Final regulations 1/11.	Gust Pappas, Chief, Classification Appeals Office, ACE, AR, (202) 632-7744.	No	No.
25. 5 CFR Part 531, § 531.204.	Pay under the General Schedule	Regulation to provide pay determination rule for loss of merit pay status. *Justification:* Current regulations do not provide for the possibility of a change in an employee's merit pay status without a change in position. A regulatory change is necessary to ensure an appropriate pay determination is made when this situation occurs. Proposed regulation was issued 8/81. Target Date for final: 11/81.	Donald J. Winstead, Office of Pay and Benefits Policy, Compensation, (202) 632-4634 or Peter G. Rymshaw, Merit Pay Development Division, Compensation, (202) 632-6127.	No	No.
26. 5 CFR Part 531, Subpart B.	Determining Rate of Basic Pay	Proposed revised regulations concerning use of highest previous rate, pay on promotion, pay schedule conversion rules, and movement between pay systems. *Justification:* Present regulations difficult to understand and are the subject of a case pending before the U.S. Supreme Court. Target Date: 7/82.	Donald J. Winstead, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
27. 5 CFR Part 531, Subpart C.	Pay Adjustments for Supervisory	Proposed revised regulations. *Justification:* Revisions necessary to reflect Comptroller General decision and enactment of grade and pay retention statutes. Target Date: 7/82.	Donald J. Winstead, Office of Pay and Benefits Policy, Compensation Group, (202) 632-4634.	No	No.
28. 5 CFR Part 536	Grade and Pay Retention: Termination When Employee Transfers to Another Agency.	Proposed revised regulations to provide for termination of grade and pay retention benefits and eligibility for these benefits upon transfer to a new agency, and to clarify appeal rights to OPM when an employee loses eligibility for benefits by declining an offer of another position. *Justification:* Current policy permits the hiring agency to establish its own policy on whether or not to continue grade and pay retention benefits of employees hired by transfer from another agency. Agencies have questioned the appropriateness of this policy. Target Date: 11/81.	Roger Menke, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
29. 5 CFR Part 540 [3]	Merit Pay System	Revised regulations to clarify policies and implement changes prompted by merit pay program evolution and development. *Justification:* Modification required by program evolution and change to implement status. Target Date for proposed 1/82.	Peter G. Rymshaw, Merit Pay Development Division, Compensation, (202) 632-6127.	No	No
30. 5 CFR Part 550	Pay Administration (General)	Final regulations on the installment collection of indebtedness because of erroneous payment made by an agency. *Justification:* Required to implement section 8(1) of E.O. 11609, 7/22/71, as revised by E.O. 12107, 12/28/78. Target Date: 2/82.	Patricia Rochester, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No
31. 5 CFR Part 550, Subpart G [3].	Severance Pay	Proposed revision of regulations on severance pay as it applies to separated employees who decline offers of equivalent positions in other agencies, to employees who accept jobs with contractors, and to employees receiving compensation for on-the-job injuries. *Justification:* Recent reductions in force and contracting out emphasize need to clarify present regulations in regard to these particular kinds of cases. Target Date: 6/82.	Margaret Goodell, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No.
32. 5 CFR Part 550, Subpart H.	Back Pay	Final regulations to provide for payment of reasonable attorney fees in back pay cases. *Justification:* Necessary to implement 5 USC 5596(b). Target Date: 11/81.	Donald J. Winstead, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
33. 5 CFR Part 550, Subpart J.	Pay Administration, Adjustment of Work Schedules for Religious Observances.	Proposed regulations to implement title IV of the Federal Employee Flexible and Compressed Work Schedule Act of 1978. *Justification:* Regulations will provide methods for agencies to control the adjustment of work schedules for this purpose and for conditions that constitute a basis for denying an employee's request due to interference with the agency's mission. Target Date: 11/81.	Gus Ghessie, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No
34. 5 CFR Parts 550 and 610	Pay Administration and Hours of Work.	Final regulations to clarify the definition of the phrase "regularly scheduled workweek" under chapters 55 and 61 of title 5, U.S.C. *Justification:* Regulations clarify the meaning of the phrase "regularly scheduled" and reestablish the proper relationship between an agency's responsibility to schedule work under chapter 61 and an employee's entitlement to premium pay for such work under subchapter V of chapter 55 of title 5, U.S.C. GAO has concurred in OPM's issuance of these regulations, which will greatly simplify this aspect of pay administration. Target Date: 4/82.	Dwight W. Brown, Office of Pay and Benefits Policy, Compensation (202) 632-4634.	No	No.
35. 5 CFR Parts 550 and 610	Pay Administration and Hours of Duty.	Proposed regulations to allow agencies to "round up" and "round down" to nearest quarter hour (or fractions less than a quarter of an hour) for crediting irregular, unscheduled overtime work. *Justification:* Regulation needed to equalize treatment of fractional hours of overtime work and time spent in preshift and post-shift activities. Target Date: 12/81.	Mary Angel, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No.
36. 5 CFR Part 551	Pay Administration under the FLSA-Exemptions.	Proposed revised regulations to simplify the exemption determination process. *Justification:* These revisions would reduce the costs to agencies of administering the FLSA. Target Date: 3/82.	Mario Caviglia, Compliance Branch, ACE, AR, (202) 632-4540.	No	No.
37. 5 CFR Part 551, Subpart F.	Pay Administration under the FLSA-Compliance.	Proposed new regulation to implement the FLSA Compliance Program. *Justification:* Required by 29 U.S.C. 204(f) and by changes made by 5 USC 1103a5. Target Date: 3/82.	Mario Caviglia, Compliance Branch, ACE, AR, (202) 632-4540.	No	No.
38. 5 CFR Part 630, Subpart I	Court Leave	Proposed new regulations on court leave and revision of annual and sick leave and home leave regulations. *Justification:* Needed for clarification and elimination of discrepancies in application. Target Date: 6/82.	Margaret Goodell, Office of Pay and Benefits Policy, Compensation, (202) 632-4684.	No	No

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
39. 5 CFR Part 715	Actions in the Interest of the Employee.	Final regulation covering voluntary personnel actions and other actions in the interest of the employee, including cancellation and correction of separations, reductions in pay, suspensions, furloughs, etc. *Justification:* The current regulation has an obsolete title and covers only the employee's right to resign and to withdraw a resignation before the effective date. Other requirements are contained in FPM Chapter 715 and FPM Supplement 831–1 which should be in regulations. Since the regulations and FPM chapter are used both by agencies and by MSPB (in adjudicating appeals of alleged involuntary actions), we believe it is necessary to reorganize the regulation and FPM chapter to place all mandatory requirements in the regulation, and only guidance, including court and MSPB decisions, in the FPM Chapter. Target Date: Final regulations 2/82.	Cynthia Field, Employee Relations, Policy Coordination Division, OPE, (202) 254–5517.	No	No.
40. 5 CFR Part 720	Federal Equal Opportunity Recruitment Program (Race, sex, handicap, and national origin systems).	Regulations codify EEOC delegations to OPM for operational control of agency information systems implementing affirmative recruitment programs and statistical reports to OPM. *Justification:* Required by Reorganization Plan No. 1 of 1978. OPM presently operates under a one paragraph interim delegation from EEOC. Published for comment 6/6/80. Proposed regulation for 60-day comment. Target Date: 1/82.	Dr. Philip, A. D. Schneider, Work Force Information Division, AR, (202) 632–6808.	No	No.
41. 5 CFR Part 720	Federal Equal Opportunity Recruitment Program (FEORP).	Final regulations to revise Part 720 to simplify data requirements relating to FEORP. *Justification:* To make possible maximum consistency with data requirements contained in EEOC's "Final Instructions for Federal Agency Affirmative Action Plans" and therefore reduce paperwork and calculation burdens on agencies. Target Date: 11/81.	A. Diane Graham, Office of Affirmative Employment Programs, (202) 632–4420.	No	No.
42. 5 CFR Part 731	Suitability for Federal Employment	Proposed new part to reflect delegation of suitability rating authority. *Justification:* Part 731 suitability rating authority has been delegated by the OPM to a number of agencies upon request of those agencies. Part 731 needs to be revised to address suitability rating actions of agencies with delegated authority. Current Current Status: Proposed regulation ready for internal clearance and approval. Target Date: Proposed regulations 12/81.	Robert Hubbard, Division of Personnel Investigations, Staffing Services, (202) 632–6152.	No	No.
43. 5 CFR Part 732	Personnel Security and Related Programs.	Proposed new part to address recent and possibly proposed changes in the personnel security program *Justification:* there has been a lack of consistency among agencies in designating position sensitivity based on national security and ADP security considerations. Contributing to this problem is the fact that the designation standards appear as *guidance* in the FPM rather than as regulatory *requirements.* Part 732 needs revision to incorporate the designation standards as regulatory requirements. Subject to OPM approval of the five-level security designation standards for positions, proposed by the interagency task force on GAO recommendations, new standards would be incorporated into Part 732 in lieu of the current criteria. Status: Completion pending receipt of published task force report and decision by Director on implementation. Target Date: 12/81.	Robert Hubbard, Division of Personnel Investigations, Staffing Services, (202) 632–6152.	No	No.
44. 5 CFR Part 736	Investigations	Proposed new part to reflect changes in the personnel investigations program. *Justification:* Investigative coverage for persons entering positions designated at the same level of sensitivity varies from agency to agency. Specific investigative requirements currently appear only as *guidance* in the FPM. In the interest of promoting greater uniformity in investigations, Part 736 needs to be revised to establish regulatory standards on investigative coverage at each level of sensitivity. Subject to OPM approval of the five levels of investigations proposed by the interagency task force on GAO recommendations, new investigative standards would be incorporated into Part 736 in lieu of the current coverage appearing in the FPM. Status: Completion pending receipt of published task force report and decision by Director on implementation. Target Date: 12/81.	John Crandell, Division of Personnel Investigations, Staffing Services, (202) 632–6152.	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule; E.O. 12291	Affects small entities; RFA
45. 5 CFR Part 752 Subpart F [1].	Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service.	Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. *Justification:* These actions are authorized by law. The regulations establish procedures for implementing the law. Interim regulations were issued on July 31, 1979. Need to publish final regulations. Target Date: 3/82.	Ann Ugelow, SES Division, EPMD, (202) 632-5820.	No	No.
46. 5 CFR Part 752	Adverse Actions	Final amendment clarifying the agency's obligations when an employee's health is an issue. *Justification:* Intended to define agency and employee obligations by OPM regulation to avoid harmful errors by agencies in effecting adverse actions resulting in costly reversals by appeals bodies. Target Date: 1/82.	Cynthia Field, Employee Relations, Policy Coordination Division, OPE, (202) 254-5517.	No	No.
47. 5 CFR Part 754	Adverse Actions by OPM	Proposed regulations revising 5 CFR 754 to apply to all specific adverse actions directed by OPM against agency employees. *Justification:* Currently, Part 754 applies only to actions based on suitability and fraud in examination; no procedures have been provided by regulations for other actions under section 5.3 of Civil Service Rule V. The revised part would additionally define the appropriate uses of cancellation of personnel actions. Changes are necessary to permit the proper usage of OPM's enforcement authority. Target Date: Proposed regulation 1/82.	Wilma Lehman, Employee Relations, Policy Coordination Division, OPE, (202) 254-5134.	No	No.
48. 5 CFR Part 790 [1]	Federal Employee Alcoholism and Drug Abuse Programs.	This rule is to implement and clarify the requirements for Federal civilian employees alcoholism and drug abuse programs contained in Pub. L. 91-616 and Pub. L. 92-255. *Justification:* These regulations are needed because MSPB no longer view FPM language as a firm legal basis for determining agency obligation in cases under appeal. MSPB recently overturned two agency actions for removal, citing that alcoholism and drug abuse are legal handicaps and that agencies must offer assistance to employees as a "reasonable accommodation" to their handicap. Target Date: 4/82.	Arthur J. Purvis, Employee Health Services Branch, WED, (202) 523-4550.	No	No.
49. 5 CFR Part 831	Government Claims for Recovery of Indebtedness	Final regulations prescribing procedures for submission of agency claims for recovery of an indebtness against benefits due form the Civil Service Retirement System. *Justification:* Required in conjunction with a pending court case—*Rhinehart v. Seneca, et al.* Target Date: 2/82.	Patricia Rochester, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
50. 5 CFR Part 831, Subpart S [1].	Withholding State Income Tax from Annuitants.	Final regulations on withholding of state income tax. *Justification:* New item required to implement section 1705 of Omnibus Reconciliation Act of 1981 (Pub. L. 97-35) to provide for withholding of state income taxes from civil service annuities. Target Date: 2/82.	Eugene Littleford, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
51. 5 CFR Part 831, Subpart M.	Retirement; Recovery of Annuity Overpayments.	Proposed regulation revising right to a hearing in certain situations when there has been an overpayment of annuity form the Civil Service Retirement System. *Justification:* As a result of Shannon v. *U.S.C.S.C.*, OPM is required to give a right to a hearing in a certain annuity overpayment cases. The final court order in this case restricts the circumstances in which hearing must be offered. The proposed regulatory change will reflect the final decision of the court. Target Date: 12/81.	Patricia Rochester, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
52. 5 CFR Part 831, 870, 871, and 890.	Retirement; Retention of Benefits upon Employment by Indian Tribal Organizations.	To provide for retention of CSR, FEHB, and FEGLI coverages by certain Federal employees who transfer to tribal organization employment. *Justification:* Regulations implement Pub. L. 93-638. Target Date: 3/82.	Beverly Carter, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
53. 5 CFR Parts 870, 871, 872, and 873.	Life Insurance and Optional Life Insurance.	Final regulations to implement the Federal Employees Group Life Insurance Act of 1980. Regulations were necessitated by enactment of Pub. L. 96-427. *Justification:* Interim regulation now in effect; final regulation must be issued for permanent operation of life insurance program. Target Date: 11/81.	John Landers, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.

REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT—Continued

[Nov. 1, 1981 through Apr. 30, 1982]

CFR part (and subpart or section number if applicable) or other authority	Title of affected part	Brief description and justification	Knowledgeable official, responsible office, and telephone number	Major rule: E.O. 12291	Affects small entities; RFA
54. 5 CFR Part 890	Federal Employees Health Benefits (FEHB).	To reinstate or eliminate the two deductibles an enrollee had to meet when the enrollee changed health plans during and open season and incurred covered expenses subject to a deductible before the open season change became effective at the beginning of the first pay period in January. *Justification:* To repeal interim regulations published 12/30/80 and reestablish original two deductible requirement. Target Date for final regulations: 11/81.	Lauretta R. Hall, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
55. 5 CFR Part 890	Federal Employees Health Benefits (FEHB).	Final regulations to define medically underserved areas for FEHB contract year 1982. *Justification:* Mandated by Pub. L. 96-179. Target Date: 12/81.	Lauretta R. Hall, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
56. 5 CFR Part 890, Subpart C.	Federal Employees Health Benefits (FEHB) (Registration and Enrollment).	Proposed change to enable Federal employees enrolled for high option FEHB coverage to elect low option coverage upon becoming eligible under the Civilian Health and Medical Program of the Uniformed Services. *Justification:* FEHB high option enrollees who become eligible for CHAMPUS coverage would not be able to switch to low option FEHB coverage until next open season which could be several months. During this time the enrollee as well as the Federal Government would be contributing to high option premium rather than a lesser low option premium, while the enrollee would be overinsured. Target Date: 11/81.	Mary Ann Mercer, Office of Pay and Benefits Policy, Compensation, (202) 632-4634.	No	No.
57. 5 CFR Part 900, Subpart F [1].	Intergovernmental Personnel Act Programs.	Modification of the Merit Standards for personnel administration. *Justification:* To ease the administrative burden placed on State and local governments by the merit system standards for personnel administration. Target Date: Proposed regulation 11/81.	Joseph W. Howe, Policy Coordination Division, OPE, (202) 254-5134.	No	No.
58. 5 CFR Part 930, Subpart B [1].	Appointment, Pay and Removal of Administrative Law Judges.	Proposed regulations to repeal outdated text in light of opinion of Attorney General, dated 12/8/78; and add text to reflect procedures for appeals by ineligible applicants per advice of OGC. Will clarify procedures for applicants who are dissatisfied with their rating obtained from the Office of Administrative Law Judges after completion of the examination process. *Justification:* This change in the regulations is intended to assure greater availability of information concerning appeals procedure and to minimize any confusion concerning the subject. Target Date: 1/82.	Marvin H. Morse, Director, Office of Administrative Law Judges, (202) 632-4004.	No	No.
59. 5 CFR Part 1001, Subpart C.	Regulations Governing Employees of the Office of Personnel Management: Employee Responsibilities and Conduct.	Remove Part 1001 from 5 CFR and publish internal Ethics standards in OPM administrative manual or supplement. *Justification:* Part 1001 is applicable solely to OPM employees and, as such, inclusion in the Code of Federal Regulations is not required. Internal ethics standards of OPM will be published, instead, in the agency administrative manual or supplement. Target Date: Proposed regulations 2/82.	Llewellyn Fischer, Office of the General Counsel, (202) 632-4518.	No	No.

[1] New item.

[FR Doc. 82-17 Filed 1-4-82; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 500, 501, and 503

[Docket No. ERA-R-81-12]

Powerplant and Industrial Fuel Use Act of 1978; Administrative Procedures and Exemption Criteria; Extension of Comment Period

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Extension of public comment period on proposed revisions to final rules.

SUMMARY: On November 30, 1981, the Department of Energy (DOE) revised its final rules implementing the Powerplant and Industrial Fuel Use Act of 1978 (FUA) to simplify the administrative procedures and exemption criteria applicable to owners or operators of new and existing electric powerplants and major fuel burning installations (MFBI's) which are subject to the prohibitions of the Act (46 FR 59872 (December 7, 1981)). On the same date, DOE also issued a notice of proposed rulemaking (NOPR), proposing several additional revisions to its final rules implementing FUA. The NOPR provided for a 30-day period for the submission of public comments, which would expire on January 6, 1982.

DOE's Economic Regulatory Administration (ERA) has received several motions for extension of the foregoing public comment period. The motions are based upon the fact that the 30-day comment period originally provided coincides with the holiday season, interfering with coordination of comments for companies and trade associations.

The issues addressed in the NOPR represent refinements of the basic evidentiary and eligibility rules finalized on November 30, 1981. ERA agrees that grant of the foregoing motions for extension is in the public interest, and would not unreasonably impede the effort to reduce unnecessary regulatory burdens under FUA. Therefore, for good cause shown, ERA hereby grants the motions to extend the public comment period on the November 30, 1981, NOPR, and will consider any public comments filed on or before February 4, 1982.

DATE: Comments should be filed with DOE on or before February 4, 1982.

ADDRESSES: All written comments should be addressed to Public Hearing Management, Department of Energy, Room 7146, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, and identified on the outside envelope and on each document with the designation: "Powerplant and Industrial Fuel Use Act, Docket No. ERA–R–81–12." Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, Room 7120, Federal Building, 12th and Pennsylvania Ave. NW., Washington, DC., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M St. NW., Washington, D.C. 20461, (202) 653–3372

Henry Garson, Office of General Counsel, Department of Energy, Room 6B–178, Forrestal Bldg., 1000 Independence Ave. SW., Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: Any information or data considered to be confidential must be submitted in compliance with the DOE freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., on December 29, 1981.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-306 Filed 1-4-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 20

[Docket No. 81N-0043]

Freedom of Information Files

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the FDA regulation on record retention of files on freedom of information requests. The amendment would allow for a reasonable record retention and destruction plan and relieve FDA of the burden of keeping these files indefinitely.

DATE: Comments by March 8, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerald Deighton, Freedom of Information Staff (HFI–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1813.

SUPPLEMENTARY INFORMATION: FDA issued and adopted comprehensive freedom of information (FOI) regulations in 1974 (21 CFR Part 20, 39 FR 44602; December 24, 1974). Included in these rules was 21 CFR 20.31, which reads:

The Food and Drug Administration shall maintain a permanent file of all requests for Food and Drug Administration records and all responses thereto, including a copy of all of the records furnished in response to a request. This file is available for public review during working hours.

In 1974, when a total of 2,600 FOI requests were received, such a rule appeared to place no undue burden on the agency. However, it soon became apparent that interest in obtaining FDA records had been drastically underestimated. In 1975 the total number of requests increased five-fold to 13,000, a total which has steadily increased before leveling off at about 32,000 in 1979 and nearly 34,000 in 1980.

As a result, the agency is now burdened with approximately 123,000 files occupying some 1,700 linear feet of space. With a few exceptions, which will be provided for, these files merely occupy space, serving no useful administrative, regulatory, or even historical purpose.

Thus, despite Federal Property Management regulations authorizing destruction of routine FOI request files in 2 years after date of reply, FDA has, by its own regulation, created a file system with no perceivable growth limit.

Therefore, FDA proposes an amendment of Part 20 which will (1) allow a reasonable record retention and destruction plan, (2) free a substantial amount of filing space, and (3) realize a considerable savings to the government. Except where denials and appeals are involved, the proposal would authorize FDA to dispose of FOI request files 2 years from the date of FDA's final response to the request. Adoption of the proposal would have the immediate effect of permitting FDA to dispose of a large number of unnecessary files and the long-term effect of permitting the agency to keep its FOI files to a more manageable size. It would also provide FDA an immediate savings of $42,000 per year at current storage rates and an additional $20,000 each year based on current yearly volume and storage rates. The proposal would provide for the retention, for longer periods of time, of files concerning FOI requests that FDA wholly or partially denied.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 20—PUBLIC INFORMATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 20 be amended by revising § 20.31 to read as follows:

§ 20.31 Retention schedule of request for Food and Drug Administration records.

(a) Unless unusual circumstances dictate otherwise, the Food and Drug Administration shall maintain and dispose of files of requests and responses furnished thereto within the time limits authorized by GSA General Records Schedule 14, FPMR 101–11–4, January 10, 1977, as follows:

(1) Files created by the receipt of and response to freedom of information requests, except denials and/or appeals, may be destroyed 2 years from date of final response.

(2) Files created by a freedom of information request which was wholly

or partially denied may be destroyed 5 years after the denial letter was issued.

(3) Files created by a freedom of information request which was wholly or partially denied and which denial was subsequently appealed to the Department of Health and Human Services may be destroyed 4 years after final determination by FDA or 3 years after final adjudication by courts, whichever is later.

(b) This destruction schedule will automatically be revised whenever the time limits pertaining to these records are revised by the GSA General Records Schedule.

Interested persons may, on or before March 8, 1982 submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the Regulatory Flexibility Act, FDA has carefully analyzed the economic effects of this proposal and has determined that the proposal would not have a significant economic impact on a substantial number of small entities. The basis for this determination is that the proposal would have no impact, adverse or beneficial, on the public. Because the proposed rule concerns agency management, it is not subject to Executive Order 12291.

Dated: December 22, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 168

[Docket No. 81N-0238]

Fructose; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Corrections

In FR Doc. 81-35421 appearing at page 60625 in the issue for Friday, December 11, 1981, make the following changes:

1. On page 60625, third column, under 2.1, the formula should read as follows:

$$[\alpha]_D^{20} = \frac{100\alpha}{1c} \quad -89° \text{ to } -93.5°$$

2. On page 60626, first column, under 7.1, the formula and the first line under "Where:" should read as follows:

$$[\alpha]_D^{20} = \frac{100\alpha}{1c}$$

where: α is the observed rotation

3. On page 60626, second column, second line under 7.9, insert "method" before "(ICUMSA"; and in the fifth line, the hyphen between "lead" and "kg" should be replaced by a slash.

BILLING CODE 1505-01-M

---

21 CFR Part 168

[Docket No. 81N-0256]

Powdered Dextrose (Icing Dextrose); Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Corrections

In FR Doc. 81-35425 appearing at page 60626 in the issue for Friday, December 11, 1981, make the following changes:

1. On page 60627, second column, 3.2 *Anti-caking agents*, should read as follows:

"3.2 *Anti-caking agents:* The following may be used, singly or in combination, provided that starch is not present:

Calcium silicate not more than 1.5% m/m
Calcium phosphate, tribasic not more than 1.5% m/m
Magnesium carbonate not more than 1.5% m/m
Magnesium stearate not more than 1.5% m/m
Silicon dioxide, amorphous (dehydrated silica gel) not more than 1.5% m/m
Silicates:
  Magnesium trisilicate not more than 1.5% m/m
  Sodium calcium alumino-silicate not more than 1.5% m/m"

2. On page 60627, second column, 4.3, "***(PB)***" should read "***(Pb)***"; and in 6.1, fifth line, insert "as" after *"monohydrate"*.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-75-81]

Treatment of Certain Interests in Corporations as Stock or Indebtedness

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed amendments to the regulations relating to treatment of certain interests in corporations as stock or indebtedness.

DATES: The public hearing will be held on March 10, 1982, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by March 8, 1982.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-75-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the regulations under section 385 of the Internal Revenue Code of 1954. The proposed regulations appears in the Proposed Rules section of this issue of the **Federal Register.**

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed rugulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 8, 1982.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by

questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for signficant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-37469 Filed 12-30-81; 3:03 pm]

BILLING CODE 4830-01-M

---

26 CFR Parts 1 and 15A

[LR-75-81]

Treatment of Certain Interests in Corporations as Stock or Indebtedness

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed revisions to regulations relating to the treatment of certain interests in corporations as stock or indebtedness. The Tax Reform Act of 1969 authorized the Secretary of the Treasury to prescribe the regulations that are proposed to be revised by this document. This document also contains proposed conforming regulations relating to the allocation of income and deductions among taxpayers and certain other matters. The regulations would affect corporations and their shareholders and creditors.

DATES: Written comments must be delivered or mailed by March 1, 1982. The regulations are proposed to apply to interests in corporations created after June 30, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-75-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Carolyn Swift of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR-T (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 385 of the Internal Revenue Code relates to the treatment of certain interests in corporations as stock or indebtedness. Final regulations under section 385 were filed with the Federal Register on December 29, 1980 and were published as T.D. 7747 in the **Federal Register** for Wednesday, December 31, 1980 (45 FR 86438). These regulations generally would have applied to certain interests in corporations created after April 30, 1981. However, at the invitation of the Treasury and Internal Revenue Service, a number of public comments on the final regulations were received after December 31, 1980. The comments recommended changes in several areas of those regulations. In order to give the Treasury and Internal Revenue Service sufficient time to fully examine these comments and determine whether changes should be made, the regulations were amended by a Treasury decision (published in the **Federal Register** as T.D. 7774 on May 1, 1981) to apply to certain interests in corporations only if they were created after December 31, 1981.

Treasury and the Internal Revenue Service have now evaluated the comments received after publication of the regulations filed on December 29, 1980 (the "December 29 regulations"). In response to these comments, a number of changes have been made. In addition to these substantive changes, many minor conforming changes (for example, changes in cross-references) have been made. To facilitate making these changes, the December 29 regulations are being amended by T.D. 7801 to apply to certain interests in corporations only if they are created after June 30, 1982. The document making this change appears in the final rules section of this issue of the **Federal Register.** In this document, changes are being proposed as amendments to the December 29 regulations. It is anticipated that the regulations under section 385, as amended, will apply to certain interests in corporations created after June 30, 1982.

The more important of the changes made in response to the public comments are discussed below.

Section 1.385-0—Purpose and General Explanation.

In order to aid taxpayers in getting an overview of the section 385 regulations, a general explanation of the regulations has been added. This explanation is intended to summarize the rules in relatively nontechnical way and to point out where the taxpayers may be outside the scope of the regulations or may be able to use various safe harbors. This new explanation is in addition to the summary of rules set forth in § 1.385-2 which is a more technical explanation serving as a source of references to the body of the regulations.

Section 1.385-1—Effective Date and Scope.

A number of comments raised questions about the application of the regulations in the international context. In order to provide Treasury and the Internal Revenue Service a further opportunity to study these questions, the proposed amendments will not apply to certain interests created in international transactions (see § 1.385-1(b)(3)). However, it should be emphasized that this exclusion of certain interests created in international transactions is only an interim measure pending further study and that the issuance of regulations applicable to such interests is contemplated. The public is encouraged to submit comments on what the regulations under section 385 should provide with respect to international transactions.

Several comments asked about the application of the regulations to interests created by cooperatives. The proposed regulations provide specific rules governing their application to interests created by cooperatives (see § 1.385-1(b)(2); § 1.385-6(a)(2)(v) and (h)(6)(viii)).

The proposed amendments also contain a new provision coordinating the hybrid instrument provisions under section 385 with the new installment sales provisions under section 453. This provision replaces the provision on this subject in the temporary installment sales regulations, § 15A.453-1(c)(8). Under the new provision, a hybrid instrument is outside the scope of the section 385 regulations if it is issued in exchange for property (other than money) and § 1.385-6 (relating to proportionality) does not apply to the instrument (see § 1.385-1(b)(4)). In effect, if a hybrid instrument issued in exchange for property is not issued proportionately, it will be treated as stock or debt under applicable principles of law outside the section 385 regulations. If a hybrid instrument is issued proportionately in exchange for property, it is treated as stock or debt under § 1.385-6(d) (including, where applicable under new § 1.385-6(d)(2), discussed below).

The December 29 regulations provided an exception to the effective date for instruments issued pursuant to a plan filed in a bankruptcy proceeding. To qualify for the exception, the instrument had to be issued pursuant to a plan of reorganization filed with the court on or

before December 29, 1980 in a proceeding under the Federl bankruptcy laws (Title 11, U.S.C.) or under the Regional Rail Reorganization Act of 1973. One comment pointed out that this standard might be difficult to apply where the bankruptcy court ultimately adopted a plan which drew from several different plans filed with the court at different times. To elminate this potential problem, under the proposed regulations, an instrument will qualify for this exceptin if it is issued pursuant to a plan of reorganization confirmed by the court in a proceeding under the Federal bankruptcy laws or under the Regional Rail Reorganization Act of 1973 and the proceeding is commenced on or before the date this notice of proposed rulemaking is filed with the **Federal Register** (see 1.385–1(a)(2)(i)).

The December 29 regulations also provided an exception to the effective date for certain instruments issued pursuant to a pre-existing binding written contract. This exception has been updated and clarified. In particular, under the provision in the proposed amendments, the contract must specify all the material terms and conditions of the instrument. The purpose of this requirement is to prevent a sole shareholder, e.g., from avoiding the effective date of the regulations by a pre-existing general commitment to provide funds to his or her corporation.

Section 1.385–2—Summary of Rules.

Only conforming changes have been made in the summary of rules.

Section 1.385–3—Definition of Terms.

A number of commenters expressed concern that the excessive or inadequate consideration rules (§ 1.385–3(a) of the December 29 regulations)—which applied to any instrument issued to a "shareholder"—might be applied to lenders owning relatively small amounts of stock or warrants. As a result, the interest rate on instruments issued to such lenders with small equity interests might have been adjusted through the application of § 1.385–3(a) of the December 29 regulations in conjunction with section 1232 or § 1.61–12(c)(2). Other commenters were unsure about how the excessive or inadequate consideration rules would apply to instruments issued to nonshareholders to whom stock ownership would customarily be attributed (e.g., the spouse or children of a shareholder).

In order to clarify the regulations on these points, Treasury decided to apply the excessive or inadequate consideration rules only to proportionately-held instruments rather than to instruments issued to shareholders (see § 1.385–6(c)). It was felt that this change was in keeping with the overall focus of the regulations on proportionate debt because shareholders have no economic incentive to set or enforce arm's length terms on proportionate debt.

Three points should be clarified, however, in connection with this change. First, under the December 29 regulations, there were situations where nonproportinate debt was treated as being held proportionately (§ 1.385–6(a)(7) of the December 29 regulations). In general, these are situations where, because of compensating arrangements involving the other shareholders, a shareholder holding debt nonproportionately may not have an economic incentive to act like an independent creditor. For example, if a 50-percent shareholder who owns all of the corporations' debt agrees to forego $5,000 of interest as part of an arrangement where the other 50-percent shareholder agrees to forego a $5,000 salary payment due from the corporation, the first shareholder's debt will be treated as held proportionately.

These rules will continue to apply as part of the proposed regulations (see § 1.385–6(a)(7)). Indeed, these rules will play an even more important role as a result of the restriction of the application of the excessive or inadequate consideration rules to proportionate debt.

Second, it is not intended that restricting the excessive or inadequate consideration rules to proportionate debt will affect the applicability under current law of section 301, section 1232 or the regulations thereunder to nonproportionate debt. For example, the investment unit rules of § 1.1232–3(b)(2)(ii) will continue to apply to an investment unit consisting of an obligation and shares of stock even if the class of obligations is not held proportionately. See examples (7), (8), and (9) of § 1.385–6(a)(6).

Third, it should be noted that the proposed amendments add a new provision which treats an instrument as if it were issued proportionately if (1) the instrument is held by a person who owns, actually or constructively, at least 25 percent of the value or voting power of the issuing coporation's stock and (2) the issuing corporation's debt-to-equity ratio, at the end of the year of issuance, exceeds 10:1. In effect, such an instrument (assuming it is a straight debt instrument) is subject to the independent creditor standard of § 1.385–6(g)(2) and to the "second look" rules of § 1.385–6 (k), (l), and (m). The reason for this provision is that when a lender owns a substantial amount of a corportion's stock and lends to the corporation when it has a very high debt-to-equity ratio, Treasury felt that this was evidence that the lender was acting more like a stockholder than a creditor with respect to the debt instrument. Thus, it was felt that, under these circumstances, the burden should shift to the lender to demonstrate that it is acting as an independent creditor with respect to the debt instrument.

Two additional changes have been made in the excessive or inadequate consideration provisions. First, under the December 29 regulations, the excessive or inadequate consideration provisions applied to all instruments, whether they were treated as indebtedness or stock under the section 385 regulations. Under the proposed amendments, the excessive or inadequate consideration provisions apply only to instruments treated as indebtedness under the regulations. If an instrument is initially treated as stock under the section 385 regulations, then the treatment of the excess of the consideration paid for the instrument over its fail market value (or the excess of the instrument's fair market value over the consideration paid-therefor) will be determined outside the section 385 regulations (see § 1.385–6(c) (1), (2) and (3)).

Second, under the December 29 regulations, the excess of the consideration paid for an instrument over its fair market value was automatically treated as a capital contribution and the excess of the instrument's fair market value over the consideration paid therefor was automatically treated as a section 301 distribution. Under the proposed amendments, such excesses will *ordinarily* be treated, respectively, as a capital contribution and a section 301 distribution but, under appropriate circumstances, may be treated as a gift followed by a capital contribution, as a section 301 distribution followed by a gift, as compensation for services, or as otherwise determined under general principles of tax law.

There was a provision in the December 29 regulations which enabled the Commissioner to disregard a noncommercial term of an instrument, in determing the fair market value of the instrument or the reasonableness of an interest rate, if the principal purpose of the term was to increase or decrease the instrument's fair market value or a reasonable rate of interest for the instrument. One comment pointed out that, in some sense, the purpose of *any* term of an instrument may be to increase or decrease its fair market value. Accordingly, this provision has been clarified to enable the

Commissioner to disregard a noncommercial term if its principal purpose is to increase or decrease the instrument's fair market value or a reasonable rate of interest for the instrument *for Federal tax purposes (see § 1.385–3 (a) (1) (iii)).*

Also, the example in this provision has been changed to make the sole shareholder an individual with large net operating loss carryovers rather than a nonresident alien. The only purpose of this change is to make the sole shareholder a U.S. person who would have an incentive to charge an above-market interest rate on a loan to the corporation. In view of the exclusion in connection with international transactions, all references to non-U.S. persons have been deleted. There is no significance to the fact that the shareholder has large net operating loss carryovers other than that it would give the shareholder an incentive to charge an above-market interest rate. See also example (3) of § 1.385–6(h)(5).

Finally, with the transfer of the excessive or inadequate consideration provisions from § 1.385–3 to § 1.385–6, § 1.385–3, has been reorganized and retitled "Definition of terms" instead of "Preliminary rules."

Section 1.385.4—Instruments generally.

Under § 1.385–4, (c) (1) (ii), if an instrument becomes stock under § 1.385–6, (k), (l), or (m), then the instrument is treated as having been exchnged (without recognition of gain or loss) for preferred stock in a recapitalization to which section 368(a)(1)(E) applies. This provision has been clarified concerning its application to an instrument which is reclassified as preferred stock because of a change in terms. If the change in terms is sufficiently substantial so that the changes in terms is treated as an exchange of instruments under applicable principles of tax law (without reference to the section 385 regulations), then § 1.385–4(c)(1)(ii) does not apply and the tax treatment of the constructive exchange is determined outside the section 385 regulations. However, if the change in terms is not treated as an exchange of instruments under applicable principles of the tax law, then § 1.385–4(c)(1)(ii) applies.

Section 1.385–5—Certain hybrid instruments.

Under the December 29 regulations, a hybrid instrument was treated as stock if, on the day of issue, the fair market value of the instrument without its equity features was less than 50 percent of the actual fair market value of the instrument (with those features). Several commenters were unsure about how to compute the fair market value of a hybrid instrument without its equity features.

In order to clarify the regulations on this point, the rules for determining whether a hybrid instrument should be treated as stock or indebtedness have been revised in the proposed amendments. Under § 1.385–5, as revised, a hybrid instrument is treated as stock, if on the day of issue, the fair market value of the "straight debt payments" with respect to the instrument is less than 50 percent of the fair market value of the instrument (see § 1.385–5(a)). The proposed amendments set forth a series of operating rules for determining these straight debt payments (see § 1.385–5(d)). For example, to the extent a hybrid instrument provides for a contingent payment that is contingent in amount, the straight debt payments are computed assuming the occurrence of the contingency resulting in the smallest possible payment under the instrument. To the extent the hybrid instrument provides for a contingent payment that is contingent as to timing, the straight debt payments are computed assuming the occurrence of the contingency providing for payment on the latest possible date under the instrument.

In computing the fair market value of the straight debt payments with respect to a hybrid instrument, the present value of each of the straight debt payments must be computed. The proposed amendments provide additional guidance for arriving at a discount rate for this present value calculation. On this point, the proposed amendments provide that the discount rate to be used in computing the present value of a straight debt payment payable at a future date is a reasonable rate of interest (determined without regard to the safe harbor of § 1.385–6(f)(2)) for an instrument in the amount of the straight debt payment payable on the date that the straight debt payment must be made and payable on the terms and conditions of such fixed payment (see § 1.385–5(d)(3)). An example illustrating this rule has also been added.

Also, the proposed amendments provide that, with respect to an instrument issued in a redemption of stock, the instrument will not be considered a hybrid instrument solely because amounts designated as principal or interest (or both) are, by operation of local law, payable only out of earned surplus (see § 1.385–5(c)(5)(v) and example (12) of § 1.385–5(f)). It should be emphasized that this provision applies only when the earned surplus restriction is imposed by state law and not when it arises by agreement of the parties.

In addition, in response to comments on this point, the proposed amendments clarify the circumstances under which a nonrecourse obligation will be considered a hybriud instrument (see § 1.385–5(c)(5)(iv) and example (13) of § 1.385–5(f)).

Finally, the definitions of "contingent payment" and related terms (fixed payments of interest, fixed payments of principal, and definitely ascertainable) have been retained from the December 29 regulations. The public is encouraged to submit comments on whether these definitions are satisfactory for the purpose of isolating "equity-like" payments (e.g., in the case of bonds subject to extensive covenants).

Section 1.385–6—Proportionality.

Several very important changes have been made in the provisions relating to proportionality.

Definition of proportionality. Many comments expressed the view that proportionality should be defined objectively. In view of the central role played by proportionality in the section 385 regulations, Treasury agrees that an objective definition for proportionality is appropriate.

Under a new provision in the proposed regulations, holdings of stock and a class of instruments will be considered substantially proportionate if the total overlap of ownership of stock and a class of instruments exceeds 50 percent (see § 1.385–6(a)(2)). Thus, for example, if the sole shareholder of a corporation owns 50 percent of a class of instruments and an independent creditor owns the other 50 percent of the class of instruments, the holdings of the corporation's stock and the class of instruments are not substantially proportionate. However, if the sole shareholder owned more than 50 percent of the class of instruments, the holdings of the stock and the class of instruments would be substantially proportionate.

Similarly, if a 50 percent shareholder of a corporation owns 100 percent of a class of instruments, holdings of the corporation's stock and the class of instruments are not substantially proportionate. However, if a more-than-50-percent shareholder of a corporation owns 100 percent of a class of instruments, then holdings of the corporation's stock and the class of instruments are substantially proportionate.

In connection with this objective test for proportionality, it should be emphasized that the fact that a class of instruments is proportionate does not

mean that the instruments are automatically treated as stock. It means only that the instruments are subject to the more stringent tests of § 1.385–6 in determining whether the instruments are treated as stock or indebtedness.

The objective test for determining whether there is proportionality contains several additional rules:

(1) *Attribution rules.* With some important modifications, the attribution rules of section 318 (a) apply to attribute the ownership of both stock and instruments (see § 1.385–6(a)(2)(ii) and the examples in § 1.385–6(a)(2)(vii)).

(2) *Definition of stock.* There is a definition of the term "stock" for purposes of determining proportionality (see § 1.385–6(a)(2)(iii) and examples (7) and (12) of § 1.385–6(a)(6)).

(3) *Special rule for certain redemptions.* There is a special rule for straight debt instruments issued proportionately in redemption of stock if section 302(a) would apply to the redemption (if the instrument were treated as indebtedness) and the section 483(c) interest rate is charged. Such instruments are initially treated as indebtedness and there is no adjustment of the interest rate under § 1.385–6(c) and section 1232 or § 1.61–12(c)(2); however, they are subject to the "second look" rules of § 1.385–6 (k), (l), and (m).

(4) *Rules for cooperatives.* There is a special rule for determining proportionality with respect to holdings in cooperatives (see § 1.385–6(a)(2)(v)).

Safe harbor. The December 29 regulations provided a safe harbor for a straight debt instrument if, in general, (i) the debt-to-equity ratio of the issuing corporation did not exceed 1:1; (ii) the instrument had a fixed maturity and provided for annual payments of interest at the section 6621 rate, a local prime rate, a rate determined by the Secretary of the Treasury taking into account the yield on U.S. obligations of comparable maturity, or any rate in between; and (iii) all principal and interest were paid when due. Many commenters urged that the debt-to-equity requirement for the safe harbor should be increased and that additional safe harbor interest rates should be added.

The proposed amendments increase the debt-to-equity limit from 1:1 to 3:1 (see § 1.385–6(f)(2)(ii)). In addition, they add as safe harbor interest rates the safe haven interest rates under section 482 (see § 1.385–6(f)(2)(i)(A)). As a result, the section 385 regulations now contain an extremely broad safe harbor enabling most taxpayers to assure that significant amounts of proportionate straight debt will be treated as debt for tax purposes. This increased safe harbor should be particularly beneficial for small businesses.

The interest rate two points above the prime rate has also been added as a safe harbor interest rate. The purpose of this addition is to allow taxpayers the certainty and simplicity of the safe harbor even if they choose to charge an interest rate somewhat above the prime rate—a rate that may more closely resemble the rate at which the corporation could borrow from independent creditors.

Reasonable rate of interest. The general rule of § 1.385–6(f)(1) provides that an interest rate on an instrument issued by a corporation is reasonable if it is within the normal range of rates paid to independent creditors on similar instruments by corporations of the same general size and in the same general industry, geographical location, and financial condition on the date the determination is made. This rule has been clarified to make explicit that the interest rate determined by the Secretary pursuant to § 1.385–6(f)(2)(i)(A) for instruments of comparable maturity is a floor for the reasonable interest rate as determined under this general rule. Of course, higher rates may well be appropriate for this purpose. (The interest rate might be lower, however, if the safe harbor of § 1.385–6(f)(2) is applicable).

Independent creditors. Several commenters requested that the regulations set forth the factors to be taken into account in determining whether a creditor will be considered an independent creditor for purposes of the regulations. Accordingly, the proposed amendments now set forth some of these factors (see § 1.385–6(b)(1)).

In addition, the safe harbor requirements for classification as an independent creditor have been substantially revised (see § 1.385–6(b)(2)–(4)).

Hybrid instruments issued proportionately. Under the December 29 regulations, a hybrid instrument was treated as stock if it was issued proportionately. Under the new proposed regulations, a class of hybrid instruments issued proportionately is not automatically treated as stock if, immediately after the class is issued, independent creditors (determined without regard to the "safe harbor" definition of independent creditor and without taking into account the creditor's holdings of the hybrid instruments at issue) own at least 20 percent of such class. In this case, the treatment of the hybrid instrument as debt or stock is determined under the general rule of § 1.385–5. It should be emphasized, however, that, even if the class is treated as debt under § 1.385–5, it remains subject (except for instruments held by independent creditors) to the "second look" rules of § 1.385.6 (k), (l), and (m).

Excessive debt. Under the December 29 regulations, a corporation's debt is considered "excessive" if (i) all of the instrument's terms and conditions and (ii) the corporation's financial structure, taken together, would not be satisfactory to a bank, insurance company or similar lending institution which makes ordinary commercial loans. (The taxpayer can avoid this test by meeting a safe harbor.) Under the proposed amendments, this rule is changed in one respect and is clarified in two additional respects (see § 1.385–6(f) (2) and (6)). First, the proposed amendments require the transaction to be satisfactory to an independent creditor (determined without regard to the "safe harbor" definition of independent creditor) rather than just to a bank, insurance company or similar lending institution which makes ordinary commercial loans.

Second, the proposed amendments clarify that the stated interest rate is one of the "terms and conditions" of the instrument. Thus, if the interest rate would not be acceptable to an independent creditor, then the issuing corporation's debt is excessive (unless the safe harbor is met). However, the proposed amendments provide that an interest rate will be considered acceptable to an independent creditor for this purpose if a rate one point lower or one point higher would be acceptable to such creditor.

Third, the proposed amendments clarify that the instrument's terms and conditions (including the interest rate) are to be considered as a whole for purposes of this test. This means that slight nonmaterial deviations from particular terms or conditions that would be required by an independent creditor will not cause the instrument to fail this test if, considered as a whole, the terms and conditions would be acceptable to an independent creditor.

Debt-to-equity ratio. The debt-to-equity ratio of the issuing corporation is computed using the adjusted basis of the corporation's assets. For the reasons stated in the "Explanation of Changes" in the December 29 regulations (45 FR 86443), Treasury believes that, for the purposes of the section 385 regulations, adjusted basis of assets (and not fair market value) should be used in the debt-to-equity ratio computation. Accordingly, this rule is retained in the proposed regulations.

However, several commentators pointed out that, as a result of the new Accelerated Cost Recovery System ("ACRS") enacted as part of the Economic Recovery Tax Act of 1981, the adjusted basis of recovery property (within the meaning of section 168) will decline so rapidly that it will no longer be a sensible way to compute a corporation's equity in its assets. Treasury agrees that the adjusted basis of recovery property should not be used in computing debt-to-equity ratio. Moreover, it was felt that if a change were made in the method for computing adjusted basis for recovery property for purposes of computing debt-to-equity ratio, simple fairness dictated that a parallel change be made in making the calculation for older property that had been depreciated on an accelerated method. Accordingly, the proposed regulations compute the adjusted basis of property subject to an allowance for depreciation by computing depreciation deductions in the same manner as the adjustments to earnings and profits for depreciation under section 312(k) (see § 1.385–6(h)(6)(i)). Thus, for example, under current section 312(k)(3), depreciation deductions for recovery property would be computed, in general, using the straight-line method with no salvage value and using a recovery period determined in accordance with the following table:

In the case of—	The applicable recovery period is (years)
3-year property	5
5-year property	12
10-year property	25
15-year real property	35
15-year public utility property	35

For depreciable property acquired before 1981 and depreciated using an accelerated method of depreciation, adjusted basis (for purposes of computing debt-to-equity ratio) would generally be computed using straight line depreciation.

The proposed amendments also provide a rule for computing the debt-to-equity ratio when the excessive or inadequate consideration provisions apply. Under this rule, the debt-to-equity ratio is computed before the excessive or inadequate consideration rules are applied (see § 1.385–6(h)(4)). Thus, for example, if an instrument is issued bearing an unreasonably low interest rate and, as a result, a capital contribution would be imputed under § 1.385–6(c), the debt-to-equity ratio of the issuing corporation is computed before imputation of the capital contribution.

The regulations provide special rules for computing the debt-to-equity ratio of an affiliated group of corporations. In the December 29 regulations, the term "affiliated group" was defined by reference to section 279(g). Under section 279(g), the term "affiliated group" has the same definition as in section 1504(a) except that (i) the exclusions of section 1504(b) are not applicable and (ii) the "acquired corporation" is not considered an includible corporation. The latter departure from the definition in section 1504(a) was inadvertent. Accordingly, § 1.385–6(j)(1) has been modified to clarify that the definition of "affiliated group" for purposes of the regulations under section 385 shall be the same as in section 1504(a) except that no corporation shall be excluded from the group by the exclusions of section 1504(b).

Finally, an example has been added to clarify further the application of the rules for computing the debt-to-equity ratio of an affiliated group of corporations (see example (4) of § 1.385–6(j)(2)).

Nonpayment of interest. In the December 29 regulations, payment of interest with property other than money (*e.g.*, a note) was considered actual payment to the extent of the fair market value of the property. Under the proposed amendments, payment of interest with property other than money is considered actual payment to the extent such property is includible in the income of the holder of the instrument (see § 1.385–6(l)(3); § 1.385–7(c)(2)). For this purpose, interest is considered includible in the income of a tax-exempt entity (*e.g.*, a charitable organization) if it would be subject to tax if the entity were not tax-exempt.

Section 1.385–7—Certain Other Obligations.

Under the December 29 regulations, there was an exception to § 1.385–7 for loans which were repaid within 6 months but only to the extent that the outstanding balance of such loans (and demand instruments) did not exceed $25,000. A number of comments expressed the view that unwritten loans in excess of $25,000 which were repaid within a short period should also not be treated as capital contributions merely because a reasonable interest rate was not charged. Other comments noted that this provision might be burdensome for small businesses.

Treasury agrees that an unwritten loan which is actually repaid within a short period (and not renewed or offset in some manner) should not be treated as a capital contribution because of the failure to pay interest at a reasonable rate. Treasury also wanted to provide a rule that small businesses could comply with. Accordingly, this exception has been substantially expanded to exclude from § 1.385–7 all loans (regardless of amount) which are repaid within 120 days after the end of the taxable year in which the loan is made (see § 1.385–7(a)(2) and examples (3) and (4) of § 1.385–7(e)).

By providing that the loan can be repaid within 120 days after the end of the taxable year in which the loan is made, this provision allows the accountant for a small corporate business, upon an annual review of the corporation's books, to advise the corporation to repay the loan before it is irrevocably classified as a contribution to capital. Although there is a strong policy to treat cash advances by shareholders as capital contributions where there is neither the observance of the requisite formality of a written instrument nor the payment of interest at a reasonable rate, it was felt that this policy could be mitigated to provide this practical solution for small businesses.

Treasury believes that at least some significant amount of interest should be paid with respect to these short-term loans, particularly in view of the extention in the permissible period of repayment from 6 months to as long as 16 months. It was felt, however, that an interest rate requirement (e.g., a requirement that the loan be repaid with interest at the rates specified under section 482) would be a proverbial "trap for the unwary" for small businesses when noninterest bearing advances may be made for a few days. Accordingly, rather than treat all noninterest-bearing advances automatically as equity, Treasury decided that interest should be imputed at the section 482 rate as a condition for being able to use the exception for loans repaid within 120 days after the end of the taxable year of the loan. Therefore, the new rule provides that if a loan within the exception for loans repaid within 120 days after the end of the taxable year of the loan is not repaid with interest at an arm's length rate (within the meaning of § 1.482–2(a)(2)), then interest at the rate set forth in § 1.482–2(a)(2)(iii)(B)(2) shall be imputed.

In addition, there is a provision clarifying when a loan will be considered to be renewed or offset (and therefore not actually repaid) (see § 1.385–7(a)(2)(iii)).

Section 1.385–8—Locked Interests.

Only conforming changes have been made to § 1.385–8.

Section 1.385–9 of the December 29 Regulations—Guaranteed Loans.

Section 1.385–9 of the December 29 regulations, relating to guaranteed loans, has been omitted from the proposed regulations. The reason is to clarify—it is hoped beyond doubt—that the section 385 regulations are not intended to change existing case law relating to the circumstances under which a third party loan to a corporation which is guaranteed by a shareholder will be recharacterized as a loan to the shareholder followed by a capital contribution by the shareholder to the corporation. Thus, the existing case law, including such cases as *Plantation Patterns, Inc.*, v. *Commissioner*, 462 F.2d 712 (5th Cir. 1972), cert. denied, 404 U.S. 1076 (1972), aff'g T.C. Memo Dec. 1970–82 (1970), will continue to govern whether such recharacterization is appropriate.

Section 1.385–10 of the December 29 Regulations—Certain Preferred Stock.

Section 1.385–10 of the December 29 regulations, relating to preferred stock, has been omitted from the proposed regulations. Accordingly, the existing case law will continue to govern whether a preferred stock bears a sufficient substantive resemblance to debt for it to be treated as debt for tax purposes.

Treasury and the Internal Revenue Service are continuing to study whether further guidance in this area should be provided to taxpayers. The public is thus encouraged to submit comments relating to this area.

Provision Relating to Section 171.

If a corporation issues an instrument proportionately for its face amount and the interest rate on the instrument is unreasonably high, then the fair market value of the investment would exceed the consideration paid for the instrument. If the instrument is treated as indebtedness, this excess is treated as a section 301 distribution. In addition, the shareholder's basis for the instrument is increased by the amount of the section 301 distribution. See § 1.301–1 (j); § 1.385–6 (c) (3) example (5). As a result, the basis of the note would exceed the face amount of the note and the note would be considered to be issued at a premium. See section 171 (b); § 1.61–12 (c) (2). The corporation would be required to amortize the premium, resulting in an effective reduction of its interest deduction with respect to the instrument. Correspondingly, it would generally be advantageous to the shareholder to elect to amortize the premium and thereby effectively reduce the amount of interest to be included in the shareholder's income.

However, the shareholder can amortize the premium only if an election has been made in accordance with § 1.171–3. Under this section, the election must be made by claiming a deduction for bond premium on the return for the first taxable year to which the taxpayer wishes the election to apply. Thus, if a final determination that the instrument had been issued at a premium is not made until several years after the instrument is issued (e.g., as a result of a settlement between the Service and the taxpayer or a final court decision), it may be too late to elect to amortize the premium for the year of issue and interim years.

To allow the shareholder the benefit of amortizing this premium for these years (to the extent such years are open years for the shareholder), the regulations under section 171 have been amended to provide that the election under section 171 shall (unless the taxpayer elects otherwise) be deemed to apply to these years (see new § 1.171–3 (d)).

Initial Regulatory Flexibility Analyses

The proposed amendments to the regulations under section 385 are being issued in response to the public comments on the December 29 regulations that have been received at Treasury's invitation and as a result of further study of the regulations by Treasury and the Internal Revenue Service. The objective of the proposed amendments is to provide further guidance on the treatment of certain interests in corporations as stock or indebtedness for Federal tax purposes. The proposed amendments are prescribed pursuant to authority granted in section 385 of the Internal Revenue Code.

The proposed amendments relate to the treatment of certain interests in corporations as stock or indebtedness. Thus, they have potential application to all small entities which are corporations, and to their shareholders and creditors.

The proposed amendments do not create new reporting, or recordkeeping, or other similar compliance requirements.

The proposed amendments do not duplicate, overlap or conflict with any existing Federal regulations.

The purpose of the regulations under section 385 is to replace the voluminous and uncertain case law with a set of rules that will enable taxpayers to plan their transactions with the knowledge of the likely treatment of certain interests as debt or equity for Federal tax purposes. It is not feasible to exempt small corporations from these rules because, as an examination of the case law will readily demonstrate, the principal problem addressed by the regulations—the extent to which proportionate debt should be treated as debt for Federal tax purposes—is a problem arising most often in the context of a small, closely held corporation.

However, the proposed amendments would make several changes which are particularly beneficial for small business. For example, the safe harbor provided by the December 29 regulations has been significantly expanded. The safe harbor under the December 29 regulations applied only if the issuing corporation's debt-to-equity ratio was 1:1 or less and certain specified interest rates were charged. Under the proposed amendments, the boundary of the safe harbor has been expanded to 3:1. Also, several additional safe harbor interest rates have been added—most notably the safe haven rates under section 482. The existence of a broad safe harbor is of particular significance to small businesses.

As another example, a general, nontechnical explanation of the regulations has been added. This will also be of particular benefit to small businesses.

The proposed amendments fall into two main categories:

(1) Proposed changes that would liberalize the December 29 regulations (e.g., broadening of the safe harbor); and

(2) Proposed changes that would replace subjective rules with objective rules (e.g., definition of proportionality).

Since, as explained above, it is not feasible to exempt small entities from the section 385 regulations, the main alternatives considered were making particular rules more or less liberal (e.g., making the safe harbor debt-to-equity ratio either greater or less than 3:1) and leaving particular rules subjective rather than objective. As to the first type of alternative, it was concluded that the rules ultimately proposed struck an appropriate balance between preventing abuses in the debt-equity area and providing workable rules for small business. As to the second type of change, it was decided that, in the situations where objective rules were proposed, the advantage of objective rules in providing certainty outweighed the disadvantage of not providing the theoretically correct outcome in every case.

The actual changes are discussed in greater detail in the balance of the preamble.

Comments and Requests for a Public Hearing: Before these proposed regulations are adopted, consideration

will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing has been scheduled and will be held on March 10, 1982. Notice of the time and place of this hearing appears in the notice of hearing section of the issue of the **Federal Register**.

Drafting Information: The principal author of these proposed regulations is Carolyn Swift of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations: The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.166–9 [Amended]

Paragraph 1. Section 1.166–9(c) is amended by removing "(see § 1.385–9)" from subparagraph (1).

Paragraph 2. Section 1.171–3 is amended by adding the phrase "except as provided in paragraph 9d) of this section" at the end of the forth sentence of paragraph (a) and by adding paragraph (d) to read as follows:

§ 1.171–3 Election with respect to taxable and partially taxable bonds.

* * * * *

(d) *Coordination with regulations under section 385.* If a corporation issues an instrument (as defined in § 1.385–3(b)) to a taxpayer and

(1) The election described in paragraph (a) of this section is not otherwise in effect with respect to the instrument for one or more of the taxable years during which the instrument is outstanding; and

(2) As a result of a determination (as defined in section 1313(a)) with respect to the taxpayer, the instrument is found to have been issued at a premium pursuant to § 1.385–6(c)(2) (see also example (5) of § 1.385–6(c)(4) and section 171(b)), then such election shall be deemed to have been made with respect to the instrument as of the taxpayer's first open taxable year during which the instrument is outstanding. Such deemed election shall apply only to such instrument. The rules set forth in paragraph (a) of this section shall remain applicable to any other bonds owned by such taxpayer. Such deemed election shall not apply with respect to an instrument if, within 120 days of the determination described in paragraph (d)(2) of this section, the taxpayer files a statement to this effect with the Internal Revenue Service Center at which the taxpayer is required to file its return.

Paragraph 3. Sections 1.385–1 through 1.385–10 are amended by removing §§ 1.385–9 and 1.385–10, by adding § 1.385–0, and by revising § 1.385–1 through § 1.385–8. The added and revised sections read as follows:

§ 1.385–0 Purpose and general explanation.

(a) *Purpose.* Section 385(a) authorizes the promulgation of regulations to determine whether the creation of an interest in a corporation results in a debtor-creditor or corporation-shareholder relationship. Section 385(a) contemplates regulations that will determine not only when an interest in a corporation that is labeled debt will be treated as debt for tax puroses but also when such an interest will be treated as stock. However, not every interest in every corporation is subject to the regulations under section 385 because section 385(a) authorizes regulations only as they may be necessary or appropriate.

(b) *Focus of regulations; initial inquiries*—(1) *Instruments.* Under the section 385 regulations, certain interests in a corporation are characterized as stock or indebtedness immediately after the interest is created. If, under local law, an interest in a corporation is treated as indebtedness and if the interest is evidenced by a writing such as a bond, note or debenture, the writing is called an "instrument." Unwritten loans and loans not evidenced by an instrument (e.g., appearing on a corporation's books or in a board of directors' resolution) are distinguished from instruments and may be treated differently under the section 385 regulations

(2) *Straight debt instruments and hybrid instruments.* The section 385 regulations distinguish between straight debt instruments and hybrid instruments. Instruments that are either convertible into stock or provide for any contingent payment are "hybrid instruments." (For redemptions, earned surplus limitations imposed by local law do not cause a payment to be contingent). All other instruments are "straight debt instruments."

(3) *Proportionality.* The section 385 regulations focus on instruments that are held in substantially the same proportions as the corporation's stock. Generally, proportionality is considered to exist when there is a greater than 50 percent overlap between the ownership of stock and the class of instruments being characterized under these regulations. For this purpose, holdings of certain persons (e.g., family members) may be aggregated under attribution rules.

(c) *Operation of regulations; no proportionality.*—(1) *Straight debt instruments.* Straight debt instruments not issued proportionately are ordinarily treated as indebtedness under the regulations. However, if an instrument is issued to a 25 percent shareholder and the corporation's debt-to-equity ratio exceeds 10:1, then the instrument is treated as if it were issued proportionately.

(2) *Hybrid instruments.* Hybrid instruments not issued proportionately are generally treated as indebtedness if the present value of straight debt payments with respect to the instrument is at least half of the fair market value of the instrument. However, if a hybrid instrument is issued nonproportionately in exchange for property (e.g., a sale of a business to a corporation unrelated to the seller in exchange for a note providing for payments contingent on the profits of the business), the instrument is outside the scope of the section 385 regulations.

(d) *Operation of regulations; proportionality.*—(1) *Straight debt instruments.* The following fules apply to straight debt instruments issued proportionately:

(i) *Ratio not exceeding 3:1.* If the issuing corporation's debt-to-equity ratio does not exceed 3:1, then the instrument may qualify for the safe harbor described below in paragraph (d)(2)(iv) of this section.

(ii) *Inside ratio not exceeding 3:1 and outside ratio not exceeding 10:1.* If the issuing corporation's debt-to-equity ratio exceeds 3:1 (or the safe harbor is otherwise not satisfied) but the corporation's inside debt-to-equity ratio (excluding liabilities held by independent creditors) does not exceed 3:1 and its outside debt-to-equity ratio (including such liabilities) does not exceed 10:1, then:

(A) The instrument is treated as indebtedness;

(B) If the stated rate on the instrument is not reasonable this interest rate may, in effect, be adjusted to a reasonable rate. In general, this is done by treating an instrument as issued for an amount equal to its fair market value (rather than the amount purportedly paid for the instrument) and then applying the original issue discount or bond premium provisions; and

(C) The instrument, even though initially classified as indebtedness, may subsequently be reclassified as stock under the "second look" rules. Under these "second look" rules, an instrument may be reclassified as stock if there is a failure to pay interest or principal when due, there is a change in terms, or interest on a demand instrument is not paid at a reasonable rate.

(iii) *Inside ratio exceeds 3:1 or outside ratio exceeds 10:1.* If the issuing corporation's inside debt-to-equity ratio exceeds 3:1 or its outside debt-to-equity ratio exceeds 10:1, then the interest rate is not adjusted and the instrument is classified as stock unless the terms and conditions of the instrument coupled with the issuing corporation's financial structure would have been acceptable to an independent creditor (determined without regard to the independent creditor "safe harbor"). Even if the instrument is treated as indebtedness under this test, the instrument may subsequently be reclassified as stock under the "second look" rules described above in paragraph (d)(2)(ii)(C) of this section

(iv) *Safe harbor.* In general, the regulations under section 385 provide a safe harbor for a straight debt instrument issued by a corporation for its face amount whenever all of the following conditions are satisfied:

(A) *Principal and interest.* The instrument has a fixed maturity date and provides for annual payments of interest at (*1*) the rate in effect under section 6621, (*2*) the prime rate in effect at any local commercial bank (or the rate two points above such rate, (*3*) a rate determined from time to time by the Secretary taking into consideration the average yield on outstanding marketable obligations of the United States of comparable maturity, (*4*) the endpoints of the range of rates set forth in § 1.482–2(a)(2)(iii)(B)(*1*), or (*5*) any rate in between.

(B) *Debt-to-equity.* The debt-to-equity ratio of the corporation does not exceed 3:1.

(C) *Paid when due.* All principal and interest on the instrument are paid when due.

If a straight debt instrument falls within the safe harbor, then it will be treated as indebtedness when issued, the interest rate will not be adjusted through the imputation of original issue discount or bond premium, and (assuming its terms are not changed) it will not be subsequently reclassified as stock.

(2) *Absolute safe harbor for independent creditors.* Even if a class of straight debt instruments is issued proportionately, if one (or more) of the instruments in the class is issued to an independent creditor, the instrument will be treated as indebtedness and the interest rate will not be adjusted through the imputation of original issue discount or bond premium.

(3) *Hybrid instruments.* A hybrid instrument issued proportionately is generally treated as stock. However, if a class of hybrid instruments is issued proportionately but at least 20 percent of the class is owned by independent creditors (determined without regard to the independent creditor "safe harbor"), then the class of hybrid instruments is not automatically treated as stock; rather, the instruments will initially be treated as stock only if the present value of the straight debt payments with respect to the instruments is less than 50 percent of the fair market value of the instruments. The "second look" rules will also apply to the instruments not held by independent creditors.

(4) *Special rule for redemptions.* If a shareholder receives a proportionately-issued straight debt instrument in a redemption that would qualify for non-dividend treatment under section 302 if the instrument were treated as debt, the regulations under section 385 initially treat the straight debt instrument as indebtedness, subject to subsequent application of the "second look" rules. For redemptions only, earned surplus limitations imposed by local law do not affect the treatment of an instrument as a straight debt instrument.

(e) *Cross reference.* See 1.385–2 for a more detailed, technical summary of the regulations under section 385.

(f) *Cautionary note.* This section is merely a summary of the regulations under section 385 and is subject to all respects to the more complete rules contained in §§ 1.385–1 and §§ 1.385–3 through 1.385–8.

§ 1.385–1 Stock or indebtedness.

(a) *Effective date*—(1) *In general.* The regulations under section 385 apply to instruments (as defined in § 1.385–3(b)) issued after June 30, 1982 and to loans described in § 1.385–7 made after June 30, 1982.

(2) *Exceptions.* The regulations under section 385 do not apply to—

(i) Instruments issued pursuant to a plan of reorganization confirmed by the court in a proceeding under the Federal bankruptcy laws (Title 11, U.S.C.) or under the Regional Rail Reorganization Act of 1973, if the proceeding is commenced on or before December 30, 1981; or

(ii) Instruments issued pursuant to a written contract which specifies all the material terms and conditions of the instrument and which is binding on December 30, 1981 and at all times thereafter, provided that the lender does not have an option not to acquire the instrument.

(b) *Scope*—(1) *In general.* The regulations under section 385 contain rules under which certain interests in corporations are treated as stock or indebtedness. All other interests (such as bank deposits, insurance policies, claims for wages, and trade accounts payable) are outside the scope of the regulations.

(2) *Cooperatives.* The regulations under section 385 apply to cooperatives described in section 1381(a). However, interests that constitute written notices of allocation under 1388(b), per-unit retain certificates under section 1388(g), or membership paper are outside the scope of the regulations under 385. For purposes of the regulations under section 385, "membership paper" means any evidence of a fee (payable in cash or other property) charged to a member or a patron for participation in the cooperative regardless of whether the fee is to be paid once or periodically or whether the fee is returnable in whole or part. See § 1.385–6(a)(2)(v) for the characterization of the interests described in this subparagraph for purposes of determining proportionality of holdings in a cooperative. See § 1.385–6(h)(6)(viii) for the characterization of these interests in computing the debt-to-equity ratio of a cooperative.

(3) *International transactions.* Until such time as further regulations relating to the application of the section 385 regulations to international transactions are issued, any instrument issued in an international transaction or any loan described in § 1.385–7 made in an international transaction is outside the scope of the section 385 regulations. For purposes of the preceding sentence, an instrument or loan described in § 1.385–7 is issued or made in an international transaction if it is an instrument issued by or to, or a loan described in § 1.385–7 made to or by, (i) a person that is not a United States person or (ii) a domestic corporation dividends from which are or would be treated under section 861(a)(2)(A) as income from sources without the United States.

(4) *Certain hybrid instruments issued for property.* A hybrid instrument (as defined in § 1.385–3(d)) is outside the scope of the regulations under section 385 if it is issued in exchange for property (other than money) and § 1.385–6 (relating to proportionality) does not apply to such instrument. For purposes of this paragraph (a)(4), § 1.385–6 will be considered to apply to

an instrument if, but for the exception provided by § 1.385–6(d)(2), § 1.385–6(d)(1) would apply to such instrument.

(5) *Consequences if outside scope.* Any interest outside the scope of the regulations under section 385 will be treated as stock or indebtedness under applicable principles of law without reference to the regulations under section 385.

(6) *Similar distinctions.* Certain other sections of the Internal Revenue Code make distinctions that are similar to (but not the same as) the one between stock and indebtedness. Section 385 does not necessarily govern these distinctions. Thus, for example, an interest in an organization may be treated as indebtedness under section 385, but the net profits of the organization may, by reason of the indebtedness, inure to the benefit of the holder within the meaning of section 501(c). Similarly, section 385 does not affect the availability of the investment tax credit with respect to a loan treated as an ownership interest within the meaning of section 48(k)(1)(C) (relating to the investment credit for movies). See § 1.48–8(a)(4)(iii).

(c) *Authority.* Sections 1.385–1 through 1.385–8 are prescribed under the authority of section 385. In addition, certain provisions in these sections derive additional authority under section 7805, because they interpret other sections of the Internal Revenue Code, including section 301 (relating to distributions of property), section 1012 (relating to basis), and section 1232 (relating to original issue discount).

§ 1.385–2 Summary

(a) *Instruments issued proportionately*—(1) *Straight debt instruments.* Straight debt instruments (as defined in § 1.385–3(e)) issued proportionately to the issuing corporation's shareholders are ordinarily treated as indebtedness. Exceptions may apply where the issuing corporation has excessive debt (see § 1.385–6(g)), or where the instruments are not issued for money, (see § 1.385–6(e)) or are payable on demand (see § 1.385–6(m)). Additionally, straight debt instruments initially treated as debt may be reclassified as stock where there is a failure to pay interest or principal when due (see § 1.385–6 (l) and (m)(3)) or where there is a change in terms (see § 1.385–6(k)).

(2) *Hybrid instruments.* Hybrid instruments (*e.g.*, income bonds or convertible debentures) are generally treated as stock if they are issued proportionately (see § 1.385–6(d)). There is an exception, however, if at least 20 percent of the class of hybrid instruments is held by independent creditors (determined without regard to the independent creditor safe harbor) (see § 1.385–6(d)(2)).

(b) *Instruments not issued proportionately*—(1) *Straight debt instruments.* Straight debt instruments not issued proportionately are ordinarily treated as indebtedness. However, if an instrument is issued to a 25-percent shareholder and the corporation's debt-to-equity ratio exceeds 10:1, then the instrument is treated as if it were issued proportionately (see § 1.385–6(a)(2)(vi)).

(2) *Hybrid instruments.* Hybrid instruments not issued proportionately are generally treated as stock if the value of the straight debt payments with respect to the instrument is less than half of the fair market value of the instrument (see § 1.385–5). Otherwise, they are generally treated in the same manner as straight debt instruments.

(c) *Ancillary rules*—(1) *In general.* In addition to the primary rules described in paragraphs (a) and (b) of this section, the regulations under section 385 also contain a variety of significant ancillary rules. These rules are subordinate in the sense that they do not apply directly to treat any interest as stock or indebtedness. However, they are essential to the working of the regulations.

(2) *Proportionality.* Section 1.385–6(a)(2) defines when holdings of a corporation's stock and a class of instruments are substantially porportionate. This definition is significant—

(i) When instruments are issued for excessive or inadequate consideration (see § 1.385–6(c));

(ii) When hybrid instruments are issued (see § 1.385–6(d));

(iii) When instruments are issued other than in consideration for money (see § 1.385–6(e));

(iv) When an instrument is issued by a corporation with excessive debt (see § 1.385–6(g));

(v) When there is a change in an instrument's terms (see § 1.385–6(k));

(vi) When there is nonpayment of interest on an instrument (see § 1.385–6(l));

(vii) When an instrument is payable on demand (see § 1.385–6(m)).

(3) *Adjustment of interest rate.* If instruments issued proportionately are treated as indebtedness but do not carry a reasonable rate of interest, § 1.385–6(c) provides a mechanism to adjust the rate to a reasonable rate by comparing the fair market value of the instrument with the cash consideration paid for it. If there is a difference between the value of the instrument and the cash consideration paid therefor, the amount deemed to be paid for the instrument is adjusted and this ordinarily results in the creation of either original issue discount (see section 1232) or amortizable bond premium (see section 171(b)). This result ensures that the holders take a reasonable amount into income as interest received, and that the issuing corporation takes a reasonable deduction for interest paid on the instruments each year (see § 1.61–12(c)(2)).

(4) *Reasonable rate of interest.* Section 1.385–6(f) contains rules for determining whether a rate of interest is reasonable. These rules are significant—

(i) Where instruments are issued proportionately other than in exchange for money (see § 1.385–6(e));

(ii) Where instruments are held proportionately and there is a change in terms (see § 1.385–6(k)) or nonpayment of principal (see § 1.385–6(l)(3));

(iii) Where instruments held proportionately are payable on demand (see § 1.385–6(m));

(iv) Where loans of money made to a corporation by persons other than independent creditors are not evidenced by an instrument (see § 1.385–7); and

(v) In determining the fair market value of an instrument (see § 1.385–3(a)(2)).

(5) *Debt-to-equity ratio.* Paragraphs (h) and (j) of § 1.385–6 contain rules for determining a corporation's debt-to-equity ratio. These rules are significant in determining—

(i) Whether a rate of interest is presumptively reasonable (see § 1.385–6(f)(2)); and

(ii) Whether a corporation has excessive debt (see § 1.385–6(g)).

(6) *Fair market value.* Section 1.385–3(a) contains rules for determining the fair market value of an instrument. These rules are significant in determining—

(i) Whether the interest rate will in effect be adjusted under § 1.385–6(c) (and section 1232 or § 1.61–12(c)(2)); and

(ii) Whether a hybrid instrument is treated as stock (see § 1.385–5).

(d) *Safe harbor.* In general, the regulations under section 385 provide a safe harbor for a straight debt instrument (as defined in § 1.385–3(e)) issued by a corporation for its face amount whenever all of the following conditions are satisfied:

(1) *Principal and interest.* The instrument has a fixed maturity date and provides for annual payments of interest at (i) the rate in effect under section 6621, (ii) the prime rate in effect at any local commercial bank (or a rate two points above such rate), (iii) a rate determined from time to time by the Secretary taking into consideration the

average yield on outstanding marketable obligations of the United States of comparable maturity, (iv) either of the endpoints of the range of rates set forth in § 1.482–2(a)(2)(iii)(B)(1),or (v) any rate in between.

(2) *Debt-to-equity ratio.* The debt-to-equity ratio of the corporation does not exceed 3:1.

(3) *Paid when due.* All principal and interest on the instrument are paid when due.

If a straight debt instrument falls within the safe harbor, then it will be treated as indebtedness when issued, no original issue discount or bond premium will be imputed with respect to it and (assuming its terms are not changed) it will not be subsequently reclassified as stock.

(e) *Other provisions*—(1) *Certain other loans.* Sections 1.385–7 contains rules that apply to certain loans of money made to a corporation by persons other than independent creditors that are not evidenced by an instrument within 120 days after the end of the taxable year in which they are made.

(2) *Locked interests.* Section 1.385–8 contains rules that treat locked interests (such as a bond with a nondetachable warrant) as separate and distinct.

(f) *Cautionary note.* This section is merely a summary of the regulations under section 385, and is subject in all respects to the more complete rules contained in §§ 1.385–3 through 1.385–8.

§ 1.385–3 Definition of terms.

(a) *Fair market value.* The following rules apply for purposes of the regulations under section 385:

(1) *In general.* (i) The fair market value of an instrument is the price at which it would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all relevant facts.

(ii) The fair market value of an instrument may be determined by using present value and standard bond tables. See § 1.1232–3(b)(2)(ii)(*d*) for examples in which the fair market values of instruments are determined by the use of these tables.

(iii) (A) In determining the fair market value of an instrument (or the reasonableness of an interest rate), the Commissioner may disregard a noncommercial term of the instrument if the principal purpose of the inclusion of the term is to increase or decrease the fair market value of the instrument (or a reasonable rate of interest for the instrument) for Federal tax purposes. See also section 482.

(B) The following example illustrates the application of this subdivision (iii):

Example. A, an individual with large net operating loss carryovers, is the sole shareholder of corporation W. On January 1, 1987, W issues a $100,000, 28-percent debenture to *A* in exchange for $100,000. Under provision P of the debenture, an action to enforce the terms of the debenture can be maintained only in the village court of village V, located in foreign country Q. Assume that the principal purpose of the inclusion of provision P is to reduce the fair market value of the debenture for Federal tax purposes. Based on these facts, provision P will be disregarded in determining the fair market value of the debenture.

(2) *Rules of convenience.* (i) On the day of issue, the fair market value of a straight debt instrument is considered to be equal to the face amount if—

(A) The stated annual rate of interest on the instrument is reasonable (within the meaning of § 1.385–6(f)), and

(B) The consideration paid for the instrument is equal to the face amount.

(ii) Notwithstanding any other provision of this paragraph (a), if an instrument is registered with the Securities and Exchange Commission and sold to the public for money, then the fair market value of the instrument on the day of issue is the issue price (as defined in section 1232(b)(2)).

(3) *Examples.* The following examples illustrate the application of paragraph (a)(2) of this section:

Example (1). On March 1, 1985, corporation M issues a $1,000, 8-percent, 5-year note at par. Assume that on that date, 10 to 12 percent is the range of rates of interest paid to independent creditors on similar instruments issued by corporations of the same general size and in the same general industry, geographic location, and financial condition; that the rate of interest in effect under section 6621 is 6 percent; that the interest rate for 5-year obligations determined by the Secretary pursuant to § 1.385–6(f)(2)(i) is 7 percent; but the lowest prime rate at any local commercial bank is 9 percent; and the range of rates set forth in § 1.482–2(a)(2)(iii)(B)(1) is 8–10 percent. Also assume that M's debt-to-equity ratio at the end of the taxable year is 3:2. Based on these facts, any rate between 6 and 12 percent is a reasonable rate of interest within the meaning of § 1.385–6(f). In particular, 8 percent is a reasonable rate of interest, and the fair market value of the note is therefore considered to be $1,000.

Example (2). The facts are the same as in example (1) except that M's debt-to-equity ratio at the end of the taxable year is 4:1. Based on these facts, paragraph (a)(2)(i) of this section does not apply.

Example (3). The facts are the same as in example (2) except that the note provides for annual payments of interest at a rate of 11 percent. Since 11 percent is within the range of rates of interest paid to independent creditors on similar instruments issued by corporations of the same general size and in the same general industry, geographic location and financial condition, the fair market value of the note is considered to be $1,000.

(b) *Instrument.* The term "instrument" means any bond, note, debenture, or similar written evidence of an obligation.

(c) *Obligation.* The term "obligation" means an interest in a corporation that is treated as indebtedness under applicable nontax law.

(d) *Hybrid instrument.* The term "hybrid instrument" means an instrument that is convertible into stock or one (such as an income bond or a participating bond) that provides for any contingent payment to the holder (other than a call premium).

(e) *Straight debt instrument.* The term "straight debt instrument" means any instrument other than a hybrid instrument.

(f) *Table of terms.* The following table indicates where some other important terms referred to in the section 385 regulations are defined.

Subject	§ 1.385–
Contingent payment	5(d)(1).
Debt-to-equity ratio	6(h).
Excessive debt	6(g)(7).
Failure to pay interest	6(i)(3).
Fixed payments; interest	5(d)(2).
Fixed payments; principal	5(d)(3).
Independent creditor	6(b).
Reasonable rate of interest	6(f).

§ 1.385–4 Instruments generally.

(a) *General rule.* Except as otherwise provided in the regulations under section 385, all instruments (as defined in § 1.385–3(b)) are treated as indebtedness for all purposes of the Internal Revenue Code. For exceptions, see § 1.385–5 (relating to certain hybrid instruments) and § 1.385–6 (relating to proportionality).

(b) *Operating rules*— (1) *In general.* The regulations under section 385 determine the status of each instrument (i.e., as stock or indebtedness) at the time the instrument is issued. Except as provided in paragraphs (k), (l), and (m) of § 1.385–6 (relating to proportionality), the status of an instrument can never change. Thus, for example, the status of an instrument is not affected by a mere change in ownership.

(2) *Special rule.* Under § 1.385–6 (k), (l), and (m), the status of an instrument can change from indebtedness to stock (e.g., in the event of a failure to pay interest when due).

(c) *Effect of classification*— (1) *In general.* (i) If an instrument is treated as stock under section 385, then the

instrument is treated as preferred stock for all purposes of the Internal Revenue Code. In particular, all payments of "interest" on the instrument are treated as distributions to which section 301 applies, and all payments of "principal" are treated as distributions in redemption of stock. Such preferred stock is considered to have the same terms (e.g. voting rights) as the instrument has under applicable local law. Each class of instruments classified as preferred stock is treated as a separate class of preferred stock. (See, however, § 1.1371–1(h) for the effect on an election made under Subchapter S. Also see § 1.992–1(d)(2) for an exception to this rule.)

(ii) If an instrument becomes stock under § 1.385–6 (k), (l), or (m), then the instrument is treated as having been exchanged (without recognition of gain or loss) for preferred stock in a recapitalization to which section 368(a)(1)(E) applies. For this purpose, if there is a change in the terms of an instrument and the change in terms is sufficiently substantial to be considered an exchange of instruments under applicable principles of tax law (ascertained without reference to the regulations under section 385), then the change in terms is treated under § 1.385–6(e) (relating to instruments issued for property) rather than under § 1.385–6(k) (relating to changes in terms). Thus, in the situation described in the preceding sentence, the tax consequences of the constructive exchange are determined without regard to the regulations under section 385 rather than under the first sentence of this paragraph (c)(1)(ii).

(2) *Illustrations.* The following examples illustrate the application of this paragraph (c):

Example (1). On January 1, 1983, corporation X issues a $100,000 note to A. The note is due on January 1, 1993, and pays interest at a rate of 10 percent a year. Assume that the note is initially treated as indebtedness under paragraph (a) of this section. However, on January 1, 1987, the note becomes stock under § 1.385–6(l) (relating to nonpayment of interest). A is treated as having exchanged the note for preferred stock on January 1, 1987, in a recapitalization to which section 368(a)(1)(E) applies. Moreover, A does not recognize gain or loss merely because the note is reclassified.

Example (2). The facts are the same as in example (1). In addition, on July 1, 1988, A receives $15,000 in interest on the note. The entire $15,000 payment is treated as a distribution to which section 301 applies.

Example (3). Individuals B and C each own 50 percent of the stock of corporation Y. On January 1, 1990, Y distributes one convertible debenture each to B and C as a dividend. The convertible debentures are treated as stock under § 1.385–6(d) (relating to hybrid instruments). Assume that Y has accumulated earnings and profits of $5 million at the time of the distribution. Based on these facts, the debentures are treated as section 306 stock unless their distribution is taxable under section 305(b)(5).

§ 1.385–5 Certain hybrid instruments.

(a) *In general.* A hybrid instrument is treated as stock if, on the day of issue—

(1) The fair market value of the straight debt payments (as defined in paragraph (d)(2) of this section) with respect to the instrument is less than

(2) fifty percent of the fair market value of the instrument.

(b) *Special rule.* Paragraph (a) of this section shall be applied by substituting "Forty-five percent" for "Fifty percent" if clear and convincing evidence shows that, on the day of issue, both the issuer and holder reasonably believed that—

(1) The fair market value of the straight debt payments (as defined in paragraph (d)(2) of this section) with respect to the instrument is not less than

(2) Fifty percent of the fair market value of the instrument.

(c) *Meaning of terms.* The following rules apply for purposes of the regulations under section 385:

(1) *Contingent payment.* The term "contingent payment" means any payment other than a fixed payment of principal or interest.

(2) *Fixed payments; interest.* An instrument provides for fixed payments of interest if both of the following conditions are satisfied:

(i) Interest at a definitely ascertainable rate is due on definitely ascertainable dates.

(ii) Except as provided in paragraph (c)(5) of this section, the holder's right to receive interest when due (or within 90 days thereafter) cannot be impaired without the holder's consent.

(3) *Fixed payments; principal.* An instrument provides for the fixed payment of principal if both of the following conditions are satisfied:

(i) A definitely ascertainable principal sum is payable on demand or due on definitely ascertainable dates.

(ii) Except as provided in paragraph (c)(5) of this section, the holder's right to receive principal when due cannot be impaired without the holder's consent.

(4) *Definitely ascertainable.* (i) A rate of interest is definitely ascertainable if it is applied to a definitely ascertainable principal sum and it is—

(A) An invariable rate or

(B) A variable rate determined according to an external standard that is not subject to the borrower's control and that is not related to the success or failure of the borrower's business or activities.

(ii) A principal sum is definitely ascertainable if it is—

(A) An invariable sum or

(B) A variable sum determined according to an external standard that is not subject to the borrower's control and that is not related to the success or failure of the borrower's business or activities.

A principal sum is not variable simply because it is within the borrower's control to prepay all or a portion of the principal sum.

(5) *Exceptions.* The classification of a payment as fixed is not affected by the fact that:

(i) The instrument is issued under an indenture that satisfies the requirements of section 316 of the Trust Indenture Act of 1939 (15 U.S.C. 77ppp);

(ii) A holder's right to receive interest or principal may be impaired by the operation of the Federal bankruptcy laws (Title 11, U.S.C.), the Railroad Modification Act (47 U.S.C. 20b), or a similar provision of law;

(iii) A holder's right to receive interest or principal may be impaired in the event of the insolvency of the issuing corporation (either in the sense that the corporation is not able to pay its debts as they become due or in the sense that its liabilities exceed its assets);

(iv) The obligation to make the payment is a nonrecourse obligation, but only if the face amount of the obligation would, if the obligation were issued in exchange for property, be includable upon issuance as part of the purchaser's adjusted basis for the property; or

(v) With respect to an instrument issued in a redemption of stock, amounts designated as interest or principal (or both) are, by operation of local law, payable only out of earned surplus.

(6) *Illusory contingencies.* For purposes of this paragraph (d), the Commissioner may disregard a contingency where there is no reasonably foreseeable circumstance in which it could affect the likelihood of payment.

(7) *Certain guarantees. If—*

(i) A payment does not satisfy the requirements of paragraph (c) (2) or (3) fo this section, but

(ii) The payment is guaranteed (directly or indirectly) by any person, then (depending on the facts and circumstances) the Commissioner may treat the payment as fixed.

(8) *Examples.* For examples that illustrate the application of this paragraph (c), see paragraph (a) of each of the examples in paragraph (f) of this section.

(9) *Other terms.* (i) For the definition of the term "fair market value", see § 1.385–3(a).

(ii) For the definition of the term "hybrid instrument", see §.1.385–3(d).

(iii) For the definition of the term "instrument", see § 1.385–3(b).

(d) *Operating rules.*—(1) *In general.* Paragraph (a) of this section requires a comparison of the fair market value of the straight debt payments with respect to a hybrid instrument with the instrument's fair market value at the time it is issued. The rules in this paragraph (d) apply in determining the fair market value of the straight debt payments.

(2) *Straight debt payments.* The straight debt payments with respect to a hybrid instrument are determined as follows:

(i) The straight debt payments with respect to the right to fixed payments of principal or interest are the fixed payments themselves;

(ii) The straight debt payments with respect to the right to contingent payments (other than a call premium) are the payments that must be made on the occurrence of the contingencies resulting in the lowest possible fair market value of payments under the instruments. To the extent the payments are contingent in amount, the straight debt payments are computed assuming the occurrence of the contingency providing the smallest possible payment under the instrument. To the extent the payments are contingent as to timing, the straight debt payments are computed assuming the occurrence of the contingency providing payment on the latest possible date under the instrument. To the extent the payments are contingent on the exercise of discretion by the issuer of the instrument, the straight debt payments are computed assuming the smallest and latest possible discretionary payments. If the instrument is convertible into stock, the straight debt payments are computed without regard to the convertibility feature.

(3) *Valuation.* The fair market value of the straight debt payments with respect to a hybrid instrument is the sum of the present value (at the time of the instrument's issuance) of each of the straight debt payments.

(4) *Discount rate.* (i) The discount rate to be used in computing the present value of a straight debt payment payable at a future date is a reasonable rate of interest (within the meaning of § 1.385–6(f)(1) for an instrument in the amount of the straight debt payment, payable on the date that the straight debt payment must be made and payable on the terms and conditions of such straight debt payment.

(ii) Paragraph (d)(4)(i) of this section may be illustrated by the following example:

Example. (a) Corporation X issues a class of 10-year, 10-percent $1,000 subordinated income bonds to the public. Interest on the bonds is payable only if earned. The bonds have a fair market value of $1,000 each. At approximately the same time as the issuance of the income bonds, X issues to the public a class of 8-percent subordinated bonds which are substantially identical to the income bonds except that (1) they bear interest at 8 percent and (2) the interest is payable at all events. Both classes of bonds are issued at their face amount and are registered with the Securities and Exchange Commission.

(b) The income bonds will be treated as indebtedness if the fair market value of the straight debt payments with respect to the bonds is at least 50 percent (or, in some cases, 45 percent) of the fair market value of the bonds. See paragraphs (a) and (b) of this section. In order for this test to be applied, the present value of the straight debt payments with respect to a bond (i.e., a $1,000 subordinated payment of principal payable 10 years after issuance) must be determined. Based on the facts set forth in paragraph (a) of this example, it is appropriate to use an 8 percent discount rate in determining the present value of the straight debt payment of $1,000, payable on a subordinated basis 10 years from the date of the issuance of the bonds.

(e) *Cross reference.* See § 1.385–1(b)(4) under which certain hybrid instruments issued in exchange for property (other than money) are excluded from the scope of the regulations under section 385.

(f) *Illustrations.* The following examples illustrate the application of this section. It is assumed that § 1.385–6 does not apply to the instruments described in these examples.

Example (1). (a) On July 1, 1987, corporation J issues subordinated income debenture bonds in the principal amount of $1,000 each. The bonds pay interest at the rate of 8 percent a year. However, interest is payable only if earned. The bonds are due on December 31, 2006. Based on these facts, each bond provides for a fixed payment of $1,000 in principal on December 31, 2006, but for contingent payments of interest.

(b) Assume that the fair market value of the 8-percent subordinated income debenture bonds is $1,000 each. The straight debt payments with respect to a subordinated income debenture bond are a $1,000 subordinated payment of principal due on December 31, 2006. Assume that the present value of such a payment on July 1, 1987 would be $261. Based on these facts, the subordinated income debenture bonds are treated as stock because the fair market value of the straight debt payments with respect to a debenture bond (i.e., $261) is less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (2). (a) On March 1, 1988, corporation M issues 6-percent subordinated income debentures in the principal amount of $1,000 each due on March 1, 2038. Annual payment of interest is mandatory if net income is available and optional otherwise. Accumulated interest must be paid in all events at maturity. Based on these facts, each debenture provides for fixed payments of $1,000 in principal and $3,000 in simple interest on March 1, 2038.

(b) Assume that the fair market value of the 6-percent subordinated income debentures is $1,000 each. The straight debt payments with respect to a debenture are payments of $4,000 (total principal and interest) on March 1, 2038, with the payments being subordinated to the general creditors of M. Assume that the present value on March 1, 1988 of such payments with respect to a debenture would be $265. Based on these facts, the income debentures are treated as stock because the fair market value of the straight debt payments with respect to an income debenture (i.e., $265) is less than 50 percent of the income debenture's fair market value (i.e., $1,000/2=$500.

Example (3). (a) On February 7, 1987, corporation P issues written obligations called "debenture preference stock" in the principal amount of $50 each. The debenture preference stock bears interest at 6 percent a year. In addition, at the discretion of the board of directors of P, the holders of the debenture preference stock may share in the profits of P after a dividend of $6 has been paid on each share of P's common stock. The debenture preference stock matures on December 31, 2017, except that the maturity may be extended from time to time (but in no event beyond December 31, 2037) at the discretion of P's board of directors. Based on these facts, the debenture preference stock provides for fixed payments of interest at a rate of 6 percent and a fixed payment of $50 in principal on December 31, 2037.

(b) Assume that the fair market value of the debenture preference stock is $50 each. The straight debt payments with respect to a share of debenture preference stock are annual payments of 6 percent interest and a $50 payment principal due on December 31, 2037. Assume that the present value on February 7, 1987 of such payments would be $20.12. Based on these facts, the debenture preference stock is treated as stock because the fair market value of the straight debt payments with respect to a share of the debenture preference stock (i.e., $20.12) is less than 50 percent of the share's fair market value if (i.e., $50/2=$25).

Example (4). (a) On December 1, 1989, corporation T issues variable interest notes in the principal amount of $1,000 each. The notes pay interest at a rate that may vary between 2 percent and 10 percent, depending on the earnings of T. The board of directors of T may, in its discretion, defer all payments of interest until the notes mature on December 1, 2014, and may subordinate the notes to other debts of T. Based on these facts, each provides for fixed payments of $1,000 in principal and $500 in interest (i.e., 2 percent × $1,000 × 25 years) on December 1, 2014.

(b) Assume that the fair market value of the variable interest notes is $1,000 each. The straight debt payments with respect to a note are payments of $1500 (total principal and interest) on December 1, 2014, with such payments being subject to subordination at the discretion of the board of directors of T. Assume that the present value on December 1, 1989 of such payments would be $219. Based on these facts, the variable interest notes are treated as stock because the fair market value of the straight debt payments with respect to a note (i.e., $219) is less than 50 percent of the note's fair market value (i.e., $1,000/2=$500).

Example (5). (a) On April 1, 1984, corporation U issues inflation provision notes in the principal amount of $557,700. The notes pay interest at a fixed rate of 6 percent on a fluctuating maturity value and are due on April 1, 1994. The maturity value if determined according to the Consumer's Price Index, published monthly by the Bureau of Labor Statistics. Based on these facts, the inflation provision notes provide for fixed payments of both principal and interest. See paragraph (c)(4)(i)(A) and (ii)(B) of this section.

(b) The inflation provision notes are treated as indebtedness because they are straight debt instruments.

Example (6). (a) Corporation W owns a track of land and is building 350 houses there. On August 15, 1985, P lends $300,000 to W pursuant to a written agreement. The agreement provides that W will pay $175,000 to P "in lieu of interest," with $500 payable on the sale of each house. In addition, W is obligated to return P's $300,000 investment on demand at any time after December 31, 1990. The loan is secured by the general credit of W, and the written agreement contains appropriate protective provisions. Assume that the agreement is an instrument within the meaning of § 1.385–3(b). Based on these facts, the agreement provides for the fixed payment of $300,000 in principal and for a contingent payment of $175,000.

(b) Assume that the fair market value of the obligation to P is $300,000. The straight debt payments with respect to the obligation are a $300,000 payment of principal due on December 31, 1990. Assume that the present value on August 15, 1985 of such a payment would be $170,000. Based on these facts, the obligation to P is treated as indebtedness because the fair market value of the straight debt payments with respect to the obligations (i.e., $170,000) is not less than 50 percent of the obligation's fair market value (i.e., $300,000/2=$150,000).

Example (7). (a) On May 1, 1984, corporation X issues subordinated debentures due on May 1, 1994, in the principal amount of $1,000 each. Interest is payable annually at the fixed rate of 7 percent a year. Additional interest, which is contingent on the net profits of X, is payable at a maximum rate of 1 percent a year. Default in payment of interest, while not accelerating the maturity of the debenture, gives rise to a cause of action which the debenture holder may maintain against X for nonpayment or interest. Based on these facts, each debenture provides for a fixed $1,000 payment of principal and for fixed payments of interest at the rate of 7 percent a year.

(b) Assume that the fair market value of the subordinated debentures is $1,000 each. The straight debt payments with respect to a debenture are the same payments as the debenture provides without the provision for additional interest. Assume that the present value on May 1, 1984 of such payments would be $949. Based on these facts, the subordinated debentures issued by X are treated as indebtedness because the fair market value of the straight debt payments with respect to a debenture (i.e., $949) is not less than 50 percent of the debenture's fair market value (i.e., $1,000/2=$500).

Example (8). (a) Corporation Z owns a large tract of land and is engaged in the business of developing, subdividing, and selling the land. On January 25, 1986, Z issues noninterest-bearing debenture bonds having a face value of $500,000 and a maturity date of January 25, 2011. The retirement of the bonds will be secured by the deposit of 10 percent of Z's gross receipts into a special bank account. However, if Z is liquidated after all of its lands have been sold, it will have no further obligation to retire any of the outstanding bonds unless the 10 percent payments have not been made as required. Based on these facts, the bonds do not provide for fixed payments of either principal or interest.

(b) The straight debt payments with respect to the debenture bonds are zero payments. Therefore, the debenture bonds are treated as stock.

Example (9). (a) On August 1, 1963, U, a domestic industrial corporation, issues debentures in the principal amount of 1,000 German marks each. The debentures pay interest at a fixed rate of 8 percent, are due on August 1, 1993, and provide for the payment of principal and interest in German marks. U immediately converts the proceeds from the issuance of the debentures into U.S. dollars and uses the money for its domestic business needs. Based on these facts, the debentures provide for fixed payments of both principal and interest. See paragraph (c)(4)(i)(B) and (ii)(E) of this section.

(b) The debentures are treated as indebtedness because they are straight debt instruments.

Example (10). (a) On September 1, 1984, corporation W issues floating rate notes in the principal amount of $100,000. The notes pay interest at 3 percentage points above the prime rate. Based on these facts, the floating rate notes provide for fixed payments of both principal and interest. See paragraph (c)(4)(i)(B) and (ii)(A) of this section.

(b) The floating rate notes are treated as indebtedness because they are straight debt instruments.

Example (11). (a) Unrelated individuals A and B each own 50 percent of the only class of stock of corporation X. In addition to the outstanding stock, X has outstanding debentures held by independent creditors. On January 1, 1988, X redeems all of A's stock in exchange for a 10-year note with a principal amount of $500,000. Under the terms of the note, interest on outstanding principal is payable annually at a rate of 10 percent. Under applicable local law, the note is treated as indebtedness. However, under local law, each payment of principal and interest is subject to the restriction that no payment may be made at a time when the corporation is (or would be rendered) insolvent (i.e., unable to pay its debts as they become due). The insolvency restriction does not affect the classification of the principal or interest payments as fixed payments. See paragraph (d)(5)(iii) of this section. Therefore, the note provides for fixed payments of both principal and interest.

(b) The note is treated as indebtedness because it is a straight debt instrument. The result would be the same if, under local law, payments could not be made when X's liabilities exceeded its assets.

Example (12). (a) The facts are the same as in example (11) except that, under local law, the payments of principal and interest on the note are subject to the additional restriction that each payment can only be made out of X's earned surplus. Based on these facts, the earned surplus limitation does not affect the classification of the principal or interest payments as fixed payments. See paragraph (c)(5)(v) of this section. Therefore, the note provides for fixed payments of both principal and interest.

(b) The note is treated as indebtedness because it is a straight debt instrument.

Example (13). (a) On January 1, 1990, Corporation R purchases an office building from unrelated corporation S for a purchase price of $20 million. R pays $5 million in cash and issues a 15 year, 12-percent note for the remaining $15 million of the purchase price. The note is secured by a first mortgage on the office building but is otherwise nonrecourse with respect to R. Assume that under applicable principles of tax law (determined without reference to the regulations under section 385), R's adjusted basis for the building immediately after the purchase is $20 million (i.e., the face amount of the note is includible in R's basis for the building). Based on these facts, the note provides for fixed payments of principal and interest.

(b) The note is treated as indebtedness because it is a straight debt instrument.

(g) *Additional illustrations.* The following examples are additional illustrations of the application of this section. It is assumed that § 1.385–6 does not apply to the instruments described in these examples.

Example (1). On January 1, 1990, corporation M issues 7-percent Series A bonds in the principal amount of $1,000 each. The bonds are due on January 1, 2015, and are secured by the general credit of M. They are registered with the Securities and Exchange Commission and sold to the public at par. Because the Series A bonds are straight debt instruments, they are treated as indebtedness.

Example (2). The facts are the same as in example (1), except that the instruments issued by M are 9-percent Series B income bonds. Interest is not payable on the Series B income bonds unless earned and is noncumulative. The straight debt payments with respect to a Series B income bond are a $1,000 payment of principal due on January 1, 2015. Assume that the present value on January 1, 1990 of such a payment would be

$184. Based on these facts, the Series B income bonds are treated as stock because the fair market value of the straight debt payments with respect to a Series B income bond (i.e., $184) is less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (3). The facts are the same as in example (2), except that the Series B income bonds are due on January 1, 2000. The straight debt payments with respect to a Series B income bond are a $1,000 payment of principal due on January 1, 2000. Assume that the present value, on January 1, 1990 of such a payment would be $508. Based on these facts, the Series B income bonds are treated as indebtedness because the fair market value of the straight debt payments with respect to a Series B income bond (i.e., $508) is not less than 50 percent of the bond's fair market vlaue (i.e., $1,000/2=$500).

Example (4). The facts are the same as in example (3), except that the Series B income bonds bear 10-percent interest and are subordinated to the general creditors of M. The straight debt payments with respect to a Series B income bond are a $1,000 payment of principal due on January 1, 2000, with such payment being subordinated to the general creditors of M. Assume that the present value on January 1, 1990 of such a payment would be $463. Based on these facts, the Series B income bonds are treated as stock because the fair market value of the straight debt payments with respect to a Series B income bond (i.e., $463) is less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (5). The facts are the same as in example (2), except that the Series B income bonds pay 6-percent cumulative interest, and accumulated interest become unconditionally due at maturity. the straight debt payments with respect to a Series B income bond are payments of $3,000 (total principal and interest) due on January 1, 2015. Assume that the present value on January 1, 1990 of such payments would be $553. Based on these facts, the Series B income bonds are treated as indebtedness because the fair market value of the straight debt payments with respect to a Series B income bond (i.e., $553) is not less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (6). The facts are the same as in example (1), except that the instruments issued by M are 6-percent Series C convertible bonds. Each Series C bond is convertible into two shares of common stock of M. The straight debt payments with respect to a Series C bond are the same payments as the bond provides without the conversion feature. Assume that the present value on January 1, 1990 of such payments (in effect, the value of the bond without the conversion feature) would be $883. Based on these facts, the Series C convertible bonds are treated as indebtedness because the fair market value of the straight debt payments with respect to a Series C bond (i.e., $883) is not less than 50 percent of the bond's fair market valye (i.e., $1,000/2=$500).

Example (7). The facts are the same as in example (6), except that the Series C convertible bonds pay 2-percent interest and are convertible into four shares of stock of M. The straight debt payments with respect to a Series C bond are the same payments as the bond provides without the conversion feature. Assume that the present value on January 1, 1990 of such payments (in effect, the value of the bond without the conversion feature) would be $417. Based on these facts, the Series C convertible bonds are treated as stock because the fair market value of the straight debt payments with respect to a Series C bond (i.e., $417) is less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (8). The facts are the same as in example (1), except that the instruments issued by M are 7-percent Series D convertible income bonds due on January 1, 2015. The Series D bonds are convertible into two shares of common stock of M, and accumulated interest on the Series D bonds is unconditionally due at maturity. The straight debt payments with respect to a Series D bond are payments of $2,750 (total principal and interest) due on January 1, 2015 (and also disregarding the conversion feature). Assume that the present value on January 1, 1990 of such payments would be $508. Based on these facts, the Series D convertible income bonds are treated as indebtedness because the fair market value of the straight debt payments with respect to a Series D bond (i.e., $508) is not less than 50 percent of the bond's fair market value (i.e., $1,000/2=$500).

Example (9). The facts are the same as in example (4), except that the Series B income bonds are privately placed with corporation X. In reliance on an independent appraisal, both X and M reasonably believe that the fair market value of the straight debt payments with respect to a Series B income bond is $510. Based on these facts, the Series B income bonds are treated as indebtedness. See paragraph (b) of this section.

§ 1.385–6 Proportionality.

(a) *In general*—(1) *Scope.* This section applies to a class of instruments if holdings of stock and the class of instruments are substantially proportionate. This section affects instruments issued for inadequate or excessive consideration, hybrid instruments, instruments not issued for money, instruments that are payable on demand, and certain other instruments where there is a change in terms or a failure to pay principal or interest, or where a corporation's debt-to-equity ratio is excessive.

(2) *Proportionality*—(i) *In general.* Holdings of stock and a class of instruments are substantially proportionate if the "total overlap factor" with respect to the class of instruments is greater than 50 percent. The "total overlap factor" is the sum of the overlap factors of each person with respect to the class of instruments. The overlap factor of a person with respect to a class of instruments is the lesser of the percentage of stock or the percentage of the class of instruments owned, actually or constructively, by the person.

(ii) *Constructive ownership rules.* For purposes of computing the overlap factors under paragraph (a)(2)(i) of this section, the constructive ownership rules of section 318(a) shall be applied to attribute the ownership of stock and instruments in accordance with the following special rules:

(A) For purposes of section 318(a)(1)(ii), an individual shall also be considered to own stock or instruments owned, directly or indirectly, by or for his or her brothers and sisters (whether by the whole or half blood).

(B) Stock or an instrument constructively owned under section 318(a)(4) (relating to options) shall be taken into account only to the extent that (whether or not the options are currently exercisable) it is reasonable to expect, as of the time the relevant determination is made, that the options may be exercised.

(C) Section 318(a)(2)(C) shall be applied without regard to the 50 percent minimum percentage ownership requirement.

(D) If, in applying the attribution rules of section 318(a) (as modified by this subdivision (ii)) to both stock and a class of instruments, stock owned by one or more shareholders of a corporation or instruments owned by one or more holders would be attributed to one or more other persons, then the total overlap factor shall be determined by taking the largest total overlap factor that can be produced (without double counting) by computing holdings of stock and instruments under this subdivision (ii).

(E) A person's overlap factor shall be taken into account whether or not the person actually owns any stock or instruments of a corporation.

(iii) *Definition of "stock."* For purposes of paragraphs (a)(2) (i) and (ii) of this section, the term "stock" is defined as follows:

(A) If the issuing corporation has only one class of stock, then "stock" means all outstanding shares of this class of stock.

(B) If the issuing corporation has more than one class of stock, then the classes of stock which constitute "stock" will be determined based on the facts and circumstances. In general, a class of stock will be considered "stock" if it participates in corporate growth or has other characteristics which would reduce the incentive of holders of such class to establish or enforce arm's length terms on instruments issued to such holders. See examples (7) and (12) of paragraph (a)(6) of this section.

(iv) *Special rule for redemptions.* (A) If—

(*1*) A corporation issues a straight debt instrument to a shareholder in

redemption of all or part of the shareholder's stock in the corporation,

(*2*) Section 302(a) would apply to the redemption if the instrument were treated as indebtedness,

(*3*) The stated interest rate on the instrument is not less than the rate prescribed by the Secretary pursuant to section 483(c); and

(*4*) This section would, but for this paragraph (a)(2)(iv), apply to the instrument,

then the instrument is initially classified as indebtedness upon issuance and paragraph (c) of this section does not apply to the instrument. However, the instrument may subsequently be reclassified as stock under paragraphs (k), (l), and (m) of this section.

(B) For purposes of paragraph (a)(2)(iv)(A) of this section, an instrument will be treated as a straight debt instrument notwithstanding that amounts designated as interest or principal (or both) are, by operation of local law, payable only out of earned surplus.

(v) *Special rule for cooperatives.* In determining proportionality for holdings in a cooperative, interests described in § 1.385–1(b)(2) will be treated as stock.

(vi) *Special rule for major shareholders.* Notwithstanding paragraph (a)(2)(i) of this section, holdings of an instrument and the issuing corporation's stock will be treated as substantially proportionate if—

(A) The instrument is held by a person who owns (actually or constructively by application of section 318(a) as modified by paragraphs (a)(2)(ii) (A), (B), and (C) of this section) stock possessing at least 25 percent of the total combined voting power of all classes of stock entitled to vote or at least 25 percent of the total value of shares of all classes of the corporation's stock; and

(B) The corporation's debt-to-equity ratio, computed in accordance with paragraphs (h) and (j) of this section, exceeds 10:1 at the end of the taxable year in which the insrument is issued.

(vii) *Examples.* The following examples illustate the application of this paragraph (a)(2):

Example (1). The only class of stock of corporation X and a class of its instruments are owned as follows by unrelated individuals A, B, C, and I:

[In percent]

	A	B	C	I
Stock	40	10	50	0
Instruments	20	60	10	10

The "total overlap factor" with respect to the class of instruments is 20%+10%+10%, or 40%, and, accordingly, holdings of the X stock and the class of instruments are not substantially proportionate.

Example (2). Individuals B, BW (B's wife), BC (B's child, S (B's sister) and SH (S's husband) own the only class of stock of corporation Y and a class of its debentures as follows:

[In percent]

	B	BW	BC	S	SH
Stock	0	100	0	0	0
Debentures	0	0	50	25	25

The largest overlap factor that can be produced by computing holdings of stock and instruments under the section 318(a) attribution rules, as modified by paragraph (a)(2)(ii) of this section, is 75 percent, produced as follows:

[In percent]

	B (including holdings of BW, BC, and S)	SH
Stock	100	0
Debentures	75	25

Therefore, holdings of the Y stock and the class of debentures are substantially proportionate. If, however, B were deceased, the total overlap factor would be 50 percent and, accordingly, holdings of the Y stock and the class of debentures would not be substantially proportionate.

Example (3). Twenty-five unrelated individuals each own 4 percent of the only class of stock of corporation P which, in turn, owns 100 percent of the only class of stock of corporation S. The same individuals each own 4 percent of a class of debentures issued by S. Under section 316(a)(2)(C), as modified by paragraph (a)(2)(ii)(C) of this section, each individual shareholder of P is considered to own 4 percent of the stock of S. Thus, the overlap factor of each P shareholder with respect to the debentures issued by S is 4 percent. Therefore, the total overlap factor with respect to the debentures is 100 percent and holdings of the S stock and the debentures are substantially proportionate.

Example (4). The only class of stock of corporation Z and a class of its instruments are owned as follows:

[In percent]

	Corporation		
	W	X	Y
Stock	90	10	60
Instruments	40	60	8

Individual A owns all of the stock of corporations W and X. Individual B owns all of the stock of corporation Y. A owns 100 percent of a class of straight debt instruments issued by Y, A, B, W, X and Y are otherwise unrelated.

The largest overlap factor that can be produced by computing holdings under the section 318 attribution rules (as applied to both stock and instruments) is 40 percent, computed as follows:

[In percent]

	A (including holdings of W and X)	Y
Stock	40	60
Instruments	100	0

Therefore, holdings of the Z stock and the class of instruments are not substantially proportionate.

(3) *Exceptions.* (i) This section does not apply if a corporation's stock and instruments are widely held and the instruments are separately traded and readily marketable.

(ii) This section does not apply to any instrument held by an independent creditor (as defined in paragraph (b) of this section).

(4) *Two classes treated as one.* Depending on the facts and circumstances, two or more classes of instruments may be considered together. For example:

(i) If—

(A) Two or more classes of instruments are issued pursuant to a plan, and

(B) Holdings of stock and the instruments will be substantially proportionate on completion of the plan, then this section applies to each instrument immediately after it is issued.

(ii) If (regardless of whether issued pursuant to a plan)—

(A) Subsequent to their issuance, two or more classes of instruments are treated as a single class, and

(B) Considered as a single class, holdings of stock and such class are substantially proportionate,

then this section applies to each class beginning at the time of such treatment.

(5) *One class treated as two.* If two portions of a class of instruments are treated differently (e.g., interest in paid on one portion but not on the other), then each portion is treated as a separate class beginning at the time of such treatment.

(6) *Illustrations.* The following examples illustrate the application of this paragraph (a). Except as otherwise provided, all persons in these examples are unrelated.

Example (1). A, B, and C each own 100 shares of common stock in corporation Y. Y

has no other stock of any class outstanding. However, Y does have outstanding subordinated 8-percent debentures in the prinicpal amount of $100,000. A owns $40,000 of the debentures, B owns $30,000, C owns $20,000, and an independent creditor owns the remaining $10,000. Based on these facts, the total overlap factor with respect to the debentures is 83⅓ percent and holdings of the debentures and holdings of stock in Y are thus substantially proportionate. Therefore, this section applies to the debentures held by A, B and C. However, this section does not apply to the debentures held by the independent creditor.

Example (2). A, B, and C each own ⅓ of the common stock of corporation Z. Pursuant to a plan, Z issues $100,000 of 10-year, 8-percent debentures to A, $100,000 of 12-year, 8½-percent debentures to B, and $100,000 of 15-year, 9-percent debentures to C. Based on these facts, upon completion of the plan, the total overlap factor with respect to the debentures is 100 percent and holdings of the debentures and Z's stock are thus substantially proportionate. See paragraph (a) (4) (i) of this section. Therefore this section applies to the debentures.

Example (3). Corporation P owns all the stock of corporations S and T. In addition, S owns 80 percent of a class of debentures issued by T. The other 20 percent of the debentures is owned by an independent creditor. Based on these facts, the total overlap factor with respect to the debentures is 80 percent and holdings of the T stock and debentures are thus substantially proportionate. Therefore, this section applies to the debentures held by S but not to those held by the independent creditor.

Example (4). Corporation V has move than 100,000 shareholders. On January 1, 1990, V issues $10 of debentures on each share of stock as a dividend. The stock and debentures are traded separetely on a national securities exchange. Based on these facts, this section does not apply to the debentures.

Example (5). A owns all 100 shares of stock in Corporation Y. A also owns 50 percent of a class of senior debentures issued by Y, and B owns the remaining 50 percent. In addition, B owns all of a class of junior debentures issued by Y, which are convertible into a total of 100 shares of Y stock. Further, it is reasonable to expect that B may ultimately exercise the conversion privilege. Based on these facts, the total overlap factor with respect to the senior debentures is 100 percent and holdings of stock in Y and the senior debentures are thus treated as substantially proportionate under paragraph (a)(2) of this section. Consequently, this section applies to the senior debentures. However, the total overlap factor with respect to the junior debenture is 50 percent and, therefore, holdings of Y stock and the junior debentures are not substantially proportionate.

Example (6). A owns all 100 shares of stock of corporation U. In addition, B owns $100,000 of convertible debentures issued by U. The debentures are convertible into 1,000 shares of U's common stock. Assume that it is reasonable to expect that B may ultimately exercise the conversion privilege. Based on these facts, B is treatred as owning 1,000 shares of U common stock. Thus, the total overlap factor with respect to the convertible debentures is 90.9 percent and holdings of the convertible debentures and stock in U are thus substantially proportionate. Therefore, this section applies, and the convertible debentures are treated as stock under paragraph (d) of this section (relating to hybrid instruments.)

Example (7). Corporation M is a large manufacturing company whose products are sold through independent dealers. In order to assist individuals who do not have enough capital to become dealers, M has established a dealer investment plan. Pursuant to the dealer investment plan, M and unrelated individual I organize corporation D on January 1, 1982. M transfers $900,000 to D in exchange for 10-percent notes in the principal amount of $500,000 and 400 shares of class A stock. I transfers $100,000 to D in exchange for 1,000 shares of class B stock. The class B stock is nonvoting until all the class A shares are redeemed for $1,000 each. At least 70 percent of D's earnings and profits must be used each year to retire the notes and to redeem the class A stock. I has no control over the redemption of stock and no right to have his stock redeemed while any of the class A stock is outstanding. M's investment will thus be systematically eliminated, and I will become the sole owner of D. Because the plan is akin to a security arrangement and is not intended to give M a meaningful interest in the corporate growth of D, the class A stock is not considered "stock" within the meaning of paragraph (a)(2)(iii) of this section. Therefore, holdings of the stock and notes are not substantially proportionate. Cf. example (14) of § 1.305–3(e). Therefore, this section does not apply to the notes. However, for purposes of section 1232 (relating to original issue discount), the issue price of the notes is equal to their fair market value. See § 1.1232–3(b)(2)(ii) (relating to investment units).

Example (8). Corporation S is a small business investment company operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 and following). Individual J is an electrical engineer. On January 1, 1983, S and J, who are otherwise unrelated, form corportation X to manufacture high technology electrical components. X has a total authorized capital of 2,000 shares of common stock. S transfers $810,000 to X for 9-percent subordinated debentures in the principal amount of $800,000, 100 shares of common stock, and warrants to acquire an additional 900 shares of common stock at $100 a share. Assume it is reasonable to expect that the warrants may be exercised. J transfers $100,000 to X for 1,000 shares of common stock. Based on these facts, the total overlap factor with respect to the subordinated debentures is 50 percent and holdings of the stock and debentures thus are not substantially proportionate. Therefore, this section does not apply to the subordinated debentures. However, for purposes of section 1232 (relating to original issue discount), the issue price of the debentures is equal to their fair market value. See § 1.1232–3(b)(2)(ii) (relating to investment units).

Example (9). Corporation T is a medium-sized supplier of computer software. Individual K is the manager of T's military applications division. On January 1, 1984, K forms corporation Y to acquire the assets of T's military applications division. K transfers $100,000 to Y for all 100 shares of Y's outstanding common stock. In addition, Y obtains financing from the following sources: $2 million from a small business investment company for 8-percent junior subordinated debentures and warrants to acquire 100 shares of common stock, $3 million from an insurance company for 14-percent senior subordinated debentures, and $2,500,000 from a bank for 10-percent secured notes. K is not otherwise related to T, the small business investment company, the insurance company, or the bank. Based on these facts, there is no substantial proportionality between holdings of stock and any class or classes of instruments. Therefore, this section does not apply to any of the instruments. However, for purposes of section 1232 (relating to original issue discount), the issue price of the junior subordinated debentures is equal to their fair market value. See § 1.1232–3(b)(2)(ii) (relating to investment units).

Example (10). A is the sole shareholder of corporation X. On January 1, 1987, X issues $50,000 of class B debentures to A and $50,000 of class B debentures to independent creditor K. Based on these facts, the total overlap factor with respect to the class B debentures is 50 percent and holdings of the X stock and the class B debentures are thus not substantially proportionate. However, on January 1, 1989, A voluntarily subordinates his debentures to K's. Based on these facts, under paragraph (a)(5) of this section, A's debentures are treated as a separate class beginning on January 1, 1989. Thus, this section applies to A's debentures and they may be treated as stock under paragraph (k) of this section (relating to a change in terms). The result would be the same if, on January 1, 1989, X missed an interest payment due on A's debentures, but made the payment on K's debentures. In this event, A's debentures might be treated as stock under paragraph (l) of this section (relating to nonpayment of interest).

Example (11). (a) A and B each own 50 percent of the stock of corporation Z, a calendar year taxpayer. Pursuant to a plan, Z issues $100,000 of class A convertible debentures to A on January 1, 1983 and issues $100,000 of class B convertible debentures to B on January 1, 1985. Based on these facts, the two classes of debentures are considered together. Therefore, holdings of the debentures and the stock are substantially proportionate and each class of debentures is treated as stock upon issuance under paragraph (d) of this section (relating to hybrid instruments issued proprtionately).

(b) The facts are the same as in paragraph (a) of this example except that the two classes of debentures are not issued pursuant to a plan. Based on these facts, this section does not apply to either class of debentures upon their issuance.

(c) The facts are the same as in paragraph (b) of this example except that Z fails to pay interest on the debentures accrued during 1989. Based on these facts, the two classes of debentures are treated as one class as of January 1, 1989 and the debentures may be treated as stock under paragraph (l) of this section (relating to nonpayment of interest). See paragraph (a)(4)(ii) of this section.

Example (12). E owns all of the common stock of corporation X. In addition, F owns all of the preferred stock of X. The preferred stock is an 8 percent nonparticipating, nonconvertible, nonvoting preferred stock. Further, E owns a class of debentures issued by X. Based on these facts, this preferred stock is not treated as stock for purposes of determining proportionality and, accordingly, the total overlap factor with respect to the debentures is 100 percent. Therefore, holdings of the X stock and debentures are substantially proportionate and, thus, this section applies to the debentures. However, if F owned all of the debentures, the total overlap factor with respect to the debentures would be zero and this section would not apply.

(7) *Special rule.* (i) If, pursuant to an agreement or arrangement—

(A) The terms of an instrument issued to a shareholder are not fixed at arm's length or the instrument is not enforced according to its terms, and

(B) There are related, compensating non-arm's length transactions,

then the Commissioner may treat holdings of the instrument and the corporation's stock as substantially proportionate.

(ii) The following examples illustrate the application of this subparagraph (7):

Example (1). A and B each own 50 percent of the common stock of corporation X. On January 1, 1985, A lends $500,000 to X in exchange for a 10-year 10-percent $500,000 note. B is the general manager of X. During 1987, pursuant to an arrangement between A and B, X does not pay the $50,000 of interest on A's note and X pays B $50,000 less compensation than he would be entitled to under B's employment contract with X. Based on these facts, holdings of X's stock and the note will be treated as substantially proportionate. Therefore, this section applies to the note and the note may be reclassified as stock under paragraph (l) of this section (relating to nonpayment of interest).

Example (2). C and D each own 50 percent of the stock of corporation Y. On January 1, 1987, C leases a townhouse to Y for a ten-year term. Y agrees to pay an annual rent of $10,000 and additional rent equal to 20 percent of the net annual rentals from the townhouse. Also on January 1, 1987, as part of the same arrangement, D lends $100,000 to Y in exchange for a 10-year debenture. Ten percent annual interest is payable on the debenture. In addition, the holder of the debenture is entitled to contingent annual interest equal to 20 percent of the net annual rentals from the townhouse. Based on these facts, holdings of the debenture and Y's stock shall be treated as substantially proportionate. Accordingly, the debenture will be treated as stock under paragraph (d) of this section (relating to hybrid instruments issued proportionately).

(b) *Independent creditor*—(1) *In general.* For purposes of the regulations under section 385, all relevant facts and circumstances must be taken into account in determining whether a creditor is independent. Relevant factors that may be taken into account include (but are not limited to) the following:

(i) Whether the creditor has stock holdings (direct or attributable) in the issuing corporation and, if so, the size of such holdings;

(ii) Whether the creditor has a relationship with the corporation other than that of a creditor, e.g., as an employee, supplier, or customer; and

(iii) Whether the creditor is related to the individual shareholders of the issuing corporation or of a corporation related to the issuing corporation, including (but not limited to) the relationships described in section 318(a).

(2) *Safe harbor.* In applying this section to a class of instruments issued by a corporation, a creditor is deemed to be independent if—

(i) The creditor does not own, directly or by attribution under the constructive ownership rules of section 318(a), as modified by paragraph (b)(3) of this section, at least 5 percent of the total combined voting power of all classes of stock entitled to vote or at least 5 percent of the total value of shares of all classes of the corporation's stock;

(ii) The creditor does not own, directly or by attribution under the constructive ownership rules of section 318(a) as modified by paragraph (b)(3) of this section, at least 5 percent of the stock owned by the corporation; and

(iii) the creditor's (actual or constructive) percentage ownership of the class of instruments is at least twice as great as the greater of the creditor's (actual or constructive) percentage ownership of (A) the total combined voting power of all classes of stock entitled to vote or (B) the total value of shares of all classes of the corporation's stock.

(3) *Constructive ownership.* For purposes of subparagraph (2) of this paragraph (b), the attribution rules of section 318(a) shall be applied with the following modifications—

(i) For purposes of section 318(a)(1)(ii), an individual shall also be considered to own stock or instruments owned, directly or indirectly, by for his or her brothers and sisters (whether by the whole or half blood);

(ii) Section 318(a)(2)(C) shall be applied without regard to the 50 percent minimum percentage ownership requirement;

(iii) Section 318(a)(3)(C) shall be applied by substituting "5 percent" for "50 percent"; and

(iv) In determining whether any person owns 5 percent or more of the stock of a corporation, stock constructively owned under section 318(a)(4) (relating to options) by a person whose interests in the corporation would not be attributed under section 318(a) to the person whose interests are being tested is not taken into account.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (b):

Example (1). Individual C owns (actually or under the constructive ownership rules of section 318(a) as modified by paragraph (b)(3) of this section) 5 percent or more in value of the stock of corporation Y. Based on these facts, C does not satisfy the conditions of either paragraph (b)(2)(i) or paragraph (b)(2)(ii) of this section. Consequently, C does not come within the safe harbor of paragraph (b)(2) of this section with respect to instruments issued by Y.

Example (2). Individual A owns all 100 outstanding shares of stock and an option to acquire an additional 1,000 shares of stock in corporation X. Individual B owns an option to acquire 10 shares of stock in X. Applying the constructive ownership rules of section 318(a) as modified by paragraph (b)(3) of this section, B is considered to own 10 out of 110 outstanding shares of stock in X. Therefore, B does not come within the safe harbor of paragraph (b)(2) of this section. The result would be the same if the option owned by B were owned by B's spouse.

Example (3). Corporation Y obtains a $100,000 loan from C, an unrelated commercial bank. As a condition for making a loan, C obtains the right to designate one of Y's directors. Based on these facts, C is an independent creditor of Y.

Example (4). Individual E owns 97 percent of the only class of stock of corporation Z, and unrelated individual F owns the remaining 3 percent. In addition, E owns 96.2 percent of a class of debentures issued by Z, and F owns the remaining 3.8 percent. Because F's percentage ownership of the class of debentures is not at least twice as great as F's percentage ownership of the Z stock, F does not come within the safe harbor of paragraph (b)(2) of this section.

(c) *Excessive or inadequate consideration*—(1) *Excessive consideration.* If, immediately after an instrument is issued by a corporation, this section applies to the instrument and the instrument is treated as indebtedness, then the excess of—

(i) The consideration paid, over

(ii) The fair market value of the instrument, is treated as not paid in exchange for the instrument. Ordinarily, such excess is treated as a contribution to capital. However, under appropriate

circumstances, it may be treated as a gift followed by a capital contribution or as compensation for services or as otherwise determined under general principles of tax law.

(2) *Inadequate consideration.* If, immediately after an instrument is issued by a corporation, this section applies to the instrument and the instrument is treated as indebtedness, then the excess of—

(i) The fair market value of the instrument, over

(ii) the consideration paid, is treated as not transferred in exchange for the consideration paid. Ordinarily, such excess is treated as a distribution to which section 301 applies. See § 1.301–1(d), (j) and (k). However, under appropriate circumstances, it may be treated as a distribution to which section 301 applies followed by a gift or as compensation for services or as otherwise determined under general principles of tax law.

(3) *Consequences if instrument treated as stock.* If, immediately after an instrument is issued by a corporation the instrument is treated as stock, then the treatment of amounts described in paragraphs (c) (1) and (2) of this section shall be determined outside the regulations under section 385.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (c) and related provisions:

Example (1). Corporation S is organized in 1985 for the purpose of constructing, owning, and operating a professional office building. Fifteen persons, all medical doctors, subscribe for the capital stock of S at $100 a share. On January 1, 1988, the doctors agree to advance $300 to S for each share of stock subscribed. These advances are represented by 19-year, 7-percent debentures in the principal amount of $300 each. Assume that the debentures are treated as indebtedness under § 1.385–4(a) (relating to instruments generally), and that the fair market value of each debenture is $246. Based on these facts, $54 of each $600 advance is treated as a contribution to capital. Therefore, the doctors' basis in each debenture is $246, and there is an original issue discount of $54 on each debenture. See section 1232.

Example (2). The facts are the same as in example (1), except that the doctors pay $200 for each debenture. Based on these facts, the doctors are treated as receiving a $46 distribution to which section 301 applies on each share of stock. Therefore, the doctors' basis in each debenture is $246 (see § 1.301–1(j)), and there is an original issue discount of $54 on each debenture.

Example (3). The facts are the same as in example (1), except that the debentures bear interest at 9 percent a year. Assume that the fair market value of each 9-percent debenture is $300. Based on these facts, the doctors are not treated as making a contribution to capital or as receiving a distribution to which section 301 applies. Therefore, the doctors' basis in each debenture is $300, and there is no original issue discount on the debentures.

Example (4). The facts are the same as in example (1), except that S issues the debentures together with the capital stock in 1985, and the doctors pay $400 for each unit consisting of one debenture and one share of stock. Based on these facts, the doctors' basis in each debenture is $246 (see § 1.1012–1(d)), their basis in each share of stock is $154, and the original issue discount on each debenture is $54 (see § 1.1232–3(b)(2)(ii)).

Example (5). Individuals A and B each own ½ the common stock of corporation M, which is the only class of stock outstanding. On January 1, 1983, M issues two 12-percent $1,000 notes, one to A and one to B, each for $1,000 in cash. Assume that the fair market value of each note is $1,250 and that the notes are treated as indebtedness under § 1.385–4(a) (relating to instruments generally). Based on these facts, on January 1, 1983, A and B each receive a $250 distribution to which section 301 applies. Thus, each note has a basis of $1,250 and is issued at a premium of $250 (see section 171(b), § 1.171–3(d) and § 1.61–12(c)(2)).

(d) *Hybrid instruments*—(1) *In general.* If this section applies to a hybrid instrument immediately after it is issued, then, except as provided in paragraph (d)(2) of this section, the instrument is treated as stock.

(2) *Exception.* If, immediately after a class of hybrid instruments is issued, independent creditors (determined without regard to paragraph (b)(2) of this section and without taking into account the creditor's holdings of the hybrid instrument at issue) own at least 20 percent of the class, then paragraph (d)(1) of this section does not apply to the class. However, even if the exception provided by this paragraph (d)(2)(ii) applies to a class of hybrid instruments, the instruments remain subject to § 1.385–5 and (except for the instruments held by independent creditors) remain subject to paragraphs (k), (l), and (m) of this section.

(3) *Hybrid instrument.* For the definition of the term "hybrid instrument," see § 1.385–3(d).

(4) *Illustration.* The following example illustrates the application of this paragraph (d):

Example. Corporation X's only outstanding stock is 100 shares of common stock. Individual A owns 40 shares, individual B owns 30 shares, and individual C owns 30 shares. On January 1, 1990, X issues $100,000 of convertible debentures. Sixty thousand dollars of the convertible debentures are issued to A, $25,000 are issued to B, and the remaining $15,000 are issued to C. Based on these facts, the convertible debentures are treated as stock.

(e) *Instruments not issued for money*—(1) *In general.* An instrument issued by a corporation is treated as stock if—

(i) This section applies to the instrument immediately after it is issued,

(ii) The stated annual rate of interest on the instrument is not reasonable (within the meaning of paragraph (f) of this section), and

(iii) The issuance of the instrument does not give rise to original issue discount under section 1232(a)(3) or amortizable bond premium under § 1.61–12(c)(2).

(2) *Special rule.* For purposes of this paragraph (e), the reasonableness of a rate of interest is determined on the day an instrument is issued.

(3) *Exception.* (i) This paragraph (e) does not apply to an instrument that is issued in exchange for an equal or greater principal amount of indebtedness of the issuing corporation if—

(A) An independent creditor holding the outstanding indebtedness would, in the exercise of ordinary diligence, have agreed to the exchange, and

(B) The issuing corporation would, in the exercise of ordinary diligence, have agreed to make the exchange with an independent creditor holding the outstanding indebtedness.

(ii) For purposes of subdivision (i) of this subparagraph (3), the principal amount of indebtedness includes interest accrued but unpaid up until the date of the exchange, but only to the extent that such interest is paid with principal in the exchange.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (e):

Example (1). J organizes corporation W on December 10, 1985 to operate a distributorship of radios, television sets, and other types of electrical appliances. On the same day, J transfers certain franchises, and other assets to W in exchange for all of W's capital stock and $100,000 of 10-year, 9-percent debenture bonds. Assume that on December 10, 1985, 9 percent is not a reasonable rate of interest (within the meaning of paragraph (f) of this section). Based on these facts, the debenture bonds are treated as stock.

Example (2). Corporation X operates a wholesale electrical supply business. In the course of a recapitalization on December 30, 1990, X issues 2,100 of new class B debentures (the entire class) to L in exchange for X common stock. Immediately after the recapitalization, L holds 90 percent of the common stock of X. The principal amount of each class B debenture is $100, and each debenture pays $50 a year in interest. Assume that on December 30, 1990, 50 percent is not a reasonable rate of interest (within the meaning of paragraph (f) of this section). Based on these facts, the class B debentures issued to L are treated as stock.

Example (3). On January 1, 1987, individuals A, B and C transfer a tract of undeveloped land and $4,500 in cash to newly formed corporation X. In exchange, each receives 100 shares of stock and a 2-year, 10-percent promissory note for $110,000. Assume that 10 percent is not a reasonable rate of interest (within the meaning of paragraph (f) of this section). Based on these facts, the promissory notes are treated as stock for all purposes of the Internal Revenue Code. In particular, the notes are not treated as "other property" within the meaning of section 351(b). Thus, no gain or loss is recognized on the transfer of the land to X (see section 351), and X's basis in the land is the same as it was in the hands of A, B, and C (see section 362(a)(1)).

Example (4). B is the sole shareholder of corporation Y. On January 1, 1990, Y issues a $30,000, 10 percent note to B in exchange for $30,000. The note is due on January 1, 2000 and is treated as indebtedness under § 1.385–4(a). Interest on the note is paid according to its terms through 1999. During 1999, Y encounters business difficulties. On December 11, 1999, Y issues a new note to B in exchange for the outstanding note. The terms of the new note are identical to those of the outstanding note except that the new note is due on January 1, 2002 and is subordinated to a new bank loan being made at the time of the exchange. Assume that an independent creditor holding the outstanding note would, in the exercise of ordinary diligence, have agreed to exchange the outstanding note for the new note. Assume also that Y would, in the exercise of ordinary diligence, have agreed to the exchange even if the outstanding note were held by an independent creditor. Based on these facts, the exception of paragraph (e)(3) of this section applies and, therefore, this paragraph (e) does apply to the new note. However, the new note is subject to paragraphs (k), (l), and (m) of this section.

(f) *Reasonable rate of interest*—(1) *In general.* The annual rate of interest on an instrument issued by a corporation is reasonable if it is within the normal range of rates paid to independent creditors (determined without regard to paragraph (b)(2) of this section) on similar instruments by corporations of the same general size and in the same general industry, geographic location, and financial condition on the date the determination is made. In no event will the rate of interest on an instrument (other than an instrument to which paragraph (f)(2) of this section applies) be considered reasonable for purposes of this paragraph (f)(1) if it is less than the rate determined by the Secretary pursuant to paragraph (f)(2)(i)(A) of this section for instruments of comparable maturity.

(2) *Rule of convenience.* For purposes of the regulations under section 385, an annual rate of interest on an instrument is considered to be reasonable if—

(i) On the date the determination is made, (A) it is equal to the rate in effect under section 6621, the prime rate in effect at any local commercial bank (or a rate two points above such rate), either of the end points of the range of rates set forth in § 1.482–2(a)(2)(iii)(B)(1), or a rate determined from time to time by the Secretary taking into consideration the average yield on outstanding marketable obligations of the United States of comparable maturity or (B) it is in between any two of the rates described in subdivision (A) of this subdivision (i), and

(ii) At the end of the taxable year in which the determination is made, the debt-to-equity ratio of the issuing corporation is not greater than 3:1. For rules relating to the computation of the debt-to-equity ratio, see paragraphs (h) and (j) this section.

(3) *Exception.* Paragraph (f)(2) of this section does not apply to an instrument that evidences a nonrecourse liability.

(4) *Local commercial bank.* The term "local commercial bank" includes any commercial bank at which the issuing corporation ordinarily does business.

(5) *Illustrations.* The following examples illustrate the application of this paragraph (f):

Example (1). Individual A is the sole shareholder of corporation X. On January 1, 1990, A lends $100,000 to X in exchange for a 10 percent note. At about the same time, a local commercial bank lends $100,000 to X in exchange for a 10-percent note with approximately the same terms. The bank loan is personally guaranteed by A. However, the guarantee is required pursuant to the bank's normal lending practice as a substitute for detailed covenants, and the bank loan was made principally on X's credit (and not A's). Based on these facts, 10 percent is a reasonable rate of interest.

Example (2). A is the sole shareholder of corporation X. On July 1, 1989, A lends $100,000 to X in exchange for a 10-year note bearing annual interest at 10 percent. On December 31, 1989, X's debt-to-equity ratio, computed in accordance with the principles of paragraphs (h) and (j) of this section, is 3:1. On July 1, 1989, the section 6621 rate is 12 percent; the prime rate is 14 percent; the endpoints of the range of rates set forth in § 1.482–2(a)(2)(iii)(B)(*1*) are 11 percent and 13 percent and the rate determined by the Secretary for 10-year instruments taking into consideration the average yield on outstanding U.S. obligations of comparable maturity is 10 percent. Based on these facts, the rate of interest on the note is considered to be reasonable.

(6) *Cross-reference.* For circumstances where the Commissioner may disregard a noncommercial term of an instrument in determining a reasonable interest rate, see § 1.385–3(a)(1)(iii).

(g) *Excessive debt*—(1) *In general.* If, immediately after an instrument is issued by a corporation—

(i) This section applies to the instrument, and

(ii) The corporation's debt is excessive, then the instrument is treated as stock.

(2) *Excessive debt.* The corporation's debt is "excessive" if (i) all of the instrument's terms and conditions (including the stated interest rate), considered as a whole, and (ii) the corporation's financial structure, taken together, would not be satisfactory to an independent creditor (determined without regard to paragraph (b)(2) of this section). For this purpose, the corporation's size, industry, geographic location, and financial condition must be taken into account. Also, for this purpose, the stated interest rate will be considered satisfactory to an independent creditor if an interest rate one point higher or one point lower than the stated interest rate would be satisfactory to such creditor.

(3) *Safe harbor.* Notwithstanding paragraph (g)(1) of this section, a corporation's debt is not excessive if—

(i) The corporation's outside ratio is less than or equal to 10:1, and

(ii) The corporation's inside ratio is less than or equal to 3:1.

(4) *Ratios.* The corporation's outside ratio is the debt-to-equity ratio determined under paragraphs (h) and (j) of this section. Its inside ratio is determined in the same manner by excluding liabilities to independent creditors (except in computing stockholders' equity). Both ratios are determined at the end of the taxable year in which the instrument is issued.

(5) *Exception.* This paragraph (g) does not apply to instruments issued in exchange for an equal or greater principal amount of indebtedness. For purposes of the preceding sentence, the prinicpal amount of indebtedness includes interest accrued but unpaid up until the date of the exchange, but only to the extent that such interest is paid with principal in the exchange.

(6) *Illustrations.* The following example illustrates the application of this paragraph (g):

Example. Individual B forms corporation Y on December 31, 1982. Y uses the calendar year as the taxable year. On December 31, 1982, Y acquires rental property from an unrelated third party for $100,000. It obtains the $100,000 from the following sources: $10,000 from B for common stock, $10,000 from C on a second mortgage note, and $80,000 from D on a first mortgage note. Assume that C and D are B's father and mother. Also assume that the terms and conditions of the mortgage notes and Y's financial structure would be satisfactory to an unrelated commercial bank. Based on these facts, the mortgage notes are not treated as stock under this paragraph (g).

(h) *Debt-to-equity ratio.* The following rules apply for purposes of the regulations under section 385:

(1) *In general.* The debt-to-equity ratio of a corporation is the ratio that—

(i) The corporation's liabilities (excluding trade accounts payable, accrued operating expenses and taxes, and other similar items) bears to

(ii) The stockholders' equity.

(2) *Stockholders' equity.* The stockholders' equity in a corporation is the excess of—

(i) The adjusted basis of its assets (less reserves for bad debts, if applicable, and other similar asset offsets) over

(ii) Its liabilities (including liabilities excluded under paragraph (h)(1)(i) of this section).

(3) *Operating rules.* Except as provided in paragraph (h)(6) of this section, the adjusted basis of a corporation's assets and the amount of its liabilities are determined—

(i) In accordance with the tax accounting principles properly used by the corporation in determining taxable income; and

(ii) Without regard to the treatment of any interest as stock or indebtedness by reason of section 385.

(4) *Coordination with excessive or inadequate consideration rules.* For purposes of meeting the requirements of paragraph (f)(2) of this section (relating to the interest rate rule of convenience) and the requirements of paragraph (g)(3) of this section (relating to the excessive debt safe harbor), the debt-to-equity ratio of the corporation will be determined without application of the provisions of paragraph (c) of this section.

(5) *Illustrations.* The following examples illustrate the application of paragraph (h) (1)–(4) of this section:

Example (1). On December 31, 1990, corporation M has assets with an adjusted basis of $150,000 and liabilities of $100,000. The stockholder's equity in M is $50,000 (i.e., $150,000−$100,000). Assume that M has no trade accounts payable, accrued taxes and operating expenses, etc., and that the special rules in paragraph (h)(6) of this section do not apply. Based on these facts, the debt-to-equity ratio of corporation M on December 31, 1990 is 2:1 (i.e., $100,000:$50,000).

Example (2). On December 31, 1990, corporation N has assets with an adjusted basis of $150,000. In addition, N has liabilities of $100,000, including $30,000 of trade accounts payable, accrued taxes and operating expenses, etc. The stockholders' equity in N is $50,000 (i.e., $150,000−$100,000). Assume that the special rules in paragraph (h)(6) of this section do not apply. Based on these facts, N has a debt-to-equity ratio on December 31, 1990 of 7:5 (i.e., $70,000:$50,000).

(6) *Special rules.* (i)(A) In computing the adjusted basis of property of a character subject to the allowance for depreciation for purposes of this section, the deductions for depreciation shall be determined in the same manner as under section 312(k) for purposes of computing earnings and profits.

(B) The following example illustrates the application of this subdivision (i):

Example. Corporation X purchases a new machine for $240,000 and places it in service on January 1, 1983. Assume the machine is "5-year property" within the meaning of section 168(c)(2)(B). Also assume that, under section 312(k)(3)(A), the adjustment to earnings and profits for depreciation with respect to the machine is computed under the straight-line method using a half-year convention and no salvage value and using a recovery period of 12 years. Based on these facts, for purposes of computing X's debt-to-equity ratio on December 31, 1984, X is treated as having an adjusted basis of $210,000 in the machine (240,000—(3/24) (240,000)).

(ii) In the case of a corporation that uses the cash method of accounting, the adjusted basis of trade accounts receivable shall be deemed to be equal to the face amount of the receivables (less an appropriate reserve for uncollectibles).

(iii)(A) In determining the debt-to-equity ratio of a corporation at the end of a taxable year, the stockholders' equity shall be increased by the amount of any net operating loss (determined without regard to sections 1211(a) and 1212) sustained by the corporation during the taxable year.

(B) The following example illustrates the application of this subdivision (iii):

Example. On January 1, 1985, individual A organizes corporation T and transfers $100,000 to it for $50,000 of stock and a $50,000 note. At the end of T's first taxable year, T has assets with an adjusted basis of $120,000 and liabilities of $480,000 including $30,000 of trade accounts payable, accrued taxes and operating expenses, etc. T also has a net operating loss (determined without regard to sections 1211(a) and 1212) for the taxable year of $10,000. Based on these facts, T's stockholders' equity at the end of the taxable year is $50,000 (i.e., ($120,000−$80,000)+$10,000). Consequently, T's debt-to-equity ratio is 1:1 (i.e., $50,000:$50,000).

(iv) In determining the debt-to-equity ratio of a corporation that is a bank (as defined in section 581) or is primarily engaged in a lending or finance business (as defined in sections 279(c)(5)), adjustments shall be made in accordance with the principles of section 279(c)(5)(A).

(v) In determining the debt-to-equity ratio of an insurance company (as defined in § 1.801–1(b)), insurance reserves shall be treated in the same manner as trade accounts payable.

(vi) A liability is treated in the same manner as a trade account payable if it is—

(A) Incurred under a commercial financing agreement (such as an automobile "floorplan" agreement) to buy an item of inventory,

(B) Secured by the item, and

(C) Due on (or before) sale of the item.

(vii)(A) The debt-to-equity ratio shall be computed without regard to distortions created by a temporary contribution to equity or any similar contrivance.

(B) The following example illustrates the application of this subdivision (vii):

Example. Individual A organizes corporation X on December 31, 1985. X uses the calendar year as the taxable year. A contributes $100,000 in cash and property with a basis of $40,000 to X in exchange for 1,000 shares of common stock and a 10-percent note worth $40,000. On January 4, 1986, X redeems 900 shares of stock for $90,000 in cash. Based on these facts, X's debt-to-equity ratio on December 31, 1985 is determined by not treating the $90,000 paid in redemption of stock on January 4, 1986 as an asset of X. Therefore, the debt-to-equity ratio is 4:1 (i.e., $40,000:$10,000).

(viii) In determining the debt-to-equity ratio of a cooperative, interests described in § 1.385–1(b)(2) will be treated as equity except that, if a cooperative treats such an interest as a liability for financial reporting purposes, that interest is treated in the same manner as a trade account payable.

(i) [Reserved]

(j) *Affiliated groups*—(1) *In general.* For purposes of the regulations under section 385, the debt-to-equity ratio of a member of an affiliated group of corporations is determined in accordance with paragraph (h) of this section and this paragraph (j)(1). For purposes of this paragraph (j), the term "affiliated group of corporations" will have the same meaning as in section 1504(a) except that no exclusions will be made under section 1504(b). If one includible corporation ("X") owns stock in another includible corporation ("Y"), then X's debt-to-equity ratio is determined as follows:

(i) X is treated as having a ratable share of Y's assets and liabilities. This ratable share is determined by dividing—

(A) The fair market value of the Y stock owned by X, by

(B) The fair market value of all of Y's stock.

(ii) X's investments in Y and Y's liabilities to X are eliminated. In addition, any other duplication in the

amount of X's money and other assets and liabilities resulting from the application of this subparagraph (l) (for example, resulting from Y's ownership of stock in X) is eliminated.

(2) *Illustrations.* The following examples illustrate the application of this paragraph (j):

Example (1). Corporations P and S–1 comprise an affiliated group, P owning all the stock of S–1. On December 31, 1985, P's only asset is stock in S–1, and P has no liabilities. In addition, S–1 has assets with an adjusted basis of $200,000 and liabilities of $150,000. Assume that S–1 has no trade accounts payable, accrued taxes and operating expenses, etc. and that the special rules in paragraph (h)(6) of this section do not apply. Based on these facts, P is treated as having assets with an adjusted basis of $200,000 and liabilities of $150,000. Therefore, P's debt-to-equity ratio is 3:1 (i.e., $150,000:$50,000).

Example (2). The facts are the same as in example (1), except that S–1's liabilities include a $50,000 note payable to P and P's assets consist of this note and the S–1 stock. Eliminating this note, S–1's liabilities are only $100,000. Based on these facts, P is treated as having liabilities of $100,000 and assets with an adjusted basis of $200,000. Therefore, P's debt-to-equity ratio is 1:1 (i.e., $100,000:$100,000).

Example (3). (a) The facts are the same as in example (1), except that S–1's assets include 80 percent of the only class of stock of corporation S–2, which also is a member of the affiliated group. S–1's adjusted basis in the stock of S–2 is $15,000. In addition, S–2 has assets with an adjusted basis of $50,000 and no liabilities.

(b) Based on these facts, S–1 is treated as having $40,000 (i.e., 80 percent of $50,000) of S–2's assets instead of the S–2 stock. Therefore, S–1 is treated as having assets with an adjusted basis of $225,000 and liabilities of $150,000. This S–1's debt-to-equity ratio is 2:1 (i.e., $150,000:$75,000). P's debt-to-equity ratio is also 2:1.

Example (4). Corporations W, X, Y, and Z comprise an affiliated groups. W owns all of the stock of X and X owns all of the stock of each of Y and Z. In addition ot the stock of Y and Z, X has assets with an adjusted basis of $100 and no liabilities. Y has assets with an adjusted basis of $800 and liabilities of $700. These liabilities include a liability of $200 to W and a liability of $100 to Z. Z has, in addition to its obligation from Y, assets with an adjusted basis of $300 and liabilities of $200. Assume that X, Y, and Z have no trade accounts payable, accrued taxes and operating expenses, etc. and that the special rules in paragraph (h)(6) of this section do not apply. Based on these facts, for the purpose of computing X's debt-to-equity ratio, X is teated as having Y's assets with an adjusted basis of $800 and Y's liabilities of $600 (the liability of Y to Z is eliminated for this purpose but the liability to W is not). Also, for this purpose, X is treated as having Z's assets with an adjusted basis of $300 and Z's liabilities of $200 (Z's obligation from Y is eliminated for this purpose). Therefore, X is treated as having assets with an adjusted basis of $1,200 and liabilities of $900 and X's debt-to-equity ratio is 2:1.

(k) *Change in terms*—(1) *In general.* If—

(i) The holder agress to postpone the maturity date or otherwise to make a substantial change in the terms of an instrument,

(ii) the instrument is treated as indebtedness under the regulations under section 385, and

(iii) This section applies to the instrument on the day of agreement.

then (for purposes of the regulations under section 385) the instrument is treated as newly issued in exchange for property on the day of agreement. Thus, beginning on the day of agreement the instrument may be treated as stock under paragraph (d) of this section (relating to hybrid instruments), paragraph (e) of this section (relating to certain instruments not issued for money) or paragraph (m) of this section (relating to instruments payable on demand). However, paragraph (g) of this section (relating to excessive debt) does not apply unless there is an increase in the principal amount of the instrument within the meaning of paragraph (g)(5) of this section.

(2) *Substantial.* For purposes of this paragraph (k), each change in the terms of an instrument is substantial if the fair market value of the instrument could be materially affected by that change. Thus, for example, subordination (however effected or a change in interest rate is ordinarily a substantial change. On the other hand, a mere substitution of collateral need not be a substantial change. In addition, prepayment will not be considered a substantial change in terms.)

(3) *Day of agreement.* For purposes of this paragraph (k), the "day of agreement" is the day the issuer and the holder enter into a binding contract to change the terms of an instrument.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (k):

Example (1). A is the sole shareholder of corporation X. On January 1, 1990, X issues a $10,000, 9-percent note to A for $10,000 in cash. The note is due on January 1, 2000, and is treated as indebtedness under § 1.385–4(a). However, on December 10, 1999, A and X agree to extend the maturity of the note until January 1, 2015. Assume that under the terms of the agreement the note will continue to pay 9-percent interest, and that on December 10, 1999, 9-percent is not a reasonable rate of interest (within the meaning of paragraph (f) of this section) for a note due on January 1, 2015. Also assume that an independent creditor holding the note would not, in the exercise of ordinary diligence, have agreed to the extension of maturity and that, therefore, the exception of paragraph (e)(3) of this section is not applicable. Based on these facts, the note would be treated as stock under paragraph (e) of this section if it were newly issued in exchange for property on December 10, 1999. Therefore, the note is reclassified as stock on December 10, 1999.

Example (2). A is the sole shareholder of corporation X. X issues a $20,000, 10-percent note to A for $20,000 in cash on January 1, 2005. The note is due on January 1, 2007, and is treated as indebtedness under § 1.385–4(a). On December 10, 2005, A and X agree to extend the maturity of the note until January 1, 2037, and to increase the interest rate from 10 to 11 percent. For purposes of this paragraph (k), both changes in terms made on December 10, 2005 are substantial because both could materially affect the fair market value of the note. The result is the same even if the two changes are mutually offsetting in the sense that, taken together, they have no material effect on the fair market value of the note.

Example (3). B is the sole shareholder of corporation Y. On January 1, 1990, Y issues a $30,000, 10-percent note to B in exchange for $30,000. The note is due on January 1, 2000 and is treated as indebtedness under § 1.385–4(a). Interest on the note is paid according to its terms through 1999. During 1999, Y encounters business difficulties. On December 11, 1999, B agrees to extend the note until January 1, 2002 and also agrees to subordinate the note to a new bank loan being made at this time. Based on these facts, the note is treated (for purposes of the regulations under section 385) as newly issued in exchange for an equal principal amount of indebtedness. Assume that an independent. Assume that an independent creditor holding the note would, in the exercise of ordinary diligence, have agreed to both the extension of maturity and the subordination to the new bank loan. Assume also that Y would, in the exercise of ordinary diligence, have agreed to the extension and the subordination even if the note were held by an independent creditor. Based on these additional facts, the note continues to be treated as indebtedness notwithstanding the extension of maturity and the subordination to the new bank loan. See paragraph (e)(3) and example (4) of paragraph (e)(4) of this section. However, the note continues to be subject to this paragraph (k) and to paragraphs (l) and (m) of this section.

(l) *Nonpayment of interest*—(1) *In general.* If—

(i) A corporation fails to pay all or part of the interest due and payable on an instrument during a taxable year,

(ii) This section applies to the instrument on the last day of the taxable year, and

(iii) The owner of the instrument fails to exercise the ordinary diligence of an independent creditor,

then the instrument is treated as stock beginning on the later of the first day of the taxable year during which the failure to pay occurs or the first day on which this section applied to the instrument.

(2) *Illustrations.* The following examples illustrate the application of paragraph (l)(1) of this section:

Example (1). N is the sole shareholder of corporation Y. On January 1, 1986, Y issues $100,000 of 10-year, 10-percent debentures. Interest on the debentures is payable semiannually. Eighty thousand dollars of the debentures are issued to N and are treated as indebtedness under § 1.385–4(a). The remaining debentures are issued to independent creditors. Y pays all interest accrued on the debentures semiannually until 1991. Because of adverse business conditions, Y does not pay the interest accrued in 1991 on either the debentures held by N or the debentures held by the independent creditors. Both N and the independent creditors decide not to bring suit against Y in the hope that conditions will improve and that Y will be able to meet its obligations. Based on these facts, the debentures held by N continue to be treated as indebtedness because N has not failed to exercise the ordinary diligence of an independent creditor.

Example (2). (a) M is the sole shareholder of X, a corporation that uses the calendar year as the taxable year. On January 1, 1985, X issues $100,000 of 10-year, 9-percent debentures. Interest on the debentures is payable semiannually. Ten thousands dollars of the debentures are issued to M and are treated as indebtedness under § 1.385–4(a). The remaining debentures are issued to independent creditors. X pays all interest accrued on the debentures semiannually until 1990. Because of adverse business conditions, X does not pay the interest accrued in 1990 on the debentures held by M. However, X continues to pay interest on the debentures held by the independent creditors. Based on these facts, the debentures held by M are treated as a separate class of instruments beginning on January 1, 1990. See paragraph (a)(5) of this section. Since the debentures held by M are treated as a separate class of instruments, the holdings of M's debentures and the stock of X are substantially proportionate as of January 1, 1990.

(b) M has failed to take the steps that a reasonably diligent independent creditor would take to secure payment of interest. Based on these facts, the debentures held by M are treated as stock beginning on January 1, 1990. However, the debentures held by the independent creditors are not affected.

Example (3). L owns 80 percent of the stock of Z, a coporation that uses the calendar year as the taxable year. On January 1, 1985, Z issues $200,000 of 10-year, 10-percent unsecured notes to L. Interest on the notes is payable semiannually. Z pays all interest accrued on the notes semiannually until 1990. Because of adverse business conditions, Z does not pay the interest accrued in 1990 on the notes. On February 1, 1991, L agrees to postpone $10,000 of the interest accrued in 1990 until the notes mature on January 1, 1995. In addition, Z agrees to pledge certain collateral as security for the debentures. Taking into account Z's prior record of paying all interest accrued until 1990, the pledge of collateral, and all other relevant facts and circumstances, it is assumed that L has exercised the ordinary diligence of an independent creditor. Based on these facts, the notes continue to be treated as indebtedness.

(3) *Failure to pay interest.* For purposes of this section, a corporation fails to pay interest on an instrument during a taxable year of the corporation if the interest is not actually paid within 90 days after the end of such taxable year. For this purpose, payment of interest with property other than money will be considered actual payment, but only to the extent such property is includible in the income of the holder of the instrument. For example, payment of interest with a note will be considered actual payment, but only to the extent the note is includible in the income of the holder of the note. For this prupose, property is considered to be includible in the income of a tax-exempt entity (e.g., a charitable organization) if it would be includible if the entity were not tax-exempt.

(4) *Special rule.* (i) For purposes of this paragraph (l), interest accrued while this section does not apply to the instrument is disregarded.

(ii) The following example illustrates the application of this subparagraph (4):

Example. Individual A owns all the stock of X, a corporation that uses the calendar year as the taxable year. On January 1, 1983, X issues $10,000 of 8-percent debentures to B, an independent creditor. The debentures are treated as indebtedness under § 1.385–4(a) (relating to instruments generally). Interest on the debentures is payable semiannually on January 1 and July 1 of each year. X fails to make the $400 payment of interst due on July 1, 1986, and A then buys the debentures from B. X actually pays the $400 interest due on January 1, 1987, but A forgives the $400 payment that was due on July 1, 1986. Based on these facts, the debentures are not treated as stock under this paragraph (l). There is no requirement that interest accrued while B held the debentures must be paid. However, X may have income under § 1.61–12(a) (relating to discharge of indebtedness).

(m) *Payable on demand*—(1) *Initial classification.* If immediately after it is issued—

(i) This section applies to an instrument,

(ii) By its terms, the instrument is payable on demand, and

(iii) The stated annual rate of interest on the instrument is not reasonable (within the meaning of paragraph (f) of this section),

then the instrument is treated as stock.

(2) *Reclassification.* If for any taxable year (or portion thereof)—

(i) Either by its terms or by operation of paragraph (m)(3) of this section, an instrument is payable on demand,

(ii) This section applies to the instrument, and

(iii) The issuing corporation fails to pay interest on the instrument at a reasonable rate, then the instrument is treated as stock beginning on the the first day of that taxable year (or portion thereof). For purposes of this subparagraph (2), a rate of interest is considered reasonable if it is reasonable (within the meaning of paragraph (f) of this section) as of any day of the taxable year.

(3) *Nonpayment of principal.* If—

(i) The issuing corporation fails to make a scheduled payment of principal on an instrument within 90 days after the payment is due, and

(ii) The holder of the instrument fails to exercise the ordinary diligence of an independent creditor, then, for purposes of this paragraph (m), the instrument is considerd to be payable on demand beginning on the day after the day the principal is due.

(4) *Exceptions.* (1) This paragraph (m) (other than subparagraph (4)(ii) thereof) does not apply to an instrument that is actually retired within 120 days after the end of the taxable year of issue.

(ii) If an instrument payable on demand described in paragraph (m)(4)(i) of this section is not retired with interest at an arm's length rate within the meaning of § 1428–2(a)(2), then interest at the rate set forth in § 1.482–2(a)(2)(iii)(B)(*2*) shall be imputed.

(iii) For purposes of paragraph (m)(4)(i) of this section an instrument is not considered to be actually retired if it is reissued, renewed or offset in any manner. An instrument will be presumed not to be reissued, renewed or offset to the extent that the holder (or any person from whom the ownership of stock would be attributed to the holder under section 318(a)) does not make any loan described in § 1.385–7(a)(1) within the prohibited period and the corporation does not issue to the holder (or to any such person) an instrument payable on demand within the prohibited period. The prohibited period begins on the date the instrument is retired and extends for the number of days the instrument was outstanding. The Commissioner may rebut this presumption by evidence tending to show that the instrument, when considered with other loans or instruments, is used for purposes other than temporary and nonperiodic needs of the corporation's business. For example, this presumption may be rebutted by evidence tending to show that the corporation has a seasonal need for working capital and that there is a pattern of funding this need with instruments payable on demand or loans described in § 1.385–7(a).

(iv)(A) If a failure to pay interest on an instrument at a reasonable rate results solely from a failure to pay interest when due, then paragraph (m)(2) of this section does not apply. See, however, paragraph (l) of this section

(relating to nonpayment of interest when due).

(B) The following example illustrates the application of this subdivision (iv):

Example. Individual A owns 100 percent of the stock of corporation X. On January 1, 1990, X issues a 14-percent demand note to A. X uses the calendar year as its taxable year. Assume that 14 percent is a reasonable rate of interest (within the meaning of paragraph (f) of this section) on January 1, 1990, but that X fails to pay any part of the interest due on the note for the taxable year 1990. Based on these facts, paragraph (m)(2) of this section does not apply. However, if A has failed to exercise the ordinary diligence of an independent creditor, the note will be treated as stock under paragraph (l) of this section.

(5) *Illustrations.* The following examples illustrate the application of this paragraph (m) and related provisions. It is assumed in these examples, that the demand instruments are not retired within 120 days after the end of the taxable year in which they are issued:

Example (1). J and N operate a partnership that distributes beer. On April 1, 1989, J and N organize corporation T and transfer the assets of the partnership to the corporation. In exchange for the assets of the partnership, J and N each receive half of the common stock of T and a 8-percent demand note for $45,000. Assume that 8 percent is not a reasonable rate of interest (within the meaning of paragraph (f) of this section) on April 1, 1989. Based on these facts, the demand notes are treated as stock.

Example (2). On August 24, 1986, F organizes corporation G to own and operate an outdoor amusement business. G uses the calendar year as its taxable year. On August 25, 1986, F transfers trucking equipment, mechanical rides, and other assets to G in exchange for all the capital stock of G and a 6 percent note for $200,000. The note is due on August 25, 1990, and is classified as indebtedness under § 1.385–4(a). However, G does not pay the principal within 90 days after it is due, and F does not pursue such payment with the ordinary diligence of an independent creditor. Based on these facts, beginning on August 26, 1990, the note is considered to be payable on demand. Assume that during 1990 the lowest reasonable rate of interest on a demand note issued by G (taking into account the financial condition of G) is 12-percent a year, and that under applicable local law the note continues to pay 6 percent interest after maturity. Based on these facts, the note is treated as stock on August 26, 1990.

Example (3). The facts are the same as in example (2) except that G agrees to pay 12 percent interest on the note. In addition, assume that 12 percent is a reasonable rate of interest on August 26, 1990. Based on these facts, the note is not treated as stock under this paragraph (m).

Example (4). The facts are the same as in example (3), except that G issues a 12-percent demand note for $200,000 to F in payment for the 6-percent note due on August 25, 1990. Based on these facts, the 6-percent note is not treated as stock. In addition, the 12-percent note may be treated as an indebtedness under § 1.385–4(a).

(n) *Meaning of terms*—(1) *Debt-to-equity ratio.* For the definition of the term "debt-to-equity ratio", see paragraphs (h) and (j) of this section.

(2) *Failure to pay interest.* For the definition of the term "failure to pay interest," see paragraph (l)(3) of this section.

(3) *Fair market value.* For the definition of the term "fair market value", see § 1.385–3(a).

(4) *Instrument.* For the definition of the term "instrument", see § 1.385–3(b).

§ 1.385–7 Certain other obligations.

(a) *Scope*—(1) *In general.* This section applies to any loan of money (*e.g.*, a cash advance) made to a corporation unless—

(i) The loan is made by an independent creditor (within the meaning of § 1.385–6(b)), or

(ii) The loan is evidenced by an instrument within 120 days after the end of the taxable year in which the loan is made.

If the loan is evidenced by an instrument within 120 days after the end of the taxable year in which the loan is made, the instrument is considered to be issued in consideration of the loan. For treatment of the instrument as stock or indebtedness, see §§ 1.385–4 through 1.385–6.

(2) *Exceptions.* (i) This section (other than paragraph (a)(2)(ii) thereof) does not apply to a loan repaid within 120 days after the end of the taxable year in which the loan is made.

(ii) If a loan described in paragraph (a)(2)(i) of this section is not repaid with interest at an arm's length rate within the meaning of § 1.482–2(a)(2), then interest at the rate set forth in § 1.482–2(a)(2)(iii)(B)(*2*) shall be imputed.

(iii) For purposes of paragraph (a)(2)(i) of this section, a loan is not considered to be actually repaid if it is renewed or offset in any manner. A loan will be presumed not to be renewed or offset to the extent that the lender (or any person from whom the ownership of stock would be attributed to the lender under section 318(a)) does not make any loan described in paragraph (a)(1) of this section within the prohibited period and the corporation does not issue to the lender (or such person) an instrument payable on demand within the prohibited period. The prohibited period begins on the day the loan is repaid and extends for the number of days the loan was outstanding. The Commissioner may rebut this presumption by evidence tending to show that the loan, when considered with other loans or instruments, is used for purposes other than temporary and nonperiodic needs of the corporation's business. For example, this presumption may be rebutted by evidence tending to show that the corporation has a seasonal need for working capital and that there is a pattern of funding this need with loans described in paragraph (a)(1) of this section.

(b) *Initial classification*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, a loan to which this section applies is treated as indebtedness.

(2) *Exception.* A loan to which this section applies is treated as a contribution to capital if the debtor corporation has excessive debt when the loan is made (under the principles of § 1.385–6(g)).

(c) *Reclassification*—(1) *In general.* If a loan is treated as indebtedness under paragraph (b)(1) of this section and if the debtor corporation fails to pay interest on the loan at a reasonable rate during any taxable year, then the loan is reclassified as a contribution to capital as of the later of the first day of the taxable year or the date of the loan. For purposes of this subparagraph (1), a rate is considered reasonable if it is reasonable (under the principles of § 1.385–6(f)) as of any day of the taxable year.

(2) *Special rule.* For purposes of paragraph (c)(1) of this section, a corporation is not considered to pay interest on a loan during a taxable year unless the interest is actually paid within 90 days after the end of such taxable year. For this purpose, payment of interest with property other than money will be considered actual payment, but only to the extent such property is includible in the income of the lender. For example, payment of interest with a note will be considered actual payment, but only to the extent such note is includible in the income of the lender. For this purpose, property is considered to be includible in the income of a tax-exempt entity (e.g., a charitable organization) if it would be includible if the entity were not tax-exempt.

(d) *Effect of this section*—(1) *Initial classification.* If a loan is treated as a contribution to capital under paragraph (b)(2) of this section, then all payments of principal and interest on the loan are treated as distributions to which section 301 applies.

(2) *Reclassification.* If a loan is reclassified as a contribution to capital under paragraph (c) of this section, then all payments of principal and interest made on the loan after the beginning of

the year of reclassification are treated as distributions to which section 301 applies. In addition, once a loan is reclassified under paragraph (c) of this section, its status as a contribution to capital can never change.

(e) *Illustrations.* The following examples illustrate the application of this section:

Example (1). Corporation M uses the calendar year as the taxable year. A is the sole shareholder of M. On March 1, 1986, A advances $73,000 to M, and M establishes an account payable to A in the amount of $73,000. The account payable is entered on the books of M but is not evidenced by an instrument. The account payable is not repaid within 120 days after the end of 1986. In addition, M has excessive debt within the meaning of § 1.385–6(g). Based on these facts, the account payable is classified as a contribution to capital.

Example (2). The facts are the same as in example (1), except that M does not have excessive debt. The account payable is classified as indebtedness. However, if M fails to pay (before April 1, 1987) interest at a reasonable rate on the account payable for the last 10 months of 1986, the account payable will be reclassified as a contribution to capital (effective retroactively to March 1, 1986).

Example (3). Corporation X, which has excessive debt, uses the calendar year as the taxable year. On January 1, 1985, X's sole shareholder advances $60,000 to X. The advance is entered on the books of X but is not evidenced by an instrument. X repays $40,000 of the advance on April 1, 1985 and the remaining $20,000 on October 1, 1986. The advance is not renewed or offset in any manner. Based on these facts, this section (other than paragraph (a)(2)(ii) thereof) does not apply to the $40,000 of the advance that was repaid on April 1, 1985. See paragraph (a)(2)(i) of this section. The remaining $20,000 is treated as a contribution to capital. Therefore, the $20,000 repaid on October 1, 1986 is treated as a distribution to which section 301 applies. Also, interest on the $40,000 repaid on on April 1 is imputed at the rate set forth in § 1.482–2(a)(2)(iii)(B)(*2*).

Example (4). B is the sole shareholder of corporation Y. On June 1, 1988, B makes a $40,000 noninterest-bearing unwritten advance to Y. The advance is repaid on November 30, 1988 and is not renewed or offset in any manner. Based on these facts, interest is imputed on the advance of the rate set forth in § 1.482–2(a)(2)(iii)(B)(*2*). Assume that the rate set forth in § 1.482–2(a)(2)(iii)(B)(*2*) is 12 percent per annum simple interest. Then $2,400 is imputed with respect to the period of the advance as interest income to B and as an interest expense of Y. However, apart from this imputation of interest, this section does not apply to the advance.

Example (5). Corporations S and T are wholly owned subsidiaries of corporation P. P, S, and T use the calendar year as their taxable year. On July 1, 1990, S makes a noninterest bearing advance of $50,000 to T. The advance is entered on the books of T but it is not evidenced by an instrument. The advance is not repaid within 120 days after the end of 1990. Based on these facts, S is treated as distributing $50,000 to P, and P is then treated as contributing this amount to the capital of T.

§ 1.385–8 Locked interests.

(a) *In general.* For purposes of the regulations under section 385, two or more distinct interests in a corporation are treated as separate even though title to one cannot be transferred without transferring title to the others. Thus, for example, if a corporation issues a bond with a nondetachable warrant, the bond and the warrant are treated as two separate interests in the corporation.

(b) *Illustrations.* The following examples illustrate the application of this section:

Example (1). On January 1, 1989, corporation X issues 20-year, $1,000 debentures with nondetachable warrants. Each warrant entitles the holder to buy 100 shares of common stock in X for $10 a share. Based on these facts, the debentures and the warrants are treated as separate interests.

Example (2). The facts are the same as in example (1), except that each debenture can be surrendered on the exercise of a warrant in lieu of cash. The result is the same as in example (1).

Example (3). On January 1, 1990, corporation Y issues a 25-year, $1,000 debenture to individual A for $1,000 in cash. Y has no other debentures outstanding. The debenture pays interest at a rate of $100 a year; $50 is payable in all events and the other $50 is noncumulative and payable only if earned. Individual A owns 90 percent of the stock in Y, and the fair market value of the debenture is $1,000. Based on these facts, the debenture is treated as stock under § 1.385.6(d) (relating to hybrid instruments held proportionately).

Example (4). The facts are the same as in example (3), except that Y issues a $600 debenture together with four shares of preferred stock to A. The debenture pays fixed interest of $50 a year and has a fair market value of $600. Each share of preferred stock has a liquidation value of $100 and pays a noncumulative dividend of $12.50 a year if earned. In addition, Y is required to redeem the preferred stock at $100 a share at the end of 25 years. Assume that § 1.385–6(g) (relating to excessive debt) does not apply to the debenture. Based on these facts, the debenture is treated as indebtedness under § 1.385–4(a). The result is the same even if A cannot transfer title to the debenture without also transferring title to the preferred stock.

PART 15A—TEMPORARY INCOME TAX REGULATIONS UNDER THE INSTALLMENT SALES REVISION ACT

Par. 4. Section 15A.453–1(c)(8) is revised to read as follows:

§ 15A.453–1 Installment method reporting for sales of real property and casual sales of personal property.

* * * * *

(c) * * *

(8) *Coordination with section 385.* For rules regarding coordination with section 385, see § 1.385–1(b)(4).

PART I [AMENDED]

§ 1.482–2 [Amended]

Par. 5. Paragraph (a)(4)(ii) of § 1.482–2 is amended by removing "§ 1.61–12(c)(2)" and inserting in lieu thereof "section 171."

Par. 6. Paragraph (a)(5) of § 1.482–2 is amended by adding, immediately after the first sentence in the flush material following (ii), "(See, however, § 1.385–6(f)(2), under which the safe haven rates of paragraph (a)(2)(iii) of this section may, under certain circumstances, be safe harbor rates under the regulations under section 385.)"

Par. 7. The example in § 1.482–2(a)(6) is amended:

1. By removing "(see § 1.385–3(a)(1))" from the fourth sentence and inserting in lieu thereof "(see § 1.385–6(c)(1))"; and

2. By inserting immediately after the second sentence, "Assume that S's debt-to-equity ratio, determined under § 1.385–6 (h) and (j), exceeds 3:1 on the last day of the taxable year of issue."

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81–37400 Filed 12–30–81; 3:04 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1990

[Docket No. H090C]

Identification, Classification and Regulation of Potential Occupational Carcinogens

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking and proposal for partial stay pending completion of rulemaking proceedings.

SUMMARY: The Occupational Safety and Health Administration is considering rulemaking proceedings, under Section 6 of the Occupational Safety and Health Act of 1970 and pursuant to 29 CFR 1990.108(b)(3), to reevaluate certain provisions of the generic standard, Identification, Classification and Regulation of Potential Occupational Carcinogens—the "Carcinogen Policy"—29 CFR Part 1990. This reevaluation is to determine the need for modification based on recent Supreme Court

decisions, public requests for review and the Agency's own experience. The Agency is considering possible changes to improve the cost-effectiveness of regulation under the Policy to coordinate the Policy with relevant portions of Executive Order 12291. The provisions for scientific review, for setting priorities and making the selection of substances public, and for limiting the use of certain kinds of scientific evidence are also being evaluated. Comments are invited on the scope of the reevaluation of the Carcinogen Policy.

OSHA also proposes to stay the requirements of the Policy relating to the establishment and pubication of the Candidate List and Priority Lists for the duration of the comment period on this advance notice and during any rulemaking proceedings which may follow. Other provisions of the Policy will continue in effect under the terms of this proposed stay.

DATES: Comments on suggested changes to the standard must be submitted by April 5, 1982. Comments concerning the issuance of a stay on the requirements to establish and publish the Candidate and Priority Lists must be submitted by February 19, 1982.

ADDRESSES: Comments, data and information should be submitted to the Docket Officer, Occupational Safety and Health Administration, Docket No. H090C, Room S6212, U.S. Department of Labor, 3rd St. and Constitution Avenue NW., Washington, D.C. 20210, where they will be available for inspection and copying.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, 3rd St. and Constitution Avenue NW., Washington, D.C. 20210, telephone (202) 523–8148.

SUPPLEMENTARY INFORMATION:

Background

OSHA published the standard, Identification, Classification and Regulations of Potential Occupational Carcinogens—the "Carcinogen Policy"—as 29 CFR Part 1990 on January 22, 1980 (45 FR 5001 *et seq.*) The stated purposes of the Policy are to streamline the regulatory process and provide predictable an uniform criteria for identifying and regulating substances as occupational carcinogens.

The Policy includes criteria and scientific policies for identifying and classifying a substance as a potential occupational carcinogen. It includes a screening and priority setting process to be followed in determining whether a proposed standard on a potential carcinogen should be issued. Guidelines are included on the substantive provisions of a proposed standard and are generally non-binding except for provisions giving preference to engineering and work practice controls. Certain procedures are included for issuing advance notices of proposed rulemaking, and for considering new scientific information and for setting time periods for comments and actions. Provisions are also included for amending the Policy and for scientific review by government scientists outside OSHA. The Policy does not, by itself, regulate specific substances. For a detailed explanation of the Policy see 29 CFR Part 1990, 45 FR 5001, January 22, 1980, as amended by 46 FR 4889, January 19, 1981.

On August 12, 1980, OSHA published a Candidate List (45 FR 53672) as part of the priority setting process. OSHA listed the substances which were candidates for further scientific review after conducting a brief scientific review of "available positive data" (as defined in the Policy, 45 FR 5209 and § 1990.121).

Since its effective date of April 21, 1980, the Policy has been modified in light of the Supreme Court's decision in *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute (IUD* v. *API)* 448 U.S. 607 (1980). Provisions of the Policy that were inconsistent with that decision regarding OSHA's benzene standard, were deleted (46 FR 4889, January 19, 1981). Among the deleted provisions was one that required worker's exposure to carcinogins automatically to be set at the lowest feasible levels. Another provision that was deleted automatically characterized all carcinogens as presenting a grave danger. Furthermore, the Agency published additional proposed amendments to the Policy on January 23, 1981, (46 FR 7402), which were later withdrawn (46 FR 19000, March 27, 1981).

The Carcinogen Policy remains the subject of several court challenges. These challenges have been consolidated in the United States Court of Appeals for the Fifth Circuit in *American Petroleum Institute et al.* v. *OSHA et al.*, Nos. 80–3018, et al. The litigation is still in a preliminary stage, and no decision on the legal merits of the Policy has issued, nor is expected in the near future.

Reasons for Considering a Proposed Rulemaking

OSHA is considering reevaluating the Carcinogen Policy for a number of reasons, including the following:

1. To assure consistency with Supreme Court decisions.

2. To consider more cost-effective means of achieving the regulation of occupational carcinogens.

3. To consider modifications based on OSHA's experience under the existing policy e.g., the priority system, and additional policy considerations.

4. To consider and respond to any advances or changes in the science of carcinogenesis, including quantitative risk assessment, occurring since the closing of the record in 1979.

5. To respond to the requirements of Executive Order 12291.

Summary of Issues for Which Submissions of Comments, Data and Information are Requested

This summary is representative only. OSHA invites the submission of comments and data on all aspects of the Policy.

1. How should OSHA consider the cost-effectiveness of provisions which are incorporated into a standard regulating carcinogens under the Policy?

The Policy preamble and standard do not explicitly address methods of obtaining required levels of employee protection at lower cost. Appropriate areas for consideration of cost-effective approaches may include methods of compliance with the exposure limits in a standard. One such approach might utilize a combined strategy of engineering controls, work practices, personal protective equipment and medical surveillance. Greater use of action levels, percentage exclusions (see the discussion at 45 FR 5242) and performance language in the model standard, if one is to be retained, also may increase cost-effectiveness. In addition, more performance oriented standards may encourage cooperative efforts between employees and employers, which should lead to better protection in a more cost-effective manner. OSHA solicits comments on the approaches suggested, and any other suggestions to incorporate considerations of cost-effectiveness into this Policy.

2. Is it proper or appropriate for OSHA to retain the requirement for setting a no-exposure level where a suitable substitute exists for a use or a process of a potential occupational carcinogen?

The Policy now requires OSHA to assess whether the significance of the carcinogenic risk warrants the imposition of a no-exposure level for uses or processes involving a carcinogen, where a suitable substitute exists. Industrial hygienists generally state that substitution is a preferred compliance strategy because it

precludes the possibility of exposure from mechanical breakdown or human error. Some commenters suggest that it is difficult to evaluate the suitability of substitutes and that considerable disruption to industrial processes may occur when substitutes originally deemed to be suitable replacements are not actually adequate. It is also argued that this provision is unnecessary, since market pressure would generally force substitution when it is feasible. OSHA invites additional comments on these issues.

3. Should OSHA amend the provisions for the review and utilization of negative (non-positive) animal and human data?

Under the current policy, negative (non-positive) data are given less evidentiary value than positive data in making Agency decisions on identifying, classifying and regulating substances as potential occupational carcinogens. The basis for this preference is the scientific generalization that positive studies are mot persuasive than negative studies. Moreover, it is alleged that negative studies typically have a low degree of sensitivity for detecting an increased risk of cancer.

The Policy provides that only positive data will be used in the initial screening of the large number of chemicals in order to determine which will be placed on the Candidate List for further scientific review. The preamble states that for purposes of creating Priority Lists the Secretary is "to thoroughly review all of the relevant and meaningful scientific and technological evidence" (45 FR 5210).

The Policy also provides that (except for significant risk determinations) negative studies in humans must meet stringent criteria before consideration. Negative animal studies are to be evaluated in relationship to positive studies in the same species, but not in relationship to positive studies in different species.

Comments are requested on the appropriate procedures for evaluating the relationship between positive and negative data. Should these procedures, which currently give positive and negative data different weights at different stages in the regulatory process, be modified? If so, what scientific criteria are appropriate for evaluating negative studies and for determining their relative weight in the decision-making process?

4. Should OSHA alter or continue its process for reviewing data on the substantial number of substances for which there is some evidence of carcinogenicity, and for setting priorities?

The Policy establishes a three stage review process for screening the substantial number of substances for which there is some evidence of carcinogenicity. The first stage, limited to a brief review of certain available data, culminates in the preparation and publication of a Candidate List. OSHA completed that stage and published the first Candidate List of approximately 200 substances in August, 1980. Public comment was requested and reviewed.

At the second stage, OSHA performs a more searching scientific review, and applies priority factors set out in § 1990.132, which include the estimated number of employees exposed, their levels of exposure, and the levels reported to cause an increased incidence of neoplasms. The second stage culminates in the selection of ten Category I and ten Category II substances for inclusion on two Priority Lists. OSHA has not yet prepared these lists for public comment.

At the third stage, the Assistant Secretary for Occupational Safety and Health selects high priority substances for rulemaking, as appropriate, based on the application of the priority factors, scientific judgment, policy considerations and public comment received after publication of the Priority Lists.

Suggestions have been received which argue that the review process should be divided into separate scientific and regulatory stages, and that an outside panel should perform the scientific evaluation. In addition, required publication of the Candidate List, and especially the Priority Lists, has been seriously questioned. The basis of the concern is that the Lists are preliminary since they are published before OSHA fully evaluates all available evidence. A serious concern is that the public will perceive the Lists as the Government's conclusions that substances are carcinogens, possibly leading to undue and unwarranted concern or "cancer scares."

Comments are also requested on the screening and priority setting process, established in the current Policy. What have been the effects of the publication of the Candidate List in August 1980? Suggestions are requested on methods of involving the public in the screening and review process prior to rulemaking, without publication of the lists (or results) at varying stages of the process.

5. How should OSHA incorporate the provisions of Executive Order 12291, including cost/benefit analysis, in its priority setting process?

The Supreme Court, in *American Textile Manufacturers Institute (ATMI)* v. *Donovan*, 101 S. Ct. 2478 (1981) permits OSHA to utilize cost/benefit analysis in setting priorities. Executive Order 12291 (46 FR 13193, February 19, 1981) sets an analytic framework for performing cost/benefit analysis and evaluating regulatory alternatives. Some of the factors listed in the Policy for setting priorities would be relevant to performing cost/benefit analysis. They include whether controlling a carcinogen would reduce other occupational and environmental risks and the costs. Comments are requested on the appropriate framework for incorporating a cost/benefit approach in the prioritization process. Comments are also requested on incorporating the analytic framework of Executive Order 12291 in the priorities setting process of the Policy consistent with *ATMI* v. *Donovan*.

6. Should the Policy specify methods or techniques of quantitative risk assessment and significant risk determinations?

The Policy preamble has an extensive discussion of risk assessment techniques and uncertainties (45 FR 5178–5201). As amended in light of *IUD* v. *API*, the Policy permits OSHA to consider all relevant evidence in making risk assessments §1990.111(j) as amended at 46 FR 4889) for purposes of priority setting and to assess the significance of the risk in rulemaking. However no specific methods of performing risk assessments or significant risk determinations are contained in the language of the Policy.

Comments are requested on techniques of quantitative risk assessment, and their reliability. In addition, comments are requested on methods of assessing the significance of the risk, and the value of incorporating guidelines on these matters into the Policy.

Other Matters

In addition to specific responses to the questions posed in this notice and to other relevant issues, and in accordance with the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 95 Stat. 1164, 5 U.S.C. 601 *et seq.*) and Executive Order No. 12291, OSHA also requests information regarding the economic impact which any changes might have on affected industries and, in particular, small businesses.

The preamble to the final Carcinogen Policy concluded that economic analysis would be performed at the later stage of regulating specific carcinogens. This conclusion was based on the availability of data at that time and on the argument that no direct cost burdens are imposed by the Policy.

Representatives of industry argued that economic analysis should be performed at the earlier policy stage to indicate possible overall economic effects, and that this would show that a cost-benefit approach to regulation should be adopted.

Subsequently, in two major decisions, the Supreme Court substantially changed the legal context of this debate. In *IUD* v. *API, supra,* the Court held that the Agency had to demonstrate significant risk before regulating hazards. Consequently, OSHA eliminated provisions of the Policy which would automatically require the Agency to reduce workers' exposure to the lowest feasible level without consideration of the significance of the risk. In *ATMI* v. *Donovan, supra,* the Court held that the OSH Act requires that exposure levels be reduced to levels limited by the significance of the risk and by feasibility but not by cost-benefit considerations.

Within this changed context, and the applicable Administration policies stated in Executive Order 12291, OSHA requests comment on what is the appropriate kind of economic analysis for an amended Policy? If the Policy should concentrate on scientific issues and leave specific regulatory policy issues to individual rulemakings, would the same comments apply? Should modifications to the Policy be made to facilitate economic analysis at all stages and, if so, what changes are recommended?

OSHA concluded that environmental issues are to be considered in the context of regulation of specific carcinogens. The Agency prepared an environmental impact statement, however, which generally and qualitatively assessed the impact of specific policies on the internal and external environment (see discussion at 45 FR 5254, January 22, 1980). OSHA requests the public to submit comments and data concerning the environmental impact of any suggested changes to the Policy.

Proposed Partial Stay Pending Reevaluation and Rulemaking

Pending the reconsideration of the entire Policy, including any related rulemaking, OSHA hereby proposes to stay the provisions of the Policy requiring OSHA to establish and publish in the **Federal Register** the Candidate List and the Priority Lists. These provisions of the Carcinogen Policy are found in 29 CFR 1990.121, 122, 131 and 133. OSHA believes that these provisions should be stayed so that the Agency can fully evaluate the actual impact of the published Candidate List, the possible impact of publishing the Priority Lists (before any further publication occurs), and the underlying criteria for inclusion of substances of these Lists.

At this time OSHA believes that a stay should be limited to the provisions concerning the Candidate and Priority Lists, and that all other provisions of the Cancer Policy should continue in effect during this period of reconsideration.

OSHA invites the public to comment on this proposal to issue a partial stay. OSHA will carefully evaluate all comments, which are submitted on time, before it determines whether such a stay should be issued.

Comments on the proposed partial stay must be submitted by February 19, 1982. Comments on possible changes to the Policy must be submitted by April 5, 1982. All comments should be sent to the Docket Officer, Occupational Safety and Health Administration, Docket H090C, Rm. S6212, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, D.C. 20210. It is issued pursuant to Sections 6(b), 6(c) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655), 29 CFR 1990.106(b)(3), and the Administrative Procedure Act.

Signed at Washington, D.C., this 29th day of December 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-37473 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 585

Army General Counsel's Honors Program; Policy and Procedures

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This regulation would establish policy and procedures governing the Army General Counsel's Honors Program. This program selects highly qualified attorneys to file vacancies that occur periodically in the Army General Counsel's Office. This regulation describes the program requirements and application procedures.

DATE: Written comments submitted on or before February 4, 1982, will be considered.

ADDRESSES: Written comments should be addressed to Office of the General Counsel, Department of the Army, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: LTC Thomas W. Taylor, (202) 695-0562.

(10 U.S.C. 3012, 3065)

December 23, 1981.

John O. Roach, II,

The Department of the Army Liaison Officer with the Federal Register.

Part 585 is proposed to be added as follows:

PART 585—THE ARMY GENERAL COUNSEL'S HONORS PROGRAM

Sec.

585.1 Purpose.
585.2 Applicability.
585.3 Related references.
585.4 Responsibility.
585.5 Program criteria.
585.6 Acceptance.
585.7 Grade.
585.8 Service obligations.
585.9 Submission of applications.

Authority: 10 U.S.C. 3012, 3065

§ 585.1 Purpose.

This regulation prescribes policy, acceptance criteria, and procedures for applicants applying for the Army General Counsel's Honors Program.

§ 585.2 Applicability.

(a) This regulation applies to all qualified individuals, with or without military status, who may be considered for active duty as commissioned officers under Army General Counsel's Honors Program.

(b) This regulation applies to the Active Army, the Army National Guard, and the US Army Reserve.

§ 585.3 Related references.

Related publications are listed below. (A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.)

(a) AR 40-501 (Standards of Medical Fitness).

(b) AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army).

(c) AR 381-20 (US Army Counterintelligence (CI) Activities).

§ 585.4 Responsibility.

The Office of the General Counsel will consider all qualified applicants for the Army General Counsel's Honors

Program and make selections as vacancies occur.

§ 585.5 Program criteria.

Periodically, a limited number of attorney positions become available under the Army General's Honors Program. Individuals meeting the program criteria may apply whether or not they already have military status. To be accepted in the program, an applicant must:

(a) Have a J.D. or LL.B. degree from a law school approved by the American Bar Association. A senior in such a law school may apply for admission to the Honors Program, but must receive a degree before acceptance.

(b) Have an outstanding undergraduate and law school record.

(c) Be potentially qualified for a Reserve appointment (see AR 135–100) if not already a reserve or Regular Army (RA) commissioned officer.

(d) Meet the medical fitness standards prescribed in chapter 2, AR 40–501. Required medical examinations will be conducted at an Armed Forces medical facility.

(e) Successfully undergo a National Agency Check or personnel security investigation of broader scope, as prescribed in AR 381–20.

(f) Be admitted to practice before a Federal court, or the highest court of a State or of the District of Columbia. The applicant must also be a member in good standing of the bar. A law school graduate may be accepted into the Honors Program, conditionally, before admission to the bar. However, failure to gain such admission in due course, by failing a bar examination or otherwise, will result in removal from the program.

§ 585.6 Acceptance.

Successful applicants without commissioned status will be appointed as Reserve commissioned officers and ordered to active duty. Successful applicants who are Reserve commissioned officers not on active duty will be ordered to active duty. Successful applicants who are Reserve or RA commissioned officers on active duty will be reassigned in coordination with their career management activity. Successful applicants are designated as Assistants to the General Counsel.

§ 585.7 Grade.

(a) Successful applicants without commissioned status will be appointed in the Reserve grade for which they are eligible under AR 135–100. They will be ordered to active duty in that grade.

(b) Reserve officers not on active duty will be ordered to active duty in their Reserve grade.

(c) Officers on active duty at the time of acceptance will retain their present grade.

§ 585.8 Service obligations.

Applicants accepted in the Honors Program incur an active duty service obligation of 3 years from the effective date of assignment to the Office of the General Counsel. This obligation runs concurrently with, but does not reduce, any previously incurred service obligation. Assignment to the Office of the General Counsel may be curtailed at the discretion of the General Counsel. However, this does not affect any service obligation incurred under this or any other regulation.

§ 585.9 Submission of applications.

(a) Applications for the Honors Program will be submitted directly to the General Counsel, Department of the Army, Washington, D.C. 20310.

(b) Applicants not holding a current appointment as a commissioned officer will submit the following:

(1) Application in letter form.

(2) DA Form 61 (Application for Appointment) in duplicate. (See AR 135–100, AR 145–1, AR 351–1, and AR 601–100 for guidance in preparing this form).

(3) DA Form 160 (Application for Active Duty) in one copy. (See AR 135–10 for guidance in preparing this form). Item 9b of the form will be annotated as follows: See Item 13, "Remarks." Item 13 will be annotated as follows: "If selected, I volunteer to serve on active duty for 3 years following assignment to the Army General Counsel's Honors Program."

(4) Standard Form 88 (Report of Medical Examination) in one copy. (See AR 40–501 for guidance in filling out this form.)

(5) FD Form 258 (Fingerprint Card) in two copies. This form may be completed at any military facility or law enforcement agency.

(6) Transcripts of all undergraduate and law school work, prepared by the schools where such work was completed. The transcripts should show class standing, if available.

(7) Law School Aptitude Test score.

(8) A certificate or statement:

(i) From the clerk of the highest court of a State or of the District of Columbia showing admission to practice and good standing before the bar; or

(ii) By the applicant that he or she has taken a bar examination, the date thereof, and the expected date of admission to the bar; or

(iii) By the applicant of his or her intent to take a bar examination, if one is required for admission to practice, as soon as the applicant becomes eligible; the date of such examination; and the expected date of admission to the bar.

(9) Letters based on personal acquaintance from at least three judges, lawyers, law school professors, or other knowledgeable persons concerning the applicant's reputation and professional standing. Letters should be forwarded by the writers directly to the General Counsel, Department of the Army, Washington, D.C. 20310.

(10) A description of the applicant's full-time or part-time legal experience. Legal experience includes private practice; Governmental, judicial, academic, and military legal experience; and legal clerkships.

(11) Any additional information concerning the special qualifications of the applicant which would contribute to program appointment.

(c) An applicant holds a Reserve commission, but not on active duty, will submit the documents listed in paragraph (b) of this section, except for DA Form 61 and FD Form 258. An applicant will submit these documents through Cdr. U.S. Army Reserve Components and Administration Center, and his or her career management activity.

(d) An applicant serving on active duty will submit the documents listed in paragraphs (b)(1) and (b)(6) through (b)(11) of this section as well as a signed statement acknowledging and agreeing to the 3-year active duty service obligation described in § 585.7 of this regulation through the applicant's career management activity.

[FR Doc. 82–197 Filed 1–4–82; 8:45 am]
BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL 2013–2]

Approval and Promulgation of Implementation Plans; Tennessee: Proposed 1979 Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve State Implementation Plan (SIP) revisions submitted by the Tennessee Department of Public Health, pursuant to the requirements of Part D of Title I of the Clean Air Act (CAA) of 1977, for the Kingsport secondary particulate nonattainment area and the Copperhill secondary sulfur dioxide (SO_2) nonattainment area. EPA is also

proposing to remove the conditions on the approval given earlier to the Part D plans for the Kingsport and Nashville primary particulate nonattainment areas. The public in invited to submit written comments on these proposed actions.

DATE: To be considered, comments must be received on or before February 4, 1982.

ADDRESS: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460
Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia 30365
Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203
Air Pollution Section, Metropolitan Health Department, 1600 Hayes Street, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory of EPA Region IV's Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia 30365, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (43 FR 8962 at 9035), the September 11, 1978 **Federal Register** (43 FR 40412 at 40432), and the August 27, 1979 **Federal Register** (44 FR 50098), a number of areas within the State of Tennessee were designated as not attaining certain national ambient air quality standards (NAAQS).

Portions of Nashville and Kingsport were designated as nonattainment for the primary and secondary NAAQS for particulate matter. Implementation plan revisions for attainment of the primary particulate matter MAAQS were conditionally approved for Nashville on August 13, 1980 (45 FR 53809 at 532818), and for Kingsport on November 17, 1980 (45 FR 75660 at 75661).

Nashville Particulate

The conditional approval for the Nashville plan required the submittal by October 1, 1980, of a detailed listing of measures to be investigaed concerning nontraditional source control. The required listing (which included completion of a microscale emission inventory, a study of transportation measures to reduce vehicle miles traveled, microscopic analysis of sampler filters, and an impact modeling analysis) was submitted on September 30, 1980, and it meets the requirement of the conditional approval.

Kingsport Primary Particulate

The conditional approval for Kingsport required two actions, the first of which was the submittal of plans for the control of nontraditional sources and the showing that resultant controls would be sufficient to meet the requirement of Reasonable Further Progress (RFP). The State submittal of December 17, 1980, satisfies the requirement for the control of nontraditional sources. The required plans included provisions for wetting of unpaved traffic areas, a 15 miles per hour speed limit on plant grounds, a wheel wash for trucks and wetting of products on trucks to prevent blowoff. The reductions in particulate emissions from these control measures for fugitive dust were quantified in the control strategy demonstration. The plan for attainment of the secondary NAAQS submitted by the State on May 8, 1980, provided a showing of RFP sufficient to fulfill the requirement of this part of the conditional approval.

The second requirement was the submittal of permits without expiration dates for sources, or certification by the State that the same permits will be renewed and resubmitted to EPA before expiration with conditions at least as stringent. The December 17, 1980, submittal contained a number of the required permits without expiration dates and a resolution adopted by the Air Pollution Control Board of the State of Tennessee on December 11, 1980, stating that "The Tennessee Air Pollution Control Board hereby agrees that prior to expiration of the previously issued permits for particulate emission sources in the Kingsport nonattainment area implementation plan, the Board shall issue permits without expiration dates with conditions at least as stringent as those on the permits now in effect." In keeping with this resolution, on August 27, 1981, additional permits without expiration dates were submitted. The submittals described above meet the requirments of the conditional approval given to the Part D revisions for the Kingsport primary particulate nonattainment area.

Kingsport Secondary Particulate

The secondary plan for Kingsport consists of operating permits containing permit conditions representing emission levels that are achieved by reasonably available control technology (RACT) and RACT measures to control fugitive dust emissions. The permit conditions involve particulate matter and visible emission standards, and reasonable limitations on operating hours and capacities. Plans submitted by individual sources were tailored to provide the necessary control of fugitive dust at those sources. Such plans included paving of plant roads, street cleaning, wheel washing, watering or treating unpaved roadways and control of fugitive emissions from outside storage areas. A public hearing concerning the secondary plan was held on April 16, 1980, with adoption of the plan by the Tennessee Air Pollution Control Board on May 1, 1980.

Copperhill Secondary Sulfur Dioxide

After public hearing on July 16, 1980, and adoption by the Tennessee Air Pollution Control Board on August 5, 1980, Tennessee on August 15, 1980, submitted a plan for attainment of the secondary SO_2 NAAQS in Copperhill. This plan contained emission limits which are more restrictive than the original RACT limits set in the primary plan. The secondary plan with these revised RACT limits demonstrates attainment of the secondary SO_2 NAAQS.

These RACT requirements included the following emission limits based on a three-hour average (dry basis, parts per million of sulfur dioxide by volume):

a. Iron Roaster Impingment Scrubbers—50 PPM.
b. Liquid Sulfur Dioxide Plants—375 PPM.
c. Organic Chemical Plants—50 PPM.
d. 1. Copper Smelter—matte launder operation—500 PPM.
2. Copper Smelter—other operations—50 PPM.
e. Sulfuric Acid Plants—500 PPM.

In addition, limits on sulfur content were specified for non-process fuel burning equipment. For No. 1 or No. 2 fuel oil the sulfur weight content is not to exceed 0.50 percent. For No. 4, No. 5, or No. 6 fuel oil the sulfur weight content is not to exceed 1.25 percent.

Action

EPA proposes to remove the conditions on the approvals given to both the Nashville and Kingsport Part D plans for particulate nonattainment areas. The required submittals have been received and are considered sufficient to meet the requirements specified in the notices of conditional approval. EPA also proposes to approve the plans for attainment of the secondary NAAQS for particulates in Kingsport and SO_2 in Copperhill. The secondary plans have been reviewed and meet the requirements for the plans

to be submitted under Part D of Title I of the CAA.

As previously stated, written comments must be received on or before February 4, 1982. A thirty-day comment period is being used because the SIP submission and the issues involved are not so complex as to warrant a longer comment period. At the close of the comment period, EPA will review all comments and publish a notice of final rulemaking.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981, certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110, 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: December 9, 1981.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-120 Filed 1-4-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 775

[OPTS-62007A; TSH-FRL-1974-5]

Tetrachlorodibenzo-P-Dioxin; Reevaluation of Disposal Prohibition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance Notice of Proposed Rulemaking (ANPR).

SUMMARY: This notice announces EPA's intent to review the rule (40 CFR Part 775) which prohibits Vertac Chemical Company from disposing of specific chemical wastes contaminated with Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) located at its Jacksonville, Arkansas facility. EPA solicits comments on this notice.

DATE: All comments must be received by March 8, 1982.

ADDRESS: All comments should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460.

Comments should include the docket number OPTS 62007A. Comments received on this notice will be available for reviewing and copying from 9:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, in room E-107, EPA Headquarters, 401 M St. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St. SW., Washington, D.C. 20460, Toll free: 800-424-9065, in Washington: 554-1404, Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: EPA promulgated in the **Federal Register** of May 19, 1980 (45 FR 32676), a rule under the authority of section 6(a) of the Toxic Substances Control Act (TSCA). The rule prohibited Vertac Chemical Company (Vertac) from disposing of specific chemical wastes contaminated with 2,3,7,8-TCDD located at its Jacksonville, Arkansas facility.

The facility was used by Hercules, Inc., from 1962 to 1972, and Transvaal, Inc., beginning in 1972, to manufacture the pesticides 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) and silvex. Transvaal, Inc. was reorganized as Vertac in 1978. In response to an administrative order issued by the State of Arkansas on June 15, 1979, Vertac placed wastes with up to 111 parts per million 2,3,7,8-TCDD from the production of these pesticides in approximately 2,700 drums and relocated them to a storage area consisting of a diked concrete slab covered by a fixed metal roof.

Vertac produced additional TCDD-contaminated wastes using 2,4,5-T-contaminated equipment to manufacture 2,4-Dichlorophenoxyacetic acid (2,4-D). These wastes, produced between September 1979, and May 12, 1980, are contained in approximately 3,200 drums and are located on site in a warehouse building and on a concrete loading platform. An unknown number of drums of wastes from 2,4-D production have been generated since May 12, 1980.

A lawsuit was filed by EPA and the State of Arkansas in March, 1980, for an injunction to prohibit discharge of contaminants from the facility and to require proper management of the wastes located at the site.

The Agency recognizes that the rule places a continuing burden on Vertac to store and monitor the TCDD wastes and that it is only a temporary solution. The Agency is reviewing the prohibition against the disposal of these wastes and is seeking information that will aid in determining the most appropriate long-term solution for the TCDD-contaminated wastes stored at Vertac's Jacksonville facility.

EPA invites comments on the key issues pertinent to this case to assist the Agency in reevaluating the facts upon which the May 19, 1980 rule's finding was based. EPA is particularly interested in receiving a proposal from Vertac on how to dispose of the wastes stored at the Jacksonville facility, including: the proposed method of disposal (including destruction); the estimated time needed to accomplish disposal; if disposal is by a destruction method, an estimate of the efficiency of reducing TCDD-contamination and plans for handling any effluents or waste from the destruction process; a plan for preventing exposure to persons handling the wastes; the costs of the contemplated disposal method; and the need for research or development of the method.

In addition, EPA is interested in receiving comments from any person regarding potential methods of disposal of other wastes contaminated with TCDD. Persons intending to dispose of such wastes are currently required to notify the Agency 60 days in advance of their intent to do so. The Agency will review this requirement and consider implementing specific disposal guidelines to replace the need for notifications. Any coments should address the same areas of concern as set forth above for the Vertac wastes.

EPA will evaluate all information supplied in response to the ANPR and consider whether it is sufficient to warrant a change in the rule prohibiting Vertac from disposing of TCDD-contaminated wastes currently stored on site at the Jacksonville facility.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605)).

Dated: December 23, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-145 Filed 1-4-82; 8:45 am]

BILLING CODE 6560-31-M

NATIONAL SCIENCE FOUNDATION

45 CFR Parts 680, 681, 682, 683, and 684

Proposed Conflict-of-Interests Regulations

AGENCY: National Science Foundation.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations are issued in accordance with E.O. 11222

of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104. They would apply to all employees of the NSF and would consolidate all the conflict-of-interests rules of the NSF into one document. They would replace the current NSF conflict regulations at 45 CFR 600.735.

DATE: Comments must be received on or before: March 8, 1982.

FOR FURTHER INFORMATION CONTACT: General Counsel, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, Attention: Harriet E. Tucker (202/357–7483).

SUPPLEMENTARY INFORMATION:

Background and Purposes of Proposed Regulations

Federal employees are subject to a variety of conflicts rules from several different sources. There is a series of criminal statutes (18 U.S.C. 201–209) covering several pages in the United States Code. There is the Hatch Act. There is an Executive Order (11222). There are Office of Personnel Management/Office of Government Ethics regulations memoranda interpreting the laws and implementing the Executive Order. There are memoranda from the Attorney General on the effect of the laws. There are two appendices in the Federal Personnel Manual. Every Federal employee is theoretically responsible for knowing about, understanding, and observing the laws and many of the rules that come out of the Executive Order and an implementing regulations.

Many of these sources threat the same or similar subject, but they are nowhere consolidated into a coherent whole, with all the provisions that bear on the same subject brought together. Many of them, particularly the criminal statutes, are drafted in traditional technical legal language that is difficult for employees to understand. Moreover, they are drafted to cover diverse problems that arise all over the Government; the ones that predominate at the NSF are a small and rather unusual subset of those to which the Governmentwide rules are written. At the same time, none of these multitudinous authorities cover some unique problems the NSF repeatedly confronts particularly those that have to do with short-term employees usually known as "rotators."

The NSF has had a number of different conflicts documents of its own, both to implement other laws and regulations and to add a few special rules of its own. The Foundation's formal conflict regulations (45 CFR 600.735) implement the requirements of Executive Order 11222 and the associated OPM regulations. There is a National Science Board resolution, amended by another resolution, on special conflicts problems that arise for National Science Board members, and the Director of the NSF has issued at least four currently effective Staff Memoranda (O/D 74–48, O/D 74–51, O/D 80–5, and O/D 80–27) that concern one or another conflicts problem.

The proposed regulations represent our effort to create a single conflicts document to coherently consolidate all these conflicts rules and replace the multiple documents we have now. They would replace all the existing regulations and internal documents. Moreover, though we cannot relieve employees of legal responsibility for observing the primary external authorities, particularly the criminal statutes, the regulations are designed so that an employee who observes the NSF regulations should by the same token observe the other laws.

Finally, except for Part 681 of the proposed regulations, which provides for review by directorate officials, there is little that is new. Part 680 contains the introduction to the proposed regulations and statutory exemptions. Part 681 contains guidance on handling proposals and awards where a prospective, current, or recent NSF employee may have an actual or a potential conflict of interests. Part 682 covers representational restrictions and involvments with proposals and projects during and after NSF service. Part 683 covers financial disclosure requirements, acts affecting financial interests, outside employment and related matters, and political activiity. And Part 684 states rules for NSF consultants, National Science Board Members, and other "special Government employees."

NSF therefore proposes the following Parts 680–684 be added to Title 45 of the Code of Federal Regulations.

Dated: December 10, 1981.

John B. Slaughter,

Director.

PART 680—NSF CONFLICT-OF-INTERESTS RULES AND STANDARDS OF CONDUCT: INTRODUCTION AND GENERAL PROVISIONS

Subpart A—Introduction to Regulations

Sec.

680.10 Introduction; key terms.
680.11 How to use these regulations; ethics counselors.
680.12 Purposes and principles.
680.13 Summary of conflicts rules.
680.14 Specific responsibilities.
680.15 Special rules for full-time presidential appointees.
680.16 General standards of employee conduct.

Subpart B—Statutory Exemptions

680.20 Necessity and effect of formal exemptions.
680.21 Exemptions under 18 U.S.C. 208(b).
680.22 Certification under 18 U.S.C. 205.

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

Subpart A—Introduction to Regulations

§ 680.10 Introduction; key terms.

(a) Parts 680 through 684 of this title 45 contain the conflict-of-interests rules and standards of conduct for employees and former employees of the National Science Foundation.

(b) "You", the NSF Employee. The principal audience for these regulations is the NSF employee who must comply with and understand them. They are therefore addressed directly to you. Except where provisions plainly indicate othewise, "you" includes every NSF employee. It includes not only permanent civil service employees working at the NSF, but "rotators" and persons working at the NSF under the Intergovernmental Personnel Act. It includes rehired annuitants. It includes part-time employees. It also includes any intermittent employees, temporary consultants, or members of the National Science Board who work or will work for the Government more than 130 days a year. Parts 680–683 state and explain the rules and standards you must observe.

(c) Consultants, Board members, and other "special employees". Most consultants, members of the National Science Board, and other temporary or intermittent employees work for the Government fewer than 130 days a year and are therefore what the law calls "special Government employees". If you are such a "special employee", see Part 684 of these regulations. Part 684 states and explains the rules and standards you must observe. If you are a member of the National Science Board, Part 684 applies to you as to any other "special employee". Subpart B of Part 684 states and explains special rules of the National Science Board that apply only to its members.

(d) *Definitions.* Except where provisions plainly indicate otherwise, certain other terms are used throughout these regulations in standard meanings:

(1) "Award" means any grant, contract, cooperative agreement, loan,

or other arrangement made by the Government.

(2) "Project" means the unit of work that an award supports or helps support.

(3) "Proposal" means an application for an award and includes a bid.

(4) "Other award-related application" means a request for an award amendment, for an increment to a continuing grant, for a no-cost extension, or for an administative approval.

(5) "Institution" means any university, college, business firm, research institute, professional society, or other organization. It includes any university consortium or joint corporation such as AUI, AURA, or JOI, Inc., but not the universities that belong to it. It includes all parts of a university or college, including separate campuses. It does not include other universities or colleges in a multi-institution state or city system, unless you are an employee of the central system offices or an officer, trustee, or equivalent of the system as a whole.

(6) "Directorate" means an NSF directorate, staff office, or other organization that reports immediately to the NSF Director.

(7) "Program Officer" includes assistant and associate program managers.

§ 680.11 How to use these regulations; ethics counselors.

(a) *Conflicts sensitivity.* Section 680.12 outlines the primary sources of conflicts of interests and explains other considerations that underlie the conflicts rules. If you are sensitive to those considerations and identify situations in which someone might at least think that you have a conflict of interests, you will not be likely to violate the conflict-of-interests rules. When you do identify such a situation, of course, you can and should consult these regulations.

(b) *What is expected of you.* You are not expected to be familiar with every section of the regulations. You do have to be thoroughly acquainted with a number of basic conflict-of-interests rules, which are summarized for you in § 680.13. You are also responsible for adhering to general "standards of employee conduct" that are laid out in § 680.16. Full-time Presidential appointees should also be thoroughly acquainted with the special rules in § 680.15. Beyond that the regulations are designed as a reference document and you need not cope with more detail than you find helpful until a problem or question comes up.

(c) *Ethics counselors.* Within the Office of the General Counsel is an attorney who has primary responsibility for conflict-of-interests matters and for liaison with the Office of Government Ethics. This attorney is the "ethics counselor". Working with the ethics counselor are one or more deputy ethics counselors. (Ethics counselors are designated by the General Counsel under authority herey delegated to him.) Whenever you have a conflict-of-interests problem or question and cannot find a clear answer in these regulations, consult an ethics counselor.

§ 680.12 Purposes and principles.

(a) *Effect of conflicts of interests.* There are two principal reasons why you and the NSF should avoid or minimize actual or apparent conflicts of interests.

(1) The success of the NSF in performing its scientific and other functions depends on the effectiveness of its proposal review process in ensuring that the best and most important work is supported. If judgments are warped because of conflicting interests, that effectiveness is compromised. The same is true of other NSF decision processes.

(2) The NSF must earn and retain the confidence of the scientific community, the Congress, and the general public in the integrity, effectiveness, and even-handedness of its proposal-review and other decision processes. It will not do so if the processes are seen to be infected by conflicts of interests.

(b) *What is a conflict of interests?* A conflict of interests is a clash of influences on the actions or judgments of a Federal official between the public interest and private interests or allegiances. There are three primary sources: Personal interests; outside affiliations or relationships; and gifts or favors. The illustrations that follow illustrate the three primary sources. They deliberately present situations that are not clear cut and do not illustrate specific rules you must follow. The pertinent rules appear elsewhere in these regulations.

(1) You might use your government position to further your personal interests, in conflict with the public interest.

Example. If as an NSF program official you recommended a conference of scientists in your field to discuss current issues, then chaired the conference yourself and delivered the principal paper, at least a reasonable suspicion would arise that you had used your Government position to further your own professional prestige or other personal interests.

(2) Outside affiliations or relationships could affect the objectivity of your judgments as a public offical.

Example. A proposal comes to you for handling. You received your degree from the applicant institution and were a professor there until recently. The proposed principal investigator is your cousin. You have potential conflicts of interests arising both from your academic affiliation and your family relationship.

(3) *Gifts or favors* from those interested in agency decisions could affect the objectivity or integrity of your contributions to those decisions.

Example. The chairman of a university department that regularly sends proposals to your unit is in town. After a late afternoon meeting he proposes dinner at a restaurant on his expense account. Acceptance of the dinner would create a potential conflict between your debt of gratitude towards him and your disinterested pursuit of the public interest.

(c) *Inside access and influence.* A special concern that underlies many of the conflicts rules is that your insider's access to other Federal officials and your inside influence with them might allow you to sway their decisions or actions where you or those with whom you have ties are interested.

Example. A personal friend is prinicpal investigator on a proposal pending in another part of your NSF unit. He asks you to check how things are going with that proposal. You talk with the program officer and division director handling the proposal. You not only check the status of the review, but mention what a fine scientist your friend is and how excellent his recent work has been. Your friendship with the investigator may influence your judgment on these points, and your inside influence may affect the actions and judgments of those with whom you talk. This creates a potential conflict between your private allegiance to your friend and the public interest.

(d) *Conflicts that require prohibition or disqualification.* Some of the conflicts of interests would so warp the performance of a Government agency or damage its credibility that they simply cannot be allowed to occur. (If a proposal from a member of your family or from your home institution comes in to your program, for instance, you would clearly have to disqualify yourself from handling it.) Most of the Federal conflict-of-interest laws and a few conflicts rules special to the NSF deal with conflicts or potential conflicts of this sort. They therefore either flatly prohibit you from doing certain things that could give rise to such conflicts or disqualify you from participating in matters where you would have potentially serious conflict.

(e) *Other conflicts.* By no means all conflicts of interests are so serious and clear that flat prohibitions or disqualifications are appropriate. Many,

though real, are subtle, even remote. The seriousness of others so depends on circumstances of the particular case that unvarying rules would be impractical. Most important, there are countervailing considerations. Flat prohibition of activities permitted to others who are not (or have not been) Federal employees can make Federal employment unattractive and so reduce the competence of Government. Disqualification of officials from involvement with particular matters may deprive the agency and the public of the services of those who are best qualified by expertise or experience to make the required judgements or effect the required actions. Therefore the conflicts laws and regulations do not specifically address many potential or actual conflicts that are not serious enough to require flat prohibitions or disqualifications or not easily enough identified by general rule to permit them.

(1) In the handling of proposals and other award-related applications, these regulations require that some such potential conflicts receive special attention from a designated "directorate conflicts official". The conflicts official considers the circumstances of each case and decides whether to require either a disqualification of some form of special handling. See Part 681 of this chapter.

(2) Other actual or potential conflicts may not be covered by any specific rule. You should nonetheless be sensitive to them and do whatever seems wise either to avoid them altogether or to ensure that they affect neither the quality of NSF decisons nor public trust in those decisions.

§ 680.13 Summary of conflicts rules.

(a) This section summarizes the principal conflicts rules that NSF employees (other than "special employees") are expected to observe. Section 680.14 summarizes specific conflicts-related responsibilities assigned to particular organizational units or officials by the regulations. Section 680.15 summarizes special rules for full-time Presidential employees. Rules for consultants, Board members, and other employees who work for the NSF 130 days a year or less are covered in Part 684 of this chapter.

(b) Rules on handling proposals and awards. Part 681 (681.10–681.44).

(1) If you would normally handle a proposal or other application, but possess with respect to it a potentially biasing affiliation or relationship listed in § 681.21, you must bring the matter to the attention of a conflicts official in your directorate or staff office. You must do so whether or not the affiliation or relationship is also designated "normally disqualifying" or "automatically disqualifying". The conflicts official will determine how the matter should be handled and will tell you what further steps to take.

(2) If you become aware that a prospective, current, or recent NSF employee has an involvement or interest in any proposal or other application you are handling, you must bring the matter to the attention of a directorate conflicts official. The conflicts official will decide how the matter should be handled and tell you what further steps to take. If the file reflects that a conflicts official has already been consulted and has decided how the matter should be handled, you may proceed as the conflicts officials has directed, unless something of possible significance has changed.

(3) You must ask each peer reviewer of any proposal you are handling to indicate any possible conflicts of interests the reviewer may have. You should record in the proposal file all interests, affiliations, or relationships revealed by reviewers; determine how, if at all, they ought to affect the use of the review; and describe your determination in the file.

(c) Representational restrictions and involvement with proposals and projects during and after NSF service. Part 682 (§§ 682.10–682.23) of this chapter.

(1) *Current-employee restriction.* During your Federal employment you must not represent anyone (including yourself) in dealings with any Federal official on any proposal, project, or other matter.

(2) *One-year NSF restriction.* For one year after you leave NSF employment you must not represent anyone (including yourself) in dealings with any NSF official on any proposal, project, or other matter.

(3) *"Official responsibility" two-year restriction.* For two years after you leave NSF employment you must not represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if the same matter was active under your official responsibility during your last year at the NSF.

(4) *"Personal involvement" permanent restriction.* You must never represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if you were personally involved with the same matter as an NSF employee.

General effect. These representational restrictions do not preclude you from being involved as a researcher or educator with proposals submitted to the Government or projects supported by the Government. They do preclude you from negotiating with NSF officials or other Federal officials and from engaging in other representational activities intended to influence their decisions on certain proposals and projects. They do not preclude you from representing yourself before the Government on personal matters, such as audits of your individual tax returns or personnel decisions that affect you.

(d) Financial disclosure. Part 683 Subpart A, §§ 683.10–683.12 of this chapter.

(1) If you are an executive level, SES, or supergrade (GS–16 or equivalent and above) employee, you are a "senior employee" and must file public Financial Disclosure Reports.

(2) Otherwise, if you serve as either a program officer, a directorate administrative official, a grants officer, a contracts officer, an auditor, or a lawyer, you must file confidential Statements of Employment and Financial Interests.

(3) If you fit neither of these categories, no general financial disclosure is required of you.

(4) If you are required to file Financial Disclosure Reports or Statements of Employment and Financial Interests, the Foundation will supply you with the necessary forms. You may ask for them when you need them, but normally they will be sent to you automatically, with instructions.

(e) Acts affecting your financial interests. Part 683, Subpart B (§ 683.20) of this chapter. You must not be personally involved as a Federal employee in the handling of any matter in which you, a member of your immediate family, a business partner, or an organization of which you are or may become a part has a financial interest.

(f) Outside employment, compensation, gifts, etc. Part 683, Subpart C (§§ 683.30–683.36) of this chapter. These rules are too numerous to summarize but they are not difficult to use. Refer to the referenced sections whenever you contemplate any of the following:

(1) Outside employment and income (§ 683.30);

(2) Compensation from private sources (§ 683.31);

(3) Honoraria (§ 683.32);

(4) Reimbursement of expenses or receipt of meals, lodging, or travel tickets from private sources (§ 683.33);

(5) Use of inside Government information in connection with speeches, articles, or other private activities (§ 683.34);

(6) Use of Government property or services for personal or private purposes (§ 683.34);

(7) Participation in an NSF-supported conference or workshop (§ 683.35); or

(8) Receipt of a gift, favor, loan, prize, or award (§ 683.36).

(g) Political activity (Hatch Act). Part 683, Subpart D, (§§ 683.40–683.45) of this chapter.

(1) You may not run for public or party office, except in nonpartisan elections and certain local elections.

(2) You may not participate in election campaigning, except in nonpartisan elections and certain local elections.

(3) You may not take an active part in leading or managing a political party.

(4) You must not use your official authority or influence for political purposes. See § 683.44.

§ 680.14 Specific responsibilities.

Apart from the conflicts rules for all employees summarized in the preceding section, these regulations impose the following additional responsibilities:

(a) *Directorates and staff offices.* Each directorate and staff office is responsible for designating "conflicts officials" and for making sure that all staff who handle proposals and other applications know who the conflicts officials are (§ 681.10(d)).

(b) *Directorate (and staff-office) "conflicts officials".* If your directorate or staff office has designated you as a conflicts official, your responsibilities are described in Part 681, Subpart D, (§§ 681.40–681.44) of this chapter.

(c) *Officials who are recruiting new professional employees.* If those who are recruiting determine that a person has become a "prospective employee", they are responsible for bringing that fact and subsequent developments to the attention of a directorate (or staff-office) conflicts official. Whenever a person currently listed in the NSF principal investigator/project director file seems likely to become an NSF employee, the directorate or office which has recruited that person must inform the Division of Information Systems by memo (so that the principal investigator/project director file can be "flagged" accordingly). It must also send copies of the memo to each NSF division or office that is responsible for an active award or pending proposal involving that person. These and related requirements are further described in Part 681, Subpart C, (§§ 681.30–681.33) of this chapter.

(d) *Directorate for Administration.* The Assistant Director for Administration is responsible for "flagging" the principal investigator/project director file to indicate those who are incoming, current, or recent employees (§681.33(d)).

§ 680.15 Special rules for full-time Presidential appointees.

If you are a Presidential appointee, you are subject to special rules:

(a) You must file a public Financial Disclosure Report within 5 days of your nomination to your position by the President. (§ 683.11)

(b) You must not engage in any other business, vocation, or employment while serving the NSF in a full-time Presidential position. (§ 683.30)

(c) You may not hold office in or act for any institution that has or is seeking NSF awards without the approval of the National Science Board. (§ 683.30)

(d) You may not earn outside income totalling more than 15 percent of your Government salary in any calendar year. (§ 683.30)

(e) You are not subject to the restrictions on political activity, except to those concerning use of official authority or influence for political purposes. (§ 683.40)

§ 680.16 General standards of employee conduct.

(a) *Summary.* This section covers some standards of conduct for Government employees that are not covered elsewhere in the NSF regulations. Most of them are basic standards of integrity, decency, and obedience to law. Violation of any of these standards is grounds for serious disciplinary action.

(b) *Underlying intent.* The intent of these regulations generally is that you should not:

(1) Engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or in any other conduct prejudicial to the Government or to Government efficiency or economy;

(2) Use your public office for private gain;

(3) Give preferential treatment;

(4) Have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with your Government duties and responsibilities;

(5) Engage directly or indirectly in financial transactions based on information obtained through your Government employment that is not available to the general public;

(6) Lose your independence or impartiality; or

(7) Make Government decisions outside of the proper official channels.

(c) *Preserving public trust.* You are responsible for helping to earn and maintain the confidence of the public in the integrity of the Government. This requires you to be concerned with appearances as well as actualities.

(d) *Payment of taxes and debts.* You are expected to pay your taxes and your just debts properly and on time. ("Just debts" means those you acknowledge or that have been reduced to final judgment. The Government will not try to determine the validity or amount of any disputed debt.)

(e) *Gambling.* You must not gamble in a Government office or while on duty. This includes participating in a sports pool or a lottery not officially sanctioned by the NSF.

(f) *Familiarity with statutory provisions.* You are legally responsible for acquainting yourself with each statute that relates to your ethical and other conduct as an NSF and Federal employee. Principal among these are the criminal statutes relating to bribery, graft, and conflicts of interests contained in 18 U.S.C. 201–209. these regulations cover the aspects of those statutory provisions that apply to you as an NSF employee. The regulations also cover the provisions of Executive Order 11222, which prescribes standards of ethical conduct for Government officers and employees, and they cover regulations of the Office of Personnel and Management that implement both the criminal statutes and the Executive Order. If you follow the regulations, you should have no trouble with any of those provisions. Not covered in these regulations, however, are the following statutory provisions:

(1) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(2) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(3) The prohibitions against disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and disclosure of confidential information (18 U.S.C. 1905).

(4) The provision relating to habitual use of intoxicants to excess (5 U.S.C. 7352).

(5) The prohibition against misuse of a Government vehicle (31 U.S.C. 638a(c)).

(6) The prohibition against misuse of the franking privilege (18 U.S.C. 1719).

(7) The prohibition against use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(8) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(9) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(10) The prohibition against counterfeiting or forging transportation requests (18 U.S.C. 508).

(11) The prohibitions against embezzling Government money or property (18 U.S.C. 641); failing to account for public money (18 U.S.C. 643); and embezzling the money or property of an employee by reason of his employment (18 U.S.C. 654).

(12) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(13) The prohibition against acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart B—Statutory Exemptions

§ 680.20 Necessity and effect of formal exemptions.

The exemptions described in this subpart are provided for by statute, which requires that they be formally promulgated. This subpart provides the formal promulgation and gives notice to the public. If you are an NSF employee, you need not be concerned with them. Anything you need to know that follows from them is either covered elsewhere in these regulations or will be explained if occasion arises by an ethics counselor.

§ 680.21 Exemptions under 18 U.S.C. 208(b).

(a) The Foundation exempts the interests described in the remainder of this section from the operation of section 208(a) and from case-by-case formal determinations under section 208(b)(1) of Title 18, United States Code.

(b) Minor interests. The following financial interests are too inconsequential to affect the integrity of an employee's services to the Government:

(1) Noncorporate bonds;

(2) Shares in a well-diversified money market or mutual fund;

(3) Stocks, bonds, or other securities of a corporation listed on the New York or American Stock Exchange if the aggregate market value of all the securities you hold in that corporation does not exceed $1,000;

(4) Vested pension rights to which no further contributions are being made by your former employer.

(c) Indirect interests. An NSF employee may be a stockholder, partner, employee, officer, or director of an institution, such as a mutual fund, that owns a financial interest in a second institution. If the owning institution's financial interest consists of securities or other evidences of debt of the second institution that amounts to:

(1) Less than 5 percent of the total portfolio of investments of the owning institution,

(2) Less than 5 percent of the total outstanding amounts of the same classes of securities of the second institution, and

(3) Less than would be needed to obtain effective control of the second institution,

then the interest is too remote and inconsequential to affect the integrity of the employee's services to the Government.

(d) Visiting committees. An NSF employee (typically a "special employee") might serve on a visiting committee or similar advisory body at an institution. Any interest that the institution might have in a proposal, project, or other matter that the employee might participate in handling would be too remote to affect the integrity of the employee's services to the Government—unless it involved proposals, projects, or other matters originating from the same department or facility that the visiting committee or similar body advises.

(e) Support services for National Science Board tasks and responsibilities. A member of the National Science Board may need professional, clerical, and administrative services to support the member's personal efforts to carry out Board tasks and responsibilities. With the approval of the Director and the Chairman of the National Science Board and in accordance with other laws and regulations, the NSF may contract with the home institution of the member to provide such services. The institution may receive reimbursement of all allowable costs, but no profit or fee. In such circumstances any financial interests the institution might have are normally too inconsequential to affect the integrity of the services provided by the Board member to the Government.

§ 680.22 Certification under 18 U.S.C. 205.

NSF consultants, members of the National Science Board, and other NSF "special employees" may perform work under NSF awards and their compensation may be charged to such awards, to the extent consistent with these regulations. The Director certifies that the national interest so requires. Other provisions of these regulations ensure that no significant conflict of interests will result.

PART 681—CONFLICTS OR POTENTIAL CONFLICTS IN HANDLING PROPOSALS AND AWARDS

Subpart A—Summary

Sec.
681.10 Summary.

Subpart B—Guidance for Program Officers and Other Decisionmaking Officials

Sec.
681.20 Introduction.
681.21 When you have a potentially biasing interest, affiliation or relationship.
681.22 "Normally disqualifying"; "automatically disqualifying".
681.23 When a prospective, current, or recent NSF employee has an involvement or interest.
681.24 Directorate conflicts officials.
681.25 Possible conflicts of peer reviewers.

Subpart C—Identifying Prospective, Current, or Recent NSF Employees and Proposals or Awards in Which They Have an Interest

681.30 General.
681.31 "Recent employee"; "prospective employee".
681.32 What the recruiting directorate or office should do when a person becomes a "prospective employee".
681.33 Informing others about incoming employees; "flagging".

Subpart D—Guidance for Directorate Conflicts Officials

681.40 Summary; responsibilities of conflicts officials.
681.41 Making determinations: Underlying considerations.
681.42 Disclosure, disqualification, and other special handling.
681.43 Potential conflicts when an NSF employee has an involvement or interest.
681.44 Handling prospective-employee determinations.

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

Subpart A—Summary

§ 681.10 Summary.

(a) Two types of problems could affect the judgments of program officers and other NSF officials who handle proposals and other applications:

(1) The official might possess outside interests, affiliations, or relationships that could create bias; or

(2) Another NSF employee could have an involvement or interest in the proposal or application.

Whenever either of these problems arises, the official who would normally handle the proposal or other application is asked to bring the problem to the attention of a "directorate conflicts official". This conflicts official examines the case; decides what disqualifications or special handling arrangements, if any, are called for; and places a memo in the file explaining the circumstances and any arrangements made to deal with them. In some cases disqualifications are routine or automatic.

(b) Peer reviewers can also have interests, affiliations, or relationships that might affect their reviews.

Reviewers are asked to reveal any such interests, affiliations, or relationships. Those are then taken into account by NSF officials in making decisions or recommendations based on the reviews.

(c) If you are a program officer or other NSF official who handles proposals and other award-related applications, your responsibilities in these matters are explained in Subpart B (§§ 681.20–681.26).

(d) Each directorate or staff office of the Foundation is responsible for designating "conflicts officials" and for making sure that all staff who handle proposals and other applications know who the conflicts officials are. The directorate conflicts officials need not be in the directorate front office. They could, for example, be division directors.

(e) If you have been designated as a directorate (or staff office) conflicts official, your responsibilities in these matters are explained in Subpart D (§§ 681.40–681.44) of this part, which also provides guidance to help you carry out those responsibilities.

Subpart B.—Guidance for Program Officers and Other Decisionmaking Officials

§ 681.20 Introduction.

(a) If you are a program officer or other NSF official who would normally handle a proposal or other application, but you possess with respect to it a potentially biasing affiliation, listed in § 681.21, that section explains what you should do.

(b) If you become aware that another NSF employee—including a prospective employee or a recent employee (one who has left the NSF within the past year)—has an involvement or interest in a proposal or other application you are handling, § 681.23 explains what you should do.

(c) You must ask each peer reviewer of any proposal or project you are handling to indicate any possible conflicts of interest the reviewer may have. Section 681.25 suggests how you should do that and explains what you should do when a reviewer does have a possible conflict.

(d) Should an employee of another Government agency have an interest in a proposal or other application you receive from anyone other than that agency, do not talk or correspond with him or her at all without first consulting an ethics counselor. He or she could inadvertently be put in technical violation of a criminal statute unless we are careful.

(e) You "handle" a proposal or other application if you recommend a decision on it, make or approve the decision, or otherwise substantially influence the decision. If you are a grants officer, contracts officer, financial official, or lawyer you are affected if you play a significant role in decisions on award budgets or terms. If in doubt, consult an ethics counselor in the Office of the General Counsel.

(f) This part covers only conflicts and potential conflicts in handling proposals and other award-related applications. Conflicts or potential conflicts in handling other matters are covered in § 683.20 of this chapter.

§ 681.21 When you have a potentially biasing affiliation or relationship.

(a) If you would normally handle a proposal or other application, but possess with respect to it a potentially biasing affiliation or relationship listed below, you must bring the matter to the attention of a conflicts official in your directorate or staff office. You must do so whether or not the affiliation or relationship is also designated "normally disqualifyin" or "automatically disqualifying". (Some affiliations or relationships are neither.) The conflicts official will determine how the matter should be handled and will tell you what further steps to take.

(b) Affiliations with an applicant institution:

(1) Current appointment at the institution as professor, adjunct professor, visiting professor, or the like (automatically disqualifying).

(2) Current employment or being under consideration for employment at the institution (automatically disqualifying).

Note.—This may include employment via a consulting or advisory arrangement; check with an ethics counselor.

(3) Any formal or informal reemployment arrangement with the institution (automatically disqualifying).

(4) Current membership on a visiting committee or similar body at the institution (automatically disqualifying, but only for proposals or applications that originate from the department, school, or facility that the visiting committeee or similar body advises).

(5) Ownership of the institution's securities or other evidences of debt (automatically disqualifying).

Note.—Minor or indirect holdings may be exempted; check with an ethics counselor.

(6) Any office, governing board membership, or relevant committee chairmanship in the institution (automatically disqualifying).

Note.—Ordinary membership in a professional society or association is not considered an office.

(7) Current enrollment as a student (normally disqualifying, but only for proposals or applications that originate from the department or school in which one is a student).

(8) Receipt and retention of an honorarium or award from the institution within the last twelve months (automatically disqualifying).

(c) *Relationship with an investigator project director, or other person who has a personal interest in the proposal or other application:*

(1) Blood or marriage relationship (automatically disqualifying if the relationship is with a principal investigator or project director).

(2) Business partnership (automatically disqualifying).

(3) Employment at the same institution within the last 12 months.

(4) Past or present association as thesis advisor or thesis student.

(5) Collaboration on a project or on a book, article, report, or paper within the last 48 months.

(d) Other affiliations or relationships:

(1) Any affiliation or relationship of your spouse, of your minor child, of a blood relative living in your immediate household or of anyone who is legally your partner that you are aware of and that would be covered by paragraph (b) or (c) of this section it it were yours (disqualifying to the same extent as if the affiliation or relationship were yours, except for receipt by your spouse or relative of an honorarium or award, which is not necessarily disqualifying).

(2) Any other relationship, such as close personal friendship, that you think might tend to affect your judgments or be seen as doing so by a reasonable person familiar with the relationship.

§ 681.22 "Automatically disqualifying"; "normally disqualifying".

(a) *"Automatically disqualifying".* If you have an interest, affiliation, or relationship that § 681.21 designates "automatically disqualifying", you should disqualify yourself from handling the affected proposal or other application. You must not participate in handling it under any circumstances. BE CAREFUL: in most cases a violation of this rule would be a Federal crime.

(b) *"Normally disqualifying".* If you have an interest, affiliation, or relationship that § 681.21 designates "normally disqualifying", you should disqualify yourself from handling the affected proposal or other application, unless specifically directed to do otherwise by the conflicts official.

§ 681.23 When a prospective, current, or recent NSF employee has an involvement or interest.

(a) If you become aware that a prospective, current, or recent NSF employee has an involvement or interest in any proposal or other application you are handling, you must bring the matter to the attention of a directorate conflicts official. The conflicts official will decide how the matter should be handled and instruct you accordingly. If the file reflects that a conflicts official has already been consulted and has decided how the matter should be handled, you may proceed as the conflicts official has directed unless something of possible significance has changed.

(b) *What constitutes "an involvement or interest".* A prospective, current, or recent NSF employee "has an involvement or interest" in a proposal or other application if the employee is, was, or will be a member of the research group or project staff involved. If the employee was a member of a research group, but has since severed all relationships with the project and with the group, the employee no longer has an involvement or interest. Unless there has been such a severance, however, appointment of a substitute principal investigator or substitute negotiator would not affect the requirement for consulting a conflicts official.

(c) *Finding out about it.* How do you find out that a person who has an involvement or interest in a proposal or application you are handling is a current, prospective, or recent NSF employee? There are four possibilities:

(1) The proposal or application might say so.

(2) The Foundation's principal investigator/project director file that you routinely check when beginning work on a new proposal will usually indicate that a listed investigator is a current, prospective, or recent NSF employee if that is the case. The mechanism by which this is arranged is explained in § 681.33.

(3) You might receive a copy of a memorandum from another NSF official indicating that an investigator on a proposal already pending or an award already active has become a prospective employee. The circumstances under which such a memorandum will be sent to you are also explained in § 681.33.

(4) You might happen to know or learn of the person's NSF employment or prospective employment through your other activities.

(d) *Your responsibility.* No matter how you find out, once you do, it is your responsibility to bring the matter to the attention of a directorate conflicts official—unless, of course that has already been done. If in doubt, consult the conflicts official or an ethics counselor.

§ 681.24 Directorate conflicts officials.

Your directorate or office is responsible for letting you know who your conflicts officials are. If you do not know, check with the office of the assistant director or office head. Subpart D (§§ 681.40–681.44) explains the responsibilities of the conflicts officials and provides guidance for them.

§ 681.25 Possible conflicts of peer reviewers.

(a) You must ask each peer reviewer of any proposal or similar application you are handling to indicate any possible conflicts of interest the reviewer may have.

(b) In the case of mail review, you may do this by including in the letter requesting the review the following language:

"If you have any relationships with the institution or the persons submitting this proposal, please consider whether they could be construed as creating a conflict of interests for you. Please describe in your own words any relationship that might be so construed. You may use a separate piece of paper and attach it to your review. Regardless of any such relationships, we would like to have your review unless you believe you cannot be objective."

(c) In the case of panel review, you should make an oral request of the panel members, essentially as follows:

"If when we come to consider any particular proposal, you recognize that you have a relationship with the institution or persons submitting the proposal that could be construed as creating a conflict or interests, please let me know. I'll ask you to describe the relationship in your own words and will determine from your description what to do about the situation. You must not participate in reviewing any application in which you or a member of your immediate family or an organization of which you are or may become a part has a financial interest. Otherwise, we'll often just make a note in the file to consider when making final recommendations."

(d) You may use the list in § 681.21 as a guide in responding to reviewer questions about the relationships that should be considered. Section 684.15 explains when a panel reviewer, like any other "special employee", must be excused from review of an application because of a financial interest. Otherwise, no advance disqualification of reviewers is required. There may be other circumstances, though, in which you and the reviewer will conclude that the review would have to be disregarded and would thus be a waste of the reviewer's time.

(e) You should record in the proposal file all interests, affiliations, and relationships revealed by reviewers or otherwise known to you. You should determine how, if at all, those interests, affiliations, or relationships ought to affect the use of the review in assessing the proposal. You should appropriately describe in the file both your determination and the reasoning behind it.

Subpart C—Identifying Prospective, Current, or Recent NSF Employees and Proposals or Awards In Which They Have an Interest

§ 681.30 General.

Sections 681.23 and 681.43 provide for special handling of any proposal or other application in which a prospective, current, or recent NSF employee has an involvement or interest. Section 681.23(c) explains generally how an official who handles a proposal or application might learn that a person who has an involvement or interest is a prospective, current, or recent employee. This Subpart:

(a) Explains more precisely who is a "recent employee", or "prospective employee" (§ 681.31);

(b) Identifies responsibilities of the recruiting directorate or office when a person becomes a "prospective employee" (§ 681.32);

(c) Explains how the recruiting directorate should inform others when it becomes clear that a prospect will become an NSF employee (§ 681.33(a)); and

(d) Requires the Assistant Director for Administration to provide for "flagging" the principal investigator/project director (PI/PD) file to indicate that a person listed there is a prospective, current, or recent NSF employee (§ 681.33(d)).

§ 681.31 "Recent employee"; "prospective employee".

(a) *"Recent employee".* Any former NSF employee who left the NSF within the year before the affected proposal or other application is filed with the NSF should be considered a recent NSF employee.

(b) *"Prospective employee" threshold.* As soon as those recruiting have expressed interest in a particular person in connection with a specific opening and have received some indication of reciprocal interest, that person should be considered a prospective NSF employee—even though no actual offer has been made and even though there is substantial doubt that one would be

accepted if it were made. More specifically:

(1) NSF officials who have an opening on the horizon often discuss it with persons outside the NSF. If the discussion is just a general effort to make members of the appropriate community aware of the opening in the hope that applicants will appear, it makes no one a prospective employee. But if the discussion is with a particular individual whose candidacy is sought, that individual should be considered a prospective employee if (but only if) the candidate expresses some interest. The expression of interest need not be strong. It could amount to no more than a willingness to "think it over" or come in for a talk. After such an expression of interest NSF officials could be influenced in decisions on proposals or other applications by their hopes of getting the candidate to consider the job or to take it.

(2) When a specific vacancy is imminent, the NSF usually solicits and receives applications. Some applications may come from persons in whom there is little or no interest. Others may come from persons the recruiters have never met. Conflicts are unlikely to arise in such cases unless and until the recruiters become sufficiently interested to initiate some direct contact with the applicant, typically by suggesting an interview. At that point the applicant should be considered a "prospective employee". If no direct contact is ever initiated outside the personnel mechanics, the applicant need not be considered a prospective NSF employee.

§ 681.32 What the recruiting directorate or office should do when a person becomes a "prospective NSF employee".

(a) Special attention and special handling of proposals or other applications in which a prospective NSF employee has an involvement or interest are not required automatically. They are required under § 681.23(a) only if an official handling the proposal or application actually becomes aware that a person involved or interested is a prospective employee. Whether to inform other officials that a person is a prospective employee is within the discretion of a conflicts official of the recruiting directorate or office.

(b) If those who are recruiting determine that a person has become a prospective employee under these guidelines, they are responsible for bringing that fact and subsequent developments to the attention of a directorate or office conflicts official. This should be an official who is not directly involved in the recruitment and does not immediately supervise the position for which the prospective employee is being considered.

(c) The conflicts official is responsible for deciding whether, when, and to what extent proposals or other applications involving the prospect require special attention and special handling. See § 681.44.

§ 681.33 Informing others about incoming employees; "flagging".

(a) *When a "prospective employee" becomes an "incoming employee".* Each directorate is responsible for informing the Division of Information Systems by memo whenever a prospective employee listed in the NSF PI/PD (principal investigator/project director) file seems likely in fact to become an NSF employee. The memo should be sent at least as soon as the incoming employee enters into discussions of grade and salary with personnel officials. It might be sent sooner should the responsible conflicts official of the recruiting directorate or office find that appropriate. The memo should identify all active NSF awards and pending NSF proposals with which the prospective employee has an association. This should be checked with the PI/PD file and with the prospective employee.

(b) *Informing other divisions.* The recruiting directorate is also responsible for sending copies of its memo to each NSF division or office that is responsible for such an active award or pending proposal.

(c) *"Signals off".* If the prospect does not become an NSF employee after all, the recruiting directorate is responsible for notifying by memo all those who received its original memo.

(d) *"Flagging".* The Assistant Director for Administration is responsible for "flagging" the PI/PD file to indicate every person listed there who is a current or recent NSF employee or who has been identified in a memo from the recruiting directorate or office as an incoming NSF employee.

Subpart D.—Guidance for Directorate Conflicts Officials

§ 681.40 Summary; responsibilities of conflicts officials.

(a) If your directorate or staff office has designated you as a conflicts official, you have three responsibilities under these regulations:

(1) You determine how to handle a proposal or other application when an official who would normally handle it possesses with respect to it an affiliation or relationship listed in § 681.21. The potential conflicts you should be concerned with in such a case are generlly apparent from the nature of the affiliation or relationship.

(2) You determine how to handle a proposal or other application when a prospective, current, or recent NSF employee has an involvement or interest in it. Section 681.43 describes the potential conflicts you should be concerned with in such a case.

(3) You determine whether, when, and to what extent proposals or other applications involving a prospective NSF employee require special attention and special handling. Section 681.44 offers guidance for such determinations.

(b) Section 681.41 describes the underlying considertions you are called upon to accommodate and balance in making these determinations. Section 681.42 describes the disclosure that is required in all cases that come to you for determination and the forms of special handling you might require in such cases. It also explains what you should do when a particular relationship is considered "automatically disqualifying" or "normally disqualifying".

§ 681.41 Making determinations: Underlying considerations.

When you are called upon to make any of the determinations described in § 681.40, what considerations should influence you in deciding what to do?

(a) The primary purpose of your involvement is to remove or limit the influence of any ties to an applicant institution, investigator, etc. that you think could affect the decisions of an NSF official. Keep in mind that an official may be influenced by such ties without deliberately biasing decisions or even being conscious that his or her judgment is affected. Do not, however, "strain at gnats".

(b) A secondary purpose is to preserve the trust of the scientific community, the Congress, and the general public in the integrity, effectiveness, and even-handedness of the NSF and its award-review processes. This requires you to be concerned with appearances as well as actualities.

(c) An important countervailing consideration is to avoid distorting NSF judgments on proposals and other award actions by disqualifying those who are most competent to make the judgments. So far as possible, you should ensure that those who handle a proposal or other application are competent in the scientific or technical fields involved and are capable of judging the relative standing of a proposal in comparison with other proposals in the same field.

(d) Occasionally, action on a particular proposal or other application raises significant policy questions. As far as possible, you should avoid preventing an official who is responsible for the policy judgments in question from exercising that responsibility.

(e) Finally, you can and should consider the extra paperwork, effort, and expense to the taxpayer required by any special handling you might require. Except where an interest, affiliation, or relationship is designated "normally disqualifying" or "automatically disqualifying", finding ways to accommodate and balance these competing considerations is left to your ingenuity and judgment.

§ 681.42 Disclosure, disqualification, and other special handling.

(a) *Disclosure.* In every case brought to you as a conflicts official, you should prepare a simple memo for the file. The memo need not be in any particular format and may be handwritten. It should identify the potential conflicts problem involved and should explain what special handling, if any, you have required. Even if you require no additional special handling, the memo will ensure that the Foundation is open about the potential conflict and attentive to it. It will allow those reviewing the recommended action at higher levels to consider any effect the potential conflict might have had and alert them to scrutinize the action more closely. It will allow meaningful audit and oversight and so protect those involved, including you. And it will help preserve public trust in the NSF and in NSF decisions.

(b) *Disqualification.* In some cases disclosure alone will be insufficient to protect against distortion of NSF decisions or undermining of public trust in the NSF and NSF decisions. In some such cases you may decide to require disqualification of the official who possesses the potential conflict. On conflicts considerations alone, of course, this is the best solution. But if the official has unique scientific or technical competence to make the judgments called for, is uniquely qualified to judge the standing of a proposal relative to other proposals against which it must compete, or has responsibility for policy judgments raised in the decision, disqualification of that official would have serious disadvantages. Your judgment should depend heavily on the extent to which someone else will be able to substitute effectively for the official who might be disqualified.

(c) *Other special handling.* You are not confined to relying either on disclosure only or on complete disqualification. Other, intermediate solutions can also go a long way toward removing or minimizing any potential for bias. For example:

(1) Sometimes you might allow a case to be handled normally, but provide for extra peer reviews or extra review within the NSF.

(2) Sometimes you might have an official perform some functions but not others. The official might be able to supply a list of potential reviewers, for example, without running into serious conflicts. Or the official might be consulted by a substitute official on the competitive range in the program where the substitute is competent enough to read reviews and judge the merit of a proposal, but ill-prepared to determine where that places the proposal among those competing for funds within the same program.

(3) In some cases scientists from outside the NSF could be relied on to a greater extent than usual. Suppose a substitute NSF official has less than optimal technical competence or less than optimal sense of the competitive range in the affected program. Such a substitute might nonetheless be able to stand in if aided by an outsider who is more familiar with the scientific subfield or the affected program or both. The outsider might be a former NSF official, a panel member, a scientist from a sister agency, or in an unusual case, a special consultant.

(d) *"Normally disqualifying" or "automatically disqualifying" interests or affiliations.* Although decisions on the kind and degree of special handling that should be required are often left to your discretion, more inflexible disqualification rules do apply in the case of certain interests and affiliations.

(1) If an interest or affiliation is labelled "normally disqualifying" in these regulations, you should routinely disqualify any official who possesses such an interest or affiliation with respect to the proposal or application concerned. If special circumstances require that such an official be allowed to act on the proposal or application, your memo to the file should carefully explain those circumstances and what other precautions you have taken to minimize the potential for bias. Even then, you should not proceed until you have consulted an ethics counselor and the ethics counselor concurs.

(2) If an interest or affiliation is labelled "automatically disqualifying" in § 681.22, you must disqualify any official who possesses such an interest or affiliation with respect to the proposal or application concerned. In most cases, the disqualification is required by criminal law. If you were to allow the official to take any part in the handling of the proposal or application, you would place him or her (and conceivably even yourself) in jeopardy of fine or imprisonment.

(e) *Consolidated handling of related cases.* If you anticipate a number of cases involving the same person and the same general circumstances, you may make a single determination and issue a single memo covering all of the cases. For example, you might issue a memo indicating that a rotator will be disqualified from handling any proposal or application from his or her home institution, and saying who will handle any such proposal or application instead. A copy of this memo should be placed in the file for each affected proposal or award.

§ 681.43 Potential conflicts when an NSF employee has an involvement or interest.

(a) When a prospective, current, or recent NSF employee has an involvement or interest in a pending proposal or other application, you should look for and deal appropriately with the five steps of potential conflicts described in the rest of this section.

(b) Recruiter's conflicts. These are potential conflicts that could arise if an NSF official who is recruiting a prospective employee were simultaneously to handle a proposal or other application in which the prospective employee has an interest. You should identify those actively interested in recruiting the prospective employee and look for ways to limit their involvement in the handling of the proposal or other application. In particular:

(1) The person who would be the immediate supervisor of the prospective employee usually will have an especially active interest in successful recruiting. You should treat that interest as "normally disqualifying".

(2) Those directly involved in discussions with the propective employee will also have an interest in successful recruiting. You should consider their possible conflicts.

(3) Officials at higher echelons who are not directly involved in the particular recruitment may still have an interest in successful recruiting within their organizations. You should consider their possible conflicts.

(c) Superior's conflicts. These are potential conflicts that could arise if an NSF official were to handle a proposal or other application in which one of the official's subordinates has an interest. In particular:

(1) The immediate supervisor of an employee usually will have an

especially active interest in having the employee happy and in maintaining good relations with the employee. You should treat the immediate supervisor's interest as "normally disqualifying" if the interested employee is a prospective or current employee. You need not do so, however, in the case of a recent employee, for the supervisor's interest diminishes when the employment relationship ends.

(2) Persons at higher echelons might also be influenced by an interest in having the employee happy. You should consider whether their involvement in handling the proposal or application can or should be limited.

(d) Subordinate's conflicts. These are potential conflicts that could arise if an NSF official were to handle a proposal or other application in which the official's immediate superior or someone at a higher echelon in the official's "chain of command" has an interest. In particular:

(1) An NSF official would be placed in a particularly difficult position if asked to act on a proposal or other application in which the official's boss has an interest. Thus you should treat the immediate subordinate or a prospective or current employee as having a "normally disqualifying" relationship and only under the most special circumstances allow him or her to have any part in handling the proposal or application. You need not necessarily disqualify one who was the immediate subordinate of a recent employee, however, since the potential conflict would be substantially diminished once the supervisor-subordinate relationship ends.

(2) You may sometimes have to allow less immediate subordinates at lower echelons to play a role if there is not to be serious loss of technical competence and awareness of competitive range in the program affected. But you should take particular care in involving such lower-echelon subordinates. Disqualification would be preferable if it is workable. One possibility if disqualification is not workable may be to allow the official handling the proposal to stay anonymous, dealing with investigators and the grantee institution through another NSF official—perhaps a senior official or a grants officer. Other types of special handling that might be useful in such a case are described in § 681.42(c).

(e) Professional associate's conflicts. These are potential conflicts that could arise if an NSF official were to handle a proposal or other application in which a close professional associate at the NSF have an interest. In particular:

(1) You may have to consider disqualification of a very close associate of the interested employee, particularly where professional association may have led to personal friendship.

(2) When the degree of professional association and personal acquaintance involved is only what normally arises from service within the same organizational unit, little more than disclosure should normally be required.

(f) Reviewer's conflicts. These are potential conflicts that could arise when reviewers are asked to pass upon a proposal involving the interests of a scientist who will later be passing upon their proposals as an NSF program offical. To avoid them:

(1) All files, active and inactive, that involve research or a research group with which the employee was or is associated should be sequestered to protect the anonymity of reviewers.

(2) To the extent possible you may want to provide more protection by selecting as peer reviewers persons who are not supported by any program for which the interested official is responsible.

§ 681.44 Handling prospective-employee determinations.

(a) You may be called upon to determine whether, when, and to what extent proposals or other applications that involve a prospective employee require special attention and special handling. You should be consulted as soon as a person becomes a prospective employee. The procedure for this is described in § 681.32.

(b) *Nature of possible conflicts.* Actual or potential conflicts of interests can arise in such a situation if any of those who would handle a proposal or other application either is trying to recruit the prospective employee or would be a subordinate, supervisor, or close colleague of the potential employee.

(c) *When you should take action.* If there is a significant possibility that such actual or potential conflicts could improperly influence decisions on proposals or other applications or awards, you must institute special handling as described in §§ 681.42 and 681.43. In the case of proposals and awards outside your own directorate or office, you should do that by notifying officials of the other directorate. A conflicts official of that directorate or office will determine what special handling may be necessary there.

(d) *Avoid premature action.* However, you should avoid unnecessarily early disclosure that a person is under consideration for an NSF position, for two reasons:

(1) That a person is considering a change of jobs is often confidential, particularly in earlier stages; and

(2) Knowledge that an interested person is a prospective NSF employee cannot affect an official's judgment on a proposal or other application if the official possesses no such knowledge.

Since an official who works in one NSF organizational unit is less likely to know that a person is under consideration for employment in a different unit, and is also less likely to be influenced by any such knowledge, it normally makes sense to delay notifying officials outside the recruiting until it seems quite likely that the prospect will indeed become an NSF employee.

PART 682—REPRESENTATIONAL RESTRICTIONS AND INVOLVEMENT WITH PROPOSALS AND PROJECTS DURING AND AFTER NSF SERVICE

Subpart A—The Representational Restrictions Generally

Sec.

682.10 Summary.
682.11 "Official responsibility"; "personally involved".
682.12 Representation covered.
682.13 Matters covered.
682.14 Restriction on your partners.

Subpart B—Involvement With Proposals and NSF-Supported Projects During and After NSF Service

Sec.

682.20 General; restricted representational activities vs. permitted research or educational activities.
682.21 Proposals and projects over which you had official responsibility or with which you were personally involved.
682.22 When you are or would be principal investigator.
682.23 Compensation or reimbursement of expenses from awards.

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

Subpart A.—The Representational Restrictions Generally

§ 682.10 Summary; the four basic representational restrictions.

(a) NSF employees are subject to four basic restrictions on representing private parties in dealings with other Federal officials. The first of these applies while you are employed with the Government. The other three apply for varying periods afterward and are known collectively as the post-employment restrictions.

(1) *Current-employee restriction.* During your Federal employment you must not represent anyone (including yourself) in dealings with any Federal

official on any proposal, project, or other matter.

(2) *One-year NSF restriction.* For one year after you leave NSF employment you must not represent anyone (including yourself) in dealings with any NSF official on any proposal, project, or other matter.

(3) *"Official responsibility" two-year restriction.* For two years after you leave NSF employment you must not represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if the same matter was active under your official responsibility during your last year at the NSF.

(4) *"Personal involvement" permanent restriction.* You must never represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if you were personally involved with the same matter as an NSF employee.

All four restrictions have to do with representing private parties in dealings with NSF officials or other Federal officials. Here are the distinguishing features:

Current-employee restriction	During Federal employment	Any Federal official	Any matter.
One-year NSF restriction	For one year after NSF employment.	Any NSF official	Any matter.
"Official responsibility" two-year restriction	For two years after NSF employment.	Any Federal official	Any matter involving specific parties that was under your official responsibility.
"Personal involvement" permanent restriction	Forever	Any Federal official	Any matter involving specific parties in which you were personally involved.

(b) Examples. The following examples illustrate the application of these rules.

Example 1. You have been on the Physics faculty at the University of Wyoming and have been principal investigator on grants from the NSF and from the Department of Defense. You come to the NSF for a two-year stint as a section head. While you are away Wyoming names a colleague as principal investigator on both your grants. During your stint at the NSF the Department of Defense grant is about to expire. Your substitute principal investigator files a new proposal with DOD. She asks you to call the DOD program officer, with whom you have great credibility from past dealings, to vouch for her excellence and to urge that he continue to fund the Wyoming work. The current-employee restriction prohibits you from doing so.

Example 2. Same underyling facts as Example 1. After your stint at the NSF you return to Wyoming and want again to become principal investigator on the NSF-supported work. You may do so, but the one-year NSF restriction prohibits you from calling, writing, or visiting NSF officials to represent yourself or your institution on the award.

Example 3. Same facts as Examples 1 and 2. A few months after your return it comes time to file a new proposal for another NSF award so that you can continue the line of investigation you have been pursuing with the NSF support. You may prepare a proposal for your institution and may be listed as principal investigator, but the one-year NSF restriction prohibits you from calling, writing, or visiting NSF officials to represent yourself or your institution on the proposal.

Example 4. Same underlying facts as Example 1. During the last year of your tenure as section head another physics proposal came in from the University of Wyoming. Though the program officer who handled the peer review and submitted a recommendation was in your section, you disqualified yourself from any participation in handling the proposal. A three-year continuing grant was awarded. Within two years after you return to Wyoming a problem comes up with the last increment of the continuing grant. You have meanwhile become department chairman. As department chairman you would normally confer with NSF officials about the problem and try to resolve it. The "official responsibility" two-year restriction prohibits you from doing so. If the problem came up more than two years after you left the NSF, however, you would be free to confer with NSF officials. The "official responsibility" two-year restriction would no longer apply, and the "personal involvement" permanent restriction would not apply because you had no personal involvement in handling the proposal while at the NSF.

Example 5. While you were Director of the Division of Grants and Contracts at the NSF you personally approved the terms of a contract to the Solar Equipment Company for development of solar heating equipment. Subsequently, responsibility for this contract was transferred to the Department of Energy. After you retire from your NSF position, you accept a position with the Solar Equipment Company. A problem comes up under the same contract, and you would normally be responsibile for resolving it in discussions with DOE officials. The "personal involvement" permanent restriction prohibits you from doing so. That you would be dealing with DOE officials, not NSF officials, makes no difference: The restriction applies to dealings with any Federal official.

(c) Proposals and projects. Subpart B (§§ 682.20–682.23) is devoted entirely to the application of the representational restrictions in relation to proposals and projects. In relation to proposals and projects you may rely entirely on the specifics there and use the remainder of this Subpart A solely for background.

(d) Other matters. For most current and former NSF employees the representational restrictions will rarely apply except in relation to proposals and projects. You are nonetheless responsible for making yourself familiar with the restrictions and abiding by them in relation to all covered matters.

(e) Terms and effect. The wording of the restrictions as presented in this section and § 682.20 has been simplified substantially from the wording of the underlying statutes, so that they will be easier to understand. In the process, they have also been deliberately overstated, with exceptions and "escape hatches" left out, so that your initial reaction will be to interpret them conservatively. The next three sections fill in critical concepts: what it means to have "official responsibility" or to be "personally involved" (§ 682.11); what is and is not representation subject to the restriction (§ 682.12), and which are the matters on which representation is restricted (§ 682.13). In the process they explain the exceptions and refinements left out in this section.

(f) Partners. During your Federal service only, there is a further restriction that applies to any partner of a business partnership to which you belong. If you belong to any such business partnership see § 682.14.

(g) Source statutes and penalties for violation. for the most part these restrictions derive from Federal criminal statutes and apply to officials of all Federal agencies. In one respect the NSF rules are stricter. At other agencies the one-year agency restriction applies only to former high-ranking officials; the one year NSF restriction applies to all former NSF employees. Violation of the statutory provisions can lead to criminal prosecution (the penalties are a fine of up to $10,000 or imprisonment for up to two years or both) or to civil debarment from dealings with the NSF (for up to five years). A violation of the NSF's current-employment restriction can lead to disciplinary personnel action against an employee.

(h) Consultation. If still in doubt about any of the rules in this part, consult an ethics counselor in the Office of the General Counsel. You are welcome to consult an ethics counselor for this purpose even after you leave the NSF.

§ 682.11 "Official responsibility"; "personally involved".

(a) The "official responsibility" two-year restriction applies only if you had official responsibility for the matter in question during your last year at the NSF. The "personal involvement" permanent restriction applies only if you were personally involved with the matter in question while at the NSF. This section elaborates the concepts of "official responsibility" and "personal involvement".

(b) Official respsonsibility". You had "official responsibility" for a matter if you had direct authority to approve, disapprove, or otherwise direct Government actions regarding that matter, and it was actually pending during your tenure. It does not matter whether your authority was intermediate or final, whether it was exercisable alone or with others, or whether it was exercisable personally or through subordinates. Specifically:

(1) The scope of your "official responsibility" is ordinarily determined by the areas for which the position you filled or the organization you headed are assigned responsibility by job description, delegation, or other authority.

(2) Any matter under consideration in the NSF is under the "official responsibility" of the Director and of each intermediate supervisor who has responsibility for any employee who actually participates in the matter within the scope of his or her duties.

Example. A proposal under consideration within a particular program is under the "official jurisdiction" of the program officer who actually handles it, of the program director for the program, of the responsible section head, of the responsible division director, of the responsible assistant director, and of the Director of the NSF. Whether it is under the "official responsibility" of any of their deputies depends on the responsibilities assigned to the deputies by the position descriptions, by any formal delegations to them, or by any other legally effective means.

(C) "Personal involvement". Personally involved" is short for the following statutory language:

"Participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise".

In other words:

(1) You may have "participated" and so have been "personally involved" even though you actually made none of the important decisions. You "participated" if you made recommendations, rendered advice, conducted an investigation, or otherwise contributed. Moreover, "approval" is specifically covered. Giving a required approval, however perfunctorily, is covered if the action could not have been taken over your objection.

(2) On the other hand, there is distinction between personal involvement and official responsibility. If you could have intervened in the matter because of your position, but in fact did not, you were not "personally involved".

(3) You must have participated "personally". You participated personally if you gave directions or instructions about the matter to a subordinate who participated directly. If a subordinate participated without any direction or instruction from you about that particular matter, and you did not otherwise participate, you did not participate personally.

(4) You must have participated "substantially". That requires more than knowledge of what was going on, perfunctory involvement, or involvement on an administrative or peripheral issue. Your participation was "substantial" if it was significant to the outcome or would have seemed so to a reasonable outside observer, considering not only the effort you devoted to the matter but the influence of your effort on the outcome. A single act at a critical step, such as an approval, may be substantial. A series of time-consuming peripheral involvements, such as review solely for compliance with administrative or budgetary controls, may be insubstantial.

§ 682.12 Representation covered.

(a) *Representational dealings.* All four of the basic representational restrictions are restrictions on representing private parties in dealings with NSF officials or other Federal officials. The dealings covered are encompassing. They include any formal appearance before an official; any meeting with an official; and any letter, phone call, or other communication with an official.

(b) *Intent to influence and potential controversy required.* Contacts as a representative without intent to influence the officials contacted are not prohibited. Nor are contacts as a representative in connection with a routine request not involving a potential controversy. For example, you may ask a question about the status of a particular matter, as long as there is no implicit attempt to influence the outcome. You may request publicly available documents. You may communicate with an official as long as the communication has no connection with an adversary proceeding, to impart purely factual information.

Example. While an NSF employee you helped write the current contract for the Kitt Peak National Observatory, with which you are now a staff scientist. You are asked to make a scientific presentation to NSF officials at the annual review of the Kitt Peak program. You may do so. You may not, however, participate in or support any appeal for more funds for Kitt Peak during the review. Indeed, it would be better for you not to be present at all when funding and other contractual subjects are discussed. If you were not a staff scientist at Kitt Peak, but only a user, that would not change things for this purpose.

(c) *Assisting without appearing or communicating with officials.* You are not prohibited from helping those who are representing a private party with Federal officials, as long as you do not yourself make an appearance or otherwise communicate with the officials. You may advise officials or representatives of the party, may make suggestions about whom they should contact and what they should say, and may even draft documents and letters, as long as you do not personally sign or transmit them. CAUTION: What is permitted under Federal law may be prohibited by rules of professional ethics, particularly if you are a lawyer.

(d) *Assisting by personal presence at an appearance or meeting.* A former high-ranking employee (SES, GS–17, or above) who had official responsibility for a matter or was personally involved while a Federal employee may violate the criminal statutes by being present to assist others at a meeting with Federal officials or an appearance before them, even though the former employee never speaks with the Federal officials. The NSF goes further and asks that (whether high-ranking or not) if you would be barred from directly representing anyone in connection with any matter, you refrain from being personally present while others are meeting with NSF officials. In rare cases where there are special circumstances the General Counsel or the Director may waive this restriction to the extent consistent with the Government-wide law and regulations.

(e) *Dealings with officials of the legislative branch not covered.* Where the basic representational restrictions refer to dealings with "Federal officials", that covers officials of a Federal Executive-branch or administrative agency and officials of Federal courts or administrative tribunals. It does not, however, encompass Members of Congress, their staffs, or other officials of the legislative branch.

(f) *Representing the United States.* During you Government service, you

may naturally represent your office, the NSF, or the Government (or anyone else, for that matter) with other Federal officials if the representation is part of your official duties. After your Government service, moreover, you may represent an office or agency of the Government itself in dealings with officials of another office or agency any time you are asked to do so.

(g) *Representing yourself.* The "official responsibility" two-year restriction and the "personal involvement" permanent restriction do not apply if you represent only yourself. They would apply, however, if you were to represent yourself and another person, such as an institution or organization with which you are employed or affiliated. The current-employee representational restriction and the one-year NSF restriction do apply even if you were to represent only yourself. Even they, however, do not apply to:

(1) Any expression of your views on policy issues, where the circumstances make obvious that you are only speaking as an informed and interested citizen, not representing any financial or other interests of your own or of any other person or institution with whom you are associated;

(2) Any appearance or communication concerning matters of a personal and individual nature, such as your income taxes; your salary, benefits, or rights as a Federal employee; or the application of conflict-of-interests rules to something you propose to do; or

(3) Any appearance on your own behalf in any litigation or administrative proceeding.

They do apply, however, to contacts seeking grants or business, except for discussions about employment with an agency as a consultant or otherwise and scientific or technical proposals, presentations, or communications. See § 682.20.

§ 682.13 "Matters" covered.

(a) *Matters involving specific parties.* The "official responsibility" two-year restriction and the "personal involvement" permanent restriction both cover only a "matter involving specific parties". Generally, such a matter is a specific proceeding affecting the legal rights of the parties to the proceeding or an isolatable transaction or related set of transactions between identifiable parties. A "party" may be either a person or an institution, and one such party other than the Government is enough.

(1) In the context of the NSF a "matter involving specific parties" will usually consist of a proposal or bid, the award-or-declination decision process with respect to it, any award that results, and any subsequent administrative action related to the project. Such "matters" are covered in Subpart B of this part.

(2) Otherwise, typical "matters involving specific parties" include other kinds of contracts or agreements; applications for permits, licenses, or the like; requests for rulings or similar official determinations; claims; investigations or audits; charges or accusations against individuals or firms; adjudicatory hearings; and court cases. These are relatively uncommon at the NSF, but when current or former NSF employees have been officially responsible for such matters or personally involved in them, the representational restrictions may apply. If in doubt consult an ethics counselor in the Office of the General Counsel.

(b) *Same or different matter.* The "official responsibility" two-year restriction and the "personal involvement" permanent restriction cover such a matter only if during your NSF service the same matter was under your official responsibility or you were personally involved in it. Except where guidance is provided in Subpart B of this part, you should not decide for yourself whether a "matter involving specific parties" is the same as one for which you had "official responsibility" or with which you were "personally involved" while at the NSF. Consult an ethics counselor in the Office of the General Counsel.

(c) *Other "matters".* The current-employee restriction and the one-year NSF restriction both cover matters that do not *not* "involve specific parties" as well as those that do. Such broader "matters" include:

(1) Determinations to establish or disestablish a particular program or set its budget level for a particular fiscal year;

(2) Decisions to undertake or terminate a particular project;

(3) Decisions to open or not open a contract to competitive bidding;

(4) Decisions on particular NSF rules or formal policy, such as adoption or amendment of a resolution by the National Science Board, promulgation or amendment of an NSF regulation or circular, amendment of standard grant or contract terms, or changes to such NSF policy documents as "Grants for Scientific Research and the Grants Policy Manual"; and

(5) Agency positions on particular legislative or regulatory proposals.

On the other hand, the statutory term is really not just "matter", but "particular matter". The word "particular" is intended to exclude broad technical areas, policy issues, and conceptual work done before a program has become particularized into one or more specific projects. You should not, however, rely on this hazy distinction alone to take you out from under either of the representational restrictions that cover matters not involving specific parties without checking with an ethics counselor in the Office of the General Counsel.

(d) *Boundaries of matters not involving specific parties.* In connection with the current-employee restriction and the one-year NSF restriction, you need not consider whether a "matter" is the same as or separate from any other matter. Those two restrictions cover any "matter", whether or not you have previously had any responsibility for or involvement with it.

§ 682.14 Restriction on your partners.

While you are a Federal official no person who is legally your partner in a business of professional partnership may act as agent or attorney for anyone in dealings with any other Federal official on any matter under your official responsibility or with which you are or have been personally involved as a Federal official. A partner who violates this rule commits a Federal crime punishable by a fine of up to $5000 or imprisonment for up to one year or both. In general, your partners may safely steer clear of this restriction by using the definitions and guidance in the earlier sections of this Subpart A, treating "act as agent or attorney" as equivalent to "represent" (it may actually be slightly less encompassing). They may consult on this restriction with attorneys in the Office of the NSF General Counsel. If they prefer to consult other counsel, they should refer to 18 U.S.C. 207(g).

Subpart B—Involvement With Proposals and Projects During and After NSF Service

§ 682.20 General; restricted representational activities vs. permitted research or educational activities.

(a) *Basic representational restrictions.* The same four representational restrictions described in Subpart A of this part apply to representational activities involving proposals or projects.

(1) *Current-employee restriction.* During your Federal employment you must not represent anyone (including yourself) in dealings with any Federal official on any proposal or project.

(2) *One-year NSF restriction.* For one year after you leave NSF employment

you must not represent anyone (including yourself) in dealings with any NSF official on any proposal or project.

(3) *"Official responsibility" two-year restriction.* For two years after you leave NSF employment you must not represent anyone else in dealings with any Federal official on any proposal or project if the same proposal or project was active under your official responsibility during your last year at the NSF.

(4) *"Personal involvement" permanent restriction.* You must never represent anyone else in dealings with any Federal official on any proposal or project if you were personally involved with the same proposal or project as an NSF employee.

(b) *Examples.* Examples 1 through 4 in § 682.10(b) illustrate the application of these restrictions.

(c) *General effect.* These representational restrictions do not preclude you from being involved as a researcher or educator with proposals submitted to the Government or projects supported by the Government. They do preclude you from negotiating with NSF officials or other Federal officials and from engaging in other representational activities intended to influence their decisions on certain proposals and projects.

(d) *Restricted representational dealings.* If you write, call, visit, or otherwise communicate with an official you have "dealt" with the official. Those dealings are representational if you try to influence the official to suggest, recommend, or approve:

(1) An award;

(2) An award amount, a budget, or particular budget items;

(3) Particular award terms or conditions;

(4) An award amendment, increase, or extension;

(5) An administrative approval; or

(6) Any other action affecting a proposal or project.

(e) *Permitted research and educational activities.* You do not engage in representational dealings, and so you violate none of the representational restrictions, by:

(1) Participating in research or other work supported under an award from the NSF or another Federal agency;

(2) Being listed as an investigator in a proposal or award;

(3) Preparing a proposal that will be submitted to the NSF or another Federal agency (but if you prepare it during your NSF tenure, you must do so entirely on your own time);

(4) Making a scientific or technical presentation to officials of the NSF or another Federal agency (at a site visit, for example) or otherwise communicating scientific or technical information to them on the work being proposed or conducted; or

(5) Communicating with officials of the NSF or another Federal agency, with no intent to influence them, to request routinely available and noncontroversial information, such as the status of the decision process on a proposal.

Be very careful with these last two activities particularly; it would be easy to fall into trying to influence actions of the officials involved. If you can, let someone else make the presentation or request. If in any doubt, consult an ethics counselor in the Office of the General Counsel.

(f) *Specifics on proposals.* You may prepare a proposal for submission to the NSF or another Federal agency even though you would be precluded by one of the three post-employment restrictions from any representational dealings with agency officials about it. You may sign the cover sheet to signify your agreement to assume responsibility if an award is made for the scientific and technical direction of the project and for the preparation of required technical reports. You may not, however, sign any cover letter submitting the proposal for the University. Nor may you call, write, or visit the agency program officer who is handling the proposal to urge an award, haggle over budgets, or the like. You may respond to requests from the program officer or another NSF official for scientific and technical information relating to the proposal, such as might be needed to respond to reviewer comments. You must not, however, couple the information you supply with any attempt to influence the decision on the proposal other than what inheres in the provision of the information itself. At the NSF the proposal will receive special scrutiny and may require special handling to avoid conflict of interests, but you have no special responsibility in that connection.

(g) *Other issues related to represenation.* Section 682.12 covers a number of other issues related to representation. Among these are assisting in representation without appearing or communicating with officials (generally permitted); assisting by personal presence at an appearance or meeting (generally prohibited); representing the Government (generally permitted); and representing yoursef alone (depends). The rules and explanations given there apply to proposals or projects just as to other matters. If any confusion persists after you read them, consult an ethics counselor in the Office of the General Counsel.

§ 682.21 Proposals and projects over which you had official responsibility or with which you were personally involved.

(a) The "official responsibility" two-year restriction applies only if you had official responsibility for the proposal or project in question during your last year at the NSF. The "personal involvement" permanent restriction applies only if you were personally involved with the proposal or project while at the NSF. You will therefore need to need to know: (1) When a project is the same as one proposed or active while you were at the NSF, and (2) whether you had official responsibility for the project or were personally involved with it.

(b) *When is a project the same project?* All usual aspects of the handling of a particular proposal and of any award made onthe proposal relate to the same "project". This includes:

(1) The initial peer review and award-or-declination decision process;

(2) Review and approvals of an award recommendation;

(3) Negotiation of budget and award terms;

(4) Negotiation of award amendments;

(5) Consideration of continuing-grant increments; and

(6) Consideration of any extensions or administrative approvals.

(c) *Exceptions.* (1) A negotiation or determination on disposition of rights in any invention or publication that arises out of an award normally is a separate matter from the processing and monitoring of the award, but not from discussions or negotiations about disposition of rights that took place before the invention was made or the publication written.

(2) Separate task orders under a continuing order agreement or the like constitute separate "matters" if the tasks and the negotiations are actually separate.

(3) An ethics counselor may determine that other matters arising from a particular proposal or award constitute separate "matters" if the circumstances warrant.

(d) *Renewals.* An application that involves a continuation or outgrowth of work that the investigators have been doing under a previous NSF award is part of the same "project" as the original proposal and project unless:

(1) A complete new proposal and a new budget are submitted;

(2) They are subjected to a complete new competitive peer review or evaluation; and

(3) The review or evaluation involves a new group or reviewers, a substantial fraction of whom did not review the earlier proposal.

(e) *"Official responsibility".* You had "official responsibility" for a proposal or project if you were personally responsible for handling it or if you headed a directorate, division, section, or program that was responsible for handling it. (The Director has "official responsibility" for every proposal or project active at the NSF during his or her tenure.) You will find further elaboration of "official responsibility" in § 682.12(b).

(f) *"Personal involvement".* You were "personally involved" with a proposal or project if you handled the peer review of the proposal; if you made any formal recommendation or decision on it, including any approval of an award recommendation or other action; if you reviewed the proposal or made a site visit; or if you otherwise made a substantial contribution to the handling of the proposal or project. You will find further elaboration of "personally involved" in § 682.12(c).

§ 682.22 When you are or would be principal investigator.

(a) *Retention of ties to research, etc. permitted.* Many scientists and educators interrupt active research and teaching careers to spend a year or two at the NSF as "rotators" and then return to research and teaching, usually at the same institution from which they came. Many such rotators (and a few permanent employees) who have been principal investigators under NSF awards before coming to the NSF, retain some interest or association with the work. If you have been the principal investigator under an NSF award, you are not precluded from retaining ties to the work under the award after you become an NSF employee. Subject to the restrictions on outside employment explained in Part 683 of the NSF conflict-of-interests regulations, you may stay in contact with those who are continuing the work in your laboratory or on your project. You may continue to supervise graduate students. And you may visit and work in the laboratory on your own time for these purposes.

(b) *Substitute principal investigator.* Before you come to the NSF, however, the NSF requires that you and your institution designate, subject to NSF approval, a substitute principal investigator—*i.e.*, another scientist who will be responsible for the work and equipment and will represent the project and the institution in any dealings with NSF officials while you are at the NSF.

(c) *Suspension of work on an NSF award.* Appointment of a substitute principal investigator is unnecessary if all work under an award is to be completely suspended while you are at the NSF. If the work is to be suspended, you and your institution should so inform the NSF by letter before your NSF employment begins. Work under the award may be resumed when you complete your NSF employment, and its term may be extended to account for the time lost during your NSF employment.

(d) *Substitute negotiator.* As soon as you leave the NSF, you may again be principal investigator on an NSF project, may be listed as principal investigator in any proposal or award, and may sign a proposal as principal investigator. However, the NSF asks that you and your institution formally designate (subject to NSF approval) a "substitute negotiator" who, though not principally responsible for the work, will represent the project and the institution in dealings with NSF officials from which you would be restricted. In the typical case, the one-year NSF restriction will require that a substitute negotiator continue to serve that function for one year after you leave the NSF. In the rarer case of a proposal or project for which you had official responsibility or with which you were personally involved, there should be a substitute negotiator for as long as the "official responsibility" two-year restriction or the "personal involvement" permanent restriction bar you from such representational dealings.

(e) *Renewal proposals submitted during your NSF service.* During your NSF service a proposal may be submitted for continuation or extension of work on which you were principal investigator before coming to the NSF and to which you intend to return. The role you will play in the work proposed should be clearly spelled out in the proposal, and the proposal should prominently indicate that you are currently an NSF employee. If work under a resulting award would begin before you leave the NSF, a substitute principal investigator must be named. If the work would not begin until after you leave the NSF, you may be named as principal investigator, but a substitute negotiator must be named.

(f) *Your involvement or interest in project to be open.* The appointment of a substitute principal investigator or a substitute negotiator is not intended to conceal or obscure your continued involvement or interest in the project. Just the opposite: your involvement or interest should be made unmistakably plain. This will ensure that any proposal or other award-related application will be given the special attention and special handling called for under Part 681 of this chapter.

(g) *Purposes of "substitute" requirements.* The appointment of a "substitute principal investigator" or "substitute negotiator" ensures against unthinking violation of the restrictions on dealings with NSF officials. It serves this purpose by flagging proposals or awards affected by the restrictions and by identifying someone else with whom NSF officials can properly discuss them or negotiate over them. Designation of a substitute principal investigator while you are at the NSF has two additional functions: it identifies another person to be responsible for the work and equipment, and it reminds all concerned that during your NSF service your primary attentions must be on your NSF duties.

(h) *Proposals and awards of other agencies.* The "substitute principal investigator" and "substitute negotiator" requirements described in this section are specific to the NSF. If you are or would be a principal investigator under a project proposed to or supported by another Federal agency, however, you should carefully observe the representational restrictions as they apply to dealings with officials of other Federal agencies. The current-employee restriction is particularly likely to apply.

§ 682.23 Compensation or reimbursement of expenses from NSF awards.

(a) *Compensation from NSF awards.* While you are an NSF employee, you may not receive any salary, consulting fee, honorarium or other form of compensation for your services from an NSF award, or any other Federal award either directly or indirectly. In other words, you may not receive money for your services in connection with a project, a conference, or other work that was supported in whole or in part by funds provided from an NSF award. After you cease to be an NSF employee, you may again receive compensation from an NSF award.

(b) *Expenses from an NSF award.* While an NSF employee you may not receive any reimbursement of expenses from an NSF award.

PART 683—OTHER CONFLICTS RULES

Subpart A—Financial Disclosure

Sec.

683.10 Who must make general financial disclosure.
683.11 Financial disclosure requirements for senior employees.

683.12 Financial disclosure requirements for other program officers, grants and contracts officers, auditors, and lawyers.

Subpart B—Acts Affecting Financial Interests

683.20 Acts affecting your financial interests.

Subpart C—Outside Employment, Compensation, Income, Gifts, Etc.

683.30 Outside employment ("moonlighting") and income.
683.31 Compensation.
683.32 Honoraria.
683.33 Reimbursements and services in kind.
683.34 Misuse of inside information or Government property.
683.35 Participation in NSF-supported conferences and workshops.
683.36 Gifts, favors, loans prizes, and awards.

Subpart D—Political Activity (Hatch Act)

683.40 Introduction; who's covered.
683.41 Basic political rights unaffected.
683.42 Candidacy and compaigns.
683.43 Party activities.
683.44 Political use of official authority or influence.

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

Subpart A—Financial Disclosure

§ 683.10 Who must make general financial disclosure.

(a) If you are an executive level, SES, or supergrade employee, you are a "senior employee" and must file public Financial Diclosure Reports. See § 683.11.

(b) If you are not a "senior employee" but serve as either a program officer, a directorate administrative official, a grants and contracts officer, an auditor, or a lawyer, you must file confidential Statements of Employment and Financial Interests. See § 683.12.

(c) If you are in neither of these categories, no general financial disclosure is required of you. You may ignore the rest of this subpart.

(d) If you are required to file Financial Disclosure Reports or Statements of Employment and Financial Interests, the foundation will supply you with the necessary forms. You may ask for them when you need them, but normally they will be sent to you automatically, with instructions.

§ 683.11 Financial disclosure requirements for senior employees.

(a) If you are a "senior employee" you must file an initial Financial Disclosure Report within 30 days after you first come to the Foundation or are promoted into a senior-employee position. You must thereafter file a Financial Disclosure Report by May 15 of each year. And you must file a termination Financial Disclosure Report within 30 days after you leave the Government.

(b) File your Reports with an ethics counselor. The ethics counselor will help with problems or questions that arise in completing the forms, and is required by law to review your Report after you file it. The ethics counselor may contact you about any errors you make in filling out the form or about questions that are raised by what you report.

(c) The law requires the NSF to make each Report you file available to the public within 15 days after you file it.

(d) Any person who wants to see or copy your Report must make a written request. A copy of any such request will be sent to you.

(e) If you are nominated by the President to an NSF position and must be confirmed by the Senate, your initial Report must be filed with the NSF within five days after your nomination.

(f) If you fail to file a required Report, fail to file information required to be reported, or file false information, you are subject to disciplinary action. If you do any of those things willfully, the law requires the Director of the Foundation to report to the Attorney General, who has authority to enforce the disclosure requirements against any knowing or willful violation by suits seeking civil penalties of up to $5,000.

§ 683.12 Financial disclosure requirements for program officers, grants and contracts officers, auditors, and lawyers.

(a) If § 683.10(b) indicates that you are one of those who must file Statements of Employment and Financial Interests, you must file an initial Statement within 30 days after you are first appointed to a covered position either by promotion or as a new NSF employee. You must thereafter file a Statement each year by July 31.

(b) File your Statements with the Personnel Office.

(c) Your Statements will be held in the strictest confidence allowed by law. The Personnel Office will keep them in a locked file and will release them or allow disclosure of information from them only with your written approval or that of the General Counsel. Before any release or disclosure on the authority of the General Counsel you will be notified and will have an opportunity to comment, except when information is requested for an official investigation of a possible criminal violation.

(d) If you fail to file a required Statement, fail to file information required to be reported, or file false information, you are subject to disciplinary action.

Subpart B—Acts Affecting Financial Interests

§ 683.20 Acts affecting your financial interests.

(a) *No acting as a Federal employee where you have a financial interest.* You must not be personally involved as a Federal employee in the handling of any proposal, award, or other matter in which you, a member of your immediate family, a business partner, or an organization of which you are or may become a part has a financial interest. BE CAREFUL: Violation of this rule may also result in a violation of a criminal statute for which the penalties are a fine of up to $10,000, imprisonment for up to two years, or both.

(b) *Proposals and awards.* You will not violate this restriction in handling proposals and awards as long as you abide by the requirements on handling proposals and awards described in Part 681 of these regulations.

(c) *"Personally involved".* The term "personally involved" has exactly the same meaning here as in connection with the representional restrictions described in Part 682 of this chapter. It is elaborated in § 682.12(b) of this chapter. In general, you can be "personally involved" in the handling of a matter even though you actually make none of the critical decisions, if you contribute by recommendations, advice, approval, or the like, and your contribution is substantial.

(d) *"Matter".* The term "matter" also has the same meaning here as in connection with the representational restrictions described in Part 682 of this chapter. It is elaborated in § 682.13 of this chapter. Note that here specific parties need not be involved.

(e) *Immediate family.* Only your spouse and minor children are considered members of your "immediate family" under this rule. Be careful though; other relatives are covered by rules described elsewhere in these regulations.

(f) *"Organization of which you are or may become a part".* You are a part of an organization if you are an officer, director, trustee, partner, or employee. You "may become" part of an organization if you are negotiating with it or have an arrangement with it concerning prospective employment.

(g) *Waiver.* This provision may be waived where the interest is so insubstantial as to be likely to affect the integrity of your services to the Government. If yo think such a waiver is called for, consult an ethics counselor in the Office of the General Counsel. The ethics counselor will advise you and

will make a recommendation to the official who would have to approve such a waiver.

Subpart C.—Outside Employment, Compensation, Income, Gifts, Etc.

§ 683.30 Outside employment ("moonlighting") and income.

(a) *Permitted within limits; duty first.* While not on official duty, you may work for private firms or organizations either for pay or as a volunteer, within limits established by the rest of this subpart. Be sure that you understand all of those limits before undertaking any such outside work. Those that do not relate to compensation apply whether or not you work for pay. A basic limit, of course, is that duty comes first. You should not engage in any outside activity that impairs your health, exhausts your energies, or otherwise prevents you from doing your NSF job.

(b) *Policymaking or administrative work for certain organizations.* You may not participate as a policymaking officer for any research or educational institution, any scientific society, or any professional association without the written approval of an ethics counselor. Whenever a major policy question is presented by a request for such approval, you or the ethics counselor may raise the matter with the General Counsel and, if appropriate, with the Director of the Foundation.

(c) *Special rules for full-time Presidential appointees.* If you are a Presidential appointee:

(1) You must not engage in any other business, vocation, or employment while serving in the Presidential position.

(2) You may not hold office in or act for any institution that has or is seeking NSF awards without the approval of the National Science Board.

(3) You may not earn outside income totalling more than 15 percent of your Government salary in any calendar year. Earned outside income includes salaries, honoraria, and other forms of compensation for services. It does not include investment income (dividends, interest, or the like). It does not include reimbursement for meals, lodging, travel, or other expenses. And it does not include prizes or awards, even if an award carries an obligation to give lectures.

§ 683.31 Compensation.

(a) *Basic restrictions on outside compensation.* Three basic rules restrict compensation (not including reimbursement of expenses) you can accept from sources other than your Federal salary:

(1) *No extra compensation for official duties.* You must not seek or accept any contribution or supplement to your Government salary for doing any part of your NSF job.

(2) *No compensation in connection with any matter involving the Government.* You must not seek or accept any compensation for services by you or anyone else in connection with any proposal, project, or other matter in which the United States is a party or has a direct interest.

(3) *No compensation out of any Federal award.* You must not seek or accept any compensation out of funds that come wholly or partly from an NSF award.

BE CAREFUL: A violation of any of these rules would be a Federal crime.

(b) *Pensions and other employee benefits.* These rules do not preclude you from continuing to participate in a bona fide pension or other employee benefit plan maintained by a former employer.

(c) *Wording and terms.* The wording of these restrictions has been simplified here substantialy from the wording of the underlying statutes, so that they will be easier to understand. Interpret them conservatively, and if in any doubt about the meaning of terms consult an ethics counselor in the Office of the General Counsel.

§ 683.32 Honoraria.

(a) *Honoraria on official duty.* You must not accept any honoraria for speeches, papers, lectures, or the like delivered in the course of your official duties. However, if declining an honorarium would appear embarrassing or insulting to the offeror, particularly one from another country, you may accept the honorarium on behalf of the Foundation and deposit it into a special trust fund account or into the Treasury. Under no circumstances may you accept an honorarium for yourself for acts performed in your official capacity.

(b) *Honoraria—while not on official duty.* You may accept honoraria for speeches, papers, or lectures delivered while you are not on official duty, subject to general limits on outside employment described in § 683.30, general restrictions on receipt of compensation described in § 683.31, and prohibitions against misuse of inside information described in § 683.34. You will be disqualified for one year from handling proposals and other award-related applications that involve the interests of the person or institution from which you received any honorarium. See § 601.21 of this chapter. Moreover, the law restricts the amounts of honorarium you may accept:

(1) You must not accept an honorarium of more than $2,000 for any speech, paper, lecture, or the like (excluding reimbursements for meals, lodging, and travel).

(2) You may not receive more than $25,000 in honoraria in any calendar year.

(3) If you are a Presidential employee, honoraria count toward the fifteen-percent limit on your outside income. See § 683.30(d)(3).

§ 683.33 Reimbursements and services in kind.

(a) *For official travel.* You may not accept money from private sources to reimburse you for expenses incurred during travel on official NSF business, though private sources may reimburse the NSF for your expenses. You may accept meals, lodging, or travel tickets (not money) from private sources when you are traveling on official NSF business, but not if they would be paid for out of funds that come wholly or partly from an NSF award. There is one exception to the reservation about funds that come from an NSF award: if you are attending a conference, symposium, or other meeting funded by the NSF, you may accept meals and lodging (but NOT travel tickets) if they are offered to everyone attending the meeting and alternate arrangements for meals and lodging are unavailable or would cause an unusual inconvenience. If you do accept meals or lodging while on official travel, your per diem must be reduced accordingly.

(b) *Travel, etc. when not on duty.* If you are on leave, not representing the Foundation, and not expected primarily to discuss NSF policy or procedures, these restrictions do not apply. However, you may not accept services in kind or reimbursement for travel expenses if the sources would be funds that come wholly or partly from an NSF award.

§ 683.34 Misuse of inside information or Government Property.

(a) *No misuse of inside information.* If your Government job gives you access to information not generally available to the public, you must not use that information for your private benefit or make it available for the private benefit of any other person or institution.

(b) *Consulting, lecturing, etc. about the NSF.* You must not receive anything of monetary value for consulting, lecturing, writing, or public discussion that concerns the responsibilities, the programs, or the operations of the NSF or that draws on official information or

ideas not generally available to the public.

(c) *Waivers.* The Director, the Deputy Director, or an assistant director may waiver application of these rules and authorize use of non-public information in the public interest. Any such authorization must be in writing. Consult an ethics counselor in the Office of the General Counsel.

(d) *Private use of public property or services.* You must not use Government property or services for your private benefit or for the private benefit of others, except as your normal public duties benefit particular members of the public in intended ways.

§ 683.35 Participation in NSF-supported conferences and workshops.

You may participate in a conference, workshop, or similar event supported by NSF funds, provided you do not receive any compensation, honorarium, or the like for your participation. You may not serve as an organizer or director of such an NSF-supported event, unless its purpose is to plan, assess, or publicize NSF programs. You may discuss arrangements with the organizers or directors as long as you do not use the influence that derives from your NSF position to pressure them.

§ 683.36 Gifts, favors, loans, prizes, and awards.

(a) *Gifts and favors generally.* You may not directly or indirectly solicit or accept a gift, a favor, or a loan from any person or organization:

(a) That has or is seeking NSF awards;

(2) That has interests potentially affected by what you do in your NSF job; or

(3) That may be trying to affect your official actions.

(You may, however, accept promotional things of trivial value such as pens, pencils, note pads, and calendars.)

(b) *Meals or entertainment.* By extension, you should ordinarily avoid accepting meals or entertainment from such persons or organizations if you can avoid doing so within the reasonable bounds of politeness. You may, however, occasionally accept a modest meal offered as a courtesy or convenience during a site visit or a luncheon or dinner meeting.

(c) *Prizes and awards.* The restrictions in paragraph (a) of this section do not prevent you from accepting a prize or award for scientific or other public achievement given by a university, scientific society, or other organization. However, you may accept anything of value that accompanies the prize or award only if it is not paid for out of funds that come wholly or partly from an NSF award. You will be disqualified for one year from handing proposals and other award-related applications that involve the interests of the person or institution from which you received any such prize or award. See § 682.21 of this chapter.

(d) *From foreign governments.* You may not accept a gift or decoration from a foreign government in accordance with the Foreign Relations Authorization Act of 1978. Essentially, you may accept a gift of "minimal value". Minimal value means retail value in the United States at the time of acceptance of $100 or less. If the gift is of more than minimal value you should not accept it unless doing so would likely cause offense or embarrassment. Acceptance of any gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States. Consult an ethics counselor for assistance in depositing the gift with the United States.

Subpart D—Political Activity

§ 682.40 Introduction; who's covered.

(a) *Hatch Act.* In order to ensure that day-to-day government actions (such as award of grants) are not affected by political motives and in order to preserve a nonpolitical civil service that is selected on merit, not on political considerations, the law restricts the involvement of Federal civil service employees with partisan politics. These restrictions derive from a law popularly known as "the Hatch Act".

(b) *Summary of Hatch Act restrictions.*

(1) The Hatch Act restrictions do not affect your basis political rights. See § 682.41.

(2) You may not run for public or party office, except in nonpartisan elections and certain local elections. See § 682.41(a).

(3) You may not participate in election campaigning, except in nonpartisan elections and certain local elections. See § 682.42(c).

(4) You may not take an active part in leading or managing a political party. See § 682.43.

(5) You must not use your official authority or influence for political purposes. See § 682.44.

(c) *Presidential appointees.* You are subject to these restrictions if you are an NSF employee, unless you are a Presidential appointee whose appointment was subject to Senate confirmation. If you are such a Presidental appointee, you are subject only to the restrictions described in § 682.44. You need not be concerned with the rest of this subpart except as it affects your colleagues and subordinates.

(d) *Employee coverage.* If you are subject to the "Hatch Act" restrictions, they apply even while you are on leave or while you are on detail or assignment to a non-Federal post. They apply even if you work for the Government only part-time. If you work for the Government as a temporary employee, the restrictions apply as long as your temporary employment lasts. If you work for the Government as an intermittent employee, the restrictions apply only while you are in an active-duty status, but that includes the entire 24 hours of any day on which you work for the Government at all. (If in doubt about the employment category to which you belong, check with Personnel.)

(e) *Political party.* Any political party or political club, national or state, is a "political party" under this Subpart, except where provisions specifically refer to a "national political party".

§ 683.41 Basic political rights unaffected.

The Hatch Act restrictions do not affect your basic political rights. Specifically:

(a) You may register and vote as you choose in any election.

(b) You may contribute to a political party or candidate, though you may not be pressured to do so because of your Federal employment.

(c) You may be a member of a political party or other political organization. You may attend party meetings and vote on issues. You may not, however, be involved in managing or leading the organization. See § 683.43.

(d) You may write, call, or visit any Federal, state, or local political official (including, for example, your Congressman) to express your views on any political issue and on how the official should vote or act on the issue.

(e) You may sign political petitions, including nominating petitions, but you may not circulate such petitions for others to sign. See § 683.42(d)(2).

§ 683.42 Candidacy and campaigns.

(a) *Running for office.* You may not run for nomination or election to public office. There are two exceptions:

(1) You may run in an election in which no candidate runs as representing any national political party. (Currently, this means the Democratic or Republican party, but if another party wins electoral votes in a Presidential election, that could change.)

(2) Your may run for office in most of the local political jurisdictions in the Washington, D.C. area if you run as an

independent not representing any political party, national or otherwise. (To be sure that your jurisdiction is among those in which this is permitted, check with an Ethics Counselor in the Office of the General Counsel.)

(b) *No partisan campaigning.* You may not campaign for or against a political party or candidate in an election for public office or in an election for party office. Essentially the same two exceptions apply:

(1) You may campaign for a candiate in an election in which no candidate runs as representing any national political party.

(2) If you could be an independent candidate in a local election described in paragraph (a)(2) of this section, you may campaign for an independent candidate in such an election.

You may not campaign for any side of a question or issue that is specifically identifed with a political party.

(c) *What constitutes campaigning.* You "campaign" when you:

(1) Actively participate in management of a campaign;

(2) Initiate nominating petitons or canvass for signatures on nominating petitions;

(3) Endorse or oppose a candidate or a position through political advertisements, broadcasts, campaign literature, or the like;

(4) Speak at rallies, candidate nights, party caucuses, or other political gatherings;

(5) Solicit campaign contributions, promote political dinners or similar events, sell tickets for such events, or otherwise participate in campaign fundraising;

(6) Help to handle campaign finances;

(7) Distribute campaign material;

(8) Host a coffee, cocktail party, or buffet for a candidate or a candidate's surrogate;

(9) Drive voters to the polls;

(10) Work at the polls as a checker, challenger, pollwatcher, or the like, or

(11) Do any other work on behalf of a candidate.

(d) *Nonpartisan election duties.* In connection with an election, you may perform nonpartisan duties provided for by law as an election clerk, judge, or the like.

(e) *Appointment to nonelective office.* You may accept appointment to nonelective public office, subject to the same limits that apply to any other outside employment. See Subpart C, §§ 683.30–683.36.

§ 683.43. Party activities.

You may not take an active part in leading or managing a political party. You do that when you:

(a) Participate in organizing or reorganizing it;

(b) Serve as a party officer or as a member of a national, state, or local party committee or stand as a candidate for such a position);

(c) Participate in party fundraising or in handling party finances.

(d) Serve as a delegate, alternate, or proxy to a party convention (though you may attend such a convention); or

(e) Take an active part in conducting or running a meeting, rally, fund-raising function, convention, or other party gathering (though you may attend such a gathering).

§ 683.44. Political use of official authority or influence.

You must not use your official authority or influence for political purposes. Thus:

(a) You must not use your official position or authority to interfere with an election or to affect the result of an election.

(b) You must not solicit political contributions from other Federal employees, allow your name to appear on any fundraising appeal likely to be sent to Federal employees, or allow anyone to solicit or receive political contributions in a building where Federal employees work.

(c) You must not discriminate against any other employee because of his or her political opinions or affiliations. This is a "prohibited personnel practice". See regulations of the Merit Systems Protection Board at 5 CFR 1250.3(b)(3).

PART 684—RULES FOR CONSULTANTS, BOARD MEMBERS, AND OTHER "SPECIAL EMPLOYEES"

Subpart A—General Rules for Consultants, Board Members, and Other "Special Employees"

Sec.

684.10 "Special employees".
684.11 Summary of rules for "special employees".
684.12 Financial disclosure.
684.13 Political activity (Hatch Act).
684.14 Representing private interests before the NSF or other Federal agencies.
684.15 Compensation.
684.16 Acts affecting your financial interests.
684.17 Inside information.
684.18 General standards of conduct for "special employees".

Subpart B—Special Rules of the National Science Board for Board Members

Sec.

684.20 Summary.
684.21 Participation in Board deliberations.
684.22 Participation in NSF-Supported Projects.

Authority.—E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

Subpart A—General Rules for Consultants, Board Members, and Other "Special Employees"

§ 684.10 "Special employees".

(a) *"Special employees".* Any NSF consultant, National Science Board member, or other temporary or intermittent employee (including a rehired annuitant) who works or is expected to work for the NSF not more than 130 days a year is a "special Government employee." The rules in this Subpart apply to you only if you are such a "special employee". Other employees should see Parts 680 through 683 of the NSF conflict-of-interests regulations.

(b) *Days worked.* If you have any uncertainty about how many days you work or are expected to work for the NSF, consult an ethics counselor in the Office of the General Counsel. There are specific rules for counting the days, and the rules that apply while you are still employed differ somewhat from those that apply afterward.

§ 684.11 Summary of rules for "special employees".

(a) This section summarizes the principal conflicts requirements that you are expected to observe as an NSF "special employee". It references the subsequent provisions of this subpart in which these requirements are elaborated. You are encouraged as well to read the introductory sections (§§ 680.10–680.12) of the general NSF conflict-of-interests regulations. Members of the National Science Board are committed to observe besides the requirements summarized here and detailed in the remainder of this Subpart, the special rules of the Board for its members. See Subpart B, §§ 684.20–684.22.

(b) NSF work on proposals and awards of others.

(1) If you serve on a panel that reviews proposals or otherwise serve as a peer reviewer, you will be given instructions designed to deal with any conflict of interests you may have.

(2) If you participate in action on proposals and awards as a National Science Board member, see § 684.21.

(3) If you should otherwise become involved with the handling of a proposal or other award-related application you should follow the same rules and procedures on conflicts or potential conflicts in handling proposals and awards as regular NSF employees. They are set out in Part 681 of the NSF conflicts regulations, §§ 681.20–681.26.

(c) Financial disclosure (§ 684.12).

(1) If you are compensated at a rate at or above the lowest rate for a GS–16 regular employee and plan to work or actually do work more than sixty days in any calendar year, you must file public Financial Disclosure Reports.

(2) If you are not required to file public Financial Disclosure Reports, you must file a confidential Statement of Financial Interests at the time of your appointment (or reappointment).

(3) You may ask for forms if you need them. Normally, however, they will be provided to you automatically, with instructions.

(d) Political activity (Hatch Act) (§ 684.13). The Hatch Act prohibits you from being involved in an election campaign or in political-party activity on any day when you work for the Government.

(e) Representational restrictions and involvement with proposals and awards during and after NSF service (§ 684.14).

(1) you must never represent anyone in dealings with any Federal official on any proposal, project, or other matter involving specific parties if you have been personally involved with that matter at or for the NSF.

(2) If you have been employed with the NSF more than sixty days a year, you must not represent anyone in dealings with any NSF official during your NSF service and for one year thereafter on any proposal, project, or other matter involving specific parties.

General effect: These restrictions do not preclude you from preparing a proposal for your institution, from serving as principal investigator under an NSF proposal or award, from otherwise working under an NSF award, or from receiving compensation or expenses out of an NSF award. If you are a member of the National Science Board, however, see § 684.22.

(f) Compensation (§ 684.15).

(1) While you are an NSF "special employee" you must not seek or accept (except from the Government) any compensation for services by you or anyone else in relation to any matter involving specific parties if you have been personally involved for the Government.

(2) If you have been employed with the NSF for more than sixty days in the last 365, you must not seek or accept (except from the Government) any compensation for services by you or anyone else in relation to any matter involving specific parties that is pending in the NSF.

(g) Acts affecting your financial interests (§ 684.16). You must not be personally involved as a Federal employee in the handling of any proposal, award, or other matter in which you, a member of your immediate family, a business partner, or an organization of which you are or may become a part has a financial interest. You will not violate this restriction with respect to proposals and awards as long as you follow the instructions provided in paragraph (b) of this section.

(h) Use of inside information (§ 684.17). If your work for the Government gives you access to information not generally available to the public, you must not use that information for your private benefit or make it available for the private benefit of any other person or organization.

(i) *Effect of simplified wording.* The wording of the requirements as presented in these regulations has been simplified substantially from the wording of underlying statutes and other authorities, so that they will be easier to understand. Your initial interpretation should be conservative. If in doubt on the meaning of terms or otherwise troubled, consult an ethics counselor in the Office of the General Counsel.

(j) *General standards of conduct.* You are also responsible for being familiar with general standards of conduct described in § 680.18 of this chapter and for observing them.

§ 684.12 Financial disclosure.

(a) Unless you are required under paragraph (b) of this section to file public Financial Disclosure Reports, you must file a confidential Statement of Employment and Financial Interests at the time of your appointment (and of any reappointment). The Personnel Office automatically supplies you with the necessary forms, and you file the Statement there.

(b) High-ranking "special employees" who work more than sixty days a year. If you are compensated as a "special employee" at a rate at or above the lowest rate for a GS–16 regular employee, you are a "senior employee". Regular senior employees are required to file public Financial Disclosure Reports. You are required to do so, however, only if you plan to work or actually do work more than sixty days in any calendar year. Specifically:

(1) If at the time of your appointment you are expected to serve more than sixty days in any calendar year, you must file such a Report then and again within thirty days after your appointment ends.

(2) If you did not file at the time of your appointment, but do in fact serve more than sixty days in any calendar year, you must file such a Report within fifteen days of your sixty-first day of work and again within thirty days after your appointment ends.

(3) In either case, if you in fact serve more than sixty days in any calendar year, you must also file such a Report before May 15 of the next year.

A person who is under consideration for nomination to the National Science Board may be asked to file a Financial Disclosure Report with the White House or the Senate through the Office of Government Ethics as part of the clearance process even if not expected to serve more than sixty days a year. Such a Report will not be made public by the NSF.

(c) Filing of financial disclosure reports. If you are required to file Financial Disclosure Reports, the necessary forms ordinarily will be sent to you automatically, with instructions. You should inquire, however, if you think you may go over the sixty-day limit, and you may ask for forms from the Office of the General Counsel whenever you need them. File your Reports with an ethics counselor in the Office of the General Counsel. The ethics counselors will help with problems or questions that arise in completing the forms. The law also requires them to review your Report after you file it. They may contact you about any errors you make in filling out the form and about any questions that are raised by what you report. The law requires them to make each Report you file available to the public within fifteen days after receiving it. A copy of any request for your Report will be sent to you.

§ 684.13 Political activity (Hatch Act).

The Hatch Act and other laws restrict the involvement of Federal civil service employees with partisan politics. The restrictions apply to you for all of any day during which you work for the Government. If you have any plan or intention of being involved in any election campaign or political-party activity on any such day, consult an ethics counselor in the Office of the General Counsel before doing so. Members of the National Science Board, as Presidential appointees, are not subject to these rules. They are subject only to a restriction on using official authority or influence for political purposes. Part 683, Subpart D, §§ 683.40—683.44 on this chapter, cover the Hatch Act restrictions in greater detail.

§ 684.14 Representing private interests before the NSF or other Federal agencies.

(a) *"Personal involvement" permanent restriction.* All NSF "special

employees" are subject to the following basic restriction:

> You must never represent anyone in dealings with any Federal official on any proposal, project, or other matter involving specific parties if you have been personally involved with that matter at or for the NSF.

(b) *NSF restriction.* If you have been employed with the NSF more than sixty days a year, you are subject to one other restriction:

> During your NSF service and for one year thereafter you must not represent anyone in dealings with any NSF official on any proposal, project, or other matter involving specific parties.

BE CAREFUL: Violation of either of these restrictions may also be a Federal crime.

(c) *Effect on involvement with proposals and projects.* These representational restrictions do not preclude you from being involved as a researcher or educator with proposals submitted to the NSF or other Government agencies or with projects supported by the NSF or by other Government agencies. They may preclude you from being the one to write, call, visit, or otherwise communicate with a Federal official about a proposal or project.

(d) *"Personally involved".* You can be "personally involved" even though you actually make none of the critical decisions if you contribute to them by recommendations, advice, approval, or the like, but your involvement must have been substantial. If you are a member of the National Science Board, you have definitely been "personally involved" with a matter if you have participated in any Board or Board-committee action on the matter or have taken part in a Board or committee discussion immediately preceding such an action.

§ 684.15 Compensation.

(a) *Compensation where you have been involved for the Government.* All "special Government employees" are subject to the following restriction:

> While you are an NSF "special employee" you must not seek or accept (except from the Government) any compensation for services by you or anyone else in relation to any matter involving specific parties if you have been personally involved with that matter for the Government.

(b) *Compensation in relation to NSF matters.* If you have been employed with the NSF for more than sixty days in the last 365 and still are, you are subject to one other restriction:

> You must not seek or accept any compensation for services by you or anyone else in relation to any matter involving specific parties pending in the NSF.

BE CAREFUL: Violation of either of these rules may also be a Federal crime.

(c) *NSF awards.* You may, however, perform work under an NSF award and may receive compensation charged to the award for the work.

(d) *"Personally involved".* You can be "personally involved" even though you actually make none of the critical decisions if you contribute to them by recommendations, advice, approval, or the like, but your involvement must have been substantial. If you are a member of the National Science Board, you have definitely been "personally involved" with a matter if you have participated in any Board or Board committee action on the matter or have taken part in a Board or committee discussion immediately preceding such an action.

§ 684.16 Acts affecting your financial interests.

(a) *No acting as a Federal employee where you have a financial interest.* You must not be personally involved as a Federal employee in the handling of any proposal, award, or other matter in which you, a member of your immediate family, or an organization of which you are or may become a part has a financial interest. BE CAREFUL: violation of this rule may also be a Federal crime.

(b) *Proposals and awards.* You will not violate this restriction with respect to proposals and awards as long as you follow the instructions provided in § 684.11(b).

(c) *"Personally involved".* The term "personally involved" has exactly the same meaning here as in connection with the representational restrictions described in § 684.14. See § 684.14(d).

(d) *"Matter".* The word "matter" has a somewhat broader meaning here than the phrase "matter involving specific parties" used in § 684.14. If in doubt, consult an ethics counselor in the Office of the General Counsel. National Science Board members should consult the Chairman of the Board.

(e) *Immediate family.* Only your spouse and minor children are considered members of your "immediate family" under this rule.

(f) *"Organization of which you are or may become a part".* You are a part of an organization if you are an officer, director, trustee, partner, or employee. You "may become" a part of an organization if you are negotiating with it or have an arrangement with it concerning prospective employment.

(g) *Waiver.* This provision may be waived where the financial interest involved is so insubstantial that it is unlikely to affect the integrity of your services to the Government. If you think such a waiver is called for, consult an ethics counselor in the Office of the General Counsel. The ethics counselor will advise you and will make a recommendation to the official who would have to approve such a waiver. National Science Board members should consult with the Chairman of the Board.

§ 684.17 Inside information.

(a) If your Government job gives you access to information not generally available to the public, you must not use that information for your private benefit or make it available for the private benefit of any other person or organization.

(b) You must not receive anything of monetary value for consulting, lecturing, writing, or public discussion that primarily concerns the responsibilities, programs, or operations of the Foundation or that draws significantly on official information or ideas not generally available to the public.

(c) The Director, the Deputy Director, an assistant director, or (in the case of Board members) the Chairman of the National Science Board may waive application of these rules and authorize use of non-public information in the public interest. Any such authorization must be obtained in writing. Consult an ethics counselor in the Office of the General Counsel. National Science Board members should consult with the Chairman.

§ 684.18 General standards of conduct for "special employees".

(a) *Use of Government employment for private gain.* You must not use your Government employment for a purpose that is (or gives the appearance of being) motivated by desire for private gain for yourself or anyone else, particularly anyone with whom you have family, business, or financial ties.

(b) *Use of Government employment for extortion.* You must not use your Government employment to coerce (or appear to coerce) anyone to provide financial benefit to yourself or anyone else, particularly anyone with whom you have family, business, or financial ties.

(c) *Gifts and favors.* On days when you are working at or for the NSF or in connection with NSF employment you must not seek or accept from anyone who has business with the NSF any gift, tip, loan, entertainment, or favor for yourself or anyone else, particularly anyone with whom you have family, business, or financial ties. This does not include promotional items of trivial value or a modest meal offered as a courtesy when there is no apparent connection with NSF business.

(d) *Misuse of Government property.* You must not use Government property or services for your private benefit or for the private benefit of others, except as you public duties benefit particular members of the public in intended ways.

(e) *Familiarity with statutory provisions.* You are legally responsible for acquainting yourself with each statute that relates to your ethical and other conduct as an NSF and Federal employee. Principal among these are the criminal statutes relating to bribery, graft, and conflicts of interests contained in 18 U.S.C. 201–209. The aspects of those statutory provisions that apply to you as an NSF "special employee" are covered by these regulations. These regulations also cover the provisions of Executive Order 11222, which prescribes standards of ethical conduct for Government officers and employees, and regulations of the Office of Personnel and Management that implement both the statutory provisions and the Executive Order. If you follow the regulations, you should have no trouble with any of those provisions. The regulations do not cover a number of other statutes that you must obey as a Federal employee:

(1) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(2) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(3) The prohibitions against disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and disclosure of confidential information (18 U.S.C. 1905).

(4) The provision on habitual use of intoxicants to excess (5 U.S.C. 7352).

(5) The prohibition against misuse of a Government vehicle (31 U.S.C. 638a(c)).

(6) The prohibition against misuse of the franking privilege (18 U.S.C. 1719).

(7) The prohibition against use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(8) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(9) The prohibition against multilating or destroying a public record (18 U.S.C. 2071).

(10) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(11) The prohibitions against embezzlement of Government money or property (18 U.S.C. 641), failing to account for public money (18 U.S.C. 643), and embezzlement of the money or property of an employee by reason of his employment (18 U.S.C. 654).

(12) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(13) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart B—Special Rules of the National Science Board for Board Members

§ 684.20 Summary.

(a) As a member of the National Science Board you are covered by rules for "special employees" described in Subpart A of this Part 684. This Subpart B contains specific rules of the Board that apply only to its members. If there is doubt about the interpretation or application of these requirements, consult the Chairman of the Board.

§ 684.21 Participation in Board deliberations.

(a) *Recusal.* You are asked to excuse yourself from deliberations and votes of the Board or any of its committees on any action that would affect:

(1) The interests of an institution with which you, your spouse, a minor child, a blood relative who lives with you, or anyone who is legally your partner has any of the affiliations listed in paragraph (b) of this section, or

(2) The interests of an individual with whom you, your spouse, a minor child, a blood relative who lives with you, or anyone who is legally your partner has any of the relationships listed in paragraph (c) of this section.

(b) *Affiliations with affected institutions.* (1) Ownership of the institution's stocks, bonds, notes, or other evidences of debt (other than through mutual funds).

Note.—Minor or indirect holdings may be exempted; check with an ethics counselor. National Science Board members should check with the Chairman.

(2) Current employment.

(3) Any formal or informal arrangement for future employment.

(4) Current appointment as professor, adjunct professor, visiting professor, or the like Governing board membership.

(5) Chairmanship of any committee of the institution that has an interest in the Board's action.

(6) Any other office (not including ordinary membership in a professional society or association).

(7) Current membership on a visiting committee or similar body if the department or other part of the institution advised will be directly affected by the Board's action.

(8) Current enrollment as a student in a department or school that has an interest in the Board's action.

(9) Any other affiliation with the institution that you think would destroy your objectivity or be seen as doing so by a reasonable person familiar with the affiliation.

(c) *Relationships with affected individuals.* (1) Blood or marriage relationship with a principal investigator.

(2) Any other relationship, such as close personal friendship, that you think might tend to destroy your objectivity or be seen as doing so by a reasonable person familiar with the relationship.

§ 684.22 Participation in NSF-supported projects.

(a) *Proposals and new awards.* You must not be listed as an investigator on any proposal submitted to the NSF or on any award made by the NSF while you are on the Board. (Proposals pending when you are nominated will be handled case-by-case by the General Counsel.) Nor should you receive any compensation under an award made by the NSF while you are on the Board. You may, however, do work on a project supported by such an award and may be reimbursed for expenses you incur in doing so.

(b) *Existing awards.* If you are already an investigator or consultant under an NSF award when you become a Board member, you may continue work under the award in the same capacity and may be compensated under the award to the extent established before your nomination. If you have been principal investigator before you become a Board member, you and your institution should select a substitute negotiator. The substitute negotiator need not be responsible for the work, but should represent the project and the institution in dealings with NSF officials on whom you might have undue influence because of your Board position.

[FR Doc. 82-174 Filed 1-4-82; 8:45 am]
BILLING CODE 7555-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Rev.; Docket No. 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Notice of Further Proposed Rulemaking.

SUMMARY: The Commission's proposed final rules in this proceeding would have

amended 46 CFR 510.32(j) to prohibit the waiver or reduction of forwarding fees, which had previously been allowed under certain circumstances. Prior to the effective date of 46 CFR 510.32(j), the Commission determined to consider further the proper treatment of such fees when applied to shipments for relief agencies or charitable organizations, concurrently staying the prohibition as it pertained to such organizations pending final resolution of the matter. The Commission hereby serves notice of further proposed rulemaking to amend 46 CFR 510.32(j) in order to continue to allow ocean freight forwarders to provide forwarding services to relief agencies or charitable organizations free of charge or at reduced fees.

DATE: Comments on or before February 4, 1982.

ADDRESS: Inquiries and comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission instituted this proposed rulemaking on March 17, 1980 (45 FR 17029) to revise General Order 4 (46 CFR Part 510), which governs the licensing and operations of independent ocean freight forwarders (forwarders). One of the proposed changes was the deletion from original § 510.24(b) of General Order 4 of the provision which allows forwarders to provide forwarding services free of charge or at a reduced rate when the shipments involved are made by recognized relief agencies or charitable organizations. Because designation of various entities as charitable organizations for purposes of this section is generally made by ocean carriers on a discretionary basis and is subject to no clear guidelines, the Commission viewed this provision as vulnerable to misuse and thus sought to delete it as part of the agency's efforts to combat illegal rebating and prevent discrimination among shippers.

Notice of the proposed revisions to General Order 4 generated numerous comments from all sectors of the maritime industry, and two entities provided the Commission with comments directly addressing the proposed prohibition of reduced forwarding fees embodied in proposed § 501.32(j).[1] The American Council of Voluntary Agencies for Foreign Service, Inc., objected to the proposed change and requested that the rule which existed in § 510.24(b) at the time of the comment period be retained. The National Customs Brokers and Forwarders Association of America, Inc., on the other hand, agreed with the new provision and the Commission's rationale for instituting it.

The Commission published final rules in this proceeding on may 1, 1981, (46 FR 24565) with a scheduled effective date of October 1, 1981. As part of the final rules, the Commission adopted without modification the proposed § 510.32(j) and stated that "in order to avoid discrimination between shippers (the Commission) deleted the exceptions contained in current § 510.24(b), which allowed a forwarder to perform forwarding services for relief or charitable agencies free of charge or at a reduced rate". (46 FR 24567).

Prior to the October 1, 1981 effective date of those rules, the Commission stayed that portion of § 510.32(j)[2] which affected shipments by relief agencies and charitable organizations.

Since the Commission stayed the implementation of its total ban on reduced forwarding fees, it has reviewed its original rule allowing exceptions for relief agencies and charitable organizations. In the course of this review, the Commission weighed the potential for misuse of this exception against its humanitarian intent, and the Commission is now considering reverting to its former practice of allowing the waiver or reduction of forwarding fees on relief and charitable shipments. Given the noncommercial nature of such shipments and the humanitarian intent of the sponsoring organizations, the waiver or reduction of forwarding fees on these types of shipments would not appear to create discrimination of a type or degree which would undermine the purposes of sections 14, 16 and 17 of the Shipping Act, 1916, or be detrimental to the foreign commerce of the United States. Moreover, the Commission has no specific evidence of past abuses under its old rules.

That portion of § 510.32(j) which affects shipments of relief agencies or charitable organizations will continue to be stayed pending the adoption of a final rule in this further rulemaking.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the revision proposed herein would not, if promulgated, have a significant economic impact in a substantial number of small entities. The proposal would merely reinstate the previous rule which had been in effect for a number of years, and no additional reports or records are required by the instant proposal.

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

§ 510.32 [Amended]

Therefore, pursuant to sections 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a, and 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Commission proposes to revise § 510.32(j) of its General Order 4 (46 CFR Part 510) to read as follows:

* * * * *

(j) *Reduced forwarding fees.* No licensee shall render, or offer to render, any freight forwarding service free of charge or at a reduced fee in consideration of receiving compensation from an oceangoing common carrier or for any other reason. Exception: A licensee may perform freight forwarding services for recognized relief agencies or charitable organizations, which are designated as such in the tariff of the oceangoing common carrier, free of charge or at reduced fees.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-256 Filed 1-4-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[General Docket No. 81-786; RM-3832; RM-3126; FCC 81-525]

Auditory Training Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its rules regarding the use of auditory training devices (Part 15, Subpart G). Presently the rules restrict the operation of these low power devices to institutional education programs for auricular instruction of persons with speech or hearing impairments. Removal of this restriction will enhance auditory assistance services to the handicapped. Continuation of the applicable technical standards will insure a low interference potential to licensed services.

[1] Section 510.32(j) reads: (j) *Reduced forwarding fees.* Except as otherwise provided in this part, no licensee shall render, or offer to render, any forwarding service free of charge or at a reduced fee in consideration of receiving compensation from oceangoing common carriers on the relevant shipment or for any other reason.

[2] Notice of the Stay appeared September 14, 1981 at 46 FR 45612, as clarified by a further notice which appeared October 1, 1981 at 46 FR 48199.

DATE: Comments are due by January 15, 1982 and replies by February 1, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: L. Art Wall, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554 (202) 653–8247, Room 8302.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: December 14, 1981.

In the matter of amendment of Subpart G of Part 15 of the Commission's Rules and Regulations regarding Auditory Training Devices; General Docket No. 81–786, RM–3832, RM–3126.

1. The Commission is herein considering the following petitions to amend Subpart G of Part 15 of the Rules relating to Auditory Training Devices:

(a) Petition for Rulemaking (RM–3126) filed by Williams Sound Corporation (Williams) on May 1, 1978 requesting (i) the redefining of the scope of the subject Subpart, (ii) the provision of the 530 kHz and 1610 kHz frequencies for use by auditory support systems, and (iii) the adoption of appropriate technical parameters that would permit proper operation.

(b) Petition for Rulemaking (RM–3832) filed by Phonic Ear, Inc. (Phonic Ear) on January 12, 1981, requesting the removal of any restriction on the places or locations where auditory training devices [1] may be used.

These petitions have in common the request to modify § 15.331 of the rules and both would amend the definition of auditory training devices to expand the environment in which such devices can operate. No comments were filed within the 30 day pleading period after public notice of these petitions; subsequently, several letters relating to Phonic Ears' petition were received by the Commission. These letters have been treated as comments.

Background

2. By Notice of Proposed Rulemaking and Memorandum and Order released March 30, 1971, the Commission instituted Docket No. 19185 concerning the provision for the licensing of auditory training devices for persons with hearing-impairments. The Commission, on July 6, 1972, adopted a new Subpart G of the rules [2] which established provisions whereby an auditory training system could be operated without individual license in institutional education programs for auricular instruction of persons having speech or hearing handicaps. These provisions primarily covered the operation of such systems in the band 72–76 MHz[3] and set forth specific technical standards. Under these standards and other requirements in Part 16 of the rules, the Commission found that the operation of systems consisting of low power transmitters for short distance communications for the intended purposes would be appropriate.

Place-of-Use Restriction

3. The present rules state that auditory training systems may be operated "in institutional educational programs for auricular instruction of persons having speech or hearing handicaps." (See § 15.331) Phonic Ear points out that there is no discussion in Docket No. 19185 which details the origination of this language. Phonic Ear further asserts that such language is both an unnecessary restriction and an artificial limitation on the benefits which may be derived from the use of auditory training devices.

4. We agree that the history behind the limitation on the use of auditory training devices in instructional program is vague. In part the reasons relate to the concept of low power devices. Briefly, our low power rules are based on the concept that devices which operate at low power, which radiate a limited field strength, and which therefore would have a small likelihood of causing harmful interference to licensed services can be authorized without issuing individual licenses. The determination as to the possibility of interference involves an analysis, among other things, of the environment in which a particular device will be operating. All information, studies and statements leading to the current rules were based on the use of auditory training devices in institutional educational programs; so it is understandable how this limitation was derived. The statements and requests of the petitioners have prompted us to review these rules.

5. The petitioners' requests as to the place-of-use restriction appear reasonable. Phonic Ear has provided some analysis of the interference potential of auditory devices in the 72–76 MHz band assuming no changes in the technical parameters. We also have considered the effect of an expanded evironment for auditory devices on the interference situation and foresee no serious problems. We therefore agree that liberalization of the rules appears warranted. Several waivers to the subject rules have been granted authorizing the use of these devices outside the environment of institutional education programs. To our knowledge, the use of these devices has not caused any adverse reactions or interference and, in fact, has generated favorable responses from users.[4] In the absence of a significant threat of interference and because we recognize the service these devices provide, we are proposing to remove the restriction on the place(s) at which auditory devices may be used.

6. Even though we are proposing to permit the use of these devices at any location we recognize that the technical specifications contained in the existing rules for the 72–76 MHz band (e.g., transmitter power, field strength, frequency tolerance), not a subject of this Notice, may make operation at some sites unsatisfactory or impractical. For example the power permitted may not be adequate to cover a large auditorium. Nevertheless it is these same technical specifications which we believe make it feasible to propose broad expansion of the use of auditory training devices. We believe that on balance our proposed action greatly extends the potenial benefits of auditory training devices even given the technical/operation limitations inherent in any device subject to low power regulations. It should be noted that the Commission is not making a finding as to the need for 72–76 MHz auditory devices in certain places that are not well suited for that type of operation. To enable these devices to effectively serve the needs of the handicapped in all settings might require a change in the applicable technical standards. We note that if higher signal strength is required for minimally acceptable operation, such operation may be outside the regulatory purview of Part 15 of the rules.[5] In other words, licensed operation may be required.

---

[1] As currently defined in § 15.4(1) an auditory training devices is a transmitter or receiver used for auricular instruction of persons having speech or hearing handicaps.

[2] Report and Order released July 11, 1972 (FCC 72–606) 35 F.C.C. 2d 677. These rules were subsequently modified by Memorandum Opinion and Order released March 8, 1973, (FCC 73–234) 39 F.C.C. 2d 983.

[3] Other provisions permit operation of auditory devices on other frequencies, but with more restrictive technical parameters.

[4] See letter of March 30, 1979 to the Buffalo Philharmonic Orchestra and letter of April 30, 1981 to Arena Stage.

[5] It is possible of course to investigate the question of whether the technical standards applied to auditory devices might be raised somewhat without representing a significant interference concern. In conjunction with the proposed liberalization, however, such an investigation would prove more complicated and certainly more time-consuming.

7. As mentioned above, it is the nature of low power devices that technical specifications must be imposed. Our primary concern is to prevent harmful interference to licensed services and we believe in this case this concern is protected. Nevertheless, we request that commenters address the need for, and the ways to provide, additional safeguards to licensed users. One such safeguard might be permitting the operation of these devices only in enclosed structures, where the attenuation of the radiated signal due to the structure's walls would reduce the possibility of interference.

8. While limiting operation of these devices to enclosed structures would reduce their interference potential, such a restriction would, in effect, preclude use of portable devices. A portable system that provides communications between a parent and a deaf child is an example of a system that would not be compatible with any restriction on the location of the transmitter. We are not herein proposing such a restriction but should one be found necessary to alleviate interference concerns, we inquire as to how necessary mobile operations could be accommodated while maintaining a low interference potential.

Operation on 530 kHz and 1610 kHz Frequencies

9. In addition to the proposal discussed above, Williams petitions that provisions be made for the use of the 530 kHz and 1610 kHz frequencies by auditory devices.[6] Williams suggests that operation of an auditory support system using these frequencies could provide valuable service to hearing impaired persons. Such system would consist of a low power AM radio transmitter and standard, readily-available AM pocket radios equipped with earphones. To assure proper operation, Williams suggests certain technical parameters be permitted and incorporated in the rules.[7]

10. Williams argues that there is "no suitable means . . . for providing auditory support to hearing impaired persons in large auditorium-type gatherings and that the use of the requested frequencies and the associated use of readily available AM radio receivers is particularly significant in reducing the costs of this service—a feature that is of considerable importance to senior citizens." However, our proposal to remove restrictions on the places of operation of auditory devices in the 72–76 MHz band will provide the desired service to persons having hearing impairments.[8] Granted, these systems have different characteristics and are competitive; but we believe the statement that "no means exist" is no longer accurate.

11. While one of the Commission's objectives is to create an unregulated, competitive marketplace environment for the development of telecommunications, there are many other issues that must be considered—especially as they relate to unlicensed low power devices. With regard to Williams' request for less restrictive technical parameters for auditory devices operating on the 530 and 1610 kHz frequencies, the Commission has several unanswered misgivings. First Williams has provided no study as to the interference potential of its proposal to AM broadcasting, or to the Travelers Information Service. This of particular concern since Williams is proposing to operate with a power far in excess of what the Commission now permits under its low power rules in an area of heavily used spectrum particularly susceptible to interference.[9] Second Williams' reliance on standard AM radio receivers as an important feature in its proposal may be more of a deterrent than an advantage, because there is a distinct possibility that the easy availability of AM receivers would increase the likelihood of Williams' system being employed for purposes contrary to Commission policy. This also is of particular concern since these devices would operate without a license from the Commission. Third, Williams has not adequately described the need for dual types of systems, each using different parts of the spectrum, to accomplish the same purpose. Therefore we are not now proposing the technical parameters associated with the use of the 530 and 1610 kHz frequencies as requested by Williams. That part of Williams petition to expand the sphere of use of auditory devices is being proposed as discussed above.

12. Despite our apprehensions, we recognize that Williams proposal, if implemented, could be of some benefit to hearing impaired persons. It is not our intention in this proceeding to foreclose alternatives such as Williams' proposal if the benefits outweigh the disadvantages. We therefore solicit comments on the use of 530 and 1610 kHz with the technical parameters proposed by Williams. Particular attention should be made to our concerns expressed in paragraph 11. If comments are persuasive that the benefits of Williams' petition could be greater than the disadvantages, we may pursue Williams' proposal in a further notice. Therefore, action on Williams' proposal, to the extent not being contained herein, is deferred.

Ancillary Issues

13. *Use of Auditory Devices.* It has come to the Commission's attention that the devices involved in this proceeding for the benefit of the hearing impaired can provide a service to visually impaired persons as well.[10] While the use of these devices is different, the operation is described as practically identical—the exceptions being operation on a separate channel (to prevent interference between separate transmissions) and relaying of stage events through commentary rather than reproduction and amplification of the actual sound. These differences do not materially alter the basic service provided, i.e., assistance to the handicapped to increase the level of their enjoyment and participation in performances and other group activities. The only adverse aspect to the use of these devices is the expansion of the operational environment accompanied with the potential interference to license services. As mentioned earlier, the extent to which these devices will operate and the environment in which they will operate are major factors in determining the interference situation. We do not see the extension in the use of these devices for visually impaired persons to signficantly alter the conclusions regarding the interference potential of such devices.

14. At the time of adoption, the rules governing auditory assistance devices included the requirement that transmitters used in the system receive type approval from the Commission.[11]

[6] The 530 kHz and 1610 kHz frequencies are allocated to the Travelers Information Service (See Table of Frequency Allocations in Part 2 of the Commission's rules.)

[7] I.e., maximum input power—250 mw (equivalent to a field strength of approximately 2000 μV at 30 meters on 530 kHz); emission suppression −20dB; antenna length—3 meters power line feedback—200 μV; frequency tolerance—± .01%.

[8] Alternative systems and technologies include induction field and infrared transmissions. Additionally, the 1979 World Administrative Radio Conference adopted the proposal to urge countries to use frequencies in the 3–4 MHz band to provide a common worldwide channel for low power wireless hearing devices. (See Final Acts, 1979 WARC, Note 3406A/506).

[9] The 535–1605 kHz frequency band is allocated to the AM Broadcasting Service (See Table of Allocations in Part 2 of the Commission's rules).

[10] See June 30, 1981 letter on behalf of the Washington Ear, Inc. requesting use of auditory devices at certain Washington area theaters by vusually impaired persons.

[11] *See* Part 2, Subpart J—Type approval is an equipment authorization issued by the Commission

Continued

This type of authorization was believed necessary to closely monitor the progress of these new devices. Experience with these devices has provided valuable data to both the Commission and the manufacturers as to their operation. On this basis we believe that the equipment authorization requirement can be relaxed from type approval to certification. Because of marketplace incentives to increase the power and range of Part 15 transmitters, and the corresponding potential for interference, we feel that certification is the minimal regulation necessary to protect against radio interference. Accordingly, we also propose in this Notice to require certification of auditory devices in place of the more stringent type approval authorization.

Summary

15. We believe that the proposals contained in this Notice will be of substantial benefit to aurally and visually impaired persons. We recognize certain limitations to the proposed operations that are a result of the technical provisions. However, because such operations will be unlicensed, we believe these limitations can not be avoided.

16. Accordingly, we propose to amend Subpart G of Part 15 of the Commission's rules and regulations as set forth in the Appendix. Authority for the actions taken herein is contained in sections 4, 302 and 303 of the Communications Act of 1934, as amended.

17. Pursuant to section 605 of the Regulatory Flexibility Act of 1980 the Commission certifies that the action proposed herein will not have a significant economic impact on a substantial number of small entities. The rules, if adopted, would allow the operation of the subject devices regardless of location for the provision of auditory assistance to the handicapped. Moreover, very few businesses are involved in the production of these devices.

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before January 15, 1982, and reply comments on or before February 1, 1982. All relevant and timely-filed comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information, or a writing indicating the nature and source of such information, is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff who addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR § 1.1231.

20. It is ordered that a copy of this notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

21. It is ordered that delegated authority be given to the Chief Scientist to act, during the pendency of this rulemaking, on waiver requests consistent with the rules proposed herein.

22. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

23. For further information concerning this proceeding contact F. Ronald Netro, Office of Science and Technology (202) 653-8100. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemakings is available from the Commission's Consumer Assistance Office, F.C.C., Washington, D.C., 20554, (202) 632-7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 15—RADIO FREQUENCY DEVICES

It is proposed that 47 CFR Part 15 of the Commission's Rules and Regulations be amended as follows:

Subpart G—Auditory Assistance Devices

1. The title of Subpart G—Auditory Training Devices be changed to read "Auditory Assistance Devices."

2. Section 15.331—Scope of this subpart, be revised to read:

§ 15.33 Scope of this subpart.

This subpart provides rules under which a restricted radiation device may be operated without individual license as an auditory assistance device for handicapped persons. Such devices may be for auricular training in educational institutions and for auditory assistance at places of public gatherings, such as theaters, auditoriums and churches. The provisions herein are in addition to the general provisions for low power communications devices in Subpart D of this Part.

3. Replace the term "auditory training" with the term "auditory assistance" in the following sections:

§ 15.332
§ 15.333 (a) and (b)
§ 15.337 (a) and (b)
§ 15.341 (a) and (b)
§ 15.345
§ 15.347 (b) and (c)
§ 15.351 (a), (b), and (c)
§ 15.353
§ 15.355(a)
§ 15.361
§ 15.363

---

based on examination and measurement of one or more sample units by the Commission at its laboratory. Certification is an equipment authorization issued by the Commission on the basis of a review of a test report and other documents submitted by the manufacturer.

§ 15.365
§ 15.367
§ 15.375 (a) and (b)
§ 15.377

4. Section 15.335—Operation in the band 88–108 MHz, be revised to read:

§ 15.335 Operation in the band 88–108 MHz.

An auditory assistance system may be operated in the band 88–108 MHz provided the transmitter meets the technical specifications in Subpart E of this part and the receiver has been certificated pursuant to § 15.345.

5. Section 15.347(a)—Equipment authorization for transmitter, be revised to read:

§ 15.347 Equipment authorization for transmitter.

(a) A transmitter operating in the band 72–76 MHz or the 88–108 MHz as part of an auditory assistance system shall be certificated pursuant to subpart B of this Part.

* * * * *

6. Section 15.4(l)—definition of auditory training device be amended to read:

§ 15.4 General definitions.

* * * * *

(l) *Auditory assistance device*—A transmitter or receiver used for the provision of auditory assistance to the handicapped. Such devices may be used for auricular training in educational institutions and for auditory assistance at places of public gatherings, such as, churches, theaters and auditoriums.

* * * * *

Concurring Statement of FCC Commissioners James H. Quello, Anne P. Jones and Mimi Weyforth Dawson

In re: Notice of Proposed Rule Making to amend Part 15 of the Commission's Rules concerning the use of low power radio devices for providing communciations services for handicapped persons.

While we generally support the proposal to reduce restrictions on the use of auditory training devices, we do have some concerns about the use of specific frequencies immediately adjacent to the AM broadcast band with increased power levels. The potential for interference to AM broadcasting through widespread use of those frequencies and power levels would seem to be significant. Thus, the burden to be borne by those advocating such usage, in our views, will be significant.

Therefore, we concur.

[FR Doc. 82-147 Filed 1-4-82; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1300

[Ex Parte No. 230 (Sub-No. 5)]

Improvement of Trailer-on-Flatcar (TOFC) and Container-on-Flatcar (COFC) (Service Regulation)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In response to court action, we are reopening this proceeding to reconsider the exemption for the Alaska Railroad (ARR) and propose to amend the rules to clarify that the exemption is limited to trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service performed by rail carriers. We would also make other minor technical corrections to the rules.

DATE: Comments are due February 19, 1982.

ADDRESS: An original and 10 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Effective March 23, 1981, this Commission exempted from Interstate Commerce Commission regulation[1] "railroad and truck transportation provided by a rail carrier as part of a continuous intermodal movement." On September 21, 1981, the United States affirmed all but one aspect of our decision. *American Trucking Associations* v. *I.C.C.*, Nos. 81–4046 and 81–4080 (U.S.C.A., 5th Cir. September 21, 1981). The Court reversed that portion of our decision exempting service performed by the Alaska Railroad. The Court also urged us to rephrase the rule itself to leave no doubt that the exemption applies only to TOFC/COFC, and not all continuous intermodal movements. This notice is issued in response to the Court's order.

Alaska Railroad. The Court held that this exemption was arbitrary and capricious due to the existence of Federal subsidies, antitrust immunity, and the apparent absence of the usual forms of market competition. We did not discuss in detail the particular situation of the ARR in our decision. We, instead, stated that we would review the matter if problems arose, citing H.R. Rep. No. 96–1430, 96th Cong. 2d. Sess. 105 (1980).

After re-examining the record and our earlier decision, we are proposing to eliminate the ARR as a party to the exemption. This does not, however, mean that we are prohibited from concluding, based on additional evidence and analysis, that the ARR exemption is warranted. However, if we are to do so, we must be able persuasively to resolve the matters raised by the court. For this reason, we are seeking comments on this subject. Parties wishing to retain the ARR exemption should present evidence and argument addressing the issues raised by the court. Concurrently, parties supporting the proposal to withdraw the exemption as to the ARR should also submit evidence and argument. On the basis of these further submissions and our own analysis, we will re-evaluate this portion of the exemption.

Technical Amendments. In response to the court's suggestion, we propose to amend 49 CFR 1039.13 to include a specific reference to TOFC/COFC service. After we modified 49 CFR 1300.0(a)(i) and 1300.67(b)(1) in this proceeding, we finalized other changes to these rules. Ex Parte No. 261 (Sub-No. 1), *In the Matter of Tariffs Containing Joint Rates and Through Routes—Freight Forwarders and Nonvessel Operating Common Carriers by Water (NVO)*, 365 I.C.C. 136 (1981) (46 FR 35516). Section 1300.0(a)(1) now is clearly inapplicable to exempt service by the use of the phrase "their *regulated* joint rates and through routes" (emphasis added.) We see no need for further clarifying language. A comparable addition to § 1300.67(b)(1) is proposed here.

The proposed rules are contained in the appendix.

It does not appear that this action will significantly affect either the quality of the human environment or conservation of energy resources. However, comments are invited.

The Commission certifies that this action will not have a significant effect on a substantial number of small entities. The only substantive change affects the Alaska Railroad, a Federally-subsidized rail carrier.

Decided: December 17, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix

Chapter X title 49 of the Code of Federal Regulations is proposed to be amended as follows:

[1] Except for accounting and reporting requirements.

PART 1039—CONTRACTS AND EXEMPTIONS

1. Section 1039.13 would be revised to read as follows:

§ 1039.13 Rail intermodal transportation exemption.

Railroad and truck trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) transportation provided by a rail carrier as part of a continuous intermodal movement is exempt from the provisions of Subtitle IV of Title 49 with certain exceptions. TOFC/COFC movements performed by the Alaska Railroad are not included in the exemption. Carriers must continue to comply with Commission accounting and reporting requirements. All railroad tariffs pertaining to the transportation of intermodal freight in TOFC/COFC service will no longer apply except to the extent adopted by carriers' quotations. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

(49 U.S.C. 10321(a) and 10505)

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

§ 1300.67 [Amended]

2. Section 1300.67 would be amended as follows:

Section 1300.67(b)(1) would be amended by inserting in the first sentence the phrase "on its regulated traffic" following "may establish a through route and joint rate."

(49 U.S.C. 10762)

[FR Doc. 82-185 Filed 1-4-82; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on January 28, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to plan for the study of affirmative action in the private sector.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–114 Filed 1–4–82; 8:45 am]

BILLING CODE 6335–01–M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4 p.m., and will end at 6 p.m., on February 9, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to discuss affirmative action in the private sector; civil rights developments in Massachusets in 1981; and fair housing in Boston.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–113 Filed 1–4–82; 8:45 am]

BILLING CODE 6335–01–M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m., and will end at 8:30 p.m., on January 27, 1982, at the Norris McGaughlan, 1061 Route 22, Sommerville, New Jersey. The purpose of this meeting is to discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey, 07060, (212) 572–7577 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, New York, 10278, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–115 Filed 1–4–82; 8:45 am]

BILLING CODE 6335–01–M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 3:30 p.m., on January 27, 1982, at the Gressette Senate Office Building, Room 507, State Capitol Complex, Columbia, South Carolina, 29201. The purpose of this meeting is to orientate the new members; review draft SAC report on Voting Rights Act; and discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Oscar P. Butler, P.O. Box 1702, South Carolina State College, Orangeburg, South Carolina, 29117, (803) 536–7040 or the Southern Regional Office, Citizens Trust Bank Building, 74 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–112 Filed 1–4–82; 8:45 am]

BILLING CODE 6335–01–M

CIVIL RIGHTS COMMISSION

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 4:00 p.m., on January 22, 1982, at the Kings Inn Motel, in the Tower Room, 220 South Pierre, Pierre, South Dakota, 57501. The purpose of this meeting is to orientate new members, and to review the status of current Committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marvin Amiotte, Oglala Sioux Tribe, Box 1053, Pine Ridge, South Dakota, 57770, (605) 867–5140 or the

Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-148 Filed 1-4-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Acoustical Testing Services; Public Workshops

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of public workshops to develop the technical requirements of a laboratory accreditation program for acoustical testing services.

SUMMARY: The Department of Commerce hereby announces that it will hold two informal public workshops to provide interested parties an opportunity to participate in the development of technical requirements of a laboratory accreditation program (LAP) for acoustical testing services (Acoustics LAP) under the Procedures of the National Voluntary Laboratory Accreditation Program (NVLAP), 15 CFR Part 7a, as amended (46 FR 37029 (July 17, 1981)).

The first workshop will consider test methods which deal primarily with the measurement of the properties of acoustical materials and the precision measurement of sound power and sound pressure levels. The second workshop will consider test methods covering the measurement of noise producing products and the engineering measurement of sound power and sound pressure levels.

DATES: *Workshop A* will start February 23, 1982 at 9:30 a.m. and end on February 24, 1982 at 5:00 p.m. *Workshop B* will start March 10, 1982 at 9:30 a.m. and end on March 11, 1982 at 5:00 p.m.

ADDRESS: Both workshops will be held in Lecture Room A, Administration Building, at the National Bureau of Standards, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Gerald A. Berman, Room B06, TECH Bldg., National Bureau of Standards, Washington, D.C. 20234, phone: 301–921–2427. Persons who wish to attend either or both workshops should contact Dr. Berman not later than January 22, 1982, in order to allow enough time for mail delivery of preparatory documents for the workshop.

SUPPLEMENTARY INFORMATION: On October 19, 1981, the U.S. Department of Commerce (DOC) published in the **Federal Register** (46 FR 51267) a final finding of need to accredit laboratories that provide acoustical testing services.

The final finding of need listed test methods which will be included in the Acoustics LAP, methods which will be considered for inclusion, and methods which were excluded for the reasons stated. Because of the number and diversity of the test methods to be included or considered for the Acoustics LAP, two workshops have been planned. *Workshop A* will consider test methods which deal primarily with the measurement of the properties of acoustical materials and the precision measurement of sound power and sound pressure levels. *Workshop B* will consider test methods covering the measurement of noise producing products and the engineering measurement of sound power and sound pressure levels. The specific test methods are:

Workshop A: ANSI/ASTM C367; ANSI/ASTM C384; ANSI/ASTM C423; ASTM C522; ASTM C523; ANSI/ASTM E90; ANSI/ASTM E336; ASTM E477; ANSI/ASTM E492; ANSI/ASTM E596; ASTM E756; ANSI S1.13; ANSI S1.31; ANSI S1.32; ANSI S1.35; ISO 3741; ISO 3742; and ISO 3745.

Workshop B: ANSI B71.1; ANSI S1.29; ANSI S1.33; ANSI S1.34; ANSI S3.17; ANSI S3.19; ANSI S5.1; ISO 3743; ISO 3744; ISO 6080; MIL–STD–740B; MIL–STD–1474B; SAE–J 192a; SAE–J 1161; Title 40 CFR, Chapter I, Part 204; Title 40, CFR, Chapter I, Part 205; AMCA Test Code 300; ADC 1062; ARI 270; and ARI 350.

Before DOC can formally establish this LAP, the technical requirements for accrediting laboratories that provide acoustical testing services must be developed. Information needed and issues to be discussed at the workshop include:

1. Precision and accuracy expectations for the test methods;
2. Possible approaches to proficiency testing including the identification of those test methods for which proficiency testing should be developed and the type of proficiency test to be used in each case;
3. Necessary materials and protocols for assessing a laboratory's performance, including appropriate documentation;
4. The portions of the test methods which represent accreditable functions.
5. Supplemental information which will tailor the criteria (referenced in § 7a.19 of 15 CFR Part 7a, NVLAP Procedures) to the test methods in this LAP (such supplemental information could include requirements for dimensions and geometry of test installation and specific auxiliary measurement apparatus such as read-out instrumentation for each test).
6. Sources of assessors for this LAP and credentials or qualifications which assessors should possess.

The following procedures are established for the workshops:

1. *Purpose.* The purpose of the workshops is to provide all interested persons with an opportunity to participate in the development of the technical requirements of the Acoustics LAP and to enable DOC to secure valuable expert advice to develop these requirements.

2. *Conduct of Workshops.* These workshops will be informal non-adversary meetings. The presiding officer shall have the right to allocate the time available for discussion of each issue on the workshop agendas and to exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshops and to maintain order.

3. *General Provisions.* The informal workshops will be open to the public. Summary minutes of the workshops will be prepared. A copy of those minutes will be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: December 30, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 82-130 Filed 1-4-82; 8:45 am]

BILLING CODE 3510-17-M

COMMODITY FUTURES TRADING COMMISSION

Exchange Proposals to Trade Commodity Options

Correction

In FR Doc. 81–37049, appearing on page 62893 in the issue of Tuesday, December 29, 1981, make the following correction:

In the second column, the fourth line should have read: "the following boards of trade: Chicago Board of Trade to trade options on U.S. long-term Treasury bonds futures contracts; Chicago Mercantile Exchange to trade."

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 21 January 1982 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, Virginia and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT–PPM. Topics to be discussed should be received on or before 8 January 1982.

Dated: December 23, 1981.

Robert F. Waldman,

Deputy Director, Directorate of Personal Property.

[FR Doc. 82–207 Filed 1–4–82; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on January 20–21, 1982, from 9:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the Navy's net assessment, research and development programs and warfare appraisals and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, VA 22311, Telephone (703) 756–1205.

Dated: December 29, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 82–105 Filed 1–4–82; 8:45 am]

BILLING CODE 3810–AE–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session 8 and 10 February 1982 at the Naval Postgraduate School, Monterey, California.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d) (1976), it has been determined that ths Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Sheila Levine,

Acting OSD Federal Register Liaison Officer, Department of Defense.

December 30, 1981.

[FR Doc. 82–177 Filed 1–4–82; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 24 March 1982 at the AGED at 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Sheila Levine,

Acting OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82–176 Filed 1–4–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Grants to State Educational Agencies to Improve Interstate and Intrastate Coordination of Migrant Education Activities

AGENCY: Department of Education.

ACTION: Notice of Closing for Transmittal of Applications for Fiscal Year 1981 (Program Year 1982).

Applications are invited for new grants under the Migrant Education Interstate and Intrastate Coordination

Program to improve the coordination of activities conducted under the Title I, Elementary and Secondary Education Act (ESEA), Migrant Education Basic State Formula Grant Program.

The authority for this special coordination program is contained in section 143 of Title I, ESEA, as amended by Pub. L. 95–561. Funds are appropriated through a reservation from the total Title I, ESEA, Migrant Education Program appropriation. (20 U.S.C. 2763)

The only eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs, that may apply individually or cooperatively (i.e., as a group or consortium), to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant education activities.

Closing Date for Transmittal of Applications: An applicant SEA must mail or hand deliver its application for a grant to the U.S. Department of Education by March 9, 1982.

Applications Delivered by Mail: An applicant SEA that sends its application by mail must address its application to the U.S. Department of Education, Application Control Center, Attention: 84.144, Washington, D.C. 20202.

An applicant SEA must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an applicant SEA sends its application through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmarked.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant SEA should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant SEA should check with its local post office.

The Secretary encourages an applicant SEA to use registered or, at least, first class mail. The Secretary notifies a late applicant SEA that its application will not be considered.

Applications Delivered by Hand: An applicant SEA that hand delivers its application must take the application to the U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 5673, Seventh and D Streets SW., Washington, D.C.

The Application Control Center accepts a hand-delivered application between 8 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

The Application Control Center does not accept an application that is hand delivered after 4:30 p.m. on the closing date.

Program Information: The Secretary awards grants under this program to SEAs to support special projects designed to promote and enhance the interstate and intrastate coordination of migrant education activities conducted under the Migrant Education Basic State Formula Grant Program. The basic program provides instructional and supporting services to meet the special educational needs of migratory children.

The Secretary published proposed regulations for this special coordination program on October 22, 1981 (at 46 FR 51879). The proposed regulations include a non-exhaustive listing of the types of projects that the Secretary may fund under this program. These project areas were identified in consultation with SEAs as addressing areas of significant national need in interstate and intrastate coordination of migrant education activities. The Secretary is identifying the nine project areas described in the proposed regulations as the funding priorities for FY 1982.

An applicant SEA should refer to the proposed regulations for this program for some additional guidance on the types of projects and activities contemplated under these project areas.

As described in the proposed regulations for this program, one of the selection criteria for evaluating project applications is "Annual Priorities" which reflects an assessment of the extent to which an application addresses one of the identified priority areas for funding in the relevant fiscal year.

Available Funds: The Secretary estimates that there will be $3,104,190 available for FY 1982 grants. The Secretary estimates that these funds will support 20 projects with most grants funded between $50,000 and $300,000. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations.

An applicant SEA may propose a project of from one to three years. However, the continued funding for projects approved for more than one year is subject to the availability and amount of a Congressional appropriation.

Application Forms: The U.S. Department of Education's Migrant Education Programs office will mail application forms and instructions to all eligible SEAs. An applicant SEA may obtain additional forms and instructions by writing to Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202.

An applicant SEA must prepare and submit its application in accordance with the regulations, instructions, and forms included in the grant application package.

The Secretary strongly urges that the narrative portion of an application not exceed 30 pages. The Secretary also urges that an applicant not submit information that is not requested.

Applicable Regulations: The regulations that apply to this program include the following:

(a) The proposed Migrant Education Interstate and Intrastate Coordination Program Regulations (34 CFR Part 205), which were published as a notice of proposed rulemaking (NPRM) in the Federal Register on October 22, 1981. An applicant SEA should base its application on the NPRM. If material changes are made in the final regulations, the Secretary may extend the closing date to permit applicant SEAs to amend their applications.

(b) The Migrant Education Basic State Formula Grant Program Regulations (34 CFR Part 204), where applicable.

(c) The Education Department General Administrative Regulations (EDGAR)(34 CFR parts 75 and 77).

Further Information: For further information, contact Mr. Ken Frye, Acting Director, Division of Program Operations, Migrant Education Programs, Office of Elementary and Secondary Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202. Telephone (202) 472–6100

(20 U.S.C. 2763)

(Catalog of Federal Domestic Assistance No. 84.144; Migrant Education/Interstate and Intrastate Coordination Program)

Dated: December 29, 1981.

[FR Doc. 82–111 Filed 1–4–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-43 B]

Electric and Gas Utilities Covered in 1982 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Titles II and VII of the National Energy Conservation Policy Act of 1978 and Requirements for State Regulatory Authorities to Notify the Department of Energy

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during such calendar year. This Notice contains the list for 1982. The list is published here as two separate tabulations, Appendices A and B. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically. These two tabulations are referred to hereinafter as "the lists".

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATE: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. of February 4, 1982.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Division of Fuels Conversion, 2000 M Street, NW. (Room 6114), Docket No. ERA–R–79–43B, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Ronald D. White, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 2000 M Street, Room 6128, Washington, D.C. 20461, 202/653–3459.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3206 *et seq.*, (42 U.S.C. 8211 *et seq.*), hereinafter referred to as the "Acts", the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1982. State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible State regulatory authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, political subdivision thereof, and any agency or instrumentality of either which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency), and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if the electric utility had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1982 if it exceeded the threshold in 1976, 1977, 1978, 1979 or 1980.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas, and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III for any calendar year if the gas utility had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1982 if it exceeded the threshold in 1976, 1977, 1978, 1979, or 1980. Title II, Part 1, of NECPA addresses residential conservation programs, and Title VII of NECPA, recently enacted as part of the Energy Security Act, Pub. L. 96–294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multi-family dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1982 if it exceeded the threshold in 1980; and

(3) Only utilities which have residential sales are covered by Title II and only utilities which have sales to commercial buildings or multi-family dwellings are covered by Title VII.

In previous years, the process of publishing the statutorily required PURPA/NECPA list has been carried out by compilation and publication, first, of a proposed list, and then, on the basis of comments which were received on the proposed list, publication of a final list. DOE has decided this year to proceed directly to a final list because it believes, on the basis of its past experience in preparing and publishing PURPA/NECPA lists, that this will be more efficient, and can, at the same time, produce a list which is as useful as that produced by the previously used process.

In compiling the list published today, DOE began with the 1981 list (45 FR 85386, December 24, 1980). DOE then revised the 1981 list, upon the assumption that all entities included on the 1981 list are properly included on the 1982 list unless DOE has information to the contrary. In doing this, DOE took into account information which was received from the American Public Power Association, the Rural Electrification Agency, or included in public documents, regarding entities which exceeded the PURPA and NECPA thresholds for the first time in 1980. DOE

believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this notice. DOE will, after consideration of any comment and other information available to DOE, provide notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. of (the 30th day after the date of publication), each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Fifteen copies of such notification should be submitted to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outisde of the envelope and on the document with the designation "Docket No. ERA–R–79–43B". Such notification should include:

(1) A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority,

(2) Legal citations pertaining to the ratemaking authority of the State regulatory authority, and

(3) For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA–R–79–43B". Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the ERA Reading Room, Room 7120, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

III. List of Electric Utilities and Gas Utilities

DOE is publishing, in Appendix A and Appendix B, two different tabulations of the list of utilities which meet both PURPA and NECPA coverage requirements. In both appendices, the listed utilities not covered by NECPA are noted. As stated above, the inclusion or exclusion of any utility on or from the list does not affect its legal obligation or that of the responsible State regulatory authority under PURPA and NECPA.

Appendix A is a tabulation of utilities which separately identifies, by State, each State regulatory authority, the covered utilities it regulates, and other covered utilities in the State not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to DOE by State regulatory authorities in response to the October 10, 1980 **Federal Register** Notice (45 FR 67552) requiring State regulatory authorities to notify DOE of each utility on the list over which it has ratemaking authority, comments rescinded with respect to that notice, and subsequent information available to DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority may in fact be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly owned utilities, and rural cooperatives.

The changes to the 1981 list of electric and gas utilities are as follows:

Additions:

Cobb Electric Membership Corporation
Cotton Electric Cooperative
Dixie Electric Membership Corporation
Rappahannock Electric Cooperative
Trico Electric Cooperative, Inc.
Virginia Electric and Power Company

Deletions:

Public Service Company of New Hampshire (ME)

Modifications:

CHANGE—Delmarva Power and Light Company of Virginia
TO—Delmarva Power and Light Company

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); National Energy Conservation Act, Pub. L. 95–619, 92 Stat. 3206 *et seq.*) (42 U.S.C. 8211 *et seq.*))

Issued in Washington, D.C., on December 24th, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979 or 1980 and are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) do not have residential or commercial sales, and therefore, are not covered by NECPA Titles II and VII.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977, 1978, 1979 or 1980. All, except those marked (*), are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) either do not exceed the NECPA threshold of 750 million kilowatt-hours in 1980 for purposes other than resale, or do not have residential or commercial sales, and therefore, are not covered by NECPA Title II or VII.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:
Alabama Gas Corporation
Mobile Gas Service Corporation

Electric Utilities

Investor-Owned:
Alabama Power Company:

The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commission:

Electric Utilities

Publicly-Owned:
Decatur Electric Department
*Dothan Electric Department
*Florence Electricity Department
Huntsville Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:
Alaska Gas and Service Company

Electric Utilities

Rural Electric Cooperatives:
Chugach Electric Association
Publicly-Owned:
Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:
Arizona Public Service Company
Southern Union Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Arizona Public Service Company
Tuscon Electric Power Company

The following covered utility within the State of Arizona is not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:
Salt River Project Agricultural Improvement and Power District
*Trico Electric Cooperative, Inc.

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company

Electric Utilities

Investor-Owned:
Arkansas-Missouri Power Company
Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas and Electric Company
Southwestern Electric and Power Company
Rural Electric Cooperatives:
*First Electric Cooperative Corporation

The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:

Publicly-Owned:
*North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southern California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company

The following covered utilities within the State of California are not regulated by the California Public Utilities Commission:

Electric Utilities

Publicly-Owned:
Anaheim Electric Division
Burbank Public Service Department
*Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
*Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:
Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Iowa Electric Light and Power Company
Kansas-Nebraska Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Public Service Company of Colorado
Publicly-Owned:
Colorado Springs Department of Public Utilities (jurisdiction only outside city limits)

Electric Utilities

Investor-Owned:
Central Telephone and Utilities Corporation
Public Service Company of Colorado
Publicly-Owned:
Colorado Springs Department of Public Utilities (jurisdiction only outside city limits)

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:
Colorado Springs Department of Public Utilities (within city limits)

Electric Utilities

Publicly-Owned:
Colorado Springs Department of Public Utilities (within city limits)

State: Connecticut

Regulatory Authority: Connecticut Division of Public Utility Control.

Gas Utilities

Investor-Owned:
Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:
Connecticut Light and Power Company
Hartford Electric Light Company
United Illuminating Company

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned:
Delmarva Power and Light Company

Electric Utilities

Investor-Owned:
Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia.

Gas Utilities

Investor-Owned:
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:
City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:
Florida Power Corporation
Florida Power and Light Company
Gulf Power Company
Tampa Electric Company
Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiciton over the following utilities—
*Gainesville Regional Utilities
Jacksonville Electric Authority
Lakeland Department of Electricity and Water
Orlando Utilities Commission
Tallahassee, City of
Rural Electric Cooperatives: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Clay Electric Cooperative
Lee County Electric Cooperative
*Withlachoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:
Atlanta Gas Light Company
Chattanooga Gas Company
Gas Light Company of Columbus

Electric Utilities

Investor-Owned:
Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission:

Electric Utilities

Publicly-Owned:
*Albany Water, Gas & Light Commission
Rural Electric Cooperatives:
*Cobb Electric Membership Corporation
*Flint Electrical Membership Corporation
*Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Hawaiian Electric Company, Inc.

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:
Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Company

State: Illinois

Regulatory Authority: Illinois Commerce Commission

Gas Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
Panhandle Eastern Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission:

Electric Utilities

Publicly-Owned:
Springfield Water, Light and Power Department

State: Indiana

Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:
Indiana Gas Company
Kokomo Gas and Fuel Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Company
Terre Haute Gas Corporation
*Publicly-Owned:
Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:
Indiana and Michigan Electric Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company
Publicly-Owned:
Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Minnesota Gas Company
North Central Public Service Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Union Electric Company
Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—
*Muscatine Power and Water Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:
Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
Northern Natural Gas Company
Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Central Kansas Power Company
Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Light Company
Southerwestern Public Service Company
Western Power Division Central Telephone and Utilities Corporation

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Public-Owned:
Kansas City Board of Public Utilities

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Kentucky, Inc.
Inland Gas Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:
Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Rural Electric Cooperatives:
Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission:
*Owensboro Municipal Utilities
*Pennyrile Rural Electric Cooperative Corporation
*Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory Authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company
Louisiana Power and Light Company (jurisdiction only outside of the Parish of Orleans)
Southwestern Electric Power Company

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Gas Utilities

Investor-Owned:
New Orleans Public Service, Inc.

Electric Utilities

Investor-Owned:
New Orleans Public Services, Inc.
Louisiana Power and Light Company (within the Parish of Orleans)
Publicly-Owned:
Lafayette Utilities System
Rural Electric Cooperatives:
*Dixie Electric Membership Corporation
Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Bangor Hydro-Electric Company
Central Maine Power Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Delmarva Power and Light Company of Maryland
Potomac Edison Company
Potomac Electric Power Company
Rural Electric Cooperatives:
Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities.

Gas Utilities

Investor-Owned:
Bay State Gas Company
Boston Gas Company
Commonwealth Gas Company
Lowell Gas Company
New Bedford Gas and Edison Light Company

Electric Utilities

Investor-Owned:
Boston Edison Company
Cambridge Electric Light Company
Eastern Edison Company
Massachusetts Electric Company
New Bedford Gas and Edison Light Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:
Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
*Lake Superior District Power Company
*Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Company

The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Electric Utilities

Publicly-Owned:
Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Inter City Gas Company
Interstate Power Company
Iowa Electric Light and Power Company
Minnesota Gas Company
Montana-Dakota Utilities Company
North Central Public Service Company
Northern States Power Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company

The following covered utility within the State of Minnesota is not regulated by the Minnesota Public Service Commission:

Electric Utilities

Rural Electric Cooperatives:
*Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:
Entex, Inc.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:
Mississippi Power and Light Company
Mississippi Power Company

The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission:

Electric Utilities

Rural Electric Cooperatives:
*4-County Electric Power Association
*Singing River Electric Power Association
*Southern Pine Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Associated Natural Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Arkansas-Missouri Power Company
Empire District Electric Company
Kansas City Power and Light Company
Missouri Edison Company
Missouri Power and Light Company
Missouri Public Service Company
Missouri Utilities Company
St. Joseph Light and Power Company
Union Electric Company

The following covered utilities within the State of Missouri are not regulated by the Missouri Public Service Commission:

Gas Utilities

Investor-Owned:
Cities Service Gas Company
Publicly-Owned:
Springfield City Utilities

Electric Utilities

Publicly-Owned:
*Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority: Nebraska Public Service Commission.

The Commission does not regulate the rates and services of the gas and electric utilities of the State of Nebraska.

The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission:

Electric Utilities

Publicly-Owned:
Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned:
Gas Service Company
Iowa Electric Light and Power Company
Iowa Public Service Company
Kansas-Nebraska Natural Gas Company
Minnesota Gas Company
Northern Natural Gas Company
Northwestern Public Service Company
Peoples Natural Gas Company, Division of Internorth, Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agences as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.

Publicly-Owned:
Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Idaho Power Company
Nevada Power Company
Sierra Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Public Service Company of New Hampshire

State: New Jersey

Regulatory Authority: New Jersey Department of Energy, Board of Public Utilities.

Gas Utilities

Investor-Owned:
Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Gas Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:
Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor-Owned:
Community Public Service Company
El Paso Electric Company
*New Mexico Electric Service Company
Public Service Company of New Mexico
Southwestern Public Service Company

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:
Brooklyn Union Gas Company
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

Electric Utilities

Investor-Owned:
Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:
*Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:
North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utilities Commission:

Electric Utilities

Publicly-Owned:
Fayetteville Public Works Commission
*Greenville Utilities Commission
*Rocky Mount Public Utilities
*Wilson Utilities Department

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Northern States Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:
*Cleveland Division of Light and Power
Rural Electric Cooperatives:
*South Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company

The following covered utility within the State of Oklahoma is not regulated by the Oklahoma Corporation Commission.
* Cotton Electric Cooperative

Gas Utilities

Investor-Owned:
Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commissioner of Oregon:

Electric Utilities

Publicly-Owned:
Central Lincoln People's Utility District
* Clatskanie People's Utility District
Eugene Water and Electric Board
* Springfield Utilities Board
Rural Electric Cooperatives:
* Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:
Carnegie Natural Gas Company

Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distrbution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T. W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:
Duquesene Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
* UGI—Luzerne Electric Division
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Commission:

Gas Utilities

Publicly-Owned:
Philadelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:
Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:
Providence Gas Company

Electric Utilities

Investor-Owned:
Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:
* Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utility within the State of South Carolina is not regulated by the South Carolina Public Service Commission:

Electric Utilities

Publicly-Owned:
South Carolina Public Service Authority

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:
Iowa Public Service Company
Minnesota Gas Company
Montana-Dakota Utilities Company
Northwestern Public Service Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
*Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission:

Electric Utilities

Publicly-Owned:
Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:
Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light Company
Kentucky Utilities Company
Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
*Greeneville Light and Power System
*Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Nashville Electric Services
Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooprative
Middle Tennessee Electric Membership Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicy-Owned:
Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
Decatur Electric Department
*Florence Electricity Department
*Greeneville Light and Power System
Huntsville Electric System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
Nashville Electric Service
Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Four-County Electric Power Association
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
North Georgia Electric Membership Corporation
*Pennyrile Rural Electric Cooperative Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
*Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:
None.

Electric Utilities

Investor-Owned:
Central Power and Light Company
Community Public Service Company
Dallas Power and Light Company
El Paso Electric Company

Gulf States Utilities
Houston Lighting and Power Company
Southwestern Electric Power Company
*Southwestern Electric Service Company
Southwestern Public Service Company
Texas Electric Service Company
Texas Power and Light Company
West Texas Utilities Company
Publicly-Owned:
*Lower Colorado River Authority
Rural Electric Cooperatives:
*Pedernales Electric Cooperative

The governing body of each Texas municipality excercises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned) within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission hears *de novo* appeals from the decisions of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally-owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:
Austin Electric Department
Garland Electric Department
*Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Lone Star Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company
Pioneer Natural Gas Company
Southern Union Gas Company

The Railroad Commission of Texas has special appellate jurisdiction over ratemaking decisions of the governing body of any municipality which affect the rates of a municipally-owned gas utility as provided by State statute. The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsiblities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas:

Gas Utilities

Investor-Owned:
City Service Gas Company
Publicly-Owned:
City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Utah Power and Light Company
Rural Electric Cooperatives:
*Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Virginia, Inc.,
Virginia Electric and Power Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Delmarva Power and Light Company
* Old Dominion Power Company
Potomac Edison Company
Potomac Electric and Power Company
Virginia Electric and Power Company

Rural Electric Cooperatives:

* Prince William Electric Cooperative
* Rappahannock Electric Cooperative

The State covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:
City of Richmond, Virginia, Department of Public Utilities

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The State covered utility within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:
* Port Angeles Light and Water Department
Public Utility District No. 1 of Benton County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
* Public Utility District No. 1 of Douglas County
* Public Utility District No. 1 of Franklin County
Public Utility District of Grant County
Public Utility District No. 1 of of Grays Harbor County
* Public Utility District No. 1 of Lewis County
Public Utility District 1 of Snohomish County
* Richland Energy Services Department
Seattle City Light Department
Tacoma Public Utilities—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of West Virginia, Inc.
Consolidated Gas Supply Corporation
Equitable Gas Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Monogahela Power Company
Potomac Edision Company
Virginia Electric and Power Company.
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:
Madision Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
* Lake Superior District Power Company
Madison Gas and Electric Company
Northern State Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission

Gas Utilities

Investor-Owned:
Cheyenne Light, Fuel and Power Company

Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company
Rural Electric Cooperative:
* Tri-County Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in 1976, 1977, 1978, 1979 or 1980. All except those marked (*), are covered by PURPA Title I and NECPA Title II and VII. Utilities marked (*) either did not exceed the NECPA threshold of 750 million kilowatt-hour in 1980, for purposes other than resale, or do not have residential or commerical sales and, therefore, are not covered by NECPA Titles II and VII. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Power Company
Appalachian Power Company (VA)
Appalachian Power Company (WV)
Arizona Public Service Company
Arkansas-Missouri Power Company (AR)
Arkansas-Missouri Power Company (MO)
Arkansas Power & Light Company (AR)
Arkansas Power & Light Company (LA)
Arkansas Power & Light Company (TN)
Alantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company (MT)
Black Hills Power & Light Company (SD)
Black Hills Power & Light Company (WY)
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company (NC)
Carolina Power & Light Company (SC)
Central Hudson Gas & Electric Corporation
Cental Illinois Light Company
Cental Illinois Public Service Company
* Central Kansas Power Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermon Public Serice Corporation
Cincinnati Gas & Electic Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonweath Edision Company
Community Public Service Company (NM)
Community Public Service Company (TX)
Connecticut Light & Power Company
Consolidated Edision Company of New York
Consumers Power Company
Dallas Power & Light Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
Delmarva Power & Light Company of Maryland
Delmarva Power & Light Company of Virginia
Detroit Edison Company
Duke Power Company (NC)
Duke Power Company (SC)
Duquesne Light Company
Eastern Edison Company
El Paso Electric Company (NM)
El Paso Electric Company (TX)
Empire District Electric Company (AR)
Empire District Electric Company (KS)
Empire District Electric Company (MO)
Empire District Electric Company (OK)
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company (LA)
Gulf States Utilities Company (TX)
Hartford Electric Light Company
Hawaiian Electric Company Inc.
Houston Lighting & Power Company
Idaho Power Company (ID)
Idaho Power Company (NV)
Idaho Power Company (OR)
Illinois Power Company
Indiana & Michigan Electric Company (IN)
Indiana & Michigan Ellectric Company (MI)
Indianapolis Power & Light Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Jersey Central Power & Light Company
Kansas City Power & Light Company (KS)
Kansas City Power & Light Company (MO)
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company (KY)
Kentucky Utilities Company (TN)
Kingsport Power Company
*Lake Superior District Power Company (MI)
*Lake Superior District Power Company (WI)
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
*Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Edison Company
Missouri Power & Light Company
Missouri Public Service Company
Missouri Utilities Company
Monongahela Power Company (OH)
Monongahela Power Company (WV)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Narragansett Electric Company
Nevada Power Company
New Bedford Gas & Edison Light Company
*New Mexico Electric Service Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Northern Indiana Public Service Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (SD)
Northern States Power Company (WI)
*Northweastern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
*Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company (PA)
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelphia Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Power Company (DC)
Potomac Electric Power Company (MD)
Potomac Electric Power Company (VA)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
*Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas Electric Service Company
Texas Power & Light Company
Toledo Edison Company
Tucson Electric Power Company
*UGI-Luzerne Electric Division

Union Electric Company (IA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Central Telephone & Utilities Corporation (CO)
Western Power Division of Central Telephone & Utilities Corporation (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:
*Albany Water, Gas & Light Commission (GA)
Anaheim—Electric Division (CA)
*Anchorage Municipal Light & Power Department (AK)
Austin Electric Department (TX)
*Bristol Tennessee Electric System (TN)
*Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Public Utilities (CO)
Decatur Electric Department (AL)
*Dothan Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
*Florence Electricty Department (AL)
*Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
*Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
*Greenville Utilities Commission (NC)
Huntsville Electric System (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (FL)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electricity and Water (FL)
Lansing Board of Water & Light (MI)
*Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
*Lower Colorado River Authority (TX)
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
*North Little Rock Electric Department (AR)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
*Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
*Public Utility District No. 1 of Douglas County (WA)
*Public Utility District No. 1 of Franklin County (WA)
Public Utility District of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
*Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority
*Richland Energy Services Department (WA)
Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
South Carolina Public Service Authority
Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
Tallahassee, City of (FL)
*Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives

*Anoka Electric Cooperative (MN)
*Appalachian Electric Cooperative (TN)
Chugah Electric Association (AK)
Clay Electric Cooperative (FL)
*Cobb Electric Membership Corporation (GA)
*Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
*Duck River Electric Membership Corporation (TN)
*Dixie Electric Membership Corporation (LA)
*First Electric Cooperative Corporation (AR)
*Flint Electrinal Membership Corperation (GA)
*Four County Electric Power Association (MS)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Jackson Electric Membership Corporation (GA)
Lee County Electric Cooperative (FL)
*Meriwether Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
* Moon Lake Electric Association (UT)
North Georgia Electric Membership Corporation (GA)
* Pedernales Electric Cooperative (TX)
* Pennyrile Rural Electric Cooperative Corporation (KY)
* Prince William Electric Cooperative (VA)
* Rappahannock Electric Cooperative (VA)
* Singing River Electric Power Association (MS)
* South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
* Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
* Southwest Tennessee Electric Membership Corporation (TN)
* Trico Electric Cooperative, Inc. (AZ)
* Tri-County Electric Membership Corporation (TN)
* Tri-County Electric Association, Inc. (WY)
* Umatilla Electric Cooperative Association (OR)
* Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
* Warren Rural Electric Cooperative Corporation (KY)
* West Kentucky Rural Electric Cooperative Corporation (KY)
* Withlacoochee River Electric Cooperative (FL)

Federal Agencies

* Bonneville Power Administration (OR)
* Tennessee Valley Authority (TN)
* Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979 or 1980 and are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) do not have residential or commercial sales, and therefore, are not covered by NECPA Title II or VII. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Gas Corporation
Alaska Gas & Service Company
Anadarko Production Company
Arizona Public Service Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Louisiana Gas Company (TX)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Associated Natural Gas Company (AR)
Associated Natural Gas Company (MO)
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Bay State Gas Company
Boston Gas Company
Brooklyn Gas Union Company
Carnegie Natural Gas Company
* Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (GA)
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Service Gas Company (covered by NECPA only)
City Gas Company of Florida
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Columbia Gas of West Virginia, Inc.
Commonwealth Gas Company
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corporation
Consumers Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Gas Company of New Mexico
Gas Light Company of Columbus
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Company (CO)
Greeley Gas Company (KS)
Greeley Gas Company (MN)
Gulf States Utilities Company
Illinois Power Company
Indiana Gas Company
Inland Gas Company
Inter City Gas Company
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (ILA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (NE)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
Kokomo Gas & Fuel Company
Laclede Gas Company Consolidated
Lone Star Gas Company (OK)
Lone Star Gas Company (TX)
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnesota Gas Company (IA)
Minnesota Gas Company (MN)
Minnesota Gas Company (NE)
Minnesota Gas Company (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Company
New Bedford Gas and Edison Light Company
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
North Carolina Natural Gas Corporation
North Central Public Service Company (IA)
North Central Public Service Company (MN)
North Shore Gas Company
Northern Illinois Gas Company
Northern Indian Public Service Company
Northern Natural Gas Company (KS)
Northern Natural Gas Company (NE)
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (KS)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc. (CO)
Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
Peoples Natural Gas Company, Division of Internorth, Inc. (KS)
Peoples Natural Gas Company, Division of Internorth, Inc. (MI)
Peoples Natural Gas Company, Division of Internorth, Inc. (MN)
Peoples Natural Gas Company, Division of Internorth, Inc. (MO)
Peoples Natural Gas Company, Division of Internorth, Inc. (NE)
Peoples Natural Gas Company, Division of Internorth, Inc. (TX)
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
Northern Indiana Public Service Company
Northern Natural Gas Company (KS)
Northern Natural Gas Company (NE)
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (KS)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas
Peoples Natural Gas
Peoples Natural Gas
Peoples Natural Gas
Peoples Natural Gas
Peoples Natural Gas
Peoples Natural Gas
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Pioneer Natural Gas Company
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Gas & Electric Company

South Jersey Gas Company
Southeastern Michigan Gas Company
Southern California Gas Company
Southern Conneticut Gas Company
Southern Indiana Gas & Electric Company
Southern Union Gas Company (AZ)
Southern Union Gas Company (OK)
Southern Union Gas Company (TX)
Southwest Gas Corporation (AZ)
Southwest Gas Corporation (CA)
Southwest Gas Corporation (NV)
Terre Haute Gas Corporation
T.W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc. (KS)
Union Gas System, Inc. (OK)
Union Light, Heat & Power Company (KY)
Virginia Electric & Power Company
Washington Gas Light Company (DC)
Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Ohio Gas Company
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Public-Owned

Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Service Board (San Antonio) (TX)
Colorado Springs, Department of Public Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)

[FR Doc 82-213 Filed 1-4-82; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-019; ERA Case No. 51518-0672-21-22]

City of Kissimmee, Florida; Modification of Exemption Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Modification of order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its approval of a request by the City of Kissimmee, Florida (Kissimmee) for a modification of ERA's Decision and Order issued December 14, 1981 (46 FR 61915). The Order granted a permanent peakload powerplant exemption to Kissimmee from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et. seq. (FUA or the Act)).

Kissimmee is adding a waste heat boiler and steam turbine to the simple cycle combustion turbine for which the peakload exemption was granted. This addition will increase the capacity of the facility from 29,000 to 49,000 kilowatts and will improve operating efficiency since the waste heat from the combustion turbine will be used to generate additional kilowatt hours. No additional natural gas or oil will be used as primary energy in the combined cycle unit.

ERA hereby modifies its Order to limit the operation of Kissimmee's combined cycle unit, Roy Hansel Unit No. 21, to 1500 hours of operation per year and total electrical production to 73,500,000 KWH per year.

Issued in Washington, D.C., on December 29, 1981.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-175 Filed 1-4-82; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER80-592, et al.]

Alleghany Power System, et al.; Compliance Filing

January 4, 1982.

The filing Company submits the following:

Take notice that on December 14, 1981, Central Illinois Public Service Company (CIPS) tendered for filing Rate Schedule, Third Party Purchase and Resale Transactions, FERC Order 84. Such filing is made pursuant to the Commission's order, issued December 18, 1981, which approved CIPS' offer of settlement.

The rates set forth in the above mentioned rate schedule pertain to Docket Nos. ER80-603-001, ER80-606-001, ER80-646-001, ER80-661-001, ER80-747-001, ER80-748-001, ER80-749-001, ER80-754-001 and ER80-779-001.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-187 Filed 1-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-163-000]

Appalachian Power Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate, Appalachian Power Company (APCo) tendered for filing on December 18, 1981, a change of rate schedule, Modification No. 16 to the Interconnection Agreement between APCo and Virginia Electric and Power Company (VEPCO). This Modification provides for an extension of the present System Unit Power sale by APCo of 600 MW to VEPCO from January 1, 1982 to December 31, 1982.

The demand charge for said service will be $6.25/KW-month.

AEP requests that the Commission accept the Modification for filing on or before January 1, 1982 as it intends to continue the sale of System Unit Power to VEPCO as of that date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-87 Filed 1-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-180-000]

Arkansas Power & Light Co.; Filing

January 4, 1982.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L) on December 23, 1981, tendered for filing a proposed change in its rates and charges to seven municipalities, two rural electric cooperatives, and a privately owned utility system. The proposed change would increase revenues from jurisdictional sales and services to these customers by $59,543, based on billing determinants for the 12-month period ending October 31, 1981.

AP&L states that the proposed increased rates are required by the annual redetermination of the decommissioning surcharge rate for AP&L's nuclear generation units. The redetermination is mandated by the currently approved Rate Schedules WM3 and WC3. AP&L states that the proposed change in rates for service to the municipal and cooperative customers have been prepared in accordance with the provisions of the August 8, 1980, Settlement Agreement between the Company and those customers. AP&L requests waiver of the Commission's regulations to permit effective dates of November 1, 1981, for service under Rate Schedule W81S, and January 30, 1982, for service under Rate Schedule W81.

Copies of the proposed rate schedules and statements comparing the sales and revenues therefrom were served on AP&L's jurisdictional customers affected by the filing. Copies were also served on the Arkansas Public Service Commission, and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-158 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1990-000]

Jonathan W. Booraem; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Jonathan W. Booraem filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director of Financial Studies—Central Vermont Public Service Corporation
Secretary—Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Secretary—Central Vermont Public Service Corporation—East Barnet Hydoelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-47 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4448-000]

CHASM Hydro, Inc.; Application for Preliminary Permit

December 30, 1981.

Take notice that CHASM Hydro, Inc. (Applicant) filed on April 1, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4448 to be known as the Forge Dam Project located on the Chateaugay River in Franklin and Clinton, Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 319, Chateaugay, New York 12920.

Project Description—The proposed project would utilize the existing facilities consisting of: (1) A 155-foot long and 20-foot high concrete reinforced masonry buttress-type dam with a 90-foot long wingwall at the right (east) side and a 77.5-foot long wingwall at the left (west) side; (2) two screened and steel-gated 6-foot square intake structures at the dam's left side; (3) a reservoir (Chateaugay Lake) having a surface area of 3,000 acres and a storage capacity of 82,500 acre-feet at norml maximum pool elevation 1,310 m.s.l.; (4) an 8-foot diameter 6-foot long steel penstock; and (5) appurtenant facilities.

Applicant proposes to construct: (1) An 8-foot diameter 400-foot long penstock along the left bank; (2) a reinforced concrete powerhouse containing a generating unit having a rated capacity of 350-kW; (3) a 600-foot long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,150,000 kWh. Applicant would sell the project energy to New York State Electric & Gas Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would evaluate the existing facilities, determine the engineering, economic and environmental feasibility, perform studies, and prepare an application for a FERC license. Applicant estimates the cost of the work under the permit to be $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit

comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1,.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-70 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-173-000]

Cincinnati Gas & Electric Co.; Proposed Tariff Change

December 30, 1981.

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on December 21, 1981, a proposed change in the optional fixed rate for emergency energy transactions between Cincinnati and the Tennessee Valley Authority (Authority). The proposed change increases the optional fixed rate for emergency energy transactions from 5 mills per kilowatthour to 40 mills per kilowatthour effective 65 days after the filing.

Cincinnati states that the reason for the increase is to establish an equitable rate for emergency transactions between Cincinnati and the Authority.

Copies of the filing were served upon the Authority and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-61 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-194]

Cleveland Electric Illuminating Co.; Compliance Filing

December 30, 1981.

The filing Company submits the following:

Take notice that on December 15, 1981, the Cleveland Electric Illuminating Company (CEI) filed a Second Revised Sheet No. 3 to CEI's FERC Electric Tariff, Original Volume No. 1. Such filing was made pursuant to the Commission's letter of order November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-62 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL-82-2-000]

Connecticut Light and Power Co.; Petition for Declaratory Order

January 4, 1982.

Take notice that on November 25, 1981, the Connecticut Light and Power Company (Petitioner) filed a petition pursuant to 18 CFR 1.7(c) (1978) requesting that the Commission issue an order determining its jurisdiction over the Petitioner's existing operating hydroelectic generating site. The project is located on the Bantam River in Litchfield County, Connecticut. Correspondence concerning the petition should be addressed to: Mr. W. G. Counsil, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101.

Power generated at the project is utilized by Petitioner for sale to its customers.

As described in the petition, the project consists of an existing 20-foot high, 67-foot long, concrete dam and a powerhouse with a single turbine generator with a total rated capacity of 320 kW.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate acton to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be filed on or before February 22, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426 The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-189 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-181-000]

Consumers Power Co.; Filing

January 4, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company on December 24, 1981, tendered for filing a Coordinated Operating Agreement dated September 1, 1981, between Consumers Power Company and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., City of Grand Haven, Michigan, City of Traverse City, Michigan and City of Zeeland, Michigan (hereinafter collectively referred to as the "MCP members"); the Alba Interconnection Facilities Agreement between Consumers Power Company and Northern Michigan Electric Cooperative, Inc.; the Redwood Interconnection Facilities Agreement between Consumers Power Company and Wolverine Electric Cooperative, Inc.; the Hersey Interconnection Facilities Agreement between Consumers Power Company and Wolverine Electric Cooperative, Inc.; the Livingston Interconnection Facilities Agreement between Consumers Power Company and Northern Michigan Electric Cooperative, Inc.; the Blendon Interconnection Facilities Agreement between Consumers Power Company and Wolverine Electric Cooperative, Inc.; and the Grand Traverse Interconnection Facilities Agreement between Consumers Power Company, Northern Michigan Electric Cooperative, Inc., and City of Traverse City, Michigan; and Supplemental Agreement No. 1, dated September 1, 1981, to each of the above agreements.

Consumers Power Company states that copies of the filing were served on the MCP members and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-160 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5573-000]

Cook Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 4, 1982.

Take notice than on October 28, 1981, Cook Electric, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5573 would be located on Big Sheep and Little Creeks, within Wallowa-Whitman National Forest near Joseph in Wallowa County, Oregon. Correspondence with the Applicant should be directed to: Mr. Dale Hatch, Cook Electric, Inc., P.O. Box 1071, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) A 7-foot high diversion structure diverting water from the existing Wallowa Valley Irrigation District Canal into a power canal; (2) an 18,000-foot long power canal; (3) a 7.5-foot high diversion structure diverting the waters of Little Sheep Creek into the Power Canal; (4) a 45-inch diameter steel penstock; (5) a powerhouse with a total installed capacity of 4,250 kW; and (6) an 8-mile long, 13.8-kV transmission line interconnecting with an existing 13.8-kV transmission line owned by Pacific Power and Light Company.

The Applicant estimates that the average annual energy output would be 14.843 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Oregon Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 22, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-161 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5639-000]

Danielson Fence Co.; Application For Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 29, 1981.

Take notice that on November 9, 1981, Danielson Fence Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5639) would be located on the Five Mile River in the Town of Killingly, Windham County, Connecticut. Correspondence with the Applicant should be directed to: Mr. Gary Halliwell, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

Project Description—The proposed project would consist of: (1) an old stone block gravity dam, 16 feet high and 115 feet long; (2) an impoundment covering 12 acres with negligible storage; (3) an existing stone and concrete headrace, 25 feet wide and 460 feet long; (4) an existing powerhouse approximately 15 by 25 feet housing a new 325-kW turbine/generator unit operating under a head of 24 feet; (5) a new 30-foot long, 2.3-kV transmission line between the powerhouse and the existing utility powerhouse; and (6) appurtenant facilities. The entire electrical generation of 1.73 million kWh would be sold to the Connecticut Light and Power Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Connecticut Fish and Wildlife Unit are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 10, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc, are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must received on or before February 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-86 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-171-000]

Duke Power Co.; Filing

December 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on December 21, 1981 a supplement to the Company's Electric Power Contract with the City of Monroe. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 238.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in contract demand: Delivery Point No. 3 from 55,000 KW to 70,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of February 17, 1982.

According to Duke Power copies of this filing were mailed to the City of Monroe and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-63 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-170-000]

Duke Power Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on December 21, 1981 a supplement to the Company's Electric Power Contract with Crescent Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 248.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 1 from 5,500 KW to 6,200 KW, Delivery Point No. 2 from 6,300 KW to 7,200 KW, Delivery Point No. 3 from 2,600 KW to 3,000 KW, Delivery Point No. 4 from 5,600 KW to 7,000 KW, Delivery Point No. 6 from 2,500 KW to 3,600 KW, Delivery Point No. 8 from 10,000 KW to 13,700 KW, Delivery Point No. 9 from 5,500 KW to 8,400 KW, Delivery Point No. 10 from 5,300 KW to 6,500 KW, Delivery Point No. 11 from 5,400 KW to 7,900 KW, Delivery Point No. 12 from 3,100 KW to 3,700 KW, Delivery Point No. 15 from 1,400 KW to 1,800 KW, and Delivery Point No. 17 from 5,000 KW to 5,600 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of February 17, 1982.

According to Duke Power copies of this filing were mailed to Crescent Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-89 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4437-001]

Glacier Energy Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 30, 1981.

Take notice that on October 29, 1981, Glacier Energy Company (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4437 would be located on Diobsud Creek in the Mount Baker/Snoqualime National Forest, Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. William Devine, Glacier Energy Company, P.O. Box 68, Maple Falls, Washington 98226.

Project Description—The proposed project would consist of: (1) A 4-foot high, 100-foot long diversion weir on Diobsud Creek at elevation 1,000 feet; (2) an 8,000-foot long, 36-inch diameter steel pipeline and penstock; (3) a powerhouse at elevation 450 feet containing a single 5,000 kW generating unit; (4) a switchyard adjacent to the powerhouse; (5) up to 5,000 feet of transmission line; and (6) approximately 3 miles of access roads. Applicant estimates that the project would have an average annual energy output of 29,600 MWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 11, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-71 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3511-001]

David Goodman and George R. Oliger; Application for Minor License

December 29, 1981.

Take notice that David Goodman and George R. Oliger (Applicant) filed on November 12, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for construction and operation of a water power project to be known as Groveville Power Project No. 3511. The project would be located on Fishkill Creek in Dutchess County, New York. This application for license was filed during the term of Applicant's Preliminary permit for the Groveville Power Project No. 3511 issued March 11, 1981. Correspondence with the Applicant should be directed to: David Goodman & George R. Oliger, 80 Eighth Avenue, Suite 1306, New York, New York 10011.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing gravity dam constructed of cut rock and capped with concrete forming an ogee spillway approximately 150 feet long and 40 feet high; (2) a reservoir having minimal pondage; (3) a rehabilitated intake structure with repaired gates and new trashracks; (4) an existing riveted steel penstock, 9 feet in diameter and approximately 160 feet long, leading to (5) an existing powerhouse to be renovated and equipped with two new 369-kW turbine-generator units having a total rated capacity of 737 kW; (6) a restored tailrace; (7) a modified substation connecting to an existing 13.2-kV transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,100,000 kWh.

Purpose of Project—Project energy would be sold to the Central Hudson Gas and Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 10, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [see 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-82 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5472-000]

Gordon Falls Hydro Associates; Application for Preliminary Permit

December 29, 1981.

Take notice that Gordon Falls Hydro Associates (Applicant) filed on October 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5472 to be known as the Gordon Falls Project located on the Mattawamkeag River in the town of Matawamkeag, Penobscot and Aroostook Counties, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Peter F. O'Connell, President, O.B.C., Inc., One Heritage Drive, North Quincy, Massachusetts 02171.

Project Description.—The proposed project, an entirely new facility, would consist of: (1) A 55-foot high, 750-foot long concrete gravity dam; (2) an 8 mile

long, 1,100-acre reservoir with no usable storage capacity at elevation 300 feet m.s.l.; (3) an intake structure located at the dam; (4) a .6-mile long, 17-foot diameter penstock; (5) a powerhouse containing two turbine-generator units with a total rated capacity of 20 MW discharging at a tailwater elevation of 250 feet m.s.l.; (6) a transmission line of undertermined length; and (7) appurtenant facilities. A market for the energy produced at the project would be determined during the term of permit.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, geotechnical boring and seismic refraction tests along the axis of the proposed dam, engineering plans, and an environmental assessment. Any disturbed areas will be restored after completion of geological investigations. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $700,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 2, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-83 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1676-001]

James E. Griffin; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, James E. Griffin filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President, Chief Executive Officer, and Director—Central Vermont Public Service Corporation

President, Chief Executive Officer, and Director—Connecticut Valley Electric Company, Inc.

Chairman, Chief Executive Officer and Director—Vermont Electric Power Company, Inc.

Chairman, Chief Executive Officer, and Director—Vermont Yankee Nuclear Power Corporation

Director—Yankee Atomic Electric Company

Director—Connecticut Yankee Atomic Power Company

Director—Maine Yankee Atomic Power Company

President and Director—Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.

President and Director—Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-49 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5729-000]

Hollingsworth & Vose Co.; Application for Exemption

December 29, 1981.

Take notice that Hollingsworth & Vose Company (Applicant), on December 7, 1981, filed an Application for Exemption for its Clarks Mills Lower Dam development, Project No. 5729, located on the Batten Kill River in Washington County, New York, for all or part of Part I of the Federal Water Power Act, pursuant to 18 C.F.R. Part 4, Subpart K (1980), implementing in part Section 408 of the Energy Security Act of 1980 (Public Law No. 96-294, 94 Stat. 611), and Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 Law No. 95-617, Title IV, 16 U.S.C. §§ 2705 and 2708. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William J. Kenny, Esquire, Perito, Duerk, Carlson & Pinco, P.C., 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

Project Description—The proposed run-of-the-river development which is

the subject of this Application for Exemption is the lower development in a two-development project. The upper development is the subject of an exemption application filed September 14, 1981, as FERC No. 4667–001. The development would consist of: (1) the existing lower Dam, a reinforced concrete structure approximately 250 feet long and 20 feet high; (2) the existing 300-acre foot reservoir at elevation 109.0 feet (U.S.G.S.); (3) the existing inlet gate; (4) a concrete flume leading to; (5) an existing powerhouse containing four new generators connected to existing turbines to be reconditioned with a total rated capacity of 1,250 kW; disharging into (6) an existing tailrace; and (7) appurtenant works. The Applicant estimates average annual energy generaged at the lower development to be 6,100,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant to serve the power needs of its existing paper mill operated at the project site, with surplus power sold to a local utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Agency Comments—The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before Febraury 16, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsible Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-90 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5659-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 30, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on November 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5659 to be known as the Williams Creek Power Project located on Williams Creek, in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 24-foot long, 3-foot high diversion structure on Williams Creek; (2) a 21,000-foot long, 16-inch diameter penstock; (3) a powerhouse with an installed capacity of 1500 kW; and (4) an 11,000-foot long, 14.4-kV transmission line from the powerhouse to an existing 14.4-kV transmission line owned by the Lincoln Electric Cooperative Inc. The Applicant estimates that the average annual energy production would be 9.072 million kWh. The proposed project is entirely located on U.S. Federal Lands owned by Kootenai National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $13,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 3, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981), and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 3, 1982, and should

specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-72 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5662-000]

Hydro Management, Inc.; Application for Preliminary Permit

January 4, 1982.

Take notice that Hydro Management, Inc. (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5662 to be known as the Grave Creek Power Project located on Grave Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman, III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description.—The proposed project would consist of: (1) A 24-foot long, 3-foot high diversion structure on Grave Creek; (2) a 21,200-foot long, 20-inch diameter penstock; (3) a powerhouse with a total installed capacity of 600 kW; and (4) a 300-foot long, 14.4-kV transmission line from the powerhouse to the Stahl Creek Power Project transmission line. The Applicant estimates that the average annual energy production would be 3.629 million kWh. the proposed project is entirely located on Federal lands owned by Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $6,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 11, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM1-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 11, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission on a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 9, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-162 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5663-000]

Hydro Management, Inc.; Application for Preliminary Permit

January 4, 1982.

Take notice that Hydro Management, Inc. (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5663 to be known as the Foundation Creek Power Project located on Foundation Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman, III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 18-foot long, 3-foot high diversion structure; (2) a 8,000-foot long, 14-inch diameter penstock; (3) a powerhouse with a total installed capacity of 350 kW; and (4) a 21,2000-foot long, 14.4-kV transmission line from the powerhouse to the Blue Sky Creek Power Project transmission line. The Applicant estimates that the average annual energy production would be 2.117 million kWh. The proposed project is entirely located on Federal lands owned by Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $3,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 11, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 11, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 9, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-163 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5680-000]

Hydro Resource Co.; Application for Preliminary Permit

December 30, 1981.

Take notice that Hydro Resource Company (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5680 to be known as the Kilborn Creek Project located on Kilborn Creek in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Agent, P.O. Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) A 50-foot long, 8-foot high diversion structure; (2) a 6,500-foot long, 30-inch diameter diversion conduit; (3) a 2,000-foot long, 30-inch diameter penstock; (4) a powerhouse with a total rated capacity of 3,200 kW; and (5) a 2,600-foot long, 69-kV transmission line from the powerhouse to an existing 69-kV transmission line. The Applicant estimates that the average annual energy production would be 28 million kWh. The project is located within the boundaries of Gifford Pinchot National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license

or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-73 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER77-531]

Illinois Power Co.; Compliance Filing

December 30, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, Illinois Power Company filed a refund report in compliance with the Commission's April 10, 1981 order.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before January 18, 1982. comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 82-50 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 76-360]

Indiana & Michigan Electric Co.; Compliance Filing

December 30, 1981.

The filing Company submits the following:

Take notice that on April 23, 1981, Indiana & Michigan Electric Company filed a refund report pursuant to the Commission's March 20, 1981 letter order.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-51 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5608-000]

Ben Johnson; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 30, 1981.

Take notice that on November 2, 1981, Ben Johnson (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5608) would be located on McCully Creek in Wallowa County, Oregon. Correspondence with the Applicant should be directed to: Gerald Sandlin, Ranch Foreman, Rt. 1, Box 170, Joseph, Oregon 97846.

Project Description—The proposed project would consist of a powerhouse containing a single 200-kW generating unit on the bank of McCully Creek at elevation 4,581 feet. The project would use water from an existing irrigation system and would have an average annual generation of 732 MWh.

Purpose of Project—Project power would be sold to the Pacific Power and Light Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Oregon Department of Fish and Wildlife are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments,

protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-74 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-142-001, et al.]

Jupiter Energy Corp.; Petition To Amend

December 29, 1981.

Take notice that on December 11, 1981, Jupiter Energy Corporation (Jupiter Energy), 400 E. Randolph Street, Chicago, Illinois 60601, filed in Docket Nos. CP75-142, G-12583 and CS76-501 [1] a petition to amend the orders issued in the instant dockets pursuant to section 7(c) of the Natural Gas Act so as to authorize continuation of service previously rendered by Jupiter Energy's predecessor, The Jupiter Corporation (Jupiter), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that under the terms of a June 30, 1981, assignment all the properties involved in the jurisdictional transactions in which Jupiter was engaged have been transferred to Jupiter's wholly-owned subsidiary, Jupiter Energy, which acquired and succeeded to all rights of Jupiter and assumed all its obligations. Jupiter Energy proposes herein to continue service previously rendered by Jupiter in the instant dockets.

Jupiter Energy further requests the Commission redesignate all Jupiter Gas Rate Schedules as Jupiter Energy's Gas Rate Schedules effective as of June 30, 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-75 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5616-000]

City of Leavenworth, Wash.; Application for Preliminary Permit

December 29, 1981.

Take notice that City of Leavenworth, Washington (Applicant) filed on November 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5616 to be known as the Icicle Creek on lands within Snoqualmie National Forest in Chelan County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: E. Lorene Young, Mayor, 815 Front Street, P.O. Box 287, Leavenworth, Washington 98826.

Project Description—The proposed project would consist of: (1) A 15-foot high, 50-foot long diversion dam; (2) a reservoir with a storage capacity of 4 acre feet; (3) two intake structures, one each on 8-mile Creek and Rat Creek; (4) a 5-mile long penstock; (5) a powerhouse containing a single generating unit with an installed capacity of 80MW, and (6) a .5-mile long 115-kV transmission line interconnecting with Chelan County's existing substation at Leavenworth. Applicant estimates that the average annual energy output would be 300 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs and geological, environmental and economic feasibility studies. The cost of the above activities, along with obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies conducting final field surveys would be $205,000.

Competing Applications—This application was filed as a competing application to Capital Development Company's application for Project No. 4465-000 filed on April 2, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (See: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

---

[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-61 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-158-000]

Maine Electric Power Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 9, 1981, Maine Electric Power Company (MEPCO) tendered for filing a transmission contract between MEPCO and the Massachusetts Municipal Wholesale Electric Company (MMWEC) for the delivery of 100 MW of Point LePreau power under MEPCO's Rate Schedule No. 1 Supplement No. 5.

The term of the proposed contract shall begin on the first day of the month following the commercial operation date of Point LePreau Unit No. 1 and shall end on October 31, 1987, with MMWEC having the right of three (3) consecutive annual extensions provided a 24 months' notice is given for each extension. MEPCO may terminate any extension of the proposed agreement beyond October 31, 1987 upon 26 months' notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-62 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1965-001]

Richard W. Mallary; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Richard W. Mallary filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President, Central Vermont Public Service Corporation.
Executive Vice President, Connecticut Valley Electric Company, Inc.
Director, Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Director, Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-52 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-169-000]

Mid-Continent Area Power Pool Agreement; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, the MAPP Coordination Center, as filing agent for the Mid-Continent Area Reliability Coordination Council, filed an Agreement to Terminate the Mid-Continent Area Reliability Coordination Agreement (MARCA) in that all of the functions performed and services rendered under MARCA are duplicated in the Mid-Continent Area Power Pool Agreement (MAPP).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-91 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-168-000]

Mid-Continent Area Power Pool Agreement; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, the MAPP Coordination Center, (MAPP) filed an amendment to the Mid-Continent Area Power Pool Agreement which would add a Design Review Committee to the MAPP Agreement.

MAPP requests an effective date of December 31, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-53 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1663-000]

Theodore W. Millspaugh, Jr.; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Theodore W. Millspaugh, Jr. filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer, Central Vermont Public Service Corporation.
Treasurer, Connecticut Valley Electric Company, Inc.
Treasurer, Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Treasurer, Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-53 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-175-000]

Mississippi Power & Light Co.; Filing

December 30, 1981.

The filing Company submits the following:

Take Notice that on December 21, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement between it and Delta Electric Power Association (Delta) dated as of June 1, 1981. This Assignment served to release MP&L from its obligations under MP&L Agreements for Purchase of Power at each separate Delta delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Numbers 173, 174, 175, 176, 177, 178, 179, 181, 208, 209, 214, 219, 220, 223, 225, 231, 233, 253) be cancelled as of June 1, 1981. Accordingly, MP&L with the concurrence of SMEPA and Delta, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary,

[FR Doc. 82-54 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-174-000]

Mississippi Power & Light Co.; Notice of Filing

December 30, 1981.

The filing Company submits the following:

Take Notice that on December 21, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement between it and Yazoo Valley Electric Power Association (Yazoo Valley) dated as of June 1, 1981. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Yazoo Valley delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Numbers 202, 203, 204, 206) be cancelled as of June 1, 1981. Accordingly, MP&L with the concurrence of SMEPA and Yazoo Valley, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-05 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-176-000]

Mississippi Power & Light Co.; Notice of Filing

December 30, 1981.

The filing Company submits the following:

Take Notice that on December 21, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement between it and Twin County Electric Power Association (Twin County) dated as of June 1, 1981. This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Twin County delivery point and assigned those certain Agreements for Purchase of Power to South Mississippi Electric Power Association (SMEPA). With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposed that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Numbers 196, 197, 198, 199, 200, 201, 242) be cancelled as of June 1, 1981. Accordingly, MP&L with the concurrence of SMEPA and Twin County, requests waiver of the Commission's notice requirements to permit an effective cancellation date of June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-06 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4860-001]

Modesto Irrigation District; Application for Preliminary permit

January 4, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on August 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4860-001 to be known as the Slate Creek Yuba Project located on Slate Creek on land within the Plumas National Forest in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, P.O. Box 4060, Modesto, California 95350.

Project Description—The proposed project would consist of: (1) A 6-foot high 120-foot long diversion structure; (2) a 60-inch diameter, 3,500-foot long conduit, (3) a 48-inch diameter, 500-foot long penstock; (4) a powerhouse to containing a single generating unit with a capacity of 4100 kW, and (5) a 2.5-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric transmission line. Applicant estimated that the annual energy production is 35.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant had requested a 24-month permit to prepare definitive project report including results of geological, environmental, and economic feasibility studies. The cost of above activities along with preparing of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies, preparing a license application and conducting final field surveys is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4263-000 filed on February 26, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing application or notices of intent. In accordance with the Commission's regulations, no completing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) if an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secreatry, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-164 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4840-001]

Modesto Irrigation District; Application for Preliminary Permit

January 4, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on August 5, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4840–001 to be known as the Soctish Creek Humboldt Power located on Soctish Creek on land under the management of the U.S. Bureau of Indian Affairs. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, P.O. Box 4060, Modesto, California 95350.

Project Description—The proposed project would consist of: (1) A 5-foot high, 80-foot long diversion structure; (2) a 48-inch diameter, 4000-foot long conduit; (3) a 36-inch diameter, 800-foot long penstock; (4) a powerhouse containing a single generating unit with a capacity of 1600 kW, and (5) a 0.5 mile long, 12-kV transmission line interconnecting with an existing transmission line of Pacific Gas and Electric Company. Applicant estimates that the annual average energy production would be 15.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including results of geological, environmental, and economic feasibility studies. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with the U.S. Bureau of Indian Affairs and other Federal, State and local agencies, preparing a license application and conducting final field surveys is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4262–000 filed on February 26, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, To Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions, to intervene must be received on or before February 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–165 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER32–161.000]

New England Power Co; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 16, 1981 New England Power Company ("NEP") filed an amendment to its presently effective FERC Electric Tariff, Original Volume Number 3 to provide an additional type of non-PTF transmission service at the distribution primary level on a cost of service basis.

NEP requests that the Commission allow the new rate to become effective on January 11, 1982, subject to refund and waiver of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to this filing should submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 15, 1982, petitions to intervene or protest according to the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but protests will not serve to make protestants parties to the proceeding. A person wishing to become a party must file a petition to intervene. Copies of the application and supporting documents are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–04 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–177–000]

New England Power Pool; Notice of Filing

December 30, 1981.

The filing Company submits the following:

Take notice that on December 22, 1981, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated as of September 1, 1981, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the Amendment (1) provides for revision of section 12.6 of the NEPOOL Agreement to redefine the circumstances under which a generating unit, which is out of service on a scheduled or unscheduled basis, may provide its owner with the right to obtain Scheduled Outage Service or Unscheduled Outage Service pricing for energy or operating reserve service that the Participant obtains through the pool during the period that the unit is unavailable; and (2) adds a new section 12.13 which changes pool dispatch and billing rules during an energy shortage period following a determination by the pool's Management Committee of the existence of an energy shortage which adversely

affects the bulk power supply of the New England region and any adjoining areas served by pool participants. NEPOOL has filed with the Amendment a copy of the special pool rules to be applicable during an energy shortage period, entitled Dispatch And Billing Rules During Energy Shortages.

NEPOOL proposes that the Amendment become effective as of December 1, 1981, and has requested waiver of the Commission's customary notice rules to permit the Amendment to become effective as of that date.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-67 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-182-000]

Niagara Mohawk Power Corp.; Filing

January 4, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on December 24, 1981, tendered for filing as a rate schedule, an agreement between Niagara and the Central Vermont Public Service Corporation (Central Vermont) dated December 1, 1981.

The agreement provides for the purchase for resale to Central Vermont Public Service Corporation of short term power and associated energy from Ontario Hydro and to provide transmission service for the delivery of said short term power and associated energy. Niagara is requesting an effective date as of December 1, 1981.

Copies of the filing were served upon the following:

Central Vermont Public Service Corporation, 77 Grove Street, Rutland, VT 05701

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions shall be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-166 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-154-000]

Northern States Power Co.; Filing

(December 29, 1981.)

The filing Company submits the following:

Take notice that Northern States Power Company (NSP) on December 15, 1981, tendered for filing the Shared Transmission Agreement with Southern Minnesota Municipal Power Agency.

The Agreement, dated November 18, 1981, avoids the construction of duplicating facilities, coordinates the development of transmission facilities and provides for the delivery of power and energy to NSP customers and Southern Minnesota members in NSP area. An effective date of November 18, 1981, is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-66 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-110-000]

Orange and Rockland Utilities, Inc.; Application

December 30, 1981.

Take notice that on December 9, 1981, Orange and Rockland Utilities, Inc. (Applicant), One Blue Hill Plaza, Pearl River, New York 10965, filed in Docket No. CP81-110-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder for the sale of natural gas for resale to New York State Electric & Gas Corporation (NYSEG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received authorization from the Commission for the sale of natural gas for resale to NYSEG on April 16, 1958, in Docket No. G-9439. Applicant wishes to increase sales to NYSEG from 2,900 Mcf per day to 3,300 Mcf per day. Although Applicant has requested such increase in its application filed in Docket No. CP81-21 on October 17, 1980, Applicant herein requests exemption in lieu of the authorization to increase sales to NYSEG.

Applicant asserts that all gas sold to NYSEG at Goshen, New York, is ultimately consumed within New York. It is further explained that The Public Service Commission of the State of New York would exercise jurisdiction over Applicant's sales for resale to NYSEG.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-54 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5637-000]

Pancheri, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

December 30, 1981.

Take notice that on November 9, 1981, Pancheri, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5637) would be located on the Telford Pipeline in Butte County, Idaho. Correspondence with the Applicant should be directed to: Mr. G. L. Smith, Appropriate Technologies, Inc., P.O. Box 1016, Idaho Falls, Idaho 83402.

Project Description—The proposed project would consist of: (1) A 300-foot long, 10-inch diameter extension of the Telford Pipeline; (2) a powerhouse containing a single 150-kW generating unit; and (3) a 7,000-foot long, 25-kV transmission line. The project would have an average annual generation of 1,048 MWh.

Purpose of Project—Project power would be sold to the Utah Power and Light Company.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATIONS," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-76 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1851-001]

John W. Powers; Application

January 4, 1982.

The filing individual submits the following:

Take notice that on December 24, 1981, John W. Powers filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Treasurer: Niagara Mohawk Power Corporation
Treasurer: St. Lawrence Power Company
Director: Beebee Island Corporation
Treasurer: Beebee Island Corporation
Director: HYDRA-CO Enterprises, Inc.
Treasurer: Moreau Manufacturing Corporation
Assistant Treasurer: NM Uranium, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-167 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-162-000]

Public Service Co. New Hampshire; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that Public Service Company of New Hampshire (PSNH) on December 18, 1981, tendered for filing an initial rate for firm transmission service to be provided to Central Maine Power Company. PSNH states that on a 1980

test year basis the revenues for this transaction would equal $328,368.

PSNH requests waiver of the Commission's notice requirements to allow for an effective date of December 15, 1981.

According to PSNH copies of the filing were served upon Central Maine Power Company and the public service commissions of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-00 Filed 1-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5295-000]

Public Utilities Commission, City and County of San Francisco, Calif.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 29, 1981.

Take notice that on August 28, 1981, The Public Utilities Commission of the City and County of San Francisco, California (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended,* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5295) would be located on Lower Moccasin Creek, Tuolumne County, California. Correspondence with the Applicant should be directed to: Mr. D. W. Coffey, 693 Vermont Street, San Francisco, California 94107.

Project Description—The proposed project would consist of: (1) a 2,500-foot long, 10-foot diameter penstock; (2) a powerhouse containing one generating unit with a rated capacity of 2,400 kW; and (3) a 300-foot long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 10 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications.—Any qualified license applicant desiring to file a competing application must submit to the Commission on or before February 10, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 10, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-84 Filed 1-4-82; 8:45 am]
BILLING CODE 6717-01-M

[GP82-12-000]

Natural Gas Well Category Determination; Railroad Commission of Texas

December 30, 1981.

In the matter of Railroad Commission of Texas; Section 102 and 103 NGPA Determination, R.L. Burns Corporation, Baker '1160' Well #2, RRC Docket No. F-7C-031892, FERC JD-81-32977; reopening and request for withdrawal of final well category determination.

On October 2, 1981, the Railroad Commission of Texas (Texas) filed with the Federal Energy Regulatory Commission (Commission) a letter advising the Commission that Texas had, on the basis of new information, reconsidered a final well category determination that the R.L. Burns

Corporation (Burns) Baker '1106' Well #2 qualified as a well producing from a new onshore reservior and as a new onshore production well pursuant to sections 102(c)(1)(C) and 103(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. II 1978). That determination became final pursuant to § 275.202(a) of the Commission's regulations on July 12, 1981.

On May 22, 1981, Burns informed Texas that the subject well was not producing from the Cal(Canyon-Gas) field, a new onshore reservior, but rather from the Cal(Canyon) field, an oil reservoir that does not qualify as a new onshore reservoir. Burns requested withdrawal of the section 102(c)(1)(C) determination and asked that Texas continue the well's qualification, but only as a new onshore production well under section 103(c) of the NGPA.

Upon reconsideration of Burns' application, Texas concluded that the subject well qualifies under section 103 of the NGPA as a new onshore production well. The well was spudded on June 23, 1980, after the February 19, 1977 date set by section 103(c)(1). It satisfies the State well-spacing requirements as required by section 103(c)(2) and the proration unit requirements of section 103(c)(3). Texas amended its determination, withdrawing the section 102 determination and leaving the well qualified under section 103.

Because the well category determination has become final, the Commission must reopen the determination, pursuant to § 275.205(a) of the regulations, if "(1) in making the determination the Commission or the jurisdictional agency relied on any untrue statement of material fact; or (2) there was omitted a statement of material fact necessary in order to make the statements made not misleading, in light of the circumstances under which they were made. . . ."

With respect to the question of refunds arising out of this request for withdrawal the subject well category determination, notice is hereby given that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter subject to review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested withdrawal should, by February 4, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of §§ 1.8 or 1.10 of the Rules of Practice and Procedure. All protests filed will be considered in determing the appropriate action to be taken, but will not make protestants' parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-48 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1703-000]

Donald L. Rushford; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Donald L. Rushford filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and General Counsel Central Vermont Public Service Corporation
General Counsel, Connecuticut Valley Electric Company, Inc.
Vice President and General Counsel and Director, Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Vice President and General Counsel and Director, Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-85 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-167-000]

San Diego Gas & Electric Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that San Diego Gas & Electric Company (SDG&E), on December 21, 1981, tendered for filing one Service Agreement under Volume 1 of its F.E.R.C. Electric Tariff under which SDG&E will sell and deliver nonfirm energy to any electric utility for resale in accordance with SDG&E's Service Schedule, SDG&E–1. SDG&E requests waiver of the Commission's notice requirements to allow for an effective date of July 1, 1981.

According to SDG&E copies of the filing were served on all parties to the Service Agreement, and the state Regulatory Commissions of California, New Mexico and Arizona.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-87 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1668-000]

Robert E. Schill; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Robert E. Schill filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Finance and Corporate Planning, Central Vermont Public Service Corporation.
Vice President, Connecticut Valley Electric Company, Inc.
Vice President and Director, Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Vice President and Director, Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance

with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-57 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF81-8-001]

Sea World; Application for Commission Certification of Qualifying Status for a Modification to Qualifying Cogeneration Facility

December 30, 1981.

On November 13, 1981, Sea World (Applicant) of San Diego, California, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a modification to a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. The original application filed by Sea World on December 18, 1980 under Docket No. QF81-8-000 requesting certification of qualifying status of a cogeneration facility, was granted in a Delegation Order issued on September 4, 1981.

The facility is being modified by the addition of a new natural gas fired, reciprocating engine with waste heat recovery equipment and absorption chillers and by the addition of an absorption chiller to the existing system. Electric capacity of the facility will increase from 1260 kilowatts to 1950 kilowatts and useful steam output will increase from 6.89 million Btu's/hour to 8.23 million Btu's/hour. Installation of the modification will begin in February 1982.

Any person desiring to be heard or objecting to the granting of qualifying status to the modified facility should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and procedure. All such petitions or protests must be filed by February 4, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-58 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-101-000]

Southern Natural Gas Co.; Application

December 30, 1981.

Take notice that on December 2, 1981, Southern Natural Gas Company (Applicant) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-101-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated November 23, 1981, Applicant proposes to transport up to 50 billion Btu of natural gas per day or such greater quantity as Applicant may accept from time to time on an interruptible basis for Peoples. It is stated that Peoples would purchase the gas from Northern Natural Gas Company, Division on InterNorth, Inc. (Northern) for reasale to Allied Chemical, operating company of Allied Corporation (Allied), at Allied's plant near Geismar, Louisiana. It is asserted that Northern would deliver certain volumes of gas to Applicant at the interconnection of the jointly-owned pipeline that extends from the producer's platform in Mississippi Canyon Block 194 and Applicant's 14-inch Romere Pass pipeline, Plaquemines Parish, Louisiana (Romere Pass Point). It is further anticipated that Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) would transport on behalf of Northern additional volumes of gas to Applicant which would be received by Applicant at the interconnection between the pipeline facilities of Applicant and Tennessee in Lowndes County, Mississippi (Pugh Point), and at the interconnection between the jointly-owned facilities of Applicant and Tennessee and the facilities of Tennessee in Clarke County, Mississippi (Rose Hill Point).

Applicant states that it would transport People's gas from these delivery points to a redelivery point at the proposed interconnection of a fuel line to be contructed from Allied's Geismar plant and Applicant's Duck Lake-Franklinton Line in Iberville Parish, Louisiana. Applicant proposes the construction and operation of a new pipeline tap, meter station, and appurtenant facilities to be installed as the interconnecting facilities at the proposed redeliviery point. Such facilities are estimated to cost $54,400 which would be reimbursed by Peoples.

Peoples, it is stated, would compensate Applicant for the proposed service at 24.0 cents per million Btu for all gas received at the Romere Pass Point and 12.0 cents per million Btu for all gas received at the Pugh Point and the Rose Hill Point. Applicant would retain 1.0 percent of the quantity of gas received at the Romere Pass Point for company use and lost or unaccounted for gas.

It is stated that the proposed transportation service would be beneficial in that it would provide Peoples with a means of delivering gas to Allied without having to construct additional duplicative facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-58 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-116-000]

Southwest Gas Corp.; Application

December 29, 1981.

Take notice that on December 14, 1981, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP82-116-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of four new tap facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the Robison tap and the Wilder tap on its Elko Lateral and the Moore tap and Sauer tap on its Gabbs Lateral in order to deliver gas to residential customers in Humboldt and Churchill Counties, Nevada. Applicant states that the annual usage for the Robison and Wilder taps would be 99 Mcf and 88 Mcf for the Moore tap and 389 Mcf for the Sauer tap. Sales of gas would be made pursuant to Applicant's existing authorization from the Public Service Commission of Nevada, it is asserted.

It is stated that the cost of the Elko Lateral facilities would be aproximately $900 each and the cost of the Gabbs Lateral facilities would be approximately $1,640 each. Such cost, it is asserted, would be financed by an advance made to Applicant by the customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, an hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-77 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. Project No. 5219-000]

Spring River Power Developers and the City of Searcy, Arkansas; Application for Preliminary Permit

December 29, 1981.

Take notice that Spring River Power Developers and the City of Searcy, Arkansas (Applicants) filed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5219 to be known as the Dam No. 3 Project located on the Spring River near Mammoth Spring in Fulton County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Glenn N. Sink, P.O. Box 1052, Searcy, Arkansas 72143.

Project Description.—The proposed project would consist of: (1) an existing concrete dam owned by the Arkansas Power & Light Company, 150 feet long and 30 feet high; (2) an impoundment with a storage of approximately 350 acre-feet at an elevation of 240 msl; (3) new trash racks and inlet works; (4) an rehabilitated wood frame powerhouse, 20 by 30 feet, containing two turbine/generating units with a total capacity of 350 kW; (5) a rehabilitated switchyard at the east end of the dam; and (6) an existing 33-kV transmission line 200 yards long. The average annual generation of 1.5 million kWh would probably be sold to the Arkansas-Missouri Power Corporation.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasiblility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicants estimate the cost of the studies under the permit would be $19,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 5, 1982.

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 5, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-98 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4283-001]

Fred N. Sutter, Jr.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 30, 1981.

Take notice that on November 2, 1981, Fred N. Sutter, Jr., (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4283-001 would be located on Millseat Creek near Shingletown in Shasta County, California. Correspondence with the Applicant should be directed to: Mr. Fred N. Sutter, Jr., P.O. Box 137, Shingletown, California 96088.

Project Description.—The proposed project would consist of:

(1) A 4-foot high, 30-foot long rock fill diversion structure;

(2) A 2,000-foot long, 30-inch diameter steel penstock;

(3) A powerhouse with a total installed capacity of 100 kW; and

(4) A 300-foot long, 12.5-kv transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that average annual production would be 0.722 million kWh.

Purpose of Exemption.—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments.—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications.—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 11, 1982 either the competing application that proposes to develop at least 7.5 megawatts in that projects, or a notice of intent to file such a license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-78 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5677-000]

Swanson Mining Corp. and Walter M. Gleason; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 4, 1982.

Take notice that on November 24, 1981, Swanson Mining Corporation and Walter M. Gleason (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric

project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5677 would be located on Madden Creek, near Willow Creek, in Humboldt County, California. Correspondence with the Applicant should be directed to: Walter M. Gleason, Hearst Building, Suite 1200, Third and Market Streets, San Francisco, California 94103.

Project Description.—The proposed project would consist of: (1) An existing 7-foot high, 32-foot long concrete and steel diversion dam; (2) a short 42-inch diameter pipe; (3) an existing 1,065-foot long earthen canal; (4) an 800-foot long steel syphon; (5) an existing 7,200-foot long canal; (6) a 5,400-foot long penstock; (7) a powerhouse containing one generating unit rated at 2,000 kW; and (8) a 1,000-foot long transmission line. The average annual energy generation is 7.9 million kWh.

Purpose of Exemption.—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the exemptee from permit or license applicants that would seek to take or develop the project.

Purpose of Project.—The power output from the project would be sold to the Pacific Gas and Electric Company.

Agency Comments.—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to a granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications.—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 19, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-168 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-65-009]

Tennessee Gas Pipeline Co.; Petition To Amend

December 30, 1981.

Take notice that on December 3, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-65-009 a petition to amend Opinion No. 121 and Order Approving Settlement Agreement issued in said docket on May 20, 1981, so as to authorize the construction and operation of approximately 660 feet of 10¾-inch pipeline, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by Opinion No. 121, the Commission authorized, *inter alia*, the firm transportation of storage gas on behalf of a number of Petitioner's customers including Orange and Rockland Utilities, Inc. (Orange and Rockland) in connection with a storage service to be rendered for Orange and Rockland, among others, by Penn-York Energy Corporation and for the construction and operation of facilities by Petitioner in connection with such transportation. The receipt and delivery points for the gas to be received and delivered by petitioner for Orange and Rockland are to be at the present point of interconnection between the facilities of Petitioner and Orange and Rockland at the Pearl River sales meter station, it is stated. It is submitted that such deliveries are to be made to Orange and Rockland through the existing 6-inch Orange and Rockland delivery line No. 329B-100 located in Bergen County, New Jersey, and Rockland County, New York.

Petitioner has recently determined that the existing 6-inch Orange and Rockland delivery line would not enable the delivery of the transportation volumes to Orange and Rockland at the required pressure. Petitioner, therefore, proposes to replace the existing 6-inch pipeline with approximately 660 feet of 10¾-inch pipeline. The estimated cost of such replacement is $125,500 which would be reimbursed by Orange and Rockland.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-59 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-12-000]

Tennessee Gas Pipeline Co.; Order Accepting for Filing and Suspending Tariff Sheets Subject to Refund and Conditions, Rejecting Tariff Sheets, Consolidating Proceedings, Initiating Hearing and Establishing Procedures

December 30, 1981.

On November 30, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) tendered for filing pursuant to Section 4 of the Natural Gas Act proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2[1] to become effective January 1, 1982. The proposed tariff sheets reflect a general rate increase which would increase revenues from jurisdictional sales and service by approximately $122.3 million annually. The proposed tariff sheets also include a Transportation Cost Rate Adjustment which would allow Tennessee to track increases and decreases in costs paid for transmission and compression of gas by others.

Tennessee states that the principal reasons for the proposed rate changes are: (1) An increase in the overall rate of return to 15.72%, plus an additional allowance of 1% to reflect the further risk which Tennessee experiences in a period of ever increasing costs; (2) a major increase in gas plant of approximately $249 million and related expenses; (3) an increase in the cost of materials, supplies, wages, and services required to operate and maintain Tennessee's pipeline; (4) a substantial increase in prepayments to Tennessee's producer-suppliers; and (5) a significant increase in the cost of transportation and storage of gas by others.

The cost of service underlying the rates filed herein reflects costs associated with certain facilities that have not been certificated. The rates also reflect Tennessee's adoption of a dekatherm billing basis and a three part rate for its jurisdictional sales as set forth in its filings of April 30, 1981, in Docket Nos. RP81-56 and RP81-54.

Tennessee requests waiver of § 154.38(d)(3) of the Commission's Regulations to accept for filing First Revised Sheet No. 225 and Original Sheet No. 226 reflecting the Transportation Cost Rate Adjustment provision. The Commission rejected Tennessee's last request for such a provision by order issued May 29, 1981, in Docket No. RP81-54, 15 FERC ¶61,194, that rejection is still pending before the Commission on rehearing, and the issues raised in connection with that rejection will be addressed in the Commission's order on rehearing in that docket. Accordingly, First Revised Sheet No. 225 and Original Sheet No. 226 shall be rejected for the same reasons stated in the order issued in Docket No. RP81-54, *et al.* The rejection is without prejudice to the proposal contained in such tariff sheets being considered as an issue in this proceeding and without prejudice to such tariff sheets being retendered should such approval be granted on rehearing in Docket No. RP81-54, *et al.*

Notice of Tennessee's filing was issued on December 8, 1981, with petitions to intervene due by December 17, 1981. Petitions to intervene were filed by the petitioners listed in Appendix B. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. Accordingly, their petitions will be granted.

A late petition to intervene was filed by Equitable Gas Company (Equitable) on December 23, 1981. Equitable states that notice of said tariff filing was published in the **Federal Register** of December 14, 1981, and was not received by Equitable in its Pittsburgh office until December 18, 1981. Equitable states further that the Commission's notice requires that petitions or protests be filed by December 17, 1981. Equitable submits that the time allowed for filing petitions to intervene is unreasonably short. For good cause shown, we shall grant Equitable's late petition to intervene.

Based upon a review of Tennessee's filing, the Commission finds that the proposed rate increase and tariff modifications have not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing Tennessee's revised tariff sheets as listed in Appendix A, with the exception of those tariff sheets expressly rejected, and suspend their effectiveness for five months until June 1, 1982, when they shall be permitted to become effective subject to refund and to the conditions set forth below.

In a number of suspension orders, the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions.[2] For the reasons given there, we conclude that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or in violation of other statutory standards. We have acknowledged, however, that shorter suspension may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here.

Tennessee's cost of service includes certain facilities which have not been certificated and placed in service. The Commission normally accepts proposed rates that reflect the costs of facilities not placed in service conditioned upon the filing of revised tariff sheets to reflect elimination of such facilities before the proposed rates go into effect. In this respect, Tennessee should be permitted to include these items conditioned upon the filing of revised tariff sheets reflecting the elimination of costs associated with any facilities not in service on or before June 1, 1982. Also, this waiver will be granted upon the condition that Tennessee shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders. Acceptance of Tennessee's filed tariff sheets is further conditioned upon Tennessee's filing revised tariff sheets and supporting data at the end of the test period to reflect the actual balance of advance payments in Account 166 as of September 30, 1981. The inclusion of a higher advance payment balance, however, will not be permitted to increase this level of the original suspended rates.

For purposes of this filing, Tennessee has used the *Atlantic Seaboard* method [3] of cost classification, cost allocation and rate design in determining rates. The Commission has been placing companies on notice that the use of the *Atlantic Seaboard* method

---

[1] A list of proposed tariff sheets is set forth in Appendix A to this order.

[2] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

[3] *Atlantic Seaboard Corporation*, 11 FPC 48 (1952).

may be inadequate and contrary to the public interest.[4] Consequently, Tennessee should be placed on notice that to the extent that the rates found just and reasonable for Tennessee after hearing and decision departs from the *Atlantic Seaboard* methodology by assigning additional fixed costs to the commodity component of its rates, Tennessee may be subject to undercollections.

Tennessee's proposed rate increase filed in Docket Nos. RP81–54 is still pending. In view of the commonality of issues, Docket Nos. RP82–12 and RP81–54, *et al.*, shall be consolidated for purposes of hearing and decision.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the revised rates proposed by Tennessee in Docket No. RP82–12.

(B) Tennessee's tendered First Revised Sheet No. 225 and Original Sheet No. 226 to its FERC Gas Tariff, Original Volume No. 1 in Docket No. RP82–12 comprising its Transportation Cost Rate Adjustment provision is rejected without prejudice to the proposal contained therein being considered as an issue in this proceeding and without prejudice to the tariff sheets being retendered should such approval be granted on rehearing in Docket No. RP81–54.

(C) Pending hearing and decision, and subject to the conditions of the ordering paragraph below and those described in the body of this order, Tennessee's tendered tariff sheets listed in Appendix A, and not rejected above, shall be accepted for filing and suspended for the full statutory period of five months until June 1, 1982, when they shall be permitted to become effective, subject to refund.

(D) Tennessee shall file on or before June 1, 1982, revised tariff sheets to reflect:

(1) Elimination of costs associated with facilities not in service on or before June 1, 1982, *Provided, however,* Tennessee shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

(2) The actual balance of advance payments in Account No. 166 as of June 1, 1982, *Provided, however,* that the inclusion of a higher advance payment balance will not be permitted to increase the level of the original suspended rates.

(E) Docket Nos. RP81–54, *et al.*, is consolidated for purposes of hearing and decision.

(F) Staff shall be required to serve top sheets on or before April 7, 1982.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(H) The petitioners identified in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests set forth in their petition to intervene and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Tennessee Gas Pipeline Company, Docket No. RP82–12–000

Original Volume No. 1

First Revised Sheet No. 226
Second Revised Sheet No. 225
Substitute Third Revised Sheet No. 21
Substitute Fourth Revised Sheets Nos. 20 and 22
A Sheet Reserving Original Sheet Nos. 227 through 325 for Future Use

Original Volume 2

First Revised Sheet Nos. 299QQ4, 299QQ5, and 299RR5; Second Revised Sheet Nos. 267L, 277B, 286E, 297D, 297E, 299V6, 299W5, 299X6, 299EE6, 286E, 299FF5, 299GG7, 299MM5, 299NN4, 299OO5, and 322D; Third Revised Nos. 266J, 267K, 268C, 287E, 288D, 289E, 290E, 291E, 292E, 299L9, 299M6, 299N5, 299Q5, 299R5, 299S9, and 299S10; Fourth Revised Nos. Nos. 266I, and 274E; Sixth Revised Sheet No. 141A; Seventh Revised 249H, and 249I; Eighth Revised Sheet No. 245D; Ninth Revised Sheet Nos. 76, and 215; Tenth Revised Sheet Nos. 53, 54, and 77; Eleventh Revised Sheet No. 141; Thirteenth Revised Sheet Nos. 11, and 12.

Appendix B—List of Intervenors

Alabama-Tennessee Natural Gas Company
Brooklyn Union Gas Company
The Cities of Springfield, Clarksville & Portland, Tennessee
Columbia Gas Transmission Corporation
Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corporation
Elizabethtown Gas Company
Equitable Gas Company (Late petition granted for good cause shown)
National Fuel Gas Supply Corporation
The New England Customer Group
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Northern Illinois Gas Company
Orange & Rockland Utilities Company
The Public Service Commission of the State of New York
Public Service Electric & Gas Company
Texaco, Inc.
Texas Gas Transmission Corporation
Western Kentucky Gas Company

[FR Doc. 82–169 Filed 1–4–82; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER82–172–000]

Union Electric Co.; Filing

December 30, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, Union Electric Company (Union) tendered for filing a Fifth Amendment and Fourth Revised Service Schedules C and D to the Interchange Agreement dated July 2, 1976 between Union and Kentucky Utilities Company.

Union indicates that said agreements provide for revisions in certain rates under said Interchange Agreement.

Union proposes an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

[4] *See, Natural Gas Pipeline Company of America,* order issued April 30, 1981, in Docket No. RP81–49–000, 15 FERC ¶ 61,112.

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-66 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-166-000]

Union Electric Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, Union Electric Company (Union) tendered for filing a Boundary Line Agreement dated October 19, 1981, between the City of Farmington, Missouri and Union. Said Agreement provides a basis for supplying electric service to customers in one service area more economically by line extension made across the boundary lines from the adjacent utility.

Union requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-99 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-165-000]

Union Electric Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 21, 1981, Union Electric Company (Union) tendered for filing a Boundary Line Agreement dated October 26, 1981, between the Missouri Power & Light Company and Union. Said Agreement provides basis for supplying electric service to customers in one service area more economically by line extension made across the boundary lines from the adjacent utility.

Union proposes an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-100 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-164-000]

Union Electric Co.; Filing

December 29, 1981.

The filing Company submits the following:

Take notice that on December 18, 1981 Union Electric Company (UE) tendered for filing First Revised Schedules G and H to the Interchange Agreement dated September 22, 1971 between UE, Associated Electric Cooperative, Inc., Kansas Gas & Electric Company, and Public Service Company of Oklahoma.

Said agreements provide for revisions in reservation charges for Short-term Firm Power and System Participation Power under said Interchange Agreement.

UE requests an effective date of February 1, 1982 for the revised Schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-101 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-111-000]

United Gas Pipe Line Co.; Application

December 29, 1981.

Take notice that on December 10, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-111-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap to serve, through Entex, Inc. (Entex), the Foster-Goldsby Estate, a right-of-way grantor located in Lafayette Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a farm tap on its 10-inch Iowa-Franklin line in Lafayette Parish, Louisiana, in order to provide service to the Foster-Goldsby Estate. The proposed farm tap is estimated to cost $1,226 to be financed from funds on hand. It is stated that Entex would provide service to this right-of-way grantor from its existing allocation purchased from Applicant under Applicant's Rate Schedule DG-S.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1928, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority continued in and subject to jurisidiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

and the Commission's Rules and Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be uncessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-70 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5077-001]

Roberta B. Weil; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity.

December 29, 1981.

Take notice that on July 21, 1981, Roberta B. Weil (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*, for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5077) would be located on the Quinebaug River in the Town of Brooklyn, Windham County, Connecticut. Correspondence with the Applicant should be directed to: Ms. Roberta B. Weil, 2462 Arizona Avenue, Apartment #1, Santa Monica, California 90404.

Project Description—The proposed project would consist of: (1) An existing dam, 14 feet high and 250 feet long; (2) existing intake works comprising low level outlets and wooden slide gates with trashracks and a log boom to be added; (3) a small impoundment of negligible storage; (4) a new, 100-foot long steel penstock from the existing canal to the new powerhouse; (5) the new powerhouse, 30 by 70 feet, with one 2000-kV and possibly another 500-kW unit; (6) a new, 600-foot long tailrace; (7) a new transmission line one mile long; and (8) appurtenant facilities. The 8 million kWh of electrical energy generated would be sold to the Connecticut Light and Power Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Connecticut Fish and Waterlife Unit are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 8, 1982 either the competing license application that proposees to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-86 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5243-000]

Western Hydro Electric Inc.; Application for (Minor) License

December 29, 1981.

Take notice that Western Hydro Incorporated (Applicant) filed on August 18, 1981, an appplication for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Lost Creek Hydro Project No. 5243. The project would be located on Lost Creek, Weber River, in Morgan County, Utah. Correspondence with the Applicant should be directed to: Mr. J. Kirk Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) A new 36-inch diameter siphon penstock, approximately 750 feet long, leading to (2) a new powerhouse, near the right

dam abutment outlet works, containing two generating units having a rated capacity of 200 kW and 450 kW, respectively, for a total rated capacity of 650 kW; (3) a tailrace; (4) a new transmission line, approximately 600 feet long, connecting to an existing 46-kV transmission line; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,771,496 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 16, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or 'PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–86 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5605–000]

Woodbridge Irrigation District; Application for Preliminary Permit

December 30, 1981.

Take notice that Woodbridge Irrigation District (Applicant) filed on November 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5605 to be known as the Woodbridge Hydroelectric Project located on the Mokelumne River in San Joaquin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James C. Hanson, 921 Eleventh Street, Suite 400, Sacramento, California 95814.

Project Description—The proposed project would consist of: (1) The existing 25-foot high Woodbridge Diversion Dam and 475–acre Lodi Lake; (2) a powerhouse at the dam containing 2 to 4 generating units with a total rated capacity of 600 kW; (3) a switchyard adjacent to the powerhouse; and (4) a 560-foot long, 12–kV transmission line. The project would have an average annual energy output of 2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, conducting final field surveys, and preparing designs and a license application is estimated by the Applicant to be between $30,000 and $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 30, 1981, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documetns must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-80 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 565]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 30, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADDISON ENERGY INC		RECEIVED: 11/30/81 JA: TX					
R208499	F-78-042456	4204932319	102-4	BRANDT TRUMAN F #3	(WEENEDA)	37.0	ODESSA NATURAL CO
-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 11/30/81 JA: TX					
R208428	F-8A-03980*	4244530934	103	BEVERS 1-U	BROWNFIELD S (FUSSELMAN)	0.0	
-AMOCO PRODUCTION CO		RECEIVED: 11/30/81 JA: TX					
R208477	F-08-041857	4200332623	103	BLOCK 9 FUHRMAN MASCHO UNIT #132	FUHRMAN-MASCHO	11.3	PHILLIPS PETROLEU
R208447	F-10-040471	4239330799	103	LIPS RANCH A #12	LIPS-MISSISSIPPIAN	966.0	NATURAL GAS PIPEL
-ARCO OIL AND GAS COMPANY		RECEIVED: 11/30/81 JA: TX					
R208435	F-10-039992	4229530812	102-4	BECHTOLD #1	BECHTOLD (SQUAWBELLY)	73.0	PHILLIPS PETROLEU
R208524	F-08-042640	4237133397	103	CORDZ #1	PAYTON (YATES)	29.9	PERRY GAS PROCESS
R208530	F-08-042646	4237133389	103	CORTZ #2	PAYTON (YATES)	32.1	PERRY GAS PROCESS
R208529	F-08-042645	4237133441	103	CORTZ #3	PAYTON (YATES)	45.3	PERRY GAS PROCESS
R208528	F-08-042644	4237133436	103	CORTZ #4	PAYTON (YATES)	0.7	PERRY GAS PROCESS
R208527	F-08-042643	4237133460	103	CORTZ #5	PAYTON (YATES)	21.5	PERRY GAS PROCESS
R208526	F-08-042642	4237133459	103	CORTZ #6	PAYTON (YATES)	0.7	PERRY GAS PROCESS
R208531	F-7C-042652	4223531790	103	KETCHUM MOUNTAIN (CLFK) UNIT 54-4	KETCHUM MT (CLEARFORK)	14.4	J L DAVIS
R208444	F-10-040350	4217900000	108	WORLEY-REYNOLDS #6	PANHANDLE GRAY COUNTY	9.1	PHILLIPS PETROLEU
-CA-TEX PETROLEUM INC		RECEIVED: 11/30/81 JA: TX					
R208479	F-09-041935	4200935369	102-2	C K GARVEY H #2	ARCHER COUNTY REGULAR	0.0	MID STATES GAS CO
-CANYON CO		RECEIVED: 11/30/81 JA: TX					
R208537	F-7C-042669	4210533528	103	SUE HOOVER EST #2-2	AMERICAN (SPRABERRY R)	60.0	EL PASO NATURAL G
-CARTER EXPLORATION CO		RECEIVED: 11/30/81 JA: TX					
R208434	F-02-039959	4246900000	102-4	E J SPIEGELHAUER #1	VICTORIA NE (2400)	400.0	DELHI GAS PIPELIN
-CHAMPLIN EXPLORATION INC		RECEIVED: 11/30/81 JA: TX					
R208517	F-03-042617	4205131304	103	A M BARNETT #1 (RRC#14183)	GIDDINGS (AUSTIN CHALK-3	120.0	CLAJON GAS CO
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 11/30/81 JA: TX					
R208385	F-03-034547	4205100000	102-2	W F NOWAK #1	GIDDINGS	0.0	FERGUSON CROSSING
R208385	F-03-034547	4205100000	103	W F NOWAK #1	GIDDINGS	0.0	FERGUSON CROSSING
-CLAYTON W WILLIAMS JR		RECEIVED: 11/30/81 JA: TX					
R208419	F-03-038735	4205100000	102-2	BENTON-KAZMIR UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
R208445	F-03-040372	4205100000	102-2	BENTON-KAZMIR UNIT #2	GIDDINGS (AUSTIN CHALK 3	0.0	VALERO TRANSMISSI
R208437	F-03-040013	4205100000	102-2	JOHN POLANSKY #1	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
-CONOCO INC		RECEIVED: 11/30/81 JA: TX					
R208470	F-80-041721	4221531596	157-TF	A A MCALLEN #68	MCALLEN RANCH (VICKSBURG	200.0	VALERO INTERSTATE
R208509	F-78-042544	4243330919	103	I S MCMILLIN-A-#3 ID #15152	FRANKIRK (ELLENBURGER)	71.9	CITIES SERVICE CO
R208496	F-04-042421	4213100000	108	ROBERT DRISCOLL #383	CONOCO-DRISCOLL (COLE M)	2.5	TRANSCONTINENTAL
R208497	F-04-042422	4213100000	108	ROBERT DRISCOLL #385	CONOCO-DRISCOLL (DRISCOL	0.3	TRANSCONTINENTAL
-CPC EXPLORATION INC		RECEIVED: 11/30/81 JA: TX					
R208539	F-03-042689	4214730577	102-2	L PETERS UNIT LEASE #13580	GIDDINGS (BUDA)	100.0	PHILLIPS PETROLEU
-CRB OIL & GAS INC		RECEIVED: 11/30/81 JA: TX					
R208399	F-03-035525	4205131171	102-2	MALDONADO #1	GIDDINGS (AUSTIN CHALK)	45.0	CLAJON GAS CO

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8208387	F-03-034935	4214933925	102-2 HUENSTER UNIT #1			
-CROWN CENTRAL PETROLEUM CORP			RECEIVED: 11/30/81 JA: TX			
8208453	F-01-041079	4217730637	102-3 R J KLEIMANN #1			
-D L WHITAKER OIL CO			RECEIVED: 11/30/81 JA: TX			
8208476	F-7B-041846	4242932854	103 WESLEY #1			
-DELTA OIL & GAS CO			RECEIVED: 11/30/81 JA: TX			
8208511	F-09-042580	4250333851	103 DONNELL ESTATE A			
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 11/30/81 JA: TX			
*8208510	F-10-042550	4234100800	108 ROBERTSON D #1			
H208461	F-10-041475	4229530937	103 WALLACE HANKER B #2-598			
-DILLA PIPE & SUPPLY INC			RECEIVED: 11/30/81 JA: TX			
8208508	F-01-042549	4232531340	103 LOUISE POERNER #1 (073227)			
-DISCOVERY OPERATING INC			RECEIVED: 11/30/81 JA: TX			
*8208386	F-7C-034818	4241330935	103 HENDERSON #1			
-EL PASO EXPLORATION CO			RECEIVED: 11/30/81 JA: TX			
8208372	F-7C-016988	4210532338	102-4 ODESSA #4-2			
-ESENJAY PETROLEUM CORP			RECEIVED: 11/30/81 JA: TX			
8208454	F-02-041170	4217531481	102-4 VINCENT E HEARD #1			
8208454	F-02-041170	4217531481	103 VINCENT E HEARD #1			
-EXXON CORPORATION			RECEIVED: 11/30/81 JA: TX			
*8208487	F-38-042081	4200332782	103 FULLERTON CLEARFORK UNIT #1719			
H208457	F-04-041383	4242700000	108 KELSEY 19-BS UNIT #303 (05143)			
H208417	F-04-038253	4200730647	103 NINE MILE POINT CONSOL UNIT #11			
H208416	F-04-038252	4200730684	103 NINE MILE POINT CONSOL UNIT #13			
-FRAC INC			RECEIVED: 11/30/81 JA: TX			
8208538	F-08-042677	4200332750	103 THORNBERRY 7 #1 #26664			
-GLEN COVE OPERATING CO			RECEIVED: 11/30/81 JA: TX			
8208502	F-7B-042524	4208300000	103 A W GULLEY #1 (76419)			
8208503	F-7B-042525	4208330736	103 L P WHITTINGTON #1 (72860)			
-GREAT WEST OPERATING CO INC			RECEIVED: 11/30/81 JA: TX			
8208462	F-7B-041585	4213332783	102-4 SCHREINER #1			
-GULF OIL CORPORATION			RECEIVED: 11/30/81 JA: TX			
8208536	F-04-042664	4247932964	107-TF BRUNI MINERAL TRUST A #15			
8208525	F-04-042641	4247932645	107-TF BRUNI MINERAL TRUST A NO 14			
8208494	F-36-042410	4236531043	107-TF CARTHAGE UNIT 119 WELL NO 2			
8208506	F-08-042537	4247501226	108 ESTES E W #161			
8208514	F-08-042599	4247502490	108 HUTCHINGS STOCK ASSN #487			
8208516	F-08-04260?	4247502497	108 HUTCHINGS STOCK ASSN #494			
8208515	F-08-042600	4247511140	108 HUTCHINGS STOCK ASSN #758			
8208507	F-08-042538	4210931369	108 TXL-CX-/NCT-B/#9			
-GUY A SWARTZ			RECEIVED: 11/30/81 JA: TX			
8208460	F-7C-041465	4208130747	103 HARRIS EST #1			
-H V RISIEN			RECEIVED: 11/30/81 JA: TX			
8208481	F-04-042023	4224931236	103 HRANICKY #2			
-HARRISON INTERESTS LTD			RECEIVED: 11/30/81 JA: TX			
8208400	F-7C-035532	4210500000	103 JOE F BEAN C #4			
8208400	F-7C-035532	4210500000	107-TF JOE F BEAN C #4			
-HEXAGON OIL & GAS INC			RECEIVED: 11/30/81 JA: TX			
8208450	F-7B-040963	4214330679	102-4 PANHILL #1			
-HNG OIL COMPANY			RECEIVED: 11/30/81 JA: TX			
8208486	F-04-042052	4250531375	102-2 ANTONIO VELA #1			
8208486	F-04-042052	4250531375	103 ANTONIO VELA #1			
8208486	F-04-042052	4250531375	107-TF ANTONIO VELA #1			
				GIDDINGS (AUSTIN CHALK-3	80.0	PHILLIPS PETROLEU
				PEACH CREEK (AUSTIN CHAL	91.0	SOUTH CEN-TEX GAS
				STEPHENS COUNTY REGULAR	0.0	LONE STAR GAS
				YOUNG COUNTY REGULAR	0.0	LONE STAR GAS CO
				PANHANDLE WEST	3.0	NORTHERN NATURAL
				NORTHRUP	600.0	
				FAIRFIELD	25.5	VALERO TRANSMISSI
				DISCOVERY (CANYON)	54.0	CRA INC
				INGHAM QUEEN	24.0	EL PASO NATURAL G
				SARCO CREEK W (4850)	300.0	TRUNKLINE GAS CO
				SARCO CREEK W (4850)	300.0	TRUNKLINE GAS CO
				FULLERTON	15.0	PHILLIPS PETROLEU
				KELSEY SOUTH (ZONE 19-B/	1.2	TRUNKLINE GAS CO
				NINE MILE POINT	395.0	NATURAL GAS PIPEL
				NINE MILE POINT	365.0	NATURAL GAS PIPEL
				FUHRMAN-MASCHO	9.5	PHILLIPS PETROLEU
				GULLEY (SERRATT)	115.0	UNION TEXAS PETRO
				GLEN COVE EAST (JENNINGS	330.0	UNION TEXAS PETRO
				SHOAF MERGNER	100.0	ODESSA NATURAL GA
				JUANITA (LOBO)	365.0	TENNESSEE GAS PIP
				JUANITA (LOBO)	1825.0	TENNESSEE GAS PIP
				CARTHAGE (COTTON VALLEY)	150.0	UNITED GAS PIPE L
				WARD-ESTES NORTH	1.0	CABOT CORP
				WARD-ESTES NORTH	1.0	CABOT CORP
				WARD-ESTES NORTH	1.0	CABOT CORP
				WARD-ESTES NORTH	1.0	CABOT CORP
				GERALDINE (FORD)	1.0	CONTINENTAL OIL &
				LYDAY	40.0	SUN OIL CO
				WADE CITY (2800' 3RD MET	128.0	VALERO TRANSMISSI
				PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
				PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
				X-RAY S (MARBLE FALLS LO	110.0	VALERO TRANSMISSI
				ROLETA (8150)	376.0	HOUSTON PIPE LINE
				ROLETA (8150)	376.0	HOUSTON PIPE LINE
				ROLETA (8150)	376.0	HOUSTON PIPE LINE

VOLUME 565 PAGE 003

JD NO	JD EXT	API NO	D SEC CAT WELL NAME
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 11/30/81 JA: TX
8208471	F-7C-041725	4205130655	102-4, HOBLIT-JACOBS #6
-INDEPENDENT EXPLORATION CO			RECEIVED: 11/30/81 JA: TX
8208458	F-8A-041397	4210130278	102-4 SHOTTS #1 94839
-INDIAN WELLS OIL CO			RECEIVED: 11/30/81 JA: TX
8208522	F-7C-042632	4223531706	103 PHILLIPS #4-5
-J B PRODUCTION CO			RECEIVED: 11/30/81 JA: TX
8208410	F-7C-037888	4239931663	103 ROBERTS #1
-J CLEO THOMPSON & JAMES CLEO THOMPS			RECEIVED: 11/30/81 JA: TX
8208463	F-7C-041651	4210533444	102-4 UNIVERSITY 29-31U #2
8208464	F7C041652	4210533441	102-4 UNIVERSITY 29-33E #2
-JENNINGS EXPLORATION CO			RECEIVED: 11/30/81 JA: TX
8208448	F-01-045752	4250700000	102-4 H&F PROPERTIES C #2 93414
-KA-HUGH INTERNATIONAL INC			RECEIVED: 11/30/81 JA: TX
8208436	F-02-039994	4223900000	103 LIONEL PASTOR #1
-KEITH D GRAHAM			RECEIVED: 11/30/81 JA: TX
8208408	F-03-036854	4205131201	102-2 HOUSTON #1
8208407	F-03-036853	4205131350	102-2 STEELY UNIT #1
-KILROY CO OF TEXAS			RECEIVED: 11/30/81 JA: TX
8208451	F-03-040982	4220131106	102-4 BUSHNELL M L UNIT #1
-L M YOUNG			RECEIVED: 11/30/81 JA: TX
8208504	F-7B-042538	4204900009	102-4 W R CHAMBERS #E-1
-LA ACEITE ENERGY INC			RECEIVED: 11/30/81 JA: TX
8208473	F-7B-041733	4205933146	102-4 DR DONALD W WARREN #3
-LA SALLE ENERGY CORP			RECEIVED: 11/30/81 JA: TX
8208415	F-01-038135	4217700000	102-2 GONZALES #1
-M J BRANNON			RECEIVED: 11/30/81 JA: TX
8208520	F-7B-042624	4208332226	102-4 SAM HUNTER 90383
-MARTIN OIL & GAS CO			RECEIVED: 11/30/81 JA: TX
8208411	F-03-037344	4205130840	102-2 THOMPSON-SEBESTA UNIT #1
-MAVERICK PETROLEUM INC			RECEIVED: 11/30/81 JA: TX
8208381	F-01-038049	4232330000	103 HOFFMAN #1
-MCMORAN PRODUCTION CO			RECEIVED: 11/30/81 JA: TX
8208421	F-04-039230	4270030041	102-4 STATE TRACT 1064-L #A-6AU
8208420	F-04-039229	4270030034	102-4 STATE TRACT 1064-L 6-3 U
8208429	F-04-039935	4270030028	102-4 STATE TRACT 1064-L N/2 #A-3
8208430	F-04-039936	4270030036	102-4 STATE TRACT 1064-L N/2 #A-5
8208432	F-04-039938	4270030033	102-4 STATE TRACT 1064-L N/2 #A-7L
8208431	F-04-039937	4270030035	102-4 STATE TRACT 1064-L N/2 #A-7U
8208433	F-04-039939	4270030032	102-4 STATE TRACT 1064-L N/2 #A-8L
8208422	F-04-039231	4270030027	102-4 STATE TRACT 1064-L SW/4 #8-2U
-MECCA ENERGY INC			RECEIVED: 11/30/81 JA: TX
8208488	F-7B-042134	4242932889	103 CURRY UNIT #1
-MHM OIL CO INC			RECEIVED: 11/30/81 JA: TX
8208409	F-7B-042117	4213533222	102-4 FALLEY #1
-MIDWAY OIL CORP			RECEIVED: 11/30/81 JA: TX
8208480	F-03-042013	4205131619	102-4 HIGGASON MCGHEE #1
-MITCHELL ENERGY CORPORATION			RECEIVED: 11/30/81 JA: TX
8208483	F-09-042030	4250334883	102-4 C A MCMURTRY #1 20138
8208482	F-09-042029	4250334038	102-4 C A MCMURTRY #3-T 20967
8208484	F-09-042031	4250334039	102-4 C A MCMURTRY #3C 20991
8208485	F-09-042032	4250334304	102-4 C A MCMURTRY #4 20138
8208373	F-09-017950	4249700000	108 D J WILSON 42 20853

FIELD NAME	PROD	PURCHASER
ALLEN HILL (STRAWN)	36.5	
INDEPENDENT BEND CONGLOM	396.0	PALO DURO PIPELIN
IRION W (CANYON)	11.0	NORTHERN NATURAL
URBAN (MILES)	0.0	ODESSA NATURAL CO
UNIVERSITY 29 (STRAWN DE	240.0	
UNIVERSITY 29 (STRAWN DE	250.0	
ALLIGATOR SLOUGH (BRACER	128.0	VALERO TRANSMISSI
LAWARD NORTH (5700-B-)	100.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHALK A	1046.8	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK -	270.8	FALCON GAS CO
FAIRBANKS S (GOODYKOONTZ	819.0	UNITED TEXAS TRAN
DALE (CADDO)	50.0	ODESSA NATURAL CO
HAPPY JACK (LAKE)	120.0	LONE STAR GAS CO
CHRISTIAN (6800*)	0.0	TIPPERARY GATHERI
BURKETT S (DUFFER)	31.0	SOUTHWESTERN GAS
CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
WILDCAT-SPILLMAN (1300*	36.0	VALERO TRANSMISSI
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	1095.0	VALLEY PIPE LINE
BLOCK 1064-L	1825.0	VALLEY PIPE LINE
BLOCK 1064-L	912.0	VALLEY PIPE LINE
STEPHENS COUNTY REGULAR	4.0	WARREN PETROLEUM
SHOAF-MERGNER (MISS)	90.0	ODESSA NATURAL CO
CALDWELL (AUSTIN CHALK)	108.0	CLAJON GAS CO
JERMYN WEST (CADDO)	310.0	SOUTHWESTERN GAS
JERMYN WEST (MARBLE FALL	60.0	SOUTHWESTERN GAS
JERMYN WEST (LOWER CADDO	220.0	SOUTHWESTERN GAS
JERMYN WEST (CADDO)	65.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGL)	15.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	C SEC CA	ELL NAME
8208414	F-03-037743	4228700000	103	WENKE #1
-MOBIL PROD TEXAS & NEW MEXICO INC				
8208449	F-04-040797	4235531779		RECEIVED: 11/30/81 JA: TX
-MONTERREY PETROLEUM CORP			102-4	O L CARDWELL UNIT #1
8208498	F-03-042453	4247330340		RECEIVED: 11/30/81 JA: TX
-MORMAC ENERGY CORP			102-4	HARPER WOOD #1
8208495	F-02-042412	4229732634		RECEIVED: 11/30/81 JA: TX
8208484	F-01-036457	4228330743	102-4	L A REAGAN #1
-NATURAL GAS ANADARKO INC			103	SOUTH TEXAS SYNDICATE A #7-42
8208384	F-10-034249	4235700000		RECEIVED: 11/30/81 JA: TX
-NORTH CENTRAL OIL CORPORATION			102-4	DICKENSON #1-307T
8208398	F-09-035293	4249700000		RECEIVED: 11/30/81 JA: TX
-PEGGY ANN INC			102-4	C W POUNDS UNIT #2-C
8208472	F-78-041730	4209330881		RECEIVED: 11/30/81 JA: TX
8208467	F-78-041681	4209330882	102-4	EDDIE LINDLEY #3
8208468	F-78-041682	4209330869	102-4	EDDIE LINDLEY #4
-PENNZOIL PRODUCING COMPANY			102-4	EDDIE LINDLEY #5
8208442	F-04-040268	4247932985		RECEIVED: 11/30/81 JA: TX
-PETRO-LEWIS CORPORATION			102-4	BNT-ALICE B HALL GU NO 38-1
8208377	F-06-029737	4240100000		RECEIVED: 11/30/81 JA: TX
8208377	F-06-029737	4240100000	103	JOE PEARSON #1
-PEYTON MCKNIGHT JR			107-TF	JOE PEARSON #1
8208418	F-06-038511	4240100000		RECEIVED: 11/30/81 JA: TX
8208418	F-06-038511	4240100000	103	J L BURTON EST #3
-PHILLIPS PETROLEUM COMPANY			107-TF	J L BURTON EST #3
8208397	F-10-035103	4217900000		RECEIVED: 11/30/81 JA: TX
8208391	F-10-035055	4217900000	108	JOHNSON AA #1
8208392	F-10-035056	4217900000	108	JOHNSON AA #10
8208393	F-10-035057	4217900000	108	JOHNSON AA #11
8208394	F-10-035060	4217900000	108	JOHNSON AA #13
8208396	F-10-035102	4217900000	108	JOHNSON AA #15
8208395	F-10-035101	4217900000	108	JOHNSON AA #2
8208390	F-10-035053	4217900000	108	JOHNSON AA #4
8208389	F-10-035052	4217900000	108	JOHNSON AA #6
8208388	F-10-035051	4217900000	108	JOHNSON AA #8
8208466	F-08-041676	4249503466	108	JOHNSON AA #9
-R L BURNS CORP			108	MCCABE #29U (21555)
8208492	F-01-042290	4217730809		RECEIVED: 11/30/81 JA: TX
-R M HILL			103	J VLASAK #1
8208401	F-09-035757	4250334416		RECEIVED: 11/30/81 JA: TX
-RALPH L WAY INC			103	DENNY HEIRS #1
8208542	F-7C-042718	4238332045		RECEIVED: 11/30/81 JA: TX
-RANGER PETROLEUM			103	UNIVERSITY 1C #3
8208513	F-10-042593	4206330882		RECEIVED: 11/30/81 JA: TX
8208512	F-10-042592	4206330881	103	BURNETT #1087
-RAY HERRING			103	BURNETT #2087
8208541	F-75-042696	4236332472		RECEIVED: 11/30/81 JA: TX
8208540	F-78-042695	4236303232	102-4	WILLINGHAM #7
-ROCKWOOD RESOURCES INC			102-4	WILLINGHAM A-1
8208409	F-03-037015	4248132091		RECEIVED: 11/30/81 JA: TX
-RODMAN PETROLEUM CORP			103	COLLINS #1
8208535	F-78-042665	4213313010		RECEIVED: 11/30/81 JA: TX
-SEARCH DRILLING CO			103	TALLEY #1
				RECEIVED: 11/30/81 JA: TX

F	FIELD NAME	PROD	PURCHASER
	GIDDINGS (AUSTIN CHALK)	0.0	
	WILDCAT	137.8	
	CHAPMAN (WILCOX 9890)	27.3	PRODUCER'S GAS CO
	OAKVILLE (WILCOX 7930)	365.0	TRANSCONTINENTAL
	WASHBURN EAST (4600)	110.0	L F & G GAS GATHE
	PARNELL (MORROW UPPER 90	270.0	TRANSWESTERN PIPE
	WILDCAT (PROPOSED: BOONE	365.0	NATURAL GAS PIPEL
	DELEON N (STRAWN)	90.0	SOUTHWESTERN GAS
	DE LEON N (STRAWN)	140.0	SOUTHWESTERN GAS
	DE LEON N (STRAWN)	140.0	SOUTHWESTERN GAS
	AVIATORS N (12000')	913.0	
	OAK HILL (COTTON VALLEY)	386.9	HYDROCARBON TRANS
	OAK HILL (COTTON VALLEY)	386.9	HYDROCARBON TRANS
	OAK HILL (COTTON VALLEY)	360.0	LONE STAR GAS CO
	OAK HILL (COTTON VALLEY)	360.0	LONE STAR GAS CO
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	PANHANDLE GRAY	0.0	
	EMPEROR (DEVONIAN)	16.7	EL PASO NATURAL G
	CHRISTIAN (6800)	8.0	VALERO TRANSMISSI
	EDMONDS E MARBLE FALLS C	36.0	LONE STAR GAS CO
	FARMER (SAN ANDRES)	19.4	NORTHERN NATURAL
	PANHANDLE - CARSON COUNT	0.0	PANHANDLE EASTERN
	PANHANDLE - CARSON COUNT	0.0	PANHANDLE EASTERN
	RYAN (CONGL 4365)	80.0	SOUTHWESTERN GAS
	RYAN	25.0	SOUTHWESTERN GAS
	BRESHHAN (4400)	0.0	
	EASTLAND COUNTY REGULAR	12.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC CAT	WELL NAME
8208523	F-10-042636	4229531023	103	DANIELS #2-554
			RECEIVED: 11/30/81 JA: TX	
-SENTINEL PETROLEUM CORP				
8208379	F-78-029797	4213331905	102-4	AUTRY M - 16066
8208402	F 78-035850	4213332541	102-4	AUTRY K
8208380	F-78-029882	4213300000	102-4	J V MCCRACKER 16174
			RECEIVED: 11/30/81 JA: TX	
-SNOW OIL CO				
8208465	F-78-041667	4213332763	103	KIMBRELL #1 (16776)
			RECEIVED: 11/30/81 JA: TX	
-SOUTHLAND ROYALTY CO				
8208532	F-08-042657	4249500000	103	SUN JENKINS B #10
8208534	F-08-042659	4249500000	103	SUN JENKINS B #8
8208533	F-08-042658	4249500000	103	SUN JENKINS B #9
8208455	F-03-041272	4218530233	102-3	T H TUCKER #1
			RECEIVED: 11/30/81 JA: TX	
-SUN OIL COMPANY (DELAWARE)				
8208374	F-04-029288	4224730896	102-4	A C JONES #72-UT
8208491	F-03-042208	4248132158	103	DUSON-KRUEGER #1
8208475	F-04-041843	4242700000	108	GEORGE M SPEER #7
			RECEIVED: 11/30/81 JA: TX	
-SUNBELT OIL & GAS INC				
8208441	F-78-040157	4213300000	103	GRIFFIN #3
			RECEIVED: 11/30/81 JA: TX	
-SUNDANCE OIL CO				
8208426	F-05-039578	4216100000	102-4	FULTON #1
8208426	F-05-039578	4216100000	107-TF	FULTON #1
			RECEIVED: 11/30/81 JA: TX	
-SUPERIOR OIL CO				
8208403	F-03-036399	4205131377	103	F MATCEK #1
			RECEIVED: 11/30/81 JA: TX	
-TAUBERT & STEED				
8208443	F-06-040330	4249930693	102-4	VICKERY-LINDLEY UNIT #1
8208443	F-06-040330	4249930693	107-TF	VICKERY-LINDLEY UNIT #1
			RECEIVED: 11/30/81 JA: TX	
-TENROC CORP				
8208413	F-03-037635	4205130956	102-2	KUHN #1
			RECEIVED: 11/30/81 JA: TX	
-TEXAS INTERNATIONAL PET CORP				
8208456	F-09-041285	4233531893	103	BESSIE WALKER #2
			RECEIVED: 11/30/81 JA: TX	
-TEXAS OIL & GAS CORP				
8208375	F-06-027026	4240130992	103	CUNNINGHAM A #2
8208375	F-06-027026	4240130992	107-TF	CUNNINGHAM A #2
8208452	F-06-040997	4240131176	103	FRYMAN #1
8208378	F-05-029784	4229330512	102-4	MORTON #1
8208378	F-05-029784	4229330512	103	MORTON #1
8208378	F-05-029784	4229330512	107-TF	MORTON #1
			RECEIVED: 11/30/81 JA: TX	
-THE MAURICE L BROWN COMPANY				
8208371	F-06-015537	4220300000	108	SNEED GAS UNIT #2
			RECEIVED: 11/30/81 JA: TX	
-TOMLINSON INTERESTS INC				
8208425	F-06-039416	4240130839	107-TF	R T BALLINGER #1-89312
8208424	F-06-039415	4240130823	107-TF	T P CANNON #1-87081
			RECEIVED: 11/30/81 JA: TX	
-TUMBLEWEED PRODUCTION CO				
8208439	F-10-040021	4206500000	103	BURNETT 10-41
8208438	F-10-040020	4206500000	103	BURNETT 7-41
8208440	F-10-040022	4206500000	103	BURNETT 9-41
			RECEIVED: 11/30/81 JA: TX	
-U S MINERAL OPERATING CO INC				
8208478	F-04-041865	4213135266	102-4	LEAL #1
			RECEIVED: 11/30/81 JA: TX	
-U S OPERATING INC				
8208423	F-03-039305	4205131417	102-2	KELLEY UNIT 1 RRC
8208446	F-03-040470	4247730391	102-2	PENNY #1
			RECEIVED: 11/30/81 JA: TX	
-UNION OIL COMPANY OF CALIF				
*8208469	F-08-041717	4208332643	103	DOLLARHIDE UNIT #1-9-C

BILLING CODE 6717-01-C

VOLUME 565 PAGE 005

FIELD NAME	PROD	PURCHASER
BRADFORD (TONKAWA)	18.0	PHILLIPS PETROLEU
MANGUM WEST (3100)	36.5	ODESSA NATURAL CO
MANGUM WEST 3100	0.0	ODESSA NATURAL CO
MANGUM WEST (3100)	25.6	ODESSA NATURAL CO
LAKE LEON (DUFFER)	40.0	LONE STAR GAS CO
KEYSTONE	10.0	TRANSWESTERN PIPE
KEYSTONE	10.0	TRANSWESTERN PIPE
KEYSTONE	16.0	TRANSWESTERN PIPE
CARLTON SPEED (WILCOX 11	592.0	LONE STAR GAS CO
JONES	973.0	TRANSCONTINENTAL
SANDY (YEQUA)	63.0	TEXAS EASTERN TRA
SUN (F-2-A)	0.0	TRANSCONTINENTAL
EASTLAND COUNTY REGULAR	0.0	LONE STAR GAS CO
FARRAR N (COTTON VALLEY	0.0	DELHI GAS PIPELIN
FARRAR N (COTTON VALLEY	0.0	DELHI GAS PIPELIN
GIDDINGS (AUSTIN CHALK)	0.0	
NEUHOFF (COTTON VALLEY S	284.0	UNITED GAS PIPELI
NEUHOFF (COTTON VALLEY S	284.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHALK G	525.0	PHILLIPS PETROLEU
NORTH JAMESON (STRAWN)	0.0	SUN GAS CO
OAK HILL (COTTON VALLEY)	500.0	
OAK HILL (COTTON VALLEY)	500.0	
PONE (PETTIT OIL)	0.0	
OAKS (COTTON VALLEY LIME	100.0	
OAKS (COTTON VALLEY LIME	100.0	
OAKS (COTTON VALLEY LIME	100.0	
BETHANY	10.0	UNITED GAS PIPE L
HENDERSON S E (COTTON VA	182.5	DELHI GAS PIPELIN
HENDERSON E (COTTON VALL	182.5	DELHI GAS PIPELIN
PANHANDLE	63.9	PANHANDLE EASTERN
PANHANDLE	71.3	PANHANDLE EASTERN
PANHANDLE	74.8	PANHANDLE EASTERN
SO INDEPENDENCE 3180'	180.0	VALLEY GAS TRANSM
GIDDINGS (AUSTIN CHALK)	155.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK-3	0.0	PGP GAS PRODUCTS
DOLLARHIDE (CLEARFORK)	25.0	DOLLARHIDE GASOLI

VOLUME 565 PAGE 006

JD NO	JA DKT	API NO	P SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8208493	F-08-042297	4208332635	103	DOLLARHIDE UNIT #16-14-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLI
*8208490	F-08-042157	4208332658	103	DOLLARHIDE UNIT #19-10-C	DOLLARHIDE (CLEARFORK)	0.0	DOLLARHIDE GASOLI
-VANGUARD EXPLORATION CO INC			RECEIVED: 11/30/81 JA: TX				
8208459	F-09-041421	4223733397	102-4	POWERS #1 RRC OIL LEASE #21204	MAXVILL-23-(MARBLE WELLS	100.0	SOUTHWESTERN GAS
-VORTT EXPLORATION CO INC			RECEIVED: 11/30/81 JA: TX				
8208405	F-78-036843	4236332613	102-4	D BAUM UNIT III #1	MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
8208406	F-78-036844	4236332682	102-4	D E EATON UNIT I #1	MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
8208382	F-78-030235	4236332481	102-4	W T DUNAWAY UNIT II #1 (91321)	MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 11/30/81 JA: TX				
8208474	F-08-041738	4210332579	103	W N WADDELL #1185	SAND HILLS (JUDKINS)	216.0	EL PASO NATURAL G
8208500	F-08-042495	4210332590	103	W N WADDELL ET AL 1201	SAND HILLS (TUBB)	47.0	EL PASO NATURAL G
8208501	F-08-042497	4210332588	103	W N WADDELL 1203	SAND HILLS (TUBB)	23.6	EL PASO NATURAL G
-WESSELY ENERGY CORPORATION			RECEIVED: 11/30/81 JA: TX				
8208412	F-05-037606	4229330545	103	CROW #1	TEAGUE TOWNSITE (COTTON	360.0	UNITED TEXAS TRAN
8208412	F-05-037606	4229330545	107-TF	CROW #1	TEAGUE TOWNSITE (COTTON	360.0	UNITED TEXAS TRAN
-WESTLAND OIL DEVELOPMENT CORP			RECEIVED: 11/30/81 JA: TX				
8208521	F-84-042628	4203330672	102-4	SHAFER #1	GRAVEL PIT (STRAWN)	0.0	SUN GAS CO
-WILDS INC			RECEIVED: 11/30/81 JA: TX				
8208505	F-[illegible]-042535	4202331377	108	B M COX #16 (I D #11608)	LOU ELLA (4400)	13.0	NUE-WELLS PIPE LI
-WINDSOR GAS CORP			RECEIVED: 11/30/81 JA: TX				
8208376	F-7C-027526	4243332280	108	WILSON 21-1X	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSM
-WINDSOR PRODUCING CO			RECEIVED: 11/30/81 JA: TX				
8208427	F-03-039589	4228730957	102-2	JENSEN #5	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8208427	F-03-039589	4228730957	103	JENSEN #5	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
-WM GRUENEWALD & ASSOC INC			RECEIVED: 11/30/81 JA: TX				
8208518	F-10-042622	4234130681	103	MASTERSON H #18R 03947	PANHANDLE (RED CAVE)	43.8	COLORADO INTERSTA
8208519	F-10-042623	4234130683	103	MASTERSON H#19R 03947	PANHANDLE (RED CAVE)	18.6	COLORADO INTERSTA
-ZOHERGY INC			RECEIVED: 11/30/81 JA: TX				
8208383	F-83-033949	4228700000	102-2	MARSHALL WESTBROOK UNIT #1	GIDDINGS	0.0	PGP GAS CO

OTHER PURCHASERS

8208386	LONE STAR GAS CO
8208469	EL PASO NATURAL GAS CO
8208487	AMOCO PROD CO
8208490	EL PASO NATURAL GAS CO
8208493	EL PASO NATURAL GAS CO
8208510	PANHANDLE EASTERN P L CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 20, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-149 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 566]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 30, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
********** CALIFORNIA DEPARTMENT OF CONSERVATION **********							
-TEXACO INC			RECEIVED: 11/30/81 JA: CA				
R208602	81-6-0001	0409520425	102-4	DIXON EAST UNIT 1 #3	MILLAR	85.0	PACIFIC GAS & ELE
R208601	80-6-0034	0409520416	102-4	DIXON EAST UNIT 1 #4	MILLAR GAS	182.0	PACIFIC GAS & ELE
********** MONTANA BOARD OF OIL & GAS CONSERVATION **********							
-SHELL OIL CO			RECEIVED: 11/30/81 JA: MT				
R208606	3-81-29	2508321386	102-4	BN 14-29	MONDAK WEST	2.0	MONTANA DAKOTA UT
R208605	2-81-16	2508321413	102-4	JACKSON 43-35	MONDAK WEST	50.0	MONTANA DAKOTA UT
R208603	2-81-25	2508321393	102-4	LASSEY 23-14	MONDAK WEST	20.0	MONTANA DAKOTA UT
R208607	2-81-17	2508321387	102-4	PETERSON 13-22	MONDAK WEST	15.0	MONTANA DAKOTA UT
R208604	3-81-28	2508321404	102-4	SCHEETZ 42-30	MONDAK WEST	2.0	MONTANA DAKOTA UT
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********							
-ADOBE OIL & GAS CORPORATION			RECEIVED: 12/03/81 JA: PA				
R208609	9815	3712921236	103	CHARLES ROBERT & IDA BARR #2-A	MT PLEASANT	24.0	INDUSTRIAL ENERGY
R208610	9817	3705120191	108	JOHN & KATHRYN MCGILL #1	NEW SALEM	5.0	COLUMBIA GAS TRAN
R208612	9819	3706324516	108	JOHN AULD #1	CLYMER	5.0	COLUMBIA GAS TRAN
R208611	9818	3706324656	108	JOHN AULD #3	CLYMER	5.0	COLUMBIA GAS TRAN
R208608	8623	3706522170	103	WILLIAM BENSON #1-B	PUNXSY	21.0	
-AMOCO PRODUCTION CO			RECEIVED: 12/03/81 JA: PA				
R208613	9925	3711120114	102-4	MATTHEW B LUCE GAS UNIT /A/ #1	EAST KIMMEL	44.0	TEXAS EASTERN TRA
-ARROWHEAD GAS PRODUCERS INC			RECEIVED: 12/03/81 JA: PA				
R208614	9587	3712329154	107-TF	SAUNDERS #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
-BOYD & SHRIVER			RECEIVED: 12/03/81 JA: PA				
R208617	9915	3706324086	103	ALTMAN & HUEY #482	GRANT	0.0	T W PHILLIPS GAS
R208618	9916	3706324532 D	103	BARLETTA #495	N MAHONING	0.0	T W PHILLIPS GAS
R208616	9914	3706325504	103	MOTTORN #523	N MAHONING	0.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP			RECEIVED: 12/03/81 JA: PA				
R208645	9647	3703921148	107-TF	ALLAN HART #3	FAIRFIELD	50.0	TENNESSEE GAS PIP
R208619	9630	3708520267	102-2	ANDREW STALLSMITH #1	DEER CREEK	50.0	TENNESSEE GAS PIP
R208649	9631	3708520267	107-TF	ANDREW STALLSMITH #1	DEER CREEK	50.0	TENNESSEE GAS PIP
R208641	9633	3703921219	107-TF	CARMAN VAZZANA #1	UNION	50.0	TENNESSEE GAS PIP
R208646	9649	3703921203	107-TF	CAROL KENNEDY #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
R208625	9230	3703921150	107-TF	CHARLES MORRELL #1	WAYNE	50.0	TENNESSEE GAS PIP
R208631	9345	3703921199	107-TF	CLYDE COLDREN #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
R208624	8603	3703920690	107-TF	DAVID DUNN #3	FAIRFIELD	50.0	TENNESSEE GAS PIP
R208621	9968	3703921371	102-2	DELILAH BELL #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
R208632	9349	3708520251	107-TF	EDWARD GREER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
R208642	9625	3703921217	107-TF	ELI TROYER #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208644	9609	3703921259	107-TF	F & H BITENC #7	GREENWOOD	50.0	TENNESSEE GAS PIP
8208643	9607	3703921196	107-TF	FRANCES SIGSBEE #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208638	9595	3703920872	107-TF	FRANK NADER #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8208620	9949	3703920837	102-2	GERTRUDE PATTERSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208622	9973	3703921282	102-2	JAMES BARR #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208639	9599	3703921332	107-TF	JENNIE GRINNELL #1	UNION	50.0	TENNESSEE GAS PIP
8208637	9593	3703921289	107-TF	JENNIE GRINNELL #2	UNION	50.0	TENNESSEE GAS PIP
8208633	9351	3703921166	107-TF	JOHN SCHNEIDER #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8208627	9263	3703921214	107-TF	LILLIAN REESE #1	WAYNE	50.0	TENNESSEE GAS PIP
8208629	9341	3703921169	107-TF	PAUL KAHLER #1	UNION	50.0	TENNESSEE GAS PIP
8208628	9284	3703921260	107-TF	RICHARD BAKER #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8208636	9501	3708520263	107-TF	THEODORE GATES #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8208634	9358	3703920740	107-TF	VANCE RUNG #1	UNION	50.0	TENNESSEE GAS PIP
8208635	9499	3708520240	107-TF	VICTOR BABYAK #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8208623	9975	3703921271	102-2	WAGNERCREST FARMS #2	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8208630	9343	3703920916	107-TF	WALTER HOOK #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8208626	9281	3703921198	107-TF	WINSTON JEWELL #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO			RECEIVED: 12/03/81 JA: PA				
8208647	8367	3703920523	107-TF	ED ERTMAN #80-22 PA PER CRA-20823	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208649	9822	3703900000	107-TF	EDWARD KOCSIS #79-11 PA PER CRA-20*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208651	9824	3703920640	107-TF	ELIZABETH KING #79-12 PA PER CRA-2*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208652	9825	3703920944	107-TF	THOMAS ODONNELL #80-45 PA PER CRA-*	CONNEAUT	0.0	NATIONAL FUEL GAS
8208650	9823	3703920625	107-TF	W F WHEELER #79-13 PA PER CRA-20625	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208648	8368	3703920626	107-TF	WILBUR F WHEELER #80-17 PA PER CRA*	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CENTER BAR GAS CO			RECEIVED: 12/03/81 JA: PA				
8208657	9830	3703920643	107-TF	EARL HAMILTON #79-10 PA PER CRA-20*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208653	9826	3703900000	107-TF	J GREENE #79-8 PA PER CRA-20654	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208655	9828	3703920645	107-TF	SERBIAN ORTHODOX #79-3 PA PER CRA-*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208654	9827	3703900000	107-TF	SERBIAN ORTHODOX #79-4 PA PER CRA-*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8208656	9829	3703920646	107-TF	SERBIAN ORTHODOX #79-5 PA PER CRA-*	CONNEAUT	0.0	COLUMBIA GAS TRAN
-COMPASS DEVELOPMENT INC			RECEIVED: 12/03/81 JA: PA				
8208658	8325	3705323044	103	MIKOIL DEEP 1	FIELY	0.0	
8208659	8327	3705323227	103	WARRANT 5110 (UGI)	WARRANT 5110 JENKS	0.0	
-CUMBERLAND OIL CORP			RECEIVED: 12/03/81 JA: PA				
8208661	9756	3712329663	107-TF	J RUPCZYK #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8208660	9759	3712329661	102-2	MIDWEST CAMPERS #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8208662	9758	3712329661	107-TF	MIDWEST CAMPERS #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L			RECEIVED: 12/03/81 JA: PA				
8208663	9699	3712921343	103	T J SIDLOVSKY B809-1	HUNTINGTON	20.2	TEXAS EASTERN TRA
-ENVIROGAS INC			RECEIVED: 12/03/81 JA: PA				
8208664	9372	3708921415	107-TF	D ROTH #2	CORRY	18.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC			RECEIVED: 12/03/81 JA: PA				
8208667	9094	3706326029	102-4	ALVIN E HENRY 1-A	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208665	9083	3706325935	102-4	EARL FULMER #2	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208666	9086	3706325876	102-4	FLORENCE O'HARRAH #5	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208672	9105	3706324849	102-4	HARRY GARDNER #2	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208670	9099	3706325672	102-4	HARRY GARDNER #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208668	9095	3706325810	102-4	JACK HAZELET #4	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208671	9108	3706325066	102-4	JAMES E HEVNER #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208673	9138	3706324848	102-4	JAMES MCANUZIY #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208669	9097	3706325727	102-4	WILLIAM LEWIS #3	MONTGOMERY	25.5	COLUMBIA GAS TRAN
8208674	9107	3706324672	102-4	W4 LEWIS #1	MONTGOMERY	25.5	COLUMBIA GAS TRAN
-GOE PRO INC			RECEIVED: 12/03/81 JA: PA				

JD NO	JR PRT	PI NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
R208682	9627	3704921466	107-TF	A M GRAVES #1	ALBION WEST	0.0	NATIONAL FUEL GAS
R208677	9548	3704721400	107-TF	FRANK SISAK (SMC)	ALBION WEST	0.0	NATIONAL FUEL GAS
R208675	9544	3704921398	107-TF	J & H HARRINGTON #1	ALBION WEST	0.0	NATIONAL FUEL GAS
R208676	9546	3704921399	107-TF	J RAUSCH SR #1	ALBION WEST	0.0	NATIONAL FUEL GAS
R208680	9623	3704921468	107-TF	JACK WILSON	ALBION WEST	0.0	NATIONAL FUEL GAS
R208679	9621	3704921467	107-TF	JOHN RAUSCH JR #1	ALBION WEST	0.0	NATIONAL FUEL GAS
R208681	9625	3704921442	107-TF	PHYLIS SIMPSON	ALBION WEST	0.0	NATIONAL FUEL GAS
R208678	9550	3704721441	107-TF	RON SIMPSON	ALBION WEST	0.0	NATIONAL FUEL GAS
-HELEN E SOWERS			RECEIVED: 12/03/81 JA: PA				
R208615	9520	3700522633	107-TF	BLOSE GAS WELL #2 27873	COWANSHANNOCK	36.5	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 12/03/81 JA: PA				
R208685	7067	3708521499	108	ALTMIRE HEIRS #2 (158A)	PLUMCREEK	4.4	PEOPLES NATURAL G
R208683	7065	3708521500	108	ALTMIRE HEIRS #3 (158A)	PLUMCREEK	4.4	PEOPLES NATURAL G
R208688	7210	3706322104	108	BERYL C LYDIC #2	SOUTH MAHONING	3.9	T W PHILLIPS GAS
R208684	7066	3708521530	108	CHARLES DUFF #1	COWANSHANNOCK	4.7	PEOPLES NATURAL G
R208702	7241	3706321991	108	D E MAUK (MOCK) #2	CANOE	15.3	T W PHILLIPS GAS
R208703	7242	3706321992	108	D E MAUK (MOCK) #3	CANOE	15.3	T W PHILLIPS GAS
R208704	7243	3706321993	108	D E MAUK (MOCK) #4	CANOE	15.3	T W PHILLIPS GAS
R208701	7237	3706321978	108	F TANNER #1	CANOE	1.5	T W PHILLIPS GAS
R208693	7215	3706522979	108	J TURNAGE #1 A-B-1-1	BELL	12.4	T W PHILLIPS GAS
R208692	7214	3706520974	108	J TURNAGE #2 A-B #1	BELL	12.4	T W PHILLIPS GAS
R208691	7213	3706522977	108	J TURNAGE #3 A-B-2(2)	BELL	12.4	T W PHILLIPS GAS
R208705	7244	3708520954	108	JAMES HUMBLE #2	BELL	6.6	T W PHILLIPS GAS
R208690	7212	3706520959	108	JOHN DEFLORIA #1	BELL	16.7	T W PHILLIPS GAS
R208686	7174	3706321888	108	KENNETH CARLSON #1	CANOE	8.8	T W PHILLIPS GAS
R208687	7175	3706321889	108	KENNETH CARLSON #2	CANOE	8.8	T W PHILLIPS GAS
R208689	7211	3706322151	108	LEO C CLARK #1	SOUTH MAHONING	6.4	T W PHILLIPS GAS
R208699	7221	3706321987	108	LIONS HEALTH CAMP #1	ARMSTRONG	12.2	T W PHILLIPS GAS
R208700	7222	3706322067	108	LIONS HEALTH CAMP #3	ARMSTRONG	12.3	T W PHILLIPS GAS
R208707	7246	3706321892	108	ROGER RICHARDSON #1	CANOE	11.3	T W PHILLIPS GAS
R208694	7216	3706321926	108	ROYAL OIL & GAS CO #1	GRANT	5.4	T W PHILLIPS GAS
R208698	7220	3706322094	108	S A MCMILLEN #1	SOUTH MAHONING	3.9	T W PHILLIPS GAS
R208695	7217	3706322075	108	S C MONNIE #1	CANOE	8.9	T W PHILLIPS GAS
R208696	7218	3706322119	108	S C MONNIE #1	CANOE	8.9	T W PHILLIPS GAS
R208697	7219	3706322120	108	S C MONNIE #2	CANOE	8.9	T W PHILLIPS GAS
R208706	7245	3706321914	108	T N CUSTER #2	CANOE	12.6	T W PHILLIPS GAS
-MONROE RESOURCES LTD			RECEIVED: 12/03/81 JA: PA				
R208708	9773	3712329967	102-2	F RUSSELL #1	FREEHOLD	15.0	COLUMBIA GAS TRAN
R208710	9774	3712329967	107-TF	F RUSSELL #1	FREEHOLD	15.0	COLUMBIA GAS TRAN
R208709	9785	3712329955	102-2	MILO KOREN #1	FREEHOLD	15.0	COLUMBIA GAS TRAN
R208711	9782	3712329955	107-TF	MILO KOREN #1	FREEHOLD	15.0	COLUMBIA GAS TRAN
-OILMARK & CO INC			RECEIVED: 12/03/81 JA: PA				
R208737	5157	3712327697	102-2	CORNISH #1	SUGARGROVE	30.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO			RECEIVED: 12/03/81 JA: PA				
R208716	9747	3706326405	103	CLARENCE M COLEMAN #1	FRANKLIN	25.0	
R208717	9748	3706326427	103	SAM C ROMEO #1	FRANKLIN	25.0	
R208715	9743	3705120285	103	WILLIAM D MILLS #1	FRANKLIN	30.0	
-PIVOT PETROLEUMS INC			RECEIVED: 12/03/81 JA: PA				
R208712	9386	3704921315	107-TF	HAROLD H & DIXIE KLEINFELD #1	FRANKLIN	20.0	COLUMBIA GAS TRAN
R208713	9390	3704921316	107-TF	LYMAN & DORIS LESUER #1	FRANKLIN	20.0	COLUMBIA GAS TRAN
R208714	9459	3704921317	107-TF	PAUL R & MARY R WOODS	FRANKLIN	20.0	COLUMBIA GAS TRAN
-SCOTT AND HUSSING			RECEIVED: 12/03/81 JA: PA				
R208722	9922	3713921878	103	C H WOODWARD #161	SALTSBURG	30.0	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*208723	9923	3712921889		103		DANIEL FERRI #1 #162	SALTSBURG	30.0	T W PHILLIPS GAS
8208724	9924	3712921890		103		DANIEL FERRI #2 #163	SALTSBURG	30.0	T W PHILLIPS GAS
8208719	9919	3712921802		103		JOHN ROMAN #1 #154	SALTSBURG	30.0	T W PHILLIPS GAS
8208720	9920	3706326092		103		JOSEPH CANALE #1 #156	SALTSBURG	30.0	T W PHILLIPS GAS
8208721	9921	3712921826		103		ORISON FAULK #1 #158	SALTSBURG	30.0	T W PHILLIPS GAS
8208718	9918	3712921748		103		SCOTT AND HUSSING - FEE #153	SALTSBURG	30.0	T W PHILLIPS GAS
-TORCAL RESOURCES INC/GOE PRO INC		RECEIVED: 12/03/81 JA: PA							
8208726	9466	3712328446		107-TF		EDDY #1	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
8208725	9462	3712328447		107-TF		EDDY #2	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP		RECEIVED: 12/03/81 JA: PA							
8208729	9519	3704921292		107-TF		E WOODS #1	AMITY	20.0	NATIONAL FUEL GAS
8208727	9356	3704921262		107-TF		HUNT #1	WATERFORD	20.0	NATIONAL FUEL GAS
8208728	9368	3704921263		107-TF		HUNT #2	WATERFORD	20.0	NATIONAL FUEL GAS
-WAINOCO OIL & GAS CO		RECEIVED: 12/03/81 JA: PA							
8208730	9788	3703920591		107-TF		BEN J MILLER #1 (W-24)	ATHENS (ROME)	24.0	COLUMBIA GAS TRAN
8208735	9796	3703920647		107-TF		NEAL & DOROTHY HASBROUCK #1 (W-33)	ATHENS (ROME)	15.0	COLUMBIA GAS TRAN
8208732	9792	3703920651		107-TF		RICHARD A HEATH #1 (W-35)	ATHENS (ATHENS)	4.0	COLUMBIA GAS TRAN
8208731	9790	3703920612		107-TF		THEODORE S BOGARDUS #2 (W-13)	ATHENS (ATHENS)	20.0	COLUMBIA GAS TRAN
8208736	9797	3703920592		107-TF		WALTER FOLTZ #1 (W-32)	ATHENS (ATHENS)	12.5	COLUMBIA GAS TRAN
8208734	9794	3703920600		107-TF		WALTER J PROCESS #1 (W-16)	ATHENS (ATHENS)	3.5	COLUMBIA GAS TRAN
8208733	9793	3703920619		107-TF		WILLIAM D BRADLEY #1 (W-17)	ATHENS (ATHENS)	9.0	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 11/30/81 JA: WV							
8208561		4703301215		103		C E SNIDER 12474	GRANT	25.4	GENERAL SYSTEM PU
8208583		4705900836		108		CHARLES A HAMILL 11580	STAFFORD DISTRICT	1.6	GENERAL SYSTEM PU
8208582		4705900847		108		CHARLES A HAMILL 11880	STAFFORD DISTRICT	0.0	GENERAL SYSTEM PU
8208544		4703301083		103		EDWIN MAXWELL 12385	UNION	13.3	GENERAL SYSTEM PU
8208560		4703301229		103		FITTRO-GERRARD 12486	COAL	6.2	GENERAL SYSTEM PU
8208558		4703302492		103		GORE CORP 12548	COAL	0.0	GENERAL SYSTEM PU
8208566		4704102095		103		IRA F LINGER 12015	SKIN CREEK	8.7	GENERAL SYSTEM PU
8208562		4703301081		103		J B CUNNINGHAM 12292	UNION	14.3	GENERAL SYSTEM PU
8208563		4703301700		103		J C NICHOLS 12306	ELK	14.1	GENERAL SYSTEM PU
8208545		4703301698		103		LEEMAN MAXWELL 12473	GRANT	5.9	GENERAL SYSTEM PU
8208581		4709701695		108		LON D PERRINE 12212	BANKS DISTRICT	7.7	GENERAL SYSTEM PU
8208565		4703302282		103		M R LODGE 12627	SIMPSON	39.3	GENERAL SYSTEM PU
8208547		4703301137		103		M W SMITH 12280	UNION	10.0	GENERAL SYSTEM PU
8208572		4704700625		108		MCDOWELL POCAHONTAS COAL 11794	SANDY RIVER DISTRICT	8.2	GENERAL SYSTEM PU
8208564		4703302433		103		MOLLIE V BASSELL 12665	GRANT	33.0	GENERAL SYSTEM PU
8208577		4704700543		108		POCAHONTAS LAND CO 11495	NORTHFORK	3.7	GENERAL SYSTEM PU
8208584		4705500036		108		POCAHONTAS LAND CORP	ROCK	3.4	GENERAL SYSTEM PU
8208578		4704700506		108		POCAHONTAS LAND CORP 11380	ADKINS	2.8	GENERAL SYSTEM PU
8208576		4704700567		108		POCAHONTAS LAND CORP 11507	ELKHORN	1.8	GENERAL SYSTEM PU
8208595		4705500019		108		POCAHONTAS LAND CORP 11514	ROCK	3.8	GENERAL SYSTEM PU
8208575		4704700599		108		POCAHONTAS LAND CORP 11601	ADKIN	1.2	GENERAL SYSTEM PU
8208579		4710900737		108		POCAHONTAS LAND CORP 11607	BARKERS RIDGE	4.8	GENERAL SYSTEM PU
8208580		4710900758		108		POCAHONTAS LAND CORP 11609	BAKERS RIDGE	2.8	GENERAL SYSTEM PU
8208574		4704700610		108		POCAHONTAS LAND CORP 11613	ELKHORN	5.7	GENERAL SYSTEM PU
8208573		4704700613		108		POCAHONTAS LAND CORP 11709	NORTH FORK	4.8	GENERAL SYSTEM PU
8208594		4705500028		108		POCAHONTAS LAND CORP 11759	ROCK	20.5	GENERAL SYSTEM PU
8208571		4704700626		108		POCAHONTAS LAND CORP 11760	ELKHORN	3.5	GENERAL SYSTEM PU
8208587		4705500032		108		POCAHONTAS LAND CORP 11761	ROCK	2.9	GENERAL SYSTEM PU

BILLING CODE 6717-01-C

VOLUME 566 PAGE 005

JD NO.	JA DKT	API NO	R SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208569		4704700627	108	POCAHONTAS LAND CORP 11762	ADKIN	4.3	GENERAL SYSTEM PU
8208585		4705500035	108	POCAHONTAS LAND CORP 11765	ROCK	2.6	GENERAL SYSTEM PU
8208593		4705500030	108	POCAHONTAS LAND CORP 11766	ROCK	3.5	GENERAL SYSTEM PU
8208588		4705500031	108	POCAHONTAS LAND CORP 11767	ROCK	2.5	GENERAL SYSTEM PU
8208586		4705500034	108	POCAHONTAS LAND CORP 11771	ROCK DISTRICT	3.3	GENERAL SYSTEM PU
8208568		4704700634	108	POCAHONTAS LAND CORP 11774	ADKIN DISTRICT	3.5	GENERAL SYSTEM PU
8208596		4704700772	108	POCAHONTAS LAND CORP 12506	ELKORN DISTRICT	16.6	GENERAL SYSTEM PU
8208567		4704102108	103	R V MCCUE 12268	SKIN CREEK	55.4	GENERAL SYSTEM PU
8208559		4703301044	103	SERENA ASHCRAFT 12271	SARDIS	33.5	GENERAL SYSTEM PU
8208546		4703301246	103	T W STUTLER 12063	UNION	14.6	GENERAL SYSTEM PU
8208543		4701701903	103	W B MAXWELL 12258	SOUTHWEST	39.3	GENERAL SYSTEM PU
-FOX DRILLING CO INC				RECEIVED: 11/30/81 JA: WV			
8208599		4700101231	107-DV	D BOSLEY #2	BELINGTON	20.0	COLUMBIA GAS TRAN
8208570		4700101232	107-DV	D BOSLEY #3	BELINGTON	20.0	COLUMBIA GAS TRAN
8208598		4700101233	107-DV	D BOSLEY #4	BELINGTON	20.0	COLUMBIA GAS TRAN
8208600		4700101206	107-DV	O HATHAWAY #2	BELINGTON	10.0	COLUMBIA GAS TRAN
8208597		4700101242	107-DV	R AUVIL #1-A	BELINGTON	10.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED: 11/30/81 JA: WV			
8208549		4701702938	103	J-222	GREENBRIER	0.0	CONSOLIDATED GAS
8208553		4703302439	103	J-324	SARDIS	0.0	CONSOLIDATED GAS
8208550		4701702947	103	J-34	NEW MILTON	0.0	CONSOLIDATED GAS
8208551		4701702784	103	J-49	NEW MILTON	0.0	CONSOLIDATED GAS
8208554		4708505025	103	J-414	CLAY	20.0	CONSOLIDATED GAS
8208552		4701702770	103	J-45	NEW MILTON	0.0	CONSOLIDATED GAS
8208548		4701702769	103	J-50	NEW MILTON	20.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 11/30/81 JA: WV			
8208589		4703302446	103	WILLIAM NEWMAN S-315	SARDIS	0.3	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED: 11/30/81 JA: WV			
8208557		4709702200	103	KARICKHOFF #1	BUCKHANNON-CENTURY	0.0	CONSOLIDATED GAS
8208555		4709100191	103	VRAHFC #1	GLADE RUN	0.0	
8208556		4709100192	103	WILFONG "A" #1	GLADE RUN	0.0	
-R & B PETROLEUM INC				RECEIVED: 11/30/81 JA: WV			
8208590		4700101068	108	DURRETT #1	VALLEY	10.8	PARTNERSHIP PROPE
8208591		4700101069	108	DURRETT #4	VALLEY	10.8	PARTNERSHIP PROPE
8208592		4700101079	108	GLENDENNING #1 (ZIRKLE)	VALLEY	10.8	PARTNERSHIP PROPE

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) Before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission, on or before January 20, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–150 Filed 1–4–82, 8:45 am]

BILLING CODE 6717–01–M

[Volume 567]

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION						
-ADA OIL EXPLORATION CORP			RECEIVED: 12/03/81 JA: TX			
8208757	F-03-029652	4247730393	102-2 HEITMANN #1			
8208811	F-03-035117	4205100000	102-2 L M FRANK #1	GIDDINGS	182.5	PHILLIPS PETROLEU
-ALPAR RESOURCES INC			RECEIVED: 12/03/81 JA: TX	GIDDINGS	182.5	PHILLIPS PETROLEU
8209038	F-[illegible]-042913	4235731089	103 APPLE #1-6			
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 12/03/81 JA: TX	FARNSWORTH CONNER (DES M	25.0	PHILLIPS PETROLEU
8209059	F-06-042784	4240130923	103 WYLIE #2			
-AMMEX PETROLEUM INC			RECEIVED: 12/03/81 JA: TX	TRUCTON (RODESSA)	365.0	B & A PIPE LINE C
8208987	F-03-041968	4205131684	102-2 CAB UNIT #1			
8208987	F-03-041968	4205131684	103 CAB UNIT #1	GIDDINGS (AUSTIN CHALK)	50.4	CLAJON GAS CO
8208986	F-03-041967	4205131705	102-2 MINNIE UNIT #1	GIDDINGS (AUSTIN CHALK)	50.4	CLAJON GAS CO
8208986	F-03-041967	4205131705	103 MINNIE UNIT #1	GIDDINGS (AUSTIN CHALK)	36.0	CLAJON GAS CO
8208985	F-03-041966	4214930772	102-2 PAIGE MARIE UNIT #1	GIDDINGS (AUSTIN CHALK)	36.0	CLAJON GAS CO
8208985	F-03-041966	4214930772	103 PAIGE MARIE UNIT #1	GIDDINGS (AUSTIN CHALK)	3.6	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 12/03/81 JA: TX	GIDDINGS (AUSTIN CHALK)	3.6	CLAJON GAS CO
8208977	F-03-088331	4203931518	102-4 B L TURNER #27			
8209012	F-06-042260	4220330841	102-4 CHAUVIN-LANDRY GAS UNIT #1	HASTINGS EAST (C-3 SAND)	607.0	AMOCO GAS CO
8209012	F-06-042260	4220330841	107-TF CHAUVIN-LANDRY GAS UNIT #1	BLOCKER/COTTON VALLEY/	132.0	UNITED GAS PIPE L
8208993	F-08-042095	4200332451	103 FULLERTON SAN ANDRES UNIT #69	BLOCKER/COTTON VALLEY/	132.0	UNITED GAS PIPE L
-ARCO OIL AND GAS COMPANY			RECEIVED: 12/03/81 JA: TX	FULLERTON SAN ANDRES	12.1	AMOCO PRODUCTION
8208907	F-04-040108	4221531125	103 EVERETT BELL GAS UNIT 1 #6			
8208944	F-7C-041210	4241300724	108 HULLDALE (PENN REEF) #2602	TABASCO	193.0	TENNESSEE GAS PIP
8208943	F-7C-041209	4241300179	108 HULLDALE (PENN REEF) #2901	HULLDALE	2.5	ARCO OIL & GAS CO
8208964	F-7C-041622	4241300741	108 HULLDALE (PENN REEF) UNIT #1502	HULLDALE	3.1	ARCO OIL & GAS CO
8208965	F-7C-041623	4241300190	108 HULLDALE (PENN REEF) UNIT #1701	HULLDALE	8.6	ARCO OIL AND GAS
8208966	F-7C-041624	4241300671	108 HULLDALE (PENN REEF) UNIT #1905	HULLDALE	10.3	ARCO OIL & GAS CO
8208967	F-7C-041625	4241300609	108 HULLDALE (PENN REEF) UNIT #2101	HULLDALE	3.5	ARCO OIL AND GAS
8208968	F-7C-041626	4241300485	108 HULLDALE (PENN REEF) UNIT #2302	HULLDALE	2.1	ARCO OIL & GAS CO
8208939	F-7C-041140	4241300000	108 HULLDALE (PENN REEF) UNIT #2801	HULLDALE	3.0	ARCO OIL & GAS CO
8208962	F-7C-041620	4241300007	108 HULLDALE (PENN REEF) UNIT #2802	HULLDALE	1.2	ARCO OIL & GAS CO
8208963	F-7C-041621	4241300639	108 HULLDALE (PENN REEF) UNIT #607	HULLDALE	5.8	ARCO OIL AND GAS
8208961	F-04-041613	4221531138	103 TEMPLE W WEST #33	HULLDALE	3.5	ARCO OIL & GAS CO
*8209000	F-8A-042140	4250131988	103 WILLARD UNIT #25-C	TABASCO	94.0	TENNESSEE GAS PIP
-B M HESTER			RECEIVED: 12/03/81 JA: TX	WASSON	14.0	COLTEXO CORP
8208740	F-03-022339	4233930402	103 KEYSTONE MILLS 3-W			
-BAR M PETROLEUM CO INC			RECEIVED: 12/03/81 JA: TX	CONROE SOUTH	300.0	UNITED TEXAS TRAN
8209046	F-03-042738	4238730829	103 MARBURGER #1			
-BENCHMARK OIL & GAS CO			RECEIVED: 12/03/81 JA: TX	GIDDINGS (AUSTIN CHALK)	632.0	P G P GAS PRODUCT
8208894	F-03-039706	4220100000	102-4 LEWIS TYRA #1 RRC ID #85753			
-BLUESKY OIL & GAS INC			RECEIVED: 12/03/81 JA: TX	BENCHMARK RANKIN (COOK M	366.0	UNITED TEXAS TRAN
8208858	F-03-037102	4214930664	102-2 ARNIM J UNIT 10			
8208858	F-03-037102	4214930664	103 ARNIM J UNIT 10	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
				GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO

VOLUME 567 PAGE 002

JD NO	DKT	FD NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BOBBY BROWN & GUEST ENERGY CORP			RECEIVED: 12/03/81 JA: TX				
8208772	F-78-033256	4236731842	103	GLENN #1	BUCK RANCH (STRAWN LO)	55.0	SOUTHWESTERN GAS
-BORDER EXPLORATION CO			RECEIVED: 12/03/81 JA: TX				
8208815	F-7U-035151	4214330678	103	C C PUSSELL #4	X-RAY (MARBLE FALLS)	154.0	VALERO ENERGY COR
-BRAMMER ENGINEERING INC			RECEIVED: 12/03/81 JA: TX				
8208941	F-06-041175	4220300000	108	DR J F ROSBOROUGH #1	BETHANY (PETIT)	15.0	UNITED GAS PIPE L
8208942	F-06-041176	4220300000	108	PATTIE GRIFFIN #1	BETHANY (PETIT) FIELD	15.0	UNITED GAS PIPE L
-BTA OIL PRODUCERS			RECEIVED: 12/03/81 JA: TX				
8208934	F-7C-041071	4238331801	103	COATES #7	SPRABERRY (TREND AREA)	35.0	EL PASO NATURAL G
8208989	F-7C-041990	4238331802	103	COATES A #8	SPRABERRY (TREND AREA)	35.0	EL PASO NATURAL G
-C L GAGE JR			RECEIVED: 12/03/81 JA: TX				
8208742	F-38-025405	4249700000	103	WAGGONER #1	BOONSVILLE (BEND CONGL)	116.1	NATURAL GAS PIPEL
-CANUS PETROLEUM INC			RECEIVED: 12/03/81 JA: TX				
8208821	F-04-035867	4235500000	103	L G TALBERT #1 82856	CORPUS CHRISTI WEST 9700	26.0	TENNGASCO INC
-CANYON CO			RECEIVED: 12/03/81 JA: TX				
8209026	F-7C-042445	4210533480	103	HOOVER ESTATE #1-3A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
8209026	F-7C-042445	4210533496	107-TF	HOOVER ESTATE #1-3A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
-CASSELL OIL CO			RECEIVED: 12/03/81 JA: TX				
8208779	F-7B-034532	4213331084	102-4	G N CREECH #1	EASTLAND COUNTY REGULAR	263.5	WEST CEN-TEX GAS
8208779	F-7D-034532	4213331084	103	G N CREECH #1	EASTLAND COUNTY REGULAR	263.5	WEST CEN-TEX GAS
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/03/81 JA: TX				
8208752	F-03-028655	4205130928	102-2	ALTON POEHL #1	GIDDINGS	144.0	FERGUSON CROSSING
8209013	F-04-042263	4235531553	108	BERTRAM HEIRS #2	STRATTON	13.0	TENNESSEE GAS PIP
8208763	F-03-031211	4205130736	102-2	DOROTHY FRENCH #1	GIDDINGS	58.0	FERGUSON CROSSING
8208763	F-03-031211	4205130736	103	DOROTHY FRENCH #1	GIDDINGS	58.0	FERGUSON CROSSING
8208882	F-03-039216	4205100000	102-2	LYDIA P RUBACH #1	GIDDINGS	0.0	FERGUSON CROSSING
8208882	F-03-039216	4205100000	103	LYDIA P RUBACH #1	GIDDINGS	0.0	FERGUSON CROSSING
8208883	F-03-039217	4205100000	102-2	MILDRED MAHLMANN #1	GIDDINGS	0.0	FERGUSON CROSSING
8208883	F-03-039217	4205100000	103	MILDRED MAHLMANN #1	GIDDINGS	0.0	FERGUSON CROSSING
8208893	F-04-039646	4235531431	102-2	MRS EVA M JONES #2-L	STRATTON	19.7	TENNESSEE GAS PIP
8209024	F-02-042387	4212330852	103	PETER JABLONSKI #1	YORKTOWN N (EDWARDS 1385	12.8	ESPERANZA PIPELIN
-CITIES SERVICE COMPANY			RECEIVED: 12/03/81 JA: TX				
8209093	F-08-042929	4213533690	103	DORA ROBERTS RANCH UNIT #S-03	DORA ROBERTS (PENNSYLVAN	12.0	CITIES SERVICE CO
8209089	F-10-042917	4217930979	103	EAKIN A #3	PANHANDLE GRAY	3.7	PHILLIPS PETROLEU
8208816	F-01-035216	4246530340	102-3	WEST-B #1	MASSIE (STRAWN)	365.0	INTRATEX GAS CO
-CLAYTON W WILLIAMS JR			RECEIVED: 12/03/81 JA: TX				
8208877	F-03-038955	4228700000	102-2	CLARA FISCHER #1	GIDDINGS	0.0	VALERO TRANSMISSI
8208764	F-03-031234	4214900900	102-2	CLARENCE PIETSCH #1	GIDDINGS (EDWARDS GAS)	0.0	VALERO TRANSMISSI
8208768	F-03-032244	4214900000	102-2	J T WEYAND #1	GIDDINGS	0.0	VALERO TRANSMISSI
8208890	F-03-039344	4205100000	102-2	MELVIN UBERNOSKY #2	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
8208917	F-03-040653	4205100000	102-2	ROY HERMANN #6	GIDDINGS (AUSTIN CHALK 3	0.0	VALERO TRANSMISSI
-CLYDE MELTON			RECEIVED: 12/03/81 JA: TX				
8209062	F-7B-042800	4204931900	102-4	C W CAREY -A- #2 (14869)	MAGNUM (CONGL)	25.0	ODESSA NATURAL CO
8209063	F-7B-042801	4204931824	102-4	C W CAREY #1 (14674)	MAGNUM (CONGL)	42.0	ODESSA NATURAL CO
8209064	F-7E-042802	4213931983	102-4	THOMAS A FLIPPEN #1 (15567)	MAGNUM (CONGL)	25.0	SOUTHWESTERN GAS
-COASTAL OIL & GAS CORP			RECEIVED: 12/03/81 JA: TX				
8209085	F-10-042892	4237530853	103	PATTERSON "B" 8359P	PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTA
-COLUMBIA GAS DEVELOPMENT CORP			RECEIVED: 12/03/81 JA: TX				
8209072	F-03-042847	4205131809	102-2	M J FILIPPONE #7	GIDDINGS (AUSTIN-CHALK-3	166.0	FERGUSON CROSSING
-CONOCO INC			RECEIVED: 12/03/81 JA: TX				
8208822	F-04-035857	4250531333	103	FELIA R BENAVIDES B #1	HUNDIDO	700.0	
8208822	F-04-035857	4250531333	107-TF	FELIA R BENAVIDES B #1	HUNDIDO	700.0	
8208765	F-08-031760	4238900000	108	FORD GERALDINE UNIT #124 ID #21021	GERALDINE FORD	0.4	EL PASO NATURAL G

VOLUME 567 PAGE 003

JD NO	DA PKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8208978	F-08-041995	4210931491	103 J C RUSSELL -4-86 ID #23725	GERALDINE FORD	4.4	EL PASO NATURAL G
8208834	F-04-036478	4247932958	102-2 VAQUILLAS RANCH A3 #8	WILDCAT	700.0	E I DU PONT DE NE
8208834	F-04-036478	4247932958	107-TF VAQUILLAS RANCH A3 #8	WILDCAT	708.0	E I DU PONT DE NE
-COURSON OIL & GAS INC			RECEIVED: 12/03/81 JA: TX			
8208777	F-10-034248	4235731052	102-4 ARCHER-DENDY 1-25C	WILDCAT (CLEVELAND)	270.0	TRANSWESTERN PIPE
-CPC EXPLORATION INC			RECEIVED: 12/03/81 JA: TX			
8209041	F-03-042692	4214930912	102-2 REESE LEASE #13858	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
-CRB OIL & GAS INC			RECEIVED: 12/03/81 JA: TX			
8208948	F-03-041372	4214930900	102-2 DOPSLAUF UNIT #1	GIDDINGS (AUSTIN CHALK -	18.0	CLAJON GAS CO
8209017	F-03-042340	4214930933	102-2 KNAPE #2	GIDDINGS (AUSTIN CHALK-3	10.0	CLAJON GAS CO
8208915	F-03-040381	4214930944	102-2 PECAN CREEK UNIT #1	GIDDINGS (AUSTIN CHALK-3	36.0	CLAJON GAS CO
8208879	F-03-038970	4214931055	102-2 VON ROSENBERG #2	GIDDINGS (AUSTIN CHALK-3	36.0	CLAJON GAS CO
-CROWN EXPLORATION CO			RECEIVED: 12/03/81 JA: TX			
8208971	F-7C-041683	4239900000	102-4 HUDON WHITE #1 (07468)	CECILE (GARDNER)	58.0	LONE STAR GAS CO
-CRYSTAL OIL COMPANY			RECEIVED: 12/03/81 JA: TX			
8208935	F-04-041108	4221500000	108 E C SHOEMAKE ET AL #1	MCALLEN-PHARR	19.9	VALERO INTERSTATE
-D & E GAS & OIL CO			RECEIVED: 12/03/81 JA: TX			
8208957	F-01-041491	4228330782	102-4 SOUTH TEXAS SYNDICATE #113-1	WASHBURN RANCH W (WILCOX	292.0	TRANSCO CO INC
-DALLAS TRUST CO			RECEIVED: 12/03/81 JA: TX			
8208760	F-7B-030436	4236332160	102-4 BRANSON #1	SANTO (MARBLE FALLS)	88.7	SOUTHWESTERN GAS
8208760	F-7B-030436	4236332160	103 BRANSON #1	SANTO (MARBLE FALLS)	88.7	SOUTHWESTERN GAS
8208761	F-7B-030437	4236332350	102-4 STONE C #1	SANTO EAST (3,800 CONGL)	568.7	SOUTHWESTERN GAS
8208761	F-7B-030437	4236332350	103 STONE C #1	SANTO EAST (3,800 CONGL)	568.7	SOUTHWESTERN GAS
-DALTON H COBB			RECEIVED: 12/03/81 JA: TX			
8208852	F-08-037061	4238930940	102-4 STATE SCHOOL BOARD NB #1	ARNO N	385.0	INTRATEX GAS CO
-DAVID A SCHLACHTER OIL & GAS			RECEIVED: 12/03/81 JA: TX			
8208771	F-7C-03011	4210500000	108 V I PIERCE #3 ID#47043	V I P CLEARFORK	18.0	LADD PETROLEUM CO
-DELTA DRILLING CO			RECEIVED: 12/03/81 JA: TX			
8208812	F-7C-035130	4210500000	103 BEAN 26 #3	OZONA (CANYON)	0.0	NORTHERN NATURAL
8208812	F-7C-035130	4210500000	107-TF BEAN 26 #3	OZONA (CANYON)	0.0	NORTHERN NATURAL
8208841	F-06-036776	4236500000	102-2 BIGGS #1	CARTHAGE SE (CV)	0.0	WESTERN GAS CORP
8208841	F-06-036776	4236500000	103 BIGGS #1	CARTHAGE SE (CV)	0.0	WESTERN GAS CORP
8208845	F-06-041258	4236500000	102-2 BOWEN #1	NORTH BECKVILLE	1191.0	NATURAL GAS PIPEL
8208874	F-06-037866	4236500000	102-2 D B HARDY #1 76949	BECKVILLE N (CV)	0.0	NATURAL GAS PIPE
8208874	F-06-037866	4236500000	103 D B HARDY #1 76949	BECKVILLE N (CV)	0.0	NATURAL GAS PIPE
-DEPCO INC			RECEIVED: 12/03/81 JA: TX			
8208986	F-8A-040034	4207931368	103 WHITEFACE UNIT #132	LEVELLAND	9.7	CITIES SERVICE CO
-DIAMEX CO			RECEIVED: 12/03/81 JA: TX			
8208781	F-04-034637	4247932826	102-4 MARTIN VOLZ #1	WILDCAT	110.0	UNITED TEXAS TRAN
8208781	F-04-034637	4247932826	103 MARTIN VOLZ #1	WILDCAT	110.0	UNITED TEXAS TRAN
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/03/81 JA: TX			
8208956	F-10-041453	4229530969	103 ALEX BORN 2-373	LIPSCOMB SW	562.0	
-DINERO OIL CO			RECEIVED: 12/03/81 JA: TX			
8208830	F-02-036227	4217531422	102-4 HOFF #2	MAETZE (5315)	180.0	TRUNKLINE GAS CO
8209056	F-04-042767	4227331506	103 KING RANCH INC #2	KINGSVILLE	55.0	VALERO TRANSMISSI
-DIVERSE ENERGY INC			RECEIVED: 12/03/81 JA: TX			
8208991	F-7B-042025	4236332692	103 TOMERLIN #1A	TOMERLIN (CONGL)	35.5	SOUTHWESTERN GAS
-DORCHESTER EXPLORATION INC			RECEIVED: 12/03/81 JA: TX			
8208983	F-08-041941	4243130907	103 L R FOSTER 4-2	CONGER (PENN)	274.0	ESPERANZA PIPELIN
-DUKE OIL & GAS CO			RECEIVED: 12/03/81 JA: TX			
8208922	F-06-040921	4220300000	108 ABNEY ABNEY WHELAN G 16	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8208927	F-06-040936	4220300000	108 BELL DANIELS G 10	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8208928	F-06-040937	4220300000	108 BELL DANIELS G 11	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208923	F-06-040931	4220300000		108		BELL DANIELS G 5	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8208924	F-06-040932	4220300000		108		BELL DANIELS G 6	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8208925	F-06-040934	4220300000		108		BELL DANIELS G 8	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8208926	F-06-040935	4220300000		108		BELL DANIELS G 9	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
-ED S SPRAGINS				RECEIVED: 12/03/81 JA: TX					
8208753	F-09-029138	4249731724		103		L J JOHNSON #1-076124	ROONESVILLE (BEND CONGLO	100.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED: 12/03/81 JA: TX					
8209061	F-10-042793	4217923709		108		GRIFFIN #1	PANHANDLE WEST	15.0	EL PASO NATURAL G
8209043	F-10-042713	4248326096		108		HALL B #1	PANHANDLE EAST	19.0	EL PASO NATURAL G
8208869	F-10-037519	4217923744		108		REEVES #1	PANHANDLE WEST	16.0	EL PASO NATURAL G
-ELSBURY & MCGREW				RECEIVED: 12/03/81 JA: TX					
8208998	F-03-042127	4219900000		107-PE		SOUTH HAMPTON UNIT #3L ID #41189	HAMPTON SOUTH (YEGUA I)	60.0	ARCO OIL & GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED: 12/03/81 JA: TX					
8208940	F-10-041160	4235700000		108		HAWK #809	FARNSWORTH	1.9	PHILLIPS PETROLEU
8208933	F-09-041065	4207700000		108		OLSEN A #3	DILLARD S E	2.4	CITIES SERVICE OI
-ENERGY SOURCES INC				RECEIVED: 12/03/81 JA: TX					
8208813	F-05-035139	4216730809		103		MACO STEWART 2L-S/N (NOT AVAILABLE)	HITCHCOCK (4780')	182.5	VALERO TRANSMISSI
8208814	F-05-035140	4216730809		103		MACO STEWART 2U-S/N (NOT AVAILABLE)	HITCHCOCK (4590')	140.5	VALERO TRANSMISSI
-ENSERCH EXPLORATION INC				RECEIVED: 12/03/81 JA: TX					
8208819	F-05-035409	4221330309		103		C A PEACOCK #2	OPELIKA	0.0	LONE STAR GAS CO
8208819	F-05-035408	4221330309		107-TF		C A PEACOCK #2	OPELIKA	0.0	LONE STAR GAS CO
8208689	F-05-039328	4221330319		103		M E KILLINGSWORTH #2	OPELIKA	0.0	LONE STAR GAS CO
-EVERGREEN OIL CORP				RECEIVED: 12/03/81 JA: TX					
8208975	F-01-041780	4217730657		102-2		WILLIAMS #1	COST (AUSTIN CHALK)	35.0	TIPPERARY GATHERI
8208975	F-01-041780	4217730657		103		WILLIAMS #1	COST (AUSTIN CHALK)	35.0	TIPPERARY GATHERI
-EXXON CORPORATION				RECEIVED: 12/03/81 JA: TX					
8209028	F-08-042494	4200332792		103		FULLERTON CLEARFORK UNIT #1517	FULLERTON	15.0	PHILLIPS PETROLEU
8208880	F-08-038997	4200332547		103		FULLERTON CLEARFORK UNIT #1825	FULLERTON	15.0	PHILLIPS PETROLEU
8208947	F-08-041359	4210332494		103		J B TUBB D #3U	SAND HILLS (MCKNIGHT)	100.0	EL PASO NATURAL G
*8209037	F-04-042670	4227331315		102-4		K R ALAZAN 325-F (06998)	ALAZAN (ZONE H-10 C)	620.0	ARMCO STEEL CORP
*8209039	F-04-042672	4227331501		102-4		K R ALAZAN 368 (06998)	ALAZAN (F-77)	32.0	ARMCO STEEL CORP
*8209038	F-04-042671	4227331540		102-4		K R BORREGOS 564 (06544)	BORREGOS (ZONE S-7,SW)	100.0	ARMCO STEEL CORP
*8209091	F-04-042914	4235530856		102-4		K R CHILTIPIN 52 (79150)	ARNOLD-DAVID (10,400)	256.5	ARMCO STEEL CORP
8208949	F-10-041396	4235700000		108		M C JONES #2L	DUDE WILSON	13.8	TRANSWESTERN PIPE
*8208896	F-06-039737	4207330398		102-4		REKLAW GAS UNIT 3 #3	REKLAW (TRAVIS PEAK)	400.0	ARMCO STEEL CORP
8208960	F-08-041608	4200332847		103		STATE UNIVERSITY EH #2 --	MCFARLAND (QUEEN)	4.0	
-FLORIDA EXPLORATION COMPANY				RECEIVED: 12/03/81 JA: TX					
8208913	F-7C-040233	4243532527		103		FLORENCE 27 #1	PHYLLIS (SONORA)	0.0	INTRATEX GAS CO
8208913	F-7C-040233	4243532527		107-TF		FLORENCE 27 #1	PHYLLIS (SONORA)	0.0	INTRATEX GAS CO
8208776	F-7C-034145	4243500000		107-TF		HUNT 36 #1	PHYLLIS SONORA (CANYON L	275.0	INTRATEX
8208844	F-08-036795	4222731871		103		NEEL #1	FLORAC	73.9	ODESSA NATURAL CO
8208847	F-08-036848	4222731711		103		STELLA PETTY #1-32	FLORAC	75.0	ODESSA NATURAL CO
-FOREST OIL CORPORATION				RECEIVED: 12/03/81 JA: TX					
8208919	F-04-040832	4247933024		102-2		VAQUILLAS RANCH STATE GAS UNIT #2	GATO CREEK (LOBO 3)	150.0	UNITED TEXAS TRAN
8208919	F-04-040832	4247933024		107-TF		VAQUILLAS RANCH STATE GAS UNIT #2	GATO CREEK (LOBO 3)	150.0	UNITED TEXAS TRAN
-FUNK EXPLORATION INC				RECEIVED: 12/03/81 JA: TX					
8208823	F-10-035988	4235700000		102-2		LATHAM #1	WILDCAT	0.0	
-G C HERRMANN CO				RECEIVED: 12/03/81 JA: TX					
8209082	F-10-042877	4217730902		103		MELTON 04595 #2	PANHANDLE	16.8	CABOT PIPELINE CO
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 12/03/81 JA: TX					
8209014	F-08-042291	4210332593		103		CENTRAL DUNE UNIT #3018	DUNE	2.2	WARREN PETROLEUM
-GENERAL PRODUCTION CORP				RECEIVED: 12/03/81 JA: TX					
8208758	F-03-030099	4205131115		103		L J SANDERS #1	WILLARD SE (NAVARRO B) F	0.8	FERGUSON CROSSING

JD NO	JA DAT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-GEOCHEMICAL SURVEYS INC						
A208767	F-7C-032026	4243500000	RECEIVED: 12/03/81 JA: TX			
A208767	F-7C-032026	4243500000	103 SIMMONS RANCH #3	SONORA (CANYON UPPER)	115.0	EL PASO NATURAL G
-GETTY OIL COMPANY			107-TF SIMMONS RANCH #3	SONORA (CANYON UPPER)	115.0	EL PASO NATURAL G
A208937	F-08-041125	4238931134	RECEIVED: 12/03/81 JA: TX			
A209075	F-08-042852.	4210332521	103 AVA FARWELL TRUST #1	FARWELL (BRUSHY CANYON 6	7.0	
A209073	F-08-042850	4210332480	103 NORTH MCELROY UNIT #2156	MCELROY	3.0	PHILLIPS PETROLEU
A209074	F-08-042851	4210332472	103 NORTH MCELROY UNIT #2821	MCELROY	3.0	PHILLIPS PETROLEU
A209076	F-08-042853	4210332475	103 NORTH MCELROY UNIT #2829	MCELROY	4.0	PHILLIPS PETROLEU
-GLEN COVE OPERATING CO			103 NORTH MCELROY UNIT #2836	MCELROY	5.0	PHILLIPS PETROLEU
8209030	F-78-042522	4208331350	RECEIVED: 12/03/81 JA: TX			
8209032	F-78-042526	4208331280	103 BILLIE MCCORD #1 (77611)	GLEN COVE E (FRY)	165.0	UNION TEXAS PETRO
8209031	F-78-042523	4208331645	103 L P WHITTINGTON #2 (77449)	GLEN COVE EAST (JENNINGS	201.0	VALERO TRANSMISSI
-GOLDKING PRODUCTION COMPANY			103 R HAMON #1 (85191)	GLEN COVE EAST (JENNINGS	125.0	VALERO TRANSMISSI
8208970	F-02-041656	4239100000	RECEIVED: 12/03/81 JA: TX			
-GHR ENERGY CORP			102-4 HYNES #2-T	PAPALOTE E	96.0	HOUSTON PIPE LINE
A208954	F-04-041420	4250531095	RECEIVED: 12/03/81 JA: TX			
A208954	F-04-041420	4250531095	102-4 LA PERLA #A-1	LA PERLA RANCH (9100)	657.0	VALERO TRANSMISSI
8208929	F-04-041028	4247932477	107-TF LA PERLA #A-1	LA PERLA RANCH (9100)	657.0	VALERO TRANSMISSI
8208929	F-04-041028	4247932477	102-4 LUNDELL #8	LUNDELL (LOBO)	183.0	VALERO TRANSMISSI
-GRACE PETROLEUM CORPORATION			107-TF LUNDELL #8	LUNDELL (LOBO)	183.0	VALERO TRANSMISSI
A208903	F-04-039838	4224931039	RECEIVED: 12/03/81 JA: TX			
-GREAT WEST OPERATING CO INC			103 STELZIG-ZWERNEMAN #13	AMARGOSA (2200)	144.0	NATURAL GAS PIPEL
A208982	F-09-041927	4223733844	RECEIVED: 12/03/81 JA: TX			
-GULF OIL CORPORATION			103 DAWKINS #3	DAWKINS CONGLOMERATE	144.0	CITIES SERVICE CO
8208900	F-10-039753	4223301094	RECEIVED: 12/03/81 JA: TX			
8208783	F-10-034848	4223330906	103 C L DIAL #282	PANHANDLE HUTCHINSON	98.0	PHILLIPS PETROLEU
-H L HAWKINS JR			103 E COCKRELL TR C (MCT-B) #51	PANHANDLE HUTCHINSON	35.0	GETTY OIL CO
8208974	F-04-041778	4235531655	RECEIVED: 12/03/81 JA: TX			
-HANSON MINERALS CO			102-4 S M SCARBOROUGH EST #1-C	ROBSTOWN 5200'	300.0	HOUSTON PIPELINE
A208873	F-01-037854	4231131564	RECEIVED: 12/03/81 JA: TX			
-HARKINS & COMPANY			102-4 HAGIST RANCH GAS UNIT #1	HAGIST RANCH (1200')	54.0	SEAGULL PIPELINE
8208860	F-04-037266	4213134435	RECEIVED: 12/03/81 JA: TX			
8208860	F-04-037266	4213134435	102-4 LA VENADA-STATE #1	LA VENADA (HERBST III) F	109.5	VALERO TRANSMISSI
-HENDERSON CLAY PRODUCTS INC			103 LA VENADA-STATE #1	LA VENADA (HERBST III) F	109.5	VALERO TRANSMISSI
8208827	F-06-036115	4240131061	RECEIVED: 12/03/81 JA: TX			
-HILLIARD OIL & GAS INC			103 F L JENNINGS WELL #1	RUFUS (TRAVIS PEAK)	160.0	HENDERSON CLAY PR
8209079	F-04-042858	4204730885	RECEIVED: 12/03/81 JA: TX			
8209077	F-04-042856	4204730909	102-4 BARBARA LIPS B #2	LOPEZ RANCH (VICKSBURG 1	720.0	CHANNEL INDUSTRIE
-HINSON BROTHERS A PARTNERSHIP			102-4 BARBARA LIPS B #3	LOPEZ RANCH (VICKSBURG 1	725.0	CHANNEL INDUSTRIE
A209016	F-02-042335	4223900000	RECEIVED: 12/03/81 JA: TX			
-HINTON PRODUCTION COMPANY			108 J H FENNER #1 50828	FENNER CATAHOULA #2700	9.6	TRUNKLINE GAS CO
A208931	F-05-041057	4246730478	RECEIVED: 12/03/81 JA: TX			
8208931	F-05-041057	4246730478	102-4 H P HUCKABAY #1	MARTINS MILL (RODESSA)	500.0	LONE STAR GAS CO
-HNG OIL COMPANY			103 H P HUCKABAY #1	MARTINS MILL (RODESSA)	500.0	LONE STAR GAS CO
8209002	F-7C-042165	4243500000	RECEIVED: 12/03/81 JA: TX			
8209004	F-7C-042167	4243500000	108 BROWN 78 #4	SAWYER (WOLFCAMP)	15.8	INTRATEX GAS CO
8209005	F-7C-042175	4243500000	108 FIELDS 20 #1	SAWYER (CANYON)	44.1	INTRATEX GAS CO
8209003	F-7C-042166	4243500000	108 FIELDS 20 #4	SAWYER (CANYON)	32.0	INTRATEX GAS CO
8209006	F-7C-042178	4243500000	108 GALBREATH 80 #1	SAWYER (CANYON)	53.9	INTRATEX GAS CO
8209052	F-7C-042745	4243500000	108 HICKS 61 #2	SAWYER (CANYON)	38.9	INTRATEX GAS CO
8209010	F-7C-042244	4243500000	108 JONES 120 #3	SAWYER CANYON	59.3	INTRATEX GAS CO
8208988	F-04-041981	4250531154	108 KELLY 115 #4	SAWYER (CANYON)	57.2	INTRATEX GAS CO
			107-TF SER/PIO VELA HEIRS #2	ROLETA (8150)	578.0	HOUSTON PIPE LINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
R208840	F-7C-036715	4243532183		103		SIMMONS 72 #2
R209033	F-7C-042527	4243532541		103		SIMMONS 73 #2
R209033	F-7C-042527	4243532541		107-TF		SIMMONS 73 #2
-HUMBLE EXPLORATION CO INC				RECEIVED: 12/03/81 JA: TX		
R208824	F-03-036015	4247700000		102-4		HESTIA #1
R208824	F-03-036015	4247700000		103		HESTIA #1
R208831	F-03-036305	4214930918		102-2		KATE ELIZABETH G #1
R208831	F-03-036305	4214930918		103		KATE ELIZABETH G #1
R208843	F-03-036787	4228730862		102-2		LAUREN B #1
R208843	F-03-036787	4228730862		103		LAUREN B #1
R208832	F-03-036306	4214930659		107-2		MILDRED KRAUTZ #1
R208832	F-03-036306	4214930659		103		MILDRED KRAUTZ #1
-INDIAN WELLS OIL CO				RECEIVED: 12/03/81 JA: TX		
R208951	F-7C-041412	4223531657		102-2		RICHEY 42A-3
R208950	F-7C-041411	4223531696		102-2		RICHEY 54A-4
R208952	F-7C-041413	4223531697		102-2		RICHEY 54A-5
R208953	F-7C-041414	4223531659		102-2		RICHEY 55A-3
-INVESTEX INC				RECEIVED: 12/03/81 JA: TX		
R208920	F-03-040862	4223700000		103		OWENS
-J B PRODUCTION CO				RECEIVED: 12/03/81 JA: TX		
R208969	F-7C-041632	4239531810		103		TREADAWAY UNIT #1 WELL
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED: 12/03/81 JA: TX		
R208992	F-7C-042027	4210533436		102-4		UNIVERSITY 29-31 #1
-JACKSON EXPLORATION INC				RECEIVED: 12/03/81 JA: TX		
R208904	F-7C-039902	4246131771		103		VENABLE #2-A
-JAMES B HARBIN				RECEIVED: 12/03/81 JA: TX		
R208838	F-7B-036694	4208300000		108		NORRIS 4 01094
R208839	F-7B-036695	4208300000		108		NORRIS 7 01094
-JOE C RICHARDSON JR				RECEIVED: 12/03/81 JA: TX		
R209087	F-10-042898	4219530799		103		COLDWATER #1
-JUSTISS OIL CO INC				RECEIVED: 12/03/81 JA: TX		
R208842	F-7B-036785	4228330042		107-TF		RONALD C MATTHEWS GAS UNIT #1
-KEITH D GRAHAM				RECEIVED: 12/03/81 JA: TX		
R209034	F-03-042602	4205131683		102-2		RIES #1
-KERR-MCGEE CORPORATION				RECEIVED: 12/03/81 JA: TX		
R208846	F-10-036824	4231131308		102-2		ROVERS 1-257
R209083	F-10-042885	4234130712		103		WELLS OIL #2
-L & L PETROLEUM CORPORATION				RECEIVED: 12/03/81 JA: TX		
R208738	F-02-012639	4246931383		103		C K MCCAN JR #5
-L R SPRADLING				RECEIVED: 12/03/81 JA: TX		
R208750	F-10-027865	4217900000		108		M C DOSS #12
R208751	F-10-027866	4217900000		108		M C DOSS #7
-LA ACEITE ENERGY INC				RECEIVED: 12/03/81 JA: TX		
R208973	F-7B-041731	4205333094		103		NEUMAN-2041 #1
-LA SALLE ENERGY CORP				RECEIVED: 12/03/81 JA: TX		
R208775	F-03-033959	4214900000		102-2		BYLER #1
R208835	F-02-036508	4225500000		102-2		NANCE #1
-LADD PETROLEUM CORPORATION				RECEIVED: 12/03/81 JA: TX		
R209015	F-7B-042305	4236731402		103		BLAIR-WOODY #2-T
-LONGHORN GAS CO INC				RECEIVED: 12/03/81 JA: TX		
R208739	F-06-014968	4240100000		103		MARY ROGERS #1
-MCBRIDE PRODUCTION CO				RECEIVED: 12/03/81 JA: TX		
R208990	F-7B-042009	4242931848		103		W FAMBROUGH #1 16361

FIELD NAME	PROD	PURCHASER
SAWYER (CANYON)	41.5	INTRATEX GAS CO
SAWYER CANYON	406.0	INTRATEX GAS CO
SAWYER CANYON	406.0	INTRATEX GAS CO
GIDDINGS (AUSTIN CHALK)	8.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	8.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	181.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	181.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	468.5	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	468.5	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	13.7	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	13.7	PHILLIPS PETROLEU
PROBANDT (CANYON)	100.0	NORTHERN NATURAL
PROBANDT (CANYON)	72.0	NORTHERN NATURAL
PROBANDT (CANYON)	145.0	NORTHERN NATURAL
PROBANDT (CANYON)	105.0	NORTHERN NATURAL
JACK COUNTY REGULAR	146.9	SOUTHWESTERN GAS
SLB (MORRIS SAND)	0.0	ODESSA NATURAL CO
UNIVERSITY 29 (STRAWN DE	245.0	
SPRABERRY (TREND AREA)	30.0	EL PASO NATURAL G
DUNHAM YOUNG	2.0	LONE STAR GAS CO
DUNHAM YOUNG	34.0	LONE STAR GAS CO
GRUVER NW (UPPER MORROW)	180.0	PHILLIPS PETROLEU
WOODLAWN (COTTON VALLEY)	525.0	EAST TEXAS INDUST
GIDDINGS (AUSTIN CHALK-3	58.4	CHAMPLIN PETROLEU
ALLISON PARKS (MORROW U)	0.0	
PANHANDLE (MOORE)	912.0	PHILLIPS PETROLEU
SALEM (2860)	0.0	TEXAS EASTERN TRA
PANHANDLE	1.9	PHILLIPS PETROLEU
PANHANDLE	1.9	PHILLIPS PETROLEU
PUTNAM N (DUFFER)	18.0	LONE STAR GAS CO
GIDDINGS	0.0	FALCON GAS CO
WILDCAT	0.0	
TOTO (BEND CONGL LOWER)	293.8	LONE STAR GAS CO
POD (COTTON VALLEY)	144.0	DELHI GAS PIPELIN
WAYLAND	15.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
R208844	F-7C-036716	4243532184		103		SIMMONS 72 #3
R209032	F-7C-042526	4243532540		103		SIMMONS 73 #1
R209032	F-7C-042526	4243532540		107-TF		SIMMONS 73 #1
-HUMBLE EXPLORATION CO INC				RECEIVED: 12/03/81 JA: TX		
R208825	F-03-036016	4247700001		102-4		HESTIA #2
R208825	F-03-036016	4247700001		103		HESTIA #2
R208832	F-03-036306	4214930659		102-2		MILDRED KRAUTZ #1
R208832	F-03-036306	4214930659		103		MILDRED KRAUTZ #1
-INDIAN WELLS OIL CO				RECEIVED: 12/03/81 JA: TX		
R208951	F-7C-041412	4223531657		102-2		RICHEY 42A-3
R208950	F-7C-041411	4223531696		102-2		RICHEY 54A-4
R208952	F-7C-041413	4223531697		102-2		RICHEY 54A-5
R208953	F-7C-041414	4223531659		102-2		RICHEY 55A-3
-INVESTEX INC				RECEIVED: 12/03/81 JA: TX		
R208920	F-03-040862	4223700000		103		OWENS
-J B PRODUCTION CO				RECEIVED: 12/03/81 JA: TX		
R208969	F-7C-041632	4239531810		103		TREADAWAY UNIT #1 WELL
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED: 12/03/81 JA: TX		
R208992	F-7C-042027	4210533436		102-4		UNIVERSITY 29-31 #1
-JACKSON EXPLORATION INC				RECEIVED: 12/03/81 JA: TX		
R208904	F-7C-039902	4246131771		103		VENABLE #2-A
-JAMES B HARBIN				RECEIVED: 12/03/81 JA: TX		
R208838	F-7B-036694	4208300000		108		NORRIS 4 01094
R208839	F-7B-036695	4208300000		108		NORRIS 7 01094
-JOE C RICHARDSON JR				RECEIVED: 12/03/81 JA: TX		
R209087	F-10-042898	4219530799		103		COLDWATER #1
-JUSTISS OIL CO INC				RECEIVED: 12/03/81 JA: TX		
R208842	F-7B-036785	4228330042		107-TF		RONALD C MATTHEWS GAS UNIT #1
-KEITH D GRAHAM				RECEIVED: 12/03/81 JA: TX		
R209034	F-03-042602	4205131683		102-2		RIES #1
-KERR-MCGEE CORPORATION				RECEIVED: 12/03/81 JA: TX		
R208846	F-10-036824	4231131308		102-2		ROVERS 1-257
R209083	F-10-042885	4234130712		103		WELLS OIL #2
-L & L PETROLEUM CORPORATION				RECEIVED: 12/03/81 JA: TX		
R208738	F-02-012639	4246931383		103		C K MCCAN JR #5
-L R SPRADLING				RECEIVED: 12/03/81 JA: TX		
R208750	F-10-027865	4217900000		108		M C DOSS #12
R208751	F-10-027866	4217900000		108		M C DOSS #7
-LA ACEITE ENERGY INC				RECEIVED: 12/03/81 JA: TX		
R208973	F-7B-041731	4205333094		103		NEUMAN-2041 #1
-LA SALLE ENERGY CORP				RECEIVED: 12/03/81 JA: TX		
R208775	F-03-033959	4214900000		102-2		BYLER #1
R208835	F-02-036508	4225500000		102-2		NANCE #1
-LADD PETROLEUM CORPORATION				RECEIVED: 12/03/81 JA: TX		
R209015	F-7B-042305	4236731402		103		BLAIR-WOODY #2-T
-LONGHORN GAS CO INC				RECEIVED: 12/03/81 JA: TX		
R208739	F-06-014968	4240100000		103		MARY ROGERS #1
-MCBRIDE PRODUCTION CO				RECEIVED: 12/03/81 JA: TX		
R208990	F-7B-042009	4242931848		103		W FAMBROUGH #1 16361

FIELD NAME	PROD	PURCHASER
SAWYER (CANYON)	41.5	INTRATEX GAS CO
SAWYER CANYON	406.0	INTRATEX GAS CO
SAWYER CANYON	406.0	INTRATEX GAS CO
GIDDINGS (AUSTIN CHALK)	8.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	8.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	181.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	181.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	468.5	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	468.5	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	13.7	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	13.7	PHILLIPS PETROLEU
PROBANDT (CANYON)	100.0	NORTHERN NATURAL
PROBANDT (CANYON)	72.0	NORTHERN NATURAL
PROBANDT (CANYON)	145.0	NORTHERN NATURAL
PROBANDT (CANYON)	105.0	NORTHERN NATURAL
JACK COUNTY REGULAR	146.9	SOUTHWESTERN GAS
SLB (MORRIS SAND)	0.0	ODESSA NATURAL CO
UNIVERSITY 29 (STRAWN DE	245.0	
SPRABERRY (TREND AREA)	30.0	EL PASO NATURAL G
DUNHAM YOUNG	2.0	LONE STAR GAS CO
DUNHAM YOUNG	34.0	LONE STAR GAS CO
GRUVER NW (UPPER MORROW)	180.0	PHILLIPS PETROLEU
WOODLAWN (COTTON VALLEY)	525.0	EAST TEXAS INDUST
GIDDINGS (AUSTIN CHALK-3	58.4	CHAMPLIN PETROLEU
ALLISON PARKS (MORROW U)	0.0	
PANHANDLE (MOORE)	912.0	PHILLIPS PETROLEU
SALEM (2860)	0.0	TEXAS EASTERN TRA
PANHANDLE	1.9	PHILLIPS PETROLEU
PANHANDLE	1.9	PHILLIPS PETROLEU
PUTNAM N (DUFFER)	18.0	LONE STAR GAS CO
GIDDINGS	0.0	FALCON GAS CO
WILDCAT	0.0	
TOTO (BEND CONGL LOWER)	293.8	LONE STAR GAS CO
POD (COTTON VALLEY)	144.0	DELHI GAS PIPELIN
WAYLAND	15.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-MCCORMICK OPERATING CO			RECEIVED: 12/03/81 JA: TX			
8208866	F-06-037349	4240131154	102-2 FORBUS ESTATE GAS UNIT #4	OAK HILL (COTTON VALLEY)	245.0	HYDROCARBON TRANS
8208866	F-06-037349	4240131154	107-TF FORBUS ESTATE GAS UNIT #4	OAK HILL (COTTON VALLEY)	245.0	HYDROCARBON TRANS
-MCFARLANE OIL CO INC			RECEIVED: 12/03/81 JA: TX			
8208817	F-02-035325	4246931602	103 PICKERING & DUHLER #26	PLACEDO	0.0	TENNECO CHEMICALS
-MCMORAN PRODUCTION CO			RECEIVED: 12/03/81 JA: TX			
8208870	F-04-037735	4270030035	102-4 STATE TRACT 1064-L #B4L	BLOCK 1064-L	1000.0	VALLEY PIPE LINES
8208866	F-04-039227	4270030041	102-4 STATE TRACT 1064-L A-6AL	BLOCK 1064-L	1825.0	VALLEY PIPE LINE
8208887	F-04-039228	4270030032	102-4 STATE TRACT 1064-L A-8 U	BLOCK 1064-L	900.0	VALLEY PIPE LINE
8208884	F-04-039225	4270030034	102-4 STATE TRACT 1064-L B-3 L	BLOCK 1064-L	1460.0	VALLEY PIPE LINE
8208872	F-04-037768	4270030035	102-4 STATE TRACT 1064-L B-4U	BLOCK 1064-L	1500.0	VALLEY PIPE LINES
8208885	F-04-039226	4270030027	102-4 STATE TRACT 1064-L SW/4 B-2 L	BLOCK 1064-L	1095.0	VALLEY PIPE LINE
-MEWBOURNE OIL COMPANY			RECEIVED: 12/03/81 JA: TX			
8208748	F-10-027111	4235730797	108 BROWNIE #1 ID #78669	ELLIS RANCH (CLEVELAND)	14.0	DIAMOND SHAMROCK
-MGF OIL CORP			RECEIVED: 12/03/81 JA: TX			
8208976	F-08-041824	4231732324	103 CLINE "A" #1	SPRABERRY (TREND AREA)	16.7	PHILLIPS PETROLEU
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/03/81 JA: TX			
8208825	F-09-036047	4249700000	108 ADELE CLOUGH #4 87018	BOONSVILLE (BEND CONGL G	4.6	NATURAL GAS PIPEL
8208762	F-09-030971	4249731771	103 ASCCU #5-7	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPEL
8208865	F-09-037325	4249732036	103 C HOLLAND #1	BOONSVILLE (BEND CONGLOM	150.0	SOUTHWESTERN GAS
8208876	F-09-038774	4249731942	103 DAVID W BRYANT #2	MORRIS (CONSOLIDATED CON	350.0	NATURAL GAS PIPEL
8209022	F-78-042361	4236700000	108 DON SPRINGFIELD #1 79604	RENO (CONGL)	10.8	NATURAL GAS PIPEL
8209019	F-09-042352	4223733596	103 ETHEL WORTHINGTON #1 21360	JACK (COUNTY REGULAR)	33.8	
8208864	F-09-037324	4249732109	103 FLOYD MCCURDY #1	BOONSVILLE (BEND CONGL G	50.0	SOUTHWESTERN GAS
8208850	F-09-036927	4249732041	103 FRANCES LAMM #2	BOONSVILLE (BEND CONGLOM	380.0	NATURAL GAS PIPEL
8208766	F-09-031588	4223700000	108 G F WIMBERLY #1	RICHARD W R (MARBLE FALL	0.0	NATURAL GAS PIPEL
8208849	F-09-036881	4249700000	108 H J DEAVERS #1 28622	BOONSVILLE (BEND CONGL G	13.6	NATURAL GAS PIPEL
8208778	F-09-034516	4249700000	108 J B BURNS #1	BOONSVILLE (BEND CONGL G	12.0	LONE STAR GAS CO
8209021	F-09-042360	4223700000	108 J B OWEN #1 71227	GATES (WEST CONGL)	10.7	LONE STAR GAS CO
8208898	F-09-039742	4249731997	103 M F GERBER #2	BOONSVILLE (BEND CONGLOM	125.0	NATURAL GAS PIPEL
8209008	F-09-042228	4249700000	108 MARIE WAGGONER #2 43636	BOONSVILLE (BEND CONGL G	9.5	NATURAL GAS PIPEL
8208871	F-09-037744	4249732089	103 MARY F STEWART #2	BOONSVILLE (BEND CONGLOM	130.0	NATURAL GAS PIPEL
8209020	F-05-042354	4228900000	108 O K TAYLOR #1 78477	BUFFALO (SOUTH 8700)	12.2	LONE STAR GAS CO
8208897	F-09-039740	4249732159	103 ROBERT STUTT #2	BOONSVILLE (BEND CONGLOM	335.0	NATURAL GAS PIPEL
8208980	F-09-041913	4249732145	103 TCWB #28-T	BOONSVILLE (BEND CONGL G	170.0	NATURAL GAS PIPEL
8209009	F-09-042231	4223700000	108 WILLIE R RICHARDS #1 43024	CARY-MAG (SOUTH CONGL)	10.6	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 12/03/81 JA: TX			
8209084	F-08-042891	4232931005	103 SHACKELFORD SPRABERRY UNIT #6177	SPRABERRY (TREND AREA)	21.5	EL PASO NATURAL G
8209060	F-08-042787	4232931004	103 SHACKELFORD SPRAYBERRY UNIT #6207	SPRABERRY (TREND AREA)	12.1	EL PASO NATURAL G
*8209040	F-08-042675	4247532291	103 STATE AK #7	CAPRITO (DELAWARE MIDDLE	47.1	INTRATEX GAS CO
-MONSANTO COMPANY			RECEIVED: 12/03/81 JA: TX			
8209057	F-8A-042777	4207931385	103 MASTEN #62	LEVELLAND	5.0	CITIES SERVICE CO
8209058	F-8A-042778	4207931384	103 MASTEN #64	LEVELLAND	5.0	CITIES SERVICE CO
8209047	F-8A-042739	4250131951	103 SAWYER #1	WASSON	10.0	SHELL OIL CO
8209048	F-8A-042740	4250131994	103 SAWYER #2	WASSON	10.0	SHELL OIL CO
8209049	F-8A-042741	4250132025	103 SAWYER #3	WASSON	10.0	SHELL OIL CO
8209050	F-8A-042742	4250132123	103 SAWYER #4	WASSON	16.0	SHELL OIL CO
8209051	F-8A-042743	4250132122	103 SAWYER #5	WASSON	10.0	SHELL OIL CO
-MONTERREY PETROLEUM CORP			RECEIVED: 12/03/81 JA: TX			
8209070	F-04-042838	4247932898	103 M M A CATTLE CO #1 (9320?)	LAREDO (LOBO)	120.0	SOUTHERN PIPELINE
-MORAN EXPLORATION INC			RECEIVED: 12/03/81 JA: TX			
8208741	F-7C-042341	4238300000	108-ER S E STOUT #1	SPRABERRY	10.6	EL PASO NATURAL G
-MWJ PRODUCING CO			RECEIVED: 12/03/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209527	F-7C-[illegible]2450	4223512851		103		UNIVERSITY 3 #1	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
-NATURAL GAS ANADARKO INC				RECEIVED: 12/03/81 JA: TX					
8208895	F-10-039712	4235731118		102-4		KILE #1-300C	TURNER SE (MORROW UPPER)	180.0	TRANSWESTERN PIPE
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 12/03/81 JA: TX					
8208859	F-03-037203	4232131045		102-4		CORNELIUS #2 (#94733)	WADSWORTH S (11,100) FIE	600.0	HOUSTON PIPE LINE
-NUGGET OIL CORP				RECEIVED: 12/03/81 JA: TX					
8208918	F-31-040756	4212732218		103		MCKNIGHT UNIT #16	WINTER GARDEN (OLMOS)	73.0	VALERO TRANSMISSI
-OJD INC				RECEIVED: 12/03/81 JA: TX					
8208820	F-7C-035597	4210500000		103		DOROTHY PIERCE 51-1	OZONA (CANYON SAND)	72.0	
8208820	F-7C-035597	4210500000		107-TF		DOROTHY PIERCE 51-1	OZONA (CANYON SAND)	72.0	
-PALO PETROLEUM INC				RECEIVED: 12/03/81 JA: TX					
8208755	F-7B-029385	4213331713		103		JOHNSON B #1	FOSTER (MARBLE FALLS)	26.0	ODESSA NATURAL CO
-PANCAKE-WATTS				RECEIVED: 12/03/81 JA: TX					
8208999	F-7B-042135	4205932940		102-4		HILL EST #1 (92340)	PANCAKE-WATTS (ELLENBURG	193.0	VALERO TRANSMISSI
-PEARSON-SIBERT OIL CO OF TEXAS				RECEIVED: 12/03/81 JA: TX					
8209081	F-7C-042876	4208131016		103		KEYES A #1	FRANK PEARSON (STRAWN RE	45.0	SUN OIL CO
8209092	F-7C-042918	4208130994		103		MILLICAN REEF UNIT #1-S	MILLICAN	133.0	SUN OIL CO
8209080	F-7C-042875	4208131007		103		MILLICAN REEF UNIT #6-P	MILLICAN	38.0	SUN OIL CO
-PETRO-LEWIS CORPORATION				RECEIVED: 12/03/81 JA: TX					
8208878	F-16-038968	4241900[illegible]		103		F W COCKRELL UNIT #1	JOAQUIN (PETTIT L)	189.8	UNITED GAS PIPELI
8208981	F-02-041925	4229700000		108		SANGER HEIRS #1-C	SIERRA VISTA (SLICK A)	17.0	TEXAS EASTERN TRA
8208912	F-03-040223	4215700000		103		SIDNEY BEARD #3	LONG POINT DOME (FRIO)	47.8	DOW CHEMICAL CO U
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/03/81 JA: TX					
8208997	F-08-042124	4249531355		103		BASH - #15 (16091)	KEYSTONE (COLBY)	7.3	SID RICHARDSON GA
8209011	F-08-042253	4249531359		103		BASH-16 (16091)	KEYSTONE (COLBY)	21.5	SID RICHARDSON GA
8208853	F-10-037090	4223331053		103		DUBOISE #4	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8208854	F-10-037091	4223331054		103		DUBOISE #5	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8208984	F-36-041960	4213507898		108		GOLDSMITH ANDECTOR UNIT L17 (21193)	GOLDSMITH (CLEARFORK)	22.9	EL PASO NATURAL G
8208856	F-10-037093	4234130674		103		JARVIS #3	PANHANDLE MOORE	0.0	EL PASO NATURAL G
8208857	F-10-037094	4234130676		103		JARVIS #4	PANHANDLE MOORE	0.0	EL PASO NATURAL G
8208799	F-10-03508[illegible]	4217[illegible]		108		JOHNSON AA #14	PANHANDLE GRAY	0.0	
8208808	F-10-035100	4217900000		108		JOHNSON BB #10	PANHANDLE GRAY	0.0	
8208787	F-10-035031	4217900000		108		JOHNSON BB #11	PANHANDLE GRAY	0.0	
8208789	F-10-035033	4217900000		108		JOHNSON BB #12	PANHANDLE GRAY	0.0	
8208790	F-10-035034	4217900000		108		JOHNSON BB #13	PANHANDLE GRAY	0.0	
8208792	F-10-035036	4217900000		108		JOHNSON BB #14	PANHANDLE GRAY	0.0	
8208791	F-10-035035	4217900000		108		JOHNSON BB #15	PANHANDLE GRAY	0.0	
8208793	F-10-035037	4217900000		108		JOHNSON BB #18	PANHANDLE GRAY	0.0	
8208797	F-10-035061	4217900000		108		JOHNSON BB #2	PANHANDLE GRAY	0.0	
8208798	F-10-035063	4217900000		108		JOHNSON BB #6	PANHANDLE GRAY	0.0	
8208788	F-10-035032	4217900000		108		JOHNSON BB #8	PANHANDLE GRAY	0.0	
8208809	F-10-035107	4217900000		108		JOHNSON CC #11	PANHANDLE GRAY	0.0	
8208810	F-10-035108	4217900000		108		JOHNSON CC #12	PANHANDLE GRAY	0.0	
8208785	F-10-035023	4217900000		108		JOHNSON CC #13	PANHANDLE GRAY	0.0	
8208786	F-10-035024	4217900000		108		JOHNSON CC #14	PANHANDLE GRAY	0.0	
8208784	F-10-035022	4217900000		108		JOHNSON CC #15	PANHANDLE GRAY	0.0	
8208805	F-10-035097	4217900000		108		JOHNSON CC #16	PANHANDLE GRAY	0.0	
8208806	F-10-035098	4217900000		108		JOHNSON CC #17	PANHANDLE GRAY	0.0	
8208807	F-10-038099	4217900000		108		JOHNSON CC #18	PANHANDLE GRAY	0.0	
8208795	F-10-035056	4217900000		108		JOHNSON CC #4	PANHANDLE GRAY	0.0	
8208796	F-10-035059	4217900000		108		JOHNSON CC #5	PANHANDLE GRAY	0.0	
8208804	F-10-035096	4217900000		108		JOHNSON CC #7	PANHANDLE GRAY	0.0	
8208803	F-10-035095	4217900000		108		JOHNSON CC #8	PANHANDLE GRAY	0.0	

JD NO	JA DKT	API NO.	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8208794	F-10-035038	4217900000	108	JOHNSON CC #9	PANHANDLE GRAY	0.0	
8208800	F-10-035089	4217900000	108	JOHNSON Z #3	PANHANDLE GRAY	0.0	
8208802	F-10-035094	4217900000	108	JOHNSON Z #8	PANHANDLE GRAY	0.0	
8208801	F-10-035093	4217900000	108	JOHNSON Z #9	PANHANDLE GRAY	0.0	
8208828	F-10-036163	4217900000	103	LEHMAN #5	PANHANDLE GRAY	0.0	
8208855	F-10-037092	4217930877	103	LEHMAN #6	PANHANDLE GRAY	0.0	
8208867	F-10-037448	4217930899	103	LEHMAN #7	PANHANDLE GRAY	0.0	
8208829	F-10-036209	4217900000	103	M DAVIDSON #12	PANHANDLE GRAY	0.0	
8209053	F-7C-042758	4246104346	108	N PEMBROOK S #91-01	SPRABERRY TREND AREA	1.3	NORTHERN NATURAL
8209055	F-08-042761	4213504646	108	SLAT #2	TXL (SILURIAN)	19.2	SHELL OIL CO
8209035	F-09-042613	4249729143	108	WEST B #1	BOONSVILLE BEND CONGLOME	0.0	CITIES SERVICE CO
8209054	F-HA-042758	4203300580	108	WEST JO MILL #9-03	JO MILL SPRABERRY	12.3	GETTY OIL CO
-PIONEER PRODUCTION CORPORATION			RECEIVED: 12/03/81 JA: TX				
8208833	F-10-036476	4229530985	103	FILE UNIT #2-956	MAMMOTH CREEK NORTH (CLE	0.0	NORTHERN NATURAL
8208901	F-10-039790	4229531009	103	J L FRY #2-977	MAMMOTH CREEK NORTH (CLE	0.0	NORTHERN NATURAL
-PITTS OIL CO & DALLAS PROD INC			RECEIVED: 12/03/81 JA: TX				
8208958	F-06-041492	4207330415	102-4	TRAVIS #3	PERCY WHEELER (TRAVIS PE	186.0	UNITED GAS PIPELI
-R L FOREE			RECEIVED: 12/03/81 JA: TX				
8209018	F-7B-042341	4235331134	102-4	J P AYCOCK #1 17474	J & J (CADDO)	54.0	PALO DURO PIPELIN
8209018	F-7B-042341	4235331134	103	J P AYCOCK #1 17474	J & J (CADDO)	54.0	PALO DURO PIPELIN
-RALPH L WAY INC			RECEIVED: 12/03/81 JA: TX				
8209095	F-7C-042972	4238332046	103	UNIVERSITY 10 #5	FARMER (SAN ANDRES)	18.7	NORTHERN NATURAL
8209094	F-7C-042971	4238332047	103	UNIVERSITY 10 #6	FARMER (SAN ANDRES)	18.7	NORTHERN NATURAL
-RAW HIDE OIL & GAS INC			RECEIVED: 12/03/81 JA: TX				
8208979	F-10-041903	4217930909	103	LANGHAM #1	PANHANDLE/GRAY COUNTY/	61.0	COLTEXO CORP
-RELIANCE DEVELOPMENT CORP			RECEIVED: 12/03/81 JA: TX				
8208908	F-10-040172	4223300009	108	RELIANCE-SANFORD #1 (23827)	PANHANDLE WEST	22.0	PANHANDLE PRODUCI
-RETAMCO INC			RECEIVED: 12/03/81 JA: TX				
8208909	F-03-040197	4214939079	103	LORENZ #1	GIDDINGS (BUDA)	19.7	PHILLIPS PETROLEU
-ROBINSON BROS DRILLING CO INC			RECEIVED: 12/03/81 JA: TX				
8208938	F-01-041138	4211730551	103	ROSELLA KIFER #1	COST (AUSTIN CHALK)	73.0	TIPPERARY GATHERI
-RODMAN PETROLEUM CORP			RECEIVED: 12/03/81 JA: TX				
8208996	F-7C-042115	4210500000	108	PIERCE 105	VIP (CLEARFORK)	20.0	NORTHERN NATURAL
8209036	F-7B-042664	4213333010	103	TALLEY #1	EASTLAND COUNTY REGULAR	12.0	LONE STAR GAS CO
-SABINE PRODUCTION COMPANY			RECEIVED: 12/03/81 JA: TX				
8208899	F-04-039745	4235531761	103	DOUGHTY 1-L	WILDCAT	182.5	HOUSTON PIPE LINE
-SAMSON RESOURCES COMPANY			RECEIVED: 12/03/81 JA: TX				
8208914	F-06-040239	4241930328	102-4	R E STRAHAN GAS UNIT #1	NORTH TIMPSON (TRAVIS PE	549.1	DELHI GAS PIPELIN
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 12/03/81 JA: TX				
8208921	F-08-040864	4217331152	103	GLENN W HILLGER 1-A	BLALOCK LAKE E (WOLFCAMP	500.0	PHILLIPS PETROLEU
8208891	F-04-039493	4250531363	102-4	VAQUILLAS RANCH LTD #1	LAS OVEJAS (LOBO)	500.0	UNITED TEXAS TRAN
-SCANDRILL CO			RECEIVED: 12/03/81 JA: TX				
8208745	F-09-026319	4250333815	103	KURK #3	YOUNG COUNTY REGULAR	17.9	SUN GAS GATHERING
8208744	F-09-026018	4250333874	103	KURK #4	YOUNG COUNTY REGULAR	21.9	SUN GAS GATHERING
8208826	F-09-036066	4250334616	103	MORRIS STEPHENS #1	KNOX (MISS)	18.3	SUN GAS GATHERING
-SEQUOIA FOSSIL FUELS INC			RECEIVED: 12/03/81 JA: TX				
8209025	F-7B-042419	4241733236	103	WILLIAMS (SEC 70) #1	SHACKELFORD COUNTY REGUL	70.0	DELHI GAS PIPELIN
-SHELL OIL CO			RECEIVED: 12/03/81 JA: TX				
8208936	F-04-041121	4204730912	102-4	HECTOR LOPEZ NO 3	LOPEZ RANCH (VICKSBURG 1	750.0	CHANNEL INDUSTRIE
-SHOW PETROLEUM INC			RECEIVED: 12/03/81 JA: TX				
8208848	F-7B-036859	4234932648	103	BATES #3	BROWN COUNTY REGULAR (MA	196.0	ODESSA NATURAL CO
-SIKES ARLAS M			RECEIVED: 12/03/81 JA: TX				
8209045	F-7B-042725	4204932356	103	G A DAY #1 (16493)	BROWN COUNTY REGULAR	2.0	SIOUX PIPELINE CO

JD ID	JA DKT	API NO	D	SEC	CAT	WELL NAME
8209044	F-7B-042724	4204932563		103		G A DAY #2 (164933)
-STEVE JERNIGAN INC						RECEIVED: 12/03/81 JA: TX
8208749	F-1C-027397	4229508002		103		BATTIN #2
-STUART DEVELOPMENT CO						RECEIVED: 12/03/81 JA: TX
8208769	F-7B-032540	4236731811		103		J K BRADSHAW #1
8208770	F-7B-032543	4236700000		103		RUTH MARTIN #1
-SUBURBAN PROPANE GAS CORP						RECEIVED: 12/03/81 JA: TX
8208845	F-7C-036820	4210533115		103		MCMULLAN C #2
8208845	F-7C-036820	4210533115		107-TF		MCMULLAN C #2
8208868	F-7C-037455	4210533109		103		WILKINS B #2
8208868	F-7C-037455	4210533109		107-TF		WILKINS B #2
-SUN BELT PETROLEUM INC						RECEIVED: 12/03/81 JA: TX
8208862	F-7B-037298	4213332805		103		KING #1
8208863	F-7B-037299	4213332714		103		THOMPSON #4
8208861	F-7B-037297	4213332715		103		THOMPSON 1-A
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 12/03/81 JA: TX
8208930	F-7C-041036	4244330253		102-4		ELLEN A WORD D #1
-SUPERIOR OIL CO						RECEIVED: 12/03/81 JA: TX
8208881	F-03-039115	4205131425		103		J L KUCHERA #1
-TAMARACK PETROLEUM CO INC						RECEIVED: 12/03/81 JA: TX
8208880	F-7C-039296	4238331799		103		SAUNDERS #1
8209078	F-7C-042857	4210533188		103		SUTTON 14 #4
-TANA OIL & GAS CORP						RECEIVED: 12/03/81 JA: TX
8208851	F-02-037013	4229700000		102-4		EL PASO NATURAL GAS #1
-TDC ENGINEERING INC						RECEIVED: 12/03/81 JA: TX
8209086	F-01-042895	4217730950		102-4		HOFFMANN #1 (07243)
-TENAGAMI OIL & GAS INC						RECEIVED: 12/03/81 JA: TX
8208972	F-03-041726	4205131547		102-2		J P CALLAS #1
-TENNECO OIL COMPANY						RECEIVED: 12/03/81 JA: TX
8208756	F-08-029419	4230130248		107-DP		BRUNSON #48-1
-TERRA RESOURCES INC						RECEIVED: 12/03/81 JA: TX
8209090	F-8A-042913	4241531948		102-4		L WILLIAMS #1
-TERRELL OPERATING CO						RECEIVED: 12/03/81 JA: TX
8209081	F-7B-042151	4215131253		103		REVIS ROBERTSON (NORTH) #1
-TEXACO INC						RECEIVED: 12/03/81 JA: TX
8208910	F-04-040213	4242731529		102-4		GUERRA SHARE 20 #16
8208911	F-04-040214	4242731513		102-4		GUERRA SHARE 22 #19
8209071	F-7C-042840	4245100000		108		W G KENT B NCT-3 #3
8208875	F-8A-038121	4211531404		103		SPRABERRY DEEP UNIT #620
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 12/03/81 JA: TX
8208946	F-08-041284	4233531239		103		EDWIN PARKS #11
-TEXAS OIL & GAS CORP						RECEIVED: 12/03/81 JA: TX
8208743	F-05-024918	4216130588		103		HEGGINS #1
8208743	F-05-024918	4216130588		107-TF		HEGGINS #1
8208754	F-05-029293	4216130177		103		WORTHY UNIT #1
8208754	F-05-029293	4216130177		107-TF		WORTHY UNIT #1
-TRACE PETROLEUM CORP						RECEIVED: 12/03/81 JA: TX
8209029	F-7B-042503	4204932716		103		KING #1
-TURNER PETROLEUM CO						RECEIVED: 12/03/81 JA: TX
8209042	F-08-042693	4232734341		103		READ #1
-TXO PRODUCTION CORP						RECEIVED: 12/03/81 JA: TX
8208818	F-04-035405	4213135181		102-4		HARRERA B-1 RRC ID #94102
-U S OPERATING INC						RECEIVED: 12/03/81 JA: TX

BILLING CODE 6717-01-C

VOLUME 567 PAGE 010

FIELD NAME	PROD	PURCHASER
BROWN COUNTY REGULAR	2.0	SIOUX PIPELINE CO
LIPSCOMB-CLEVELAND	0.0	PHILLIPS PETROLEU
SPRINGTOWN (5700)	150.0	LONE STAR GAS CO
SPRINGTOWN 5500	150.0	LONE STAR GAS CO
DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
EASTLAND COUNTY REGULAR	41.0	LONE STAR GAS CO
EASTLAND COUNTY REGULAR	40.0	LONE STAR GAS CO
EASTLAND COUNTY REGULAR	43.0	LONE STAR GAS CO
MCKAY CREEK (TENSU5)	1.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	0.0	
SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEU
OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
CHAPA E (9750)-PROPOSED	70.0	EL PASO NATURAL G
PEACH CREEK (AUSTIN CHAL	5.0	VALERO TRANSMISSI
CALDWELL (AUSTIN CHALK)	33.0	CLAJON GAS CO
BRUNSON RANCH (LOWER PEN	0.0	TENNESSEE GAS PIP
LAKE THOMAS (STRAWN)	98.0	
KEELER-WIMBERLY (CANYON	26.0	PALO DURO PIPELIN
ROMA EAST (QUEEN CITY)	0.0	
ROMA EAST (QUEEN CITY)	18.0	
KENT (STRAWN)	4.4	ARCO OIL & GAS CO
SPRABERRY DEEP	16.0	WESTAR TRANSMISSI
DIXON (STRAWN)	13.0	SUN GAS CO
TEAGUE TOWNSITE (COTTON	500.0	
TEAGUE TOWNSITE (COTTON	500.0	
FREESTONE (BOSSIER SAND)	2.0	DELHI GAS PIPELIN
FREESTONE (BOSSIER SAND)	2.0	DELHI GAS PIPELIN
BROWN CO REGULAR (MARBLE	37.0	SIOUX PIPELINE CO
COAHOMA (MISS)	58.4	GETTY OIL CO
J R (6030)	8.0	VALERO TRANSMISSI

VOLUME 567 PAGE 011

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME
8208955	F-03-041428	4205131617	102-2	DESS UNIT #1
8208892	F-03-039594	4228730876	102-2	STORMY #1
				RECEIVED: 12/03/81 JA: TX
-UNION TEXAS PETROLEUM				
8208916	F-7C-040413	4223531736	103	SUGG "21" #1
				RECEIVED: 12/03/81 JA: TX
-VANGUARD EXPLORATION CO INC				
8208746	F-7B-026549	4204932294	103	NEWTON #C-1
				RECEIVED: 12/03/81 JA: TX
-VENUS OIL COMPANY				
8208925	F-03-039986	4203931633	102-4	STEVENS UNIT #1
8208932	F-02-041064	4217531413	102-4	WILKINSON B #1
				RECEIVED: 12/03/81 JA: TX
-VORTT EXPLORATION CO INC				
8208759	F-7B-030239	4236332412	102-4	VELMA KELLY #1
8208836	F-7B-036623	4236332542	102-4	W T DUNAWAY UNIT III #1
				RECEIVED: 12/03/81 JA: TX
-W M TAYLOR ESTATE				
8208837	F-10-036686	4217900000	108	TAYLOR RANCH (WHT) 17 25358
				RECEIVED: 12/03/81 JA: TX
-W L BRUCE OPERATOR				
8208747	F-10-026944	4234100000	103	PRITCHARD #11
				RECEIVED: 12/03/81 JA: TX
-WARD OIL CO				
8209069	F-05-042827	4221300000	108	BEN HEARNE #1-T
				RECEIVED: 12/03/81 JA: TX
-WHITEHEAD PRODUCTION CO INC				
8208902	F-7B-039797	4204932530	102-2	HEINDORFF 1-B
				RECEIVED: 12/03/81 JA: TX
-WINDSOR PRODUCING CO				
8208995	F-03-042107	4228731005	103	DAVIS #1
8208994	F-03-042106	4228730852	103	FISCHER #1
8209007	F-03-042191	4228731819	103	SYMM #1
				RECEIVED: 12/03/81 JA: TX
-WINN EXPLORATION/DULCE CO				
8208959	F-01-041514	4258731171	102-4	SMYTH 1
				RECEIVED: 12/03/81 JA: TX
-WJC ENGINEERING & MANAGEMENT				
8209065	F-08-042803	4222732805	103	DAVIS #1
8209066	F-08-042804	4210332549	103	DAWSON #4
				RECEIVED: 12/03/81 JA: TX
-WOOD MCSHANE & THAMS				
8209023	F-08-042373	4208331828	108	CREWS & MAST UNIT #1 ARC #68151
				RECEIVED: 12/03/81 JA: TX
-WOODS PETROLEUM CORPORATION				
8208780	F-10-034621	4221131237	103	THIERSTIEN #75-1
				RECEIVED: 12/03/81 JA: TX
-WY-VEL CORP				
8209067	F-10-042812	4223330964	103	SOUTHLAND (043441) #6
8209068	F-10-042813	4206530848	103	WEINHEIMER #1 (048761)
				RECEIVED: 12/03/81 JA: TX
-ZONERGY INC				
8208773	F-03-033956	4205100000	102-2	BATES #3-A
8208774	F-03-033957	4205100000	102-2	HOUSTON #2
8208782	F-03-034644	4205100000	102-2	HOUSTON A-2

OTHER PURCHASERS

8208896 E I DUPONT DE NEMOURS & CO INC
8209000 SHELL OIL CO
8209037 E I DUPONT DE NEMOURS & CO INC
8209038 E I DUPONT DE NEMOURS & CO INC
8209039 E I DUPONT DE NEMOURS & CO INC
8209040 LONE STAR GAS CO
8209041 E I DUPONT DE NEMOURS & CO INC

FIELD NAME	PROD	PURCHASER
GIDDINGS (AUSTIN CHALK -	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK-3	0.0	PGP GAS PRODUCTS
ANDREW A (CANYON)	109.5	CRA INC
BROWN COUNTY REGULAR	18.0	SOUTHWESTERN GAS
LAKE ALASKA (FRIO 8480')	0.0	VALERO TRANSMISSI
BERCLAIR E (3260')	0.0	UNITED TEXAS TRAN
MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
MINERAL WELLS (STRAWN A)	0.0	SOUTHWESTERN GAS
WEST PANHANDLE (GAS)	10.0	PHILLIPS PETROLEU
PANHANDLE MOORE COUNTY	225.0	PHILLIPS PETROLEU
OPELIKA (PETTIT)	18.0	LONE STAR GAS CO
HAYNES (CROSS CUT SAND)	88.0	ODESSA NATURAL CO
GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
JUDGE HILLS	97.0	NORTHERN NATURAL
HUTTO SOUTH (WOLFCAMP)	36.5	PHILLIPS PETROLEU
WYNNE (CLFR)	91.0	PHILLIPS PETROLEU
BLOCK A-34 (YATES)	2.0	EL PASO NATURAL G
WILDCAT	153.3	NORTHERN NATURAL
PANHANDLE HUTCHINSON COU	29.0	PHILLIPS PETROLEU
PANHANDLE CARSON COUNTY	125.0	GETTY OIL CO
GIDDINGS	0.0	CLAJON GAS CO
GIDDINGS	0.0	
GIDDINGS (AUSTIN CHALK 3	0.0	CLAJON GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 20, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-151 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALPHA TWENTY-ONE PRODUCTION CO						RECEIVED: 12/03/81 JA: NM			
A209138		3002526812		103		LANSFORD #4	EUMONT (GAS)	110.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO						RECEIVED: 12/03/81 JA: NM			
A209116		3002527061		102-4		WATKINS A GAS COM #1	UND WEST OSUDO MORROW	246.0	EL PASO NATURAL G
-APOLLO ENERGY INC						RECEIVED: 12/03/81 JA: NM			
A209131		3002500000		102-4		LEE	VACUUM ABO REEF	35.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY						RECEIVED: 12/03/81 JA: NM			
A209123		3001521673		108		STATE BT COM #1	AVALON MORROW GAS	0.9	GAS CO OF NEW MEX
-BELCO PETROLEUM CORPORATION						RECEIVED: 12/03/81 JA: NM			
A209163		3001523215		102-4		GUITAR EST #1 23215	LOVING	0.0	EL PASO NATURAL G
-COLLIER ENERGY INC						RECEIVED: 12/03/81 JA: NM			
A209117		3002527397		102-4		MESA STATE #1	VACUUM SOUTH QUEEN	0.0	UNITED GAS PL CO
-CONOCO INC						RECEIVED: 12/03/81 JA: NM			
A209121		3002500580		108		MCA UNIT #5	BAISH-MALJAMAR-PEARSALL	0.3	TRANSWESTERN PIPE
A209120		3002526179		108		STATE KN-12 #6	EUMONT-MONUMENT	9.5	EL PASO NATURAL G
-COUGAR PETROLEUM CO						RECEIVED: 12/03/81 JA: NM			
A209156		3004524901		103		STATE 36-21	LYBROOK GALLUP EXT	70.0	MESA PETROLEUM CO
A209155		3004524900		103		STATE 36-31	LYBROOK GALLUP EXT	70.0	MESA PETROLEUM CO
A209157		3004524904		103		STATE 36-43	LYBROOK GALLUP EXT	40.0	MESA PETROLEUM CO
-DUGAN PRODUCTION CORP						RECEIVED: 12/03/81 JA: NM			
A209136		3003922808		103		BROWN #1	SOUTH BLANCO PICTURED CL	30.0	EL PASO NATURAL G
A209135		3003922809		103		BROWN #2	SOUTH BLANCO PICTURED CL	27.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY						RECEIVED: 12/03/81 JA: NM			
A209132		3003900000		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC						RECEIVED: 12/03/81 JA: NM			
A209112		3004126601		103		CRUME #1	SOUTH PETERSON (CISCO)	194.4	WARREN PETROLEUM
-EXXON CORPORATION						RECEIVED: 12/03/81 JA: NM			
A209162		3001523217		102-4		NEW MEXICO CY STATE COM #1	ATOKA	329.0	
A209161		3002527360		103		NEW MEXICO DA STATE #1	UNDESIGNATED MORROW-WOLF	767.0	
-FRED POOL JR						RECEIVED: 12/03/81 JA: NM			
A209111		3000560935		107-TF		MACHO #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY						RECEIVED: 12/03/81 JA: NM			
A209133		3002500000		108		STATE BL #1	LOVINGTON QUEEN	18.0	PHILLIPS PETROLEU
-HNG OIL COMPANY						RECEIVED: 12/03/81 JA: NM			
A209137		3001500000		103		GOLDEN LANE 1 FEDERAL #1	WILDCAT MORROW	511.0	EL PASO NATURAL G
A209109		3002500000		102-2		VACA DRAW 16 STATE #1	WILDCAT ATOKA	733.0	EL PASO NATURAL G
A209140		3002500000		102-2		VACA DRAW 16 STATE #1	WILDCAT ATOKA	733.0	EL PASO NATURAL G
-HOLLY ENERGY INC						RECEIVED: 12/03/81 JA: NM			
A209119		3001500000		102-4		COWTOWN LOYD #1	TRAVIS UPPER PENN	110.6	
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 12/03/81 JA: NM			
A209110		3002500000		108		MURPHY STATE A-2	INBE-PERMO PENN	3.0	WARREN PETROLEUM

JD NO	JA PKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-LAYTON ENTERPRISES INC			RECEIVED: 12/03/81 JA: NM			
A209122		3002502656	102 RETENBOUGH B #1	BOUGH SAN ANDRES	10.0	WARREN PETROLEUM
-MADDOX ENERGY CORPORATION			RECEIVED: 12/03/81 JA: NM			
A209159		3001500000	103 PARDUE FARMS 27 #4	SOUTH CULEBRA BLUFF-BONE	36.5	
-MESA PETROLEUM			RECEIVED: 12/03/81 JA: NM			
A209141		3000563869	107-TF DAVIS #2	WILDCAT ABO	720.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 12/03/81 JA: NM			
A209160		3003922678	103 SAN JUAN 30-5 #41A	BLANCO MESAVERDE	91.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 12/03/81 JA: NM			
A209128		3002526925	103 E VACUUM GB/SA UNIT TR 2913 #010	VACUUM GB/SA POOL	9.1	EL PASO NATURAL G
A209127		3002526680	103 E VACUUM GB/SA UNIT TR 3333 #005	VACUUM GB/SA	29.0	EL PASO NATURAL G
A209118		3002527306	102-4 SAN SIMON 32 A STATE #1	EAST GRAMA RIDGE	188.3	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO			RECEIVED: 12/03/81 JA: NM			
A209129		3003922779	103 CHICOSA CANYON #1	UNDESIGNATED	480.0	NORTHWEST PIPELIN
A209145		3003922413	103 JOHNSON #1	BLANCO	198.0	EL PASO NATURAL G
A209147		3003922413	105 JOHNSON #1	OJITO	51.0	EL PASO NATURAL G
A209146		3002527377	103 SCHARB 9 #1	SCHARB	10.0	WARREN PETROLEUM
A209130		3003922756	103 SIMMS FEDERAL #1	UNDESIGNATED	450.0	NORTHWEST PIPELIN
A209158		3001523460	103 STATE 30-A COM #1	UNDESIGNATED SOUTH MILLM	187.0	EL PASO NATURAL G
-STEVENS OPERATING CORP			RECEIVED: 12/03/81 JA: NM			
A209153		3000561006	103 O'BRIEN FF #4	TWIN LAKES-SAN ANDRES AS	13.0	TRANSWESTERN PIPE
A209150		3000560994	103 O'BRIEN FF #3	TWIN LAKES-SAN ANDRES AS	9.0	TRANSWESTERN PIPE
A209151		3000561022	103 O'BRIEN FF #5	TWIN LAKES-SAN ANDRES AS	18.0	TRANSWESTERN PIPE
A209148		3000561038	103 O'BRIEN FF #6	TWIN LAKES-SAN ANDRES AS	8.0	TRANSWESTERN PIPE
A209152		3000561076	103 O'BRIEN GG #1	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPE
A209149		3000560995	103 O'BRIEN L #9	TWIN LAKES-SAN ANDRES AS	31.0	TRANSWESTERN PIPE
-SUPERIOR OIL CO			RECEIVED: 12/03/81 JA: NM			
A209115		3002526958	103 SIMS #1	SOUTH BELL LAKE (MORROW)	8.0	
-SUPRON ENERGY CORPORATION			RECEIVED: 12/03/81 JA: NM			
A209134		3004524653	103 STATE COM A 2-E	BLANCO MESAVERDE	476.0	SOUTHERN UNION GA
A209139		3004524653	105 STATE COM A 2-E	BASIN DAKOTA	268.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED: 12/03/81 JA: NM			
A209143		3000561026	107-TF CONEJO RH STATE #1	UND ABO	0.0	TRANSWESTERN PIPE
A209144		3000500000	102-2 CURTIS OR COM #1	UND ABO	0.0	TRANSWESTERN PIPE
A209144		3000500000	107-TF CURTIS OR COM #1	UND ABO	0.0	TRANSWESTERN PIPE
A209114		3001523763	103 EMMA QE COM #1	UND WOLDCAMP	0.0	TRANSWESTERN PIPE
A209124		3000520826	103 LOVELESS "LO" STATE #3	UND TOMAHAWK SA	0.0	
A209125		3000520821	103 PAUL "LR" #7	TOM TOM SA	0.0	TRANSWESTERN PIPE
A209142		3000520816	103 PAUL LR #5	TOM TOM SA	0.0	
A209126		3000520822	103 PAUL LR #8	TOM TOM SA	0.0	
A209154		3001523793	103 SHARP QS COM #1	UNDES POW MORROW	0.0	TRANSWESTERN PIPE
A209116		3001522554	103 STONEWALL EP STATE COM #4	UND W BURTON FLAT ATOKA	0.0	TRANSWESTERN PIPE
OHIO DEPARTMENT OF NATURAL RESOURCES						
-ATWOOD RESOURCES INC			RECEIVED: 12/07/81 JA: OH			
A209164		3410322675	103 MAUCH-REITER UNIT #1	SPENCER	10.0	
A209164		3410322675	107-TF MAUCH-REITER UNIT #1	SPENCER	10.0	
-BILL BLAIR INCORPORATED			RECEIVED: 12/07/81 JA: OH			
A209168		3402920858	103 GROVE #6	HOMEWORTH	22.0	EAST OHIO GAS CO
A209168		3402920858	107-TF GROVE #6	HOMEWORTH	22.0	EAST OHIO GAS CO
A209170		3402920860	103 GROVE #7	HOMEWORTH	16.0	EAST OHIO GAS CO
A209170		3402920860	107-TF GROVE #7	HOMEWORTH	16.0	EAST OHIO GAS CO

JD NO	JA EXT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209167		3402920853		103		KIBLER #5	HOMEWORTH	14.0	EAST OHIO GAS CO
8209167		3402920853		107-TF		KIBLER #5	HOMEWORTH	14.0	EAST OHIO GAS CO
8209169		3402920859		103		SANOR #1	HOMEWORTH	21.0	EAST OHIO GAS CO
8209169		3402920859		107-TF		SANOR #1	HOMEWORTH	21.0	EAST OHIO GAS CO
8209166		3402920846		103		SCHOENI #1	HOMEWORTH	33.0	COLUMBIA GAS TRAN
8209166		3402920846		107-TF		SCHOENI #1	HOMEWORTH	33.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH					
-CAMERON BROS									
8209171		3411925833		103		CORDER #1	BRUSH CREEK	12.0	
8209171		3411925833		107-TF		CORDER #1	BRUSH CREEK	12.0	
				RECEIVED: 12/07/81 JA: OH					
-CARL M POSTON									
8209291		3400922029		107-TF		MILLFIELD COAL & MINING CO #8	MILLFIELD	110.0	COLUMBIA GAS TRAN
8209293		3400922066		107-TF		MILLFIELD COAL & MINING CO 10	MILLFIELD	22.0	COLUMBIA GAS TRAN
8209292		3400922031		107-TF		SUGAR CREEK COAL & MINING CO 7	MILLFIELD	36.5	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH					
-DORAN & ASSOCIATES INC									
8209173		3407523207		103		ELI D A YODER #1	PAINT	12.0	COLUMBIA GAS TRAN
8209173		3407523207		107-TF		ELI D A YODER #1	PAINT	12.0	COLUMBIA GAS TRAN
8209174		3411925217		107-TF		MARVIN YOST #1 KA-43	HOPEWELL	12.0	NATIONAL GAS & OI
8209172		3407522969		103		MELVIN MEYERS #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8209172		3407522969		107-TF		MELVIN MEYERS #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8209175A		3412725272		103		YAYOI LANIER #1	JACKSON	12.0	COLUMBIA GAS TRAN
8209175B		3412725272	D	107-TF		YAYOI LANIER #1	JACKSON	12.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH					
-DORFMAN PRODUCTION CO									
8209177		3409921344		103		HINTON #1	DAMASCUS	11.0	COLUMBIA GAS TRAN
8209177		3409921344		107-TF		HINTON #1	DAMASCUS	11.0	COLUMBIA GAS TRAN
8209176		3409921335		103		PHILLIS #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8209176		3409921335		107-TF		PHILLIS #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8209178		3409921346		103		WEIK #1	DAMASCUS	11.0	COLUMBIA GAS TRAN
8209178		3409921346		107-TF		WEIK #1	DAMASCUS	11.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH					
-EDCO DRILLING & PRODUCING INC									
8209181		3403124197		103		CULLISON BL-3A	BETHLEHEM	18.0	
8209181		3403124197		107-TF		CULLISON BL-3A	BETHLEHEM	18.0	
8209180		3403124196		103		CULLISON BL-4A	BEDFORD	18.0	
8209180		3403124196		107-TF		CULLISON BL-4A	BEDFORD	18.0	
8209182		3403124200		103		INFIELD KB-1A	WARSAW	18.0	
8209182		3403124200		107-TF		INFIELD KB-1A	WARSAW	18.0	
8209183		3415723578		103		MCDONNELL KB-1B	NEWCOMERSTOWN	18.0	
8209183		3415723578		107-TF		MCDONNELL KB-1B	NEWCOMERSTOWN	18.0	
8209179		3403124183		103		POWELL BL-1A	BEDFORD	18.0	
8209179		3403124183		107-TF		POWELL BL-1A	BEDFORD	18.0	
				RECEIVED: 12/07/81 JA: OH					
-ENERGY DEVELOPMENT CORP									
8209184		3400721802		103		SPANG #2	DENMARK	14.0	
8209184		3400721802		107-TF		SPANG #2	DENMARK	14.0	
				RECEIVED: 12/07/81 JA: OH					
-GASEARCH INC									
8209185		3415521837		103		CITY OF NILES #1	WEATHERSFIELD	20.0	
8209185		3415521837		107-TF		CITY OF NILES #1	WEATHERSFIELD	20.0	
				RECEIVED: 12/07/81 JA: OH					
-GEO ENERGY INC									
8209186		3403521114		103		BUCKLEY-HAAS UNIT #5-1	ALMSTED	8.0	COLUMBIA GAS OF O
8209186		3403521114		107-TF		BUCKLEY-HAAS UNIT #5-1	ALMSTED	8.0	COLUMBIA GAS OF O
8209187		3410322607		103		HUTTINGER W & J #10-2-1	LIVERPOOL	15.0	COLUMBIA GAS TRAN
8209187		3410322607		107-TF		HUTTINGER W & J #10-2-1	LIVERPOOL	15.0	COLUMBIA GAS TRAN
8209188		3411925037		107-TF		MCINTIRE #3	RICH HILL	5.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH					
-GUERNSEY PETROLEUM CORPORATION									
8209190		3411925836		107-TF		OHIO POWER 2-P	MEIGS	6.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8209189		3411925709	107-TF OHIO POWER 7-N	MEIGS	0.0	COLUMBIA GAS TRAN
-HADCO INC			RECEIVED: 12/07/81 JA: OH			
8209191		3410322622	103 HARRIS #2	GRANGER	20.0	
8209191		3410322622	107-TF HARRIS #2	GRANGER	20.0	
-HARDIN & SHERRY			RECEIVED: 12/07/81 JA: OH			
8209192		3412724986	107-TF HORTON #2	MADISON	0.0	
-HOPCO RESOURCES INC			RECEIVED: 12/07/81 JA: OH			
8209193		3403124391	103 PEOPLES INC #1	KEENE	12.0	COLUMBIA GAS TRAN
8209193		3403124390	107-TF PEOPLES INC #1	KEENE	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 12/07/81 JA: OH			
8209195		3411925429	107-TF IRVIN & MYRTLE GILLESPIE #1	SPRINGFIELD	12.0	NATIONAL GAS CORP
8209196		3412725013	107-TF NURUM/WALTERS #1	MONROE	12.0	COLUMBIA GAS TRAN
8209194		3411522327	107-TF ROY PLITCHER #1	YORK	12.0	COLUMBIA GAS TRAN
-INLAND DRILLING CO INC			RECEIVED: 12/07/81 JA: OH			
8209200		3413322503	103 BALDWIN #2	CHARLESTOWN	0.5	
8209200		3413322503	107-TF BALDWIN #2	CHARLESTOWN	0.5	
8209198		3413322368	103 DREGER-HAUCK #1	FREEDOM	0.3	
8209198		3413322368	107-TF DREGER-HAUCK #1	FREEDOM	0.3	
8209197		3413321823	103 FORGACS #1	CHARLESTOWN	0.5	
8209197		3413321823	107-TF FORGACS #1	CHARLESTOWN	0.5	
8209199		3413322427	103 GRABER #1	CHARLESTOWN	0.5	
8209199		3413322427	107-TF GRABER #1	CHARLESTOWN	0.5	
8209202		3413322506	103 M POCHEDLY #1	FREEDOM	0.3	
8209202		3413322506	107-TF M POCHEDLY #1	FREEDOM	0.3	
8209201		3413322504	103 RICHARDS #1	CHARLESTOWN	0.5	
8209201		3413322504	107-TF RICHARDS #1	CHARLESTOWN	0.5	
-IRVIN PRODUCING COMPANY			RECEIVED: 12/07/81 JA: OH			
8209204A		3412725237	103 EVERETT BROWN B-1	MADISON	10.0	COLUMBIA GAS TRAN
8209204B		3412725237 D	107-TF EVERETT BROWN B-1	MADISON	10.0	COLUMBIA GAS TRAN
8209203		3411925794	103 RALPH D THORTON #1	FALLS	10.0	COLUMBIA GAS TRAN
8209203		3411925794	107-TF RALPH D THORTON #1	FALLS	10.0	COLUMBIA GAS TRAN
-J P WHITE			RECEIVED: 12/07/81 JA: OH			
8209340		3400721711	103 BAILEY-SHADLE #1	CHERRY VALLEY	0.0	COLUMBIA GAS TRAN
8209340		3400721711	107-TF BAILEY-SHADLE #1	CHERRY VALLEY	0.0	COLUMBIA GAS TRAN
8209341		3400721712	103 LUCE DEBOW #1	CHERRY VALLEY	0.0	COLUMBIA GAS TRAN
8209341		3400721712	107-TF LUCE DEBOW #1	CHERRY VALLEY	0.0	COLUMBIA GAS TRAN
8209342		3415521332	107-TF NEWCOMB LUMBER #1	NEWTON FALLS	50.0	COLUMBIA GAS TRAN
8209343		3415521412	107-TF NEWCOMB LUMBER #3	NEWTON	50.0	COLUMBIA GAS TRAN
-JAMES R BERNHARDT			RECEIVED: 12/07/81 JA: OH			
8209165		3410322653	103 J V P STABLES #1	HINKLEY	7.0	COLUMBIA GAS TRAN
8209165		3410322653	107-TF J V P STABLES #1	HINKLEY	7.0	COLUMBIA GAS TRAN
-JOHN C MASON			RECEIVED: 12/07/81 JA: OH			
8209219		3407523121	107-TF BIRD UNIT #1	HARDY	10.0	COLUMBIA GAS TRAN
8209218		3407523050	107-TF HAROLD OBERMILLER #2	PRAIRIE	10.0	COLUMBIA GAS TRAN
8209217		3407522500	107-TF HORNER-MULLET UNIT #1	HARDY	10.0	COLUMBIA GAS TRAN
8209220		3407523130	107-TF JOHN HIPP 1A	HARDY	10.0	COLUMBIA GAS TRAN
-L & M OPERATING INC			RECEIVED: 12/07/81 JA: OH			
8209205		3412725070	103 CLAYCRAFT #10	SALT LICK	10.0	COLUMBIA GAS TRAN
8209205		3412725070	107-TF CLAYCRAFT #10	SALT LICK	10.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC			RECEIVED: 12/07/81 JA: OH			
8209206		3412725216	107-TF NED UNDERWOOD #1	PIKE	2.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC			RECEIVED: 12/07/81 JA: OH			
8209210		3407523160	103 RALPH & GEORGE STRAITS #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8209210		3407523160	107-TF RALPH & GEORGE STRAITS #4	KILLBUCK	10.0	COLUMBIA GAS TRAN

JO NO	JA 'KI	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209207		3407522806	107-TF	RONALD & H ELAINE LANDON #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8209209		3407522901	103	RUSSELL MADISON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8209209		3407522901	107-TF	RUSSELL MADISON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8209208		3407522819	107-TF	WILLIS CHANAY #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH			
-LEADER EQUITIES INC							
8209214		3412122609	103	E ALLEN #2	CENTER	15.0	
8209214		3412122609	107-TF	E ALLEN #2	CENTER	15.0	
8209213		3411925344	103	GARBAS-ROSS #1	MONROE	0.0	
8209213		3411925344	107-TF	GARBAS-ROSS #1	MONROE	0.0	
8209211		3411522322	103	HANN #1	MEIGSVILLE	0.0	
8209211		3411522322	107-TF	HANN #1	MEIGSVILLE	0.0	
8209212		3411522451	103	KIDD #1	MEIGSVILLE	0.0	
8209212		3411522451	107-TF	KIDD #1	MEIGSVILLE	0.0	
				RECEIVED: 12/07/81 JA: OH			
-NEW FRONTIER EXPLORATION INC							
8209224		3413322555	103	INGLADO-DIEHL UNIT #1	DEERFIELD	24.0	BARTLO OIL & GAS
8209224		3413322555	107-TF	INGLADO-DIEHL UNIT #1	DEERFIELD	24.0	BARTLO OIL & GAS
				RECEIVED: 12/07/81 JA: OH			
-NOBLE OIL CORP							
8209227		3413322623	107-TF	AEMMER #2	PALMYRA	20.0	GENERAL ELECTRIC
8209225		3413322536	107-TF	DELAGRANGE #1	PALMYRA	20.0	GENERAL ELECTRIC
8209226		3413322562	107-TF	ZIMMERMAN-CLIMES #1	PALMYRA	20.0	GENERAL ELECTRIC
				RECEIVED: 12/07/81 JA: OH			
-NORTHEASTERN ENERGY							
8209228		3418322646	103	BAIRD #2	GUILFORD	21.0	EAST OHIO GAS CO
8209228		3418322646	107-TF	BAIRD #2	GUILFORD	21.0	EAST OHIO GAS CO
				RECEIVED: 12/07/81 JA: OH			
-OHIO OIL & GAS CO							
8209230		3415521907	107-TF	GUTHRIE #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8209231		3415521909	107-TF	GUTHRIE #3	JOHNSTON	20.0	COLUMBIA GAS TRAN
8209232		3415521911	107-TF	POWELL #2	FOWLER	20.0	COLUMBIA GAS TRAN
8209229		3415521821	107-TF	SMITH #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
				RECEIVED: 12/07/81 JA: OH			
-OHIO PARTNERS OIL CO							
8209234		3400721752	103	SHEFFIELD-KELLOGG #3	SHEFFIELD	20.0	
8209234		3400721752	107-TF	SHEFFIELD-KELLOGG #3	SHEFFIELD	20.0	
8209233		3400721505	103	WOLFGANG #3	SHEFFIELD	20.0	EAST OHIO GAS CO
8209233		3400721505	107-TF	WOLFGANG #3	SHEFFIELD	20.0	EAST OHIO GAS CO
				RECEIVED: 12/07/81 JA: OH			
-OXFORD OIL CO							
8209235		3403124453	103	AMMON REED UNIT #2	CLARK	11.0	
8209235		3403124453	107-TF	AMMON REED UNIT #2	CLARK	11.0	
8209237		3411925415	103	ARNOLD SHEPARD #1	CLAY	11.0	
8209237		3411925415	107-TF	ARNOLD SHEPARD #1	CLAY	11.0	
8209240		3416922955	103	HARVEY WEAVER #1	CHESTER	11.0	
8209240		3416922955	107-TF	HARVEY WEAVER #1	CHESTER	11.0	
8209239		3411925736	103	PAUL UNIT #1	WAYNE	12.0	
8209239		3411925736	107-TF	PAUL UNIT #1	WAYNE	12.0	
8209236		3407523168	103	RICHARD UHL #2	KILLBUCK	12.0	
8209236		3407523168	107-TF	RICHARD UHL #2	KILLBUCK	12.0	
8209238		3411925668	103	ROBERT ELLERMAN #3	WAYNE	11.0	
8209238		3411925668	107-TF	ROBERT ELLERMAN #3	WAYNE	11.0	
				RECEIVED: 12/07/81 JA: OH			
-PAROCO DRLG FUNDS INC							
8209289		3413322639	103	NORMAN UNIT #1	WINDHAM	20.0	
8209289		3413322639	107-TF	NORMAN UNIT #1	WINDHAM	20.0	
8209290		3415521929	103	WEST #1	BRISTOL	20.0	
8209290		3415521929	107-TF	WEST #1	BRISTOL	20.0	
				RECEIVED: 12/07/81 JA: OH			
-PETROLEUM ENERGY DEVELOPMENT CORP							
8209294		3407322374	107-TF	MORGAN RICHARD #1	WASHINGTON	30.0	

JD NO	JA CKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209295		3411925407	103	REVENNAUGH JOHN D #2	RICH HILL	36.0	
8209295		3411925407	107-TF	REVENNAUGH JOHN D #2	RICH HILL	30.0	
-PETROLEUM SECURITIES FUND - 80		RECEIVED: 12/07/81 JA: OH					
8209296		3416922457	103	AMSTUTZ #1			
8209296		3416922457	107-TF	AMSTUTZ #1	WAYNE	12.0	COLUMBIA GAS TRAN
8209304		3416922698	103	CHANCE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8209304		3416922698	107-TF	CHANCE #2	PLAIN	12.0	COLUMBIA GAS TRAN
8209298		3416922530	103	FAIR #1	PLAIN	12.0	COLUMBIA GAS TRAN
8209298		3416922530	107-TF	FAIR #1	CHESTER	12.0	COLUMBIA GAS TRAN
8209307		3416922712	103	HINES #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209307		3416922712	107-TF	HINES #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209297		3416922525	103	HOHENSHIL #1	CHESTER	12.0	COLUMBIA GAS TRAN
8209297		3416922525	107-TF	HOHENSHIL #1	CHESTER	12.0	COLUMBIA GAS TRAN
8209301		3416922689	103	HOWMAN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209301		3416922689	107-TF	HOWMAN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209302		3416922692	103	LADRACH #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209302		3416922692	107-TF	LADRACH #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209299		3416922532	103	MANN #2	FRANKLIN	12.0	COLUMBIA GAS TRAN
8209299		3416922532	107-TF	MANN #2	FRANKLIN	12.0	COLUMBIA GAS TRAN
8209300		3416922686	103	MANN #3	FRANKLIN	12.0	COLUMBIA GAS TRAN
8209300		3416922686	107-TF	MANN #3	FRANKLIN	12.0	COLUMBIA GAS TRAN
8209303		3416922696	103	MYKRANTZ #4	PLAIN	12.0	COLUMBIA GAS TRAN
8209303		3416922696	107-TF	MYKRANTZ #4	PLAIN	12.0	COLUMBIA GAS TRAN
8209308		3416922713	103	REICHERT #3	CHESTER	12.0	COLUMBIA GAS TRAN
8209308		3416922713	107-TF	REICHERT #3	CHESTER	12.0	COLUMBIA GAS TRAN
8209306		3416922702	103	SNURE #3	WAYNE	12.0	COLUMBIA GAS TRAN
8209306		3416922702	107-TF	SNURE #3	WAYNE	12.0	COLUMBIA GAS TRAN
8209309		3416922812	103	W HARTMAN #2-A	CHESTER	12.0	COLUMBIA GAS TRAN
8209309		3416922812	107-TF	W HARTMAN #2-A	CHESTER	12.0	COLUMBIA GAS TRAN
8209305		3416922701	103	WISE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8209305		3416922701	107-TF	WISE #2	WAYNE	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC		RECEIVED: 12/07/81 JA: OH					
8209267		3400721388	107-TF	ARMSTRONG #1	ORWELL	48.0	EAST OHIO GAS CO
8209280		3413321863	107-RT	BECK-GRIFFITH-WILSON #2	STREETSBORO	100.0	
8209279		3413321858	107-RT	BECK-GRIFFITH-WILSON #3	STREETSBORO	70.0	
8209244		3400721154	107-TF	BENTON #1	COLEBROOK	15.0	
8209257		3400721299	107-TF	BOGDON #1	ROME	5.0	
8209256		3400721279	107-TF	BOYD #1	ROME	27.0	
8209260		3400721318	107-TF	BOYD #2	ROME	20.0	
8209245		3400721116	107-TF	BRASS #1	NEW LYME	45.0	
8209281		3413321869	107-RT	BRITTAN #1	STREETSBORO	40.0	
8209276		3400721617	103	CARROLL #1	CHERRY VALLEY	10.0	EAST OHIO GAS CO
8209276		3400721617	107-TF	CARROLL #1	CHERRY VALLEY	10.0	EAST OHIO GAS CO
8209275		3400721616	103	CIZDZIEL #1	ORWELL	30.0	EAST OHIO GAS CO
8209275		3400721616	107-TF	CIZDZIEL #1	ORWELL	30.0	EAST OHIO GAS CO
8209266		3400721369	107-TF	CLARK #3	WAYNE	15.0	
8209246		3400721179	107-TF	CRO-LAND CORP #1	NEW LYME	85.0	
8209247		3400721203	107-TF	DROWN #1	ROME	25.0	
8209258		3400721301	107-TF	DROWN #3	ROME	10.0	
8209241		3400721093	107-TF	GRANT #1	COLEBROOK	20.0	
8209286		3413321915	107-RT	HACH #1	AURORA	10.0	
8209259		3400721312	107-TF	KRIES #1	COLEBROOK	25.0	
8209255		3400721284	107-TF	LAUTENAN #1	NEW LYME	50.0	

JO NO	JA EXT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209268		3400721395		107-TF	HAICHROWICZ #2	ORWELL	15.0	
8209265		3400721351		107-TF	HARRISON #1	NEW LYME	60.0	
8209264		3400721345		107-TF	HARRISON #2	NEW LYME	60.0	
8209263		3400721344		107-TF	HARRISON #3	NEW LYME	60.0	
8209273		3400721409		107-TF	HURCKO-BAUMAN #1	ORWELL	16.0	
8209243		3400721101		107-TF	NITA #2	COLEBROOK	15.0	
8209261		3400721323		107-TF	PAVILONIS #2	COLEBROOK	20.0	
8209262		3400721324		107-TF	PAVILONIS #3		70.0	
8209270		3400721453		107-TF	PECK #2	NEW LYME	45.0	
8209282		3413321891		107-RT	PIERCE #1	FRANKLIN	30.0	
8209283		3413321891		107-TF	PIERCE #2	FRANKLIN	35.0	
8209285		3413322073		107-TF	PIERCE #3	FRANKLIN	35.0	
8209254		3400721234		107-TF	PROHONIC #1	NEW LYME	55.0	
8209277		3400721637		103	PROSSER #1	NEW LYME	25.0	EAST OHIO GAS CO
8209277		3400721637		107-TF	PROSSER #1	NEW LYME	25.0	EAST OHIO GAS CO
8209269		3400721427		107-TF	RIGBY #2	ORWELL	9.0	
8209248		3400721202		107-TF	ROBINSON #1	ROME	30.0	
8209242		3400721199		107-TF	ROMAN #1	COLEBROOK	55.0	
8209252		3400721225		107-TF	RUNYAN #1	NEW LYME	40.0	
8209284		3400721986		107-TF	SEDEVIC #1	ROME	20.0	
8209288		3415320686		107-RT	SHAW #1	HUDSON	35.0	
8209274		3400721495		107-TF	SHELTON #1	COLEBROOK	22.0	
8209278		3400721652		107-TF	STANEK #1	ROME	40.0	EAST OHIO GAS CO
8209249		3400721210		107-TF	STRINGFELLOW #4	NEW LYME	18.0	
8209250		3400721212		107-TF	STRINGFELLOW #5	NEW LYME	90.0	
8209287		3415320671		107-RT	THOMAS-DREW #2	HUDSON	25.0	
8209253		3400721226		107-TF	WESOLOWSKI #1	NEW LYME	20.0	
8209251		3400721214		107-TF	WYNN #2	NEW LYME	0.0	
8209271		3400721474		103	WYNN #5	ROME	20.0	
8209271		3400721474		107-TF	WYNN #5	ROME	20.0	
8209272		3400721475		107-TF	WYNN #6	ROME	38.0	
-PREMIER ENERGY CORP		RECEIVED: 12/07/81 JA: OH						
8209355		3407522699		107-TF	ELMER J KICK #1	HARDY	0.0	COLUMBIA GAS TRAN
-REPUBLIC STEEL CORP		RECEIVED: 12/07/81 JA: OH						
8209310		3411925735		103	CONSOLIDATION COAL CO - CR #5	MADISON	19.0	COLUMBIA GAS TRAN
8209310		3411925735		107-TF	CONSOLIDATION COAL CO - CR #5	MADISON	19.0	COLUMBIA GAS TRAN
8209311		3411925823		103	CONSOLIDATION COAL CO - CR #9	WASHINGTON	15.0	COLUMBIA GAS TRAN
8209311		3411925823		107-TF	CONSOLIDATION COAL CO - CR #9	WASHINGTON	15.0	COLUMBIA GAS TRAN
-RINCO OPERATING INC		RECEIVED: 12/07/81 JA: OH						
8209316		3416922849		103	GOOD #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209316		3416922849		107-TF	GOOD #2	CHESTER	12.0	COLUMBIA GAS TRAN
8209312		3416922524		103	JONES #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8209312		3416922524		107-TF	JONES #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8209313		3416922586		103	MORRISON #2	GREEN	12.0	COLUMBIA GAS TRAN
8209313		3416922586		107-TF	MORRISON #2	GREEN	12.0	COLUMBIA GAS TRAN
8209314		3416922649		103	R MARTIN #5	CHESTER	12.0	COLUMBIA GAS TRAN
8209314		3416922649		107-TF	R MARTIN #5	CHESTER	12.0	COLUMBIA GAS TRAN
8209315		3416922770		103	STOUT #1	WAYNE	12.0	COLUMBIA GAS TRAN
8209315		3416922770		107-TF	STOUT #1	WAYNE	12.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC		RECEIVED: 12/07/81 JA: OH						
8209317		3409921257		107-TF	ALESI-OVINGTON #2	GOSHEN	0.0	EAST OHIO GAS CO
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 12/07/81 JA: OH						
8209223		3413321627		103	KOSTALEK #1	NELSON	0.0	EAST OHIO GAS CO
8209223		3413321627		107-TF	KOSTALEK #1	NELSON	0.0	EAST OHIO GAS CO

JD NO	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209222		3413321565	103	NEIMI #1	NELSON	0.0	EAST OHIO GAS CO
8209222		3413321565	107-TF	NEIMI #1	NELSON	0.0	EAST OHIO GAS CO
8209221		3410322601	103	RUHLIN DEVELOPMENT #1	SHARON	0.0	COLUMBIA GAS TRAN
8209221		3410322601	107-TF	RUHLIN DEVELOPMENT #1	SHARON	0.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO		RECEIVED: 12/07/81 JA: OH					
8209323		3405923034	107-TF	ALBAUGH #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8209319		3405*22957	107-TF	BLACK-DEIOMA #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8209322		3405923030	107-TF	BLACKWOOD #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8209324		3405923035	107-TF	HEINISH #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8209320		3405923004	107-TF	ST CLAIR #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8209321		3405923021	107-TF	T WARNER #1	GUERNSEY	0.0	TENNESSEE GAS PIP
-UNIVERSAL EXPLORATION		RECEIVED: 12/07/81 JA: OH					
8209325		3410322588	103	FRITZ UNIT #1	GUILFORD	75.0	
8209325		3410322588	107-TF	FRITZ UNIT #1	GUILFORD	75.0	
8209326		3410322655	103	WELTZIEN UNIT #1	WADSWORTH	75.0	
8209326		3410322655	107-TF	WELTZIEN UNIT #1	WADSWORTH	75.0	
-VANLOCO INC		RECEIVED: 12/07/81 JA: OH					
8209327		3410322746	103	VANSELOW #1	GRANGER	20.0	
8209327		3410322746	107-TF	VANSELOW #1	GRANGER	20.0	
-VIKING RESOURCES CORP		RECEIVED: 12/07/81 JA: OH					
8209334		3409921376	103	DARBY UNIT #1	BERLIN	30.0	
8209334		3409921376	107-TF	DARBY UNIT #1	BERLIN	30.0	
8209335		3409921377	103	DARBY UNIT #2	BERLIN	30.0	
8209335		3409921377	107-TF	DARBY UNIT #2	BERLIN	30.0	
8209336		3409921378	103	DARBY UNIT #3	BERLIN	30.0	
8209336		3409921378	107-TF	DARBY UNIT #3	BERLIN	30.0	
8209333		3409921375	103	EMMA I BEAM #2	BERLIN	30.0	
8209333		3409921375	107-TF	EMMA I BEAM #2	BERLIN	30.0	
8209332		3409921374	103	EMMA I BEAM #1	BERLIN	30.0	
8209332		3409921374	107-TF	EMMA I BEAM #1	BERLIN	30.0	
8209328		3409921328	103	HARTZELL #1	BERLIN	30.0	
8209328		3409921328	107-TF	HARTZELL #1	BERLIN	30.0	
8209329		3409921327	103	HARTZELL #2	BERLIN	30.0	
8209329		3409921327	107-TF	HARTZELL #2	BERLIN	30.0	
8209330		3409921366	103	HEISER #1	BERLIN	30.0	
8209330		3409921366	107-TF	HEISER #1	BERLIN	30.0	
8209331		3409921368	103	HEISER #3	BERLIN	30.0	
8209331		3409921368	107-TF	HEISER #3	BERLIN	30.0	
8209339		3413322608	103	STADER-ZUCHOWSKI UNIT #2	PALMYRA	30.0	
8209339		3413322608	107-TF	STADER-ZUCHOWSKI UNIT #2	PALMYRA	30.0	
8209338		3413322607	103	STADER/ZUCHOWSKI UNIT #1	PALMYRA	30.0	
8209338		3413322607	107-TF	STADER/ZUCHOWSKI UNIT #1	PALMYRA	30.0	
8209337		3409921379	103	TOKICH #1	BERLIN	30.0	
8209337		3409921379	107-TF	TOKICH #1	BERLIN	30.0	
-W J LYDIC INC		RECEIVED: 12/07/81 JA: OH					
8209215		3407522954	103	KINER 1-17	KINER-1-17	20.0	COLUMBIA GAS TRAN
8209215		3407522954	107-TF	KINER 1-17	KINER-1-17	20.0	COLUMBIA GAS TRAN
8209216		3407522955	103	KINER 1-18	KINER 1-18	2.0	COLUMBIA GAS TRAN
8209216		3407522955	107-TF	KINER 1-18	KINER 1-18	2.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA		RECEIVED: 12/07/81 JA: OH					
8209318		3410322545	103	SLAVICK #1	GRANGER	0.0	COLUMBIA GAS TRAN
8209318		3410322545	107-TF	SLAVICK #1	GRANGER	0.0	COLUMBIA GAS TRAN
-URAY PETROLEUM CORP OF OHIO		RECEIVED: 12/07/81 JA: OH					

VOLUME 56R PAGE 009

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
A209349		3413322468	103	BROM #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209349		3413322468	107-TF	BROM #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209347		3413322403	103	FINNEY #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209347		3413322403	107-TF	FINNEY #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209345		3413322398	103	FINNEY VANCURA #2	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209345		3413322398	107-TF	FINNEY VANCURA #2	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209351		3413322483	103	L VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209351		3413322483	107-TF	L VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209348		3413322424	103	LINDQUIST #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209348		3413322424	107-TF	LINDQUIST #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209344		3413322351	103	MORAN VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209344		3413322351	107-TF	MORAN VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209350		3413322482	103	R VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209350		3413322482	107-TF	R VANCURA #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209352		3413322486	103	R VANCURA #2	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209352		3413322486	107-TF	R VANCURA #2	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209346		3413322399	103	STROUP KUBINEC #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
A209346		3413322399	107-TF	STROUP KUBINEC #1	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
**********							
** U.S. GEOLOGICAL SUPVEY - DENVER,CO							
**********							
-COSEKA RESOURCES (USA) LIMITED		RECEIVED: 12/01/81 JA: CO 1					
A209105	CD 0420-81	0510308603	103	FEDERAL #2-34-4-101	TRAIL CANYON	50.0	SOUTHWEST GAS COR
-GULF OIL CORPORATION		RECEIVED: 12/01/81 JA: CO 1					
A209101	CD 0421-81	0510308548	103	DRAGON TRAIL FEDERAL 4-8-3C	DRAGON TRAIL	54.0	WESTERN SLOPE GAS
-KOCH INDUSTRIES INC		RECEIVED: 12/01/81 JA: CO 1					
A209107	UD 0425-81	0507708383	107-TF	HORSESHOE CANYON NO 2-28	ROBERTS CANYON	109.5	NORTHWEST PIPELIN
-MESA PETROLEUM		RECEIVED: 12/01/81 JA: CO 1					
A209104	CD 0414-81	0512506579	102-2	ECKLEY FEDERAL 29 #3	ECKLEY	142.0	CITIES SERVICE GA
-RAINBOW RESOURCES INC		RECEIVED: 12/01/81 JA: CO 1					
A209106	CD 0416-81	0508106270	108	FEDERAL 1-19T & 1-19C C-0128223	STATELINE III	15.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY		RECEIVED: 12/01/81 JA: CO 1					
A209102	CD 0406-81	0504506158	108	FEDERAL #18-2	UNNAMED	7.0	COLORADO INTERSTA
-TWIN ARROW INC		RECEIVED: 12/01/81 JA: CO 1					
A209098	CD 0195-81	0510308524	103	C & K 1-18	CATHEDRAL	0.0	NORTHWEST PIPELIN
A209097	CD 0240-81	0510308234	103	CONTINENTAL 1-9	CATHEDRAL	0.0	NORTHWEST PIPELIN
A209103	CD 0202-81	0510308408	103	CONTINENTAL 4-28	CATHEDRAL	0.0	NORTHWEST PIPELIN
A209096	CD 0278-81	0510308415	107-TF	SHENANDOAH 2-32	CATHEDRAL	0.0	NORTHWEST PIPELIN
A209099	CD 027-81	0510308415	103	SHENANDOAH 2-32	CATHEDRAL	0.0	NORTHWEST PIPELIN
-COTTON PETROLEUM CORPORATION		RECEIVED: 12/01/81 JA: UT 1					
A209108	UD 0417-81	4304730617	107-TF	LOVE UNIT #11-1	WILDCAT	300.0	MESA PIPELINE CO
-TEXACO INC		RECEIVED: 12/01/81 JA: UT 1					
A209100	UD 0424-81	4303730220	103	ANETH UNIT #K-330	ANETH	41.1	EL PASO NATURAL G

BILLING CODE 6717-01-C

VOLUME 568 PAGE 010

CORRECTIONS TO PREVIOUS NOTICES OR DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
79-03569	NM	Conoco Inc	South Eunice Phase 2 #46			C:	Well name
81-11317	LA	Peterman-Sturlese et al	Jacke E Lawton #1	355		E:	102-4 Approved 11-30-81
81-17508	NY	SCG Gas Quest Inc.	Lardo B #1			C:	103 Approved
81-17509	NY	SCG Gas Quest Inc.	M. Williams #1			C:	103 Approved
81-17510	NY	SCG Gas Quest Inc.	Vereerstraeten #1			C:	103 Approved
81-21136	TX	Parafinne Oil Corp.	P. H. Welder C 1-U	394	03-31-81	C:	102-4 Approved
81-24214	TX	William Perlman	Dan Cauthorn D-2	412		C:	103, 107-TF & 108 Approved
81-24215	TX	William Perlman	Dan Cauthorn 22-1	412		C:	103 & 107-TF Approved
81-24216	TX	William Perlman	ADA Cauthorn 7-1	412		C:	103, 107-TF & 108 Approved
81-24553	TX	Delta Drilling Co	Tallent #1	413	05-01-81	C:	102, 103 & 107-TF Approved
81-33791	NY	Bounty Oil & Gas	Barton #1	453	06-30-81	C:	Well Name
81-34887	WV	J & J Enterprises Inc	B-231	458	07-02-81	C:	103 Denied
81-46277	NM	Amoco Production Co	Callegos Canyon Unit #262	503	09-17-81	C:	108-ER Approved
81-48699	OH	Doran & Associates	#1 James Moreland	515	10-09-81	C:	103 Approved, 107-TF Denied
81-50364	TX	Kerr-McGee Corp	Campbell Hahn Unit No. 1	521	10-26-81	C:	107-PE Approved, not 107-TF
81-50495	TX	Enserch Pet. Inc.	Mende Saylors "B" No. 2-7	521	10-26-81	C:	102-PE Approved, not 107-TF
81-50516	TX	Amoco Production Co	W H Weber #1	521	10-26-81	C:	102-4 approved; not 107-TF
81-50534	TX	Kilroy Co. of Texas	Patricia Crawford #A-4	521	10-26-81	C:	102-4 Approved
81-50904	OK	Texoma Resources Inc	Grabow #1-27			E:	103 Denied
82-00425	TX	Saxon Oil Company	Amacker #67-1	527	10-30-81	C:	103 Approved, 107-TF withdrawn
82-01161	LA	Lawson Onshore Pet. Corp	Bayou Pigeon Oil Co. #1	530	11-09-81	C:	102-4 & 103 Approved
82-01249	WVA	Roy G Hildreth Jr.	Offutt #2	530	11-09-81	C:	108 Denied
82-01297	TX	Mithcell Energy Offsh	State Tract 179-S #2	531	11-09-81	C:	Well Name
82-01721	PA	Cabot Oil & Gas Corp	Vance Rung #1	532	11-09-81	C:	Well Name
82-01765	PA	Boyd & Shriver	Brothers 410	532	11-09-81	C:	108 Denied
82-01767	PA	Boyd & Shriver	Work 407	532	11-09-81	C:	108 Denied
82-01810	PA	Meridian Expl. Corp	D Klie #552-1	532	11-09-81	C:	Well Name
82-02224	MI	Don Yohe Enterprises	Thieman-Pearson #1-12	535	11-09-81	C:	Well Name
82-02525	WV	Waco Oil & Gas Co. Inc	Ray Patterson 1A	536	11-09-81	C:	107-DV Approved
82-02626	PA	Quaker State Oil Refin.	Bright Wolfe 050	536	11-09-81	C:	Well Name
82-02650	PA	R. Wesley Smith & Raymond A. Smith	Taylor #2	536	11-09-81	C:	Well Name
82-02654	PA	Vineyard Oil & Gas Co	Niemeyer #1	536	11-09-81	C:	102-2 Approved, not 108
82-02888	NM	Getty Oil Co	Fanning C #1	536	11-19-81	C:	108-SA Approved
82-02916	NM	Apollo Energy Inc.	Lee	538	11-19-81	C:	103 Denied
82-02927	NM	Southland Royalty Co.	State #4	538	11-19-81	C:	108 Denied
82-02940	NM	Getty Oil Company	Paul Williams #2	538	11-19-81	C:	108-SA Approved
82-03055	TX	Gould Oil Inc.	St. Regis #1-A	539		C:	103 Denied
82-03815	OK	Caddo Energy	Oxley #1-A	541	11-24-81	C:	Well Name
82-03834	OK	Phillips Petroleum Co	Zum-Mallen B#1	541	11-24-81	C:	108-ER Approved
82-04544	OK	Phillips Petroleum Co	Brooks "D" #2	542		C:	Well Name
82-06151	NM	Ike Lovelady Inc	Pennzoil State #1	553		C:	103 and 107-TF Approved

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional puchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 20, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-182 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 30, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
********** KANSAS CORPORATION COMMISSION **********							
-GETTY OIL COMPANY			RECEIVED: 12/04/81	JA: KS			
8209355	K80-0619	1504700000	108-SA	EMMA SMITH #1	EDSTAFF	0.0	NORTHERN NATURAL
-HOFFMANN OIL CO			RECEIVED: 12/04/81	JA: KS			
8209354	K81-0749	1518920537	103	HOFFMANN 2-17	PANOMA COUNCIL GROVE	24.0	PANHANDLE EASTERN
8209356	K81-0748	1518920538	103	HOFFMANN 2-21	PANOMA COUNCIL GROVE	273.0	PANHANDLE EASTERN
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********							
-BEREA OIL AND GAS CORPORATION			RECEIVED: 12/02/81	JA: NY			
8209361	1292	3101315362	102-2	CLAUDE HALLER UNIT #2	WILDCAT	30.0	COLUMBIA GAS TRAN
8209379	1691	3101316065	103	N WILSON #1	GERRY	25.0	COLUMBIA GAS TRAN
8209362	1289	3101315360	102-2	ROBERT BARGAR #1	WILDCAT	30.0	COLUMBIA GAS TRAN
8209377	1662	3101316051	103	W G TOMPSETT #2	GERRY	25.0	COLUMBIA GAS TRAN
8209380	1663	3101315950	103	W G TOMPSETT UNIT #1	GERRY	25.0	COLUMBIA GAS TRAN
-CHAUTAUQUA ENERGY INC			RECEIVED: 12/02/81	JA: NY			
8209370	1694	3101314154	108	VALARDO #1	LAKESHORE	10.8	NATIONAL FUEL GAS
8209367	1695	3101314154	103	VILARDO #1	LAKESHORE	10.8	NATIONAL FUEL GAS
8209369	1646	3101314155	108	VILARDO #2	LAKE SHORE	10.8	NATIONAL FUEL GAS
8209366	1648	3101314156	108	VILARDO #3	LAKE SHORE	10.8	NATIONAL FUEL GAS
8209368	1647	3101314157	108	VILARDO #4	LAKE SHORE	10.8	NATIONAL FUEL GAS
8209363	1697	3101314158	103	VILARDO #5	LAKESHORE	10.8	NATIONAL FUEL GAS
-ENERGY OIL INC			RECEIVED: 12/02/81	JA: NY			
8209357	1309	3102915242	103	HENSHAW #1	ORCHARD PARK	50.0	TENNESSEE GAS PIP
8209359	1048	3102914411	103	RIEDESEL #1	ALDEN	50.0	TENNESSEE GAS PIP
8209360	1040	3102914412	103	RUPP #1	MEDINA	0.0	NATIONAL FUEL GAS
8209358	1532	3102915339	103	SNYDER #1	MARILLA ELMA BUFFALO CRE	12.0	NATIONAL FUEL GAS
-ENVIROGAS INC			RECEIVED: 12/02/81	JA: NY			
8209378	1642	3101315890	103	A NIXON #4	LAKESHORE	10.0	NATIONAL FUEL GAS
-NORD/MONTARA PETROLEUM CO			RECEIVED: 12/02/81	JA: NY			
8209365	1711	3112113790	108	JOS & ZIELINSKI #1	JAVA MEDINA	8.0	COLUMBIA GAS TRAN
8209364	1712	3112113725	108	LUCILLE SICLARI #1	JAVA MEDINA	9.0	COLUMBIA GAS TRAN
-SINCLAIRVILLE PETROLEUM CORP			RECEIVED: 12/02/81	JA: NY			
8209375	1637	3102915844	103	BOLDT #1	BUFFALO CREEK	15.0	NATIONAL FUEL SUP
8209371	1634	3102915791	103	MUNDT #1	BUFFALO CREEK	17.0	NATIONAL FUEL SUP
8209374	1636	3102915919	103	PHILLIPS #1	WILDCAT	18.0	NATIONAL FUEL SUP
8209373	1635	3102915895	103	ROBINSON #1	BUFFALO CREEK	15.0	NATIONAL FUEL SUP
8209372	1633	3102915734	103	SCHICHTEL #1	WILDCAT	18.0	NATIONAL FUEL SUP
8209376	1638	3102916014	103	SICURELLA #2	EVANS	17.0	NATIONAL FUEL SUP
-WARNER BROTHERS WELL DRILLING INC			RECEIVED: 12/02/81	JA: NY			
8209383	1144	3102914586	108	CARL BRUNING 31-029-14586	AKRON	5.6	NATIONAL FUEL GAS
8209382	1145	3103714421	108	CARL BRUNING 31-037-14421	AKRON	6.7	NATIONAL FUEL GAS

VOLUME 569 PAGE 082

JD NO	JA DT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209381	1143	3102913880	108	CHAUNCEY E VANICE 31-029-13880	AKRON	8.4	NATIONAL FUEL GAS
8209384	1146	3102914322	108	EUGENE BRENDA 31-029-14322	AKRON	8.4	NATIONAL FUEL GAS
8209385	1147	3102914263	108	GEORGE HYDER 31-029-14263	AKRON	8.4	NATIONAL FUEL GAS
8209386	1141	3102913947	103	ZIMMERMAN-KRAATZ 31-029-13947	AKRON	8.8	NATIONAL FUEL GAS

OKLAHOMA CORPORATION COMMISSION

-AMAREX INC

RECEIVED: 12/04/81 JA: OK

8209479	13565	3514917987	102-2	AARON #1-29		365.0	

-AMCANA OIL CORP

RECEIVED: 12/04/81 JA: OK

8209476	11622	3508320787	103	PHILLIPS #1-32	RINGWOOD	98.8	PANHANDLE EASTERN

-ANADARKO PRODUCTION COMPANY

RECEIVED: 12/04/81 JA: OK

8209525	14684	3509722100	102-4	BUNYARD A #1	DONBEY NORTH	7.8	PANHANDLE EASTERN
8209524	10922	3513920772	108	INTERSTATE K-1	GOFF CREEK	7.8	PANHANDLE EASTERN

-ARCO OIL AND GAS COMPANY

RECEIVED: 12/04/81 JA: OK

8209481	14685	3504321179	102-4	PRESLEY UNIT #1-U	PUTNAM	146.8	MOBIL OIL CORP

-B R POLK INC

RECEIVED: 12/04/81 JA: OK

8209513	11316	3508320830	103	HULS HEIRS #1	N CRESCENT	28.8	EASON OIL CO

-BOBBY J DARNELL

RECEIVED: 12/04/81 JA: OK

8209502	11510	3508321692	103	LEAFGREEN #2	WILDCAT	24.8	EASON OIL CO

-CALVERT DRILLING CO

RECEIVED: 12/04/81 JA: OK

8209514	11318	3510920395	103	ROBERTS #1	WEST EDMOND	13.0	PHILLIPS PETROLEU

-CARSTAN OIL CO INC

RECEIVED: 12/04/81 JA: OK

8209478	14322	3510721003	102-4	HARIO #1	KEATON POOL	25.8	PHILLIPS PETROLEU

-CHAMPLIN PETROLEUM COMPANY

RECEIVED: 12/04/81 JA: OK

8209488	11575	3509300000	108	ADKISSON UNIT #1	E CHANEY DELL	4.8	UNION TEXAS PETRO
8209491	11579	3510900000	108	C TEUSCHER #1	PEAVINE	5.5	CITIES SERVICE GA
8209493	11582	3510900000	108	C TEUSCHER #6	PEAVINE	15.8	CITIES SERVICE GA
8209492	11581	3500300000	108	CLAIR E SPRAGUE #1	E CHANEY DELL	8.8	CHAMPLIN PETROLEU
8209495	11586	3500360000	108	HENRY WEBER UNIT #1	E CHANEY DELL	6.5	CHAMPLIN PETROLEU
8209487	11574	3513700000	108	IRL NICHOLS #2	MILROY	8.8	AMINOIL USA INC
8209496	11587	3509300000	108	LYDIA KOEHN #1	E CHANEY DELL	3.8	CHAMPLIN PETROLEU
8209489	11577	3509300000	108	MILDRED E VOLZ #1	E CHANEY DELL	12.8	CHAMPLIN PETROLEU
8209494	11583	3508300000	108	R G BECK #2	CASHION	16.8	CITIES SERVICE GA
8209490	11578	3500300000	108	SIMON B UNRUH #2	E CHANEY DELL	15.8	CHAMPLIN PETROLEU

-CHASE EXPLORATION CORP

RECEIVED: 12/04/81 JA: OK

8209497	11502	3507121817	103	JOHNSON 2-15	UNNAMED	1.8	CITIES SERVICE GA
8209498	11503	3507121831	103	LEVEN 1-35	UNNAMED	2.3	CITIES SERVICE GA
8209499	11504	3507121821	103	WALKER 1-18	UNNAMED	7.1	CITIES SERVICE GA

-CLARK RESOURCES INC

RECEIVED: 12/04/81 JA: OK

8209517	11297	3507322994	103	CHARLENE 22-1	SOONER TREND	60.8	CITIES SERVICE GA

-OLD ENERGY CORP

RECEIVED: 12/04/81 JA: OK

8209519	11488	3501721916	103	AKEMAN #1	NORTHEAST OF PIEDMONT	3.8	CONOCO INC

-DOME PETROLEUM CORP

RECEIVED: 12/04/81 JA: OK

8209474	10120	3515321113	103	MADDUX #1	NORTH MOORELAND	385.1	

-ECC OIL CO

RECEIVED: 12/04/81 JA: OK

8209515	11320	3514720998	108	GREENWOOD #1A SW/4 SE/4 17-25N-14E	OGLESBY GAS FIELD	0.2	OKAN GAS CO

-EDWIN L COX

RECEIVED: 12/04/81 JA: OK

8209526	11060	3509120105	108	LOVELACE #1	PIERCE	9.5	PHILLIPS PETROLEU

-ENSERCH EXPLORATION INC

RECEIVED: 12/04/81 JA: OK

8209477	13928	3512900000	107-PE	J R POWELL #2	CRAWFORD	14.8	DELHI GAS PIPELIN

-F C D OIL CORP

RECEIVED: 12/04/81 JA: OK

8209512	11439	3507323088	103	RATTS 1-1	NW LOVELL	146.8	EASON OIL CO

JD NO	JA DAT	API NO	P	STC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-FUNK EXPLORATION INC						RECEIVED: 12/04/81 JA: OK			
8209470	09579	3500721835		103		AMEN #1	NW GREENOUGH	0.0	WESTERN GAS INTER
						RECEIVED: 12/04/81 JA: OK			
-GETTY OIL COMPANY							SHO-VEL-TUM	300.0	OKLAHOMA NATURAL
*8209531	11453	3513722550		103		CROSBIE-MUDGE #6 (SYCAMORE)	SHO-VEL-TUM	0.0	OKLAHOMA NATURAL
*8209532	11454	3513722550		103		CROSBIE-MUDGE NO 6 (HUNTON)	SHO-VEL-TUM	350.0	OKLAHOMA NATURAL
*8209533	11501	3513722683		103		TEMPLES UNIT #3			
-GIBRALTAR EXPLORATION LTD						RECEIVED: 12/04/81 JA: OK	N CHANEY	275.0	NORTHERN NATURAL
8209527	11267	3504520882		103		WHITE #1			
-GRACE PETROLEUM CORPORATION						RECEIVED: 12/04/81 JA: OK		17.0	ARKANSAS LOUISIAN
8209518	11482	3507920228		108		SEBO 1-6			
-GRAHAM OIL & GAS LTD						RECEIVED: 12/04/81 JA: OK		190.1	DELHI GAS PIPELIN
8209529	11447	3505921005		103		WEIBENER HEIRS #1A			
-HESTON OIL CO						RECEIVED: 12/04/81 JA: OK	E YEAGER	0.0	
8209501	11509	3506321232		103		KAMPERMAN #30-1			
-JICO EXPLORATION INC						RECEIVED: 12/04/81 JA: OK	RINGWOOD	20.0	PIONEER GAS PRODU
8209528	11278	3509322029		103		JICO-GRAHAM #1			
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 12/04/81 JA: OK	SPRING VALLEY	5.9	GRACE PETROLEUM C
8209506	11557	3504720806		108		JOHNSON #1	SPRING VALLEY	4.6	GRACE PETROLEUM C
8209507	11558	3504700000		108		LANDES #1	SPRING VALLEY	5.7	GRACE PETROLEUM C
8209509	11560	3504700000		108		LUDVIG #1	SPRING VALLEY	6.8	GRACE PETROLEUM C
8209510	11562	3504700000		108		O'NEILL #1	SPRING VALLEY	4.7	GRACE PETROLEUM C
8209508	11559	3504720500		108		TOEWS #1-6			
-M M RESOURCES INC						RECEIVED: 12/04/81 JA: OK		6.8	AMINOIL USA INC
8209511	11568	3510321325		103		HODGE #1			
-MACKELLAR INC						RECEIVED: 12/04/81 JA: OK	SOONER TREND	32.9	CONOCO INC
8209480	14631	3507300000		107-PE		HELLWEGE #1			
-NOBLE OPERATING INC						RECEIVED: 12/04/81 JA: OK	NW PHROSO	8.8	PHILLIPS PETROLEU
8209468	10946	3509322159		103		CASE #1	RINGWOOD	0.0	PIONEER GAS PRODU
8209467	09344	3509322002		103		CARL WAHL #1	NW OKEENE	8.8	DELHI GAS PIPELIN
8209466	09339	3509321901		103		PARKER #1			
-OLEUM INC						RECEIVED: 12/04/81 JA: OK	JOINER CITY	51.0	AMINOIL USA INC
8209475	10709	3501922201		103		J L WILLIAMS #2			
-OMNI OIL & GAS INC						RECEIVED: 12/04/81 JA: OK	SOONER TREND	25.6	CITIES SERVICE GA
8209503	11512	3507322035		103		JUNE "22" #1			
-P-T LTD 80						RECEIVED: 12/04/81 JA: OK	SOONER TREND	38.0	WELLHEAD ENTERPRI
8209538	11467	3504722518		103		NIXON 19-1			
-P-T LTD 81						RECEIVED: 12/04/81 JA: OK	SOONER TREND	38.0	WELLHEAD ENTERPRI
8209536	11462	3509322191		103		DITTMEYER 29-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8209537	11463	3504722550		103		RIEKENBERG 16-1			
-PETRO-ENERGY EXPLORATION INC						RECEIVED: 12/04/81 JA: OK	SOONER TREND	110.6	CITIES SERVICE GA
8209520	11498	3504722432		103		DIERKSEN-PETRO #1	SOONER TREND	100.0	WELLHEAD ENTERPRI
8209521	11504	3504722559		103		GOODWIN #1-33			
-POLARIS ENERGY CORP						RECEIVED: 12/04/81 JA: OK		0.0	PHILLIPS PETROLEU
8209485	11572	3511122724		103		DOUBLE W T-2			
-QUINTIN LITTLE CO						RECEIVED: 12/04/81 JA: OK	CUMBERLAND	102.5	LONE STAR GAS CO
8209486	11573	3509500000		103		CARRIE LOU LITTLE #1-13			
-SAMEDAN OIL CORPORATION						RECEIVED: 12/04/81 JA: OK		175.0	PHILLIPS PETROLEU
8209535	11456	3501721758		103		DONNA J #1		550.0	PHILLIPS PETROLEU
8209516	11283	3501721755		103		SCHROEDER #1			
-SEIGEL PETROLEUM CO						RECEIVED: 12/04/81 JA: OK	CUSHING	18.0	ARCO OIL & GAS CO
8209534	11455	3511921461		103		STATE #1			
-SENECA OIL COMPANY						RECEIVED: 12/04/81 JA: OK	OAKWOOD	157.0	DELHI GAS PIPELIN
8209500	11505	3504321220		103		COX-CREHEL #1-15			

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-SITCO INC			RECEIVED: 12/04/81 JA: OK			
8209482	14782	3508321607	103 BOB #1	CRESCENT	0.0	EASON OIL CO
-SKYHAWK ENERGY CORP			RECEIVED: 12/04/81 JA: OK			
8209469	9411	3511122650	103 GEORGE MILNER #1	BALD HILL	91.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO			RECEIVED: 12/04/81 JA: OK			
8209523	10914	3513921208	108 JAMES #1-29	CAPLE	11.0	NORTHERN NATURAL
8209522	10912	3509321528	108 PITTMAN #1-24	W CHEYENNE VALLEY	5.0	PANHANDLE EASTERN
-ST JOE PETROLEUM (US) CORP			RECEIVED: 12/04/81 JA: OK			
8209505	11516	3510300000	103 LAVINGTON #1		102.0	CITIES SERVICE GA
-TEXOMA RESOURCES INC			RECEIVED: 12/04/81 JA: OK			
8209504	11513	3507323097	103 MITCHELL #1	SOONER TREND	108.0	EXXON CO USA
-TRANSCO OIL CO			RECEIVED: 12/04/81 JA: OK			
8209530	11452	3511100000	103 HAYNES 1-10	BEGGS OIL SE-1/4 SEC 10	70.0	PHILLIPS PETROLEU
-UNIVERSAL RESOURCES CORPORATION			RECEIVED: 12/04/81 JA: OK			
8209473	10039	3501721826	103 SCHLECHT C #1-24	SOONER TREND	73.0	DELHI GAS PIPELIN
-WHITSON OIL CO INC			RECEIVED: 12/04/81 JA: OK			
8209471	09668	3510120438	108 STEELE 1-12 101 56511	STEELE	2.5	PHILLIPS PETROLEU
8209472	09668	3510120521	108 STEELE 3-12 101 56511	STEELE	2.5	PHILLIPS PETROLEU
-WOOD ENTERPRISES INC			RECEIVED: 12/04/81 JA: OK			
8209483	14851	3511900000	102-4 STOOPS #1 (119-58669)	MARKHAM	25.0	PARKS ENERGY INVE
8209483	14851	3511900000	103 STOOPS #1 (119-58669)	MARKHAM	25.0	PARKS ENERGY INVE
8209484	14852	3511900000	102-4 STOOPS #2	MARKHAM	19.0	PARKS ENERGY INVE
8209484	14852	3511900000	103 STOOPS #2	MARKHAM	19.0	PARKS ENERGY INVE
**********						
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 12/04/81 JA: NM 4			
8209398	NM 1153-81	3003922453	103 JICARILLA APACHE 102 #7E (GALLUP)	B S MESA-GALLUP	30.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD			RECEIVED: 12/04/81 JA: NM 4			
8209427	NM-1522-81	3003922564	103 NORTHEAST BLANCO UNIT #24R	BLANCO MESAVERDE D-17-30	100.0	EL PASO NATURAL G
8209430	NM-1526-81	3004525001	103 NORTHEAST BLANCO UNIT #26A	BLANCO MESAVERDE D-8-30N	110.0	EL PASO NATURAL G
8209431	NM-1528-81	3004524858	103 NORTHEAST BLANCO UNIT #46A	BLANCO MESAVERDE D-33-31	120.0	EL PASO NATURAL G
8209428	NM-1523-81	3004525093	103 NORTHEAST BLANCO UNIT #54A	BLANCO MESAVERDE O-33-31	90.0	EL PASO NATURAL G
8209429	NM-1525-81	3004524891	103 NORTHEAST BLANCO UNIT #71	BLANCO MESAVERDE A-23-31	190.0	EL PASO NATURAL G
8209432	NM-1529-81	3004525095	103 NORTHEAST BLANCO UNIT #72	BLANCO MESAVERDE H-29-31	200.0	EL PASO NATURAL G
-CHACE OIL COMPANY INC			RECEIVED: 12/04/81 JA: NM 4			
8209402	NM-1389-81	3004320541	103 CHACE APACHE 54-9	CHACON-DAKOTA	80.0	EL PASO NATURAL G
-CHAMA PETROLEUM CO			RECEIVED: 12/04/81 JA: NM 4			
8209392	NM-1782-80	3002525805	102-4 PENNZOIL FEDERAL #1	UNDESIGNATED NORTH QUAIL	750.0	EL PASO NATURAL G
-COLONIAL PRODUCTION COMPANY			RECEIVED: 12/04/81 JA: NM 4			
8209387	NM21-81ER	3003900000	108 JICARILLA APACHE CONTRACT #398 #9	BALLARD PICTURED CLIFF	0.0	EL PASO NATURAL G
-CONOCO INC			RECEIVED: 12/04/81 JA: NM 4			
8209404	NM-1402-81	3002526967	103 HAWK A NO 8	NMFU-BLINEDRY	120.0	GETTY OIL CO
-COTTON PETROLEUM CORPORATION			RECEIVED: 12/04/81 JA: NM 4			
8209405	NM-1403-81	3003908088	108 CINCO DIABLOS 2-Y	BALLARD PICTURED CLIFFS	5.0	NORTHWEST PIPELIN
-DOME PETROLEUM CORP			RECEIVED: 12/04/81 JA: NM 4			
8209449	NM-1563-81	3004320542	102-2 DOME TESORO 22 #4	UNDESIGNATED GALLUP	87.6	SOUTHWEST GAS COR
-EL PASO EXPLORATION CO			RECEIVED: 12/04/81 JA: NM 4			
8209389	NMO664-81	3003921162	108 JICARILLA 123 C #20	BLANCO SOUTH-PICTURED CL	18.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY			RECEIVED: 12/04/81 JA: NM 4			
8209394	NM-0471-81	3004500005	108 BLANCO #1B MV & PC	BLANCO-MESAVERDE AND SOU	22.0	EL PASO NATURAL G
8209393	NM0083-81	3003920535	108 CANYON LARGO UNIT #184 CH	OTERO CHACRA	21.0	EL PASO NATURAL G
8209395	NM-0533-81	3004521809	108 HUERFANO UNIT #265 OL & DK	ANGELS PEAK GAL GAS BASI	20.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8209407	NM-1405 81 A	3003922394		103		SAN JUAN 27-5 UNIT #86M
8209408	NM 1405 81-B	3003922394		103		SAN JUAN 27-5 UNIT #86M
8209411	NM141481-A	3003922399		103		SAN JUAN 29-7 UNIT #109M
8209412	NM1414818	3003922399		103		SAN JUAN 29-7 UNIT #109M
8209413	NM-1415R1A	3003922401		103		SAN JUAN 29-7 UNIT #110M
8209414	NM1415R1-B	3003922401		103		SAN JUAN 29-7 UNIT #110M
8209415	NM-141681-A	3003922398		103		SAN JUAN 29-7 UNIT #112M
8209416	NM-1416-81-B	3003922398		103		SAN JUAN 29-7 UNIT #112M
8209417	NM-1417-81	3003922633		103		SAN JUAN 29-7 UNIT #118
				RECEIVED: 12/04/81 JA: NM 4		
-EL PASO NATURAL GAS COMPANY						
8209390	NM-1446-80-B	3004523830		103		SUNRAY J #1A
				RECEIVED: 12/04/81 JA: NM 4		
-ENERGY RESERVES GROUP INC						
8209447	NM-1560-81	3004524947		103		E H PIPKIN #14
8209446	NM 1559-81	3004524972		103		E H PIPKIN #15
8209448	NM 1561-81	3004524998		103		GALLEGOS CANYON UNIT #319
				RECEIVED: 12/04/81 JA: NM 4		
-GRACE PETROLEUM CORPORATION						
8209401	NM-1221-81	3003922171		103		FEDERAL 24-1
8209399	NM-1213-81	3003922443		103		MCBEE B #2
8209400	NM 1219-81	3003922322		103		VANDENBURG #2
				RECEIVED: 12/04/81 JA: NM 4		
-KENAI OIL AND GAS INC						
8209424	NM-1487-81	3004524519		102-2		FEDERAL #3-23
8209423	NM-1486-81	3004524521		102-2		FEDERAL #34-43
8209425	NM-1488-81	3004524213		102-2		FEDERAL #6-41
8209426	NM-1491-81	3004524201		102-2		UNION NAVAJO ALLOTED #5-21
				RECEIVED: 12/04/81 JA: NM 4		
-KIMBELL OIL COMPANY						
8209465	NM-1586-81	3004505577		108		HANSON #1
				RECEIVED: 12/04/81 JA: NM 4		
-MCCLELLAN OIL CORPORATION						
8209397	NM1818-81	3000560858		102-2		COYOTE DRAW FEDERAL #1 (NM-28386)
8209397	NM1818-81	3000560858		107-TF		COYOTE DRAW FEDERAL #1 (NM-28386)
8209406	NM-1404-81	3000560978		102-4		COYOTE DRAW FEDERAL #2 (NM-16069)
8209406	NM-1404-81	3000560978		107-TF		COYOTE DRAW FEDERAL #2 (NM-16069)
				RECEIVED: 12/04/81 JA: NM 4		
-MESA PETROLEUM						
8209438	NM-1543-81	3003922758		103		SOUTH BLANCO NAVAJO 31 #1
8209439	NM-1544-81	3003922759		103		SOUTH BLANCO NAVAJO 31 #2
				RECEIVED: 12/04/81 JA: NM 4		
-MOBIL PRDG TEXAS & NEW MEXICO INC						
8209410	NM-1408-81	3003920167		108		JICARILLA D #13
8209409	NM-1407-81	3003900000		108		JICARILLA F #2
				RECEIVED: 12/04/81 JA: NM 4		
-NORTHWEST PIPELINE CORPORATION						
8209462	NM-1580-81	3003907963		108		RDSA UNIT #16
8209455	NM-1574-81-A	3003922534		103		SAN JUAN 29-5 #100 MV
8209457	NM-1576-81-A	3003922469		103		SAN JUAN 29-5 #104 MV
8209458	NM-1576-81-B	3003922469		103		SAN JUAN 29-5 #104/PC
8209459	NM-1577-81-A	3003922471		103		SAN JUAN 29-5 #73 MV
8209460	NM-1577-81-B	3003922471		103		SAN JUAN 29-5 #73 PC
8209456	NM-1574-81-B	3003922534		103		SAN JUAN 29-5#100 PC
8209461	NM-1579-81	3003922763		103		SAN JUAN 31-6 #5A
8209464	NM-1584-81	3003920779		108		SAN JUAN 31-6 UNIT #24
				RECEIVED: 12/04/81 JA: NM 4		
-PERRY R BASS						
8209391	NM1733-80	3001523131		102-4		016 EDDY UNIT #64
				RECEIVED: 12/04/81 JA: NM 4		
-READ & STEVENS INC						
8209454	NM-1572-81	3000560781		103		HARRIS FEDERAL #4
8209437	NM-1542-81	3000560798		103		HARRIS FEDERAL COM #5
				RECEIVED: 12/04/81 JA: NM 4		
-SOUTHLAND ROYALTY CO						

FIELD NAME	PROD	PURCHASER
BLANCO MESAVERDE	160.0	EL PASO NATURAL G
BASIN DAKOTA	50.0	EL PASO NATURAL G
BLANCO MESAVERDE	350.0	EL PASO NATURAL G
BASIN DAKOTA	110.0	EL PASO NATURAL G
BLANCO MESAVERDE	300.0	EL PASO NATURAL G
BASIN DAKOTA	105.0	EL PASO NATURAL G
BLANCO MESAVERDE	350.0	EL PASO NATURAL G
BASIN DAKOTA	150.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	60.0	EL PASO NATURAL G
AZTEC PICTURED CLIFFS	30.0	EL PASO NATURAL G
FULCHER KUTZ PICTURED CL	39.9	SOUTHERN UNION GA
FULCHER KUTZ PICTURED CL	81.0	SOUTHERN UNION GA
PINON FRUITLAND EXTENSIO	10.4	EL PASO NATURAL G
DEVILS FORK (GALLUP)	0.0	GAS CO OF NEW MEX
LYBROOK (GALLUP)	0.0	GAS CO OF NEW MEX
LYBROOK (GALLUP)	0.0	GAS CO OF NEW MEX
NAGEEZI	0.0	GAS CO OF NEW MEX
WILDCAT	0.0	GAS CO OF NEW MEX
NAGEEZI	0.0	GAS CO OF NEW MEX
NAGEEZI	0.0	GAS CO OF NEW MEX
BASIN DAKOTA A-5-25N-10W	0.7	EL PASO NATURAL G
WILDCAT (ABO)	128.0	TRANSWESTERN PIPE
WILDCAT (ABO)	128.0	TRANSWESTERN PIPE
UNDESIGNATED (ABO) POOL	365.0	TRANSWESTERN PIPE
UNDESIGNATED (ABO) POOL	365.0	TRANSWESTERN PIPE
LYBROOK GALLUP EXT	44.0	GAS CO OF NEW MEX
LYBROOK GALLUP EXT	37.0	GAS CO OF NEW MEX
GAVILAN PICTURED CLIFFS	15.0	NORTHWEST PIPELIN
BLANCO MESA VERDE GAS	16.0	NORTHWEST PIPELIN
BLANCO MV	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	79.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
UNDESIGNATED PICTURED CL	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	80.0	NORTHWEST PIPELIN
GOBERNADOR PICTURED CLIF	103.0	NORTHWEST PIPELIN
GOBERNADOR PICTURED CLIF	155.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
UNDESIGNATED	100.0	NATURAL GAS PIPEL
BUFFALO VALLEY PENN	36.0	EL PASO NATURAL G
BUFFALO VALLEY PENN	116.0	EL PASO NATURAL G

BILLING CODE 6717-01-C

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209388		3004522642	108-ER	BROWNING STEWART #5	FULCHER KUTZ	6.0	SOUTHERN UNION GA
8209442	NM-1548-81	3004524127	103	COZZENS #6-E	BASIN	257.0	SOUTHERN UNION GA
8209443	NM-1549-81	3004524872	103	NYE #10-E	BASIN	168.0	SOUTHERN UNION GA
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 12/04/81 JA: NM 4				
8209403	NM-1401 81	3002926916	103	JENNINGS B FEDERAL #1	LUSK YATES NE	54.0	PHILLIPS PETROLEU
-SUPRON ENERGY CORPORATION			RECEIVED: 12/04/81 JA: NM 4				
8209418	NM-1418-81	3003922528	103	JICARILLA L 6-E	BASIN DAKOTA	504.0	GAS CO OF NEW MEX
8209419	NM-1419-81	3004524721	103	NEWSOM B-10E	BASIN DAKOTA	422.0	EL PASO NATURAL G
8209420	NM-1420-81	3004524748	103	NEWSOM B-13E	BASIN DAKOTA	383.0	EL PASO NATURAL G
8209450	NM-1569-81A	3004524361	103	REID B 1-E	BASIN DAKOTA	219.0	SOUTHERN UNION GA
8209451	NM-1569-81-R	3004524361	103	REID B 1-E	WILDCAT CHACRA	103.6	SOUTHERN UNION GA
8209452	NM-1570-81-A	3004524433	103	REID B 2-E	BASIN DAKOTA	293.0	SOUTHERN UNION GA
8209453	NM-1570-81-B	3004524433	103	REID B 2-E	WILDCAT CHACRA	629.0	SOUTHERN UNION GA
8209421	NM-1421-81-A	3004524746	103	TALIAFERRO 5-M	BLANCO MESAVERDE	761.0	SOUTHERN UNION GA
8209422	NM-1421-81-B	3004524746	103	TALIAFERRO 5-M	BASIN DAKOTA	205.0	EL PASO NATURAL G
-TENNECO OIL COMPANY			RECEIVED: 12/04/81 JA: NM 4				
8209444	NM 1553-81	3003922586	103	JICARILLA A #5E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8209433	NM-1530-81	3003922578	103	JICARILLA C #6E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8209435	NM-1532-81	3003922576	103	JICARILLA C #7E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8209434	NM-1531-81	3003922577	103	JICARILLA C #8E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8209445	NM 1556-81	3004524692	103	MANSFIELD A #1E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8209436	NM-1533-81	3004525009	103	ROOLOFS #3E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED: 12/04/81 JA: NM 4				
8209463	NM-1583-81	3001523644	103	FEDERAL AB #10	PENASCO DRAW-SA-YESO	0.0	TRANSWESTERN PIPE
8209440	NM-1545-81	3001523770	103	FEDERAL BQ COM #7	UND STRAWN	0.0	TRANSWESTERN PIPE
8209441	NM-1546-81	3001523726	103	SCOUT EH FEDERAL #5	UND MORROW	0.0	TRANSWESTERN PIPE
-SUPERIOR OIL CO			RECEIVED: 12/04/81 JA: UT 4				
8209396	UA-0669-81	4303730633	103	MCELMO CREEK UNIT U-15	GREATER ANETH	0.0	EL PASO NATURAL G

OTHER PURCHASERS

8209531 LONE STAR GAS CO
8209532 LONE STAR GAS CO
8209533 LONE STAR GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission or or before January 20, 1982.

Categoreis within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New resevoir on old OCS lease

Section 107–DP: 15,000 feet or deepar
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonnally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–183 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
ARKANSAS OIL & GAS COMMISSION						
-ARKANSAS LOUISIANA GAS CO			RECEIVED: 12/08/81 JA: AR			
8209543		0311510997	102-4 SILEX GAS UNIT 95	SILEX	300.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY			RECEIVED: 12/08/81 JA: AR			
8209566		0313110162	103 MIDDLETON #1-30	DONANZA	400.0	ARKANSAS LOUISIAN
-B J BROWN			RECEIVED: 12/08/81 JA: AR			
8209557		0308300000	103 WILLIAMS #1 26605	UNIONVILLE	110.0	ARKANSAS LOUISIAN
-BROOKINGS WADDLE & ASSOCIATES INC			RECEIVED: 12/08/81 JA: AR			
8209547		0309110315	102-4 EP WILLIAMS #2 SER #26539	ROCKY MOUND SOUTH	365.0	
-CHARLES E MCRAY DBA MCRAY AND ASSOC			RECEIVED: 12/08/81 JA: AR			
8209540		0311510087	102-4 WM G BLACKWELL #1-C	MORELAND	0.0	ARKANSAS LOUISIAN
8209541		0311510087	102-4 WM G BLACKWELL #1-T	MORELAND	0.0	ARKANSAS LOUISIAN
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/08/81 JA: AR			
8209574		0313100000	103 ROYCE DEAN JONES #1-UT	MANSFIELD	447.0	ARKANSAS LOUISIAN
-GETTY OIL COMPANY			RECEIVED: 12/08/81 JA: AR			
8209542		0311510072	102-4 BLAIR-LAWS #4-1	FURGERSON	639.0	ARKANSAS LOUISIAN
-GETTY RESERVE OIL INC			RECEIVED: 12/08/81 JA: AR			
8209556		0308310035	103 YANCY #1-1	CHISMVILLE	200.0	ARKANSAS LOUISIAN
-HADSON OHIO OIL COMPANY			RECEIVED: 12/08/81 JA: AR			
8209579		0307100000	103 CLINE 1-4	SPADRA	0.0	ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC			RECEIVED: 12/08/81 JA: AR			
8209590		0304710146	103 HUDSPETH #1-32 C	OZARK	182.5	
8209591		0304710146	103 HUDSPETH #1-32 T	OZARK	182.5	
-JARES W PARHAM			RECEIVED: 12/08/81 JA: AR			
8209549		0309110333	102-4 SEWELL #1	NORTH FOUKE	200.0	ARKANSAS LOUISIAN
-JIM L HANNA DBA HANNA OIL AND GAS C			RECEIVED: 12/08/81 JA: AR			
8209561		0308310059	102-2 HUCK #1	CAULKSVILLE	250.0	ARKANSAS WESTERN
8209551		0308300000	102-4 RATTLESNAKE #1-C	BOONEVILLE	185.0	
8209550		0308300000	102-4 RATTLESNAKE #1-T	BOONEVILLE	50.0	
-JOHN C OXLEY			RECEIVED: 12/08/81 JA: AR			
8209580		0307110214	103 DIXON #1-C	KNOXVILLE	814.0	ARKANSAS LOUISIAN
8209581		0307110214	102-4 DIXON NO 1-T	KNOXVILLE	1445.0	ARKANSAS LOUISIAN
-MCCORMICK OPERATING CO			RECEIVED: 12/08/81 JA: AR			
8209548		0309110183	102-4 S W CUMMINGS #1	CUMMINGS	0.0	TEXAS EASTERN TRA
-O B MOBLEY			RECEIVED: 12/08/81 JA: AR			
8209545		0309110273	102-4 MUDFORD #1	SOUTH TEXARKANA	892.0	NATURAL GAS PIPEL
-SANTA FE ENERGY COMPANY			RECEIVED: 12/08/81 JA: AR			
8209560		0308310058	103 ARKANSAS REAL EST #1-C	PRAIRIE VIEW (BARTON)	46.0	ARKANSAS LOUISIAN
8209559		0308310058	103 ARKANSAS REAL EST #1-T	PRAIRIE VIEW (ORR)	246.0	ARKANSAS LOUISIAN
-SEECO INC			RECEIVED: 12/08/81 JA: AR			
8209588		0304710175	102-4 KING #2-21	LONE ELM	35.0	
8209586		0304710149	103 LESSLEY #5-14-LT	LONE ELM	80.0	ARKANSAS WESTERN

JD NO	JA DPT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209584		0304710148	102-4	LESSLEY #5-14-MT	LONE ELM	500.0	ARKANSAS WESTERN
8209585		0304710148	103	LESSLEY #5-14-UT	LONE ELM	65.0	ARKANSAS WESTERN
8209587		0304710165	103	LEWIS #2-32	CECIL	600.0	
8209589		0304710155	102-4	STURDIVANT #1-15	ROCK CREEK	318.2	
8209575		0307120000	102-4	THOMPSON #2-26	SCRANTON	80.0	
-STEPHENS PRODUCTION COMPANY			RECEIVED: 12/08/81 JA: AR				
8209571		0313110177	103	ANNIE BRYANT #2 C	EWING	365.0	ARKANSAS OKLAHOMA
8209572		0313110177	102-4	ANNIE BRYANT #2 T	EWING	125.0	ARKANSAS OKLAHOMA
8209564		0313110167	102-4	WOODS #1 LT	BONANZA	100.0	ARKANSAS OKLAHOMA
8209562		0313110167	103	WOODS #1 UT	BONANZA	100.0	ARKANSAS OKLAHOMA
8209563		0313110167	103	WOODS #1-C	BONANZA	100.0	ARKANSAS OKLAHOMA
-T L JAMES & COMPANY INC			RECEIVED: 12/08/81 JA: AR				
8209544		0313911291	103	NATURAL RESOURCES #E-1 SERIAL #263•	TUBAL	73.0	ARKANSAS LOUISIAN
-TENNECO OIL COMPANY			RECEIVED: 12/08/81 JA: AR				
8209577		0307110202	103	ANDERSON (BARTON) 2-29T	SCRANTON	57.6	ARKANSAS LOUISIAN
8209576		0307110202	103	ANDERSON (CASEY) 2-29C	SCRANTON	360.0	ARKANSAS LOUISIAN
8209578		0307110193	102-4	DAVIS 1-32	ALTUS	44.3	
-TEXAS OIL & GAS CORP			RECEIVED: 12/08/81 JA: AR				
8209565		0313110179	103	ACME BRICK #1	MASSARD	150.0	
8209592		0304710172	103	BOND C #1-C	CECIL	100.0	ARKANSAS LOUISIAN
8209573		0313110158	102-4	CARNEY #1-C	EWING	600.0	
8209568		0313110161	103	CATES "B" #1-T	GRAGG	400.0	ARKANSAS LOUISIAN
8209567		0313110161	103	CATES B #1-C	GRAGG	600.0	ARKANSAS LOUISIAN
8209583		0304710162	102-4	HEINRICHS #1	CAULKSVILLE	350.0	ARKANSAS LOUISIAN
8209539		0303310076	102-4	LOVEGROVE #1	HOLLIS LAKE	200.0	
8209569		0313110157	103	PURDOM #1-C	URSULA	120.0	
8209570		0313110157	102-4	PURDOM #1-T	URSULA	250.0	ARKANSAS LOUISIAN
8209554		0308310057	103	ROBBERSON #1-C	AETNA	150.0	ARKANSAS LOUISIAN
8209555		0308310057	103	ROBBERSON #1-T	AETNA	350.0	ARKANSAS LOUISIAN
8209552		0308310064	103	STROUPE #1-C	PARIS	300.0	
8209553		0308310064	102-4	STROUPE #1-T	PARIS	300.0	
-TOWNER PETROLEUM CO			RECEIVED: 12/08/81 JA: AR				
8209558		0308310062	103	TAYLOR #2-1	CHISMVILLE	175.0	ARKANSAS LOUISIAN
-WEAVER EXPLORATION CO			RECEIVED: 12/08/81 JA: AR				
8209546		0309110290	102-4	COX-HEEK NO 1	BOYCE LAKE	547.0	NATURAL GAS PIPEL
-WESTLAND EXPLORATION CO			RECEIVED: 12/08/81 JA: AR				
8209582		0307110184	102-4	LUCY HERBERT #1-RUSSELL	SPADRA	82.0	ARKANSAS LOUISIAN
8209593		0304710159	102-4	PRICE UNIT #1-ORR	PETERPENDER	189.5	ARKANSAS LOUISIAN
8209594		0304710159	103	PRICE UNIT NO 1-LOWER HALE	PETERPENDER	182.5	ARKANSAS LOUISIAN
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********							
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 12/01/81 JA: OH				
8209595		3412724921	103	RALPH VESS #1	MONROE	18.0	
8209595		3412724921	107-TF	RALPH VESS #1	MONROE	18.0	
-ARAPAHO VENTURES OF NEW YORK INC			RECEIVED: 12/01/81 JA: OH				
8209599		3416725252	103	GOLDIE HAAS #1	AURELIUS	0.0	
8209600		3416725605	103	GOLDIE HAAS #2	AURELIUS	0.0	
8209601		3416725606	103	GOLDIE HAAS #3	AURELIUS	0.0	
8209596		3416725607	103	GOLDIE HAAS #7	AURELIUS	0.0	
8209597		3412122537	103	RAYLE COAL #3	JACKSON	1.9	
8209598		3412122538	103	RAYLE COAL #4	JACKSON	2.6	
-B T SIMPSON JR			RECEIVED: 12/01/81 JA: OH				

JD NO	JR DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209702A		3403124215		103		EVERETT KASNER #3	BLISSFIELD	0.0	COLUMBIA GAS TRAN
8209702B		3403124216	D	107-TF		EVERETT KASNER #3	BLISSFIELD	0.0	COLUMBIA GAS TRAN
-DATES OIL & GAS INC				RECEIVED: 12/01/81 JA: OH					
8209608		3407322459		103		JOHN SPENCER #1	WASHINGTON	1.5	COLUMBIA GAS TRAN
-HAY STATE EXPLORATION CO				RECEIVED: 12/01/81 JA: OH					
8209607		3416320482		103		C & G GRAY #1	VINTON	36.0	COLUMBIA GAS TRAN
8209607		3416320482		107-TF		C & G GRAY #1	VINTON	36.0	COLUMBIA GAS TRAN
8209605		3416320500		103		C & O FREELAND #1	VINTON	36.0	COLUMBIA GAS TRAN
8209605		3416320500		107-TF		C & O FREELAND #1	VINTON	36.0	COLUMBIA GAS TRAN
8209606		3416320497		103		L & F DAFT #1	VINTON	36.0	COLUMBIA GAS TRAN
8209606		3416320497		107-TF		L & F DAFT #1	VINTON	36.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO. 78				RECEIVED: 12/01/81 JA: OH					
8209609A		3415123401		103		H DEHOFF #1 341036	CANTON	36.5	EAST OHIO GAS CO
8209609B		3415123401	D	107-TF		H DEHOFF #1 341036	CANTON	36.5	EAST OHIO GAS CO
-HERMAN J SHAFER				RECEIVED: 12/01/81 JA: OH					
8209703		3415321008		103		KIEHL UNIT #1	BATH	5.0	COLUMBIA GAS TRAN
-HERRESFORD ENTERPRISES INC				RECEIVED: 12/01/81 JA: OH					
8209610		3408322852		103		JOHN FROST #1	JACKSON	0.0	
-HILL D VAUGHT DBA VAUGHT OIL CO				RECEIVED: 12/01/81 JA: OH					
8209706		3403124284		107-TF		JOHN R BENDER #1	KEENE	36.5	COLUMBIA GAS TRAN
-CRYSTAL ENERGY				RECEIVED: 12/01/81 JA: OH					
8209611		3416922814		103		HAYES #1	WOOSTER	10.0	
8209611		3416922814		107-TF		HAYES #1	WOOSTER	10.0	
-CYCLOPS CORP				RECEIVED: 12/01/81 JA: OH					
8209612		3403124361		103		E SPEAKS UNIT #1	JACKSON	30.0	
8209612		3403124361		107-TF		E SPEAKS UNIT #1	JACKSON	30.0	
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 12/01/81 JA: OH					
8209613		3415320958		103		RAYMOND C FIRESTONE #1-F	BATH	5.0	EAST OHIO GAS CO
8209614		3415320959		103		RAYMOND C FIRESTONE #2-F	BATH	5.0	EAST OHIO GAS CO
-DORAN & ASSOCIATES INC				RECEIVED: 12/01/81 JA: OH					
8209616A		3412724968		103		MARQUERITE GORDON #1	JACKSON	12.0	COLUMBIA GAS TRAN
8209616B		3412724968	D	107-TF		MARQUERITE GORDON #1	JACKSON	12.0	COLUMBIA GAS TRAN
8209615A		3412724967		103		MARQUERITE GORDON #3	JACKSON	12.0	COLUMBIA GAS TRAN
8209615B		3412724967	D	107-TF		MARQUERITE GORDON #3	JACKSON	12.0	COLUMBIA GAS TRAN
8209617A		3412725251		103		PAUL MUSSER #3	JACKSON	12.0	COLUMBIA GAS TRAN
8209617B		3412725251	D	107-TF		PAUL MUSSER #3	JACKSON	12.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED: 12/01/81 JA: OH					
8209618		3405922782		103		MILEY #1	VALLEY	37.0	COLUMBIA GAS TRAN
-GLACIER ENERGY CORP				RECEIVED: 12/01/81 JA: OH					
8209619		3410522158		103		JAMES HEBNER #2	SCIPIO	19.0	COLUMBIA GAS TRAN
-GNC ENERGY CORP				RECEIVED: 12/01/81 JA: OH					
8209620		3411522107		103		DAVIS #9	MALTA	15.0	
8209621		3411522119		103		K MORIN #4	MALTA	15.0	
-GREEN GAS COMPANY				RECEIVED: 12/01/81 JA: OH					
8209622		3403520989		107-TF		P O K CO #1	OLMSTEAD	10.0	COLUMBIA GAS OF O
8209624		3409321145		103		POK-MCBRIDE #2	COLUMBIA	1.0	COLUMBIA GAS TRAN
8209623		3433521115		103		WYLES-JUSTAVICH UNIT #1	OLMSTEAD	1.0	COLUMBIA GAS OF O
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 12/01/81 JA: OH					
8209626		3411522521		103		EARL CAMPBELL #2	DEERFIELD	10.0	COLUMBIA GAS TRAN
8209627		3411925063		103		JOHN SHAW #2	JACKSON	12.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED: 12/01/81 JA: OH					
8209630		3410521806		103		ALBERT POUSH #1	SALISBURY	4.0	COLUMBIA GAS TRAN
8209629		3410522020		103		ALPHA RAMEY #2	BEDFORD	4.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	O SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209631		3410522108	103	HANSON & HOWELL #1	RUTLAND	3.0	COLUMBIA GAS TRAN
8209632		3410522109	103	LELAND CLONCH #1	RUTLAND	3.0	COLUMBIA GAS TRAN
8209628		3410522110	103	LELAND CLONCH #2	RUTLAND	3.0	COLUMBIA GAS TRAN
-JACOB POLLOCK				RECEIVED: 12/01/81 JA: OH			
8209668		3407523204	103	JOHNSON #1	RIPLEY	30.0	COLUMBIA GAS TRAN
-JERRY C OLDS				RECEIVED: 12/01/81 JA: OH			
8209667		3403123285	108	KISER #1	LAFAYETTE	9.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED: 12/01/81 JA: OH			
8209635		3416922749	103	TED ACKER #1-S	CLINTON	6.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED: 12/01/81 JA: OH			
8209635		3410522023	103	GOEGLEIN #1	RUTLAND	15.0	COLUMBIA GAS TRAN
8209636		3410522073	103	HYSELL #1	RUTLAND	20.0	COLUMBIA GAS TRAN
8209634		3405320577	103	SISSON #1	CHESHIRE	15.0	COLUMBIA GAS TRAN
-L & M OPERATING INC				RECEIVED: 12/01/81 JA: OH			
8209644		3412724624	107-TF	CLAYCRAFT #2	SALT LICK	2.0	COLUMBIA GAS TRAN
8209643		3412725069	107-TF	CLAYCRAFT #9	SALT LICK	2.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 12/01/81 JA: OH			
8209641		3412725097	107-TF	ESSINGTON/LEWIS/PEABODY/CHRISTY #4	PIKE	2.0	COLUMBIA GAS TRAN
8209642		3412725131	107-TF	HAROLD SHAHAN #1	READING	2.0	COLUMBIA GAS TRAN
8209640		3412725249	103	LEWIS/PEABODY/FLOWERS #1	CLAYTON	10.0	COLUMBIA GAS TRAN
8209640		3412725249	107-TF	LEWIS/PEABODY/FLOWERS #1	CLAYTON	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED: 12/01/81 JA: OH			
8209639		3407522893	103	CARL ROMIG #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED: 12/01/81 JA: OH			
8209645		3411925688	107-TF	EVERETT & FLORENCE LEEDOM #5	PERRY	25.0	
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 12/01/81 JA: OH			
8209638		3403124467	103	JEAN BOYD #2	MONROE	18.0	
-LEADER EQUITIES INC				RECEIVED: 12/01/81 JA: OH			
8209646		3411522325	103	DANIELSON #1	MEIGSVILLE	15.0	
8209646		3411522325	107-TF	DANIELSON #1	MEIGSVILLE	15.0	
8209647		3411522324	103	DANIELSON #2	MEIGSVILLE	15.0	
8209647		3411522324	107-TF	DANIELSON #2	MEIGSVILLE	15.0	
-LEW BATES JR				RECEIVED: 12/01/81 JA: OH			
8209604		3407322305	103	DYKES REAL EST RENTALS #1	WASHINGTON	1.5	COLUMBIA GAS TRAN
8209603		3407322164	103	RUTH WOLF #1	WASHINGTON	1.5	COLUMBIA GAS TRAN
8209602		3407322475	103	RUTH WOLF #2A	WASHINGTON	1.5	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 12/01/81 JA: OH			
8209648		3416922362	107-TF	ALEXANDER #3	WOOSTER	26.0	COLUMBIA GAS TRAN
-MID-ATLANTIC OIL CO				RECEIVED: 12/01/81 JA: OH			
8209651		3411521868	102-4	HUCK #9 UNIT	MORGAN	40.0	COLUMBIA GAS TRAN
8209651		3411521868	107-TF	HUCK #9 UNIT	MORGAN	40.0	COLUMBIA GAS TRAN
-MONROE & KEUSINK INC				RECEIVED: 12/01/81 JA: OH			
8209649		3403124311	103	LUTHER & VIRGINIA WHEATCRAFT #1	NEW CASTLE EAST	12.0	
-MORGAN JOINT VENTURE				RECEIVED: 12/01/81 JA: OH			
8209650		3411522467	103	JOHN & PAT NEMETH #1 2467	MALTA	9.0	
-NEIL STULL JR				RECEIVED: 12/01/81 JA: OH			
8209701		3408322905	103	IMOGENE GAY HUGHES TRUSTEE #2	CLAY	18.0	
-OILTECH INC				RECEIVED: 12/01/81 JA: OH			
8209654		3407522383	107-TF	CARLOS SMITH #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8209655		3407522316	107-TF	ERNEST PAPAY #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8209665		3407523094	107-TF	GERALD HIPP #3	HARDY	0.0	COLUMBIA GAS TRAN
8209657		3407522557	107-TF	H MABEL BRUMME #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8209652		3407522392	107-TF	HORACE A DUTTON #6	MECHANIC	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209660		3407522393		107	-TF	HORACE A DUTTON #7	MECHANIC	0.0	COLUMBIA GAS TRAN
8209661		3407523012		107	-TF	JOHN LANE #1	KILLBUCK	0.0	COLUMBIA GAS TRAN
8209653		3407522385		107	-TF	KAUFFMAN #2	MECHANICS	0.0	COLUMBIA GAS TRAN
8209662		3407523010		107	-TF	KENNETH BRUMME #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8209656		3407522072		107	-TF	PAUL HARTMAN #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8209663		3407522073		107	-TF	PAUL HARTMAN #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8209658		3407522526		107	-TF	RAYMOND J MILLER #3	MECHANIC	0.0	COLUMBIA GAS TRAN
8209659		3407522529		107	-TF	RAYMOND J MILLER #4	MECHANIC	0.0	COLUMBIA GAS TRAN
8209664		3407523055		107	-TF	T F MCCOLLUM UNIT #1	MECHANIC	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO		RECEIVED: 12/01/81 JAS OH							
8209666		3411522518		103		KENNETH SWANSON #1	DEERFIELD	10.0	
-PDI ENERGY INC		RECEIVED: 12/01/81 JAS OH							
8209676		3413322310		107	-TF	AURORA COUNTRY CLUB #3	AURORA	13.0	
8209684		3413322123		107	-TF	BECK-DAVIS #1	STREETSBORO	20.0	
8209686		3413322120		107	-TF	BECK-DAVIS #2	RICHLAND	10.0	
8209685		3413321855		107	-TF	BECK-GRIFFITH-WILSON #4	STREETSBORO	120.0	
8209692		3415320724		107	-TF	BERGIN-RARDIN #1	HUDSON	10.0	
8209669		3408721679		103		BUCK #1	CHERRY VALLEY	10.0	
8209669		3408721679		107	-TF	BUCK #1	CHERRY VALLEY	10.0	
8209678		3408716140		103		BUCK #2	CHERRY VALLEY	10.0	
8209678		3408716140		107	-TF	BUCK #2	CHERRY VALLEY	10.0	
8209693		3415320770		107	-TF	CLINE #1	HUDSON	50.0	
8209673		3408721544		103		CROSBY #3	ORWELL	15.0	
8209673		3408721544		107	-TF	CROSBY #3	ORWELL	15.0	
8209677		3408721620		103		EGART #1	ORWELL	15.0	
8209677		3408721620		107	-TF	EGART #1	ORWELL	15.0	
8209690		3415320707		107	-TF	FALCONE #1	HUDSON	45.0	
8209691		3415320708		107	-TF	FALCONE #2	HUDSON	45.0	
8209689		3415320711		107	-TF	FORTUNA #2	HUDSON	30.0	
8209674		3413322515		103		GOLFWORLD #3	FRANKLIN	45.0	
8209674		3413322515		107	-TF	GOLFWORLD #3	FRANKLIN	45.0	
8209695		3415320810		107	-TF	HALE-HERITAGE FARMS #1	HUDSON	55.0	
8209680		3408721676		107	-TF	HARTSTOCK #1	ROME	30.0	
8209691		3415320748		107	-TF	HOPKINS #1	HUDSON	10.0	
8209679		3408721645		103		LAMBERT #3	ROME	10.0	
8209679		3408721645		107	-TF	LAMBERT #3	ROME	10.0	
8209681		3408721669		103		M KELLOG #1	RICHLAND	10.0	
8209681		3408721669		107	-TF	M KELLOG #1	RICHLAND	10.0	
8209687		3407523114		103		MACKEY #1	BOSTON	15.0	COLUMBIA GAS TRAN
8209682		3407523099		103		MCPHERSON #1	STREETSBORO	20.0	COLUMBIA GAS TRAN
8209670		3408721691		103		METZDORF-CARDINAL #1	HARTSGROVE	15.0	
8209670		3408721691		107	-TF	METZDORF-CARDINAL #1	HARTSGROVE	15.0	
8209675		3413322375		103		PIERCE-EVERGREEN #1	FRANKLIN	25.0	
8209675		3413322375		107	-TF	PIERCE-EVERGREEN #1	FRANKLIN	25.0	
8209688		3413326963		107	-TF	ROOSA #1	HUDSON	10.0	
8209671		3413322271		107	-TF	WHITTINGTON #1	FRANKLIN	25.0	
8209683		3413322233		107	-TF	WILLIAMS #1	STREETSBORO	35.0	
8209672		3413322239		107	-TF	WILLIAMS #2	STREETSBORO	35.0	
-QUAKER STATE OIL REFINING CORP		RECEIVED: 12/01/81 JAS OH							
8209698		3401921447		103		C MAYLE #1	BROWN	27.4	MB OPERATING CO I
8209699		3401921453		103		CASPER #1	BROWN	27.4	MB OPERATING CO I
8209696		3401921439		103		EPPLER UNIT #1	BROWN	27.0	MB OPERATING CO I
8209697		3401921448		103		FARMER UNIT #1	BROWN	27.4	MB OPERATING CO I

BILLING CODE 6717-01-C

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209700		3401921452		103		MAYLE #1	BROWN	27.4	MB OPERATING CO I
8209701		3401921454		103		MAYLE #2	BROWN	27.4	MB OPERATING CO I
8209702		3401921455		103		MAYLE #3	BROWN	27.4	MB OPERATING CO I
8209703		3401921456		103		MAYLE #4	BROWN	27.4	MB OPERATING CO I
8209704		3401921457		103		MAYLE #5	BROWN	27.4	MB OPERATING CO I
8209705		3401921458		103		MAYLE #6	BROWN	27.4	MB OPERATING CO I
8209706		3401921459		103		MAYLE #7	BROWN	27.4	MB OPERATING CO I
8209707		3401921460		103		MAYLE #8	BROWN	27.4	MB OPERATING CO I
8209708		3401921461		103		MAYLE #9	BROWN	27.4	MB OPERATING CO I
8209709		3401921462		103		MAYLE #10	BROWN	27.4	MB OPERATING CO I
8209710		3401921463		103		MAYLE #11	BROWN	27.4	MB OPERATING CO I
8209711		3401921464		103		MAYLE #12	BROWN	27.4	MB OPERATING CO I
8209712		3401921465		103		MAYLE #13	BROWN	27.4	MB OPERATING CO I
8209713		3401921466		103		MAYLE #14	BROWN	27.4	MB OPERATING CO I
8209714		3401921467		103		MAYLE #15	BROWN	27.4	MB OPERATING CO I
8209715		3401921468		103		MAYLE #16	BROWN	27.4	MB OPERATING CO I
8209716		3401921469		103		MAYLE #17	BROWN	27.4	MB OPERATING CO I
8209717		3401921470		103		MAYLE #18	BROWN	27.4	MB OPERATING CO I
8209718		3401921471		103		MAYLE #19	BROWN	27.4	MB OPERATING CO I
8209719		3401921472		103		MAYLE #20	BROWN	27.4	MB OPERATING CO I
8209720		3401921473		103		MAYLE #21	BROWN	27.4	MB OPERATING CO I
8209721		3401921474		103		MAYLE #22	BROWN	27.4	MB OPERATING CO I
8209722		3401921475		103		MAYLE #23	BROWN	27.4	MB OPERATING CO I
8209723		3401921476		103		MAYLE #24	BROWN	27.4	MB OPERATING CO I
8209724		3401921477		103		MAYLE #25	BROWN	27.4	MB OPERATING CO I
8209725		3401921478		103		MAYLE #26	BROWN	27.4	MB OPERATING CO I
8209726		3401921479		103		MAYLE #27	BROWN	27.4	MB OPERATING CO I
8209727		3401921480		103		MAYLE #28	BROWN	27.4	MB OPERATING CO I
8209728		3401921481		103		MAYLE #29	BROWN	27.4	MB OPERATING CO I
8209729		3401921482		103		MAYLE #30	BROWN	27.4	MB OPERATING CO I
8209730		3401921483		103		MAYLE #31	BROWN	27.4	MB OPERATING CO I
8209731		3401921484		103		MAYLE #32	BROWN	27.4	MB OPERATING CO I
8209732		3401921485		103		MAYLE #33	BROWN	27.4	MB OPERATING CO I
8209733		3401921486		103		MAYLE #34	BROWN	27.4	MB OPERATING CO I
8209734		3401921487		103		MAYLE #35	BROWN	27.4	MB OPERATING CO I
8209735		3401921488		103		MAYLE #36	BROWN	27.4	MB OPERATING CO I
8209736		3401921489		103		MAYLE #37	BROWN	27.4	MB OPERATING CO I
8209737		3401921490		103		MAYLE #38	BROWN	27.4	MB OPERATING CO I
8209738		3401921491		103		MAYLE #39	BROWN	27.4	MB OPERATING CO I
8209739		3401921492		103		MAYLE #40	BROWN	27.4	MB OPERATING CO I
8209740		3401921493		103		MAYLE #41	BROWN	27.4	MB OPERATING CO I
8209741		3401921494		103		MAYLE #42	BROWN	27.4	MB OPERATING CO I
8209742		3401921495		103		MAYLE #43	BROWN	27.4	MB OPERATING CO I
8209743		3401921496		103		MAYLE #44	BROWN	27.4	MB OPERATING CO I
8209744		3401921497		103		MAYLE #45	BROWN	27.4	MB OPERATING CO I
8209745		3401921498		103		MAYLE #46	BROWN	27.4	MB OPERATING CO I
8209746		3401921499		103		MAYLE #47	BROWN	27.4	MB OPERATING CO I
8209747		3401921500		103		MAYLE #48	BROWN	27.4	MB OPERATING CO I
8209748		3401921501		103		MAYLE #49	BROWN	27.4	MB OPERATING CO I
8209749		3401921502		103		MAYLE #50	BROWN	27.4	MB OPERATING CO I
8209750		3401921503		103		MAYLE #51	BROWN	27.4	MB OPERATING CO I
8209751		3401921504		103		MAYLE #52	BROWN	27.4	MB OPERATING CO I
8209752		3401921505		103		MAYLE #53	BROWN	27.4	MB OPERATING CO I
8209753		3401921506		103		MAYLE #54	BROWN	27.4	MB OPERATING CO I
8209754		3401921507		103		MAYLE #55	BROWN	27.4	MB OPERATING CO I
8209755		3401921508		103		MAYLE #56	BROWN	27.4	MB OPERATING CO I
8209756		3401921509		103		MAYLE #57	BROWN	27.4	MB OPERATING CO I
8209757		3401921510		103		MAYLE #58	BROWN	27.4	MB OPERATING CO I
8209758		3401921511		103		MAYLE #59	BROWN	27.4	MB OPERATING CO I
8209759		3401921512		103		MAYLE #60	BROWN	27.4	MB OPERATING CO I
8209760		3401921513		103		MAYLE #61	BROWN	27.4	MB OPERATING CO I
8209761		3401921514		103		MAYLE #62	BROWN	27.4	MB OPERATING CO I
8209762		3401921515		103		MAYLE #63	BROWN	27.4	MB OPERATING CO I
8209763		3401921516		103		MAYLE #64	BROWN	27.4	MB OPERATING CO I
8209764		3401921517		103		MAYLE #65	BROWN	27.4	MB OPERATING CO I
8209765		3401921518		103		MAYLE #66	BROWN	27.4	MB OPERATING CO I
8209766		3401921519		103		MAYLE #67	BROWN	27.4	MB OPERATING CO I
8209767		3401921520		103		MAYLE #68	BROWN	27.4	MB OPERATING CO I
8209768		3401921521		103		MAYLE #69	BROWN	27.4	MB OPERATING CO I
8209769		3401921522		103		MAYLE #70	BROWN	27.4	MB OPERATING CO I
8209770		3401921523		103		MAYLE #71	BROWN	27.4	MB OPERATING CO I
8209771		3401921524		103		MAYLE #72	BROWN	27.4	MB OPERATING CO I
8209772		3401921525		103		MAYLE #73	BROWN	27.4	MB OPERATING CO I
8209773		3401921526		103		MAYLE #74	BROWN	27.4	MB OPERATING CO I
8209774		3401921527		103		MAYLE #75	BROWN	27.4	MB OPERATING CO I
8209775		3401921528		103		MAYLE #76	BROWN	27.4	MB OPERATING CO I
8209776		3401921529		103		MAYLE #77	BROWN	27.4	MB OPERATING CO I
8209777		3401921530		103		MAYLE #78	BROWN	27.4	MB OPERATING CO I
8209778		3401921531		103		MAYLE #79	BROWN	27.4	MB OPERATING CO I
8209779		3401921532		103		MAYLE #80	BROWN	27.4	MB OPERATING CO I
8209780		3401921533		103		MAYLE #81	BROWN	27.4	MB OPERATING CO I
8209781		3401921534		103		MAYLE #82	BROWN	27.4	MB OPERATING CO I
8209782		3401921535		103		MAYLE #83	BROWN	27.4	MB OPERATING CO I
8209783		3401921536		103		MAYLE #84	BROWN	27.4	MB OPERATING CO I
8209784		3401921537		103		MAYLE #85	BROWN	27.4	MB OPERATING CO I
8209785		3401921538		103		MAYLE #86	BROWN	27.4	MB OPERATING CO I
8209786		3401921539		103		MAYLE #87	BROWN	27.4	MB OPERATING CO I
8209787		3401921540		103		MAYLE #88	BROWN	27.4	MB OPERATING CO I
8209788		3401921541		103		MAYLE #89	BROWN	27.4	MB OPERATING CO I
8209789		3401921542		103		MAYLE #90	BROWN	27.4	MB OPERATING CO I
8209790		3401921543		103		MAYLE #91	BROWN	27.4	MB OPERATING CO I
8209791		3401921544		103		MAYLE #92	BROWN	27.4	MB OPERATING CO I
8209792		3401921545		103		MAYLE #93	BROWN	27.4	MB OPERATING CO I
8209793		3401921546		103		MAYLE #94	BROWN	27.4	MB OPERATING CO I
8209794		3401921547		103		MAYLE #95	BROWN	27.4	MB OPERATING CO I
8209795		3401921548		103		MAYLE #96	BROWN	27.4	MB OPERATING CO I
8209796		3401921549		103		MAYLE #97	BROWN	27.4	MB OPERATING CO I
8209797		3401921550		103		MAYLE #98	BROWN	27.4	MB OPERATING CO I
8209798		3401921551		103		MAYLE #99	BROWN	27.4	MB OPERATING CO I
8209799		3401921552		103		MAYLE #100	BROWN	27.4	MB OPERATING CO I

JD NO	JA FKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-ROULEY & BROWN PETROLEUM CORP			RECEIVED: 12/01/81 JA: OH			
8209700		3403520915	107-TF CLEVELAND CATHOLIC DIOCESE #1 (CCD*	PARMA	10.0	COLUMBIA GAS TRAN
-STOCKER&SITLER INC			RECEIVED: 12/01/81 JA: OH			
8209704		3401921441	103 GROSENBAUGH UNIT #5-5S	ROSE	1.0	
-TERRY M KRAMER			RECEIVED: 12/01/81 JA: OH			
8209637		3405320576	103 SHAYER #1	ADDISON	20.0	COLUMBIA GAS TRAN
-THUNDERBIRD PETROLEUM CORP			RECEIVED: 12/01/81 JA: OH			
8209707		3411122213	103 HARRY ARMSTRONG WELL #4	WASHINGTON	50.0	
-TITAN ENERGY CORP			RECEIVED: 12/01/81 JA: OH			
8209706		3415521361	103 A LUCHETTE #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN
8209706		3415521361	107-TF A LUCHETTE #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN
8209705		3415521883	103 GOYNES-UNIT 1	NEWTON	20.0	COLUMBIA GAS TRAN
8209705		3415521883	107-TF GOYNES-UNIT 1	NEWTON	20.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORPORATION			RECEIVED: 12/01/81 JA: OH			
8209709		3415123502	103 HAWN-QUINTELLA UNIT #2	PARIS	30.0	
8209709		3415123502	107-TF HAWN-QUINTELLA UNIT #2	PARIS	30.0	
8209710		3415123505	103 TUTTLE #1	OSNABURG	30.0	
8209710		3415123505	107-TF TUTTLE #1	OSNABURG	30.0	
-W J LYDIC INC			RECEIVED: 12/01/81 JA: OH			
8209713		3405323030	103 R FITCH #1	R FITCH #1	2.8	COLUMBIA GAS OF O
8209714		3405323020	103 R FITCH #2	R FITCH #2	2.8	COLUMBIA GAS OF O
8209711		3405323090	103 R FITCH #3	R FITCH #3	0.8	COLUMBIA GAS OF O
8209712		3405323050	103 WAREHIME #1	WAREHIME #1	1.2	COLUMBIA GAS OF O
-WENNER PETROLEUM CORPORATION			RECEIVED: 12/01/81 JA: OH			
8209715		3416922383	107-TF ROBERT E HART #4	MILTON-WAYNE POOL	2.2	COLUMBIA GAS TRAN
-WESTMORELAND INVESTORS LTD.			RECEIVED: 12/01/81 JA: OH			
8209716		3416725500	107-DV EARL & BEULAH CONGLETON #3	LIBERTY	50.0	
-WILLIAM F HILL			RECEIVED: 12/01/81 JA: OH			
8209625		3407523157	103 ROBERT STARNER #2	RICHLAND	9.0	

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 20, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–154 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 30, 1981.

JD NO	JA DKT	API NO	D	SFC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-IMPERIAL OIL COMPANY			RECEIVED: 12/07/81 JA: KS						
8209781	K-81-0768	1509700241		102-4		ROSE #1	CARVER ROBBINS W	10.0	PANHANDLE EASTERN
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO			RECEIVED: 12/07/81 JA: NM						
8209849		3004508644		108		STATE GAS COM Y #1	BLANCO-PICTURED CLIFFS	17.0	EL PASO NATURAL G
-ANADARKO PRODUCTION COMPANY			RECEIVED: 12/07/81 JA: NM						
8209844		3002527404		103		M W COLL #4	LANGLIE MATTIX QUEEN	34.0	GETTY OIL CO
-BEARD OIL COMPANY			RECEIVED: 12/07/81 JA: NM						
8209851		3001522534		108		HANLAD #1	EAST HIGH HOPE	10.0	TRANSWESTERN PIPE
-BTA OIL PRODUCERS			RECEIVED: 12/07/81 JA: NM						
8209855		3002527362		102-2		HUDSON-STATE A866 JV-P #1-Y	ANTELOPE RIDGE (MORROW)	1425.0	UNITED GAS PIPE L
-COLLIER ENERGY, INC			RECEIVED: 12/07/81 JA: NM						
8209842		3001522008		103		QUAIL STATE #1	RED LAKE GRAYBURG SAN AN	50.0	PHILLIPS PETROLEU
8209843		3001523127		103		YALTY #1	WILDCAT QUEEN	125.0	PHILLIPS PETROLEU
-CONOCO INC			RECEIVED: 12/07/81 JA: NM						
8209848		3002527016		103		STATE D NO 15	ARROWHEAD E-N-E	20.0	WARREN PETROLEUM
-DOYLE HARTMAN OIL OPERATOR			RECEIVED: 12/07/81 JA: NM						
8209861		3002527531		103		HUSKY-WOOLWORTH #1	JALMAT (GAS)	53.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 12/07/81 JA: NM						
8209852		3004510103		108		FARMINGTON COM #1	BASIN-DAKOTA	22.0	EL PASO NATURAL G
8209846		3004525041		103		SAN JUAN 32-9 UNIT #25A	BLANCO MESAVERDE	278.0	EL PASO NATURAL G
-MESA PETROLEUM			RECEIVED: 12/07/81 JA: NM						
8209858		3000560895		102-2		ACME #3	UNDESIGNATED ABO	500.0	TRANSWESTERN PIPE
8209854		3000560890		102-2		BELL ESTATE #1	UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
-MILLARD DECK			RECEIVED: 12/07/81 JA: NM						
8209860		3002527044		103		POSSH #3	LANGLIE MATTIX	7.5	EL PASO NATURAL G
8209841		3002526536		103		POSSH #4	LANGLIE MATTIX-SEVEN RIV	36.5	EL PASO NATURAL G
-MTS LTD PARTNERSHIP			RECEIVED: 12/07/81 JA: NM						
8209857		3000560999		102-2		NED STATE #3	UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
8209837		3003922743		103		SOUTH BLANCO STATE 32A #1	LYBROOK GALLUP EXT	18.0	GAS CO OF NEW MEX
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 12/07/81 JA: NM						
8209839		3002527118		103		EAST VAC GB/SA TR 2758 #008	VACUUM GB/SA	7.7	EL PASO NATURAL G
8209838		3002527402		103		PHILNEX #15	LEAMEX (PADDOCK) POOL	43.1	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO			RECEIVED: 12/07/81 JA: NM						
8209865		3004524511		103		CHAMBERLAIN #2	BLANCO	370.0	SOUTHERN UNION GA
8209867		3004524511		103		CHAMBERLAIN #2	UNDESIGNATED	356.0	SOUTHERN UNION GA
8209862		3004524675		103		HARPER #3	UNDESIGNATED	508.0	SOUTHERN UNION GA
8209863		3004524675		103		HARPER #3	AZTEC	196.0	SOUTHERN UNION GA
-TAHOE OIL & CATTLE CO			RECEIVED: 12/07/81 JA: NM						

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209853		3002524642		108		JUDY #2	LANGLIE MATTIX	1.4	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED: 12/07/81 JA: NM					
8209866		3001523753		103		STATE FP-13 COMM #2	CATCLAW DRAW MORROW	480.0	TUCO INC
8209864		3004524436		103		VALDEZ COM "B" #1	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL G
-TXO PRODUCTION CORP				RECEIVED: 12/07/81 JA: NM					
8209850		3001522694		108		INDIAN HILLS STATE COM #2	CEMETARY (MORROW)	3.7	NATURAL GAS PIPEL
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/07/81 JA: NM					
8209845		3002527417		103		STATE "HM" #1	UNDESIGNATED (GEM MORROW	200.0	
-YATES PETROLEUM CORPORATION				RECEIVED: 12/07/81 JA: NM					
8209859		3000561133		107-TF		DEE "OO" STATE #2	UND ABO	0.0	TRANSWESTERN PIPE
8209846		3001520827		103		LOVELESS "LO" STATE #4	TOMAHAWK SA	0.0	
8209847		3000520828		103		LOVELESS "LO" STATE #5	UNDES TOMAHAWK SA	0.0	
8209856		3001523793		102-4		SHARP "BS" COM #1	POW MORROW	0.0	TRANSWESTERN PIPE
8209868		3001522854		102-4		STONEWALL "EP" STATE COM #4	UNO W BURTON FLAT ATOKA	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ALDEN AURORA GAS CO INC				RECEIVED: 12/09/81 JA: NY					
8209809	1632	3102980000		108		JOHN FISHER #1	ALDEN-LANCASTER	2.1	NATIONAL FUEL GAS
8209806	1627	3102980000		108		S MILES #1	ALDEN-LANCASTER	1.7	NATIONAL FUEL GAS
8209810	1631	3102980000		108		W PACYON #1	ALDEN-LANCASTER	1.1	NATIONAL FUEL GAS
8209804	1628	3102980000		108		W WADEL #1	ALDEN-LANCASTER	1.1	NATIONAL FUEL GAS
8209805	1626	3102980000		108		WILT #1	ALDEN-LANCASTER	3.8	NATIONAL FUEL GAS
8209808	1630	3102980000		108		WM SMITH #1	ALDEN-LANCASTER	3.9	NATIONAL FUEL GAS
8209807	1629	3102980000		108		WM SMITH #2	ALDEN-LANCASTER	3.9	NATIONAL FUEL GAS
-AMERICAN PENN ENERGY INC				RECEIVED: 12/09/81 JA: NY					
8209789	2402	3102914542		108		A & H UPSHUR UNIT #1 1482	BRANT-EVANS	10.0	NATIONAL FUEL GAS
8209788	2403	3102914543		108		C C VOLLMAR UNIT #1 1429	BRANT-EVANS	10.0	NATIONAL FUEL GAS
8209786	2401	3102914435		108		JEWITT #1 1483	LAKESHORE	10.0	NATIONAL FUEL GAS
8209790	2405	3102914541		108		K & H TAYLOR UNIT #1 1424	BRANT-EVANS	10.0	NATIONAL FUEL GAS
8209791	2404	3102914540		108		M FORSTER #1 1428	BRANT-EVANS	10.0	NATIONAL FUEL GAS
8209787	2400	3102914436		108		MASCIO UNIT #1 1484	LAKESHORE	10.0	NATIONAL FUEL GAS
8209784	2399	3102914437		108		SAGER UNIT #1 1485	LAKESHORE	10.0	NATIONAL FUEL GAS
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED: 12/09/81 JA: NY					
8209801	1052	3112113919		102-2		FRANK LABIN #1	WILDCAT	20.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED: 12/09/81 JA: NY					
8209783	1330	3101315356		103		NYS FOREST AREA #18 #8	BERRY	38.0	COLUMBIA GAS TRAN
-BLOSSOM GAS CO				RECEIVED: 12/09/81 JA: NY					
8209799	2162	3101314402		108		WESTFIELD TIMBER PRODUCTS 3134	LAKE SHORE	19.0	NATIONAL FUEL GAS
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 12/09/81 JA: NY					
8209803	1174	3109713796		102-2		JOHN PRATT/WM MEEHAN	GINGERBREAD CORNERS	38.0	COLUMBIA GAS TRAN
-J M RESOURCES				RECEIVED: 12/09/81 JA: NY					
8209785	1599	3101314326		103		LEPP #4	LAKESHORE	25.0	NATIONAL FUEL GAS
-MAYNARD OIL COMPANY				RECEIVED: 12/09/81 JA: NY					
8209782	2431	3102916602		103		OAR #1	WILDCAT	0.0	NATIONAL FUEL GAS
-PENNZOIL COMPANY				RECEIVED: 12/09/81 JA: NY					
8209802	1476	3100913026		102-4		QUINLAN E-2	ROCK CITY	0.0	
-SHAWNEE EXPLORATION INC				RECEIVED: 12/09/81 JA: NY					
8209811	2413	3102916517		103		MILIUS UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8209815	2408	3102916518		103		P J PHILLIPS ET AL #1	BRANT	15.0	SCG GAS QUEST INC
8209798	2406	3102916449		103		TURNBULL UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8209812	2412	3102916448		103		VACCO UNIT #1	BRANT	15.0	SCG GAS QUEST INC
8209797	2407	3102916351		103		WAY-PHILLIPS UNIT #1	BRANT	15.0	SCG GAS QUEST INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209814	2410	3102916352		103		WAY-PHILLIPS UNIT #2	BRANT	15.0	SCG GAS QUEST INC
8209813	2411	3102916353		103		WAY-PHILLIPS UNIT #3	BRANT	15.0	SCG GAS QUEST INC
-TRAHAN PETROLEUM INC				RECEIVED: 12/09/81 JA: NY					
8209792	1941	3101315212		102-2		B RENDELL #1 - N Y S 31-013-15212	PANAMA	36.0	COLUMBIA GAS TRAN
8209796	1401	3101315213		102-2		B RENDELL #2 N Y 88 31-013-15213	PANAMA	36.0	COLUMBIA GAS TRAN
8209794	2262	3101315284		102-2		C STRATTON #1 - N Y 79 31-013-15284	PANAMA	36.0	COLUMBIA GAS TRAN
8209795	1320	3101315373		102-2		LEFFINGWELL - CRONER 1 31-013-15373	PANAMA	36.0	COLUMBIA GAS TRAN
8209793	1552	3101315866		102-2		THOMAS POTTER #2 31-013-15866	LAKEWOOD	36.0	NATIONAL FUEL GAS
-WILLIAM H TEMPLETON				RECEIVED: 12/09/81 JA: NY					
8209800	2451	3100911147		108		GREEN BROS - HARMERMILL UNIT #1	SKINNER HOLLOW	7.0	NATIONAL FUEL GAS
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMCANA OIL CORP				RECEIVED: 12/07/81 JA: OK					
8209738	11621	3508320791		103		FRECH #1-3	RINGWOOD	60.0	PANHANDLE EASTERN
8209737	11620	3504722435		103		SIMUNEK 1-17	SOONER TREND	60.0	PANHANDLE EASTERN
-ANCOR PETROLEUM INC				RECEIVED: 12/07/81 JA: OK					
8209760	89376	3508121108		102-4		OMA #1-4	WILDCAT	365.0	COLORADO GAS COMP
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/07/81 JA: OK					
8209717	14898	3510321380		102-4		AMY OPLINGER #1	N W STILLWATER AIRPORT	36.5	
8209779	14898	3504722726		102-4		GLENDA WILLIAMS #1	SOUTH DOUGLAS	36.5	
-BOGERT OIL CO				RECEIVED: 12/07/81 JA: OK					
8209753	11315	3507322933		103		EVERETT 1-4	SOONER TREND	150.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/07/81 JA: OK					
8209748	10992	3507300000		108		STURGEON BUFORD UNIT #1	SOONER TREND	14.0	PHILLIPS PETROLEU
-CIMARRON PETROLEUM CORPORATION				RECEIVED: 12/07/81 JA: OK					
8209768	11493	3507323862		103		CPC #106-4 BEARD		54.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED: 12/07/81 JA: OK					
8209762	89618	3513921337		102-4		SLEEPER C #2	NE TRIUMPH	180.0	
8209763	89620	3513921339		102-4		SLEEPER C #4	NE TRIUMPH	25.0	
8209764	9768	3500721854		102-4		SMITH G #1	E LORENA	284.0	SOUTHERN UNION CO
-CLARK RESOURCES INC				RECEIVED: 12/07/81 JA: OK					
8209756	11486	3504722604		103		TABORSKY VANCE 11-2	SOONER TREND	25.0	UNION TEXAS PETRO
-CLAYTON W WILLIAMS JR				RECEIVED: 12/07/81 JA: OK					
8209759	89242	3501520916		102-2		R COX #1	EAKLEY (RED FORK)	780.0	
-CLEMENTS ENERGY INC				RECEIVED: 12/07/81 JA: OK					
8209754	11371	3504921149		103		ADAMS #1-8	N W ANTIOCH	365.0	BUCKEYE NATURAL G
-CONOCO INC				RECEIVED: 12/07/81 JA: OK					
8209765	10318	3513900000		108		A M CAMP #1	HUGOTON	10.0	CITIES SERVICE GA
8209766	10320	3513900000		108		FECHTLER #1	HUGOTON	8.0	CITIES SERVICE GA
8209743	10321	3513900000		108		S GURWELL #1	HUGOTON	8.0	CITIES SERVICE GA
8209744	10326	3513900000		108		STONEBRAKER #1	HUGOTON	6.0	CITIES SERVICE GA
8209745	10327	3513900000		108		STONEBRAKER #2	HUGOTON	7.0	CITIES SERVICE GA
8209746	10329	3513900000		108		UNITED PRODUCING CO #1	HUGOTON	6.0	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION				RECEIVED: 12/07/81 JA: OK					
8209777	15288	3505121127		107-DP		LOVELESS #1-5	SOUTH VERDEN	8.0	UNITED GAS PIPELI
-DAWN ENERGY CO				RECEIVED: 12/07/81 JA: OK					
8209739	11644	3509322138		103		NICHELSON #1-7	N E CEDARDALE	240.0	DELHI GAS PIPELIN
-ENERGY RESERVES GROUP INC				RECEIVED: 12/07/81 JA: OK					
8209757	11441	3510321113		103		DEVORE #8	POLO	36.0	AMINOIL USA INC
-ENERGY SERVICES INC				RECEIVED: 12/07/81 JA: OK					
8209761	89408	3501721499		103		BANNER CO-OP #1-17	NORTH YUKON	138.4	DELHI GAS PIPELIN
-F C D OIL CORP				RECEIVED: 12/07/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209731	11494	3508321682		103		CHARLOTTE 1-26	N CRESCENT	34.5	EASON OIL CO
8209728	11663	3510321328		103		DON 1-23	BILLINGS	21.9	ARCO OIL & GAS CO
8209730	15074	3504722936		102-4		MARY 1A-9	N W KREMLIN	81.8	CRA INC
8209727	11661	3510321348		103		MIKE 1-23	BILLINGS	18.3	ARCO OIL & GAS CO
8209729	11664	3507322871		103		REMERMAN 1-21	N E OKARCHE	94.9	PHILLIPS PETROLEU
8209726	11276	3504722586		102-4		ROBBINS 1-16	KREMLIN	91.3	C R A INC
-GMC OIL AND GAS CORP				RECEIVED: 12/07/81 JA: OK					
8209765	11388	3511921419		103		SHEPARD "A"-1	W TALE	188.8	PHILLIPS PETROLEU
-HUNGERFORD OIL & GAS INC				RECEIVED: 12/07/81 JA: OK					
8209723	14970	3508321372		103		HORSLEY #1	NORTHWEST ELKHORN	226.1	AMINOIL USA INC
8209721	14966	3504722926		103		HORSLEY #2	NORTHWEST ELKHORN	189.1	AMINOIL USA INC
8209722	14969	3504722525		103		HORSLEY #3	NORTHWEST ELKHORN	251.8	AMINOIL USA INC
8209724	14971	3504722686		103		HORSLEY NO 4	NORTHWEST ELKHORN	112.7	AMINOIL USA INC
-INEXCO OIL COMPANY				RECEIVED: 12/07/81 JA: OK					
8209725	14976	3512920604		102-4		ESSIE #1-34	NORTH EAST STRONG CITY	488.8	PRODUCER'S GAS CO
-JRHOP INC				RECEIVED: 12/07/81 JA: OK					
8209767	11569	3510920444		103		GILMORE 1-15 B	W EDMOND	18.8	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 12/07/81 JA: OK					
8209778	15236	3501521869		107-DP		BELCHER #1	EAST APACHE	388.8	EL PASO NATURAL G
-L O WARD				RECEIVED: 12/07/81 JA: OK					
8209735	11613	3509322076		103		ENSMINGER FREED 1	N E OKEENE	275.8	TRANSOK PIPE LINE
8209736	11614	3504700000		103		R(IN #2	N E ENID	8.8	CHAMPLIN PETROLEU
8209752	11307	3502720457		103		R(BERTS #2	SOUTH MOORE	36.5	SUN GAS CO
-LRF CORP				RECEIVED: 12/07/81 JA: OK					
8209751	11244	3506120300		103		AVERY #1	KINTA	189.5	DELHI GAS PIPELIN
-MAR-BAR ENTERPRISES INC				RECEIVED: 12/07/81 JA: OK					
8209747	10706	3513166429		103		EDENGER #1	WEST OOLAGAH	36.8	DIAMOND-S GAS SYS
-MORGAN & STEINERT INC				RECEIVED: 12/07/81 JA: OK					
8209770	11571	3507322423		103		BARKER #1	SOONER TREND	120.8	EXXON CO U S A
-MUSTANG PRODUCTION CO.				RECEIVED: 12/07/81 JA: OK					
8209741	14888	3504520925		102-2		DISHEN #1-17	SOUTHWEST ARNETT	156.8	PRODUCER'S GAS CO
8209742	14889	3500920401		102-3		ROSSON #1-5	NORTH ERIC	300.8	ARKANSAS LOUISIAN
-PORTS OF CALL OIL CO				RECEIVED: 12/07/81 JA: OK					
8209773	11596	3501520979		103		HELEN CONSTIEN #13-1	NORTH EAST-HINTON	200.8	OKLAHOMA NATURAL
-POST PETROLEUM COMPANY INC				RECEIVED: 12/07/81 JA: OK					
8209733	11607	3513921411		103		MONROE #1	GUYRON-HUGHTON	8.8	PHILLIPS PETROLEU
8209732	11603	3513921400		103		MURRAY #1	CARRICK DIST	8.8	KANSAS-NEBRASKA N
-RICKS EXPLORATION CO				RECEIVED: 12/07/81 JA: OK					
8209780	14897	3501521050		102-4		MARY LOU #1	S W BINGER	484.8	MICHIGAN WISCONSI
-ROYAL OIL & GAS CORPORATION				RECEIVED: 12/07/81 JA: OK					
8209771	11592	3511921472		103		H C ROBINSON #4	NORTHEAST PRATT	35.8	ENTERPRISE DEVELO
8209772	11593	3511921074		103		MARATHON #1	NORTHEAST PRATT	30.8	ENTERPRISE DEVELO
-TRIPLEDEE DRILLING CO				RECEIVED: 12/07/81 JA: OK					
8209748	14794	3501900000		102-4		EMZIE JOY #1		188.8	AMINOIL USA INC
-UNIT OPERATIONS				RECEIVED: 12/07/81 JA: OK					
8209769	08883	3507121702		103		FOSTER GAS UNIT #1	DILWORTH	38.6	CITIES SERVICE GA
8209758	09512	3507122029		102-4		SHOFFNER GAS UNIT #1	DILWORTH	88.3	CITIES SERVICE GA
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 12/07/81 JA: OK					
8209749	11054	3507300000		103		S O #1-16	SOONER TREND	218.6	PHILLIPS PETROLEU
8209750	11056	3509322132		103		SONS 1-28	DANE	43.8	DELHI GAS PIPELIN
-WALLACE OIL & GAS INC				RECEIVED: 12/07/81 JA: OK					
8209734	11611	3501721875		103		HOLMAN #1	NATONGA CHICKASHA TREND	364.8	MUSTANG FUEL CORP
-WOOD ENTERPRISES INC				RECEIVED: 12/07/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209776	14856	3511900000			102-4	DAVES #1 (119-685301	MARKHAM	8.0	PARKS ENERGY INVE
8209776	14856	3511900000			103	DAVES #1 (119-685301	MARKHAM	8.0	PARKS ENERGY INVE
8209774	14854	3511900000			102-4	STOOPS "A" #2 (119-688851	MARKHAM	16.0	PARKS ENERGY INVE
8209774	14854	3511900000			103	STOOPS "A" #2 (119-688851	MARKHAM	18.0	PARKS ENERGY INVE
8209775	14855	3511900000			102-4	STOOPS A #1 (119-638861	MARKHAM	22.0	PARKS ENERGY INVE
8209775	14855	3511900000			103	STOOPS A #1 (119-638861	MARKHAM	22.0	PARKS ENERGY INVE
-WOODS PETROLEUM CORP						RECEIVED: 12/07/81 JA: OK			
8209720	14917	3503920414			102-2	LEWIS #8-1	WILD CAT	913.0	MICHIGAN WISCONSI
8209719	14916	3503920464			102-2	WADE COULSON #1	WILD CAT	201.0	MICHIGAN WISCONSI
8209718	14915	3503920505			102-2	WEBB #2-1	WILD CAT	1204.0	MICHIGAN WISCONSI

****

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

****

-ADOBE OIL & GAS CORPORATION						RECEIVED: 12/10/81 JA: PA			
8209869	9816	3706324655		108		JOHN AULD #2	CLYMER	5.0	COLUMBIA GAS TRAN
-ANGERMAN ASSOCIATES INC						RECEIVED: 12/10/81 JA: PA			
8209871	9836	3706326129		103		CLAIR M BOTHEL #3-IND-26129	W PA-UPPER DEVONIAN SAND	25.0	PEOPLES NATURAL G
8209881	9847	3700522574		103		JANET L MILLER #3 - ARR-22574	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8209880	9846	3706326149		103		JOHN KOSIS #2 IND-26149	W PENNA - UPPER DEVONIAN	35.0	PEOPLES NATURAL G
8209876	9841	3706326091		103		JOHN L SWASY #3-IND-26091	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8209882	9848	3706326101		103		JOSEPH F NESBIT #8 - IND-26106	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8209872	9837	3706326064		103		M B BOWMAN #4-IND-26064	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8209874	9839	3706326202		103		MARGARET CROWNOVER #1-IND-26202	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8209877	9842	3706326083		103		MELVIN B TROYER #1-IND-26083	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8209870	9835	3706326079		103		PAUL J BECK #4-IND-26079	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8209878	9843	3712921849		103		ROBERT H WHITTAKER #1 - WES-21849	W PENNA - UPPER DEVONIAN	75.0	PEOPLES NATURAL G
8209875	9840	3712921838		103		RUSSELL C SHANK #2-WES-21838	W PENNA - UPPER DEVONIAN	75.0	PEOPLES NATURAL G
8209879	9844	3706326402		103		SLOAN CORNELL #1 - IND-26402	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8209873	9838	3706326090		103		TODD R CLAWSON #3-IND-26090	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
-BEREA OIL AND GAS CORPORATION						RECEIVED: 12/10/81 JA: PA			
8209885	8862	3704921196		107-TF		C A BROWN UNIT #1	NORTH EAST	25.0	NATIONAL FUEL GAS
8209884	8861	3704921199		107-TF		F C GEBHARDT #1	NORTH EAST	25.0	NATIONAL FUEL GAS
8209883	8860	3704921200		107-TF		LARIMER & NORTON UNIT #1	NORTH EAST	25.0	NATIONAL FUEL GAS
-CONSOLIDATED GAS SUPPLY CORPORATION						RECEIVED: 12/10/81 JA: PA			
8209887	6994	3706521900		108		R & P COAL COMPANY WN-1764	BELL TOWNSHIP	0.4	GENERAL SYSTEM PU
8209888	6995	3706521893		108		R SPRAGUE WN-1762	WINSLOW TOWNSHIP	2.9	GENERAL SYSTEM PU
8209889	6997	3706521686		108		ROBERT WALTMAN WN-1714	MCCALMONT TOWNSHIP	2.5	GENERAL SYSTEM PU
-DALE M CAMPBELL						RECEIVED: 12/10/81 JA: PA			
8209886	7750	3712921681		108		WILLIAM G SMAIL #3	ARMBRUST - GREENSBURG	7.6	PEOPLES NATURAL G
-DAMSON-LOUDEN CO LTD & MCC-LOUDEN L						RECEIVED: 12/10/81 JA: PA			
8209893	9832	3700500000		108		C YOUNG B81X-1	PLUMCREEK	6.8	APOLLO GAS CO
8209892	9831	3700500000		108		DESALVO B1101-1	SOUTH BUFFALO	8.8	APOLLO GAS CO
8209894	9833	3700520075		108		E HANKINSON B76X-1	PLUMCREEK	9.2	APOLLO GAS CO
8209891	9821	3701900000		108		J M ELLIOTT B1102-1	BUFFALO	5.8	APOLLO GAS CO
8209890	9820	3700500000		108		MYERS (JOHN HECK) B1119-1	SOUTH BUFFALO	21.1	APOLLO GAS CO
8209895	9834	3700521089		108		R BOYER B34X-1	PLUMCREEK	19.7	APOLLO GAS CO
-J & J ENTERPRISES INC						RECEIVED: 12/10/81 JA: PA			
8209904	7195	3706321979		108		B TYGER #1	CANOE	8.7	T W PHILLIPS GAS
8209910	7249	3706322105		108		BYRON M FRICK #1	SOUTH MAHONING	5.2	T W PHILLIPS GAS
8209915	7260	3706321982		108		C ADAMSON #2	WASHINGTON	6.2	T W PHILLIPS GAS
8209901	7186	3706322023		108		C W LYDIC #1	SOUTH MAHONING	1.6	T W PHILLIPS GAS
8209903	7190	3706322106		108		C W LYDIC #1	SOUTH MAHONING	10.8	T W PHILLIPS GAS
8209896	7070	3700521533		108		CHARLES DUFF #4	COWANSHANNOCK	4.7	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8209902	7189	3706322157		108		CHARLES WELLS #1	SOUTH MAHONING	8.0	T W PHILLIPS GAS
8209911	7251	3706321990		108		D E HAUK (HOCK) #1	CANOE	15.3	T W PHILLIPS GAS
8209898	7182	3706322073		108		EFFIE BAUN #1	CANOE	2.1	T W PHILLIPS GAS
8209927	7419	3703320584		108		GLEN E MILLER #2	BELL	2.3	T W PHILLIPS GAS
8209914	7259	3706321881		108		HAROLD DOMB #2	CANOE	12.2	T W PHILLIPS GAS
8209909	7232	3706321883		108		HARRY E SMITH #1	COWANSHANNOCK	4.4	T W PHILLIPS GAS
8209916	7261	3706529500		108		ISABEL R HAUK #2	BELL	16.8	T W PHILLIPS GAS
8209919	7264	3706321880		108		JACOB CASADAY #2	CANOE	7.1	T W PHILLIPS GAS
8209913	7258	3706321937		108		JACOB CASADAY #3	CANOE	7.1	T W PHILLIPS GAS
8209912	7257	3706321977		108		JACOB CASADAY #4	CANOE	7.1	T W PHILLIPS GAS
8209923	7353	3706323206		108		JOHN FABIN #1	ARMSTRONG	21.8	T W PHILLIPS GAS
8209922	7347	3706323207		108		JOHN FABIN #2	ARMSTRONG	21.8	T W PHILLIPS GAS
8209921	7331	3706323208		108		JOHN FABIN #3	ARMSTRONG	21.8	T W PHILLIPS GAS
8209918	7263	3706321907		108		K C SUMMERS #2	CANOE	2.5	T W PHILLIPS GAS
8209906	7203	3706321948		108		LIONS HEALTH CAMP #2	ARMSTRONG	12.2	T W PHILLIPS GAS
8209897	7181	3706321906		108		LUTHER T GASTON #3	CANOE	2.1	T W PHILLIPS GAS
8209917	7262	3706529578		108		M LELLOCK #1	BELL	15.1	T W PHILLIPS GAS
8209899	7183	3706529550		108		MARLIN BISHOP #2	BELL	8.5	T W PHILLIPS GAS
8209907	7204	3706321980		108		N WHITE #1	CANOE	2.7	T W PHILLIPS GAS
8209908	7205	3706321981		108		N WHITE #2	CANOE	10.7	T W PHILLIPS GAS
8209905	7198	3706322129		108		RICHARD MABON #1	SOUTH MAHONING	12.8	T W PHILLIPS GAS
8209900	7184	3706321893		108		ROGER RICHARDSON #2	CANOE	8.5	T W PHILLIPS GAS
8209920	7298	3706321469		108		WENDELL MARSH #1	WEST MAHONING	3.0	T W PHILLIPS GAS
-PHILLIPS PRODUCTION CO			RECEIVED: 12/10/81 JA: PA						
8209925	6925	3706325144		108		CHARLES S BEATTY #2	GRANT	4.0	COLUMBIA GAS TRAN
8209926	6936	3706321775		108		EMMI M QUANTZ #1	GRANT	15.0	CONSOLIDATED GAS
8209924	6924	3706325314		108		LEONARD MUMAU #2	GRANT	5.0	COLUMBIA GAS TRAN
-WAINOCO OIL & GAS CO			RECEIVED: 12/10/81 JA: PA						
8209934	9801	3703920594		107-TF		DANIEL & SANDRA FOLTZ #1 (W-22)	ATHENS	22.0	COLUMBIA GAS TRAN
8209933	9800	3703920595		107-TF		EDWARD MILLS #1 (W-19)	ATHENS (ATHENS)	3.5	COLUMBIA GAS TRAN
8209940	9875	3703920648		107-TF		GEORGE & MAXWELL CLARK #2 (W-36)	ATHENS	5.5	COLUMBIA GAS TRAN
8209937	9872	3703920669		107-TF		GERALD SCOUTEN #1 (W-49)	ATHENS (BLOOMFIELD)	3.5	COLUMBIA GAS TRAN
8209931	9798	3703920597		107-TF		JACK PRESTON #2 (W-20)	ATHENS	3.5	COLUMBIA GAS TRAN
8209929	9791	3703920659		107-TF		LILLIAN F K LORENZ #1 (W-29)	ATHENS (ROME)	14.5	COLUMBIA GAS TRAN
8209935	9802	3703920652		107-TF		M PAUL M P POST & M PAUL #1 (W-28)	ATHENS (ROME)	24.0	COLUMBIA GAS TRAN
8209939	9874	3703920596		107-TF		MICHAEL & GLORIA J KELLY #1 (W-37)	ATHENS	7.0	COLUMBIA GAS TRAN
8209936	9866	3703920665		107-TF		O RAYMOND CREACRAFT #1 (W-44)	ATHENS (ATHENS)	9.0	COLUMBIA GAS TRAN
8209928	9789	3703920614		107-TF		THEODORE BOGARDUS #5 (W-27)	ATHENS (ATHENS)	9.0	COLUMBIA GAS TRAN
8209930	9795	3703920611		107-TF		THEODORE S BOGARDUS #3 (W-18)	ATHENS (ATHENS)	14.5	COLUMBIA GAS TRAN
8209932	9799	3703920613		107-TF		THEODORE S BOGARDUS #4 (W-21)	ATHENS (ATHENS)	3.5	COLUMBIA GAS TRAN
8209938	9873	3703920653		107-TF		THEODORE S BOGARDUS #6 (W-38)	ATHENS (ATHENS)	18.0	COLUMBIA GAS TRAN
8209941	9876	3703920664		107-TF		WILLIAM E STEIN #1 (W-43)	ATHENS (ATHENS)	9.0	COLUMBIA GAS TRAN
**********									
** U.S. GEOLOGICAL SURVEY - DENVER,CO									
**********									
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/07/81 JA: CO 1						
8209833	CD 0439-81	0507708215		102-2		LIPAN WASH UNIT #1-14-2-2	WILDCAT	30.0	NORTHWEST PIPELIN
8209831	CD 0438-81	0507708216		102-2		LIPAN WASH UNIT #3-15-2-2 13660	WILDCAT	150.0	NORTHWEST PIPELIN
8209834	CD 0441-81	0507708211		102-2		PERSIGO WASH UNIT #2-33-9-100	WILDCAT	26.0	NORTHWEST PIPELIN
8209830	CD 0440-81	0507708306		102-2		PERSIGO WASH UNIT #4-33-9-100	WILDCAT	55.0	NORTHWEST PIPELIN
8209832	CD 0437-81	0507708235		102-2		RUBY LEE UNIT 1-2-9-101	WILDCAT	46.0	
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 12/07/81 JA: CO 1						
8209822	CD 0450-81	0506705719		108		IGNACIO 33-7 #10	IGNACIO BLANCO DK/MV	21.0	NORTHWEST PIPELIN

BILLING CODE 6717-01-C

VOLUME 571 PAGE 007

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-TETON ENERGY CO INC			RECEIVED: 12/07/81 JA: CO 1			
8209836	CD 0449-81	0507708171	102-2 FEDERAL 29-2	DEBEQUE	202.0	NORTHWEST PIPELIN
-TWIN ARROW INC			RECEIVED: 12/07/81 JA: CO 1			
8209819	CD 0451-8	0510308524	107-TF C & K 1-18	CATHEDRAL	0.0	NORTHWEST PIPELIN
8209821	CD 0452-81	0510308399	107-TF CONTINENTAL 2-21	CATHEDRAL	0.0	NORTHWEST PIPELIN
8209820	CD 0453-81	0510308524	107-TF CONTINENTAL 4-28	CATHEDRAL	0.0	NORTHWEST PIPELIN
-BELCO PETROLEUM CORPORATION			RECEIVED: 12/07/81 JA: UT 1			
8209817	UD036581	4304730642	102-4 DUCK CREEK 4-17	DUCK CREEK	0.0	NORTHWEST PIPELIN
8209816	UD0320-81	4304730887	102-4 DUCK CREEK 41-8	DUCK CREEK	0.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC			RECEIVED: 12/07/81 JA: UT 1			
8209825	UD 0427-81	4304730950	107-TF CIGE 649-33-9-22-P	NATURAL BUTTES	355.0	COLORADO INTERSTA
8209826	UD 0431-81	4304730952	107-TF CIGE 730-5-10-22-P	NATURAL BUTTES	369.0	COLORADO INTERSTA
8209824	UD 0428-81	4304730878	107-TF CIGE 78C-16-9-21-P	NATURAL BUTTES	418.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP			RECEIVED: 12/07/81 JA: UT 1			
8209827	UD 0433-81	4304730967	103 COG 2-22-9-20-SR	NATURAL BUTTES	205.0	COLORADO INTERSTA
-CONOCO INC			RECEIVED: 12/07/81 JA: UT 1			
8209835	UD 0436-81	4304730966	102-3 CONOCO UTE TRIBAL 12 #33	OURAY	120.0	MOUNTAIN FUEL SUP
-CORDILLERA CORPORATION			RECEIVED: 12/07/81 JA: UT 1			
8209823	UD 0323-81	4303730464	102-4 FEDERAL 81-28	LITTLE VALLEY	730.0	TRANS-COLORADO PI
-COTTON PETROLEUM CORPORATION			RECEIVED: 12/07/81 JA: UT 1			
8209818	UD 0419-81	4304730706	107-TF LOVE UNIT 8A1-18	WILDCAT	0.0	MESA PIPE LINE CO
-PAGE PETROLEUM INC			RECEIVED: 12/07/81 JA: UT 1			
8209829	UD 0447-81	4301330508	103 UTE TRIBAL E-2	ALTAMONT	300.0	KOCH HYDROCARBON
8209828	UD 0445-81	4301330808	103 UTE TRIBAL 2-23-C6		100.0	KOCH HYDROCARBON

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 20, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS Lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-155 Filed 1-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 572]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 30, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMOCO PRODUCTION CO						RECEIVED: 12/14/81 JA: LA			
8209981	81-2183	1711321068		103		ELIZABETH M WATKINS #37	SOUTH FLORENCE	14.6	FLORIDA GAS TRANS
-ARKANSAS LOUISIANA GAS CO						RECEIVED: 12/14/81 JA: LA			
8209969	81-2088	1711100000		108		FROST LUMBER CO #1	MONROE	0.0	ARKANSAS LOUISIAN
-BETHLAN PRODUCTION CORP						RECEIVED: 12/14/81 JA: LA			
8210023	81-2096	1707320013		108		LIEBER EST #1 SERIAL #116958	MONROE	8.0	STRAHAN OIL & GAS
8209999	81-2174	1707321750		103		LUCAS #1	MONROE GAS	29.2	IMC PIPELINE CO I
8209973	81-2175	1707321751		103		LUCAS #2	MONROE GAS FIELD	27.4	IMC PIPELINE CO I
8209972	81-2176	1707321753		103		LUCAS #3	MONROE GAS	28.5	IMC PIPELINE CO I
8209974	81-2177	1707321752		103		LUCAS #4	MONROE GAS	25.6	IMC PIPELINE CO I
8210022	81-2097	1707320014		108		MORRIS #1 SERIAL #116959	MONROE	3.0	STRAHAN OIL & GAS
-ELSBURY & MCGREW						RECEIVED: 12/14/81 JA: LA			
8210057	81-2075	1705500181		102-4		C A STUTES #1	JUDICE	144.0	TRANSCONTINENTAL
-ERGON INC						RECEIVED: 12/14/81 JA: LA			
8209963	81-2082	1711122992		103		CLARA E SAVAGE #1	MONROE	16.8	TEXAS GAS TRANSMI
8209963	81-2082	1711122992		107-TF		CLARA E SAVAGE #1	MONROE	16.8	TEXAS GAS TRANSMI
8209964	81-2083	1711122993		103		MAMIE DELL EDWARDS #1	MONROE	13.3	TEXAS GAS TRANSMI
8209964	81-2083	1711122993		107-TF		MAMIE DELL EDWARDS #1	MONROE	13.3	TEXAS GAS TRANSMI
8209966	81-2085	1711123183		103		P S SMITH #1	MONROE	10.2	TEXAS GAS TRANSMI
8209966	81-2085	1711123183		107-TF		P S SMITH #1	MONROE	10.2	TEXAS GAS TRANSMI
8209965	81-2084	1711123125		103		TIM GREEN #4	MONROE	11.5	TEXAS GAS TRANSMI
8209965	81-2084	1711123125		107-TF		TIM GREEN #4	MONROE	11.5	TEXAS GAS TRANSMI
-EXXON CORPORATION						RECEIVED: 12/14/81 JA: LA			
8209956	81-2189	1711320908		103		EXXON FEE-PECAN ISLAND #74	PECAN ISLAND	156.0	COLUMBIA GAS TRAN
-GAS DEVELOPMENT CORP						RECEIVED: 12/14/81 JA: LA			
8210035	81-2095	1711121397		108		JIMMY TRAYLOR #1	MONROE GAS	47.1	IMC PIPELINE CO I
8210034	81-2094	1711121358		108		NOLAN #1	MONROE GAS	15.3	IMC PIPELINE CO I
8210032	81-2092	1711121242		108		SIMPSON #1	MONROE GAS	28.4	IMC PIPELINE CO I
8210021	81-2091	1711121177		108		UNION SCHOOL #1	MONROE GAS	45.7	IMC PIPELINE CO I
8210033	81-2093	1707321032		108		W WILSON ET AL #1	MONROE GAS	9.6	IMC PIPELINE CO I
8210025	81-2089	1707320868		108		WALL #1	MONROE GAS	6.9	IMC PIPELINE CO I
8210024	81-2090	1707320906		108		WILLIAMS #1	MONROE GAS	8.8	IMC PIPELINE CO I
-GOLDKING PRODUCTION COMPANY						RECEIVED: 12/14/81 JA: LA			
8210036	81-2188	1705320632		103		LAWRENCE BROWN #1	HAYES	73.0	LOUISIANA INTRAST
-HADDOX PETROLEUM CORP						RECEIVED: 12/14/81 JA: LA			
8209996	81-2170	1711123288		103		MANVILLE 794 #1	MONROE	18.3	IMC PIPELINE CO I
8210000	81-2173	1711123094		103		NORMAN #1	MONROE	14.6	IMC PIPELINE CO I
8209997	81-2172	1711123003		103		TAUNTON #1	MONROE 6824	14.6	IMC PIPELINE CO I
-IMC EXPLORATION COMPANY						RECEIVED: 12/14/81 JA: LA			
8209967	81-2086	1707321803		103		MYHRE #3	MONROE	11.0	UNITED GAS PIPELI
8209968	81-2087	1707321804		103		MYHRE #4	MONROE	11.0	UNITED GAS PIPELI

VOLUME 572 PAGE 002

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION				RECEIVED: 12/14/81 JA: LA					
8210006	81-2178	1772620194		103		S L 1999 #41	BRETON SOUND BLOCK 20	20.0	SOUTHERN NATURAL
-MARATHON OIL COMPANY				RECEIVED: 12/14/81 JA: LA					
8209983	81-2110	1711900708		108-ER		CUSU HUNT CRAWFORD #2	COTTON VALLEY	8.0	UNITED GAS P L CO
8209978	81-2109	1711900713		108		CVOC HUNT STEWART #3 CVSU	COTTON VALLEY	9.5	UNITED GAS PIPE L
8209960	81-2108	1711900859		108		CVOC OHIO GRANT #2 CVSU	COTTON VALLEY	8.0	UNITED GAS PIPE L
8209958	81-2106	1711901105		108-ER		CVSU HUNT DAVIS #2	COTTON VALLEY	8.0	UNITED GAS PL CO
8210053	81-2101	1711900739		108-ER		CVSU MAGNOLIA CRICHTON #1	COTTON VALLEY	0.0	UNITED GAS P L CO
8210055	81-2103	1711900896		108-ER		CVSU MAGNOLIA MAY PRUITT #1	COTTON VALLEY	8.0	UNITED GAS P L CO
8210056	81-2102	1711900907		108-ER		HODGES HODGES #1 CVSU	COTTON VALLEY	8.0	UNITED GAS P L CO
8210026	81-2104	1711900765		108		OHIO TILLMAN GLEASON #1 CVSU	COTTON VALLEY	8.0	UNITED GAS P L CO
8209961	81-2107	1711900882		108-ER		SUNRAY MCCOOK & HIBBLER #2 CVSU	COTTON VALLEY	8.0	UNITED GAS PIPE L
-MARSHALL EXPLORATION INC				RECEIVED: 12/14/81 JA: LA					
8209990	81-2149	1703120995		103		A E ATWOOD #2 FBG RA SU 129	LOGANSPORT	0.0	UNITED GAS P L CO
8209991	81-2148	1703120994		103		A E ATWOOD #3 FBG RA SU 147	LOGANSPORT	32.0	TENNESSEE GAS PIP
8210027	81-2143	1703120942		103		ADAMS #1 FBG RA SU 128	LOGANSPORT	38.0	TENNESSEE GAS PIP
8210031	81-2141	1703121222		103		ALSTON #1 FBG RA SU 83	LOGANSPORT	300.0	TENNESSEE GAS PIP
8210013	81-2158	1703120983		103		AVERETT #3 FBG RA SU 160	LOGANSPORT	400.0	TENNESSEE GAS PIP
8210028	81-2153	1703121140		103		AVERETT #4 FBG RA SU 166	LOGANSPORT	88.0	SOUTHERN NATURAL
8210038	81-2164	1703120967		103		BARNES #1 FBG RA SU 96	LOGANSPORT	50.0	SOUTHERN NATURAL
8210029	81-2142	1703120992		103		BLUE #1 FBG RA SU 124	LOGANSPORT	33.0	TENNESSEE GAS PIP
8210048	81-2133	1703120980		103		BLUE #2 FBG RA SU 125	LOGANSPORT	200.0	TENNESSEE GAS PIP
8209994	81-2145	1703120943		103		BOLDEN #1 FBG RA SU 123	LOGANSPORT	90.0	TENNESSEE GAS PIP
8210046	81-2131	1703120895		103		CATER #1 FBG RA SU 130	LOGANSPORT	70.0	TENNESSEE GAS PIP
8210018	81-2155	1703120892		103		CORA BARNES #1 FBG RA SU 105	LOGANSPORT	44.0	TENNESSEE GAS PIP
8210005	81-2161	1703120897		103		COVINGTON #6 FBG RA SU 144	LOGANSPORT	46.0	TENNESSEE GAS PIP
8210028	81-2144	1703120945		103		CURRY #1 FBG RA SU 103	LOGANSPORT	30.0	TENNESSEE GAS PIP
8210039	81-2137	1703120966		103		EDWARDS #1 FBG RA SU 79	LOGANSPORT	177.0	TENNESSEE GAS PIP
8210042	81-2136	1703120969		103		EDWARDS #2 FBG RA SU 97	LOGANSPORT	36.0	TENNESSEE GAS PIP
8210044	81-2132	1703121128		103		ELLIOTT #1 FBG RA SU 127	LOGANSPORT	36.0	TENNESSEE GAS PIP
8209992	81-2147	1703121025		103		FIELDS A #1 FBG RA SU 148	LOGANSPORT	75.0	TENNESSEE GAS PIP
8210004	81-2162	1703121160		103		FREDERICK #1 FBG RA SU 92	LOGANSPORT	35.0	TENNESSEE GAS PIP
8210030	81-2140	1703121232		103		GAMBLE #3 FBG RA SU 69	LOGANSPORT	33.0	TENNESSEE GAS PIP
8210043	81-2134	1703120991		103		GUY #1 FBG RA SU 93	LOGANSPORT	200.0	TENNESSEE GAS PIP
8210012	81-2151	1703121142		103		HALL #1 FBG RA SU 167	LOGANSPORT	23.0	TENNESSEE GAS PIP
8210040	81-2130	1703120899		103		KATIE ROBINSON #1 FBG RA SU 145	LOGANSPORT	33.0	SOUTHERN NATURAL
8209995	81-2169	1703120874		103		LUM #1 FBG RA SU 120	LOGANSPORT	40.0	TENNESSEE GAS PIP
8210019	81-2154	1703120875		103		LUM #2 FBG RA SU 121	LOGANSPORT	8.0	TENNESSEE GAS PIP
8210010	81-2159	1703121132		103		MATTHEWS LBR CO #1 FBG RA SU 117	LOGANSPORT	33.0	TENNESSEE GAS PIP
8210001	81-2160	1703121133		103		NABORS #1 FBG RA SU 134	LOGANSPORT	33.0	TENNESSEE GAS PIP
8210041	81-2135	1703120990		103		PRICE #1 FBG RA SU 94	LOGANSPORT	34.0	TENNESSEE GAS PIP
8210014	81-2163	1703121087		103		RAMSEY #8 FBG RA SU 10	LOGANSPORT	55.0	TENNESSEE GAS PIP
8210015	81-2156	1703120971		103		ROBERTS #1 FBG RA SU 109	LOGANSPORT	91.0	TENNESSEE GAS PIP
8210037	81-2165	1703121093		103		SABBATH #1 HOSS T RA SUE	LOGANSPORT	33.0	TENNESSEE GAS PIP
8210002	81-2167	1703120905		103		SANDERS .. FBG RA SU 110	BETHANY-LONGSTREET	270.0	TENNESSEE GAS PIP
8210016	81-2157	1703120973		103		SANDERS #2 FBG RA SU 116	LOGANSPORT	26.0	TENNESSEE GAS PIP
8210003	81-2166	1703121288		103		SANDERS #3 U HOSS RA SUU	LOGANSPORT	45.0	TENNESSEE GAS PIP
8209993	81-2146	1703120963		103		SELLERS #1 FBG RA SU 104	BELLE BOWER	547.5	TENNESSEE GAS PIP
8210058	81-2139	1703120964		103		SMITH #1 FBG RA SU 98	LOGANSPORT	20.0	TENNESSEE GAS PIP
8210040	81-2138	1703120965		103		SMITH #2 FBG RA SU 78	LOGANSPORT	32.0	TENNESSEE GAS PIP
8210009	81-2160	1703120926		103		T G CHANDLER #1 FBG RA SU/41	LOGANSPORT	80.0	TENNESSEE GAS PIP
8210017	81-2156	1703120974		103		WHITEHEAD #1 FBG RA SU 142	LOGANSPORT	44.0	TENNESSEE GAS PIP
8210011	81-2152	1703120998		103		WHITEHEAD #2 FBG RA SU 159	LOGANSPORT	33.0	TENNESSEE GAS PIP
								39.0	SOUTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MEDDERS OIL COMPANY									
8210088	81-2180	1701920898				RECEIVED: 12/14/81 JA: LA			
				103		CHOUPIQUE ENTERPRISES INC #1	NORTH CHOUPIQUE	292.0	CONOCO INC
-MID LOUISIANA GAS COMPANY						RECEIVED: 12/14/81 JA: LA			
8209971	81-2025	1711122821		108		MLGC FEE GAS #1004	MONROE GAS	13.2	MID LOUISIANA GAS
8209947	81-2117	1711123116		103		MLGC FEE GAS #1038	MONROE GAS	36.5	MID LOUISIANA GAS
8209946	81-2118	1711123120		103		MLGC FEE GAS #1042	MONROE GAS	36.5	MID LOUISIANA GAS
8209945	81-2119	1711123121		103		MLGC FEE GAS #1043	MONROE GAS	36.5	MID LOUISIANA GAS
8209944	81-2120	1711123145		103		MLGC FEE GAS #1044	MONROE GAS	36.5	MID LOUISIANA GAS
8209943	81-2121	1711123148		103		MLGC FEE GAS #1047	MONROE GAS	46.7	MID LOUISIANA GAS
8209942	81-2122	1711123154		103		MLGC FEE GAS #1053	MONROE GAS	0.0	MID LOUISIANA GAS
8209970	81-2123	1711123174		103		MLGC FEE GAS #1054	MONROE GAS FIELD	31.0	MID LOUISIANA GAS
8210054	81-2124	1711123168		103		MLGC FEE GAS #1056	MONROE GAS	25.5	MID LOUISIANA GAS
8210051	81-2125	1711123169		103		MLGC FEE GAS #1057	MONROE GAS	36.5	MID LOUISIANA GAS
8210052	81-2126	1711123246		103		MLGC FEE GAS #1058	MONROE GAS	36.5	MID LOUISIANA GAS
8210049	81-2127	1711123247		103		MLGC FEE GAS #1059	MONROE GAS	36.5	MID LOUISIANA GAS
8209952	81-2111	1711123251		103		MLGC FEE GAS #1063	MONROE GAS	12.7	MID LOUISIANA GAS
8209953	81-2112	1711123253		103		MLGC FEE GAS #1065	MONROE GAS	14.6	MID LOUISIANA GAS
8209954	81-2113	1711123254		103		MLGC FEE GAS #1066	MONROE GAS	13.5	MID LOUISIANA GAS
8209951	81-2018	1707321464		108		MLGC FEE GAS #978	MONROE GAS	7.1	MID LOUISIANA GAS
8209984	81-2019	1711122707		108		MLGC FEE GAS #979	MONROE GAS	6.1	MID LOUISIANA GAS
8209985	81-2020	1711122708		108		MLGC FEE GAS #980	MONROE GAS	5.6	MID LOUISIANA GAS
8209986	81-2021	1711122739		108		MLGC FEE GAS #986	MONROE GAS	13.8	MID LOUISIANA GAS
8209987	81-2022	1711122743		108		MLGC FEE GAS #994	MONROE GAS	7.5	MID LOUISIANA GAS
8209988	81-2023	1711122746		108		MLGC FEE GAS #997	MONROE GAS	3.7	MID LOUISIANA GAS
8209989	81-2024	1711122747		108		MLGC FEE GAS #998	MONROE GAS	6.8	MID LOUISIANA GAS
-PELICAN DRILLING						RECEIVED: 12/14/81 JA: LA			
8209998	81-2171	1707321488		108		CULPEPPER #1	MONROE	12.3	MID LOUISIANA GAS
-PINTAIL MINERALS CORP						RECEIVED: 12/14/81 JA: LA			
8209962	81-2081	1703120577		108		LAFITTE #1	CANNISNIA LAKE	13.0	UNITED GAS PIPELI
-QUINTANA PETROLEUM CORP						RECEIVED: 12/14/81 JA: LA			
8209976	81-2099	1708720318		107-DP		HEIRS OF NUMA COUPEL #1	BAY NATCHEZ	0.0	SOUTHERN NATURAL
-RELIANCE & HOOTKINS-SMITH						RECEIVED: 12/14/81 JA: LA			
8209949	81-2115	1711121711		108		BARRON #1	MONROE	5.8	TEXAS GAS TRANSMI
8209950	81-2114	1711121803		108		H D GREEN #1	MONROE	3.0	TEXAS GAS TRANSMI
-SHADRACK PRODUCTION CO						RECEIVED: 12/14/81 JA: LA			
8209948	81-2116	1711123323		103		J C BRIGHT #1	MONROE	13.0	WEST MONROE GAS G
8209948	81-2116	1711123323		107-TF		J C BRIGHT #1	MONROE	13.0	WEST MONROE GAS G
-SOUTH LOUISIANA PRODUCTION CO INC						RECEIVED: 12/14/81 JA: LA			
8210059	81-2100	1703320090		107-DP		MEAD #1 17,600' TUSC RA SUC-H	IRENE	3321.0	TRANSCONTINENTAL
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 12/14/81 JA: LA			
8209979	81-2185	1708320457		103		DELHI UT #196-2 DELHI HOLT BRYANT	DELHI	13.5	TEXAS EASTERN TRA
8209959	81-2105	1703120346		108-ER		SOUTHWOOD A #2	SPIDER	0.0	J-W OPERATING CO
-SUPERIOR OIL CO						RECEIVED: 12/14/81 JA: LA			
8209982	81-2182	1711321066		103		S L 3057 #40	LAC BLANC	750.0	TENNESSEE GAS PIP
-TARGET OIL & GAS INC						RECEIVED: 12/14/81 JA: LA			
8209957	81-2187	1703121201		103		MARTIN TIMBER #1	LOGANSPORT FIELD	36.0	LOUISIANA INTRAST
-TEXACO INC						RECEIVED: 12/14/81 JA: LA			
8209955	81-2186	1705721694		103		DDC UB 126 VUB	BAY DE CHENE	250.0	KAISER ALUMINUM &
8209977	81-2098	1710922407		107-DP		SL 188 CAILLOU ISLAND #698	CAILLOU ISLAND	1569.0	
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 12/14/81 JA: LA			
8209980	81-2184	1772720112		103		STATE LEASE 4039 #10-D	HALF MOON LAKE	51.0	SOUTHERN NATURAL
-THE STONE OIL CORPORATION						RECEIVED: 12/14/81 JA: LA			
8210007	81-2179	1711320983		103		EXXON FEE #11	LAC BLANC	273.8	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/14/81 JA: LA					
8209975	81-2181	1710922346		103		LL&E B #50	LAKE HATCH	1000.0	COLUMBIA GAS TRAN
-VISTA INVESTMENTS				RECEIVED: 12/14/81 JA: LA					
8210050	81-2128	1711123278		103		MANVILLE #1	MONROE	13.0	IMC EXPLORATION C
8210047	81-2129	1711123279		103		MANVILLE #2	MONROE	13.0	IMC EXPLORATION C
MONTANA BOARD OF OIL & GAS CONSERVATION									
-AMINOIL USA INC				RECEIVED: 12/14/81 JA: MT					
8210062	4-81-39	2508321383		102-4		BIDEGARAY #1	RIDGELAWN	54.8	MONTANA DAKOTA UT
8210064	4-81-40	2508321383		103		BIDEGARAY #1	RIDGELAWN	54.8	MONTANA DAKOTA UT
8210061	4-81-37	2508321410		102-4		STEINBEISSER #1	RIDGELAWN	91.3	MONTANA DAKOTA UT
8210063	4-81-38	2508321410		103		STEINBEISSER #1	RIDGELAWN	91.3	MONTANA DAKOTA UT
-FALCON-COLORADO EXPLORATION INC				RECEIVED: 12/14/81 JA: MT					
8210065	3-81-35	2507121755		102-2		LEWIS 1-23	SWANSON CREEK	8.0	MONTANA-DAKOTA UT
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED: 12/14/81 JA: MT					
8210068	3-81-33	2509121331		102-4		WILLIAMS #1-34	WILDCAT	38.0	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 12/14/81 JA: MT					
8210069	3-81-34	2508521207		102-2		V T TORGERSON #1	WILDCAT	6.0	
-SUPERIOR OIL CO				RECEIVED: 12/14/81 JA: MT					
8210066	3-81-32	2508321403		103		HUNTER-VANDERHOOF #1	FAIRVIEW	0.0	MONTANA-DAKOTA UT
-TEXACO INC				RECEIVED: 12/14/81 JA: MT					
8210067	3-81-31	2510121576		108		B M WILKINS #1	KEVIN SUNBURST	13.0	MONTANA POWER CO
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED: 12/14/81 JA: MT					
8210060	3-81-6	2509121310		102-2		SNELLMAN #1	KATY LAKE	8.4	TRUE OIL CO
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED: 12/09/81 JA: ND					
8210078	397	3305301107		102-3		U S A YTTREDAHL 2-34	CHARLSON	400.0	MONTANA DAKOTA UT
-COASTAL OIL & GAS CORP				RECEIVED: 12/09/81 JA: ND					
8210074	401	3300700224		102-2		COG/ALAQ 23-142-101 BH #2	BIG STICK	229.0	WESTERN GAS PROCE
-GULF OIL CORPORATION				RECEIVED: 12/09/81 JA: ND					
8210073	402	3310500067		102-2		GORDER 1-19-2B	FORT BUFORD	3.0	
8210071	404	3300700632		102-2		LEDA TERRES 2-13-2B	LITTLE KNIFE	2.0	MONTANA DAKOTA UT
8210070	405	3300700595		102-2		LENA ROMANYSHYN 1-33-3B	LITTLE KNIFE	26.0	MONTANA DAKOTA UT
8210072	403	3302500148		102-2		MARY SABROSKY 1-7-1A	LITTLE KNIFE	23.0	MONTANA DAKOTA UT
-GULF OIL CORPORATION				RECEIVED: 12/11/81 JA: ND					
8210080		3302500180		102-2		ECKES 1-7-4A	LITTLE KNIFE	11.0	MONTANA DAKOTA UT
8210079	406	3302500176		102-2		SEIDLE 1-34-2C	LITTLE KNIFE	25.0	MONTANA DAKOTA UT
8210081		3302500116		102-2		SHIRLEY DOLEZAL 7-20-2D	LITTLE KNIFE	5.0	MONTANA DAKOTA UT
-TEXACO INC				RECEIVED: 12/09/81 JA: ND					
8210076	399	3305301237		102-2		C M LOOMER #13	BLUE BUTTES SOUTH	61.0	MONTANA DAKOTA UT
8210077	398	3305301246		102-2		C M LOOMER #14	BLUE BUTTES SOUTH	135.0	MONTANA DAKOTA UT
8210075	400	3305301187		102-2		M MOSHOLDER #4	BLUE BUTTES SOUTH	196.0	MONTANA DAKOTA UT
OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES									
-REICHHOLD ENERGY CORP				RECEIVED: 12/14/81 JA: OR					
8210084		3600900084		102-2		COLUMBIA COUNTY 13-1	MIST GAS FIELD	400.0	NORTHWEST NATURAL
8210083		3600900047		102-2		CROWN ZELLERBACH 42-I	MIST GAS FIELD	252.0	NORTHWEST NATURAL
8210082		3600900091		102-2		LONGVIEW FIBRE 12-33 REDRILL	MIST GAS FIELD	400.0	NORTHWEST NATURAL
UTAH DIVISION OF OIL,GAS, & MINING									
-CONOCO INC				RECEIVED: 12/15/81 JA: UT					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210085	K 117-5	4304730754		107	TF	CONOCO STATE 32 #21	OURAY	182.0	MOUNTAIN FUEL SUP
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 11/24/81 JA: VA							
8053692A		4502719961		108		BIG SANDY FUEL CO 809548	VIRGINIA FIELD AREA HAYS	7.3	COLUMBIA GAS TRAN
8053703A		4502719963		108		BIG SANDY FUEL CO 809549	VIRGINIA FIELD AREA HAYS	1.6	COLUMBIA GAS TRAN
8053691A		4502719956		108		BIG SANDY FUEL CO 809551	VIRGINIA FIELD AREA HAYS	3.6	COLUMBIA GAS TRAN
8053693A		4505119861		108		BIG SANDY FUEL CO 809554	VIRGINIA FIELD AREA HAYS	12.8	COLUMBIA GAS TRAN
8053701A		4502720289		108		BULL CREEK COAL CO 820214	VIRGINIA FIELD AREA HAYS	2.4	COLUMBIA GAS TRAN
8053697A		4502720151		108		LONDON MACKNEY 809766	VIRGINIA FIELD AREA HAYS	6.0	COLUMBIA GAS TRAN
8053696A		4502720039		108		PITTSTON CO #1 809581	VIRGINIA FIELD AREA HAYS	13.8	COLUMBIA GAS TRAN
8053707A		4505120069		108		PITTSTON CO #16 809644	VIRGINIA FIELD AREA HAYS	11.0	COLUMBIA GAS TRAN
8053694A		4502720074		108		PITTSTON CO #21 809680	VIRGINIA FIELD AREA HAYS	2.6	COLUMBIA GAS TRAN
8053705A		4505120124		108		PITTSTON CO #21 809760	VIRGINIA FIELD AREA HAYS	9.1	COLUMBIA GAS TRAN
8053702A		4505120145		108		PITTSTON CO #39 809764	VIRGINIA HAYSI	9.6	COLUMBIA GAS TRAN
8053709A		4505120043		108		PITTSTON CO #7 809588	VIRGINIA FIELD AREA HAYS	12.8	COLUMBIA GAS TRAN
8106623A		4502720267		108		PITTSTON CO NO 51 820469	HAYSI FIELD	2.8	COLUMBIA GAS TRAN
8053700A		4502720053		108		PITTSTON CO 809584	VIRGINIA FIELD AREA HAYS	2.1	COLUMBIA GAS TRAN
8053706A		4502720046		108		PITTSTON CO 809586	VIRGINIA FIELD AREA HAYS	9.1	COLUMBIA GAS TRAN
8053708A		4505120104		108		PITTSTON CO 809689	VIRGINIA FIELD AREA HAYS	15.3	COLUMBIA GAS TRAN
8053699A		4505120132		108		PITTSTON CO 809757	VIRGINIA FIELD AREA HAYS	9.2	COLUMBIA GAS TRAN
8053698A		4505120133		108		PITTSTON CO 809758	VIRGINIA FIELD AREA HAYS	10.4	COLUMBIA GAS TRAN
8053704A		4505120123		108		PITTSTON CO 809761	VIRGINIA FIELD AREA HAYS	1.2	COLUMBIA GAS TRAN
8106622A		4502720298		108		PITTSTON CO 820554	HAYSI FIELD	14.6	COLUMBIA GAS TRAN
8053695A		4505120138		108		THE PITTSTON CO #37 809834	VIRGINIA FIELD AREA HAYS	5.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the National Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet HMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspectioin except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission, on or before January 20, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–C5: Coal seams
107–DV: Devaonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–156 Filed 1–4–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Further Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from funds obtained from Lewtex Oil and Gas Corporation, a natural gas processor, in settlement of enforcement proceedings brought by the DOE's Office of Enforcement.

DATES AND ADDRESSES: Applications for refund must be postmarked on or before April 5, 1982, and should be addressed to Lewtex Oil and Gas Corporation Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. Comments must be postmarked on or before February 4, 1982, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to a consent order between Lewtex Oil and Gas Corporation and the Office of Enforcement of the DOE's Economic Regulatory Administration. *See* 44 FR 47396 (1979). The consent order is intended to settle all disputes between the DOE and the firm with regard to prices charged by Lewtex in sales of natural gas liquids (NGLs). Under the terms of the consent order, Lewtex has deposited $251,384.58 into an escrow account. It is stipulated in the consent order that the refund amount is in settlement of possible enforcement actions based upon allegations that Lewtex had overcharged its purchasers of NGLs during the period September 1973 through March 1977.

The Office of Hearings and Appeals had previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order fund. The proposed decision and order discussing the distribution of funds obtained through the Lewtex consent order was issued on May 1, 1981. 46 FR 25535 (1981).

The final decision and order, pubished concurrently with this notice, reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the escrow fund may now be filed. Applications will be accepted provided they are postmarked no later than April 5, 1982. *See* 10 CFR 205.283. We will accept applications from all persons who purchased NGLs which originated with Lewtex during the period covered by the consent order. In order to establish entitlement to a portion of the consent order fund, a purchaser must establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. The specific information required in an application for refund is set forth in the final decision and order.

The final decision does not address the issue of the proper disposition in a second-stage proceeding of the remainder, if any, of the consent order fund after all meritorious claims have been paid in the first stage outlined above. Instead, the final decision and order reserves the question of the proper disposition of the remaining consent order fund until after all meritorious applications for refund have been paid in the first-stage proceeding, since the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first-stage proceeding. The final decision states that if the remainder is small, it may well be most efficient simply to turn the remainder over to the United States Treasury. *See* 10 CFR 205.287(c). However, the final decision also states that the second-stage procedure outlined in the proposed decision may well be implemented if sufficient funds remain. Therefore, the final decision solicits further comments on the appropriate disposition of the remainder, if any, of the consent order fund after all meritorious claims have been paid.

Commenting parties are requested to submit two copies of their comments. Comments should be postmarked on or before February 4, 1982, and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street NW., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: December 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 28, 1981.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of Lewtex Oil & Gas Corporation.
Date of Filing: February 11, 1981.

Case Number: BEF-0033.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds to injured persons in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OE filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Lewtex Oil & Gas Corporation (Lewtex). Under the terms of the consent order Lewtex agreed to remit to the DOE $251,384.58 for its alleged violations of the DOE price regulations in sales of natural gas liquids (NGLs). The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding their distribution.

Background

In its audits of Lewtex's Olney, Throckmorton, and Graham gas plants, the OE found possible violations of DOE price regulations with respect to first sales of NGLs during the period September 1973 through March 1977. Lewtex sold NGLs from these three plants to only two companies during this period: Warren Petroleum Company, a wholly-owned subsidiary of Gulf Oil Corporation (Gulf), and Enterprise Products, Inc. (Enterprise). On July 31, 1979, the OE and Lewtex entered into a Consent Order under which Lewtex agreed to refund $189,744 plus applicable interest to the DOE in settlement of all claims and disputes between the parties arising from the audits of Lewtex's gas plants. The parties stipulated that the funds were to be distributed by the DOE pursuant to Subpart V proceedings. The terms of the final consent order were published in the **Federal Register** on August 13, 1979. *See* 44 FR 47396 (1979). Interested parties were given an opportunity to comment on the terms of the Consent Order and to submit written notice of potential claims against the refund account. Gulf submitted comments identifying itself as a potential claimant.

On February 11, 1981, the OE filed a Petition for the Implementation of Special Refund Procedures for the Lewtex consent order funds. A proposed decision and order which tentatively established special refund procedures to be used in adjudicating claims to the Lewtex settlement funds was issued on May 1, 1981 by the OHA. *See* 46 FR 25535 (1981). In the proposed decision we tentatively established a two-stage special refund procedure for the Lewtex consent order fund. In the first stage, those firms who were the first purchasers of NGLs during the relevant period from Lewtex and who believed they were eligible for a portion of the consent order fund could file Applications for Refund pursuant to 10 CFR 205.283. Downstream purchasers would also be permitted to file Applications for Refund. Each application would be analyzed, and individual determinations on the merits of each would be made. All meritorious claims would then be paid. Finally, we suggested as the second stage of the refund process that the first purchasers, Gulf and Enterprise, submit proposals which set forth appropriate mechanisms for returning moneys to the parties who likely paid increased prices as a result of the alleged overcharges. We alternatively proposed that if such plans proved infeasible, any portion of the settlement fund which, because of prohibitive administrative costs, might otherwise go undistributed be deposited in the Treasury of the United States. *See* 10 CFR 205.287(c).

The proposed decision and order was published in the **Federal Register**, and a copy was sent to all interested parties. The comment period specified in the **Federal Register** has passed. Both Gulf and Enterprise have submitted notices of claim and comments regarding the proposed procedures. Since both firms maintain that they did not pass on any of the overcharges to their customers, neither firm submitted a plan for distribution. Several other parties also submitted comments; however, most of these comments concerned either the proposed distribution of funds through the first purchasers or the possible deposit of residual moneys into the United States Treasury.

The purpose of this decision will be to establish the mechanism by which firms that purchased NGLs from Lewtex may file applications for refund. We shall first discuss the comments which we received concerning the first-stage refund procedures which we announced in the proposed decision and order in this case. Then we shall discuss in detail the Application for Refund procedures that we have decided to adopt. We shall not, however, discuss the second stage of the refund process in this decision. As noted above, the first purchasers identified in this case have filed claims which, if meritorious, could thoroughly deplete the consent order fund. In that event no second stage would be necessary. Moreover, our determination concerning the final disposition of any residual funds will necessarily depend on the size of the fund. *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). It is therefore unnecessary at this time for us to reach the issues raised by the commenters concerning the proposed disposition of funds remaining after all meritorious claims have been paid. (*1*)

Jurisdiction and Authority to Fashion Refund Procedures

We previously determined that the jurisdictional requirements of Subpart V have been satisfied with regard to Lewtex. We therefore asserted jurisdiction over this case in an Interlocutory Order issued on April 8, 1981. *See Office of Enforcement*, 8 DOE ¶ 82,516 (1981).

Only Gulf submitted substantive comments concerning the first-stage procedures following the issuance of the proposed decision and order for this case. Enterprise confined its submission to a notification of its claim against the fund. With respect to the OHA's jurisdiction and authority to adopt the proposed refund procedures, Gulf contended that we may fashion refund procedures only for entities that were direct purchasers from Lewtex. If Gulf's contention were sustained, only it and Enterprise would be eligible to file Applications for Refund in the first stage of this refund proceeding.

With respect to the OHA's jurisdiction to fashion special refund procedures, the DOE Subpart V regulations provide that "[T]his subpart shall be applicable to those situations in which the Department of Energy is unable to readily identify persons who are entitled to refunds specified in * * * a Consent Order, or to readily ascertain the amounts that such persons are entitled to receive." 10 CFR 205.280. After reviewing the record compiled in this proceeding, we have concluded that the implementation of Subpart V proceedings is appropriate. Even if there are only one or two first purchasers in a particular case, it may be difficult to determine who was injured because those first purchasers may have passed on the overcharges. Moreover, although the OHA has occasionally refused to assert jurisdiction where the OE could identify the first purchaser who was overcharged, *see, e.g., Armour Oil Co.*, 5 DOE ¶ 82,528 (1980) at 85,112 n.2, recent changes in the regulatory system have caused us to reconsider our position. Until recently, crude oil and refined

petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to persons who were adversely affected by alleged violations of the DOE price regulations. For example, the DOE could issue an order directing a firm that had overcharged its customers to roll back its prices for a period of time in order to refund overcharge amounts. (2) However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, there is no maximum lawful price upoon which a rollback order may be based. In order to refund money to the parties affected by the alleged overcharges, a determination must therefore be made regarding the extent to which purchasers of the NGLs involved absorbed the overcharges or passed the higher costs through to downstream customers by raising their own sales prices. Consequently, even in cases where a potentially injured first purchaser can be identified, it is difficult to ascertain the amount, if any, that such a firm or individual should receive. In these cases, therefore, the persons who were injured and therefore entitled to refunds are not readily identifiable, and the amount of the refunds that those persons should receive is not readily ascertainable. For these reasons, the Office of Hearings and Appeals has decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petition for Implementation of Special Refund Proceedings in this case.

Gulf additionally contends that the OHA does not have authority to fashion refund procedures that would result in funds being disbursed to firms that were not direct purchasers from Lewtex. Gulf apparently objects to both the proposed first and second stages of the refund procedures on the grounds that downstream purchasers and consumers may obtain refunds at either state. Gulf argues that because only direct purchasers may maintain an action for overcharges under section 210 of the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1976), only direct purchasers should be able to recover from DOE settlements. Furthermore, Gulf particularly objects to our proposals that first purchasers be obliged to demonstrate that they did not pass on the overcharges to their customers and, if a first purchaser cannot make such a showing, that downstream purchasers may qualify for refunds. Gulf maintains that such a requirement is beyond the OHA's authority. Gulf therefore contends that the entire consent order fund must be distributed among first purchasers only.

Inasmuch as the present determination only establishes procedures for the filing of Applications for Refunds, we will not address Gulf's objections to out proposals for the distribution of residual funds. In addition, we shall reserve our discussion of whether the OHA may require a showing of injury until later in this Decision. As for its objections to the first-stage procedures, Gulf consistently confuses a party's private right of action under section 210 of the ESA with DOE enforcement actions on behalf of the general public that are authorized by section 209 of the ESA as well as other statutory provisions. The cases which Gulf cites concerning private remedies under section 210 of the ESA are simply inapposite to special refund procedures, which are based upon section 209 of the ESA and "the broad purposes of the Congressional mandate in both the ESA and the EPAA." *Bonray Oil Co. v. DOE*, 472 F. Supp. 899, 904 (W.D. Okla. 1978), *aff'd on basis of district court opinion*, 601 F.2d 1191 (Temp. Emer. Ct. App. 1979). (3) The Temporary Emergency Court of Appeals has expressly held that private actions authorized by section 210 and governmental actions authorized by section 209 serve different purposes and may be maintained separately at the same time. *Bulzan v. Atlantic Richfield Co.*, 620 F.2d 278 (Temp Emer. Ct. App. 1980); *see also S.O.S. Gasoline Enterprises v. Doe*, 3 Fed. Energy Guidelines ¶ 26,231 (D.D.C. 1981).

Gulf also contends that *United States v. Ringer*, 492 f. supp. 350 (D. Colo. 1980), and certain opinions of the Comptroller General of the United States support the proposition that the DOE may not order restitution to indirect purchasers.

In *Ringer* the court refused to enforce a price rollback provision because it was not evident that future purchasers, who would benefit from the rollback, were the same parties as previously overcharged customers. Similarly, the Comptroller General has objected to certain proposals for distribution of settlement funds on the basis of his belief that there was not a sufficient nexus to the overcharged parties. (4) We believe that those opinions, which are not binding upon this office, are inconsistent with the DOE's broad restitutionary authority as outlined by the courts. The Temporary Emergency Court of Appeals has construed § 209 of the ESA as conferring extremely broad remedial authority on DOE and the courts. For example, in *Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981), the court stated that it did not "believe that Congress intended to limit the agency's and courts' power to restore overcharges." The court further stated that "[t]here is no indication * * * that (section 209) * * * attempts to limit the power of the courts or the agency to restitution or to a particularly strict interpretation of restitution." *id.* Thus, nothing in the governing statutes nor in judicial interpretation of those statutes prohibits the DOE from refunding moneys to indirect purchasers. Moreover, the refund procedures which we adopt today expressly require that an applicant must establish, *inter alia*, that it purchased NGLs produced by Lewtex in order to qualify for a refund. We believe that the adoption of this criterion will alleviate the concerns of the *Ringer* court and the Comptroller General. Accordingly, we reject Gulf's contention and hold that first purchasers *and* downstream customers may file Applications for Refund.

Comments on the Proposed First Stage Procedures

In the proposed decision which we issued for this case, we tentatively concluded that as the first stage of the refund process we would accept Applications for Refunds from parties which had purchased NGLs produced by Lewtex. In addition to satisfying the filing requirements of 10 CFR 205.283, the applicant would be required to demonstrate that it purchased during the relevant time period a specific quantity of products which were produced with or from the NGSs sold by Lewtex. In addition, unless the applicant was an ultimate consumer, a party claiming that it was injured would also have to demonstrate that it absorbed any cost increase resulting from the alleged overcharges. We also stated that we would accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. Finally, we solicited comments from all interested parties concerning our proposals.

In its comments, Gulf disputed the OHA's authority to require a showing that a claimant did not pass on overcharges to its customer,s even though the firm stated in its submission that its subsidiary had banks of unrecouped product cost increases that equalled its refund claim. *See* Gulf Comments at 3–6.

Gulf made identical claims in *Coline*, our most recent Subpart V

determination. In that Decision, we found that:

[O]ur examination of the seminal cases discussing the use of passing on in antitrust cases has led us to the conclusion that the principles adopted there are inapplicable to these proceedings as a matter of law. In addition, we have concluded that the policies which led the Supreme Court to adopt its position in those cases are inapplicable to special refund cases.

Coline, slip op. at 11. We concluded in *Coline* that although the cases cited by Gulf might be applicable to private enforcement actions brought pursuant to section 210 of the ESA, we are not legally bound by them in Subpart V proceedings, which deal with the distribution of funds obtained through section 209 of the ESA. *Id.* at 11–12. Moreover, we determined that the two policy reasons underlying the courts' rejection of passing on evidence in antitrust cases—difficulty of proof of passing on and the possible deterrence of plaintiffs due to the likely diminished amount of recovery—were inapplicable to special refund cases. Specifically, we concluded that the difficulty of proof problem envisioned by the courts was obviated in the present situation because the products involved had been the subject of an extensive regulatory scheme and, moreover, the OHA has substantial expertise in making determinations of this sort. *Id.* at 13. Furthermore, we concluded that our requirement of evidence establishing that an applicant was injured would not deter future enforcement actions by the OE. Specifically, we noted that:

Unlike the plaintiff in a private action, the agency has no pecuniary interest in the funds. The DOE's purpose in prosecuting these cases is to remedy violations of the regulations by forcing disgorgement of illegally obtained funds, thereby fostering the goal in Section 4(b)(1)(F) of the Emergency Petroleum Allocation Act of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. 753(b)(1)(F).

Id. at 12–13. Accordingly, we have concluded that Gulf's contentions concerning our determination to require a showing that an applicant was injured by the alleged overcharges are without merit.

Application for Refund Procedures

After having considered the comments received concerning the first stage proceedings tentatively adopted in our Proposed Decision and Order we have concluded that: (i) The OHA has properly asserted jurisdiction over this case pursuant to 10 CFR Part 205, Subpart V; (ii) the OHA has authority to implement all of the procedures which were tentatively adopted in the proposed Decision for this case; (iii) Applications for Refund should now be accepted from firms which purchases NGLs from Lewtex. Before we discuss the particular refund procedures which we have decided to adopt, however, there remains one issue that needs to be considered.

In reviewing the Lewtex consent order in order to be certain that the procedures which we proposed for the distribution of the settlement fund were consistent with the underlying consent order, we noted a possible conflict with Paragraph 9 of the order. That section provides that:

Should 10 CFR Part 205, Subpart V be finally determined to be invalid or should claims be asserted against Lewtex by third parties pursuant to Section 210 of the Economic Stabilization Act of 1970, which claims allege that said third parties were overcharged with respect to the Specified Transactions in the Audit Period, DOE agrees that any and all sums paid hereunder shall be remitted by DOE to the party or parties finally determined to be entitled thereto so that in making the refunds required by this Consent Order, Lewtex shall not thereafter be subjected to double liability as to any amounts refunded hereunder to DOE with respect to the Specified Transactions.

Consent Order at 9.

The record in this proceeding indicates that claims have been filed by Lewtex's first purchasers which, if meritorious, would exhaust the consent order fund. Consequently, there is some danger that claimants could obtain refunds through Subpart V proceedings and subsequently, when those funds have run out, seek further funds through a private, section 210 action. If the private plaintiff were to be successful and there was none of the settlement money left, Lewtex might be subjected to double liability in contradiction to the expressed intent of the parties in the consent order. None of the parties who have participated in this proceeding have commented on the effect which Paragraph 9 has on the proposed refund procedures.

There are two courses of action which we have considered adopting in order to effectuate the intent of the parties to the consent order. First, we could delay distribution of the funds until the statute of limitations had run for section 210 actions. We have concluded that this would be an undesirable choice. Our particular concern is that because the applicable statute of limitations would be determined by the law of the jurisdiction in which the action was brought, the appropriate waiting period is uncertain. *See Ashland Oil Co.* v. *Union Oil Co.*, 567 F.2d 984 (Temp. Emer. Ct. App. 1977). A lengthy delay in distribution would be contrary to the DOE's policy of expeditiously concluding pending enforcement matters.

Another possible solution for avoiding potential double liability would be to require any claimant to sign an election of remedies or waiver agreement before actually receiving funds from the escrow account. We adopted an election of remedies provision in *Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereinafter cited as *Vickers*). In that case the OE and Vickers agreed as part of the consent order to recommend a waiver provision in the resulting petition for special refund procedures. In that case we concluded that "(A)doption of the election provision is appropriate because it is not inconsistent with the purposes of Subpart V, it furthers important policies, and it implements the expressed intent of the Consent order." *Vickers* at 85,395. We also found that no rights of any injured party would be prejudiced by the adoption of the election provision since the party would be permitted to prove its claim through an Application for Refund under 10 CFR 205.283 prior to any requirement that it waive its section 210 claims.

We believe that the adoption of a similar provision is warranted in this case. Although not expressly called for by either the consent order or the petition, the adoption of this provision would appear to be consistent with the expressed intent of the parties that Lewtex not be subjected to potential double liability. Moreover, it is not inconsistent with the provisions of 10 CFR 205.292(e), which states that "(I)n establishing standards and procedures for implementing refund distribution, the Office of Hearings and Appeals shall take into account the desirability of * * * resolving to the maximum extent practicable all outstanding claims." Finally, as in *Vickers*, no rights of any injured party will be prejudiced. In fact, since a lengthy period of time has passed since the period of alleged overcharges, which apparently ended November 30, 1976, Consent order at Paragraph 10, it may well be that the statute of limitations has run on all potential section 210 claims. Consequently, we have concluded on the basis of the circumstances present in this case that we should adopt an election of remedies requirment. (5) Accordingly, prior to receipt of any moneys from the Lewtex settlement fund, all applicants shall be required to execute the election of remedies provision which is attached to this Decision as Appendix A.

With the exception of the above-discussed waiver provision, we have decided to adopt the refund procedures which we proposed in our May 1, 1981 determination. We have determined to accept Applications for Refund of a portion of the Lewtex consent order funds filed on or before April 5, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Lewtex consent order fund, case number BEF-0033. If the applicant is not a first purchaser from Lewtex, it should indicate from whom the NGLs were purchased and indicate what basis the applicant has for its belief that the NGLs which it purchased originated from the natural gas processing plants named in the consent order.

Any application for a refund in excess of $100 must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. Any applicant who believes that this application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in this proceeding or in the underlying enforcement proceeding. Each application shall also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the Application. All applications should be sent to: Lewtex Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. All Applications for Refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following section discusses the showing that should be made by refiners, resellers, retailers and end-users of the NGLs covered by the consent order:

A. Each applicant should report its volume of purchases of NGLs by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges.

B. Each applicant should specify how it used the NGLs—*e.g.*, as a petrochemical producer, refiner, reseller or ultimate user.

C. If the applicant is a refiner or reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. It should furnish the OHA with quarterly bank calculations for the entire period.

D. The applicant must state whether it or any of its affiliates have submitted any other Applications for Refunds.

E. The applicant must submit evidence to establish that it did not pass on the overcharges to its customers. For example, a firm may submit market surveys to show that price increases to recover overcharges were infeasible.

F. The applicant should report whether it is currently involved as a party in a DOE enforcement action or a private, section 210 action that may affect its unrecovered ("banked") costs of NGLs. The applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to notify the OHA of any new or newly discovered information that is relevant to its Application for Refund. *See* 10 CFR 205.9(d).

Distribution of the Remainder of the Consent Order Funds

Several commenters in addition to Gulf addressed our proposed distribution of the remainder, if any, of the consent order funds after all meritorious claims have been paid. Those comments can be divided into two groups. First, some comments contend that the Office of Hearings and Appeals lacks the statutory or regulatory authority to implement the proposed distribution. Second, some comments acknowledge that this Office possesses the authority to fashion such a restitutionary mechanism, but suggest alternatives to or modifications of our original proposal. In this Decision, we are not implementing the second stage refund procedure. Such a step would be difficult to initiate before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second stage distribution scheme. Moreover, in the present case claimants have asserted claims which, if meritorious, would completely exhaust the consent order fund. However, in order for members of the public to be made aware of outstanding issues and be able to comment on them, we summarized and briefly addressed the comments received concerning the proposed second stage procedure in the *Vickers* decision. *See Vickers*, 6 DOE at 85,398-99. Many of the same parties who commented on the second-stage procedures proposed for the *Vickers* case submitted virtually identical comments in the present case. We will not reiterate our discussion of these issues. We continue to seek additional comments on these issues.

It is therefore ordered that:

The refund amount provided by Lewtex Oil & Gas Corporation will be distributed in the manner set forth in the foregoing Decision.

Dated: December 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) We discussed many of these comments in *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

(2) If a purchasing firm was a refiner or reseller rather than an ultimate consumer, the rolled back price would reduce its "increased product costs" and therefore reduce the maximum lawful selling price which it could charge consumers. *See* 10 CFR 212.83 *and* 212.93.

(3) While Gulf has cited cases holding that only direct purchasers may sue under ESA section 210, *e.g.*, *Stertz v. Gulf Oil Corp.*, F.2d (Temp. Emer. Ct. App. 1981), *Arnson v. General Motors Corp.*, 377 F. Supp. 209 (N.D. Ohio 1974), and *Go-Tane Service Stations v. Ashland Oil, Inc.*, No. 79-C-1675 (N.D. Ill. 1981), none of those cases state that the DOE's remedial authority is limited to refunding monies only to direct purchasers. Additionally, Gulf cited *Bow Valley Coal Resources, Inc. v. DOE*, Civ. Action No. C-80-0162W (D. Utah 1980). We are unable to understand the relevance of that citation because the only reported opinions in that case hold that (i) a certain first purchaser may maintain a section 210 action and (ii) the action was dismissed as to the DOE.

(4) In his October 10, 1980, letter the Comptroller General discussed a proposal for distribution of funds obtained through a consent order with Getty Oil Company and

specifically held that "in order for any distribution of the Getty funds to satisfy the statutory and regulatory requirements for restitution, it must be made in approximate proportion to the injury actually sustained to Getty customers and to *ultimate customers of Getty products* who were the victims of the overcharges." GAO letter at 7 (Emphasis added). In his April 1, 1981 letter, while espousing a view of our authority to institute the proposed second-stage refund procedures which we find overly narrow, *see Office of Enforcement*, 8 DOE ¶ 82,597 (1981) at 85,398, the Comptroller General again directed his criticism towards refunds "to persons or organizations with no necessary nexus to the alleged violations which gave rise to the consent orders." April 1, 1981 Letter at 8.

(5) We wish to emphasize that although we have determined that we shall adopt an election of remedies provision in this case in order to effectuate the apparent intent of the parties, this determination is limited to the facts present in this case. We perceive an internal inconsistency in a consent order which provides that the funds should be distributed through Subpart V proceedings and that the fund shall be distributed to successful private litigants. Were it not for the staleness of the potential claims in this particular case, we might be reluctant to even accept jurisdiction of this case.

Appendix A—Election of Remedies Provision

In consideration of the sum of money obtained through Subpart V proceedings before the Office of Hearings and Appeals of the Department of Energy in Case No. BEF–0033, I, (give name), with full knowledge of the provisions of section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note, and my rights thereunder, expressly waive and release any and all rights under that section to bring a private action against Lewtex Oil & Gas Corporation for alleged overcharges in transactions that occurred between September 1973 and March 1977 in any products covered by the Consent Order entered into between the Department of Energy and Lewtex Oil & Gas Corporation on July 31, 1979. Section 210 permits me to bring an action for damages, including an action for treble damages in the case of a willful violation, for any prices charged by my supplier in excess of the prices permitted by the Mandatory Petroleum Price Regulations. Notice to my supplier may be necessary prior to my bringing an action under section 210. My right to bring an action under section 210 expires on September 30, 1981 with respect to any act committed or liability incurred on or after that expiration date. My right to bring such an action may also be limited by the statute of limitations applicable to such actions.

(Signature) _____

(Date) _____

[FR Doc. 82-29 Filed 1-4-82; 8:45 am]

BILLING CODE 6450-01-M

Special Refund Procedures and Solicitation of Comments

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $3,000,000 obtained by the DOE under the terms of a consent order entered into with the Pennzoil Company. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Special Counsel.

DATE AND ADDRESS: Comments must be filed on or before February 4, 1982, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF–0072.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $3,000,000 obtained by the DOE under the terms of a consent order entered into with the Pennzoil Company. The funds were provided to the DOE by the firm in order to settle all claims and disputes between Pennzoil and the DOE regarding the manner in which Pennzoil applied the federal price and allocation regulations with respect to its importation, refining, and sale of crude oil and covered petroleum products during the period between March 6, 1973 and December 31, 1980. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Pennzoil. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of covered products from Pennzoil during the audit period. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought Pennzoil products during the relevant time periods. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by Pennzoil, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims are paid. The Proposed Decision and Order states DOE's view that refunds might be made in the form of lowered energy or energy-related costs in the areas where the persons who are likely to have been injured by the alleged overcharges may reside. The DOE also solicits proposals from the public concerning the distribution of any funds remaining after claims have been paid. In the alternative, the DOE suggests that any remaining funds which would otherwise go undistributed be deposited in the Treasury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted by February 4, 1982 and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on December 29, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals,

December 29, 1981.

Proposed Decision and Order of the Department of Energy—Special Refund Procedures

Name of Petitioner: Office of Special Counsel: In the Matter Of Pennzoil Company.

Date of Filing: August 11, 1981.

Case Number: BEF-0072.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Special Counsel (OSC) may request the Office of Hearings and Appeals to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OCS recently filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with the Pennzoil Company (Pennzoil). Under the terms of this consent order, the firm agreed to make refunds for its alleged violations of the DOE price regulations in the following amounts: (i) $3 million to be distributed in accordance with the directives of the OHA pursuant to special refund proceedings; (ii) $3.5 million to certain electric utility companies subject to fuel adjustment clauses, provided that such entities agreed to execute an appropriate release and waiver of claims against Pennzoil; (iii) $3.5 million to the Defense Fuel Supply Center. *See* Consent Order, §§ 402–03. The consent order further provided that to the extent any funds remained from category (ii), all residual funds would be deposited with the category (i) funds for disposition through special refund proceedings. All category (ii) funds were distributed by Pennzoil. Consequently, the sum of $3 million is now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding its final distribution.

I. Background

Pennzoil is a "refiner" as that term was defined in 10 CFR 212.31. During the relevant time periods, Pennzoil was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart E. That Subpart governed the maximum prices that could lawfully be charged by refiners in the sale of fuel oil, motor gasoline, and other covered products. In addition, Pennzoil was subject to the Mandatory Petroleum Allocation Regulations set forth in 10 CFR Part 211.

In connection with its compliance activities, the OSC conducted an extensive audit of Pennzoil's pricing and allocation practices, including the manner in which the firm applied the federal petroleum price and allocation regulations with respect to its importation, refining, and sale of crude oil and covered petroleum products during the period March 6, 1973 through December 31, 1980. Following extensive negotiations, the DOE and Pennzoil entered into a consent order in order to resolve all of the issues raised during the OSC's audit except the following: (1) The matters involved in the case of *Pennzoil Company v. DOE, et al.*, No. 78–335 (D.Del.); (2) Pennzoil's compliance with the entitlements regulations with respect to certain transactions occurring during the period July 1976 through December 1977 between Pennzoil and certain small refiners as part of a general industry investigation by DOE; and (3) Pennzoil's compliance with DOE's regulations regarding marginal and newly discovered crude oil properties. The proposed consent order was executed on January 18, 1981 and published for public comment in the **Federal Register** on January 26, 1981. *See* 46 FR 8101 (1981). The OSC received comments from two parties.(*1*) After the regulatory comment period had expired and the OSC had considered all of the comments which it had received, a slightly modified consent order was adopted as a final order on July 9, 1981. *See* 46 FR 36927 (1981).(*2*)

II. Jurisdiction

The OSC filed a Petition for the Implementation of Special Refund Procedures in connection with the Pennzoil consent order on August 11, 1981. We have previously discussed the jurisdictional prerequisites for such petitions in *Office of Enforcement*, 8 DOE ¶ 82,515 (1981). The Subpart V process is to be used in situations where the Department of Energy is unable to readily identify persons who are entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR 205.280. After reviewing the record developed in the Pennzoil case, we have concluded that the implementation of Subpart V proceedings is also appropriate here. In this case there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges and ascertaining the level of refunds that such persons should receive. Until recently, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to adversely affected purchasers through price rollbacks. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, price rollbacks can no longer be used to refund moneys to purchasers who were overcharged in the past. Therefore, to make restitution to the parties affected by the alleged overcharges, a determination must generally be made regarding the extent to which purchasers of the products involved absorbed the overcharges or passed the higher costs through to their customers by raising their own sales prices. Moreover, the Pennzoil consent order has already provided for substantial refunds to certain identifiable direct purchasers of its petroleum products. The remaining persons entitled to refunds are not readily identifiable, and the amount of the refunds that any particular person should receive is not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism to refund money to persons who were likely to have been injured by alleged pricing violations. The Office of Hearings and Appeals therefore has decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petition for Implementation of Special Refund Procedures in the case of Pennzoil.

III. Authority to Fashion Refund Procedures

In several recent decisions we have considered Petitions for the Implementation of Special Refund Procedures under Subpart V. *See, e.g., Office of Enforcement*, 9 DOE ¶ ——, No. BEF–0033 (December 28, 1981) (hereinafter referred to as *Lewtex*); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter referrred to as *Coline*); *Office of Enforcement*, No. BEF–0049 (August 18, 1981) (proposed decision) (hereinafter referred to as *Worldwide*); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter referred to as *Vickers*). The December 28, 1981 *Lewtex* Decision is the most recent determination issued by the Office of Hearings and Appeals pursuant to Subpart V which establishes final procedures for the filing of applications for refunds of moneys received by the DOE under a consent order.

Subpart V authorizes the Office of Hearings and Appeals, upon request by

the appropriate enforcement official, to fashion special procedures to distribute moneys obtained as part of settlement agreements. 10 CFR 205.281, 205.282. This special refund process is part of an overall regulatory program which is intended to implement several different statutes. Congress provided for mandatory allocation and price ceilings for crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA) (15 U.S.C. 751 *et seq.* (1976)). The authority to enforce regulations issued under the EPAA was granted by Section 5 of the EPAA, which incorporated enforcement authorities established in the Economic Stabilization Act (ESA) (12 U.S.C. 1904 note (1970)); EPAA, section 5(a) (15 U.S.C. 754(a)). The statutory authority to enforce the regulations governing the allocation and pricing of petroleum products was delegated to the Administrator of the Federal Energy Administration, and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), section 5 (15 U.S.C. 765 (1974)); Department of Energy Organization Act (DOE Act), section 201 (a) (42 U.S.C. § 7151(a) (1979)). The carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the DOE have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V decisions, restitution is designed to accomplish two purposes: disgorgement of the fruits of a regulatory violation from the wrongdoer, and refunds to persons injured by the regulatory violation. *See generally Vickers; Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunds to overcharged persons—furthers the specific EPAA goal of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." (15 U.S.C. §§ 753(b)(1)(F)).

IV. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Pennzoil consent order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amount to parties who were adversely affected by the alleged violations.

As we have stated before, refunding moneys obtained through DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR 205.280; *see Coline*. Subpart V offers a means of compensating many individuals who, because they either lack the resources or do not have a sufficient financial stake in the outcome to institute private lawsuits under section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning alleged overcharges to injured parties because it eliminates the need for long and costly court actions.

Based upon our experience with Subpart V cases, we believe that the distribution of funds to overcharged persons should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate that they are entitled to a portion of the funds received by the DOE. After meritorious claims are paid in the first stage, a second stage may be necessary. In the second stage, there are a number of alternative procedures which could be adopted. Under one alternative, payments for the benefit of injured persons could be made to entities that are in a position to effectuate the restitutionary purposes discussed above. As a second alternative, or in the event that implementation of the methods discussed above would not accomplish their intended objectives or fails to exhaust all of the settlement fund, § 205.287(c) provides that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any manner specified in the Decision and Order referred to in § 205.282(c)." (10 CFR 205.287(c).

In the present determination, we shall propose first stage procedures and suggest possible second stage procedures for the distribution of the Pennzoil consent order funds. This Proposed Decision and Order shall be sent to all parties on the service list for this case and shall be published in the **Federal Register**. We are soliciting comments concerning the proposed disposition of these funds contained in this determination. Comments should be submitted on or before February 4, 1982. All comments will be made available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C., between the hours of 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays.

A. *Refunds to Identifiable Purchasers.*

1. *Eligible parties.* During the first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by Pennzoil's alleged violations of the DOE regulations. We note that the first purchasers of the relevant products from the firm are likely to be claimants in this proceeding. These purchasers can be categorized as follows: (1) Resellers of petroleum products, (2) firms or individuals who used the product in question for the production or distribution of goods and services which were purchased by the public, and (3) entities which were ultimate consumers of the product they purchased from Pennzoil or an intermediate reseller. Many of these parties have already been identified and have received a refund through the non-Subpart V provisions of the consent order. The record in this proceeding indicates that Pennzoil paid $7 million to approximately seven parties pursuant to section 403 of the consent order prior to the OSC's submission of this Petition. Absent special circumstances, those parties which already received refunds will not be eligibile for further refunds.

To the extent that first purchasers who are resellers or who are involved in the production or distribution of goods and services can establish that they absorbed the alleged overcharges rather than passed them on to their customers, they will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund, these first purchasers will be required to demonstrate that during the period covered by the consent order they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. While there are a variety of means by which a claimant could make this showing, a reseller or firm engaged in the production or distribution of goods and services generally should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. In addition, a reseller of petroleum products must have maintained until January 28, 1981, the date on which the President decontrolled all remaining covered products, a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.

With respect to first purchasers who are ultimate consumers, we believe that

the above showing should not be necessary in order for a firm to qualify for a refund. The types of organizations and individuals that would be included in this group include home owners, schools, religious institutions, federal, state, and local government entities, research foundations, and any other individual or organization which is not engaged in the direct sale of goods or services. It is unlikely that these types of first purchasers would have passed the alleged overcharges through to others because they are non-profit entities which are not involved in the direct sale of goods or services to other consumers. In order to establish a claim, this type of first purchaser need demonstrate only that it purchased a specific quantity of product which was sold by Pennzoil during the relevant time period.

If the first purchasers are able to make the showings described above, the entire amount of the funds at issue in this proceeding may be disbursed to them. In the event that they are unable to make a satisfactory showing, firms and individuals who purchased products from the first purchasers will be eligible to receive a portion of these funds. However, all purchasers of products sold by Pennzoil may file refund applications.

2. Proposed procedures. In order to establish an entitlement to a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of product which was sold by Pennzoil. Privity with either Pennzoil or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimant flowed through a chain of distribution leading back to Pennzoil. In addition, unless the purchaser is an ultimate consumer, it should generally demonstrate that it did not pass through the cost increases resulting from the alleged overecharges to its own customers. For example, a purchaser who resold the identified product should be in a position to show that market conditions did not permit it to raise prices charged to downstream customers, and that consequently it was forced to absorb the cost increases that are represented by Pennzoil's alleged overcharges. In the absence of that showing, we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, in *Vickers* we noted that this showing could be too complicated for those individuals and firms who might otherwise be entitled to apply for refunds and who purchased relatively small amounts of product from the firm. We also observed that many of those purchasers might lack the type of records required to support such a showing. We therefore established in that case a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who were claiming a refund based on less than that level of purchases, we required only proof of the amount of product purchased by the applicant during the consent order period. This Proposed Decision is being published in the **Federal Register** so that interested parties will have an opportunity to submit comments on the tentative distribution scheme. We will consider a similar treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue. *See Vickers; Office of Special Counsel for Compliance,* 4 DOE ¶ 82,511, at 85,043–44. Refunds to persons who establish an entitlement to a refund will be made on a volumetric basis—*i.e.*, based on the proportion of the product purchased by the applicant to the total amount of those products (whether motor gasoline, diesel fuel, or No. 2 fuel oil) sold by Pennzoil during the relevant period.

Any purchaser claiming a portion of the refund amount should file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs. and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers.* Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to publicize widely the distribution process an to provide and opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register,** notice will be provided in publications in the areas in which Pennzoil marketed its products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

B. *Distribution of the Remainder of the Refund Amount.*

After all meritorious claimants have received the share of the settlement fund to which they are entitled, the settlement fund provided by Pennzoil pursuant to its consent order, while diminished, may not be exhausted. The remainder of the funds should be distributed during the second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. In this decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Coline* we would find such a step difficult to take before fully processing and analyzing the Applications for Refunds which will be filed in the first stage as we have outlined above. *See generally Coline,* 9 DOE at 85,055. As in that case, we intend to set forth a number of second-stage alternatives in this proposed decision, consider the comments received after publication in the **Federal Register,** and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and will solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to consider the outstanding issues before reaching a final decision on the second stage.

Since refunding money to adversely affected parties is the primary concern of Subpart V proceedings, any remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Pennzoil. In view of the relatively small sums of money likely to be involved in claims by many ultimate consumers, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove during the first stage of the refund process that they are entitled to refunds. *See Vickers.* The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order fund.

One alternative we propose is that after payments are made to successful claimants, additional refunds might be made in the form of lowered energy or energy-related costs in areas where the products associated with the alleged overcharges by Pennzoil were marketed. For example, in *Office of Special Counsel for Compliance,* No. DFF–0003 (March 13, 1981) (proposed decision), we proposed that the second-stage refund to consumers who were likely to have been overcharged be effected by using rate-regulated utilities to pass through the remaining funds to consumers through fuel adjustment clauses or other appropriate mechanisms. We observed that it is likely that the persons who purchased motor gasoline or heating oil in a particular area would reside there as well and would be ultimate consumers of electricity. They would therefore benefit from the proposed rate reduction. We further suggested that state governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their direct control. Although we cannot yet determine what actions we will take in the second stage, we will consider this type of restitutionary scheme as one possible alternative.

In the event that distribution schemes for the second stage prove to be inappropriate because of administrative costs or the lack of accurate information, we propose that the portion of the settlement fund which would go undistributed after the second stage be deposited in the United States Treasury. We also propose as an alterntive to the distribution scheme outlined above that any funds remaining after the first stage claims procedure be deposited directly into the United States Treasury. Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.287(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc.* v. *O'Leary,* 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Co.,* 6 DOE ¶ 83,005 at 86,065 (1980); *cf. Chana's Auto Service Center,* 8 DOE ¶ 83,002 (1981). However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. The amount of money available for the second stage of the refund process will be a factor that will influence the ultimate disposition of those funds.

It Is Therefore Ordered That:

The $3,000,000 refund amount supplied by the Pennzoil Company will be distributed in accordance with the foregoing Decision.

References

(1) The parties who submitted comments were the Transportation Group and the National Consumer Law Center. These parties have been included on the service list for this proceeding.

(2) The sole modification adopted by the parties was the elimination of provisions concerning Pennzoil's treatment of its banks of unrecouped product cost increases. *See* 46 FR 36927 (1981).

[FR Doc. 82–176 Filed 1–4–82; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 2019–1, OPTS 211003]

Alpha-Chloroacetophenone; Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Denial of Citizen's Petition.

SUMMARY: This notice announces the decision of the Administrator of the Environmental Protection Agency (EPA) to deny a citizen's petition requesting that EPA ban the manufacture, distribution, possession, or use of alpha-chloroacetophenone for use in tear gas thermal grenades or foggers.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800–424–9065), In Washington, D.C.: (544–1404), Outside the USA: (Operator—202–554–1404).

A copy of the petition and all related information is located in Rm. E–107, Environmental Protection Agency, 401 M St., SW., Washington, D.C., 20460. It will be available for viewing and copying from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

SUPPLEMENTARY INFORMATION:

I. Citizen's Petitions Under TSCA

Section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620, provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 or an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B). If the Administrator grants the petition, the Agency must promptly commence appropriate action in accordance with the petition. If the Administrator denies the petition, the reasons for doing so must be published in the **Federal Register.** The petitioner may commence a civil action in a district court of the United States to compel the Administrator to initiate a rulemaking proceeding as requested in the petition. Any such civil action shall be filed within 60 days after the Administrator's denial of the petition or, if the Administrator fails to grant or deny the petition within 90 days after filing the petition, within 60 days after the expiration of the 90-day period.

II. Summary of the Petition

On August 26, 1980, Mr. Thomas L. Rush of Oakwood Village, Ohio, submitted a petition to the Administrator to initiate action to ban the manufacture, processing, distribution in commerce, or use of alpha-chloroacetophenone (CN) for the purpose of being used as a tear gas dispersed as a thermally generated aerosol by any means (Rush, 1980). The petitioner presented three reasons for his request:

1. The primary gas produced by the discharge of a tear gas thermal grenade or compressed air fogger is phosgene, and phosgene is capable of instantaneously causing permanent pulmonary injury and, on a number of occasions, death by pulmonary edema.

2. Gas masks of any known type do not provide any protection from the effects of phosgene; only self-contained breathing respirators are effective.

3. The control of aerosol tear gas products, so as to protect innocent bystanders in buildings or urban settings, is virtually impossible.

The petitioner indicated that CN is a chemical substance that is capable of causing acute and subacute injuries and could be regulated by EPA under the Toxic Substances Control Act.

III. Evaluation of the Petitioner's Evidence and Other Information

To decide whether to grant this petition, the Agency evaluated the information and concerns presented by the petitioner, the references cited by the petitioner as evidence of risk, and numerous other references. These are all listed as part of the public record. The Agency also spoke with the petitioner, law enforcement officials, and representatives of some CN manufacturers and processors.

A. Risks and Benefits of CN-Containing Thermal Tear Gas Devices

Alpha-chloroacetophenone (CN), chemical formula $C_6H_5COCH_2Cl$, was discovered in 1869 and was used in chemical warfare in World War I. CN is still used as an active ingredient in tear gas products in the U.S.

CN is a crystalline solid that can be used as a gas, liquid, or solid. Generally, CN is found in one of three basic forms in tear gas products: large granulated crystals, pulverized fine dust, or suspended particulates in a liquid solvent.

CN can be dispersed as a tear gas by various means, depending on the specific needs of the user. The scope of the petition is limited to thermal (also called "Pyrotechnic") devices, which produce a thermally generated aerosol. Pyrotechnic devices burn and vaporize the chemical agent and release it in a smoke. They are designed only for outdoor use in riot control because their use indoors can cause fires (although one type of recently developed pyrotechnic grenade is reported to be fire-safe). Pyrotechnic devices include grenades, projectiles, and foggers.

The suitability of CN for law enforcement derives from its reversible lacrimogenic (tear-producing) and essentially noninjurious stimulatory effect on corneal nerve endings, when used in low concentrations. However, a number of severe and permanent corneal injuries have been reported from excessive eye contamination by CN, such as via close-range spraying in the face (Grant, 1974).

CN is also a dermal irritant, and some heavily exposed persons have experienced skin problems in the form of primary irritant dermatitis or allergic contact dermatitis (Penneys, 1971). Symptoms may include itching, inflammation, swelling, and, in severe cases, necrosis (death of tissue). Sensitized individuals may subsequently develop dermatitis from substances chemically related to the initial allergen.

EPA identified reports of pulmonary damage and death in at least five cases associated with the use of CN by police (Stein and Kirwan, 1964; and Gonzales, 1954). All of these cases appear to have resulted from the inappropriate use of thermal tear gas devices, such as the prolonged exposure of individuals to CN in enclosed spaces or the incidence of fire as a result of indoor use of pyrotechnic devices. Death by pulmonary edema was confirmed in at least one instance, where the concentration of CN far exceeded the concentrations which would generally occur outdoors.

References cited in the petition and other information sources reviewed by EPA do not support the petitioner's assertion that phosgene is the primary or a significant combusion product of CN-containing pyrotechnic tear gas devices. The studies cited in the petition, which include infrared spectra and gas-liquid chromatographs, concluded that CN is the predominant combustion product, accompanied by smaller quantities of other products, none of which resemble phosgene. Further, the infrared spectra from a CN grenade do not demonstrate absorption bands characteristic of phosgene (Sass et al., 1966; and Shimanouchi, 1977). If any phosgene is produced from CN in tear gas thermal grenades and foggers, it would be expected only in harmless trace amounts.

Review of the information on the effectiveness of gas masks indicates that masks designed for use with tear gas offer adequate personal protection from tear gas. Most of these masks use an activated charcoal filtering system. Although masks designed for tear gas use do not provide protection from phosgene, there does not appear to be a need for protection from that chemical because it is not expected to be produced in any significant concentration during the use of a thermally generated aerosol device.

Thermal tear gas devices containing CN are used by law enforcement agencies as an effective alternative to potentially more physically damaging measures to control civil disorders and to subdue criminals. There appears to be a significant benefit to society from the proper use of thermal tear gas devices for control of dangerous situations.

As mentioned earlier, indoor use of pyrotechnic tear gas devices has caused some reported deaths and serious injuries from excessive and prolonged exposure or fire. However, the normal, manufacturer-recommended application of these devices in outdoor situations does not appear to carry the same level of risk of fire and excessive exposure. Training in the proper use of chemical agents is available to law enforcement officials from the manufacturers of tear gas devices. Such training is generally included in the curricula of police academies; also, the International Association of Chiefs of Police has prepared a guidance manual on the proper use of chemical agents which is available to law enforcement officials (Crockett, 1969).

B. Alternatives to the Use of CN-Containing Thermal Tear Gas Devices

In deciding how to act on this petition, EPA considered the suitability of available alternatives to the use of CN-containing thermal tear gas devices.

Aerosol devices, which are not thermally activated, possess the inherent limitation of having to be hand-held for short-range use and, therefore, could result in injury to law enforcement officers. Nonthermal grenades can be thrown for long-range use but do not have the advantage possessed by thermally activated tear gas devices of being too hot to be picked up and thrown back by rioters.

Ortho-chlorobenzylidene malononitrile (CS) is a widely used substitute for CN in tear gas devices. Today, the demand for CN and CS is approximately equal in the U.S., while CS is the primary chemical agent used in Europe. The U.S. military switched from the use of CN to CS in the early 1960's. Experiments conducted by the military with volunteers exposed to CN and CS show that CS produces a more immediate and severe reaction at lower levels of exposure. The median lethal dosage for CS is approximately twice that on CN (Crockett, 1969). Although its more immediate physiological effects at lower concentrations and its higher median lethal dosage may impart an advantage to CS over CN in some situations, there is no evidence that the risks associated with the proper use of CN outweigh the benefits.

IV. References

1. Crockett, T.S. Police Chemical Agents Manual, International Association of Chiefs of Police, Inc., Washington, D.C., 1969.

2. Fisher, A.A. Dermatitis due to tear gases (lacrimators), Intern. J. Dermatology 9: 91–95, 1970.

3. Gonzales, T.A., M. Vance, M. Helpern, and C.J. Umberger. Legal Medicine, Pathology and Toxicology, Appleton-Century-Crofts, New York, p. 518, 1954.

4. Grant, W.M. Toxicology of the Eye, Charles C. Thomas, Springfield, Illinois, 1974.

5. Penneys, N.S. Contact dermatitis to chloroacetophenone. Fed. Proc. 30: 96–99, 1971.

6. Rush, T.L. Petition to Administrator of EPA to initiate action to ban the manufacture, processing, distribution in commerce, or use of alpha-chloroacetophenone, August 26, 1960.

7. Sass, S., P.M. Davis, J.J. Martin, R.J. Piffath, and T.L. Fisher. Analytical studies of some CN-pyrotechnic-mix samples and disseminates using m-DNB, DB3, UV, IR, and GLC methods. Edgewood Arsenal Technical Report, EATR 4004, July, 1966.

8. Shimanouchi, T. Tables of molecular vibrational frequencies. J. Phys. Chem. Ref. Data 6: 993–1102, 1977.
9. Stein A.A. and W.E. Kirwan. Chloroacetophenone (tear-gas) poisoning: a clinicopathologic report, J. Forensic Sci. 9: 374–382, 1964.

V. Administrator's Decision

The petition to initiate a regulatory proceeding under TSCA for control of the manufacture, processing, or distribution in commerce of CN for use as a thermally generated tear gas is denied.

Based upon the review of information available to EPA on the risks posed by CN-containing thermal tear gas devices, the Agency has concluded that the benefits of using them outweigh the small potential for serious health injuries.

(Sec. 21, 90 Stat. 2042 (15 U.S.C. 2620))

Dated: December 16, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-126 Filed 1-4-82; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-42005A; TSH-FRL-1988-6]

Alkyl Phthalates and Benzyl Butyl Phthalate; Follow-up Response To The Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In a previous notice which appeared in the Federal Register of October 30, 1981 (46 FR 53775), the EPA announced a preliminary decision not to propose a section 4(a) rule to require environmental or health effects testing of alkyl phthalates or benzyl butyl phthalate. This preliminary decision was made pending review of public comment received too late for consideration prior to the statutory deadline for action. On the basis of the now completed review, the Agency finds no reason to alter its preliminary decision. Therefore, the Agency has determined not to propose, at this time, a section 4(a) rule to require environmental or health effects testing of alkyl phthalates or benzyl butyl phthalate.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–511, 401 M St., SW., Washington, D.C., 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

In a previous notice which appeared in the **Federal Register** of October 30, 1981 (46 FR 53775), the Agency announced a preliminary decision not to propose, at that time, a section 4(a) rule under the Toxic Substances Control Act (TSCA) to require environmental or health effects testing of alkyl phthalates or benzyl butyl phthalate (BBP). This decision was based on the Agency's acceptance of a comprehensive testing proposal for phthalate esters from the Chemical Manufactures Association (CMA) on behalf of the Phthalate Esters Program Panel.

Previous to that notice, a public meeting was held on September 15, 1981, to brief the public on the CMA voluntary testing proposal as an alternative to a test rule under TSCA section 4. The briefing was followed by an opportunity for discussion and comment.

At the conclusion of the meeting, and by letter of September 21, 1981, the Natural Resources Defense Council (NRDC) requested additional time to review and comment on the proposed testing scheme for the phthalates.

Although EPA believes that it had provided adequate opportunity for the public to examine the proposed testing scheme and comment upon it, because this is the first time the Agency has considered deferring testing because of a voluntary scheme, EPA agreed to accept NRDC comments up to October 21, 1981. However, because section 4(e) of TSCA requires EPA to publish a response to the ITC within one year from the date a chemical is designated by the Committee and the one year anniversary date for benzyl butyl phthalate was October 24, 1981, EPA did not have an opportunity to consider NRDC's comments so that action could be taken by that date. Instead, EPA elected to issue a preliminary decision not to proceed with development of a test rule, giving the Agency time to consider NRDC's comments before issuing a final decision on the acceptability of the CMA program.

II. EPA's Response To Public Comment

On October 21, 1981, the Agency received NRDC's comments on (1) EPA's proposed decision not to require testing of the alkyl phthalates and BBP; and (2) CMA's proposed testing scheme for those compounds. NRDC raised various concerns, both legal and scientific. Their basic concerns, along with EPA's response to each, are summarized below. More detailed responses to these legal issues and responses to all scientific issues are included in the public record.

A. Legal Concerns

(1) NRDC argues that acceptance of a negotiated testing scheme in place of issuance of a section 4 test rule is contrary to the statutory language and legislative history indicating that Congress intended EPA to issue test rules even if appropriate testing was planned or ongoing.

EPA disagrees with this contention. EPA has found that neither the statutory language nor the legislative history would support NRDC's contention that negotiated testing schemes are an inappropriate response to ITC recommendations. The Agency believes that the purpose of section 4 was to assure that adequate data are developed, that the data are developed in expeditious fashion, and that industry assumes financial responsibility for testing. Because the negotiated scheme will meet these criteria, EPA believes it is consistent with section 4.

(2) NRDC contends that negotiated schemes in general, and this scheme in particular, are not an acceptable alternative to section 4 test rules because of certain specific legal and procedural deficiencies including (1) lack of public participation in their development; (2) lack of deadlines on completion of testing (which result in getting data later than under a rule); (3) lack of public access to data from the tests; and (4) lack of legal enforceability of industry's promise to perform testing.

EPA disagrees with this comment. First, EPA believes that there was adequate opportunity for public comment on the decision to defer testing. A public meeting was held on September 15, 1981, at which the voluntary approach was discussed. A docket containing all the pertinent information was available to the public beginning August 27, 1981. In addition, the basics of the phthalate voluntary testing scheme were presented at the Scoping Workshop on the 7th ITC Report, March 12, 1981, and the NTP/IRGL Phthalate Conference on June 11, 1981. The Agency, however, will continue to work with the public to develop new and better ways of facilitating that review. Comments were requested from the public on how to facilitate this in the tentative phthalates decision (46 FR 53775).

Second, the Agency believes that the schedule of testing provided by the industry in most cases will result in initiation and completion of testing significantly earlier than would result if the Agency pursued a test rule for these

substances. CMA has submitted an approximate schedule for testing to the Agency. Testing under this schedule would begin in November 1981 for some of the tests, no later than July 1982 for the majority of the tests and by February 1983 for the remaining Phase II (environmental) tests. Due to the experimental nature of the health program, the start of long-term testing is uncertain. However, the Agency generally expects any necessary long-term health effects testing to begin by mid-1983. If EPA were to pursue issuance of a test rule on these chemicals, this rule would probably not be final until January 1983 and short-term testing would not actually begin for several months after that. Furthermore, while EPA had not determined that it would pursue a tiered testing scheme for those chemicals, such a scheme, if included in a rule, would have further delayed the start of long-term testing which would occur in the later tiers. Therefore, the Agency believes that the CMA scheme will produce results at least as fast, and in most cases faster than would be obtainable under a test rule. Third, the CMA has agreed that all data on the tests it performs will be made available to the Agency, and that it will assert no claims of confidentiality on the data when they are transmitted to EPA.

Finally, the EPA believes that while the NRDC is correct in asserting that the negotiated test scheme is not enforceable, the importance of this fact is exaggerated. EPA believes that the real issue is whether the testing will actually be done, and EPA is convinced that CMA will not retreat from its commitment. The Agency will monitor the industry's performance, and if the CMA does not follow through, EPA intends to exercise its full legal authority under section 4 to require that all necessary testing be performed.

B. Scientific Concerns

(1) NRDC was concerned that the compounds selected for testing may not be truly representative of the alkyl phthalate class of compounds, and that to assume so *a priori* and without a subsequent review of the test data would be unwise.

EPA agrees that compound selection for testing is critical throughout the course of the testing program. A thorough review of the test data in regard to its applicability to other (untested) chemicals in the class has been the Agency's and CMA's intent from the start. Scoring systems for chemical selection, as described in CMA's proposal, will not be applied uncritically but are subject to modification as deemed necessary.

(2) NRDC stated that a significant gap in the CMA testing program is that no explicit criteria are given for making decisions about which higher level or additional tests are to be performed.

Given the large number of testing endpoints, both the EPA and the CMA felt that explicit decision criteria would be exceedingly difficult to formulate. Because the EPA will be involved in making all testing decisions, the absence of explicit decision criteria is not considered by the Agency to be a problem. EPA reserves its right to require industry to perform tests it considers necessary.

(3) NRDC believes that too few tests are being proposed in the CMA program to allow for effective regulation of the phthalate esters.

EPA disagrees with this contention. As discussed in detail in the Agency's preliminary decision not to require testing of the alkyl phthalates and BBP, CMA's program is ultimately expected to satisfy all of the ITC's and the Agency's needs for additional environmental effects of concern for the alkyl phthalates and BBP. CMA's proposal calls for the testing of a wide variety of aquatic species on an acute basis and what are regarded by Agency scientists to be very sensitive species on a chronic basis. CMA's program will also address the biodegradation and bioaccumulation of the phthalates. Based on past phthalate testing, these test data are expected to provide excellent guidance for setting acceptable concentration levels in the environment. Because of the demonstrated low toxicity of the phthalate esters to mammalian, bird and terrestial plant species, and because the chemical-physical properties and (limited) monitoring data indicate very low concentrations in the terrestrial environment; terrestrial toxicity testing was not considered a priority, nor did the ITC recommend such testing. CMA's health effects testing program admittedly involves an experimental approach in an attempt to screen and prioritize the alkyl phthalates for potential long-term testing. Should the initial tests not prove sufficient to demonstrate a clear dose-response relationship, first with the reference chemicals, and then with all of the chemicals under test, the Agency has requested, and CMA has agreed, to conduct other short-term assays as required both to validate the test battery and allow structure-activity inferences to be made. CMA has also made a commitment to perform additional testing, including long-term tests, where this appears to be indicated by the initial test results.

III. Public Record

EPA has established a public record for this decision not to pursue testing under section 4, docket number OPTS-42005, which is available for inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, in Rm. E-106, 401 M St., SW., Washington, D.C. 20460. This record includes basic information considered by the Agency in developing this decision. This record includes the following information:

(1) Federal Register notices containing the designation of alkyl phthalates and benzyl butyl phthalate to the Priority List.

(2) Communications:

(a) Public and intra-agency of interagency memoranda, comments and proposals.

(b) Contact reports of telephone conversations.

(c) Meetings.

(3) Public comments on the ITC reports.

(4) Reports—published and unpublished data.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601)).

Dated: December 22, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-127 Filed 1-4-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51374; TSH-FRL-2018-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMNs and provides a summary of each.

DATES: Written comments by:

PMN 81-645, 81-646, 81-647, 81-648, 81-649, 81-650, & 81-651: February 20, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51374]" and the specific PMN number should be sent to:

Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, CC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. A-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PNMs received by EPA:

PMN 81-645

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Air Products and Chemicals, Inc., Allentown, PA 18105

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organic salts of tertiary aliphatic amines.

Use. The manufacturer states that the PMN substance will by used as a urethane polymerization catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

pH (3% in H_2O)—7.3
Specific gravity (H_2O=1)—1.058
Boiling point—327°F
Flash point (SETA FLASH)—230°F
Solubility, water—99%
Vapor pressure—1.0 mm Hg @ 32°F; 2.0 mm Hg @ 70°F; 4.0 mm Hg @ 100°F; 9.0 mm Hg @ 130°F

Toxicity Data

Acute oral toxicity LD_{50} (male rats)—6500 mg/kg; (female rats)—4290 mg/kg
Acute dermal toxicity (rabbit)—2.0 g/kg
(Primary) skin irritation (rabbit)—not an irritant
(Primary) eye irritation (rabbit)—not an irritant
Acute Inhalation Toxicity—no deaths at maximally achievable concentrations of 1.0 mg/1.

Exposure. The manufacture states that during manufacture, drumming and quality control an unspecified number of workers may have dermal and eye exposure at periodic intervals and that workers will wear protective clothing and equipment. At a site not controlled by the submitter, 8-10 workers may have dermal and eye exposure periodically.

Environmental Release/Disposal. The manufacturer states that there will be no significant release to the environment, and that the ultimate fate (or disposal) of the chemical will be coincident with disposal of the polyurethane foam in which it is distributed.

PMN 81-646

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Air Products and Chemicals, Inc., Allentown, PA 18105.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organic salts of tertiary aliphatic amines.

Use. The manufacturer states that the PMN substance will be used as a urethane polymerization catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH (3% in H_2O)—7.3
Specific gravity (H_2O=1)—1.058
Boiling point—327°F
Flash point (SETA FLASH)—230°F
Solubility, water—>99%
Vapor pressure—1.0 mm Hg @ 32°F; 2.0 mm Hg @ 70°F; 4.0 mm Hg @ 100°F; 9.0 mm Hg @ 130°F

Toxicity Data

Acute oral toxicity LD_{50} (male rats)—6500 mg/kg; (female rats)—4290 mg/kg
Acute dermal toxicity (rabbit)—>2.0 g/kg
(Primary) skin irritation (rabbit)—not an irritant
(Primary) eye irritation (rabbit)—not an irritant
Acute Inhalation Toxicity—no deaths at maximally achievable concentrations of 1.0 mg/1.

Exposure. The manufacturer states that during manufacture, drumming and quality control an unspecified number of workers may have dermal and eye exposure at periodic intervals and that workers will wear protective clothing and equipment. At a site not controlled by the submitter, 8-10 workers may have dermal and eye exposure periodically.

Environmental Release/Disposal. The manufacturer states that there will be no significant release to the environment, and that the ultimate fate (or disposal) of the chemical will be coincident with disposal of the polyurethane foam in which it is distributed.

PMN 81-647

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Air Products and Chemicals, Inc., Allentown, PA 18105

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organic salts of tertiary aliphatic amines.

Use. The manufacturer states that the PMN substance will be used as a urethane polymerization catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH (3% in H_2O)—7.3
Specific gravity (H_2O=1)—1.058
Boiling point—327°F
Flash point (SETA FLASH)—230°F
Solubility, water—99%
Vapor pressure—1.0 mm Hg @ 32°F; 2.0 mm Hg @ 70°F; 4.0 mm Hg @ 100°F; 9.0 mm Hg @ 130°F

Toxicity Data

Acute oral toxicity LD_{50} (male rats)—6500 mg/kg; (female rats)—4290 mg/kg
Acute dermal toxicity (rabbit)—>2.0 g/kg
(Primary) skin irritation (rabbit)—not an irritant
(Primary) eye irritation (rabbit)—not an irritant
Acute Inhalation Toxicity—no deaths at maximally achievable concentrations of 1.0 mg/1.

Exposure. The manufacturer states that during manufacture, drumming and quality control an unspecified number of workers may have dermal and eye exposure at periodic intervals and that workers will wear protective clothing and equipment. At a site not controlled by the submitter, 8-10 workers may have dermal and eye exposure periodically.

Environmental Release/Disposal. The manufacturer states that there will be no significant release to the environment, and that the ultimate fate (or disposal) of the chemical will be coincident with disposal of the polyurethane foam in which it is distributed.

PMN 81-648

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstituted benzenamine.

Use. The manufacturer states that the PMN substance will be used as a company-limited intermediate and that the new chemical will be used to manufacture another chemical intermediate.

PRODUCTION ESTIMATES

	Maximum (kg)
First year	5,000
Second year	6,000
Third year	7,000

Physical/Chemical Properties

Melting point—224–228°C

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 5 workers may experience dermal and inhalation exposure, up to 2 hrs/day, up to 20 days/yr during transfer and cleanup operations. The manufacturer states that average and potential maximum concentrations for those operations are expected to be 0–10 mg/m³ and 10–30 mg/m³ respectively. The manufacturer also states that during use of the chemical up to 20 people may have dermal and inhalation exposure for a maximum of 0.3 hour/day for up to 5 days/yr during transfer operations at similar average and potential maximum exposure levels.

Environmental Release/Disposal. The manufacturer states that no release of the new chemical to land or water is expected and that release to air will be negligible. Disposal is by incineration.

PMN 81–649

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstituted benzene.

Use. The manufacturer states that the PMN substance will be used as a site limited intermediate and that the new chemical will be used to manufacture another chemical intermediate.

PRODUCTION ESTIMATES

	Maximum (kg)
First year	6,000
Second year	7,000
Third year	8,000

Physical/Chemical Properties

Melting point—130–132°C

Toxicity Data. No data were submitted.

Exposure. The manufacturers states that during manufacture and use 5 workers may experience dermal and inhalation exposure up to 2 hrs/day, up to 20 days/yr during transfer operations. The manufacturer also states that the average and potential maximum concentrations for these operations are expected to be 0–10 mg/m³ and 1–30 mg/m³ respectively.

Environmental Release/Disposal. The manufacturer states that no release of the new chemical to land or water is expected and that release to air will be negligible. Disposal is by incineration.

PMN 81–650

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of hexanediolic acid and 2,2'-iminobisethanol.

Use. The manufacturer states that the PMN substance will have a site-limited use in chemical manufacture.

PRODUCTION ESTIMATES

	Maximum (kg)
First year	1
Second year	1
Third year	1

Physical/Chemical Properties

Solubility: water—>10%

Number Average Molecular Weight—300–400

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 5 workers may experience dermal and inhalation exposure up to 0.5 hrs/day, up to 2 days/yr during transfer operations. The manufacturer also states that the average and maximum concentrations during these operations is expected to be 0–1 mg/m³.

Environmental Release/Disposal. The manufacturer states that no release of the new chemical is expected to land or air and that 0–1 kg/year is expected to be released to water. The manufacturer also states that wastes generated during use will be treated in a biological treatment system.

PMN 81–651

Close of Review Period. March 22, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrasubstituted benzene.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate and will be used to manufacture another chemical.

PRODUCTION ESTIMATES

	Maximum (kg/yr)
First year	4,000
Second year	5,000
Third year	6,000

Physical/Chemical Properties

Melting point—150–153°C

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 5 workers may experience dermal and inhalation exposure up to 2 hrs/day, up to 50 days/yr during transfer operations. The manufacturer also states that average and potential maximum concentrations during these operations are expected to be 0–10 mg/m³ and 1–30 mg/m³ respectively.

Environmental Release/Disposal. The manufacturer states that no release is expected to land or water and that the release to air will be negligible. Disposal is by incineration.

Dated: December 24, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-125 Filed 1-4-82; 8:45 am]

BILLING CODE 6560-31-M

[AMS-FRL-2020-6]

Fuel Economy Retrofit Devices; Supplement to Announcement of Fuel Economy Retrofit Device Evaluation for "Grancor Air Computer (Self-Modulating Air Bleed)"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Revised Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This announcement will supplement and revise the earlier EPA evaluation of the "Grancor Air Computer (Self-Modulating Air Bleed)" which was published on July 27, 1981 (46 FR 38403). At that time, EPA concluded that there was no technical basis to support any claims for a fuel economy benefit. The inventor of this device has contended that this conclusion was inappropriate in light of the test results on 1971 and earlier models supplied with his application for evaluation. Although EPA has not actually tested the device, it has re-examined the supporting documentation. As a result, EPA agrees the device can have a positive effect on fuel economy for vehicles from 1971 and earlier model years. The benefits arise from the

enleanment of the fuel-air mixture. In those years, carburetors were typically set to run rich since the richness improved driveability. However, as exhaust emission levels and fuel economy became a greater factor in vehicle design, carburetors were recalibrated to operate much leaner. This change in calibration essentially eliminates the possibility that further enleanment could be beneficial to fuel economy in post-1971 vehicles. Moreover, an excessively lean mixture may result in unacceptable driveability and could lead to excessive emission levels and possible engine damage. EPA tests of similar air-bleed devices on vehicles more representative of the current vehicle population have not shown any significant fuel economy gains.

Based on these tests and the fact that the applicant did not submit test data to show the device is effective on recent vehicles, EPA will reaffirm its conclusion on vehicles newer than the 1971 model year.

The results of the EPA evaluation are described completely in a report entitled: "EPA Evaluation of the Grancor Air Computer (Self-Modulating Air Bleed) Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." The text has been revised to address the contentions of the applicant. This entire report is contained in two volumes. The discussions, conclusions, and list of all attachments are listed in EPA–AA–TEB–511–81–13A, which consists of 14 pages. The attachments are contained in EPA–AA–TEB–511–81–13B, which consists of 106 pages. The attachments include correspondence between the applicant and EPA and all documents submitted in support of the application.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650.

FOR FURTHER INFORMATION CONTACT:

Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan–48105, 313–668–4299.

Dated: December 23, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-139 Filed 1-4-82; 8:45 am]

BILLING CODE [illegible]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1788]

American Cargo Corp.; Order of Revocation

On December 16, 1981, American Cargo Corporation, P.O. Box M–634, 95 River Street, Hoboken, NJ 07030 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1788.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1788 issued to American Cargo Corporation, be revoked effective December 16, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1788 issued to American Cargo Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon American Cargo Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-101 Filed 1-4-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2190]

Middle Eastern Transport Agencies, Ltd.; Order of Revocation

On December 16, 1981, Middle Eastern Transport Agencies, Ltd., One World Trade Center, Suite 1125, New York, NY 10048 surrendered its Independent Ocean Freight Forwarder License No. 2190 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2190 issued to Middle Eastern Transport Agencies, Ltd. be revoked effective December 16, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Middle Eastern Transport Agencies, Ltd.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-100 Filed 1-4-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-63]

West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference—Tariff Rule No. 26; Further Order To Show Cause

On August 21, 1981, the Commission ordered the member lines of the West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference (WINAC), to cancel what was then Rule 26 in their FMC Tariff No. 3. Cancellation was ordered because, among other things, Rule 26 was found to constitute an unreasonable refusal to deliver cargo within the meaning of section 17, second paragraph of the Shipping Act, 1916 (46 U.S.C. 816, second paragraph). Tariff Rule No. 26, 20 S.R.R. 1489 (1981).

WINAC has responded to this order by filing an amendment to Tariff No. 3 on September 30, 1981 which deleted Rule 26 and replaced it with a new Rule 27 dealing with the same subject. This new tariff provision does not appear to comply with the Commission's August 21, 1981 Order.[1]

The present deficiency in rule 27 lies in Paragraphs B and C, which provide, in pertinent part, that:

B. * * * the *cargo interests* shall be liable to pay:

(2) * * * a (penalty) amount equal to double such difference of freight * * * [Emphasis supplied].

C. * * * the carrier shall have a lien for the amount equal to double the difference of freight if the carrier or the conference verification service:

(1) First seeks to collect such amount from the shipper; and

(2) Has reasonable ground to believe that the consignee is at fault.

In lieu of enforcing any lien by public sale, the carrier shall release the cargo to the consignee if the consignee furnishes a bond or other financial guarantee acceptable to the conference verification service for the total amount claimed by the carrier to be due pursuant to this rule.

This procedure for enforcing carrier-imposed penalties by refusing to deliver cargo to the consignee unless the

[1] Tariff matter which does not comply with a Commission order is subject to rejection under § 536.10(d) of the Rules (46 CFR 536.10(d)). In this instance, however, Rule No. 27 was allowed to take effect to permit full review of WINAC's submission by the Commission.

penalty is paid or a bond is posted is inconsistent with the Commission's directive that cargo liens not be used to require payment—either ultimately or in the first instance—from a person not "accurately determined to be the party at fault." 20 S.R.R. at 1497, n. 29. Although the August 21, 1981 Order did not use language which expressly invalidates any possible penalty system employing a cargo lien to collect penalty amounts, the Order clearly indicated there was to be no room for error concerning the consignee's "guilt." [2]

Specifically, Rule 27 is deficient for imposing liability for penalties against the "cargo interests," permitting the carrier to withhold delivery of the cargo whenever the carrier unilaterally believes the consignee is "guilty" of misdescribing cargo, and requiring that penalty payments be sought from the shipper in all cases, including those where the consignee is believed to be the "party at fault." The August 21st Order plainly states that carrier-imposed penalties may be assessed only against the party responsible for the cargo misdescription or misdeclaration.

Accordingly, WINAC will be directed to show cause why Rule 27 of its FMC tariff should not be cancelled for noncompliance with the Commission's Order of August 21, 1981.

Therefore, it is ordered, that pursuant to section 22 of the Shipping Act, 1916 (46 US.C. 821), Docket No. 80–63 be reopened and the member lines of the West Coast of Italy, Sicilian and Adriatic Ports, North Atlantic Range Ports Conference appear before the Commission and show cause why Rule 27 of their FMC Tariff No. 3 should not be cancelled for noncompliance with the Commission's August 21, 1981 Order in this proceeding insofar as it: (1) Makes the "cargo interests" rather than the "party at fault" liable for cargo misdescription penalties (Paragraph B); and (2) attempts to collect penalty amounts by means of a lien against the cargo which could be asserted against a consignee which is not in fact "at fault." (Paragraph C); and

It is further ordered, that the Commission's Bureau of Hearings and Field Operations continue to participate in this proceeding; and

It is further ordered, that this proceeding is limited to the submission of affidavits of fact and memoranda of law and replies thereto. WINAC's affidavits and memorandum shall be filed no later than the close of business January 29, 1982 and served upon all other parties of record. The reply of Hearing Counsel shall be filed and served no later than February 12, 1982. Oral argument may be scheduled if requested by a party prior to February 19, 1982 and deemed necessary by the Commisison; and

It is further ordered, that a copy of this Order be served upon each of the respondent carriers.

By the Commission

Francis C. Hurney,

Secretary.

[FR Doc. 82–179 Filed 1–4–82; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–49]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–49 will not constitute a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Docket No. 81–49 is an Order of Further Investigation and Hearing of Rate Agreement No. 10387. The agreement was originally conditionally disapproved by Commission Order dated February 6, 1981. On August 24, 1981, the agreement was resubmitted for the Commission's reconsideration. The agreement is between the members of the Pacific/Australia-New Zealand Conference, acting as one party, and Karlander Kangaroo Line, an independent carrier. The agreement covers the trade from U.S. and Canadian Pacific Coast ports (not including Alaska) and ports in Hawaii and inland points through ports in Australia and New Zealand. The agreement would permit the parties to discuss and agree upon rates, charges, classifications, practices, brokerage, freight forwarder compensation, equalization, absorption, transshipment and overland and/or other inland movements.

The Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725

Francis C. Hurney,

Secretary.

[FR Doc. 82–106 Filed 1–4–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2198]

Ferguson Shipping and Forwarding Co., Inc.; Order of Revocation of License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ferguson Shipping and Forwarding Co., Inc., P.O. Box 10952, Suite 116, Houston, TX 77018 was cancelled effective November 14, 1981.

By letter dated October 26, 1981, Ferguson Shipping and Forwarding Co., Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2198 would be automatically revoked unless a valid surety bond was filed with the Commission.

Ferguson Shipping & Forwarding Co., Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2198 be and is hereby revoked effective November 14, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2198 issued to Ferguson Shipping & Forwarding Co., Inc. be returned to the Commission for cancellation.

---

[2] The Commission's intent was that an innocent consignee never be denied delivery of cargo for failing to pay a carrier-imposed penalty. This intention was expressed in relatively flexible language so as to not interfere unduly with the carriers' business judgment in fashioning penalty provisions properly directed against the "party at fault." Practically speaking, however, it is improbable that a carrier could fairly and accurately establish that a consignee is the party at fault within the time allotted for the delivery of cargo without the assessment of demurrage charges, a period which customarily does not exceed five working days. See WINAC Tariff FMC No. 3, original page 64. The burden is upon WINAC to demonstrate that any tariff rule which uses a cargo lien to collect private penalties cannot possibly deny cargo delivery to a consignee which has not been clearly proven to be the party responsible for the misdescription or misdeclaration.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Ferguson Shipping and Forwarding Co., Inc.

Albert J. Kingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-104 Filed 1-4-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Ballerton Corp.; Formation of Bank Holding Company

Ballerton Corporation, N.V., Oviedo, Spain, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 percent or more of the voting shares of Totalbank Corporation of Florida, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-31 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

First Colonial Bankshares Corp.; Acquisition of Bank

First Colonial Bankshares Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 10 per cent or more of the voting shares of All American Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 23, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-33 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

First Delhi Corp.; Formation of Bank Holding Company

First Delhi Corporation, Delhi, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Delhi, Delhi, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-35 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

First Dodge City Bancshares, Inc.; Formation of Bank Holding Company

First Dodge City Bancshares, Inc., Dodge City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bancshares of Dodge City, Inc., Dodge City, Kansas and thereby indirectly acquire shares of First National Bank and Trust Co. in Dodge City, Dodge City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-34 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

First Mid-Illinois Bancshares, Inc.; Formation of Bank Holding Company

First Mid-Illinois Bancshares, Inc., Mattoon, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First National Bank, Mattoon, Illinois, Mattoon, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 22, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-38 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Fourth Financial Corp., Formation of Bank Holding Company

Fourth Financial Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 24.99 percent or more of the voting shares of M–L Bancshares, Inc., Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 26, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-37 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

M–L Bancshares, Inc.; Formation of Bank Holding Company

M–L Bancshares, Inc., Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.8 percent of the voting shares of Newton Bancshares, Inc., Newton, Kansas, and, indirectly, 93.0 percent of the voting shares of The Kansas State Bank, Newton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 26, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-39 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Gaylord Bancorporation, Ltd.; Formation of Bank Holding Company

Gaylord Bancorporation, Ltd., Gaylord, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 percent or more of the voting shares of Citizens State Bank of Gaylord, Gaylord, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-38 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Hol-Ark, Inc.; Formation of Bank Holding Company

Hol-Ark, Inc., Blytheville, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 percent or more of the voting shares of The First National Bank in Blytheville, Blytheville, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Hol-Ark, Inc., Blytheville, Arkansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain and service certain notes receivable. These activities would be performed from Applicant's offices in Blytheville, Arkansas, and the geographic areas to be served are the area surrounding Blytheville, Arkansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resourses, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve bank not later than January 27, 1982.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-40 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Midwest National Bancshares, Inc.; Formation of Bank Holding Company

Midwest National Bancshares, Inc., Midwest City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Midwest National Bank, Midwest City, Oklahoma. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-41 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Milford, N.V.; Formation of Bank Holding Company

Milford, N.V., Oranjestad, Netherlands Antilles, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 40 percent or more of the voting shares of Totalbank Corporation of Florida, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-42 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

NBG Atlantic International Corp.; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as NBG Atlantic International Corporation, New York, New York. NBG Atlantic International Corporation would operate as a subsidiary of the National Bank of Greece, S.A., Athens, Greece, and Atlantic Bank of New York, New York, New York. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-43 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

NCB, CORP; Formation of Bank Holding Company

NCB, Corp., Mansfield, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Newton County Bank, Mansfield, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-44 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Shawmut Corp.; Acquisition of Bank

Shawmut Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(5)) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5) to merge with Worcester Bancorp, Inc., Worcester, Massachusetts. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Shawmut Corporation, Boston, Massachusetts, is also engaged in the following nonbank activities: commercial and agricultural financing activities and securities clearance and related activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisons and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 27, 1982. Any comment on an application that requests a hearing include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-45 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Shawmut Corp.; Proposed Acquisition of Worcester Bancorp, Inc.

Shawmut Corporation, Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding

Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for approval to merge with Worcester Bancorp, Inc., Worcester, Massachusetts ("Bancorp").

Applicant states that upon completion of the proposed merger, nonbanking subsidiaries acquired from Bancorp would continue to engage in certain nonbanking activities. Specifically, Wornat Development Corporation would continue to engage in certain portfolio liquidation activities authorized by the Federal Reserve Bank of Boston on November 28, 1980, and Wornat Insurance Agency, Inc., would continue to engage in insurance activities within the scope permitted by the Board's Regulation Y. These activities would be performed on behalf of Applicant from the offices from which they are currently being performed on behalf of Bancorp, in Worcester, Massachusetts, and the geographic areas to be served are those currently served by these subsidiaries on behalf of Bancorp. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 27, 1982.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-44 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

Wyoming Bancorporation; Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Wyoming Bank, N.A.-Green River, Green River, Wyoming, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 28, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-46 Filed 1-4-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81M-0402]

American Medical Products Corp.; Collastat™, Absorbable Collagen Hemostatic Sponge

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Collastat™, Absorbable Collagen Hemostatic Sponge, sponsored by American Medical Products Corp., Freehold, NJ. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 22, 1980, American Medical Products Corp., Freehold, NJ, submitted to FDA an application for premarket approval of the Collastat™, Absorbable Collagen Hemostatic Sponge, a hemostatic agent used in surgical procedures as an adjunct to hemostasis when control of bleeding by ligatures or conventional procedures is ineffective or impractical. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On December 10, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data of which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402) at the address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative

practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 4, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-43 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81D-0230]

Effectiveness Evaluation of Bovine Anthelmintics; Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a guideline prepared by the Bureau of Veterinary Medicine for use in developing data to establish the effectiveness of bovine anthelmintic drugs entitled "Guidelines for the Evaluation of Bovine Anthelmintics". FDA invites interested persons to submit written comments on the guideline.

ADDRESSES: The guideline is available for public examination at, and comments may be submitted to, the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Interested persons may request a single copy of the guideline from the Information Services Staff (HFV-5), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Bureau of Veterinary Medicine (HFV-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3134.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act (the act) requires that a new animal drug be the subject of an approved new animal drug application (NADA) before it may be marketed. Section 512(b)(1) of the act (21 U.S.C. 360b(b)(1)) requires that each NADA include full reports of investigations which show that the drug is safe and effective for use. Section 512(d) of the act (21 U.S.C. 360b(d)) describes the criteria that must be met before a new animal drug may be approved, including a requirement that a drug's effectiveness be shown by "substantial evidence" as defined in section 512(d)(3) (21 U.S.C. 360b(d)(3)).

The Bureau of Veterinary Medicine has prepared a guideline entitled "Guidelines for the Evaluation of Bovine Anthelmintics." The guideline was developed with the aid of a committee whose members represented industry, academia, and government. The guideline addressed the type of data to be included in an NADA for bovine anthelmintic drugs to establish "substantial evidence" of effectiveness for the drug.

This notice of availability is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency.

A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to depart from the guideline may discuss the matter further with the agency to prevent expenditure of resources for work that the agency may later determine to be unacceptable.

A copy of the guideline is on file in the Dockets Management Branch (address above). Interested persons may receive a single copy of the guideline by submitting a request to the Information Services Staff (HFV-5) (address above).

Interested persons may submit written comments on the guideline to the Dockets Management Branch. Such comments will be considered in determining whether amendments to or revisions of the guideline are warranted. Comments should be in two copies (except that individuals may submit a single copy) identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 22, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-12 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0400]

Professional Pharmacal Co.; Premarket Approval of Professional Pharmacal Co. Salt Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Professional Pharmacal Co. Salt Tablets for all hydrophilic contact lenses, sponsored by Professional Pharmacal Co., Lindenhurst, NY. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Springs, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 13, 1981, Professional Pharmacal Co., Lindenhurst, NY, submitted to FDA an application for premarket approval of the Professional Pharmacal Co. Salt Tablets for all hydrophilic contact lenses. The application was reviewed by the Ophthalmic Device Section of the

Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On December 10, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of hydrophilic contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). The FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), addressed above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Professional Pharmacal Co. Salt Tablets states that the solution prepared from the salt tablets is designed for use in heat disinfection of all hydrophilic contact lenses. Sponsors of any hydrophilic contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 4, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–37231 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 78N–0124]

Depo-Provera; Hearing on Proposal To Refuse Approval of Supplemental New Drug Application

AGENCY: Food and Drug Administation, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the decision of the Public Board of Inquiry to require participants to update their submissions to the Board for the hearing to be held on the agency's proposal to refuse approval of a supplemental new drug application (NDA) of the Upjohn Co. The NDA was submitted for the general marketing of Depo-Provera (medroxyprogesterone acetate) Sterile Aqueous Suspension as a contraceptive agent in humans.

DATE: Updated submissions must be received by March 8, 1982; the date, time, and location of the hearing will be announced in a later **Federal Register** notice.

ADDRESS: Updated submissions should be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Jr., Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 27, 1979 (44 FR 44274), FDA ordered that a hearing before a Public Board of Inquiry be held to determine whether the supplemental NDA for Depo-Provera (NDA 12–541/S–004) contained reports of investigations that were adequate to show that the drug was safe for use under the conditions prescribed, recommended, or suggested in the labeling as required by section 505(d) (1), (2), and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d) (1), (2), and (4)), and whether that information, combined with other information about the drug, provided a sufficient basis from which FDA could determine that Depo-Provera was safe for general marketing in the United States under such conditions. The agency also ordered that, by September 25, 1979, participants in the hearing were to submit to the Dockets Management Branch (formerly the Hearing Clerk) all data and information relied on, as specified by § 13.25 (21 CFR 13.25), except for the names of witnesses required by § 13.25(a)(2) (21 CFR 13.25(a)(2)). In accordance with the procedures specified in § 13.10(c)(3) (21

CFR 13.10(c)(3)), on September 10, 1981, the Commissioner of Food and Drugs announced the creation of a Public Board of Inquiry on Depo-Provera.

More than 2 years have elapsed since the date on which participants were required to submit data and information for inclusion in the administrative record of this proceeding. Because participants were not permitted to submit additional information after that date, the record does not contain information relevant to this proceeding which became available after September 25, 1979. The Board has determined that the issues presented in this proceeding can be considered fully only if the administrative record is complete and up to date. Therefore, the Board has decided to require the participants to this hearing to supplement their previous submissions with all materials that were not known or reasonably available when the initial submissions were made. The Board is not ordering the participants to resubmit their initial submissions, but rather is seeking additional information relevant to the issues in this proceeding that did not exist or was not reasonably available in September, 1979.

Therefore, by March 8, 1982, each participant shall file with the Dockets Management Branch data and information specified in § 13.25, except the names of witnesses required by § 13.25(a)(2) and except as waived in the July 27, 1979 notice, which they have not already submitted or which is not otherwise a part of the record of this proceeding, and which did not exist or was not reasonably available at the time the initial submissions were made. To aid in reviewing the record, participants are requested to index and tab each submission using a letter prefix. Participants who have any questions regarding the submission of this material, or the letter prefix may contact the Dockets Management Branch on 301–443–1751. In accordance with § 13.20(b) (21 CFR 13.20(b)), and as provided in the Commissioner's December 21, 1979 Notice to Parties and Participants, documents other than documentary data and information are required to be served on each other participant. All submissions will be available for inspection and copying in the Dockets Management Branch pursuant to § 13.45 (21 CFR 13.45).

The time, date, and place of the first session of the Board will be announced in a subsequent notice to be published in the **Federal Register**.

Dated: December 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–19 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81F–0379]

TAL Chemicals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that TAL Chemicals Co. has filed a petition proposing that the food additive regualtions be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on fruit.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A3590) has been filed by TAL Chemicals Co., 24–26 Queens Rd., Reading, Berkshire RG1 4AU, United Kingdom, proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on fruit.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulations in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: December 21, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–18 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0346; DESI Nos. 6327 etc.]

Revised Marketing Requirements for Certain Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

Corrections

In FR Doc. 81–35366 appearing on page 60652 in the issue for Friday, December 11, 1981, make the following changes:

1. On page 60653, in the table, NDA 9–048, the product name should read "Oxsoralen (methoxsalen)"; and NDA 10–347, the prodjct name should read "Delalutin (hydroxyprogesterone caproate)".

BILLING CODE 1505–01–M

[Docket No. 81N–0253]

Skull X-Ray Referral Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming second meeting of the Skull X-Ray Referral Criteria Panel. FDA provides logistical support for this Panel, which is convened by the University of California at San Francisco. This notice tells how to submit written data and views to the Panel, how to participate in open sessions of the meeting, and how to review the reports of the Panel.

DATES: Open sessions: January 21, 1982, 8:30 a.m. to 10 a.m. and January 22, 1982, 8:30 a.m. to 10 a.m.; closed sessions: January 21, 1982, 10:15 a.m. to 4:30 p.m. and January 22, 1982, 10:30 a.m. to 12 p.m.

ADDRESSES: The Panel meeting will be held at the Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20015, 301–656–1500. The report of the first meeting of this Panel may be reviewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. The report of the forthcoming second meeting will be placed on public display as soon as it is available.

FOR FURTHER INFORMATION CONTACT: Philip M. McClean, Bureau of Radiological Health (HFX–76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4600.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health, FDA

conducts and supports research, training, and other activities to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, it is important that the referring physician have up-to-date information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guides based on patient signs, symptoms, or history, is termed here "referral criteria."

Under one part of a program designed to facilitate the development and testing by the medical profession of referral criteria for diagnostic radiological examinations, FDA provides logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements of use. A detailed description of the x-ray referral criteria development process was published in the **Federal Register** of June 9, 1981 (46 FR 30568).

This is the second meeting of the Skull X-Ray Referral Criteria Panel. The meeting is being called to continue the assessment of the existing state of knowledge regarding the use of plain skull radiography following head trauma and to discuss modifications to the draft referral criteria statement developed at the first Panel meeting. Anyone interested in specific agenda items to be discussed in the open sessions may determine from the contact person the approximate time of discussion.

Any interested person may submit written data and views to the Panel. Anyone who wishes to request time for oral presentations during the open sessions of the meeting should inform the contact person listed above, either orally or in writing, before the meeting. Any person attending the meeting who does not in advance of the meeting request time will be permitted to make an oral presentation at the conclusion of the open sessions, if time permits, at the chairperson's discretion.

A list of committee members and the meeting agenda or the report of the first meeting of the Panel may be reviewed at the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday. The report of the second meeting of the Panel will be placed on public display at the Dockets Management Branch as soon as it is available and will contain minutes of the open sessions, copies of written data and views submitted to the Panel in the open sessions, and summaries of the closed sessions. Materials will be filed under the docket number appearing in the heading of this notice.

Dated: December 29, 1981.

William T. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-37151 Filed 12-30-81; 10:20 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

Note.—This document originally appeared in the **Federal Register** for Thursday, December 31, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Food and Drug Administration.

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 3:30 p.m., Monday, January 11, 1982.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the issues of standards policy for class II medical devices and the Patient Package Insert (PPI) program for prescription drugs.

Dated: December 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-37375 Filed 12-29-81; 12:52 pm]

BILLING CODE 4160-01-M

[Docket No. 81P-0191]

Hennepin Medical Center; Approval of Variance for a Biplane Cinefluoroscopic X-Ray System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing approval of a variance from the performance standard for diagnostic x-ray systems and their major components, permitting modification of a biplane cinefluoroscopic x-ray system located at Hennepin Medical Center thereby allowing the use of the equipment for oblique views during coronary catheterization.

DATE: The variance became effective November 5, 1981.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert A. Phillips, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Hennepin Medical Center, 701 Park Ave. South, Minneapolis, MN 55415, has been granted a variance from § 1020.32(a)(1) (21 CFR 1020.32(a)(1)), of the performance standard for diagnostic x-ray systems and their major components. This regulation would otherwise require that equipment used for fluoroscopy and for the recording of images through an image intensifier have a primary protective barrier in position to intercept the entire useful beam before the x-ray tube can produce x-rays. This variance permits the system to have an override switch for the vertical centering interlocks to allow for configuration and operation in the oblique position during biplane angiography. The Director of the Bureau of Radiological Health has determined that the arguments submitted in support of the application are valid and that the alternate methods specified in the variance will ensure the radiation safety of the system. This variance applies to a single cinefluoroscopic system designated, "Phillips Cardiac Catheterization X-ray System", manufactured by Phillips Medical Systems, Shelton, CN, and located in the

coronary angiography suite of Hennepin Medical Center. Because the variance is for the assembly of one system only, a specific termination date is inappropriate, instead the variance will remain in effect until the x-ray system is substantially modified, sold or no longer used for cardiac catheterization.

The assembly will bear the variance No. 81P–0191. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen between 9 a.m. and 4 p.m., Monday though Friday.

Dated: December 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–102 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Geothermal Competitive Sale Schedule for Remainder of Fiscal Year 1982

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of geothermal competitive lease sale schedule for remainder of fiscal year 1982.

SUMMARY: This notice is given to keep the public informed of the geothermal competitive lease sale schedule for the remaining period of the 1982 fiscal year. This notice will assist those interested in participating in the sales of geothermal leases in planning their activities. The precise dates of each sale will be announced in accordance with the provisions of 43 CFR 3220.3.

DATES: The schedule is as follows:

Month	State	KGRA's offered	Projected acreage per sale
February	California	Geysers-Calistoga, Glass Mt..	45,000
March	Arizona	Clifton, Gillard Hot Springs.	2,000
	California	Beckwourth Peak, Dunes, Ford Dry Lake, Little Horse Mt., Love Lady Ridge, Suprise Valley, Wendel-Amedee.	50,000
April	Utah	Cove Fort-Sulphurdale, Crater Hot Springs, Monroe-Joseph, Navahoe, Roosevelt.	16,000
May	California	Bodie, Coso Hot Springs, Geysers-Calistoga, Knoxville, Lassen, Saline Valley, Whittier Springs.	146,000
June	Oregon	Indian Heaven, McCready Hot Springs.	7,000
August	Nevada	Double Hot Springs, Gerlach NE, Soldier Meadows, Trego.	18,000
	New Mexico	Baca, Kilbourne Hole, Lightning Dock, Socorro Peak.	33,000
September	California	Mono-Long Valley, Salton Sea.	234,000
	Idaho	Castle Creek, Conda, Crane Creek, Vulcan Hot Springs.	12,000
	Oregon	Belknap-Foley, Brietenbush, Carey (Austin) Hot Springs, Kennedy, Mt. Hood, Summer Lake.	40,000
Total Acreage.			610,000

FOR FURTHER INFORMATION CONTACT: Karl Duscher, Bureau of Land Management (520), 1800 C Street, N.W., Washington, D.C. 20240, (202)343–7722.

James M. Parker,

Acting Director.

December 29, 1981.

[FR Doc. 82–25 Filed 1–4–82; 8:45 am]

BILLING CODE 4310–84–M

Combined Hydrocarbon Leasing Act of 1981

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: This notice is to inform the public of provisions of the Combined Hydrocarbon Leasing Act of 1981, Pub. L. 97–78. This legislation clears up the confusion about leasing of tar sand when such deposits occur where oil or gas is or may be present by amending the Mineral Lands Leasing Act of 1920, 30 U.S.C. 181 *et seq.*

DATE: All holders of oil and gas leases issued prior to November 16, 1981, and holders of certain valid mining claims within a special tar sand area shall be entitled to convert such lease or claim to a Combined Hydrocarbon Lease by November 16, 1983.

ADDRESSES: All notices of intent to file an application for conversion of leases or valid mining claims located in a special tar sand area should be forwarded to: Bureau of Land Management, State Director of Utah, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Mr. Edward E. Coggs, Bureau of Land Management, Division of Coal, Tar Sands, and Oil Shale, Room 3618, open weekdays 7:45 a.m. to 4:15 p.m., 18th and C Streets, N.W. Washington, D.C. 20240, telephone (202) 343–6821. Mr. Orval Hadley and Mr. Bob Randolph, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, telephone (801) 524–5326 or (FTS) 588–5326.

SUPPLEMENTARY INFORMATION: Under the Mineral Lands Leasing Act (MLLA) of 1920 prior to amendment, an oil and gas lease issued under section 17 of the MLLA carried with it no rights to deposits of asphalt, bitumen or bituminous rock, including tar sands. Similarly, tar sand leases issued under section 21 of the MLLA gave no rights to deposits of oil or gas. Because of the difficulty in distinguishing between tar sand and conventional oil prior to completion of a well, tar sand leases have not been issued since 1965.

The newly enacted amendments to the MLLA provide for the development of oil and tar sand under a single lease, thereby removing these obstacles. Any oil and gas lease, issued after November 16, 1981, includes tar sand rights. The amendments allow the owner of (1) an oil and gas lease issued prior to the date of enactment of the Combined Hydrocarbon Leasing Act (CHLA) of 1981, or (2) a valid claim to any hydrocarbon resources leasable under section 21 of the MLLA based on a mineral location under the 1872 Mining Law made prior to January 21, 1926, within a "special tar sand area" *only*, shall be entitled to convert such lease or claim to a "Combined Hydrocarbon Lease" (CHL) with a primary term of 10 years upon the filing of an application to convert within 2 years from the date of enactment of the CHLA (November 16, 1981). The application for conversion must contain an acceptable plan of operation which will assure reasonable protection of the environment and diligent development of those resources requiring enhanced recovery methods of development or mining. The term "special tar sand areas" means an area designated by the Secretary of the Interior's orders of November 20, 1980 (45 FR 76800–76801) and January 21, 1981 (46 FR 6077–6078).

The Bureau of Land Management (BLM) is now in the process of preparing

regulations governing such conversions. To preserve a right to conversion, a lessee must file a notice of intent *prior* to the expiration of an oil and gas lease. The filing of a notice of intent *preserves* the right of an existing oil and gas lessee to convert the lease to a CHL even though the primary term of the oil and gas lease otherwise expires. If any oil and gas lease eligible for conversion under this act would expire after the date of the Act, (November 16, 1981) and before 6 months following the issuance of implementing regulations (approximately May 15, 1982), the lessee may perserve his/her conversion rights for a period ending 6 months after the issuance of implementing regulations (approximately October 5, 1982) by filing a notice of intent to file an application for conversion before the expiration of the oil and gas lease.

For those leases whose expiration date is during this regulatory development period, a notice of intent to convert must be filed with the BLM in order to perserve a right to conversion.

Dated: December 29, 1981.

James M. Parker,

Acting Director, Bureau of Land Management.

[FR Doc. 82-106 Filed 1-4-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Cape Hatteras National Seashore; Cape Hatteras Fishing Pier, Inc.; Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on February 4, 1982, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Cape Hatteras Fishing Pier, Inc., authorizing it to continue to provide fishing pier, pier house, limited merchandising and related services for the public within Cape Hatteras National Seashore, North Carolina, for a period of five (5) years from January 1, 1983, through December 31, 1987.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Cape Hatteras Fishing Pier, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of Cape Hatteras Fishing Pier, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Cape Hatteras Fishing Pier, Inc., (as determined by the Secretary) is submitted, Cape Hatteras Fishing Pier, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Cape Hatteras Fishing Pier, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before February 4, 1982, to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: December 22, 1981.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 82-129 Filed 1-4-82; 8:45 am]

BILLING CODE 4310-70-M

Cape Hatteras National Seashore; Chicamacomico Enterprises, Inc., Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on February 4, 1982, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Chicamacomico Enterprises, Inc., authorizing it to continue to provide fishing pier, pier house, limited merchandising and related services for the public within Cape Hatteras National Seashore, North Carolina, for a period of five (5) years from January 1, 1983, through December 31, 1987.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Chicamacomico Enterprises, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of Chicamacomico Enterprises, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Chicamacomico Enterprises, Inc., (as determined by the Secretary) is submitted, Chicamacomico Enterprises, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Chicamacomico Enterprises, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before February 4, 1982, to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: December 22, 1981.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 82-130 Filed 1-4-82; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 24, 1981. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243.

Written comments should be submitted by January 20, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALABAMA

Lauderdale County

Florence, Coulter, George, House, 420 S. Pine St.

CALIFORNIA

Alameda County

Berkeley, *College Women's Club*, 2680 Bancroft Way
Berkeley, *Haviland Hall*, University of California campus
Berkeley, *Tupper and Reed Building*, 2275 Shattuck Ave.

Butte County

Chico, *St. John's Epsicopal Church*, 230 Salem St.

Napa County

St. Helena, *Taylor, Duckworth and Company Foundry Building*, 1345 Railroad Ave.

Sacramento County

Folsom, *Cohn House*, 305 Scott St.
Sacramento, *Mesick House*, 517 8th St.
Sacramento, *Ruhstaller Building*, 900 J St.
Sacramento, *Sacramento Bank Building*, 3418 Broadway

San Diego County

San Diego, *Ruiz-Alvarado Ranch Site (Rancho Penasquitos)*, Penasquitos Valley Regional Park

San Francisco County

San Francisco, *Griffing's, Frederick, Ship*, Battery St.

Santa Clara County

San Jose, *De Anza Hotel*, 233 W. Santa Clara St.
San Jose, *Roma Bakery*, 655 Almaden Ave.

Santa Cruz County

Santa Cruz, *Cope Row Houses*, 412—420 Lincoln St.

Yuba County

Marysville, *Hart Building*, 423—425 4th St.

CONNECTICUT

Fairfield County

Bridgeport, *Fairfield County Courthouse*, 172 Golden Hill St.

OKLAHOMA

Cleveland County

Norman, *Beta Theta Phi Fraternity House, The University of Oklahoma*, 800 S. Chautauqua Ave.

Oklahoma County

Oklahoma City, *Cain's Coffee Building*, 1 NW. 12th St.

Tulsa County

Tulsa, *Gillette-Tyrell Building*, 423 S. Boulder Ave.

SOUTH CAROLINA

Bamberg County

Denmark vicinity, *Voorhees College Historic District*, Voorhees College campus

Charleston County

Edisto Island vicinity, *Seaside Plantation House*, Off SC 174

Laurens County

Laurens vicinity, *Dial, Allen, House*, SR 729

WEST VIRGINIA

Calhoun County

San Ridge, *Alberts Chapel*, U.S. 119/33

Harrison County

Clarksburg vicinity, *Templemoor*, WV 20

Jefferson County

Charles Town vicinity, *Blakeley*, SR 13/3
Leetown vicinity, *Bower, The*, Warm Springs Rd.
Shenandoah Junction vicinity, *Burr, Peter, House*, Warm Springs Rd.

Kanawha County

Charleston, *Breezemont*, 915 Breezemont Dr.

Marion County

Fairmont, *High Gate (James Edwin Watson House*, 801 Fairmont Ave.

Monongalia County

Morgantown, *Willey, Waitman T., House*, 128 Wagner Rd.

Wirt County

Burning Springs vicinity, *Ruble Church*, N of Burning Springs

[FR Doc. 82-123 Filed 1-4-82; 8:45 am]

BILLING CODE 4310-07-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29697 (Sub. No. 1)]

Grand Trunk Western Railroad Co.; Trackage Rights Over Lines of Norfolk and Western Railway Co. and Chesapeake and Ohio Railway Co. at Detroit, MI.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 trackage rights agreements permitting the Grand Trunk Western Railroad Company to operate over approximately 3.3 miles of lines owned by the Norfolk and Western Railway Company and the Chesapeake and Ohio Railway Company in Detroit, MI.

DATES: This exemption will become effective on February 17, 1982. Petitions for reconsideration must be filed by February 2, 1982.

ADDRESSES: Send petition for reconsideration to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative: John C. Danielson, 131 West Lafayette Blvd., Detroit, MI 48226.

Pleadings should refer to Finance Docket No. 29697 (Sub-No. 1).

Copies of the full decision may be obtained from: Interstate Commerce Commission, Office of the Secretary, Room 2227, 12th and Constitution Avenue, NW., Washington, D.C. 20423 or by calling, Toll-free: 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7564.

SUPPLEMENTARY INFORMATION: The decision served by the Commission contains further information.

Decided: December 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-191 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29471 (Sub-No. 1)]

Little Rock and Western Railway Corp.; Purchase (Portion)-Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between North Little Rock and Perry, AR; Proceedings Scheduled

AGENCY: Interstate Commerce Commission.

ACTION: Proceedings scheduled.

SUMMARY: The Commission is setting a procedural schedule for the filing of comments and evidence.

DATES: 1. Within 10 days of this publication, verified statements supporting or opposing this proposal must be filed. 2. Within 15 days of this publication, verified statements in reply must be filed.

ADDRESSES: The original and 10 copies of each submission should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, 12th & Constitution Ave. NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7245
or
Elaine Sehrt, (202) 275–7899.

SUPPLEMENTARY INFORMATION: By application filed September 14, 1980, the Little Rock and Western Railway Corportion (LR&W) sought approval to

purchase two connecting railroad lines, 53.7 and 4.8 miles respectively, of Chicago, Rock Island, and Pacific Railroad Company (Rock Island). As supplemented, LR&W would purchase only 44 miles between (Milepost 141.0 at Pulaski, AR, west of Little Rock, and Milepost 185.0 at Perry, AR) for $2.7 million. The LR&W will receive overhead trackage rights over another 10.5 miles of the line extending eastward from Milepost 141.0 to Milepost 130.5, to connect with the Cotton Belt in North Little Rock.

Federal financial assistance for the proposed transaction had been applied for under § 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) and § 112 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA). Consummation of the transaction is not contingent upon federal financial assistance.

By decision served December 18, 1980, the Commission determined that LR&W's application was incomplete. The Commission treated the LR&W application as a purchase offer and stated that this offer would be handled expeditiously as an application when the pertinent information was provided.

On December 3, 1981, the Rock Island Reorganization Court preliminarily approved Rock Island's and LR&W's contract of sale, and directed the Commission before February 16, 1982 to approve or disapprove LR&W's purchase application. On December 16, 1981, LR&W submitted additional information to support its application. Parties wishing to comment on the application may do so within the time outlined at the beginning of this decision.

Decided: December 28, 1981.

By the Commission, Richard A. Kelly, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-189 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 30, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 10 days from the date of publication of the notice.

No. 43948, Burlington Northern Railroad Company, (No. 1) increased unit train rate on coal, carloads, from Belle Ayr, Caballo Jct., Eagle Jct., Rawhide Jct., and Thunder Jct., WY to Sadler, MO, in Supplement 8 to its tariff ICC BN 4204, effective December 30, 1981. Grounds for relief: Additional Revenue.

By the Commission:

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-189 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-79)]

Missouri-Kansas-Texas Railroad Company, Exemption for Contract Tariff ICC-MKT-C-0119 (Supplement 1)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Missouri-Kansas-Texas Railroad Company (MKT) filed a petition on December 22, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff—ICC-MKT-C-0119 (Supplement 1) to become effective by December 31, 1981. Unless this new tariff becomes effective no later than the expiration date of the present contract on December 31, 1981, rail service for this shipper must be terminated and will not be available pursuant to the terms of a new contract effective on January 1, 1982.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. A subsidiary of the MKT, which is the Oklahoma, Kansas, and Texas Railroad Company (OKKT), has operated portions of the former Rock Island Railroad. Together, the MKT and OKKT have served this shipper by transporting its grain (corn, grain, sorghums, soybeans, and wheat) at annual volume rates from Kansas City, MO/KS, Salina, Topeka, Wichita, and Coffeyville, KS, and Fort Worth, TX, to Galveston and Houston, TX, for export. The temporary lease to the OKKT of the Rock Island's operations, with option to buy, has resulted in unsuccessful negotiations with the Trustee for such purchase. Thus, the OKKT's temporary operations terminate on December 31, 1981. Although the OKKT serves this shipper (under former Rock Island rights) from only three of the indicated origins, while the MKT operates from the other three origins, the current contract provides that if OKKT ceases operations the entire contract of service by OKKT/MKT for this shipper is void. Therefore, MKT and the shipper have negotiated a new contract covering the service MKT can provide from Kansas City, Coffeyville, and Fort Worth, based on reduced annual volume requirements to reflect the reduction in the number of origins served. This new contract will become effective on January 1, 1982. In order to prevent termination of the MKT's rail service, it is necessary for the amended contractual tariff, which is, specifically, supplement 1 to contract tariff ICC-MKT-C-0119 (to correspond with the contract amendment, which is Amendment 1 to contract ICC-MKT-C-0119) to become effective no later than the date that the OKKT ceases operations, or by December 31, 1981. If this is accomplished, there will be effective rail service available from the three MKT origins, covered by the new/amended contract, on the date (January 1, 1982) when that contract goes into effect. Both parties will suffer financial hardship as a result of the explained cessation of operations by the OKKT, unless the effective dates of the new tariff and contract can be coordinated.

MKT's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C.

10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 29, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-193 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29794]

Illinois Central Gulf Railroad Co.; Purchase (Portion)—Waterloo Railroad Co.; Exemption

December 28, 1981.

The Illinois Central Gulf Railroad Company (ICG) and its wholly owned subsidiary Waterloo Railroad Company (Waterloo) have notified the Commission that ICG intends to acquire from Waterloo 7.08 miles of rail line extending between Marion and Louisa, IA, in Linn County, IA. ICG is currently conducting operations over the line under a lease from Waterloo.

This transaction is within a corporate family and comes within that class of transactions described in 49 CFR 1111.5(c)(3) which has been exempted from Commission regulation. The ICG purchase of the line will not result in changes in service levels, significant operation changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use the exemption, any employee affected by the acquisition of the line by ICG shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Richard A. Kelly, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-192 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 73)]

Pittsburgh and Lake Erie Railroad, Exemption for Contract Tariff ICC-PLE-C-04

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Pittsburgh and Lake Erie Railroad (PLE) filed a petition on December 10, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff ICC-PLE-C-04, to become effective on one day's notice. The tariff was filed on December 10, 1981 and is scheduled to become effective on January 9, 1982. The tariff provides for the movement and relocation of certain locomotives, freight cars and on-rail work equipment owned by the Monongahela Connecting Railroad Company, the Aliquippa and Southern Railway, and the Mahoning Valley Railway Company over the lines of the PLE.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The owning carriers have an immediate need to arrange for the relocation and transfer of various types of equipment. Unless the provisional exemption is granted, intraplant operations at the various steel mills served by the owning carriers could be subject to unnecessary disruption. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

PLE's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 28, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-195 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 77)]

Union Pacific Railroad Co., Exemption for Contract Tariff ICC-UP-C-0010

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company (UP) filed a petition on December 21, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff—ICC-UP-C-0010 to become effective by December 31, 1981. The contract tariff was filed on December 21, 1981 and would normally become effective on 30-days' statutory notice. However, the concurrently filed contract, of one year's duration, takes effect on December 31, 1981, pursuant to agreement between shipper and carrier. Therefore, the UP seeks to have its tariff's effective date advanced to coordinate it with the effective date of the contract, or, in other words, to become effective on 10 days' notice.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no

provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. UP and its shipper have reached an agreement for the transportation of copper products from a Utah facility to Illinois points, where the shipments will be interchanged with another railroad for movement beyond. The traffic will be transported at an agreed upon rate, in exchange for the tender to UP of certain minimum percentages of the shipper's copper production at its Utah plant. If the tariff does not become effective on the same date as the contract, it will force a slow-down in production or the build up of a large inventory, with corresponding reduction in use of rail cars moving to the facility. Under these circumstances, a provisional exemption is warranted.

UP's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 28, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-194 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-252

Decided: December 23, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 102223 (Sub-17), filed December 10, 1981. Applicant: FRETTE NICHOLSON TRUCK LINES, INC., P.O. Box 206, Ankeny, IA 50021. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515-682-8154. Transporting *food and related products* (1) between points in Crawford and Hardin Counties, IA, on the one hand, and, on the other, points in DE, IN, ME, NH, RI, VT, VA, and WV, (2) between points in Omaha, NE, Council Bluffs, IA, and Saline and Lancaster Counties, NE, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and (3) between points in Cherokee, Polk, Webster, and Woodbury Counties, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 13703 (Sub-4), filed December 4, 1981. Applicant: TOTEM TRANSIT CO., 6929 N. Richmond Ave., Portland, OR 97203. Representative: Robert G. Simpson, 1200 Standard Plaza, 1100 S.W. 6th Ave., Portland, OR 97204, 503-289-6575. Transporting *lumber and wood products, clay, concrete, glass or stone products, metal products, and machinery,* between points in the U.S., under continuing contract(s) with McCormick & Baxter Creosoting Co., and Pacific Power and Light Company, both of Portland, OR.

MC 159602, filed December 4, 1981. Applicant: JOSEPHINE C. KIMBALL, d.b.a. A-B BUS SERVICE 4918½ 24th St. North, St. Petersburg, FL 33714. Representative: Morris J. Levin, Suite 701, 1050 17th St. NW, Washington, DC 20036 202-872-0005. As a *broker* at St. Petersburg, FL, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S.

MC 159652, filed December 10, 1981. Applicant: BELL'S BUS SERVICE, 218 Burns Crossing Rd., Severn, MD 21144. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, 301–840–8565. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at Baltimore, MD and points in its commercial zone and points in Baltimore and Anne Arundel Counties, MD, and extending to points in the U.S.

MC 159653, filed December 11, 1981. Applicant: CHICAGO-NEW ENGLAND CARGO, INC., Main St. (P.O. Box 207), East Douglas, MA 01516. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *metal products, plastics and plastic products, and paper and paper products,* between points in CT, MA, and RI, on the one hand, and, on the other, points in OH, IL, and WI.

Volume No. OPY–2–253

Decided: December 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 110683 (Sub-198), filed December 7, 1981. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 16th St. NW, Washington, DC 20036, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142672 (Sub-187), filed December 7, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same address as applicant), 501–997–1683. Transporting *general commodities,* between the facilities of Delaware Valley Shipper Association, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 146213 (Sub-14), filed December 11, 1981. Applicant: WISCONSIN FARM LINES, LTD., P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *clay, concrete, glass or stone products,* between points in OH, AL, PA, and WI, on the one hand, and, on the other, points in the U.S. (except MT, ND, ID, CA, NV, AZ, NM, KS, and OK).

MC 146343 (Sub-14), filed December 8, 1981. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Blvd., Pompano Beach, FL 33062. Representative: Joe Badway, 2 Sawyer Drive, Coventry, RI 02816, 401–822–0878. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Wholesale Lubricants, Inc., of East Greenwich, RI.

MC 150573 (Sub-6), filed December 9, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902, (404) 323–2416. Transporting (1) *feed and feed ingredients, phosphate, feed phosphate, and scrap fish and bone meal,* (2) *agricultural chemicals, lime, lime materials, lime granulars, landplaster, and basic slag,* (3) *food and related products, cottonseed, soybean meal and hulls, sunflower meal, cottonseed meal, and citrus pulp,* and (4) *gravel, crushed granite, and crushed limestone,* between points in AL, FL, GA, SC, and NC.

MC 158093, filed December 11, 1981. Applicant: H & H DISTRIBUTING CO., INC., 304 S. Vine, West Union, IA 52175. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *canned goods,* between points in Franklin and Polk Counties, IA, and Columbia County, WI, on the one hand, and, on the other, points in Jackson, Clay, Cass, and Platte Counties, MO, and Wyandotte, Johnson, and Leavenworth Counties, KS.

MC 158563, filed December 7, 1981. Applicant: TOW LEASING CORPORATION, 218 South Victory Drive, Mankato, MN 56001. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products,* between points in Douglas, Martin, Blue Earth, Mower, Olmsted and Winona Counties, MN, and Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in CA, and those points in the U.S., in and east of WI, IA, MO, OK, and TX.

MC 158612, filed December 7, 1981. Applicant: C.M. McNEELY d.b.a. C.M.N. EXPRESS, Rte. 2, Box 68, Humansville, MO 65674. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, 314–636–9131. Transporting (1) *chemical,* (a) between points in NY, on the one hand, and, on the other, points in PA and CA, and (b) between points in CA, on the one hand, and, on the other, points in AZ, IL, NV, and TX, and (2) *grape juice, grape byproducts, alcoholic beverages, and wine,* between points in CA, on the one hand, and, on the other, points in AR.

Volume No OPY–2–255

Decided: December 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1222 (Sub-54), filed December 14, 1981. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth St., Portsmouth, OH 45662. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *chemicals and related products, rubber and plastic products, and metal products,* between points in Will County, IL, Mason County, MI, and Hancock, Licking, and Lawrence Counties, OH, on the one hand, and, on the other, points in PA.

MC 69322 (Sub-11), filed December 14, 1981. Applicant: DOBSON CARTAGE AND STORAGE COMPANY, 5024 South Garfield Rd., Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods,* between points in MI, IL, IN, NY, OH, PA, WI, NJ, IA, MO, KY, NC, TN, AR, OK, NM, AZ, CA, TX, MS, AL, GA, SC, LA, and FL.

MC 77202 (Sub-5), filed December 14, 1981. Applicant: CAPITOL TRANSIT & STORAGE CO., INC., 420 Ledyard St., Hartford, CT 06114. Representative: Richard G. Gagon (same address as applicant), (203) 525–5681. Transporting *household goods,* between points, in CT and MA, on the one hand, and, on the other, points in MA, CT, VT, ME, NH, RI, NY, NJ, PA, OH, WV, DE, MD, and DC.

MC 92833 (Sub-35), filed December 15, 1981. Applicant: ZIRBEL TRANSPORT, INC., P.O. Box 933, Lewiston, ID 83501. Representative: William Seehafer (same address as applicant), (208) 743–6588. Transporting *general commodities* (except classes A and B explosives and household goods), between points, in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 139483 (Sub-7F), filed December 7, 1981. Applicant: ALLEN MITCHEK, P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *commodities in bulk,* between points, in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 140763 (Sub-11), filed December 15, 1981. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, TN 37841. Representative: Marshall Kragen, 1919 Pennsylvania Ave. NW, Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hydro Hose Corporation, of Tupelo, MS.

MC 143483 (Sub-5), filed December 14, 1981. Applicant: QUIK HAUL, INC., 307 West Dumble, P.O. Drawer D, Alvin, TX 77511. Representative: Fred R. Lindsey, 1001 West Shaw, Pasadena, TX 77506, (713) 472–8628. Transporting *Mercer commodities,* between points in TX, on the one hand, and, on the other, points in MS.

MC 146293 (Sub-87F), filed December 11, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 146442 (Sub-3), filed December 14, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L St., NW, Washington, DC 20036, (202) 452–7400. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with H.P. Hood, Inc., of Boston, MA, and its affiliates.

MC 148142 (Sub-2F), filed December 11, 1981. Applicant: GORDON PRIEST, INC., 10 Quarry Rd., Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with New England Apple Products, Inc., of Littleton, MA.

MC 148832 (Sub-5F), filed December 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Blvd., Poplar Bluff, MO 63901. Representative: Ronald D. Dodds (same address as applicant), (314) 785–1490. Transporting *general commodities* (except classes A and B explosives) between points in Cape Girardeau County, MO, on the one hand, and on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing authority.

MC 151392 (Sub-4), filed December 15, 1981. Applicant: ALPHA MOTOR WAYS, INC., 25 County Ave., Secaucus, NJ 07094. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *electric and electronic appliances and equipment,* between points in the U.S., under continuing contract(s) with Sony Corporation, of Moonachie, NJ.

MC 152082 (Sub-10), filed December 14, 1981. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by printers and distributors of printed matter, between points in the U.S., under continuing contract(s) with Conde'Nast Publishing Co., Inc., of New York, NY.

MC 153883 (Sub-5), filed December 14, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *vacuum cleaners, and vacuum cleaner parts, attachments, and accessories,* between points in the U.S., under continuing contract(s) with Electrolux Corp., of Bristol, VA, Div. of Consolidated Foods Corp.

MC 154103 (Sub-4), filed December 14, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156032 (Sub-3), filed December 14, 1981. Applicant: ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: David R. Benson, 3170 N.W. Parkview Dr., Beaverton, OR 97006, (503) 228–3996. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Deseret Transportation, of Salt Lake City, UT.

MC 156362, filed December 14, 1981. Applicant: JAMES B. WOODS, d.b.a. J. B. WOODS TRUCKING, 2444 Middle Ridge Rd., Amherst, OH 44001. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *metal products,* between points in Lorain County, OH, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 159592F, filed December 7, 1981. Applicant: INDIANA MOBILE HOME TRANSPORT, INC., R.R. 1, Box 100, Springport, IN 47386. Representative: Walter F. Jones, Jr., Indianapolis, IN 46220, (317) 257–4066. Transporting *mobile homes,* between points in IN, IL, KY, OH, MI, and FL.

MC 159593, filed December 7, 1981. Applicant: LYLE BICKNELL, d.b.a. MID-CONTINENT SYSTEMS, 14705 "Y" Circle, Omaha, NE 68137. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE, 68106, 402–392–1220. Transporting *floor coverings, and equipment, materials and supplies used to install and maintain floor coverings* between Omaha, NE, on the one hand, and, on the other, points in Lancaster County, PA and Kankakee County, IL.

MC 159702, filed December 14, 1981. Applicant: GEORGE W. OWEN, d.b.a. ASSOCIATED DISTRIBUTION COMPANY, Route 1 Highway 77 South, Ashland, AL 36251. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–5223. Transporting *lumber and wood products, and furniture and fixtures,* between points in the U.S., under continuing contract(s) with (a) Wellburn Cabinet, Inc., and (b) Wellborn Forest Products, Inc., both of Ashland, AL.

MC 159703, filed December 14, 1981. Applicant: ECKS STEVE DIXON, SR., d.b.a. DIXON BUS RENTAL, 2510 Woodberry St., Hyattsville, MD 20782. Representative: Ecks Steve Dixon, Sr. (same address as applicant) (301) 422–8070. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in MD, VA, and DC, and extending to points in the U.S.

MC 159712, filed December 14, 1981. Applicant: PETROLEUM TRANSPORTATION, INC., 107 E. Court St., P.O. Box 226, Doylestown, PA 18901. Representative: Robert L. Lansberry (same address as applicant) (215) 348–2636. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing, contract(s) with Brinker's Fuels, Inc., of Doylestown, PA.

MC 159713, filed December 14, 1981. Applicant: LEE INDUSTRIES, INC., Ryan Ave., P.O. Box 5, Westville, NJ 08093. Representative: Martin S. Ettin, 499 Cooper Landing Rd., Cherry Hill, NJ 08002, (609) 667–6000. Transporting *plastic and plastic products,* between points in the U.S., under continuing contract(s) with (a) M.A. Industry, of

Peachtree City, GA, and (b) Plastic Recycling, of Pittsburgh, PA.

MC 159722, filed December 14, 1981. Applicant: GEM TOURS, INC., P.O. Box 483, Grayslake, IL 60030. Representative: Thomas A. Morris, Jr., 110 North West St., Waukegan, IL 60085, (312) 249–0300. As a *broker* at Grayslake, IL, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

Volume No. OPY–3–235

Decided: December 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 9914 (Sub-19), filed December 14, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 5224, Martinsville, VA 24112. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *furniture and fixtures*, between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 14955 (Sub-1), filed December 15, 1981. Applicant: GEIGER TRANSFER & STORAGE COMPANY, INC., 401 Northwest Second St., Evansville, IN 47708. Representative: Timothy J. Hubert, 220 Northwest Fourth St., P.O. Box 3261, Evansville, IN 47731, (812) 423–4433. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, and MO, on the one hand, and, on the other, points in AR, IL, IN, KY, LA, MI, MS, MO, OH, OK, PA, TN, and WI.

MC 20824 (Sub-50), filed December 10, 1981. Applicant: COMMERCIAL MOTOR FREIGHT INC. OF INDIANA, 2141 South High School Rd., Indianapolis, IN 46241. Representative: C. C. Boyd (same address as applicant), (317) 243–8521. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving points in the lower peninsula of Michigan as off-route points in connection with carrier's otherwise-authorized regular-route operations.

Note.—Applicant intents to tack and interline this requested authority.

MC 26825 (Sub-68), filed December 14, 1981. Applicant: ANDREWS VAN LINES, INC., Seventh St., and Park Ave., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NE, on the one hand, and, on the other, points in the U.S.

MC 89684 (Sub-120), filed December 15, 1981. Applicant: WYCOFF COMPANY INCORPORATED, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell, P.O. Box 366, Salt Lake City, UT 84110, (801) 972–9500. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods), between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, restricted (1) to the transportation of packages or articles weighing not more than 100 pounds in weight, and (2) against the transportation of shipments of packages or articles weighing in the aggregate more than 500 pounds.

Note.—Applicant intends to tack this authority with its existing authority.

MC 95864 (Sub-2), filed December 15, 1981. Applicant: PENN HIGHWAY TRANSIT COMPANY, a Corporation, 825 East Chestnut St., Lancaster, PA 17604 Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicles with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Conestoga Tours, Inc., of Lancaster, PA.

MC 98154 (Sub-22), filed December 16, 1981. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 E. Washington Rd., Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *such commodities* as are dealt in by retail department stores, between the facilities of Montgomery Ward & Co., Inc., in MI, IL, IN, and OH, on the one hand, and, on the other, points in MI, IL, IN, and OH.

MC 106074 (Sub-188), filed December 14, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28043. Representative: John J. Capo, 5299 Roswell Rd., N.E., Suite 212, P.O. Box 720434, Atlanta, GA 30328. Transporting *food and related products*, between points in IA, NE, SD, and WI, on the one hand, and, on the other, points in KY, VA, TN, AR, LA, MS, AL, SC, GA, and FL.

MC 114015 (Sub-37), filed December 14, 1981. Applicant: HUSS, INCORPORATED, Hwy 47 W, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Baldwin Steel Company of Jersey City, NJ.

MC 120364 (Sub-42), filed December 15, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MO and WI, on the one hand, and, on the other, points in the U.S.

MC 126775 (Sub-1), filed December 14, 1981. Applicant: COSBY TRANSFER AND STORAGE CORPORATION, d.b.a. W. G. COSBY TRANSFER & STORAGE, 2910 N. Boulevard, Richmond, VA 23230. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *household goods, furniture and fixtures*, between points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

MC 133805 (Sub-66), filed December 15, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1 Box 48, Tolar, TX 76476. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121.Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 134134 (Sub-103), filed December 14, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tile and floor coverings, between points in NY, NJ, PA, OH, IL and IA, on the one hand, and, on the other, points in IA, NE, OH, IL and SD.

MC 135435 (Sub-5), filed December 11, 1981. Applicant: SMART CARRIERS, INC., 4950 Fannett Road, Beaumont, TX 77705. Representative: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701, (512) 476–6066. Transporting *Mercer commodities, machinery and metal products*, (1) between points in LA, MS, OK and TX, and (2) between points in LA, MS, OK and TX, on the one hand, and, on the other, points in the U.S.

MC 140174 (Sub-8), filed December 11, 1981. Applicant: BROOKS TRUCKING, INC., E. North St., P.O. Box 187, Vanlue, OH 45890. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Transporting *general commodities* (except classes A and B

explosives), between the facilities of Beck Concrete Corporation, Duwe Concrete Industries, Inc., and Copperweld Corporation, their division and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146464 (Sub-12), filed December 14, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 11560 So. State, Draper, UT 84020. Representative: Carl I. Sundeaus (same address as applicant), (801) 572–4440. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Anaconda Copper Co., of Denver, CO, Bergandi Manufacturing Co., Inc., of El Monte, CA, North Pacific Lumber Co., of Portland, OR, Roscoe Steel and Culvert Inc., of Billings, MT, and Terra Aqua Conservation, a division of Bakaert Steel Wire Corp., of Reno, NV.

MC 147655 (Sub-6), filed December 15, 1981. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station VA 22714. Representative: Daniel B. Johnson, 4304 East-West Hwy, Bethesda, MD 20814, (301) 654–2240. Transporting (1) *coal*, between points in VA, OH, WV, MD, PA, and KY, on the one hand, and, on the other, points in VA, NC, NY, MD, and DC; (2) *non-metallic minerals*, between points in Louisa and Albermerle Counties, VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX; and (3) *recyclable materials*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147915 (Sub-8), filed December 11, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., P.O. Box 21, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between Boston, MA, New York, NY, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Charleston, SC, Savannah, GA, New Orleans, LA, Houston, TX and Los Angeles and San Francisco, CA, on the one hand, and, on the other, points in the U.S.

MC 148434 (Sub-3), filed December 11, 1981. Applicant: SECURITY INCORPORATED, 711 Franklin Sq., P.O. Box 274, Michigan City, IN 46360. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *coin, currency and negotiable items*, between Chicago, IL, Detroit, MI, and points in Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange and Noble Counties, IN, Berrien, Cass, St. Joseph, Branch, Kalamazoo, Calhoun, Jackson, and Washtenaw Counties, MI.

MC 149525 (Sub-2), filed December 7, 1981. Applicant: REYNOLDS L. MIARER, 4577 W. State Rte. 12, Kansas, OH 44841. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ohio Farmers Grain and Supply Association, of Fostoria, OH.

MC 150214 (Sub-4), filed December 14, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *food and related products*, between points in Will County, IL, Hillsborough County, FL and Polk County, GA, on the one hand, and, on the other, points in the U.S.

MC 151905 (Sub-1), filed December 15, 1981. Applicant: FREHNER WHOLESALE d.b.a. FREHNER TRANSPORTATION, 1208 Taylor, North Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *lumber and wood products, metal products, construction materials and supplies, and waste or scrap materials not identified by industry producing*, between points in OR, WA, ID, CA, NV, UT, CO, and AZ.

MC 152594 (Sub-2), filed December 15, 1981. Applicant: MIDLANTIC TRANSFER, LTD., 1061 Carlisle St., P.O. Box 92, Hanover, PA 17331. Representative: John P. Fonte, 1333 New Hampshire Ave., NW., Suite 400, Washington, DC 20036, (202) 887–4090. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Domtar, Inc., of Montreal, Canada.

MC 153075, filed December 14, 1981. Applicant: SHERMAN HANSON, d.b.a. HANSON TRUCKING, 402 Center St., Box 258, Boyceville, WI 54725. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting (1) *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Hedlund Manufacturing Co., Inc., of Boyceville, WI; (2) *metal products*, and *such commodities* as are dealt in or used by foundries, between points in the U.S., under continuing contract(s) with Badger Iron Works, Inc., of Menomonie, WI, and Scott-Atwater Foundry Co., of Minneapolis, MN; and (3) *cleaning compounds* and *chemicals and related products*, between points in the U.S., under continuing contract(s) with Jennico, Inc., of Eau Claire, WI.

MC 155344 (Sub-1), filed December 11, 1981. Applicant: B & M TRUCKING, INC., 103 3rd Street, Gwinner, ND 58040. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *machinery and metal products*, between points in the U.S., under continuing contract(s) with Loegering Manufacturing, Inc., of Casselton, ND.

MC 155595 (Sub-3), filed December 10, 1981. Applicant: WTR TRANSPORTATION, INC., 3023, Herbert St., Dallas, TX 75215. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by (1) farm home improvement and appliance centers, (2) wholesale hardware distributors, and (3) manufacturers of furniture and fixtures, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 155934, filed December 15, 1981. Applicant: C. J.'S TRUCKING AND HOTSHOT, a division of C. J.'S WELDING, INC., P.O. Box 1031, Evanston, WY 82930. Representative: C. J. Reece (same address as applicant), (307) 789–9812. Transporting *Mercer commodities*, between points in UT, ID, NV, CO, TX, ND, MT, NM, AZ, OK, SD, LA, and WY.

MC 156564, filed December 11, 1981. Applicant: WINTERGREEN TRANSPORT CORP., LTD., 92 St. Michel Blvd., C.P. 38, Joliette, Quebec, Canada J6E–3Z3. Representative: Mel P. Booker, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Independent Cement Corp., of Albany, NY.

MC 157755 (Sub-1), filed December 10, 1981. Applicant: MICHIANA NEWS SERVICE, INC., 2232 S. Eleventh St., Niles, MI 49120. Representative: Edward Malinzak, 900 Old Kent Bldg., Grant Rapids, MI 49503. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between Cincinnati, OH, on the one hand, and, on the other, points in IN.

MC 157995, filed December 14, 1981. Applicant: ONONDAGA ENVIRONMENTAL SYSTEMS, INC., 4439 James St., East Syracuse, NY 13057. Representative: Sidney L. Manes, 507 East Fayette St., Syracuse, NY 13202, (315) 476–2121. Transporting (1) *Industrial, chemical, and hazardous wastes,* between Syracuse and Niagara Falls, NY, Philadelphia, PA, Williamsburg, OH, Emelelle and Ft. Payne, AL, and Chattanooga, TN, and (2) *equipment,* used for industrial, chemical and hazardous wastes, between Syracuse and Niagara Falls, NY, Philadelphia, and Coatesville, PA, Williamsburg, OH, Emelelle and Ft. Payne, AL, and Chattanooga, TN.

MC 157224, filed December 16, 1981. Applicant: DEAN CHARLES PUTNAM, SR., d.b.a. PUTNAM TRUCKING, 2615 Avenue L, Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by distributors of sand and gravel, between points in Douglas, Sarpy, and Cass Counties, NE, on the one hand, and, on the other, points in IA, KS, and SD.

MC 158784, filed December 14, 1981. Applicant: RONALD E. BALIK, d.b.a. BALIK TRUCKING, R. R.#2, Fort Atkinson, IA 52144. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *beer,* between points in Shelby County, TN, on the one hand, and, on the other, points in Winneshiek County, IA.

MC 158795, filed December 10, 1981. Applicant: SAM BUCCI TRUCKING, 21714 Royalton Road, Columbia Station, OH 44028. Representative: Lynn R. Delnoce, 10219 Brecksville Road, Brecksville, OH 44141, (216) 526–2718 Transporting *motor parts and components,* betwen points in the U.S., under continuing contract(s) with Kirkwood Industries, Inc., of Cleveland, OH.

MC 159644, filed December 10, 1981. Applicant: GOODMAN'S AUTOMOTIVE SERVICE, INC., 497 Broadway, Malden, MA 02148. Representative: Marshall Goodman (same address as applicant), (617) 324–2713. Transporting (a) *wrecked or disabled vehicles* and (b) *Air compressors, containers, fork lift trucks and mobile office trailers,* between points in CT, MA, ME, NH, NJ, NY, PA, RI and VT.

MC 159665, filed December 11, 1981. Applicant: ESCORT CARRIERS, INC., 22226 Ecorse Rd., Taylor, MI 48180. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–8650. Transporting *food and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 159695, filed December 16, 1981. Applicant: FRED HINSON AND DALE WELDY, d.b.a. H. & W. Leasing, 2903 Burke St., Jacksonville, FL 32205. Representative: Fred Hinson (same address as applicant), (904) 387–5571. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Crown Insulation Inc., (2) H H & W Chemical Inc., and (3) Thermex Inc., all of Jacksonville, FL.

MC 159714, filed December 14, 1981. Applicant: DONALD W. WROUGHTON, d.b.a. WROUGHTON TRUCK LINE, P.O. Box 156, Nelson, NE 68961. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *anhydrous ammonia,* between points in Adams County, NE, on the one hand, and, on the other, points in CO and KS.

MC 159715, filed December 14, 1981. Applicant: G. & R. G., INC., 501 West 6th St., Odessa, TX 79762. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 475–8066. Transporting *Mercer commodities,* between points in AZ, CO, ID, LA, MT, NM, OK, TX, UT, and WY.

MC 159664, filed December 11, 1981. Applicant: TERRY LEE JONES, d.b.a. JONES BUS CO., P.O. Box 1018, Goldsboro, NC 27530. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *passengers and their baggage,* in charter operations beginning and ending at points in Duplin, Greene, Lenoir, Pitt, and Wayne Counties, NC, and extending to points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, PA, RI, SC, TN, VT, VA, WV and DC.

MC 159724, filed December 15, 1981. Applicant: DALE A. RILEY, d.b.a. DALE A. RILEY EXPRESS, R.D. #1, Box 477, Gibsonia, PA 15044. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Graybar Electic Company, Inc., of Pittsburgh, PA.

MC 159725, filed December 15, 1981. Applicant: TESKEY TRANSPORTATION CO., 501 S. Stimson Ave., City of Industry, CA 91745. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety and department stores, between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

Volume No. OPY–3–238

Decided: December 29, 1981.

By the Commission, Review Board No. 2. Members Carleton, Werner, and Williams.

MC 142114 (Sub-15), filed December 17, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *glass lamps, glass lamp bases, electric lamps,* and *lamp shades,* between points in the U.S., under continuing contract(s) with C. N. Burman Company, of Paterson, NJ.

MC 142114 (Sub-16), filed December 17, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *such commodities* as are dealt in by retail department stores (except commodities in bulk and frozen foodstuffs), between points in the U.S., under continuing contract(s) with Action Industries, Inc., Cheswick, PA.

MC 142114 (Sub-17), filed December 17, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *games and toys,* between points in the U.S., under continuing contract(s) with Mattel Toy Company, Division of Mattel, Inc., of Edison, NJ.

MC 151204 (Sub-3), filed December 17, 1981. Applicant: 321 EQUIPMENT LEASING CO., 712 West Airline Ave., Gastonia, NC 28052. Representative: Rebecca P. Dalton (same address as applicant), (704) 867–2317. Transporting *general commodities* (except classes A and B explosives), between points in AL, AZ, AR, CA, CO, CT, DE, FL, NC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 152005 (Sub-2), filed December 18, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 South Archer Ave., Chicago, IL 60608. Representative: Rex Eames, 900 Guardian Blvd., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in the U.S., under continuing contract(s)

with Federal Mogul Corporation, of Detroit, MI.

MC 152115 (Sub-2), filed December 15, 1981. Applicant: GEORGE KUIPHOFF, d.b.a. G.K. DISTRIBUTING CO., 13924 Maryton Ave., Santa Fe Springs, CA 90670. Representative: George Kuiphoff (same address as applicant), (213) 921–3030. Transporting *general commodities* (except classes A and B explosives and used household goods), between points in AZ, CA, NV, NM, OR, UT and WA.

MC 153914 (Sub-2), filed December 17, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35545. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *metal products*, between points in Fayette, Marion and Lamar Counties, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159745, filed December 15, 1981. Applicant: TRAVEL MASTERS, LTD., 38 Carolina Mall, Concord, NC 28025. Representative: Elisabeth D. von Dietrich, (same address as applicant), (704) 786–8150. As a *broker* at Concord, NC, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 159755, filed December 17, 1981. Applicant: CANOGA FREIGHT LINES, 7357 Deering Ave., Canoga Park, CA 91303. Representative: Edward F. Seibold, (same address as applicant), (213) 340–7243. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in CA, AZ, and NV.

MC 159764, filed December 17, 1981. Applicant: WILLIAM'S, INC., 4908 N. 40th St., Sheboygan, WI 53081. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Galloway Company, of Neenah, WI.

MC 159765, filed December 17, 1981. Applicant: DEAN SCHROEDER, d.b.a. UNIQUE TRUCKING, Rt. #1, Caledonia, MN 55921. Representative: Charles J. Lee, 114 N. Leonard St., West Salem, WI 54669, (608) 786–0060. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and west of WI, IL, MO, AR, and LA.

Volume No. OPY–5–231

Decided: December 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157489, filed December 22, 1981. Applicant: BANI SERVICES, INC., d.b.a. TEXAS PONY EXPRESS, 5503 Lancaster St., P.O. Box 26603, Houston, TX 77207. Representative: N. W. Sims, (same address as applicant) 713–643–1424. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in TX, NM, CO, KS, OK, MO, AR, LA, TN, MS, AL, NC, SC, GA, and FL.

MC 158809 (Sub-1), filed December 10, 1981. Applicant: JEWELL IMPLEMENT COMPANY, INC., 105 South Custer, Jewel, KS 66949. Representative: B. J. Loomis, (same address as applicant) 913–428–3261. Transporting *farm equipment*, between points in the U.S. under continuing contract(s) with Center Eq. Co., of Smith Center, KS, Cawker City Eq. of Cawker City, KS and Moritz Imp. Co., of Beloit, KS.

MC 159668, filed December 11, 1981. Applicant: KER-JO CORPORATION, 994 S. State St., Provo, UT 84601. Representative: Irene Marr, 311 S. State St., Ste 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Brown-Strauss, Division of Azcon Corporation of Pleasant Grove, UT.

MC 159669, filed December 11, 1981. Applicant: AMIL BRUNEAU, d.b.a. AMIL'S TRUCKING SERVICE, 50 Maple St., P.O. Box 447, Branford, CT 06405. Representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, CT 06460. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Primary Steel, Inc., of New Haven, CT.

MC 159678, filed December 14, 1981. Applicant: D.A.T., INC., Rural Route 1, Princeton, KS 66078. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232–8901 State Line, Kansas City, MO 64114, 816–444–7474. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Dubuque Packing Company, of Mankato, KS.

MC 159699 filed December 15, 1981. Applicant: JOANN THIELEN, d.b.a. JACOBSEN T TRAVEL AGENCY, 806 East 7th, Atlantic, IA 50022. Representative: JoAnn Thielen (same address as applicant) 712–243–4452. To operate as a *broker* at Atlantic, IA, in arranging the transportation by motor vehicle of *passengers and their bassage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Cass County, IA, and extending to points in the U.S.

MC 159736, filed December 16, 1981. Applicant: SUPREME BUS COMPANY, INC., 2609 Evergreen Road, Odenton, MD 21113. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, 301–587–8656. Transporting: *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in the Washington, DC commercial zone and extending to points in the U.S.

MC 159748, filed December 17, 1981. Applicant: DOMKE DISTRIBUTORS LTD., 21583 58th Ave., Langley, B.C., Canada V3A 4R5. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting: *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shar-Mac Industrial Ltd., and Domke Terminals, Inc., both of Langley, B.C., Canada.

Volume No. OPY–5–232.

Decided: December 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 8768 (Sub-39), filed December 16, 1981. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, 100 W. Airline Hwy., Kenner, LA 70063. Representative: Marshall Kragen, 1919 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006, 202–466–3778. Transporting: *general commodities* (except classes A and B explosives, commodities in bulk,) between points in the U.S. under continuing contract(s) with Security Household Goods Forwarding, Inc. of Kenner, LA.

MC 105269 (Sub-109), filed December 14, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting: *paper and paper products*, between points in IA, IL, IN, KY, MI, MN, MO, NY, OH, PA, WI, and WV.

MC 112989 (Sub-154), filed December 10, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John T. Morgans (same address as applicant) (503) 747–1283. Transporting: *urethane foam products*, between points of entry on the international boundary line between the U.S. and Canada located in WA, on the one hand, and; on the other, points in CA, ID, MT, NV, OR, UT, and, WA.

MC 133119 (Sub-191), filed December 7, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *machinery, metal products, farm equipment and supplies, and transportation equipment, parts and supplies*, between points in AL, CO, FL, GA, IA, IL, KS, LA, MA, MD, MN, MO, NE, OH, OR, PA, TX, and WI, on the one hand, and, on the other, points in IA, SD, and NE.

MC 136098 (Sub-4), filed December 14, 1981. Applicant: LOBDELL TRANSPORTATION, INC., Box 368, Lena, IL 61048. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *fertilizer and anhydrous ammonia*, between points in IL, IA, IN, KY, MO, MN and WI.

MC 139858 (Sub-44), filed December 16, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street N.W., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK & HI), under continuing contract(s) with Gold Circle, a Division of Federated Department Stores, Inc. of Worthington, OH.

MC 143308 (Sub-2), filed December 17, 1981. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Goodyear Tire and Rubber Co. of Akron, OH.

MC 144989 (Sub-25), filed November 27, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205, (704) 847–6961, Ext. 317. Transporting (1) *such commodities* as are dealt in or used by textile manufacturers, under continuing contact(s) with Carpets of Dalton, of Dalton, GA, Carpet Supply, Inc., of Tukwila, WA, Professional Marketing Services of Napa, CA, Tuftco Corp.-Tufting Machine Division, Tuftco International, and Gowin-Card, Inc., both of Dalton, GA, and (2) *machinery, machinery parts and accessories*, under continuing contract(s) with Clarklift of Dalton, GA, between points in the U.S.

MC 145088 (Sub-15), filed December 14, 1981. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4406, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *rubber, plastic and metal products*, between points in Johnson County, TX, on the one hand, and, on the other, points in the U.S.

MC 145179 (Sub-7), filed December 4, 1981. Applicant: J & J CONTRACT CARRIER, INC., 60 South State Ave. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities*, between points in the U.S. under continuing contact(s) with J & J Distributors, Inc., of Indianapolis, IN.

MC 145858 (Sub-6,), filed December 14, 1981. Applicant: B & G SUPPLY COMPANY, INC., P.O. Box 748, Albertville, AL 35950. RePresentative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 35209, 205–942–9116. Transporting *general commodities*, (except classes A and B explosives), between points in Marshall County, AL on the one hand, and, on the other, points in the U.S.

MC 146449 (Sub-4), filed December 17, 1981. Applicant: ALL CITIES TRANSFER, INC., 1567 East Hamilton Ave., East Point, GA 30344. Representative: William J. McCann (same address as applicant), 404–768–7780. Transporting *carbonated beverages*, between points in Vandenburg County, IN and Buncombe County, NC on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, and TN.

MC 149308 (Sub-18), filed December 16, 1981. Applicant: VICTORY FREIGHTWAYS SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *metal products*, and *waste or scrap materials*, between Dallas, TX; Indianapolis, IN; and points in Orange County, NY; Los Angeles County, CA and King County, WA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150168 (Sub-3), filed December 14, 1981. Applicant: AJ & COMPANY, 423 Amelia St., Plymouth, MI 48170. Representative: John Allman (same address as applicant), (313) 459–1000. Transporting *Chemicals* between points in the U.S., under continuing contract(s) with Celex Corporation of Plymouth, MI.

MC 151419 (Sub-3), filed December 11, 1981. Applicant: GORDON JOHNSON, P.O. Box 252, Fredericktown, OH 43019. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, OH 43221, (614) 486–0448. Transporting (1) *lawn and garden tools*, and *farm implements*, between points in Franklin County, OH on the one hand, and, on the other, points in IL and IN, (2) *glass containers*, between points in Knox County, OH, on the one hand, and, on the other, points in the U.S., and (3) *paper and paper products*, between points in Morrow and Marion Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 153938 (Sub-6), filed December 11, 1981. Applicant: ENERGY EXPRESS, INC., P.O. Box 27605, Salt Lake City, UT 84127. Representative: Norval Millsap (same address as applicant), 801–364–4532. Transporting *petroleum, natural gas and their products*, between points in the U.S. under continuing contract(s) with Enterprise Products Company of Houston, TX.

MC 154648 (Sub-1), filed December 14, 1981. Applicant: WAYNE PHILLIPS, INCORPORATED, P.O. Box 648, Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Ft. Worth, TX, (817) 457–0804. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tremar Import-Export Co., Inc., of Weslaco, TX, Randolph Slaughter Co., of Laredo, TX, C. H. Belt & Associates, of Irving, CA, Land O'Frost of Arkansas, Inc., of Searcy, AR, and Sales Pak, Inc., of Atlanta, GA.

MC 156088 (Sub-2), filed December 15, 1981. Applicant: R & S TRUCk LEASING, INC., 1651 Walker Road, Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428, (616) 457–9290. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Rogers City Industries a division of Cadillac Products, of Rogers City, MI.

MC 156499, filed December 14, 1981. Applicant: CIRCLE C TRUCKING, INC., P.O. Box 865, Grand Island, NE 69802. Representative: Robert D. Eklund, 175 W. Apple Ave., Muskegon, MI 49443–0786, 616–722–1621. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with County Home Bakery, Inc. of Bridgeport, CT; Readi-Bake, Inc. of Grand Rapids, MI; Jesse Lord, Inc. of Los Angeles, CA; Borck County Home Bakeries, Inc. of Atlanta, GA; Michigan Fruit Canners, Division of Curtice-Burns, Inc. of Coloma, MI; Shaw Walker Company of Muskegon, MI; Hi Life Packing Company of Hamilton, MI; and

Lehigh Products, Inc. of Coopersville, MI.

MC 156858 (Sub-1), filed December 7, 1981. Applicant: D J & R TRUCKING, INC. 60 Leonard St., Metuchen, NJ 08840. Representative: Phil Torrisi (same address as applicant), (201) 548-5010. Transporting *agricultural chemicals and product applicators*, between points in the U.S., under continuing contract(s) with Chevron Chemical Company, of Perth Amboy, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-141 Filed 1-4-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on September 17, 1981, Sterling Drug Inc., 1776 North Centennial Drive, McPherson, Kansas 67460, made application to the Drug Enforcement Administration to be registered as an importer of Buprenorphine (9064), a basic class controlled substance in Schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 8, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.43(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: December 28, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-211 Filed 1-4-82; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on September 1, 1981, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360), a basic class controlled substance in Schedule I.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 8, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: December 28, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-212 Filed 1-4-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Withdrawal

On August 21, 1981, the Drug Enforcement Administration published a Notice of Application in the **Federal Register** (Vol. 46, No. 162, p. 42541) stating that Mallinckrodt, Inc., Dept. CB, Mallinckrodt and Second Street, St. Louis, Missouri 63147, had submitted an application for registration as a bulk manufacturer of hydromorphone (9150), a basic class of controlled substance in Schedule II.

On December 7, 1981, the Drug Enforcement Administration was advised that Mallinckrodt, Inc., Dept. CB, Mallinckrodt and Second Street, St. Louis, Missouri 63147, wishes to withdraw its application for registration as a bulk manufacturer of hydromorphone (9150).

The application having been withdrawn, any proceedings relating to the application have been terminated and the publication withdrawn. This pertains only to hydromorphone (9150).

Dated: December 28, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-209 Filed 1-4-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR),

this is notice that on July 8, 1981, Syncates Associates, Inc., 9307–M Harwin, Houston, Texas 77036, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance pentobarbital.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 8, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–210 Filed 1–4–82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Cancellation and Rescheduling of Meetings

Notice is hereby given that the meetings of the Humanities Panel scheduled to be held at 806 15th Street, NW., Washington, DC 20506.

In room 314 from 9:00 a.m. to 5:30 p.m. on January 9, 1982 has been canceled the new date is January 13, 1982 in room 314 from 9:00 a.m. to 5:30 p.m.

In room 314 from 9:00 a.m. to 5:30 p.m. on January 13, 1982 has been changed to January 12, 1982 in room 314 from 9:00 a.m. to 5:30 p.m.

In room 1023 from 9:00 a.m. to 5:30 p.m. on January 15, 1982 has been changed to room 1134 from 9:00 a.m. to 5:30 p.m. on January 15, 1982.

These meetings were announced in the Federal Register on Thursday, December 24, 1981 at page 62569.

Joseph Bruns,

Acting Advisory Committee Management Officer.

[FR Doc. 82–162 Filed 1–4–82; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Extension of Advisory Committees

The Foundation is conducting a review of its Advisory Committee structure. Because of this review, the Advisory Committees listed below, which were due to expire December 31, 1981, or as otherwise indicated, are being extended until February 15, 1982.

This extension follows consultation with the Committee Management Secretariat, General Services Administration.

The Advisory Committees being extended are:

Advisory Committee for Astronomical Sciences
Advisory Committee for Atmospheric Sciences
Advisory Committee for Behavioral and Neural Sciences
Advisory Committee for Chemistry
Advisory Committee for Earth Sciences
Advisory Committee for Engineering and Applied Science
Advisory Committee for Environmental Biology
Advisory Committee for International Programs (1/3/82)
Advisory Committee for Materials Research
Advisory Committee for Mathematical and Computer Sciences
Advisory Committee for Ocean Sciences
Advisory Committee for Physics
Advisory Committee for Physiology, Cellular, and Molecular Biology
Advisory Committee for Polar Programs
Advisory Committee for Policy Research and Analysis and Science Resources Studies (1/20/82)
Advisory Committee for Social and Economic Science

Fred K. Murakami,

Committee Management Officer.

December 28, 1981.

[FR Doc. 82–60 Filed 1–4–82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–249]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR–25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit No. 3 located in Grundy County, Illinois. The amendment became effective November 23, 1981.

The amendment authorizes deletion of the requirment to demonstrate the operability of the automatic pressure relief valves daily during the period beginning November 23, 1981 through November 29, 1981 while the High Pressure Coolant Injection System is inoperable.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 23, 1981, (2) the Commission's letter to the licensee dated November 24, 1981, (3) Amendment No. 57 to Facility Operating License No. DPR–25, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23rd day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–131 Filed 1–4–82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License DPR–30 issued to

Commonwealth Edision Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit No. 2, located in Rock Island County, Illinois. The amendment becomes effective as of the date of issuance.

The amendment (1) authorizes operation in Cycle 6 using 224 assemblies of prepressurized 8 × 8R fuel, including 144 bundles of GE barrier fuel, (2) incorporates revised Minimum Critical Power Ratio (MCPR) limits in response to plant specific analyses for Cycle 6, (3) incorporates new Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limits for the barrier fuel, (4) deletes MCPR, MAPLHGR and Linear Heat Generation Rate (LHGR) operating limits for all 7×7 fuel (none to remain in the core), and (5) changes the pressure safety limits due to the recently installed Anticipated Transients Without Scram Recirculation Pump Trip.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated July 27, 1981, as supplemented August 21, 1981, and December 3, 1981, (2) Amendment No. 69 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document, Room 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md, this 23rd day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-132 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-58, and Amendment No. 36 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to provide for limiting conditions for operation of the alternate reserve A. C. power source (69 kv source).

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated December 17, 1979 and May 28, 1980 (as supplemented January 27, 1981), (2) Amendment Nos. 51 and 36 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related letter dated December 28, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Maude Reston Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 28th day of December, 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-133 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to modify the Maximum Average Planar Linear Heat Generation Rate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1981, (2) Amendment No. 47 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office

Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 24th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-134 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-65 issued to the Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specification to modify the operability requirements for two independent shutdown cooling loops.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 2 and 18, 1981, (2) Amendment No. 71 to License No. DPR-65, and (3) the Commission's letter dated December 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 18th day of December 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing

[FR Doc. 82-135 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 82 and 81 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

These amendments permit an increase in the main steam line tunnel exhaust temperature setpoint from 200°F to 250°F for up to 30 minutes during reactor building ventilation system startups to avoid inadvertent and unnecessary main steam line isolations and reactor trips.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 29, 1981, (2) Amendment No. 82 to License No. DPR-44 and Amendment No. 81 to License No. DPR-56 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 16th day of December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-136 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies the TSs concerning regulating rod group position limits, axial power shaping rod group position limits, and axial power imbalance limits. It also modifies (1) the corrective action required by the TSs in the event axial power imbalance limits are exceeded and (2) the surveillance requirement applicable to the axial power shaping rod group position. These modifications will accommodate an extension of the present core cycle length.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1981, (2) Amendment No. 42 to License No. NPF-3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the University of Toledo Library Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23rd day of December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-137 Filed 1-4-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Renegotiation Board Interest Rate

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b) (2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest.

Therefore, notice is hereby given that, pursuant to section 105(b) (2) of the Renegotiation Act of 1951, as amended, (50 U.S.C. App. Sec. 1215(b) (2)) the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b) (2) and section 108 of such Act, to the period beginning January 1, 1982 and ending on June 30, 1982, is 14-¾ per centum per annum.

Dated: December 28, 1981.

Gerald Murphy,

Deputy Fiscal Assistant Secretary.

[FR Doc. 82-107 Filed 1-4-82; 8:45 am]

BILLING CODE 4810-35-M

Office of Foreign Assets Control

Account Parties with Standby Letters of Credit in Favor of an Iranian Entity

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: This notice calls to the attention of account parties who have standby letters of credit in favor of an Iranian entity, including instruments against which no demand has been made, relevant factors concerning the purposes of certain sections of the Iranian Assets Control Regulations and the approach of the January 19, 1982, deadline for filing claims with the Iran-United States Claims Tribunal.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel: (202) 376-0396.

Pursuant to the agreements of January 19, 1981, between the Governments of the United States and the Islamic Republic of Iran ("the Agreements"), §§ 535.212-535.215 of the Iranian Assets Control Regulations, 31 CFR Part 535 ("the Regulations"), direct the transfer of property in which Iran or an Iranian entity has an interest. However, § 535.438 provides that the transfer directives contained in §§ 535.212 through 535.214 do not apply to obligations under standby letters of credit as to which a blocked account has been established under § 535.568 of the Regulations or as to which payment is prohibited under an injunction obtained by the account party. Section 535.333 excludes obligations under standby letters of credit, including accounts established pursuant to § 535.568, from the definition of Iranian properties subject to transfer under § 535.215.

Under § 535.568 of the Regulations, U.S. banks which have issued or confirmed standby letters of credit in favor of an Iranian entity are required to give notice to the account party when a demand for payment under such letter of credit has been received. Section 535.568(b) permits the account party to obtain a specific license from the Office of Foreign Assets Control authorizing it to establish a blocked account on its books in the name of the Iranian entity for the amount payable under the credit, in lieu of payment by the issuing or confirming bank into a blocked account and reimbursement by the account party. The Regulations provide that none of the transfer directives or other provisions added after conclusion of the Agreements modify the application of the prohibitions and procedures contained in §§ 535.201 and 535.568 to transactions involving standby letters of credit. See §§535.333, 535.438, and 535.579(b).

When adopted, § 535.568 was intended as a temporary measure to protect United States account parties from demands against standby letters of credit during the hostage crisis. After conclusion of the Agreements, § 535.568 was continued in force to allow the account parties and Iran to negotiate disputes concerning the standby letters of credit, as well as disputes concerning the contracts underlying these instruments, where relevant. In the event that such disputes could not be resolved, the Iran-United States Claims Tribunal ("the Tribunal") would be expected to handle standby letter of credit issues with underlying contract claims of U.S. nationals and any Iranian counterclaims arising out of the same transactions.

It has come to the attention of the United States Government that a number of account parties have been unable to resolve their disputes with Iran but have not filed claims with the Tribunal. The United States draws the attention of account parties having standby letters of credit in favor of an Iranian entity, including any such instruments against which no demand has been made, to the fact that the deadline for filing with the Tribunal is January 19, 1982. Account parties should give careful consideration to filing a claim by that time.

Account parties with questions concerning the procedures for filing statements of claim with the Tribunal are directed to notices published by the Department of State at 46 FR 58631 (Dec. 2, 1981), 46 FR 55468 (Nov. 9, 1981), 46 FR 49695 (Oct. 7, 1981), 46 FR 45057 (Sept. 9, 1981), and 46 FR 37418 (July 20, 1981). Account parties requiring further information should contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520; tel.: (202) 632-5040.

The United States notes that it could determine at some future time that it

would be appropriate to modify the current policy concerning standby letters of credit. In that event, modification or revocation of sections pertaining to those instruments could take place. Sections which might be affected in whole or in part include §§ 535.218, 535.222, 535.438, 535.568, and 535.579.

The United States Government reserves the right to require that account parties provide adequate assurances of indemnification to the United States against liability in the Tribunal if it is decided to continue the policies and procedures established in § 535.568 of the Regulations.

Dated: December 31, 1981.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

[FR Doc. 81-37180 Filed 12-31-81; 2:12 pm]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems Notices; Revised Systems of Records

1. Notice is hereby given that the VA (Veterans Administration) is considering changing two systems of records entitled, "Veterans and Beneficiary Indentification and Records Locator System-VA" (38VA28), and "Veterans Assistance Discharge System-VA" (45VA28), respectively set forth on page 44739 of the **Federal Register** of March 23, 1979; and page 49751 of the **Federal Register** of December 2, 1977. These two systems are being completely revised as part of an overall Agency effort to administratively update its Privacy Act systems of records. The notices of the systems of records are being rewritten in a clearer, more concise manner, in order to better identify to the public the types of individuals covered by the systems of records, the types of records being maintained by the VA, and the types of routine use disclosures currently being made from the systems. The routine use statements are being separated, reformatted, and/or rewritten in order to be more concise and to conform with the requirements of the VA confidentiality statutes. Also, for the purpose of simplifying usage, the sequence of listing the routine use statements is being changed.

In VA system of records 38VA28, current routine use numbers 11 and 12 are being deleted. In the revised system notice proposed routine use numbers 4, 15, and 16 are being added. Routine use number 4 concerns the release of information to a Federal agency in order to obtain information relevant to the issuance of a benefit under title 38 U.S.C. Routine use number 15 concerns the release of information to the Federal Parent Locator Service in accordance with Pub. L. No. 93-647, which requires disclosure of this information in order to locate missing parents. Routine use number 16 concerns the release of information to a third party requestor who is seeking the current address of a veteran, in order to refer the requestor to the VA regional office where the veteran's folder is located and to assist the regional office in conducting a blind mailing in accordance with 38 CFR 1.518(c).

In VA system of records 45VA28, current routine use numbers 1 and 9 are being deleted. In the revised system notice proposed routine use numbers 4, 10, and 12 are being added. Routine use number 4 concerns the release of information to a Federal agency in order for the VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. Routine use number 10 concerns the release of information to accredited service organization representatives, VA-approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid veterans in the preparation, presentation, and prosecution of claims under the laws administered by the VA. Routine use number 12 concerns the release of information to the Department of Defense Manpower Data Center for statistical compilation of information contained on the separation documents issued by the Department of Defense.

2. Notice is hereby given that the Veterans Administration is considering changing a system of records entitled, "TARGET-Compensation, Pension, Education and Rehabilitation Records-VA" (58VA21/22), set forth on page 44743 of the **Federal Register** of March 23, 1979. The term "TARGET" has been deleted from the system name, since it is a means of access to information in the system and not the title of the system. The remainder of the system notice has been revised similar to the aforementioned systems. In the current VA system of records 58VA21/22, routine use number 30 has been deleted. In the revised system notice proposed routine use numbers 30, 31, 32, 38, 39, and 41, are being added. Routine use numbers 30 and 31 concern the release of information pursuant to a subpoena from a Federal, State, or municipal grand jury; a Federal, State or municipal court of a party in litigation; a Federal agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of the subpoena. Routine use number 32 concerns the release of information to the ED (Department of Education), or contractor thereof, for specific use by the ED to validate information regarding entitlement to VA benefits which is submitted by applicants who request educational assistance grants from the ED. Routine use number 38 concerns the release of information relating to a veteran's or beneficiary's incarceration in a penal institution, and regarding a dependent's right to a special apportionment of the incarcerated individual's VA benefit payment, to those dependents who may be eligible for entitlement to such apportionment in accordance with 38 U.S.C. 504, 1682, 1780, and 3113. Routine use number 39 concerns the release of information to penal institutions or to correctional authorities in order to verify information concerning the veteran's or beneficiary's incarceration status. Routine use number 39 is necessary in order to determine an incarcerated veteran's or beneficiary's continuing eligibility for benefits. Routine use number 41 concerns the release of information to the Department of Agriculture for the purpose of a matching program designated USDA/OIG-6 for verification by the Department of Agriculture of applicants' eligibility for food stamps, to reduce unauthorized payments in the food stamp program, and to collect debts owed to the United States Government. This anti-fraud matching program is being performed pursuant to the Department of Agriculture's Inspector General authority under Pub. L. No. 95-452, section 4(a), to detect and prevent fraud and abuse.

3. Notice is hereby given that the Veterans Administration is considering deleting two systems of records entitled, "Veterans, Dependents and Beneficiary Compensation and Pension Records-VA" (49VA21), and "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA" (50VA22), respectively set forth on pages 44740 and 44741 of the **Federal Register** of March 23, 1979. In 1978 when Target, the VA's automated record system for locating claims folders and determining claims status, was implemented, it was believed to be a significant computer system accessing records requiring Privacy Act protection. Based upon this belief the current system 58VA21/22 was established with the basic intent of

deleting systems 49VA21 and 50VA22. The Department of Veterans Benefits has recently completed a review of its Privacy Act systems of records. This review reemphasized the lack of need to maintain three separate systems of records (49VA21, 50VA22, and 58VA21/22) for the same VA records. Therefore, the three current systems have been consolidated into a proposed system entitled "Compensation, Pension, Education Rehabilitation Records-VA" (58VA21/22/28). The proposed 58VA21/22/28 has been revised to be clearer, more concise, and consistent with the VA confidentiality statutes (38 U.S.C. 3301 and 4132). Therefore, to avoid conflicts and confusion, it is necessary that the current 49VA21 and 50VA22 be deleted at the same time the proposed 58VA21/22/28 is published.

In accordance with 5 U.S.C. 552a(b)(3), the Veterans Administration has adopted and published routine uses for its systems of records. A routine use allows the agency to disclose Privacy Act records/information without the written consent of the individual to whom the record pertains. Within the VA, routine uses are principally used to permit disclosure of information from a Privacy Act system of records to a third party to enable the VA to carry out its programs in the most expeditious manner possible. Generally, a routine use identified in a VA system of records will either specifically identify information, or in the alternative, the general subject matter (i.e., a major group of information such as "identifying information" and "medical information") which is being disclosed. In those instances where a routine use identifies disclosure of a general subject matter, the general subject matter will be specifically described in the "Categories of records in the system" section of the system of records. Routine uses may be used in conjunction with one another. Each VA system of records contains the routine uses which are applicable for that system.

For purposes of these VA systems of records, the subsequent definitional terms or concepts are used as follows:

a. Veteran—A person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable and whose name and address and other information is maintained by the VA by virtue of the administration of veterans benefits under title 38, United States Code. For purposes of these system notices (unless specifically stated otherwise in the "Categories of individuals covered by this system" section of a system of records) the term "veteran" will also include the dependents of a veteran and any other individual who has been granted veteran status by virtue of a specific statutory authority. The name, address and other information regarding a veteran is protected by 38 U.S.C. sections 3301 and 4132 in addition to the Privacy Act. Accordingly, any disclosures of information concerning a veteran made from these Privacy Act system of records under a routine use or other Privacy Act authority shall be consistent with the provisions of 38 U.S.C. sections 3301 and 4132.

b. Claimant—Any individual making a claim for a benefit under title 38, United States Code, e.g., veteran, nonveteran life insurance beneficiaries.

C. Record—Any item, collection or grouping of information about an individual that is maintained by the agency. It is noted that the term "record" may be used with regard to as little as one descriptive item about an individual.

d. Information v. Data—"Information" is individually identifiable (e.g., record includes an individual's name or address or other identifying information) whereas "data" is not individually identifiable.

e. Subsidiary records—Subsidiary records contain information which is part of a more comprehensive, published VA system of records. Subsidiary records may be physically located separate and apart from the rest of the system of records. Any subsidiary records are maintained for the same general purposes as a published system of records and, therefore, are considered to be part of that published system of records. (OMB Circular A-108.)

f. Disclosures Made "At the Request of the Veteran"—In a few routine use notices, for purposes of section 3301 of title 38, United States Code, the VA has identified situations when the disclosure of a veteran's name and address by the VA to a third party is being made "at the request of the veteran." In these instances, an express or implied consent to disclose a veteran's name or address may be inferred by the VA when a veteran has submitted a claim for VA benefits, inquired into benefits provided by the VA, or has sought assistance from the VA in obtaining any other benefits (e.g., employment, State or local agency benefits programs) to which the veteran might be entitled and referral of the name and address of the veteran by the VA to a third party will reasonably be required for the VA to act on the request of the veteran for assistance.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed systems of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before February 1, 1982 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until February 16, 1982. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to any VA field station will be informed that the records are available only in Central Office and furnished the above address and room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the revised systems of records are effective December 24, 1981.

Approved: December 24, 1981.

Francis D. DeGeorge,

Acting Administrator.

Notice of System of Records

1. The system identified as 38VA28, "Veterans and Beneficiaries Identification and Records Locator System—VA", appearing at 43 FR 44739 is revised as follows:

38VA23

SYSTEM NAME:

Veterans and Beneficiaries Identification and Records Location Subsystem—VA

SYSTEM LOCATION:

Records are maintained at the VA Data Processing Center, 1615 East Woodward Street, Austin, Texas 78772; VA Central Office, 810 Vermont Ave., N.W., Washington, D.C. 20420; the VA Records Processing Center, P.O. Box 5020, St. Louis, Missouri 63115 and at Neosho, Missouri.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by the system: (1) Veterans who applied for VA benefits (e.g., compensation, pension,, rehabilitation and education, U.S. Government life insurance, National Service life insurance, and medical and dental care); (2) veterans discharged from military service since March 1973; (3) veterans because of whose military

service benefits have been sought by others (e.g., beneficiaries (spouse, children or parents) who have applied for or who are receiving or have received VA benefits (i.e., insurance awards, education, burial benefits)); (4) Medal of Honor recipients; and (5) service members who have established accounts from which future applications for VA educational benefits under title 38, United States Code, Chapter 32 may be used.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record may include (1) identifying information, (2) military discharge information, (3) date of death, (4) VA claims and insurance file numbers, (5) records location and (6) cross-references to beneficiaries of a veteran and to other names used by the veteran. Identifying information may include the following concerning the veteran: full name, social security number, service number, date of birth, entry and release from active duty, character of service, and branch of service. Military discharge information may include sex, total amount of active service, the dollar amount of readjustment or severance pay, number of nonpaydays, pay grade, narrative reason for separation and information on whether the veteran was discharged with a disability, served during the Vietnam Conflict, reenlisted in the military service, or received a Purple Heart award.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c)(1)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; *Provided*, that if the information pertains to a veteran, the name of the veteran will not be disclosed unless the name is provided first by the requesting State or local agency.

4. Any information in this system, except for the name of a veteran, may be disclosed to a Federal agency in order for the VA to obtain information relevant to the issuance of a benefit under title 38, United States Code. The name of a veteran may be disclosed to a Federal agency under this routine use if the name is required by the Federal agency to respond to the VA inquiry.

5. Any information in this system, except for the name of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

6. The name of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

7. The name of a veteran, which is relevant to a suspected violation, or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that the name be provided for a purpose authorized by law.

8. Any information, including the name of a veteran, may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 U.S.C. (such disclosures include computerized lists of names).

9. The file number and folder location may be disclosed to the Railroad Retirement Board (RRB) pursuant to its standing request. This information is used by the RRB to obtain information from VA compensation, pension, or education records in accordance with the Railroad Retirement Act of 1937, § 228.1(i).

10. Any information in this system may be disclosed to components of the Armed Forces such as the National Personnel Record Center (NPRC) and the U.S. Army Reserve Components Personnel and Administration Center (RCPAC) in accordance with its standing request. This information is used to aid in rebuilding lost military service records and to upgrade the character of discharge or to correct or complete military records.

11. Identifying information, the claims file number and folder location may be disclosed to the National Research Council, National Academy of Sciences, in accordance with its standing request. This information is used in medical studies for the VA or another Federal agency as approved by the Chief Medical Director.

12. Identifying information, the claims file number and folder location may be disclosed to the U.S. Treasury upon its official request. This information is used to obtain the necessary information to return U.S. savings bonds to veterans which are currently in the safekeeping of the U.S. Treasury.

13. A veteran's claims or insurance file number and folder location may be disclosed to accredited service organization representatives, VA-approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid veterans in the preparation, presentation, and prosecution of claims under the laws administered by the VA.

14. Identifying information, the claims file number and folder locaton may be disclosed to research facilities provided the name of the veteran is furnished by the requestor. The purpose of this disclosure is for such research facilities to obtain information necessary to assist in the medical studies of the veterans. These studies must be approved by the VA Chief Medical Director.

15. Identifying information, the claims file number and folder location may be diclosed to the Federal Parent Locator Service (PLS) of the Department of Health and Human Services upon its official request in accordance with Public Law No. 93–647, which requires disclosure of this information in order to locate missing parents.

16. The claims file number and the folder location may be disclosed to a third party requestor who is seeking the current address of the veteran, in order to refer the requestor to the VA regional office where the veteran's folder is located and to assist the regional office in conducting a blind mailing in accordance with 38 CFR 1.518(c).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Th basic file is on magnetic disks with backup copies of the information on magnetic tape at Neosho, Missouri. An adjunct file (at the Records Processing Center in St. Louis, Missouri) contains microfilm and paper documents of former manual Central Index claims numbers registers, partial files of pensioners with service prior to 1930, personnel with service between 1940 and 1948 with VA insurance, and partial lists of other Armed Forces personnel indexed by service number. A duplicate of the microfilm is also located at VA Central Office.

RETRIEABILITY:

Information can be retrieved by the use of name only, name and one or more number (service, social security, VA claims file and VA insurance file number), name and one or more criteria (i.e., dates of birth, death and service), number only, or initials or first five letters of last name with incorrect file number.

SAFEGUARDS:

Access to the basic file in the Austin DPC (Data Processinng Center) is restricted to authorized VA employees and vendors. Access to the computer room where the basic file is maintained within the DPC is further restricted to authorized VA employees and vendor personnel on a "need to know" basis and is protected from unauthorized access by an alarm system, the Federal Protective Service, and VA security personnel. Information in the system may be accessed from authorized terminals via a multi-Federal telecommunications network maintained by the General Services Administration known as the Advanced Records System (ARS) or it may be accessed from a VA telecommunications network known as Target (see Compensation, Pension, Education and Rehabilitation Records—58VA21/22/28). The ARS system terminals are teletype only (i.e., do not have visual screens). The ARS system recognizes only authorized users. As to access to Target terminals, see Safeguards, Compensation, Pension, Education, and Rehabilitation Records—58VA21/22/28. Currently, authorized ARS terminals are located only at VA regional offices. VA medical facilities, VA Central Office, New York Long Island National Cemetery, Railroad Retirement Board, the National Records Personnel Center and the U.S. Army Reserve Components Personnel and Administration Center at St. Louis, Missouri. The adjunct file is accessible for official use only by personnel assigned to Administrative Service (23), VA Central Office, Washington, D.C., and the BIRLS Support Division VA Records Processing Center, St. Louis, Missouri.

RETENTION AND DISPOSAL:

Records are maintained on magnetic tape, disks, microfilm or paper documents and are retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative Service (23), VA Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record should submit a written request or apply in person to the nearest VA regional office or center. Addresses for these offices may be found in VA Appendix 1 at the end of this document. Inquires should include the individual's full name and VA claims file number. If the VA claims file number is not available, then as much of the following information concerning the service person as possible should be furnished: social security number, service number, branch of service, dates of service, date of birth or date of death.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records in this system may write, call or visit the nearest VA regional office.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

Information contained in the records is obtained from veterans' military separation documents, veterans, VA records, the Railroad Retirement Board and other Federal agencies.

2. The system identified as 45VA28, "Veterans Assistance Discharge System—VA", appearing at 42 FR 49751 is revised as follows:

45VA23

SYSTEM NAME:

Veterans Assistance Discharge System (VADS)–VA

SYSTEM LOCATION:

Records are maintained at the VA Data Processing Center, 1615 East Woodward Street, Austin, Texas 78772.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (veterans only) released from active military service from March, 1973, for whom separation documents (i.e., DD Form 214, 215) were received in the Data Processing Center, Austin, Texas.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record may include identifying information and military discharge information. Identifying information may include the following concerning the veteran: full name, social security number, service number, dates of birth. Military discharge information generally includes the primary military occupational specialty number, entry and release from active duty, character of service, branch of service, and mailing address at the time of discharge, amount of education (e.g., high school graduate or equivalent or *not* high school graduate or equivalent), sex, total amount of active service, the dollar amount of readjustment or severance pay, number of nonpaydays, pay grade, narrative reason for separation and whether the veteran was discharged with a disability, served in the Vietnam Conflict, reenlisted in the military service or received a military decoration such as a Purple Heart.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be diclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; Provided, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system may be disclosed to a Federal agency, except for the name and address of a veteran, in order for the VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

5. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

6. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

7. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

8. Any information, including name and address of a veteran, may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 U.S.C. (such disclosures include computerized lists of names and addresses).

9. A listing of names and addresses of educationally disadvantaged veterans residing in a specific geographic area may be disclosed to VA-approved nonprofit educational facilities in order to aid these facilities in VA outreach programs by permitting direct contact with the educationally disadvantaged veteran.

10. Identifying information may be disclosed at the request of the veteran to accredited service organization representatives, VA-approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid veterans in the preparation, presentation, and prosecution of claims under the laws administered by the VA. The name and address of a veteran will not, however, be disclosed to these individuals if the veteran has not requested the assistance of an accredited service organization, claims agent or an attorney.

11. The names and addresses and military discharge information (e.g., job-related information regarding veterans with a certain primary occupational specialty number) may be disclosed upon official request to the Departments of Justice, Labor and to the Department of Health and Human Services, Operation MEDIHC (Military Experience Directed Into Health Careers) State coordinators. These disclosures help veterans who were trained in health and other skills while in the military to learn of career opportunities.

12. Any information in this system of records may be disclosed to the Department of Defense Manpower Data Center, upon its official request, for statistical compilation of information contained on the separation documents issued by the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape.

RETRIEVABILITY:

Records are retrievable by use of the social security number and the first five letters of the last name.

SAFEGUARDS:

Access to the basic file in the Austin DPC (Data Processing Center) is restricted to authorized VA employees and vendors. Access to the computer room where the magnetic tape is located within the DPC is further restricted to specifically authorized employees and is protected by an alarm system, the Federal Protective Service, and other VA security personnel.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Administrative Service (23), VA Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420.

NOTIFICATION PROCEDURES:

An individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the Director, Administrative Service (23), VA Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Inquiries should include the individual's full name and social security number.

RECORD ACCESS PROCEDURES:

Interested persons seeking information regarding access to and contesting of VA records may write, call or visit the Director, Administrative Service (23), VA Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

The Department of Defense which provides copies to VA of DD Form 214, Certificate of Release or Discharge from Active Duty, DD Form 215, Correction to DD Form 214, U.S. Public Health Service which provides copies to the VA of PHS–1867, Statement of Service—Verification of Status of Commissioned Officers of the U.S. PHS, and the National Oceanic and Atmospheric Administration which provides the VA with copies of ESSA Form 56–16, report of separation, discharge.

3. The system identified as 58VA21/22, "TARGET-Compensation, Pension, Education and Rehabilitation Records", appearing at 43 FR 44743 is revised as follows:

58VA21/22/28

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records-VA.

SYSTEM LOCATION:

Records are maintained at the VA regional offices, the VA Records Processing Center, St. Louis, Missouri, and the Data Processing Center at Hines, Illinois, with subsidiary accounts receivable records located at the Data Processing Center, St. Paul, Minnesota. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant. Address locations are listed in VA Appendix 1 at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by the system:

(1) Veterans who have applied for compensation for service-connected disability under 38 U.S.C. Chapter 11.

(2) Veterans who have applied for nonservice-connected disability, under 38 U.S.C. Chapter 23.

(3) Veterans entitled to burial benefits under 38 U.S.C. Chapter 15.

(4) Surviving spouses and children who have claimed pension based on nonservice-connected death of a veteran under 38 U.S.C. Chapter 15.

(5) Surviving spouses and children who have claimed pension based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

(6) Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

(7) Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

(8) Parents who have applied for dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

(9) Veterans who have applied for VA educational benefits under 38 U.S.C. Chapters 31, 32 and 34.

(10) Spouses, surviving spouses and children of veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 35.

(10) Spouses, surviving spouses and children of veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 35.

(11) Servicemembers who have applied for educational benefits under 38 U.S.C. chapter 34 and 35.

(12) Servicemembers who have contributed money from their military pay to the post-Vietnam Era veterans Education Account under 38 U.S.C. Chapter 32.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record, may include indentifying information (e.g., name, address, social security number); military service and active duty separation information (e.g., name, service number, date of birth, rank, sex, total amount of active service, branch of service, character of service, pay grade, assigned separation reason, whether veteran was discharged with a disability, served in Vietnam Conflict, reenlisted, received a Purple Heart of other military decoration); payment information (e.g., veteran payee name, address, dollar amount of readjustment service pay, amount of disability or pension payments number of nonpaydays, any amount of indebtedness (accounts receivable) arising from title 38 U.S.C. benefits and which are owed to the VA); medical information (e.g., medical and dental treatment in the Armed Forces including type of service-connected disabilty, medical facilities or by VA health care personnel or received from private hospitals and health care personnel relating to a claim for VA disability benefits or medical or dental treatment); personal information (e.g., martial status, name and address of dependents, occupation, amount of education of a veteran or a dependent, dependent's relationship to veteran); education benefit information (e.g., information arising from utilization or training benefits such as a veteran trainee's induction, reentrance or dismissal from a program or progress and attendance in an education or training program); applications for compensation, pension, education and rehabilitation benefits and training which may contain identifying information, military service and active duty separation information, payment information, medical and dental information, personal and education benefit information relating to a veteran or beneficiary's incarceration in a penal institution (e.g., name of incarcerated veteran or beneficiary, claims file number, name and address of penal institution, date of commitment, type of offense, scheduled release date, vetreran's date of birth, beneficiary relationship to veteran and whether veteran or beneficiary is in a work release or half way house program, on parole or has been released from incarceration).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c) and Chapters 11, 13, 15, 23, 31, 32, 34, 35, and 36.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any written information in this system may be disclosed to a State or local agency, upon official request, to the extent that it is relevant and necessary to that agency's decision on:

the hiring, retention or transfer of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; Provided, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

6. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

7. The name and address of a veteran may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 U.S.C. (such disclosures include computerized lists of names and addresses).

8. Any information in this system, except for the name and address of a veteran, may be disclosed to a Federal agency in order for the VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

9. Any information in this system may be disclosed in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans Administration when in the judgment of the Administrator, or official generally delegated such authority under standard agency delegation of authority rules (38 CFR 2.6), such disclosure is deemed necessary and proper, in accordance with 38 U.S.C. 3301(b)(6).

10. The name and address of a veteran, and other information as is reasonably necessary to identify such veteran, may be disclosed to a consumer reporting agency for the purpose of locating the veteran, or, obtaining a consumer report to determine the ability of the veteran to repay an indebtedness to the United States arising by virtue of the veteran's participation in a benefits program administered by the VA, provided that the requirements of 38 U.S.C. 3301(g)(2) have been met.

11. The name and address of a veteran, other information as is reasonably necessary to identify such veteran, and any information concerning the veteran's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the VA may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met.

12. Any information in this system, including available identifying information regarding the debtor, such as name of debtor, last known address or debtor, VA insurance number, VA loan number, VA claim number, place of birth, date of birth of debtor, name and address of debtor's employer or firm and dates of employment may be disclosed, under this routine use, except to consumer reporting agencies, to a third party in order to obtain current name, address, locator, and credit report in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any VA benefit program when in the judgment of the Administrator such disclosure is deemed necessary and proper. This purpose is consistent with the Federal Claims Collection Act of 1966 (Public Law No. 89–508, 37 U.S.C. 951–953 and 4 CFR 101–105 and 38 U.S.C. 3301(b)(6).

13. Any information in this system, including the nature and amount of a financial obligation, may be disclosed to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer and to assist in the collection of unpaid financial obligations owed the VA. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

14. Payment information may be disclosed to the Department of the Treasury, in accordance with its official request, to permit delivery of benefit checks to veteran-payees.

15. Military service and active duty separation information, and identifying information may be disclosed to a State unemployment compensation agency to the extent required to determine eligibility for its benefits, provided the name and address of the individual to whom the record pertains are provided by the State agency. The purpose for this disclosure is consistent with 5 U.S.C. 8523.

16. Medical information may be disclosed in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or a head of a State, county or city health department or any fee basis physician or sharing institution in direct connection with authorized treatment for a veteran provided the name of the individual to whom the record pertains is given and the information will be treated as confidential, as is customary in civilian professional medical practice.

17. The name, branch of service, effective date of compensation, current and historical benefit pay amounts for disability or pension and the amount and type of education contribution made under title 38, United States Code, Chapter 32, may be disclosed to the following agencies upon their official request: Department of the Army, Navy, and Air Force; Department of Defense; Defense Manpower Data Center, Marine Corps; Department of Transportation (Coast Guard); Department of Health and Human Services; Department of Education; PHS (Public Health Service), NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps in order for these departments and agencies and the VA to reconcile the amount and/or waiver of service, department and retired pay.

18. The amount of pension, compensation, dependency and indemnity compensation, educational assistance allowance, retirement pay and subsistence allowance of any veteran identified to the VA may be disclosed to any person who applies for such information.

19. Identifying, personal, payment and medical information may be disclosed to a Federal, State, or local government agency at the request of a veteran in order to assist the veteran and insure that all of the title 38 U.S.C. or other benefits to which the veteran is entitled are received. This information may also be disclosed without a request from the veteran, to a Federal agency, upon its official request or to a State or local agency provided the name and address of the veteran is given beforehand by the State or local agency in order to assist the veteran in obtaining a non-title 38 U.S.C. benefit to which the veteran is entitled.

20. Any information in this system which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits, may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

21. Any information in this system such as identifying information, nature of a claim, amount of benefit payments, percentage of disability and personal information, may be disclosed to the Social Security Administration, Bureau of Supplemental Security Income, upon its official request, in order for that agency to determine eligibility regarding amounts of social security benefits, or to verify other information with respect thereto.

22. Identifying information in this system may be disclosed at the request of a veteran to a third party having information relevant to a claim, such as an employer or school, in order to obtain information from the third party to the extent necessary to develop a veteran's claim for VA benefits.

23. Medical data (excluding the name and address of a veteran unless the name and address are furnished by the requestor) may be disclosed to epidemiological and other research facilities approved by the Chief Medical Director to obtain data from those facilities necessary to assist in medical studies on veterans for the Veterans Administration or for any research purposes determined to be necessary and proper by the Chief Medical Director.

24. The name(s) and address(es) of a veteran may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

25. Any information in this system relevant to a veteran's claim such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information and military service and active duty separation information may be disclosed at the request of the veteran to accredited service organizations, VA-approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid veterans in the preparation, presentation and prosecution of claims under the laws administered by the VA. The name and address of a veteran will not, however, be disclosed to these individuals under this routine use if the veteran has not requested the assistance of an accredited service organization, claims agent or an attorney.

26. Identifying and payment information may be disclosed, upon the request of a Federal agency, to a State or local government agency, in order for that State or local government agency to determine a veteran's eligibility under programs provided for under Federal legislation and for which the requesting Federal agency has responsibility.

27. Any information in this system such as the amount of benefit or disability payments and medical information may be disclosed in the course of presenting evidence to a court, magistrate, or administrative authority, in matters of guardianship, inquests, and commitments, to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency, and to probation and parole officers in connection with court-required duties.

28. Any information in this system including medical information, the basis and nature of claim, the amount of benefits and personal information may be disclosed to a VA Federal fiduciary or a guardian ad litem in relation to his or her representation of a veteran only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian ad litem.

29. Any information in this system may be disclosed to the United States Department of Justice or United States Attorneys in order for the foregoing parties to prosecute or defend litigation involving or pertaining to the United States.

30. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

31. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

32. Any information in this system including the name, social security number, date of birth, delimiting date and remaining entitlement of VA educational benefits, may be disclosed to the ED (Department of Education), upon its official request, or contractor thereof, for specific use by the ED to validate information regarding entitlement to VA benefits which is submitted by applicants who request educational assistance grants from the ED. Such information will not be used for any other purpose by the ED or contractor thereof.

33. VA educational forms and letters which contain identifying information about a veteran may be disclosed at the request of the veteran to a VA-approved education or training establishment to assist the veteran in the completion of claims forms or for the VA to obtain further information from the educational or training establishments as may be necessary for the VA to properly process the veteran trainee's claim or to monitor the trainee's progress.

34. Identifying and payment information may be disclosed to a VA-approved educational or training establishment at the request of the veteran in order for the VA to obtain sufficient information necessary to pay the veteran or the educational or training establishment the correct monetary amounts in an expeditious manner. However, this information will not be provided under this routine use to an educational or training establishment when the request is clearly an attempt by that establishment to seek assistance in collection attempts against the veteran.

35. Identifying information and information regarding the induction, reentrance and dismissal of a disabled veteran from a vocational rehabilitation program may be disclosed at the request of the veteran to a VA-approved vocational rehabilitation training establishment to insure that the trainee receives the maximum benefit from training.

36. Identifying information and information regarding the extent and nature of a veteran's disabilities with respect to any limitations to be imposed on the veteran's vocational programs may be disclosed at the request of the veteran to a VA–approved vocational rehabilitation training establishment to insure that the trainee receives the maximum benefit from training.

37. Information regarding the type and amount of training/education received, and the name and address of a veteran, may be disclosed at the request of a veteran to local and State agencies and to prospective employers in order to assist the veteran in obtaining employment or further training.

38. The name, claims file number and any other information relating to a veteran's or beneficiary's incarceration in a penal institution and information regarding a dependent's right to a special apportionment of the incarcerated individual's VA benefit payment may be disclosed to those dependents who may be eligible for entitlement to such apportionment in accordance with 38 U.S.C. 504, 1682, 1780, and 3113.

39. The name, claims file number and any other information relating to a veteran or beneficiary who may be incarcerated in a penal institution may, pursuant to an arrangement, be disclosed to penal institutions or to correctional authorities in order to verify information concerning the veteran's or beneficiary's incarceration status. The disclosure of this information is necessary to determine that individual's continuing eligibility as authorized under 38 U.S.C. 504, 1682, 1780 and 3113.

40. Names and addresses, and other identifying data including the Social Security number, of surviving spouses, children and parents of decreased veterans may be released from this system of records to the Department of Defense (DOD) upon its official request in order for DOD to identify individuals eligible for health care benefits administered by the DOD, or to collect or verify information necessary for DOD facility planning, personnel studies, capitalization budgeting and post exchange, commissary and housing studies.

41. Identifying infomation including names and addresses, entitlement code, payee social security number, file number, payee number, regional office number, income for VA pension-determination purposes and pension net award may be released to the Department of Agriculture upon its official request for the purpose of a matching program designated USDA/OIG–6 for verification by the Department of Agriculture of applicants' eligibility for food stamps to reduce unauthorized payments in the food stamp program, and to collect debts owed to the United States Government. This anti-fraud matching program is being performed pursuant to the Department of Agriculture's Inspector General authority under Public Law No. 95–452, section 4(a), to detect and prevent fraud and abuse.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records (or information contained in records) are maintained on paper documents in claims file folders (e.g., "C" file folders, educational file folders and vocational rehabilitation file folders) and on automated storage media (e.g., microfilm, microfiche, magnetic tape and magnetic disks). Critical eligibility information regarding VA benefits is maintained on various automated storage media. Such information may be accessed through a data telecommunications terminal system denominated the Target System. Target terminal locations include VA Central Office, regional offices, and on a pilot basis some VA medical health care facilities. Information relating to receivable accounts owed to the VA, denominated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape and microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

RETRIEVABILITY:

Claims file folders are indexed by name of the veteran and VA file number. Automated records are indexed by named, VA file number, payee name and type of benefit.

SAFEGUARDS:

1. Physical Security: (a) access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis.

(b) Access to Target data telecommunications terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, information logs and control of password and badge distribution.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnal through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. Target System Security: (a) Usage of the Target terminal equipment is protected by key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

(b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Automated storage media which are not in use are stored in tape libraries which are secured in locked rooms. Access to programs is controlled at three levels: programming, auditing and operations.

RETENTION AND DISPOSAL:

Individual claims file folders and the compensation, pension, rehabilitation and education claims records contained therein are retained at the servicing regional office for the life of the veteran. At the death of the veteran, these records are sent to the Federal Records Center (FRC), maintained by the FRC for 75 years and thereafter destroyed. Rehabilitation and education counseling records are maintained until the exhaustion of a veteran's maximum entitlement or upon the exceeding of a veteran's delimiting date of eligibility (generally, ten or twelve years from discharge or release from active duty), whichever occurs first, and then destroyed. Automated storage media containing temporary working information are retained until a claim is processed to determination. All other automated storage media is retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Compenation and Pension Service (21), Director, Education Service (22), Director, Vocational Rehabilitation and Counseling Service (28), VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the nearest Veterans Administration regional office or center. Address locations are listed in VA Appendix 1 at the end of this document.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office. Address locations are listed in VA Appendix 1 at the end of this document.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

The veteran, dependents and other beneficiaries of the veteran, accredited service organizations, VA-supervised fiduciaries (i.e., VA Federal fiduciaries, court-appointed fiduciaries), military service departments, VA medical facilities and physicians, private medical facilities and physicians, education and rehabilitation training establishments, State and local agencies, other Federal agencies, State, local and county courts and clerks, Federal, State and local penal institutions and correctional facilities, other third parties and other VA records.

[FR Doc. 82-27 Filed 1-4-82; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Reserve System (Board of Governors)	1
International Trade Commission	2
Legal Services Corporation	3
Nuclear Regulatory Commission	4

1

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, January 11, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding check clearing operations.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1956-81 Filed 12-31-81; 1:48 pm]

BILLING CODE 6210-01-M

2

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-81-41C]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 62998, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4). Commissioners Alberger, Calhoun, Stern, Eckes, and Frank voted by action jacket GC-81-181 to hold a portion of the discussion with respect to item No. 7 [Investigation 337-TA-105 (Certain Audio-Visual Games II)—briefing and vote on request for temporary exclusion order] in closed session.

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1957-81 Filed 12-31-81; 3:00 pm]

BILLING CODE 7020-02-M

3

LEGAL SERVICES CORPORATION

TIME AND DATE: 3 p.m., December 31, 1981.

PLACE: The meeting will be held by teleconference but may be monitored by the public via amplification at the Federal Bar Building, William Howard Taft Room, 1815 H Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Election of Chairman, 1982 grant and contract procedures.

CONTACT PERSON FOR MORE INFORMATION: William J. Olson, Acting Chairman; 202/223-9066.

[S-1955-81 Filed 12-31-81; 1:27 am]

BILLING CODE 6820-35-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 4, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Tuesday, January 5:
10 a.m.: Discussion of Management-Organization and Internal Personnel Matters (closed meeting)
Wednesday, January 6:
10 a.m. Briefing on Status and Plan for Severe Accident Rulemaking (public meeting)
Thursday, January 7:
3 p.m.: Affirmation/Discussion Session (public meeting) Items to be affirmed and/or discussed:
a. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants" (POSTPONED FROM 12/22/81)
b. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance
c. Amendment to 10 CFR Part 110: Export of IAEA Safeguards Samples
d. Reconsideration of 10 CFR 2.700a (Exception from Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs Functions) and Application to Pending Proceedings

ADDITIONAL INFORMATION: By a vote of 5-0 on December 22, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmations of Clinch River Exemption Order and Order in TMI-1 Restart (held in closed session), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: December 29, 1981.

Walter Magee,

Office of the Secretary.

[S-1954-81 Filed 12-30-81; 4:54 pm]

BILLING CODE 7590-01-M

Reader Aids

Federal Register

Vol. 47, No. 2

Tuesday, January 5, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
General information, index, and finding aids	523-3517
Incorporation by reference	523-5227
Printing schedules and pricing information	523-4534
	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of Documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1

5 CFR

Proposed Rules:
Ch. I.....154

7 CFR

2.....5, 6
68.....129
282.....532
425.....6
631.....130
800.....131
Proposed Rules:
1865.....33
1951.....33

8 CFR

238.....131
316a.....132

10 CFR

40.....8
70.....8
150.....8
Proposed Rules:
500.....161
501.....161
503.....161

12 CFR

5.....132
217.....9

13 CFR

120.....9

14 CFR

39.....10-14
71.....15-18
73.....18
75.....18
201.....132
207.....134
208.....134
212.....135
231.....137
302.....138
321.....139
380.....140
399.....140
Proposed Rules:
71.....36-38

15 CFR

50.....18
379.....141
385.....141
390.....144
399.....141
535.....145

16 CFR

305.....18, 19

18 CFR

282.....20
Proposed Rules:
141.....39
271.....39

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145
Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402

21 CFR

173.....145
510.....146
522.....146
Proposed Rules:
20.....162
168.....163
310.....424, 430
333.....436
357.....444-512
358.....522

25 CFR

1.....147
Proposed Rules:
1.....163, 164
15A.....164

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
1990.....187

30 CFR

Proposed Rules:
Ch. I.....402
700.....41
701.....41
764.....41
770.....41
771.....41
779.....41

780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
828.....41
913.....57
921.....560
922.....560
937.....560
939.....560

32 CFR

Proposed Rules:
585.....190

34 CFR

624.....540
625.....540
626.....540
627.....540

40 CFR

762.....148, 149

Proposed Rules:
52.....191
775.....193

41 CFR

Ch. 50.....145
Ch. 60.....145

Proposed Rules:
Ch. 60.....402

43 CFR

Public Land Orders:
6100.....21

44 CFR

67.....22

45 CFR

Proposed Rules:
680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:
510.....215

47 CFR

73.....150
74.....150

Proposed Rules:
15.....216
73.....58

49 CFR

1033.....151, 152

Proposed Rules:
1039.....220
1300.....220
1310.....59

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing December 30, 1981

V
4
7
/
2

J
A
5
8
2

V 47 / 2

Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.

JA 5 82 UMI

1-5-82
Vol. 47—No. 2
BOOK 2:
Pages
399-588

Federal Register

Book 2 of 2 Books
Tuesday, January 5, 1982

402 Part II—DOL-OS:
Twelve-Month List for Review of Rules.

414 Part III—DOL-ESA:
Administration, Wage and Hour Division—Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions.

424 Part IV—HHS-FDA:
Insert Repellent Drug Products for Over-the-Counter Oral Human Use.

430 Part V—HHS-FDA:
Topically Applied Hormone-Containing Drug Products for Over-the-Counter Human Use.

436 Part VI—HHS-FDA:
Mercury-Containing Drug Products for Topical Antimicrobial Over-the-Counter Human Use; Establishment of a Monograph.

444 Part VII—HHS-FDA:
Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion; Establishment of a Monograph.

454 Part VIII—HHS-FDA:
Digestive Aid Drug Products for Over-the-Counter Human Use; Establishment of a Monograph.

490 Part IX—HHS-FDA:
Smoking Deterrent Drug Products for Over-the-Counter Human Use; Establishment of a Monograph.

CONTINUED ON BACK OF COVER

V
4
7
/
2
J
A
5
8
2

502 **Part X—HHS–FDA:**
Orally Administered Drug Products for the Treatment of Fever Blisters for Over-the-Counter Human Use; Establishment of a Monograph.

512 **Part XI—HHS–FDA:**
Deodorant Drug Products for Internal Use for Over-the-Counter Human Use; Establishment of a Monograph.

522 **Part XII—HHS–FDA:**
Corn and Callus Remover Drug Products for Over-the-Counter Human Use; Establishment of a Monograph.

532 **Part XIII—DOA–FNS:**
Food Stamp Program; AFDC/Food Stamp Consolidation Demonstration Project; Final Rule.

540 **Part XIV—DOE:**
Institutional Aid Programs.

560 **Part XV—DOL–OSMRE:**
Federal Programs to Regulate Coal Exploration Operations on Non-Federal and Non-Indian Lands in the States of Massachusetts, Michigan, and Rhode Island; Proposed Rules.

584 **Part XVI—DOL–ESA–WHD:**
Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions.

federal register

Tuesday
January 5, 1982

Part II

Department of Labor

Office of the Secretary

Twelve-Month List for Review of Rules

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, V, and VI

29 CFR Subtitle A and Chs. V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

Twelve-Month List for Review of Rules

AGENCY: Department of Labor.

ACTION: Twelve-month listing for review of rules.

SUMMARY: This Notice sets forth the Department's twelve-month listing for review of existing regulations pursuant to the Regulatory Flexibility Act.

DATES: This schedule includes all regulations which will be under review between now and the succeeding twelve months.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8201.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act requires that by July 1, 1981, each agency publish a 10-year schedule for the review of all agency rules that are in existence on the effective date of the Act (January 1, 1981), that have or will have a significant economic impact on a substantial number of small entities. The Department published its 10-year schedule on June 30, 1981 (see 46 FR 33536).

The Regulatory Flexibility Act also requires that each year agencies publish in the **Federal Register** a list of the rules to be reviewed during the succeeding twelve months which have a significant economic impact on a substantial number of small entities. The list must include a brief description of each rule, the need for and legal basis of each rule, and must invite public comment.

The twelve-month review list for the Department of Labor is listed below and public comment is invited on the listing. Concurrently with its review of each of the rules listed below, the Department intends to consider the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Twelve-Month Review List

I. Mine Safety and Health Administration

1. 30 CFR Part 100—Civil Penalties

Description: The existing rule, published on May 30, 1978 (45 FR 23514), set forth procedures for proposing and assessing civil penalties for violations of the Federal Mine Safety and Health Act of 1977 (Mine Act), standards and regulations. Basically, the rule established a "formula system" for determining most proposed penalties and included for the first time the metal and nonmetal mining industries in the assessment process. MSHA reviewed the existing regulation in 1979 and decided that revisions were necessary. On November 7, 1980 (45 FR 74444), MSHA published a proposal for restructuring the civil penalty system to provide increased incentives for mine operators to comply with the Mine Act, its standards and regulations. Public hearings would be the next step in the rulemaking process. This project is one of MSHA's highest priorities and the need for a regulatory impact analysis is under study.

Need and Legal Basis: This rule is necessary because it will implement the penalty provision in the Mine Act. This proposal is authorized under sections 105, 110, and 508 of the Mine Act.

2. 30 CFR Parts 55, 56 and 57—Review of Standards

Description: The existing safety and health standards applicable to metal and nonmetal mines have generally been in effect for over ten years. They cover all aspects of metal and nonmetal mining activity, e.g. ground control, electrical, explosives, fire prevention, health, and loading, hauling and dumping. MSHA is reviewing the standards to (1) eliminate unnecessary standards, (2) clarify and update existing standards, (3) incorporate technological advances and (4) reduce recordkeeping burdens on the industry. This project is one of MSHA's highest priorities and the need for a regulatory impact analysis is under study. MSHA anticipates holding open conferences on selected high priority sections during the Spring of 1982.

Need and Legal Basis: This rule is necessary to improve the existing metal and nonmetal safety and health standards, many of which are outdated, unnecessary, duplicative, or ambiguous. This project is authorized under Section 101 of the Mine Act which provides for the development, revision and promulgation of new and improved mandatory safety and health standards.

3. 30 CFR Part 23—Telephones and Signaling Devices

Description: The existing rule sets forth the requirements and conditions for MSHA approval of battery-operated telephones and signaling devices for uses in mines. The proposed amendment would modify the definition of "signaling device" to permit the approval of devices and telephones that are equipped with a standby power source, as well as those that are battery-operated. It would conform the existing rule to advances in technology. A regulatory impact analysis is not required. MSHA expects to publish the final rule by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would remove outdated restrictions related to the design and approval of telephones and signaling devices in mines. It is issued pursuant to Section 101 of the Mine Act, which provides for the promulgation of improved safety and health standards.

4. 30 CFR Part 36—Electrical Components and Headlights for Mobile Diesel-powered Transportation Equipment

Description: The existing rule prohibits the use of all electrical devices except self-contained, battery-operated headlights on permissible mobile diesel-powered transportation equipment for use in gassy metal and nonmetal mines. The proposed amendment would modify the requirements and conditions for approval of such equipment by removing current design restrictions. The amendment would not affect currently approved equipment, but it would allow operators of gassy mines to use improved equipment which incorporates advanced technology. A regulatory impact analysis is not required. MSHA anticipates that the final rule will be published by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would improve the existing standards by removing outdated design restrictions. It is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

5. 30 CFR Part 19—Electric Cap Lamps

Description: The existing rule sets forth procedures for the approval of electric cap lamps in underground

mines. The amendment would allow MSHA to test and approve cap lamps which incorporate advances in technology. The proposal would not affect currently approved cap lamps, nor would it affect testing and evaluation of any cap lamp design which can be approved under the existing procedures. A regulatory impact analysis is not required. MSHA expects to publish the final rule by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would improve the existing standard by removing outdated design restrictions. MSHA believes miners would be afforded greater safety and health protection by amending Part 19. The proposal is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

6. 30 CFR Parts 75 and 77—Wire Rope Standards

Description: MSHA's current coal mine wire rope standards incorporate by reference the American National Standards Institute (ANSI) standard M.11.1 on wire ropes in mines. The proposal would revise the standards to include specific requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in underground and surface coal mines. A regulatory impact analysis is not required. MSHA expects to publish a proposed rule by the Spring of 1982.

Need and Legal Basis: In a recent decision, the Federal Mine Safety and Health Review Commission held that MSHA's coal mine wire rope standards are not mandatory. The proposal is necessary to correct any ambiguity in the existing method. It is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

5. 30 CFR Parts 55, 56, 57, 75 and 77—Revisions to Mandatory Safety Standards for Coal and Metal and Nonmetal Mines Based on Affirmative Decisions on Petitions for Modification of the Application of Standards

Description: Under Section 101(c) of the Mine Act, MSHA has granted many petitions for modification of the application of standards (variances) based on mine operators' implementation of alternative methods which reflect advances in technology. MSHA intends to review the standards for which modifications have been granted and determine which standards could be revised to allow the use of improved and alternative methods which provide adequate protection for miners. A regulatory impact analysis is not required. MSHA anticipates publishing an advanced notice of proposed rulemaking by the Spring of 1982.

Need and Legal Basis: This regulation is necessary so that MSHA can revise its standards, as appropriate, to reflect technological advancements. This proposal is authorized under Section 101 of the Mine Act which provides for the promulgation of improved mandatory safety and health standards.

II. Labor-Management Services Administration, The Pension and Welfare Benefits Program

1. 29 CFR 2510.3–37—Multiemployer Plan

Description: Multiemployer employee benefit plans under ERISA must meet different rules and requirements than other employee benefit plans. Section 3(37) of ERISA defines, subject to regulations of the Secretary, when an employee benefit plan is a multiemployer plan. The existing regulation specifying the requirements that an employee benefit plan must meet in order to be a multiemployer plan under ERISA was published in both temporary and proposed form on November 7, 1975 (40 FR 52008). Different standards were set forth for plans in existence prior to the effective date of ERISA (September 2, 1974) and those not in existence at that time. The regulation was never finalized. In addition, the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, amended the definition of multiemployer plan.

Need and Legal Basis: Section 3(37)(A)(iii) of ERISA provides that a plan is multiemployer plan if, among other things, it "satisfies such other requirements as the Secretary may prescribe by regulation." In addition, the Secretary is given general authority in Section 505 to promulgate necessary and appropriate regulations. In light of the new law and the fact that the temporary regulation was never finalized, this regulation has been designated for review.

2. 29 CFR 2550.412–1—Bonding Requirements

Description: Section 412 of ERISA provides that, with certain exceptions, every fiduciary of an employee benefit plan and every person who handles funds or other property shall be bonded. The statute also provides that the Secretary shall prescribe regulations necessary to carry out this section, including exemptions from the bonding requirement in certain specified instances. On January 10, 1975 (40 FR 2203), the Department published temporary regulations that were to be effective pending the issuance of permanent regulations. The temporary regulations in general, adopted the bonding requirements that were applicable under Section 13 of the Welfare and Pension Plans Disclosure Act Prior to ERISA.

Need and Legal Basis: Section 412(e) provides for the promulgation of regulations by the Secretary. In addition general authority exists under Section 505. Since this temporary regulation has never been finalized and a number of requests have been received for advisory opinions in this area, this regulation has been designated for review.

III. Occupational Safety and Health Administration

1. 29 CFR 1910.1001—Occupational Exposure to Asbestos

Description: OSHA's 1972 standard for asbestos established an 8-hour time-weighted (TWA) exposure limit of 5 fibers (longer than 5 micrometers) per cubic centimeter of air (5 f/cc), with a ceiling limitation against any exposure in excess of 10 fibers per cubic centimeter of air (10 f/cc). Under the 1972 standard, and effective as of 1976, that 8-hour TWA was reduced to 2 fibers per cubic centimeter of air (2 f/cc). On October 9, 1975 (40 FR 47652), OSHA issued a notice of proposed rulemaking to further lower the permissible exposure level (PEL) to 0.5 fibers per cubic centimeter of air (0.5 f/cc). In 1976, OSHA requested the National Institute for Occupational Safety and Health (NIOSH) to reevaluate information on asbestos and to advise OSHA of the findings. NIOSH recommended to OSHA that the PEL be lowered to 0.1 fibers per cubic centimeter of air (0.1 f/cc). A technological feasibility assessment and an economic impact analysis were prepared in September 1977 and 1978. In April 1980, OSHA announced that it would begin work on a proposed revision to the present standard. This decision was based on recommendations of an OSHA/NIOSH committee formed in 1979 to review scientific information on asbestos-related disease and to assess the adequacy of the current OSHA occupational health standard. A draft regulatory analysis was prepared in 1980 to address the proposed PELs of 0.5 f/cc of air and 0.1 f/cc of air. OSHA will continue to review the current asbestos standard during the next year, both under the standards set by Executive

Order 12291 and the Regulatory Flexibility Act.

Need and Legal Basis: This rule is needed because asbestos is a hazard to which many thousands of American workers are exposed. New research on the health hazards of asbestos, particularly its role as a cause of occupationally related cancer, and concern for the adequacy of the current standard have prompted Agency review of the PEL for asbestos. Recent epidemiologic evidence indicates that asbestos-related disease may be induced at very low levels of exposure, and experimental data in animals suggest that all forms of asbestos present a health hazard. The asbestos standard was promulgated pursuant to section 6 of the Occupational Safety and Health Act (hereinafter 29 U.S.C. 655).

2. 29 CFR 1910.20—Access to Employee Exposure and Medical Records

Description: The standard on access to employee exposure and medical records was published in the Federal Register on May 21, 1980 (45 FR 35212). The standard went into effect on August 21, 1980. The standard requires employers to: (1) preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances and harmful physical agents; (2) assure access to pertinent exposure records by the exposed employee, similarly exposed employees, designated employee, representatives, and OSHA; (3) assure access to medical records by the employee who is the subject of the records and to OSHA; and (4) inform employees annually of their rights under the standard and of the requisite procedures for exercising those rights. On August 7, 1981, OSHA announced in the Federal Register (46 FR 40492) that the Agency has requested a six-month deferral of the briefing schedule from U.S. Court of Appeals for the District of Columbia in the consolidated challenges to the records access standard, *Industrial Union Department, AFL-CIO* v. *Marshall, No. 80-1550 et al.*, to permit the Agency an opportunity to decide whether and to what extent to repropose a modified records access standard.

Need and Legal Basis: This rule is needed because employee exposure and medical records are critically important to the detection, treatment, and prevention of occupational disease. OSHA believes that workers and their representatives need direct access to this information. Representatives of OSHA also need access to this information to fulfill responsibilities under the Occupational Safety and Health Act. The legal basis for this rule is under Sections 6(b), 3(8), 2(b)(3), 2(b)(9), 8(c)(i) and 8(g)(2) of the Occupational Safety and Health Act.

3. 29 CFR 1910.1043—Occupational Exposure to Cotton Dust

Description: On March 31, 1981 (46 FR 19501), the Occupational Safety and Health Administration (OSHA) published an advance notice of proposed rulemaking to reevaluate and reconsider the occupational health standard regulating exposure to cotton dust. This standard prescribes levels of exposure from 0.2 to 0.75 milligrams per cubic meter of air (0.2–0.75 mg/m^3) for different types of operations involving exposure to cotton dust. The purpose of the current proceeding is to review the economic consequences of the regulation and the cost-effectiveness of the standard. Public comments, suggestions, and information were invited and requested to be submitted by May 15, 1981. On June 17, 1981, the U.S. Supreme Court held that cost-benefit analysis in promulgating a standard under Section 6(b)(5) is not required by the OSH Act because feasibility analysis is required.

Need and Legal Basis: This rule is needed because cotton dust exposure presents a severe risk of debilitating respiratory disease, especially among cotton textile workers. The legal basis for this rule is 29 U.S.C. 655.

4. 29 CFR 1990—Identification, Classification and Regulation of Potential Occupational Carcinogens

Description: OSHA plans to reevaluate and reconsider the current standard for the identification, classification and regulation of potential occupational carcinogens. As a result of a July 1980 Supreme Court decision on OSHA's benzene standard, the Agency deleted portions of the current regulations to reflect the Court's finding that consideration must be given to the significance of risk in the issuance of carcinogen standards. The deletions were published on January 19, 1981 (46 FR 4889). Amendments to conform the carcinogen regulations to the Supreme Court's decision were proposed on January 23, 1981 (46 FR 7402) but were withdrawn on March 27, 1981 (46 FR 19000) to permit the Agency to address alternatives that had not been fully considered. The Agency plans to publish an advance notice of proposed rulemaking and request for comments in January 1982.

Need and Legal Basis: This rule is needed because OSHA needs to have a consistent method of dealing with the specific identification, classification and regulation of toxic substances for which there is reported to be evidence of a carcinogenic potential to humans. The rule attempts to deal with the exposure of workers to toxic substances that may be potential carcinogens. The legal basis for this rule is 29 U.S.C 655.

5. 29 CFR 1910.1018—Occupational Exposure to Inorganic Arsenic

Description: The Occupational Safety and Health Administration (OSHA) will publish a limited notice of rulemaking on the risk assessment of inorganic arsenic in December 1981. This notice will provide the scientific data and an analysis of the degree of risk due to exposure to inorganic arsenic as well as the scientific basis for justifying the current standard of 10 micrograms of arsenic per cubic meter of air (10 $\mu g/m^3$). The notice will provide for public comment on the risk assessment. A hearing may be scheduled if requested. The Regulatory Flexibility Act review will be conducted in conjunction with the agency's over-all review.

Need and Legal Basis: This rule is needed because worker exposure to arsenic can result in the development of cancer. The legal basis for this rule is 29 U.S.C. 655.

6. 29 CFR 1910.1025—Occupational Exposure to Lead

Description: On April 21, 1981 (46 FR 22764), the Occupational Safety and Health Administration (OSHA) published an advance notice of proposed rulemaking to reevaluate and reconsider the occupational health standard regulating exposure to lead. The proposal provides for a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter of air (50 $\mu g/m^3$) averaged over an 8-hour day, for control strategies for reducing lead exposures, and for medical removal protection. The purpose of this proceeding is to review and analyze the technological and economic feasibility of complying with the standard and to evaluate the feasibility and utility of relying on cost-benefit analysis in setting occupational health standards. Public comments, suggestions, and information were required to be received by June 1, 1981. On June 29, 1981, the U.S. Supreme Court upheld the lead standard for primary and secondary lead smelters, ink, paint, coatings and wallpaper manufacturers, and for electronic component and battery manufacturers. During the next year, OSHA will continue to review the feasibility and cost-effectiveness of the standard for lead industries, and will conduct a Regulatory Flexibility Act review in conjunction with its over-all review.

Need and Legal Basis: This rule is needed because exposure to lead presents severe health hazards to workers. The legal basis for this rule is 29 U.S.C. 655.

7. 29 CFR 1910.95—Occupational Exposure to Noise

Description: In 1974, the Occupational Safety and Health Administration (OSHA) proposed standards governing occupational noise exposure, which included a permissible exposure limit (PEL) of 90 dB, as an 8-hour time-weighted average (TWA), and requirements for establishing hearing conservation programs. Public hearings were held during 1975 and 1976. On January 16, 1981 (46 FR 4078), OSHA published a final hearing conservation amendment as a final rule and a regulatory impact analysis of the amendment. This amendment was directed toward establishing hearing conservation programs for employees to prevent occupational hearing loss. Since January, the Agency received numerous petitions for an administrative stay and reconsideration of the hearing conservation amendment. In order to evaluate those petitions and to comply with Executive Order 12291, the Agency delayed the effective date from April 15 to June 1, 1981; from June 1 to August 1, 1981; and from August 1 to August 22, 1981. A regulatory impact and regulatory flexibility analysis was performed and published on August 21, 1981 (46 FR 42622). OSHA will continue to evaluate and study those stayed requirements of the amendment that did not go into effect on August 22, 1981.

Need and Legal Basis: This rule is needed because there are over 900,000 Americans who suffer a moderate to severe hearing loss due to exposure to occupational noise. Epidemiological and laboratory evidence indicates that protracted noise exposures above 90 dB cause hearing loss in a substantial portion of the exposed population and that more susceptible individuals will incur hearing loss at levels below 90 dB. Noise-induced hearing loss is an irreversible condition that progresses with increased exposure and with age. Because hearing is essential for communication, hearing loss can lead to serious social and psychological handicaps. The legal basis for this rule is 29 U.S.C. 655.

8. 29 CFR 1910.134; 1926.103; 1915.82; 1916.82; 1917.82, and 1918.102—Respiratory Protection

Description: On May 19, 1981 (46 FR 27358), OSHA proposed to permit specific methods of qualitative fit testing in lieu of the quantitative fit testing procedures currently required by the lead standard (29 CFR 1910.1025(f)(3)(ii)). Quantitative fit testing requires special equipment to assign a numerical value to the protection afforded the wearer; qualitative fit testing relies on the subjective reaction of a wearer to an irritant fume or other test substance. The agency invited public comment on its proposal and received several requests for a public hearing, which was held in September 1981. In addition, OSHA is building a public record to ascertain what changes should be made to present regulations for respiratory protection in general. A Regulatory Flexibility Act review will be conducted in conjunction with the overall review of the present regulations.

Need and Legal Basis: This rule is needed because respirators are effective for protecting workers only when they are properly fitted to the wearer, properly used, and properly maintained. These rules help employers provide adequate respiratory protection for employees. The legal basis for this rule is 29 U.S.C. 655.

9. 29 CFR Part 1910, Subpart H—Hazardous Materials Description: The current standards address the hazards associated with compressed gases, flammable and combustible liquids, including those used in spray finishing or dip tank operations, explosives and blasting agents, liquified petroleum gases and anhydrous ammonia. These standards were originally promulgated in 1971 based on the then existing national consensus standards.

Need and Legal Basis: This rule is needed because of the hazards associated with workers handling of substances such as compressed gases, flammable and combustible liquids, and explosives. The legal basis for the rule is 29 U.S.C. 655.

10. 29 CFR Part 1926, Subpart Q—Concrete, Concrete Forms and Shoring

Description: Present standards set forth safe work practices for the erection of concrete and masonry buildings and structures.

Need and Legal Basis: This rule is needed because of the number of building collapses an other structure collapses. The legal basis for this rule is 29 U.S.C. 655.

11. 29 CFR Part 1910, Subpart N—Materials Handling and Storage

Description: Present standards address safe design and safe work practices for storage and handling of materials. The standards also address the safe design, maintenance, and use of motorized materials handling equipment.

Need and Legal Basis: This rule is needed because of the occupational hazards related to improper handling and storage of materials and failures of material handling equipment. The legal basis for this rule is 29 U.S.C. 655.

12. 29 CFR 1910.177—Servicing Multi-Piece Rim Wheels

Description: Present standards set forth safe work practices design for servicing tires on multi-piece rim wheels. The standard sets training requirements for those who service multi-piece rim wheels.

Need and Legal Basis: This rule is needed because of worker accidents and injuries resulting from the servicing of multiple and single piece rim wheels. The legal for this rule is 29 U.S.C. 655.

13. 29 CFR Part 1926, Subpart L—Ladders and Scaffolding

Description: Present standards address safe work practices for employees who use portable and fixed ladders and scaffolds. The standard sets forth design load criteria and care and use of equipment. These standards were originally promulgated in 1971 under in the Construction Safety Act.

Need and Legal Basis: This rule is needed because of the numerous occupational injuries and deaths from accidents and falls associated with unsafe ladders and scaffolding in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

14. 29 CFR Part 1910, Subpart D—Walking-Working Surfaces

Description: Present standards address the design, maintenance and use of walking-working surfaces. These standards set forth fall protection measures for walking-working surfaces and address fall hazards on the same level, as well as falls to different levels. These standards were originally promulgated in 1971 based on the then existing national consensus standards.

Need and Legal Basis: This rule is needed because of the number of occupational injuries and deaths due to accidents and falls associated with unsafe walking and working surfaces in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

15. 29 CFR Part 1926, Subpart K—Electrical

Description: Present standards address safe design and installation for electrical wiring and electrically

energized equipment. The standard sets forth design criteria for temporary and permanent electrical installations.

Need and Legal Basis: This rule is needed because of the injuries and fatalities associated with temporary and permanent electrical installation used on the jobsite. The legal basis for this rule is 29 U.S.C. 655.

18. 29 CFR Part 1910, Subpart T—Commercial Diving Operations

Description: The current standards specify safe work practices for commercial diving operations as well as requirements for equipment and maintenance and recordkeeping and reporting. These standards were originally promulgated in 1977.

Need and Legal Basis: This rule is needed because of the safety and health hazards associated with commercial diving operations. The legal basis for this rule is 29 U.S.C. 655.

17. 29 CFR Part 1926, Subpart M—Floor and Wall Openings

Description: These standards address safety hazards associated with the danger of employees or materials falling through or from floors, roofs or wall openings or from stairways and other points of access. These standards were originally promulgated in 1971 under the Construction Safety Act.

Need and Legal Basis: This rule is needed because of the occupational injuries and deaths resulting from accidents and falls associated with unsafe floor and wall openings in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

18. 29 CFR Part 1926, Subpart S—Tunnels and Shafts, Caissons, Cofferdams and Compressed Air

Description: Present standards address construction activities underground and under water areas in cofferdams and similar areas. The present standards address safe conditions and work practices for structures and employees within these work areas. These standards were originally promulgated under the Construction Safety Act in 1971.

Need and Legal Basis: This rule is needed because of the safety and health hazards associated with work performed in tunnels and shafts, caissons and coffer-dams, and with compressed air. The legal basis for this rule is 29 U.S.C. 655.

19. 29 CFR Part 1910, Subpart O—Machinery and Machine Guarding

Description: Present standards address safe design, maintenance, care and use of machinery. These standards also set forth machine guarding criteria for power transmission and point-of-operation guarding of fixed machinery. These standards were originally promulgated in 1971 based on the then existing national consensus standards with some more recent changes.

Need and Legal Basis: This rule is needed because of the occupationally related injuries and deaths associated wih unguarded and poorly maintained machinery. The legal basis for this rule is 29 U.S.C. 655.

20. 29 CFR Part 1926, Subpart P—Excavation, Trenching and Shoring

Description: Subpart P, Excavation, Trenching and Shoring, is comprised of four sections, §§ 1926.650 through 1926.653. Section titles are: General protection requirements; Specific excavation requirements; Specific trenching requirements; and Definitions applicable to the subpart. Basically, the subpart requires that all trenches and/or excavations over five feet in depth be shored or the sidewalls sloped.

Need and Legal Basis: This rule is needed because of trench and excavation sidewall failures that have resulted in death and injury to workers. The percentage of such failures is unknown, but deaths resulting from these accidents exceed 100 each year. The changes, additions, and clarifications in the standard will provide a flexibility to the user that will allow for the use of more advanced technological solutions to the problems of shoring trenches and excavations. The legal basis for this rule is 29 U.S.C. 655.

IV. Employment and Training Administration

1. 20 CFR Part 615—Extended Benefits

Description: The regulation implements the Federal-State Extended Unemployment Compensation Act of 1970, and amendments thereto. The act requires States to provide for payment of Extended Benefits during periods of high unemployment to persons who have exhausted their regular benefits.

Need and Legal Basis: The regulations are necessary to clarify many terms and effective dates in the law. The legal basis for the rule is the Federal-State Extended Unemployment Compensation Act of 1980, which was Title II of Pub. L. 91–373, and amendments thereto.

2. 20 CFR Part 616—Combined Wage Claims

Description: Implementing regulations were promulgated on December 28, 1971 (36 FR 24991), and amended periodically. They approve and implement an arrangement between the States to combine all employment and wages in all States for an individual who worked in more than one State. All changes in the arrangement are developed jointly by the Secretary of Labor and the participating State agencies, as needed to meet operating problems.

Need and Legal Basis: The rule is needed to establish the basic policies that are binding upon the Federal and State partners. The legal basis for the rule is section 3304(9)(B) of the Internal Revenue Code of 1954.

3. 20 CFR Part 618—Federal Supplemental Benefits

Description: Implementing regulations were promulgated February 6, 1975 (40 FR 5498), and amended March 23, 1976 (41 FR 12152). A notice to be published in the Federal Register will serve to officially cancel the enabling regulations for this program.

Need and Legal Basis: The Emergency Unemployment Compensation Act of 1974 was Pub. L. 93–572 (88 Stat. 1869). It created a temporary program to pay extended benefits during periods of high unemployment to individuals who were unemployed and had exhausted all other regular and extended unemployment compensation. The program operated from January 1, 1975 to March 31, 1977. All benefit payment processes have been completed.

4. 20 CFR Part 619—Special Unemployment Assistance

Description: Implementing regulations were promulgated February 6, 1975 (40 FR 5502), and subsequently amended March 23, 1976 (41 FR 12162). A notice to be published in the Federal Register will serve to officially cancel the enabling regulations for this program.

Need and Legal Basis: Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" contained in Pub. L. 93–567 and amended Pub. L. 94–32 and Pub. L. 94–45, created a temporary program of Special Unemployment Assistance (SUA) for individuals who were unemployed during a period of aggravated unemployment and were not otherwise eligible for unemployment compensation under any other State or Federal Law. The program was operational commencing with the week beginning December 22, 1974. No further benefits were payable for any week of unemployment ending after June 30, 1977, thus terminating the program. All benefit payment and appellate processes have been completed.

5. 20 CFR Part 640—Benefit Payment Promptness Standard

Description: These regulations were promulgated March 5, 1976 (41 CFR 9559), and amended by July 28, 1978 (43 CFR 33224). They established a standard to assure that payment of unemployment compensation will be made as promptly as administratively feasible. The standard distinguishes between intrastate and interstate claims and between States which require a waiting period for benefits and those which do not. The regulation provides for review of compliance and enforcement.

Need for Legal Basis: Section 303(a)(1) of the Social Security Act requires that States pay unemployment benefits "when due" and provides that administrative operating costs will not be reimbursed if a State fails to provide adequate methods of administration. The regulations are needed to interpret what "when due" means and to set out arithmetic standards for measurement of each State's compliance. They provide for administrative actions when a State falls below those standards.

6. 20 CFR Part 650—Standard for Appeals Promptness—Unemployment Compensation

Description: The existing regulation was promulgated August 11, 1972 (37 FR 16173), and amended February 13, 1976 (41 FR 6756). It establishes a standard to assure that administrative appeals affecting unemployment compensation benefit rights are heard and decided with the greatest promptness that is administratively feasible. In this regulation the Secretary of Labor considers as substantial compliance the issuance of minimum percentages of first level benefit appeal decisions for calendar year 1975 and ensuing years of at least 60 percent of appeal decisions within 30 days of the date of appeal, and at lest 80 percent within 45 days.

Need and Legal Basis: This regulation was required by mandate of the U.S. Supreme Court in the case of *California Department of Human Resources* v. *JAVA*, 402 U.S. 121 (1971), and other courts, which have expressed concern with delay in the disposition of appeals on unemployment insurance benefit claims. It is in compliance with the commitment made by the Secretary of Labor in the brief filed with the Supreme Court on the *Java* case.

7. 29 CFR Part 28—Exemplary Rehabilitation Certificate for Ex-Servicemen

Description: These regulations, cover the processes by which the Secretary of Labor issues certificates to individuals released or discharged from military service under conditions other than honorable. Such certificates are awarded to individuals who have provided evidence of exemplary character, conduct, and activities within at least the three-year period prior to application. The receipt of an exemplary rehabilitation certificate does not change in any way the character of the individual's military discharge, nor does it entitle the person to any special benefits.

Need and Legal Basis: These regulations were issued pursuant to 10 U.S.C. 1571 *et seq.*, and are needed to carry out the statutory mandate of providing for a rehabilitation process for servicemen discharged from the service under conditions other than honorable.

8. 20 CFR Part 680—Comprehensive Employment and Training Act; Amendments to Title IV Youth Programs

Description: Implementing regulations were promulgated May 20, 1980 (45 CFR 33846), and subsequently amended September 4, 1981, (46 FR 44730). Part 680 establishes the requirements for governing youth programs under Title IV, Part A and C of CETA, providing career opportunities for young persons, especially disadvantaged youth, to enable them to secure unsubsidized employment in the public and private sectors of the economy.

Youth programs authorized include: The Youth Incentive Entitlement Pilot Projects (YIEPP), designed to test the effect of a guaranteed year-round structured work experience to encourage school completion; the Youth Community Conservation and Improvement Projects (YCCIP), designed to provide jobs and employment experience in community betterment projects; the Youth Employment and Training Programs (YETP), designed to make available a broad range of employment and training services adopted to local needs; and the Summer Youth Employment Program (SYEP), designed to provide eligible youth with useful work opportunities during the summer months to assist youth in developing their maximum occupational potential.

Need and Legal Basis: The Comprehensive Employment and Training Act (CETA) Amendments of 1978, Pub. L. 95–524, October 27, 1978, and the statutory changes to CETA contained in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, August 13, 1981, establish employment and training programs for State and local jurisdication in the employment of economically disadvantaged and eligible participants. Part 680 is needed to regulate the implementation of prime sponsor youth programs under Title IV of CETA. The current CETA regulations of May 20, 1980, and September 4, 1981, promulgated under the Act will remain in effect to govern youth programs through the extension of the programs for fiscal year 1982.

9. 20 CFR Part 655, Labor Certification Process for the Temporary Employment of Aliens in the United States, and Part 656, Labor Certification Process for the Permanent Employment of Aliens in the United States

Description: Parts 655 and 656 set forth the Department of Labor responsibilities for the certification of aliens for employment within the United States on a temporary or permanent basis. Part 655 establishes the procedures and standards for the temporary employment of aliens. Included among these provisions are the content of job offers, assurances to be given by employers, recruitment of workers, and reviews or adjudication of DOL findings or determinations. Within 655 the subparts cover particular occupations or localities.

Part 656 establishes procedures and standards for the regulation of permanent employment of aliens. Subparts within 656 deal with occupational labor certifications, the certification process and the determination of prevailing wages.

Constant shifts in the labor market and occupations make frequent modifications to Parts 655 and 656 necessary.

Need and Legal Basis: Part 655 is needed to establish the standards and procedures for the temporary employment of aliens. At issue in the certification of aliens for employment in the United States are the availability of willing, qualified U.S. workers and any possible adverse effect that the admission of immigrant and non-immigrant aliens into the U.S. will have upon the wages or working conditions of U.S. workers similarly employed. The legal basis for these regulations is the Immigration and Nationality Act, 8 U.S.C. 1104 and 1184 *et seq.*

10. 29 CFR Part 75, Department of Labor Review and Certification Procedures and Rural Industrialization Loan and Grant Programs Under the Consolidated Farm and Rural Development Act of 1972

Description: Part 75 establishes standards for the review of loan applications to finance industrial and

business activities as well as pollution control and abatement projects in rural areas. The United States Employment Service responsibilities include the gathering and assessment of certain required information in the loan/grant process. This part was last amended in 1975 and will be reviewed during fiscal year 1982 in order to update references, terms, required forms and reporting instructions.

Need and Legal Basis: This part is needed to establish a specific review process for rural development loans made under the Act. The Department of Agriculture has the primary responsibility for reviewing and granting these loans. The procedures in Part 75 have been established in consultation with the Department of Agriculture for the timely issuance of labor certifications required as a condition of any loan/grant. The legal basis for these regulations is the Consolidated Farm and Rural Development Act of 1972, as amended (Pub. L. 95–334, August 4, 1978).

11. 20 CFR Part 604, Policies of the United States Employment Service

Description: Part 604 has in recent years served a double purpose in codifying the policies of the employment service. First, this part established basic policies binding on both the Federal and State partners in the employment service system. Secondly, during the conversion from Employment Security Manual (ESM) to regulatory requirements, Part 604 serves as a consistent statement of policies. As the ESM is replaced by regulations, many of the general policy statements will be removed from Part 604; for instance, publication of the basic services regulations during the last year made possible the removal of a number of the policies listed in Part 604. Because Part 604 contains basic policies of the employment service, its content will be reviewed each time new responsibilities or regulations for the employment service are issued. No date has been established for publication as amendments to Part 604 will be incorporated into other regulations for publication.

Need and Legal Basis: Part 604 is needed to establish the basic policies that are binding upon the Federal and State partners. When published as a part of the employment service regulations, they are a clear, consistent, public statement of policy. The legal basis for these regulations is the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*

12. 20 CFR Part 651—General Provisions Governing the Federal-State Employment Service System

Description: Part 651 sets forth the basic structure of the employment service system under the Wagner-Peyser Act. This part contains: Primary federal statutes governing the employment service; Executive Orders; definitions of terms used in Parts 651–658; and a format of the Federal regulations affecting the system. New statutory and regulatory requirements have been instituted since this part was last reviewed; an update is needed. No specific date has been established for publication of an updated Part 651.

Need and Legal Basis: Part 651, otherwise known as the "General Provisions" is needed to describe the basic provisions and requirements for the operation of the employment service system. By providing legislative and Executive Order citations as well as the format for regulations governing the system, all parties—the State agencies, the public and other interested parties—have in one place all necessary information on how the system is governed. The legal basis for these regulations is the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*

13. 20 CFR Part 653, Services of the Employment Service System; Subpart A—Basic Services and Subpart C—Services for Veterans

Description: The regulations issued or under development for 20 CFR Parts 651–658 provide Federal policy and requirements which must be adhered to by State employment service agencies.

The employment service performs essentially a labor exchange function, i.e., it provides no-fee employment services to applicants seeking employment and to employers seeking applicants.

Subpart A—Basic Services—establishes standards for most services to applicants and employers. Among the services provided applicants are: job information; referral to job openings listed with the employment service; employment counseling; employment testing; job development; and referral to training. Among the services provided employers are: referral of qualified applicants to job openings listed with the employment service system; labor market information; and assistance in meeting affirmative action obligations under legislation, court order, consent decree, government contracts, or other fair employment practice authority rulings.

Subpart C—Services to Veterans—establishes standards for services to veterans. In addition to describing the services to veterans under the Wagner-Peyser Act, this subpart implements many employment services responsibilities under a number of legislative initiatives for veterans.

Clarifying and technical amendments to the 20 CFR Part 653, Subpart A—Basic Services—regulations will be proposed early in fiscal year 1982. These amendments correct errors which appeared in the final rules of January 23, 1981 (46 FR 7704), and also reflect necessary changes that are the result of developments during the last few months. As Subpart A is basic and essential to the employment service system, its contents are constantly and thoroughly scrutinized and amendments are often considered. Also Subpart C—Services for Veterans—will be amended during the 1982 fiscal year. In addition to instituting the new requirements of the Veterans Rehabilitation Amendments of 1980 (Pub. L. 96–466), the amendments will clarify and consolidate the numerous mandates for specific services to veterans.

Need and Legal Basis: The Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*, established a Federal-State employment service system of public employment offices to provide employment services to workers and employers. Subpart A—Basic Services—is needed to establish the standards for the basic services that must be provided (see description above). Subpart C is needed to establish the standards for services to veterans. The legal basis for these regulations is established by a number of statutory mandates.

Veterans services are specifically mentioned in the Wagner-Peyser Act. In addition, a number of laws mandate services to be provided to veterans by the employment service. For example, 38 U.S.C. 2001–2008 (Chapter 41), requires referral of veterans to employment and training opportunities; 38 U.S.C. 2012(a) requires referral of veterans on a priority basis to job openings listed by certain Federal contractors; Section 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567) requires the Department to provide (in conjunction with other designated agencies) outreach to veterans for employment and training opportunities; section 2012, 38 U.S.C. (Chapter 42), prescribes performance standards for State agencies' services to veterans; and the Veterans Rehabilitation Amendments of 1980 (Pub. L. 96–466) contain the most recent requirements for vetrans' services.

V. The Employment Standards Administration

1. 20 CFR Part 1—Performance of Functions under this Chapter (Office of Worker's Compensation Programs (OWCP) Organization and Procedures)

Description: This regulation sets forth the organizational background and information concerning the Office of Workers' Compensation, the assignment of functions to OWCP and regulatory responsibilities of the OWCP.

Need and Legal Basis: The regulation is needed to identify duties assigned to the Secretary by nine different statutes which have been delegated to OWCP for their implementation and to specify the location of the detailed regulations for the implementation of each of those statutes. It is based on Secretary's Order 13–71 and Employment Standards Administration Order 2–74.

2. 20 CFR Part 10—Claims for Compensation under the Federal Employee's Compensation Act, as amended

Description: This regulation sets forth the regulations applicable to the filing, processing and payment of claims for workers' compensation benefits under the provisions of the Federal Employees' Compensation Act, as amended.

Need and Legal Basis: The regulation is needed to provide detailed guidance and assistance to persons seeking compensation benefits under the Act, as well as to personnel within the Department of Labor and other agencies of the United States who are required to perform some function with respect to its administration. The legal basis for the regulation is the Federal Employees' Compensation Act (5 U.S.C. 8101 *et seq.*).

3. 20 CFR Part 25—Compensation for Disability of Noncitizen Federal Employees Outside the United States

Description: These regulations define benefit levels for injured or killed noncitizen Federal employees working outside the U.S. and govern methods for awarding such Federal employees workers' compensation benefits.

Need and Legal Basis: The regulations are necessary to define the relationships between the FECA and local law for certain groups of noncitizen Federal employees injured outside the United States. The legal basis for these regulations is 5 U.S.C. 8137, 8145, and 8149.

4. 20 CFR Part 701—General, Administering Agency; Definitions and Use of Terms (Longshoremen's and Harbor Workers' Compensation Act and Related Acts)

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), Workmen's Compensation Act, the Outer Continental Shelf Lands Act and the Nonappropriated Fund Instrumentalities Act, provides a general description of the regulations contained in 20 CFR Parts 701 through 704, information as to persons and agencies within the Department of Labor authorized by the Secretary of Labor to administer the Longshoremen's and Harbor Workers' Compensation Act and its extensions and the regulations, and guidance as to the meaning and use of specific terms in the regulations.

Need and Legal Basis: This part identifies the various statutes which incorporate substantive provisions of the LHWCA and provides uniform definitions for the regulations implementing those laws in Parts 701 through 704. The legal basis for these regulations is 33 U.S.C. 939.

5. 20 CFR Part 702—Administration and Procedures (Longshoremen's and Harbor Workers' Compensation Act and Related Statutes)

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains the general administrative regulations governing claims filed under the Act, and the procedures for the adjudication of such claims and the provision of medical and vocational rehabilitation services under the Act.

Need and Legal Basis: These regulations are necessary to provide detailed procedures for the implementation of the LHWCA and the adjudication of rights and duties established by it. The Longshoremen's and Harbor Workers' Compensation Act is codified at 33 U.S.C. 901 through 950.

6. 20 CFR Part 703—Insurance Regulations (Longshoremen's and Harbor Workers' Compensation Act and Related Statutes)

Description: This Part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains regulations governing authorization of insurance carriers, authorization of self-insurers, and issuance of certificates of compliance with the insurance regulations.

Need and Legal Basis: These regulations are necessary to provide detailed procedures defining the means used to secure the payment of compensation and other benefits provided under the LHWCA. Their legal basis is 33 U.S.C. 932, 937, and 939.

7. 20 CFR Part 704—Special Provisions for Longshoremen's and Harbor Workers' Compensation Act Extensions

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains the exceptions to the general applicability of Parts 702 and 703 for the Defense Base Act, the District of Columbia Compensation Act, the Outer Continental Shelf Lands Act and the Nonappropriated Fund Instrumentalities Act.

Need and Legal Basis: These regulations are needed to provide detailed procedures for the implementation of the provisions of the extensions of the LHWCA which differ from the provisions of the basic statute. They are based on legal provisions in 33 U.S.C. 939, 42 U.S.C. 1651 *et seq.*, 36 District of Columbia Code 501 *et seq.*, 43 U.S.C. 1331, 5 U.S.C. 8171 *et seq.*

8. 20 CFR Part 722—Criteria for Determining Whether State Workmen's Compensation Laws Provide Adequate Coverage for Pneumoconiosis and Listing of Approved State laws

Description: These regulations establish procedures and standards to be applied by the Secretary of Labor in determining whether a State workmen's compensation law provides adequate coverage for death or disability due to pneumoconiosis.

Need and Legal Basis: The Black Lung Benefits Act requires the Secretary to establish criteria by which the adequacy of State laws which provide benefits for disability or death due to pneumoconiosis are to be determined. The legal basis for this regulation is 30 U.S.C. 931 and 936.

9. 20 CFR Part 725—Claims for Benefits under Part C of Title IV of the Federal Mine Safety and Health Act, as amended

Description: These regulations define the procedures for the adjudication and payment of benefits on claims for total disability due to Black Lung disease.

Need and Legal Basis: The Black Lung Benefits Act provides broad authority to the Secretary to establish specific and detailed procedures for the adjudication

of claims and the payment of benefits under the Act. These detailed procedures are necessary for the orderly administration of the Act. Their legal basis in contained in 30 U.S.C. 901 through 945 and 33 U.S.C. 901 through 950.

10. 20 CFR Part 726—Black Lung Benefits, Requirements for Coal Mine Operators' Insurance

Description: These rules governing the manner by which a coal mine operator shall fulfill its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company.

Need and Legal Basis: These regulations are necessary to provide detailed procedures defining the means used to secure the payment of benefits under the Black Lung Benefits Act. The legal basis for this regulation is 30 U.S.C. 931, 933, 936 and 33 U.S.C. 901 *et seq.*

11. 41 CFR Chapter 60—Office of Federal Contract Compliance Programs (OFCCP), Equal Employment Opportunity, Department of Labor (Except 41 CFR Part 60–3, Guidelines on Employee Selection Procedures)

Description: This group of regulations contains OFCCP's rules covering obligations of Federal contractors and under E.O. 11246 (41 CFR Part 60–1); affirmative action program requirements under E.O. 11246 (41 CFR Part 60–2); construction contractors' affirmative action requirements under E.O. 11246 (41 CFR Part 60–4); sex discrimination guidelines under E.O. 11246 (41 CFR Part 60–20); administrative hearing rules under E.O. 11246, section 402 of the Vietnam Era Veterans' Readjustment Assistance Act and section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60–30); religion and national origin discrimination guidelines under E.O. 11246 (41 CFR Part 60–50); nonconstruction contractor evaluation procedures under E.O. 11246 (41 CFR Part 60–60); affirmative action requirements and enforcement provisions under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act (41 CFR Part 60–250); and affirmative action requirements and enforcement provisions under section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60–741); and examination and copying of OFCCP documents (41 CFR Part 60–40).

Need and Legal Basis: These regulations implement E.O. 11246, as amended by E.O. 11375 and E.O. 12086, Section 402 of the Vietnam Era Veterans' Readjustment Act of 1974, as amended, and Section 503 of the Vocational Rehabilitation Act of 1973, as amended.

12. 29 CFR Parts 1 and 5—Labor Standards Provisions, Davis-Bacon and Related Acts

Description: These provisions contain regulations governing the issuance of prevailing wage determinations and the administration and enforcement of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and responsibilities under the Copeland Anti-Kickback Act.

Need and Legal Basis: These regulations are necessary to set forth the procedures for making and applying determinations of prevailing wage rates and fringe benefits under the Davis-Bacon and related Acts, to coordinate the administration and enforcement of the labor standards provisions of the Davis-Bacon and related Acts, the Contract Work Hours and Safety Act and the Copeland Act by Federal agencies responsible for their administration, and to codify the Department's policies for administering the Acts. They are issued pursuant to the Secretary of Labor's authority under 40 U.S.C. 276a and 276c Reorganization Plan No. 14 of 1950.

13. 29 CFR Part 4—Labor Standards for Federal Service Contracts

Description: The Service Contract Act requires most Federal service contractors and subcontractors to pay their service employees not less than the minimum wages and fringe benefits which the Secretary of Labor finds to be prevailing in the locality. These regulations govern the administration of the Service Contract Act and set forth official rulings and interpretations with respect to the application of the Act for the guidance of Government contracting agencies, Government contractors and subcontractors, and the employees who perform work under such contracts.

Need and Legal Basis: These regulations are necessary to implement the requirements of the Service Contract Act. They are issued pursuant to statutory authority under 41 U.S.C. 351, *et seq.*, 41 U.S.C. 38 and 39, and 5 U.S.C. 301.

14. 29 CFR Part 6—Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal Service Contracts

Description: This regulation provides the rules of practice for administrative proceedings relating to the enforcement of labor standards under the Service Contract Act of 1965.

Need and Legal Basis: This regulation is necessary to advise contractors of the procedures for administrative proceedings and to assure the orderly conduct of such proceedings. It is issued pursuant to 41 U.S.C. 351 *et seq.*, 41 U.S.C. 38 and 39, and 5 U.S.C. 301.

15. 29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts

Description: This regulation sets forth procedures to carry out the provisions of Section 5(j) of the National Foundation on the Arts and Humanites Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts.

Need and Legal Basis: Section 5(j) of the National Foundation on the Arts and Humanties Act requires grant recipients to furnish adequate assurances to pay not less than the minimum compensation to their professional employees and related or supporting professional personnel *as determined by the Secretary of Labor* to be the prevailing minimum compensation for persons employed in similar activities.

16. 29 CFR Part 516—Records to be Kept by Employers

Description: This regulation contains the recordkeeping requirements applicable to all employers whose employees are covered by the Fair Labor Standards Act (FLSA).

Need and Legal Basis: This regulation is needed to set forth employer recordkeeping requirements under the FLSA necessary to the law's enforcement. Section 11(c) of the FLSA authorizes the Secretary to prescribe the records which employers subject to the FLSA must maintain.

17. 29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops

Description: This regulation sets forth the conditions under which certificates may be issued under the Fair Labor Standards Act authorizing special minimum wage rates for handicapped clients in sheltered workshops.

Need and Legal Basis: Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214) requires the Secretary of Labor to, "by regulation or order provide for the employment under special certificates of individuals * * * whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than

the minimum wage applicable under section 6 of the Act."

18. 29 CFR Part 530—Employment of Homeworkers in Certain Industries

Description: This regulation sets forth the conditions under which certificates can be issued authorizing the employment of individuals as homeworkers in certain industries.

Need and Legal Basis: Section 11(d) of the Fair Labor Standards Act authorizes the Secretary to regulate, restrict or prohibit industrial homework to the extent necessary to safeguard the minimum wage.

19. 29 CFR Part 541—Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman"

Description: These regulations set forth criteria for determining the application of the Fair Labor Standards Act (FLSA) exemption for "executive," "administrative," "professional," and "outside sales" employees from the minimum wage and overtime requirements of the Act.

Need and Legal Basis: These regulations delineate the duties, responsibilities, and minimum salary levels which must be met in order for employees to qualify for the minimum wage and overtime exemption contained in section 13(a)(1) of the FLSA. Section 13(a)(1) gives the Secretary of Labor the responsibility to define and delimit the terms "bona fide executive, administrative or professional capacity, or in the capacity of an outside salesman."

20. 29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Regulation 3)

Description: This regulation sets standards for the employment of 14 and 15-year-old minors that will not interfere with their schooling, health or well-being.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act requires the Secretary to "provide by regulation or order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being."

21. 29 CFR 570.52—Motor Vehicle Driver and Outside Helper (Child Labor Hazardous Order No. 2 under the FLSA)

Description: Child Labor Hazardous Order No. 2 prohibits the employment of minors 16 and 17 years of age in the occupations of motor vehicle operator and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation identified under Hazardous Occupations Order No. 17 (29 CFR 570.68) as hazardous for the employment of such minors.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health of well-being. This regulation implements that statutory authority.

22. 29 CFR 570.61—Occupations Involving Slaughtering, Meat Packing or Processing, or Rendering (Child Labor Hazardous Order No. 10 under the FLSA)

Description: This regulation defines specific meat-processing and allied occupations which have been found to be particularly hazardous for the employment of minors between 16 and 18 years of age.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health or well-being. This regulation implements that statutory authority.

23. 29 CFR 570.62—Occupations Involving the Operation of Power-driven Bakery Machines (Child Labor Hazardous Order No. 11 under the FLSA)

Description: Child Labor Hazardous Order No. 11 prohibits the employment of minors 16 and 17 years of age in occupations involving the operation of various power-driven bakery machines.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health or well-being. This regulation implements that statutory authority.

Signed this 21st day of December, 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-1 Filed 1-4-82; 8:45 am]

BILLING CODE 4510-23-M

V
4
7
/
2
J
A
5
8
2
UMI

federal register

Tuesday
January 5, 1982

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Connecticut:	CT81-3032	May 15, 1981.
Iowa:		
	IA81-4088	Nov. 13, 1981.
	IA81-4090	Dec. 11, 1981.
	IA81-4091	Nov. 13, 1981.
	IA81-4092	Nov. 27, 1981.
	IA81-4093	Nov. 27, 1981.
	IA81-4094	Nov. 27, 1981.
	IA81-4095	Nov. 27, 1981.
	IA81-4097	Nov. 27, 1981.
	IA81-4101	Dec. 11, 1981.
Louisiana:		
	LA81-4084	Nov. 6, 1981.
	LA81-4085	Nov. 6, 1981.
	LA81-4086	Nov. 6, 1981.
Pennsylvania:		
	PA81-3041	July 6, 1981.
	PA81-3044	Aug. 7, 1981.
Texas:		
	TX81-4044	June 26, 1981.
	TX81-4052	July 10, 1981.
	TX81-4074	Oct. 2, 1981.
	TX81-4075	Oct. 2, 1981.
	TX81-4076	Oct. 2, 1981.
	TX81-4077	Oct. 2, 1981.
	TX81-4078	Oct. 2, 1981.
	TX81-4079	Oct. 2, 1981.
	TX81-4083	Nov. 6, 1981.
Virginia:	VA81-3092	Dec. 18, 1981.

Signed at Washington, D.C., this 24th day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. CT81-3032 - MOD. #7 (46 FR 27040 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONNECTICUT	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	16.53	1.275	10%		.04
BRICKLAYERS; CEMENT MASONS; FINISHERS; MARBLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS AND TILE SETTERS:					
Building Construction:					
Area 2	13.50	.75	1.00		
Area 7	13.50	.75	1.00		
ELECTRICIANS:					
Area 3	13.10	1.22	3%+.60		1/8%
GLAZIERS:					
Area 2	13.16	.84	2.65	.35+i	
LINE CONSTRUCTION:					
Linemen, Cable Splicers, & Dynamite Man	15.15	.70	3%+1.00	1	
Heavy Equipment Operator	13.79	.70	3%+1.00	1	
Equipment Operator, Tractor Trailer Driver, Field Mechanic	13.01	.70	3%+1.00	1	
Material Man	12.79	.70	3%+1.00	1	
Groundman Truck Driver	11.69	.70	3%+1.00	1	
Groundman	10.34	.70	3%+1.00	1	
PAINTERS:					
Area 2:					
Brush; Tapers	12.85	1.20	1.25		.03
Paperhangers	13.35	1.20	1.25		.03
Riding Steel; Steam-cleaning; Sandblasting Tank; Towers; and Hazardous Work	13.43	1.20	1.25		.03
Spray	15.85	1.20	1.25		.03
PLUMBERS; STEAMFITTERS:					
Area 4	16.00	.75	1.40	q	.07
SPRINKLER FITTERS	15.80	.95	1.40		.08
STEAMFITTERS					
Area 1	15.08	1.16	2.00		.13
TILE, MARBLE AND TERRAZZO FINISHERS	10.65	.50	1.00		

DECISION NO. IA81-4088 - MOD. #2 (46 FR 56121 - November 13, 1981) Black Hawk County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet metal workers	$15.56	1.00	.60		.06
Power Equipment Opn.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4090 - MOD. #1 (46 FR 60752 - December 11, 1981) Des Moines County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement masons	16.15				
Plasterers	15.78				
DECISION NO. IA81-4091 - MOD. #2 (46 FR 56123 - November 13, 1981) Dubuque County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

Modification Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4092 - MOD. #1 (46 FR 58025 - November 27, 1981) Johnson County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	$13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4093 - MOD. #1 (46 FR 58018 - November 27, 1981) Linn County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Tile setters	13.93		.80		
Power Equipment Ops.					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4094 - MOD. #3 (46 FR 58019 - November 27, 1981) Polk County, Iowa					
ADD: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Plasterers	13.355		.90		
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement masons	13.28		.90		.04
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4095 - MOD. #2 (46 FR 58022 - November 27, 1981) Webster County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	$13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4097 - MOD. #2 (46 FR 58015 - November 27, 1981) Cerro Gordo County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4101 - MOD. #1 (46 FR 60754 - December 11, 1981) Pottawattamie County, Iowa					
CHANGE: Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

Modification Page 5

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. LA81-4084 - MOD. #4 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana					
CHANGE:					
Painters:					
Calcasieu Parish:					
Group 1	$14.745		.30		
Group 2	14.945		.30		
Group 3	15.09		.30		
Roofers:					
Bossier & Caddo Parishes:					
Roofers	12.85		.20		.04
Kettlemen	8.90		.20		.04
Tile setters:					
Calcasieu Parish	11.07	.68	1.00		.02
DECISION NO. LA81-4085 - MOD. #3 (46 FR 55206 - November 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana					
CHANGE:					
Carpenters & piledrivermen					
Zone 2	13.20	.90	.90		.06
Zone 3	13.08	.85	.48		.07
Zone 4	10.40	.85	.48		.07
Zone 5	9.90	.85	.48		.07
Cement masons:					
Zone 1	12.57	.79	.60		.09
Zone 3	13.40				
Zone 4	11.80				
Zone 5	11.30				
Ironworkers:					
Zone 1	13.56	.93	.65		.08
Zone 2	13.50	.60	.65		.05
Zone 3	11.80	.60	1.65		.06
Zone 4 - Cameron & Jefferson Davis Parishes	10.50	.60	.65		.05
Zone 4 - Allen & Beauregard Parishes	10.00	.60	.65		.05

DECISION NO. LA81-4085 - MOD. #3 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Zone 1 - Group 1	$ 9.23	.30	.27		.05
Group 2	9.33	.30	.27		.05
Group 3	9.78	.30	.27		.05
Group 4	10.03	.30	.27		.05
Zone 3 - Group 1	9.28	.25	.27		.05
Group 2	9.38	.25	.27		.05
Group 3	9.83	.25	.27		.05
Group 4	10.08	.25	.27		.05
Zone 4 - Group 1	7.48	.25	.27		.05
Group 2	7.58	.25	.27		.05
Group 3	8.03	.25	.27		.05
Group 4	8.23	.25	.27		.05
Zone 5 - Group 1	7.28	.25	.27		.05
Group 2	7.38	.25	.27		.05
Group 3	7.83	.25	.27		.05
Group 4	8.03	.25	.27		.05
Painters:					
Zone 1 - Group 1	14.745		.30		
Group 2	15.09		.30		
Group 3	16.535		.30		
Power equipment oprs.:					
Zone 1 - Group 1	13.36	.65	1.20		.10
Group 2	13.61	.65	1.20		.10
Group 3	13.11	.65	1.20		.10
Group 4	11.54	.65	1.20		.10
Group 5	11.09	.65	1.20		.10
Group 6	9.81	.65	1.20		.10
Group 7	8.38	.65	1.20		.10
Group 8	11.14	.65	1.20		.10
Group 9	11.39	.65	1.20		.10
Group 10	8.63	.65	1.20		.10
Zone 3 - Group 1	13.01	.65	1.20		.10
Group 2	13.26	.65	1.20		.10
Group 3	12.76	.65	1.20		.10
Group 4	11.22	.65	1.20		.10
Group 5	10.51	.65	1.20		.10
Group 6	9.23	.65	1.20		.10
Group 7	7.77	.65	1.20		.10
Group 8	10.82	.65	1.20		.10
Group 9	11.07	.65	1.20		.10
Group 10	8.02	.65	1.20		.10

Modification Page 7

DECISION NO. LA81-4085 - MOD. #3 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment ops. (Cont'd):					
Zone 4 - Group 1	$ 9.95	.65	1.20		.10
Group 2	10.20	.65	1.20		.10
Group 3	9.70	.65	1.20		.10
Group 4	8.52	.65	1.20		.10
Group 5	7.94	.65	1.20		.10
Group 6	6.77	.65	1.20		.10
Group 7	6.21	.65	1.20		.10
Group 8	8.21	.65	1.20		.10
Group 9	8.46	.65	1.20		.10
Group 10	6.46	.65	1.20		.10
Zone 5 - Group 1	9.45	.65	1.20		.10
Group 2	9.70	.65	1.20		.10
Group 3	9.20	.65	1.20		.10
Group 4	8.02	.65	1.20		.10
Group 5	7.44	.65	1.20		.10
Group 6	6.27	.65	1.20		.10
Group 7	5.71	.65	1.20		.10
Group 8	7.71	.65	1.20		.10
Group 9	7.96	.65	1.20		.10
Group 10	5.96	.65	1.20		.10
Truck drivers:					
Zone 1 - Group 1	9.33	.70			
Group 2	9.46	.70			
Group 3	9.52	.70			
Group 4	9.60	.70			
Group 5	9.79	.70			
Zone 3 - Group 1	9.49	.70			
Group 2	9.62	.70			
Group 3	9.68	.70			
Group 4	9.75	.70			
Group 5	9.94	.70			
Zone 4 - Group 1	7.27	.70			
Group 2	7.40	.70			
Group 3	7.46	.70			
Group 4	7.53	.70			
Group 5	7.73	.70			
Zone 5 - Group 1	7.37	.70			
Group 2	7.50	.70			
Group 3	7.56	.70			
Group 4	7.63	.70			
Group 5	7.82	.70			

Modification Page 8

DECISION NO. LA81-4086 - MOD. #4
(46 FR 55189 - November 6, 1981)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers-Zone 4	$13.75	.04	.50		.03
Carpenters:					
Zone 7:					
Carpenters & soft floor layers	12.55				
Millwrights	13.30				
Piledrivermen	13.05				
Zone 9:					
Carpenters & soft floor layers	12.05	.80	.85		.10
Millwrights	12.95	.80	.85		.10
Piledrivermen	12.55	.80	.85		.10
Glaziers - Zone 2	11.25				.01
Lathers - Zone 9	12.55				
Zone 10	12.05	.80	.85		.10
Marble, tile & terrazzo workers & finishers:					
Zone 2 - Tile setters	11.07	.68	1.00		.02
Painters:					
Zone 1 - Group 1	14.745		.30		
Group 2	14.945		.30		
Group 3	15.09		.30		
Group 4	16.535		.30		
Plasterers - Zone 2	12.25				.01
Roofers:					
Zone 3 - Roofers	10.98	.75	.95		.04
Zone 4 - Roofers	10.50		.30		
Kettlemen	8.80		.30		
Zone 5 - Roofers	12.86		.20		.04
Kettlemen	8.90		.20		.04
OMIT:					
Plumbers & pipefitters					
Zone 3	13.10	1.05	1.20		.10

Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwys. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Hwy. 10), West Carroll & Winn Parishes

Modification Page 9

Modification Page 10

DECISION NO. LA81-4086 - MOD. #4 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Plumbers & pipefitters:					
Zone 3	$13.10	1.05	1.20		.10
Zone 6	14.05	.75	.80		.10

ZONE 3 - Avoyelles, Catahoula, Concordia, Evangeline Grant, LaSalle, Natchitoches (south of Hwys. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Hwy. 10) & Winn (south of Hwy. 84) Parishes

ZONE 6 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & Winn (north of Hwy. 84) Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3041					
MOD. NO. 4					
(46 FR 34934 - July 6, 1981)					
Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pa.					
CHANGE:					
HEAVY & HIGHWAY CONSTRUCTION					
Carpenters					
Zone I	$13.57	7%	9%	10%	
Zone II	13.37	7%	9%	10%	
Carpenter - Welder					
Zone I	13.97	7%	9%	10%	
Zone II	13.77	7%	9%	10%	
Carpenter - Burner					
Zone I	13.77	7%	9%	10%	
Zone II	13.57	7%	9%	10%	
Cement Masons	13.90	7%	16%		
Piledrivermen	15.04	6%	10%		
Piledrivermen - Welder	15.29	6%	10%		
LABORERS					
CLASS I					
ZONE I	11.18	10%	10%		
ZONE II	11.06	10%	10%		
CLASS II					
ZONE I	11.34	10%	10%		
ZONE II	11.25	10%	10%		
CLASS III					
ZONE I	11.76	10%	10%		
ZONE II	11.76	10%	10%		
CLASS IV					
ZONE I	12.72	10%	10%		
ZONE II	12.72	10%	10%		

DECISION NO. PA81-3041
MOD. NO. 4, CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE I	$15.18	7.5%	8.25%		1%
ZONE II	14.93	7.5%	8.25%		1%
CLASS II					
ZONE I	14.96	7.5%	8.25%		1%
ZONE II	14.69	7.5%	8.25%		1%
CLASS III					
ZONE I	12.16	7.5%	8.25%		1%
ZONE II	11.92	7.5%	8.25%		1%
CLASS IV					
ZONE I	11.78	7.5%	8.25%		1%
ZONE II	11.49	7.5%	8.25%		1%
CLASS V					
ZONE I	11.56	7.5%	8.25%		1%
ZONE II	11.32	7.5%	8.25%		1%

DECISION NO. PA 81-3041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS 1					
ZONE 1	$11.95	8.5%	9.5%		
ZONE 2	11.72	8.5%	9.5%		
CLASS 2					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.90	8.5%	9.5%		
CLASS 3					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 4					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 5					
ZONE 1	12.25	8.5%	9.5%		
ZONE 2	12.08	8.5%	9.5%		
CLASS 6					
ZONE 1	12.25	8.5%	9.5%		
ZONE 2	12.08	8.5%	9.5%		
CLASS 7					
ZONE 1	12.24	8.5%	9.5%		
ZONE 2	12.05	8.5%	9.5%		
CLASS 8					
ZONE 1	11.99	8.5%	9.5%		
ZONE 2	11.75	8.5%	9.5%		
CLASS 9					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.86	8.5%	9.5%		
CLASS 10					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 11					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.90	8.5%	9.5%		
CLASS 12					
ZONE 1	12.04	8.5%	9.5%		
ZONE 2	11.86	8.5%	9.5%		

DECISION NO. PA81-3044 MOD. NO. 6 (46 FR 40477- August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, and Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Elevator Constructors	$14.95	1.345	1.085	j+k	.035
Elevator Constructors Helpers	10.465	1.345	1.085	j+k	.035
Elevator Constructors Helpers (Prob.)	7.475				
FOOTNOTES:					
j. Employer contributes 6% of basic hourly rate for 5 years or more of service or 8% hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.					

DECISION NO. TX81-4044 - MOD. #4 (46 FR 33194 - June 26, 1981) Bowie County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Plumbers & pipefitters:					
Within a 25 mile radius of Texarkana	$13.98	.80	.75		.05
Outside a 25 mile radius of Texarkana	14.38	.80	.75		.05
DECISION NO. TX81-4052 - MOD. #3 (46 FR 35903 - July 10, 1981) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
CHANGE:					
Asbestos workers	14.99	.70	1.00		.04
DECISION NO. TX81-4074 - MOD. #5 (46 FR 48861 - October 2, 1981) Travis County, Texas					
CHANGE:					
Glaziers	12.06		.50		.02
Painters - Group 1	11.50				
Group 2	12.00				
DECISION NO. TX81-4075 - MOD. #4 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Plasterers	15.20	.92	.75		.02
DECISION NO. TX81-4076 - MOD. #4 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Plasterers	15.20	.92	.75		.02

DECISION NO. TX81-4077 - MOD. #3 (46 FR 48859 - October 1, 1981) Jefferson & Orange Cos., Texas..	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Carpenters - Residential construction of not more than 2 units & condominium townhouses of not more than 10 units excluding all apartment construction & multiple buildings for rental purposes	$13.55	.05	.60		.065
Plasterers	15.20	.52	.75		.02
DECISION NO. TX81-4078 - MOD. #2 (46 FR 48865 - October 2, 1981) Bexar County, Texas					
CHANGE:					
Electricians:					
Electricians	14.29	.60	5%		1%
Cable splicers	14.54	.60	5%		1%
Painters:					
Brush; paperhangers; taper & floater; hand roller	10.65		.60		.05
Brush on all structural steel; spray on any other surface other than steel	10.90		.60		.05
DECISION NO. TX81-4079 - MOD. #3 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Bricklayers	13.45	.70	.55		.01

[FR Doc. 82-11- Filed 1-4-82; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO. TX81-4083 - MOD. #3 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Zone 2 - Millwrights	$14.51	.85	1.35		.08
Laborers:					
Zone 2 - Group 1	9.13	.30	.50		.05
Group 2	9.28	.30	.50		.05
Group 3	9.38	.30	.50		.05
Group 4	9.53	.30	.50		.05
DECISION NO. VA81-3092-Mod. #1 (46 FR 61819-December 18, 1981) AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECKLENBURG, NEW KENT, NOTTOWAY, POWHATAN, PRINCE GEORGE COUNTIES, and the City of RICHMOND					
CHANGE:					
Supersedes Decision No. VA80-3092 dated September 5, 1980 in 45 FR 59108 to read:					
Supersedes Decision No. VA80-3051 dated September 5, 1980 in 45 FR 59108					
MOTOR GRADER OPERATOR(FINE GRADE)	6.21				
MOTOR GRADER OPERATOR(ROUGH GRADE)	6.21				

federal register

Tuesday
January 5, 1982

Part IV

Department of Health and Human Services

Food and Drug Administration

Insect Repellent Drug Products for Over-the-Counter Oral Human Use

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N-0040]

Insect Repellent Drug Products for Over-the-Counter Oral Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of proposed rulemaking that would classify insect repellent drug products for over-the-counter (OTC) oral human use as not generally recognized as safe and effective and as being misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 7, 1980 a report on insect repellent drug products for oral use from the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC insect repellent drug products for oral use are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The Panel's recommendations on OTC insect repellent drug products for oral use contain no Category I or Category III conditions, and FDA is issuing the Panel's recommendations proposing Category II classification of OTC insect repellent drug products for oral use.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations that the ingredients in insect repellent drug products for oral use be classified as Category II. If the agency proposes to adopt the Panel's recommendations, a regulation declaring these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) will be proposed for inclusion in Part 310, Subpart E (21 CFR Part 310, Subpart E). The agency is including, in this advance notice of proposed rulemaking, a regulation based upon the Panel's recommendations in order to obtain full public comment at this time.

After reviewing all comments submitted in response to this document, FDA will publish in the **Federal Register** a notice of proposed rulemaking on OTC insect repellent drug products for oral use. The agency's position on OTC oral insect repellent drug products will be stated initially when that notice of proposed rulemaking is published in the **Federal Register**. In the notice of proposed rulemaking, the agency also will announce its intitial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC oral insect repellent drug products. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC oral insect repellent drug products should be accompanied by appropriate documentation.

If FDA proposes to adopt the Panel's recommendations, the agency will propose that insect repellent drug products for oral use be eliminated from the OTC market, effective 6 months after the date of publication of a final rule in the **Federal Register**, regardless of whether further testing is undertaken to justify their future use.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal

drug products to be considered in the OTC drug review. The list, which did not include oral insect repellent ingredients, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

James L. Tullis, M.D., Chairman (appointed December 1979)
John W. Norcross, M.D., Chairman (resigned March 1979)
Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976)
Ruth Eleanor Brown, R.Ph. (resigned May 1978)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O. (deceased April 13, 1979)
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D., Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members are nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator until July 1979, followed by John R. Short, R.Ph., Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio served as the liaison for the Office of New Drug Evaluation beginning November 1978. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph., until July 1979.

In order to expand its scientific base, the Panel called upon Ralph B. D'Agostino, Ph. D., for advice in statistics.

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for oral insect repellent drug products in this document. The review of all other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the Federal Register.

The Panel was first convened on January 13, 1975, in an organizational meeting. Working meetings which dealt with OTC insect repellent drug products for oral use were held on the following dates: February 23 and 24, April 18 and 19, and June 6 and 7, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (FHA-305), Food and Drug Administration (address above).

No person requested an opportunity to appear before the Panel to express his or her views on oral insect repellent drug products.

No submissions were made for oral insect repellent drug products; however, the Panel has thoroughly reviewed all available literature and has considered all pertinent data and information through June 7, 1980 in arriving at its conclusions and recommendations for these OTC drug products.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC oral insect repellent drug products with respect to the following three categories:

Category I. Conditions under which OTC oral insect repellent drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC oral insect repellent drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed one oral insect repellent drug product active ingredient and classified this ingredient in Category II.

A. Submission of Data and Information.

Although oral insect repellents were not listed in the notices published in the Federal Register of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179), these requests for submission of data and information were for all OTC miscellaneous internal drug products. No submissions for oral insect repellents were made pursuant to these notices, but the Panel was made aware (by FDA's Bureau of Drugs' Office of Compliance) of oral insect repellent drug products being marketed as follows:

Firms and Marketed Products

Thompson Enterprises, Middleport, NY 14105—E-Z Mosquito Repellent, tablets.
Cordova Laboratories, Sylmar, CA 91342—E-Z Oral Mosquito Bite Relief, tablets.

It appears from the labeling available to the Panel that thiamine hydrochloride is the active ingredient in these products; therefore, this is the only ingredient discussed in this document.

B. General Discussion.

Since antiquity, mosquitos, fleas, and other biting insects have been a source of great annoyance. Within the past century it has been shown that insects are also carriers of many diseases which affect humans and animals. Transmission of malaria and yellow fever by mosquitos are the best known instances of insect-borne disease, and control of the above diseases by mosquito abatement is common knowledge. Nevertheless, these and other insect-transmitted diseases continue to be a problem throughout much of the populated area of the world. In addition to transmission of disease, biting insects are a problem to many people in many areas of the world because of localized reaction and general annoyance. These problems have plagued troops in the field, and the military has been particularly interested in methods of protecting personnel against biting insects.

Numerous efforts have been made to identify the properties or substances which attract mosquitos to humans. Among those studied have been body heat and moisture and the various components of sweat. In a review of this problem, Maibach et al. (Ref. *1*) noted that odor appeared to be more important in attracting the mosquitos from a distance but that heat and moisture were probably more important in determining the site of the bite once the mosquito was in close proximity to the individual. These investigators studied the composition of sweat and separated various components. It appeared that lipid components of sweat had some

repellent effect on mosquitos and that sweat was more attractive to them when the lipids had been removed from it. Despite this and other studies, the precise explanation of what attracts mosquitos to humans and what might repeal them is still not clear.

Several substances for application to the skin to repeal insects are available and are claimed to be effective. This Panel did not review topical insect repellents, but is cognizant of the fact that these substances tend to be washed away rapidly by perspiration or other moisture. For several decades, studies have been performed directed at identifying substances which could be taken internally and would have prolonged effectiveness in repealing biting insects. In the United States, these studies have been limited almost entirely to mosquito repellents.

Ideally, an oral insect repellent should be nontoxic and should be inactivated or eliminated slowly from the body so that ingestion once or twice daily would be effective against specific insects (e.g., mosquitos, fleas, and tsetse flies), or, better yet, against a wide variety of biting insects. Of the substances studied, only thiamine hydrochloride (vitamin B–1) has shown enough promise to have been evaluated to any significant degree. During its review, the Panel found different terminology, i.e., thiamine hydrochloride, thiamine chloride, and thiamin chloride, used to describe this vitamin B–1 preparation. The Panel concludes that each of these terms refers to thiamine hydrochloride, which is the correct name of this ingredient (Ref. *2*).

In 1943, Shannon (Ref. *3*) reported that thiamin chloride, administered by mouth or by injection, appeared to have a repellent effect on the mosquitos. This has led to further investigation of thiamine hydrochloride as an oral insect repellent, as well as its promotion for that purpose. This Panel has limited its review to drug products which are claimed to repeal mosquitos. However, some of these products had labeling and promotional material which also incorporated claims regarding the drug's ability to allevite symptoms due to the bite. Although the Panel knows of no conclusive data to substantiate "bite relief" claims, a review of these claims is beyond the scope of this document.

References

(*1*) Miabach, H. L., et al., "Human Skin in Relationship to Mosquito Attraction and Repulsion," *Connecticut Medicine*, 33:23–28, 1069.

(*2*) "The United States Pharmacopeia XIX," United States Pharmacopeial Convention, Inc., Rockville, MD, p. 502, 1975.

(*3*) Shannon, W. R., "Thiamin Chloride—An Aid in the Solution of the Mosquito Problem," *Minnesota Medicine*, 26:799–802, 1943.

C. Category II Active Ingredient.

The Panel has classified the following oral insect repellent active ingredient as not generally recognized as safe and effective or as being misbranded for OTC use:

Thiamine hydrochloride. The Panel concludes that thiamine hydrochloride, also known as vitamin B–1, is safe in the dose noted below, but is not an effective oral insect repellent, nor is it generally recognized as such.

1. *Safety.* Thiamine hydrochloride occurs naturally in many foods of plant and animal origin. Because thiamine hydrochloride is not made or stored in the body to any significant degree, daily ingestion is required to maintain good heatlh. This daily requirement is approximately 1 milligram (mg) in the average adult, but varies somewhat depending on age, weight, and type of diet consumed. It is easily met by persons consuming a well-balanced diet.

Absorption of thiamine hydrochloride from the gastrointestinal tract is limited to a maximum of about 15 mg per day, which can be satisfied by the oral administration of 40 mg in divided doeses with food. Any excess beyond bodily requirements is rapidly excreted in the urine either as pyrimidine or thiamine (Ref. *1*).

The Panel, therefore, concludes that thiamine hydrochloride is generally recongized as safe when taken orally in doses up to 40 mg daily. The Panel does not think that dose in excess of 40 mg are unsafe, but it is inappropriate to administer more than is necessary to provide for maximum absorption.

2. *Effectiveness.* In 1943, Shannon (Ref. *2*) reported that thiamin chloride decreased the number of mosquito bites in nine patients including adults, children, and infants. All showed severe reaction to mosquito bites. In another study in 1945 Eder (Ref. *3*) reported thiamin chloride to be effective for preventing flea bites in adults, children, and infants. The species of mosquitos or fleas involved were unidentified, and no control was used in either of the above studies. A later study by Ruiz-Maldonado and Tamayo (Ref. *4*), also uncontrolled, using 200 to 300 mg thiamine chloride daily for up to 6 months in children being treated for papular urticaria (palpable hives presumably caused by insect bites) "* * * suggests that thiamine chloride is a preventive agent for insect prurigo" (papular urticaria). The significance of these results is difficult to determine because one-third of the subjects did not return for evaluation.

Strauss, Maibach, and Khan (Ref. *5*) screened 114 drugs given systemically using an objective measure (probing activity of the *Aedes aegypti* mosquito) and found no significant effect for any of the drugs, including vitamin B–1, in reducing probing activity. Probing activity referes to a test devised by Khan et al. (Ref. *6*) in which a nylon net cage containing six mosquitos is held 1 centimeter above the skin, and the time it takes for three mosquitos to start probing toward the skin is measured. Vitamin B–1 and vitamin B–6 were also tested by Strauss, Maibach, and Khan (Ref. *5*) for their effectiveness in reducing the biting activity of these mosquitos, but no signficant effect was demonstrated.

In a double-blind, placebo-controlled study performed by Khan et al. (Ref. *7*), 200 mg thiamine chloride was given three times daily for 2 days to volunteers. On the third day, after receiving a 200-mg dose of thiamine chloride the subjects were enclosed in a room containing mosquitos (*Aedes aegypti*). No significant difference was found between the number of bites received by the placebo group and the number received by the thiamine chloride-treated group.

In another controlled study, Wilson et al. (Ref. *8*) administered 120 mg of thiamin chloride per day for three days (30 mg four times daily) to three individuals. Repellency tests, using *Aedes aegypti* mosquitos, were started on the second day of treatment. Neither the rate of biting nor the subjects' reactions to the bites differed materially from the three individuals who served as controls.

An unpublished report (Ref. *9*) has indicated no protective effect of thiamine hydrochloride in doses up to 1 gram (g) per day against *Aedes aegypti* mosquitoes.

The Panel, therefore, concludes that thiamine hydrochloride is not an effective oral insect repellent, nor is it generally recognized as such.

3. *Evaluation.* The Panel concludes that thiamine hydrochloride is safe for OTC use, but the available evidence does not indicate that it is effective as an oral insect repellent, nor is it generally recognized as such. The Panel concludes that there are no ingredients that are safe and effective when used as an oral insect repellent.

References

(*1*) Greengard, P., "Water-Soluble Vitamins," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S.

Goodman and A. Gilman, The MacMillan Co., New York, pp. 1549–1551, 1975.

(2) Shannon, W. R., "Thiamin Chloride—An Aid in the Solution of the Mosquito Problem," *Minnesota Medicine*, 26:799–802, 1943.

(3) Eder, H. L., "Flea Bites—Prevention and Treatment with Thiamin Chloride," *Archives of Pediatrics*, 62:300–301, 1945.

(4) Ruiz-Maldonado, R., and L. Tamayo, "Treatment of 100 Children with Papular Urticaria with Thiamine Chloride," *International Journal of Dermatology*, 12:258–260, 1973.

(5) Strauss, W. G., H. I. Maibach, and A. A. Khan, "Drugs ad Disease as Mosquito Repellents in Man," *The American Journal of Tropical Medicine and Hygiene*, 17:461–464, 1968.

(6) Khan, A. A., et al., "Screening Humans for Degrees of Attractiveness to Mosquitos," *Journal of Economic Entomology*, 58:694–697, 1965.

(7) Khan, A. A., et al., "Vitamin B_1 is not a Systemic Mosquito Repellent in Man," *Transactions of the St. John's Hospital Dermatological Society*, 55:99–102, 1969.

(8) Wilson, C. S., D. R. Mathieson, and L. A. Jachowski, "Ingested Thiamin Chloride as a Mosquito Repellent," *Science*, 100:147, 1944.

(9) OTC Volume 170174 (report of tests performed at the USDA Orlando Laboratory contained in a letter dated July 31, 1959 from Colonel Ralph W. Bunn to Captain John W. Goodner).

D. Category II Labeling.

The Panel concludes that since there are no Category I or Category III ingredients, any labeling which claims insect repellency for an orally administered drug product is considered to be Category II and may not be used.

PART 310—NEW DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended in Part 310 by adding to Subpart E new § 310.529, to read as follows:

§ 310.529 Drug products containing active ingredients offered over-the-counter (OTC) for oral use as insect repellents.

(a) Thiamine hydrochloride (vitamin B–1) has been marketed as an ingredient in over-the-counter (OTC) drug products for internal use as an insect repellent (an orally administered drug product intended to keep insects away). There is a lack of adequate data to establish the effectiveness of this, or any other, ingredient for OTC internal use as an insect repellent. Labeling claims for OTC orally administered insect repellent drug products are either false, misleading, or unsupported by scientific data. The following claims are examples of some that have been made for orally administered OTC insect repellent drug products: "Oral mosquito repellent," "Mosquitos avoid you," "bugs stay away," "keep mosquitos away for 12 to 24 hours," and "the newest way to fight mosquitos." Therefore, any drug product containing ingredients offered for internal use as an insect repellent cannot be generally recognized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted for internal use as an insect repellent is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted OTC as an insect repellent for internal use is safe and effective for the purpose intended.

(d) After the effective date of the final regulation any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–9 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

V
4
7
/
2

J
A
5
8
2

federal register

Tuesday
January 5, 1982

Part V

Department of Health and Human Services

Food and Drug Administration

Topically Applied Hormone-Containing Drug Products for Over-the-Counter Human Use

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 310

[Docket No. 81N-0144]

Topically Applied Hormone-Containing Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of proposed rulemaking that would classify hormone-containing drug products for over-the-counter (OTC) oral human use as not generally recognized as safe and effective and as being misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous External Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305) Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on December 15, 1980 a report on OTC topically applied hormone-containing drug products from the Advisory Review Panel on OTC Miscellaneous External Drug Products. FDA regulations (21 CFR 330.10(a)(6) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC topically applied hormone-containing drug products are generally recognized as safe and effective and not misbranded: (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The Panel's recommendations on topically applied hormone-containing drug products for OTC use contain no Category I or Category III conditions, and FDA is issuing the Panel's recommendations proposing Category II classification of topically applied hormone-containing drug products for OTC use.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations that the ingredients in topically applied hormone-containing drug products for OTC use be classified as Category II. If the agency proposes to adopt the Panel's recommendations, a regulation declaring these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) will be proposed for inclusion in Part 310, Subpart E (21 CFR 310, Subpart E). The agency is including, in this advance notice of proposed rulemaking, a regulation based upon the Panel's recommendations in order to obtain full public comment at this time.

After reviewing all comments submitted in response to this document, FDA will publish in the **Federal Register** a notice of proposed rulemaking on topically applied hormone-containing drug products for OTC use. The agency's position on OTC topically applied hormone-containing drug products will be stated initially when that notice of proposed rulemaking is published in the **Federal Register**. In the notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC topically applied hormone-containing drug products. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC topically applied hormone-containing drug products should be accompanied by appropriate documentation.

If FDA proposes to adopt the Panel's recommendations, the agency will propose that topically applied hormone-containing drug products be eliminated from the OTC market, effective 6 months after the date of publication of a final rule in the **Federal Register**, regardless of whether further testing is undertaken to justify their future use.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning topically applied hormone-containing drug products for OTC use submitted for consideration by the Panel. All this information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous external drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31697). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and

understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), [21 CFR 210.3(b)(7)]), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or preventation of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.'") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous external drug products to be considered in the OTC drug review. The list, which included hormone cream active ingredients, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of the opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC review to all OTC drug products.

Under § 330.10(a)(1) and (5), the Commissioner appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these miscellaneous external drug products:

William E. Lotterhos, M.D., Chairman
Rose Dagirmanjian, Ph. D.
Vincent J. Derbes, M.D. (resigned July 1978)
George C. Cypress, M.D. (resigned November 1978)
Yelva L. Lynfield, M.D. (appointed October 1977)
Harry E. Morton, Sc. D.
Marianne N. O'Donohue, M.D.
Chester L. Rossi, D.P.M.
J. Robert Hewson, M.D. (appointed September 1978)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Marvin M. Lipman, M.D., of Consumers Union, served as the consumer liaison. Gavin Hildick-Smith, M.D., served as industry liaison from January until August 1975, followed by Bruce Semple, M.D., until February 1978. Both were nominated by the Proprietary Association. Saul A. Bell, Pharm. D., nominated by the Cosmetic, Toiletry, and Fragrance Association, also served as an industry liaison since June 1975.

Two nonvoting consultants, Albert A. Belmonte, Ph. D., and Jon J. Tanja, R.Ph., M.S., have provided assistance to the Panel since February 1977.

The following FDA employees assisted the Panel: John M. Davitt served as Executive Secretary until August 1977, followed by Arthur Auer until September 1978, followed by John T. McElroy, J.D. Thomas D. DeCillis, R.Ph., served as Panel Administrator until April 1976, followed by Michael D. Kennedy until January 1978, followed by John T. McElroy, J.D. Joseph Hussion, R.Ph., served as Drug Information Analyst until April 1976, followed by Victor H. Lindmark, Pharm. D., until March 1978, followed by Thomas J. McGinnis, R.Ph.

The Advisory Review Panel on OTC Miscellaneous External Drug Products was charged with the review of many categories of drugs. Due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for topically applied hormone-containing drug products for OTC use in this document. The Panel's findings on other categories of miscellaneous external drug products are being published periodically in the **Federal Register**.

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings which dealt with the topic in this document were held on: January 28 and 29, 1976; November 7 and 8, and December 14 and 15, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above).

No individuals requested to appear before the Panel to discuss topically applied hormone-containing drug products for OTC use, nor was any individual requested to appear by the Panel.

The Panel has thoroughly reviewed the literature and data submissions, and has considered all pertinent information submitted through December 15, 1980 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations in § 330.10, the Panel reviewed topically applied hormone-containing drug products for OTC use with respect to the following three categories:

Category I. Conditions under which topically applied hormone-containing drug products for OTC use are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which topically applied hormone-containing drug products for OTC use are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed three active ingredients in topically applied hormone-containing drug products and classified no ingredients in Category I, three ingredients in Category II, and no ingredients in Category III.

In an attempt to make this review as extensive as possible and to aid manufacturers and other interested persons, the agency compiled a list of ingredients, recognized either through historical use or use in marketed products, of hormone active ingredients contained in topically applied products (hormone creams). Notices were published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on these ingredients or any other ingredients used in OTC hormone cream drug products.

A. Submissions of Data and Information

Pursuant to the above notices, the following submissions were received:

Firms and Products

Helena Rubinstein, New York, NY 10022—Ultra Feminine Cream with Natural Estrogen and Progesterone, Ultra Feminine Beauty Oil with Natural Estrogen and Progesterone.

Sterling Drug, Inc., New York, NY 10016—Satura Moisture Cream with Hormones, Satura Moisture Lotion with Hormones, Moisturing Hormone Hand Cream, Cellogen Moisturizing Hormone Cream with Protein Hydrolysate.

USV Pharmaceutical Corporation, Tuckahoe, NY 10707—Hormonex Beauty Serum, Hormonex in Cream, Hormonex Hair and Scalp Serum.

In addition, FDA's Bureau of Drugs' Office of Compliance provided information to the Panel regarding potential hazards of topical skin and hair preparations containing various hormones (OTC Volune 180195). (See paragraph D. below—Referenced OTC Volumes.)

B. Ingredients Reviewed by the Panel

1. *Labeled ingredients contained in marketed products submitted to the Panel.*

Estrone

Lanolin
Natural estrogenic hormones
Natural estrogens
Progesterone
Sesame oil
Vitamin A

2. *Other ingredients reviewed by the Panel.*

Estradiol
Estrogenic hormones
Estrogen
Pregnenolone acetate

C. Classification of Ingredients

1. *Active ingredients.*

Estrogens (estrogen, natural estrogens, estrogenic hormones, natural estrogenic hormones, estradiol, estrone)
Progesterone

2. *Inactive ingredients.*

Lanolin
Sesame oil
Vitamin A

3. *Other ingredient.* The Panel was not able to locate nor is it aware of any data demonstrating the safety and effectiveness of pregnenolone acetate, or any other ingredient, when used in topically applied hormone-containing drug products for OTC use. The Panel, therefore, classifies all such ingredients as Category II for this use, and they will not be discussed further in this document.

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179). All of the information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

E. General Discussion

The Panel has discussed topically applied hormone-containing drug products as a therapeutic class, as well as the two groups of active ingredients, the estrogens and progesterone, that are generally used in these products. The medical literature indicates that the topical application of hormone-containing drug products may affect the cellular structure of the skin but that these changes are observable only through a microscope.

Estrogenic hormones are responsible for the development of secondary sex characteristics in women at puberty. These hormones cause maturation of the internal and external genitals, enlargement of the breasts, and growth of pubic and axillary hair. Estrogens alone can produce proliferation of the uterine lining sufficient to cause menstrual bleeding; the normal ovulatory menstrual cycle results from the synergistic action of estrogens and progesterone. Pregnancy is associated with a large increase in levels of estrogens and progesterone. At the menopause, with declining levels of these hormones, menstrual cycles become irregular and then cease. Estrogen deficiency causes vasomotor disturbances (hot flashes) and atrophic vaginitis (Ref. *1*).

The ovary is the principal site of estrogen production in the nonpregnant premenopausal woman, and it secretes chiefly estradiol-17B (estradiol) and estrone. During pregnancy, the placenta produces more estrogens, primarily estradiol, than does the ovary. Estradiol is readily oxidized in the body to estrone, which in turn can be hydrated to estriol. These transformations take place mainly in the liver, where estrogens are also conjugated with sulfate of glucuronic acid. The conjugated estrogens are excreted by the kidney.

Natural estrogens for medicinal use are extracted from the urine of horses. A pregnant mare excrets over 100 milligrams (mg) of conjugated estrogens daily, more than any other mammal except a stallion.

Synthetic estrogens are often used therapeutically instead of natural estrogens. Alkylation of estradiol at the C17 position produces the orally potent estrogenic substances ethinyl estradiol and mestranol. Diethylstilbestrol and similar compounds have potent estrogenic activity although they do not have the steroidal configuration that estrogens have.

Progesterone is the ovarian hormone which changes the estrogen-primed lining of the womb into the secretory state necessary for pregnancy. In the mature menstrual cycle, a mature ovum is released; if it is not fertilized, a decline in the level of progesterone causes the lining of the womb to be shed—a change visible as menstrual bleeding. The activity of progesterone is determined by studying the cytology of vaginal smears and by measuring urinary pregnanediol, a metabolite of progesterone. Daily secretion of progesterone in a young woman ranges from a few milligrams during the early phase of the menstrual cycle to 10 to 20 mg in the latter half of the cycle to several hundred milligrams during the latter part of pregnancy, when progesterone is produced by the placenta as well as the ovary (Ref. *1*).

1. *Safety.* Estrogens are readily absorbed through the skin and mucous membranes, and systemic effects may result from topical application. In factory workers, gynecomastia (male breast development) followed the handling of diethylstilbestrol.

Masters (Ref. *2*) demonstrated an increased estrogen level in the urine and an estrogen-induced vaginal keratinization when two healthy postmenopausal women applied various estrogen creams topically. Five cream formulations were tested on each of the two women: Cream alone, cream plus 1 milligram per ounce (mg/oz) estrogen, cream plus 2 mg/oz estrogen, cream plus 4 mg/oz estrogen, and cream plus 1 mg/oz estrogen and 5 mg/oz progesterone. Haznam, Mahesh, and Greenblatt (Ref. *3*) reported similar vaginal keratinization effects in a 67-year-old woman from cutaneous application of estrogen creams containing 10,000 International Units per ounce (I.U./oz) and 50,000 I.U./oz estrogen. Greenblatt (Ref. *4*) treated an 18-year-old girl with Turner's Syndrome with an estrogen cream containing 10,000 I.U./oz estrone and 5 mg/oz progesterone. She developed vaginal keratinization, breast enlargement, and an increase in pubic hair. After applying radioactive estrogen under plastic or aluminum foil to women's backs, radioactive metabolites were promptly detected in their urine (Refs. *5* and *6*).

The Panel received three submissions for creams and oils claiming to improve the appearance of skin and hair (Refs. *7*, *8*, and *9*). These creams and oils contained 5,000 to 33,000 I.U./oz natural estrogen; in addition, one product contained progesterone 5 mg/oz.

Using 10,000 I.U./oz as an example for making calculations, and assuming for the calculation that the estrogen is estrone, the Panel calculated the concentration of estrogen in the reviewed OTC products as approximately 1 mg per 30 grams (g) or 0.003 percent, because 0.1 microgram (ug) of crystalline estrone is equivalent to 1 I.U. (Ref. *10*). One submission stated that the natural estrogen in its hormone cream is obtained from pregnant mares' urine and consists of 95 percent estrone with 17-estradiol and 5 percent miscellaneous female hormones (Ref. *9*). Bioassay is a better way of expressing estrogenic potency than weight because equal weights of chemically different estrogens differ markedly in their biologic effect. The estrogenic potency of estradiol is 12 times that of estrone

and 80 times that of estriol (Ref. *11*). Nevertheless, recent publications give estrogen content by weight.

The concentration of 10,000 I.U./oz estrogen was selected to achieve local cutaneous effects without significant systemic effects. The lack of systemic effects of this concentration is well documented in studies by Masters (Ref. *2*), Haznam, Mahesh, and Greenblatt (Ref.*3*), Karnaky (Ref. *12*), and Greenblatt (Ref. *13*). In the 30 years that these preparations have been marketed, only 3 cases of uterine bleeding (Ref. *14*) may be ascribed to their use (Ref. *15*). Adverse effects of systemic estrogen therapy, such as thrombotic disorders, nausea, edema, and breast tenderness and enlargement, have been reported from external use, due to the fact that when these products are purchased OTC it is possible for the user to disregard the instructions and apply far larger quantities than recommended (Ref. *16*). The incidence of irritation and allergic contact dermatitis using 10,000 I.U./oz is low. The Panel recognized that the data submitted are relatively old and concludes that there are inadequate data to establish that the use of estrogen is safe when used in amounts up to 2 oz/month in cream or oil. Therefore, the Panel recommends that estrogens in topically applied estrogen-containing OTC drug products be placed in Category III for safety.

Progesterone applied to the skin in concentrations similar to estrogen concentrations in marketed OTC cream and oil products seems free of systemic effects. Goldzieher and Baker (Ref. *5*), using a combination of estrogren 10,000 I.U./oz and progesterone 25 mg/oz, demonstrated no detectable increase in urinary pregnanediol. Karnaky (Ref. *12*) found no change in vaginal smears from the once-a-day use of cream containing estrogen 10,000 I.U. and progesterone 5 mg/oz. The Panel concludes that the topical OTC daily use of progesterone in a concentration up to 5 mg/oz is safe.

2. *Effectiveness.* The Panel was not presented any evidence or photographs showing any gross change, such as more even pigmentation or less wrinkling, to demonstrate that local application of estrogens improve the appearance of the skin. The only changes demonstrated have been histologic (microscopic review of sections of tissue) (Ref. *16*).

Goldzieher (Ref. *17*) biopsied the thighs and forearms of five elderly women before and after topical application of estrogen 10,000 I.U./oz. He found upon microscopic examination that the thin, senile epidermis thickened, both because of an increased number of cell layers and also because of the increased size of individual epidermal cells, and that the dermal-epidermal junction (rete ridges) returned to normal. A similar study using estrogen 5,000 to 15,000 I.U./oz on 28 elderly women, 6 elderly men, and 4 young women showed similar changes in the elderly people of both sexes but no change in the young women (Ref. *18*). Microscopic improvement was first evident histologically 10 days after starting treatment, and by the thirtieth day of treatment the epidermis has doubled in thickness and was better differentiated. Eller and Eller [Ref. *19*) did serial biopsies on 36 adults of both sexes and various ages treated with estrogen cream containing 7,500 and 15,000 I.U./oz and reached the same conclusion. Brown (Ref. *20*) instructed women aged 30 to 75 to apply estrogen cream to one side of their faces and the cream base alone to the other side for 45 days. The cream contained either 10,000 I.U. estrogen with 5 mg progesterone per ounce or 50,000 I.U./oz estrogen. Twenty-six post-treatment facial biopsies were submitted to expert dermatopathologists, who could not detect any histologic difference between the estrogen-treated and cream base-treated sides. In this study, Brown (Ref. *20*) noted a clinical (visual) impression of moderate improvement in appearance and wrinkling on the estrogen-treated side. This was also noted by Spoor (Ref. *21*) in double-blind half-face studies on eight women aged 22 to 64 treated for 30 days with cream containing 10,000 I.U./oz estrogen and 5 mg/oz progesterone.

Peck (Ref. *22*) performed a modified McClure-Aldrich test by injecting 0.05 milliliter (mL) of normal saline intradermally and measuring the time required for the visible and palpable wheal to disappear. This test measures the ability of the dermis to absorb additional fluid and therefore the saturation of the dermis which fluid prior to the injection. Peck (Ref. *22*) tested the cheeks of 4 women who used 10,000 I.U./oz estrogen cream daily. He found that the absorption time of the saline was increased in every case after 6 weeks of treatment. He did not report McClure-Aldrich tests after using the cream base alone. The Panel believes that it is possible that the mild dermal edema, which was difficult to demonstrate histologically, may be produced equally well by a moisturizing cream which does not contain hormones.

The use of progesterone on the skin is thought to increase skin surface oil by stimulating sebaceous glands. Animal experiments have shown that progesterone increased the size and rate of secretion of sebaceous glands in castrated male and female rats (Ref. *23*). A qualitative study by Spoor (Ref. *21*) using osmic acid staining of surface fat was interpreted as showing an increase in sebum production from local application of progesterone. However, quantitative gravimetric and histologic studies by Pochi and Strauss (Ref. *24*) demonstrated no effect on sebaceous gland secretion or size from the intramuscular administration of 50 mg/day progesterone in prepubertal girls and boys, young adult women, and aged women.

The physiologic stimulus to sebaceous gland growth and secretion is testosterone (Ref. *24*). In 1961, Strauss (Ref. *25*) demonstrated an appreciable increase in sebum production in aged females after the daily administration of 100 mg of methyltestosterone orally. Accordingly, Strauss (Ref. *25*) believed that some of the synthetic progestational agents, such as 17-*alpha*-ethynyl-nortestosterone, have and rogenic activity and stimulate sebaceous glands. However, more recent medical opinion (1975 to 1980) is that progesterone has no effect on human sebaceous glands (Refs. *16* and *26*).

The Panel notes that estrogen and progesterone hormones are often included in products that make cosmetic claims only. The Panel recognizes that evidence submitted demonstrating safety of estrogens not exceeding 10,000 I.U./oz and progesterone not exceeding 5 mg/oz is relatively old data. Additionally, the Panel knows of no objective data that show these levels are effective. The Panel believes that inclusion of estrogen and progesterone in these products misleads the consumer into believing that using the ingredient will give the user a more youthful appearance when in fact the changes that occur cannot be seen with the naked eye.

3. *Evaluation.* The Panel concludes that there are inadequate data to establish the safety of topically applied estrogens in the concentration reviewed, up to 10,000 I.U./oz, and that progesterone, in a concentration up to 5 mg/oz, is safe when used on the skin daily in a quantity not exceeding 2 oz/month. These amounts of topical estrogens and progesterone do not produce systemic effects and have a low incidence of irritation or allergic local effects. Higher concentrations of topical estrogens produce systemic effects and should not be available OTC. Higher concentrations of progesterone have not been tested for safety for OTC use.

The Panel further concludes that there is no evidence that using a hormone-containing drug product at the levels which are safe for OTC use will do

anything more than using the cream vehicle alone. Therefore, the Panel concludes that these products are ineffective for OTC drug use. Further, the Panel recognizes an inherent fallacy in marketing a cosmetic product which contains a medication regardless of the nonmedical intention of the label claim. If the medication affects the structure or function of the skin, then the purported cosmetic is, in fact, a medication. If the medication is present in such small amounts that neither the structure or function of the skin is altered, then its presence in the cosmetic is misleading because of lack of effectiveness, and the product should be considered misbranded.

References

(*1*) Murad, F., and A. G. Gilman, "Estrogens and Progestins," *in* "The Pharmacological Basis of Therapeutics," Edited by L. S. Goodman and A. Gilman, 5th Ed., Macmillan Publishing Co., Inc., New York, pp. 1423–1450, 1975.

(*2*) Masters, E. J., "The Percutaneous Absorption of Estrogen," *Proceedings of the Scientific Section of the Toilet Goods Association, No. 33, May 1960,* contained in OTC Volume 160095.

(*3*) Haznam, M. W., V. B. Mahesh, and R. B. Greenblatt, "Absorption of Topically Applied Estrogen Preparations," *Dermatologia Internationalis,* 4:86–91, 1965.

(*4*) Greenblatt, R. B., "Report on Helena Rubinstein Cream Study," contained in OTC Volume 160095.

(*5*) Goldzieher, J. W., and R. E. Baker, "The Percutaneous Absorption of Estradiol-17B and Progesterone," *The Journal of Investigative Dermatology,* 35:215–218, 1969.

(*6*) Baker, R. E., and J. W. Goldzieher, "A Simple Method for the Measurement of Total Urinary Radioactive Steroid Metabolites and its Application to the Study of Percutaneous Absorption," *Acta Endocrinologica,* 38:276–284, 1961.

(*7*) OTC Volume 160055.

(*8*) OTC Volume 160057.

(*9*) OTC Volume 160095.

(*10*) Harvey, S. C., and C. D., Withrow, "Hormones," *in* "Remington's Pharmaceutical Sciences," A. Osol et al., editors, 16th Ed., Mack Publishing Co., Easton, PA, p. 928, 1975.

(*11*) Guyton, A. C., "Medical Physiology," 5th Ed., W.B. Saunders Co., Philadelphia, p. 1091, 1976.

(*12*) Karnaky, K. J., "An Investigation of Possible Gynecological Changes Resulting from Topical Use of an Estrogen-Progesterone Cream with Special Emphasis on Vaginal Epithelial Cell Height and pH," Preliminary Report contained in OTC Volume 160095.

(*13*) Greenblatt, R. B., et al., "Physiologic and Clinical Aspects of Ovarian Hormones," *Archives of Dermatology,* 89:846–857, 1964.

(*14*) OTC Volume 160105.

(*15*) Goldberg M. B., and F. I. Harris, "Use of Estrogen Creams," *Journal of the American Medical Association,* 150:790–791, 1952.

(*16*) "Estrogens and Progestins," *in* "AMA Drug Evaluation," 4th Ed., John Wiley & Sons, Inc., New York, p. 679, 1980.

(*17*) Goldzieher, M. A., "Effects of Estrogen on Senile Skin," *Journal of Gerontology,* 1:196–201, 1946.

(*18*) Goldzieher, J. W., "Direct Effect of Steroids on Senile Human Skin: A Preliminary Report," *Journal of Gerontology,* 4:104, 1949.

(*19*) Eller, J. J., and W. D. Eller, "Estrogenic Ointments. Cutaneous Effects of Topical Applications of Natural Estrogens, With Report of Three Hundred and Twenty-One Biopsies," *Archives of Dermatology and Syphilology,* 59:449–462, 1949.

(*20*) Brown, R. K., "Evalution of Dermatologic Creams Containing Female Hormones," *Journal of the American Medical Women's Association,* 21:493–499, 1966.

(*21*) Spoor, H. J., "Measurement of Natural Skin Oil: Influence of Topically Applied Hormones Upon Its Production," *American Practitioner and Digest of Treatment,* 11:497–505, 1960.

(*22*) Peck, S. M., "Hormone Cosmetics," *The Practitioner,* 173:159–165, 1954.

(*23*) OTC Volume 160195.

(*24*) Pochi, P. E., and J. S. Strauss, "Endocrinologic Control of the Development and Activity of the Human Sebaceous Gland," *Journal of Investigative Dermatology,* 62:191–201, 1974.

(*25*) Strauss, J. S., "Effect of Progesterone on the Human Sebaceous Gland," *Journal of Investigative Dermatology,* 36:309–319, 1961.

(*26*) Hurley, H. J., "Permeability of the Skin," *in* "Dermatology," Volume I, edited by S. L. Moschella, D. M. Pillsbury, and J. J. Hurley, W. B. Saunders Co., Philadelphia, p. 64–68, 1975.

PART 310—NEW DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended in Part 310 by adding to Subpart E new § 310.530, to read as follows:

§ 310.530 Topically applied hormone-containing drug products for over-the-counter (OTC) human use.

(a) Estrogens and progesterone have been present as ingredients in over-the-counter (OTC) drug products marketed for topical use as hormone cream. There is a lack of adequate data to establish the safety and effectiveness of these ingredients as OTC topically applied hormones. Data on any other ingredients intended for use as a topically applied hormone in OTC drug products have not been submitted to the Food and Drug Administration for review for safety and effectiveness. Therefore, any OTC drug product containing an ingredient offered for use as a topically applied hormone cannot be considered generally recognized as safe and effective for its intended use.

(b) Any OTC drug product labeled, represented, or promoted for use as a topically applied hormone-containing drug product is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted for use as a topically applied hormone-containing drug product is safe and effective for the purpose intended.

(d) After the effective date of the final regulation, any such drug product introduced in interstate commerce that is not in compliance with this section is subject to regulatory action.

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–6 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

federal register

Tuesday
January 5, 1982

Part VI

Department of Health and Human Services

Food and Drug Administration

Mercury-Containing Drug Products for Topical Antimicrobial Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 333

[Docket No. 75N-0183]

Mercury-Containing Drug Products for Topical Antimicrobial Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of a proposed rulemaking that would classify over-the-counter (OTC) mercury-containing drug products for topical antimicrobial use as not generally recognized as safe and effective and as being misbranded. This notice related to the development of a monograph for topical antimicrobial drug products in general, which is part of the ongoing review of OTC drug products conducted by FDA. This notice also reopens the administrative record for OTC topical antimicrobial drug products to allow for consideration of recommendations on mercury-containing drug products that have been received from the Advisory Review Panel on OTC Miscellaneous External Drug Products.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on October 6, 1980 a report on OTC mercury-containing drug products for topical antimicrobial use from the Advisory Review Panel on OTC Miscellaneous External Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed rule containing (1) the monograph recommended by the Panel, which established conditions under which OTC mercury-containing drug products for topical antimicrobial use are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

Because mercurial ingredients are marketed in OTC drug products for topical antimicrobial use, FDA has determined that the Miscellaneous External Panel's recommendations on OTC mercury-containing drug products should be included as part of the proposed rulemaking for topical antimicrobial drug products. Development of this rulemaking has been ongoing for some time.

In the **Federal Register** of September 13, 1974 (39 FR 33103), FDA issued an advance notice of proposed rulemaking to establish the monograph for OTC topical antimicrobial drug products. In the **Federal Register** of January 6, 1978 (43 FR 1210), FDA issued a tentative final monograph (notice of proposed rulemaking) for OTC topical antimicrobial drug products. In the **Federal Register** of March 9, 1979 (44 FR 13041) FDA reopened the administrative record and announced its intent to publish an updated (amended) tentative final monograph (amended notice of proposed rulemaking) for OTC topical antimicrobial drug products. FDA advises that it is again reopening the administrative record for OTC topical antimicrobial drug products in order to allow for the consideration of the Miscellaneous External Panel's recommendations on mercury-containing drug products. An amended tentative final monograph (amended notice of proposed rulemaking) will be published in a future issue of the **Federal Register**. At that time, comments received on this advance notice of proposed rulemaking concerning mercury-containing drug products will be addressed. Also, the proceeding to develop a monograph for mercury-containing drug products will be merged with the general proceeding to establish a monograph for OTC topical antimicrobial drug products. Because the Panel has recommended that mercury-containing drug products be classified in Category II, no new sections to Part 333 are being included in this advance notice of proposed rulemaking.

The unaltered conclusions and recommendations of the Panel relating to OTC mercury-containing drug products for topical antimicrobial use are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The statement has been prepared independently of FDA, and the agency has not yet fully evaluated the Panel's recommendations. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** an amended tentative final monograph for OTC topical antimicrobial drug products, including mercury-containing drug products, as an amended notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC topical antimicrobial drug products will be restated when the amended tentative final monograph is published in the **Federal Register** as an amended notice of proposed rulemaking. In that amended notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered in the amended notice of proposed rulemaking. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part (proposed in the **Federal Register** of December 11, 1979; 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC mercury-containing drug products for topical antimicrobial use. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or

reformulating; removal of unsafe or ineffective products form the OTC market; and testing necessary, if any, to elevate Category III conditions to Category I. Comments regarding the impact of this rulemaking on OTC mercury-containing drug products for topical antimicrobial use should be accompanied by appropriate documentation. Comments will not be accepted at this time on any portion of the OTC topical antimicrobial rulemaking other than that relating to mercury-containing drug products.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC mercury-containing drug products for topical antimicrobial use submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph has been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and II). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subjects to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

Statement of the Advisory Review Panel on OTC Miscellaneous External Drug Products on Mercury-Containing Drug Products for Topical Antimicrobial Use.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous external drug products was issued in the **Federal Register** on November 16, 1973 (38 FR 31697). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))) , as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure of any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the original notice with a detailed, but not necessarily all inclusive, list of ingredients in miscellaneous external drug products to be considered in the OTC drug review. The list, which included ingredients described as "mercurials," was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC drug review to all OTC drug products.

Under § 330.10(a)(1) and (5) the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous external drug products:

William E. Lotterhos, M.D., Chairman

Rose Degirmanjian, Ph. D.

Vincent J. Derbes, M.D. (resigned July 1976)

George C. Cypress, M.D. (resigned November 1978)

Yelva L. Lynfield, M.D. (appointed October 1977)

Harry E. Morton, Sc. D.

Marianne N. O'Donoghue, M.D.

Chester L. Rossi, D.P.M.

J. Robert Hewson, M.D. (appointed September 1978)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Marvin M. Lipman, M.D., of Consumers Union served as the consumer liaison. Gavin Hildick-Smith, M.D., served as industry liaison from January until August 1975, followed by Bruce Semple, M.D., until February 1978. Both were nominate by the Proprietary Association. Saul A. Bell, Pharm. D., nominated by the Cosmetic, Toiletry, and Fragrance Association, also served as an industry liaison since June 1975.

Two nonvoting consultants, Albert A. Belmonte, Ph. D., and Jon J. Tanja, R.Ph., M.S., have provided assistance to the Panel since February 1977.

The following FDA employees assisted the Panel: John M. Davitt served as Executive Secretary until August 1977, followed by Arthur Auer until September 1978, followed by John T. McElroy, J.D. Thomas D. DeCillis, R.Ph., served as Panel Administrator until April 1976, followed by Michael D. Kennedy until January 1978, followed by

John T. McElroy, J.D. Joseph Hussion, R. Ph., served as Drug Information Analyst until April 1976, followed by Victor H. Lindmark, Pharm. D., until March 1978, followed by Thomas J. McGinnis, R.Ph.

The Advisory Review Panel on OTC Miscellaneous External Drug Products was charged with the review of many categories of drugs. Due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents in this document its conclusions and recommendations on OTC mercury-containing drug products for topical antimicrobial use. The Panel's findings on other categories of miscellaneous external drug products are being published periodically in the **Federal Register.**

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings which dealt with the topic in this document were held on: January 27 and 28, March 7 and 8, April 20 and 21, June 22 and 23, August 3 and 4, and October 5 and 6, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305) Food and Drug Administration (address above).

No individuals requested to appear before the Panel to discuss mercury-containing drug products for topical antimicrobial use, nor was any individual requested to appear by the Panel.

The Panel has thoroughly reviewed the literature and data submissions, and has considered all pertinent information submitted through October 6, 1980 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations set forth in § 330.10, the Panel reviewed OTC mercury-containing drug products for topical antimicrobial use with respect to the following three categories:

Category I. Conditions under which OTC mercury-containing drug products for topical antimicrobial use are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC mercury-containing drug products for topical antimicrobial use are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed 18 active ingredients in OTC mercury-containing drug products for topical antimicrobial use and classified all 18 in Category II.

I. Submissions of Data and Information

In an attempt to make this review as extensive as possible and to aid manufacturers and other interested persons, the agency compiled a list of ingredients recognized, either through historical use or in marketed products, as mercurial active ingredients. Fourteen ingredients were identified as follows: Ammoniated mercury, bichloride of mercury, calomel, mercuric salicylate, mercuric sulfide, mercurochrome, mercury, mercury chloride, mercury oleate, nitromersol, *para*-chloromercuriphenol, vitromersol, yellow mercuric oxide, and zyloxin. Notices were published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on these ingredients or any other ingredients used in OTC mercurial drug products. In addition, in the **Federal Register** of September 13, 1974 (39 FR 33103), the following ingredients were deferred from the OTC Antimicrobial I Panel to the Miscellaneous Topical Panel (later renamed the Advisory Review Panel on OTC Miscellaneous External Drug Products) for review: mercuric chloride (also included in the call-for-data as bichloride of mercury), *ortho*-chloromercuriphenol, and *ortho*-hydroxyphenylmercuric chloride.

A. Submissions.

Pursuant to the above notices, the following submissions were received:

Firms and Marketed Products

Becton, Dickinson and Co., Rochelle Park, NJ 07662—Mercurochrome.

Bowman Pharmaceuticals, Inc., Canton, OH 44702—Merphol, Mercuronate, Ointment.

Corona Manufacturing Co., Atlanta, GA 30301—Corona Ointment.

Eli Lilly and Co., Indianapolis, IN 46206—Merthiolate.

Marion Health and Safety, Inc., Rockford, IL 61101—Kip Ointment, Merthiolate Swabs, Mercurochrome Swabs.

Whitehall Laboratories, New York, NY 10017—Sparti.

B. Ingredients Reviewed by the Panel.

1. *Labeled ingredients contained in marketed products submitted to the Panel.*

Ammoniated mercury
Merbromin
Orthohydroxyphenylmercuric chloride
Phenylmercuric nitrate
Thimerosal

2. *Other ingredients reviewed by the Panel.*

Calomel (mercurous chloride)
Mercuric chloride (bichloride of mercury)
Mercuric salicylate
Mercuric sulfide
Mercury
Mercury chloride
Mercury oleate
Nitromersol
Ortho-chloromercuriphenol
Para-chloromercuriphenol
Vitromersol
Yellow mercuric oxide
Zyloxin

C. Classification of Ingredients.

1. *Active ingredients.*

Calomel (mercurous chloride)
Merbromin
Mercuric chloride (bichloride of mercury)
Mercury, ammoniated (ammoniated mercury)
Ortho-hydroxyphenylmercuric chloride
Phenylmercuric nitrate
Thimerosal

2. *Inactive ingredients.*

None.

3. *Other ingredients.* Mercury oleate was submitted to this Panel for the treatment of psoriasis only and will be included in the Panel's recommendations on dandruff, seborrheic dermatitis, and psoriasis drug products to be published in a future issue of the **Federal Register.**

Mercuric oxide, yellow (yellow mercuric oxide) was reviewed as an ophthalmic anti-infective by the Advisory Review Panel on OTC Ophthalmic Drug Products in its report published in the **Federal Register** of May 6, 1980 (45 FR 30002).

The Panel was not able to locate nor is it aware of data demonstrating the safety and effectiveness of the following ingredients when used as OTC mercurial topical antimicrobial active ingredients. The Panel, therefore, classifies these ingredients as Category II, not generally recognized as safe and effective for this use, and they will not be discussed further in this document.

Mercuric oxide, yellow (yellow mercuric oxide)
Mercuric salicylate
Mercuric sulfide, red (mercuric sulfide)
Mercury
Mercury chloride
Mercury oleate
Nitromersol
Ortho-chloromercuriphenol
Para-chloromercuriphenol
Vitromersol
Zyloxin

D. Referenced OTC Volumes.

The "OTC Volumes" cited in this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179). All of the information included in

these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Discussion

Mercury is a silver-white, heavy, liquid metal with an atomic weight of 200.59. It forms alloys with most metals except iron and combines with sulfur at ordinary temperatures.

Mercury has been known to humans perhaps longer than any other metal, and humans have used it in various ways for treating illness. With the advent of the science of chemistry, new compounds of mercury were developed and used in treatment of different pathological conditions. With the advent of the science of bacteriology, mercury compounds were among the preparations chosen for antimicrobial therapy.

It has been the general course of events that, whenever a mercury compound has been tried for a particular therapeutic function, it has been used enthusiastically at first, only to be replaced eventually by a safer or more effective drug.

Elemental mercury, especially when vaporized, is toxic and readily absorbed through intact skin, the respiratory tract, and the gastrointestinal tract (Ref. *1*). The mercury compounds exhibit varying degrees of toxicity, and sensitivity to these compounds is not unusual. The literature includes a number of cases of sensitivity to mercury-containing preparations ranging from topical salves and solutions to amalgam tooth fillings (Refs. *2* and *3*). Both organic and inorganic mercury compounds produce allergic contact dermatitis, and cross-sensitivity has been noted (Ref. *3*).

The decline in the importance of mercury in antimicrobial therapy since midcentury can be attributed more to the discovery of its lack of effectiveness for this purpose than lack of safety, however. Work done in the field of enzyme chemistry clarifying the mode of action of mercury against bacterial and fungal cells has shown that mercury compounds as a class are of dubious value for antimicrobial use (Ref. *4*).

Mercuric ions combine with free sulfhydryl groups in the bacterial cells and thus deprive the cells of these sulfhydryl groups which are necessary to insure that metabolism and growth take place. The action of mercury is primarily bacteriostatic, but it may act slowly as a bactericide (Ref. *5*). That is to say, mercury inhibits the growth of bacteria, but does not act swiftly to kill them (Ref. *6*).

In late 1939 and early 1940, important discoveries were made showing that the bacteriostatic action of mercury can be reversed by many types of sulfur-containing compounds. Brewer (Refs. *7* and *8*) formulated a culture medium, thioglycollate, which allowed the growth of anaerobic microorganisms by the use of aerobic techniques. Marshall, Gunnison, and Luxen (Ref. *9*) demonstrated that the thioglycollate medium was capable of inactivating the bacteriostatic action of thimerosal and supported the growth of contaminants. Morton, North, and Engley (Refs. *10* and *11*) demonstrated that inhibited bacteria are not completely killed by mercury-containing compounds. When these inhibited bacteria are cultured in sodium thioglycollate solution, growth resumes because the solution chemically removes the mercury and eliminates any residual bacteriostatic activity (Ref. *12*). Intraperitoneal injections of the sodium thioglycollate culture proved fatal to mice and hemolytic streptococci were isolated from the heart's blood after death of the mice (Ref. *11*). These discoveries made it necessary to reexamine all previous reports in the literature claiming a killing activity for mercurial compounds.

It has been found that, if mercury is first allowed to combine with the sulfhydryl groups in bacterial cells, growth is inhibited, but the introduction of additional sulfhydryl groups to the cell-mercury complex neutralizes this action, and growth again takes place (Ref. *6*). Brewer (Ref. *13*) examined a hospital's stock of sutures, some of which had been stored for up to 10 years. Some of the sutures were nonsterile even though they had been stored in a solution containing a high concentration of mercury. Viable *Staphylococcus aureus* were recovered from sodium thioglycollate solution after exposure to a phenylmercuric nitrate preparation for 24 hours (Ref. *14*).

The presence of serum has also been shown to reduce the antibacterial action of mercury compounds. Three hundred times more mercuric chloride, 800 times more merbromin, and 14,000 times more thimerosal were required to inactivate half the *Salmonella typhosa* cells suspended in 10 mL of an 80-percent serum solution than were required to achieve comparable results in the same period of time when the microorganisms were suspended in a salt solution (Ref. *15*). Thus, the activity of mercury preparations as topical antimicrobial agents would be markedly affected if the microorganisms on the skin or the surface of a wound were in contact with serum, pus, or other body fluids.

In 1933 Birkhaug (Ref. *16*) calculated extremely high phenol coefficients (measurements of the killing power of a compound compared to that of phenol) for mercury compounds. The method of measurement, however, was imprecise so that one could not distinguish between the bacteriostatic and bactericidal activity. Today, measurement techniques for bactericidal activity have demonstrated that the phenol coefficient for OTC mercury-containing topical antimicrobial preparations is nonexistent when their bacteriostatic action is neutralized. This has been demonstrated by Morton, North, and Engley (Ref. *11*) in studies demonstrating the effect of merbromin and thimerosal on *Streptococcus pyogenes* and by Engley (Ref. *17*) in additional studies of the effect of mercuric chloride, phenylmercuric borate, and other mercurial compounds on this strain of bacteria.

After reviewing all data and information submitted on mercury-containing products for which topical antimicrobial activity is claimed, and after a careful review of the literature, the Panel concludes that some mercury-containing preparations are not effective and others are not safe and effective for OTC topical antimicrobial use. A bacteriostatic action that is capable of being reversed by contact with body fluids and other organic matter does not constitute an effective topical antimicrobial action, and the Panel has therefore placed all mercury compounds in Category II for topical antimicrobial use.

References

(*1*) Windholz, M., editor, "The Merck Index," 9th Ed., Merck and Co., Rahway, NJ, pp. 766–767, 1976.

(*2*) Fisher, A., "Contact Dermatitis," 2d Ed., Lea & Febiger, Philadelphia, p. 299, 1973.

(*3*) Kahn, G., "Three Thousand Years of Mercury. A Plea for Abandonment of a Dangerous, Unproven Therapy," *CUTIS: Cutaneous Medicine for the Practitioner*, 6:537–542, 1970.

(*4*) Harvey, S. S., "Heavy Metals," *in* "The Pharmacological Basis of Therapeutics," 6th Ed., edited by L. S. Goodman and A. Gilman, The Macmillan Co., New York, pp. 975–976, 1980.

(*5*) Engley, F. B., Jr., "Evaluation of Mercurial Compunds as Antiseptics," *Annals of The New York Academy of Sciences*, 53:197–206, 1950.

(*6*) Fildes, P., "The Mechanism of the Anti-bacterial Action of Mercury," *British Journal of Experimental Pathology*, 21:67–73, 1940.

(*7*) Brewer, J. H., "Clear Liquid Mediums for the 'Aerobic' Cultivation of Anaerobes," *Journal of Bacteriology*, 39:10, 1940.

(8) Brewer, J. H., "A Clear Liquid Medium for the 'Aerobic' Cultivation of Anaerobes," (Abstract), *Journal of the American Medical Association*, 115:598–600, 1940.

(9) Marshall, M. S., J. B. Gunnison, and M. P. Luxen, "Test for the Sterility of Biologic Products," *Proceedings of the Society for Experimental Biology and Medicine*, 43:672–673, 1940.

(10) Morton, H. E., L. L. North, Jr., and F. B. Engley, Jr., "In Vivo and In Vitro Studies on the Bacteriostatic and Bactericidal Actions of Mercurial Disinfectants on Hemolytic Streptococci," (Abstract), *Journal of Bacteriology*, 50:125–126, 1945.

(11) Morton, H. E., L. L. North, Jr., and F. B. Engley, Jr., "The Bacteriostatic and Bactericidal Actions of Some Mercurial Compounds on Hemolytic Streptococci. In Vivo and In Vitro Studies," *Journal of the American Medical Association*, 136:37–41, 1948.

(12) Smith, A., "Organomercurial Compounds. Report to the Council on Pharmacy and Chemistry," *Journal of the American Medical Association*, 136:36, 1948.

(13) Brewer, J. H., "The Present Status of the Sterility of Catgut Sutures on the American Market," *Journal of the American Medical Association*, 108:722–727, 1937.

(14) Richards, J. P., and A. E. E. El Khouly, "The Recovery of Phenylmercuric Nitrate-treated Bacteria Using Sodium Thioglycollate," *Journal of Pharmacy and Pharmacology, (Supplement)*, 19:209S–215S, 1967.

(15) Smith, D. E., E. J. Czarnetzky, and S. Mudd, "The Mechanism of Inactivation of Mercurial Antiseptics by Serum, and Its Implications Regarding the Possibility of Intravenous Antiseptics," *American Journal of Medical Sciences*, 192:790–808, 1936.

(16) Birkhaug, K. E., "Phenyl-mercuric-nitrate," *Journal of Infectious Diseases*, 53:250–261, 1933.

(17) Engley, F. B., Jr., "Mercurials as Disinfectants. Evaluation of Mercurial Antimicrobial Action and Comparative Toxicity for Skin Tissue Cells," *Soap and Chemical Specialties*, 30:199–205 and 223–225, 1956.

III. Categorization of Data

A. Category I Conditions.

These are conditions under which active ingredients used as OTC mercury-containing drug products for topical antimicrobial use are generally recognized as safe and effective and are not misbranded. This document contains no Category I conditions.

B. Category II Conditions.

These are conditions under which active ingredients used as OTC mercury-containing drug products for topical antimicrobial use are not generally recognized as safe and effective or are misbranded.

1. *Category II ingredients.*

Inorganic mercury compounds:
- Calomel
- Mercuric chloride
- Mercury, ammoniated

Organic mercury compounds:
- Merbromin
- Thimerosal
- *Ortho*-hydroxyphenylmercuric chloride
- Phenylmercuric nitrate

a. *Inorganic mercury compounds*—(i) *Calomel.* Calomel (mercurous chloride) is practically insoluble in water and therefore relatively nonpoisonous for humans unless it remains in the body for a long enough time to be oxidized. Once oxidized to mercuric chloride, it is highly toxic (Ref. *1*). It has been used in the past by inunction (rubbing into the skin) as a prophylactic against venereal disease and internally as a cathartic. The Panel concludes calomel may be safe as a topical antimicrobial agent, but is not effective for this purpose.

(ii) *Mercuric chloride.* Mercuric chloride (bichloride of mercury) is a bivalent mercury salt that exhibits a high toxicity for tissue cells, a low lethal action for microorganisms, and an inability to protect against infection (Ref. *1*). The Panel concludes that mercuric chloride is not safe and not effective as a topical antimicrobial agent.

(iii) *Mercury, ammoniated.* Ammoniated mercury is insoluble in water and alcohol, but readily soluble in warm hydrochloric, nitric, and acetic acids. If ingested, it causes epigastric pain, nausea, and purging.

Ammoniated mercury has been used topically in the treatment of impetigo, ringworm, psoriasis, pruritus ani, pinworm, and infestations with pubic lice (Refs. *2* and *3*). Prolonged use may cause chronic mercury poisoning, local pigmentation of skin and eyelids (Ref. *4*), and/or hypersensitivity to mercury (Ref. *5*).

Of 70 patients treated for psoriasis with ammoniated mercury, 33 showed signs of mercury poisoning (Ref. *6*). The Panel concludes that ammoniated mercury is not safe for use as a topical antimicrobial agent.

b. *Organic mercury compounds.* Organic mercury compounds were first synthesized in an attempt to decrease the toxicity of the mercuric ion. That the attempt was not wholly successful is shown by the fact that, while merbromin and phenylmercuric nitrate have been found to be less toxic than bichloride of mercury for human epithelial cells in vitro, thimerosal was found to be more toxic (Ref. *7*). The toxicities of these compounds were not in proportion to their mercury content.

Some microorganisms have exhibited a tolerance to organic mercury compounds. For example, a strain of *Penicillium roqueforti* resistant to phenylmercuric acetate was shown to incorporate mercury in its hyphae, thus reducing the amount of biologically active mercury in its environment and permitting other microorganisms to grow that would have been inhibited by the mercury (Ref. *8*).

(i) *Merbromin.* Merbromin is soluble in water and alcohol but practically insoluble in acetone, chloroform, and ether. This compound produces a carmine red solution that stains the skin a deep red, not a desirable property for an antimicrobial agent, as this can mask inflammation, and inflammation is a warning sign of infection.

In a 1928 study Simmons (Ref. *9*) pointed out that most of the killing action of merbromin in an alcohol-acetone vehicle was due to the vehicle. Aqueous merbromin, 2 percent, failed to kill two strains of *Staphylococcus aureus* in an exposure of 10 minutes and one strain of hemolytic streptococci in an exposure of 5 minutes. The cultures were killed under similar conditions by merbromin, 2 percent, in an alcohol-acetone vehicle and by the alcohol-acetone vehicle alone, which was included as a control. It was shown in 1942 that a 1:20 dilution of merbromin failed to kill *Staphylococcus aureus* and *Escherichia coli* during an exposure of 10 minutes at room temperature (Ref. *10*). A 1:20 dilution is two and one-half times more concentrated than the 2-percent aqueous solution of merbromin that is marketed OTC for topical antimicrobial use.

The Panel concludes that merbromin is safe for topical use but lacks a bactericidal action and is not an effective topical antimicrobial active ingredient.

(ii) *Thimerosal.* Thimerosal is a cream-colored crystalline powder that is stable in air, but not in sunlight. One gram (g) is soluble in approximately 1 milliliter (mL) water and in 8 mL alcohol, but is practically insoluble in ether and benzene. At the cellular level, thimerosal has been found to be more toxic for human epithelial cells in vitro than mercuric chloride, phenylmercuric nitrate, and merbromin (Ref. *7*). It was found to be 35.3 times more toxic for embryonic chick heart tissue than for *Staphylococcus aureus* (Ref. *11*).

Moller and Trofast (Ref. *12*) demonstrated that 10 of 20 guinea pigs sensitized to thimerosal developed a delayed hypersensitivity. This production of a hypersensitivity condition in 50 percent of laboratory animals demonstrates that the substance is very allergenic and it is reasonable to expect that thimerosal will act similarly in humans.

In Sweden, where thimerosal is used mainly as a preservative in vaccines and test materials and is not sold as an OTC skin disinfectant, Moller (Ref. *13*) reported a mean frequency of thimerosal allergy of 3.7 percent among dermatologic patients throughout a 5-year period during which 600 to 800 patients were treated for contact allergy each year. Moller classified thimerosal a medium stong allergen in comparison to nickel and balsam of Peru, which showed an incidence of reactions of 9 percent and 7 percent, respectively. Moller also found that among healthy subjects 10 percent of school children, 16 percent of military recruits, 18 percent of twins, and 26 percent of medical students had hypersensitivity to thimerosal. He concluded that the periodic tuberculin testing of individuals in Sweden with vaccines containing thimerosal as a preservative affords an opportunity for the development of delayed hypersensitivity to thimerosal in this population.

Underwood et al. (Ref. *14*) patch tested over 400 patients in which 160 patients (40 percent) showed a positive reaction to one or more of the remedies which had been applied before an initial visit to a dermatologist. Of the 160 patients, 56 (35 percent) reacted to a mercury compound, and thimerosal was responsible for 90 percent of these reactions. The North American Contact Dermatitis Group (Ref. *15*) tested 1,200 subjects with 16 allergens. Thimerosal produced an incidence of 8 percent reactions and ranked third highest of the 16 allergens. Epstein, Rees, and Maibach (Ref. *16*) tested a group of private dermatological patients in the western United States with 26 substances. Thimerosal had a 13.4-percent incidence of sensitivity, which was the third highest incidence of sensitivity.

It has been suggested that hypersensitivity to thimerosal may be due to the thiosalicylate portion of the molecule and not the mercury (Ref. *5*); however, this has not been confirmed. Based on the above data, the Panel concludes that thimerosal is very allergenic.

A comprehensive study of several mercury compounds in 1950 (Ref. *1*) showed that these compounds were bacteriostatic rather than bactericidal and that thimerosal was no better than water in protecting mice from potential fatal streptococcal infection under the conditions of the study. The streptococcal culture was added to the various mercury antimicrobial preparations; the mixture held at the temperature of skin (32° to 34° C) for 10 minutes; subcultured into dextrose broth, dextrose broth with 0.1 percent thioglycollate, and dextrose broth with 10 percent blood serum; and then injected intraperitoneally into mice. The latter two culture media neutralized the bacteriostatic action of the mercury compounds (Ref. *1*).

The Panel concludes that thimersal is not safe for OTC topical use because of its potential for cell damage if applied to broken skin and its allergy potential. It is not effective as a topical antimicrobial because its bacteriostatic action can be reversed.

(iii) *Ortho-hydroxyphenylmercuric chloride.* Ortho-hydroxyphenylmercuric chloride occurs as white to faint pink feathery crystals that are soluble in water, alcohol, and benzene (Ref. *2*). It is used in burn preparations. The Panel concludes that this compound is safe for topical use in the concentration marketed for OTC use (0.056 percent). However, as a topical antimicrobial, this compound is not effective because its action is bacteriostatic rather than bactericidal (Ref. *17*).

(iv) *Phenylmercuric nitrate.* Phenylmercuric nitrate occurs as pearly, lustrous scales that are soluble in water (1 part to about 1,250 parts water) and slightly soluble in alcohol. Against human epithelial cells in vitro, phenylmercuric nitrate was found to be less toxic than bichloride of mercury and thimerosal, but it was still very toxic (Ref. *7*). Solutions of phenylmercuric salts in concentrations of 1:1,500 and greater tend to cause blistering of human skin and may act as primary skin irritants and allergens (Ref. *18*). The Panel finds phenylmercuric nitrate in the concentration submitted (1:10,000) (Ref. *19*) safe for topical application, but there is no evidence that this compound is an effective topical antimicrobial at this concentration.

2. *Category II labeling.* The Panel concludes that labeling of any OTC mercury-containing product for topical antimicrobial use is Category II because all mercury ingredients are placed in Category II.

References

(*1*) Engley, F. B., Jr., "Evaluationm of Mercurial Compounds as Antiseptics," *Annals of the New York Academy of Sciences*, 53:197–206, 1950.

(*2*) Windholz, M., editor, "The Merck Index," 9th Ed., Merck and Co., Rahway, NJ, pp. 642 and 764–767, 1976.

(*3*) Hoover, J. E., editor, "Remington's Pharmaceutical Sciences," 16th Ed., Mack Publishing Co., Easton, PA, p. 1110, 1980.

(*4*) Kahn, G., "Three Thousand Years of Mercury. A Plea for Abandonment of a Dangerous, Unproven Therapy," *CUTIS: Cutaneous Medicine for the Practioner*, 6:537–542, 1970.

(*5*) Fisher, A. A., "Contact Dermatitis," 2d Ed., Lea & Febiger, Philadelphia, p. 319, 1973.

(*6*) Young, E., "Ammoniated Mercury Poisoning," *British Journal of Dermatology*, 72:449–455, 1960.

(*7*) Engley, F. B., Jr., "Mercurials as Disinfectants. Evaluation of Mercurial Antimicrobic Action and Comparative Toxicity for SkinTissue Cells," *Soap and Chemical Specialties*, 30:199–205 and 223–225, 1956.

(*8*) Russell, P., "Inactivation of Phenyl Mercuric Acetate in Groundwood Pulp by a Mercury-Resistant Strain of *Penicillium Roqueforti Thom*," *Nature*, 176:1123–1124, 1955.

(*9*) Simmons, J. S., "Bactericidal Action of Mercurochrome–220 Soluble and Iodine Solutions in Skin Disinfection," *Journal of the American Medical Association*, 91:704–708, 1928.

(*10*) Hoyt, A., R. T. Fisk, and G. Burde, "The Antibacterial Action of Certain Disinfectants," *Surgery*, 12:786–790, 1942.

(*11*) Salle, A. J., and A. S. Lazarus, "A Comparison of the Resistance of Bacteria and Embryonic Tissue to Germicidal Substances. I. Merthiolate," *Proceedings of the Society for Experimental Biology and Medicine*, 32:665–667, 1935.

(*12*) Moller, H., and J. Trofast, "The Sensitizing Capacity of Merthiolate and its Methyl Analogue," *Journal of Biological Standardization*, 7:153–155, 1979.

(*13*) Moller, H., "Merthiolate Allergy: A Nationwide Iatrogenic Sensitization," *Acta Dermatovener*, 57:509–517, 1977.

(*14*) Underwood, G. B, et al., "Overtreatment of Dermatitis of the Feet," *Journal of the American Medical Association*, 130:249–256, 1946.

(*15*) North American Contact Dermatitis Group, "Epidemiology of Contact Dermatitis in North America: 1972," *Archives of Dermatology*, 108:537–540, 1973.

(*16*) Epstein, E., W. J. Rees, and H. I. Maibach, "Recent Experience with Routine Patch Test Screening," *Archives of Dermatology*, 98:18–22, 1968.

(*17*) Everett, E. T., et al., "Tissue Culture Studies on Human Skin. A Method for Evaluating the Toxicity of Certain Drugs Employed Locally on the Skin," *Texas Reports on Biology and Medicine*, 9:281–291, 1951.

(*18*) Morris, G. E., "Dermatoses from Phenylmercuric Salts," *Archives of Environmental Health*, 1:53–55, 1960.

(*19*) OTC Volume 160271.

C. Category III Conditions.

These are conditions for which the available data are insufficient to permit final classification at this time. This document contains no Category III conditions.

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance

notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-7 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

V 4 7 / 2 J A 5 8 2 UMI

federal register

Tuesday
January 5, 1982

Part VII

Department of Health and Human Services

Food and Drug Administration

Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 357

[Docket No. 81N–0050]

Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of proposed rulemaking that would establish conditions under which over-the-counter (OTC) drug products used for the treatment of acute toxic ingestion are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 24, 1978 a report of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6))provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC drug products for the treatment of acute toxic ingestion are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC drug products used for the treatment of acute toxic ingestion as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency notes that the Panel has included in its report a series of labeling recommendations for the use of ipecac syrup as an emetic. (See part III, paragraph A.1.b. below—Ipecac Syrup.) The Panel was aware that ipecac syrup had already been reviewed by the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products and requested that its recommendations regarding ipecac syrup be incorporated in the tentative final monograph (notice of proposed rulemaking) for emetic drug products rather than in the advance notice of proposed rulemaking for drug products for the treatment of acute toxic ingestion which is included in this document. Unfortunately, the report of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products was received too late for the recommendations to be considered in the development of the emetic tentative final monograph (notice of proposed rulemaking) which was published in the **Federal Register** on September 5, 1978 (43 FR 39544). Therefore, FDA will consider that portion of this document which deals with ipecac syrup in promulgating the final rule for emetic drug products.

Ipecac syrup is frequently an integral part of acute toxic ingestion therapy. Additionally, ipecac syrup is marketed with activated charcoal in a kit for acute toxic ingestion. The Panel's recommendations regarding the labeling of ipecac syrup by itself are not incorporated into this advance notice of proposed rulemaking. Rather, this advance notice of proposed rulemaking refers to the tentative final monograph (notice of proposed rulemaking) for OTC emetic drug products (43 FR 39544) for required labeling of ipecac syrup. This advance notice of proposed rulemaking will deal with ipecac syrup only to the extent that it is used in conjunction with other drug products for the treatment of acute toxic ingestion.

The agency's position on OTC drug products for the treatment of acute toxic ingestion will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC drug products for the treatment of acute toxic ingestion. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing necessary, if any. Comments regarding the impact of this rulemaking on OTC drug products for the treatment of acute toxic ingestion should be accompanied by appropriate documentation.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC drug products used in the treatment of acute toxic ingestion submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person

submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the **Federal Register.** On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a further notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal drug products to be considered in the OTC drug review. The list, which included ingredients for the treatment of acute toxic ingestion described as "universal antidotes," was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

John W. Norcross, M.D., Chairman
Ruth Eleanor Brown, R.Ph. (resigned May 1976)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O.
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)
Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator. Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R. Ph.

To expand its medical and scientific base, the Panel called upon the following consultants for advice in areas which required particular expertise:

Carol R. Angle, M.D. (pediatrics)
Jay M. Arena, M.D. (pediatrics)
William A. MacColl, M.D. (pediatrics)
Lynn R. Brady, Ph. D. (pharmacognosy)
Arthur E. Schwarting, Ph. D. (pharmacognosy)
Ralph B. D'Agostino, Ph. D. (statistics)

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs; but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for each drug category. The Panel presents its conclusions and recommendations for drug products used for the treatment of acute toxic ingestion in this document. The review of other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the **Federal Register.**

The Panel was first convened on January 13, 1975 in an organizational meeting. Meetings at which drug products used for the treatment of acute toxic ingestion were discussed were held on the following dates: March 23 and 24, April 27 and 28, September 21 and 22, November 16 and 17, 1975; March 7 and 8, October 10 and 11, 1976; May 15 and 16, July 9, 10, and 11, 1977; January 28, 29, and 30, March 10, 11, and 12, May 5, 6, and 7, and June 23 and 24, 1978.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

John B. Johnson requested, and was given, an opportunity to appear before the Panel to express his views on activated charcoal used for the treatment of acute toxic ingestion. No other person requested an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature and submitted data, has listened to additional testimony from an interested person, and has considered all pertinent data and information submitted through June 24, 1978 in arriving at its conclusions and recommendation for OTC drug products used for the treatment of acute toxic ingestion.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC drug products for the treatment of acute toxic ingestion with respect to the following three categories:

Category I. Conditions under which OTC drug products used for the treatment of acute toxic ingestion are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC drug products used for the treatment of acute toxic ingestion are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed six active ingredients in drug products for the treatment of acute toxic ingestion and classified two ingredients in Category I, four ingredients in Category II, and no ingredients in Category III.

I. Submission of Data and Information

A. Submission by Firm

Pursuant to the notices published in the Federal Register of November 16, 1973 (39 FR 31698) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on OTC miscellaneous internal drug products, the following firm made a submission for a drug product used for the treatment of acute toxic ingestion.

Firm and marketed product

Bowman Pharmaceuticals, Inc., Canton, OH 44702—Poison antidote kit.

B. Labeled Ingredients Contained in Marketed Products

1. *Ingredients in products submitted to the Panel for review.*

Charcoal, activated
Ipecac syrup

2. *Other ingredients reviewed by the Panel.* In addition to those ingredients included in the product submitted to the Panel, the following ingredients were listed in the Federal Register notice of August 27, 1975 (40 FR 38179).

Alcohol
Magnesium hydroxide
Potassium arsenite
Tannic acid

C. Classification of Ingredients

1. *Active ingredients.*

Charcoal, activated
Ipecac syrup

2. *Inactive ingredients.* None.

3. *Other ingredients.* No submissions were received for the following ingredients. The Panel has not been able to locate, nor is it aware as a group of experts, of any data, published or unpublished, demonstrated the safety and effectiveness of these ingredients for OTC use in the treatment of acute toxic ingestion. The Panel therefore classifies these ingredients as Category II for this use, and they will not be reviewed in this document.

Alcohol
Magnesium hydroxide
Potassium arsenite
Tannic acid

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the call-for-data notices published in the Federal Register of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the submitted information is included in one volume which, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions of Terms

For the purpose of this document, the Panel agreed upon the following definitions:

1. *Acute toxic ingestion.* An ingestion, within a brief time, of a substance in amounts that could threaten the survival or well-being of an individual.

2. *Adjunct.* An accessory, auxiliary agent, or measure.

3. *Adsorption.* Adhesion of the molecules of a gas, liquid, or dissolved substance to a surface.

4. *Antidote.* A substance used to counteract a poison.

5. *Aspiration.* Inhalation of a foreign substance into the lungs.

6. *Emesis.* Vomiting.

7. *Emetic.* An agent that causes vomiting.

8. *Poison.* A substance ingested within a brief time in amounts that could threaten the survival or well-being of an individual.

9. *Toxic substance.* A poison.

B. General Discussion.

An estimated 2 million accidental poisonings occur in the United States each year (Ref. *1*), and about 60 percent of these poisonings involve children under 5 years of age (Ref. *2*). Therefore, it is obvious that extensive preventive measures are needed to reduce the incidence of accidental poisoning. When ingestion of a toxic substance occurs, means should be available to handle the situation until the patient can be treated by a physician.

The Panel is aware of the current OTC labeling regulation dealing with warning statements (21 CFR 330.1(g)). The Panel concurs with the warning, "Keep this and all drugs out of the reach of children," and believes that it should be incorporated in the labeling for digestive aid products. However, the Panel recommends that the other warning statement required by § 330.1(g), "In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately" be revised to read as follows: "In case of accidental overdose, contact a Poison Control Center, emergency medical facility, or physician immediately for advice." The Panel believes that this revision will be more informative to the consumer.

With the exception of corrosives such as strong acids and alkalies, the emergency treatment of poisoning is aimed at minimizing the absorption of the poison. This can be accomplished by interfering with the absorption of the

poison by the gastrointestinal tract or by removing the poison from the body as quickly as possible.

Upon discovering that a toxic substance has been ingested, a Poison Control Center, emergency medical facility, or physician should be called at once for advice. If medical consultation cannot be obtained immediately, the following procedure should be carried out:

1. The patient should be transported to the medical facility as soon as possible.

2. In most cases the poison should be removed from the patient's stomach immediately by inducing vomiting. However, vomiting should not be induced if the patient: (a) Is semiconscious or unconscious; (b) is having convulsions; (c) has swallowed strychnine, unless advised otherwise by a Poison Control Center, emergency medical facility, or physician; (d) has swallowed petroleum distillates such as kerosene, gasoline, paint thinner, or cleaning fluids, unless advised otherwise by a Poison Control Center, emergency medical facility, or physician; or (e) has swallowed a corrosive poison such as alkali (lye) or strong acid, unless advised otherwise by a physician or emergency treatment facility.

Vomiting may be induced by gently irritating the back of the patient's throat with the blunt end of a spoon or a finger or by using an emetic such as ipecac syrup. In the former method, before the vomiting reflex (gagging) is stimulated, the patient should drink one or two glasses of water (not milk or carbonated beverages) in order to dilute the toxic substance and provide a sufficient volume of gastric contents to be vomited. When retching and vomiting begin, the patient should be placed face down with head lower than hips. This position will prevent the vomitus from being aspirated into the lungs and causing further damage. Unfortunately, this mechanically induced vomiting is usually unsuccessful and incomplete (Ref. *3*).

When using ipecac syrup (not ipecac fluidextract) as an emetic, it should be given in doses of 1 to 2 teaspoonsful (5 to 10 milliliters (mL)) for children under 1 year of age (followed by ½ to 1 glass of water); children over 1 year old and adults should receive 1 tablespoonful (15mL) (followed by 1 to 2 glasses of water). Milk or carbonated beverages should not be used in place of water. If vomiting does not occur after 20 minutes, the dose should be repeated. The subject should be kept upright and ambulatory to speed emesis. A young child may be jiggled to speed emesis. If vomiting does not occur within 20 minutes of the second dose, the advice of a Poison Control Center, emergency medical facility, or physician should again be sought.

Vomiting should not be induced following the ingestion of most petroleum distillates because of the possibility of their being aspirated into the lung (Ref. *4*). However, there may be some cases of petroleum distillate ingestion in which the Poison Control Center, emergency medical facility, or physician will suggest that vomiting be induced.

Vomiting should also not be induced following the ingestion of acidic and alkaline corrosives because regurgitation would increase the damage to the esophagus. Large volumes of water of milk should be ingested to dilute the acidic or alkaline corrosive substances.

Chilling should be prevented by wrapping the patient in blankets, when necessary.

Alcohol in any form should not be given.

Activated charcoal should be given only after the patient vomits or when advised by a health professional. Activated charcoal acts by adsorbing a toxic substance and should not be given prior to the administration of ipecac syrup since it would adsorb the ipecac and negate its emetic action.

Although activated charcoal has a tremendous adsorptive capacity, it should be considered an adjunct for the treatment of an acute toxic ingestion rather than a specific antidote for any one poison. Following the administration of activated charcoal, a physician may still need to use specific antidotes to treat the particular poison.

The major drawback to the use of activated charcoal is its black color which often causes children not to want to ingest it. If spewed, it spots clothes and walls. The Panel, therefore, encourages the development of a palatable formulation which can be more easily administered to children.

Although activated charcoal is an effective, nonspecific adsorbent of a large number of materials, the Panel concurs with the general medical recognition that there is no true "universal antidote" (Ref. *5*). The so-called "universal antidote" recommended in the past consisted of activated charcoal, tannic acid, and magnesium oxide. However, it has been well established that the tannic acid and magnesium oxide have no significant effectiveness and may actually impede the effective ingredient, activated charcoal. The use of burnt toast as a homemade antidote has no merit. This material is not activated charcoal, and it has no significant adsorptive properties (Ref. *5*).

In many cases of accidental poisoning it is not possible to identify the substance ingested; but if the substance is known, the Poison Control Center, emergency medical facility, or physician will want this information along with the container in which the substance was stored to assist in determining the kind and amount of poison ingested and the appropriate treatment.

Although ipecac syrup is the primary mode of treatment of accidental poisoning in children, the Panel considers it rational to market ipecac syrup and activated charcoal in a combination package. The Panel has made specific recommendations in this document for the proper labeling of such a kit to encourage immediate home treatment under the direction of a physician or emergency medical facility.

Every physician treating children should have a supply of ipecac syrup and activated charcoal in his office.

References

(*1*) Arena, J. M., "The Treatment of Poisoning," *Clinical Symposia*, 30:1–47, 1978.

(*2*) National Clearinghouse for Poison Control Centers—Bulletin, U.S. Department of Health, Education, and Welfare, PHS, FDA, Bethesda, MD, February 1978.

(*3*) Arena, J. M., "Poisoning—Toxicology, Symptoms, Treatment," 2d Ed., Charles C. Thomas, Springfield, IL, p. 31, 1970.

(*4*) Arena, J. M., "Poisoning—Toxicology, Symptoms, Treatment," 2d Ed., Charles C. Thomas, Springfield, IL, p. 171, 1970.

(*5*) Done, A. K., "Poison Control," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol, and J. E. Hoover, Mack Publishing Co., Easton, PA, pp. 1830–1831, 1975.

C. Labeling

The Panel has reviewed the labeling claims made for ingredients offered for emergency treatment of acute toxic ingestion and has categorized them as either Category I, Category II, or Category III.

For any labeling to be acceptable, it must include the established name of the drug, an accurate statement of the pharmacological category of the drug, the net quantity of contents, the indications for use, pertinent warnings and contraindications, and the recommended dosage range. Only those indications and warnings listed under the specific ingredient discussions are generally recognized as acceptable at this time.

The Panel believes that all labeling should be clear, concise, and easily readable and understandable by most consumers, including those whose

comprehension is limited. The Panel follows this concept in the development of Category I labeling. The Panel is also concerned about the size and color of the print used in labeling of these and all drug products, and recommends that the industry design labeling which can be read easily by consumers.

The Panel believes that the label should contain the active ingredient by its established name, and the label should state the quantity of the active ingredient in the recommended dosage.

The Panel recommends that drug product labeling contain directions for use which are intended to facilitate the delivery and availability of the active ingredient, and that these directions be prominently displayed on all package labeling.

The Panel agrees with the current OTC labeling regulation on warning statements at 21 CFR 330.1(g) and recommends that labeling for drug products used to treat acute toxic ingestion contain a "Warnings" section which contains the following statement in addition to any drug-specific warnings: "Keep this and all drugs out of the reach of children." The Panel believes that the other warning required by this regulation should not be required for these products, i.e., "In cases of accidental ingestion, seek professional assistance or contact a poison control center immediately."

In order to facilitate administration in emergency situations, activated charcoal should be packaged in containers designed to deliver a minimum of 30 grams (g). The amount of contents should be conspicuously displayed on the front panel of the package label. The person administering the activated charcoal would then have a better idea of the actual amount to give to the patient.

To remove as much of the toxic substance as possible from the stomach, it is essential that vomiting, when indicated, be induced prior to the administration of activated charcoal. If activated charcoal is administered before ipecac syrup, the ipecac will be adsorbed by the activated charcoal and inactivated.

If vomiting does not occur within 20 minutes after the first dose of ipecac syrup, the dose should be repeated. If vomiting does not occur within 20 minutes after the second dose, it is imperative that medical advice be obtained to determine what further procedures should be followed to remove or detoxify the ingested poison.

Labeling for ipecac syrup must contain a warning not to give this drug product if strychnine, corrosive poisons, or petroleum distillates have been ingested unless advised otherwise by a physician or emergency medical facility. The reasons for this warning are contained in the "General Discussion." (See part II. paragraph B. above—General Discussion.)

Milk must not be administered along with ipecac syrup because its coating action on the gastrointestinal tract and its ability to inactivate the ipecac alkaloids through its protein binding action would prevent the ipecac syrup from acting. Carbonated beverages should not be administered with ipecac syrup because they may cause over-distention of the stomach.

III. Categorization of Data

A. Category I Conditions

The following are Category I conditions under which drug products for the treatment of acute toxic ingestion are generally recognized as safe and effective and not misbranded.

1. *Category I active ingredients.*

Charcoal, activated
Ipecac syrup

a. *Charcoal, activated.* The Panel concludes that activated charcoal is safe and effective for OTC use in the treatment of acute toxic ingestion as discussed below.

Wood charcoal is made by burning wood out of contact with the air—the residue obtained consists of nearly pure carbon (Ref. *1*). This process is called destructive distillation. The carbon resulting from destructive distillation can also be obtained from nut shells, animal bones, or other carbonaceous material (Ref. *2*). Charcoal made by this process results in a product with varied adsorptive properties. It is "activated" by treating it with various substances such as steam, air, carbon dioxide, oxygen, zinc chloride, sulfuric acid, phosphoric acid, or a combination of some of these substances at temperatures ranging from 500° to 900° C (Ref. *1*). This treatment produces a very porous, honeycomblike internal structure formed by removing substances previously adsorbed on the charcoal. The internal surface area of activated charcoal averages about 10,000 square feet per g (Ref. *2*).

(1) *Safety.* The Panel concludes that activated charcoal is generally recognized as a safe gastrointestinal adsorbent for ingested poisons when used in the doses noted below.

Activated charcoal has been used since 1960 in uremic patients to reduce the gastrointestinal disturbances of the patient. A dose of 20 to 50 g of activated charcoal was given daily, and no side effects were observed during continuous treatment for 4 to 20 months (Ref. *3*).

Considering the above information and the fact that activated charcoal has been in use for over 150 years (Ref. *4*), the Panel concludes that activated charcoal is generally recognized as a safe gastrointestinal adsorbent for oral administration in the treatment of acute toxic ingestion.

(2) *Effectiveness.* The Panel concludes that activated charcoal is an effective gastrointestinal adsorbent that is widely used for the emergency treatment of acute toxic ingestion of a variety of drugs and toxic agents.

In treating an acute toxic ingestion, activated charcoal should only be used after first contacting a Poison Control Center, emergency medical facility, or a physician. It should generally be restricted to administration following emesis, which is usually induced by the ingestion of ipecac syrup.

Decker, Combs, and Corby (Ref. *5*) have demonstrated in vitro that the adsorption capacity of activated charcoal varies considerably according to the chemical acted on. They found that activated charcoal very efficiently adsorbed high doses of dextroamphetamine sulfate, primaquine phosphate, chlorpheniramine maleate, colchicine, diphenylhydantoin, aspirin, and propoxyphene hyrdochloride. Iodine, phenol, and, to a lesser degree, methyl salicylate were quite well adsorbed. Quinacrine, meprobamate, chlorpromazine, quinine, chloroquine, quinidine, and glutethimide were less efficiently adsorbed by activated charcoal; and inorganic acids, certain alkalies (sodium and potassium hydroxides), and sodium metasilicate (active ingredient in many cleaning preparations) were not adsorbed to any measurable extent. It was observed that the adsorptive capacity did not seem to correlate with chemical structure, although highly ionic substances of low molecular weight, such as cupric copper, ferrous iron, and boric acid, were very poorly adsorbed by activated charcoal. Drugs which are solids and insoluble in acidic aqueous solutions were likewise not adsorbed, e.g., tolbutamide. The insecticides malathion, DDT, and *N*-methylcarbamate were quite poorly adsorbed.

Picchioni, Chin, and Laird (Ref. *6*) list about 30 toxic substances which have been demonstrated to be effectively adsorbed in vivo (in man and animals) by activated charcoal. Some of the more significant ones are aspirin and other salicylates, propoxyphene, amphetamine, acetaminophen, barbiturates (barbital, phenobarbital, pentobarbital, and secobarbital), glutethimide, ethchlorvynol,

chlorpromazine, chlordane, hexachlorophene, kerosene, malathion, mercuric chloride, methyl salicylate, phenylopropanolamine, and strychnine. In addition, Decker (Ref. *7*) mentions the usefulness of activated charcoal in adsorbing tricyclic antidepressants (nortriptyline and imipramine) by interrupting enterohepatic recycling.

Originally it was felt that the activated charcoal and toxic substance complex which was formed in the stomach may possibly dissociate as it passes through the gastrointestinal tract. Recent studies indicate that the competitive effects of other constituents of the gastrointestinal fluids and associated higher pH may cause minimal dissociation to occur during the passage through the gastrointestinal tract (Ref. *7*). However, from a practical standpoint, this effect is inconsequential since it is markedly diminished with increasing doses of activated charcoal (Ref. *7*). It has also been demonstrated that, although the absorption of salicylate, barbiturate, and glutethimide was significantly reduced in rats and dogs, the activated charcoal-drug complexes were not dissociated to any significant extent in the gastrointestinal tract (Ref. *4*).

When possible, activated charcoal should be administered within 30 minutes following ingestion of the toxic substance to achieve significant inhibition of the drug absorption, although it has been shown that charcoal can "catch up" and bind certain poisons which have already passed through the pylorus (the opening through which the stomach contents are emptied into the upper intestine). Considering this, activated charcoal should be administered after ipecac syrup when large amounts of toxic substances have been ingested (Ref. *7*).

Corby, Fiser, and Decker (Ref. *4*) observed that activated charcoal can be a very valuable adjunct in the initial phases of treating acute toxic ingestion of many drugs not only in the emergency room and during the course of treatment in a hospital, but also as a first aid measure in the home.

The Panel recommends that for ease of administration, the activated charcoal be packaged in premeasured units with a minimum quantity of 30 g. If the quantity of the ingested toxic substance is known, it is generally considered that an amount of activated charcoal that is 8 to 10 times the amount of toxic substance should be administered. Otherwise, the recommended dosage of 30 g (6 level tablespoonsful) should be given.

It is obviously important to get as much activated charcoal into the patient as possible and as soon as possible after administration of ipecac syrup has produced vomiting. The Panel is aware of the difficulties in administration of this powdery substance and, therefore, encourages the development of a palatable form, such as a combination of activated charcoal and an inactive vehicle, e.g., carboxymethylcellulose, a highly activated charcoal requiring a lower dose, or coated charcoal particles. If such forms are developed, the adsorption capacity of the labeled dose must be expressed in terms of activated charcoal and determined in vivo.

The Panel recognizes that activited charcoal varies in its adsorptive capacity, but concludes that it is generally recognized as effective in the treatment of acute toxic ingestion.

(3) *Dosage.* The minimum effective dose of activated charcoal varies with the toxic dose of each substance and with several other variables, e.g., retained food, gastric emptying, and solubility. For most compounds, 5 to 10 g of activated charcoal are needed to adsorb 1 g. A theoretical dose of 20 g is required to adsorb the fatal adult dose of 2 g of phenobarbital; 30 g would be required to adsorb the toxic dose of 3 g of salicylates in a preschool child; and 500 g would be required for the fatal adult dose of 50 g of acetaminophen. In view of the wide dose range of activated charcoal and the lack of literature references as to the optimum dose, the Panel recommends that activated charcoal be used in doses, of no less than 30 g (6 level tablespoonsful) mixed with ½ glassful of water. The only upper limit on the amount which can be ingested would be governed by the feasibility of administration.

(4) *Labeling.* The Panel recommends the following labeling for activated charcoal:

(i) *Indication.* "For the treatment of acute poisoning."

(ii) *Warnings.* (*a*) "Before using, call a Poison Control Center, emergency medical facility, or physician for advice." This warning should be conspicuously boxed and in red letters.

(*b*) "Do not use in semiconscious or unconscious persons."

(*c*) "If the patient has received ipecac syrup, do not administer activated charcoal until after the patient has vomited, except under the advice and supervision of a physician.

(iii) *Directions.* "Mix 6 level tablespoonsful (30 g) in ½ glassful (4 ounces) of water. Drink entire contents of glass after mixing."

References

(*1*) Swinyard, E. A., "Gastrointestinal Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 751, 1975.

(*2*) Hawley, G. G., "The Condensed Chemical Dictionary," 8th Revised Ed., Van Nostrand Reinhold Co., New York, p. 108, 1971.

(*3*) Yatzidis, H., "Activated Charcoal Rediscovered," (letter to Editor), *British Medical Journal*, 4:51, 1972.

(*4*) Corby, D. G., R. H. Fiser, and W. J. Decker, "Re-Evaluation of the Use of Activated Charcoal in the Treatment of Acute Poisoning," *Pediatric Clinics of North America*, 17:545–556, 1970.

(*5*) Decker, W. J., H. F. Combs, and D. G. Corby, "Adsorption of Drugs and Poisons by Activated Charcoal," *Toxicology and Applied Pharmacology*, 13:454–460, 1968.

(*6*) Picchioni, A. L., L. Chin, and H. E. Laird, "Activated Charcoal Preparations—Relative Antidotal Efficacy," *Clinical Toxicology*, 7:97–108, 1974.

(*7*) Corby, D. G., and W. J. Decker, "Management of Acute Poisoning with Activated Charcoal," *Pediatrics*, 54:324–328, 1974.

b. *Ipecac syrup.* The Panel is aware that ipecac syrup has previously been reviewed by the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products and that the FDA is developing the tentative final monograph (TFM) on emetic drug products. This Panel feels that the final monograph for ipecac syrup should contain the following information:

The active ingredients of ipecac syrup are the alkaloids emetine and cephaeline contained in powered ipecac. The product is packaged and marketed as ipecac syrup, United States Pharmacopeia (USP) XIX, in a 1 fluid ounce (30 mL) container or in ½ fluid ounce (15 mL) containers for use in acute toxic ingestion kits.

(1) *Indications.* The labeling of the product contains a statement of the indication under the heading "Indications" that is limited to the phrase "to cause vomiting (emesis) in case of poisoning." This phrase should be conspicuously boxed and in red letters.

(2) *Warnings.* The labeling of the product contains the following warnings, under the heading "Warnings":

(i) "Call a Poison Control Center, emergency medical facility, or physician for advice before using and if vomiting does not occur within 20 minutes after a second dose has been given." This warning should be conspicuously boxed and in red letters.

(ii) "Do not use in semiconscious, unconscious, or convulsing persons."

(iii) "This product should not be used if strychnine, corrosives such as alkalies (lye) and strong acids, or petroleum distillates such as kerosene, gasoline, paint thinner, or

cleaning fluid have been ingested, unless advised otherwise by a physician."

(iv) "Do not administer milk or carbonated beverages with this product."

(3) The warning required by the current regulation § 330.1(g) (21 CFR 330.1(g)) concerning overdoses should not be required on ipecac syrup products.

(4) *Drug interaction precautions.* The labeling of the product should contain the following statement under the heading "Drug Interaction Precautions": "Activated charcoal will adsorb the active ingredients of ipecac syrup. If both activated charcoal and ipecac syrup are used, give the activated charcoal only after vomiting has been produced by the ipecac syrup."

(5) *Directions.* The labeling of the product should contain the following statements under the heading "Directions":

(i) *Infants under 1 year of age:* Oral dosage of ipecac syrup is 1 teaspoonful (5 milliliters) to a maximum of 2 teaspoonsful (10 milliliters) followed by ½ to 1 glass of water (4 to 8 ounces) or as directed by a physician. If vomiting does not occur within 20 minutes, the dose should be repeated one.

(ii) *Infants over 1 year of age, children, and adults:* Oral dosage of ipecac syrup is 1 tablespoonful (15 milliliters) followed by 1or 2 glasses of water (8 to 16 ounces) or as directed by a physician. If vomiting does not occur within 20 minutes, the dose should be repeated once.

2. *Acute toxic ingestion kit.* The Panel recognizes that it would be in the consumer's interest to establish guidelines for the minimum components of a kit used for the treatment of acute toxic ingestion. It is suggested that the kit contain four containers of 15 mL each of ipecac syrup and two containers of 30 g each of activated charcoal. The activated charcoal containers should be of sufficient size to permit the mixing of 4 ounces of water with the activated charcoal and be equipped with a screw cap so that the mixture can be shaken without spilling.

a. *Labeling.* The following labeling is specific for the outside container of the kit alone:

(1) *Indications.* "For the treatment of acute poisoning."

(2) *Warnings.* (i) "Before using, call a Poison Control Center, emergency medical facility or physician for advice." This warning should be conspicuously boxed and in red letters.

(ii) "Do not use in semiconscious or unconscious persons."

b. *Directions.* (1) "When professional advice is not available, first give ipecac syrup to induce vomiting, after vomiting has occurred give activated charcoal to help adsorb any remaining toxic substance."

(2) In bold-faced print "READ INSTRUCTIONS AT TIME OF PURCHASE AND INSERT PHONE NUMBERS ON LABEL."

(3) "Save the container of the poison.'

(4) An area of prominence should be provided to enter the telephone numbers of the Poison Control Center ———, emengency medical facility ——— personal physician ———, and ambulance ———.

B. Category II and Category III Conditions

The ingredients classified as Category II are listed in part I. paragraph C.3. above. The Panel found no Category III conditions. Therefore, Category II and III conditions will not be discussed in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding to Part 357, a new Subpart A, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion

Sec.

357.1 Scope.
357.3 Definitions.
357.10 Active ingredients for the treatment of acute toxic ingestion.
357.14 Acute toxic ingestion kit.
357.50 Labeling of drug products containing activated charcoal identified in § 357.10(a) for the treatment of acute toxic ingestion.
357.52 Labeling of drug products containing ipecac syrup identified in § 357.10(b) for the treatment of acute toxic ingestion.
357.54 Labeling of acute toxic ingestion kit identified in § 357.14 for the treatment of acute toxic ingestion.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion

§ 357.1 Scope.

(a) An over-the-counter drug product for the treatment of acute toxic ingestion in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each condition in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.3 Definitions.

As used in this subpart:

(a) *Acute toxic ingestion.* An ingestion, within a brief time, of a substance in amounts that could threaten the survival or well-being of an individual.

(b) *Emesis.* Vomiting.

(c) *Emetic.* An agent that causes vomiting (emesis).

§ 357.10 Active ingredients for the treatment of acute toxic ingestion.

The active ingredients of the product consist of any of the following when used within the dosage limits established for each ingredient:

(a) Charcoal, activated.

(b) Ipecac syrup.

§ 357.14 Acute toxic ingestion kit.

The kit is a single outer package labeled according to § 357.54 that consists of two 30-gram containers of activated charcoal identified in § 357.10(a) and labeled according to § 357.50 and four 15-milliliter containers of ipecac syrup identified in § 357.10(b) and labeled according to § 357.52. The containers of activated charcoal enclosed within the kit are of sufficient size to permit the addition of 4 ounces (120 milliliters) of water and are equipped with screw top caps to facilitate mixing of the contents.

§ 357.50 Labeling of drug products containing activated charcoal identified in § 357.10(a) for the treatment of acute toxic ingestion.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as an "adsorbant."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to the

phrase: "For the treatment of acute poisoning."

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) "Before using, call a poison control center, emergency medical facility, or physician for advice." This warning should be conspicuously boxed and in red letters.

(2) "Do not use in semiconscious or unconscious persons."

(3) "If the patient has received ipecac syrup, do not administer activated charcoal until after the patient has vomited, except under the advice and supervison of a physician.

(4) The warning required by § 330.1(g) concerning overdoses is not required on products containing activated charcoal.

(d) *Directions.* The labeling of the product contains the following statement under the heading "Directions": "Mix 6 level tablespoonsful (30 grams) in ½ glassful (4 ounces) of water. Drink entire contents of glass after mixing."

§ 357.52 Labeling of drug products containing ipecac syrup identified in § 357.10(b) for the treatment of acute toxic ingestion.

The product contains the labeling identified in proposed § 337.50 for emetic drug products. (See the **Federal Register** of September 5, 1978 (43 FR 39546).)

§ 357.54 Labeling of acute toxic ingestion kit identified in § 357.14 for the treatment of acute toxic ingestion.

In addition to the labeling identified in § 357.50 required on containers of activated charcoal and the labeling identified in § 357.52 required on containers of ipecac syrup, the outer label of the acute toxic ingestion kit bears the following:

(a) *Statement of identity.* The labeling on the outside of the kit contains the established names of the drugs, if any, and identifies the product as an "acute toxic ingestion treatment kit."

(b) *Indications.* The labeling on the outside of the kit contains a statement of the indications under the heading "Indications" that is limited to the following phrase: "For the treatment of acute poisoning."

(c) *Warnings.* The labeling on the outside of the kit contains the following warnings under the heading "Warnings":

(1) "Before using, call a Poison Control Center, emergency medical facility, or physician for advice." This warning should be conspicuously boxed and in red letters.

(2) "Do not use in semiconscious or unconscious persons."

(3) The warning required by § 330.1(g) concerning overdoses is not required on products containing activated charcoal and ipecac syrup.

(d) *Directions.* The labeling on the outside of the kit contains the following information under the heading "Directions":

(1) "When professional advice is not available, first give ipecac to indice vomiting, after vomiting has occurred give activated charcoal to help absorb any remaining toxic substance."

(2) (In bold-faced print) "READ INSTRUCTIONS AT TIME OF PURCHASE AND INSERT PHONE NUMBERS ON LABEL."

(3) "Save the container of the poison."

(e) *Other required statements.* An area of prominence should be provided to enter the telephone numbers of the following: "Poison Control Center ."
"emergency medical facility ."
"personal physician ."
"ambulance ."

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–3 Filed 1–4–82; 8:45 am]

BILLING CODE 4160–01–M

V
4
7
/
2
J
A
5
8
2

federal register

Tuesday
January 5, 1982

Part VIII

Department of Health and Human Services

Food and Drug Administration

Digestive Aid Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 357

[Docket No. 81N-0106]

Digestive Aid Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of proposed rulemaking that would establish conditions under which over-the-counter (OTC) digestive aid drug products (drugs for the treatment of the symptoms of immediate postprandial upper abdominal distress (IPPUAD), or drugs for the treatment of the symptoms of intestinal distress) are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on January 19, 1979 a report on OTC digestive aid drug products from the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which established conditions under which OTC digestive aid drug products are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC digestive aid drug products as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC digestive aid drug products will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC digestive aid drug products. Types of impact may include, but are not limited to, the following: increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC digestive aid drug products should be accompanied by appropriate documentation.

A monograph for OTC antiflatulent drug products (21 CFR Part 332) was established in response to data and information submitted with regard to the report of the Advisory Review Panel on OTC Antacid Drug Products. (See 38 FR 31266.) Because the agency recognized that information concerning other antiflatulent ingredients may have been available, but not submitted to the Antacid Panel, the agency advised interested persons to submit such information to the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. (See 38 FR 31266 and 39 FR 19871). The **Federal Register** notices published on November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) requested data and information on various miscellaneous internal drug ingredients, including "antiflatulents." These antiflatulent ingredients are used in drug products with such labeling indications as flatulence, gas, bloating, fullness, and symptoms of food indiscretions.

After reviewing the data on antiflatulent ingredients submitted to it, the Miscellaneous Internal Panel recommended in this document that antiflatulent ingredients and claims be classified in Category III, requiring further testing before inclusion in a final monograph on digestive aid drug products. The Panel also classified simethicone, the only ingredient currently included in the antiflatulent monograph (21 CFR Part 332), in Category III as a digestive aid for treating the symptoms of immediate postprandial upper abdominal distress (IPPUAD) and intestinal distress. The agency at this time requests comments on the appropriate classification of antiflatulent ingredients and claims. FDA will publish its tentative conclusions concerning antiflatulents in the tentative final monograph (notice of proposed rulemaking) on digestive aid drug products. In that publication, the agency will also address the question of whether to revoke or modify the current antiflatulent monograph (21 CFR Part 332).

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC digestive aid drug products submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug

Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address above).

FDA published in the Federal Register of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the Federal Register. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered or introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the Federal Register of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the Federal Register of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the Federal Register of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' " In the Federal Register of August 27, 1975 (40 FR 38179), a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal drug products to be considered in the OTC drug review. The list, which included digestive aid ingredients, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC drug review to all OTC drug products.

Under § 330.10(a)(1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

John W. Norcross, M.D., Chairman
Ruth Eleanor Brown, R.Ph. (resigned May 1976)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O.
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)
Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served, Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator; Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalie Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio served as the liaison for the Office of New Drug Evaluation beginning November 1976. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph.

To expand its scientific base, the Panel called upon the following consultants for advice in areas which required particular expertise:

Ralph B. D'Agostino, Ph. D. (statistics)
Lynn R. Brady, Ph. D. (pharmacognosy)
Arthur R. Schwarting, Ph. D. (pharmacognosy)

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs. Due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for digestive aid drug products in this document. The review of all other categories of miscellaneous internal drug products is being

continued by the Panel, and its findings are being published periodically in the **Federal Register.**

Ingredients reviewed by the Panel for treatment of the symptoms of IPPUAD were referred to as "antiflatulents" in the **Federal Register** notices published on November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). These ingredients are used in drug products with such labeling indications as flatulence, gas, bloating, fullness, stomachic (digestive tonic), and food indiscretions. The Panel reviewed all of thiese ingredients for treatment of symptoms of IPPUAD because the claims made for them apply to conditions occurring in the upper abdomen soon after eating (within 30 minutes). (See part III. below—Drug Products for the Treatment of the Symptoms of Immediate Postprandial Upper Abdominal Distress.)

Ingredients reviewed by the Panel for treatment of the symptoms of intestinal distress were referred to as "digestive aids" in the **Federal Register** notices published on November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). Included in this review are ingredients used in drug products which claim to correct conditions of intestinal discomfort that do not involve enzyme deficiency. Those products which claim effectiveness for the treatment of exocrine pancreatic insufficiency were reviewed in a separate document entitled "Exocrine Pancreatic Insufficiency Drug Products for Over-the-Counter Human Use," published in the **Federal Register** of December 12, 1979 (44 FR 75666).

Conditions such as irritation and inflammation of the intestinal tract were grouped by the Panel under the heading of "intestinal distress" because these are conditions that occur in the intestines from 30 minutes to several hours following a meal. Ingredients used in drug products claiming to treat symptoms of these conditions were accordingly reviewed by the Panel for treatment of the symptoms of intestinal distress. (See part IV. below—Drug Products for the Treatment of the Symptoms of Intestinal Distress.)

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings at which digestive aid drug products were discussed were held on February 23 and 24, March 23 and 24, April 27 and 28, June 22 and 23, September 21 and 22, November 16 and 17, 1975; February 8 and 9, March 7 and 8, April 11 and 12, May 9 and 10, July 11 and 12, October 10 and 11, 1976; February 20 and 21, April 3 and 4, May 15 and 16, July 9, 10, and 11, October 15, 16, and 17, December 2, 3, and 4, 1977; January 28, 29, and 30, March 10, 11, and 12, May 5, 6, and 7, June 23, 24, and 25, August 4, 5, and 6, September 29 and 30, October 1, and November 17, 18, and 19, 1978; and January 19, 1979.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

The following individuals were given an opportunity to appear before the Panel to express their views on OTC digestive aid drug products either at their own or at the Panel's request:

William Bachrach, M.D.
Paul Bass, Ph. D.
Allen R. Cooke
Warren Dennis, Ph. D.
Robert G. Flynn, R.Ph., M.S.
Morton I. Grossman, Ph. D., M.D.
Frank Hurley, Ph. D.
Robert John, M.D.
John Johnson
Louis Lasagna, M.D.
M. D. Levitt, M.D.
Armand Littman, M.D., Ph. D.
Myron Lover, Ph. D.
Fred J. McIlreath, M.D.
C. Harold Mielke, Jr.
Daniel Minelli
Robert G. Pinco, Esq.
Stephen Schwartz, M.S.
E. Clinton Texter, Jr., M.D.
Julian Villarreal
Ralph O. Wallerstein
Joseph M. White, M.D.
Daniel Winship, M.D.

No person who so requested was denied an opportunity to appear before the Panel to discuss digestive aid drug products.

The Panel has thoroughly reviewed the literature and data submissions, has listened to additional testimony from interested persons, and has considered all pertinent information submitted through January 19, 1979 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations in § 330.10, the Panel's findings with respect to OTC digestive aid drug products are set out in three categories:

Category I. Conditions under which OTC digestive aid drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC digestive aid drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed 109 active ingredients for use in treating the symptoms of IPPUAD or intestinal distress. No ingredients were placed in Category I. The Panel placed 60 ingredients in Category II and 10 ingredients in Category III for the symptoms of IPPUAD and 48 ingredients in Category II and 9 ingredients in Category III for the symptoms of intestinal distress. (The number of ingredient classifications does not equal the number of ingredients reviewed because some ingredients were reviewed for more than one labeled use.)

I. Submission of Data and Information

Pursuant to the notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on OTC miscellaneous internal drug products, the following firms made submissions related to products used as digestive aids. The Panel defined digestive aids to encompass those ingredients used to treat the symptoms of IPPUAD and intestinal distress. (See part II. paragraph A. below—Definitions of Terms.)

A. Submission by Firms

Based on its review, the Panel classified the submission as being relevant to either IPPUAD or intestinal distress as follows:

1. *For treatment of the symptoms of IPPUAD.*

Firms and Marketed Products

Bowman Pharmaceuticals, Canton, OH 44702—Controflex Phosphorated syrup.

Carter Products, Cranbury, NJ 08512—Gastroenterase tablets.

Dorsey Laboratories, Lincoln, NB 68501—Kanulase tablets.

Father Francis' Herbs, Chicago, IL 60629M—Medicinal Herb Tea No. 3.

Lewis-Howe Co., St. Louis, MO 63102—Discarbosil tablets, Tums tablets.

Purdue Frederick Co., Norwalk, CT 06856—Probilagol liquid.

Reed and Carnrick, Kenilworth, NJ 07033—Laxsil liquid, Phasil tablets, Phazyme tablets.

Rilox Co., New Orleans, LA 70122—Brodie's Cordial liquid.

Van Patten Pharmaceutical Co., Chicago, IL 60640—Allimin tablets.

Warner-Chilcott, Morris Plains, NJ 07950—Gelusil liquid, Gelusil tablets.

Warner-Lambert Co., Morris Plains, NJ 07950—Bromo-Seltzer, Rolaids tablets, hydrate magnesium aluminate activated sulfate liquid and tablets.

2. *For treatment of the symptoms of intestinal distress.*

Firms and Marketed Products

Carter Products, Cranbury, NJ 08512—Gastroenterase tablets.

Chattanooga Medicine Co., Chattanooga, TN 37409—Cardui liquid.

Dorsey Laboratories, Lincoln, NB 68501—Kanulase tablets.

Father Francis' Herbs, Chicago, IL 60629M—Medicinal Herb Tea No. 1.
Hoechst-Roussel, Pharmaceuticals, Inc., Somerville, ND 08876—Festal tablets.
Palafox Laboratories, Inc., Anthony, TX 88021—Palagastra liquid.
Parke-Davis & Co., Detroit, MI 48232—Panteric capsules, tablets, and granules.
Purdue Frederick Co., Norwalk, CT 06856M—Probilagol liquid.
Reed and Carnrick, Kenilworth, NJ 04033—Laxsil liquid, Phasil tablets, Phazyme tablets.
Requa Mfg. Co., Inc., Bronx, NY 10470—Requa's charcoal tablets, Requa's activated charcoal tablets and capsules.
Rilox Co., New Orleans, LA 70122—Brodie's Cordial liquid.
Signet Laboratories, Inc., Burbank, CA 91502—Dihepatone tablets.
Van Patten Pharmaceuticals Co., Chicago, IL 60640—Allimin tablets.
Warner-Lambert Co., Morris Plains, NJ 07950—Bromo-Seltzer.
Winthrop Laboratories, New York, NY 10016—Stamyl tablets.

B. Ingredients Reviewed by the Panel

1. *For treatment of the symptoms of IPPUAD—a. Labeled ingredients contained in products submitted to the Panel.*

Acetaminophen
Aluminum hydroxide
Bean
Calcium carbonate, U.S.P.
Catechu, tincture
Cellulase
Cinnamon oil
Citric acid
Dehydrocholic acid
Dihydroxyaluminum sodium carbonate
Dog grass
Elecampane
Galega
Garlic, dehydrated
Glutamic acid hydrochloride
Homatropine methylbromide
Horsetail
Huckleberry
Hydrate magnesium aluminate activated sulfate
Johnswort
Linden
Magnesium hydroxide, N.F.
Magnesium trisilicate
Nettle
Orthophosphoric acid
Ox bile extract
Pancreatic enzyme concentrate
Pancreatin, N.F.
Peppermint oil
Peppermint spirit
Pepsin
Simethicone
Sodium bicarbonate
D-sorbitol
Strawberry
Sucrose
Tannic acid

b. *Other ingredients.* In addition to those ingredients included in the products submitted to the Panel, the following ingredients were listed in the **Federal Register** notice of August 27, 1975 (40 FR 38179).

Alcohol
Anise seed
Aromatic powder
Asafetida
Belladonna alkaloids
Belladonna leaves, powdered extract
Bismuth subcarbonate
Bismuth subgallate
Capsicum
Capsicum, fuild extract of
Carbon
Cascara sagrada extract
Catnip
Chamomile flowers
Charcoal, activated
Chloroform
Cinnamon tincture
Diastase
Ether
Ginger
Gylcine
Hydrastis fluid extract
Hydrochloric acid
Iodine
Kaolin, colloidal
Lactic acid
Lavender compound, tincture of
Mannitol
Myrrh, fluid extract of
Nux vomica extract
Pancrelipase
Pectin
Potassium bicarbonate
Potassium carbonate
Rhubarb fluid extract
Sodium salicylate
Strychnine

2. *For treatment of the symptoms of intestinal distress—a. Labeled ingredients contained in products submitted to the Panel.*

Acetaminophen
Amylase
Blessed thistle (*Cnicus benedictus*)
Buckthorn
Catechu, tincture
Cellulase
Charcoal, activated
Charcoal, wood
Cinnamon oil
Citric acid
Dehydrocholic acid
Duodenal substance
Garlic, dehydrated
Glutamic acid hydrochloride
Golden Seal (*Hydrastis canadensis*)
Hemicellulase
Homatropine methylbromide
Johnswort
Juniper
Knotgrass
Lipase
Magnesium hydroxide, N.F.
Ox bile extract
Pancreatic enzyme concentrate
Pancreatin, N.F.
Pancreatin (triple strength)
Papain
Peppermint
Peppermint oil
Pepsin
Protease
Senna
Simethincone
Sodium bicarbonate
Sodium bismuthyltartrate
D-sorbitol
Tannic acid
Woodruff

b. *Other ingredients.* In addition to those ingredients included in the products submitted to the Panel, the following ingredients were listed in the **Federal Register** notice of August 27, 1975 (40 FR 38179).

Aluminum hydroxide
Aspergillus oryza enzymes
Bacillus acidophilus
Betaine hydrochloride
Black radish powder
Calcium gluconate
Citrus pectin
Diastase malt
Fennel acid
Glycine
Hectorite
Iron ox bile
Lactose
Lysine hydrochloride
Mycozyme
Niacinamide
Nickel-pectin
Orthophosphoric acid
Pancrelipase
Papaya, natural
Phenacetin
Prolase
Sodium chloride
Stem bromelain
Trillium
Vitamin B-1
Vitamin B
Vitamin B-3

C. Classification of Ingredients

1. *For treatment of the symptoms of IPPUAD—a. Active ingredients.*

Almadrate sulfate (hydrate magnesium aluminate activated sulfate)
Aluminum hydroxide
Calcium carbonate (calcium carbonate, U.S.P.)
Cellulase
Dehydrocholic acid
Dihydroxyaluminum sodium carbonate
Garlic, dehydrated
Glutamic acid hydrochloride
Homatropine methylbromide
Magnesium hydroxide (magnesium hydroxide, N.F.)
Magnesium trisilicate
Ox bile extract
Pancreatin and pancrelipase (pancreatin, N.F.; pancreatic enzyme concentrate)
Peppermint oil
Pepsin
Simethicone
Sodium bicarbonate
Sodium citrate (citric acid)
Sorbitol (*D*-sorbitol)

b. *Inactive ingredients.*

Sucrose

c. *Other ingredients.* The Panel was neither able to locate nor it is aware of any significant body of data demonstrating the safety and

effectiveness of the following OTC ingredients in treating the symptoms of IPPUAD. The Panel, therefore, classifies these ingredients as Category II for this use, and they will not be reviewed further in this document.

Alcohol
Anise seed
Aromatic powder
Asafetida
Bean
Belladonna alkaloids
Belladonna leaves, powdered extract
Bismuth subcarbonate
Bismuth subgallate
Capsicum
Capsicum, fluid extract of
Carbon
Cascara sagrada extract
Catechu, tincture
Catnip
Chamomile flowers
Charcol, activated
Chloroform
Cinnamon oil
Cinnamon tincture
Diastase
Dog grass
Elecampane
Ether
Galega
Ginger
Glycine
Horsetail
Huckleberry
Hydrastis fluid extract
Hydrochloric acid
Iodine
Johnswort
Kaolin, colloidal
Lactic acid
Lavender compound, tincture of
Linden
Mannitol
Myrrh, fluid extract of
Nettle
Nux vomica extract
Orthophosphoric acid
Pectin
Peppermint spirit
Potassium bicarbonate
Potassium carbonate
Rhubarb fluid extract
Sodium salicylate
Strawberry
Strychnine
Tannic acid

d. *Ingredient deferred to and reviewed by the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products as published in the* **Federal Register** of July 8, 1977 (42 FR 35345).

Acetaminophen

2. *For treatment of the symptoms of intestinal distress*—a. *Active ingredients.*

Bismuth sodium tartrate (sodium bismuthyltartrate)
Blessed thistle (*Cnicus benedictus*)
Cellulase and hemicellulase
Charcoal, activated and charcoal, wood
Dehydrocholic acid
Duodenal substance
Garlic, dehydrated
Glutamic acid hydrochloride
Golden seal (*Hydrastis canadensis*)
Homatropine methylbromide
Magnesium hydroxide (magnesium hydroxide, N.F.)
Ox bile extract
Pancreatin and pancrelipase (pancreatin, N.F.; pancreation (triple strength); pancreatic enzyme concentrate)
Papain
Pepsin
Simethicone
Sodium bicarbonate
Sodium citrate (citric acid)
Sorbitol (*D*-sorbitol)

b. *Inactive ingredients.* None.

c. *Other ingredients.* The Panel was neither able to locate nor is it aware of any significant body of data demonstrating the safety and effectiveness of the following OTC ingredients in treating the symptoms of intestinal distress. The Panel, therefore, classifies these ingredients as Category II for this use, and they will not be reviewed further in this document.

Aluminum hydroxide
Amylase
Aspergillus oryza enzymes
Bacillus acidophilus
Betaine hydrochloride
Black radish powder
Buckthorn
Calcium gluconate
Catechu, tincture
Cinnamon oil
Citrus pectin
Diastase malt
Fennel acid
Glycine
Hectorite
Iron ox bile
Johnswort
Juniper
Knotgrass
Lactose
Lipase
Lysine hydrochloride
Mycozyme
Nickel-pectin
Orthophosphoric acid
Papaya, natural
Peppermint
Peppermint oil
Phenacetin
Protease
Prolase
Senna
Sodium chloride
Stem bromelains
Tannic acid
Trillium
Woodruff

d. *Ingredients deferred to and reviewed by other panels*—(1) *Ingredients deferred to and reviewed by the Advisory Review Panel on OTC Vitamin, Mineral, and Hematinic Drug Products as published in the* **Federal Register** *of March 16, 1979 (44 FR 16126)*

Niacin (niacinamide)
Thiamine (vitamin B–1)
Riboflavin (vitamin B–2)
Vitamin B–3

(2) *Ingredient deferred to and reviewed by the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products as published in the* **Federal Register** *of July 8, 1977 (42 FR 35345).*

Acetaminophen

CATEGORIZATION OF SINGLE INGREDIENTS CONSIDERED BY THE PANEL FOR SAFETY AND EFFECTIVENESS AS DIGESTIVE AIDS

Ingredients	IPPUAD [1]		ID [2]	
	Category	Basis [3]	Category	Basis
Almadrate sulfate	III	E		
Aluminum hydroxide	III	E		
Bismuth sodium tartrate			II	S, E
Calcium carbonate	III	E		
Cellulase	II	E	III	E
Charcoal, activated and Charcoal, wood			III	E
Dehydrocholic acid	II	E	II	E
Dihydroxyaluminum sodium carbonate	III	E		
Duodenal substance			II	S, E
Garlic, dehydrated	II	E	II	E
Glutamic acid hydrochloride	II	E	II	E
Hemicellulase			III	E
Homatropine methylbromide	II	E	III	E
Magnesium hydroxide	III	E	III	E
Magnesium trisilicate	III	E		
Ox bile extract	II	E	II	E
Pancreatin and pancrelipase	II	E	III	E
Papain			II	E
Peppermint oil	III	E		
Pepsin	II	E	II	E
Simethicone	III	E	III	E
Sodium bicarbonate	III	E	III	E
Sodium citrate	III	E	III	E
Sorbitol	II	E	II	E

[1] IPPUAD—Immediate postprandial upper abdominal distress.
[2] ID—Intestinal distress.
[3] Basis for Categorization: S (Safety), E (Effectiveness).

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the Federal Register of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions of Terms

For the purpose of this document, the Panel agreed on the following definitions:

1. *Aerophagia.* The swallowing of air.

2. *Antiflatulent.* An agent that relieves or prevents flatulence.

3. *Eructation.* The act of belching.

4. *Flatulence.* The presence of excessive amounts of air or other gas in the stomach and/or intestines.

5. *Flatus.* Gas passed by rectum.

6. *Immediate postprandial upper abdominal distress (IPPUAD).* A symptom complex consisting of the sensations of bloating, distention, fullness, or pressure with upper abdominal discomfort occurring immediately (within 30 minutes) after a meal, excluding symptoms of aerophagia or hyperacidity.

7. *Intestinal distress.* A syndrome consisting of abdominal discomfort occurring 30 minutes to several hours after a meal. It is self-limiting and not attributable to any known organic disease, nor accompanied by diarrhea or constipation. This syndrome is characterized by one or more of the following symptoms: Bloating, distention, fullness, pressure, pain, or cramps.

8. *Postprandial.* Occurring shortly after eating.

9. *Symptom.* Any subjective evidence of a patient's condition, as perceived by the patient.

10. *Syndrome.* A set of symptoms which occur together; a symptom complex.

B. General Discussion

The Panel reviewed drug products which were claimed to alleviate symptoms in the stomach as well as the intestines following the ingestion of food. The Panel has designated this group of drugs as digestive aids and has divided the group into two classifications: (1) Those drugs for treating the symptoms of IPPUAD—symptoms occurring within 30 minutes after ingestion of food, and (2) those drugs for treating the symptoms of intestinal distress—symptoms occurring from 30 minutes to several hours after ingestion of food.

1. *For treatment of the symptoms of IPPUAD.* A final monograph for "antiflatulent active ingredients" was published in the Federal Register of June 4, 1974 (39 FR 19877). The agency, in establishing this monograph, allowed the continued marketing of simethicone (maximum daily dose of 500 milligrams (mg)) as an OTC antiflatulent in combination with "* * * any generally recognized as safe and effective antacid ingredient(s) if it is indicated for use solely for the concurrent symptoms of gas associated with heartburn, sour stomach, or acid indigestion" (21 CFR 332.15). The term antiflatulent was specifically defined as a drug able "to alleviate or relieve the symptoms of gas" (21 CFR 332.30(a)). In the Federal Register of November 12, 1973 (38 FR 31266), the agency noted that other ingredients may also be useful as antiflatulents and requested that any available data be submitted to the OTC Miscellaneous Internal Drug Products Panel for review. The antiflatulent monograph would then be amended to include any additional safe and effective antiflatulent active ingredients.

The agency has concluded that at least one antiflatulent ingredient is effective and one would infer that the symptoms referred to in the statement, " 'to alleviate or relieve the symptoms of gas,' " are indeed caused by excess gas. The Panel has reviewed all available data and has found no conclusive evidence that excess gas is the causative agent in producing undesirable symptoms, specifically the symptoms of bloating, distention, fullness, or pressure associated with IPPUAD.

The Panel looked at "antiflatulent" drugs which were claimed to alleviate symptoms of discomfort (bloating, distention, fullness, or pressure) that occur in the abdomen in the immediate postprandial period. The term "flatulent" is commonly associated with some amount of gas, but because this Panel does not accept gas as a causative agent of distress in the upper gastrointestinal tract, the Panel considered it contradictory and inappropriate to review, as antiflatulents, those drugs which were claimed to relieve immediate postprandial symptoms. Therefore, the concept of IPPUAD was developed by the Panel in order to describe more accurately the therapeutic intent of these drug products.

The Panel acknowledges the fact that a large segment of the population occasionally has immediate postprandial upper abdominal complaints which are commonly and, in the opinion of the Panel, erroneously attributed to "excess gas." The terms "excess gas," "gaseousness," "flatulence," "bloating," "distention," and "fullness" have different meanings to different people; consequently, it is important to determine accurately the meaning of the terms as they are used to describe various consumer complaints.

One medical dictionary defines "flatulence" as "the presence of an excessive amount of gas in the stomach and intestines" (Ref. *1*). Another medical dictionary describes "flatulence" as "the presence of excessive amounts of air or gases in the stomach or intestine, leading to distention of the organs" (Ref. *2*). It is a well-known fact, however, that a certain amount of gas is constantly present in the gastrointestinal tract, and that not all people complain of flatulence.

The Random House Dictionary of English Usage defines "flatulent" as (1) "generating gas in the intestinal canal, as food," and (2) "attended with, caused by, or suffering from, such an accumulation of gas" (Ref. *3*). The first definition stems from the knowledge that certain foods (beans and onions) are prone to undergo bacterial fermentation in the large bowel, producing gases which are passed rectally without pain, as flatus. Preparations used for the relief of intestinal distress are also the subject of this document. (See part IV. below—Drug Products for the Treatment of the Symptoms of Intestinal Distress.)

The second definition above (Ref. *3*) apparently refers to accumulations of gas in the gastrointestinal tract which causes distress. This definition appears to be the one almost universally accepted by the lay public, and the Panel acknowledges that, on occasion, a large segment of the population may experience symptoms in the immediate postprandial period which it interprets as due to the presence of excessive gas. This ill-defined syndrome (upper abdominal bloating, distention, fullness, or pressure) which occurs in the immediate postprandial period is a common reason for taking "antiflatulent" drugs. The Panel, however, does not accept "excessive gas" as the causative agent, and, in fact, is not aware of any objective study which definitely establishes gas as the

causative agent for the IPPUAD symptom complex.

The Panel firmly believes that more studies are essential to definitely establish the etiology or etiologies of the IPPUAD syndrome. If such studies prove that gas is the etiologic agent, they must also show that the ingredient under evaluation relieves the symptoms, and that it decreases the amount of gas present.

The Panel acknowledges that everyone swallows some air, especially with food or liquid, and particularly if food is eaten rapidly and/or large quantities are ingested. It has been estimated that this "swallowed air" accounts for the major portion of gas in the gastrointestinal tract (Ref. *4*). Swallowed air (aerophagia) commonly results in eructation (belching). Gas that is released by belching consists entirely of swallowed air or carbon dioxide, and that which is not released by belching passes rapidly through the intestinal tract where it mixes with gas from food fermentation and is either absorbed or passed rectally as flatus. Such gas amounts to a normal physiologic mechanism and does not usually cause distress or require medication.

Another authority has stated that:

> Air in significant volumes may be admitted to the gastrointestinal tract without bothersome symptoms, other than flatulence, providing the gas-handling mechanisms are operational. Otherwise normal persons may become symptomatic when large quantities of food are ingested, possibly representing an overload phenomenon (Ref. *5*).

In reviewing the pertinent literature the Panel became aware of one study of 22 patients which found that the volume of gastrointestinal gas did not differ significantly in 12 patients with chronic complaints of excess gas compared to 10 controls who were free of abdominal complaints (Ref. *6*). When gas was infused into the intestines of the patients and the control group, more gas tended to reflux into the stomach of, and intestinal transit times were longer for, those patients who complained of abdominal pain (excess gas). This led the authors to conclude that an abnormal motility exists which results in disordered passage of gas through the bowel, with a painful response to an overall intestinal gas volume well tolerated by normal subjects.

Because the Panel believes that excessive gas is not the cause of IPPUAD, and has been unable to find any studies to support this excessive gas theory, it is the opinion of the Panel that the term "antiflatulent" or similar terms should not be used in the labeling or promotional material of drugs which claim to relieve the symptoms of IPPUAD, unless it is proven by scientific studies that excess gas is actually present and causing symptoms.

The Panel, of course, is aware that some persons complaining of the symptoms of IPPUAD have an organic basis for their complaints and may be suffering from abnormalities or disease of the gastrointestinal tract or other organ systems. Persons with persistent or chronic symptoms should have a thorough medical evaluation.

At the present time the Panel is not aware of any ingredients which have been adequately demonstrated to be effective in treating the symptoms of IPPUAD. However, the Panel has classified several ingredients as Category III in order to allow further testing and evaluation to establish effectiveness. (See part III, paragraph C. below—Category III Conditions.)

The Panel is aware of the following proposed mechanisms of action for ingredients which were claimed to relieve the symptoms of IPPUAD: (1) Reduction of the surface tension of the contents of the stomach, (2) altering stomach emptying by changing the acidity or osmolarity of the stomach, and (3) hastening stomach emptying by increasing smooth muscle contraction. However, the Panel is not convinced that any of these are the mechanism by which these IPPUAD ingredients work.

Studies attempting to demonstrate the effect of acids on gastric emptying have shown that the greater the acidity, the slower will be the emptying rate. Hunt and Knox (Ref. *7*) have shown that as the stomach became less acidic, the rate of gastric emptying was enhanced. Steinberg and Almy (Ref. *8*) suggest that alkalinization of the gastric contents is one of the mechanisms responsible for the relief of distention and pressure.

Steinberg and Almy (Ref. *8*) also proposed that distention of the stomach caused by evolution of carbon dioxide by certain medicinal agents and subsequent decrease in distention by eructation of gas could relieve the distress. Temporary distention such as that which is produced by the reaction of active ingredients with the gastric acid may hasten stomach emptying by the motor mechanism described by Weisbrodt et al. (Ref. *9*), i.e., high antral contractile activity and low duodenal contractile activity.

References

(*1*) "Stedman's Medical Dictionary," 22d Ed., Williams and Wilkins, Baltimore, 1972, s.v. "flatulence."

(*2*) "Dorland's Illustrated Medical Dictionary," 25th Ed., W. B. Saunders Co., Philadelphia, 1965, s.v. "flatulence."

(*3*) "The Random House Dictionary of the English Language, the Unabridged Edition," Random House, New York, 1966, s.v. "flatulence."

(*4*) Roth, J. A., "The Symptom Patterns of Gaseousness," *Annals of the New York Academy of Sciences*, 150:109–127, 1968.

(*5*) Danhof, T. E., "Gaseousness," *in* "Current Therapy, 1976," W. B. Saunders Co., Philadelphia, pp. 378–379, 1976.

(*6*) Lasser, R. B., J. H. Bond, and M. D. Levitt, "The Role of Intestinal Gas in Functional Abdominal Pain," *New English Journal of Medicine*, 293:524–526, 1975.

(*7*) Hunt, J. N., and M. T. Knox, "Regulation of Gastric Emptying," *in* "Handbook of Physiology," Volume IV, Section 6, American Physiology Society, Washington, pp. 1917–1935, 1968.

(*8*) Steinberg, H., and T. P. Almy, "Drugs for Gastrointestinal Disturbances," *in* "Drugs of Choice 1966–1967," edited by W. Modell, The C. V. Mosby Co., St. Louis, pp. 318–352, 1966.

(*9*) Weisbrodt, H. S., et al., "A Relation Between Gastroduodenal Muscle Contractions and Gastric Emptying," *Gut*, 10:543–548, 1969.

2. *For treatment of the symptoms of intestinal distress.* The Panel has recognized a syndrome of IPPUAD as described in the General Discussion above. In a significant segment of the population, the intestinal distress syndrome starts 30 minutes to several hours after eating. This syndrome is characterized by one or more of the following abdominal distress symptoms: Bloating, distention, fullness, pressure, excess flatus, pain, or cramps. The syndrome is self-limiting, not attributable to any known organic disease, and not accompanied by constipation or diarrhea. It should be emphasized that these symptoms may occur as the result of a multitude of disease states and if they persist, medical consultation should be obtained.

These symptoms have been attributed by the lay population to, and further popularized in advertising by some drug firms as caused, by, excess gas. It is probable that many physiologic factors are involved, which are poorly understood at the present time, such as the transit time of food materials through the small and large intestine, the nature of the food materials, the character of the bacterial population in the large intestine, etc. Gas is normally present in the small and large intestine in varying amounts. However, the Panel has been unable to find any conclusive proof that gas is a causative agent of any of the symptons of this syndrome.

C. Physiology Review

1. *For treatment of the symptoms of IPPUAD.* In order to better evaluate the mechanisms of action of the ingredients under its review, the Panel looks at the role of "gas" in the gastrointestinal tract

and its possible relationship to the symptoms of IPPUAD—unpleasant sensations perceived within the first 30 minutes following a meal and commonly described as bloating, distention, fullness, or pressure. These sensations are commonly attributed by the sufferer to "gas". However, some authors consider the cause to be gastric distention or altered physiology of gastric emptying.

The rate of gastric emptying is determined by the chemical and physical properties of the stomach contents as well as the gastric motility. Contents with a pH below 3.5 delay the emptying time, as does the presence of fats. Contents with an osmotic pressure of 200 milliosmoles are optimal for rapid emptying. The autonomic nervous system and various hormones also affect the rate of gastric emptying.

Stomach gas accumulates as a result of air swallowed during the meal, and air trapped in food and frothy saliva. Some people may swallow a half a liter (approximately one pint) or air with a meal. Air may also be swallowed between meals, as a result of gum chewing, smoking, or anxiety (Ref. *1*). Most swallowed air is belched or passed into the small intestine, where it either rapidly diffuses into the blood or passes into the colon. The stomach of an adult human normally contains about 50 milliliters (mL) of gas (Ref. *2*).

The Panel is unable to document through the scientific literature that gas resulting from swallowed air or any other gases present in the stomach are responsible for the symptom of bloating, distention, fullness, or pressure that occur in the immediate postprandial period. The scientific literature does, however, discuss the relationship between gas that is present in the lower gastrointestinal tract and the discomforts of intestinal distress. (See part IV. below—Drug Products for the Treatment of the Symptoms of Intestinal Distress.)

References

(*1*) Roth, J. A., "The Symptom Patterns of Gaseousness," *Annals of the New York Academy of Sciences*, 150:109–127, 1968.

(*2*) Davenport, H. W., "Physiology of the Digestive Tract," 3d ED., Year Book Medical Publishers, Inc., Chicago, p. 214, 1971.

2. *For treatment of the symptoms of intestinal distress.* Abdominal discomfort with sensations of bloating and fullness cannot be correlated with the volume of gas in the bowel. The discomfort is related to the rate of motility of the intestinal contents and may be due to abnormal sensitivity to distention of the bowel. Intestinal motility is regulated by intrinsic and extrinsic innervation. The motility is increased by mild distention but inhibited by marked distention or by irritation of the walls of the intestine. Emotional states may influence motility (Ref. *1*).

The normal transit time through the intestinal tract for intragastric oxygen ranges from 25 to 45 minutes. The transit time for food ranges from 15 to 36 hours, depending on the amount of bulk in the diet (Ref. *2*).

About 70 percent of intestinal gas is swallowed air. The remainder is the product of chemical reactions during digestion, diffusion exchange, and fermentation of partially digested food substances in the colon. The composition of the diet, the degree of the digestion, and the rate of food transit influence the amount and composition of the gases produced by bacterial fermentation. Hydrogen, carbon dioxide, and methane are the principal gaseous products of fermentation (Ref. *3*). The amount of flatus passed by individuals varies from 380 to 1,600 mL per day. Some hydrogen, methane, and carbon dioxide is excreted through the lungs.

Digestion of carbohydrates, proteins, and fats is dependent upon the activity of enzymes. Salivary amylase normally digests a portion of the polysaccharide intake and the remainder is digested by pancreatic amylase in the duodenum (Refs. *4*). The optimal pH for amylase activity is 6.9.

Only 10 to 15 percent of protein foods are split into amino acids by the action of pepsin in the stomach, and normal nitrogen balance can be maintained in the absence of this enzyme. Pancreatic proteolytic enzymes are responsible for the major part of protein digestion. About 10 percent of the protein remains undigested and enters the colon, where it is digested by bacteria (Refs. *4* and *5*).

Fats are hydrolysed by pancreatic and intestinal lipase. The optimal pH for lipase activity is from 6 to 8 (Ref. *5*).

Bile salts facilitate the activity of pancreatic lipase and absorption of fats. Bile salts are largely reabsorbed from the terminal ileum and then resecreted by the liver during digestion of a meal. Additional bile acids are synthesized by the liver to replace those that are not reabsorbed (Ref. *4*). The rate of synthesis is governed by the rate of reabsorption of the bile salts. High concentrations of bile acids are toxic to the epithelial cells of the intestine and, therefore, inhibit the absorption of sugars, amino acids, electrolytes, and water.

References

(*1*) Vander, A. J., J. H. Sherman, and D. S. Luciano, "Human Physiology, The Mechanisms of Body Function," McGraw-Hill, New York, pp. 378–391, 1970.

(*2*) Presentation by Ivan E. Danhof, M.D., to the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, October 16, 1977 (Attached to letter from Hoechst-Roussel Pharmaceuticals, Inc., dated November 8, 1977, in Panel Administrator's File (OTC Volume 17GPAII).

(*3*) Gall, L.S., "The Role of Intestinal Flora in Gas Formation," *Annals of the New York Academy of Sciences*, 150:27–30, 1968.

(*4*) Davenport, H. W., "Physiology of the Digestive Tract," 3d Ed., Year Book Medical Publishers, Inc., Chicago, p. 113, 1971.

(*5*) Magee, D. F., "Secretions of the Digestive Tract," *in* "Howell-Fulton Physiology and Biophysics, Vol. III: Digestion, Metabolism, Endocrine Function and Reproduction," 20th Ed., edited by C. Ruch and H. D. Patton, W. B. Saunders, Philadelphia pp. 45–54, 1973.

D. Rationale For Use

1. *For treatment of the symptoms of IPPUAD.* The Panel believes that the rationale for use of agents intended for the treatment of the symptoms of IPPUAD is to provide significant symptomatic relief, within a short period of time, from the complaints of upper abdominal bloating, distention, fullness, or pressure occurring in the immediate postprandial period (within 30 minutes following a meal). These agents are designed to be taken when symptoms occur and are expected to benefit a clinically significant number of the target population. It is to be expected that not all persons will benefit from any one agent, nor will all agents be equally effective. It is also recognized that other agents not submitted for review or known to the Panel may be effective.

The doses recommended by the Panel are generally recognized to be safe when taken as directed by the majority of adults in good general health. Persistence of symptoms may indicate organic disease that needs professional medical attention. Those who respond only to higher than recommended doses should also seek professional care.

Prophylactic use is considered by the Panel to be inappropriate because the symptoms for which these drugs are taken occur intermittently and are self-limiting. There have been no data presented to the Panel which indicate that any agent intended for the treatment of the symptoms of IPPUAD is safe and effective for prophylactic use.

2. *For treatment of the symptoms of intestinal distress.* The Panel believes that the rationale for the use of agents intended for the treatment of the symptoms of intestinal distress is to provide significant symptomatic relief, within a short period of time, of

complaints of intestinal bloating, distention, fullness, pressure, pain, cramps, or excess flatus occurring 30 minutes to several hours after eating. These agents are designed to be taken when symptoms occur and are expected to benefit a clinically significant number of the target population. It is to be expected that not all persons will benefit from any one agent, nor will all agents be equally effective. It is also recognized that other agents not submitted for review or known to the Panel may be effective.

The doses accepted by the Panel are those generally recognized to be safe when taken as directed by the majority of adults in good general health. Persistence of symptoms may indicate organic disease that needs professional medical attention. Those who respond only to higher than recommended doses should also seek professional care.

Prophylactic use is considered by the Panel to be inappropriate because the symptoms for which these drugs are taken occur intermittently and are self-limiting. There have been no data presented to the Panel which indicate that any agent intended for the treatment of the symptoms of intestinal distress is safe and effective for prophylactic use.

E. Combination Policy

The Panel has reviewed FDA's general combination policy on OTC drug products (21 CFR 330.10(a)(4)(iv)) and believes that the policy as follows is rational.

An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel believes that all combination products used as digestive aids must conform to all three requirements of this general combination policy.

The Panel also believes that if a combination of ingredients is intended to treat separate but concurrent conditions, the labeling of the combination should convey to the consumer that it is to be used only when the symptoms of both conditions are present.

A number of combination drug products submitted to the Panel were subsequently categorized by the Panel as digestive aids and further subdivided for their usefulness in treating the symptoms of IPPUAD and intestinal distress. Each combination submitted has been classified into either Category II or Category III for its respective uses as designated in the chart below, and with the exception of the combination of blessed thistle and golden seal, they will not be reviewed further in this document.

DIGESTIVE AIDS AS COMBINATION INGREDIENTS

Combinations submitted	IPPUAD [1]		ID [2]	
	Category	Basis [3]	Category	Basis
Cellulase, pancreatin, glutamic acid HCl, ox bile extract, and pepsin	II	E	II	E
Cellulase, dehydrocholic acid, pancreatic enzyme concentrate, and pepsin	II	E	II	E
Alcohol, peppermint oil, cinnamon oil, tannic acid, and tincture of catechu	II	E	II	E
Sorbitol and homatropine methylbromide	II	E	II	E
Pancreatin and simethicone	II	E	III	E
Bean, dog grass, elecampane, galega, horsetail, huckelberry, johnswort, nettle, linden, and strawberry.	II	E		
Peppermint spirit and orthophosphoric acid	II	E		
Aluminum hydroxide and magnesium trisilicate	III	E		
Magnesium hydroxide and simethicone	III	E	III	E
Blessed thistle and golden seal			II	E
Ox bile extract, pepsin, pepsin, pancreatin, duodenal substance, dehydrocholic acid, and charcoal (activated).			II	E
Pancreatin, hemicellulase, and ox bile extract			II	E
Senna, buckthorn, johnswort, woodruff, juniper, peppermint, and knotgrass			II	E
Lipase, amylase, protease, and hemicellulase			III	E
Combination of acetaminophen with a Category III digestive aid ingredient	III	E	III	E

[1] IPPUAD—Immediate postprandial upper abdominal distress.
[2] ID—Intestinal distress.
[3] Basis for Categorization: S (Safety), E (Effectiveness).

The individual ingredients in the Category II combinations for IPPUAD and intestinal distress were found to be generally recognized as safe but each combination contains at least one ingredient which was found to be ineffective for the respective indication, i.e., the symptoms of IPPUAD or intestinal distress. The Panel concludes that any combination used for the treatment of the symptoms of IPPUAD or intestinal distress and containing one or more Category II ingredients is hereby placed in Category II for the respective indication. In addition, in accordance with the adopted combination policy stated above, none of the combinations was demonstrated to be effective.

The individual ingredients in the Category III combinations for IPPUAD and intestinal distress were found to be generally recognized as safe but there are insufficient data available to demonstrate whether or not the combinations are effective in treating the symptoms of IPPUAD or intestinal distress. The Panel recommends that testing of the Category III combinations be performed according to the testing guidelines. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD or part IV. paragraph D. below—Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.) The requirements of the combination policy stated above must also be taken into consideration when devising specific studies.

One of the combination products submitted contains an internal analgesic in addition to a digestive aid ingredient. The internal analgesic ingredient is present only to relieve a concurrent condition (headache). The Panel has evaluated such a combination and considers it rational because it meets the needs of a defined target population. The Panel, therefore, recommends that acetaminophen, a safe and effective internal analgesic ingredient (as published in the **Federal Register** of July 8, 1977 (42 FR 35412)), may be combined with any Category III (which may eventually become Category I) digestive aid ingredient when such a combination is used for the treatment of headache or minor aches and pains occurring concurently with the symptoms of IPPUAD or intestinal distress.

F. Labeling

The Panel has carefully reviewed the submitted labeling claims made for products promoted for the relief of the symptoms of IPPUAD and intestinal distress and has categorized them according to their acceptability into Category I, Category II, or Category III. The Panel is aware that there may be other terms that would be acceptable in expressing the same Category I indications.

In order for any labeling to be acceptable, it must include (a) the indication(s) for use, (b) pertinent warnings and contraindications, and (c)

the recommended dosage range. Only those indications and warnings listed under Category I are generally recognized to be acceptable at this time. (See part III. pargraph A.2. below—Category I labeling and part IV. paragraph A.2. below—Category I labeling.)

The Panel believes that all labeling should be clear, concise, and easily read and understood by most consumers. It has followed this concept in the development of all Category I labeling. The Panel is also concerned about the size and color of the print used in labeling of these and all drug products, and recommends that the industry make the necessary effort to design labeling which can be read easily by consumers.

One of the primary functions of this Panel is to attempt to eliminate confusing labeling claims. Much of the labeling on currently marketed digestive aid drug products tends to be overly complicated, vague, unsupported by scientific data, and in some cases false and misleading.

The indications for use should be simply and clearly stated, the directions for use should provide the user with enough information for safe and effective use of the product, and the label should include a statement that the product is intended only for the temporary relief of the symptoms of IPPUAD and/or intestinal distress.

The Panel is also concerned that if two ingredients are indistinguishable with regard to effectiveness, it is misleading to claim superiority for one of the ingredients. The Panel wishes to make it clear that its function is not to compare various ingredients to determine the OTC drug of choice, but to determine the safety and effectiveness for active OTC miscellaneous internal drug ingredients, as well as proper dosage ranges, warnings, and contraindications.

Undocumented, vague, or misleading claims such as "gasid indigestion," "biliousness," "indigestion," and colloquial or provincial expressions that do not have meaning to a majority of people must not be used. Statements which recommend prophylactic use to prevent the onset of symptoms shall not appear on the label. The Panel believes that this practice might lead to overuse of the medication. In the labeling, effectiveness shall not be related to the taste, odor, consistency, or other physical characteristics of the product except as they may affect the action of the active ingredients. Phrases such as "superior to ordinary," "specially improved or selected ingredients," "extra strength," and "contains more active ingredient per dose" may be vague and misleading and should be avoided unless supported by sound scientific data. Phrases such as "works internally" or "travels through the bloodstream" give the implication that the product has a unique physiological action which is unjustified.

The Panel has noted that the use of certain labeling claims related to the safety and/or effectiveness of products and their ingredients is not supported by sound scientific evidence. Until there is acceptable proof that "excess gas" is the causative agent of the syndrome of IPPUAD, the Panel concludes that labeling should not include any word or words directly or indirectly implying or indicating that the medication relieves symptoms due to "gas" or "excess gas." The labeling should not make any such claims until there has been a demonstration by acceptable scientific methods that increased gas volume does exist in this syndrome, that it is decreased by the drug for which "anti-gas" activity is claimed, and that symptomatic relief is associated with a decrease in the gas volume.

The Panel is aware of the prevalent perception among consumers who buy medicine for abdominal distress that their self-diagnosis of "gas" describes their condition and that the word "gas" is a descriptive term for those symptoms. Consequently, the Panel has authorized the phrase "sometimes described as gas" to be used in conjunction with Category I labeling claims. Any claims regarding a drug's specific "anti-gas" activity should not be allowed in the labeling until the drug's effectiveness for this purpose has been demonstrated according to the Category III proposed guidelines, and the final monograph has been appropriately amended.

Phrases like "relief of belching" are not considered by the Panel to be applicable to this group of drugs, because the common causative mechanism for "belching" is aerophagia. To the knowledge of the Panel, no proof exists that any one of these drugs reduces the incidence or extent of aerophagia.

This Panel concurs with the recommendations of the Advisory Review Panel on OTC Antacid Drug Products (as published in the Federal Register of April 5, 1973 (38 FR 8719)), and the conclusions of FDA (21 CFR 331.30(b)(4) and (5)) that warnings should be included in the labeling of drugs containing sodium and magnesium but recommends that the wording be as follows: (1) For products containing more than 5 milliequivalents (meq) of sodium in the maximum recommended daily dosage: "If you are on a sodium-restricted diet, do not take this product except under the supervision of a physician"; and (2) For products containing more than 50 meq of magnesium in the maximum recommended daily dosage: "If you have kidney disease, do not take this product except under the supervision of a physician."

The Panel is aware of the current OTC labeling regulation dealing with warning statements (21 CFR 330.1(g)). The Panel concurs with the warning, "Keep this and all drugs out of the reach of children," and believes that it should be incorporated in the labeling for digestive aid products. However, the Panel recommends that the other warning statement required by § 330.1(g) "In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately" be revised to read as follows: "In case of accidental overdose, contact a Poison Control Center, emergency medical facility, or physician immediately for advice." The Panel believes that this revision will be more informative to the consumer.

Because OTC products can be purchased by anyone, it is the view of the Panel that the public generally does not regard these products as medicines which, if used improperly, can result in injurious or potentially serious consequences. The public needs to be continually alerted to the idea that these products, like all medicine, carry some risk and should be treated with respect. The consumer should also be informed of any possible signs of known toxicity or any symptom requiring discontinuation of the use of the drug so that appropriate steps may be taken before more severe consequences become apparent.

In addition, the Panel recommends that drug product labeling contain instructions for the most effective preparation and use of the product ("shake well before using," "mix thoroughly," etc.) and that instructions for product use, which are intended to facilitate and improve the delivery and availability of the active ingredient, be prominently displayed on all package labeling.

As previously stated, the Panel believes that the labeling of combination products intended to treat separate but concurrent conditions should convey to the consumer that the product is to be used only when the concurrent symptoms, which require treatment by each type of active ingredient, are present.

The Panel believes that the label should contain a listing of all ingredients

and that it should clearly indicate which are active and which are inactive. Active ingredients should be listed by their established names, and the label should state the quantity of the active ingredients per dosage unit.

G. Dosing Considerations

Each dosage recommended in this document is within the range suggested by either the product manufacturer, official compendia, or authorities in the appropriate medical specialty. The dose ranges are usually based on average adult weight and size (70 kilograms (kg)). Some of the factors that can alter availability and the therapeutic effects for each dose are: (a) Age, (b) size (surface area), (c) body weight, (d) general physical condition, (e) allergies, (f) smoking and drinking patterns, (g) other medication taken concurrently, (h) the type of container used for measuring and administering liquid medication, and (i) when taken in relation to eating.

The Panel recognizes that many factors may alter the activity, rate of metabolism, and excretion of any drug administered. These factors are most critical in very young and elderly persons.

III. Drug Products for the Treatment of the Symptoms of Immediate Postprandial Upper Abdominal Distress

A. Category I Conditions

The following are Category I conditions under which drug products used for the treatment of the symptoms of IPPUAD are generally recognized as safe and effective and are not misbranded.

1. *Category I active ingredients.* None.

2. *Category I labeling.* Although the Panel has not classified any ingredients in Category I, it recommends the following Category I labeling for drug products used to treat the symptoms of IPPUAD as being generally recognized as safe and effective and not misbranded, as well as the specific labeling discussed in the individual ingredient statements.

a. *Indications.* The labeling of the product contains one of the following statements under the heading "Indications":

(1) "Relieves the over-full feeling in the upper abdomen which occurs soon after eating."

(2) "For relief of upper abdominal" [optional, (any or all of the following symptoms): "distress," "bloating," "distention," "fullness," and "pressure"] "which occur(s) soon after eating."

(3) "For relief of upper abdominal" (one or more of the following symptoms: "distress," "bloating," "distention," "fullness," and "pressure") "which occurs soon after eating," (optional, "and which may be described as 'gas'.")

As previously discussed, the Panel is fully aware that although "gas" has not been proven to be the cause of IPPUAD, the consumer may perceive his or her upper abdominal symptoms (distress, bloating, distention, fullness, or pressure) as being due to "gas." Therefore, the Panel, after much deliberation, concludes that claim (3) may be allowed in the labeling of these products.

The word "stomach" may be substituted for the words "upper abdomen" or "upper abdominal" in the respective claims above.

b. *Warnings.* All labeling for products used to treat the symptoms of IPPUAD should contain the following under the heading "Warnings":

(1) "If symptoms of upper abdominal distress persist, stop this medication and consult your physician."

(2) "Do not use this product in children under 12 years of age except under the supervision of a physician."

B. Category II Conditions

The following are Category II conditions under which drug products used for the treatment of the symptoms of IPPUAD are not generally recognized as safe and effective or are misbranded.

1. *Category II active ingredients.*

Cellulase
Dehydrocholic acid
Garlic, dehydrated
Glutamic acid hydrochloride
Homatropine methylbromide
Ox bile extract
Pancreatin and pancrelipase
Pepsin
Sorbitol

In addition, the Panel has classified other ingredients as Category II elsewhere in this document. (See part I. paragraph C.1.c. above—Other ingredients.)

a. *Cellulase.* The Panel concludes that cellulase is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* Cellulase is obtained from molds such as *Aspergillus oryzae* and *Penicillium notatum* as well as from various other sources (Refs. *1* and *2*). Cellulase has been utilized as a digestive aid in doses of 9 to 50 mg three times daily (Refs. *3* and *4*). The Panel concludes that it is safe when used as a digestive aid in these doses.

(2) *Effectiveness.* Some data were submitted demonstrating cellulase digestive activity on vegetable foods (Ref. *3*) but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of cellulase in treating the symptoms of IPPUAD. Therefore, the Panel concludes that cellulase is not generally recognized as an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that cellulase is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

Cellulase has been further reviewed by this Panel for its use in treating the symptoms of intestinal distress and the conclusions are included later in this document. (See part IV. paragraph C.1.a. below—Cellulase and hemicellulase.)

References

(*1*) Pigman, W., "Enzymes Acting on Hemicelluloses, Gum and Wood," *in* "The Enzymes," Volume I, edited by J. B. Sumner and K. Myrback, Academic Press, New York, pp. 739–744, 1951.

(*2*) Courtois, J. E., "Some Biochemical Aspects of Cellulases and Hemicellulases," *Glasnik Hemijskog Drugstvaw*, 32:365–388, 1967.

(*3*) OTC Volume 170049.

(*4*) OTC Volume 170100.

b. *Dehydrocholic acid.* The Panel concludes that dehydrocholic acid is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* The Panel is aware of one animal study which determined the LD_{50} (median lethal dose) of dehydrocholic acid to be 14.7 grams/kilogram (g/kg) in rats. The study further reported that no hepatic damage was found to result from the chronic administration of 3 and 5 g daily to dogs for 3 to 7 months, nor from the administration of 333 milligrams/kilogram (mg/kg) daily to rats for 32 days (Ref. *1*).

The Panel concurs with the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products, in a report published in the **Federal Register** of March 21, 1975 (40 FR 12902), which found dehydrocholic acid to be safe in an adult dose of 750 to 900 mg per day when used as a laxative (40 FR 12910). That Panel did not approve its use in children under 12 years of age.

Based on the available data, the Panel concludes that dehydrocholic acid is safe for OTC use in the above dosage.

(2) *Effectiveness.* Dehydrocholic acid, which is a partially synthetic derivative of cholic acid, stimulates the liver to increase the volume of bile by increasing its water content without increasing other constitutents (hydrocholeretic) (Refs. *2* and *3*).

Dehydrocholic acid has been used as an OTC laxative, but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of IPPUAD; nor is dehydrochloic acid generally recognized as an effective treatment for the symptoms of IPPUAD. Therefore, the Panel concludes that dehydrocholic acid is not an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that dehydrocholic acid is generally recognized as safe for OTC use in the dose specified above but its effectiveness in treating the symptoms of IPPUAD has not been demonstrated. This conclusion is in agreement with the following decision of the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products (as published in the Federal Register of March 21, 1975 (40 FR 12910)):

> There is no evidence in support of the claim that dehydrocholic acid relieves "indigestion", "excessive belching", "after meal discomfort", or "the sensation of abdominal fullness". These claims constitute mislabeling and dehydrocholic acid is placed in Category II with respect to these claims.

Dehydrocholic acid has been further reviewed by this Panel for treating the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.c. below—Dehydrocholic acid.)

References

(*1*) Berman, A. L., E. Snapp, A. C. Ivy, and A. J. Atkinson, "The Effect of Long-Continued Ingestion of Oxidized Bile Acids on the Dog and Rat," *American Journal of Digestive Diseases*, 7:280–284, 1940.

(*2*) Harvey, S.C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, p. 973, 1975.

(*3*) DiPalma, J. R., "Drill's Pharmacology in Medicine," 4th Ed., McGraw-Hill, New York, pp. 972–973, 1971.

c. *Garlic, dehydrated.* The Panel concludes that dehydrated garlic is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* Garlic has been widely used as a food for many years with no known harmful effects. It is considered by the Panel to be safe in the recommended OTC dose of 0.6 gram (g) after meals (Ref. *1*).

(2) *Effectiveness.* The principal active ingredients of dehydrated garlic are allyl propyl disulfide and diallyl disulfide (Ref. *2*).

Some data were submitted regarding dehydrated garlic's effectiveness as a carminative (expelling gas from the alimentary canal), but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of dehydrated garlic or its principal active ingredients in treating the symptoms of IPPUAD; nor is it generally recognized as an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that dehydrated garlic is generally recognized as safe for OTC use in the dose specified, but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

Dehydrated garlic has been further reviewed by this Panel for treating the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.e. below—Garlic, dehydrated.)

References

(*1*) OTC Volume 170003.

(*2*) Bordia, A., H. C. Bonsal, S. K. Arora, and S. V. Singh, "Effect of the Essential Oils of Garlic and Onion on Alimentary Hyperlipemia," *Atherosclerosis*, 21:15–19, 1975.

d. *Glutamic acide hydrocholoride.* The Panel concludes that glutamic acid hydrochloride is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* Available clinical data and marketing experience have shwon glutamic acid hydrochloride to be safe for OTC use in the dose of 1.02 g three times daily as a stomach acidifier. (Ref. *1*).

(2) *Effectiveness.* Glutamic acid hydrochloride has been marketed as an agent intended to increase the amount of acid present in the stomach and thus favorably alter the pH of the gastric environment (Refs. *2* and *3*). However, the Panel knows of no proven relationship between hypoacidity or anacidity of the stomach and the symptoms of IPPUAD, nor is the Panel aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of glutamic acid hydrochloride in treating the symptoms of IPPUAD. Furthermore, glutamic acid hydrochloride is not generally recognized as an effective treatment for this condition.

(3) *Evaluation.* The Panel concludes that glutamic acid hydrochloride is generally recognized as safe for OTC use in the dose specified, but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

The Panel is aware that glutamic acid hydrochloride has been employed as a stomach acidifier in the treatment of achlorhydria and hypochlorhydria but does not find it has any usefulness in treating these conditions. The Panel has published a separate document on OTC stomach acidifier drug products in the Federal Register of October 19, 1979 (44 FR 60316).

Glutamic acid hydrochloride has been further reviewed by this Panel for treating the symptoms of intestinal distress, and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.f. below—Glutamic acid hydrochloride.)

References

(*1*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, pp. 1082–1083, 1977.

(*2*) OTC Volume 170023.

(*3*) OTC Volume 170049.

e. *Homatropine methylbromide.* The Panel concludes that homatropine methylbromide is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* In a study to determine the minimal toxic dose of homatropine methylbromide, Berger and Ballinger reported toxicity in individuals ingesting doses ranging from 68 to 273 mg per day (Ref. *1*). This is far in excess of the usually recommended dosage of 2.5 to 5.0 mg four times daily (Ref. *2*). There was no evidence of toxic or cumulative effects at the smaller dosage of 1 mg three times daily before meals (Ref. *1*).

"Slight cerebral symptoms" have resulted from the use of maximum doses of 20 mg per day, but no cumulative effects have been reported (Ref. *3*). Homatropine methylbromide is about one-half as potent as atropine in its effect on the gastrointestinal tract and is claimed to be one-thirtieth as toxic on the central nervous system (Ref. *4*). Its use is generally accompanied by fewer central nervous system side effects than atropine (Ref. *4*). Therefore, the Panel concludes that homatropine methylbromide is generally recognized as safe in the above doses.

(2) *Effectiveness.* Homatropine methylbromide is a quaternary ammonium cholinergic blocking agent and is much less active than atropine on the central nervous system. Like homatropine, it is a weaker autonomic blocking agent than atropine. It is used to reduce the motility of the intestinal tract (Ref. *2*).

Although the effectiveness of atropine-like substances on the motility of the gastrointestinal tract is well recognized, the Panel is not aware of any adequate and well-controlled

clinical studies demonstrating the effectiveness of homatropine methylbromide in treating the symptoms of IPPUAD nor is it generally recognized as an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that homatropine methylbromide is generally recognized as safe for OTC use in a maximum dose of 5 mg four times daily, but its effectiveness in treating the symptoms of IPPUAD has not been demonstrated.

Homatropine methylbromide has been further reviewed by this Panel for treating the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph C.1.c. below—Homatropine methylbromide.)

References

(*1*) Berger, A. R., and J. Ballinger, "The Relative Toxicity of Atropine and Novatrine in Man," *American Journal of Medical Sciences*, 214:156–158, 1947.

(*2*) Harvey, S. C., "Antimuscarinic Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 841, 1975.

(*3*) Grollman, A., and E. F. Grollman, "Pharmacology and Therapeutics," 7th Ed., Lea and Febiger, Philadelphia, p. 351, 1970.

(*4*) Krantz, J. C., and C. J. Carr, "The Pharmacologic Principles of Medical Practice," 7th Ed., Williams and Wilkins, Baltimore, p. 404, 1969.

f. *Ox bile extract.* The Panel concludes that ox bile extract is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* The Panel believes the usual dose of 300 to 500 mg given two to three times daily after meals to be safe for healthy individuals (Ref. *1*). However, for individuals who have biliary obstruction or some other forms of liver disease, exogenous bile salts further contribute to an already undesirable increase in plasma and blood concentrations of bile salts (Ref. *2*). Commercial ox bile preparations may produce diarrhea (Ref. *3*).

(2) *Effectiveness.* Ox bile extract is a powdered or granular extract of ox bile with a characteristic odor and taste containing an amount of the sodium salts of ox bile acids equivalent to approximately 45 percent cholic acid (Ref. *1*).

Bile contains bile salts, bile pigments, lecithin, cholesterol, mucin, and other proteins, fatty acids, and inorganic salts. Of these constituents, the most important are the bile salts, which occur as sodium salts of conjugated bile acids (Ref. *1*). The bile salts constitute approximately three percent of the total bile secreted daily (Ref. *2*).

Bile acids are synthesized by the liver and secreted into the duodenum as conjugated bile salts. A high percentge of the bile salts is reabsorbed in the lower small intestine and is recirculated through the liver by way of the enterohepatic circulation.

Bile salts enhance the absorption of lipids and are necessary for the absorption of fat-soluble vitamins and cholesterol. They play an important role in maintaining the normal solubility of cholesterol in the bile (Ref. *3*). Bile salts also promote digestion of fats by stimulating pancreatic secretion and by activating pancreatic lipase (Ref. *2*).

The large volume of bile secreted into the duodenum helps to neutralize the acidic contents but is less important than pancreatic secretions in this respect (Ref. *2*).

Bile salts "* * * can be given to promote the flow of bile or to increase intrabiliary pressure; however, much expert medical opinion now holds that the administration of bile salts is often unnecessary or inappropriate and can sometimes cause undue pain or danger to the patient" (Ref. *2*). "Bile salts are no better than placebos in nonobstructive, noncholestatic biliary tract disorders or in various malfunctions of the intestine" (Ref. *2*).

Ox bile extract "* * * is promoted for the replacement therapy in patients who have an insufficient concentration of bile salts in the intestine, but it is ineffective. Use of ox bile extract is inadvisable, for it does not provide an adequate amount of bile salts" (Ref. *3*).

Ox bile extract has been used for many years in OTC products, but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of IPPUAD, nor is ox bile extract generally recognized as an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that ox bile extract is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

Ox bile extract has been further reviewed by this Panel for treating the symptoms of intestinal distress, and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.g. below—Ox bile extract.)

References

(*1*) "The United States Dispensatory," 27th Ed., edited by A. Osol and R. Pratt, J. B. Lippincott Co., Philadelphia, p. 820, 1972.

(*2*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 971–973, 1975.

(*3*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 1084, 1977.

g. *Pancreatin and pancrelipase.* The Panel concludes that pancreatin preparations (pancreatin or pancrelipase) are safe for OTC use in the dose noted below, but are not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* The Panel has determined that pancreatin preparations (pancreatin or pancrelipase) are safe in the usual recommended daily dosage of up to 14 g of triple strength pancreatin when given in divided doses (Ref. *1*). Side effects of nausea, vomiting, and diarrhea may occur at high doses (Ref. *1*). Because pancreatin preparations are obtained mainly from hogs, they should not be used by individuals who are allergic to pork.

(2) *Effectiveness.* Pancreatin preparations (pancreatin or pancrelipase) are a combination of natural enzymes usually obtained from the pancreas of hogs. Their principal components are amylase, lipase, and protease (Refs. *1, 2,* and *3*).

Pancreatin preparations (pancreatin or pancrelipase) are effective as aids to digestion when normal exocrine pancreatic secretion is deficient and have considerable usage for treatment of this condition (Refs. *1, 2,* and *3*).

Pancreatin preparations (pancreatin or pancrelipase) are components of several combination digestive aid preparations, but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating their effectiveness in treating the symptons of IPPUAD. In addition, pancreatin preparations (pancreatin or pancrelipase) are not generally recognized as providing effective treatment for the symptons of IPPUAD.

(3) *Evaluation.* The Panel concludes that pancreatin preparations (pancreatin or pancrelipase) are generally recognized as safe for OTC use in the dose specified but their effectiveness has not been demonstrated in treating the symptons of IPPUAD.

Pancreatin preparations (pancreatin or pancrelipase) have been further reviewed by this Panel for treating the symptons of intestinal distress, and the conclusions are included elsewhere in this document. (See part IV. paragraph C. 1.e. below—Pancreatin and pancrelipase).

References

(*1*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, pp. 1085–1086, 1977.

(*2*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, p. 971, 1975.

(*3*) Gibb, J. W., "Enzymes," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 973, 1975.

h. *Pepsin.* The Panel concludes that pepsin is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptons of IPPUAD.

(1) *Safety.* No safety data were submitted. However, based upon the continued marketing of pepsin over many years with no reports of adverse effects the Panel concludes that it is safe in a daily dose of up to 1,000 mg (Ref. *1*).

(2) *Effectiveness.* Pepsin is a proteolytic enzyme obtained from the glandular layer of fresh hog stomach (Ref. *2*) and is similar to human pepsin (Ref. *1*). Although its presence is not required for protein digestion, since intestinal enzymes can function without it, pepsin has been used when endogenous human pepsin is deficient or absent. The Panel is not aware of any convincing evidence that added pepsin is of therapeutic usefulness (Refs. *2, 3,* and *4*).

No data were submitted for the effectiveness of pepsin and the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of IPPUAD nor is it generally recognized as an effective treatment for the symptons of IPPUAD.

(c) *Evaluation.* The Panel concludes that pepsin is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

Pepsin has been further reviewed by this Panel for treating the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.i. below—Pepsin.)

References

(*1*) "The United States Dispensatory and Physician's Pharmacology," 26th Ed., edited by A. Osol, R. Pratt, and M. D. Altschule, J. B. Lippincott Co., Philadelphia, p. 874, 1967.

(*2*) Wilson, C. O., O. Grisvold, and R. F. Doerge, "Text Book of Organic Medical and Pharmacological Chemistry," 6th Ed., J. B. Lippincott Co., Philadelphia, pp. 904–905, 1971.

(*3*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, p. 971, 1975.

(*4*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 1083, 1977.

i. *Sorbitol.* The Panel concludes that sorbitol, also known as *D*-sorbitol, is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of IPPUAD.

(1) *Safety.* The Panel considers sorbitol safe in the suggested oral dose of 4.5 g three times daily (Ref. *1*).

Steinke et al. (Ref. *2*) reported finding no evidence of gastrointestinal side effects and no increase in insulin requirements in 143 juvenile diabetics, aged 5 to 15 years, following the administration of 41 g of sorbitol per day in 3 equal doses for periods of 8 to 48 days. In another study some patients were reported to develop borborygmus (intestinal rumblings) and hyperperistalsis or diarrhea following either large single doses of sorbitol (40 g) for gall bladder studies or the administration of 7 g before meals for up to 20 to 60 days (Ref. *3*).

(2) *Effectiveness.* Sorbitol is a six-carbon polyhydric alcohol. It is more slowly absored from the gastrointestinal tract than dextrose. Its main use is as an osmotic diuretic. Fifty percent is metabolized or converted to glycogen and stored in the liver (Ref. *4*). Oxidation to fructose occurs in both the liver and kidney (Ref. *2*).

Maximal contraction of the gall bladder has been found to occur 30 minutes after the administration of 9, 18, and 27 g of sorbitol (Ref. *5*). Eighty percent of 64 patients with hepatobiliary disorders who were treated with 7 g of sorbitol before meals for periods of from 20 to 60 days were reported to have obtained relief from dyspepsia and abdominal swelling, as well as some other symptoms (Ref. *3*).

The Panel is aware that sorbitol is used as an osmotic diuretic and more generally as a laxative, sweetener, humectant, and vehilce (70 percent weight/weight solution) (Ref. *6*); but the Panel is not aware of any adequate and well/controlled clinical studies demonstrating the effectiveness of this ingredient in treating the symptoms of IPPUAD in the absence of hepatobiliary disease. In addition, sorbitol is not generally recognized as an effective treatment for the symptoms of IPPUAD.

(3) *Evaluation.* The Panel concludes that sorbitol is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of IPPUAD.

Sorbitol has been further reviewed by the Panel for treating the symptoms of intestinal distress, and the conclusions are included elsewhere in this document. (See part IV. paragraph B.1.j. below—Sorbitol.)

References

(*1*) OTC Volume 170042 (Section V.A.I.).

(*2*) Steinke, J., et al., "Evaluation of Sorbitol in the Diet of Diabetic Children at Camp, "*Diabetes,* 10:218–227, 1961.

(*3*) Piccinelli, O., and G. Timosi, "D–Glucitol in the Therapy of Hepatobiliary Diseases," *Minerva Medica,* 49:77–82, 1958.

(*4*) DiPalma, J. R., "Drill's Pharmacology in Medicine," 4th Ed., McGraw-Hill, New York, p. 229, 1971.

(*5*) OTC Volume 170042 (Section V.A.I.).

(*6*) Swinyard, E. A., "Pharmaceutical Necessities," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 1235, 1975.

2. *Category II labeling.* The Panel concludes that some labeling claims are either vague, misleading, unsupported by scientific data, unrelated to the symptoms of IPPUAD, or in some instances unsupported by sound theoretical reasoning. The claims listed below and other related terms are, therefore, classified as Category II labeling for drug products used to relieve the symptoms of IPPUAD.

a. "Stomach acid medication."
b. "Carminative."
c. "For mild stomach disturbances."
d. "Astringent."
e. "For prompt relief of nausea."
f. "Relieves belching."
g. "Stomachic."
h. "Fast," "fast acting," "long lasting," and any other claims which vaguely and nonspecifically relate to the speed of action.
i. "For the prevention of IPPUAD symptoms."
j. "For relief of gasid indigestion."
k. "For relief of biliousness."
l. "Indigestion."
m. "Superior to ordinary."
n. "Specially improved."
o. "Selected ingredients."
p. "Extra strength."
q. "Contains more active ingredients per dose."
r. "Works internally."
s. "Travels through the bloodstream."
t. "Guaranteed."

C. Category III conditions

The following are Category III conditions for which the available data are insufficient to permit final classification at this time.

1. *Category III active ingredients.* The Panel concludes that the safety of the following ingredients in the recommended doses is unquestioned, except as noted in the individual ingredient writeups:

Almadrate sulfate
Aluminum hydroxide
Calcium carbonate
Dihydroxyaluminum sodium carbonate
Magnesium hydroxide
Magnesium trisilicate
Peppermint oil
Simethicone
Sodium bicarbonate
Sodium citrate

a. *Almadrate sulfate.* The Panel concludes that almadrate sulfate is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

Almadrate sulfate is also known as aluminum magnesium hydroxide oxide sulfate and hydrate magnesium aluminate activated sulfate.

(1) *Safety.* The Panel believes that almadrate sulfate is safe at the dose stated below.

Since the publication of the final monograph for OTC antacid drug products on June 4, 1974 (39 FR 19862), information has been reported strongly suggesting that ingested aluminum is absorbed, resulting in increased blood and brain levels of aluminum (Ref. *1*). Experimental evidence suggests that hyperparathyroidism, such as found in patients with severe kidney disease, may further increase the ability of the body to absorb aluminum and cause increased deposition in the brain which may lead to encephalopathy. An appropriate warning is included under the heading "Labeling" section below.

(2) *Effectiveness.* Almadrate sulfate is a chemical combination of aluminum hydroxide and magnesium sulfate which, in the presence of gastric hydrochloric acid, forms aluminum hydroxide (the principal active antacid) and magnesium chloride (Ref. *2*). The Panel could find no reports in the medical or pharmaceutical literature regarding the use of this ingredient for treatment of the symptoms of IPPUAD. Almadrate sulfate has been evaluated by the Advisory Review Panel on OTC Antacid Drug Products, in a report published in the **Federal Register** of April 5, 1973 (38 FR 8714). The agency concurred with the evaluation of that Panel and placed almadrate sulfate in Category I as an antacid (21 CFR 331). One series of studies submitted to this Panel failed to distinguish between the accepted antacid activity of almadrate sulfate and its effectiveness in relieving the symptoms of IPPUAD (Ref. *2*). The Panel therefore recommends that almadrate sulfate be tested according to the proposed testing guidelines to determine whether or not it is effective for the treatment of the symptoms of IPPUAD.

(3) *Proposed dosage.* The Panel believes that it is not possible to impose strict dosage limitations at this time, because there are so little data upon which to base a recommended effective dose. However, the Panel believes that the usually administered dosage of up to 1.7 g four times daily is safe for OTC use but should not be taken for longer than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used for the treatment of symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warnings statements be required to appear in the labeling of drug products containing almadrate sulfate:

(i) "If you have kidney disease, do not use this product except under the supervision of a physician."

(ii) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(iii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of almadrate sulfate be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs used for the treatment of the symptoms of IPPUAD.)

References

(*1*) Mayor, G. H., J. A. Keiser, D. Makdani, and P. K. Ku, "Aluminum Absorption and Distribution: Effect of Parathyroid Hormone," *Science*, 197:1187–1189, 1977.

(*2*) OTC Volume 170128.

b. *Aluminum hydroxide.* The Panel concludes that aluminum hydroxide is safe for OTC use in the dose noted below, except for individuals with severe kidney diseases, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* Aluminum hydroxide has been widely used as an antacid and has been evaluated as safe for this use by the Advisory Review Panel on OTC Antacid Products, in a report published in the **Federal Register** of April 5, 1973 (38 FR 8714). FDA concurred with the evaluation of that Panel regarding the safety of aluminum hydroxide (21 CFR 331).

Since the publication of the final monograph for OTC antacid drug products on June 4, 1974 (39 FR 19862), information has been reported that strongly suggests that ingested aluminum is absorbed, resulting in increased blood and brain levels of aluminum (Ref. *1*). Experimental evidence suggests that hyperparathyroidism, such as found in patients with severe kidney disease, may further increase the ability of the body to absorb aluminum and cause increased deposition in the brain which may lead to encephalopathy. An appropriate warning is included under the heading "Labeling."

Aluminum hydroxide has the potential for affecting the actions of various drugs, including tetracyclines, phenothiazines, isoniazid, oral anticoagulants, anticholinergics, barbiturates, quinine, quinidine, and digoxin (Refs. *2* and *3*). The Panel believes that the labeling of antacids containing aluminum should alert the consumer to potential drug interactions as specified below under the heading "Labeling."

(2) *Effectiveness.* Aluminum hydroxide reacts with hydrocholoric acid in the stomach to form aluminum chloride. However, preparations of aluminum hydroxide vary widely in their capacity to neutralize acid. On the average, each ml of aluminum hydroxide gel neutralizes 1.2 to 2.5 meq of acid, and 1 g of the dried compound neutralizes 25 meq of acid (Ref. *4*).

Aluminum hydroxide is considered to be a potentially useful drug for the treatment of the symptoms of IPPUAD. Further testing according to the proposed testing guidelines should be conducted to determine whether or not it is effective.

(3) *Proposed dosage.* The Panel concludes that aluminum hydroxide is safe in the usually recommended doses up to 500 mg taken between meals and at bedtime with a maximum daily dose of 2 g, but should not be taken for longer than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing aluminum hydroxide.

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "If you have kidney disease, do not take this product except under the supervision of a physician."

(iii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of aluminum hydroxide (specifying the degree of reactivity) be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

References

(*1*) Mayor, G. H., J. A. Keiser, D. Makdani, and P. K. Ku, "Aluminum Absorption and Distribution: Effect of Parathyroid Hormone," *Science*, 197:1187–1189, 1977.

(*2*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 1036, 1977.

(*3*) "Evaluations of Drug Interactions," American Pharmaceutical Association, 2d Ed., Washington, pp. 25 and 227, 1976.

(*4*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 961–962, 1975.

c. *Calcium carbonate.* The Panel concludes that calcium carbonate is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* Calcium carbonate was reviewed by the Advisory Review Panel on OTC Antacid Products, in a report published in the **Federal Register** of April 5, 1973 (38 FR 8714). FDA concurred with the evaluation of that Panel regarding the safety of the drug (21 CFR 331) when taken in a dosage of not more than 8 g per day. The Panel concurs that such a dosage is safe when used for relief of symptoms of IPPUAD.

Some antacids are known to decrease the effectiveness of many drugs and an appropriate warning must be included on the label. In addition, the Panel is concerned with other potentially unsafe characteristics of excessive amounts of calcium carbonate. Documented adverse reactions which are well known include alkalosis, hypercalcemia, acid rebound, milk-alkali syndrome, and constipation. These reactions usually occur with igestion of larger than recommended doses and/or with chronic engestion (Ref. *1*). Appropriate warnings are included below under the heading "Labeling."

(2) *Effectiveness.* Calcium carbonate acts to neutralize acid in the stomach, releasing carbon dioxide in the process. It has been suggested that increasing the pH of the stomach contents results in more rapid emptying and that rapid emptying relieves the symptoms of IPPUAD (Ref. *2*). It has also been suggested that carbon dioxide released by calcium carbonate in the stomach increases gastric distention which is also conducive to more rapid gastric emptying. To the Knowledge of the Panel no one has conclusively established a correlation between gastric emptying time and symptoms of IPPUAD, and the actual pathogenesis of this syndrome remains in doubt.

Although studies were presented comparing calcium carbonate to placebo (Refs. *3* and *4*) and to simethicone (Ref. *2*) in an attempt to demonstrate relief of the symptoms of IPPUAD, the Panel considered these studies to be unsatisfactory with respect to test design, setting, and method of sample population selection. The Panel therefore recommends that calcium carbonate be tested according to the proposed testing guidelines to determine whether or not it is effective in relieving the symptoms of IPPUAD.

(3) *Proposed dosage.* The Panel concurs with § 331 (21 CFR 331) that calcium carbonate is safe in a dose of not more than 8 g/day taken in four divided doses, but should not be taken for longer than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing calcium carbonate:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except on the advice of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of calcium carbonate be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

References

(*1*) Levant, J. A., J. H. Walsh, and J. I. Isenberg, "Stimulation of Gastric Secretion and Gastrin Release by Single Oral Doses of Calcium Carbonate in Man," *New England Journal of Medicine*, 289:555–558, 1973.

(*2*) OTC Volume 170053.

(*3*) OTC Volume 170066.

(*4*) OTC Volume 170058.

d. *Dihydroxyaluminum sodium carbonate.* The Panel concludes that dihydroxyaluminum sodium carbonate (DASC) is safe for OTC use in the dose noted below, except for individuals with severe kidney diseases, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* DASC was reviewed by the Advisory Review Panel on OTC Antacid Products, in a report published in the **Federal Register** of April 5, 1973 (38 FR 8714), and found "* * * safe in amounts usually taken orally in antacid products * * *" (38 FR 8717). That Panel established that the maximum safe daily dosage of antacids containing sodium is 200 meq of sodium for persons under 60 years of age and 100 meq for persons aged 60 or older (38 FR 8719). This Panel agrees with this dosage restriction and the warning statement for those persons who are on a sodium-restricted diet (38 FR 8719). FDA also concurs with these recommendations (21 CFR Part 331).

Since the publication of the final monograph for OTC antacid drug products on June 4, 1974 (39 FR 19862), information has been reported strongly suggesting that ingested aluminum is absorbed, resulting in increased blood and brain levels of aluminum (Ref. *1*). Experimental evidence suggests that hyperparathyroidism, such as found in patients with severe kidney disease, may further increase the ability of the body to absorb aluminum and cause increased deposition in the brain which may lead to encephalopathy. An appropriate warning is included below under the heading "Labeling."

The Panel agrees that DASC is safe for individuals who are not on a sodium-restricted diet when taken for symptomatic treatment of IPPUAD in a dosage of up to 8 g in a 24-hour period by those persons not on a sodium-restricted diet (Ref. *2*).

Some antacids are known to interact adversely with such drugs as digoxin, isoniazid, sodium polystyrene sulfonate, and oral tetracyclines (Ref. *3*). A warning concerning the possibility of interactions with other drugs must be included on the label.

(2) *Effectiveness.* DASC acts as a buffering antacid in the stomach. Reaction products are sodium ion, carbon dioxide, and aluminum chloride (Ref. *2*). Such reactions would be expected to shorten the emptying time of the stomach and alter mechanical pressures as well as having a neutralizing effect on gastric contents.

Submissions received by the Panel included four research reports for evaluating the effectiveness of DASC in relieving the symptoms of IPPUAD. Of these, one study used either one or two tablets each of two presumably active

preparations which were taken before, during, or after meals (Ref. *4*). The medications were undisguised; the study was not placebo controlled and was based on a diary method of reporting symptoms, some of which were clearly in the spectrum of hyperacidity. The Panel considered the data unreliable due to defects in the protocol.

Another study was well designed and supervised and demonstrated effectiveness only at a p value of 0.083 (Ref. *5*). A third study evaluated results in 99 subjects using the diary method (Ref. *6*). The subjects took the tablets before, during, or after meals, and the study showed no statistical difference between the active substances and placebo in providing relief from the symptoms of IPPUAD. This evaluation postulated that menthol, used as a flavoring agent, might actually be an active ingredient. The same question was raised in a fourth study which also revealed no statistical difference between DASC and placebo in relief of IPPUAD symptoms (Ref. *7*). In view of these inconclusive results the Panel recommends that further testing be performed according to the proposed testing guidelines to determine whether or not DASC is effective for relief of the symptoms of IPPUAD.

(3) *Proposed dosage.* Dihydroxyaluminum sodium carbonate is safe when taken in doses not to exceed a total of 8 g (55 meq of sodium) in a 24 hour period, but should not be taken for longer than 2 weeks except under the advice of a physician (Ref. *2*).

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing DASC:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "If you have kidney disease, do not take this product except under the supervision of a physician."

(iii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except on the advice of a physician."

(iv) *For products containing more than 5 meq of sodium in the maximum recommended daily dose.* "If you are on a sodium-restricted diet, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of dihydroxyaluminum sodium carbonate (DASC) be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

References

(*1*) Mayor, G. H., J. A. Keiser, D. Makdani, and P. K. Ku, "Aluminum Absorption and Distribution: Effect of Parathyroid Hormones," *Science*, 197:1187–1189, 1977.

(*2*) OTC Volume 170061.

(*3*) "Adverse Interactions of Drugs," *The Medical Letter on Drugs and Therapeutics*, The Medical Letter, Inc., New Rochelle, NY, 19:8–9, 1977.

(*4*) OTC Volume 170061 (Research report 966–0004—Section V.C.1.c.).

(*5*) OTC Volume 170061 (Research report 955–0787—Section V.C.1.d.).

(*6*) OTC Volume 170137 (Research report 955–0880).

(*7*) OTC Volume 170137 (Research report 955–0892).

e. *Magnesium hydroxide.* The Panel concludes that magnesium hydroxide is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* If kidney function is normal, magnesium hydroxide is considered safe for use when taken in the dosage noted below.

Magnesium hydroxide is generally considered to be a poorly absorbed antacid. However, absorption of as little as 5 to 10 percent (Ref. *1*) to as much as 15 to 30 percent (Ref. *2*) has been reported. It is well known that excessive magnesium blood levels may result from ingestion of magnesium by persons with kidney damage, and, therefore, a warning label should be present on any magnesium hydroxide preparation in which the maximal daily dose exceeds 50 meq of magnesium.

Magnesium hydroxide has the potential for drug interactions with bishydroxycoumarin and related anticoagulants (Ref. *3*), and tetracycline antibiotics (Ref. *4*). The Panel believes that the consumer should be alerted to the potential for drug interactions and recommends that a warning appear on the label.

(2) *Effectiveness.* Convincing data supporting the effectiveness of magnesium hydroxide in the treatment of the symptoms of IPPUAD have not been presented. The Panel considers magnesium hydroxide to be a potentially useful drug for the treatment of the symptoms of IPPUAD and recommends that it be tested according to the proposed testing guidelines to determine whether or not it is effective.

(3) *Proposed dosage.* The Panel concludes that the OTC use of magnesium hydroxide is safe in the usual recommended dose of up to 15 mL of a suspension of up to 8.5 percent magnesium hydroxide taken three to four times daily (Ref. *1*). This is equivalent to a total daily dose of up to 5.1 g of magnesium hydroxide, but should not be taken for more than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing magnesium hydroxide:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(iii) *For products containing more than 50 meq of magnesium in the recommended daily dosage:* "If you have kidney disease, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of magnesium hydroxide be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

Magnesium hydroxide has also been reviewed by this Panel for treatment of the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph C.1.d. below—Magnesium hydroxide.)

References

(*1*) Harvey, S. C., "Gastric Antacids and Digestants," *In* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 964–965, 1975.

(*2*) Dretchen, K., D. Hollander, and J. B. Kirsner, "Roundup on Antacids and Anticholinergics," *Patient Care*, 9:94–114, 1975.

(*3*) Ambre, J. J., and L. J. Fischer, "Effect of Co-Administration of Aluminum and Magnesium Hydroxides on Absorption of Anticoagulants in Man," *Clinical Pharmacology and Therapeutics*, 14:231–237, 1973.

(*4*) Hussar, D. A., "Drug Interactions," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 1741, 1975.

f. *Magnesium trisilicate.* The Panel concludes that magnesium trisilicate is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* If kidney function is normal, magnesium trisilicate is generally considered safe for use when taken in the dosage cited below.

One study reviewed by the Panel showed that significant elevation of serum magnesium resulted from the oral ingestion of magnesium trisilicate in some subjects (Ref. *1*). The dosage used in this study was in excess of that being recommended by the Panel.

It is well known that excessive magnesium levels may result from magnesium ingestion by persons with kidney damage. The Panel concurs with the Advisory Review Panel on OTC Antacid Drug Products (38 FR 8714) and with FDA (21 CFR Part 331) that a warning label should be present on any magnesium trisilicate preparation for which the maximal daily dose exceeds 50 meq of magnesium (38 FR 8719).

There is also an increase in silica absorption from ingestion of magnesium trisilicate, but formation of silica renal calculi has rarely been associated with magnesium trisilicate ingestion (Ref. *2*).

Mangesium trisilicate has been found to absorb various alkaloids and antibiotics in vitro under certain conditions (Refs. *3* and *4*). The possibility of drug interactions involving magnesium trisilicate should be more adequate explored.

(2) *Effectiveness.* Magnesium trisilicate reacts with gastric acid to form hydrated silica gel and magnesium ion for acid neutralization. Hydrated silica gel is known to have absorptive and antifoam properties in addition to antacid properties (Ref. *5*). There is partial gastrointestinal absorption of magnesium ion and silicate with subsequent excretion via the kidney in the normal person.

Magnesium trisilicate has been demonstrated to have antifoam action in vitro (Ref. *5*) but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

The Panel reviewed two submitted studies that suggest the effectiveness of magnesium trisilicate in treating the symptoms of IPPUAD (Ref. *6*). However, the Panel was concerned with some of the details of the studies, particularly the selection of the subjects. Other studies discussed the effect of magnesium trisilicate on gas (Ref. *7*); the Panel, however, does not accept gas as the cause of the IPPUAD symptoms. The Panel recommends further testing according to the proposed protocol to determine whether or not magnesium trisilicate is effective in treating the symptoms of IPPUAD.

(3) *Proposed dosage.* The Panel concludes that magnesium trisilicate is safe at a maximum dose of 1 g three times daily, but should not be taken for longer than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear on the labeling of drug products containing magnesium trisilicate:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except on the advice of a physician."

(iii) *For products containing more than 50 meq of magnesium in the recommended daily dosage.* "If you have kidney disease, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of magnesium trisilicate be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragrapn D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

References

(*1*) West, E. S., and C. Pennoyer, "Some Effects of Magnesium Trisilicate Ingestion Upon Blood, Urine, and Feces of Human Subjects," *American Journal of Digestive Diseases*, 12:199–202, 1945.

(*2*) Joekes, A. M., G. A. Rose, and J. Sutor, "Multiple Renal Silica Calculi," *British Medical Journal*, 1:146–147, 1973.

(*3*) El-Nakeeb, M. A., and R. T. Yousef, "Influence of Various Materials on Antibiotics in Liquid Pharmaceutical Preparations," *Acta Pharmaceutica Suecica*, 5:1–8, 1968.

(*4*) Khalil, S. A., and M. A. Moustafa, "The In-Vitro-Adsorption of Some drugs on Antacids," *Pharmazie*, 28:116–118, 1973.

(*5*) OTC Volume 170054.

(*6*) OTC Volume 170054 (Studies I and II).

(*7*) OTC Volume 170054 (Research Reports 932–0332 and 950–0001).

g. *Peppermint oil.* The Panel concludes that peppermint oil is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

Oil of peppermint is the rectified volatile oil obtained by distillation from the fresh leaves and stems of *Mentha piperita.* It contains not less than 50 percent menthol both as the alcohol and as the menthyl acetate ester (Ref. *1*). The other constituents are a complex of numerous terpenes and aliphatic alcohols, aldehydes, and acids.

(1) *Safety.* Peppermint oil has been in substantial use for many years with no reports of clinical toxicity, although volatile oils as a group are generally regarded as potent substances. It is important to distinguish between oil of peppermint and "spirit" of peppermint since the potency of the oil is ten times as potent as the spirit. Oil of peppermint has been used extensively in pharmaceutical preparations with no known adverse effects, and the Panel concludes that it is safe in a maximum dose of 0.3 mL daily.

About 70 percent of the annual domestic production of peppermint oil, representing millions of pounds, is used in confections and foods.

(2) *Effectiveness.* Clinical and pharmacological studies have described the action of oil of peppermint (Refs. *1* through *11*). The physiologic action of the oil is to decrease gastric emptying time, relax the lower esophageal sphincter, increase gastric secretion and stomach motility, and either stimulate or inhibit muscular activity of isolated intestinal tissue, depending on the concentration.

The Panel knows of no study which demonstrates that oil of peppermint is effective in relieving the symptoms of IPPUAD. However, due to its known physiologic effects on the stomach, the Panel recommends that it be tested in order to determine whether or not it is effective for this indication.

The Panel recognizes that oil of peppermint is used as a flavoring agent in many pharmaceutical formulations, but in the quantities used it would have no benefit in relieving the symptoms of IPPUAD.

(3) *Proposed dosage.* The dosage of oil of peppermint considered to be safe is no more than 0.1 mL (approximately 1 drop) per dose three times a day, a total daily maximum of 0.3 mL. This dosage is based on the dose of peppermint spirit, as an official preparation in National Foruniary XIV, of 1 mL three times daily. Peppermint oil is the primary constituent of the spirit in a concentration of 10 percent.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III: paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel recommends that data be required to determine whether or not peppermint oil is effective in relieving the symptoms of

IPPUAD; however, the proposed testing guidelines may not be appropriate since double-blind studies are probably precluded for this ingredient. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

References

(*1*) Swinyard, E. A., and W. Lowenthal, "Pharmaceutical Necessities," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 1233, 1975.

(*2*) Sapoznik, H. I., R. A. Arens, J. Meyer, and H. Necheles, "The Effect of Oil of Peppermint on the Emptying Time of the Stomach," *Journal of the American Medical Association*, 104:1792–1794, 1935.

(*3*) Sigmund, C. J., and E. F. McNally, "The Action of a Carminative on the Lower Esophageal Sphincter," *Gastroenterology*, 56:13–18, 1969.

(*4*) Meyer, J., L. Scheman, and H. Necheles, "Action of Oil of Peppermint on the Secretion and Motility of the Stomach in Man," *Archives of Internal Medicine*, 56:88–97, 1935.

(*5*) van Liere, E. J., and D. W. Northrup, "The Effect of Carminatives on the Emptying Time of the Normal Human Stomach," *Journal of Pharmacology and Experimental Therapeutics*, 76:39–43, 1942.

(*6*) Necheles, H., and J. Meyer, "On the Inhibition of Gastric Secretion by Oil of Peppermint," *American Journal of Physiology*, 110:686–691, 1935.

(*7*) Plant, O. H., "The Effect of Carminative Volatile Oils on the Muscular Movements of the Intestine," *Journal of Pharmacology and Experimental Therapeutics*, 16:311–325, 1921.

(*8*) Plant, O. H., and G. H. Miller, "Effects of Carminative Volatile Oils on the Muscular Activity of the Stomach and Colon," *Jounal of Pharmacology and Experimental Therapeutics*, 26:149–164, 1926.

(*9*) Muirhead, A. L., and H. F. Gerald, "The Action of Certain Volatile Oils on Isolated Intestinal Segments," *The Journal of Pharmacology and Experimental Therapeutics*, 8:253–260, 1916.

(*10*) Berk, J. E., "Gastrointestinal Gas," *Annals of the New York Academy of Sciences*, 150:178–190, 1968.

(*11*) Thompson, W. G., "Burbulence (Indigestion Due to Gas)," *Canadian Medical Association Journal*, 106:1220, 1972.

h. *Simethicone.* The Panel concludes that simethicone is safe for OTC use in the dose noted below, but available evidence is insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* The Panel concurs with the determination of FDA, as stated in the antiflatulent final monograph (21 CFR 332.10), that simethicone is safe in a maximum daily dosage of 500 mg as an OTC product.

Simethicone is a mixture of dimethylpolysiloxane and approximately 5 percent silica gel. Toxicological studies and the wide use of dimethylpolysiloxane in chemical combination with silica gel for many years without evidence of adverse effects have established its safety for human use (Ref. *1*). This Panel has determined that silica gel is nontoxic in normally ingested amounts (Ref. *2*).

(2) *Effectiveness.* The Panel, in reviewing all submissions of data and information on drug products containing simethicone that claim to receive the symptoms of IPPUAD, and in reviewing the current literature, concludes that there are insufficient data demonstrating that simethicone is effective in the OTC treatment of the symptoms of IPPUAD.

Dimethylpolysiloxane has been used in many food preparations as an antifoam agent since 1947. Silica gel is added as a dispersing agent and adsorbs the dimethylpolysiloxane, probably by hydrogen bonding. In a study by Birtley et al. (Ref. *3*), this combination was found to be more effective than either agent alone in reducing foam produced in rat stomachs.

The antifoaming properties of simethicone have been established in vitro (Ref. *4*), and simethicone has been demonstrated to decrease the presence of foam or bubbles found occasionally in the human stomach during gastroscopy. Its use as an antifoaming agent has been recommended as a treatment for bloating in ruminants, in which its use would permit "* * * gases to pass freely through the food mass" (Ref. *5*). Other researchers have been disappointed in the results of using silicones to prevent foaming of ingested material in ruminants (Ref. *6*).

One research group has proposed several hypotheses for small gas bubbles causing gastrointestinal symptoms in humans: the small bubbles may be tenacious and resist movement, the specific gravity of multiple small bubbles having a mucus covering is greater than that of the same gas in the free form, and there is resistance to deformation of a bubble wall due to the effects of surface tension (Ref. *7*). The group further postulated that surface tension is not a factor when air is not entrapped in bubbles, resistance of the mucus-entrapped gas may result in decreased movement through narrowed portions of the gut, the resistance is not as great for free gas, and the total liquid volume (liquid and entrapped gas) of the gastrointestinal tract will be decreased by the elimination of the gas trapped in the mucus.

Although the above hypotheses may be valid, the Panel is not aware of any evidence which actually establishes that small bubbles entrapped in mucus are the cause of the symptoms of IPPUAD. The Panel, therefore, concludes that data are insufficient to demonstrate that simethicone is effective in treating the symptoms of IPPUAD, notwithstanding its action on gas bubbles in the stomach. Further testing according to the proposed testing guidelines should be performed to determine whether or not simethicone is effective in relieving the symptoms of IPPUAD.

(3) *Proposed dosage.* The Panel concludes that a maximum recommended daily dosage of 500 mg of simethicone is safe (21 CFR 332.10) for treatment of IPPUAD.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel has extensively reviewed the pertinent literature and listened to medical gastrointestinal experts, and to the best of the Panel's knowledge, no data have been presented which demonstrate to the satisfaction of the Panel that gas is the etiologic agent of IPPUAD. Therefore, the Panel concludes that data are insufficient to demonstrate the effectiveness of simethicone for OTC use in relieving the specific symptoms of IPPUAD: Bloating, distention, fullness, and pressure.

In arriving at its decision, the Panel is aware of FDA's conclusion regarding antiflatulent products (21 CFR Part 332). The agency concluded that simethicone is an effective antiflatulent drug. This Panel emphasizes that no convincing evidence was submitted that demonstrates that "gas" is the cause of IPPUAD. The Panel recommends that adequate testing be performed according to the proposed testing guidelines to determine whether or not simethicone is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.) Special attention must be paid to the addendum to the proposed protocol for products wishing to claim "anti-gas" activity.

Simethicone has been further reviewed by this Panel for treating the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph C.1.f below—Simethicone.)

References

(*1*) Rowe, V. K., H. C. Spencer, and S. L. Bass, "Toxicological Studies on Certain Commercial Silicones: II. Two Year Dietary Feeding of DC 'Antifoam A' to Rats," *Archives of Industrial Hygiene and Occupational Medicine*, 1:539–544, 1950.

(*2*) OTC Volume 170054.

(3) Birtley, R. D. N., et al., "The Effect of Free Silica on the Mucosal Protective and Antiflatulent Properties of Polydimethylsiloxane," *Journal of Pharmacy and Pharmacology*, 25:859–863, 1973.

(4) Rider, J. A., "Experience with the Use of a Defoaming Agent in the Treatment of Gastrointestinal Gas," *Annals of the New York Academy of Sciences*, 150:170–178, 1968.

(5) Barondes, R. de R., W. D. Judge, C. G. Towne, and M. L. Baxter, "The Silicones of Medicine," *The Military Surgeon*, 106:379–387, 1950.

(6) Berk, J. E., Moderator, "Panel Discussion: Part III," *Annals of the New York Academy of Sciences*, 150: 176–190, 1968.

(7) Comments to Antacid Proposed Monograph, Docket No. 75N–0357, C00010, Volume II, Exhibit C, Plough, Inc. (6/1/73), pp. 67–80, in Panel Administrator's File (OTC Volume 17GPAII).

i. *Sodium bicarbonate.* The Panel concludes that sodium bicarbonate is safe for OTC use in the doses noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* Sodium bicaronate (baking soda) is an alkalinizing agent which releases carbon dioxide when neutralized by acid. Sodium bicarbonate has a long history of use as an antacid and for the symptomatic relief of upper addominal distress. It may be used as an ingredient in effervescent preparations in which the alkali is buffered or partially neutralized by an acidic compound. The Panel considers sodium bicarbonate to be safe when used as specified in the dosage section below, and under the labeling restrictions noted.

(2) *Effectiveness.* The Panel is not aware of any scientific evidence which establishes the effectiveness of sodium bicarbonate as a treatment for the symptoms of IPPUAD.

One gram of sodium bicarbonate will neutralize approximately 115 mL of O.1 N hydrochloric acid, releasing carbon dioxide (Ref.*1*). Reduction of gastric acidity, decreasing gastric emptying time, and the belching of carbon dioxide alter intragastric pressures. The Panel considers sodium bicarbonate to be a potentially useful drug for the treatment of the IPPUAD syndrome, and recommends further testing according to the proposed testing guidelines to determine whether or not it is effective.

(3) *Proposed dosage.* This Panel concurs with the recommendation of the Advisory Review Panel on OTC Antacid Drug Products published in the Federal Register of April 5, 1973 (38 FR 8714), that a maximum safe daily dosage of preparations containing sodium is 200 meq of sodium for persons under 60 years of age and 100 meq for persons aged 60 years or older (38 FR 8719). Because of the sodium content the dose of sodium bicarbonate should not exceed 16.8 g (200 meq of sodium) per day.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.)

The Panel concurs with the recommendation of the Advisory Review Panel on OTC Antacid Drug Products, published in the Federal Register of April 5, 1973 (38 FR 8714), that a warning statement should be required on preparations containing sodium (38 FR 8719). This Panel recommends that the following warning statements be required in the labeling of preparations containing sodium:

(i) "If you are 60 years of age or older, the maximum *daily* dose should not exceed 8.4 g 1 heaping teaspoon) of this drug."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(iii) *For products containing more than 5 meq of sodium in the recommended daily dose.* "If you are on a sodium-restricted diet, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of sodium bicarbonate be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1. below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

Sodium bicarbonate has been further reviewed by this Panel for treatment of the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph C.1.g. below—Sodium bicarbonate.)

Refference

(1) Swinyard, E. A., "Gastrointestinal Drugs," *in* "Remington's Pharmaceutical Sciences," 15th ED., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, pp. 736–737, 1975.

j. *Sodium citrate.* The Panel concludes that sodium citrate (sodium salt of citric acid) is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of IPPUAD.

(1) *Safety.* Sodium citrate was reviewed by the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Drug Products, in a report published in the Federal Register of September 9, 1976 (41 FR 38367), and found to be safe when used within the dosage limitation of 24 g daily. This Panel concurs with the antacid monograph (21 CFR 331) which limits the daily sodium intake to 200 meq for persons under 60 years of age and 100 meq for persons 60 years or older.

(2) *Effectiveness.* Commonly, citric acid is formulated in combination with sodium bicarbonate in a solid dosage form. When this combination is dissolved in water, effervescence occurs (carbon dioxide evolves) and the active antacid ingredient, buffered sodium citrate, is produced. The Panel is aware of the antacid property of sodium citrate but data are insufficient to demonstrate its effectiveness in relieving the symptoms of IPPUAD. The Panel recommends that sodium citrate be tested according to the proposed testing guidelines in order to determine whether or not it is effective for this indication.

(3) *Proposed dosage.* The Panel concludes that a maximum safe daily dose of preparations containing sodium is 200 meq of sodium for persons under 60 years of age and 100 meq for persons aged 60 years or older; therefore, the oral dose of sodium citrate should not exceed 17.2 g daily (200 meq of sodium).

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of IPPUAD. (See part III. paragraph A.2. above—Category I labeling.)

The Panel concurs with the recommendation of the Advisory Review Panel on OTC Antacid Drug Products, published in the Federal Register of April 5, 1973 (38 FR 8714), that a warning statement should be required on preparations containing sodium (38 FR 8719). This Panel recommends that the following warning statements be required in the labeling of preparations containing sodium:

(i) "If you are 60 years of age or older, the maximum *daily* dose should not exceed 8.6 g (1 heaping teaspoon) of this drug."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(iii) *For products containing more than 5 meq of sodium in the recommended daily dose.* "If you are on a sodium-resticted diet, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that the adequate testing of sodium citrate be performed according to the proposed testing guidelines to determine whether or not it is effective for treatment of the symptoms of IPPUAD. (See part III. paragraph D.1 below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

Sodium citrate has been further reviewed by this Panel for treatment of the symptoms of intestinal distress and the conclusions are included elsewhere in this document. (See part IV. paragraph C.1.h below—Sodium citrate.)

2. *Category III labeling.* The Panel has repeatedly stated that, at present, it does not accept "gas" or "excess gas" as the cause of IPPUAD. The Panel recommends that firms not use the following "anti-gas" claims for these products while they are attempting to demonstrate by objective measures that increased gas is a cause of IPPUAD symptoms and that the reduction of the volume of gas by their product is associated with a decrease in the symptoms of IPPUAD:

a. "Anti-gas."
b. "For relief of distress and/or discomfort due to gas."
c. "Reduces distress and/or discomfort caused by excess gas in the stomach."
d. "For expelling gas from the stomach."
e. "For flatulence (or gas)."
f. "Antiflatulent."
g. "Releases entrapped gas."
h. "Relieves discomfort and pain of entrapped gas."
i. "Reduces gaseousness."

The Panel requires data to substantiate any claim which reflects the specific time range of action of these drugs, and therefore places the following claim in Category III:

j. "Effective within—minutes." (anytime within 30 minutes).

This claim is compatible with the time range allowed by the Panel's proposed testing guidelines. (See part III paragraph D.1 below—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.)

Any nonspecific claim for speed of action ("Fast-acting") has been previously categorized and will not be allowed in the labeling. (See part III. paragraph B.2. above—Category II labeling.)

D. Data Required for Evaluation

Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.

The Panel recognizes that currently there is a lack of guidelines for testing products used for the treatment of the symptoms of IPPUAD. It has developed a proposed protocol to aid investigators in designing tests of effectiveness for these drugs. This Panel does not imply that the protocol presented below is the only means by which these ingredients may be evaluated. However, it suggests that if an investigator's protocol deviates from this protocol, it should be discussed with appropriate FDA personnel prior to initiation of testing.

a. *Objective of the study.* The objective is to determine whether the substance under study provides significantly better relief of the symptoms of IPPUAD than placebo. This will be accomplished by use of a randomized, placebo-controlled, double-blind, crossover study design which uses a test meal to produce symptoms.

b. *Test population.* The sample population for the study will be subjects who have presented themselves to physicians complaining of symptoms occurring with some regularity and with varying frequency in the absence of organic gastrointestinal disease. The results from the study of this sample population will be assumed to be applicable to the target population, which includes those with only occasional symptoms.

c. *Test setting.* The test should be conducted by qualified gastroenterologists in a large clinic or academic setting where there may be a greater probability of obtaining the proper sample population in sufficient numbers. The extensive screening required prior to entrance into the study would probably restrict the study to subjects who have already required the services of a specialist located in a clinic or academic setting because of the persistence and frequency of their symptoms.

d. *Criteria for admissibility into sample.* In order to exclude all but the functional gastrointestinal problems which give rise to the symptoms being evaluated, patients will have been screened to exclude significant organic disease, with special reference to gastrointestinal disorders, to the satisfaction of the gastroenterologist conducting the study.

Within 6 months preceding entrance into the study, appropriate data will have been generated on the subjects, including at least: History and physical exam, complete blood count, blood chemistries (SMA-12 or equivalent), urinalysis, gall bladder X-ray, chest X-ray, upper GI X-ray, and a guaiac test for fecal occult blood.

e. *Symtoms.* Acceptable symptoms of IPPAUD are those which occur during the test meal or within 15 minutes after the test meal and which the patient may attribute to "gas" and describe as bloating, distention, fullness, or pressure. The investigator should be certain that the meaning of the symptom(s) as described by the patient are understood.

f. *Test meal.* The symptom-producing meal must be tested by being consumed on two occasions prior to the test and the patient must repond consistently. The meal must be (1) standardized as to composition and, individually, as to amount, (2) capable of consistently producing symptoms which last more than 30 minutes in the susceptible individual (the total timed duration of the provoked symptoms should be noted), and (3) completely consumed within a standardized time period. The enviornment should be held constant during the test. The subjects should be adequately separated to prevent communication betaween them during the test meal and for a period immediately after eating. The test meals should be separated by at least 4-day intervals.

g. *Concomitant medication.* Concomitant medication, including vitamins and aspirin, is not allowed for 24 hours prior to and during the testing period. Alcohol must be avoided the day of the test meal.

h. *Test design.* The test design shall be randomized, placebo-controlled, double-blind, and crossover in which approximately half the subjects receive the placebo before the drug and approximately half receive the drug before the placebo. The drug or placebo will be taken at the time the first symptom appears, the time required to obtain clear and complete relief of symptoms will be determined, and the test will end 30 minutes after the onset of symptoms. If complete relief is not obtained, this treatment will be recorded as a failure.

If a positive control is used in addition to a placebo, a Latin square design is recommended.

If more than one person is to be tested on any day, then some of the subjects on that day should receive the placebo and the others the drug product.

i. *Analysis of data.* The statistical analysis should include at least the correlated proportions test.

j. *Number of patients.* The assumption is made that 30 percent of patients would respond to placebo. If 60 pe. cent respond beneficially to treatment, the results would be clinically significant. On this basis, at least 33 who complete the study would be sufficient to detect differences between drug and placebo that are clinically and statistically significant. (Type I error=0.05, type II error=0.20).

k. *Number of studies.* Two separate studies, each consisting of at least 33 patients who complete the study, will be required. Each study must be conducted at a different geographical site and performed by different investigators. The sample population from each site should be representative, with respect to

age and sex, of the patients at that clinic who meet the test population criteria explained above.

1. *Addendum.* For those manufacturers wishing to claim "anti-gas" on their label they must first demonstrate by acceptable objective methods that increased gas volume actually does exist in patients with immediate postprandial distress symptoms, that this gas is decreased by the drug for which they claim anti-gas activity, and that symptomatic relief is associated with this decrease.

2. *Background on the guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD*—a. *Objective of the study.* The stated objective of the proposed protocol is "to determine whether the substance under study provides significantly better relief of symptoms of IPPUAD than placebo." Originally, the protocol was to be written to supply a proper procedure for evaluating "antiflatulent" drugs (drugs having an "anti-gas" effect) or those drugs which are claimed to relieve symptoms attributable to "gas." After extensive discussions by the Panel, in which the input of a number of experts was considered in addition to the Panel's extensive reviews of the submissions made by pharmaceutical firms for "antiflatulent" drugs, the Panel reached two important conclusions:

(1) The relationship of the presence of gas in the upper gastrointestinal tract to the symptoms of IPPUAD has not been established, and it has not been established that the removal of gas is correlated with the relief of the symptoms of IPPUAD.

(2) While the studies submitted by drug firms and reviewed by the Panel discussed "excess gas," "gaseousness," "flatulence," etc., the real concern of these studies was to establish that the drugs were effective in the relief of IPPUAD. In some cases, drugs which actually cause gas to elaborate (calcium carbonate) have been evaluated as "antiflatulent" drugs.

After reaching these conclusions, the Panel deleted the term "antiflatulent" from the proposed protocol and replaced it with "treatment of the symptoms of IPPUAD." To be judged effective by this protocol a drug does not have to demonstrate an "anti-gas" effect. However, for those desiring to make an "anti-gas" claim, an addendum to the protocol requires that they "demonstrate by acceptable objective methods that increased gas actually does exist in patients with IPPUAD symptoms, that this gas is decreased by using the drug for which they claim "anti-gas" activity, and that symptomatic relief is associated with this decrease."

b. *Test population.* The target population includes individuals who have recurrent symptoms with varying frequency but who do not have organic disease causing the symptoms. At first glance it might be thought that the ideal procedure to follow would be to obtain a random sample of this target population and use it in the study; however, from a statistical point of view this is not optimal. In order to judge the effectiveness of the drug, the individuals in the study must have the symptoms during the study so that the drug can be given to them. They must be bothered by IPPUAD to such a degree and frequency that it is possible to evoke the symptoms consistently and specifically for the study. Persons who only occasionally have the symptoms, therefore, would not be good subjects for the study. In light of this, the Panel decided that an appropriate test or sample population would be subjects "who have presented themselves to physicians complaining of symptoms occurring with some regularity and with varying frequency in the absence of organic gastrointestinal disease." The Panel believes the results of the study done on these subjects will be applicable to the target population.

c. *Test setting and criteria for admissibility into sample.* The protocol states that the study "should be conducted by qualified gastroenterologists in a large clinic or academic setting." In this way, the study would usually be restricted to subjects who have required the services of a medical specialist because of the regularity and frequency of their symptoms.

Many "antiflatulent" studies submitted to the Panel were not carried out in a clinical or academic setting and none involved the stringent admissibility criteria demanded by this protocol. After the Panel's discussion and consultation with outside experts, the protocol's settings were deemed appropriate. There exist many such settings where a large pool of admissible subjects would be available. Furthermore, while the clinical screening studies involved in the admissibility criteria are extensive, it is realistic to require them. First, the study should not include those persons with organic diseases. Second, it is assumed that the patients under consideration probably will have required the services of a specialist and already would have had many of the required studies.

The Panel recognizes that there may be other appropriate test populations, test settings, and admissibility criteria. A good valid study does not necessarily have to be restricted to those who have required the services of a medical specialist nor does it necessarily need all the extensive testing of the proposed protocol. In particular, the Panel realizes that an experienced investigator is the key element in such a study and deviations from the proposed protocol could be made and still perform a good study. The Panel suggests that if an investigator desires to perform a study whose protocol deviates from the proposed protocol on these or other matters, then these deviations should be discussed with appropriate FDA personnel prior to initiation of the study.

d. *Symptoms.* The symptoms of IPPUAD, which the patient may attribute to "gas" and describe as bloating, distention, fullness, or pressure, are all subjective. After extensive investigation, the Panel determined that a satisfactory objective measure related to IPPUAD and its relief has not yet been found.

For the protocol the term "immediate" is defined as occurring during the test meal or within 15 minutes after completion of the test meal. While the definition of IPPUAD does include symptoms occurring up to 30 minutes after the meal, the Panel decided to use 15 minutes in the protocol in order to ensure that the subjects in the study are experiencing IPPUAD and not some other condition such as intestinal distress which also may occur after a meal. Symptoms of intestinal distress have been defined as those beginning 30 minutes or later after a meal. However, in particular subjects, they may begin earlier. The Panel wanted to exclude such subjects from the study.

In the studies submitted to the Panel at least eight symptoms were investigated (bloating, distention, fullness, and pressure, plus heartburn, acid eructation, belching, and indigestion). After a review of these studies, it was determined that, except for the first four symptoms, the others might indicate conditions other than those with which the Panel is concerned. For example, heartburn and acid eructation are generally due to hyperacidity, and belching is most commonly caused by swallowed air.

It is understood that there is no agreement among individual patients with regard to the exact meaning of the four symptoms (bloating, distention, fullness, and pressure) and that it is possible that two people with exactly the same IPPUAD symptoms will use different terms to describe the condition (one person may say "distention" and others may describe the symptom as "fullness" or "bloating" or "pressure").

In order to have a meaningful statistical analysis, there must be agreement between the subjects and the investigator. To ensure this, the protocol states that "the investigator should be certain that the meaning of the symptom(s) as described by the patient is understood." The discussion between the patient and the investigator will make it clear to the investigator whether the patient is suffering from symptoms germane to this study.

e. *Test meal.* In order to test the drug under investigation, the symptoms must be produced during the study. This is the function of the test meal. It is not necessary to state explicitly in the protocol the content and amount of this meal. This will be the responsibility of the investigator. Different studies do not need to use the same test meal. The important requirements are that this symptom-producing meal must be taken twice prior to the test; and the patient must respond consistently both times. To guarantee standardization the protocol requires that:

(1) The meal must be "standardized as to composition and individually as to amount." Each patient in a study should eat the same test meal throughout the study and all patients will qualitatively receive the same meal.

(2) The meal must be "capable of consistently producing symptoms which last more than 30 minutes in the susceptible individual (the total timed duration of the provoked symptoms should be noted)." The symptoms under investigation are often of short duration. If, during the placebo and drug-administering stage of the study, complete relief is attained within 30 minutes after onset of the first symptom, this will be judged to be the result of a drug or a placebo effect. It is essential that this relief not be the natural consequence of a short duration distress.

(3) The meal should be "completely consumed within a standardized time period." The protocol does not impose the actual fixed time period in which the meal should be consumed. It is, however, essential that each study should have such a time period.

(4) Each patient will eat four meals during the complete run of the study (twice prior to the test, i.e., the placebo and drug-administering stage of the study, once before receiving the placebo and once before receiving the drug). To remove any carryover effect, both psychological and physiological, the "meals should be separated by at least 4-day intervals."

As stated in the Panel's proposed protocol, the test meal must be taken twice prior to the test and the patient must have the symptoms on both of these occasions. It was pointed out to the Panel that the inclusion of this screening process, as part of the study, might be responsible for a large dropout rate. The Panel was well aware of this and realized that a valid study might be possible without including these two screening meals. A study could consist of only two test meals: One given before the drug and one given before the placebo. A subject then would be considered included in the study only if the symptoms occurred on both occasions. This latter study has some major problems and the Panel does not recommend it. First, without the screening meals it would be uncertain if the symptoms would last 30 minutes. Second, in such a test there could possibly be a substantial number of individuals who would have symptoms on only one occasion. The temptation would then be present to attempt to include the data on these cases in the analysis. The interpretation of such an analysis is extremely difficult.

The environment should be held constant during the test and the subjects should be adequately separated to prevent communication between them. The Panel was concerned about the validity of the study's results if subjects were allowed to eat together and witness each others' distress. While there are statistical procedures which can be used with varying degrees of success to make adjustments for the possible confounding effects of environmental influence, it is best not to allow these effects to enter into the study.

Some information not mentioned in the protocol may prove useful and may be collected during and after the test meal. First, the length of time the subject takes to finish the test meal could be noted. Distress and the intensity of distress may be related to speed of eating. Second, some subjects may not consume all their meal before the onset of the symptoms. A record of the amount of food consumed up to this point might be useful if the amount of food in the stomach at the time of occurrence of symptoms is related to time of relief. Similarly, the length of time from completion of the meal to onset of distress may also produce useful information.

Although the protocol does not concern itself with relief of symptoms other than the four described above (bloating, distention, fullness, and pressure), the subjects may experience other forms of distress. A stratification or statistical control by these other symptoms may be useful in the statistical analysis but is not of prime interest to the Panel. Adjustments would be made then for possible nonhomogeneous subjects with predisposing factors to differential treatment response. Further, it might be the case that the subjects experience distress in varying degrees of intensity. A stratification or control according to this or a rating scale to quantify the intensity of distress may also be useful. If desired, a stratification or control by both "non-gas" symptoms and intensity of the protocol's symptoms may also produce useful information. A greater number of patients would be required for these additional studies.

f. *Concomitant medication.* In order not to confound, interfere with, or cloud the drug's effect, the protocol states that "concomitant medication, including vitamins and aspirin, is not allowed for 24 hours prior to and during the test period. Alcohol must be avoided during the day of the test meal."

g. *Test design.* In a study of the type of drugs under consideration, it is possible for subjects to act as their own control (receive both the drug and placebo, each at different times). Thus, a crossover is possible and most desirable. Further, to guard against any unsuspecting biases the drug should be administered in a random fashion "in which approximately half the subjects receive the placebo before the drug and approximately half receive the drug before the placebo." The double-blind feature will control biases favoring the drug coming from either subjects or the investigator.

The subject must respond to the test meal twice as a prerequisite to entering the study and must not obtain complete relief without medication within 30 minutes. Then, if complete relief is attained after the test meal and within 30 minutes of the appearance of the first symptom and taking the medication, it is appropriate to view this as a success (drug or placebo success). The time of complete relief should be recorded. Further, rather than waiting indefinitely for complete relief, the Panel decided that if distress from any symptom continued beyond 30 minutes, then the complete relief is said not to be attained and this result should be considered a failure. The analysis of the data should involve both the time to complete relief (from appearance of first symptom to total relief) and the dichotomous variable "complete relief or incomplete relief."

In order to control for the variation related to the test meal being prepared on different days, the protocol stipulates that "if more than one person is to be tested on any day, then some of the

subjects on that day should receive the placebo and the others the drug products."

The Panel also considered the possibility that, in addition to a placebo, the study might also consist of a direct evaluation of the drug and a positive control. In such a case a Latin-square is recommended.

h. *Analysis of data.* The statistical analysis should include at least the correlated proportions test where the dependent variable is the dichotomous variable, "complete relief or incomplete relief" within 30 minutes of the onset of the first symptom. Relief that is "clear and complete relief of all symptoms" is considered to be of prime concern. In addition to this, the correlated "test" appears to be appropriate. This is especially true if relief is obtained by most subjects regardless of receiving the placebo or the drug. Analyses can also be done on the ordering effect (drug then placebo as compared to placebo then drug).

In addition to the above, analyses which take into account the stratification or knowledge of intensity of the protocol's symptoms and/or other "nongas" symptoms might be appropriate. Age and sex could also be considered here. Multiple logistic or multiple regression analyses could be employed.

Further, a comparison of the results obtained from the two different testing sites would be essential. Differences in these results should be explained.

i. *Number of patients.* At least 33 patients are required at each of at least two test sites. The quantity 33 arises from assuming that a random sample of subjects is possible and that all subjects are homogeneous in all important respects. A random sample is impossible and there are a number of factors (some stated above) on which the available subjects may be nonhomogeneous. The investigators should view the 33 patients as the minimum sample size required and be prepared to include more subjects in their studies.

j. *Number of studies.* While the test setting and admissibility criteria are considered to be appropriate and realistic, they do not guarantee that the resulting sample will be a random sample or a representative sample of the sample population. Even under the most favorable conditions it is possible that the subjects finally selected for the study will not be representative of the patients of the setting from which the subjects are being selected. In order to ensure that generally applicable results are obtained, two separate studies are required. These are to be performed by different investigators at different geographical sites. Further, the sample for each study should be representative, with respect to age and sex, of patients at that site.

The Panel has determined that researchers conducting the study should take care not to use sites with peculiar patient populations (e.g., all males over 65 years of age). It is expected that the two selected sites will offer a patient profile similar to what is believed to be the profile of the sample population. Further, researchers are expected to perform statistical analyses comparing the two sites with respect to the patients' response(s) to the drug.

IV. Drug Products for the Treatment of the Symptoms of Intestinal Distress

A. Category I Conditions

The following are Category I conditions under which drug products used for the treatment of the symptoms of intestinal distress are generally recognized as safe and effective and are not misbranded.

1. *Category I active ingredients.* None.

2. *Category I labeling.* The Panel recommends the following Category I labeling for drug products used to relieve the symptoms of intestinal distress as being generally recognized as safe and effective and not misbranded. Any specific labeling discussed in the individual ingredient statements should also be considered.

Indications. The product labeling should contain one of the following statements:

a. "For relief of intestinal distress occurring 30 minutes to several hours after eating and often accompanied by complaints of bloating, distention, fullness, pressure, pain, or cramps."

b. "For relief of" (one or more of the following symptoms: "Bloating," "distention," "fullness," "pressure," "pain," or "cramps,") "sometimes described as 'gas', which occurs 30 minutes to several hours after eating."

The Panel is fully aware that although "gas" has not been proven to be the cause of intestinal distress, the consumer may perceive his or her symptoms as being due to "gas." Therefore, the Panel, after much deliberation, concludes that indication b. above may be allowed on these products.

B. Category II Conditions

The following are Category II conditions under which drug products used for the treatment of the symptoms of intestinal distress are not generally recognized as safe and effective or are misbranded.

1. *Category II active ingredients.*

Bismuth sodium tartrate
Blessed thistle and golden seal
Dehydrocholic acid
Duodenal substance
Garlic, dehydrated
Glutamic acid hydrochloride
Ox bile extract
Papain
Pepsin
Sorbitol

In addition, the Panel has classified other ingredients as Category II elsewhere in this document. (See part I. paragraph C.2.c. above—Other ingredients.)

a. *Bismuth sodium tartrate.* The Panel concludes that bismuth sodium tartrate, also referred to as sodium bismuthyltartrate, is not generally recognized as safe or effective for OTC use in treating the symptoms of intestinal distress.

(1) *Safety.* The Panel has not been presented with evidence demonstrating the oral safety of this compound nor is it aware of any such evidence.

This Panel is aware that the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products, in a report published in the **Federal Register** of March 21, 1975 (40 FR 12930), found bismuth subsalicylate to be safe orally in doses of 0.6 to 2 g taken three to four times daily but the safety of bismuth subnitrate in maximum doses of 5.6 g for adults and 0.475 g for children ages 3 to 6 in 4 hours is in question.

However, since publication of the Panel's report, bismuth encephalopathy has been reported from the oral use of 5 to 20 g daily (for several months to several years) of bismuth salts in Australia and France (Refs. 1 through 5) and from topical use of bismuth skin creams in England (Ref. 6). The bismuth salts causing this syndrome include the subgallate, subnitrate, silicate, aluminate, carbonate, subcarbonate, phosphate, oxyquinolate, pectate, and citrate. The implication is that the bismuth portion of the compound is toxic to the nervous system in these cases, although the mechanism involved is not clear.

The Panel concludes that evidence is not available to establish the safety of bismuth sodium tartrate for OTC use in treating the symptoms of intestinal distress.

(2) *Effectiveness.* Although some studies have suggested that bismuth preparations may be helpful in healing peptic ulcerations (Ref. 7), no studies have been presented nor is the Panel aware of any studies that demonstrate bismuth sodium tartrate to be effective in treating the symptoms of intestinal distress. In the absence of such data the Panel concludes that bismuth sodium

tartrate is not generally recognized as effective in treating this condition.

(3) *Evaluation.* The Panel concludes that bismuth sodium tartrate is not generally recognized as safe and effective for OTC use in treating the symptoms of intestinal distress. The safety of bismuth salts in oral preparations is seriously questioned by the recent demonstration that they may cause encephalopathy, and there is no information available to the Panel demonstrating the effectiveness of bismuth sodium tartrate in the treatment of the symptoms of intestinal distress.

References

(*1*) Meyboom, R. H. B., "Metals," *in* "Meyler's Side Effects of Drugs," Volume 8, edited by M. N. G. Dukes, Excerpta Medica, Amsterdam, pp. 502–504, 1975.

(*2*) Robertson, J. F., "Mental Illness or Metal Illness? Bismuth Subgallate," *The Medical Journal of Australia*, 1:887–888, 1974.

(*3*) Morgan, F. P., and J. J. Billings, "Is This Subgallate Poisoning?," *The Medical Journal of Australia*, 2:662–663, 1974.

(*4*) Buge, A., et al., "Twenty Cases of Acute Encephalopathy with Myoclonia During Treatment with Oral Bismuth Salts," *Annales de Medicine Interne*, 125:877–888, 1974.

(*5*) Martin-Bouyer, G., "Intoxications par les sels de bismuth administres par voie orale. Enquete epidemiologique," *Therapie*, 31:693–702, 1976.

(*6*) Kruger, G., et al., "Disturbed Oxidative Metabolism in Organic Brain Syndrome Caused by Bismuth in Skin Creams," *The Lancet*, 2:485–487, 1976.

(*7*) OTC Volume 170136.

b. *Blessed thistle and golden seal.* The Panel reviewed one preparation containing the extract of the whole plant blessed thistle (*Cnicus benedictus*), and the roots and rhizomes of golden seal (*Hydrastis canadensis*) and concludes that the preparation is safe for OTC use in the dose recommended by the manufacturer, but is not generally recognized as effective in treating the symptoms of intestinal distress. The effectiveness data submitted do not convince the Panel that it is effective for this indication and the Panel, therefore, places it in Category II. Both ingredients have a history of use in folk medicine as a bitter tonic.

c. *Dehydrocholic acid.* The Panel concludes that dehydrocholic acid is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of intestinal distress.

(1) *Safety.* The Panel is aware of one animal study which determined the LD^{50} of dehydrocholic acid to be 14.7 g/kg in rats (Ref. *1*). The study further reported that no hepatic damage was found to result from the chronic administration of 3 and 5 g daily to dogs for 3 to 7 months, nor from the administration of 333 mg/kg daily to rats for 32 days (Ref. *1*).

The Panel concurs with the recommendations of the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products, published in the Federal Register of March 21, 1975 (40 FR 12902), that dehydrocholic acid is safe in an adult dose of 750 to 900 mg per day when used as a laxative (40 FR 12910). That Panel did not approve its use in children under 12 years of age.

Based on the available data, the Panel concludes that dehydrocholic acid is safe for OTC use in the above dosage.

(2) *Effectiveness.* Dehydrocholic acid, which is a partially synthetic derivative of cholic acid, stimulates the liver to increase the volume of bile by increasing its water content without increasing its constituents (hydrocholeretic) (Ref. *2* and *3*).

Dehydrocholic acid has been used as an OTC laxative, but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of intestinal distress nor is dehydrocholic acid generally recognized as an effective treatment for the symptoms of intestinal distress.

(3) *Evaluation.* Although dehydrocholic acid is considered to be generally recognized as safe for OTC use in the dose specified above, the Panel concludes that it has not been demonstrated to be effective for relief of the symptoms of intestinal distress. This conclusion is in agreement with the following decision of the Advisory Review Panel on OTC Laxative Antidiarrheal, Emetic, and Antiemetic Drug Products (published in the Federal Register of March 21, 1975 (40 FR 12910):

> There is no evidence in support of the claim that dehydrocholic acid relieves "indigestion", "excessive belching", "after meal discomfort", or "the sensation of abdominal fullness." These claims constitute mislabeling and dehydrocholic acid is placed in Category II with respect to these claims.

References

(*1*) Berman, A. L., E. Snapp, A. C. Ivy, and A. J. Atkinson, "The Effect of Long-Continued Ingestion of Oxidized Bile Acids on the Dog and Rat," *American Journal of Digestive Diseases*, 7:280–284, 1940.

(*2*) Harvey, S.C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, p. 973, 1975.

(*3*) DiPalma, J. R., "Drill's Pharmacology in Medicine," 4th Ed., McGraw-Hill, New York, pp. 972–973, 1971.

d. *Duodenal substance.* The term duodenal substance appears to lack a precise meaning in the current medical literature. Presumably the term refers to one or more mixtures of peptide substances such as cholecystokinin, gastrin, pancreozymin, and secretin which are secreted by the intestinal mucosa. The latter peptide substances act physiologically to facilitate digestion by stimulating the release by the gastrointestinal tract or the pancreas of various enzymes and other exocrine substances. The Panel is unware of any accepted therapeutic indication for these peptides.

In the absence of such data, the Panel concludes that duodenal substance is not generally recognized as safe and effective in treating the symptoms of intestinal distress.

e. *Garlic, dehydrated.* The Panel concludes that dehydrated garlic is safe for OTC use at the dose noted below, but is not generally recognized as effective in treating the symptoms of intestinal distress.

(1) *Safety.* Garlic has been widely used as a food for many years with no known harmful effects. It is considered by the Panel to be safe as a carminative (expelling gas from the alimentary canal) in the recommended OTC dose of 0.6 g after meals (Ref. *1*).

(2) *Effectiveness.* The principal active ingredients of dehydrated garlic are allyl propyl disulfide and diallyl disulfide (Ref. *2*).

Some data were submitted regarding dehydrated garlic's effectiveness as a carminative, but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of dehydrated garlic or its principal active ingredients in treating the symptoms of intestinal distress; nor is it generally recognized as an effective treatment for the symptoms of intestinal distress.

(3) *Evaluation.* The Panel concludes that dehydrated garlic is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

References

(*1*) OTC Volume 170003.

(*2*) Bordia, A., H. C. Bonsal, S. K. Arora, and S. V. Singh, "Effect of the Essential Oils of Garlic and Onion on Alimentary Hyperlipemia," *Atherosclerosis*, 21:15–20, 1975.

f. *Glutamic acid hydrochloride.* The Panel concludes that glutamic acid hydrochloride is safe for OTC use in the dose noted below, but is not generally recognized as effective in testing the symptoms of intestinal distress.

(1) *Safety.* Available clinical data and marketing experience have shown

glutamic acid hydrochloride to be safe for OTC use in the dose of 1.02 g three times daily as a stomach acidifier (Ref. *1*).

(2) *Effectiveness.* Glutamic acid hydrochloride has been marketed as an agent intended to increase the amount of acid present in the stomach, and thus favorably altering the pH of the gastric environment (Refs. *2* and *3*). However, the Panel knows of no proven relationship between hypoacidity or anacidity of the stomach and the symptoms of intestinal distress, nor is the Panal aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of glutamic acid hydrochloride in treating the symptoms of intestinal distress. Furthermore, glutamic acid hydrochloride is not generally recognized as an effective treatment of this condition.

(3) *Evaluation.* The Panel concludes that glutamic acid hydrochloride is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

The Panel is aware that glutamic acid hydrochloride has been employed as a stomach acidifier in the treatment of achlorhydria and hypochlorhydria but does not find it has any usefulness in treating these conditions. The Panel has prepared a separate document on OTC stomach acidifier drug products discussing the merits of stomach acidifiers published in the Federal Register of October 19, 1979 (44 FR 60316).

References

(*1*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, pp. 1082–1083, 1977.

(*2*) OTC Volume 170023.

(*3*) OTC Volume 170049.

g. *Ox bile extract.* The Panel concludes that ox bile extract is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of intestinal distress.

(1) *Safety.* The Panel believes the usual dose of 300 to 500 mg given two to three times daily after meals to be safe for healthy individuals (Ref. *1*). However, for individuals who have biliary obstruction or some other forms of liver disease, exogenous bile salts further contribute to an already undesirable increase in plasma and blood concentrations of bile salts (Ref. *2*). Commercial ox bile preparations may produce diarrhea (Ref. *3*).

(2) *Effectiveness.* Ox bile extract is a powdered or granular extract of ox bile with a characteristic odor and taste containing an amount of sodium salts of ox bile acids equivalent to approximately 45 percent cholic acid (Ref. *1*).

Bile contains bile salts, bile pigments, lecithin, cholesterol, mucin, and other proteins, fatty acids, and inorganic salts. Of these constituents, the most important are the bile salts, which occur as sodium salts of conjugated bile acids (Ref. *1*). The bile salts constitute approximately 3 percent of the total bile secreted daily (Ref. *2*).

Bile acids are synthesized by the liver and secreted into the duodenum as conjugated bile salts. A high percentage of the bile salts is reabsorbed in the lower small intestine and recirculated through the liver by way of the enterohepatic circulation.

Bile salts enhance the absorption of lipids and are necessary for the absorption of fat-soluble vitamins and cholesterol. They play an important role in maintaining the normal solubility of cholesterol in the bile (Ref. *3*). Bile salts also promote digestion of fats by stimulating pancreatic secretion and by activating pancreatic lipase (Ref. *2*).

The large volume of bile secreted into the duodenum helps to neutralize the acidic contents but is less important than pancreatic secretions in this respect (Ref. *2*).

Bile salts "* * * can be given to promote the flow of bile or to increase intrabiliary pressure; however, much expert medical opinion now holds that the administration of bile salts is often unnecessary or inappropriate and can sometimes cause undue pain or danger to the patient" (Ref. *2*). "Bile salts are no better than placebos in nonobstructive, noncholestatic biliary tract disorders or in various malfunctions of the intestine" (Ref. *2*).

Ox bile extract "* * * is promoted for the replacement therapy in patients who have an insufficient concentration of bile salts in the intestine, but it is ineffective. Use of ox bile extract is inadvisable, for it does not provide an adequate amount of bile salts" (Ref. *3*).

Even though ox bile extract has been used for many years in OTC products, the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of intestinal distress, nor is ox bile extract generally recognized as an effective treatment for the symptoms of intestinal distress.

(3) *Evaluation.* The Panel concludes that ox bile extract is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

References

(*1*) "The United States Dispensatory," 27th Ed., edited by A. Osol and R. Pratt, J. B. Lippincott Co., Philadelphia, p. 820, 1973.

(*2*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 971–973, 1975.

(*3*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 1084, 1977.

h. *Papain.* The Panel concludes that papain is safe for OTC use at the dose noted below, but is not generally recognized as effective in the treatment of the symptoms of intestinal distress.

(1) *Safety.* Papain is used as a meat tenderizer and about one-half million pounds are imported annually for this purpose (Ref. *1*). The Panel is unaware of any toxic or adverse symptoms that have arisen from its use, except the occasional allergic reaction in patients sensitive to papain. The Panel concludes that it is otherwise safe in the recommended daily dose of 100 to 600 mg (Ref. *2*). However, papain is contraindicated in patients taking anticoagulant medication (Ref. *2*).

(2) *Effectiveness.* Papain is a proteolytic enzyme from the fruit of the tropical melon tree (*Carica papaya*) (Ref. *3*). Over the years it has been used in products intended to prevent or treat a variety of inflammatory states (Ref. *3* and *4*). No data were submitted, nor is the Panel aware of data demonstrating the effectiveness of papain in treating the symptoms of intestinal distress.

(3) *Evaluation.* The Panel concludes that papain is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

References

(*1*) Breeling, L., "The Nature and Nutritive Value of Papaya Juice," *Journal of the American Medical Association*, 210:2100, 1969.

(*2*) "The United States Dispensatory," 27th Ed., J. B. Lippincott Co., Philadelphia, pp. 829–830, 1973.

(*3*) Gibb, J. W., "Enzymes," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 975, 1975.

(*4*) Swinyard, E. A., "Locally Acting Drugs," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, MacMillan Publishing Co., Inc., New York, pp. 958–959, 1975.

i. *Pepsin.* The Panel concludes that pepsin is safe for OTC use at the dose noted below, but is not generally recognized as effective in treating the symptoms of intestinal distress.

(1) *Safety.* No safety data were submitted. However, based upon the continued marketing of pepsin over many years with no reports of adverse effects the Panel concludes that it is safe in a daily dose of up to 1,000 mg (Ref. *1*).

(2) *Effectiveness.* Pepsin, a proteolytic enzyme obtained from the glandular layer of fresh hog stomach, (Ref. *2*) is similar to human pepsin. Although its presence is not required for protein digestion, because intestinal enzymes can function without it, pepsin has been used when endogenous human pepsin is deficient or absent. The Panel is not aware of any convincing evidence that added pepsin is of therapeutic usefulness (Ref. *2, 3,* and *4*). It also is eventually inactivated by the higher pH of the intestines (Ref. *5*).

No data were submitted to demonstrate the effectiveness of pepsin and the Panel is not aware of any adequate and well-controlled clinical studies demonstrating its effectiveness in treating the symptoms of intestinal distress, nor is pepsin generally recognized as an effective treatment for the symptoms of intestinal distress.

(3) *Evaluation.* The Panel concludes that pepsin is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

References

(*1*) "The United States Dispensatory and Physician's Pharmacology," 26th Ed., edited by A. Osol, R. Pratt, and M. D. Altschule, J. B. Lippincott Co., Philadelphia, p. 874, 1967.

(*2*) Wilson, C. O., O. Grisvold, and R. F. Doerge, "Text Book of Organic Medical and Pharmacological Chemistry," 6th Ed., J. B. Lippincott Co., Philadelphia, pp. 904–905, 1971.

(*3*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The Macmillan Co., New York, p. 971, 1975.

(*4*) "AMA Drug Evaluations," 2d Ed., Publishing Sciences Group, Inc., Acton, MA, p. 812, 1973.

(*5*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 1083, 1977.

j. *Sorbitol.* The Panel concludes that sorbitol, also known as *D*-sorbitol, is safe for OTC use in the dose noted below, but is not generally recognized as effective in treating the symptoms of intestinal distress.

(1) *Safety.* The Panel considers sorbitol safe for use in the suggested oral dose of 4.5 g three times daily (Ref. *1*).

Steinke reported finding no evidence of gastrointestinal side effects and no increase in insulin requirements in 143 juvenile diabetics, aged 5 to 13 years, following the administration of 41 g of sorbotol per day in 3 equal doses, for periods of 8 to 48 days (Ref. *2*). In another study some patients were reported to develop borborygmus and hyperperistalsis or diarrhea following either single large doses of sorbitol (40 g) for gall bladder studies or the chronic administration of 7 g before meals for 20 to 60 days (Ref. *3*).

(2) *Effectiveness.* Sorbitol is a six-carbon polyhydric alcohol. It is more slowly absorbed from the gastrointestinal tract than dextrose. Its main use is as an osmotic diuretic. Fifty percent is metabolized or converted to glycogen and stored in the liver (Ref. *4*). Oxidation to fructose occurs in both the liver and kidney (Ref. *2*).

Maximal contraction of the gall bladder has been found to occur 30 minutes after the administration of 9, 18, and 27 g of sorbitol (Ref. *5*). Eighty percent of 64 patients with hepatobiliary disorders who were treated with 7 g of sorbitol before meals for periods of from 20 to 60 days were reported to have obtained relief from dyspepsia and abdominal swelling, as well as some other symptoms (Ref. *3*).

The Panel is aware of the use of sorbitol as an osmotic diuretic and its more general usage as a laxative, sweetener, humectant, and as a vehicle (70 percent weight/weight solution) (Ref. *6*), but the Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of sorbitol in treating the symptoms of intestinal distress in the absence of hepatobiliary disease. In addition, sorbitol is not generally recognized as an effective treatment for the symptoms of intestinal distress.

(3) *Evaluation.* The Panel concludes that sorbitol is generally recognized as safe for OTC use in the dose specified but its effectiveness has not been demonstrated in treating the symptoms of intestinal distress.

References

(*1*) OTC VoLume 170042 (Section V.A.I.).

(*2*) Steinke, J., et al., "Evaluation of Sorbitol in the Diet of Diabetic Children at Camp," *Diabetes*, 10:218–227, 1961.

(*3*) Piccinelli, O., and G. Timossi, "D-Glucitol in the Therapy of Hepatobiliary Diseases," *Minerva Medica*, 49:77–82, 1958.

(*4*) DiPalma, J. R., "Drill's Pharmacology in Medicine," 4th Ed., McGraw-Hill, New York, p. 299, 1971.

(*5*) OTC Volume 170042 (Section V.A.I.).

(*6*) Swinyard, E. A., "Pharmaceutical Necessities," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 1235, 1975.

2. *Category II labeling.* The Panel concludes that some portions of the following labeling claims are either unsupported by scientific date, vague, misleading, unrelated to the symptoms of intestinal distress, or in some instances unsupported by sound reasoning. The claims listed below and other related terms are, therefore, classified as Category II labeling for drug products used to treat the symptoms of intestinal distress.

a. "Stimulates the cells of the stomach to help increase the amount of gastric juice and thus improve digestion and nutrition."

b. "Helps create a healthy intestinal environment for more normal digestion."

c. "Stomachic."

d. "For relief of biliary indigestion."

e. "Choleretic."

f. "Digestive."

g. "Carminative."

h. "Helps to improve poor appetite."

i. "Gastrointestinal distress due to irritation and inflammation of the intestinal tract."

j. "Helps prevent loose bowels due to excess fat content."

k. "For enteritis."

l. "Digestive supplement."

m. "Aids digestion of hard to digest foods."

n. "Digestant." (Except as noted under Category III Labeling.)

o. "For relief of gastrointestinal digestive disturbances."

p. "Permits a regular, comfortable digestion of foods previously not tolerated."

q. "For temporary relief of indigestion due to overeating."

r. "For expelling gas from the stomach and intestine."

s. "Helps to relieve heartburn due to indigestion."

t. "Relieves discomfort and pain of entrapped gas caused by air swallowing and overindulgence in food."

u. "Relieves belching, bloating, and flatulence."

v. "Helps reduce discomfort due to gas in the stomach and intestines."

w. "An anti-gas digestive aid to help relieve belching, bloating, or an over-full feeling."

x. "For relief of constipation and headache, heartburn and gas that may be caused by constipation."

y. "For relief of constipation, especially when accompanied by flatulence or gas distress."

z. "For relief of constipation."

aa. Phrases such as "long-lasting" which vaguely and nonspecifically relate to the speed of action.

bb. "For the prevention of intestinal distress."

cc. "Superior to ordinary."

dd. "Specially improved."

ee. "Selected ingredients."

ff. "Extra strength."

gg. "Contains more active ingredients per dose."

hh. "Works internally."

ii. "Travels through the bloodstream."

jj. "Can be used to improve digestion of geriatric patients."

kk. "To alleviate simple postprandial discomfort (bloating, belching, flatulence, and a sense of fullness) due to over eating or insufficient mastication of food."

ll. "Postgastrectomy syndrome."

mm. "Chronic pancreatitis."

nn. "Pancreatic necrosis."

oo. "Chronic hepatitis."

pp. "Gallbladder disease."

qq. "Surgical patients following cholecystectomy, subtotal pancreatectomy, and other surgery of the upper gastrointestinal tract."

rr. "Overindulgence in excessively fatty meals."

ss. "Abdominal rumblings."

C. Category III conditions

The following are Category III conditions for which the available data are insufficient to permit final classification at this time.

1. *Category III active ingredients.* The Panel concludes that the safety of the following ingredients in the recommended doses is unquestioned, except as noted in the individual ingredient writeups:

Cellulase and hemicellulose
Charcoal, activated and charcoal, wood
Homatropine methylbromide
Magnesium hydroxide
Pancreatin and pancrelipase
Simethicone
Sodium bicarbonate
Sodium citrate

a. *Cellulase and hemicellulase.* The concludes panel that cellulase and hemicellulase are safe for OTC use in the dose noted below, but data are insufficient to demonstrate their effectiveness in treating symptoms of intestinal distress.

(1) *Safety.* Cellulase and hemicellulase are obtained from molds such as *Aspergillus oryzae* and *Penicillium notatum* as well as from various other sources (Refs. *1* and *2*). Those derived for medicinal use are normally obtained from *Aspergillus oryzae.* Cellulases have been utilized as digestive aids for many years. Based on the available data, the Panel Concludes that they are safe when used as OTC digestive aids and in the doses recommended below.

(2) *Effectiveness.* Cellulase and hemicellulase are not normal constituents of the human bowel. These enzymes are capable of hydrolyzing cellulose and hemicellulose contained in ingested plant foods. They have been reported to be effective in dissolving bezoars and phytobezoars (Ref. *3*) and in reducing the amount of roughage in the stool (Refs. *4* and *5*).

The Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of cellulase or hemicellulase in treating the symptoms of intestinal distress. Based upon the pharmacological action, the Panel concludes that cellulase and hemicellulase have the potential for this OTC use and therefore, recommends that they be further tested according to the testing guidelines to determine whether or not they are effective.

(3) *Proposed dosage.* The Panel concludes that cellulase and hemicellulase are safe as single ingredient products in the usual and recommended daily doses of 9 to 50 mg for cellulase (Refs. *6* and *5*) and 50 to 100 mg for hemicellulase (Refs. *6* and *7*) taken three times daily.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress (See part IV. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel recommends that adequate testing of cellulase and hemicellulase be performed according to the testing guidelines to determine whether or not they are effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

References

(1) Pigman, W., "Enzymes Acting on Hemicelluloses, Gums, and Wood," *in* "The Enzymes," Volume I, edited by J. B. Sumner and K. Myrback, Academic Press, Inc., New York, pp. 739–744, 1951.

(2) Courtois, J. E., "Some Biochemical Aspects of Cellulases and Hemicellulases," *Glasnik Hemijskog Drustvaw*, 32:365–388, 1967.

(3) OTC Volume 170100.

(4) Friend, D. G., "Effect of Oral Enzyme Therapy on Roughage Content of Stools," *The Journal of New Drugs*, 5:236–239, 1965.

(5) OTC Volume 170049.

(6) OTC Volume 170034.

(7) OTC Volume 170144.

b. *Charcoal, activated and charcoal, wood.* The Panel concludes that activated charcoal and wood charcoal are safe for OTC use in the dose noted below, but data are insufficient to demonstrate their effectiveness in treating the symptoms of intestinal distress.

(1) *Safety.* Activated charcoal is ingested in usual doses of 30 g or more as an adjunct in the treatment of acute toxic ingestion. Yatzidis has given up to 50 g of activated charcoal daily to uremic patients for up to 20 months with no apparent ill effects (Ref. *1*); however, the Panel is concerned that because activated charcoal is a nonspecific adsorbent, chronic usage might cause depletion of certain essential nutrients. The Panel is aware of no studies which conclusively establish the safety of the chronic ingestion of activated charcoal in humans and at the present time the Panel recommends that the dosage be restricted to no more than 10 g daily in divided doses for a period of no more than 7 days for the treatment of symptoms of intestinal distress. In addition, activated charcoal will adsorb many other drugs which a person might be taking concurrently, and a suitable warning is included below under the heading "Labeling."

Based on the available data, the Panel concludes that activated charcoal is safe when used as a digestive aid and in accordance with the restrictions noted below.

(2) *Effectiveness.* Activated charcoal is known to adsorb many gases, organic and inorganic compounds, taxins, etc. The causes of intestinal distress have not been conclusively established and the effectiveness of activated charcoal in relieving these symptoms has not been demonstrated at the present time.

Nonactivated charcoal has one-third or less the adsorbent capacity of activated charcoal and because of this lack of uniform activity, its use for this condition is not recommended.

Activated charcoal has been used for many years in the management of ostomy patients by some physicians to reduce odor and gas (Ref. *2*). It has also been recommended in the past for treatment of dysentery. The Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of activated charcoal for its use in treating the symptoms of intestinal distress. Based on the pharmacological action, the Panel concludes that activated charcoal has the potential for this OTC use and, therefore, recommends that further testing be done according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress.

(3) *Proposed dosage.* The Panel concludes that activated charcoal is safe for OTC use when its ingestion is limited to 10 g daily in divided doses for a period of no more than 7 days for treating the symptoms of intestinal distress.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress. (See part IV. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing activated charcoal:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "Do not take for longer than 1 week or in greater than recommended amounts, except upon the advice of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of activated charcoal be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See part IV, paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

References

(*1*) Yatzidis, H., "Activated Charcoal Rediscovered," *British Medical Journal*, 4:51, 1972.

(*2*) Marino, A. W. M. Jr., H. W. N. Mancini, and A. W. M. Marino Sr., "Colostomy Simplified", *Modern Treatment*, 8:892–908, 1971.

c. *Homatropine methylbromide.* The Panel concludes that homatropine methylbromide is safe for OTC use in the dose noted below, but data are insufficient to demonstrate effectiveness in treating the symptoms of intestinal distress.

(1) *Safety.* In a study to determine the minimal toxic dose of homatropine methylbromide, Berger and Ballinger reported toxicity in individuals ingesting doses ranging from 68 to 273 mg per day (Ref. *1*). This is far in excess of the usually recommended prescribed dosage of 2.5 to 5.0 mg four times daily (Ref. *2*). There was no evidence of toxic or cumulative effects at the smaller dosage of 1 mg three times daily before meals (Ref. *1*).

"Slight cerebral symptoms" have resulted from the use of maximum doses of 20 mg per day, but no cumulative effects have been reported (Ref. *3*). Homatropine methylbromide is about one-half as potent as atropine in its effect on the gastrointestinal tract, and it is claimed to be only one-thirtieth as toxic on the central nervous system (Ref. *4*). Its use is generally accompanied by fewer central nervous system side effects than atropine (Ref. *4*).

The Panel concludes that homatropine methylbromide is safe for OTC use in treating the symptoms of intestinal distress at a maximum dose of 5 mg four times daily.

(2) *Effectiveness.* Homatropine methylbromide is a quaternary ammonium cholinergic blocking agent and is much less active than atropine on the central nervous system. Like homatropine, it is a weaker autonomic blocking agent than atropine. It is used to reduce the motility of the intestinal tract (Ref. *2*).

The Panel is not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of homatropine methylbromide in treating the symptoms of intestinal distress. The effectiveness of atropine-like substances on the motility of the intestinal tract is well recognized and based on this pharmacological action, the Panel concludes that homatropine methylbromide has the potential for this OTC use and, therefore, recommends that it be further tested according to the testing guidelines to determine whether or not it is effective.

(3) *Proposed dosage.* The Panel concludes that homatropine methylbromide is safe for OTC use at a maximum dose of 5 mg four times daily.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress (See part IV. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel recommends that adequate testing of homatropine methylbromide be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

References

(*1*) Berger, A. R., and J. Ballinger, "The Relative Toxicity of Atropine and Novatrine in Man," *American Journal of Medical Sciences*, 214:156–158, 1947.

(*2*) Harvey, S. C., "Antimuscarinic Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 841, 1975.

(*3*) Grollman, A., and E. F. Grollman, "Pharmacology and Therapeutics," 7th Ed., Lea and Febiger, Philadelphia, p. 351, 1970.

(*4*) Krantz, J. C., and C. J. Carr, "The Pharmacologic Principles of Medical Practice," 7th Ed., Williams and Wilkins, Baltimore, p. 404, 1969.

d. *Magnesium hydroxide.* The Panel concludes that magnesium hydroxide is safe for OTC use in the dose noted below, but data are insufficient to demontrate its effectiveness in treating the symptoms of intestinal distress.

(1) *Safety.* If kidney function is normal, magnesium hydroxide is considered safe for use when taken in the dosage noted below.

Magnesium hydroxide is generally considered to be a poorly absorbed antacid. However, absorption of as little at 5 to 10 percent (Ref. *1*) to as much as 15 to 30 percent has been reported (Ref. *2*). It is well known that excessive magnesium blood levels may result from ingestion of magnesium by persons with kidney damage, and, therefore, a warning label should be present on any magnesium hydroxide preparation in which the maximal daily dose exceeds 50 meq of magnesium.

Magnesium hydroxide has the potential for drug interactions with bishydroxycoumarin and related anticoagulants (Ref. *3*) and with tetracycline antibiotics (Ref. *4*). The Panel believes that the consumer should be alerted to the potential for drug interactions and recommends that a warning appear on the label.

(2) *Effectiveness.* The Panel is aware of the antacid and laxative properties of magnesium hydroxide but other action in the intestines is not well established. The Panel recommends further testing according to the testing guidelines to determine whether or not magnesium hydroxide is effective in treating the symptoms of intestinal distress.

(3) *Proposed dosage.* The Panel concludes that the OTC use of magnesium hydroxide is safe in the usual recommended dose of up to 15 mL of a suspension of up to 8.5 percent magnesium hydroxide taken three to four times daily (Ref. *1*). This is equivalent to a total daily dose of up to 5.1 g of magnesium hydroxide, but should not be taken for more than 2 weeks except upon the advice of a physician.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress. (See part IV. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statements be required to appear in the labeling of drug products containing magnesium hydroxide:

(i) "If you are taking other drugs, consult your physician as this drug may interfere with their effectiveness."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except on the advice of a physician."

(iii) *For products containing more than 50 meq of magnesium in the recommended daily dosage.* "If you have kidney disease, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of magnesium hydroxide be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating

OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

References

(*1*) Harvey, S. C., "Gastric Antacids and Digestants," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The Macmillan Co., New York, pp. 964–965, 1975.

(*2*) Dretchen, K., D. Hollander, and J. B. Kirsner, "Roundup on Antacids and Anticholinergics," *Patient Care*, 9:94–114, 1975.

(*3*) Ambre, J. J., and L. J. Fischer, "Effect of Co-Administration of Aluminum and Magnesium Hydroxides on Absorption of Anticoagulants in Man," *Clinical Pharmacology and Therapeutics*, 14:231–237, 1973.

(*4*) Hussar, D. A., "Drug Interactions," *in* "Remington's Pharmaceutical Sciences," 15th Ed., edited by A. Osol and J. E. Hoover, Mack Publishing Co., Easton, PA, p. 1741, 1975.

e. *Pancreatin and pancrelipase.* The Panel concludes that pancreatin preparations (pancreatin or pancrelipase) are safe for OTC use in the dose noted below, but data are insufficient to demonstrate their effectiveness in treating the symptoms of intestinal distress in the absence of a deficiency of pancreatic enzymes.

(1) *Safety.* The Panel has determined that pancreatic preparations (pancreatin or pancrelipase) are safe in the usual daily dosage of up to 14 g of triple strength pancreatin when given in divided doses (Ref. *1*). Side effects of nausea, vomiting, and diarrhea may occur at high doses (Ref. *1*). Because pancreatin preparations (pancreatin or pancrelipase) are obtained mainly from hogs, they should not be used by individuals who are allergic to pork.

(2) *Effectiveness.* The enzymes of the pancreas are obtainable as a preparation known as pancreatin. Pancreatin is an amorphous substance obtained from fresh hog pancreas. It contains principally amylase, protease, and lipase (Ref. *1*). Pancreatin is principally employed in the treatment of conditions in which the secretion of pancreatic juice is deficient. The evidence for effectiveness of pancreatic enzymes as an aid to digestion in the absence of decreased secretion of pancreatic juice is less impressive than when compared with a pancreatic deficiency. Pancreatin was shown to be ineffective in steatorrhea in patients when the condition was due to disease of the small bowel or other conditions in which pancreatic secretion was normal (Ref. *2*). There are numerous reports of improvement in symptoms of intestinal distress following administration of pancreatic preparations (Ref. *3*), but in general these are uncontrolled or poorly controlled studies. Preliminary reports of controlled studies suggest that there may be some benefit, but the evidence is inconclusive (Ref. *3*).

The Panel recommends that pancreatic preparations (pancreatin or pancrelipase) be tested according to the testing guidelines to determine whether or not they are effective in treating the symptoms of intestinal distress, in the absence of a deficiency of pancreatic enzymes.

(3) *Proposed dosage.* The Panel concludes that pancreatic preparations (pancreatin or pancrelipase) for OTC use are safe in the usual and recommended daily dose of up to 14 g of triple strength pancreatin (or its equivalent) when given in divided doses with meals. These preparations may contain variations of the standard pancreatin proportions of amylase, lipase, and protease as defined in the National Formulary.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used to treat the symptoms of intestinal distress where no pancreatic deficiency exists. (See part IV. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following warning statement be required on pancreatin preparations (pancreatin or pancrelipase):

"If you are allergic to pork products, do not take this product."

(5) *Evaluation.* The Panel recommends that adequate testing of pancreatin preparations (pancreatin or pancrelipase) be performed according to the testing guidelines to determine whether or not they are effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.) The Panel considers that individuals with any exocrine pancreatic insufficiency (as shown by usual laboratory tests) should be excluded from intestinal distress testing.

The Panel is aware that pancreatin preparations (pancreatin or pancrelipase) are used extensively in treating patients with a prediagnosed exocrine pancreatic insuffiency. The Panel has prepared a separate document on OTC Exocrine Pancreatic Insufficiency Drug Products published in the **Federal Register** of December 21, 1979 (44 FR 75666).

References

(*1*) "AMA Drug Evaluations," 3d Edition, Publishing Sciences Group, Inc., Littleton, MA, pp. 1085–1086, 1977.

(*2*) Marks, I. N., S. Bank, and E. M. Airth, "Pancreatic Replacement Therapy in the Treatment of Pancreatic Steatorrhoea" *Gut*, 4:217–222, 1963.

(*3*) OTC Volumes 170144, 170145, and 170146.

f. *Simethicone.* The Panel concludes that simethicone is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating the symptoms of intestinal distress.

(1) *Safety.* The Panel concurs with the determination of FDA, as stated in the antiflatulent final monograph (21 CFR 332.10), that simethicone is safe in a maximum daily dosage of 500 mg as an OTC product.

Simethicone is a mixture of dimethylpolysiloxane and approximately 5 percent silica gel. Toxicological studies and the wide use of dimethylpolysiloxane in chemical combination with silica gel for many years without evidence of adverse effects have established its safety for human use (Ref. *1*). This Panel has determined that silica gel is nontoxic in usually ingested amounts (Ref. *2*).

(2) *Effectiveness.* The antifoaming properties of simethicone have been established in vitro (Ref. *3*), and simethicone has been shown to decrease the presence or foam or bubbles found occasionally in the human stomach during gastroscopy (Ref. *4*).

Simethicone has been found to accelerate the transit time of various gases through the intestine but it did not decrease the amount of gas or frequency of passage of gas (Ref. *5*).

Although many papers have been published with the conclusions that simethicone is effective in reducing symptoms attributed to gas in the small and large intestine, of those reviewed only one study was conducted in a well-controlled double-blind manner (Ref. *6*). This double-blind study found simethicone to produce a statistically significant reduction of the symptoms of intestinal bloating, distention, fullness, and pressure.

There is some suggestion that simethicone is effective in relieving the symptoms of post-operative intestinal distress (Ref. *5*). However, since the Panel believes that additional studies are needed to determine the effectiveness of simethicone in treating the symptoms of intestinal distress occurring 30 minutes to several hours after eating, the Panel recommends further testing according to the testing guidelines to determine whether or not simethicone is effective in treating the symptoms of intestinal distress.

(3) *Proposed dosage.* The Panel concludes that a maximum recommended daily dosage of 500 mg is

safe (21 CFR 332.10). The administration of doses should be at appropriate intervals.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress. (See part IV. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel recommends that adequate testing of simethicone be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal distress.)

References

(*1*) Rowe, V. K., H. C. Spencer, and S. L. Bass, "Toxicologic Studies on Certain Commercial Silicones: II. Two Year Dietary Feeding of 'DC Antifoam A' to Rats." *Archives of Industrial Hygiene and Occupational Medicine*, 1:539–544, 1950.

(*2*) OTC Volume 170064.

(*3*) Rider, J. A., "Experience with the Use of a Defoaming Agent in the Treatment of Gastrointestinal Gas" *Annals of the New York Academy of Science*, 150:170–176, 1968.

(*4*) Gasster, M., J. O. Westwater, and W. E. Molle, "Use of Defoaming Agent in Gastroscopy," *Gastroenterology*, 27:652–655, 1954.

(*5*) Danhof, I. E., and J. J. Stavola, "Accelerated Transit of Intestinal Gas with Simethicone," *Obstetrics and Gynecology*, 44:148–154, 1974.

(*6*) Bernstein, J. E., and A. M. Kasich, "A Double-Blind Trial of Simethicone in Functional Disease of the Upper Gastrointestinal Tract," *The Journal of Clinical Pharmacology*, 14:617–623, 1974.

g. *Sodium bicarbonate.* The Panel concludes that sodium bicarbonate is safe for OTC use in the doses noted below, but data are insufficient to demonstrate its effectiveness in treating the symtoms of intestinal distress.

(1). *Safety.* Sodium bicarbonate (baking soda) is an alkalinizing agent which releases carbon dioxide when neutralized by acid. Sodium bicarbonate has a long history of use as an antacid and for the symptomatic relief of upper abdominal distress. It may be used as an ingredient in effervescent preparations in which the alkali is buffered or partially neutralized by an acidic compound. The Panel considers sodium bicarbonate to be safe when used as specified in the dosage section below, and under the labeling restrictions noted.

(2). *Effectiveness.* The Panel is aware of the antacid properties of sodium bicarbonate but its action in the intestines is not well established. The Panel recommends further testing according to the testing guidelines to determine whether or not sodium bicarbonate is effective in treating the symptoms of intestinal distress.

(3). *Proposed dosage.* This Panel concurs with the recommendations of the Advisory Review Panel on OTC Antacid Products, published in the **Federal Register** of April 5, 1973 (38 FR 8714), that a maximum safe daily dosage of preparations containing sodium is 200 meq of sodium for persons under 60 years of age and 100 meq for persons aged 60 years or older (38 FR 8719). Because of the sodium content the dose of sodium bicarbonate should not exceed 16.8 g (200 meq of sodium) per day.

(4). *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress. (See part IV. paragraph A.2. above—Category I labeling.)

The Panel concurs with the recommendation of the Advisory Review Panel on OTC Antacid Products, published in the **Federal Register** of April 5, 1973 (38 FR 8714), that warning statements should be required in the labeling of preparations containing sodium. This Panel recommends that the following warning statements be required in the labeling of products containing sodium:

(i) "If you are 60 years of age or older, the maximum *daily* dose should not exceed 8.4 g (1 heaping teaspoon) of this drug."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(iii). *For products containing more than 5 meq of sodium in the recommended daily dose.* "If you are on a sodium-restricted diet, do not use this product except under the supervision of a physician."

(5). *Evaluation.* The Panel recomends that the adequate testing of sodium bicarbonate be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

h. *Sodium citrate.* The Panel concludes that sodium citrate (sodium salt of citric acid) is safe for OTC use in the doses noted below, but data are insufficient to demonstrate its effectiveness in relieving the symptoms of intestinal distress.

(1) *Safety.* Sodium citrate was reviewed by the Advisory Review Panel on OTC Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Drug Products, in a report published in the **Federal Register** of September 9, 1976 (41 FR 38367), and found to be safe when used within the dosage limitation of 24 g daily. This Panel concurs with the antacid monograph (21 CFR Part 331), which limits the daily sodium intake to 200 meq for persons under 60 years of age and 100 meq for persons 60 years or older.

(2) *Effectiveness.* Commonly, citric acid is formulated in combination with sodium bicarbonate in a solid dosage form. When this combination is dissolved in water, effervescence occurs (carbon dioxide evolves) and the active ingredient, buffered sodium citrate, is produced.

The Panel recommends that sodium citrate be tested according to the testing guidelines in order to determine whether or not it is effective in the treatment of the symptoms of intestinal distress.

(3) *Proposed dosage.* The Panel concludes that a maximum safe daily dose of preparations containing sodium is 200 meq of sodium for persons under 60 years of age and 100 meq for persons aged 60 years and older; therefore, the oral dose of sodium citrate should not exceed 17.2 g daily (200 meq of sodium).

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used in the treatment of the symptoms of intestinal distress. (See part IV. paragraph A.2. above—Category I labeling.)

The Panel concurs with the recommendation of the Advisory Review Panel on OTC Antacid Products published in the **Federal Register** of April 5, 1973 (38 FR 8714), that a warning statement should be required on preparations containing sodium. This Panel recommends that the following warning statements be required in the labeling of preparations containing sodium:

(i) "If you are 60 years of age or older, the maximum *daily* dose should not exceed 8.6 g (1 heaping teaspoon) of this drug."

(ii) "Do not take for longer than 2 weeks or in greater than recommended amounts, except upon the advice of a physician."

(iii) *For products containing more than 5 meq of sodium in the recommended daily dose.* "If you are on a sodium-restricted diet, do not use this product except under the supervision of a physician."

(5) *Evaluation.* The Panel recommends that adequate testing of sodium citrate be performed according to the testing guidelines to determine whether or not it is effective for treatment of the symptoms of intestinal distress. (See

part IV. paragraph D. below—Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress.)

2. *Category III labeling.* The Panel concludes that available data are insufficient to permit final classification of the following claims:

a. "For intestinal gas."
b. "For the distress of intestinal gas."
c. "Digestive aid." (When used as a claimed indication.)
d. "As an aid to digestion."
e. "Assists digestion."
f. "Digestant." (Enzyme-containing products only.)
g. "For relief of indigestion arising 30 minutes to several hours following a meal."
h. "Supplementation of natural digestive enzymes." (Enzyme-containing products only.)
i. "Improved digestion and relief of the discomfort due to excess intestinal gas (including rectal gas)."
j. "A temporary aid in the adsorption of intestinal gas causing flatulence."
k. "To relieve the discomforts of intestinal gas."
l. "As a digestive aid for the temporary relief of the symptoms of gastrointestinal gas (including rectal gas)."
m. "An adsorbent to arrest toxins and/or gas in the intestine which may cause discomfort, cramping, and flatulence."

D. Data Required for Evaluation: Guidelines for Developing Protocols for Evaluating OTC Drugs for the Treatment of the Symptoms of Intestinal Distress

The Panel recognizes that currently there is not available a generally accepted protocol for the testing of drug products used for the treatment of the symptoms of intestinal distress. Further, because of the several categories of drugs marketed for the relief of these symptoms and the different mechanisms of these drugs, the Panel realizes that it is unlikely that a single protocol, that would be appropriate for all of these drugs, can be developed and it did not attempt to produce one. However, the Panel does believe that there are important issues that must be considered to ensure proper evaluation of these drugs and has developed the following guidelines to aid investigators in designing tests of effectiveness. The Panel suggests that deviations from these guidelines be discussed with the appropriate FDA personnel prior to initiation of a study.

1. *Objective(s) of the study.* The primary objective is to determine whether the drug under investigation provides significantly better relief of the symptoms of intestinal distress than a placebo indistinguishable from the drug. If the drug is believed to have a specific mechanism (relief of gas) for which the drug company desires to make a label claim, then the study objectives should include specific reference to that claim. The objectives should be stated in a complete and unambiguous manner.

2. *Study population.* The preferred sample population for the study is one of outpatient subjects who have presented themselves to physicians complaining of symptoms occurring with some regularity and with varying frequency (at least twice weekly) in the absence of organic gastrointestinal disease. The selected sample population should be fully specified and pertinent characteristics should be thoroughly described.

3. *Study setting and investigator.* The Panel prefers the study to be conducted by qualified gastroenterologists in large clinics or academic settings. Other investigators and settings may be acceptable to FDA. The drug company should be prepared to justify deviations from the Panel's suggestion.

4. *Admissibility and exclusion criteria.* In order to exclude all but the functional gastrointestinal problems which give rise to the symptoms being evaluated and also to exclude other potential sources of bias and confounding, subjects should be screened to determine their suitability. A reasonable set of exclusion criteria are:

a. Organic gastrointestinal tract disease or anatomic abnormality.
b. Enzyme deficiency (lactase or pancreatic).
c. Recent intestinal surgery.
d. Sensitivity to the test drug(s).
e. Patients requiring other drug therapy which might confuse the interpretation of the results.
f. Significant recent involuntary weight loss.

If the drug under investigation is believed to have a specific mechanism for which the drug company desires to make a label claim, subjects admitted into the study must be shown to have the appropriate condition. For example, for drugs claiming to relieve gas, it must be shown by appropriate techniques that the subjects in the study have "excess gas" and that this is related to their distress. Later, in order to establish the efficacy claim, it must be shown that the amount of gas is reduced and that relief of the symptoms is related to the reduction.

5. *Study designs.* The study must be a randomized, double-blinded, placebo controlled, crossover design. The Panel also prefers that the study involve a test meal. (See part III. paragraph D.1. above—Guidelines for developing a protocol for evaluating OTC drugs for the treatment of the symptoms of IPPUAD.) The test meal should be given twice as screening meals before the medication stage (drug or placebo) in order to establish that the symptoms can be consistently produced in the study setting and that they last for sufficient time (starting 30 minutes or more after eating and lasting for several hours). The test meal should be given once before the placebo administration and once before the drug administration in order to produce the symptoms for relief by the medication. The test meals should be separated by an adequate number of days to eliminate any carry over effects. Similarly in the crossover, there should be a sufficient "wash-out period" between the placebo and drug administrations.

The Panel realizes that there may be some drugs for which a study involving a test meal may not be appropriate and where a diary study design may be needed. The Panel feels that diary studies contain many problematic elements (patient recall, appropriate length of study, and patient adherence to protocol) and does not recommend them. An investigator who feels that a diary study is needed should be prepared to justify why a study with a test meal would be impossible or inappropriate.

6. *Study variables of effectiveness.* The primary effectiveness variable should be relief of symptoms of intestinal distress. The Panel feels that for test meal studies the most appropriate version of this variable is the dichotomous variable: complete relief of all symptoms within a fixed time period (4 hours after the meal) versus incomplete or no relief within that time period. The Panel, however, also recognizes the validity of degrees of relief (none, some, complete) and the use of composite scores in which each symptom group is rated separately and the ratings are then combined. For these composite scores the Panel recognizes three symptom groups (Group 1—bloating, distention, fullness, pressure; Group 2—excess flatus; Group 3—pain or cramps). For diary studies the composite score adjusted for the pretreatment score is appropriate. Also of use, but on a secondary level, are variables such as investigators' and/or patients' overall evaluations (evaluations made at the end of a study in which the investigator and/or patient is asked to say which medication was more effective).

Wherever possible, objective measurements should be made in preference to subjective judgments. However, such measurements should be

relevant to the symptoms of intestinal distress. Also, as stated previously, in those studies involving drugs for which a label claim concerning a specific mechanism of action is desired, appropriate objective techniques must be used to show that the action does take place and relief of the symptoms is related to it.

7. *Statistical tests and sample size.* Appropriate statistical tests should be used to establish efficacy. Sample sizes should be determined to give a P value of .05 for testing equality in effectiveness of the drug and the placebo, and a sufficiently small probability of error of not detecting a significant clinical superiority of the drug over the placebo. The drug company should be prepared to discuss what it means by a significant clinical superiority.

8. *Number of clinical trials.* Two separate trials, at different geographical sites and performed by different investigators, should be conducted.

The drug company should select study sites which have a patient profile similar to what is believed to be the profile of the sample population. Further, the sample from each site should be representative of the site with respect to important variables (age and sex).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding in Part 357, a new Subpart D, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart D—Digestive Aid Drug Products

Sec.

357.301 Scope.
357.303 Definitions.
357.310 Digestive aid active ingredients for the treatment of immediate postprandial upper abdominal distress. [Reserved]
357.312 Digestive aid active ingredients for the treatment of intestinal distress. [Reserved]
357.350 Labeling of digestive aid drug products.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart D—Digestive Aid Drug Products

§ 357.301 Scope.

(a) An over-the-counter digestive aid drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each condition in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.303 Definitions.

As used in this subpart:

(a) *Aerophagia.* The swallowing of air.

(b) *Immediate postprandial upper abdominal distress.* A symptom complex consisting of the sensations of bloating, distention, fullness, or pressure with upper abdominal discomfort occurring immediately (within 30 minutes) after a meal, excluding symptoms of aerophagia or hyperacidity.

(c) *Intestinal distress.* A syndrome consisting of abdominal discomfort occurring 30 minutes to several hours after a meal. It is self-limiting and not attributable to any known organic disease, nor accompanied by diarrhea or constipation. This syndrome is characterized by one or more of the following symptoms: bloating, distention, fullness, pressure, pain, or cramps.

(d) *Symptom.* Any subjective evidence of a patient's condition, as perceived by the patient.

(e) *Syndrome.* A set of symptoms which occur together; a symptom complex.

§ 357.310 Digestive aid active ingredients for the treatment of immediate posprandial upper abdominal distress. [Reserved]

§ 357.312 Digestive aid active ingredients for the treatment of intestinal distress. [Reserved]

§ 357.350 Labeling of digestive aid drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "digestive aid."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to the following phrases:

(1) *For products containing any ingredient identified in § 357.310 for the treatment of immediate postprandial upper abdoi. inal distress.* (i) "For relief of upper abdominal" (one or more of the following symptoms: "distress," "bloating," "distention," "fullness," and "pressure") "which occurs soon after eating" (optional, "and which may be described as 'gas'.").

(ii) "Relieves the over-full feeling in the upper abdomen which occurs soon after eating."

(iii) *Other allowable statement.* The word "stomach" may be substituted for the words "upper abdomen" or "upper abdominal" in the indications in paragraphs (a)(1) (i) and (ii) of this section.

(2) *For products containing any ingredient identified in § 357.312 for the treatment of intestinal distress.* (i) "For relief of intestinal distress occurring 30 minutes to several hours after eating and often accompanied by complaints of bloating, distention, fullness, pressure, pain, or cramps."

(ii) "For relief of" (one or more of the following symptoms: "Bloating," "distention," "fullness," "pressure," "pain," or "cramps") "sometimes described as 'gas', which occurs 30 minutes to several hours after eating."

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) *For products containing any ingredient identified in § 357.310 for the treatment of immediate postprandial upper abdominal distress.* (i) "If symptoms of upper abdominal distress persist, stop this medication and consult your physician."

(ii) "Do not use this product in children under 12 years of age except under the supervision of a physician."

(2) *For products containing any ingredient identified in § 357.312 for the treatment of intestinal distress.* [Reserved]

(d) *Direction.* [Reserved]

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may

submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-10 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

V
4
7
/
2
J
A
5
8
2

federal register

Tuesday
January 5, 1982

Part IX

Department of Health and Human Services

Food and Drug Administration

Smoking Deterrent Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 357

[Docket No. 81N-0027]

Smoking Deterrent Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of a proposed rulemaking that would establish conditions under which over-the-counter (OTC) smoking deterrent drug products are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on February 23, 1980, a report of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products on smoking deterrent drug products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC smoking deterrent drug products are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel. Although the Panel's report on smoking deterrent drug products for OTC use contains no recommendations for Category I ingredients, the Panel is proposing Category I labeling in this document in the event that data are submitted which result in the classification of any smoking deterrent active ingredient into Category I prior to the publication of a final rule.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC smoking deterrent drug products as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule, final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC smoking deterrent drug products will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC smoking deterrent drug products. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC smoking deterrent drug products should be accompanied by appropriate documentation.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC smoking deterrent drug products submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will

be effective 6 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal drug products to be considered in the OTC drug review. This list, which included smoking deterrent ingredients, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976), Acting Chairman.
John W. Norcross, M.D., Chairman (resigned March 1979).
Ruth Eleanor Brown, R.Ph. (resigned May 1976).
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O. (deceased April 13, 1979).
Samuel O. Thier, M.D. (resigned November 1975).
William R. Arrowsmith, M.D. (appointed March 1976).

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator until July 1979, followed by John R. Short, R.Ph. Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio served as the liaison for the Office of New Drug Evaluation beginning November 1978. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph., until July 1979.

In order to expand its scientific base, the Panel called upon the following consultants for advice in areas which required particular expertise:

Lynn R. Brady, Ph. D. (pharmacognosy).
Arthur E. Schwarting, Ph.D. (pharmacognosy).
Ralph B. D'Agostino, Ph. D. (statistics).

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for smoking deterrent drug products in this document. The review of all other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the **Federal Register**.

The Panel was first convened on January 13, 1975 in an organizational meeting. Meetings at which smoking deterrent drug products were discussed were held on the following dates: March 2 and 3, April 17 and 18, June 2 and 3, September 29 and 30, December 8 and 9, 1979, and February 23 and 24, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

Donald J. Flaster, M.D., was given an opportunity to appear before the Panel to express his views on smoking deterrent drug products at his own request.

No person who so requested was denied an opportunity to appear before the Panel to discuss smoking deterrent drug products.

The Panel has thoroughly reviewed the literature and data submissions, has listened to additional testimony from an interested person, and has considered all pertinent data and information submitted through February 23, 1980 in arriving at its conclusions and recommendations for OTC smoking deterrent drug products.

In accordance with the OTC drug review regulations in § 330.10, the Panel reviewed smoking deterrent drug products with respect to the following three categories:

Category I. Conditions under which OTC smoking deterrent drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC smoking deterrent drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insuficient to permit final classification at this time.

The Panel reviewed 45 smoking deterrent active ingredients and classified no ingredients in Category I, 43 ingredientas in Category II, and 2 ingredients in Category III.

I. Submission of Data and Information

Pursuant to the notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on OTC miscellaneous internal drug products, the following firms made submissions related to products used as smoking deterrents:

A. Submissions by Firms.

Firms and Products

Anti-Tobacco Information Center, Inc., Rouses Point, NY 12979—Nicocortyl tablets.

Campana Corp., Batavia, IL 60510—Bantron tablets.

S.A. Cravotta Co., Arlington, VA 22201—I Quit spray.

Edgefield Corp., Convent, NJ 07961—Tabmint chewing gum.

Health Sciences Associates, Inc., Bethesda, MD 20014—Nicoprive tablets.

B. Ingredients Reviewed by the Panel

1. *Labeled ingredients contained in products submitted to the Panel.*

Alcohol
Ammonium chloride
Calcium phosphate, tribasic
Cloves, ground
Co-carboxylase
Coriander, ground
Cornstarch
Eucalyptus oil
Ginger, ground Jamaica
Gum arabic, powdered
Hawthorne, dry alcoholic extract of
Lactose
Lemon oil, terpeneless
Licorice root extract
Lobelia alkaloids, natural
Magnesium carbonate
Magnesium stearate
Menthol
Methyl salicylate
Nicotinic acid
Pyridoxine hydrochlorate
Quinine ascorbate
Silver acetate
Sodium ascorbate
Sugar
Talc
Thiamine mononitrate
Thymol

2. *Other ingredients.* In addition to those ingredients included in the products submitted to the Panel, the Panel reveiwed the following ingredients which were listed in the **Federal Register** notice of August 27, 1975 (40 FR 38179).

Aloin
Aluminium hydroxide
Belladonna leaves, extract of
Benzocaine
Capsicum
Cascara sagrada, extract of
Chlorophyllins
Cimicifuga
Gentain, solid extract of
Lobelia
Lobeline sulfate
Methapyrilene hydrochloride
Nux vomica, extract of
Potassium gentian root
Potassium nux vomica
Propylene glycol
Silver nitrate
Sodium chloride

C. Classification of Ingredients

1. *Active ingredients.*

Cloves, ground
Coriander, ground
Eucalyptus oil
Ginger, ground Jamaica
Lemon oil, terpeneless
Licorice root extract
Lobeline (in the form of the lobeline sulfate or its pharmacological equivalent as natural lobelia alkaloids or *obelia inflata* herb)
Menthol
Methyl salicylate
Quinine ascorbate
Silver acetate
Thymol

2. *Other ingredients.* The Panel was neither able to locate nor is it aware of any significant body of data demonstrating the safety and effectiveness of the following OTC ingredients when used as smoking deterrents. The Panel, therefore, classifies these ingredients as Category II for this use, and they will not be reviewed further in this document.

Alcohol
Aloin
Aluminium hydroxide
Ammonium chloride
Belladonna leaves, extract of
Benzocaine
Capsicum
Cascara sagrada, extract of
Chlorophyllins
Cimicifuge
Co-carboxylase
Cornstarch
Gentian, solid extract of
Gum arabic, powdered
Hawthorne, dry alcoholic extract of
Lactose
Magnesium strearate
Methapyrilene hydrochloride
Nicotinic acid
Nux vomica, extract of
Potassium gentian root
Potassium nux vomica
Propylene glycol
Pyridoxine hydrechlorate
Silver nitrate
Sodium ascorbate
Sodium chloride
Sugar
Talc
Thiamine mononitrate

3. *Adjuvants.* These are ingredients incorporated in drug products which may aid in the action of the active ingredient. The possible role of these ingredients is discussed below. (See part III. paragraph C.1.a. below—Lobeline.)

Calcium phosphate, tribasic
Magnesium carbonate

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions of Terms

For the purposes of this document the Panel has agreed on the following definitions:

1. *Heavy smokers.* Those persons who smoke at least 20 cigarettes per day.

2. *Long-term, chronic smokers.* Those persons who have smoked cigarettes regularly for at least 5 years.

3. *Recidivism.* Return to previous cigarette smoking pattern.

4. *Smoking deterrent.* A substance which helps one to stop smoking cigarettes.

B. General Discussion

Products have been submitted to the Advisory review Panel on OTC Miscellaneous Internal Drug Products bearing labeling claims "to stop smoking" or "to reduce smoking." However, this document deals solely with OTC smoking deterrent drug products which help one to stop smoking cigarettes. Smoking deterrent drug products, in general, either alter the tobacco taste so that smoking becomes less pleasant to the smoker or substitute a nicotine-like drug in an oral dosage form in an amount sufficient to produce a pharmacological effect that alters the smoker's habit or addiction. The Panel believes that drugs which are purported merely to reduce smoking without the objective of stopping smoking entirely are a waste of the consumer's time and money because of rapid and virtually universal recidivism. The Panel believes

that the willpower and motivation of the consumer are essential for the action of products designed to help the individual reduce or stop smoking.

After tobacco was introduced in Europe by the 16th century explorers returning from North America, its use and cultivation rapidly spread throughout the world (Ref. *1*). In 1623, Sir Francis Bacon observed that "the use of tobacco is growing greatly; it conquers men with a certain secret pleasure so that those who have once become accustomed thereto can hardly be restrained therefrom" (Ref. *1*). Three hundred and fifty-seven years later, the Panel finds no reason to dispute this statement.

Over the years substances such as corn silk, coffee grounds, and dried lettuce leaves have been substituted as smoking material with little acceptance. This leads to the conclusion that there is indeed something in tobacco which imparts a "certain secret pleasure." Of the various substances in tobacco (nicotine, pyridine and other nitrogenous bases, a family of isoprenoid compounds, volatile acids, tarry and phenolic substances, furfural, and acrolein), nicotine, which is believed to have addictive or habit forming properties, is known to exert a strong stimulating effect on the central nervous system and a peripheral stimulating effect on the autonomic nervous system (Ref. *2*).

Attempts by confirmed smokers to stop smoking are as numerous as are the different methods used. There is little evidence supporting a long-term success rate of significant proportion in modifying smoking behavior, whether or not oral medications (tranquilizers, stimulants, or nicotine substitutes) are used, with or without various psychological techniques. Short-term success rates are often found with all techniques. The high rate of resumption of smoking after a period of abstinence is influenced by many factors (personality, psychosocial stress, etc.). These factors are clearly unrelated to the effectiveness of the drug whose purpose is to help the individual break the smoking habit. The responsibility of this Panel is to evaluate only the effectiveness of the drug in helping the person to break the habit.

Since 1969, 29 million smokers have quit smoking, and it is estimated that 95 percent have done so without counseling or a structured program as indicated in the Surgeon General's report on "Smoking and Health" (Ref. *3*). Also it is known that among smokers experiencing a first myocardial infarction, 30 to 50 percent will stop permanently upon minimal advice of a physician. The characteristics of these groups have been little explored.

Some techniques used to help a smoker reduce or stop smoking have been reviewed by the Surgeon General (Ref. *3*) and are briefly summarized by this Panel:

(1) Counseling programs consisting of individual or group therapy have produced 1-year abstinence rates of 13 to 30 percent.

(2) Educational campaigns have reduced cigarette consumption by 20 to 30 percent below its predicted 1975 level.

(3) Proprietary or public service clinics have produced good immediate abstinence rates with approximately 30 percent reporting abstinence at 1 year.

(4) Fifteen to twenty percent of subjects highly susceptible to hypnosis can be expected to have a long-term abstinence from smoking through this technique.

(5) Sensory deprivation techniques have produced a long-term success rate of up to 27 percent in small numbers of subjects.

(6) Behavior modification has had a long-term success rate of approximately 25 percent.

(7) Aversion techniques such as satiation and rapid smoking have been reported to have up to 60 percent of subjects abstinent at 6 months in a few studies. However, these techniques present a considerable cardiovascular risk because of increased nicotine and carbon monoxide in the body. Aversion to smoking through electric shocks has been reported to have a success rate of 80 percent in small numbers of subjects in combination with other treatment methods.

Interpretation of results in many studies involving a change in smoking behavior is difficult because of differences or defects in study design. Many studies have been uncontrolled or poorly controlled, and few have used long-term followups with objective measurements. It also has been impossible to differentiate between "long-term" and "1-year" abstinence. Most reports have been based on unverified self-reporting of the number of cigarettes smoked during a period. Objective methods to measure smoking behavior such as measuring blood levels of nicotine, cotinine (a major metabolite of nicotine), carbon monoxide, and thiocyanate must be included in studies recommended by this Panel because false reporting by persons trying to stop smoking has been confirmed by such methods in several programs involving smoking modification.

Within 5 minutes after smoking, blood levels of nicotine peak and about half of this amount of nicotine is excreted in 30 minutes. Plateau levels are reached in 2 to 3 hours by chronic smokers and the blood is cleared in approximately the same time when smoking is stopped (Ref. *4*). Excretion of nicotine in the urine varies greatly with changes in the urine pH (an acidic urine increases excretion). Urine will be free of nicotine within 12 hours after the individual has stopped smoking. Therefore, blood or urine measurements of nicotine would only confirm that the subject has smoked within the last several hours.

Cotinine, the major metabolite of nicotine, has about one-fiftieth the pharmacologic activity of nicotine. Fifty percent excretion of cotinine occurs in about 30 hours so the presence of cotinine in the blood would indicate that the subject has smoked within the last 5 to 7 days (Ref. *5*).

Carbon monoxide in expired air of smokers is easily and relatively inexpensively measured, and its presence indicates smoking activity within a period of about 12 hours; however, its presence is modified by environmental factors, e.g., living in an area where normal levels of carbon monoxide in the air are higher than average. Therefore, this measurement is not a reliable indication of cigarette smoking activity.

Blood thiocyanate levels indicate exposure to hydrocyanic acid which is present in cigarette smoke in small amounts. Elevated levels are present for approximately 1 month after smoking is stopped. Since certain foods, such as cabbage and brussel sprouts, also cause increased blood levels of thiocyanate, thiocyanate levels by themselves are unreliable as indicators of smoking behavior. A combination of elevated carbon monoxide in expired air and elevated thiocyanate levels is considered proof of smoking activity (Ref. *6*).

The Panel recognizes that a high percentage of recidivism is likely to occur within the first 4 months after stopping smoking (Ref. *7*). The Panel also recognizes that recidivism may occur after stopping smoking for a short time, but the Panel believes that the most difficult time period for an individual to stop smoking is the first few weeks. Although this time is variable, the Panel has selected a period of 3 weeks in order to evaluate the effectiveness of smoking deterrents.

References

(*1*) Brecher, E. M., "Licit and Illicit Drugs," Little, Brown and Co., Boston, p. 209, 1972.

(*2*) Bolle, R. L., and G. D. Koelle, "Ganglionic Stimulating and Blocking Agents," *in* "The Pharmacological Basis of

Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 567–568, 1975.

(3) "Smoking and Health. A Report of the Suregeon General," U.S. Department of Health, Education, and Welfare, DHEW Publication No. (PHS) 79–50066, 1979.

(4) Isaac, P. F., and M. J. Rand, "Cigarette Smoking and Plasma Levels of Nicotine," *Nature*, 236:308–310, 1972.

(5) Zeidenberg, P., et al., "Nicotine: Cotinine Levels in Blood During Cessation of Smoking," *Comprehensive Psychiatry*, 18:93–101, 1977.

(6) Vogt, T. M., et al., "Expired Air Carbon Monoxide and Serum Thiocyanate as Objective Measures of Cigarette Exposure," *American Journal of Public Health*, 67:545–549, 1977.

(7) "Guidelines for Research on the Effectiveness of Smoking Cessation Programs. A Committee Report," National Interagency Council on Smoking and Health, New York, 1974.

C. Labeling

The Panel has carefully reviewed the submitted labeling claims for products promoted as smoking deterrents and has classified them as Category I or Category II. The Panel did not identify any Category III labeling. The Panel realizes that other terms may be developed to express the same Category I indications. However, only those indications and warnings listed under Category I are generally recognized to be acceptable at this time.

In order for any labeling to be acceptable, it must include (1) the indication(s) for use, (2) pertinent warnings and contraindications, and (3) clear directions for use that include the recommended dosage.

The Panel believes that all labeling should be clear, concise, easily read, and understood by most consumers. It has followed this concept in the development of all Category I labeling. The Panel is also concerned about the size and color of the print used in labeling of these and all OTC drug products, and recommends that manufacturers make an effort to design legible labeling.

One of the primary functions of this Panel is to attempt to eliminate confusing labeling claims. Some of the labeling on currently marketed smoking deterrent drug products is unsupported by scientific data and in some cases misleading. The Panel believes that if two ingredients are indistinguishable with regard to effectiveness, it is misleading to claim superiority for one. Accordingly, such labeling has been placed in Category II.

The indications for use should be simply and clearly stated; the directions for use should provide the user with enough information for safe and effective use of the product.

Undocumented or misleading claims such as "does not require any willpower" and colloquial or provincial expressions that have no meaning to most people must not be used. In the labeling, effectiveness shall not be related to the physical characteristics of the product, except as those characteristics may relate to the action of the active ingredients.

The Panel believes that the pharmacological effect of the drug being studied is only temporary and by itself is not sufficient to cause long-term stopping of smoking which instead must result from the smoker's willingness and motivation to refrain from smoking after the use of the drug product is stopped. The Panel believes that claims for long-term effectiveness of the drug are misleading unless documented by studies of adequate duration.

The Panel is aware of the current OTC labeling regulation dealing with warning statements (21 CFR 330.1(g). The Panel concurs with the warning, "Keep this and all drugs out of the reach of children," and believes that it should be incorporated in the smoking deterrent labeling. However, the Panel recommends that the other warning statement required by § 330.1(g) ("In case of accidential overdose, seek professional assistance or contact a Poison Control Center immediately") be revised to read as follows: "In case of accidential overdose, contact a Poison Control Center, Emergency Medical Facility, or Physician immediately for advice." The Panel believes that this revision will be more informative to the consumer.

Because OTC products can be purchased by anyone, it is the view of the Panel that the public generally does not regard them as products which can result in injurious or potentially serious consequences if improperly used. The public needs to be continually alerted to the idea that these products, like all medicine, carry some risk and should be used with caution. The consumer should also be informed of signs or symptoms of known toxicity requiring use of the drug to be discontinued.

In addition, the Panel recommends that the drug product labeling contain instructions for the most effective use of the product. These instructions should be displayed prominently on all package labeling.

The Panel recommends that the label should contain a listing of all ingredients, clearly indicating which are active and which are inactive. Active ingredients should be listed by their established names, and the label should state the quantity of the active ingredient included in a single dose.

D. Combination Policy

The Panel agrees with FDA's general combination policy as stated in § 330.10(a)(4)(iv) (21 CFR 330.10(a)(4)(iv)) and with the agency's "General Guidelines for OTC Drug Combination Products" for which the notice of availability was published in the Federal Register of November 28, 1978 (43 FR 55466). As they apply to the combination smoking deterrent drug products reviewed in this document, the following two sections are particularly appropriate in the Panel's view:

1. The portion of regulation § 330.10(a)(iv) which states,

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each ingredient makes a contribution to the claimed effect(s); * * *, and

2. The portion of FDA's "General Guidelines for OTC Drug Combination Products" which states,

> Category I active ingredients from the same therapeutic category that have the same mechanism of action should not ordinarily be combined unless there is some advantage over the single ingredients in terms of enhanced effectiveness, safety, patient acceptance, or quality of formulation. They may be combined in selected circumstances to treat the same symptoms or conditions if the combination meets the OTC combination policy in all respects, the combination offers some advantage over the active ingredients used alone, and the combination is, on a benefit-risk basis, equal to or better than each of the active ingriendients used alone at its therapeutic dose.

III. Smoking Deterrent Drug Products

A. Category I Conditions

The following are Category I conditions under which smoking deterrent drug products are generally recognized as safe and effective and are not misbranded.

1. *Category I active ingredients.* None.

2. *Category I labeling.* Although the Panel has not classified any ingredients in Category I, it recommends the following Category I labeling for smoking deterrent drug products which contain ingredients found to be generally recognized as safe and effective and not misbranded, as well as any specific labeling discussed in the individual ingredient statements.

a. *Indications.* The product labeling should contain one or more of the following statements:

(1) "A temporary aid to those who want to stop smoking cigarettes."

(2) "Helps you stop the cigarette urge temporarily."
(3) "Helps you stop smoking cigarettes temporarily."
(4) " A temporary aid to breaking the cigarette habit."

b. *Other required statement.* All product labeling must contain the following statement: "This product's effectiveness is directly related to the user's motivation to stop smoking cigarettes."

Other allowable statement. In addition to the above required labeling, the Panel will allow product labeling to contain a descrition [in lay language) of the specific proven mechanism of action of the active ingredients under the heading "Mechanism of Action."

B. Category II Conditions

The following are Category II conditions under which smoking deterrent drug products are not generally recognized as safe and effective or are misbranded.

1. *Category II active ingredient—Quinine ascorbate.* Quinine ascorbate was submitted to the Panel as part of a product which also contains vitamins and a dry alcoholic extract of hawthorne. The subm ssion to the Panel did not identify the ac ive ingredient(s). However, the Panel assumes that the quinine ascorbate is the intended active ingredient and concludes that it is safe in the dose noted below, but is not generally recognized as an effective smoking deterrent.

(1) *Safety.* The Panel found quinine ascorbate to be discussed only in the Merck Index (Ref. *1*), and only as a chemical. No discussion of any pharmacological action could be found other than as quinine. The usual daily dose of quinine (calculated as the sulfate salt) is 650 milligrams (mg) every 8 hours which greatly exceeds the manufacturer's suggested daily dose for quinine ascorbate of 8 mg taken 8 times a day as a smoking deterrent (Ref. *2*).

Ascorbic acid (vitamin C), and ascorbate salts (ascorbyl palmitate, calcium ascorbate, niacinamide ascorbate, and sodium ascorbate), were reviewed by the Advisory Review Panel on OTC Vitamin, Mineral, and Hematinic Drug Products and its conclusions were published in the Federal Register of March 16, 1979 (44 FR 16126). That Panel found that doses of vitamin C in excess of 1 gram (g) may produce increased excretion of oxalate, uric acid, and calcium, which in turn may enhance the risk of crystal formation in the kidney and bladder (44 FR 16140). But that Panel concluded that a maximum safe daily dose is 500 mg (44 FR 16141), which greatly exceeds the possible dose from quinine ascorbate used as a smoking deterrent.

Ascorbic acid and ascorbate salts are common articles of the diet and are sometimes consumed in large doses by the American public. The Panel, therefore, considers that quinine ascorbate is safe when used at a dose of 8 mg taken eight times daily as a smoking deterrent.

Since quinine is generally recognized as safe and since ascorbic acid and ascorbate salts are generally recognized as safe, the Panel concludes that quinine ascorbate is generally recognized as safe for OTC use as a smoking deterrent.

(2) *Effectiveness.* The effectiveness of quinine ascorbate as a smoking deterrent is not substantiated in the submission (Ref. *2*). Reference to its use as a smoking deterrent could not be found in any scientific literature, and no references to such literature were included in the submission. There is no indication from the clinical results reported that the "studies" are any more than testimonials and are not compatible with recognized standards of adequate and well-controlled clinical investigations. Quinine ascorbate was incorporated in a clinical study submitted by another firm (Ref. *3*); however, due to limited conclusions that could be drawn from the statistical analysis, its efficacy in that study could not be determined. (See part III. paragraph B.2.a. below—Licorice root extract, ground coriander, ground ginger (Jamaica), ground cloves, lemon oil (terpeneless), and orange oil.) Furthermore, the Panel is not aware of quinine ascorbate ever being marketed in this country as a smoking deterrent. Therefore, the Panel concludes that quinine ascorbate is not generally recognized as an effective smoking deterrent.

(3) *Evaluation.* The Panel concludes that quinine ascorbate is generally recognized as safe, but it is not generally recognized as an effective smoking deterrent.

The combination product containing this ingredient has never been marketed in the United States. The Panel considers the entire combination irrational since no effectiveness has been demonstrated for the quinine ascorbate, the vitamins most likely would have no effect as a smoking deterrent, and the Panel has not been able to find any reference to the use of hawthorne extract as a smoking deterrent.

References

(*1*) "Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 1048, 1976.
(*2*) OTC Volume 170001.
(*3*) OTC Volume 170169.

2. *Category II combinations.*

Licorice root extract, ground coriander, ground ginger (Jamaica), ground cloves, lemon oil (terpeneless), and orange oil
Methyl salicylate, eucalyptus oil, menthol, and thymol.

a. *Licorice root extract, ground coriander, ground ginger (Jamaica), ground cloves, lemon oil (terpeneless), and orange oil.* The Panel concludes that a combination of these spices and flavors is safe for OTC use in the doses noted below, but it is not generally recognized as an effective smoking deterrent.

(1) *Safety.* These common spices and essential oils are generally recognized as safe for human use as food additives in §§ 182.10 and 182.20 (21 CFR 182.10 and 182.20). The Panel realizes that the concentration of the ingredients in this type of formulation will be greater than that used as a food additive. This would be necessary in order for the product to achieve its intended purpose of overwhelming the gustatory and olfactory senses. The Panel believes that the margin of safety of these ingredients is wide enough so that quantities in excess of those used as food flavors may be safely used in smoking deterrent drug products.

In review of the formulation submitted to the Panel as a smoking deterrent, the Panel does not consider the concentration of any of the ingredients to pose a safety problem when used as a smoking deterrent and, therefore, concludes that the entire formulation is generally recognized as safe for OTC use as a smoking deterrent.

(2) *Effectiveness.* The recommended use for this combination of spices and essential oils involves sucking on a tablet whenever there is a desire to smoke. These ingredients are claimed to act as physiological satisfiers of the gustatory and olfactory senses by overwhelming them while simultaneously satisfying the physical sensation of oral gratification.

Only one clinical study (Ref. *1*) was submitted to the Panel, and the Panel is not aware of any others. This study involves the comparative testing of the spice and essential oil formulation (Formula I) and a quinine ascorbate formulation (Formula II) as smoking deterrents. All subjects received "support therapy" which included medical supervision and medications for other conditions as necessary. Seventy-four individuals were assigned to one of three drug therapy groups as follows:

(1) Formula I plus support therapy (41 individuals),

(2) Formula II plus support therapy (19 individuals), and

(3) Formula I and Formula II plus support therapy (14 individuals).

Results of the study show that 30 (73.2 percent) of the individuals in group (1) reduced their cigarette consumption by more than 50 percent, along with 13 (68.4 percent) in group (2), and 9 (64.3 percent) in group (3). The numbers and percentages for those who stopped smoking in each group are 10 (24.4 percent), 3 (21.1 percent), and 3 (21.4 percent), respectively.

The Panel found several problems with this study. The study was neither placebo-controlled nor double-blind. Subjects were not randomly assigned to groups. Support therapy was provided for each group. Because of these problems, conclusions drawn from any statistical analysis of the study are extremely limited. It is appropriate to conclude that with regard to reduction (by more than 50 percent) and stopping of smoking there are no statistically significant differences among the 3 groups. However, the Panel was unable to provide any conclusions or statements on the effectiveness of the spice and essential oil formulation (or any of the other drug groups) because there was no information which allowed the Panel to differentiate between the effects of the drug(s) and the effects of the support therapy.

(3) *Evaluation.* The Panel concludes that the combination of spices and essential oils mentioned above is generally recognized as safe for OTC use when used in doses intended as a smoking deterrent, but it is not generally recognized as an effective smoking deterrent.

Reference

(1) OTC Volume 170169.

b. *Methyl salicylate, eucalyptus oil, menthol, and thymol.* The Panel concludes that a combination of methyl salicylate, eucalyptus oil, menthol, and thymol is safe for OTC use in doses used as a smoking deterrent, but is not generally recognized as an effective smoking deterrent.

(1) *Safety.* Eucalyptus oil, menthol, methyl salicylate, and thyme oil (contains 20 to 30 percent thymol) have been classified by the National Academy of Sciences (Ref. *1*) as flavoring agents for foods. In addition, eucalyptol (eucalyptus oil contains not less than 70 percent of eucalyptol), menthol, and thymol are permitted by FDA as food additives (synthetic flavoring substances) when used in the minimum quantities required to produce their intended effect (21 CFR 172.515).

Since methyl salicylate is the only one of these four ingredients not specifically permitted as a food additive by FDA regulations, the Panel felt obligated to review its toxicity. Methyl salicylate toxicity is similar to that of other salicylate preparations, such as aspirin and sodium salicylate. The minimum lethal dose for children is 4 milliliters (mL) (Ref. *2*). The fact that it is a liquid with a pleasant aroma makes it very attractive and increases its potential for consumption by children.

Davison et al. (Ref. *3*) were able to demonstrate that methyl salicylate is quickly hydrolyzed to free salicylate in animals and man and therefore concluded that toxicity is due to free salicylate and not to the unhydrolyzed methyl ester (methyl salicylate). Results of their study show negligible plasma levels of methyl salicylate in dogs and rats 60 minutes after administration, whereas 21 percent of the total salicylate in human plasma was still present as methyl salicylate after 90 minutes. This more rapid hydrolysis of methyl salicylate in animals (dogs and rats) probably explains the greater toxicity of methyl salicylate in these animals as compared to humans and substantiates the conclusion that methyl salicylate toxicity is due to free salicylate.

In review of the formulation submitted (Ref. *4*) to the Panel as a smoking deterrent, the toxicity of the methyl salicylate component is not considered to be a risk because of the small amount included. Therefore, the product itself is generally recognized as safe for its intended OTC use as a smoking deterrent.

(2) *Effectiveness.* No clinical studies were submitted for this combination of ingredients, and the Panel was unable to find any reference to clinical studies in the literature since this combination of ingredients has not been marketed in the United States as a smoking deterrent. There were merely a few testimonials in the material submitted to the Panel (Ref. *4*). The Panel concludes that a combination of methyl salicylate, eucalyptus oil, menthol, and thymol is not generally recognized as an effective smoking deterent.

(3) *Evaluation* The Panel concludes that a combination of methyl salicylate, eucalyptus oil, menthol, and thymol is generally recognized as safe for OTC use when used in doses intended as a smoking deterrent, but it is not generally recognized as an effective smoking deterrent.

References

(*1*) "Food Chemicals Codex." 2d Ed., Committee on Specifications of the Committee on Food Protection, National Research Council, National Academy of Sciences, Washington, 1972.

(*2*) Woodbury, D. M., and E. Fingl, "Analgesic-Antipyretics Anti-inflammatory Agents, and Drugs Employed in the Therapoy of Gout," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, p. 336, 1975.

(*3*) Davison, C., et al., "On the Metabolism and Toxicity of Methyl Salicylate," *Journal of Pharmacology and Experimental Therapeutics*, 132:207–211, 1961.

(*4*) OTC Volume 170168.

3. *Category II labeling.* The Panel concludes that the following labeling claims are either unsupported by scientific data or are misleading. Claims of reduction in smoking rather than stopping are included in this list because the Panel does not consider reduction a satisfactory achievement due to rapid and virtually universal recidivism. The claims listed below and other related terms are classified as Category II labeling for smoking deterrent drug products:

a. "A tempoorary aid to cut down on smoking."

b. "An aid to those who want to reduce the smoking habit."

c. "Curbs the tobacco urge."

d. "Helps to stop smoking without requiring will power."

C. Category III Conditions.

The following are Category III conditions for which the available data are insufficient to permit final classification at this time.

1. *Category III active ingredients.*

Lobeline (in the form of lobeline sulfate or its pharmacological equivalent as natural lobelia alkaloids or *Lobelia inflata* herb).

Silver acetate.

a. *Lobeline (in the form of lobeline sulfate or its pharmacological equivalent as natural lobelia alkaloids or* Lobelia inflata *erb).* The Panel concludes that lobeline sulfate is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness as a smoking deterrent.

(1) *Safety.* Lobeline is an alkaloid obtained from *Lobelia inflata.* Lobeline is normally employed as the sulfate salt, but the less purified forms of the ingredient, i.e., natural lobelia alkaloids or *Lobelia inflata* herb, may be used in amounts that contain pharmacologically equivalent amounts of lobeline. The neuropharmacologic actions of lobeline are similar to those of nicotine but much weaker, and its principal effects are considered to be due to its action on the

autonomic ganglia, vomiting center, and respiratory center (Ref. *1*). From a single dose of 8 mg lobeline sulfate the most frequent symptoms reported (Ref. *1*) include gaseous eructations (belching), epigastric pain (stomach ache), severe heartburn, nausea, vomiting, and faintness. Few symptoms have been reported following doses of 2 mg three times a day. Rapp (Ref. *2*) found no significant changes in blood pressure, pulse, or respiration during a 10-day treatment using 6 mg lobeline sulfate (2 mg three times daily), when given in combination with antacids, in 23 healthy subjects between the ages of 17 and 43.

Rapp, Dusza, and Blanchet (Ref. *3*) claimed that tribaasic calcium phosphate and magnesium carbonate in doses of 130 mg each served as antacid adjuvants to increase the absorption of 2 mg lobeline sulfate and enhance the blood levels. To date this has not been independently confirmed. A single dose (2 mg) of the buffered product was found to have no more effect on blood pressure, pulse, respiratory rate, digital skin temperature, or gastric symptoms than a starch placebo (Ref. *4*). Studies designed to demonstrate effectiveness have not reported any evidence of clinical toxicity resulting from up to 6 weeks of use (Refs. *3* through *14*). No chronic toxicity studies have been made available to the Panel.

The Panel, therefore, concludes that lobeline sulfate is safe for OTC use at a dose of 2 mg up to three times a day for no longer than 6 weeks. Any claim for longer use would require chronic toxicity studies.

(2) *Effectiveness.* Although Rapp, Dusza, and Blanchet (Ref. *3*) found that the blood level of lobeline sulfate, when given in combination with antacids, was directly related to success in curbing smoking in 28 smokers who wanted to quit smoking, this has not been substantiated by other double-blind, placebo-controlled studies. There was a 74-percent reduction in the number of cigarettes smoked and a 57-percent reduction in the amount of tobacco consumed. The effective level was reported to be around 100 to 140 micrograms (μg) per 100 mL of blood. They also reported that the 25 subjects who did not want to stop smoking reduced the amount of tobacco consumed by 62 percent while there was actually an increase (by 7 percent) in the number of cigarettes smoked.

In a placebo-controlled study of 200 chronic smokers, Rapp and Olen (Ref. *4*) reported that more than 80 percent of the individuals on the drug had stopped smoking at the end of 5 to 6 days. A dose of 2 mg of the buffered lobeline sulfate was given three times a day. Less than 10 percent had stopped smoking when taking the placebo.

In addition to the Rapp studies mentioned above, the Panel was able to locate 10 other placebo-controlled studies (Refs. *5* through *14*). In only two of these (Refs. *10* and *11*) was lobeline significantly more effective than the placebo in aiding subjects to stop smoking. The other eight studies were all noncorroborative, possibly due to design defects in some of them. However, one of these (Ref. 5) employed the same study design as used in the Rapp and Olen study (Ref. *4*), but was unable to demonstrate the effectiveness of lobeline.

Since studies on lobeline sulfate as a smoking deterrent have shown conflicting results, the Panel concludes that further testing should be performed according to the testing guidelines to determine whether or not it is effective. (See part III. paragraph D. below—Data Required for Evaluation.)

(3) *Proposed dosage.* The Panel concludes that lobeline (in the form of lobeline sulfate or its pharmacological equivalent in terms of natural lobelia alkaloids or *Lobelia inflata* herb) is safe for OTC use in a dose of 2 mg up to three times a day.

(4) *Labeling.* The Panel recommends the Category I labeling for smoking deterrents. (See part III. paragraph A.2. above—Category I labeling.) In addition, because of a lack of chronic toxicity studies, the Panel recommends the following warning: "Do not use this drug for longer than 6 weeks." Any claim for longer use would require chronic toxicity studies.

(5) *Evaluation.* The Panel finds lobeline (in the form of lobeline sulfate or its pharmacological equivalent in terms of natural lobelia alkaloids or *Lobelia inflata* herb) safe for OTC use in the dosage described above, but recommends that testing of this ingredient be done according to the testing guidelines to determine whether it is effective. (See part III. paragraph D. below—Data Required for Evaluation.) These studies may be done with or without an appropriate buffer (antacids), but, if buffers are used, the protocol should be designed to show the effect of the buffer.

References

(*1*) Wright, I. S., and D. Littauer, "Lobeline Sulfate. Its Pharmacology and Use in Treatment of the Tobacco Habit," *Journal of the American Medical Association*, 109:649–654, 1937.

(*2*) OTC Volume 170038 (Section IV. c (3)).

(*3*) Rapp, G. W., B. T. Dusza, and L. Blanchet, "Absorption and Utilization of Lobeline as a Smoking Deterrent," *American Journal of Medical Sciences*, 237:287–292, 1959.

(*4*) Rapp, G. W., and A. A. Olen, "A Critical Evaluation of a Lobeline Based Smoking Deterrent," *The American Journal of Medical Sciences*, 230:9–14, 1955.

(*5*) Barlett, W. A., and R. W. Whitehead, "The Effectiveness of Meprobamate and Lobeline as Smoking Deterrents," *Journal of Laboratory and Clinical Medicine*, 50:278–281, 1957.

(*6*) Rosenberg, A., "An Attempt to Break the Smoking Habit," *Applied Therapeutics*, 4:1029–1033 and 1064, 1962.

(*7*) Scott, G. W., et al., "Buffered Lobeline as a Smoking Deterrent," *Lancet*, 1:54–56, 1962.

(*8*) Merry, J., and G. Preston, "The Effect of Buffered Lobeline Sulphate on Cigarette Smoking," *Practitoner*, 190:628–631, 1963.

(*9*) "Smoking Deterrent Study—A Report from the Research Committee of the British Tuberculosis Association," *British Medical Journal*, 2:486–487, 1963.

(*10*) Perlstein, I. B., "Smoking Deterrent Therapy in Private Practice," *in* "The First Annual M. R. Thompson Symposium on Recent Advances in the Medical Aspects of Smoking," Matthew Publishing Co., New York, pp. 40–45, 1964.

(*11*) London, S. J., "Clinical Evaluation of a New Lobeline Smoking Deterrent," *Current Therapeutic Research*, 5:167–175, 1963.

(*12*) Edwards, G., "Double-Blind Trial of Lobeline in an Anti-Smoking Clinic," *Medical Officer*, 112:158–160, 1964.

(*13*) Leone, L. A., et al., "A Study of the Effectiveness of the Smoking Deterrence Clinic," *Rhode Island Medical Journal*, 51:247–257, 269, 1968.

(*14*) Ross, C. A., "Smoking Withdrawal Research Clinics," *American Journal of Public Health*, 57:677–681, 1967.

b. *Silver acetate.* The Panel concludes that silver acetate is safe for OTC use in the dose noted below, but data are insufficient to demonstrate its effectiveness as a smoking deterrent.

(1) *Safety.* Silver acetate is one of the soluble silver salts which, with the exception of silver nitrate, have no known undesirable effects other than discoloration of the tissues, particularly the skin. Extensive animal studies in doses several times the human dose showed no evidence of any systemic effect other than staining of the tissue by the deposited silver (Ref. *1*). The Panel is unaware or any reports of toxicity in humans other than the discoloration. One reference (Ref. *2*). states:

Silver appears to have a very low systemic toxicity. Chronic exposure to silver salts may cause argyrism (a permanent bluish discoloration of the skin or mouth) which appears to be solely of cosmetic concern. The famous "blue man" of the Barnum & Bailey Circus was said to have a total silver body burden of 90 to 100 gm. without obvious deleterious symptoms.

(2) *Effectiveness.* Silver salts are said to affect the mucous membrane of the mouth in such a way that when tobacco smoke comes in contact with these salts a nasty metallic sweet taste is produced, the effect lasting for up to 4 hours. Because of this, smoking becomes less desirable, and the individual is said to be able to reduce the number of cigarettes smoked per day.

The results of three placebo-controlled studies were submitted to support the effectiveness claim for silver acetate (Refs. *3* through *6*). The Rosenberg study was a 2-week double-blind parallel sample study involving 60 volunteers (30 in the silver acetate group and 30 in the placebo group) (Ref. *3*). This study was supplemented by Ref. *4*. In this and the other two studies cited, a chewing gum dosage form was used in order to keep the silver acetate present in the oral cavity for a relatively long period. Subjects were asked to keep a daily record of the number of cigarettes smoked each year. Weekly results were mailed or telephoned in to investigators. By the end of the 2 weeks, 11 of the 30 in the silver acetate group reported that they had stopped smoking. The difference between the stopping rates of the silver acetate and placebo group in statistically significant (p less than 0.05). The Panel believes that smoking behavior data that are reported by subjects either by telephone or by mail are not scientifically sound unless confirmed by objective measures or personal interviews. The Panel concludes that the Rosenberg study does suggest effectiveness, but does establish it.

Arvidsson (Ref. *5*) also conducted a 2-week double-blind parallel sample study. It involved 50 subjects (25 in the silver acetate group and 25 in the placebo group). Results were evaluated by comparing the mean number of cigarettes smoked on the 13th and 14th days for each group. These means were 10.6 and 18.4, for the silver acetate group and the placebo group, respectively, and the difference of 7.8 cigarettes per day is claimed to be statistically significant (p is less than 0.001). No details are given regarding the number of subjects who stopped smoking nor how the data on the number of cigarettes smoked were obtained. Again, the Panel considers this study only suggestive of effectiveness.

The third placebo-controlled study submitted was conducted by Schmidt (Ref. *6*) and consisted of 1,000 subjects who volunteered to enter a stop smoking study announced in the press and on the radio. Of the 1,000 subjects, 500 were assigned, in a double-blind fashion, to silver acetate and the other 500 to a placebo. Preparations were mailed to the subjects. Four or five weeks after this mailing, each test participant received a "validation" questionnaire. Of the 1,000 test participants, 796 returned the questionnaire. Of these, 617 questionnaires were usable (316 in the silver acetate group and 301 in the placebo group). Ninety-eight of the 316 (31.0 percent) in the silver acetate group and 75 of the 301 (24.9 percent) in the placebo group reported complete stopping of smoking. This difference is marginally significant ($p = 0.09$). No attempts to obtain information concerning stopping of smoking in the nonrespondents were attempted. While information obtained in the manner of the Schmidt study can be helpful, the Panel does not believe it can serve as a substitute for results from a well-controlled clinical study. Such a study would result from following the proposed guidelines for determining the effectiveness of OTC smoking deterrents as indicated below under "Evaluation."

(3) *Proposed dosage.* The Panel recommends a dosage of up to 6 mg silver acetate in a chewing gum every 4 hours, with not more than 6 such doses in a 24-hour period.

(4) *Labeling.* The Panel recommends the Category I labeling for OTC smoking deterrents. (See part III, paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following *"Warning"* be included in the labeling: "*Warning.* Do not use this product for longer than 3 weeks. Frequent or prolonged use of this medication may result in permanent discoloration of the skin or mouth."

(5) *Evaluation.* The Panel finds silver acetate safe for OTC use in the dosage described above, but recommends that testing of this ingredient be performed according to the testing guidelines to determine whether it is effective. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(*1*) OTC Volume 170129 (Section III).

(*2*) "Clinical Toxicology of Commercial Products," 4th Ed., edited by Gosselin, R.E., et al., The Williams and Wilkins Co., Baltimore, Section II, p. 101, 1976.

(*3*) Rosenberg, L. A. "An Investigation of the Effectiveness of Tabmint, an Anti-Smoking Chewing-Gum", in section V.2., OTC Volume 170129.

(*4*) OTC Volume 170178.

(*5*) Arvidsson, T., "A Double Blind Investigation of the Effectiveness of Tabmint, an Anti-Smoking Chewing Gum," in section V.3., OTC Volume 170129.

(*6*) Schmidt, F., "Tabacco Cure by Means of Anti-Smoking Chewing Gum in a Double Blind Test," in OTC Volume 170178.

2. Category III labeling. None.

D. Data Required for Evaluation.

Guidelines for developing protocols for evaluating OTC smoking deterrents. The Panel recognizes that a generally accepted protocol for the evaluation of drugs used as smoking deterrents is not available. Further, because of the different mechanisms of action of smoking deterrents and because of the numerous other techniques (counseling and behavior modification) often used jointly with these drugs, it is impossible to develop a single protocol that would be universally appropriate. However, given the numerous methodological problems associated with attempting to evaluate these products (Refs. *1* and *2)* and considering the contradictory published results (Ref. *3*) regarding the effectiveness of these drugs and smoking withdrawal programs in general, it is imperative that well-controlled clinical trials be performed to evaluate these drugs. In designing these trials important issues must be considered carefully in order to ensure proper evaluation. To this end the Panel has developed the following guidelines to aid investigators in designing tests of effectiveness. The Panel suggests that deviations from these guidelines should be discussed with appropriate FDA personnel prior to initiating a study.

Other useful guidelines exist (Ref. *2*), but they are broader in scope than the Panel's guidelines. They deal with the evaluation of stop-smoking programs in general and not with just the evaluation of smoking deterrent drugs. Further, they deal with attempts to evaluate the effects of the various techniques in studies involving samples from the full target population (all cigarette smokers rather than long-term chronic cigarette smokers). Such studies often involve large numbers of subjects, but the Panel believes small scale, double-blind, placebo-controlled studies employing a sample population of chronic cigarette smokers who are motivated to stop smoking are sufficient to demonstrate drug effectiveness. The Panel's guidelines concern such studies.

1. *Objective of the study.* The primary objective is to determine the effectiveness of the drug under study in aiding individuals to stop smoking. The claim for some smoking deterrents is that they will aid in reducing smoking but not necessarily in stopping it. The Panel does not accept the premise that a temporary reduction in smoking has any lasting benefit and believes that it should be possible in a well-controlled study to demonstrate that a drug is

effective in aiding a significant number of individuals to stop smoking.

2. *Sample population.* The preferred sample population for the study is the population of long-term, chronic cigarette smokers who are presently heavy smokers, are motivated to stop, and have good expectations concerning the ability of drugs to be effective in aiding a person to stop smoking. "Long-term, chronic" should be taken to mean smoking regularly for at least 5 years, and "heavy smokers" should be taken to mean smoking at least 20 cigarettes per day.

If the drug is effective, it can be expected that the effectiveness should be demonstrable in the sample population described above. This population eliminates many of the problems, such as variable smoking experience, lack of motivation, and skepticism on the part of the subjects that often confound stop-smoking studies.

For any particular study the selected sample population should be fully specified and smoking habits should be thoroughly described.

3. *Study setting and investigators.* The study should be conducted by qualified investigators in clinical centers, academic settings, or private practices. The important component is the qualification of the investigator.

4. *Admissibility and exclusion criteria.* The study subjects must satisfy all the criteria of the sample population. That is, subjects must be long-term, chronic cigarette smokers who are presently heavy smokers, are well motivated, and have good expectations concerning drug effectiveness. In addition, the subjects should:

a. Be in apparent good health,

b. Have no known sensitivity to the test drug,

c. Have significantly elevated levels of carbon monoxide and thiocyanate (or nicotine and cotinine) as determined by objective measures at the beginning of the study,

d. Not have participated in similar studies within the past year,

e. Not be taking other medications, including OTC medications, which might influence the response of the subject in the study, and

f. Be able to comprehend instructions and adhere to the study protocol (take drug as required by the protocol and keep track of daily consumption of cigarettes and other tobacco products).

5. *Variables to measure in the pretest period.* Prior to giving the test medication, basic information on the subject should be obtained. This is required not only to decide upon admissibility into the study but also to use a reference point for evaluating effectiveness. The pretest variables should include:

a. Age (exact, not categorized),

b. Sex,

c. Age when started to smoke with some degree of regularity, not counting any earlier, sporadic experimentation with cigarettes,

d. Current daily rate of cigarette smoking when entering treatment and use of other tobacco products, if any (exact number of cigarettes should be requested),

e. Appropriate objective measurements (carbon monoxide and blood thiocyanate levels) should be taken at two different pretest times,

f. Education,

g. Previous attempts to stop smoking (number of attempts, time since last attempt, degree of success at last attempt, number of times systematic help sought (a smoking clinic)),

h. Motivation (desire and commitment to stop),

i. Level of expectation concerning the ability of drugs to be effective in aiding a person to stop smoking,

j. Attitudes towards smoking, and

k. Knowledge of detrimental effects of smoking.

6. *Study design.* The study design must be randomized, double-blinded, and placebo-controlled. A parallel sample design appears to be preferred over a crossover design. Since a successful treatment with an effective drug results in stopping smoking, the subject does not necessarily return to smoking after the treatment period. Crossover designs are employed usually in situations where there is a return of the subject to smoking.

7. *Length of the study.* The length of the study should be at least 4 weeks: 1 week of pretest and at least a 3-week study period. It is not necessary that the drug be taken for 3 weeks. However, an evaluation of effectiveness should take place at least 3 weeks after the drug was started. Any difference between the drug and placebo for periods shorter than this may be statistically significant, but cannot be considered clinically significant.

8. *Variables to measure during the study.* A daily diary should be kept in which is recorded:

a. The amount and times of taking the test drug,

b. The number of cigarettes smoked each day,

c. Any significant change in lifestyle or environment which results in an increased or decreased exposure to carbon monoxide, and

d. The use of any other tobacco product.

9. *Effective measures.* The only effectiveness variable is to stop smoking. In computing the proportion of those who stop smoking the denominator should be all those who were originally in the study group (placebo or drug) and not just those completing the study. Absolute levels of and changes in baseline objective measurements are essential. Data should be obtained from the subjects in a face-to-face interview and should not be obtained via mailings or telephone conversations.

10. *Statistical tests and sample sizes.* Appropriate statistical tests should be used to establish effectiveness. The analysis comparing the drug and placebo groups should include at least the "two independent sample difference in proportions test" where the dependent variable is the dichotomous variable, "cessation of smoking or not" (Ref. *4*). In addition, analyses of the objective data (carbon monoxide and thiocyanate levels) are imperative. Also, analyses investigating the relation of stopping smoking to age, sex, education, etc. should be performed. Statistical analyses techniques such as logistic regression are appropriate here.

Sample sizes for the drug and placebo groups should be determined to give a p value of 0.05 for testing equality of effectiveness of the drug and placebo and a sufficiently small probability of error of not detecting a significant clinical superiority of the drug over the placebo (a Type II error of 0.2). The drug company should be prepared to discuss what it means by a significant clinical superiority, of the drug over the placebo (a Type II error of 0.2). The drug company should be prepared to discuss what it means by a significant clinical superiority.

11. *Followup.* Effectiveness should be established at the end of 3 weeks. If a claim for long-term effectiveness is made, the smoking status of the subjects should be evaluated at the end of 4 months. Recidivism is greatest within 4 months (Ref. *2*), and this followup will indicate long-term effectiveness of the treatment. The Panel recommends but does not require that there be a 4-month followup of all subjects.

12. *Drop-outs.* The entire study population must be accounted for at all points of data collecting, including the followup. Persons who cannot be reached for evaluation should be counted as failures (smokers), rather than assuming that those who respond are representative of the total study group.

13. *Number of clinical trials.* Two separate trials should be conducted by

different investigators at different geographical sites. The samples from each of these sites should be representative of the sample population.

References

(*1*) "Smoking and Health. A Report of the Surgeon General," U.S. Department of Health, Education, and Welfare, DHEW Publication No. (PHS) 79–50066, 1979.

(*2*) "Guidelines for Research on the Effectiveness of Smoking Cessation Programs. A Committee Report," National Interagency Council on Smoking and Health, New York, 1974.

(*3*) Schwartz, J. L., "A Critical Review and Evaluation of Smoking Control Methods," *Public Health Reports*, 84:483–506, 1969.

(*4*) Dixon, W. J., and F. J. Massey, Introduction to Statistical Analysis, 3d Ed., McGraw-Hill, New York, p. 249, 1969.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554,702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981)), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding in Part 357, a new Subpart G, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart G—Smoking Deterrent Drug Products

Sec.

357.601 Scope.
357.603 Definitions.
357.610 Smoking deterrent active ingredients. [Reserved]
357.650 Labeling of smoking deterrent drug products.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321 (p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

SUBPART G—SMOKING DETERRENT DRUG PRODUCTS

§ 357.601 Scope.

(a) An over-the-counter smoking deterrent drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.603 Definition.

As used in this subpart:

Smoking deterrent. A substance which helps one to stop smoking cigarettes.

§ 357.610 Smoking deterrent active ingredients. [Reserved]

§ 357.650 Labeling of smoking deterrent drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "smoking deterrent."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to one or more of the following statements:

(1) "A temporary aid to those who want to stop smoking cigarettes."

(2) "Helps you stop the cigarette urge temporarily."

(3) "Helps you stop smoking cigarettes temporarily."

(4) "A temporary aid to breaking the cigarette habit."

(5) *Other required statement.* The labeling of the product contains the following statement: "This product's effectiveness is directly related to the user's motivation to stop smoking cigarettes."

(6) *Other allowable statement.* The labeling of the product may contain a description (in lay language) of the specific proven mechanism of action of the active ingredients under the heading "Mechanism of Action."

(c) *Warnings.* [Reserved]

(d) *Directions.* [Reserved]

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–2 Filed 1–4–82; 8:45 am]

BILLING CODE 4110-01-M

federal register

Tuesday
January 5, 1982

Part X

Department of Health and Human Services

Food and Drug Administration

Orally Administered Drug Products for the Treatment of Fever Blisters for Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 357

[Docket No. 81N–0060]

Orally Administered Drug Products for the Treatment of Fever Blisters for Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of a proposed rulemaking that would establish conditions under which over-the-counter (OTC) orally administered drug products for the treatment of fever blisters are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on September 28, 1980 a report on OTC orally administered drug products for the treatment of fever blisters from the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC orally administered drug products for the treatment of fever blisters are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC orally administered drug products for the treatment of fever blisters as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC orally administered drug products for the treatment of fever blisters will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC orally administered drug products for the treatment of fever blisters. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing necessary, if any. Comments regarding the impact of this rulemaking on OTC orally administered drug products for the treatment of fever blisters should be accompanied by appropriate documentation.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC orally administered drug products for the treatment of fever blisters submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally

recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of oral OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' " in the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal drug products to be considered in the OTC drug review. This list, which did not include ingredients in orally administered drug products for the treatment of fever blisters, was provided to give guidance on the kinds of ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC drug review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal products:

James L. Tullis, M.D., Chairman (appointed December 1979)
John W. Norcross, M.D., Chairman (resigned March 1979) Diana F. Rodriquez-Calvert, Pharm. D. (appointed July 1976)
Ruth Eleanor Brown, R.Ph. (resigned May 1976)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O. (deceased April 13, 1979)
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch , R.Ph., served as the Panel Administrator until July 1979, followed by John R. Short, R.Ph. Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio served as the liaison for the Office of New Drug Evaluation beginning November 1978. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph., until July 1979.

In order to expand its scientific base the Panel called upon the following consultants:

Ralph B. D'Agostino, Ph. D. (statistics)
Lynn R. Brady, Ph. D. (pharmacognosy)
John A. Ulrich, Ph. D. (microbiology)

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for OTC orally administered drug products for the treatment of fever blisters in this document. The review of all other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the **Federal Register.**

The Panel was first convened on January 13, 1975 in an organizational meeting. Meetings at which orally administered fever blister drug products were discussed were held on the following dates: February 23 and 24, April 18 and 19, June 6 and 7, August 8 and 9, and September 28, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

The following persons were given an opportunity to appear before the Panel at their own request to express their views on OTC orally administered drug products for the treatment of fever blisters:

Theodore R. Carski, M.D.
Terrence J. Thines, D.D.S.

No person who so requested was denied an opportunity to appear before the Panel to discuss orally administered drug products for the treatment of fever blisters.

The Panel has thoroughly reviewed the literature and data submissions, has listened to additional testimony from interested persons, and has considered all pertinent data and information submitted through September 28, 1980 in arriving at its conclusions and recommendations for OTC orally administered drug products for the treatment of fever blisters.

In accordance with the OTC drug review regulations in § 330.10, the Panel reviewed OTC orally administered drug products for the treatment of fever

blisters with respect to the following three categories:

Category I. Conditions under which OTC orally administered drug products for the treatment of fever blisters are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC orally administered drug products for the treatment of fever blisters are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed eight active ingredients in orally administered drug products for the treatment of fever blisters and classified no ingredients in Category I, five ingredients in Category II, and three ingredients in Category III.

I. Submission of Data and Information

A. Submissions by Firm

Pursuant to notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179), Hynson, Westcott, and Dunning, Baltimore, MD 21201, was the only firm to make submissions (Lactinex tablets and granules) for OTC orally administered drug products for the treatment of fever blisters.

B. Ingredients Reviewed by the Panel

1. *Labeled ingredients contained in marketed products submitted to the Panel.*

Lactobacillus acidophilus
Lactobacillus bulgaricus

2. *Other ingredients.* In addition to those ingredients included in the products submitted to the Panel, the Panel reviewed the ingredient lysine and the product Herp-eze Tablets (Anjonic, Inc., Hawthorne, CA 90250), both of which were brought to the Panel's attention by FDA's Office of Compliance, Bureau of Drugs. The labeled ingredients contained in these products are as follows:

Acetaminophen
Caffeine
Chlorpheniramine maleate
Lysine
Phenylephrine hydrochloride
3,3-Bis (*p*-hydroxyphenyl) Phthalide

C. Classification of Ingredients

1. *Active ingredients.*
Lactobacillus acidophilus
Lactobacillus bulgaricus

Lysine (lysine hydrochloride)

2. *Other ingredients.* The Panel was neither able to locate nor is it aware of any data demonstrating the safety and effectiveness of the following OTC ingredients when used as orally administered drug products for the treatment of fever blisters. The Panel, therefore, classifies these ingredients as Category II for this use, and they will not be reviewed further in this document.

Acetaminophen
Caffeine
Chlorpheniramine maleate
Phenolphthalein (3,3-Bis (*p*-hydroxyphenyl) Phthalide)
Phenylephrine hydrochloride

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the submitted information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishes Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions of Terms

For the purpose of this document, the Panel agreed upon the following definitions:

1. *Aphthous stomatitis.* Canker sore.
2. *Aphthous ulcer.* Canker sore.
3. *Canker sores.* Sores which occur on the mucous membranes of the oral cavity (often the movable areas) and may be associated with a variety of viruses, bacteria, or fungi. They are characterized by small whitish ulcerative lesions surrounded by a red border.
4. *Cold sores.* Fever blisters.
5. *Fever blisters.* Recurrent sores on the lips and other areas around the mouth, usually caused by herpes simplex virus. They are characterized by local tissue swelling followed by inflammation which evolve into vesicular eruptions, and then crust and fade.
6. *Vesicular eruption.* A small blister containing fluid.

B. General Discussion

Although this document deals with orally administered drug products for the treatment of fever blisters (cold sores), the Panel believes that there is sufficient confusion among consumers in differentiating between feaver blisters and canker sores (aphthous stomatitis or aphthous ulcer) to warrant a discussion of both in this "General Discussion." The discussions regarding effectiveness will center on relieving the discomfort of fever blisters, not on shortening the duration of the episode, because it is difficult from the literature description of the disease to determine the time of the onset of symptoms.

Fever blisters or "cold sores." generally caused by herpes simplex virus, are recurrent sores on the lips and other areas around the mouth that may cause discomfort and annoyance to millions of Americans (Ref. *1*). Usually, the initial manifestation of the virus occurs in children under 5 years of age as a primary infection. This infection is frequently so mild it goes unnoticed by the individual. Later in a person's life, the virus, having been dormant in the body, may be reactivated when provoked by nonspecific stimuli, such as colds, exposure to sunlight, menstruation, a variety of common bacterial and viral infections, fever, and neurosurgical operations (Ref. *1, 2,* and *3*). Psychological stress is also accepted as capable of provoking the virus. The viral reactivation manifests itself in the form of localized vesicular eruptions, characteristically involving the mouth, nose, or external genitalia and sometimes other areas. During the first few days, the virus can be cultivated from the vesicular fluid (Refs. *1* and *4*), or transmitted by close person-to-person contact (Refs. *5* and *6*). The primary vesicles usually evolve, crust, and fade in 1 week, with secondary healing sometimes taking 2 weeks. Recurrence, ofter at the same site, is common, although some persons who harbor the virus throughout their lifetime may never have the skin lesions.

The OTC drug products for treating fever blisters consist of internal and external medications. Only those which are internally administered will be considered in this document. Externally applied preparations will be considered by the Advisory Review Panel on OTC Miscellaneous External Drug Products.

The Panel recognizes that canker sores in the mouth commonly have been confused with fever blisters as being of similar herpetic origin. Although some canker sores are of such origin, they generaly are entirely different diseases. Canker sores are of diverse etiology (cause), including certain viruses, bacteria, and fungi. Like fever blisters, they are generally painful and recurrent. Canker sores are characterized by small whitish ulcerative lesions surrounded by a red border (Ref. *7*) and are often found on the movable areas of the lining of the mouth (e.g., the inner lining of the cheeks and lips, the tongue, and the soft

palate) (Ref. *1*). They usually appear initially in persons between 10 and 20 years of age, but may appear as early as 2 years of age (Ref. *1*). Canker sores can occur later in life and may be of spontaneous origin or may be secondary to other disease states, including immune suppression. If left untreated, canker sores usually heal in 10 to 14 days (Ref. *1*). The ulcers tend to recur when the patient has experienced local injury (e.g., scratch of a toothbrush bristle), has an allergic reaction (e.g., following ingestion of certain foods), has an endocrine-associated condition (e.g., menstruation), or is subject to emotional stress (Refs. *1* and *7*). Poor oral care may also be cause of canker sores.

Because of the varied appearance of the lesions and the variability of the clinical symptoms, canker sores have been given many names, and many drug products have been tried for treating them. Most of these are topicaly applied and include dyes, resins such as myrrh, hydrocolloid films such as aloe, astringents and protein precipitators such as alum, and antibacterials such as hydrogen peroxide.

The treatment of canker sores with oral wound cleansers was previously reviewed by the Advisory Review panel on OTC Dentifrice and Dental Care Drug Products in its report, published in the **Federal Register** of November 2, 1979 (44 FR 63270) on OTC Oral Mucosal Injury Drug Products. That Panel concluded that oral wound cleansers should not be used to treat canker sores because the term "canker sore" is vague to consumers, the condition cannot be self-diagnosed and is serious, and self-treatment may delay diagnosis (44 FR 63283). The Advisory Review Panel on OTC miscellaneous Internal Drug Products has reviewed this conclusion and believes thaat, although canker sores may be self-diagnosable, their cause cannot be determined by the consumer, and therefore thay cannot be self-treated appropriately. This is because, although canker sores are not dangerous in themselves, they may be related to a serious condition, and an ingredient might be shown to be effective for one type of canker sore but not for others. One then takes the chance that a serious condition may go untreated, or, at best, treatment will be delayed. Therefore, the Panel will not review further the treatment of canker sores.

References

(*1*) "Canker Sores and Fever Blisters," United States Department of Health, Education, and Welfare, DHEW Publication No. (NIH) 79–247, 1979.

(*2*) Cruickshank, R., "Medical Microbiology," 11th Ed., The Williams and Wilkins Co., Baltimore, pp. 382–386, 1965.

(*3*) Wilson, G. S., and A. A. Miles, "Topley and Wilson's Principles of Bacteriology, Virology and Immunity, 6th Ed., Vol. II, The Williams and Wilkins Co., Baltimore, pp. 2414–2422, 1975.

(*4*) Freeman, B. A., "Burrows Textbook of Microbiology," 21st Ed., W. B. Saunders Co., Philadelphia, pp. 973–976, 1979.

(*5*) Joklik, W. K., and H. P. Willett, "Zinsser Microbiology," 16th Ed., Appleton-Century-Crofts, New York, pp. 944–947, 1976.

(*6*) Davis, B. D., et al., "Microbiology," Harper and Row, New York, pp. 1238–1244, 1967.

(*7*) "Dorland's Illustrated Medical Dictionary," 25th Ed., W. B. Saunders, Philadelphia, 1974, s. v. "stomatitis, aphthous."

C. Labeling

The Panel has carefully reviewed the submitted labeling claims for products promoted as orally administered drug products for the treatment of fever blisters and has classified them as Category I, Category II, or Category III. The Panel realizes that other terms may be developed to express the same Category I indications. However, only those indications and warnings listed under Category I are generally recognized to be acceptable at this time.

In order for any labeling to be acceptable, it must include (1) the indiction(s) for use, (2) pertinent warnings and contraindications, and (3) clear directions for use that include the recommended dosage.

The Panel believes that all labeling should be clear, concise, easily read, and understood by most consumers. It has followed this concept in the development of all Category I labeling. The Panel also is concerned about the size and color of the print used in labeling of these and all OTC drug products and recommends that the manufacturers make the necessary effort to design labeling which is legible.

One of the functions of this Panel is to attempt to eliminate inadequate labeling claims. Some of the labeling on currently marketed orally administered drug products for the treatment of fever blisters is misleading or unsupported by scientific data. Accordingly, such labeling has been placed in Category II.

The indications for use should be simply and clearly stated; the directions for use should provide enough information for safe and effective use of the product.

The Panel believes that if two ingredients are indistinguishable with regard to effectiveness, it is misleading to claim superiority for one of the ingredients. The Panel understands that its function is not to compare various ingredients in order to determine the OTC drug of choice, but to determine only safety and effectiveness for active OTC miscellaneous internal ingredients, as well as proper dosage ranges, warnings, and contraindications.

Misleading or undocumented claims, such as "for the relief of the discomfort of sun blisters," and colloquial or provincial expressions that do not have meaning to most people must not be used. In the labeling, effectiveness shall not be relate to the physical characteristics of the product, except as those characteristics may related to the action of the active ingredients.

The Panel is aware of the current OTC labeling regulation dealing with warning statements (§ 330.1(g)). The Panel concurs with the warning, "Keep this and all drugs out of the reach of children," and believes that it should be incorporated in the labeling for orally administered drug products for the treament of fever blisters. However, the Panel recommends that the other warning statement required by § 330.1(g), "In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately," be deleted because no toxicity has been demonstrated for ingredients used in these products.

In addition, the Panel recommends that the drug product labeling contain instructions for the most effective use of the product. These instructions should be displayed prominently on all package labeling.

The Panel recommends that the label should contain a listing of all ingredients, clearly indicating which are active and which are inactive. Active ingredients should be listed by their established names, and the label should state the quantity of the active ingredient included in a single dose.

III. Orally Administered Drug Products for the Treatment of Fever Blisters

A. *Category I Conditions*

The following are Category I conditions under which OTC orally administered drug products for the treatment of fever blisters are generally recognized as safe and effective and are not misbranded.

1. *Category I active ingredients.* None.

2. *Category I labeling.* Although the Panel has not classified any ingredients in Category I, it recommends the following Category I labeling for OTC orally administered drug products for the treatment of fever blisters, as well as any specific labeling discussed in the individual ingredient statement, in the event that any ingredients that are in

Category III should be reclassified as Category I. The product labeling relating to fever blisters should contain a statement under the heading "Indications" that is limited to the phrase "For the relief of the discomfort of fever blisters (cold sores)."

B. Category II Conditions

The following are Category II conditions under which OTC orally administered drug products for the treatment of fever blisters are not generally recognized as safe and effective or are misbranded.

1. *Category II active ingredients.* The ingredients which the Panel has classified as Category II are included elsewhere in this document. (See part I. paragraph C.2. above—Other ingredients.)

2. *Category II labeling.* The Panel concludes that the following labeling claims for orally administered drug products for the treatment of fever blisters are misleading or unsupported by scientific data. Therefore, the claims listed below and other related terms are classified as Category II labeling:

a. "For the relief of discomfort of sun blisters."

b. "Useful for fever blisters of herpetic origin."

c. "Arrests the symptoms associated with cold sores and sun blisters on the lips."

C. Category III Conditions

The following are Category III conditions for which the available data are insufficient to permit final classification at this time.

1. *Category III active ingredients.*

Lactobacillus acidophilus
Lactobacillus bulgaricus
Lysine (lysine hydrochloride)

a. *Lactobacillus acidophilus and Lactobacillus bulgaricus.* The Panel has reviewed the use of orally administered live *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* for the treatment of fever blisters (herpetic origin) and concludes that when these ingredients are used separately or in combination they are safe for OTC use in the dose noted below, but data are insufficient to demonstrate effectiveness for this use.

The marketed preparation is a mixture of these two organisms and is prepared from fermented milk cultures which are dried in a lactose-enriched medium and marketed in such a form. There is also a preparation on the market which contains the *Lactobacillus acidophilus* alone.

Being living organisms rather than single chemical compounds, the active ingredients, *Lactobacillus acidophilus* and *Lactobacillus bulgaricus*, are not recognized as official by such compendia as the U.S. Pharmacopeia and the National Formulary. Therefore, there are no compendial standards to which these ingredients must conform. The Panel is concerned that identification of these strains of bacteria by their name alone is not sufficiently specific to insure that all products containing these organisms will be equivalent in terms of safety and effectiveness. Therefore, the Panel has chosen to specify these ingredients further by using the identification number assigned to them by the American Type Culture Collection (ATCC): *Lactobacillus acidophilus* (ATCC 4962) and *Lactobacillus bulgaricus* (ATCC 33409).

(1) *Safety.* The use of *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* has been reviewed by the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products as published in the **Federal Register** of March 21, 1975 (40 FR 12902), and that Panel concluded that these ingredients are safe in amounts taken orally in antidiarrheal preparations (40 FR 12931). The OTC Miscellaneous Internal Drug Products Panel agrees with the Advisory Review Panel on OTC Laxative, Antidiarreal, Emetic, and Antiemetic Drug Products and concludes that *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* (separately or in combination) are safe for OTC use and recommends the manufacturer's suggested dose of up to 4 grams (g) per day in divided doses (Ref. *1*). This is equivalent to approximately 400,000,000 organisms.

Because many people are sensitive to milk products and because this preparation may contain residual milk products, a warning regarding possible sensitivity should be included.

(2) *Effectiveness.* A 1961 study by Abbott (Ref. *2*) reported the use of a live mixture of *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* in treating 78 subjects. Forty-six children with acute generalized herpetic gingivostomatitis (virus infection of the gums) were cured within 6 days of treatment (untreated usually taking 14 to 21 days). Ten adults with histories of recurrent herpes simplex lip lesions (fever blisters) were treated at the onset of burning or itching but before any vesicular eruption, and in no cases did the eruptions occur. The study was uncontrolled and not blinded.

In 1965, Rapoport and Levine (Ref. *3*) reported the treatment of pain of herpetic (fever blisters) and aphthous stomatitis oral ulcerations with *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* in 40 cases with positive results in 38 cases. Pain was relieved in 38 patients within 48 hours, and lesions disappeared within 5 days in 36 patients, which the authors considered to be "a statistically notable number of remissions." From the data given it is impossible to separate the herpetic stomatitis lesions from the aphthous stomatitis. No placebo controls or blinding were used in this study, and the findings were reported by the subjects to the investigator by telephone.

In 1963, a study was reported by Scott (Ref. *4*) in which 44 cases of oral lesions were treated using *Lactobacillus acidophilus*. The lesions consisted of aphthous stomatitis, cheilosis (lesions at the corner of the mouth), and herpes simplex infections (fever blisters), but from the data given it is impossible to separate the herpes simplex infection cases from the other conditions. Thirty-seven of the patients (84 percent) responded positively to the treatment within "a few days." The study was uncontrolled and not blinded.

A 1964 study by Unfug (Ref. *5*) at Colorado State University using *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* involved 61 students, some with acute fever blisters and others with canker sores. The study was double-blinded and placebo-controlled, but not completed, and it did not show a significant difference between the two treatment groups (45 percent success in drug group vs. 31 percent success in placebo group). Details of this study were not available, but it is known that the study was prematurely terminated due to a lack of cooperation from the students, a lack of a virology facility, and a lack of interest among the physicians covering the student health service.

In 1963, Weekes (Ref. *6*) studied the effect of *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* on 174 patients. Sixty-four were identified as having herpes simplex labialis (fever blisters) and 97 as having aphthous stomatitis. The remainder had dendritic ulcers or herpes progenitalis. Ninety-five percent of those with herpes simplex labialis were reported to have favorable results (healing or improvement in 1 to 4 days). However, the Panel criticizes the study because it has no placebo control nor was it a double-blind study.

An incomplete study by Weekes (Ref. *7*) from 1966 to 1968, which was double-blinded and placebo-controlled and involved 106 patients, showed no significant difference between placebo and a preparation containing *Lactobacillus acidophilus* and

Lactobacillus bulgaricus in treating fever blisters and canker sores (64 percent success rate vs. 59 percent for placebo). A subsequent expansion of this study to 178 cases (72 with no case report forms) showed the treated group to have "significantly superior" results. This unpublished study was unsatisfactory in that the treatment assignments were not completely randomized, completed case report forms were available on only 106 subjects, and the followup time to judge the effect of the treatment was inconsistent (2 days or longer). From the data given it is impossible to separate the results of the fever blister and canker sore cases.

A double-blind, placebo-controlled parallel sample study by Gertenrich and Hart (Ref. *8*) involving 80 mentally retarded subjects showed no significant differences between *Lactobacillus acidophilus* and a placebo in healing time for oral lesions. Only 10 percent of the lesions observed in this study were fever blisters; the other 90 percent were canker sores. Because of the small number of fever blister cases, a statistical analysis could not be adequately performed. Each patient was examined and the lesions photographed every 3 days from the time of onset through a 10-day period. In contrast to other studies in general the lesions were unhealed after at least 4 days, and almost half had incomplete hearing after 10 days.

A presentation was made by Carski and Thimes (Ref. *9*) to the Panel of a double-blind, placebo-controlled, crossover study undertaken by Thines and Uthman (Ref. *10*) at the State University of New York at Buffalo School of Dentistry. Twenty-five students with histories of recurrent herpes simplex infections were treated with *Lactobacillus acidophilus* and *Lactobacillus bulgaricus*. Only 16 students completed the treatment. Based on the subjective evaluation of each episode by the observer and subject, 75 percent reported improvement during the episode that was treated with the *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* combination, whereas only 31 percent of the subjects reported episode improvement under the influence of the placebo. Improvement was based on comparison with prestudy episodes. The differences between this percentage of improvements is statistically significant at a level greater than 0.05 but less than 0.10. Further, the mean duration between episodes for those subjects who were first on the drug was 105 days, and the mean duration between episodes was 53 days for those subjects who were first on the placebo. The difference between the mean durations was tested for statistical significance level by using the Wilcoxon Rank test, and the difference attained a significance level between 0.05 and 0.10. While this study indicates that the lactobacillus therapy had a positive effect, it had a large dropout rate (36 percent); it employed as an effectiveness measure a comparison prestudy episodes, rather than a direct comparison with with the crossover episodes, and it did not achieve the usual acceptable level of 0.05 or less of statistical significance to establish effectiveness. Therefore, the Panel does not believe the study is sufficient to establish effectiveness.

Three other studies were reviewed, but none of them contained an evaluation of fever blisters, which is the primary subject of this document.

The Panel concludes that the studies reviewed are merely indicative of possible effectiveness of *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* in treating fever blisters. Well-designed and well-controlled studies are still needed to definitely establish effectiveness of these ingredients.

Although the mechanism of action of *Lactobacillus acidophilus and Lactobacillus bulgaricus is not understood, an unpublished study presented in a submission to the Panel by McCuen, Holman, and Cook (Ref. 11)* suggests that these organisms when given to human volunteers in multiple doses, induce in human saliva the ability to inhibit *Herpesvirus hominis*, type I. The results of this study indicated that further clinical study should be encouraged. A single-dose study by McCuen (Ref. *12*) did not demonstrate any indication of salivary inhibition of herpes virus.

The Panel considers *Lactobacillus acidophilus* (ATCC 4962) and *Lactobacillus bulgaricus* (ATCC 33409) similar enough in their taxonomy and action to recommend that the combination of these ingredients be exempt from FDA's combination policy regulation (21 CFR 330.10(a)(4)(iv)). Therefore, clinical studies of the two ingredients together would be acceptable, i.e., one would not have to demonstrate an advantage of one ingredient over the other to substantiate the combination. However, a claim for either ingredient alone would require demonstration of effectiveness by separate studies.

The Panel concludes that available data suggest that *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* (separately or in combination) may be effective in treating fever blisters, but data are insufficient to permit a final determination. The Panel, therefore, recommends that these ingredients (separately or in combination) be tested according to the testing guidelines to determine their effectiveness as orally administered drugs for the treatment of fever blister. (See part III. paragraph D. below—Data Required for Evaluation.)

Because it is necessary that these bacteria be alive in order to perform their intended function, they must be kept refrigerated at temperatures between 36° and 46° F. A statement to this effect should be required on the labeling.

(3) *Proposed dosage.* The Panel concludes that *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* (separately or in combination) are safe for OTC use in a dose of up to 4 g per day in divided doses. This is equivalent to approximately 400,000,000 organisms.

(4) *Labeling.* The Panel recommends Category I labeling for orally administered drug products for the treatment of fever blisters. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends the following statements be added for products containing *Lactobacillus acidophilus* and *Lactobacillus bulgaricus:*

(i) *Warning.* "Do not use this product if you are sensitive to milk products."

(ii) *Other required statement.* "Refrigerate between 36° and 46° F."

(5) *Evaluation.* The Panel concludes that *Lactobacillus acidophilus* and *Lactobacillus bulgaricus* (separately or in combination) are safe for OTC use in the dose noted above, but data are insufficient at this time to make final determination regarding general recognition of effectiveness. The Panel recommends that adequate testing be performed according to the testing guidelines to determine whether these ingredients are effective in treating fever blisters. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(*1*) OTC Volume 170052.

(*2*) Abbott, P. L., "Viable Mixture of Lactobacillus Acidophilus and Bulgaricus in Treatment of Herpetic and Aphthous Stomatitis," *Journal of Oral Surgery, Anesthesia, and Dental Service*, 19:310–312, 1961.

(*3*) Rapoport, B. S., and W. I. Levine, "Treatment of Oral Ulceration with Lactobacillus Tablets," *Oral Surgery, Oral Medicine, Oral Pathology*, 20:591–593, 1965.

(4) Scott, P. H., "Preliminary Report on Lactobacillus Acidophilus and Its Therapeutic Application for Oral Lesions," *New York State Dental Journal*, 29:19–24, 1963.

(5) Unfug, H., untitled clinical study contained in OTC Volume 170052 (Section V, pp. 14–16).

(6) Weekes, D. J., "Management of Herpes Simplex with a Viro-Static Bacterial Agent," reprinted from *E.E.N.T. Digest*, Volume 25, Number 12, 1963, as attachment to letter to Panel Administrator from Dr. Theodore R. Carski, April 25, 1980, in Panel Administrator's File, Volume 171API.

(7) Weekes, D. J., untitled clinical study contained in OTC Volume 170052 (Section V, pp. 17–18).

(8) Gertenrich, R. L., and R. W. Hart, "Treatment of Oral Ulcerations with Bacid *(Lactobacillus acidophilus)*," *Oral Surgery, Oral Medicine, and Oral Pathology*, 30:196–200, 1970.

(9) Presentation by Carski and Thines to the Panel included in the Summary Minutes of the 35th meeting of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products held on April 18–19, 1980.

(10) Uthman, A. A., and T. Thines, "Clinical Evaluation of the Effect of Lactinex Administration for the Treatment of Recurrent Herpes," in OTC Volumes 170185.

(11) McCuen, P. J., D. A. Holman, and D. L. Cook, "Evaluation of the Effect of Lactinex Administration on the Ability of the Saliva from Human Volunteers to Inhibit Herpesvirus," contained in OTC Volume 170180 (Section IV).

(12) McCuen, P. J., "Evaluation of the Effect of Single Dose Lactinex Administration on the Ability of the Saliva from Human Volunteers to Inhibit Herpesvirus," contained in OTC Volume 170180 (Section V).

b. *Lysine (lysine hydrochloride).* The Panel concludes that lysine hydrochloride is safe in the dose noted below, but data are insufficient to demonstrate its effectiveness in treating fever blisters.

(1) *Safety.* Lysine is an essential amino acid present in protein derived from many food stuffs. The adult human requires a daily ingestion of 0.4 to 0.8 g daily; for optimum health, however, a larger "safe intake" of 1.6 g has been recommended (Ref. *1*). Infants and children require a much larger intake in proportion to their weight for adequate growth. The Panel has found no information on toxic dosages of lysine, but was informed that a dermatologist in the Southwest United States prescribes 3 g per day; no mention was made of any toxic effects (Ref. *2*).

(2) *Effectiveness.* An in vitro study by Tankersly (Ref. *3*) demonstrated that lysine exerted an inhibitory effect on herpes simplex virus multiplication in human cells grown in tissue culture. The ratio of lysine to arginine in the culture medium seemed to be important. Kagan (Ref. *4*), in 1974, administratered 300 milligrams (mg) of *L*-lysine orally to 10 patients at the first onset of symptoms of oral (8 patients) or vulvar (2 patients) herpetic lesions and observed rapid resolution of these lesions. A further study by Griffith, Norins, and Kagan (Ref. *5*) found that the continuous ingestion of 312 to 1,200 mg of *L*-lysine (administered as *L*-lysine monohydrochloride) daily in single or multiple doses (for 2 months to 3 years) by 45 patients suffering from recurrent herpetic lesions resulted in suppression of the lesions in 40 patients. Results showed that new vesicles failed to appear, healing was more rapid, frequency of recurrences was reduced, and there was a "disappearance of pain overnight." This study was not controlled.

Modern Medicine cities Pipkin as claiming that a 3-g per day dose of lysine is more effective than the lower doses tested by other investigators (Ref. *2*).

The Panel realizes that neither of the two following studies pertain to the relief of fever blister discomfort, but are referenced herein for completeness. A double-blinded, placebo-controlled, randomized study was conducted by Milman, Scheibel, and Jessen (Ref. *6*) using 500 mg of *L*-lysine monohydrochloride twice daily in 119 patients. They found lysine to have no effect on the rate of healing, the appearance of the lesion, or the interval between recurrance of oral herpetic lesions. In a 24-week double-blind, placebo-controlled study by Milman, Scheibel, and Jessen (Ref. *7*) involving 65 patients and the same dosage of lysine as in the last study, lysine had no significant prophylactic effect, either on the duration or on the frequency of recurrances of herpes simplex labialis. However, in this study significantly more patients were recurrence-free (i.e., that subset of patients who had no recurrences during the study) during the lysine treatment than during the placebo treatment (18 vs. 8 with a p of 0.05). This finding suggests an effect of lysine on some patients.

The Panel concludes that the effectiveness of lysine hydrochloride in amelioration or prevention of herpes simplex lesions is unproven.

(3) *Proposed dosage.* The Panel concludes that lysine hydrochloride is safe for OTC use in a dose of up to 3 g daily.

(4) *Labeling.* The Panel recommends Category I labeling for OTC orally administered drug products for the treatment of fever blisters. (See part III. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel concludes that lysine hydrochloride is generally recognized as safe for OTC use in a dose of up to 3 g daily, but data are insufficient to demonstrate its effectiveness in treating fever blisters. The Panel recommends that adequate testing be performed according to the testing guidelines set forth below to determine whether lysine hydrochloride is effective in treating fever blisters. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(1) Best, C. H., and N. B. Taylor, "The Physiological Basis of Medical Practice," 8th Ed., Williams and Wilkins Co., Baltimore, p. 1319, 1966.

(2) Anon., "News Fronts," *Modern Medicine*, 48:17, 1980.

(3) Tankersly, R. W., "Amino Acid Requirements of Herpes Simplex Virus in Human Cells," *Journal of Bacteriology*, 87:609–613, 1964.

(4) Kagan, C., "Lysine Therapy for Herpes Simplex," *Lancet*, 1:137, 1974.

(5) Griffith, R. S., A. L. Norins, and C. Kagan, "A Multicentered Study of Lysine Therapy in Herpes Simplex Infection," *Dermatologica*, 156:257–267, 1978.

(6) Milman, N., J. Scheibel, and O. Jessen, "Failure of Lysine Treatment in Recurrent Herpes Simplex Labialis," *Lancet*, 2:942, 1978.

(7) Milman, N., J. Scheibel, and O. Jessen, "Lysine Prophylaxis in Recurrent Herpes Simplex Labialis: a Double-Blind, Controlled Crossover Study," *Acta Dermato Venereologica*, 60:85–87, 1980.

2. *Category III labeling.* The Panel concludes that available data are insufficient to demonstrate the effectiveness of orally administered drug products for the treatment of fever blisters on the duration of the episode and places the following claim in Category III: "Will shorten the duration of fever blisters (cold sores) if taken at the first signs of itching and swelling."

D. Data Required for Evaluation

Guidelines for developing protocols for evaluating OTC orally administered drug products for the treatment of fever blisters. The Panel recognizes that currently there is not available a generally accepted protocol for the evaluation of the effectiveness of OTC orally administered drug products for the treatment of fever blisters. The Panel has reviewed carefully the published scientific literature and has not been able to find any well-controlled studies for these drugs. Further, the Panel has reviewed unpublished controlled studies undertaken for one of the sponsors of these drugs and has found these studies to be defective in one or more important facets. In order to move a Category III drug to Category I, successful, well-controlled studies must be performed. To aid investigators in designing these

tests of effectiveness, the Panel has developed the following guidelines. They are not meant to be definitive. There may be at present, or in the future, other appropriate techniques or improved methodologies not contained here. However, these guidelines illustrate the important issues that must be considered in clinical trials involving drugs for the treatment of fever blisters and, for that reason, should be an aid to investigators. The Panel suggests that deviations from these guidelines should be discussed with appropriate FDA personnel prior to initiation of a study.

1. *Objective of the study.* The primary objective is to determine whether the drug under investigation is more effective than a placebo in relieving the discomfort of fever blisters. "Relieving the discomfort" means relieving subjective symptoms such as pain, irritation, and itching. If a drug company desires to make a claim that the drug is effective in shortening the duration of fever blisters or in prolonging the interval between episodes, then the study objectives should include specific reference to such claims. The objectives should be stated in a complete and unambiguous manner.

2. *Target and sample population.* The target population consists of those individuals who develop fever blisters. The preferred sample population is those individuals who have frequent episodes of fever blisters (at least three times a year). Restriction to this sample population will increase the possibility that the study subjects will develop a fever blister during the study period. This would minimize the possibility of having individuals available for the study who do not develop fever blisters during the study.

If the drug is effective, it can be expected that its effectiveness will be demonstrated in the above sample population. If the drug is effective for these individuals, the Panel believes it would also be effective for the full target population.

For any particular study, the selected sample population should be specified fully, and pertinent characteristics should be described thoroughly.

3. *Study setting and investigators.* The study should be conducted by qualified investigators in clinical centers, academic settings, or private practices. The important component is the qualification of the investigator.

4. *Admissibility and exclusion criteria.* The study subjects must satisfy the criterion of the sample population, i.e., have frequent fever blisters (cold sores). In addition, the subjects:

a. Should be in good health,

b. Should have no known sensitivity to the test drug,

c. Should not be using other medications (including OTC medications), skin creams, or food products (e.g., milk products) which might influence the response of the subject in the study, and

d. Should be able to comprehend instructions and adhere to the study protocol (e.g., take the drug as required and report daily for examination as required).

5. *Variables to measure in the pre-episode period.* Prior to an episode of fever blisters, basic information on the subjects should be obtained. This is required not only to decide on admissibility into the study, but also to use as a reference point for evaluating efficacy. These variables should include:

a. Usual frequency, on a yearly basis, of episodes of fever blisters,

b. Usual areas of fever blisters,

c. Usual size of fever blisters,

d. Subjective evaluation of the usual discomfort from a fever blister on a 0 to 4 scale, with 0 representing no discomfort and 4 maximum discomfort (this scale should summarize all the components of discomfort such as itching, burning, irritation, and pain),

e. Usual time duration of fever blisters (both vesicular eruption and crusted stages),

f. Usual time duration of subjective discomfort, and

g. Events or situations that are associated with or precipitate an episode of a fever blister.

Other variables, such as age, sex, and health status of the subjects, that are routinely of interest in clinical studies, should also be collected at this time. Further, the distance of the subject from the clinical facility and the person's ability to come to the facility on a daily basis during an episode of a fever blister should be determined at this time.

6. *Study design.* The study must be randomized, double-blinded, and placebo-controlled. A parallel sample design appears to be preferred over a crossover design. A crossover design requires each study subject to have two separate episodes of fever blisters during the course of the study. This may require a long period of time and thus increases the potential for a substantial droupout rate. The parallel sample design requires only one occurrence of a fever blister per subject.

In the parallel sample design, subjects can be randomly assigned to one of two treatments (drug or placebo) at the initial interview. When a fever blister develops, the subject should record the time of first becoming aware of its impending development and should come to the investigator as soon as possible, definitely within the first 24 hours. At that time, the fever blister can be examined, and the subject can be given the appropriate treatment (drug or placebo), along with instructions for taking the treatment.

If a drug company is interested in investigating the effect of the drug on the length of time between episodes, a crossover design would be preferable.

7. *Duration of study from onset of the fever blister.* The length of the parallel sample study from onset of the fever blister should be at least 8 days. The average duration of an untreated fever blister is 10 to 14 days. The effectiveness of a treatment should be demonstrated by the eighth day. During the 8-day period the subject should be interviewed and examined daily by the investigator or an assistant.

8. *Variable to measure during the study.* At the first visit after onset, the lesion should be examined in detail to establish that it is in fact a fever blister. The time of day when the subject was first aware of it should also be recorded. Further, the subject should be interviewed to establish what events may have brought on the episode.

At all visits the subject should state on a scale of 0 to 4 a subjective evaluation of the discomfort from the fever blister experienced during the preceding 24 hours. As before, this scale should summarize all the components of discomfort such as itching, burning, irritation, and pain. Also, at all visits the lesion should be examined for physical characteristics, such as presence of vesicles, presence of dry crust, and size.

9. *Effectiveness measure.* The major effectiveness variable of the study is the subject's own subjective evaluation of the discomfort experienced from the fever blister. To establish effectiveness, comparisons of these evaluations for subjects on the drug should be made with those on the placebo. A time-series comparison over the 7 treatment days and/or separate comparisons for specific days (e.g., after 5 days) can be made. A drug company should be prepared to explain which comparisons are used to establish effectiveness.

If a claim of a reduction in the duration of an episode is desired, then investigation of the variable "number of days to healing of the fever blisters" will be needed for establishing this claim.

If a claim of a prolongation of the interval between episodes is desired, investigation of the variable "number of days to appearance of next lesion" will be needed to establishing the claim.

10. *Statistical tests and sample size.* Appropriate statistical tests should be

used to establish effectiveness. Sample sizes should be determined to give a p value of 0.05 or less for testing equality of effectiveness of the drug and placebo and a sufficiently small probability of error (e.g., 0.20) of not detecting a significant clinical superiority of the drug over the placebo. A drug company should be prepared to discuss what is meant by a significant clinical superiority.

11. *Number of clinical trials.* Two separate trials should be conducted by different investigators at different geographical sites. The samples from each of these sites should be representative of the sample population.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding in Part 357, a new Subpart H, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart H—Orally Administered Drug Products for the Treatment of Fever Blisters

Sec.

357.701 Scope.
357.703 Definitions.
357.710 Orally administered active ingredients for the treatment of fever blisters. [Reserved]
357.750 Labeling of orally administered drug products for the treatment of fever blisters.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart H—Orally Administered Drug Products for the Treatment of Fever Blisters

§ 357.701 Scope.

(a) An over-the-counter drug product for the treatment of fever blisters in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each condition in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.703 Definitions.

As used in this subpart:

(a) *Fever blisters.* Recurrent sores on the lips and other areas around the mouth, usually caused by herpes simplex virus. They are characterized by local tissue swelling followed by inflammation which evolve into vesicular eruptions, and then crust and fade.

(b) *Cold sores.* Fever blisters.

§ 357.710 Orally administered active ingredients for the treatment of fever blisters. [Reserved]

§ 357.750 Labeling of orally administered drug products for the treatment of fever blisters.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "fever blister treatment."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to the phrase "for the relief of the discomfort of fever blisters (cold sores)."

(c) *Warnings.* The warning required by § 330.1(g) concerning overdoses is not required on orally administered active ingredients for the treatment of fever blisters.

(d) *Directions.* [Reserved]

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-5 Filed 1-4-82; 8:45 am]
BILLING CODE 4160-01-M

federal register

Tuesday
January 5, 1982

Part XI

Department of Health and Human Services

Food and Drug Administration

Deodorant Drug Products for Internal Use for Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 357

[Docket No. 81N-0064]

Deodorant Drug Products for Internal Use for Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of a proposed rulemaking that would establish conditions under which over-the-counter (OTC) deodorant drug products for internal use are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 7, 1980 a report on OTC deodorant drug products for internal use from the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC deodorant drugs products for internal use are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgement of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC deodorant drug products for internal use as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC deodorant drug products for internal use will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC deodorant drug products for internal use. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing necessary, if any. Comments regarding the impact of this rulemaking on OTC deodorant drug products for internal use should be accompanied by appropriate documentation.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC deodorant drug products for internal use submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that ay authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbanded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject

to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal drug products to be considered in the OTC drug review. The list, which did not include ingredients in deodorants for internal use, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC drug review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976), Acting Chairman
John W. Norcross, M.D., Chairman (resigned March 1979)
Ruth Eleanor Brown, R.Ph. (resigned May 1976)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O. (deceased April 13, 1979)
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator until July 1979, followed by John R. Short, R.Ph. Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio followed as the liaison for the Office of New Drug Evaluation beginning November 1978. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph, until July 1979.

In order to expand its scientific base the Panel called upon Ralph B. D'Agostino, Ph. D., for advice in statistics.

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for deodorant drug products for internal use in this document. The review of other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the **Federal Register**.

The Panel was first convened on January 13, 1975 in an organizational meeting. Meetings at which deodorant drug products for internal use were discussed were held on: March 2 and 3, April 17 and 18, June 2, and 3, July 21, September 29 and 30, December 8 and 9, 1979; February 23 and 24, April 18 and 19, and June 6 and 7, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

The following persons were requested by the Panel to appear to express their views on deodorant drug products for internal use:

Donald P. Binder
Norma N. Gill, E.T.
Rupert B. Turnbull, M.D.

No person who so requested was denied an opportunity to appear before the Panel to discuss deodorant drug products for internal use.

The Panel has thoroughly reviewed the literature and data submissions, has listened to additional testimony from interested persons, and has considered all pertinent data and information submitted through June 7, 1980 in arriving at its conclusions and recommendations for OTC deodorant drug products for internal use.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC deodorant drug products for internal use with respect to the following three categories:

Category I. Conditions under which OTC deodorant drug products for internal use are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC deodorant drug products for internal use are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed three active ingredients in OTC deodorant drug

products for internal use and classified all three in Category III.

I. Submission of Data and Information

Pursuant to the notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) requested the submission of data on OTC miscellaneous internal drug products, the following firms made submissions related to deodorant drug products for internal use:

A. Submissions by Firms

Firms and Marketed products

Requa Manufacturing Co., Inc., Greenwich, CT 06830—Requa's Activated Charcoal capsules and tablets.

Rystan Co., Inc., White Plains, NY 10605—Derefil tablets and Chloresium tablets.

The Parthenon Co., Inc., Salt Lake City, UT 84119—Devrom chewable tablets.

B. Labeled Ingredients Contained in Marketed Products Submitted to the Panel

Bismuth subgallate
Charcoal, activated
Chlorophyllin, water-soluble

C. Classification of Ingredients

1. *Active ingredients.*
Bismuth subgallate
Charcoal, activated
Chlorophyllin, water-soluble

2. *Inactive ingredients.*
None.

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in §330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions of Terms

For the purposes of this document the Panel has agreed on the following definitions:

1. *Colostomy.* An external operative opening from the colon.

2. *Deodorant for internal use.* An ingredient taken internally to render offensive odors less perceptible.

3. *Enterostomates.* Those persons who have an opening into the intestine through the abdominal wall, e.g., a colostomy or ileostomy.

4. *Ileostomy.* An external operative opening from the ileum.

5. *Incontinent patients.* Those persons who are unable to control the elimination of urine or feces.

6. *Ostomate.* General terminology referring to a person who has an operative ostomy.

7. *Ostomy.* General term referring to any operative opening for the external discharge of urine or feces.

B. General Discussion

Since antiquity, humans have been bothered by the problem of body odors, most of which can be controlled or diminished by adequate personal hygiene. But there are conditions over which individuals do not have complete control, such as when an individual has an ostomy or when individuals are incontinent. In such cases, it has been advocated by some that drugs be administered internally to control the offensive odor produced. Others believe that odors related to urinary and fecal incontinence can be controlled by attention to dietary intake and adequate fluid intake as well as adequate personal and environmental hygiene. Still others believe that ostomy odors can be controlled by the use of external appliances with or without deodorants. Odors of emissions from enterostomies are primarily due to bacterial action on food residues. Such bacterial action takes place in the colon. Hence, odors from enterostomy emission are mainly confined to colostomies.

The Panel reviewed three ingredients, bismuth subgallate, activated charcoal, and water-soluble chlorophyllin, intended as deodorants for internal use and reviewed specific claims for reducing or controlling enterostomy odor, urinary or fecal incontinence odor, body odor, and the odor of surface lesions. Very little data were available for review on the two latter claims; therefore, the Panel has concentrated its review on claims for reduction of enterostomy odor and urinary or fecal incontinence odor.

The Panel believes that a deodorant for internal use should be capable of significantly decreasing odors which are not related to faulty personal hygiene. The Panel has followed this principle in reviewing the specific ingredients for effectiveness and in establishing the testing guidelines for these ingredients.

C. Labeling

The Panel has carefully reviewed the submitted labeling claims for products promoted as deodorants for internal use and has categorized them in Category I, Category II, or Category III. The Panel realizes that other terms may be developed to express the same Category I indications. Only those indications listed under Category I are generally recognized to be acceptable at this time.

In order for any labeling to be acceptable, it must include (1) the indication(s) for use, (2) pertinent warnings and contraindications, and (3) the recommended dosage.

The Panel believes that all labeling should be clear, concise, easily read, and understood by most consumers. It has followed this concept in the development of all Category I labeling. The Panel is also concerned about the size and color of the print used in labeling of these and all drug products, and recommends that the industry make the necessary effort to design labeling which is legible.

One of the functions of this Panel is to attempt to eliminate improper labeling claims. Some of the labeling on drug products currently marketed as deodorants for internal use is unsupported by scientific data, and, in some cases, is misleading. Accordingly, such labeling has been placed in Category II.

The indications for use should be simply and clearly stated; the directions for use should provide the user with enough information for safe and effective use of the product.

The Panel believes that if two ingredients are indistinguishable with regard to effectiveness, it is misleading to claim superiority for one of the ingredients. Undocumented or misleading claims such as "Prompt reduction * * *" and colloquial or provincial expressions that do not have meaning to most people must not be used. In the labeling, effectiveness should not be related to the taste, odor, consistency, or other physical characteristics of the product, except as these physical characteristics may relate to the action of the active ingredients.

The Panel is aware of the current OTC labeling regulation dealing with warning statements in § 330.1(g). The Panel concurs with the warning, "Keep this and all drugs out of the reach of children," and believes that it should be incorporated in the labeling of drug products indicated as deodorants for internal use. However, the Panel recommends that the other warning statement required by § 330.1(g), "In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately," be revised to read as follows: "In case of accidental overdose, contact a Poison Control Center, emergency medical

facility, or doctor immediately for advice." The Panel believes that this revision will be more informative to the consumer.

Since OTC drug products can be purchased by anyone, it is the view of the Panel that the public may not regard them as products which can result in injurious or potentially serious consequences if used improperly. The public needs to be continually alerted to the idea that these products, like all medicine, carry some risk and should be used with caution. The consumer should also be informed of signs or symptoms of toxicity that warrant discontinuing use of the drug.

In addition, the Panel recommends that the drug product labeling contain instructions for the most effective use of the product. These instructions should be displayed prominently on all package labeling.

The Panel recommends that the label should contain a listing of all ingredients and that it should clearly indicate which are active and which are inactive. Active ingredients should be listed by their established names, and the label should state the quantity of the active ingredient per dose.

III. Deodorant Drug Products for Internal Use

A. Category I Conditions

The following are Category I conditions under which OTC deodorant drug products for internal use are generally recognized as safe and effective and are not misbranded.

1. *Category I active ingredients.* None.

2. *Category I labeling.* Although the Panel has not classified any ingredients as Category I, it recommends the following Category I labeling for deodorant drug products for internal use in the event that one or more ingredients are found to be generally recognized as safe and effective and not misbranded.

a. *Indications.* The product labeling should contain one or more of the following statements:

(1) "A colostomy or ileostomy deodorant."
(2) "An aid to reduce odor from colostomies or ileostomies."

b. *Other required statement.* All product labeling shall contain the following statement: "This product cannot be expected to be effective in the reduction of odor due to faulty personal hygiene."

B. Category II Conditions

The following are Category II conditions under which a deodorant drug product for internal use is not generally recognized as safe and effective or is misbranded.

1. *Category II active ingredients.* None.

2. *Category II labeling.* The Panel concludes that some labeling claims for deodorants for internal use are either vague, misleading, or unsupported by scientific data. The claims listed below and other related terms are therefore classified as Category II labeling for deodorant drug products for internal use.

a. "For the control of breath and body odors."
b. "To reduce breath and body odors."
c. "For the control of odor from surface lesions."
d. "To reduce odor from surface lesions."
e. "For management of mouth, breath, and body odors."
f. "For prompt reduction of oral malodors caused by foods, beverages, tobacco, catarrh, and other sources."
g. "For the control of perspiration odors (underarm, feet, and crotch) and bad breath."
h. "An internal deodorant."

The claim "To reduce body (perspiration) odor or surface lesion odor" has been placed in Category III labeling but only for water-soluble chlorophyllin. (See part III. paragraph C.2. below—Category III labeling.)

C. Category III Conditions

The following are Category III conditions for which the available data are insufficient to permit final classification at this time.

1. *Category III active ingredients.*

Bismuth subgallate.
Charcoal, activated.
Chlorophyllin, water-soluble.

a. *Bismuth subgallate.* The Panel has reviewed the use of bismuth subgallate as a deodorant for internal use for reducing enterostomy odors and concludes that it is safe for OTC use in the dosage proposed below, but data are insufficient to demonstrate its effectiveness.

(1) *Safety.* The bismuth salts, which have been used internally to reduce the odor of feces and gases released from the intestinal tract, are relatively insoluble. The majority of people who use such a product have an ileostomy or colostomy resulting from surgery for a pre-existing illness.

Injectable bismuth salts have been used in the past for treatment of syphilis and other conditions, and nephrotoxicity related to bismuth overdose has been well documented. In 1974, a different type of toxic reaction was reported in Australia in which the chronic ingestion of bismuth subgallate resulted in a severe, chronic, reversible encephalopathy (Ref. *1*). Bismuth subnitrate was indicated in France in six reported cases of reversible encephalopathy (Ref. *2*). By 1976, Martin-Bouyer (Ref. *3*) had recorded in France 360 cases of intoxication associated with chronic ingestion of various bismuth salts (subnitrate, silicate, aluminate, carbonate, basic nitrate, subgallate, subcarbonate, aluminol silicate, phosphate, oxyquinolate, pectate, and citrate). These cases involved 294 persons, of whom 16 died. Four cases of encephalopathy associated with bismuth subgallate were reported by Burns, Thomas, and Barron (Ref. *4*). The Panel is not aware of any reports of such incidents occurring in the United States. Although these salts of bismuth are considered relatively insoluble and poorly absorbed from the gastrointestinal tract, there is a significant absorption of some bismuth salts by some people (Refs. *2* and *5*). Factors controlling this absorption have not been explained; however, a decline of blood levels of bismuth correlates well with the degree of clinical improvement of the encephalopathy syndrome (Ref. *5*). Symptoms and signs commonly associated with the syndrome are asthenia (generalized weakness and fatigue), tremor, unsteadiness, muscular discomfort, loss of memory, confusion, and intellectual impairment. These disappear weeks to months after bismuth salt ingestion is discontinued.

Although these reactions have occurred in France and Australia following chronic ingestion of very high doses of bismuth preparations, this Panel is not aware of any such occurrences in the United States with bismuth subgallate when used at a maximum dose of 1.6 grams (g) per day (200 to 400 milligrams (mg) four times daily). This was verified by presentations to the Panel at its July 21, 1979 meeting (Ref. *6*). It should also be noted that at the time Australia was experiencing cases of bismuth-induced encephalopathy it was importing all its bismuth from France. Since 1977, when the importation of French bismuth was prohibited, Australia has not experienced a single case of bismuth-induced encephalopathy (Ref. *7*).

The Panel is aware that bismuth preparations other than bismuth subgallate have been used for neutralizing enterostomy odors; but, because they have been used to a considerably lesser degree than bismuth subgallate and because the Panel found very little information on which to base any conclusions, they will not be evaluated here.

(2) *Effectiveness.* The use of bismuth subgallate as an enterostomy deodorant

has been recommended by several well-recognized experts on ostomy care. However, there are few clinical studies to support this view. In one double-blind study bismuth subgallate was reported to be statistically significantly better than placebo (p less than 0.01) when used by ileostomates in a dosage of 400 mg before meals to control odor (Refs. *8* and *9*). The details of the study were not available.

In another study, which was uncontrolled, questionnaires were sent to 100 ostomy patients, both ileostomates and colostomates, concerning their use of bismuth subgallate (Ref. *10*). Forty-nine responses (41 from ileostomates and 8 from colostomates) were received, of which 23 (21 ileostomates and only 2 colostomates) indicated a significant use of bismuth subgallate. Of these, 13 (12 ileostomates and 1 colostomate) found the product to be very effective or completely effective in reducing enterostomy odor.

These studies, in addition to presentations made to the Panel on July 21, 1979, give some indication that bismuth subgallate may be effective as an enterostomy deodorizer (Ref. *6*). However, conclusive proof has not been established. This is based on the well-known fact that ileostomy odors are minor as compared to colostomy odors. The Panel recommends that further testing be done according to the proposed testing guidelines to determine whether or not bismuth subgallate is effective as an enterostomy deodorant.

(3) *Proposed dosage.* The Panel concludes that bismuth subgallate is safe for OTC use in a dose of 200 to 400 mg up to four times daily.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used as deodorants for internal use. (See part III. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel concludes that bismuth subgallate as generally recognized as safe for OTC use in the proposed dosage noted above, but finds insufficient data to demonstrate its effectiveness as a deodorant for internal use for reducing enterostomy odors. The Panel, therefore, recommends that it be tested according to the proposed testing guidelines. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(*1*) Morgan, F. P., and J. J. Billings, "Is This Subgallate Poisoning?," *Medical Journal of Australia*, 2:662–663, 1974.

(*2*) Buge, A., et al., "Encephalopathies myocloniques par les sels de bismuth," *La Nouvelle Presse Medicale*, 3:2315–2320, 1974.

(*3*) Martin-Bouyer, G., "Intoxications par les sels de Bismuth administres par voie orale. Enquete epidemiologique," *Therapie*, 31:683–702, 1976.

(*4*) Burns, R., D. W. Thomas, and V. J. Barron, "Reversible Encephalopathy Possibly Associated with Bismuth Subgallate Ingestion," *British Medical Journal*, 1:220–223, 1974.

(*5*) Boiteau, H. L., et al., "Relations entre l'evolution des encephalopathies bismuthiques et les taux de bismuth dans le sang et dans les urines," *European Journal of Toxicology*, 9:233–239, 1976.

(*6*) Summary Minutes of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products meeting held on July 21, 1979.

(*7*) Buge, A., et al., "Correlations Evolutives: Cliniques Electroencephalographiques, tomodensitometriques et toxicologiques, Dans Cinq Cas D'Encephalopathies bismuthiques," *La Semaine Des Hopitaux De Paris*, 55:1466–1472, 1979.

(*8*) Sparberg, M., "Bismuth Subgallate as an Effective Means for the Control of Ileostomy Odor: A double-Blind Study," *Gastroenterology*, 66:476, 1974.

(*9*) Sparberg, M., additional information regarding his study titled "Bismuth Subgallate as an Effective Means for the Control of Ileostomy Odor: A Double-Blind Study" contained under cover letter dated September 18, 1979 in Panel Administrator's File (OTC Volume 17HPAII).

(*10*) OTC Volume 170172 (uncontrolled study conducted by M. Goldsmith and N. Gill).

b. *Charcoal, activated.* The Panel has reviewed activated charcoal as a deodorant for internal use for reducing enterostomy gas and odor and concludes that it is safe for OTC use in the dosage proposed below, but data are insufficient to demonstrate its effectiveness for this use.

(1) *Safety.* There is no information available to the Panel indicating that activated charcoal is harmful for human use. Chronic ingestion by uremic patients in doses up to 50 g daily for up to 20 months produced no apparent ill effects (Ref. *1*). Vitamin deficiency has been induced in chicks on a diet containing 2 percent charcoal (Ref. *2*) and in rats (Refs. *3*, *4*, and *5*), presumably as a result of adsorption of nutrients by the charcoal. Because of the large amounts of charcoal used in these studies, plus the absence of reports of similar vitamin deficiencies in humans who have taken activated charcoal for relatively long periods of time, the Panel believes that the probability of nutrient deficiency in humans when taking activated charcoal is remote. However, the Panel is concerned that activated charcoal, due to its nonspecific adsorptive capacity, will adsorb ingested drugs, thereby decreasing their pharmacological activity. Therefore, the Panel recommends that the labeling of activated charcoal, when intended as an enterostomy deodorant, include a drug interaction precaution regarding any concurrent drug therapy.

The Panel has also reviewed activated charcoal as a digestive aid and for the treatment of acute toxic ingestion.

(2) *Effectiveness.* Activated charcoal has a long history of use as an effective adsorbent in various medical, industrial, and home situations. This Panel has previously reviewed the use of activated charcoal in the treatment of acute toxic ingestion and found it to be effective. The Panel has received one submission regarding the use of activated charcoal as a deodorant for internal use to reduce enterostomy gas and odor (Ref. *6*). As supporting evidence of this claim, the same firm referred to a study (Ref. *7*) submitted to the Panel when it previously reviewed digestive aid drug products. This was a preliminary double-blind study which indicated that activated charcoal would reduce the incidence of gas in normal healthy males after a meal containing beans, but no mention is made of the odor or the volume of the gas released.

Despite the absence of convincing double-blind studies or other scientific proof of effectiveness of activated charcoal as an enterostomy deodorant, the Panel believes it is reasonable to assume that the claims of its effectiveness for reducing gas and thereby reducing enterostomy odor are in keeping with its scientifically proven adsorptive capability (Ref. *8*). This opinion was also expressed in the presentations made to the Panel on July 21, 1979 (Ref. *9*).

On the basis of evidence presented as to the high adsorptive capability of activated charcoal also and the expert knowledge of the Panel, the Panel concludes that activated charcoal may be effective as a deodorant for internal use for reducing enterostomy gas and odor. The Panel recommends that further testing be done according to the proposed testing guidelines to determine whether or not activated charcoal is effective for such use.

(3) *Proposed dosage.* The Panel concludes that activated charcoal is safe for OTC use in a dose of up to 10 g daily in divided doses.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used as deodorants for internal use. (See part III. paragraph A.2. above—Category I labeling.) In addition, the Panel recommends that the following statement be included in a "Drug Interaction Precautions" section: "Because this medication may decrease the effectiveness of any other drug you are taking, consult your doctor before using it."

(5) *Evaluation.* The Panel concludes that activated charcoal is generally recognized as safe for OTC use in the dose noted above, but finds insufficient data to demonstrate its effectiveness as a deodorant for internal use for reducing enterostomy odor and gas. The Panel recommends that this ingredient be tested according to the proposed testing guidelines. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(*1*) Yatzididis, H., "Activated Charcoal Rediscovered," *British Medical Journal*, 4:51, 1972.

(*2*) Almquist, H. J., and D. Zander, "Adsorbing Charcoal in Chick Diets," *Proceeding of the Society of Experimental Biology and Medicine*, 45:303–305, 1940.

(*3*) Cailleau, R., and J. Adrian, "L'Influence du Charbon sur L'Efficacite Vitaminique d'un Regime Equilibre," *Bulletin de la Societe Scientifique d'Hygiene Alimentaire et d'Alimentation Rationelle*, 36:114–121, 1948.

(*4*) Messerli, N., "De L'Influence des Substances Adsorbantes Ajoutees A une Alimentation Unilaterale sur le Developpement de L'Etat D'Avitaminose," *Archives Internationales de Physiologie (Liege)*, 19:103–114, 1922.

(*5*) Matet, A., and J Matet, "Regimes au Charbon Actif et Avitaminose A Precoce. Application a la Preparation de Regimes sans Vitamine A," *Bulletin de la Societe de Chemie Biologique*, 27:513–518, 1945.

(*6*) OTC Volume 170179.

(*7*) Hall, R. G., "Effectiveness of Charcoal in the Treatment of Intestinal Flatus," in Part III, OTC Volume 170151.

(*8*) OTC Volume 170125.

(*9*) Summary Minutes of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products meeting held on July 21, 1979.

c. *Chlorophyllin, water-soluble.* The Panel has reviewed water-soluble chlorophyllin, which according to New and Nonofficial Remedies (Ref. *1*) is 100 percent potassium sodium copper chlorophyllin, as a deodorant for internal use and concludes that it is safe for OTC use in the dosage proposed below, but data are insufficient to demonstrate its effectiveness in reducing enterostomy odor, urinary or fecal incontinence odor, body odor, or the odor from surface lesions.

(1) *Safety.* The median lethal dose (LD_{50}) for oral ingestion of a 15-percent aqueous solution of potassium sodium copper chlorophyllin for mice was found to be 7 grams per kilogram (g/kg) body weight. No toxic effects were found in rats from long-term feeding of a diet containing a 3–percent concentration of this chlorophyllin. There were no adverse effects on growth, survival, ability to conceive, or survival of offspring (Ref. *2*).

Few side effects have been reported in humans following the administration of water-soluble chlorophyllin in oral doses of up to 800 mg (in divided doses) daily for varying durations, each exceeding 1 week (Refs. *3* through *7*). The most frequent side effect reported was mild diarrhea, along with an expected green coloration of the stools. There was also one case of abdominal cramps and one case of excessive gas.

Acceptable daily intake of up to 15 mg/kg of a cholorophyllin copper complex, sodium and potassium salts, was established as temporarily acceptable by the Expert Committee on Food Additives of the World Health Organization (Ref. *8*).

(2) *Effectiveness.* The Panel was unable to find any well-controlled clinical studies demonstrating a reduction of enterostomy odor, urinary or fecal incontinence odor, body (perspiration) odor, or odor from surface lesions by the oral ingestion of water-soluble chlorophyllin.

The Panel is aware of 4 reports of uncontrolled clinical trials with a total of 47 enterostomy patients in which it was claimed that 46 had marked decrease or absence of odor from the ostomies with varying doses of water-soluble chlorophyllin (Refs. *6, 7, 9,* and *10*).

The Panel is also aware of 6 reports of uncontrolled clinical trials on the use of water-soluble chlorophyllin as a deodorant for internal use in a total of some 300 fecal or urinary incontinent patients in psychiatric institutions or nursing homes. The doses ranged from 100 to 200 mg daily. The odor was reported to be markedly reduced or absent within 1 to 2 weeks (Refs. *3, 4, 5, 10, 11,* and *12*).

Two of the studies mentioned above also showed good results in the reduction of body odor (Ref. *5*) and odor from malodorous surface lesions (Refs. *5* and *6*).

The studies summarized above, involving several hundred patients, reported excellent efficacy of water-soluble chorophyllin in multiple doses for the control of odors. From a statistical point of view, all of these studies were defective and the conclusions are unacceptable. Some of the defects which are common to the nine studies are as follows:

(a) None of the studies was double-blinded. (The investigators always knew whether the subjects were receiving the drug.)

(b) None of the studies properly employed placebos. Golden and Burke (Ref. *5*) apparently employed a placebo intermittently; however, this was not done in any systematic way. A crossover study employing a placebo could be performed easily to evaluate these drugs, but this was not done.

(c) It cannot be ascertained if proper controls were applied to minimize the effects of confounding variables, such as patient hygiene and patient care. It is unknown if the successes reported were due to the drug or to these variables.

(d) Only one study appears to have attempted to evaluate in quantitive terms the outcome/success variables dealing with reduction of odors (Ref. *12*).

Most of the studies reported simply state that odors were reduced or eliminated. No attempts were made to quantify baseline odors and changes over time. Thus, the results of the studies cannot be evaluated by statistical procedures. Further, their validity and reliability cannot be established in any objective manner.

Much of the odor of feces is due to the production of malodorous hydrogen sulfide. An in vitro test with water-soluble chlorophyllin has demonstrated a decrease of fecal odor (possible by adsorption of hydrogen sulfide) and the inhibition of the production of hydrogen sulfide in cultures of hydrogen sulfide-producing enteric organisms (Ref. *13*). The author attributes the mechanism of deodorization to a change in the bacterial metabolism.

A double-blind investigation on the systemic control of chronic foul foot odor in 88 psychiatric patients over a 4-week period shows no significant differences in subjective evaluation of the intensity of odor following administration of chlorophyll or placebo (Ref. *14*). There is no indication as to exactly what chlorophyll preparation was used in this study, nor is there any mention of the strength used.

The Panel concludes that there is insufficient evidence to demonstrate the effectiveness of water-soluble chlorophyllin as a deodorant for internal use for reducing enterostomy odor, urinary or fecal incontinence odor, body odor, or the odor from surface lesions, and recommends that it be tested further according to the proposed testing guidelines to determine whether or not it is effective.

(3) *Proposed dosage.* The Panel concludes that the water-soluble chlorophyllin is safe for OTC use up to 800 mg daily in divided doses.

(4) *Labeling.* The Panel recommends Category I labeling for ingredients used as deordorants for internal use. (See part III. paragraph A.2. above—Category I labeling.)

(5) *Evaluation.* The Panel concludes that water-soluble chlorophyllin copper chlorophyllin) is safe for OTC use in the proposed dosage stated above, but finds insufficient data to demonstrate its effectiveness as a deodorant for internal

use for reducing enterostomy odor, urinary or fecal incontinence odor, body odor, or the odor from suface lesions. The Panel, therefore, recommends that it be tested according to the proposed testing guidelines. (See part III. paragraph D. below—Data Required for Evaluation.)

References

(1) "New and Nonofficial Remedies," J.B. Lippincott Co., Philadelphia, p. 570, 1957.

(2) Harrison, J. W. E., S. E. Levin, and B. Trabin, "The Safety and Fate of Potassium Sodium Copper Chlorophyllin and Other Copper Compounds," *Journal of American Pharmaceutical Association*, 43:722–737, 1954.

(3) Morrison, J. E., "Oral Tablets Help Control Ward Odors, Study Shows," *Hospital*, 33:97, 1959.

(4) Laitner, W., "Odor Control in the Incontinent Mental Patient," *Phychiatric Quarterly*, (Supplement 2), 29:190–192, 1055.

(5) O'Connell, L., "A Useful Adjunct for Odor Control in Malodorous Surface Lesions and Incontinence," *Journal of the Central Islip State Hospital*, 1:23–26, 1968.

(6) Golden, T., And J. F. Burke, "Effective Management of Offensive Odors" *Gastroenterology*, 31:280–285, 1956.

(7) Siegel, L. H., "The Control of Ileostomy and Colostomy Odors," *Gastroenterology*, 38:634–636, 1960.

(8) The Eighteenth Report of the Joint FAO/WHO Expert Committee on Food Additives, *World Health Organization Technical Report Series*, No. 557, pp. 16–17, 1974.

(9) Weingarten, M., and B. Payson, "Deodorization of Colostomies with Chlorophyll," *The Review of Gastroenterology*, 18:602–604, 1951.

(10) Joseph, M., "The Control of Fecal Odors with Chlorophyll Tablets," *Western Journal of Surgery, Obstetrics and Gynecology*, 60:363–364, 1952.

(11) Dory, A. E., "The Control of Odor in Urinary Incontinence," *Nursing Homes*, 20:28, 1971.

(12) Noonan, L., "Summary of Derifil Tablets Trial," Rockland State Hospital, Orangeburg, NY, April 1972 (unpublished) contained in OTC Volume 170014 (Exhibit Y).

(13) Coren, O. J., and R. D. Barnard, "Probable Mechanism of Bowel Content Deodorization by Chloresium Ingestion. A confirmatory Bacteriologic Study," *New York State Journal of Medicine*, 54:2195–2199, 1954.

(14) Blake, R., "Determination of Extent of Deodorizing Properties of Chlorophyll," *Journal of American Podiatry Association*, 58:109–112, 1968.

2. *Category III labeling.* The Panel concludes that data are insufficient to demonstrate the effectiveness of internal deodorants in reducing the odor associated with incontinence or to reduce gas in enterostomy conditions. for water-soluble chlorophyllin, data are also insufficient to demonstrate effectiveness for reducing body (perspiration) odor or surface leasion odor. The following labeling claims are placed in Category III:

a. "For the reduction of fecal or urinary odor associated with incontinence."

b. "To reduce gas and odor associated with enterostomies."

c. *For products containing water-soluble chlorophyllin.* "To reduce body (perspiration) odor or surface lesion odor." Similar claims for other deodorants for internal use have been classified as Category II. (See part III. paragraph B.2. above—Category II labeling.)

D. Data Required for Evaluation

Guidelines for developing protocols for evaluating OTC deodorant drug products for internal use. The Panel recognizes that currently there is not available a generally accepted protocol for evaluating OTC deodorants for internal use. The Panel has reviewed carefully the scientific literature and has not been able to find any well-controlled studies for these drugs. Still, in order to bring a Category III drug into Category I, well-controlled studies must be performed. To aid investigators in designing tests of effectiveness, the Panel has developed the following guidelines. These guidelines are restricted to studies whose target population is subjects with enterostomies, and they are not meant necessarily to extend to other populations (e.g., to incontinent patients); however, many of the principles established here would be applicable. The guidelines are not meant to be definitive even for the target population of enterostomates. There may be at present or in the future other appropriate techniques, advances, or improved methodologies not contained here. However, these quidelines illustrate the important issues that must be considered in clinical trials involving the present set of drugs and, for that reason, should be a useful aid to investigators. The Panel would have preferred to use an objective measure to detect odor produced but is not aware of the availability of any practical methodology of adequate sensitivity and, therefore, is relying on the sense of smell, which is obviously subjective.

The Panel suggests that investigators discuss with appropriate FDA personnel proposed deviations from the following guidelines, as well as studies directed at other target populations, prior to initiation of such studies.

1. *Objective of the study.* The objective of the study is to determine whether the drug under investigation is more effective than a placebo as a deodorant for internal use for reducing colostomy odor.

2. *Target and sample populations.* The target population is the population of enterostomates who perceive a need for an internal deodorant to control odors that are not due to faulty personal hygiene. For the study, the sample population should consist only of individuals with colostomies. Odor is more likely to be a problem with these individuals than with other ostomates (e.g., ileostomates). Restriction of a study to this sample population will eliminate the potential of having many individuals in the study who do not have an odor problem and for whom a clinically significant drug effect will be impossible to document. If the drug is effective, it can be expected that its effectiveness will be demonstrable in a sample of colostomates. Further, if the drug is effective for these individuals, the Panel believes it should also be effective for the full target population of enterostomates.

For any particular study, the selected sample population should be fully specified, and pertinent characteristics should be thoroughly described. Also, the appropriate target population to whom study results can be extended should be stated, and the logic underlying the extension should be justified.

3. *Study setting and investigators.* The study should be conducted by qualified investigators in clinical centers, academic settings, or private practices. The important component is the qualification of the investigator.

4. *Admissibility and exclusion criteria.* The study subjects should be individuals with colostomies (other ostomates are to be excluded). In addition, the subjects

a. Should be free of active disease,

b. Should have no known sensitivity to the test drug,

c. Should not be taking other medications, including OTC medications, which might influence the response of the subject in the study,

d. Should be able to comprehend instructions and adhere to the study protocol (e.g., take drug as required by the protocol and keep a daily diary), and

e. Should not have an odor problem that might be related to faulty personal hygiene.

5. *Variables to measure in the pretest period.* Prior to giving the test medication, basic information on the subjects should be obtained. This is required not only to decide upon admissibility into the study, but also to use as a reference point for evaluating efficacy. The pretest variables should include:

a. Subjective measure of odor, on a 0 to 4 scale with 0 representing no odor and 4 representing maximum odor, by at least two individuals (subject and, for example, a staff member),

b. Enumeration of physical hygiene measures (e.g., type of colostomy appliance used),

c. Frequency of change of colostomy appliance,

d. Frequency of use of external deodorants in colostomy appliance, and

e. Quantification of dietary and other factors that may impact on odor.

Other variables, such as age, sex, and health status of the subjects, that are routinely of interest in clinical studies should also be collected at the prestudy stage.

6. *Study design.* The study should be randomized, double-blind, placebo-controlled crossover. Subjects should first go for 1 week without any treatment and then be randomly assigned to one treatment for a period of 14 days (½ to the drug and ½ to the placebo). This should be followed by a 7-day washout period and then subjects should be crossed over to the other treatment for a second period of 14 days.

7. *Instruction to study subjects.* The subjects should be given instructions for drug use according to the drug company's directions. The investigator should be certain the instructions are understood. Further, in order to insure consistency throughout the study, very strict rules to exclude variations in personal hygiene should be included in the instructions to the subjects. The use of external deodorants should be eliminated. Also, in order to produce the proper setting to judge the drug's effectiveness, the investigator may want to include the use of odor-producing foods in the diet during the course of the study. If this is desirable, the type and amount of food should be standardized by subject and should be uniform in both stages of the crossover.

8. *Variables to measure during the study.* A daily diary should be kept to record the amounts and times of day that the treatment (drug or placebo) is taken. Daily food intake and changes in hygiene should also be recorded. Also, a subjective measure of odor should be recorded daily by the individual. As in the prestudy measure, this should be on a 0 to 4 scale with 0 representing no odor and 4 representing maximum odor. Further, the subjects should be interviewed by a member of the project staff once at the beginning, once during, and once at the end of each of the 14-day periods (six interviews). During these interviews a rating on the 0 to 4 scale of the subject's odor should be made by a project staff member.

9. *Effectiveness measures.* The Panel recognizes that a subject's ability to measure his personal odor will lessen with time, but believes that the primary measure of odor in the study should be subject's own perception of it. This should be supplemented by independent evaluation whenever feasible. The major effectiveness measures to use for comparison of the drug with the placebo should be the change in odor over the treatment periods (i.e., two segments of crossover) and the subject's odor rating at the end of each treatment period. Other measures, such as changes in the project staff member's ratings and a subjective comparison of treatments by the patient at the end of the study, should also be of help in evaluating effectiveness.

10. *Statistical tests and sample size.* Appropriate statistical tests for crossover designs should be used to establish effectiveness. Sample sizes should be determined to give a p value of 0.05 for testing equality of effectiveness of the drug and placebo and a sufficiently small probability of error (e.g., 0.20) of not detecting a significant clinical superiority of the drug over the placebo. The drug company should be prepared to discuss what is meant by a significant clinical superiority.

11. *Number of clinical trials.* Two separate trials, performed by different investigators at different geographical sites, should be conducted. The samples from each of these sites should be representative of the sample population.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding in Part 357, a new Subpart I, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart I—Deodorant Drug Products for Internal Use

Sec.

357.801 Scope.
357.803 Definitions.
357.810 Active ingredients for deodorant drug products for internal use. [Reserved]
357.850 Labeling of deodorant drug products for internal use.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart I—Deodorant Drug Products For Internal Use

§ 357.801 Scope.

(a) An over-the-counter deodorant drug product for internal use in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each condition in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.803 Definitions.

As used in this subpart:

(a) *Colostomy.* An external operative opening from the colon.

(b) *Deodorant for internal use.* An ingredient taken internally to render offensive odors less perceptible.

(c) *Ileostomy.* An external operative opening from the ileum.

§ 357.810 Active ingredients for deodorant drug products for internal use. [Reserved]

§ 357.850 Labeling of deodorant drug products for internal use.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "deodorant for internal use."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to one or more of the following phrases:

(1) "A colostomy of ileostomy deodorant."

(2) "An aid to reduce odor from colostomies or ileostomies."

(c) *Other required statement.* The labeling of the product contains the following statement "this product cannot be expected to be effective in the reduction of odor due to faulty personal hygiene."

(d) *Warnings.* [Reserved]

(e) *Directions.* [Reserved]

Interested persons may, on or before April 5, 1982 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be

identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-8 Filed 1-4-82; 8:45 am]

BILLING CODE 4160-01-M

V 47 / 2 J A 5 8 2

federal register

Tuesday
January 5, 1982

Part XII

Department of Health and Human Services

Food and Drug Administration

Corn and Callus Remover Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 358

[Docket No. 81N-0122]

Corn and Callus Remover Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of a proposed rulemaking that would establish conditions under which over-the-counter (OTC) corn and callus remover drug products are generally recognized as safe and effective and not misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous External Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 22, 1980 a report on OTC corn and callus remover drug products from the Advisory Review Panel on OTC Miscellaneous External Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC corn and callus remover drug products are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it.

After reviewing all comments submitted in response to this document, FDA will issue in the **Federal Register** a tentative final monograph for OTC corn and callus remover drug products as a notice of proposed rulemaking. Under the OTC drug review procedures, the agency's position and proposal are first stated in the tentative final monograph, which has the status of a proposed rule. Final agency action occurs in the final monograph, which has the status of a final rule.

The agency's position on OTC corn and callus remover drug products will be stated initially when the tentative final monograph is published in the **Federal Register** as a notice of proposed rulemaking. In that notice of proposed rulemaking, the agency also will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC corn and callus remover drug products. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC corn and callus remover drug products should be accompanied by appropriate documentation.

In accordance with § 330.10(a)(2), the Panel and FDA have held as confidential all information concerning OTC corn and callus remover drug products submitted for consideration by the Panel. All the submitted information will be put on public display in the Dockets Management Branch, Food and Drug Administration, after February 4, 1982, except to the extent that the person submitting it demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III because that was the framework in which the Panel conducted its evaluation of the data.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions which would cause the drug

to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph which are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to voluntarily comply with the monograph at the earliest possible date.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, requests for data and information on all active ingredients used in OTC miscellaneous external drug products were issued in the **Federal Register** of November 16, 1973 (38 FR 31697). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient,' ") In the **Federal Register** of August 27, 1975 (40 FR 38179), a notice supplemented the original notice with a detailed, but not necessarily all-inclusive, list of ingredients in miscellaneous external drug products. This list, which included ingredients for corn and callus removers, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC drug review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these miscellaneous external drug products:

William E. Lotterhos, M.D., Chairman
Rose Dagirmanjian, Ph. D.
Vincent J. Derbes, M.D. (resigned July 1976)
George C. Cypress, M.D. (resigned November 1978)
Yelva L. Lynfield, M.D. (appointed October 1977)
Harry E. Morton, Sc. D.
Marianne N. O'Donoghue, M.D.
Chester L. Rossi, D.P.M.
J. Robert Hewson, M.D. (appointed September 1978)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Marvin M. Lipman, M.D., of Consumers Union served as the consumer liaison. Gavin Hildick-Smith, M.D., served as industry liaison from January until August 1975, followed by Bruce Semple, M.D., until February 1978. Both were nominated by the Proprietary Association. Saul A. Bell, Pharm. D., nominated by the Cosmetic, Toiletry, and Fragrance Association, also served as an industry liason since June 1975.

Two nonvoting consultants, Albert A. Belmonte, Ph. D., and Jon J. Tanja, R.Ph., M.S., have provided assistance to the Panel since February 1977.

The following FDA employees assisted the Panel: John M. Davitt served as Executive Secretary until August 1977, followed by Arthur Auer until September 1978, followed by John T. McElroy, J.D. Thomas D. DeCillis, R.Ph., served as Panel Administrator until April 1976, followed by Michael D. Kennedy until Janaury 1978, followed by John T. McElroy, J.D. Joseph Hussion, R.Ph., seved as Drug Information Analyst until April 1976, followed by Victor H. Lindmark, Pharm. D., until March 1978, followed by Thomas J. McGinnis, R.Ph.

The Advisory Review Panel on OTC Miscellaneous External Drug Products was charged with the review of many categories of drugs. Due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for corn and callus remover drug products in this document. The findings of the Panel with respect to other categories of miscellaneous external drug products are being published periodically in the **Federal Register.**

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings which dealt with the topic in this document were held on: April 20 and 21, 1975, April 2 and 3, 1976; August 5 and 6, September 30, October 1, December 11 and 12, 1977; April 16 and 17, June 11 and 12, August 11 and 12, September 30, October 1, December 11 and 12, 1978; September 28 and 29, October 28 and 29, December 9 and 10, 1979; January 27 and 28, March 7 and 8, April 20 and 21, and June 22 and 23, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration (address above).

The following individuals were given an opportunity to appear before the Panel, either at their own request or at the request of the Panel, to express their views on corn and callus remover drug products:

Robert Blank, Ph. D.
Phillip Brachman, D.P.M.
Barry Brooks, J.D.
Frank Dunlap, M.D.
Donald Hartung
Adam Kara, D.P.M.
Herbert Lapidus, Ph. D.
William Mueller
Mark Taylor

No person who so requested was denied an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature and data submissions, has listened to additional testimony from interested persons, and has considered all pertinent information submitted through June 23, 1980 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations in § 330.10, the Panel reviewed OTC corn and callus remover drug products with respect to the following three categories:

Category I. Conditions under which OTC corn and callus remover drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC corn and callus remover drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed 16 active ingredients in corn and callus remover drug products and classified 1 ingredient

in Category I, 13 ingredients in Category II, and 2 ingredients in Category III.

I. Submission of Data and Information

In an attempt to make this review as extensive as possible and to aid manufacturers and other interested persons, the agency compiled a list of ingredients recognized, either through historical use or use in marketed products, as corn and callus remover active ingredients. Twenty-nine ingredients were identified as follows: Alkaloids of belladonna, allantoin (5-ureidohydantoin), ascorbic acid, beeswax, benzocaine, camphor gum, castile soap, castor oil, chlorobutanol, chlorophyll, collodion, cotton seed oil, ether, glacial acetic acid, ichthyol, iodine, lard, menthol, methylbenzethonium chloride, methyl salicylate, oil of eucalyptus, panthenol, pyroxylin, salol (phenyl salicylate), sodium carbonate, thymol, turpentine, vitamin A, and zinc chloride. Notices were published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on these ingredients or any other ingredients used in OTC corn pads, plasters, and remedies, henceforth referred to as OTC corn and callous remover drug products.

A. Submissions

Pursuant to the above notices, the following submissions were received:

Firms and Marketed products

Chattem Drug & Chemical Co., Chattanooga, TN 37409—Blis-To-Sol.

Combe, Inc., White Plains, NY 10604—Blue Jay Corn Plasters.

E. G. Behren, Jackson, MI 49202—Corn/Callous Remover.

Scholl, Inc., Chicago, IL 60610—Callous Salve, Corn Salve, "2" Drop Corn/Callous Remover, Fixo Corn Plasters, Pink Medicated Disks for Corn Removal, Kurotex Corn Pads, Waterproof Corn Pads, Waterproof Small Corn Pads, Waterproof Callous Pads, Plastic Film Corn Pads, Pink Medicated Disks For Callous Removal, Medicated Disks for use with Zino Pads for Removing Soft Corns, Medicated Disks for use with Zino Pads for Removing Corns, Medicated Disks for use with Zino Pads for Removing Callouses, Presto Callous Pads, Presto Soft Corn Pads, Presto Corn Pads, Presto Small Corn Pads, Zino Small Corn Pads, Zino Corn Pads, Zino Callous Pads, Zino Soft Corn Pads.

Whitehall Laboratories, New York, NY 10017—Freezone.

B. Ingredients Reviewed by the Panel

1. Labeled ingredients contained in marketed products submitted to the Panel.

Alcohol
Camphor
Castor oil
Diperodon hydrochloride
Ether
Oil of eucalyptus
Phenoxyacetic acid
Pyroxylin
Salicylic acid
Starch
Zinc chloride

2. Other ingredients reviewed by the Panel.

Alkaloids of belladonna
Allantoin (5-ureidohydantoin)
Ascorbic acid
Beeswax
Benzocaine
Camphor gum
Castile soap
Chlorobutanol
Chlorophyll
Collodion
Cotton seed oil
Glacial acetic acid
Ichthyol (ichthammol)
Iodine
Lard
Menthol
Methylbenzethonium chloride
Methyl salicylate
Panthenol
Salol (phenyl salicylate)
Sodium carbonate
Thymol
Turpentine
Vitamin A

C. Classification of Ingredients

1. Active ingredients.

Phenoxyacetic acid
Salicylic acid
Zinc chloride

2. Inactive ingredients.

Alcohol
Beeswax
Benzocaine
Camphor
Camphor gum
Castile soap
Castor oil
Chlorophyll
Collodion

Cotton seed oil
Ether
Eucalyptus oil (oil of eucalyptus)
Lard
Menthol
Pyroxylin
Sodium carbonate
Starch
Thymol
Turpentine

3. Other ingredients. The Panel was not able to locate nor is it aware of any data demonstrating the safety and effectiveness of the following ingredients when used as OTC corn and callus remover active ingredients. The Panel, therefore, classifies these ingredients as Category II for this use, and they will not be discussed further in this document.

Acetic acid, glacial (glacial acetic acid)
Allantoin (5-ureidohydantoin)
Ascorbic acid
Belladonna (extract) (alkaloids of belladonna)
Chlorobutanol
Diperodon hydrochloride
Ichthammol (ichthyol)
Iodine
Methylbenzethonium chloride
Methyl salicylate
Panthenol
Phenyl salicylate (salol)
Vitamin A

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31697) and August 27, 1975 (40 FR 38179). All of the information included in these volumes, except for those deletions which are made in accordance with confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after February 4, 1982, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Discussion

In normal skin the cells in the stratum basale epidermidis (bottom layer of the epidermis) undergo mitotic division (cell reproduction) followed by the migration of maturing cells through the stratum spinosum (prickle cell layer) and the stratum granulosum (granular layer of the epidermis). The migration rate is equal to the continual surface shedding of these cells. Normal mitotic activity and subsequent shedding lead to complete replacement of epidermis in about 1 month. In the case of a callus, friction and pressure against the surface of the skin increase the shedding rate which leads to a faster mitotic activity of the basal cell layer. This increased activity in turn produces a thicker stratum corneum (outermost layer) as more cells reach the outer surface of the skin. When the friction or pressure is relieved, the mitotic activity returns to normal, causing remission and disappearance of the callus (Ref. *1*).

A corn and callus are similar in that each has a marked thickening (hyperkeratosis) of the top layer of the skin. Both corns and calluses are caused by long periods of pressure or friction against the skin, and the affected areas respond with a thickening of the skin which is sometimes painful. It is usually when the affected area becomes painful that advice and consultation are sought or an OTC product is purchased.

A callus is a thickening of the skin having no central core, as opposed to a corn which has a definite core (Refs. *2* and *3*). A callus has indefinite borders and ranges from a few millimeters to several centimeters in diameter. A callus is usually raised, off-white, and has a normal pattern of skin ridges on its surface. Calluses form on weight-bearing areas in addition to the skin covering joints (e.g., on the palms of the hands, the sides and soles of the feet). Calluses also provide protection. Because the callus does protect, a reduction of the callus should be cautiously attempted, and the shoe, stocking, or other irritant cause should be removed (Ref. *4*).

In a reference submitted to the Panel, all hyperkeratolytic lesions studied on the plantar (bottom) surface of the foot and on either side of the large toe were classified as calluses (Ref. *5*). All lesions occurring on any surface of a toe, except on the sides of the large toe, were called corns.

Corns can be hard or soft and are usually associated with an underlying bony prominence, which causes a thickening, and a more compact central core, which is usually painful. According to Popovich (Ref. *1*), a corn is a raised, yellowish-gray thickening and ranges from a few millimeters to one or more centimeters in diameter. The base of the corn is on the surface of the skin; the apex points inward and presses nerve endings in the skin, causing pain (Ref. *1*).

Hard corns are the most common form of corns and occur on the surfaces of the toe joints (Ref. *6*). They are shiny and polished (Ref. *1*).

Soft corns are whitish thickenings of the skin that are usually found on the webs between the fourth and fifth toes and are continually macerated by accumulated sweat.

An intermediate between hard and soft corns is the so-called "O-corn" which is hard-rimmed, soft in the center, and usually very painful (Ref. *4*).

Seed corns are tiny compact areas within calloused skin on the sole of the foot, particularly in the metatarsal area, and usually are without symptoms (Ref. *4*).

A neurovascular corn has a highly vascular core (i.e., contains a large amount of blood), is not responsive to treatment, may occasionally bleed, and usually develops along the side of the foot near the big toe (Ref. *4*).

The Panel recommends that OTC corn and callus remover drug products be used only on calluses and hard corns. For the treatment of corns other than those described as hard, the Panel recommends that a doctor be consulted.

Corns generally arise from poorly fitting shoes, improperly fitted hosiery, or orthopedic problems (Ref. *5*). Orthopedic problems include improper weight distribution, pressure, and the development of bunions (a swelling over the area of the ball of the great toe, with thickening of the overlying skin and the forcing of this toe toward the little toe) (Ref. *1*). Other conditions occurring on the feet, such as warts or tumors, may be mistaken for corns or calluses. The Panel, therefore, recommends that hyperkeratotic foot lesions which persist despite self-treatment should be evaluated by a doctor.

The Panel further recommends that OTC drug preparations for removing corns and calluses should not be used by diabetics and persons with poor circulation except on the advice and under the supervision of a doctor. These persons are more prone to infections which may result from injury to surrounding skin by the OTC corn and callus remover drug preparations or by mechanical attempts to remove the corn or callus. Acute inflammation and ulceration may also occur from overuse of OTC corn and callus remover drug products (Refs. *7* and *8*). The Panel also points out that these products should not be used on irritated skin or any area that is infected or reddened.

The Panel adopted the following definitions pertaining to corn and callus removers:

a. *Balm.* A soothing liquid or semisolid preparation.

b. *Collodion.* A solution of pyroxylin (nitrocellulose) in an appropriate nonaqueous solvent which, on application to the skin in a thin layer, leaves a transparent, cohesive film.

c. *Cream base.* A water-in-oil and oil-in-water preparation resulting in a semisolid vehicle.

d. *Emollient.* A bland, fatty, or oily substance which may be applied locally, particularly to the skin, to mucous membranes, or to abraded areas. The skin is rendered softer and more pliable.

e. *Foot salve.* An ointment intended for use on the feet.

f. *Keratolytic agent.* A peeling agent causing a loosening of the cells of the horny layer of the skin.

g. *Lubricant.* Any substance that decreases friction.

h. *Medicated disk.* A topical medication, usually incorporated in a skin-contact adhesive base, carried on a fabric, plastic, or other suitable backing cut to the size and shape appropriate to the lesion to be treated.

i. *Medicated pad.* A topical medication consisting of an appropriately-sized protective pad of fabric, plastic, or other suitable cushioning material in or on which the medication is carried.

j. *Medicated plaster.* A topical medication, usually incorporated in a skin-contact adhesive base, spread upon a fabric, plastic, or other suitable backing.

k. *Ointment base.* A single phase semisolid preparation for external application, which is readily applied to the skin and used primarily as a vehicle or base for the topical application of more active medicinal substances. It may also function as a protectant or emollient.

l. *Vehicle.* A substance utilizated as a carrier for active ingredients. For corn and callus remover active ingredients, it may be an ointment base, solvent, collodion, medicated pad, disk, or plaster.

References

(*1*) Popovich, N. G., "Foot Care Products," *in* "Handbook of Nonprescription Drugs," 5th Ed., American Pharmaceutical Association, Washington, pp. 361–365, 1977.

(*2*) Domonkos, A. N., "Andrews' Diseases of the Skin," 6th Ed., W. B. Saunders Co., Philadelphia, pp. 54–60, 1971.

(*3*) Potter, G. K., "Histopathology of Clavi," *Journal of the American Podiatry Association*, 63:57–66, 1973.

(*4*) Gibbs, R. C., "Skin Diseases of the Feet," Warren H. Green, Inc., St. Louis, pp. 44–62, 1974.

(*5*) Arndt, K. A., "Manual of Dermatologic Therapeutics with Essentials of Diagnosis," 2d Ed., Little, Brown, and Co., Boston, pp. 46–49, 1978.

(*6*) "Stedman's Medical Dictionary," 23d Ed., The Williams and Wilkins Co., Baltimore, 1976, s.v. "corn."

(*7*) Rasmussen, J. E., and A. A. Fisher, "Allergic Contact Dermatitis to a Salicylic Acid Plaster," *Contact Dermatitis*, 2:237–238, 1976.

(*8*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 909, 1977.

III. Categorization of Data

A. Category I Conditions

These are conditions under which active ingredients used for corn and callus removal are generally recognized as safe and effective and are not misbranded.

1. *Category I ingredient—Salicylic acid.* The Panel concludes that salicylic acid is safe and effective for OTC use as a corn and callus remover when used within the dosage limits stated below.

Salicylic acid, also known as 2-hydroxybenzoic acid and *o*-hydroxybenzoic acid, is found in nature in wintergreen leaves and in the bark of the sweet birch. It is synthesized by heating sodium phenolate with carbon dioxide under pressure. Salicylic acid is

a lipid-soluble drug; 1 gram (g) dissolves in approximately 460 milliliters (mL) water or 15 mL boiling water, 2.7 mL alcohol, 3 mL acetone, 42 mL chloroform, 3 mL ether, 135 mL benzene, 52 mL turpentine, 60 mL glycerin, or 80 mL of fats or oils which makes salicylic acid compatible with a variety of pharmaceutical vehicles (Ref. *1*).

a. *Safety.* Salicylic acid and its derivatives are a widely used group of compounds. They are used as analygesics (pain relievers), antipyretics (fever reducers), keratolytics (peeling agents), rubefacients (agents that cause reddening of the skin), and anti-inflammtory agents. Whether the salicylates are administered orally, rectally, intravenously, or cutaneously, systemic absorption occurs. When salicylates are administered in a toxic dose, the potential side effects are nausea, decreased ability to hear, tinnitus (ringing in the ears), confusion, metabolic disturbances, hallucinations, and, in some extreme cases, death. These toxic reactions are collectively known as salicylism. However, the Panel is unaware of any report of salicylism resulting from the topical use of salicylic acid as a corn and callus remover.

Salicylic acid, when used topically in concentrations of 1 percent and higher, depending on the vehicle, is keratolytic on normal skin and should be applied carefully to hyperkeratotic areas of skin to avoid damage to adjacent healthy skin. It softens and destroys the outer layer of skin by increasing endogenous hydration (water concentration) in this area. This action probably results from lowering the pH and causes the cornified epithelium (horny skin) to swell, soften, and then shed. Necrosis (cell death) of the normal skin has been associated with overuse of salicylic acid (Ref. *2*).

A primary dermal irritation study (Ref. *3*) using a 14-percent concentration of salicylic acid in both acetone collodion and collodion vehicles was performed using the standard Draize Irritation Test on six albino New Zealand rabbits. The procedure for using both test solutions was the same. Application of 0.5 mL of the test material was made to clipped areas of intact and abraded skin. Following application of the test material, the entire trunk of each animal was covered with an impermeable occlusive wrapping. The wrapping and test material were removed and discarded at the end of 24 hours. The skin was examined at 24 and 72 hours following application.

On a scale of 0 to 5, the results of the study showed that 14 percent salicylic acid in acetone collodion gave a primary irritation index of 0.25 (potential for slight irritation, rarely irritating to people, no warning required). Fourteen-percent salicylic acid in collodion gave a primary irritation index of 1.0 (potential for mild irritation, possibly irritating to some people under occlusive wrap conditions, usually no warning required).

A midwestern research department in podiatric medicine conducted two investigations to determine the safety of OTC corn removers containing salicylic acid (Ref. *4*). The first retrospective investigation in September 1976 used completed outpatient medical records for the same year 1974 as a data base. The second investigation, conducted for one week in September 1977, was aimed at the collection of specific and current information on this subject through in-depth interviews. A specifically designed questionnaire was employed as the instrument of the survey and was conducted by a team of doctors on a cross section of the population of Chicago.

The results of the first investigation showed that, of the 3,165 patients who visited the foot clinic in 1974, 2,140 (67.6 percent) were identified as having corns and calluses. A team of researchers carefully examined the clinical histories of each record. A specific search was made for instances where the use of corn removers containing salicylic acid could have been the cause of the clinic visit in 1974. No cases were recorded.

The results of the patient interview survey showed that, out of a total of 953 patients who visited the clinic during the week of the survey, 604 (63.4 percent) had been diagnosed as having corns and calluses. Seventy-two (12 percent) of those 604 patients gave histories of self-medication through the application of corn removers containing salicylic acid. None of the users of such products complained of ever having an adverse reaction which became so severe, in the judgment of the patient, as to necessitate treatment by a doctor. The researchers concluded that there was a complete absence of serious side effects in the cases studied as a result of self-treatment with corn removers containing salicylic acid. This conclusion, in addition to the history of repeated use of such products by many of the patients seen, indicated to the researchers that the application of corn removers containing salicylic acid was safe.

b. *Effectiveness.* Salicylic acid is commonly used by the consumer in OTC preparations for its peeling action in the treatment of hyperkeratotic conditions such as corns and calluses. It is usually formulated in flexible collodion, plasters, disks, or pads.

Flexible collodion contains pyroxylin, in a mixture of ether and alcohol, and plasticizers (camphor and castor oil). Pyroxylin is a nitrocellulose derivative which, after evaporation of the volatile solvents, remains on the skin as an insoluble water-repellant film that adhers better than an aqueous system (Ref. *5*). Flexible collodion is highly flammable and therefore must be stored at room temperature away from heat and must be kept away from fire or flame. Care must also be taken to keep the bottle tightly capped to avoid rapid evaporation of the product and inhalation of the volatile solvents which may cause hypnotic or other undesirable effects.

Collodion, plaster, disk, and pad dosage forms are advantageous because they are adherent and assure contact of the medication with the affected area (Ref. *6*). They also prevent moisture evaporation from the skin, and thereby facilitate penetration of the active ingredient into the affected area resulting in sustained local action of the drug.

Moisture is essential for salicylic acid to exert its action and for maceration and desquamation of epidermal tissue to take place. For that reason, soaking the feet for 15 to 30 minutes and drying before applying the medication aids the keratolytic action of salicylic acid.

A double-blind study was conducted to determine the safety and effectiveness of medicated disks containing 40 percent salicylic acid for the removal of corns and calluses (Ref. *7*). Of the 73 male and female subjects recruited for the study, 54 met the baseline requirements, and 51 completed the study. Subjects were selected for the study if they had at least two lesions, either corns or calluses.

The lesions were classified, graded clinically, measured in size, and rated for pain sensation. Lesions were grouped into pairs. Treatments of active drug and placebo were randomly assigned and applied in a double blind fashion. Of the 52 corns and 68 calluses studied, 26 corns and 34 calluses were treated with medicated disks, and the remaining one-half were treated with placebo disks. A total of five applications including the initial application were made in 11 days (at 48- and 72-hour intervals). During each visit the disk was removed, the lesions evaluated, and another disk applied.

The results of the study showed that 19 of the 26 (73 percent) corns treated with the active drug were completely removed as opposed to 1 of 26 (4 percent) treated with the placebo, which was a significant difference. In

considering calluses, 5 of the 34 (15 percent) treated with the active ingredient showed complete removal of the calluses after 11 days as opposed to none in the placebo group. This test statistically demonstrated the effectiveness of the active treatment.

It was impossible to perform this test under truly double-blind conditions because the active formulation produced a characteristic white maceration on normal skin, while the placebo treatment produced only whitening without maceration. This difference could be observed by both the evaluator and the subject.

The study showed that when complete removal of the corn or callus occurred, the freshly exposed areas were red but only slightly tender to touch, and that this redness was not an indication of irritation, but was due to the normal vascular characteristics of freshly exposed skin. It was concluded that the active ingredient was as safe for use on corns and calluses as was the placebo.

The Panel agrees that complete removal of corns and calluses is not always essential because partial removal may provide needed comfort. Therefore, the Panel considers it safer to restrict the application of OTC disks, pads, or plasters to five treatments over a period of not more than 14 days rather than to prolong self-treatment.

A 2-week study with 100 subjects was performed to evaluate the effectiveness of salicylic acid 13.60 percent combined with zinc chloride 2.18 percent in a collodion and castor oil vehicle for the treatment of corns (Refs. *8* and *9*). At the beginning of the study and at all subsequent interviews, the subjects were examined by one consulting dermatologist. The examination consisted of the classification of the location, number, size, and severity, as well as the degree of pain of each subject's corns.

The subjects were randomly divided into 2 equal groups of 50 each. Group I was instructed to apply test medication "X" and test medication "Y" to their corns. Group II was instructed to apply test medication "A" and test medication "B" to their corns. The test medications were coded as follows: "A"—salicylic acid 13.60 percent and 2.18 percent zinc chloride in collodion; "B"—salicylic acid 13.60 percent in a cream base; "X"—proprietary corn and callus remover, salicylic acid concentration unknown; "Y"—salicylic acid 64.5 percent in petrolatum.

The subjects in Group I used test medication "X" on 56 corns and test medication "Y" on 54 corns. The subjects in Group II used test medication "A" on 53 corns and test medication "B" on 53 corns.

The applicants applied the test medications twice daily, once in the morning and once in the evening for 4 days. At the end of the fourth day they were to soak the feet in warm water for 30 minutes, dry the feet, and reapply the test medication. The subjects were told to return to the research laboratory to be reexamined by the consulting dermatologist after using the medication for 7 consecutive days.

At the end of the first week of the study, neither group had obtained 100 percent relief (complete removal of the corn). At the end of the second week of the study, the results showed that 16 percent of the subjects using test medication "X" obtained complete relief, 7.4 percent using test medication "Y" obtained complete relief, 47 percent using test medication "A" obtained complete relief, and 1.9 percent using test medication "B" obtained complete relief.

Based on the current literature, submitted data which includes the results of well-controlled clinical studies, and its own clinical expertise and experience, the Panel concludes that salicylic acid is safe and effective as a keratolytic agent for the treatment of hard corns and calluses at concentrations of 12 to 40 percent in pads, plasters, and disks, and at concentrations of 12 to 17.6 percent in a collodion vehicle. The Panel further concludes that if the hard corn or callus shows no improvement after 2 weeks of treatment, the patient should see a doctor.

For products containing salicylic acid in a collodion vehicle, directions must ensure that the salicylic acid be kept away from the surrounding skin preferably by encircling the corn or callus with a ring of petrolatum. The vehicle used and the accompanying directions must ensure that the salicylic acid is applied only to the corn or callus and is not applied to surrounding normal skin. The Panel cannot recommend the use of salicylic acid in an ointment vehicle for OTC use on corns and calluses because of a lack of data on both safety and effectiveness and classifies salicylic acid formulated in an ointment vehicle as Category II.

The Panel cannot recommend a concentration of salicylic acid which would be safe and effective for removal of soft corns because of insufficient data on both safety and effectiveness and recommends that studies for the treatment of soft corns be undertaken.

c. *Dosage.* Topical dosage is 12 to 40 percent salicylic acid in pads, plasters, and disks, or 12 to 17.6 percent in a collodion vehicle.

d. *Labeling.* The Panel recommends Category I labeling for corn and callus remover active ingredients. (See part III. paragraph A.2. below—Category I labeling.)

References

(*1*) Windholz, M., editor, "The Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 1060, 1976.

(*2*) Strakosch, E. A., "Studies on Ointments, II. Ointments Containing Salicylic Acid," *Archives of Dermatology and Syphilology*, 47:16–28, 1943.

(*3*) OTC Volume 160283.

(*4*) OTC Volume 16256.

(*5*) Dittert, L. W., editor, "Sprowls' American Pharmacy," 7th Ed., J. B. Lippincott Co., Philadelphia, p. 167, 1974.

(*6*) Ansel, H. C., "Introduction to Pharmaceutical Dosage Forms," 2d Ed., Lea and Febiger, Philadelphia, pp. 328–329, 1976.

(*7*) OTC Volume 160293.

(*8*) OTC Volume 160003.

(*9*) OTC Volume 160133.

2. *Category I labeling.* The Panel recommends the following labeling for Category I corn and callus remover active ingredients:

a. *Indications.* "For the removal of hard corns and calluses."

b. *Directions*—(1) *For active ingredients formulated in a collodion vehicle.* "Cleanse feet thoroughly with soap. Soak in warm water for 15 to 30 minutes and dry feet thoroughly. Circle corn or callus with a ring of petrolatum to protect surrounding skin. Apply product one drop at a time to sufficiently cover each hard corn or callus only; let dry. Repeat this procedure daily until the corn or callus is removed or partially removed to provide comfort. Do not use medication for more than 14 days."

(2) *For active ingredients formulated in a pad, plaster, or disk dosage form.* "Cleanse feet thoroughly with soap. Soak in warm water for 15 to 30 minutes and dry feet thoroughly. Cut pad, plaster, or disk exactly to cover the corn or callus. Apply the pad, plaster, or disk. Remove pad, plaster, or disk after 48 hours and soak feet for 15 to 30 minutes. If the corn or callus is not soft enough to be removed, repeat the procedure. Do not exceed five treatments over a 14-day period."

c. *Warnings.* (1) "Do not use this product if you are a diabetic or have poor blood circulation because serious complications may result."

(2) "Do not use on irritated skin or on any area that is infected or reddened."

(3) "If discomfort persists, see your doctor."

(4) "Care should be used to avoid contact of product with skin surrounding corn and callus."

(5) "Do not use this product on soft corns."

(6) *For any products containing collodion.* (i) "Highly flammable, keep away from fire or flame."

(ii) "Store at room temperature away from heat."

(iii) "Keep bottle tightly capped."

(iv) "Avoid inhaling vapors."

(v) "If product gets into the eye, flush with water to remove film and continue to flush with water 15 more minutes."

B. Category II Conditions

These are conditions under which active ingredients used for corn and callus removal are not generally recognized as safe and effective or are misbranded.

1. *Category II ingredients.* These ingredients are discussed elsewhere. (See part I. paragraph C.3. above—Other ingredients.)

2. *Category II labeling.* The Panel has examined the submitted labeling claims for corn and callus remover drug products and has classified the following claims as Category II because they are not supported by scientific data:

a. "You are about to make your feet more confortable."

b. "You have just purchased one of the finest foot aids available."

c. "This special liquid preparation helps remove corns quickly."

d. "Walk easy, walk soft."

e. "Other uses for * * * corn pads, chafing, tender spots on sole of foot, instep ridges."

f. "Make walking more pleasurable for you."

g. "Sure to stay in place."

h. "Dissolves corn or callus away."

i. "Lifts off corns." or "Loosens corns."

j. "Absolutely painless."

C. Category III Conditions.

These are conditions for which the available data are insufficent to permit final classification at this time.

1. *Category III ingredients.*

Phenoxyacetic acid
Zinc chloride

a. *Phenoxyacetic acid.* The Panel concludes that phenoxyacetic acid is safe, but there are insufficient data available to determine its effectiveness as an OTC corn and callus remover active ingredient when used within the dosage limits stated below.

Phenoxyacetic acid is also known as phenoxyethanoic acid. It is prepared from phenol and monochloroacetic acid. It has a molecular weight of 152.4. One g is soluble in about 75 mL water; it is freely soluble in alcohol, ether, and benzene (Ref. *1*). Phenoxyacetic acid is not as strong an acid as salicylic acid (K value of 1.06×10^{-3} at 25° C) (Ref. *2*).

(1) *Safety.* A two-phase study was conducted to compare the local toxic effects of phenoxyacetic acid and salicylic acid (Ref. *3*). The experiment was conducted for 30 days on the skin of rabbits to determine the long-term effects and for 3 days on the skin of rats to determine the short-term effects.

Tests ointments of phenoxyacetic acid and salicylic acid were prepared in concentrations of 0.1, 0.3, 1, 5, 10, and 20 percent, and each concentration was applied to the shaved, clipped abdomen and ear of four rabbits. The abdomen was covered by an occlusive bandage. The treated ear was left uncovered. At 2-day intervals the test sites were examined and test preparations reapplied. This procedure was followed for 30 days. At the end of 30 days final inspection of the treated areas was made, the animals were sacrificed, and the tissues were examined histologically.

The results of the first phase of this study showed that both phenoxyacetic acid and salicylic acid, when applied to sensitive rabbit skin in high concentrations (up to 20 percent) for long periods of time (30 days), act as primary irritants. On the basis of both gross and histological evidence, the two preparations appeared to be similar in their irritating effects.

The second phase of the study compared both the relative activity and irritating effects of phenoxyacetic acid with salicylic acid on the skin of adult rats.

Test ointments of phenoxyacetic acid and salicylic acid were prepared in concentrations of 5, 10, 20, and 40 percent. Each concentration was applied to the backs of three white rats after the hair had been closely cut, and the site was then covered with an occlusive wrap. Once a day the skin was inspected. One animal from each concentration group was sacrificed daily, and portions of treated skin were examined for signs of gross irritation.

The results of phase two of the study showed that in concentrations of 5 percent, the onset of the keratolytic effect was seen in 3 days with phenoxyacetic acid. With concentrations of 10 to 40 percent, the onset of activity of phenoxyacetic acid was reduced to 2 days.

With salicylic acid in concentrations of 10 percent, the onset of the keratolytic effect was seen in 3 days. With concentrations of 20 to 40 percent, the onset of activity of salicylic acid was reduced to 2 days.

Concentrations above 20 percent of both salicylic acid and phenoxyacetic acid did not decrease the time of onset of activity or increase signs of irritation.

On the basis of the similar effects of the phenoxyacetic acid and salicylic acid in both phases of the test, the researchers concluded that phenoxyacetic acid could be expected to be no more irritating to hyperkeratotic human skin than salicylic acid in similar concentrations. Salicylic acid has been determined by the Panel to be safe for such use. (See part III. Paragraph A.1. above—Category I ingredient—Salicylic acid.)

In a study performed on both men and women with corns and calluses, test preparations were applied using 40 percent phenoxyacetic acid in 30 percent silicone fluid and 40 percent salicylic acid in 30 percent silicone fluid (Ref. *3*). Sixty-two corns and 62 calluses were treated with phenoxyacetic acid, and 36 corns and 47 calluses were treated with salicylic acid.

The medications were incorporated into identical standard corn and callus pads. At the beginning of the experiment the feet of each patient were carefully examined and detailed records prepared. Experimental pads were then placed on the lesions and were left on for 72 hours. At the end of this period, the pads were removed at the clinic, and the sites examined.

Throughout the clinical study no case of primary irritation due to phenoxyacetic acid was noted. Evidence of irritation was noted in three patients with salicylic acid

The conclusions drawn by the researcher was that phenoxyacetic acid was safe for consumer use as an OTC corn and callus active ingredient because of the lack of occurrence of primary irritation.

(2) *Effectiveness.* Two studies were conducted in 1948 to compare the effectiveness of 40 percent salicylic acid to the effectiveness of 40 percent phenoxyacetic acid contained in one type of corn pad (Ref. *3*). In the first study 62 corns and 62 calluses were treated with phenoxyacetic acid, and 36 corns and 47 calluses were treated with salicylic acid.

The results of the study showed that phenoxyacetic acid was 95.1 percent effective in the treatment of corns, while salicylic acid was 72.2 percent effective. Phenoxyacetic acid was 77.4 percent effective, and salicylic acid was 74.5 percent effective in the treatment of calluses.

In the second study, 33 corns were treated with a plaster containing 40 percent phenoxyacetic acid, and 33 additional corns were treated with a plaster containing 40 percent salicylic acid. The plasters were allowed to remain on the corns for 72 hours. If a second application was necessary, a second plaster was applied and allowed to remain for 72 hours. The final results were satisfactory (either complete or partial removal) to 76 percent of the subjects using plasters with phenoxyacetic acid and to 79 percent of subjects using plasters with salicylic acid. However, the method used in evaluating the "activity" of phenoxyacetic acid and salicylic acid in these tests is open to question. The method of scoring depended on the extent to which the corn could be removed by the patient after 72 hours of treatment. The effectiveness of the product, therefore, depended first upon the dexterity and the vigor used by the patient in removing the corn, and second upon the ability of the observer to decide when the core of the corn had been removed.

The Panel concludes that there are insufficient data to establish that phenoxyacetic acid is effective as an OTC corn and callus remover active ingredient.

(3) *Proposed dosage.* Topical dosage is 40 percent phenoxyacetic acid in pads, plasters, or disks.

(4) *Labeling.* The Panel recommends Category I labeling. (See part III. paragraph A.2. above—Category I labeling.)

References

(*1*) Windholz, M., editor, "The Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 943, 1976.

(*2*) Heilbron, I., and H. M. Bunbury, "Dictionary of Organic Compounds," Volume 4, Oxford University Press, New York, p. 2863, 1965.

(*3*) OTC Volume 160294.

b. *Zinc chloride.* The Panel concludes that zinc chloride is safe, but there are insufficient data available to determine its effectiveness as an OTC corn and callus remover active ingredient when used within the dosage limits stated below.

Zinc chloride occurs as a white or nearly white, odorless substance taking various forms such as a crystalline powder, porcelain-like masses, or fused sticks or pencils. It has a molecular weight of 136.29, and a density of about 2.907. It melts at about 290° C and boils at 732° C. One g dissolves in 0.5 mL water, in about 1.5 mL alcohol at 25° C, in 0.25 mL of 2 percent hydrochloric acid, in 2 mL glycerin, and is fairly soluble in acetone and soluble in ether. An aqueous solution of 10 percent zinc chloride has a pH of about 4 and is acid to litmus (Refs. *1* and *2*).

Zinc chloride is chemically produced by reacting metallic zinc or zinc oxide with hydrochloric acid and evaporating the solution to a dry state (Refs. *1*, *2*, and *3*).

(1) *Safety.* Zinc chloride has been safely used as a caustic, astringent, antibacterial, antiperspirant, and a tooth desensitizer (Refs. *1*, *4*, *5*, and *6*).

One study was performed to determine the primary irritation index of 2.2 percent zinc chloride in collodion (Ref. *5*). The test was conducted on six albino New Zealand rabbits, three male and three female. The test method was essentially that of the standard Draize Irritation Test. Applications of 0.5 mL of the test material were made on clipped areas of intact and abraded skin. The abrasions were only deep enough to penetrate the outer layer.

Following application of the test material, the entire trunk of each animal was covered with an impermeable occlusive wrapping. The wrappings were removed 24 hours after the application of the test material. The test sites were individually examined and scored separately at 24 and 72 hours. The results gave a primary irritation index of 1.60 (a potential for mild irritation which may be possibly irritating to some people under occlusive wrap conditions).

Based on the current literature and its own clinical expertise and experience, the Panel concludes that zinc chloride is safe as an OTC corn and callus remover active ingredient.

(2) *Effectiveness.* Zinc chloride applied as a paste in a concentration of 30 to 40 percent destroys tissues. Mohs (Ref. *7*) reported that zinc chloride was used to destroy external malignant lesions. Layers of dead tissue were excised after each application until normal tissue was reached.

In low concentrations (2.2 percent) zinc chloride, like most of the other metallic salts, is not strong enough for use as a caustic (Ref. *4*).

The Panel is not aware of any data available on zinc chloride as a single active ingredient for use as an OTC corn or callus remover, but it is a component of a reviewed combination. (See part III. paragraph D. 3. below—Category III combination.)

The Panel concludes there are insufficient data to establish the effectiveness of zinc chloride as an OTC corn and callus remover active ingredient.

(3) *Proposed dosage.* Topical dosage is 2.2 percent zinc chloride in collodion.

(4) *Labeling.* The Panel recommends Category I labeling. (See part III. paragraph A.2. above—Category I labeling.)

References

(*1*) Harvey, S. C., "Topical Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., Edited by A. Osol et al., Mac Publishing Co., Easton, PA, p. 719, 1975.

(*2*) Wade, A., and J. E. F. Reynolds, editors, "Martindale. The Extra Pharmacopoeia," 27th Ed., The Pharmaceutical Press, London, p. 221, 1977.

(*3*) Windholz, M., editor, "The Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 1307, 1976.

(*4*) Soine, T. O., and C. O. Wilson, "Rogers' Inorganic Pharmaceutical Chemistry," 8th Ed., Lea and Febiger, Philadelphia, pp. 410–413, 1967.

(*5*) OTC Volume 160283.

(*6*) Sonneland, J., "The 'inoperable' Breast Carcinoma, A Successful Result using Zinc Chloride Fixative," *The American Journal of Surgery*, 124:391–393, 1972.

(*7*) Mohs, F. E., "Chemosurgical Treatment of Melanoma: Microscopically Controlled Method of Excision," *Archives of Dermatology and Syphilology*, 62:209–279, 1950.

2. *Category III labeling.* None.

D. Combination Policy

The Panel has reviewed and concurs with the rationale expressed in the combination drug policy for OTC products as set forth in 21 CFR 330.10(a)(4)(iv):

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel classified the combinations of active ingredients submitted to it as follows:

1. *Category I combinations.* None.

2. *Category II combinations—Salicylic acid and local anesthetics.* The Panel concludes that salicylic acid is safe and effective. (See part III. paragraph A.1. above—Category I ingredient—Salicylic acid.) However, the Panel concludes that pain from keratolytic action of salicylic acid on subcutaneous tissue and developing infections may be masked by local anesthetic used in combination with salicylic acid so that the consumer would not be alerted to potential danger. Such combinations are therefore considered unsafe.

3. *Category III combination—Salicylic acid and zinc chloride.* The Panel concludes that salicylic acid is safe and effective. (See Part III. paragraph A.1. above—Category I ingredient—Salicylic acid.) However, there is no evidence to establish that zinc chloride contributes to the effectiveness of the combination of salicylic acid and zinc chloride as a corn and callus remover. This combination has been discussed elsewhere. (See part III. paragraph C.1.b. above—Zinc chloride.) The Panel is also concerned about the possible formation of zinc salicylate in this combination. The Panel recommends that chemical stability tests be conducted as part of any Category III testing. Salicylic acid is not effective when incorporated in a zinc oxide paste because of the formatión of zinc salicylate which is pharmacologically inactive (Ref. *1*).

Reference

(*1*) "AMA Drug Evaluations," 3d Ed., Publishing Sciences Group, Inc., Littleton, MA, p. 909, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended by adding in Part 358, new Subpart F, to read as follows:

PART 358—MISCELLANEOUS EXTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart F—Corn and Callus Remover Drug Products

Sec.

358.501 Scope.
358.503 Definitions.
358.510 Corn and callus remover active ingredients.
358.550 Labeling of corn and callus remover drug products.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart F—Corn and Callus Remover Drug Products

§ 358.501 Scope.

(a) An over-the-counter corn and callus remover drug product in a form suitable for topical application is generally recognized as safe and effective and is not misbranded if it meets each condition in this subpart and each general condition established in § 330.1 of this chapter.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 358.503 Definitions.

As used in this subpart:

(a) *Corn and callus remover drug product.* A topical agent used for the removal of hard corns and calluses.

(b) *Collodion.* A solution of pyroxylin (nitrocellulose) in an appropriate nonaqueous solvent which, on application to the skin in a thin layer, leaves a transparent, cohesive film.

(c) *Medicated disk.* A topical medication, usually incorporated in a skin-contact adhesive base, carried on a fabric, plastic, or other suitable backing cut to the size and shape appropriate to the lesion to be treated.

(d) *Medicated pad.* A topical medication consisting of an appropriately sized protective pad of fabric, plastic, or other suitable cushioning material in or on which the medication is carried.

(e) *Medicated plaster.* A topical medication, usually incorporated in a skin-contact adhesive base, spread upon a fabric, plastic, or other suitable backing.

§ 358.510 Corn and callus remover active ingredients.

(a) Salicylic acid 12 to 40 percent in pads, plasters, and disks.

(b) Salicylic acid 12 to 17.6 percent in collodion.

§ 358.550 Labeling of corn and callus remover drug products.

(a) *Statement of identify.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "corn and callus remover."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "indications" that is limited to the following phrase: "For the removal of hard corns and calluses."

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) *For products containing any ingredient identified in § 358.510.* (i) "Do not use this product if you are a diabetic or have poor blood circulation because serious complications may result."

(ii) "Do not use on irritated skin or on any area that is infected or reddened."

(iii) "If discomfort persists, see your doctor."

(iv) "Care should be used to avoid contact of product with skin surrounding corn and callus."

(v) "Do not use this product on soft corns."

(2) *For any products containing collodion.* (i) "Highly flammable, keep away from fire or flame."

(ii) "Store at toom temperature away from heat."

(iii) "Keep bottle tightly capped."

(iv) "Avoid inhaling vapors."

(v) "If product gets into the eye, flush with water to remove film and continue to flush with water 15 more minutes."

(d) *Directions*—(1) *For products containing salicylic acid identified in § 358.510(a).* "Cleanse feet thoroughly with soap. Soak in warm water for 15 to 30 minutes and dry feet thoroughly. Cut pad, plaster, or disk exactly to cover the corn or callus. Apply the pad, plaster, or disk. Remove pad, plaster, or disk after 48 hours and soak feet for 15 to 30 minutes. If corn or callus is not soft enough to be removed, repeat the procedure. Do not exceed five treatments over a 14-day period."

(2) *For products containing salicylic acid identified in § 358.510(b).* "Cleanse feet thoroughly with soap. Soak in warm water for 15 to 30 minutes and dry feet thoroughly. Circle corn or callus with a ring of petrolatum to protect surrounding skin. Apply product one drop at a time to sufficiently cover each hard corn or callus only; let dry. Repeat this procedure daily until corn or callus is removed or partially removed to provide comfort. Do not use medication for more than 14 days."

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-4 Filed 1-4-82; 8:45 am]
BILLING CODE 4110-01-M

federal register

Tuesday
January 5, 1982

Part XIII

Department of Agriculture

Food and Nutrition Service

Food Stamp Program; AFDC/Food Stamp Consolidation Demonstration Project; Final Rule

V. 47 / 2 J. A 5 8 2 UMI

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 282

[Amdt. No. 199]

Food Stamp Program: AFDC/Food Stamp Consolidation Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: Section 17(b)(1) of the 1977 Food Stamp Act authorizes the Secretary to waive requirements of the Act to the degree necessary to conduct demonstration projects designed to test program changes that might improve program administration or benefit delivery. However, such waivers may not lower or further restrict the income or resource standards or benefit levels provided under Sections 5 and 8 of the Act. Under the authority of this provision, the Department is granting the following waivers to certain Food Stamp Program requirements to enable the Department of Health and Human Services (DHHS) to conduct a demonstration project involving increased coordination between the Aid to Families with Dependent Children (AFDC) Program and the Food Stamp Program. This project, hereafter referred to as the AFDC/Food Stamp Consolidation Project, will test the effectiveness of modifying certain requirements of both programs in order to reduce administrative complexity and cost. It is hoped that minimizing differences between these two similar programs will assist State welfare agencies in administering both of them more efficiently.

For the most part, the Food Stamp Program requirements waived are rules which define and govern the treatment of income and resources. For the purpose of this demonstration, the food stamp regulations specified in this rulemaking are changed to more closely agree with AFDC procedures which will be used during the project.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn Carpenter, Chief, Program Research and Analysis Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202–447–8332. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from Ms. Carpenter.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in relation to the requirements of Executive Order 12291, and it has been determined that the rule is not major as defined by that order. This rule will have an effect on the economy of less than $100 million and will not cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions. While it is difficult to predict in monetary figures the effects of this demonstration project, the sponsoring agencies anticipate a savings in administrative costs for both Federal and State agencies. Given that the project will operate in only three States, those savings will not amount to $100 million. The Department has further determined that the rule will not have an adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The experimental changes in assistance program policies and procedures have no foreseeable effects on private enterprises here or abroad. Therefore, the rule is classified as not major.

The rule has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96–354, 94 Stat. 1164, Sept. 9, 1980). G. William Hoagland, Administrator, Food and Nutrition Service (FNS), has certified that this action does not have a significant economic impact on a substantial number of small entities. The regulations have no impact whatsoever on small organizations. The rules establish alternatives to standard Food Stamp Program procedures, which will be tested in three States. The primary impact will be on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they may be affected. However, the project is intended to simplify administration of the Food Stamp and AFDC Programs and thus any effects should be positive. There should not be significant economic costs in conjunction with this project.

The Department of Agriculture has also determined, in accordance with 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective earlier than thirty days after publication and for declaring there to be a retroactive effective date of October 1, 1981. This action is necessary in order for the Food Stamp Program changes to comply with the implementation schedule that has been established by DHHS and the participating State agencies.

The AFDC/Food Stamp Consolidation Project was originally announced in the **Federal Register** on May 14, 1980 (45 FR 31924), when DHHS published a notice of its intention to conduct a demonstration project to test methods for improving coordination between the programs. The notice stated that DHHS would provide funds and waivers to offer the opportunity to test AFDC definitions of income and resources more in line with Food Stamp Program definitions. Interested States were requested to submit proposals for the design and operating procedures for such an experiment. On the basis of the proposals received, DHHS authorized projects in South Carolina, Vermont, and Michigan. (The Michigan project will operate only in Berrien County and the Redford District Office of Wayne County.) After being notified by DHHS of their acceptance as demonstration sites, the three sponsor States submitted to FNS requests for food stamp waivers needed for their separate project designs.

Optional Project Procedures

On July 31, 1981, the Department published a proposed rule (at 46 FR 39153) which added a new paragraph 7 CFR 282.18, providing waivers to a number of Food Stamp Program requirements in the Act and regulations needed for operation of this demonstration project. Due to a pressing DHHS implementation schedule, there was a 30-day comment period on the rule. Between publication and the end of the comment period, the Department received written comments from 16 parties. These included seven State agencies, five FNS regional offices, three public interest groups, and a State employment security agency. Michigan also submitted requests for six additional waivers due to general revisions in both programs that are scheduled for implementation in October. (Michigan will be delaying implementation of the demonstration project until January 1982 as a result of the October changes.)

In writing this final rule, FNS considered all the comments received and is making some minor changes in the regulations as a result of these comments. Two additional waivers are being added based on Michigan's requests. A discussion of the major comments appears in this preamble. For a fuller understanding of the project's background and the individual Food

Stamp Program waivers being granted for its operation—especially those that are unchanged from the proposed rulemaking—readers may wish to refer to the preamble of the proposed rule.

Eight commenters strongly supported the principle of consolidation. Two State agencies stated their enthusiasm for this project without reservation. They noted their own difficulties with program variations and were encouraged by this step toward coordination. Four other State agencies acknowledged their support but questioned whether the proposed waivers do much to achieve consolidation. One of these agencies desired to be considered for participation if the project were expanded, but still felt that the waivers may cause additional confusion by merely reducing rather than eliminating program differences. Two other State agencies stated that the proposed waivers contribute very little to real program uniformity and appear unlikely to have a significant impact on overall processing of AFDC and Food Stamp applications for a single family. Both thought, for instance, that resource limits would remain different. One State agency recommended a test which would use uniform eligibility criteria and a single eligibility process, including at a minium a single budgeting process. The other agency suggested a number of changes in the project to make it a more thorough test of the concept of consolidation, including revisions to proposed procedures and addition of waivers regarding income and resource exclusions and program terminology. Specific reference was made to the Intergovernmental Eligibility Simplification Project as a good resource for expanding this project. A third State recommended allowing States to use their AFDC standards to administer the Food Stamp Program.

Two FNS regional offices also suggested additional waivers. One recommended adopting the AFDC disregard of interest income under $5 per month. Another suggested uniform timeframes for fair hearings, or possibly holding joint AFDC/Food Stamp fair hearings, and the use of uniform timeframes for initial processing.

While the published waivers may appear modest to some, FNS is not significantly expanding the project's scope. It should first be noted that the published waivers do not reflect the entire scope of the project since they do not set forth the changes to be made in AFDC procedures to bring them closer to Food Stamp Program procedures. For instance, AFDC resource limits are in fact being changed to conform with food stamp limits in all three sponsor States. Second, a prohibition in the Food Stamp Act of 1977 against instituting demonstration project procedures that would lower or restrict income or asset limits constrains this agency's ability to make sweeping changes that would improve coordination but in the process lower or restrict such standards. See 7 U.S.C. 2026(b)(1). Many requests for waivers, including four of the most recently submitted, had to be disallowed due to this statutory limitation. Additionally, FNS has chosen not to adopt the suggestions offered by the non-participating commenters. The State agencies have largely designed their own projects and chosen the items they wish to consolidate. Since no States have requested changes in the treatment of interest income or various administrative timeframes, FNS is not offering those waivers at this time.

One regional office supported the concept of consolidation, but thought that the additional exclusions from income contradicted the demonstration project authority in the Food Stamp Act of 1977 by lowering the income standards. The legislative history on demonstration projects (H.R. Rep. No. 95–464, 95 Cong., 1st sess., 363 (1977)) makes it clear that it is not allowable to institute procedures that restrict income or resource standards or benefit levels more than general procedures do. Examples in the report of unacceptable project waivers include imposition of a ceiling on the value of a home and the inclusion of housing subsidies as income. None of the proposed waivers would restrict or lower income or asset limits in this way. The additional income exclusions would actually have more income disregarded and thus are legal under demonstration provisions.

Two public interest organizations expressed concern about this project's impact on participants. One group opposed the project altogether, fearing it to be a clear step toward a massive consolidation of income-assistance programs under block grants. This commenter urged that the programs be kept separate and cited the importance of the distinction between Food Stamps and "welfare" to target populations. This project was not designed to be a forerunner of block grant consolidation, but to be a rational effort at coordinating the programs for more effective administration. The other group felt that the regulations contained insufficient guarantees that no optional procedure would be instituted if it adversely affected the eligibility or benefits of any participant. This commenter desired a firm recognition of participants' rights within the regulations. Language has been added in section (d) of the regulations to affirm that no procedure will be implemented if it would lower or restrict income or asset limits required by the Act. FNS wishes to emphasize that the consideration of effects on participants has been a high priority throughout the design of the Food Stamp Program component of this project. Many requested waivers, which would have had adverse effects on income and resource standards, were, in fact, rejected during the negotiation process with the States.

There were several additional comments on project regulations and operations. One public interest group objected to the shortened comment period and urged USDA to retain the 60-day standard comment period whenever changes are being made that will affect recipients. FNS fully acknowledges the importance of public comment but at times finds compelling reasons to shorten the comment period, as in this case. One regional office emphasized the need for an effective date of October 1, 1981 in order that the adoption of a consolidated AFDC/Food Stamp Manual will coincide with the project implementation schedule of DHHS. FNS is aware of the implementation schedule and the effective date for project operations is October 1.

Two regional offices requested clarifications on quality control measures to be used during the demonstration. Baseline quality control information will be collected before implementation and compared with post-test quality control samples in South Carolina and Vermont. Special desk review audits will also be performed to enhance standard quality control data. Additional technical guidance on quality control procedures is being provided to the affected regional offices.

One public interest organization questioned the rationale of allowing optional project procedures rather than instituting them in all sites, believing data comparability will be damaged by variations among the sites. Flexibility is being permitted largely due to a DHHS determination that the concept of integration can be tested without complete uniformity. The effects of the majority of the individual changes cannot be evaluated independently, but the project will examine the major effects of improved coordination. The most effective evaluative tool to test the project's outcome—experimental and control sites—will be used in Michigan.

FNS is adding three provisions to the final rule in response to requests from the State of Michigan. Two of these concern work registration procedures. The other provision grants categorical eligibility for food stamps to AFDC households, if it is demonstrated that the AFDC gross income limits in the affected project areas will not exceed the Food Stamp Program's gross income limits. FNS is rescinding one waiver contained in the proposed rulemaking that exempted AFDC recipients from voluntary quit rules. Paragraphs governing the other potential procedures have been renumbered accordingly but have not been otherwise changed from the proposed rulemaking unless noted.

The first added provision removes the five day time limit contained in § 273.7(c)(2) for sending work registration forms to the State Employment Security Agency in cases when a food stamp application is approved but an AFDC application is pending. This change would enable the Food Stamp Office to hold these registration forms until a determination is made on the applicant's receipt of AFDC and accompanying WIN responsibilities. This procedural change removes the need for fully work registering applicants and then deregistering them when they are declared eligible for WIN.

Currently, § 273.7(b)(iv) exempts from work registration a parent or other caretaker who is responsible for caring for a child 12 years of age or less. The second addition to the final rule in response to a request from Michigan would provide that exemption only to persons caring for children 6 years or younger. This provision is contained in the 1981 Farm Bill, recently passed by Congress. The bill contains an additional clause that would accept inadequate child care for children 6 to 12 as good cause for refusing a job. This modification is being included in the final rule for this project.

The third additional waiver enables these States to use AFDC income and assets eligibility tests to determine eligibility for food stamps, as long as it is demonstrated that the gross income limits for AFDC eligibility do not exceed Food Stamp Program gross income limits. Under this waiver, applicants found eligible for AFDC would automatically be eligible for food stamps. Categorical eligibility would save time and eliminate much of the paperwork an eligibility worker now handles, largely because differences in the treatment of assets and gross income could be ignored when determining eligibility at intake and redetermination. It would in no way disadvantage any person eligible to receive food stamps. Separate allotment calculations would still be performed for both programs, so no benefits would be lost due to categorical eligibility. All income pertinent to each program would be considered in calculating allotments. Further, any case that does not meet all the requirements for AFDC eligibility would be required to be processed according to standard Food Stamp Program rules effective for the project area. This safeguard will assure that income and resource standards will not be lowered by this experimental change and that no food stamp client will be treated more harshly because of it.

Changes in the process of determining eligibility for both programs that were made by the Omnibus Reconciliation Act of 1981 (Pub. L. 97–35, enacted August 13, 1981) have enabled this waiver to be granted. While previously a number of separate deductions for each program were subtracted from total gross income before an applicant's income level was judged against the allowable income limits, total non-excluded gross income is now the basis for eligibility. This means that more comparable levels of income are now considered in the initial test for each program, although a few types of income are counted for Food Stamp Program purposes but excluded from AFDC gross income considerations and the limits themselves are not identical. Pub. L. 97–35 also applied restrictions to the treatment of earned income for AFDC purposes that will prevent categorical eligibility from re-establishing significant inequities in eligibility criteria such as those which led to the repeal of categorical eligibility in the Food Stamp Act of 1977 (Pub. L. No. 95–113, 91 Stat. 958, September 29, 1977). Because of these stricter income rules in the AFDC program, this waiver is expected to result in little or no increase in costs for the Food Stamp Program.

FNS is removing the waiver that would exempt, from the 60-day disqualification period, persons receiving AFDC benefits at the time they voluntarily quit a job. The proposed rule extended the exemption, which is currently available to persons certified for the Food Stamp Program at the time of a quit, to households certified for the AFDC program at the time of a quit in order to simplify treatment of AFDC recipients applying for food stamps. The 1981 Farm Bill, however, contains a provision to remove this exemption for persons already certified for the Food Stamp Program to make treatment of applicants and participants equitable in this regard. It was determined that rescinding this waiver would result in a more reasonable research approach than proceeding to expand an exemption that will soon be eliminated altogether by law. The sections of the regulations that extended this exemption to AFDC recipients have thus been removed.

Two comments were received on the proposed waiver which would exempt from the Food Stamp Program work registration requirement those AFDC recipients declared exempt from the Work Incentive (WIN) Program requirements under Title IV of the Social Security Act. One State agency noted its support for this change. This waiver further stipulated that a person who loses a WIN exemption without beginning participation in that program will be subject to food stamp work requirements. One commenter requested that timely, written notification of the work registration requirement be provided to prevent disqualification due to misunderstanding. FNS is not adding this requirement to the regulatory language since other means are available for communicating with the client about this requirement. If the loss of a WIN exemption is due to a loss of AFDC benefits, the client would report this change of income and the applicability of the work registration requirements would be reviewed at that time. If the loss of the WIN exemption results in no loss of benefits, clients can be registered for work at the time of their next recertification for benefits, as permitted in § 273.7(b)(2)(ii).

One commenter requested clarification on the purpose and scope of the revised procedures for obtaining social security numbers (SSN's) for applicants who do not have them at the time of application. This waiver of § 273.6(b) would enable State agencies to require an applicant to permit State agency staff to make an application for an SSN on his/her behalf. The provision eliminates the need for the client to provide verification of application or the number itself at a later date, since the Social Security Administration would directly contact the State agency with that information. It is anticipated that this will be less burdensome to applicants. Most importantly, the procedure will conform with AFDC requirements in some States. The commenter believed the regulations established separate procedures for applicants who need SSNs but are unable to provide them, applicants over 18, and children receiving income. In reality, there is no distinction between these groups of people or their

requirements. A paragraph heading which appears to have misled this commenter is being removed to clarify this section.

Of the three proposed changes in treatment of resources, only the change in determining the resource value of a licensed vehicle received comment. This waiver would remove the requirement that any licensed vehicle be evaluated for equity value but would still require determination of the fair market value of all licensed vehicles not completely excluded as resources. That value over $4500 would be applied to the Congressionally-set resource limit. Unlicensed vehicles would be evaluated for equity value with that full amount counted toward the resource limit. Three commenters stated that this waiver would still not result in unified procedures. They recommended the $4500 limit be eliminated and other necessary changes made to develop one method of handling vehicles for both programs. FNS is not revising this waiver for two reasons. First, adopting the AFDC procedures for vehicles in each State would result in lowering resource standards, which cannot be done under the law. Second, though very few recipients own expensive vehicles, FNS is retaining the $4500 limit to protect program integrity. Thus, the proposed waivers on vehicle resource calculation, jointly-held resources, and payments designated for restoration of a home damaged in a disaster are made final in this rule.

Several comments addressed the procedural changes for handling certain types of income. Two commenters supported the exclusion of additional portions of educational loans and scholarships. Clarifications were requested on the waivers concerning rental income and excludable irregular income.

It was proposed that the criteria for determining whether rental income is considered earned or unearned be made less specific to accord with AFDC regulations. Current Food Stamp Program rules count rental income as earned only if a household member is engaged in managing the property an average of 20 hours per week. The proposed waiver would eliminate the 20-hour quota for a more general requirement that a household member assume responsibility for management, which may include custodial functions.

The waiver further states that rental income will be generally considered unearned if a third party is employed to manage the property. One commenter stated that this definition still differs from AFDC regulations. Another requested clarification of the degree of activity necessary for income to be considered earned and generally found unsatisfactory the distinction between management by a household member and management through a third party to decide the degree of activity. FNS is revising the regulatory language to clarify that the existence of third party management which leaves the household with no specific responsibilities will mean that rental income will be treated as unearned, which is similar to AFDC rules.

Two options were offered to State agencies for determining excludable irregular or infrequent income. The first option would account for inflation by increasing the allowable exclusion from $30 per quarter to $25 per month (a total of $75 per quarter). The other option was offered in response to one State's explanation that the difference between programs was not in the amount of the dollar limit but the limit itself. The second option defines excludable irregular or infrequent income as income which is not received "on a periodic basis, making its receipt infrequent or irregular to the point it cannot be reasonably anticipated and which has no substantial effect on the calculation of benefits." One commenter objected to the second optional definition, requesting that a factual example be provided to explain its necessity and that "substantial effect" be further explained. This second option will give eligibility workers more flexibility in determining whether infrequent income would be excluded; in a State which chooses to adopt this option, reported income exceeding $25 per month but recognized as non-recurring can be disregarded for both programs. Because this option is intended to provide greater flexibility, no dollar limit will be set to explain "substantial effect." Eligibility workers in States adopting the second option will be instructed to use the same criteria in judging how to handle infrequent income for Food Stamp Program purposes as they do now for AFDC purposes.

Besides the clarification on the policy of handling rental income, no other changes are being made in the proposed regulations on income exclusions. Thus, the regulations on exclusion of educational loans and scholarships, income of children under 18 years of age, irregular income, and payments to members of some Indian tribes under Pub. L. 92-254, 86 Stat. 64, Mar. 18, 1972 are being made final as they were proposed.

One commenter supported the waiver of § 273.9(d)(5)(ii) which would allow States to develop a shelter insurance standard to be added onto the standard utility deduction. The commenter noted this modification would eliminate tedious verification and supported the nationwide application of a shelter insurance standard. Consideration will be given to the applicability of all project waivers for standard use. For now, this waiver is made final as it was proposed.

The only other change to the proposed regulations concerns the table to be used in the first optional procedure for use in calculating, for purposes of income exclusion, the allowable cost of doing business in a non-commercial boarding house. Current regulations at § 273.11(b)(1)(i) state that the cost of doing business can either be considered as (1) the cost of the Thrifty Food Plan for a household size equal to the number of boarders or (2) the actual documented cost of providing room and meals, if the actual cost exceeds the Thrifty Food Plan amount. The first option provided in the proposed rule would permit an increase in the "cost of doing business" exclusion by using separate standard costs for room and board. The room costs would be $43 per person in the boarder group, and the standard board costs would continue to be the cost of the Thrifty Food Plan. One commenter called attention to the inaccuracy of the Thrifty Food Plan amounts contained in the table published in the proposed rulemaking. These amounts have been revised in the schedule which is published in the final regulations. Another commenter found both this option and the change in the way business costs are calculated more cumbersome than current procedures. The commenter recommended the procedures not be changed or that States use AFDC methods to compute room/board income. Since the participating States suggested the changes, no further modifications are being made at this time. The two optional procedures to be used for determining room/board income are being made final as they were proposed.

FNS is thus waiving the following requirements of the Act and regulations in Vermont, Michigan and South Carolina, under demonstration authority given in Section 17(b)(1) of the Food Stamp Act of 1977. While these specific waivers were not uniformly requested by all the States, each State may choose to implement any or all of them, subject to prior FNS notification and approval.

Therefore, 7 CFR Part 282 is amended as follows:

PART 282—DEMONSTRATION, RESEARCH AND EVALUATION PROJECTS

1. In Part 282, § 282.18 is added to read as follows:

§ 282.18 AFDC/Food Stamp Consolidation Demonstration Project.

(a) *General.* Section 17(b) of the Food Stamp Act of 1977 authorizes the Secretary to conduct on a trial basis experimental projects that might increase the efficiency of the program and to waive requirements of the Act to the degree necessary to conduct such projects, so long as resource and income limits for eligibility and benefit level are not lowered or further restricted. These regulations establish variations to the Food Stamp Program operating procedures which shall apply during the course of the demonstration project, hereafter referred to as the AFDC/Food Stamp Consolidation Project. In this project, certain requirements for both the Food Stamp Program and the Aid to Families with Dependent Children (AFDC) Program will be modified for closer program coordination.

(b) *Purpose.* The purpose of the AFDC/Food Stamp Consolidation Project is to test the effects of a number of program changes, particularly in defining resources and income, which are designed to simplify eligibility and benefit calculations for households applying for both programs. This project is part of a series of ongoing attempts to improve the management of administrative resources. This project is intended to test whether closer coordination between these two programs, which serve overlapping caseloads, will reduce error rates and administrative costs in both programs.

(c) *Areas of operation.* The project, which is being primarily sponsored by the Department of Health and Human Services (DHHS), will operate in the States of Vermont, South Carolina, and in Berrien County and the Redford District of Wayne County, Michigan. Certain Food Stamp Program requirements, as set forth in paragraphs (d) and (e) of this section, may be waived in these areas of operation.

(d) *Statutory requirements to be waived.* For the limited purpose of permitting operation of this project, the following requirements of the Act are waived and modified as explained. The three States participating in the project, and only these States, may avail themselves of any or all of the waivers and elect to use the corresponding substitute procedures set out in paragraphs (f) through (u) of this section. Project operators at the State level shall have the authority to develop, subject to FNS approval, whatever procedures are necessary to project operations. No optional requirement will lower or further restrict income or resource standards or benefit levels as established in Sections 5 and 8 of the Act. The effective dates of waivers shall be publicized at the project sites. Other requirements may be waived as the Secretary deems necessary consistent with the limitations on the waiver authority provided in the Act. Any such waivers shall be published in the **Federal Register.**

(1) *Sec. 5(b) Uniform national standards.* The requirement for uniform national standards may be waived to the extent necessary to allow operation of this project.

(2) *Sec. 5(d) Exclusions from income.* Definitions of funds excluded from consideration as income within section 5(d) shall be expanded. The definitions that may be modified are those for irregular income in Section 5(d)(2); educational loans and scholarships in section 5(d)(3); and a dependent child's earnings in section 5(d)(7). Judgment payments to members of certain Indian tribes shall be specified as one of the Federal payments excluded from consideration as income for food stamp purposes, as set forth in section 5(d)(10). These modifications are explained in detail in paragraphs (f) through (t) of this section.

(3) *Sec. 6(d)(2)(A) Work registration exemptions.* The exemption from the food stamp work registration requirement which is granted to persons subject to and complying with a work registration requirement under Title IV of the Social Security Act, as amended (42 U.S.C. 602), may be extended to persons who are exempt from the Title IV requirement.

(e) *Regulatory requirements to be waived.* All current Food Stamp Program regulations (7 CFR Parts 270 through 282) shall govern the operation of this project, except the following paragraphs, which may be waived at the option of the participating project authority: 273.6(a) (2) and (3) and (b)(1) through (3); 273.7(b)(1) (iii) and (iv); 273.7(c)(2); 273.8(d); 273.8(e)(7); 273.8(h) (2) through (5); 273.9(b)(1)(ii); 273.9(c)(2); 273.9(c)(3); 273.9(c)(7); 273.9(d)(6)(i); 273.10(e)(2)(i)(B); and 273.11(b)(1)(ii) (A) and (B). The three States participating in this project may elect to use the appropriate substitute procedures, as set forth within paragraphs (f) through (t) of this section, as agreed upon by the State and FNS.

(f) *Optional project procedure: Social security numbers.* (1)(i) If any household member(s) required to provide the State agency with an SSN is unable to do so prior to certification or recertification, that member shall be allowed to participate only if she/he consents to have the State agency file an application with the Social Security Administration (SSA) in his/her behalf and provides the necessary verification for such application. The State agency shall be responsible for completing the application and will receive validation of the new number when it is issued.

(ii) If any household member(s) required to provide an SSN who is unable to provide one refuses to consent to having the State agency apply for an SSN in his/her behalf, and can show no good cause for this refusal, that individual shall be disqualified from participation, in accordance with paragraph (c) of § 273.6. This disqualification shall last until the individual obtains an SSN or until she/he consents to have the State agency apply to the SSA on his/her behalf for an SSN.

(2)(i) For those individuals who provide SSN's prior to certification, recertification or at any office contact, the State agency shall record the SSN and verify it in accordance with § 273.2(f)(1)(v).

(ii) For those individuals required to have an SSN who do not have one, the State agency shall offer to, and complete a Form SS–5, to obtain a SSN, at the household's request. To complete Form SS–5, the State agency must document the verification of identity, age, and citizenship or alien status as required by SSA and forward the SS–5 to SSA. The State agency shall follow the same procedures for applicants who do not know if they have an SSN or who are unable to find their SSN.

(g) *Optional project procedure: WIN exemptions from work registration.* A household member subject to and participating in the Work Incentive Program (WIN) under Title IV of the Social Security Act is exempt from food stamp work registration requirements. Additionally, those AFDC household members who are determined exempt from the WIN Program will be considered exempt from the food stamp work registration requirements. If such a person loses his/her WIN Program exemption and does not participate in the WIN Program, she/he shall be required to comply with the food stamp work registration requirements as a condition of continuing eligibility. If the exemption claimed is questionable, the State agency shall be responsible for verifying the exemption.

(h) *Optional project procedure: Caretaker exemption from work*

registration. A parent or other household member who is responsible for the care of a dependent child under 6 or an incapacitated person is exempt from food stamp work registration requirements. The unavailability of adequate child care for children from 6 to 12 shall be considered good cause for refusing employment. If the child has its sixth birthday within a certification period, the individual shall fufill the work registration requirement as part of the next scheduled recertification process, unless the parent or caretaker qualifies for another exemption.

(i) *Optional project procedures: Transmittal of certain work registration forms to the SESA.* Upon reaching a determination that an applicant or a member of the applicant's household is required to register, the State agency shall explain to the applicant the work registration and job search requirements, his or her rights and responsibilities, and the consequences of failure to comply. The State agency shall provide work registration forms to the applicant for each household member required to register for employment, and permit the applicant to complete the form for those members in accordance with paragraph (a) of § 273.7. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency. An identifiable work registration form shall contain those items necessary for partial entry into the Employment Service Automated Reporting System (ESARS): the applicant's name, address, phone number, social security number (or some other identifying number when a social security number is not available), the expiration date of the household's certification period, an indication of exemption from job search, and any other information agreed upon by the State agency and SESA in their operating agreements. The State agency and SESA must agree before any information in the last category can be specifically required. If the registrant is an instream migrant and seasonal farmworker, or if the State agency knows that the registrant would otherwise be exempt from job search under the provisions of paragraph (f)(1)(ii)(c) of § 273.7, the State agency shall also indicate this on the registration form. The State agency shall not forward work registration forms to SESA until the household is certified, so that the SESA will not have to expend unnecessary efforts on applicants who are subsequently denied rather than certified for food stamps. The State agency shall forward the completed work registration form to the SESA having jurisdiction over the area where the registrant resides no later than five days after the date of household certification, unless a PA application is still pending at that time. In these cases, the State agency shall forward the completed form to the appropriate SESA within five days after the PA decision is made if such decision does not remove the food stamp work registration requirement.

(j) *Optional project procedure: Jointly owned resources.* Only a pro rata share of the value of resources owned jointly by separate households shall be considered available to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to less than a pro rata portion of the resource, the value of that lesser portion of the resource shall be counted toward the household's resource level. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply.

(k) *Optional project procedure: Exclusion of disaster payments.* Non-government hazard insurance payments designated for the restoration of a home damaged in a disaster shall be excluded as a resource if there is a clear contract to restore the damaged home.

(l) *Optional project procedure: Handling of licensed and unlicensed vehicles.* (1) Licensed vehicles not exempt under subparagraph (1) of § 273.8(h) shall be individually evaluated for fair market value. That portion of their value which exceeds $4,500 shall be attributed in full toward the household's resource level, regardless of any encumbrances on the vehicle.

(2) Unlicensed vehicles, which are not exempted completely by § 273.8(e) (3), (4), or (5), shall be individually evaluated for equity value. Their equity value shall be attributed in full toward the household's resource level.

(m) *Optional project procedure: Definition of rental income.* The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in paragraph (c) of § 273.9, shall be considered earned income. Ownership of rental property shall be considered a self-employment enterprise. Rental income shall be deemed earned if a member of the household assumes responsibility for property management, which may include custodial functions. If a third party is employed to manage the property and no household member has any specific responsibilities for property management, the income shall generally not be considered earned (such as where rental properties are in the hands of rental agencies and the check is forwarded to the recipient). Payments from a roomer or boarder shall also be considered self-employment income.

(n) *Optional project procedure: Exclusion of irregular income.* Irregular income, defined in either of the following ways, shall be excluded from household income:

(1) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of $25 per month; or

(2) Any income in the certification period which is not received on a periodic basis, making its receipt infrequent or irregular to the point that it cannot be reasonably anticipated and which has no substantial effect on the calculation of benefits.

(o) *Optional project procedure: Exclusion of educational loans and scholarships.* Educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition, mandatory school fees, books, equipment, and transportation at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped, are excluded from household income. Mandatory fees are those charged to all students or those charged to all students within a certain curriculum. Basic Educational Opportunity Grants are totally excluded as income.

(p) *Optional project procedure: Exclusion of earnings of a dependent child.* The earned income (as defined in paragraph (b)(1) of § 273.9) of children who are members of the household and who have not attained their 18th birthday shall be excluded as household income.

(q) *Optional project procedure: Exclusion of income excluded by other statute.* In addition to the funds listed in § 273.9(c)(10) which are excluded from income consideration by other Federal statutes, judgment payments to members of certain Indian tribes, as mandated in Pub. L. 92-254, shall be excluded from consideration as income

in calculating food stamp eligibility and benefits.

(r) *Optional project procedure: Standard shelter insurance deduction.* The State agency shall develop a method, subject to FNS approval, for establishing a standard utility allowance for use in calculating shelter costs of those households which incur certain utility costs separate and apart from their rent or mortgage payments. Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewerage, and garbage collection fees shall not be entitled to claim the standard utility allowance. The standard utility allowance may have a separate standard for each utility identified in paragraph (d)(4)(iii) of § 273.9 or it may be a single standard. If it is a single standard, the State shall include the cost of telephone service, water, sewerage, and garbage collection fees in the overall allowance, even though these utilities do not, by themselves, entitle the household to use the standard utility allowance. The State may elect to establish a shelter insurance deduction to be added to the standard utility deduction. If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately. A household not claiming the utility standard deduction may claim the shelter insurance standard alone or the actual cost of the shelter insurance.

(s) *Optional project procedure: Categorical eligibility for applicants determined eligible for AFDC.* (1) Households applying for both the Food stamp and AFDC Programs in approved project areas in this demonstration project shall be considered automatically eligible for the Food Stamp Program if they are determined eligible for the AFDC program: *Provided,* That the State agency has submitted documentation that the potential gross income limits for AFDC households at 150 percent of the need standard do not exceed the Food Stamp Program gross income limits set forth in § 273.9(a)(1). Benefits shall be calculated according to standard procedures as set forth in § 273.10.

(2) For households applying for both programs in approved demonstration project areas which are determined ineligible for the AFDC program and for all other households not mentioned in paragraphs (A) and (C) of § 273.10(e)(2)(i), the State agency shall compare a household's gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of § 273.10, to the monthly income eligibility standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month. The State agency shall also apply to these applicant households the resource standards of eligibility as set forth in § 273.8 or as modified in other paragraphs of this section.

(t) *Optional project procedure: Boarders—determining the cost of doing business.* After determining the income received from the boarders, the State agency shall exclude that portion of the boarder payment which is a cost of doing business. The cost of doing business shall be equal to either of the following procedures provided that the amount allowed as a cost of doing business shall not exceed the payment the household receives from the boarder for lodging and meals:

(1) The cost of providing room and/or board for the number of people in the boarder group according to the table provided below. (The cost of board shall be equal to the Thrifty Food Plan amount for the number of people in the boarder group. The 2/3 board amount shall be allowed if only two meals per day are provided to the boarder group.) If the actual room/board payment is less than the standard, only the amount actually paid would be allowed.

NUMBER OF PEOPLE IN BOARDER GROUP

	1	2	3	4	5	6+
Room only	43	78	112	142	169	201
Board only	70	128	183	233	277	332
Room and board	113	206	295	375	446	535
2/3 board	47	85	122	155	185	221

(2) The actual documented cost of providing room and meals, or 50 percent of the gross payment received. If actual costs are used, only separate and identifiable costs of providing room and meals to boarders shall be excluded. If the boarder household resides in the same dwelling as the provider household, the cost of doing business may not exceed the difference between the actual total payment for an item and any public assistance (PA) allowances granted to the provider for that item.

Note: This regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalogue of Federal Domestic Program No. 10.551, Food Stamps)

Dated: December 28, 1981.

David B. Alspach,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 82–28 Filed 1–4–82; 8:45 am]

BILLING CODE 3410-30-M

federal register

Tuesday
January 5, 1982

Part XIV

Department of Education

Institutional Aid Programs

DEPARTMENT OF EDUCATION

34 CFR Parts 624, 625, 626 and 627

Institutional Aid Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Institutional Aid Programs authorized by Title III of the Higher Education Act of 1965, as amended. The regulations implement the eligibility requirements and establish the application procedures and selection criteria for the Institutional Aid Programs established by the Education Amendments of 1980. The programs provide assistance to institutions of higher education and include: the Strengthening Program, the Special Needs Program, and the Challenge Grant Program.

EFFECTIVE DATES: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Claude Mayberry, Director, Institutional Aid Programs, Office of Postsecondary Education, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024. Telephone: (202) 245–9691.

SUPPLEMENTARY INFORMATION:

A. Background

Title III Institutional Aid Programs provide Federal financial assistance to help eligible institutions of higher education to solve problems that threaten their ability to survive and to stablize their management and fiscal operations so that they may achieve self-sufficiency. Beginning in fiscal year 1982, eligible institutions will be able to apply for funding under the following three new grant programs:

- *The Strengthening Program.*
- *The Special Needs Program.*
- *The Challenge Grant Program.*

These programs provide funds to plan, develop, and implement activities for: the development of academic programs and faculty; administrative management; acquisition of equipment for use in management of funds and academic programs; joint use of facilities such as libraries and laboratories; and student services.

Federal assistance under these programs may not be used to cover any general operating and maintenance expenses of grantees or to supplant what an institution would otherwise spend to carry out activities allowed under the programs. The purpose of these programs, as expressed in section 301 of the Higher Education Act, is to assist eligible institutions to carry out planning and development activities that will enable them to become viable, thriving institutions of higher education and, therefore, free from the need for continued assistance under Title III.

Thus, the Secretary provides the following:

- *Planning grants* to enable designated colleges and universities—including branch campuses that meet special eligibility requirements—to develop long-range plans for self-sufficiency if they do not already have acceptable long-range plans. Planning grants under the Strengthening Program may also be used to assist in the development of an application for a development grant.
- *Development grants* to enable designated institutions to implement their long-range plans.

In general, eligible recipients are institutions that are providing higher education to substantial numbers of students from low-income families and that do not yet have the capacity to carry out such activities as providing adequate management, improving academic programs and student services, or upgrading the quality of their faculty members.

Both two-year and four-year public and nonprofit private institutions of higher education are eligible for funding under all the programs. In addition, certain graduate schools and certain medical schools are eligible for funding under the Challenge Grant Program.

Both the Strengthening Program and Special Needs Program provide for grants to institutions in cooperative arrangements. A cooperative arrangement is an agreement under which two or more eligible institutions share or combine resources and otherwise cooperate in order to carry out the purposes of the Institutional Aid Programs more efficiently and effectively than if each institution were to conduct those activities separately.

B. Summary of Comments and Responses

A notice of proposed rulemaking was published in the **Federal Register** on July 20, 1981 (46 FR 37470–37482). Interested persons were given 60 days in which to comment. Comments were received from over 200 individuals, institutions, groups, and associations.

Most commenters were concerned with eligibility requirements in the statute and objected to the Department's interpretation that would have required an institution to meet each of three factors individually, rather than in the aggregate. As a result of comment, and with advice from members of Congress, a change in the regulations has been made. The Secretary will use a system of determining institutional eligibility that is similar to the system that was used in the past.

Under the Strengthening Program, points will be assigned on a scale of 1–100 for each criterion on the basis of the following factors: (1) The number of Pell grant recipients at the institution divided by the number of full-time equivalent (FTE) undergraduate students enrolled at that institution; (2) The total amount of the Pell grant awards received by students enrolled at the institution divided by the Pell grant recipients at that institution; and (3) Total educational and general (E&G) expenditures divided by the FTE undergraduate enrollment at that institution.

For the Special Needs Program points will be assigned to institutions on the basis of the following factors: (1) On a scale of 1–50 points, according to the number of recipients of need-based student aid at the institution divided by the number of FTE undergraduate students enrolled at that institution; (2) On a scale of 1–50 points according to the total amount of need-based assistance received by students at the institution divided by the recipients of such assistance at that institution; (3) On a scale of 1–100 points, according to the E&G expenditures at the institution divided by the FTE undergraduate student enrollment at that institution. For the purposes of the Special Needs Program, "need-based student aid programs" include the Pell Grant, Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan Programs.

Under each program, the number of points assigned to all three factors will be added together. All institutions with a point total above the minimum threshold established by the Secretary will satisfy these three factors. Thus, eligibility will be based on the total points received for the three factors combined, rather than for each factor separately.

The Secretary has the authority under the statute to waive the E&G expenditures requirement under certain conditions. However, any institution that seeks a waiver of the E&G requirement must meet a minimum threshold on the combined remaining factors (percentage of students receiving assistance and the average amount of that assistance). For example, an

institution applying for funds under the Strengthening Program that is granted a waiver of the E&G criterion will have to attain a minimum number of points out of the 200 available on criteria 1 and 2.

A summary of the other comments and the Secretary's responses to them is contained in the Appendix following the regulations.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require submission of information that is already being gathered by or is available from any other agency of authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, the Secretary has determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Invitation To Comment

To assist the Department in complying with the specific requirement of Executive Order 12291 and its overall requirements of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations. Comments should be addressed to the contact person listed elsewhere in this document.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parenthese on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.031 Institutional Aid Programs)

Dated: December 29, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 624 of Title 34 of the Code of Federal Regulations to read as follows:

PART 624—INSTITUTIONAL AID PROGRAMS—GENERAL PROVISIONS

Subpart A—General

Sec.
624.1 Institutional Aid Programs.
624.2 Eligible applicants.
624.3 Waiver of five-year requirement.
624.4 Eligible grantees.
624.5 Regulations that apply to the Institutional Aid Programs.
624.6 Definitions that apply to the Institutional Aid Programs.

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

Sec.
624.10 Types of grants.
624.11 Planning grant.
624.12 Development grant.
624.13 Allowable activities.

Subpart C—How Does One Apply for a Grant?

624.20 Designation as an eligible applicant.
624.21 How to apply for a grant.
624.22 Long-range plan.
624.23 Applications for grants under cooperative arrangements.
624.24 Separate applications.

Subpart D—How Does the Secretary Make a Grant?

624.30 General evaluation of applications.
624.31 Selection criteria for planning grants.
624.32 Long-range plan to achieve self-sufficiency.
624.33 Selection criteria for development grants.
624.34 Grants under cooperative arrangements.

Subpart E—What Conditions Must a Grantee Meet?

624.40 Maintenance of eligibility.
624.41 Fiscal requirements.
624.42 Restrictions on the use of funds.

Subpart F [Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

624.60 Failure to maintain eligibility.

Authority: Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1069c).

Subpart A—General

§ 624.1 Institutional Aid Programs.

(a) The Institutional Aid Programs are designed to provide Federal funds for a limited period of time to assist eligible institutions of higher education to become self-sufficient by—

(1) Solving problems that threaten their ability to survive; and

(2) Stabilizing their management and fiscal operations.

(b) The Institutional Aid Programs consist of the following:

(1) The Strengthening Institutions Program (34 CFR Part 625), referred to in these regulations as the Strengthening Program.

(2) The Aid to Institutions with Special Needs Program (34 CFR Part 626), referred to in these regulations as the Special Needs Program.

(3) The Challenge Grant Program (34 CFR Part 627).

(20 U.S.C. 1051, 1057, 1060, and 1066)

§ 624.2 Eligible applicants.

(a) In order to apply for a grant under the Institutional Aid Programs, an institution of higher education or a branch campus must first be designated by the Secretary as an eligible institution.

(b) Before applying to the Secretary for designation as an eligible institution under § 624.20, the institution must satisfy basic eligibility requirements; that is, it must be an educational institution and—

(1) Admit as regular students persons who are—

(i) High school graduates;

(ii) The recognized equivalent of high school graduates; or

(iii) Beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution;

(2) Be, and have been for five academic years preceding the academic year for which it seeks assistance, legally authorized in the State in which it is located to—

(i) Provide an educational program for which it awards a bachelor's degree; or

(ii) Be a junior or community college;

(3) Be, and have been for five academic years preceding the academic year for which it seeks assistance—

(i) Accredited by a nationally recognized accrediting agency or association; or

(ii) Making reasonable progress toward accreditation according to that accrediting agency or association; and

(4) Meet specific eligibility requirements for designation in 34 CFR 625.2, 626.2, or 627.2, as appropriate.

(c) If an institution changes its status from a junior or community college to an institution that awards bachelors' degrees or *vice versa*, it may satisfy the five-year requirements of paragraphs (b) (2) and (3) of this section by combining the periods of time it qualified as either type of institution.

(20 U.S.C. 1058, 1061, 1064, and 1141)

§ 624.3 Waiver of five-year requirement.

(a) At the request of an institution, the Secretary may waive for that institution all or part of the five-year requirements in paragraphs (b) (2) and (3) of § 624.2 if the Secretary determines that—

(1) The institution is located on an Indian reservation, or near an Indian reservation or a substantial population of Indians, and the waiver will substantially increase the higher educational opportunities appropriate to the needs of American Indians;

(2) The waiver will substantially increase higher educational opportunities for—

(i) Spanish-speaking people;

(ii) Individuals living in rural areas, whose needs are for the most part

unserved by other institutions of higher education; or

(iii) Individuals whose income is below the poverty level established by the United States Bureau of the Census (low-income individuals); or

(3) The institution has traditionally served substantial numbers of black students.

(b)(1) For purposes of paragraph (a)(1) of this section generally the Secretary considers "near" to mean within 50 miles. However, the Secretary reserves the right to consider each distance between an institution and an Indian reservation on a case-by-case basis, according to reasons stated by the applicant in its request for a waiver; and

(2) For the purposes of paragraph (a)(2)(ii) of this section "rural area" means an area that is not included in a standard metropolitan statistical area as defined by the United States Bureau of the Census.

(c) An institution requesting a waiver under this section shall submit to the Secretary a written statement that includes sufficient information and explanations as to why the Secretary should grant the waiver.

(20 U.S.C. 1067)

§ 624.4 Eligible grantees.

The Secretary awards a grant under the Institutional Aid Programs to—

(a) An institution the Secretary has designated as eligible; or

(b) Under the Strengthening Program or the Special Needs Program, two or more eligible institutions under a cooperative arrangement.

(20 U.S.C. 1057, 1060, 1064 and 1069)

§ 624.5 Regulations that apply to the Institutional Aid Programs.

The following regulations apply to the Institutional Aid Programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) except for 34 CFR 75.128(a)(2) and 75.129(a), in the case of applications under cooperative arrangements.

(b) The regulations in this Part 624.

(c) The regulations in 34 CFR Parts 625, 626, or 627, as applicable.

(20 U.S.C. 1221e–3(a)(1), 1057, 1060, 1064)

§ 624.6 Definitions that apply to the Institutional Aid Programs.

(a) The following terms used in this part are defined in EDGAR, 34 CFR Part 77:

Applicant	Nonprofit
Application	Private
EDGAR	Project
Grant	Public
Grant period	Secretary
Grantee	State

(b) The following definitions apply specifically to the Institutional Aid Programs:

"Academic year" means a period of time, generally eight or nine months, in which a full-time student is expected to complete—

(1) The equivalent of at least two semesters, two trimesters, or three quarters at an institution using credit hours; or

(2) At least 900 hours training for each program at an institution using clock hours.

"Activity" means a specific component of a project for which Federal funds are requested.

"Base year" means a 12-month period identified by the Secretary through a notice in the Federal Register.

"Branch campus."

(1) This term means, in a university or college, a unit that is—

(i) Independent of the main campus; and

(ii) Geographically apart from the main campus of the university or college.

(2) The Secretary considers a branch campus to be independent of the university's or college's main campus if the branch campus—

(i) Is separately accredited;

(ii) Is permanent in nature;

(iii) Offers courses for credit and programs leading to an associate or bachelor's degree;

(iv) Is autonomous to the extent that it has its own faculty and administrative or supervisory organization; and

(v) Has its own budgetary and hiring authority.

"Comparable institutions" and "institutions that offer similar instruction" mean institutions that are being compared with an applicant institution and that fall within one of the following four categories:

(1) Four-year public institutions.

(2) Four-year non-profit private institutions.

(3) Public junior or community colleges.

(4) Nonprofit private junior or community colleges.

"Cooperative arrangement" means an agreement between two or more eligible institutions that share and combine resources and otherwise cooperate in order to carry out the purpose of the Institutional Aid Programs more effectively and efficiently than if each institution were to conduct those activities separately.

"Educational and general (E&G) expenditures" means the total amount expended by an institution of higher education for—

(1) Instruction;

(2) Research;

(3) Public service;

(4) Academic support including library expenditures;

(5) Student services;

(6) Institutional support;

(7) Scholarships and fellowships;

(8) Operation expenditures, and maintenance expenditures for physical plant; and

(9) Any mandatory transfers that the institution is required to pay by law.

"Full-time-equivalent (FTE)."

(1) This term means the sum of—

(i) The number of full-time students; and

(ii) The full-time equivalent of the number of part-time students enrolled at the institution.

(2) The Secretary determines the full-time equivalent of the number of part-time students in paragraph (1)(ii) of this definition by any method that yields the equivalent of—

(i) Adding the number of credit hours taken by all part-time students; and

(ii) Dividing that number by 12.

"General operating and maintenance expenses" means those costs that are generally recurrent or continuing in nature, such as costs of operating remedial programs, costs of classroom teaching, and costs of maintaining programs after the development period.

"Junior or community college" means an institution of higher education that provides an educational program—

(1) For which it does not award a bachelor's degree; but

(2)(i) That is of not less than two years' duration and is acceptable for full credit toward a bachelor's degree; or

(ii) That is a two-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"Non-renewable grant" means a one-time-only, broad-purpose development grant designed to enable an institution or group of institutions to achieve self-sufficiency by the end of the grant period.

"Pell Grant" (formerly Basic Educational Opportunity Grant) means the grant awarded under Title IV–A–1 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

"Renewable grant" means a narrow-purpose development grant, for which an institution or group of institutions may reapply, designed to help an institution or group of institutions move toward self-sufficiency.

"Self-sufficient" means the point at which, in the determination of the Secretary, an institution should be viable, thriving, and able to survive without continued funding Under the Institutional Aid Programs.

"Strengthening Developing Institutions Program (SDIP)" means the program authorized under Title III of the Higher Education Act of 1965 before October 1, 1981.

(20 U.S.C. 1058, 1059, 1061, 1062, 1066, and 1069)

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

§ 624.10 Types of grants.

The Secretary awards two principal types of grants under the Institutional Aid Programs:

(a) Planning grants, as described in § 624.11.

(b) Development grants, as described in § 624.12.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1064)

§ 624.11 Planning grant.

(a) Unless otherwise provided, a planning grant may be used for a project to develop—

(1) A long-range comprehensive development plan (long-range plan), as described in § 624.22;

(2) An application for a development grant; or

(3) A long-range plan and an application for a development grant.

(b) The Secretary does not consider awarding a planning grant to an institution that is receiving or has received another grant—whether a planning or a development grant—under the Institutional Aid Programs.

(c) The Secretary does not consider awarding a planning grant to develop a long-range plan to a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each of the participating institutions.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1069)

§ 624.12 Development grant.

A development grant may be used for a project to implement portions of an applicant's long-range plan to enable it to move toward or achieve self-sufficiency.

(20 U.S.C. 1057, 1060, and 1066)

§ 624.13 Allowable activities

(a) The Secretary awards grants under the Institutional Aid Programs to assist eligible institutions to plan, develop, or implement activities that the Secretary determines are likely to enable the institution to become self-sufficient.

(b) The following types of development activities are allowable:

(1) Development of faculty.

(2) Management of funds and administrative management.

(3) Development and improvement of academic programs.

(4) Acquisition of equipment for use in strengthening management of funds and in strengthening academic programs.

(5) Joint use of facilities such as libraries and laboratories.

(6) Student services.

(c) The Secretary does not fund an activity for which a grantee is receiving or has received a grant under—

(1) Any Institutional Aid Program; or

(2) The SDIP, if that grant is scheduled to expire after September 30, 1982.

(20 U.S.C. 1057, 1059, 1060, 1062, 1066 and 1221e–3)

Subpart C—How Does One Apply for a Grant?

§ 624.20 Designation as an eligible applicant.

(a)(1) An institution that wishes to be designated as an eligible institution for a particular Institutional Aid Program must file with the Secretary a request for designation for that program, according to the instructions contained in a notice published in the **Federal Register**.

(2) The Secretary annually publishes a notice in the **Federal Register**—

(i) Requesting applications for eligibility; and

(ii) Indicating the base year for calculating whether an institution satisfies the eligibility criteria under 34 CFR 625.2 and 626.2. The Secretary uses the most recent base year for which reliable data are available. If necessary, the Secretary may establish a separate base year for each of the three criteria described in 34 CFR 625.2 or 626.2 depending on data availability.

(b) An institution that receives a grant for a grant period lasting more than one year shall include in its annual application for a continuation award the assurance described in § 624.40(b).

(20 U.S.C. 1058, 1061, and 1064)

§ 624.21 How to apply for a grant.

(a) *General.* In an application for either a planning grant or a development grant, an applicant shall—

(1) Explain how the grant will assist the institution to prepare for the critical financial and other problems facing it in this decade;

(2) If it is requesting funding for more than one activity—

(i) Identify those activities that would be a sound investment of Federal funds if funded separately;

(ii) Identify those activities that would be a sound investment of Federal funds only if funded along with other activities in the application; and

(iii) Rank the activities in order of preferred funding;

(3) If it is applying for a grant from more than one program under the Institutional Aid Programs, rank the applications in order of preferred funding;

(4) Submit all budgetary information the Secretary may require, including a separate detailed budget for each activity;

(5) Identify the policies and procedures it will use to ensure that any Federal funds it receives as a result of the application will be used to supplement—and not supplant—funds that would otherwise be available to carry out its long-range plan;

(6) Identify the fiscal control and accounting procedures necessary for proper disbursement of and accounting for any Federal funds it receives as a result of the application; and

(7) Provide assurance to the Secretary that it will comply with the restrictions on the use of funds specified in § 624.42 (a) through (g).

(b) *Development grant.* In an application for a development grant, an applicant shall—

(1) Include its long-range plan containing all the elements required in § 624.22;

(2) Provide information that fully addresses each component of each selection criterion in § 624.33;

(3) Identify the institutional goals in its long-range plan that each proposed development activity will help achieve; and

(4) If it is requesting a multi-year grant, explain why—

(i) A multi-year grant of that length is necessary; and

(ii) A single year grant would be inadequate.

(c) *Planning grant.* In an application for a planning grant, an applicant shall provide information that fully addresses each component of each selection criterion in § 624.31.

(20 U.S.C. 1066, 1066bm, and 1221e–3)

§ 624.22 Long-range plan.

(a) In its comprehensive long-range development plan (referred to in these regulations as the long-range plan), an

institution shall describe its strategy for achieving self-sufficiency by strengthening its—

(1) Academic quality; and

(2) Institutional management.

(b) The long-range plan must include—

(1) The institutional mission statement (that is, a broad statement of fundamental purpose that includes the social and intellectual aspirations of the institution);

(2) Long-range and short-range institutional goals;

(3) Measurable objectives for each major unit of the institution;

(4) Time frames to achieve institutional goals and unit objectives;

(5) Major resource requirements; and

(6) Strategies for evaluating the institution's success in achieving all aspects of its long-range plan.

(20 U.S.C. 1066)

§ 624.23 Applications for grants under cooperative arrangements.

(a) *General.* To apply for a grant under the Strengthening Program or the Special Needs Program, the participating institutions in a cooperative arrangement shall submit a single, collective application that includes—

(1) The information required in 34 CFR 624.21; and

(2) The names of the institutions participating in the cooperative arrangement.

(b) *Development grant.* The application for a development grant under a cooperative arrangement shall—

(1) Explain the relationship of the activities for which funding is requested to—

(i) The long-range plan of each participating institution; and

(ii) The activities each participating institution carried out or is carrying out under a renewable development grant, if any, awarded previously under the Strengthening Program;

(2) Explain the rationale for each participating institution's decision to request funds to carry out activities to achieve self-sufficiency as part of a cooperative arrangement rather than individually; and

(3) Identify the activities included in any other application the cooperative arrangement or any participating institution is submitting for funding in the same fiscal year under the Institutional Aid Programs.

(c) *Planning grant.* The application for a planning grant under a cooperative arrangement shall explain the rationale for each participating institution's decision to request funds to develop, as appropriate, its application or its long-range plan as part of a cooperative arrangement rather than individually.

(20 U.S.C. 1069)

§ 624.24 Separate applications.

If an institution wishes to apply in the same year for both a grant as an individual institution and a grant under a cooperative arrangement, the institution shall submit as an individual institution an application that is separate from the application the cooperative arrangement submits.

(20 U.S.C. 1066 and 1221e–3)

Subpart D—How Does the Secretary Make a Grant?

§ 624.30 General evaluation of applications.

(a) The Secretary evaluates an application for a planning grant on the basis of the criteria in § 624.31.

(b) The Secretary evaluates an application for a development grant on the basis of—

(1) The appropriate criterion in § 624.32 for assessing the long-range plan to achieve self-sufficiency; and

(2) The selection criteria in § 624.33.

(c)(1) The Secretary awards up to 100 points for the criteria in § 624.31 and up to 100 points for the criteria in § 624.33.

(2) The maximum possible score for each complete criterion is indicated in parentheses following the title of that criterion.

(3) In the case of criteria worth more than 10 possible points, the maximum possible score for each component of a criterion is indicated in parentheses following that component.

(d) The Secretary will not fund an application for a grant that receives less than 50 points for the criteria in § 624.31 or in §624.33

(20 U.S.C. 1221e–3)

§ 624.31 Selection criteria for planning grants.

The Secretary evaluates an application for a planning grant on the basis of the following criteria:

(a) *Plan of operation.* (Total: 50 points)

(1) The Secretary reviews each application for information that shows that the proposed project is likely to develop a high quality—

(i) Long-range plan providing for self-sufficiency;

(ii) Application; or

(iii) Long-range plan and application.

(2) The Secretary looks for information that shows—

(i) Measurable objectives appropriate to the purpose of the project (10 points); and

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A) The quality of the proposed strategy for developing the applicant's long-range plan or application (15 points);

(B) A realistic timetable for achieving each objective (5 points);

(C) The extent to which the applicant will use its own resources and personnel to achieve each objective (10 points); and

(D) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) *Key personnel.* (Total: 30 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant will use to develop the long-range plan or application.

(2) The Secretary looks for information that shows—

(i) The extent to which the applicant involves its own personnel, students, and governing board members in the planning process (12 points);

(ii) The qualifications of the project director (6 points);

(iii) The role of each of the key personnel who will participate in the planning process as part of the project (6 points); and

(iv) The time that each person referred to in paragraphs (b)(2)(i) through (iii) of this section plans to commit to the project (6 points).

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget that is cost effective.

(2) The Secretary looks for information that shows that costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the proposed evaluation design for the project.

(2) The Secretary looks for information that shows that—

(i) The methods of evaluation are appropriate for a planning process; and

(ii) The evaluation criteria are appropriate for determining success in achieving the objectives of the project.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1221e–3)

§ 624.32 Long-range plan to achieve self-sufficiency.

(a) The Secretary reviews each application for a development grant for information that shows whether the applicant's long-range plan provides for self-sufficiency.

(1) In the case of an application for a renewable development grant, the Secretary looks for information that shows whether implementing the long-range plan is likely to result in that institution *moving toward self-sufficiency* by the end of the proposed grant period.

(2) In the case of an application for a non-renewable development grant, the Secretary looks for information that shows whether implementing the long-range plan is likely to result in that institution *becoming self-sufficient* by the end of the proposed grant period.

(b) In reviewing the applicant's long-range plan the Secretary looks for information showing that—

(1) The institution identifies the major problems or deficiencies that inhibit it from becoming self-sufficient and thriving; and

(2) The institution proposes effective strategies to overcome each problem or deficiency.

(c) The Secretary does not consider an application for a development grant unless the applicant's long-range plan meets the appropriate criterion in paragraph (a) of this section.

Note.—The Secretary does not assign points to this criterion. Rather, the Secretary reviews an application under §§ 624.31 or 624.33 if it meets the criterion and rejects it if it does not.

(20 U.S.C. 1057, 1059, 1060, 1064, 1066, and 1221e–3)

§ 624.33 Selection criteria for development grants.

(a) *Plan of operation.* (Total: 70 points)

(1) The Secretary reviews each application for information that shows the quality of the project's plan of operation.

(2) The Secretary looks for information that shows the following:

(i) The extent to which objectives for each activity are clear, specific, and measurable (10 points).

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A) The quality of the implementation strategy (a complete description of what the applicant plans to do and how the applicant plans to do it) for each activity (10 points);

(B) The extent to which achieving the objectives of the proposed activities in the project plan is likely to help the institution attain self-sufficiency (20 points);

(C) A realistic timetable for achieving the objectives of each activity (5 points);

(D) The extent to which the applicant will use its own resources and personnel to achieve each objective (15 points); and

(E) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) Quality of key *personnel.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (c)(2) (i) and (ii) of this section plans to commit to the project.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget that is cost effective.

(2) The Secretary looks for information that shows that costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation design for the project.

(2) The Secretary looks for information showing that proposed methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(20 U.S.C. 1057, 1060, and 1221e–3)

§ 624.34 Grants under cooperative arrangements.

(a) In considering applications from institutions that propose to carry out projects under a cooperative arrangement, the Secretary gives priority to those applications that the Secretary determines are—

(1) Geographically sound; and

(2) Economically sound.

(b) The Secretary determines that a cooperative arrangement is—

(1) Geographically sound based on the proximity of the participating institutions; and

(2) Economically sound if participating institutions demonstrate that each activity proposed in the application will be carried out more efficiently and effectively at less cost than would be possible if each participating institution were awarded a grant individually.

(c) The Secretary considers each participating institution in a cooperative arrangement to be a separate grantee for purposes of this part.

(20 U.S.C. 1069)

Subpart E—What Conditions Must a Grantee Meet?

§ 624.40 Maintenance of eligibility.

(a) A grantee under an Institutional Aid Program must maintain its eligibility under § 624.2(b) (1) through (3) of 34 CFR 627.2 (b), (c), or (d) as appropriate for the duration of the grant period.

(b) An institution that receives a grant for a grant period lasting more than one year must annually submit to the Secretary an assurance that it continues to meet eligibility requirements under § 624.2(b) (1) through (3) or 34 CFR 627.2 (b)(1)(i)–(iii), (c)(1)(i)–(iii), or (d)(1) as appropriate.

(20 U.S.C. 1058, 1061, and 1064)

§ 624.41 Fiscal requirements.

A grantee shall use Federal funds under the Institutional Aid Programs to supplement—and not supplant—funds the grantee would otherwise have available to plan, develop, or implement activities authorized under the Institutional Aid Programs.

(20 U.S.C. 1066)

§ 624.42 Restrictions on the use of funds.

A grantee may not use funds under any Institutional Aid Program for any of the following:

(a) Activities other than those in its approved application.

(b) Activities that are inconsistent with any State plan of higher education applicable to the institution.

(c) Activities that are inconsistent with a State plan for desegregation of higher education, if any, applicable to the institution.

(d) A school or department of divinity or any religious worship or sectarian activity.

(e) General operating and maintenance expenses.

(f) Indirect costs.

(g) Construction costs except for minor remodeling as part of an approved activity.

(20 U.S.C. 1068 and 1069b)

Subpart F [Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

§ 624.60 Failure to maintain eligibility.

If an institution does not continue to meet the basic eligibility requirements under § 624.2(b) (1) through (3) or 34 CFR 627.2 (b)(1)(i)–(iii), (c)(1)(i)–(iii) or (d)(1) during the grant period, the Secretary terminates the grant.

(20 U.S.C. 1058, 1061, and 1064)

The Secretary adds a new Part 625 to Title 34 of the Code of Federal Regulations to read as follows:

PART 625—STRENGTHENING PROGRAM

Subpart A—General

Sec.

625.1 Strengthening Program.
625.2 Designation of eligibility.
625.3 Waiver of E&G requirement.
625.4 Regulations that apply to the Strengthening Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Strengthening Program?

625.10 Types of grants under the Strengthening Program.
625.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

625.20 Limitations on applications.
625.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

625.30 General rules.
625.31 Funding availability.

Authority: Sections 311–313 and 341–347 of Title III of the Higher Education Act of 1965 (20 U.S.C. 1057–1059 and 1066–1069c).

Subpart A—General

§ 625.1 Strengthening program.

The Strengthening Institutions Program (referred to in these regulations as the Strengthening Program) assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities.

(20 U.S.C. 1051 and 1057)

§ 625.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Strengthening Program if the Secretary determines that—

(1) In the academic year in which it applies for designation it satisfies the basic institutional eligibility requirements in 34 CFR 624.2;

(2) A substantial percentage of its full-time equivalent (FTE) undergraduate enrollment received Pell grants in the base year;

(3) The average Pell grant received by its students in the base year was high in comparison with the average Pell grant received by students at comparable institutions in that year; and

(4) The average educational and general (E&G) expenditure per FTE undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction in that year.

(b) The Secretary groups comparable institutions and institutions that offer similar instruction for purposes of determining institutional eligibility.

(c) The Secretary assigns points to each of the three factors described in paragraphs (a) (2) through (4) of this section as follows:

(1) An institution may receive up to 100 points on the basis of the number of Pell grant recipients divided by the number of FTE undergraduate students enrolled at the institution. The points awarded reflect an institution's position on a scale of 1–100 when compared to the percent of Pell grant recipients enrolled at comparable institutions. (See the illustrative example in paragraph (c)(4) of this section.)

(2) An institution may receive up to 100 points on the basis of the total amount of the Pell grant awards that students received who were enrolled at the institution divided by the number of Pell grant recipients at that institution. The points awarded reflect an institution's position on a scale of 1–100 when compared to the average Pell grant award of students enrolled at comparable institutions. (See the illustrative example in paragraph (c)(4) of this section.)

(3) An institution may receive up to 100 points on the basis of its average E&G expenditure per FTE undergraduate student. Points are assigned to an institution in an inverse relationship to the average E&G expenditure per FTE undergraduate student at that institution. (See the illustrative example in paragraph (c)(4) of this section.)

(4) The Secretary assigns points for the three institutional eligibility criteria described in paragraphs (a) (2) through (4) of this section as follows:

(i) The Secretary develops a table by—

(A) Listing in rank order all comparable institutions nationwide and dividing them into 100 groups, from the highest value for each criterion to the lowest, with equal numbers of institutions in each group; and

(B) Identifying the range of values for each criterion that the institutions within each of the 100 groups possess.

(ii) The Secretary assigns a score from 1–100 for each of the range of values on the table.

(iii) The Secretary determines an applicant institution's score for each criterion by finding the range of values on the table that includes the applicant institution's value and assigning the score associated with that range of values.

(iv) For example, using the criterion in paragraph (a)(2) pertaining to percentage enrollment, all 2-year public institutions nationwide that enroll students receiving Pell grants in the base year would be listed in order of their percentage enrollment of Pell grant recipients from the highest percentage to the lowest and divided into 100 equal groups. If there are 1,000 such institutions, they would be placed in 100 groups with 10 institutions in each group. The percentage of Pell grant recipients enrolled at each of the 10 institutions in the top group is identified and the percent enrollment range for the group is determined. The range of percentage values for each of the remaining groups is similarly determined.

Consider the example provided in the following table. In the top group of institutions, between 99.6 and 100 percent of the student body receives Pell grants; in the next highest group of institutions the range of values is between 99.0 and 99.5 percent; in the lowest group of institutions the range is between 0.1 and 0.5 percent. An applicant institution would receive 100 points if its percentage of Pell grant recipients is between 99.6 and 100; 99 points if its percentage of Pell grant recipients is between 99.0 and 99.5; and 1 point if its percentage of Pell grant recipients is between 0.1 and 0.5. The same procedures apply when assigning points for each eligibility criterion. The Secretary adds the points for each of the three criteria. If the total is above the minimum that the Secretary announces in the **Federal Register** and the institution meets the basic institutional eligibility requirements in 34 CFR 624.2, then the institution is deemed eligible to apply for assistance.

STRENGTHENING PROGRAM

Point value	Range of values		
	Percent of FTE undergraduate enrollment receiving Pell grant awards	Average Pell grant award per recipient (in dollars)	Average E&G expenditure per FTE undergraduate student (in dollars)
100	99.5–100	1,600–1,750	1–500
99	99.0–99.5	1,550–1,599	501–750
98	98–98.9	1,500–1,549	.....
2	0.6–0.9	26–50	6,000–6,000
1	0.1–0.5	1–25	6,001+

Note.—The values in the explanation above are hypothetical and are not based on actual data.

(d)(1) In determining whether an institution satisfies the criteria in paragraphs (a) (2) through (4) of this section, the Secretary adds the points earned for each of the three factors. Thus, eligibility is based on the sum of the three factors combined rather than each factor taken separately.

(2) All institutions with a point total above the minimum threshold established by the Secretary satisfy the eligibility criteria in paragraphs (a) (2) through (4) of this section.

(e) Institutions receiving a waiver of the E&G criterion (see § 625.3) described in paragraph (a)(4) of this section must meet a minimum threshold established by the Secretary on the combined remaining eligibility factors described in paragraphs (a) (2) and (3) of this section. For example, to be eligible, an institution that is granted a waiver of the E&G criterion would have to obtain a minimum number of points out of the 200 points available on the criteria in paragraphs (a) (2) and (3) of this section.

(f) The Secretary establishes the minimum threshold for the combined points (as described in paragraphs (d)(1) and (2) of this section) to ensure that the pool of applicants for each type of grant will be at least twice as large as the pool of grantees.

(g) Through a notice in the **Federal Register** the Secretary annually—

(1) Publishes the tables the Secretary uses to assign points for each eligibility factor;

(2) Announces the total number of points an institution must receive to satisfy the eligibility factors described in paragraphs (a)(2) through (4) of this section; and

(3) Announces the total number of points an institution must receive to satisfy the eligibility factors described in paragraphs (a)(2) and (3) of this section if that institution requests a waiver of the factor in paragraph (a)(4) of this section.

(20 U.S.C. 1058 and 1221e–3)

§ 625.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 625.2(a)(4) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 625.2(a)(4) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) Factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

(1) Low student enrollment.

(2) Size of the campus.

(3) Location in an unusually high cost of living area.

(4) High energy costs.

(5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(6) High cost professional training which is organized, budgeted, and conducted separately from regular graduate and undergraduate instruction, such as medical, dental, and legal programs.

(20 U.S.C. 1067 and House Report 96–1337, 96th Cong. 2d Sess. p. 161 (1980))

§ 625.4 Regulations that apply to the Strengthening Program.

The following regulations apply to the Strengthening Program:

(a) The regulations in 34 CFR Part 624.

(b) The regulations in this Part 625.

(20 U.S.C. 1221e–3, 1057–1059, and 1060–1069c)

Subpart B—What Kinds of Grants Does the Secretary Award Under the Strengthening Program?

§ 625.10 Types of grants under the Strengthening Program.

Under the Strengthening Program the Secretary awards—

(a) Planning grants;

(b) Renewable development grants for a period of one to three years; and

(c) Non-renewable development grants for a period of four to seven years.

(20 U.S.C. 1059)

§ 625.11 Allowable activities.

(a) Planning grants may be used for the purposes described in 34 CFR 624.11(a)(1) through (3).

(b) Development grants may be used to carry out any of the activities listed in 34 CFR 624.13(b) or other activities that promote self-sufficiency.

(20 U.S.C. 1051, 1057, and 1059)

Subpart C—How Does One Apply for a Grant?

§ 625.20 Limitations on applications.

(a) Regardless of whether an institution is applying for a grant individually or as part of a cooperative arrangement, it may not apply in the same fiscal year for a renewable (one-to-three-year) development grant and a non-renewable (four-to-seven-year) development grant.

(b) An institution that has received a non-renewable development grant—

(1) Under this part is ineligible to apply for any other grant under this part, either individually or as part of a cooperative arrangement; and

(2) Under the Aid to Institutions with Special Needs Program (Special Needs Program) or Challenge Grant Program may not apply for a renewable grant under this part, either individually or as part of a cooperative arrangement.

(c) An institution may not apply for a planning grant solely to prepare an application for a development grant under this part unless the institution submits a long-range plan containing all the elements described in 34 CFR 624.22.

(d)(1) Except as provided in paragraph (d)(2) of this section, an institution may not apply for a renewable development grant if the award of the grant results in the institution receiving funds from more than one renewable development grant during any fiscal year.

(2) An institution may apply for a renewable development grant even if the award of that grant would result in the institution receiving funds from two renewable development grants during any fiscal year, if one of the grants is awarded to a cooperative arrangement and the other is awarded individually.

(e)(1) Except as provided in paragraph (e)(2) of this section, an institution may not apply for a non-renewable development grant if it has received a non-renewable development grant under the Special Needs Program.

(2) An institution that has completed, or is in the final year, of a non-renewable development grant under the Special Needs Program may apply for a non-renewable development grant if the institution—

(i) Is otherwise eligible for a non-renewable development grant under this part; and

(ii) Demonstrates to the Secretary's satisfaction that unforeseeable circumstances prevented it from—

(A) Achieving or sustaining self-sufficiency; and

(B) Otherwise fulfilling the objectives of its previous development grant under the Special Needs Program.

(20 U.S.C. 1057 and 1059)

§ 625.21 Planning grants and development grants.

(a) In its application for a grant under this program an applicant shall—

(1) Indicate whether it is applying individually or under a cooperative arrangement for—

(i) A planning grant;

(ii) A renewable development grant; or

(iii) A non-renewable development grant; and

(2) Include the applicable information required under 34 CFR 624.21 and, if appropriate, § 624.23.

(b) If the application is for a planning grant, the applicant shall indicate whether it will use the grant to—

(1) Develop its long-range plan;

(2) Develop an application for a development grant; or

(3) Develop both a long-range plan and an application for a development grant.

(20 U.S.C. 1059 and 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 625.30 General rules.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

(1) Planning grants on the basis of the criteria in 34 CFR 624.31; and

(2) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) In the case of applications for development grants, the Secretary gives special consideration to applicants that propose to carry out the activities described in 34 CFR 624.13(b).

(20 U.S.C. 1057, 1066, and 1068)

§ 625.31 Funding availability.

(a) The Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges, not less than 24 percent of the funds appropriated under this program.

(2) For awards for non-renewable development grants, not less than 25 percent of the funds appropriated under this program.

(b) Each year the Secretary announces through a notice in the **Federal Register**—

(1) The amount of funds that will be used to fund non-renewable development grants under this program; and

(2) The maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

The Secretary adds a new Part 626 to Title 34 of the Code of Federal Regulations to read as follows:

PART 626—SPECIAL NEEDS PROGRAM

Subpart A—General

Sec.

626.1 Special Needs Program.
626.2 Designation of eligibility.
626.3 Waiver of E&G requirement.
626.4 Regulations that apply to the Special Needs Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?

626.10 Types of grants under the Special Needs Program.
626.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

626.20 Limitation on applications.
626.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

626.30 General rules.
626.31 Funding availability.

Subpart E—What Conditions Must a Grantee Meet?

626.40 Cost sharing.

Authority: Sections 321–324 and 341–347 of Title III of the Higher Education Act of 1965 (20 U.S.C. 1060–1063 and 1066–1069c).

Subpart A—General

§ 626.1 Special Needs Program.

The Aid to Institutions with Special Needs Program (referred to in these regulations as the Special Needs Program) assists institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities.

(20 U.S.C. 1051 and 1221e–3)

§ 626.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Special Needs Program if the Secretary determines that—

(1) In the academic year in which it applies for designation—

(i) It satisfies the basic institutional eligibility requirements in 34 CFR 624.2;

(ii) It has an enrollment of at least 100 full-time equivalent (FTE) students; and

(iii) In the case of a branch campus, it is located in a community different from that in which its parent institution is located.

(2) A substantial percentage of its FTE undergraduate enrollment received assistance under the need-based assistance programs (Pell Grant, Supplemental Educational Opportunity Grant, National Direct Student Loan, and College Work-Study Programs) in the base year;

(3) The average amount of need-based assistance received by its students in the base year was high in comparison with the average amount of assistance received by students under those programs at comparable institutions in that year; and

(4) The average educational and general (E&G) expenditure per FTE undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction in that year.

(b) The Secretary groups comparable institutions and institutions that offer similar instruction for purposes of determining institutional eligibility.

(c) The Secretary assigns points to each of the three factors described in paragraph (a) (2) through (4) of this section as follows:

(1) An institution may receive up to 50 points on the basis of the number of recipients of need-based assistance divided by the number of FTE undergraduate students enrolled at the institution. The points awarded reflect an institution's position on a scale of 1–50 when compared to the percent of need-based assistance recipients enrolled at comparable institutions. (See the illustrative example in paragraph (c)(4) of this section.)

(2) An institution may receive up to 50 points on the basis of the total amount of need-based assistance received by students enrolled at the institution divided by the total number of recipients of need-based assistance enrolled at that institution. The points awarded reflect an institution's position on a scale of 1–50 when compared to the average amount of need-based assistance received by students at comparable institutions. (See the illustrative example in paragraph (c)(4) of this section.)

(3) An institution may receive up to 100 points on the basis of its average E&G expenditures per FTE undergraduate student. Points are assigned to an institution in an inverse relationship to the average E&G

expenditure per FTE undergraduate student at that institution. (See the illustrative example in paragraph (c)(4) of this section.)

(4) The Secretary assigns points for the three institutional eligibility criteria described in paragraphs (a)(2) through (4) of this section as follows:

(i) The Secretary develops a table by—

(A) Listing in rank order all comparable institutions nationwide that enroll students receiving need-based assistance in the base year and dividing them into 50 groups, from the highest value for each criterion to the lowest, with equal numbers of institutions in each group; and

(B) Identifying the range of values for each criterion that the institutions within each of the 50 groups possess.

(ii) The Secretary assigns a score for each of the range of values.

(iii) The Secretary determines an applicant institution's score for each criterion by finding the range of values on the table that includes the applicant institution's value and assigning the score associated with that range of values.

(iv) For example, using the criterion in paragraph (a)(2) of this section pertaining to percentage enrollment, all 2-year public institutions nationwide would be listed in order of their percentage enrollment of need-based aid recipients from the highest percentage to the lowest and divided into 50 equal groups. If there are 1000 such institutions, they would be placed in 50 groups with 20 institutions in each group. The percentage of need-based aid recipients enrolled at each of the 20 institutions in the top group is identified and the percent enrollment range for the group is determined. The range of percentage values for each of the remaining groups is similarly determined.

Consider the example provided in the following table. In the top group of institutions, between 99.0 and 100 percent of the student body receives need-based aid; in the next highest group of institutions the range of values is between 97.0 and 98.9 percent; in the lowest group of institutions the range is between 1.0 and 0.9 percent. An applicant institution would receive 50 points if its percentage of need-based aid recipients is between 99.0 and 100; 49 points if its percentage of need-based aid recipients is between 97.0 and 98.9; and 1 point if its percentage of need-based aid recipients is between 1.0 and 0.9. The same procedures apply when assigning points for each eligibility criterion. The Secretary adds the points for each of the three criteria. If the total is above the minimum that the Secretary announces in the **Federal Register** and the institution meets the basic institutional eligibility requirements in 34 CFR 624.2, then the institution is deemed eligible to apply for assistance.

SPECIAL NEEDS PROGRAM

Point score	Range of values		
	Percent of FTE undergraduate enrollment receiving need-based assistance	Average amount of need-based assistance per recipient (in dollars)	Average E&G expenditure per FTE undergraduate student (in dollars)[1]
50	99.0–100	3,500+	1–750
49	97.0–98.9	3,000–3,499	751–950
1	0.1–.9	1–100	8,001+

[1] When computing points for the E&G criterion, multiply the point score by 2 to obtain the proper score based on a scale of 1–100. For example, if the E&G expenditure of an applicant institution was $900, the applicant would earn 98 points (49 multiplied by 2).

Note.—The values in the explanation above are hypothetical and are not based on actual data.

(d)(1) In determining whether an institution satisfies the criteria in paragraphs (a)(2) through (4) of this section, the Secretary adds the points earned for each of the three factors. Thus, eligibility is based on the sum of the three factors combined rather than each factor taken separately.

(2) All institutions with a point total above the minimum threshold established by the Secretary satisfy the eligiblity criteria in paragraphs (a)(2) through (4) of this section.

(e) Institutions receiving a waiver of the E&G criterion (see § 626.3) described in paragraph (a)(4) of this section must meet a minimum threshold established by the Secretary on the combined remaining eligibility factors described in paragraphs (a)(2) and (3) of this section. For example, to be eligible, an institution that is granted a waiver of the E&G criterion will have to obtain a minimum number of points out the 100 points available on the criteria in paragraphs (a) (2) and (3) of this section.

(f) The Secretary establishes the minimum threshold for the combined points (as described in paragraphs (d) (1) and (2) of this section) to ensure that the pool of applicants for each type of grant will be at least twice as large as the pool of grantees.

(g) Through a notice in the **Federal Register** the Secretary annually—

(1) Publishes the tables the Secretary uses to assign points for each eligibility factor;

(2) Announces the total number of points an institution must receive to satisfy the eligibility factors described in paragraphs (a)(2) through (4) of this section; and

(3) Announces the total number of points an institution must receive to satisfy the eligibility factors described in paragraphs (a) (2) and (3) of this section if that institution requests a waiver of the factor in paragraph (a)(4) of this section.

(20 U.S.C. 1061 and 1221e–3)

§ 626.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 626.2(a)(4) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 626.2(a)(4) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) For the purposes of paragraph (b)(1) of this section, factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

(1) Low student enrollment.

(2) Size of the campus.

(3) Location in an unusually high cost of living area.

(4) High energy costs.

(5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(6) High cost professional training which is organized, budgeted, and conducted separately from regular graduate and undergraduate instruction, such as medical, dental, and legal programs.

(d) For purposes of paragraph (b)(2) of this section, factors that the Secretary may also use in determining whether an institution's designation as an eligible institution is consistent with the needs of this program include whether the institution has—

(1) Extreme financial limitations requiring low faculty salaries, low cost of instruction for students, and low library expenditures;

(2) Little or no endowment, whether or not unrestricted;

(3) A high student-to-faculty ratio;

(4) A substantial percentage of students receiving need-based Federal student assistance;

(5) Limited library resources;

(6) A low percentage of faculty with earned doctoral degrees;

(7) Poor physical facilities and limited resources to maintain them;

(8) Little or no support from foundations, alumni, or corporations;

(9) Limited or no sponsored research or faculty publications;

(10) An inadequate development office and a limited capacity for long-range planning; and

(11) Poor or inadequate fiscal management and accounting procedures.

(20 U.S.C. 1061 and 1067, and House Report 96–1337, 96 Cong. 2d Sess. p. 161 (1980))

§ 626.4 Regulations that apply to the special needs program.

The following regulations apply to the Special Needs Program:

(a) The regulations in 34 CFR Part 624.

(b) The regulations in this Part 626.

(20 U.S.C. 1060–1063, 1066–1069c, and 1221e–3)

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?

§ 626.10 Types of grants under the special needs program.

Under the Special Needs Program the Secretary awards—

(a) A planning grant for a period of one year; and

(b)(1) A non-renewable development grant for a period of one to five years; or

(2) If an institution previously received a planning grant under this program, a non-renewable development grant for a period of one to four years.

(20 U.S.C. 1062)

§ 626.11 Allowable activities.

(a) Planning grants may be used to develop a long-range plan as described in 34 CFR 624.11(a)(1).

(b) Development grants may be used to carry out the activities listed in 34 CFR 624.13(b).

(20 U.S.C. 1060 and 1062)

Subpart C—How Does One Apply for a Grant?

§ 626.20 Limitation on applications.

An institution that has received a non-renewable development grant under this part or under the Strengthening Program (34 CFR Part 625) may not apply for a grant under this part, either individually or as part of a cooperative arrangement.

(20 U.S.C. 1060, 1062 and 1221e–3)

§ 626.21 Planning grants and development grants.

In its application for a grant under this program, an applicant shall—

(a) Indicate whether it is applying individually or as part of a cooperative arrangement for—

(1) A planning grant; or

(2) A development grant;

(b) Include the applicable information required under 34 CFR 624.21; and

(c) In the case of an application for a development grant, provide assurances to the Secretary that it will have the fiscal resources to pay for its share of assistance beyond the second year.

(20 U.S.C. 1060, 1062, and 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 626.30 General rules.

Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

(a) Planning grants on the basis of the criteria in 34 CFR 624.31; and

(b) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.

(20 U.S.C. 1060, 1066, and 1068)

§ 626.31 Funding availability.

(a) The Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges with special needs, not less than 30 percent of the funds appropriated under this program.

(2) For awards to institutions with special needs that have historically served substantial numbers of black students, not less than 50 percent of the amount received by those institutions under the Strengthening Developing Institutions Program (SDIP) for fiscal year 1979. Fifty percent of the amount these institutions received under the SDIP for fiscal year 1979 is $27,035,000.

(b) The Secretary considers institutions that have historically served substantial numbers of black students to be those listed in the 1978 publication by the National Center for Education Statistics entitled *Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics.*

(c) Each year the Secretary announces in a notice in the Federal Register—

(1) The amount of funds that will be used to fund non-renewable development grants under this program; and

(2) The maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

Subpart E—What Conditions Must a Grantee Meet?

§ 626.40 Cost sharing.

The Secretary pays the entire cost of any grant for the first two years of assistance under this program. After that the Secretary pays—

(a) Ninety percent of the cost in the third year;

(b) Eighty percent of the cost in the fourth year; and

(c) Seventy percent of the cost in the fifth year.

(20 U.S.C. 1063)

The Secretary adds a new Part 627 to Title 34 of the Code of Federal Regulations to read as follows:

PART 627—CHALLENGE GRANT PROGRAM

Subpart A—General

Sec.

627.1 Challenge Grant Program.
627.2 Eligible applicants.
627.3 Regulations that apply to the Challenge Grant Program.

Subpart B—What Kind of Grant Does the Secretary Award Under the Challenge Grant Program?

627.10 Type of grant under the Challenge Grant Program.
627.11 Allowable activites.

Subpart C—How Does One Apply for a Grant?

627.20 General.

Subpart D—How Does the Secretary Make a Grant?

627.30 General rules.
627.31 Evaluation of applications for continuation awards.

Subpart E—What Conditions Must a Grantee Meet?

627.40 Matching requirements.

Authority: Sections 331–332 and 341–347 of the Title III of the Higher Education Act of 1965 (20 U.S.C. 1064–1069c).

Subpart A—General

§ 627.1 Challenge Grant Program.

The Challenge Grant Program provides Federal financial assistance as an incentive for eligible institutions of higher education to seek alternative sources of funding to become self-sufficient.

(20 U.S.C. 1051 and House Report 96–520, 96th Cong. 1st Sess., pp. 16–17, (1979))

§ 627.2 Eligible applicants.

(a) An institution of higher education or a branch campus is eligible to apply for a grant under the Challenge Grant Program if—

(1) The Secretary has designated it as an eligible insititution under the Strengthening Program (34 CFR 625.2) or Special Needs Program (34 CFR 626.2); or

(2) The Secretary has designated it as an eligible institution under paragraph (b), (c) or (d) of this section.

(b)(1) The Secretary designates an institution of higher education as eligible to be considered for a grant under this program if that institution—

(i) Does not award a bachelor's degree; but

(ii) Is, and has been for the five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide an educational program for which it awards a graduate or professional degree;

(iii) Satisfies the requirements of 34 CFR 624.2, other than the requirement of § 624.2(b)(2); and

(iv) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 if—

(A) The requirement of 34 CFR 624.2(b)(2) were disregarded; and

(B) Calculations were based on need-based aid received by graduate level students, rather than undergraduate level students.

(2) "Comparable institutions" for purposes of paragraph (b) of this section as applied to determining eligibility under 34 CFR 625.2 or 626.2 means the types of institutions described in paragraph (b)(1) (i) and (ii) of this section.

(c)(1) the Secretary may designate an institution of higher education as eligible to be considered for a grant under this program if that institution—

(i) Is not a junior or community college; and

(ii) Does not award a bachelor's, graduate, postgraduate, or professional degree; but

(iii) Is, and has been for the five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide a medical education program;

(iv) Makes a substantial contribution to medical education opportunities for minorities and the economically disadvantaged;

(v) Satisfies the requirements of 34 CFR 624.2, other than the requirement of § 624.2(b)(2); and

(vi) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 based on the enrollment of students in its medical education program if the Secretary had waived the requirement of § 624.2(b)(2).

(2) "Comparable institutions" for purposes of paragraph (c) of this section as applied to determining eligibility under 34 CFR 625.2 or 626.2 means the types of institutions described in paragraph (c)(1) (i), (ii), and (iii) of this section.

(d) The Secretary designates an institution of higher education as eligible to be considered for a grant under this program if that institution—

(1) Provides a medical education program which—

(i) Leads to a doctor of medicine degree; or

(ii) Is not less than a two-year program fully acceptable toward such a degree;

(2) In the base year enrolled minority and educationally disadvantaged students constituting at least 35 percent of its full-time equivalent enrollment; and

(3) In fiscal year 1980 received a grant as a two-year medical school under section 788(a) of the Health Professions Education Assistance Act of 1976.

(e) The Secretary announces annually in a notice in the **Federal Register** the conditions, if any, under which the Secretary will waive the requirement of 34 CFR 624.2(b)(2) in the case of an institution applying for eligibility under paragraph (c) of this section.

(20 U.S.C. 1064)

§ 627.3 Regulations that apply to the Challenge Grant Program.

The following regulations apply to the Challenge Grant Program:

(a) Unless otherwise indicated, the regulations in 34 CFR Part 624.

(b) The regulations in this Part 627.

(c) Applicable provisions of 34 CFR Parts 625 and 626.

(20 U.S.C. 1221e–3(a)(1) and 1064)

Subpart B—What Kind of Grant Does the Secretary Award Under the Challenge Grant Program?

§ 627.10 Type of grant under the Challenge Grant Program.

(a) Under the Challenge Grant Program the Secretary awards a non-renewable development grant to an applicant for a period of up to five years.

(b) The Secretary does not award planning grants under this program.

(c) The Secretary may award a grant under this program to an institution that is simultaneously receiving a non-renewable development grant under the Strengthening Program or the Special Needs Program.

(20 U.S.C. 1064 and 1065)

§ 627.11 Allowable activities.

(a) If an institution qualifies for a grant on the basis of being designated by the Secretary as eligible under the Strengthening Program, as described in 34 CFR 625.2, it may use its grant to carry out the activities authorized under the Strengthening Program (see 34 CFR 625.11).

(b) If an institution qualifies for a challenge grant on the basis of being designated by the Secretary as eligible under the Special Needs Program, as described in 34 CFR 626.2, it—

(1) May use its grant to carry out the activities authorized under the Special Needs Program (see 34 CFR 626.11); and

(2) Must use those funds for the purpose of—

(i) Achieving greater financial independence; and

(ii) Eradicating the applicable conditions—

(A) Listed in 34 CFR 626.3(d); and

(B) Discussed in its application for funds, as required in § 627.20(a)(2).

(c) If an institution qualifies for a grant on the basis of being designated by the Secretary as eligible under this program under one of the criteria described in § 627.2(b), (c) or (d), it may use its grant to carry out those activities listed in 34 CFR 624.13(b).

(20 U.S.C. 1064 and 1065)

Subpart C—How Does One Apply for a Grant?

§ 627.20 General.

(a)(1)In its application for funding, an institution shall include the information required under 34 CFR 624.21 (a) and (b).

(2) In the case of an applicant that qualifies under this part on the basis of being designated an eligible institution under the Special Needs Program, the applicant shall discuss, in its application, those factors listed in 34 CFR 626.3(d) that are characteristic of its status as an institution with special needs.

(b) In its application for funding, an institution shall also include the following:

(1) Evidence that funds are available to the institution to match the funds it is requesting. The applicant may satisfy this requirement by—

(i) Providing a list of the source(s) and the amount of funds each source is contributing for each year of the grant period; and

(ii) Including a letter of intent from each source listed.

(2) An assurance that all matching funds will be—

(i) New funds previously unavailable to the institution from non-Federal

sources for activities allowable under the Challenge Grant Program; and

(ii) Used to carry out those portions of the institution's long-range plan for which funds may be used under this part.

(c) If an applicant is a public institution, it shall include in its application—

(1) The comments of the appropriate State agency responsible for higher education in its State; or

(2) A statement that the institution requested the State agency to comment and the agency failed to comment.

(20 U.S.C 1065,1066, and House Report 96-520, 96 Cong. 1st Sess., p. 16 (1979))

Subpart D—How Does the Secretary Make a Grant?

§ 627.30 General rules.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) Under this part the Secretary—

(1) Awards grants—

(i) To individual eligible institutions only;

(ii) For a period not to exceed the period for which matching funds, as described in § 627.40, are available to the applicant at the time its original application is submitted; and

(2) Gives preference in awarding grants to applications from institutions are receiving, or have received, grants under the Strengthening Program or Special Needs Program.

(20 U.S.C. 1065)

§ 627.31 Evaluation of applications for continuation awards.

In addition to the requirements in 34 CFR Part 75 (EDGAR) that pertain to the Secretary's evaluation of continuation award applications, the Secretary looks for evidence that an institution's matching funds are available at the time it submits its application.

(20 U.S.C. 1065)

Subpart E—What Conditions Must a Grantee Meet?

§ 627.40 Matching requirements.

A grantee must match the funds it receives under this program, on a dollar-for-dollar basis, with new funds that were previously unavailable to the applicant from non-Federal sources for activities allowable under the Challenge Grant Program.

(20 U.S.C. 1065)

Note.—This Appendix is included for information. It is not to be codified in the Code of Federal Regulations.

Appendix A—Summary of Comments and Responses

In the notice of proposed rule making published in the **Federal Register** on July 20, 1981 (46 FR 37470–37482), the Secretary invited comments on the proposed regulations to implement the three Institutional Aid Programs authorized by the Higher Education Act of 1965, as amended.

The following is a summary of the substantive public comments received and the Secretary's responses to these comments. The comments and responses are organized to the extent possible in the same order as the referenced sections are organized in these final regulations.

General Comments

Comment. A great number of comments concerned statutory requirements that were beyond the scope of the proposed regulations. These comments objected to: the use of the Pell grant factor as an eligibility criterion; the absence of a "grandfather" clause; the ineligibility of non-degree granting institution; double weighting of the Pell grant factor in the Strengthening Program; requiring an enrollment of at least 100 FTE students for eligibility for the Special Needs Program; the method of calculating educational and general expenditures; the definition of "full-time equivalent"; and the limitation to one non-renewable development grant under the Strengthening Program.

Other comments that pertained to statutory requirements included alternative methods of determining eligiblity such as, allowing a waiver of the Pell Grant requirement, or establishing an economic weighting system or cost of living allowance as eligibility qualifiers.

Response. All of the provisions referred to by the commenters are statutory requirements. They may not be changed by regulations.

Comment. Many commenters requested that the period of time allowed for public comments be extended and that public hearings be held.

Response. Public hearings were not held because of budgetary constraints faced by the Department. However, the Secretary recognized the need for extensive public comment on these proposed regulations and took the following action. The NPRM, accompanied by a cover letter requesting careful study of the proposed rules, was mailed to all FY 1980 Title III grantees, all FY 1981 Title III applicants, and all individuals, groups, or associations requesting information on the new program. In addition the comment period was set at 60 days, rather than the customary 45 days.

More than 200 comments were received. The comments covered virtually all aspects of the regulations. As a result the Secretary does not believe it is necessary to extend the comment period.

Comment. Some commenters recommended that the regulations establish a fixed base year for eligibility determinations. Others, who had no objection to a rolling base-year, felt that the base year should be more clearly defined.

Response. A change has been made. The definition of base year in § 624.6 has been revised to indicate that the Secretary will, in a notice published in the **Federal Register** indicate a base year that will be the most recent base year, i.e., 12 month period, for which reliable data are available.

Establishment of a fixed base year in the regulations would not allow the Secretary to evaluate the statutory eligibility characteristics of an institution using the most current available data without amending regulations.

Comment. Many comments were made in reference to the application review and approval process. The commenters focused on the qualifications and selection of outside readers, the role of the Title III professional staff, the criteria to be used for selecting grantees, the use of supplementary information, and the implementation of special performance requirements.

Response. No change has been made. These administrative procedures do not properly belong in Departmental regulations. However, the following explanation may be useful. The statute requires that applications be reviewed by panels of readers selected by the Secretary. The Secretary will select qualified readers who are highly skilled in institutional development from outside the Department to serve on the panels. These readers will review the applications using the criteria published in the regulations. Separate rank-order lists for development and planning grants under each of the Institutional Aid Programs will be prepared based on the points assigned by the readers. Applications from institutions that award bachelor's degrees will be ranked together with applications from junior and community colleges.

Using these rank-order lists separate funding-order slates are prepared for each program after taking into consideration the following—other

appropriate information from available sources, such as, existing public records, site visits, and external evaluation reports; applicable funding limitations in the regulations; and other funding priorities, as applicable, described in §§ 625.31, 626.31 or 627.30. Applications will be funded in descending order according to their placement on the funding-order slates.

Comment. Several commenters suggested substituting the method of determining eligibility contained in the regulations for the Strengthening Developing Institutions Program (SDIP) for the eligibility requirements contained in the NPRM.

Response. A change has been made. However, the procedure used to determine eligibility under the SDIP does not include all the factors the new law requires. Under the SDIP a formula was used to determine whether the applicant institution satisfied two of the statutory elements of the definition of a developing institution, namely, struggling for survival because of financial and other reasons, and isolated from the main currents of academic life. Under the Institutional Aid Programs, a similar *formula* will be used which will include the three factors described in the law—not merely the two used under the SDIP.

Comment. Many commenters asked whether the Fall quarter enrollment figures or cumulative full-year data would be used in computing the percentage of students receiving Pell grants and other need-based student assistance.

Response. Both full-year and fall quarter data will be used. Cumulative full-year student assistance data and fall quarter enrollment data for the designated base year must be used to compute the percentage of students receiving Pell grants and other need-based student assistance.

Comment. Many commenters objected to the provision limiting the number of students to be used in the computation of the percentage of student aid recipients to those who are at least half-time.

Response. A change has been made. The final rules require an institution to have a substantial percentage of its full-time equivalent (FTE) undergraduate enrollment receiving student aid rather than a substantial percentage of those eligible to apply for such aid actually receiving it. Therefore, students who are enrolled less than half-time may be proportionately counted.

Comment. Several commenters requested that eligibility requirements and procedures for eligibility determinations be arrived at well in advance of other final regulations so as to allow adequate time for notification of eligibility.

Response. No change is necessary. The Secretary will publish the data needed to determine eligibility annually in a separate notice in the **Federal Register.** This notice will be published well in advance of the deadline for submitting applications for funding.

Comment. One commenter asked whether an institution that awards both undergraduate and graduate degrees may receive funds under the Strengthening Program and Challenge Grant Program to support its *graduate* programs.

Response. No change is necessary. The regulations allow the graduate program of an eligible institution with both undergraduate and graduate programs to receive support under any of the Institutional Aid Programs.

Comment. Many commenters stated that the emphasis placed on institutions achieving self-sufficiency within the period of a non-renewable grant was contradictory to the statute which speaks only of increasing self-sufficiency. Other commenters asked whether the self-sufficiency requirement applies to all of the Institutional Aid Programs.

Response. The emphasis on achieving self-sufficiency, that is graduation from the need for continued aid under the Title III Program, is based on the Title III statute and its legislative history. All three programs—Strengthening, Special Needs, and Challenge Grant—provide for non-renewable grants. Further, the House and Senate Reports accompanying the Education Amendments of 1980 in its passage through the Congress clearly indicated an intention that institutions become self-sufficient and graduate from the Title III Program. If an institution believes that it is not likely to attain self-sufficiency during the period of a non-renewable grant, it should apply for a renewable grant which only requires that it be moving towards self-sufficiency.

Comment. Two commenters recommended that the regulations clarify the role of contractors (assisting agencies).

Response. No change has been made. It is no longer necessary to involve contractors in any phase of an application or grant. Neither the statute nor regulations require a grantee to purchase services from a contractor. However, any grantee may employ a contractor if it is necessary to achieve the objectives of one or more of the funded activities. The regulations that cover this type of arrangement are contained in EDGAR.

Comment. Several commenters were concerned that if an institution accepted a non-renewable grant for a shorter period of time than originally requested, it would not be able to reapply for funding to complete implementation of its long-range plan.

Response. No change has been made. An institution that accepts a non-renewable grant for less than the maximum number of years allowed cannot reapply later for another grant under that program. However, if an applicant institution determines that the size of the grant or the length of the grant period which is offered is insufficient to meet its objectives, it may decline the grant and reapply in a subsequent funding period for an award that it believes may be appropriate

Comment. A number of commenters recommended that the regulations stipulate the percentage of funds that will be set-aside for non-renewable grants.

Response. No change has been made. The Secretary will announce the proportion of the appropriated funds designated for non-renewable grants in the **Federal Register** in the annual Notice of Closing Date for grant applications.

Comment. One commenter inquired whether program funds could be transferred from one Institutional Aid Program to anther.

Response. The allocation of funds among the three programs is determined by statute. Transfers would upset the statutory allocation and are not permitted.

Comment. One commenter recommended that regulations applying to the program as a whole be distinguished from regulations pertaining to one of the three separate Institutional Aid Programs.

Response. A change has been made. Those portions of the general provisions (34 CFR Part 624) that refer to only one program have been placed under the appropriate program regulations.

Comment. Some commenters recommended that two-year colleges be treated separately in the funding process.

Response. No change has been made. The Secretary believes that the selection criteria for this program should be applied equally to all applicants since all applicants can apply equally for all available funds. Therefore, applications from both 2- and 4-year institutions will be rated on the same factors. However, the two-year college set-aside requirements will be taken into

consideration when developing the recommended funding slates for the Strengthening and Special Needs Programs.

Section 624.6 Definitions that apply to the institutional aid programs

Comment. A number of commenters requested a clearer definition of the term "self-sufficient".

Response. A change has been made. Self-sufficiency is now defined as the point at which, in the determination of the Secretary, an institution should be viable, thriving, and able to survive without funding from the Institutional Aid Programs. The term self-sufficient is synonymous with the concept of graduation from the program. Therefore, a grantee is self-sufficient or free from the need for additional Title III assistance at the end of its non-renewable development grant.

Section 624.10 Types of grants

Comment. Several commenters believed that categorizing grants as planning and development, did not provide for the actual implementation of program activities. They recommended that implementation grants also be awarded.

Response. No change is necessary. Implementing certain activities is an allowable part of a development grant.

Section 624.12 and 624.13 Development grant and allowable activities

Comment. One commenter asked whether the statement that funds cannot be used for duplicating activities that have previously been funded under the Institutional Aid Programs also pertains to activities previously supported under the SDIP.

Response. A change has been made. A new § 624.13(c) has been added to made it clear that the Secretary will not fund an activity for which an institution is receiving or has received funds under an Institutional Aid Program or a SDIP grant that is scheduled to expire after September 30, 1982.

Section 624.23 Applications for grants under cooperative arrangements

Comment. Several commenters suggested that the prohibition on duplication of effort in cooperative arrangements be extended to apply to all Institutional Aid Programs.

Response. A change has been made to make it clear that duplication of activities is not allowed under any Institutional Aid program. Section 624.23(b)(2) has been deleted because it duplicated § 624.12(b)(2) which applies to all development grants under the Institutional Aid Programs.

Section 624.30 General evaluation of applications

Comment. One commenter noted that the regulations do not specify a minimum point total that will be used to define a high-quality proposal, for example, 70 points.

Response. A change has been made. A new § 624.30(d) has been added which specifies that the Secretary will not fund an appliction that receives less than 50 points for the criteria in § § 624.31 or 624.33.

Section 624.32 Long-range plan to achieve self-sufficiency

Comment. Several commenters felt that there should be more Title III staff involvement in the review of long-range plans and applications. These commenters felt that staff members are more familiar with many of the potential applicant institutions than outside readers would be. Therefore, they would be able to use this knowledge in the award process.

Response. No change has been made since this is not a regulatory item. However, some explanation may be helpful. The statute requires that applications be reviewed by a panel of expert readers consisting of individuals selected by the Secretary. The Secretary only selects readers who have demonstrated they have expertise in solving the types of problems that have prohibited applicant institutions from achieving self-sufficiency.

Comment. A number of commenters asked whether each applicant must have a long-range plan. They also asked whether this plan would relate only to the implementation of activities covered by the grant.

Response. No change is necessary. Each institution applying for a development grant or a planning grant only to develop an application must have a long-range plan. The plan must cover the overall institutional goals and objectives through which the institution plans to achieve self-sufficiency by using its own funds, as well as Title III funds. If an institution submits an application under more than one Institutional Aid Program, it must submit the same long-range plan with each application.

Comment. One commenter recommended that an institution currently receiving an SDIP grant to develop a long-range plan which is not scheduled for completion by the deadline for submitting applications for development grants in fiscal year 1982 be allowed to submit such an application without a long-range plan.

Response. No change has been made. Such an institution has the option of accelerating the schedule for developing its long-range plan, or waiting until the plan is completed before submitting an application for a development grant in a subsequent fiscal year. The statute requires an applicant for a development grant to submit an acceptable long-range plan.

Comment. One commenter felt that the regulatory requirements will force a degree of uniformity on the institutional planning process that, in effect, constitutes unnecessary Federal intervention. The commenter felt that alternative documents, such as self-studies prepared for accrediting agencies, should be acceptable.

Response. No change has been made. The Secretary does not agree with the commenter's contention regarding Federal intervention. Applicants may use whatever documents or format they wish for their long-range plan as long as the required basic elements are included and the review criteria are addressed.

Comment. One commenter recommended that adequacy of the long-range plan be used along with other selection criteria, such as plan of operation and quality of key personnel, in the review process rather than be used as a preliminary disqualifier.

Response. No change is made. To apply for a development grant, an institution must show that it has the capability to move toward self-sufficiency by the end of the renewable grant period or will reach it by the end of the nonrenewable grant period. The long-range plan is the vehicle through which an institution will demonstrate whether it has developed the methods for achieving or moving towards this end. If it has not, it will not receive a development grant.

Comment. Several commenters asked whether a specific time-frame was required for a long-range plan and, if so, what it was?

Response. No change has been made. Neither the statute nor regulations stipulate a specific timeframe. However, the time frame of the plan must at least equal the period for which funds are being requested.

Comment. One commenter suggested changing "long-range plan to achieve self-sufficiency" to "strategic plan to move an institution toward becoming a viable, thriving institution of higher education" to make the language more in keeping with the intent of the statute. This commenter also suggested rewording the language relating to the long-range plan to stress the importance

of the strategic plan in the application review process.

Response. No change has been made. First, the Secretary believes that "long-range plan" is synonymous with a "strategic plan." Secondly, the Secretary believes the language in § 624.32(c) stressing the importance of the plan in the review process is clear.

Section 624.33 Selection criteria for development grants

Comment. One commenter recommended adding a criterion which would require an institution applying for any Institutional Aid grant to afford the appropriate State agency responsible for the coordination of postsecondary education the opportunity to review and comment upon the application.

Response. No change has been made. A public institution applying for a Challenge Grant is required to include in its application comments from the higher education agency in its State or a statement that the agency was given the opportunity but failed to comment. For each of the Institutional Aid Programs an applicant is required to certify that it will not use Title III funds for activities that are inconsistent with any State plan for higher education applicable to the institution. A state agency responsible for the coordination of postsecondary education should inform the Secretary if it finds that Title III funds are used by a grantee in a manner that is inconsistent with that State's plan for higher education.

Comment. Some commenters expressed concern that the quality of key personnel criterion requires them to commit personnel to the project in advance of any assurances that funds will be awarded.

Response. No change has been made. This criteria does not require an applicant to commit personnel. However, if personnel are known, their qualifications should be listed. If they are not known, then minimum qualifications prospective personnel must meet should be listed.

Section 624.34 Grants under cooperative arrangements

Comment. One commenter objected to the provision stipulating that there be no duplication of effort among institutions participating in a cooperative arrangement.

Response. A change has been made. This requirement, as revised (§ 624.34(b)(2)), is intended to prevent such instances of waste as institutions dividing funds to support separate but identical activities rather than engaging in a cooperative effort.

Comment. Some commenters expressed concern that the regulations, by considering participants in a cooperative arrangement as separate grantees, would discourage institutions from entering into cooperative arrangements.

Response. No change has been made. The regulations allow any institution that wishes to apply to choose the type of application that best suits its needs. Each recipient of Title III funds will be considered a grantee.

Section 624.40 Maintenance of eligibility

Comment. Some commenters objected to the requirement that an institution must maintain its eligibility for the duration of the grant period and must file annual assurances to that effect.

Response. No change has been made. The provision referred to in this section is required by statute. The Secretary must terminate funds to institutions that no longer meet basic institutional eligibility criteria.

Section 624.42 Restrictions on the use of funds

Comment. One commenter suggested that Challenge Grant funds, or matching private funds raised for a challenge grant, be used to supplement operational funds.

Response. No change has been made. Both Title III and non-Federal funds used to match Challenge Grant funds must be used to carry out approved activities. Therefore, they may not be used for general operating and maintenance expenses.

Comment. Several commenters objected to the provision which restricts Title III funds from being used for operating and maintenance expenses.

Response. No change has been made. The statute and its legislative history make it clear that Title III funds may not be used for operation and maintenance expenses, in spite of the fact that funds may have been used under the SDIP for these purposes.

Section 625.2/626.2 Designation of eligibility

Comment. Many commenters recommending changing the method of determining specific program eligibility. Recommendations included: changing the 35 percent figure used to define substantial percentage (most recommended lowering it to expand the eligibility pool, while some recommended raising it to 45 percent based on the colloquy on the Senate floor); and dropping the artificial system established in the proposed regulations that imposes separate absolute thresholds for each criterion and instead, rate all criteria together using a point system similar to that used under the SDIP. In addition, one commenter observed that when separate absolute thresholds are used to determine eligibility there is an adverse relationship created between the requirement that a substantial percentage of students receive financial assistance and the requirement that their average award be high in comparison with awards at comparable institutions.

Response. A change has been made. Rather than requiring an institution to satisfy each of the specific criteria in § 625.2(a) (2) through (4) or § 626.2(a) (2) through (4) separately, an institution must meet each of the three criteria in the aggregate using a point system similar to that used to determine eligibility under the SDIP to compare potentially eligible institutions. All institutions with a cumulative point score above the minimum threshold announced annually through a notice in the **Federal Register** will satisfy these specific criteria. Therefore, an institution may receive a relatively low number of points based on the size of its average award and still meet the minimum threshold based on the number of points it receives for the other two criteria.

Comment. One commenter recommended re-establishment of a bonus point system for the benefit of institutions serving large numbers of disadvantaged students.

Response. No change has been made. The bonus points awarded by the previous Title III program were done so as part of the application selection criteria. There is no statutory basis for establishing a new bonus point system.

Comment. One commenter asked what sanctions will be levied against an institution that submits falsified data.

Response. Submission of falsified data would be grounds for refusal to consider an application for a grant, or termination of a grant, as well as possible civil or criminal legal action.

Section 625.2 Designation of eligibility.

Comment. Several commenters expressed concern that the regulations did not stipulate the method that would be used to accomplish the double weighting of the Pell grant factor.

Response. A change has been made. The regulations detail the method used to double weight the Pell grant factor.

Section 625.10 Types of grants under the strengthening program.

Comment. One commenter asked whether an institution's application for a nonrenewable grant under the Strengthening Program could be funded as a renewable grant if the application was recommended for funding but insufficient funds for nonrenewable grants were available.

Response. No change has been made. When seeking funds for development activities, the statute requires an institution to apply for either a nonrenewable or renewable development grant. If an application for a nonrenewable grant is not funded, it may not be considered for funding as a renewable grant.

Section 625.20/626.20 Limitation on applications.

Comment. Two commenters objected to the provision that prohibits the four- to seven-year development grants under the Strengthening Program and the one- to five-year development grants under Special Needs Program from being renewed.

Response. No change has been made. The statute authorizing the Strengthening Program stipulates that the four- to seven-year development grants are nonrenewable. For the Special Needs Program, the Congressional reports clearly demonstrate that Congress intended that an institution be limited to a single development grant with a maximum of five years of funding in order to ensure that institutions graduate from financial dependence on Title III.

Section 625.30 General rules.

Comment. Several commenters asked for clarification of the provision that authorizes the Secretary to give special consideration to institutions that propose to carry out the allowable activities specified in 34 CFR 624.15.

Response. Applications of otherwise equal quality that contain the types of activities listed in § 624.15 will be ranked higher on the funding slate than applications that propose other types of activities.

Section 625.31/626.31 Funding availability.

Comment. One commenter urged that the percentage of funds set aside for junior and community colleges in the Strengthening Program and the Special Needs Program be considered a ceiling rather than a base.

Response. No change is necessary. It is clear from the statute that the percentage of funds allocated to junior and community colleges in each program are intended to be bases rather than ceilings.

Comment. Several commenters recommended that the Department inform potential grantees, in advance, of the actual amount of dollars that will be set aside for grants to junior and community colleges under the Strengthening Program and for grants to these institutions and historically black colleges under the Special Needs Program.

Response. One change has been made. The set-aside available to historically black institutions is contained in the regulations because it will not vary from year to year. The other set-asides are dependent on the level of Congressional appropriations. The Secretary will notify applicants of the various set-asides in the annual closing date notices for applications.

Comment. One commenter recommended that unused set-aside funds be used for general Title III funding rather than returned to the Treasury.

Response. No change has been made. There is no statutory authority for such an action.

Section 626.11 Allowable activities.

Comment. Several commenters objected to the fact that planning grants under the Strengthening Program can be used for developing a plan or an application, while planning grants awarded under the Special Needs Program can only be used to develop a long-range plan.

Response. No change has been made. The uses to which a planning grant may be put are specified in the statute. There is no statutory basis for allowing Special Needs planning grants to be used for developing applications.

Section 626.31 Funding availability

Comment. Several commenters offered alternative lists which could be used to identify historically black colleges.

Response. A change has been made. The Secretary will consider as institutions that have historically served substantial numbers of black students only those institutions listed in the 1976 National Center for Education Statistics (NCES) publication entitled: "Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics." The Secretary considers this publication to be a stable and definitive list, based on historical criteria.

Comment. Several commenters recommended that institutions not included in the Secretary's list of historically black institutions be allowed to submit information to the Secretary that would show that they also could qualify as historically black.

Response. No change has been made. The Secretary believes that the definition of historically black institutions contained in the NCES publication referred to above is appropriate. The fact that an institution is not designated as historically black in no way precludes that institution from applying for or receiving Title III funds.

Comment. One commenter recommended that a portion of Title III funds be set aside for the exclusive use of private institutions.

Response. There is no statutory authority for such a set-aside.

Section 626.40 Cost sharing

Comment. Several commenters asked whether the institutional matching requirements could be met through in-kind contributions.

Response. Certain in-kind contributions are permissable if the matching contribution would qualify as a direct cost and allowable activity of the project. In-kind contributions analogous to general operating and maintenance expenses or indirect cost, such as space, fuel, and personnel not directly working under the grant, cannot be counted.

Section 627.2 Eligible applicants

Comment. Some commenters were concerned that the eligibility criteria in the proposed regulations did not comply with the law and permit schools that offered graduate degrees, but not bachelors degrees to be eligible for a Challenge Grant.

Response. The regulations follow the statute. Institutions that offer a graduate or professional degree but not a bachelor's degree will be eligible if they meet the eligibility criteria in §§ 625.2 or 626.2 and 627.2.

Section 627.11 Allowable activities

Comment. One commenter observed that under this section only institutions that had been designated as eligible for the Challenge Grant Program on the basis of being eligible for the Strengthening or Special Needs Programs would be able to carry out activities under a challenge grant.

Response. A change has been made. A new paragraph (c) has been added which stipulates that institutions designated as eligible by virtue of an alternative method set forth in § 627.2(b)–(d) may use challenge grant funds to carry out the activities listed in 34 CFR 624.13(b).

Comment. Several commenters objected to the fact that development offices appear to be denied the use of challenge grant funds.

Response. No change has been made. Challenge grant funds may be used to strengthen the operational capacity of development offices by, for example, training development officers. They may not be used to support specific development or fund raising activities because of the general prohibition on using Federal funds to raise money.

Comment. One commenter asked whether Challenge Grant funds may be used for the "College Endowment Funding Plan."

Response. Challenge grant funds may not be used for this purpose.

Section 627.20 General

Comment. Some commenters objected to the requirement that an institution have matching funds on hand at the time of application for a challenge grant and that these funds be from sources previously unavailable to the institution.

Response. A change has been made. An institution is only required to include in its application evidence that funds are available to match the funds it is requesting. In addition, the matching funds must be new funds, rather than funds from new sources, previously unavailable to the institution. The Secretary considers a letter of intent from the source of the matching funds to be satisfactory evidence.

Section 627.30 General rules

Comment. Many commenters asked how the provision requiring the Secretary to give preference to institutions that have received, or are receiving, Strengthening or Special Needs grants, will be implemented.

Response. Challenge grant applications of otherwise equal quality from institutions that have received, or are receiving Strengthening or Special Needs grants will be placed higher on the recommended funding slate than applications from institutions that have not received funds from these programs.

[FR Doc. 82-69 Filed 1-4-82; 8:45 am]

BILLING CODE 4000-01-M

V
4
7
/
2
J
A
5
8
2

federal register

Tuesday
January 5, 1982

Part XV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Federal Programs to Regulate Coal Exploration Operations on Non-Federal and Non-Indian Lands in the States of Massachusetts, Michigan, and Rhode Island; Proposed Rules

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 921, 922, 937, and 939

Federal Programs to Regulate Coal Exploration Operations on Non-Federal and Non-Indian Lands in the States of Massachusetts, Michigan, Oregon, and Rhode Island

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM, or the Office), U.S. Department of the Interior, is proposing, and seeking comments on rules for the regulation of coal exploration operations on non-Federal and non-Indian lands in Massachusetts, Michigan, Oregon, and Rhode Island, in accordance with Sections 504 and 512 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. Sections 1254 and 1282, and 30 CFR Part 736. After OSM receives comments on the proposed rules, it will tailor them to each of the four States and issue separate final rules for each State. These final rules will amend 30 CFR Chapter VII, Subchapter T, by adding Part 921 for Massachusetts, Part 939 for Rhode Island, Part 922 for Michigan, and Part 937 for Oregon.

DATES: The comment period on each of these proposed Federal Coal Exploration Program rules will extend until February 4, 1982. Public hearings will be held in each of the four States on the following dates: Massachusetts on January 26, 1982, 1:00 p.m.–5:00 p.m., Michigan on January 28, 1982, 1:00 p.m.–5:00 p.m., Oregon on January 26, 1982, 7:00 p.m., and on January 28, 1982, 7:30 p.m., and in Rhode Island on January 27, 1982, 1:00 p.m.–5:00 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered either to the Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, or to the following appropriate OSM regional offices.

Comments pertaining to Massachusetts and Rhode Island may be sent to: Office of Surface Mining, Region I, 603 Morris Street, Charleston, WV 25301, (304) 342–8125.

Comments pertaining to Michigan may be sent to: Office of Surface Mining, Region III, Room 527, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204, (317) 269–2600.

Comments pertaining to Oregon may be sent to: Office of Surface Mining, Wyoming State Office, Feden Building, 935 Pendell Blvd., Casper, Wyoming 82601, (307) 265–5550.

See Supplementary Information for the locations and times of the public hearings.

All written comments received and summaries of any meetings with representatives of OSM will be available for public review at the addresses listed above and those listed in "SUPPLEMENTARY INFORMATION".

FOR FURTHER INFORMATION CONTACT: James M. Kress, Federal Lands Specialist, Office of Surface Mining, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343–5866.

SUPPLEMENTARY INFORMATION: This document contains proposed rules which are uniform for four States in which coal exploration is occurring—Massachusetts, Michigan, Oregon, and Rhode Island. Although a single version is being published for public comment, comment is sought on the proposed rules as they would apply to each of the four States. The final rulemaking will be separate for each of the four States.

Section 505(b) of the Act requires that State provisions continue in effect unless they are inconsistent with the Act. Therefore, comment is also solicited on provisions of State laws in each of the four States which have a bearing on the proposed program to regulate coal exploration activities. The Office will review the State statutes and regulations for each of the four States during the comment period in order to identify any provisions which set more stringent standards than are contained in these proposed rules.

Because the Director does not anticipate that mining operations will occur in Massachusetts, Michigan, Oregon, or Rhode Island in the near future, the Federal programs to be established for those States are proposed to be limited to the regulation of coal exploration. However, the Office would promulgate rules expanding the Federal program to regulate mining as well as exploration in any of the four States in advance of any proposed mining activity. Persons are invited to comment on the adequacy of establishing Federal programs for the States of Massachusetts, Michigan, Oregon, and Rhode Island to regulate coal exploration, but not mining. OSM solicits comments also on the likelihood and imminence of surface coal mining activity in any of these States, so that delays in developing a complete regulatory program can be avoided.

Background

Under Sections 501–503 of the Act and 30 CFR Part 731, States were provided the opportunity to submit programs for approval by the Secretary and thus achieve primacy for regulating coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands. Under Section 504 of SMCRA and 30 CFR 736.11, OSM must promulgate and implement a Federal program in each State that did not submit a program within the time provided in 30 CFR 731.12, and in which the Director reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands at any time before June 1985. The time provided in 30 CFR 731.12 for submittal of State programs was extended to March 3, 1980, by the District Court for the District of Columbia. *In re: Permanent Surface Mining Regulation Litigation*, 13 ERC 1586 (August 22, 1979).

On May 16, 1980 (45 FR 32328–32331), OSM published an advance notice of intent to promulgate Federal regulatory programs for States with known surface coal mining and reclamation activities that did not submit programs by March 3, 1980. The notice stated that OSM was evaluating States with known coal reserves to determine whether coal exploration and surface coal mining and reclamation operations were occurring or reasonably expected to occur before June 1985. OSM has determined that coal exploration operations are occurring or may soon occur in four States which have not submitted programs: Massachusetts, Michigan, Oregon, and Rhode Island. Therefore, on July 21, 1980 (45 FR 48661–48662), OSM published notice of intent to promulgate Federal programs for these States.

The proposed rules would implement a permanent program to regulate coal exploration on non-Federal and non-Indian lands in each of these four States. Should the Director learn that coal exploration operations are expected to exist prior to 1985 on non-Federal and non-Indian lands in any other State, the Director will notify that State and the public.

Section 504(a) of SMCRA requires the implementation of permanent programs to regulate coal exploration and surface coal mining and reclamation operations in each State which fails to submit a State program. OSM promulgated permanent program regulations in 30 CFR Chapter VII which establish the minimum standards for the regulatory

program in each State and the procedures for developing, promulgating, and implementing such a program. The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15312–15463 (March 13, 1979). Errata notices were published at 44 FR 15485 (March 14, 1979), 44 FR 49673–49687 (August 24, 1979), 44 FR 53507–53509 (September 14, 1979), and 44 FR 66195 (November 19, 1979), 45 FR 26001 (April 6, 1980), 45 FR 37818 (June 5, 1980), and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 75302 (December 19, 1979), 44 FR 77440–77447 (December 31, 1979), 45 FR 2628–2629 (January 11, 1980), 45 FR 25998–26001 (April 16, 1980), 45 FR 33926–33927 (May 20,1980), 45 FR 39446–39447 (June 10, 1980), 45 FR 52306–52324 (August 6, 1980), 45 FR 52375 (August 7, 1980), 45 FR 58780–58786 (September 4, 1980), 45 FR 76932–76935 (November 20, 1980), and 46 FR 41702 (August 17, 1981). Portions of these rules have been suspended, pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447–77455 (December 31, 1979), 45 FR 6913 (January 30, 1980), and 45 FR 51547–51550 (August 4, 1980).

Representatives of industry, two States, and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation*, Civ. Action No. 79–1144. in response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454), and January 30, 1980 (45 FR 6913). In two opinions the court remanded certain other regulations which had been challenged in the lawsuit. The opinions were issued on February 26, 1980, and May 16, 1980. OSM has considered the court's reasons for these suspensions and remands in drafting the proposed coal exploration program regulations. In some cases, OSM is proposing new language in the coal exploration program regulations, the basis for which is set forth below. The proposed language would not supersede, amend, or modify the permanent program rules in any way, although the proposals for these four States may differ from the permanent program rules. Major differences are explained in this discussion. If the Office promulgates new permanent program regulations, the coal exploration programs will be amended as appropriate. References to "9—" below indicate that each of the four programs covered by this rulemaking would include the section being referenced.

PROPOSED DISPOSITION OF SUSPENDED AND REMANDED NATIONAL PERMANENT PROGRAM REGULATIONS

Regulation	Topic	Extent of remand or suspension
30 CFR 701.11(d)(1) (i) and (ii)	Provided that if pre-existing structures met the Secretary's performance standards they may be exempted from the Secretary's reconstruction design requirements.	Suspended. The regulation was suspended insofar as it may be read to retain discretion in the regulatory authority not to grant an exemption from reconstruction of existing structures after making the findings in 30 CFR 786.21. (44 FR 67942 (1979).)

Proposed disposition: Proposed Rules 9—.701–11(b)(1)(i) and (ii) would provide that the Office shall grant an exemption from reconstruction requirements for existing structures after obtaining the information required by proposed Rules 9—.776 and making the findings required in 30 CFR 786.21. Proposed Rules 9—.701–11(b) (1)(i) and (ii) are based on a proposed national permanent program regulation published on February 6, 1980 (45 FR 8241). The preamble discussion of that proposed rule provides the rationale.

30 CFR 776.11(b)(3)	Regulation requires that written notice submitted by person intending to remove less than 250 tons must include a precise map at a scale of 1:24,000, or larger, of the exploration area.	Remanded. Section 512(a) of the Act requires notice to include only a description, not a map. (Court opinion, May 16, 1980, p. 54).

Proposed disposition: Proposed rule 9—776.11(b)(3) would reflect the court's interpretation.

30 CFR 776.11(b)(5) and 776.12(a)(6).	Regulation requires that operators explain their basis for entering the exploration area when the surface is owned by a person other than the operator.	Remanded. Section 512(a) of the Act provides no authority to require an operator to explain his basis for entering the land. (Court opinion, May 16, 1980, p. 54).

Proposed disposition: The proposed coal exploration program, §§ 9—.776–12(a) and 9—.776–11(b), would not require the submission of such information.

Availability of Copies

Copies of the proposed regulations are available for inspection and may be obtained at any of the OSM offices listed above.

Public Comment Period

The comment period on the proposed rule will extend to February 4, 1982. All written comments must be received at the appropriate address given in "ADDRESSES" by 5:00 p.m. on February 4, 1982. Comments received after that hour will not be considered or included in the administrative record for this rulemaking. The Office cannot insure that written comments delivered during the comment period to any location other than those specified above will be considered and included in the administrative record for this rulemaking.

OSM also invites public coment on the need to modify these rules for Massachusetts, Michigan, Oregon, and Rhode Island, taking into consideration:

1. Each State's soils, topography, climate, and biological, chemical, geological, hydrological, agronomic and other relevant physical conditions in accordance with Section 504(a) of SMCRA and 30 CFR 736.22(a)(1).

2. Any provision of any State law or regulation which provides for more stringent land use and environmental control and regulation of coal exploration operations than those otherwise provided by the Act and the permanent program rules in accordance with Section 505(b) of the Act and 30 CFR 736.22(a) and (b). Such provisions will be incorporated into the regulations creating the appropriate State-specific Federal coal exploration program. Such incorporation will provide better

continuity of existing operations during the transition from any State regulation to Federal regulation. It will also provide for better coordination with other State agencies which have responsibilities relating to the regulation of coal exploration operations. Adoption of provisions of State laws and regulations which establish more stringent standards as part of a program will result in OSM enforcement of those standards. All of the revisions to the permanent program regulations to incorporate provisions of existing State statutes and regulations will be identified by section in a detailed explanation within the preamble to the final State-specific program rules.

3. Provisions that are necessary to implement the requirements of 30 CFR 736.22(a)(2) regarding the Endangered Species Act of 1973, as amended (16 U.S.C. 531 *et seq.), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c), the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a), the Clean Air Act, as amended (42 U.S.C. 7401 et seq.* and other relevant Federal laws imposing duties upon the Secretary.

4. Provisions of existing State statutes or regulations which provide standards equivalent to SMCRA and the permanent regulatory program rules contained in 30 CFR Chapter VII. Wherever practicable, OSM will incorporate into the specific rules for each of the four States any such provisions identified. Such incorporation will provide better continuity for existing operations during the transition from any State regulation to Federal regulation. It will also provide for better coordination with other State agencies which have responsbilities relating to the regulation of coal exploration operations. Adoption of provisions of State laws and regulations establish equivalent standards as part of a program will result in OSM enforcement of those standards. All of the variations from the standard permanent program regulations to incorporate provisions of existing State statutes and regulations will be identified by section in a detailed explanation within the preamble to the final State-specific program rules.

5. State statutes or regulations of the four States that are directly inconsistent with, or which interfere with, the purposes and requirements of the Act and the Federal program. Such statutes will be superseded by the rules promulgated under the Federal program in accordance with Section 504(g) of the Act and 30 CFR 736.23. Any such superseded State statutes and regulations will be specifically identified in the final rulemaking notice.

All written comments received by OSM will be available for public review at the addresses listed in "ADDRESSES" and those listed below:

For Massachusetts: Department of Environmental Quality Engineering, Division of Waterways, 100 Nashua Street, Room 534, Boston, Massachusetts 02114, Contact: Joseph Sinnot.

For Rhode Island: Rhode Island State Library, State House, Providence, Rhode Island 02903, Contact: Jean Nocera.

For Michigan: Geological Survey Division, Reclamation and Minning Control Unit Room, Division of Natural Resources, Stevens T. Mason Building, Allegon & Pine Streets, 4th Floor, Lansing, Michigan 48909, Contact: Thomas Segall.

For Oregon: State Librarian, Oregon State Library Building, Court Street, Salem, Oregon 97310.

Public Hearings

Public hearings will be held in each of the four States at the times and locations listed below. Individual testimony at the hearings will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would assist the court reporter. Whenever possible, submission of written statements in advance of the hearing dates to the person identified above under "FOR FURTHER INFORMATION CONTACT" would greatly assist the court reporter and OSM officials who will attend the hearings. Advance submissions will give OSM officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying.

Persons in the audience who have not been scheduled to speak but wish to do so will be heard after the scheduled speakers, if they are present when all scehduled speakers conclude.

Public hearings will be held at the following locations:

Michigan

Address and Date/Time

Stevens T. Mason Bulding, Allegon and Pine Streets, Fourth Floor, Geological Survey Division Conference Room, Lansing, Michigan 48909—January 28, 1982, 1 p.m.–5 p.m.

Massachusetts

John F. Kennedy Federal Building, Government Center, Room 307, Boston, Massachusetts 02203—January 26, 1982, 1 p.m.–5 p.m.

Rhode Island

Pastore Building, Room 215 L (Conference Room), Providence, Rhode Island—January 27, 1982, 1 p.m.–5 p.m.

Oregon

Federal Building, 1220 Southwest 3rd St., Room 335, Portland, Oregon 97204—January 26, 1982, 7 p.m.

Cloverleaf Hall, County Fairground, Wallowa County, Enterprise, Oregon—January 28, 1982, 7:30 p.m.

Public Meetings

Representatives of OSM will be available to meet between January 5, 1982, and February 4, 1982 at the request of any person or organization to receive advice and recommendations concerning the proposed regulations. The request may be made either at the appropriate Regional Office or the Washington office. OSM represntatives will be available for such meetings from 8:00 a.m. to 4:30 p.m. local time, Monday through Friday (excluding holidays) at the locations listed above. Summaries of meetings will be prepared and made promptly available for public review at the addresses listed above under "AVAILABILITY OF COPIES."

OMB Review

The recordkeeping and reporting requirements under the proposed rules are the same as those of the permanent program regulations, which were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers as follows:

OMB Clearance Numbers

Part and Clearance No.

700—1029–0020
701—N/A
761—1029–0029
762—N/A
764—1029–0030
770—N/A
776—1029–0033
787—N/A
800—1029–0043
805—1029–0044
806—1029–0045
809—N/A
815—N/A
840—1029–0051
843—1029–0052
845—1029–0053

Forms for use in implementing the recordkeeping and reporting requirements of the program are being developed. All forms that will affect ten or more persons will be cleared with the

Office of Management and Budget, with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Content and Organization of the Program

The proposed rules are based on provisions of the permanent program regulations applicable to coal exploration as follows:

30 CFR Subchapter A—General.
30 CFR Subchapter G—Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs.
30 CFR Subchapter K—Permanent Program Performance Standards.
30 CFR Subchapter L—Inspection and Enforcement.

The following types of variations from the model language would be made in these subchapters:

a. *Editorial changes.* Provisions that provide guidance for development of permanent regulatory programs other than Federal programs would be omitted except where they contain language critical to an understanding of subsequent provisions. Examples of such omissions include many of the sections entitled "Scope," "Applicability," and "Responsibility." Such sections would be retained because the initial Federal programs for Massachusetts, Michigan, Oregon, and Rhode Island would regulate coal exploration but not mining operations. Language modifications would be made throughout all Subchapters to make the proposed rules applicable to coal exploration operations only. Examples of such modifications include the substitution of "coal exploration" for "surface coal mining and reclamation," the use of "coal exploration approval" instead of "mining permit," and of "prospector" for "permittees." Provisions that apply only to approved State programs under Section 503 or the Federal lands program would also be deleted.

b. *Substantive revisions to procedures or standards.* Proposed substantive revisions to procedures or standards are discussed below to enable the reviewer to understand the rationale behind the proposed provisions and, where appropriate, alternatives considered by OSM.

c. *New procedures and standards.* Discussion is provided on proposed new procedures or standards developed by OSM which provide for discretion in implementing the permanent program regaulations. Also discussed are provisions for establishing compatibility with other Federal or State statutes or regulations. The numbering system of the permanent program regulations has been incorporated into the numbering system for the proposed programs. Program elements have been categorized under headings similar to the Subchapter titles. Subchapter T in 30 CFR Chapter VII has been established to include regulatory programs by State. Each State is assigned a separate part number. The proposed programs for Massachusetts, Michigan, Oregon, and Rhode Island would be assigned Parts 921, 922, 937, and 939, respectively. In addition to the proposed rules, the Federal regulatory programs for the four States would include:

30 CFR Subchapter P—Protection of Employees.
30 CFR Part 706—Restriction of Financial Interest of Federal Employees.

Those provisions are applicable to all regulatory programs under 30 CFR Chapter VII and would not be modified for application in any specific State.

Coal exploration on Federal lands is governed by Section 4 of the Federal Coal Leasing Amendments Act of 1975 (90 Stat. 1085, 30 U.S.C. 201(b)) and applicable regulations (43 CFR Part 3041) and is administered by the U.S. Geological Survey.

Many of the proposed general rules are identical to the provisions of the permanent program regulations. However, OSM intends to amend any rule in this proposal which is similar to a suspended rule in the national program regulation to adopt the new final permanent program rule when it becomes effective. The notices concerning those other proposed rule changes will indicate when the change is proposed to be incorporated in any of the Federal coal exploration programs. Comment is invited on the applicability of those provisions to the four States in accordance with the requirements of 30 CFR 736.22(a)(1), 736.22(a)(3) and 736.23(b), as described above.

This rulemaking is not the appropriate forum for seeking changes to the permanent program regulations. Comments submitted that are not relevant to the proposed rules will not be considered. Should a reviewer wish to suggest changes to the permanent program regulations, he or she may file a petition with the Director under 30 CFR 700.12, requesting a rulemaking for the issuance, amendment, or repeal of any regulation under the national permanent program regulations.

Detailed Discussion

General

Subparts 9—.701–4 through 9—.701–12 are similar to 30 CFR Subchapter A, General. The proposed rules would vary from the permanent program rules in the following respects:

Section 9—.701–4 would prescribe the authorities delegated by the Secretary to the Director in 30 CFR Part 736. That section also would reserve to the Secretary certain responsibilities and allows the Director to delegate certain responsibilities to other OSM officials. Delegations of responsibilities by the Director would be made through the OSM directives system and would be made available for public review at the Regional Offices and the Washington office at the addresses shown above. This differs in the sense that Subchapter A, General, of the permanent program regulations applies to the national permanent regulatory program and this section relates only to the authorities and sections for Federal and exploratory programs.

Section 9—.701–5 would contain all applicable definitions from 30 CFR 700.5 and 701.5. Some of the permanent program definitions would be dropped. Most, however, would be retained even though they may not be used in the coal exploration program because they will be needed when and if a complete Federal program is implemented.

The phrase "exploration area" would replace "permit area" in this proposal. As no permit for coal exploration is contemplated, "exploration area" is more descriptive of the land affected by the prospecting activities. The term also would be defined in § 9—.770–5. For the same reason, the term "prospector" would be used in place of "permittee" in Part 9—.843. Since no permits for coal exploration are contemplated in a Federal coal exploration program, "permittee" does not appropriately describe the person who conducts coal exploration activities.

The definition of road in these proposed rules would not include the references to different classes of roads which are contained in 30 CFR 701.5. Although these references have not been deleted from the permanent program definitions, they are now meaningless, because the road classification system was remanded by the District Court and suspended by the Secretary.

The references in § 9—.701.11(a) to the two-acre rule have been omitted in this rule. OSM does not believe that the two-acre rules applies to exploration operations. Section 528(2) of the Act does not mention exploration operations, and 30 CFR 700.11(b) applies only to surface coal mining and reclamation operations. Section 9—.701–11(a)(1) and (2) have been deleted as well. Coal removal as a part of highway construction or the extraction of other

minerals has no application in exploration operations. Section 9—.701–11(a) (1) and (2) have been deleted as well. Coal removal as a part of highway construction and the extraction of other minerals have no application in exploration operations.

Proposed § 9—.701–11(b) would provide that the regulatory authority "shall" grant an exemption from the design requirements where the requisite findings are made. This proposal differs from the February 6, 1980 proposed permanent program rule on existing structures (44 FR 8241–8245). Thus, the February 6, 1980 rule would, like the suspended rule, provide that the regulatory authority "may" grant the exemption. Although the intent of the February 6, 1980 proposed rule was to give operators a right to the exemption where the requisite findings are made, rather than giving the regulatory authority discretion not to grant the exemption under those circumstances, its wording would not make this clear. For purposes of greater clarity, proposed rule § 9—.701–11(b) would use the word "shall" instead of "may" the first time it appears in both paragraphs (1) and (2). However, this is not intended to allow the exemption to be granted without the requisite findings being made; it is simply to clarify that where the findings are made, the prospector is entitled to the exemption.

Section 9—.701–16 would note that the Federal exploration program for a State would terminate in accord with 30 CFR 736.16 upon approval of a State program for that State under 30 CFR Part 732.

Areas Unsuitable for Mining

Because petitions to designate areas unsuitable for coal mining cannot be accepted for a period of one year following the date of the implementation of a Federal program for a State (Sec. 504(a) of the Act), the regulations found at 30 CFR Subchapter F would simply be cross-referenced in these regulations. However, this would in no way restrict the petitioning process, since this exploration program would constitute a "Federal program" within the meaning of Section 504(a) of the Act. Therefore, the petitioning process will become available in each of these States one year after the effective date of the applicable Federal exploration program. The process will be the same as that used in State programs.

This approach would allow the Office to reduce the volume of regulations in this proposal. However, if a full Federal or a State program is promulgated in the future, a complete section on areas unsuitable for mining could be included. OSM solicits comments on whether this cross reference is adequate.

Coal Exploration Approvals

Proposed Subparts 9—.770, 776, and 787 would be similar to 30 CFR Subchapter G, Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems. The following substantive variations from the permanent program regulations are proposed:

Section 9—.776.11 General requirements: Exploration affecting less than 250 tons. Language would be added under § 9—.776.11(b)(3), (b)(5), (b)(6), (b)(7), and (b)(8) to require the submission of additional information in the notice of intent where exploration will result in removal of less than 250 tons. The Office considers the additional information necessary to enable it and the public to identify the intended area of exploration on the ground, and to indicate all lands disturbed in exploration, including excavations, roads, and drill holes and the removal of necessary facilities and equipment.

Section 9—.776–12 General requirements: Exploration resulting in removal of more than 250 tons.

This Subsection, § 9—.776–12(b)(i), is designed to implement Sections 102(i) and 517 of the Act by providing for fully informed decisions on applications by the Office. The permanent program regulations allow the regulatory authority latitude to set the time limit within which a public notice of filing of the application shall be posted. This Subsection would set the time limit for posting such notice at one week after the Office has determined the application to be complete. The Office has proposed this time period because, until the application is determined to be complete, it can be changed by submission of additional information by the applicant. Once the application is determined to be complete, public notice should be afforded as soon as practicable.

Under § 9—.776–12(b)(3) of the permanent program regulation, any person with an interest which is or may be affected shall have the right to file written comments on the application within "reasonable" time limits. The proposed Subsection would set a time limit of 30 days for such written comment. The Office considered shorter and longer periods for submission of comments. A shorter period (10 days) would not allow sufficient public notice to comply with statutory mandates. A longer period (30–50 days) could burden the processing of the application.

Section 9—.776–13 Applications: Approval or disapproval of exploration of more than 250 tons.

In § 9—.776–13(a), the regulatory authority has a reasonable time to act upon a completed application. This proposal would limit the time period to 60 days with no more than one extension of a maximum 30-day period. This period is based on an estimate of the time necessary to: (1) Determine whether the operation can comply with the performance standards of Part 815; (2) allow public participation; and (3) find that interests covered under the Endangered Species Act and the National Historic Preservation Act of 1966 will be adequately protected. The Office considered proposing a 30-day period and a 90-day period. The 30-day period was tentatively rejected as not allowing sufficient time to review the contents of the application and to have adequate public participation. The 90-day period was also tentatively rejected as imposing an undue delay on the applicant.

Since 30 CFR Part 788 would not be made a part of the Federal coal exploration system, a separate Subsection (c) would be added to § 9—.776–13 to incorporate the provisions of that part on review, revision, and renewal of approvals for exploration, and on transfer, sale, and assignment of rights granted under an exploration approval.

A Subsection (d) also would be added to establish a maximum duration of approval of 2 years, with an option for renewal for successive two-year periods upon reapplication. This subsection would set a time limit more in keeping with exploration activities. The permanent program regulations set longer periods for mining and reclamation permits because of the more extensive type of operation.

Performance Standards

Subpart 9—.815 would establish the same provisions, where applicable, as 30 CFR Subchapter K, Permanent Program Performance Standards. Because §§ 816.170 through 816.176, and 816.150 through 815.166 have been suspended, the prospector must meet the requirements of Sections 512(a) and 515(b) (17 and 18) of the Act. Where performance standards are based on the permanent program regulations, the latter are referred to rather than repeated in full text in this subpart. OSM requests comment on the adequacy of referring to these performance standards rather than printing their full text in this subpart.

Inspection and Enforcement

Proposed Subparts 9—.842 through 9—.845 would be similar to 30 CFR Subchapter L of the permanent program (Inspection and Enforcement Procedures). The proposed rules would vary from the permanent program rules in the following respects:

Language would be added to §§ 9—.842–16(b), 9—.843–13(c), and 9—.843–14(d) to assure that the State agencies having primary responsibilities for various aspects of exploration will receive copies of all required records, reports, inspection materials, or other information, including copies of show cause orders and notices of violation. This would be a courtesy to the State agencies. OSM considered not notifying the State agency, but felt that the State would not be recognized as an interested party in enforcement actions taken against explorations within its jurisdiction if copies were not provided. OSM also considered providing the State with copies of only specific enforcement actions, but felt that any separation would be arbitrary and would not recognize the State as an interested party.

This differs from the permanent program rules, in that under those rules copies of documents are provided to a State regulatory authority, if there is one. The proposed rules would ensure that State agencies having "primary responsibility" for various aspects of exploration would receive copies.

The proposed rules at § 9—.845 would provide the same civil penalty point system as that under the permanent program. The Office solicits comments concerning the usefulness of applying the point system in Federal coal exploration programs. Given the smaller risks of environmental degradation posed by exploration operations as compared with active mining, the point system may be unnecessarily burdensome to persons conducting exploration.

The OSM point system, a discussion of advantages of a point system compared to other civil penalty systems, and an alternative to the point system are described below.

OSM's assessment system includes: (1) Reviewing the facts surrounding each violation; (2) assigning points with respect to each of the four statutory assessment criteria; and (3) adding the points and converting the total to a dollar value. The assessment criteria with respect to which points are assigned are mandated by Section 518(a) of the Act and are more completely described in the OSM Assessment Manual.[1]

The principal advantages of a point system are that it provides a framework which allows any person who has access to the facts relevant to the violation to derive the same or a similar assessment as the person responsible for actually assessing the violation, and that it allows for gradations of penalties depending on factual situations. Thus, a point system is likely to be more accurate and objective than other systems for assessing penalties.

Another advantage of using OSM's point system to determine penalties is that it is familiar to coal mine operators. The Mine Safety and Health Administration (MSHA) has used a similar point system since 1974. There are two basic differences between OSM's system and MSHA's system: (1) OSM's system sets the dollar values of the points higher than MSHA's and (2) MSHA considers size of operation in determining the amount of the penalty. OSM does not consider size of operation because that is not one of the criteria listed in Section 518(a) of the Act, and the legislative history of the Act makes it clear that size cannot be used as a criterion in determining the amount of penalty. (MSHA is legislation specifically requires the agency to consider size in its assessment of penalties).

Point systems have been challenged in court and upheld. The Supreme Court in *Kleppe* v. *Delta Mining*, 423 U.S. 403, 408 n. 2 (1976), commented favorably on MSHA's use of a point system. The Court stated that use of the point system allowed anyone to see what consideration had been given to each assessment criterion. Prior to the use of the point system, MSHA's assessments had been criticized as being inconsistent and subjective. Further, the Comptroller General had criticized MSHA's assessment system, saying that the Comptroller was "unable to determine the adequacy of the consideration given the (assessment factors) and the basis for the penalties assessed in * * * sample cases." The application of a point system to the facts surrounding each violation results in more objective and consistent civil penalty assessments.

Inconsistent fines may result if assessment criteria are used without a point system. The amount of the penalty appropriate to any given set of facts is the subject of much debate. There is little agreement on what the "right" amount for a penalty is. Given the lack of agreement on size of penalties, a rational, objective system is very important.

One alternative to a point system which utilize the assessment factors listed in Section 518(a) of the Act might be a system whereby the civil penalty would be set at a fixed amount by type of violation, unless there were unusual factors in the specific case. For example, the standard civil penalty for failure to have all surface drainage pass through a sediment pond could be set at $500 unless the operator had been previously warned and had failed to heed the warning. Failure to heed the warning would indicate that the amount of the penalty should be raised. On the other hand, should the drainage area be very small, the amount of the penalty might be reduced. Such a system would give an operator little incentive to comply (voluntarily) with certain standards until the site was inspected, unless the operator could anticipate receiving a civil penalty for each violation. Thus, it might be necessary to set fixed civil penalties for virtually all violations. In order to provide guidance to assessors and conference officers under such a system an elaborate violations/penalties schedule would need to be developed. This could prove difficult for OSM to develop and more difficult still for operators to understand. A potential defect of this alternative is that it may not adequately ensure consideration of the four statutory criteria in Section 518(a). OSM solicits comment on this alternative or other alternatives to the point system.

Other Information

The Secretary has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The Secretary has also determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354. Furthermore, in accordance with Section 702(d) of the Act, neither an environmental impact statement nor an environmental assessment will be prepared.

Daniel N. Miller,

Assistant Secretary, Energy and Minerals.

OSM proposes to amend 30 CFR Chapter VII by adding Parts 921, 922, 937 and 939, each of which would contain the following provisions:

[1] OSM has contracted with a firm to make the Assessment Manual available to operators for a small charge. It is available from ACRA, Inc., 1000 Vermont Avenue, NW., Washington, D.C. 20005 (202) 347–0100. Amount of the penalty.

PART 9—[NAME OF STATE]

General

Subpart 9—.701—General

Sec.
9—.701–3 Authority and scope.
9—.701–4 Responsibility.
9—.701–5 Definitions.
9—.701–11 Applicability.
9—.701–12 Petitions to initiate rulemaking.
9—.701–13 Notice of citizen suits.
9—.701–14 Availability of records.
9—.701–15 Computation of time.
9—.701–16 Termination of the Program.

Areas Unsuitable for Mining

9—.760 General.

Coal Exploration

Subpart 9—.770—General Requirements for Exploration

9—.770–4 Responsibilities.
9—.770–5 Definitions.
9—.770–12 Coordination with requirements under other laws.

Subpart 9—.776—General Requirements For Coal Exploration

9—.776–11 General requirements: Exploration affecting less than 250 tons.
9—.776–12 General requirements: Exploration affecting less than 250 tons.
9—.776–13 Applications: Approval or disapproval of exploration affecting more than 250 tons.
9—.776–14 Applications: Notice and hearing for exploration of more than 250 tons.
9—.776–15 Requirements for exploration operations.
9—.776–17 Public availability of information.

Subpart 9—.787—Administrative and Judicial Review of Decisions on Coal Exploration

9—.787–11 Administrative review.
9—.787–12 Judicial review.

Performance Standards

Subpart 9—.815—Performance Standards—Coal Exploration

9—.815–11 General responsibility of persons conducting coal exploration.
9—.815–13 Required documents.
9—.815–15 Performance standards for coal exploration.

Inspection and Enforcement Procedures

Subpart 9—.842—Federal Inspections

9—.842–11 Federal inspections.
9—.842–12 Citizens' requests for Federal inspections.
9—.842–13 Right of entry.
9—.842–14 Review of adequacy and completeness of inspections.
9—.842–15 Review of decision not to inspect or enforce.
9—.842–18 Availability of records.

Subpart 9—.843—Federal Enforcement

9—.843–11 Cessation orders.
9—.843–12 Notices of violation.
9—.843–13 Suspension or revocation of approvals.
9—.843–14 Service of notices of violations, cessation orders, and show cause orders.
9—.843–15 Informal public hearing.
9—.843–16 Formal review of citations.
9—.843–17 Lack of information.
9—.843–18 Inability to comply.
9—.843–19 Injunctive relief.

Subpart 9—.845—Civil Penalties

9—.845–11 How assessments are made.
9—.845–12 When penalty will be assessed.
9—.845–13 Point system for penalties.
9—.845–14 Determination of amount of penalty.
9—.845–15 Assessment of separate violations for each day.
9—.845–16 Waiver of use of formula to determine civil penalty.
9—.845–17 Procedures for assessment of civil penalties.
9—.845–18 Procedures for assessment conference.
9—.845–19 Request for hearing.
9—.845–20 Final assessment and payment of penalty.

Authority: Pub. L. 95–87, the Surface Mining Control and Reclamation Act of 1977, (30 U.S.C. 1201 *et seq.*)

General

Subpart 9—.701—General

§ 9—.701–3 Authority and scope.

(a) The Secretary is required by Sections 504(a) and 512 of the Surface Mining Control and Reclamation Act of 1977 (the Act) to prepare, promulgate, and implement a Federal coal exploration program for the State of (insert) because it failed to submit a program by March 3, 1980 in accordance with Section 504(a) of the Act, 30 CFR Part 736, and the July 25, 1979, and August 21, 1979, opinions of the District Court for the District of Columbia, *In re: Permanent Surface Mining Regulation Litigation,* 13 ERC 1447 and 1566.

(b) The following regulations apply to the Federal coal exploration program in the State of (insert):

(1) Subparts 9—.770, 9—.776 and 9—.787 regarding the requirements for coal exploration and the administrative and judicial review of decisions on exploration applications;

(2) Subpart 9—.815 regarding performance standards and design requirements which apply to coal exploration;

(3) Subparts 9—.842 through 9—.845 regarding inspection and enforcement and civil penalties under the program;

(4) 30 CFR Part 865 regarding protection of employees; and

(5) 30 CFR Part 708 on restriction of financial interests of Federal employees.

§ 9—.701–4 Responsibility.

(a) The Director of the Office of Surface Mining shall assume primary responsibility for the regulation of coal exploration (30 days after final rulemaking) on non-Federal and non-Indian lands in the State of (insert) in accordance with Sections 504 and 512 of the Act and 30 CFR Part 736. The Director has responsibility for: ensuring that every person who wants to conduct exploration operations files a notice of intention to explore; reviewing and approving coal exploration which removes more than 250 tons of coal from the earth in any one location and substantially disturbs the natural land surface; and, for ensuring adequate inspection and enforcement of all coal exploration operations for compliance with exploration approvals issued under this program, except where the primary responsibility has been retained by the Secretary as specified in this program. The Director may delegate all or any part of his responsibilities to any other official of the Office of Surface Mining.

§ 9—.701–5 Definitions.

As used in this part, the following terms have the specified meanings, except where otherwise indicated:

Acid drainage means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an area affected by coal exploration.

Acid-forming materials means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, from acids that may create acid drainage.

Act means the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*).

Adjacent area means lands located outside the area of exploration activity, where air, surface or ground water, fish, wildlife, vegetation or other resources protected by the Act may be adversely affected by coal exploration.

Agricultural activities means, with respect to alluvial valley floors, the use of any tract of land for the production of animal or vegetable life, where the use is enhanced or facilitated by subirrigation or flood irrigation associated with alluvial valley floors. These uses include, but are not limited to, the pasturing, grazing, or watering of livestock, and the cropping, cultivation, or harvesting of plants whose production is aided by the availability of water from subirrigation or flood irrigation. Those uses do not include agricultural practices which do not benefit from the availability of water from subirrigation or flood irrigation.

Agricultural use means the use of any tract of land for the production of animal or vegetable life. The uses

include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

Alluvial valley floors means the unconsolidated stream-laid deposits holding streams with water availability sufficient for subirrigation or flood irrigation agricultural activities but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits formed by unconcentrated runoff or slope wash, together with the talus, or other mass-movement accumlations, and windblown deposits.

Anthracite means coal classified as anthracite in ASTM Standard D 388–77. Coal classifications are published by the American Society of Testing and Materials under the title, *Standard Specification for Classification of Coals by Rank*, ASTM D 388–77, on pages 220 through 224. Table 1 which classifies the coal by rank is presented on page 223. This publication is hereby incorporated by references as it exists on the date of adoption of these regulations. Notices of changes made to this publication will be periodically published by the Office of Surface Mining in the Federal Register. This ASTM Standard is on file and available for inspection at the OSM Office, U.S. Department of the Interior, South Interior Building, Washington, D.C. 20240, at each OSM Regional Office, District Office, and Field Office. Copies of this publication may also be obtained by writing to the above locations. A copy of this publication will also be on file for public inspection at the Federal Register Library, 1100 L St. NW., Washington, D.C. Incorporation by reference provisions approved by the Director of the Federal Register, February 7, 1979. The Director's approval of this incorporation by reference expires on July 1, 1982.

Applicant means any person seeking approval from the Office to conduct coal exploration pursuant to this program.

Approximately original contour means that surface configuration achieved by backfilling and grading of the areas of exploration so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to exploration and blends into and complements the drainage pattern of the surrounding terrain.

Aquifer means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for a specific use.

Arid and semiarid area means, in the context of alluvial valley floors, an area of the interior western United States, west of the 100th meridian west longitude, experiencing water deficits, where water use by native vegetation equals or exceeds that supplied by precipitation. All coalfields located in North Dakota west of the 100th meridian west longitude, all coalfields in Montana, Wyoming, Utah, Colorado, New Mexico, Idaho, Nevada, and Arizona, the Eagle Pass field in Texas, the eastern Oregon coal field and the Stone Canyon and the Ione fields in California are in arid and semirid areas.

Best technology currently available means equipment, devices, systems, methods, or techniques which will (a) prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the area of exploration activity, but in no event result in contributions of suspended solids in excess of requirements set by applicable State or Federal laws; and (b) minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Director, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 30 CFR 816 and 817. The Director may determine the best technology currently available on a case-by-case basis.

Coal means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388–77, referred to and incorporated by reference in the definition of anthracite.

Coal exploration means the field gathering of: (a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal in an area; or (b) the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of this part.

Combustible material means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

Compaction means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

Cropland means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

Department means the Department of the Interior.

Director means the Director, Office of Surface Mining Reclamation and Enforcement, or the Director's representative.

Disturbed area means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, or noncoal waste is placed by coal exploration operations. Those areas are classified as *disturbed* until reclamation is complete.

Diversion means a channel, embarkment, or other man-made structure constructed to divert water from one area to another.

Downslope means the land surface between the projected outcrop of the lowest coalbed being explored and a valley floor.

Embankment means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

Ephemeral stream means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

Essential hydrologic functions means the role of an alluvial valley floor in collecting, storing, regulating, and making the natural flow of surface or ground water, or both, usefully available for agricultural activities by reason of the valley floor's topographic position, the landscape and the physical properties of its underlying materials. A combination of these functions provides a water supply during extended periods of low precipitation.

(a) The role of the valley floor in collecting water includes accumulating runoff and discharge from aquifers in sufficient amounts to make the water available at the alluvial valley floor greater than the amount available from direct precipitation.

(b) The role of the alluvial valley floor in storing water involves limiting the

rate of discharge of surface water, holding moisture in soils, and holding ground water in porous materials.

(c)(1) The role of the alluvial valley floor in regulating the natural flow of surface water results from the characteristic configuration of the channel flood plain and adjacent low terraces.

(2) The role of alluvial valley floor in regulating the natural flow of ground water results from the properties of the aquifers which control inflow and outflow.

(d) The role of the alluvial valley floor in making water usefully available for agricultural activities results from the existence of flood plains and terraces where surface and ground water can be provided in sufficient quantities to support the growth of agriculturally useful plants, from the presence of earth materials suitable for the growth of agriculturally useful plants, from the temporal and physical distribution of water making it accessible to plants throughout the critical phases of the growth cycle either by flood irrigation or by subirrigation, from the natural control of alluvial valley floors in limiting destructive extremes of stream discharge, and from the erosional stability of earth materials suitable for the growth of agriculturally useful plants.

Existing structure means a structure or facility used in connection with or to facilitate coal exploration operations for which construction began prior to the implementation of this Federal program.

Exploration area means, with respect to hydrology, the topographic and ground water basin surrounding the general vicinity of the proposed operations area, which is of sufficient size including areal extent and depth to include one or more watersheds containing perennial streams and ground water zones and to allow assessment of the probable cumulative impacts on the quality and quantity of surface and ground water systems in the basins.

Federal lands means any land, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands. However, lands or mineral interests east of the 100th meridian west longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority are not subject to Sections 714 (surface owner protection) and 715 (Federal lessee protection) of the Act.

Federal program means a program established by the Secretary pursuant to Sections 504 and 512 of the Act to regulate coal exploration operations on non-Federal and non-Indian lands within a State in accordance wih the Act and 30 CFR Chapter VII.

Flood irrigation means, with respect to alluvial valley floors, supplying water to plants by natural overflow or the diversion of flows, so that the irrigated surface is largely covered by a sheet of water.

Fugitive dust means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or coal exploration activities or both. During coal exploration operations it may include emissions from haul roads; wind erosion of exposed surfaces; emissions from reclamation operations; and emissions from other activities in which material is either removed, stored, transported, or redistributed.

Ground water means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

Half-shrub means a perennial plant with a woody base whose annually produced stems die back each year.

Highwall means the face of exposed overburden and/or coal in an open cut resulting from coal exploration.

Historically used for cropland means (a) lands that have been used for cropland for any 5 years or more out of the 10 years immediately preceding the acquisition, including purchase, lease, or option, of the land for the purpose of conducting or allowing through resale, lease or option the conduct of coal exploration and operations; (b) lands that the Office determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, that the exploration area is clearly cropland but falls outside the specific 5-years-in-10 criterion; or (c) lands that would likely have been used as cropland for any 5 out of the last 10 years immediately preceding such acquisition but for some fact of ownership or control of the land unrelated to the productivity of the land, in which case the regulations for prime farmland may be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved.

Hydrologic balance means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

Hydrologic regime means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or sold form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

Imminent danger to the health and safety of the public means the existence of any condition or practice, or any violation of an exploration approval or other requirements of the Act in a coal exploration operation, which could reasonably be expected to cause substantial physical harm to persons outside the approval area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

Impoundment means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

Indian lands means all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe.

Intermittent stream means—

(a) A stream or reach of a stream that drains a watershed of at least one square mile, or

(b) A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

Land use means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Office.

(a) *Cropland.* Land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Land used for facilities in support of cropland farming operations which is adjacent to or an integral part of these operations is also

included for purposes of these land use categories.

(b) *Pastureland or land occasionally cut for hay.* Land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed. Land used for facilities in support of pastureland or land occasionally cut for hay which is adjacent to or an integral part of these operations is also included.

(c) *Grazingland.* Includes both grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production. Land used for facilities in support of ranching operations which are adjacent to or an integral part of these operations is also included.

(d) *Forestry.* Land used or managed for the long-term production of wood, wood fiber, or wood derived products. Land used for facilities in support of forest harvest and management operations which is adjacent to or an integral part of these operations is also included.

(e) *Residential.* Includes single- and multiple-family housing, mobile home parks, and other residential lodgings. Land used for facilities in support of residential operations which is adjacent to or an integral part of these operations is also included. Support facilities include, but are not limited to, vehicle parking and open space that directly relate to the residential use.

(f) *Industrial/Commercial.* Land used for—

(1) Extraction of transformation of materials for fabrication of products, wholesaling of products or for long-term storage of products. This includes all heavy and light manufacturing facilities such as lumber and wood processing, chemical manufacturing, petroleum refining, and fabricated metal products manufacture. Land used for facilities in support of these operations which is adjacent to or an integral part of that operation is also included. Support facilities include, but are not limited to, all rail, road, and other transportation facilities.

(2) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments. Land used for facilities in support of commercial operations which is adjacent to or an integral part of these operations is also included. Support facilities include, but are not limited to, parking, storage or shipping facilities.

(g) *Recreation.* Land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(h) *Fish and wildlife habitat.* Land dedicated wholly or partially to the production, protection or management of species of fish or wildlife.

(i) *Developed water resources.* Includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

(j) *Undeveloped land or no current use or land management.* Land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

Materially damage the quantity or quality of water means, with respect to alluvial valley floors, changes in the quality or quantity of the water supply to any portion of an alluvial valley floor where such changes are caused by coal exploration operations and result in changes that significantly and adversely affect the composition, diversity, or productivity of vegetation dependent on subirrigation, or which result in changes that would limit the adequacy of the water for flood irrigaion of the irrigable land acreage existing prior to mining.

Mulch means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

Noxious plants means species that have been included on official State lists of noxious plants for the State in which the coal exploration operation occurs.

Office means the Office of Surface Mining Reclamation and Enforcement established under Title II of the Act.

Outslope means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

Overburden means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

Perrenial stream means a stream or part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff.

Permanent diversion means a diversion remaining after coal exploration operations are completed which has been approved for retention by the Office and other appropriate State and Federal agencies.

Person means any individual, any Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, any partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization, and any agency, unit, or instrumentality of Federal, State or local government including any publicly owned utility or publicly owned corporation of Federal, State or local government.

Person having an interest which is or may be adversely affected or person with a valid legal interest shall include any person—

(a) Who uses any resource of economic, recreational, esthetic, or environmental value that may be adversely affectd by coal exploration or any related action of the Secretary, or

(b) Whose property is or may be adversely affected by coal exploration or any related action of the Secretary.

Precipitation event means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, *precipitation event* also includes that quantity of water emanating from snow cover as snowmelt in a limited period of time.

Prime farmland means those lands which are defined by the Secretary of Agriculture in 7 CFR Part 657 (43 FR 4030, Jan. 3, 1978) and which have historically been used for cropland.

Prospector is a person conducting or proposing to conduct coal exploration.

Public office means a facility under the direction and control of a governmental entity which is open to the public on a regular basis during reasonable business hours.

Rangeland means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs, valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

Recharge capacity means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

Reclamation means those actions taken to restore explored land where exploration results in the removal of more than 250 tons to a postexploration land use approved by the Office, as required by this Part.

Recurrence interval means the interval of time in which a precipation event is expected to occur once, on the average. For example, the 10-year 24-hour precipitation event would be that

24-hour precipitation event expected to occur on the average once in 10 years.

Reference area means a land unit maintained under appropriate management for the purpose of measuring vegetative ground cover, productivity and plant species diversity that are produced naturally or by crop production methods approved by the Office. Reference areas must be prepresentative of geology, soil, slope, and vegetation in the approval area.

Regional Director means a Regional Director of the Office or a Regional Director's representative.

Regulatory authority means the Secretary when administering this Part.

Renewable resource lands means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazinglands.

Road means a surface right-of-way for purposes of travel by land vehicles used in coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface and such contiguous appendages as are necessary for the total structure. The term includes access and land roads constructed, used, reconstructed, improved, or maintained for use in coal exploration, including use by coal hauling vehicles leading to transfer, processing, or storage areas.

Safety factor means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

Secretary means the Secretary of the Interior or the Secretary's representative.

Sedimentation pond means a primary sediment control structure designed, constructed and maintained in accordance with 30 CFR 816.46 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow sediment to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts and other measures that reduce overland flow velocity, reduce runoff volume or trap sediment, to the extent that such secondary sedimentation structures drain to a sedimentation pond.

Significant, imminent environmental harm to land, air or water resources means—

(a) An environmental harm is an adverse impact on land, air, or water resources including, but not limited to, plant and animal life.

(b) An environmental harm is imminent, if a condition, practice, or violation exists which—

(1) Is causing such harm; or,

(2) May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 521(a)(3) of the Act, and is appreciable and not immediately reparable.

Slope means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., lv: 5th). It may also be expressed as a percentage or in degrees.

Soil horizons means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The three major soil horizons are—

(a) *A horizon.* The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) *B horizon.* The layer that typically is immediately beneath the A horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A or C horizons.

(c) *C horizon.* The deepest layer of soil profile. It consists of loose material or weather rock that is relatively unaffected by biologic activity.

Soil survey means a field or other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils by use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorportate by reference in 30 CFR 785.17(b)(1).

Spoil means overburden that has been removed during coal exploration operations.

Stablize means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

Steep slope means any slope of more than 20° or such lesser slope as may be designated by the Office after consideration of soil, climate, and other characteristic of a region or State.

Subirrigation means, with respect to alluvial valley floors, the supplying of water to plants from underneath or from a semi-saturated or saturated subsurface zone where water is available for use by vegetation. Subirrigation may be identified by:

(a) Diurnal fluctuation of the water table, due to the differences in night-time and daytime evapotranspiration rates;

(b) Increasing soil moisture from a portion of the root zone down to the saturated zone, due to capillary action;

(c) Mottling of the soils in the root zones;

(d) Existence of an important part of the root zone within the capillary fringe or water table of an alluvial aquifer; or

(e) An increase in streamflow or a rise in ground water levels, shortly after the first killing frost on the valley floor.

Substantially disturb means to impact significantly upon land, air, or water resources by such activities as blasting, mechanical excavation, drilling or altering coal or water exploratory holes, or wells, constructing roads and other access routes, and/or placing structures, excavated earth, or other debris on the surface of land.

Surface coal mining operations means—

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of Section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine-site: *Provided,* These activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Act; *And provided further,* That excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

(b) Areas upon which the activities described in paragraph (a) of this definition occur or where those

activities disturb the natural land surface. These area shall also include any adjacent the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

Surface coal mining and reclamation operations means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term surface coal mining operations.

Surface mining activities means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

Suspended solids or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR Part 136).

Temporary diversion means a diversion of a stream or overland flow during coal exploration operations which has not been approved by the Office postmining land use.

Topsoil means the A soil horizon layer of the three major soil horizons.

Toxic-forming materials means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to biota or uses of water.

Toxic mine drainage means water that is discharged from active or abandoned mines or other areas affected by coal exploration, which contains a substance that through chemical action or physical effects is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

Unconsolidated streamlaid deposits holding streams means, with respect to alluvial valley floors, all flood plains and terraces located in the lower portions of topographic valleys which contain perennial or other streams with channels that are greater than 3 feet in bankfull width and greater than 0.5 feet in bankfull depth.

Undeveloped rangeland means, for purposes of alluvial valley floors, lands where the use is not specifically controlled and managed.

Upland areas means, with respect to alluvial valley floors, those geomorphic features located outside the floodplain and terrace complex, such as isolated higher terraces, alluvial fans, pediment surfaces, landslide deposits, and surfaces covered with residuum, mud flows or debris flows, as well as highland areas underlain by bedrock and covered by residual weathered material or debris deposited by sheetwash, rillwash, or windblown material.

Valley fill means a fill structure consisting of any material other than coal waste and organic material that is placed in a valley where side slopes of the existing valley measured at the steepest point are greater than 20° or the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than 10°.

Water table means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

§ 9—.701-11 Applicability.

(a) This part applies to all coal exploration operations within the State of (insert) except exploration for coal on Indian or Federal lands.

(b) Each structure used in connection with or to facilitate a coal exploration operation shall comply with the performance standards and the design requirements of Subpart 9—.815 of this part, except that—

(1) An existing structure which meets the performance standards of Subpart 9—.815 of this part but does not meet the design requirements of Subpart 9—.815 of this part shall be exempted from meeting those design requirements by the Office. The Office may grant this exemption only as part of the coal exploration approval process after obtaining the information required by 30 CFR 9—.776.

(2) If the performance standards of 30 CFR Subchapter B are at least as stringent as the comparable performance standard of Subpart 9—.815 of this part, an existing structure which meets the performance standards of 30 CFR Subchapter B shall be exempted by the Office from meeting the design requirements of Subpart 9—.815 of this part. The Office may grant this exemption only as part of the coal exploration approval process after obtaining the information required by 30 CFR 9—.776.

(3) Where exploration will result in removal of more than 250 tons as required in § 9—.776-13, an existing structure which meets a performance standard of 30 CFR Subchapter B which is less stringent than the comparable performance standards of Subpart 9—.815 of this part or which does not meet a performance standard of Subpart 9—.815 of this part for which there was no equivalent performance standard in 30 CFR Subchapter B, shall be modified or reconstructed to meet the design standard of Subpart 9—.815 of this part pursuant to a compliance plan approved by the Office in the coal exploration approval after making the findings required by 30 CFR 786-21.

(4) An existing structure which does not meet the performance standards of 30 CFR Subchapter B and which the applicant proposes to use in connection with or to facilitate the coal exploration operation shall be modified or reconstructed to meet the design standards of Subpart 9—.815 of this part prior to issuance of the exploration approval.

(c)(1) Any person conducting coal exploration on non-Federal and non-Indian lands on or after the effective date of this part shall either file a notice of intention to explore or obtain approval of the Office as required by 30 CFR 9—.776.

(2) Two months after the effective date of this part, coal exploration performance standards in 30 CFR 9—.815 shall apply to coal exploration on non-Federal and non-Indian lands which substantially disturbs the natural land surface.

§ 9—.701-12 Petitions to initiate rulemaking.

The provisions of 30 CFR 700.12 provide the means by which petitions by the public to initiate rulemaking may be made.

§ 9—.701-13 Notice of citizen suits.

The provisions of 30 CFR 700.13 provide the means for giving notice of citizen suits.

§ 9—.701-14 Availability of records.

(a) Records required by the Act to be made available locally to the public shall be retained at the (name and address to be inserted).

(b) Other records or documents in the possession of the Office may be requested under 43 CFR Part 2, which

implements the Freedom of Information Act and the Privacy Act.

§ 9—.701-15 Computation of time.

(a) Except as otherwise provided, computation of time under this part is based on calendar days.

(b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday, or legal holiday on which the Office is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

(c) Intermediate Saturdays, Sundays, and legal holidays are excluded from the computation when the period of prescribed time is 7 days or less.

§ 9—.701-16 Termination of the program.

This program shall terminate upon approval of a State program for the State of (insert) under 30 CFR Part 732. The Federal program in the State of (insert) shall not be considered terminated until a State program for the State of (insert) has been approved by the Secretary in accordance with 30 CFR Part 732.

Areas Unsuitable for Mining

§ 9—.760— General.

Any person who intends to petition to designate an area unsuitable for mining should follow 30 CFR Part 764. Petitions may be filed one year after the effective date of this rule.

Coal Exploration

Subpart 9—.770—General Requirements for Exploration

§ 9—.770-4 Responsibilities.

(a) Persons seeking to conduct coal exploration must file a notice of intention or obtain approval of the Office as required under 30 CFR 9—.776 before commencing exploration.

(b) The Office shall review each application for exploration approval and petition for lands unsuitable, approve or disapprove each exploration application, and issue, condition, suspend, or revoke each exploration application.

§ 9—.770-5 Definitions.

As used throughout Subparts 9—.770, 9—.776 and 9—.787 of this part, except where otherwise indicated:

Applicant means a person who seeks to obtain exploration approval under Subparts 9—.770, 9—.776 and 9—.787 of this part.

Application for approval means the documents and other information filed with the Office under Subparts 9—.770 and 9—.776 of this part for the issuance of exploration approval.

Complete application means an application for exploration approval which contains all information required under the Act and Subparts 9—.770 and 9—.776 of this part.

Exploration approval means the approval required under Section 512 of the Act.

§ 9—.770-12 Coordination with requirements under other laws.

The Office shall, to avoid duplication, provide for the coordination of review and issuance of approvals for coal exploration with:

(a) Any other Federal or State permit process applicable to those operations including, at a minimum, permits required under the—

(1) Clean Water Act, as amended (33 U.S.C. Sec. 1251 *et seq.*);

(2) Clean Air Act, as amended (42 U.S.C. Sec. 7401 *et seq.*);

(3) Resource Conservation and Recovery Act (42 U.S.C. Sec. 3251 *et seq.*); and

(b) The requirements of any water quality management plans which have been approved by the Administrator of the United States Environmental Protection Agency under Sections 208 or 303 (c) and (e) of the Clean Water Act, as amended (33 U.S.C. Sections 1288, 1313 (c) and (e)).

(c) The applicable requirements of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Fish and Wildlife Coordination Act, as amended, (16 U.S.C. 661 *et seq.*); the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); Executive Order 11593; the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4332); and the Clean Air Act (42 U.S.C. 7401 *et seq.*).

Subpart 9—.776—General Requirements for Coal Exploration

§ 9—.776-11 General requirements: Exploration affecting less than 250 tons.

(a) Any person who intends to conduct coal exploration during which less than 250 tons of coal will be removed from the area to be explored shall, prior to conducting the exploration, file with the Office a written notice of intention to explore.

(b) The notice shall include:

(1) The name, address, and telephone number of the person seeking to explore.

(2) The name, address, and telephone number of the representative who will be present at and responsible for conducting the exploration activities;

(3) A description sufficient to enable the Office to identify the location and size of areas at which exploration operations are to be conducted, access routes, the distance from the area or areas to a public road, and means of transportation used or proposed to be used;

(4) A statement of the period of intended exploration;

(5) A description of the practices proposed to be followed to protect the environment from adverse impacts as a result of the exploration activities.

(c) Any person who conducts coal exploration activities pursuant to this Section which substantially disturb the natural land surface shall comply with 30 CFR 9—.815.

(d) The Office shall, except as otherwise provided in § 9—.776-17, place such notices on public file and make them available for public inspection and copying.

§ 9—.776-12 General requirements: Exploration affecting more than 250 tons.

Any persons who intends to conduct coal exploration in which more than 250 tons of coal are to be removed from the area to be explored shall, prior to conducting the exploration, obtain the written approval of the Office, in accordance with the following:

(a) Contents of application for approval. Each application for approval shall contain, at a minimum, the following information:

(1) The name, address, and telephone number of the applicant;

(2) The name, address, and telephone number of the representative of the applicant who will be present at and be responsible for conducting the exploration;

(3) An exploration and reclamation operations plan, including—

(i) A narrative description of the proposed exploration area, describing surface topography; geological, surface water, and other physical features as described in paragraph (a)(5) of this section; vegetative cover; the distribution and important habitats of fish, wildlife, and plants, including but not limited to any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); and districts, sites, buildings, structures, or objects listed or eligible for listing on the National Register of Historic Places;

(ii) A narrative description of the methods to be used to conduct coal exploration and reclamation, including, but not limited to, the types and uses of

equipment, drilling, blasting, road or other access route construction, and excavated earth and other debris disposal activities;

(iii) An estimated timetable for conducting and completing each phase of the exploration and reclamation;

(iv) The estimated amounts of coal to be removed and a description of the methods to be used to determine those amounts;

(v) A description of the measures to be used to comply with the applicalbe requirements of 30 CFR 9—.815;

(4) The name and address of the owner(s) of record of the surface land and of the subsurface mineral estate of the area to be explored; and

(5) A description of existing roads, occupied dwellings, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of excavations to be conducted; water or coal exploratory holes and wells to be drilled or altered; earth or debris disposal areas; existing bodies of surface water; historic, topographic, cultural, and drainage features; and habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.).*

(b) Public notice and opportunity to comment. Public notice of the application and opportunity to comment shall be provided as follows:

(1) Within one week after the Office has determined the application to be complete, public notice of the filing of the application shall be posted by the applicant at the courthouse or other public office designated by the Regional Director in the vicinity of the proposed exploration area.

(2) The public notice shall state the name and business address of the person seeking approval, the date of filing of the application, the address to which written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration.

(3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within 15 days after the posting of the notice, as prescribed in paragraph (b)(1) of this section.

§ 9—.776–13 Applications: Approval or disapproval of exploration affecting more than 250 tons.

(a) The Office shall act upon a completed application for approval within 60 days. If additional time is necessary, the Office shall notify the applicant that the plan is being reviewed, but that more time, not to exceed an additional thirty days, is necessary to complete such review, setting forth the reasons why additional time is needed.

(b) The Office shall approve a complete application if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application:

(1) Will be conducted in accordance with Subpart 9—.815.

(2) Will not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or result in the destruction or adverse modification of critical habitat of those species; and

(3) Will not adversely affect cultural resources or districts, sites, buildings, structures, or objects listed or eligible to be on the National Register of Historic Places, unless the proposed exploration has been approved by both the Office and the agency with jurisdiction over such matters.

(c) Terms of approval. Each approval shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with 30 CFR 9—.815.

(d) Approval shall be given for not to exceed 2 years. Approval may be renewed for successive two year periods upon reapplication.

(e) Except as otherwise provided in this section, review, revision, and renewal of approvals and transfer, sale, and assignment of rights granted by approvals shall be done in accordance with 30 CFR Part 788.

§ 9—.776–14 Applications: Notice and hearing for exploration of more than 250 tons.

(a) The Office shall notify the applicant and the appropriate local government officials, in writing, of its decision to approve or disapprove the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. The Office shall provide public notice of approval or disapproval of each application, by publication in a newspaper of general circulation in the general vicinity of the proposed operations.

(b) Any person with interests which are or may be adversely affected by a decision of the Office pursuant to paragraph (a) of this section shall have the opportunity for administrative and judicial review as are set forth in 30 CFR 9—.787.

§ 9—.776–15 Requirements for exploration operations.

(a) All coal exploration and reclamation operations which substantially disturb the natural land surface or which remove more than 250 tons of coal over any period of time shall be conducted in accordance with the coal exploration requirements of this part and any conditions in the exploration approval.

(b) Any person who conducts any coal exploration in violation of the provisions of this subpart or Subpart 9—.815 of this Part shall be subject to the provisions of Subparts 9—.842 through 9—.845 of this Part.

§ 9—.776–17 Public availability of information.

(a) Except as provided in paragraph (b) of this section, all information submitted to the Office under this subpart shall be made available for public inspection and copying at (to be inserted).

(b)(1) The Office shall not make information available for public inspection, if the person submitting it requests in writing, at the time of submission, that it not be disclosed and the Office determines that the information is confidential and may be withheld under the Freedom of Information Act, 5 U.S.C. 552.

(2) The Office shall determine that information is confidential only if it concerns trade secrets or is privileged commercial or financial information which relates to the competitive rights of the person intending to conduct coal exploration.

(3) Information requested to be held as confidential under this Section shall not be made publicly available until after notice and opportunity to be heard is afforded to persons both seeking and opposing disclosure of the information.

Subpart 9—.787—Administrative and Judicial Review of Decisions on Coal Exploration

§ 9—.787–11 Administrative review.

(a) Within 30 days after the applicant is notified of the final decision of the Office concerning the application for coal exploration under 30 CFR 9—.776–14, the applicant, or any person with an interest which is or may be adversely affected, may request a hearing on the reasons for the final decision in accordance with this Section.

(b) The Office may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate, pending final determination of the proceeding, if:

(1) All parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting that relief shows that there is a substantial likelihood that he or she will prevail on the merits of the final determination of the proceeding; and

(3) The relief is not to affect adversely the public health or safety, or cause significant, imminent environmental harm to land, air, or water resources; and

(4) The relief sought is not the issuance of exploration approval where an approval has been denied, in whole or in part, by the Office.

(c)(1) For the purpose of such hearing, the hearing authority may administer oaths and affirmations, subpoena witnesses, written, or printed materials, compel attendance of witnesses and production of written or printed materials, compel discovery, and take evidence, including, but not limited to, site inspections of the land to be affected and other coal exploration operations carried on by the applicant in the general vicinity of the proposed operations.

(2) A verbatim record of each public hearing required by this Section shall be made, and a transcript made available on the motion of any party or by order of the hearing authority.

(3) Ex parte contacts between representatives of the parties before the hearing authority and the hearing authority shall be prohibited.

(d) Within 30 days after the close of the record, the hearing authority shall issue and furnish the applicant and each person who participated in the hearing with the written findings of fact, conclusions of law, and order of the hearing authority with respect to the appeal.

(e) The burden of proof at such hearings shall be on the party seeking to reverse the decision of the Office.

§ 9—.787–12 Judicial review.

(a) Any applicant or any person with an interest which is or may be adversely affected and who has participated in the administrative proceedings as an objector shall have the right to appeal as provided in paragraph (b) of this section, if:

(1) The applicant or person is aggrieved by the decision of the hearing authority in an administrative review proceeding conducted pursuant to § 9—.787–11; or,

(2) Either the Office or the hearing authority for administrative review under § 9—.787–11 fails to act within time limits specified in the Subparts 9—.770 through 9—.787 of this part.

(b) The action of the Office or hearing authority identified in paragraph (a) of this section is subject to judicial review by the United States District Court for the district in which the coal exploration is or would be located, in the time and manner provided for in Section 526(a)(2) and (b) of the Act. The availability of such review shall not limit the operation of rights established in Section 520 of the Act.

Performance Standards

Subpart 9—.815—Performance Standards—Coal Exploration

§ 9—.815–11 General responsibility of persons conducting coal exploration.

(a) Each person who seeks to conduct coal exploration which substantially disturbs the natural land surface and in which 250 tons or less of coal are removed shall file the notice of intention to explore required under 30 CFR 9—.776–11 and shall comply with § 9—.815–15.

(b) Each person who conducts coal exploration which substantially disturbs the natural land surface and in which more than 250 tons of coal are removed in the area described by the written approval from the Office shall comply with the procedures described in the exploration and reclamation operations plan approved under 30 CFR 9—.776–12 and shall comply with § 9—.815–15.

§ 9—.815–13 Required documents.

Each person who conducts coal exploration which substantially disturbs the natural land surface and which removes more than 250 tons of coal shall, while in the exploration area, possess written approval of the Office for the activities granted under 30 CFR § 9—.776–12. The written approval shall be available for review by the authorized representative of the Office upon request.

§ 9—.815–15. Performance standards for coal exploration.

The following performance standards are applicable to coal exploration which substantially distrubs the natural land surface.

(a) Habitats of unique value for fish, wildlife, and other related environmental values and areas identified in 30 CFR 780.16(b) shall not be disturbed during coal exploration.

(b) The person who conducts coal exploration shall, to the extent practicable, measure important environmental characteristics of the exploration area during the operations, to minimize environmental damage to the area.

(c)(1) Vehicular travel on other than established roads shall be limited by the person who conducts coal exploration to that absolutely necessary to conduct the exploration. Travel shall be confined to roads during periods when excessive damage to vegetation or rutting of the land surface could result.

(2) Any new road in the exploration area shall be constructed to meet the requirements of the Office.

(3) Existing roads may be used for exploration in accordance with the following:

(i) All applicable Federal, State, and local requirements shall be met.

(ii) If the road is significantly altered for exploration, including, but not limited to, change of grade, widening, or change of route, or if use of the road for exploration contributes additional suspended solids to streamflow or runoff, then paragraph (g) of this section shall apply to all areas of the road which are altered or which result in such additional contributions.

(iii) If the road is significantly altered for exploration activities and will remain as a permanent road after exploration activities are completed, the person conducting exploration shall ensure that the requirements of 30 CFR 816.150 through 816.166, as appropriate, are met for the design, construction, alteration, and maintenance of the road.

(4) Promptly after exploration activities are completed, existing roads used during exploration shall be reclaimed either—

(i) To a condition equal to or better than their preexploration condition; or

(ii) To a condition required by the Office.

(d) If excavations, artificial flat areas, or embankments are created during exploration, these areas shall be returned to the approximate original contour promptly after such features are no longer needed for coal exploration.

(e) Topsoil shall be removed, stored, and redistributed on disturbed areas as necessary to assure successful revegetation or as required by the Office.

(f) Areas disturbed by coal exploration shall be revegetated by the person who conducts the exploration, or his or her agent. If more than 250 tons of coal are removed from the exploration area, all revegetation shall be in compliance with the plan approved by the Office and carried out in a manner that encourages prompt vegetative cover and recovery of productivity levels compatible with approved

postexploration land use and in accordance with the following:

(1) All disturbed lands shall be seeded or planted to the same seasonal variety native to the disturbed area. If both the preexploration and postexploration land uses are intensive agriculture, planting of the crops normally grown will meet the requirements of this paragraph.

(2) The vegetative cover shall be capable of stabilizing the soil surface to prevent erosion.

(g) With the exception of small and temporary diversions of overland flow of water around new roads, drill pads, and support facilities, no ephemeral, intermittent, or perennial stream shall be diverted during coal exploration activities. Overland flow of water shall be diverted in a manner that:

(1) Prevents erosion;

(2) To the extent possible using the best technology currently available, prevents additional contributions of suspended solids to streamflow or runoff outside the exploration areas; and

(3) Complies with all other applicable State or Federal requirements.

(h) Each exploration hole, borehole, well, or other exposed underground opening created during exploration must meet the requirements of 30 CFR 816.13, 816.14, and 816.15.

(i) All facilities and equipment shall be removed from the exploration area promptly when they are no longer needed for exploration, except for those facilities and equipment that the Office determines may remain to:

(1) Provide additional environmental quality data;

(2) Reduce or control the on- and off-site effects of the exploration activities; or

(3) Facilitate future surface mining and reclamation operations by the person conducting the approved exploration operations.

(j) Coal exploration shall be conducted in a manner which minimizes disturbance of the prevailing hydrologic balance, and shall include sediment control measures such as those listed in 30 CFR 816.45 or sedimentation ponds which comply with 30 CFR 816.46. The Office may specify additional measures which shall be adopted by the prospector.

(k) Toxic or acid-forming materials shall be handled and disposed of in accordance with 30 CFR 816.48 and 816.103. If specified by the Office, additional measures shall be adopted by the prospector.

(l) Permanent water impoundments may be permitted where the Office has determined that they comply with 30 CFR 816.49 and 816.56, 816.33 or 817.49, 817.56, and 817.133.

Inspection and Enforcement Procedures

Subpart 9—.842—Federal Inspections

§ 9—.842-11 Federal inspections.

(a) Authorized representatives of the Secretary shall conduct inspections of coal exploration operations as necessary:

(1) To develop or enforce this part;

(2) To enforce those requirements and permit conditions imposed under this part or 30 CFR Chapter VII or as provided in this section; and

(3) To determine whether any notice of violation or cessation order issued during an inspection authorized under this Section has been complied with

(b)(1) An authorized representative of the Secretary shall immediately conduct a Federal inspection to enforce any requirement of the Act, this part, or any condition of an exploration approval imposed under the Act or this part when the authorized representative has reason to believe, on the basis of information available to him or her (other than information resulting from a previous Federal inspection), that there exists a violation of the Act, this part, or any condition of an exploration approval, or that there exists any condition, practice or violation which creates an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause a significant, imminent environmental harm to land, air or water resources.

(2) An authorized representative shall have reason to believe that a violation, condition or practice exists if the facts alleged by the informant would, if true, constitute a condition, practice or violation referred to in paragraph (b)(1) of this section.

(c) The Office shall conduct periodic inspections of all coal exploration and reclamation operations required to comply in whole or part with the Act or this part including the collection of evidence with respect to every violation of any condition of the exploration approval or requirement of the Act or this Chapter.

(d) The inspections required under paragraph (c) of this section shall:

(1) Be carried out on an irregular basis so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

(2) Occur without prior notice to the person being inspected or any of his agents or employees, except for necessary onsite meetings; and

(3) Include the prompt filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this part any condition of an exploration approval imposed under this part and the Act.

§ 9—.842-12 Citizens' requests for Federal inspections.

(a) A citizen may request a Federal inspection under 30 CFR 9—842-11(b), by furnishing to an authorized representative of the Secretary a signed, written statement (or an oral report followed by a signed, written statement) giving the authorized representative reason to believe that a violation, condition, or practice referred to in 30 CFR 9—.842-11(b)(1) exists and setting forth a phone number and address where the citizen can be contacted.

(b) The identity of any person supplying information to the Office relating to a possible violation or imminent danger or harm shall remain confidential with the Office, if requested by that person, unless that person elects to accompany the inspector on the inspection, or unless disclosure is required under the Freedom of Information Act (5 U.S.C. Section 552) or other Federal law;

(c) If a Federal inspection is conducted as a result of information provided to the Office by a citizen as described in paragraph (a) of this section, the citizen shall be notified as far in advance as practicable when the inspection is to occur and shall be allowed to accompany the authorized representative of the Secretary during the inspection. Such person has a right of entry to, upon and through the coal exploration operation about which he or she supplied information, but only if he or she is in the presence of and is under the control, direction and supervision of the authorized representative while on the exploration area. Such right of entry does not include a right to enter buildings without consent of the person in control of the building or without a search warrant.

(d) Within 10 days of the Federal inspection or, if there is no inspection, within 15 days of receipt of the citizen's written statement, the Office shall send the citizen the following:

(1) If an inspection was made, a description of the enforcement action taken, which may consist of copies of the Federal inspection report and all notices of violation and cessation orders issued as a result of the inspection or an explanation of why no enforcement action was taken;

(2) If no Federal inspection was conducted, an explanation of the reason why; and

(3) An explanation of the citizen's right, if any, to informal review of the

action or inaction of the Office under 30 CFR 9—.842–15.

(e) The Office shall give copies of all materials in paragraphs (d)(1) and (2) of this section within the time limits specified in those paragraphs to the person alleged to be in violation, except that the name of the citizen shall be removed unless disclosure of the citizen's identity is permitted under paragraph (b) of this section.

§ 9—.842–13 Right of entry.

(a) Each authorized representative of the Secretary conducting a Federal inspection under 30 CFR 9—842–11:

(1) Shall have a right of entry to, upon, and through any coal exploration operation, without advance notice or a search warrant, upon presentation of appropriate credentials; and

(2) May, at reasonable times and without delay, have access to and copy any records, and inspecting any monitoring equipment or method of operation, required under the Act, this part, or any condition of an exploration approval imposed under the Act or this part.

(b) No search warrant shall be required with respect to any activity under paragraph (a) of this section except that a search warrant may be required for entry into a building.

§ 9—.842–14 Review of adequacy and completeness of inspections.

Any person who is or may be adversely affected by a surface coal exploration operation may notify the Office in writing of any alleged failure on the part of the Office to make adequate and complete or periodic Federal inspections as provided in 30 CFR 9—.842–11 (b)(1), (c) and (d). The notification shall include sufficient information to create a reasonable belief that 30 CFR9—.842–11 (b)(1), (c) and (d) are not being complied with and to demonstrate that the person is or may be adversely affected. The Office shall within 15 days or receipt of the notification determine whether 30 CFR9—.842–11 (b)(1), (c) and (d) are being complied with, and if not, shall immediately order a Federal inspection to remedy the noncompliance. The Office shall also furnish the complainant with a written statement of the reasons for such determination and the actions, if any, to remedy the noncompliance.

§9—.842–15 Review of decision not to inspect or enforce.

(a) Any person who is or may be adversely affected by a coal exploration operation may ask the Office to review informally an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by that person in a request for Federal inspection under 30 CFR9—.842–12. The request for review shall be in writing and include a statement of how the person is or may be adversely affected and why the decision merits review.

(b) The Office shall conduct the review and inform the person, in writing, of the results of the review within 30 days of his or her receipt of the request. The person alleged to be in violation shall also be given a copy of the results of the review, except that the name of the citizen shall not be disclosed unless confidentiality has been waived or disclosure is required under the Freedom of Information Act or other Federal law.

(c) Informal review under this Section shall not affect any right to formal review under Section 525 of the Act or to a citizen's suit under Section 520 of the Act.

§ .842.16 Availability of records.

(a) Copies of all records, reports, inspection materials, or information obtained by the Office under Title V of the Act or this part shall be made immediately available to the public in the area of exploration so that they are conveniently available to residents of that area, except that Office may refuse to make available:

(1) Investigatory records complied for law enforcement purposes to the extent allowed under the Freedom of Information Act (5 U.S.C. Section 552(b)); and

(2) Information not required to be made available under § 9—.776–17 or 30 CFR 786.15.

(b) Copies of documents and information required to be made available under paragraph (a) of this section shall be provided to the (insert title of State agency(ies)) responsible for (insert State statute or regulation).

Subpart 843—Federal Enforcement

§ 9—.843–11 Cessation orders.

(a)(1) An authorized representative of the Secretary shall immediately order a cessation of coal exploration or of the relevant portion thereof, if he finds, on the basis of any Federal inspection, any condition or practice or any violation of the Act, this part, or an exploration approval issued under this part, which:

(i) Creates an imminent danger to the health or safety of the public; or

(ii) Is causing or can reasonbly can be expected to cause significant, imminent environmental harm to land, or water resources.

(2) If the cessation ordered under paragraph (a)(1) of this section will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the Secretary shall impose affirmative obligations on the person to whom it is issued to abate the conditions, practice, or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment.

(b)(1) An authorized representative of the Secretary shall immediately order a cessation of coal exploration operations, or of the relevant portion thereof, when a notice of violation has been issued under § 9—.843–12(a) and the person to whom it was issued fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative.

(2) A cessation order issued under this paragraph shall require the person to whom it is issued to take all steps the authorized representative of the Secretary deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

(c) A cessation order issued under paragraphs (a) or (b) of this section shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity: (1) The nature of the violation; (2) the remedial action or affirmative obligation required, if any, including interim steps, if appropriate; (3) the time established for abatement, if appropriate, including the time for meeting any interim steps; and (4) a reasonable description of the portion of the coal exploration operation to which it applies. The order shall remain in effect until the condition, practice or violation has been abated or until vacated, modified or terminated in writing by an authorized representative of the Secretary.

(d) Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

(e) An authorized representative of the Secretary may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

(f) An authorized representative of the Secretary shall terminate a cessation order, by written notice to the person to

whom the order was issued, when he determines that all conditions, practices or violations listed in the order have been abated. Termination shall not affect the right of the Office to assess civil penalties for those violations under subpart 9—.845 of this part.

§ 9—.843–12 Notices of violation.

(a) An authorized representative of the Secretary shall issue a notice of violation if, on the basis of any Federal inspection, he finds a violation of the Act, this part, or any conditions of an exploration approval imposed under the Act or this part, which does not create an imminent danger or harm for which a cessation order must be issued under § 9—.843–11.

(b) A notice of violation issued under this Section shall be in writing, signed by the authorized representative who issued it, and shall set forth with reasonable specificity: (1) The nature of the violation; (2) The remedial action required, which may include inferim steps; (3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and (4) A reasonable description of the portion of the coal exploration operation to which it applies.

(c) An authorized representative of the Secretary may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance, except upon a showing by the prospector that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances in paragraph (f) of this section. An extended abatement date pursuant to this section shall not be granted when the prospector failure to abate within 90 days has been caused by a lack of diligence or international delay by the prospector in completing the remedial action required.

(d) If the person to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the authorized representative shall issue a cessation order under § 9—.843–11(b).

(e) An authorized representative of the Secretary shall terminate a notice of violation by written notice to the person to whom it was issued, when he determines that all violations listed in the notice of violations have been abated. Termination shall not affect the right of the Office to assess civil penalties for those violations under Subpart 9—.845 of this part.

(f) Circumstances which may qualify a surface coal mining operation for an abatement period of more than 90 days are:

(1) Where the prospector of an ongoing permitted operation has timely applied for an diligently pursued an exploration approval renewal or other necessary approval of designs or plans but such approval has not been or will not be issued within 90 days after a valid approval expires or is required for reasons not within the control of the prospector;

(2) Where there is a valid judicial order precluding abatement within 90 days as to which the prospector has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

(3) Where the prospector cannot abate within 90 days due to a labor strike;

(4) Where climatic conditions preclude abatement within 90 days, or where, due to climatic conditions, abatement within 90 days clearly:

(i) Would cause more environmental harm than it would prevent; or

(ii) Requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

(g) Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(h) If any of the conditions in paragraphs (f) (1)–(4) of this section exist, the prospector may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the Director or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The prospector shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of paragraphs (c) and (f) of this section. In determining whether or not to grant an abatement period exceeding 90 days the authorized representative may consider any relevant written or oral information from the prospector or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The inspector's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.

(i) Any determination made under paragraph (h) of this section shall be in writing and shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4.

(j) No extension granted under paragraph (h) of this section may exceed 90 days in length. Where the condition or circumstance which prevented abatement within 90 days exists at the expiration of any such extension, the prospector may request a further extension in accordance with the procedures of paragraph (h) of this section.

§ 9—.843–13 Suspension or revocation of approvals.

(a)(1) Except as provided in paragraph (b) of this section, the Director shall issue an order to a prospector requiring him or her to show cause why approval to conduct coal exploration under the Act should not be suspended or revoked, if the Director determines that a pattern of violations of any requirements of the Act, this Part, or any condition for approval required by the Act exists or has existed, and that the violations were caused by the prospector willfully or through unwarranted failure to comply with those requirements or conditions. Willful violation means an act or omission which violates the Act, this part, or any exploration approval condition required by the Act, or this part, committed by a person who intends the result which actually occurs. Unwarranted failure to comply means the failure of the prospector to prevent the occurrence of any violation of the approval or any requirement of the Act, due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such approval or the Act, due to indifference, lack of diligence, or lack of reasonable care. Violations by any person conducting coal exploration on behalf of the prospector shall be attributed to the prospector, unless the prospector establishes that they were acts of deliberate sabotage.

(2) The Director may determine that a pattern of violations exists or has existed, based on two or more Federal inspections of the exploration activities within any 12-month period, after considering the circumstances, including:

(i) The number of violations, cited on more than one occasion, of the same or

related requirements of the Act, this part, or the approval;

(ii) The number of violations, cited on more than one occasion, of different requirements of the Act, this part, or the approval; and

(iii) The extent to which the violations were isolated departures from lawful conduct.

(3) The Director shall determine that a pattern of violations exists, if he finds that there were violations of the same or related requirements of the Act, this part, or the approval during three or more Federal inspections of the approval area within any 12-month period.

(4)(i) In determining the number of violations within any 12-month period, the Director shall consider only violations issued as a result of a Federal inspection carried out during enforcement of this Part.

(ii) The Director may consider violations issued as a result of inspections in determining whether to exercise his discretion under paragraph (a)(2) of this section.

(b) The Director may decline to issue a show cause order, or may vacate an outstanding show cause order, if he finds that, taking into account exceptional factors present in the particular case, it would be demonstrably unjust to issue or to fail to vacate the show cause order. The basis for this finding shall be fully explained and documented in the record of the case.

(c) At the same time as the issuance of the order, the Director shall:

(1) File a copy of the order to show cause with the Office of Hearings and Appeals and provide a copy to the (insert State agency) responsible for (insert State law or regulation).

(2) If practicable, publish notice of the order, including a brief statement of the procedure for intervention in the proceeding, in a newspaper of general circulation in the area of the coal exploration.

(3) Post the notice at the regional, district or field office closest to the area of the coal exploration activities.

(d) If the prospector files an answer to the show cause order and requests a hearing under 43 CFR Part 4, a public hearing shall be provided as set forth in that part. The Office of Hearings and Appeals shall give thirty days' written notice of the date, time and place of the hearing to the Director, the prospector, the (insert State agency) and any intervenor. Upon receipt of the notice, the Director shall publish it, if practicable, in a newspaper of general circulation in the area of the coal exploration and shall post it at the regional, district, or field office closest to those operations.

(e) Within sixty days after the hearing, and within the time limits set forth in 43 CFR Part 4, the Office of Hearings and Appeals shall issue a written determination as to whether a pattern of violations exists and, if appropriate, an order. If the Office of Hearings and Appeals revokes or suspends the exploration approval the prospector shall immediately cease coal exploration on the approval area and shall:

(1) If the exploration approval is revoked, complete reclamation within the time specified in the order; or

(2) If the exploration approval is suspended, complete all affirmative obligations to abate all conditions, practices or violations, as specified in the order.

(f) Whenever a prospector fails to abate a violation contained in a notice of violation or a cessation order within the abatement period set in the notice or order or as subseqently extended, the Director shall review the prospector's history of violations to determine whether a pattern of violations exists pursuant to this section, and shall issue an order to show cause as appropriate pursuant to 30 CFR 9—.845.15(b)(2).

§ 9—.843–14 Service of notices of violations, cessation orders, and show cause orders.

(a) A notice of violation or cessation order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

(1) By tendering a copy of the notice of violation or cessation order to the designated agent or to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge of the coal exploration operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

(2) As an alternative to paragraph (a)(1) of this section, service may be made by sending a copy of the notice or order by certified mail or by hand to the person to whom it is issued or his designated agent. Service shall be complete upon tender of the notice or order or of the mail and shall not be deemed incomplete because of refusal to accept.

(b) A show cause order may be served on the person to whom it is issued in either manner provided in paragraph (a) of this section.

(c) Designation by any person of an agent for service of notices and orders shall be made in writing to the appropriate regional, district or field office of the Office.

(d) The Office shall furnish copies of notices and orders to the (insert State agency) responsible for (insert State law or regulation) promptly after their issuance. The office may furnish copies to any person having an interest in the coal exploration, or the exploration approval area, such as the owner of the fee, a corporate officer of the entity conducting coal exploration.

§ 9—.843–15 Informal public hearing.

(a) Except as provided in paragraphs (b) and (c) of this section, a notice of violation or cessation order which requires cessation of exploration, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. The hearing shall be held at or reasonably close to the exploration site so that it may be viewed during the hearing or at any other location acceptable to the Office and the person to whom the notice or order was issued. The Office of Surface Mining office nearest to the exploration site shall be deemed to be reasonably close to the exploration site unless a closer location is requested and agreed to by the Office. Expiration of a notice or order shall not affect the Driector's right to assess civil penalties with respect to the period during which the notice or order was in effect. No hearing will be required where the condition, practice or violation in question has been abated, or the hearing has been waived.

(b) A notice of violation or cessation order shall not expire as provided in paragraph (a) of this section if the informal public hearing has been waived or if, with the consent of the person to whom the notice or order was issued, the informal public hearing is held later than 30 days after the notice or order was served. For purposes of this paragraph:

(1) The informal public hearing will be deemed waived if the person to whom the notice or order is issued:

(i) Is informed, by written notice served in the manner provided in paragraph (b)(2) of this section, that he will be deemed to have waived an informal public hearing unless he requests one within 30 days after service of the notice or order, and

(ii) Fails to request an informal public hearing within that time.

(2) The written notice referred to in paragraph (b)(1)(i) of this section shall be delivered to such person by an authorized representative or sent by certified mail to such person no later than five days after the notice or order is served on such person.

(3) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if his request is received on or after the 21st day after service of the notice or order. The extension of time shall be equal to the number of days elapsed after the 21st day.

(c) The Office shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

(1) The person to whom the notice or order was issued;

(2) Any person who filed a report which led to that notice or order; and

(3) The (insert State agency(ies)) that enforce(s) (insert other State statutes or regulations).

(d) The Office shall also post notice of the hearing at the regional, district or field office closest to the exploration site, and publish it, where practicable, in a newspaper of general circulation in the area of the exploration.

(e) Section 554 of Title 5 of the United States Code, regarding requirements for formal adjudicatory hearings, shall not govern informal public hearings. An informal public hearing shall be conducted by a representative of the Office, who may accept oral or written arguments and any other relevant information from any person attending.

(f) Within five days after the close of the informal public hearing, the Office shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to—

(1) The person to whom the notice or order was issued;

(2) Any person who filed a report which led to the notice or order; and

(3) The (insert State agency(ies)) that enforce (insert other State statutes or regulations).

(g) The granting or waiver of an informal public hearing shall not affect the right of any person to formal review under Sections 518(b), 521(a)(4), or 525 of the Act.

(h) The person conducting the hearing for the Office shall determine whether or not the exploration site should be viewed during the hearing. In making this determination the only consideration shall be whether a view of the exploration site will assist the person conducting the hearing in reviewing the appropriateness of the enforcement action or the required remedial action.

§ 9—.843–16 Formal review of citations.

(a) A person issued a notice of violation or cessation order under 30 CFR 9—.843–11 or 9—.843–12, or a person having an interest which is or may be adversely affected by the issuance, modification, vacation or termination of a notice or order, may request review of that action by filing an application for review and request for hearing, under 43 CFR Part 4, within 30 days after receiving notice of the action.

(b) The filing of an application for review and request for a hearing under this Section shall not operate as a stay of any notice or order, or of any modification, termination or vacation of either.

§ 9—.843–17 Lack of information.

No notice of violation, cessation order, show cause order, or order revoking or suspending an approval may be vacated because it is subsequently determined that the Office did not have information sufficient under *Response*, § 9—.842–11(b)(1) to justify an inspection.

§ 9—.843–18 Inability to comply.

(a) No cessation order or notice of violation issued under this subpart may be vacated because of inability to comply.

(b) Inability to comply may not be considered in determining whether a pattern of violations exists.

(c) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under Subpart 9—.845 of this part and of the duration of the suspension of an approval under § 9—.843–13(e).

§ 9—.843–19 Injunctive relief.

The Office may request the Attorney General of the United States to institute a civil action for relief, including a permanent or temporary injunction, restraining order or any other order, in the district court of the United States for the district in which the coal exploration is located or in which the person to whom the notice of violation or order has been issued has his principal office, whenever that person or his or her agent, in violation of the Act, this part, or any condition of an exploration approval imposed under the Act, or this part:

(a) Violates or fails or refuses to comply with any order or decision of the Secretary or an authorized representative of the Secretary under the Act or this part;

(b) Interferes with, hinders or delays the Secretary or an authorized representative of the Secretary in carrying out the provisions of the Act or this part;

(c) Refuses to admit an authorized representative of the Secretary to an exploration site;

(d) Refuses to permit inspection of an exploration area by an authorized representative of the Secretary;

(e) Refuses to furnish any required information or report;

(f) Refuses to permit access to or copying of any required records; or

(g) Refuses to permit inspection of monitoring equipment.

Subpart 9—.845—Civil Penalties

§ 9—.845–11 How assessments are made.

The Office shall review each notice of violation and cessation order issued under Subpart 9—.843 of this part in accordance with the assessment procedures described in §§ 9—.845–12, 9—.845–13, 9—.845–14, 9—.845–15, and 9—.845–16 to determine whether a civil penalty will be assessed, the amount of the penalty, and whether each day of a continuing violation will be deemed a separate violation for purposes of the total penalty assessed.

§ 9—.845–12 When penalty will be assessed.

(a) The Office shall assess a penalty for each cessation order.

(b) The Office shall assess a penalty for each notice of violation, if the violation is assigned 31 points or more under the point system described in § 9—.845–13.

(c) The Office may assess a penalty for each notice of violation assigned 30 points or less under the point system described in § 9—.845–13. In determining whether to assess a penalty, the Office shall consider the factors listed in § 9—.845–13(b).

§ 9—.845–13 Point system for penalties.

(a) The Office shall use the point system described in this section to determine the amount of the penalty and, in the case of notices of violations, whether a mandatory penalty should be assessed as provided in § 9—.845.12(b).

(b) Points shall be assigned as follows:

(1) *History of previous violations.* The Office shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in a notice of violation. Five points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for

the purpose of assigning points, shall be determined and the points assigned with respect to a particular coal exploration operation. Points shall be assigned as follows:

(i) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

(ii) No violation for which the notice or order has been vacated shall be counted; and

(iii) Each violation shall be counted without regard to whether it led to a civil penalty assessment.

(2) *Seriousness.* The Office shall assign up to 30 points based on the seriousness of the violation, as follows:

(i) *Probability of occurrence.* The Office shall assign up to 15 points based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

Probability of occurrence—Points
None—0
Insignificant—1–4
Unlikely—5–9
Likely—10–14
Occurred—15

(ii) *Extent of potential or actual damage.* The Office shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(A) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration area, the Office shall assign zero to seven points, depending on the duration and extent of the damage or impact.

(B) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration area, the Office shall assign eight to fifteen points, depending on the duration and extent of the damage or impact.

(iii) *Alternative.* In the case of a violation of an administrative requirement, such as a requirement to keep records, the Office shall, in lieu of paragraphs (b)(2) (i) and (ii) of this section, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) *Negligence.* (i) The Office shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(A) A violation which occurs through no negligence shall be assigned no penalty points for negligence;

(B) A violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;

(C) A violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault.

(ii) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(A) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.

(B) Negligence means the failure of a prospector to prevent the occurrence of any violation of his or her approval or any requirement of the Act or this Chapter due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such approval or the Act due to indifference, lack of diligence, or lack or reasonable care.

(C) A greater degree of fault than negligence means reckless, knowing, or intentional conduct.

(iii) In calculating points to be assigned for negligence, the acts of all persons working on the coal exploration area shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

(4) *Good faith in attempting to achieve compliance.* (i) The Office shall add points based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

Degree of good faith—Points
Rapid compliance: −1 to −10.
Normal compliance: 0.

(ii) The following definitions shall apply under paragraph (b)(4)(i) of this section:

(A) *Rapid compliance* means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(B) *Normal compliance* means the person to whom the notice or order was issued abated the violation within the time given for abatement.

(iii) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

§ 9—.845–14 Determination of amount of penalty.

The Office shall determine the amount of any civil penalty by converting the total number of points assigned under 30 CFR 9—.845–13 to a dollar amount, according to the following schedule:

Points	Dollars	Points	Dollars
1	30		
2	40		
3	50		
4	80		
5	100		
6	120		
7	140		
8	160		
9	180		
10	200		
11	220		
12	240		
13	260		
14	280		
15	300		
16	320		
17	340		
18	360		
19	380		
20	400		
21	420		
22	440		
23	460		
24	480		
25	500		
26	600		
27	700		
28	800		
29	900		
30	1,000		
31	1,100		
32	1,200		
33	1,300		
34	1,400		
35	1,500		
36	1,600		
37	1,700		
38	1,800		
39	1,900		
40	2,000		
41	2,100		
42	2,200		
43	2,300		
44	2,400		
45	2,500		
46	2,600		
47	2,700		
48	2,800		
49	2,900		
50	3,000		
51	3,100		
52	3,200		
53	3,300		
54	3,400		
55	3,500		
56	3,600		
57	3,700		
58	3,800		
59	3,900		
60	4,000		
61	4,100		
62	4,200		
63	4,300		
64	4,400		
65	4,500		
66	4,600		
67	4,700		
68	4,800		
69	4,900		

Points	Dollars	Points	Dollars
70 and above 70	5,000		

§ 9—.845–15 Assessment of separate violations for each day.

(a) The Office may assess separately a civil penalty for each day from the date of issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the Office shall consider the factors listed in § 9—.845–13 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for two or more days and which is assigned more than 70 points under § 9—.845–13(b), the Office shall assess a civil penalty for a minimum of two separate days.

(b) In addition to the civil penalty provided for in Paragraph (a), whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to Section 521(a) of the Act, a civil penalty of not less than $750 shall be assessed for each day during which such failure to abate continues, except that:

(1)(i) If suspension of the abatement requirements of the notice or order is ordered in a temporary relief proceeding under Section 525(c) of the Act, after a determination that the person to whom the notice or order was issued will suffer irreparable loss or damage from the application of the requirements, the period permitted for abatement shall not end until the date on which the Office of Hearings and Appeals issues a final order with respect to the violation in question; and

(ii) If the person to whom the notice or order was issued initiates review proceedings under Section 526 of the Act with respect to the violation, in which the obligations to abate are suspended by the court pursuant to Section 526(c) of the Act, the daily assessment of a penalty shall not be made for any period before entry of a final order by the court;

(2) Such penalty for the failure to abate a violation shall not be assessed for more than 30 days for each such violation. If the prospector has not abated the violation within the 30-day period, the Office shall take appropriate action pursuant to Sections 518(e), 518(f), 521(a)(4), or 521(c) of the Act within 30 days to ensure that abatement occurs or to ensure that there will not be a recurrence of the failure to abate.

§ 9—.845–16 Waiver of use of formula to determine civil penalty.

(a) The Director, upon his own initiative or upon written request received within 15 days of issuance of a notice of violation or a cessation order, may waive the use of the formula contained in § 9—.845–13 to set the civil penalty, if he or she determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. However, the Director shall not waive the use of the formula or reduce the proposed assessment on the basis of an argument that a reduction in the proposed penalty could be used to abate violations, this part, or any condition of any exploration approval. The basis for every waiver shall be fully explained and documented in the records of the case.

(b) If the Director waives the use of the formula, he or she shall use the criteria set forth in § 9—.845–13(b) to determine the appropriate penalty. When the Director has elected to waive the use of the formula, he or she shall give a written explanation of the basis for the assessment made to the person to whom the notice or order was issued.

§ 9—.845–17 Procedures for assessment of civil penalties.

(a) Within 15 days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Office and to the inspector who issued the notice of violation or cessation order. The Office shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.

(b) The Office shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, within 30 days of the issuance of the notice or order. If the mail is tendered at the address of that person set forth in the sign required under 30 CFR 816.11, or at any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of this paragraph shall be deemed to have been complied with upon such tender.

(c) Unless a conference has been requested, the Office shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Office shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in paragraph (b) of this section, within 30 days after the date the violation is abated.

§ 9—.845–18 Procedures for assessment conference.

(a) The Office shall arrange for a conference to review the proposed assessment or reassessment, upon written request of the person to whom the notice or order was issued, if the request is received within 15 days from the date the proposed assessment or reassessment is mailed.

(b)(1) The Office shall assign a conference officer to hold the assessment conference. The assessment conference shall not be governed by Section 554 of Title 5 of the United States Code, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days from the date of issuance of the proposed assessment or the end of the abatement period, whichever is later.

(2) The Office shall post notice of the time and place of the conference at the regional, district or field office closest to the exploration site at least 5 days before the conference. Any person shall have a right to attend and participate in the conference.

(3) The conference officer shall consider all relevant information on the violation. Within 30 days after the conference is held, the conference officer shall either:

(i) Settle the issues, in which case a settlement agreement shall be prepared and signed by the conference officer on behalf of the Office and by the person assessed; or

(ii) Affirm, raise, lower, or vacate the penalty.

(4) An increase or reduction of a proposed civil penalty assessment of more than 25 percent and more than $500 shall not be final and binding on the Secretary, until approved by the Director or his designee.

(c) The conference officer shall promptly serve the person assessed with a notice of his or her action in the manner provided in § 9—.845–17(b) and shall include a worksheet if the penalty has been raised or lowered. The reasons for the conference officer's action shall be fully documented in the file.

(d)(1) If a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement

agreement. The settlement agreement shall contain a clause to this effect.

(2) If full payment of the amount specified in the settlement agreement is not received by the Office within 30 days after the date of signing, the Office may enforce the agreement or rescind it and proceed according to paragraph (b)(3)(ii) of this section within 30 days from the date of the rescission.

(e) The conference officer may terminate the conference when he determines that the issues cannot be resolved or that the person assessed is not diligently working toward resolution of the issues.

(f) At formal review proceedings under Section 518, 521(a)(4), and 523 of the Act, no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness.

§ 9—.845–19 Request for hearing.

(a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the Office of Hearings and Appeals (to be held in escrow as provided in paragraph (b) of this section) within 30 days from receipt of the proposed assessment or reassessment or 15 days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested, if it has been decided in a review proceeding commenced under § 9—.843–16.

(b) The Office of Hearings and Appeals shall transfer all funds submitted under paragraph (a) of this section to the Office, which shall hold them in escrow pending completion of the administrative and judicial review process, at which time it shall disburse them as provided in § 9—.845–20.

§ 9—.845–20 Final assessment and payment of penalty.

(a) If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in § 9—.845–19, the proposed assessment shall become a final order of the Secretary and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

(b) If any party requests judicial review of a final order of the Secretary, the proposed penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to paragraph (c) of this section, the escrowed funds shall be transferred to the Office in payment of the penalty, and the escrow shall end.

(c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under this subpart, the Office shall within 30 days of receipt of the order refund to the person assessed all or part of the escrowed amount, with interest from the date of payment into escrow to the date of the refund at the rate of 6 percent or at the prevailing Department of the Treasury rate, whichever is greater.

(d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Office within 15 days after the order is mailed to such person.

[FR Doc. 81–37085 Filed 12–31–81; 8:45 am]

BILLING CODE 4310–05–M

federal register

Tuesday
January 5, 1982

Part XVI

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5142	Aug. 14, 1981.
Colorado:	
CO81–5148	Sept. 4, 1981.
CO81–5145	Sept. 4, 1981.
CO81–5146	Sept. 4, 1981.
CO81–5147	Sept. 4, 1981.
Idaho: ID81–5157	Oct. 9, 1981.
Oregon: OR81–5127	July 6, 1981.
Tennessee: TN81–1314	Dec. 18, 1981.
Washington: WA81–5163	Dec. 4, 1981.
Utah: UT81–5156	Oct. 2, 1981.

Supersedeas Decisions to General Wage Determination Decisions

None.

Signed at Washington, D.C. this 31st day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. AZ81-5142 - Mod. #5 (46 FR 41299-August 14, 1981) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Northern Area:					
Zone A	$15.18	$1.07	$1.50		.18
Zone B	16.39	1.07	1.50		.18
Zone C	17.15	1.07	1.50		.18
Zone D	17.91	1.07	1.50		.18
Zone E	18.52	1.07	1.50		.18
Zone F	19.73	1.07	1.50		.18
Drywall Tapers:					
Zone A	13.79	.60	.50		.10
Zone B	14.79	.60	.50		.10
Zone C	16.29	.60	.50		.10
Lathers:					
Area 1	14.325	1.00			.06
Area 2	14.32	1.00			.06
Plumbers:					
Excluding Hoover Dam:					
Zone 1	18.34	1.20	1.35		.23
Zone 2	18.74	1.20	1.35		.23
Zone 3	19.19	1.20	1.35		.23
Zone 4	21.34	1.20	1.35		.23
Sheet Metal Workers:					
Area 1:					
Zone 1	17.39	1.10	1.92		.13
Zone 2	18.64	1.10	1.92		.13
Zone 3	21.39	1.10	1.92		.13
Area 2:					
Zone A	16.74	1.20	1.92		.07
Zone B	17.96	1.20	1.92		.07
Zone C	20.61	1.20	1.92		.07
DECISION NO. CO81-5148 - Mod. #4 (46 FR 44616-September 4, 1981) Las Animas, Otero, and Pueblo Counties, Colorado					
Change:					
Plumbers:					
Zone 1: 0 to 15 miles from Post Office	$16.22	$1.00	$1.50		.10
Zone 2: 15 to 20 miles from Post Office	16.79	1.00	1.50		.10
Zone 3: 20 to 40 miles from Post Office	17.22	1.00	1.50		.10
Zone 4: 40 miles and over from Post Office	18.245	1.00	1.50		.10
Sheet Metal Workers	15.96	3%+.90	1.76		.10

DECISION NO. CO81-5145 - Mod. #5 (46 FR 44602-September 4, 1981) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet Metal Workers	$15.96	3%+.90	$1.76		.17
Tile Layers:					
Elbert, Lake, and Park Counties	13.31	.85	.70		
DECISION NO. CO81-5146 - Mod. #4 (46 FR 44607-September 4, 1981) El Paso County, Colorado					
Change:					
Plumbers; Pipefitters	$14.80	$ 1.00	$1.50	$1.60	.10
Sheet Metal Workers	15.96	3%+.90	1.76		.17
Tile Setters	13.31	.85	.70		
DECISION NO. CO81-5147 - Mod. #4 (46 FR 44611-September 4, 1981) Delta, Garfield, Gunnison Mesa, Montrose, and Pitkin Counties, Colorado					
Change:					
Sheet Metal Workers	$15.96	3%+.90	$1.76		.17

Modification Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. ID81-5157 - Mod #4 (46 FR 50223 - October 9, 1981) Statewide Idaho					
CHANGE:					
BRICKLAYERS; STONEMASONS; and MARBLE SETTERS:					
Area 6	$14.35	.90	.75		
ELECTRICIANS:					
Area 1:					
Electricians	19.85	.95	3%+1.00		.02
Cable Splicers	20.25	.95	3%+1.00		.02
Area 3:					
Electricians; Technicians	15.65	1.00	3%+1.00		1%
Cable Splicers	17.22	1.00	3%+1.00		1%
SOFT FLOOR LAYERS:					
Area 3	12.37	.69	.50		
TERRAZZO WORKERS and TILE SETTERS:					
Area 6	12.65	.90	.75		
DECISION NO. OR81-5127 - Mod #7 (46 FR 35019 - July 6, 1981) Statewide Oregon					
CHANGE:					
ELECTRICIANS:					
Area 2:					
Electricians	$19.82	.95	3%+1.30		.10
Lead Cable Splicers	20.81	.95	3%+1.30		.10
Area 6:					
Electricians	17.06	.90	3%+2.00		.17
Cable Splicers	20.98	.90	3%+2.00		.17
ROOFERS:					
Area 2:					
Roofers	16.85	.80	1.40		.10
Handling of irritating material (Coal tar, Epoxy)	17.10	.80	1.40		.10
Handling of irritating material (Coal tar, Epoxy) in a confined area	17.35	.80	1.40		.10

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TN81-1314 - MOD. #1 (46 FR 61815 - December 18, 1981) Statewide, Tennessee					
Change:					
Description of Work:					
To Read:					
Heavy Construction Projects (except Hamilton County), Highway Construction Projects					
DECISION NO. WA81-5163 - Mod. #1 (46 FR 59457 - December 4, 1981) Statewide Washington					
CHANGE:					
ELECTRICIANS:					
Area 1:					
Electricians	18.95	.95	3%+1.30		.02
Cable Splicers	19.35	.95	3%+1.30		.02
Area 2:					
Electricians	19.82	.95	3%+1.30		.10
Cable Splicers	20.81	.95	3%+1.30		.10
Area 3:					
Electricians	19.70	.95	3%+1.85		.05
Cable Splicers	21.67	.95	3%+1.85		.05
ROOFERS:					
Area 6:					
Roofers	16.85	.80	1.40		.10
Handling of irritating material (Coal tar, Epoxy)	17.10	.80	1.40		.10
Handling of irritating material (Coal tar, Epoxy) in a confined area	17.35	.80	1.40		.10

Modification Page 5

DECISION NO. UT81-5156 - Mod. #4
(46 FR 48570-October 2, 1981)
Statewide, Utah

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Area 2:					
Zone 1:					
Zone 1A:					
Electricians; Technicians	$15.65	$1.00	3%+1.00		8/10%
Cable Splicers	16.75	1.00	3%+1.00		8/10%
Zone 1B:					
Electricians; Technicians	16.40	1.00	3%+1.00		8/10%
Cable Splicers	16.95	1.00	3%+1.00		8/10%
Zone 1C:					
Electricians; Technicians	17.15	1.00	3%+1.00		8/10%
Cable Splicers	17.65	1.00	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	19.65	1.00	3%+1.00		8/10%
Cable Splicers	20.15	1.00	3%+1.00		8/10%
Painters:					
Area 2:					
Brush; Roller	12.90	.61	.60		.02
Brush (swing stage); Brush (steel and bridge); Spray	13.20	.61	.60		.02
Sandblaster, Steeplejack	13.20	.61	.60		.02
Spray (swing stage); Spray (swing stage); Sandblaster (swing stage)	13.45	.61	.60		.02
Wallcovering Hanger	13.15	.61	.60		.02

[FR Doc. 82-140 Filed 1-4-82; 8:45 am]
BILLING CODE 4510-27-C

V
4
7
/
2
J
A
5
8
2
UMI

V
4
7
/
2

dial•a•reg

For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

Chicago: **312-663-0884**

Los Angeles: **213-688-6694**

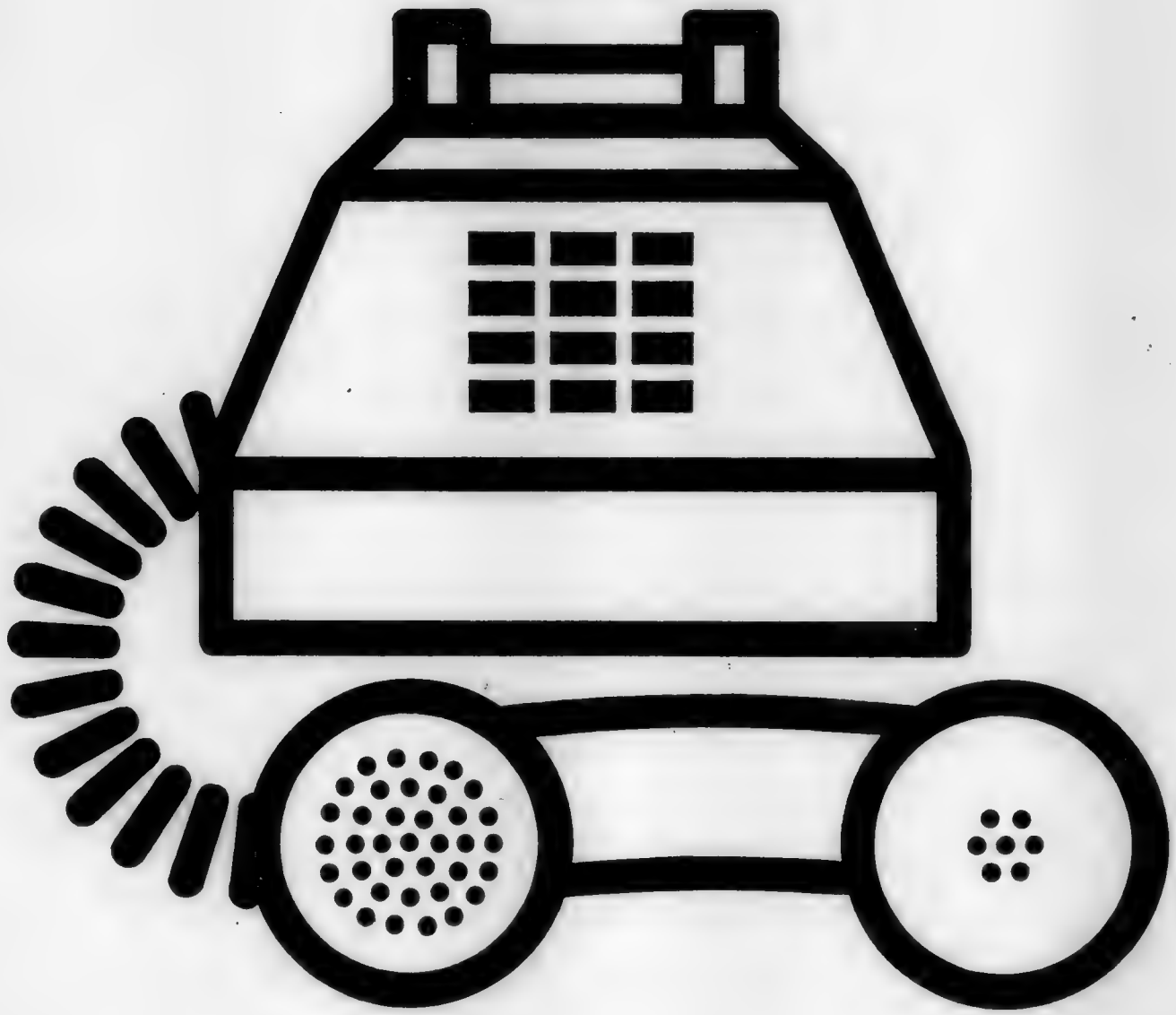

J
A
5
8
2

1-6-82
Vol. 47 No. 3
Pages 589–744

federal register

Wednesday
January 6, 1982

Highlights

642 **Public Assistance Programs** HHS/SSA proposes rules on determination of certain impairment-related work expenses under disability insurance and supplemental security income programs.

616, 617 **Mobile Homes** HUD/FHC amends rules on loan limits and maturity terms. (2 documents)

736 **Grant Programs—Education** ED issues regulations on expected family contributions under the Pell Grant Program. (Part III of this issue)

596, 600 **Radioactive Materials** NRC amends regulations on transportation of nuclear wastes. (2 documents)

609 **Exports** Commerce/ITA extends foreign policy export controls.

732 **Medical Research** HHS/NIH seeks comments and announces meeting on proposed actions involving recombinant DNA molecules. (2 documents) (Part II of this issue)

638 **Natural Gas** DOE/FERC proposes to establish incentive price ceiling for gas produced from depths of 10,000 to 15,000 feet.

614 DOE/FERC adopts rule on determining Btu content in calculating maximum lawful prices.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

590 **Grant Programs—Waste Treatment and Disposal** USDA/FmHA amends regulations on submission of information for community domestic water and waste disposal systems grants.

604 **Air Taxis** CAB removes domestic route limitation.

633 **Air Carriers** CAB proposes rules on payments by direct air carriers to indirect cargo carriers.

719 **Small Businesses—Loan Programs** SBA issues notice of maximum annual cost of money to small business concerns.

625 **Fisheries** Commerce/NOAA adopts schedule of fees for fish caught by foreign vessels in U.S. conservation zone.

629 Commerce/NOAA revises regulation on northern anchovy harvest quota.

719 **Imports** Trade Representative requests comments on import relief for certain clothespins.

ITC issues notices on the following:

687 Certain cube puzzles
687 Certain hot air corn poppers and components
688 Certain log splitting pivoted lever axes
688 Certain mushrooms
689 Certain vacuum cleaner brush rollers

591 **Imports—Birds** USDA/APHIS amends regulations on quarantine facility operations and recovery of costs for government services.

656 **Imports—Sugar** USDA announces quarterly import fees.

689 **Crime Statistics** Justice publishes Five Year Program Plan for Bureau of Justice Statistics.

674 **Privacy Act Document** FRS

720 **Sunshine Act Meetings**

Separate Parts of This Issue

732 **Part II, HHS/NIH (2 documents)**
736 **Part III, ED**

Contents

Federal Register
Vol. 47, No. 3
Wednesday, January 6, 1982

Agricultural Marketing Service
RULES
589 Oranges, grapefruit, tangerines, and tangelos grown in Fla.
PROPOSED RULES
631 Melons grown in Tex.
Warehouse regulations:
631 Grain; financial statement requirements; extension of time

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration.
NOTICES
Import quotas and fees:
656 Sugar; quarterly determination

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
591 Bird quarantine facility, commercial; procedures for recovery of costs of services

Army Department
NOTICES
Meetings:
658 Science Board (2 documents)

Civil Aeronautics Board
RULES
Air taxi operators, classification and exemption:
604 Dual authority after domestic route deregulation; certificated airlines, passenger operations with small aircraft route limitation removal
PROPOSED RULES
Air carriers:
633 Fees to indirect carriers
NOTICES
720 Meetings; Sunshine Act

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Consumer Product Safety Commission
NOTICES
720 Meetings; Sunshine Act (2 documents)

Defense Department
See also Army Department.
NOTICES
658 Travel per diem rates; civilian personnel; changes

Education Department
RULES
Postsecondary education:
736 Pell grant program, etc., student assistance; expected family contributions

Energy Department
See Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
622 Acephate
623 Beans; technical amendment
623 Carbaryl
619 (±)Cyano(3-phenoxyphenyl)methyl(+)-4-difluoromethoxy-alpha-(1-methylethyl)benzeneacetate
620 2,4-D
Pesticides; tolerances in food:
616 (±)Cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate
Water pollution control; State underground injection control programs:
618 Texas
PROPOSED RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
651 Bromoxynil
653 Chlorpyrifos
652 Methyl eugenol/malathion combination
654 Thiabendazole
NOTICES
Air quality; prevention of significant deterioration (PSD):
670 Louisiana; authority delegation
Pesticide registration, cancellation, etc.:
672 DuPont Oust Weed Killer, etc.
672 Ultra Fresh DM–50
Water pollution control:
670 Safe Drinking Water Act; implementation review and meetings

Farmers Home Administration
RULES
590 Community domestic water and waste disposal systems development grants
Loan and grant programs:
590 New full-time family farmer and rancher development project; correction

Federal Deposit Insurance Corporation
NOTICES
721 Meetings; Sunshine Act (2 documents)

Federal Energy Regulatory Commission
RULES
613 Information collection requirements
Natural Gas Policy Act of 1978:
614 Resales of natural gas, maximum lawful price, interim collections, etc.; and MMBtu content standard determination method; termination of partial stay of effective date and clarification
PROPOSED RULES
Natural Gas Policy Act of 1978:
638 High cost natural gas produced from intermediate deep drilling
NOTICES
Hearings, etc.:
659 Cook Electric, Inc.

660 El Paso Natural Gas Co.
662 Hodgson, Albert E.
661 Hydro Resource Co.
662 Jordan, John M.
663 Kansas Gas & Electric Co.
663 Linville, Richard K.
664 Louisiana Power & Light Co.
664 Modesto Irrigation District
660 Mono County, Calif.
664 Pacific Gas & Electric Co.
665 Rogers, Doris E.
665 Southern Co. Services, Inc.
667 Stevens, Warren L.
667 Tacoma, Wash.
667 Valero Interstate Transmission Co.
668 Wisconsin Public Service Corp.
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
665 South San Joaquin Irrigation District

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
616 Combination and manufactured (mobile) home lot loans; limit increase
617 Manufactured (mobile) home loans; limit increase

Federal Maritime Commission
PROPOSED RULES
Tariffs filed by common carriers in foreign commerce of U.S.:
655 Time/volume rate contracts; filing regulations; extension of time

Federal Reserve System
NOTICES
Applications, etc.:
673 Argyle Financial Services, Inc.
673 Norris Bancorp, Inc.
673 Spiro Bancshares, Inc.
Bankholding companies; proposed de novo nonbank activities:
673 Citicorp et al.
674 Privacy Act; systems of records; annual publication

Federal Trade Commission
NOTICES
721 Meetings; Sunshine Act

General Services Administration
NOTICES
Meetings:
674 Advisory Board

Health and Human Services Department
See National Institutes of Health; Social Security Administration.

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See Land Management Bureau; Reclamation Bureau.

International Trade Administration
RULES
Export licensing:
609 Foreign policy export controls extension
NOTICES
Meetings:
656 Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee
657 Telecommunications Equipment Technical Advisory Committee

International Trade Commission
NOTICES
Import investigations:
687 Cube puzzles
687 Hot air corn poppers and components
688 Log splitting pivoted lever axes
688 Mushrooms
689 Vacuum cleaner brush rollers
721 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
624 Escanaba & Lake Superior Railroad Co.
NOTICES
Motor carriers:
677, 679 Finance applications (2 documents)
679, 683 Permanent authority applications (2 documents)
685 Temporary authority applications
676 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate
Rail carriers:
687 Railroad cost of capital; limited revenue adequacy proceeding; extension of time
Railroad operation, acquisition, construction, etc.:
686 Colorado & Southern Railway Co.

Justice Department
See Justice Statistics Bureau.

Justice Statistics Bureau
NOTICES
689 Five year program plan

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
675 Farrell-Cooper Mining Co., Albuquerque, N. Mex.; and coal resources fair market value inquiry
Sale of public lands:
676 Nevada
Withdrawal and reservation of lands, proposed etc.:
675 Colorado; correction

Management and Budget Office
NOTICES
705 Agency forms under review

National Credit Union Administration
PROPOSED RULES
633 Reserves; full and fair disclosure requirements; use of accounting manual principles and standards; interpretive ruling and policy statement; extension of time

National Institutes of Health
NOTICES
Meetings:
732 Recombinant DNA Advisory Committee
Recombinant DNA molecules research:
732 Actions under guidelines

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
625 Foreign fishing fees
629 Northern anchovy
NOTICES
Procurement:
657 Distribution services, cost comparison; Government versus off-premises contract operation (OMB Circular A-76)

Nuclear Regulatory Commission
RULES
Plants and materials; physical protection:
600 Irradiated reactor fuel shipments; advance notification to State governors
Radioactive material packaging and transportation:
596 Nuclear waste; advance notification to States
NOTICES
Applications, etc.:
702 Baltimore Gas & Electric Co.
702 Duke Power Co. et al.
702 Florida Power Corp. et al.
703 GPU Nuclear Corp. et al.
702 Jersey Central Power & Light Co.
704 Nuclear Diagnostics, Inc.
703 Tennessee Valley Authority
704 Wisconsin Electric Power Co.

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer pension plans; bond/escrow exemption request:
711 Southland Corp.

Reclamation Bureau
RULES
624 Teton flood victims; sale of replacement farm units; CFR Part removed
NOTICES
Land jurisdiction transfer:
676 Idaho National Energy Laboratory Lands transfer to Department of Energy

Securities and Exchange Commission
RULES
609 Equal Access to Justice Act; implementation; final rule and request for comments
NOTICES
Hearings, etc.:
712 Eaton & Howard Special Fund, Inc.
713 Financial Institutions Series Trust
715 Real Estate Associates Ltd. IV et al.
718 United States & Foreign Securities Corp.
Self-regulatory organizations; proposed rule changes:
717 National Association of Securities Dealers, Inc.

Small Business Administration
NOTICES
Small business investment companies:
719 Maximum annual cost of money to small business concerns; Federal Financing Bank rate

Social Security Administration
PROPOSED RULES
Social security benefits and supplemental security income:
642 Impairment-related work expenses for gainful activity and determining countable earned income purposed

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
719 Clothespins; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
656 Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, San Francisco, Calif. (partially open), 1-21-82
657 Telecommunications Equipment Technical Advisory Committee, Fiber Optic Subcommittee, Washington, D.C. (partially open), 1-26-82

DEFENSE DEPARTMENT
Army Department—
658 Army Science Board, Washington, D.C. (closed), 1-21 and 1-22-82
658 Army Science Board, Huntsville, Ala. (closed), 2-2 and 2-3-82

ENVIRONMENTAL PROTECTION AGENCY
Implementation of Safe Drinking Water Act:
670 Washington, D.C. (open), 2-4 and 2-5-82
670 San Francisco, Calif. (open), 2-8 and 2-9-82

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
732 Recombinant DNA Advisory Committee, Bethesda, Md. (open), 2-8 and 2-9-82

CHANGED MEETING

GENERAL SERVICES ADMINISTRATION
674 General Services Administration Advisory Board, Washington, D.C. (partially open), morning session added, 1-7-82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
905..... 589
1924..... 590
1942..... 590
Proposed Rules:
102..... 631
979..... 631

9 CFR
92..... 591

10 CFR
71..... 596
73..... 600

12 CFR
Proposed Rules:
702..... 633

14 CFR
298..... 604
Proposed Rules:
296..... 633
297..... 633

15 CFR
371..... 609
373..... 609
376..... 609
378..... 609
385..... 609
399..... 609

17 CFR
201..... 609

18 CFR
Ch. I..... 613
270..... 614
Proposed Rules:
271..... 638
273..... 638
274..... 638

20 CFR
Proposed Rules:
404..... 642
416..... 642

21 CFR
193..... 616

24 CFR
201 (2 documents)..... 616, 617

34 CFR
674..... 736
675..... 736
676..... 736
690..... 736

40 CFR
123..... 618
180 (5 documents)..... 619–623
Proposed Rules:
180 (4 documents)..... 651–654

43 CFR
428..... 624

45 CFR
Proposed Rules:
536..... 655

49 CFR
Ch. X..... 613
1033..... 624

50 CFR
611..... 625
662..... 629

Rules and Regulations

Federal Register
Vol. 47, No. 3
Wednesday, January 6, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 3]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh shipments of Honey tangerines from 2 11/16 inches to 2 9/16 inches in diameter on and after January 4, 1982. This action allows an increase in the supply of tangerines in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

Interim regulation 5, setting minimum grade and size requirements for Florida Honey tangerines, was effective for the period October 19, 1981, through December 6, 1981. The final rule became effective on and after December 7, 1981. The final rule provided, among other things, that the minimum diameter of Florida Honey tangerines be not smaller than 2 11/16 inches.

This amendment would relax limitations on the handling of Honey tangerines by permitting each handler, on and after January 4, 1982, to ship 176 size (2 9/16 inches) Honey tangerines.

The committee reports that the total quantity of Dancy tangerines and tangelos, which are currently being harvested, is less than anticipated and there is a need to augment the total available supply of fruit for market by permitting shipment of smaller sized Honey tangerines. Honey tangerines are maturing approximately two weeks early this season. This amendment allows shipment of smaller sizes which normally would not be mature at this time. Growers and packers also need to include Honey tangerines in their harvesting operations to avoid the loss of harvesting and packing crews which would be idle due to the diminishing supply of Dancy tangerines and tangelos. Thus, relaxation of the regulation is necessary to allow a greater proportion of the available supply of marketable fruit to reach the market.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Honey tangerines. Handlers have been apprised of such provisions and the effective date.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6 (46 FR 60170; 60411; 61441) are amended by amending Table I, paragraph (a) and Table II, paragraph (b) to read as follows:

§ 905.306 Orange, grapefruit, tangerine and tangelo regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	On and after Jan. 4, 1982.	Florida No. 1	2 9/16

* * * * *

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	On and after Jan. 4, 1982.	Florida No. 1	2 9/16

* * * * *

(Secs. 1–19, 48 Stat. 31, amended; 7 U.S.C. 601–674)

Dated: December 30, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-295 Filed 1-5-82; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1924

New Full-Time Family Farmer and Rancher Development Project—Correction

AGENCY: Farmers Home Administation, USDA.

ACTION: Final rule—correction.

SUMMARY: This document corrects a final rule published December 14, 1981 (46 FR 60801). This action is necessary as this regulation no longer applies to Single Family Housing borrowers who are not also indebted for an active farmer program type loan.

FOR FURTHER INFORMATION CONTACT: Carl O. Opstad, Directives Management Branch, Farmers Home Administration, USDA, Washington, D.C. 20250, telephone (202) 382-9725.

PART 1924—CONSTRUCTION AND REPAIR

The following correction is made in FR Doc. 81-35693 appearing on pages 60801 through 60806 in the issue of December 14, 1981.

Section 1924.51 appearing on page 60803 is corrected to read as follows:

§ 1924.51 General.

This Subpart sets forth policies for providing management assistance to individual applicants and borrowers. The term "individual" as used in this Subpart also applies to farming partnerships, corporations and cooperatives receiving Farmer Program loans. This Subpart pertains to all insured loan applicants/borrowers who depend on farm income for loan repayment (except for Rural Housing (RH) borrowers who are not also indebted for an active farmer program type loan), including those Farm Ownership (FO), Soil and Water (SW) and/or Operating (OL) loan applicants and borrowers who are afforded the services of a "New Full-Time Family Farmer and Rancher Development Committee." (See Exhibit A of this Subpart).

(7 U.S.C. 1989; 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: December 28, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-334 Filed 1-5-82; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding development grants for community domestic water and waste disposal systems. The purpose of this action is to clarify the information to be submitted to the National Office for projects requesting 100 percent grant funding and to specify that Form FmHA 1942-31, "Association Water or Sewer System Grant Agreement," be executed at the time of grant closing. The action is needed to eliminate the premature execution of the grant agreement.

EFFECTIVE DATE: January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Yoonie MacDonald, Loan Specialist, (202) 447-5717, Room 6322, South Agriculture Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor.

Two options were considered in selecting the final option: (1) No action on part of FmHA. This would result in either the Administrator not having adequate information by which to make funding determination or a written request be made to state directors for additional information on a case-by-case basis. Also applicants would continue to execute the document at inappropriate time. (2) Clarify and amend regulations to include changes as stated. Option 2 is selected since it appears to best meet the needs that exist for FmHA and the public.

This action will not result in any increase in costs to the Government or the public and will not affect the proposed budget levels. It is believed that this action will not cause any adverse impact on the public or any part associated with grant assistance and requires no additional recordkeeping. The major impact of this regulation change will be the improved efficiency of the agency and public in use and interpretation of the regulations. We do not foresee any significant economic or social effects from this action.

These regulations are currently under agency review and will be submitted to OMB for clearance in accordance with the provisions of the Federal Reports Act of 1942.

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

((CFDA No. 10.418) (Water and Waste Disposal Systems for Rural Communities))

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

Section 1942.357 of Subpart H, Part 1942, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended to clearly define the information to be provided by the State Director to the Administrator for projects which request grant only assistance on FmHA portion of project funding. This will prevent submission of incomplete material for National Office review; and clarify that Form FmHA 1942-31, "Association Water and Sewer System Grant Agreement," is to be executed only at the time of grant closing. The present regulation has resulted in applicants executing grant agreements prematurely.

FmHA published this amendment as a proposed rule in the **Federal Register** on December 10, 1980, (45 FR 81211) and requested comment. No comments were received and the proposed rule is being published as a final rule without change.

PART 1942—ASSOCIATIONS

Accordingly, in § 1942.357 of Subpart H of Part 1942, paragraph (b) is redesignated to (c), a new (b) is added, and (c)(1) is revised to read as follows:

§ 1942.357 Application review and approval.

* * * * *

(b) All grants that require National Office review will be submitted in accordance with § 1942.5(b)(1) of Subpart A of Part 1942 of this Chapter.

(c) * * *

(1) An item which reads:

"Attached is a copy of Form FmHA 1942–31, 'Association Water or Sewer System Grant Agreement' for your review. You will be required to execute a completed form at the time of grant closing."

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: December 2, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-312 Filed 1-5-82; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 81-071]

Importation of Birds; Procedures for the Approval of Commercial Bird Quarantine Facilities and Recovery of Costs of Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends Title 9, Code of Federal Regulations, Part 92, to make the operator of an approved quarantine facility for the importation of birds responsible for the maintenance and operation of the quarantine facility and for the cost of services provided by the Department at the quarantine facility. This action is necessary because an operator of an approved quarantine facility for the importation of birds controls the facility, and, therefore, is in a better position than an importer to assure that the quarantine facility is maintained and operated in accordance with the regulations in Title 9, Code of Federal Regulations, Part 92, and to pay for charges for services provided by the Department at the quarantine facility. The effect of this action is to relieve an importer of birds of the responsibilities presently imposed upon him by the regulations in Title 9, Code of Federal Regulations, Part 92, for the maintenance and operation of an approved quarantine facility for the importation of birds and for the costs for services provided by the Department at the approved quarantine facility. All costs for the use of a facility by an importer could be negotiated with the operator of the facility.

This document also amends Title 9, Code of Federal Regulations, Part 92, to provide for withdrawal of approval of any approved quarantine facility which has not been used to quarantine birds for a period of one year. This action is necessary to prevent a misallocation of Department personnel which may result when Department personnel are made available to provide services at approved quarantine facilities which remain unused for prolonged periods of time. The effect of this action is to give the Deputy Administrator the authority to withdraw approval from any approved quarantine facility which has not been used to quarantine birds for a period of one year.

This document also amends Title 9, Code of Federal Regulations, Part 92, to reduce the time from 7 days to 3 days, from the most recent contact with birds in an approved quarantine facility, that designated personnel employed by a Cooperator agree to refrain from having contact with other birds and poultry. The intended effect of this action is to provide for better management and utilization of personnel while still maintaining adequate disease control at approved quarantine facilities.

EFFECTIVE DATE: February 5, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Classification: This final action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule." The Department has determined that this action will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Regulatory Flexibility

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Only 10 of the 93 approved bird quarantine facilities are presently not active. These 10 approved bird quarantine facilities could be affected by this action which provides the Deputy Administrator authority to withdraw approval from those facilities which have not been used for one year or longer. This action also makes the operator of approved bird quarantine facilities, rather than the importer of the birds, responsible for the costs and operations of the approved bird quarantine facilities. However, currently operators of approved quarantine facilities also import birds into the facilities, and, other importers which may use any of the facilities could negotiate all costs for the use of the facilities with operators of the facilities. Also, this action reduces the time from 7 days to 3 days, from the most recent contact with birds in an approved quarantine facility, that designated personnel employed by a Cooperator agree to refrain from having contact with other birds and poultry. Although this aspect of the amendment affects all 93 entities currently approved as bird quarantine facilities, the amendment should not have a significant economic impact because it merely reduces by 4 days the amount of time that designated employees of Cooperators must refrain from contact with other birds and poultry to avoid possible transmission of disease organisms.

Background

On Friday, April 24, 1981, there was published in the **Federal Register** (46 FR 23264) a proposed amendment to the regulations (9 CFR Part 92) concerning reducing the time from 7 days to 3 days, from the most recent contact with birds in an approved quarantine facility, that designated personnel employed by a Cooperator agree to refrain from having contact with other birds and poultry.

A 60 day comment period was provided for receipt of comments which expired on June 24, 1981. No comments were received.

On Monday, May 11, 1981, there was published in the **Federal Register** (46 FR 26065–26069) a proposed amendment to the regulations (9 CFR Part 92) concerning a shift of responsibility for the maintenance and operation of an approved quarantine facility and for the costs of services provided by the Department at a quarantine facility. Essentially, the document proposed to shift all such responsibilities from the importer of birds solely to the operators of quarantine facilities. Further, the document proposed that the Deputy Administrator have the authority to withdraw approval from any approved quarantine facility which has not been used to quarantine birds for a period of one year.

A 60 day comment period was provided for receipt of comments which expired on July 10, 1981. Three comments were received, all of which were against that aspect of the proposal

which would provide the Deputy Administrator with authority to withdraw approval from an approved quarantine facility which has not been used to quarantine birds for a period of one year. One commentor contended that importers and operators were being forced from the "free enterprise" system. Further, the commentor stated that the operation of an approved quarantine facility for some importers and operators is their only means of support.

The Department believes that a quarantine facility which remains unused for a period of one year or more is not a major source of income. The Department does not intend to "force" importers or operators from the "free enterprise system" or to remove from such persons, their only or major means of support. As stated in the proposal, the Deputy Administrator only has authority to remove approval from facilities which have not been used to quarantine birds for a year or longer. The Department's intent is to prevent a misallocation of personnel which results when the Department makes personnel available to provide services at approved quarantine facilities which remain unused for prolonged periods of time.

Another commentor was concerned that a 90-day ban on countries infected with viscerotropic velogenic Newcastle disease (VVND) would affect the supply of birds. It was suggested that this lack of supply would make it impossible for an operator to use an approved quarantine facility for a year or longer. This in turn would give the Deputy Administrator authority to withdraw approval from the quarantine facility. Furthermore, experience has shown that a 90-day ban involves only a few countries at a time and there always has been an adequate supply of birds from countries in which there is no ban. There has never been a situation in which inadequacy of supply caused nonuse of an approved quarantine facility for a period of one year.

The third comment stated that operators would be forced to use their approved quarantine facilities at least once a year and, if necessary, to accomplish this purpose, import birds of questionable disease status (possibly infected with VVND) in order to keep the quarantine facility active. Birds infected with VVND would not pass quarantine and, therefore, would not enter the United States. Further, there has always existed an abundant supply of birds which can be entered into an approved facility with some assurance that they are not affected with VVND. The Department does not anticipate that any operator will be forced to place questionable birds in an approved facility to assure that it is used once a year. However, in light of these comments, the Department has amended the proposed rule concerning the Deputy Administrator's authority to withdraw approval from any approved quarantine facility which has not been used to quarantine birds for a period of one year. The amendment eliminates the provision which would have made the withdrawal of approval effective upon receipt by the operator of written notice from the Deputy Administrator of the withdrawal of approval, and places the provisions for withdrawal of approval of quarantine facilities which have not been used to quarantine birds for a period of one year in a new subparagraph (ii)(D) in § 92.11(f)(6). Therefore, the provisions regarding notice and opportunity for a hearing set forth in present § 92.11(f)(6)(i) are applicable to a withdrawal of approval based upon the failure to use an approved quarantine facility to quarantine birds for a period of one year. These provisions provide a forum in which an operator of a quarantine facility will be afforded an opportunity for a due process hearing regarding the merits or validity of a withdrawal of approval of the facility for failure to use it for a period of one year.

Alternatives Considered

1. Do not amend the regulations.
(a) *Advantages:*
(i) None.
(b) *Disadvantages:*
(i) Allows approved quarantine facilities to stand idle for prolonged periods thereby causing a misallocation of Department personnel who are made available to provide services at such facilities.
(ii) The operator at present may have no financial responsibility for a bird importation, and the operation and maintenance of the facility may not be the sole responsibility of the operator but may be shared with the importer. However, the importer may not control and operate the facility, and, therefore, would not be able to assure that the quarantine facility is always maintained and operated in accordance with the regulations.
(iii) Continued confusion in billing and identification or persons responsible for costs.
(iv) Continued separate cooperative agreements with importers and operators before facility may be used for importing birds.
(c) *Costs:*
If the regulations are not amended, no new costs will be incurred by either the Department or industry.

2. Amend present regulations to provide the Deputy Administrator with authority to withdraw approval from quarantine facilities which have not been used to quarantine birds for a period of one year and place fiscal responsibility on the operator.
(a) *Advantages:*
(i) This amendment would place more responsibility on the operators of bird quarantine facilities to comply with USDA regulations and thereby reduce the risk of VVND and other communicable diseases of poultry entering the United States.
(ii) The amended regulations would eliminate unused quarantine facilities and thereby reduce costs to the Department caused by the allocation of personnel to provide services for such quarantine facilities.
(iii) All financial and operational responsibility would be fixed on the operator and thereby focus responsibility on a single entity.
(iv) Eliminates a cooperative agreement with the importer, thereby reducing the amount of paperwork and administrative costs necessary for approving the use of quarantine facilities.
(b) *Disadvantages:*
The operator would be more responsible for bird shipments which would make them more cautious in business dealings, perhaps reducing the number of bird shipments.
(c) *Costs:*
(i) USDA costs may be reduced because personnel will not have to be allocated for quarantine facilities that are used less frequently than once a year.
(ii) This amendment would shift fiscal responsibility from the importer to the operator.

3. Provide for withdrawal of approval for quarantine facilities which are not used to quarantine birds for one year but leave costs the responsibility of the importer.
(a) *Advantages:*
(i) Permits the Department to terminate approval of inactive approved quarantine facilities after they have remained unused for a year.
(ii) Less opposition by operators.
(b) *Disadvantages:*
Same as under 1 (ii)–(iv).
(c) *Costs:*
(i) USDA costs may be reduced because personnel will not have to be allocated for quarantine facilities that are used less frequently than once a year.
(ii) No change in costs for industry.

4. Reduce the waiting period that the Cooperator's designated employees in

commercial bird quarantine facilities refrain from contact with other birds and poultry from 7 days to 3 days following the most recent contact with birds in the approved quarantine facility.

(a) *Advantages:*

(i) Would permit better management and utilization of personnel for the industry.

(b) *Disadvantages:*

(i) None—less restrictive.

(c) *Cost:*

(i) No additional costs will be incurred by the Department or the industry and costs, because of the ability to better utilize personnel, may be reduced for the industry.

Options 2 and 4 were selected as providing more effective management and disease controls.

Approval of Quarantine Facilities and Costs of Operation

The regulations in 9 CFR 92.11(e) require that each lot of commercial birds, zoological birds, or research birds imported into the United States be quarantined for a minimum of 30 days at a USDA quarantine facility or in a facility provided by the importer and approved by the Deputy Administrator. Section 92.11(f) provides that to qualify as an approved quarantine facility and to retain such approval, certain standards for approved quarantine facilities and handling procedures for the importation of birds must be met and that the cost of the facility and all costs associated with its maintenance and operation shall be borne by the importer. Section 92.12(a) provides that the Deputy Administrator, Veterinary Services, may prescribe rates for the costs to the Department incurred in the care, feed, and handling of the birds, sanitation of the facilities, inspection, and other services as may be required from the time of unloading at a quarantine port to the time of release from quarantine.

On August 9, 1978, there was published in the **Federal Register** (43 FR 35457–35459) a rule that required importers, effective October 1, 1978, to reimburse Veterinary Services for all costs incurred in providing services required at approved quarantine facilities for the importation of birds, and a schedule of fees to be charged importers for such services. Further, the regulations in § 92.11 paragraphs (e) and (f) impose responsibility for the maintenance and operation of approved quarantine facilities upon the importer using such facilities. This document amends § 92.11(e), (f), and (g) of the regulations to require that the operator of the facility, rather than the importer, pay for all charges for services provided by Veterinary Services at the approved quarantine facility and bear all costs associated with and be responsible for the maintenance and operation of the facility. This amendment is necessary because an operator of an approved quarantine facility controls the facility and, therefore, is the more logical person upon which to impose such costs and charges and responsibility for the maintenance and operation of the facility in accordance with the applicable regulations.

Presently, § 92.11(e) requires, among other things, that imported birds be quarantined for 30 days at a USDA quarantine facility or in a facility provided by the importer and approved by the Deputy Administrator. This document amends § 92.11(e) to eliminate the requirement that the approved quarantine facility be provided by the importer. The Department does not believe that this requirement is necessary. The Department's concern is that if the birds are not quarantined in a USDA quarantine facility, the birds must be quarantined in a facility approved by the Deputy Administrator.

Presently, §§ 92.11(e) and 92.11(f)(7)(i) of the regulations require, among other things, that when an approved quarantine facility is about to be used, a Cooperative and Trust Fund Agreement as set forth in § 92.11(f)(7) of the regulations must be executed by the importer and the Department and appropriate funds deposited with the Deputy Administrator. Further, § 92.11(f)(7)(ii) of the regulations only authorizes the Deputy Administrator to provide services required by an importer at an approved quarantine facility if the Deputy Administrator determines that the importer has executed a Cooperative and Trust Fund Agreement. This document amends §§ 92.11(e) and 92.11(f)(7)(i) to require that, prior to the use of an approved quarantine facility, the operator rather than the importer must execute the Cooperative and Trust Fund Agreement and deposit appropriate funds with the Deputy Administrator. Further, this document amends § 92.11(f)(7)(ii) to authorize the Deputy Administrator to provide services required by the operator at an approved quarantine facility if the Deputy Administrator determines that the operator has executed a Cooperative and Trust Fund Agreement. These amendments are necessary because the operator is the person in control of the approved quarantine facility and, therefore, is in a better position than an importer to ensure that the facility is maintained and the birds are handled in accordance with the terms of the Cooperative and Trust Fund Agreement.

Presently, § 92.11(f)(7)(iii) sets forth the Cooperative and Trust Fund Agreement which must be executed by the importer and the amount of money which must be deposited with the Veterinary Services. As stated above, this document requires that the operator execute the Cooperative and Trust Fund Agreement and deposit agreed upon amounts of money with Veterinary Services. Therefore, this document amends the Cooperative and Trust Fund Agreement set forth in § 92.11(f)(7)(iii) to provide for the execution of such Agreement by the operator of the facility and for the depositing of funds with Veterinary Services by the operator of the facility.

Presently, § 92.11(f)(8) provides for a separate Cooperative Agreement to be executed by the operator of the quarantine facility and the Animal and Plant Health Inspection Service. These amendments delete § 92.11(f)(8) and place the terms of this agreement in the Cooperative and Trust Fund Agreement in § 92.11(f)(7)(iii). The need for two agreements is no longer necessary because the person who would be required to execute the two agreements are the same. Therefore, the two agreements are combined, reducing the amount of paperwork and administrative costs necessary prior to the use of approved quarantine facilities.

Importers wishing to use a facility should benefit from these amendments by negotiating all costs for the use of the facility with the operator of the facility. The Department benefits by having a responsible operator with a financial interest provide responsible management of the facility. By adopting this procedure, importers applying for a permit would not be required to execute a Cooperative and Trust Fund Agreement nor deposit the required funds with the Department. It would only be necessary for the applicant to reserve space at an approved facility.

Presently, § 92.11(f)(6) provides that approval of a quarantine facility will only be given after an inspection of the facility to determine if the facility meets the standards set forth in § 92.11(f). Further, approval may be withdrawn or denied if, among other things, any requirement of § 92.11 is not met. This document amends § 92.11(f)(6) to provide that approval of any facility may also be withdrawn by the Deputy Administrator, if the approved quarantine facility has not been used to quarantine birds for a period of one year. Before the withdrawal of approval

the operator of the facility will be informed of the reasons for the proposed action and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action in accordance with rules of practice which shall be adopted for the proceeding. This additional ground for withdrawal is necessary to prevent a misallocation of personnel which results when the Department makes personnel available to provide services at approved quarantine facilities which remain unused for prolonged periods of time.

The Department has approved 93 privately owned quarantine facilities for the quarantine of imported birds. Of these, 10 facilities have not been used to quarantine birds since being approved.

Waiting Period for Employees

It is important that employees of Cooperators operating approved bird quarantine facilities carry out their duties in ways to avoid the possible transmission of Newcastle disease virus from one premises or area to another.

Therefore, the Cooperative and Trust Fund Agreement requires a Cooperator to furnish to the Service a signed statement from each of the designated personnel employed by the Cooperator. This signed statement must contain an agreement by such personnel that for a period of 7 days, from their most recent contact with birds in the approved quarantine facility, such personnel will refrain from having contact with other birds and poultry. Such condition shall not be applicable from the date that the birds are released from quarantine.

The operational requirements for an approved quarantine facility provide that personnel granted access to the bird holding area wear protective clothing and footwear which are removed and decontaminated after being soiled or contaminated. Further, such personnel must shower when leaving the bird holding and necropsy areas.

Based upon information provided by the Department's scientific advisors that work with exotic Newcastle disease, it appears that personnel who follow these decontamination procedures would not transmit the virus after a period of 3 days following exposure to the virus. Therefore, to provide more effective management and utilization of personnel, the Cooperative and Trust Fund Agreement is amended to require that the Cooperator furnish to the Service a signed statement from each of the designated personnel in which such personnel agree that for a period of 3 days from the most recent contact with birds in the approved quarantine facility, the designated personnel will refrain from having contact with other birds and poultry.

The Department is amending the regulations as proposed with only a few minor nonsubstantive changes.

The proposed amendment of Monday, May 11, 1981, (46 FR 26065–26069) proposed the addition of the definitions of the words "person" and "operator" as new proposed §§ 92.1(y) and 92.1(z). These words were defined just as set forth in the proposal, in a final rule published on Monday, May 11, 1981 (46 FR 26040–26042). The Department, therefore, believes there is no reason to republish the definitions of these words in this document except to correct a typographical error in the definition of the word "operator."

The proposal, (46 FR 26065–26069) would have amended the Cooperative and Trust Fund Agreement to provide that the operator enter into said agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, rather than the United States Department of Agriculture, Animal and Plant Health Inspection Service, rather than the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. The Department did not intend to amend the Cooperative and Trust Fund Agreement in this manner. Therefore, this final rule retains the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, as one of the parties of said agreement.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.1(z) (46 FR 26041) the typographical error is corrected to read:

§ 92.1 Definitions.

* * * * *

(z) *Operator.* For the purposes of § 92.11 any person operating an approved quarantine facility.

§ 92.11 Quarantine requirements. [Amended]

2. In § 92.11(e), the following phrase in the first sentence is removed:

* * * * *

(e) *Birds.* * * * which are provided by the importer and * * *

3. In § 92.11(e), the period at the end of the third sentence is removed and a comma is added in its place.

4. In § 92.11(e), the 7th and 8th sentences are revised to read:

* * * * *

(e) *Birds* *** Prior to use of an approved quarantine facility, a Cooperative and Trust Fund Agreement as set forth in paragraph (f)(7) of this section shall be executed by the operator of the facility and the Department and appropriate funds shall be deposited with the Deputy Administrator pursuant to the Cooperative and Trust Fund Agreement. During the quarantine period, the operator of the facility and the importer shall comply with handling procedures (including inspection and testing) as provided in paragraph (f) of this section.

* * *

* * * * *

5. In § 92.11(f), the second sentence of the introductory text is revised to read:

* * * * *

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* *** The cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator in accordance with the provisions of §§ 92.11(g) and 92.12 (a) and (c).

* * * * *

6. In § 92.11, new paragraph (f)(6)(ii)(D) is added to read:

* * * * *

(f) * * *
(6) * * *
(ii) * * *

(D) The approved quarantine facility has not been used to quarantine birds for a period of one year.

* * * * *

7. In § 92.11(f)(7)(i), the first sentence is revised to read:

* * * * *

(f) * * *

(7) *Cooperative and Trust Fund Agreement for services required by operator of approved quarantine facilities for the importation of birds.* (i) When a quarantine facility for the importation of birds is approved by the Deputy Administrator as provided in paragraph (e) of this section, a Cooperative and Trust Fund Agreement as set forth in paragraph (f)(7)(iii) of this section shall be executed by the operator of the facility and the Department and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, funds adequate to cover all costs incurred by the

Department in providing services required for two complete quarantine periods in accordance with the provisions of the Cooperative and Trust Fund Agreement.

* * * * *

7. Section 92.11(f)(7)(ii) is revised to read:

* * * * *

(f) * * *

(7) * * *

(ii) The Deputy Administrator is authorized to provide services required by the operator of an approved quarantine facility in conjunction with the importations made through the facility for the importation of birds when he determines that the operator has executed a Cooperative and Trust Fund Agreement specified in paragraph (f)(7)(iii) of this section and has deposited funds in connection therewith as provided in such agreement.

* * * * *

9. In § 92.11(f)(7)(iii), the first sentence and the second sentence up to the first comma are revised to read:

* * * * *

(f) * * *

(7) * * *

(iii) *Cooperative and Trust Fund Agreement.*

Cooperative and Trust Fund Agreement between——(name of operator) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

This Agreement is made and entered into by and between——(name of operator), hereinafter referred to as the Cooperator ***

* * * * *

10. In § 92.11, paragraph (f)(7)(iii)(A) is revised to read:

* * * * *

(f) * * *

(7) * * *

(iii) * * *

(A) *The Cooperator Agrees:*

(1) To operate the approved quarantine facility in accordance with all Federal Laws and regulations.

(2) To provide a current list of designated personnel employed by the Cooperator who will be used to handle and care for birds during a quarantine period. The list will include the legal names, current residential addresses, and social security numbers of the designated personnel. The list will be furnished to the port veterinarian at the time an application for an import permit to import birds into the quarantine facility is submitted to the Service. The list will be updated for any changes in or additions to the designated personnel in advance of such personnel working in the quarantine facility.

(3) To furnish to the Service a signed statement from each of the designated personnel employed by the Cooperator which provides that such personnel agree that for a period of 3 days from their most recent contact with birds in the approved quarantine facility, such personnel will refrain from having contact with other birds and poultry. Such condition shall not be applicable from the date that the birds are released from quarantine.

(4) To not permit any designated personnel which the Service determines to be unfit to be employed at a quarantine facility upon written notice from the Service. Such determination shall be based upon such employee's committing or aiding and abetting in the commission of any violation of Title 9, Code of Federal Regulations, Part 92. The Cooperator further agrees to suspend any designated employee from working at a quarantine facility when the Service has reason to believe that such employee has violated any provision of Title 9, Code of Federal Regulations, Part 92, and the Deputy Administrator has determined that the actions of such employee constitute a severe threat to introduce or disseminate a communicable disease of poultry into the United States. Such action shall be made upon receipt of notice from the Service requiring such action by the Cooperator.

(5) To allow the unannounced entry into the quarantine facility of Service personnel or other persons authorized by the Service for the purpose of inspecting birds in quarantine, the operations at the quarantine facility and to ascertain compliance with the Standards for approved quarantine facilities and handling procedures for importation of birds contained in Title 9, Code of Federal Regulations, § 92.11(f).

(6) To provide permanent restrooms in both the clean and the quarantine areas of the approved quarantine facility.

(7) To provide a T.V. monitoring system or a window or windows sufficient to provide a full view of the quarantine area excluding the clothes changing area.

(8) To install a communication system between the clean and quarantine areas of the approved quarantine facility. Such communication system shall not interfere with the maintenance of the biological security of the quarantine area.

(9) To secure all windows and any openings in the quarantine facility in a manner satisfactory to the Department which will insure the biological security of the quarantine facility and prevent the unauthorized removal of birds.

(10) To install tamperproof hasps and to install hinges on doors from which the pins cannot be removed.

(11) To install a hood with a viewing window over the necropsy table.

(12) To bag waste material in leakproof bags. Such material shall be handled in a manner that spoilage is kept to a minimum and control of pests is maintained. Such material shall be disposed of by incineration or by public sewer or other method authorized by the Deputy Administrator to prevent the spread of disease. The disposition of such material shall only be under the direction and supervision of the Service.

(13) To feed chlortetracycline to psittacine birds, upon their arrival in the facility, in accordance with the guidelines of the United States Public Health Service to reduce the risk of infecting Service employees, as well as other individuals having contact with the birds. If non-psittacine species are quarantined in the same facility with psittacine species, they will all be fed the chlortetracyline-medicated feed.

(14) To install an electronic security system which is coordinated through or with the local police so that monitoring of the quarantine facility is maintained whenever Service personnel are not at the facility or, in lieu of such electronic monitoring system to arrange for continuous guarding of the facility with personnel from a bonded, security company. *Provided,* That, if exotic Newcastle disease is diagnosed in any of the birds in the quarantine facility, continuous guarding of the facility with personnel from a bonded security company shall be maintained by the Cooperator. The electronic security system if installed shall be of the "silent type" and shall be triggered to ring at the monitoring site and not at the facility. The electronic system shall be approved by Underwriter's Laboratories.

Written instructions shall be provided to the monitoring agency which shall require that upon activation of the alarm, the police and a representative of the Service designated by the Service shall be notified by the monitoring agency. Such instructions, as well as any changes in such instructions, shall be filed in writing with the Deputy Administrator, Veterinary Services. The Cooperator shall notify the Service whenever a break in security occurs or is suspected of occurring.

(15) To not have non-Service personnel in the quarantine area when birds are in the quarantine facility unless Service personnel are present.

(16) To have seals of the Service placed on all entrances and exits of the facility when determined necessary by the Service and to take all necessary steps to insure that such seals are only broken in the presence of Service personnel.

(17) To decide what the disposition of a lot of birds will be within 48 hours following official notification that such a lot is infected with or exposed to velogenic viscerotropic Newcastle disease. Final disposition of the infected or exposed lot is to be accomplished within 4 working days following official notification. Disposition of the birds will be under the supervision of the Service.

(18) To furnish a telephone number or numbers to the Service at which the Cooperator can be reached on a daily basis or furnish the same for an agent or representative that can act and make decisions on the Cooperator's behalf.

(19) To deposit with the Service upon execution of this agreement the amount of $—— (equal to the approximate cost to the Department for two 30-day quarantine periods) to be used by the Service to defray all expenses incurred by the Service in providing services required, and as funds from that amount are obligated, monthly bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level.

(20) To provide for the maintenance and operation of the approved quarantine facility

in accordance with standards for approved quarantine facilities and handling procedures for importation of birds as provided in Part 92 of 9 CFR.

* * * * *

11. In § 92.11(f)(7)(iii)(B), paragraphs (3)–(7) are added to read:

* * * * *

(f) * * *
(7) * * *
(iii) * * *
(B) *The Service Agrees:*

* * * * *

(3) To issue or validate permits on a timely basis depending upon the availability of personnel.

(4) To inform the Cooperator when a diagnosis of VVND has been made in any facility.

(5) To promptly inform the Embassy or Consulate of the foreign country to which lots of birds, refused entry into the United States due to a diagnosis of VVND, are to be shipped.

(6) To notify in writing the Cooperator of any designated employee which the Service believes should be suspended from work at the approved quarantine facility and the basis for such action. Similar notice shall be afforded to the designated employee. Subsequent to such suspension, the designated employee shall have the right to request an immediate review of such action by the Deputy Administrator, Veterinary Services, including presenting his views to the Deputy Administrator in an informal conference. If the Deputy Administrator makes a final determination that grounds existed to suspend such employee, he shall notify the Cooperator and the suspended employee of his decision and such employee shall be discharged by the Cooperator.

(7) Prior to any final determination being made by the Service concerning the discharge of any designated personnel employed by the Cooperator, the Service will inform, in writing, the Cooperator and the designated personnel of the basis for such action. If such person contests such action he or she shall be permitted to present his or her views to the Deputy Administrator, Veterinary Services, provided such request is made within 30 days of the receipt of the aforementioned written notice. If a final determination is made by the Deputy Administrator that such personnel should be discharged, he shall notify such personnel and the Cooperator of such determination.

* * * * *

12. In § 92.11(f)(7)(iii)(C), paragraphs (1), (2), and (3) are redesignated (3), (4), and (5) respectively, and new paragraphs (1) and (2) are added to read:

* * * * *

(f) * * *
(7) * * *
(iii) * * *
(C) *It is Mutually Agreed and Understood:*

(1) That a maximum capacity will be established for each approved quarantine lot. This will be based upon the capacity of the approved quarantine facility to handle the birds. The number of birds on the permits will not exceed this capacity.

(2) If the seals referred to in paragraph (f)(7)(iii)(A)(16) of this section are broken by other than Service personnel, it will be considered a breach in security and an immediate accounting of all birds in the facility shall be made by the Service. If any birds are determined to be missing from the facility, the quarantine period will be extended for at least an additional 30-day period.

* * * * *

13. In § 92.11(f)(7)(iii)(C), the paragraph following the signature block is removed.

14. Section 92.11(f)(8) is removed.

15. In § 92.11(g), the introductory language up to the colon is revised to read:

* * * * *

(g) *Charges for services.* The charges to be borne by the operator for services provided for quarantine facilities approved in accordance with paragraph (f) of this section shall be:

* * * * *

(41 Stat. 270, sec. 2, 32 Stat. 792, as amended, sec. 11, 88 Stat. 734, as amended, secs. 2, 3, and 4, 76 Stat. 129, 130, and sec. 11, 76 Stat. 132 (7 U.S.C. 450b and 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f respectively))

Done at Washington, D.C., this 28th day of December 1981.

J. K. Atwell,
Deputy Administrator, Veterinary Services.

[FR Doc. 82-86 Filed 1-5-82; 8:45 am]
BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Advance Notification to States of Transportation of Certain Types of Nuclear Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to implement a federal statute which requires the NRC to promulgate regulations providing for timely notification to the governor of any state prior to transport of certain types of nuclear waste, including spent fuel, to, through, or across the boundary of that state. This notification provides the governor advance information, not otherwise available to the governor, related to nuclear waste transportation in his state. Shipment of spent fuel is covered under a separate amendment to the Commission's regulations on the physical protection of plants and materials since information regarding these shipments contains sensitive safeguards data which must be protected.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Roberts, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–427–4205).

SUPPLEMENTARY INFORMATION:

Background

Section 301(a) of Pub. L. 96–295 requires the Nuclear Regulatory Commission to

Promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. Such notification requirement shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public.

On December 9, 1980, the NRC published a Federal Register notice (45 FR 81059) inviting public comments on a proposed rule providing for advance notification to governors of states of the transportation of nuclear waste. The 90-day comment period expired March 9, 1981. Copies of the proposed rule with a request for comments were also sent to state governors. The final rule is essentially the same as the proposed rule except that its scope has been restricted to cover only large quantity (defined in § 71.4(f) as exceeding Type B radioactivity limits) shipments of radioactive waste and spent fuel not covered under advance notification provisions of 10 CFR Part 73.

The Rule

The Commission and the Department of Transportation (DOT) have established packaging standards for packages for various quantities of radioactive material to provide for adequate safety of the public. There are two basic categories of packages, Type A and Type B. Type A packages must be designed to withstand the rigors of normal transport but are not designed to withstand transport accidents. Therefore, the quantities and types of radioactive material which may be transported in Type A packages are limited so that, if material release occurs in an accident, no significant hazard to public health and safety would result. Type B packages, which contain larger quantities of radioactive material, are designed to withstand both the normal

conditions of transport and specified accident conditions. While limits are set for Type B quantities of radioactive materials, there are no quantity limits for radioactive material per se in Type B containers. Accordingly, quantities larger than Type B, designated large quantities, may also be transported in Type B containers. However, regulatory requirements, which set limits on such factors as weight, volume, decay heat generation, and criticality control, place practical restrictions on the contents of Type B containers.

The NRC has recently affirmed the adequacy with respect to safety of existing 10 CFR Part 71 in its Withdrawal of Advance Notice of Rulemaking, "Radioactive Material Packaging and Transportation by Air," (46 FR 21619, April 13, 1981). In reaching this conclusion, it cited NUREG–0170, the Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes, which, after considering the types and quantities of materials shipped in Type A and Type B and large quantity packaging, states that the potential risk of transportation is small.

Radioactive material shipments, including spent fuel shipments, were considered in NUREG–0170 and are subject to the NRC regulations in 10 CFR Part 71 which the Commission found to be adequate with respect to transportation safety. However, the Congress in Section 301(a) of Pub. L. 96–295 has specifically required prenotification for spent fuel shipments. Thus, while Congress leaves to the Commission's judgment, on the basis of potential significant hazard to public health and safety, which types of nuclear waste may be excluded from prenotification, it has also made it clear that at least one type of material, spent fuel, is not to be excluded. Shipments of spent fuel are almost all large quantity (defined in § 71.41(f) as exceeding Type B radioactivity limits) shipments. Almost all spent fuel shipments will contain in excess of 100 grams mass of spent fuel and will be covered under the amendment to 10 CFR Part 73.

At the present time, all large quantity shipments of radioactive waste, excluding spent fuel, are of low level waste. In the future, should reprocessing of power reactor spent fuel resume, shipments of solidified high level waste would be expected to occur. Such shipments would be expected to be in large quantities, and the characteristics of such high level waste would be similar, in terms of radioactivity and heat load, to spent fuel.

After reviewing the data on radioactive waste shipments which is currently available, the Commission has determined that its conclusion on the adequacy of existing 10 CFR Part 71 with respect to the safety of radioactive material transportation should be reaffirmed. It also has determined that, in accordance with the intent of Congress in Section 301 of Pub. L. 96–295, for shipments of radioactive waste which include large quantities of radioactive waste and spent fuel required to be shipped in Type B packaging, prenotification shall be required. Shipments of all other types of radioactive materials do not pose a potentially significant hazard to the public health safety, and such types of materials are excluded from shipment prenotification requirements.

The NRC also recognizes that, while the term "large quantity" may be eliminated as a result of proposed rulemaking to revise regulations for the transportation of radioactive material to make them compatible with those of the International Atomic Energy Agency ("Packaging of Radioactive Material for Transportation and Transportation of Radioactive Material Under Certain Conditions, Compatibility with IAEA Regulations," 44 FR 48234, at 48236, August 17, 1979), this revision will address types and quantities of radioactive materials presently covered under these regulations so that no purpose would be served at this time in attempting in this rulemaking to separately redefine the term "large quantity" for advance notification.

In accordance with the intent of Congress and consistent with the Commission's determination that shipments of radioactive waste do not pose a potentially significant hazard to the health and safety of the public, the Commission is amending its regulations in 10 CFR Part 71 to require NRC licensees to notify state governors in advance of all large quantity shipments of radioactive waste and of spent fuel not covered under the amendment to 10 CFR Part 73 (generally 100 grams mass or less) required to be shipped in Type B packaging.

Advance notification requirements for spent fuel shipments in excess of 100 grams mass are being addressed by the Commission in a separate rulemaking action in 10 CFR Part 73 for safeguards purposes. A companion notice covering this action is published elsewhere in this issue of the **Federal Register.** Shipments of large quantities (defined in § 71.4(f) as exceeding Type B radioactivity limits) of radioactive waste, including spent fuel not subject to 10 CFR Part 73 (approximately 100 grams mass or less) are covered in this amendment to 10 CFR Part 71.

The amendment to 10 CFR Part 71 will require licensees to supply the following information: the name, address, and telephone number of the shipper, carrier and receiver of the shipment, a description of the material to be transported, point of origin, estimated period of departure, estimated periods of arrival at state boundaries, the destination of the shipment, the estimated period of arrival, and a point of contact for current shipment information. This information would be provided by mail postmarked at least seven days or delivered by messenger at least four days in advance of the estimated period of departure, to the offices of the governors of affected states or their designees. A new information requirement contained in a recent DOT rulemaking ("Radioactive Material; Routing and Driver Training Requirements," 46 FR 5298, January 19, 1981) may lessen the impact of this amendment since shippers are on notice that they may need to develop procedures for reporting to DOT and can arrange to extend this effort to include NRC. The DOT Final Rule "Radioactive Materials; Routing and Driver Training Requirements," would require that route plans for large quantity shipments be submitted to the DOT Materials Transportation Bureau (49 CFR 173.22(c) 46 FR 5298 at 5316, January 19, 1981).

This final rule, unlike the DOT Final Rule (46 FR 5298), affects only NRC licensees, resulting, at the outset, in a situation where governors will not receive notification concerning a fraction of the total number of shipments, since some shipments of interest will be made by Agreement State licensees. This situation was anticipated, as noted in the additional views of several representatives (opposed to the requirement of section 301) appearing at page 37 of H. Rept. 96–194, Part 2 (June 29, 1979):

> Further, the NRC currently licenses possession of radioactive materials in only 25 [now 24] states. Under agreements between the NRC and the remaining states, those states would also have to implement regulations under this amendment.

The Comments

NRC received 62 letters containing more than 300 comments on the proposed rule. Comments were received from these entities as follows:

	Commenters
State governors or state agencies	21
Individuals from public sector	19
Nuclear industry	18
Federal agencies	3
City mayor	1
Total	62

The comments covered three general categories: (1) the scope of the rule, (2) its impacts and (3) administrative considerations.

1. *Scope of the Rule.* a. *Contents of packages subject to prenotification requirement.* Comments received ranged from favoring inclusion of almost all radioactive wastes for prenotification to not promulgating any amendment at all.

Initially, the NRC contemplated that all waste required to be shipped in Type B packaging should be included. Type B packaging designs are required to be accident resistant because Type B quantities of radioactive wastes are potentially a more significant hazard to the public health and safety if they are not adequately contained. However, NRC regulatory requirements for Type B packaging have been found to be adequate. As has been noted herein, the NRC has recently affirmed the adequacy with respect to safety of Type B packaging in a withdrawal of Advance Notice of Rulemaking, "Radioactive Material; Packaging and Transportation by Air" (46 FR 21819, April 13, 1981). In reaching this conclusion, it cited NUREG–0170, the Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes, which, after considering the types and quantities of materials shipped in Type A and Type B and large quantity packaging states that the potential risk of transportation is small. Upon further consideration and review of the currently available data on radioactive waste shipments, the Commission has determined that shipments of radioactive waste do not pose a potentially significant hazard to the health and safety of the public. However, Congress has specifically required prenotification of shipments of spent fuel, which are almost always large quantity shipments, for prenotification. Accordingly, the Commission is amending the regulations in 10 CFR Part 71 to require NRC licensees to notify state governors or their designees in advance of all large quantity shipments of radioactive waste and of spent fuel not covered under the amendment to 10 CFR Part 73 required to be in Type B packaging. In the opinion of the Commission, this amendment is consistent with the intent of Congress which specifically included spent fuel, almost always shipped in large quantities, in the prenotification provisions of section 301(a) of Pub. L. 96–295, but also authorized the Commission to determine which types of radioactive waste may be excluded from prenotification requirements.

The NRC also believes that the varying concerns of the states can best be addressed by limiting NRC prenotification requirements to large quantity shipments of radioactive waste, including spent fuel. In its recent June 8, 1981 meeting, the State Planning Council on Radioactive Waste Management endorsed prenotification of high-level or large quantity shipments of radioactive materials, including spent fuel.

Finally, after consideration of comments, the NRC believes that inclusion of all shipments of Type B packaged waste is likely to cause an unwieldy paper management problem and reduce the utility of the notification system. For this reason the NRC determines that limiting advance notification to large quantity shipments will significantly reduce an undue administrative burden of notification on states and shippers. The number of shipments expected under this more restricted rule is a few hundred annually and will more likely be less than one percent of the 24,000 Type B shipments per year previously estimated in the proposed rule.

b. *Emergency preparedness concerns.* These issues are already being addressed outside this rulemaking action and therefore do not require further discussion at this time. As the Commission noted on April 13, 1981 in its Withdrawal of Advance Notice of Rulemaking (46 FR 21819),

> In another separate action, the NRC, in cooperation with the Federal Emergency Management Agency and other federal agencies is currently developing guidance material to be used by state agencies in developing emergency response plans for transportation accidents involving radioactive material.

c. *State and local authority.* Since the advance notification rule is solely informational and does not in any way preempt existing state or local authority with respect to regulation of transportation of radioactive materials, the concerns raised on the impact of the rule on state and local authority, particularly on the issue of preemption, are not germane. With respect to concerns over the failure to include Agreement State licensees under prenotification requirements, Congress did not choose to amend the Atomic Energy Act of 1954, as amended, to subject Agreement State licensees to this requirement. However, NRC plans to work with Agreement States to make regulations equivalent to this rule a matter of compatibility.

2. *Impact.* Concern was expressed over the potential impacts that the proposed amendment could have on the public health and on the safety of radioactive materials shipping. Such comment varied considerably because of widely differing views of commenters as to the present dangers to the public of radioactive waste shipping and whether a greater degree of regulation would enhance or diminish public safety. Concern was also expressed over potential problems for shipping accruing from the implementation of the proposed amendment. Potential problems raised included additional radiation exposure to the public, impeding efficient shipping, the financial and administrative burden of reporting on shippers, carriers, state agencies, and safeguards. In general, these comments indicated concern that the impact of the amendment was negative. However, with respect to safeguards, inclusion of all Type B shipments under proposed § 73.37(f) was also advocated. A third area of concern was that NRC regulations be coordinated with the Department of Transportation. This concern was generally directed toward the prospect of alleviating the administrative burden resulting from federal regulations on shipping.

The NRC has already addressed the issue of shipment safety in determining what types of wastes should be excluded from prenotification. In accordance with the provisions of section 301(a) of Pub. L. 96–295 only shipments of large quantities of radioactive waste, including spent fuel, required to be shipped in Type B packaging are subject to the prenotification requirement. Under existing transportation regulations, such shipments are placarded and information on them is not restricted from the public. Moreover, this regulation does not preempt existing state and local authority over transportation. The NRC has therefore concluded that requiring prenotification for large quantity shipments of spent fuel and radioactive waste will have negligible negative impacts on public health and safety and efficient shipping.

The Commission also believes that the exclusion from the prenotification requirement of all radioactive waste shipments except large quantities required to be shipped in Type B packaging, including spent fuel not covered under the amendment on advance notification to 10 CFR Part 73, will significantly reduce the financial and administrative burden on states, carriers, and shippers of such notification. Based on estimates

contained in NUREG–0170, the Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes, in 1985 shipments of Type B wastes are expected to number 24,000 while large quantity shipments are only expected to number, at most, a few hundred annually and more probably less than one percent of the 24,000 Type B waste shipments.

With respect to coordination with the Department of Transportation, DOT announced in the preamble to its final rule on "Radioactive Materials; Routing and Driver Training Requirements" (46 FR 5298, January 19, 1981) that,

> In order to prevent a possibly severe inconsistency between NRC and DOT transportation requirements, the DOT will have to wait at least until final rules are issued for NRC licensees before undertaking a rulemaking proceeding to consider specific prenotification requirements for other types of large quantity shipments.

3. *Administrative Considerations.* A number of changes which were suggested or raised for consideration in comments may be categorized as administrative in nature. These included: inclusion of route information, use of generic reporting, creation of a federal clearing-house for notification, designation of a state agency addressee for notification receipt other than the office of the governor, restrictions on notification information to be supplied, clearer definition of carrier and licensee responsibilities, requesting state acknowledgement of notification before a shipment could enter a state, additional documentation requirements related to notification, and changes in the period required prior to shipment.

With one exception, notification to a governor's designee, which will serve to facilitate state response, these comments have not been adopted in this rule. Three of these comments, inclusion of route information, use of generic reporting, and the creation of a federal clearinghouse for reporting information were substantially resolved in the recent DOT rulemaking on "Radioactive Materials; Routing and Driver Training Requirements" (46 FR 5298, January 19, 1981), the preamble to this final DOT rule states in part,

> Also a provision is added to § 173.22(c) to require shippers of a large quantity package of radioactive materials to file a copy of the route plan prepared for that shipment within 90 days following the shipment with DOT. The Department intends to consolidate the information contained in the route plans and supply it to interested parties.

This effort by DOT to obtain post-shipment information is likely to provide greater accuracy in such reporting, and any NRC efforts would be largely duplicative.

The Commission believes that proposals on restricting information to be supplied in reporting would be confusing and burdensome. Provision for some state governors to decline to receive prenotification would also be a burden to licensees. Governors are not required to take any action on prenotifications received and are free to dispose of them since they will not contain protected information that Part 73 prenotifications will. Provision for receipt of partial information, which was also suggested, would result in increased paperwork since, for a single shipment, different amounts of information would be required for different states and militate against use of a standard reporting form. As already noted, summary information is expected to be available from DOT as a result of its highway routing rule. In addition, NRC staff plans to forward to DOT advance notifications received for DOT's data base. Another restriction suggested, requiring a state to reapply periodically for continued receipt of notification, does not comport with congressional intent in section 301 of Pub. L. 96–295.

The text of § 71.5a makes it clear that responsibility for advance notification of a shipment of nuclear waste, as defined in § 71.4(r), rests with the licensee, i.e., the shipper, not the carrier. Requiring shippers to await state acknowledgement of notifications would likely impede interstate shipping and could burden interstate commerce by effectively excluding shipments from states which did not choose to establish means of promptly acknowledging such notifications. With regard to suggestions that would require additional documentation from licensees, such as, for example, requiring licensees to document telephoned notification changes by letter, the NRC concludes that the additional burden on industry and states is not worth such effort. No change has been made in the period of time within which advance notification of a shipment must be given. A shorter period would tend to reduce the effectiveness of notification by mail and a longer period does not seem necessary. Basing the period on arrival at individual state boundaries rather than shipment departure would result in multiple and differing notifications for a single shipment which would require additional effort and possibly contribute to confusion in reporting.

Environmental Impact Statement

In accordance with 10 CFR 51.5(d)(3), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this rulemaking action because the amendments are nonsubstantive and insignificant from the standpoint of environmental impact.

Paperwork Statement

The Nuclear Regulatory Commission has submitted this rule to the Office of Management and Budget for such review as may be appropriate under the Paperwork Reduction Act, Pub. L. 96–511. The SF–83, "Request for Clearance," Supporting Statement, and other related documentation submitted to OMB have been placed in the NRC Public Document Room at 1717 H Street NW., Washington, DC 20555 for inspection and copying for a fee.

After careful consideration of the comments on the proposed rule, the Commission, for the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Section 301 of Pub. L. 96–295 (94 Stat. 789–790), and Sections 552 and 553 of Title 5 of the United States Code, has adopted the following amendments to 10 CFR Part 71 which are published as a document subject to codification.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

1. In the table of contents for 10 CFR Part 71, the portion of Subpart A which precedes the center heading "Exemptions" is revised to read as follows:

Subpart A—General Provisions

Sec.
71.1 Purpose.
71.2 Scope.
71.3 Requirement for license.
71.4 Definitions.
71.5 Transportation of licensed material.

Advance Notification to States of Transport of Nuclear Waste

71.5a Transport of nuclear waste—Advance notification requirement.
71.5b Advance notification of shipment of nuclear waste; Revision notice; Cancellation notice.

Exemptions

* * * * *

2. The authority for 10 CFR Part 71 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161 b, i and o, 182, 183, Pub. L. 83–703, 68 Stat. 930, 932, 933, 935, 948, 949, 950, 953, 954, as

amended (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201 (b), (i) and (o), 2232 and 2233), Secs. 201, 202, and 206, Pub. L. 93–438, 88 Stat. 1242 as amended, 1244, and 1246 (42 U.S.C. 5841, 5842 and 5846).

For the purposes of Sec. 223, Pub. L. 83–703, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 71.61–71.63 issued under Sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)). Secs. 71.4 (r) and (s), 71.5a and 71.5b also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

3. In § 71.4, new paragraphs (r) and (s) are added to read as follows:

§ 71.4 Definitions.

* * * * *

(r) "Nuclear waste" as used in §§ 71.5a–71.5b means:

(1) Any large quantity of source, by-product, or special nuclear material required by this part to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site, or

(2) Any large quantity of irradiated fuel required by this part to be in Type B packaging while transported to, through, or across state boundaries irrespective of destination if the quantity of irradiated fuel is less than that subject to advance notification requirements of 10 CFR Part 73.

(s) "State" as used in §§ 71.5a–71.5b means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

4. Immediately following § 71.5, a new centerhead and new §§ 71.5a and 71.5b are added to read as follows:

Advance Notification to States of Transport of Nuclear Waste

§ 71.5a Transport of nuclear waste—advance notification requirement.

Prior to the transport of any nuclear waste outside of the confines of the licensee's plant or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall comply with the procedures in § 71.5b for advance notification to the governor of a state or the governor's designee for the transport of nuclear waste to, through, or across the boundary of the state.

§ 71.5b Advance notification of shipment of nuclear waste; revision notice; cancellation notice.

(a) *Where, when, and how advance notification must be sent.* The notification required by § 71.5a must be made in writing to the office of each appropriate governor or governor's designee and to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of Part 73 of this chapter. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the notification shall be retained by the licensee as a record for one year.

(b) *Information to be furnished in advance notification of shipment.* Each advance notification of shipment of nuclear waste must contain the following information:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment.

(2) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. Department of Transportation in 49 CFR §§ 172.202 and 172.203(d);

(3) The point of origin of the shipment, and the seven-day period during which departure of the shipment is estimated to occur;

(4) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(5) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and

(6) A point of contact with a telephone number for current shipment information.

(c) *Revision notice.* A licensee who finds that schedule information previously furnished to a governor or governor's designee in accordance with § 71.5b(b) will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform that individual of the extent of the delay relative to the schedule originally reported in writing under the provisions of § 71.5b(b). The licensee shall maintain a record of the name of the individual contacted for one year.

(d) *Cancellation notice.* (1) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent as required by § 71.5a shall send a cancellation notice to the governor of each state or the governor's designee previously notified and to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of Part 73 of this chapter.

(2) The notice shall state that it is a cancellation and shall identify the advance notification which is being cancelled. A copy of the notice shall be retained by the licensee as a record for one year.

Dated at Washington, D.C. this 30th day of December 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–259 Filed 1–5–82; 8:45 am]

BILLING CODE 7590–01–M

---

10 CFR Part 73

Advance Notification to Governors Concerning Shipments of Irradiated Reactor Fuel

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to implement a federal statute which requires the NRC to promulgate regulations regarding notification to state governors of the transport of spent fuel through a state. This notification will provide the governor advance information, not otherwise available to the governor, related to spent fuel transportation in his state. Shipment of certain other forms of nuclear waste is covered under a separate amendment to the Commission's regulation 10 CFR Part 71. Separate amendments are needed because information regarding spent fuel shipments contains sensitive safeguards data which must be protected. The information pertaining to the other waste shipments is not sensitive.

EFFECTIVE DATE: July 6, 1982.

ADDRESS: The comments received may be examined at the NRC Public Document Room at 1717 H Street, NW, Washington D.C.

FOR FURTHER INFORMATION CONTACT: Tom R. Allen, Regulatory Improvements Branch, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–427–4181).

SUPPLEMENTARY INFORMATION:

Background

Section 301(a) of Pub. L. 96–295 states: "The Nuclear Regulatory Commission,

within 90 days of enactment of this Act, shall promulgate regulations providing for timely notification to the Governor of any State prior to the transport of nuclear waste, including spent nuclear fuel, to, through, or across the boundaries of such State. Such notification requirements shall not apply to nuclear waste in such quantities and of such types as the Commission specifically determines do not pose a potentially significant hazard to the health and safety of the public."

On December 9, 1980, the NRC published a **Federal Register** notice (45 FR 81060) inviting public comments on a proposed rule providing for advance notification to governors of states of the transportation of spent fuel. The 90-day comment period expired March 9, 1981. Copies of the proposed rule, with a request for comments, were also sent to state governors. The final rule is essentially the same as the proposed rule except that it has been modified to permit notification of a governor's designee (rather than the governor).

The Rule

The amendment to 10 CFR Part 73 will require licensees to supply the following information: the name, address, and telephone number of the shipper, carrier and receiver of the shipment, a description of the material to be transported, point of origin, estimated date and time of departure, estimated date and time of arrival at state boundaries, and a description of the shipment route to be used within the state. This information would be provided by mail, postmarked at least seven days or delivered by messenger at least four days in advance of the estimated date of departure, to the offices of the governors (or governors' designees) of affected states. Any person receiving schedule information would be required to protect it against unauthorized disclosure. The information protection measures are set forth in § 73.21 of 10 CFR Part 73 and are the subject of a separate rulemaking notice (46 FR 51718, October 22, 1981). Schedule information would be downgraded a short time after completion of the shipment, so that protection need not be continued. The state official would be renotified in the event of schedule changes in excess of six hours.

The Comments

NRC received 60 letters containing more than 300 comments on the proposed rule. Comments were received from these entities as follows:

	Comments
State governors or state agencies	24
Individuals from public sector	23
Nuclear industry	8
Federal agencies	3
City mayor	1
Total	60

Some of these comments resulted in minor changes to the rule or in changes in the way the NRC will administer the rule. These comments relate to three general groupings.

The first such group of comments resulted in modification of the rule. A number of comments requested that the regulation be modified to require advance notifications be sent to a state official designated by the governor, rather than being sent to the governor himself. The Commission has decided that notification of a governor's designee has significant information handling and information protection advantages. Accordingly, the final rule has been modified to provide for notification of a governor's designee.

One comment requested that the advance notification information include the telephone number of the shipper and receiver. This suggestion is being adopted because during times of emergencies it would allow quick access to additional technical information about a shipment at insignificant additional cost. For completeness, the rule modification has been expanded to include the telephone number of the carrier.

A final comment requested that the regulation make clear that renotification can be done routinely by telephone. Paragraph § 73.37(f)(4) in the regulation has been modified to make this point clear.

In addition to the revisions resulting from public comment revisions were also made to simplify the information protection provisions of § 73.37(f)(3) and to clarify that they apply to intrastate shipments as well as to interstate shipments.

The second such group of comments made suggestions that were adopted but did not result in modification of the rule. Rather, these suggestions will be carried out by the NRC in the administration of the rule.

One comment in this group stressed the importance of a governor's right to decline to receive notifications and suggested that the regulations make this right explicit, while opposing comments insisted that a governor should not be given the option of declining to receive the notifications. The Commission continues to believe that in view of the information protection requirements of § 73.21, a governor should have the option to decline to receive advance notification information relevant to spent fuel shipments. If requested by a governor, the NRC will remove that governor's name from the list of governors to be notified.

One of these comments suggested that the notification should be made to a single contact within each state, and that localities within the state that need the information would obtain it from that contact. Another suggested that the NRC should make available to licensees a list of the responsible persons in each state to be notified in the event of a change of schedule. The Commission has decided that it is consistent with the intent of Congress that notifications should be made to a single designated individual within each state who is to receive notifications and renotifications. The NRC will make available a list of these individuals.

One comment requested that the list of governors to receive advance notifications should include the executives of certain Pacific Island territories and the U.S. Secretary of Interior (for shipments that would stop over at these Pacific Island territories). This suggestion is consistent with the language of the statute, which includes territories as states. The list of governors will be so modified.

One comment requested that a standardized advance notification form be used. The NRC adopted the suggestion and will issue a suggested format as a guidance document.

The Commission also received comments which were evaluated but not adopted. Some of these were in the form of suggestions, while others provided information for consideration. Some dealt with matters beyond the scope of this regulatory action or with matters beyond the authority of the Commission. These comments are discussed below:

1. *Scope of the Rule.* Several comments made suggestions concerned with the scope of the rule. These suggestions were rejected because they would modify the scope of the rule in ways that are inconsistent with NRC understanding of law or inconsistent with the aims of this particular rulemaking.

a. *Application to other than NRC licensees or to non-radioactive materials.* One comment suggested that the rule should apply to all transporters of radioactive fuel, rather than being limited to NRC licensees. Another comment expressed concern that the rule would be unjustifiably extended to include vast numbers of shipments of nonradioactive waste. These comments

were rejected because the NRC has no authority to apply the rule to persons other than NRC licensees.

b. *Promulgation of the rule by DOT, rather than NRC.* One comment contended that the DOT, rather than the NRC, should promulgate the rule. However, since Congress specifically directed the NRC to issue the rule, DOT has not undertaken the promulgation of such a rule.

c. *Emergency response and other state actions.* Some comments requested that the NRC identify state actions needed for optimum utilization of the information and provide more information on emergency response. Apart from information protection rules, which was required by Pub. L. 96–295, the NRC does not regulate state use of advance notification information. Accordingly, it would be inappropriate to incorporate advice concerning state use of notification information in a regulation. Although emergency response by states is a timely and important subject, these issues are already being addressed outside this rulemaking action, and therefore do not require further discussion here. As the Commission noted on April 13, 1981 in its withdrawal of advance notice of rulemaking (46 FR 21619):

> In another separate action, the NRC in cooperation with the Federal Emergency Management Agency and other federal agencies is currently developing guidance material to be used by state agencies in developing emergency response plans for transportation accidents involving radioactive material.

d. *State and local authority.* A group of comments pointed out differences between the proposed rule and existing state laws and asked whether the rule would preempt the existing state laws. In that regard, local regulations that call for the advance disclosure of spent fuel shipment schedule information could be affected by new NRC requirements for the protection of such schedule information. In accordance with a separate rulemaking, NRC licensees as well as any other person who has advance schedule information will be prohibited from furnishing it to any local official other than a member of a local enforcement authority that is responsible for responding to requests for assistance during safeguards emergencies (see § 73.21(c) in 46 FR 51718, October 22, 1981). It should be noted that the protection provisions of § 73.21(c) do not apply to any of the other information provided to governors or the designees in accordance with this regulation.

Other comments requested that the rule provide for advance notification of citizens along spent fuel shipment routes. The NRC has not adopted this suggestion because it is beyond the scope of Pub. L. 96–295, and because a local official could obtain such information from his state governor's office as appropriate.

e. *Routing.* Some comments suggested that the rule require that shipments be routed on interstate highways and that the NRC consult with state police before approving a route. The issue of whether to route shipments only on interstates is outside the scope of the advance notification rule. Routing of spent fuel shipments is covered in 10 CFR 73.37 and in DOT regulation 49 CFR 173 and 177. However, it should be noted that the NRC encourages the use of interstate highways and, routinely consults with state police before approving a route.

2. *Impacts.* Some comments contended that the rule was unsupported and would be burdensome and ineffective. Congress has decided that, rather than being burdensome and ineffective, advance notification to states is beneficial because it enables states to contribute to the security, safety, and ease of transport of shipments. Therefore, Congress directed the NRC to issue requirements for its licensees to carry out advance notification.

3. *Administrative.* Comments in this group generally requested clarification of how various details of the rule would be interpreted and administered or set forth alternatives to the measures proposed. The specific comments are discussed below.

a. *Waterborne and airborne shipments.* One comment asked how the rule will apply to waterborne and airborne shipments. Notifications for waterborne shipments would be given as for highway shipments. There are no airborne shipments of spent fuel.

b. *Shipper-carrier division of responsibility.* Some comments asked whether the shipper or the carrier is intended to be responsible for notification under various conditions. Generally two licensees, a shipper and a carrier, are involved in each spent fuel shipment. Both are responsible for physical protection, including advance notification. As a practical matter, division of responsibility for carrying out the physical protection requirements is a subject of agreement between the shipper and the carrier.

c. *Series shipments.* One comment requested clarification concerning the way in which series of shipments are related with respect to protection of schedule information. Shipments in a series are related in the sense that knowledge of the schedule details of one shipment in the series could aid in predicting the schedule of subsequent shipments in the series. For this reason, schedule information protection is required until after the last shipment in a series is completed.

d. *Documentation to demonstrate compliance.* One comment asked what documentation a licensee must maintain to demonstrate compliance with the regulation. The Commission has decided that maintenance of a recordkeeping system by licensees is not required at this time. For its inspection the NRC will rely on a sampling process wherein NRC records concerning the details of notification will be checked against state records for the same shipment.

e. *Notification lead times.* Some comments inquired about the basis for the proposed lead times for notifications, suggested various alternative lead times, and asked whether there are circumstances under which a shipment could be made with less than four days advance notification. The notification lead times are selected to offer a reasonable compromise between the needs for (1) timely advance notification, (2) avoidance of unnecessarily long periods for protection of schedule information, and (3) avoidance of unnecessary numbers of renotifications stemming from schedule changes. NRC regulations in 10 CFR Part 73 provide for the granting of exceptions to the provisions of Part 73, including the provision for four-day notification lead time, but there must be good cause for the exception to be granted.

f. *Confirmation of receipt of notification.* One comment suggested that, prior to entering a state with a shipment, licensees obtain confirmation from the state that notification has been received. The suggestion was not adopted because it could lead to significant delays of shipments en route and thereby weaken safeguards of the shipments.

g. *Use of registered or certified mail.* One comment suggested that notifications be sent only by certified or registered mail to ensure delivery. The suggestion was not adopted because NRC analysis showed insignificant benefit.

h. *Clearinghouse for notifications.* One comment suggested that the NRC establish a Federal clearinghouse or other centralized unit to transmit notifications to states. The suggestion was not adopted because it is not necessary to the notification process, it would be costly, and it could cause notification delays.

i. *Notification through mutual agreement.* One comment suggested that notifications be carried out through mutual agreement between licensee and state, rather than having the details specified by the NRC in a regulation. The suggestion was rejected because notifications would likely be nonuniform from state to state and would be difficult for the NRC to enforce.

j. *Schedule tolerance.* Several comments suggested various alternatives to the proposed ± 6 hours tolerance be considered. The ± 6 hour tolerance was retained because it appears to be a reasonable compromise between (1) the need for carriers to be allowed to have significant flexibility in schedules for long distance shipments and (2) the need for schedule accuracy in order to assure that states have the opportunity to contribute to the security and safety of transport of shipments.

k. *Relevant state law.* Some comments contended that the NRC should have evaluated all of the relevant advance notification rules now in force in several of the states. The NRC staff reviewed a number but not all of the state advance notification laws and consulted with representatives of some states that have operational advance notification laws. Some provisions of the proposed rule were adopted from state laws.

l. *General rather than specific notifications.* Some comments suggested that states need only general information (routes, number of shipments using that route, typical quantity of material in a shipment, etc.) rather than shipment specific information. The suggestion was rejected because states will have a greater range of alternatives to contribute to the security, safety, and ease of transport of spent fuel shipments if the notifications are in advance and are shipment specific.

4. *Information protection.* Numerous comments were concerned with the information protection provisions in the proposed rule, under which shipment schedule information would be required to be protected.

Concerns surrounding the basis for protection of information, and the ways in which such information should be handled, are addressed in a separate rulemaking (see 10 CFR 73.21, 46 FR 51718, October 22, 1981).

After careful consideration of these comments, the Commission has adopted the amendment in final form.

Environmental Impact Statement

In accordance with 10 CFR 51.5(d)(3), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this rulemaking action because the amendments are nonsubstantive and insignificant from the standpoint of environmental impact.

Paperwork Statement

The Nuclear Regulatory Commission has submitted this rule to the Office of Management and Budget for such review as may be appropriate under the Paperwork Reduction Act, Pub. L. 96–511. The SF–83, "Request for Clearance," Supporting Statement, and other related documentation submitted to OMB have been placed in the NRC Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 for inspection and copying for a fee.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Section 301 of Pub. L. 96–295 (94 Stat. 789–790), and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 73 are published as a document subject to codification.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 147, 161b, 161i, 161o, Pub. L. 85–703, 68 Stat. 930, 948–950, as amended, Pub. L. 85–507, 72 Stat. 327, Pub. L. 88–489, Stat. 602, Pub. L. 93–377, 88 Stat. 475, Pub. L. 96–295, 94 Stat. 780 (42 U.S.C. 2073, 2201, 2167); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, 1243, as amended, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841). For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, 73.37(g) and § 73.55 are issued under Sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issed under Sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(i), 73.26(b)(3), (h)(6), (i)(6) and (k)(4), 73.27(a) and (b), 73.37(f), 73.40(b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71 and 73.72 are issued under Sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o). Paragraph 73.37(f) also is issued under Section 301 Pub. L. 96–295, 94 Stat. 280.

2. Section 73.37 is amended by adding paragraphs (f) and (g) to read as follows:

§ 73.37 Requirements for physical protection of irradiated reactor fuel in transit.

* * * * *

(f) Prior to the transport of spent fuel within or through a state a licensee subject to this section shall notify the governor or the governor's designee. The licensee shall comply with the following criteria in regard to a notification: (1) The notification must be in writing and sent to the office of each appropriate governor or the governor's designee. A notification delivered by mail must be postmarked at least 7 days before transport of a shipment within or through the state. A notification delivered by messenger must reach the office of the governor or the governor's designee at least 4 days before transport of a shipment within or through the state. A list of the mailing addresses of governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) The notification must include the following information:

(i) The name, address, and telephone number of the shipper, carrier and receiver.

(ii) A description of the shipment as specified by the Department of Transportation in 49 CFR § 172.202 and § 172.203(d).

(iii) A listing of the routes to be used within the state.

(iv) A statement that the information described below in § 73.37(f)(3) is required by NRC regulations to be protected in accordance with the requirements of § 73.21.

(3) The licensee shall provide the following information on a separate enclosure to the written notification:

(i) The estimated date and time of departure from the point of origin of the shipment.

(ii) The estimated date and time of entry into the governor's state.

(iii) For the case of a single shipment whose schedule is not related to the schedule of any subsequent shipment, a statement that schedule information must be protected in accordance with the provisions of § 73.21 until at least 10 days after the shipment has entered or originated within the state.

(iv) For the case of a shipment in a series of shipments whose schedules are related, a statement that schedule information must be protected in accordance with the provisions of § 73.21 until 10 days after the last shipment in the series has entered or originated within the state and an estimate of the date on which the last shipment in the series will enter or originate within the state.

(4) A licensee shall notify by telephone or other means a responsible individual in the office of the governor or in the office of the governor's designee of any schedule change that differs by more than 6 hours from the schedule information previously furnished in accordance with § 73.37(f)(3), and shall inform that individual of the number of hours of

advance or delay relative to the written schedule information previously furnished.

(g) State officials, state employees, and other individuals, whether or not licensees of the Commission, who receive schedule information of the kind specified in § 73.37(f)(3) shall protect that information against unauthorized disclosure as specified in § 73.21.

Dated at Washington, D.C. this 30th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-216 Filed 1-5-82; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[Reg. ER-1278; Economic Regulations Amendment No. 20 to Part 298; Docket 40133]

Classification and Exemption of Air Taxi Operators Dual Authority After Domestic Route Deregulation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB's "dual authority" rule includes exemptions that allow certificated air carriers to operate with small aircraft under the air taxi rule as if they were air taxi operators. For passenger service, the exemptions have been limited to flights outside the carrier's certificated route system. The CAB now removes that route limitation, so that all of a certificated carrier's passenger operations with small aircraft will be considered as operations under the air taxi rule. There is a special provision for service within Alaska.

DATES: Adopted: December 22, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION:

Background

The Board's air taxi rule, 14 CFR Part 298, defines "air taxi operator" essentially as an air carrier that uses only small aircraft (up to 60 seats/18,000 pound payload capacity), does not have a certificate under section 401 of the Federal Aviation Act, and meets certain other conditions. Subpart B of Part 298 exempts air taxi operators from the section 401 certificate requirements, section 403 tariff-filing requirements, and a variety of other provisions of the Act. The exemption is conditioned on compliance with registration, liability insurance, reporting, and other requirements.

A certificated carrier is by definition not an air taxi operator, regardless of the size of its aircraft, and so has not qualified for air taxi operators' Subpart B exemptions. In a series of orders in recent years, however, the Board granted exemptions from this definitional constraint to various carriers, enabling the carriers to hold dual authority. These orders generally enabled a dual authority carrier to conduct small-aircraft operations off its certificated route system as an air taxi operator under Part 298, while performing on-route operations with small or large aircraft under its section 401 certificate.

In a recent final rule, the Board eliminated the need for individual dual authority exemption orders by amending Part 298 to embody the dual authority scheme directly in a new Subpart I of the air taxi regulation (ER-1251; 46 FR 51371; October 20, 1981). The scheme in the rule resulted in a slight change in terminology. A dual authority carrier is no longer both a certificated carrier and an air taxi operator at the same time. Instead, it is simply a certificated carrier, and Subpart I gives it the exemptions set out in Subpart B for air taxi operators *as if it were* an air taxi operator. The dual authority carrier's exemptions are conditioned on compliance with Subparts C through H, as they are for true air taxi operators, and further conditioned on the terms of Subpart I itself. In § 298.90(a), Subpart I provides that the exemptions cover small aircraft operations outside the carrier's certificated route system and, for cargo-only service, all the carrier's small aircraft operations, regardless of whether they are on- or off-route. These operations of a dual authority carrier are considered as "operations under Part 298" or "air taxi *operations*" rather than as operations under its certificate, even through the carrier is not an air taxi *operator*.

The Proposed Rule (EDR-433)

Under section 1601(a)(1)(C) of the Federal Aviation Act, the Board will have no authority after December 31, 1981, to specify terminal or intermediate points in certificates authorizing domestic passenger air transportation. The practical effect of this change is to give most certificated carriers virtually unlimited domestic route authority. As a result, the provision in § 298.90(a) established by ER-1251 that limits the Subpart I exemption for passenger service to operations outside a carrier's "certificated route system" will lose its meaning and some type of change in the regulatory scheme will be necessary.

The Board therefore proposed in EDR-433 (46 FR 51390; October 20, 1981) to remove the route limitation, effective December 31, 1981, so that all of a dual authority carrier's passenger operations with small aircraft would come under Part 298. Even if such a change were not compelled by the impending changes in domestic route regulation, this would be the next logical step in the Board's efforts to align regulatory requirements with the nature of a carrier's operations instead of the less significant criterion of whether the carrier holds a certificate. The proposal noted, for example, that the Board had already granted unlimited domestic fare flexibility to certificated carriers for their small aircraft operations, to provide parity with Part 298 operations (PS-92, 45 FR 24115, April 9, 1980). Similarly, the Board had recently amended the denied boarding compensation rule to exclude coverage of small aircraft entirely (ER-1237, 46 FR 42442, August 21, 1981). And the smoking rule had been amended to apply uniformly to U.S. carriers' operations of aircraft with 30 or more seats, without regard to whether a carrier holds a certificate (ER-1245, 46 FR 45934, September 16, 1981).

The main practical effect of the proposal would be to extend the tariff-filing exemption. The reason for this is that the main exemptions that part 298 provides to air taxi operators (subpart B) and dual authority certificated carriers for their covered operations (Subpart I, incorporating Subpart B) are from the section 401 certificate requirement and the section 403 tariff-filing requirement. The proposed extension of Subpart I coverage from off-route small aircraft operations to all small aircraft operations would have no substantive effect with regard to the section 401 exemption, because a section 401 exemption for operations already authorized by the carrier's section 401 certificate would merely be redundant.

Under the proposed scheme there would be no change in §§ 298.93 or 298.11(b), the provisions that directly address tariff filing. But the proposed change in § 298.90 from a route criterion to an aircraft-size criterion would change the effect of those provisions, to result in the following scheme: A certificated carrier would continue to file tariffs for all its large aircraft operations. For its small aircraft operations, tariffs would not be required except for joint fares that it had agreed

to with another carrier where the other carrier used large aircaft. For connecting service on its own system that involved both large and small aircraft, tariff filing would be optional domestically, and optional internationally except for through fares that were less than the sum of the local fares.

The other main feature of EDR–433 was the Board's proposal to eliminate the air taxi registration requirement for most dual authority carriers. The main purpose of the registration scheme has been to provide the Board with certificates of insurance and a list of the air taxi operator's aircraft that can be used to verify that the insurance covers all of them. Under the Board's new insurance rules (Part 205; ER–1253; 46 FR 52572; October 27, 1981), all carriers will be filing certificates of insurance, and certificated carriers will not have to file lists of their aircraft. Any certificated carrier with unlimited domestic route authority beginning January 1, 1982, therefore, will have all the authority of an air taxi operator, except for the tariff-filing exemption and international small-aircraft route freedom, even without having to register for Part 298 operations. The proposal noted that there appears to be no reason to require a certificated carrier to register merely to obtain the tariff exemption and that remaining route authority. The effect of this amendment would be that most certificated carriers would become dual authority carriers automatically, without registering under § 298.21.

The proposal to eliminate the registration requirement for dual authority carriers included an exception for those carriers whose only section 401 certificate authority was obtained under the unused authority program, section 401(d)(5). Referring to an interpretation of section 1601(a)(1)(C) that it was about to announce in Order 81–11–23, the Board stated that those carriers would not have unlimited domestic route authority. Without such unlimited authority, the above reasoning would be inapplicable to them.

Additional features of the notice of proposed rulemaking were as follows:

Antitrust provisions. Sections 408 and 409 of the Act generally require prior Board approval of merger and other control transactions and interlocking relationships involving air carriers. Exemptions from the prior approval requirements in certain cases are provided by §§ 298.11(g), 298.14, and 298.92. The exemptions were explained in detail in ER–1251. The basic scheme is as follows: To determine whether the exemption is available for a specific transaction or relationship, examine the transaction or relationship but ignore certain operations, to be discussed below. If section 408 or 409 still applies to what is left in the picture, Part 298 provides no exemption. If, on the other hand, section 408 or 409 does not apply to what is left (*i.e.*, it applied to the original transaction or relationship only by virtue of the involvement of the ignored operations), than Part 298 does provide an exemption.

In the scheme established in ER–1251, the operations to be ignored in performing the above analysis of a transaction or relationship are as follows: "operations under this part, or under section 401(d)(5) (unused authority) or 401(d)(7) (automatic entry) of the Act." The references to section 401(d)(5) and (d)(7) were included so that a carrier whose only certificate authority came from those provisions would be treated like an air taxi operator. The Board proposed in EDR–433 to eliminate those references. This would simplify the rule. It would have little or no substantive effect, however, because the meaning of "operations under this part" would be broadened, by the main amendment proposed in EDR–433, to include all small-aircraft operations. Most, if not all, carriers whose only certificate authority is under section 401(d)(5) use small aircraft exclusively, so their section 401(d)(5) operations would continue to be ignored in the exemption analysis even without a specific reference to that provision. And the reference to section 401(d)(7) is no longer necessary, because the automatic market entry program has ended and all the carriers that obtained authority under it also have authority under section 401(d)(1) or (d)(3) of the Act.

Joint fares and 90-day notice of service suspensions. Section 37(c) of the Airline Deregulation Act (49 U.S.C. 1482a) entitles commuter air carriers—air taxi operators that perform at least five scheduled round trips per week between a pair of points—to participate in any uniform joint fare system established by the Board. It also requires that a participating commuter give 90 days' notice before terminating its service in a market in which joint fares are offered. Failure to give the notice makes the commuter ineligible to participate in the joint fare system. The Board proposed in EDR–433 to amend § 298.94 to interpret section 37(c) as applying to none of the operations of a dual authority carrier.

Elimination of large-aircraft reporting. An air taxi operator is required by § 298.32 to report to the Board any proprietary interest in, and operations with, large aircraft. A dual authority carrier is required by § 298.96 to file the same reports, but not for aircraft that are used exclusively in its section 401 operations. The Board tentatively concluded in EDR–433 that these reports have outlived their usefulness, and proposed to eliminate both § 298.32 and § 298.96.

Schedule filing. Under § 298.99, a dual authority carrier files schedules for its commuter operations under § 298.60 and for its section 401 operations under Part 231, *Transportation of Mail; Mail Schedules.* To avoid forcing certificated carriers to switch their schedule-filing routines for small-aircraft service that until December 31, 1981, had been on-route, the Board proposed to amend § 298.99 to give carriers the option of filing schedules under either § 298.60 or Part 231.

Airports. Under section 612 of the Act, the Federal Aviation Administration issues "airport operating certificates" to certain airports. Section 610 requires an airport to have an airport operating certificate if it serves any "air carriers certificated by the Civil Aeronautics Board." These provisions raise the following question: Must an airport have a section 612 airport operating certificate if it receives service from a dual authority carrier pursuant to that carrier's air taxi authority, but does not otherwise receive any service from a carrier that holds a certificate from the Board? The Board noted in EDR–433 that the FAA had interpreted the Act and the existing dual authority scheme as not requiring airports to have section 612 certificates in such cases. The Board expressed its understanding that if the dual authority amendments were adopted as proposed, the FAA interpretation would continue, so that the requirement for a section 612 certificate would depend simply on whether the airport receives service from large aircraft.

International markets; duration of exemptions. In some international markets, such as New York-Ottawa, where bilateral agreements or public interest considerations call for some type of government oversight of market entry or terms of service, the needed U.S. government control could be compromised by the unlimited small-aircraft international route authority afforded to air taxi operators and dual authority carriers by Part 298. In some of these markets the Board may need to withdraw or condition the Part 298 exemptions. The rule already includes a provision, §298.13, that enables the Board to terminate an exemption with respect to an air taxi operator or class of air taxi operators, upon an appropriate finding. The Board proposed in EDR–433

to revise § 298.13 in three ways: (1) to clarify that exemptions can be withdrawn or conditioned on a market-by-market basis; (2) to reflect the fact that Part 298 now affords exemptions not only to air taxi operators but also to other persons such as certificated carriers, persons controlling air carriers, and officers and directors of air carriers; and (3) to reflect the Airline Deregulation Act's elimination of the "undue burden" standard for exemptions under section 416 of the Federal Aviation Act.

Comments and Response

Comments on EDR–433 were filed by the Air Line Pilots Association, the Alaska Transportation Commission, CAS Aviation, Hawaiian Airlines, and the Regional Airline Association, and jointly by the following seven Alaskan carriers, which either hold section 401 certificates or have certificate applications pending before the Board: Cape Smythe Air Service, Channel Flying, Harold's Air Service, Hermens Air, L.A.B. Flying Service, Southeast Alaska Airlines, and Tyee Airlines.

With exceptions related to Alaska and the antitrust provisions, the comments generally supported the proposed rule. The Board has decided to amend Part 298 essentially as proposed, except that dual authority carriers will not be exempted from tariff filing or price regulation for service within Alaska. The specific comments and the Board's responses are as follows:

Hawaiian Airlines. Hawaiian, a certificated carrier, supported the proposal without qualification. It noted that the elimination of tariff filing for its small aircraft operations would give it the flexibility that its air taxi rivals already have to undertake and respond to pricing initiatives.

Alaskan carriers. These commenters also supported the proposal, but pointed out a potential ambiguity in terminology. They referred to section 105(a) of the Federal Aviation Act, in which paragraph (1) generally preempts State regulation of air carriers that have authority from the Board, and paragraph (2) states:

> Except with respect to air transportation (other than charter air transportation) *provided pursuant to a certificate issued by the Board under section 401 of this Act*, the provisions of [paragraph (1)] shall not apply to any transportation by air of persons, property, or mail conducted wholly within the State of Alaska. [emphasis added]

The effect of section 105(a)(2) is that for air transportation wholly within Alaska, State regulation is preempted only for scheduled service "provided pursuant to" a section 401 certificate. Thus, the State may regulate Part 298 air taxi operators and the charter service of certificated carriers.

The Alaskan carriers then referred to proposed § 290.90(b), which states:

> All of a certificated carrier's operations with small aircraft shall be considered as operations "under this part" and not under its section 401 certificate.

These commenters were concerned that the combined effect of section 105(a)(2) and § 290.90(b) would be to subject Alaskan certificated carriers operating small aircraft to possible regulation by the State of Alaska. This could arguably result from considering such operations as "under Part 298" rather than under a certificate. The carriers stated that such a result would be contrary to both the stated purpose of the notice of proposed rulemaking and the Act's preemption provision. They pointed out that Munz Northern and Kodiak Western, for example, are certificated carriers that have not been subject to regulation by the State over their scheduled routes at all.

In proposing these amendments, the Board did not intend to deprive Federally-certificated Alaskan carriers of the benefits of State preemption. The Board is therefore adding a sentence to § 298.90(b) to clarify that, for the purposes of section 105(a)(2) of the Act, a certificated carrier's operations "under Part 298" are nonetheless considered as "provided pursuant to" its certificate.

Regional Airline Association (RAA). The RAA sought a clarification or change in the proposal to eliminate the Part 298 registration requirement for most dual authority carriers but retain it for those whose only certificate authority was obtained under the section 401(d)(5) unused authority program. Continued registration for those carriers was based on the interpretation that after December 31, 1981, their domestic route authority would still be limited. The RAA pointed out that under Order 81–11–23, some of them will also have unlimited domestic route authority, namely, those whose section 401(d)(5) certificates were originally awarded by January 1, 1981. The rationale for eliminating the registration requirement therefore applies to this subgroup of carriers as well, and the rule has been revised accordingly.

The RAA also expressed a concern that the Federal Aviation Administration's interpretation of the section 612 airport certification requirements would not continue, especially for those airports that have already been certificated but would no longer need certificates as a result of the Board's expanded definition of operations "under Part 298." It is the Board's understanding, however, that the FAA interpretation will continue. For further information about that interpretation, interested persons may contact the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Alaska Transportation Commission (ATC). The ATC strongly supported the effect of the proposed rule on section 612 airport certification requirements. It objected, however, to changes affecting fares and tariffs. It referred to the Board's reasoning in EDR–433 that little was to be gained from retaining tariffs for certificated carriers' small-plane service since the Board had already deregulated fares for such service in PS–92. It pointed out that this argument is inapplicable to service within Alaska, because PS–92 did not affect that service. Intra-Alaska passenger service, regardless of aircraft size, is still subject to the statutory fare flexibility zone that ranges from 50 percent below to 5 percent above the standard industry fare level. The ATC suggested that retention of this limited flexibility is in the public interest in Alaska because most service there is with small aircraft, many markets are thin, and, even through there is now competition on many routes, the number of single-carrier markets is likely to increase significantly in the near future.

The Board has already recognized that intra-Alaska service presents unusual circumstances that might call for special regulatory treatment, and has deferred action on broadening certificated carriers' fare flexibility there (PS–96; 45 FR 48600; July 21, 1980). True air taxi operators, moreover, are subject to regulation by the ATC. While the Board takes no position now on the merits of ATC's argument that greater fare flexibility is unwise, it agrees that such a change should not be made inadvertently in this rulemaking proceeding, which focused more on tariff filing than on fare levels themselves. Also, if certificated carriers' intra-Alaska fares will continue to be subject to some Board regulation, tariff filing needs to be retained.

The final rule therefore includes in § 298.90(c) an exception for intra-Alaska service. Certificated carriers will be exempted from the Act as if they were air taxi operators, except that for service wholly within Alaska they will not have the exemptions from sections 403 and 404 that are available to air taxi operators under §§ 298.11 (b), (c), and (d). Although the ATC comment referred

only to passenger fares, this exception also covers cargo rates. The combined effect of the Air Cargo Deregulation Act (Pub. L. 95–163), the Board's implementing rule (14 CFR Part 291), and the Alaska preemption provision (section 105(a)(2)) is that cargo rates for intra-Alaska service have continued to be subject to regulation by either the Board or the ATC, and decisions concerning that policy are outside the scope of this proceeding.

A conforming change is made in § 298.93, which sets out carriers' tariff-filing options for through service that includes one segment that is subject to tariff filing and another that is not.

The ATC also questioned the proposal to eliminate the Part 298 registration requirement for most dual authority carriers. It stated that the registration provides an up-to-date list of a carrier's aircraft, which enables the Board to make sure that the carrier has proper insurance coverage. It argued that this is especially important for smaller carriers, regardless of whether they hold certificates, because smaller carriers change aircraft often, do not usually have fleet policies, and often have limited assets to satisfy potential damage claims.

In EDR–433, however, the Board stated that there is little point in retaining a registration procedure when, even without registering, a certificated carrier with unlimited domestic route authority will already have most of the benefits of registering. The ATC has not refuted this argument, which applies with even greater force in Alaska because the Board's decision to retain tariff filing and statutory fare flexibility for dual authority carriers operating there means that the main benefit of registering would only be small-aircraft international route freedom. Moreover, eliminating the registration does not change the underlying requirement of Part 205 that a carrier always have insurance coverage in force, so the aircraft list provided by the Part 298 registration is at most an enforcement tool. And that tool is not as important for certificated carriers that have been found fit by the Board as it is for true air taxi operators, because the fitness determination includes an examination of a carrier's compliance disposition. The Board would consider the failure to maintain required insurance coverage as an especially serious violation, and as possible grounds for revocation of a carrier's certificate, a risk that a carrier would not undertake lightly. If experience does show a problem in this area, however, the Board will consider further remedies in a future rulemaking proceeding.

Air Line Pilots Association (ALPA). ALPA supported the proposed broadening of the scope of Subpart I to cover all small-aircraft operations of certificated carriers. It objected, however, to the exemptions from prior approval for mergers and acquisitions (section 408) and interlocking relationships (section 409). It argued that exempting certificated carriers' acquisitions of large commuter operators that compete with them directly conflicts with the Airline Deregulation Act of 1978 and constitutes unsound policy. It suggested that for certain city-pairs, there is no relation between the size of aircraft used and the likely effect that a consolidation between two actual competitors would have on competition. ALPA also suggested that, especially in small markets, elimination of a competitor could raise the public interest concerns that the Board must consider in section 408 prior approval proceedings. It suggested further that if such acquisitions bring "two sets of heterogeneous employment structures . . . under common control," they raise public interest concerns about their effects on employees. ALPA also advocated retention of the requirement that air taxi operators report their interests in large aircraft, to avoid compounding these problems by "eliminating a valuable cross-check." It concluded that these acquisitions should be reviewed by the Board in a manner that allows for notice and comment on all potential competitive and public interest consequences.

ALPA's comment is not relevant to the amendments of the antitrust provisions (§§ 298.11(g) and 298.92) that were proposed in EDR–433. Those amendments are merely technical and conforming in nature, as discussed above. Rather, ALPA's comment addresses the final rule adopted in ER–1251, for which the Board had previously published notice of proposed rulemaking EDR–412 (45 FR 73087; November 4, 1980). The Board has nonetheless considered the comment on its merits, and finds it unpersuasive. Acquisition by a certificated carrier of even a large commuter that competes with it directly is not likely to reduce competition substantially. The large number of commuter carriers and free entry into the industry, coupled with after-the-fact Board scrutiny under antitrust principles, militate against that result. As for the labor and other public interest considerations, ALPA has not shown that that type of consolidation would raise issues that would be unique to it and not arise in consolidations involving only Part 298 carriers, which have long been covered by the exemption. In view of the remoteness of the likelihood of serious anticompetitive problems in the cases covered by the exemptions adopted in ER–1251, the benefits of prior Board review under sections 408 and 409 are outweighed by the burden on the Board's and carriers' resources. The Board also sees no reason to retain the requirement that air taxi operators report their interests in large aircraft. It has outlived its orginal purpose, and as a means of alerting the Board to competitive problems it would be an inefficient method at best.

The Board is therefore adopting the amendments of §§ 298.11(g) and 298.92 as proposed, but with one editorial change. As proposed, § 298.92 would read:

> Certificated carriers *operating under this part* are exempted from sections 408(a) and 409 of the Act for transactions and relationships to which those sections apply only because of the involvement of operations under this part. (emphasis added)

The final rule omits the underscored words, to correct a drafting error and eliminate the suggestion that a certificated carrier, in order to avail itself of the exemption for an acquisition or interlock with an air taxi operator, must itself be performing some small-aircraft operations. The Board never intended such a result, as is clear from the discussion in the supplementary information sections of EDR–412, ER–1251, and EDR–433.

CAS Aviation. This air taxi operator stated that the Board should delay this rulemaking pending a Congressional review, because "airline operations under Part 298 FAR Part 135 on-demand are not qualified to conduct this type of flight activity as it presently exists." It stated further that the proposal discriminates against non-scheduled operators because they, unlike scheduled carriers, must have reservations under the General Aviation Reservations Program. The commenter appears to have misunderstood the Board's proposal. Moreover, the reservations program is administered by the FAA and is not affected by this rulemaking.

Miscellaneous

The Board has recently issued ER–1279, adopted December 21, 1981. That rule amends Part 231, the schedule-filing rule for certificated carriers, to reflect the Board's interpretation that after December 31, 1981, these carriers are required to file domestic schedules only

for freighter service that is provided within Alaska or Hawaii. This rule makes a conforming change in § 298.99(a), the schedule-filing provision for dual authority carriers.

Regulatory Flexibility Act

In accordance with 5 U.S.C. § 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–534, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. The small air carriers that are affected by this rule are the dual authority carriers that use only small aircraft. For them, the primary result is merely to extend to all their routes (except in Alaska) a tariff-filing exemption that already covers most of their routes.

The Final Rule

PART 298—EXEMPTION FOR AIR TAXI OPERATIONS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators,* as follows:

1. The authority for Part 298 is:

Authority: Secs. 101(3), 204, 401, 404, 407, 416, 418, 419, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 760, 766, 771, 91 Stat. 1284, 92 Stat. 1732; 49 U.S.C. 1301, 1324, 1371, 1374, 1377, 1386, 1388, 1389.

PART 298 [HEADING REVISED]

2. Part 298 is retitled *Exemptions for Air Taxi Operations.*

PART 298 [AMENDED]

3. The Table of Contents is amended by removing §§ 298.32 and 298.96.

4. In § 298.2, a new paragraph (v) is added, to read:

§ 298.2 Definitions.

* * * * *

(v) "Small aircraft" means any aircraft that is not a large aircraft, as defined in this section.

5. In § 298.11, paragraph (g) is amended by removing the last clause, so that as revised it reads:

298.11 Exemption authority.

Air taxi operators are hereby relieved from the following provisions of Title IV of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to conduct air taxi operations:

* * * * *

(g) Sections 408(a) and 409, for transactions and relationships to which those sections apply only because of the involvement of operations under this part.

6. Section 298.13 is revised to read:

§ 298.13 Duration of exemption.

The exemption from any provision of title IV of the Act provided by this part shall continue in effect only until such time as the Board shall find that enforcement of that provision would be in the public interest, at which time the exemption shall terminate or be conditioned with respect to the person, class of persons, or service (*e.g.*, limited-entry foreign air transportation market) subject to the finding.

§ 298.32 [Removed]

7. Section 289.32, *Requirements relating to interests in large aircraft or their operations,* is removed and reserved.

8. In Subpart I, § 298.90 is revised to read:

§ 298.90 Exemption for certificated carriers.

(a) Each certificated carrier is exempted from the Act in the manner set forth in Subpart B, subject to the terms of this subpart and Subparts C through H, as if it were an air taxi operator, for operations that are performed with small aircraft. However, a certificated carrier need not comply with the registration provisions of Subpart C (§§ 298.21–24) unless its only section 401 certificate authority was obtained—

(1) After January 1, 1981, and

(2) Under section 401(d)(5) of the Act (unused authority).

(b) All of a certificated carrier's operations with small aircraft shall be considered as operations "under this part" and not under its section 401 certificate. However, for the purposes of section 105(a)(2) of the Act (limiting Federal preemption of State regulation for certain intra-Alaska service), a certificated carrier's operations under this part shall be considered as "provided pursuant to" its certificate.

(c) Notwithstanding §§ 298.11 (b), (c), or (d), certificated carriers operating under this part are not exempted from section 403 or 404 of the Act with respect to air transportation conducted wholly within the State of Alaska.

9. In § 298.92, the words "operating under this part" and the last clause are removed so that the section as revised reads:

§ 298.92 Antitrust provisions.

Certificated carriers are exempted from sections 408(a) and 409 of the Act for transactions and relationships to which those sections apply only because of the involvement of operations under this part.

10. Section 298.93 is amended to read:

§ 298.93 Through service options.

(a) *Interstate and overseas air transportation.* If a certificated carrier provides interstate or overseas air transportation that includes a segment for which tariff filing is required and another segment for which tariff filing is not required, then for through service over that routing the carrier has the option of filing or not filing a tariff. If the carrier files a tariff for through service, it is not exempt from section 403 or section 404(b) of the Act for that air transportation, except to the extent set forth in § 221.3(e) of this chapter (domestic tariff flexibility).

(b) *Foreign air transportation.* If a certificated carrier provides foreign air transportation that includes a segment for which tariff filing is required and another segment for which tariff filing is not required, then for through service over that routing the carrier has the option of filing a tariff or charging the sum of the applicable local rates, fares, or charges. If the carrier files a tariff for through service, it is not exempt from section 403 or section 404(b) of the Act for that air transportation.

11. Section 298.94 is revised to read:

§ 298.94 Joint fares and 90-day notice of service modifications, suspensions or terminations.

The 90-day notice requirement in section 37(c) of the Airline Deregulation Act of 1978, 49 U.S.C. 1482a, does not apply to a certificated carrier's operations under this part.

§ 298.96 [Removed]

12. Section 298.96, *Special reporting requirements relating to large aircraft,* is removed and reserved.

13. In § 298.99, paragraph (a) is revised to read:

§ 298.99 Scope of filing and reporting requirements.

(a) For its operations under this part, a certificated carrier shall file flight schedules for its service in foreign air transportation and for cargo-only air transportation within the States of Alaska or Hawaii. It may file the schedules in accordance with either § 298.60 *(Filing of flight schedules by commuter air carriers)* or Part 231 of this chapter *(Transportation of Mail; Mail Schedules),*

* * * * *

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 82-219 Filed 1-5-82; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 373, 376, 378, 385 and 399

Extension of Foreign Policy Export Controls

AGENCY: International Trade Administration, Office of Export Administration, Commerce.

ACTION: Notice of rule related action.

SUMMARY: As authorized in section 6 of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) (hereinafter "the Act") the Secretary of Commerce determined on December 31, 1981, that all export controls maintained for foreign policy purposes should continue beyond December 31, 1981, until February 28, 1982.

DATE: Effective as of January 1, 1982.

FOR FURTHER INFORMATION CONTACT: James Nobel, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377-3205.

SUPPLEMENTARY INFORMATION: In a proposed rule published in the **Federal Register** (46 FR 43842, September 1, 1981) the Department sought comments on how controls imposed or extended effective January 1, 1981 and those subsequently imposed had affected exporters and the general public. We received numerous comments.

All current foreign policy controls, except those imposed on December 30, 1981, which do not require extension at this time, are extended until February 28, 1982. Controls are extended in their present form for a two month period so that they may be considered in a deliberate and comprehensive manner, especially in view of the situation in Eastern Europe. The comments received as a result of the September 1, 1981, request will be considered in this review.

At the same time, nuclear nonproliferation controls are continued in effect pursuant to section 17(d) of the Act and section 309(c) of the Nuclear Nonproliferation Act of 1978.

The public record concerning comments is maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The records may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records within the facility may be obtained from Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Accordingly, the foreign policy controls are extended.

Authority: Secs. 6, and 13, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order 12214, 45 FR 29783 (May 6, 1980); Department Organization Order 10-3, 45 FR 6141 (January 25, 1980); International Trade Administration Organization and Function Order 41-1, 45 FR 11862 (February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980).

Dated: December 31, 1981.

Bohdan Denysyk,
Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-37475 Filed 12-31-81; 1:00 pm]
BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33-6368; 34-18349; 35-22324; 39-680; IC-12114 and IA-787; File No. S7-917]

Equal Access to Justice Act Rules

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is promulgating and requesting comments upon procedural rules implementing the Equal Access to Justice Act. The Act, which took effect October 1, 1981, provides for the award of attorney fees and other expenses to certain parties who prevail over the federal government in certain administrative and court proceedings.

DATES: Effective January 6, 1982. Comments should be received by the Commission on or before January 6, 1983.

ADDRESSES: All communications concerning this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to File No. S7-917 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW, Washington D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Harlan W. Penn, Office of the General Counsel, Securities and Exchange Commission, 500 N. Capitol St., Washington, D.C. 20549; (202) 272-2454.

SUPPLEMENTARY INFORMATION: On June 18, 1981, the Chairman of the Administrative Conference of the United States issued model regulations for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (46 FR 32900, June 25, 1981). The Act authorizes the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications (under section 554 of the Administrative Procedure Act, 5 U.S.C. 554), in which the position of the United States is represented by counsel or otherwise, conducted by Federal agencies and in civil court proceedings other than tort actions. Eligible parties include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with no more than 500 employees, regardless of net worth. The Act became effective on October 1, 1981, and applies to proceedings pending on that date.

The Act permits an award of fees and expenses to prevailing parties other than the federal government where the federal agency could not show that its position in the proceeding was "substantially justified or that special circumstances make an award unjust." (Sections 203(a)(1), 204(a)). Thus, as to certain cases involving agencies of the federal government, and individuals or entities subject to net worth tests, the Act creates an exception to the longstanding "American Rule" under which attorney fees ordinarily are not recoverable by the prevailing party in federal litigation. *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975). Specifically, unless the agency establishes that its position as party to the proceeding was "substantially justified or that special circumstances make an award unjust," the Act permits awards of "fees and expenses" to private parties in:

(a) on-the-record agency adjudications subject to 5 U.S.C. 554 [of the Administrative Procedure Act ("APA")], in which the party

prevails in a proceeding brought by or against the agency (Section 203(a)(1));

(b) civil actions brought by or against an agency in which the party prevails (Section 204(a)); and

(c) actions for judicial review of an agency adjudication conducted pursuant to 5 U.S.C. 554 in which the party prevails (Section 204(a)).

The Commission believes that it will have no difficulty in establishing substantial justification for the positions taken in proceedings and that, under the Act, the class of claimants who may seek an award of fees and expenses will not be large. While the number of claims for awards will vary from agency to agency, it is apparent that responding to and determining such requests will be a significant obligation of agencies including the Securities and Exchange Commission.

The Act directs agencies to establish procedures for the award of fees in their administrative proceedings, after consultation with the Chairman of the Administrative Conference. To facilitate this process, the Administrative Conference developed the model regulations with the help of a task force of volunteers from numerous Federal agencies. The Model Rules have proven to be a helpful guide in drafting the rules promulgated today. The Model Rules take an approach designed to permit determination of requests promptly and without excessive diversion of government resources. The Commission's rules take the same approach but tailor it to Commission needs. As required by the Act the Commission has consulted with the Chairman of the Administrative Conference in the preparation of these rules. A copy of the comment letter received from Stephen L. Babcock, Executive Director, Administrative Conference of the United States, will be placed in the public file. Those interested are also urged to examine the Model Rules and accompanying commentary. 46 FR 32900 (June 25, 1981); 46 FR 15895 (March 10, 1981).

The Commission's rules, which follow its Rules of Practice (17 CFR 201.1 *et seq.*), specify the proceedings and applicants covered and the fees and expenses allowable and set forth the procedures for processing of applications. The significant differences between the Commission's rules and the Model Rules are highlighted below, with the corresponding designations of the Model Rules and the Commission's Rules found in 17 CFR:

1. *When the Act applies.* Section 201.32 includes a sentence not found in Model Rule 0.102. This change is made to clarify that some proceedings which are technically open on October 1, 1981, are not subject to the Act. The phrase "substantially concluded" is meant to exclude proceedings open but only awaiting completion of remedial action or formal closing or similar action. A change of this type was suggested in the discussion which accompanied the Model Rules. (46 FR 32900, 32901.)

2. *Proceedings covered.* Section 201.33 has been altered from the text of Model Rule 0.103 to reflect the fact that the Commission does not conduct rate-making or licensing proceedings. It has also been altered to reflect the Commission's view that the Act does not authorize an agency to award fees against another agency or department of government as set forth in the Model Rules. Similar changes have been made in other parts of the Model Rules. Commission proceedings which are covered by the Act include those listed in the Appendix to the rules. Model Rule 0.103(b) provides for designation of a proceeding as an adversary adjudication for purposes of the Act even though not listed. It has been omitted. There is serious question whether the Act would permit payment of fees if the proceedings are not required to be under 5 U.S.C. 554 but are nonetheless voluntarily so conducted. In addition, the Commission recognizes that the Act does not apply to proceedings before self-regulatory organizations, to review thereof by the Commission, or to Commission investigations.

3. *Rulemaking on maximum rates for attorney fees.* Model Rule 0.107 has been omitted. It provides for raising the $75 per hour limit on attorney fees by rule. The Commission may, of course, amend these rules when appropriate and will also consider requests from affected persons or the public that the rules be amended. *See* 17 CFR 202.6.

4. *Net worth exhibit.* The Commission's Office of the General Counsel opposed the provision in the proposed Model Rules requiring fee award applicants to submit a detailed statement of their net worth. This was viewed as unduly burdensome on eligible applicants and creating administrative problems since confidential financial information was sought. The Administrative Conference therefore simplified the requirement and gave applicants greater leeway in structuring the submission. The exhibit will be helpful in considering applications. Therefore § 201.42(a) is identical with Model Rule 0.202(a). Section 201.42(b) is simplified from the corresponding Model Rule in that it refers to the Commission's provision for requesting confidential treatment under its Rules of Practice. *See* 17 CFR 201.25.

Effective Date of Rules; Request for Additional Comments

The rules are procedural within the meaning of 5 U.S.C. 552(b)(A); thus publication of the rules in preliminary proposed form is not required. The rules will be effective January 6, 1982. The Commission intends to review the rules after approximately one year. Comments received prior to January 6, 1983, will be considered by the Commission during this review.

Authority

This rulemaking is effected under the authority of section 19 of the Securities Act of 1933, 15 U.S.C. 77r; sections 23 and 24 of the Securities Exchange Act of 1934, 15 U.S.C. 78w and 78x; section 20 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79t; section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss; section 38 of the Investment Company Act of 1940, 15 U.S.C. 80a–37; section 211 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–11; and section 203(a)(1) of the Equal Access to Justice Act, 5 U.S.C. 504(c)(1).

Regulatory Flexibility Act

No regulatory flexibility analysis (or certification that one is not required) is necessary because the rules are procedural, and thus not within the definition of "rule" for purposes of Chapter 6, Title 5, U.S.C.

Conclusion

PART 201—RULES OF PRACTICE

Part 201 of Chapter II, Title 17, Code of Federal Regulations is amended by designating §§ 201.1 through 201.28 as "Subpart A—Rules of Practice" and by adding Subpart B, to read as follows:

§§ 201.1 through 201.28 [Redesignated as Subpart A]

Subpart B—Regulations Pertaining To The Equal Access To Justice Act

Sec.

201.31 Purpose of these rules.
201.32 When the Act applies.
201.33 Proceedings covered.
201.34 Eligibility of applicants.
201.35 Standards for awards.
201.36 Allowable fees and expenses.
201.37 Delegations of authority.
201.41 Contents of application.
201.42 Net worth exhibit.
201.43 Documentation of fees and expenses.
201.44 When an application may be filed.
201.51 Filing and service of documents.
201.52 Answer to application.
201.53 Reply.
201.54 Settlement.
201.55 Further proceedings.
201.56 Decision.

Sec.

201.57 Commission review.
201.58 Judicial review.
201.59 Payment of award.
201.60 Appendix—Advisory adjudications conducted by the Commission under 5 U.S.C. 554.

Authority: Sec. 19, Securities Act of 1933, 15 U.S.C. 77r; Sections 23 and 24, Securities Exchange Act of 1934, 15 U.S.C. 78w and 78x; Section 20, Public Utility Holding Company Act of 1935, 15 U.S.C. 79t; section 319, Trust Indenture Act of 1939, 15 U.S.C. 77sss; section 38, Investment Company Act of 1940, 15 U.S.C. 80a–37; section 211, Investment Advisers Act of 1940, 15 U.S.C. 80b–11; and section 203(a)(1), Equal Access to Justice Act, 5 U.S.C. 504(c)(1).

§ 201.31 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this subpart), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use in ruling on those applications. These rules do not impose a burden on competition

§ 201.32 When the Act applies.

The Act applies to adversary adjudications described in § 201.33 pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs. Proceedings which have been substantially concluded before October 1, 1981, are not covered although officially pending for purposes such as concluding remedial actions found in Commission orders or private undertakings.

§ 201.33 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Commission. These are on the record adjudications under 5 U.S.C. 554 in which the position of an Office or Division of the Commission as a party, not including *amicus* participation, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. *See* Appendix, 17 CFR 201.60.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 201.34 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this subpart, unless the administrative law judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 201.35 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Office or Division over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on counsel for an Office or Division of the Commission, which must show that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 201.36 Allowable fees and expenses.

(a) Subject to the limitation of paragraph (b), awards will be based on rates customarily charged, in the locale of the hearing, by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the reasonable rate at which the Commission pays witnesses with similar expertise. However, an award may also include the reasonable expenses of the attorney, agent or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses. No award may include fees and expenses for preparation of or

proceedings related to an application under this subpart.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 201.37 Delegations of authority.

The Commission may by order delegate authority to take final action on matters pertaining to the Equal Access to Justice Act in particular cases.

§ 201.41 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant, the proceeding for which an award is sought and contain the information required in this subpart. The application shall show that the applicant has prevailed and specify the position(s) of the opposing Office or Division in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 201.42 Net worth exhibit.

(a) Each applicant, except a qualified tax-exempt organization or cooperative association, must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 201.34(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative law judge or the Commission may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that exhibit in accordance with 17 CFR 201.25.

§ 201.43 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The applicant may be required to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

§ 201.44 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) The date on which an initial decision or other recommended disposition of the merits of the proceeding by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Commission's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

§ 201.51 Filing and service of documents.

Any application for an award or other document related to an application shall be filed and served in the same manner as other papers in proceedings under the Commission's Rules of Practice. In addition, a copy of each application for fees and expenses shall be served on the General Counsel of the Commission.

§ 201.52 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Office or Division of the Commission may file an answer to the application. Unless the Office or Division of the Commission counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If counsel for the Office or Division of the Commission and the applicant believe that the issues in the fee

application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted upon request by agency counsel and the applicant.

(c) The answer shall explain any objections to the award requested and identify the facts relied on in support of that position. If the answer is based on any alleged facts not already in the record of the proceeding, it shall include supporting affidavits or a request for further proceedings under § 201.55.

§ 201.53 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 201.55.

§ 201.54 Settlement.

The applicant and counsel for the Office or Division of the Commission may agree on a proposed settlement of the award before final action of the application, either in connection with a settlement of the underlying proceeding or after the underlying proceeding has been concluded, in accordance with the Commission's standard settlement procedure. *See* 17 CFR 201.8. If a prevailing party and counsel for the Office or Division of the Commission agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 201.55 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or counsel for the Office or Division of the Commission, or on his or her own initiative, the administrative law judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request for further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 201.56 Decision.

The administrative law judge shall issue an initial decision on the application promptly after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 201.57 Commission review.

In accordance with the procedures set forth in 17 CFR 201.17, either the applicant or counsel for the Office or Division of the Commission may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative. If neither the applicant nor counsel for the Division or Office of the Commission seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the administrative law judge for further proceedings.

§ 201.58 Judicial review.

Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 201.59 Payment of award.

An applicant seeking payment of an award shall submit to the Comptroller of the Commission a copy of the Commission's final decision granting the award, accompanied by a sworn statement that the applicant will not seek review of the decision in the United States courts. The Commission will pay the amount awarded to the applicant as authorized by law, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

§ 201.60 Appendix—Adversary adjudications conducted by the Commission under 5 U.S.C. 554.

Securities Exchange Act of 1934

Section 11A(b)(6), 15 U.S.C. 78k–1(b)(6) (suspension or revocation of registration, or censure of a securities information processor).

Section 12(j), 15 U.S.C. 78l(j) (suspension of effective date or revocation of registration of a security).

Section 15(b)(4), 15 U.S.C. 78o(b)(4) (suspension or revocation of registration, or censure of a broker or dealer).

Section 15(b)(6), 15 U.S.C. 78o(b)(6) (censure, suspension or bar of an associate of a broker or dealer).

Section 15(B)(c)(2), 15 U.S.C. 78o–4(c)(2) (suspension or revocation of registration, or censure of a municipal securities dealer).

Section 15(B)(c)(4), 15 U.S.C. 78o–4(c)(4) (censure, suspension or bar of an associate of a municipal securities dealer).

Section 15B(c)(8), 15 U.S.C. 78o–4(c)(8) (removal or censure of member of the Municipal Securities Rulemaking Board).

Section 17A(C)(3)(A), 15 U.S.C. 78q–1(c)(3)(A) (denial of registration or postponement of effective date of registration of a transfer agent).

Section 197h(1), 15 U.S.C. 78s(h)(1) (suspension or revocation of registration, or censure of a self-regulatory organization).

Section 19(h)(2), 15 U.S.C. 78s(h)(2) (suspension or expulsion of a member of a self-regulatory organization).

Section 19(h)(3), 15 U.S.C. 78s(h)(3) (suspension or bar of a person from being associated with a national securities exchange or registered securities association).

Section 19(h)(4), 15 U.S.C. 78s(h)(4) (removal or censure of a director or officer of a self-regulatory organization).

Investment Advisers Act of 1940

Section 203(e), 15 U.S.C. 80b–3(e) (suspension or revocation of registration, or censure of an investment adviser).

Section 203(f), 15 U.S.C. 80b–3(f) (censure, suspension or bar of an associate of an investment adviser).

By the Commission.

December 18, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–304 Filed 1–5–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

49 CFR Chapter X

Notice of References for Information Collection Requirements

Issued December 31, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Technical amendments.

SUMMARY: The Federal Energy Regulatory Commission is providing, as

a reference in its regulations, the control numbers assigned by the Office of Management and Budget (OMB) for regulations that describe current information collection requirements.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426, (202) 357–8033.

Text of References

Following the text of each part, section, or paragraph of Title 18, United States Code, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
18 CFR 1.38	1902-0094
18 CFR 1.40	1902-0095
18 CFR 1.41	1902-0065
18 CFR 2.56a	1902-0065
18 CFR 2.69	1902-0060
18 CFR 2.78	1902-0056
18 CFR 2.79	1902-0060
18 CFR Part 4 Subpart D	1902-0073
18 CFR Part 4 Subpart F	1902-0058
18 CFR Part 6	1902-0066
18 CFR Part 9	1902-0069
18 CFR 11.20	1902-0067
18 CFR 11.31	1902-0067
18 CFR 13.1	1902-0067
18 CFR 24.1	1902-0079
18 CFR Part 33	1902-0062
18 CFR Part 34	1902-0043
18 CFR Part 35 Subpart A	1902-0096
18 CFR 35.12	1902-0096
18 CFR 35.13	1902-0096
18 CFR Part 45	1902-0082
18 CFR 46.6	1902-0080
18 CFR Part 101	1902-0021
18 CFR Part 104	1902-0029
18 CFR Part 116	1902-0021
18 CFR Part 125	1902-0096
18 CFR Part 153	1902-0062
18 CFR 154.61	1902-0070
18 CFR 154.62	1902-0070
18 CFR 154.63	1902-0070
18 CFR 154.64	1902-0070
18 CFR 154.65	1902-0070
18 CFR 154.91	1902-0070
18 CFR 154.92	1902-0055
18 CFR 154.93	1902-0055
18 CFR 154.94	1902-0055
18 CFR 154.95	1902-0055
18 CFR 154.96	1902-0055
18 CFR 154.97	1902-0055
18 CFR 154.98	1902-0055
18 CFR 154.99	1902-0055
18 CFR 154.100	1902-0055
18 CFR 154.101	1902-0055
18 CFR Part 156	1902-0081
18 CFR 157.5	1902-0060
18 CFR 157.6	1902-0060
18 CFR 157.7	1902-0060
18 CFR 157.8	1902-0060
18 CFR 157.9	1902-0060
18 CFR 157.10	1902-0060
18 CFR 157.11	1902-0060
18 CFR 157.12	1902-0060
18 CFR 157.13	1902-0060
18 CFR 157.14	1902-0060
18 CFR 157.15	1902-0060
18 CFR 157.16	1902-0060
18 CFR 157.17	1902-0060
18 CFR 157.18	1902-0060
18 CFR 157.20	1902-0045
18 CFR 157.22	1902-0045
18 CFR 157.100	1902-0060
18 CFR Part 158	1902-0098
18 CFR 160.1	1902-0098
18 CFR Part 201	1902-0028
18 CFR Part 204	1902-0030
18 CFR Part 216	1902-0026
18 CFR Part 225	1902-0096
18 CFR 250.5	1902-0109
18 CFR 250.10	1902-0096
18 CFR 250.13	1902-0096
18 CFR 250.14	1902-0096
18 CFR 260.8	1902-0005
18 CFR 260.9	1902-0004
18 CFR Part 271 Subpart K	1902-0057
18 CFR 273.302	1902-0084
18 CFR 276.204	1902-0093
18 CFR 276.102	1902-0041
18 CFR 276.103	1902-0040
18 CFR 276.104	1902-0039
18 CFR 276.106	1902-0096
18 CFR 277.210	1902-0096
18 CFR Part 281	1902-0096
18 CFR 282.502	1902-0028
18 CFR Part 284 Subpart A	1902-0096
18 CFR 284.105	1902-0096
18 CFR 284.106	1902-0096
18 CFR 284.107	1902-0096
18 CFR 284.125	1902-0096
18 CFR 284.126	1902-0096
18 CFR 284.127	1902-0096
18 CFR Part 284 Subpart D	1902-0096
18 CFR Part 284 Subpart E	1902-0096
18 CFR Part 284 Subpart F	1902-0096
18 CFR 284.221	1902-0096
18 CFR Part 284 Subpart H	1902-0096
18 CFR Part 290	1902-0042
18 CFR Part 292	1902-0075
18 CFR 300.10	1902-0096
18 CFR 300.11	1902-0096
18 CFR Part 361	1902-0022
18 CFR Part 352	1902-0022
18 CFR Part 369	1902-0096
18 CFR 360.100	1902-0015
18 CFR 360.101	1902-0015
18 CFR 360.102	1902-0017
18 CFR 360.103	1902-0014
18 CFR 360.104	1902-0013
18 CFR 361.100	1902-0011
18 CFR 361.101	1902-0010
18 CFR 361.102	1902-0010
18 CFR 361.103	1902-0009

Following the text of the Part of Title 49, United States Code cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
49 CFR Part 1300	1902-0058

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-323 Filed 1-6-82; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 270

[Docket No. RM80-33]

Order Vacating Partial Stay and Amending Regulations

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order vacating partial stay and amending regulations.

SUMMARY: On August 20, 1981, the Federal Energy Regulatory Commission (Commission) stated it would reconsider the effective date of the Btu rule (18 CFR 270.204) and granted a partial stay of the December 1, 1978, effective date for the period December 1, 1978, to April 24, 1981. The Btu rule prescribes the standard for determining the Btu content of natural gas in calculating maximum lawful prices. This order reconsiders and affirms the December 1, 1978, effective date of the Btu rule. Accordingly, the partial stay of the effective date is vacated, and § 270.204 is amended to clarify that, effective December 1, 1978, maximum lawful prices for first sales of natural gas are applied to the actual Btu's delivered.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Room 8113, Washington, D.C. 20426, (202) 357–8033

Order Vacating Partial Stay and Amending Regulations

Issued: December 24, 1981.

On August 20, 1981, the Federal Energy Regulatory Commission (Commission) granted a partial stay of the December 1, 1978, effective date of the Btu rule (18 CFR 270.204), pending further order, for the period December 1, 1978, to April 24, 1981. The Btu rule prescribes the standard for determining the Btu content of natural gas in calculating maximum lawful prices under the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432)(NGPA).

The Commission has reconsidered the effective date of the Btu rule. For the reasons discussed herein and previously stated in Order Nos. 93 and 93–A, the Commission reaffirms the December 1, 1978, effective date. Accordingly, the partial stay of the effective date is vacated, and, effective December 1, 1978, maximum lawful prices for first sales of natural gas are to be determined by the actual Btu's delivered. In addition, § 270.204 of the Commission's regulations is clarified by adding a new paragraph stating that the maximum lawful price for any first sale is applied to the Btu's actually delivered.[1]

I. Background

The NGPA was signed into law on November 9, 1978. On November 28, 1978, the Commission issued interim regulations, effective December 1, 1978,

[1] Persons allegedly aggrieved by the Commission's decision have previously sought, and been denied, rehearing on the effective date issue. This order is essentially the result of a reconsideration, on the Commission's own motion, of the denial of rehearing. Because the Commission merely reaffirms its prior orders, rehearing of this order is not a prerequisite for judicial review.

to implement the NGPA. One of the interim regulations was § 270.204. That section described the standard test conditions for determining the Btu content of a unit volume of natural gas.

On July 16, 1980, the Commission issued Order No. 93 (45 FR 49077, July 23, 1980) in the instant docket which, *inter alia,* amended and issued in final form the interim regulation in § 270.204. In response to comments questioning the relationship of the interim regulation to determination of maximum lawful prices under the NGPA, the Commission clarified that the maximum lawful price for first sales of natural gas is determined by adjusting the results obtained under the test conditions set forth in § 270.204 to reflect the actual Btu content of the gas at delivery conditions (Btu rule). This interpretation applied to both the interim regulation and the final rule.

On April 24, 1981, the Commission issued Order No. 93–A (46 FR 24537, May 1, 1981) which denied rehearing. The order explained in more detail the Commission's rationale for adopting the Btu rule. The Commission again stated that under the interim rule, effective December 1, 1978, as well as the final rule, the maximum lawful price for first sales of natural gas is to be determined on the basis of the number of Btu's actually delivered and that the test results obtained pursuant to § 270.204 are to be adjusted accordingly.

Subsequently, several applications for rehearing and stay of Order No. 93–A were filed. The applications objected to the December 1, 1978, effective date of the Btu rule. On July 30, 1981, the Commission denied the petitions for rehearing and stay.

On August 20, 1981, the Commission vacated its July 30 order denying rehearing and stay and granted a stay of the effectiveness of the Btu rule for the period December 1, 1978, to April 24, 1981. The Commission stated therein that it would reconsider the December 1, 1978, effective date.

Numerous petitions for review had been filed in the United States Court of Appeals for the District of Columbia Circuit after rehearing was denied in Order No. 93–A and the July 30 order. For this reason, the order vacating the order denying rehearing and granting a partial stay was made subject to the Court's approval and the Commission sought remand of the record. On September 17, 1981, the court remanded the record.[2]

II. Commission Decision

In implementing the NGPA, the Commission has required that maximum lawful prices "per MMBtu" be determined on the basis of the MMBtu's actually delivered in a first sale. That requirement is not at issue here. The only question now before the Commission is whether the December 1, 1978, effective date is appropriate. The Commission believes that it is.

Prior to the Commission's clarification in Order No. 93 of the relationship of the test conditions outlined in § 270.204 to the determination of maximum lawful prices, the record indicates there was some confusion in the natural gas industry on the issue of whether the test results must be adjusted in order to determine maximum lawful prices. Some producers apparently demanded that maximum lawful prices be applied to the actual Btu's delivered in a first sale.[3] On the other hand, some pipelines insisted that maximum lawful prices be applied to the Btu's determined under the standard conditions described in § 270.204, without further adjustment to reflect actual delivery conditions, which is similar to the method used to determine just and reasonable rates under the Natural Gas Act (15 U.S.C. 717–717(w)). Thus, it does not appear from a review of the record that there was an interpretation different from the Commission's that was uniformly adopted throughout the industry. Under these circumstances, the Commission is not persuaded to change the December 1, 1978, effective date of the Btu rule, so as to impose a different interpretation for the period prior to the issuance of Order No. 93.

The Commission emphasizes, as it did in Order No. 93–A, that the Btu rule does not require that the industry change its measurement or pricing practices. Application of the Btu rule to a first sale merely determines the maximum lawful price that can be charged for natural gas under the NGPA. The rule neither alters the method called for in the contract for measuring the Btu content of the gas, nor requires payment of a price different from that provided for by the contract, as long as it is at or below the applicable maximum lawful price.

III. Amendment to § 270.204

The Commission is amending the language of § 270.204 of its regulations by adding a new paragraph (c) to reflect the Commission's interpretation of the NGPA and its regulations that the maximum lawful price prescribed under the NGPA for any first sale applies to the Btu's actually delivered in that sale.

In accordance with section 553 (b) and (c) of the Administrative Procedure Act (5 U.S.C. 553)(APA), the Commission finds that public notice and comment are unnecessary, because this amendment is merely a clarification and effects no substantive change in the regulations. For the same reasons, the Commission, in accordance with section 553(d) of the APA, makes the amendment effective December 1, 1978, the effective date of the interim regulation.

The Commission orders

For the reasons set forth above, the Commission orders:

(1) the partial stay of the Btu rule for the period December 1, 1978, to April 24, 1981, is vacated; and

(2) § 270.204 of Subpart B, Chapter I of Title 18, Code of Federal Regulations is amended as set forth below, effective December 1, 1978.

(Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350, 15 U.S.C. 3301–3432.)

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

Section 270.204 is amended by adding a new paragraph (c) to read as follows:

§ 270.204 Btu content per cubic foot of natural gas.

* * * * *

(c) *Application of the maximum lawful price.* The maximum lawful price prescribed by the NGPA and this part for any first sale of natural gas applies to the Btu's actually delivered in that first sale.

[FR Doc. 82–300 Filed 1–5–82; 8:45 am]

BILLING CODE 6717–01–M

---

[2] This order resolves the issue before the Commission. Therefore, the Solicitor is directed to transmit a copy of this order to the United States Court of Appeals for the District of Columbia Circuit.

[3] *See, e.g.,* Joint Supplemental Comments of Indicated Producers, filed January 31, 1979, at 6; Application of Indicated Producers for Rehearing, filed February 2, 1979, at 13.

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5257/R94; PH-FRL-2022-2]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; (±) Cyano (3-Phenoxyphenyl) Methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl) Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation to permit residues of the insecticide (±)cyano (3-phenoxyphenyl) methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in cottonseed oil. This regulation to establish the maximum permissible level for residues of the insecticide in cottonseed oil was requested by the American Cyanamid Co.

EFFECTIVE DATE: Effective on: January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Frank D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of May 21, 1980 (45 FR 34054) which announced that the American Cyanamid Co., PO Box 400, Princeton, NJ 08540, had submitted a food additive petition (FAP OH5257) proposing that 21 CFR 193.99 be amended by the establishment of a regulation permitting residues of the insecticide (±)cyano (3-phenoxyphenyl) methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in the food commodity cottonseed oil at 0.2 part per million (ppm).

There were no comments received in response to this petition.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data pertaining to this insecticide are included in the final rule on the raw agricultural commodity cottonseed (PP OF2347/R380) found elsewhere in today's **Federal Register**.

The insecticide is considered useful for the purpose for which the food additive regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended, (86 Stat. 973, 89 Stat. 973, 89 Stat. 751, U.S.C. 135(a) et seq.) Therefore, the food additive regulation is established in 21 CFR 193.99 as set forth below.

Any person adversely affected by this regulation may, on or before February 5, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 501-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemption from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 6, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 22, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.99 is revised to read as follows:

§ 193.99 (+)Cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate.

A regulation is established permitting residues of the insecticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on the following food commodity:

Commodity	Part per million (ppm)
Cottonseed Oil	0.02

[FR Doc. 82-319 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-81-950]

Combination and Manufactured (Mobile) Home Lot Loans

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: Section 338 of the Omnibus Budget Reconciliation Act of 1981 amended the National Housing Act to permit increased loan limits under HUD's Combination and Manufactured (Mobile) Home Lot Loan Program. This rule will increase the loan limits to the maximum authorized by the 1981 Act.

EFFECTIVE DATE: January 6, 1982.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9178, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6680. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 338 of the Act amended the National Housing Act to permit increased loan amounts under HUD's Combination and Manufactured (Mobile) Home Lot Loan Program. The limit for single-section homes with suitably developed lots will be increased from $27,500 to $35,000 and the dollar limit for multi-section homes with suitably developed lots from $36,000 to $47,500.

The loan limit for the purchase of a suitably developed lot only by the present owner of a manufactured (mobile) home is increased to $12,500.

Section 338(b) of the 1981 Act also authorizes higher dollar amount limits in areas where there are high land costs or high set-up costs. The Department is in the process of compiling the necessary information to implement this section of the Act.

The subject matter of this rulemaking action relates to loans or contracts and

is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions dealing with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption. In this instance, delay in effectiveness of this rule would cause unnecessary hardships to mobile home and lot buyers who need to use the increased loan amounts which Congress has permitted. In addition, because the rulemaking action does no more than effectuate an authorization enacted by Congress without further regulatory qualification or modification by the Department, the Secretary has determined that public comment is unnecessary and that this regulation should be published as a final rule.

The Secretary also has determined that, for the reasons stated above, good cause exists for exempting this final rule from the 30-day delay in effectiveness provided in the Administrative Procedure Act (5 U.S.C. 553(d)).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2) (C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of ten cents per page) during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published pursuant to Executive Order 12291 and the Regulatory Flexibility Act on August 17, 1981 (46 FR 41708).

The Catalog of Federal Domestic Assistance program number is 14.162 Mortgage Insurance—Combination and Manufactured (Mobile) Home Lot Loans (F).

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Accordingly, 24 CFR 201.1504 is revised to read as follows:

§ 201.1504 Maximum loan amounts and terms.

(a) Maximum insurable loan amounts and terms shall not exceed the lesser of:

(1) $35,000 for 20 years and 32 days for the purchase of a single-section manufactured (mobile) home and a suitably developed lot.

(2) $47,500 for 25 years and 32 days for the purchase of a multi-section manufactured (mobile) home and a suitably developed lot.

(3) 130 percent of the total price of a new manufactured (mobile) home, as stated in the manufacturer's invoice plus the actual cost and installation of central air conditioning and/or heat pumps, plus the Secretary's estimate of the value of the manufactured (mobile) home lot; or

(4) 90 percent of the Secretary's estimate of the value of a used manufactured (mobile) home, if the used manufactured (mobile) home was previously financed with a loan under this part, plus the Secretary's estimate of the value of the manufactured (mobile) home lot.

(b) The maximum loan amount for the purchase of a suitably developed lot on which to place a manufactured (mobile) home owned by the borrower shall not exceed the lesser of the Secretary's estimate of the value of the lot or $12,500, and the maximum loan term shall not exceed 15 years and 32 days.

(Title I Sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., December 9, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-389 Filed 1-5-82; 8:45 am]

BILLING CODE 4210-01-M

---

24 CFR Part 201

[Docket No. R-81-951]

Property Improvement and Manufactured (Mobile) Home Loans

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: Section 338 of the Omnibus Budget Reconciliation Act of 1981 amended the National Housing Act to permit increased loan limits for manufactured (mobile) home loans. This rule will increase the loan limits to the maximum authorized by the 1981 Act. It also will increase the loan terms for single-section homes to the maximum authorized by the Act.

EFFECTIVE DATE: January 6, 1982.

FOR FOR FURTHER INFORMATION CONTACT:

John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9172, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6680. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 338 of the Omnibus Budget Reconciliation Act of 1981 amended section 2(b) of the National Housing Act to authorize increases for manufactured (mobile) home loans in the following amounts: (1) On single-section homes from $20,000 to $22,500; (2) on multi-section homes from $30,000 to $35,000.

The loan maturity for single section homes was also authorized to be increased from 15 years and 32 days to 20 years and 32 days.

The subject matter of this rulemaking action relates to loans or contracts and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions dealing with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption. In this instance, delay in effectiveness of this rule would cause unnecessary hardships to mobile home buyers who need to use the increased loan amounts which Congress has permitted. In addition, because the rulemaking action does no more than effectuate an authorization enacted by Congress without further regulatory qualification or modification by the Department, the Secretary has determined that public comment is unnecessary and that this regulation should be published as a final rule.

The Secretary also has determined that, for reasons stated above, good cause exists for exempting this final rule from the 30-day delay in effectiveness provided in the Administrative Procedure Act (5 U.S.C. 553(d)).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of ten cents per page) during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban

Development, 451 Seventh Street, SW, Washington, D.C. 20410.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published pursuant to Executive Order 12291 and the Regulatory Flexibility Act on August 17, 1981 (46 FR 41708).

The Catalog of Federal Domestic Assistance program number is 14.110 Mobile Home Loan Insurance. Financing Purchase of Mobile Homes as Principal Residences of Borrowers (Title I).

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Accordingly, 24 CFR Part 201 is amended by revising paragraphs (a) and (c) of § 201.530 and § 201.560 to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a manufactured (mobile) home loan shall not exceed the lesser of $22,500 ($35,000 where the manufactured (mobile) home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used manufactured (mobile) home if the used manufactured (mobile) home was previously financed with a loan under this part). The appraised value of a used manufactured (mobile) home shall be determined by a HUD approved manufactured (mobile) home appraiser.

* * * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $22,500 ($35,000 where the manufactured (mobile) home is composed of two or more modules).

* * * * *

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 20 years and 32 days for either single or multiple section homes. A multi-section home is permitted only one transportation trip after manufacture unless specified shipping precautions are observed.

(Title I, Sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., December 9, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-310 Filed 1-5-82; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[WH-FRL 2009-8]

Texas Department of Water Resources Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State program.

SUMMARY: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of Texas was listed as needing an UIC program on September 25, 1978 (43 FR 43420). It submitted an application on July 24, 1981, covering an UIC program to be administered by the Texas Department of Water Resources (TDWR). On August 28, 1981, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Texas UIC program submitted by the TDWR (46 FR 43472). A public hearing was held on September 28, 1981 in Dallas, Texas. After careful review of the application and comments received from the public, I have determined that the Texas UIC program submitted by the TDWR meets the requirements established by Federal regulations pursuant to Section 1421 of the SDWA, and hereby approve the Texas UIC program submitted by the TDWR.

EFFECTIVE DATE: This approval is effective January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Wyk, Ground Water Protection Section, U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTAL INFORMATION: *Authority:* Section 1422(b)(1) of the Safe Drinking Water Act, as amended (42 U.S.C. 300f et seq), and the Consolidated Permits Regulations (40 CFR Parts 122, 123, 124) and the Technical Criteria and Standards; State Underground Injection Control Programs Regulations (40 CFR Part 146).

The Texas Department of Water Resources UIC program governs Classes I, III, IV, and V injection wells excepting wells used for in situ combustion of fossil fuels or for recovery of geothermal energy; and geothermal wells used for heating or aquaculture.

EPA is publishing this approval effective immediately so that Texas can begin issuing UIC permits for Class I wells under the UIC program.

OMB Approval

Under Executive Order 12291, EPA must judge whether a rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis (RIA). This rule is not major because approval of the Texas Department of Water Resources UIC program, submitted pursuant to section 1422 of the Safe Drinking Water Act, will not impose any new requirements. Rather, this rule only approves State actions.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1422 of the Safe Drinking Water Act of the application by the Texas Department of Water Resources will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: December 30, 1981.
John W. Hernandez,
Acting Administrator.
[FR Doc. 82-280 Filed 1-5-82; 8:45 am]
BILLING CODE 6560-29-M

40 CFR Part 180

[PP OF2347/R380; PH-FRL-2022-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; (±) Cyano (3-Phenoxyphenyl) Methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl) Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: This rule establishes a tolerance for residues of the insecticide (±)cyano (3-phenoxyphenyl) methyl (+)-4-difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity cottonseed. This regulation to establish the maximum permissible level for residues of the insecticide on cottonseed was requested by the American Cyanamid Co.

EFFECTIVE DATE: Effective on January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Frank D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of May 21, 1980 (45 FR 34054) which announced that the American Cyanamid Co., PO Box 400, Princeton, NJ 08540, had submitted a pesticide petition (PP OF2347) proposing that 40 CFR 180.400 be amended by the establishment of a tolerance for residues of the insecticide (±)cyano (3-phenoxyphenyl) methyl (+)-4-difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity cottonseed at 0.1 part per million (ppm).

There were no comments received in response to this petition.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 81 milligrams (mg)/kilogram (kg) for male rats and 67 mg/kg for female rats; a 21-day delayed hen neurotoxicity study with a no-observable-effect level (NOEL) of 5,000 mg/kg, the highest dose tested (HDT); teratology studies (in rats and rabbits), with a NOEL of 8.0 mg/kg/day (HDT) for rats and a NOEL of 60 mg/kg/day (HDT) for rabbits; a 3 generation rat reproduction study with a NOEL of 30 ppm; 90-day subchronic rat and dog feeding studies with a NOEL of 60 ppm for rats and 150 ppm for dogs (HDT); a 24-month rat chronic feeding/oncogenicity study which resulted in a systemic NOEL of 60 ppm (no oncogenic effects were noted at 120 ppm (HDT); an 18-month mouse oncogenic study (no oncogenic effects at 120 ppm (HDT)); and the following mutagenicity studies: an Ames test at 1,000 μg/Plate (HDT) and a rat dominant lethal test at 10.0 mg/kg (HDT) (both negative).

Data considered desirable but currently lacking are:

(1) a guinea pig sensitization study;

(2) a 6-month dog feeding study;

(3) an acute inhalation LD_{50} on the formulation (4-hour); and

(4) a second neurotoxicity study in hens at higher dosage levels.

Actions being taken to obtain the lacking information are:

(1) the petitioner has agreed in writing to submit the guinea pig sensitization study;

(2) the 6-month dog study is in progress and will be extended and reported as a 2-year dog study;

(3) the petitioner has agreed in writing to conduct the 4-hour inhalation study on the formulation and submit the test results by January 30, 1983; and

(4) the petitioner has agreed in writing to repeat the 21-day delayed neurotoxicity study in hens at higher dose levels and submit the results to the Agency by January 30, 1983.

The acceptable daily intake (ADI) is calculated to be 0.0150 mg/kg/day based on the 3-generation rat reproduction study and its NOEL of 30 ppm using a 100-fold safety factor. The maximum permissible intake (MPI) is calculated to be 0.9000 mg/day for a 60-kg person. Approval of the tolerance for cottonseed and the related tolerance for cottonseed oil would result in a theoretical maximum residue contribution (TMRC) of 0.0004 mg/day/1.5 kg and will utilize 0.05 percent of the ADI.

Analytical methods are currently being validated for enforcement purposes. The validation will be completed by February 31, 1982. American Cyanamid Company has agreed in writing that if the analytical methods are found to be inadequate for enforcement, adequate analytical methods will be developed and submitted to the Agency by January 5, 1983; otherwise the Company will remove the product from the market and will not contest the revocation of tolerance.

There are currently no regulatory actions pending against the registration of this pesticide. There are no other relevant considerations to be made in establishing this tolerance.

A related document establishing a regulation permitting residues of this chemical in cottonseed oil appears elsewhere in this issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance for residues of the insecticide in or on cottonseed will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before February 5, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 501–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemption from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: February 6, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 22, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by establishing a new § 180.400 to read as follows:

§ 180.400 (+)Cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxyl)-alpha-(1-methylethyl)benzeneacetate; tolerance for residues.

A tolerance is established for residues of the insecticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methyl)benzeneacetate in or on the following raw agricultural commodity:

Commodity	Part per million (ppm)
Cottonseed	0.1

[FR Doc. 82-318 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 2E1293/7E1960/R377; PH-FRL-2019-5]

2,4-D; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the pesticide 2,4-D (2,4-dichlorophenoxyacetic acid). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish a maximum permissible level for residues of 2,4-D on apricots at 5 parts per million (ppm), and millet grain at 0.5 ppm and millet forage and straw at 20 ppm.

EFFECTIVE DATE: Effective on January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-100), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of October 27, 1981 (46 FR 53395) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted to EPA pesticide petitions number 2E1293 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California, and 7E1960 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Kansas, Minnesota, Nebraska, Nevada, and North Dakota.

The petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose the establishment of a tolerance for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt in or on the raw agricultural commodity apricots at 2 ppm (PP 2E1293) and the establishment of tolerances for residues of 2,4-D and its metabolite 2,4-dichlorophenol (2,4-DCP) in or on the raw agricultural commodities millet grain at 0.5 ppm and millet forage and straw at 20 ppm (PP 7E1960). Later PP 2E1293 was amended to propose a tolerance of 5 ppm in or on apricots. It was also later determined that tolerances in millet grain, straw and forage should be in terms of 2,4-D *per se* rather than in terms of parent plus metabolite.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought.

Based on the information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 5, 1982, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on January 6, 1982.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: December 15, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.142 is revised by reformatting the commodities in an alphabetized columnar listing, adding a new explanatory sentence relating to the apricot tolerance and alphabetically inserting the raw agricultural commodity apricots in paragraph (a), and alphabetically inserting the raw agricultural commodities millet forage, millet grain, and millet straw in paragraph (b).

Section 180.142 is revised to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide, plant regulator, and fungicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on raw agricultural commodities as follows:

Commodity	Parts per million
Apples	5
Apricots	5
Citrus fruits	5
Pears	5
Potatoes	0.2
Quinces	5

(1) The tolerance on apricots also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D

preharvest application of 2,4-D dimethylamine salt to apricots.

(2) The tolerance on citrus fruits also includes residues 2,4-D from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester and from the postharvest application of 2,4-D alkanolamine salts and 2,4-D isopropyl ester to citrus fruits.

(b) Tolerances are established for residues of 2,4-D at:

Commodity	Parts per million
Barley, grain	0.5
Barley, forage	20
Blueberries	0.1
Corn, fodder	20
Corn, forage	20
Corn, fresh, sweet (K+CWHR)	0.5
Corn, grain	0.5
Cranberries	0.5
Grapes	0.5
Grass hay	300
Grasses, pasture	1,000
Grasses, rangeland	1,000
Millet, forage	20
Millet, grain	0.5
Millet, straw	20
Oats, forage	20
Oats, grain	0.5
Rice	0.1
Rice, straw	20
Rye, forage	20
Rye, grain	0.5
Sorghum, fodder	20
Sorghum, forage	20
Sorghum, grain	0.5
Sugarcane	2
Sugarcane, forage	20
Wheat, forage	20
Wheat, grain	0.5

(1) *Salts.* Residues on all the above may result from application of 2,4-D in acid form, or in the form of one or more of the following salts:

(i) The inorganic salts: Ammonium, lithium, potassium, and sodium.

(ii) The amine salts: Alkanolamines of the ethanol and isopropanol series, alkyl (C-12), alkylk (C-13), alkyl (C-14), alkylamines derived from tall oil, amylamine, diethanolamine, diethylamine, diisopropanolamine, dimethylamine, N,N-dimethyl-linoleylamine, N,N-dimethyloleyamine, ethanolamine, ethylamine, heptylamine, isopropanolamine, isopropylamine, linoleylamine, methylamine, morpholine, octylamine, oleylamine, N-oleyl-1,3-propylenediamine, propylamine, triethanolamine, triethylamine, triisopropanolamine, and trimethyamine.

(2) *Esters.* Residues on all the above may result from application of 2,4-D in acid form, or in the form of one or more of the following esters: amyl (pentyl), butoxyethoxypropyl, butoxyethyl, butoxypolythylene glycol butyl ether, butoxypropyl, butyl, dipropylene glycol isobutyl ether, ethoxyethoxyethyl, ethoxyethoxypropyl, ethyl, ethoxypropyl, isobutyl, isooctyl (including, but not limited to, 2-ethylhexyl, 2-ethyl-4-methylpentyl, and 2-octyl), isopropyl, methyl, polyethylene glycol 200, polypropoxybutyl, polypropylene glycol, propylene glycol, propylene glycol butyl ether, propylene glycol isobutyl ether, tetrahydrofurfuryl, and tripropylene glycol isobutyl ether.

(c) Tolerances are established for negligible residues of 2,4-D from application of its dimethylamine salt to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation, U.S. Department of Interior; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense. Where tolerances are established at higher levels from other uses of 2,4-D on the following crops, the higher tolerance applies also to residues from the irrigation ditch bank use cited in this paragraph.

The established tolerances follow:

Commodity	Parts per million
Avocados	0.1 (N)
Citrus fruits	0.1 (N)
Cottonseed	0.1 (N)
Cucurbits	0.1 (N)
Forage grasses	0.1 (N)
Forage legumes	0.1 (N)
Fruiting vegetables	0.1 (N)
Grain crops	0.1 (N)
Hops	0.1 (N)
Leafy vegetables	0.1 (N)
Nuts	0.1 (N)
Pome fruits	0.1 (N)
Root crop vegetables	0.1 (N)
Seed and pod vegetables	0.1 (N)
Small fruits	0.1 (N)
Stone fruits	0.1 (N)

(d) A tolerance is established for residues of 2,4-D sodium salt and alkanolamine salts (of the ethanol and isopropanol series), calculated as 2,4-D (2,4-dichlorophenoxyacetic acid) as follows:

Commodity	Parts per million
Asparagus	5

(e) A tolerance is established for residues of 2,4-D from application of its alkanolamine salts (of the ethanol and isopropanol series) as follows:

Commodity	Parts per million
Strawberries	0.05

(f) Tolerances are established for residues of 2,4-D from application of its dimethylamine salt for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs conducted by the Corps of Engineers or other Federal, State, or local public agencies. Where tolerances are established at higher levels from other uses of the dimethylamine salt of 2,4-D on crops included within these commodity groups, the higher tolerances also apply to residues from the aquatic uses cited in this paragraph. The established tolerances follow:

Commodity	Parts per million
Crops in paragraph (c) of this section	1.0
Crop groupings in paragraph (c) of this section	1.0
Fish	1.0
Shellfish	1.0

(g) [Reserved]

(h) Tolerances are established for residues of 2,4-dichlorophenoxyacetic acid (2,4-d) and/or its metabolite, 2,4-dichlorophenol (2,4-DCP) in food products of animal origin as follows.

Commodity	Parts per million
Cattle, fat	0.2
Cattle, kidney	2
Cattle, meat	0.2
Cattle, mbyp (exc. kidney)	0.2
Eggs	0.05
Goats, fat	0.2
Goats, kidney	2
Goats, meat	0.2
Goats, mbyp (exc. kidney)	0.2
Hogs, fat	0.2
Hogs, kidney	2
Hogs, meat	0.2
Hogs, mbyp (exc. kidney)	0.2
Horses, fat	0.2
Horses, kidney	2
Horses, meat	0.2
Horses, mbyp (exc. kidney)	0.2
Milk	0.1
Poultry	0.05
Sheep, fat	0.2
Sheep, kidney	2
Sheep, meat	0.2
Sheep, mbyp (exc. kidney)	0.2

(i) A tolerance is established for residues of 2,4-D from applications of its dimethylamine salt or its butoxyethanol ester for Eurasian Watermilfoil control in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system as follows:

Commodity	Parts per million
Fish	1.0

[FR Doc. 82-110 Filed 1-5-82; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 1F2449/R366; PH-FRL-2021-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Acephate

AGENCY: Environmental Protection Agency EPA.

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the residues of the insecticide acephate and its cholinesterase-inhibiting metabolite in or on grasses (pasture and range) and grass hay. This regulation to establish the maximum permissible level for residues of acephate in or on the above commodities was requested by Chevron Chemical Co.

EFFECTIVE DATE: January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 21, 1981 (46 FR 6061) that Chevron Chemical Company, 940 Hensley St., Richmond, CA 94804, had submitted a petition (1F2449) to EPA. The petition proposed that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodity grass (pasture and range) at 3.0 parts per million (ppm). The petitioner subsequently amended the petition by increasing the proposed tolerance from 3.0 ppm to 15 ppm and by including the term grass hay. No comments were received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance were a 2-year oral dog feeding study with a no-observable-effect level (NOEL) of 100 ppm based on a systemic toxicity; a rat teratology study with a NOEL of 200 mg/kg; a 90-day cholinesterase rat study with a NOEL of 5 ppm based on brain, plasma, and red blood cell activity; an interim (12 months) report on an ongoing 2-year rat feeding/oncogenic study which indicates a NOEL of 5 ppm for cholinesterase activity for red blood cells and plasma for both male and female rats, and 5 ppm for female rats and less than 5 ppm for male rats for brain cholinesterase activity. On the basis of this incomplete report and an interim report of oncogenic effects in the mouse, acephate does not appear to be a carcinogen.

Data desirable but currently lacking include:

1. Final and complete report on a recently conducted rat feeding/oncogenicity study [1] and a mouse oncogenicity study.
2. Reproduction (rat) and neurotoxicity study.[1]
3. Teratology study in a mammalian species other than the rat.

Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the proposed tolerance because the proposed use will not increase the current theoretical maximum residue contribution (TNRC) to the human diet. Residues from the proposed use of acephate on pasture and rangeland could only occur in human food items as secondary residues in the milk, meat, fat, and meat byproducts of cattle, goats, horses, and sheep resulting from the feeding of the treated pasture and rangeland grasses to these livestock. Any such residue would not exceed 0.1 ppm, the currently established tolerance for each of the above mentioned food products.

The metabolism of acephate is adequately understood and an adequate analytical method (gas chromatograph equipped with a thermionic detector) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Thus, based on the above information considered by the Agency, it is concluded that the tolerance of 15 ppm in or on grass (pasture and range) and grass hay would protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before February 5, 1982 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: January 6, 1982.

(Sec. 408(d)(1), 68 Stat. 512; (7 U.S.C. 136))

Dated: December 14, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS 17 OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by adding "grass (pasture and range)" and "grass hay" to § 180.108 and alphabetically arranging the commodities to read as follows:

§ 180.108 Acephate; tolerances for residues.

* * * * *

Commodity	Parts per million
Beans (succulent and dry form, of which no more than 1 ppm is *O,S*-dimethyl phosphoramidothioate)	5
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Celery (of which no more than 1 ppm is *O,S*-dimethyl phosphoramidothioate)	10
Cottonseed	2
Eggs	0.1
Goats, fat	0.1
Goats, meat	0.1
Goats, mbyp	0.1
Grass (pasture & range)	15
Grass hay	15
Hogs, fat	0.1
Hogs, meat	0.1

[1] These studies have now been submitted and are under review.

Commodity	Parts per million
Hogs, mbyp	0.1
Horses, fat	0.1
Horses, meat	0.1
Horses, mbyp	0.1
Lettuce (head, of which no more than 1 ppm is *O,S*-dimethyl phosphoramidothioate)	10
Milk	0.1
Mint hay (of which no more than 1 ppm is *O,S*-dimethyl phosphoramidothioate)	15.0
Peppers (bell, of which no more than 1 ppm is *O,S*-dimethyl phosphoramidothioate)	4
Poultry, fat	0.1
Poultry, meat	0.1
Poultry, mbyp	0.1
Soybeans	1
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1

[FR Doc. 82-317 Filed 1-5-82; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-260040A; PH-FRL-2021-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Technical Amendment; Beans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.1(h) by clarifying and updating the entry for "beans." This proposal was submitted by the Interregional Research Project No. 4 (IR–4). This amendment identifies by generic name those vegetables intended whenever a tolerance is established for the agricultural commodities "beans."

EFFECTIVE DATE: Effective on January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708, (A–100), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 26, 1981 (46 FR 52141) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted an amendment request to EPA on behalf of the IR–4 Technical Committee, requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, revise the crop grouping "beans" in 40 CFR 180.1(h) and add new crop groupings, "beans (dry)" and "beans (succulent)." The IR–4 requested these amendments in order to clarify and update the relationship between the general category "beans," in column A and the specific raw agricultural commodities listed in column B.

IR–4 originally proposed to redefine "beans" as "beans (dry) and beans (succulent)." Subsequently, the request was modified to indicate the genera of beans to be included in the definition.

The Administrator concurred with IR–4 that 40 CFR 180.1(h) should be revised to clarify and update the general category "beans" in column A and the corresponding specific raw agricultural commodities in column B by naming the five genera (*Cicer, Glycine, Phaseolus, Vicia,* and *Vigna* spp.).

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Based on the information considered by the Agency, it is concluded that the regulation established by revising 40 CFR Part 180 will protect the public health. Therefore, the regulation is revised as set forth below.

Any person adversely affected by this regulation may, by February 5, 1982, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB). has exempted this rule from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 116, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 6, 1982.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: November 25, 1981.

James M. Conlon,

Deputy Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.1(h) is amended by revising the current column B definition of "Beans" and adding new entries for "Beans (dry)" and "Beans (succulent)" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * * * *	
Beans	*Cicer* sp. (including chickpeas and garbanzo beans); *Glycine* sp. (including soybeans); *Phaseolus* sp. (including kidney beans, lima beans, mung beans, navy beans, pinto beans, snap beans, and wax beans); *Vicia* sp. (including broad beans, fava beans); *Vigna* sp. (including asparagus beans, blackeyed peas and cowpeas).
Beans (dry)	All beans in dry form only.
Beans (succulent)	All beans in succulent form only.
* * * * *	

[FR Doc. 82-315 Filed 1-5-82; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 8E2035/R385; PH-FRL-2021-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbaryl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide carbaryl in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for residues of the insecticide in or on the commodities was requested by Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on January 6, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of October 21, 1981 (46 FR 51622) which announced that IR-4, New Jersey Argicultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted a pesticide petition (PP 8E2035) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New York, proposing that 40 CFR 180.169 be amended by the establishment of tolerances for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate in or on the raw agricultural commodities birdsfoot trefoil forage and birdsfoot trefoil hay at 100 parts per million (ppm).

There were no comments received in response to this notice of proposed rulemaking. The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking.

The insecticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, by February 5, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on January 6, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 15, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.169 is amended by adding and alphabetically inserting the commodities birdsfoot trefoil forage and hay to paragraph (a) to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

(a) * * *

Commodity	Parts per million (ppm)
* * * * *	
Birdsfoot trefoil, forage	100.0
Birdsfoot trefoil, hay	100.0
* * * * *	

[FR Doc. 82-313 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 428

Sale of Replacement Farm Units to Teton Flood Victims

AGENCY: Bureau of Reclamation, Interior.

ACTION: Revocation of regulations.

SUMMARY: Part 428 of this title was issued to prescribe methods for selecting eligible farmers to purchase land, and prescribe methods of selling replacement farm land located in the Idaho National Energy Laboratory (INEL), Idaho. Under the provisions of the Act of February 25, 1978 (92 Stat. 76), the sale of the INEL land was to be completed within 5 years. All of the eligible farmers have been identified and the land sold. There is no longer any need for Part 428; therefore, revocation of the Part is necessary.

EFFECTIVE DATE: January 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. L. David Williamson, Senior Staff Assistant for Land Resources Management, Operation and Maintenance Policy Staff, Bureau of Reclamation, Washington, D.C. 20240, telephone (202) 343-5204.

SUPPLEMENTAL INFORMATION: The primary author of this document is Mr. Terence G. Cooper, Staff Assistant, Land Resources Management, Operation and Maintenance Policy Staff, Bureau of Reclamation, Washington, D.C. 20240, telephone (202) 343-5204.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

PART 428 [REMOVED]

Under the authority of the Secretary of the Interior contained in 43 U.S.C. 373, 43 CFR part 428 is hereby removed and reserved.

Dated: December 23, 1981.

Garrey E. Carruthers,

Assistant Secretary—Land and Water Resources.

[FR Doc. 82-303 Filed 1-5-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order 1493; Amdt. 10]

Escanaba and Lake Superior Railroad Co. Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 10 to Service Order No. 1493.

SUMMARY: Amendment No. 10 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE: 11:59 p.m., December 30, 1981, and continuing in effect until 11:59

p.m., January 30, 1982, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: December 30, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822, 25311, 34593, 39146, 44190, 49127, 58491 and 54562), and good cause appearing therefor:

PART 1033—CAR SERVICE

It is ordered, Service Order No. 1493 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

§ 1033.1493 Service Order 1493.

(a) Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee).* * *

* * * * *

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company to complete compensation negotiations, and shall expire at 11:59 p.m., January 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 30, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr. and Melvin F. Clemens, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-342 Filed 1-5-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The NOAA implements a new schedule of fees for fish caught by foreign vessels in the U.S. fishery conservation zone. The schedule complies with the requirements of the Magnuson Fishery Conservation and Management Act, as amended by the American Fisheries Promotion Act. The purpose of the rule is to have foreign vessels pay for the foreign share of the U.S. costs of administering the Magnuson Act, beginning January 1, 1982.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT:
A. J. Bilik, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: The NOAA implements a new schedule of fees for fish caught by foreign vessels in the U.S. fishery conservation zone (FCZ). The new fees will result in collections of approximately $34.6 million during 1982. This amount is determined by the formula set forth in section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

An advance notice of proposed rulemaking (ANPR) was published at 46 FR 37533 (July 21, 1981). A public hearing was held in Washington, D.C. on August 5. The purpose of the ANPR and the hearing was to set forth the NOAA interpretation of the Magnuson Act and to obtain information. Twenty-seven comments were received and summarized in the proposed rule published at 46 FR 55729 on November 12, 1981. The preamble to the proposed rule throughly discussed the fee schedule and associated issues raised in response to the ANPR. Only seven comments were received on the proposed rule during the 30-day comment period that closed December 14. The following summarizes the substantive comments, suggestions, and actions taken. No data were submitted by any commenters.

1. *Comment:* Under the proposed method of determining the fraction of the total harvest taken by foreigners, the Canadian catch in the "Georges Bank" disputed zone is included in the foreign catch. Since Canada does not pay any fees for this catch, the other foreigners are subsidizing the Canadian harvest. Instead, the United States should calculate the fees Canada would pay for their harvest, and subtract this from the fee collection target.

NOAA Response: This is the only substantive change that NOAA is making as a result of the comments received on the proposed rule. Four options were considered: (a) delete the Canadian catch from the calculations; (b) delete the Canadian catch from the foreign harvest and put it in the U.S. harvest; (c) delete the Canadian and U.S. catches on Georges Bank from the calculations; or (d) delete the fees Canada would pay from the fee collection target.

Option (d) was excluded because Canada does not have a Governing International Fisheries Agreement (GIFA) with the United States, and therefore does not come under the provisions of 50 CFR 611. Furthermore, this option would not ensure collection of the target amount.

Option (c) was excluded because not counting the U.S. harvest on Georges Bank might prejudice our claim vis-a-vis Canada regarding the boundary of the FCZ. Option (b) was excluded because there is no statutory basis for treating Canadian harvests as harvests by "domestic fishing vessels." Therefore, option (a) was chosen. The table presented as Table 2 in the proposed rule's preamble is revised to read as follows:

TABLE 2.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH, 1980

[Including internal waters]

		Metric tons
Total U.S. reported catch [1]	3,056,229	
Exclusion:		
International waters (inc. Tunas)	14,778	
Tunas	226,816	
Freshwater (inc. Gt. Lakes Alewives)	66,378	
Total	(307,972)	
Adjusted U.S. commercial catch in territorial waters and fishery conservation zone	2,748,256	
Add correction for molluscs [2]	592,253	
Add recreational catch in 1979 [3]	185,056	
Total U.S. catch, territorial waters and fishery conservation zone	3,525,565	
Add total foreign catch fishery conservation zone (less Canadian catch) [4]	1,560,480	
Grand total catch, territorial waters and fishery conservation zone (less Canadian catch)	5,086,045	

TABLE 2.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH, 1980—Continued

[Including internal waters]

		[redacted] tons
Ratio of foreign to total is 30.7 percent		

[1] This figure and all following figures for U.S. commercial catch are from pages 8–11, "Fisheries of the United States, 1980" Calculated in pounds and converted to metric tons; figures may not add exactly.

[2] Addition of mollusc shells. U.S. statistics for internal use include only edible portions of molluscs, but international standard is whole animal. Conversion factor varies for each species; they are available upon request.

[3] From page 14, "Fisheries of the United States, 1980." Includes catch types A and B1, assumes that Pacific catch is 15 percent of total. Only 1979 figures are available.

[4] "Fisheries of the United States, 1980"—pages 26, 29. Conversion factor of 8.65 is used to convert scallops meats into live weight.

The new calculation of the ratio of foreign to total catch is 30.7 percent, instead of 31.6 percent. Thus, the revised fee collection target for 1982 is 30.7% × $112,901,000 or $34,660,607. Of this total, NMFS estimates that the 1982 permit application fees will be $78,000. Thus, foreign fishing vessel owners must pay $34.6 million in 1982 fees in addition to permit application fees.

To achieve this fee collection target, the 1981 fees have been multiplied by 1.65 instead of 1.66. (The factor of 1.65 is the fee collection target divided by the anticipated 1982 catch at the 1981 fees). Because the difference between the old and new factors is one one-hundredth, reductions in the final fees from the proposed fees amounting to one dollar or more appear only in the high priced species or where the proposed fee was rounded up to the nearest dollar by almost 50 cents. Thus, the final fees for expensive sablefish and butterfish are reduced by $1 per metric ton, and fees for the more highly priced Pacific billfish and sharks are reduced $2 or $3 per ton, depending on the geographic area. Snails, "other Pacific fish" and "other Atlantic fish" are rounded down by almost 50 cents to a fee $1 below the proposed fee. All other fees are the same as the proposed fees. (The proposed fee of $59 for Atlantic sharks was an error; it is corrected to $50 per metric ton).

2. *Comment:* Reduced fees should be offered to those countries participating in joint ventures, since they are benefiting U.S. fishermen.

NOAA Response: The concept of a "joint venture discount" has been proposed and is supported by some members of the U.S. fishing industry. The NOAA is now reviewing the policy implications of this proposal as well as the question of whether the Magnuson Act contains adequate legal authority. No conclusions have been reached. These final regulations do not contain a discount.

3. *Comment:* Many commenters agreed with NOAA's interpretation that the phrase "territorial waters of the United States" (the catch from which is included in the denominator of the fraction used to determine the portion of total costs to be recovered by the fee schedule) includes the United States territorial sea and internal waters. One commenter disagreed, however, believing that there was no evidence of specific Congressional intent to distinguish between territorial waters and the territorial sea.

NOAA response: NOAA examined this issue when it was raised in comments on the Advance Notice of Proposed Rulemaking. A careful review of the legislative history (which is not clear) indicates that NOAA's interpretation: (1) comports with an objective analysis of the legislative evolution of the current fee provision; (2) is consistent with the policies underlying the inclusion of harvests landward of the inner boundary of the fishery conservation zone, and (3) is consistent with Congress's prior usage of the phrase in other legislation (fisheries legislation in particular).

4. *Comment:* One commenter believed that the ratio of foreign to total harvest (used to determine the portion of total costs to be recovered by the fee schedule), should be computed on the basis of a "weighted average," in order to take into account the fact that U.S. fishermen tend to harvest high-value species while foreign fishermen tend to harvest low-value species.

NOAA response: NOAA has interpreted the statutory phrase, "aggregate quantity of fish," to mean tons of fish. This is consistent with the legislative history of the current fee provision, which refers to the volume of fish harvested, and which utilizes tonnage caught in an example applying the ratio method. The commenter's suggestion reduces, ultimately, to a ratio based on the value of the catches; that clearly was not Congress's intent. (See House Report No. 96–1138, Part 1, pages 35–36, 47–48).

5. *Comment:* The total cost of carrying out the provisions of the Magnuson Act used in developing the schedule of fees should have been the incremental cost of the Act, or in other words, those costs which would not be incurred but for the Act.

NOAA response: NMFS interprets total cost of the Act to mean the cost of those functions performed under its jurisdiction to fulfill the operative provisions of the Magnuson Act without regard to historical legislative authorization or time-frame of appropriation. Further, it is NOAA policy as documented in the agency's GAO approved financial management system to recover the full costs, both direct and indirect, for performance of services for others (NOAA Budget Handbook, Chapter 2, Section 3).

6. *Comment:* Methodology used to calculate costs should be explained so that future fees can be predicted.

NOAA response: The basic level of financial and programmatic management and planning in NMFS is the task. A task is a grouping of related activities suitable for management as a unit for purposes of accomplishing an objective or objectives. At the beginning of each fiscal year all NMFS units submit documentation of the planned use of their funding allocations at the task level. This documentation is in the form of task plan which includes a narrative description of task activities and a breakout of spending in terms of labor, travel, contracts, etc.

To determine the total cost of carrying out the provisions of the Magnuson Act, MNFS Regions and Centers analysed their activities at the task level using the total cost definition described in the preceding response. To aid NMFS staff in applying this definition of total costs of the Act in the task analyses, the definition was broken down into categories of activities:

Category A—activities that would not be continued if the Magnuson Act were repealed.

Category B—activities budgeted for before the Magnuson Act which are still needed to fulfill the provisions of the Act.

Category C—activities which are necessary to improve the quality of fishery management plans.

Members of the NMFS fees task force reviewed the Region and Center cost analyses on a task-by-task basis and developed an approved aggregation of Magnuson Act total costs. Having established to its satisfaction the total costs of the Act, MNFS regrouped these costs into the programmatic categories specified in the American Fisheries Promotion Act: fishery conservation and management, fisheries research, administration, and enforcement. At this stage, the definitional categories A, B, and C were dropped from the analysis. Documentation of NMFS' determination of Magnuson Act costs is available which indicates, by organization, each task and the amount of each task considered to contribute to the total costs of carrying out the provisions of the Magnuson Act. The MNFS task

plans referenced in this documentation are also available.

The methodology used by the Coast Guard to calculate its Magnuson Act costs is described in the proposed rule.

A major part of the process of calculating the 1982 schedule of fees was the determination of the total cost of the Magnuson Act. The analyses and staff reviews which resulted in establishment of the total costs of the Magnuson Act will not have to be repeated in the development of future fee schedules. The total cost used in future fees can be predicted by applying budget increases, decreases, and reprogramming in Magnuson Act related activities plus an inflation factor to the total cost figure established for the 1982 fees.

7. *Comment:* Calculation of costs should not depend on "subjective discretion."

NOAA response: Since the budget structure within which Congress appropriates funds for NMFS and Coast Guard operations does not separately identify Magnuson Act costs, any determination of Magnuson Act costs must be somewhat a matter of judgment. In consonance with the budget structure, the financial management systems of both agencies are oriented towards management of programmatic activities rather than towards categorization of funding in terms of authorizing legislation. To develop separate financial management systems or to modify existing systems to identify Magnuson Act costs would be expensive, time consuming and wasteful, since such a system would be useful only for the single purpose of identifying Magnuson Act costs.

8. *Comment:* There are programming errors in the automated task summaries provided by NMFS.

NOAA Response: There are some key punch errors; however, they in no way invalidate NMFS' analysis of total costs of the Act since hard copy originals of NMFS task plans were used by NMFS Staff. The automated tasks summaries were produced to aid outside parties in understanding NMFS programs and are not used by NMFS as financial control documents.

9. *Comment:* Variable percentages of U.S. prices should not be used. The fee should be based on the price of whole fish at the fishing grounds. The burden of fees is based on high volume, low value species and cuts into the already slim profit on low value species. More profitable fisheries should not be penalized with higher fees. Fees should be expressed to the nearest penny.

NOAA Response: These comments mistakenly believe that NOAA is still establishing fees in some sort of direct relationship to U.S. exvessel prices. The preamble to the fee notices published at 46 FR 37533 (July 21, 1981), and 45 FR 74948 (November 13, 1980), set out the difficulties encountered in basing foreign fees on U.S. prices that have no relation to foreign values. The fees implemented here are 1.65 times the 1981 fees, which were rounded to the nearest dollar for administrative convenience and which were discussed thoroughly with interested parties before being implemented a year ago. There is no reason to express 1982 fees to the nearest penny. The NOAA believes that the fee schedule shows the proper relative values of fish to the foreigners. "Low value" species may be low value in the United States, but are more highly valued by foreigners, and it is appropriate to charge a higher absolute fee.

Finally, NOAA reiterates that *if* the fees were based on U.S. prices, applying a flat percentage would make some fisheries uneconomic. Traditional fishing practices would be disrupted, and the total allowable level of foreign fishing would not be harvested. The regulatory impact review (RIR), using the best, albeit limited, information available, clearly shows these adverse impacts.

10. *Comment:* The fees are a higher percentage of the U.S. price for species caught by Japan and Korea, and therefore the fee schedule discriminates against these two countries in favor of countries such as Poland, Bulgaria, and Spain.

NOAA Response: The comment that the fee schedule is discriminatory is not substantiated by the commenters or a review of the percentages applied in 1981. Any appearance of "higher fees" is an artifact of the fisheries and allocations made by the Department of State. The 1981 Pacific whiting fee was set at a relatively low percentage of the U.S. price in order to keep the fishery viable. The bycatch in the whiting fishery was assessed a relatively high percentage. Because the whiting fishery is relatively "clean" (i.e., the catch is almost pure whiting), the overall fee per tow may be lower than tows off Alaska, where trawl fisheries are relatively more mixed than the foreign trawl fisheries in other areas.

The same situation occurs in the Atlantic squid fishery, only the percentage applied to squid was the same relative percentage as that applied to Alaskan pollock, Alaskan flounders, and Atka mackerel. Again, the low bycatch in the squid fishery may make the overall fee per tow lower than tows off Alaska.

Japan does have allocations in the clean Atlantic squid fishery as well as in the relatively mixed Alaska fisheries. Korea and Taiwan do not fish elsewhere in the U.S. FCZ than off Alaska; these countries did not, however, submit comments that they perceive the proposed schedule as being discriminatory. Bulgaria has allocations in the clean Pacific coast and Atlantic mackerel fisheries. Poland has allocations in the clean Pacific groundfish as well as the relatively mixed Alaskan fisheries.

The Japan Fisheries Association commented that 61.3 percent of the total fees will be paid by Japan. According to NMFS' estimates based on 1980 catch data, Japan harvested about 77 percent by weight of the total foreign catch harvested by nations expected to operate in the FCZ in 1982. There is a reasonably direct relation between the Japanese portion of the total foreign catch and its anticipated portion of the total 1982 fees. This relation does not discriminate against Japan and no discrimination against any country is intended.

11. *Comment:* The Department of State must be consulted, and its comments addressed by the Department of Commerce.

NOAA response: Section 204(b)(10) of the Magnuson Act requires the Secretary of Commerce to consult the Secretary of State when establishing a fee schedule. The Oceans and Fisheries Affairs office was consulted at all stages of development and reviewed the decision-making documents before they were finalized. The Department of State's comment on the proposed rule says that the "proposed fees appear reasonable". From this statement, NOAA concludes that the Secretary of State has no objections to the fee schedule finalized in this rulemaking and does not feel that the schedule violates any international agreements.

The administrative record shows that the fee schedule and implementation of section 204(b)(10) were discussed with the Department of State on the following dates in 1981: March 12; July 1; August 24; September 2, 8, and 9; November 6 and 18; December 7, 10, and 22.

12. *Comment.* The 1982 fee schedule will make foreign fishing uneconomic in the U.S. FCZ.

NOAA Response: The Magnuson Act, as amended, sets forth a formula for establishing the minimum level of fees needed to collect costs attributed to foreign fishing. NOAA has developed the 1982 schedule in compliance with the Act. The commenters provided no

data to support their statement that the fees are uneconomic.

13. *Comment:* The RIR has not adequately covered all the relevant issues related to the 1982 fee schedule and its effects on foreign and domestic interests.

NOAA Response: The NOAA has addressed these issues using the best available data. The commenters on the RIR did not provide any additional data that NOAA could use to improve the analysis, either during the period for the advanced notice of proposed rulemaking or the proposed rulemaking.

14. *Comment:* The foreign fishing fee schedule is a major regulation under the criteria set forth in Executive Order 12291.

NOAA Response: NOAA did not receive any technical data on the impacts of the 1982 fee schedule from commenters either during the comment period for the advanced notice of proposed rulemaking or the proposed rulemaking. Thus, NOAA has concluded that the Regulatory Impact Review, which is based on available data, supports the finding that the 1982 fee schedule is not a major rule under E.O. 12291.

15. *Comment:* The 1982 foreign fishing fee schedule will have an adverse impact on some joint ventures that compete with heavily subsidized Soviet joint ventures. The U.S. should implement a new foreign allocation policy which allows foreign nations to catch one ton of an underutilized resource when one ton is purchased from American fisherman in a joint venture operation.

NOAA response: The suggested policy change is beyond the scope of this rulemaking.

16. *Comment:* Fees should not be used as a management tool to restrict foreign fishing effort.

NOAA response: This criteria for fees was dropped only after evaluating public comments on all of the fee criteria. Even so, the fee schedule in this notice is based on the quantity of fish caught and does not restrict foreign fishing effort. The fees are set in such a way that the objectives of the fishery management plans are not subverted.

17. *Comment:* It is both unsound economically and also illegal to fashion a fee schedule solely on the basis of whether it recoups the target cost figure.

NOAA response: Section 204(b)(10) of the Magnuson Act requires the Secretary to establish a schedule to recover fees which "shall be at least in an amount sufficient to return to the United States" the portion of Magnuson Act costs attributable to foreign fishing. The Secretary is obligated to comply with this statutory mandate.

18. *Comment:* The 1982 fee schedule is not a programmatic function, and does not qualify as a categorical exclusion from NEPA requirements. That NOAA's reasons supporting its determination are "flatly contradicted by NMFS's own statements in its Regulatory Impact Review [RIR]", and NOAA, therefore, is obligated to comply with NEPA requirements.

NOAA response: The RIR prepared for the 1982 foreign fee schedule clearly states that the schedule which was selected was "expected to be the least disruptive of current fishing practices." The RIR did examine the possibility that higher fees might increase operating costs in certain fisheries, and result in some reduction in foreign fishing in 1982. The examination was made in the context of the impact on the 1983 foreign fishing schedule. Such a reduction in foreign fishing, however, is speculative at this point. Moreover, the RIR indicated that NOAA developed the fee schedule with the expectation that the historical percentage of TALFF would be harvested by foreign fishing vessels in 1982. The foregoing reasons support NOAA's determination that the fee schedule qualifies as a categorical (programmatic function) exclusion. The commenter has not provided factual information that would lead to a contrary conclusion.

19. *Comment:* The provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* have not been complied with, on the basis of non-disclosure of: (a) the basis and method for computing total costs; and (b) the basis and method for computing the fees per metric ton.

NOAA response: (a) The NOAA has made available to interested parties (including the commenter) computer-stored copies of the task plans which were used to calculate Magnuson Act costs, as well as summaries. The NOAA referred to the availability of this information in the Notice of Proposed Rulemaking (NPR) (46 FR at 55730). (b) The NPR indicated that the method used to derive the species fees (that of applying a factor of 1.66 to the 1981 fees) was based on the ratio of target collection amount to anticipated 1982 catch at 1981 species fees. Species fees for 1981 were published in the Federal Register on January 8, 1981 (46 FR 2080); anticipated 1982 catch was set forth in the Regulatory Impact Review (the availability of which was referred to in the NPR).

Other Matters

No comments were received on reducing the poundage fee surcharge for the Fishing Vessel and Gear Damage Compensation Fund from 20 percent to 8 percent. There also was no comment on maintaining permit application fees at $60 per application.

Classification

NOAA has prepared a regulatory impact review (RIR) that discusses the economic consequences and impacts of the proposed fee schedule and its alternatives. Copies of the RIR are available at the above address. Based on the RIR, the Administrator, NOAA, has determined that the proposed schedule does not constitute a major rule under E.O. 12291.

The NOAA Administrator has certified that the proposed fee schedule will not have a significant economic impact upon a substantial number of small entities for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This proposed rule has no information collection provisions, for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The 30-day delay in effectiveness required by the Administrative Procedure Act (5 U.S.C. 553) is waived because it would be against the public interest. The NOAA Administrator has found that foreign fishing should not be disrupted and that the foreign nations should have notice as soon as possible that higher fees will be assessed for fish caught on January 1, 1982, and thereafter.

For the same reasons, the Administrator, NOAA, has found good cause for this rulemaking to be exempt from section (3)(c)(3) of E.O. 12991, under section 8(a) of that Order. Transmitting this final rule to the Director of the Office of Management and Budget (OMB) at least 10 days before publication would prevent adequate notice of the higher fees. A copy of this notice is being transmitted to OMB simultaneously with publication in the Federal Register.

Dated: December 31, 1981.

E. Craig Fulber,

Acting Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

For the reasons set forth in the preamble, 50 CFR Part 611 is amended to read as follows:

1. The authority citation is:

Authority: 16 U.S.C. 1824.

2. 50 CFR 611.22 is amended by revising paragraphs (a)(1)(i) and (a)(2)(i), by removing paragraph (a)(2)(iv), and by

revising paragraph (b), to read as follows:

§ 611.22 Fee schedule for foreign fishing permits.

(a) * * *

(1) *Permit fees.* (i) Each vessel permit application submitted under § 611.3 must be accompanied by a fee of $60.00 per vessel ($50 costs plus $10 surcharge). At the time the application is submitted to the Department of State, the fees must be sent to: Division Chief, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235. The permit fee payment must be accompained by a list of the vessels for which payment is made.

* * * * *

(2) *Poundage fees.* (i) If a nation chooses to accept an allocation, poundage fees must be paid at the rate specified in Table I, plus the surcharge required by paragraph (b) of this section.

TABLE 1.—SPECIES AND POUNDAGE FEE

(Dollars per metric ton)

Species	Poundage fee
1. Butterfish	117
2. Hake, red	18
3. Hake, silver	18
4. Herring, river	17
5. Mackerel, Atlantic	40
6. Other finfish (Atlantic)	79
7. Sharks (Atlantic)	50
8. Squid, *Illex*	23
9. Squid, *Loligo*	86
10. Shrimp, royal red	(1)
11. Atka mackerel	13
12. Cod, Pacific	45
13. Flatfish, (Alaska)	17
14. Flounders (Pacific)	91
15. Jack mackerel	12
16. Pacific ocean perch	73
17. Other groundfish (Alaska)	15
18. Other fish (Pacific)	36
19. Pollock, Alaska	23
20. Sablefish (Alaska)	109
21. Sablefish (Pacific)	117
22. Rockfish	43
23. Snails	31
24. Squid (Pacific)	17
25. Whiting, Pacific	10
26. Precious coral	(1)
27. Seamount groundfish	23
28. Dolphinfish (mahi mahi) (American Samoa)	86
29. Wahoo (American Samoa)	19
30. Sharks (Pacific) (American Samoa)	7
31. Sharks, Pacific (Hawaii) (Guam, Northern Marianas, U.S. possessions)	19
32. Swordfish (Hawaii)	370
33. Swordfish (American Samoa)	74
34. Swordfish (Guam, Northern Marianas, U.S. possessions)	254
35. Striped marlin (Hawaii)	427
36. Striped marlin (American Samoa)	58
37. Striped marlin (Guam, Northern Marianas, U.S. possessions)	254
38. Other Pacific billfish (Hawaii)	170
39. Other Pacific billfish (American Samoa)	58
40. Other Pacific billfish (Guam, Northern Marianas, U.S. possessions)	231

[1] Reserved.

* * * * *

(b) The owner or operator of each foreign vessel who accepts and pays poundage fees under paragraph (a)(2) of this section must pay a surcharge equal to 8 percent of the poundage fees. The Assistant Administrator may reduce or waive the surcharge if he determines that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently.

* * * * *

[FR Doc. 81-37482 Filed 12-31-81; 4:40 pm]
BILLING CODE 3510-22-M

---

50 CFR Part 662

Northern Anchovy Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues notice that Amendment 2 to the fishery management plan for the northern anchovy fishery is approved, and also issues this final rule to implement the amendment. These regulations allow the Secretary of Commerce to make all or a portion of the reduction harvest quota reserved for reduction fishing in subarea A available to reduction fishing in subarea B. The Secretary may take action if the reduction fishery in subarea A has not harvested, or has not demonstrated an intent to harvest, the full reserve by the end of the fishing season. The intended effect is to increase the probability that the optimum yield for the fishery will be achieved.

EFFECTIVE DATE: February 5, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Smith (Chief, Fisheries Management Division), 213–548–2518.

SUPPLEMENTARY INFORMATION: A notice of initial approval and availability of Amendment 2 to the fishery management plan for the northern anchovy fishery (FMP) and proposed rules to implement the amendment were published in the **Federal Register** on September 16, 1981 (46 FR 45969). Comments on the proposed rule were invited until November 2, 1981.

As the preamble to the proposed rule explains, the northern anchovy fishery management area is divided by the FMP into two subareas; subarea A is that portion of the fishery conservation zone (FCZ) between Point Buchon and Point Reyes, California, and subarea B is that portion of the FCZ between Point Buchon and the United States-Mexico International Boundary. Currently, 10,000 tons, or ten percent, of the total reduction fishery quota, whichever is less, is reserved for reduction fishing in subarea A. Because the FMP did not provide for an inseason adjustment whereby all, or a portion, of this 10,000 ton reserve could be released to fishing in subarea B if the fishermen in subarea A were not expected to harvest their reserve quota by the end of the fishing year, a potential for not achieving optimum yield (OY) existed. This amendment adds a procedure whereby the Secretary of Commerce, or his designee, will estimate by May 15 of each year, the amount of anchovies that will be harvested by fishermen in subarea A prior to any reallocation determination.

Under the amendment, the Secretary is required to contact the affected parties in subarea A, two reduction plant operators and five fishing vessel operators licensed by the State of California, to determine whether the subarea A reserve will be taken. If the reserve amount will not be taken, the Secretary will specify what amount should be reallocated to reduction fishing vessels of subarea B. Any reallocation of this reserve will be made as soon as practicable after June 1 of each year and only that portion which is not expected to be harvested in Subarea A will be subject to release in this manner.

The amendment is intended to increase the probability that the OY will be achieved and that the economic benefits of the management regime will be realized. It provides flexibility to deal with changes in fishing strategy, practices, and capacity in subarea A on an annual basis without further amendment to the FMP.

No comments were received on the proposed rule; therefore, the proposed regulations are adopted in their entirety as final rules. This final rule is identical to the proposed rule at 46 FR 45969.

Classification

The Assistant Administrator has determined that Amendment 2 to the FMP and the implementing regulations comply with the national standards, other provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq*), and other applicable law.

This amendment to the FMP has no significant environmental or biological impacts because the OY specified in the FMP remains unchanged. That portion of the reserve which might be reallocated in any year will be small in relation to the total biomass and the total reduction harvest quota. Thus, there is no need to supplement the environmental impact

statement currently on file with the Environmental Protection Agency (EPA). An Environmental Assessment was filed with EPA on May 9, 1980.

The Administrator, NOAA, has determined that the regulations implementing this amendment are not major under Exective Order 12291 and do not require the preparation of a regulatory impact analysis. These regulations are designed to ensure maximum flexibility in achieving the OY without significant adverse impacts upon individuals or government agencies. Economic impacts (if any) will be beneficial. If the northern fishery is active, there will be no adjustment of the reserve quota. If the northern fishery is less active, there will be no adverse impact upon northern vessels from an inseason adjustment, but the southern area fishery may benefit and the potential yield of the total fishery is more likely to be realized.

The Administrator also certified that the regulations implementing this amendment will not have a significant economic impact on a substantial number of small entities; therefore, no regulatory flexibility analysis is required by the Regulatory Flexibility Act, under 5 U.S.C. 601 *et seq.*

The regulations implementing this amendment require a determination of whether the subarea A reserve quota will be harvested by anchovy vessels in subarea A; that determination is to be made on the basis of information solicited from seven individuals (two reduction plant operators and approximately five anchovy fishing vessel operators). Since information is to be gathered from fewer than ten persons, no "collection of information" is involved for purposes of the Paperwork Reduction Act, 44 U.S.C. 4501 *et seq.*

Dated: December 30, 1981.

William G. Gordon,

Assistant Administrator for Fisheries.

For the reasons stated in the preamble, 50 CFR Part 662 is amended as follows:

PART 662—NORTHERN ANCHOVY FISHERY

1. The authority citation for Part 662 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 662, § 662.3 is revised to read as follows:

§ 662.3 Quota.

(a) *Determination of harvest quota.* The total harvest quota, reduction harvest quota and subarea B harvest quota shall be determined by the following formulas and announced by notice in the Federal Register on or about August 1 of each year.

(1) When spawning biomass is less than 100,000 short tons, there shall be no fishing for anchovies for any purpose.

(2) When spawning biomass is equal to, or greater than 100,000 short tons, but less than 1 million short tons, the total harvest quota for the PAFA shall not exceed 12,600 short tons which will be reserved for nonreduction purposes.

(3) When spawning biomass is equal to, or greater than, 1 million short tons, the total harvest quota in the PAFA shall not exceed 70 percent of one third of the spawning biomass in excess of 1 million short tons, or 12,600 short tons, whichever is greater, of this amount, the first 12,600 short tons will be reserved for nonreduction fishing and the remainder will constitute the reduction harvest quota.

(b) *Special allocation.* Except as provided in paragraph (c) of this section, ten percent of the reduction harvest quota or 10,000 tons, whichever is less, is reserved for reduction fishing in subarea A. The remainder of the reduction harvest quota is the subarea B harvest quota.

(c) *Reallocation of special allocation.* The Secretary may reallocate from subarea A to subarea B that portion of the special allocation reserved under paragraph (b) of this section which he determines will not be harvested in subarea A by the end of the fishing year. The Secretary's determination under this paragraph shall be based on the estimated reduction harvest in subarea A projected to the end of the fishing year, which is the sum of:

(1) The catch in subarea A through May 31; and

(2) The lesser of the following:

(i) the *Processor-based estimate,* which is the total amount of anchovies each reduction plant licensed by California in subarea A is expected to process each day multiplied by the number of days each plant is expected to operate during June; or

(ii) The *harvester-based estimate,* which is the total amount of anchovies each anchovy vessel operator who has filed the declaration of intent specified in § 662.5(d) is expected to harvest in subarea A during June, based on a survey of the registered operators.

(d) *Procedure for reallocation of special allocation.*

(1) The Secretary shall make the estimate under paragraphs (c)(1) and (2) of this section on or about May 15.

(2) As soon as practicable after June 1, the Secretary shall announce to all registered anchovy fishing vessels and licensed anchovy reduction plant operators by certified mail and publish by notice in the Federal Register:

(i) The change, if any, in the reduction harvest quota in subareas A and B;

(ii) the reasons for the change, if any, in the reduction harvest quotas in subareas A and B; and

(iii) a summary of, and responses to, any comments submitted under paragraph (d)(4) of this section.

(3) The Regional Director shall compile in aggregate form all data used to make the estimates under paragraphs (c)(1) and (2) of this section and make them available for public inspection during normal business hours at the Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(4) Comments from the public on the estimates made under paragraphs (c)(1) and (2) may be submitted to the Regional Director until May 31.

(e) Anchovies harvested after August 1 will be counted toward harvest quotas for the fishing year beginning August 1.

[FR Doc. 82-320 Filed 1-5-82; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 3
Wednesday, January 6, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Warehouse Regulations; Financial Statement Requirements; Notice of Extension of Time for Filing Comments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments to proposed rule.

SUMMARY: This notice extends the time for filing comments to proposed rulemaking published December 7, 1981, pages 59930 and 59931 Vol. 46, No. 234, of the **Federal Register**. This rule would require grain warehousemen licensed or applying for license under provisions of the United States Warehouse Act (7 U.S.C. 268) to provide the Secretary with an annual financial statement that has been audited by a certified public accountant in accordance with generally accepted auditing standards and such other interim financial statements or information as the Secretary deems necessary. Interested persons were invited to submit written comments not later than Decembedr 31, 1981. The Department has determined that the time allowed for comments is insufficient to alert interested parties and for such parties to consider the impact of such a requirement and is therefore extending the comment period for all persons.

DATE: Comments now are due on or before January 15, 1982.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, SW, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the time for filing comments to the above-listed proposed rulemaking is hereby extended to January 15, 1982. This notice is given in accordance with the administrative procedure provisions in 5 U.S.C. 553.

Done at Washington, D.C., December 30, 1981.

William T. Manley,

Duputy Administrator, Marketing Program Operations.

[FR Doc. 82–198 Filed 1–5–82; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 979

Melons Grown in South Texas; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed continuing rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of melons grown in designated counties in South Texas to be inspected and meet minimum grade, quality and container requirements. It would promote orderly marketing of such melons and keep less desirable qualities from being shipped to consumers.

DATE: Comments due March 8, 1982.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447–2615. The Draft Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 156 and Order No. 979 (7 CFR Part 979) regulate the handling of melons grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration.

This proposed continuing regulation is based upon unanimous recommendations made by the committee at its public meeting at McAllen, Texas, on December 8, 1981. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1982 spring crop of South Texas melons and of the marketing prospects for this and future shipping seasons.

The proposed regulation would benefit consumers and producers by standardizing and improving the quality of melons shipped from the production area. The proposed grade requirements would prevent melons of poor quality from being shipped to fresh market outlets. Not more than 50 percent of the melons in any lot could fail the requirements for U.S. Commercial grade. A tolerance of 20 percent would be allowed for serious damage of which not more than 10 percent would be for melons affected by soft decay. Black surface discoloration would not be considered a defect. Individual cartons would be required to contain at least 25 percent U.S. Commercial quality melons.

The proposed container requirements would prevent the shipment of bulk loads of packing house culls which adversely affect the reputation and returns of packed South Texas melons. However, the containers required would be those customarily packed for the retail trade.

Exceptions would be provided to certain of these handling requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 120 pounds of melons could be handled, other than for resale, per day by a handler without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of melons.

The requirements with respect to special purpose shipments would allow the shipment of melons for charity, relief, canning and freezing. Shipments of melons for canning or freezing would be exempt under the legislative authority for this part. Shipments for charity or relief would be exempt since no useful purpose would be served by regulating such shipments.

These standardization and marketing efficiency types of regulation would have no measurable effect on the quantity of melons shipped from South Texas, nor will there be discernable effect on U.S. retail melon prices. This regulation should enable the South Texas melon industry to better compete with major melon producing areas in California and Arizona as well as Mexico, by ensuring the use of grades, sizes and containers acceptable to buyers.

It is proposed that requirements contained in this proposed handling regulation, effective May 1, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through March 8, 1982 with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. However, the same requirements have been imposed each season since 1979. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations would probably continue to change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed change could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 979.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Hearing Clerk before March 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of South Texas melons would tend to effectuate the declared policy of the act.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this proposed rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 979—MELONS GROWN IN SOUTH TEXAS

It is proposed that § 979.303 (46 FR 22356, April 17, 1981, and 46 FR 29695, June 3, 1981) be removed and a new § 979.304 be added as follows:

§ 979.303 [Removed]

§ 979.304 Handling regulation.

During the period beginning May 1 and ending on June 30 each season no person shall handle cantaloup or honeydew melons unless they meet the requirements of paragraphs (a) through (c), (d) or (e) and (f) of this section.

(a) *Grade requirements.* Not more than 50 percent of the melons in any lot may fail to meet the requirements of U.S. Commercial grade except no more than 20 percent shall be allowed for serious damage, and including in this latter amount not more than 10 percent for melons affected by soft decay. Black surface discoloration shall not be considered as a grade defect with respect to such grade. Individual cartons shall contain not less than 25 percent U.S. Commercial or better quality.

(b) *Container requirements.* (1) Except as provided in paragraphs (b)(4), (d) or (e) and (f) of this section all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17¼ nor less than 16¾ inches in length, not more than 13 nor less than 12¾ inches in width, and not more than 10⅝ nor less than 9¾ inches in depth. All honeydew melons shall be packed in fiberboard cartons with inside dimensions of 17 inches long by 15¼ inches wide and not more than 7⅛ inches nor less than 6⅛ inches deep. A tolerance of ¼ inch for each dimension shall be permitted.

(2) Each carton shall be marked to indicate the count; the name, address, and zip code of the shipper; the name of the product; and the words "Produce of U.S.A." or "Product of U.S.A."

(3) If the carton in which the melons are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the carton shall be conspicuously marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(4) These container requirements shall not be applicable to melons sold to Federal agencies.

(c) *Inspection.* (1) No handler may handle any melons regulated hereunder except pursuant to paragraphs (d) or (e) and (f) of this section unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of melons for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a vaild inspection certificate is applicable. A copy of such inspection certificate or committee document shall be surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (502) 787–4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (512) 723–9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of ¾¢ per carton.

(d) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 120 pounds net weight of melons per day without regard to the provisions of §§ 979.42, 979.52, 979.60, and 979.80, but this exemption shall not apply to any shipment or any portion thereof of over 120 pounds of melons.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a) through (c) of this section shall not apply to shipments for charity, relief, canning and freezing if a handler presents a

Certificate of Privilege for such melons prior to handling them in accordance with § 979.155.

(2) Melons failing to meet the requirements of paragraphs (a) through (c) of this section and not exempt under paragraphs (d) or (e), and all melons discarded from the grading table shall either be mechanically spiked or mutilated or handled for special purpose outlets in accordance with § 979.152.

(f) *Safeguards.* Each handler making shipments of melons for relief, charity, canning or freezing under paragraph (e) of this section shall:

(1) Notify the committee of the intent to ship melons under paragraph (e) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege.

(3) Prepare on forms furnished by the committee a special purpose shipment report for each individual shipment.

(4) Forward copies of the special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such shipments.

(g) *Definitions.* "U.S. melon standards" mean the United States Standards for Grades of Cantaloups (7 CFR 2851.475–2851.494c), or the United States Standards for Grades of Honey Dew and Honey Ball Type Melons (7 CFR 2851.3740–2851.3749), whichever is applicable, or variations thereof specified in this section. The term "U.S. Commercial" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 156 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-298 Filed 1-5-82; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702
[IRPS 81–6]

Deregulation of Accounting Manual for Federal Credit Unions; Extension of Comment Period

AGENCY: National Credit Union Administration (NCUA).

ACTION: Extension of the Comment Period.

SUMMARY: Because of delays in distribution of the revised Accounting Manual, the NCUA Board is extending the comment period on the proposed rule.

DATE: Comments must be received on or before April 15, 1982.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Joseph Visconti, Surveillance Systems Officer, or Harry Moore, Accounting Officer, Office of Examination and Insurance, Telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION: On October 13, 1981 (46 FR 48940), the National Credit Union Administration published for public comment a proposed rule which will remove the Accounting Manual from the incorporation by reference provisions of 12 CFR 701.2. The proposal also deletes 12 CFR 701.14 in its entirety because it essentially duplicates 12 CFR 701.2.

Because of problems encountered in the distribution of the revised version of the Accounting Manual, some credit unions did not receive the Accounting Manual in time to review that publication and comment on the proposed rule. In a companion action, the NCUA Board issued for public comment a proposed Interpretive Ruling and Policy Statement (IRPS 81–8) (46 FR 50387, October 13, 1981). The IRPS advises that by adhering to the accounting principles and standards in Section 2000, credit unions will be in compliance with the full and fair disclosure provisions of 12 CFR 702. Therefore, the comment periods on the IRPS and on the proposed deregulation are extended for an additional period of time.

Rosemary Brady,

Secretary of the Board.

December 30, 1981.

[FR Doc. 82-296 Filed 1-5-82; 8:45 am]

BILLING CODE 7535-01-M

CIVIL AERONAUTICS BOARD

[EDR-437; Economic Regulations Docket 40320]

14 CFR Parts 296 and 297

Fees to Indirect Carriers

December 18, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to revise its rules governing U.S. indirect cargo air carriers and foreign air freight forwarders and foreign cooperative shippers associations, to permit direct air carriers to pay fees to these indirect carriers. The CAB is proposing this change in response to a request by Trans World Airlines, in order to remove competitive inequities.

DATES: Comments by March 8, 1982. Comments and other relevant information received after this date will be considered by the Board to the extent practicable. Requests to be put on the Service List by: January 20, 1982. The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list. Persons included in the Service List for EDR–408, Docket 38746, shall be included automatically. (See below.)

ADDRESSES: Twenty copies of comments should be sent to Docket 40320, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Barry L. Molar, Attorney-Advisor, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C.; (202) 673–5205.

SUPPLEMENTARY INFORMATION:

Background

By application filed June 20, 1980, in Docket 38298, Trans World Airlines requested an exemption from the tariff observance requirement of the Federal Aviation Act (section 403(b)) to permit it to pay commissions to cargo sales agents on shipments delivered to it by air freight forwarders. It considered an exemption or similar relief necessary because in certain transactions a commission to an agent could be considered as a rebate to the forwarder. Alternatively, TWA asked for a blanket exemption to allow the direct payment of commissions to forwarders. The exemption was sought in connection

with foreign air transportation only because the elimination of domestic cargo tariffs has made a domestic exemption unnecessary as a practical matter. Noting that § 296.32 (now §296.7) expressly prohibits commissions for indirect cargo aircarriers, TWA asserted that U.S.-origin traffic remains subject to the ban. It argued that the prohibition is being circumvented by a number of practices, resulting in commissions being paid on a substantial amount of forwarder-originated traffic. In some instances, forwarders use agents which are affiliated with them, and in other instances, forwarders who are also agents engage in reciprocal dealings by which one routes shipments through another—on paper only—and is repaid in kind.

According to TWA, viewpoints as to the lawfulness of these practices differ from forwarder to forwarder and direct air carrier to direct air carrier. Because of differing interpretations of an allegedly ambiguous section in the Board's forwarder rules, TWA claims that forwarders and direct air carriers alike are not on an equal competitive footing. TWA expressed its inability to police such borderline practices, and in any event does not object to payment from an economic standpoint. In essence, it asked that we reverse our historic interpretation that commission payments to forwarders constitute rebating, or waive the prohibition. Answers to TWA's petition were filed by the Air Freight Association of America, CF Air Freight, Emery Air Freight, The Flying Tiger Line Inc., Singapore Airlines, China Airlines and the following persons jointly: Fritz Air Freight, K Line Air Service (U.S.A.), Inc., Kintetsu World Express (U.S.A.), Inc. and Traffic International Corp. All persons requested the Board to act in some way to permit the payment of commissions. Summaries of these comments are attached as an appendix to this notice. In addition numerous persons filing comments on EDR–408 (see below) expressly addressed the commission issue. Most, if not all, supported the concept and we refer interested persons to appropriate comments in Docket 38746.

At approximately the same time that TWA filed its petition, several carriers petitioned the Board for relief from section 403(b) of the Act in order to meet other competitive practices that could not ordinarily be matched by adhering to requirements of that section. In response to these various petitions, the Board proposed, in EDR–408, 44 FR 64864, September 30, 1980, Docket 38746, to permit carriers to file tariffs which stated maximum fares or rates only, with carriers free to charge lower prices at their discretion subject to the statutory prohibitions on unjust discrimination and unfair methods of competition (sections 404(b) and 411 of the Act, respectively). As a side effect of that proposed scheme, air carriers using maximum tariffs would have been able to pay commissions to forwarders on shipments tendered by the latter. In conjunction with the NPRM the Board granted a blanket exemption on an interim basis to permit commission payments to forwarders. (Order 80–9–147, September 24, 1980.)

In EDR–408E, issued along with this notice, the Board is terminating the remainder of the rulemaking proceeding begun by EDR–408 without implementing a maximum tariff system. The domestic portion of that proceeding was terminated in EDR–408D, which was supplanted by our domestic tariff flexibility rule, ER–1246, 46 FR 46786, September 22, 1981. Termination of the international portion requires the Board to focus more directly on the issue raised by TWA's exemption request. The proposal which follows represents our view as to the most appropriate resolution.

The Proposal

We propose to amend Parts 296 and 297 to permit U.S. indirect cargo air carriers, foreign air freight forwarders and foreign cooperative shippers associations (generically referred to as indirect cargo carriers hereafter) to receive, and direct air carriers to pay directly, fees to indirect cargo carriers on shipments tendered by the latter. "Direct air carrier" is defined in these parts as including U.S. and foreign direct carriers.

TWA and the other parties which supported its request have pointed out a very real problem caused by existing indirect cargo carrier rules. On the one hand, in amending Part 296 in ER–1094, 44 FR 6634, January 31, 1979, the Board permitted indirect cargo air carriers to use the services of the cargo agents of direct air carriers. On the other hand, we prohibited these indirect carriers from receiving commissions—either directly or indirectly—on shipments which they tender to the direct carriers as indirect carriers, rather than as agents.

These actions have led to competitive inequities. Commissions are routinely paid to indirect cargo carriers on shipments into the United States, but they may not be paid on outbound freight, except to the extent that reciprocal agency arrangements or affiliated agents are used. Thus there is a directional imbalance in opportunities for compensation and marketing flexibility.

The prohibition on direct and indirect payments also has the potential (which has been realized, according to some commenters) to put U.S. carriers on unequal competitive footing with each other. The existing rule leaves the status of reciprocal agency arrangements or the use of affiliated agents in doubt. A direct air carrier or indirect cargo carrier could reasonably interpret the prohibition on indirect commissions to apply to such arrangements. A carrier that reaches such a conclusion is at a competitive disadvantage vis-a-vis a carrier which takes a less cautious view of the restraints of §§ 296.7 and 297.32. The public interest is not served when carriers are forced to engage in arguably unlawful practices to meet competition.

We have tentatively concluded that this ambiguity should be eliminated by expressly permitting the payment of fees to all types of indirect cargo carriers on shipments that they tender to direct carriers in their roles as indirect carriers. We have, since the passage of the air cargo deregulation act, Pub. L. 95–163, been withdrawing more and more from control over the relationships between indirect air cargo carriers and direct air carriers. Our view has been that greater flexibility granted to the parties involved will ultimately redound to the benefit of the public. (*See e.g.*, 44 FR 6634, January 31, 1979.) Our proposal represents one more step in this direction.

In granting this request we propose to modify the relief in some respects. The word "commission" is commonly associated with the concept of an agency relationship between the person paying the commission and the person receiving it. We do not wish to suggest the existence of this relationship between an indirect cargo carrier and direct carrier. While a person might act as an indirect carrier for some shipments and an agent of a direct carrier for others, it is legally meaningless to act as both for the same shipment. The existence of an agency relationship in turn would imply that the direct carrier, rather than an indirect carrier, was doing business with the ultimate shipper. Moreover it would imply that the indirect cargo carrier was bound to sell to shippers at the direct carrier's tariff rate. Having eliminated all tariff filing requirements on indirect cargo carriers, we have no desire to reimpose them even by implication in the process of creating greater flexibility for dealings between direct and indirect carriers. We therefore proposed to

permit simply the payment of fees to indirect carriers, and at this time proposed no restriction on the amount of fees or method of payment.

The existing prohibition on such fees reflected our interpretation of the antirebating provisions of the Act and originated at a time when we closely regulated cargo rates and practices of the direct carriers. In recent years, however, we have removed ourselves from the regulation of cargo pricing practices and have placed greater reliance on competition to regulate the industry. We believe that market forces, represented by negotiation between direct and indirect air carriers, rather than a regulatory agency, can best determine the extent to which direct air carriers benefit from the activities of indirect air carriers. We have therefore previously authorized the use of cargo agents by forwarders and the payment of fees for "ready-for-carriage shipments". (PS–86, 44 FR 45608, August 3, 1979.. *See also* EDR–330, 44 FR 45608, August 3, 1979.) It is now apparent that more flexibility is needed. Neither a ready-for-carriage fee nor a cargo weightbreak may be adequate to permit direct and indirect air carriers to come to satisfactory terms on compensation for services. The fact that carriers have resorted to the use of affiliated agents and reciprocal agency agreements provides evidence that this is the case. The ability to pay fees to indirect cargo carriers will improve the effectiveness of the market mechanism by removing a regulatory restraint on its functioning.

A moderately restrictive approach of banning payments under reciprocal or affiliated agency schemes would have practical problems in implementation, as well as being inconsistent with our permissive policies in this area. It would place direct air carriers in the role of policing the industry and add significantly to the administrative costs of air cargo handling. At this time, we do not believe that the benefits of a restrictive policy justify imposing those enforcement costs on direct air carriers. As a practical matter, a restrictive policy could only be implemented by renewing the prohibition on forwarders' use of cargo agents. Such a ban would reintroduce a recently removed regulatory constraint in the air cargo industry at a time when we are trying to minimize regulatory intervention in general.

We believe that a simple exemption to direct carriers on the one hand and forwarders and cooperatives on the other to permit the payment of fees directly to indirect cargo carriers is the most effective means to grant the relief requested. TWA's more limited request would force indirect cargo carriers to comply with one of five methods of organization in order to qualify for fees. We do not intend to prevent indirect cargo carriers from dealing with separate agents where there are valid economic reasons for doing so. We do not want to force carriers to resort to one of these methods simply to qualify under a government regulation for the payment of fees. As noted above, we intend that there be no restrictions on the form or level of fee payments. Toward this end, we propose also to eliminate the prohibitions in Parts 296 and 297 on the payments of commissions as a means of avoiding confusion. To the extent that the word "commission" implies an agency relationship, the prohibition in §§ 296.7 and 297.32 is already meaningless, because the prohibition by its terms covers only indirect carriers. To the extent that the word means a payment other than to an agent, we propose to allow the payment This action will minimize the limitations on the flexibility of direct and indirect carriers to negotiate additional fee arrangements. It will also eliminate the specific problem of payments of commissions to agents affiliated with indirect cargo carriers raised by TWA.

Although TWA requested the exemption only with respect to air freight forwarders, both U.S. and foreign, we are including domestic and foreign cooperative shippers associations within the scope of our proposal. The Board has for some time now been involved in a program of eliminating unnecessary distinctions between shippers' cooperatives and freight forwarders. For U.S. carriers, this program recently reached its culmination in ER–1261, 46 FR 54726, November 4, 1981, in which we eliminated air freight forwarders and cooperative shippers associations as separate classifications and defined a new single class of indirect cargo air carriers. At the present time, we know of no reasons to deviate from this policy with respect to payment of fees by direct carriers, and the proposal accordingly encompasses all types of indirect cargo air carriers, foreign air freight forwarders and foreign cooperative shippers associations.

Finally, in issuing EDR–408, the Board also granted exemptions to permit direct air carriers to pay commissions to forwarders pending final Board action on EDR–408. (*See* Order 80–9–147.) That proceeding is being terminated, but we believe that the exemption should be continued pending final action on our new proposal. A separate order extends the interim exemption. (Order 81–12–113.)

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." While the significance of this rule's economic impact may be questioned, we have elected to perform an intial regulatory flexibility analysis in this case.

The analysis requires a description of the need, objectives, legal basis for and flexible alternatives to the proposed action. The first three requirements are met by our prior discussion. We have also identified and discussed alternative approaches.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping and other requirements of this proposed rule, and any other rules which may duplicate, overlap or conflict with it. The modifications proposed in this notice would affect all air freight forwarders and foreign air freight forwarders, most which are small businesses, and all direct air carriers providing cargo service that have dealings with forwarders, including some small direct carriers. The rule change, however, would impose no recordkeeping, reporting or other requirements nor otherwise add to affected persons' compliance burdens. To the contrary, it would eliminate the need of indirect cargo carriers to use reciprocity arrangements or establish affiliates to be paid fees on consolidated shipments.

Accordingly: The Board proposes to amend 14 CFR Part 296, *Indirect Air Transportation of Property* and Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

PART 296—INDIRECT AIR TRANSPORTATION OF PROPERTY

§ 296.7 [Removed]

1. Section 296.7, *Prohibition against receipt of commissions*, would be removed.

2. Section 296.10 would be amended by revising paragraph (a)(1) and adding a new paragraph (d) to read:

§ 296.10 Relief and exemption from the Act.

(a) Indirect cargo air carriers are hereby exempted from the provisions of Title IV of the Act only if and so long as they comply with the provisions of this part and its conditions, and to the extent necessary to permit them to organize and arrange their air freight shipments to provide indirect air transportation, except for the following sections:

(1) Subsection 403(b)(2) (solicitation of rebates). However indirect cargo air carriers are exempt from section 403(b)(2) to the extent necessary to permit them to solicit, accept, or receive fees from direct air carriers.

* * * * *

(d) Direct air carriers are exempted from section 403 of the Act to the extent necessary to permit them to pay, directly or indirectly, fees to indirect cargo air carriers.

Part 296 [Amended]

3. The table of contents would be amended accordingly.

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS PAYMENTS TO INDIRECT CARGO CARRIERS

1. Section 297.10 would be revised to read:

§ 297.10 Exemption from the Act.

(a) Foreign indirect air carriers with an effective registration under this part are exempted from the following provisions of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to arrange their air freight shipments:

(1) Section 402 (Permits);

(2) Subsections 403(a) and 403(b)(1) (Tariffs);

(3) Subsection 403(b)(2) (Solicitation of rebates) to the extent necessary to permit them to solicit, accept, or receive fees from direct air carriers.

(4) Subsection 404(a)(2) (Carrier's Duty to establish just and reasonable rates, etc.); and

(b) Direct air carriers are exempted from section 403 of the Act to the extent necessary to permit them to pay, directly or indirectly, fees to foreign air freight forwarders and foreign cooperative shippers associations on consolidated shipments.

§ 297.32 [Removed]

2. Section 297.32, *Prohibition against receipt of commissions*, would be removed.

3. The table of contents would be amended accordingly.

(Secs. 101(3), 102, 204, 403, 404, 416, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 766, 767, 771; 49 U.S.C. 1301, 1302, 1324, 1377, 1378, 1386)

By the Civil Aeronautics Board:

Phillis T. Kaylor,

Secretary.

Appendix A—Pleadings

TWA, Docket 38299

The Board has substantially liberalized its regulations for air freight forwarders and other indirect air cargo carriers, and these changes have significantly altered past practices with a major effect on the international air cargo market. One of the most important changes is the one that permits indirect air carriers to use direct air carrier sales agents, thus permitting direct air carriers to pay commissions on consolidated shipments.[1]

Since the adoption of these new rules, several U.S. air freight forwarders have begun to use carrier agents on their outbound international consolidations. Consequently, this practice could serve to inhibit payment of commissions otherwise consistent with the purport and intent of ER–1094, because of the possibility that a rebate, however indirect, could or might take place.[2] This concern stems from the prohibition that no forwarder, acting in that capacity, may accept, directly or indirectly, any payment of a commission on traffic tendered to a direct carrier or its agent.[3]

TWA has long advocated the payment of commissions on consolidated consignments to assure that U.S. forwarders are on an equal competitive footing with their foreign counterparts. While the prohibition on commissions remains on U.S.-originating shipments, it states that this practice is antithetical to inbound shipments to the

---

[1] The Board stated in ER–1094: "Permitting indirect cargo carriers to use direct air carrier agents will give them greater flexibility where it is needed, similar to their authority to use other indirect carriers. . . . forwarders may continue to operate as IATA (International Air Transport Association) cargo agents for the direct carrier on a shipment tendered by the shipper. . .". (Page 4)

[2] TWA states it has received a request for payment of commissions from a forwarder who wishes to show himself as agent. With the exception of this request, TWA is of the belief that ER—1094 permits an agent to accept commissions on any other forwarder shipments.

[3] 14 CFR 296.32. In permitting indirect cargo air carriers to use agents of direct air carriers, TWA states that the Board acknowledged that the prohibition against this use in the past was "based on the fear that air freight forwarders would set up dummy agencies to collect commissions . . . or . . . to split commissions, both of which are prohibited as a rebate" (ER–1094, page 3), and that, in PS–66, Docket 30362, the Board, in amending its policy statements to permit payments to forwarders and other shippers for "non-air transportation" services, admonished ". . . we remain of the opinion . . . that commissions are rebates of filed tariffs when paid to the user of the transportation, and to not fall into the category of payments authorized in this statement of policy." (Page 3)

United States. If further states that an exemption is necessary to assure that the flexibility permitted by ER–1094 is fully effectuated without unintentional limitations that could result from overly narrow interpretations concerning rebates.

Since the adoption of ER–1094, TWA's commission payments, as a percent of its international air freight revenues, have risen from approximately 3.4% in the third quarter of 1979 to a full 5.0% in the most recent three-month period, which in the latter accounts for 100% of this traffic.

Some of the practices that have evolved since the issuance of ER–1094 are as follows:

(a) Forwarder A, who is the shipper and consignee, shows in the agency box on the airwaybill the agent of Forwarder B. Conversely, Forwarder B (as shipper and consignee) shows the agency services of Forwarder A.

(b) Forwarder C is a subsidiary of Corporation X. Corporation X also has another subsidiary, Agent A. Forwarder C shows Agent A on the airwaybill.

(c) Forwarder D owns a subsidiary, Company Y, which in turn owns a subsidiary, Agent B. Forwarder D shows Agent B in the agency box on international airwaybills.

(d) Forwarder E owns a subsidiary, Agent C, and shows Agent C as its agent on international airwaybill consolidations.

TWA states that agents in the above-described relationships are not prohibited from accepting commission payments and that forwarders and other carriers hold this view. It states if the prohibition against commissions was given a narrow interpretation it would leave it arm's length and proper *bona fide* commission practices open to question as to whether they are, or are not, a prohibited rebate.

The carrier further contends that is cannot and should not be expected to investigate beyond the representations on the airwaybill and verification of proper agency accreditation to assure that such requests for commissions are proper, and that to require otherwise would disrupt the flow of international air cargo shipments.

TWA as an alternative suggests that an exemption be granted permitting payment of commissions to forwarders on all U.S.–originating international shipments. In support, it states that the Board now permits negotiated payments for services performed by forwarders in making air cargo "ready for carriage" which are not considered rebates and are thus permissible under the Act.[4] It also states there is little difference between requiring the price paid by direct air carriers for such services to be determined by negotiation with respect to each serice provided, and alternatively allowing a commission rate as a basis for compensating all services provided by the forwarder. Thus it concludes that all that remains in whether forwarder commissions on outbound shipments from the U.S. should retain the character of being "rebates".[5]

TWA states that its exemption request is consistent with the *International Air Transportation Competition Act of 1979* (Pub. L. 96–192), and it would be inconsistent for the Board to now impede compensation similar to that already commonplace on inbound shipments to the U.S. in the form of commission payments to U.S. forwarders.

This inconsistency, left over from long outdated historical treatment of forwarders as "purchasers" of air transportation, belies the true nature of the forwarder relationship with direct air carriers as one of joint-venturer in the promotion and development of air cargo transportation.[6]

Because of the increasing number of requests for commissions being received by TWA, it urges the Board to act expeditiously on this application. Therefore TWA requests that the Board grant, on an expedited basis, an exemption, pursuant to section 416(b) of the Act, to the extent necessary to permit the payment by it of commissions to cargo agents identified in the airwaybill, subject to verification of proper agency accreditation, on outbound international shipments under the circumstances set forth above, or, alternatively, that the Board grant a blanket exemption to the extent necessary to permit the direct payment of commissions to air freight forwarders on all U.S. outbound international air cargo shipments.

CF Air Freight (CF), Singapore Airlines Limited (SAL), Emery Air Freight, and the Air Freight Association of America (AFAA), support TWA's application. AFAA also suggests in the alternative that § 296.32 be repealed and that the Board issue a policy statement declaring the payment of commissions on consolidated shipments to be legal. CF also asks that the requested exemption apply to foreign-origin inbound consolidation traffic to the U.S., and SAL asks that the exemption include foreign air carriers. Fritz Air Freight, "K" Line Air Service (U.S.A.), Inc., Kintetsu World Express

---

[4] 14 CFR 399.86; PS–86, July 30, 1979.

[5] TWA states that the Board itself has announced unequivocally a relaxed policy on anti-rebate enforcement in numerous instances, reflecting its view that in a deregulated environment, including internationally, strict prohibition of rebates may be anti-competitive; for example, in Order 78–12–49, December 7, 1978, the Board observed that rebating "has diminished as an enforcement problem as the air transportation system has become more competitive" and exempted all U.S. and foregin air carriers from Section 403(b) to permit compensation or monetary adjustments to resolve consumer grievances that might otherwise be precluded by their tariffs; more recently, the Board asked the federal court to dissolve an injunction against fare and rate rebating in Transpacific markets (The Wall Street Journal, May 27, 1980, page 6); a similar injunction against North Atlantic rebating will be permitted to expire on September 28 of this year.

[6] TWA states that forwarders uniquely perform substantial services of material benefit to direct air carriers for which they are entitled to receive fair compensation; these benefits warranting remuneration, which include extensive air cargo sales and promotional efforts typically undertaken by forwarders, extend well beyond the limited "non-air transportation services" for which the Board now considers direct air carrier payments permissible (14 CFR 399.86).

(U.S.A.), Inc., and Traffic International Corp. (Joint Forwarders) state in their comments that they have no problem with TWA's request, but question whether an exemption is needed for the reason that it would be preferable for the Board to declare that the anti-rebate provisions of the Act are not applicable to payments to intermediaries, whether cargo agent or forwarder.[7]

The Flying Tiger Line Inc. (FTL), in support of TWA's application states that the Board should separately consider the underlying question of whether its prohibition on the payment of commissions to forwarders for U.S. originating consolidations serves any meaningful purpose in an environment in which a number of consolidators are apparently circumventing the regulation. Like TWA, FTL states that with the adoption of the new regulations came a sharp change in the practices of the forwarders, and many tenders which previously had been made to a direct air carrier have now shifted through cargo agents. The balance of FTL's comments essentially are the same as those of TWA.

Also, FTL believes that if the Board continues to adhere to the view that commissions to forwarders acting as consolidators constitute illegal rebates, that consideration must be given to enforcing the prohibition, since a regulation which is generally known to be unenforced is routinely ignored, and disadvantages those forwarders who attempt to comply. FTL states that several of their largest customers have voiced just such complaints and stressed the unfavorable economic consequences on their companies of not joining in the type of "sham" agency transactions which they assert to be prevalent.

Northwest, Docket 38284

Northwest states that this exemption is necessary to respond to competition from carriers which are likely to engage in rebating practices if the United States District Court for the Northern District of California dissolves a currently effective consent decree (Decree).[8] Accordingly, Northwest requests that the exemption sought become effective only in the event that the Court dissolves the Decree. Northwest also requests that the Board ask the Court to stay its decision pending the disposition of this application.

Northwest states that it is filing this exemption application with reluctance, but finds that there is no other way it can reasonably protect the economic viability of its transpacific operations. Currently, the Decree protects the integrity of the tariff-filing system in transpacific markets, and enjoins carriers from engaging in unlawful "rebating"—that is, the covert undercutting of posted rates, fares, charges, and practices. It says the Board is supporting legal efforts to bring about the dissolution of the Decree, at least in part, because it does not have sufficient resources to allocate to assisting the Court in enforcing the Decree, and that the same insufficiencies would of necessity severly restrict the Board's ability to enforce the Act's anti-rebating provisions administratively. In the absence of a credible deterrent in the form of vigorous Court or Board enforcement of the tariff-filing system, Northwest believes that market conditions in the Pacific will lead to the return of widespread, covert rebating practices. It also says the Board's actions in supporting the dissolution of the Decree and publicly announcing its enforcement strategy could be interpreted as condoning, or at least tolerating, some rebating practices as long as they lead to price reductions for consumers.

Northwest notes that it is prepared to compete with those carriers that may engage in rebating; however, it needs the legal authority to do so, otherwise it would be a criminal offense and would subject it to other federal laws which may require the disclosure of such illegal practices.

Northwest further notes it is filing its opposition to dissolution of the Decree with the Court. It continues to believe that meaningful enforcement of the anti-rebating provisions of the Act not only best serves the public interest, but is required by law. In the event that the Decree is dissolved, however, it says that the exemption its seeks is necessary to permit it, as a U.S.-flag carrier, to compete fairly while continuing to adhere faithfully to federal legal requirements.

The carrier requests the Board to consider permitting it to file tariffs containing list prices from which reductions or other departures would be permitted on an *ad hoc* basis, thus giving it the flexibility to negotiate reductions or changes in the practices set forth in its tariffs. This approach would establish ceilings and restrictions that Northwest could reduce and change as necessary to meet competition.

FTL filed comments supporting and opposing Northwest's views and request. While agreeing with Northwest as to the situation which will likely prevail in the event the Decree is terminated, it does not favor either the requested exemption to depart from published tariffs, or to revise tariffs to reflect maximum rates only. Instead, it prefers to operate in a free market, without undue government regulation and advocated the total elimination of the current international cargo tariff filing requirement.

Pan American, Docket 38157, et al.

In support of its request, PA states that the Board is aware of the troublesome problems relating to fares in U.S.-Southeast Asia air transportation, not only with respect to rebating, but the wide array of fares, which vary from carrier to carrier and change frequently. All of this has caused confusion to the traveling public. It also states that this is further compounded by the fact that many carriers offer less than daily service to many of these points, and a change in day of travel can subject the passenger to an entirely different tariff; thus, if a person who has purchased a ticket on another airline wishes to utilize PA, he well may have to contend with these complexities and pay a "penalty" to do so. The carrier alleges that grant of the exemption would alleviate the confusion in the U.S.-Southeast Asia fares.

PA believes the requested exemption clearly is "consistent with the public interest" within the meaning of section 416(b)(1) of the Act. Additionally, it states that the exemption should benefit it, because it will allow it to attract some additional passengers.

PA notes this experiment will be limited in extent because an "endorsement" by the carrier whose ticket is used will be required, and the number of passengers which it will carry in this fashion is naturally circumscribed. This experiment, moreover, is proposed in the spirit of the Board's recent encouragement of carrier initiative in fashioning appropriate fares, based on marketplace considerations, for scheduled services. Thus it states it is making every effort to compete vigorously by offering appropriate fares and by increasing its scheduled service utilization where possible.

In addition to supporting Pan American's request, Braniff also requests that it be granted the same authority. While BN's transpacific operations, which serve Seoul and Hong Kong, are not as extensive a PA's, BN states that its legal position is identical in all material respects to PA's and views PA's petition in Docket 38157 as a request that the Board authorize a new form of competition in transpacific markets. Clearly, according to BN, the rules must be the same for all carriers in the marketplace.

For these reasons, BN requests an exemption to permit it to accept, for transportation between points in the United States and Guam, on the one hand, and BN's authorized points in Asia, on the other, airline tickets of other carriers at fares lower than BN's filed fares, without collecting additional sums of money from the passengers affected.

Japan Air Lines Company, Ltd., Philippine Airlines, Inc., and Singapore Airlines Limited, by applications filed June 11, 1980, ask that whatever grant is given to BN and PA should likewise be given to them. By application filed August 4, 1980, Korean Air Lines joins the foregoing.

[FR Doc. 82-311 Filed 1-5-82; 8:45 am]
BILLING CODE 6320-01-M

---

[7] The Joint Forwarders also raise a question and seek certain clarification with respect to TWA's example (a) see page 2, *supra*. By our action here, however, their question is moot.

[8] *U.S. v. Air New Zealand, Ltd. et al.*, No. C-76-0320 (N.D. Cal.) (final Judgment and Decree issued March 29, 1976). A copy of the Decree was attached as Appendix A to Northwest's application.

---

18 CFR Parts 271, 273, and 274

High-Cost Natural Gas Produced From Intermediate Deep Drilling

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to section 107 of the Natural Gas Policy Act of 1978 (NGPA) the Federal Energy Regulatory Commission is proposing a rule to establish as a category of high-cost natural gas subject to a special incentive price ceiling, gas produced from depths between 10,000 and 15,000 feet. Inasmuch as little production has occurred at these intermediate depths, the Commission is proposing to permit

an incentive price ceiling in order to encourage gas production from these depths.

DATES: Written comments (an original and 14 copies) must be received by January 30, 1982.

ADDRESS: Comments must be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael A. Strosser, Office of General Counsel, 825 North Capitol Street NE, Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Issued December 30, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing in this rulemaking to establish a new category of high-cost natural gas in accordance with its authority under section 107 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3317). Specifically, the Commission proposes to amend 18 CFR Parts 271 and 274 to establish special incentive maximum lawful prices for gas produced from depths between 10,000 and 15,000 feet.

II. Background

Five categories of gas are described as high-cost gas in section 107(c).[1] Four of these, described in subsections (c)(1) through (4), were deregulated in accordance with section 121. Included in the categories of deregulated gas is gas produced from depths more than 15,000 feet through wells drilled on or after February 19, 1977.

The final category, described in subsection (c)(5), includes those categories of high-cost gas identified by the Commission. The Commission is authorized pursuant to section 107(b)[2] to prescribe a maximum lawful price necessary to provide reasonable incentives for the production of gas which the Commission determined, in its discretion, pursuant to section 107(c)(5) to be high-cost gas. In the discussion of the Commission's authority under section 107, the NGPA Conference Report specifically mentions deep gas produced from depths less than 15,000 as a possible category which would qualify for an incentive price.

On June 13, 1979, the Commission issued a Notice of Inquiry (Docket No. RM79–44; (44 FR 34969, June 15, 1979)) inviting suggestions regarding possible categories of high-cost gas. The notice specifically requested interested commenters to identify the categories which should be considered and the price which would be necessary to provide a reasonable incentive for the production of that category of gas.

On April 8, 1980, the Commission received a petition for rulemaking from Texas Oil & Gas Corp. (TXO) suggesting that the Commission identify as a category of high-cost gas natural gas produced from completion locations between 10,000 and 15,000 feet. The petition did not propose a specific incentive price, but argued that one is necessary because of the high costs and risks involved in drilling at an intermediate depth. Comments were invited on that petition. (45 FR 45597, July 7, 1980).

Information obtained by the Commission through its own expertise and comments, discussed more fully below, indicate that gas produced from depths between 10,000 to 15,000 feet is high-cost, high-risk gas. Accordingly, we propose to establish an incentive price ceiling for such gas. The following discussion outlines the significant features of the proposed rule and discusses the outstanding issues on which we encourage the public to comment.

III. Summary of the Proposed Rule

The proposed rule identifies gas produced from depths between 10,000 and 15,000 feet as high-cost, high-risk gas and provides an incentive price ceiling of 150 percent of the section 103 price for gas produced from depths greater than 10,000 feet. This rule will provide an incentive for the production of gas from certain new wells drilled to depths between 10,000 and 15,000 and for gas produced from deeper drilling to depths beyond 10,000 feet. The incentive price ceiling would be extended only to gas produced from a well the surface drilling of which or deeper drilling of which begins on or after December 30, 1981.

A. Depths

All the comments, filed in response to TXO's petition, attempted to demonstrate to the Commission that gas between 10,000 and 15,000 feet is high-cost, high-risk gas. Drilling, development and production of gas becomes more costly as the depth of the gas increases. Congress recognized this fact and responded by deregulating gas produced from depths greater than 15,000 feet. As evidenced by the discussion in the Conference Report, quoted above, Congress was also aware that gas produced from shallower depths might be high-cost gas. However, it clearly left to the Commission the discretion to determine whether such gas, in fact, is high-cost or high-risk, and, if so, to determine at what depths the costs and risks become sufficiently extraordinary to merit a special price ceiling.

Several comments submitted in support of TXO's petition outlined the high costs and risks involved in drilling at intermediate depths. Generally, the commenters suggested that the cost of production at a depth of greater than 10,000 feet is anywhere from three to six times greater than the cost of production of shallow gas. The increased cost is caused by the necessity to employ more sophisticated and costlier equipment and techniques.

A survey conducted by the American Petroleum Institute indicates that in 1979 the total onshore gas wells drilled in the United States numbered 13,626. Of these, 966 were drilled to a depth between 10,000 to 12,499 feet, and 423 were drilled to a depth between 12,500 and 14,999 feet. The number of wells drilled between 10,000 to 15,000 feet was approximately 10 percent of the total number of wells. ("1979 Joint Association Survey On Drilling Costs," February, 1981 Edition, published by the American Petroleum Institute.) The amount of recoverable reserves located between 10,000 and 15,000 feet cannot be estimated accurately. However, the Commission believes that the lack of interest in exploring and developing those depths does not reflect the level of the reserves at those depths but reflects

---

[1] Section 107(c) (15 U.S.C. 3317) reads as follows:

For purposes of this section, the term "high-cost natural gas" means natural gas determined in accordance with section 503 to be—

(1) produced from any well the surface drilling of which began on or after February 19, 1977, if such production is from a completion location which is located at a depth of more than 15,000 feet;

(2) produced from geopressured brine;

(3) occluded natural gas produced from coal seams;

(4) produced from Devonian shale; and

(5) produced under such other conditions as the Commission determines to present extraordinary risks or costs.

[2] Section 107(b) provides that:

The Commission may, by rule or order, prescribe a maximum lawful price, applicable to any first sale of any high-cost natural gas, which exceeds the otherwise applicable maximum lawful price to the extent that such special price is necessary to provide reasonable incentives for the production of such high-cost natural gas.

The conference agreement gives the Commission authority to add other categories of natural gas production to the list which qualifies for special price treatment under this section.

* * * * *

For example, some new wells will produce from depths close to 15,000 feet and some reentries will produce from depths below 15,000 feet, both possibly involving costs greater than normal, but neither qualifying as high cost gas under sec. 107(c). The Commission may determine that such wells should receive special price treatment under this section. (H. Rept. No. 95th Cong., 2d Sess. 88 (1978).)

the fact that the cost of developing the gas reserves are so high that the applicable maximum lawful prices do not provide adequate incentives.

The Commission preliminarily concludes that gas production from 10,000 to 15,000 feet presents extraordinary risks and costs which at presently applicable maximum lawful prices greatly inhibit production. The Commission, therefore, proposes to establish a special, incentive maximum lawful price for such gas if produced from a well the drilling of which commenced after the qualifying date. Similarly, the Commission proposes to provide an incentive price for gas produced through re-entry to a depth below 10,000 feet of a well the surface drilling of which began before February 19, 1977, if the re-entry operation commences on or after the qualifying date. To aid the Commission in reaching its final determination, the Commission requests commenters to submit information regarding drilling costs, especially those incurred at varying depths, drilling activity and type of equipment required. Commenters should also supply information to the Commission detailing productivity and reserves. This information should include the amount of reserves expected to be discovered at various depths and the rate of production anticipated from the deeper wells.

B. Price

The NGPA does not clearly delineate the Commission's responsibilities in establishing an incentive price. Section 107(b) provides that the Commission may establish a price ceiling which exceeds the otherwise applicable maximum lawful price "to the extent necessary to provide reasonable incentives." The Conference Report accompanying the NGPA states that incentive prices established by the Commission need not be "cost-based in nature, and do not require cost justification." (H. Rept. No. 95–1752, 95th Cong., 2d Sess. 88 (1978).) Finally, the United States Court of Appeals of the Fifth Circuit has stated that the NGPA represents a "fundamental change in regulatory outlook" according to which the Commission is not limited by cost-based pricing principles traditionally employed in utility rate-making. (*Pennzoil Company* v. *FERC*, 645 F. 2d 360, 378 (5th Cir. 1981).) Clearly, the Commission has the authority to exceed both a cost-based price and the otherwise applicable maximum lawful price in satisfying the statutory standard for price justification.

The Commission has considered several approaches for establishing incentive prices under section 107(c)(5).[3] Such approaches include comparing relative costs of the various categories of gas, determining the supply response which can be expected at various prices, establishing a fixed premium over the otherwise applicable maximum lawful price, and considering the value to the economy of obtaining more gas production. The Commission requests that comments address what approach the Commission should take in formulating an incentive price ceiling for gas production from between 10,000 and 15,000 feet.

More specifically, the Commission requests that data be submitted regarding the relative costs of producing gas from depths between 10,000 and 15,000 feet. The Commission believes that consideration of costs is relevant in establishing an appropriate price ceiling. The Commission requests that the comments submitted in response detail the costs and risks involved in both exploration and production including equipment costs. Detailed costs should be provided for drilling at various depths. The Commission is particularly interested in cost data that relates to the cost of production per unit volume of gas produced. It must be emphasized that cost data by itself is of minimal value unless accompanied by productivity and reserve data. As the incentive price is a unit price ($/MMBtu) supporting cost data must also be on a unit basis.

Equally important, the Commission requests information on the supply potential for gas subject to this rule. Inasmuch as the overriding purpose of incentive prices under section 107(c)(5) is to provide incentives for increased gas production, we are particularly concerned with the potential supply response at various assumed price levels.

The Commission does not feel entirely confident with the presently available factual basis on the costs, risks, and supply potential of intermediate deep drilling. It is therefore appropriate to proceed with caution. Accordingly, for purposes of this notice, we propose an incentive price equal to 150 percent of the section 103 price. For the month of January, 1982, that price would be $3.85 per MMBtu. This is less, for example, than the incentive price already available for tight formation gas, some of which is produced from depths between 10,000 and 15,000 [4] and which involves the additional cost of fracturing. Absent a more complete record on the risks, costs and supply potential of intermediate deep drilling, we hesitate to conclude that a higher price is required to provide the reasonable incentive for new supply envisaged by Congress.

C. Deeper Drilling

Another issue to be considered is whether the incentive price should be afforded for gas produced through recompletion and deeper drilling techniques below 10,000 feet. The Commission proposes to permit the incentive price for a re-entry involving deeper drilling and completion into a reservoir from which the old wellbore could not have produced, if the deeper drilling commenced on or after the well qualification date and the completion location is below 10,000 feet. This also applies to a re-entry to a depth of greater than 15,000 feet. The Commission does not propose to permit an incentive price for gas produced through recompletion or through a re-entry which does not involve completion into a different reservoir.

D. Other Well Qualifications

The Commission proposes that the initiation of surface or deeper drilling of a qualifying well must begin on or after December 30, 1981, the date the Commission first announces to the public that it is proposing an incentive price for gas produced from intermediate depths. The Commission believes that a producer who initiated surface or deeper drilling prior to that date was not relying upon an incentive. The Commission welcomes comment on this requirement.

Both associated and non-associated gas are eligible for the incentive price proposed in this rule. We encourage comments as to whether the pricing incentive should be extended only to non-associated gas. Comments advocating that the incentive price be limited to non-associated gas should support that position and should indicate what maximum amount of oil production, if any, should be permitted.

E. Negotiated Contract Price.

Unlike some previously issued high-cost natural gas incentive pricing rules, the Commission in this rulemaking does not propose to impose a negotiated price requirement. If imposed, this would have required that in order to qualify for the

[3] *See*, a final rule establishing a ceiling price for "High Cost Natural Gas Produced from Tight Formations" was issued August 15, 1980, Docket No. RM79–76, Order No. 99, 45 FR 56034 (Aug. 22, 1980) FERC Stat. & Regs. ¶ 30, 183; *See also*, July 11, 1980, Docket No. RM80–38, Notice of Proposed Rulemaking, 45 FR 47863 (June 17, 1980), FERC Stat. section Regs. ¶ 32,074.

[4] Our records indicate that thirty-five tight formation recommendations involve formations found at depths between 10,000 and 15,000 feet.

incentive price the contract contain a fixed price, or a fixed price escalator clause or a specific reference to the Commission's authority to set an incentive price under NGPA section 107. This requirement is defined in 18 CFR 271.702. The Commission believes that the surface drilling requirement limiting availability of the incentive price to wells commenced after December 30, 1981, provides adequate assurance that the price prescribed herein will be a reasonable incentive to additional gas supplies. Furthermore, we believe that without this requirement production of gas from intermediate depths would be maximized. Therefore, as a matter of policy, the Commission proposes not to include this requirement. The Commission welcomes comments on this proposal.

F. Interim and Retroactive Collections.

The Commission proposes to apply interim and retroactive collection provisions of Part 273 to intermediate deep gas. The incentive price may be collected retroactively for deliveries on or after December 30, 1981.

G. Filing Requirements.

The proposed rule requires producers to file an application with the appropriate jurisdictional agency. If a dual determination is to be made that gas qualifies both as intermediate deep gas under this rule and as "new natural gas" under section 102, or as gas produced from "new onshore production well" under section 103, the producer must file information to demonstrate both qualifications. In such cases, a new determination will not be necessary in 1985.

H. Environmental Issues.

The Commission's environmental staff has reviewed the proposed rulemaking. Because drilling at intermediate depths does not result in an impact which is unique, unusual, or significantly different than that associated with routine natural gas development at lesser or greater depths, and existing Federal and state permits and approvals must still be obtained, this proposed incentive price rule would not constitute a major Federal action significantly affecting the quality of the human environment. Preparation of an environmental impact statement is, therefore, not required.

Any comments which differ with this conclusion should be fully explained and, if possible, substantiated with data.

V. Initial Regulatory Flexibility Analysis.

This initial regulatory flexibility analysis is prepared pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612 (Pub. L. 96–354)) which requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities." These RFA requirements apply only to generic rules for which a notice of proposed rulemaking is issued on or after January 1, 1981. The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small business and small government entities, and to encourage cost-benefit analyses of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects on these small entities.

The Commission has presented its reasons for this agency action, its objective and the legal basis for this rulemaking. As discussed, the proposed rule provides an incentive price pursuant to section 107 of the NGPA for gas which the Commission has preliminarily determined to be high-cost gas.

There are approximately 10,000 producers of natural gas in the United States. Of those producers, a significant proportion could be classified as small entities. Therefore, the proposed rule might have a significant economic impact on a substantial number of small entities.

The rule proposes to provide an incentive price ceiling for the production of high-cost gas to an eligible producer. The proposed rule provides that in order to qualify, an application must be filed with the appropriate jurisdictional agency detailing the eligibility of the well to receive the incentive price including location of the well, the depth of the well and a well completion report. These relatively simple reporting requirements, which entail filling out an application form, are not extensive and do not require the collection of information which small producers would not already possess for their own purposes. Furthermore, it is significant to note that the regulation would impose the application requirements only upon the small producer who would seek to qualify for the incentive price.

Section 603(c) of the RFA requires a description of significant alternatives to the proposed rule that may help minimize the proposal's adverse effect on small entities. A possible alternative would be to exempt the small entity from the filing requirements. This alternative is not feasible because the information is the minimum information necessary to determine the eligibility of the producer. This information is not transmitted to this Commission through any other means and, therefore, is not duplicative. Furthermore, the relatively simple filing requirements would not have an economic burden upon the small producer sufficient to warrant the establishment of differing compliance or reporting requirements or timetables.

VI. Written Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 29, 1982. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM82–8 and should give reasons including any supporting data for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, on this rulemaking may be announced in the near future.

Those wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 13, 1982.

(Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.)

In consideration of the foregoing, the commission proposes to amend Parts 271, 273 and 274 Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

(1) Part 271 is amended in the Table of Contents under Subpart G by adding the following:

Subpart G—High Cost Natural Gas

* * * * * *

Sec.

271.706 Intermediate deep gas.

(2) Section 271.701 is amended by adding a new paragraph (d) at the end thereof to read as follows;

§ 271.701 Applicability.

* * * * *

(d) Intermediate deep gas.

(3) A new § 271.706 is added to read as follows:

§ 271.706 Intermediate deep gas.

(a) The maximum lawful price per MMBTU, for the first sale of intermediate deep gas is 150 percent of the maximum lawful price specified by Subpart C of Part 271 in Table I of § 271.101(a)

(b) *Definitions.* For purposes of this section:

(1) "Intermediate deep gas" means natural gas that a jurisdictional agency has determinated in accordance with Parts 274 and 275 to be gas produced from:

(i) a completion location:

(A) in any well the surface drilling of which began on or after December 30, 1981, or

(B) in any portion of a well the deeper drilling of which began on or after December 30, 1981, if such gas is produced from a reservoir which was not penetrated by the portion of the wellbore that existed before December 30, 1981, and

(ii) a completion location which is located at a depth of more than 10,000 feet, as measured in accordance with § 272.104.

PART 273—COLLECTION AUTHORITY; REFUNDS

(4) Section 273.204(a)(1) is amended by inserting at the end thereof clause (v) to read as follows:

§ 273.204 Retroactive collection after final determination.

(a) * * *

(1) * * *

* * * * *

(v) in the case of intermediate deep gas (as defined in § 271.706) the amount of such excess may be computed, charged, and collected, for first sales of such gas delivered on or after December 30, 1981.

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

(5) Section 274.205 is amended by adding a new paragraph (h) to read as follows:

§ 274.205 High-cost natural gas.

* * * * *

(h) *Intermediate deep gas.* A person seeking a determination for purposes of Subpart G of Part 271 that natural gas is intermediate deep gas shall file with the jurisdictional agency an application which contains the following items:

(1) If the gas is produced from a well which qualifies as a new, onshore production well, all information required in §§ 274.204 (c), (d), (f) and (g);

(2) If the gas qualifies as new natural gas under section 102(c)(1)(B), the information required in §§ 274.202(c)(1) (iv), (v), and (vi) and 274.202(e);

(3) If the gas qualifies as new natural gas under section 102(c)(1)(C) the information required in §§ 274.202(c)(2) (iii), (iv), (vi), and (vii) and 274.202(e);

(4) FERC Form No. 121;

(5) All well completion reports for the well for which a determination is sought;

(6) A location plat which locates and identifies the well for which a determination is sought;

(7) Directional drilling surveys, if available;

(8) A statement by the applicant under oath, that:

(i) The surface drilling or deeper drilling of the well for which a determination is sought was begun on or after December 30, 1981,

(ii) the gas is produced from depths of 10,000 feet, or more, and

(iii) the applicant has no knowledge of any information not described in the application which is inconsistent with the statements made in accordance with clause (i) and (ii);

(9) If the jurisidictional agency so requires, certified copies of records relied upon by the applicant including copies of the agency's official files.

[FR Doc. 82-289 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regulations No. 4, 16]

Determination of Certain Impairment-Related Work Expenses for Substantial Gainful Activity Purposes and for Purposes of Determining Countable Earned Income

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rule making.

SUMMARY: These rules implement section 302 of Pub. L. 96-265 which concerns certain impairment-related work expenses incurred on or after December 1, 1980, by disabled persons applying for or receiving benefits under the disability insurance program and the supplemental security income (SSI) program. Under these programs, a person who is able to do substantial gainful activity (SGA) is not considered disabled. In determining whether a person has done SGA we consider that person's services and earnings. In determining the amount of earnings for this purpose, regulations in effect for periods prior to December 1980 provide that we deduct the person's impairment-related expenses only if they are incurred solely because of his or her work. The regulations we propose provide that the cost to the individual of impairment-related items and services which the individual needs in order to work, where the expenses were incurred on or after December 1, 1980, will be deducted from earnings even though the items and services also help that individual carry out normal functions of daily living. For the purpose of determining a person's eligibility and benefit amount for SSI, the statute and regulations provide for the exclusion from income of the first $60 of any income received in a calendar quarter. Also excluded is $195 of earned income and one-half of a person's earned income (not otherwise excluded) in a calendar quarter. To reflect the statutory change, the proposed regulation will provide that we will also exclude from a disabled SSI recipient's earned income the same types of expenses that are deductible under the SGA provision. These impairment-related work expenses will be deducted after excluding $195 of earned income but before excluding one-half of what remains. However, a disabled individual must have countable income within the

Federal SSI limit (currently $264.70 per month or $794.10 per quarter) without benefit of the work expense exclusion before the exclusion can apply. Once an individual qualifies under the basic Federal income limit for any month after November 1980, he or she continues to qualify for exclusion of work expenses for all subsequent consecutive months in which the Federal income limit or the income limit for federally administered optional State supplementation is met. If an individual later fails to meet either of these limits, he or she no longer qualifies for the work expense exclusion until the Federal SSI income limit is again met without benefit of the work expense exclusion.

We have also made minor technical changes in § 416.1112(c) and § 416.1124(c)(11).

DATE: Your comments will be considered if we receive them no later than March 8, 1982.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Dave Smith, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7336.

SUPPLEMENTARY INFORMATION:

What Expenses may be Deducted

We propose to define the kinds of impairment-related items or services which will be considered under this work incentive provision. We do not, however, present an all-inclusive list of such items and services because such a list would impose unintended limitations.

The regulations include definitions of the items and services for which expenses will be deductible. The expenses for these items and services are considered extraordinary in that the individual, because of his or her impairment(s), must have or use the items or services in order to overcome functional limitations which would otherwise preclude his or her working or getting to and from work.

We will deduct certain transportation costs including the costs of modifications to vehicles, driver assistance, taxicabs and other hired vehicles when other means of transportation are not accessible. We considered deducting both the cost of a vehicle modification and the purchase price of the vehicle if it is needed to get to and from work. We rejected the option of deducting the purchase price because automobiles and vans are widely used by most members of the public and their purchase is a common expense incurred by both disabled and nondisabled individuals. We decided that only the cost of the modification would meet the "extraordinary cost" standard and therefore decided to deduct only those costs. In addition, we have included a mileage allowance for both modified and unmodified vehicles. In the case of an unmodified vehicle, we will deduct the mileage allowance only where a disabled person has no choice, solely because of his or her impairment, but to drive to work. This allowance will be based on the national average costs of operating an automobile based on data provided by the Federal Highway Administration. The current rates range from 15-cents a mile to 26-cents a mile depending on the type of vehicle used.

We are proposing that payment by a disabled person for attendant care services will be deductible only for services performed at work, going to and from work, or in preparing the individual to go to work and assisting the person in returning from work. Where a disabled person pays a member of his or her family for the performance of attendant care services, the payment will be deductible only if the family member suffers economic loss by reducing or terminating his or her own employment or self-employment.

We have provided for a deduction of the cost of residential modifications under certain limited circumstances. Where the individual is employed outside the home, we plan to deduct only the cost of those changes to the exterior of the residence which enable the individual to get to work (e.g., exterior ramp for a wheel-chair confined person or special exterior railings or pathways for someone who requires crutches). Where the individual works at home, we plan to provide for the deduction of modifications that pertain specifically to the working space in the home. Such costs, however, would not be deducted as impairment-related work expenses if they are deducted by a self-employed person as business expenses.

We have provided for deduction of expenses for non-medical appliances and equipment (those which are not ordinarily used for medical purposes) only where it can be established that there is an impairment-related and medically verified need for the item because it is essential for the control of the disabling condition. Determinations regarding these types of expenses will be made on the facts of each case.

We have provided that the costs of drugs and medical services are deductible if they are used by the individual to control his or her impairment in order that the individual may work.

Relationship of Expenses to Period of Work

For the purpose of determining SGA we are proposing that a payment toward the cost of an item can be deducted if payment is made in a month the person is working (including work in a sheltered workshop), regardless of when the actual purchase was made. We are proposing that costs for services can be deducted if payment for the services is made in a month the person is working, provided that the services are received in a month the person is working. Thus, the payment must coincide with the person's earnings as well as his or her receipt of the services. For the purpose of determining the SSI payment amount, we are proposing that a payment toward the cost of an item or service be deducted if payment is made in the month the earned income is received for work performed while the individual utilized the impairment-related item or service. Recognizing that individuals may make purchases in anticipation of work, we provided for the allocation of amounts spent for non-expendable items in the 11 months preceding the first month of work. The payments will be allocated over the 12-consecutive month period beginning with the month of payment. However, only that portion of the payment which is allocated to work months would be deductible. The allocation process is explained in more detail in subsequent paragraphs. In no instance will expenses incurred before December 1, 1980, be deductible, though expenses incurred after November 1980 as a result of a contractual or other arrangement entered into before December 1980, are deductible.

When Expenses may be Deducted

We are proposing that impairment-related work expenses will generally be deductible when paid. If an item or service is paid for in monthly payments, those payments will be deductible in the months in which they are made. We identify these as recurring expenses. If an item or service is paid for at one time, we will deduct the amount of that payment when made or allocate the payment equally over a 12 consecutive

month period beginning with the month of payment, whichever the individual selects. If a downpayment is made, we will deduct it when paid or allocate it equally over a 12 consecutive month period, or over the payment period involved if it is less than 12 months, beginning with the month of payment, whichever the individual selects. We identify these as nonrecurring expenses. We will use a special rule when the purchase involves both a recurring and nonrecurring expense.

We considered deducting each nonrecurring payment in the month paid. Where the expense, which could be large, is deducted entirely in the month paid, the person could be found engaging in SGA the following month (and would, therefore, not be disabled). Since SGA determinations are generally based on average earnings over an extended period of time, it is reasonable to allocate nonrecurring payments whenever it would be more beneficial to the disabled person to do so. Moreover, failure to allocate a large expense could discourage a disabled individual from obtaining an item or service needed for him or her to work. The question of the length of the period over which to allocate nonrecurring payments presented several options. We could allocate a one-time payment or downpayment over the item's useful life, but we did not feel it administratively feasible to determine the useful life of an item on a case-by-case basis. We could also allocate downpayments over the length of the installment contract, but this approach could result in unequal treatment of individuals in situations where they purchased identical items. We decided to allocate non-recurring payments over a period of 12 months because it parallels the period used to measure earnings for other program purposes, e.g., the 12-month period is the length of time an impairment must last for a person to be disabled, the 12-month retirement test period and under the Internal Revenue Code the 12-month tax year. Also, for SSI payment purposes, a relationship to need could not be reasonably established beyond a 12-month period. We did not choose a shorter period (e.g., 3 months or 6 months) because disability evaluation is generally concerned with the inability to work over an extended period rather than a short, isolated period.

What Kinds of Payments may be Deducted

In order for impairment-related work expenses to be deductible, they must be paid for in cash or by check rather than in kind. The law states that deductions will be made only where the individual pays for the item or service. We consider this limitation to mean that the individual must pay an actual dollar amount "out-of-pocket" for the impairment-related item or service. Further, we believe this interpretation makes the best use of scarce dollar resources available to SSA to administer the disability program.

Limitations on Deductions of Expenses

Section 302 of Pub. L. 96-265 states with regard to the expenses that "the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe." In its report (No. 96-408) on H.R. 3236 the Senate Finance Committee stated on page 51:

> The committee intends that any such limits not be based on arbitrary conceptions of what amounts are reasonable but rather reflect actual prevailing costs of various categories of impairment-related expenses.

We propose to relate the amounts paid for certain items and services to the prevailing charges listed for the same items and services in the Medicare guidelines under Part B of title XVIII of the Act (Health Insurance for the Aged and Disabled) where the Medicare information is readily available. That information is regularly used to determine reasonable charges for purposes of reimbursement under the Medicare program. We will consider an amount reasonable if it is no more than the prevailing charge established under that title. We will deduct an amount in excess of that charge where the individual shows that it is consistent with the standard or normal charge for the same or similar item or service in the individual's community. For items and services that are not covered by the Medicare guidelines and for items and services that are listed in the Medicare guidelines but for which those guides cannot be used because the information is not readily available, we will consider as reasonable the actual costs paid, subject to the standard charge in the individual's community for the same or similar items or services.

We considered allocating deductions based on the time spent working and not working where the item or service is needed for both purposes. We decided to limit the deduction for attendant care to the costs of services performed by the attendant while the individual is at work, getting to and from work, and at home preparing the individual to go to work and assisting the individual in returning from work. In the case of medical devices, equipment and medical services, we decided to permit deduction of the full out of pocket costs rather than to allocate the deductions because it is impossible to establish a rational and fair standard for determining the extent to which the costs of an artificial limb, a pacemaker, or hemodialysis, for instance, are work-related.

Regulatory Procedures

This regulation does not meet the criteria for a major rule as that term is defined in Executive Order 12291. Thus, a regulatory impact analysis is not required.

These regulations impose no additional reporting or recordkeeping requirements requiring OMB clearance. The reporting forms needed to implement this provision have been approved by OMB already: SSA #820 and #821 (OMB approval #09-60-0059) and SSA #3945 (OMB approval #09-60-0108).

We certify that these regulations do not have an adverse impact on small entities because these rules only affect individuals.

Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

The proposed amendments are to be issued under the authority contained in sections 205, 223, 1102, 1612, 1614, and 1631 of the Social Security Act, as amended; Sec. 302 of Pub. L. 96-265; 53 Stat. 1368, as amended; 70 Stat. 815, as amended; 49 Stat. 647, as amended; and 86 Stat. 1468, 1471, 1475, as amended; 94 Stat. 450, 451; 42 U.S.C. 405, 423, 1302, 1382a, 1382c and 1383.

(Catalog of Federal Domestic Assistance Program Nos. 13802 Social Security—Disability Insurance; 13807 Supplemental Security Income)

Dated: October 19, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: December 21, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

1. In § 404.1574, paragraph (a)(4) is removed and paragraph (b) is revised to read as follows:

§ 404.1574 Evaluation guides if you are an employee.

* * * * *

(b) *Earnings guidelines.* (1) *General.* If you are an employee, we first consider

the criteria in paragraph (a) of this section and § 404.1576, and then the guides in paragraphs (b)(2), (3), (4), (5), and (6) of this section.

* * * * *

2. In § 404.1575, paragraph (c) is revised to read as follows:

§ 404.1575 Evaluation guides if you are self-employed.

* * * * *

(c) *What we mean by substantial income.* After your normal business expenses are deducted from your gross income to determine net income, we will deduct the reasonable value of any unpaid help, any soil bank payments that were included as farm income, and impairment-related work expenses described in § 404.1576 that have not been deducted in determining your net earnings from self-employment. We will consider the resulting amount of income from the business to be substantial if—

(1) It averages more than the amounts described in § 404.1574(b)(2); or

(2) It averages less than the amounts described in § 404.1574(b)(2) but the livelihood which you get from the business is either comparable to what it was before you became severely impaired or is comparable to that of unimpaired self-employed persons in your community who are in the same or similar business as their means of livelihood.

* * * * *

3. A new § 404.1576 is added to read as follows:

§ 404.1576 Impairment-related work expenses.

(a) *General.* When we figure your earnings in deciding if you have done substantial gainful activity, we will subtract the reasonable costs to you of certain items and services which, because of your impairment(s), you need and use to enable you to work. The costs are deductible even though you also need or use the items and services to carry out daily living functions unrelated to your work. Paragraph (b) of this section explains the conditions for deducting work expenses. Paragraph (c) of this section describes the expenses we will deduct. Paragraph (d) of this section explains when expenses may be deducted. Paragraph (e) of this section describes how expenses may be allocated. Paragraph (f) of this section explains the limitations on deducting expenses. Paragraph (g) of this section explains our verification procedures.

(b) *Conditions for deducting impairment-related work expenses.* We will deduct impairment-related work expenses if—

(1) You are otherwise disabled as defined in §§ 404.1505, 404.1577 and 404.1581–404.1583;

(2) The severity of your impairment(s) requires you to purchase (or rent) certain items and services in order to work;

(3) You pay the cost of the item or service. No deduction will be allowed to the extent that payment has been or will be made by another source. No deduction will be allowed to the extent that you have been, could be, or will be reimbursed for such cost by any other source (such as through a private insurance plan, Medicare or Medicaid, or other plan or agency). For example, if you purchase crutches for $80 but you were, could be, or will be reimbursed $64 by some agency, plan, or program, we will deduct only $16;

(4) You pay for the item or service in a month you are working (in accordance with paragraph (d) of this section); and

(5) Your payment is in cash (including checks or other forms of money). Payment in kind is not deductible.

(c) *What expenses may be deducted.*

(1) *Payments for attendant care services.* (i) If because of your impairment(s) you need assistance in traveling to and from work, or while at work you need assistance with personal functions (eating, toileting) or with work-related functions (reading, communicating), the payments you make for those services may be deducted.

(ii) If because of your impairment(s) you need assistance with personal functions at home in preparation for going to and assistance in returning from work, the payments you make for those services may be deducted.

(iii)(A) We will deduct payments you make to a family member for attendant care services only if such person, in order to perform the services, suffers an economic loss by terminating his or her employment or by reducing the number of hours he or she worked.

(B) We consider a family member to be anyone who is related to you by blood, marriage or adoption, whether or not that person lives with you.

(iv) If only part of your payment to a person is for services that come under the provisions of paragraph (c)(1) of this section, we will only deduct that part of the payment which is attributable to those services. For example, an attendant gets you ready for work and helps you in returning from work, which takes about 2 hours a day. The rest of his or her 8 hour day is spent cleaning your house and doing your laundry, etc. We would only deduct one-fourth of the attendant's daily wages as an impairment-related work expense.

(2) *Payments for medical devices.* If your impairment(s) requires that you utilize medical devices in order to work, the payments you make for those devices may be deducted. As used in this subparagraph, medical devices include durable medical equipment which can withstand repeated use, is customarily used for medical purposes, and is generally not useful to a person in the absence of an illness or injury. Examples of durable medical equipment are wheelchairs, hemodialysis equipment, canes, crutches, inhalators and pacemakers.

(3) *Payments for prosthetic devices.* If your impairment(s) requires that you utilize a prosthetic device in order to work, the payments you make for that device may be deducted. A prosthetic device is that which replaces an internal body organ or external body part. Examples of prosthetic devices are artificial replacements of arms, legs and other parts of the body.

(4) *Payments for equipment.* (i) *Work-related equipment.* If your impairment(s) requires that you utilize special equipment in order to do your job, the payments you make for that equipment may be deducted. Examples of work-related equipment are one-hand typewriters, visual aids, telecommunication devices for the deaf and tools specifically designed to accommodate a person's impairment(s).

(ii) *Residential modifications.* If your impairment(s) requires that you make modifications to your residence, the location of your place of work will determine if the cost of these modifications will be deducted. If you are employed away from home, only the cost of changes made outside of your home to permit you to get to your means of transportation (e.g., the installation of an exterior ramp for a wheelchair confined person or special exterior railings or pathways for someone who requires crutches) will be deducted. Costs relating to modifications of the inside of your home will not be deducted. If you work at home, the costs of modifying the inside of your home in order to create a working space to accommodate your impairment(s) will be deducted to the extent that the changes pertain specifically to the space in which you work. Examples of such changes are the enlargement of a doorway leading into the workspace or modification of the workspace to accommodate problems in dexterity. However, if you are self-employed at home, any cost deducted as a business expense cannot be deducted as an impairment-related work expense.

(iii) *Nonmedical appliances and equipment.* Expenses for appliances and equipment which you do not ordinarily use for medical purposes are generally not deductible. Examples of these items are portable room heaters, air conditioners, humidifiers, dehumidifiers, and electric air cleaners. However, expenses for such items may be deductible when unusual circumstances clearly establish an impairment-related and medically verified need for such an item because it is essential for the control of your disabling condition, thus enabling you to work. To be considered essential, the item must be of such a nature that if it were not available to you there would be an immediate adverse impact on your ability to function in your work activity. In this situation, the expense is deductible whether the item is used at home or in the working place. An example would be the need for an electric air cleaner by an individual with severe respiratory disease who cannot function in a non-purified air environment. An item such as an exercycle is not deductible if used for general physical fitness. If it is prescribed and used as necessary treatment of your impairment and necessary to enable you to work, we will deduct payments you make toward its cost.

(5) *Payments for drugs and medical services.* (i) If you must use drugs or medical services (including diagnostic procedures) to control your impairment(s) the payments you make for them may be deducted. The drugs or services must be prescribed (or utilized) to reduce or eliminate symptoms of your impairment(s) or to slow down its progression. The diagnostic procedures must be performed to ascertain how the impairment(s) is progressing or to determine what type of treatment should be provided for the impairment(s).

(ii) Examples of deductible drugs and medical services are anticonvulsant drugs to control epilepsy or anticonvulsant blood level monitoring; antidepressant medication for mental disorders; medication used to allay the side effects of certain treatments; radiation treatment or chemotherapy for cancer patients; corrective surgery for spinal disorders; electroencephalograms and brain scans related to a disabling epileptic condition; and tests to determine the efficacy of medication on a diabetic condition.

(iii) We will only deduct the costs of drugs or services that are directly related to your impairment(s). Examples of non-deductible items are routine annual physical examinations, optician services (unrelated to a disabling visual impairment) and dental examinations.

(6) *Payments for similar items and services.* (i) *General.* If you are required to utilize items and services not specified in paragraphs (c)(1) through (5) of this section but which are directly related to your impairment(s) and which you need to work, their costs are deductible. Examples of such items and services are medical supplies and services not discussed above, the purchase and maintenance of a seeing-eye dog which you need to work and transportation.

(ii) *Medical supplies and services not described above.* We will deduct payments you make for expendable medical supplies, such as incontinence pads, catheters, ace bandages, elastic stockings, face masks, irrigating kits, and disposable sheets and bags. We will also deduct payments you make for physical therapy which you require because of your impairment(s) and which you need in order to work.

(iii) *Payments for transportation costs.* We will deduct transportation costs in these situations:

(A) Your impairment(s) requires that in order to get to work you need a vehicle that has structural or operational modifications. The modifications must be critical to your operation or use of the vehicle and directly related to your impairment(s). We will deduct the costs of the modifications, but not the cost of the vehicle. We will also deduct a mileage allowance for the trip to and from work. The allowance will be based on data compiled by the Federal Highway Administration relating to vehicle operating costs.

(B) Your impairment(s) requires you to use driver assistance, taxicabs or other hired vehicles in order to work. We will deduct amounts paid to the driver and, if your own vehicle is used, we will also deduct a mileage allowance, as provided in paragraph (c)(6)(iii)(A) of this section, for the trip to and from work.

(C) Your impairment(s) prevents your taking available public transportation to and from work and you must drive your (unmodified) vehicle to work. If we can verify through your physician or other sources that the need to drive is caused by your impairment(s) (and not due to the unavailability of public transportation), we will deduct a mileage allowance, as provided in paragraph (c)(6)(iii)(A) of this section, for the trip to and from work.

(d) *When expenses may be deducted.* (1) *Effective date.* To be deductible an expense must be incurred after November 30, 1980. An expense may be considered incurred after that date if it is paid thereafter even though pursuant to a contract or other arrangement entered into before December 1, 1980.

(2) *Payments for services.* A payment you make for services may be deducted if the services are received and the payment is made in the month you are working. We consider you to be working even though you must leave work temporarily to receive the services.

(3) *Payments for items.* A payment you make toward the cost of a deductible item (regardless of when it is acquired) may be deducted if payment is made in the month you are working. See paragraph (e)(4) of this section when purchases are made in anticipation of work.

(e) *How expenses are allocated.* (1) *Recurring expenses.* If you purchase an item on credit and pay for it in regular periodic installments or if you rent an item, each payment you make toward the purchase or rental (including interest) is deductible in the month it is made.

Example. B starts work in October 1981 at which time she purchases a medical device at a cost of $4,800 plus interest charges of $720. The term of the installment contract is 48 months. No downpayment is made. The monthly allowable deduction for the item would be $115 ($5520 divided by 48).

(2) *Nonrecurring expenses.* Part or all of your expenses may not be recurring. For example, you may make a one-time payment in full for an item or service or make a downpayment. If you are working when you make the payment we will either deduct the entire amount in the month you pay it or allocate the amount over a 12 consecutive month period beginning with the month of payment, whichever you select.

Example. A begins working in October 1981 and earns $525 a month. In the same month he purchases a deductible item at a cost of $250. In this situation we could allow a $250 deduction for October 1981, reducing A's earnings below the SGA level for that month.

If A's earnings had been $15 above the SGA earnings amount, A probably would select the option of projecting the $250 payment over the 12-month period, October 1981–September 1982, giving A an allowable deduction of $20.83 a month for each month during that period. This deduction would reduce A's earnings below the SGA level for 12 months.

(3) *Allocating downpayments.* If you make a downpayment we will, if you choose, make a separate calculation for the downpayment in order to provide for uniform monthly deductions. In these situations we will determine the total payment that you will make over a 12 consecutive month period beginning

with the month of the downpayment and allocate that amount over the 12 months. Beginning with the 13th month, the regular monthly payment will be deductible. This allocation process will be for a shorter period if your regular monthly payments will extend over a period of less than 12 months.

Example 1. C starts working in October 1981, at which time he purchases special equipment at a cost of $4,800, paying $1,200 down. The balance of $3,600, plus interest of $540, is to be repaid in 36 installments of $115 a month beginning November 1981. C earns $500 a month. He chooses to have the downpayment allocated. In this situation we would allow a $205.42 deduction beginning in October 1981 and ending in September 1982. After September 1982, the deduction amount would be the regular monthly payment of $115.

Explanation:

Downpayment in 10/81	$1,200	
Monthly payments 11/81 through 09/82	1,265	
	12) 2,465	= $205.42

Example 2. D, while working, buys a deductible item in July 1981, paying $1,450 down. However, the first monthly payment of $125 is not due until September 1981. D chooses to have the downpayment allocated. In this situation we would allow a $255 deduction beginning in July 1981 and ending in June 1982. After June 1982, the deduction amount would be the regular monthly payment of $125.

Explanation:

Downpayment in 07/81	$1,450	
Monthly payments 09/81 through 06/82	1,250	
	12) 2,700	= $225

(4) *Payments made in anticipation of work.* A payment toward the cost of a deductible item that you made in any of the 11 months preceding the month you started working will be taken into account in determining your impairment-related work expenses. When an item is paid for in full during the 11 months preceding the month you started working the payment will be allocated over the 12-consecutive month period beginning with the month of the payment. However, the only portion of the payment which is deductible is the portion allocated to the month work begins and the following months. For example, if an item is purchased 3 months before the month work began and is paid for with a one-time payment of $600, the deductible amount would be $450 ($600 divided by 12, multiplied by 9). Installment payments (including a downpayment) that you made for a particular item during the 11 months preceding the month you started working will be totaled and considered to have been made in the month of your first payment for that item within this 11 month period. The sum of these payments will be allocated over the 12-consecutive month period beginning with the month of your first payment (but never earlier than 11 months before the month work began). However, the only portion of the total which is deductible is the portion allocated to the month work begins and the following months. For example, if an item is purchased 3 months before the month work began and is paid for in 3 monthly installments of $200 each, the total payment of $600 will be considered to have been made in the month of the first payment, that is, 3 months before the month work began. The deductible amount would be $450 ($600 divided by 12, multiplied by 9). The deductible amount, as determined by these formulas, will then be considered to have been paid in the first month of work and will be deductible in accordance with paragraph (e)(2) of this section. To be deductible the payments must be for durable items such as medical devices, prostheses, work-related equipment, residential modifications, nonmedical appliances and vehicle modifications. Payments for services and expendable items such as drugs, oxygen, diagnostic procedures, medical supplies and vehicle operating costs are not deductible for purposes of this subparagraph.

(f) *Limits on deductions.* (1) We will deduct the actual amounts you pay towards your impairment-related work expenses unless the amounts are unreasonable. With respect to durable medical equipment, prosthetic devices, medical services, and similar medically-related items and services, we will apply the prevailing charges under Medicare (Part B of Title XVIII, Health Insurance for the Aged and Disabled) to the extent that this information is readily available. Where the Medicare guides are used, we will consider the amount that you pay to be reasonable if it is no more than the prevailing charge for the same item or service under the Medicare guidelines. If the amount you actually pay is more than the prevailing charge for the same item under the Medicare guidelines, we will deduct from your earnings the amount you paid to the extent you establish that the amount is consistent with the standard or normal charge for the same or similar item or service in your community. For items and services that are not listed in the Medicare guidelines, and for items and services that are listed in the Medicare guidelines but for which such guides cannot be used because the information is not readily available, we will consider the amount you pay to be reasonable if it does not exceed the standard or normal charge for the same or similar item(s) or service(s) in your community.

(2) Impairment-related work expenses are not deducted in computing your earnings for purposes of determining whether you work was "services" as described in § 404.1592(b).

(3) The decision as to whether you performed substantial gainful activity in a case involving impairment-related work expenses for items or services necessary for you to work generally will be based upon your "earnings" and not on the value of "services" you rendered. (See §§ 404.1574(b)(6)(i) and (ii), and 404.1575(a)). This is not necessarily so, however, if you are in a position to control or manipulate your earnings.

(4) The amount of the expenses to be deducted must be determined in a uniform manner in both the disability insurance and SSI programs.

(5) No deduction will be allowed to the extent that any other source has paid or will pay for an item or service. No deduction will be allowed to the extent that you have been, could be, or will be, reimbursed for payments you made. (See paragraph (b)(3) of this section.)

(6) The provisions described in the foregoing paragraphs of this section are effective with respect to expenses incurred on and after December 1, 1980, although expenses incurred after November 1980 as a result of contractual or other arrangements entered into before December 1980, are deductible. For months before December 1980 we will deduct impairment-related work expenses from your earnings only to the extent they exceeded the normal work-related expenses you would have had if you did not have your impairment(s). We will not deduct expenses, however, for those things which you needed even when you were not working.

(g) *Verification.* We will verify your need for items or services for which deductions are claimed, and the amount of the charges for those items or services. You will also be asked to provide proof that you paid for the items or services.

PART 2—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

4. In § 416.974, paragraph (a)(4) is removed and paragraph (b) is revised to read as follows:

§ 416.974 Evaluation guides if you are an employee.

* * * * *

(b) *Earnings guidelines.* (1) *General.* If you are an employee, we first consider the criteria in paragraph (a) of this section, and § 416.976, and then the guides in paragraphs (b)(2), (3), (4), (5), and (6) of this section.

* * * * *

5. In § 416.975, paragraph (c) is revised to read as follows:

§ 416.975 Evaluation guides if you are self-employed.

* * * * *

(c) *What we mean by substantial income.* After your normal business expenses are deducted from your gross income to determine net income, we will deduct the reasonable value of any unpaid help, any soil bank payments that were included as farm income, and impairment-related work expenses described in § 416.976 that have not been deducted in determining your net earnings from self-employment. We will consider the resulting amount of income from the business to be substantial if—

(1) It averages more than the amounts described in § 416.974(b)(2); or

(2) It averages less than the amounts described in § 416. 974(b)(2) but the livelihood which you get from the business is either comparable to what it was before you became severely impaired or is comparable to that of unimpaired self-employed persons in your community who are in the same or similar business as their means of livelihood.

* * * * *

6. A new § 416.976 is added to read as follows:

§ 416.976 Impairment-related work expenses.

(a) *General.* When we figure your earnings in deciding if you have done substantial gainful activity, and in determining your countable earned income (see § 416.1112(c)(5)), we will subtract the reasonable costs to you of certain items and services which, because of your impairment(s), you need and use to enable you to work. The costs are deductible even though you also need or use the items and services to carry out daily living functions unrelated to your work. Paragraph (b) of this section explains the conditions for deducting work expenses. Paragraph (c) of this section describes the expenses we will deduct. Paragraph (d) of this section explains when expenses may be deducted. Paragraph (e) of this section describes how expenses may be allocated. Paragraph (f) of this section explains the limitations on deducting expenses. Paragraph (g) of this section explains our verification procedures.

(b) *Conditions for deducting impairment-related work expenses.* We will deduct impairment-related work expenses if—

(1) You are otherwise disabled as defined in §§ 416.905–416.907;

(2) The severity of your impairment(s) requires you to purchase (or rent) certain items and services in order to work;

(3) You pay the cost of the item or service. No deduction will be allowed to the extent that payment has been or will be made by another source. No deduction will be allowed to the extent that you have been, could be, or will be reimbursed for such cost by any other source (such as through a private insurance plan, Medicare or Medicaid, or other plan or agency). For example, if you purchase crutches for $80 but you were, could be, or will be reimbursed $64 by some agency, plan, or program, we will deduct only $16;

(4) You pay for the item or service in accordance with paragraph (d) of this section; and

(5) Your payment is in cash (including checks or other forms of money). Payment in kind is not deductible.

(c) *What expenses may be deducted.* (1) *Payments for attendant care services.* (i) If because of your impairment(s) you need assistance in traveling to and from work, or while at work you need assistance with personal functions (eating, toileting) or with work-related functions (reading, communicating), the payments you make for those services may be deducted.

(ii) If because of your impairment(s) you need assistance with personal functions at home in preparation for going to and assistance in returning from work, the payments you make for those services may be deducted.

(iii)(A) We will deduct payments you make to a family member for attendant care services only if such person, in order to perform the services, suffers an economic loss by terminating his or her employment or by reducing the number of hours he or she worked.

(B) We consider a family member to be anyone who is related to you by blood, marriage or adoption, whether or not that person lives with you.

(iv) If only part of your payment to a person is for services that come under the provisions of paragraph (c)(1) of this section, we will only deduct that part of the payment which is attributable to those services. For example, an attendant gets you ready for work and helps you in returning from work, which takes about 2 hours a day. The rest of his or her 8 hour day is spent cleaning your house and doing your laundry, etc. We would only deduct one-fourth of the attendant's daily wages as an impairment-related work expense.

(2) *Payments for medical devices.* If your impairment(s) requires that you utilize medical devices in order to work, the payments you make for those devices may be deducted. As used in this subparagraph, medical devices include durable medical equipment which can withstand repeated use, is customarily used for medical purposes, and is generally not useful to a person in the absence of an illness or injury. Examples of durable medical equipment are wheelchairs, hemodialysis equipment, canes, crutches, inhalators and pacemakers.

(3) *Payments for prosthetic devices.* If your impairment(s) requires that you utilize a prosthetic device in order to work, the payments you make for that device may be deducted. A prosthetic device is that which replaces an internal body organ or external body part. Examples of prosthetic devices are artifical replacements of arms, legs and other parts of the body.

(4) *Payments for equipment.* (i) *Work-related equipment.* If your impairment(s) requires that you utilize special equipment in order to do your job, the payments you make for that equipment may be deducted. Examples of work-related equipment are one-hand typewriters, visual aids, telecommunication devices for the deaf and tools specifically designed to accommodate a person's impairment(s).

(ii) *Residential modifications.* If your impairment(s) requires that you make modifications to your residence, the location of your place of work will determine if the cost of these modifications will be deducted. If you are employed away from home, only the cost of changes made outside of your home to permit you to get to your means of transporation (e.g., the installation of an exterior ramp for a wheel-chair confined person or special exterior railings or pathways for someone who requires crutches) will be deducted. Costs relating to modifications of the inside of your home will not be deducted. If you work at home, the costs of modifying the inside of your home in order to create a working space to accommodate your impairment(s) will be deducted to the extent that the changes pertain specifically to the space in which you work. Examples of such changes are the enlargement of a doorway leading into the work space or modification of the work space to accommodate problems in dexterity. However, if you are self-employed at home, any cost deducted as a business

expense cannot be deducted as an impairment-related work expense.

(iii) *Nonmedical appliances and equipment.* Expenses for applicances and equipment which you do not ordinarily use for medical purposes are generally not deductible. Examples of these items are portable room heaters, air conditioners, humidifiers, dehumidifiers, and electric air cleaners. However, expenses for such items may be deductible when unusual circumstances clearly establish an impairment-related and medically verified need for such an item because it is essential for the control of your disabling condition, thus enabling you to work. To be considered essential, the item must be of such a nature that if it were not available to you there would be an immediate adverse impact on your ability to function in your work activity. In this situation, the expense is deductible whether the item is used at home or in the working place. An example would be the need for an electric air cleaner by an individual with severe respiratory disease who cannot function in a non-purified air environment. An item such as an exercycle is not deductible if used for general physical fitness. If it is prescribed and used as necessary treatment of your impairment and necessary to enable you to work, we will deduct payments you make toward its cost.

(5) *Payments for drugs and medical services.* (i) If you must use drugs or medical services (including diagnostic procedures) to control your impairment(s), the payments you make for them may be deducted. The drugs or services must be prescribed (or utilized) to reduce or eliminate symptoms of your impairment(s) or to slow down its progression. The diagnostic procedures must be performed to ascertain how the impairment(s) is progressing or to determine what type of treatment should be provided for the impairment(s).

(ii) Examples of deductible drugs and medical services are anticonvulsant drugs to control epilepsy or anticonvulsant blood level monitoring; antidepressant medication for mental disorders; medication used to allay the side effects of certain treatments; radiation treatment or chemotherapy for cancer patients; corrective surgery for spinal disorders; electroencephalograms and brain scans related to a disabling epileptic condition; and tests to determine the efficacy of medication on a diabetic condition.

(iii) We will only deduct the costs of drugs or services that are directly related to your impairment(s). Examples of non-deductible items are routine annual physical examinations, optician services (unrelated to a disabling visual impairment) and dental examinations.

(6) *Payments for similar items and services.* (i) *General.* If you are required to utilize items and services not specified in paragraph (c)(1) through (5) of this section but which are directly related to your impairment(s) and which you need to work, their costs are deductible. Examples of such items and services are medical supplies and services not discussed above, the purchase and maintenance of a seeing-eye dog which you need to work and transportation.

(ii) *Medical supplies and services not described above.* We will deduct payments you make for expendable medical supplies, such as incontinence pads, catheters, ace bandages, elastic stockings, face masks, irrigating kits, and disposable sheets and bags. We will also deduct payments you make for physical therapy which you require because of your impairment(s) and which you need in order to work.

(iii) *Payments for transportation costs.* We will deduct transportation costs in these situations:

(A) Your impairment(s) requires that in order to get to work you need a vehicle that has structural or operational modifications. The modifications must be critical to your operation or use of the vehicle and directly related to your impairment(s). We will deduct the costs of the modifications, but not the cost of the vehicle. We will also deduct a mileage allowance for the trip to and from work. The allowance will be based on data compiled by the Federal Highway Administration relating to vehicle operating costs.

(B) Your impairment(s) requires you to use driver assistance, taxicabs or other hired vehicles in order to work. We will deduct amounts paid to the driver and, if your own vehicle is used, we will also deduct a mileage allowance, as provided in paragraph (c)(6)(iii)(A) of this section, for the trip to and from work.

(C) Your impairment(s) prevents your taking available public transportation to and from work and you must drive your (unmodified) vehicle to work. If we can verify through your physician or other sources that the need to drive is caused by your impairment(s) (and not due to the unavailability of public transportation), we will deduct a mileage allowance as provided in paragraph (c)(6)(iii)(A) of this section, for the trip to and from work.

(d) *When expenses may be deducted.* (1) *Effective date.* To be deductible an expense must be incurred after November 30, 1980. An expense may be considered incurred after that date if it is paid thereafter even though pursuant to a contract or other arrangement entered into before December 1, 1980.

(2) *Payments for services.* For the purpose of determining SGA, a payment you make for services may be deducted if the services are received and the payment is made in the month you are working. We consider you to be working even though you must leave work temporarily to receive the services. For the purpose of determining your SSI monthly payment amount, a payment you make for services may be deducted if the payment is made in the month your earned income is received and the earned income is for work done in the month you recieved the services.

(3) *Payment for items.* For the purpose of determining SGA, a payment you make toward the cost of a deductible item (regardless of when it is acquired) may be deducted if payment is made in the month you are working. For the purpose of determining your SSI monthly payment amount, a payment you make toward the cost of a deductible item (regardless of when it is acquired) may be deducted if the payment is made in the month your earned income is received and the earned income is for work done in the month you used the item. See paragraph (e)(4) of this section when purchases are made in anticipation of work.

(e) *How expenses are allocated.* (1) *Recurring expenses.* If you purchase an item on credit and pay for it in regular periodic installments or if you rent an item, each payment you make toward the purchase or rental (including interest) is deductible as described in paragraph (d) of this section.

Example. B starts work in October 1981 at which time she purchases a medical device at a cost of $4,800 plus interest charges of $720. The term of the installment contract is 48 months. No downpayment is made. The monthly allowble deduction for the item would be $115 ($5520 divided by 48).

(2) *Nonrecurring expenses.* Part or all of your expenses may not be recurring. For example, you may make a one-time payment in full for an item or service or make a downpayment. For the purpose of determining SGA, if you are working when you make the payment we will either deduct the entire amount in the month you pay it or allocate the amount over a 12 consecutive month period beginning with the month of payment, whichever you select. For the purpose of determining your SSI monthly payment amount, if you are working in the month you make the payment and the payment is made in a month earned income is received, we will either deduct the entire amount in that month, or we will

allocate the amount over a 12 consecutive month period, beginning with that month, whichever you select. If you do not receive earned income in the month you make the payment, we will either deduct or begin allocating the payment amount in the first month you do receive earned income. If you make a payment for services or items after you stopped working, we will deduct the payment if it was made in the month you received earned income for work done in the month you received the services or used the item.

Example. A begins working in October 1981 and earns and receives $525 a month. In the same month he purchases a deductible item at a cost of $250. In this situation we could allow a $250 deduction for October 1981, reducing A's earnings below the SGA level for that month.

If A's earnings had been $15 above the SGA earnings amount, A probably would select the option of projecting the $250 payment over the 12-month period, October 1981–September 1982, giving A an allowable deduction of $20.83 a month for each month during that period. This deduction would reduce A's earnings below the SGA level for 12 months.

(3) *Allocating downpayments.* If you make a downpayment we will, if you choose, make a separate calculation for the downpayment in order to provide for uniform monthly deductions. In these situations we will determine the total payment that you will make over a 12 consecutive month period beginning with the month of the downpayment and allocate that amount over the 12 months. Beginning with the 13th month, the regular monthly payment will be deductible. This allocation process will be for a shorter period if your regular monthly payments will extend over a period of less than 12 months.

Example 1. C starts working in October 1981, at which time he purchases special equipment at a cost of $4,800, paying $1,200 down. The balance of $3,600, plus interest of $540, is to be repaid in 36 installments of $115 a month beginning November 1981. C earns and receives $500 a month. He chooses to have the downpayment allocated. In this situation we would allow a $205.42 deduction beginning in October 1981 and ending in September 1982. After September 1982, the deduction amount would be the regular monthly payment of $115.

Explanation:

Downpayment in 10/81	$1,200	
Monthly payments 11/81 through 09/82	1,265	
	12) 2,465	=$205.42.

Example 2. D, while working, buys a deductible item in July 1981, paying $1,450 down. (D earns and receives $500 a month.) However, the first monthly payment of $125 is not due until September 1981. D chooses to have the downpayment allocated. In this situation we would allow a $225 deduction beginning in July 1981 and ending in June 1982. After June 1982, the deduction amount would be the regular monthly payment of $125.

Explanation:

Downpayment in 07/81	$1,450	
Monthly payments 09/81 through 06/82	1,250	
	12) 2,700	=225

(4) *Payments made in anticipation of work.* A payment toward the cost of a deductible item that you made in any of the 11 months preceding the month you started working will be taken into account in determining your impairment-related work expenses. When an item is paid for in full during the 11 months preceding the month you started working the payment will be allocated over the 12-consecutive month period beginning with the month of the payment. However, the only portion of the payment which is deductible is the portion allocated to the month work begins and the following months. For example, if an item is purchased 3 months before the month work began and is paid for with a one-time payment of $600, the deductible amount would be $450 ($600 divided by 12, multiplied by 9). Installment payments (including a downpayment) that you made from a particular item during the 11 months preceding the month you started working will be totaled and considered to have been made in the month of your first payment for that time within this 11 month period. The sum of these payments will be allocated over the 12-consecutive month period beginning with the month of your first payment (but never earlier than 11 months before the month work began). However, the only portion of the total which is deductible is the portion allocated to the month work begins and the following months. For example, if an item is purchased 3 months before the month work began and is paid for in 3 monthly installments of $200 each, the total payment of $600 will be considered to have been made in the month of the first payment, that is, 3 months before the month work began. The deductible amount would be $450 ($600 divided by 12, multiplied by 9). The deductible amount, as determined by these formulas, will then be considered to have been paid in the first month of work for the purpose of determining SGA and in the first month earned income is received for the purpose of determining the SSI monthly payment amount and will be deductible in accordance with paragraph (e)(2) of this section. To be deductible the payments must be for durable items such as medical devices, prostheses, work-related equipment, residential modifications, nonmedical appliances and vehicle modifications. Payments for services and expendable items such as drugs, oxygen, diagnostic procedures, medical supplies and vehicle operating costs are not deductible for purposes of this subparagraph.

(f) *Limits on deductions.* (1) We will deduct the actual amounts you pay towards your impairment-related work expenses unless the amounts are unreasonable. With respect to durable medical equipment, prosthetic devices, medical services, and similar medically-related items and services, we will apply the prevailing charges under Medicare (Part B of Title XVIII, Health Insurance for the Aged and Disabled) to the extent that this information is readily available. Where the Medicare guides are used, we will consider the amount that you pay to be reasonable if it is no more than the prevailing charge for the same item or service under the Medicare guidelines. If the amount you actually pay is more than the prevailing charge for the same item under the Medicare guidelines, we will deduct from your earnings the amount you paid to the extent you establish that the amount is consistent with the standard or normal charge for the same or similar item or service in your community. For items and services that are not listed in the Medicare guidelines, and for items and services that are listed in the Medicare guidelines but for which such guides cannot be used because the information is not readily available, we will consider the amount you pay to be reasonable if it does not exceed the standard or normal charge for the same or similar item(s) or service(s) in your community.

(2) Impairment-related work expenses are not deducted in computing your earnings for purposes of determining whether your work was "services" as described in § 416.992(b).

(3) The decision as to whether you performed substantial gainful activity in a case involving impairment-related work expenses for items or services necessary for you to work generally will be based upon your "earnings" and not on the value of "services" you rendered. (See §§ 416.974(b)(6) (i) and (ii), and 416.975(a)). This is not necessarily so, however, if you are in a position to control or manipulate your earnings.

(4) The amount of the expenses to be deducted must be determined in a uniform manner in both the disability insurance and SSI programs. The amount of deductions must, therefore, be the same for determinations as to substantial gainful activity under both programs. The deductions that apply in determining the SSI payment amounts, though determined in the same manner as for SGA determinations, are applied so that they correspond to the timing of the receipt of the earned income to be excluded.

(5) No deduction will be allowed to the extent that any other source has paid or will pay for an item or service. No deduction will be allowed to the extent that you have been, could be, or will be, reimbursed for payments you made. (See paragraph (b)(3) of this section.)

(6) The provisions described in the foregoing paragraphs of this section are effective with respect to expenses incurred on and after December 1, 1980, although expenses incurred after November 1980 as a result of contractual or other arrangements entered into before December 1980, are deductible. For months before December 1980 we will deduct impairment-related work expenses from your earnings only to the extent they exceeded the normal work-related expenses you would have had if you did not have your impairment(s). We will not deduct expenses, however, for those things which you needed even when you were not working.

(g) *Verification.* We will verify your need for items or services for which deductions are claimed, and the amount of the charges for those items or services. You will also be asked to provide proof that you paid for the items or services.

7. In section 416.1112, paragraph (c)(5) is redesignated (c)(7) and paragraph (c)(6) is redesignated as (c)(8). Paragraph (c)(4) is revised and new paragraphs (c)(5) and (c)(6) are added to read as follows:

§ 416.1112 Earned income we do not count.

* * * * *

(c) *Other earned income we do not count.* We do not count as earned income—

* * * * *

(4) $195 of earned income in a calendar quarter;

(5) Earned income you use to pay impairment-related work expenses described in § 416.976, if you are disabled (but not blind) and under age 65 or you are disabled (but not blind) and received SSI as a disabled person for the month before you reached age 65. (However, if your countable income without benefit of the exclusion exceeds the Federal SSI limit when we determine your initial eligibility, we cannot apply this provision until your countable income without benefit of this exclusion is within the Federal SSI limit.) Once you qualify for the exclusion of impairment-related work expenses, you continue to be entitled to the exclusion for all subsequent consecutive months in which your countable income after the exclusion is within the Federal SSI limit or, if applicable, the higher income limit for an optional supplement which we administer for the State where you live. If in a subsequent month your countable income after the exclusion exceeds either of these limits, you no longer qualify for the exclusion until your countable income without benefit of this exclusion is again within the Federal limit);

(6) One-half of remaining earned income in a calendar quarter;

(7) Earned income used to meet any expenses reasonably attributable to the earning of the income if you are blind and under age 65 or if you receive SSI as a blind person for the month before you reach age 65. (We consider that you "reach" a certain age on the day before that particular birthday.); and

(8) Any earned income you receive and use to fulfill an approved plan to achieve self-support if you are blind or disabled and under age 65 or blind or disabled and received SSI as a blind or disabled person for the month before you reached age 65. See §§ 416.1180 through 416.1182 for an explanation of plans to achieve self-support and for the rules on when this exclusion applies.

8. In section 416.1124, paragraph (c)(11) is revised to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) *Other unearned income we do not count.* We do not count as unearned income—

* * * * *

(11) Any unearned income you receive and use to fulfill an approved plan to achieve self-support if you are blind or disabled and under age 65 or blind or disabled and received SSI as a blind or disabled person for the month before you reached age 65. See §§ 416.1180 through 416.1182 for an explanation of plans to achieve self-support and for the rules on when this exclusion applies.

[FR Doc. 82-215 Filed 1-5-82; 8:45 am]

BILLING CODE 4190-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1E2462/P208; PH-FRL-2021-7]

Bromoxynil; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for negligible residues of the herbicide bromoxynil from application of its octanoic acid ester. This proposed amendment to establish a maximum permissible level for residues of bromoxynil in or on dry bulb onions was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2462 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California and Texas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from application of its octanoic acid ester to the raw agricultural commodity onions at 0.1 part per million (ppm). The petitioner subsequently amended the petition by requesting a tolerance on dry bulb onions only.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance for dry bulb onions include a subchronic (13-week) dog feeding study with a no-observable-effect level (NOEL) of 5 mg/kg/day (200 ppm/day) and a subchronic (13-week) rat feeding study with a NOEL of 312 ppm/day. While the toxicity of this

chemical has not been completely characterized, the incremental residue contribution from this use is calculated to be insignificant since it will add less than 1 percent to the theoretical maximum residue contribution (TMRC). A tolerance of 0.1 ppm has previously been established for several raw agricultural commodities from application of the herbicide as its octanoic acid ester.

The acceptable daily intake (ADI), based on the 13-week dog oral feeding study (NOEL of 5 mg/kg/day) and using a 2,000-fold safety factor, is calculated to be 0.0025 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI)— for a 60-kg human is calculated to be 0.15 mg/day. The TMRC from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0326 mg/day; the current action will contribute 0.0010 mg/day. Published tolerances utilize 21.71 percent of the ADI; the current action will utilize an additional 0.72 percent of the ADI, bringing the total utilized to 22.43 percent.

The nature of the residues is adequately understood and an adequate analytical method (Pesticide Analytical Method II (PAM–II)) is available for enforcement purposes. Since this commodity is not a feed item, there is no reasonable expectation of finite residues in meat, milk, poultry or eggs from the proposed use. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.324 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request, by February 5, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP1E2462/P208]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 6, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 15, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.324 be amended by adding and alphabetically inserting the raw agricultural commodity "onions (dry bulb)" to read as follows:

§ 180.324 Bromoxynil; tolerances for residues.

* * * * *

Commodity	Part per million
* * * * *	
Onions (dry bulb)	0.1 (N)
* * * * *	

[FR Doc. 82-314 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PP 1E2478/P207; PH-FRL-2022-1]

Methyl Eugenol/Malathion Combination; Proposed Exemption From Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposed that an exemption from the requirement of a tolerance be established for residues of the insect attractant methyl eugenol and the insecticide malathion in or on all raw agricultural commodities when used in combination in Oriental fruit fly eradication programs under the authority of the U.S. Department of Agriculture. This proposal was submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2478 to EPA on behalf of the IR–4 Technical Committee and the U.S. Department of Agriculture.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of the insect attractant methyl eugenol and the insecticide malathion in or on all raw agricultural commodities when used in combination in Oriental fruit fly eradication programs under the authority of the U.S. Department of Agriculture.

The data submitted in the petition and all other relevant material have been evaulated. The attractant-inseciticide combination is considered useful for the purpose for which the exemption is sought. There are presently no actions against the continued registration of these chemicals.

Because of the methods of application and the extremely low application rates involved, it is highly unlikely that detectable residues would result in or on any raw agricultural commodity or in meat or milk.

The acceptable daily intake (ADI) for malathion, which is calculated to be 0.0200 mg/kg of body weight (bw)/day, has been fully utilized; however, the proposed use is not likely to contribute any detectable malathion residues. Therefore, there will be no increase in the theoretical maximum residue contribution (TMRC) nor in the percentage of ADI utilized as a result of the proposed exemption.

Methyl eugenol is a naturally-occurring compound and is cleared for use under 21 CFR 172.515 as a synthetic flavoring agent. As with the malathion,

no detectable residues are likely to result.

Acute toxicity studies with methyl eugenol indicate a relatively low toxicity to mice and rats. Toxicity data for methyl eugenol referenced or submitted with the petition include: An acute oral LD_{50} (Sprague-Dawley rat) of 1179±250 mg/kg (IBT-validated and determined to be a supplementary study); a primary dermal irritation index (rabbit-Draize) of 0.9/8.0 (mildly irritating) (IBT-validated and determined to be a valid study); a primary eye irritation index (rabbit-Draize of 12.0/110.0 (mildly irritating) (IBT-validated and determined to be a valid study); an acute oral LD_{50} (Osborne-Mendel rat) of 1,560 mg/kg (95 percent confidence level=1,170–2,070 mg/kg); and a 90-day feeding study (Sprague-Dawley rat) with no no-observable-effect level (NOEL) determined at 1,000 ppm, lowest dose tested.

Based on the above information considered by the Agency, the exemption established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request, by February 5, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 1E2478/P207]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950). Effective on: Janaury 6, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 16, 1981

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR Part 180 be amended by establishing a new § 180.1067 to read as follows:

§ 180.1067 Methyl eugenol and malathion combination; exemption from the requirement of a tolerance.

The insect attractant methyl eugenol and the insecticide malathion are exempt from the requirement of tolerances on all raw agricultural commodities when used in combination in Oriental fruit fly eradication programs under the authority of the U.S. Department of Agriculture, in accordance with the following directions and specifications:

(a) The combination shall be at the ratio of three parts methyl eugenol to one part technical malathion (3:1).

(b) This combination is to be impregnated on a carrier (cigarette filter tips (cellulose acetate); cotton strings; fiberboard squares) or mixed with a jel cleared under 40 CFR 180.1001(d).

(c) The maximum actual dosage per application per acre shall be 28.35 grams (one-third (0.33) ounce avoirdupois) technical malathion.

[FR Doc. 82–316 Filed 1–5–82; 8:45 am]

BILLING CODE 6560–32–M

---

40 CFR Part 180

[PP OE2283/P204; PH–FRL–2019–3]

Chlorpyrifos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide chlorpyrifos and its metabolite 3,5,6,-trichloro-2-pyridinol in or on strawberries. This proposed amendment to establish a maximum permissible level for residues of the insecticide and its metabolite in or on the above commodity was submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–7123) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Porject No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE2283 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of New Hampshire, New York, and Michigan.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol (TCP) in or on the raw agricultural commodity strawberries at 0.3 part per million (ppm). The petition was later amended increasing the tolerance to 0.5 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included: a rat acute oral LD_{50} ranging from 118 to 245 milligrams (mg) per kilogram (kg); a 180-day rat feeding study with the red blood cell (RBC) acetylcholinesterase (AChE) no-observable-effect level (NOEL) of 0.15 mg/kg/day and systemic no-effect-level (NEL) of 0.75 mg/kg/day; a 90-day dog feeding study with an RBC AChE NOEL of 0.03 mg/kg/day and a systemic NOEL of 0.5 mg/kg/day; a 3-generation rat reproduction study with a reproductive effects NOEL of 1.0 mg/kg of body weight (bw)/day (highest dose tested); a 2-year rat feeding study with an RBC AChE NOEL of 0.1 mg/kg/day, a systemic NOEL of 3.0 mg/kg/day (highest dose tested), and negative oncogenic potential; a 2-year dog feeding study with an RBC AChE NOEL of 0.1 mg/kg/day and a systemic NOEL of 3.0 mg/kg/day (highest dose tested); an acute delayed neurotoxicity (hen) study negative for neurotoxic potential

at 100 mg/kg; and a mouse teratogenicity study which was negative for teratogenic effects up to 25 mg/kg/day (highest dose tested). The metabolism of the chemical in animals is adequately understood.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (RBC AChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.6 mg/kg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.3382 mg/day. The current action will utilize 0.225 percent of the ADI. Published tolerances utilize 56.36 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas chromatography with a flame photometric detector in the phosphorus mode) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.342 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request, on or before February 5, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP OE 2283/P204]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 15, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.342 be amended by adding and alphabetically inserting the raw agricultural commodity "strawberries" to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodity	Part per million
Strawberries	0.5

[FR Doc. 82-118 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PP 9E2263/P205; PH-FRL-2019-4]

Thiabendazole; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the fungicide thiabendazole in or on papayas. This proposed amendment to establish a maximum permissible level for residues of thiabendazole in or on the above commodity resulting from postharvest application of the fungicide was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 9E2263 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) (TBZ) in or on papayas at 5 parts per million (ppm) resulting from postharvest application to the raw agricultural commodity. The petition was later amended to limit pesticide use to spray applications of a TBZ-water mixture only.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were: a rat acute oral study with an LD_{50} of 3.33 grams (g)/kilogram (kg); a mouse acute oral study with an LD_{50} of 3.81 g/kg; a rat subacute feeding study with a no-observable-effect level (NOEL) of 100 mg/kg; a mouse oncogenic feeding study which showed negative oncogenic potential; a 2-year rat feeding study with a NOEL of 10 mg/kg/day and negative oncogenic potential; a 2-year dog feeding study with a NOEL of 50 mg/kg/day; a rat teratology study negative for teratogenic effects at 80 mg/kg and at 80.4 mg/kg; a rabbit teratology study negative for teratogenic effects at 800 mg/kg (highest dose); a mouse reproduction study with a NOEL of 150 mg/kg/day; and a rat reproduction study with a NOEL of 20 mg/kg/day.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 10 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.10 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 6.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 1.3339 mg/day. The current action will utiltize 0.04 percent of the ADI. Published tolerances utilize 22.49 percent of the ADI.

The nature of the residues is adequately understood and adequate analytical methodology (spectrophotometry as described in FDA Pesticide Analytical Manual II (PAM II))

is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.242 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, which contains any of the ingredients listed herein, may request, on or before February 5, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 9E2263/P205]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

December 16, 1981.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.242 be amended by adding and alphabetically inserting the raw agricultural commodity "papayas (post-H)" to paragraph (a) to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Papayas (post-H)	5
* * * * *	

[FR Doc. 82-117 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 80-54]

Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule extension of comment time.

SUMMARY: Counsel for various ocean shipping conferences have requested an enlargement of time to file comments in this proceeding relating to uniform rules and regulations governing filing of time/volume rates initiated by **Federal Register** notice of November 2, 1981 (46 FR 54390). The Commission originally allowed a period for comment which will expire on January 4, 1982. The requesters cite the intervening holidays and the complexity of the proposal. Good cause has been shown and, accordingly, an extension of time to comment until February 3, 1982 will be granted.

DATE: Comments (original and 15 copies) due February 3, 1982.

ADDRESS COMMENTS AND INQUIRIES TO: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

Francis C. Hurney,

Secretary.

[FR Doc. 82-322 Filed 1-5-82; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 47, No. 3
Wednesday, January 6, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the first calendar quarter of 1982.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4887, dated December 23, 1981, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar, and Cocoa Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 1.5032 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing, sampling and International Sugar Agreement fees, is less than the market stabilization price. The market stabilization price for the first calendar quarter of 1982 is 19.08 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent; or (2) is less than the market stabilization price by more than one cent the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .15 times the amount by which the applicable market stabilization price exceeds the 20 day average of the daily spot (world) price quotations for raw sugar as calculated in paragraph c(ii) of Headnote 4.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the first calendar quarter of 1982 has been calculated to be 12.6225 cents per pound. This results in a fee of 2.1418 cents per pound for item 956.15, the amount by which the sum of the 12.6225 cents average spot price + 2.8125 cents duty + 1.5032 cents attributed costs is less than 19.08 cents. Accordingly, the fee for items 956.05 and 957.15 for the first calendar quarter of 1982 is 3.1104 cents per pound [2.1418 + .15(19.08 −12.6225) = 3.1104].

Except with respect to the fees to be announced for the first calendar quarter of 1982, Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the first calendar quarter of 1982 shall be as follows:

Item	Fee
956.05	3.1104 cents per lb.
956.15	2.1418 cents per lb.
957.15	3.1104 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on December 31, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82–258 Filed 1–5–82; 8:45 am]
BILLING CODE 3410–10–M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals,

components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place

January 21, 1982, at 9:30 a.m. The meeting will take place at the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, California.

Agenda

General Session:
(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public
(3) A review of subcommittee activities:
a. Memory and Media,
b. Foreign Availability,
c. Display and Terminals, and
d. Export Regulations.
(4) New Business.
Executive Session:
(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: December 31, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–285 Filed 1–5–82; 8:45 am]

BILLING CODE 3510-25-M

Fiber Optic Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initally established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981, pursuant to the charter of the Committee.

The Fiber Optic Subcommittee was formed to study fiber optic communication equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Time and Place

January 26, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Conference Room C, 14th Street and Constitution Avenue, NW, Washington, D.C.

Agenda

General Session:
A short open session will be held to provide an opportunity for submissions of industry recommendations for revisions of the following CCL entries: 1526, 1522, 1519, 1548, 1767, 1502, 1544, and 1527 as they relate to fiber optic communication equipment.

Executive Session

Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b (c)(1) and are properly classified under Executive order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: December 31, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc 82–284 Filed 1–5–82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Intent to Conduct OMB Circular No. A–76 Cost Comparison Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given pursuant to the Office of Management and Budget (OMB) Circular No. A–76 and to the Department of Commerce Administrative Order 201–41 that NOAA intends to conduct a comparison study of the cost of the Government operation of distribution services (data entry, data maintenance, warehousing, and order filing of maps, charts, and publications) at Riverdale, Maryland, versus the cost of off-premises operation by contract. A contract may or may not result from the cost comparison study.

Results of the study will be made available to bidders, offers, and all interested parties. This study is being conducted at the direction of the congressional Joint Committee on Printing which also has directed the Government Printing Office to determine its costs to take over the operation.

DATES: Solicitations for bids or proposals are scheduled for after February 1982. The study should end by December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Robert F. Souders, OA/C4x32, National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20852, (301) 443–8765.

Dated: December 28, 1981.

Francis J. Balint,

Director, Information and Management Services.

[FR Doc. 82-225 Filed 1-5-82; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 2 February 1982; 3 February 1982.

Times: 0830–1600 hours (Closed); 0830–1500 hours (Closed).

Place: BMD Systems Command HQS, Room 2D1100, Huntsville, Alabama.

Proposed Agenda: The Army Science Board Ad Hoc Study Sub-Group conducting a study on Ballistic Missile Defense will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Acting Administrative Officer, Maria P. Galvan, may be contacted for further information at (202) 697–9703 or 695–3039.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 82-224 Filed 1-5-82; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: January 21, 1982; January 22, 1982.

Times: 0830–1700 hours, January 21 (Closed); 0830–1600 hours, January 22 (Closed).

Place: Pentagon, Room 1A1079, Washington, D.C. 20310.

Proposed Agenda: The Army Science Board Ad Hoc Sub-Group conducting a study on Air Defense Systems will meet to resent and receive briefings and hold discussions. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to precluded opening any portion of the meeting. The ASB Acting Administrative Officer, Maria P. Galvan, may be contacted for further information at (202) 697–9703.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 82-241 Filed 1-5-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, Office of the Secretary, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 109. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 109 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: December 30, 1981.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 109

To The Heads of Executive Departments and Establishments:

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for offical travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 108 except in the cases identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$12.60
Anaktuvuk Pass	140.00
*Anchorage	69.00
Barrow	150.00
*Bethel	114.00
*College	97.00

Locality	Maximum rate
Cordova	89.00
*Deadhorse	107.00
Dillingham	103.00
Dutch Harbor	82.00
*Eielson AFB	97.00
*Elmendorf	89.00
*Fairbanks	97.00
*Ft. Richardson	89.00
*Ft. Wainwright	97.00
*Juneau	97.00
*Ketchikan	96.00
*Kodiak	103.00
*Kotzebue	109.00
*Murphy Dome	97.00
*Noatak	109.00
*Nome	110.00
*Noorvik	109.00
*Petersburg	96.00
*Prudhoe Bay	107.00
Shemya AFB [1]	11.00
*Shunghak	109.00
*Sitka-Mt. Edgecombe	96.00
*Skagway	96.00
*Spruce Cape	103.00
*Tanana	110.00
*Valdez	93.00
*Wainwright	79.00
*Wrangell	96.00
*All Other Localities	83.00
American Samoa	65.00
Guam M. I.	67.00
Hawaii:	
Oahu	84.00
All Other Localities	85.00
Johnston Atoll [2]	16.75
Midway Islands [1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	119.00
5-16—12-15	88.00
Caguas:	
12-16—5-15	119.00
5-16—12-15	88.00
Fajardo (Including Luquillo):	
12-16—5-15	119.00
5-16—12-15	88.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	119.00
5-16—12-15	88.00
Ponce (Incl. Ft. Allen NCS)	70.00
Roosevelt Roads:	
12-16—5-15	119.00
5-16—12-15	88.00
Sabana Seca:	
12-16—5-15	119.00
5-16—12-15	88.00
San Juan (Incl. San Juan Coast Guard Units):	
12-16—5-15	119.00
5-16—12-15	88.00
All Other Localities	77.00
Virgin Islands of U.S.:	
12-1—4-30	102.00
5-1—11-30	82.00
Wake Island [2]	16.00
All Other Localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

Sheila Levine,

Acting OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 82-267 Filed 1-5-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5572-000]

Cook Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 31, 1981.

Take notice that on October 28, 1981, Cook Electric, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5572 would be located on Big Sheep Creek, within Wallowa-Whitman National Forest near Joseph in Wallowa County, Oregon, Little Sheet Creek, and Wallowa Valley Improvement District Canal. Correspondence with the Applicant should be directed to: Mr. Dale Hatch, Cook Electric, Inc., P.O. Box 1071, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) a 4-foot high intake structure diverting water from the existing Wallowa Valley Improvement District Canal; (2) a 725-foot long, 45-inch diameter steel penstock; (3) a powerhouse with a total installed capacity of 1,100 kW; (4) a 200-foot long, 13.8-kV transmission line to join the powerplant to Applicant's proposed transmission line from the Little Sheep Power Project No. 5573.

The Applicant estimates that the average annual energy output would be 4.075 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Oregon Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 22, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-287 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5622-000]

County of Mono, Calif.; Application for Preliminary Permit

December 31, 1981.

Take notice that the County of Mono (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)–825(r)] for Project No. 5622 to be known as the Virginia Creek Hydroelectric Project located on Virginia Creek in Mono County, California. The project would lie predominantly on lands of the United States managed by the Bureau of Land Management. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil B. Van Winkle, County Counsel, County Courthouse, Bridgeport, California 93517.

Project Description—The proposed project would consist of: (1) a reinforced concrete diversion structure utilizing a low weir with negligible storage; (2) a conveyance structure 9,500 feet long, either pipeline or channel; (3) a steel penstock 700 feet long; (4) a powerhouse containing two turbine generators with 400 kW total capacity and 2.0 GWh annual energy output; (5) transmission line; and (6) appurtenant facilities. A potential market for power generated would be the Southern California Edison Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic, and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of the feasibility studies is $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 11, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR § 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 11, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 9, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-208 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-27-000]

El Paso Natural Gas Co.; Tariff Filing

December 30, 1981.

Take notice that on December 16, 1981, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, certain revised and original tariff sheets listed below:

Tariff volume	Tariff sheets
Original Volume No. 1	First Revised Sheet Nos. 60, 70 and 71.[1]
Third Revised Volume No. 2	Original Sheet Nos. 1-Z.1 and 1-Z.2.
Original Volume No. 2A	Original Sheet Nos. 21-MM and 22-MM.

[1] First Revised Sheet No. 71 is reserved for future use

El Paso states that the tendered tariff sheets, when accepted for filing and permitted to become effective, will add a new Section 22, Exchange Arrangements, to El Paso's FERC Gas Tariff, Original Volume No. 1,[1] in order to reflect a methodology to recover costs pertaining to Emergency Exchange Arrangements El Paso has entered into with Southern California Gas Company ("SoCal") and Pacific Gas and Electric Company ("PGandE") and to a Delayed Exchange Arrangement El Paso has entered into with Houston Pipe Line Company ("HPL"), hereinafter collectively referred to as the "Exchange Arrangements."

The subject arrangements, which are being implemented pursuant to Subpart C of Part 157 of the Commission's Regulations Under the Natural Gas Act, in the case of the arrangements with SoCal and PGandE, and Subpart C of Part 284 of the Commission's Regulations Under the Natural Gas

[1] Identical provisions have been added as section 8, Exchange Arrangements, to El Paso's FERC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A.

Policy Act of 1978, in the case of the arrangement with HPL, are designed to assist El Paso in protecting service to Priority 1 and 2 requirements to its Category B and C Customers [2] during the 1981–82 winter season (November 1, 1981 through April 30, 1982).

El Paso respectfully requests that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary, to (i) make the tariff sheets effective thirty (30) days from the date of filing or the date first deliveries commence under the Exchange Arrangements, whichever is earlier; (ii) waive the Purchased Gas Cost Adjustment provisions contained in Section 19 of El Paso's FERC Gas Tariff, Original Volume No. 1, in order to exempt the volumes of natural gas purchased from SoCal and PGandE from the determination of El Paso's Purchased Gas Cost Adjustment; and (iii) allow El Paso to exclude from the sales refund obligation which is set forth in El Paso's Stipulation and Agreement dated July 10, 1981 and approved by Commission order issued August 28, 1981 at Docket Nos. RP79–12 (Further Extension), CP80–367 and CI80–320, the volumes required to payback SoCal and PGandE for the volumes previously diverted from those customers to assist in the protection of service to El Paso's Category B and C Customers' Priority 1 and 2 requirements.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Jan. 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–289 Filed 1–5–82; 8:45 am]

BILLING CODE 6717–01–M

[2] By order issued March 20, 1981, at Docket No. RP72–6, *et al.*, the Commission approved El Paso's "Submittal of Stipulation and Agreement Settling Proceeding and Prescribing Permanent Allocation Plan" filed December 29, 1980. Under the operation of El Paso's Permanent Allocation Plan, which was placed into effect on May 1, 1981, Category B customers are defined as all of El Paso's east-of-California ("EOC") customers having total annual purchases exceeding 1,000,000 Mcf. Category C customers are defined as all of El Paso's EOC customers having annual purchases of less than 1,000,000 Mcf annually.

[Project No. 5694–000]

Hydro Resource Co.; Application for Preliminary Permit

December 31, 1981.

Take notice that Hydro Resource Company (Applicant) filed on November 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5694 to be known as the Waketickeh Creek Project located on Waketickeh Creek in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Agent, P.O. Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) a 50-foot long, 8-foot high diversion structure; (2) a 5,300-foot long, 30-inch diameter diversion conduit; (3) a 4,600-foot long, 30-inch diameter penstock; (4) a powerhouse with a total rated capacity of 1,400 kW; and (5) a 350-foot long, 69-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 123 million kWh. The project is almost entirely located within the boundaries of Department of Natural Resources lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 15, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 10, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-270 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5700-000]

Albert E. Hodgson; Application for Preliminary Permit

December 31, 1981.

Take notice that Albert E. Hodgson (Applicant) filed on November 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5700 to be known as the Mingo Creek Power Project located on Mingo Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Albert E. Hodgson, P.O. Box 269, Willow Creek, California 95573.

Project Description—The proposed project would consist of: (1) a 20-foot long, 4-foot high diversion structure; (2) a 9,000-foot long, 24-inch diameter diversion conduit; (3) a 2,400-foot long, 18-inch diameter penstock; (4) a powerhouse with a total rated capacity of 500 kW; and (5) a 1-mile long, 12.5–kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy output would be 4.4 million kWh. The project is located on U.S. Federal lands owned by the Six Rivers National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed to conduct these studies. The Applicant estimates that the cost of undertaking these studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 8, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 8, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.1012 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 6, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-271 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3203-001]

John M. Jordan; Application for Short-Form License (Minor)

December 31, 1981.

Take notice that John M. Jordan (Applicant) filed on August 31, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of the existing run-of-river water power project to be known as the Mayo Dam Project No. 3203. The project would be located on the Mayo River near the Town of Mayodan, Rockingham County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would consist of: (1) an existing reservoir with a surface area of 340 acres and a storage capacity of 2,500 acre-feet; (2) an existing dam with an ogee shaped spillway section approximately 250 feet long and 15 feet high and a non-overflow section approximately 180 feet long and 25 feet high with a 19-foot long abutment near the middle of the dam and on the right side of the spillway; (3) a proposed 500 kW capacity turbine and generator unit to be installed immediately downstream of the abutment with an intake through the abutment section of the dam; (4) a proposed transmission line approximately 1 mile in length; and (5) appurtenant facilities. This application is filed pursuant to a preliminary permit held by Mr. Jordan for the Mayo Dam hydropower project.

The average annual generation is expected to be approximately 2.5 GWh.

Purpose of Project—All project energy produced will be sold to the Duke Power Company by the Applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act. Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 3, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 2, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-272 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER77-578 and ER80-259]

Kansas Gas and Electric Co.; Compliance Filing

December 31, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E), on December 23, 1981, submitted for filing certain responses in compliance with Opinion No. 80-B, issued November 24, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-273 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5407-000]

Richard K. Linville; Application for Preliminary Permit

December 31, 1981.

Take notice that Richard K. Linville (Applicant) filed on September 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5407 to be known as the Oakley Dam Waterpower Project located on Lower Goose Creek Reservoir in Cassia County, Idaho, partially on lands of the Unites States. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard V. Linville, 7021 Sand Point Way N.E. #B-305, Seattle, Washington 98115.

Project Description—The proposed project would consist of: (1) the existing Oakley Dam and Lower Goose Creek Reservoir; (2) a penstock 1,000 feet long; (3) a powerhouse containing a turbine generator with a capacity of 836 kW and annual energy production of 2,850 MWh; (4) transmission lines; and (5) appurtenant facilities. Generated power would be sold to the Idaho Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of those activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 1, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept application for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice to intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 3, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A coy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-274 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER77-533]

Louisiana Power & Light Co.; Compliance Filing

December 31, 1981.

The filing Company submits the following:

Take notice that on December 23, 1981, Louisiana Power & Light Company submitted for filing a revised compliance report pursuant to the Commission's letter dated December 8, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-275 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5688-000]

Modesto Irrigation District; Application for Preliminary Permit

December 31, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on November 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5688 to be known as the Jose and Mill Creek Project located on Jose and Mill Creeks, near Shaver Lake, in Fresno County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) two 5-foot high natural fill and concrete diversion structures, one on Jose Creek and one on Mill Creek; (2) an 1,125-foot long conduit on Mill Creek; (3) a 2,240-foot long conduit on Jose Creek; (4) a 1,530-foot long, 48-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3,600 kW; and (6) a 1.2-mile long transmission line. The average annual energy generation is estimated to be 9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $50,000.

Completing Applications—This application was filed as a competing application to T. Owen, F. Castagna, and R. Bean's application for Project No. 5570 filed on October 26, 1981. Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before January 25, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 8, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 6, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy fo the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20406. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-276 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2310-011]

Pacific Gas and Electric Co.; Application for Amendment of License

December 31, 1981.

Take notice that Pacific Gas and Electric Company (Applicant), Licensee for the Drum-Spaulding Project, FERC No. 2310, filed on August 5, 1981, an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Newcastle Powerhouse Project to be located between Applicant's South Canal and Folsom Lake operated by the U.S. Bureau of Reclamation, in Placer County, California. The application was filed as partial compliance with article 57 of the license for Project No. 2310. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087 A, San Francisco, California 94106, with a copy to: Mr. Louis E. Vincent, Attorney, Pacific Gas and Electric Company, Law

Department, P.O. Box 7442, San Francisco, California 94106.

Project Description—The proposed project would use water that now spills from the end of the South Canal and enters Folsom Lake, and would consist of: (1) an intake structure at the end of the South Canal with trash rack and a 6-foot by 6-foot slide gate; (2) a 6-foot diameter, 5,695-foot long steel penstock leading to; (3) Newcastle Powerhouse to contain a double overhung horizontal shaft Francis-type, turbine-generating unit with a rated capacity of 10.8 MW; (4) a switchyard; (5) a 150-foot long, 115-kV transmission line; and (6) approximately 4,640 feet of access road. The project would be located in a designated public recreation area and no additional recreational facilities are proposed by the Applicant. Total cost of the project is estimated by the Applicant to be about $14.6 million.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-277 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1899-001]

Doris E. Rogers; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Doris E. Rogers filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer—Central Vermont Public Service Corporation
Assistant Treasurer—Connecticut Valley Electric Company, Inc.
Assistant Treasurer—Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.
Assistant Treasurer—Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-278 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF80-7-000]

South San Joaquin Irrigation District—Frankenheimer Dam Project; Certification of Qualifying Status of a Small Power Production Facility by Operation of Law

December 30, 1981.

On October 27, 1980, the South San Joaquin Irrigation District of Manteca, California filed an application for Commission certification of qualifying status of a small power production facility pursuant to § 292.207 of the Commission's rules. The facility is located at the Frankenheimer Dam hydroelectric project (FERC Project No. 3113) on the South San Joaquin Main Canal upstream of Woodward Reservoir in Stanislaus County. The project will generate hydroelectric power by utilizing the water flows on the Applicant's main irrigation canal as water is delivered to agricultural users.

The power potential of the new facility is estimated at 4.7 megawatts, with an annual estimated energy generation of approximately 18.7 million kilowatt hours.

The facility will be owned by the South San Joaquin Irrigation District, a public agency of the State of California. No electric utility company, electric utility holding company or any combination thereof has any ownership interest in the facility. No other small power production facilities are located within one mile of the proposed facility which uses the same energy source.

Pursuant to § 292.207(b)(5) of the Commission's rules, the application filed by the South San Joaquin Irrigation District on October 23, 1980 is granted as a matter of law.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-279 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-54-000]

Southern Company Services, Inc.; Order Accepting for Filing and Suspending Revised Interchange Rates, Granting Interventions, Granting Waiver of Filing Requirements, and Establishing Procedures

Issued: December 29, 1981.

On October 29, 1981, Southern Company Services, Inc. (Southern), on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (Operating Companies), tendered for filing a revised Southern Company System Intercompany Interchange Contract.[1] The filing also includes an Allocation Methodology, a Periodic Rate Computation Manual, and informational schedules detailing the charges and derivation of rates to be used during 1982.

Southern requests an effective date of January 1, 1982. In the event that the filing is suspended, Southern requests that the suspension be limited to one day. The company also requests waiver of certain filing requirements (Statements AA-BL) contained in § 35.13 of the Commission's regulations. Finally, Southern seeks a post-filing conference among the Operating Companies, staff, and any intervenors for purposes of discussing and reviewing the filing.

---

[1] See Attachment A for rate schedule designations.

The tendered filing is a coordination and interchange contract among the Operating Companies which provides for various power pooling transactions, including the exchange of interchange energy, The purchase and sale of capacity, and other interchange arrangements between the parties. Under the agreement, charges for capacity and energy will be determined in accordance with amended cost of service formulas.

Notice of the filing was issued on November 6, 1981, with comments due on or before November 27, 1981. Timely petitions to intervene were filed by Oglethorpe Power Corporation (Oglethorpe) and the Municipal Electric Authority of Georgia (MEAG). On November 30, 1981, an untimely petition to intervene was filed by the Consumers' Utility Counsel of Georgia (CUC), an agency of that State.

Oglethorpe requests that the filing be suspended for at least one day and that the matter be set for hearing; none of the petitioners raises any specific substantive issues with respect to the submittal.[2]

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest and, in view of the CUC's interest in this proceeding, we further find that good cause exists to permit CUC to intervene out of time. Accordingly, we shall grant the petitions to intervene.

Our analysis indicates that the proposed change in rates has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept Southern's submittal for filing and suspend its operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While certain allocation procedures and formulary components warrant further inquiry, the currently proposed revisions to the intercompany agreement do not represent substantial departures from the interchange agreement already on file for the Operating Companies. In addition, we note that no intervenor objects to Southern's request that any suspension be limited to one day. We shall therefore accommodate the parties and suspend the filing for one day, to become effective on January 2, 1982, subject to refund.

Because certain of the filing requirements have limited applicability to the transactions covered by the interchange agreement, because sufficient information is available for preliminary review of Southern's submittal, and because none of the intervenors objects to Southern's request for waiver, we shall waive the Statement AA–BL requirements of section 35.13 of the regulations. Further, we agree that a post-filing conference may be useful in pursuing settlement or otherwise expediting this proceeding. Accordingly, we shall provide for such a conference to be convened.

Finally, we note that Southern, in tendering this filing, has stated that annual revisions in the charges computed by applying the formulary rates contained in the computation manual will be submitted to the Commission for informational purposes, but will not constitute changes in rates, requiring compliance with the notice and filing requirements of the Federal Power Act. Southern incorrectly perceives its obligation. Until the revised formulas are determined to be just and reasonable, any future changes resulting from operation of the formulas (including changes in the capacity charges and the variable energy charge components other than fuel costs) must be filed as rate schedule changes and accompanied by appropriate cost support data. However, we shall not necessarily require that Southern fully comply with the detailed filing requirements of § 35.13(a)(2)(i)(D).

The Commission orders:

(A) The Intercompany Interchange Contract submitted by Southern is hereby accepted for filing and suspended for one day to become effective on January 2, 1982, subject to refund.

(B) Southern's request for a waiver of portions of section 35.13 of the Commission's regulations is hereby granted.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Southern's Intercompany Interchange Agreement.

(D) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within thirty (30) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Southern Company Services, Inc.

Docket No. ER82–54–000

Designation	*Description*
Southern Company Services, Inc. (1) Rate Schedule FERC No. 55 (Supersedes FERC No. 48, as supplemented)	Intercompany Interchange Contract.

[2] Ogelthorpe and MEAG both state that they were not timely served with copies of Southern's filing; CUC asserts that the designated period for public comments did not provide sufficient time in which to evaluate the filing. Thus, each of the petitioners anticipates the possibility of identifying issues at a later date.

[3] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

(2) Supplement No. 1 to FERC No. 55

(3) Supplement No. 2 to FERC No. 55

Alabama Power Company Rate Schedule FERC No. 154 (Supersedes FERC No. 142, as supplemented) (Concurs in (1)–(3) above)

Georgia Power Company Rate Schedule FERC No. 808 (Supersedes FERC No. 800, as supplemented) (Concurs in (1)–(3) above)

Gulf Power Company Rate Schedule FERC No. 72 (Supersedes FERC No. 55, as supplemented) (Concurs in (1)–(3) above)

Mississippi Power Company Rate Schedule FERC No. 130 (Supersedes FERC No. 121, as supplemented) (Concurs in (1)–(3) above)

Allocation Methodology and Periodic Rate Computation Manual.

Informational Schedules.

[FR Doc. 82-280 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5683-000]

City of Tacoma, Department of Public Utility; Application for Preliminary Permit

December 31, 1981.

Take notice that City of Tacoma, Department of Public Utility (Applicant) filed on November 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5683 to be known as the Twin Falls Project located on South Fork Snoqualmie River, in King County, near North Bend, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Nolan, Director; City of Tacoma, Department of Public Utility, P.O. Box 11007, Tacoma, Washington 98411.

Project Description—The proposed project would consist of: 1) a six to eight-foot high concrete diversion weir; 2) an intake structure; 3) a 3,300-foot long pipe; 4) a surge tank; 5) a 600-foot long, 8-foot diameter penstock; 6) a powerhouse with a total installed capacity of 17 MW; and 7) an approximately 2500 feet of transmission line to connect to an existing Bonneville Power Administration transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 36-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to Jay Botkin and Associates' application for Project No. 4885 filed on June 17, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to interevene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-286 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1819-000]

Warren L. Stevens; Application

December 30, 1981.

The filing individual submits the following:

Take notice that on December 21, 1981, Warren L. Stevens filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer—Central Vermont Public Service Corporation

Assistant Treasurer—Connecticut Valley Electric Company, Inc.

Assistant Treasurer—Central Vermont Public Service Corporation—Bradford Hydroelectric, Inc.

Assistant Treasurer—Central Vermont Public Service Corporation—East Barnet Hydroelectric, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determing the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-281 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-26-000]

Valero Interstate Transmission Co., Proposed Rate Changes

December 30, 1981.

Take notice that on December 18, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing a notice of change in rate for the sale of gas under Vitco's FERC Gas Rate Schedule No. 1, Supplement No. 36;

FERC Gas Rate Schedule No. 2, Supplement No. 113; FERC Gas Rate Schedule No. 14, Supplement No. 6; and for the transportation of gas under FERC Gas Rate Schedule T-1. Vitco states that the proposed changes would increase revenues from jurisdictional sales and transportation by $4,103,030 based on the 12 month period ending September 30, 1981, as adjusted. Vitco states that it has revised each rate schedule to include an off-system tracker.

Vitco states that the proposed increase is required to offset declining natural gas production from dedicated reserves and addded costs as shown in supporting data accompanying the notice of change in rate.

In addition, Vitco's filing indicates that the PGA clauses in Rate Schedules Nos. 1, 2 and 14 are calculated based on a total sales methodology rather than a total purchases methodology. Vitco states that this constitutes a change only if the Commission does not accept its December 17, 1981 filing to make this change in Docket No. RP81-60-001.

The proposed effective date is January 18, 1982. Vitco states that copies of the filing have been served on its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-282 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-67-000]

Wisconsin Public Service Corp.; Order Accepting for Filing and Suspending Proposed Rates, Granting Summary Disposition in Part, Granting Intervention, and Establishing Procedures

Issued December 31, 1981.

On November 2, 1981, Wisconsin Public Service Corporation (WPS) tendered for filing revised rates for service to eleven full requirements and three partial requirements customers.[1] These rates would increase jurisdictional revenues by approximately $13 million for the twelve-month period (Period II) ending March 31, 1983. WPS requests an effective date of January 1, 1982.[2]

Notice of the filing was issued on November 12, 1981, with responses due on or before November 30, 1981. A timely notice of intervention was filed by the Public Service Commission of Wisconsin. On November 27, 1981, Consolidated Water Power Company (Consolidated) filed a petition to intervene in which it requested that a hearing be convened.

On November 30, 1981, thirteen of WPS's affected wholesale customers[3] the Algoma Group filed a petition to intervene, and request for hearing, summary disposition of certain issues and maximum suspension, or in the alternative, a three month suspension. The Customers raise various cost of service and rate design issues and also object to certain terms and conditions of the proposed service. The Customers further state that, while they do not now know whether a price squeeze hearing will be necessary, they wish to reserve their right to amend their intervention with a price squeeze allegation within 60 days of the company's compliance filing with respect to the just and reasonable rates determined in this proceeding. In addition, the Customers request summary disposition as to three issues. They argue that WPS has (1) improperly included nuclear fuel expense in its cash working capital calculations, (2) improperly sought to recover permanent nuclear fuel disposal and storage costs as part of its cost of service, and (3) filed excessive partial requirements demand charges as a result of an understatement of associated revenues. In the absence of a five month suspension, the Customers seek a suspension until April 1, 1982, the beginning of WPS's test period, in order to enable the partial requirements customers to revise their advance demand nominations as necessary.

On December 16, 1981, WPS filed a response to these petitions, objecting to the request for a five month suspension and to the requests for summary disposition. However, WPS acknowledges that it erroneously normalized during the test year deferred taxes accrued prior to the test year.

A reply to WPS's response was filed by the Algoma Group on December 23, 1981. WPS filed two subsequent pleadings on December 22 and December 28, 1981, regarding the in-service status and capacity availability of its new Weston 3 coal fired unit.

Discussion

Initially, the Commission finds that participation in this proceeding by the petitioners is in the public interest. Therefore, the petitions to intervene will be granted. The timely filed notice of intervention by the Wisconsin Public Service Commission is sufficient to initiate its participation in this proceeding.

We decline to grant the request for summary disposition with respect to WPS's treatment of nuclear fuel disposal costs because the issue presents questions of fact which should be addressed at a hearing. *See Virginia Electric and Power Co.*, Opinion Nos. 118 and 118-A, Docket No. ER78-522 (April 10, 1981 and November 21, 1981); *Virginia Electric and Power Co.*, Docket No. ER81-388-000, orders issued May 28, 1981, and July 27, 1981. We shall also deny the Customer's request for summary disposition with respect to WPS's inclusion of nuclear fuel expense in its calculation of cash working capital. Insufficient information is available at this time to properly assess the Customers' claim and we therefore find that this is an issue appropriately to be explored at hearing. In any event, exclusion of nuclear fuel from the working cash calculations in WPS's filing would have a relatively small revenue impact.

The Algoma Group has alleged that WPS has included in its cost of service deferred income taxes accrued prior to the test year. WPS has acknowledged this error in its response. Accordingly, WPS is directed to refile its cost of service to reflect this correction.

The Algoma Group also argues that the Company's rate base should be reduced by $432,693, based on the assumption that WPS has normalized the debt portion of AFUDC in the past as evidenced by the cost of service filed

---

[1] The full requirements customers consist of ten municipalities and one rural electric cooperative; the partial requirements customers consist of two municipalities and one public utility. *See* Attachment A for the applicable rate schedule designations.

[2] The company also has submitted a tariff for full requirements service which contains rates identical to those proposed for service to full requirements customers not served under individual rate schedules; the tariff also contains terms and conditions similar to those contained in the partial requirements tariff. To date, no customers have executed service agreements under the proposed tariff.

[3] The cities and villages of Algoma, Eagle River, Manitowoc, Marshfield, New Holstein, Stratford, Sturgeon Bay, Two Rivers and Wisconsin Rapids, Wisconsin, the Washington Island Electric Cooperative, the City of Stephenson, Michigan and the Wisconsin Public Power Incorporated SYSTEM.

in its last rate increase filing. Since that case was settled on a dollar amount at a level equal to or below the prior rate and no provision was made in the settlement for deferred accounting, it is not apparent that WPS has normalized the debt portion of AFUDC in the past. Therefore, summary disposition of this issue shall be denied.

The Commission will grant the request to summarily require WPS to refile its partial requirements rate to prevent WPS from collecting revenues in excess of its supported revenue requirements for the partial requirements class. WPS in its response argues that it designed its rates based on the assumtion that its customers will change their demand nominations. The argument is not persuasive. Review of Statement BK of the company's filing shows that WPS has sought to support a revenue requirement for the partial requirements class of $23,490,058. However, applying the proposed partial requirements demand charges to the company's projected billing units results in test year revenues greater than $23,490,058. Therefore, we shall order WPS to refile its partial requirements rate and associated billing data so as to recover only the $23,490,058 revenue level supported by the filed case-in-chief.

The Algoma Group also challenges the lawfulness of section 15 of Article A of the W–1 Schedule. Section 15 states in part, [n]otwithstanding the above, service may be terminated by the company upon 60 day's written notice to the customer for the nonpayment of a bill." We find that under the Commission's regulations and section 205 of the Federal Power Act, appropriate notice of any such change in service (and an opportunity to evaluate any such action) must also be given to the Commission.

Our analysis indicates that WPS's revised rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the matters raised by the intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed rates may not produce substantially excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. Accordingly, we shall suspend the rates for one day to become effective, subject to refund, on January 3, 1982.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979), we shall phase the price squeeze issue raised by petitioners. As we have noted in prior orders, this procedure will allow a decision first to be reached on the rate of return, cost of service, and other issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) WPS's revised rates are hereby accepted for filing, as modified by summary disposition, and are suspended for one day from 60 days after filing to become effective, subject to refund, on January 3, 1981.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to the partial requirements rate which has been developed by the company. Within thirty (30) days of the issuance of this order, WPS shall file revised partial requirements rates and associated billing data that correspond to its stated revenue requirements for the partial requirements class. In addition, WPS shall revise its rates to eliminate the effect of the error in its deferred income tax calculations.

(C) All other motions for summary disposition are hereby denied.

(D) The 60 day termination provision of Section 15, Article A, of the W–1 Schedule shall not be implemented without appropriate notice to the Commission under Section 205 of the Federal Power Act.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of WPS's rates and terms and conditions of service.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before January 15, 1982.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[4] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 20, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80–500, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

ATTACHMENT A—RATE SCHEDULE DESIGNATIONS; WISCONSIN PUBLIC SERVICE CORPORATION, DOCKET NO. ER82-67-000

Designation	Supersedes	Other party
(1) Supplement No. 12 to Rate Schedule FPC No. 24	Supplement No. 11	City of Eagle River, Wisconsin.
(2) Supplement No. 12 to Rate Schedule FPC No. 25	Supplement No. 11	Village of Daggett, Michigan.
(3) Supplement No. 12 to Rate Schedule FPC No. 27	Supplement No. 11	Village of Stephenson, Michigan.
(4) Supplement No. 5 to Rate Schedule FPC No. 36	Supplement No. 4	Alger-Delta Electric Association.
(5) Supplement No. 3 to Rate Schedule FERC No. 38	Supplement No. 2	City of Wisconsin Rapids, Wisconsin.
(6) Supplement No. 2 to Rate Schedule FERC No. 39	Supplement No. 1	Village of Stratford, Wisconsin.
(7) Supplement No. 2 to Rate Schedule FERC No. 40	Supplement No. 1	Washington Island Electric Cooperative.
(8) Supplement No. 3 to Rate Schedule FERC No. 41	Supplement No. 2	Wisconsin Public Power Incorporated System.
(9) Revision 3 to FPC Electric Tariff, Original Volume No. 1	Revision 2	City of Marshfield, City of Manitowoc, and Consolidated Water Power Company.
(10) [1] FERC Electric Tariff, Original Volume No. 2 (Original Sheets Nos. 1–15)		No one taking service at this time.

[1] Full requirements tariff filed in this proceeding which incorporates the proposed W–1 rate.

[FR Doc. 82-283 Filed 1-5-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-6-FRL-2010-4]

Delegation of Authority to the State of Louisiana for Prevention of Significant Deterioration (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Information notice.

SUMMARY: EPA Region 6 has delegated the authority for technical and administrative review of the Prevention of Significant Deterioration (PSD) program to the Louisiana Department of Natural Resources (LDNR), Air Quality Division. The LDNR will receive, conduct technical review, and process the PSD applications; however, EPA Region 6 will continue to have responsibility to issue or deny the PSD permits.

EFFECTIVE DATE: September 1, 1981.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Programs Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Programs Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767–1594 or (FTS) 729–1594.

SUPPLEMENTARY INFORMATION: On June 30, 1981, the Louisiana Department of Natural Resources submitted to the EPA Region 6 office a request for EPA to delegate to them the responsibility for technical and administrative review authority of sources regulated under the EPA PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's procedures for PSD review are adequate and effective. Therefore, pursuant to 40 CFR 52.21 (1980), the Regional Administrator delegated the authority for technical and administrative review portions of the Federal PSD program to the State of Louisiana.

Under Executive Order 12291, EPA must also judge whether a publication is "major" and therefore subject to the requirements of a regulatory impact analysis. The delegation of authority is not "major". This action only provides for the implementation of an administrative change in PSD permit processing, and does not change any existing regulatory requirments.

This delegation of authority was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to 40 CFR 52.21 by sources locating in the State of Louisiana should be submitted to the State agency at the following address: Louisiana Department of Natural Resources, Air Quality Division, P.O. Box 44066, Baton Rouge, Louisiana 70804.

(Secs. 101 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601))

Dated: December 7, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 82-253 Filed 1-5-82; 8:45 am]

BILLING CODE [illegible]

[WH-FRL-2023-2]

Review of the Implementation of the Safe Drinking Water Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings on the implementation of the Safe Drinking Water Act.

SUMMARY: The authorization of the Safe Drinking Water Act (SDWA) expires on September 30, 1982. This provides the opportunity for the Congress, the Administration, the regulated community, and the public to review the provisions of the Act and its implementation and to propose changes. In keeping with the Administration's policy to reform and streamline Federal programs, we are seeking comment on implementation of the Act at this time. These comments will assist EPA to develop proposed amendments to the Act or to modify regulations or guidance. A set of issue papers on some of the problems facing the program is available for commenters. Two public meetings are being held to provide for a fuller discussion of the issues.

DATES: Public Meetings will be held in Washington, D.C. on February 4–5, 1982 at the U.S. Department of Agriculture, Thomas Jefferson Auditorium, South Agriculture Building, 14th & Independence Ave. S.W., Washington, D.C. 20250; and in San Francisco, California, on February 8–9, 1982 at the Hawaii Conference Room, 6th Floor, 215 Fremont Street, San Francisco, California 94105. Both meetings will begin at 8:30 a.m. local time. Written public comments should be received on or before February 18, 1982.

FOR FURTHER INFORMATION: To submit public comments or for further information write Ms. Marian

Mlay, Deputy Director, Office of Drinking Water (WH–550), Environmental Protection Agency, Washington, D.C. 20460. Requests for copies of the issue papers and expressions of interest in testifying at the hearing may be telephoned to (202) 426–8847.

SUPPLEMENTAL INFORMATION:

I. Issue Paper

To help in this review, the Office of Drinking Water has compiled a series of papers which describe those issues raised over the past several years which may require statutory change. These papers do not recommend a position, but rather attempt to define the issue and for several implementation problems, offer several possible responses. Additional changes may be proposed and discussed, but these papers are a starting point for discussion.

The papers are divided into three sections: 1) issues raised regarding the implementation of the Act, 2) changes contained in proposed amendments before the Congress, and 3) other issues. The first are issues which we believe would have most profound impact on EPA's implementation of the Act and which constitute major relief to the States in carrying out their responsibilities. The second section outlines the areas addressed in proposed amendments which are currently before the Congress. The final section addresses other substantive issues and technical changes in the legislative language.

Implementation Issues: The implementation issues can be summarized as follows:

Variances and Exemptions—How should EPA and the States deal with economic hardship situations, especially among small systems which find it overly burdensome to comply with national drinking water standards? Options include greater specificity in setting criteria for variances and exemptions and combining variances and exemptions into one process.

Public Notice—Specific public notice procedures are now required by the Act for *all* standards violations, including monitoring requirements. EPA may wish to consider limiting coverage only to serious and persistent violations, rather than to include minor and intermittent ones.

Regulatory Framework—Consideration may be given to separating drinking water standards into three categories: those standards which apply to all systems, those which can be applied flexibly by the States depending upon specified occurrence criteria, and those which are of a nonregulatory nature such as the current health advisories provided by EPA on unregulated contaminants. This latter activity has been helpful to States in dealing with spills and the detection of ground water contamination.

Proposed Amendments before the Congress: There are several issues addressed in HR 4509 and S 1866. Some issues are being debated as a part of the Clean Air Act amendments, while others deal directly with the Administrator's authority over drinking water supplies. These include requirements for administrative procedures not called for in the Administrative Procedures Act, changes in judicial review, changes in the standard under which the Administrator may establish a maximum contaminant level, the elimination of EPA's authority to set treatment standards, extension of the time period for States to adopt Federal regulations in order to retain primacy and Federal grant support, and changes in the membership, composition and operating rules of the National Drinking Water Advisory Council.

Other Issues: The other issues range from clarifying EPA's authority to issue advisory opinions on additives to drinking water to several technical issues such as omitting unused authorities.

II. Scope of the Review

This review does not discuss several areas pertinent to the SDWA:

Underground Injection Control Program (UIC)—Substantive changes to the UIC portion of the SDWA will be considered in the next reauthorization, most likely in 1985. This portion of the Act was substantially amended in 1980. In addition, the Agency promulgated UIC regulations in 1980 and settled litigation on these regulations on July 22, 1981. A mid-course assessment of the UIC program is required by regulation. It will be performed during the first two years of implementation. Findings and recommendations, including proposed statutory changes, will be made at that time.

Regulations—Issues which require regulatory rather than statutory changes, *e.g.*, changes in individual Maximum Contaminant Levels (MCLs) and in State reporting, are not discussed herein but will be addressed separately by EPA. Nevertheless, we encourage commenters to provide comments on needed regulatory changes as input to this upcoming review.

III. Background

The objective of the SDWA is to protect the public health by ensuring the safety of drinking water. It was passed on December 16, 1974 and amended in 1977 and 1980. The Act deals with drinking water problems through the creation of the Public Water System Supervision Program and the Underground Injection Control (UIC) Program.

The Public Water System Supervision Program is designed to manage the Agency's drinking water program. That program is based upon three key elements: (1) standards, (2) implementation regulations, and (3) primary enforcement responsibility. Standards now exist for pollutants of drinking water, such as microbiological contaminants, which pose threats to the public health. The standards have been incorporated into the National Interim Primary Drinking Water Regulations.

In 1980 the Act was amended to modify the exemption requirements in Section 1416. Under Section 1416 the time for compliance was extended three years, until 1984 for individual systems and five years, until 1986, for regionalizing systems. These changes will give systems more time to raise additional revenue, if necessary, or to make operating modifications to comply with the regulations.

States which have adopted and are implementing standards no less stringent than the national standards can obtain primary enforcement responsibility (primacy) in their jurisdiction. By statute EPA implements the programs in those States which do not have primacy. Forty-nine States and Territories currently have primacy for the Public Water Systems Supervision Program.

A major part of EPA's efforts to protect underground sources of drinking water is the UIC program. EPA promulgated the UIC regulations in 1980, and several States are now applying for primacy. In October 1981, EPA proposed amendments to the regulations which would reduce their cost and the reporting burden. The cornerstone of the UIC program is a requirement for ensuring that injection wells and other nearby wells are mechanically secure so that they do not allow injection fluids to migrate beyond the limits of their injection zone.

In the 1980 amendments, Congress added Section 1425, which provides an optional demonstration of the adequacy of State programs to regulate underground injection for oil and natural gas production. Under Section 1425,

States are still required to show that their programs protect underground sources of drinking water. However, this change will make it easier and less burdensome for States to assume primacy for this portion of the program.

IV. Conclusion

The Agency welcomes participation in these public meetings and encourages the public to provide written comments.

Dated: December 29, 1981.

Henry L. Longest,

Acting Assistant Administrator for Water (WH-556).

[FR Doc. 82-252 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-29-M

[PH-FRL-2022-4; OPP-30209]

Certain Companies; Applications To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by February 5, 1982.

ADDRESS: Written comments, identified by the document control number [OPP-30209] and the file or registration number, should be submitted to the product manager (PM) cited at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register a pesticide product containing an active ingredient not included in any previously registered pesticide product to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

APPLICATIONS RECEIVED

1. File Symbol	352-UNR.
Applicant	E. I. du Pont de Nemours and Co., Wilmington, DE 19898.
Product name	Du Pont Oust Weed Killer.
Active ingredient	(Methyl 2-(((((4,6-dimethyl-2-pyrimidinyl)amino)carbonyl)amino) sulfonyl)benzoate 75%.
Proposed classification.	General use to control weeds on non-cropland areas.
Product manager (PM) 25.	Robert Taylor, (703-557-1800).
2. File Symbol	1471-RER.
Applicant	Elanco Products Co., Division of Eli Lilly Co., 740 South Alabama St., Indianapolis, IN 46285.
Product name	Bromethalin Ball.
Active ingredient	*N*-Methyl-2,4-dinitro-*N*-(2,4,6-tribromophenyl)-6-(trifluoromethyl) benzeneamine 0.005%.
Proposed classification.	General use as a rat and mouse killer in around buildings or other structures.
Product Manager (PM) 16.	William Miller, (703-557-2600).
3. File Symbol	46153-R.
Applicant	Precision Compounding Co., Inc., 1011 W. Lancaster Rd., Orlando, FL 32809.
Product name	Anthrapel.
Active ingredient	Anthraquinone 99.5%.
Proposed classification.	General use as a bird repellent on nursery and direct seeded pine seeds.
Product Manager (PM) 16.	William Miller, (703-557-2600).
4. File Symbol	352-UNU.
Applicant	E. I. du Pont de Nemours and Co., Wilmington, DE 19898.
Product name	Du Pont Glean Weed Killer.
Active ingredient	2-Chloro-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl]-benzenesulfonamide 75%.
Proposed classification.	General use to control weeds in wheat, barley, oats, and reduced-tillage fallow.
Product Manager (PM) 25.	Robert Taylor, (703-557-1800).
5. File Symbol	46620-R.
Applicant	William G. Roessler, Rock Creek Drive, Frederick, MD 21701.
Product name	Requat Antimicrobial 1977 Liquid.
Active ingredient	Di-*n*-decylmethyl(3-trimethoxyl-propyl) ammonium chloride 45%.
Proposed classification.	General use as a bacteriostatic, fungistatic and deodorizing agent for textiles.
Product Manager (PM) 31.	John Lee, (703-557-7163).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: December 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-254 Filed 1-5-82; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30208A; PH-FRL-2019-2]

Approval of Application to Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by Thomson Research Associates Limited to register the pesticide product Ultra Fresh DM-50 containing 25 percent of the active ingredient tributyltin maleate, an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: John Lee, Product Manager (PM) 31, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 301, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7163).

SUPPLEMENTARY INFORMATION: EPA received an application from Thomson Research Associates Limited, 53 Shaw St., Toronto, ON M6J 2W3, to register the pesticide product Ultra Fresh DM-50 containing 25 percent of the active ingredient tributyltin maleate, an active ingredient not included in any previously registered pesticide product. The product, EPA Registration Number 10466-28, was registered on August 24, 1981. Because the notice of application to register the product as required by section 3(c)(4) of FIFRA, as amended, was not published in the **Federal Register**, interested parties may submit comments within 30 days from the date of publication of this notice.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to suport registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7

U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration data. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: December 11, 1981.

Robert V. Brown,

Acting Director, Office Pesticide Programs.

[FR Doc. 82–124 Filed 1–5–82; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL RESERVE SYSTEM

Argyle Financial Services, Inc.; Formation of Bank Holding Company

Argyle Financial Services, Inc., Argyle, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.4 percent or more of the voting shares of Argyle State Bank, Argyle, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 27, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 29, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82–234 Filed 1–5–82; 8:45 am]

BILLING CODE 6210–0–M

Norris Bancorp, Inc.; Formation of Bank Holding Company

Norris Bancorp, Inc., Saint Charles, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of State Bank of St. Charles, Saint Charles, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 30, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82–230 Filed 1–6–82; 8:45 am]

BILLING CODE 6210–01–M

Spiro Bancshares, Inc.; Formation of Bank Holding Company

Spiro Bancshares, Inc., Spiro, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Spiro State Bank, Spiro, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 19, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 30, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82–231 Filed 1–6–82; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 26, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (consumer finance and credit related insurance activities; Missouri and Illinois): to expand the activities and service area of an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center Inc., located in Manchester, Missouri, and to establish a *de novo* office of its indirect subsidiary, Citicorp Homeowners, Inc. (Delaware) at the same Manchester, Missouri location. The activities to be conducted from this office location include: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other

purposes; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property which will serve as collateral to secure an extension of credit, to the extent permissible under applicable state insurance laws and regulations; the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Center, Inc., at this location will include the entire states of Missouri and Illinois for all of the aforementioned activities. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc.

B. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage company activities; Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia): to engage, through its subsidiary Pittsburgh National Commercial Corporation, in making or acquiring, for its own accounts or for the accounts of others, loans and other extensions of credit such as would be made by a mortgage company. Such activities will be conducted at an office at 2200 Century Parkway, N.E., Suite 30, Atlanta, Georgia 30345, serving the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

C. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

NORTHWEST BANCORPORATION, Minneapolis, Minnesota (data processing activities; United States): proposes to engage through its subsidiary, Northwest Computer Services, Inc., in providing data processing services to Applicant, Applicant's affiliates and correspondents and customers of those affiliates, non-affiliated banks, thrift institutions, credit unions and others on a direct contract basis. These activities will be conducted from offices located in Minneapolis, Duluth, Rochester and St. Paul, Minnesota; Bismark and Fargo, North Dakota; Billings and Great Falls, Montana; Cedar Rapids, Des Moines and Mason City, Iowa; Omaha, Nebraska; and Rapid City and Sioux Falls, South Dakota, serving the continental United States.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing and servicing activities; all fifty (50) states and the District of Columbia): to engage, through its indirect subsidiary, BA Commercial Corporation, in the activities of making loans and other extensions of credit and acquiring loans, participations in loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include, but not be limited to, inventory and accounts receivable financing; equipment financing; insurance premium financing; making loans to non-affiliated finance and leasing companies secured by pledges of accounts receivable of such companies; making loans secured by real or personal property; and purchasing retail installment sales contracts. In addition, BA Commercial Corporation proposes to engage in the activities of servicing loans, participations of loans and other extensions of credit for itself and others in connection with extensions of credit made or acquired by BA Commercial Corporation. These activities will be conducted from an office located in Boston, Massachusetts, serving all fifty (50) states and the District of Columbia.

2. *Rainier Bancorporation,* Seattle, Washington (lending activities; California): proposes to engage, through its subsidiary, Rainier Mortgage Company, in making or acquiring, for its own account or for the account of others, loans or other extensions of credit. These activities will be conducted from an office in Santa Ana, California, and will serve the State of California.

3. *Security Pacific Corporation,* Los Angeles, California (finance and credit life and credit accident and health insurance activities; New Jersey): to engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life and credit accident and health insurance. These activities would be conducted from an office of Security Pacific Finance Corp. located in Toms River, New Jersey, serving the State of New Jersey.

E. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, December 29, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 82-214 Filed 1-5-82; 8:45 am]

BILLING CODE 6210-01-M

Privacy Act of 1974; Annual Publication of Systems of Records

This document fulfills the requirements of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) for Federal agencies to publish annual notice of systems of records they maintain. A complete compilation of all systems of records maintained by the Board of Governors of the Federal Reserve System was published on December 14, 1981 (46 FR 60984).

The purpose of this document is to give notice that the systems of records set forth in the compilation published December 14, 1981 (46 FR 60984) continue in effect unchanged.

Board of Governors of the Federal Reserve System, December 29, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-325 Filed 1-5-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

General Services Administration Advisory Board; Meeting

This notice amends the notice of meeting appearing in the **Federal Register** on December 24, 1981, on page 62542. Notice is hereby given that the GSA Advisory Board will meet on January 7, 1982, from 10 a.m. to 12 p.m.

in Room 6120, 18th & F Streets, NW, Washington, DC 20405. This session will be closed to the public to avoid disclosing information of a personal nature where disclosure would constitute clearly unwarranted invasion of personal privacy.

A second session will be held on January 7, 1982, from 1:15 p.m. to 3:30 p.m. in Room 6120, 18th & F Streets, NW, Washington, DC 20405. This meeting will provide a general overview of the General Services Administration. This session will be open to the public.

The shortened notice period for notice of the above meeting is caused by changes in schedules.

For further information, contact Roger C. Dierman, Deputy Associate Administrator (202) 523–1141.

Charles S. Davis, III,

Associate Administrator.

[FR Doc. 82–453 Filed 1–5–82; 1:07 pm]

BILLING CODE 6820–26–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–3674, C–3674–WR]

Colorado; Proposed Continuation of Withdrawal Corrections

In FR Doc. 81–33450, appearing on pages 57137 and 57138 in the issue of Friday, November 20, 1981, please make the following corrections:

On page 57138, (1) on lines 47 and 48, "within 90 days of the publication of this notice," instead of "on or before December 21, 1981." (2) on lines 62 and 63, "within 90 days of the publication of this notice," instead of "on or before December 21, 1981."

Dated: December 28, 1981.

Richard D. Tate,

Acting Chief, Branch of Adjudication.

[FR Doc. 82–223 Filed 1–5–82; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Oklahoma; Availability of Draft Environmental Assessment and Request for Comments on Fair Market Value

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of availability of draft environmental assessment and request for comments on fair market value.

SUMMARY: This notice will serve two purposes: (1) To advise the public that the Albuquerque, New Mexico, District Office of the Bureau of Land Management (BLM) has released a Draft Environmental Assessment (DEA) and opened the 30-day public review and comment period; and (2) To solicit written public comment concerning the fair market value of the coal resources presented in the amendment.

FOR FURTHER INFORMATION CONTACT: Bob Brown, (405) 231–4481, Oklahoma Resource Area Office, Bureau of Land Management, Room 548, 200 NW Fifth Street, Oklahoma City, Oklahoma 73102.

1. *Availability of Draft Environmental Assessment.* Prepared in response to a competitive lease application by Farrell-Cooper Mining Company, the DEA covers a 1,290 acre area in Latimer County, Oklahoma, 2 miles north of the Town of Red Oak, and is described as:

T. 6 N., R. 21 E., Indian Meridian, Oklahoma

Sec. 13: S/2 SE/4
S/2 SW/4
S/2 N/2 SE/4
S/2 N/2 SW/4
Sec. 14: S/2 SE/4
S/2 SW/4 SW/4
SE/4 SW/4
SE/4 NE/4 SE/4
Sec. 15: S/2 SE/4 SE/4
Sec. 16: S/2 S/2 SE/4
S/2 SW/4 SW/4
NW/4 SW/4 SW/4
Sec. 17: SE/4
Sec. 21: N/2 N/2
Sec. 22: N/2 N/2
Sec. 23: N/2 N/2

T. 6 N., R. 22 E., Indian Meridian, Oklahoma

Sec. 18: SE/4
E/2 SW/4
Lot 4
S/2 Lot 3
S½ S½ SE
SE SE SW

Application of unsuitability criteria (43 CFR, Part 3461), interrelationships with existing land use decisions, coordination with other state and federal agencies, and analysis of those values that could be impacted by coal development have been addressed in the DEA. Comments on the DEA should be addressed to the Oklahoma Resource Area Office (address above) to arrive no later than 30 days from the date of this notice.

2. *Request for Public Comment on Fair Market Value of the Coal Resource.* The public is invited to submit written comments concerning the fair market value of the coal resource in the lease application area to the BLM and to the U.S. Geological Survey. Public comments will be used in establishing fair market value for the coal resources in the area described above. Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource; the price that the mined coal would bring in the market place; the cost of producing the coal; the probable timing and rate of production; the interest rate at which anticipated income streams would be discounted; depreciation and other accounting factors; the expected rate of industry return; the value of the surface estate (if private surface); and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time. These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. If any information submitted is considered proprietary by the person submitting it, the information should be labeled as such and stated in the first page of the submission. Comments on fair market value should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico, 87501, and to the Conservation Manager, South Central Region, Conservation Division, U.S. Geological Survey, P.O. Box 26124, Albuquerque, New Mexico, 87125, to arrive no later than 30 days after the date of this notice.

The coal resource to be evaluated consists of all the coal minable by surface methods in the 1,290 acre lease application area. The estimated total strippable reserves are 5,146,000 tons. The quality of the Upper McAlester coal bed is as follows: 12,580 Btu per pound, 5.2 percent sulfur, and 14.9 percent ash (as received). The Upper McAlester coal bed averages 1.8 feet in thickness over 624 strippable acres of the above-described lands. The quality of the Lower McAlester coal bed is as follows: 13,230 Btu per pound, 3.1 percent sulfur, and 10.3 percent ash (as received). The Lower McAlester coal bed averages 2.4 feet in thickness over 876 acres of the above-described lands.

Matthew T. Millenbach,

Acting Albuquerque District Manager.

[FR Doc. 82–221 Filed 1–5–82; 8:45 am]

BILLING CODE 4310–84–M

[Nev–065768]

Washoe County; Notice of Realty Action—Non-Competitive Sale

January 4, 1982.

The following described lands have been identified as suitable for sale under the Mining Claim Occupancy Act of Oct. 23, 1962, as amended (76 Stat. 1127; 30 U.S.C. 701–709):

Mt. Diablo Mer., NV

T. 20 N., R. 20 E.,
Sec. 28, S½NE¼SE¼NE¼SW¼,
N½SE¼SE¼NE¼SW¼.
Containing 2.5 acres.

These public lands will be offered for sale to Feliciano Y. and Margarita R. Jimenez for the appraised fair market value less those equities determined due them as outlined in the above stated Act. Mr. & Mrs. Jimenez are the present occupants of the lands and have been determined to be qualified applicants under the above Act.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way (Nev—044106), 20 feet wide, for telephone and telegraph purposes.

A right-of-way (Nev—058664), 40 feet wide, for electric power transmission purposes.

An easement for legal vehicular access, no greater than 60 feet in width, will be reserved from the subject lands across those public lands described as the S½SE¼SE¼NE¼SW¼, Sec. 28 T. 20 N., R. 20 E., Mt. Diablo Mer., NV.

Detailed information concerning the case is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Carson City District Office, Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager, and forwarded through the Nevada State Director to the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Roy Jackson,

Acting District Manager.

[FR Doc. 82-228 Filed 1-5-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Return of Idaho National Energy Laboratory Lands to the Department of Energy; Notice, Transfer of Jurisdiction

Under provisions of the Department of Energy Act of February 25, 1978 (Pub. L. 95-238), approximately 5,635 acres (erroneously listed in the Act as 5,955 acres) of land located in the eastern portion of the Idaho National Energy Laboratory, Idaho (INEL), were transferred from the Department of Energy to the Bureau of Reclamation. This land was to be sold to eligible farmers whose land was irreparably damaged by the flood resulting from the failure of Teton Dam. Regulations were developed to select eligible farmers and to prescribe methods of selling the replacement farm land. Eight eligible farmers were selected, and 2,555 acres were sold. Section 210(e) of Pub. L. 95-238 requires the return of any unneeded land to the Department of Energy. This notice transfers jurisdiction over the following described land (3,080 acres) from the Bureau of Reclamation, Department of the Interior to the Department of Energy.

Boise Meridian

T.6 N., R. 33 E.,
Secs. 14, 23, 25, 36.
T.5 N., R. 34 E.,
Sec. 8, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
Sec. 9, S½N½.

FOR FURTHER INFORMATION CONTACT:

Mr. L. David Williamson, Senior Staff Assistant, Land and Resources Management, O&M Policy Staff, Bureau of Reclamation, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343-5204.

SUPPLEMENTARY INFORMATION: The primary author of this document is Mr. Terence G. Cooper, Staff Assistant, Land Resources Management, Bureau of Reclamation, 18th and C Streets, NW., Washington, D.C. 20240. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: December 14, 1981.

R. N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 82-220 Filed 1-5-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 29]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 60868, filed August 31, 1981. Applicant: COUNTRY ROAD FREIGHTLINES, INC., 16511 Knott Avenue, La Mirada, CA 90638. Representative: Robert K. Sall, 25231 Paseo de Alicia, Suite 218, Laguna Hills, CA 92653. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, with the usual exceptions, on all routes between all points within the State of California. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 61123, filed December 11, 1981. Applicant: ODESSY TRUCKING, INC., 13827 S. Carmenita Rd., Bldg. E, Santa Fe Springs, CA 90670. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities as follows: Between all points and

places in and south of the Counties of San Luis Obispo, Kern, and San Bernardino. Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institutions furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bu in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Articles of extraordinary value.
9. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
10. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
11. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
12. Fresh fruits, nuts, vegetables, logs, and unprocessed agricutlural commodities.
13. Any commodity, the transportation or handling of which, because of width, length, height, weight, shape, or size, requires special authority from a governmental agency regulated the use of highways, roads, or streets.
14. Transportation of liquid or semisolid waste, or any other bulk liquid commodity in any vacuum type tank truck or trailer.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-235 Filed 1-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commision's Rules of Practice (49 CFR 1100.240). See ex parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that oppposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of non-complying applicant shall stand denied.

Dated: December 30, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14716, filed December 3, 1981 ARROW COACH LINES, d.b.a. ARROW TRAILWAYS OF TEXAS (ARROW) (P.O. Box 1058, Killean, TX 76541)—PURCHASE (PORTION)—TRAILWAYS BUS SYSTEM, INC. (TBS) (1500 Jackson Street, Dallas, TX 75201) Representative: Thomas F. Sedberry, P.O. Box 2023, Austin, TX 78768. Arrow seeks authority to purchase a portion of the interstate operating rights of TBS. Southwestern Transit Company, Inc., which controls Arrow, and, in turn, H. Gene Autry and Birdie Autry, who control Southwestern Transit, seek to acquire control of said rights through the transaction. Arrow is purchasing the interstate operating rights of TBS which are a part of Certificate No. MC-107586 and authorize the transportation of *passengers and their baggage*, and newspapers, express, and mail, in the same vehicle with passengers, (A) between San Angelo, TX, and Stephenville, TX, serving the intermediate points of Miles, Rowena, Ballinger, Talpa, Valera, Coleman, Santa Anna, Banga, Brownwood, Blanket, Comanche, Hasse, Proctor and Dublin: From San Angelo over U.S. Hwy 67 to junction Hwy 206 (formerly portion of U.S. Hwy 67), thence over TX Hwy 206 to Coleman, TX, thence over U.S. Hwy 84, (formerly portion of U.S. Hwy 67) to junction U.S. Hwy 67, thence over U.S. Hwy 67 to Stephenville and return over the same route and (B) Between Port Lavaca, TX, and San Antonio, TX, serving all intermediate points: over U.S. Hwy 87. Arrow holds authority to operate as a motor common carrier pursuant to certificate issued in MC-85526.

Note.—Application for TA has been filed.

Condition: Although H. Gene Autry has signed the application on behalf of Arrow, the applicant, and on his own behalf, as the party in ultimate control of Arrow, the approval is conditioned upon the joinder of Southwestern Transit Company, Inc., which controls applicant directly and joinder by Birdie Autry, who shares ultimate control of applicant with H. Gene Autry.

MC–F–14750, filed December 7, 1981. INTERSTATE MOTOR FREIGHT SYSTEM (Interstate) (110 Ionia Avenue, N.W., P.O. Box 2389, Grand Rapids, MI)—CONTINUANCE IN CONTROL—CENTRAL MICHIGAN TRUCKING, INC. (Central) (3801 36th Street, S.E., Grand Rapids, MI 49506), SOUTHWEST CONTINENTAL FREIGHT LINES, INC. (Southwest) (P.O. Box 175, Grand Rapids, MI 49501), SOUTHWEST FREIGHT LINES, INC. (Freight) (P.O. Box 2389, Grand Rapids, MI 49503), CROSS COUNTRY CARRIERS, INC. (Cross) (P.O. Box 2389, Grand Rapids, MI 49503), and COAST-TO-COAST TRANSPORTATION, INC. (Coast) (P.O. Box 412, Murraysville, PA 15668). Representative: Leonard R. Kofkin, 29 South La Salle Street, Chicago, IL 60603. Interstate seeks authority to continue in control of Central, Southwest, Freight, Cross, and Coast upon the institution by Central, Southwest, Freight, Cross, and Coast of operations in interstate or foreign commerce as motor carriers. Central was granted authority under MC–148517 (Sub-No. 2) to transport (1) *furniture, furnishing* (except appliances), *fixtures and appliances*, and (2) *material, equipment and supplies* used in the manufacture of the commodities in (1) above, between those points in the United States in and east of MN, IA, and MO, and in and north of KY and VA. Southwest has an application pending in MC–156311 to transport *general commodities* (except classes A and B explosives) between points in the United States. Freight has an application pending in MC–159106 to transport *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the United States in and east of MT, WY, CO and NM. Cross has an application pending in MC–158118 to transport *general commodities* (except classes A and B explosives), between points in CA and those points in the United States in and east of MT, WY, CO, and NM. Coast has an application pending in MC–157564 to transport *general commodities* (except classes A and B explosives), between points in the United States. Interstate now controls IMFS, Inc., a motor common carrier authorized in MC–35628 and sub-numbers thereunder, Direct Winters Transport, a motor common carrier authorized in MC–37916, Winters Transport (Western) Limited, a motor common carrier authorized in MC–117212, and Millar & Brown, Ltd., a motor common carrier authorized in MC–133008.

Note.—Interstate seeks authority to continue in control of Interstate System Steel Division, Inc. (Interstate System). To date, Interstate System has failed to file an application. The acquisition for control in this instance was prematurely filed, therefore we are dismissing this portion of the application.

Condition: So far as can be ascertained from the evidence of record in this proceeding, Interstate is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Interstate will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will, therefore be subject to the applicable provisions of 49 U.S.C. subtitle IV, subchapter III of chapter 111 relating to reporting and accounting and to 49 U.S.C. 11302 to the issuance of securities.

MC–F–14751, filed 12–7–81. GENE BAUGH (Baugh)—Control—SOUTHERN FREIGHTWAYS, INC. (Southern) and SERVICE TRUCKING, INC. (Service). (All of P.O. Box 158, Eustis, FL 32726). Representative: K. Edward Wolcott, 235 Peachtree St., N.E., 1200 Gas Light Tower, Atlanta, GA 30303. Baugh seeks authority to control Southern and Service through ownership of a controlling interest in the issued and outstanding stock of Southern and Service. The interstate operating rights to be controlled by Baugh are contained in: Southern's Certificate No. MCD–144140 and Subs thereto which generally authorize: (1) The transportation of food and related products between points in the US; (2) general commodities between points in the US in and east of MN, IA, MO, KS, OK and TX restricted to traffic originating at or destined to the facilities of Hamilton Beach, Inc.; and (3) numerous specified commodities from, to or between specified points and named states or from, to or between specified points and points in the US; and Service's Permit in MC–151622 authorizing: (1) The transportation of food or kindred products and machinery and supplies used in the production and distribution of such commodities between points in the US under continuing contract(s) with Winter Garden Citrus Products Cooperative; and (2) certificate in Sub 1 authorizing food and related products between Pinellas County, FL on the one hand, and, on the other, points in CA, WA, WI, MN, MI, MO, TX and LA.

No. MC–F–14754 filed December 11, 1981 LEASEWAY TRANSPORTATION CORP., (Leaseway 3700 Park East Dr., Cleveland, OH 44122, seeks authority to acquire control of FLEET TRANSPORT COMPANY, INC., (Fleet) through purchase of stock. Applicant's Attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be controlled: Fleet holds Certificate No. MC–103051 and Subs which authorize commodities, in bulk, irregular routes, nationwide Certificate No. MC–114106 and Subs purchased from Maybelle Transport Co. in MC–F–11001; this and a portion of the authority of George A. Rheman Co. purchased in MC–F–14544 authorize commodities, in bulk, to and from points in the Southeastern part of the U.S. Leaseway Transportation Corp. is a publicly held corporation that controls, with Commission approval, the following motor carriers: Anchor Motor Freight, Inc. (MC 808); Gypsum Haulage, Inc. (MC 112113); Signal Delivery Service, Inc. (MC 108393); Sugar Transport, Inc. (MC 115924); Dedicated Freight Systems, Inc. (MC 139583); Custom Deliveries, Inc. (MC 142693); LDF, Inc. (MC 14710); Stam-Win, Inc. (MC 147294 and MC 150185); Pep Lines Trucking Co. (MC 120184 and MC 135280); Mitchell Transport, Inc. (MC 124212 and MC 152085); General Trucking Service, Inc. (MC 143308); Charlton Transport (Quebec) Limited (MC 141250); Vernon Equipment, Inc. (MC 150412); Amac Trucking, Inc. (MC 140619); Beter Home Deliveries, Inc. (MC 150511); Geo. McNeil Teaming Company (MC 153315); Leaseway Trucking, Inc. (MC 153610); United Home Delivery, Inc. (MC 153685); Max Binswanger Trucking (MC 116314); and Refiners Transport & Terminal Corporation (MC 50069). Max Binswanger Trucking controls Balser Truck Co. (MC 96630), and Bulk Freightways (MC 125417). Refiners Transport & Terminal Corporation controls A. R. Gundry, Inc. (MC 25562). Application has not been filed for temporary control under 49 U.S.C. 11349. Condition: Leaseway proposes to issue promissory notes totalling $1,000,000 in part payment for Fleet's stock. Approval of this application is conditioned upon Leaseway either (1) filing a securities application under 49 U.S.C. § 11302 seeking approval for issuance of the rates; or (2) submitting a statement

establishing the issuance to be exempt from section 11302.

[FR Doc. 82-236 Filed 1-5-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We Find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79499. By decision of 12/17/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to JAMES W. HALL d.b.a. HALL'S WRECKER SERVICE of Certificate No. MC-147523 (Sub-No. 2F) issued to CAPITAL CITY WRECKER SERVICE, INC. authorizing: operations as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over regular routes, transporting (1) wrecked, disabled and repossessed motor vehicles and cargo trailers, and (2) replacement motor vehicle and cargo trailers, by use of wrecker equipment only, between points in MS, on the one hand, and, on the other, points in AL, AR, LA, TN, and TX. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. TA lease is not sought. Transferee is not a carrier.

MC-FC-79502. By decision of 12/18/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to LARRY GEORGE d.b.a. INVECON COMPANY of Permit No. MC-154227 issued to LARRY GEORGE and IRMA THOMPSON d.b.a. INVECOM COMPANY authorizing: operations as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Welding, Inc., Descret Press; and Sorenson Research Company, all of Salt Lake City, UT. Applicant's representative: Miss Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111. TA lease is not sought. Transferee is not a carrier.

MC-FC-79504. By decision of 12/18/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Murray A. Pierce and Charles R. Wranosky d.b.a. Eastern Plains Express of Certificate No. MC-150910 (Sub 1X) issued to Ronald R. Payne d.b.a. Eastern Plains Express authorizing: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except classes A and B explosives), between Denver, CO, and Wray, CO, serving all intermediate points, from Denver over U.S. Hwy 6 to Brush, CO, then over U.S. Hwy 34 to Wray, and return over the same route. Applicant's representative: Lee E. Lucero, 445 Capital Life Center, East 16th Avenue, at Grant Street, Denver, CO.

MC-FC-79513. By decision of 12/15/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to LINUS JANKORD d.b.a. JANKORD TRUCKING of Certificate No. MC-128075 (Sub-No. 22) issued to JOHNSRUD TRANSPORT, INC. authorizing the transportation of *cheese*, in mixed loads with milk and whey, and *milk and whey*, in mixed loads with cheese, from the facilities of Associates Milk Products, Inc., at points in IA, MN, SD, and WI, to points in AZ, CA, ID, NV, OR and WA. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102.

Note.—Transferee is a carrier.

MC-FC-79520. By decision of 12/15/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to ADVENTURES 76 OF NEW JERSEY, INC of Certificate No. MC-151955 issued to 76 ADVENTURES OF NEW JERSEY, INC. authorizing the transportation of *passengers and their baggage* in special and charter operations, beginning and ending at points in Fairfield and New Haven Counties, CT, Hartford, CT, New York, NY, and points in Rockland, Westchester, Nassau and Suffolk Counties, NY, and extending to points in Atlantic City, NJ. Applicant's representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123; Robert Gaffney, 714 Main Street, Port Jefferson, NY.

Note.—Transferee is a non-carrier.

MC-FC-79525. By decision of 12/17/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to School Bus Service, Inc., of Louisville, KY, of Certificate No. MC-152769F issued on May 15, 1981, to Joseph M. Tichnor, d.b.a. Cardinal Tours, of Louisville, KY, authorizing the transportation of *passengers and their baggage*, in special or charter operations, between Louisville, KY, on the one hand, and, on the other, points in IN, OH, and TN. Applicant's representative: Marvin L. Coan, ESQ., 601 Legal Arts Building, 200 South Seventh Street, Louisville, KY 40202, (502) 585-3084.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-237 Filed 1-5-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (excep those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–329

Decided: December 29, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 59120 (Sub-46), filed December 14, 1981. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, PA 15201. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except Classesk A and B explosives), between points in the U.S., under continuing contract(s) with Mars Forge Company of Mars, PA.

MC 110581 (Sub-9), filed December 14, 1981. Applicant: G & H MOTOR FREIGHT LINES, INC., 118 S.E. Jackson Street, Greenfield, IA 50849. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of glass products, between points in MN, IA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *such commodities* as are dealt in or used by manufacturers and distributors of glass products, lumber and wood products, machinery, and metal products, between points in IA, on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-310), filed December 15, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant), (515) 576–6831. Transporting *modulane and bowling alley parts and equipment*, between points in Polk County, FL, on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-311), filed December 17, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant), (515) 576–6831. Transporting *pulp, paper, and related products*, between points in Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 127030 (Sub-9), filed December 15, 1981. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox St., Philadelphia, PA 19124. Representative: Leonard W. Becker (same address as applicant), (215) 535–3737. Transporting (1) *ores and minerals*, between points in DE, MD, NC, NJ, NY, OH, and PA, and (2) *clay, concrete, glass or stone products, insulating materials, coal and coal products, metal products, ores and minerals*, between points in AL, CT, FL, GA, IL, IN, KY, LA, MA, MS, MO, RI, SC, TN, VA, and WV.

MC 133471 (Sub-5), filed December 15, 1981. Applicant: HOWARD TRUCKING CO., INC., P.O. Drawer 1479, New Iberia, LA 70560. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin, TX 78768, (512) 452–8355. Transporting *Mercer commodities*, between points in AL, FL, GA, LA, MS, AR, MO, WI, IA, MN, ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AR, NV, CA, OR and WA.

MC 141870 (Sub-5), filed December 15, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–2836. Transporting *such commodities* as are dealt in or used by manufacturers of automotive care products, between points in the U.S., under a continuing contract(s) with Turtle Wax, Inc., of Chicago, IL.

MC 143570 (Sub-23), filed December 11, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336–5955. Transporting *construction materials*, between points in AZ, CA, CO, ID, NV, MT, OR, UT, WA and WY.

MC 146051 (Sub-6), filed December 11, 1981. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting (1) *lumber and lumber products* between points in IA, IL, WI and MN on the one hand, and, on the other, points in AL, AR, CA, CO, GA, ID, LA, MS, MO, MT, NC, ND, NM, OR, SC, SD, TX, WA and WY and (2) *machinery* between points in Fayette County, IA on the one hand, and, on the other, points in the U.S.

MC 152520 (Sub-1), filed December 16, 1981. Applicant: AUSTIN MOVING & STORAGE CO., INC., 615 Poinsett Hwy., Greenville, SC 29609. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 785–0024. Transporting *injectors and pumps for diesel*

automobiles, between points in the U.S., under continuing contract(s) with Lucas Industries, Inc., of Troy, MI.

MC 152950 (Sub-3), filed December 14, 1981. Applicant: CENTURY TRANSPORTATION CORPORATION, P.O. Box 207, Columbus, MS 39701. Representative: Lloyd R. Pate (Same address as applicant) (601) 328–1771. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Columbus Paper & Chemical Inc., Columbus Bottlers, Inc., and Eidson Oil & Chemical Company all of Columbus, MS, Central Mississippi Bottlers, Inc., of Winona, MS, H & W Industries and Prentiss Manufacturing Company, both of Booneville, MS, and Johnston, Morehouse & Dickey of Bethal Park, PA.

MC 153110 (Sub-2), filed December 15, 1981. Applicant: LADNER & DAVIDSON LINES, INC., 1680 West Slauson Ave., Los Angeles, CA 90047. Representative: Howard Ladner, (same address as applicant) (213) 753–1744. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in CA, on the one hand, and, on the other, points in the U.S.

MC 154861 (Sub-5), filed December 14, 1981. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005 (202) 347–9332. Transporting *home heating units*, between points in the U.S.

MC 155831 (Sub-1), filed December 17, 1981. Applicant: CAL-INLAND, INC., 135 South 13th St., Tekamah, NE 68061. Representative: A. J. Sawnson, P.O. Box 1103, Sioux Falls, SD 57101–1103 (605) 335–1777. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, Chicago, IL and Portland, OR, and points in MN, IA, NE, CO, and WA.

MC 157720 filed December 14, 1981. Applicant: B.E.I. TRANSPORT, INC., 799 Garver Road, Monroe, OH 45050. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030 (703) 691–0900. Transporting *food and related products, rubber and plastic products, pulp, paper and related products, chemicals and related products, and metal products*, between points in OH, on the one hand, and, on the other, points in the U.S.

MC 158940 (Sub-1), filed December 17, 1981. Applicant: B–52 CARTAGE CORPORATION, 1750 West 56th Street, Hialeah, FL 33012. Representative: Tito G. Alamo (same address as applicant), (305) 822–2196. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Dade, Broward and Monroe Counties, FL.

MC 159600, filed December 7, 1981. Applicant: ROUNDUP POWDER COMPANY, INC., Top of Yellowstone Hill, P.O. Box 428, Miles City, MT 59301. Representative: Robert R. Phair (same address as applicant), (406) 232–1632. Transporting *bulk solvents*, between points in the U.S., under continuing contract(s) with Trojan Division of the International Minerals & Chemicals Corporation, of Des Plaines, IL.

MC 159640, filed December 11, 1981. Applicant: PHIL'S MOVERS, INC., 8455 South 77th Ave., Bridgeview, IL 60455. Representative: Joel H. Steiner, 29 S. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *furniture and fixtures* between Rock Island and Chicago, IL, on the one hand, and, on the other, points in IN, MI and WI.

MC 159670, filed December 14, 1981. Applicant: ALEXANDER'S MOVING AND STORAGE, 15642 Producer Lane, Huntington Beach, CA 92649. Representative: Jim Pitzer, 15 S. Grady Way, Ste. 321, Renton, WA 98055–3273 (206) 235–1111. Transporting *automobiles and pick-up trucks*, between points in the U.S.

MC 159681, filed December 11, 1981. Applicant: TRI-TEL, INCORPORATED, Rt. #1, Box 210, Aurora, WV 26705. Representative: Harold Lavan Kisner, Rt. #1, Box 210, Aurora, WV 26705 (304) 735–3161. Transporting *machinery*, between points in WV, on the one hand, and, on the other, New York City, NY, and points in IL, KY, MD, NJ, OH, PA, VA, Marion County, AL; Alameda, Los Angeles, and Orange Counties, CA; El Paso and Mesa Counties, CO; New Castle County, DE; Dekalb County, GA; Allen, Bartholomew, and Kosciusko Counties, IN; Hamilton and Linn Counties, IA; Macomb, Shiawassee, and Wayne Counties, MI; St. Louis County, MO; Erie County, NY; Mecklenburg County, NC; Greenville and Richland Counties, SC; Knox and Sullivan Counties, TN; Dallas, Harris, and Tarrant Counties, TX; Carbon and Davis Counties, UT; Milwaukee County, WI; and Weymouth, MA.

MC 159700, filed December 14, 1981. Applicant: NORTH STAR TRANSPORT, INC., 25320 38th Ave. S., Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101 (206) 624–7373. Transporting *general commodities* (except Classes A & B explosives and commodities in bulk), between points in WA, OR, CA and AK.

MC 159750, filed December 17, 1981. Applicant: SUN & SKI SPORTS & TRAVEL, INC., 11115 E. 41st St., Tulsa, OK 74145. Representative: Bradley K. Beasley, 320 S. Boston, Suite 1300, Tulsa, OK 74103 (918) 583–1777. As a *broker* at Tulsa, OK, in arranging for the transportation of *passengers and their baggage*, between points in OK, on the one hand, and, on the other, Charleston, SC, and points in AR, CO, KS, LA, MO, NM, and TX.

MC 159751, filed December 16, 1981. Applicant: PROFESSIONAL TRANSPORT, INC., 1413 East Henrietta Road, Rochester, NY 14623. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075 (716) 845–6066. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ragú Foods, Inc., of Greenwich, CT.

Volume No. OPY–4–500

Decided: December 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 146536 (Sub-13), filed December 15, 1981. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *glass and glass products*, between points in Sampson and Scotland Counties, NC, on the one hand, and, on the other, points in IN, MI, and OH.

MC 87536 (Sub-1), filed December 16, 1981. Applicant: SWARTZ MOVING & STORAGE CO., 2236 NE Argyle St., Portland, OR 97211. Representative: Earle V. White, 2400 SW Fourth Ave., Portland, OR 97201 (503) 226–6491. Transporting *household goods*, between points in CA, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 143636 (Sub-17), filed December 17, 1981. Applicant: RON SMITH TRUCKING, INC., R. R. #1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 S. Sixth, Springfield, IL 62703, (217) 753–3925. Transporting *fertilizer and fertilizer ingredients*, between points in IL, IN, IA, KY, MO, and WI.

MC 144776 (Sub-17), filed December 16, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., SW., Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Highway N., Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *such commodities* as are dealt in or used by grocery supply houses, between points in Clay County,

NC, on the one hand, and, on the other, points in AL, LA, FL, OH, KY, SC, VA, PA, WV, GA, and TN.

Volume No. OPY–4–501

Decided: December 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 147007 (Sub-8), filed December 17, 1981. Applicant: EVERFRESH TRANSPORTATION CO., 6431 East Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207, (313) 259–6555. Transporting *commodities manufactured or distributed by manufacturer of glass containers* between points in the U.S. (except AK and HI) under continuing contract(s) with Thatcher Glass Mfg. Co., of Elmira, NY.

MC 158987, filed December 17, 1981. Applicant: JIM RITTMAN ENTERPRISES, 13951 Washington Ave., San Leandro, CA 94578. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting (A) *general commodities,* between points in the U.S., restricted to traffic having a prior or subsequent movement by rail, air or water, (B) *commodities* dealt in or used by department stores, between points in AZ, NV, and CA, (C) *trailers and parts,* between points in the U.S., and (D) *insulation materials,* between points in the U.S.

MC 159387, filed December 11, 1981. Applicant: JAMES W. AMBLER, R.R. #1, Mendota, IL 61342. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *general commodities,* (except household goods and classes A and B explosives), between the facilities used by Ralston Purina Company at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 159517, filed December 16, 1981. Applicant: YELLOW CAB CO. OF GREATER BUFFALO, INC., 4430 Bailey Ave., Buffalo, NY 14226. Representative: Anthony L. Dutton, 1800 One M & T Plaza, Buffalo, NY 14203, (716) 856–4000. Transporting *passengers,* between points in NY and PA, under continuing contract(s) with the Veterans Administration Medical Center, of Buffalo, NY.

MC 159717, filed December 14, 1981. Applicant: FLORIO TRUCKING & MAINTENANCE, INC., 137 Haase Ave., Paramus, NJ 07652. Representative: Josheph Florio III (same address as applicant), (201) 261–4089. Transporting *filter systems and machinery,* between points in the U.S., under continuing contract(s) with Ember Products, Inc., of Totowa, NJ and Filterite, A Brunswick Company, of Timonium, MD.

MC 58777 (Sub-6), filed December 15, 1981. Applicant: HAZARD EXPRESS, INC., Box 746, Hazard, KY 41701. Representative: Charles H. White, Jr., Suite 800, 1019 19th St. NW., Washington, DC 20036, (202) 715–3426. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Floyd, Harlan, Montgomery, and Pike Counties, KY.

Note.—Applicant intends to tack the above authority with its existing regular-route authority.

MC 97357 (Sub-57), filed December 17, 1981. Applicant: ALLYN TRANSPORTATION COMPANY, 980 E. Orangethorpe, Suite A, Anaheim, CA 92801. Representative: Charles Carbonaro (same address as applicant), (714) 992–4261. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, and NV.

MC 136357 (Sub-7), filed December 17, 1981. Applicant: BEST TRANSPORTATION CORP., S. Washington Ave. & River St., Scranton, PA 18503. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with RCA Corp., of Cherry Hill, NJ.

Volume No. OPY–4–503

Decided: December 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 42487 (Sub-1056), filed December 22, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 143776 (Sub-38), filed December 23, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *food and related products,* between the facilities of Weetabix Company, Incorporated in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143776 (Sub-39), filed December 23, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (Same address as applicant), (800) 253–9727. Transporting *paper and related products,* between the facilities of The Courier-Citizen Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149616 (Sub-5), filed December 21, 1981. Applicant: R.C.R., INC., Box 157, Yutan, NE 68073. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products,* between Omaha, NE, on the one hand, and, on the other, points in FL.

MC 150756 (Sub-6), filed December 23, 1981. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206 (30700 Dyer St.), Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *food and related products,* between points in AZ, CA, NV, OR, and WA.

MC 152096 (Sub-2), filed December 23, 1981. Applicant: TERRANCE E. CARLSON and KENNETH O. CARLSON d.b.a. CARLSON BROS., P.O. Box 1401, Lewiston, ID 83501. Representative: Darwin D. Grewe, 708 Old National Bank Bldg., Spokane, WA 99201, (509) 455–9200. Transporting *lumber, wood and forest products, and building materials,* between points in the U.S., under continuing contract(s) with Hodge Forest Industries, Inc., Idaho Timber Corporation, Hodge Lumber Wholesale & Supply, Inc., Idaho Pacific Lumber, Inc., and Intermountain-Orient, Inc., all of Boise, ID.

MC 155796 (Sub-2), filed December 21, 1981. Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commercial Federal Tower, 2120 N. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 159776, filed December 21, 1981. Applicant: JAMES P. FARNHAM, d.b.a. FARNHAM TRUCKING, 7220 Routt St., Fort Worth, TX 76112. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *metal products,* between points in the U.S., under continuing contract(s) with VSL Corporation, of Grand Prairie, TX.

MC 159806, filed December 21, 1981. Applicant: DANIEL BENNETT, d.b.a. BENNETT'S TOWING, Earl Park, IN 47942. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *wrecked and disabled vehicles and replacement vehicles* for wrecked and disabled vehicles, between points in Newton, Jasper, Pulaski, Benton, White, Cass, Carroll, Topeka and Warren Counties, IN, Vermillion, Iroquois, and Kankakee Counties, IL, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–504

Decided: December 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 60066 (Sub-35), filed December 18, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automotive parts, between Chicago, IL, on the one hand, and, on the other, points in IA, NE, KS, MO, MN, ND, and SD.

MC 78926 (Sub-5), filed December 21, 1981. Applicant: CTC VAN LINES, INC., 134–41 Springfield Blvd., Springfield Gardens, NY 11413. Representative: Alan Schwartz (same address as applicant), (212) 978–1600. Transporting *household goods, and furniture and fixtures,* between points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NH, NJ, NM, NV, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, UT, WI, WV, and DC.

MC 148766 (Sub-5), filed December 11, 1981. Applicant: SMITH MOTOR FREIGHT, INC., 9112 S. Villa, Oklahoma City, OK 73159. Representative: Michael H. Lennox, 531 N. Portland Ave., Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Over regular routes, transporting *general commodities* (except classes A and B explosives and commodities in bulk), (1) between Arnett, OK and Guymon, OK, from Arnett over U.S. Hwy. 60 to junction U.S. Hwy. 83 near Canadian, TX, then over U.S. Hwy. 83 to junction OK Hwy. 3, then over OK Hwy. 3 to Guymon, and return over the same route, serving all intermediate points, and the off-route point of Canadian, TX, (2) between Guymon, OK and Turpin, OK, from Guymon over U.S. Hwy. 54 to Hooker, OK, then over U.S. Hwy. 64 to Turpin, and return over the same route, serving all intermediate points, and the off-route point of Baker, OK, and (3) between Hooker, OK and Hardesty, OK, from Hooker, OK over OK Hwy. 94 to junction OK Hwy. 3, then over OK Hwy. 3 to Hardesty, and return over the same route, serving all intermediate points.

MC 149216 (Sub-5), filed December 18, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew St., Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State St., Boxgon, MA 02109, (617) 523–2660. Transporting *metal castings,* between points in the U.S., under continuing contract(s) with Ridco Casting Co., Inc., of Pawtucket, RI.

MC 152546, filed December 18, 1981. Applicant: GRIMM TRANSPORT CO., 1801 Morton Ave., Morton, IL 61550. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *alcohol, and petroleum products,* between points in the U.S., under continuing contract(s) with Pekin Energy Company, of Pekin, IL, and Texaco, U.S.A., of Houston, TX.

MC 155426, filed December 21, 1981. Applicant: JOHN H. GARLAND, d.b.a. GARLAND TRANSPORTATION, 612 23rd St., Richmond, CA 94804. Representative: Arden Riess, 4509 Pacific Ave., Suite A, P.O. Box 7965, Stockton, CA 95207, (209) 957–6128. Transporting *hazardous materials* (including, but not necessarily limited to classes A, B, and C explosives, ammunitions, propellants and fireworks), *ordnance and accessories,* and *commodities* designated sensitive by the Department of Defense, between points in AZ, CA, NV, OR, and UT. Condition: This certificate will expire five years from its date of service.

MC 153137 (Sub-1), filed December 14, 1981. Applicant: G & H TRANSPORTATION, INC., 1905 Turning Basin Dr., Suite 446, Houston, TX 77029. Representative: Lillian I. Grindstaff (same address as applicant), (713) 931–0533. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Harris County, TX, on the one hand, and, on the other, Baton Rouge, Lafayette, LA, and New Orleans, LA, and points in Calcasieu County, LA, and Hardin, Jefferson, and Orange Counties, TX.

MC 159816, filed December 21, 1981. Applicant: ANN C. PHILLIPS, 7380 Alan Drive, Denver, CO 80221. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Herman St., Denver, CO 80203, (303) 839–5856. To operate as a *broker,* at Denver, CO, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 159827, filed December 22, 1981. Applicant: RICHARD S. POWELL, P.O. Box 433, Everson, WA 98247. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *lumber and wood products* between points in the U.S., under continuing contract(s) with Ruskin Cedar Products, of Bellingham, WA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–238 Filed 1–5–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–330

Decided: December 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159740, filed December 16, 1981. Applicant: MAX GRUENHUT INTERNATIONAL, INC., 9420 W. Foster Ave., Suite 200, Chicago, IL 60656. Representative: Howard G. Feldman, 1919 Pennsylvania Ave., NW., Suite 800, Washington, DC 20006, (202) 887–1400. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–254

Decided: December 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159662F, filed December 8, 1981. Applicant: BEST WAYS BROKERAGE, 129 176th St., South #6, Spanaway, WA 98387. Representative: Jon A. Graciano (same address as applicant), (206) 527–2610. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–239

Decided: December 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 159774, filed December 18, 1981. Applicant: AFFILIATED NORTH AMERICAN, 125 Finn St., Shreveport, LA 71107. Representative: Harold Brown (same address as applicant), (318) 222–0305. Transporting *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPY–4–502

Decided: December 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 42487 (Sub-1055), filed November 18, 1981, previously noticed in the **Federal Register** issue of December 7, 1981, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 49025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities*, between Dodge, WA, on the one hand, and, on the other, points in the U.S. The purpose of this application is to substitute motor carrier service for completely abandoned rail carrier service. The purpose of this republication is to correctly state the note.

Note.—Applicant intends to tack this authority with existing regular route authority in Sub 1015X.

MC 150746 (Sub-11), filed December 21, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 29 S. La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159747, filed December 16, 1981. Applicant: MAGIC VALLEY DELIVERY SERVICE, INC., P.O. Box 841, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–5–233

Decided: December 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 99498 (Sub-12), filed November 10, 1981. Initially published in the **Federal Register** on December 2, 1981. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* between Columbia, Hawthorne, and Arm, MS, on the one hand, and, on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points. This application is republished to show that applicant intends to tack this authority with its existing regular-route authority in its Subs 9 and 6, in lieu of Subs 9 and 5.

Note.—Applicant holds regular-route authority in its Subs 9 and 6 and applicant intends to tack the authority held in those certificates with the authority sought here. The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 150398 (Sub-9), filed December 3, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, 1730 Rhode Island Ave., N.W., Suite 611, Washington, D.C. 20036, (202) 223–5900. Transporting *general commodities* between Wayland, Kahoka, Granger, Arbela, Memphis, Downing, and Lancaster, MO, Centerville, Curlew, Ayrshire, Langdon, Terril, Badger, Westgate, Sumner, Fredricksburg, Alta Vista, Elma, Riceville, and McIntire, IA, Elkton, Sargeant, Waltham, Hayfield, West Concord, Nerstrand, Dennison, and Dundas, MN, Tea, Lennox, Davis, Viborg, and Irene, SD, Nelson, Nemaha, and Shubert, NE, on the one hand, and, on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The sole purpose of this application is to substitute motor carrier service for completely rail service.

MC 159639, filed December 10, 1981. Applicant: FLA-TEX, INC., P.O. Box 631, Pharr, TX 78577. Representative: David Thompson (same address as applicant), 512–787–5951. Transporting *general commodites*, between Primrose, Luthersville, Weston and Parriott, GA; Cardwell, Arbyard, Hornersville, Edena, Lewistown, Hurdland, Ewing,

Alexandria, Kahoka, Wayland, Memphis, Downing and Lancaster, MO; McHenry, ND; Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Brisco, and Allison, TX; Raymond, Oakley, Adams, Myles, Arm, Oakville, Hathorn, Columbia, Michigan City, Lamar, Hudsonville, Waterford, Abbeyville, Oxford, Taylor, Water Valley, Velma and Coffeeville, MS; Snyder and Hamburg, AR; Holly Springs, Stokedale, Dallas, High Shoals and Henrietta, NC; Radcliff, Aurora, Ellsworth, Lawn Hill, Harlan, Irwin, Garwin and Toledo, IA; Henry and Clark, SD; Esmond, Astoria, Teheran, Biggs, Easton, Richmond, Dunkel, Oconee, Hanson, Vera, Shobonier, Vernon, Pataka, Graymont, Flagana, Equality and Shawneetown, IL; Shell Lake, Cumberland, Gillette, Green Valley, Lake Geneva, and Genoa, WI; Elgin, Edgar and Nelson, NE; Benton, Barlow, La Center, Oak Ridge, Philpot, Deanfield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY; Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Malesus, Medon, Toone, Bolivor, Hickory Valley, and Lexington, TN; Reydon, Cheyenne, Strong City, Hammon and Butler, OK; McDonald, Painesville Chardon, Middlefield and Clarksville, OH; Paris Crossing, Malden, Hamilton, Helmer, Wolcottsville and Wakarusa, IN; South Haven, MI; Filbert, Furman, and Edgefield, SC; Monticello and Bell, FL; Clyde, WA; Hosston, LA; Fallbrook and Elsinore, CA; Mottville, NY; Brisbin, Joliet, Boyd, Roberts, and Red Lodge, MT; on the one hand, and, on the other, points in the U.S.

Note.—Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service, at each point to be served, has actually terminated.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 159679, filed December 11, 1981. Applicant: DARYL K. and VIKI D. BALLWEBER, d.b.a. BALLWEBER TRUCKING CO., 3140 Brown Rd., NW., P.O. Box 12564, Salem, OR 96305. Representative: Daryl K. Ballweber (same address as applicant), (503) 378–0964. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159698, filed December 14, 1981. Applicant: LESTER D. FAST, 214 South King, Maize, KS 67101. Representative: Lester D. Fast (same address as applicant), (316) 722–0499. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159709, filed December 15, 1981. Applicant: ERNEST L. BEHRING, 3820 Pueblo St., Evans, CO 80620. Representative: Ernest L. Behring (same address as applicant), (303) 353–5865. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159728, filed December 15, 1981. Applicant: FIEBIG TRANSPORT, INC., 3812 Bay Port Road, Sebewaing, MI 48759. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845–6066. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–239 Filed 1–4–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–179

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 127264 (Sub-3–2TA), filed December 28, 1981. Applicant: AMERICAN PARCEL SERVICE, INC., 1800 Bessemer Avenue, Greensboro, NC 27405. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. *Contract,* irregular, *Commodities used, sold or dealt in by manufacturers or distributors of home care products,* between Greensboro, NC, on the one hand, and, on the other, points in North Carolina, having a prior or subsequent movement in interstate commerce, under continuing contract(s) with Amway Corporation. Supporting Shipper: Amway Corporation, 6450 Jimmy Carter Blvd. Norcross, GA, 30071.

MC 148773 (Sub-3–7TA), filed December 28, 1981. Applicant: A.F.L. TRUCK LINES, INC., 3661 West Blue Heron Boulevard, Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Machinery, metal and metal products,* between points in FL, on the one hand, and, on the other, points in the U.S. There are seven (7) supporting shipper statements which may be reviewed at the ICC Regional Office in Atlanta.

MC 154103 (Sub-3–24TA), filed December 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Contract carrier;* irregular routes; *Edible flour,* between the plant sites and facilities of Golden Dipt Company located in Millstadt, IL; Melrose Park, IL; Hillsdale, MI; City of Industry, CA; and Frederick, MD, on the

one hand, and, on the other, points in the U.S., excluding AK and HI. Supporting shipper: Golden Dipt Company, 100 East Washington, Millstadt, IL 62260.

MC 97394 (Sub-3–6TA), filed December 28, 1981. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 14503, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General commodities (except classes A&B explosives),* between points in Allen County, KY, on the one hand, and, on the other, points east of IA, KS, MN, NE, OK and TX. Supporting shipper(s): There are 19 statements in support of this application which may be examined at the ICC Regional Office in Atlanta, GA. Note: Applicant intends to tack with docket number MC 97394 and subs at Scottsville, KY.

MC 159852 (Sub-3–1TA), filed December 28, 1981. Applicant: TODD HAULING, INC., P.O. Box 312, Chapel Hill, TN 37034. Representative: Roland M. Lowell, 5th Floor, 501 Union Street, Nashville, TN 37219. *Food and Related Products, in bulk,* between points in FL, on the one hand, and, on the other, points in Rutherford County, TN. Supporting shipper: Heritage Farms Dairy, 1100 New Salem Highway, Murfreesboro, TN 37130.

MC 154667 (Sub-3–1TA), filed December 28, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr., Post Office Box 691, Burlington, NC 27215. *Contract carrier,* irregular, *hosiery, supplies and materials used in the manufacture and sale thereof* between points in the U.S. under contract with Kayser Roth Hosiery, Inc., Greensboro, NC. Supporting shipper: Kayser-Roth Hosiery, Inc., 2303 West Meadowview Rd., Greensboro, NC 27407.

MC 159855 (Sub-3–1TA), filed December 28, 1981. Applicant: DMS CONSTRUCTION COMPANY, 100 Rogers Dr., Rome, GA 30161. Representative: Mark S. Gray, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Lumber or wood products,* between Floyd County, GA on the one hand, and, on the other, points in the States of AL, TN, KY, NC, FL and VA. Supporting shipper: Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 125535 (Sub-5–18TA), filed December 23, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141. Representative: Donald S. Helm (same as applicant). *General Commodities (except commodities in bulk in tank vehicles and household goods and class A and B explosives).* Between pts in the U.S. Supporting shippers: 6.

MC 127253 (Sub-5–2TA), filed December 23, 1981. Applicant: Stewco, Inc., P.O. Box 728, Waskom, TX 75692. Representative: Clayte Binion, 623 So. Henderson, 2nd Floor, Fort Worth, TX 76104. *Petroleum products and chemicals, in bulk, in tank vehicles,* between Caddo Parish, LA on the one hand, and, on the other, points in TX, LA, AR, KS, MO, IL, IN, OH, PA, WA, NJ, FL, VA, NC, SC, TN, GA, AL, MS, OK, KY and CO; and from Greenville, MS to AL, LA and AR. Supporting shipper: Atlas Processing Company, P.O. Box 3099, Shreveport, LA 71103.

MC 147368 (Sub-5–1TA), filed December 24, 1981. Applicant: Richard C. Lockhart, an individual, P.O. Box 551, South Sioux City, NE 68776. Representative: Melvin C. Hansen, Hansen & Engles, P.C., 610 Service Life Building, Omaha, NE 68102. Contract—Irregular. *Meat, meat products and articles distributed by meat packing houses as described in Motor Carrier Certificates 61MCC209 and 766 (except hides and commodities in bulk),* between Sioux City, IA on the one hand, and, on the other, Los Angeles, CA and its commercial zone. Supporting shipper: Swift Independent Packing Company, 115 West Jackson Boulevard, Chicago, IL 60609.

MC 153328 (Sub-5–4TA), filed December 23, 1981. Applicant: Red K Transport, Inc., 2545 Peach Tree Street, Cape Girardeau, MO 63701. Representative: Harold Carrico, 400 State Street, Madison, IL 62060. *Such commodities as are dealt in or used by manufacturers and distributors of household laundry equipment* between Williamson County, IL, on the one hand, and, on the other, St. Louis, MO, restricted to traffic having a prior or subsequent transportation by rail. Supporting shipper: Norge Division, Magic Chef, Inc., Herrin, IL 62948.

MC 158419 (Sub-5–2), filed December 23, 1981. Applicant: ON TIME FREIGHT SYSTEMS, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. *Food and related products,* between the Denver, CO commercial zone on the one hand, and, on the other, pts in the U.S. Supporting shippers: Peppertree Beef Company, P.O. Box 16331, Stockyard Station, Denver, CO 80216; McKesson Wine & Spirits Co., P.O. Box 5388, T.A., Denver, CO 80217; Food Products Company, 4303 Brighton Boulevard, Denver, CO 80216.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-344 Filed 1-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29757]

Rail Carriers; Colorado and Southern Railway Company—Merger Into Burlington Northern Railroad Company—Exemption and Request for Determination of Fairness

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission has determined that the merger of the Colorado and Southern Railway Company (C&S) into the Burlington Northern Railroad Company (BN) is exempt from its regulation under 49 CFR 1111.5(c)(3). The Commission has also refused to revoke this exemption in part to determine the fairness of financial terms to minority stockholders. BN's assumption of C&S's obligations and liabilities is also exempted.

DATE: The exemption is effective December 31, 1981 and is subject to standard conditions for the protection of employees.

FOR FURTHER INFORMATION CONTACT:

Ernest B. Abbott, (202) 275–3002.

SUPPLEMENTARY INFORMATION: Copies of the Commission's decision can be obtained from the Office of the Secretary, Room 2227, Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20434 or by calling toll free (800) 424–5403. Persons interested in obtaining copies must refer to Finance Docket No. 29757.

Dated: December 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-343 Filed 1-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 415]

Rail Carriers; Railroad Cost of Capital—1981; Extension of Time

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing rebuttal comments.

SUMMARY: By notice published in the Federal Register on August 27, 1981 (46 FR 43320), the Commission instituted a limited revenue adequacy proceeding to update our estimate of the railroads' cost of capital rate for 1981. Extensions of time to that notice were published at 46 FR 48799, October 2, 1981 and at 46 FR 58676, November 18, 1981. This notice further extends the time in this proceeding by granting a request by the Association of American Railroads for an extension of time for the filing of rebuttal comments.

DATE: Rebuttal comments are now due on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: A request was filed December 21, 1981, by the Association of American Railroads (AAR) for an extension of its current date of December 22, 1981, for filing rebuttal comments, until December 31, 1981. This extension is needed because AAR has not been able to complete its rebuttal comments, because of the large number of shipper comments to which it is replying.

Accordingly, good cause has been shown for the requested extension of time.

It is ordered:

The request is granted and the time for filing rebuttal comments is extended to December 31, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Decided: December 30, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-240 Filed 1-5-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: December 29, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 82-280 Filed 1-5-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Notice of Settlement Agreement, Recommended Termination, and Request for Public Comments

AGENCY: International Trade Commission.

ACTION: Request for public comments on the recommended termination of one party as respondent in the investigation on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has issued an order recommending that the Commission grant a joint motion by the complainant and one respondent to terminate the investigation with respect to that respondent on the basis of a settlement agreement. Before taking final action on the motion, the Commission seeks written comments on the proposed termination from interested members of the public.

DEADLINE: All comments must be received on or before February 5, 1982.

SUPPLEMENTARY INFORMATION: The Commission is conducting investigation No. 337-TA-101 to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States of certain hot air corn poppers and components thereof, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843 with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On November 23, 1981, the complainant, Wear-Ever Aluminum, Inc., and respondent Hamilton Beach Division—Scovill Inc. (Scovill) filed a joint motion (Motion No. 101-38) to terminate the investigation with respect to Scovill under the provisions of § 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.51).[1] The basis for the proposed termination is a settlement agreement between the complainant and Scovill. The motion was supported by the Commission investigative attorney but opposed by respondents West Bend Co., a Division of Dart Industries, Inc., and Chiap Hua Clocks and Watches Ltd. On December 7, 1981, the presiding officer issued an order recommending that Motion No. 101-28 be granted. The settlement agreement and the proposed termination are now before the Commission for final action.

The substantive provisions of the settlement agreement between Wear-Ever and General Electric are as follows:

1. Scovill agrees and undertakes not to import into the United States—

(a) the heater fan subassembly which was alleged to constitute an unfair method of competition in the investigation, or

(b) the hot air corn poppers that infringe U.S. Letters Patent 4,178,843, or

(c) any component or material part of a hot air corn popper especially made, or especially adapted for use in infringement of the patent and not a staple article of commerce suitable for substantial noninfringing use,

without license from Wear-Ever, so long as the patent is in force for the purposes of enforcement of 19 U.S.C. 1337, i.e., until the expiration date of the patent, unless there is an earlier holding of invalidity of the patent either by the U.S. International Trade Commission or the Federal District Courts, which holding has become final, either by failure to appeal or affirmance on appeal.

2. Wear-Ever will concurrently upon execution of the agreement enter into a joint motion to terminate the investigation with regard to Scovill.

3. This agreement does not constitute an admission of either party with regard to any of the issues raised in this proceeding concerning the validity and/or infringement of the patent. Specifically, the agreement is without prejudice to any future challenge by Scovill to the validity or infringement of the patent by Scovill in any federal court and is without prejudice to Wear-Ever to any future suit by Wear-Ever against Scovill for damages and an injunction for alleged infringement of the patent.

4. Scovill agrees to give Wear-Ever reasonable notice, not less than 4 months, of its intent to import hot air corn poppers, or components thereof, which are not staple articles or commodities of commerce. During the said 4-month period, Wear-Ever and Scovill agree to exert their best efforts to resolve any issues relating to said importation, including any issue of alleged infringement of U.S. Letters

[1] Motion No. 101-38 supplants Scovill's previous unilateral motion to terminate (Motion No. 101-23).

Patent 4,178,843 by the proposed imported products. Further, in any further proceeding before any tribunal, the burden of establishing infringement with respect to any product made, sold, or imported by or on behalf of Scovill shall remain on Wear-Ever or the owner of the subject patent.

5. Scovill agrees to comply with complainant Wear-Ever's outstanding discovery requests or some mutually agreed upon alternative discovery.

The settlement agreement is available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

All comments must conform to the requirements of § 201.8 of the Commission's rules (19 CFR 201.8) and must be addressed to the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Room 224, Washington, D.C. 20436, telephone 202–523–0350.

By order of the Commission.

Issued: December 28, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–264 Filed 1–5–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–113]

Certain Log Splitting Pivoted Lever Axes; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 27, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Chopper Industries, Inc., of 81 Stockton Street, Phillipsburg, N.J. 08865. A supplement to the complaint was filed on December 11, 1981. The complaint, as supplemented, (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain log splitting pivoted lever axes into the United States, and in their sale, by reason of the alleged (1) direct infringement of claims 1–6 and 8–14 of U.S. Letters Patent 4,044,808 and (2) contributory infringement of claims 2 and 14 of said patent. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on December 22, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation subsection (a) of section 337 in the unauthorized importation of certain log splitting pivoted lever axes into the United States, or in their sale, by reason of the alleged (1) direct infringement of claims 1–6 and 8–14 of U.S. Letters Patent 4,044,808 and (2) contributory infringement of claims 12 and 14 of said patent, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Chopper Industries, Inc., 81 Stockton St., Phillipsburg, N.J. 08865.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Taiwan Tool Co. a/k/a Taiwan Tools Corp., 177 Wenhwa Rd. Hsi Tun District, Taichung, Taiwan

Alltrade, Inc., 1717 Gage Road, Montebello, Calif. 90640

(c) Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission Investigative Attorney, a party to this investigation; and

(3) For this investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Propcedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1273.

By order of the Commission.

Issued: December 31, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–261 Filed 1–5–82; 8:45 am]

BILLING CODE 7020–02–M

[TA–203–13]

Certain Mushrooms; Notice of Investigation and Hearing

AGENCY: International Trade Commission.

ACTION: Following receipt of a request from the U.S. Trade Representative on December 21, 1981, the Commission instituted investigation No. TA–203–13 under section 203(i)(1) and (i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(1) and (i)(2) for the purpose of gathering information in order that it might advise the President (1) on developments in the mushroom industry since import relief became effective, including the progress and specific efforts made by the firms in the industry to adjust to import competition, and (2) of its judgment as to the probable economic effect on the

domestic industry concerned of the reduction or termination of the import relief presently in effect with respect to canned and frozen mushrooms broiled in butter or in butter sauce, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS). Such import relief is in the form of increased rates of duty and is provided for in Presidential Proclamation 4801 of October 29, 1980 (45 FR 72617); the relief is described in item 922.55 of the Appendix to the TSUS.

EFFECTIVE DATE: December 29, 1981.

FOR FURTHER INFORMATION CONTACT: Tim McCarty (202–724–1753).

SUPPLEMENTARY INFORMATION:

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., Wednesday, March 10, 1982, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington, no later than the close of business Monday, February 8, 1982.

Prehearing procedures. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. An original and nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business Wednesday, March 1, 1982. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Wednesday, February 10, 1982, at 10:00 a.m., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant information to present may give testimony without regard to the suggested prehearing procedures outlined above.

By order of the Commission.

Issued: December 29, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–263 Filed 1–5–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–111]

Certain Vacuum Cleaner Brush Rollers; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: December 28, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 82–262 Filed 1–5–82; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

Publication of Five Year Program Plan

Notice is hereby given that the Bureau of Justice Statistics, Department of Justice, consistent with authority set forth in Part C of the Justice System Improvement Act (42 U.S.C. 3731 et seq.), is publishing those portions of the Bureau of Justice Statistics Five Year Program Plan which describe the goals, objectives and programmatic areas to be supported during the years FY 1982–1986. Publication of the BJS Five Year Program Plan is intended to both advise the public of data resources, documents and other publications which will be issued by the Bureau during this time and to permit maximum public participation in BJS programs. This five year planning effort is intended to ensure that individual programs undertaken during each fiscal year are coordinated and are consistent with previously identified long-term goals and objectives of the Bureau.

The currently proposed Five Year Program Plan represents the second statistical planning document issued by the Department of Justice. The initial document, The Program Plan for Statistics 1977–81, was issued in 1977 and defined the scope of statistical activity to be supported through FY 1981.

Experience over the preceding five years has indicated that the Plan has served to provide continued direction in both the establishment and redefinition of statistical programs and has provided a conceptual framework against which funding priorities could rationally be defined. In light of the potentially increased fiscal constraints over the forthcoming years, it is anticipated that the currently proposed BJS plan, which will govern activity during FY 1982–86, will represent an even more critical document in the overall process of BJS program definition.

The sections of the Plan set forth below describe specific goals, objectives and programs for FY 1982–86 and represent the major substantive components of the Five Year Plan. The complete Plan, which will also address fiscal and administrative issues, will be released in March 1982. In order to maximize the opportunity for public participation in BJS programmatic activity, however, this portion of the Plan is being published in advance of the overall document. Persons interested in participating in the program, or in receiving copies of the overall plan, should contact Benjamin H. Renshaw, Acting Director, Bureau of Justice Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531, 202/724–7765.

Benjamin H. Renshaw III,

Acting Director, Bureau of Justice Statistics.

Program Plan

Goal I

To Maintain and Expand the Collection, Analysis, and Dissemination of National Scope Data Describing (1) the Rates, Incidents and Characteristics of Crime and Criminal Victimization, (2) the Operations of State Courts, Prosecutors, Offices, and Public Defenders, and (3) the Functions, Workload, and Operations of Correctional Institutions and Probation and Parole Authorities.

Objective I.1

Manage the National Crime Survey (NCS) data collection effort, including efforts to (1) maintain quality control and effect economies in Bureau of the Census data collection and processing activities and (2) improve the quality and timeliness of annual and trend (or change) reports.

Program Description

The National Crime Survey Program is one of the major on-going data collection and analysis efforts supported by BJS. The survey provides information on the incidence and characteristics of criminal victimization in the United States. Specifically, the survey provides data on rates of victimization, trends in rates since 1973, demographic

characteristics of victims and offenders, characteristics of criminal incidents, extent of reporting to police, and reasons for reporting or not reporting.

The NCS represents the only resource for crime data based on direct inquiry to individuals selected from a stratified sample of the population. The direct inquiry technique was developed as a means to offset possible statistical inaccurracies which may result where data is drawn from a universe of "reported" crimes. At the present time, under the survey program, approximately 60,000 households are sampled annually. All members of sampled households are interviewed to determine whether they have been victimized by crime and, if so, the characteristics of the event.

A series of periodic and special analytical reports are issued based on data from this series. The reports are intended to provide policy makers and the general public with regularized data reflecting changes in victimization rates. Special analytic reports also address individual issues of particular interest, such as the differential impact of crime on various population groups (such as Hispanics, the elderly, and women), the economic costs of crime, and the impact of particular crimes (such as rape and no-force burglary). The NCS series was initiated in 1972 and the survey has been continued since that date. The continuous series of data has permitted longitudinal trend analysis and multi-year data comparisons. In light of current concern over crime, and the impact of victimization, data from the NCS represents a major indicator and is critical to the formulation of Federal and State policy at the executive and legislative level.

In order to ensure the continued quality of NCS data and to support the development of more cost-effective techniques for the operation of the survey, BJS has undertaken a longterm effort to evaluate and, where appropriate, redesign the survey. This effort is responsive to the recommendations of the 1975 National Academy of Sciences study of the program.

5 Year Program Projection

FY 1982–83

- Publish at least 12 reports from the National Crime Survey program, including reports on annual victimization findings (5/82, 5/83), trends since 1973 (9/82), victimization of Hispanics (11/81), elderly victimizations (12/81), and periodic technical monographs on victimization methodology.
- Complete analysis of crime severity data (12/81).
- Transmit NCS annual data tapes (for previous data years) to Criminal Justice Archive and Information Network (8/82, 8/83).

FY 1984–86

- Continue publication of annual victimization findings, trends in victimization, analyses of special victimization topics and technical monographs on victimization methodology.
- Implement redesigned NCS.
- Implement new NCS sample, incorporating changes recommended by NCS redesign consortium.

Objective I.2

Develop and refine statistical series bearing on court and adjudicatory activities of state and local governments, including state court caseload data, prosecutors' management information, and public defender status information.

Program Description

The adjudication function, that group of activities taking place after an arrest, needs study as one interactive system with inextricable linkages to law enforcement and correctional functions. The Bureau has developed a state court series and has sponsored statistical analysis of the rich prosectors' data base (PROMIS) for an analysis of patterns of case attrition. The judicial series has produced two annual reports of nationwide state court statistics and successive editions of the National Court Organization Survey, the authoritative reference document on court structure, management, and jurisdiction. The Bureau has also helped to encourage improvement and greater comparability of state court statistics. In the coming years, the Bureau will seek further improvements in the court statistics program through ongoing evaluation of the methodology and of the appropriate reporting units.

The prosecutorial series produced a widely cited report, *A Cross-City Comparison of Felony Case Processing.* This study presents comparative statisitcs on the disposition of felony arrests in 13 jurisdictions employing the Prosecutors Management Information System (PROMIS). BJS is continuing efforts to develop the analysis displayed in this report.

Because of the increasingly apparent need for information to plan and manage constitutionally mandated indigent defense services in a cost-effective manner, the Bureau is adding an indigent defense series to its programs of adjudication statistics. In its maturity, this program should also augment the statistical base for drawing conclusions about the overall functioning of the criminal justice system.

5 Year Program Projection

FY 82–83

- Do intensive field work in at least one site to strengthen the link between the model state court statistics previously recommended and the field requirements for producing such statistics; report the results in a monograph (3/82).
- Publish annual report of nationwide court statistics for 1977 in improved format based on suggestions by previously commissioned independent evaluation (9/82).
- Produce at least one analytic report using court series data to demonstrate their usability (1/83).
- In conjunction with preparation of a second state-of-the-art monograph on court statistics, conduct a redesign study of the program of nationwide court statistics (9/83).
- Evaluate feasibility of collecting comparative court statistics for units other than states for intensive analysis of case transactions and system issues such as delay (9/83).
- Expand number of jurisdictions providing data for statistical comparisons of case processing by prosecutors (6/82).
- Design a sample for collection of statistical information, detailed program descriptions, and cost estimates of defender services. Begin to execute statistical collection (3/82).
- Publish report on defense services with national estimates of caseload, program comparisons, and cost data (12/83).
- Refine sample plan for continued collection of defender statistics (12/83).
- Publish third report of statistics on multi-jurisdiction comparisons of felony case processing (10/83).

FY 1984–86

- Act upon results of redesign study to modify program of court statistics as needed.
- Produce diversified reports on court statistics drawing from multiple collection and analytic strategies.
- Publish at least one analytic monograph using data from the defender series.
- Continue expanding sample coverage and statistical scope of defender series.

• Publish a fourth report on comparison of multi-jurisdiction felony case processing.

Objective I.3

Manage the adult and juvenile correctional statistics program including annual collection, analysis, and publication of statistics on prison, jail, probation, and parole populations and the periodic censuses of prisons/jails/juvenile detention facilities and surveys of prisoners/jail inmates/ and juvenile detainees.

Program Description

The correctional statistics program of the Bureau of Justice Statistics has its origins in statistical series that have been established and maintained for over fifty years although it also includes statistical series that have been developed by BJS and its predecessor agency, the National Criminal Justice Information and Statistics Service of the LEAA. The correctional statistics program consists of the National Prisoner Statistics (NPS), the Uniform Parole Reports (UPR), the National Probation Reports (NPR), and the Special Correctional Studies. Under the NPS, three statistical series are collected annually: population confined to state and federal institutions and the turnover in that population; the number and characteristics of persons sentenced to death and executed; the characteristics of persons admitted to and released from state correctional institutions, including their age, sex, race, offense, and length of sentence. The Uniform Parole Reports collects and publishes annual statistics on the parole population, turnover in the parole population, and characteristics of parolees, including age, sex, race, offense, time served, and whether or not parole was completed successfully. The National Probation Reports, the newest annual correctional statistics program, publishes annual statistics on probation populations and turnover in probationers. A program to collect statistics on the characteristics of probationers is in the developmental phase.

The special Correctional Studies comprise those data collection efforts which are conducted less frequently than annually. Included among these are the quinquennial census of local jails and the survey of jail inmates and the quinquennial census of State correctional facilities and the survey of prison inmates. These parallel data collection efforts provide detailed characteristics for the Nation's correctional institutions and their inmate populations obtainable from no other sources. The biennial census of juvenile detention facilities provides statistics on the number and characteristics of public and private juvenile detention facilities and limited statistics on their inmate populations.

In an effort to produce aggregate inmate population statistics on a timely basis, BJS has also developed a program for quarterly prison population statistics and annual jail population statistics.

5 Year Program Projection

FY 1982–84

• Publication of *Capital Punishment 1980,* (2/82).
• Publication of *Parole in the United States, 1980,* (4/82).
• Publication of *Probation in the United States, 1980,* (5/82).
• Publication of *Prisoners in State and Federal Institutions,* (6/82).
• Conduct the first annual survey of jail populations, (6/82).
• Conduct the biennial census of juvenile detention facilities, (6/82).
• Publication of *Characteristics of the Parole Population, 1979,* (7/82).
• Complete the first pilot survey of characteristics of individual probations, (9/82).
• Publication of admissions and releases statistics for 1974–76, (10/82).
• Publication of *Capital Punishment, 1981,* (2/83).
• Publication of *Parole in the United States, 1981,* (4/83).
• Publication of *Probation in the United States, 1981,* (5/83).
• Publication of *Prisoners in State and Federal Institutions, 1981,* (6/83).
• Conduct the quinquinnial census of jail and survey of jail inmates, (6/83).
• Publication of *Characteristics of the Parole Population, 1980,* (7/83).
• Complete the first pilot survey of characteristics of individual probations, (9/82).
• Publication of admissions and releases statistics for 1974–76, (10/82).

FY 1984–86

• Continue to publish annual publications in corrections, probation, and parole.
• Analyze and publish results of 1982 juvenile detention facility survey.
• Analyze and publish results of the 1983 jail census and jail inmate survey.
• Conduct 1984 prison census and prison inmate survey and analyze and publish results.
• Conduct annual surveys of jail populations.
• Develop statistical series on juvenile parole and probation and characteristics of juvenile offenders.

Objective I.4

Establish a comprehensive series describing the organization, resources and financing of State and local justice agencies.

Program Description

In 1970, LEAA assumed responsibility from the Bureau of the Census for the statistical series, begun in 1967, *Expenditure and Employment Data for the Criminal Justice System.* A survey was conducted annually from 1970 through 1979 to determine fiscal year expenditures and employment levels for all States, counties, and municipalities with a population of 10,000 or more persons and for a sample of cities and townships with less than 10,000 persons. These figures were required for "pass-through" and "maintenance of effort" calculations mandated by the Crime Control Act of 1968 as amended and for the formula provisions of the Justice System Improvement Act of 1979. In addition the data provided important information concerning the costs of administering justice systems for criminal justice management and planning at the national and State levels. Data were disseminated through a series of reports, through computer printouts, and through magnetic data tapes.

Budget cuts in 1981 forced the termination of this survey. If funds become available, 1980 and 1981 data will be collected in FY 1982 to provide trend data. Beginning with FY 1982, data will be extracted from the Census Bureau's annual Governmental Finance Survey which is scheduled to undergo modification in that year which will allow the development of data comparable to those collected through the previous expenditure and employment survey.

A second project under this objective produces informatin on the organization, resources, and workload of justice agencies as a by-product of developing sampling frames for justice agency surveys. The Bureau has collected these data since 1970. They offer a useful reference for a number of purposes, and were published in a series of directories listing individual agencies during the early 1970's and in a summary report, "Justice Agencies in the U.S.: 1980."

5 Year Program Projection

FY 1982–83

• Develop and implement a plan to collect and publish FY 1980 and 81 data on criminal justice expenditures and employment (9/83).

• Develop plan to extract FY 1982 and subsequent years' expenditure and employment data from on-going Census Bureau annual governmental finance and employment surveys (9/82).

• Extract, analyze, and publish justice expenditure and employment data from the Census Bureau's annual governmental finance and employment surveys (9/83).

• Develop economic deflators and use to adjust for inflation 1970 through 1982 expenditure data. Publish adjusted data (9/83).

FY 1984–86

• Extract, analyze, and publish justice expenditure and employment data from the Census Bureau's annual governmental finance and employment surveys, including data adjusted for inflation.

• Plan and conduct survey effort to produce 1985 edition of "Justice Agencies in the U.S."; publish "Justice Agencies in the U.S.: 1985."

Goal II

To Assist State and Local Governments in the Collection, Analysis, Utilization and Reporting of Criminal Justice Data, and to Develop Techniques To Facilitate Collection of Data from State-Level Sources.

Objective II.1

Provide fiscal and technical assistance for development and maintenance of a network of State statistical agencies capable of collecting and analyzing data for state utilization, and of providing subsets of data for aggregate analysis at the national level by BJS.

Program Description

To meet the needs of the Federal government and state and local agencies for statistical information in criminal justice, the Bureau of Justice Statistics (and its predecessor agency, the National Criminal Justice Information and Statistics Service of LEAA) has supported the development of Statistical Analysis Centers (SACs) in the states. The SAC is a state-level agency with a professional staff whose functions are to analyze and interpret criminal justice data; to generate and disseminate statistical reports on crime, criminal offenders, and the operation of the criminal justice system; to provide technical assistance in statistics and related areas to state and local agencies; and to provide the Federal government with uniform data on criminal justice processes in the state for inclusion in national statistical reports. In addition, many SACs are involved in the coordination and review of the development of criminal information systems in their states.

At this time there are SACs in 36 states plus Puerto Rico and the District of Columbia. Many have achieved excellent levels of capability and in many cases, financial support has been assumed by the states. Under this Objective, the nationwide network of statistical analysis agencies will be completed by the establishment of new agencies in states that did not participate under the LEAA program. Continuation of these efforts is essential for meeting the mandate of BJS to assist the states in improving their statistical capabilities and in developing competent sources of data for national compilations.

5 Year Program Projection

FY 82–83

• Continue to support existing state: Level Statistical Analysis Centers (SACs); encourage the assumption of costs by states.

• Support establishment of new SACs in states that do not have such a capability (2 new SACs to be established by 3/82; 5 more to be established by 9/83).

• Through support of the Criminal Justice Statistics Association, provide coordination among the SACs, training of SAC personnel, and technical assistance.

FY 84–86

• Continue all FY 82 and FY 83 activities.

• Expand support of new state-level SACs to achieve statistical capabilities in all of the states.

• Initiate program of certification of state and local analysis agencies based primarily upon their ability to provide reliable, timely, and complete criminal justice data to BJS.

Objective II.2

Provide technical and fiscal support for the development and maintenance of a network of state agencies to manage the submission of data for the Uniform Crime Reporting (UCR) program.

Program Description

Since 1972, the Bureau of Justice Statistics (and its predecessor agency, the National Criminal Justice Information and Statistics Service) has supported the development of state-level procedures and systems for Uniform Crime Reporting (UCR). In these states, automated information systems are used to centralize in a single state agency the collection and reporting of UCR data that is gathered by law enforcement agencies throughout the state. The collected data is forwarded to the FBI for inclusion in the national UCR program. There are now 45 states with operational UCR systems. In nearly all cases, funding has been assumed by the states. However, a few states have terminated or may soon abandon their systems because of budgetary problems. Limited support will be given to such states to help them keep their systems in operation so that complete and accurate national data on crime can continue to be obtained.

Future objectives are to support enhancement of existing UCR systems in accordance with a major assessment of the national UCR program which is to begin in 1982, and to support the development of state-level UCR systems in the remaining states. Continued support of this program is critical in order that the UCR series be operated in as cost effective a manner as possible and that the data collected be accurate and complete. In light of the time period during which UCR data has been available and the public reliance on this series, further enhancements to the program will have the effect of maximizing the substantial commitment made by both the FBI and States to this program.

5 Year Program Projection

FY 82–83

• Provide limited support for existing state-level UCR systems whose continuation is threatened by financial problems in the states, and for restoration of systems which have been terminated by the states because of fund shortages. A maximum of five cooperative agreements will be awarded during FY 1982. A maximum of five cooperative agreements will be awarded during FY 1983.

FY 84–86

• Support enhancement of state-level UCR systems consistent with new revised reporting standards and procedures (if any) resulting from UCR Study.

• Initiate development of state-level UCR systems in the few states which do not have a capability.

Objective II.3

Obtain specific types of criminal justice data and policy-relevant analytic products from state and local sources through a program of cooperative agreements.

Program Description

Most statistical information pertaining to criminal justice is generated at the state and local levels, and much of it can be obtained solely or most effectively from the states. With the development of state-level Statistical Analysis Centers (SACs), many states have achieved the ability to analyze problems and issues in criminal justice which are common to other states and which are of national concern. In FY 1981, the Bureau of Justice Statistics instituted programs in which selected states are supported, through cooperative agreements, in presenting and analyzing data on the processing of criminal offenders and in analyzing critical problems in criminal justice. (Examples of the latter are prediction of prison population levels, extrapolation of crime rates, and study of demographic correlates of crime.)

Under this objective, these programs will be continued and expanded. These programs involve the development of standards and formats that facilitate routine, occasional, and periodic state and local submission of data to BJS. Consistent with fund availability, additional programs will be initiated for collecting data on corrections and other criminal justice components from the states for national compilations. Such efforts are necessary in order to insure that the investment of federal resources to assist states and local governments in statistical analysis will yield comprehensive benefits to the overall criminal justice system.

5 Year Program Projection

FY 82–83

- Continue program to obtain displays and analyses of offender processing data, derived from the states' offender based transaction statistics (OBTS) systems.

Develop data specifications—12/81
Receive initial data from states—9/81
Assemble first multi-state compilation—1/83
Receive data for second compilation—9/83

- Initiate program to obtain correctional data from the states.

Design program—2/82
Initial awards to states—6/82
Receive initial data—3/83

- Continue and expand program to support analyses of issues and problems in criminal justice which affect state and Federal policies.

Completion of initial analytic reports by states—6/82

FY 84–86

- Continue and expand FY 82 and FY 83 activities.
- Initiate program for obtaining specific types of criminal justice data from selected local agencies.
- Initiate the phasing in of state-level statistical analysis centers (and possibly other state agencies) as the suppliers of data to BJS for national compilations, to replace the gathering of data through nationwide surveys of individual operating agencies.
- Support modifications to existing offender based transaction statistics systems and other state-level information systems to enhance the usefulness of the data that they produce.

Objective II.4

Develop and implement a strategy for collecting and organizing local criminal justice data bases for the development of national statistical series through a network of urban and local analysis agencies.

Program Description

Since its establishment in 1971, the Bureau of Justice Statistics and its predecessor agency has had the mandate to develop national data bases concerning criminal justice functions and activities. In pursuit of this mandate, BJS has expended considerable sums of money on the development and implementation of various computer based management information systems so as to facilitate the collection of routine information on criminal justice operations. Over the course of the past decade a considerable volume of data have been developed by urban, county and local criminal justice planning and analysis units. A recurring problem with this effort is the underutilization of the data, in part because of lack of access to computer processing capability, and the failure to funnel the data into a national repository that could be the basis of national statistical series and indicators.

The intent of this program is to facilitate the use by urban and local analysis agencies of the national criminal justice data archive, to test the network of agencies and the quality of their data bases and analytic capabilities by actually collecting comparable data from participating jurisdictions, and to utilize the data collected in various BJS reports and studies.

5 Year Program Projection

FY 82–83

- Establish a network of participating urban and local criminal justice agencies (6/82).
- Survey participating jurisdictions to determine existing data bases and data access and interchange capabilities (9/82).
- Collect data from a minimum of ten jurisdictions on criminal justice system operational issues with national policy implications.

FY 84–86

- Based on experience with the generation of national data bases, expand the number of participating agencies and the scope of the analytic tasks.

Goal III

To Collect, Analyze and Disseminate Data Describing Federal Criminal Justice Events, Characteristics of the Federal Offender and the Operation of the Federal Justice System.

Objective III.1

Develop and implement methodologies for the collection, collation and analysis of Federal criminal transaction data in order to describe operation of the Federal criminal justice system and characteristics of the Federal offender.

Program Description

The Bureau of Justice Statistics, in response to provisions of the JSIA, has recently undertaken efforts to collect and analyze data relating to the Federal justice system. Fundamental to this long-term effort is the assumption that such analysis should focus on data generated under existing statistical reporting systems. Such data, when analyzed in a coordinated fashion will provide meaningful statistical presentations regarding the overall treatment of crime by the Federal justice system, as well as for sub-system analyses in recognized areas of concern.

Efforts in this area are confronted by significant methodological, procedural and legal issues. These include comparability of disparate data sources as well as the establishment of appropriate technical and legal procedures to permit inter-agency access to or exchange of raw data. In recognition of such fundamental preliminary concerns, BJS will support short-term efforts designed to (a) identify existing sources of Federal justice data; (b) analyze the compatibility of existing data in order to determine the technical and legal feasibility of developing linkage between statistical systems, and (c) propose appropriate procedural steps for data access/exchange consistent with methodological, legal and policy factors. Long-term efforts will be made to institutionalize inter-agency statistical

relationships in order to provide for regular system-wide data presentations as well as for periodic analyses in specific areas of concern.

The Bureau's efforts in this area are viewed as critical to the development of overall system-wide statistical indicators on Federal criminal activity and the operation of the Federal justice system. Such data are of fundamental importance in developing policy and fiscal guidelines for the operation of the Federal justice system.

5-Year Program Projection

FY 82–83

- Initiate long-term efforts to negotiate data exchange procedures with Federal justice agencies (5/82).
- Prepare detailed graphic defining Federal criminal justice system and data flow (2/82).
- Prepare comprehensive document defining Federal statistics data flow for presentation in BJS bulletin (2/82).
- Identify existing data sources, identify technical and legal impediments to data linkage and develop models for potential data interface of transaction data (7/82).
- Prepare and issue major report describing Federal criminal justice process and alternative strategies for establishment of transaction data series (8/82).
- Develop an initiate procedures for archiving of acquired Federal justice data and for in-house and contractual manipulation and analysis of data (8/83).
- Initiate implementation of transaction data base reflecting comprehensive data for a given time period (3/83).
- Review and, where necessary, develop alternative procedures for data linkage and coordination; issue report (6/83).
- Establish inter-agency working group to provide statistical legal, technical and policy input in order to maximize the utility of BJS data output (12/82).

FY 84–86

- Continue data exchange, archiving and analysis in support of established BJS reporting services.
- Conduct in-depth analysis of a single year "cohort" of Federal offenders.
- Issue major reports describing results of transactional data analysis.
- Expand data resources to permit longitudinal transaction analysis together with initial data resources.

Objective III.2

Initiate a continuing series of statistical reports providing a general overview of Federal criminal justice statistics and addressing specific issues relating to Federal justice operations.

A major objective of the BJS Federal Statistics Program is the preparation and dissemination of data and accompanying reports describing the incidence of Federal crimes and the operation of the Federal justice system. It is anticipated that publications issued under the BJS Federal Satistics Program will serve as single reference sources for data describing the differing components of the Federal criminal justice system; provide additional statistical resources as a result of transactional data compilations; and provide more indepth analyses of specific Federal statistical data bases pertaining to identified issues. Data resources to be addressed will include both system-wide compilations and analysis of data subsets pertaining directly to identified issues. In light of the importance of comprehensive data to sound fiscal, policy and administrative decisionmaking, the timely and regularized presentation of data descriptive of overall criminal justice transactions is particularly relevant at this time.

Initial efforts under this program will be directed toward preparation of a *Compendium of Federal Criminal Justice Statistics.* This document will provide a compilation and discussion of a broad range of statistical tabulations and graphic presentations relating to crime and justice operations at the Federal level. It is anticipated that the document will be regularly updated to reflect data changes. Subsequent efforts will be directed toward production of an *Annual Statistical Report on the Federal Justice System.* This document, which will be issued annually, will provide a regularized analysis of the occurrence of crime under Federal jurisdiction and the overall operation of the Federal justice system. Additionally, a series of *Analytic Reports* will be initiated to provide more indepth analysis of topical issues relevant to the Federal criminal justice process.

5-Year Program Projection

FY 82–83

- Identify statistical phenomena for indepth analysis (6/82).
- Prepare and disseminate one *Analytic Report* based on indepth statistical analysis of selected topic dealing with Federal justice operations (9/82).
- Prepare and disseminate initial *Compendium of Federal Justice Statistics* which will served as a convenient, single-source reference document for descriptive data (12/82).
- Prepare and disseminate 2 analytic reports addressing topics dealing with Federal justice operations (6/83).
- Prepare and publish report based on analysis of "cohort" group data (9/83).
- Update collection and collation of data series for subsequent Compendiums and analyze trends occurring over time (9/83).

FY 84–86

- Continue yearly enhancement of the *Compendium of Federal Criminal Justice Statistics,* and specific analytic reports dealing with current topics of interest.
- Prepare and publish first *Annual Statistical Report on Federal Justice System.*

Objective III.3

Develop and implement innovative techniques for the collection and analysis of data relating to areas of priority Federal concern such as white-collar crime, public fraud and high technology crime.

Program Description

Certain areas of criminal activity, because of their highly complex and multi-jurisdictional nature, have come under close scrutiny by Federal authorities. For example, crimes which employ high technologies (i.e., computer crime) have posed increasing threats to major businesses and government operations as well as to the general public. Other areas of federal concer have included crimes against government programs and crimes against business. Reliable estimates of the prevalence of such crimes have been difficult to establish, due largely to fundamental weaknesses in identifying, reporting and standardizing data.

The Bureau of Justice Statistics has in recent years supported specific efforts to identify means of overcoming the methodological barriers to establishing reliable estimates of the extent of complex areas of criminal activity. These efforts have been undertaken largely in recognition of the need for statistical information by legislative and executive branch decision-makers charged with targeting public resources and developing and directing policies responsive to the threats posed by such areas of criminal activity. Initial efforts have been directed to the issue of "high technology crime," with a specific emphasis placed on the accessing of

data relating to crimes committed by and against electronic funds transfer and message systems. Based on the findings of the initial project in this area, an appropriate data collection instrument will be developed and tested. In subsequent years, additional methodological analyses relating to data generation in the areas of crimes against business and crimes against government programs will be supported. To the extent that viable recommendations regarding data collection are presented under these efforts, appropriate collection instruments will be designed and tested.

5 Year Program Projection

FY 82–83

- Design and implement initial effort to identify and analyze data collection techniques in the area of crimes against business (7/82).
- Based on recommendation of preliminary electronic funds transfer system project, design and implement project to initiate data collection in that area (6/82).
- Design and implement statistical analysis of government program fraud case transactions (9/82).
- Review statistical report produced under electronic funds transfer system collection project for possible publication (9/83).
- Based on findings of preliminary crimes against business project, design and implement project to initiate data collection in that area (9/83).

FY 84–86

- Review statistical report produced under crimes against business project for possible publication.
- Identify additional areas of priority Federal concern which should be targeted for methodological analysis and subsequent data collection.
- Publish updated statistics from previously identified subject areas.

Objective III.4

Develop and initiate a program related to Federal civil justice activities, concluding working relationships with other Federal agencies concerned with civil justice and establishment of a publication to present and analyze Federal civil statistical data.

Program Description

The Federal justice system devotes a large proportion of its resources to resolution of civil disputes. An integrated compilation of statistics is needed to establish measures of total demand to provide data for the study of civil case flow, and to target resources effectively.

Accordingly, BJS has initiated preliminary efforts to assess the feasibility of compiling and disseminating statistical information relating to Federal civil activity. Initial efforts in FY 82 are to be directed toward an identification and analysis of Federal civil data sources.

5 Year Program Projection

FY 82–83

- Write and circulate options paper regarding civil statistics (11/81).
- Investigate conducting statistical study of selected civil issue areas not requiring integration of data from more than one agency or branch of government (2/82).

FY 84–86

- Circulate details of Federal civil program design to agencies involved (5/85).
- Publish special statistical studies on Federal civil topics (3/86).

Goal IV

To Evaluate, Assess, and Critique Major Criminal Statistical Series of the Bureau of Justice Statistics, including the Continuous Reexamination and Redesign of BJS and Other Federal Agency Series to Identify and Analyze Methodological Issues, Analytic Options, and Policy Utility Concerns of the Department of Justice.

Objective IV.1

Support an in-depth assessment and evaluation of the Uniform Crime Reporting (UCR) Program administered by the Federal Bureau of Investigation and continue efforts to develop alternative crime classifications and reporting systems.

Program Description

The Uniform Crime Report is the nation's oldest continuing statistical series dealing with crime, having been instituted in 1930. Originally intended to provide a national indicator of crime incidence as measured by citizen complaints to the police, the UCR is now used by a diverse group of practitioners for resource allocation, policy planning and criminal justice research.

In light of continuing interest regarding UCR reporting methodology and in order to ensure the continued quality of UCR data, it is necessary at this time to critically examine the current state-of-the-art of crime reporting by the police and to identify techniques, if any, which can be expected to improve the quality, timeliness and/or utility of such data. Accordingly, the Federal Bureau of Investigation and the Bureau of Justice Statistics have jointly agreed to cosponsor a comprehensive assessment of the UCR program at this time. The program will review existing reporting practices, identify areas of possible modification, evaluate alternative data collection methodologies and develop recommendations for improved UCR reporting. To ensure that recommendations are responsive to actual needs and capabilities in the field, maximum input will be obtained from contributing criminal justice agencies participating in UCR.

5 Year Program Projection

FY 82–83

- Initiate public solicitation for a consortium of organizations to analyze the conceptual framework of the FBI UCR program and the current and potential utilization of UCR data (project to be jointly monitored with the FBI) (1/82).
- Continued testing and refinement of crime classification systems to assist state and local law enforcement agencies in prioritizing data for resource allocation purposes (9/82); Final design and marketing strategy to be supported (12/83).
- Review Phase I of UCR study relating to historical overview of program developed and identification of current users (10/82).
- Initiate Phase II of the assessment to identify specific needs of current users and to develop recommendations for alternative program enhancement to better meet such needs (11/82–10/83).
- Distribute interim recommendations for state comment (7/83).

FY 84–86

- Complete analytic portion of UCR assessment and disseminate recommended programmatic changes to States for comment.
- Implement assessment recommendation and support development of corresponding hardware requirements.

Objective IV.2

Continue the ongoing National Crime Survey Redesign program in order to examine the various conceptual, methodological, analytic, and utilization issues concerning the NCS which have been raised since the inception of the program, and to conduct studies aimed at resolving these questions.

Program Description

The National Crime Survey Redesign Program was initiated in reponse to an evaluation of the NCS by the National Academy of Sciences, performed in

1974–1976. Under contract from BJS, a consortium of private and university-based statisticians, survey methodologists, and criminologists is now investigating a wide range of issues related to the conduct of the survey.

The issues being addressed in the study relate to the types of data collected, survey methodology and data utilization. In the area of data classification, specific questions address, for example, the types of crimes the survey can measure, the populations to be covered, and the best design to identify risk populations and crime victimization determinants.

Methodological work is driven by concerns for enhancing the accuracy and reliability of the data and for discovering more efficient and less costly means for collecting and processing NCS data. Efforts are also being made to develop improved strategies for data management, both to expand those uses of the data which are now technically feasible and to develop procedures for new types of data analyses which are not currently possible under the existing structure of the data files.

Finally, the study is addressing data utilization concerns with the objective of identifying additional areas for data application and making existing data more useful for determining crime levels in practical applications e.g., development of techniques for estimation of crime levels in particular types of geographical locales or population concentrations. In this connection the study will analyze and make recommendations to improve the coordination and complementarity of the NCS with the Uniform Crime Reports of the FBI. This would permit a more comprehensive examination of crime trends in the United States than is now possible.

5 Year Program Projection

FY 82–83

- Complete work on development of new explantory variables for NCS (9/82).
- Complete investigations to expand scope of crimes covered (12/82).
- Complete analysis of data from computer-assisted telephone interviewing, comparing to data collected from current telephone interviewing procedures (3/83).
- Complete development of longitudinal matching procedures for NCS data files (12/82).
- Develop error profile for NCS (6/83).
- Complete development of attribute-based type of crime classification scheme, to facilitate comparison with UCR data (9/82).
- Provide suggestions for improvements in documentation for NCS public use files (12/82).
- Convene interagency conference to investigate cooperative collection of crime data (3/83).
- Continue question revision and development for redesigned NCS screener and incident forms.
- Conduct field tests to evaluate new question batteries for NCS screens and incident form.

FY 84–85

- Conduct national field test to refine prototype redesigned NCS instrument.
- Produce sampling recommendations for stratification and use of telephone and face-to-face interviewing procedures.
- Produce recommendations for changes in NCS data processing procedures to improve timeliness of data and to facilitate longitudinal matching.
- Produce recommendations for optimal recall period in NCS interviewing.
- Produce recommendations for bonding procedures for recall, including suggestions for calendrical devices.
- Produce suggestions for changes in BJS publications drawing on NCS.
- Produce recommendations for interagency cooperation in collection of crime data.

Goal V

To analyze Major Statistical Data Bases and Quantitative Research Studies of BJS and other Governmental and Non-Governmental Agencies and Produce and Disseminate Reports, Bulletins, Briefing Materials, and Other Documents that Describe the Data and its Policy Implications, and to promote the Utilization and Secondary Analysis of BJS Data Bases.

Objective V.1

Prepare, design, and disseminate briefing materials dealing with crime and the administration of justice for the National Indicators System (NIS) program which has been developed to inform the President and key White House staff on the extent and impact of crime in the United States.

Program Description

The National Indicator System (NIS) is a program for informing the President, Vice President, and White House Staff of social, demographic, and economic trends in the United States. The Bureau of Justice Statistics was designated by the Director of the White House Office of Planning and Evaluation as the lead agency to prepare a briefing on violent crime in the Nation. Under the NIS program, lead agencies are also to establish ongoing tracking procedures to ensure that accurately updated statistics are available for use in subsequent briefings and in connection with analysis of specific issues or trends, in response to requests from the Executive or legislative branches of government.

The BJS Briefing package on violent crime was completed in the Fall of 1981. Subsequent to the initial formal White House briefing presentation and the submission of the briefing package, the briefing materials, have been utilized in response to specific Congressional inquiries and in connection with relevant Congressional testimony. This activity will continue, utilizing continually updated data to reflect changes and trends in initial findings.

In light of the concern over crime and the potential relationships between crime and related areas, interest by policy makers in both the original briefing and, more relevantly, in future updated data on briefing issues, has been substantial, and indicates that the briefing has served as a significant conduit to make BJS data available for use on specific issues of current Executive and legislative concern.

5 Year Program Projection

FY 1982–83

- Distribute briefing package to key members of Congress, the Department of Justice and other Executive departments (2/82).
- Distribute material and conduct follow-up briefings for key officials in DOJ (11/81).
- Update data set forth in briefing materials to accurately reflect changes in rate of crime, criminal justice activity etc. (10/82).
- Analyze trends reflected by changes in updated (6/82).

FY 1984–86

- Review and continually update briefing data.
- Respond to inquiries regarding changes in data findings.

Objective V.2

Develop an annual report to the nation on crime and the response to crime in order to provide the general public with a comprehensive understanding of crime, its prevention, and the functions of criminal justice administration system.

Project Description

During 1982, the Bureau of Justice Statistics (BJS) will produce the first

report to the nation on crime and the response to crime. Impetus for preparing this report developed out of the preparation, under the National Indicator System, of a White House briefing book on violent crime. The favorable reception of the briefing book demonstrated the informative power of BJS data when presented in a non-technical fashion. The objective of this report is to present a comprehensive picture of crime and criminal justice in the United States including topics concerning crime, victims, offenders, the criminal justice system, criminal justice processes, and the costs of the criminal justice system. Aimed at the general public, the report will attempt to view crime and justice from the citizen's perspective. Relying heavily on graphic presentation, the report will utilize a simple, non-technical format and will emphasize statistical indicators and trends in crime and justice. Statistics for the report will be developed from exisitng BJS data series as well as other sources including series collected by other Federal agencies, State and local data sets, and relevant research.

In order to inform the general public, our dissemination efforts will concentrate on the content of the report. Therefore, we plan to use a variety of techniques, in addition to report distribution, which target the media, educators, and other sources of secondary dissemination. Publicity about and distribution of the report is also planned for Federal, State, and local officials, as well as criminal justice professionals.

5 Year Program Projection

FY 1982–83

- Complete preparation of final draft of the National Report (5/82).
- Release of the National Report (10/82).
- Dissemination of reports (10/82–1/83).
- Analysis user response to report (6/83).
- Based on user response initiate preparation of a revised edition (9/83).

FY 1984–86

- During 1984–86 the second and subsequent editions of the National Report will be published.

Objective V.3

Prepare and disseminate criminal justice Bulletins to provide non-technical information derived from BJS and other data bases for the Congress, the business community, state and local criminal justice policy officials, and other users.

Program Description

Bureau of Justice Statistics *Bulletins* were developed in 1981 as a major component of the Bureau's data analysis and dissemination program. The *Bulletins* serve as the vehicle for the timely release of BJS annual data series as well as a medium for the presentation of statistics focusing on issues and topics of interest in crime and justice. The purpose of the bulletin program is to make available objective information in nontechnical language about the state of the nation with respect to its problems of crime and the administration of justice. Topics to date have included: Prevalence of Crime; Prisoners in 1980, Veterans in Prison, Hispanic Offenders etc.

The audience of the *Bulletins* includes legislators, policy makers, criminal justice researchers practitioners, and the concerned citizen. The bulletins provide timely statistical data input for utilization in connection with policy analysis, decisionmaking and research design.

5 Year Program Projection

FY 1982–83

- BJS *Bulletins* to be published monthly; documents will cover such topics as adult and juvenile institutional populations, probation and parole populations, prisoners under sentence of death, victimizations, violent crime, weapons, stranger-to-stranger crime, sentencing legislation, female offenders, and drug and alcohol histories of offenders.

FY 1984–86

- Expand *Bulletin* program in scope and frequency of publication.
- Develop *Bulletins* focusing BJS statistics on policy questions of current concern in the field of criminal justice.

Goal VI

To Assist States in Implementing and Adapting Operational Information Systems to Facilitate Collection and Analysis of Criminal Justice Statistical Data at the State and Local Level and to Maintain a Data Processing Capability to Enhance BJS Data Analysis and Dissemination.

Objective VI.1

Complete documentation packages and achieve transferability status for major Law Enforcement Information Systems (LEIS) programs including POSSE, CASS, IMIS and FMIS to facilitate the collection and analysis of law enforcement data at the State and local levels.

Program Description

In 1979, the Bureau of Justice Statistics, assisted by the International Association of Chiefs of Police, initiated a program to develop and support the implementation of automated information systems designed to aid small and medium-sized law enforcement agencies. These systems are specifically designed to assist such agencies in meeting their operational and management needs in order that regular and comparable data can be captured to produce statistical reports for analytic and operational use.

The Law Enforcement Information Systems (LEIS) program provides multiple support to these agencies in such areas as police operations, crime analysis, investigative management and fleet management. Under the LEIS program, four major subsystems are nearing completion: (1) Police Operations Support System-Elementary (POSSE); (2) Crime Analysis Support System (CASS); (3) Investigative Management Information System (IMIS); (4) Fleet Management Information System (FMIS).

BJS will complete the computer program documentation and provide limited technical assistance to State and local law enforcement agencies permitting them economical access to operational information systems. As these systems have been designed to capture and maintain standardized data, they should prove beneficial to BJS in the collection and analysis of law enforcement information from multi-jurisdictions.

5 Year Program Projection

FY 82–83

- Complete computer documentation and software for the LEIS programs by 3/82.
- Provide State and local law enforcement agencies with machine readable copies of existing operational systems (POSSE, CASS, IMIS and FMIS) on a continuing basis after 3/82.
- Provide technical assistance to State and local law enforcement agencies in the submission of data to national reporting programs on a continuing basis.

FY 84–86

- continue to provide technical assistance to State and local law enforcement agencies in the submission of data to national reporting programs.
- Continue to disseminate machine readable copies of operational law enforcement information systems.

Objective VI. 2

Develop technical procedures and standards to facilitate the submission of State and local criminal justice statistical data to BJS and support development and implementation of operational information systems to improve statistical data collection and analysis at the State and local level.

Program Description

Both BJS and its predecessor organization, NCJISS have recognized that the long-term regularized collection of statistical data reflecting criminal justice operations is dependent upon the development and implementation of procedures and systems (both manual and automated) which permit systematic input, collection and retrieval of data on a continuing basis. Consistent with this objective and, in recognition of the necessary linkage between operational and statistical data requirements, support has been provided over the past 7 years to assist States in developing and implementing automated systems serving the police, court and correctional components of the criminal justice system. As of this time, almost all States have received fiscal or technical assistance in this area. Costs of system operations have been assumed at the State or local level in a large number of cases.

Under this objective, efforts will be specifically directed toward the identification and development of technical procedures, specifications, data definitions and standards to enhance the statistical output of existing operational systems. Assistance will be provided to the States in organizing, utilizing and evaluating their own data needs and the capability of the existing systems. Additionally, some support will be provided for completion of ongoing development of those systems which have unique potential for statistical data output. It is anticipated that these efforts will make possible the more valid analysis of multi-jurisdictional data.

In light of the extensive commitment to States in this area and the critical interdependence between statistical and operational data collection, continuation of these efforts are necessary at this time to permit the long-term development of statistical data for use in decision making at the State level. Such data is particularly needed at this time to permit optimum allocation of limited fiscal and manpower resources.

5 Year Program Projection

FY 82–83

- Review the technical characteristics of current State and local criminal justice statistical data series being collected pursuant to BJS requirements in the areas of data commonality, potential inter-face and coordination. (Final report by 10/82).
- Provide technical assistance to State and local agencies in the implementation of previously developed operational information systems which support national statistical reporting on a continuing basis.
- Establish a State/national coordinating committee to resolve technical and data reporting problems in the submission of correctional information. (Organizational committee meeting by 5/82.)
- Develop and regularize reporting requirements for the submission of correctional data. (Specifications developed by 1/83.)
- Develop a program strategy to upgrade technical coordination among BJS supported statistical series. (Strategy developed by 8/83.)

FY 84–86

- Implement coordination strategy in a limited number of States.
- Continue to provide technical assistance to State and local agencies in the implementation of automated operational systems which support national reporting of statistical data.
- Continue and expand the automated collection of statistical data.
- Maintain liaison with national/State correctional data reporting development.

Objective VI.3

Develop and maintain a data processing capability to facilitate and enhance collection, analysis and reporting of data by BJS.

Program Description

The Bureau of Justice Statistics performs a wide-range of in-house data management and analysis functions. Statistical analyses and descriptive presentations, frequently requiring fast turnaround response time, are prepared in support of the President, Congressional staff, the Attorney General and other key Department of Justice officials. Analytic and descriptive materials are also prepared in house in response to regular Bureau statistical program activities.

Due to the broad scope of the Bureau's program activities and in view of the limitation of personnel, fiscal, and equipment resources available for in-house data management operations, the Bureau frequently contracts with the Census Bureau and other public and private statistical entities in conducting large-scale data collection and management activities.

As an addition to these continuing arrangements, an effective in-house capability is essential if the Bureau is to fulfill its expanded duties regarding the ad hoc provisioin of responsive and policy-relevant statistical materials to key governmental authorities.

In recognition of this need, steps will be taken to explore a number of enhancements to the existing in-house data management capability including the acquisition of additional computer terminals equipped with CRT screens and printers, micro and mini computers for both analytic and administrative purposes etc. In addition to such hardware improvements, BJS staff will examine the feasibility of accessing additional software packages which may serve to improve existing BJS analytic capabilities, including in-house graphic services.

5 Year Program Projection

FY 1982–83

- Conduct an ADP needs assessment of the data processing support needed by the Bureau and establish a data processing capability consistent with the Bureau's needs. Functional analysis completed by 3/82. (Data processing capability established by 2/83.)
- Determine the technical feasibility of conducting BJS in-depth analysis of selected sub-sets of national and Federal statistical data bases and initiate analysis of selected statistical data to the extent feasible. (Feasibility study completed 6/82. Initiate analysis 12/82.)
- Determine the state-of-the-art in specialized equipment and computer programs designed for statistical processing such as datagraphic terminals, statistical packages and specialized computer input and output devices. (Initiate testing of a graphics capability by 1/82. Recommend other specialized equipment by 10/82.)

FY 84–86

- Enhance the Bureau's data processing capability with specialized equipment and computer programs designed for statistical processing and graphic output display.
- Continue to receive on a regular basis selected statistical data bases for intensive Bureau analysis.
- Respond in an automated form to special "demand" information requests for statistical reports from state, local and other Federal agencies.
- Investigate feasibility of a computer to computer interface with state systems

for obtaining selected data for statistical analysis.

Goal VII

To Ensure Privacy, Security and Confidentiality of Identifiable Information and to Provide Leadership in the Development and Analysis of Information Policies Impacting on the Criminal Justice System.

Objective VII.1

Maintain inhouse legal and technical staff resource to direct development and implementation of BJS policies and procedures consistent with statutory requirements regarding privacy, security and confidentiality of criminal justice data and related relevant regulations, policies and guidelines.

Program Description

As a corollary to its legislative mandate regarding data collection and analysis, the BJS has specific statutory responsibility for ensuring privacy, security and confidentiality of identifiable data collected by and/or through systems supported by the BJS (Section 818 (a) and (b) of Justice System Improvement Act; also 28 CFR Parts 20 and 22). BJS is also responsible for ensuring that data access, transfer and publication policies are consistent with other governmental requirements such as the Privacy Act, Freedom of Information Act, and relevant Office of Management and Budget requirements.

The scope of the statutory confidentiality protections attaching to BJS statistical data is uniquely comprehensive. Specifically, identifiable data may not be revealed, transferred or utilized for non-research or statistical purposes. Additionally, such data is not subject to subpeona and may not be admitted, without individual consent, in any judicial, administrative or legislative proceeding. Violations of these statutory assurances are subject to fines not to exceed $10,000. The BJS confidentiality protections were first enacted in 1973 and historically, have served as landmark models for data disclosure policies both within the Federal government and the private sector.

Since the objective of these assurances is to minimize respondent concern over data utilization and accordingly, to upgrade credibility and validity of BJS data findings, compliance with confidentiality requirements is critical to the long term achievements of BJS goals.

The inhouse privacy and confidentiality resource provides continuing legal and technical guidance to ensure that BJS activities (both inhouse and contract supported) are consistent with the statutory limitations. Efforts have been specifically directed to development of materials explicating BJS policy, at negotiation and drafting or inter-agency agreements establishing BJS authority, and to oversight regarding state/local contractor activity relating to data disclosure and relevant information management.

Additionally, in recognition of BJS' long-standing efforts and statutory responsibility in the area of criminal history information, major efforts are also directed at providing materials and direction to assist states and other governmental entities in establishing and implementing standards to ensure privacy and security of criminal history data consistent with DOJ legislation, individual state legislation and good information management procedures. Standards in this area address, for example, limitations on data access, data security and individual rights of record review. A single BJS contact point has been established to monitor legislative and case-law activity in this area and to respond to inquiries regarding the legal, legislative and operational impact of changing privacy, confidentiality and security factors.

In light of the increasing concern over crime control and the recognition that appropriate access to and utilization of accurate and complete criminal history data may be relevant to law enforcement efforts, continued activity in the area of criminal justice information policy is particularly critical at this time.

5 Year Program Projection

FY 1982–83

- Complete report describing comprehensive legal and operational analyses of multi-agency confidentiality requirements (1/82).
- Complete draft *Memo of Understanding* establishing joint BJS-Census confidentiality procedures (4/82).
- Update and issue *Handbook* defining BJS legal and technical confidentiality requirements and procedures (11/82).
- Release and distribute *Guide to Research/Statistical Confidentiality* (8/82).
- Release and distribute comprehensive document *"Criminal Justice Data Security"* identifying and classifying physical and administrative techniques to ensure data security (6/82).
- Release and distribute *Guide to Data Security Procedures* (9/82).
- Review and, if appropriate, distribute report of findings on study to assess impact of confidentiality restrictions on data utility, validity, accessories (7/82).
- Develop major document *Privacy Audit Techniques* (7/82).
- Conduct training program in privacy audit procedures to enable states to monitor state privacy activity (8/82).
- Review and issue BJS *Bulletin* describing and analyzing trends in State privacy and security legislation (9/82).
- Review Privacy Certification and/or other confidentiality assurances, where appropriate, in connection with BJS data collection, questionaire development (ongoing/continuous).
- Maintain liaison with DOJ, OMB regarding data management, questionnaire clearance, data disclosure policy (ongoing).

FY 84–86

- Review, update, and revise confidentiality agreements between BJS and Census.
- Update and reissue *Handbook* defining Confidentiality standards.
- Establish ongoing Confidentiality panel composed of representatives of academia, criminal justice and the public to identify and analyze issues relevant to data confidentiality management and dissemination.
- Identify and analyze emerging techniques to secure data consistent with state-of-the-art statistical procedures, hardware capabilities, security procedures (10/85).

Objective VII.2

Provide leadership and assistance to the statistical, research and criminal justice communities in the development and implementation of policies and procedures which ensure an appropriate balance between the confidentiality interests of the individual, the informational needs of law enforcement and the data access requirements of the statistical/research community.

Program Description

Since the inception of the privacy, security and confidentiality program, BJS and its predecessor organization, NCJISS, have played a major role in the continuing Federal-State dialogue regarding policies for management of identifiable research/statistical data; disclosure and security of criminal history data, Federal-state exchange of criminal information, protection of intelligence data and inter-state negotiation of information policies. These activities directly correspond to BJS' programmatic mandate to collect

and analyze data and to support the development of those systems which can generate criminal justice statistical information. These efforts are also responsive to specific legislative provisions set forth in Section 818 (a) and (b) of the JSIA. The significance of these activities is heightened at this time by the increasing automation of criminal justice data, the growing recognition that adequate criminal justice data access is necessary to support law enforcement efforts and the fact that budgetary constraints may encourage increased joint utilization of data resources both in the operational and statistical areas.

Activities undertaken under this objective of the privacy and security program are intended to provide Federal and State government decision-makers in both the executive and legislative branches with data relevant to criminal justice information policy issues. Efforts have been directed, for example, to initiation of a comprehensive and continuing process for the review, collation and analysis of state criminal justice privacy legislation. Documents compiling relevant statutes are issued biannually and include comparative analytic graphics which provide a single source input to Federal Executive and legislative deliberations. Data made available under this effort is specifically relevant to the currently ongoing negotiation of procedures for Federal-State exchange of criminal justice data.

Other efforts under this program include the continuing identification of changing legal and operational issues relevant to criminal justice statistics and information management. Specific efforts have been directed to, among others, the legal and legislative implications of confidentiality protections, the Constitutional and common law status of media access to data, the statutory, constitutional and operational factors governing decisions regarding private employer access to data. Further efforts will be made to ensure early identification of new issues arising out of changing legal and technological conditions in order that BJS, as an information agency, can continue to provide data input to critical policy decisions which will arise in the area of criminal justice operations and statistics.

5 Year Program Projection

FY 82–83

- Review and issue *Compendium of State Privacy Legislation* (1980 Update) (4/82).
- Review and issue analytic report *Privacy and the Private Employer,* defining constitutional, legislative, and procedural factors relating to employer data access (3/82).
- Review and release analytic report *Privacy and the Media* defining factors relevant to media access to criminal justice data (1/82).
- Conduct major colloquium to identify, analyze and document critical privacy, security and information policy issues for the 80's (7/82).
- Prepare and issue comprehensive report discussing emerging criminal justice information issues as identified by criminal justice, governmental, private sector, academic community (10/83).
- Prepare and issue document analyzing impact of juvenile record confidentiality limitations on criminal justice statistical analysis (6/82).
- Prepare and issue *Bulletin* discussing impact of legal restrictions on access to juvenile justice data on statistical validity (7/82).
- Update and issue comprehensive *Compendium of State Privacy Legislation* (document to incorporate previously reported statutes in a single source) (9/83).
- Prepare, analyze and publish report on State legislative trends and impact on interstate data exchange (9/83).
- Identity, analyze and issue reports on two additional priority issues regarding privacy, security and criminal justice information policy. (Issues may include for example, indepth empirical analysis of employer access to data; interstate data exchange.) (10/82).

FY 1984–86

- Continue process to follow state legislation; publish biannual reports on legislative enactments; trends, changes.
- Identify and analyze impact of changes in technology on criminal justice information practices, including impact on statistical data access, Federal/State data exchange.
- Continue identification and analysis of priority information policy issues.

Goal VIII

To increase the utilization of Justice statistics by informing potential users of the availability of data, performing other user services, and providing statistical information in a form that is adapted to policy needs and is readily comprehensible to non-statisticians.

Objective VIII.1

Develop and maintain a program, in accord with Office of Management and Budget policy, to determine the data needs of potential justice statistics users and to inform them of the availability and accessibility of such statistics and of the user services available through BJS. In addition, support criminal justice and statistical professional membership organizations that provide BJS with policy recommendations, technical support, and access to networks of officials that support submission of national statistical data.

Program Description

The Office of Management and Budget (OMB) has noted that: "* * * the great volume of statistics produced by the Federal Government is seriously underutilized both inside and outside of the government, and that this condition can be attributed primarily to the lack of adequate information about and access to Federal statistical data bases * * * and * * * that problems of ensuring access to federally collected statistical data and providing adequate services to those who need to use the data are among the most serious pervasive difficulties facing Federal statistics in the 1980's." (Office of Management and Budget, "Implementing a New Federal Data Access Policy" in Stafistical Reporter, pp. 475–79, September 1981.)

This objective is designed to be responsive to part of that data access policy, namely, informing those with a need for justice statistics of the availability of such statistics. The activities under this objective include the development of a mailing list for BJS publications based on proactive identification of agencies and individuals who should be using Bureau data. It also includes the development of several publications that are aimed at describing the data and user services available through the Bureau, describing in detail the data bases available from the Bureau, and indexing the actual data elements available through Bureau documents and data bases. Finally, this objective encompasses activities aimed at developing and maintaining liaison with major potential user groups for the purpose of determining their data needs and informing them of the data available to meet those needs and supporting those organizations that provide BJS with policy recommendations, technical support, and access to networks of officials that support submissions of national statistical data.

5 Year Program Projection

FY 1982–83

- Redesign the BJS mailing list by inviting key government agencies and others with a need for justice statistics to place their names on the list (10/81).
- Submit on a monthly basis to the OMB publication *Statistical Reporter,* a

description of recently released BJS reports and machine-readable data files. (monthly)

• Design, publish, and disseminate a brochure describing the data and user services available through BJS (4/82).

• Design, publish, and disseminate the first and second annual editions of a catalog of BJS publications and machine-readable data files, their content, and how to obtain them (6/82 and 6/83).

• Develop, publish, and disseminate an index to data variables available in BJS data bases (8/82).

• Develop and maintain liaison with major statistical, criminal justice, private sector, academic and professional membership organizations, and other potential users of justice statistics to determine their data needs and to inform them of the availability and utility of data for their needs and of the user services program of BJS. (ongoing, *ad hoc*)

FY 1984–86

• Conduct annual update of BJS mailing list.

• Continue monthly submissions to the *Statistical Reporter* of recently released BJS reports and data files.

• Reissue BJS descriptive brochure on approximately a biennial basis as changes in data availability dictate.

• Issue annually a complete updated catalog of BJS publications and machine-readable data files.

• Maintain, update, and periodically reissue the index of BJS data variables.

• Maintain liaison with major user groups and potential user groups.

Objective VIII.2

Maintain a national criminal justice data archive and information network to provide machine-readable data files of BJS, National Institute of Justice, the National Institute of Corrections, the Office of Juvenile and Delinquency Prevention, and other high quality criminal justice data bases and to conduct training and technical assistance in their use.

Program Description

This objective encompasses the National Criminal Justice Archive and Information Network (CJAIN) that has been sponsored by the Bureau since 1977 at the Inter-University Consortium of Political and Social Science at the University of Michigan. The Archive supports those users whose data needs are not satisfied by published statistics. All BJS data bases, plus other data sets relevant to criminal justice, are stored at the archive. Tapes of these filed are disseminated in a form compatible with a user's computing facility, so that the user may produce data analyses of interest. The archive also provides technical assistance in use of archived data and conducts an annual training seminar in their use. Archive holdings are continually updated and expanded.

5 Year Program Projection

FY 1982–83

• Continue acquisition, processing, and dissemination of machine-readable criminal justice data through CJAIN. (ongoing)

• Continue annual training seminar, sponsored by the archive, to facilitate use of archive holdings. (8/82 and 8/83)

• Improve coordination with National Institute of Justice in archiving NIJ data sets particularly useful for secondary analysis. (ongoing)

FY 1984–1986

• Continue acquisition, processing, and dissemination of machine-readable criminal justice data through CJAIN.

• Continue annual training seminar, sponsored by the archive, to facilitate use of archive holdings.

Objective VIII.3

Continue annual publication of the Sourcebook of Criminal Justice Statistics.

Program Description

The Sourcebook of Criminal Justice Statistics has been produced under BJS sponsorship since 1972. It is a single, comprehensive volume containing available statistical information about victims of crime, criminal activity, criminal justice processing, criminal justice expenditures, and related subjects. It provides Department of Justice staff, researchers, and other interested persons and easy-to-use reference work. The Sourcebook puts otherwise unobtainable information in the hands of planners and saves hours of time for researchers.

5 Year Program Projection

FY 1982–83

• Publish the tenth and eleventh annual editions of the *Sourcebook of Criminal Justice Statistics* (7/82 and 7/83).

• Develop a plan to decrease the production and publication times for the *Sourcebook* (1/83).

FY 1984–86

• Continue annual publication of the *Sourcebook*, using the accelerated production schedule developed in FY 1983.

Objective VIII.4

Respond to the information and analytic needs of the Department of Justice, the Administration, the Congress, the media, and the general public.

Program Description

A recent publication from the Office of Management and Budget has noted that: 'Data access' has many meanings and, while to statisticians the term may connote getting one's hands on a data tape, to policymakers data access may mean receiving statistical information in a form that is readily comprehensible to the lay-person and adapted to policy needs.

This objective is designed to do just that. It includes establishing a single contact point in the Bureau for responding to all requests for statistical information, developing and maintaining a "statistical service program" to serve the users of BJS data, and the design, development, and operation of a system to keeping track of these requests to serve as a continuing "feedback" mechanism to inform BJS of the relevancy of its data and the uses to which they are put.

5 Year Program Projection

FY 1982–83

• Establish a single contact point within BJS for responding to all requests for statistical information (1/82).

• Develop and maintain a "statistical service program" for responding to *ad hoc* requests for statistical information including the provision of data and analytic products, assessment of data quality, accessibility, and utility, and advice on appropriate analytic techniques and interpretation (on-going).

• Design, develop, and operate a system for responding to and recording information about *ad hoc* requests (1/82).

• Analyze *ad hoc* requests for information received in the past year to determine refinements needed in the statistical services program and implications for modifications to the overall BJS data collection, analysis, publication, and dissemination program. (4/82 and 4/83).

FY 1984–86

• Continue operation of the statistical services program, including system for recording information about *ad hoc* requests.

• Analyze annually *ad hoc* requests for information to determine refinements needed in the statistical services program and implications for

modifications to the overall BJS data collection, analysis, publication, and dissemination program.

[FR Doc. 82-217 Filed 1-5-82; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 63 and 45 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to increase the maximum allowable enrichment for fuel stored in the fresh fuel storage racks from 4.0 to 4.1 weight percent.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

for further details with respect to this action, see (1) the application for amendment dated October 6, 1981, (2) Amendment Nos. 63 and 45 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of December 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-245 Filed 1-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413, 50-414]

Duke Power Co., et al. (Catawba Nuclear Station, Units 1 and 2); Order Rescheduling Prehearing Conference

December 30, 1981.

The special prehearing conference previously scheduled for January 6, 1982, is being rescheduled for January 12, 1982. The conference will be held at the same time and place, namely, the York County Agricultural Building, 104 Congress Street, York, South Carolina, beginning at 10:00 a.m. The conference may continue on the 13th, if necessary.

Dated at Bethesda, Md., this 30th day of December 1981.

For the Atomic Safety and Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 82-255 Filed 1-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment allows operation of the facility at less than 40% full power during certain switching operations with the reactor coolant pump power monitor trip function bypassed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 22, 1981, (2) Amendment No. 48 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H. Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of December 1981.

For The Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-248 Filed 1-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Modification of January 13, 1981 Order

In the matter of Jersey Central Power & Light Company (Oyster Creek Nuclear Generating Station).

I

The Jersey Central Power & Light Company (the licensee) is the holder of Provisional Operating License No. DPR-16 which authorizes the operation of the Oyster Creek Nuclear Generating Station at steady state reactor power levels not in excess of 1930 megawats thermal rated power. The facility consists of a boiling water reactor located at the licensee's site in Ocean County, New Jersey.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: 1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661; and 2) design and install any plant modifications needed to asure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 26, 1981 (46 FR 8139) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than December 31, 1981, or, if the plant is shutdown on that date, before the resumption of power thereafter. In addition, the Order provided for extending, up to that same date, an exemption from General Design Criteria 50 of Appendix A to 10 CFR Part 50.

III

On October 31, 1979, the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments where necessary and modifications to be undertaken.

Since the development of these acceptance criteria significant progress has been made by the licensee in meeting the Order requirements. However, in a Mark I Owners Group Meeting on May 22, 1981 and by letter dated June 29, 1981 the licensee identified program areas where unforeseen difficulties and delays have been encountered. These are primarily related to torus attached piping analyses, the use of alternate approaches and interpretations of NUREG–0661, slippages in outage schedules, and equipment delivery that has necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, either have been completed or will be completed prior to startup following the next refueling outage. Consequently substantial improvements have already been made and will continue to be made in the margins of safety of the containment systems until the program completion.

The staff currently has under review a generic proposal to extend the completion dates for the Mark I long term program containment modifications for all affected licensees. In light of the above, the Director has determined that there is good cause for modifying the Order and granting an extension of 45 days from the date specified in Section V of the January 13, 1981 Order.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, It Is Ordered that the: December 31, 1981 completion date specified in Section V of the January 13, 1981 "Order for Modification of License", is extended to February 14, 1982. The Order of January 13, 1981, except as modified herein remains in effect in accordance with its terms.

Dated at Bethesda, Maryland this 29th day of December, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–247 Filed 1–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which revised the Provisional Operating License and Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, New Jersey. This amendment shall be effective January 1, 1982.

The amendment revises the Provisional Operating License and the Technical Specifications to reflect that GPU Nuclear Corporation is to replace Jersey Central Power & Light Company as the licensee authorized to operate the Oyster Creek Nuclear Generating Station.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 2, 1981, and supplements thereto dated December 4 and 16, 1981, (2) Amendment No. 59 to License No. DPR–16, and (3) the Commission's related Safety Evaluation. All of the items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at 101 Washington Street, Toms River, New Jersey 08753. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of December, 1981.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–248 Filed 1–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket 50–260]

Tennessee Valley Authority; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR–52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 2 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to extend the exposure range of the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) versus average planar

exposure from 30,000 MWd/T to 40,000 MWd/T for the 8 × 8 fuel elements in the core.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1981 as supplemented by letter dated December 11, 1981, (2) Amendment No. 77 to License No. DPR–52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1981.

For the Nuclear Regulatory Commission.

V. L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–249 Filed 1–5–82 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co.; Issuance Of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR–24, and Amendment No. 61 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments were effective December 3, 1981 for a period of 30 days.

The amendments revise the degraded grid undervoltage relay time delay setpoint of Table 15.3..5–1 Item 9 of the Point Beach Nuclear Plant Units 1 and 2 Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For Further details with respect to this action, see (1) the application for amendments dated December 3, 1981, (2) Amendment Nos. 57 and 61 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of December, 1981.

For The Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc. 82–250 Filed 01–05–82; 8:45 am]

BILLING CODE 7590–01–M

[License No. 21–14161–01G EA 81–79]

Nuclear Diagnostics, Inc., Order Imposing Civil Monetary Penalties

I

Nuclear Diagnostics, Inc., Troy, Michigan (the "licensee") is the holder of Byproduct Material License No. 21–14161–01G (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to manufacture *in vitro* kits and to distribute these kits to persons generally licensed pursuant to 31.11 of 10 CFR Part 31. The license was issued on August 13, 1971, and a timely renewal application has been submitted.

II

A routine inspection was conducted of licensed activities under the license on June 4, 1981. As a result of this inspection it appears that the licensee has not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Notices, Instructions and Reports to Workers; Inspections," Part 19 and "Standards for Protection Against Radiation," Part 20, Title 10, Code of Federal Regulations. A written Notice of Violation was served upon the licensee by letter dated October 6, 1981, specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205, which incorporates by reference the Notice of Violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by letter dated November 5, 1981.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for deferral, compromise, mitigation, or cancellation contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for Items I.A and I.B should be imposed. No penalty was proposed for Items II.A, II.B and II.C.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of One Thousand Dollars within thirty days of the date of this order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of

Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

a. whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license in the respects set forth in the Notice of Violation and Proposed Imposition of Civil Penalties (Items I.A and I.B) and

b. whether on the basis of such items of noncompliance the Order should be sustained.

Dated at Bethesda, Maryland this 30 day of December, 1981.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

Violations IA, IB, and IIC and associated civil penalties identified in the Notice of Violation (October 6, 1981) are restated, and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to these items, contained in Nuclear Diagnostics, Incorporated's letter dated November 5, 1981, are presented. Violations IIA and IIB were admitted by the licensee and are not restated or evaluated.

1. *Statement of Noncompliance for Item IA.* 10 CFR 20.201(b) requires that each licensee shall make or cause to be made such surveys as may be necessary for him to comply with the regulations in Part 20. A survey as defined in 20.201(a) is an evaluation of the radiation hazards incident to the use of radioactive material under a specific set of conditions.

Contrary to the above, the licensee failed to make such surveys or evaluations as were necessary to assure that an individual who handled significant quantities of iodine-125 did not receive an uptake exceeding the limits specified in 10 CFR 20.103. Specifically, surveys for contamination conducted as a result of iodinations and other uses of the licensed material were not adequate or commensurate with the substantial increase in the amounts of iodine-125 used in iodinations (as high as 60 millicuries compared to 2-3 millicuries used in the past).

This is a Severity Level III violation (Supplement IV). (Civil Penalty—$350).

Evaluation of Licensee's Response to Item IA and OIE's Conclusion. The licensee admits the violation, but states there is an error in the violation in that NDI has always used quantities that are significantly less than 60 millicuries of iodine-125 per iodination. This information does not alter the significance of the violation inasmuch as the amounts the licensee acknowledges using still represent a substantial increase in the amount of iodine-125 previously handled in the laboratory.

The item, as stated, is a violation. The information presented by the licensee does not provide a basis for modification of the enforcement action.

2. *Statement of Noncompliance for Item IB.* 10 CFR 20.103(a)(1) states no licensee shall possess, use, or transfer licensed material in such a manner as to permit an individual in a restricted area to inhale a quantity of radioactive material which would result from inhalation for 40 hours per week for 13 weeks at uniform concentrations of radioactive material in air specified in Appendix B, Table 1, Column 1.

If the radioactive material is of such form that intake by absorption through the skin is likely, individual exposures to radioactive material shall be controlled so that the uptake of radioactive material by any organ from either inhalation or absorption or both routes of intake in any calendar quarter does not exceed that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks at uniform concentrations specified in Appendix B, Table 1, Column 1.

Significant intake by ingestion or injection must be evaluated and accounted for by techniques and procedures as may be appropriate to the circumstances of the occurrence. Exposures so evaluated shall be included in determining whether the limitation on individual exposures in 10 CFR 20.103(a)(1) has been exceeded.

Contrary to the above, the licensee's bioassay records showed that an individual working in a restricted area during the first quarter of 1981 had an uptake of iodine-125 that resulted from an intake greater than the equivalent of inhaling iodine-125 for 40 hours per week for 13 weeks at the uniform concentration specified in 10 CFR 20, Appendix B, Table 1, Column 1. Specifically, a bioassay conducted on March 16, 1981, showed the individual's uptake of iodine-125 was about three times the 13 week limit.

This is a Severity Level III violation (Supplement IV). (Civil Penalty—$350).

Evaluation of Licensee's Response to Item IB and OIE's Conclusion. The licensee denies the violation on the basis that the thyroid exposure was within ICRP, NCRP, and 10 CFR 20.101 guidelines and that the NRC regulations are vague and subject to interpretation. The licensee states as evidence of the vagueness of the regulations that it took NRC Region III almost a month to conclude there may have been a violation. However, the licensee states they now understand how the NRC determined there was a violation.

Simply because an exposure is within ICRP and NCRP guidelines does not negate the necessity of complying with NRC regulations. The applicable limits for iodine-125 intake are addressed in 10 CFR 20.103. 10 CFR 20.101 defines the exposure limits for whole body, head and trunk, active blood forming organs, et cetera. Although these limits must not be exceeded either, they do not apply to the thyroid burden accrued in this case.

The NRC (Region III) interpretation and use of 10 CFR 20.103 follows ICRP and NCRP guidelines for uptake and retention of iodine-125 by the thyroid and has precedents in previous NRC enforcement actions. The licensee's lack of familiarity with the guidelines and the significance of the actual radiation exposure relative to ICRP and NCRP guidelines were considered when determining the amount of the civil penalty. For the sake of clarity, it should be noted that the licensee was informed that the thyroid uptake was an apparent violation of NRC regulations on the day of the inspection, June 4, 1981.

The item, as stated, is a violation. The information presented by the licensee does not provide a basis for modification of this enforcement action.

3. *Statement of Noncompliance for Item IIC.* 10 CFR 20.203(f) requires that each container of licensed material in excess of 1 microcurie of iodine-125 and 10 microcuries of iron-59 shall bear a durable, clearly visible label identifying the radioactive contents. The label shall bear the radiation caution symbol and the words, "Caution—Radioactive Material."

Contrary to the above, on June 4, 1981, the inspector observed waste storage drums containing millicurie quantities of iodine-125 and 20 millicuries of iron-59 that were not labeled as required.

This is a Severity Level VI violation (Supplement IV).

Evaluation of Licensee's Response to Item IIC and OIE's Conclusion. The licensee denies the violation on the basis that the storage barrels are stored in a restricted area and, therefore, exempt from labeling under 10 CFR 20.203(f)(3)(vi). The licensee also stated during a telephone conversation on November 20, 1981, that a written record of the barrel contents is available to individuals who have access to the barrels. Based on the additional information supplied, we agree this item does not constitute a violation and it will be deleted from our records.

The item is not a violation. The information presented by the licensee provides a basis for deleting the item. No civil penalty was proposed for this item.

[FR Doc. 82-251 Filed 1-5-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

December 30, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on

those requirements under the Paperwork Reduction Act (44 U.S.C. chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96-511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Agricultural Marketing Service
California-Arizona Valencia Oranges—Marketing Order No. 908
On occasion, annually
Farms/businesses or other institutions
CA./AR. Valencia orange growers, handlers, proces. & export.
SIC: 017, 515, 203
Small businesses or organizations
Agricultural research and services: 106,957 responses; 21,608 hours; $610 Federal cost; 18 forms; $113,037 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The valencia orange administrative committee forms are used to obtain information from handlers relating to the quantities of valencia oranges shipped and utillized in various cutlets during specified time periods, and by growers, handlers, processors, and exporters to apply for permission to ship valencia oranges to certain non-regulated outlets.

• Agricultural Marketing Service
California-Arizona Navel Oranges—Marketing Order No. 907
On occasion, annually
Farms/businesses or other institutions
CA./AR. navel orange growers, handlers, proces. & exporters
SIC: 017, 515, 203
Small businesses or organizations
Agricultural research and services: 99,622 responses; 20,001 hours; $610 Federal cost; 15 forms; $104,693 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The navel orange administrative committee forms are used to obtain information from handlers relating to the quantities of navel oranges shipped and utilized in various cutlets during specified time periods, and by growers, handlers, processors, and exporters to apply for permission to ship navel oranges to certain non-regulated outlets.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

• Federal Energy Regulatory Commission
Incremental Pricing Report
FERC 571
Other-see SF83
Businesses or other institutions
Natural gas pipeline companies & boiler fuel users
SIC: 999
Small businesses or organizations
Energy information, policy, and regulation: 12,245 responses; 17,420 hours; $44,110 Federal cost; 1 form not aplicable under 3504(h)
Anita T. Ducca, 202-395-7340

This application is required to set forth the calculation and billing of incremental surcharges in accordance with title II of the NCPA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Health Care Financing Administration
Medigap Study
HCFA-337
Nonrecurring
Individuals or households
Medicare beneficiaries who reside in the 8 selected states.
Health: 1 response; 2,498 hours; $484,400 Federal cost; 4 forms; $24,870 public cost; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

Data will be collected from medicare beneficiaries in 8 States which have

been selected to provide a cross sectional review of State regulations concerning the number and quality of health insurance policies available to supplement medicare coverage.

• Alcohol, Drug Abuse, and Mental Health Administration
Multiple Personality Disorder, Clinical Characteristics, Etiology, and Outcome
Nonrecurring
Businesses or other institutions
Psychiatrists who are members of the American Psych. Assoc.
SSIC: 801
Health: 18,300 responses; 775 hours; $5,400 Federal cost; 2 forms; $7,750 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Purpose—to gather and disseminate information about the clinical characteristics and estimated prevalence of multiple personality disorder. Although it carries high risk for suicidal and/or violent behaviour, this syndrome may frequently go undiagnosed because of current lack of information about it in the medical community.

• National Institutes of Health
Impact Assessment of Nutrition Counseling Workshops
Other-see SF83
Individuals or households
Participants in an NHIBI-sponsored workshop
Health: 375 responses; 206 hours; $5,500 Federal cost; 4 forms; $2,060 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Four instruments will provide feedback to participants and implementors of a workshop on nutrition counseling. The primary purpose is to assess instructional impact. Information will be collected from no more than 150 voluntary trainees between December 1981 and September 1983.

• Social Security Administration
Benefits for Individuals Who Perform Substantial Gainful Activity Despite Severe Medical Impairment
On occasion
Individuals or households
Blind/disabled recipeints of SSI
Other income security: 2,450 responses; 327 hours; $16,292 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Information collected by this regulation is needed from disabled and blind SSI recipients who have income, some which is earnings, which causes ineligibility for SSI payments. This information will determine whether all other factors for SSI eligibility are met and also whether the usage of title XIX will inhibit a person's ability to continue in employment and whether earnings provide a reasonable equivalent of benefits.

• Centers for Disease Control
Surveyor's Questionnaire on Hospital Infection Control
Nonrecurring
State or local governments/businesses or other institutions
State/private association officals
SIC: 943, 864
Health: 55 responses; 28 hours; $33,646 Federal cost; 1 forms; $280 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

CDC will be providing education/training for State and private association officials responsible for hospital infection control. This questionnaire will provide CDC with a profile of its potential audience, a description of their current survey methods and criteria and some indication of the level and type of training needed.

• Social Security Administration
Request for hearing
HA–501–U5 (12–881)
On occasion
Individuals or households
Claimants requesting hearings on social security benefits
General retirement and disability insurance: 300,000 responses; 50,000 hours; $224,869 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The information collected in completing this form is needed and used to afford claimants their statutory right to a hearing and decision under the Social Security Act.

Revisions

• Social Security Administration
Questionnaire About Employment or Self-Employment Outside the United States
SSA–7163
On occasion
Individuals or households
Beneficiaries living and working outside the U.S.
General retirement and disability insurance: 20,000 responses; 4,000 hours; $9,189 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 203 (b) and (c) of the Social Security Act provides that deductions may be made from certain employed or self-employed beneficiaries under age 72. This form is used to determine whether beneficiaries outside the U.S. are subject to deductions.

Extensions (Burden Change)

• Office of Assistant Secretary for Health
Status Assessment of Inactive Reserve Officer Availability
PHS 4736, 6074, 6125, 6126, 6127
On occasion
Individuals or households
Inactive reserve officers of PHS
Health care services: 2,340 responses; 622 hours; $30,000 Federal cost; 5 forms; $6,220 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The commissioned personnel operations division uses the forms in the following manner, (1) to determine the availability and skills of inactive reserve officers, (2) to provide an opportunity for the officers to terminate their commissions. All these functions pertain directly to emergency mobilization and preparedness functions of the PHS inactive reserve program.

Extensions (No Change)

• Social Security Administration
Report of Individual With Childhood Impairment
SSA–1323
On occasion
Businesses or other institutions
Public and nonpublic schools or agencies
SIC: 801, 806, 804
Small businesses or organizations
General retirement and disability insurance: 75,000 responses; 25,000 hours; $138,912 Federal cost; 1 form, not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The information elicited by this form is needed to determine if a claimant for childhood disability benefits has an impairment that meets the severity and duration requirements of the law.

• Social Security Administration
Reporting Events—SSI
SSA–8150–EV (6–81)
On occasion
Individuals or households
Supplemental security income recipients
General retirement and disability insurance: 100,000 responses; 8,333 hours; $23,466 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 1613(e) of the Social Security Act provides for information regarding changes in a recipient's circumstances which may affect eligibility for Supplemental Security Income (SSI) benefits. This form elicits the information required to establish continuing eligibility.

• Social Security Administration
Overpayment Recovery Questionnaire
SSA–632–F4 (1–79)
On occasion
Individuals or households
Individuals having been overpaid Social Security refund
General retirement and disability insurance: 500,000 responses; 166,666 hours; $781,006 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

This form requests detailed financial information necessary to determine whether the overpaid person has the ability to make repayment or whether waiver of the overpayment may be authorized. The individual's income from all sources, his itemized living expenses, debts, accumulated assets, and any expected inheritances must be evaluated.

Reinstatements

• Departmental Management
Contractor Recordkeeping Requirements-Held Property
OS–22–81
Other—see SF83
Businesses or other institutions
Contractors Doing Business With the Department
SIC: Multiple
Small businesses or organizations
Public assistance and other income supplements: 4,500 responses; $0 Federal cost; 450 hours; 1 form; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Action is a recordkeeping requirement imposed by existing regulations (section 202(b)) of the Federal Property and Administrative Services Act of 1949. Action is required by contractors to establish control of property and protect the Government's interest.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Housing Progams
Procedure for Obtaining Certificates of Insurance for Development and Modernization Projects
On occasion
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 850 responses; $0 Federal cost; 212 hours; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Hud construction documents require that PHAS obtain certificates of insurance from contractors and sub-contractors and maintain a file of these certificates during the course of the project.

Revisions

• Housing Programs
Public Housing Financing
HUD–5402
On occasion
Businesses or other institutions
Public housing agencies (PHAS)
SIC: 953
Public assistance and other income supplements: 3,300 responses; $0 Federal costs; 2,625 hours; 2 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Form HUD–5402, requisition for funds, was developed in accordance with provisions of the U.S. Housing Act of 1937, as amended, whereby HUD is empowered to make loans to public housing agencies (PHAS) to assist in financing low-income public housing projects. The form identifies the project or projects by number, amount requisitioned, the gen depository and acct number, approving officials and the date the direct advance will be repaid from the proceeds of project note sale.

• Housing Programs
Public Housing—Contract Administration
HUD–51000 A 51000 B
On occasion
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 4,500 responses; $40,000 Federal cost; 10,075 hours; 2 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for these forms pursuant to U.S. Housing Act of 1937 as amended (PL 93–383, 88 Stat 633). These forms are required submissions of contractors in connection with the construction of low-income public housing projects. Further reinstatement of the public housing program in compliance with the FY 77 Appropriations Act necessitated continued use of these forms.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Indian Affairs
Financial Status and Grant Performance Report
ED 354, 354–1
Annually
State or local governments / businesses or other institutions
Indian tribes, Indian Organ, Indian institutions, etc.
SIC: 999, 892, 941, 822
Elementary, secondary, and vocational education: 1,200 responses; $1,680 Federal cost; $36,000 public cost; 3,600 hours; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council; 202–426–5030

These forms are required from each grantee annually. The grantees report on the amount of funds spent, the amount remaining, the number of students who participated in the project, and the extent to which the project achieved objectives described in the application.

Revisions

• Bureau of Indian Affairs
Nomination for the National Advisory Council on Indian Education
ED 543
Annually
State or Local Governments/Businesses or Other Institutions
Respondents: Indian tribes and Indian organizations, etc.
SIC: 999, 892
Elementary, secondary, and vocational education: 80 responses; 80 hours; $2,800 Federal cost; 1 form; $800 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The Indian Education Act states: "There is hereby established the National Advisory Council on Indian Education which shall consist of 15 members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country."

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Extensions (Burden Change)

• Pension Benefit Guaranty Corporation
Annual Premium Filing
PEGC–1
Annually
Businesses of other institutions
Plan administrators of defined benefit pension plans
SIC: All
Small businesses or organizations
General retirement and disability insurance: 88,000 responses; 29,333 hours; $139,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

PBGC provides insurance to prevent or minimize the loss of pension benefits incurred by pension plan participants in the event their plan terminates with insufficient assets to cover pension benefits. Form PBGC–1 is the vehicle used to collect the premiums that finance the insurance program.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Highway Administration
1982–83 Nationwide Personal Transportation Study (NPTS)
NPTS–1
Other—See SF83
Individuals or Households
National sample of persons in 8,000 households
Ground transportation: 8,000 responses; 5,332 hours; $103,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The Department of Transportation and other Government and private agencies throughout the country, will use information from the NPTS to determine the nature and extent of present travel needs, evaluate and manage current programs, and plan for meeting the travel needs of the future.

• Federal Highway Administration
Hazardous Materials Instructions and Documents
On occasion
Individuals or households/businesses or other institutions
Motor Carriers Transporting Class A and B explosives
SIC: 999
Ground transportation: 125,000 responses; 3,645 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–295–7340

Motor Carriers Transporting Class A or Class B Explosives are required to furnish driver written instructions on procedures to follow in case of an accident or delay and a written route plan and copy of applicable driving and parking rules. Driver signs receipt for documents, and receipt is retained for 1 year.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Bureau of Alcohol, Tobacco and Firearms
Record of Disposition of More Than 60,000 Cigarettes
In a Single Transaction
5210/10
On occasion
Businesses or other institutions
Tobacco product manufacturers, cigarette distributors
SIC: 213
Federal law enforcement activities: 27,000,000 responses; 1,050,000 hours; $2,098 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

These records are used to trace the movement of contraband cigarettes and helps curtail the illicit traffic of cigarettes between States.

• Bureau of Alcohol, Tobacco and Firearms
Record of Things of Value Furnished to Retailers Under the Federal Alcohol Administration Act
5 190/1
On Occasion
Businesses or other institutions
Wholesale liquor dealers, wholesale beer dealers, etc.
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 9,245,450 Responses; 770,454 hours; $1,098 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

These records (bills of sale, invoices) are used to show compliance with provisions of the Federal Alcohol Administration Act which prevents wholesalers, producers, or importers from giving things of value to retail liquor dealers. These records are commercial invoices showing the furnishing of goods to retailers.

Extensions (burden change)

• Internal Revenue Service
Quarterly Federal Tax Return, Quarterly Return of Withheld Federal Income Tax, Employer's Monthly Federal Tax Return
941, 941E, 941–M, 941PR, 941SS
Monthly, Quarterly
State or local governments/businesses or other institutions
All employers who pay wages subject to income or FICA taxes.
SIC: all
Small businesses or organizations
Central fiscal operations: 19,506,040 responses; 23,950,993 hours; $37,575,013 Federal cost; 6 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Form 941 is used by employers to report payments made to employees subject to income and FICA taxes and the amounts of these taxes. Form 941E is used primarily by State and local governments to report withheld income taxes only. Form 941PR is used by employers in Puerto Rico to report FICA taxes only and form 941SS is used by employers in the U.S. possessions to report FICA taxes only. The data is used primarily to verify that the correct taxes have been paid.

Reinstatements

• Bureau of Alcohol, Tobacco and Firearms
Education/Personal History (of bureau applicant)
ATF F 8600.2 5
On occasion
Individuals or Households/businesses or other institutions
Office of admissions/registrars of univ, colleges, etc.
SIC: 822 821
Small businesses or organizations
Federal Law Enforcement Activities: 163 responses; 41 hours; $622 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Form is completed by the sponsoring bureau from data furnished by an applicant on their SF 171 "Application for Employment" and SF 86 "Security Investigation Data for a Sensitive Position." Bureau Investigators contact appropriate institutions (I.F. educational, Federal, State, local agencies) to verify the data furnished by the applicant.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

• Revision of Programming Policies and Reporting Requirements Related to Public Broadcast Licensees
On occasion
Businesses or other institutions
Pub broadcast licensees (noncommercial education stations)
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; $0 Federal cost; 0 hours; 1 form; NPRM under 3504(h)
William T. Adams, 202–395–4814

The notice of proposed rulemaking, FCC 81–367, adopted 7/30/81, initiates a review of rules and policies in three major areas, general programming responsibility, community ascertainment, and program logging requirements.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

- Five-year state plan for Voccational Education

Ed 576–2
Other—see SF83
State or local governments
State boards for vocational education
SIC: 941
Elementary, secondary, and vocational education: 57 responses; 22,800 hours; $262,500 Federal cost; 1 form; $228,000 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Section 107 of the Vocational Education Act requires state boards for vocational education to submit a five-year state plan in order to receive federal funds for vocational education programs.

- Annual Plan and Accountability Report for Vocational Education

Ed 576–3 576–4
Annually, other—see SF83
State or local governments
State boards for vocational education
Sic: 941
Elementary, secondary, and vocational education: 57 responses; 22,800 hours; $262,000 Federal cost; 2 forms; $228,000 public cost; not applicable under 3504(h)
Federal Education Data acquistion Council, 202–426–5030

Section 108 of the Vocational Education Act requires State boards for vocational education to submit annual plans and accountability reports in order to receive Federal Funds for vocationa education programs.

- Annual Evaluation Report of the State Advisory Councils for Vocational Education

ED 576–5
Annually
State or local governments
State advisory councils for vocational education
SIC: 941
Elementary, sedcondary, and vocational education: 57 responses; 28,500 hours; $175,000 Federal cost; 1 form; $285,000 public cost; not applicable under 3504(h)
Federal Education Data acquistion Council, 202–426–5030

The Vocational Education Act requires the State advisory Council to submit an annual report to the Secretary of Education Evaluating the vocational education programs conducted in its State.

Revisions

- Request for Payment of 1982–83 Award (Alternate disbursement System)

ED 304
On Occasion, annually
Individuals or households
Peil grant recipients (students), etc.
Higher Education: 82,000 responses; 27,700 hours; $300,279 Federal cost; 1 form; $277,000 public cost; not applicable under 3504 (h)
Federal Education Data Acquistion Council, 202–426–5030

Used to obtain benefits by students attending institutions that participate under the ADS system. This instrument is used to verify student enrollment and cost of attendance which is used by the secretary to determine their Pell grant award. The secretary acts as the disbursing agent on behalf of these insitituions.

- ADS Student Report (Request for Additional Payment)

ED 304–1
On occasion, semiannually, annually
Individuals or housholds
Pell grant recipients (students) and finan admin, etc.
Higher Education: 99,560 responses; 33,750 hours; $185,960 Federal cost; 1 form; $337,500 public cost; not applicable under 3504 (h)
Federal Education Data acquistion Council, 202–426–5030

This form is used by students attending institutions that participate in the Pell grant program under the alternate disbusement system to request any additional payments as well as having the financial aid administrator verify tht the student is still attending school, is eligible for his/her next payment, and that the previous information was correct.

- Cooperative Education Program Application Form 1193

Annually
State or local governments/Businesses or other institutions
Colleges and universitities
SIC: 822
Higher education: 600 responses; 6,120 hours; $165,282 Federal cost; 1 form $5,688 public cost; not applicable under 3504 (h)
Federal Education Data Acquistion Council, 202–426–5030

Application is needed by eligible applicants to apply for grant funds authorized under Title VIII, HEA, as amended. Application information is used to evaluate proposals and obligate grant funds.

- Evaluation of Student Financial Assistance Training Program (SFATP)

786–1 thru 786–8
Annually
Individuals or households
Participants in student finanasst training program, etc.
Higher education: 31,150 responses; 7,889 hours; $98,562 Federal cost; 8 forms; $91,875 Public cost; not applicable under 3504 (h)
Federal education data acquisition council, 202–426–5030

This study will determine whether training program participants are learning the curriculum, what participants think of the program, and whether the program is recruiting the people who need training the most.

Extensions (no change)

- State-Administered Vocational Education Program Improvement Contracts: Abstracts

ED 590
On occasion
State or local governments
Research coordinating units of State boards for, etc.
SIC: 941
Elementary, secondary, and vocational education: 912 responses; 228 hours; $47,780 Federal cost; 1 form; $2,280 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Section 171 of the Vocational Education Act mandates that the National Center for Research in Vocational Education act as a clearinghouse for contracts made by the States for research, exemplary and innovative programs, and curriculum development.

- Application for State Advisory Council for Vocational Education

ED 773–1, ED 773–2, ED 773–3, ED 773–4
Annually
State or local governments
State Governors or boards for vocational education, etc.
SIC: 941
Elementary, secondary, and vocational education: 114 responses; 228 hours; $5,472 Federal cost; 4 forms; $2,280 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The membership information will be reviewed to determine whether each State has legally constituted State Advisory Council, which is prerequisite to the issuance of a grant for the State Advisory Council and to the approval of the State's annual plan for vocational education. The budget will be used as

the basis for the issuance of the grant award to the State Advisory Council.

Reinstatements

• Basic Grant Program Student Validation Roster
ED 255–4
Annually
Businesses or other institutions
Post-secondary educational instit participating, etc.
SIC: 823
Higher education: 5,000 responses; 25,000 hours; $750,000 Federal cost; 1 form; $250,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The student validation roster is the vehicle which end-of-year adjustments to the authorization of BEOG funds are made, based on the actual and accepted disbursement of funds as reflected by the number of eligible BEOG recipients at the institution.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Revisions

• Lag Service Reports
AA–12, G–88A, G–88E
On occasion
Businesses or other institutions
Railroad employers
SIC: 401
Small businesses or organizations
General retirement and disability insurance: 30,800 responses; 3,017 hours; $862,800 Federal cost; 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

The reports obtain the current service and compensation of an employee not yet reported to the Board. This lag information is used to determine entitlement to and amount of annuity applied for to furnish SSA with requested earnings for an applicant under the SS Act and to pay benefits due on a deceased employee's earnings record.

Extensions (Burden Change)

• Appeal Under the Railroad Retirement Act
AC–1, AC–2
On occasion
Individuals or households
Claimants for benefits under the Railroad Retirement Act.
General retirement and disability insurance: 800 responses; 267 hours; $466,000 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Under Section 7(b)(3) of the Railroad Retirement Act, a person aggrieved by decision on his or her application for an annuity or other benefit has the right to appeal to the Agency. The application will provide the means for initiating the appeals action.

• Request to Non-Railroad Employee for Information About Annuitant's Work and Earnings
RL–231–F
On occasion
Businesses or other institutions
Non-railroad employers
SIC: 999
General retirement and disability insurance: 4,000 responses; 500 hours; $200,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Under the Railroad Retirement Act, benefits are not payable if an annuitant works for an employer covered under the act or last non-railroad employer. The request will obtain from a non-railroad employer information on an annuitant's work and earnings. The information will be used for determining if benefits should be withheld.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Extensions (Burden Change)

• Request for Information Concerning Medical, Legal or Other Expenses
21–8416
On occasion
Individuals or households
Vets in receipt of non-svc-connected pension benefits
Income security for veterans: 56,400 responses; 14,000 hours; $82,451 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

VA form 21–8416 is used to obtain information regarding medical, legal and other expenses incurred in connection with the receipt of civilian disability retirement benefits. Any such expenses, unreimbursed, are deductible from the payments received for the year in which the expenses are paid in computing annual income for Veterans Administration purposes, as authorized by 38 CFR 3.262.

• Application for Automobile or Other Conveyance and Adaptive Equipment
21–4502
On occasion
Individuals or households
Veterans and svc members with service related disability
Income security for veterans: 1,500 responses; 375 hours; $74,135 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

VA form 21–4502 is used to obtain information necessary to determine eligibility for payment by the Veterans Administration towards the purchase of an automobile or conveyance and/or adaptive equipment for a vehicle as authorized by 38 CFR 3.808.

Arnold Strasser,
Acting Chief, Reports Management Branch.

[FR Doc. 82–287 Filed 1–5–82; 8:45 am]
BILLING CODE 3110–01–M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan: Southland Corporation

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Southland Corporation an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 in connection with Southland's purchase of assets of the Merritt Foods Corporation. A notice of Southland's request for exemption from the requirement was published on September 22, 1981 (46 FR 46858). The effect of this notice is to advise the public of the exemption.

ADDRESS: The request for an exemption, the comment received and the exemption letter are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street NW., Washington, D.C. 20006; (202) 254–4862.

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"). As a result of the Multiemployer Act, and employer that withdraws or

partially withdraws from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. Section 4204(a)(1) of ERISA, 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) if the variance would "more effectively or equitably carry out the purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption. On September 22, 1981 (46 FR 46858), the PBGC published a request from the Southland Corporation ("Southland") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA in connection with a purchase by Southland of the operating assets of Merritt Foods Corporation ("Merritt"). According to Southland's request for an exemption, Southland has assumed Merritt's obligation to contribute to the Central States, Southeast and Southwest Areas Pension Fund (the "Fund"). Southland has obtained a bond for $159,654.00, the amount of contributions required to be paid by Merritt for the 1980 plan year. The bond would be paid to the Fund if Southland withdraws from the plan or fails to make a contribution when due during the first five plan years after the sale. The bond would be cancelled if the exemption request is granted.

According to its audited financial statement for the fiscal year ending on December 31, 1980, Southland had net assets of $554 million. Southland's average net income for 1978, 1979 and 1980 was approximately $72.6 million. According to a subsequent unaudited statement, Southland had net assets of $572.8 million as of June 30, 1981 and net income of $31.7 million for the 6-month period ending June 30, 1981.

In response to the notice of pendency of the exemption, PBGC received only one comment. This comment, from the Fund, objected to the exemption on the ground that "the bond/escrow requirements of the statute [are] a further deterrent against both prospective contribution delinquencies and withdrawals from multiemployer plans. . . . Rather than limit a plan's recourse only to the courts, Congress intended by ERISA section 4204 to provide an alternative self-help remedy in assets sales transactions." The letter from the Fund pointed out that Congress did not distinguish in section 4204 between purchasers based on their relative financial positions.

PBGC finds, however, that the bond/escrow requirement of section 4204(a)(1)(B) is intended to ensure that the purchaser is financially viable at the time of the sale; it is not intended primarily as an alternative collection mechanism. The bond or escrow does not act as a deterrent against contribution delinquencies or withdrawals, since the amount of the bond or escrow, if paid to the plan, merely reduces the amount of contributions or withdrawal liability owed to the plan. *See* section 4204(a)(4). Thus, it does not provide an effective "self-help remedy" for the plan. Instead, the bond or escrow demonstrates the purchaser's financial ability to meet its obligations to the plan. Southland's net assets and annual income are more than sufficient to assure that Southland was capable of meeting its obligations to the Fund at the time of the sale and indicate a likelihood that Southland will be able to meet such obligations in the future.

The Fund also objected that an exemption granted to Southland would encourage other purchasers to request the exemption and would serve as a precedent for granting such requests. In determining whether to grant the exemption to Southland, PBGC considered Southland's financial condition as evidenced by its net worth and net income. Other purchasers who are similarly situated in terms of their contributions to the Fund and the required amount of the bond may or may not have financial resources sufficient to justify an exemption. PBGC will examine each request on an individual basis.

Finally, the Fund suggested that an appropriate standard for granting exemptions or variances for the bond/escrow requirement would be a finding that the requirement would frustrate a sale by a bankrupt employer to a solvent ongoing purchaser who would continue to make contributions to the plan. This guideline is set forth in Multiemployer Bulletin No. 2, issued by PBGC on July 1, 1981, as one example of a situation in which it would be appropriate for the plan sponsor to waive the seller's bond or escrow under section 4204(a)(3) of ERISA. PBGC finds that this standard is inappropriate in the case of the purchaser's bond (escrow) since the two bonds are required in very different circumstances and serve very different purposes. (The seller's bond is required only upon liquidation of substantially all of the seller's assets. The bond is in the amount of the full withdrawal liability the seller would have had but for section 4204, and is realized upon in the event that the seller's secondary liability under the section accrues.)

Based on the material submitted by Southland and after consideration of the objections raised by the Fund, PBGC has determined that exemption from the bond/escrow requirement would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, Southland was granted an exemption from the bond/escrow requirement on December 30, 1981. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Issued at Washington, D.C. on this 30th day of December, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-228 Filed 1-5-82; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12132; (811-1544)]

Eaton & Howard Special Fund, Inc.; Filing of an Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

December 30, 1981.

Notice is hereby given that Eaton & Howard Special Fund. Inc. ("Applicant"), 24 Federal Street, Boston, MA 02110, registered under the Investment Company Act of 1940

("Act") as an open-end, diversified, management investment company, filed an application on November 3, 1981, for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Massachusetts corporation, registered under the Act on October 4, 1967, and on December 29, 1967, it filed a registration statement (File No. 2–27961) under the Securities Act of 1933 covering 5,000,000 shares of its common stock in connection with a proposed public offering of its shares. The registration statement was declared effective by the Commission on April 22, 1968, and Applicant commenced a public offering of shares of its common stock on April 23, 1968.

On June 19, 1981, at a meeting of Applicant's shareholders, holders of more than two-thirds of the issued and outstanding shares of common stock of Applicant approved an Agreement and Plan of Reorganization ("Plan") dated April 1, 1981, which provided that Applicant would transfer all of its assets, subject to liabilities, to Vance, Sanders Special Fund, Inc. ("Vance Special") in exchange for shares of beneficial interest of Vance Special. The application further states that the transfer of assets became effective on June 19, 1981, and that 1,151,546.943 Vance Special shares having an aggregate net asset value of $18,315,204.70 have been distributed to the accounts of Applicant's shareholders in proportion to their ownership of Applicant's shares. The Vance Special shares distributed to Applicant's shareholders are subject to stop orders preventing redemption and dividend payments until certificates for the corresponding Applicant shares are surrendered. Since June 19, 1981, certificates for approximately 232,000 shares, held by 1716 shareholders, had not been surrendered. Since June 18, 1981, Applicant has had no assets or liabilities.

All assets and liabilities were assumed on that date by Vance Special, pursuant to the Plan. Applicant states that it is not a party to any pending litigation or administrative proceeding and that it has not within the last 18 months transferred any of its assets to a separate trust the beneficiairies of which were or are shareholders of Applicant.

The application finally states that on July 10, 1981, Applicant filed Articles of Dissolution with The Commonwealth of Massachusetts; that under Massachusetts law the existence of the corporation has ceased except for those purposes necessary to close its affairs; and that Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-306 Filed 1-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12127; (812–4884)]

Financial Institutions Series Trust; Filing of Application for an Order Granting Exemptions

December 28, 1981.

Notice is hereby given that Financial Institutions Series Trust ("Applicant"), 165 Broadway, New York, NY 10080, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 3, 1981, and an amendment thereto on November 16, 1981, requesting an order of the Commission pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value the assets of its various series pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

According to the application, Applicant is an unincorporated business trust organized under the laws of Massachusetts as a money market fund which will be comprised of separate series each of which will be a separate portfolio offering a separate class of shares to selected groups of purchasers. The only existing series is the Overland Express Money Market Fund ("Overland Fund") which offers its shares exclusively to customers, officers, directors and employees of Wells Fargo & Company and any of its affiliates. Applicant states, however that its board of trustees has the authority to create an unlimited number of additional series. Overland Fund's investment objectives, as set forth in the application, are to seek current income, preservation of capital and liquidity available from investing in short-term money market securities consisting of United States Government securities, Government agency securities, bank money instruments (principally certificates of deposit, time deposits and banker's acceptances), corporate debt instruments including commercial paper and variable amount master demand notes, and repurchase and reverse repurchase agreements.

Accordingly to the investment policies described in its prospectus, Overland Fund has authority to invest in variable rate certificates of deposit. Applicant asserts that with respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted on a

monthly cycle, Applicant may use the period remaining until the next rate adjustment date for purposes of determining the average weighted maturity of the Overland Fund. Applicant agrees that until such time as the Commission has determined otherwise, it will use the remaining period to maturity of all other variable rate instruments for purposes of determining the average weighted portfolio maturity of the Overland Fund.

Overland Fund's investment policies also provide authority to invest in time deposits and repurchase agreement maturing in more than seven days. Applicant represents that Overland Fund will not invest more than 10 percent of its total assets (taken at market value) in illiquid securities including securities for which no readily available market exists such as reverse repurchase agreements maturing in more than seven days and time deposits. In addition, Applicant represents that to the extent the Overland Fund enters into reverse repurchase agreements or other arrangements described in Investment Company Act Release No. 10666 (April 18, 1979), it will do so in compliance with the conditions specified therein and with any subsequent interpretations of the Commission.

According to the application, the Overland Fund will invest, subject to the following limitations, only in United States dollar-denominated debt obligations issued or guaranteed by the Federal government, Federal government agencies, or certain banks, savings and loan associations, and corporations. Bank money instruments must be issued by commercial and savings banks and savings and loan associations with total assets of at least $1 billion, based upon latest published reports, except that the Overland Fund may invest up to 10% of the value of its total assets (taken at market value at the time of such investment) in securities issued by banks and savings and loan associations with assets of less than one billion dollars if the principal amount of such security is fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The savings banks and savings and loan associations must be organized and operating in the United States. The obligations of commercial banks may be issued by United States banks, foreign branches of United States banks ("Eurodollar" obligations) or United States branches of foreign banks ("Yankeedollar" obligations). The Overland Fund's commercial paper investments at the time of purchase will be rated "A–1" or "A–2" by Standard & Poor's Corporation or "Prime–1" or "Prime–2" by Moody's Investors Service, Inc., or, if not rated, will be of comparable quality as determined by its board of trustees. The Overland Fund's investments in corporate bonds and debentures (which must have maturities at the date of purchase of one year or less) must be rated at the time of settlement at least "AA" by Standard & Poor's or "Aa" by Moody's.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that it is seeking an exemptive order which would be applicable to the Overland Fund and any additional money market fund series that may be established in the future which adhere to the conditions set forth below. Therefore, Applicant agrees that any references hereinafter to Applicant will include the Overland Fund and any additional money market fund series adhering to such conditions and which invests only in the types of securities described in the propectus attached to the application as Exhibit A thereof and to the limitations on investment policies described above.

Applicant represents that it is seeking the exemptive order requested herein to use the amortized cost method to value its portfolio securities because it believes that many of its potential investors will require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicant further believes that many of such investors will seek other investment alternatives, including other money funds using the amortized cost method, if such investors cannot be reasonably assured that Applicant's shares will be priced at a constant net asset value per share. Applicant asserts that the use of the amortized cost method greatly facilitates the maintenance of a constant net asset value.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that its board of trustees has determined in good faith that, absent unusual circumstances, the amortized cost method of valuing portfolio securities represents the fair value of money market instruments. Applicant states that it believes the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that the Commission issue an order pursuant to section 6(c) of the Act exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute the net asset value per share of the Overland Fund series and any future series established by Applicant which adopt the same investment

policies and restrictions that have been adopted by the Overland Fund as set forth in the application or in the prospectus attached thereto as Exhibit A.

Applicant agrees that any description or limitation on investment policies described in the application shall, for all its series acting pursuant to any order granting the exemptions requested, have precedence over the descriptions and limitations set forth in Exhibit A to the application. Applicant further agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of cared owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution and redemption, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) If the board of trustees believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-306 Filed 1-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12128; (812–4993)]

Real Estate Associates Limited IV, National Partnership Investments Corp., and National Partnership Investments Associates; Filing of Application for Exemption From all Provisions of the Act

December 29, 1981.

Notice is hereby given that Real Estate Associates Limited IV ("REAL IV"), a California limited partnership, and its general partners, National Partnership Investments Associates ("General Partner" and, together with REAL IV, collectively referred to hereinafter as "Applicants"), 1901 Avenue of the Stars, Los Angeles, California 90067, filed an application on October 15, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting

REAL IV from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that REAL IV was formed under the California Limited Partnership Act on August 24, 1981, and is designed to implement the policy of Title IX of the Housing and Urban Development Act of 1968 to provide private investors with a means of acquiring equity interests in government-assisted low and moderate income housing. It is further stated that REAL IV will acquire limited partnership interests in local limited partnerships ("Local Limited Partnerships") which own or lease government-assisted rental housing projects for low and moderate income persons.

Applicants state that REAL IV is organized as a limited partnership because a limited partnership is the only form of organization which provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deductions, losses, credits and other tax items a partnership can pass through to its partners. Therefore, it is stated, REAL IV will operate as a "two tier" partnership; i.e., REAL IV, a limited partnership, will invest primarily in other limited partnerships which, in turn, will be engaged in the development, building, ownership, or leasing of government-assisted housing for low and moderate income persons.

Applicants further represent that one of the primary objectives of REAL IV is to pass through to its partners during the early years of the partnership net losses which may be used to offset other taxable income. It is stated that other primary objectives of REAL IV are to invest in projects which will appreciate in value and to obtain reasonable protection for its capital investments.

Applicants further state that REAL IV has filed a registration statement under the Securities Act of 1933, as amended ("Securities Act"), covering the sale of 240 to 3,300 ("Units") at $5,000 per Unit. It is further stated that each Unit consists of two limited partnership interests and a warrant to purchase two additional limited partnership interests, exercisable by January 22, 1983 ("Warrants"). Applicants state that the Warrants will entitle an investor to purchase the related limited partnership interests for $2,500 each, the equivalent price per limited partnership interest acquired pursuant to the purchase of a Unit. It is also stated that in the event that any Warrant is not exercised, the respective limited partnership interests may be sold by REAL IV to other qualifying offerees.

Offers to sell and sales of Units to the public are proposed to be effected through E. F. Hutton & Company Inc. and other selected members of the National Association of Securities Dealers, Inc., none of which will own or owns any interest in either of the General Partners or will have or has any other material relationship with their directors, officers or partners. Such broker-dealers, it is represented, will use their best efforts as agents for REAL IV and thereafter to sell any limited partnership interests avaiable upon the non-exercise of the Warrants.

In addition, Applicants state that no subscription for Units will be accepted unless the subscribing investor represents (1) that he has a net worth of at least $30,000 and an annual gross income of at least $30,000, or that he has a net worth of at least $200,000, or that he is purchasing in a fiduciary capacity for a person or entity which has such net worth and annual gross income; and (2) that he is aware of the risks involved in investing in REAL IV. Applicants also state that the subscribing investor also must represent that some part of his annual income for 1982 will be taxable at the Federal tax rate of 38% or more, and that he anticipates some part of his income for the next four years will, but for the effect of his investment in Units and limited partnership interests or other tax shelters, be taxable at such 38% rate. In addition, it is stated that, the Certificate and Agreement of Limited Partnership Agreement of REAL IV ("Partnership Agreement") will require that until January 1, 1987 each transferee of Units must represent that he meets the suitability standards set forth above.

Applicants state that the General Partners will be entitled to receive 1% of REAL IV's profits, losses and distributions subject to the conditions that their 1% share of net cash flow will be reduced each year by the amount of annual management fees which are paid or payable to them in that year. In addition to their 1% participation in REAL IV's profits, losses and distributions, it is stated that the General Partners will receive certain fees for overseeing the conduct of REAL IV's affairs and the continuing operation of each project. Applicants represent that those fees are in substantial conformity with the standards established by the Midwest Securities Commissioners (now part of the North American Securities Administrators Association) and the California Corporations Commissioner, and that to the best of their knowledge all such fees are in compliance with the current rules promulgated by such authorities.

During REAL IV's operational period, Applicants state, the General Partners will receive, in consideration for their management services, an annual fee in an amount equal to 0.4% of invested assets to be paid out of REAL IV's general funds. Applicants note that this annual management fee will be applied against the General Partner's 1% share of REAL IV's net cash flow. Finally, when a project is sold, it is stated, the General Partners will receive a liquidation fee based upon the net proceeds only after payment to the limited partners of their invested capital in the project, plus an amount sufficient to pay their federal and state taxes.

Applicants further note that REAL IV's will file with the Commission pursuant to section 15(d) of the Securities Exchange Act of 1934 all required annual reports, quarterly reports, and current reports on Forms 10-K, 10-Q and 8-K, as well as any other reports required by such Act.It is further stated that the General Partners will also send each limited partner a year-end report containing financial statements audited by REAL IV's independent accountants and tax information necessary for the preparation of each limited partner's federal income tax return. In addition, Applicants state that each limited partner will receive a report at least semiannually of REAL IV's activities and the operational status of its investments, as well as interim reports regarding acquisitions.

Applicants state that under the California Limited Partnership Act, and under the terms of the Partnership Agreement, the corporate General Partner, which has registered as an investment adviser under the Investment Advisers Act of 1940, and the non-corporate General Partner, are fiduciaries of REAL IV and its limited partners. In addition, Applicants state under the Partnership Agreement, the officers and directors of the corporate General Partner and the partners of the non-corporate General Partner will be indemnified only when a court finds that such persons's conduct fairly and equitably merits indemnity in the amount claimed.

Without conceding that REAL IV is an investment company as defined in the Act, Applicants request that REAL IV be exempted from the provisions of the Act

pursuant to section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of REAL IV from all provisions of the Act is both necessary and appropriate in the public interest. Applicants assert that the form of organization of REAL IV, i.e., a limited partnership, which is necessary to limit the liability of private investors investing in subsidzed low and moderate income housing, is incompatible with the regulatory framework of the Act. Applicants contend that to discourage the two-tier limited partnership arrangement by application of the Act would eliminate the primary means of attracting private equity capital into government-assisted housing and would frustrate the national policy declared by Congress "to encourage the widest possible participation by private enterprise in the provision of housing for low and moderate income persons."

Notice is further given that any interested person, may not later than January 25, 1982, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc 82-308 Filed 1-6-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34–18377; File No. SR–NASD–81–23]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule is to increase from $50 to $100 per hearing session the honorarium paid to persons who serve on a panel of NASD arbitrators.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The present honorarium of $50 per hearing session was approved in 1977. The Association believes that in recognition of the time and effort expended by individuals who determine controversies involving the business of Association members, this figure should be increased to $100 per session. This increase will allow the Association to continue to attract and retain qualified persons to serve on arbitration panels. The retention of qualified arbitrators will ensure the continued effectiveness of the arbitration system, which enables members of the securities industry and the public to resolve their disputes efficiently and economically. Thus, the proposed change is consistent with the Association's mandate, contained in section 15A(b)(6) of the Securities Exchange Act of 1934 (the Act), to promote just and equitable principles of trade and to protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change will not place any burden on competition. The Association is not proposing to increase the schedule of fees for arbitration contained in section 43 of Part III of the Code.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

Section 7 of the Code provides that it may be amended by the Board without recourse to the membership. Thus, no comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before February 10, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 27, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 29, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-295 Filed 1-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12130; (812-4887)]

United States & Foreign Securities Corp.; Filing of Application for an Order Exempting Applicant

December 29, 1981.

Notice is hereby given that United States & Foreign Securities Corporation ("Applicant"), 767 Fifth Avenue, New York, New York 10153, a closed-end diversified investment company registered under the Investment Company Act of 1940 ("Act") filed an application on June 5, 1981, with amendments thereto on September 28, 1981 and October 20, 1981, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 12(d)(3) of the Act so that Applicant can continue to own all the outstanding capital stock of a subsidiary, which will register under the Investment Advisers Act of 1940 ("Advisers Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Maryland corporation, states that it is internally managed by its own directors, officers and employees. Applicant further states that in 1979, its directors determined that it was desirable (1) to try to increase income and (2) to enhance the ability of Applicant to attract and retain highly qualified management and personnel through the extended use of Applicant's research staff and facilities to render investment management services to pension funds, profit sharing funds and others with investment objectives similar to those of Applicant. To this end Applicant states that it has received the approval of its shareholders to provide investment and advisory services to others through a wholly-owned subsidiary, Keswick Associates, Incorporated ("Keswick"). Applicant anticipates that there will be substantial overlap between securities held by it and the securities held in portfolios managed by Keswick. Applicant further states that it will be its policy and that of Keswick to deal fairly with all portfolios not giving priority to its own portfolio or those managed by Keswick. Applicant will accomplish this by fixing in advance the total number of shares of each security to be bought or sold for all accounts and for each account and then allocating in the proportions so determined. Finally, Applicant states that while it registered under the Advisers Act on April 30, 1979, to date neither it nor Keswick has acquired any advisory accounts.

Applicant represents that it has decided to conduct all or part of its advisory business through Keswick rather than directly in order to maintain its tax status as a regulated investment company under the Internal Revenue Code of 1954 ("Code"). Applicant submits that section 851(b)(2) of the Code limits the amount of advisory business which Applicant may conduct and not lose its tax-exempt status. Further, Applicant represents that it would like the flexibility to make a business determination of whether to provide the services itself or to have Keswick provide them. Finally, Applicant represents that the use of a separate entity would facilitate the marketing of its advisory services by demonstrating Applicant's commitment to that business.

Applicant states that Keswick will be adequately capitalized to meet its financial obligations. Applicant represents that expenses incurred in performing investment management services, other than direct expenses, will be allocated between Applicant and Keswick in a manner that will assure no layering of expenses. Applicant states that, with the exception of one individual to market the advisory business and possibly a secretary for this individual, it is not anticipated that Keswick will have any officers, directors or employees other than persons employed by Applicant. These officers, directors and employees will not be compensated solely as a result of serving as officers, directors or employees of Keswick.

Section 12(d)(3) of the Act, in pertinent part, makes it unlawful for any registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is either an investment adviser of an investment company or an investment adviser registered under the Advisers Act. Applicant's interest in Keswick would violate the provisions of section 12(d)(3).

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally, exempt any person, securities or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests an order of the Commission, pursuant to section 6(c) of the Act, exempting it from the provisions of section 12(d)(3) of the Act so that it can conduct an advisory business through its wholly-owned subsidiary, Keswick.

In support of the requested exemption, Applicant asserts that the procedures and policies that it has adopted with respect to Keswick and the operation of the advisory business ensure that Applicant's interest in Keswick will be appropriate and consistent with the protection of investors and the purposes intended by the policies and provisions of section 12(d)(3) of the Act. Applicant states that its board of directors has considered the possibility of additional risks arising from the advisory business and has extended its indemnification arrangements and fidelity bond to cover its own officers and directors acting in their capacity as officers and directors of Keswick. In addition, Applicant's fidelity bond will cover all employees of Keswick.

In addition, Applicant has consented to the imposition of the following conditions to any order issued herein:

1. Applicant's board of directors expressly recognizes its fiduciary responsibility to oversee on a continuing basis and approve (by at least a vote of a majority of the directors of Applicant who are not "interested persons" of Applicant as defined in the Act) at least annually the compensation of officers of Applicant and of the Subsidiary, Keswick.

2. Applicant's board of directors will review at least annually the investment advisory business of Applicant and Keswick in order to determine whether or not such business should be continued and whether or not the benefits derived by Applicant warrant the continuation of the investment advisory business and the ownership by Applicant of Keswick and, if appropriate, approve (by at least a vote of a majority of the directors of Applicant who are not "interested persons" of Applicant as defined in the Act) at least annually such continuation.

3. Applicant will, consistent with its normal shareholder communications practices, which include the preparation and mailing of annual, semi-annual and quarterly reports, and proxy statements, advise its shareholders of the creation of Keswick, the implementation through Keswick of an expansion of its outside advisory services and an assessment of whatever risks, if any, are associated

therewith promptly after the entry of the requested order.

4. The effectiveness of any order issued herein shall be conditioned upon Applicant's continued tax status as a regulated investment company within the meaning of section 851 of the Code.

5. Applicant undertakes, without prejudice to the right of its board of directors to dispose to unaffiliated persons the equity interest of applicant in Keswick in its entirety, that it will at all times own beneficially and of record all of the issued and outstanding shares of capital stock of Keswick and will cause Keswick not to issue any authorized but unissued shares of its capital stock to any person other than Applicant.

Notice is further given that any interested person may, not later than January 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-307 Filed 1-5-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective January 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 13.955% per annum.

Dated: December 28, 1981.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-229 Filed 1-5-82; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Solicitation of Public Views on the Extension, Reduction, or Termination of Import Relief for Certain Clothespins

On February 23, 1979, the President issued Proclamation 4640 implementing import relief in the form of temporary quantitative limitations on the importation of certain clothespins described in item numbers 925.11, .12 and .13 of the Tariff Schedules of the United States. That action was taken pursuant to Section 203(a) of the Trade Act of 1974 (19 U.S.C. 2253) (the Act), in response to a finding by the U.S. International Trade Commission (USITC) that the domestic industry producing like or directly competitive products was suffering from serious injury substantially caused by increased imports of such products. The import relief will expire on February 22, 1982, unless extended by the President. Pursuant to Section 203(h)(3) of the Act, the President may extend the import relief after receiving advice from the USITC and taking into account the considerations in Section 202(c) of the Act.

On December 7, 1981, the USITC reported to the President its advice under Sections 203(i)(2) and (i)(5) of the Act as to the probable economic effects of such expiration, which was summarized as follows: "Based on the information before us, the Commission advises that relief for certain clothespins be extended at present levels for 3 years. The domestic industry needs additional time in which to complete its adjustment process. Termination or reduction in relief at this time is likely to lead to a large increase in imports. This result would seriously undermine the adjustment effort." (See USITC Report Number TA-203-12 of December 1981 for further details.)

The Office of the United States Trade Representative chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take with respect to an extension. Interested persons are invited to submit written briefs to the Trade Policy Staff Committee on the probable effects of any extension of import restrictions currently in effect for certain clothespins, specifically with respect to the factors enumerated in subsections 202(c)(8) through (9) of the Act. Briefs should be submitted in twenty (20) copies to the Secretary, Trade Policy Staff Committee, 600 17th Street, N.W., The Winder Building, Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received by the Secretary no later than the close of business, Friday, January 15, 1982.

For further information, contact Hiram Lawrence, Room 415 (202–395–3475). Legal questions should be directed to Mike Hathaway, Room 221 (202–395–3432).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 82-227 Filed 1-5-82; 8:45 am]

BILLING CODE 3195-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 3
Wednesday, January 6, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	2, 3
Federal Deposit Insurance Corporation	4, 5
Federal Trade Commission	6
International Trade Commission	7

1

CIVIL AERONAUTICS BOARD

[M–340, December 31, 1981]

TIME AND DATE: 10:00 a.m. (closed), 2:00 p.m. (open), January 7, 1982.

PLACE: Room 1012 (closed), Room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Docket 30938, *Pacific Common Fares Investigation*, final decision by the Board. (Memo 967, OGC)
2. Discussions on Negotiations with ECAC. (BIA)
3. Discussion of upcoming negotiations with Japan. (BIA)
4. Discussion of upcoming negotiations with China. (BIA)
5. Ratification of items adopted by notation.
6. Dockets 20051 and 20700, Petition for Reconsideration of Order 81–10–152 to the extent that it disapproves the Washington National Commuter Airline Association scheduling committee agreement and withdraws antitrust immunity. (BDA, OGC, OEA)
7. Docket 40048, *Petition of Southeast Alaska Airlines, Inc., for a Temporary Mail Rate.* (BDA)
8. Docket 40191, Certificate Application of Harold's Air Service Filed Under Subpart Q. (Memo 1000, BDA)
9. Docket 39677, Air Continental, Inc.—Application for a section 418 All-Cargo Air Service Certificate. (BDA)
10. Commuter carrier fitness determination of Emerald Air, Inc. d.b.a. Emerald Airlines. (Memo 1007, BDA)
11. Commuter carrier fitness determination of Princeton Airways, Inc. (Memo 1008, BDA)
12. Commuter carrier fitness determination of Lawrence Aviation, Inc. (Memo 1010, BDA)
13. Commuter carrier fitness determination of Aero Coach Aviation International, Inc. d.b.a. Aero Coach. (Memo 1001, BDA)
14. Commuter carrier fitness determination of California Air Express. (Memo 1002, BDA)
15. Commuter carrier fitness determination of Jeffery D. Haddock & Ronald A. Watson d.b.a. Valdez Airlines. (Memo 1003, BDA)
16. Docket 38224, Notice of Perkiomen Airways, Ltd. d.b.a. Air Pennsylvania of intent to terminate service at Hazelton, Pennsylvania. (Memo 012G, BDA, OCCR)
17. Docket EAS–389, Essential Air Transportation Determination of Sun Valley/Hailey/Ketchum, Idaho. (Memo 924A, BDA, OCCR, OGC)
18. Dockets 39820 and EAS–856, Proposals for essential air service between Parkersburg, West Virginia and Columbus, Ohio. (Memo 701A, BDA, OCCR)
19. Dockets 40231, EAS–596, 40238—Frontier's notices to suspend all service at Vernal, Utah, and in the Rock Springs, Wyoming-Salt Lake City market. (Memo 1004, BDA, OGC, OCCR)
20. Docket 39632—Final rule changing the notice requirements for terminations, suspensions, and reductions of service by certificated airlines to reflect the change in the Board's statutory authority at the end of the year. (Memo 490A, OGC, BDA)
21. Domestic baggage liability rules. (Memo 1009, OGC, BCCP)
22. Dockets 30699, 30790, 34579, 36004, 36982, and 34485, *Oakland Service Case, U.S.-Benelux Low-Fare Proceeding, Application of Aeroamerica, Inc., for sections 408 and 409 Approval, Application of Aeroamerica, Inc. for Certificate Authority, Application of Aeroamerica, Inc. for an Exemption.* (Memo 143–B, OGC)
23. Docket 32851, IATA Agreements Relating to Traffic Conferences, Agreement CAB 1175. (OGC, BIA)
24. Docket 29977 and 39615—Applications of various foreign air carriers for blanket Statements of Authorization to operate Fifth Freedom charters without prior approval. (Memo 432C, BIA)

STATUS: 1–4 Closed; 5–24 Open.

PERSON TO CONTACT: Phyllis T. Kaylor, *the Secretary;* (202) 673–5068.

[S–0–82 Filed 1–4–82; 3:15 pm]

BILLING CODE 6320–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND PLACE: Commission Meeting, 9:30 a.m., Thursday, January 7, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Baby Walkers*
   The staff will brief the Commission on issues related to the safety of baby walkers and present staff recommendations for action.
2. *High Chairs*
   The staff will brief the Commission on the CPSC staff evaluation of the existing voluntary standard for high chairs (ASTM F404–75).
3. *Strings and Elastics*
   The staff will brief the Commission on CPSC staff activities to date concerning strangulation hazards associated with strings, cords, and elastics on children's products.
4. *Vinyl Products Used with Infants*
   The staff will brief the Commission on CPSC activities to date concerning suffocations related to vinyl or vinyl coated products used with infants.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Washington, D.C. 20207; Telephone: (301) 492–6800.

[S–1–81 Filed 1–4–82; 10:48 am]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND PLACE: Commission Meeting, 10 a.m., Wednesday, January 6, 1982.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Hazard Data Task Force Report*
   The Commission and staff will continue to discuss the Report of the Hazard Data Task Force, which addresses issues involving the collection and use of hazard data. The staff briefed the Commission on this matter at the December 11, 1981, Commission meeting.
2. *Prednisone Petition, PP81–1*
   The Commission will consider a petition in which Mayrand Pharmaceuticals, Inc. requests exemption from child-resistant packaging for prednisone tablets in packages containing not more than 105 milligrams of the drug.
3. *Briefing on Chemical Identification* (Screening)
   The staff will brief the Commission on the process established by staff to determine chemical use patterns in consumer products and to identify emerging chemical hazards.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

4. *Enforcement Matter, OS #1073*

The Commission and staff will discuss issues related to an enforcement matter under the Consumer Product Safety Act.

5. *Enforcement Matter, OS #1065, 1065–A*
The Commission will consider issues related to an enforcement matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Washington, D.C. 20207; Telephone: (301) 492–6800.

[S–2–82 Filed 1–4–82; 10:40 am]
BILLING CODE 6355–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, January 11, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: January 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–3–82 Filed 1–4–82; 2:53 pm]
BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 11, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: January 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–4–81 Filed 1–4–82; 2:56 pm]
BILLING CODE 6714–01–M

6

FEDERAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Thursday, January 7, 1982.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the Public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in International Telephone & Telegraph Corporation et al., Docket 9000.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in International Telephone & Telegraph Corporation et al., Docket 9000.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S–5–82 Filed 1–4–82; 2:58 pm]
BILLING CODE 6750–01–M

7

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Thursday, January 14, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Certain multi-purpose power woodworking tools (Docket No. 783).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: KENNETH R. MASON, SECRETARY, (202) 523–0161.

[S–7–82 Filed 1–4–82; 4:00 pm]
BILLING CODE 7020–02–M

V
4
7
/
3.
J
A
6
8
2

federal register

Wednesday
January 6, 1982

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Advisory Committee Meeting; Recombinant DNA Research, Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee at the Marriott Hotel, Salon D and E, 5151 Pooks Hill Rd., Bethesda, Maryland 20014, on February 8, 1982, from 9:00 a.m. to recess at approximately 6:00 p.m., and, if necessary, on February 9, 1982, from 8:30 a.m. to 5:00 p.m. This meeting will be open to the public to discuss:

Proposed major revision of Guidelines
Amendment of Guidelines
E. coli K–12 host-vector systems
Host-vector systems other than *E. coli* K–12
Risk-assessment
Review of protocols for required containment levels
Proposed exemptions to Guidelines
Other matters requiring necessary action by the Committee

Attendance by the public will be limited to space available.

Dr. William J. Gartland, Jr., Executive Secretary, Recombinant DNA Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone (301) 496–6051, will provide materials to be discussed at the meeting, rosters of committee members, and substantive program information. A summary of the meeting will be available at a later date.

In addition, notice is hereby given of a meeting of the Large Scale Review Working Group sponsored by the Recombinant DNA Advisory Committee at the National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20205, on February 9, 1982, after adjournment of the meeting of the Recombinant DNA Advisory Committee, from approximately 2:00 p.m. to 5:00 p.m. The meeting will be open to the public. Attendance will be limited to space available.

Further information may be obtained from Dr. Elizabeth Milewski, Executive Secretary, Large Scale Review Working Group, NIAID, Building 31, Room 4A52, Bethesda, Maryland, telephone (301) 496–6051.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8–(b)–(4) and (5) of that Circular.

Dated: December 22, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82–21 Filed 1–5–82; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its February 8–9, 1982 meeting, the Director of the National Institutes of Health will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by February 5, 1982.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following actions under the Guidelines for Research Involving Recombinant DNA Molecules.

1. Request for Permission to Clone Subgenomic Segments of Foot and Mouth Disease Virus

Molecular Genetics, Inc., of Minnetonka, Minnesota, requests approval to transfer *E. coli* K–12 cDNA clones comprising less than 75% of the entire genome of Foot and Mouth Disease Virus from the Plum Island Animal Disease Center to its research facility at 10320 Bren Road East, Minnetonka, Minnesota, and to conduct experiments with these clones under P1 containment conditions.

2. Request to Clone Plant DNA in the Cyanobacterium Anacystis Nidulans

Dr. Lawrence Bogorad of Harvard University requests permission to initiate, at P1 containment, a program involving the cloning in the cyanobacterium *Anacystis nidulans* (strain R2) of DNA from chloroplasts of various plants (initially primarily from *Zea mays*). Dr. Bogorad would employ the plasmid vector pUC104, a construct of the cyanobacterial plasmid pUC1 and the *E. coli* vector pACYC184.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government

programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8–(b)–(4) and (5) of that Circular.

Dated: December 17, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases.

[FR Doc. 82–22 Filed 1–5–82; 8:45 am]

BILLING CODE 4140–01–M

V
4
7
/
3
J
A
6
8
2
UMI

federal register

Wednesday
January 6, 1982

Part III

Department of Education

National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant Programs; Definition of Independent Student; Pell Grant Program; Expected Family Contribution

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, 676 and 690

National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant Programs—Definition of Independent Student; Pell Grant Program—Expected Family Contribution

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations for the 1982–83 Pell Grant family contribution schedule based upon the continuing resolution for fiscal year 1982, Pub. L. 97–92, enacted on December 15, 1981. These regulations are being issued in place of final regulations that would have resulted from the proposed rules for a common need analysis formula (that was to be used for the three campus based programs—National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG)—as well as the Pell Grant Program) published on October 16, 1981. That proposal was rejected on December 10, 1981, by the Senate in a resolution of disapproval, Senate Resolution 256, pursuant to section 482(a)(2) of the Higher Education Act of 1965.

Further, the Secretary is revising the definition of an independent student in the NDSL, CWS, and SEOG Program regulations, 34 CFR 674.2, 675.2 and 676.2, respectively, in order to conform those definitions to the definition contained in the Pell Grant Program regulations, 34 CFR 690.42.

EFFECTIVE DATE: The family contribution regulations are expected to take effect 15 day after they are submitted to Congress. The regulations will not take effect if either the Senate or House of Representatives disapproves the regulations within the 15 days period. It should be noted, however, that these regulations apply only to Pell Grants to be made for the period of July 1, 1982, through June 30, 1983.

Unless Congress takes certain adjournments, the change in the definition of an independent student in the campus based program regulations will take effect February 22, 1982. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary intends to publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: William L. Moran, Chief, Pell Grant Policy Section, or Brian Kerrigan, Pell Grant Program Specialist, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue, SW. (Regional Office Building 3, Room 4318), Washington, D.C. 20202. Telephone: (202) 472–4300.

SUPPLEMENTARY INFORMATION:

Family Contribution Schedule

On October 16, 1981, the Secretary published in the **Federal Register** a notice of proposed rulemaking setting forth a proposed family contribution schedule for the Pell Grant and campus based programs. The authority for the combined schedule was section 482 of the Higher Education Act of 1965. On December 10, 1981 the Senate rejected the proposed schedule in a resolution of disapproval, Senate Resolution 256. On December 15, 1981 Pub. L. 97–92, the third continuing resolution for fiscal year 1982, was enacted.

Pub. L. 97–92 provides $2.279 billion in Pell Grant funds for the 1982–83 award year. This amount exceeds by $91 million the level of $2.188 billion contained in the President's revised FY 1982 budget request. The Department continues to support the President's revised budget request level. To fully fund awards under these regulations would cost $2.483 billion, which is $204 million more than the amount provided by Pub. L. 97–92 and $295 million more than the President's budget request. Therefore, it will be necessary for the Secretary to propose legislation reducing the maximum award and/or to use the statutory award reduction formula in order to meet either the appropriation level in Pub. L. 97–92 or a lower final appropriation for FY 1982.

Section 124(4) of Pub. L. 97–92 requires the Secretary to use, with certain specific modifications, the 1981–82 award year Pell Grant family contribution schedule as the 1982–83 award year Pell Grant family contribution schedule. The modifications involve the treatment of certain Social Security and Veterans benefits, the establishment of a series of assessment rates on parental discretionary income and other changes to "reflect the most recent and relevant data."

Section 124(3) of Pub. L. 97–92 authorized the Secretary to continue approving need analysis systems for the campus based programs for the 1982–83 award year under the procedures in effect for the 1981–82 award year. These procedures can be found in 34 CFR 674.13 for the NDSL program, 34 CFR 675.13 for the CWS program, and 34 CFR 676.13 for the SEOG program.

Treatment of Social Security and Veterans Benefits

Section 124(4) of Pub. L. 97–92 requires the Secretary to exclude as income social security benefits paid to or on account of the student which would not be paid if he were not a student and veterans educational benefits paid under Chapters 34 and 35 of Title 38 of the United States Code. While those benefits will not be considered in determining the student's expected family contribution, they will still be considered in determining the amount of his or her Pell Grant. The total of the student's Pell Grant, expected family contribution, and above described social security benefits and veterans benefits may not exceed the student's cost of attendance used in the Pell Grant calculation at his or her school. If that total exceeds the cost of attendance. the student's Pell Grant award will be reduced to the extent necessary to prevent the total of those amounts from exceeding his or her Pell Grant cost of attendance.

Assessment Rates

Section 124(4) of Pub. L. 97–92 specifies that the Secretary "establish a series of assessment rates applicable to discretionary income in accordance with Section 482(b)(4) of the Higher Education Act of 1965." Further, the Senate—in its resolution of disapproval of the October 16, 1981 notice of proposed rulemaking (NPRM)—suggested that those assessment rates on discretionary income be as follows:

(1) 11 percent on the first $5,000;
(2) 13 percent on $5,001–$10,000;
(3) 18 percent of $10,001–$15,000; and
(4) 25 percent on $15,001 and above.

The Secretary has adopted these suggested assessment rates in the schedule.

Other Changes "to Reflect the Most Recent and Relevant Data"

The Secretary has made the following changes "to reflect the most recent and relevant data":

• *Asset Reserves.* For a number of years, the financial aid community has expressed considerable concern about the relationship of home value, and farm and business assets to the applicant's ability to pay for his or her education. While not everyone agrees on how these assets should be treated, generally there has been a consensus that more asset protection should be given to (1) home owners (to be applied against their home value), and (2) farmers and businessmen (to be applied against their farm and business assets).

One such suggestion has been proposed in the Senate's resolution of disapproval. The Secretary has incorporated this suggestion into these regulations. Basically it provides up to $25,000 as an asset reserve against a home owner's principal place of residence, $25,000 against other personal assets, and $80,000 against farm and/or business assets. However, the total asset reserve for a family would be limited to $100,000 against all of their assets.

• *Updating of the Family-Size Offsets to Account for the Effects of Inflation.* This year, as in the past, the family-size offsets have been increased to account for the effects of inflation based on a projected rise of 9.4 percent. Thus, the offsets used in 1981–82 were multiplied by 109.4 percent, and the resulting figures were rounded down to the nearest $50.

• *Updating Reporting Years.* The regulations update the calendar years specified in the 1981–82 schedule. Basically this makes the base year 1981 rather than 1980. Further, the years used to determine independent student status are 1981–82 rather than 1980–81, and for married students, the critical year is 1982.

• *Other Changes.* The regulations change the dollar figure for parental support (from $1,000 to $750) in the independent student definition, and allow dependent students only to subtract State and local (as well as Federal) income taxes from their personal incomes before reporting them. Parental income and independent student income will not be offset by State and local taxes, but only by Federal income taxes.

One of the proposed statutory changes included in the preamble of the October 16 notice of proposed rulemaking would have provided that married independent students with no dependents other than a spouse should have the same income and asset treatment that is applied to single independent students. (Independent students with dependent children would have continued, under that proposal, to receive the more liberal treatment applied to the parents of dependent students.) Thus, under the proposed statutory change the family income of a married independent student with no dependents other than a spouse would be assessed at 75 percent. This treatment would have resulted in an unintended inequity in the case where both the married student and his or her spouse were applicants, since their combined income would be assessed at 75 percent for each of them.

The Senate resolution of disapproval expressed agreement with the proposal that married independent students with no dependents other than a spouse should have the more conservative income treatment applied to single independent students. To eliminate the inequity resulting when both were Pell Grant applicants, the resolution also suggested that if both were students each individual should be treated as if he or she were a single independent student. However, because the applications for 1982–83 are already printed and do not collect the necessary data in a way that would make it possible to separate all the income of married independent students, we have not been able to incorporate that suggestion in this regulation. Instead, we have kept the provision from the 1981–82 formula that treats married independent students in the same fashion as independent students with dependents other than a spouse, i.e., discretionary income is assessed at 25 percent.

Change in the Definition of an Independent Student for the Campus Based Programs

In order to keep the definition of an independent student identical in the Pell Grant Program and in the three campus based programs, a change in the definition of an independent student cited above is being made in the respective regulations for each of the three campus based programs (§§ 674.2, 675.2, and 676.2), as well as for the Pell Grant Program (§ 690.42).

Waiver of Rulemaking

As noted above, the Secretary is revising the definition of an independent student in three campus based program regulations to conform it to the Pell Grant Program definition. As a result, the Secretary believes that the publication of a proposed rule in this instance would be unnecessary, impracticable, and contrary to the public interest within the meaning of 5 U.S.C. 553(b) and is publishing these rules as final regulations.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant Program. As such they do not have an impact on small entities.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be opportunities to reduce any regulatory burdens found in these regulations, especially with regard to paperwork and compliance requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provisions of these final regulations.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: December 30, 1981.

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. Subparts C and D of Part 690 are revised to read as follows:

Subpart C—Expected Family Contribution for a Dependent Student

Sec.
690.31 Indicators of financial strength.
690.32 Special definitions.
690.33 Effective family income.
690.33a Effective student income.
690.34 Computation of the expected family contribution for a dependent student.
690.34a Computation of the expected family contribution for a dependent student from the effective student income.
690.35 Computation of the expected contribution from parental assets.
690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.
690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).
690.38 Computation of the total expected family contribution.
690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

Subpart D—Expected Family Contribution for an Independent Student

690.41 Indicators of financial strength.
690.42 Special definitions.
690.43 Effective family income.
690.44 Computation of the expected family contribution for an independent student from the effective family income.
690.45 Computation of the expected contribution from the assets of the independent student (and spouse).
690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.
690.47 [Reserved]

Sec.
690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

Subpart C—Expected Family Contribution for a Dependent Student

§ 690.31 Indicators of financial strength.

"Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for a dependent student:

(a) The effective incomes of (1) the student and his or her spouse, and (2) the student's parent(s).

(b) The number of family members in the household of the student's parent(s).

(c) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of (1) the student and his or her spouse, and (2) the student's parent(s).

(e) The marital status of the student.

(f) The unusual medical expenses of the student's parents.

(g) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed.

(h) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(Section 124 of Pub. L. 97–92)

§ 690.32 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amounts in checking and savings accounts, trusts, stocks, bonds, other securities, real estate, home (if owned), income producing property, business equipment, and business inventory. However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, or

(c) Any other property held in trust for the student or his family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student,

(b) Any of the student's dependent children,

(c) Dependent children of the student's parents including those children who have been determined as to be "dependent students" when applying for Title IV student assistance, and

(d) Other persons (except the student's spouse) who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents during the 1982–83 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in § 690.42(a).

"Dependent student offset" means (a) an offset from the effective income of a dependent student and his or her spouse to meet the basic needs of the student and spouse, plus (b) the portion of negative parental discretionary income that will not be used to offset the normal contribution from parental assets.

"Effective family income" and "effective income of the student and spouse" are described in §§ 690.33 and 690.33a respectively.

"Employment expense offset" means an allowance to meet expenses relating to employment when both parents are employed or when a parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Local income tax" means the tax on income paid to a town, city, county, or other local municipality.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code that were paid in 1981, unless the student files an application with the Secretary under the provisions of § 690.39. In that case the expenses reported are those paid in 1982.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

"State income tax" means the tax on income paid to one or more of the 50 states of the United States.

(Section 124 of Pub. L. 97–92)

§ 690.33 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), and (g) of this section, and § 690.39, the sum received in 1981 by the student's parents from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(2) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(3) With the exception of Social Security benefits received by a student's parents on account of the student, other

income upon which no Federal income tax is paid. Examples of income to be reported include child support payments and income from income maintenance programs such as welfare benefits.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student's parents under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.)

(d) For a student whose parents are divorced or separated, the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Report only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12 month period preceding the date of the application.

(2) If the preceding criterion does not apply, report only the income of the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application.

(3) If neither of the preceding criteria apply, report only the income of the parent who provided the greater support for the period commencing January 1, 1981 and ending 12 months prior to the date of application.

(e) If either of the parents have died, the student shall report only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (d)(3) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in either 1981 or 1982, the student—

(1) Has received or will receive financial assistance of more than $750 in either of those years from that spouse, or

(2) Has lived or will live for more than six weeks in either of those years in the home of the parent and that spouse.

(g) The annual adjusted family income does not include any student financial assistance benefits including Veterans benefits received under Chapters 34 and 35 of Title 38, United States Code.

(Section 124 of Pub. L. 97–92)

§ 690.33a Effective student income.

(a) Effective student income is the annual adjusted income of the student (and spouse for a married student) minus the Federal, State, and local income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant. However, if estimated income is used, as provided by subparagraph (f) of this section, estimated income taxes will not be subtracted in determining the effective student income.

(b) "Annual adjusted income of the student and spouse" means, except as provided in paragraphs (c), (d), (e) and (f) of this section, and § 690.39:

(1) The sum received in 1981 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) With the exception of Social Security benefits paid to the student (or spouse), other income upon which no Federal income tax is paid. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(c) For a Native American student, the annual adjusted income of the student and spouse does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) If a student is divorced or separated, or if his or her spouse has died, the spouse's income shall not be considered in determining the "annual adjusted gross income of the student and spouse".

(e) The annual adjusted income of the student and spouse does not include any student financial assistance.

(f) If a student estimates that his or her income plus the income of his or her spouse, in the period of June 1, 1982 through May 31, 1983 will not exceed 60 percent of effective student income for 1981, effective student income will be the income estimated for that period. Estimated income includes only the income categories listed in paragraph (b).

(Section 124 of Pub. L. 97–92)

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

(a) Determine the parent's discretionary income by deducting the following offsets from the effective family income:

(1) A family size offset in the amount specified in the following table:

FAMILY SIZE OFFSETS

	Amount
Family members:	
2	$5,450
3	6,850
4	8,400
5	9,800
6	11,200

Plus $1,250 for each additional family member over 6. In determining the family size, the following rules apply—

(i) If the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents.

(ii) If the parents are divorced or separated, family members include the parent whose income is included in computing the effective family income and that parent's dependents.

(iii) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those people referenced in paragraph (a)(1)(ii) of this section, the new spouse and any dependents of the new spouse if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of the effective income of the parents. The expenses that may be reported are those expenses paid by the student's parents during 1981, unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the expenses reported will be those paid in 1982. The expenses of both parents are included only if the incomes of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income was subject to inclusion.

(3) An employment expense offset in the amount specified as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income. The earned income figure to be used in all cases is that figure for 1981 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the figure to be used is the one for 1982.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1981 unless the student files an application with the Secretary under the provisions of §690.39. In that case, the tuition reported will be that paid in 1982.

(b) If the parents' discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the parents' discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
0 to $5,000	11% of discretionary income.
$5,001 to $10,000	$550+13% of amount over $5,000.
$10,001 to $15,000	$1,200+18% of amount over $10,000.
$15,001 and above	$2,100+25% of amount over $15,000.

(Section 124 of Pub. L. 97–92 and Senate Resolution 256, 97th Congress, First Session)

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income.

The expected family contribution for a dependent student from effective student income is calculated as follows:

(a) Determine the student's discretionary income by deducting from the effective student income the relevant dependent student offset.

(1) If the parental discretionary income is positive, the offset is as follows:

DEPENDENT STUDENT OFFSET

Single student	$2,850
Married student	$4,200

(2) If the parental discretionary income is negative, the relevant offset in paragraph (a)(1) of this section is increased by the amount of negative parental discretionary income that remains after subtracting the amount of the negative parental discretionary income that will be used as an offset against the contribution from parental assets in § 690.35(d).

(b) If the student's discretionary income is a positive amount, multiply it by one of the following figures to determine the expected contribution from effective student income:

(1) 75 percent for the single dependent student, or

(2) 25 percent for the married dependent student.

(c) If the student's discretionary income is negative, there is no expected contribution from the effective student income.

(Section 124 of Pub. L. 97–92)

§ 690.35 Computation of the expected contribution from parental assets.

The expected contribution from parental asset is determined in the following manner:

(a) If the parental assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(b) If the parental assets include assets other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(c)(1) If the parental assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the sum of the farm and business deduction and the deductions in paragraphs (a) and (b) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(d)(1) Normally, the expected contribution from parental assets equals five percent of the total of the results obtained in paragraphs (a), (b), and (c) of this section.

(2) However, if the calculation of discretionary income required by § 690.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (d)(1) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(e)(1) If the student's parents are separated, or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 690.33, the assets of that parent's spouse shall also be included.

(Section 124 of Pub. L. 97–92 and Senate Resolution 256, 97th Congress, First Session)

§ 690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from effective family income as determined in § 690.34(b) is added to the amount expected from parental assets as determined in § 690.35.

(b)(1) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

(2) Family members are those persons referenced in § 690.34(a)(1).

(Section 124 of Pub. L. 97–92)

§ 690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of a single dependent student equals 33 percent of the amount of those assets.

(b) The expected contribution from the net assets of the married dependent student and spouse is determined in the following manner:

(1) Deduct an asset reserve of $25,000 from the net assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) The expected contribution from the net assets of the dependent student and spouse equals five percent of the remainder obtained in paragraph (b)(1) of this section.

(c) If the married dependent student is separated, only his or her assets shall be considered.

(Section 124 of Pub. L. 97–92)

§ 690.38 Computation of the total expected family contribution.

For each grant the total expected family contribution is the sum of—

(a) The expected contribution from the effective family income and parental assets as determined in § 690.36,

(b) The expected contribution from effective student income as determined in § 690.34a, and

(c) The expected contribution from the student's (and spouse's) assets as determined in § 690.37.

(Section 124 of Pub. L. 97–92)

§ 690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1982 for effective family income, if—

(1) A parent or stepparent whose 1981 income from work must be reported under § 690.33 has lost his or her job for at least 10 weeks during 1982,

(2) A parent or stepparent whose 1981 income from work must be reported under § 690.33 has been unable to pursue normal income-producing acitvities for at least 10 weeks during 1982 because of the occurrence—in 1981 or 1982—of (i) a disability, or (ii) a natural disaster,

(3) A parent or stepparent whose income must be reported under § 690.33 received unemployment compensation or nontaxable income in 1981 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1982 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, court ordered child support, etc.

(4) The parent(s) of the student have become separated or divorced after the student submitted his or her application. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 690.33 for this condition to apply, or

(5) A parent of stepparent whose 1981 income must be reported under § 690.33 has died after the submission of an earlier application for 1982–83. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to § 690.42, the student must file an application under § 690.48(a)(7) if he or she wishes to use income data from 1982.

(b) For an application submitted under paragraph (a) of this section, the student (and parent) shall include the income already received for 1982 and an estimate of the income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Section 124 of Pub. L. 97–92)

Subpart D—Expected Family Contribution for an Independent Student

§ 690.41 Indicators of financial strength.

"Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for an independent student:

(a) The effective family income of the independent student and spouse.

(b) The number of family members in the household of the student and spouse.

(c) The number of family members in the household of the student and spouse who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of the student and spouse.

(e) The unusual medical expenses of the student and spouse.

(f) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(g) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(Section 124 of Pub. L. 97–92)

§ 690.42 Special definitions.

The definitions of "assets", "business assets", "farm assets", "family size offset", "Federal income tax", "legal guardian", "local income tax", "medical expense", "net assets", "parent", and "State income tax" are set forth in § 690.32.

"Dependent" means (a) the student's spouse (unless separated or divorced from the student), (b) any of the student's or spouse's children who qualify as dependent students (with respect to the student or spouse) and are attending an institution of higher education on at least a half-time basis, (c) other dependent children of the student or spouse, and (d) other persons who live with and receive more than one-half of their support from the student or spouse and will continue to receive more than one-half of their support from the student or spouse during the 1982–83 award period.

"Effective family income" is described in § 690.43.

"Employment expense offset" means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" means:

(a) A single student who for 1981 and 1982—

(1) Has not lived and will not live for more than six weeks in either year in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Has not received and will not receive financial assistance of more than $750 in either year from the parent(s) for whom income must be reported according to § 690.33; or

(b) A married student who for 1982—

(1) Will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to § 690.33.

(Section 124 of Pub. L. 97–92)

§ 690.43 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income tax paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 690.48, the sum received in 1981 by the student and spouse from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(2) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(3) Other than Social Security benefits, other income upon which no Federal income tax need be paid. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indian Claims Settlement Act (25 U.S.C. 1721, et seq.),

(d) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

(e) The annual adjusted family income does not include any student financial assistance including Veterans benefits received under Chapters 34 and 35 of Title 38, United States Code.

(Section 124 of Pub. L. 97–92)

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting the following offsets from the effective family income.

(1) A family size offset in the amount specified in the following table.

FAMILY SIZE OFFSETS

	Amount
Family members:	
1	$4,200
2	5,450
3	6,800
4	8,400
5	8,950
6	11,200

Plus $1,250 for each additional family member over 6. In determining the family size, the following rules apply—

(i) Family members normally include the student and spouse and their dependents.

(ii) However, if the student is divorced or separated, the spouse (ex-spouse) and his or her dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1981, unless the student files an application with the Secretary under the provisions of § 690.48. In that case, the expenses reported will be those paid in 1982. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset in the amount specified as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

The earned income figure to be used in all cases is that figure for 1981, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the figure to be used is the one for 1982.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary school. The tuition that may be reported is the tuition paid in 1981, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the tuition reported will be that paid in 1982.

(20 U.S.C. 1070a(a)(3)(B))

(b) If the discretionary income is a positive amount, multiply it by one of the following figures to determine the expected family contribution from the effective family income of the student and spouse;

(1) 75 percent for the single independent student with no dependents; or

(2) 25 percent for the independent student with one or more dependents (including a spouse).

If the discretionary income is negative, there is no expected family contribution from effective family income.

(Section 124 of Pub. L. 97–92 and Senate Resolution 256, 97th Congress, First Session).

§ 690.45 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) Normally, the expected contribution from the net assets of the single independent student with no dependents equals 33 percent of the amount of those assets.

(2) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the assets include assets other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(3)(i) If the assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(ii) If the sum of the farm and business deduction and the deductions in paragraphs (b)(1) and (b)(2) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(4)(i) Normally, the expected contribution from the assets of the independent student with dependents equals five percent of the total of the results obtained in paragraphs (b) (1), (2), and (3) of this section.

(ii) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(4)(i) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a

negative number, it shall be reduced to zero.

(5) If the married independent student with dependents is separated, only his or her assets shall be considered.

(Section 124 of Pub. L. 97-92 and Senate Resolution 256, 97th Congress, First Session)

§ 690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from family income as determined in § 690.44 is added to the amount expected from assets as determined in § 690.45.

(b) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 690.44(a)(1).

(Section 124 of Pub. L. 97-92)

§ 690.47 [Reserved]

§ 690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1982 for effective family income if—

(1) The student was employed full-time in 1981 (at least 35 hours per week for a minimum of 30 weeks during 1981) and is no longer employed full-time,

(2) A spouse whose 1981 income from work must be reported under § 690.43 has lost his or her job for at least 10 weeks during 1982,

(3) The student or spouse whose 1981 income from work must be reported under § 690.43 has been unable to pursue normal income-producing activities for at least 10 weeks during 1982 because of the occurrence—in 1981 or 1982—or (i) a disability or (ii) a natural disaster,

(4) The student or spouse whose income must be reported under § 690.43 received unemployment compensation or nontaxable income in 1981 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1982 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include welfare, court ordered child support, etc,

(5) The student has become separated or divorced after he or she submitted his or her application,

(6) A spouse whose 1981 income must be reported under § 690.43 has died after the submission of an earlier application for 1982 or 1983, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 690.42 has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the effective family income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Section 124 of Pub. L. 97-92)

§§ 674.2, 675.2 and 676.2 [Amended]

2. Sections 674.2, 675.2, and 676.2 are each amended by adding, immediately following the definition of "*independent student (effective July 1, 1981 through June 30, 1982)", the definition of "independent student (effective July 1, 1982)", to read as follows:

* * * * *

*Independent student (effective July 1, 1982):

(a) A single student who for 1981 and 1982—

(1) Has not lived and will not live for more than six weeks in either year in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 in either year from his or her parent(s); or

(b) A married student who for 1982—

(1) Has not lived and will not live for more than six weeks in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 from his or her parent(s).

(c) If a student's mother and father are divorced or separated, only one parent will be considered to be the parent of the student for purposes of applying the criteria in paragraphs (a) and (b) of this section. To determine that parent—

(1) Choose the parent with whom the student resided for the greater portion of the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(2) If the preceding criterion does not apply, choose the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(3) If neither of the preceding criteria apply, choose the parent who provided the greater support for the period commencing January 1 of the calendar year which immediately precedes the first calendar year of the award period and ending 12 months prior to the date of application to have an expected family contribution determined under an approved need analysis system.

(d) If either of the parents have died, the institution shall consider only the surviving parent as the parent for purposes of applying the criteria in paragraphs (a) and (b) of this section. If both parents have died, the institution shall not consider either parent.

* * * * *

[FR Doc. 82-130 Filed 1-5-82; 8:45 am]
BILLING CODE 4000-01-M

V 4 7 1 3 JAN 6 8 2

Reader Aids

Federal Register

Vol. 47, No. 3

Wednesday, January 6, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
• General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of Documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5
589-744.....6

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1

5 CFR

Proposed Rules:
Ch. I.....154

7 CFR

2.....5, 6
68.....129
282.....532
425.....6
631.....130
800.....131
905.....589
1924.....590
1942.....590

Proposed Rules:
102.....631
979.....631
1865.....33
1951.....33

8 CFR

238.....131
316a.....132

9 CFR

92.....591

10 CFR

40.....8
70.....8
71.....596
73.....600
150.....8

Proposed Rules:
500.....161
501.....161
503.....161

12 CFR

5.....132
217.....9

Proposed Rules:
702.....633

13 CFR

120.....9

14 CFR

39.....10-14
71.....15-18
73.....18
75.....18
201.....132
207.....134
208.....134
212.....135
231.....137
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:
71.....36-38
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

16 CFR

305.....18, 19

17 CFR

201.....609

18 CFR

Ch. I.....613
270.....614
282.....20

Proposed Rules:
141.....39
271.....39, 638
273.....638
274.....638

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642

21 CFR

173.....145
193.....616
510.....146
522.....146

Proposed Rules:
20.....162
168.....163
310.....424, 430
333.....436
357.....444-512

358..... 522

24 CFR

201.....616, 617

26 CFR

1.....147

Proposed Rules:

1.....163, 164
15A.....164

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
1990.....187

30 CFR

Proposed Rules:

Ch. I.....402
700.....41
701.....41
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
828.....41
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

Proposed Rules:

585.....190

34 CFR

624.....540
625.....540
626.....540
627.....540
674.....736
675.....736
676.....736
690.....736

40 CFR

123.....618
180.....619–623
762.....148, 149

Proposed Rules:

52.....191
180.....651–654
775.....193

41 CFR

Ch. 50.....145
Ch. 60.....145

Proposed Rules:

Ch. 60.....402

43 CFR

428.....624

Public Land Orders:

6100.....21

44 CFR

67.....22

45 CFR

Proposed Rules:

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:

510.....215
536.....655

47 CFR

73.....150
74.....150

Proposed Rules:

15.....216
73.....58

49 CFR

Ch. X.....613
1033.....151, 152, 624

Proposed Rules:

1039.....220
1300.....220
1310.....59

50 CFR

611.....625
662.....629

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing December 30, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4894 / Pub. L. 97–112 To authorize the Secretary of the Interior to disburse certain trust funds of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, and for other purposes. (Dec. 29, 1981; 95 Stat. 1518) Price $1.50.

S. 1196 / Pub. L. 97–113 International Security and Development Cooperation Act of 1981. (Dec. 29, 1981; 95 Stat. 1519) Price $3.00.

H.R. 4995 / Pub. L. 97–114 Department of Defense Appropriation Act, 1982. (Dec. 29, 1981; 95 Stat. 1565) Price $2.50.

S. 1086 / Pub. L. 97–115 Older Americans Act Amendments of 1981. (Dec. 29, 1981; 95 Stat. 1595) Price $2.00.

H.R. 4327 / Pub. L. 97–116 Immigration and Nationality Act Amendments of 1981. (Dec. 29, 1981; 95 Stat. 1611) Price $1.75.

H.R. 4503 / Pub. L. 97–117 Municipal Wastewater Treatment Construction Grant Amendments of 1981. (Dec. 29, 1981; 95 Stat. 1623) Price $1.75.

H.R. 4506 / Pub. L. 97–118 To name the lock and dam authorized to replace locks and dam 26, Mississippi River, Alton, Illinois, as "Melvin Price Lock and Dam". (Dec. 29, 1981; 95 Stat. 1634) Price $1.50.

H.R. 5159 / Pub. L. 97–119 To amend the Internal Revenue Code of 1954 to provide a temporary increase in the tax imposed on producers of coal, and for other purposes. (Dec. 29, 1981; 95 Stat. 1635) Price $1.75.

S. 657 / Pub. L. 97–120 To designate the Department of Commerce Building in Washington, the District of Columbia, as the "Herbert Clark Hoover Department of Commerce Building". (Dec. 29, 1981; 95 Stat. 1646) Price $1.50.

H.R. 4559 / Pub. L. 97–121 Foreign Assistance and Related Programs Appropriations Act, 1982. (Dec. 29, 1981; 95 Stat. 1647) Price $1.75.

H.R. 4431 / Pub. L. 97–122 To provide for the designation of the E. Michael Roll Post Office. (Dec. 29, 1981; 95 Stat. 1658) Price $1.50.

H.R. 4331 / Pub. L. 97–123 To amend the Omnibus Reconciliation Act of 1981 to restore minimum benefits under the Social Security Act. (Dec. 29, 1981; 95 Stat. 1659) Price $1.75.

H.R. 3799 / Pub. L. 97–124 To extend the Federal tort claims provisions of title 28, United States Code, to acts or omissions of members of the National Guard, and to provide that the remedy under those provisions shall be exclusive in medical malpractice actions involving members of the National Guard. (Dec. 29, 1981; 95 Stat. 1666) Price $1.50.

S. 1192 / Pub. L. 97–125 Union Station Redevelopment Act of 1981. (Dec. 29, 1981; 95 Stat. 1667) Price $1.75.

H.R. 2494 / Pub. L. 97–126 To designate the John Archibald Campbell United States Courthouse. (Dec. 29, 1981; 95 Stat. 1674) Price $1.50.

S. 1946 / Pub. L. 97–127 Czechoslovakian Claims Settlement Act of 1981. (Dec. 29, 1981; 95 Stat. 1675) Price $1.75.

S. 1493 / Pub. L. 97–128 To deauthorize several projects within the jurisdiction of the Army Corps of Engineers. (Dec. 29, 1981; 95 Stat. 1681) Price $1.75.

S. 1211 / Pub. L. 97–129 To amend the Toxic Substances Control Act to authorize appropriations for fiscal years 1982 and 1983. (Dec. 29, 1981; 95 Stat. 1686) Price $1.50.

S. 271 / Pub. L. 97–130 Record Carrier Competition Act of 1981. (Dec. 29, 1981; 95 Stat. 1687) Price $1.75.

S.J. Res. 34 / Pub. L. 97–131 To provide for the designation of the week commencing with the third Monday in February 1982 as "National Patriotism Week". (Dec. 29, 1981; 95 Stat. 1692) Price $1.50.

S.J. Res. 100 / Pub. L. 97–132 Multinational Force and Observers Participation Resolution. (Dec. 29, 1981; 95 Stat. 1693) Price $1.75.

H.J. Res. 377 / Pub. L. 97–133 Providing for the convening of the second session of the Ninety-seventh Congress. (Dec. 29, 1981; 95 Stat. 1698) Price $1.50.

H.R. 3210 / Pub. L. 97–134 Federal-Aid Highway Act of 1981. (Dec. 29, 1981; 95 Stat. 1699) Price $1.75.

S.J. Res. 57 / Pub. L. 97–135 To provide for the designation of February 7 through 13, 1982, as "National Scleroderma Week". (Dec. 29, 1981; 95 Stat. 1704) Price $1.50.

S. 831 / Pub. L. 97–136 To authorize appropriations for the Coast Guard for fiscal year 1982, and for other purposes. (Dec. 29, 1981; 95 Stat. 1705) Price $1.50.

H.R. 2241 / Pub. L. 97–137 To provide for the establishment of the Bandon Marsh National Wildlife Refuge, Coos County, State

of Oregon, and for other purposes. (Dec. 29, 1981; 95 Stat. 1709) Price $1.50.

S.J. Res. 84 / Pub. L. 97-138 To proclaim March 19, 1982, "National Energy Education Day". (Dec. 29, 1981; 95 Stat. 1713) Price $1.50.

S.J. Res. 121 / Pub. L. 97-139 To provide for the designation of the year 1982 as the "Bicentennial Year of the American Bald Eagle" and the designation of June 20, 1982, as "National Bald Eagle Day". (Dec. 29, 1981; 95 Stat. 1715) Price $1.50.

H.R. 779 / Pub. L. 97-140 To authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District Numbered 1 and the city of Weatherford, Texas, for the use of water supply storage in Benbrook Lake, and for other purposes. (Dec. 29, 1981; 95 Stat. 1717) Price $1.50.

S. 1551 / Pub. L. 97-141 Federal Physicians Comparability Allowance Amendments of 1981. (Dec. 29, 1981; 95 Stat. 1719) Price $1.50.

H.R. 4926 / Pub. L. 97-142 To authorize the Secretary of the Army to acquire, by purchase or condemnation, such interests in oil, gas, coal, and other minerals owned or controlled by the Osage Tribe of Indians as are needed for Skiatook Lake, Oklahoma, and for other purposes. (Dec. 29, 1981; 95 Stat. 1721) Price $1.50.

S. 1976 / Pub. L. 97-143 To amend the Act of July 31, 1946, as amended (40 U.S.C. 193a). (Dec. 29, 1981; 95 Stat. 1723) Price $1.50.

S.J. Res. 117 / Pub. L. 97-144 To authorize and request the President to designate the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week". (Dec. 29, 1981; 95 Stat. 1725) Price $1.50.

H.R. 3567 / Pub. L. 97-145 Export Administration Amendments Act of 1981. (Dec. 29, 1981; 95 Stat. 1727) Price $1.50.

V 47 / 3 J A 6 8 2 UMI

Slip Laws

Subscriptions Now Being Accepted

97th Congress, 2nd Session, 1982

Separate prints of Public Laws, published immediately after enactment, with marginal annotations, legislative history references, and future Statutes volume page numbers.

Subscription Price: **$165.00 per session**

(Individual laws also may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Prices vary. See Reminder Section of the Federal Register for announcements of newly enacted laws and prices).

SUBSCRIPTION ORDER FORM
ENTER MY SUBSCRIPTION TO: PUBLIC LAWS. (PULA-File Code 1L)

☐ $165.00 Domestic; ☐ $206.25 Foreign.

PLEASE PRINT OR TYPE

NAME—FIRST, LAST

COMPANY NAME OR ADDITIONAL ADDRESS LINE

STREET ADDRESS

CITY | STATE | ZIP CODE

(or) COUNTRY

MAIL ORDER FORM TO:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402

☐ Remittance Enclosed (Make checks payable to Superintendent of Documents)

☐ Charge to my Deposit Account No. .....

1-7-82
Vol. 47 No. 4
Pages 745-934

federal register

Thursday
January 7, 1982

Highlights

749 **Natural Gas** DOE/ERA removes certain compliance rules because of repeal of prohibition against use of natural gas by existing electric powerplants.

884 **Motor Vehicle Safety** DOT/NHTSA issues interpretation on preemption of State approval programs and pre-sale State enforcement of safety standards.

750 **Mortgages** FRS issues final version of HMDA-1 disclosure and reporting form.

916 HUD/FHC issues interim rule on changes in maximum single family mortgage amounts. (Part III of this issue)

908 **Educational Study Programs** ED proposes changes to funding procedures for National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant programs. (Part II of this issue)

928 **Surface Mining** Interior/SMREO proposes regulations on mining which affects previously mined lands. (Part IV of this issue)

751 **Banking** FRS defers mandatory compliance date for consumer leasing and truth in lending rules.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

846 **Uranium** DOE/Sec'y requests comments on proposed pricing policy changes for sale of uranium depleted in isotope U–235.

827 **Disaster Assistance** FEMA proposes regulations on temporary housing assistance.

826 **Marine Safety** DOT/CG withdraws proposal on navigation lights for small vessels.

756 **Aircraft** DOT/FAA amends definition of "acoustical change" in aircraft noise certification rules.

747 **Fruits** USGA/AMS amends imported ripe olive size and grade requirements.

885 **Grant Programs—Transportation** DOT/UMTA announces institutions selected to offer managerial training grant short courses.

822 **Marksmanship** DOD/Army proposes regulations on instruction of civilians in marksmanship.

764 **Gasoline** EPA amends testing procedure for determination of lead content in gasoline.

886 **Treasury Bonds** Treasury/Sec'y announces interest rate on Bonds of 2002.

859 **Privacy Act Document** Interior

887 **Sunshine Act Meetings**

Separate Parts of This Issue

908 **Part II, ED**
916 **Part III, HUD/FHC**
928 **Part IV, Interior/SMREO**
932 **Part V, OMB**

Contents

Federal Register
Vol. 47, No. 4
Thursday, January 7, 1982

Agency for International Development
NOTICES
Authority delegations:
Africa, Mission Directors et al.; grant functions; redelegation
872 Asia, Mission Directors; grant functions; redelegation
873 Latin America/Caribbean, Mission Directors et al.; grant functions; redelegation
873 Near East, Mission Directors et al.; grant functions; redelegation

Agricultural Marketing Service
RULES
747 Olives, imported; interim rule and request for comments
746 Oranges (navel) grown in Arizona and California
PROPOSED RULES
Milk marketing orders:
778, 814 Eastern Colorado et al. (2 documents)

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
RULES
745 Reporting and recordkeeping requirements

Animal and Plant Health Inspection Service
NOTICES
Meetings:
839 Boll Weevil eradication program; assessment of effectiveness

Army Department
See also Engineers Corps.
PROPOSED RULES
822 Military education; promotion of rifle practice
NOTICES
Meetings:
843 Science Board

Arts and Humanities, National Foundation
NOTICES
Meetings:
875 Media Arts Advisory Panel
875 Music Advisory Panel

Census Bureau
NOTICES
Surveys, determinations, etc.:
842 Retail sales and inventories

Civil Aeronautics Board
RULES
Air carriers:
761, 762 Stock ownership reports; exemption (2 documents)
NOTICES
Hearings, etc.:
840 Arista International Airlines fitness proceeding
841 Braniff Airways, Inc.

Coast Guard
PROPOSED RULES
Navigation safety regulations:
826 Lights for small vessels; withdrawn
NOTICES
Citizenship oath filing:
881 Schlumberger Technology Corp.
879 Port access routes; study results

Commerce Department
See Census Bureau.

Commodity Futures Trading Commission
NOTICES
887 Meetings; Sunshine Act

Defense Department
See also Army Department; Engineers Corps.
Meetings:
844 Armed Forces Epidemiological Board (2 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
874 Burroughs Wellcome Co.
875 Eli Lilly Industries, Inc.
874 Lee Laboratories, Inc.
875 McNeilab, Inc.

Economic Regulatory Administration
RULES
Powerplant and industrial fuel use:
749 Electric utility system compliance option and special rule for temporary public interest exemption; removal
NOTICES
Consent orders:
844 Guam Oil & Refining Co., Inc.
Natural gas; fuel oil displacement certification applications:
845 Consolidated Edison Co. of New York, Inc.

Education Department
PROPOSED RULES
Postsecondary education:
908 National direct student loan, college work-study, and supplemental educational opportunity grant programs; funding procedures
NOTICES
Meetings:
844 Financing Elementary and Secondary Education Advisory Panel

Energy Department
See also Economic Regulatory Administration; Energy Research Office.
PROPOSED RULES
817 Coal leasing, Federal; diligence requirements; submission of comments to Geological Survey; cross reference
NOTICES
Committees; establishment, renewals, terminations, etc.:
846 National Petroleum Council Advisory Committee
846 Uranium depleted in isotope U–235 (tails); sale pricing policy change; request for comments

Energy Research Office
NOTICES
Meetings:
845, 846 Energy Research Advisory Board (2 documents)

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
843 Ararat River, N.C.; flood control project
843 Kansas-Osage study, Kans.; fish hatchery construction

Environmental Protection Agency
RULES
Air programs; fuel and fuel additives:
764 Lead-in-gasoline test procedure; optional automated method
Air quality implementation; approval and promulgation; various States, etc.:
762 Connecticut
763 New Hampshire
NOTICES
Air pollution control; new motor vehicles and engines:
849 California pollution control standards and test procedures; heavy-duty engines and emissions from motorcycles, etc.; inquiry
848 California pollution control standards; 1982 model year vehicles; assembly-line test procedures
Toxic and hazardous substances control:
847, 850 Premanufacture notification requirements; test marketing exemption approvals (2 documents)

Federal Aviation Administration
RULES
Aircraft products and parts, certification:
756 Noise requirements; voluntary changes in type design; turbojet engine power
Airworthiness directives:
759 Sikorsky; final rule and request for comments
759, 760 Transition areas (3 documents)
PROPOSED RULES
Air traffic operating and flight rules:
818 Ferry flights with one engine inoperative; authorization
817 Rulemaking petitions; summary and disposition
NOTICES
882 Exemption petitions; summary and disposition
Meetings:
881 Traffic Alert and Collision Avoidance System (TCAS) Conference
Organization and functions:
881 Augusta, Ga., Airport Traffic Control Tower; reduction of hours

Federal Communications Commission
PROPOSED RULES
Communications equipment:
836 Radio frequency devices; electronic coin-operated games; reclassification from Class B to Class A computing device; extension of time
Radio stations; table of assignments:
837 Minnesota; extension of time
NOTICES
Hearings, etc.:
851 Message Center, Inc., et al.; correction
851 Vacationland Broadcasting Co., Inc., et al.
887 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
887 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
770 Flood elevation studies; consultation with local officials
Flood insurance; special hazard areas:
769 California
Flood insurance; special hazard areas; map corrections:
771 Arizona
772 Maryland
772 Texas
PROPOSED RULES
827 Housing assistance, temporary
NOTICES
Radiological emergency; State plans:
852 South Carolina

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
916 Maximum mortgage amounts; single family limits; interim rule and request for comments

Federal Maritime Commission
NOTICES
887 Meetings; Sunshine Act

Federal Reserve System
RULES
751 Consumer leasing and truth in lending (Regulations M and Z); deferral effective date
750 Home mortgage disclosure (Regulation C); final HMDA–1 form
NOTICES
888 Meetings; Sunshine Act

Forest Service
NOTICES
Environmental statements; availability, etc.:
839 Hiawatha National Forest; land and resource management plan, Michigan
840 Homestake Phase II Transmountain Water Diversion Project, White River National Forest, Eagle County, Colo.

Geological Survey
PROPOSED RULES
819 Coal leasing, Federal; diligence requirements; revestment of rulemaking authority and submission of comments
NOTICES
Committees; establishment, renewals, terminations, etc.:
854 National Earthquake Prediction Evaluation Council
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
853 Aminoil USA, Inc.
853 Amoco Production Co.
854 Diamond Shamrock Corp.

Health and Human Services Department
NOTICES
Organization, functions, and authority delegations:
853 National Institutes of Health, National Aging Institute

Historic Preservation, Advisory Council
NOTICES
839 Meetings; cancellation

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Indian Affairs Bureau
NOTICES
Irrigation projects; operation and maintenance charges:
854 Fort Hall Irrigation Project, Idaho

Interior Department
See also Geological Survey; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office.
NOTICES
859 Privacy Act; systems of records

International Development Cooperation Agency
See Agency for International Development.

Interstate Commerce Commission
RULES
Motor carriers:
777 Household goods carriers operational practices; correction
Railroad car service orders; various companies:
776 Burlington Northern Railroad Co. et al.
773 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
NOTICES
Agreements under sections 5a and b, applications for approval, etc.:
871 National Railroad Freight Committee
Motor carriers:
869 Agricultural cooperative transportation; filing notices
870 Permanent authority applications; restriction removals
Railroad services abandonment:
872 Baltimore & Ohio Railroad Co.

Justice Department
See Drug Enforcement Administration.

Land Management Bureau
RULES
Public land orders:
769 Montana
NOTICES
Authority delegations:
858 Utah districts Area Managers; sale or contract for sale of material other than forest products; redelegation
Classification of public lands:
857 Utah
Environmental statements; availability, etc.:
858 Frontier Pipeline Project, Anschutz Ranch Field, Uinta County, to Casper, Wyo.
857 Rio Blanco County, Colo.; coal lease application; hearing
Meetings:
855 Prineville District Advisory Council
857 Socorro District Grazing Advisory Board
Opening of public lands:
859 Oregon
855 Washington
Withdrawal and reservation of lands, proposed, etc.:
856 Colorado

Management and Budget Office
NOTICES
932 Cost principles for educational institutions (Circular A-21); proposed revision

Maritime Administration
NOTICES
Applications, etc.:
883 American President Lines, Ltd.

Mississippi River Commission
NOTICES
888 Meetings; Sunshine Act

National Credit Union Administration
NOTICES
888 Meetings; Sunshine Act

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
884 State safety approval programs, preemption; interpretation

National Transportation Safety Board
RULES
773 Reporting requirements
NOTICES
876 Accident reports, safety recommendations and responses, etc.; availability

Native Hawaiians Study Commission
NOTICES
876 Meetings and hearings

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
877 Carolina Power & Light Co.
877 Northeast Nuclear Energy Co. et al.

878 Northern States Power Co.
878 Pacific Gas & Electric Co.
878 Public Service Electric & Gas Co. et al.
888 Meetings; Sunshine Act (2 documents)
Reports; availability, etc.:
879 Radioactive waste, high-level; documentation of models used in waste disposal analysis; draft technical position

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
859 Tucson Aqueduct Phase A, Central Arizona Project, Ariz.; hearing

Saint Lawrence Seaway Development Corporation
NOTICES
Meetings:
885 Advisory Board

Securities and Exchange Commission
NOTICES
879 Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc.

Soil Conservation Service
NOTICES
Watershed assistance to local organizations, authorizations:
840 Texas

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent and interim regulatory programs, etc.:
928 Steep-slope mining; new operations affecting previously mined lands which do not generate sufficient spoil to completely backfill highwall
Permanent program submission; various States:
820 Kentucky; resubmission, hearings, etc.

Tennessee Valley Authority
NOTICES
889 Meetings; Sunshine Act

Textile Agreements Implementation Committee
NOTICES
842 Textile program; apparel entireties visa requirements; procedure to obtain waivers from correct category provision

Transportation Department
See Coast Guard; Federal Aviation Administration; Maritime Administration; National Highway Traffic Safety Administration; Saint Lawrence Seaway Development Corporation; Urban Mass Transportation Administration.

Treasury Department
NOTICES
Bonds, Treasury:
886 2002 series

Urban Mass Transportation Administration
NOTICES
885 Managerial training grant short courses (Section 10)
Grants; availability, etc.:
886 New bus equipment introduction program; correction

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
839 Boll Weevil Program, Fayetteville, N.C. (open), 1-15-82
875 Arts and the Humanities, National Foundation National Council on the Arts, Media Arts Panel (Production: Film/Video), Washington, D.C. (closed), 1-25 through 1-27-82
875 National Council on the Arts, Music Panel (Recording), Washington, D.C. (closed), 1-19-82

DEFENSE DEPARTMENT
Army Department—
844 Armed Forces Epidemiological Board, Washington, D.C. (open), 2-3-82
844 Armed Forces Epidemiological Board, Washington, D.C. (partially open), 2-4 and 2-5-82
843 Army Science Board, Washington, D.C. (closed), 1-28 and 1-29-82

ENERGY DEPARTMENT
Energy Research Office—
845 Energy Research Advisory Board, Conservation Panel, Washington, D.C. (open), 1-22-82
846 Energy Research Advisory Board, Multiprogram Lab Panel, Washington, D.C. (open), 1-18-82

INTERIOR DEPARTMENT
Geological Survey—
Diligence Requirements for Federal Coal Leases, all meetings open:
819 Salt Lake City, Utah, 1-11-82
819 Casper, Wyo., 1-13-82
819 Farmington, N. Mex., 1-15-82
Land Management Bureau—
858 Frontier Pipeline Project, Wyoming locations (open), 2-8-82
855 Prineville District Advisory Council, Prineville, Oreg. (open), 2-18-82
857 Socorro District Grazing Advisory Board, Socorro, N. Mex. (open), 2-9-82
876 Native Hawaiians Study Commission Honolulu, Oahu, 1-9-82

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
881 Traffic Alert and Collision Avoidance System, Washington, D.C. (open), 1-11 and 1-12-82
Saint Lawrence Seaway Development Corporation—
885 Advisory Board, Washington, D.C. (open), 1-22-82

CANCELLED MEETINGS

EDUCATION DEPARTMENT
844 Financing Elementary and Secondary Education Advisory Panel, Boston, Mass. (open), 1–19–82
839 Historic Preservation, Advisory Council "Protection of Historic and Cultural Properties," Petersburg, Va., 1–8–82

HEARINGS

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
820 Kentucky Permanent Regulatory Program, Lexington, Ky., 1–26–82

NATIVE HAWAIIANS STUDY COMMISSION
876 Kaunakakai, Moloka'I, 1–10–82; Kahalui, Maui, 1–11–82; Kamuela, Hawaii, 1–12–82; Hilo, Hawaii, 1–12–82; Lihu'e, Kaua'I, 1–13–82; Honolulu, O'Ahu, 1–14–82; Wai-Anae, O'Ahu, 1–15–82; Honolulu, O'Ahu, 1–15–82

CANCELLED HEARINGS

EDUCATION DEPARTMENT
844 Financing Elementary and Secondary Education Advisory Panel, Boston, Mass., 1–18–82

ENERGY DEPARTMENT
Leasing Policy Development Office—
(*See* entry under Interior Department.)

INTERIOR DEPARTMENT
Geological Survey—
819 Diligence Requirements for Federal Coal Leases, Denver, Colo., 2–17–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
November 14, 1912
(Revoked by PLO 6101)..... 769

7 CFR
Subtitle B..... 745
907..... 746
944..... 747
Proposed Rules:
1006..... 814
1012..... 814
1013..... 814
1033..... 814
1036..... 814
1040..... 814
1124..... 814
1125..... 814
1133..... 814
1134 (2 documents).... 778, 814
1135..... 814
1136 (2 documents).... 778, 814
1137 (2 documents).... 778, 814
1139..... 814

9 CFR
Ch. I..... 745
Ch. II..... 745
Ch. III..... 745

10 CFR
504..... 749
508..... 749
Proposed Rules:
378..... 817

12 CFR
203..... 750
213..... 755
226..... 755

14 CFR
21..... 756
39..... 759
71 (3 documents)..... 759, 760
245..... 761
246..... 762
Proposed Rules:
Ch. I..... 817
91..... 818

24 CFR
203..... 916
234..... 916

30 CFR
Proposed Rules:
Ch. VII..... 820
211..... 819
716..... 928
826..... 928

32 CFR
Proposed Rules:
543..... 822

33 CFR
Proposed Rules:
88..... 826
89..... 826

34 CFR
Proposed Rules:
674..... 908
675..... 908
676..... 908

36 CFR
Ch. II..... 745

40 CFR
52 (2 documents)..... 762, 763
80..... 764
81..... 763

43 CFR
Public Land Orders:
6101..... 769

44 CFR
65..... 769
66..... 770
70 (3 documents)..... 771, 772
Proposed Rules:
205..... 827

47 CFR
Proposed Rules:
15..... 836
73..... 837

49 CFR
830..... 773
1033 (2 documents).... 773, 776
1056..... 777

Rules and Regulations

Federal Register
Vol. 47, No. 4
Thursday January 7, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of Secretary

7 CFR Subtitle B

9 CFR Chs. I, II, and III

36 CFR Ch. II

OMB Control Numbers in USDA Regulations

AGENCY: Department of Agriculture.

ACTION: Technical amendments.

SUMMARY: This document amends USDA regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described. It also adds a control number to a document published in the Federal Register on December 18, 1981.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Richard Schrimper, Statistical Reporting Service, Department of Agriculture, Washington, D.C. Telephone: 202–447–6201.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers contained in the listing.

Addition of OMB Control Number to SEA Document

On December 18, 1981 (46 FR 61822), the Science and Education Administration, USDS, published a solicitation for applications for competitive grants in plant biology and human nutrition. The reporting requirements in that notice have been assigned OMB Control No. 0531–0009.

Text of the Amendments

Following the text of each section of Title 7, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
Sec.	
101.16	0581-0027
101.17	0581-0027
101.19	0581-0027
101.28	0581-0027
101.33	0581-0027
101.36	0581-0027
101.47	0581-0027
101.49	0581-0027
102.18	0581-0027
102.20	0581-0027
102.22	0581-0027
102.28	0581-0027
102.30	0581-0027
102.34	0581-0027
102.37	0581-0027
102.38	0581-0027
102.54	0581-0027
103.16	0581-0027
103.17	0581-0027
103.19	0581-0027
103.24	0581-0027
103.26	0581-0027
103.39	0581-0027
103.40	0581-0027
103.41	0581-0027
104.16	0581-0027
104.17	0581-0027
104.19	0581-0027
104.28	0581-0027
104.29	0581-0027
106.16	0581-0027
106.17	0581-0027
106.19	0581-0027
106.30	0581-0027
106.37	0581-0027
106.39	0581-0027
106.48	0581-0027
106.54	0581-0027
107.18	0581-0027
107.19	0581-0027
107.21	0581-0027
107.31	0581-0027
107.33	0581-0027
107.43	0581-0027
107.45	0581-0027
107.51	0581-0027
107.55	0581-0027
108.16	0581-0027
108.17	0581-0027
108.19	0581-0027
108.27	0581-0027
108.29	0581-0027
108.33	0581-0027
108.35	0581-0027
108.42	0581-0027
108.47	0581-0027
111.17	0581-0027
111.18	0581-0027
111.20	0581-0027
111.31	0581-0027
111.33	0581-0027
111.41	0581-0027
111.44	0581-0027
111.52	0581-0027
111.56	0581-0027
46.14	0581-0031
46.15	0581-0031
46.16	0581-0031
46.19	0581-0031
46.21	0581-0031
46.22	0581-0031
46.24	0581-0031
46.25	0581-0031
46.26	0581-0031
46.29	0581-0031
46.31	0581-0031
46.32	0581-0031
29.9407	0581-0058
70.76	0583-0024
70.77	0583-0024
58.200	0583-0046
58.504	0583-0046
58.530	0583-0046
58.575	0583-0046
58.600	0583-0046
58.610	0583-0046
58.720	0583-0046
58.139	0583-0047
58.148	0583-0047
58.322	0583-0047
58.441	0583-0047
724.105	0560-0001
725.98	0560-0001
725.111	0560-0001
726.92	0560-0001
729.88	0560-0006
729.71	0560-0012
1446.1	0560-0024
724.105	0560-0028
725.98	0560-0028
725.111	0560-0028
726.92	0560-0028
1475.68	0560-0029
1425.17	0560-0040
1474.18	0560-0055
722.90	0560-0058
725.103	0560-0058
725.104	0560-0058
730.34	0560-0088
1421.290	0560-0091
1435.12	0560-0093
724.105	0560-0098
725.98	0560-0098
725.111	0560-0098
726.92	0560-0098
1823.285	0575-0013
1823.285	0575-0014
1942.17	0575-0015
1924.58	0575-0061
1948–A Exhibit A	0575-0034
1948–B Exhibits A and B	0575-0040
1944.555	0575-0046
1944.559	0575-0046
401.111	0563-0001
409.35	0563-0002
403.7	0563-0004
402.7	0563-0006
800.19	0580-0001
800.25	0580-0001
800.76	0580-0001
800.145	0580-0001
800.146	0580-0001
800.149	0580-0001
800.150	0580-0001
800.151	0580-0001
800.152	0580-0001
800.153	0580-0001
800.154	0580-0001
800.155	0580-0001
800.160	0580-0001
800.166	0580-0001
215.7	0584-0005
215.11	0584-0005
215.12	0584-0005
215.14	0584-0005
210.7	0584-0006
250.5	0584-0007
250.6	0584-0007
250.8	0584-0007
250.15	0584-0007
220.3	0584-0012
220.7	0584-0012

CFR citation	OMB control No.
220.8	0584-0012
220.13	0584-0012
220.14	0584-0012
220.16	0584-0012
245.4	0584-0026
245.7	0584-0026
246.15	0584-0043
245.10	0584-0046
210.11	0584-0050
215.6	0584-0050
220.9	0584-0050
227.4	0584-0062
227.30	0584-0062
227.31	0584-0062
247.3	0584-0063
247.5	0584-0063
247.6	0584-0063
247.8	0584-0063
247.9	0584-0063
247.13	0584-0063
247.14	0584-0063
247.15	0584-0063
247.19	0584-0063
247.20	0584-0063
247.21	0584-0063
230.12	0584-0066
230.14	0584-0066
230.15	0584-0066
283.5	0584-0071
283.7	0584-0071
283.8	0584-0071
283.9	0584-0071
225.11	0584-0115
225.19	0584-0115
225.20	0584-0115
225.22	0584-0115
6.28	0551-0001
1493.14	0551-0004
17.6	0551-0005
20.6	0551-0007
1487.15	0551-0010
1491.8	0551-0012
17.17	0551-0008
17.17	0551-0009
1701 Appendix A	0572-0002
1701 Appendix A	0572-0003
1701 Appendix A	0572-0012
1200.3	0535-0018

Following the text of each part of Title 7, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
Sec.	
201	0581-0025
401	0563-0003 and 0563-0007
402	0563-0003 and 0563-0007
403	0563-0003 and 0563-0007
404	0563-0003 and 0563-0007
405	0563-0003 and 0563-0007
406	0563-0003 and 0563-0007
407	0563-0003 and 0563-0007
408	0563-0003 and 0563-0007
409	0563-0003 and 0563-0007
410	0563-0003 and 0563-0007
411	0563-0003 and 0563-0007
412	0563-0003 and 0563-0007
413	0563-0003 and 0563-0007
414	0563-0003 and 0563-0007
415	0563-0003 and 0563-0007
416	0563-0003 and 0563-0007
417	0563-0003 and 0563-0007
418	0563-0003 and 0563-0007
419	0563-0003 and 0563-0007
420	0563-0003 and 0563-0007
421	0563-0003 and 0563-0007
422	0563-0003 and 0563-0007
423	0563-0003 and 0563-0007
424	0563-0003 and 0563-0007
425	0563-0003 and 0563-0007
426	0563-0003 and 0563-0007
427	0563-0003 and 0563-0007
428	0563-0003 and 0563-0007
429	0563-0003 and 0563-0007
430	0563-0003 and 0563-0007
431	0563-0003 and 0563-0007
432	0563-0003 and 0563-0007
433	0563-0003 and 0563-0007
434	0563-0003 and 0563-0007
435	0563-0003 and 0563-0007
436	0563-0003 and 0563-0007
437	0563-0003 and 0563-0007
438	0563-0003 and 0563-0007
439	0563-0003 and 0563-0007
440	0563-0003 and 0563-0007
441	0563-0003 and 0563-0007
442	0563-0003 and 0563-0007

Following the text of each part of Title 9, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
Part	
350	0583-0036
351	0583-0036
352	0583-0036
353	0583-0036
354	0583-0036
355	0583-0036
356	0583-0036
357	0583-0036
358	0583-0036
359	0583-0036
360	0583-0036
361	0583-0036
362	0583-0036

Following the text of each section of Title 9, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
Sec.	
201.42	0581-0024
201.43	0581-0024
201.45	0581-0024
201.46	0581-0024
201.49	0581-0024
201.50	0581-0024
201.89	0581-0024
201.95	0581-0024
201.99	0581-0024
201.101	0581-0024
201.107	0581-0024
201.200	0581-0024
203.4	0581-0024
203.15	0581-0024
203.16	0581-0024
2.75	0579-0028, 0579-0037, and 0579-0038
2.76	0579-0028, 0579-0037, and 0579-0038
2.77	0579-0028, 0579-0037, and 0579-0038
2.78	0579-0028, 0579-0037, and 0579-0038
2.79	0579-0028, 0579-0037, and 0579-0038
2.80	0579-0028, 0579-0037, and 0579-0038
2.81	0579-0028, 0579-0037, and 0579-0038
145.2	0579-0057
145.4	0579-0057
147.26	0579-0057
147.32	0579-0057
147.33	0579-0057
11.21	0579-0058
103.2	0579-0059
113.5	0579-0059
113.250	0579-0059
114.5	0579-0059
116.1	0579-0059
116.2	0579-0059
116.3	0579-0059
116.4	0579-0059
116.6	0579-0059
116.8	0579-0059
92.4	0579-0060
92.11	0579-0060
73.7	0579-0061
381.175	0583-0006
303.1	0583-0015
309.16	0583-0015
320.1	0583-0015

Following the text of each part or section of Title 36, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column:

CFR citation	OMB control No.
Part	
251	0596-0061
251	0596-0062
Sec.	
221.11	0596-0006
214.5	0596-0020
223.10	0596-0021

(44 U.S.C. 3506)

Signed at U.S. Department of Agriculture, Washington, D.C. 20250, December 31, 1981.

Raymond D. Lett,

Executive Assistant to the Secretary.

[FR Doc. 82-328 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 535; Navel Orange Reg. 534, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 8–January 14, 1982, and increases the quantity of such oranges that may be so shipped during the period January 1–January 7, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 8, 1982, and the amendment is effective for the period January 1–7, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on January 5, 1982 at Visalia, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.835 is added as follows:

§ 907.835 Navel Orange Regulation 535.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 8, 1982, through January 14, 1982, are established as follows:

(1) District 1: 940,000 cartons;
(2) District 2: 60,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.834 Navel Orange Regulation 534 (46 FR 63204), is hereby amended to read:

§ 907.834 Navel Orange Regulation 534.

* * * * *

(1) District 1: 800,000 cartons;
(2) District 2: 56,502 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 6, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–560 Filed 1–6–82: 11:46 am]

BILLING CODE 3410-02-M

---

7 CFR Part 944

Fruits: Import Regulations; Imports of Ripe Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule requires that olives imported in bulk form and subsequently used in the production of canned ripe olives meet the same grade and size requirements applicable to imported canned ripe olives. The rule provides for the use of smaller olives in the production of limited use styles (e.g. halved, segmented, sliced and chopped). The action recognizes that ripe olives may be imported in bulk and it is necessary to assure compliance with the olive import regulation.

DATES: Interim rule effective January 11, 1982 through July 31, 1982; comments which are received by February 8, 1982 will be considered prior to issuance of a final rule to become effective on and after August 1, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated persons.

Imports of canned ripe olives are regulated under Olive Regulation 1 (§ 944.401; 46 FR 44733). This rule is issued under § 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including olives (other than Spanish-style green olives) are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. Olives grown in California are regulated under the marketing agreement, as amended, and Marketing Order No. 932, as amended (7 CFR Part 932).

The 1981 California olive crop is estimated at 44.0 thousand tons, 60 percent less than last year's crop. This is the off year for this alternate bearing crop. It is anticipated that additional supplies of olives will be imported to augment the domestic supply. In the past ripe olives have been imported as packaged olives. This year the Department has reason to believe that some olives will be imported into the United States in bulk form for later use as canned ripe olives.

Olive Import Regulation 1 requires canned ripe olives to meet minimum grade requirements and canned whole ripe and canned pitted ripe olives to meet certain minimum size requirements. This rule provides that regulations applicable to the importation of canned ripe olives shall apply to olives imported in bulk form and subsequently used in the production of canned ripe olives. It also provides for the use of processed olives smaller than the sizes prescribed for whole and pitted styles in the production of limited use styles of canned ripe olives, including halved, segmented, sliced and chopped. This is necessary to provide the same options to importers as are currently available to handlers of limited use size olives under the marketing order. The

rule requires inspection and certification of imported bulk olives prior to use as canned ripe olives and makes a number of conforming changes in inspection procedure. This regulation is necessary to assure compliance with the olive import regulation.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Good cause exists for making these regulatory provisions effective as specified in that (1) bulk olives for use in the production of canned ripe olives are expected to be imported into the United States on or about the effective date of this interim rule, (2) the olive import requirements are mandatory under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, and (3) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

PART 944—FRUIT; IMPORT REGULATIONS

Therefore, in § 944.401 (Olive Regulation 1; as amended at 46 FR 44733) paragraph (a)(1) is amended by adding the definition of "limited use" at the end of the paragraph; paragraph (b) introductory text is revised; paragraph (b)(12) is added thereto; paragraphs (c), (d), (e), (f) and the introductory text to paragraph (j) are revised as follows:

§ 944.401 [Amended]

* * * * *

(a)(1) * * * "Limited use" means the use of processed olives in the production of packaged olives of the halved, sliced, chopped, minced, quartered and segmented styles, as defined in §§ 52.3751–52.3766 of said standards.

* * * * *

(b) On and after the effective date of this section the importation into the United States of any canned ripe olives is prohibited unless such olives are inspected and meet the following applicable requirements: *Provided,* That olives imported in bulk form and used in the production of any canned ripe olives are subject to such applicable requirements and the additional requirements in paragraph (b)(12) of this section. * * *

(12) No person shall use imported bulk olives in the production of canned ripe olives unless they have first been inspected and certified as meeting the requirements of this section: *Provided,* That such olives imported during the period January 11, 1982, through July 31, 1982, may be used for limited use but any such limited use size olives so used shall not be smaller than the following applicable minimum size:

(i) Whole ripe olives of Variety Group 1, except the Ascolano, Barouni, or St. Agostino varieties, of a size which individually weighs 1/90 pound (5 grams) each: *Provided,* That not more than 25 percent, by count, of the olives may be smaller than 1/90 pound.

(ii) Whole ripe olives of Variety Group 1 of the Ascolano, Barouni, or St. Agostino varieties of a size which individually weighs 1/140 pound (3.2 grams) each: *Provided,* That not more than 25 percent, by count, of the olives may be smaller than 1/140 pound.

(iii) Whole ripe olives of Variety Group 2, except the Obliza variety, of a size which individually weighs 1/180 pound (2.5 grams) each: *Provided,* That not more than 20 percent of the olives by count, may be smaller than 1/180 pound.

(iv) Whole ripe olives of Variety Group 2 of the Obliza variety of a size which individually weighs 1/140 pound (3.2 grams) each: *Provided,* That not more than 20 percent, by count, of the olives may be smaller than 1/140 pound.

(v) Whole ripe olives not identifiable as to variety or variety group of a size which individually weighs 1/180 pound (2.5 grams) each: *Provided,* That not more than 20 percent of the olives, by count, may be smaller than 1/180 pound.

(vi) Pitted ripe olives of Variety Group 1, except the Ascolano, Barouni, or St. Agostino varieties of a size which individually measures 20 millimeters in diameter: *Provided,* That not more than 25 percent, by count, of the olives may measure less than 20 millimeters in diameter.

(vii) Pitted ripe olives of Variety Group 1 of the Ascolano, Barouni, or St. Agostino varieties of a size which individually measures 16 millimeters in diameter: *Provided,* That not more than 25 percent, by count, of the olives may be smaller than 16 millimeters in diameter.

(viii) Pitted ripe olives of Variety Group 2, except the Obliza variety, of a size which individually measures 14 millimeters in diameter: *Provided:* That not more than 20 percent of the olives, by count, may be smaller than 14 millimeters.

(ix) Pitted ripe olives of Variety Group 2 of the Obliza variety of a size which individually measures 16 millimeters in diameter: *Provided,* That not more than 20 percent, by count, of the olives may be smaller than 16 millimeters.

(x) Pitted ripe olives not identifiable as to variety or variety group of a size which individually measures 14 millimeters in diameter: *Provided,* That not more than 20 percent, by count, of the olives may be smaller than 14 millimeters in diameter.

(c) The Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade and size of processed olives from imported bulk lots for use in canned ripe olives and the grade and size of imported canned ripe olives. Inspection by said inspection service with appropriate evidence thereof in the form of an official inspection certificate, issued by the service and applicable to the particular lot of olives is required. With respect to imported bulk olives, inspection and certification shall be completed prior to use as packaged ripe olives. With respect to imported canned ripe olives inspection and certification shall be completed prior to importation. Any lot of olives which fails to meet the import requirements may be exported or disposed of under supervision of the Processed Products Branch, Fruit and Vegetable Division, AMS, USDA, with the costs of certifying the disposal borne by the importer. Such inspection and certification services will be available, upon application, in accordance with the applicable regulations governing the inspection and certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (Part 52 of this title). Application for inspection of canned ripe olives shall be made not less than 10 days prior to the time when the olives will be imported. Since inspectors are not located in the immediate vicinity of some of the small ports of entry, importers of canned ripe olives shall make arrangements for inspection through one of the following offices at least 10 days prior to the time when the olives will be imported:

Office and Telephone

Southeastern Regional Office, P.O. Box 860, Third Street and Avenue A, S.W., Winter Haven, Florida 33880; (813) 294–7416

Central Regional Office, U.S. Custom House, Room 1014, 610 South Canal Street, Chicago, Illinois 60607; (312) 353–6217 or 6218

Western Regional Office, 111 West St. John Street, Suite 416, San Jose, California 95113; (408) 275–7253

Application for inspection of processed bulk olives shall be made not less than 3 days prior to use in the production of canned ripe olives. Such application

shall be made through the following office:

Western Regional Office, 111 West St. John Street, Suite 416, San Jose, California 95113; (408) 275–7253

(d) Inspection certificates shall cover only (1) the quantity of canned ripe olives that is being imported at a particular port of entry by a particular importer or (2) the quantity of canned ripe olives processed from a lot or sublot of imported bulk olives.

(e) Inspection shall be performed by USDA inspectors in accordance with said regulations governing the inspection and certification of processed fruits and vegetables and related products (Part 52 of this title). The cost of each such inspection and related certification shall be borne by the applicant therefor. Applications for inspection shall be accompanied by, or there shall be submitted promptly thereafter, either (1) an "on board" bill of lading designating the lots to be entered as canned ripe olives, (2) a list of such lots and their identifying marks, or (3) a list identifying lots of imported bulk olives.

(f) Notwithstanding any other provisions of this regulation, any importation of canned ripe olives or olives imported in bulk for use in the production of canned ripe olives which, in the aggregate, does not exceed 100 pounds drained weight may be imported without regard to the requirements of this section.

* * * * *

(j) Each inspection certificate issued with respect to canned ripe olives to be imported into the United States and canned ripe olives processed from a lot or sublot of imported bulk olives shall set forth, among other things:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: December 31, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-297 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 504 and 508

Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending 10 CFR Part 504 to remove 504.4, "Electric Utility System Compliance Option". This rule is being removed because the prohibition against the use of natural gas by existing electric powerplants contained in Title III of FUA has been eliminated by section 1021 of the Omnibus Budget Reconciliation Act of 1981. In addition, 10 CFR Part 508, "Special Rule for Temporary Public Interest Exemption", is rescinded.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Cliff Tomazewski, Office of Fuels Conversion, Economic Regulatory Administration, Room 6114E, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3313

Marilyn Ross, Office of General Counsel, Department of Energy, Room 6B–178, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, (202) 633–8105

SUPPLEMENTARY INFORMATION:

I. Background Information

Section 501 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA"), authorizes utilities which own or operate powerplants subject to the general prohibitions against the use of natural gas by existing powerplants contained in Title III of FUA to elect to be covered by a system compliance plan. Upon approval by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) of such a plan, the utility would be considered in compliance with any prohibition under Title III relating to the use of natural gas. ERA promulgated regulations, at 10 CFR 504.4, which established the requirements for approval of system compliance plans and established the deadline for submission of such plans to ERA as August 1, 1980.

Section 1021 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 ("OBRA") amended Title III of FUA by eliminating the general prohibitions against use of natural gas as a primary energy source by existing electric powerplants.

In view of the elimination of the general prohibitions against the use of natural gas by existing electric powerplants contained in Title III of FUA, ERA determined that 10 CFR 504.4 should be rescinded because the need no longer exists to further process or approve these compliance plans.

On November 4, 1981 (46 FR 54753) ERA issued a Notice of Proposed Rulemaking to amend 10 CFR Part 504 by removing § 504.4 "Electric Utility System Compliance Option."

In further response to the elimination of the general prohibitions against the use of natural gas as a primary energy source by existing powerplants under former section 301(a) of FUA, ERA proposed to rescind the so-called "Special Rule," 10 CFR Part 508, authorizing temporary public interest exemptions from those prohibitions.

As a result of these actions, ERA will no longer process pending compliance plans or enforce any terms and conditions which were imposed on approved plans. Similarly, ERA will not process any petitions for exemption under the Special Rule nor will it enforce the terms and conditions attached to any exemptions which have already been granted.

ERA invited comments on the proposed rulemaking for 30 days ending December 4, 1981. No comments were received.

II. Procedural Matters

(a) *Section 102 of the National Environmental Policy Act (NEPA).* The Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness has determined that this regulation would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

(b) *Regulatory Flexibility Act.* ERA has determined that these procedures will primarily impact large public utilities. Therefore, ERA certifies that the promulgation of this rule will not have a significant economic impact on a substantial number of "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis has not been prepared.

(c) *Executive Order 12291.* ERA has determined that the amendment to 10 CFR Part 504 is not a major rule as defined in Executive Order 12291, as it will not be likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers or individual industries; Federal, state, or, local government agencies; or geographic regions; or (3) significant

adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States based enterprises in domestic or export markets.

(Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 42 U.S.C. 8301 *et seq.*; Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35)

PART 504—EXISTING FACILITIES

§ 504.4 [Removed]

Section 504.4 is removed.

PART 508—SPECIAL RULE FOR TEMPORARY PUBLIC INTEREST EXEMPTION [REMOVED]

For the reasons set out in the preamble, Chapter II, Title 10 of the Code of Federal Regulations is amended by removing § 504.4 and Part 508.

Issued in Washington D.C. on December 21, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-456 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Reg. C; Docket No. R-0350]

Home Mortgage Disclosure; Final HMDA-1 Form

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing the final version of its HMDA-1 disclosure and reporting form, required under the Home Mortgage Disclosure Act. This format is to be used by all depository institutions covered by Regulation C for reporting their mortgage and home improvement loan data, beginning with data for the calendar year 1981. The form constitutes Appendix C to the regulation.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Claudia J. Yarus, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: (1) The Board is publishing the final version of its HMDA-1 form. A proposed version of this form was published in the **Federal Register** on February 10, 1981 (46 FR 11780), as part of the Board's proposal to revise Regulation C (12 CFR Part 203) implementing the Home Mortgage Disclosure Act (12 U.S.C. 2801-2811). The Board published a final, revised version of Regulation C that became effective on August 11, 1981 (46 FR 40679). Publication of the final version of the HMDA-1 form was deferred, however, because of the forms review by the Office of Management and Budget required under the Paperwork Reduction Act (Pub. L. 96-511). OMB has now reviewed and approved the form.

The HMDA-1 form is the prescribed standard format that all depository insitutions subject to Regulation C must use for disclosing and reporting mortgage and home improvement loan data, beginning with data on loans made or purchased in calendar year 1981. Depository institutions may photocopy the HMDA-1 form that will be provided through federal financial supervisory agencies, or may print their own report forms so long as they use the prescribed format. If they use computer-generated reports, they may adapt the form for computer print-out as necessary, so long as the *format* conforms to the HMDA-1 form.

Copies of the form will be made available to all state member banks of the Federal Reserve System through the Federal Reserve Banks. The form will be made available to all other depository institutions through the nearest regional office of their federal supervisory agency—the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the National Credit Union Administration.

It is contemplated that the Federal Reserve Board will distribute copies of HMDA-1 to the other agencies during the first two weeks in January 1982, for further distribution by each agency to the depository institutions subject to its jurisdiction.

Depository institutions should contact their own supervisory agency, not the Federal Reserve, for information about distribution.

The HMDA-1 form is identical in substance to the proposed version that was published in February 1981; the instructions have been expanded to assist users. This revised form is also similar to the original form in Regulation C, the difference being that the "Total Residential Mortgage Loans" column in the original form has been deleted.

The addition of the HMDA-1 form to Regulation C does not impose any new requirements; it merely provides the vehicle for fulfilling requirements already set forth in the regulation. Accordingly, the form becomes effective immediately, and is not subject to a delayed effective date under 5 U.S.C. 553(d).

(2) Pursuant to the authority granted in 12 U.S.C. 2803(e) and 2804(a), the Board hereby amends Regulation C (12 CFR Part 203) by adding Appendix C, to read as follows:

PART 203—HOME MORTGAGE DISCLOSURES

Appendix C

MORTGAGE LOAN DISCLOSURE STATEMENT

WHO MUST FILE.

1. This form must be filed by depository institutions that

   a. have assets of more than $10 million,

   b. make first lien loans on 1-to-4 family residential real property, *and*

   c. are located in standard metropolitan statistical areas (SMSAs).

2. Institutions that have been exempted by the Federal Reserve Board because they are covered by a similar state mortgage loan disclosure law will instead complete and file the disclosure form required by their state law.

WHEN AND WHERE TO FILE.

1. The institution must send two copies of the disclosure statement to the regional office of its federal enforcement agency no later than March 31 following the calendar year for which the loan data were compiled.

2. The institution also must make its disclosure statement available no later than March 31 for examination by the public.

INSTRUCTIONS FOR COMPLETION OF FORM

DATA TO BE SHOWN.

1. The institution must show the data on residential mortgage and home improvement loans that were originated and purchased during the calendar year covered by the statement.

2. Data for each category on the statement must show both the number of loans and the total dollar amount of loans.

3. Data for loans originated by the institution are to be shown in Part A and data for loans purchased in Part B.

4. Dollar amounts are to be rounded to the nearest thousand ($500 will be rounded up), and shown in terms of thousands.

DATA TO BE EXCLUDED.

1. Do not report loans that, although secured by real estate, are made *for purposes other than* the purchase of residential real estate or home improvement (for example, a loan secured by residential real property for purposes of financing education, a vacation, or business operations).

2. Also exclude from disclosure: construction loans and other temporary financing; loans made or purchased by the institution acting in a fiduciary capacity (by the institution's trust department, for example); loans on unimproved land; and refinancings of loans originated by the institution that involve no increase in the outstanding principal (provided the parties to the loan remain the same).

GEOGRAPHIC ITEMIZATION (Grouping of loan data by SMSA, census tract or county, and outside-SMSA).

1. Loan data are to be itemized separately for each SMSA in which the institution has a home or branch office. A separate page must be used for each SMSA. (See item 4 below for treatment of loans on property outside such SMSAs.) The institution must use the SMSA boundaries as defined by the U.S. Department of Commerce on January 1 of the calendar year for which the loan data are compiled.

2. Loan data on property *within an SMSA* shall be further itemized by the census tract in which the property is located, except that the loan data shall be itemized by county instead of census tract when the property to which the loan relates is located

   a. in an area that is not divided into census tracts on the Census Bureau's census tract outline maps; *or*

   b. in a county with a population of 30,000 or less. (Note: To determine population, use the Census Bureau's PC80-1-A population series. If that series is not yet available for a particular county, use the PHC80-V series.)

3. To determine census tract numbers and SMSA boundaries, the institution should consult the Census Bureau's census tract outline maps.

   (The institution should use the Census Bureau's PHC80-2 series for the 1980 census if it is available for the particular SMSA. Until the series is available, the institution may use the Census Bureau's PHC(1) series maps for 1970, *or* it may use 1980 data from the Census Bureau (such as the GBF/DIME files) or from a private publisher.

   The institution should indicate on the statement whether it has used 1970 or 1980 census tracts. An institution using 1970 census tracts for a given SMSA must use them for the entire calendar year, even if the PHC80-2 maps for that SMSA become available during the year.)

4. If the property to which the loan relates is located *outside SMSAs* in which the reporting institution has a home or branch office, *or outside any SMSA*, the loan data should be listed as an aggregate sum in Section 2 of the form; no geographic itemization is necessary.

5. Institutions that have a home or branch office in the New York City/New Jersey SMSA should note that there are duplicate census tract numbers in New York City. There may also be duplicate numbers in other SMSAs. When reporting loan data relating to property in these SMSAs, the institutions must indicate the county name in addition to the tract number.

TYPE-OF-LOAN ITEMIZATION (itemization of each geographic grouping into loan categories).

1. Column A:

   FHA, FmHA, and VA loans on 1-to-4 family dwellings. This category includes loans that are secured by liens (both first and junior liens) *and* that are made for the purpose of purchasing residential real property *and* that have FHA, FmHA, and VA insurance or guarantee. It includes refinancings (but see item 2 under DATA TO BE EXCLUDED). It may include, at an institution's option, first lien loans for home improvement purposes if the institution normally classifies first lien loans as purchase loans. It does *not* include FHA Title I loans, which are to be entered in column C.

2. Column B:

   Other home purchase loans ("conventional" loans) on 1-to-4 family dwellings. This category includes loans

secured by liens (both first and junior liens) *and* made for the purpose of purchasing residential real property, other than FHA, FmHA, and VA loans. It includes refinancings (but see item 2 under DATA TO BE EXCLUDED). It may include, at an institution's option, first lien loans for home improvement purposes if the institution normally classifies fi at lien loans as purchase loans.

3. Column C:

Home improvement loans on 1-to-4 family dwellings. This category is limited to any loan, including a refinancing, that is to be used for repairing, rehabilitating, or remodeling a residential dwelling *and* that is recorded on the institution's books as a home improvement loan. It includes both secured and unsecured loans.

4. Column D:

Loans on multi-family dwellings (5 or more families). This category includes home purchase and home improvement loans—that is, it covers the same types of loans as are covered in columns A, B, and C. The difference is that those columns relate to loans on 1-to-4 family dwellings, whereas column D relates to loans on dwellings for 5 or more families.

5. Column E:

Non-occupant loans on 1-to-4 family dwellings. This is an addendum category for reporting those home purchase and home improvement loans on 1-to-4 family dwellings (recorded in columns A, B, and C) that were made to a borrower who did *not*, at the time of the loan application, intend to use the property as a principal dwelling. A depository institution may assume, unless its records contain information to the contrary, that a loan it purchases does not fall within this category.

MORTGAGE LOAN DISCLOSURE STATEMENT

Report for loans made in 19 ____

FRB HMDA-1
OMB No. 7100-0086
Approval expires September 1984

This report is required by law (12 U.S.C. 2801-2811 and 12 CFR 203).

Depository institution

Name _____

Address _____

Enforcement Agency for this institution

Name _____

Address _____

Census tract series used: ____ 1970 series ____ 1980 series

SMSA (location of property) _____

PART A—ORIGINATIONS

SECTION 1—LOANS ON PROPERTY LOCATED WITHIN THOSE SMSAs IN WHICH INSTITUTION HAS HOME OR BRANCH OFFICES

CENSUS TRACT (In numerical sequence) where property located or COUNTY (name) where property located	Loans on 1 - to - 4 family dwellings						Loans on Multi-family Dwellings for 5 or more families (home purchases and home improvement)		Addendum Item: Non-occupant Loans on 1 - to - 4 family dwellings	
	Home Purchase Loans				Home Improvement Loans					
	FHA, FmHA, and VA		Other ("Conventional")							
	A		B		C		D		E	
	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)
SMSA TOTAL										

SECTION 2—LOANS ON ALL PROPERTY LOCATED ELSEWHERE

BILLING CODE 6210-01-C

PART B—PURCHASES

SECTION 1—DATA FOR PROPERTY LOCATED WITHIN THOSE SMSAs IN WHICH INSTITUTION HAS HOME OR BRANCH OFFICES

CENSUS TRACT (in numerical sequence) where property located or COUNTY (name) where property located	Loans on 1 - to - 4 family dwellings						Loans on Multi-family Dwellings for 5 or more families (home purchases and home improvement)		Addendum item: Non-occupant Loans on 1 - to - 4 family dwellings	
	Home Purchase Loans				Home Improvement Loans					
	FHA, FmHA, and VA		Other ("Conventional")							
	A		B		C		D		E	
	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)	No. of Loans	Principal Amount (Thousands)
SMSA TOTAL										

SECTION 2—LOANS ON ALL PROPERTY LOCATED ELSEWHERE

By order of the Board of Governors, December 30, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-370 Filed 1-6-82; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Parts 213 and 226

[Regs. M and Z; Docket No. R-0381]

Consumer Leasing/Truth in Lending; Deferral of Date for Mandatory Compliance

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Deferral of mandatory effective dates.

SUMMARY: The Board is deferring until October 1, 1982, the mandatory effective date for compliance with Regulation M (Consumer Leasing) and revised Regulation Z (Truth in Lending), which implement the Truth in Lending Simplification and Reform Act. Although the revised regulations became effective on April 1, 1981, compliance originally was not required until April 1, 1982. In the interim, creditors were given a transition period during which they could comply with either the revised regulations or the previous Regulation Z. On December 26, 1981, the President signed into law an amendment to the Truth in Lending Simplification and Reform Act delaying the mandatory effective date for six months until October 1, 1982. Pursuant to this new statutory mandate, the Board is deferring the mandatory effective date for compliance with its revised regulations and continuing the transition period until October 1, 1982.

The Board is also deferring until October 1, 1982, rescission of certain provisions in the previous Regulation Z (implementing the Truth in Lending Act prior to the 1980 simplification amendments). The Board had permitted creditors to comply, effective January 10, 1980, with amendments to the previous regulation that provided greater flexibility and protection in disclosing the annual percentage rate and other terms. Creditors could, however, continue to comply with provisions of previous Regulation Z until April 1, 1982. Creditors may now continue to comply with the previous regulation until October 1, 1982.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara D. Ranagan, Staff Attorney (202–452–3667), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Introduction.* Effective April 1, 1981, the Board simplified its consumer credit rules in Regulation Z (12 CFR Part 226) and issued a revised regulation. The Board also extracted the consumer leasing rules from Regulation Z and placed them in Regulation M (12 CFR Part 213) (46 FR 20848, April 7, 1981). The resulting new regulations (hereinafter referred to as the "simplified regulations") reflect amendments made by the Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221, 94 Stat. 170, March 31, 1980). That act had a mandatory effective date of April 1, 1982, but permitted creditors to comply with the simplified regulations that the Board was required to promulgate by April 1, 1981. The previous Regulation Z (hereinafter referred to as "pre-simplification Regulation Z") and accompanying appendices, supplements and interpretations were to remain concurrently effective during the interim. By promulgating its simplified regulations in April of 1981, the Board provided a 1-year transition period during which creditors could choose to comply with either the simplified regulations or the pre-simplification Regulation Z until compliance became mandatory on April 1, 1982. The purpose of the transition period was to allow creditors sufficient time to modify their disclosure forms and adapt their procedures. The Official Staff Commentary to simplified Regulation Z was issued on October 6, 1981 (46 FR 50288, October 9, 1981) giving creditors who had waited for further clarification slightly less than six months to meet the April 1, 1982, mandatory compliance date.

On December 26, 1981, the President signed into law an amendment to the Truth in Lending Simplification and Reform Act delaying the mandatory effective date for six months to October 1, 1982 (Title III of the International Banking Facility Deposit Insurance Act, Pub. L. 97–110, 95 Stat. 1513). The deferral provides creditors and lessors additional time to achieve compliance and requires the Board to delay the mandatory compliance date of its simplified regulations. Accordingly, the Board is continuing the transition period so that creditors who wish to do so may continue to comply with pre-simplification Regulation Z and accompanying appendices, supplements, and interpretations until October 1, 1982. The Board is also making technical amendments to two footnotes in simplified Regulation Z that refer to the mandatory compliance date by changing the date to October 1, 1982.

The change being made is limited strictly to the deferral of the mandatory compliance date and does not alter the April 1, 1981, optional compliance date. It simply prolongs the transition period and does not in any way affect the substantive requirements in pre-simplified Regulation Z, the simplified regulations, or the transition rules discussed in 46 FR 20848. Technical amendments that conform the references in the Official Staff Commentary on Regulation Z to the deferred mandatory compliance date will be made when the commentary is revised.

Five states had been granted exemptions from pre-simplification Regulation Z. Those exemptions—to Connecticut, Maine, Massachusetts, Oklahoma, and Wyoming—were due to expire on April 1, 1982. They will now remain in effect until October 1, 1982, unless superseded by a new exemption granted under the simplified regulations. Any state, including the exempt states, may still seek an exemption from the simplified regulations before that date.

The Board is also deferring until October 1, 1982, rescission of certain provisions concerning the annual percentage rate in pre-simplification Regulation Z. On December 31, 1979, the Board amended provisions in pre-simplification Regulation Z relating to the calculation and disclosure of annual percentage rate and other credit terms (44 FR 77139). Although these amendments had an effective date of January 10, 1980, creditors were given the option of complying with the new or the old provisions until October 1, 1980. The Board subsequently changed that date from October 1, 1980, to April 1, 1982, to coincide with the mandatory effective date of the Truth in Lending Simplification and Reform Act (45 FR 56795, August 26, 1980). The Board is now extending the optional compliance period until October 1, 1982 to coincide with the deferred effective date of the Truth in Lending Simplification and Reform Act.

The actions being taken are required by Pub. L. 97–110 enacted December 26, 1981. These actions facilitate implementation of the 1980 simplification act and do not impose any additional burden or liability. Therefore, publication of the changes for public comment and a delay in their effective date are neither necessary nor required under 5 U.S.C. 553 (b) and (d), and immediate implementation is in the public interest.

(2) *Text of amendments.* In consideration of the foregoing and pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604) as amended by Pub. L. 96–221, 94 Stat. 170 (March 31, 1980) and Pub. L. 97–110, 95 Stat. 1513 (December 26, 1981), the Board amends its regulations as follows:

1. The Board delays from April 1, 1982, to October 1, 1982, the mandatory effective date for compliance with simplified Regulations Z and M and the expiration of pre-simplification Regulation Z (12 CFR Part 226), appendices, supplements, Board and staff interpretations, and state exemptions. The April 1, 1981, effective date for optional compliance with simplified Regulations Z and M as described in 46 FR 20848 (April 7, 1981) remains unchanged.

2. The Board amends simplified Regulation Z (12 CFR Part 226) as described in 46 FR 20848 (April 7, 1981) by changing the date in footnote 31a to § 226.14 and footnote 45a to § 226.22 from "April 1, 1982," to "October 1, 1982."

3. The Board delays from April 1, 1982, to October 1, 1982, rescission of § 226.5 (b) through (e), Board Interpretations §§ 226.502, 226.503 and 226.505, and Supplement I to pre-simplification Regulation Z (12 CFR Part 226), as described at 44 FR 77139 (December 31, 1979) and 45 FR 56795 (August 26, 1980). The January 10, 1980, effective date for revisions to § 226.5 and Supplement I, and new § 226.8 (r) and (s) remains unchanged.

(3) *Authority.* Sec. 105 of the Truth in Lending Act as amended by section 605, Pub. L. 96–221, 94 Stat. 170 (15 U.S.C. 1604). Board of Governors of the Federal Reserve System, acting by the Secretary of the Board pursuant to delegated authority under 12 CFR 265.2(a), December 31, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-429 Filed 1-6-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 20026; Amdt. No. 21-56]

Aircraft Noise Requirements; Amendment to Definition of "Acoustical Change" to Permit Temporary, Limited Engine/Nacelle Intermix for Turbojet Engine Powered, Transport Category Large Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The amendment permits the temporary installation and use (intermix) of different engines or nacelles changes or both, on a particular airplane for a 90 day period without further documentation of the noise levels, provided that the airplane is brought back into conformance with an acoustically certificated configuration for that airplane within 90 days of the initial change.

Under the previous rule, any voluntary change in type design of an airplane that might increase noise was an "acoustical change" and after the design change the airplane could not exceed specified noise levels. Thus, it was frequently necessary for aircraft manufacturers or operators to show that each possible engine/nacelle configuration combination complied with applicable noise levels, even if that configuration was only installed temporarily. They were also required to provide complete airplane flight manual materials approved by the FAA for each affected airplane. Those processes imposed a considerable manpower and paperwork obligation on the part of the manufacturer, the operator, and the FAA. The FAA's review showed that potential increase in aircraft noise would be minimal and, thus, that the requirement was unduly restrictive. Accordingly, this amendment allows type design changes, that are limited to the engine, or nacelle, or both, where the airplane may be operated without such compliance for a period of not more than 90 days.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591 telephone: (202) 755–9027.

SUPPLEMENTARY INFORMATION:

I. Regulatory History

In accordance with FAR Part 11.25(c), the Air Transport Association of America (ATA) petitioned the FAA on January 4, 1980, for an exemption from FAR Part 21.93(b) and for an appropriate rule change to allow unlimited intermix on its members' operating fleets for a period of up to 90 days. A summary of that petition was published in the **Federal Register** for public information and comment on March 6, 1980 (45 FR 14590).

On January 26, 1981, the Federal Aviation Administration (FAA) published a Notice of Proposed Rulemaking, Notice No. 81–3 (46 FR 8347), proposing to amend the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The notice proposed permitting the temporary installation and use (intermix) of different engines or nacelles on a particular airplane for a 90 day period without further documentation of the noise levels, provided that the airplane is brought back into conformance with an acoustically certificated configuration for that airplane within 90 days of the initial change. Interested persons were invited to comment on the proposals contained in that notice by March 27, 1981. All comments received were given full consideration in the promulgation of this amendment. Except as discussed below, this amendment adopts the proposals in Notice No. 81–3 without substantive change.

Pursuant to section 611(b)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431) the FAA has consulted with the Secretary of Transportation and the U.S. Environmental Protection Agency (EPA) prior to the adoption of this amendment. An environmental assessment regarding this amendment has been prepared in accordance with applicable environmental review procedures. This amendment was submitted to the EPA in accordance with section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h–7).

Part 36 of the Federal Aviation Regulations "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969), which became effective December 1, 1969, originally prescribed noise measurement, evaluation, and level requirements for

the issuance of type certificates, and changes to those certificates, for subsonic transport category large airplanes and for subsonic turbojet engine powered airplanes regardless of category and weight. That regulation initiated the regulatory noise abatement program of the FAA under the statutory authority of Public Law 90–411 (July 21, 1968), which added section 611 to the Federal Aviation Act of 1958 (the "FA Act").

II. Synopsis of the Amendment

The purpose of this amendment is to change § 21.93(b) of the FARs (14 CFR Part 21) to amend the definition of "acoustical change" as applied to turbojet engine powered/ transport category large airplanes. The amendment is based upon a recommended change to the rule submitted in a petition for rulemaking under FAR Part 11 by ATA dated January 4, 1980. A summary of that petition was published in the **Federal Register** for public information and comment on March 6, 1980 (45 FR 14590). Section 21.93(b) previously defined "acoustical change" as any voluntary change in the type design of an airplane that might increase the noise levels of the airplane.

The petition requested an amendment to § 21.93(b) so that temporary (less than 90 day) engine/nacelle intermixes for maintenance purposes on turbojet engine powered, transport category large airplanes would not be classified as "acoustical changes" and, thus, not be governed by the applicable requirements of § 36.7 of Part 36. Petitioner's reasons for the amendment indicate that granting of the petition would have a minimum effect on individual airplane noise and an even lesser effect on national fleet noise level. Results would include significant cost savings, reduced spares inventory, better allocation of manpower resources, and reduced workload and paperwork burden on industry and Government.

III. Aircraft Noise Rules

Public Laws 90–411, 92–574, 95–609, and 96–193 were enacted to provide the statutory basis for promulgating regulations providing present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under section 611 of the FA Act, the FAA, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations.

Since the adoption of FAR Part 36 in 1969, the FAA has issued a number of proposed amendments to its provisions and, subsequent to notice and public procedure, adopted those amendments which have been found to be consistent with the provisions of section 611 of the FA Act. Those amendments have increased the protection of the public health and welfare regarding noise and sonic boom. In addition to the FAR Part 36 airplane noise certification rules, the FAA has adopted rules governing how airplanes should be operated for noise control purposes. On March 28, 1973, the FAA published an amendment to Part 91 (Amendment 91–112; 38 FR 8051) to prohibit unauthorized operation of civil aircraft at supersonic speeds over the United States. Amendment 91–134 (41 FR 52388; November 29, 1976), amended Part 91 for noise abatement purposes to require that a pilot in command of a civil turbojet-powered airplane use the lowest authorized flap setting consistent with safety. Amendment 91–136 (41 FR 56046; December 23, 1976) added Subpart E to Part 91 to require phased compliance with the Part 36 noise limits by U.S. registered, civil subsonic turbojet engine powered airplanes with maximum weight of more than 75,000 pounds having standard airworthiness certificates and engaged in air commerce in the United States.

IV. Need for Regulation

The need for this amendment stems from difficulties in complying with the current acoustical change provisions of FAR § 21.93(b) when, for operational purposes, the airline operators must "intermix" engine configurations. The current rules require that each such configuration must be fully certificated for both safety (airworthiness) and noise, even though many configurations would only be employed for short periods. The FAA has determined that while the safety requirements are appropriate and necessary, the amount of paperwork burden on both industry and government for certificating temporary configurations for noise is unwarranted. Docket comments have also pointed out that the current rule is costly to the operators because it prohibits the use of certain spares that are otherwise approved from the airworthiness standpoint.

Industry data and FAA-sponsored research indicated that the increase in aircraft noise would be minimal and not have a significant impact. The FAA conducted an environmental assessment which resulted in a Finding of No Significant Impact. A copy of that finding is available in the public docket.

V. Comments and Responses

The FAA received 12 comments from interested persons including local governmental bodies, the aviation industry, aircraft owners, and airplane operators in response to Notice No. 81–3. Most commenters supported the proposal; however, several issues were raised. For example, suggestions were made concerning a specific language change and extending the time limit. Thus, the comments and FAA's response to them are discussed as follows:

Specific Language Change

Eight comments were received which expressed concern that the language in the notice did not correctly reflect the intent of the ATA's petition. Specifically, commenters questioned the design changes being limited to an "engine or nacelle change." The commenters recommended using the language suggested by the ATA in its original edition which was "engine and/ or nacelle changes."

The FAA has given full consideration to the "and/or" provision. After reviewing the commenters' recommendations, the FAA has further clarified its intent by changing the wording from "or" to "engine or nacelle changes or both." In doing so, the definition of "acoustical change" provides increased flexibility in the use of airworthiness approved 90-day engine/nacelle intermixes.

Time Limits

Three comments were received on this feature of the proposal, with one supporting the 90-day time limitation.

Another commenter expressed his opinion that the ATA's petition included the time limit as a concession to environmental pressures. The commenter also mentioned that perhaps there was a need for a relaxed limit of 180 or 360 days, and that the environmental degradation would not be noticeable even with widespread exercise of this relaxed provision.

The third commenter proposed an additional relief by extending the maximum period for which an airplane may be out of conformance from 90 to 180 days. That commenter contends that the noise impact will be very slight and most probably not be discernible to the human ear. Also, the need for temporary intermix operation does not happen very often during the life of an airplane. It usually is related to either the introductory phase of new airplanes into an existing fleet and possibly to engine upgrade programs. So according to the commenter, even a 180 day period will

in fact only represent a very minor portion of the total life of an airplane.

The FAA believes that the 90 days proposed for temporary engine/nacelle intermixes is a sufficient time period. The FAA agrees with the petitioner that the paperwork and documentation requirements for the temporary design changes covered by the proposal are grossly disproportionate to the noise benefits they preserve for a short period such as 90 days or less. However, the proposed exception must be carefully prescribed to limit its impact on aircraft noise emissions to those clearly shown to be unwarranted in fulfilling the rule's intended purposes. Thus, the proposed exception would apply only if an engine/nacelle change accomplished on an individual airplane is temporary—that is, the airplane is brought back into conformance with an acoustically certificated configuaration for that airplane within 90 days after the initial change. Implementation is controlled through the Airplane Flight Manual and installation documentation approvals.

Present Regulation Should Remain Unchanged

One comment was received that stated that the present regulation should remain unchanged. The commenter is concerned in particular with the increase in noise levels at John F. Kennedy Airport in New York. The commenter addressed the fact that the FAA, using several airlines' data on their B–727 aircraft, estimated that the cumulative Day-Night Noise Level (Ldn) for those airplanes would usually rise an average less than 0.1 decibels at a medium size hub airport. The actual Ldn level could be higher or lower depending on the number of airplanes using intermixes at the airport during any given period. Since JFK is a large size hub airport, the commenter concludes that it can reasonably be assumed that the noise level there will rise considerably more than estimated. That commenter also stated that the more important noise measurement is the single event measure, not cumulative impact analysis.

The FAA appreciates the views expressed in this comment. The purpose of analyzing noise is to evaluate its effect on humans. To do this, numerous specialized measurement techniques and noise units have been developed over the years. For aviation noise analyses, the FAA has determined that the cumulative noise measures be used for all noise analyses. The single event measure, A-weighted sound level dB(A) in decibels is appropriate only as a supplement to cumulative impact analysis. In addition, studies have shown that the increase in aircraft noise from this action will be minimal; in some cases the noise resulting from intermix will be reduced. The overall effect will be no measurable increase in cumulative aircraft noise.

The FAA is aware that the estimated number for increased noise levels depends on the number of airplanes operating under this amendment. However, the need for temporary intermix operation does not occur very often during the life of an airplane. Thus, the definition of "acoustical changes" is being amended to apply to configurations that will be used for maintenance purposes.

Noise Suppression Equipment

One comment was received that suggested expanding design changes to include changes to noise suppression equipment, not covered by the intermix of engines and nacelles.

In order to properly respond to this comment the FAA would need a further explanation of the commenter's intent. So far, the FAA has not received any data on this subject. In addition, this issue was not presented in the NPRM and this action is limited to the scope of that notice.

VI. Analysis of the Amendment

This action amends § 21.93(b) of Part 21 of the FARs (14 CFR Part 21) which contains the definition of "acoustical change" in the aircraft noise certification rules as applied to turbojet engine powered, transport category large airplanes. The following discussion outlines the changes to § 21.93(b) of Part 21 of the Federal Aviation Regulations.

Section 21.93(b) is amended to allow the provision concerning acoustical changes to permit, under specified conditions, the intermixing of engines or nacelles changes or both, on an affected airplane. It does not affect any other applicable requirements for certification of type design or airworthiness, or for operating the affected aircraft—only those governing noise level certification. This section approves 90 day intermixes, and contemplates the reinstallation of a complying engine/nacelle combination at or before the end of the 90 days period.

Therefore, the objective of this revised paragraph is (1) to allow unlimited intermix of engines and/or nacelles for maintenance purposes up to a period of 90 days without triggering the acoustical change requirements, and (2) to thereby provide relief to operators, manufacturers, and the FAA without significant aircraft noise impact.

Adoption of the Amendment

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.93 [Amended]

Accordingly, § 21.93 of Part 21 of the Federal Aviation Regulations (14 CFR 21) is amended, effective February 8, 1982, as follows:

1. Paragraph (b) is amended by removing the words "paragraph (b)(3)" and adding the words "paragraphs (b)(2) and (b)(3)" in place thereof.

2. Paragraph (b)(2) is amended by adding the following new sentence following the words "(regardless of category)":

* * * * *

(b) * * *

(2) * * * For airplanes to which this paragraph applies, 'acoustical changes' do not include changes in type design that—

(i) Are limited to engine or nacelle changes or both; and

(ii) Specify that the airplane may not be operated, under the change in type design, for any period of more than 90 days unless compliance with the applicable acoustical change provisions of Part 36 of this chapter is shown for that change in type design."

(Secs. 313(a), 601(a), 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1423 and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), E.O. 11514, March 5, 1970; and 14 CFR 11.45)

Note.—As cited above, the FAA has determined that this amendment will result in a reduction of costs to both the Government and the public. It, therefore, is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, it is certified that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act as relatively few small entities will be affected and the effect on them should be minimal. A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Washington, D.C., on December 12, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 82-294 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-ANE-22; Amdt. 39-4293]

Airworthiness Directives; Sikorsky Models S-58/S-58T Series Helicopters Certificated in All Categories Including Military Types

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes a replacement time for the main rotor head horizontal hinge pin, P/Ns S1610-23020-2, -3, and -4, of Sikorsky S-58/S-58T model series helicopters. The examination of main rotor head overhaul record show hinge pin rejection for various reasons. Some rejects were the results of discovering magnetic particle indications of fretting oxidation and flash or corrosion pitting. As a result of this corrosion pitting and fretting damage a mandatory replacement time for main rotor head horizontal hinge pin has been established.

DATES: Effective date—February 1, 1982. Comments on the rule must be received on or before February 1, 1982.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Martin Buckman, ANE-212, Engineering and Manufacturing Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7329.

SUPPLEMENTARY INFORMATION: Sikorsky Aircraft examined main rotor head overhaul records for the years 1976, 1977, and 1978 and found that thirty (30) 58T main rotor heads had a 100 percent hinge pin rejection rate for various reasons. Of these pin rejects (120), fifty-seven (57) percent were the result of discovering magnetic particle indications of fretting oxidation and/or corrosion pitting. The minimum/maximum hours head overhaul time for the 30 heads was 752/1103 hours.

Two horizontal hinge pins from a commercial operator were examined and reported by Sikorsky to have small fatigue cracks originating in heavy concentration of corrosion pitting. The total time and history of these two pins was not known.

Therefore, service experience history results show that a large percentage of hinge pins have been rejected at the 1,000 hours overhaul due to magnetic particle indications of corrosion pitting and fretting damage and that this damage may cause high stress concentrations leading to fatigue cracks. Thus, the FAA concurs with Sikorsky's recommendation that a mandatory replacement time for the main rotor head horizontal hinge pins be established at 1,000 hours time in service.

Need for Amendment

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective February 1, 1982, by adding the following new AD:

Sikorsky Aircraft. Applies to Models S-58/S-58T series helicopters certificated in all categories, including Military Type HSS-1, HSS-1F, HSS-1N, HUS-1, HUS-1A, HUS-1AN, HUS-1G, HUS-1Z, H-34A, H-34C, H-34J, CH-34A, CH-34C, HH-34F, HH-34J, SH-34G, SH-34H, SH-34J, UH-34D, UH-34E, UH-34G, UH34J, VH-34C, and VH-34D.

To prevent possible fatigue failure of the horizontal hinge pins, replace main rotor head horizontal hinge pins, P/Ns S1610-23020-2, -3, and -4 with a serviceable part prior to the accumulation of 1,000 hours time in service or within 100 hours time in service after the effective date of this AD, whichever occurs later. Thereafter, replace horizontal hinge pin with a serviceable part at intervals not to exceed 1,000 hours time in service.

All horizontal hinge pins whose hours time in service cannot be established are to be replaced with a serviceable part within 100 hours time in service from the effective date of this AD.

Other actions which provide an equivalent level of safety with this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

This amendment becomes effective February 1, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under section 8 of Executive 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts on December 22, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-432 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-EA-56]

Alteration of Transition Area: Elmira, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Elmira, New York, Transition Area so as to change the description to delete the

southwest extension. The extension was created to protect the VOR and RNAV runway 6 instrument procedures which have been cancelled. This results from restrictions placed on the Elmira VORTAC (very high Frequency omnidirection radio range tactical air Navigation).

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in that it releases controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Elmira, New York, 700-foot floor transition area by deleting, "within 4.5 miles each side of the Elmira VORTAC 237° radial extending from the 12-mile radius area to 11.5 miles SW of the VORTAC."

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,
Acting Director, Eastern Region.

[FR Doc. 82-142 Filed 01-06-82; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-36]

Alteration of Transition Area: Wellsville, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Wellsville, New York, Transition Area by changing the bearing from the Hallsport radio beacon (RBN) from 090° to 089°. This change releases and accepts a very small amount of controlled airspace. The change accompanied a change in the description of the RBN to an outer marker compass locator (LOM).

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon publication in the Federal Register as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Wellsville, N.Y., 700-foot floor Transition Area as follows:

Delete, "090° bearing from the Hallsport RBN, lat. 42°06'34" N., long. 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN," and substitute, "089° bearing from Wellsville Municipal Airport ILS localizer east course extending from the 9-mile radius area to 11.5 miles east of the OM (42°06'34" N., 77°54'33" W.,)" therefor.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,
Acting Director, Eastern Region.

[FR Doc. 82-143 Filed 1-6-82; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-51]

Alteration of Transition Area: Ogdensburg, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Ogdensburg, New York, Transition Area, by changing the description to reflect a deletion of the reference to the Ogdensburg radio beacon (RBN) and inserting the Ogdensburg instrument landing system (ILS) Localizer. It will also delete the easterly extension based on the RBN, retaining a much smaller easterly extension based on the ILS localizer. This rule results from a re-evaluation of the airspace needs in the terminal area.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamacia, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and relaxatory in nature and does not impose any additional burden on any person. The rule will reduce an approximately 8 by 8 mile area at controlled airspace to a 3 by 1 mile area. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon publication in the **Federal Register** as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Ogdensburg, New York, 700-foot floor transition area by deleting, "within 4.5 miles each side of a 075° bearing from the Ogdensburg RBN (lat. 44°41'30" N., long. 75°24'25" W.) extending from the RBN to 11.5 miles east of the RBN," and substitute, "within 1.5 miles each side of the Ogdensburg ILS localizer east course extending from the 5-mile radius area to the outer marker," therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-144 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 245

[Reg. ER-1286; Economic Regulations Amdt. No. 6 to Part 245; Docket: 39599]

Reports of Ownership of Stock and Other Interests

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is exempting officers and directors of air carriers from a reporting requirement of the Federal Aviation Act, because the information provided by the report is no longer needed. This action is at the Board's own initiative.

DATES:

Adopted: December 23, 1981.

Effective: February 5, 1982.

FOR FURTHER INFORMATION CONTACT: David Fuss, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5062, or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: EDR-425, 46 FR 28381, May 26, 1981, proposed to amend 14 CFR Parts 245 and 246 to exempt officers and directors from the reporting requirement contained in section 407(c) of the Federal Aviation Act of 1958 ("the Act"). That section requires each officer and director of an air carrier to file a report annually with the CAB describing stock ownership, position, and other interests held in any air carrier, common carrier, or aeronautical enterprise. Airline officials fulfill this statutory obligation by filing CAB Form 2786. The purpose of the report is to disclose the allocation of management responsibility among an air carrier's officials and the extent of their ownership in one or more air carriers or related enterprises. In addition, the report emphasizes the requirement under section 409 of the Act for prior CAB approval of interlocking relationships involving air carriers, or air carriers and common carriers or aeronautical enterprises. The information provided on CAB Form 2786 enabled the Board to identify violations of section 409 and bring enforcement actions.

The Board re-evaluated its need for this report as part of its general review of data reporting requirements. Pending the outcome of this rulemaking, the requirement that airline officials file CAB Form 2786 was waived. As noted in the NPRM, compliance with section 409 appears to be widespread in the airline industry, and there were no enforcement actions by the Board in response to any of the reports filed in 1980. Much of the information furnished on Form 2786 is available from other sources. The names of the carriers' officers and directors can be obtained from standard commercial sources such as Moody's Transportation Manual and from annual reports to stockholders. Information concerning persons or entities holding more than a 5 percent interest in air carriers can be obtained from other reports filed with the Board. Similar information is required by the Securities and Exchange Commission stock ownership reporting regulations. In light of the compliance record and alternative information sources, the Board tentatively concluded that the administrative expense and industry burden imposed by Subpart A of Part 245 and CAB Form 2786 outweighed the value of the information provided.

Comments were filed by Delta Air Lines and U.S. Air. Both supported the proposal, noting that elimination of the report will save carrier managements time and expense without adversely affecting persons that might use the information provided. The final rule makes the changes as proposed.

Section 245.1, retitled, *Exemption*, retains the definition of "air carrier" to avoid confusion as to who is exempt. Sections 245.2, *Time for reporting*, and 245.3, *Schedule of data*, are being removed and revoked because the duty to file reports has been eliminated. Paragraph (a) of § 245.12, *Annual report*, and paragraph (b) of § 246.3 *Exemptions*, are being amended to conform with the substantive changes made.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that these rules will not have a significant economic impact on a substantial number of small entities. 14 CFR § 298.11 already exempts air taxis, which include most small air carriers, from the section 407(c) reporting requirement.

PART 245—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS

Accordingly, 14 CFR Part 245, *Reports of Ownership of Stock and Other Interests*, is amended as follows:

1. The authority for this part is:

Authority: Secs. 204, 407, 409, Pub. L. 85-726, as amended; 72 Stat. 743, 766, 768 (49 U.S.C. 1324, 1377, 1379).

2. The table of contents is amended by revising the title of Subpart A and § 245.1 and removing §§ 245.2 and 245.3, as follows:

Subpart A—Exemption of Officers and Directors From Section 407(c) of the Act

Sec.

245.1 Exemption.

* * * * *

Subpart A—Exemption of Officers and Directors From Section 407(c) of the Act

3. The title of Subpart A is revised to read as set forth above.

4. Section 245.1, *Reports required*, is revised to read:

§ 245.1 Exemption.

Each officer and director of each air carrier is exempt from the reporting requirement in section 407(c) of the Act. For the purpose of this subpart, "air carrier" means any citizen of the United States that undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation, including any person that owns 95 percent or more of the outstanding voting securities of any air carrier.

§§ 245.2 and 245.3 [Removed]

5. Sections 245.2, *Time for reporting,* and 245.3, *Schedule of data,* are removed.

6. In § 245.12, *Annual report,* paragraph (a) is revised to read:

§ 245.12 Annual report

(a) *Time for reporting.* On or before April 1 of each year, every person owning, either beneficially or as trustee, more than 5 percent of any class of the capital stock or capital, as the case may be, of an air carrier shall file with the Board (Attention, Director, Bureau of Domestic Aviation) a report covering such shares or other interest owned as of December 31 of the preceding year. This section shall not apply to a bank or broker insofar as it is a trustee.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-292 Filed 1-6-82; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 246

[Reg. ER-1281; Economic Regulations Amdt. No. 6 to Part 246; Docket: 39599]

Reports of Stock Ownership of Affiliates of Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is exempting officers and directors of air carriers from a reporting requirement of the Federal Aviation Act because the information provided by the report is no longer needed. This final rule makes a conforming change. Supplementary information about this change appears in ER-1280, issued along with this rule.

DATES:

Adopted: December 23, 1981.

Effective: February 5, 1982.

FOR FURTHER INFORMATION CONTACT:

David Fuss, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5082, or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

PART 246—REPORTS OF STOCK OWNERSHIP OF AFFILIATES OF AIR CARRIERS

The Civil Aeronautics Board amends 14 CFR Part 246, *Reports of Stock Ownership of Affiliates of Air Carriers,* as follows:

1. The authority of this part is:

Authority: Secs. 204, 407, 409, Pub. L. 85-726, as amended: 72 Stat. 743, 766, 768 (49 U.S.C. 1324, 1377, 1379.)

§ 246.3 [Amended]

2. Paragraph (b) of § 246.3, *Exceptions,* is removed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-291 Filed 1-6-82; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2009-5]

Approval and Promulgation of Implementation Plans; Connecticut Revisions—(Cutback Asphalt, Emissions Inventory, Reasonable Further Progress and New Source Review); Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this Notice is to approve revisions to the State Implementation Plan (SIP) for the State of Connecticut, which were submitted to EPA on December 15, 1980 and May 29, 1981. These revisions involve a regulation controlling the use of cutback asphalt, approval of the emission inventory for stationary sources of volatile organic compounds, approval of the reasonable further progress demonstration and changes to the new source review program which were submitted in response to conditions imposed by EPA in order to meet the requirements of Part D (Plan Requirements for Nonattainment Areas) and other sections of the Clean Air Act as amended (The Act).

On September 28, 1981 (46 FR 47469) EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, proposed approval, and requested public comment. No comments were received during the public comment period on the NPR.

EFFECTIVE DATE: February 8, 1982.

ADDRESSES: Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 1903, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460; Office of the Federal Register, 1100 L St., N.W., Room 8401, Washington, D.C.; and Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT:

Alan E. Dion, Air Branch, Room 1903, JFK Federal Building, Boston, MA. 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 28, 1981 (46 FR 47469) EPA proposed approval of revisions to the Connecticut SIP as satisfying conditions necessary to meet requirements of Part D and certain other sections of the Act. These conditions dealt with certain aspects of the state's ozone control plan and new source review program and were detailed in a Final Rulemaking Notice of December 23, 1980 (45 FR 84769). The subsequent revisions and EPA's reasons for approving them are explained in the NPR cited above and will not be repeated here.

No public comments have been received on the NPR. Therefore, EPA has not revised its position on the issues which were stated in the NPR.

ACTION: EPA is approving:

1. Regulation 19-508-20(k) controlling the use of cutback asphalt, a component of the ozone attainment plan for stationary sources of volatile organic compounds (VOC). This regulation was submitted to EPA on December 15, 1980.

2. The state's Reasonable Further Progress (REP) Plan.

3. The Stationary Source VOC Emission Inventory, submitted May 29, 1981.

4. The New Source Review Program, as amended in Regulation 19-508-3 by the December 15, 1980 submittal.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 110(a) and 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: December 30, 1981.

Anne M. Gorsuch,

Administrator.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding (c)(20) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(20) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, were submitted on December 15, 1980 and May 29, 1981. Included are changes to the state Ozone Control Plan involving adoption of Regulation 19–508–20(k) controlling the use of cutback asphalt, the approval of the RFP demonstration for ozone attainment, and a refined inventory of miscellaneous stationary sources of Volatile Organic Compounds and changes to Regulation 19–508–3 (1) dealing with review of new and modified stationary sources.

§ 52.380 [Amended]

2. In § 52.380 paragraphs (c)(1), (c)(3) and (c)(8) are removed and reserved.

[FR Doc. 82-410 Filed 1-6-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 52 and 81

[A-1-FRL 2003-5]

Approval and Promulgation of Implementation Plans; Attainment Status Designations; Manchester, New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

STATE: New Hampshire.

SUMMARY: EPA is approving New Hampshire's revisions to its State Implementation Plan (SIP) submitted on January 12, 1981 and on February 18, 1981. The effect of these revisions is to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester. The revisions supplement the 1979 carbon monoxide attainment plan and include three air quality-improving transportation projects and a schedule for submitting a plan which demonstrates attainment by no later than December 31, 1987.

EFFECTIVE DATE: January 7, 1982.

ADDRESSES: Copies of the New Hampshire submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT: Susan Hager, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION: On August 20, 1981 (46 FR 42292) EPA proposed approval of revisions to the New Hampshire SIP as meeting the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester. The revisions and EPA's reasons for approving them are explained in the Notice of Proposed Rulemaking (NPR), cited above, and will not be repeated here.

No public comments have been received on the NPR. As stated in the NPR, the material submitted shows that carbon monoxide standards cannot be achieved by December 31, 1982 despite the implementation of all reasonably available control measures. The material also explained the reasons for the State's request for changing the jurisdictional description of the nonattainment area. These revisions make the condition imposed at (45 FR 24871) for New Hampshire to submit a carbon monoxide attainment plan for the City of Manchester no longer appropriate.

Action

EPA is deleting the condition at 45 FR 24871. EPA is also approving as revisions to the New Hampshire SIP:

1. Three air quality improving projects in the City of Manchester.

2. The schedule for developing a SIP revision to include a comprehensive carbon monoxide plan for the City of Manchester by July 1, 1982.

3. The request for extension of the attainment date beyond December 31, 1982 but no later than December 31, 1987.

4. A change in the Section 107 designation from "Metropolitan Manchester" to "City of Manchester".

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP approval under Section 110 and 172 within the terms of the January 27, 1981 certification. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions.

After evaluation of the State's submittal, the Administrator has determined that the New Hampshire revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the New Hampshire State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject to today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the Part 52 State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. Section 52.1520, paragraph (c) is amended by adding subparagraph (19) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(19) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester which were submitted on January 12, 1981 and February 18, 1981. The revisions supplement the 1979 CO attainment plan (§ 52.1520(c)(12)) and include three air quality-improving transportation projects and a schedule for submitting a plan which will demonstrate attainment by no later than December 31, 1987.

§ 52.1527 [Amended]

2. In § 52.1527, *Rules and Regulations*, subparagraph (a)(1) is hereby removed and reserved as follows:

* * * * *

(a)(1) [Reserved]

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81—of Chapter I, Title 40 of the Code of Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.330 New Hampshire [Amended]

1. In § 81.330, the table entitled "New Hampshire—CO" is amended by changing "Metropolitan Manchester" to "City of Manchester".

[FR Doc. 82-416 Filed 1-6-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 80

[AEN-FRL 1983-6]

Lead in Gasoline Test Procedure

AGENCY: Environmental Protection Agency [EPA].

ACTION: Final rule.

SUMMARY: EPA is amending its testing procedure for the determination of lead content in gasoline by adding an optional automated method to the standard method. The automated method uses techniques of chemical analysis similar to the standard method, making it suitable for comparison purposes, and it is technically equivalent. Its principal advantage is greater laboratory efficiency at a reduced operational cost.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Steven K. Albrink, Tampering Section, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, Washington, D.C. 20460; Tel. (202) 382-2869, or Dr. Joe H. Lowry, Chief, Inorganic Analyses Section, Laboratory Services Division, National Enforcement Investigations Center, Building 53, Box 25227, Denver, Colorado 80225; Tel. (303) 234-4661.

SUPPLEMENTARY INFORMATION:

I. Introduction

The use of leaded gasoline in motor vehicles designed for unleaded gasoline reduces the effectiveness of their emission control systems. Therefore, the introduction of leaded fuel into vehicles requiring unleaded fuel is prohibited by law (40 CFR 80.22). To ensure that fuel represented as unleaded does not contain lead in excess of the maximum established by law of 0.05 gram of lead per gallon of gasoline (40 CFR 80.2(g)), the Administrator has established an approved testing procedure (40 CFR Part 80, Appendix B). This rule amends the approved testing procedure by adding an automated procedure to the previously approved standard method. The rule also amends the procedures for the standard and automated testing of gasoline samples with lead content greater then 0.10 g Pb/gal.

The determination of lead in gasoline by atomic absorption spectrometry has been adopted by the American Society for Testing Materials (method #D3237-73) and the U.S. Environmental Protection Agency (40 CFR Part 80, Appendix B) as the standard method of analysis. EPA's method consists of the manual preparation of an *in-situ* reaction of the alkyl lead compounds in gasoline with iodine, stabilization of alkyl lead iodide complexes with tricapryl methyl ammonium chloride (Aliquat 336), ten-fold dilution with methyl isobutyl ketone (MIBK) and measurement by atomic absorption spectrometry with an air-acetylene flame. The iodine reaction eliminates the problem of variations in responses due to different alkyl lead compounds.[1] The dilution compensates for severe nonatomic absorption, scatter from unburned carbon, and minimizes matrix effects.[2]

Proposed rulemaking was published on pages 20698-20703 of the **Federal Register** of April 7, 1981, and invited comments for 60 days ending June 8, 1981. The proposed rulemaking contained a discussion on the development of the automated method and presented data showing equivalence of the automated and manual procedures and precision and accuracy data gathered over a four-month period during the analysis of about 1,500 samples by EPA's National Enforcement Investigations Center.

Various methods are available for the detection of lead content in gasoline. However, any new method approved for use by EPA for enforcement actions under this Part must be compatible, for comparison purposes, with the approved standard method. Therefore, EPA is amending this rule to permit the use of an efficient, accurate, rapid analysis which is, in its chemistry, similar to and compatible with the standard method.

II. Comments and Discussion

No comments were received during the comment period.

Comparison testing of the standard and automated methods was performed by an independent laboratory under contract to EPA's Office of Research and Development. The results of the comparison testing confirmed that the automated procedure is capable of analyzing more samples in a shorter time than the standard procedure. They also show that the precision and accuracy of the automated procedure are acceptable. The results of the study show accuracy of the automated procedure is better than ±3.5 percent and the precision is better than ±3 percent. The results are consistent with the data presented in the proposed **Federal Register** notice. A copy of this report is contained in Public Docket A-80-41 at the U.S. Environmental Protection Agency, Central Docket

[1] M. Kashiki, S. Yamazoe, S. Ohima, Anal. Chem Acta, *53*, 95 (1971).

[2] Lukasiewicz, R. J., Berens, P. H., Buel, B. E., Anal. Chem., *47*, 1045 (1975).

Section, West Tower Lobby, Gallery One, 401 M Street, SW., Washington, D.C. and is available for review weekdays between 8 a.m. and 4 p.m.

The proposed rulemaking included an explicit procedure regarding dilution of gasoline samples above 0.10 g Pb/gal in the standard test method and the automated method. No comments were received regarding this procedure. The final rule adopts this procedure but also allows a higher level calibration standard curve to be used in lieu of dilution if the higher level calibration standard curve is shown to be linear and measurement of lead at levels above 0.10 g Pb/gal is shown to be accurate by the analysis of control samples. The use of dilution of samples or higher level calibration standard curves to determine lead content of samples above the range of the test method has been added to sections 1.1 and 6.3 for the standard method and included in the automated method in sections 1.1 and 8.4.5. to clarify an existing situation. The previous test method in Appendix B did not specify how gasoline samples above 0.10 g Pb/gal were to be tested. Such methods as dilution and higher level calibration standard curves were intended to be used in conjunction with Appendix B even though it is not specifically stated since accurate numerical results for samples with lead content above 0.10 g Pb/gal can only be obtained by such methods. Dilution is the preferable method; however, the use of higher level calibration standard curves is permissible as long as its accuracy can be verified by the use of control samples.

III. Conclusion

The automated system is a useful alternative to the standard method and offers acceptable sensitivity, precision, and accuracy. Accordingly, I am establishing it as an alternative method for the determination of lead content in gasoline.

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an effect on the economy of $100 million or more, it will increase efficiency while decreasing cost to commercial and Government testing facilities which adopt the procedure, and there will not be significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require preparation of a regulatory flexibility analysis. This amendment authorizes use of an optional automated laboratory procedure for testing lead content of gasoline for enforcement purposes. The automated method allows greater efficiency than the previously authorized standard method. This enables facilities to achieve a cost savings if they test a volume of samples sufficient to warrant the initial investment in the pumps and automatic sampler which are required. Small laboratories which cannot afford to purchase the needed equipment may be placed at a competitive disadvantage if they are unable to test gasoline samples as inexpensively as facilities employing the automated method; however, this impact on small entities is expected to be slight. Therefore, pursuant to the provisions of 5 U.S.C. § 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, I have determined that preparation of a regulatory flexibility analysis is not required.

Authority: Sections 211 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. §§ 7545 and 7601(a).

Dated: December 30, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Accordingly, 40 CFR Part 80 is amended as follows:

1. Section 80.3 is revised to read as follows:

§ 80.3 Test methods.

The lead and phosphorus content of gasoline shall be determined in accordance with test methods set forth in the Appendices to this part.

2. Appendix B is amended as follows:

a. The title of Appendix B is revised to read:

Appendix B—Tests for Lead in Gasoline by Atomic Absorption Spectrometry

b. The title of the existing test procedure is revised to read *"Method 1—Standard Method Test for Lead in Gasoline by Atomic Absorption Spectrometry"* and inserted as a new center head above the existing text.

c. Section 1 of Method 1 is revised as follows:

1. *Scope.* 1.1. This method covers the determination of the total lead content of gasoline. The procedure's calibration range is 0.010 to 0.10 gram of lead/U.S. gal. Samples above this level should be diluted to fall within this range or a higher level calibration standard curve must be prepared. The higher level curve must be shown to be linear and measurement of lead at these levels must be shown to be accurate by the analysis of control samples at a higher level of alkyl lead content. The method compensates for variations in gasoline composition and is independent of lead alkyl type.

* * * * *

d. Section 6 of method 1 is amended to include a new subsection 6.3 as follows:

* * * * *

6.3 Any sample resulting in a peak greater than 0.05 g Pb/gal will be run in duplicate. Samples registering greater than 0.10 g Pb/gal should be diluted with iso-octane or unleaded fuel to fall within the calibration range or a higher level calibration standard curve must be prepared. The higher level curve must be shown to be linear and measurement of lead at these levels must be shown to be accurate by the analysis of control samples at a higher level of alkyl lead content.

* * * * *

e. An approved alternative test method, Method 2, is added to Appendix B following section 8.1.2 as follows:

Method 2—Automated Method Test for Lead in Gasoline by Atomic Absorption Spectrometry

1. *Scope and Application.* 1.1 This method covers the determination of the total lead content of gasoline. The procedure's calibration range is 0.010 to 0.10 gram of lead/U.S. gal. Samples above this level should be diluted to fall within this range or a higher level calibration standard curve must be prepared. The higher level curve must be shown to be linear and measurement of lead at these levels must be shown to be accurate by the analysis of control samples at a higher level of alkyl lead content. The method compensates for variations in gasoline composition and is independent of lead alkyl type.

1.2 This method may be used as an alternative to the Standard Method set forth above.

1.3 Where trade names or specific products are noted in the method, equivalent apparatus and chemical reagents may be used. Mention of trade names or specific products is for the assistance of the user and does not constitute endorsement by the U.S. Environmental Protection Agency.

2. *Summary of Method.* 2.1 The gasoline sample is diluted with methly isobutyl ketone (MIBK) and the alkyl lead compounds are stabilized by reacting with iodine and a quarternary ammonium salt. An automated system is used to perform the diluting and the chemical reactions and feed the products to the atomic absorption spectrometer with an air-acetylene flame.

2.2 The dilution of the gasoline with MIBK compensates for severe non-atomic absorption, scatter from unburned carbon containing species and matrix effects caused in part by the burning characteristics of gasoline.

2.3 The *in-situ* reaction of alkyl lead in gasoline with iodine eliminates the problem of variations in response due to different alkyl types by leveling the response of all alkyl lead compounds.

2.4 The addition of the quarternary ammonium salt improves response and increases the stability of the alkyl iodide complex.

3. *Sample Handling and Preservation.* 3.1 Samples should be collected and stored in containers which will protect them from changes in the lead content of the gasoline such as from loss of volatile fractions of the gasoline by evaporation or leaching of the lead into the container or cap.

3.2 If samples have been refrigerated they should be brought to room temperature prior to analysis.

4. *Apparatus.* 4.1 AutoAnalyzer system consisting of:

4.1.1 Sampler 20/hr cam, 30/hr cam.

4.1.2 Proportioning pump.

4.1.3 Lead in gas manifold.

4.1.4 Disposable test tubes.

4.1.5 Two 2-liter and one 0.5 liter Erlenmeyer solvent displacement flasks. Alternatively, high pressure liquid chromatography (HPLC) or syringe pumps may be used.

4.2 Atomic Absorption Spectroscopy (AAS) Detector System consisting of:

4.2.1 Atomic absorption spectrometer.

4.2.2 10" strip chart recorder.

4.2.3 Lead hollow cathode lamp or electrodeless discharge lamp (EDL).

5. *Reagents.* 5.1 Aliquat 336/MIBK solution (10% v/v): Dissolve and dilute 100 ml (88.0 g) of Aliquat 336 (Aldrich Chemical Co., Milwaukee, Wisconsin) with MIBK (Burdick & Jackson Lab., Inc., Muskegon, Michigan) to one liter.

5.2 Aliquat 336/iso-octane solution (1% v/v): Dissolve and dilute 10 ml (8.8 g) of Alquat 336 (reagent 5.1) with iso-octane to one liter.

5.3 Iodine solution (3% w/v): Dissolve and dilute 3.0 g iodine crystals (American Chemical Society) with toluene (Burdick & Jackson Lab., Inc., Muskegon, Michigan) to 100 ml.

5.4 Iodine working solution (0.24% w/v): Dilute 8 ml of reagent 5.3 to 100 ml with toluene.

5.5 Methyl isobutyl ketone (MIBK) (4-methlyl-2-pentanone).

5.6 Certified unleaded gasoline (Phillips Chemical Co., Borger, Texas) or iso-octane (Burdick & Jackson Lab, Inc., Muskegon, Michigan).

6. *Calibration Standards.* 6.1 Stock 5.0 g Pb/gal Standard:

Dissolve 0.4433 gram of lead chloride ($PbCl_2$) previously dried at 105°C for 3 hours in 200 ml of 10% v/v Aliquat 336/MIBK solution (reagent 5.1) in a 250 ml volumetric flask. Dilute to volume with reagent 5.1 and store in an amber bottle.

6.2 Intermediate 1.0 g Pb/gal Standard:

Pipet 50 ml of the 5.0 g Pb/gal standard into a 250 ml volumetric flask and dilute to volume with a 1% v/v Aliquat 336/iso-octane solution (reagent 5.2). Store in an amber bottle.

6.3 Working 0.02, 0.05, 0.10 g Pb/gal Standards:

Pipet 2.0, 5.0, and 10.0 ml of the 1.0 g Pb/gal solution to 100 ml volumetric flasks. Add 5 ml of a 1% Aliquat 336/iso-octane solution to each flask. Dilute to volume with iso-octane. These solutions contain 0.02, 0.05, and 0.10 g Pb/gal in a 0.05% Aliquat 336/iso-octane solution.

7. *AAS Instrumental Conditions.* 7.1 Lead hollow cathode lamp.

7.2 Wavelength: 283.3 nm.

7.3 Slit: 4 (0.7mm).

7.4 Range: UV.

7.5 Fuel: Acetylene (approx. 20 ml/min at 8 psi).

7.6 Oxidant: Air (approx. 65 ml/min at 31 psi).

7.7 Nebulizer: 5.2 ml/min.

7.8 Chart speed: 10 in/hr.

8. *Procedures.* 8.1 AAS start-up.

8.1.1 Assure that instrumental conditions have been optimized and aligned according to Section 7 and the instrument has had substantial time for warm-up.

8.2 Auto Analyzer start-up [see figure 1].

8.2.1 Check all pump tubing and replace as necessary. Iodine tubing should be changed daily. All pump tubing should be replaced after one week of use. Place the platen on the pump.

8.2.2 Withdraw any water from the sample wash cup and fill with certified unleaded gasoline (reagent 5.6).

8.2.3 Fill the 2-liter MIBK dilution displacement Erlenmeyer flask (reagent 5.5) and the 0.5 liter Aliquat 336/MIBK 1% v/v (reagent 5.2) displacement flask and place the rubber stopper glass tubing assemblies in their respective flasks.

8.2.4 Fill a 2-liter Erlenmeyer flask with distilled water. The water will be used to displace the solvents. Therefore, place the appropriate lines in this flask. This procedure is not relevant if syringe pumps are used.

8.2.5 Fill the final debubbler reverse displacement 2-liter Erlenmeyer flask with distilled water and place the rubber stopper glass tubing assembly in the flask.

8.2.6 Place the appropriate lines for the iodine reagent (reagent 5.4) and the wash solution (reagent 5.6) in their respective bottles.

8.2.7 Start the pump and connect the aspiration line from the manifold to the AAS.

8.2.8 Some initial checks to assure that the reagents are being added are:

a. A good uniform bubble pattern.

b. Yellow color evident due to iodine in the system.

c. No surging in any tubing.

8.3 Calibration.

8.3.1 Turn the chart drive on and obtain a steady baseline.

8.3.2 Load standards and samples into sample tray.

8.3.3 Start the sampler and run the standards (Note: first check the sample probe positioning with an empty test tube).

8.3.4 Check the linearity of calibration standards response and slope by running a least squares fit. Check these results against previously obtained results. They should agree within 10%.

8.3.5 If the above is in control then start the sample analysis.

8.4 Sample Analysis.

8.4.1 To minimize gasoline vapor in the laboratory, load the sample tray about 5–10 test tubes ahead of the sampler.

8.4.2 Record the sample number on the strip chart corresponding to the appropriate peak.

8.4.3 Every ten samples run the high calibration standard and a previously analyzed sample (duplicate). Also let the sampler skip to check the baseline.

8.4.4 After an acceptable peak (within the calibration range) is obtained, pour the excess sample from the test tube into the waste gasoline can.

8.4.5 Any sample resulting in a peak greater than 0.05 g Pb/gal will be run in duplicate. Samples registering greater than 0.10 g Pb/gal should be diluted with iso-octane or unleaded fuel to fall within the calibration range or a higher level calibration standard curve must be prepared. The higher level curve must be shown to be linear and measurement of lead at these levels must be shown to be accurate by the analysis of control samples at a higher level of alkyl lead content.

8.5 Shut Down.

8.5.1 Replace the solvent displacement flask with flasks filled with distilled water. Also place all other lines in a beaker of distilled water. Rinse the system with distilled water for 15 minutes.

8.5.2 Withdraw the gasoline from the wash cup and fill with water.

8.5.3 Dispose of all solvent waste in waste glass bottles.

8.5.4 Turn the AAS off after extinguishing the flame. Also turn the recorder and pump off. Remove the platen and release the pump tubing.

8.5.5 shut the acetylene off at the tank and bleed the line.

9. *Quality Control.* 9.1 Precision.

9.1.1 All duplicate results should be considered suspect if they differ by more than 0.005 g Pb/gal.

9.2 Accuracy.

9.2.1 All quality control standard checks should agree within 10% of the nominal value of the standard.

9.2.2 All spikes should agree within 10% of the known addition.

10. *Past Quality Control Data.* 10.1 Precision.

10.1.1 Duplicate analysis for 156 samples in a single laboratory has resulted in an average difference of 0.00011 g Pb/gal with a standard deviation of 0.0023.

10.1.2 Replicate analysis in a single laboratory (greater than 5 determinations) of samples at concentrations of 0.010, 0.048, and 0.085 g Pb/gal resulted in relative standard deviations of 4.2%, 3.5%, and 3.3% respectively.

10.2 Accuracy.

10.2.1 The analysis of National Bureau of Standards (NBS) lead in reference fuel of known concentrations in a single laboratory has resulted in found values deviating from the true value for 11 determinations of 0.0322 g Pb/gal by an average of 0.56% with a standard deviation of 6.8%, for 15 determinations of 0.0519 g Pb/gal by an average of −1.1% with a standard deviation of 5.8%, and for 7 determinations of 0.0725 g Pb/gal by an average of 3.5% with a standard deviation of 4.8%.

10.2.2 Twenty-three analyses of blind reference samples in a single laboratory (U.S. EPA, RTP, N.C.) have resulted in found values differing from the true value by an average of −0.0009 g Pb/gal with a standard deviation of 0.004.

10.2.3 In a single laboratory, the average percent recovery of 108 spikes made to samples was 101% with a standard deviation of 5.6%.

BILLING CODE 6560-26-M

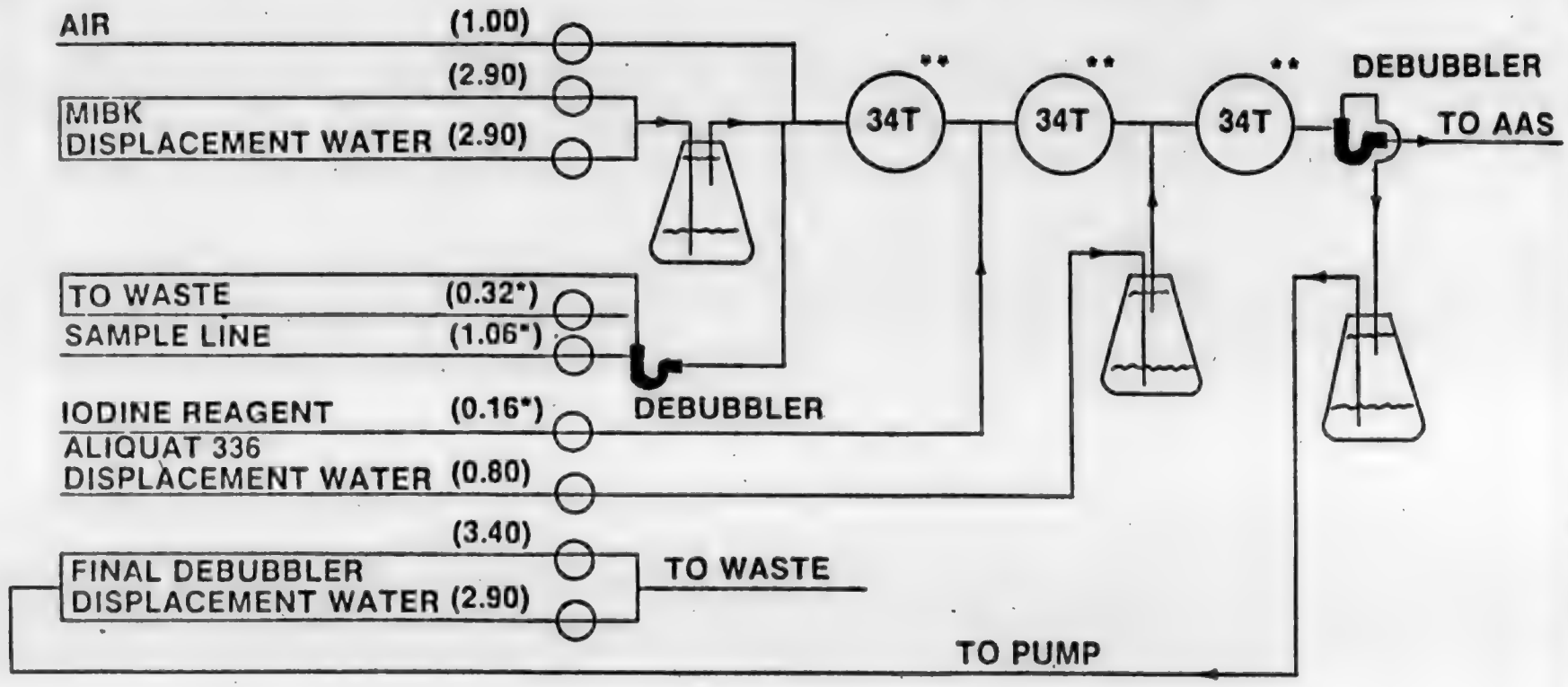

Figure 1

Flow Diagram for the Automated System. (*: Solvaflex pump tubing, **: Technicon part no. 157-0225) Numbers in parentheses refer to the flow rate (ml/min.).

((Secs. 211 and 301(a), Clean Air Act, as amended, 42 U.S.C. 7545 and 7601 (a))

[FR Doc. 82-280 Filed 1-6-82; 8:45 am]
BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6101

[M-40636]

Montana; Revocation of Executive Order No. 1643, American Fork Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes the Executive Order dated November 14, 1912, which withdrew 160 acres of land for use as an administrative site. Originally within the Absaroka National Forest, the lands were excluded from the national forest by Secretarial Order dated July 9, 1913. The lands will be returned to public land status, and opened to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: February 3, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 1643 dated November 14, 1912, which withdrew the following described public lands for use by the Forest Service as an administrative site, is hereby revoked.

Principal Meridian

T. 5N., R. 12 E.,
Sec. 28, NE¼.

The area described contains 160 acres in Sweetgrass County.

2. At 8 a.m. on February 3, 1982, the above described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 8 a.m. on February 3, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to nonmetalliferous mineral location under the United States mining laws at 8 a.m. on February 3, 1982. They have been and continue to be open to location and entry for metalliferous minerals under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 30, 1981.

[FR Doc. 82-359 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6227]

Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Associate Director, State and Local Programs and Support is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without a map.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with no Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 per coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.8 List of Communities With No Special Flood Hazard Areas

State and County	Community name	Date of conversion to regular program
California, Placer	City of Auburn.	Dec. 23, 1981.
California, San Bernardino	City of Upland.	Do.

(44 CFR § 65.8)

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-304 Filed 1-6-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 66

[Docket No. FEMA-66]

Consultation With Local Officials; Flood Elevation Studies

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Emergency Management Agency (FEMA) to provide consultation with appropriate local officials when undertaking a study of flood elevations. Pursuant to its own regulations, FEMA has satisfied the consultation requirement by conducting a time and cost meeting at the initiation of each flood elevation study. FEMA has determined not to hold the initial time and cost meeting under certain circumstances. Because the majority of the flood elevation studies have already been initiated, and any future mapping emphasis will be on modification of existing elevations, FEMA believes that it can continue to provide adequate consultation with local officials without conducting these initial meetings prior to undertaking the studies for these modifications.

DATE: Effective January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Emergency Management Agency (FEMA) to provide adequate consultation with appropriate elected local officials when determining flood elevations for the community. The National Flood Insurance Program (NFIP) regulations implementing Section 206 had provided for the appointment of a Consultation Coordination Officer (CCO) whenever a flood elevation study was undertaken. Furthermore, before commencing with a flood elevation study, a meeting with local officials was to be held. The regulations contained sections setting forth both the responsibilities and duties of the consultation coordination officer.

Flood elevation studies have been initiated for over half of the 17,000 communities participating in the NFIP. The future mapping emphasis will be on modifications to existing elevations and on amendment to the existing maps. With the mapping emphasis changing from the initial determination of flood elevations to the modifications of such elevations on final maps, FEMA believes that it can continue to provide adequate consultation with local officials without conducting meetings prior to the undertaking of the modifications.

On July 13, 1981, FEMA issued an interim regulation amending its prior regulations (46 FR 35921–3). This regulation finalizes the interim regulation without any substantive changes. The only changes made were to reflect a reorganization within FEMA which transfers responsibility for flood plain mapping from the Federal Insurance Administration to the Office of State and Local Programs and Support and to reflect the reorganization of the FEMA Regional Offices. All responsibility for consultation with local communities has been delegated to the Associate Director for State and Local Programs and Support.

There are several reasons for not conducting meetings prior to undertaking a study to modify flood elevations. Communities for which such studies are to be undertaken have been participating in the Program for some time and, therefore, are presumed to have a background in the Program. Also flood elevation studies have been previously conducted in those communities. Thus, there is less need to explain the process and techniques used to determine flood elevations at a formal meeting. Finally, to conduct a meeting prior to undertaking a study to modify flood elevations will place a great administrative burden on FEMA. Travel funds have been greatly restricted and few staff are available to conduct the meetings.

FEMA believes that the notification in writing to the local officials can assure adequate consultation in this situation. In addition, FEMA will continue its policy of working closely with those communities for which an initial study or a study to modify flood elevations has been undertaken.

For clarity, §66.5 (Responsibilities of CCO) and 66.6 (Duties of CCO) have been consolidated into a new § 66.6 (Responsibilities for Consultation and Coordination).

FEMA received six comments on the interim rule. The most commonly expressed concern was that FEMA should not assume that local communities are knowledgeable with respect to the NFIP. Some of these comments also suggested that the time and cost meeting is a good vehicle for providing information to the local community about the NFIP.

We agree that in some cases the time and cost meeting is an effective means of explaining the NFIP to communities in need of such information. Where the Regional Director perceives this need, he or she is fully authorized to hold the meeting.

One comment favored local input in deciding the areas to be restudied. The rule does allow for, and encourages such input. The consultation process will continue, but in some cases it will take the form of letters rather than meetings.

One comment asked for a clarification of the circumstances under which a time and cost meeting will be held. FEMA will be most concerned with the needs of the community, the complexity of the study, and the experience of the community in the program. We encourage states and local communities to indicate to the appropriate Regional Office when a meeting should be held.

It was also suggested that the state conduct the time and cost meeting, possibly under the State Assistance Program. If FEMA has determined that it is not worthwhile to expend money to send its own personnel to conduct a time and cost meeting, then it would probably not be wise to spend money to send state personnel to accomplish the same task. Further, the determination not to hold a meeting will only be made in light of the sufficiency of written correspondence to achieve program objectives.

This rule does not have a substantial impact upon the quality of the environment. A finding to that effect is included in the formal docket file and is available for public inspection at the above address.

This rule is not a "major rule." within the purview of the requirements of Executive Order 12291 for "major rules." FEMA has complied, to the extent permitted by law, with the requirements of Executive Order 12291 pertaining to all rules and regulations. FEMA has weighed carefully the need for this rule, examined the consequences and possible alternatives to the rule, and has chosen the approach which maximizes the net benefit to society and involves the least net cost to society.

The rule will not have a significant economic impact on a substantial number of small entities and, therefore, a flexibility analysis, under the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), is not required.

Accordingly, Part 66 of Title 44 of the Code of Federal Regulations is amended as follows:

1. The table of contents to Part 66 is revised as follows:

PART 66—CONSULTATION WITH LOCAL OFFICIALS

Sec.
66.1 Purpose of part.
66.2 Definitions.
66.3 Establishment of Community Case File and flood elevation study docket.
66.4 Appointment of consultation coordination officer.
66.5 Responsibilities for consultation and coordination.

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367).

2. Section 66.1(c) is amended by adding a new subparagraph (4) to read as follows:

§ 66.1 Purpose of part.

* * * * *

(c) * * *

(4) Carry out the responsibilities for consultation and coordination set forth in § 66.5 of this part.

3. Section 66.4 is revised to read as follows:

§ 66.4 Appointment of consultation coordination officer.

The Associate Director for State and Local Programs and Support (Associate Director) may appoint an employee of the Federal Emergency Management Agency, or other designated Federal employee, as the Consultation Coordination Officer, for each community when an analysis is undertaken to establish or to modify flood elevations pursuant to a new study or a restudy. When a CCO is appointed by the Associate Director, the responsibilities for consultation and coordination as set forth in Section 66.5 shall be carried out by the CCO. The Associate Director shall advise the community and the state coordinating agency, in writing, of this appointement.

4. Section 66.5 is revised to read as follows:

§ 66.5 Responsibilities for consultation and coordination.

(a) Contact shall be made with appropriate officials of a community in which a proposed investigation is undertaken, and with the state coordinating agency.

(b) Local dissemination of the intent and nature of the investigation shall be encouraged so that interested parties will have an opportunity to bring relevant data to the attention of the community and to the Associate Director.

(c) Submission of information from the community concerning the study shall be encouraged.

(d) Appropriate officials of the community shall be fully informed of (1) The responsibilities placed on them by the Program, (2) the administrative procedures followed by the Federal Emergency Management Agency, (3) the community's role in establishing elevations, and (4) the responsibilities of the community if it participates or continues to participate in the Program.

(e) Before the commencement of an initial Flood Insurance Study, the CCO or other FEMA representative, together with a representative of the organization undertaking the study, shall meet with officials of the community. The state coordinating agency shall be notified of this meeting and may attend. At this meeting, the local officials shall be informed of (1) The date when the study will commence, (2) the nature and purpose of the study, (3) areas involved, (4) the manner in which the study shall be undertaken, (5) the general principles to be applied, and (6) the intended use of the data obtained. The community shall be informed in writing if any of the six preceding items are or will be changed after this initial meeting and during the course of the ongoing study.

(f) The community shall be informed in writing of any intended modification to the community's final flood elevation determinations or the development of new elevations in additional areas of the community as a result of a new study or restudy. Such information to the community will include the data set forth in paragraph (e) of this section. At the discretion of the Chief of the Natural and Technological Hazards Division in each FEMA Regional Office, a meeting may be held to accomplish this requirement.

§ 66.6 [Removed]

5. Section 66.6 is removed.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (CFR 1978 Comp. 329) and Executive Order 12127 (44 RF 19367)) (Catalog of Federal Domestic Assistance Number 83.100 of the National Flood Insurance Program)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

Finding of No Significant Impact on Environment by Revising Procedures for Consultation with Local Officials

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), the Federal Emergency Management Agency (FEMA) has proposed action to revise its existing procedures for providing consultation with local officials.

The assessment concludes that there will be no significant impact on the natural or man-made environment as a result of the implementation of this proposed program.

It is hereby found that this action does not constitute a major Federal action significantly affecting the quality of the human environment. On this basis, an environmental impact statement will not be prepared.

Copies of the environmental assessment are available for inspection at: Federal Emergency Management Agency, Room 834, 500 C Street SW., Washington, D.C. 20472, Telephone (202) 287–0380.

A limited number of single copies are available and may be obtained by writing to the above address.

Dated: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Progams and Support.

[FR Doc. 82–383 Filed 1–6–82; 8:45 am]
BILLING CODE 6718–01–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for City of Scottsdale, Ariz., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Scottsdale, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Scottsdale, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition

of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 045012A Panel 20, published on October 6, 1980, in 45 FR 66116, indicates that Lot 183, Continental Villas, Scottsdale, Arizona, as recorded in Book 121, Page 35, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 045012A Panel 20 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 9, 1976. This Lot is in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-388 Filed 1-6-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Unincorporated Area of Washington County, Md., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Washington County, Maryland. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Washington County, Maryland, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 240070, Panel No. 0150A, published on October 6, 1980, in 45 FR 66039, indicates that a 1.48-acre parcel of land as shown on the drawing entitled "Plat of Lot No. 1 for Daniel J. Shank and wife" dated July, 1980, prepared by J. H. Seibert, P.E., being part of a 41.25-acre parcel of land, situated in District No. 20, Unincorporated Area of Washington County, Maryland, as recorded in Liber 382, Page 210, in the Office of the Clerk of the Circuit Court of Washington County, Maryland, is located within the Special Flood Hazard Area.

Map No. 240070, Panel No. 0150A, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on May 1, 1978. The property is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-386 Filed 1-6-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Bedford, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been

determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480585A Panel 01, published on October 6, 1980, in 45 FR 66097, indicates that Lots 5, 6, 11, and 12, Whisperwood, Section One, Bedford, Texas, as recorded in Volume 388–123, Page 1, in the Office of the Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480585A Panel 01 is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on July 18, 1977. These structures are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–367 Filed 1–6–82; 8:45 am]

BILLING CODE 6718–03–M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

Listing of Existing Information Collection Requirements

AGENCY: National Transportation Safety Board.

ACTION: Technical amendments.

SUMMARY: This document amends the National Transportation Safety Board's regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: William H. Park 382–6715.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers contained in the listing.

Text of the Amendments

PART 830—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Accordingly, § 830.15 of Title 49 is amended by revising paragraph (a) to read as follows:

§ 830.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report on Board Form 6120.1 (OMB No. 3147–005) or Board Form 7120.2 (OMB No. 3147–0001)[2] within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

* * * * *

Dated: December 30, 1981.

B. Michael Levine,

Director, Bureau of Administration.

[FR Doc. 82–219 Filed 1–6–82; 8:45 am]

BILLING CODE 4910–58–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Thirtieth Rev. S. O. No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Thirtieth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 11:59 p.m., December 31, 1981, and continuing in effect until 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

Decided December 30, 1981.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254 (RITEA), the Commission is authorizing various railroads to provide

interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 10D., the authority for Missouri Pacific Railroad Company (MP) to operate from Wichita, Kansas, to Kechi, Kansas. Appendix A is further revised by adding, at Item 12B., the authority for Cadillac and Lake City Railway Company (CLK) to operate to Falcon, Colorado; and, at Item 12C., the authority to operate to Simla, Colorado, which are extensions of existing authoirty.

Appendix A is further revised by adding, at Item 23, the authority for the North Central Texas Railway (NCTR) to operate between Dallas and Chico, Texas; at item 24, the authority for the Enid Central Railway (ECTR) to operate between North Enid and Kremlin, Oklahoma; and, at Item 25, the authority for the North Central Oklahoma Railway (NCOR) to operate Ponca City and North Enid, Oklahoma, and between Mangum and Chicasha, Oklahoma. The operations authorized in Items 23, 24, and 25 represent a partial continuation of services previously provided by the Oklahoma, Kansas and Texas Railroad Company (OKKT) which terminate December 31, 1981. In granting this authority, the Railroad Service Board has recognized the wishes of the Trustee and the Bankruptcy Court, and, in so doing, has denied a similar application by the Burlington Northern (BN) which contained provisions for equal compensation to the estate. The authority granted herein will remain in force so long as NCTR, ECTR, and NCOR commence service immediately over all authorized line segments which are currently operable. The Board appreciates BN's willingness immediately to provide service over certain of the lines, and has considered the substantial shipper support in favor of BN's proposed operation. We will retain BN's application so that in the event the authorized interim operators are unable to provide service, we may authorize BN to commence requested operations.

Finally, Appendix A, to the previous order, was revised by deleting, at Item 12, the authority for the Southern Railway to serve Memphis, Tennessee, as requested by the carrier. All succeeding items were renumbered accordingly.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less then thirty days' notice.

It is ordered,

§ 1033.1473 Service order 1473.

In the matter of various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a), Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the

time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., December 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr., and Melvin F. Clemens, Jr. William F. Sibbald, Jr. not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (CNW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company (LRWN):*

A. From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. From Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):*

A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. From Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

† D. From Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Cadillac and Lake City Railway Company (CLK):*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

* B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3).

* C. From Simla, Colorado (milepost 558.3) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

13. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

14. *Keota Washington Transportation Company (KWTR):*

---

† Added.

* Changed.

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

15. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.00) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois. Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 18.6) to 119th Street (Subdivision 1A, milepost 14.6), at Blue Island, Illinois.

C. From Gresham (Subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

16. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

17. *The Brandon Corporation (BRAN):*

A. From Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

18. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).

C. At Vinton, Iowa, and west on the Iowa Falls Line to Milepost 24.3.

19. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

20. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 466.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

21. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

22. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 189.4) to Phillipsburg, Kansas (milepost 282.0), a distance of approximately 92.6 miles.

† 23. *North Central Texas Railway, Inc. (NCTR):*

A. From Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

† 24. *Enid Central Railway, Inc. (ECTR):*

A. From North Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City Branch line from milepost 0.30 to milepost 0.02.

† 25. *North Central Oklahoma Railway, Inc. (NCOR):*

A. From Ponca City, Oklahoma (milepost 54.8) to Enid, Oklahoma (milepost 0.30).

B. From Mangum, Oklahoma (milepost 97.2) to Chichasha, Oklahoma (milepost 0.0).

[FR Doc. 82-352 Filed 1-6-82; 8:45 am]
BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Sixth Rev. 5.0 No. 1495]

Burlington Northern Railroad Co. and Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Sixth Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., January 4, 1982, and continuing in effect until 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840, 275-1559.

Decided December 31, 1981.

Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, (RITEA), the Commission is authorizing Burlington Northern Railroad Company (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised by the addition of the following:

Item 1. E. Lawton, Oklahoma.

BN's request to operate between Chico and Dallas, Texas, and between Enid and Kremlin, Oklahoma, is denied without prejudice to reconsideration should the authority granted to North Central Texas Railway and Enid Central Railway not be exercised.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1495 Service order 1495.

(a) Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in

paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the division shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with the traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., January 4, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr., and Melvin F. Clemens, Jr. William F. Sibbald, Jr., not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operator

1. *Burlington Northern Railroad Company (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Mossville, Illinois (milepost 148.9) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

C. Phillipsburg, Kansas (milepost 282) to Caruso, Kansas (milepost 430).

D. At Okeene, Oklahoma.

†E. At Lawton, Oklahoma.

2. *Fort Worth and Denver Railway Company (FWD):*

A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to 611.4).

†Added.

[FR Doc. 82–354 Filed 1–6–82; 8:45 am]
BILLING CODE 7035–01–M

---

49 CFR Part 1056

[Ex Parte No. MC–19 (Sub-No. 36)]

Household Goods Carriers Operational Practices

AGENCY: Interstate Commerce Commission.

ACTION: Correction of Modified Form OCP–100.

SUMMARY: On December 28, 1981, at 46 FR 62654 the Commission's Office of Compliance and Consumer Assistance published a Modification of Form OCP–100 which contains a Moving Service Questionnaire. The phrasing of questions 8, 9, and 10 of the questionnaire was incorrect. The corrected phrasing of the text is set out below.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., 202–275–7844, or Patricia M. Schulze, 202–275–7841.

SUPPLEMENTARY INFORMATION: The phrasing of questions 8, 9, and 10 of the Moving Service Questionnaire appearing at 46 FR 62657 is corrected to read as follows:

8. Were the final charges (check one)
☐ More ☐ Less ☐ The same as the estimated charges?

9. Was your shipment picked up (check one)
☐ Before ☐ On ☐ After the agreed pickup date?

10. Was your shipment delivered (check one)
☐ Before ☐ On ☐ After the agreed delivery date?

By the Commission, John H. O'Brien, Acting Director, Office of Compliance and Consumer Assistance.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–353 Filed 1–6–82; 8:45 am]
BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 47, No. 4
Thursday, January 7, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1134, 1136, and 1137

[Docket Nos. AO-326-A21, AO-301-A17 and AO-309-A23]

Milk in the Eastern Colorado, Western Colorado, and Great Basin Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rules.

SUMMARY: This hearing is being held to consider proposals submitted by cooperative associations and handlers to amend certain provisions of each of the three milk marketing orders. The proposals would adopt the uniform classification and order format provisions incorporated in a large number of other milk orders in 1974, and would provide for a single butterfat differential in each of the three milk orders. In the Eastern Colorado and Western Colorado milk orders, the proposals would change the Class II differential. For the Eastern Colorado milk order only, the proposals would change the pool distributing plant provisions. Proponents say that the requested order changes are needed to insure orderly marketing in the areas.

DATE: The hearing will begin on February 2, 1982.

ADDRESS: The hearing will be held at the Holiday Inn Airport, 4040 Quebec Street, Denver, Colorado 80216.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialists, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn Airport, 4040 Quebec Street, Denver, Colorado 80216, beginning at 9:00 a.m. local time on Tuesday, February 2, 1982, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth and appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modification of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mountain Empire Dairymen's Association, Inc., and Western Colorado Producers Association

Proposal No. 1

Amend the Eastern Colorado milk order to provide for (a) the uniform classification and order format provisions that were incorporated into a large number of other milk orders in 1974, (b) a single butterfat differential, and (c) a Class II differential of 10 cents as follows:

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1137.1 General provisions.

Definitions

1137.2 Eastern Colorado marketing area.
1137.3 Route disposition.
1137.4 [Reserved]
1137.5 [Reserved]
1137.6 [Reserved]
1137.7 Pool plant.
1137.8 Nonpool plant.
1137.9 Handler.
1137.10 Producer-handler.
1137.11 [Reserved]
1137.12 Producer.
1137.13 Producer milk.
1137.14 Other source milk.
1137.15 Fluid milk product.
1137.16 Fluid cream product.
1137.17 Filled milk.
1137.18 Cooperative association.

Handler Reports

1137.30 Reports of receipts and utilization.
1137.31 Payroll reports.
1137.32 Other reports.

Classification of Milk

1137.40 Classes of utilization.
1137.41 Shrinkage.
1137.42 Classification of transfers and diversions.
1137.43 General classification rules.
1137.44 Classification of producer milk.
1137.45 Market administrator's reports and announcements concerning classification.

Class Prices

1137.50 Class prices.
1137.51 Basic formula price.
1137.52 Plant location adjustments for handlers.
1137.53 Announcement of class prices.
1137.54 Equivalent price.

Uniform Price

1137.60 Pool obligation of each handler.
1137.61 Computation of uniform price.
1137.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1137.70 Producer-settlement fund.
1137.71 Payments to the producer-settlement fund.
1137.72 Payments from the producer-settlement fund.
1137.72 Payments to producers and to cooperative associations.

1137.74 Butterfat differential.
1137.75 Plant location adjustments for producers and on nonpool milk.
1137.76 Payments by handler operating a partially regulated distributing plant.
1137.77 Adjustment of accounts.
1137.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1137.85 Assessment for order administration.
1137.86 Deduction for marketing services.

Subpart—Order Regulating Handling

General Provisions

§ 1137.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1137.2 Eastern Colorado marketing area.

"Eastern Colorado marketing area" hereinafter called the "marketing area" means all the territory within the perimetric boundaries of the counties listed below, including all territory (municipal, State, or Federal) installations, institutions and other establishments:

Colorado Counties

Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Crowley, Custer, Denver, Douglas, Elbert, El Paso, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Las Animas, Larimer, Lincoln, Logan, Morgan, Otero, Park, Phillips, Pueblo, Sedgwick, Teller, Washington, Weld, Yuma.

Kansas Counties

Cheyenne, Logan, Sherman, Wallace.

§ 1137.3 Route disposition.

"Route disposition" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product classified as Class I milk, other than a delivery to a pool plant or a nonpool plant: *Provided,* That packaged fluid milk products, except filled milk, that are transferred to a distributing plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.40(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

§§ 1137.4–1137.6 [Reserved]

§ 1137.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as route disposition, except filled milk; and

(2) Ten percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of as route disposition, except filled milk, in the marketing area.

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s) as fluid milk products, except filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(4) Any distributing plant from which there is less than an average of 300 pounds of route disposition per day, except filled milk, in the marketing area during the month.

§ 1137.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant from which fluid milk products are moved during the month to a pool plant.

§ 1137.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to the milk of its member producers which it causes to be diverted for its account pursuant to § 1137.12;

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for all such milk. Such milk shall be deemed to have been received by such cooperative association at the location of the pool plant to which delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1137.7(c).

§ 1137.10 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant from which there is route disposition in the marketing area and who:

(1) Receives no fluid milk products during the month from dairy farmers;
(2) Receives no fluid milk products during the month from any other source except by transfer from a pool plant; and
(3) Receives no other source milk for reconstitution into fluid milk products.
(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1137.11 [Reserved]

§ 1137.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is received at a pool plant or diverted to a nonpool plant that is not a producer-handler plant within the limits set forth in paragraph (a) (1) and (2) of this section:
(1) A cooperative association may divert for its account the milk of any member-producer from whom at least three deliveries of milk are received during the month at a distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of its member-producer milk received at distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.
(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a)(1) of this section, from whom at least three deliveries of milk are received during the month at his distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of the milk received at such distributing pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a)(1) of this section. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.
(3) For the purposes of the requirements of § 1137.7, milk diverted for the account of the operator of a distributing pool plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a)(1) of this section, shall be included in the receipts of the pool plant from which diverted.
(4) For purposes of location adjustments pursuant to §§ 1137.52 and 1137.75, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.
(b) "Producer" shall not include:
(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;
(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1137.44(a)(8)(iii) and the corresponding step of § 1137.44(b); and
(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1137.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer.
(a) With respect to receipts at a pool plant for which the handler operating such plant is to be responsible pursuant to § 1137.60;
(1) Received directly from such producer; and
(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and condition provided in § 1137.12;
(b) With respect to the additional receipts of a cooperative association:
(1) For which the cooperative association is the handler pursuant to § 1137.9(b), subject to the limitations and conditions provided in § 1137.12; and
(2) For which the cooperative association is the handler pursunat to § 1137.9(c).

§ 1137.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:
(a) Receipts of fluid milk products and bulk products specified in § 1137.40(b)(1) from any source other than producers, handlers described in § 1137.9(c), or pool plants;
(b) Receipts in packaged form from other plants of products specified in § 1137.40(b)(1);
(c) Products (other than fluid milk products, products specified in § 1137.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and
(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1137.40(b)(1)) for which the handler fails to establish a disposition.

§ 1137.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.
(b) The term "fluid milk product" shall not include:
(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and
(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1137.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent of more butterfat, with or without the addition of other ingredients.

§ 1137.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1137.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

Handler Reports

§ 1137.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for the month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1137.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1137.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1137.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1137.31 Payroll reports.

(a) On or before the 23rd day after the end of each month, each handler described in § 1137.9 (a), and (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1137.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1137.32 Other reports.

(a) On or before the seventh day after the end of each month, each handler described in § 1137.9 (a) and (b) who diverted milk to nonpool plants shall report for the month to the market administrator, in the detail and on the forms prescribed by the market administrator as follows:

(1) The name of the plant to which diverted;

(2) The name of the individual dairy farmers so diverted;

(3) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted; and

(4) The number of days milk of the dairy farmer was received at a pool plant of the diverting order.

(b) In addition to the reports required pursuant to §§ 1137.30 and 1137.31 and paragraph (a) of this section, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1137.40 Classes of utilization.

Except as provided in § 1137.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1137.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section:

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk of filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products of fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1137.15; and

(6) In shrinkage assigned pursuant to § 1137.41(a) to the receipts specified in § 1137.41(a)(2) and in shrinkage specified in § 1137.41 (b) and (c).

§ 1137.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1137.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph in amounts equal to 50 times the maximum amount that may be computed pursuant to paragraph (b) (1) through (6) of this section; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1137.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to an other plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 11.37.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1137.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Except as provided in paragraph (e) of this section, skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1137.44(a)(12) and the corresponding step of § 1137.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1137.44(a)(7) or the corresponding step of § 1137.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1137.44(a) (11) or (12) or the corresponding steps of § 1137.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in

the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1137.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1137.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

(e) *Transfers by a cooperative association to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1137.9(c) and from a pool plant operated by a cooperative association to another handler's pool plant shall be classified pursuant to § 1137.44 pro rata with producer milk received at the transferee-plant and the value thereof at the class prices shall be included in his value of milk pursuant to § 1137.60.

§ 137.43 General classification rules.

In determining the classification of producer milk pursuant to § 1137.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1137.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1137.9(b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1137.40, 1137.41, and 1137.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1137.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1137.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1137.9(a) for each of his pool plants separately and of each handler described in § 1137.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in §1137.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1137.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1137.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1137.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in §1137.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk subject to the provisions of § 1137.42(e), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph

(a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1137.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received. For purposes of this subtraction at a pool plant operated by a cooperative association, skim milk in fluid milk products transferred to the pool plant of another handler shall be added to the remaining pounds of skim milk in each class prorata to the market average utilization announced pursuant to § 1137.45(a):

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1137.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler). For purposes of such computation at a pool plant of a cooperative association, the pounds remaining shall include any remainder of the quantity added pursuant to paragraph (a)(11) of this section;

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this seciton result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from an other pool plant according to the classification of such products pursuant to § 1137.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk subject to the provisions of § 1137.42(e), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk subject to the provisions of § 1137.42(e) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1137.45 Market administrator's reports and announcements concerning classification

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1137.44(a)(12) and the corresponding step of § 1137.44(b), estimate and publicly announce the utilization (to the nearest whole precentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1137.44 pursuant to such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class prices

§ 1137.50 Class prices.

Subject to the provisions of § 1137.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

(b) *Class II milk.* the Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

§ 1137.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1137.52 Plant location adjustments for handlers.

(a) For milk received from producers and from handlers described in § 1137.9(c) at a pool plant, or diverted to a nonpool plant, located more than 50 miles by shortest highway distance as measured by the market administrator, from the plant to the nearest County Courthouse located in Denver, Colo.; Pueblo, Colo.; or Colorado Springs, Colo., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1137.50(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 75 miles from such courthouse, and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and handlers described in § 1137.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the lease location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1137.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1137.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1137.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1137.9(b) and (c) as follows:

(a) Multiply the pounds of producer milk and milk subject to the provisions of § 1137.42(e) in each class as determined pursuant to § 1137.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1137.44(a)(14) and the corresponding step of § 1137.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1137.74, that are applicable at the location of the pool plant;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.44(a)(9) and the corresponding step of § 1137.44(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1137.44(a)(9) and the

corresponding step of § 1137.44(b) for the current month; or

(ii) The hundredweight of skim milk and butterfat remaining in Class III after the computations pursuant to § 1137.44(a)(12) and the corresponding step of § 1137.44(b) for the preceding month, less the hundredweight of skim milk and butterfat specified in paragraph (c)(1) of this section;

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.44(a)(7)(i) through (iv) and the corresponding step of § 1137.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.44(a)(7)(v) and (vi) and the corresponding step of § 1137.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1137.44(a)(11) and the corresponding step of § 1137.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1137.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1137.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1137.60 for all handlers who filed the reports prescribed by § 1137.30 for the month and who made the payments pursuant to §§ 1137.71 and 1137.73 for the preceding month;

(b) Add an amount equal to the sum of the deductions to be made for location adjustments pursuant to § 1137.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1137.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location adjustment is applicable.

§ 1137.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1137.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1137.71, 1137.76, and 1137.77, subject to the provision of § 1137.78 and out of which he shall make all payments purusant to §§ 1137.72 and 1137.77: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1137.71 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1137.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1137.75, of such handler's receipts of producer milk and milk subject to the provisions of § 1137.42(e). In the case of a cooperative association which is a handler, less the amount due from other handlers pursuant to § 1137.73(c), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1137.60(f).

(b) On or before the 25th day after the end of the month each person who operated another order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1137.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1137.71(a)(2) exceeds the amount computed pursuant to § 1137.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1137.73 Payments to producers and to cooperative associations.

Except as provided in paragraphs (b) and (c) of this section, each handler except a cooperative association shall make payment as specified in paragraph

(a) of this section to each producer from whom milk is received:

(a)(1) On or before the last day of each month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at the Class III price for the preceding month.

(2) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1137.61, as adjusted by the butterfat differential specified in § 1137.74 and location adjustments specified in § 1137.75, plus or minus adjustments for errors made in previous payments to such producers and less:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Deductions for marketing services pursuant to § 1137.86; and

(iii) Proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 1137.72 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) For milk received from a pool plant operated by a cooperative association or from a cooperative association that is a handler pursuant to § 1137.9(c), each handler shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) A final settlement equal to the value of such milk at the uniform price pursuant to § 1137.61, as adjusted pursuant to §§ 1137.74 and 1137.75, less payment made pursuant to paragraph (c)(1) of this section.

(d) In making the payments to producers pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1137.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1137.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant from producers, in bulk from pool plants operated by cooperative associations, and from handlers described in § 1137.9(c) may be reduced by the amount of the location adjustment applicable at the location of the pool plant at which such milk was first physically received from producers, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1137.52; and

(b) For purposes of computations pursuant to §§ 1137.71 and 1137.72 the uniform price shall be adjusted at the rates set forth in § 1137.52 applicable at the location of the nonpool plant from which the milk was received (but not to be less than the Class III price).

§ 1137.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1137.30(b) and § 1137.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1137.60 for the partially regulated distributing plant if the plant has been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1137.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1137.60 for such handler shall include, in lieu of the value of other source milk specified in § 1137.60(f) less the value of such other source milk specified in § 1137.71(a)(2)(ii), a value of milk determined pursuant to § 1137.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1137.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1137.30(b) and 1137.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1137.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1137.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1137.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1137.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or other verification discloses errors resulting in moneys due a producer, a cooperative association, or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1137.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1137.71 or 1137.77 relative to payments to the producer settlement fund shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Administrative Assessment and Marketing Service Deduction

§ 1137.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribed with respect to:

(a) Producer milk (including milk subject to the provisions of § 1137.42(e) but excluding such milk in the case of a cooperative association which is a handler of milk subject to the provisions of § 1137.42(e)) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1137.44(a)(7) and (11) and the corresponding steps of § 1137.44(b), except such other source milk that is excluded from the computations pursuant to § 1137.60(d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant during the month that exceeds the skim milk and butterfat subtracted pursuant to § 1137.76(a)(2).

§ 1137.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1137.73, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end

of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

Proposal No. 2.

Amend the Western Colorado milk order to provide for (a) the uniform classification and order format provisions that were incorporated into a large number of other milk orders in 1974, (b) a single butterfat differential, and (c) a Class II differential of 10 cents as follows:

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1134.1 General provisions.

Definitions

1134.2 Western Colorado marketing area.
1134.3 Route disposition.
1134.4 [Reserved]
1134.5 Distributing plant.
1134.6 Supply plant.
1134.7 Pool plant.
1134.8 Nonpool plant.
1134.9 Handler.
1134.10 Producer-handler.
1134.11 [Reserved]
1134.12 Producer.
1134.13 Producer milk.
1134.14 Other source milk.
1134.15 Fluid milk product.
1134.16 Fluid cream product.
1134.17 Filled milk.
1134.18 Cooperative association.

Handler Reports

1134.30 Reports of receipts and utilization.
1134.31 Payroll reports.
1134.32 Other reports.

Classification of Milk

1134.40 Classes of utilization.
1134.41 Shrinkage.
1134.42 Classification of transfers and diversions.
1134.43 General classification rules.
1134.44 Classification of producer milk.
1134.45 Market administrator's reports and announcements concerning classification.

Class Prices

1134.50 Class prices.
1134.51 Basic formula price.
1134.52 Plant location adjustments for handlers.
1134.53 Announcement of class prices.
1134.54 Equivalent price.

Uniform Price

1134.60 Pool obligation of each handler.
1134.61 Computation of uniform price.
1134.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1134.70 Producer-settlement fund.
1134.71 Payments to the producer-settlement fund.
1134.72 Payments from the producer-settlement fund.
1134.73 Payments to producers and to cooperative associations.
1134.74 Butterfat differential.
1134.75 Plant location adjustments for producers and on nonpool milk.
1134.76 Payments by handler operating a partially regulated distributing plant.
1134.77 Adjustment of accounts.
1134.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1134.85 Assessment for order administration.
1134.86 Deduction for marketing services.

Subpart—Order Regulating Handling

General Provisions

§ 1134.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1134.2 Western Colorado marketing area.

"Western Colorado marketing area", hereinafter called the "marketing area", means all the territory within the outer boundaries of the following counties in the State of Colorado:

Delta, Garfield, Mesa, Montrose.

§ 1134.3 Route disposition.

"Route disposition" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product classified as Class I milk, other than a delivery to a pool plant or a delivery in bulk to a nonpool plant.

§ 1134.4 [Reserved]

§ 1134.5 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are pasteurized or packaged and from which there is route disposition of Grade A fluid milk products in the marketing area.

§ 1134.6 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a pool distributing plant.

§ 1134.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as route disposition, except filled milk; and

(2) Ten percent or more of such receipts, or 2,000 pounds per day, whichever is less, are disposed of as route disposition, except filled milk, in the marketing area.

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved in the form of fluid milk products, except filled milk, to distributing pool plants. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August, unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any of the following months of March through August unless it fulfills the shipping requirements of this paragraph for such month(s).

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (a) of this section and there is more route disposition (except filled milk) in this marketing area than in the marketing area defined under such other order;

(3) Any plant qualified pursuant to paragraph (b) of this section for any portion of March through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act; and

(4) Any distributing plant from which there is less than an average of 200 pounds of route disposition per day, except filled milk, in the marketing area during the month.

§ 1134.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are moved during the month to a pool plant.

§ 1134.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to the milk of its member producers which it causes to be diverted for its account pursuant to § 1134.12;

(c) A cooperative association with respect to milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by the association or by a hauler under contract to the association;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1134.7(c); and

(g) A vendor (any person who does not operate a plant described in paragraph (a), (d), (e) or (f) of this section but who engages in the business of receiving fluid milk products for resale and distributes to retail and wholesale outlets, via a mobile delivery vehicle, packaged fluid milk products received from such a plant).

§ 1134.10 Producer-handler.

"Producer-handler" means any person who is an individual, partnership or corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Only he and no other person (except a member of his immediate family, or a stockholder in the case of a corporate farm) employed on such farm(s) own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and from which there is route disposition during the month in the marketing area: *Provided*, That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) From pool plants or other order plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of as route disposition or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

§ 1134.11 [Reserved]

§ 1134.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the inspection requirements for fluid consumption of a duly constituted health authority, whose milk is received at a pool plant or diverted to a nonpool plant that is not a producer-handler plant within the limits set forth in paragraph (a) (1) and (2) of this section:

(1) A cooperative association may divert for its account the milk of any member-producer from whom not less than 3 days' production was received during the month at a distributing pool plant. The total quantity of milk so diverted may not exceed 60 percent in the months of March, April, May, June, July, and August and 30 percent in other months of its member-producer milk received at pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is effective. Such request shall specify the basis for assigning overdiverted milk to the producer-members of each cooperative association, at a time and in a manner approved by the market administrator.

(2) A handler may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a)(1) of this section, from whom not less than 3 days' production was received during the month at the pool plant. The total quantity of milk so diverted may not exceed 60 percent in the months of March, April, May, June, July, and August and 30 percent in other months of the milk received at such distributing pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a)(1) of this section. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler, at a time and in a manner approved by the market administrator, shall specify the dairy

farmers whose milk is ineligible as producer milk.

(3) For the purpose of the requirements of § 1134.7, milk diverted for the account of the operator of a distributing pool plant, except an operator who is also a cooperative association diverting milk in the same month pursuant to paragraph (a)(1) of this section, shall be included in the receipts of the pool plant from which diverted.

(4) For purpose of location adjustments pursuant to §§ 1134.52 and 1134.75, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1134.44(a)(8)(iii) and the corresponding step of § 1134.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1134.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer.

(a) With respect to receipts at a pool plant for which the handler operating such plant is to be responsible pursuant to § 1134.60:

(1) Received directly from such producer; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 1134.12;

(b) With respect to the additional receipts of a cooperative association:

(1) For which the cooperative association is the handler pursuant to § 1134.9(b), subject to the limitations and conditions provided in § 1134.12; and

(2) For which the cooperative association is the handler pursuant to § 1134.9(c). If the milk received at a pool plant from a handler described in § 1134.9(c) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler described in § 1134.9(c) at the location of the pool plant.

§ 1134.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1134.40(b)(1) from any source other than producers, handlers described in § 1134.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1134.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1134.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1134.40(b)(1)) for which the handler fails to establish a disposition.

§ 1134.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1134.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1134.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk (or oil).

§ 1134.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of, or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

Handler Reports

§ 1134.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for the month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1134.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1134.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports

required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1134.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1134.31 Payroll reports.

(a) On or before the 23rd day after the end of each month, each handler described in § 1134.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1134.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1134.32 Other reports.

(a) On or before the seventh day after the end of each month, each handler described in § 1134.9 (a) and (b) who diverted milk to nonpool plants shall report for the month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(1) The name of the plant to which diverted;

(2) The name of the individual dairy farmers so diverted;

(3) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted; and

(4) The number of days milk of the dairy farmer was received at a pool plant of the diverting order.

(b) In addition to the reports required pursuant to §§ 1134.30 and 1134.31 and paragraph (a) of this section, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1134.40 Classes of utilization.

Except as provided in § 1134.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1134.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1134.15; and

(6) In shrinkage assigned pursuant to § 1134.41(a) to the receipts specified in § 1134.41(a)(2) and in shrinkage specified in § 1134.41(b) and (c).

§ 1134.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1134.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section, the maximum pounds computed pursuant to such paragraph divided by 0.02; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk

(excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1134.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II of Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1134.9(b) of (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurements at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1134.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Except as provided in paragraph (e) of this section, skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1134.44(a)(12) and the corresponding step of § 1134.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1134.44(a)(7) or the corresponding step of § 1134.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1134.44(a)(11) or (12) or the corresponding steps of § 1134.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classfied in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1134.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to this receipts of skim milk and butterfats, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions

in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1134.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

(e) *Transfers by a cooperative association to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1134.9(c) and from a pool plant operated by a cooperative association to another handler's pool plant shall be classified pursuant to § 1134.44 pro rata with producer milk received at the transferee-plant and the value thereof at the class prices shall be included in his value of milk pursuant to § 1134.60.

§ 1134.43 General classification rules.

In determining the classification of producer milk pursuant to § 1134.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1134.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1134.9(b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1134.40, 1134.41, and 1134.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1134.9(b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1134.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1134.9(a) for each of his pool plants separately and of each handler described in § 1134.9(b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1134.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1134.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1134.40(b)(1) that were in

inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1134.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1134.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of re-constituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii)(*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk subject to the provisions of § 1134.42(e), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1134.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount,

beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1134.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1134.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk subject to the provisions of § 1134.42(e), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk subject to the provisions of § 1134.42(e) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1134.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1134.44(a)(12) and the corresponding step of § 1134.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1134.44 pursuant to such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1134.50 Class prices.

Subject to the provisions of § 1134.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.00.

(b) *Class II milk.* The Class II price shall be the basic formula price for the month, plus 10 cents.

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

§ 1134.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-

score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1134.52 Plant location adjustments for handlers.

(a) For milk received from producers and from handlers described in § 1134.9(c) at a pool plant, located more than 100 miles by shortest highway distance as measured by the market administrator, from the courthouse in Grand Junction, Colorado, and which is classified as Class I milk or assigned Class I location adjustment credit under paragraph (b) of this section, the price computed pursuant to § 1134.30(a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from such courthouse, and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and handlers described in § 1134.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1134.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1134.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1134.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of this pool plants and of each handler described in § 1134.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk and milk subject to the provisions of § 1134.42(c) in each class as determined pursuant to § 1134.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1134.44(a)(14) and the corresponding step of § 1134.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1134.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1134.44(a)(9) and the corresponding step of § 1134.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1134.44(a)(7) (i) through (iv) and the corresponding step of § 1134.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1134.44(a)(7) (v) and (vi) and the corresponding step of § 1134.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1134.44(a)(11) and the corresponding step of § 1134.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1134.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1134.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1134.60 for all handlers who filed the reports prescribed by § 1134.30 for the month and who made the payments pursuant to §§ 1134.71 and 1134.73 for the preceding month;

(b) Add an amount equal to the sum of the deductions to be made for location adjustments pursuant to § 1134.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1134.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1134.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1134.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all

payments made by handlers pursuant to §§ 1134.71, 1134.76, and 1134.77, subject to the provision of § 1134.78 and out of which he shall make all payments pursuant to §§ 1134.72 and 1134.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1134.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1134.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1134.75, of such handler's receipts of producer milk and milk subject to the provisions of § 1134.42(e). In the case of a cooperative association which is a handler, less the amount due from other handlers pursuant to § 1134.73(e), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received (not to be less than the Class III price) of other source milk for which a value is computed pursuant to § 1134.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool order, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

(c) Each vendor shall pay the market administrator on or before the 25th day after the end of the month at the difference between the value of the skim milk and butterfat in fluid milk products received from a producer-handler during the month at the Class I price applicable at the location of the producer-handler's plant (but not less than the Class III price) and its value at the Class III price subject to the following conditions:

(1) The quantities of skim and butterfat in fluid milk products on which payments shall be made pursuant to this section shall not exceed the vendor's Class I disposition in the marketing area during the month; and

(2) This section shall not apply to a vendor whose total Class I disposition is obtained from a producer-handler, or whose total receipts and disposition of fluid milk products are considered as a part of the receipts and disposition of the producer-handler pursuant to § 1134.10(b)(3).

§ 1134.72 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1134.71(a)(2) exceeds the amount computed pursuant to § 1134.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1134.73 Payments to producers and to cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(a) Not later than the last day of the month, to each producer from whom he received milk during the first 18 days of the month, a partial payment for the milk received during the first 15 days of the month, at the Class III price for the preceding month.

(b) Not later than the 16th day of the month, for milk received during the preceding month, an amount computed at not less than the uniform price, per hundredweight, pursuant to § 1134.61, as adjusted by the butterfat differential specified in § 1134.74, location adjustment specified in § 1134.75 and adjustments for errors made in previous payments minus:

(1) Payments made pursuant to paragraph (a) of this section;

(2) Deductions for marketing services pursuant to § 1134.86; and

(3) Deductions approved by the market administrator and authorized in writing by the producer. If the handler has not received full payment for the delivery period from the market administrator pursuant to § 1134.72, he may reduce his total payments to all producers uniformly by the amount owing to him by the market administrator. The handler shall, however, complete all payments not later than the 16th day of the month following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim by the cooperative association, each handler shall pay to the cooperative association on or before the second day preceding the dates set out in paragraphs (a) and (b) of this section an amount equal to the sum of the individual payments otherwise payable to the producer members of such organization. This payment shall be made for all milk of such producer certified by the cooperative association as a member, beginning the first day of the month following receipt of the certification and ending the last day of the month next preceding the date on which a written notice from the cooperative association terminating the membership was received.

(2) A copy of the request for payment, promise to reimburse, and certified list of members, shall be filed simultaneously with the market administrator. He may verify the information by auditing the records of the cooperative association. Exceptions to the accuracy of the membership certification, by a producer or by a handler, shall be made in writing to the market administrator for his determination.

(d) In making the payments to producers under paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk, a supporting statement which shall show for each month;

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required under this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) For milk received from a pool plant operated by a cooperative association or from a handler described in § 1134.9(c), each handler shall on or before the second day prior to the date payments are due individual producers, pay such cooperative associations for milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) A final settlement equal to the value of such milk at the uniform price, as adjusted pursuant to §§ 1134.74 and 1134.75, less payment made pursuant to paragraph (e)(1) of this section.

§ 1134.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1134.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant from producers, in bulk from a pool plant operated by a cooperative association, and from a handler described in § 1134.9(c) may be reduced by the amount of the location adjustment applicable at the location of the pool plant at which such milk was first physically received from producers, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which diverted, each at the rates set forth in § 1134.52; and

(b) For purposes of computations pursuant to §§ 1134.71 and 1134.72 the uniform price shall be adjusted at the rates set forth in § 1134.52 applicable at the location of the nonpool plant from which the milk was received (but not to be less than the Class III price).

§ 1134.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1134.30(b) and § 1134.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From an other nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1134.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1134.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers or reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1134.60 for such handler shall include, in lieu of the value of other source milk specified in § 1134.60(f) less the value of such other source milk specified in § 1134.71(a)(2)(ii), a value of milk determined pursuant to § 1134.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1134.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1134.30(b) and 1134.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1134.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1134.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1134.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1134.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1134.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1134.71, 1134.76, 1134.77, 1134.85 and 1134.86 shall be increased 1 percent for each month or portion thereof beginning with the third day following the date by which such obligation was payable: *Provided,* That:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1134.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including milk subject to the provisions of § 1134.42(e) but excluding such milk in the case of a cooperative association which is a handler of milk subject to the provisions of § 1134.42(e)) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1134.44(a) (7) and (11) and the corresponding steps of § 1134.44(b), except such other source milk that is excluded from the computations pursuant to § 1134.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant during the month that exceeds the skim milk and butterfat subtracted pursuant to § 1134.76(a)(2).

§ 1134.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1134.73, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 13th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) For producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 14th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction from each producer was computed.

Proposed by Safeway Stores, Inc.

Proposal No. 3.

Amend the Great Basin milk order to provide for (a) the uniform classification and order format provisions that were incorporated into a large number of other milk orders in 1974, and (b) a single butterfat differential as follows:

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.

1136.1 General provisions.

Definitions

1136.2 Great Basin Marketing area.
1136.3 Route disposition.
1136.4 [Reserved]
1136.5 Fluid milk plant.
1136.6 [Reserved]
1136.7 Pool plant.
1136.8 Nonpool plant.
1136.9 Handler.
1136.10 Producer-handler.
1136.11 [Reserved]
1136.12 Producer.
1136.13 Producer milk.
1136.14 Other source milk.
1136.15 Fluid milk product.
1136.16 Fluid cream product.
1136.17 Filled milk.
1136.18 Cooperative association.

Handler Reports

1136.30 Reports of receipts and utilization.
1136.31 Payroll reports.
1136.32 Other reports.

Classification of Milk

1136.40 Classes of utilization.
1136.41 Shrinkage.
1136.42 Classification of transfers and diversions.
1136.43 General classification rules.
1136.44 Classification of producer milk.
1136.45 Market administrator's reports and announcements concerning classification.

Class Prices

1136.50 Class prices.
1136.51 Basic formula price.
1136.52 Plant location adjustments for handlers.
1136.53 Announcement of class prices.
1136.54 Equivalent price.

Uniform Price

1136.60 Pool obligation of each handler.

Sec.

1136.61 Computation of uniform price.
1136.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1136.70 Producer-settlement fund.
1136.71 Payments to the producer-settlement fund.
1136.72 Payments from the producer-settlement fund.
1136.73 Payments to producers and to cooperative associations.
1136.74 Butterfat differential.
1136.75 Plant location adjustments for producers and on nonpool milk.
1136.76 Payments by handler operating a partially regulated distributing plant.
1136.77 Adjustment of accounts.
1136.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1136.85 Assessment for order administration.
1136.86 Deduction for marketing services.

Subpart—Order Regulating Handling

General Provisions

§ 1136.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made part of this order.

Definitions

§ 1136.2 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

Utah Counties

Box Elder, Cache (city of Logan only), Carbon, Daggett, Davis, Duchesne, Emery, Grand, Juab, Millard, Morgan, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Weber.

Nevada Counties

Elko, White Pine.

Wyoming Counties

Uinta (town of Evanston only).

Idaho Counties

Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, Madison.

§ 1136.3 Route disposition.

"Route disposition" means any disposition of fluid milk products (including through a vendor or disposition from a plant or plant store) classified as Class I milk, except in bulk form to fluid milk plants and except Class II and Class III milk disposition to plants which are not fluid milk plants.

§ 1136.4 [Reserved]

§ 1136.5 Fluid milk plant.

"Fluid milk plant" means a plant:

(a) In which milk or milk products (including filled milk) are processed or packaged and from which there is route disposition during the month in the marketing area, or

(b) In which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

§ 1136.6 [Reserved]

§ 1136.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A fluid milk plant from which there is not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 is disposed of as route disposition, and not less than 15 percent of such receipts are disposed of as route disposition in the marketing area.

(1) For the purpose of determining the qualification pursuant to this paragraph of a fluid milk plant pursuant to § 1136.5(a) operated by a cooperative association, producer milk which such cooperative association causes to be delivered to the pool plant of another handler of diverted therefrom shall be included with receipts of producer milk at such cooperative's plant and the quantity of such milk assigned to Class I pursuant to § 1136.45(d) shall be included as route disposition from such cooperative's plant;

(i) If such a cooperative association operates more than one fluid milk plant as defined in § 1136.5(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator; and

(ii) If no such written request is made, such producer milk and Class I milk shall be prorated among the plants; and

(2) If a handler operates more than one fluid milk plant, the combined receipts and fluid milk products disposition, except filled milk, of any such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if a handler in writing so requests the market administrator.

(b) A fluid milk plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.12, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided,* That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant; and

(3) Any plant described in paragraph (c)(3)(i) or (ii) of this section shall be exempt from paragraph (a) or (b) of this section, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part:

(i) Any plant from which there is less route disposition, except filled milk, in the Great Basin marketing area than in the marketing area regulated pursuant to the Act if not so subject to this part; or

(ii) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of paragraph (b) of this section.

§ 1136.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a fluid milk plant that is neither an other order plant, a producer-handler plant, nor an exempt plant from which there is route disposition in consumer-type packages or dispenser units (other than to a pool plant) in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant, a producer-handler plant nor an exempt plant from which fluid milk products qualified for fluid consumption are shipped during the month to a pool plant.

(e) "Exempt plant" means a governmental agency, Brigham Young University or any approved plant from which the total route disposition is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions.

§ 1136.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to the milk of its member producers which it causes to be diverted for its account pursuant to § 1136.13;

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association;

(d) Any person who operates a partially regulated distributing plant; and

(e) Any other person who operates a fluid milk plant described in § 1136.5(a).

§ 1136.10 Producer-handler.

"Producer-handler" means any person who is an individual, partnership of corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Only he and no other person (except a member of his immediate family or a stockholder in the case of a corporate farm) employed on such farm(s) own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and from which there is route disposition during the month in the marketing area: *Provided,* That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) From pool plants or other order plants in an amount that is not in excess of the larger of 3,000 pounds, or 5 percent of his Class I sales, during the month;

(2) Such plant is operated under this complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive, or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of as route disposition or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

§ 1136.11 [Reserved]

§ 1136.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means a dairy farmer who produces milk in compliance with the inspection requriements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption of agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant during the month or diverted to a nonpool plant within the limits set forth in § 1136.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1136.44(a)(8)(iii) and the corresponding step of § 1136.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1136.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from the producers at a pool plant but not including milk received from a handler described in § 1136.9(c);

(b) Received by a handler described in § 1136.9(c); or

(c) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant or an exempt plant, subject to the following conditions:

(1) Such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted;

(2) Not less than 6 days' production of the producer whose milk is diverted is physically received at a pool plant;

(3) A cooperative association may divert for its account only the milk of member producers: *Provided,* That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at all pool plants from member producers in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;

(4) The operator of a pool plant other than a cooperative asociation may divert for his account only the milk of producers who are not members of a cooperative association: *Provided,* That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at such plant from

producers who are not members of a cooperative association in any month of March through August, and that exceeds 20 percent of such receipts in any month of September through February, shall not be producer milk;

(5) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraph (c)(3) and (4) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk; and

(6) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their members if each association has filed such a request in writing with the market administrator on or before the 1st day of the month the agreement is effective. The request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

§ 1136.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1136.40(b)(1) from any source other than producers, handlers described in § 1136.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1136.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1136.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1136.40(b)(1)) for which the handler fails to establish a disposition.

§ 1136.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1136.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent of more butterfat, with or without the addition of other ingredients.

§ 1136.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1136.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales, or marketing milk or its products for its members; and

(c) To have its entire activities under the control of its members.

Handler Reports

§ 1136.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for the month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1136.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1136.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1136.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1136.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1136.9(a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1136.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in

the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1136.32 Other reports.

In addition to the reports required pursuant to §§ 1136.30 and 1136.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of milk

§ 1136.40 Classes of utilization.

Except as provided in § 1136.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1136.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1136.15; and

(6) In shrinkage assigned pursuant to § 1136.41(a) to the receipts specified in § 1136.41(a)(2) and in shrinkage specified in § 1136.41 (b) and (c).

§ 1136.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1136.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1136.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1136.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage

under this paragraph for the cooperative association shall be zero.

§ 1136.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1136.44(a)(12) and the corresponding step of § 1136.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1136.44(a)(7) or the corresponding step of § 1136.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1136.44(a) (11) or (12) or the corresponding steps of § 1136.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1136.40.

(c) *Transfers to producer-handlers and to exempt plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or an exempt plant shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source;

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1136.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

(e) *Transfers by a handler described in § 1136.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1136.9(c) to another handler's pool plant shall be classified pursuant to § 1136.44 pro rata with producer milk received at the transferee-plant and the value thereof at the class prices shall be included in his value of milk pursuant to § 1136.60.

§ 1136.43 General classification rules.

In determining the classification of producer milk pursuant to § 1136.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1136.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1136.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1136.40, 1136.41, and 1136.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1136.9 (b) or (c) shall be determined separately from the opeations of any pool plant operated by such cooperative association.

§ 1136.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1136.9(a) for each of his pool plants separately and of each handler described in § 1136.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1136.41(b).

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the poinds of skim milk in products specified in § 1136.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1136.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1136.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1136.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) if this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1136.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1136.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1136.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining

in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1136.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1136.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1136.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1136.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1136.44(a)(12) and the corresponding step of § 1136.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1136.44 pursuant to such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1136.50 Class prices.

Subject to the provisions of § 1136.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90.

(b) *Class II milk.* The Class II price shall be the Class III price for the month plus 15 cents.

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

§ 1136.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1136.52 Plant location adjustments for handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a handler described in § 1136.9(c) to a pool plant and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, the price computed pursuant to § 1136.50(a) shall be reduced as follows:

Distance (miles)	Rate per hundredweight (cents)
150 but not more than 160	22.0
For each additional 10 miles or fraction thereof in excess of 160	1.5

Such distance to be the shortest hard-surfaced highway distance as determined by the market administrator from the plant to the County Courthouse of Salt Lake County, Utah;

(b) In applying such credits to transfers of fluid milk products between pool plants, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee-plant after the computations are made pursuant to § 1136.44(a)(12) subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1136.9(c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plant pursuant to paragraph (b)(2) of this section by the applicable adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1136.42(a), in sequence beginning with

the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(5) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1136.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1136.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1136.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1136.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1136.9(c) in each class as determined pursuant to § 1136.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1136.44(a)(14) and the corresponding step of § 1136.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1136.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1136.44(a)(9) and the corresponding step of § 1136.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1136.44(a)(7) (i) through (iv) and the corresponding step of § 1136.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1136.44(a)(7) (v) and (vi) and the corresponding step of § 1136.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1136.44(a)(11) and the corresponding step of § 1136.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1136.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1136.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1136.60 for all handlers who filed the reports prescribed by § 1136.30 for the month and who made the payments pursuant to § 1136.71 for the preceding month;

(b) Add an amount equal to the sum of the deductions to be made for location adjustments pursuant to § 1136.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1136.60(f); and

(e) Subtract not less than 5 cents nor more than 6 cents per hundredweight. The result shall be known as the uniform price.

§ 1136.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1136.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1136.71, 1136.76, and 1136.77, subject to the provision of § 1136.78 and out of which he shall make all payments pursuant to §§ 1136.72 and 1136.77: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1136.71 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1136.60; and

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1136.75, of such handler's receipts of producer milk and milk received from a handler described in § 1136.9(c). In the case of a

cooperative association which is a handler, less the amount due from other handlers pursuant to § 1136.73(d), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1136.60(f).

(b) On or before the 25th day after the end of the month each person who operated another order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1136.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1136.71(a)(2) exceeds the amount computed pursuant to § 1136.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1136.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b), (d), or (e) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 17th day of the following month, for producer milk received during the month, at not less than the uniform price pursuant to § 1136.61 adjusted by the butterfat differential specified in § 1136.74 and location adjustment specified in § 1136.75, subject to the following adjustments:

(i) Less deductions for marketing services pursuant to § 1136.86;

(ii) Less the payment made pursuant to paragraph (a)(1) of this section;

(iii) Plus or minus adjustments for errors made in previous payments to such producer and proper deductions authorized in writing by such producer; and

(iv) If by the date specified, such handler has not received full payment from the market administrator pursuant to § 1136.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing and has so notified the market administrator, payment for milk received during the month by such handler(s) from producer-members of such association shall be accomplished as follows:

(1) On or before the third day prior to the last day of each month such handler shall pay to such cooperative association not less than 1.2 times the Class III price for the preceding month for the hundredweight of such milk received during the first 15 days of the month;

(2) On or before the 16th day of the following month such handler shall pay to such cooperative association the sum of the payments compared at the appropriate uniform price with respect to deliveries by producer-members of such association to handlers from whom payments have been requested, less the amounts of payments made to such association pursuant to paragraph (b)(1) of this section, and less the amount retained by handlers as authorized deductions.

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association and to the market administrator on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month, and if requested, the pounds received from each member-producer;

(2) The amount of payment made pursuant to paragraph (b)(1) of this section and the quantity of milk to which such payment applied; and

(3) The amount or rate and nature of any proper deductions authorized to be made from payments.

(d) Each handler shall pay a cooperative association for milk received by him from such cooperative in its capacity as a handler described in § 1136.9(c) as follows:

(1) On or before the second day prior to the last day of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the value of such milk at the applicable uniform price, less payment made pursuant to paragraph (d)(1) of this section.

(e) Each handler shall pay a cooperative association for milk received by him from a pool plant operated by such association as follows:

(1) On or before the second day prior to the end of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than an amount computed by multiplying the minimum prices for milk in each class subject to the applicable location adjustment provided in § 1136.52 and the butterfat differential provided by § 1136.74, by the hundredweight of milk in each class pursuant to § 1136.44, such amount to be reduced in the amount of the payment made pursuant to paragraph (e)(1) of this section.

§ 1136.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter

per pound at Chicago, as reported by the Department for the month.

§ 1136.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1136.52; and

(b) For purposes of computations pursuant to §§ 1136.71 and 1136.72 the uniform price shall be adjusted at the rates set forth in § 1136.52 applicable at the location of the nonpool plant from which the milk was received (but not to be less than the Class III price).

§ 1136.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1136.30(b) and § 1136.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1136.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1136.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1136.60 for such handler shall include, in lieu of the value of other source milk specified in § 1136.60(f) less the value of such other source milk specified in § 1136.71(a)(2)(ii), a value of milk determined pursuant to § 1136.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1136.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1136.30(b) and 1136.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1136.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1136.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1136.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1136.77 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making

payments set forth in the provisions under which such error occurred.

§ 1136.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1136.71, 1136.76, 1136.77 and 1136.85, shall be increased 1 percent for each month or portion thereof beginning with the third day following the date by which such obligation was payable: *Provided,* That:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market adminstrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1136.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including milk received from a handler described in § 1136.9(c)) but excluding in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1136.44(a) (7) and (11) and the corresponding steps of § 1136.44(b), except such other source milk that is excluded from the computations pursuant to § 1136.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant during the month that exceeds the skim milk and butterfat subtracted pursuant to § 1136.76(a)(2).

§ 1136.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk pursuant to § 1136.73, (other than milk of his own production) shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

Proposed by Mountain Empire Dairymen's Association, Inc., Western Colorado Producers Association and Western General Dairymen's Association

Proposal No. 4

Amend the Great Basin milk order, and if proposals No. 1 and 2 are not adopted amend the Eastern Colorado and Western Colorado milk orders, as follows:

§§ 1136.52, 1137.53, and 1134.53 [Removed]

A. Remove §§ 1136.52, 1137.53, and 1134.53.

§§ 1136.72, 1137.82, 1134.82 [Revised]

B. Revise §§ 1136.72, 1137.82 and 1134.82 to read as follows:

§ —— Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

Proposed by Mountain Empire Dairymen's Association, Inc.

Proposal No. 5

§ 1137.7 [Amended]

Amend the Eastern Colorado milk order, as set forth in proposal No. 1, by adding in § 1137.7(a) the following:

(a) * * * *Provided,* That two or more distributing plants operated by a handler may be considered as one plant for the purpose of meeting the requirements of this paragraph if the handler submits a written request to the market administrator prior to the delivery period for which consideration is requested.

* * * * *

Proposed by Watts-Hardy Dairy, Inc. and Robinson Dairy Inc.

Proposal No. 6

Amend the Eastern Colorado milk order, Part 1137, to adopt the three-class system that was made effective by the Department in 1974 and which is embodied in Proposal No. 1, which includes a Class II differential of 10 cents.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 7

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, 7 Parker Place, Suite 271, 2600 S. Parker Road, Aurora, Colorado 80044 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator of each of the orders for the aforesaid specified marketing areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C. on January 4, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-408 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Parts 1006, 1012, 1013, 1033, 1036, 1040, 1124, 1125, 1133, 1134, 1135, 1136, 1137 and 1139

[Docket Nos. AO-326-A21-RO1, et al.]

Milk in the Eastern Colorado and Certain Other Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	AO numbers
1137	Eastern Colorado	AO-326-A21-RO1.
1006	Upper Florida	AO-356-A18.
1012	Tampa Bay	AO-347-A21.
1013	Southeastern Florida	AO-286-A29.
1033	Ohio Valley	AO-166-A80.
1036	Eastern Ohio-Western Pennsylvania	AO-179-A45.
1040	Southern Michigan	AO-225-A34.
1124	Oregon-Washington	AO-368-A11.
1125	Puget Sound, Washington	AO-226-A29-RO1.
1133	Inland Empire	AO-275-A32-RO1.
1134	Western Colorado	AO-301-A17-RO1.
1135	Southwestern Idaho-Eastern Oregon	AO-380-A2.
1136	Great Basin	AO-309-A23-RO1.
1139	Lake Mead	AO-374-A7.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rules.

SUMMARY: This hearing is being held to consider industry proposals to amend 14 Federal milk marketing orders. The proposals would provide a new procedure for announcing the Class II price. Proponents contend that the requested order changes would promote the orderly marketing of milk in the respective marketing areas. The texts of the proposals to be considered at the hearing are set forth below.

DATE: February 3, 1982, at 9:00 a.m.

ADDRESS: Holiday Inn Airport, 4040 Quebec Street, Denver, Colorado 80216.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn Airport, 4040 Quebec Street, Denver, Colorado 80216, beginning at 9:00 a.m., local time, on Wednesday, February 3, 1982, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This hearing with respect to the Puget Sound, Washington, and Inland Empire marketing areas is a reopening of the hearing held September 15-23, 1981, to consider the merger and expansion of such marketing areas. The hearing is reopened for the limited purpose of receiving evidence with respect to the economic and marketing conditions which relate to the Class II price announcement procedures under the separate orders, or a combination thereof, regulating the handling of milk in these marketing areas.

This hearing with respect to the Eastern Colorado, Western Colorado and Great Basin marketing areas is a reopening of the hearing that will be convened on February 2, 1982, to consider proposals to adopt the uniform classification provisions that were incorporated in a large number of other Federal milk orders in 1974 and revised in 1975. Also, proposals to change the Class II differential in the Eastern Colorado and Western Colorado milk orders will be considered at that hearing. This hearing is reopended for the limited purpose of receiving evidence with respect to the economic and marketing conditions which relate to the Class II price announcement procedures that would apply to the handling of milk in these marketing areas.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as small businesses. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Industry Foundation and International Association of Ice Cream Manufacturers:

Proposal No. 1

Add a new § ——.21 to each of the aforesaid orders, to read as follow:

§ ——.21 Product prices.

The following product prices shall be used in calculating the basic Class II formula price:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National

Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

Proposal No. 2

A. Amend § ——.50 in Parts 1006, 1012, 1013, 1036, 1040, 1135, 1136 and 1139 and §——.51 in Parts 1033, 1134, and 1137, by revising paragraph (b) to read as follows:

§ ——.50 [Amended]

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that no event shall the final Class II price be less than the Class III price (or basic formula price).

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices and add [1] — cents; and

(2) Determine for the same 12-month period as specified in (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices.

B. Amend § ——.50 in Parts 1125 and 1133 and § ——.51 in Part 1124 by revising paragraph (b) to read as follows:

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that no event shall the final Class II price be less than the Class III price. If the Class III price for the month is computed pursuant to paragraph (c)(1) through (3) of this section, the final Class II price shall be reduced by the amount that the Class III price is less than the basic formula price to the extent such reduction does not cause the Class II price to be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices and add 25 cents; and

(2) Determine for the same 12-month period as specified in (b)(1) of this section the simple average (rounded to the nearest cent) ofthe basic Class II formula prices.

[1] Parts 1134—5 cents. Parts 1033, 1036 and 1135—10 cents. Parts 1006, 1012, 1013, 1040, 1136, 1137 and 1139—15 cents.

Proposal No. 3

Add a new § ——.51a to each of the aforesaid orders to read as follows:

§ ——.51a Basic Class II formula price.

The "Basic Class II formula price" for the month shall be the basic formula price for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § ——.21 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or at less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Statistical Reporting Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Statistical Reporting Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

Proposal No. 4

A. Revise § ——.52 in Parts 1013, 1036, 1040, 1125 and 1135 to read as follows:

§ ——.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

B. Revise § ——.53 in Parts 1133 and 1139, to read as follows:

§ ——.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before:

(a) The 5th day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class III price for the preceding month;

(iv) The Class II and Class III butterfat differential for the preceding month; and

(v) The final Class II price for the preceding month; and

(b) The 15th day of each month, the tentative Class II price for the following month.

C. Amend §§ 1134.22(i) and 1137.22(i) to read as follows:

§ 1134.22 and § 1137.22 [Amended]

* * * * *

(i) Publicly announce on or before:

(1) The 5th day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class III price for the preceding month;

(iv) The Class II and Class III butterfat differential for the preceding month; and

(v) The final Class II price for the preceding month;

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month; and

(3) The 15th day of each month, the tentative Class II price for the following month.

D. Amend § 1136.22(k) to read as follows:

§ 1136.22 [Amended]

* * * * *

(k) Publicly announce on or before:

(1) The 5th day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class III price for the preceding month;

(iv) The Class II and Class III butterfat differential for the preceding month; and

(v) The final Class II price for the preceding month;

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month; and

(3) The 15th day of each month, the tentative Class II price for the following month.

E. Amend § 1033.27(k) to read as follows:

§ 1033.27 [Amended]

* * * * *

(k) Publicly announce on or before:

(1) The 5th day of each month:

(i) The Class I price for the following month;

(ii) The final Class II price for the preceding month;

(iii) The Class III price for the preceding month; and

(iv) The butterfat differential for the preceding month;

(2) The 12th day of each month, the uniform price for the preceding month; and

(3) The 15th day of each month, the tentative Class II price for the following month.

F. Revise §——.53 in Parts 1006 and 1012 to read as follows:

§ ——.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following and the final Class II price for the preceding month; and on or before the 15th day of each month tentative Class II price for the following month.

G. Amend §§ 1124.22(i) to read as follows:

§ 1124.22 [Amended]

* * * * *

(i) Publicly announce on or before:

(1) the 5th day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class III price for the preceding month;

(iv) The Class II and Class III butterfat differential for the preceding month; and

(v) The final Class II price for the preceding month;

(2) The 14th day of each month, the uniform prices and the producer butterfat differential, both for the preceding month; and

(3) The 15th day of each month, the tentative Class II price for the following month.

Proposed by Mountain Empire Dairymen's Association, Inc., Western Colorado Producers Association, Western General Dairymen's Association and Dairymen's Creamery Association:

Proposal No. 5

Amend the Western Colorado Order No. 134, Southwestern Idaho-Eastern Oregon Order No. 135, Great Basin Order No. 136, and Eastern Colorado Order No. 137 to incorporate the Class II price announcement procedure that became effective on September 1, 1981, in 29 other milk order marketing areas (46 FR 43371) and as embraced in proposals 1 through 4, except that the Class II differentials for the Eastern Colorado and Western Colorado milk orders shall be 10 cents.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the market administrator of each of the orders for the aforesaid specified marketing areas or from the Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator of each of the orders for the aforesaid specified marketing areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 4, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-407 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Leasing Policy Development

10 CFR Part 378

[Docket No. LPD 81-2]

Diligence Requirements for Federal Coal Leases

Cross Reference: For a document issued by the Geological Survey, Department of the Interior, regarding comments and meetings on the Department of Energy's proposed rule regarding diligence requirements for Federal coal leases (46 FR 62226, Dec. 22, 1981), see FR Doc. 82-358 published in the Proposed Rules section of this issue. Refer to the table of contents under "Geological Survey" to determine the appropriate page number.

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-17]

Petitions For Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: March 8, 1982.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on December 29, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
22269	Flight Engineers International Association (FEIA)	Description of Petition: To amend appropriate FAR Parts to the extent necessary in order to regulate the certification of transport category airplane cockpits and their use in air transportation in the United States. These amendments would include the establishment of an integrated and coordinated set of regulatory standards, documentation requirements and evaluation criteria for the certification, configuration control, and modification of flight cockpits used on transport category airplanes. Additionally, the amendments would provide for the certification of appropriate flight operational procedures and training specifications consistent with: criteria used in the aircraft/cockpit system, and procedures dictated by flight operational activity, i.e., low visibility approach and landing operations currently permitted by the Category II and Category III advisory circular criteria, etc. They would also cover the certification of cockpit instrumentation, equipment and software configurations, minimum flight crew, master minimum equipment list—for a particular aircraft type, minimum equipment list—for the particular air carrier, cockpit/crew operational procedures, and crew function training. Regulations Affected: 14 CFR Parts 21, 25, and 121.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description of the rule requested
22267	Beech Aircraft Corp.	Petitioner's Reasons for Rule: The petitioner has referred to the transcripts of public hearings associated with the President's Task Force on Aircraft Crew Complement (Task Force) and the public discussions in the six recently-conducted FAA Aviation Human Factors Workshops. Based on its analysis of these public hearings/discussions and the five recommendations relating to crew complement certification identified by the Task Force, the petitioner believes that justification exists for a regulatory requirement to certify Part 25 airplane cockpits for use in air transportation. Description of Petition: To require landing distances for aircraft certificated under SFAR 41 to be the same as for aircraft certificated under Section 23.75. Regulations Affected: SFAR 41.5(c)(a). Petitioner's Reasons for Rule: Petitioner states "SFAR 41, through reference to a non-current version of FAR 23 invokes an overly conservative and outmoded technique for the determination of landing distance. Operations of aircraft so certificated, as commercial carriers under FAR 135, is further penalized by provisions of FAR 135.399(b), which required landing distances be factored by 1.67 for destination fields and 1.43 for alternate fields. The combination of outmoded techniques for landing determination coupled with the additional safety factors of FAR 135.399(b) results in unreasonably long, overly conservative runway lengths for SFAR 41 aircraft. This effectively precludes SFAR 41 aircraft service to many small-city airports and neutralizes the intent of SFAR 41."
None this period.		

[FR Doc. 82-148 Filed 1-6-82; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 22530; Notice No. 81-17]

One Engine Inoperative Ferry Flight Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to change the regulations to allow certificate holders under Part 125 to conduct ferry flights with one engine inoperative without a special flight authorization. This change is necessary to preclude discontinuing this authorization when Part 125 becomes applicable to commercial operators January 1, 1983, since this part does not contain such an authorization. This proposal arose in response to requests from commercial operators who have become certificated under Part 125 and should provide relief in accordance with Executive Order 12291.

DATE: Comments must be received on or before March 8, 1982.

ADDRESS: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22530, 800 Independence Ave. SE., Washington, D.C. 20591. All comments must be marked: Docket No. 22530. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. C. W. Schaffer, General Aviation Commercial Branch (AWS-340), Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591; Telephone: (202) 426-8205.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications must identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22530. The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular 11-2 which describes the application procedures.

Background

Part 125 became effective February 3, 1981. Section 125.1(d) provides that an operator, who holds a certificate on the effective date of this part as a commercial operator under Part 121 of this chapter, may continue under those rules until the expiration of that certificate, but no later than January 1, 1983. Thus, a commercial operator operating aircraft to which Part 125 applies must, by that date, hold an air carrier operating certificate, hold an operating certificate under Part 125, or cease to operate for compensation or hire. Some operators have elected to become certificated under Part 121, but the majority have or will elect to become operating certificate holders under Part 125.

Commercial operators under Part 121 are authorized, by § 91.45, to conduct ferry flights of four-engine airplanes or turbine engine powered airplanes equipped with three engines, with one engine inoperative. Section 91.45 does not make such a provision for operating certificate holders under Part 125.

Certificate holders operating under Part 125 are required to make

application for, and be issued, a special flight authorization (ferry permit) when they desire to conduct one-engine inoperative ferry flights. When the need for a ferry permit occurs in a remote area or during other than normal business hours, the application and issuance process can result in costly delays in returning the aircraft to productive service. Further, an unnecessary administrative burden is placed on the operator and the Federal Aviation Administration.

Section 125.1(d) imposes the same limitations on certificate holders under Part 123 since it brings them under Part 125 on the same date, January 1, 1983. These persons and other persons who become certificated under Part 125 will be subject to the same application and issuance procedure and limitations imposed on the commercial operators.

The operating history of commercial operators under Part 121 supports continuance of their authority to use § 91.45 under Part 125. Further, Parts 121, 123, and 125 have similar operational and administrative procedures which should ensure that certificate holders under Part 125 are capable of conducting ferry flights with one engine inoperative as provided in § 91.45 without derogating safety. On this basis the Federal Aviation Administration is not aware of any reason which should preclude operation under § 91.45 by certificate holders operating under Part 125. Provisions have been made to ensure current commerical operators under Part 121 continuance of their authority to use § 91.45 until January 1, 1983. However, persons issued deviation authority under § 125.3 to operate under Subpart D of Part 91 do not have similar operational and administrative controls and, therefore, would not be authorized to use § 91.45 as proposed.

Regulatory Evaluation

This proposal is relieving in nature. No formal cost-benefit analysis was completed with respect to the proposal. However through a preliminary assessment of costs and economic impact the FAA has determined that there are no costs associated with this proposal, and that there will be a positive economic impact by eliminating the delays caused by operators having to secure a special flight authorization (ferry permit) when they desire to conduct one-engine inoperative flights.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

By revising § 91.45(a) introductory text, (a)(5) and (a)(6) to read as follows:

§ 91.45 Authorization for ferry flights with one engine inoperative.

(a) *General.* The holder of an air carrier operating certificate, an operating certificate issued under Part 125, or until January 1, 1983, an operating certificate issued under Part 121, may conduct ferry flights of airplanes equipped with four engines or of turbine engine powered airplanes equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

* * * * *

(5) Persons other than required flight crewmembers shall not be carried during the flight.

(6) No person may use a flight crewmember for flight under this section unless that crewmember is thoroughly familiar with the operating procedures for one-engine inoperative ferry flight contained in the certificate holder's manual, and the limitations and performance information in the Airplane Flight Manual.

* * * * *

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—The FAA has determined that this proposal relaxes requirements to eliminate the delays caused by operators having to secure a special flight authorization (ferry permit) when they desire to conduct one-engine inoperative flights and will, therefore, reduce costs to affected Part 125 operators. Since the expected impact of this regulatory action is so minimal and involves no costs and will have only positive economic impact by eliminating the need for special flight authorizations, it does not warrant preparation of a regulatory evaluation and it is not a major regulation under Executive Order 12291. I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed revision is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on December 17, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-365 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 211

Diligence Requirements for Federal Coal Leases

AGENCY: Geological Survey, Interior (DOI).

ACTION: Revised Place to submit Comments; Additional Public Meetings.

SUMMARY: On December 22, 1981, the Department of Energy (DOE) proposed rules in the **Federal Register** at page 62226 regarding the standards for diligent development and continued operation for Federal coal leases. The authority for that proposal was section 302(b) of the DOE Organizational Act (91 Stat. 579), since repealed by the 1982 Interior Department Appropriations Act (Pub. L. 97-100, 12/23/81).

When enacted in 1977, section 302(b) of the DOE Organization Act transferred authority for diligence rulemaking from the Department of the Interior (DOI) to DOE. Repeal of section 302(b) thus revests with DOI the rulemaking authority for diligence standards.

This notice is to advise interested parties that, since DOI now has diligence rulemaking authority, written comments on DOE's December 22, 1981, proposal should be sent to the Geological Survey at the address below. Comments should not be sent to DOE. After receipt and analysis of comments, final rules will be promulgated in 30 CFR 211.

DATES: All written comments must be received by February 22, 1982. Hearings will be held on the dates listed in Supplementary Information below.

ADDRESSES: Send written comments to: U.S. Geological Survey, 653 National Center, Reston, VA 22092. Hearings will be held at the locations listed in Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: Robert O. Schrott, Acting Chief, Branch of Coal Management, Conservation Division, U.S. Geological Survey, Reston, VA 22092, 703-860-7136, FTS: 928-7136.

SUPPLEMENTARY INFORMATION: As previously announced, DOI will hold a series of public meetings to provide the public a forum where they may discuss proposed changes to the Federal coal leasing program (46 CFR 61390, 61424, December 16, 1981) with the staff of the Geological Survey and the Bureau of Land Management. This notice advises interested parties that the diligence rulemaking will also be discussed at

those meetings. DOE's December 22, 1981, proposal announced a public hearing on the diligence proposal in Denver, Colorado. That hearing is hereby canceled.

The public meetings will be held at the following locations and times:

Salt Lake City, Utah, Salt Palace, Room 220, Monday, January 11, 1982, 2 p.m. and 7 p.m.
Casper, Wyoming, Ramada Inn, Wednesday, January 13, 1982, 2 p.m. and 7 p.m.
Farmington, New Mexico, Farmington Civic Center, 200 West Arrington, Room C, Friday, January 15, 1982, 2 p.m. and 7 p.m.

It is hoped that discussions at these meetings will aid the public in the formulation of their comments on the proposed rulemakings.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

[FR Doc. 82-358 Filed 1-6-82; 8:45 am]
BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

[SPA 27]

Public Hearing and Public Comment Period on the Resubmitted Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of receipt of permanent program resubmission: Schedule for public hearing and public comment period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Kentucky regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State. The resubmission includes those portions of the proposed regulatory program which were disapproved by the Secretary of the Interior in his initial decision on October 22, 1980 (45 FR 69940–69970). However, in this resubmission Kentucky has also proposed amendments and/or submitted additional information relating to previously approved portions of its program. Therefore, the Secretary is also soliciting public comments concerning the effect of these program changes on those portions of the Kentucky program which were approved on October 22, 1980.

This notice sets forth the times and locations that the Kentucky program is available for public inspection; the date when and location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the portions of the Kentucky program not previously approved by the Secretary of the Interior will be held at 6:30 p.m. on January 26, 1982, at the address listed under "ADDRESSES."

Comments from members of the public must be received on or before the close of business on February 8, 1982, in order to be considered in the Secretary's decision on those elements of the proposed Kentucky program which were not approved in the initial decision on the proposed program.

ADDRESSES: The public hearing will be held at the Harley Hotel, 2143 N. Broadway, Lexington, Kentucky. Written comments should be sent to: Office of Surface Mining, ATTN: Administrative Record Room, Suite 500, 530 So. Gay Street, S.W., Knoxville, Tennessee 37902

Copies of the full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region II Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Knoxville Regional Office, Suite 500, 530 So. Gay Street, SW., Knoxville, Tennessee 37902, Telephone (615) 971–5100
Bureau of Surface Mining Reclamation and Enforcement, Capitol Plaza Tower, Sixth Floor, Frankfort, Kentucky 40601

See Supplementary Information for the locations where the full text of the proposed program are available for inspection.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Acting Regional Director, Office of Surface Mining, 530 S. Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902. Phone: (615) 971–5100.

SUPPLEMENTARY INFORMATION:

Relevant Addresses

Copies of the full text of the proposed program are available for inspection during regular business hours at the following locations:

Administrative Record Room, Office of Surface Mining, Region II, 530 So. Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902
Bureau of Surface Mining Reclamation and Enforcement, Capitol Plaza Tower, Sixth Floor, Frankfort, Kentucky 40601
Bureau of Surface Mining Reclamation and Enforcement, Old T8 Facility, Laffoon Street, Madisonville, Kentucky 42431
Bureau of Surface Mining Reclamation and Enforcement, 1632 East Cumberland Avenue, P.O. Box 951, Middlesboro, Kentucky 40965
Bureau of Surface Mining Reclamation and Enforcement, Howell Building, Route 2, Box 500, Jackson, Kentucky 41339
Bureau of Surface Mining Reclamation and Enforcement, 431 South Lake Drive, Prestonburg, Kentucky 41653
Bureau of Surface Mining Reclamation and Enforcement, 165 South Mayo Trail, P.O. Box 2289, Pikeville, Kentucky 41051
Bureau of Surface Mining Reclamation and Enforcement, KY 80, Reclamation Building, London, Kentucky 40601
Bureau of Surface Mining Reclamation and Enforcement, 620 West Main Street, Grayson, Kentucky 41143
Office of Surface Mining, Administrative Record Office, Room 5315, 1100 L Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Acting Regional Director, Office of Surface Mining, 530 So. Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902. Phone: (615) 971–5100.

SUPPLEMENTARY INFORMATION: On February 29, 1980, the Commonwealth of Kentucky submitted to OSM a proposed State regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328), the Regional Director published notification of receipt of the program submission in the March 12, 1980 **Federal Register** (45 FR 15948–15950), and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public meeting was held on April 16 and 17, 1980, on the issue of the program's completeness.

On April 29, 1980, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be complete (45 FR 28368–28369) as required by 30 CFR 731.14(c).

A public hearing on the adequacy of the Kentucky submission was held on July 22, 1980, in Madisonville, Kentucky, and on July 23, 1980, in Hazard, Kentucky, by the Regional Director,

after due notice on June 23, 1980, in the **Federal Register** (45 FR 41977–41979) and in newspapers of general circulation within the State. The public comment period ended July 28, 1980.

Throughout the period beginning with the submission of the program, OSM had frequent contact with the staff of the Kentucky Department for Natural Resources and Environmental Protection. Minutes or notes of the discussions were placed in the Administrative Record and made available for public review and comment. The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the partial approval by the Secretary (45 FR 69940–69970) published on October 22, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Kentucky program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the Commonwealth of Kentucky had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. On October 31, 1980, the Kentucky Circuit Court enjoined the Kentucky Department for Natural Resources and Environmental Protection from submitting or resubmitting to OSM the Kentucky Permanent State Program. On October 31, 1981, acting upon a motion by Kentucky the Court agreed to permit the submission to OSM of the revised program. The State submitted its revised program for consideration on December 30, 1981.

In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 15 days for public review and comment. The comment period for the Kentucky program will end at 4:00 p.m. on February 8, 1982. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15328–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961). The Kentucky State Program will be evaluated by the Secretary under the criteria set forth in 30 CFR 732.15, including the recent amendment to the definition of "consistent with" which sets a new standard for comparison of State programs with the Federal regulations, 30 CFR 730.5(a) and 732.15(a) (46 FR 53376–53384, October 28, 1981).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the Commonwealth of Kentucky will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal and non-Indian lands in Kentucky. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of those activities on Federal lands in Kentucky. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Kentucky. To codify decisions on State programs, Federal programs, and other matters affecting individual States, OSM has established Subchapter T of 30 CFR Chapter VII.

Subchapter T will consist of parts 900 through 950. Provisions relating to Kentucky will be found in 30 CFR Part 917 after Kentucky's resubmission has been approved or disapproved.

At the public hearing on January 26, 1982, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of, an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of State programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both State officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Kentucky program submissaion (45 FR 69940–69970) published October 22, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the Kentucky program including resubmission materials:

Section and Description

Executive Summary

731.14(a) State Laws and Regulations
(b) Other State Laws and Regulations
(c) Legal Opinion on Authority to Regulate
(d) Designation of an Agency as Regulatory Authority
(e) Description of Regulatory Authority
(f) Memoranda of Agreement
(g) Proposed Systems
(g)(1) Permit Process
(2) Fees for Permits
(3) Bonding System
(4) Inspection Process
(5) Enforcement of Civil and Criminal Penalties
(6) Enforcement of Performance Standards
(7) Assessing and Collecting Civil Penalties
(8) Issuing Public Notices

(9) Coordination of Permit Issuance
(10) Consulting with Other State and Federal Agencies
(11) Lands Unsuitable for Mining Program
(12) Monitoring Conflict of Interest
(13) Training and Certification of Blasters
(14) Public Participation
(15) Administrative and Judicial Review
(16) Small Operator's Assistance Program
(h) Statistical Information
(1) Annual Coal Production
(2) Number of Mines
(3) Acreage
(4) Geographic Distribution of Mining
(5) Annual Number of Permit Applications
(6) Frequency of Inspections
(7) Status of Current Permits
(8) Coal Production Projections
(i) Existing and Proposed Staffing
(j) Adequacy of Staffing
(k) Other Agency Personnel
(l) Proposed Budget
(m) Physical Resources
(n) Special Performance Standards
(o) Other Programs Administered by the Regulatory Authority
APPENDIX A Kentucky's Proposed Regulations
APPENDIX B Other State Laws and Regulations
APPENDIX C List of Inspections Made on Active Permits
APPENDIX D Equipment Inventory and Vehicle Replacement Schedule

Additional Determinations

The Office of Management and Budget has granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for State program approvals, amendments, and removal of conditions. Therefore, this rule is exempt from the Determination of Effects requirements of the Executive Order.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Kentucky program. Under Section 702(d) of SMCRA (30 U.S.C. 1291(d)), approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: December 31, 1981.

Wesley R. Booker,

Acting Director, Office of Surface Mining.

[FR Doc. 82-431 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 543

Instruction of Civilians in Marksmanship

AGENCY: Army Department, DOD.

ACTION: Proposed rule (revision).

SUMMARY: Army Regulation 920–20 implements the provisions of Title 10, U.S.C., sections 4308 and 4311 for the instruction of civilians in marksmanship. Revision is necessitated by recent decisions of the National Board for the Promotion of Rifle Practice extending the age groups eligible for participation and procedures governing annual reporting procedures, which will authorize greater participation and simplify processing of enrollment applications and reporting procedures.

FOR FURTHER INFORMATION CONTACT: Colonel Jack R. Rollinger, Director of Civilian Marksmanship, Room 1205, Pulaski Bldg., 20 Massachusetts Avenue, NW., Washington, DC 20314; (202) 272–0810.

DATES: Comments must be received on or before March 8, 1982. Proposed effective date March 15, 1982.

John O. Roach, II,

Liaison Officer with the Federal Register.

PART 543—PROMOTION OF RIFLE PRACTICE

Accordingly, 32 CFR Part 543 is proposed to be revised to read as set forth below:

Subpart A—General

Sec.
543.1 Purpose.
543.2 Applicability.
543.3 References.
543.4 Authority.
543.5 Responsibilities.
543.6 Eligibility limitations.

Subpart B—Organization and Enrollment of Shooting Clubs

543.7 Junior clubs.
543.8 Junior and senior clubs.
543.9 Enrollment.

Subpart C—Provision of Arms, Ammunition, Targets, and Related Equipment

543.10 Issue of Government-owned material.
543.11 Sale of Government-owned material.
543.12 Clubs located on military reservations.

Subpart D—Marksmanship Training Requirements

543.13 Training.
543.14 Qualification courses.

Subpart E—Administrative Procedures

Sec.
543.15 Annual statistical report of civilian rifle clubs
543.16 Bonds.
543.17 Care and safekeeping of arms, ammunition, and equipment.
543.18 Defective ammunition.
543.19 Other defective equipment.
543.20 Transportation of equipment.

Subpart F—Civilian Use of Government Rifle Ranges

543.21 Application for use of ranges.
543.22 Range control.
543.23 Arms and ammunition.
543.24 Record practice for qualification.
543.25 Denial of privileges.

Subpart G—Civilian Marksmanship Support Other Than Through DCM-Affiliated Clubs

543.26 Authorized organizations.
543.27 Procedures.

Authority: Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308, unless otherwise noted.

Subpart A—General

§ 543.1 Purpose.

This AR governs the Secretary of the Army's (SA) program for promoting marksmanship training with rifled arms among citizens of the United States.

§ 543.2 Applicability.

This AR applies to the Active Army, the Army National Guard, and the Army Reserve. It applies to all operations related to United States civilian rifle clubs.

§ 543.3 References.

AR 725.1 (Special Authorization and Procedures for Issues, Sales, and Loans) is a required publication. (Cited in §§ 543.11 (a) and (b)).

§ 543.4 Authority.

Table 1 explains authorization for the conduct of a program to promote practice in the use of rifled arms by able-bodied citizens.

§ 543.5 Responsibilities.

The Director of Civilian Marksmanship (DCM) has management control of the program and provides support and assistance to civilian shooting clubs participating in the progam. (See Subpart B and G).

§ 543.6 Eligibility limitations.

Except for ROTC students in high schools and junior high schools which do not receive marksmanship training materials from the Armed Forces, the following are not eligible to take part in the civilian marksmanship program: Members of—

(a) The Armed Forces of the United States;

(b) The U.S. Army Reserve;
(c) The Army National Guard; and
(d) The Reserve Officers Training Corps.

TABLE 1.—AUTHORITY

Line	A Action	B Limitations	C Authority
1	The SA is authorized to conduct a program for promoting practice in the use of rifled arms by citizens of the United States. This includes classes of instruction and the issue of arms, ammunition, and other necessary supplies.	This action must be within the limits of available funds and pursuant to rules approved by the SA upon the recommendation of the NBPRP (National Board for the Promotion of Rifle Practice).	Section 4308 of Title 10 United States Code (10 U.S.C. 4308)
2	All rifle ranges constructed in whole or in part with Federal funds may be used by citizens of the United States.	Users must abide by regulations prescribed by authorities controlling these ranges. The SA must have approved the use.	10 U.S.C. 4309(b).
3	The position of Director of Civilian Marksmanship (DCM) is authorized. (The position of DCM is established in AR 920–15).		10 U.S.C. 4307

Subpart B—Organization and Enrollment of Shooting Clubs

§ 543.7 Junior clubs.

To be eligible for the marksmanship program, clubs must have—

(a) At least ten members, ages 10–20 inclusive. (Undergraduate members of a club organized from among the students of a college or university under 27 years of age may be counted.) In this regulation, they are referred to as "eligible junior members."

(b) At least three responsible adult leaders, formally named in the club organization, who supervise the eligible junior members in all aspects of this program. They must be United States citizens. At least one of these leaders must be a marksmanship instructor with qualifications acceptable to the DCM.

(c) A range, or access to a range, having adequate facilities for each eligible junior member to fire for practice at least four times a year and for record at least once a year.

§ 543.8 Junior and senior clubs.

(a) A club may enroll as a Senior Club if it—

(1) Has a membership of ten or more US citizens who are more than 20 years old.

(2) Meets all eligibility requirements of § 543.7.

(b) The eligible junior members of a Senior Club may be identified as its "Junior Division."

§ 543.9 Enrollment.

(a) Forms. Clubs will apply for enrollment to the DCM on the forms listed in paragraphs (a) (1) through (8) of this section. Request these forms from the Director of Civilian Marksmanship, Department of the Army, WASH DC 20314.

(1) DA Form 1271 (Application for Enrollment of a Civilian Rifle Club).

(2) DA Form 1272 (Bond Application for Civilian Rifle Club).

(3) DA Form 1273 (Requisition for Articles Authorized for Issue to Civilian Rifle Clubs). Attach a description of the club's methods and facilities for keeping arms and ammunition safe.

(4) DA Form 1274 (Description of Available Range Facilities for Civilian Rifle Clubs).

(5) ODCM Form 137 (Roster of Club Members).

(6) DD Form 1584 (DOD National Agency Check Request). Prepare one for each adult leader and club officer.

(7) FD Form 258 (Fingerprint Card). Prepare one for each adult leader and club officer.

(8) ODCM Form 138 (Assurance of Compliance with Title VI Civil Rights Act of 1964).

(b) Authority. Clubs will submit the following with the application: The name, title, and address of at least one local or State law enforcement officer to whom the club is known.

(c) Verification. The DCM will have DD Forms 1584 and FD Forms 258 checked by U.S. Government agencies or local law enforcement agencies to insure that support of the club does not consitute a violation of the law. Clubs cannot be affiliated with the program until this check is completed. After a club is affiliated, each new person elected to office will be required to submit DD Form 1584 and FD Form 258.

(d) Denial and appeal of denial.

(1) Affiliation will be denied if an adult member or a club officer—

(i) Has a history of mental illness.

(ii) Is considered unqualified for any reason to supervise a youth program in marksmanship training.

(iii) Has been convicted of or has charges pending against him or her for—

(A) A crime for which the maximum penalty by law is imprisonment exceeding one year.

(B) A crime involving an assault against a person.

(C) A crime involving the use of firearms.

(D) A violation of Federal, State, or local firearms regulations.

(2) When affiliation is denied, the DCM will provide the reason.

(3) The club may submit added facts to justify approval.

(e) Revocation. Membership may be revoked and Government property recovered by the DCM if for two consecutive years a club fails to meet organizational requirements or fails to conduct and report the marksmanship training program as described in Subpart E § 543.15(h).

Subpart C—Provision of Arms, Ammunition, Targets, and Related Equipment

§ 543.10 Issue of Government-owned material.

(a) General. Clubs that are affiliated and continue to comply with the provisions of this regulation may be issued marksmanship training materials. All issues are subject to limitations of available resources and may be reduced or suspended at any time. All Government property is issued to affiliated clubs, not to individuals, and is to be used solely for supporting the club's organized marksmanship training program. Club leaders and officials will insure that the property is used only for this purpose. Sale, barter, exchange, or private use of Government property issued under this regulation is prohibited.

(b) Issue and retention of rifles. Each newly affilitated Junior Club will be initially issued four training or match grade caliber .22 rifles, with sights but without other auxiliary equipment for ten members, plus one rifle for each additional five juniors in excess of ten. However, the total number of rifles issued will not exceed ten for any club unless fully justified by the club and approved by the DCM. After submission of the club's first annual report (§ 543.15(a)(2)), additional rifles may be requested to support club growth and/or allowances for eligible senior members (paragraph (d) of this section). Only eligible members who during the preceding year fired and reported a qualification course in accordance with § 543.14 and § 543.15. When there is a reduction in the number of members eligible to be counted, as shown in annual reports, the DCM may initiate

action to withdraw rifles in excess of the quantities shown.

(c) Issue of ammunition targets. A newly enrolled club will be issued 300 rounds of caliber .22 ammunition for each eligible junior member. After submission of the club's first annual report, it will be issued 300 rounds of caliber .22 ammunition for each eligible junior member who during the preceding year fired and reported a qualification course in accordance with § 543.14 and § 543.15. Similarly, issues for succeeding years will be made, not to exceed 300 rounds for each eligible junior member, as long as the club remains affiliated and in good standing. Appropriate targets, as available, will also be issued.

(d) Issue of rifles to Senior Clubs. Participation of Senior members is considered the best source of competent instruction and responsible leadership for junior members. Affiliated Senior Clubs are authorized four training or match grade (if available) caliber .22 rifles. Additionally, four caliber. 30 service rifles for ten members, plus one additional caliber .30 rifle for each additional five members not to exceed eight rifles, are authorized. For Senior Clubs having a junior division, these allowances are in addition to those authorized in (6) above. The issue of ammunition and targets is authorized for senior members as available.

(e) Requisitions for issue of material. Clubs will forward requests for issue of material to the DCM. A bond covering the cost of nonexpendable Government property is required. (See § 543.16)

§ 543.11 Sale of Government-owned material.

(a) The Army may sell affiliated clubs the types of targets that are not available from commercial sources.

(b) DCM affiliated Junior Clubs and junior divisions of affiliated Senior Clubs may buy limited quantities of caliber .22 ammunition for use by junior members only. Other ammunition and components may also be purchased as available. The maximum quantities will be determined each fiscal year by the DCM.

(c) Clubs will submit purchase requests to the DCM who will forward approved requests to the proper agencies for processing. The DCM will return disapproved requests with an explanation.

§ 543.12 Clubs located on military reservations.

Clubs located on military reservations are eligible to receive material assistance if they meet the eligibility requirements (§ 543.7) and are located in the United States, Defense Complex Panama, Virgin Islands, or the Commonwealth of Puerto Rico.

Subpart D—Marksmanship Training Requirements

§ 543.13 Training.

Affiliated clubs must conduct an active rifle marksmanship training program (firing and nonfiring) for a reasonably permanent membership for at least nine months each year. This requirement cannot be fulfilled by training conducted only at summer camps unless the training conforms to a program approved for this purpose by the DCM.

§ 543.14 Qualification courses.

(a) Not less than once a year, each eligible junior member (§ 543.7(c) and each senior member will fire, for record, a rifle course authorized in the current DCM qualification pamphlet. (Pamphlets are available from the DCM).

(b) Adult leaders must specify the qualification course to be fired. The specified course may be fired as many times during the season as the leaders may direct, but only the highest complete score of each individual will be reported (§ 543.15(g)(2)).

(c) A rifle course corresponding to a DCM approved course of fire that is fired in a match or tournament may be counted as the annual record firing of the individual concerned.

(d) Annual allowances of ammunition will not be increased to support the firing of record courses more than once. There are no restrictions on the type of ammunition used in firing a qualification course for record.

Subpart E—Administrative Procedures

§ 43.15 Annual statistical report of civilian rifle clubs.

(a) Purpose and scope. This report provides the basis for issuing—

(1) Appropriate certificates of qualification or badges to eligible club members.

(2) Additional equipment and ammunition.

(b) Preparing activities: Each affiliated club.

(c) Form supply. The DCM will provide DA Form 1277 (Annual Statistical Report of Civilian Rifle Club) and the forms listed in paragraph (g) of this section.

(d) Frequency: Annually.

(e) Period covered: 1 July of one year to 30 June of the following year.

(f) Due date, routing and number of copies: Send one copy of DA Form 1277 to DCM, DA, WASH DC 20314, by the established due date.

(g) Related requirements: Also send one completed copy/set of each of the following forms to the DCM with DA Form 1277:

(1) DA Form 1275 (Annual Inventory of U.S. Property Held by Civilian Rifle Clubs). Attach to this form a description of the club's procedures and facilities for the safekeeping of arms and ammunition.

(2) OSA Form 119 (Roster of Club Members). Identify each member required to fire annually (§ 543.14) and include: Full name; address; birthdate; DCM course; score; and target fire for record.

(h) Failure to report. If a club fails to submit requested reports by the due dates, further support may be denied or support may be withdrawn.

§ 543.16 Bonds.

As a condition for the issue of nonexpendable Government property, each club is required to file with the DCM a properly executed surety bond as prescribed in instructions provided by the DCM.

§ 543.17 Care and safekeeping of arms, ammunition, and equipment.

(a) Club officer and designated leaders of affiliated clubs are responsible for the care and safekeeping of Government property issued. This includes adequate measures—

(1) To maintain the property in serviceable condition;

(2) To prevent its use by unauthorized persons or its misuse; and

(3) To insure the safekeeping of arms in accordance with paragraph (g) of this section.

(b) Clubs may be denied affiliation, may be suspended, or may be removed from the rolls if the DCM considers safekeeping provisions inadequate.

(c) Clubs may modify caliber .22 rifles by installing accessory rails, improved front sights, etc., and by shortening the pull of the stock, to make the rifle easier for junior members to use. These alterations, however, must be professionally performed and must not make the rifle unserviceable if removed or restored. Requests for authorization for modifications must be approved by the DCM. Under no circumstances may the barrel be altered.

(d) If government property is lost, stolen, or otherwise unaccounted for, club officials must inform the DCM by telephone within 24 hours after detection of the loss or theft and notify local police and the Federal Bureau of Investigation (FBI).

(e) A lost or stolen Government firearm continues to be accountable

Government property and thus remains permanently in Army and FBI records even though the cost is repaid.

(f) Arms issued to clubs by the DCM willl include a receipt, in duplicate, which names the club to which issued and identifies each arm by service or commercial model designation, caliber, and serial number, together with principal accessories such as sights. These receipts are part of official Government records. Arms returned to the DCM or to a Government facility specified by the DCM will be covered by a letter providing this same information.

(g) The following additional rules govern the safekeeping of Government arms by clubs:

(1) Each club will designate a responsible senior member as official club custodian of arms on loan from the DCM.

(2) When arms issued by the DCM are received, the club custodian will—

(i) Verify the complete identification of each;

(ii) Sign and return to the DCM one copy of the receipt which accompanied the arms;

(iii) file a copy as part of the club's official records; and

(iv) Notify the DCM promptly if the receipt shows any discrepancy, so it can be resolved.

(3) The club custodian may issued DCM arms to the custody of individual adult club members if he or she has confirmed that the individuals concerned can provide the security required by this regulation. Such issue to individuals is encouraged, among other reasons in order to disperse the club inventory against planned theft.

(4) Issues by the club custodian to individual club members will be by hand-receipt prepared in duplicate. (The original of the signed receipt will be made a part of the club's official records, and the copy will be provided to the recipient). These forms will include a statement of the prescribed security measures, and, when filled in, will show—

(i) the club name and the name, address, and signature of recipient and complete identification of the arms including serial numbers and principal accessories such as sights; and

(ii) The name, address, and signature of the club official making the issue.

(5) The following security measures are prescribed for arms issued by the DCM when not in use:

(i) Arms may not be left unattended in view, or in containers readily recognizable as being intended for firearms, while in transit.

(ii) Arms may be stored in the homes of the club custodian and of individual members. Arms, as stored, must not be in view. They must be kept either in a locked container made of not lighter than 12-gauge metal that is secured to the structure of the residence or in a locked closet or room.

(iii) Arms may be stored in unoccupied facilities such as schools, clubs, or ranges if kept as prescribed in paragraph (g) of this section, and, in addition, if the facility has security surveillance by an alarm system or by local police or guards.

(iv) Not more than 20 DCM issued arms of all types, but not more than 12 servive type rifles, may be stored in any one residence or facility other than a military or law enforcement facility.

(v) Storage, will, in addition, conform to local ordinances and regulations, if any.

(vi) Storage at a military or law enforcement facility is encouraged when deemed feasible by the club.

(vii) The club custodian will confirm, by physicial inventory, the club's DCM issued arms, including serial numbers, for the required annual inventory, DA Form 1275.

§ 543.18 Defective ammunition.

(a) If unserviceable ammunition is received from DCM, a club—

(1) Will, within 30 days, send a request for replacement to Cdr, US Army Armament Materiel Readiness Command, Rock Island, IL 61201.

(2) Will include the following in their request:

(i) Nomenclature and lot number of the ammunition;

(ii) Date received and the shipper;

(iii) Quantity on hand for which replacement is desired; and

(iv) Reasons for requesting replacement.

(3) Will not send samples unless requested.

(b) The US Army Armament Materiel Development and Readiness Command will replace ammunition found to be defective on a round-for-round basis at no cost to the club.

(c) Clubs having unserviceable ammunition and no disposal facilities may return it to the supplying depot, with a written statement to the commanding officer relinquishing claim to the ammunition and requesting that it be accepted for disposition.

§ 543.19 Other defective equipment.

Clubs holding other equipment, including rifles that becomes unserviceable will report the equipment to the DCM. The DCM will advise the club how to return the equipment. If the club is found responsible for the damage to the equipment, the extent of the damage will be determined and the DCM will require reimbursement by the club. Equipment returned may be replaced following any required payment. If the club is not responsible for the damage it will not have to pay for the equipment.

§ 543.20 Transportation of equipment.

Transportation of rifles, ammunition, and other supplies between Government depots and clubs will be as prescribed by the DCM.

Subpart F—Civilian Use of Government Rifle Ranges

§ 543.21 Application for use of ranges.

(a) For use of a range at which Regular Army personnel are stationed—

(1) A club official will send a request to the DCM.

(2) The DCM will validate the request and return it, together with a letter of approval, subject to local range regulations.

(3) The club official will then send a request for preferred dates to the controlling commanding officer (CO) (inclosing the DCM approval).

(4) The CO will—

(i) Approve the request if feasible.

(ii) Indicate dates the range will be available.

(iii) Advise the club where to report upon arrival at the range.

(5) The club official may make arrangements for further use of the range without going through the DCM.

(b) For use of a range at which Regular Army personnel are not stationed—

(1) A club official will send a request to the DCM.

(2) The DCM will—

(i) Request permission from the State Adjutant General or other agency concerned; and

(ii) Advise the club of the result.

(3) The club will arrange further details.

§ 543.22 Range control.

(a) Personnel.

(1) COs may detail people to supervise rifle practice. They will—

(i) Insure the proper use of Government property.

(ii) Enforce compliance with local safety and other regulations.

(2) COs may provide marksmanship coaches if requested and if qualified instructors are available.

(3) Clubs will furnish:

(i) Pit details;

(ii) Target handlers;

(iii) Road guards;

(iv) Scorers;

(v) Other needed personnel.

(b) Range material.

(1) COs will provide telephones (if available) for pit-to-firing line and similar communications.

(2) Either the installation or the club will provide regular targets and target frames.

(3) The club will provide material such as—

(i) Special targets;

(ii) Field glasses;

(iii) Telescopes; and

(iv) Score books.

(4)(i) The arms, ammunition, method of firing, and target arrangements may differ from military standards, provided safety precautions are observed.

(ii) Users will record the arrangement of the range, and restore this configuration after firing.

§ 543.23 Arms and ammunition.

Civilian organizations will furnish their own arms and ammunition.

§ 543.24 Record practice for qualification.

The commander controlling the range may designate one or more days when members of civilian organizations may participate in military record practice for qualification. Participating civilians will provide the necessary personnel to supervise and record the firing of the butts and firing point.

§ 543.25 Denial of privileges.

Controlling commanders may refuse the use of the range and installation to any person—

(a) Who willfully disobeys range rules.

(b) Whose conduct on the range or installation warrants such action.

(c) Whose knowledge of the principles of marksmanship is dificient to a degree of posing a safety hazard.

Subpart G—Civilian Marksmanship Support Other Than Through DCM Affiliated Clubs

§ 543.26 Authorized organizations.

Certain nonprofit civic groups may buy up to 300 rounds of caliber .22 ammunition for each eligible member aged 10 through 20 years who takes part in a marksmanship training program with approval by the DCM. Qualifying types of groups include summer camps, and marksmanship programs conducted by the YMCA, YWCA, Boy Scouts, and Girl Scouts.

§ 543.27 Procedures.

Qualifying groups will pay the acquisition cost plus packing, crating, and handling charges. They will submit requests to the following who will forward approved requests to the proper agencies for processing: Director of Civilian Marksmanship, Department of the Army, Washington, DC 20314.

[FR Doc. 82-327 Filed 1-6-82; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 88 and 89

[CGD 77-233]

Navigation Lights for Small Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules withdrawn.

SUMMARY: In the **Federal Register** of September 7, 1978, and December 29, 1980, the Coast Guard proposed requirements for approval, certification, installation, and performance of navigation lights on vessels of less than 20 meters in length, that must comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). A determination has been made not to finalize the proposed rules, and accordingly, the rule making is terminated. A voluntary standard has been developed for determining whether navigation lights used on small vessels comply with 72 COLREGS requirements, and along with current Coast Guard enforcement policies, the standard should alleviate the need for implementing regulations.

ADDRESS: The ABYC Standard referenced in this notice may be obtained at a cost of $3.00 from the American Boat and Yacht Council, Inc., P.O. Box 806, Amityville, N.Y. 11701. Commandant Instruction 16672.1 may be obtained from the Office of Boating, Public, and Consumer Affairs (G-BBT/2), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lysle Gray, Office of Boating, Public and Consumer Affairs (G-BBT/2), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202/426-4207).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** of September 7, 1978 (43 FR 39946). A supplemental notice of proposed rule making was published in the **Federal Register** of December 29, 1980 (45 FR 85468). The Coast Guard enforcement policy for navigation lights is outlined in Commandant Instruction 16672.1. The voluntary standard recently developed for 72 COLREGS lights is ABYC Standard A-16, published by the American Boat and Yacht Council, Inc. Copies of the standard and the Commandant Instruction may be obtained by writing to the appropriate address listed above under "Addresses."

The proposed regulations would have established requirements for approval, certification, installation, and performance of navigation lights on vessels of less than 20 meters in length that must comply with the 72 COLREGS. The 72 COLREGS contain, among other things, technical performance requirements for navigation lights installed on these vessels. Originally, a determination was made that implementing regulations were needed to avoid misunderstanding and misinterpretation of applicable 72 COLREGS requirements, and to assure that navigation lights would be manufactured in accordance with these requirements.

As the rule making proceeding progressed, the American Boat and Yacht Council developed and adopted a voluntary standard to cover various technical details in the 72 COLREGS. This standard provides reliable test methods and criteria for determining whether navigation lights designed for small vessels comply with 72 COLREGS requirements, and along with current Coast Guard enforcement policies, it should alleviate the need for any implementing regulations. In addition, the voluntary standard includes sufficient explanation and guidance to minimize the possibility of misinterpreting 72 COLREGS provisions.

The voluntary standard adopts the Coast Guard's interpretation of "practical cut-off" that was proposed in the supplemental notice of proposed rule making. Section 88.5 of the proposed rules provided that "for vessels less than 20 meters in length, the term 'practical cut-off' used in Section 9, of Annex I, of the 72 COLREGS, means 67 percent of minimum required intensity. In addition, for practical cut-off to be reached, the intensity must decrease to 10 percent of minimum required intensity by 20 degrees outside the prescribed horizontal sector, required in Rule 21 of the 72 COLREGS." This interpretation of "practical cut-off" has also been proposed in the Inland Navigation Rules (Annex I) published in the **Federal Register** of July 16, 1981, beginning on page 37002.

(33 U.S.C. 1607; 46 U.S.C. 1454; 49 CFR 1.46)

Dated: December 30, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 82-205 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. FEMA-205]

Temporary Housing Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: This proposed rule will implement the temporary housing provisions of the Disaster Relief Act of 1974, Public Law 93-288, 42 U.S.C. 5174. This will clarify and update current regulations, based on formal policy review and on three additional years of program experience.

DATE: Interested persons may participate in this rulemaking by submitting comments, which will be accepted until March 8, 1982. Any comment submitted on or before that date will be carefully evaluated prior to publication of the final rule.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, S.W., Washington, D.C. 20472.

All comments, and the finding of no significant impact, in accordance with FEMA's Environmental Considerations (44 CFR Part 10), will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Kathleen Brody, Individual Assistance Division, Office of Disaster Assistance Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 'C' Street S.W., Washington, D.C. 20472, 202-287-0563.

SUPPLEMENTARY INFORMATION: Temporary Housing Assistance is provided to applicants who require it as a result of a major disaster or emergency declared by the President. A person or family is expected to address immediate housing needs by taking advantage of mass shelters, shelter offered by friends and family, or by using their insurance benefits to provide motel or hotel accommodations.

When longer term disaster-related housing is required, an applicant is expected to utilize insurance proceeds before obtaining Temporary Housing assistance from the government. Both the "additional living expense" clause and the "requirements in case of loss" clause in most policies provide reimbursement for expenses applicants incur in obtaining temporary housing and protecting their permanent housing, and FEMA will not duplicate those benefits. Temporary Housing Assistance is intended to assist individuals and families when there is a demonstrated need which cannot be met by such resources.

Eligibility for Temporary Housing Assistance is determined by displacement from a primary residence. However, the fact that a home sustained damage does not automatically mean that the home is uninhabitable or that the resident will be eligible. The "uninhabitability" criteria are restrictive because FEMA judges it reasonable to expect applicants (or their landlords) to make their own minor repairs.

Assistance under this program includes the provision of available rental housing, Government-owned mobile homes, or minimal repairs.

FEMA (and its agents and predecessor agencies) have been operating pursuant to its currently published regulation (codified at 44 CFR 205.45) for three years. During that period, the operation of the program has shifted from complete Federal operation and management to a greater degree of State operation and management, with Federal oversight. In some cases, this has resulted in suggestions for improved procedures, eligibility conditions, and methods of operation.

In addition, the scope of the program has changed. Among the reasons for the changes are: the availability of insurance, the public's perception of the Government's role in providing Temporary Housing Assistance following a major disaster declaration vs. their own responsibilities, and suggestions for improved methods in the form of Temporary Housing Assistance called "minimal repairs." During this period, the ranking members of the Congressional Oversight Committee requested FEMA not to take further steps to define this type of assistance without further Congressional consultation. As a result, "limited home repairs" (LHR), a combination of temporary housing eligibility and the grant money under Section 408 of the Act (Individual and Family Grant Program), was made available to applicants. While this grant method appeared successful, it had several drawbacks, including the lessened availability to applicants of the full Section 408 grant which could have been used to meet other necessary expenses or serious needs. FEMA has now completed its consultations with Congress, and has restructured the minimal repairs provisions to provide options, including direct funding to the applicant so he/she can contract for his/her own repairs. LHR has simultaneously been eliminated from the Individual and Family Grant Program.

The following paragraphs contain a section-by-section explanation of the major changes.

Program Intent

This paragraph was added to provide an overall philosophy against which specific and unique program decisions can be weighed. The program philosophy has been clarified in that Temporary Housing Assistance has become similar to insurance programs. Applicants (or their landlords) are expected to take care of some minor repairs which could be compared to the deductible amount on insurance claims. Additionally, assistance is based on need and provided only when adequate alternate housing is unavailable or when insurance coverage is insufficient to meet the temporary housing need. Disaster victims are expected to assume more responsibility for their recovery, e.g., for protecting and repairing their property and for obtaining adequate alternate housing as soon as possible.

Definitions

This paragraph was added to define terms which are commonly used, or terms which have a unique meaning when used in the Temporary Housing Assistance program.

General Eligibility Guidelines

Two new eligibility conditions have been added: (1) adequate alternate housing must be unavailable, and (2) insured applicants must make efforts to secure insurance benefits. Also, one new condition of ineligibility has been added: assistance shall not be provided when there is only minor damage which creates potential health and safety hazards, and it can reasonably be expected to be repaired either by applicants themselves using their own funds or insurance funds, or by their landlords if the applicants are renters. Such homes are not considered to be uninhabitable.

Duplication of Benefits

A relationship has been introduced between minimal repairs and the "requirements in case of loss" clause which is contained in most insurance policies. Under this clause, homeowners

are required to take measures to protect their property from further damage by making minimal repairs, and they are then reimbursed for the reasonable cost of taking such measures. It has been recognized that such repairs are often the same as those authorized under the minimal repairs form of Temporary Housing Assistance. FEMA will not duplicate such insurance benefits.

Priority Utilization of Resources

This paragraph has been added to provide a uniform approach to the selection of temporary housing resources for individual applicants.

Use of Minimal Repairs

This paragraph has been changed to permit the advance of funds to applicants for contract labor and repairs. Previously, FEMA provided funds only when repairs had been completed prior to the determination of feasibility for this type of assistance; otherwise, FEMA contracted for repairs or provided materials. The minimal repairs scope of work has also been redefined to exclude those items which, in and of themselves, do not make a home uninhabitable.

Use of Existing Resources

An explanation of the use of fair market rent guidelines has been added.

Use of Transient Accommodations

Additional guidance has been provided to clarify when such assistance may be provided.

Use of Mobile Homes, Travel Trailers, and Other Readily Fabricated Dwellings

The Associate Director, State and Local Programs and Support, has determined that leasing commercial sites at Federal expense is in the public interest. Previously, these expenses were to have been borne by the applicant and/or the State, unless the requirement was waived.

Supplemental Assistance

Detailed listings of authorized items have been eliminated. With regard to furniture which can be loaned to recipients of minimal repairs, a time frame of 90 days for the loan period has been established to coincide with the initial eligibility period for Temporary Housing Assistance.

Duration of Assistance

With regard to continued assistance beyond the initial eligibility period, "pursuit of responsibility to obtain alternate housing at the earliest possible time" has been added as a criterion. Although this is part of the lease or reimbursement agreement, it has been added for reinforcement.

Disposition of Temporary Housing Units

A formula has been added for the sale of Government-owned units at an adjusted price, taking into consideration the income of those occupants who require them for their permanaent housing use. The adjusted price may be used only when adequate alternate housing is unavailable, and when the occupant indicates a need for financial assistance.

Appeals

A process has been added to appeal the denial of a request to purchase a mobile home or the denial of an adjusted sales price.

Federal Responsibility

This paragraph has been altered to clarify that Federal *financial* and operational responsibility for Temporary Housing Assistance shall not exceed eighteen months, unless extended by the Associate Director. Previously, the regulation was often misinterpreted to include only operational aspects.

Non-Federal Administration of Temporary Housing Assistance

This section has been added to address issues related to the management and operation of the Temporary Housing Assistance program by States, local governments, or any other non-Federal entity, with Federal oversight. It specifies the conditions under which the administering entity and the Federal Government will cooperate in the operation of the program, and the conditions for reimbursement for carrying out this Federal function.

FEMA has determined that there will be no significant impact on the environment caused by implementation of these proposed regulations. Recently, an amendment to FEMA's final rule on Environmental Considerations (44 CFR Part 10) was published at 45 FR 67686. That amendment provided categorical exclusions for all Temporary Housing Assistance, except for development of group sites or placement of mobile homes, travel trailers or other readily fabricated dwellings on these group sites. An environmental assessment resulting in a finding of no significant impact has therefore been prepared in accordance with 44 CFR 10.9(e), and pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508). Copies of this assessment may be inspected or obtained at the Office of Disaster Assistance Programs, Individual Assistance Division, or at the Office of the Rules Docket Clerk, at the address stated above. An environmental impact statement will not be prepared.

This rule has been determined not to be a "major rule" within the context of Executive Order 12291 for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more;

(2) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) It will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As this regulation concerns individuals, it does not have a substantial impact on small entities; therefore, an initial regulatory impact analysis will not be prepared.

This rule implements Section 404 of the Disaster Relief Act of 1974, and is issued under the authority of Section 601 of the Act.

PART 205—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 93–288)

The Associate Director, State and Local Programs and Support, proposes to remove 44 CFR 205.45 and to add a new 44 CFR 205.52, as follows:

§ 205.52 Temporary housing assistance.

(a) *Purpose.* This section prescribes the policy and program guidance to be followed by the Federal Government or any other organization when implementing Section 404, Disaster Relief Act of 1974, 42 U.S.C. 5174.

(b) *Program intent.* Assistance under this program is made available to applicants who require temporary housing as a result of a major disaster or emergency declared by the President. Eligibility for assistance is based on need, defined by displacement and lack of adequate insurance coverage, or a lack of resources to immediately satisfy adequate alternate housing needs. Applicants are encouraged to take the initiative for obtaining temporary housing; eligible applicants may be reimbursed for authorized accommodations and repairs. Ineligibility relates only to the criteria for Temporary Housing Assistance. Denial of such assistance does not imply that repairs to a dwelling are not required. Although numerous instances

of minor damage may cause some inconvenience to the applicant, the determining eligibility factor must be whether any single item makes a unit uninhabitable. FEMA has made the assumption that it is reasonable to expect applicants or their landlords to make some repairs of a minor nature. The assistance provided is similar to some types of assistance available through insurance.

(c) *Definitions.*—(1) *"Adequate alternate housing"* means housing that:

(i) does not present health or safety hazards;

(ii) is reasonable in size to accommodate the needs of the applicant(s)/occupant(s);

(iii) is within reasonable commuting distance of work, schools or other centers of household activity;

(iv) is within the financial ability of the applicant(s)/occupant(s); and

(v) does not impose an undue burden upon the applicant(s)/occupant(s) in realization of his/her reasonable permanent housing plan.

(2) *"Existing resources"* means hotels, motels, apartments, houses, mobile homes, or any other housing unit available for lease as temporary housing.

(3) *"Fair market rent"* means a reasonable amount to pay for the size and type of accommodations provided.

(4) *"Financial ability"* means the ability of the applicant(s)/occupant(s) to pay housing costs that are less than or equal to the ratio of his/her pre-disaster housing costs to pre-disaster income, or 25% of the gross post-disaster household income, whichever is greater. Occupants who qualify for available low-income or other government rent subsidies shall be considered able to assume financial responsibility for this type of alternate housing. When computing financial ability, extreme unusual financial hardships may be considered by the Regional Director or his/her designee.

(5) *"Household"* means the residents of the pre-disaster dwelling who request Temporary Housing Assistance, plus any authorized additions during the temporary housing period, such as infants, spouses or part-time residents who were not present at the time of the disaster but who are expected to return during the temporary housing period.

(6) *"Housing costs"* means shelter rent and mortgate payments including principal, interest, real estate taxes and Homeowners Insurance. Utility costs shall not be included except for utility costs on the pre-disaster owner-occupied dwelling which are essential while the dwelling is under repair.

(7) *"Essential living area"* means that area of the dwelling essential to normal family living, i.e., kitchen, one bathroom, dining area, living room, entrances and exits, and essential sleeping areas. It does not include family rooms, guest rooms, garages, or other non-essential areas, unless hazards exist in these areas which impact the safety of the essential living area.

(8) *"Minimal repairs"* means the necessary repairs authorized to quickly repair or restore to a habitable condition that portion of the essential living area of an owner-occupied dwelling which was damaged as a result of the disaster.

(9) *"Occupant"* means an eligible applicant residing in temporary housing provided under this section.

(10) *"Owner-occupied"* means that the residence is occupied by: the legal owner; a person who does not hold formal title to the residence but is responsible for the payment of taxes, maintenance of the residence, and pays no rent; or a person who has lifetime occupancy rights with formal title vested in another.

(11) *"Reasonable in size"* means the size of a housing unit, taking into consideration household composition (age and sex), pre-disaster housing situation, available resources and the application of the following occupancy table:

Number of bedrooms	0	1	2	3	4	5
Minimum/ maximum occupants	1-2	1-2	2-4	3-6	4-8	5-10

This definition should be used as a guide in meeting minimum temporary housing requirements as well as in making referrals to adequate alternate housing.

(12) *"Primary dwelling"* means the residence where the applicant normally lives during the major portion of the calendar year, or a residence which is required because of proximity to employment.

(13) *"Transient accommodations"* means hotels, motels, or other similar accommodations which are utilized to assist eligible applicants who require temporary housing for only a short period of time or who require such assistance pending provision of other types of Temporary Housing Assistance.

(d) *Duplication of benefits.* Assistance under Section 404 shall not be provided to an applicant if such assistance has been provided by any other source. If any State or local government or volunteer agency has provided temporary housing, the assistance under this section begins at the expiration of such assistance. If it is determined that Temporary Housing Assistance will be provided under this section, notification shall be provided to any other agency which has the potential to duplicate such assistance. In the instance of insured applicants, assistance shall not be provided if proceeds are available, except as indicated in the following sub-paragraphs:

(1) *Additional living expense (ALE) coverage.* An insured applicant who has ALE coverage may be provided Temporary Housing Assistance only if he/she has made every reasonable effort to secure ALE benefits and when:

(i) There is uncertainty as to whether the benefits will be paid;

(ii) Payment of the benefits may be significantly delayed;

(iii) Such benefits have been exhausted;

(iv) Such benefits are insufficient to provide the full cost of rental housing on the private market; or

(v) Housing is not available on the private market.

Applicants who are determined eligible for Temporary Housing Assistance and who have received ALE may be provided Temporary Housing Assistance upon presentation of proof that the benefits have been exhausted and temporary housing remains a need. These applicants shall be eligible for rent-free Temporary Housing Assistance not to exceed twelve months following exhaustion of ALE if the criteria for continued assistance, sub-paragraph (o)(3) of this section, are met. For applicants who are determined eligible for Temporary Housing Assistance and who received insufficient ALE benefits, the period of Temporary Housing Assistance shall commence with the first month of partial assistance.

(2) *"Requirements in Case of Loss" Clause and other structural/content coverage.* FEMA has recognized the potential for duplication between minimal repairs and the "requirements in case of loss" clause in insurance policies. Under this clause, insured homeowners are required to take measures to protect their property from further damage by making minimal repairs, and they are then reimbursed for the reasonable cost of taking such measures. Such repairs are often the same as those authorized under minimal repairs. Additionally, FEMA recognizes that repairs not covered under this clause should be covered in whole or in part by other clauses of the policy and/or by other sources. Therefore, insured applicants who are determined eligible for Temporary Housing Assistance shall be provided minimal repairs only if they have made every reasonable effort to

secure those insurance benefits and when:

(i) There is uncertainty as to whether the insurance benefits will be paid;

(ii) Payment of all or part of insurance benefits applicable to the minimal repairs may be significantly delayed; or

(iii) When an item in the scope of work is not covered by any part of the insurance policy, e.g., wells and septic tanks are not covered under the National Flood Insurance Program (NFIP).

(3) *Recovery of funds.* Prior to provision of assistance, the insured applicant shall agree to repay FEMA from insurance proceeds he/she receives for shelter in an amount equivalent to the fair market value of assistance provided, or that portion of insurance proceeds received for such housing, whichever is less. Minimal repairs recipients shall repay to FEMA the full cost of any repairs or replacement which are covered by insurance, or the amount received from insurance proceeds for the items repaired or replaced, whichever is less.

(e) *Applications.*—(1) *Application period.* Applications for Temporary Housing Assistance shall be accepted for a sixty (60) day period following the date of the declaration of a major disaster or emergency, unless additional time for submission of applications is authorized by the Regional Director in order to achieve uniformity of application periods in contiguous states. After the established period, applications shall be accepted, however, processing shall be completed on a case-by-case basis only when authorized by the Regional Director or his/her designee, for reasons such as, but not limited to:

(i) Hospitalization, age, illness, handicap, or death in the immediate family, which prevented application;

(ii) Inability to contact the assistance offices because of inaccessibility, lack of transportation, or communications;

(iii) An inability to understand written or oral messages regarding the assistance offered, application process, or deadlines;

(iv) Eviction, when disaster related, where notification is made near or after the close of the application period; or

(v) Exhaustion of insurance benefits after the application period.

(2) *Household composition.* Members of a household shall be included on a single application and provided a single temporary housing dwelling unless the size of the household requires more than one dwelling.

(f) *General eligibility guidelines.* Temporary Housing Assistance may be made available to those applicants who, as a result of a major disaster or emergency declared by the President, require such assistance.

(1) *Conditions of eligibility.* Temporary Housing Assistance may be provided only when all of the following conditions are met:

(i) The applicant's primary dwelling has been made uninhabitable or the applicant has been displaced because:

(A) The dwelling has been destroyed, essential utility service has been interrupted, or the essential living areas have been damaged as a result of the disaster to such an extent as to constitute a serious health or safety hazard which did not exist prior to the disaster. Guidelines defining health and safety hazards as they apply to a particular disaster shall be prepared by the Regional Director;

(B) The dwelling has been made inaccessible after the incident, due to the disruption or destruction of transportation routes, other impediments to access, or restrictions on movement by a responsible official;

(C) The owner requires the dwelling to meet his/her personal needs resulting from the disaster;

(D) Financial hardship resulting from the disaster has led to eviction or dispossession; or

(E) Other circumstances resulting from the disaster, as determined by the Regional Director, prevent the applicant from occupying his/her dwelling.

(ii) No adequate alternate housing is available. Adequate alternate housing means any existing resource, including a secondary, vacation or recreational dwelling or unoccupied rental property owned by the applicant, which meets the criteria in sub-paragraph (c)(4) of this section. Exception: This condition shall not be applied to those applicants recommended for minimal repairs.

(iii) Insured applicants have made every reasonable effort to secure insurance benefits, available proceeds are insufficient as defined in paragraph (d) of this section, and the insured has agreed to repay FEMA from whatever insurance proceeds are later received, pursuant to subparagraph (d)(3) of this section.

(2) *Conditions of ineligibility.* Temporary Housing Assistance shall not be provided:

(i) To an applicant who is displaced from a secondary, vacation or recreational dwelling;

(ii) To an applicant who is displaced solely as a consequence of a redevelopment program undertaken by a community; or

(iii) When only minor damage which creates potential or minor health or safety hazards exists and it can reasonably be expected to be repaired by the applicant-owner or the landlord.

(g) *Temporary housing resources.* The form of temporary housing provided may include:

(1) *Minimal repairs.* These may be accomplished by provision of funds, government contract, and/or provision of materials.

(2) *Existing resources.* These may include locally available government-owned or assisted properties and private or commerical properties such as apartments, houses, hotels, motels, mobile homes, or similar accommodations.

(3) *Mobile homes, travel trailers, or other readily fabricated dwellings* owned or leased by the Government.

(h) *Priority utilization of resources.* The form of temporary housing provided should not exceed the eligible applicants' minimum requirements, taking into consideration items such as timely availability, cost-effectiveness, permanent housing plans, special needs (handicaps, etc.) of the applicants, and the requirements of FEMA's floodplain regulations at 44 CFR 9. Applicants who are recommended for minimal repairs shall be provided this form of assistance unless extraordinary circumstances warrant provision of another resource in lieu of minimal repairs. Existing resources shall be utilized to the fullest extent practicable prior to provision of government-owned mobile homes. An applicant shall receive only one form of temporary housing, except for transient accommodations, or when provision of another form is in the best interest of the Government for reasons such as cost-effectiveness. An eligible applicant is expected to accept the first offer of temporary housing; unwarranted refusal shall result in forfeiture of Temporary Housing Assistance.

(i) *Use of minimal repairs.* Necessary minimal repairs may be authorized to quickly repair or restore to a habitable condition that portion of the essential living area of, or private access to an owner-occupied dwelling, which was damaged as a result of the disaster. Assitance shall not be used for major reconstruction or rehabilitation. Installation of utilities or conveniences not available in the dwelling prior to the disaster shall not be provided under minimal repairs. However, all permanent repairs which are undertaken shall conform to local and/or State building codes; upgrading of existing utilities may be authorized when required by these codes.

(1) *Requirements of the Flood Disaster Protection Act.* The Flood Disaster Protection Act of 1973, Public

Law 93–234, as amended, imposes certain restrictions on approval of Federal financial assistance for acquisition and construction purposes. Because minimal repairs are a form of Federal financial assistance for acquisition and construction purposes, these restrictions apply to the provision of minimal repairs. The provision of temporary housing with existing resources or mobile homes does not trigger flood insurance requirements. For the application of the Flood Disaster Protection Act of 1973 to mobile home sales see sub-paragraph (r)(2)(iv) of this section of the regulations. Subpart K of these regulations implements Public Law 93–234 for FEMA assistance generally. This paragraph refines those requirements for the minimal repair program. To the extent that this paragraph is inconsistent with Subpart K, this paragraph applies.

(i) Minimal repairs for a dwelling damaged by flooding may not be provided where the structure to which the assistance relates is located in a designated special flood hazard area which has been identified by the Director for at least one year as floodprone, unless the community in which the structure is located is participating in the National Flood Insurance Program (NFIP). However, if a community qualifies for and enters the NFIP during the six-month period described in 44 CFR 205.253(a)(3)(i), minimal repairs may be provided as otherwise authorized by this section. Please Note: Minimal repairs may be provided, without regard to community participation in the NFIP, for a dwelling (or the insurable contents of a dwelling) damaged by something other than flooding.

(ii) Minimal repairs for a dwelling damaged by flooding may not be provided where the structure to which the assistance relates is located in a designated special flood hazard area in which the sale of flood insurance is available under the NFIP unless the owner agrees to purchase and maintain an adequate flood insurance policy. An adequate policy, for purposes of minimal repairs, means a policy which meets the program requirements of the agency delivering assistance for subsequent permanent repairs or, for owners receiving only assistance for minimal repairs, a three-year policy under the NFIP or a similar policy which provides coverage for at least the amount of minimal repairs provided for insurable items, i.e., repairs to the dwelling and the repair or replacement of equipment, fixtures and furnishings contained or to be contained in the dwelling (regardless of whether the dwelling itself is being repaired). If the same premium will provide more than the required coverage, the higher coverage should be obtained. There are no further requirements on an owner receiving only assistance for minimal repairs to renew the three-year policy, since the Associate Director has determined that such purchase complies with the requirements of the Flood Disaster Protection Act of 1973. Nevertheless, owners should be encouraged to protect themselves by renewing their insurance periodically. Please Note: Minimal repairs may be provided without regard to insurance purchase requirements for a dwelling (or insurable contents of a dwelling) damaged by something other than flooding.

(iii) Individuals and families who are required to buy flood insurance must provide proof of purchase to the Regional Director. This responsibility may be discharged after obtaining insurance on the entire Federal investment relating to the repairs for a dwelling or the repair or replacement of insurable equipment, fixtures or furnishings (e.g., from the Small Business Administration, Farmers Home Administration or the Individual and Family Grant Program). If no further Federal assistance beyond minimal repairs is provided for such purposes, then the applicant must purchase an adequate policy and provide proof of purchase to the Regional Director forthwith.

(2) *Feasibility.* Minimal repairs may be provided to those eligible applicants:

(i) Who are owner-occupants of the dwelling to be made habitable;

(ii) Whose property can be made habitable within 30 days following the feasibility determination. The Regional Director may extend this period for extenuating circumstances such as when there are insufficient contractors to meet the time limitation, but this type of assistance is more cost-effective, timely and otherwise suitable than other options for temporary housing;

(iii) Whose property can be made habitable within the amount required to assist a typical household in an existing resource for twelve months. To determine this cost limitation:

(A) Total the rental amounts established as fair market rent guidelines in each designated area for bedroom sizes one through four;

(B) Divide each total dollar figure by four;

(C) Add together all the average amounts derived in sub-paragraph (i)(2)(iii)(B);

(D) Divide the overall total computed in sub-paragraph (i)(2)(iii)(C) by the number of designated areas used in this computation; and

(E) Multiply the result by twelve.

The Associate Director may waive this cost limitation when this type of assistance is cost-effective in comparison to other options for temporary housing resources; and

(iv) Who certify that they will obtain and maintain an adequate flood insurance policy if the purchase requirements of sub-paragraph (i)(1) apply.

(3) *Options for minimal repairs.* Eligible applicants approved for minimal repairs may be assisted through one or a combination of the following methods:

(i) Advance of funds for contract labor and materials, as well as reimbursement for completed authorized items;

(ii) Provision of materials and replacement items; or

(iii) Government awarded repair contracts, when authorized by the Associate Director.

(4) *Scope of work.* The type of repair or replacement authorized may vary depending upon the nature of the disaster. Items will be repaired where feasible or replaced only when necessary to insure the safety, security or health of the occupant. Replacement items shall not exceed the minimum quality, size, and capacity requirements of the occupant(s). Minimal repairs shall be limited to:

(i) Repairs to the plumbing system, including repairs to or replacement of fixtures, providing service to the kitchen and one bathroom;

(ii) Repairs to the electrical system providing service to essential living areas, including repairs to or replacement of fixtures, but excluding outlets;

(iii) Repairs to the heating unit, including repairs to ducting, venting, and integral fuel and electrical systems. Replacement of a heating unit may be authorized by the Regional Director when an inspection shows that the unit has been damaged beyond repair, or when the unavailability of necessary parts or components makes repair impossible. Repair or replacement of the heating unit will be authorized only when repair or replacement through other forms of assistance cannot be accomplished before the season requiring heat;

(iv) Repairs to or replacement of essential components of the fuel system to provide for cooking, and to provide for heating when repair or replacement of the heating unit is authorized in sub-paragraph (i)(4)(iii);

(v) Pumping and cleaning of the septic system, repairs to or replacement of the tank, drainfield, or repairs to sewer lines;

(vi) Flushing and/or purifying the water well, and repairs to or replacement of the pump, controls, tank and pipes;

(vii) Repairs to or replacement of exterior doors, repair of windows when the repair required exceeds glazing, and screens needed for health purposes;

(viii) Repairs to the stove and refrigerator, when feasible in lieu of provision of these items under paragraph (n) of this section;

(ix) Temporary weather-proofing repairs to the roof, only when multiple or severe roof leaks affect the essential living areas;

(x) Temporary repairs to interior floors, when severe buckling or deterioration creates a serious safety hazard;

(xi) Repairs to private access routes;

(xii) Blocking, leveling and anchoring of a mobile home;

(xiii) Reconnecting and/or resetting mobile home sewer, water, electrical and fuel lines and tanks;

(xiv) Towing necessary to remove a mobile home from its original site and to replace it on the original site, only when necessary to accomplish work described in sub-paragraphs (i)(4)(xii) or (i)(4)(xiii); and

(xv) Elimination of other health and safety hazards or essential repair items which are authorized by the Regional Director and which are not available through emergency services provided by volunteer or community agencies, and cannot reasonably be expected to be completed by the applicant.

(j) *Use of existing resources.* Payment for utilization of government-owned or assisted properties shall in accordance with memoranda of understanding between FEMA and the donating agency. Owners/agents of private or commercial properties may be paid fair market rent for the type and size of units made available. At each disaster site, fair market rent guidelines for each size resource shall be established by averaging the cost of available resources per bedroom size for each locality where temporary housing will be provided. Where privately-owned mobile homes are to be used, a separate guideline should be developed because of the substantial difference in rent between this type of dwelling and conventional housing. Guidelines for hotels, motels and other short-term resources shall be developed only when there is a substantial variance in price among the available supply. The purpose of these fair market rent guidelines is to prevent development of an inflated rental market resulting from the disaster and to insure cost-effectiveness. These guidelines reflect the desired maximum payment; however, many resources should be obtained at a lower price. Use of resources more costly than the guidelines may be authorized for full payment only when other existing resources are not available. When authorized by the Regional Director or his/her designee, the Federal government may pay for security deposits; however, the owner or occupant shall reimburse the full amount to the Federal government at the time that temporary housing assistance is terminated.

(k) *Use of transient accommodations.* Disaster victims are expected to stay with family or friends, or to make use of mass shelters to the fullest extent possible for short-term housing. However, transient accommodations may be provided when individual circumstances warrant such assistance for only a short period of time or pending provision of another temporary housing resource. Transient accommodations may be provided for up to 30 days unless this period is extended by the Regional Director. Authorized expenditures for transient accommodations shall be limited to the rental cost including utilities except for those which are separately metered. Payment for food, telephone, or other similar services is not authorized under this section.

(l) *Use of mobile homes, travel trailers, and other readily fabricated dwellings.* Government-owned or privately-owned mobile homes, travel trailers, and other readily fabricated dwellings may be placed on commercial, private or group sites as follows:

(1) A commercial site is a site customarily leased for a fee because it is fully equipped to accommodate a temporary housing unit. The Associate Director has determined that leasing commercial sites at Federal expense is in the public interest. When the Associate Director determines that upgrading of a commercial site or installation of utilities on such a site will provide more cost-effective, timely and suitable temporary housing than other types of resources, he/she may authorize such action at Federal expense.

(2) A private site is a site provided or obtained by the applicant at no cost to the Federal Government. The Associate Director has determined that installation or repairs of essential utilities on private sites is in the public interest and the cost of such installation and connection of necessary utilities to service the unit is authorized at Federal expense.

(3) A group site is a site which accommodates two or more units and is provided or obtained by a State or local government or other organization, completely developed with all essential utilities at no cost to the Federal Government. However, the Associate Director may authorize development of group sites, including installation of essential utilities, at Federal expense based upon a recommendation from the Regional Director indicating that all other efforts to obtain funding have been exhausted.

(m) *Utility costs.* Utility use costs for all forms of temporary housing other than transient accommodations where utilities are not separately metered shall be the responsibility of the occupant, unless the Associate Director waives this requirement when such action is in the public interest, for example, to alleviate a burden placed on temporary housing occupants. In those cases where the Federal Government becomes the guarantor for utility services not metered separately, or where the utility costs are included in rental costs, each occupant household will be assessed a monthly amoung equivalent to the pro rata cost of utility services. Utility deposits shall be the responsibility of the occupant.

(n) *Supplemental assistance.* Essential furniture and household kits may be provided to eligible applicants if they are being assisted in a temporary housing resource which is not furnished with these items and the items are required to occupy such temporary housing. Items provided shall be of simple construction and funcitional quality.

(1) *Household kits.* Household items provided to eligible applicants shall be considered expendable.

(2) *Furniture items.* Furniture shall be obtained in the most practical manner and may be purchased, leased, leased with a time purchase option or obtained from Federal stocks. Furniture items are provided on a loan basis for the duration of temporary housing assistance, or for minimal repairs recipient for a period not to exceed 90 days from date of delivery, unless extended by the Regional Director.

(3) *Disposition of furniture items.* (i) Furniture made available to temporary housing applicants shall be disposed of in one of the following ways:

(A) In those instances where furniture has been leased with a time purchase option, the occupant may purchase the items from the lessor at the time his/her temporary assistance is terminated; or

(B) If the furniture has been purchased or if the purchase option under a lease contact has been exercised by the government prior to termination of assistance, the items ar the property of the Federal Government and may be:

(*1*) Sold to the occupant at a fair and equitable price based on the fair market value of the furniture. The purchase price may be adjusted to take into consideration the reasonable ability of the purchaser to pay or the cost to the government to retain these items; or

(*2*) Disposed of in accordance with Federal property management procedures at 41 CFR 101—45.5, Abandonment or Destruction of Surplus Property.

(o) *Duration of assistance.*—(1) *Commencement.* Temporary Housing Assistance may be provided as of the date of incident of the major disaster or emergency as specified in the Federal Register Notice. The assistance period shall commence either with the date thd eligible applicant obtained his/her own temporary housing, or with the date the eligible applicant is provided with temporary housing.

(2) *Recertification.* Recertification is a periodic review of the status of each temporary housing occupant household to determine eligibility for continued assistance. The period of eligibility for continued assistance shall be determined on the basis of need. Eligibility for continued assistance shall be recertified no less frequently than every 90 days and shall result in a written notification to the occupant. A realistic alternate housing plan shall be developed for each occupant no later than at the time of the first recertification.

(3) *Criteria for continued eligibility.* A temporary housing occupant shall make every effort to obtain and occupy alternate housing at the earliest possible time. A temporary housing occupant shall be eligible for continued assistance when:

(i) Adequate alternate housing is not available to the occupant; and

(ii) The occupant(s) is in compliance with the terms of the lease/rental agreement including:

(A) Prompt payment of utility, rent, and other appropriate charges authorized by the Regional Director or his/her designee;

(B) Maintenance of the temporary housing unit and behavior in a manner normally expected of a tenant of rental housing;

(C) Utilization of the unit as a dwelling for the occupant's household;

(D) Reimbursement to the Government where all or a portion of the temporary housing assistance represents a duplication of benefits; and

(E) Fulfillment of responsibility to obtain alternate housing at the earliest possible time.

(p) *Rental policy.* No rental shall be established for the first twelve months of occupancy in temporary housing including occupancy in transient accommodations. Thereafter, provided adequate alternate housing is unavailable, rentals shall be established based on the fair market rent for the accommodiations provided. Such rentals shall be adjusted to take into consideration the financial ability of the household. Based on information obtained through recertification, occupants will be notified of the date and the amount of the first rental payment at least 30 days before the expiration of the first twelve months of occupancy.

(q) *Termination of assistance.*—(1) *Grounds for Termination.* Termination of Temporary Housing Assistance may be initiated with a 30-day written notice after which 30 days the occupant shall be liable for such additional charges as are deemed appropriate by the Regional Director or his/her designee. Termination may be in the form of eviction from temporary housing or termination of financial assistance. Temporary Housing Assistance may be terminated for reasons including, but not limited to, the following:

(i) A determination has been made through the recertification process, or at any time, that adequate alternate housing is available to the occupant(s);

(ii) Determination that the temporary housing assistance was obtained either through misrepresentation or fraud; or

(iii) Failure to comply with any term of the lease/rental agreement including those defined in sub-paragraph (o)(3)(ii).

(2) *Pre-termination procedures.* (i) *Termination of benefits.* Written notice shall be delivered to the occupant(s) at least 30 days prior to the proposed termination of assistance or eviction by FEMA (or in these pre-termination procedures any entity designated by FEMA to administer temporary housing assistance), specifying: the reasons for termination of assistance or occupancy; the date of termination, which shall be not less than 30 days after receipt of the notice; and the administrative procedure available to the occupant(s) if he/she wishes to dispute the action.

(ii) *Administrative procedure prior to hearing.* This procedure shall be utilized in all instances except when a State is administering Temporary Housing Assistance. States shall be subject to their own procedures provided they afford the occupant(s) with basic due process safeguards including: cross-examination, access to the documents on which the State is relying, the right to counsel, the right to present evidence, and the right to a written decision.

(A) *Filing of complaint.* If the occupant desires to dispute the termination, upon receipt of the written notice specified in sub-paragraph (q)(2)(i) he/she shall present his/her complaint in writing to the appropriate FEMA office in person or by mail within five business days or such additional time as FEMA may for good cause allow. The complaint must be signed by the occupant and give the reasons why the assistance or occupancy should not be terminated and for any other action requested, such as a request for a hearing.

(B) *Informal conference.* If a hearing has not been requested, the appropriate FEMA official may, immediately upon receipt of the complaint, attempt to arrange an informal conference with the complaining occupant in an effort to settle the matter. Whether or not the matter is settled by an informal conference, an answer in writing to each complaint, dated and signed by the appropriate FEMA official, shall be delivered or mailed to the complainant within five business days after receipt of the complaint, or such additional time as FEMA may for good cause allow. The answer shall specify the determination which has been made, based on consideration of the information in the complaint and/or the information provided at any informal conference, and the specific reasons for the determination.

(iii) *Request for hearing.* If the occupant requests a hearing pursuant to sub-paragraph (q)(2)(ii)(A), a hearing date shall be scheduled promptly for a time and place reasonably convenient to the complaining occupant who shall be notified promptly thereof in writing. The notice of hearing shall specify the procedure governing the hearing.

(iv) *Hearing Panel.* (A) The Hearing Panel shall consist of three members: one occupant member, one member representing FEMA, and one impartial and disinterested member (together with an alternate) who shall be chosen by the other two Hearing Panel members. Relatives of the complaining occupant, and officials and employees of FEMA whose duties or responsibilities have directly involved them with the complaint, shall not be eligible to serve on the Panel. The impartial and disinterested member of the Panel shall not be an official or employee of the FEMA office in which the complaint originated or an occupant receiving

Temporary Housing Assistance under the Act. In the event that the two Hearing Panel members cannot agree on the third impartial member, the third member shall be appointed by the Commercial Arbitration Tribunal of the American Arbitration Association.

(B) In the event that no occupant is available for selection as a member of the Hearing Panel in accordance with these regulations, then the hearing shall be conducted by a single impartial and disinterested Hearing Officer appointed by the Commercial Arbitration Tribunal of the American Arbitration Association.

(v) *Hearing.* (A) Due process requirement. The complaining occupant shall be afforded a fair hearing provided the basic safeguards of due process as stated in sub-paragraph (q)(2)(ii) before the Hearing Panel and may be represented by counsel or another person chosen as his/her representative. The hearing shall be private unless the complainant requests a public hearing. This restriction shall not be construed to limit the attendance of persons with a valid interest in the proceedings.

(B) *Availability of documents.* The complainant may examine before the hearing and, at his/her expense, copy all documents and records of the appropriate FEMA office that are relevant to the hearing. Any document not made available, after request therefor by the complainant, may not be relied on by FEMA at the hearing. The complainant may request in advance and at his/her expense a transcript of the hearing.

(C) *Failure to appear.* If a complainant fails to appear at a hearing, the Hearing Panel may postpone the hearing for not to exceed five business days or make a determination that the complainant has waived his/her right to a hearing.

(D) *Proof.* At the hearing, the complainant must first make a prima facie case that the continuance of assistance is not inappropriate; thereafter, FEMA must sustain the burden of proof in justifying the action against which the complaint is directed. The complainant shall have the right to present evidence and arguments in support of his/her complaint, to controvert evidence relied on by FEMA, and to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information FEMA relies. Hearings shall be conducted informally by the Hearing Panel and any oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to its admissibility under rules of evidence employed in judicial proceedings.

(vi) *Decision.* The decision of the Hearing Panel shall be based solely upon facts presented at the hearing and upon applicable Federal and State law, and FEMA regulations and requirements promulgated thereunder. The Hearing Panel shall prepare a written decision setting forth a statement of findings and conclusions, together with the reasons therefor, concerning all material issues raised by the parties, within five business days after the hearing, or such additional time as the Regional Director or his/her designee may for good cause allow. The decision of the Hearing Panel shall be binding on FEMA which shall take all actions necessary to carry out the decision or refrain from any action prohibited by the decision unless the FEMA General Counsel determines and notifies the complainant in writing within 30 days, or such additional time as FEMA may for good cause allow, that the decision of the Hearing Panel is not legally supportable.

(vii) *Notice to vacate premises.* If the determination under sub-paragraph (q)(2)(ii)(B) is to evict or if the occupant has requested a hearing on a notice of termination of tenancy pursuant to sub-paragraph (q)(2)(i) and the Hearing Panel upholds FEMA's decision to evict, an action to regain possession may not be commenced until the occupant(s)'s right to use and occupancy of the premises has been terminated by lawful written notice. Such notice to vacate may not be given prior to the date on which the Hearing Panel's decision is delivered or mailed to the occupant. In no case may eviction occur prior to the termination date stated in the original notice of termination of tenancy. When such notice to vacate is given to the occupant(s), he/she must be informed in writing that, if he/she fails to quit the premises within three days from receipt of notice, appropriate action shall be brought against him/her and that if suit is brought against him/her, he/she may be required to pay court costs and attorney fees.

(viii) *Termination of assistance.* If the determination under sub-paragraph (q)(2)(ii)(B) is to terminate assistance or if the Hearing Panel upholds FEMA's decision to terminate assistance for temporary housing, such assistance may be terminated in accordance with the original notice given pursuant to sub-paragraph (q)(2)(i) at any time after the 30 days specified in the original notice have elapsed.

(r) *Disposition of Temporary Housing Units.*

(1) *Acquisition.* The Associate Director may purchase mobile homes or other readily fabricated dwellings for those who require temporary housing. After such temporary housing is vacated, it may be returned to one of the FEMA-operated Strategic Storage Centers for refurbishment and storage until needed in a subsequent major disaster or emergency.

(2) *Sales.* The Regional Director shall sell any mobile home or readily fabricated dwelling acquired by purchase directly to an occupant(s) for his/her use as adequate alternate housing in accordance with the following guidelines:

(i) *Eligibility.* The Regional Director or his/her designee shall sell units (hereafter to include mobile homes and pre-fabricated dwellings) under his/her jurisdiction if the:

(A) Unit is to be used as a primary dwelling;

(B) Unit is reasonable in size for household composition;

(C) Purchaser has a site that complies with local codes and standards as well as FEMA's floodplain management regulations at 44 CFR Part 9 (in particular Section 9.13E); and

(D) Purchaser has sufficient funds to purchase and relocate the unit.

(ii) *Sales price.* Units shall be sold at prices that are fair and equitable to the purchaser and to the government, as determined by the Associate Director. The purchaser shall pay the total sales price at the time of sale.

(iii) *Adjustment to the sales price.* (A) Policy. Adjustments to the sales price to take into consideration the financial resources of the purchaser may be provided only when both of the following conditions are met:

(*1*) There is a need to purchase the unit for use as the purchaser's primary residence because other adequate alternate housing is unavailable. Adequate alternate housing must meet the criteria in subparagraph (c)(1) of this section, and may consist of:

(*i*) Existing housing;

(*ii*) Additional resources such as disaster-damaged rental accommodations which can reasonably be expected to be repaired and become available in the near future;

(*iii*) New housing construction or housing to be made available through government subsidy which is included in the immediate recovery plans for the area; and

(*iv*) Dwellings which can be repaired by the pre-disaster owner/occupant through funds available from insurance, other disaster assistance programs, or through his/her own resources.

(*2*) In addition to his/her own resources, the purchaser cannot obtain sufficient funds through insurance proceeds, disaster loans, grants, and

commercial lending institutions to cover the sales price.

(B) *Calculating the adjustment.* The adjustment shall be the difference between the amount required by the purchaser after all resources have been exhausted and one quarter of his/her gross annual income, less allowable housing costs. In no instance shall the sales price be less than $1.00 with all such sales to be approved by the Regional Director. Allowable housing costs shall include:

(*1*) An amount equal to the actual annual pad rental, or the cost for purchase (principal, interest and taxes) and development of a permanent site up to the average annual pad rental in the area. In no instance shall such costs be allowed if covered by a disaster grant;

(*2*) Annual personal property or real estate taxes on the unit if not included in the mortgage payment;

(*3*) Annual insurance premium for the unit if not included in the mortgage payment;

(*4*) Annual loan payment(s) for purchase of the unit;

(*5*) Any expense required to bring the unit up to State and local codes; and

(*6*) Other expenses authorized by the Regional Director.

(iv) *Other conditions of sale.* (A) A mobile home shall be sold "as is, where is" except for repairs necessary to protect health or safety, which are to be completed prior to sale. There shall be no implied warranties. In addition, the purchaser must be informed that he/she may have to bring the unit up to applicable codes and standards.

(B) In accordance with the Flood Disaster Protection Act of 1973, Public Law 93–244, as amended, the sale of a mobile home for the purpose of meeting the need of an individual or family displaced by flooding, may not be approved where the home would be placed in a designated special flood hazard area which has been identified by the Director for at least one year as floodprone unless the community in which the home is to be located after the sale is, at the time of approval, participating in the National Flood Insurance Program. The purchaser must agree to buy and maintain an adequate flood insurance policy for as long as the home is occupied by the purchaser. An adequate policy for purposes of this paragraph shall mean one which provides coverage for the sales price of the mobile home (before any adjustment). The purchaser must provide proof of purchase for the initial flood insurance policy to the Regional Director.

(3) *Transfer.* The Associate Director may sell, lend, or donate temporary housing units purchased under Section 404(a) of the Act directly to States, other governmental entities, or voluntary organizations. As a condition of such transfer, the Associate Director shall require that the recipient:

(i) Utilize the units provided for the initial purpose of providing temporary housing for victims of major disasters or emergenices; and

(ii) Comply with the current applicable FEMA policies and regulations, including this section, 44 CFR Part 9 (especially Section 9.13 and 9.14), and 44 CFR 13.

The Associate Director may order returned any temporary housing unit made available under this section which is not used in accordance with the terms of transfer.

(s) *Mortgage and Rental Payments.* Temporary assistance in the form of mortgage or rental payments may be paid to or be provided on behalf of applicants who, as a result of a major disaster, have received written notice of dispossession or eviction from their primary dwelling by foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Written notice, for the purpose of this paragraph, means a communication in writing by a landlord, mortgage holder, or other party authorized under State law to file such notice, the purpose of which is to notify an occupant of impending termination of a lease, foreclosure of a mortgage or lien, or cancellation of any contract of sale, which would result in the occupant's dispossession or eviction from his dwelling. Applications for this type of assistance may be filed up to one year following the date of declaration of the major disaster. The assistance may be provided for a period not to exceed one year or for the duration of the period of financial hardship, whichever is less. The location of the dwelling of an applicant for assistance under this section shall not be a condition of eligibility.

(t) *Appeals.*—(1) *Eligibility determination.* An applicant declared ineligible for temporary housing, an applicant whose application has been cancelled for cause, or an applicant whose application has been refused because of late filing, shall have the right to appeal such a determination within fifteen (15) calendar days following notification of such action. The Regional Director or his/her designee shall consider the appeal within two weeks after receipt of the appeal. The applicant shall receive written notice of the disposition of the appeal. The decision of the Regional Director or his/her designee is final.

(2) *Denial of request to purchase mobile home or prefabricated dwelling or request for an adjusted sales price.* An occupant who has been notified that his/her request to purchase a mobile home or pre-fabricated dwelling or his/her request for an adjustment to the sales price has been denied shall have the right to appeal such a determination within five (5) business days after receipt of such notice. The Regional Director or his/her designee shall consider the appeal within two weeks after receipt. The applicant shall receive written notice of the disposition of the appeal. The decision of the Regional Director or his/her designee is final.

(3) *Termination.* An occupant who has been notified of his/her termination from temporary housing as described in sub-paragraph (q)(1) of this section shall have the right to appeal the decision within five (5) business days after receipt of such notice. Such appeals shall be made and resolved in accordance with pretermination procedures contained in sub-paragraph (q)(2) of this section.

(u) *Reports.* The Associate Director, Regional Director or the Federal Coordinating Officer may require from field operations, such reports, plans and evaluations as they deem necessary to carry out their responsibilities under the Act and these regulations.

(v) *Federal responsibility.* The Federal financial and operational responsibility for a temporary housing program shall not exceed eighteen months from the date of the declaration of the major disaster, unless this period is extended in writing by the Associate Director, based on his/her determination that such extension is in the public interest, e.g., if neither the State nor any other entity can accept responsibility for the program. The Regional Director may authorize continued use on a non-reimbursable basis of government property, office space, and equipment by a State, other government entity, or voluntary organization after the eighteen month period.

(w) *Non-Federal administration of temporary housing assistance.* The Regional Director shall encourage State and local governments to assume operational and/or financial responsibilities for administering all or part of Temporary Housing Assistance under Section 404 of the Act. A State may request authority to administer assistance in the Governor's Request for a declaration or in a subsequent written request to the Regional Director.

(1) *Evaluation of capability.* State or local government assumption of Temporary Housing Assistance shall be approved by the Regional Director based on an evaluation of the capabilities and commitment of the entity. At a minimum, the evaluation shall include a review of the following:

(i) Past performance in administration of temporary housing assistance or other similar operations;

(ii) Management and staff capabilities; and

(iii) Demonstrated understanding of the tasks to be performed.

(2) *Cooperative agreement.* Assignment of responsibilities shall be made through a cooperative agreement as defined in Section 6 of Public Law 95–224 (41 U.S.C. 505) negotiated between the Regional Director and the Governor for each major disaster or emergency. Specific delegations of authority will be provided by the Regional Director to the Governor or his/her designee. The State or local government shall agree to provide assistance in accordance with this section, all applicable Federal regulations including 44 CFR 9, 44 CFR 13, and any policies and directives provided by the Regional Director.

(3) *Authorized Costs.* All expenditures associated with administering Temporary Housing Assistance are authorized if in compliance with this section and OMB Circular A–87 Revised, Cost Principles for State and Local Governments (42 CFR 45828). Specifically, the following expenses are authorized when applicable:

(i) *Administrative expenses.*

(A) Regular salaries

(B) Overtime

(C) Travel

(D) Communications

(E) Space rental

(F) Equipment rental

(G) Furniture rental

(H) Supplies

(I) Printing and reproduction

(J) Liability insurance premiums

(ii) *Program costs.*

(A) Minimal repairs.

(B) Lease and rent reimbursements for temporary housing including transient accommodations and commercial site rental.

(C) Mobile home installation.

(D) Mobile home private site development.

(E) Group Site development, when approved by the Associate Director.

(F) Cost of furniture and living kits.

(G) Mortgage and rental payments.

All contracts require the review and approval of the Regional Director or his/her designee prior to award, in order to be considered as an authorized expenditure.

(4) *Operations plan.* In accordance with the cooperative agreement, the State or local government shall prepare for approval by the Regional Director or his/her designee an initial plan of operations to include:

(i) Organization and staffing;

(ii) Pertinent goals and management objectives;

(iii) A proposed budget; and

(iv) An operational narrative which describes methods for orderly tracking and processing of applications, assuring timely delivery of assistance and identification of potential problem areas.

The Regional Director or his/her designee may require additional plans as necessary for subsequent phases of the operation.

(5) *Federal monitoring and oversight.* The Regional Director or his/her designee shall monitor State-administered activities since he/she remains responsible for the overall delivery of temporary housing. This monitoring function may include activities such as attendance at staff meetings or other sessions where policy/procedural issues are being discussed and review of internal memoranda and reports. As a result of these activities, the Regional Director or his/her designee may override any decisions to assure adherence to the Act, regulations, and policies, as well as to assure quality, cost-effectiveness and timely delivery of services. In addition, policy guidance and interpretations to meet specific needs of a disaster shall be provided through the oversight function.

(6) *Technical assistance.* The Regional Director or his/her designee shall provide technical assistance as necessary to support State-administered operations through training, procedural issuances, and by providing experienced personnel who, under the direction of the Regional Director or his/her designee, assist the State or local staff.

(7) *Operational resources.* The Regional Director shall make available for use in State or locally administered operations, Federal stand-by contracts, memoranda of understanding with government and volunteer agencies and Federal property such as household kits and government-owned mobile homes and travel trailers.

(8) *Audits.* The State shall audit each operation in accordance with guidelines and standards provided by the General Accounting Office and OMB Circular A–102, Attachment P. All operations are subject to Federal audit.

Dated: December 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–388 Filed 1–6–82; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 81–462; RM–3738; RM–3759]

Amendment of the Commission's Rules To Reclassify Coin Operated Electronic Games From Class B to Class A Computing Devices; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: A Notice of Proposed Rulemaking was adopted by the Commission in General Docket 81–462 (which concerns coin-operated electronic games) on July 16, 1981 (September 8, 1981, 46 FR 44793). This Order extends the period for filing comments set out in the NPRM. This action was taken in response to a Joint Motion for reopening of the comment period submitted by coin-operated game manufacturers. They filed the Motion in order to comment on several reports of investigation regarding interference caused by coin-operated games which had recently been placed in the record.

DATES: Comments due January 18, 1982; Reply comments due February 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Syd Bradfield, Office of Science and Technology, RF Devices Branch, Washington, D.C. 20554, phone (202) 653–8247.

Order Extending Comment Period

Adopted: December 24, 1981.

Released: December 29, 1981.

By the Chief Scientist.

In the matter of amendment of Part 15, Subpart J to reclassify coin-operated electronic games from Class B to Class A computing devices.

1. The Commission instituted this proceeding by adopting a Notice of Proposed Rule Making on July 16, 1981 (released August 27, 1981, FCC 81–320). This Notice was issued in response to petitions for rulemaking (RM–3738 and

RM–3789) from the coin-operated electronic game industry asking for relief under the computing device regulations in Subpart J of Part 15. The Commission proposed to relax the technical standards on coin-operated electronic games from Class B to the more liberal Class A computing device requirements. The coin-operated electronic game industry asserted, in its petitions and comments to the petitions, that among other things coin-operated electronic games are no longer a source of harmful interference.

2. The NPRM in this proceeding specified that comments and reply comments be filed on October 5, 1981 and October 20, 1981, respectively. For the most part, comments were received from manufacturers of coin-operated electronic games pointing out among other arguments for relief that since 1977 no documented interference has occurred resulting from current generation coin-operated electronic games and that state-of-the-art coin-operated games do not pose a threat to radio communication systems when operated in their intended environments.

3. However, there exists new information concerning recent reports of interference due to emissions from coin-operated electronic games. The FCC Field Operations Bureau has recently investigated and documented six cases of harmful interference to public safety communications and other licensed radio communications services caused by coin-operated electronic games. These interference cases are summarized below:

a. FOB case report 81–W–14 dated September 25, 1980. An amateur radio station received interference on approximately 50.11 MHz. During the subsequent investigation by FOB, coin-operated games located in a neighboring roller skating rink were determined to be the source of interference. The interference problem was evidently corrected by replacing the ground terminals on the game's power line plugs which had been removed.

b. FOB case report 81–W–708 dated April 6, 1981. Interference occured in Ellwood City, Pennsylvania to the Grove City Bus Co. operating as a licensee in the Land Transportation Radio Service on 43.84 MHz. The interference was continuous and appeared in two areas of town. FOB investigated the interference problem and found that the interference was caused by an Atari Asteroids electronic game used in the Oak Grove Inn and Keystone Bar each located in the part of town where interference occured. After notification, the offending games were removed from the Oak Grove Inn and Keystone Bar in order to investigate the problem.

c. FOB Case report 81–W–872 dated May 26, 1981. Interference to the U.S. Border Patrol on 163.675 MHz was generated by a coin-operated computer game located in a corner grocery in Sumas, Washington. The game was removed from service to stop the interference.

d. FOB case report 81–W–1119 dated July 30, 1981. The Newman Grove Police Department in Newman Grove, Nebraska received interference to public radio communications from a video game used in the Hombre Lounge located in the same city. The video game manufacturer changed the game's oscillator clock frequency to move the harmonic signal away from the police frequency to resolve the interference problem.

e. FOB Beaumont, Texas, local case BT–81–4 dated August 28, 1981. Electronic games operating inside an arcade called "The Game Hut" located in a shopping mall in Port Arthur, Texas interfered with a nearby TV shop in the mall. Interference was noted on TV channels 2, 3, 4, 5 and 6.

f. FOB case report 81–W–1196 dated September 2, 1981. Radio communications of the Corning, New York Ambulance Service and Fire Department received continuous interference on 46.4 MHz caused by a video game operated at an establishment called "McHales Tavern". The proprietor of the tavern disconnected the video game to correct the interference.

4. Since the Commission is considering relaxing the standards governing coin-operated games, these interference cases have a direct bearing on this proceeding. Accordingly, the above interference case reports have been placed in the record of Docket 81–852.

5. On December 11, 1981, Atari, Inc., Bally Manufacturing Company, Sega Enterprises and Stern Electronics, Inc. filed a "Joint Motion for the Reopening of Comment Period" in light of the six reports of interference recently placed in the record. They request that the Commission serve the public interest by providing an opportunity for all parties to comment on the full record before the Commission which now includes the interference reports involving coin-operated electronic games.

6. Because of the importance of these interference cases to this proceeding and in order to give all parties an opportunity to respond to this new information, an extension of time to January 18, 1982 for filing Comments and to February 3, 1982 for filing Reply Comments is hereby granted pursuant to the authority delegated to the Chief Scientist in § 0.241(d) of the FCC Rules.

S. J. Lukasik,

Chief, Scientist.

[FR Doc. 82-398 Filed 1-6-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-737; RM-3882]

FM Broadcast Stations in Montevideo, Olivia, and Ortonville, Minnesota; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of an FM channel to Montevideo, Olivia and Ortonville, Minnesota. C.G.N. Corporation states that additional time is needed to submit the requested engineering showings.

DATES: Comments must be filed on or before January 4 and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: December 24, 1981.

Released: December 29, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Montevideo, Olivia and Ortonville, Minnesota); BC Docket No. 81–737 RM–3882

1. On October 19, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 53471, published October 29, 1981, in the above-captioned proceeding. The dates for filing comments and reply comments were December 21, 1981, and January 11, 1982, respectively.

2. On December 14, 1981, counsel for C.G.N. Corporation, the original petitioner in the proceeding, filed a request to extend the time for filing comments to Janaury 4, 1982. It states that an engineering study requested in

the *Notice* has not been completed due to the press of other prior commitments.

3. We find that the extension request should be granted to permit the filing of information which is needed to develop a more complete record in this proceeding.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 81–737 are extended to and including January 4 and January 19, 1982, respectively.

5. This action is taken pursuant to authority found in 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–393 Filed 1–6–82; 8:45 am]

BILLING CODE 6712–01–M

V 4 7 / 4

J A 7 8 2

Notices

Federal Register
Vol. 47, No. 4
Thursday, January 7, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Hickory Hill Public Housing Project; Cancelled Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the panel meeting scheduled for January 8, 1982, to consider the proposed Hickory Hill Public Housing Project, Petersburg, Virginia, has been cancelled.

Notice of the January meeting was published on Monday, December 28, 1981, 46 FR 62672.

For further information contact the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005, (202–254–3967).

Dated: January 4, 1982.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 82-377 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Boll Weevil Program; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting to discuss area boll weevil program.

SUMMARY: Animal and Plant Health Inspection Service (APHIS) announces a meeting to allow public discussion of the effectiveness of the present Boll Weevil Eradication program and seeks suggestions concerning ways to make the program more responsive to public needs.

DATE: January 15, 1981, 10 a.m. to 5:30 p.m.

ADDRESS: Auditorium, County Office Building, Highway 301 South, Fayetteville, NC.

FOR FURTHER INFORMATION CONTACT: Dr. James LaForest, Animal and Plant Health Inspection Service, 2133 South Building, 12th and Independence, Washington, DC, 20250, Phone: (202) 447–9230.

SUPPLEMENTARY INFORMATION: This meeting is intended by APHIS to encourage public discussion of the area Boll Weevil program in North Carolina. The discussion should assess the program's effectiveness, seek suggestions on ways and means to make the program more responsive, and discuss the future of the program. The meeting will begin with an overview of the APHIS program and will then be opened to formal presentations by interested persons who may respond to this notice. APHIS will schedule these presentations on a first-come, first-served basis. Following formal presentations, the meeting will be open for informal discussions. Any person who wishes to make a formal presentation at the meeting should notify the contact person no later than January 14, 1982, and, by January 14, 1982, the person should submit to the contact person the presenter's name, address, organizational affiliation, and a summary of the planned presentation. The meeting will be open to the public and seating will be available on a first-come, first-served basis. To the extent that time permits, interested persons who did not request an opportunity to make a formal presentation will be given an opportunity to make an oral presentation at the conclusion of the meeting.

Done at Washington, DC, this 5th day of Janaury, 1982.

James O. Lee Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc 82-510 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Hiawatha National Forest Land and Resource Management Plan State of Michigan; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service Department of Agriculture will prepare an Environmental Impact Statement on the proposed Land and Resource Management Plan for the Hiawatha National Forest in Michigan.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the National Forest System lands within the proclamation boundaries of the Hiawatha National Forest.

The planning process began with the identification of public issues, management concerns, resource use, and development opportunities. Public participation has been an integral part of the planning process. Response forms, meetings, and other public involvement tools were used to identify and verify issues early in the planning process. Major new issues will be considered as they are identified during the planning process.

Planning criteria will be developed and data will be collected and analyzed to determine how the identified issues and concerns can best be resolved. An assessment of the capability of the land produce resource outputs and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objective for the alternative. In addition, each identified major public issue will be addressed, each alternative will specify methods to maintain or enhance renewable resources, and a no change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social and economic effects. It will include the best combination of resource uses on the forest and will also provide for a continuous monitoring and evaluation process.

A Draft Environmental Impact Statement (DEIS) and Draft Plan will be released around April 1983. The Final Environmental Impact Statement (FEIS) and Land and Resource Management Plan will be released approximately six months later.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan. Roy E. Droege, Forest Supervisor of the Hiawatha National Forest, is the responsible official in charge of preparation and implementation of the plan.

Further information about the planning process can be obtained by calling Robert McHugh, Planning Staff Officer on the Hiawatha National Forest at 906–786–4062. Comments on this Notice of Intent should be sent to: Forest Supervisor, Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, MI 49829.

James H. Freeman,

Director of Planning, Programming and Budgeting.

December 29, 1981.

[FR Doc. 82-367 Filed 1-18-82; 8:45 am]

BILLING CODE 3410-11-M

Homestake Phase II, Transmountain Water Diversion; White River National Forest, Eagle County, Colorado; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Impact Statement on development of the proposed Homestake Phase II Transmountain Water Diversion Project. The cities of Aurora and Colorado Springs, Colorado, in their application for an easement, propose to construct diversion structures in Cross Creek and Fall Creek and divert from 26,000 to 41,000 acre feet of water per year. The proposed project is on both public and private lands.

The area proposed for development is located about ten miles southwest of Minturn, Colorado, and is within the Holy Cross Wilderness, White River National Forest. The Colorado Wilderness Act of 1980, Public Law 96–560 directed that the creation of the Holy Cross Wilderness would not affect the Homestake Water Development Project. Therefore, the consequences of the project on the wilderness values will not be considered in the environmental analysis. The EIS will, however, assess and disclose the impacts of the project on all other appropriate National Forest System values inherent in the project area, as well as off-site social and economic impacts.

Preparation of an Environmental Impact Statement is indicated because of the probable significance of the social, physical, and biological changes which were identified during the initial scoping meetings held in connection with the environmental analysis. Information received during meetings which were held in Minturn, Eagle, Red Cliff, Vail, Leadville, and Denver, Colorado, will be used in the EIS. Some of the concerns indentified in the scoping process are social and economic impacts of local towns; impacts to Colorado Springs and Aurora with and without water projects; impact of the project on water quality and quantity; effects on endangered species; the need for a State-wide water plan; and effects on downstream water users.

Additional public scoping meetings will be held with the town of Red Cliff on February 1, 1982, and in Leadville with the date to be announced. Comments must be received by the Forest Service by February 15, 1982, at the address below.

The alternative of no action and of permitting development as proposed (tunnel system-gravity flow) will be evaluated. Additional alternatives considered are other tunnel and/or pipelines with gravity or pumping systems, reservoir sites with pipelines and pumping, water conservation, alternate water sources, growth mangement, and water trading.

The Draft Environmental Impact Statement is scheduled for completion in May 1982. There will be a 60-day comment period. Completion of the Final Environmental Impact Statement is scheduled in September 1982. If the decision is to proceed with development, easements will be issued, although construction would not start before the summer of 1983.

Craig W. Rupp, Regional Forester of the Rocky Mountain Region, is the responsible official. Victor K. Weyers, Staff Officer on the White River National Forest, will be the Project Coordinator for the Environmental Impact Statement.

Questions or comments can be sent to Victor K. Wayers, Project Coordinator, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81602 (phone 303–945–2521).

Craig W. Rupp,

Regional Forester.

December 30, 1981.

[FR Doc. 82-366 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Elm Creek (1250) Watershed, Texas

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of record of decision.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76503, telephone: 817–774–1214.

Notice

George C. Marks, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Texas, is hereby providing notification that a record of decision to proceed with the installation of the Elm Creek (1250) watershed project is available. Single copies of this record of decision may be obtained from George C. Marks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 28, 1981.

George C. Marks,

State Conservationist.

[FR Doc. 82-357 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 40136]

Arista International Airlines Fitness Proceeding; Notice of Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., December 29, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 82-375 Filed 1-6-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40322; Order 81-12-123]

Braniff Airways, Inc.; Proposed U.S.-Latin America Fare Increases; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of December, 1981.

By tariff revisions filed for effectiveness December 15, 1981, Braniff Airways, Inc. (Braniff), proposes 5 to 10 percent increases in its fares from the United States to Latin America.[1] Under the proposal, normal economy fare (NEF) levels in most of the affected markets would be set about 9 to 15 percent above the current statutory ceilings established under the International Air Transportation Competition Act; only U.S.-Venezuela NEF's would remain below the ceilings.[2]

In justification of the proposal, Braniff states that its South American services showed an operating income of only $1.4 million and a pretax loss of $4.7 million for the twelve months ended June 30, 1981; that these disappointing results are typical of the carrier's recent experience, despite Braniff's costs being consistently lower than those of Pan American World Airways, Inc. (Pan American), the other U.S. carrier serving South America;[3] that revenue improvements have failed to keep pace with cost increases because of the guaranteed fare rule[4] and, primarily, the unavoidable "regulatory lag" involved in obtaining approval for fare increases from all governments concerned; that since institution of the SFFL, Braniff's return on investment (4.0 percent for the year ended June 30, 1981) has been far below the 17 percent level found appropriate in the *Standard Foreign Fare Level Investigation*[5] and even below the 12 percent level "which guided the Board's ratemaking judgments in less inflationary periods"; and that maintaining fares at the statutory ceilings is not sufficient to allow Braniff to regain profitability.[6]

We have decided to allow Braniff to implement its proposal. We will, however, investigate the proposed NEF levels, except those to Chile, Panama and Venezuela.

Our decision follows careful consideration of Braniff's proposal and justification as well as a close review of the Latin American operating results of both Braniff and Pan American over the past three years. Braniff is suffering serious financial setbacks in Latin America, and we therefore will allow the proposed increases to take effect in order to allow Braniff some measure of temporary relief. In addition, the scope of our investigation will exclude Braniff's NEF's to Chile, Panama and Venezuela. U.S.-Chile/Panama markets are now sufficiently competitive for us to increase reliance on market forces to establish prices, and Braniff's proposed NEF's to Venezuela are within the "zone of reasonableness," below the pertinent SFFL ceilings.

Our review suggests, however, that the carrier's present straits are not so much the result of inadequate fare levels as cost increases which have outstripped industry averages. Because Braniff's Latin American route system mostly involves capacity restricted, limited designation markets, with strong monopoly characteristics, we are obligated to determine whether these above average cost increases may properly be flowed through the fare structure under pertinent statutory mandates.

Latin American yields in scheduled passenger service appear to be the highest of all U.S. international markets. For the year ended June 30, 1981, Braniff and Pan American had yields of 12.10 and 12.55 cents per RPM, respectively. In comparison, Pan American and Trans World Airlines, Inc. (TWA), had yields of 9.54 and 9.23 cents per RPM, respectively, in transatlantic markets, and Pan American and Northwest Airlines, Inc. (Northwest), had yields of 9.32 and 7.97 cents per RPM, respectively, in transpacific markets.[7] Furthermore, the above Latin American yields represented improvements of about 35 percent (Braniff) and 34 percent (Pan American) over the year ended June 30, 1978, and about 27 percent (Braniff) and 24 percent (Pan American) over the year ended March 31, 1980—the midpoint of which, October 1, 1979, marks the SFFL base date. Thus, Braniff's yield for the most recent period was just 3.6 percent below (and, over the last fifteen months, improving more rapidly than) that of Pan American. Yet Braniff experienced a $4.6 million operating loss while Pan American enjoyed a $36.1 million operating profit. It is apparent that Braniff's costs are, contrary to its assertion, higher than Pan American's.[8]

This has not always been true. For the year ended June 30, 1978, for example, Braniff's scheduled passenger expense was 4.43 cents per ASM while Pan American's was 5.15 cents per ASM. In the three years since, however, Braniff's unit cost has increased 80 percent to 7.97 cents per ASM while Pan American's has risen just 36 percent to 7.02 cents per ASM.[9] Since October 1, 1979 (when Braniff's costs had already climbed 3.7 percent beyond Pan American's), the increases have been 29 and 18 percent, respectively. Braniff's scheduled passenger expense per ASM now stands 13.5 percent above Pan American's.

Appendix B charts, since the SFFL base date, the two carriers' changes in scheduled passenger yields and costs against the change in average passenger cost for *all* U.S. carriers serving Latin America (including Central America, the Caribbean and Mexico) as measured by the Board's SFFL cost adjustment factors. Braniff's yields have outpaced Pan American's yields and costs as well as average Latin American costs; they

---

[1] Braniff provides direct service to/from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Panama, Paraguay, Peru and Venezuela. The proposal does not affect fares in U.S.-Mexico markets, which Braniff also serves.

[2] Appendix A outlines the increases' effect in 21 sample markets. The ceiling represents the upper limit of a statutory "zone of reasonableness" within which the Board may generally not suspend a fare on grounds of unreasonableness. The ceiling is formed by the Standard Foreign Fare Level (SFFL)—i.e., NEF's in effect on or after October 1, 1979, adjusted every two months for cost changes—plus 5 percent upward fare flexibility. While the Board may permit additional flexibility (or permit fares above the ceilings) as a matter of regulatory discretion, we have not done so in the case of U.S.-Latin America markets. Braniff's 5 to 10 percent increases would establish NEF's at levels as much as 15 percent above the ceilings because of a recent downward adjustment in the SFFL cost adjustment factor for Latin America. See Order 81-9-120, September 18, 1981.

[3] Braniff cites, for instance, its own operating expense of 13.39 cents per revenue passenger-mile (RPM) for the year ended June 30, 1981, against Pan American's expense of 15.04 cents per RPM. We note, however, that Braniff's figures present *total* operating expenses and so distort the carriers' relative costs because of Pan American's considerably more extensive cargo operations. *Scheduled passenger* operating expense, using the Board's SFFL cost methodology, was 12.48 cents per RPM, or 7.97 cents per available seat-mile (ASM), for Braniff, and 11.92 cents per RPM, or 7.02 cents per ASM, for Pan American.

[4] The guaranteed fare rule assures passengers who purchase their tickets at pre-increase prices that they will not be subject to additional charges reflecting higher prices in effect at the time of travel.

[5] Dockets 37730 and 37744. See Order 80-8-66, August 12, 1980.

[6] As an alternative to approval of its proposal, Braniff urges the Board to extend upward flexibility in U.S.-South America markets from 5 percent to 15 percent, as is not allowed in most U.S.-Europe markets.

[7] Average stage lengths were 1177 miles (Braniff) and 1621 miles (Pan American) in Latin American markets, 1853 miles (Pan American) and 2758 miles (TWA) in transatlantic markets, and 3518 miles (Pan American) and 2664 miles (Northwest) in transpacific markets. At these stage lengths, yields do not significantly decline with distance.

[8] See fn. 3, *supra*.

[9] The carriers have had very similar fuel cost experiences. Over the three years, Braniff's fuel expense per available ton-mile (ATM) was up 108 percent; Pan American's was up 111 percent. The respective increases in nonfuel costs per ATM, however, have been 54 and 22 percent.

have failed to keep pace only with Braniff's own costs.

The Board's SFFL mechanism, by statute, reflects average industry cost increases, thus embodying a ratemaking philosophy which balances the need of carriers to recoup expenses with protection of the traveling public against unduly high prices reflecting the high costs of any particular carrier. It provides incentives for efficiency by allowing lower cost carriers to reap the advantages of their relative productivity and spurring improvements in less efficient operations. Our analysis indicates that Braniff's low profitability in this entity may be the result of recent cost trends not shared by the industry at large. Under these circumstances, we believe it necessary to institute an investigation to determine the reasonableness of Braniff's NEF's.

We do not intend at this time to prescribe procedures to be followed in this investigation. While the ultimate issue—whether Braniff's current tariffs are just and reasonable—is clear, we do not yet have sufficient information to determine what future matters, if any, will be in issue. At this time, we direct our staff to contact the carrier and report to us expeditiously with respect to the concerns set forth above. Upon analysis of the staff's preliminary findings, we will be in position to decide whether the case should proceed along evidentiary lines or can be resolved on the record compiled to date.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the attached Appendix C and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices; and

2. We shall file copies of this order in the aforesaid tariff and serve them on Braniff Airways, Inc.

We shall publish this order in the **Federal Register.**

Note.—Appendices A–C filed as part of the original.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-376 Filed 1-6-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Survey of Retail Sales and Inventories; Notice of Determination

In accordance with title 13, United States Code, sections 182, 224, and 225, and due Notice of Consideration having been published November 2, 1981, (46 FR 54395) I have determined that certain 1981 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951 (except 1954). It provides, on a comparable classification bais, data covering 1980 and 1981 year-end inventories, 1981 accounts receivable balances, and 1980 and 1981 annual sales. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of firms operating retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores with probability of selections based on their sales size.

Report forms will be furnished to the firms covered by the survey and will be due 20 days after receipt. Copies of the forms are available on written request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 31, 1981.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-329 Filed 1-6-82; 8:45 am]

BILLING CODE 3510-07-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a Procedure To Obtain Waivers From the Correct Category Provision of the Visa Requirements for Apparel Entireties

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: For a limited period, importers may apply for an expedited automatic waiver of the correct category provision of visa requirements for certain shipments of apparel entireties, regardless of the date of export, to prevent denial of entry for consumption into the United States.

(For purposes of the textile program, the term "entireties" is used to describe sets of apparel, such as jackets and skirts, or sweaters and skirts, among others, which are customarily sold together and intended to be worn together.)

SUMMARY: Beginning on January 1, 1982, U.S. Customs will deny entry to some parts of certain apparel sets because the category of the items visaed is not correct. This results from the lack of 7-digit TSUSA numbers in the new tariff classification for particular apparel product categories. The Committee for the Implementation of Textiles Agreements (CITA) automatically will issue waivers for those items which are incorrectly visaed as a result of these circumstances. CITA expects that new 7-digit TSUSA numbers to provide for proper category classification of the parts of these sets will be in place on February 1, 1982.

EFFECTIVE DATE: On January 1, 1982 and until further notice, the Committee for the Implementation of Textile Agreements automatically will issue waivers from the correct category and unit of measure provisions of visa requirements for apparel entireties of cotton, wool, and man-made fibers, regardless of the date of export, which have been denied entry because there is no 7-digit tariff schedule number corresponding by name to all components of the set. A facsimile of the format for a request for a waiver follows this notice. The Office of Textiles and Apparel will expedite the processing of these waivers and has established a telephone hot line so that importers who need expedited service can telephone their requests. Importers may also mail a single copy of a request for waivers to the Office of Textiles and Apparel, International Agreements and Monitoring Division, Room 2814, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, Attention: Waivers Entireties. Documents authorizing the release of the merchandise will be transmitted, as appropriate, to the U.S. Customs Service. The importer or broker can arrange to have these documents hand carried or have an express messenger service transmit the waiver to the port. Shipments waived under this procedure will be charged to the appropriate category under the applicable bilateral restraint agreement.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: As a result of the implementation on January 1, 1982 of the new numbers in Schedule 3, part 6 (which cover certain apparel items and which were added to the Tariff Schedules of the United States, Annotated (1982) as revised by the Tokyo Round) and U.S. Customs Court decisions on the tariff treatment of entireties, U.S. Customs may deny entry to some apparel shipments. U.S. Customs Court decisions require that all components of an entirety be classified under the same 5-digit TSUSA number. The appropriate 5-digit number is assigned to a shipment for duty purposes based on the component with the highest value in the set. The chief value component of the set will be classified in the correct 7-digit TSUSA number and resulting category and will be allowed to enter. The other components of the set may be assigned to 7-digit TSUSA numbers which do not correspond to the correct categories for these items. In these cases, U.S. Customs would deny entry to these items if they were exported from a country with a visa system calling for the correct category.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Telephone Request for Visa Waiver Entirety

Country of origin: _____
Port of entry: _____
Import specialist: _____
Team No: _____
Address: _____
Name and address of importer: _____
Name and telephone number of customs broker: _____
Description of merchandise denied entry:
Component(s) denied entry: _____
Component of chief value: _____
Category and TSUSA as visaed:
Component(s) denied entry: _____
Component of chief value: _____
Category and TSUSA as required by customs:
Component(s) denied entry: _____
Component of chief value: _____
Quantity of each component: _____
Entry number or bill of lading number: _____
Carrier: _____
Date of export: _____
Date of request: _____

[FR Doc. 82–390 Filed 1–6–82; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: January 28, 1982; January 29, 1982.

Times: 0830–1700 hours (Closed)—January 28, 1982; 0830–1500 hours (Closed)—January 29, 1982.

Place: Pentagon Room 2E271—January 28, 1982; Pentagon Room 3E467—January 29, 1982.

Proposed Agenda: The Army Science Board Group conducting a Summer Study on Science and Engineering Personnel will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Acting Administrative Officer, Maria P. Galvan, may be contacted for further information at (202) 697–9703 or 695–3039.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 82–390 Filed 1–6–82; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Environmental Impact Statement (DEIS) Associated With a Segment of the Kansas-Osage Study Addressing the Feasibility of Constructing a Fish Hatchery in Kansas

AGENCY: Kansas City District, Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: 1. The proposed Federal Action is to study the feasibility of constructing a fish hatchery downstream from Milford Lake, Kansas.

2. Reasonable alternatives include no action, construction of the hatchery, and acquisition of fish from private sources.

3. Scoping Process:

a. Scoping was initiated with a state-Federal agency meeting held on November 24, 1981. Further scoping will include:

(1) Meetings with affected interest groups; and

(2) Statewide distribution of a fact sheet discussing the action and the intent to prepare a DEIS. Comments with regard to the scope of the project will be solicited in the fact sheet. If sufficient comments are received, a public meeting may be held.

b. The single issue identified to date concerns the economic impact of a hatchery on the commercial fish producers in Kansas, if a hatchery were recommended.

4. The DEIS is scheduled to be available to the public in the spring of 1982.

ADDRESS: Questions concerning the proposed action and DEIS should be directed to Mr. Michael Bronoski, Basin Planning Branch, Kansas City District Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. (816) 374–5064 or FTS 758–5063.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 82–389 Filed 1–6–82; 8:45 am]

BILLING CODE 3710–EN–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Ararat River Flood Control Project; Surry County, N.C.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

1. Summary: The proposed project consists of a combination of widening and diking the Ararat River through part of the town of Mt. Airy, North Carolina, a distance of approximately 8,000 feet. The material removed from the riverbank will be used in the construction of the dikes.

2. Alternatives to the proposed project include variations in channel dimensions, channel length, construction techniques, and an upstream dam. Also being considered is the no-action alternative.

3. a. Various Federal, State, and local agencies have all provided imput into the plan formulation process. All additional agencies, organizations, and interested parties which have not been previously notified are invited to comment at this time.

b. The primary identified problem is the need for flood control for the Town of Mount Airy.

c. The U.S. Fish and Wildlife Service will furnish input into the plan formualtion in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 at et seq.).

d. The 404 Public Notice and the 404(b)(1) Evaluation will be circulated to the public. A Section 401 Water Quality Certificate will be obtained from the State prior to project construction.

4. A public meeting will be held in Mt. Airy, North Carolina, in mid-May 1982.

5. Estimated date that DEIS will be available to the public is May of 1982.

ADDRESS: John A. Baden, Environmental Analysis Section, U.S. Army Engineer District, Wilmington, PO Box 1890, Wilmington, NC 28402, Telephone: (919) 343–4745; commercial: FTS 671–4754.

Robert K. Hughes,

Colonel, Corps of Engineer, District Engineer.

[FR Doc. 82-340 Filed 1-18-82; 8:45 am]

BILLING CODE 3710-GN-M

Department of the Secretary

Armed Forces Epidemiological Board; Partially Closed Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board
Date of Meeting: February 4–5, 1982
Time: 0900–1700 4 February; 0830–1400 5 February.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.
Proposed Agenda: The proposed agenda will include classified briefings concerning the Rapid Deployment Force and chemical warfare defense, AFEB subcommittee progress reports, discussions on use of hepatitis B vaccine in the Armed Forces and reports from the Services' Preventive Medicine Officers.

2. The meeting will be partially closed to the public because of classified briefings and discussions concerning the Rapid Deployment Force and chemical warfare defense. The closed portion of the meeting will be from 0900–1200 hours, February 4, 1982. This portion will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

3. All other portions of the meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should contact the Executive Secretary, DASG–AFEB, Room 2D455 Pentagon, Washington, D.C. 20310 (Telephone 695–9115).

Dated: December 31, 1981.

Charles W. Halverson,

Capt., MSC, USN, Executive Secretary.

[FR Doc. 82-301 Filed 1-6-82; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board ad hoc subcommittee on epidemiological methods in clinical health care delivery systems.
Date of Meeting: February 3, 1982.
Time: 0900–1500.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.
Proposed Agenda: Epidemiological methods in clinical health care delivery systems.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG–AFEB, Room 2D455 Pentagon, Washington, DC 20310. (Telephone 695–9115).

Dated: December 31, 1981.

Charles W. Halverson,

Capt., MSC, USN, Executive Secretary.

[FR Doc. 82-302 Filed 1-6-82; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Seconday Education

AGENCY: Advisory Panel on Financing Elementary and Secondary Education, Education.

ACTION: Cancellation of Hearing and Meeting. **Federal Register** Doc. 81–36229 published Friday, December 18, 1981 at page 61694 announced a hearing and meeting to be held on January 18 and 19, 1982 at the J. W. McCormack Post Office and Courthouse in Boston, Massachusetts. This document cancels these events.

Signed at Washington, D.C. on January 4, 1982.

Will S. Myers,

Executive Director.

[FR Doc. 82-410 Filed 1-6-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Guam Oil and Refining Company, Inc.; Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Guam Oil and Refining Company, Inc. and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by February 8, 1982.

ADDRESS: Send comments to: GORCO Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Ave., N.W., Mail Stop 7117, Room 6532, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20461, (202) 633–3614. Copies of the Consent Order may be obtained free of charge by written request to, or in person, at this address and the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E–190.

SUPPLEMENTARY INFORMATION: On December 18, 1981, the Office of Special Counsel of the ERA executed a proposed Consent Order with Guam Oil and Refining Company, Inc. of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** providing an opportunity for comment concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order.

The Consent Order

Guam Oil and Refining Company, Inc. (GORCO), with its home office located in Dallas, Texas, is a firm engaged in the refining of crude oil and sale of refined petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with GORCO's petroleum activities involving covered products and including

obligations incurred under the Domestic Crude Oil Allocation Program ("Entitlements Program") during the period August 11, 1973 through January 28, 1981 (the "settlement period"), the Office of Special Counsel of the ERA, and GORCO entered into a Consent Order, the significant terms of which are as follows:

A. The DOE alleged that, during the settlement period, GORCO sold refined petroleum products at prices in excess of the applicable ceiling or maximum lawful selling prices and improperly reported crude oil receipts and crude oil runs-to-stills on Forms P–102, P–103, P–102–N–0 and ERA–49, in violation of the Regulations.

B. Within ten (10) days of the effective date of the Consent Order, GORCO will remit to DOE the sum of $2,500,000, which includes interest, for deposit in the U.S. Treasury.

C. Execution of the Consent Order constitutes neither an admission by GORCO nor a finding by DOE that GORCO has violated any Regulations.

D. The provisions of 10 CFR 205.199J, including those regarding the publication of this notice, are applicable to the Consent Order.

Submission of Written Comments

Interested persons are invited to submit written comments on the terms and conditions of this Consent Order to the address shown above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on GORCO Consent Order." The ERA will consider all comments it receives by 5:00 p.m., local time on the thirtieth day following publication of this notice. Any information or data considered confidential by the person submitting it must be identified and submitted in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 28th day of December 1981.

Avrom Landesman,

Deputy Special Counsel, Economic Regulatory Administration.

[FR Doc. 82–373 Filed 1–6–82; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 81–CERT–026]

Consolidated Edison Company of New York, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On November 2, 1981 Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, N.Y. 10003 filed with the Administrator of the Economic Regulatory Administrtion (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 21.0 billion cubic feet of natural gas per year to displace approximately 2,989,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 141,000 barrels of No. 2 fuel oil (0.2 percent sulfur), and approximately 386,000 barrels of kerosene (0.05 percent sulfur) per year at six of its steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhattan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Manhattan; and East 60th Street in Manhattan. The eligible seller of the natural gas is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77002. Notice of that application was published in the **Federal Register** (46 FR 60492, December 12, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication.

Con Edison has in effect a certification by the ERA, effective April 13, 1981 (Docket No. 81–CERT–005), which authorizes purchases of approximately 62 billion cubic feet of natural gas per year from Consolidated Gas Supply Corporation and National Fuel Gas Distribution Corporation for use at the electric generating stations named in this certification. It also has a certificate issued by ERA on December 3, 1981 (Docket No. 81–CERT–025) for certification of 2.20 billion cubic feet of natural gas per year from the New York State Electric and Gas Corporation for use at these same steam and electric generating stations.

The ERA has carefully reviewed Con Edison's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Natural Gas Docket Room, Room 6013, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 24, 1981.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–346 Filed 1–6–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Conservation Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770).

Date and time: January 22, 1982, 9 a.m. to 5 p.m.

Place: Department of Energy, Forrestal Building, Room 6E–069, 1000 Independence Avenue, SW, Washington, DC 29585.

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue, SW, Washington, DC 29585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long range guidance in these areas to the Department.

Tentative agenda:

Discussion of Programs in Conservation Sectors

Discussion of outline of report

Discussion of data needs for report

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 31, 1981.

James S. Kane,

Deputy Director, Office of Energy Research.

[FR Doc. 82-347 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

Multiprogram Lab Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Multiprogram Lab Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770).

Date and time: January 18, 1982, 9 a.m. to 5 p.m.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

Discussion of ERAB Report on Federal Energy R&D Priorities

Discussion of energy R&D and legislation relevant to laboratories

Discussion of draft interim report.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitiate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 31, 1981.

James S. Kane,

Deputy Director, Office of Energy Research.

[FR Doc. 82-338 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council Advisory Committee; Renewal

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the National Petroleum Council Advisory Committee has been renewed for a 2-year period ending on December 31, 1983.

The renewal of the National Petroleum Council has been determined necessary and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on January 4, 1982.

James B. Edwards,

Secretary of Energy.

[FR Doc. 82-412 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

Uranium Enrichment and Assessment; Proposed Pricing Policy Change

AGENCY: Department of Energy.

ACTION: Proposed pricing policy change.

SUMMARY: The Department of Energy (DOE) seeks public comment on a proposed change to its pricing policy for sale of uranium depleted in the isotope U-235 (tails).

DATE: Comments must be received on or before February 8, 1982.

ADDRESSES: Comments may be mailed to: U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830, ATTN: Clark Huffman.

FOR FURTHER INFORMATION CONTACT:

Mr. Clark Huffman, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830, (615) 576-0627.

Mr. Lawrence Leiken, Office of General Counsel, U.S. Department of Energy, Room 6B-256, 1000 Independence Avenue, S.W., Washington, DC. 20585, (202) 252-6975.

Mr. Eugene Schmitt, Office of Uranium Enrichment and Assessment, U.S. Department of Energy, Room A-268, Washington, DC 20245, (301) 353-5841.

SUPPLEMENTARY INFORMATION: Under present policy (**Federal Register** Notice 42 FR 51635, September 29, 1977) the price for uranium depleted in U-235 (tails) is tied to the Standard Table of Enriching Services with a minimum charge of $2.50 per kilogram. Therefore, the selling price is currently related solely to the use of tails as a feed material to U.S. enrichment plants, without regard to its value for other uses. Because of this rigid pricing formula, DOE has little flexibility to sell the material for alternative uses. Potential uses for which there is only a very limited market at this time include nuclear shielding, fertile material in breeder reactor system, ballast and as a substitute for heavy metals such as lead.

With a more flexible pricing policy DOE could reduce inventory maintenance costs, maximize revenues to the U.S. Treasury and test the market for increased sales potential. Prices would be established for each transaction, based on the market value of the material at the time of sale or on a negotiated value if market value cannot reasonably be determined. A decision to adopt this pricing policy is not expected to have significant impact on current budget costs or revenues, but will provide the ability to consummate sales as opportunities arise.

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, no public hearing is required.

Since this regulation clearly will not have a significant effect on the environment, DOE has determined that C.E.Q. Regulations (40 CFR 1501) do not require an environmental impact statement or an environmental assessment.

DOE has determined that initial and final regulatory flexibility analyses required by sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations since they would not exert a significant economic impact on a substantial number of small entities.

DOE has determined that these regulations are not "major rules" as defined in section 1(b) of Executive Order 12291 because they are not likely to result in an annual effect on the economy of $100 million or more and would not result in a major increase in costs for individual industries.

In consideration of the foregoing, DOE proposes to amend the existing pricing policy for the sale of depleted uranium as follows.

DEPARTMENT OF ENERGY

Uranium Hexaflouride

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications and Packaging: Revisions.

The Department of Energy (DOE) hereby announces revisions to the notice entitled, "Uranium Hexaflouride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification and Packaging," as published in the **Federal Register** on November 29, 1967, 32 FR 16289, as amended in 34 FR 2626, February 26, 1969; 34 FR 14039, September 4, 1969; 35 FR 13457, August 25, 1971; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; 40 FR 1117, January 16, 1975; 40 FR 17070, April 16, 1975; 40 FR 26060 and 26061, June 20, 1975; 41 FR 8414 and 8415, February 26, 1976; 41 FR 18914 and 18915, May 7, 1976; 41 FR 31942 and 31943, July 30, 1976; and 42 FR 51635, September 29, 1977, (referred to herein as "the Notice").

Delete paragraph 3 of the Notice in its entirety and substitute the following:

3. Standard table of enriching services charges per kilogram unit of separative work, base charges and standard processing loss. (a) DOE's standard table of enriching services is set forth in Table 1 of this Notice. (b) The charges per kilogram unit of separative work furnished by DOE and the base charge ($/kg U) for the sale of government-owned natural uranium will be published by separate notice. (c) The base charge ($/kg U) for uranium enriched in the isotope U–235 and in the form of UF_6 is determined by summing (i) the number opposite the desired assay in the Feed Component column of Table 1 multiplied by the then applicable current base charge ($/kg U) for the sale of government-owned natural uranium in the form of UF_6, and (ii) the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the current charge per kilogram unit of separative work furnished pursuant to other than requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the feed component and separative work component are first determined by linear interpolation before calculation of the base charge. (d) The price for uranium depleted in the isotope U–235 (tails) will be established in consideration of the market value of the material at the time of sale, or on a negotiated basis if market value cannot reasonably be determined. (e) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05.

Dated: December 23, 1981.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 82-374 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59072A; TSH-FRL-2009-1]

Mixture of 1-Amino-8-Naphthol-4,6-Disulfonic Acid and its Mono and Disodium Salts; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–47) under section 5 of the Toxic Substances Control Act (TSCA) on November 13, 1981. Notice of receipt of the application was published in the **Federal Register** of November 24, 1981 (46 FR 57343). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 13, 1981, EPA received from Mobay Chemical Corporation an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–47. The chemical identity of the new substance is a mixture of 1-amino-8-naphthol-4,6-disulfonic acid and its mono and disodium salts, and it will be used as a starting material for a dye intermediate. A maximum of 4,000 pounds will be imported for test market purposes, during a test marketing period not to exceed 6 months. During processing at one plant, one worker may be exposed for 1 hour per batch when charging the reactor. The test market substance will be processed in approximately 12 batches. There is a potential for a total of 12 hours of exposure. A notice published in the **Federal Register** of November 24, 1981 (46 FR 57343) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–47, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. A moderate potential for eye irritation was reported for the

TME substance. However, the worker exposed is advised to wear chemical goggles which mitigates the potential for unreasonable risk of injury. No additional health concerns of significance were identified for the TME substance. In the manufacture of the dye intermediate, the TME substance is completely converted to the intermediate. No environmental concerns were identified and environmental release is low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) as specified in the application, and of the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 4,000 pounds described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a six-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 30, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82-379 Filed 1-6-82; 8:45 am]

BILLING CODE 6560-31-M

[AEN-FRL-1981-4]

California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted Assembly-Line Test (ALT) Procedures for various classes of new motor vehicles for the 1982 model year. The 1982 model year procedures are essentially the same as those for the 1981 model year. The few changes which CARB has adopted are minor in nature. I find the 1982 model year procedures to be included within the scope of previously granted waivers of Federal preemption. Since these procedures are included within the scope of these waivers, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise, these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed within 30 days of the date of this notice; otherwise, at the expiration of this 30-day period these findings will become final. Upon the receipt of any timely objection, EPA will consider scheduling a public hearing in a subsequent **Federal Register** notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the Assembly-Line Test Procedures at issue in this notice, a decision document containing an explanation of my determination, and documents used in arriving at this determination, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street, S.W., Washington, D.C. 20460 (Docket EN-81-14). Copies of the decision document can be obtained from EPA's Manufacturers Operations Division by contacting Mr. Chernekoff, as noted below.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: I have determined that CARB's 1982 model year ALT procedures are included within the scope of waivers of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act, as amended (Act).[1] The 1982 model year procedures are essentially the same as the 1981 model year procedures, but include several changes to reduce regulatory requirements for manufacturers, relative to the 1981 model year procedures. Specifically, the changes reduce manufacturer reporting requirements, adopt a new procedure for choosing the sample rate of vehicles for quality audit emission testing, and incorporate procedures for determining compliance with CARB's alternative optional oxides of nitrogen (NOx) standards for qualifying small-volume manufacturers. The changes neither significantly increase nor decrease the stringency of the 1982 model year ALT procedures relative to the 1981 model year procedures, nor raise any new technological feasibility or other issues.

A full explanation of my determination is contained in a decision document, which is incorporated by reference and which may be obtained from EPA as noted above.

Since the ALT procedures are included within the scope of previously granted waivers of Federal preemption, a public hearing to consider them is not necessary. However, if any party asserts an objection of these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise these findings will become final at the expiration of this 30-day period.

Note.—My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine

[1] *See* 45 FR 54130 (August 14, 1980); 45 FR 54126 (August 14, 1980).

and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation that is likely to result in:

(1) an annual effect on the economy of $100 million or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action does not constitute a major rule. The action confirms California's authority to enforce regulations which will reduce regulatory requirements on manufacturers, as compared to regulations applicable to the previous model year. If anything, the action will likely result in cost savings to consumers, Government agencies and industries affected because of the reduced requirements, and will likely have a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation.

Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: December 30, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 82-340 Filed 1-6-82; 8:45 am]

BILLING CODE 6560-33-M

[AEW-FRL-2021-3]

California State Motor Vehicle Pollution Control Standards; Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Requests for comments.

SUMMARY: The California Air Resources Board (CARB) has recently notified EPA of three sets of amendments to California's emission standards and test procedures for new motor vehicles, and has requested that the Administrator find that each of these sets of amendments is included within the scope of previous waivers of Federal preemption granted to the State of California pursuant to section 209(b) of the Clean Air Act, as amended (Act). These sets of amendments pertain to (1) heavy-duty engine emission standards and test procedures; (2) motorcycle emission standards and test procedures; and (3) passenger car, light-duty truck and, medium-duty vehicle emission standards and test procedures. This notice requests public comments on each of the above-mentioned California requests.

DATE: EPA requests that interested parties submit written comments on any or all of California's requests. Comments should be submitted by January 22, 1982, to ensure consideration of those comments in the Administrator's evaluation of California's requests.

ADDRESSES: Comments should be sent to the Director, Manufacturers Operations Division, U.S. Environmental Protection Agency (EN-340), 401 M Street, S.W., Washington, D.C. 20460. Information received from California, as well as any written comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN-81-18, located in EPA's Central Docket Section (A-130), Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Section 209(a) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (A) the determination of the State is arbitrary and capricious, (B) the State does not need the State standards to meet compelling and extraordinary conditions, or (C) the State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

CARB recently submitted three letters to the Administrator notifying EPA that it had adopted amendments to its emission standards and test procedures for new motor vehicles. CARB asserts, and requests that the Administrator determine, that each of these three sets of amendments to its regulations fall within the scope of previously granted waivers, thereby obviating the need independently to meet the requirements of section 209(b) of the Act set forth above. EPA has made these determinations in the past where California's amendments do not undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards; do not affect the consistency of California's requirements with section 202(a) of the Act; and raise no new issues affecting EPA's previous waiver determinations.

The first CARB letter, dated September 17, 1981, notified EPA that on January 21, 1981, CARB had adopted new optional exhaust emission standards and test procedures for 1984 and subsequent model year heavy-duty engines [1] based on the Federal 1984 and subsequent model year transient cycle test procedures. These new standards and test procedures are alternatives to California's primary 1984 and subsequent model year standards and procedures based on steady-state test procedures.

CARB's second letter, dated October 27, 1981, notified EPA that on June 8, 1981, CARB's Executive Officer established a provision for small sales volume motorcycle manufacturers which provides for a special hydrocarbon (HC) exhaust emission standard for certain motorcycles for the 1982 model year only. In the same letter, CARB also notified EPA that on June 8, 1981, CARB's Executive Officer also amended the California motorcycle test procedures by providing manufacturers with the option, beginning with model year 1983, to determine durability deterioration factors by bench testing procedures (rather than actual vehicle

[1] Section 1956.7, Title 13, California Administrative Code.

testing) for certification of motorcycle evaporative emissions control systems.[2]

CARB's third letter, dated December 17, 1981, notified EPA that on May 20, 1981, CARB had amended its 1983 and subsequent model year exhaust emission standards and test procedures to include an alternative optional set of oxides of nitrogen (NO_x) exhaust emissions standards for passenger cars, light-duty trucks under 4,000 pounds equivalent inertia weight (EIW) and medium-duty vehicles under 4,000 EIW.[3] These optional standards were adopted concomitant with provisions for recalls of vehicles for defects of a limited number of emission-related components up to seven years or 75,000 miles.[4]

Interested persons are hereby given the opportunity to submit written comments and address issues not arising in previous waiver determinations. Accordingly, EPA requests that interested parties submit written comments on any or all of the above-mentioned CARB requests. Comments should be submitted by January 22, 1982, to ensure the Administrator's consideration of those comments in the evaluation of these requests.

Dated: December 29, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-372 Filed 1-6-82; 8:45 am]
BILLING CODE 6560-20-M

[OPTS-59073A; TSH-FRL-2013-4]

Substituted Methyldisilane Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-48) under section 5 of the Toxic Substances Control Act (TSCA) on November 19, 1981. Notice of receipt of the application was published in the **Federal Register** of November 30, 1981 (46 FR 58180). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 19, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-48. The manufacturer has claimed its identity, the specific chemical identity, and the specific use of the chemical as confidential business information. The generic chemical identity is substituted methyldisilane and it will be used as a coating. Five hundred pounds of the substance will be manufactured during a test marketing period of one year. During manufacture, no more than 10 workers may be exposed to the TME substance. The substance will be provided to one customer only and no more than four workers may be exposed to the substance during its use. A notice published in the **Federal Register** of November 30, 1981 (46 FR 58180) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that test marketing of the substance described in TM-81-48, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant environmental concerns for the TME substance. Although health concerns were identified, workers will be adequately protected against exposure. All operations during manufacture and use occur in closed systems, and personal protective equipment will be worn by workers. There is no potential for consumer exposure. Environmental release will be minimal, as all wastes will be treated prior to disposal.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 500 pounds described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts signficiant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an

---

[2] Sections 1958 and 1976, Title 13, California Administrative Code. On July 23, 1980, CARB delegated authority to its Executive Officer to take each of these respective actions.

[3] Section 1960.1, Title 13, California Administrative Code. CARB originally submitted a letter to the Administrator dated October 5, 1981, in which it requested a separate waiver of Federal preemption for these new optional standards. It later amended its position as stated in its more recent December 17, 1981 letter.

[4] Section 1960.13, Title 13, California Administrative Code.

unreasonable risk of injury to human health or the environment.

Dated: December 30, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82-419 Filed 1-6-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-709 File No. 21322-CD-P-(2)-79 and CC Docket No. 81-710 File No. 21862-CD-P-79]

Message Center, Inc. and Radio Relay New York Corp.; Correction

Released: December 28, 1981.

By the Common Carrier Bureau.

In re Applications of Message Center, Inc.: For a Construction Permit to establish additional one-way facilities for station KDS295 to operate on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Waterbury and New Haven, Connecticut; CC Docket No. 81-709; File No. 21322-CD-P-(2)-79. Radio Relay New York Corporation: For a Construction Permit to establish additional one-way facilities for Station KEC745 to operate on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Danbury, Connecticut; CC Docket No. 81-710; File No. 21862-CD-P-79.

1. On October 8, 1981, we released a *Memorandum Opinion and Order* (Order), Mimeo 003814, in the above-captioned proceeding. The caption of that Order inadvertently omitted one of the locations included in the application of Radio Relay New York Corporation (Radio Relay). Accordingly, the Order is hereby corrected to include that location by revising the portion of the caption concerning Radio Relay to read as follows:

Radio Relay New York Corporation, for a Construction Permit to establish additional one-way facilities for Station KEC745 to operation on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Danbury and Trumbull, Connecticut; CC Docket No. 81-710; File No. 21862-CD-P-79.

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-426 Filed 1-6-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Doc. No. 81-855; File No. BPH-790518AA]

Vacationland Broadcasting Co. Inc. et al.

In re Applications of Vacationland Broadcasting Company, Inc. (WFTW-FM), Ft. Walton Beach, Florida, Has: 99.3 MHz, Channel 257, 3 kW, 170 feet, Req: 96.5 MHz, Channel 243, 100 kW, 620 feet; BC Docket No. 81-855; File No. BPH-790518AA. For construction permit to make major changes in the facilities of station WFTW-FM. Miracle Strip Communications, Inc.,Ft. Walton Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW, 620 feet; BC Docket No. 81-856; File No. BPH-790509AA. SJK, Inc.,Ft. Walton Beach, Florida, Req: 96. MHz, Channel 243, 100 kW, 620 feet; BC Docket No. 81-857; File No. BPH-790911AB. Juanina, Inc., Ft. Walton Beach, Florida, Req: 96.5 MHz, Channel 243,100 kW, 670 feet; BC Docket No. 81-858; File No. BPH-791114AD. Pinnacle Broadcasting Corporation, Ft. Walton Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW, 625 feet; BC Docket No. 81-859; File No. BPH-791115AB. KY Broadcasting, Inc., Ft. Walton Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW, 620 feet; BC Docket No. 81-860; File No. BPH-791115AG. Da-Gon Broadcasting Company, Inc., Ft. Walton Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW, 620 feet; BC Docket No. 81-861; File No. BPH-791115AI. For construction permit for a new FM Station; Designating applications for consolidated hearing on stated issues.

Hearing Designation Order

Adopted: December 10, 1981.

Released: December 23, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (1) the above-captioned mutually exclusive applications filed by Vacationland Broadcasting Company, Inc., Miracle Strip Communications, Inc. (Miracle Strip); Vacationland Broadcasting Company, Inc.; SJK, Inc. (SJK); Juanina, Inc.; Pinnacle Broadcasting Corporation KY Broadcasting, Inc. (KY); and Da-Gon Broadcasting Company, Inc. (Da-Gon); (ii) a petition to deny, filed by the Department of Defense; and (iii) pleadings in oppositions and reply, thereto.[1]

[1] The petition to deny asserted that the transmitter sites proposed by the applicants would interfere with certain test flight activities at Eglin Air Force Base. All of the applicants have amended to new transmitter sites (five at a common site) and, accordingly, we are granting all of the applicants leave to amend. On October 2, 1981, the Department of Defense withdrew its petition to deny as moot.

2. *Miracle Strip.* Analysis of the financial data submitted by Miracle Strip reveals that $80,892 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$5,250
Equipment payments with interest	5,250
Land	300
Building	600
Miscellaneous	52,500
Operating costs (3 months)	16,992
Total	$80,892

Miracle Strip plans to finance construction and operation with the following funds: $10,000 in new capital and a $75,000 loan. The July 1, 1980 balance sheet of George Marks shows $75,000 in current liquid assets available. Lois N. Marks has failed to submit a balance sheet. Therefore, from the information before us, Miracle Strip has demonstrated the availability of only $75,000 to meet the $80,892 required to construct and operate the proposed facility. Accordingly, a limited financial issue will be designated.

3. *SJK.* Analysis of the financial data submitted by SJK reveals that $584,090 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$420,090
Land	12,000
Building	15,000
Miscellaneous	62,000
Operating costs (3 months)	75,000
Total	$584,090

SJK plans to finance construction and operation with the following funds: $1,000 cash on hand and a $600,000 loan from Smith Broadcasting, Inc. However, according to the Smith Broadcasting, Inc. balance sheet dated February 28, 1981, Smith has $449,543 available; $759,220 in current liquid assets offset by $309,677 in current liabilities. Therefore, SJK has demonstrated only $450,543 available to meet the $584,090 required to operate and construct the proposed station. A limited financial issue will be specified.

4. *KY.* Analysis of the financial data submitted by KY reveals $254,504 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$113,200
Land	8,304
Buildings	5,000
Miscellaneous	8,000
Operating costs (3 months)	66,000
Total	254,504

KY plans to finance construction and operation with the following funds:

$130,000 in stock subscriptions and $95,000 in loan commitments. KY adequately demonstrated the availability of the following funds: $17,500 cash on hand (prepaid stock subscriptions); David King $35,000; Yvonne King $14,500; James Nathan $8,000; Betty Phelps $350; and Stanley Suarez $2,900. The remaining stock subscription commitments are not supported by balance sheets or financial statements that indicate sufficient net liquid assets. Most of the stock subscribers failed to segregate long term from short term liabilities. Additionally, the November 6, 1979 letter from Union-Tidewater Financial Company, Inc. merely states "we would seriously consider the financing of * * * equipment * * * for KY" and is not a firm commitment. Therefore, from the information before us, KY has demonstrated the availablility of only $78,250 to meet the $254,504 required to construct and operate the proposed facility. A limited financial issue will be designated.

5. *DA–GON.* Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. From the evidence before us, Da-Gon's public notice does not contain a list of the officers, directors and 10% shareholders. To remedy this deficiency, Da-Gon will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1mV/m or greater intensity together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Miracle Strip Communications, Inc:

(a) The source and availability of additional funds over and above the $75,000 indicating; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to SJK, Inc: (a) the source and availability of funds over and above the $450,543 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to KY Broadcasting, Inc:

(a) The source and availability of additional funds over and above the $78,250 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Da-Gon Broadcasting Company, Inc. shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's rules.

10. It is further ordered, That in the event the application of Vacationland Broadcasting Company is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Vacationland will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

11. It is further ordered, That in the event the application of SJK, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned Am and FM stations in the same market, SJK, Inc. will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

12. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communication Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

BC Docket Nos. 81–855, 81–858, 81–856, 81–859, 81–857, 81–860, 81–861.

Appendix

14. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, That the following issue is specified:

4. To determine whether there is a reasonable possiblility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Juanina, Inc. and Pinnacle Broadcasting Corporation.

15. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

[FR Doc 82–427 Filed 1–6–82; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA–REP–4–SC–1]

The South Carolina Radiological Emergency Response Plan for the H. B. Robinson Nuclear Power Plant

AGENCY: Federal Emergency Management Agency.

ACTION: Certification of FEMA findings and determination.

In accordance with FEMA Rule 44 CFR 350 (proposed), on June 4, 1980, the State of South Carolina submitted its

plans relating to the H. B. Robinson Nuclear Power Plant to the Regional Director who has forwarded his evaluations to the Associate Director for State and Local Programs and Support, in accordance with paragraph 350.11 of the proposed rule. Considered in his evaluations of the State and associated local plans were the contiguous State and local plans involved in the 10- and 50-mile emergency planning zones (EPZ's), a critique of the exercise conducted on March 11–12, 1981, in accordance with 350.9, and a report of the public meeting held on March 10, 1981, to discuss the site specific aspects of the State and local plans in accordance with paragraph 350.10 of the proposed rule.

Based on a review of the Region's evaluations by FEMA Headquarters, the Associate Director finds and determines that, subject to the condition stated below, State plans and preparedness including local plans and preparedness for the H. B. Robinson plan are adequate to protect the health and safety of the public living in the vicinity of the plant. There is reasonable assurance that appropriate protective measures can and will be taken offsite in the event of a radiological emergency. The condition for the above approval is that by February 1, 1982, the public alerting and notification system must meet the Federal Emergency Management Agency (FEMA)–Nuclear Regulatory Commission (NRC) joint criteria as stated in NUREG–0654/FEMA–REP–1, Rev. 1. These findings and determination have been communicated to the NRC and to the Governor of South Carolina.

FEMA will continue to review the status of preparedness of the State and its local jurisdictions associated with the Robinson plant in accordance with paragraph 350.13 of the proposed rule.

For further details with respect to the action, refer to Docket File FEMA–REP–4–SC–1 for Robinson maintained by the FEMA Regional Director at 1375 Peachtree Street N.E., Atlanta, Georgia 30309.

Dated: December 28, 1981, in Washingon, D.C.

For the Federal Emergency Management Agency.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–331 Filed 1–6–82; 8:45 am]

BILLING CODE 6718–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently in pertinent part at 46 FR 2193, January 8, 1981), is amended to reflect the following changes within the National Institute on Aging: (1) Change the title from Social and Behavioral Research Program to Behavioral Sciences Research Program, and (2) amend the functional statement of the Program. These changes reflect the change of emphasis in the Program.

Sec. HN–B, Organization and Functions is amended as follows: (1) Under the heading *National Institute on Aging (HN–X)*, delete the statement for the *Social and Behavioral Research Program HN–X5)* in its entirety and substitute the following:

Behavioral Sciences Research Program (HN–X5). (1) Provides advice and assistance to the Institute Director and other officials on behavioral sciences research programs, activities, and organizations; (2) plans and directs a national and international program of extramural and collaborative research and training in the areas of behavioral sciences research; (3) plans, develops, and administers policies and operating procedures of the Program, and evaluates scientific accomplishments of supported scientists and institutions for conformance to program goals and objectives; (4) assesses needs for research and training in the Program's scientific fields of responsibility, and recommends priorities and areas for emphasis; (5) collaborates with NIH Bureaus, Institutes and Divisions and other Federal agencies in the coordination and support of relevant scientific activities; (6) recommends mechanisms to be used, or develops mechanisms, to accomplish program objectives; (7) consults with professional and scientific associations in identifying research needs and develops programs to meet them.

Dated: December 28, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 82–378 Filed 1–6–82; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0434, Block 149, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Reigon, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–363 Filed 1–6–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G

2870, Block 60, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-362 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-31-M

National Earthquake Prediction Evaluation Council; Renewal

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A–63 (Revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Pub. L. 94–463), the Secretary has determined that renewal of the National Earthquake Prediction Evaluation Council is necessary and in the public interest.

The purpose of the committee is to advise the Director of the U.S. Geological Survey (USGS) whether and when to issue predictions or other information pertinent to the potential for a future significant earthquake.

The General Services Administration has concurred in the renewal of this committee.

Further information regarding this renewal may be obtained from John R. Filson, Chief, Office of Earthquake Studies, Reston, Virginia 22092, (703) 860–6471.

Dated: December 31, 1981.

Dallas L. Peck,

Director.

[FR Doc. 82-360 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Diamond Shamrock Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3419, Block 116, Main Pass Area, offshore Louisiana and Mississippi.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-361 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Water Charges and Related Information on the Fort Hall Irrigation Project, Idaho

This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with § 191.1(e) of Part 191, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information of the Fort Hall Irrigation Project for Calendar Year 1982 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this notice is to announce an increase in the Fort Hall Project assessment rates proportionate with actual operation and maintenance costs. The proposed assessment rates for 1982 will amount to an increase of approximately five percent.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested person may submit written comments, views and arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, by February 8, 1982.

For Hall Irrigation Project

Regulations and Charges

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

Irrigation Season

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-in-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery:* Water for irrigation purposes will be delivered throughout the irrigation season by either the continous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and Submission of a Water Schedule:* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for Deliveries of Irrigation Water:* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water: Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5 acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges: Bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges: (a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1981 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate—$16.70 per acre.

(2) Michaud Unit basic rate—$20.00 per acre.

(Additional rate for sprinkler when pressure is supplied by project—$8.50 per acre)

(3) Minor Units basic rate—$13.90 per acre.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Payments: The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Assessments on Indian Owned Land

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands on non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938).

Vincent Little,

Area Director.

[FR Doc. 82-364 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[OR 23769(WASH)]

Washington; Order Providing for Opening of Public Land

1. In an exchange of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following land has been reconveyed to the United States:

Willamette Meridian

T. 37 N., R. 27 E.,
Sec. 34, E½NE¼;
Sec. 35, W½NW¼.

The area described contains 160 acres in Okanogan County, Washington.

2. At 10 a.m., on Febuary 12, 1982, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawls, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on Febuary 12, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 10 a.m., on Febuary 12, 1982, the land will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 29, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-366 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Prineville District

Advisory Council will be held on February 18, 1982.

The Council will meet in the Prineville BLM district conference room at 9:30 a.m. at 185 E. 4th Street, Prineville, OR 97754.

The agenda icludes:

1. Update on land use plan and grazing EIS for Brothers Planning area.
2. Status of wilderness program and studies scheduled during 1982.
3. Revised maintenance policy on range improvements.
4. Update on wild horse program.
5. Improvement of public service in district.
6. Status of Deschutes River program.

The public and news media are welcome to attend any segment of the Council meeting.

Persons wishing to address the Council either orally or in writing are requested to contact the District Manager at the above address by February 12, 1982.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty days following the meeting.

James L. Hancock,

Assistant District Manager.

December 24, 1981.

[FR Doc. 82-381 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

[C-16268]

Colorado; Proposed Continuation of Withdrawal

December 30, 1981.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing Gunnison Gorge Protective Site Withdrawal made by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the authority contained in Section 3 of the Act of June 17,1902, as amended.

1. The Bureau of Land Management, Department of the Interior, withdrew certain described lands under Public Land Order 5261, effective September 15, 1972. The description of these lands has been changed to conform to the latest plats of survey. The following described lands are currently proposed for withdrawal continuation.

A. Sixth Principal Meridian

T. 15 S., R. 93 W.,
Sec. 6, Lots 8, 9, 10;
Sec. 7, Lots 6 through 18;
Sec. 18, Lots 1 through 6, E½W½, E½ (all);
Sec. 19, Lots 1 through 4, NE¼, E½W½, SW¼SE¼;
Sec. 20, Lots 1 through 5, SE¼;
Sec. 21, Lots 1, 2, 3, W½, SE¼;
Sec. 22, Lot 2, SW¼;
Sec. 30, Lots 1 through 4, E½W½, E½ (all);
Sec. 31, Lots 6 through 12, NE¼.
Sec. 32, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½NE¼, SW¼, S½SE¼, S½N½SE¼.

T. 15 S., R. 94 W.,
Sec. 1, Lots 22, 23, 24, 28, 29, and 33;
Sec. 12, Lots 4, 11, 17, and 18;
Sec. 13, Lots 1, 2, NE¼, SW¼SW¼, W½SE¼;
Sec. 23, NE¼, S½
Sec. 24, Lots 1 through 4, W½E½, W½ (all);
Sec. 25, Lots 1 through 4, W½E½, W½ (all);
Sec. 26, All;
Sec. 35, All;
Sec. 36, Lots 1 through 4, W½E½, W½ (all).

New Mexico Principal Meridian

T. 50 N., R. 8 W.,
Sec. 6, Lots 1 through 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (all);
Sec. 7, Lots 1 through 4, E½W½, E½ (all);
Sec. 18, Lots 1 through 4, E½W½, E½ (all).

T. 51 N., R. 8 W.,
Sec. 7, Lots 6, 7, and 8;
Sec. 18, Lots 5 through 20 (all);
Sec. 19, Lots 5 through 15;
Sec. 20, Lots 1, 2, 3, NW¼;
Sec. 21, Lots 2, 3, and 4;
Sec 29, NE¼NE¼, W½E½, W½;
Sec. 30, Lots 5 through 19, NE¼SE¼ (all);
Sec. 31, Lots 5 through 16, SE¼ (all).

T. 50 N., R. 9 W.,
Sec. 1, Lots 1 through 4, S½N½, S½ (all);
Sec. 2, Lots 1 through 4, S½N½, S½ (all);
Sec. 3, Lots 1 through 4, S½N½, S½ (all);
Sec. 11, All;
Sec. 12, E½, NW¼, N½SW¼, SW¼ SW¼;

T. 51 N., R. 9 W.,
Sec. 10, Lots 1 through 4;
Sec. 11, Lots 1 through 4;
Sec. 12, Lot 4;
Sec. 13, E½, S½SW¼;
Sec. 14, All;
Sec. 15, All;
Sec. 22, All;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 25, All;
Sec. 26, S½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 27, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All;

Containing 24,020.68 acres in Delta and Montrose Counties.

B. The minerals in the following described lands were also withdrawn from entry under the U.S. mining laws, U.S.C. Ch. 2; however, these lands have been and continue to be open to the mineral leasing laws. Although the surface of these lands was formerly patented, it has since been reconveyed to the U.S. and opened to the public land laws on December 28, 1977.

Sixth Principal Meridian

T. 15 S., R. 93 W.,
Sec. 31, NE¼SW¼, SE¼;
Sec. 32, SW¼SW¼.

New Mexico Principal Meridian

T. 51 N., R. 9 W.,
Sec. 12, Lots 1, 2, 3;
Sec. 13, NW¼, N½SW¼;
Sec. 23, SW¼SE¼, E½SE¼;
Sec. 24, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, N½NE¼, NE¼NW¼.

Containing 1,279.30 acres in Delta and Montrose Counties.

C. In addition, the minerals are privately owned in the following described lands.

New Mexico Principal Meridian

T. 51 N., R. 8 W.,
Sec 29, S½NW¼, NW¼SW¼;
Sec. 30, NE¼SE¼.

Containing 160.00 acres in Montrose County.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws, but not to leasing under the mineral leasing laws, except as noted in items 1–B and 1–C. No change in the segregative effect or use of the land would be affected by the continuation, except as noted in items 1–B and 1–C.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1982. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final

determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, Colorado State Office, 1037 20th St., Denver, CO 80202.

Dated: December 30, 1981.

Richard D. Tate,

Acting Chief, Branch of Adjudication.

[FR Doc. 82-350 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579, that a meeting of the Socorro District Grazing Advisory Board will be held on Tuesday, February 9, 1982.

The meeting will begin at 9:00 a.m., in the Hospitality Room of the First State Bank at 103 Manzanares Avenue, NE., Socorro, New Mexico.

The agenda for the meeting will include:

(1) Discussions on the new Advisory Board Charter.

(2) Update on the West Socorro Environmental Impact Statement.

(3) Update on the East Socorro Environmental Impact Statement.

Review and comments on the range improvement maintenance stipulations.

(5) Update on other range programs.

(6) Future meetings, topics and schedules.

The above outline of topics will be covered in the morning session. The afternoon session will be a tour of the San Jose Canyon Allotment. The tour will start at 12:00 noon. Public wishing to attend must provide their own transportation and sack lunch.

The meeting is open to the public. Interested persons may make oral statements to the board between 11:00 and 12:00 a.m., or file written statements for the board's consideration.

Arlen P. Kennedy,

District Manager.

[FR Doc. 82-369 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

[U-2923; U-7040; U-7041]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Orders dated September 6, 1967, and February 5, 1969, Serial Nos. U-2923, U-7040, and U-7041 published in the **Federal Register** September 7, 1967, Vol. 32, No. 173, Page 12804, and February 6, 1969, Vol 34, No. 25, Pages 1775 and 1776 respectively, are hereby terminated.

The public lands involved aggregate 3,035,352 acres in Box Elder, Rich and Tooele Counties.

2. The public lands described in the notices were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under Section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 3 of each order also segregated 6,407 acres from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupany under the mineral leasing laws.

3. Pursuant to the regulation set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on February 16, 1982, the lands described in Notices listed in paragraph No. 1 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable Law. All valid applications received at or prior to 10:00 a.m., on February 16, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 3 of the notices listed in paragraph No. 1 will also be open to location under the United States Mining Laws at 10:00 a.m. on February 16, 1982.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City UT 84111.

Dated: December 23, 1981.

Dean E. Stepanek,

Acting State Director.

[FR Doc. 82-352 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application C-0126998]

Colorado; Land in Rio Blanco County Public Hearing; Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State office, Denver, Colorado, hereby gives notice that a public hearing will be held on January 27, 1982 at 7:30 p.m. at the Fairchild Center, 200 Main St., Meeker, Colorado 81641. Application has been made by Consolidation Coal Company to the United States that it lease non-competitively coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment. Written requests to testify orally at the January 27, 1982 public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business January 26, 1982. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to Craig District Office at the above address, prior to close of business on February 1, 1982. Substantive comments, whether written or oral, will receive equal consideration prior to any lease issuance.

The coal resource to be leased is located in the following described lands approximately 7 miles north of Meeker, Colorado:

T. 2 N., R. 93 W., 6th P.M.,
Sec. 2, Lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 3, All;
Sec. 4, Lots 1, 23, SE¼;
Sec. 10, Lots 7, 9, 11, 27, 29, N½NE¼;
Sec. 11, Lots 1, 3, 6, 7, 9, 10, W½E½, NW¼;
Sec. 14, W½NE¼, W½;
Sec. 15, E½, E½W½.
T. 3 N., R. 93 W., 6th P.M.,
Sec. 25, S½SW¼;
Sec. 27, S½;
Sec. 28, Lot 22, NE¼SE¼;
Sec. 33, Lots 1, 12, 13, 16, 24, 26;
Sec. 34, Lots 1, 4, E½, E½NW¼, SW¼;
Sec. 35, All;

Sec. 36, W½.

Containing 5099.31 acres.

The draft Environmental Assessment will be available for review in the Craig District Office. Single copies are available for distribution upon request from the office at the above address.

A copy of the Environment Assessment, and the case file will be available for public inspection at the Colorado State Office, Bureau of Land Management, 1037 20th St., Denver, Colorado 80202.

Rodney A. Roberts,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 82-342 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

[UT-910 4310 84]

Utah; Redelegation of Authority From the District Manager to Area Managers

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with Bureau Order 701 and Amendments 1–27 and pursuant to authority contained in Part III Sections 3.1 and 3.9 of that Order, Area Managers of the districts in Utah are authorized to take actions under 43 CFR 3600 relating to any sale or contract for the sale of material other than forest products not exceeding $10,000 in value.

Performance of these duties is under the direct supervision of the District Manager.

Authority for material sales on which Area Managers may take action is listed below:

(a) Bureau Order 701 as amended, Section 3.9—Land Use: The Area Manager may take all listed action on:

(g) Material other than forest products not exceeding $10,000 in value unless authority to make sales in greater amounts is delegated by the District Manager and State Director.

(b) 45 FR 54147, August 14, 1980 which increased District Managers' authority to $10,000.

Dated: December 29, 1981.

Roland G. Robison, Jr.,

Utah State Director.

[FR Doc. 82-348 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

Frontier Pipeline Project; Notice of Intent To Prepare an Environmental Impact Statement and Hold Public Meetings

December 28, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Prepare an environmental impact statement (EIS) and hold public scoping meetings on the construction of a 20-inch crude oil pipeline from the Anschutz Ranch Field, Uinta County, Wyoming to Casper, Wyoming, hereafter called the Frontier Pipeline Project

SUMMARY: This notice describes the action to be analyzed in the EIS; the geographic area that would be affected; the preliminary list of issues and concerns; the scoping process to be used; the locations of offices which have information available for public review both during and at the completion of the process; and the BLM contact for further information.

SUPPLEMENTARY INFORMATION: The action to be analyzed in the EIS consists of construction of a 20-inch underground crude oil pipeline and associated pump stations. The route extends from the Anschutz Ranch Field in southwestern Uinta County, Wyoming to Casper, Wyoming, a distance of approximately 300 miles.

The proposed pipeline would link oil fields in the Overthrust Area of western Wyoming with existing pipeline systems to the Rocky Mountain area and midwest refineries. In 1983 crude oil and condensate production from new and existing fields in the Overthrust Area are forecasted to exceed the demands of the Salt Lake City area refineries and the capacity of the existing small diameter pipelines out of the area.

Geographic Area

The geographic area to be analyzed for effects generally extends one mile on either side of the proposed pipeline routes and to nearby population centers in Uinta, Lincoln, Sweetwater, Carbon, Fremont and Natrona Counties.

Issues and Concerns

Important issues and concerns which have been identified to date include:

1. Potential socioeconomic impacts of accommodating construction crews in nearby communities in Uinta, Lincoln, Sweetwater, Carbon, Fremont and Natrona Counties in Wyoming.

2. Potential impacts on terrestrial and aquatic wildlife and their habitat.

3. Potential impacts from crude oil spills.

4. Potential impacts to identified and unidentified mineral resources.

5. Potential impacts to land use.

The public is encouraged to present their ideas on these and other issues and concerns including alternative routing for consideration in the EIS at the public scoping meetings. All issues and concerns will be considered in preparation of the EIS.

DATES: Public scoping meetings will be held during the week of February 8, 1982 in Evanston, Rock Springs, Rawlins and Casper, Wyoming for the purpose of identifying issues and concerns for the EIS. A **Federal Register** notice, public notices in local newspapers, and press releases will announce the specific locations, dates, and times of the public scoping meetings.

ADDRESSES: Information and materials providing a description of the project are available for review at the following locations:

Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Bureau of Land Management, Rock Springs District Office, North Highway 187, Rock Springs, Wyoming 82901

Bureau of Land Management, Rawlins District Office, 1300 Third Street, Rawlins, Wyoming 82301

Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601

In addition, copies of a public scoping document will be available after January 8, 1982 and can be obtained by writing to the following address: Bureau of Land Management, Rawlins District Office, P.O. Box 670, Rawlins, Wyoming 82301.

Any person wishing to submit any issues or suggestions for alternate routes for consideration in the scoping process are encouraged to do so. Such written scoping input should be sent to the office listed above and received no later than February 19, 1982, in order to be considered in determining the scope of the EIS.

FOR FURTHER INFORMATION CONTACT: David J. Walter, District Manager, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324–7171.

All attendees of the public scoping meeting will be given an opportunity to participate and raise issues for consideration in the EIS.

In addition, if at any time during the EIS process any person wishes to raise issues for consideration, they should feel free to do so by contacting the following office: Bureau of Land Management, Rawlins District Office, P.O. Box 670, Rawlins, Wyoming 82301.

Jack Belmain,

Acting State Director.

[FR Doc. 82-330 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 18906, OR 18663, OR 18667, OR 19337]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the Unites States:

Willamette Meridian

T. 20 S., R. 30 E.,
Sec. 20, N½S½.
T. 22 S., R. 30 E.,
Sec. 20, SE¼NE¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 28, S½NE¼ and SE¼;
Sec. 29, N½NW¼;
Sec. 33, N½NE¼;
Sec. 34, N½NW¼.
T. 24 S., R. 35 E.,
Sec. 1, Lot 4, SW¼NW¼, and W½SW¼.
T. 7 S., R. 41 E.,
Sec. 16, Lot 7;
Sec. 22, W½SW¼;
Sec. 27, N½NW¼.

The areas described aggregates 1,247.96 acres in Baker and Harney Counties, Oregon.

2. At 10 a.m., on February 11, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 11, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. All minerals in the following lands were and continue to be in the United States ownership. The lands have been and continue to be open to operation of the United States mining laws and the mineral leasing laws.

Willamette Meridian

T. 20 S., R. 30 E.,
Sec. 20, N½SW¼ and NW¼SE¼.
T. 22 S., R. 30 E.,
Sec. 28, S½NE¼, and SE¼;
Sec. 33, N½NE¼;
Sec. 34, N½NW¼;
T. 7 S., R. 41 E.,
Sec. 22, W½SW¼.

4. At 10 a.m., on February 11, 1982, the lands described in paragraph 1, except as provided in paragraph 3, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 30, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-420 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-84

Bureau of Reclamation

Tucson Aqueduct Phase A—Central Arizona Project, Arizona; Public Hearings on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental impact statement for the Tucson Aqueduct Phase A, authorized as part of the Central Arizona Project by the Colorado River Basin Project Act (Pub. L. 90–537) of September 30, 1968. This statement (INT DES 81–48 dated 11/23/81), filed with the EPA (Environmental Protection Agency), is available to the public as specified in the Notice of Availability.

The draft environmental impact statement supplements the general information for the Tucson Aqueduct system as covered in the final environmental statement for the overall Central Arizona Project which was filed with CEQ (Council on Environmental Quality) on September 26, 1972 (FES 72–35). The purpose of the aqueduct is to convey Colorado River water from the terminus of the Salt-Gila Aqueduct in south central Pinal County to the vicinity of Rillito in northern Pima County. Construction of the feature is scheduled to begin in mid-1983, with project completion scheduled for 1987.

Public hearings to receive comments on the draft statement will be held in Eloy, Arizona, at 1 p.m. on January 26, 1982, at the Social Service Center located at 100 East Seventh Street; and in Tucson, Arizona, at 1 and 7 p.m. on January 27, 1982, at the Tucson Community Center located at 350 South Church Street.

Oral presentations at the hearings will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral statement; however, the Hearing Officer may allow any speaker to provide additional oral comment after all persons wishing to make comments have been heard. Additional comments will be limited to 10 minutes. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his or her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted up to 4 p.m., January 22, 1982, and any subsequent requests will be handled on a first-come, first-serve basis following the scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact the Environmental Division, Bureau of Reclamation, Arizona Projects Office, Suite 2200—Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073, telephone (602) 261–3577, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentations will be accepted for the record until 4 p.m., January 28, 1982. Written comments should be addressed to the Environmental Division at the address listed above and should specify that they are to be included in the hearing record.

Dated: December 18, 1981.

Robert N. Broadbent,

Commissioner.

[FR Doc 82-486 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register** on April 11, 1977 (42 FR 18968), and September 10, 1977 (42 FR 52500).

Three U.S. Geological Survey records systems were erroneously included as Privacy Act Systems of records and are deleted as follows:

System name	Previously published at
1. Accident Reports and Investigations—Interior, GS–8.	42 FR 19056.
2. Lunar Sample—Interior, GS–10	42 FR 19057.
3. Correspondence—Interior, GS–22	42 FR 19061.

Part IX of the Appendix containing addresses of facilities of the Department which pertains to the U.S. Geological Survey (published at 42 FR 18982–18992)

is revised and updated. The detailed listing of U.S. Geological Survey field facilities is no longer required for use with the Bureau's system notices and is deleted. The revised Part IX of the Appendix is published below.

The following U.S. Geological Survey system notices are updated and republished in their entirety below:

System name	Previously published at
1. Payroll, Attendance and Leave Records—Interior, GS–1.	42 FR 19054.
2. Contract Files—Interior, GS–5	42 FR 19055.
3. Personal Property Accountability Records—Interior, GS–7.	42 FR 19056.
4. National Research Council Grants Program—Interior, GS–9.	42 FR 19057.
5. Security—Interior, GS–11	42 FR 19057.
6. Project Descriptions and Work Plans and Accomplishments—Interior, GS–12.	42 FR 19058.
7. Manuscript Processing—Interior, GS–13	42 FR 19058.
8. Cartographic Information Customer Records—Interior, GS–15.	42 FR 19059.
9. Office of Minerals Exploration (OME) Financial Assistance Applications—Interior, GS–16.	42 FR 19059.
10. Management Information System, National Mapping Division—Interior, GS–17.	42 FR 19059.
11. Photo File System—Interior, GS–20	42 FR 19060.
12. Mineral Lease and Royalty Accounting Files—Interior, GS–21.	42 FR 19060.
13. Personnel Investigations Records—Interior, GS–23.	42 FR 19061.
14. Employee Work Report Edit and Individual Employee Production Rates—Interior, GS–24.	42 FR 19062.
15. Water Data Sources Directory—Interior, GS–25.	42 FR 52500.
16. National Water Data Exchange User Accounting System—Interior, GS–26.	42 FR 52501.

Additional information regarding this notice may be obtained from Mr. Reed Phillips, Jr., Director, Office of Information Resources Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6194, or the Departmental Privacy Act Officer in that office, telephone 202–343–6191.

Dated: December 28, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Appendix

* * * * *

IX. U.S. Geological Survey:

U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092

* * * * *

INTERIOR/EGS–1

SYSTEM NAME:

Payroll, Attendance and Leave Records—Interior, GS—1.

SYSTEM LOCATION:

(1) Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092. (2) Input documents supplied by all facilities of the U.S. Geological Survery (For specific addresses, contact the System Manager).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Geological Survey Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; IRS tax lien data: savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data, jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed are included only as pertinent to the individual employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 5101, et seq.; Title 6, GAO Policy and Procedure Manual; 31 U.S.C. 66(a); Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to (a) to issue pay to employees, and (b) distribute pay according to the directions of employees for allotments, financial institutions, savings bonds, charitable institutions and other purposes authorized. Disclosures outside the Department of the Interior may be made to: (1) Report and send tax withholdings to the Internal Revenue Service and state and local taxing authorities; (2) report and send FICA deductions to the Social Security Administration; (3) report and send withholdings for health and life insurance to the Office of Personnel Management and authorized insurance carriers, (4) report and send contributions to agents of charitable institutions; (5) report and send deductions for dues to labor unions; (6) send W–2 statements annually to taxing authorities; (7) to the U.S. Department of Justice when related to litigation or anticipated litigation; (8) of information indicating a violation or potential violation of a statute, regulation, rule, order license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (9) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (10) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (11) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both machine readable and manual.

RETRIEVABILITY:

By name or social security number of employee.

SAFEGUARDS:

Storage equipment and rooms locked when not in used. Access is restricted to authorized personnel only. Computer and payroll personnel are instructed as to the need for security and confidentiality.

RETENTION AND DISPOSAL:

Retained on-site until GAO audit, then destroyed or transferred to Federal Records Center, as appropriate according to GAO fiscal records program, or GSA General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Viriginia 22092.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written and signed request is required from anyone seeking information concerning him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Requests for access to records should be addressed to the System Manager and must meet the requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Petitions for amendment should also be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Subject individuals, supervisors, timekeepers and personnel records.

INTERIOR/EGS–5

SYSTEM NAME:

Contract Files-Interior, GS–5.

SYSTEM LOCATION:

The primary location of this system of records is in the Branch of Procurement and Contracts, Geological Survey, National Center, Reston, VA 22092. These records are also maintained in several Survey administrative field offices. A listing of these locations may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contracts with the Geological Survey. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of contract information, from inception of requirement, through contract award, contract administration and completion of the contract. Copies of contractor and technical and cost proposals, documentation pertaining to the award, contract and miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 481.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is in awarding and administering contracts through their completion. Disclosure outside the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee; or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By name of individual contractor and by contract number.

SAFEGUARDS:

Proprietary technical and cost information maintained separately in locked cabinet.

RETENTION AND DISPOSAL:

Retained and disposed of according to GSA General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Policy and Procedures Section, Branch of Procurement and Contracts, Geological Survey, Department of the Interior, National Center, Reston, VA 22092.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information comes from the individual contractor.

INTERIOR/EGS–7

SYSTEM NAME:

Personal Property Accountability Records—Interior-GS–7.

SYSTEM LOCATION:

(1) Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092. (2) Administrative offices in all or substantially all field locations. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Survey employees who are accountable for government owned controlled property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of assignment of an internal identification number and acknowledgement of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to: (a) Maintain control over bureau owned and controlled property; (b) to maintain up-to-date inventory of the property and to record accountability for the property. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are both manual and computerized.

RETRIEVABILITY:

By employee social security number.

SAFEGUARDS:

Access by authorized employees only.

RETENTION AND DISPOSAL:

Disposed of in accordance with GSA records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual employees.

INTERIOR/EGS-9

SYSTEM NAME:

National Research Council Grants Program—Interior, GS—9.

SYSTEM LOCATION:

(1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for grants made through the National Research Council, who are assigned to the U.S. Geological Survey, Geologic Division under this program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, grade, title, organization, and place of birth of person being granted access. Also file of SF 171 and college transcripts for each individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 31, et seq., 5 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to evaluate individuals being considered for grants made through the National Research Council. Disclosures outside the Department of the Interior may be made: (1) To the National Research Council for evaluation purposes; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the Statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual system maintained in cardex and legal files showing data on Research Associates assigned to U.S. Geological Survey, Geologic Division under this program.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records disposed of periodically as prescribed under records control system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Geologist, U.S. Geological Survey, National Center Mail Stop 911, Reston, Virginia 22092, Phone (703) 860–6531.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 28, 1975).

INTERIOR/EGS-11

SYSTEM NAME:

Security—Interior, GS—11.

SYSTEM LOCATION:

(1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (Addresses may be obtained from the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Geologic Division employees who have been granted security clearances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Security Clearance, for Division personnel; contains name, grade, organization, social security number, and place and date of birth and type of security clearance of person being granted access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10501.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to keep current records on security clearances in the Geologic Division. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual systems maintained in locked cardex and legal size files.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with security meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records on former employees disposed under prescribed procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 911, Reston, Virginia 22092 Phone (703) 860–7429.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/EGS–12

SYSTEM NAME:

Project Description and Work Plans and Accomplishments—Interior, GS–12.

SYSTEM LOCATION:

Budget and Program Office, Office of the Chief Geologist, U.S. Geological Survey, Reston, Virginia 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientists who are in charge of one or more projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Project Description describes the objectives, location, and justification of the project. The Work Plans and Accomplishments is a yearly accountability of each project's scientific progress during the past year and a work plan for the coming year.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 31, 48, 49.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary uses of the records are (a) To track and account for the progress of various projects; (b) to develop a work plan for the next year; and (c) to keep scientists within the U.S. Geological Survey aware of the activities of the Geologic Division, either current or historic. Disclosure outside the Department of the Interior may be made (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefits; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit; (6) information from these records is provided annually to State Geological Surveys to keep them informed on current activities pertinent to their States; (7) information from these records is used to respond to various Congressional and other requests regarding the activities of the Geologic Division.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in an on-line computerized data base.

RETRIEVABILITY:

Data retrievable by project number and various ad hoc methods, i.e., key work, location of investigations, latitude and longitude, and name of Project Chief.

SAFEGUARDS:

Access to data for information purpose is unrestricted; however, data can only be appended or altered by authorized personnel such as the project chief or Information System Coordinators and Data Base Administrator in the Office of the Chief Geologist, Office of Program and Budget.

RETENTION AND DISPOSAL:

Completed project records are changed in status from "active" to "historic." Data is still available online; an archiving system will probably be developed over the next two years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief Geologist, Budget and Program Office, Office of the Chief Geologist, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

The information comes from the individuals who are in charge of one or more projects.

INTERIOR/EGS–13

SYSTEM NAME:

Manuscript Processing-Interior, GS–13.

SYSTEM LOCATION:

(1) Office of Scientific Publications, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional offices of the Geologic Division. (Addresses may be obtained from the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Geologic Division authors of Geo-Science publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains record by author or title on publication plans, status and location of all manuscript maps and reports in preparation or published by Geologic Division employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 31, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to maintain knowledge of and track publication plans, status of manuscript maps and reports in preparation being entered by Geologic Division employees. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary for its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form on cards.

RETRIEVABILITY:

Indexed by author and Geographic area.

SAFEGUARDS:

Maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Office of Scientific Publications, Geologic Division, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Same as above. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Authors.

INTERIOR/EGS–15

SYSTEM NAME:

Cartographic Information Customer Records-Interior, GS–15.

SYSTEM LOCATION:

(1) National Cartographic Information Center (NCIC), National Mapping Division, Geological Survey, Reston, VA 22092. (2) NCIC Field Offices (for specific locations contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested Cartographic Information directly from, or whose requests have been forwarded to the National Cartographic Information Center or its sponsored field centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, customer's inquiry, response to inquiry and appropriate accounting entries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Executive Order 3206. (2) OMB Circular A–16. (3) 31 U.S.C. 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for reference by Survey and Survey contract employees in processing customer inquiries, orders, and complaints. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders, correspondence recorded on microfilm, and key information recorded on magnetic tape in some instances;

RETRIEVABILITY:

Indexed by name of inquirer, cross indexed chronologically;

SAFEGUARDS:

Maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours;

RETENTION AND DISPOSAL:

Original hard copy destroyed after three years or sooner if recorded on microfilm. Indexes and microfilm maintained at least three years (longer if useful to operations or if active).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Cartographic Information Center, (NCIC), National Mapping Division, GS, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Customers on whom record is maintained and GS or GS contract information researchers.

INTERIOR/EGS–16

SYSTEM NAME:

Office of Minerals Exploration (OME) Financial Assistance Applications-Interior, GS–16.

SYSTEM LOCATION:

Office of Minerals Exploration, U.S. Geological Survey, Denver Federal Center, MS 933, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for financial assistance to explore mineral deposits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information furnished by the applicant in support of a loan application including financial eligibility, rights in land to be explored, operating experience and background to conduct the proposed exploration work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 85–701, 30 U.S.C. 642(e).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of these records is to evaluate applications for loans to conduct exploration projects. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders in metal filing cabinets.

RETRIEVABILITY:

Indexed by name of individual applicant and by docket number assigned to each application.

SAFEGUARDS:

Maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Complete file is retained until decision is reached on denial or approval. If denied or after period of contract obligation for royalty payments to the Government has expired—a period of ten years or more—file should be stripped of non technical material and placed in permanent storage. Discarded material is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Minerals Exploration, Geological Survey, U.S. Department of the Interior, Denver Federal Center, MS 933, Denver, CO 80225.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Same as the above. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Applicant on whom the file is maintained.

INTERIOR/EGS–17

SYSTEM NAME:

Management Information System, National Mapping Division-Interior, GS–17.

SYSTEM LOCATION:

U.S. Geological Survey, National Center, Mail Stop 580, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Mapping Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records concerning production planning, scheduling costs, manpower utilization, capacity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101, 43 U.S.C. 31, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) To control and manage publication production; (b) to accumulate costs for the purpose of billing Geological Survey Divisions. Disclosure outside the Department of the Interior may be made for: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintain in punch card and manual form.

RETRIEVABILITY:

Indexed by pertinent GS division, GS reports, phase of production.

SAFEGUARDS:

Maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Routinely disposed of as updated information is generated. Annual summaries are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Printing and Distribution Center, National Mapping Division, USGS, National Center, MS 580, 12201 Sunrise Valley Dr., Reston, VA 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is being maintained.

INTERIOR/EGS–20

SYSTEM NAME:

Photo File System—Interior, GS–20.

SYSTEM LOCATION:

Office of Earth Sciences Applications, U.S. Geological Survey, National Center, Mail Stop 301, Reston, VA 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S.G.S. employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1467.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to maintain photographs of USGS top level employees. Disclosure outside the Department of the Interior may be made: (1) To the public in presentations and publications; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statue, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or licensee; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

PIC cards 5 x 8.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Visual Information Services Office, Office of Earth Sciences Applications, Mail Stop 301, National Center, USGS, Reston, VA 22092.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Photographs of individuals employed by the U.S.G.S.

INTERIOR/EGS-21

SYSTEM NAME:

Mineral Lease and Royalty Accounting Files—Interior, GS–21.

SYSTEM LOCATION:

(1) U.S. Geological Survey, Conservation Division, Reston, Virginia 22092. (2) USGS Conservation Division Field Offices (for specific addresses, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lease or Permit Holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information, a re subject to the Privacy Act. The system also contains records concerning corporations and other business entities.These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease contractual terms, production, royalty, reserve and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Mineral Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) To manage mineral leases on public lands for which the Conservation Division is responsible; (b) to supervise the leases and permits; (c) to keep records of royalty accounts; (d) to control revenues; (e) to gather statistical data for planning and managing the mineral leasing program. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders, tab runs and information recorded on magnetic tape.

RETRIEVABILITY:

Indexed by lease number.

SAFEGUARDS:

Maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours.

RETENTION AND DISPOSAL:

Destroyed in accordance with the bureau's records disposal authority.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Conservation Division, GS, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

'Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Lessees, permittees and individuals on whom records are maintained.

INTERIOR/EGS-23

SYSTEM NAME:

Personnel Investigations Records—Interior, GS–23.

SYSTEM LOCATION:

Security Office, Office of the Director, USGS National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current USGS employees who (a) have been granted access to classified information; (b) are selected applicants considered for access to classified information; (c) are selected applicants

found unsuitable for access to classified information because unfavorable information was developed during the conduct of their security investigations; (d) are selected employees fulfilling sensitive or critical-sensitive positions not requiring access to classified information; and (e) are selected employees fulfilling non-sensitive positions whose employment suitability investigation disclosed unfavorable or questionable information. (2) Former USGS employees who (a) have been granted access to classified information, and (b) unfavorable or questionable information was disclosed as a result of a security or employment suitability investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position, reports of inquiries with or from law enforcement agencies, employers, and educational institutions attended; foreign affiliations which may affect his or her loyalty to the United States; and other information developed from the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive order 10450, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records and files may be disclosed and used as follows: (1) To designated officials, officers, and employees of the USGS, DOI, OPM, DOE, CIA, FBI, and all other agencies and departments of the Federal Government who in the performance of their duties have an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. (2) To all law enforcement agencies, whether Federal, State, or local, who are charged with the responsibility of investigating or prosecuting any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All investigative records are maintained in file folders stored in Class 5 security containers having manipulation resistant combination locks.

RETRIEVABILITY:

All records are indexed by surname in alphabetical order.

SAFEGUARDS:

The card index for this system of records is contained in a metal cabinet with a secure key locking device; the key is secured in a Class 5 security container. All containers and cabinets are further secured in a windowless room having one doorway which is secured by a key locking device. Both the key locking devices and combinations to the Class 5 security containers are under stringent security controls.

RETENTION AND DISPOSAL:

(a) The OPM investigative files are destroyed within 90 days after receipt by USGS. (b) All information supplementing the above OPM investigative files, originated by the USGS, is retained for two years following termination of awarded security clearance or employment, whichever occurs first, and is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer/Alternate Security Officer, USGS, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Written inquiries to the System Manager are required and must include the following information in order to positively identify the individual whose records are requested: (1) full name, (2) date of birth, (3) place of birth, (4) any available information regarding the type of record requested. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to and contesting the records from the above System Manager. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Same as above. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the following categories of sources: (1) Applications and other personnel and security forms furnished by the individual. (2) Results of investigations and other record material furnished by Federal agencies. (3) Notices of personnel actions initiated within the USGS.

INTERIOR/EGS-24

SYSTEM NAME:

Employee Work Report Edit and Individual Employee Production Rates—Interior, GS–24.

SYSTEM LOCATION:

(1) U.S. Geological Survey, National Mapping Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Eastern Mapping Center, National Mapping Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Mid-Continent Mapping Center, National Mapping Division, USGS Building, 1400 Independence Road, Rolla, Missouri 65401. (4) Rocky Mountain Mapping Center, National Mapping Division, Box 25046, Stop 510, Denver, Colorado 80225. (5) Western Mapping Center, National Mapping Division, 345 Middlefield Road, Menlo Park, California 94025.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Production employees in Mapping Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number, cost and production rates, hours, and miles by individual production employee in each of the five Mapping Centers listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 31, 1467.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for analysis of cost and production rate for individual employees and for units of National Mapping Division. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies, responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual;

(4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefits; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on punched cards, magtape, and disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access restricted to authorized persons only from locked storage.

RETENTION AND DISPOSAL:

Records maintained for a period of 1 to 5 years and then destroyed in accordance with existing regulations for this class of records.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief, Branch of Management Systems and Reports, Office of Program Management, National Mapping Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Chief, Program Management Branch, Eastern Mapping Center, National Mapping Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Chief, Branch of Plans and Production, Mid-Continent Mapping Center, National Mapping Division, USGS Building, 1400 Independence Road, Rolla, Missouri 65401. (4) Chief, Branch of Plans and Production, Rocky Mountain Mapping Center, National Mapping Division, Box 25046, Stop 510, Denver Federal Center, Denver, Colorado 80225. (5) Chief, Branch of Plans and Production, Western Mapping Center, National Mapping Division, 345 Middlefield Road, Menlo Park, California 94025.

NOTIFICATION PROCEDURE:

A request for notification shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the appropriate System Manager. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71 for submission requirements.

RECORD SOURCE CATEGORIES:

Data from work report prepared by individuals.

INTERIOR/EGS-25

SYSTEM NAME:

Water Data Sources Directory—Interior, GS–25

SYSTEM LOCATION:

(1) National Water Data Exchange (NAWDEX), Water Resources Division, U.S. Geological Survey, Reston, VA 22092. (2) NAWDEX Assistance Centers (for addresses contact the System Manager).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are sources of water or water-related data and services and to whom requesters can be referred to obtain water data held or services provided by them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains, name, address and telephone number of individuals who are sources of water or water-related data or information and other water-related services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Water Data Sources Directory is maintained under the authority of 43 U.S.C. 31 (28 Stat. 398), OMB Cir. A–67, and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referenced by (1) Geological Survey and Geological Survey contractor personnel in processing requests for water or water-related data, (2) Personnel of Local Assistance Centers listed in Appendix A of the National Water Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-governmental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing requests for water or water-related data, and (3) Users of NAWDEX including Federal, state-governmental, local-governmental, other public, and private organizations and private citizens in identifying sources of water and water-related data or services and transmitting requests for the acquisition of desired data or services. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computerized form on punch cards, magnetic disks or magnetic tape, printed lists, and a published directory available for public dissemination;

RETRIEVABILITY:

Retrievable by name, a unique identifier, geographical identifiers, and types of data or services available from the individual;

SAFEGUARDS:

Computer files are password protected to prevent unauthorized use, and all entry of information is made by Geological Survey personnel of the NAWDEX Program Office only;

RETENTION AND DISPOSAL:

Records retained indefinitely unless cancelled by a reported individual.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, National Water Data Exchange, U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

Any individual may inquire about information stored on themselves by submitting a written request to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Requests for access should be in writing addressed to the System Manager. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment must be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information stored may be obtained from the individual on whom the record

is maintained, organizations, or other individuals, with whom the individual identified in the record is associated, NAWDEX personnel, and NAWDEX-contracted information researchers.

INTERIOR/EGS-26

SYSTEM NAME:

National Water Data Exchange User Accounting System—interior, GS–26

SYSTEM LOCATION:

(1) National Water Data Exchange (NAWDEX), Water Resources Division, U.S. Geological Survey, Reston, VA 22092. (2) NAWDEX Assistance Centers (for addresses contact the System Manager).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested water data from or to whom information has been sent by the National Water Data Exchange and its Local Assistance Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, and telephone number, types of data requested, type of response made, types and volumes of data provided and appropriate cost accounting procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The User Accounting System is maintained under authority of 43 U.S.C. 31 (Stat. 398), OMB Cir. A–67, and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) By Geological Survey and Geological Survey contractor personnel in processing user requests for data, (2) By personnel of Local Assistance Centers of the National Water Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-government, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing user requests for data, (3) By the personnel in (1) and (2) above for verification of responses referred to other organizations for data acquisition, program planning and accounting, cost effectiveness computations, and follow-up on quality of service provided. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders and on magnetic computer storage devices;

RETRIEVABILITY:

Indexed by geographic location of requester and cross-indexed by name of requester, in chronological order, and by request record number;

SAFEGUARDS:

Maintained in areas occupied by NAWDEX personnel during working hours with building locked and/or guarded during off-duty hours. Computer files are password protected to restrict unauthorized use;

RETENTION AND DISPOSAL:

Original hard copy destroyed after a period not to exceed five years. Computerized file copy destroyed after a period not to exceed five years. All records may be retained longer, with permission of subject individual requester transactions.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, National Water Data Exchange (NAWDEX), U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

A written and signed request to the System Manager stating that the requester seeks information concerning records pertaining to himself or herself is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment must be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained or individuals or organization requesting data be sent to the individual on whom the record is maintained.

[FR Doc. 82–326 Filed 1–6–82; 8:45 am]
BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: January 4, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

A. (1) Agriland Trucking Cooperative Association, Incorporated.

(2) 2700 Esquire Dr., Boise, Idaho 83704.

(3) 2700 Esquire Dr., Boise, ID 83704.

(4) R. J. Redmond, 2700 Esquire Dr., Boise, ID 83704.

B. (1) Dairymen, Inc.

(2) 10140 Linn Station Rd., Louisville, KY 40223.

(3) a. Georgia Division—5304 Panola Industrial Blvd., Decatur, GA 30031.

b. Gulf Div.—P.O. Box 667 Enon Hwy. Franklinton, LA 70438.

c. Kyana Div.—P.O. Box 18118, Louisville, KY 40218.

d. Old Dominion Div.—P.O. Box 27522, Richmond, VA 23261.

e. Southeast Div.—P.O. Box 1099, Bristol, VA 24201.

(4) Mr. Beverly Williams, 10140 Linn Station Rd., Louisville, KY 40223.

C. (1) Farmers Union Grain Terminal Association.

(2) P.O. Box 43594, St. Paul, MN 55164.

(3) Albany, GA; Olathe, KS; Albert Lea, MN; St. Paul, MN; Mankato, MN; Sioux Falls, SD; Waukesha, WI; Navasota, TX (For street addresses, contact James Niemczyk, P.O. Box 43594, St. Paul, MN 55164).

(4) James Niemczyk, P.O. Box 43594, St. Paul, MN 55164.

D. (1) Indiana Farm Bureau Cooperative Association, Inc.

(2) 120 East Market St., Indianapolis, IN 46204.

(3) 120 East Market St., Indianapolis, IN 46204.

(4) Charles Shaw, 120 East Market St., Indianapolis, IN 46204.

E. (1) Moyer Trucking Company, Inc.

(2) P.O. Box 639, Norco, CA 91760.

(3) Calle Regina, Monterrey, N.L. Mexico.

(4) Oblester Garcia, Calle Regina #446, Col. Regina, Monterrey, N.L. Mexico.

F. (1) Neillsville Co-Op Transport.

(2) Box 30, Highways 73 and 95, Neillsville, WI 54456.

(3) Box 30, Highways 73 & 95, Neillsville, WI 54456.

(4) L. H. Fankhauser, Box 30, Neillsville, WI 54456.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-349 Filed 1-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 216]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: December 31, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 28956 (Sub-26)X, filed December 14, 1981. Applicant: McKAY'S TRUCK LINE, INC., P.O. Box 634, Albany, OR 97321. Representative: Lawrence V. Smart, 419 N.W. 23rd Ave., Portland, OR 97210. Lead and Subs-16, 18, 20F, 21F, and 24F certificates; (1) Lead, remove all restrictions in the general commodities authority "except classes A and B explosives, household goods, and commodities in bulk"; (2) broaden to: (a) Sub-16, "food and related products" from dry feed and dry feed ingredients; (b) Subs-18 and 21, "pulp, paper and related products" from paper and paper products; (c) Sub-20, "chemicals and related products" from magnesium flux; and (d) Sub-24, "waste or scrap materials not identified by industry producing" from radioactive waste material; (3) remove restrictions requiring shipments to be "in bulk, in tank or hopper type vehicles," and "in bags and barrels"; (4) in the regular-route portion of the lead, authorize service at all intermediate points; (5) in the irregular-route authorities, broaden plantsites and points to countywide: lead, Multnomah, Clackamas and Washington Counties, OR (points within 3 miles of Portland); Subs-18 and 20, Linn and Benton Counties, OR (plantsite near Albany, and facilities at Millersburg); (6) Sub-21, remove the restriction limiting transportation of traffic to that originating at or destined to the facilities of a named company and change to radial authority between named facilities at points in 5 states, and, points in the 5 states; and (7) Sub-20, change from one-way to radial authority.

MC 92959 (Sub-3)X, filed November 20, 1981. Applicant: WOLVERTON DRAY LINE, INC., P.O. Box 36, Foxhome, MN 56543. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Lead and Subs 1F and 2F certificates: (A) Remove all exceptions from the general commodities description except classes A and B explosives, lead; and (B) Broaden (1) from (a) new furniture and doors to "furniture and fixtures and building materials", Sub 1F; and (b) vegetable oils, vegetable meal and by-products thereof to "food and related products", Sub 2F; and (2) to county-wide authority: (a) Wilkin and Clay Counties, MN and Richland County, ND (points within 6 miles of Wolverton, MN, including Wolverton, MN) Lead irregular route portion; (b) Wilkin County, MN (Wolverton), Sub 1F; and (c) Cass County, ND (Riverside), Sub 2F.

MC 116457 (Sub-54)X, filed November 24, 1981. Applicant: GENERAL TRANSPORTATION, INC., P.O. Box 6484, Phoenix, AZ 85005. Representative: Andrew V. Baylor, 337 East Elm Street, Phoenix, AZ 85012. Subs 2, 9, 11, 12, 15, 19, 20, 21, 24, 27, 28, 31F, 34F, 35F, 36F, 42F, 43F, 45F, 46F, 47F, 48F, 50F and 53F, broaden: (1) Sub 2, from lumber, wood piling, poles, posts, ties and timbers to "lumber or wood products"; roofing and roofing products, Sub 9, and from composition and prepared roofing, Sub II, to "building materials"; from lumber to "lumber or wood products", from particle board, and brick, to "building materials"; Sub 12, from lumber; Sub 15, from lumber, particle board, and boards or sheets made from ground wood, to "lumber or wood products"; Sub 19, from lumber, forest products and particle board, to "lumber and wood products, and forest products", from lumber, plywood, paneling and pressed board of ground wood, to "lumber and wood products"; Sub 20, brick, structural, glazed tile, fluelining, ceramic floor and wall tile, fire clay, and commodities used in the installation thereof, to "clay, concrete, glass or stone products"; Sub 21, from stone, to "building materials", from lumber, to "lumber and wood products", from brick, to "building materials", from boards or sheets made of ground wood, to "lumber and wood products"; Sub 24, from forest products, timbers, guard-rail posts, ties and crossarms, to "forest products and lumber and wood products", Sub 27, from logs, materials, lumber, hardware and accessories used in the erection of log building and poles, railings and posts used in the erection of fences, to " building materials and lumber and wood products"; Sub 28, from compressed wood fireplace logs and compressed wood brickettes, to "lumber and wood products"; Sub 31F, from refractories and commodities used in the installation of refractories, to "clay, concrete, glass or stone products"; Sub 34F, from wastepaper cardboard, waste newsprint and wastepaper products, for reuse or recycling, to "waste or scrap materials"; Sub 35F,

from prefabricated exterior wall panels, to "lumber and wood products and metal products"; Sub 36F, from gypsum wallboard, gypsum lath, gypsum wallboard systems, gypsum products and plaster, to "building materials"; Sub 42F, from prefabricated metal buildings, knocked down and component parts, materials and accessories for prefabricated metal building, to "metal products"; Sub 43F, from roofing, roofing materials insulation materials, roofing supplies and products, to "building materials"; Sub 45F, from lumber, lumber products, wood products, composition board, wood mouldings and forest products, to "lumber and wood products"; Sub 46F, from insulation materials, polystyrene products, eurethane products, insulated building panels, paint, wood fibre products, to "building materials and lumber and wood products"; Sub 47F from, gypsum wallboard systems, gypsum products, plastic products and tools, to "building materials"; Sub 48F from (1) such commodities as are dealt in by wholesale, retail, chain grocery and feed business houses, (2) materials, ingredients, and supplies used in the manufacture, distribution and sale of the commodities in (1) above, (3) feeds, (4) salt (except in bulk), (5) fertilizer, in containers, to "such commodities as are dealt in by wholesale, retail, chain grocery and feed business houses"; Sub 50F from (1) gypsum products, plaster products, to "building materials", Sub 53F from (1) pipe and pipe fittings, and materials and supplies used in the installation of pipe and pipe fittings and (2) construction materials to "building and construction materials" and (2) remove facilities limitation and/or broaden city to county-wide authority, (a) El Paso, TX to El Paso County; Stroud, OK to Creek County, Sub 2; (b) Dallas and Houston, TX to Dallas and Harris Counties, Sub 9; (c) Pie Town, Alamogordo and Reserve, NM to Catron and Otero Counties, Sub 12; (d) Medford, Ashland, White City, Wolf Creek, Grants Pass, Glendale, Riddle, Dillard, Roseburg, Remote, Cottage Grove, Eugene, Portland, Tillamook, OR to Coos, Douglas, Jackson, Lane, Multnomah, Josephine and Tillamook Counties; Redding, Ukiah, Eureka, Susonville and Hoopa, CA to Lassen, Mendocino and Shasta Counties, Sub 21; (e) Spanish Fork, UT to Utah County, Sub 42; (f) Denver, CO to Adams, Arapahoe, Gilpin and Jefferson Counties and Flagstaff, AZ to Coconino County, Sub 48; (g) Tracey, CA to San Joquin County, Sub 52, (3) from ports of entry at named points to all ports of entry in AZ, Sub 21 and in AZ and TX, Sub 2; (4) remove originating at and/or destined to, in bulk, in tank vehicles restrictions in various subs; (5) remove restrictions against (a) lumber from named in points to AZ, Sub 19, (b) transportation of shipments from Salt Lake City and Harrisville, UT to OR, Sub 20, (c) ceramic floor and wall tile from TX to NM, Sub 20, and (d) transportation to points in the Los Angeles and Los Angeles Harbor Commercial Zones, Sub 21; (e) transportation from CO to UT, Sub 43; and (6) to radial authority.

MC 119864 (Sub-78)X, filed December 18, 1981. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perryburg, OH 43551. Representative: Brian D. Craig (same address as applicant). Sub-No. 77: Eliminate the restriction against: (1) Commodities in bulk; (2) service on specified commodities from or to specified points and between named points in IA, IL, IN, KY, MI, MO, OH, and WI; (3) Eliminate restrictions against service named facilities; and (4) delete originating at or destined to restriction, in its authority to transport such commodities as are dealt in or used by grocery and food business houses between points 8 midwestern States.

MC 127019 (Sub-18)X, filed December 18, 1981. Applicant: LA RUE LAMB TRUCKING, INC., P.O. Box 374, Myton, UT 84052. Representative: Irene Warr, Suite 280, 311 South State Street, Salt Lake City, UT 84111. Subs-3, 7, and 14F certificates, broaden: (1) Subs-3 and 7, to "ores and minerals" from granulated gilsonite (natural asphaltum), in bulk, and from gilsonite in bulk; Sub-14, to "clay, concrete, glass or stone products" from cement, in bulk; (2) Sub-14, to Potter County, TX (facilities near Bushland); (3) Sub-3, remove exception against service to Craig, CO; and (4) replace one-way operations with radial service.

MC 138701 (Sub-9)X, filed December 18, 1981. Applicant: G. D. & K., INC., 500 West Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Subs 4F and 5F permits. Broaden to between points in the U.S., under continuing contract(s) with named shippers.

MC 146938 (Sub-3)X, filed December 21, 1981. Applicant: TRI-J TRUCKING, INC., 1608 Whipple Road, Union City, CA 94587. Representative: Eldon M. Johnson, 650 California Street, Ste. 2808, San Francisco, CA 94108. Sub-No. 1F permit, broaden (1) to: "Food and related products" from foodstuffs, except commodities in bulk in tank vehicles, and unfrozen bakery goods, in parts 2 and 3; and (2) to "between points in the U.S.," under continuing contract(s) with the named shippers in Parts 1, 2 and 3.

MC 148520 (Sub-4)X, filed November 25, 1981. Applicant: M & R TRUCKING, INC., 114 Hardenburgh Ave., Demarest, NJ 07627. Representative: Frank J. Carley, P.O. Box 487, Ashland, VA 23005. Sub 2F permit broaden (1) to "food and related products" from meat, packing-house products and commodities used by packing houses and (2) to between points in the United States, under continuing contract(s).

MC 151195 (Sub-1)X, filed October 28, 1981, previously noticed in the **Federal Register** of November 9, 1981, republished as follows: Applicant: DUWAINE HELLICKSON, P.O. Box 146, Ostrander, MN 55961. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks to remove a facilities restriction at and broaden Ashland, KY to the Counties of Boyd and Greenup, KY, Wayne, WV, and Lawrence, OH. The purpose of the republication is to note the omitted Counties of Wayne, WV, Greenup, KY, and Lawrence, OH which are embraced by the Ashland, KY commercial zone.

[FR Doc. 82-348 Filed 1-6-82; 8:45 am]
BILLING CODE 7035-01-M

Rail Carriers; Section 5b Application No. 12; National Railroad Freight Committee—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of proposed rate bureau agreement.

SUMMARY: An agreement was filed November 2, 1981 on behalf of the members of the National Railroad Freight Committee for approval under the provisions of 49 U.S.C. 10706(a). This interterritorial agreement relates to procedures for the joint consideration or establishment of uniform classification for freight via rail, as well as rules, ratings, and descriptions for packaging and loading. Approval of this agreement must be based upon a finding that the making and carrying out of the agreement will further the transportation policy of 49 U.S.C. 10101(a). The agreement was filed allegedly in compliance with 49 CFR 1331.3. The complete application may be inspected at the Office of the Commission in Washington, DC.

DATES: Comments should be filed by February 22, 1982, following publication of this notice in the **Federal Register.**

Any reply will be due 20 days after the comment deadline.

ADDRESS: Comments should be addressed to: Interstate Commerce Commission, Office of Proceedings, Room 5354, 12th and Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275-7656.

SUMMARY INFORMATION: In 1953, the Commission approved an agreement relating to packaging, loading and classifying freight transported by rail. *Section 5a Application No. 26, Railroad Interterritorial Agreement,* 287 I.C.C. 701 (1953). In 1976, Congress passed the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, and the Commission issued its findings in an investigation of the rate bureau system. Ex Parte No. 297, *Rate Bureau Investigation,* 351 I.C.C., 477 (1976). An amended interterritorial agreement was then filed for review. *Section 5b Application No. 5, Railroad Interterritorial Agreement.* Interim approval for this agreement was granted by an order of October 26, 1976.

In 1980, Congress passed the Staggers Rail Act of 1980, Pub. L. 96-448, which significantly altered the rate bureau framework. On January 21, 1981, the Commission served a decision interpreting 49 U.S.C. 10706(a). *Section 5b Application No. 2, Western Railroads—Agreement,* 364 I.C.C. 635 (1981).

The National Railroad Freight Committee has now filed a new agreement to replace Application No. 5. It submits that the scope and purpose of this agreement are of nationwide application and importance. The need for uniformity in classification, packaging and shipping is critical for the movement of rail freight. It claims that applying the decision in *Section 5b Application No. 2, supra,* to its activities would be inappropriate. It has filed this new agreement to resolve existing confusion and questions of applicability of that decision to this bureau's operations.

In considering an agreement for approval, the standard of review involves the resolution of issues such as: (1) whether the proposed agreement would enhance one or more transportation goals, (2) whether the advantages of the agreement override other considerations such as the anticompetitive nature of the agreement, and (3) whether the agreement is necessary or whether the objectives of the parties could be accomplished instead by some other means. *Lower Lakes Coal Demurrage—Agreement, 359 I.C.C. 363, 368 (1978).*

Any interested person may participate in this proceeding. We have already received several supporting comments from various shippers. We particularly seek comment on the effects of *Consolidated Rail Corp.—Eliminate Dk. No. 28300,* 364 I.C.C. 615 (1981), on the uniform classificaton of rail freight. We also ask for comments as to the applicability, if any, of 49 U.S.C. 10706(a)(3)(A) (i), (ii), and (iii) to the scope of this agreement. In other words, must classification (which may affect the level of a rate) adhere to the Staggers Act restrictions on collective consideration?

The decision will not significantly affect either the quality of the human environment or energy resources.

(49 U.S.C. 10706)

Dated: December 29, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-350 Filed 1-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 27)]

Rail Carriers; Baltimore and Ohio Railroad Co. Abandonment Between Flora and Sangamon Junction in Clay, Effingham, Fayette, Shelby, Christian and Sangamon Counties, IL; Notice of Findings

The Commission has issued a certificate authorizing Baltimore and Ohio Railroad Company to abandon its 103.29 mile rail line between Flora (Station 3961+17) and Sangamon Junction (Station 9415+49) in Clay, Effingham, Fayette, Shelby, Christian and Sangamon Counties, IL. The abandonment certificate will be effective February 8, 1982 unless the Commission also finds that: (1) a financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Dated: December 21, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-351 Filed 1-6-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.120]

Mission Directors, Asia; Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Directors in the below-listed countries the authorities to:

(1) Sign grants to foreign nongovernmental nonprofit organization provided that the life-of-grant does not exceed $5 million; and any amendments that may not increase by more than ten percent (10%) the total initially authorized by the Mission Director for the life-of-project; and

(2) Make advance payments under grants to foreign nongovernmental nonprofit organizations; provided That Project Identification Documents for grant projects are submitted for review and approval to the ASIA Bureau in AID/W prior to project approval by the Mission and that the respective Mission Director has consulted with the Regional Legal Advisor and Technical Advisors as appropriate.

Countries

Bangladesh	Pakistan
India	Philippines
Indonesia	Sri Lanka
Nepal	Thailand

The authority herein delegated shall not be redelegated but may be exercised by authorized persons who are performing the functions of the Mission Director in an acting capacity.

The authority redelegated herein shall be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise the functions herein redelegated.

This redelegation of authority is effective on the date of signature.

Dated: November 4, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-333 Filed 1-6-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.121]

Mission Directors and AID Principal Officers, Africa; Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the below-listed countries the authorities to:

(1) Sign grants to foreign nongovernmental nonprofit organizations provided that the amount does not exceed $5 million, and amendments thereto having a cumulative value up to ten percent (10%) of the original grant; and

(2) Make advance payments under grants to foreign nongovernmental nonprofit organizations; provided

That Project Identification Documents for grant projects are submitted for review and approval to the AFRICA Bureau in AID/W prior to project approval by the Mission and that the respective Mission Director or A.I.D. Principal Officer has consulted with the Regional Legal Advisor and Technical Advisors as appropriate.

Countries

Cameroon
Chad
Ghana
Kenya
Liberia
Mali
Mauritania
Niger
Senegal
Somalia
Sudan
Swaziland
Tanzania
Upper Volta
Zaire

The authority herein delegated shall not be redelegated but may be exercised by authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The authority redelegated herein shall be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise the functions herein redelegated.

This redelegation of authority is effective on the date of signature.

Dated: November 4, 1981.

Hugh L. Dwelley,

Director, Officer of Contract Management.

[FR Doc. 82-334 Filed 1-6-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.122]

Mission Directors and AID Principal Officers, Latin America/Caribbean; Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the below-listed countries the authorities to:

(1) Sign grants to foreign nongovernmental nonprofit organizations provided that the amount does not exceed $5 million, and amendments, including those effecting an increase of the authorized amount of not to exceed ten percent (10%) of the grant; and

(2) Make advance payments under grants to foreign nongovernmental nonprofit organizations; provided

That Project Identification Documents, Project Papers or other comparable documents for project authorization, are submitted for review and approval to the LAC Bureau in AID/W prior to project approval by the Mission and that the respective Mission Director or A.I.D. Principal Officer has consulted with the Regional Legal Advisor or GC/LAC, and Technical Advisors as appropriate.

Countries:

Bolivia
Costa Rica
Ecuador
Guatemala
Guyana
Haiti
Jamaica
Nicaragua
Panama
Peru
Regional Development Officer of the Caribbean (RDO/C)
Santo Domingo
San Salvador

Paraguay, Mission Director, and the Regional Office for Central American Programs (ROCAP), Director, are authorized to sign grants to foreign nongovernmental nonprofit organizations provided the life-of-grant does not exceed $500,000, and make advance payments, provided the respective Mission Director or Director has consulted with the Regional Legal Advisor or GC/LAC, as appropriate.

The authority herein delegated shall not be redelegated but may be exercised by authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The authority redelegated herein shall be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise the functions herein redelegated.

This redelegation of authority is effective on the date of signature.

Dated: November 4, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-335 Filed 1-6-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.123]

Mission Directors and AID Principal Officers, Near East Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the below-listed countries the authorities to:

(1) Sign grants to foreign nongovernmental nonprofit organizations provided that the amount does not exceed $5 million, and amendments thereto having a cumulative value up to ten percent (10%) of the original grant; and

(2) Make advance payments under grants to foreign nongovernmental nonprofit organizations; provided

That Project Indentification documents, Project Papers or other comparable documents for project authorization, are submitted for review and approval to the Near East Bureau in AID/W prior to project approval by the Mission and that the respective Mission Director or A.I.D. Principal Officer has consulted with the Mission or AID/W Legal Advisor and Technical Advisors as appropriate.

Countries

Egypt
Jordan
Morocco
Tunisia
Yemen

Lebanon and Portugal A.I.D. Principal Officers are authorized to sign grants to foreign nongovernmental nonprofit organizations provided the amount does not exceed $500,000, and make advance payments, provided the respective A.I.D.

Principal Officer has prior approval from Near East Bureau, AID/W, and has consulted with the Mission or AID/W Legal Advisor and Technical Asdvisors as appropriate.

The authority herein delegated shall not be redelegated but may be exercised by authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The authority redelegated herein shall be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to excercise the functions herein redelegated.

This redelegation of authority is effective on the date of signature.

Dated: November 4, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-330 Filed 1-6-82; 8:45 am]

BILLING CODE 8116-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-1]

Burroughs Wellcome Co.; Approval of Registration

On July 26, 1979 the Drug Enforcement Administration (DEA) gave notice that Burroughs Wellcome Co. (Burroughs), P.O. Box 1887, U.S. 11-13 North, Greenville, North Carolina 27834, had applied for registration as an importer and bulk manufacturer of certain controlled substances. The notices concerning these applications were published in the **Federal Register**, Volume 44, at page 43821. Penick Corporation, Merck & Co., Inc., and Mallinckrodt, Inc., filed objections to Burroughs' applications and requested, pursuant to 21 CFR 1301.43, that DEA conduct a hearing on the issues raised thereby. The objecting companies were entitled to a hearing by virtue of being registered manufacturers of the same controlled substances which Burroughs was seeking to manufacture.

On January 15, 1981, the Deputy Administrator of the DEA referred this matter to Administrative Law Judge Francis L. Young. The Deputy Administrator noted that DEA's Office of Compliance and Regulatory Affairs had analyzed Burroughs' applications and had found that the firm demonstrated an ability to meet the essential requirements of Sections 303, 1002 and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 823, 952 and 958. The Deputy Administrator reqeusted that the Administrative Law Judge conduct the hearing in this matter and that he report his findings to the Administrator.

A preliminary prehearing conference was held in this matter on March 6, 1981. As of that time, the list of participants had been expanded to include agency counsel, representatives of McNeilab, Inc., Lee Laboratories and Argon Research Corporation, as well as the applicant and the three original objecting parties. Pursuant to a protective order entered by the Administrative Law Judge, Burroughs was required to provide copies of its registration documents to each of the other participants and a schedule for the filing of additional, and more particularized, statements of objection was established.

On April 15, 1981, the Administrator published his final order in *McNeilab, Inc.*, Docket No. 78-13. Shortly thereafter, Merck & Co. and Millinckrodt, Inc. filed petitions for review of the Administrator's decision. So as not to unnecessarily relitigate issues previously decided by the Administrator, Burroughs and the three objecting parties entered into a stipulation in which they agreed, essentially, to be governed by the outcome of the appellate review of the *McNeilab* decision. The Administrative Law Judge approved the stipulation on July 1, 1981, and further proceedings were stayed indefinitely. The appeals of the Administrator's decision proved to be short-lived. Mallinckrodt's petition for review was dismissed on August 12, 1981, and Merck's was dismissed on November 3, 1981, just one week prior to the date on which the U.S. Court of Appeals for the Eighth Circuit was to hear oral argument. With the dismissal of all appeals, the *McNeilab* decision became final and, pursuant to their agreement with Burroughs, the three objecting paties withdrew their requests for a hearing on Burroughs' applications. The Administrative Law Judge entered an order terminating proceedings in this matter on December 8, 1981.

The Acting Administrator of the Drug Enforcement Administration has reviewed this matter and finds that the applications of Burroughs Wellcome Co. are consistent with the public interest and with United States obligations under international treaties, conventions and protocols now in effect. See, *McNeilab, Inc.*, Docket No. 78-13, 46 FR 22069 (April 15, 1981); *Millinckrodt, Inc.*, Docket No. 80-7, 46 FR 24747 (May 1, 1981).

Therefore, under the authority vested in the Attorney General by 21 U.S.C. 823 and 958, as redelegated in 28 CFR 0.100, the Acting Administrator hereby orders that the applications of Burroughs Wellcome Co. be granted, contingent upon the successful completion of all necessary actions outlined in the applications and the ultimate approval of those actions by the Drug Enforcement Administration.

This order is effective January 7, 1982.

Dated: December 30, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-308 Filed 1-6-82; 8:45 am]

BILLING CODE 4410-09-M

Lee Laboratories, Inc.; Approval of Registration

On January 24, 1979, the Drug Enforcement Administration gave notice that Lee Laboratories, Inc., 2999 Frontage Road, Petersburg, Virginia 23803, had applied for registration as an importer and bulk manufacturer of certain controlled substances. The notices concerning these applications were published in the **Federal Register**, Volume 44, at pages 5025 and 5026.

Pursuant to Title 21, Code of Federal Regulations, § 1301.43, Mallinckrodt, Inc., Penick Corporation and Merck & Co., Inc., filed objections to Lee Laboratories' applications and requested that the Drug Enforcement Administration conduct a hearing on the issues raised thereby. The objecting companies were entitled to a hearing by virtue of being manufacturers of the same controlled substances which Lee Laboratories had applied to manufacture. Each of the objecting companies has since withdrawn its objections and requests for a hearing.

The Drug Enforcement Administration's Office of Compliance and Regulatory Affairs has analyzed Lee Laboratories' applications and has found that the company has demonstrated an ability to meet the essential requirements of Sections 303, 1002 and 1008 of the comprehensive Drug Abuse Prevention and Control Act of 1970, Title 21, United States Code, Sections 823, 952 and 958.

The Acting Administrator of the Drug Enforcement Administration finds that the applications of Lee Laboratories, Inc., are consistent with the public interest and with the United States obligations under international treaties, conventions and protocols now in effect. See, *McNeilab, Inc.*, Docket No. 78-13, 46 FR 22069 (April 15, 1981);

Mallinckrodt, Inc., Docket No. 80–7, 46 FR 24747 (May 1, 1981). Therefore, under the authority vested in the Attorney General by 21 U.S.C. 823 and 958, as redelegated in 28 CFR 0.100, the Acting Administrator hereby orders that the applications of Lee Laboratories, Inc., be granted, contingent upon the successful completion of all necessary actions outlined in the applications and the ultimate approval of those actions by the Drug Enforcement Administration.

This order is effective January 7, 1982.

Dated: December 30, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–399 Filed 1–6–82; 8:45 am]

BILLING CODE 4410–09–M

McNeilab, Inc.; Approval of Registration

On July 2, 1981, the Drug Enforcement Administration gave notice that McNeilab, Inc., 803 East Fourth Street, Wilmington, Delaware 19801, had applied for registration as an importer and bulk manufacturer of certain controlled substances. The notices concerning these applications were published in the **Federal Register**, Volume 46, at pages 34732 and 34733.

Pursuant to Title 21, Code of Federal Regulations, § 1301.43, Penick Corporation, Merck & Co., Inc., and the Burroughs Wellcome Company filed objections to McNeilab's applications and requested that the Drug Enforcement Administration conduct a hearing on the issues raised thereby. The objecting companies were entitled to a hearing by virtue of being manufacturers of the same controlled substances which McNeilab had applied to manufacture or by virtue of being applicants for similar registrations. Each of the objecting companies has since withdrawn its objections and requests for a hearing.

The Drug Enforcement Administration's Office of Compliance and Regulatory Affairs has analyzed McNeilab's applications and has found that the company has demonstrated an ability to meet the essential requirements of Sections 303, 1002 and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Title 21, United States Code, Sections 823, 952 and 958.

The Acting Administrator of the Drug Enforcement Administration finds that the applications of McNeilab, Inc., are consistent with the public interest and with United States obligations under international treaties, conventions and protocols now in effect. See, *McNeilab, Inc.*, Docket No. 78–13, 46 FR 22089 (April 15, 1981); *Mallinckrodt, Inc.*, Docket No. 80–7, 46 FR 24747 (May 1, 1981).

Therefore, under the authority vested in the Attorney General by 21 U.S.C. 823 and 958, as redelegated in 28 CFR 0.100, the Acting Administrator hereby orders that the applications of McNeilab, Inc., be granted, contingent upon the successful completion of all necessary actions outlined in the applications and the ultimate approval of those actions by the Drug Enforcement Administration.

This order is effective January 7, 1982.

Dated: December 30, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–397 Filed 1–6–82; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 20, 1981, Eli Lilly Industries, Inc., Chemical Plant, Kilometer 1467, State Road 2, Mayaquez, Puerto Rico 00708, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Dextropropoxyphene (9273).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 8, 1982.

Dated: December 29, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–400 Filed 1–6–82; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel (Production: Film/Video); National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Production: Film/Video) to the National Council on the Arts will be held on January 25–27, 1982, from 9:00 a.m.–5:30 p.m., in the 12th floor screening room of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the Nationl Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82–344 Filed 1–6–82; 8:45 am]

BILLING CODE 7537–01–M

Music Panel (Recording); National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Recording) to the National Council on the Arts will be held on January 19, 1982, from 9:30 a.m.–6:00 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the

determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

December 22, 1981.

[FR Doc. 82–345 Filed 1–6–82; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Responses: Availability

Recommendation Responses from—

Federal Aviation Administration: Dec. 21, A–81–132 through –138: The simulation program at terminal facilities with automated radar is being upgraded; radar controller "skill level" demonstration concept is being studied; separate alarms are not needed for low-altitude/conflict alerts; ARTS III facilities being redesigned to provide individual audio signals, will not redesign low-altitude/conflict alert system at ARTS III facilities to make visual alert unique; FAA Handbooks 7110.65B and 7210.3F are adequate; unable to dictate standard equipment configuration; sees merit of video recording and playback system, but must compete with higher priority safety equipment needs. *Dec. 21, A–79–21 and 22.* No additional AD action will be taken. *Dec. 21, A–79–36:* Issued Change No. 4, to FAA Order 8130.2B, Sec. 5, para. 132 d&e. *Dec. 21, A–80–41:* Has issued Change 44 to FAA Order 8340.1A. *Dec. 21, A–81–14:* Existing 14 CFR 121 and 135 operations regulations adequately address fuel requirements for normal/abnormal occurrences. *Dec. 21, A–81–63:* Has revised Pratt & Whitney JT9D engine manual. *Dec. 21, A–115 through –118:* Suggests review of A–81–113 and –114; is reexamining 14 CFR 25 environmental icing criteria; plans no further action on –117; will correct inconsistent definitions in Sec. 91.209(c) and 135.227(c).

Federal Railroad Administration: Dec. 7, R–80–38: Additional Federal regulations are duplicative/unnecessary. *Dec. 14, R–78–43:* Minimum gauge allowed in curve track (49 CFR 213.53) is appropriate. *Dec. 14, R–80–36:* Projected costs far outweight benefits of automatic block system mechanism to indicate bridge displacement. *Dec. 14, R–80–31 and 32:* Will study safe construction, maintenance, and operation of passenger equipment according to Sec. 202 of Federal Railroad Safety Act of 1970; sees no need for regulations on degree of deviations for external rail defects. *Dec. 14, I–80–2:* Will coordinate with AAR in its "Integrity of Damaged Tank Cars" program. *Dec. 14, R–80–6 and –7:* Studies underway to produce model guidelines to industry/public agencies on emergency response/wreck clearing procedures; will work with AAR to prepare emergency response guidelines. *Dec. 14, R–71–47, R–78–29, –30, –24, and –28:* Has initiated several joint management/labor projects to address emergency procedures training; promulgated 49 CFR Part 221—Rear End Marking Devices—Passenger, Commuter, and Freight Trains; will not promulgate regulations on emergency lighting and communications systems in passenger trains. *Dec. 21, R–80–54:* 49 CFR Part 221.15(c)3 does not need changes. *Dec. 22, R–80–52 and –53:* Will continue striving for full compliance with regulations; will not amend 49 CFR 217.9. *Dec. 22, R–81–34 and –35:* Has investigated ICG track specified and ICG is repairing defects; will not issue regulations on acceptable rail wear. *Dec. 22, R–77–33:* Will amend 49 CFR 213.53 to include maximum rate of gauge change; will not issue regulations on rapid change in gauge. *Dec. 22, R–72–14 and R–78–42:* Fencing of rights-of-way not way to prevent trespasser fatalities, will pursue public awareness/education programs.

Note.—Single copies of responses are free on written request, identified by recommendation number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

B. Sharon Flemming,

Director, Executive Secretariat.

January 1, 1982.

[FR Doc. 82–302 Filed 1–6–82; 8:45 am]

BILLING CODE 4910–58–M

NATIVE HAWAIIANS STUDY COMMISSION

Notice of Public Hearings

Notice is hereby given that the Native Hawaiians Study Commission will hold a meeting and a series of statewide public hearings to receive testimony regarding "the culture, needs and concerns of Native Hawaiians," in accordance with the following schedule:

Date and meeting/place

Jan. 9—*INFORMATIONAL MEETING/HONOLULU, O'AHU*
8:00 a.m.: Auditorium, Kamehameha Schools, Kapalama Heights
8:30 p.m.: Reconvene Meeting at State Capitol, Room 328

Jan. 10—*HEARING/KAUNAKAKAI, MOLOKA'I*
2:00 p.m. to 6:00 p.m.: Mitchell Pau'ole Center, County Administration Complex, Alloa Street, Kaunakakai

Jan. 11—*HEARING/KAHALUI, MAUI*
7:00 p.m.: Student Lounge, Maui Community College, 310 Kaahumauu Avenue

Jan. 12—*HEARING/KAMUELA, HAWAI'I*
2:00 p.m. to 5:00 p.m.: Thelma Parker Library, The Parker School

HEARING/HILO, HAWAI'I
7:30 p.m.: Waiakea High School Cafetorium, 2420 Kilauea Avenue

Jan. 13—*HEARING/LIHU'E, KAUA'I*
7:00 p.m.: Wilcox Elementary School Cafeteria, 4319 Hardy, Lihu'e

Jan. 14—*HEARING/HONOLULU, O'AHU*
7:00 p.m.: Key Project, 47–536 Kamehameha Hwy., Kahaluu, O'ahu

Jan. 15—*HEARING/WAI'ANAE, O'AHU*
10:00 a.m. to 1:00 p.m.: Wai'anae High School 85–251 Farrington Hwy.

HEARING/HONOLULU, O'AHU
7:00 p.m.: Kapalama Schools, 1601 N. School Street

The following guidelines will be used to conduct the hearings:

1. A sign-up sheet at each hearing will determine the order of presentation by those wishing to testify;

2. Written testimony and ten copies of each presentation would be appreciated, but is not necessary from those wishing to testify;

3. Testimony may be given in either Hawaiian or English, and a translator will be present at each hearing;

4. Oral testimony should be limited to a ten-minute presentation by each person wishing to testify, but there will be no limit on the number of pieces or length of written testimony which may be submitted; and

5. Questions may be asked only by the members of the Commission at the conclusion of any presentation of those wishing to testify.

As authorized by P.L. 96–595, adopted by the Congress of the United States on December 20, 1980, these hearings are to encourage public participation and comment for a draft report of findings to be circulated by September 23, 1982, and a final report and recommendations to be submitted to Congress by June 23, 1983.

The Commission is composed of 9 members, appointed by President Reagan, as follows: Representative Kina'u Boyd Kamali'i (Chairwoman), Minority Leader, Hawaii House of Representatives; Stephen P. Shipley (Vice Chairman), U.S. Department of Interior; Carl A. Anderson, U.S. Department of Health and Human Services; Winona K. D. Beamer, Kamehameha Schools; H. Rodger Betts, County of Maui; Carol E. Dinkins, U.S. Department of Justice; James C. Handley, U.S. Department of Agriculture; Diane K. Morales, U.S. Department of Interior; Glenn R. Schleede, formerly, Office of Management and Budget.

Further information may be obtained by calling Mary Lyon-Allen at 808–548–7560.

Mary Lyon-Allen,

Executive Director.

[FR Doc. 82–581 Filed 1–6–82; 12:11 pm]

BILLING CODE 6820–DE–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

Carolina Power & Light Co. (H. B. Robinson, Unit 2); Granting of Exemption

I

The Carolina Power and Light Company (the licensee) is the holder of Operating License No. DPR–23 (the license) which authorize operation of the H. B. Robinson, Unit No. 2 located in Darlington County, South Carolina at steady state reactor core power levels not in excess of 2300 megawatts thermal (rated power). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975 each licensee was requested to review the extent to which each facility met the requirements.

On August 7, 1975, Carolina Power and Light Company (CP&L) submitted their evaluation of the H. B. Robinson Unit No. 2 (Robinson 2). The CP&L submittal for Robinson-2 was supplemented by letter dated September 21, 1977. In these submittals, CP&L requested that certain testing frequencies be exempted from Appendix J requirements. The Franklin Research Center, as consultant to the NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report on their findings. The NRC staff has reviewed this report and, in its Safety Evaluation Report dated August 5, 1981, the staff has concurred in the report's bases and findings. The exemption request found to be acceptable is as follows:

CP&L requested an exemption from the requirements of section III.D.2.b.iii of Appendix J relating to testing the integrity of air locks after they have been opened during periods when containment integrity is required by the plant's Technical Specifications. This section requires that the air lock shall be tested within 3 days after being opened, or at least every 3 days if the air locks are opened frequently. Air lock door seal testing shall not be substituted for the 6-month test of the entire air lock as required by section III.D.2.b.i.

For certain types of reactors frequent usage of air locks is needed. Testing of air locks after each opening may represent a situation which results in a more rapid degradation of the critical isolation barriers being tested. In addition, experience obtained since 1969 from testing of airlocks indicates that only a few airlock tests have resulted in greater than allowable leakage rates. The licensee, CP&L, applies continuous pressurization at a pressure of P_a (pressure related to the design basis accident) between the double-gasketed seals of the Robinson-2 airlock. This is an acceptable method to detect door seal leakage while eliminating the impracticalities and possible reduction in reliability associated with full airlock testing at P_a after each opening.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the exemption request identified above.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 28th day of December 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–601 Filed 1–6–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–245]

Northeast Nuclear Energy Co., et. al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Provisional Operating License No. DPR–21, issued to Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Generating Station Unit No. 1 (the facility) located in New London County, Connecticut. This amendment is effective as of its date of issuance.

The amendment revises the Appendix A Technical Specifications for the inservice surveillance of snubbers (shock absorbers).

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 6, 1981, (2) Amendment No. 81 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of December, 1981.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Acting Chief, Operating Reactors Branch No.5, Division of Licensing.

[FR Doc. 82-402 Filed 1-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-22 issued to Northern States Power Company which revises the Technical Specifications for operation of the Monticello Nuclear Generating Plant located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications which pertain to inservice inspection requirements for snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 9, 1981, (2) Amendment No. 9 to License No. DPR-22, and (3) the Commission's letter to Northern States Power Company dated December 28, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulator Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 82-403 Filed 1-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas & Electric Co.; Granting an Exemption From the Requirements of 10 CFR 20

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption from requirements of 10 CFR 20 "Standards for Protection Against Radiation," to the Pacific Gas and Electric Company (the licensee).

This exemption related to the definition of "calendar quarter" provided in 10 CFR 20.3(a)(4). The basis for this action is set forth in the Commission's Letter of Exemption and related Safety Evaluation dated December 28, 1981.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's request dated October 28, 1981 and (2) the Commission's Letter of Exemption and related Safety Evaluation dated December 28, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Humboldt County Library, 636#F Street, Eureka, California 95501. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-404 Filed 1-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co. et. al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised license conditions for operation of the Salem Nuclear Generating Station, Unit No 2. (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the required completion dates for certain TMI-related items in the areas of Post-Accident Sampling, Additional Accident Monitoring Instrumentation, and Inadequate Core Cooling Instruments.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 7, 1981, (2) Amendment No. 4 to License No. DPR-75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-405 Filed 1-6-82; 8:45 am]

BILLING CODE 7590-01-M

Documentation of Models Used in Analysis of High-Level Waste Disposal

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of draft technical position.

SUMMARY: The High-Level Waste Licensing Management Branch, Division of Waste Management, has published NUREG–0856, "Draft Technical Position on Documentation of Models." This report presents guidelines for the preparation of documentation on computer programs used in support of a license application for high-level waste disposal.

Comments on the draft technical position are encouraged. Such comments will be considered in the preparation of the final technical position.

DATE: Comments are due May 1, 1982.

ADDRESSES: Copies of NUREG–0856 are available from the National Technical Information Service, Springfield, VA 22161. Written comments should be sent to Michael J. Bell, Chief, High-Level Waste Licensing Management Branch, Division of Waste Management, Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR INFORMATION CONTACT: Stewart A. Silling, High-Level Waste Licensing Management Branch, Division of Waste Management, Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427–4173.

Dated at Silver Spring, Maryland, this 28th day of December, 1981.

Malcolm R. Knapp,

High-Level Waste Licensing Management Branch, Division of Waste Management.

[FR Doc. 82-408 Filed 1-6-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18380; (SR-Amex-81-22)]

The American Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

December 31, 1981.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, submitted on November 30, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend Sections 151, 152 and 334 of the Amex Company Guide to revise the exchange's listing fee schedules, and to change from July to January the month in which annual fees are due and payable.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–18309, December 4, 1981) and by publication in the **Federal Register** (46 FR 60702, December 11, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, in that the proposed change in the annual billing date from July to January of each year is intended to place the billing year on a calendar year basis to facilitate financial planning. Accelerated treatment is necessary in order to enable the exchange to begin the proposed calendar year billings on January 1, 1982.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-337 Filed 1-6-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-106]

Port Access Route Study Results

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: The purpose of this notice is to publish the results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31, 1980 (45 FR 7028). Only the results for study areas 1 to 4 are published in this notice. Generally, these areas include the coast of Maine, New Hampshire, Massachusetts and Rhode Island. No new routing measures are proposed for study areas 1 to 4. However, two minor modifications are recommended for the existing traffic separation scheme in the approaches to Narragansett Bay, RI, and Buzzards Bay, MA. Also, it is recommended that a precautionary area be designated in the area located between the existing Nantucket to Ambrose and Boston Harbor traffic separation schemes.

Background

The Ports and Waterways Safety Act (PWSA) (Pub. L. 95–474; 92 Stat. 1473, 33 U.S.C. 1223) mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543), announced the scope of the study and included a description of each area to be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ships' routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register.** However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

Results for areas 5, 5a and 6 (New York and Delaware approaches and Long Island Sound) were published in 46 FR 49035; for areas 13 to 20 (coast of South Carolina, Georgia and Florida) in 46 FR 48376; for area 21 (Gulf of Mexico) in 46 FR 49989; for areas 26 to 29 (coast of Oregon and Washington) in 46 FR 59686; and for areas 30 to 32 (Alaska) in 46 FR 61049. Results for the remaining study areas (7 to 12 along the Mid-Atlantic coast and 22 to 25 along California) will be published in a future **Federal Register.**

The First Coast Guard District performed the study for areas 1 to 4. Geographically, these areas are described as follows:

AREA 1: Northeast coast of Maine.
From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from the Canadian/United States border to a line bearing 120° T from Great Duck Island Light (44°08.5′ N, 68°14.8′ W).

AREA 2: Includes Searsport, Bucksport, and Portland, Maine, and Portsmouth, New Hampshire.
From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from a line bearing 120° T from Great Duck Island Light (44°08.5′ N, 68°14.8′ W) to a line bearing 110° T as it

passes through Isle of Shoals Light (42°58.0' N, 70°37.4' W).

AREA 3: Includes Boston, Massachusetts. From the coast seaward to the 1800 meter curve or to the limit of Canadian jurisdiction, from a line bearing 110° T as it passes through Isle of Shoals Light (42°58.0' N, 70°37.4' W) to a line bearing 180° T from Chatham Light (41°40.3' N, 69°57.0' W).

AREA 4: Includes Fall River and New Bedford, Massachusetts, and Providence, Rhode Island. Enclosed by the coast and a line bearing 180° T from Chatham Light (41°40.3' N, 69°57.0' W) to 40°40.0' N latitude; thence a line bearing 270° T to 71°51.5' W longitude; thence a line bearing 000° T to Watch Hill Light (41°18.2' N, 71°51.5' W).

Findings and Conclusions

An offshore traffic separation scheme (TSS) is an internationally recognized routing measure which is intended to separate opposing streams of vessel traffic by the establishment of traffic lanes. It can be compared to a highway for vessels. Although use of a TSS is often voluntary, once a vessel is within the scheme the operator is governed by Rule 10 of the International Regulations for Preventing Collisions at Sea (72 COLREGS) and is obligated to obey the directional designations. A TSS receives international recognition when it is adopted by the Inter-Governmental Maritime Organization (IMCO).

Currently, off the coast of New England, four IMCO-adopted TSS's are established for traffic management: (a) "In the Approaches to Portland, Maine;" (b) "In the Approaches to Boston, Massachusetts;" (c) "In the Approaches to Narragansett Bay, Rhode Island, and Buzzards Bay, Massachusetts;" and (d) the "Eastern Approach" to New York off Nantucket (Nantucket to Ambrose See Lanes). Also adopted by IMCO in this vicinity is an "Area to be Avoided" which warns the mariner that the Nantucket Shoal area is hazardous. These routing measures were evaluated during the Port Access Route study to determine their continued contribution to navigation safety.

The study of Areas 1–4 was primarily focused upon three factors: the volume of traffic following certain traditional routes, fishing vessels in established fishing grounds, and potential placement of mobile and fixed structures or platforms during oil exploration and production in or near these routes and fishing grounds. After extensive data gathering and consultations with navigation and shipping interests, oil companies, fishing industries and federal, state and local agencies the Coast Guard determined the following:

a. *Portland:* The existing traffic separation scheme "In the Approaches to Portland, Maine," is adequate for the traditional trade routes and amount of traffic to and from the port of Portland.

b. *Boston and Nantucket:* The existing traffic separation scheme "In the Approach to Boston, Massachusetts," is adequate for the traditional trade routes and amount of traffic to and from the Port of Boston.

There is no present conflict between access to the Port of Boston and oil exploration activities. These activities are only known to the extent of estimates based on geophysical information and on preliminary test drilling in a portion of study Area 3. Future developments may occur which could cause the proliferation of mobile and/or fixed structures and platforms. If such were the case, it may become necessary to designate additional access systems in Area 3 at a future date.

Fisheries were fully considered in the study of Area 3. Since no additional access systems are proposed, no potential conflicting activity in proximity of known fishing grounds has been created.

As a result of the findings of the study of Area 3, the Coast Guard has determined that a "precautionary area" located between the Nantucket to Ambrose traffic lanes and the Boston Harbor traffic lanes is needed to facilitate safe navigation where these two Traffic Separation Schemes meet. This is in addition to the "Area to be Avoided" mentioned above. This measure will more readily identify to mariners that extreme care should be exercised when navigating in the area. Accordingly, the Coast Guard will propose to IMCO that such a precautionary area be adopted for the following reasons:

(1) Information on vessel traffic density in this area indicates that approximately 26 vessels per day transit this area (including fishing vessels). This high density of vessel traffic intersecting at the entrances of two existing traffic separation schemes presents a potential for collision therefore warranting the establishment of the proposed precautionary area.

(2) The nature of vessel traffic transiting the area is primarily vessels (tankers, freighters, container vessels) entering or existing the two TSS's operating between Boston and New York. Vessels arriving from foreign ports enroute to Boston or New York also enter the appropriate TSS in this area. Fishing vessels are known to fish in this area.

(3) A greater degree of safety can be achieved with the establishment of a precautionary area. The visible display of a precautionary area on appropriate charts re-emphasizes the need for greater care in navigation and alertness in watchkeeping.

(4) This precautionary area would not alter existing patterns of traffic flow in the area. Fishing would continue unrestricted. It will, however, emphasize the need for care in navigation where these two routing schemes converge.

(5) This precautionary area will provide an added measure of protection for the personnel abroad the Nantucket Light Vessel which is involved in numerous close passage situations each year.

The description of the proposed precautionary area to be designated in the area between the existing Nantucket to Ambrose and Boston traffic separation schemes, is as follows:

An area bounded to the east by a circle of radius 15.5 miles, centered upon geographical position 40°35.0' N, 69°00.0' W, intersected by the traffic separation schemes "In the Approaches to Boston, Massachusetts" and the "Eastern Approach" off Nantucket at the following points:

	Latitude	*Longitude*
(1)	40°50.3' N	68°56.6' W
(2)	40°23.7' N	69°13.8' W

and bounded to the west by a line drawn between these two traffic separation schemes from 40°48.0' N, 69°03.0' W, to 40°30.8' N, 69°14.0' W.

c. *Narragansett Bay and Buzzards Bay:* (1) The Port Access Route study identified a need to make a minor modification to the existing traffic separation scheme "In the Approaches to Narragansett Bay, Rhode Island, and Buzzards Bay, Massachusetts." Pilots and Masters interviewed during the study expressed the general opinion that TSS's are desirable in that they promote safety by making known the normal shipping route for large vessels. Foreign ships entering port can more readily determine the proper and safe course to make their initial landfall. Ships' masters are now accustomed to utilizing the TSS "In the Approaches to Narragansett Bay, Rhode Island and Buzzards Bay, Massachusetts." This was given due consideration before recommending a modification.

When contacted during the study, pilots universally expressed dissatisfaction over the northeast end of the Buzzards Bay traffic lanes. Immediately after Buoy #1 (LLNR 626) outbound traffic must make a sharp turn to starboard to enter the outbound lane. A potentially dangerous crossing situation could arise with an outbound vessel cutting off an inbound vessel while the outbound vessel maneuvers to enter the outbound traffic lane.

It is recommended that the Buzzards Bay approach be shortened by 4 miles to enable outbound traffic to enter the outbound traffic lane without making the sharp turn now necessary. The proposed change is as follows:

Buzzards Bay Approach

(a) A separation zone, one mile wide, is centered upon the following geographical positions:

Latitude	*Longitude*
(1) 41°10.15′ N	71°19.15′ W
(2) 41°21.8′ N	71°07.1′ W

(b) A traffic lane, one mile wide, is established on each side of the separation zone. The main traffic directions are: 038°–218°.

(2) Currently, a restricted area is established in the Narragansett Bay approach. This restricted area is controlled by the Naval Underwater System Center (NUSC). It is used by the Navy as a torpedo testing range two or three times per year. The existing restricted area does not encompass the whole are in which the operation takes place. The Center has requested that the restricted area be enlarged to include the entire separation zone. The proposed change is as follows:

Restricted Area

Note.—"A restricted area, two miles wide, extending from the southern limit of the Narragansett Bay approach traffic separation zone to latitude 41°24.7′ N has been established.

"The restricted area will only be closed to vessel traffic by the Naval Underwater System Center during periods of daylight and optimum weather conditions for torpedo range usage. The closing of the restricted area will be indicated by the activation of a white strobe light mounted on Brenton Reef Light and controlled by a naval vessel supporting the torpedo range activities. There would be no vessel restrictions expected during inclement weather or when the torpedo range is not in use."

Implementation

In order to implement the above proposals, including the change to the TSS lane, the change to the separation zone restriction, and the new precautionary area, it will be necessary to apply to the Inter-Governmental Maritime Consultative Organization (IMCO) for adoption and international recognition of the changes. It is expected that applications for these changes will be submitted early in 1982. Adoption by the Maritime Safety Committee of IMCO may take nine months. No amendment to a routing system can become effective earlier than four months after IMCO adoption.

FOR FURTHER INFORMATION CONTACT:
Mr. Christopher Young, Office of Marine Environment and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202) 426–4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

Dated: December 28, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-188 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-105]

Qualification Of Schlumberger Technology Corporation As A Citizen Of The United States

Notice is given that pursuant to 45 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Schlumberger Technology Corporation of 100 Macco Boulevard, Sugar Land, Texas 77478, incorporated under the laws of the State of Texas, did on December 3, 1981, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification as a citizen of the United States following the forms of oath prescribed in Form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporations are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on December 16, 1981, issued to Schlumberger Technology Corporation, a certificate of compliance as provided for in 46 CFR 67.23–7. This certificate and any authorization granted thereunder will expire three years from December 16, 1981, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated: December 28, 1981.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 82-184 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Airport Traffic Control Tower at Augusta, Ga.; Reduction Of Hours

Notice is hereby given that on or about January 10, 1982, the Augusta, Georgia Airport Traffic Control Tower will be permanently closed each day from 11 p.m. to 7 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on December 24, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 82-103 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

Traffic Alert and Collision Avoidance System (TCAS) Conference

The Department of Transportation hereby announces a Traffic Alert and Collision Avoidance System (TCAS) Conference. This 2-day conference will commence at 10:30 a.m. on January 11, 1982, in the Third Floor Auditorium of FOB 10A, 800 Independence Avenue SW., Washington, D.C.

The purpose of this conference is to present recent technical results from the Federal Aviation Administration development program and to discuss these results and program plans with conference attendees. This information exchange is intended to support current activities to develop Minimum Operational Performance Standards for TCAS and aid the aviation community in the preparation of comments on the Draft National Aviation Standard for TCAS to be published in the Federal Register in January.

TCAS is intended to satisfy the operational need for an airborne separation assurance service and to ensure compatibility with all elements of the National Airspace System. Its operation does not depend upon the existence of any of these other elements except Air Traffic Control Radar Beacon System (ATCRBS) transponders with altitude encoders or Mode S transponders with altitude encoders in other aircraft.

Although the meeting is open to the public (space permitting) there will be a registration fee of $5.00 to cover

handouts and refreshments for the 2-day conference.

Further information concerning the conference may be obtained from the Federal Aviation Administration, Systems Research and Development Service, Executive Staff, ARD–10, Washington, D.C. 20591; telephone 202–426–3548.

A. P. Albrecht,

Associate Administrator for Engineering and Development.

[FR Doc. 82-218 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-33-]

Petitions For Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before January 27, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 29, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22472	Jerry T. Dennis	14 CFR § 61.161(b)	To permit petitioner to obtain an airline transport pilot certificate with a rotorcraft rating not limited to visual flight rules even though he does not have at least 1,200 hours of flight time as a pilot within the last 8 years.
22461	Cessna Aircraft Co	14 CFR §§ 45.25(b) and 45.29(b)	To allow the use of 12-inch registration markings on the fuselage side that extend beyond the stabilizer leading edge and also allow 10-inch markings on the engine nacelles on Cessna Models 500, 550, 501, and 551 airplanes.
19441	Pratt & Whitney Aircraft Group	14 CFR §§ 33.7(c)(16) and (17)	To permit type certification of the Pratt & Whitney Model 2000 engine without establishing operating limitations regarding rotor windmilling rotational r.p.m. and time for first overhaul.
22469	Parks College of Saint Louis University	14 CFR Part 141, Appendices A, C, D, F	To permit petitioner to train certain of its students to a performance standard without meeting the prescribed minimum flight-time requirements.
20314	Flight Training Devices (FTD)	14 CFR §§ 61.63(d)(2) and 61.157(d)(1)	To permit petitioner's trainees to complete a practical test, for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing, in an airplane simulator although FTD does not have an operating certificate under Part 121.
22523	Mobil Oil Exploration & Producing Southeast	14 CFR § 91.23(a)(3)	To permit petitioner to have a minimu of 30-minute fuel reserve for its helicopter operations rather than the required 45-minute reserve.
22473	Henson Aviation, Inc. and Ransome Airlines, Inc.	14 CFR § 93.123, 93.125 and 93.129	To permit the petitioners to operate area navigation system-equipped DeHavilland DHC–7 aircraft in RNAV and MLS operations in test proving flights at Washington National Airport outside of the FAR reservation restrictions.
19165	Executive Jet Aviation, Inc	14 CFR § 135.89(b)(3)	Extension of Exemption No. 2801A which permits petitioner to operate its Learjet aircraft up to and including FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times above FL 350. *Partial Grant Dec. 10, 1981.*
22100	Britt Airways, Inc	14 CFR § 91.73(a)	To permit petitioner to operate its aircraft, in the event of failure of the position light system, with the strobe light system until arrival at a maintenance base. *Denied Dec. 11, 1981.*
19174	Boeing Commercial Airplane Company	14 CFR § 91.32(b)(1)(ii)	Extension of Exemption 2796 which permits operation of petitioner's B–747 aircraft up to and including FL 451 without requiring one pilot to wear and use an oxygen mask at all times above FL 410. *Granted Dec. 15, 1981.*
21448	U.S. Jet Aviation, Inc	14 CFR § 135.89(b)(3)	To amend Exemption 3299 to add a Falcon–10 aircraft to the exemption. The present exemption permits petitioner to operate its Learjet aircraft to FL 410 without requiring at least one pilot to wear and use an owygen mask at all times when operating above FL 350. *Partial Grant Dec. 16, 1981.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulation affected	Description of relief sought disposition
22193	North Dakota State Aeronautics Commission	14 CFR § 61.109(b)(2) and Part 141, Appendix A, Paragraph 4(b)(1).	To permit petitioner and any other fixed-base aviation operator offering student pilot flight training in North Dakota to use eight all-weather airports, in North Dakota during winter months, for the 10-hour cross-country solo requirement. The distances between airports, in some instances, would be less than 100 nautical miles, but substantially greater than 50 nautical miles seperation. *Partial Grant Dec. 16, 1981.*
22276	Combs Airways, Inc. d.b.a. Combs Freightair	14 CFR § 121.61(c)(1)	To allow petitioner to employ Mr. Gary H. Smith as its Director of Maintenance even though he does not meet the requirement of 5 years of experience in the maintenance of large aircraft. He has been employed in the maintenance of large aircraft since March 1979. *Granted Dec. 21, 1981.*
15696	Cathay Pacific Airways Limited	14 CFR portions of Parts 21, 61 and 91	To permit petitioner to continue to operate three U.S.-registered L-1011 aircraft leased from Eastern Air Lines, Inc., and to use the FAA-approved master minimum equipment list. *Granted Dec. 18, 1981.*

[FR Doc. 82-128 Filed 1-6-82; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-707]

American President Lines, Ltd., Application for Amendment of Contractual Service Descriptions To Allow Loading U.S. Cargo at the Persian Gulf-Gulf of Oman in Line A Extension Service and To Authorize Vessels Operating in Line B Service To Carry Cargo Between Washington-Oregon and Guam; Show Cause Notice

Notice is hereby given that American President Lines, Ltd. has filed an application dated April 7, 1981, as amended by letter dated December 23, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-417, so as to (1) eliminate the bar to loading U.S. cargo at the Persian Gulf-Gulf of Oman in Line A Extension service and (2) authorize vessels operating in Line B service to carry cargo between Washington-Oregon and Guam.

APL's Line A Extension service description requires a minimum of 18 and a maximum of 28 Line A sailings (California to Japan, Hong Kong, Philippines, Taiwan, Korea, Vietnam, Cambodia, Thailand) to serve Indonesia, Malaysia or Singapore with privilege ports in the Bay of Bengal area, west cost of India, Pakistan and the Persian Gulf-Gulf of Oman (not to load U.S. cargo at the Persian Gulf-Gulf of Oman). APL requests the deletion of the last parenthetical phrase to allow loading U.S. cargo at the Persian Gulf-Gulf of Oman.

APL's Line B service description requires a minimum of 54 and a maximum of 80 sailings between a port or ports in Washington-Oregon and Japan, Korea, Taiwan, Hong Kong, Philippines, Vietnam, Cambodia, or Thailand with privileged ports in China, U.S.S.R. in Asia, Brunei, Alaska and British Columbia (both only for overseas carriage). APL proposes to add to the list of privilege service, the following: "Guam, to provide service between Washington-Oregon and Guam, only." The application does not include service between Guam and foreign ports on the Operator's Line B service.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 7300-B, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Information available to the Maritime Administration indicates that no U.S.-flag operator (1) offers service between California and the Persian Gulf-Gulf of Oman or (2) offers refrigerated service between Washington-Oregon and Guam, the principal liftings of the applicant being expected to be refrigerated cargoes.

Interested parties are hereby given an opportunity to show cause why the Maritime Subsidy Board should not find that section 605(c) of the Merchant Marine Act, 1936, as amended (Act) is not a bar to the proposed amendment of the contractual services as described above.

Therefore, any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by the close of business on January 14, 1982.

All allegations of factual issues which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

In responding to this Notice, intervenors should provide answers to the following specific questions:

1. How long has service been offered?

2. What vessels (barges) were/are employed on the service (and what are their characteristics)?

3. How may voyages were made on the service during 1979, 1980, and 1981 by the vessels cited in answer to question 2?

4. How much cargo space (breakbulk, container TEU's, reefer) was made available?

5. How much cargo was carried (breakbulk, container TEU's, reefer)?

6. How much cargo was commercial and how much military or premium rated preference?

7. What are the proposed cargo carryings for the future?

8. Is the service scheduled or by inducement?

9. If the service is scheduled, what is the frequency of service?

10. Is the service wholly or partly a transshipment arrangement?

11. How much additional time do transshipment arrangements add to the service?

12. If APL is approved for service, to what extent do you expect it will diminish your projected carryings?

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, at the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By Order of the Maritime Administrator.

Date: December 31, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-321 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Interpretation Regarding Preemption and Pre-Sale State Enforcement of Safety Standards

This notice responds to a request by the Truck Safety Equipment Institute (TSEI) and the Safety Helmet Council of America (SHCA) for the issuance of an opinion on the issue of whether State safety approval programs are preempted by operaton of the National Traffic and Motor Vehicle Safety Act and the agency's issuance of Federal Motor Vehicle Safety Standards (FMVSS) to the extent that those programs seek to enforce safety standards identical to the FMVSS against new motor vehicles or motor vehicle equipment, i.e., ones that have not yet been sold to consumers.

Of immediate and particular concern to these organizations are the approval requirements of the Louisiana motorcycle rider helmet use statute which becomes effective January 1, 1982. After that date, a helmet may not be manufactured, sold, or distributed within Louisiana unless the helmet is of a type and specification approved by the State Department of Public Safety. This requirement will apply to all helmets regardless of whether they are certified as complying with FMVSS 218, Motorcycle helmets. Under the regulations implementing the Louisiana statute, approval for helmets must first be obtained from the American Association of Motor Vehicle Administrators (AAMVA). To obtain that organization's approval, manufacturers must pay an approval fee and submit a test report from an AAMVA-apporoved laboratory. If the AAMVA so directs, the manufacturer must also bear the cost of providing product samples or test photographs.

It is the opinion of the agency that the States are preempted from engaging in activities involving the pre-sale enforcement of State standards which are identical to the FMVSS where such activities involve procedures or impose burdens which differ in any significant respect from those of the Federal regulatory scheme under the Act. The agency believes that the Act and its history strongly and clearly imply that Congress intended this agency to play an exclusive role in ensuring compliance of new motor vehicles and equipment with the FMVSS. Congress intended further that States having any standards identical to the FMVSS would enforce them over the lives of motor vehicles and equipment after their first sale to consumers.

This notice clarifies and expands the position previously taken by the agency regarding preemption of pre-sale enforcement of State standards identical to the FMVSS. In a notice published on June 2, 1971, the agency stated that:

> * * * a State may not regulate motor vehicles or motor vehicle equipment, with respect to aspects of performance covered by Federal standards, by requiring prior State approval before sale or otherwise restricting the manufacture, sale, or movement within the State of products that conform to the standards. (36 FR 10745) * * *

At that time, the agency suggested that it would be permissible for the States to enforce their standards prior to sale as long as the manufacturers were free to market their products while the State approval procedures were being followed.

Subsequently, the permissibility of pre-sale enforcement of State standards was considered in two cases titled *Truck Safety Equipment Institute* v. *Kane.* (419 F. Supp. 688, (M.D. Pa. 1975); *vacated,* 558 F.2d 1028 (3rd Cir. 1977); *on remand,* 466 F. Supp. 1242 (1979)) In the first of those cases, the district court held that a Pennsylvania law requiring motor vehicle equipment manufacturers to obtain pre-sale State approval of their equipment was preempted to the extent that the State standards being enforced were identical to the FMVSS. The State of Pennsylvania appealed to the Circuit Court of Appeals for the 3rd Circuit. That law was then replaced by another law requiring submission of the new equipment prior to sale but permitting sale during the approval process. The Court of Appeals remanded the case to the district court for consideration of the new law. On remand, the district court held that the new law also was preempted. This holding was based primarily on the pervasive scheme for Federal enforcement of the FMVSS.

Since the district court's decision in 1979, the agency has been reviewing its interpretation to determine whether it should be revised to reflect the broader position in that decision. During this time, the agency has thoroughly reexamined the Act and its legislative history. The agency's review has led it to the conclusion that the broader position in the 1979 decision more accurately reflects the Congressional intent underlying the Act.

NHTSA believes Congressional intent to preempt State pre-sale enforcement of their identical standards is implied by the Act's legislative history. An intent to preempt is implicit where, as in the case of the Act, Congress has indicated through its reports and debates that it intends an area to be subject exclusively to Federal regulation. This intent is evidenced with respect to the Act in two ways.

First, the changes made during the legislative process to section 103(d), the Act's only express reference to preemption, and the rationales in the legislative history for those changes demonstrate a Congressional intent that pre-sale enforcement of the FMVSS be the exclusive province of the Federal government. The first sentence of section 103(d) provides that:

> * * * Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle of item or motor vehicle equipment any safety standard applicable to the same aspects of such vehicle or item of equipment which is not identical to the Federal standard. (15 U.S.C. 1392(d)) * * *

As introduced in the House, this section prohibited States from having any standard, even an identical one, relating to the same aspect of performance regulated by a Federal standard. The Senate Commerce Committee reported a modified provision which prohibited only those state standards which differed from the FMVSS regulating the same aspect of performance. The Committee's report explained that the Federal standards apply only up to the point of the first sale of a motor vehicle or item or equipment. S. Rep. No. 1301, 89th Cong., 2d Sess. 12 (1966). The Committee reported the modified preemption provision in the belief that the States should be free to apply identical standards over the subsequent life of the product. The clear implication of the Senate Report is that absent concern for application of safety standards beyond the point of sale to consumers, a broad preemption provision would have been adopted. This implication is reinforced by the conference report. The House managers of the conference report stated that section 103(d), as modified in the conference, would ensure that the issuance of a Federal standard, applicable to new motor vehicles or items or equipment, would not inadverently preempt State standards applicable to older vehicles. H.R. Rep. No, 1919, 89th Cong., 2d Sess. 16 (1966).

Second, the intent that pre-sale enforcement of identical standards be an exclusively Federal function is implicit in the statements in the legislative history that Congress intended the Act to create a program of uniform national safety standards applicable to new motor vehicles and items of equipment. S. Rep. No. 1301, 12 (1966); H.R. Rep.No. 1776, 89th Cong., 2d Sess. 1 (1966). Vehicles and equipment complying with the Federal standards were to be allowed to be transported and sold freely throughout each of the 50 states. (112 Cong. Rec. 14230 (1966).)

An intent to preempt is implicit also where a State law obstructs the accomplishment and execution of the full purposes of Congress. The State programs for regulating the compliance of new motor vehicles and motor vehicle equipment pose an obstacle to the Congressional objective of implementing uniform national standards at the pre-sale phase. Congress sought to achieve the safety purposes of the Act by making NHTSA the sole arbiter of compliance with the FMVSS through a compliance program relying on self-certification. The State schemes interfere with the realization of that intent by establishing multiple arbiters and inconsistent compliance procedures. Congress sought also to facilitate the introduction of new or redesigned models of motor vehicles and equipment through selecting self-certification instead of type approval. The use by the States of type approval with respect to State standards identical to the FMVSS frustrates that Congressional choice.

The pre-sale enforcement of State standards also interferes with NHTSA's effort to assess the practicability of potential new FMVSS and to ensure an appropriate relationship between the safety benefits and compliance and other costs of those FMVSS. Further, the States' establishing of requirements necessitating that manufaturers pay approval and testing fees may in some cases frustrate the agency's effort to establish new safety requirements. The likelihood of those efforts being frustrated would vary directly as a function of the number of States that establish such requirements. The costs which manufacturers must bear in order to obtain State approval of products subject to identical Federal and State standards may have a controlling effect on the agency's determination of what level of new requirements, if any, are practicable in terms of the costs they would impose. Such an effect is particularly likely in the case of equipment standards given the relatively small size of many equipment manufacturers.

The agency recognizes that the interference with these Congressional objectives by the State pre-sale enforcement programs may be theoretically offset to some extent by their promotion of the Act's safety pruposes. However, the agency lacks any data indicating that those programs demonstrably increase the rate of compliance with the FMVSS.

Finally, preemption is implicit where Congress establishes a comprehensive and detailed regulatory scheme. The Act contains such a scheme to ensure compliance with the FMVSS. Each motor vehicle and equipment manufacturer is required by section 114 of the Act to certify the compliance of each motor vehicle and item of equipment with all applicable FMVSS. To enable the agency to monitor compliance, section 112 of the Act provides it with broad authority to require recordkeeping and reporting and to conduct investigations. Agency compliance tests are supplemented by periodic agency requests to manufacturers for the data and analyses they used as the bases for their certifications. Failure to comply with any FMVSS or to certify compliance is subject under sections 108 and 109 to a civil penalty of up to $1,000 per violation. In the event that noncomplying motor vehicles or equipment are produced, the agency is empowered by section 110 to seek an injunction to prevent further production and to halt the sale of such products. With respect to noncomplying vehicles and equipment that are sold to consumers, sections 151 *et seq.* of the Act provide for the recall and remedy without charge by manufacturers of the noncomplying products.

Accordingly, it is the position of NHTSA that any State requirement which necessitates that manufacturers pay fees in order to obtain approval under a State standard identical to a FMVSS, and any imposition of requirements for approval which has the effect of proscribing the sale of equipment certified under the Act to a standard such as FMVSS 218 would be preempted by operation of the Act and of the agency's action in adopting the Federal standard in question.

Issued on December 30, 1981.

Raymond A. Peck, Jr.,

Adminstrator.

[FR Doc. 81-37475 Filed 12-31-81; 9:57 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:00 p.m., January 22, 1982, at the offices of the Corporation, 800 Independence Ave. S.W., Washington, D.C. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review Programs; Old and New Business; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than January 20, 1982 and information may be obtained from Robert D. Kraft, Director, Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on December 30, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 82-341 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-61-M

Urban Mass Transportation Administration

Announcement of Institutions Selected To Offer Section 10 Managerial Training Grant Short Courses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Announcement of institutions selected to offer section 10 managerial training grant short courses.

SUMMARY: On June 18, 1981, the Urban Mass Transportation Administration (UMTA) announced that it was soliciting proposals for Section 10 Managerial Training Grant Short Courses. UMTA has completed its selection process and in this notice announces the names of the institutions it has selected.

FOR FURTHER INFORMATION CONTACT:

Charles T. Morison, Jr., Office of Transportation Management, Urban Mass Transportation Administration, 400 7th Street, SW., Washington, D.C. 20590, Attention: UPM–40; Telephone: (202) 426–9274.

SUPPLEMENTARY INFORMATION: Under Section 10 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607(b)), UMTA is authorized to make grants to States, local public bodies, and agencies thereof, and operators of public transportation services, for training personnel employed in managerial, technical, and professional positions in the public transportation field.

As part of its activity pursuant to this authority, UMTA awards fellowships to eligible employees to attend selected "short courses." UMTA defines "short courses" to be intensive training activities offered by colleges, universities, or other educational organizations that run from as little as five days to a maximum of four weeks. Fellowships awarded to attend selected courses provide up to 75 percent of all costs including room, board, tuition, and travel.

On june 18, 1981, UMTA solicited proposals from institutions that were interested in offering "short courses." From over thirty proposals received, UMTA has selected the following eleven institutions:

Northeastern University, Boston
Brooklyn Polytechnic Institute, Brooklyn
Wharton School of Business, Philadelphia
National Mass Transit Institute, Pittsburgh
University of North Florida, Jacksonville
Transportation Center of the University of Tennessee, Knoxville
Cleveland State University, Cleveland
Indiana University, Bloomington
University of Wisconsin, Milwaukee
Institute for Transit Management, San Francisco
University of Washington, Seattle

These institutions will offer courses covering subjects such as management, personnel development, transit operations, general management, labor relations, and equipment maintenance.

Prospective students should apply directly to the institutions listed above. The institution will provide eligible students with a Section 10 grant application which the student's employer is to complete and send to UMTA. UMTA will review the grant applications and award grants based on the availability of funds.

Issued on: December 28, 1981.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 82–330 Filed 1–6–82; 8:45 am]

BILLING CODE 4910–57–M

New Bus Equipment Introduction Program

Correction

In FR Doc. 81–36713, appearing at page 62599, in the issue of Thursday, December 24, 1981, make the following correction. In the second column of page 62599, the telephone number in the "For Further Information Contact" paragraph was incorrect. The correct telephone number to call for further information is (202) 426–4035.

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supp. to Dept. Circ. Public Debt Series—No. 40–81]

Bonds of 2002; Interest Rate

January 4, 1982.

The Secretary announced on December 30, 1981, that the interest rate on the bonds designated Bonds of 2002, described in Department Circular—Public Debt Series—No. 40–81, dated December 22, 1981, will be 14¼ percent. Interest on the bonds will be payable at the rate of 14¼ percent per annum.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82–400 Filed 1–6–82; 8:45 am]

BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 4
Thursday, January 7, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Communications Commission	2, 3
Federal Election Commission	4
Federal Maritime Commission	5
Federal Reserve System	6
Mississippi River Commission	7
National Credit Union Administration	8
Nuclear Regulatory Commission	9, 10
Tennessee Valley Authority	11

1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, No. 251, Thursday, December 31, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, January 8, 1982.

CHANGES IN THE MEETING: Cancelled.

[S–13–82 Filed 1–5–82; 12:37 pm]

BILLING CODE 6351–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a series of briefings on Tuesday, January 5, 1982, Wednesday, January 6, 1982 and Thursday, January 7, 1982 on the subject listed below. Each briefing is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda and Subject

General—FY 83 Budget Proposals.

Additional information concerning these briefings may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–10–82 Filed 1–5–82; 9:08 am]

BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on Tuesday, January 12, 1982, for the purpose of issuing instructions to the staff following oral argument in the L.D.S. Enterprises, Inc., Los Altos, California proceeding (BC Docket No. 81–275), Simon Geller, WVCA–FM, Gloucester, Massachusetts proceeding (Docket Nos. 21104 and 21105) and the Quantico, Virginia AM radio renewal proceeding (Docket No. 21493).

Oral Argument which is open to the public, is scheduled to start at 9:30 a.m. in Room 856, 1919 M Street, N.W., Washington, D.C. (See News Releases of November 5, 1981 and December 17, 1981, Report Numbers 16670, 16732 and 16734).

The Closed Meeting will take place in Room 856 at the same address after the conclusion of the Oral Argument. This meeting is closed to the public because of the disposition of adjudicatory proceedings (See 57 CFR 0.603(j)).

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 5, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–17–82 Filed 1–5–82; 3:39 pm]

BILLING CODE 6712–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 12, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, January 13, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Continuation of Agenda of January 12, 1982. Executive Session, if Necessary.

* * * * *

DATE AND TIME: Thursday, January 14, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1981–51: William C. Oldaker, Metzenbaum for Senate
Draft AO 1981–52: Paul D. Kamenar, National Association of Real Estate Investment Trusts, Inc.
Draft AO 1981–57: Sam Church, Coal Miners PAC
Revision of proposed regulations, communications by corporations and labor organizations, 11 CFR 114.3 and 114.4
Revision of proposed regulations, collecting agent and joint fundraising regulations, 11 CFR 102.6 and 102.7
Revised non-filter policy and procedure
Appropriations and budget
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–12–82 Filed 1–5–82; 11:56 am]

BILLING CODE 6715–01–M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., January 13, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly report of actions taken pursuant to delegated authority.
2. Petition of East Coast Colombia Conference for investigation of alleged activities of Agromar Lines.
3. Docket No. 80–70: Proposed Exemption Under Section 35 of the Shipping Act, 1916, of Bulk Commodities from the Tariff Filing Requirements of Section 18(b) of the Act—Further rulemaking.
4. Docket No. 81–36: Procedures for Environmental Policy Analysis—Consideration of comments submitted in

response to notice of proposed rulemaking and proposed final rule.

5. Informal Docket No. 858(I): Mine Safety Appliances Co. v. United States Lines, Inc.—Petition of respondent for reconsideration of Settlement Officer's decision.

6. Docket No. 81–39: Agreement Nos. 10333, 10333–1, and 10333–2 Calcutta/Bangladesh/U.S.A. Pool Agreement—Referral of motion to stay, modify or terminate the order instituting the proceeding.

Portions closed to the public:

1. Docket No. 79–59: Stute International, Inc.—Independent Freight Forwarder License—Consideration of decision of the Court of Appeals.

2. Internal procedures for issuing dissents to Commission orders.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–15–82 Filed 1–5–82; 3:30 pm]

BILLING CODE 6730–01–M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, January 13, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposal to revise Regulations G (Securities Credit by Persons Other than Banks, Brokers or Dealers), T (Credit by Brokers and Dealers), and U (Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks). (Published earlier for public comment; Docket No. R–0362).

2. Any items carried forward from a previously announced meeting.

Note. This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: January 5, 1982.

James McAfee,

Assistant Secretary of the Board.

[S–18–82 Filed 1–5–82; 3:54 pm]

BILLING CODE 6210–01–M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: Beginning 1 p.m., January 28, 1982, and adjourning 12 noon, January 29, 1982.

PLACE: 1400 Walnut Street, Vicksburg, Mississippi.

STATUS: Open to the public for observation but not for participation.

MATTERS TO BE CONSIDERED:

General Status Report on the Flood Control, Mississippi River and Tributaries Project

The Commission will consider the following project reports:

Horn Lake Creek and Tributaries, Including Cow Pen Creek, Tennessee and Mississippi

Nonconnah Creek, Tennessee and Mississippi

St. Johns Bayou and New Madrid Floodway, Missouri

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601–634–5766.

[S–14–82 Filed 1–5–82; 3:38 pm]

BILLING CODE 3710–GX–M

8

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Monday, January 11, 1982.

PLACE: 7th Floor Board Room, 1776 G Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility financial statements. Closed pursuant to exemptions (8), (9)(A) and (9)(B).

2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–11–82 Filed 1–5–82; 9:05 am]

BILLING CODE 7535–01–M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 4, 1982 (additional item).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Friday, January 8:*

1:30 p.m.:

Discussion of Reactor Vessel Water Level Indicators (will include presentations by ACRS members, NRC staff and vendors) (public meeting)

ADDITIONAL INFORMATION: Affirmation items "b," "c," and "d" on January 7, 1982 are postponed.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

December 31, 1981.

Walter Magee,

Office of the Secretary.

[S–9–82 Filed 1–4–82; 4:24 pm]

BILLING CODE 7590–01–M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 11, 1982.

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Monday, January 11:*

10:30 a.m.:

Oral Presentations on Waste Confidence Proceeding

2:00 p.m.:

Continuation of Oral Presentations on Waste Confidence Proceeding

Tuesday, January 12:

2:00 p.m.:

Briefing on Fire Protection Rule Schedules and Exemptions

Thursday, January 14:

3:00 p.m.:

Affirmation/Discussion Session

Items to be affirmed and/or discussed:

a. Revised General Statement of Policy and Procedures for Enforcement Actions

b. Export and Import of Nuclear Equpment and Material: Proposed Amendments to NRC's Regulations

c. Proposed Rule Change on Technical Specifications

d. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance

e. Amendment to 10 CFR Part 110: Export of IAEA Safeguards Samples

f. Reconsideration of 10 CFR 2.700a (Exception from Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs Functions) and Application to Pending Proceedings

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

January 4, 1982.

[S–16–82 Filed 1–5–82; 3:39 pm]

BILLING CODE 7590–01–M

11

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 128. January 4, 1982.

CHANGES IN PREVIOUSLY ANNOUNCED TIME OF MEETING: Because of the requirements of TVA business, the previously announced time of the January 6 TVA Board meeting was changed, following public announcement of the change at the earliest practicable time, to 9 a.m., January 6, 1982. The previously announced location of the meeting, Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee, remains unchanged.

CONTACT PERSON FOR MORE INFORMATION: Craven Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington office, 202–245–0101.

Dated: January 4, 1982.

[S–6–82 Filed 1–4–82; 5:10 p.m.]

BILLING CODE 8120–01–M

V
4
7
/
4

J
A
7
8
2

federal register

Thursday
January 7, 1982

Part II

Department of Education

National Direct Student Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, and 676

National Direct Student Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary is proposing changes to the funding procedures for the National Direct Student Loan (NDSL), College Work-Study (CWS) and Supplemental Educational Opportunity Grant (SEOG) programs. These changes are proposed in order to revise the funding procedures that appear in the January 19, 1981 final regulations, 46 FR 5241. These regulations implemented statutory changes to the funding procedures for the campus-based programs which were required by the Education Amendments of 1980. The Secretary is also proposing regulations for verification of student aid applicant information. It is intended that these revisions will affect the procedures for allocating campus-based funds to institutions and will ensure the accuracy of student aid applicant information.

DATE: Comments must be received on or before February 22, 1982.

ADDRESS: Comments should be addressed to Margaret Henry, Office of Student Financial Assistance (Room 4018, ROB3), 400 Maryland Avenue SW., Washington, D.C. 20202–3454.

FOR FURTHER INFORMATION CONTACT: Janet Chad or Paula Husselmann, Telephone (202) 245–9720.

SUPPLEMENTARY INFORMATION:

Introduction

This notice proposes changes to the funding procedures for the NDSL, CWS, and SEOG Programs. The procedures originated from a panel of experts in student financial aid. The panel's recommendations appeared in the June 1978 Office of Education's Bureau of Student Financial Assistant *Bulletin* and in the preamble to the NPRM published in the **Federal Register** on November 8, 1978 43 FR 52128 *et seq.* The panel recommended a two-step process for distributing campus-based funds. In the first step, both current participants and new applicants receive a conditionally guaranteed level of funding. In the second step, an institution may receive a share of the remaining funds based on a formula which determines the need of institutions for additional funds (fair share formula).

The Secretary has reviewed the results of this process for award years 1979–80, 1980–81, and 1981–82 and is proposing further changes to the funding requirements for award year 1982–83. These proposed changes are a result of the Education Amendments of 1980, discussions with the financial aid community, and written public comment.

The Secretary is also proposing procedures for each of the campus-based programs for verification of student aid applicant information.

Minor changes of a technical nature have been made to facilitate the proper administration of these programs.

Summary of Major Changes

A summary of major changes follows:

1. *Reallocation procedures—Section 4 of each part.* The Secretary is proposing changes to the reallocation procedures for each of the campus-based programs. These procedures are found in section 4 of the regulations for each of these programs. In place of the natural disaster and national fair share provisions for the distribution of reallocated funds, the proposed language adopts more general language, allowing the Secretary "to reallocate funds in a manner that best carries out the purposes of the programs," a change that gives the Secretary more flexibility to reallocate funds to institutions. Because the Education Amendments of 1980 give institutions flexibility in the use of campus-based funds, a smaller amount of unexpended funds will be available for reallocation.

2. *Conditional guarantee—Section 6 of each part.* a. The Secretary is proposing for the NDSL program that an institution which participated in the NDSL Program in the 1980–81 award year will receive a conditional guarantee equal to the greater of $5000 or 90 percent of its 1980–81 level of expenditure. (Level of expenditure is the amount of loans made in an award year plus the amount the institution claimed for administrative expenses in that year.)

b. The Secretary is proposing for the NDSL program that an institution that did not participate in the 1980–81 award year and is not a first or second time participant will receive a conditional guarantee equal to the greater of 90 percent of its level of expenditures for the first year it participated in the NDSL program after the 1980–81 award year or $5,000.

c. As amended by the Education Amendments of 1980, Pub. L. 96–374, the CWS statute guarantees an institution that participated in the CWS Program in award year 1979–80 an allocation equal to at least its 1979–80 award year Federal share of expenditures unless it suffers a substantial decline in enrollment.

The Secretary proposes to define a "substantial decline in enrollment" as a decline of at least 30 percent between an institution's award year 1979–80 total enrollment and its base year total enrollment. (Base year means the 12-month period ending on the June 30 preceding the closing date for filing an application.) If an institution has suffered a substantial decline in total enrollment, its funding guarantee (conditional guarantee) will be reduced based on the percentage of the decline in the number of eligible aid applicants between the 1979–80 award year and the base year. For example, if an institution's total enrollment declined by 40 percent and its eligible aid applicants declined by 5 percent, its conditional guarantee would equal the greater of $5000 or 95 percent of its 1979–80 award year Federal expenditures.

d. The Secretary is proposing for the CWS and SEOG programs that an institution that did not participate in the 1979–80 award year and is not a first or second time participant, will receive a conditional guarantee equal to the greater of 90 percent of its Federal expenditures for the first year it participated in the programs after the 1979–80 award year or $5,000.

e. The Secretary is including in the NDSL, CWS and SEOG programs a $5000 component of the conditional guarantee computation for all institutions in order to alleviate past funding inequities of institutions participating in the campus-based programs. This change provides each institution that so requests at least $5000 as its conditional guarantee.

3. *Need of institutions for SEOG funds—34 CFR 676.6.* The Education Amendments of 1980 provided a formula for determining an institution's need for SEOG funds for each award year. An institution's SEOG need equals 75 percent of the cost of attendance of the institution's eligible undergraduate aid applicants minus the sum of (1) the expected family contribution of these students, (2) the Pell Grants received by these students, (3) the State Student Incentive Grants (SSIG) these students received and (4) 25 percent of the institutional grants they received.

The base year for reporting SSIG data will be updated annually as is the base year for Pell Grants. (For the 1982–83 award year and the base year for reporting SSIG data and Pell Grant data is the 1980–81 award year.) However, the base year for reporting institutional aid will remain the 1977–78 award year.

4. *Calculation of Federal capital contribution—NDSL default rate—34 CFR 674.8a.* The Secretary is proposing to change the impact of an institution's default rate on its receipt of Federal capital contribution (FCC). These changes result from a substantial number of comments received by the Secretary from various sectors of the postsecondary education community on the previous treatment of the relationship between an institution's default rate and its FCC. These proposed regulations make any institution with a base year default rate in excess of 25 percent ineligible to receive FCC; institutions with default rates greater than 10 percent but not more than 25 percent will potentially receive reduced FCC.

The Secretary will determine the amount of new FCC for an institution by subtracting from its conditionally guaranteed level of expenditure both its projected collections and its reimbursements for Direct loan cancellations received in the base year. The difference obtained by that subtraction together with an institution's State and National increases will be multiplied by 90 percent to determine its FCC.

In projecting an institution's collections, the Secretary will consider its default rate. If the default rate is 10 percent or less, its collections will be projected by multiplying the institution's actual base year collections by 121 percent. [One hundred and twenty one percent is used because the Secretary expects a 10 percent per year increase in collections in both the current year and the award year. A 10 percent collection increase over a two year period equals 121 percent of base year collections.) If an institution's default rate is greater than 10 percent but not more than 25 percent, its collections will be projected by multiplying the institution's actual base year collections by 121 percent, plus 121 percent of the additional amount which the institution would have collected if its base year default rate were 10 percent.

In order to calculate the additional amount that the institution would have collected if its default rate were only 10 percent (that is, the excess overdue amount), the Secretary determines the amount of defaulted loans that would equal a 10 percent default rate. This is done by multiplying the total amount of matured loans by 10 percent. Second, the Secretary subtracts 10 percent of the matured loans from the principal amount outstanding on defaulted loans that the institution reports on its fiscal-operations report. Third, this difference is divided by the principal amount outstanding on defaulted loans that the institution reports on its fiscal-operations report. Fourth, the principal amount past due on defaulted loans is multiplied by the percent resulting from the division in step three to determine the excess overdue amount.

As an example, an institution's NDSL fund has:

- Matured loans totalling $3,605,191;
- Unpaid principal amount outstanding on defaulted loans, as reported on its fiscal-operations report, of $614,010;
- Past-due principal amount on defaulted loans, as reported on its fiscal-operations report, of $323,414; and
- Total principal and interest collected, as reported on its fiscal-operations report, of $110,031.

Using these figures, the institution's excess overdue amount is calculated as follows:

1. Ten percent of $3,605,191 (matured loans) equals $360,519.

2. $614,010 (unpaid principal amount outstanding on defaulted loans) minus $360,519 equals $253,491.

3. $253,491 divided by $614,010 equals .41.

4. .41 times $323,414 (past due principal) equals $132,600, the excess overdue amount.

5. $132,600 plus $110,031 (amount collected in base year) equals $242,631.

6. $242,631 multiplied by 121 percent equals $293,584, the projected collections.

5. *Application review—Approval of request—Section 7 of each part.* The Secretary is proposing to include in section 7 elements of the funding formula that an institution may appeal when requesting a review of its computed funding level.

The elements that the Secretary is proposing that an institution may appeal are: the determination of expected collections used in determining the FCC; the default penalty applied to institutions with a default rate greater than 10 percent; and some of the elements used in calculating an institution's self-help and SEOG need including costs of books and supplies, average expected family contributions, enrollment data used to determine average tuition and fee costs, and the year used as the base year. The criteria upon which an institution may appeal these elements will be distributed to all institutions by the Secretary.

6. *Verification of Student Aid Applicant Information—Sections 674.22, 675.28, and 676.25.* As a means of strengthening the effort to control abuse of the campus-based programs by students, the Secretary is proposing a new section in each of the program regulations, "Verification of student aid applicant information." (NDSL—Section 674.22, CWS—Section 675.29, SEOG—Section 676.25). The Secretary is proposing that the procedures in this section will take effect in the 1982–83 award year and pertain to verifying information needed to calculate a student's expected family contribution. Since a student's need for aid is determined solely on the basis of information supplied by the applicant, and the parents of dependent applicants, it is imperative that the pertinent data be accurate.

In the proposed verification regulations, the Secretary outlines the general responsibilities of the Secretary, the institution, and the student. The procedural details of the verification process have not been detailed in the proposed rule, but rather will be published and distributed in a procedures manual.

Specifically, this section requires that if the Secretary selects a student for verification or if the institution selects the student on behalf of the Secretary, the student must provide the required documentation to the institution. The institution must review that documentation and make any needed adjustments to its award determination.

The Secretary is proposing that the institution *may* make the first NDSL or SEOG disbursement for one payment period to the student to avoid disruption that may be caused by the verification process. Since by law a student must be paid for all hours worked, the Secretary is proposing that a student may not be employed under the CWS program until verification procedures are completed.

The Secretary is proposing that an institution must withhold all future NDSL and SEOG disbursements until the verification process is completed. This is being proposed in order to encourage students to submit promptly the documentation needed to verify the information on which their awards were based.

Any overpayment of an NDSL or SEOG identified in the verification process must be either eliminated by adjusting subsequent awards within the award year or repaid by the student.

The Secretary will develop the procedures manual for use in verifying student information. The manual will include procedures for selecting the student sample, items that must be verified and the documentation needed to verify that information, and tolerances.

The Secretary is requesting comments on all aspects of the proposed verification process. In addition, the Secretary will consult with the student financial aid community in the development of this process.

It should be noted that the Secretary does not intend to discourage the continuation of established institutional verification procedures now in place; rather it is our intention to ensure that a minimum level of verification be conducted to assure that the integrity of the programs is maintained.

In addition to the major changes described above, the Secretary is increasing the living expense figure used in calculating an institutions's fair share for the 1982–83 award year to $3200. The figure equals the sum of ¾ of the family size offset for single self-supporting students as calculated under the Pell Grant program, plus an amount for books and supplies.

Regulatory Flexibility Act

The small entities affected by these regulations are small institutions of higher education. The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The regulations propose changes in the procedures for allocating program funds to institutions and calculating the Federal capital contribution, and they would permit the Secretary to require verification of information submitted by student aid applicants.

Invitation To Comment

The Secretary is inviting comments on the entire procedure for verifying campus-based financial aid information supplied by applicants and on the proposed revisions to the funding process.

Information from Institutions of Higher Education

The Secretary requests comments on whether these proposed regulations would require institutions of higher education to transmit information that is already being gathered by or is available from any other agency or authority of the United States.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be opportunities to reduce any regulatory burdens found in these regulations, especially with regard to paperwork and compliance requirements.

Address for Comments

Written comments and recommendations may be sent to the address given at the beginning of this preamble. The Secretary will consider in the development of the final regulations all comments received on or before February 22, 1982.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Regional Office Building 3, Room 4018, 7th and D Streets, SW Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week, except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: December 31, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers 84.038 National Direct Student Loan Program; 84.033 College Work Study Program; 84.007 Supplemental Educational Opportunity Grant Program)

The Secretary amends Parts 674, 675, and 676 respectively, of Title 34 of the Code of Federal Regulations as follows:

PART 674—NATIONAL DIRECT STUDENT LOAN PROGRAM

1. Section 674.4 is amended by revising paragraph (b) to read as follows:

§ 674.4 Allocation and reallocation.

* * * * *

(b) *Reallocation.* (1)(i) If an institution anticipates not lending all of its allocated funds by the end of an award year, it must specify the anticipated unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions in accordance with paragraph (b)(2) of this section.

(2)(i) If the funds that becomes available under paragraph (b)(1) of this section come from the State's initial allotment under § 674.3(a)(1), the Secretary reallocates those funds proportionately to other institutions in that State.

(ii) The Secretary reapportions those funds reported under paragraph (b)(1)(i) of this section that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in a manner that best carries out the purposes of the NDSL program.

* * * * *

2. Section 674.6 is amended by revising paragraphs (a), (b), and (c)(3) to read as shown below, and by changing the word "education" in paragraph (e)(4)(i) to read "attendance".

§ 674.6 Funding procedure.

(a) *General.* (1) Each institution applying for NDSL funds receives an approved level of expenditure in the following three stages—

(i) A "conditional guarantee;"

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) The terms "conditional guarantee" and "fair share" refer only to the level of expenditure. The Secretary computes the Federal capital contribution (FCC) according to § 674.6a.

(3) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing an NDSL application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filing an NDSL application.

(iii) "Current year authorized level of expenditure" means—

(A) The FCC awarded for the current year; and

(B) The matching institutional capital contributions.

(iv) "Level of expenditure" means the amount of loans made in an award year plus the amount the institution claimed from the NDSL fund for administrative expenses in that year.

(b) *Conditional guarantee.* The Secretary computes a conditional guarantee of the level of expenditure in the following way:

(1) An institution that participated in the NDSL program in the 1980–81 award year receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its 1980–81 award year level of expenditures.

(2) An institution that did not participate in the 1980–81 award year and is not a first or second time participant, receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its level of expenditure for the first year it participated in the NDSL program after the 1980–81 award year.

(3) An institution applying to participate in the NDSL program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of:

$$\frac{\text{NDSL expenditures in the base year of eligible institutions offering comparable programs of instruction}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment, or}$$

(iii) 90 percent of its current year authorized level of expenditure.

(c) * * *

(3) As used in paragraphs (d) and (e) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate and graduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Were enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and non-taxable income data and all the other information necessary to perform a needs analysis using a methodology approved by the Secretary.

* * * * *

3. Section 674.6a is revised to read as follows:

§ 674.6a Funding procedure—Federal capital contributions (FCC).

(a) For any year, an institution may receive a Federal capital contribution if its default rate is not more than 25 percent.

(b) An institution's FCC equals 90 percent of its—

(1) Conditional guarantee minus the reimbursements for Direct loan cancellations received in the base year and loan repayments calculated under paragraph (c) of this section;

(2) State increse; and

(3) National increase.

(c) For purposes of paragraph (b)(1) of this section—

(1) If the institution's default rate is 10 percent or less, the Secretary considers its loan repayments to equal 121 percent of the amount it collected in the base year; and

(2) If an institution's default rate is greater than 10 percent and not more than 25 percent, the Secretary considers its loan repayments to be 121 percent of—

(i) The amount collected in the base year; plus

(ii) The additional amount it would have collected in the base year if its default rate were 10 percent (excess overdue amount).

(3) The Secretary calculates an institution's excess overdue amount by—

(i) Determining the amount of defaulted loans that would equal a 10 percent default rate by multiplying the total amount of matured loans of the institution by 10 percent;

(ii) Subtracting 10 percent of the matured loans from the defaulted principal amount outstanding;

(iii) Dividing the amount obtained in paragraph (b)(3)(ii) of this section by the defaulted principal amount outstanding; and

(iv) Multiplying the actual amount of past due principal by the fraction obtained in paragraph (b)(3)(iii) of this section.

(d) The definition of "default rate," "defaulted principal amount outstanding" and "matured loan" are set forth in § 674.2. However, for purposes of this section, the Secretary excludes from an institution's default rate—

(1) Notes referred to the U.S. Commissioner of Education on or before September 15, 1979 if the institution received either a notification of acceptance or a receipt from the Office of Education;

(2) Notes assigned to the United States on or before June 30 of the base year and receipted by the United States; and

(3) Notes that have been in default but on which borrowers have made satisfactory arrangements to resume payment.

(e) No institution may receive more Federal capital contribution than it requested.

(20 U.S.C. 1087bb)

4. Section 674.7 is revised to read as follows:

§ 674.7 Application appeal review.

(a) An institution may request a review of its computed level of expenditure or its Federal capital contribution (FCC) at the time specified by Secretary.

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding §§ 674.6 and 674.6a an institution may appeal the following elements used in determining an institution's NDSL level of expenditure or FCC award:

(1) For purposes of determining an institution's FCC award:

(i) The expected collections used in determining an institution's FCC; and

(ii) The default penalty applied to institutions with a default rate greater than 10 percent; and

(2) For purposes of determining an institution's self-help need:

(i) The average cost of books and supplies;

(ii) The established expected family contributions;

(iii) The enrollment data used to determine average tuition and fee costs; and

(iv) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that an increase in NDSL collections of 10 percent per year is unreasonable.

(2) The extent to which the institution can justify that its default rate does not reflect its current collection efforts.

(3) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the insitution.

(4) The extent to which the institution can justify that the standard expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(5) The extent to which the institution can justify that the average tuition and fee costs derived from the institution's enrollment data do not accurately reflect these costs at the institution.

(6) The extent to which the institution can justify that the base year used to determine its need for NDSL funds does not accurately reflect the institutions current need for NDSL funds.

(e) In establishing an institution's level of expenditure and Federal capital contribution, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary establishes an approved level of expenditure and Federal capital contribution based on

procedures in § 674.6 and § 674.6a and the appeal panel's recommendations.

(20 U.S.C. 1087bb)

5. Section 674.22 is added to read as follows:

§ 674.22 Verification of student aid applicant information.

(a) The Secretary may require a student to verify, by specified documentation, the information on which the student's NDSL award is based and may require an institution to select students to verify, by specified documentation, the information on which their awards are based.

(b) Until verification procedures are completed, the institution may disburse not more than one payment, and may, at its option, withhold all payments.

(c) Any overpayment identified in the verification process or resulting from failure to provide required documentation must be—

(1) Eliminated by adjusting subsequent awards within the award year; or

(2) Repaid by the student.

(d) The Secretary will establish and publish procedures to be use for—

(1) Selecting students for the verification process; and

(2) Verifying information.

(20 U.S.C. 1087dd, 1089)

PART 675—COLLEGE WORK-STUDY PROGRAM

1. Section 675.4 is revised to read as follows:

§ 675.4 Allocation and reallocation.

(a) *Allocation.* The Secretary distributes CWS funds according to §§ 675.6 and 675.7.

(b) *Reallocation.* (1)(i) If an institution anticipates not using all of its allocated funds by the end of an award year it must, after determining the amount it will carry forward into the next award year, specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions in accordance with paragraphs (b)(2), (3) and (4) of this section.

(2) If the funds that become available under paragraph (b)(1) of this section come from the State's initial allotment under § 675.3(b)(1), the Secretary reallocates those funds equitably to other institutions in that State. The Secretary reallots those funds that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in accordance with paragraphs (b) (3) and (4) of this section.

(3) The Secretary increases the award to any institution whose CWS allocation is less than its 1979–80 award year CWS expenditures unless it suffers a substantial decline in enrollment as defined in § 675.6(a).

(4) The Secretary reallocates any remaining funds as follows:

(i) Fifty percent to eligible applicant institutions to initiate, improve, or expand cooperative education programs conducted in accordance with Title VIII of the HEA; and

(ii) Fifty percent in a manner that best carries out the purposes of the CWS program.

(c) *Payments to institutions.* The Secretary allocates funds for a specific period of time. The Secretary pays funds to an institution in advance or by reimbursement. The Secretary bases the amount to be paid on periodic fiscal reports.

(42 U.S.C. 2752 and 2756)

2. In § 675.6, paragraphs (a), (b) and (c)(3) are revised to read as follows:

§ 675.6 Funding procedure.

(a) *General.* (1) Each institution applying for CWS funds receives an amount computed in the following three stages:

(i) A "conditional guarantee;"

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing a CWS application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filing a CWS application.

(iii) "Substantial decline in enrollment" means a decline in an institution's base year total enrollment by at least 30 percent from its 1979–80 award year total enrollment.

(b) *Conditional guarantee.* The Secretary computes a conditional guarantee in the following way:

(1)(i) An institution that participated in the CWS program in the 1979–80 award year receives a conditional guarantee equal to the greater of—

(A) $5,000; or

(B) its 1979–80 award year Federal share of expenditures unless it suffers a substantial decline in enrollment.

(ii) If an institution suffers a substantial decline in enrollment, the Secretary reduces its 1979–80 award year Federal share of CWS expenditures by the percentage of the decline in its eligible aid applicants between the 1979–80 award year and the base year.

(2) An institution that did not participate in the CWS program in the 1979–80 award year and is not a first or second time participant receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its Federal share of expenditures for the first year it participated in the CWS program after the 1979–80 award year.

(3) An institution applying to participate in the CWS program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of

$$\frac{\text{Federal share of CWS expenditures in the base year by eligible institutions offering comparable programs of instruction}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment; or}$$

(iii) 90 percent of its current year allocation.

(c) * * *

(3) As used in paragraphs (d) and (e) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate and graduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Were enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and nontaxable income data and all the other information necessary to perform

a needs analysis using a methodology approved by the Secretry.

* * * * *

3. Section 675.7 is revised to read as follows:

§ 675.7 Application appeal review.

(a) An institution may request a review of the amount of funds it is scheduled to receive at the time specified by the Secretary.

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding § 675.6, an institution may appeal the following elements used in determining an institution's self-help need:

(1) The average cost of books and supplies;

(2) The established expected family contributions;

(3) The enrollment data used to determine average tuition and fee costs; and

(4) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the institution.

(2) The extent to which the institution can justify that the standards expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(3) The extent to which the institution can justify that the average tuition and fee costs dervied from the institution's enrollment data do not accurately reflect these costs at the institution.

(4) The extent to which the institution can justify that the base year used to determine its need for CWS funds does not accurately reflect the institution's current need for CWS funds.

(e) In setting an award amount, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary sets an award amount based on procedures in § 675.6 and the appeal panel's recommendations.

(42 U.S.C. 2756)

4. Section 675.29 is added to read as follows:

§ 675.29 Vertification of student aid applicant information.

(a) The Secretary may require a student to verify, by specified documentation, the information on which the student's CWS award is based and may require an institution to select students to verify, by specified documentation, the information on which their awards are based.

(b) The institution may not employ under the CWS program a student it knows has been selected for verification until the verification procedures are completed.

(c) The Secretary will establish and publish procedures to be used for—

(1) Selecting students for the verification process; and

(2) Verifying information.

(42 U.S.C. 2753 and 20 U.S.C. 1089)

PART 676—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. Section 676.4 is revised to read as follows:

§ 676.4 Allocation and reallocation.

(a) *Allocation.* The Secretary distributes SEOG funds according to §§ 676.6 and 676.7.

(b) *Reallocation.* (1)(i) If an institution anticipates not using all of its allocation for initial and continuing grants by the end of an award period, it must specify the anticipated unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions in accordance with paragraph (b)(2) of this section.

(2)(i) If the funds that become available under paragraph (b)(1) of this section come from the State's initial allotment under § 676.3(a)(1), the Secretary reallocates those funds equitably to other institutions in that State. The Secretary reapportions those funds that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in accordance with subparagraphs (ii) and (iii).

(ii) The Secretary increases the award to any institution whose SEOG allocation is less than its 1979–80 award year SEOG Initial Year (IY) and Continuing Year (CY) expenditures; and

(iii) The Secretary reallocates any remaining funds in a manner that best carries out the purposes of the SEOG program.

(c) *Payments to institutions.* The Secretary allocates funds for a specific period of time. The Secretary pays funds to an institution in advance or by reimbursement. The Secretary bases the amount to be paid on periodic fiscal reports.

(20 U.S.C. 1070b–3)

2. Section 676.6 is amended by revising paragraphs (a), (b) and (c)(3) to read as follows:

§ 676.6 Funding procedure.

(a) *General.* (1) Each institution applying for SEOG IY or CY funds receives an amount computed in the following stages:

(i) A "conditional guarantees;"

(ii) An IY State increase based on its "fair share" of the State's IY apportionment;

(iii) An IY national increase based on its "fair share" of the national IV portion of the SEOG appropriation; and

(iv) A CY national increase based on its "fair share" of the national CY portion of the SEOG appropriaton.

(2) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing an SEOG application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filing an SEOG application.

(b) *Conditional guarantee.* The Secretary provides each institution a conditional guarantee computed in the following way:

(1) An institution that participated in the SEOG program in the 1979–80 award year receives an SEOG conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) The sum of its 1979–80 award year IY and CY expenditures.

(2) An institution that did not participate in the SEOG program in the 1979–80 award year and is not a first or second time participant receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of the sum of its IY and CY expenditures for the first year it participated in the SEOG program.

(3) An institution applying to participate in the SEOG program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of

$$\frac{\text{IY expenditures in the base year by eligible institution offering comparable programs at institution}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment; or}$$

(iii) 90 percent of its current year IY allocation and 100 percent of its current year CY allocation.

(4) The Secretary divides each institution's conditional guarantee between IY and CY funds based on the percentage that the institution's request for each type of grant bears to its total request.

(c) * * *

(3) As used in paragraph (d) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Were enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and non-taxable income data and all the other information necessary to perform a needs analysis using a methodology approved by the Secretary;

(iii) *State Student Incentive Grants (SSIG)* means:

$$\frac{\text{State's total SSIG for the base year (Federal plus match)}}{\text{The State's total undergraduate State grants for the base year (including the Federal SSIG allotment)}} \times \text{institution's total undergraduate State grants for the base year.}$$

As used in this formula—

(A) "State" means the State in which the institution is located; and

(B) "State grants" means the sum of all State grants and scholarships received by undergraduate students at an institution during the base year.

(iv) *Institutional grants* means the sum of undergraduate gift aid included in determining the maintenance of effort amount under § 676.20 during the 1977–78 award year. Institutional grants shall not include student financial assistance that an institution is required by State law to provide from its own funds and is not free under any law in effect on January 1, 1979 to select the recipients or adjust the criteria by which the recipients are selected. Institutional grants shall also not include any student financial assistance that an institution contributed on behalf of the State for the SSIG Program.

* * * * *

3. Section 676.7 is revised to read as follows:

§ 676.7 Application appeal review.

(a) An institution may request a review of the amount of funds it is scheduled to receive at a time specified by the Secretary.

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding § 676.6 an institution may appeal the following fair share elements used in determining an institution's SEOG need:

(1) The average cost of books and supplies;

(2) The established expected family contributions;

(3) The enrollment data used to determine average tuition and fee costs; and

(4) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the institution.

(2) The extent to which the institution can justify that the standard expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(3) The extent to which the institution can justify that the average tuition and fee costs derived from the institution's enrollment data do not accurately reflect these costs at the institution.

(4) The extent to which the institution can justify that the base year used to determine its need for SEOG funds does not accurately reflect the institution's current need for SEOG funds.

(e) In setting an award amount, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary sets an award amount based on procedures in § 676.6 and the appeal panel's recommendations.

(20 U.S.C. 1070b–3)

4. Section 676.25 is added to read as follows:

§ 676.25 Verification of student aid applicant information.

(a) The Secretary may require a student to verify, by specified documentation, the information on which the student's SEOG award is based and may require an institution to select students to verify, by specified documentation, the information on which their awards are based.

(b) Until verification procedures are completed, the institution may disburse not more than one payment, and may, at its option, withhold all payments.

(c) Any overpayment identified in the verification process or resulting from failure to provide required documentation must be—

(1) Eliminated by adjusting subsequent awards within the award year; or

(2) Repaid by the student.

(d) The Secretary will establish and publish procedures to be used for—

(1) Selecting students for the verification process; and

(2) Verifying information.

(20 U.S.C. 1070b–2 and 1089)

[FR Doc. 82-355 Filed 1-6-82; 8:45 am]
BILLING CODE 4000-01-M

federal register

Thursday
January 7, 1982

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Mortgage Insurance and Home Improvement Loans; Changes in Maximum Mortgage Amounts

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. R-81-949]

Mortgage Insurance and Home Improvement Loans: Changes in Maximum Mortgage Amounts

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This rule revises single-family mortgage limits for areas where moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices.

DATES: Effective date: January 7, 1982.

Comments due: Comments must be received on or before March 8, 1982.

ADDRESS: Interested parties are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should refer to the docket number shown above and the date of this publication. A copy of each comment submitted will be available for public examination and copying (at a charge of ten cents per page) during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Room 9270, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6720 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Sections 203(b)(2) and 234(c) of the National Housing Act (12 U.S.C. 1709(b)(2), 1715y(c)) prescribe maximum mortgage amounts for the single-family and condominium unit mortgage programs established under such provisions. By Section 336 of the Housing and Community Development Act of 1980, such sections were amended to authorize the Secretary to increase the statutory limits on an area-by-area basis as the Secretary deems necessary, after taking into consideration the extent to which moderate- and middle-income persons have limited housing opportunities in the area due to high prevailing housing sales prices.

In the case of mortgages insured under Section 203(b), the statute provided that the increased limits could not exceed the lesser of (A) 133⅓% of the statutory limit, or (B) 95% of the median one-family house price in the area in the case of a one-family residence, 107% of such median price in the case of two-family residence, 130% for a three-family residence, and 150% for a four-family residence.

In the case of mortgages insured under Section 234(c), the statute provided that the increased limit could not exceed the lesser of 111% of the statutory limit or 95% of the median one-family house price in the area.

The Department published an interim rule on November 18, 1980 (45 FR 76376) implementing the statutory authorization. The interim rule added a new § 203.18b and amended § 234.27 of the regulations, in each case to provide for the limit increases on an area-by-area basis. In addition, the interim rule added a new Appendix A to each of Parts 203 and 234, setting the increased limits for the areas identified therein. The primary data reference employed in the development of the new area-wide limits was the Federal Home Loan Bank Board's survey of "Terms on Conventional Home Mortgages." Geographic identification was by Standard Metropolitan Statistical Areas (SMSA) and non-SMSA state-wide areas. Interested parties who determined that the designated maximum mortgage limits did not accurately reflect the extent to which moderate- and middle-income persons had limited housing opportunities in local market areas due to high prevailing housing sales prices were invited to submit comments.

An analysis of sales data contained in some comments indicated that the "median sales price" in some areas did not adequately reflect the cost of new homes because of a preponderance of existing home sales compared to new home sales. In the Conference Report on the Omnibus Budget Reconciliation Act of 1981, the conferees further clarified the intent of the 1980 amendments in such a context. The Conference Report stated: "While the Congress intends that the concept of 'median sales price' refer to the median of the aggregated sales price of new and existing homes, in cases where the median one-family home price does not reasonably reflect the sales prices of newly constructed homes because of an existing stock whose value is static or declining, the conferees expect the Secretary to give greater weight to the sales prices of new homes in determining median sales price in such areas, so that the housing opportunities of moderate- and middle-income persons will be maximized."

In this rulemaking action, the Department is amending Appendix A to Parts 203 and 234 to establish new increased mortgage limits for the geographic areas indicated therein. In addition, 24 CFR 203.18b and 234.27 are each amended to reflect the flexibility allowed in determining "median sales price" in areas where the Commissioner determines that the composite median one-family price does not reasonably reflect the sales price of newly constructed homes because of an existing stock whose value is static or declining.

In establishing increased limits for the amended Appendices published herein for areas where evidence indicated that existing home sales outnumbered new homes sales by three-to-one or better, the "median sales price" has been calculated as the greater of (1) the average of the median sales prices for new and existing homes, and (2) the composite median price of all sales.

Separate maximum mortgage amounts are established for Section 203(b) and 234(c). The amounts for Section 203(b) are applicable also to Sections 203(k), 213, 222, 240, 244, 245(a), 245(b), 809, and 810. Mortgage limits for Section 220(d)(3)(A)(i) are also the same as for Section 203(b), with per-unit increases of $9,165 for each unit in excess of four.

In cases where interested parties consider that the designated maximum mortgage limits do not accurately reflect the extent to which moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices, they may comment on the limits in their area. Comments may be submitted to the appropriate HUD Field Office for review. Information which may be helpful in making a determination would include data for new and existing home sales in the area for a recent period of time.

The Secretary has determined that prior notice and public comment are not necessary and would be contrary to the public interest and that good cause exists for making this rule effective as soon as possible. Prior public comment would cause a substantial delay in making the benefits available, which would result in unnecessary hardship to homebuyers who need to use the increased mortgage amounts which this Interim Rule provides.

For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d). In addition, the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing, and Urban Affairs

and the House Committee on Banking, Finance and Urban Affairs have waived the 30-day delayed effective date provided for in Section 7(o)(3) of the Department of HUD Act, 42 U.S.C. 3535(o)(3). Accordingly, this regulation is being published as an interim rule to become effective upon publication. However, the Department is soliciting comments from the public prior to issuing a final rule. All comments received prior to conclusion of the 60-day comment period will be considered by the Department in preparation of the final rule.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned certifies that the rule does not have a significant economic impact on a substantial number of small entities.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

This rule was not listed in the Semiannual Agenda of Regulations published pursuant to Executive Order 12291 and the Regulatory Flexibility Act on August 17, 1981 (46 FR 41708).

The following numbers identify the program, as listed in the Catalog of Federal Domestic Assistance, affected by the regulation change.

Section 203(b)—14.117 Mortgage Insurance—Homes (F)—14.118 Mortgage Insurance—Homes for Certified Veterans (F)
Section 213—14.126 Mortgage Insurance—Management Type Cooperative Projects (F)
Section 220—14.122 Mortgage Insurance—Homes in Urban Renewal Areas (F)
Section 221(d)(2)—14.120 Mortgage Insurance—Homes for Low and Moderate Income Families (F)
Section 222—14.133 Mortgage Insurance—Purchase of Units in Condominiums (F)
Section 240—14.130 Mortgage Insurance—Purchase by Homeowners of the Fee Simple Title by Lessors (F)
Section 244—14.161 Single Family Mortgage Coinsurance (F)
Section 245(a) and 245(b)—14.159 Section 245 Graduated Payment Mortgage Program (F)
Section 809—14.167 Mortgage Insurance—Armed Services Housing—Civilian Employees (F)
Section 810—14.168 Armed Services Housing—Impacted Areas (F)

Accordingly, Chapter II of Title 24 C.F.R. is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. Section 203.18b is amended by adding a new paragraph (c) to read as follows:

§ 203.18b Increased mortgage amount.

* * * * *

(c) In the case of an area where the Commissioner determines that the median one-family house price does not reasonably reflect the sales prices of newly constructed homes because of an existing stock whose value is static or declining, the Commissioner may give greater weight to the sales prices of new homes in determining median house price in such area. Without limiting the discretion of the Commissioner in fashioning appropriate methods of implementing the foregoing authority in particular circumstances based upon a demonstration of good cause satisfactory to the Commissioner, in areas where evidence satisfactory to the Commissioner indicates that existing home sales outnumber new home sales by three-to-one or better, the "median sales price" will be calculated as the greater of (1) the average of the median sales price for new and existing homes, and (2) the composite median price of all sales.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

2. Section 234.27 is amended by adding a new paragraph (c) to read as follows:

§ 234.27 Maximum mortgage amounts.

* * * * *

(c) In the case of an area where the Commissioner determines that the median one-family house price does not reasonably reflect the sales prices of newly constructed homes because of an existing stock whose value is static or declining, the Commissioner may give greater weight to the sales prices of new homes in determining median house price in such area. Without limiting the discretion of the Commissioner in fashioning appropriate methods of implementing the foregoing authority in particular circumstances based upon a demonstration of good cause satisfactory to the Commissioner, in areas where evidence satisfactory to the Commissioner indicates that existing home sales outnumber new home sales by three-to-one or better, the "median sales price" will be calculated as the greater of (1) the average of the median sales price for new and existing homes, and (2) the composite median price of all sales.

PART 203—[AMENDED]

3. Part 203 is amended by revising Appendix A at the end thereof to read, in its entirety, as follows:

Appendix A to Part 203

Schedule of Section 203(b) Area-Wide One- To Four-Family Mortgage Limits

For any market area (county or part of a county) not listed in Appendix A below, the following maximum mortgage limits shall apply: $67,500 for a one-family unit; $76,000 for a two-family unit; $92,000 for a three-family unit; and $107,000 for a four-family unit.

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
REGION I				
HUD Field Office: Hartford Area Office				
Bridgeport, CT SMSA:				
Fairfield County (part)	$70,500	$79,500	$96,500	$112,000

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
Bridgeport City				
Shelton City				
Easton Town				
Fairfield Town				
Monroe Town				
Stratford Town				
Trumbull Town				
New Haven County (part)				
Derby City				
Milford City				
Bristol, CT SMSA:				
Hartford County (part)	71,000	[illegible]	97,000	113,000
Bristol City				
Burlington Town				
Litchfield County				
Plymouth Town				
Danbury, CT SMSA:				
Fairfield County (part)	[illegible]	90,000	109,000	127,000
Danbury City				
Bethel Town				
Brookfield Town				
New Fairfield Town				
Newtown Town				
Redding Town				
Litchfield County (part)				
New Milford Town				
Hartford, CT SMSA:				
Hartford County (part)	[illegible]	77,000	93,000	108,000
Hartford City				
Avon Town				
Bloomfield Town				
Canton Town				
East Granby Town				
East Hartford Town				
East Windsor Town				
Enfield Town				
Farmington Town				
Glastonbury Town				
Granby Town				
Manchester Town				
Marlborough Town				
Newington Town				
Rocky Hill Town				
Simsbury Town				
South Windsor Town				
Suffield Town				
West Hartford Town				
Wethersfield Town				
Windsor Town				
Windsor Locks Town				
Litchfield County (part)				
New Hartford Town				
Middlesex County (part)				
Cromwell Town				
East Hampton Town				
Portland Town				
New London County				
Colchester Town				
Tolland County (part)				
Andover Town				
Bolton Town				
Columbia Town				
Coventry Town				
Ellington Town				
Hebron Town				
Stafford Town				
Tolland Town				
Vernon Town				
Willington Town				
Norwalk, CT SMSA:				
Fairfield County (part)	[illegible]	101,300	122,650	[illegible]
Norwalk City				
Weston Town				
Westport Town				
Wilton Town				
Stamford, CT SMSA:				
Fairfield County (part)	[illegible]	101,300	122,650	[illegible]
Stamford City				
Darien Town				
Greenwich Town				
New Canaan Town				
REGION II				
HUD Field Office: New York Area Office				
New York and Nassau-Suffolk, NY SMSAS (combined):				
Bronx County	$72,600	$81,000	$98,500	$114,500

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
Kings County Nassau County New York County Putnam County Queens County Richmond County Rockland County Suffolk County Westchester County				
HUD Field Office: Newark Area Office				
State of New Jersey—northern metro areas: Bergen County Essex County Hudson County Middlesex County Monmouth County Morris County Passaic County Somerset County Union County	$83,500	$94,000	$113,500	$132,000
HUD Field Office: Camden Service Office				
Atlantic City, NJ SMSA: Atlantic County	$89,000	$100,000	$121,000	$141,000
Trenton, NJ SMSA: Mercer County	68,500	77,000	93,500	108,000
Region III				
HUD Field Office: Washington, DC Area Office				
Washington, DC-MD-VA SMSA: District of Columbia Montgomery County, MD Prince Georges County, MD Alexandria City, VA Fairfax City, VA Fairfax County, VA Falls Church City, VA Manassas City, VA Manassas Park City, VA Arlington County, VA Loudoun County, VA Prince William County, VA	$89,500	$100,500	$122,000	$141,500
HUD Field Office: Baltimore Area Office				
Washington, DC-MD-VA SMSA: Charles County	$89,500	$100,500	$122,000	$141,500
Baltimore, MD SMSA (part):				
Howard County	76,500	86,000	107,000	124,000
Anne Arundel County				
HUD Field Office: Richmond Area Office				
Newport News-Hampton and Norfolk-VA Beach-Portsmouth, VA SMSA (combined): Chesapeake City Hampton City Newport News City Norfolk City Poquoson City Portsmouth City Suffolk City Virginia Beach City Williamsburg City Gloucester County James City County York County	$76,500	$86,000	$104,500	$120,500
Region IV				
HUD Field Office: Greensboro Area Office				
Newport News-Hampton and Norfolk-VA Beach-Portsmouth, VA SMSA: Currituck County	$76,500	$86,000	$104,500	$120,500
HUD Field Office: Columbia Area Office				
Charleston-North Charleston, SC SMSA: Berkeley County Charleston County Dorchester County	$80,500	$90,500	$110,000	$127,500
HUD Field Office: Atlanta Area Office				
Atlanta, GA SMSA: Butts County	$76,500	$86,000	$107,000	$124,500

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
Cherokee County				
Clayton County				
Cobb County				
De Kalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
Walton County				
HUD Field Office: Birmingham Area Office				
Mobile, AL SMSA				
Baldwin County	$75,000	$84,000	$102,500	$118,000
Mobile County				
Montgomery, AL SMSA				
Autauga County	75,000	84,000	102,500	118,000
Elmore County				
Montgomery County				
HUD Field Office: Memphis Service Office				
Memphis, TN-AR-MS SMSA				
Shelby County	$75,000	$84,000	$102,500	$118,000
Tipton County				
HUD Field Office: Jackson Area Office				
Memphis, TN-AR-MS SMSA: De Soto County	$75,000	$84,000	$102,500	$118,000
HUD Field Office: Coral Gables Service Office				
Ft. Lauderdale-Hollywood, FL SMSA: Broward County	$72,500	$81,500	$98,500	$115,000
Miami, FL SMSA: Dade County	71,500	80,500	97,500	113,500
West Palm Beach-Boca Raton, FL SMSA: Palm Beach County	73,500	82,500	100,000	115,500
REGION V				
HUD Field Office: Minneapolis-St. Paul Area Office				
Minneapolis-St. Paul, MN SMSA:				
Anoka County	$74,000	$83,000	$101,000	$117,500
Carver County				
Chisago County				
Dakota County				
Hennepin County				
Ramsey County				
Scott County				
Washington County				
Wright County				
St. Cloud, MN SMSA				
Benton County	68,500	77,000	[illegible]	109,500
Sherburne County				
Stearns County				
HUD Field Office: Milwaukee Area Office				
Minneapolis-St. Paul, MN SMSA: St. Croix County	$74,000	$83,000	$101,000	$117,500
Milwaukee, WI SMSA				
Milwaukee County	73,500	[illegible]	100,500	116,500
Ozaukee County				
Washington County				
Waukesha County				
HUD Field Office: Chicago Area Office				
Chicago, IL SMSA:				
Cook County	$82,000	[illegible]	$111,500	$129,500
DuPage County				
Kane County				
Lake County				
McHenry County				
Will County				
HUD Field Office: Detroit Area Office				
Detroit, MI SMSA:				
Lapeer County	[illegible]	$83,500	$101,500	$118,000

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
Livingston County				
Macomb County				
Oakland County				
St. Clair County				
Wayne County				
HUD Field Office: Columbus Area Office				
Cleveland, OH SMSA				
Cuyahoga County	$70,500	$79,000	$96,000	$111,500
Geauga County				
Lake County				
Medina County				
Region VI				
HUD Field Office: Dallas Area Office				
Dallas-Ft. Worth, TX SMSA				
Collin County	[illegible]	[illegible]	$115,500	$134,500
Dallas County				
Denton County				
Ellis County				
Kaufman County				
Rockwall County				
Sherman-Denison, TX SMSA: Grayson County	[illegible]	[illegible]	106,500	124,000
HUD Field Office: Fort Worth Service Office				
Dallas-Ft. Worth, TX SMSA				
Hood County	$85,000	$95,500	$115,500	$134,500
Johnson County				
Parker County				
Tarrant County				
Wise County				
HUD Field Office: Houston Service Office				
Houston, TX SMSA				
Brazoria County	[illegible]	$78,000	[illegible]	$110,500
Ft. Bend County				
Harris County				
Liberty County				
Montgomery County				
Waller County				
HUD Field Office: Lubbock Service Office				
Amarillo, TX SMSA				
Potter County	[illegible]	$77,000	$93,500	[illegible]
Randall County				
Lubbock, TX SMSA: Lubbock County	70,000	[illegible]	95,500	110,500
Midland, TX SMSA: Midland County	[illegible]	78,500	95,500	110,500
HUD Field Office: San Antonio Area Office				
Austin and San Antonio, TX SMSAS (combined)				
Bexar County	[illegible]	$78,500	[illegible]	$110,000
Comal County				
Guadalupe County				
Hays County				
Travis County				
Williamson County				
Corpus Christi, TX SMSA				
Nueces County	70,000	[illegible]	[illegible]	110,500
San Patricio County				
HUD Field Office: Little Rock Area Office				
Memphis, TN-AR-MS SMSA: Crittenden County	[illegible]	$84,000	$102,500	$118,000
HUD Field Office: Oklahoma City Area Office				
Oklahoma City, OK SMSA:				
Canadian County	[illegible]	[illegible]	[illegible]	[illegible]
Cleveland County				
McClain County				
Oklahoma County				
Pottawatomie County				
HUD Field Office: New Orleans Area Office				
Baton Rouge and New Orleans, LA SMSAS (combined):				
Ascension Parish	$76,000	$85,500	$103,500	$120,500

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
East Baton Rouge Parish				
Jefferson Parish				
Livingston Parish				
Orleans Parish				
St. Bernard Parish				
St. Tammany Parish				
West Baton Rouge Parish				
HUD Field Office: Albuquerque Service Office				
Albuquerque, NM SMSA:				
Bernalillo County	$76,500	$86,000	$104,000	$121,000
Sandoval County				
HUD Field Office: Tulsa Service Office				
Tulsa, OK SMSA:				
Creek County	$71,500	$80,500	$97,000	$113,500
Mayes County				
Osage County				
Rogers County				
Tulsa County				
Wagoner County				
REGION VIII				
HUD Field Office: Denver Regional/Area Office				
Denver-Boulder, CO SMSA:				
Adams County	$76,000	$85,500	$103,500	$120,500
Arapahoe County				
Boulder County				
Denver County				
Douglas County				
Gilpin County				
Jefferson County				
Greeley, CO SMSA: Weld County	70,500	79,500	96,500	111,500
Colorado statewide non-SMSA areas	70,500	79,500	96,500	111,500
HUD FIELD OFFICE: HELENA SERVICE OFFICE				
State of Montana, SMSA and non-SMSA areas	$75,500	$84,000	$102,500	$118,000
REGION IX				
HUD Field Office: Los Angeles Area Office				
Las Angeles area, office metro and nonmetro areas:				
Los Angeles County	$90,000	$101,300	$122,600	$142,600
San Luis Obispo County				
Santa Barbara County				
Ventura County				
HUD Field Office: San Francisco Area Office				
San Francisco area office metro and nonmetro areas:				
Alameda County	$90,000	$101,300	$122,600	$142,600
Contra Costa County				
Del Norte County				
Humboldt County				
Lake County				
Marin County				
Mendocino County				
Monterey County				
Napa County				
San Benito County				
San Francisco County				
San Mateo County				
Santa Clara County				
Santa Cruz County				
Solano County				
Sonoma County				
HUD Field Office: Fresno Service Office				
Fresno service office metro and nonmetro areas:				
Fresno County	$71,500	$80,500	$98,000	$113,000
Kern County				
Kings County				
Madera County				
Mariposa County				
Merced County				
Stanislaus County				
Tulare County				
HUD Field Office: Sacramento Service Office				
Sacramento service office metro and nonmetro areas:				
Alpine County	$84,000	$95,000	$115,000	$133,500

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
Amador County				
Butte County				
Calaveras County				
Colusa County				
El Dorado County				
Glenn County				
Lassen County				
Modoc County				
Nevada County				
Placer County				
Plumas County				
Sacramento County				
San Joaquin County				
Shasta County				
Sierra County				
Siskiyou County				
Sutter County				
Tehama County				
Trinity County				
Tuolumne County				
Yolo County				
Yuba County				
HUD Field Office: San Diego Service Office				
San Diego service office metro and nonmetro areas:				
Imperial County	[illegible]	$101,300	$122,600	$142,600
San Diego County				
HUD Field Office: Santa Ana Service Office				
Santa Ana service office metro areas:				
Orange County	$90,000	$101,300	[illegible]	[illegible]
Riverside County				
San Bernardino County				
Santa Ana service office nonmetro areas:				
Inyo County	71,500	[illegible]	[illegible]	113,000
Mono County				
HUD Field Office: Las Vegas Service Office				
Las Vegas, NV SMSA: Clark County	[illegible]	$101,300	[illegible]	[illegible]
State of Nevada—nonmetro areas:				
Lincoln County	75,000	[illegible]	102,500	118,000
Nye County (part)				
HUD Field Office: Reno Service Office				
Reno, NV SMSA: Washoe County	[illegible]	$101,000	[illegible]	[illegible]
State of Nevada—nonmetro areas:				
Carson City County	75,000	[illegible]	[illegible]	118,000
Churchill County				
Douglas County				
Elko County				
Esmeralda County				
Eureka County				
Humboldt County				
Lander County				
Lyon County				
Mineral County				
Nye County (part)				
Pershing County				
Storey County				
White Pine County				
HUD Field Office: Phoenix Service Office				
Phoenix, AZ SMSA: Maricopa County	$81,000	[illegible]	$111,500	[illegible]
HUD Field Office: Tucson Service Office				
Tucson, AZ SMSA: Pima County	$68,500	[illegible]	[illegible]	[illegible]
HUD Field Office: Honolulu Area Office				
State of Hawaii metro and nonmetro areas	$135,000	$151,950	$183,975	$213,975
Region X				
HUD Field Office: Seattle Area Office				
Richland-Kennewick and Yakima, WA SMSAS (combined): Yakima County	[illegible]	$81,500	[illegible]	$114,000
Seattle-Everett, WA SMSA:				
King County	72,000	81,500	[illegible]	114,000
Snohomish County				
Tacoma, WA SMSA: Pierce County	71,000	[illegible]	97,500	112,500

Market area designation and local jurisdictions	Section 203(b) mortgage limits			
	1-family	2-family	3-family	4-family
HUD Field Office: Spokane Service Office				
Richland-Kennewick and Yakima, WA SMSAS (combined):				
Benton County	$72,000	$81,500	$99,000	$114,000
Franklin County				
Spokane, WA SMSA: Spokane County	72,000	81,500	99,000	114,000
HUD Field Office: Boise Service Office				
Boise City, ID SMSA: Ada County	$70,000	$84,000	$102,500	$116,000

PART 234 [AMENDED]

4. Part 234 is amended by revising Appendix A at the end thereof to read, in its entirety, as follows:

Appendix A to Part 234

Schedule of Section 234(c) Area-Wide One-Family Mortgage Limits

For any market area (county or part of a county) not listed in Appendix A below, the maximum mortgage limit for a one-family condominium unit insured under section 234(c) shall be: $67,500.

Market area designation and local jurisdictions	Section 234(c) mortgage limit
Region I.—HUD Field Office: Hartford Area Office	
Bridgeport, CT SMSA	$70,500
Fairfield County (part)	
Bridgeport City	
Shelton City	
Easton Town	
Fairfield Town	
Monroe Town	
Stratford Town	
Trumbull Town	
New Haven County (part)	
Derby City	
Milford City	
Bristol, CT SMSA	71,000
Hartford County (part)	
Bristol City	
Burlington Town	
Litchfield County	
Plymouth Town	
Danbury, CT SMSA	74,900
Fairfield County (part)	
Danbury City	
Bethel Town	
Brookfield Town	
New Fairfield Town	
Newtown Town	
Redding Town	
Litchfield County (part)	
New Milford Town	
Hartford, CT SMSA	68,000
Hartford County (part)	
Hartford City	
Avon Town	
Bloomfield Town	
Canton Town	
East Granby Town	
East Hartford Town	
East Windsor Town	
Enfield Town	
Farmington Town	
Glastonbury Town	
Granby Town	
Manchester Town	
Marlborough Town	
Newington Town	
Rocky Hill Town	
Simsbury Town	
South Windsor Town	
Suffield Town	
West Hartford Town	
Wethersfield Town	
Windsor Town	
Windsor Locks Town	
Litchfield County (part)	
New Hartford Town	
Middlesex County (part)	
Cromwell Town	
East Hampton Town	
Portland Town	
New London County	
Colchester Town	
Tolland County (part)	
Andover Town	
Bolton Town	
Columbia Town	
Coventry Town	
Ellington Town	
Hebron Town	
Stafford Town	
Tolland Town	
Vernon Town	
Willington Town	
Norwalk, CT SMSA	74,900
Fairfield County (part)	
Norwalk City	
Weston Town	
Westport Town	
Wilton Town	
Stamford, CT SMSA	74,900
Fairfield County (part)	
Stamford City	
Darien Town	
Greenwich Town	
New Canaan Town	
Region II.—HUD Field Office: New York Area Office	
New York and Nassau-Suffolk, NY SMSAS (combined)	72,000
Bronx County	
Kings County	
Nassau County	
New York County	
Putnam County	
Queens County	
Richmond County	
Rockland County	
Suffolk County	
Westchester County	
HUD Field Office: Newark Area Office	
State of New Jersey—northern metro areas	74,900
Bergen County	
Essex County	
Hudson County	
Middlesex County	
Monmouth County	
Morris County	
Passaic County	
Somerset County	
Union County	
HUD Field Office: Camden Service Office	
Atlantic City, NJ SMSA, Atlantic County	74,900
Trenton, NJ SMSA, Mercer County	66,500
Region III.—HUD Field Office: Washington, DC Area Office	
Washington, DC–MD–VA SMSA	74,900
District of Columbia	
Montgomery County, MD	
Prince Georges County, MD	
Alexandria City, VA	
Fairfax City, VA	
Fairfax County, VA	
Falls Church City, VA	
Manassas City, VA	
Manassas Park City, VA	
Arlington County, VA	
Loudoun County, Va	
Prince William County, VA	
Washington, DC–MD–VA SMSA, Charles County, MD	74,900
Baltimore, MD SMSA (part)	74,900
Howard County	
Anne Arundel County	
HUD Field Office: Richmond Area Office	
Newport News-Hampton and Norfolk-VA Beach-Portsmouth, VA SMSA (combined)	74,900
Chesapeake City	
Hampton City	
Newport News City	
Norfolk City	
Poquoson City	
Portsmouth City	
Suffolk City	
Virginia Beach City	
Williamsburg City	
Gloucester County	
James City County	
York County	
Region IV.—HUD Field Office: Greensboro Area Office	
Newport News-Hampton and Norfolk-VA Beach-Portsmouth, VA SMSA, Currituck County	74,900
HUD Field Office: Columbia Area Office	
Charleston-North Charleston, SC SMSA	74,900
Berkeley County	
Charleston County	
Dorchester County	
HUD Field Office: Atlanta Area Office	
Atlanta, GA SMSA	74,900
Bulls County	
Cherokee County	
Clayton County	
Cobb County	
De Kalb County	
Douglas County	
Fayette County	
Forsyth County	
Fulton County	
Gwinnett County	
Henry County	
Newton County	
Paulding County	

Market area designation and local jurisdictions	Section 234(c) mortgage limit
Rockdale County	
Walton County	
HUD Field Office: Birmingham Area Office	
Mobile, AL SMSA	74,900
Baldwin County	
Mobile County	
Montgomery, AL SMSA	74,900
Autauga County	
Elmore County	
Montgomery County	
HUD Field Office: Memphis Service Office	
Memphis, TN-AR-MS SMSA	74,900
Shelby County	
Tipton County	
HUD Field Office: Jackson Area Office	
Memphis, TN-AR-MS SMSA, DeSoto County	74,900
HUD Field Office: Coral Gables Service Office	
Miami, FL SMSA, Dade County	71,500
West Palm Beach-Boca Raton, FL SMSA, Palm Beach County	73,500
Region V.—HUD Field Office: Minneapolis-St. Paul Area Office	
Minneapolis-St. Paul, MN SMSA	74,000
Anoka County	
Carver County	
Chisago County	
Dakota County	
Hennepin County	
Ramsey County	
Scott County	
Washington County	
Wright County	
St. Cloud, MN SMSA	66,500
Benton County	
Sherburne County	
Stearns County	
HUD Field Office: Milwaukee Area Office	
Minneapolis-St. Paul, MN SMSA, St. Croix County	74,000
Milwaukee, WI SMSA	73,500
Milwaukee County	
Ozaukee County	
Washington County	
Waukesha County	
HUD Field Office: Detroit Area Office	
Detroit, MI SMSA	69,500
Lapeer County	
Livingston County	
Macomb County	
Oakland County	
St. Clair County	
Wayne County	
HUD Field Office: Columbus Area Office	
Cleveland, OH SMSA	70,500
Cuyahoga County	
Geauga County	
Lake County	
Medina County	
Region VI.—HUD Field Office: Dallas Area Office	
Dallas-Ft. Worth, TX SMSA	74,900
Collin County	
Dallas County	
Denton County	
Ellis County	
Kaufman County	
Rockwall County	
Sherman-Denison, TX SMSA, Grayson County	74,900
HUD Field Office: Forth Worth Service Office	
Dallas-Ft. Worth, TX SMSA	74,900
Hood County	
Johnson County	
Parker County	
Tarrant County	
Wise County	
HUD Field Office: Houston Service Office	
Houston, TX SMSA	69,500
Brazoria County	
Ft. Bend County	
Harris County	
Liberty County	
Montgomery County	
Waller County	
HUD Field Office: Lubbock Service Office	
Amarillo, TX SMSA	66,500
Potter County	
Randall County	
Lubbock, TX SMSA, Lubbock County	70,000
Midland, TX SMSA, Midland County	70,000
HUD Field Office: San Antonio Area Office	
Austin and San Antonio, TX SMSAS (combined)	69,500
Bexar County	
Comal County	
Guadalupe County	
Hays County	
Travis County	
Williamson County	
Corpus Christi, TX SMSA	70,000
Nueces County	
San Patricio County	
HUD Field Office: Little Rock Area Office	
Memphis, TN-AR-MS SMSA, Crittenden County	74,900
HUD Field Office: Oklahoma City Area Office	
Oklahoma City, OK SMSA	69,000
Canadian County	
Cleveland County	
McClain County	
Oklahoma County	
Pottawatomie County	
HUD Field Office: New Orleans Area Office	
Baton Rouge and New Orleans, LA SMSAS (combined)	74,900
Ascension Parish	
East Baton Rouge Parish	
Jefferson Parish	
Livingston Parish	
Orleans Parish	
St. Bernard Parish	
St. Tammany Parish	
West Baton Rouge Parish	
HUD Field Office: Albuquerque Service Office	
Alburque, NM SMSA	74,900
Bernalillo County	
Sandoval County	
HUD Field Office: Tulsa Service Office	
Tulsa, OK SMSA	71,500
Creek County	
Mayes County	
Osage County	
Rogers County	
Tulsa County	
Wagoner County	
Region VIII.—HUD Field Office: Denver Regional/Area Office	
Denver-Boulder, CO SMSA	70,500
Adams County	
Arapahoe County	
Boulder County	
Denver County	
Douglas County	
Gilpin County	
Jefferson County	
Greeley, CO SMSA, Weld County	70,500
Colorado Statewide non-SMSA areas	70,500
HUD Field Office: Helena Service Office	
State of Montana, SMSA and non-SMSA areas	74,900
Region IX.—HUD Field Office: Los Angeles Area Office	
Los Angeles area office metro and non-metro areas	74,900
Los Angeles County	
San Luis Obispo County	
Santa Barbara County	
Ventura County	
HUD Field Office: San Francisco Area Office	
San Francisco area office metro and non-metro areas	$74,900
Alameda County	
Contra Costa County	
Del Norte County	
Humboldt County	
Lake County	
Marin County	
Mendocino County	
Monterey County	
Napa County	
San Benito County	
San Francisco County	
San Mateo County	
Santa Clara County	
Santa Cruz County	
Solano County	
Sonoma County	
HUD Field Office: Fresno Service Office	
Fresno service office metro and non-metro areas	$71,500
Fresno County	
Kern County	
Kings County	
Madera County	
Mariposa County	
Merced County	
Stanislaus County	
Tulare County	
HUD Field Office: Sacramento Service Office	
Sacramento service office metro and non-metro areas	$74,900
Alpine County	
Amador County	
Butte County	
Calaveras County	
Colusa County	
El Dorado County	
Glenn County	
Lassen County	
Modoc County	
Nevada County	
Placer County	
Plumas County	
Sacramento County	
San Joaquin County	
Shasta County	
Sierra County	
Siskiyou County	
Sutter County	
Tehama County	
Trinity County	
Tuolumne County	
Yolo County	
Yuba County	
HUD Field Office: San Diego Service Office	
San Diego service office metro and non-metro areas	$74,900

Market area designation and local jurisdictions	Section 234(c) maximum mortgage limit
Imperial County	
San Diego County	
HUD Field Office: Santa Ana Service Office	
Santa Ana service office metro areas	$74,900
Orange County	
Riverside County	
San Bernardino County	
Santa Ana service office metro and non-metro areas	$71,500
Inyo County	
Mono County	
HUD Field Office: Las Vegas Service Office	
Las Vegas, NV SMSA, Clark County	$74,900
State of Nevada—non-metro areas	$74,900
Lincoln County	
Nye County (part)	
HUD Field Office: Reno Service Office	
Reno, NV SMSA, Washoe County	$74,900
State of Nevada—non-metro areas	$74,900
Carson City County	
Churchill County	
Douglas County	
Elko County	
Esmeralda County	
Eureka County	
Humboldt County	
Lander County	
Lyon County	
Mineral County	
Nye County (part)	
Pershing County	
Storey County	
White Pine County	
HUD Field Office: Phoenix Service Office	
Phoenix, AZ SMSA, Maricopa County	$74,900
HUD Field Office: Tucson Service Office	
Tucson, AZ SMSA, Pima County	$68,500
HUD Field Office: Honolulu Area Office	
State of Hawaii metro and non-metro areas	$101,250
Region X.—HUD Field Office: Seattle Area Office	
Richland-Kennewick and Yakima, WA SMSAS (combined), Yakima County	$72,000
Seattle-Everett, WA SMSA	$72,000
King County	
Snohomish County	
Tacoma, WA SMSA, Pierce County	$71,000
HUD Field Office: Spokane Service Office	
Richland-Kennewick and Yakima, WA SMSAS (combined)	$72,000
Benton County	
Franklin County	
Spokane, WA SMSA, Spokane County	$72,000
HUD Field Office: Boise Service Office	
Boise City, ID SMSA, Ada County	$74,900

(Secs. 203(b)(2), 211, 234(c), National Housing Act (12 U.S.C. 1703(b)(2), 1709, 1715y(c))

Issued at Washington, D.C., December 30, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-388 Filed 1-6-82; 8:45 am]
BILLING CODE 4210-01-M

federal register

Thursday
January 7, 1982

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Interim and Permanent Regulatory Program Modifications

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 716 and 826

Interim and Permanent Regulatory Program Modifications

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: These proposed rules include special standards for mining in previously mined areas that have not been restored to the standards of the Surface Mining Control and Reclamation Act of 1977 where there is insufficient spoil available to completely backfill the high wall.

This rule proposes a resolution of the conflicts raised in the application of the Act in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall.

DATES: Comments must be received by 5:00 p.m. on January 15, 1982 at the address indicated below. Comments received after that time will not be considered. Representatives of OSM will be available to meet with interested persons upon request before the close of the comment period. A public hearing will be held on January 15, 1982 at the location given below.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5315, 1100 L Street, N.W., Washington, D.C. 20005.

A public hearing on the proposed rules will be held on January 15, 1982, in the Main Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. Copies of all comments timely received and a summary of meetings with representatives of OSM will be prepared and made available for public review in Room 5315, Administrative Record, 1100 L Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-4022.

SUPPLEMENTARY INFORMATION:

A. Background

Past mining activities in the steep-sloped Appalachian coal provinces have left a legacy of abandoned mined lands that were not reclaimed to the standards of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*, SMCRA). In many cases highwalls and benches remain and continue to pose a hazard to the environment. Under Title IV and Section 102 of SMCRA, the Office of Surface Mining Reclamation and Enforcement (OSM) and state regulatory authorities are directed to promote the reclamation of areas abandoned prior to the enactment of SMCRA and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or impair the beneficial use of land or water resources, or endanger the health or safety of the public. Sufficient funds will not be generated over the life of the abandoned mine reclamation fund established in Title IV to fully reclaim all of the existing abandoned mined lands. Moreover, in many cases it is possible to effect the reclamation of such lands in conjunction with new mining operations. OSM's policy is to encourage such reclamation of previously mined lands where possible.

The Commonwealth of Virginia has brought to OSM's attention an ambiguity in the application of the provisions of SMCRA which will result in unnecessary damage to the environment and discourage the reclamation of previously mined lands during new mining operations. This situation exists in relation to certain previously contour-mined areas where spoil was placed on the outslope. Because of the past practices, surface mining operations that take an additional cut along the contour may not generate sufficient spoil material to cover the entire highwall. Under such conditions, the only viable option to backfilling the mined area is either to not mine such areas, thereby leaving the reclamation responsibility to the regulatory authority under Title IV, or to create a borrow area where additional backfill material can be retrieved. This may result in disturbance of areas otherwise unaffected by the mining operation and greater overall environmental damage than leaving a portion of the highwall. It is OSM's belief that in enacting SMCRA, Congress did not intend either result.

This rule proposes a resolution of the conflicts raised in the application of the Act in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall.

B. Extent of Problem

It is difficult to accurately determine the amount of strippable reserves that are located in areas that have been previously mined. Available historical data on mining in southwestern Virginia, for example, indicates that the area was first mined by small underground mining operations. Many of these areas were subsequently surface mined after the development of suitable equipment. Most of the coal outcrops that were not mined were either uneconomical or located in extremely inaccessible areas. A study of the mined areas in southwestern Virginia indicates that over 71,000 acres of land have been disturbed by surface effects of mining operations and that approximately 14.6 million linear feet or 2,765 miles of previously mined highwall remains. These disturbed areas encompass the great majority of the coal outcrop areas that are amenable to surface mining methods today.

A study of strippable reserves completed by the U.S. Bureau of Mines in 1971 (U.S. Department of the Interior, USBM, 1971) supplemented by mining production data compiled by the Keystone Coal Industry Manual (Keystone Coal Industry Manual, 1973 through 1979) indicates remaining strippable reserves of approximately 123 million short tons of coal in the southwestern Virginia coal field, with a cumulative production in excess of that amount from strip mines over the past ten years. These statistics indicate that the vast majority of surface coal production in southwestern Virginia over the next 10 to 20 years will have to occur in reserves that were not economical to extract in 1971. This production is expected to result primarily from the remining of previously mined areas.

The volume of borrow material required to cover the existing highwalls will, in many cases, be enormous. In a typical situation involving an existing bench on a 40 percent slope, backfilling just 1,000 feet of highwall could require as much as two million cubic feet of borrow material and could result in the disturbance of over nine acres of borrow area to reclaim less than one acre of existing bench. This problem is compounded by the topography and geology of southwestern Virginia. Because of the steep slopes and thin soil horizons, there is a short supply of accessible borrow material. Much of the material can be expected to come from the valley bottoms, where the soil is more plentiful and accessible. However, the use of valley floors for borrow materials will create conflicts with other potential land uses for those areas. Virginia has indicated to the OSM that they have already encountered several specific situations there operators have been forced to dig borrow pits to obtain

sufficient fill material to eliminate the highwall. This information has been requested from the Commonwealth of Virginia and when received will be placed in the administrative record of this rulemaking.

C. Legal Basis

Sections 515(b)(3) and 515(d)(2) of SMCRA impose on operators mining in steep slope areas an obligation to backfill to cover completely the highwall. This requirement is implemented in the initial program regulations at 30 CFR 716.2(a)(2) and in the permanent program regulations at 30 CFR 826.12(b). Congress' decision to impose this standard was based on its understanding that "[i]n virtually all cases of contour mountain mining, sufficient spoil by volume is created to return the mine site to approximate original contour. . . . The swell property of the materials removed (overburden) assures this condition with present stripping ratios." H.R. Rep. 95–218, 95th Cong., 1st Sess. at 96–97 (1977).

It is plain from the legislative history, however, that Congress did not consider the application of highwall elimination requirements to previously mined areas where operators must excavate borrow pits to comply. As Congress noted: "It should be emphasized . . . that a reasonable interpretation of H.R. 2 cannot justify the assertion that the bill requires . . . the useless act of digging a new pit to obtain fill material to achieve full restoration of the original topography." *Id.*

OSM is concerned that application of its regulations does require the "useless act of digging a new pit to obtain fill material." The economics of coal recovery today differ from those that existed during the period of congressional consideration of legislation which culminated in the enactment of SMCRA. As a result, the Nation's recoverable reserve base has expanded to include many previously mined areas. However, expending SMCRA to such existing unnatural conditions exposes latent difficulties in its application. OSM believes it has an obligation to assist the states in resolving such conflicts and to develop regulations consistent with the intentions of Congress.

The policy proposed in these regulations is consistent with the stated purposes of the SMCRA to (1) "promote the reclamation of mined areas left without adequate reclamation . . .," Section 102(h); (2) "assure that surface coal mining operations are so conducted as to protect the environment," Section 102(d); (3) "assure that the coal supply essential to the Nation's energy requirements and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy," Section 102(f); (4) "assist the States in developing and implementing a program to achieve the purposes of [SMCRA]," Section 102(g); and (5) insure that operators "cover completely the highwall and return the site to the approximate original contour, with material which will maintain stability following reclamation," Section 515(d)(so long as such language is strictly interpreted to apply to natural premining conditions). Given the legislative history of the provision, Congress' concern that the backfilled material maintain stability following reclamation, the changing economics of coal mining today, Congress' desire to effect the reclamation of abandoned mined lands, and the potential damage to the environment possible through a different application of SMCRA's standards, OSM believes the proposed rule herein to be a reasonable construction of the Act's provisions.

OSM solicits comments on the effects of the proposed rule to areas other than the southwestern coalfields of Virginia, specifically with respect to the extent of the circumstances under which strict application of OSM regulatory provisions will result in unnecessary or potentially severe environmental damage when remining previously mined areas, and the desirability of effecting the reclamation of previously mined areas in conjunction with new mining operations.

D. Proposed Changes in Regulations

The current regulations at 30 CFR 716.2(b) (initial program) and 30 CFR 826.12(b) (permanent program) require complete covering of the highwall. The proposed regulations would incorporate into Parts 716 and 826 an exception from the requirement for complete elimination of the highwall in previously mined areas where the following standards are met:

1. The highwall is reclaimed to an environmentally acceptable condition and eliminated to the maximum extent practical using all reasonably available spoil;

2. The volume of all reasonably available spoil over the entire mining area is demonstrated in writing to the regulatory authority to be insufficient to achieve the approximate original contour that existed prior to any mining;

3. The operator assures maximization of recovery of the coal resource so that the surface will not be further reaffected;

4. Backfilling meets stability, public safety, environmental protection and drainage requirements of SMCRA;

5. The operation is conducted to prevent disturbance of spoil on the outslope from previous mining unless such disturbance will not cause instability, or increase potential for damage to the environment and/or danger to public health and safety; and

6. Any remaining highwall remnant is stable.

For the purposes of these proposed regulations spoil should be deemed reasonably available if it is located at or near the permit site, is accessible and available for use and when rehandled will not cause a hazard to public safety or significant damage to the environment. OSM anticipates that the required showing that insufficient spoil is available could be demonstrated by certification of a registered professional engineer.

These proposed rules are not intended to apply where the mining is first cut, auger, second cut with sufficient reasonably available spoil to achieve AOC, or nonsteep slope operations. OSM solicits comments on whether these rules should be extended to any of these mining situations, particularly with respect to auger mining on a pre-existing bench. Such comments should address both the technical and legal justification for extending or not extending these rules.

In proposing these regulations, OSM is concerned that operators may be discouraged from mining far enough into a mountain or hillside to obtain sufficient spoil to eliminate the highwall. This could adversely impact on the explicit requirement of SMCRA to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized (Section 515(b)(1)). Accordingly, the proposed regulations specifically require a showing that the mining operations are designed to achieve maximum recovery of the coal resource given economic and technical constraints. OSM anticipates that this can be demonstrated through a showing of how far mining would have to proceed into the mountain before enough spoil would be available to reclaim the entire highwall and discussion of the reasons such additional mining is not technically or economically feasible. This showing would allow the regulatory authority to gauge whether the operator is maximizing recovery of the coal

resource or seeking to avoid compliance with the highwall elimination standards. OSM solicits comments on other methods in which maximization of coal recovery can be assured.

The Department of the Interior has determined that this is not a major rule and that it does not require a Regulatory Analysis under Executive Order 12291.

30 CFR 716.2(a) and 826.12(b) would establish information collection requirements which will be submitted to the Office of Management and Budget (OMB) for approval as required by 44 U.S.C. 3507. The information required by 30 CFR 716.2(a) and 826.12(b) would be used by the regulatory authority to determine whether or not the performance standards of 30 CFR Parts 716 and 826 could be met. The information required by 30 CFR 716.2(a) and 826.12(b) is mandatory.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96-354.

OSM has prepared a draft environmental assessment (EA) on this rule that reaches as interim conclusion that this rule should not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Records Office at the address listed in the "Addresses" section of the preamble. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95-87 have cumulative effects on the environment. At that time, OSM will prepare any further environmental analysis required by the National Environmental Policy Act.

Dated: September 14, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 716—SPECIAL PERFORMANCE STANDARDS

The regulations at 30 CFR Parts 716 and 826 are proposed to be amended as follows:

It is proposed to amend § 716.2 by revising paragraph (b) to read as follows:

§ 716.2 Steep-slope mining.

* * * * *

(b) The disturbed area shall be backfilled and graded to comply with the provisions of Section 715.14 of this chapter to return the site to the approximate original contour and completely cover the highwall; *Provided, however,* that where operations affect previously mined areas that were not reclaimed to the standards of this part and the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the highwall and achieve the approximate original contour that existed prior to any mining, the new highwall shall be eliminated to the maximum extent practical in accordance with the following criteria:

(1) In each case, the person who conducts the surface coal mining and reclamation operation must demonstrate to the regulatory authority, using standard geotechnical analysis, that the minimum static factor of safety for the stability of all portions of the backfill is at least 1.3.

(2) All spoil generated by the mining operation or other reasonably available spoil shall be used to backfill the area so as to eliminate the highwall to the maximum extent practical.

(3) The backfill shall be graded to a slope which is compatible with the postmining land use and which provides adequate drainage and long-term stability.

(4) Any remnant of the highwall shall be made stable and not pose a hazard to the public health or safety, or the environment.

(5) Spoil from previous mining operations placed on the outslopes shall not be disturbed unless such disturbance will not cause instability of the remaining spoil or increase the potential for damage to the environment and/or danger to the public health and safety.

(6) The operation shall be designed to achieve maximum recovery of the coal resource given economic and technical constraints.

* * * * *

PART 826—SPECIAL PERMANENT PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

It is proposed to amend § 826.12 by revising paragraph (b) to read as follows:

§ 826.12 Steep slopes: Performance standards.

* * * * *

(b) The disturbed area shall be backfilled and graded to comply with the provisions of 30 CFR 816.101–816.106 and 30 CFR 817.101–817.106, to return the site to the approximate original contour and completely cover the highwall; *Provided, however,* that where operations affect previously mined areas that were not reclaimed to the standards of this Part and the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the highwall and achieve the approximate original contour that existed prior to any mining, the new highwall shall be eliminated to the maximum extent practical in accordance with the following criteria:

(1) In each case, the person who conducts the surface coal mining and reclamation operation must demonstrate to the regulatory authority, using standard geotechnical analysis, that the minimum static factor of safety for the stability of all portions of the backfill is at least 1.3.

(2) All spoil generated by the mining operation or other reasonably available spoil shall be used to backfill the area so as to eliminate the highwall to the maximum extent practical.

(3) The backfill shall be graded to a slope which is compatible with the postmining land use and which provides adequate drainage and long-term stability.

(4) Any remnant of the highwall shall be made stable and not pose a hazard to public health or safety, or the environment.

(5) Spoil from previous mining operations placed on the outslopes shall not be disturbed unless such disturbance will not cause instability of the remaining spoil or increase the potential for damage to the environment and/or danger to the public health and safety.

(6) The operation shall be designed to achieve maximum recovery of the coal resource given economic and technical constraints.

* * * * *

[FR Doc. 82-490 Filed 1-6-82; 8:45 am]

BILLING CODE 4310-05-M

federal register

Thursday
January 7, 1982

Part V

Office of Management and Budget

Proposed Revision of OMB Circular A-21, "Cost Principles for Educational Institutions"; Opportunity to Comment

OFFICE OF MANAGEMENT AND BUDGET

Comment; Proposed Revision of OMB Circular A-21, "Cost Principles for Educational Institutions"

SUMMARY: This notice offers interested parties an opportunity to comment on a proposed revision of Circular A-21, "Cost principles for educational institutions." The revision would modify the rules dealing with the allowability of interest costs, and the reporting and recordkeeping requirements pertaining to salary costs. A revision of the definition section, describing reporting categories, is also proposed.

At the present time, Circular A-21 does not recognize interest costs. It states that costs incurred for interest on borrowed capital or temporary use of endowment funds are unallowable. In January 1981, a notice was published in the **Federal Register** inviting comments on a proposed revision which, if approved, would have recognized interest costs related to newly construction or acquired buildings. Over 100 comments were received. Most of the comments supported allowability of interest costs but recommended that it be broadened to include capital equipment and renovations. A proposal pertaining to allowability of independent research and development costs received a mixed reception, and no changes in that area are proposed here.

The proposal concerning documentation of salary costs is being made as a result of numerous expressions of concern by faculty members and university spokespersons. The proposed language is based on recommendations by the American Association of Universities and the Council of Scientific Society Presidents. It gives universities greater flexibility in documenting salary costs. It does so by doing away with the current required methods for documenting such costs—monitored workload and personnel activity reports. It replaces these methods with general principles for documentation and criteria for acceptable methods. Three examples of acceptable methods are set forth—the Plan-Confirmation Method, After-the fact Activity Records, and Multiple Confirmation Records. In addition, the proposal would permit other methods, consistent with the general principles and criteria, to be used by agreement with the responsible Federal agency. The use of any of these methods would be expected to reduce the paperwork burden on faculty members while still providing necessary accountability for the use of public funds.

The proposed revision would define two new major university functions—sponsored instruction and training, and university research. In arguing for inclusion of these new categories, university groups said that current definitions fail to distinguish clearly between sponsored and other activities. The proposed changes would allow institutions to make this distinction clear by permitting the separation of the categories of sponsored research, university research, and sponsored instruction and training, while making it clear that instruction and departmental research are treated as a single function in colleges and universities. University groups argued that consistent application of these definitions in the allocation of indirect costs to institutional functions and in the calculation of the distribution base used for derivation of the indirect cost rate would help to assure equitable treatment, while providing flexibility needed to accommodate the diversity of the institutions' accounting systems. We recognize that use of the new reporting categories could add to the detail now required in faculty reports. However, use of the new categories is optional, and universities not needing or wanting to use these categories would not be required to call for additional faculty reporting.

These proposed changes are in furtherance of OMB's effort to grant regulatory relief and bring about greater consistency in Federal grant regulations. The proposal is not expected to have an annual effect on the economy of $100 million or more; therefore, it is not considered to be a major rule as defined in Executive Order 12291, "Federal Regulation."

Comments should be submitted in duplicate to: Financial Management Branch, Budget Review Division, Office of Management and Budget, Room 6002, New Executive Office Building, Washington, D.C. 20503. All comments should be received on or before March 8, 1982.

FOR FURTHER INFORMATION, CONTACT: George Northway, 202/395-4773.

SUPPLEMENTARY INFORMATION: The proposed changes to OMB Circular A-21 are set forth in Attachment 1.

Linda L. Smith,

Assistant Director for Administration.

The proposed language is shown as follows:

B. *Definition of Terms*

1. *Major functions of an institution* refers to instruction, organized research, other sponsored activities, and other institutional activities as defined below:

a. *Instruction* means the teaching and training activities of an institution. Except for research training as provided in c below, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through regular academic departments or separate divisions, such as a summer school division or an extension division. Also considered part of this major function are departmental research, and, where agreed to, university research.

(1) *Sponsored instruction and training* means specific instructional or training activity established by grant, contract, or cooperative agreement. For purposes of the cost principles, this activity may be considered a major function even though an institution's accounting treatment may include it in the instruction function.

(2) *Departmental research* means research development and scholarly activities that are not organized research and, consequently, are not separately budgeted and accounted for. Departmental research, for purposes of this document, is not considered as a major function but as a part of the instruction function of the institution.

b. *Organized research* means all research and development activities of an institution that are separately budgeted and accounted for. It includes:

(1) *Sponsored research* means all research and development activities that are sponsored by Federal and non-Federal agencies and organizations. This term includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

(2) *University research* means all research and development activities that are separately budgeted by the institution under an internal application of institutional funds. University research, for purposes of this document, may be considered a part of the instruction function, or may be combined with sponsored research under the function of organized research, or may be treated as a separate major function, as agreed to with the cognizant agency.

c. d becomes c.

d. e becomes d.

J. *Compensation for Personal Services*

6. b. (1) *General Principles:*

(a) The distribution of salaries and wages, whether treated as direct or indirect costs, will be based on payrolls documented in accordance with the generally accepted practices of colleges and universities. Institutions may treat all activities not directly charged to sponsored agreements, and not needed to be distributed to more than one activity for purposes of identifying indirect costs and the functions to which they are allocable, in a residual category, the components of which are not required to be separately documented.

(b) The apportionment of employees' salaries and wages which are chargeable to more than one sponsored agreement or other cost objective will be acomplished by methods which will (1) be in accordance with Sections A–2 and C above, (2) produce an equitable distribution of charges for employees' activities, and (3) distinguish the employees' direct activities from their indirect activities.

(c) In the use of any methods for apportioning salaries, it is recognized that, in an academic setting, teaching, research, service, and administration are often inextricably intermingled. A precise assessment of factors that contribute to costs is not always feasible, nor is it expected. Reliance, therefore, is placed on estimates in which a degree of tolerance is appropriate.

(d) There is no single best method for documenting the distribution of charges for personal services.

Methods for apportioning salaries and wages, however, must meet the criteria specified in J.6.b.(2) below. Examples of acceptable methods are contained in J.6.c. below. Other methods which meet the criteria specified in J.6.b.(2) below also shall be deemed acceptable, if a mutually satisfactory alternative agreement is reached.

(2) *Criteria for Acceptable Methods:*

(a) The payroll distribution system will (i) be incorporated into the official records of the institution, (ii) reasonably reflect the activity for which the employee is compensated by the institution, and (iii) encompass both sponsored and all other activities on an integrated basis but may include the use of subsidiary records. (Compensation for incidental work described in J.6.a. need not be included.)

(b) The method must recognize the principle of after-the-fact confirmation or determination so that costs distributed represent actual costs, unless a mutually satisfactory alternative agreement is reached.

Direct cost activities and indirect cost activities may be confirmed by responsible persons with suitable means of verification that the work was performed. Confirmation by the employee is not a requirement for either direct or indirect cost activities if other responsible persons make appropriate confirmations.

(c) The payroll distribution system will allow confirmation of activity allocable to each sponsored agreement and each of the categories of activity needed to identify indirect costs and the functions to which they are allocable. The activities chargeable to indirect cost categories or the major functions of the institution for employees whose salaries must be apportioned (see J.6.b.1.(b) above), if not initially identified as separate categories, may be subsequently distributed by any reasonable method mutually agreed to, including, but not limited to, suitably conducted surveys, statistical sampling procedures, or the application of negotiated fixed rates.

(d) Practices vary among institutions and within institutions as to the activity constituting a full workload. Therefore, the payroll distribution system may reflect categories of activities expressed as a percentage distribution of total activities.

(e) Direct and indirect charges may be made initially to sponsored agreements on the basis of estimates made before services are performed. When such estimates are used, significant changes in the corresponding work activity must be identified and entered into the payroll distribution system. Short-term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term, such as an academic period.

(f) The system will provide for independent internal evaluations to ensure the system's effectiveness and compliance with the above standards.

(g) For systems which meet these standards, the institution will not be required to provide additional support or documentation for the effort actually performed.

J. 6.c. *Examples of Acceptable Methods for Payroll Distribution:*

1. *Plan-Confirmation:* Under this method the distribution of salaries and wages of professorial or professional staff applicable to sponsored agreements is based on budgeted, planned, or assigned work activity, updated to reflect any significant changes in work distribution. A plan-confirmation system used for salaries and wages charged directly or indirectly to sponsored agreements will meet the following standards:

(a) A system of budgeted, planned, or assigned work activity will be incorporated into the official records of the institution and encompass both sponsored and all other activities on an integrated basis. The system may include the use of subsidiary records.

(b) The system will reasonably reflect only the activity for which the employee is compensated by the institution (compensation for incidental work described in J.6.a. need not be included). Practices vary among institutions and within institutions as to the activity constituting a full workload. Hence, the system will reflect categories of activities expressed as a percentage distribution of total activities. (But see Section H for treatment of indirect costs under the simplified method for small institutions.)

(c) The system will reflect activity applicable to each sponsored agreement and to each category needed to identify indirect costs and the functions to which they are allocable. The system may treat indirect cost activities initially within a residual category and subsequently determine them by alternate methods as discussed in J.6.b.(2)(c).

(d) The system will provide for modification of an individual's salary or salary distribution commensurate with any significant change in the employee's work activity. Short-term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term such as an academic period. Whenever it is apparent that a significant change in work activity which is directly or indirectly charged to sponsored agreements will occur or has occurred, the change will be documented over the signature of a responsible official and entered into the system.

(e) At least annually a statement will be signed by the employee, principal investigator, or responsible official(s) using suitable means of verification that the work was performed, stating that salaries and wages charged to sponsored agreements as direct charges, and to residual, indirect cost or other categories are reasonable in relation to work performed.

(f) The system will provide for independent internal evaluations to ensure the system's integrity and compliance with the above standards.

(g) In the use of this method, an institution shall not be required to provide additional support or documentation for the effort actually performed.

2. *After-the-fact Activity Records:* Under this system the distribution of salaries and wages by the institution will be supported by activity reports as prescribed below.

(a) Activity reports will reflect the distribution of activity expended by employees covered by the system (compensation for incidental work as described in J.6.a. need not be included).

(b) These reports will reflect an after-the-fact reporting of the percentage distribution of activity of employees. Charges may be made initially on the basis of estimates made before the services are performed, provided that such charges are promptly adjusted if significant differences are indicated by activity records.

(c) Reports will reasonably reflect the activities for which employees are compensated by the institution. To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, the reports will be signed by the employee, principal investigator, or responsible official(s) using suitable means of verification that the work was performed.

(d) The system will reflect activity applicable to each sponsored agreement and to each category needed to identify indirect costs and the functions to which they are allocable. The system may treat indirect cost activities initially within a residual category and subsequently determine them by alternate methods as discussed in J.6.b.(2)(c).

(e) For professorial and professional staff, the reports will be prepared each academic term, but no less frequently than every six months. For other employees, unless alternate arrangements are agreed to, the reports will be prepared no less frequently than monthly and will coincide with one or more pay periods.

(f) Where the institution uses time cards or other forms of after-the-fact payroll documents as original documentation for payroll and payroll charges, such documents shall qualify as records for this purpose provided that they meet the requirements in (a) through (e) above.

3. *Multiple Confirmation Records:* Under this system the distribution of salaries and wages of professorial and professional staff will be supported by records which certify separately for direct and indirect cost activities as prescribed below.

(a) For employees covered by the system there will be direct cost records to reflect the distribution of that activity expended which is to be allocable as direct cost to each sponsored agreement. There will also be indirect cost records to reflect the distribution of that activity to indirect costs. These records may be kept jointly or separately (but are to be certified separately, see below).

(b) Salary and wage charges may be made initially on the basis of estimates made before the services are performed provided that such charges are promptly adjusted if significant differences occur.

(c) Institutional records will reasonably reflect only the activity for which employees are compensated by the institution (compensation for incidental work as described in J.6.a. need not be included).

(d) The system will reflect activity applicable to each sponsored agreement and to each category needed to identify indirect costs and the functions to which they are allocable.

(e) To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, the record for each employee will include:

(1) The signature of the employee or of a person having direct knowledge of the work, confirming that the record of activities allocable as direct costs of each sponsored agreement is appropriate.

(2) The record of indirect costs will include the signature of responsible person(s) who use suitable means of verification that the work was performed and is consistent with the overall distribution of the employee's compensated activities.

These signatures may all be on the same document.

(f) The reports will be prepared each academic term, but no less frequently than every six months.

(g) Where the institution uses time cards or other forms of after-the-fact payroll documents as original documentation for payroll and payroll charges, such documents shall qualify as records for this purpose provided they meet the requirements in (a) through (f) above.

Related Changes

Change F.4.a.(2)(a) (in Departmental Administration Expenses), sentence 2, to read:

Salaries of professorial and professional staff whose responsibilities to the institution require administrative work that benefits sponsored projects may also be included to the extent that the portion charged to departmental administration is determined in accordance with Section J.6.

Change F.5.a. (in Sponsored Projects Administration), Sentence 3, to read:

The salaries of professorial and professional staff whose responsibilities to the institution require administrative work that benefits sponsored projects may also be included to the extent that the portion charged to sponsored agreements administration is determined in accordance with Section J.6.

Change F.7.a. (in Student Administration and Services), sentence 2, to read:

The salaries of members of the academic staff whose responsibilities to the institution require administrative work that benefits sponsored projects may also be included to the extent that the portion charged to Student Administration is determined in accordance with Section J.6.

Delete J.6.c. *Monitored Workload.*

Delete J.6.d. *Personnel Activity Reports.*

Relabel J.6.e. as J.6.d.

Relabel J.6.f. as J.6.e.

Paragraph J.17.

Add at the end of section a., "except as indicated in e. below."

Add new section e., as follows:

"e. The cost of interest directly associated with buildings acquired on or after July 1, 1982, and major reconstruction and remodeling of existing buildings completed on or after July 1, 1982, and used in support of sponsored agreements, is allowable. However, the total cost of the buildings (including depreciation or use allowance, operation and maintenance costs, interest, etc.) may not exceed the rental cost of comparable facilities in the same locality. The cost of interest directly associated with the acquisition or fabrication of capital equipment acquired on or after July 1, 1982, used in suport of sponsored agreements and costing $25,000 or more for initial acquisition, is allowable if agreed to by the cognizant agency."

[FR Doc. 82-471 Filed 1-6-82; 8:45 am]
BILLING CODE 3110-01-M

Reader Aids

Federal Register

Vol. 47, No. 4

Thursday, January 7, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202–523–3419 523–3517
General information, index, and finding aids	523–5227
Incorporation by reference	523–4534
Printing schedules and pricing information	523–3419

Federal Register

Corrections	523–5237
Daily Issue Unit	523–5237
General information, index, and finding aids	523–5227
Privacy Act	523–5237
Public Inspection Desk	523–5215
Scheduling of Documents	523–3187

Laws

Indexes	523–5282
Law numbers and dates	523–5282 523–5266
Slip law orders (GPO)	275–3030

Presidential Documents

Executive orders and proclamations	523–5233
Public Papers of the President	523–5235
Weekly Compilation of Presidential Documents	523–5235

United States Government Manual 523–5230

SERVICES

Agency services	523–4534
Automation	523–3408
Dial-a-Reg	
Chicago, Ill.	312–663–0884
Los Angeles, Calif.	213–688–6694
Washington, D.C.	202–523–5022
Library	523–4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275–2867
Public Inspection Desk	523–5215
Regulations Writing Seminar	523–5240
Special Projects	523–4534
Subscription orders (GPO)	783–3238
Subscription problems (GPO)	275–3054
TTY for the deaf	523–5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1–128.....4
129–588.....5
589–744.....6
745–934.....7

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1
November 14, 1912 (Revoked by PLO 6101).....769

5 CFR

Proposed Rules:
Ch. I.....154

7 CFR

Subtitle B.....745
2.....5, 6
68.....129
282.....532
425.....6
631.....130
800.....131
905.....589
907.....746
944.....747
1924.....590
1942.....590

Proposed Rules:
102.....631
979.....631
1006.....814
1012.....814
1013.....814
1033.....814
1036.....814
1040.....814
1124.....814
1125.....814
1133.....814
1134.....778, 814
1135.....814
1136.....778, 814
1137.....778, 814
1139.....814
1865.....33
1951.....33

8 CFR

238.....131
316a.....132

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
92.....591

10 CFR

40.....8
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:
378.....617
500.....161
501.....161
503.....161

12 CFR

5.....132
203.....750
213.....755
217.....9
226.....755

Proposed Rules:
702.....633

13 CFR

120.....9

14 CFR

21.....756
39.....10–14, 759
71.....15–18, 759, 760
73.....18
75.....18
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:
Ch. I.....617
71.....36–38
91.....618
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

16 CFR

305.....18, 19

17 CFR

201.....609

18 CFR

Ch. I.....613
270.....614
282.....20

Proposed Rules:

141.....39
271.....39, 638
273.....638
274.....638

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642

21 CFR

173.....145
193.....616
510.....146
522.....146

Proposed Rules:

20.....162
168.....163
310.....424, 430
333.....436
357.....444-512
358.....522

24 CFR

201.....616, 617
203.....916
234.....916

26 CFR

1.....147

Proposed Rules:

1.....163, 164
15A.....164

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
1990.....187

30 CFR

Proposed Rules:

Ch. I.....402
Ch. VII.....820
211.....819
700.....41
701.....41
716.....928
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928
828.....41
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

Proposed Rules:

543.....822
585.....190

33 CFR

Proposed Rules:

88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....808
675.....808
676.....808

36 CFR

Ch. II.....745

40 CFR

52.....762, 763
80.....764
81.....763
123.....618
180.....619-623
762.....148, 149

Proposed Rules:

52.....191
180.....651-654
775.....193

41 CFR

Ch. 50.....145
Ch. 60.....145

Proposed Rules:

Ch. 60.....402

43 CFR

426.....624

Public Land Orders:

6100.....21
6101.....769

44 CFR

65.....770
66.....770
70.....771, 772
67.....22

Proposed Rules:

205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:

510.....215
536.....655

47 CFR

73.....150
74.....150

Proposed Rules:

15.....216, 836
73.....58, 837

49 CFR

Ch. X.....613
830.....773
1033.....151, 152, 624, 773, 776
1056.....777

Proposed Rules:

1039.....220
1300.....220
1310.....59

50 CFR

611.....625
662.....629

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

1-8-82
Vol. 47 No. 5
Pages 935-1108

federal register

Friday
January 8, 1982

Highlights

1063 **Claims Against Iran** State reports on developments at the most recent session of the Iran-United States Claims Tribunal.

940 **Aliens** Justice/INS institutes procedure for creation of records of lawful permanent residence.

1072, 1101 **Continental Shelf—Oil and Gas Leasing** Interior/BLM identifies bidding systems and designates tracts for sale no. 67 in the Gulf of Mexico. (Part II of this issue) (2 documents)

972 **Air Pollution Control** EPA requests comments on waiver of 1981 model year carbon monoxide emission standard for light-duty motor vehicles.

950 EPA revises priority list of categories of stationary sources for which standards are to be developed.

973 **Hazardous Materials** EPA initiates rulemaking to require testing of certain phenylenediamines (PDA's) for toxic effects on human health and the environment.

1017 EPA approves testing of chlorinated paraffins by consortium of manufacturers.

943 **Banks, Banking** FDIC amends regulations on interest charge on delinquent assessment payments and assessment overpayments.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

1034 **World Heritage List** Interior/NPS announces nomination process for calendar year 1982.

953 **Television** FCC reallocates a specific frequency band to Broadcast Auxiliary Service for television pickup use on a secondary basis.

985 **Radio and Television** FCC proposes to eliminate "three year rule" for applications for voluntary assignments or transfers of control.

1022 **Radio** FCC requests comments on draft proposals for 1983 World Administrative Radio Conference for Mobile Telecommunications.

937 **Loan Programs—Agriculture** USDA/ASCS amends Agricultural and Emergency Conservation Program regulations.

963 **Fruit Juices** HHS/FDA considers amending standard of identity for frozen concentrated orange juice.

944 **Imports** Treasury/Customs amends regulations on certain fresh, chilled or frozen beef.

1050, 1054 ITC issues determinations on hot-rolled carbon steel plate from Belgium, Brazil and Romania and hot-rolled carbon steel sheet from France. (2 documents)

1066 Trade Representative announces adjustment of restraint levels on color television receivers from Republic of Korea.

992, 993 **Antidumping** Commerce/ITA issues final results of administrative reviews of findings on arcylic sheet from Japan and clear sheet glass from Italy. (2 documents)

936 **Political Activities (Government Employees)** MSPB clarifies penalties for Hatch Act violations.

958 **Government Employees** OPM proposes to revise regulations on regularly scheduled workweeks and premium pay.

935 OPM amends training regulations.

961 **Government Employees—Health Insurance** OPM proposes to permit enrollment change from high to low option at time of eligibility for CHAMPUS.

1025 **Privacy Act Document** HHS/SSA

961 **Sunshine Act Meetings**

Separate Parts of This Issue

1072 **Part II, Interior/BLM (2 documents)**

1106 **Part III, USDA/AMS**

Contents

Federal Register
Vol. 47, No. 5
Friday, January 8, 1982

Agency for International Development
NOTICES
Authority delegations:
1049 Regional Assistant Administrators et al.; source, origin, and nationality for procurement

Agricultural Marketing Service
RULES
939 Lemons grown in Ariz. and Calif.
PROPOSED RULES
Egg research and promotion:
1106 American Egg board membership and rates of assessment, etc.; hearing
Milk marketing orders:
962 Georgia; hearing

Agricultural Stabilization and Conservation Service
RULES
937 Conservation and environmental programs
NOTICES
Committees; establishment, renewals, terminations, etc.:
990 Cotton, upland; study committee on premiums and discounts; call for nominations
Marketing quotas and acreage allotments:
991 Cotton, extra long staple; 1982 referendum results

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Soil Conservation Service.

Air Force Department
NOTICES
Meetings:
999 Scientific Advisory Board

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
998, 999 Procurement list, 1982; additions and deletions (2 documents)

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration; National Technical Information Administration.

Custom Service
RULES
944 Beef, fresh, chilled, or frozen; importation
NOTICES
Organization and functions; ports of entry:
1065 Andrade and Tecate, Calif.; change in hours of service; inquiry

Defense Department
See Air Force Department.

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; existing powerplant or installation; classification requests:
999 Upjohn Co.

Employment and Training Administration
NOTICES
Adjustment assistance:
1061 AM Cable TV Industries, Inc., et al.
1059 Astatic Corp. et al.
1062 J.H. Apparel
1062 Norrwock Shoe Co.
1062 Perry Plastics, Inc., et al.
1060 Labor surplus area classifications; annual list; additions

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
950 Priority list of categories of stationary sources
Air quality implementation plans; approval and promulgation; various States, etc.:
947 Maine
948 Vermont
Air quality planning purposes; designation of areas:
952 South Carolina
Hazardous waste:
953 Treatment, storage, and disposal facilities, standards for owners and operators; seismic location standard compliance, political jurisdictions list; interim; correction
PROPOSED RULES
Air pollution control; new motor vehicles and engines;
972 Carbon monoxide emission standards; 1981 model year light-duty vehicles; waiver applications; hearing
Air quality implementation plans; delayed compliance orders:
969 Hawaii
Toxic substances:
973 Phenylenediamines; response to Interagency Testing Committee; advance notice
NOTICES
Air pollution control; new motor vehicles and engines:
1015 California pollution control standards; emission standards and test procedures for motorcycles and nitrogen oxides standards for 1982–1985 model year vehicles; waiver of Federal preemption
Environmental statements; availability, etc.:
1016 Agency statements; review and comment; report availability
1016 Agency statements; weekly receipts

1016 Texas Utilities Generating Co.; Martin Lake Mining Area D lignite surface mine, Rusk County, Henderson, Tex.; scoping meeting
Toxic and hazardous substances control:
1017 Chlorinated paraffins; response to interagency Testing Committee
1019, 1020 Premanufacture notices receipts (2 doucments)

Equal Employment Opportunity Commission
NOTICES
1067 Meetings; Sunshine Act

Federal Communications Commission
RULES
Frequency allocations and radio treaty matters:
953 Broadcast auxiliary service for television pickup on a secondary basis
PROPOSED RULES
Frequency allocations and radio treaty matters:
983 Alaska; fixed communications frequencies
Radio broadcasting:
985 Applications for voluntary assignments or transfers of control; "three year rule" removed
NOTICES
Frequency allocations and radio treaty matters:
1022 World Administrative Radio Conference; implementation of agreement; inquiry
Meetings:
1023 Telecommunications Industry Advisory Group

Federal Deposit Insurance Corporation
RULES
Assessments:
943 Interest charges on delinquent assessment payments and overpayments

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
1009 Commonwealth Electric Co.
1009 CP National Corp. et al.
1011 Detroit Edison Co.
1011 Endbehr Corp.
1011 Kansas Gas & Electric Co.
1012 Northern States Power Co. (2 documents)
1013 Ohio Power Co.
1013 Potomac Edison Co. (2 documents)
1013 Public Service Co. of Indiana, Inc.
1014 Public Service Co. of Oklahoma (2 documents)
1014 Wisconsin Power & Light Co.
Natural Gas Policy Act of 1978:
1003 Jurisdictional agency determinations

Federal Home Loan Bank Board
NOTICES
1067 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
1023 Delta Steamship Line, Inc. and Societe Ivoirienne de Transport Maritime; space charter arrangment
1023 Jacksonville Port Authority and Trans Freight Lines, Inc.; lease real property and improvements consisting of five acres at Blount Island Docks and Terminals located in Jacksonville, Fla.
Freight forwarder licenses:
1023 Dunnington & Arnold of Philadelphia, Inc.
1024 Love Shipping Corp.
1023 Transport Specialists, Inc.
Investigations and hearings, etc.:
1024 National Customs Brokers and Forwarders Association of America; brokerage payments, petition
Senior Executive Service:
1024 Performance Review Board; membership

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
1066 Glacier General Assurance Co.

Food and Drug Administration
RULES
946 Incorporation by reference requirements
PROPOSED RULES
Food for human comsumption:
963 Orange juice, frozen concentrated; identity standard; advance notice
NOTICES
Meetings:
1025 Industry participation

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
992 Alabama

Health and Human Services Department
See Food and Drug Administration; Social Security Administration.

Immigration and Naturalization Service
RULES
Aliens:
942 Petition to classify as immediate relative of U.S. citizen or preference immigrant; certification of documents
940 Presumption of lawful admission and registration of fingerprinting of aliens, etc.

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Income taxes:
988 Employee plans; cash or deferred arrangements; extension of time and announcement of hearings

International Communication Agency
NOTICES
Meetings:
1038 Public Diplomacy, U.S. Advisory Commission

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Antidumping:
993 Acrylic sheet from Japan
992 Clear sheet glass from Italy

International Trade Commission
NOTICES
Import investigations:
1050 Hot-rolled carbon steel plate from Belgium, Brazil, and Romania
1054 Hot-rolled carbon steel plate from France
1067 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
1041 Long and short haul applications for relief
Motor carriers:
1038 Compensated intercorporate hauling operations; intent to engage in
1040 Lease and interchange of vehicles
1044 Permanent authority applications
1047 Permanent authority applications; operating rights republication
1041 Permanent authority applications; restriction removals
Rail carriers:
1048 Denver & Rio Grande Western Railroad Co.; contract tariff exemption
Railroad services abandonment:
1048 Burlington Northern Railroad Co.
1049 Wabash Railroad Co. et al.
Rerouting of traffic:
1049 St. Louis Southwestern Railway Co. et al.

Justice Department
See Immigration and Naturalization Service.

Labor Department
See also Employment and Training Administration.
PROPOSED RULES
Contracts covering federally financed and assisted construction, etc.; labor standards provisions:
966 Overtime pay requirements for aircraft pilots, etc. (fire fighting)

Land Management Bureau
NOTICES
Committees; establishment, renewals, terminations, etc.:
1034 National Public Lands Advisory Council
Outer Continental Shelf; oil and gas lease sales:
1072, 1101 Gulf of Mexico (2 documents)

Merit Systems Protection Board
RULES
Practice and procedures:
936 Adjudication procedures for appeals of personnel actions filed by Board employees; interim rule and request for comment
936 Hatch Act violation, penalties

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
994 Maryland
995 Pennsylvania

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
963 Accounting manual; removal from incorporation by reference material; extension of time

National Mediation Board
NOTICES
1067 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Fishermen's contingency fund:
998 Claims notification
Marine mammal permit applications:
997 Buchwald, Dr. Jennifer, et al.
997 Hall, Dr. John D.
997 Japan Deep Sea Trawlers Association et al.
997 S.E.E. Okeansky Ribolov
Meetings:
996 Emergency striped bass study

National Park Service
NOTICES
1034 World heritage properties list; U.S. nominations process; 1982 FY; inquiry

National Technical Information Service
NOTICES
998 Inventions; Government-owned; availability for licensing

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
1063 Pacific Gas & Electric Co.
Environmental statements; availability, etc.:
1063 Illinois Power Co.; Clinton Power Station, Unit 1, DeWitt County, Clinton, Ill.
1062 Regulatory guides; issuance and availability; correction

Personnel Management Office
RULES
Training programs:
935 Selection or authorization procedures
PROPOSED RULES
Health benefits, Federal employees:
961 Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); enrollment coverage changes
Pay administration:
958 Workweeks and premium pay, etc.: clarification
Reemployment rights:
956 Panama Canal Commission employees

Postal Rate Commission
NOTICES
1067 Meetings; Sunshine Act

Securities and Exchange Commission
NOTICES
1067 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
1063 Trans Florida Capital Corp.

Social Security Administration
NOTICES
1025 Privacy Act; systems of records

Soil Conservation Service
NOTICES
Watershed assistance to local organizations, authorizations:
991 Texas; republication

State Department
NOTICES
Fishing permits, applications:
1064 Union of Soviet Socialist Republics et al.
1063 Iran, registration of claims against

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
967 Abandoned mines land reclamation program; clarification of relationships and responsibilities of States and Federal Government; extension of time
NOTICES
Organization and functions:
1038 State Offices and Technical Service Center; address changes

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
1056 Color television receivers from Korea

Treasury Department
See Customs Service; Fiscal Service; Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
996 National Marine Fisheries Service and Fish and Wildlife Service, Emergency Striped Bass Study, Washington, D.C. (open), 1–27–82

DEFENSE DEPARTMENT
Air Force Department—
999 Scientific Advisory Board, TAC Cross-Matrix Panel, Langley AFB, Va. (closed), 1–27 and 1–28–82

ENVIRONMENTAL PROTECTION AGENCY
1016 Martin Lake Mining Area D lignite surface mine, Henderson, Tex., 1–28–82

FEDERAL COMMUNICATIONS COMMISSION
1023 Telecommunications Industry Advisory Group, Washington, D.C. (open), 1–26–82

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
1025 Industry participation, Washington, D.C. (open), 1–25–82

INTERNATIONAL COMMUNICATION AGENCY
1038 Public Diplomacy U.S. Advisory Commission, Washington, D.C., 1–12 and 1–13–82

HEARINGS

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
1106 Egg research and promotion order, Washington, D.C., 3–1–82; St. Louis, Mo., 3–4–82; San Diego, Calif., 3–23–82 (Part III of this issue)
962 Georgia Federal milk marketing order, Hapeville, Ga., 1–21–82

COMMERCE DEPARTMENT
Foreign-Trade Zones Board—
992 Proposed foreign-trade zone, Mobile, Ala., 2–5–82

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
967 Abandoned Mine Land Reclamation Program, Washington, D.C., 1–8–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
410..... 935
1201 (2 documents)..... 936
Proposed Rules:
352..... 956
550..... 958
610..... 958
890..... 961

7 CFR
701..... 937
910..... 939
Proposed Rules:
1007..... 962
1250..... 1106

9 CFR
101..... 940
204..... 942
264..... 940

12 CFR
327..... 943
Proposed Rules:
701..... 963

19 CFR
10..... 944

21 CFR
1..... 946
2..... 946
73..... 946
105..... 946
170..... 946
172..... 946
Proposed Rules:
146..... 963

26 CFR
Proposed Rules:
1..... 986

29 CFR
Proposed Rules:
5..... 966

30 CFR
Proposed Rules:
870..... 967
872..... 967
874..... 967
875..... 967
877..... 967
879..... 967
882..... 967
884..... 967
886..... 967
888..... 967

40 CFR
52 (2 documents)..... 947, 948
60..... 950
81..... 952
264..... 953
Proposed Rules:
65..... 969
86..... 972
799..... 973

47 CFR
2..... 953
21..... 953
74..... 953
Proposed Rules:
2..... 983
73 (2 documents)..... 983, 985
74..... 983

V
4
7
/
5

J
A
8
8
2

R

This
con
gen
of
the
pub
U.S.
The
by
Pric
first
mon

OFI
MA

5 C

Tra

AGE
Mar

ACT

SUM
regu
Gov
rela
for t
ager
the
of al
befo
by, i
facil
regu
level
over

EFFE

FOR
Ms.

SUPP
Febr
Pers
publ
1322
proc
care
for t
dete
who
whic
facil
410.3
down
head
appr
40 ho
410.3
OPM
plan

Rules and Regulations

Federal Register
Vol. 47, No. 5
Friday, January 8, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This document changes the regulations implementing the Government Employees Training Act relating to situations in which selection for training must be consistent with agency merit promotion procedures and the nature of appropriate consideration of already fully trained employees before assigning an employee to training by, in, or through a non-Government facility. It also eliminates an out-of-date regulation relating to the organizational level necessary to authorize training over 40 hours.

EFFECTIVE DATE: February 8, 1982.

FOR FURTHER INFORMATION CONTACT:
Ms. Constance Guitian, (202) 653–6171.

SUPPLEMENTARY INFORMATION: On February 20, 1981, the Office of Personnel Management (OPM) published proposed regulations (46 FR 13222) to clarify when merit promotion procedures must be used in selecting career and career conditional employees for training and when it is necessary to determine if there are other employees who could assume the function for which training in a non-Government facility is needed. Section 5 CFR 410.302(b)(1), which specifies how far down in the organization an agency head may delegate the authority to approve non-Government training over 40 hours, is eliminated. Section 5 CFR 410.302(b)(2) is being retained because OPM finds that its retention reinforces a planned Office of Management and Budget directive on attendance at overseas conferences.

Comments were invited from the public. One agency submitted in writing a proposal that exemptions be provided so that 5 CFR 410.302(a) would not apply to selections for training to facilitate certain kinds of special promotions. The promotions mentioned are the kinds that agencies may exclude from their merit promotion procedures. We have changed the amendment to 5 CFR 410.302(a) to show that it applies to an agency's selections for training associated with a promotion *covered by the agency's merit promotion procedures.* This change eliminates the need for exemption language for career-ladder promotions or other special kinds of promotions. Two written comments noted that the changes would enhance the effectiveness of managing the training function. Several agencies called and two wrote in reference to the changes in 5 CFR 410.302, asking for clarification of when in the process of selection for training competition should occur. That section has been changed to eliminate the confusion. The three comments received from unions expressed general considerations and identified no problems with the proposed changes in the regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small government jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 410—TRAINING

Accordingly, the Office of Personnel Management amends 5 CFR Part 410 as follows:

1. Section 410.302 is revised to read as follows:

§ 410.302 Selection and assignment of trainees.

(a)(1) Except as provided by paragraph (a)(2) of this section, an agency must follow its merit promotion procedures when selecting a career or career-conditional employee for training which is: (i) Part of an authorized training agreement; (ii) part of a promotion program; or (iii) required before an employee may be considered for a promotion.

(2) Paragraph (a)(1) of this section does not apply if (i) the agency's merit promotion procedures have already been applied or (ii) the training is associated with a promotion not covered by those procedures.

(b) With respect to selection and assignment of employees to training by, in, or through non-Government facilities, the head of an agency shall provide that each assignment of an employee who is stationed within the continental limits of the United States to training outside these limits be approved by a specifically designated official at the headquarters level of the agency.

(c) The head of an agency shall prescribe such procedures as are necessary to assure that the selection of employees for training is made without regard to race, color, religion, sex, national origin, age, or other factors unrelated to the need for training.

2. Section 410.503 paragraph (e) is revised to read as follows:

§ 410.503 General prohibitions, training through non-Government facilities.

* * * * *

(e) When training by, in, or through a non-Government facility exceeds 120 hours in a single program, or is used to prepare an employee for a different occupational series, the head of the agency must determine, before authorizing the training, that the functions for which the training would

be needed cannot be assumed by other employees.

(5 U.S.C. 4101 *et seq.*)

[FR Doc. 82-468 Filed 1-7-82; 8:45 am]

BILLING CODE 6325-01-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: On August 11, 1981, the Merit Systems Protection Board ("the Board") published a notice of proposed rulemaking to amend 5 CFR 1201.126 to distinguish the penalties the Board may impose for Hatch Act violation under 5 U.S.C. 7325 from the range of penalties available in other disciplinary actions under 5 U.S.C. 1207(b) and to add a citation to the United States Code. (46 FR 40703) The period for public comments is now closed, the Board has considered the single comment it received and publishes these amendments for immediate effect.

EFFECTIVE DATE: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Alan Greenwald, (202) 653-7111.

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board proposed to amend 5 CFR 1201.126 by adding a new paragraph (f) which specifies the penalties the Board may impose in accordance with 5 U.S.C. 7325, and by removing from § 1201.126(c) its reference to Hatch Act enforcement actions. The Board also proposed to amend § 1201.126(e) only to add the statutory citation for the Board's authority to impose penalties under the Federal Employees Flexible and Compressed Work Schedule Act.

The only comment received by the Board on the proposed amendment asserted that passage of the Civil Service Reform Act of 1978 (CSRA), which placed Hatch Act enforcement authority in the Special Counsel of the Board, superceded the minimum penalty provisions of 5 U.S.C. 7325. The Board has concluded that this is not the case. The penalty section of the Hatch Act, 5 U.S.C. 7325 was amended on August 14, 1979, some ten months after the passage of the CSRA. Pub. L. 96-54 section 2(a)(44). Congress, in that amendment, substituted the Merit Systems Protection Board for the Civil Service Commission in the following sentence: "However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board." The Congress recognized the Board as the appropriate forum for adjudicating Hatch Act disciplinary actions but continued in effect the limits on what penalties may be imposed in those actions.

PART 1201—PRACTICES AND PROCEDURES

Accordingly, the Merit Systems Protection Board, pursuant to the authority contained in 5 U.S.C. 1205(g), permitting the Board to "prescribe such regulations as may be necessary for the performance of its functions," revises 5 CFR 1201.126 to read as follows:

§ 1201.126 Final Orders of the Board.

(a) In any action seeking correction of a prohibited personnel practice, the Board may order such corrective actions as it considers appropriate after providing an opportunity for comment by the agency and OPM (5 U.S.C. 1206(c)(1)(B)).

(b) In any action seeking correction of a pattern of prohibited personnel practices not otherwise appealable to the Board, the Board may order an agency or employee to take whatever measures the board may determine to be necessary or appropriate (5 U.S.C. 1206(h)).

(c) In any action to discipline an employee except as provided in paragraphs (e) and (f) of this section, the Board may order a removal, reduction in grade, debarment (not to exceed five years), suspension, reprimand, or an assessment of civil penalty not to exceed $1,000 (5 U.S.C. 1207).

(d) In any action seeking the withholding of Federal funds under 5 U.S.C. 1506(a)(2) in which a State or local employee has engaged in prohibited political activities, the Board may order the Federal agency administering loans or grants to a State or local agency that reappoints the offending employee within a period of 18 months to withhold a sum not to exceed two years' pay of the offending employee at the rate he/she was receiving at the time of the violation.

(e) In any action to discipline an employee under the Federal Employees Flexible and Compressed Work Schedule Act, 5 U.S.C. 6101 Note, a final order of the Board may impose disciplinary action consisting of:

(1) Removal from Federal employment for any period of time the Board may prescribe;

(2) Suspension; or

(3) Such other discipline as the Board shall deem appropriate.

(f) In any action to discipline an employee for violation of 5 U.S.C. 7324, the Board shall order the employee's removal, unless it finds by unanimous vote that the violation does not warrant removal and imposes instead a penalty of not less than 30 days suspension without pay.

For The Board.

Ersa H. Poston,

Vice Chair.

December 18, 1981.

[FR Doc. 82-437 Filed 1-7-82; 8:45 am]

BILLING CODE 7400-01-M

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Interim regulation; request for comment.

SUMMARY: This regulation establishes procedures for the adjudication by the Merit Systems Protection Board of appeals of personnel actions filed by Board employees with the Board. In addition, the Board requests comments on these regulations.

EFFECTIVE DATE: January 8, 1982. Comments should be submitted in writing on or before February 8, 1982.

ADDRESS: Comments should be submitted in writing and addressed to Robert E. Taylor, Secretary, Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Bruce L. Moyer (202) 653-7171.

SUPPLEMENTARY INFORMATION: The Board believes that the interests of its employees are best served by the limitation of the direct involvement of Board members in the adjudication of appeals filed with the Board by Board employees. Therefore, the Board will assign such appeals to its administrative law judges for adjudication pursuant to the Board's procedures for the hearing of appellate cases, found at 5 CFR Part 1201, Subpart B.

The initial decision of the administrative law judge in such cases will not be disturbed by the Board, except in cases of demonstrated harmful procedural irregularity in the proceedings before the administrative law judge or clear error of law. In addition, the Board will defer ruling on any interlocutory appeals or motions to disqualify the administrative law judge

assigned to the case until the initial decision has been issued.

Adoption of this regulation will promote rather than diminish the rights of Board employees by ensuring an impartial decisionmaker and avoid even the appearance of conflict of interest. Assignment of the appeals of Board employees to administrative law judges, together with existing rights to judicial review, will adequately protect the due process rights of the employees.

Inasmuch as this regulation pertains to Board practice and procedure, and inasmuch as the rights of appellants in pending cases make delay impracticable and contrary to the public interest, the Board finds that there is good cause for the immediate adoption of this regulation.

Regulatory Flexibility Act

The Vice Chair, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of her determination that this rule would not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

PART 1201—PRACTICES AND PROCEDURES

5 CFR Part 1201, Subpart B is amended by revising the first sentence of § 1201.11 and adding § 1201.13 to provide as follows:

§ 1201.11 Scope and policy.

The rules in this subpart apply to appellate proceedings of the Board except as otherwise provided in § 1201.13. * * *

§ 1201.13 Internal appeals of Board employees.

Appeals of actions taken against Board employees will be assigned to administrative law judges for adjudication pursuant to this subchapter, provided, however, that the policy of the Board will be to insulate such adjudications from agency involvement insofar as possible. Accordingly, initial decisions in such cases shall not be disturbed by the Board except in cases of demonstrated harmful procedural irregularity in the proceedings before the administrative law judge or clear error of law. In addition, the Board, as a matter of policy, will defer ruling on any interlocutory appeals or motions to disqualify the administrative law judge assigned to such cases until the initial decision has been issued.

Dated: December 22, 1981.

For the Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 82-301 Filed 1-7-82; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final rule.

SUMMARY: This final rule will amend the existing regulations to carry out the Agricultural Conservation Program (ACP) and the Emergency Conservation Program (ECP). The regulations governing the ACP are amended to: (1) Provide that practices cost-shared under the ACP must be approved by the county ASC committees before on-site work is begun to carry out the practice; (2) reduce the maximum cost-share level from 90 percent to 75 percent of the cost of performing the practices under the ACP, except that a higher level may be authorized by ASCS; (3) change the maximum cost-share rate under the ACP for farmers determined to be low-income farmers from 90 percent to 90 percent of the cost of performing the practice; and (4) authorize conservation practices under the ACP that have significant energy conservation benefits. This final rule also amends the existing regulations governing the ECP to provide assistance at a decreased level of cost-sharing so that cost-sharing may be provided to as many producers as possible within available funds and to provide for a maximum cost-share limitation.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Director, Conservation and Environmental Protection Division, (CEPD), ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, telephone 202-447-6221. The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Director, CEPD.

SUPPLEMENTARY INFORMATION: This final action has been reviewed for compliance with Executive Order 12291 Secretary Memorandum No. 1512-1 and has been classified as "not major," it has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; or (3) cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The titles and numbers of the Federal Assistance Program that this notice applies to are: Title—Agricultural Conservation Program; Number—10.063; Title—Emergency Conservation Program, Number—10.054; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local governments are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since ASCS is not required to publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this rule.

The ACP is authorized generally by Sections 7-17 of the Soil Conservation and Domestic Allotment Act of 1936, as amended (16 U.S.C. 590h(b) *et seq.*). The ACP provides financial incentives and technical assistance to encourage eligible agricultural producers to voluntarily perform soil and water conservation and pollution abatement measures. The Emergency Conservation Program (ECP) is authorized by the Agricultural Credit Act of 1978 (Pub. L. 95-334, 92 Stat. 433). This program is designed to provide cost-share funds for emergency assistance to meet only the critical needs of agricultural producers due to severe drought or other natural disaster.

Notice of proposed rulemaking was published in the **Federal Register** on July 31, 1981 at 46 FR 39163, with respect to the changes ASCS intended to make in the administration of the ACP and ECP. ASCS received eight responses with respect to this proposed rule. However, none of the comments were of such significance to require that ASCS make major changes from the proposed regulation. All letters received are on file and available for public inspection

in Room 3608, South Building, 14th & Independence Avenue, S.W., Washington, D.C.

The following is a summary of the comments received and actions taken:

Comment

Three respondents commented that including authority for cost-sharing for energy conservation measures under ACP would tend to direct funds away from the primary soil and water objective of the program.

Response

The Energy Security Act of 1980 (Pub. L. 96–294, 94 Stat. 611, approved June 30, 1980) authorizes the Secretary to provide for cost-sharing and technical assistance under the ACP to farmers to encourage energy conservation. While certain references to this discretionary authority for cost-sharing for energy conservation practices is being added to the regulations, it has been determined that the program will not be expanded at this time to include cost-sharing for practices that are primarily for energy conservation because of limited funding.

Comment

Four respondents commented that requiring farmers to receive approval from the county ASC committee before starting practice installation was an excellent change in the program. However, two respondents commented that the process for obtaining practice approval would be hindered as a result of this requirement.

Response

It has been determined that this change in the program would aid in meeting one of the objectives of ACP which is to provide cost-share assistance only for those conservation practices which farmers could not or would not carry out to the needed extent without such assistance. This amendment to the regulations providing that cost-share assistance will not be available for a practice unless formal approval is given by the county ASC committee will give the committees more flexibility in allocating available funds to higher priority, more serious conservation and pollution abatement problems. A definite commitment of funds also provides a more effective method of control for the country ASC committees. Additionally, producer misunderstanding and dissatisfaction with the program should be reduced with closer monitoring of participation requirements.

Comment

Two respondents commented that reducing the ACP maximum cost-share level from 90 percent to 75 percent of the cost of performing a practice under the program would have a negative impact on the program. One respondent feels that while the reduction in the level of cost-sharing would tend to spread limited money to more people, the program should not be directed to this end during times of limited budgets. The other respondent felt that the reduction in the cost-share levels would tend to concentrate participation in the ACP with wealthier farmers. In addition, one respondent, although supporting the change in the levels of cost-sharing under the program, recommended that the $3500 maximum payment limitation be eliminated.

Response

It has been determined that lowering the maximum of cost-sharing under the ACP for annual practices from 90 percent of the cost of performing a practice to 75 percent of the cost of performing such practice would increase the cost-effectiveness of the program and achieve the maximum conservation benefits possible for large and small farmers alike within present funding limits. The 75 percent cost-share level is also identical to the maximum level required by statute for ACP long-term agreements. It has been determined that a uniform maximum cost-share level for long-term agreements and annual practices of 75 percent would be more desirable and equitable for all participants in the program. Further, cost-share assistance may be provided at a level higher than 75 percent of the cost of performing a practice, if it is determined by the Deputy Administrator, State and County Operations, to be necessary to encourage producers to carry out conservation practices. The requirement for a $3500 maximum payment limitation for ACP is set forth each year in the appropriations acts which provides for funding for the program.

Comment

Two respondents felt that reducing the ACP maximum cost-share level for low income farmers from 90 percent of the cost of performing the practice to 80 percent would discourage low income farmers from participating in the program because of a lack of capital to invest in conservation practices. As a result, a greater amount of program funding would be directed to larger, more affluent farmers.

Response

It has been determined that providing cost-share assistance at a maximum level of 80 percent of the cost of performing a practice is sufficient to obtain needed participation from low income farmers. ACP needs to encourage more low income farmers to invest in the installation of conservation and pollution abatement measures on their farms and at the same time improve their farm income potential. By limiting the cost-share percentage to 80 percent of cost of performing a practice, a greater amount of funds will be available for more low income farmers. Also many ACP practices are carried out with the farmer's labor and farm equipment accounting for his share of the practice cost. This fact would tend to elevate participation in the program by low income farmers.

Comment

Two respondents commented that decreasing the ECP maximum cost-share level would have a negative impact on the program. One respondent felt that during times of limited funding, the program should not be directed toward spreading limited funding to more participants. The other respondent concluded that by reducing the cost share levels under the ECP, smaller landowners would be forced out of the program because of the greater costs which must be borne by the program participant.

Response

Natural disasters vary considerably in intensity and may result in excessive damage to many conservation practices and acres of agricultural farmland. Restoration of such damaged practices and farmland is often beyond the financial capability of the landowner. ECP funds are used to help restore conservation practices and farmland that have been so severely damaged that restoration of such practices and farmland to productive agriculture use would not occur without Federal assistance. Limiting the amount of Federal assistance available under the ECP to any one landowner would have the desirable effect of allowing a greater number of landowners to participate in the program. Higher levels of landowners participation is necessary in times of limited Federal funding in order to be assured of maximum participation.

Comment

One commentor objected to the proposed $200,000 maximum payment limitation under the ECP being applicable to the amount of cost-share

payments received by individuals, as well as the total amount of cost-share payments applicable to a pooling agreement. It was argued that such a limitation would tend to discourage pooling agreements.

Response

The $200,000 maximum payment limitation for ECP applies to the amount of payments each may receive as the result of disaster. This limitation includes amounts that an individual may receive from a pooling agreement. However, the $200,000 maximum payment limitation is not a limitation on the total amount of cost-share payments which may be applicable to a pooling agreement. The regulations have been modified to clarify this.

PART 701—CONSERVATION AND ENVIRONMENTAL PROGRAMS

Accordingly, the regulations at 7 CFR Part 701 are revised to read as follows:

1. Section 701.3 is amended by adding a new paragraph (b)(8) to read as follows:

§ 701.3 Program objective.

* * * * *

(b) * * *

(8) The types of conservation measures needed that have significant energy conserving benefits.

2. Section 701.9 is amended by adding a new paragraph (i) to read as follows:

§ 701.9 Conservation practices.

* * * * *

(i) Encourage energy conservation practices.

3. Paragraph (b) of § 701.13 is revised to read as follows:

§ 701.13 Level and rate of cost-sharing.

* * * * *

(b) Levels of cost-sharing under annual agreements for each practice shall not be in excess of 75 percent of the average cost of carrying out the practice as determined by the county committee. However, where the Deputy Administrator, State and County Operations, determines a higher level of cost-sharing is necessary to provide adequate incentive for producer to carry out a conservation practice, the Deputy Administrator, State and County Operations, may specifically authorize a higher level. (See § 701.19 for special provision for low-income farmers.)

* * * * *

4. Section 701.14 is revised to read as follows:

§ 701.14 Starting of practices.

Costs will not be shared for practices or components of practices that are started before a formal approval is given by the county committee.

5. Paragraphs (a) and (b) of § 701.19 are revised to read as follows:

§ 701.19 Special provisions for low-income farmers and ranchers.

(a) Except as otherwise provided in § 701.13(c), the county committee may approve, in the case of low-income farmers and ranchers as defined in this section, level of cost-sharing of up to 80 percent of the average cost of performing practices.

(b) A low-income farmer or rancher is one who, as determined by the county committee, is a small producer whose livelihood is largely dependent on the farm or ranch and whose prospective income and financial resources for the current year are such that the farmer or rancher could not reasonably be expected to perform needed conservation practices at levels of cost-sharing applicable to other persons in the county.

* * * * *

6. Section 701.51 is revised to read as follows:

§ 701.51 Extent of cost-sharing.

(a) The maximum cost-share payment which may be made to any person by the Agricultural Stabilization and Conservation Service (ASCS) under the Emergency Conservation Program is limited to $200,000 per person, per disaster, including the amount of any payment received by such person as the result of the disaster under a pooling agreement.

(b) The levels of cost-sharing for which cost-share payments may be made by ASCS for each practice under the program shall be based upon the following:

(1) The producer must agree to pay for the first twenty percent of the cost of the practice to restore the loss.

(2) With respect to the remainder of the cost of completing the practice to restore the loss, the county committee shall establish levels of cost-sharing for which payments may be made by ASCS as follows:

(i) Not to exceed eighty percent of the first $50,000 of the cost of the practice(s) to restore the loss;

(ii) Not to exceed fifty percent for the next $50,000 of the cost of the practice(s) to restore the loss; and

(iii) Not to exceed twenty-five percent of the remaining cost of the practice(s) to restore the loss.

(Pub. L. 74–46, Secs. 7–15, 16(a), 16(f), and 17, 49 Stat. 163, as amended (16 U.S.C. 590g–590, 590p(a), and 590q); Pub. L. 93–86, Secs. 1001–1010, 87 Stat. 241 (16 U.S.C. 1501–1510); Pub. L. 95–334, Secs. 401–402, 404–405, 92 Stat. 433 (16 U.S.C. 2201–2202, 2204–2205))

Signed at Washington, D.C., December 30, 1981.

C. Hoke Leggett,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-37479 Filed 12-31-81; 11:30 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 341]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 10–16, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 10, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the comittee following discussion at a public meeting on July 7, 1981. The committee met again publicly on January 5, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the

declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.641 is added as follows:

§ 910.641 Lemon regulation 341.

The quantity of lemons grown in California and Arizona which may be handled during the period January 10, 1982, through January 16, 1982, is established at 225,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-052 Filed 1-6-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 101 and 264

Presumption of Lawful Admission; Registration and Fingerprinting of Aliens in the United States; Creation of Records of Lawful Permanent Resident Status for Aliens Eligible for Presumption of Lawful Admission for Permanent Residence and for Individuals Born Under Diplomatic Status in the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service is made in order to institute a procedure for creation of records of lawful permanent residence for aliens eligible for presumption of lawful admission for permanent residence and for individuals born in the United States to foreign diplomats.

It has been judicially held that, for naturalization purposes, children born in the United States to foreign diplomats have the status of lawful permanent residents. In addition, two precedent decisions of this Service hold that these children are considered to be permanent residents. Until now, however, there was no procedure for creation of records of their lawful permanent residence. Under the new procedure, they are eligible to apply for creation of records of their permanent residence.

In the interest of consistency, we have also developed a parallel procedure for aliens eligible for presumption of lawful admission for permanent residence even though records of their admission cannot be found. This is a standardization of an existing procedure which will have a negligible effect on the aliens in question.

EFFECTIVE DATE: February 10, 1982.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

For specific information: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633–5014

SUPPLEMENTARY INFORMATION: Children who are born in the United States to accredited foreign diplomatic officers are not subject to the jurisdiction of the United States. They therefore are not United States citizens under the Fourteenth Amendment to the Constitution. According to an unreported decision, *Petition of Vivienne Yu*, U.S.D.C., Southern District of New York, A–11 537 691 (1965), these children are considered to be lawful permanent residents for purposes of naturalization. In addition, two precedent decisions of this Service, *Matter of Huang*, 11 I. & N. Dec. 190 (1965), and *Matter of Chu*, 14 I. & N. Dec. 241 (1972), hold that these children are considered to be lawful permanent residents.

In view of these decisions, this Service has received requests for Alien Registration Receipt Cards, Forms I–551, documents issued to lawful permanent residents, for individuals born in the United States in diplomatic status. Until now there was no procedure, however, for creation of records of their lawful permanent residence or for issuance of Forms I–551 to them. On January 21, 1981, our Deputy General Counsel advised that it has been the stated Service policy for the past thirty-five years to treat individuals in this category as lawful permanent residents and that they should be issued Forms I–551. Accordingly, we have developed a procedure to create records of permanent residence for and issuance of Forms I–551 to them.

In order to be consistent, we have set up a parallel procedure for aliens eligible for presumption of lawful admission for permanent residence even though records of their admission cannot be found. Existing §§ 101.1 and 101.2 explain the requirements for presumption of lawful admission for permanent residence.

Because these additions to the regulations are purely procedural in nature, and implement existing interpretations, compliance with the provisions of 5 U.S.C. 553 relative to notice of proposed rulemaking is unnecessary.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of EO 12291.

For the reasons set out in the preamble, Chapter I of Title 8 of the Code of Federal Regulations is amended as set forth below:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

1. § 101.3 is revised to read as follows:

§ 101.3 Creation of record of lawful permanent resident status for person born under diplomatic status in the United States.

(a) *Person born to foreign diplomat.* (1) *Status of person.* A person born in the United States to a foreign diplomatic

officer accredited to the United States, as a matter of international law, is not subject to the jurisdiction of the United States. That person is not a United States citizen under the Fourteenth Amendment to the Constitution. Such a person may be considered a lawful permanent resident at birth.

(2) *Definition of foreign diplomatic officer.* "Foreign diplomatic officer" means a person listed in the State Department Diplomatic List, also known as the Blue List. It includes ambassadors, ministers, chargés d'affaires, counselors, secretaries and attachés of embassies and legations as well as members of the Delegation of the Commission of the European Communities. The term also includes individuals with comparable diplomatic status and immunities who are accredited to the United Nations or to the Organization of American States, and other individuals who are also accorded comparable diplomatic status.

(b) *Child born subject to the jurisdiction of the United States.* A child born in the United States is born subject to the jurisdiction of the United States and is a United States citizen if the parent is not a "foreign diplomatic officer" as defined in paragraph (a)(2) of this section. This includes, for example, a child born in the United States to one of the following foreign government officials or employees:

(1) Employees of foreign diplomatic missions whose names appear in the State Department list entitled "Employees of Diplomatic Missions Not Printed in the Diplomatic List," also known as the White List; employees of foreign diplomatic missions accredited to the United Nations or the Organization of American States; or foreign diplomats accredited to other foreign states. The majority of these individuals enjoy certain diplomatic immunities, but they are not "foreign diplomatic officers" as defined in paragraph (a)(2) of this section. The immunities, if any, of their family members are derived from the status of the employees or diplomats.

(2) Foreign government employees with limited or no diplomatic immunity such as consular officials named on the State Department list entitled "Foreign Consular Officers in the United States" and their staffs.

(c) *Voluntary registration as lawful permanent resident of person born to foreign diplomat.* Since a person born in the United States to a foreign diplomatic officer is not subject to the jurisdiction of the United States, his/her registration as a lawful permanent resident of the United States is voluntary. The provisions of section 262 of the Act do not apply to such a person unless and until that person ceases to have the rights, privileges, exemptions, or immunities which may be claimed by a foreign diplomatic officer.

(d) *Retention of lawful permanent residence.* To be eligible for lawful permanent resident status under paragraph (a) of this section, an alien must establish that he/she has not abandoned his/her residence in the United States. One of the tests for retention of lawful permanent resident status is continuous residence, not continuous physical presence, in the United States. Such a person will not be considered to have abandoned his/her residence in the United States solely by having been admitted to the United States in a nonimmigrant classification under paragraph (15)(A) or (15)(G) of section 101(a) of the Act after a temporary stay in a foreign country or countries on one or several occasions.

2. The following § 101.4 is added:

§ 101.4 Registration procedure.

The procedure for an application for creation of a record of lawful permanent residence and an Alien Registration Receipt Card, Form I–551, for a person eligible for presumption of lawful admission for permanent residence under §§ 101.1 or 101.2 or for lawful permanent residence as a person born in the United States to a foreign diplomatic officer under § 101.3 is described in § 264.2 of this chapter.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

3. Part 264 is amended by adding the following new § 264.2 to read as follows:

§ 264.2 Application for creation of record of lawful permanent residence and Alien Registration Receipt Card, Form I–551.

(a) *Jurisdiction.* An applicant who believes that he/she is eligible for presumption of lawful admission for permanent residence under §§ 101.1 or 101.2 of this chapter or for lawful permanent residence as a person born in the United States to a foreign diplomatic officer under § 101.3 of this chapter shall submit his/her application for creation of a record of lawful permanent residence to the Service office having jurisdiction over the applicant's place of residence in the United States. The applicant must be physically present in the United States at the time of submission of his/her application.

(b) *Applicant under eighteen years old.* If the applicant is under eighteen years old, the applicant's parent or legal guardian shall prepare and sign the application in the applicant's behalf.

(c) *Filing application.* (1) *Presumption of lawful admission for permanent residence.* An applicant who believes that he/she is eligible for presumption of lawful admission for permanent residence under §§ 101.1 or 101.2 of this chapter shall submit the following:

(i) A completed Form I–90, Application by a Lawful Permanent Resident for an Alien Registration Receipt Card, Form I–551, without fee.

(ii) Form G–325A, Biographic Information.

(iii) The applicant's fingerprints on Form FD–258.

(iv) A list of all the applicant's arrivals in and departures from the United States.

(v) A statement signed by the applicant indicating the basis of the applicant's claim to presumption of lawful admission for permanent residence.

(vi) Documentary evidence substantiating the applicant's claim to presumption of lawful admission for permanent residence, including proof of continuous residence in the United States.

(vii) Two photographs prepared in accordance with the specifications outlined in the instructions to Form I–90. The immigration officer to whom the application is submitted, however, may waive the photographs for just cause.

(2) *Lawful permanent residence as a person born in the United States under diplomatic status.* An applicant who believes that he/she is eligible for lawful permanent residence as a person born in the United States to a foreign diplomatic officer under § 101.3 of this chapter shall submit the following:

(i) A completed Form I–90, Application by a Lawful Permanent Resident for an Alien Registration Receipt Card, Form I–551, without fee.

(ii) Form G–325A, Biographic Information.

(iii) The applicant's fingerprints on Form FD–258.

(iv) The applicant's birth certificate.

(v) An executed Form I–508, Waiver of Rights, Privileges, Exemptions, and Immunities.

(vi) Official confirmation of the diplomatic classification and occupational title of the applicant's parent(s) at the time of the applicant's birth.

(vii) A list of all the applicant's arrivals in and departures from the United States.

(viii) Proof of continuous residence in the United States.

(ix) Two photographs prepared in accordance with the specifications outlined in the instructions to Form I–90.

The immigration officer to whom the application is submitted, however, may waive the photographs for just cause.

(3) *Applicant under fourteen years old.* An applicant under fourteen years old shall not submit Form G–325A, Biographic Information, or his/her fingerprints on Form FD–258.

(d) *Personal appearance.* Each applicant, including an applicant under eighteen years of age, must submit his/her application in person. This requirement may be waived at the discretion of the immigration officer to whom the application is submitted because of confinement of age, physical infirmity, illiteracy, or other compelling reason.

(e) *Interview.* The applicant may be required to appear in person before an immigration officer prior to adjudication of the application to be interviewed under oath concerning his/her eligibility for creation of a record of lawful permanent residence.

(f) *Decision.* The decision regarding creation of a record of lawful permanent residence for an alien eligible for presumption of lawful admission for permanent residence or for a person born in the United States to a foreign diplomatic officer will be made by the district director having jurisdiction over the applicant's place of residence.

(g) *Date of record of lawful permanent residence.* (1) *Presumption of lawful admission for permanent residence.* If the application is granted, the applicant's permanent residence will be recorded as of the date of the applicant's arrival in the United States under the conditions which caused him/her to be eligible for presumption of lawful admission for permanent residence.

(2) *Lawful permanent residence as a person born in the United States under diplomatic status.* If the application is granted, the applicant's permanent residence will be recorded as of his/her date of birth.

(h) *Denied application.* If the application is denied, the decision may not be appealed.

(Secs. 101(a)(20), 103, 282, 264 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1101(a)(20), 1103, 1302, 1304)

Dated: December 23, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-547 Filed 1-7-82; 8:45 am]

BILLING CODE 4410-01-M

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Documents; Certification of Documents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds accredited representatives of recognized nonprofit voluntary agencies to those persons who may certify the authenticity of photo copies of original documents that are submitted in visa petition proceedings. This will allow more petitioners to retain their original documents without fear of loss or access of availability to valuable or sentimental documents. The Service also benefits from a reduction in requests for comparative certifications and a reduction in future requests to return originals from Service files.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633–3048

For Specific Information: Ernest B. Duarte, Jr., Director of Outreach Program, 425 I Street, NW., Room 6244, Washington, D.C. 20536, Telephone (202) 633–4123

SUPPLEMENTARY INFORMATION: The present 8 CFR 204.2(h) allows attorneys to certify the authenticity of copies of original documents in visa petition proceedings. This allows petitioners to submit certified copies and to retain valuable or sentimental originals. This practice reduces the Service workload in processing petitions; prevents loss of originals; reduces requests for the return of originals after comparison; and, in the case of originals not accompanied by copies, reduces future requests for the return of originals from Service record files.

Nonprofit voluntary agencies and their employees are permitted to represent aliens before the Service if recognized and accredited by the Board of Immigration Appeals under 8 CFR 292.2. The extension of the certification authority to recognized organizations and their accredited representatives will allow them to better serve their clientele while allowing the Service to maintain the quality and integrity of its adjudication proceedings under 8 CFR Part 204. The Service will continue to reserve the right to require submissions of the original documents when it deems necessary for proper enforcement of the Act.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to agency practice and procedure which is of benefit to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In § 204.2, paragraph (h) is revised to read as follows:

§ 204.2 Documents.

* * * * *

(h) *Certification of documents*—(1) *By attorneys.* A copy of a document submitted in support of a visa petition filed pursuant to section 204 of the Act and this Part may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney typed or rubber-stamped in the following language:

I certify that I have compared this copy with its original and it is a true and complete copy.

Signed: ——— Date: ———
Name: ———, Attorney at Law
Address: ———
Admitted to Practice in State of ———

(2) *By accredited representatives of recognized nonprofit voluntary agencies under § 292.2 of this Chapter.* A copy of a document submitted in support of a visa petition filed pursuant to section 204 of the Act and this Part may be accepted, though unaccompanied by the original, if the copy bears a certification by an accredited representative, typed or rubber-stamped in the following language:

I certify that I have compared this copy with its original and it is a true and complete copy.

Signed: ——— Date: ———
Name: ———, Accredited Representative
Agency: ———
Agency Address: ———
Date of Agency Recognition: ———
Date of Representative Accreditation: ———

(3) *Original document.* The original document must be submitted if requested by the Service.

* * * * *

(Sec. 103, 86 Stat. 173 (8 U.S.C. 1103))

Dated: December 28, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-548 Filed 1-7-82; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

Interest Charge on Delinquent Assessment Payments and Assessment Overpayments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC amends Part 327 of its regulations pertaining to its insurance assessment on deposits held by insured banks. The amendment requires insured banks to pay interest on delinquent assessment payments owed to FDIC if the delinquencies are not caused by FDIC. Further, it requires FDIC to pay interest on assessment overpayments by insured banks. The amendment insures that appropriate compensation is provided to insured banks and the FDIC for the loss of the immediate use of their funds when such delinquent payments or overpayments occur under the assessment process. The amendment is issued under FDIC's general rule making authority in Section 9 of the Federal Deposit Insurance Act.

The amendment will not significantly affect any insured bank since the interest paid to banks by FDIC for overpayments will generally be insignificant and the interest paid by a bank to FDIC for delinquencies will be materially or completely offset by interest income realized by the bank from the use of FDIC funds. Further, the interest charge on the delinquent payments will only affect those banks which have failed to comply with FDIC regulations.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: J. David Shaffer, Assessments Section Chief, Division of Accounting and Corporate Services (202-389-4735), or Roger A. Hood, Assistant General Counsel, Legal Division (202-389-4628), Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On October 19, 1981, FDIC published a proposal in the **Federal Register** (46 FR 51256) which would amend Part 327 to impose an interest charge on late assessment payments which are not caused by FDIC so that FDIC can recoup the interest which it loses on the funds during the delinquent period. The proposal also provided for FDIC to pay interest on assessment overpayments by insured banks.

Public comment on the proposal was invited through December 3, 1981. During the period, ten (10) written comment letters were received. All but two of these were favorable (including one from the American Bankers Association) and several included recommendations to be considered by FDIC. The most significant comments are discussed below.

(1) One comment stated that banks should not be required to pay interest on delinquent payments which result from a bank's reliance on an FDIC rule, regulation, or approval. Section 327.06 of the proposed rule which was published for comment states that the interest would not be charged for delinquent payments that are caused by FDIC. This provision was intended to be applicable to a delinquent payment that is caused by a bank's good faith reliance on an FDIC rule, regulation, or approval which specifically applied to the situation. To clarify the regulation, the final rule has been changed to expressly state this.

(2) Two of the comment letters recommended that the interest charge not be imposed for delinquent payment if the delinquency resulted from an unintentional error, including a clerical, printing, or computer error. Since the interest charge is a "use" charge rather than a penalty charge, FDIC believes that the interest charge should be applicable in such situations and that intent should not be a critical determining factor.

(3) Another comment opposed the proposal because, according to the comment, the proposal does not take into account situations which involve protracted disputes that arise between banks and the FDIC over the proper interpretation of rules, regulations, or statutory provisions. As has been stated earlier, the interest charge is intended to be a "use" charge which, among other things, permits FDIC to recover the interest which it now loses on delinquent funds during the period of the delinquency. Accordingly, the length of a dispute is not a key factor in the application of the interest charge. Rather, the key element is whether FDIC was entitled to the funds during the delinquency and, in turn, the interest on the funds.

(4) It was also recommended that the language in the final rule be clarified to indicate which of the several Department of Treasury rates is applicable and to state that the rate is published under the provisions of the Treasury Fiscal Requirements Manual (TFRM) but is not published in the manual itself. In response to this comment, FDIC has added statements in the final rule which indicate that the rate is the U.S. Treasury's current value of funds rate that is issued under the TFRM provisions and published quarterly in the **Federal Register.**

The proposal which was published for comment has also been modified to require FDIC to pay interest on all overpayments regardless of whether or not the overpayment was caused by FDIC.

Except for the changes noted above, the provisions in the final rule adopted by the FDIC are the same as those in the proposal that was issued for public comment. Further, in order that the interest charge requirements may be used for the first 1982 semi-annual assessments which are due on January 31, 1982, the FDIC has decided to make the final rule effective immediately rather than delay its effective date for 30 days.

The regulation will not affect the competitive status of an insured bank or impose any additional regulatory burden. It merely establishes an interest charge for the use of funds and does not add any additional recordkeeping or reporting requirements. Further, the amendment will not have any significant economic impact on insured banks since the amount of the interest paid to banks for overpayments will generally be insignificant and the amount of the interest charge to a bank for delinquent payments can generally be defrayed by the income the bank obtains from the use of the FDIC funds. Because of these factors, the FDIC Board of Directors has specifically certified that the amendment will not have a significant economic impact on a substantial number of small entities. Consequently, the analyses requirements of the Regulatory Flexibility Act are not applicable and FDIC has not made an initial or a final regulatory analysis in connection with the amendment.

PART 327—ASSESSMENTS

In view of the above, the FDIC Board of Directors amends 12 CFR Part 327 as follows:

(1) The authority citation for Part 327 reads as follows:

Authority: Secs. 7–9, Pub. L. No. 797, 64 Stat. 876–882 as amended by secs. 2, 3, Pub. L. No. 86–671, 74 Stat. 547–551 and sec. 304, Pub. L. No. 95–630, 92 Stat. 3676 (12 U.S.C. 1817–1819).

(2) A new § 327.06 is added to read as follows:

§ 327.06 Payment of interest on delinquent assessment payments and assessment overpayments.

(a) Each insured bank shall pay to the Corporation interest on delinquent assessment payments. All assessments will be considered delinquent if they are postmarked after the time for payment specified in § 327.05, including late payments caused by bank errors in the Certified Statement, unless the delay has been caused by a bank's good faith reliance on a specific FDIC rule, regulation or approval. The interest rate will be the United States Treasury Department's current value of funds rate which is issued under the Treasury Fiscal Requirements Manual (TFRM rate) and published quarterly in the **Federal Register**. The interest rate will be determined as follows:

(1) *Current year.* (i) For delinquent days occurring on or prior to March 31, the rate will be the TFRM rate that is published in the preceding December.

(ii) For the delinquent days occurring from April 1 to June 30, the rate will be the TFRM rate that is published in March for the second quarter of the year.

(iii) For delinquencies days occurring from July 1 to September 30, the rate will be the TFRM rate that is published in June for the third quarter.

(iv) For delinquent days occurring from October 1 to December 31, the rate will be the TFRM rate that is published in September for the fourth quarter.

(2) *Prior years.* The interest will be calculated quarterly and compounded annually at the rates applicable for each quarter as issued under the TFRM. For the initial year, the rate will be applied to the gross amount of the delinquent payment. For each additional year or portion thereof the rate will be applied to the net amount of the delinquent payment after it has been reduced by the assessment credit for the year.

(b) The Corporation will pay interest to an insured bank for any overpayments.

By Order of the Board of Directors, January 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-464 Filed 1-7-82; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 82-6]

Customs Regulations Amendments Relating to the Importation of Certain Fresh, Chilled, or Frozen Beef

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Trade Agreements Act of 1979 made numerous changes to various provisions of law presently administered in whole or in part by the Customs Service. One of those changes relates to the importation of certain fresh, chilled, or frozen beef. This document adds a new section to the Customs Regulations to require a certification, by an official of the exporting country, stating that certain fresh, chilled, or frozen beef meets specifications prescribed in regulations issued by the U.S. Department of Agriculture.

EFFECTIVE DATE: This rule is effective on: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond R. Janiszewski, Duty Assessment Division, Office of Trade Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8651).

SUPPLEMENTARY INFORMATION:

Background

The Trade Agreements Act of 1979, Pub. L. 96–39, 93 Stat. 144 (the "Act") made numerous changes to various provisions of law administered in whole or in part by the Customs Service.

Title V of the Act provides for the implementation of certain tariff concessions negotiated in the Multilateral Trade Negotiations ("MTN"). Section 506 of Title V amended Schedule 1, Part 2, Subpart B, Tariff Schedules of the United States ("TSUS"), by deleting item 107.60 and inserting items 107.61, 107.62, and 107.63, relating to certain fresh, chilled, or frozen beef.

Prior to the Act, fresh, chilled, or frozen beef and veal (except for sausages) valued over 30 cents per pound were classified under TSUS item 107.60. The rate of duty was 10 percent ad valorem. Before the Act, portion control cuts from Canada were entered under TSUS item 107.60, which was not covered by the Meat Import Act (Pub. L. 88–482, 19 U.S.C. 1202). Section 506 of the Act created a separate tariff classification for portion control cuts meeting high-quality U.S. specifications. Section 704 of the Act includes this new tariff classification in the coverage of the Meat Import Act.

In bilateral negotiations with Canada, the United States agreed to reduce the duty on high-quality portion control cuts of beef from 10 percent to 4 percent ad valorem on condition that (1) the concession apply only to portion control cuts which meet high-quality specifications (7 CFR 2853.106 (a) and (b)) and (2) meat entering under the concession would be counted against the exporter's allocation under the U.S. Meat Import Program.

Under the provisions of new TSUS item 107.61, a certification is required from an official of the exporting country prior to exportation stating that the fresh, chilled, or frozen beef meets the specifications for beef contained in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)). The certification is to be in a form required by regulations issued by the Secretary of the Treasury after consultation with the Secretary of Agriculture. A proposal was developed as a result of meetings between personnel from the Customs Service and the U.S. Department of Agriculture (USDA) and published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 2, 1981 (46 FR 34598).

Discussion of Comments

Only three comments were received in response to the NPRM.

One commenter suggested that the required certification should be exempted from the missing document provisions of § 141.66, Customs Regulations (19 CFR 141.66). Section 141.66 states that unless otherwise prescribed in the Customs Regulations, an appropriate bond may be given for the production of any required document which is not available at the time of entry.

Customs is of the opinion that fresh, chilled, or frozen beef entered under the provisions of TSUS item 107.61, should not be treated any differently than other classes of merchandise subject to a reduced rate of duty once certain conditions are satisfied. Most of these classes of merchandise are listed in Part 10, Customs Regulations (19 CFR Part 10). A bond for missing documents may

be posted for most of these classes of merchandise. Accordingly, Customs believes that a bond for missing documents should be allowed for the certification required for beef entered under TSUS item 107.61. However, as a practical matter, the certification will be available in virtually every case at the time of entry. The NPRM proposed to add the required certification to the foreign officials meat-inspection certificate required by USDA regulations (9 CFR 327.4). Section 327.4 requires that each consignment be accompanied by the foreign officials meat-inspection certificate. The USDA examination and release may not take place without the required certification. Therefore, the certification should always be available at the time of entry.

Another commenter noted that the term "high quality beef" is not used in TSUS item 107.61 and suggested that it be deleted from the certification. Customs concurs with this comment and, accordingly, has deleted the term from the final rule.

The same commenter also recommended that the reference to 7 CFR 2853.106 (a) and (b) be deleted from the certification since no citation to these sections appears in TSUS item 107.61. Sections 2853.106 (a) and (b) and TSUS item 107.61 use the terms "Prime" and "Choice". It is Customs opinion, and that of the Department of Agriculture and the Office of the Trade Representative, that the terms "Prime" and "Choice" should not be used in the certification. Fresh, chilled, or frozen beef entered under TSUS item 107.61 may not be marketed as USDA "Prime" or "Choice" beef unless it is labeled by a USDA meat grader. Specific language to this effect was included in the proposed regulation and is retained in the final rule. Imported beef entered under TSUS item 107.61, therefore, may not be referred to as "Prime" or "Choice", and the exporter's certification may not refer to the beef as "Prime" or "Choice." To use the words in the certification could lead individuals to believe that the beef may be marketed as "Prime" or "Choice". In order to eliminate this possibility, the citation to 7 CFR 2853.106 (a) and (b) was used rather than "Prime" or "Choice", even though this may mean amending the certification at a later date, if, in the unlikely event, the Department of Agriculture regulations, contained in 7 CFR 2853.106 (a) and (b), are changed.

The third comment received was in favor of the proposed rule but contained no substantive comments.

Other Changes to Proposed Rule

Customs has been advised by the Foreign Agriculture Service, that the Department of Agriculture has reached agreement with the Canadian government as to the Canadian beef grades that will satisfy the certification requirements. Accordingly, a paragraph (b) has been included in the final rule which lists Canada as a country from which Customs officials will accept certifications. From time to time, as agreement is reached by the Department of Agriculture and appropriate officials of other nations, the listing will be amended to include other countries.

Finally, Customs is of the opinion that the rule would be more appropriately placed in Part 10, Customs Regulations, which relates to articles conditionally free, subject to reduced rates of duty, etc., rather than in Part 12, Customs Regulations, which relates to special classes of merchandise. Accordingly, the rule will appear in the Customs Regulations as new § 10.180.

Inapplicability of Delayed Effective Date

Because the subject matter of this document does not constitute a departure from established policy or procedure, implements a statutory policy, and confers a benefit on the public through a reduced duty rate, pursuant to 5 U.S.C. 553(d) (1) and (3), a delayed effective date is not required.

Executive Order 12291

The proposed regulation is not a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis was not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this regulation. The NPRM published July 2, 1981 (46 FR 34598), contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Part 10, Customs Regulations (19 CFR Part 10), is amended as set forth below.

William Green,

Acting Commissioner of Customs.

Approved: December 29, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 is amended by adding a new § 10.180 and heading to read as follows:

Certain Fresh, Chilled, or Frozen Beef

§ 10.180 Certification.

(a) The foreign official's meat-inspection certificate required by U.S. Department of Agriculture regulations (9 CFR 327.4) shall be modified to include the certification below when fresh, chilled, or frozen beef is to be entered under the provisions of item 107.61, Tariff Schedules of the United States (TSUS). The certification shall be made, prior to exportation of the beef, by an official of the government of the exporting country and filed with Customs with the entry summary or with the entry when the entry summary is filed at the time of entry. The requirements of this section shall be in addition to those requirements contained in 9 CFR 327.4. Appropriate officials of the exporting country should consult with the U.S. Department of Agriculture as to the beef grades or standards within their country that satisfy the certification requirement. Exporters or importers of beef to be entered under the provisions of item 107.61, TSUS, should consult with the U.S. Department of Agriculture prior to exportation in order to insure that the beef will satisfy the certification requirements. This certification is relevant only to U.S. Customs tariff classification and is not applicable to marketing of beef under U.S. Department of Agriculture grading standards, a matter within U.S. Department of Agriculture's jurisdiction.

Certification

I hereby certify to the best of my knowledge and belief that the herein described fresh, chilled, or frozen beef, meets the specifications prescribed in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)).

(b) Appropriate officials of the following countries have agreed with the U.S. Department of Agriculture as to the grades or standards for fresh, chilled, or frozen beef within their respective countries which will satisfy the

certification requirements of paragraph (a) of this section:

Canada

(R.S. 251, as amended (19 U.S.C. 66); section 624, 46 Stat. 759 (19 U.S.C. 1624); Pub. L. 96–39, 93 Stat. 252)

[FR Doc. 82–504 Filed 1–7–82; 8:45 am]

BILLING CODE 4810–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 2, 73, 105, 170, and 172

[Docket No. 81N–0266]

Incorporation by Reference Regulatory Text

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the incorporating regulatory text in Title 21 of the Code of Federal Regulations to make clear when an incorporation by reference is intended. This action is being taken to meet the drafting requirements for incorporation by reference set forth in Title 1 of the Code of Federal Regulations (1 CFR Part 51).

DATES: Effective January 8, 1982; written comments by February 8, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Title 1 of the Code of Federal Regulations (1 CFR 51.6, 51.7, and 51.8) requires, in addition to other information, specific language in a regulation that makes clear that an incorporation by reference is intended.

FDA has reviewed all of its regulations that include materials incorporated by reference. The agency has concluded that it is necessary to amend a number of these regulations to bring them into compliance with the drafting requirements prescribed in 1 CFR 51.6, 51.7, and 51.8. This notice amends certain of the regulations concerned with food. The agency will publish additional notices revising the incorporations by reference in its regulations that cover food and other products in future issues of the Federal Register.

The agency is amending §§ 1.24, 2.19, 73.160, 73.450, 105.65, 170.30, and 172.280 (21 CFR 1.24, 2.19, 73.160, 73.450, 105.65, 170.30, and 172.280) to include language that: clearly indicates that an incorporation by reference is intended; contains a complete citation of the material incorporated; and contains a statement about the availability of the incorporated material. These amendments ensure compliance with the drafting requirements specified in Title 1.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)), Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—GENERAL REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. Part 1 is amended in § 1.24(a) (6) (i), (ii), and (iii) by revising the citation to the Measure Container Code, adding the phrase "which is incorporated by reference" after that citation, and adding a sentence at the end of the paragraph to read as follows:

§ 1.24 Exemption from required label statements.

* * * * *

(a) * * *

(6)(i) * * * "Measure Container Code of National Bureau of Standards Handbook 44," Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Containers," which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) * * * "Measure Container Code of National Bureau of Standards Handbook 44", Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Container," which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(iii) * * * "Measure Container Code of National Bureau of Standards Handbook 44", Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Containers" which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

2. Part 2 is amended in § 2.19 by revising the portion of the first sentence following the phrase "methods of analysis of the" and adding a new second sentence to the paragraph to read as follows:

§ 2.19 Methods of analysis.

* * * Association of Official Analytical Chemists (AOAC) as published in the latest edition (13th Ed., 1980) of their publication "Official Methods of Analysis of the Association of Official Analytical Chemists," and the supplements thereto ("Changes in Methods" as published in the March issues of the "Journal of the Association of Official Analytical Chemists"), which are incorporated by reference, when available and applicable. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.* * *

PART 73—LISTINGS OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

3. Part 73 is amended as follows:

a. In § 73.160(a) and (b) by revising the portion of the paragraph beginning with "Food Chemicals Codex" to read as follows:

§ 73.160 Ferrous gluconate.

(a) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

b. In § 73.450(a)(1) and (b) by revising the portion of the paragraph beginning with "Food Chemicals Codex" to read as follows:

§ 73.450 Riboflavin.

* * * * *

(a) * * *

(1) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

PART 105—FOODS FOR SPECIAL DIETARY USE

4. Part 105 is amended in § 105.65(c)(4)(i) and (ii) by revising the portion of the paragraphs beginning with "Biological Evaluation of Protein" and "Improved Kjeldahl Methods", respectively, to read as follows:

§ 105.65 Infant foods.

* * * * *

(c) * * *

(4) * * *

(i) * * * "Biological Evaluation of Protein Quality—Official, Final Action" of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970), which is incorporated by reference. Copies are available from the Director, Division of Food Technology, Bureau of Foods (HFF–210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) * * * "Improved Kjeldahl Methods for Nitrate-Free Samples—Official, Final Action" of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970), which is incorporated by reference. Copies are available from the Director, Division of Food Technology, Bureau of Foods (HFF–210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 170—FOOD ADDITIVES

5. Part 170 is amended in § 170.30(h)(1) by revising the citation to the Food Chemicals Codex, adding the phrase "which is incorporated by reference" after that citation, and adding a new sentence at the end of the paragraph to read as follows:

§ 170.30 Eligibility for classification as generally recognized as safe (GRAS).

* * * * *

(h) * * *

(1) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference, * * *. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

6. Part 172 is amended in § 172.280(a) by revising the portion of the paragraph beginning with "as determined by" to read as follows:

§ 172.280 Terpene resin.

* * * * *

(a) * * * as determined by ASTM Method E28–51T, "Tentative Method of Test for Softening Point By Ring and Ball Apparatus" (revised 1951), which is incorporated by reference. Copies are available from University Microfilm International, 300 N. Zeeb Rd., Ann Arbor, MI 48106, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

The agency has determined that because these amendements do not make any substantive changes in the regulations but merely are editorial, bringing the incorporation by reference text into compliance with the drafting requirements of 1 CFR 51.6, 51.7, and 51.8, notice, public procedure, and delayed effective date are unnecessary. However, interested persons may, on or before February 8, 1982 submit to the Dockets Management Branch (address above), written comments regarding these amendments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. If the agency determines by the comments received that the amended text should be modified, a notice containing those modifications will be published in the **Federal Register**. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–285 Filed 1–7–82; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–1988–1]

Approval and Promulgation of Implementation Plans; Revisions to Maine Sulfur-in-Fuel Regulations; Maine

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Maine State Implementation Plan (SIP) which will allow burning of 2.5 percent sulfur content residual fuel by all sources located in that portion of the Metropolitan Portland Air Quality Control Region (AQCR) outside of the "Portland Peninsula" area. Sources located within the "Portland Peninsula" area will continue to burn 1.5 percent sulfur content fuel, which is the present SIP requirement for the entire AQCR. After November 1, 1985, sources within the "Portland Peninsula" area will be limited to use of 1.0 percent sulfur content fuel under this revision. No comments were received on the proposed rulemaking.

EFFECTIVE DATE: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5609.

ADDRESSES: Copies of the Maine document which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. and the Maine Department of Environmental Protection, Bureau of Air Quality Control, Ray Building, Hospital Street, Augusta, Maine.

SUPPLEMENTARY INFORMATION: On August 5, 1981, EPA proposed approval in the **Federal Register** (46 FR 39861) of a revision to the Maine State Implementation Plan (SIP), submitted by the Governor of Maine on August 25, 1977. Presently the SIP prohibits use of any fuel with a sulfur content greater than 1.5 percent by weight in the Metropolitan Portland Intrastate Air Quality Control Region (AQCR). The SIP revision, which EPA is approving today, will allow use of up to 2.5 percent sulfur content residual fuel by sources located in that portion of the AQCR outside of the "Portland Peninsula" area. The sulfur in fuel limitation for sources located within the "Portland Peninsula" area will remain at 1.5 percent sulfur content by weight until November 1, 1985. After November 1, 1985, use of any fuel with a sulfur content greater than 1.0 percent by weight is prohibited in the "Portland Peninsula" area under this revision.

The "Portland Peninsula" area consists of that section of the City of Portland bordered on the west by Interstate 295, on the south and east by the Fore River, and on the north by Casco Bay and the inlet to Back Cove. These boundaries were established by the Maine Board of Environmental Protection (BEP) based on their evaluation of monitored and modeled air quality levels and emission density characteristics of the Metropolitan Portland Intrastate AQCR. These data showed that the lower sulfur fuel requirement was necessary only for sources in the "Portland Peninsula" area.

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. No comments have been received and EPA is now taking final action to approve the revision, excluding one provision. The revision includes a provision which would allow the Commissioner of the Department of Environmental Protection to issue a temporary variance to an oil supplier who was unable to supply conforming fuel during a period of energy crisis and/or equipment outage. EPA is disapproving this regulatory provision as part of the federally enforceable SIP. Any variance issued under this section of the state laws must be submitted to EPA as a SIP revision. Temporary suspensions of SIP requirements during energy emergencies may also be granted using the procedures included in Section 110(f) of the Clean Air Act.

After evaluation of the state's submittal, the Administrator has determined that the Maine revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision, excluding the provision noted above, is approved as a revision to the Maine State Implementation Plan.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action approves state actions. It imposes no new requirements. The disapproval of one portion of the state regulation merely preserves the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601).

Note.—Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart U—Maine

1. Section 52.1020, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(15) A revision to Regulation 100.6 (Chapter 106) "Low Sulfur Fuel Regulation" for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977.

2. Section 52.1030 is added:

§ 52.1030 Control strategy: Sulfur oxides.

(a) The revision to Regulation 100.6 (Chapter 106) "Low Sulfur Fuel Regulation" for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977, is approved with the exception of paragraph 100.6.5(b) which allows the Commissioner of the Department of Environmental Protection to grant variances to Regulation 100.6.

[FR Doc. 82-417 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-1-FRL 1998-8]

Approval and Promulgation of Implementation Plans Revisions; Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 5, 1981 EPA proposed approval of a revision to the Vermont State Implementation Plan (SIP) raising the maximum allowable sulfur-in-fuel content for fuels used, purchased or sold for use in stationary combustion installations for heat or power generation from 1.0 percent to 2.0 percent by weight (46 FR 39863). The purpose of this notice is to approve that revision to Vermont Environmental

Regulations, Chapter 5, Air Pollution Control, Subchapter II, Regulation 5–221(1), "Sulfur Limitation in Fuel," with the exception of one stationary source and under special conditions for three others, as provided herein. No comments were received on the proposed rulemaking. For the three sources approved under special conditions and for the one stationary source where the use of 2.0 percent sulfur fuel is allowed as part of a bubble strategy, EPA believes that publishing a proposed for these actions is unnecessary.

EFFECTIVE DATE: If no comments are received on the action taken for the four specified sources, the public is advised that these actions will be effective March 9, 1982.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, EPA Region I, Rm. 1903, J.F.K. Federal Bldg., Boston, Massachusetts 02203, (617) 223–4448.

ADDRESSES: Copies of the Vermont submittal which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Vermont Agency of Environmental Conservation, State Office Building, Montpelier, VT 05602.

SUPPLEMENTARY INFORMATION: On August 5, 1981, EPA proposed approval of a revision to Vermont Environmental Regulations, Chapter 5, Air Pollution Control, Subchapter II, Regulation 5–221(1), "Sulfur Limitation in Fuel" (46 FR 39863). Under the current federally-approved version of this regulation, the sulfur content of fuels for stationary combustion installations within the State of Vermont for heat or power generation may not exceed 1.0 percent by weight. This SIP revision, which EPA is approving today, raises the maximum allowable sulfur-in-fuel content for fuels used, purchased or sold for use in stationary combustion installations for heat or power generation in Vermont to 2.0 percent by weight under Vermont Regulation 5–221(1), subsection 5–221(1)(a).

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking (NPR) cited above, and will not be repeated here.

Action: No comments were received and EPA is now taking final action to approve Vermont Regulation 5–221(1), subsection 5–221(1)(a) with the exception of one stationary source and under special conditions for three others, as discussed later in this Notice.

On August 5, 1981, EPA also proposed approval of Vermont Regulation 5–221(1), subsection 5–221(1)(b) and paragraph 5–221(1)(c)(iii) of subsection 5–221(1)(c) for reasons stated in the NPR cited above. Additionally, in that NPR, EPA proposed to disapprove Vermont Regulation 5–221(1), paragraphs 5–221(1)(c) (i) and (ii) which would allow the Secretary of the AEC to issue a permit to a person allowing the use, purchase and sale of 2.2 percent sulfur fuel upon adequate demonstration that 2.0 percent sulfur fuel is not available. EPA proposed that any variance from subsection 5–221(1)(a), except as provided by subsection 5–221(1)(b), must be submitted as a SIP revision.

Action: No comments were received on these proposed actions, and EPA is approving subsection 5–221(1)(b) and paragraph 5–221(1)(c)(iii), and disapproving paragraphs 5–221(1)(c) (i) and (ii) of Vermont Regulation 5–221(1).

In the NPR, EPA cited four point sources for which the state had to impose special operating conditions, legally binding under state regulations, to mitigate peak SO_2 impacts. The documents detailing those special operating conditions and dispersion modeling, with input data reflective of those conditions, demonstrating protection of the national ambient air quality standards (NAAQS) were to be formally submitted to EPA as part of the SIP revision in order for EPA to approve the 2.0 percent sulfur-in-fuel regulation for those sources at the time of final rulemaking. Vermont has submitted the documentation as outlined above for three of the four sources cited in the NPR.

Action: Those sources, Goodyear Tire and Rubber, in Windsor; Ryegate Paper Mill, in East Ryegate; and Yankee Milk, in Troy are approved by EPA to use fuel with a sulfur content equal to 2.0 percent by weight under the special operating conditions submitted to EPA by the state which are incorporated into and made part of the Vermont SIP.

For the Moran Generating Station, in Burlington, which is owned by the Burlington Electric Department, the state has submitted operating conditions and procedures allowing that source to bubble to meet the applicable 1.0 percent by weight sulfur-in-fuel SIP limitation. At the Moran Generating Station are three boilers of equal capacity, the emissions from which are vented to three separate, identical stacks. Under the conditions imposed by Vermont and submitted to EPA to be incorporated into and made part of the Vermont SIP, the sulfur content of the fossil fuel utilized in the number 2 boiler shall at not time exceed 2.0 percent by weight while the sulfur content of fossil fuel utilized in boilers numbers one and three shall not exceed 0.5 percent by weight. Additionally, not more than fifty percent of the total heat input to boilers numbers one and three may be derived from fossil fuels other than natural gas. These operating conditions result in a decrease in allowable emissions and no increase in actual emissions at the source. The distance between stacks is fourteen meters resulting in a total stack spread of twenty-eight meters. The stack of the number two boiler, where the pollution increase occurs under the bubble, is of similar effective stack height as the stacks of boilers one and three, where the pollution decrease occurs. Therefore, no dispersion modeling is required for EPA to approve this bubble at the Moran Generating Station.

Action: EPA is approved these operating conditions, which provide for the use of 2.0 percent sulfur fuel in boiler number 2, as part of a bubble for meeting the 1.0 percent by weight SIP requirement applicable to the Moran Generating Station in accordance with the bubble policy for alternative emission reduction strategies for complying with SIPs (44 FR 71780).

For reasons stated in the NPR, the emissions from sources eligible to burn the higher sulfur fuel do not consume any Prevention of Significant Deterioration (PSD) increment and are included in the baseline for SO_2. Future growth is not expected to cause violations of the NAAQS or PSD increments because Vermont has new source review requirements for major sources and modifications in both attainment and nonattainment areas approved by EPA. There have been no monitored violations of the NAAQS for SO_2 in Vermont since 1974.

With regard to the approvals of the special operating conditions, under which the use of 2.0 percent sulfur fuel is allowed, imposed by the state and submitted as part of this revision to EPA for incorporation into the Vermont SIP for Goodyear Tire and Rubber, Ryegate Paper Mill, Yankee Milk, and under the bubble at the Moran Generating Station; EPA considers these actions to be noncontroversial. At the time the NPR, cited above, was published on this revision, the documents detailing the special conditions had not been submitted to EPA, although that NPR did state such documents were expected to

be submitted prior to the time of final rulemaking. EPA is approving, as part of this revision, the documents detailing the special conditions under which the use of 2.0 percent sulfur fuel is allowed at the four specified sources without going through proposed rulemaking on their specific contents. EPA believes that publishing a proposed rulemaking on these documents themselves is unnecessary, particularly in light of the fact that the special conditions imposed reflect the actual operation of the four sources and no actual emission increases result.

However, if notification is received on or before February 8, 1982 that someone wishes to submit adverse or critical comments, the actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four stationary sources will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four sources, and another will begin a new rulemaking by announcing proposal of the actions and establishing a comment period. If no such comments are received the public is advised that these actions will be effective on March 8, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact of a substantial number of small entities. (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions and imposes no new requirements. The disapproval of paragraphs 5-221(1)(c) (i) and (ii) of the Vermont regulations merely preserves the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves a state action enabling a source to implement a cost-effective control strategy, and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making parts of this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the Appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

After evaluation of the State's submittal, the Administrator has determined that the Vermont revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Vermont State Implementation Plan.

Date: December 30, 1981.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Note.—Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Section 52.2370, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(14) A revision to regulation 5-221(1), "Sulfur Limitation in Fuel," submitted by the Secretary of the Vermont Agency of Environmental Conservation on November 13, 1979.

[FR Doc. 82-414 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 60

Revisions to the Priority List of Categories of Stationary Sources

[AD-FRL-1990-5]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 13, 1981, revisions were proposed (46 FR 26501) to the priority list of major categories of air pollution sources for which standards of performance are to be developed under Section 111 of the Clean Air Act. The revisions included the deletion of 12 categories and a title change for one category. This action promulgates the revisions as proposed.

EFFECTIVE DATE: January 8, 1982. Under section 307(b)(1) of the Clean Air Act, judicial review of this rule is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule.

ADDRESSES: *Docket.* The Docket, number A-80-23, containing all the information that EPA considered in revising the priority list, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

Source Category Survey Reports. The reports listed below may be obtained from the Library Services Office, MD-35, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2777.

Borax and Boric Acid Industry	EPA-450/3-80-004.
Refractory Industry	EPA-450/3-80-009.
Secondary Copper Smelting and Refining Industry.	EPA-450/3-80-011.
Secondary Zinc Smelting and Refining Industry.	EPA-450/3-80-012.
Industrial Incinerators	EPA-450/3-80-013.
Ammonia Manufacturing Industry	EPA-450/3-80-014.
Animal Feed Defluorination Industry.	EPA-450/3-80-015.
Mineral Wool Manufacturing Industry.	EPA-450/3-80-016.
Ceramic Clay Industry	EPA-450/3-80-017.
Thermal Process Phosphoric Acid Manufacturing Industry.	EPA-450/3-80-018.
Detergent Industry	EPA-450/3-80-030.

A screening study of the potash industry may be obtained from the contact listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Background

Section 111(b)(1)(A) of the Clean Air Act requires the Administrator to list those categories of stationary sources that "* * * in his judgment * * * cause[ ], or contribute[ ] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." A category of sources that

meets this criterion is referred to as a "significant contributor." *See, National Asphalt Pavement Association,* v. *Train,* 539 F.2d 775 (D.C. Cir. 1976).

In 1977, Congress amended the Act to require, under Section 111(f), that the Administrator promulgate regulations listing every category of "major" stationary sources that met the significant contributor test of Section 111(b)(1)(A) and that had not already been listed. A "major" source under the Act is one that has the potential to emit 100 tons per year of any air pollutant. Section 302(j). On August 21, 1979, the Administrator promulgated the list of significant contributors required by Section 111(f) (44 FR 49222, 40 CFR 60.16).

Section 111(f) requires the Administrator to promulgate new source performance standards (NSPS) for these additional source categories by 1982, and to determine priorities for doing so. Therefore, the August 21, 1979 regulations were promulgated as a "Priority List."

On May 13, 1981, an amendment to the priority list was proposed to take account of new information developed by the Agency during studies of the listed source categories. The results of these studies indicate that for 12 categories there will be little or no growth through 1985. In the Administrator's judgment, Congress did not intend that source categories showing insignificant growth should be listed under the significant contributor test of section 111(b)(1)(A). Therefore, the Administrator proposed the deletion of the following 12 categories from the priority list.

No. 8	Mineral Wool
No. 12	Incineration: Non-Municipal
No. 15	Secondary Copper
No. 31	Potash
No. 36	Secondary Zinc
No. 39	Ammonia
No. 47	Ceramic Clay Manufacturing
No. 49	Castable Refractories
No. 50	Borax and Boric Acid
No. 55	Phosphoric Acid: Thermal Process
No. 57	Animal Feed Defluorination
No. 59	Detergent

In addition, the Administrator also proposed to change the title of the source category originally listed as "Sintering: Clay and Fly Ash" (No. 32 on the priority list) to "Lightweight Aggregate Industry: Clay, Shale, and Slate." The new title more accurately represents the scope of the source category for which standards are being developed.

Comments

Ten comment letters were received during the public comment period which extended from May 13, 1981, to July 13, 1981. Nine of the ten commenters expressed concerns that did not directly pertain to the revisions that were the subject of the proposed action. The other commenter recommended that, rather than change the title of the Sintering: Clay and Fly Ash category, the category should be dropped from the list because no new plant growth is projected for the industry through 1985.

The results of EPA's study of the Sintering: Clay and Fly Ash category indicate that growth in the lightweight aggregate industry will result from expansions at existing plants and not from the construction of new grass roots plants. Information obtained from contacts with plants and the Expanded Shale, Clay, and Slate Institute (ESCSI) support this projection.

In the preamble to the proposed revisions, EPA stated that the reason for deleting the 12 categories was that the Administrator had concluded that these categories are not significant contributors because little or no new plant growth is projected for these categories. As explained later in the proposal preamble, the Administrator's determination that each of the 12 categories is not a significant contributor was not based solely on the fact that there are no new grass roots plants expected, but also on the projection that there will be no expansions, modifications, or reconstructions of facilities at existing plants. Since facilities comprising expansions, modified facilities, and reconstructed facilities at existing plants would be new sources of air pollution, these sources must also be considered in a determination of whether a category is a significant contributor. Because of the expected expansions in the lightweight aggregate industry, the Administrator believes that this category should remain listed as a significant contributor on the priority list.

For the most part, the remaining nine commenters recommended that EPA further revise the priority list by deleting other categories, in addition to those that were proposed for deletion. Each of these comment letters is being considered by EPA. If, after investigating the concerns expressed in these letters, the Administrator determines that additional source categories are not significant contributors, EPA will propose to revise the priority list again.

For the present, since no comments were received that objected to the proposed category deletions and title change, these revisions are promulgated today as proposed.

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more, it will not result in a major increase in costs or prices, and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The rule will not impose burdens on any person.

Dated: December 31, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I of Title 40 of the Code of Federal Regulations is amended by revising § 60.16 of Subpart A as follows:

§ 60.16 Priority list.

Prioritized Major Source Categories

Priority Number [1]

Source Category

1. Synthetic Organic Chemical Manufacturing
   (a) Unit processes
   (b) Storage and handling equipment
   (c) Fugitive emissions sources
   (d) Secondary sources
2. Industrial Surface Coating: Cans
3. Petroleum Refineries: Fugitive Sources
4. Industrial Surface Coating: Paper
5. Dry Cleaning
   (a) Perchloroethylene
   (b) Petroleum solvent
6. Graphic Arts
7. Polymers and Resins: Acrylic Resins
8. Mineral Wool (Deleted)
9. Stationary Internal Combustion Engines
10. Industrial Surface Coating: Fabric
11. Fossil-Fuel-Fired Steam Generators: Industrial Boilers
12. Incineration: Non-Municipal (Deleted)
13. Non-Metallic Mineral Processing
14. Metallic Mineral Processing
15. Secondary Copper (Deleted)
16. Phosphate Rock Preparation
17. Foundries: Steel and Gray Iron
18. Polymers and Resins: Polyethylene
19. Charcoal Production

[1] Low numbers have highest priority, e.g., No. 1 is high priority, No. 59 is low priority.

20. Synthetic Rubber
  (a) Tire manufacture
  (b) SBR production
21. Vegetable Oil
22. Industrial Surface Coating: Metal Coil
23. Petroleum Transportation and Marketing
24. By-Product Coke Ovens
25. Synthetic Fibers
26. Plywood Manufacture
27. Industrial Surface Coating: Automobiles
28. Industrial Surface Coating: Large Appliances
29. Crude Oil and Natural Gas Production
30. Secondary Aluminum
31. Potash (Deleted)
32. Lightweight Aggregate Industry: Clay, Shale, and Slate [2]
33. Glass
34. Gypsum
35. Sodium Carbonate
36. Secondary Zinc (Deleted)
37. Polymers and Resins: Phenolic
38. Polymers and Resins: Urea-Melamine
39. Ammonia (Deleted)
40. Polymers and Resins: Polystyrene
41. Polymers and Resins: ABS-SAN Resins
42. Fiberglass
43. Polymers and Resins: Polypropylene
44. Textile Processing
45. Asphalt Roofing Plants
46. Brick and Related Clay Products
47. Ceramic Clay Manufacturing (Deleted)
48. Ammonium Nitrate Fertilizer
49. Castable Refractories (Deleted)
50. Borax and Boric Acid (Deleted)
51. Polymers and Resins: Polyester Resins
52. Ammonium Sulfate
53. Starch
54. Perlite
55. Phosphoric Acid: Thermal Process (Deleted)
56. Uranium Refining
57. Animal Feed Defluorination (Deleted)
58. Urea (for fertilizer and polymers)
59. Detergent (Deleted)

Other Source Categories

Lead acid battery manufacture [3]
Organic solvent cleaning [3]
Industrial surface coating: metal furniture [3]
Stationary gas turbines [4]

(Section 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601))

[FR Doc. 82-481 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-25-M

---

40 CFR Part 81

[A-4-FRL-2013-7]

South Carolina: Redesignation of a Portion of Charleston County for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On the basis of eight consecutive quarters of air quality data showing no violations of any national standard for particulate matter, EPA is changing the attainment status designation of that portion of Charleston County, South Carolina within the section of North Charleston just south of the U.S. Army Depot from nonattainment for the secondary standard to attainment. This action will be effective March 9, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 9, 1982.

ADDRESSES: Written comments should be addressed to Denise W. Pack of EPA Region IV's Air Program Branch (see EPA Region IV address below). Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Bureau of Air Quality, SC Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV Air Programs Branch at the above listed address, phone 404/881-3286 (FTS 257-3286).

Action

On March 3, 1978 (43 FR 8962), the Administrator designated the portion of Charleston County (South Carolina) within a section of North Charleston just south of the U.S. Army Depot as nonattainment for the secondary standard for particulate matter. Subsequent studies and monitoring data submitted to EPA on June 30, 1981, indicate that this area is now meeting both the primary and secondary particulate standards. Also, information submitted on October 8, 1981, shows that no ambient particulate standard was violated in the area during calendar years 1979 and 1980. EPA's review of the data submittal indicates that it satisfies all the Agency's requirements with regard to validity and representativeness of air quality data.

Accordingly, the State's request for the area to be redesignated as attainment is granted and EPA today announces this change. This action is being taken without prior proposal because this redesignation is noncontroversial and EPA anticipates no comments on it. The public should be advised that this action will be effective March 9, 1982. However, if notice is received on or before February 8, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's redesignation of this area is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 9, 1982.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities since it changes an area's attainment status designation to attainment.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the attainment status designation of a single area to attainment.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: December 31, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

§ 81.341 [Amended]

In § 81.341, the South Carolina TSP attainment status table is amended by removing the entry titled "That portion of Charleston County within section of North Charleston just south of U.S. Army Depot."

[FR Doc. 82-478 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

---

[2] Formerly titled "Sintering: Clay and Fly Ash".

[3] Minor source category, but included on list since an NSPS is being developed for that source category.

[4] Not prioritized, since an NSPS for this major source category has already been proumlgated.

40 CFR Part 264

[SWH-FRL-2024-4]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim rule; correction.

SUMMARY: This document corrects typographical errors in the revision to Appendix VI to 40 CFR Part 264 that appeared at page 57284 in the **Federal Register** of Monday, November 23, 1981 (46 FR 57284). Appendix VI lists political jurisdictions within which owners or operators of hazardous waste management facilities must demonstrate compliance with the seismic location standard in § 264.18(a).

FOR FURTHER INFORMATION CONTACT: Alexander Wolfe, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9203.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response

PART 264, APPENDIX VI [Corrected]

Accordingly, the EPA is correcting the first column of page 57286 of the November 23, 1981 **Federal Register** as follows:

1. Under the state of Utah, "Iran" is corrected to read "Iron".

2. Under the state of Washington, "Gray Harbor" is corrected to read "Grays Harbor".

[FR Doc. 82-449 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, and 74

[Gen. Docket No. 81-272; RM-2667; FCC 81-591]

Reallocation of Frequency Band to The Broadcast Auxiliary Service for Television Pickup Use on a Secondary Basis

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reallocates a specific frequency band to the Broadcast Auxiliary Service for Television Pickup use on a Secondary basis. The band will continue to be allocated on a Primary basis to the Common Carrier Local Television Transmission Service to which it has hitherto been exclusively allocated. This action is being taken in response to a petition, from the National Association of Broadcasters, for spectrum relief for electronic newsgathering. The reallocation will provide the broadcast licensees with four channels which they will be able to use on the basis that they will not cause interference to the primary users of the band, and will not detract in any way from the Common Carrier Primary use.

EFFECTIVE DATE: February 16, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554 (202) 653-8164 Room 7310.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 2 of the Commission's Rules governing Frequency Allocations, Part 21 of the Commission's rules governing Domestic Public Fixed Radio Service, and Part 74 of the Commission's rules governing Experimental, Auxiliary, and Special Broadcast Services to make the 6425-6525 MHz band available for Television Pickup on a secondary basis to the Local Television Transmission Service; Report and order.

Adopted: December 24, 1981.

Released: January 6, 1982.

Summary

1. In this Report and Order we are making the frequency band 6425-6525 MHz available on a secondary[1] basis to the Broadcast Auxiliary Service (BAS) for use by television pickup stations. This band was previously allocated exclusively to the common carrier Local Television Transmission Service (LTTS) to which it will continue to be allocated on a primary basis.

Background

2. On March 3, 1976, the National Association of Broadcasters (NAB) filed a petition for rule making to reallocate the 6500 MHz frequency band (6425-6525 MHz) to the BAS for TV pickup use on a coequal basis with LTTS to which the band is presently allocated on an exclusive basis. The petitioner alleged that its need for additional spectrum was threefold: 1) the existing allocations for TV pickup were approaching congestion in the major television markets, 2) the advent and growing interest in electronic newsgathering (ENG) had greatly increased the TV pickup growth rate thereby placing additional pressure on those frequency bands, and 3) the growing cost and inconvenience of hiring a common carrier to provide TV pickup service was causing many broadcast stations to provide their own TV pickup. The petition also noted that owing to the similarity between the existing and proposed uses, sharing of the four channels at 6500 MHz would have minimal impact on existing LTTS users. The NAB also claimed that the band was only lightly loaded, and that LTTS operators have other bands available to them. Among the comments filed in response to the petition was an opposition from the American Telephone and Telegraph Company (AT&T) in which the latter pointed out that the 6500 MHz band is the only exclusive LTTS band and therefore the only band in which the common carriers can provide interference-free service to nonbroadcast as well as broadcast TV pickup customers. In joint comments, the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS) requested that the reallocation be expanded to include fixed BAS uses, such as intercity relay and studio-to-transmitter links, as well as the mobile BAS use, namely television pickup.

3. On May 5, 1981, we released a Notice of Proposed Rule Making (NPRM), FCC 81-184 (46 FR 26507) in the above-captioned proceeding. In the intervening time we had conducted our own studies to determine the degree of congestion being experienced in the existing BAS bands, especially in major metropolitan areas, and the level to which the 6500 MHz band was being utilized by the LTTS. Although delayed in obtaining meaningful data, we eventually concluded that there was congestion and continued growth in the existing BAS bands, particularly in the larger cities. We further found that the 6500 MHz band was lightly used, and that most of that light use was in support of broadcast services. Since the proposed BAS use would be largely in lieu of leased LTTS facilities, rather than in addition to, the incremental use of this band would be small. We did however recognize the importance of the LTTS having an interference-free allocation, and therefore proposed admitting the BAS TV pickups on a

[1] According to § 2.105(g)(3) of Part 2 of the Rules and Geneva Radio Regulation No. 139, "Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date."

secondary basis to the primary LTTS allocation. We further dismissed any consideration of making the 6500 MHz band available to fixed BAS uses since it is a primary mobile allocation, fixed and mobile are basically incompatible, and it is desirable that this band remain available for mobile use.

Comments and Replies

4. Comments were filed by eleven different parties, including the petitioner; reply comments were filed by three of the eleven commenters. A complete list of the parties which filed comments and replies is included in Appendix A to this report and order. The abbreviations used in referring to these comments are also listed in Appendix A, in parentheses, following the full name of the commenter.

5. Of the eleven parties filing comments, seven favored the proposals set forth in our Notice, three opposed them, and one neither supported nor opposed them but sought to expand the scope of this proceeding to include cable operations. The seven proponents include six broadcast interests and one equipment manufacturer. Three of the broadcasters indicated that they failed to see any need for making the BAS allocation secondary. The three opponents, all common carriers, stated that they found little comfort in their primary status. The substance of these comments and replies will be addressed in more detail in the discussion which follows.

Discussion

6. The Commission's Notice received unqualified support from BBI, M/A-Com, and indirectly CPB. While supporting the basic premise of reallocating the 6500 MHz band to include BAS users, NAB, CBS, ABC and NBC all urged the Commission to make the new allocation coequal primary with the existing LTTS one. Opposition to our proposal came from BNSI, AT&T and Midwestern. Both NCTA and M/A-Com suggested further expanding the scope of this rule making to include cable systems and enhanced video service vendors since these users have no frequencies available below 13 GHz for use on longer distances. The NAB opposes this suggestion in its reply, and points out that few cable operators can afford to provide original local news programing. Since the BAS TV pickup users have been waiting for over five years for a response to the NAB petition cited above, we feel that it would be inappropriate to delay any further while entertaining the possibility of expanding the scope of this rule making and possibly issuing a second NPRM. We are therefore dismissing without prejudice M/A-Com's and NCTA's suggestion that the Cable Television Relay Service (CARS) be given access to the 6500 MHz band.

7. Both CBS and NBC applauded the Commission's proposal to exclude fixed BAS users from the four 6500 MHz channels. Meanwhile, CPB, which together with PBS originally suggested fixed users be allowed to use this spectrum, has submitted a new proposal. In its comments, CPB outlines a complicated plan which allows new fixed BAS users to force existing mobile BAS users into the 6500 MHz band so that the former can have access to the channel vacated by the TV pickup user. The rather cumbersome CPB proposal did not win support since it appears to fly in the face of the Commission's stated policy to "unregulate" the services wherever possible.

8. The issue of regulation can also be found at the heart of the Commission's proposal to make the TV pickup users secondary. Since many newsworthy events occur unexpectedly, the television pickup operators have very little time to effect coordination before initiating coverage of the news story. Furthermore, if one BAS licensee deems a particular event interesting enough to dispatch a TV pickup crew, then it becomes highly likely that other BAS licensees will soon be covering the same event. In order to insure against causing interference, the BAS licensee must take it upon itself to notify all licensed LTTS operators in the area of its intent to use a 6500 MHz channel. If there is any conflict, the parties involved must work it out to the satisfaction of all concerned. Past experience has taught the BAS operators to work around one another, often time-sharing the channels. The additional requirement being placed on TV pickup operations in the 6500 MHz band should be easy by comparison, and will often be accomplished by means of a phone call to the local LTTS operator. If none of the channels in this band are going to be used by the LTTS operator, on a first choice basis, then they would be available for the BAS operator to use. It would be wasteful and unproductive for the Commission to establish formal coordination procedures in an instance such as this one. Accordingly, we believe that the secondary status proposed for use of the 6500 MHz band by BAS operations is appropriate to their needs.

9. In its comments, AT&T raised two points regarding the 6500 MHz band which we think it important to address. The first involves the Final Acts of the 1979 World Administrative Radio Conference ('79 WARC) which have not as yet been ratified by the U.S., but which become effective internationally on January 1, 1982, for those countries which have acceded to the treaty. At the '79 WARC, the U.S. position supported a proposal to make the 6425–6525 MHz band available for Fixed Satellite Service (FSS). The Final Acts reflect this new FSS allocation and, if ratified, could lead to a modification of our own Rules to add this allocation. AT&T's concern that the FSS would further deplete the available channels at 6500 MHz is understandable. However, the proposed FSS allocation is for an up-link (earth-to-space) and any earth stations would likely be remotely located away from congested metropolitan areas. Interference from such stations to LTTS or BAS would be very localized and likely non-existent although the secondary service would have to suffer any which does occur. The other point raised by AT&T involves what it refers to as the "migration" to the 6500 MHz band of LTTS users from the 12 GHz band (11.7–12.2 GHz) as the latter becomes more occupied by FSS to which it is allocated on a primary basis. (LTTS use is secondary in the 12 GHz band.) The Commission's findings show such light activity by LTTS users in those bands currently allocated to them that we cannot forsee any congestion as a result of some LTTS licensees shifting their operations from 12 GHz to 6 GHz.

10. Therefore, for the reasons stated above and in our Notice, the Commission concludes that the secondary allocation of the band 6425-6525 MHz to the Broadcast Auxiliary Service for TV pickup is in the public interest.

11. Pursuant to section 605 of the Regulatory Flexibility Act of 1980, Pub. L. 96–354, we find that the action contained herein will not have a significant economic impact on a substantial number of small businesses. This spectrum reallocation will provide broadcast stations of whatever size the option of operating their own remote pickup stations in the 6425–6525 MHz band. This option already exists in other BAS bands. Moreover, because the broadcast use of the spectrum will be on a secondary basis, the affect on existing users will be negligible.

Action

12. Accordingly, it is ordered, that under the authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, the Commission's Rules are amended as set forth in the attached Appendix B, effective February 16, 1982.

13. It is further ordered, that the NAB petition (RM-2667) IS GRANTED to the extent consistent herewith, and is otherwise denied. It is further ordered, that the proposal of CPB and PBS to make the 6425-6525 MHz band available for fixed BAS use (STL and intercity relay) is denied, and that the proposal by M/A-Com and NCTA to make this frequency available for cars is dismissed without prejudice. It is further ordered, that this proceeding is terminated.

14. Contact Maureen Cesaitis at (202) 653-8164 regarding questions on matters covered in this document.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments

National Association of Broadcasters (NAB)
CBS, Inc. (CBS)
American Broadcasting Companies, Inc. (ABC)
National Broadcasting Company, Inc. (NBC)
Broadcast News Service, Inc. (BNSI)
Corporation for Public Broadcasting (CPB)
Boston Broadcasters, Inc. (BBI)
M/A-Com, Inc. (M/A-Com)
National Cable Television Association, Inc. (NCTA)
American Telephone and Telegraph Company (AT&T)
Midwestern Relay Company (Midwestern)

Replies

National Association of Broadcasters
American Broadcasting Companies, Inc.
American Telephone and Telegraph Company

Appendix B

Parts 2, 21 and 74 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

In § 2.106, the Table of Frequency Allocations is amended by adding new footnote designator NG122 in column 7 to the band 6425–6525 MHz and by adding the text of footnote NG122, in proper numerical sequence, following the Table, as shown below:

§ 2.106 Table of frequency allocations.

FEDERAL COMMUNICATIONS COMMISSION

7	8	9	10	11
Band (MHz)	Service	Class of station	Frequency	Nature of service of station
•	•	•	•	•
6425–6525 (NG122).	MOBILE	Common Carrier Land, Common Carrier Mobile * *.		
•	•	•	•	•

.NG122 Television Pickup stations may be authorized in the 6425–6525 MHz band on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICE (OTHER THAN MARITIME MOBILE)

The § 21.801 is amended by adding footnote 6 to paragraph (a) as follows:

§ 21.801 Frequencies.

(a) Frequencies in the following bands are available for assignment to television pickup and television non-broadcast pickup stations in this service:

6425–6525 MHz[6]
11,700–12,200 MHz[3]
13,200–13,250 MHz[1]
21,200–22,000 MHz[1 2 4 5]
22,000–23,600 MHz[1 2 5]
* * * * *

[6] This frequency band is shared with television pickup stations licensed under Part 74 of the Commission's Rules. However, Part 74 licensees are secondary to Part 21 licensees in this band (see § 2.105(e)(3) for definition of "Primary" and "Secondary")

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICE

In § 74.602, paragraph (a) is amended by adding four new channels to "B" the column entitled "Band B", and by adding footnote 3, as follows:

§ 74.602 Frequency assignment.

(a) * * *

Band B MHz
6425-6450[3]
6450-6475[3]
6475-6500[3]
6500-6525[3]
6875-6900
6900-6925
6925-6950
6950-6975
6975-7000
7000-7025
7025-7050
7075-7100

[3] This frequency may be assigned to television pickup stations only and on a secondary basis to the Local Television Transmission Service licensed under Part 21 of the Commission's rules.

[FR Doc. 82-385 Filed 1-7-82; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 5
Friday, January 8, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 352

Reemployment Rights After Service With the Panama Canal Commission

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: Pursuant to the Panama Canal Act of 1979, the Office of Personnel Management is proposing regulations to provide reemployment rights for Federal employees who are detailed or transferred to the Panama Canal Commission in the Republic of Panama. These regulations are intended to define the scope of the reemployment rights and to prescribe conditions under which they may be exercised.

DATE: Written comments will be considered if received no later than March 9, 1982.

ADDRESS: Send or deliver written comments to Chief, Office of Policy Analysis and Development, Staffing Services, Office of Personnel Management, Room 6526, 1900 E Street, NW., Washington, D.C. 20415

FOR FURTHER INFORMATION CONTACT: Leota Shelkey, 202–632–6817.

SUPPLEMENTARY INFORMATION: Highlights of the proposed regulations are:

- Detail or transfer to the Commission with reemployment rights may not exceed five years unless approved by the agency and Commission.
- The Commission may separate an employee at the conclusion of the agreed upon term of employment without regard to grievance rights or procedures for reduction in force, adverse action, or action based on unacceptable performance.
- Employees must apply for reemployment within 30 days before the term of employment with the Commission ends or within 30 days after receiving notice of involuntary separation, or may apply at any time with the consent of the Commission.
- The former agency must reemploy promptly but no later than 30 days after receipt of application or on termination of the tour of duty with the Commission, whichever is later.
- Reemployment rights terminate if the person fails to apply within the time limits, resigns without the Commission's consent, or refuses a proper offer of reemployment.
- An applicant may appeal to the Merit Systems Protection Board if denied reemployment. An employee may appeal to the Board or file a grievance if he or she believes that the reemployment or return from detail was not proper.

These regulations will be supplemented by further guidance developed by the Office of Personnel Management and issued through the Federal Personnel Manual. The Panama Canal Commission is responsible for issuing regulations which govern employment with the Commission.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule for the purpose of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management proposes to add Subpart I to Part 352, Title 5, Code of Federal Regulations, to read as follows:

PART 352—REEMPLOYMENT RIGHTS

* * * * *

Subpart I—Reemployment Rights After Service with the Panama Canal Commission

Sec.

352.901 Purpose.
352.902 Definitions.
352.903 Coverage.
352.904 Effecting a detail or transfer.
352.905 Eligibility.
352.906 Personnel actions.
352.907 Termination of detail or transfer.
352.908 Exercise or termination of reemployment rights.
352.909 Agency obligation.
352.910 Appeals.

Authority: Section 1203 of the Panama Canal Act of 1979 (Pub. L. 96–70, 22 U.S.C. 3643).

Subpart I—Reemployment Rights After Service With the Panama Canal Commission

§ 352.901 Purpose.

This subpart implements section 1203 of the Panama Canal Act of 1979 which provides for the detail or transfer of Federal employees to the Panama Canal Commission with reemployment rights in the former agency.

§ 352.902 Definitions.

In this subpart:

"Act" means the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.);

"Agency" means an Executive agency, the United States Postal Service, and the Smithsonian Institution;

"Commission" means the Panama Canal Commission as established by section 1101 of the Act;

"Competitive area" is defined in § 351.402 of Part 351 of this chapter;

"Competitive level" is defined in § 351.403(a) of Part 351 of this chapter;

"Detail" is the assignment or loan of an employee to the Commission without the employee's transfer. The employee remains an employee of the agency and the incumbent of the position from which detailed;

"Term of employment" means the period of employment with the Commission specified at time of consent to a transfer or extension of transfer; and

"Transfer" means the change in appointment of an employee from an agency to a new appointment with the Commission.

§ 352.903 Coverage.

This subpart covers only those employees transferred or detailed to Commission positions with duty stations in the Republic of Panama.

§ 352.904 Effecting a detail or transfer.

(a) *Authority to approve.* The head of an agency may enter into written agreements for the detail or voluntary transfer of employees to the Commission with the rights provided for in, and in accordance with, section 3643 of title 22, United States Code, and this subpart. Refusal by the head of the agency to agree to a detail or transfer or extension of detail or transfer is not reviewable by the Office of Personnel Management or appealable.

(b) *Maximum period.* A detail, transfer, and extension of detail or transfer with reemployment rights shall be for set periods of time. A detail, transfer, or series of details and/or transfers with reemployment rights may not exceed five years in the aggregate unless approved by both the agency head and the Commission Administrator.

§ 352.905 Eligibility.

(a) *Employees eligible.* Except as provided in paragraph (b) of this section, an employee serving in a position in an agency under one of the following types of appointment may be granted rights under this subpart:

(1) An appointment with career or career-conditional tenure in the competitive service;

(2) An appointment without a specific time limit in the excepted service; or

(3) A career appointment in the Senior Executive Service.

(b) *Employees not eligible.* The following employees are not eligible under this subpart:

(1) An employee who is serving a trial period or probationary period for initial appointment to the competitive service or Senior Executive Service;

(2) An employee who has received a proposed notice of involuntary separation (e.g. based on reduction in force, adverse action, or performance).

(3) An employee who is serving in a position excepted from the competitive service under Schedule C of Part 213 of this chapter, in a position authorized to be filled by noncareer executive assignment under Part 305 of this chapter, or under Presidential appointment; or

(4) An employee whose resignation has been accepted for reasons other than to accept employment with the Commission.

§ 352.906 Personnel actions.

(a) An agency shall consider each employee detailed or transferred to the Commission for all promotions for which he or she would be considered if not absent. A promotion of a transferred employee based on this consideration is subject to reemployment of the employee.

(b) An employee detailed to the Commission is subject to the same conditions of employment at his or her employing agency as if he or she had not been detailed.

(c) A position to which promoted or assigned under this section is to be considered the employee's last or former position for purposes of § 352.909.

§ 352.907 Termination of detail or transfer.

(a) The Commission and the employing agency shall arrange for the termination of a detail and the return of the employee without a break in service of one workday or more to his or her former position or an equivalent one as provided in § 352.909(b).

(b) At the conclusion of a term of employment agreed upon as provided in § 352.904, employment with the Commission may be terminated without regard to Parts 351, 432, 752, or 771 of this chapter.

§ 352.908 Exercise or termination of reemployment rights.

(a) *Exercise.* An individual who has been transferred under this subpart to the Commission and wishes to be reemployed must apply in writing to the former employing agency. The time limits for application for reemployment are:

(1) Within 30 calendar days before the expiration of the term of employment with the Commission;

(2) Within 30 calendar days after receipt of notice of involuntary separation; or

(3) At any time before the expiration of the term of employment with the Commission with the written consent of the Commission.

(b) *Termination.* Reemployment rights terminate if the individual:

(1) Fails to apply within the time limits stated in paragraph (a) of this section;

(2) Resigns without the written consent of the Commission; or

(3) Within 10 calendar days, fails to accept an offer of reemployment made under § 352.909 which is determined to be a proper offer of reemployment by the reemploying agency or by the Merit Systems Protection Board on appeal.

§ 352.909 Agency obligation.

(a) *Time limits.* An employee is to be reemployed by the reemploying agency as promptly as possible, but not later than 30 calendar days after receipt of his or her application or on termination of the term of employment with the Commission, whichever is later.

(b) *Conditions.* An employee shall be reemployed in or returned from detail to his or her former position or an equivalent one in the same agency but without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had he or she not been transferred or detailed. An employee in the Senior Executive Service shall be reemployed or returned at not less than the pay level at which the employee was being paid immediately prior to the transfer or detail. An employee who is reemployed is not eligible for grade or pay retention under Part 536 of this chapter based on a grade or rate of pay attained while employed by the Commission. If the function with which the employee's former position was identified has been transferred, the employee's right is in the gaining agency or activity.

(c) *Reemployment in a different position.*

(1) When an employee's right is to a position in the Senior Executive Service, reemployment or return may be to any position in the Senior Executive Service in the former agency for which the employee is qualified. For other employees, reemployment or return must be to a position at the same grade or level and in the same competitive area as the position last held in the former agency except if the former position has been transferred to another agency or activity. If the reemployment would cause the separation or demotion of another employee, the applicant should then be considered an employee for the purpose of applying the reduction-in-force regulations to determine to what, if any, position the employee is entitled.

(2) If the employee is not placed under paragraph (c)(1) of this section, the agency must extend consideration beyond the competitive area. Responsibility for reemploying an employee is agency wide.

(d) *Higher grade.* An employee may be reemployed at a higher grade than that to which entitled if all appropriate standards and requirements are satisfied and this will not cause the displacement of another employee.

(e) *Agency refusal to reemploy.* An agency may refuse to reemploy under this section only when the employee was separated from the Commission for

serious cause evidencing unsuitability for reemployment.

§ 352.910 Appeals.

(a) If an agency denies reemployment to an applicant who claims reemployment rights under this subpart, the agency shall notify the person of that denial, and the reasons therefor, by a written notice. In the same notice, the agency shall inform the applicant of the right to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

(b)(1) When an agency has reemployed or returned an employee, it shall advise the employee of the right of appeal if he or she considers the reemployment or return not to be in accordance with the Act and this subpart.

(2) An employee in a bargaining unit covered by a negotiated grievance procedure that does not exclude this matter must use the negotiated grievance procedure.

(3) An employee to whom paragraph (b)(2) does not apply is entitled to appeal to the Merit Systems Protection Board under the provisions of the Board's regulations. The agency shall comply with the provisions of § 1201.21 of this title.

[FR Doc. 82-459 Filed 1-7-82; 8:45 am]
BILLING CODE 6325-01-M

---

5 CFR Parts 550 and 610

Pay Administration (General) and Hours of Duty

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management proposes to revise the regulations pertaining to an agency's responsibility to establish regularly scheduled workweeks for its employees and the regulations pertaining to an employee's entitlement to premium pay for regularly scheduled work at night, on Sunday, or on a holiday, or for overtime work outside his or her regularly scheduled basic workweek. Over the years, the Comptroller General and the courts have greatly expanded the original meaning of the term "regularly scheduled" as it is used in the regulations. The proposed revision will clarify the definition of the term "regularly scheduled" and will clarify the relationship originally intended between an agency's requirement to establish workweeks for its employees and an employee's entitlement to premium pay for that work.

DATE: Comments must be submitted on or before March 9, 1982.

ADDRESSES: Comments may be mailed to Craig B. Pettibone, Director, Office of Pay and Benefits Policy, P.O. Box 57, Compensation Group, Office of Personnel Management, Washington, D.C. 20044, or delivered to Room 4351, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dwight W. Brown, 202-632-4634.

SUPPLEMENTARY INFORMATION: The terms "regularly scheduled" and "irregular or occasional" are used repeatedly throughout the premium pay provisions in Subchapter V of Chapter 55 of Title 5, United States Code, and the hours of work provisions of Chapter 61 of Title 5, United States Code.

Legislative History

The terms "regularly scheduled" and "irregular or occasional" have their origin in the Federal Employees Pay Act of 1945. In the Act, Congress intended to—

(1) Establish a 40-hour workweek for full-time employees;

(2) Provide basic pay for a 40-hour workweek; and

(3) Provide premium pay for overtime work (work in excess of 40 hours) and premium pay for work at night or on a holiday.

The Act required Federal agencies to establish regular workweeks for their employees. It included requirements that an agency establish an administrative workweek of 7 days for pay administration purposes, a basic workweek of 40 hours for full-time employees, and a regularly scheduled administrative workweek that included the basic 40-hour workweek plus regularly scheduled overtime work, if such work were required.

The Act established the following pay entitlements for employees:

(1) Basic pay for their basic 40-hour workweek.

(2) Night pay for regularly scheduled nightwork.

(3) Holiday pay for work on a holiday.

(4) Overtime pay for work performed outside their basic 40-hour workweek.

(5) Compensatory time off, in lieu of overtime pay, for irregular or occasional overtime work under certain conditions.

In addition, the Act established the method for computing an hourly basic rate of pay (per annum salary divided by 2080 hours), established biweekly pay periods of two administrative workweeks, and established 26 pay periods per year.

The Federal Employees Pay Act of 1945 was amended in 1948, 1954, and 1966. The amendments provided for annual premium pay for regularly scheduled standby duty; annual premium pay for administratively uncontrollable work (irregular, unscheduled overtime work); overtime pay for time spent traveling during regularly scheduled overtime hours or under other specific conditions; call-back overtime pay for unscheduled overtime work; and Sunday pay for regularly scheduled work on Sunday.

In 1966 the provisions were codified in Title 5, United States Code. The basic pay provisions are contained in chapter 53, the premium pay provisons are contained in subchapter V of chapter 55, and the hours of work provisions are contained in chapter 61.

Problem

The Federal Employees Pay Act of 1945 provided the basis for the relationship between the hours of work and premium pay provisions currently contained in chapters 61 and 55 of title 5, United States Code. Amendments to the Act, passed by Congress in 1948, 1954, and 1966, clarify this relationship. However, in the statutes themselves and in their respective legislative histories, there was no express definition of the term "regularly scheduled."

As a result, the Comptroller General, through a number of decisions over a span of 30 years, has improvised a definition of the term "regularly scheduled" that gives effect to the following assumptions:

(1) The word "regular" in the term "regularly scheduled" connotes work that is recurring, pattern-like, or uniform in nature.

(2) For entitlement to night pay, it must be the work, and not the employee, that is regularly scheduled.

The courts, when faced with the problem of defining the phrase "regularly scheduled," have rendered conflicting decisions in cases where the facts and circumstances have been almost identical. The common thread in these decisions, however, has been equitable pay treatment for affected employees.

In 1979, the Comptroller General issued a decision involving payment of night pay for nightwork performed during overtime hours. This decision recapitulates all the decisions by the Comptroller General and the courts concerning this issue over the past 30 years.

It outlines three conditions under which night pay is due for nightwork during overtime hours:

(1) When employees perform overtime work during a scheduled night shift, not necessarily their own tour of duty.

(2) When employees habitually and recurrently perform overtime work at night due to the inherent nature of their employment.

(3) When the overtime work is considered "regularly scheduled" work—that is, the work is "duly authorized in advance (at least 1 day) and scheduled to recur on successive days or after specified intervals."

This decision reiterates the meaning of the term "regularly scheduled" as defined by the Comptroller General and the courts. Further, it reiterates the assumption that it is the work and not the employee that must be regularly scheduled for night pay entitlement.

Because the term "regularly scheduled" has been given various interpretations over a period of years, agencies are unsure how to handle the hours of work and the premium pay of their employees. As a result, premium pay entitlements have been extended to employees in situations not originally intended by Congress. On the other hand, it is conceivable that some employees have not been receiving premium payments to which they have been entitled.

Solution

Early in 1980, OPM conducted a study of the meaning of the term "regularly scheduled" and its relationship to premium pay administration. The study analyzed the decisions of the Comptroller General and the courts; reviewed Congressional intent as evidenced in the Federal Employees Pay Act of 1945, the amendments of 1946, 1954, and 1966, and their legislative histories; and reviewed the executive files for Civil Service Commission (now OPM) regulations from 1954 through the present.

The study found that the intended meaning of the term "regularly scheduled" is implicit in the use of this term, and related terms, in the Federal Employees Pay Act of 1945, as amended, and implementing Civil Service Commission regulations. Further, it found that the term "regularly scheduled" was intended to encompass the concept of the relationship between—

(1) An agency's responsibility to establish workweeks for its employees in accordance with standardized procedures specified in chapter 61 of title 5, United States Code, and Part 610 of Title 5, Code of Federal Regulations; and

(2) An employee's entitlement to premium pay for such work under subchapter V of chapter 55 of title 5, United States Code, and Part 550 of Title 5, Code of Federal Regulations.

The study concluded that the word "regular" in the term "regularly scheduled" means "according to standardized procedures," and not necessarily that the employee performed the work on a recurring or pattern-like basis.

Thus, the study proposed that the term "regularly scheduled" be clarified to mean:

(1) Scheduled in advance of and to include at least one administrative workweek, and

(2) Scheduled in accordance with an agency's procedures as required by chapter 61 of title 5, United States Code.

The study also proposed clarifying definitions for the phrases "regularly scheduled administrative workweek" and "irregular or occasional overtime work."

In addition, the study proposed that OPM promulgate a regulation to require an agency to schedule its employees to meet the work requirements of the agency. This would require an agency to change the regularly scheduled administrative workweek of its employees if the work requirements would be different in an ensuing administrative workweek.

OPM submitted the study to the Comptroller General for review and discussion between our respective staffs. OPM proposed that the meaning of the term "regularly scheduled," and related terms, as defined by the study be promulgated in OPM regulations. The Comptroller General in his reply to OPM (B–201039, March 16, 1981) indicated that he had no objection to OPM's proposal to issue such regulations.

Proposed Regulations

Accordingly, OPM proposes to issue regulations—

(1) To clarify the meaning of the term "regularly scheduled," and

(2) To clarify the relationship between an agency's responsibility to establish workweeks under chapter 61 of title 5, United States Code, and an employee's entitlement to premium pay for that work under subchapter V of chapter 55 of title 5, United States Code.

In the process, OPM proposes to clarify the definitions of the terms "regularly scheduled administrative workweek," "tour of duty," "regular overtime work," and "irregular or occasional overtime work." OPM also proposes to add definitions for "nightwork" and "holiday work."

In accordance with the recommendation of the study and the Comptroller General's comments, OPM is proposing to issue regulations to require an agency to schedule its employees to meet recognized work needs. If an agency fails to schedule its employees in a manner that realistically reflects the agency's actual work requirements, the failure to schedule will constitute a violation of regulations warranting payment of premium pay for "regularly scheduled" work.

Summary

The scheduling structure outlined in chapter 61 of title 5, United States Code, constitutes the framework by which an employee's premium pay entitlements are to be determined under subchapter V of chapter 55 of title 5, United States Code. OPM's authority to regulate is contained in sections 6101 and 5548 of the respective chapters.

Thus, agency established workweeks have a direct effect on an employee's pay entitlements:

(1) An employee is entitled to basic pay for work performed during his or her basic 40-hour workweek.

(2) If an employee's basic workweek includes work on Sunday or a holiday, he or she is entitled to premium pay for Sunday work or holiday work, respectively.

(3) If an employee performs work outside the basic 40-hour workweek, he or she is entitled to premium pay for overtime work.

(4) If an employee's regularly scheduled administrative workweek (including regularly scheduled overtime hours) includes nightwork, he or she is entitled to premium pay for such work at night. However, an employee who performs overtime work during night hours on an irregular basis is not entitled to night pay for such work, even if the employee performs it during a night shift for other employees.

(5) For an employee in receipt of AUO pay, all overtime work scheduled in advance of the administrative workweek is "regularly scheduled" overtime work for which the employee is entitled to overtime pay at time and one-half of his or her basic rate of pay. All other overtime work performed during the workweek is irregular overtime work and is paid for by receipt of AUO pay.

We believe the proposed definitions of the term "regularly scheduled," and related terms, will clarify the relationship between the scheduling structure and the premium pay structure contained in title 5, United States Code. This, in turn, will ensure that an employee receives proper premium payments for scheduled work and, thereby, preserve equitable pay

treatment for all employees. We also believe this will improve understanding of the premium pay structure by managers and employees.

This regulatory proposal is one of several actions being taken by OPM to improve Federal policy on premium pay.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in—

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend Parts 550 and 610 of Title 5 of the Code of Federal Regulations as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

1. Section 550.103 is amended by revising paragraphs (e), (f), (g), (k), and (n), and adding paragraphs (p) and (q) to read as follows:

§ 550.103 Definitions.

* * * * *

(e) "Nightwork" has the meaning given that term in § 550.121, and includes any nightwork performed by an employee as part of his or her regularly scheduled administrative workweek.

(f) "Irregular or occasional overtime work" means overtime work that is not part of an employee's regularly scheduled administrative workweek.

(g) "Regular overtime work" means overtime work that is part of an employee's regularly scheduled administrative workweek.

* * * * *

(k) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

* * * * *

(n) "Regularly scheduled administrative workweek," for full-time employees, means the period within an administrative workweek, established in accordance with § 610.111 of this chapter, within which these employees are regularly scheduled to work. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are regularly scheduled to work.

* * * * *

(p) "Regularly scheduled" work means work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks in accordance with § 610.111 of this chapter.

(q) "Holiday work" means nonovertime work performed by an employee during a regularly scheduled tour of duty on a holiday.

2. In § 550.112, paragraph (d) is revised to read as follows:

§ 550.112 Computation of overtime work.

* * * * *

(d) *Night, Sunday, or holiday work.* Hours of night, Sunday, or holiday work are included in determining for overtime pay purposes the total number of hours of work in an administrative workweek.

* * * * *

3. In § 550.122, paragraphs (c) and (d) are revised to read as follows:

§ 550.122 Computation of night pay differential.

* * * * *

(c) *Relation to overtime, Sunday, and holiday pay.* Night pay differential is in addition to overtime, Sunday, or holiday pay payable under this subpart and it is not included in the rate of basic pay used to compute the overtime, Sunday, or holiday pay.

(d) *Temporary assignment to different tour of duty.* An employee is entitled to a night pay differential when he or she is assigned temporarily to a tour of duty that includes nightwork.

4. In § 550.131, paragraph (a) is revised to read as follows:

§ 550.131 Authorization of pay for holiday work.

(a) Except as otherwise provided in this subpart, an employee who performs holiday work is entitled to pay at his or her rate of basic pay plus premium pay at a rate equal to his or her rate of basic pay for that holiday work that is not—

(1) In excees of 8 hours; or

(2) Overtime work.

* * * * *

PART 610—HOURS OF DUTY

1. Section 610.102 is amended by revising paragraph (b) and adding paragraph (g) and (h) to read as follows:

§ 610.102 Definitions.

* * * * *

(b) "Regularly scheduled administrative workweek," for fulltime employees, means the period within an administrative workweek, established in accordance with § 610.111, within which these employees are regularly scheduled to work. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are regularly scheduled to work.

* * * * *

(g) "Regularly scheduled" work means work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks in accordance with § 610.111.

(h) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

2. Section 610.121 is revised to read as follows:

§ 610.121 Establishment of work schedules.

(a) Except when the head of an agency determines that the agency would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he or she shall provide that—

(1) Assignments to tours of duty are scheduled in advance of the administrative workweek over periods of not less than 1 week;

(2) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(3) The working hours in each day in the basic workweek are the same;

(4) The basic nonovertime workday may not exceed 8 hours;

(5) The occurrence of holidays may not affect the designation of the basic workweek; and

(6) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

(b) The head of an agency shall establish the work schedules of his or

her employees to accomplish the mission of the agency. The head of an agency shall schedule an employee's regularly scheduled administrative workweek so that it corresponds with the employee's actual work requirements. When the head of an agency knows in advance of an administrative workweek that an employee's work requirements for that administrative workweek will differ from the work requirements in the current administrative workweek, he or she shall establish the employee's regularly scheduled administrative workweek to meet those different work requirements in that administrative workweek.

(5 U.S.C. 5548 and 5 U.S.C. 6101)

[FR Doc. 82-460 Filed 1-7-82; 8:45 am]
BILLING CODE 6325-01-M

---

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to extend the circumstances under which an employee or annuitant can change his or her Federal Employees Health Benefits (FEHB) enrollment from high option to low option coverage to include eligibility for CHAMPUS.

DATE: Comments must be received on or before February 8, 1982.

ADDRESS: Send or deliver written comments to Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, Room 4351, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, (202) 632-4634.

SUPPLEMENTARY INFORMATION: CHAMPUS (the Civilian Health and Medical Program of the Uniformed Services), a part of the Uniformed Services Health Benefits Program (USHBP), ensures that authorized health services will be available if they cannot be obtained from a Uniformed Services facility. Generally, CHAMPUS will share the cost of any medical procedure or type of medical care which is medically necessary and not specifically excluded by law or regulation. Dependents of active duty members, retired members and their dependents, and surviving dependents of deceased active or retired members are eligible for this coverage. (Parents and parents-in-law are not considered dependents under CHAMPUS.)

There are a number of instances in which a person who becomes eligible for CHAMPUS coverage may also be a Federal employee or annuitant enrolled in the Federal Employees Health Benefits Program. for example, Members and Technicians in the National Guard and retired military reservists are eligible for military benefits, including CHAMPUS, upon reaching age 60; the spouse of an active duty serviceman becomes eligible for CHAMPUS at time of marriage; and the spouse and dependents of regular military retired personnel become eligible upon the member's eligibility for CHAMPUS. Any of these individuals may be a Federal employee at the time of eligibility for CHAMPUS, and it is quite possible that he or she may also be enrolled in the FEHB Program. Because CHAMPUS and high option FEHB offer similar benefits, a Federal employee with FEHB coverage who becomes eligible for CHAMPUS would normally not need a high option FEHB plan. To continue the high option plan would be an unnecessary expense for both the employee and the government.

Under current regulations, an employee who becomes eligible for CHAMPUS may not change his or her high option FEHB coverage to low option until the next open season. He or she may, however, cancel the high option enrollment and wait until the next open season to enroll in a low option plan, taking the risk of being under-insured during the interim period. Permitting an enrollment change from high to low option at the time of eligibility for CHAMPUS would alleviate the problem of paying for coverage that is not needed (i.e., by continuing high option until the next open season) or being under-insured (i.e., dropping enrollment until the next open season).

It is important to note, however, that should the employee drop FEHB coverage under either the existing or amended regulations, the individual would not lose entitlement to FEHB coverage during retirement because periods of coverage under CHAMPUS are creditable toward the years of service requirement set out in the Federal Employees Health Benefits law codified at 5 U.S.C. 8905(b).

As a matter of precedent for the proposed amendment, a change from high to low option FEHB coverage was authorized in 1988 for employees who become eligible for Medicare. A parallel can be drawn between eligibility for Medicare and eligibility for CHAMPUS. Related to the subject of Medicare is the fact that CHAMPUS enrollees lose their eligibility for CHAMPUS at age 65 if they are eligible for Medicare. If the employee has CHAMPUS and a low option FEHB enrollment, he or she would continue to have two coverages, Medicare and low option FEHB. While the employee would not be able to enroll in a high option FEHB plan until the next open season, Medicare combined with low option FEHB coverage, in most cases, provides excellent protection.

The Director finds that good cause exists for reducing the comment period of this proposed rulemaking from sixty to thirty days. The comment period is reduced in order to realize enrollee and goverment cost savings which would result from prompt implementation of the regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, the Office of Personnel Management proposes to add § 890.301(x) to Title 5, Code of Federal Regulations, to read as follows:

§ 890.301 Opportunities to register to enroll or change enrollment.

* * * * *

(x) *On becoming eligible for coverage under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).* An enrolled employee or annuitant with a high option enrollment may register, at any time after the 31st

day before he or she is eligible for coverage under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), to change enrollment to the low option of any available plan under this part.

(5 U.S.C. 8913.)

[FR Doc. 82-457 Filed 1-7-82; 8:45 am]
BILLING CODE 8325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1007

[Docket No. AO-366-A18]

Milk in the Georgia Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals by a cooperative association to amend the Georgia Federal milk marketing order. Under the proposals, a plant located in the marketing area that processes and packages only ultra high temperature milk would be fully regulated by the order, regardless of where such milk is sold.

DATE: The hearing will convene January 21, 1982.

ADDRESS: The hearing will be held at the Ramada Inn, 845 North Central Avenue, Atlanta Airport, Hapeville, Georgia 30354, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-5443.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Ramada Inn, 845 North Central Avenue, Atlanta, Airport, Hapeville, Georgia 30354, beginning at 9:30 a.m., local time, on Thursday, January 21, 1982, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Georgia marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.

Proposal No. 1

Revise paragraph 1007.7(a) to read as follows:

§ 1007.7 [Amended]

(a) a distributing plant that has a route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a fully constituted health authority for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.13 and:

(1) that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total Class I disposition, except filled milk, during the month; or,

(2) is a plant, located within the marketing area, which processes only ultra high temperature fluid milk products for distribution in aseptic packages. A plant qualifying as a distributing plant pursuant to this subparagraph shall be a pool plant on this Order irrespective of its route disposition in the marketing area of any other Order issued pursuant to the Act.

* * * * *

Proposal No. 2

Revise paragraph 1007.7(d) by adding a new subparagraph (4) to read as follows:

§ 1007.7 [Amended]

* * * * *

(d) * * *

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal Order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal Order.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 49025, Atlanta, Georgia 30359, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Georgia Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 5, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-532 Filed 1-7-82; 8:45 am]
BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Deregulation of Accounting Manual for Federal Credit Unions; Extension of Comment Period

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule; extension of the Comment Period.

SUMMARY: Because of delays in distribution of the revised Accounting Manual, the NCUA Board is extending the comment period on the proposed rule.

DATE: Comments must be received on or before April 15, 1982.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456

FOR FURTHER INFORMATION CONTACT: Joseph Visconti, Surveillance Systems Officer, or Harry Moore, Accounting Officer, Office of Examination and Insurance, Telephone (202) 357–1065.

SUPPLEMENTAL INFORMATION: On October 13, 1981 (46 FR 48940), the National Credit Union Administration published for public comment a proposed rule which will remove the Accounting Manual from the incorporation by reference provisions of 12 CFR 701.2. The proposal also deletes 12 CFR 701.14 in its entirety because it essentially duplicates 12 CFR 701.2.

Because of problems encountered in the distribution of the revised version of the Accounting Manual, some credit unions did not receive the Accounting Manual in time to review that publication and comment on the proposed rule. In a companion action, the NCUA Board issued for public comment a proposed Interpretive Ruling and Policy Statement (IRPS 81–8) (46 FR 50387, October 13, 1981). The IRPS advises that by adhering to the accounting principles and standards in Section 2000, credit unions will be in compliance with the full and fair disclosure provisions of 12 CFR 702. Therefore, the comment periods on the IRPS and on the proposed deregulation are extended for an additional period of time.

Rosemary Brady,

Secretary of the Board.

December 30, 1981.

[FR Doc. 82-467 Filed 1-7-82; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 80P–0352]

Canned Fruit Juices; Advance Notice of Proposed Rulemaking on the Standard of Identity for Frozen Concentrated Orange Juice

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering a proposal to amend the standard of identity for frozen concentrated orange juice based on a joint petition by the State of Florida, Department of Citrus; the Florida Citrus Mutual; the Florida Citrus Processors Association; the United Growers and Shippers Association; and the Indian River Citrus League. The purpose of the proposed amendment would be to increase the minimum amount of orange juice soluble solids in the beverage when reconstituted according to label directions. The proposed amendment would reflect an increase in naturally occurring soluble solids (° Brix) of the oranges used in the production of frozen concentrated orange juice. The agency is publishing this notice to encourage interested persons to submit pertinent information and express their views on this subject.

DATE: Written comments by March 9, 1982.

ADDRESS: Written comments, data, or information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The State of Florida, Department of Citrus, P.O. Box 148, Lakeland, FL 33802; the Florida Citrus Mutual, P.O. Box 89, Lakeland, FL 33802; the Florida Citrus Processors Association, P.O. Box 780, Winter Haven, FL 33880; the United Growers and Shippers Association, P.O. Box 3611, Orlando, FL 32802; and the Indian River Citrus League, P.O. Box 519, Vero Beach, FL 32960, who represent the growers and processors of over 90 percent of the frozen concentrated orange juice packed in retail-size containers in the United States, have submitted a joint petition to amend the U.S. standard of identity for frozen concentrated orange juice, § 146.146(a) (21 CFR 146.146(a)), to increase the minimum percent by weight of orange juice soluble solids contained in the product from 11.8 percent to 12.3 percent, exclusive of the solids of any added optional sweetening ingredients, when reconstituted according to label directions.

The petitioners state that, due to improved cultural practices, age of bearing trees, and harvesting better timed to coincide with optimum maturity, the approximate average of the soluble solids naturally occurring in oranges used for processing during the most recent 10-year period was 12.3 percent. Further, the petitioners state that all available data and records indicate the following average soluble solids content for oranges used for processing in domestic production areas:

Area	Average Brix	Source
Florida	12.3°	10-yr weighted average compiled by Florida Department of Agriculture.
Texas	In excess of 12.3°.	Statements by representatives of TexSun and Texas Citrus Exchange.
California/ Arizona	Valencia 12.2°; Navels 12.8°.	Interpolated from data reported in USDA Handbook #56, November 1975.

The petitioners point out that, because Florida produces over 85 percent of the oranges grown in the United States that are suitable for use in the production of frozen concentrated orange juice, the proposed minimum soluble solids content of 12.3 percent represents the national average.

The petitioners noted the allegation that raising the U.S. minimum of 11.8 percent to 12.3 percent would, in effect, reduce the currently available volume of marketable product in California and other non-Florida domestic citrus-producing areas because non-Florida producers would be required to increase the soluble solids content of their product by 4 percent (i.e., 11.8 percent to 12.3 percent). However, the petitioners assert that their intention is not to reduce the non-Florida supply by 4 percent, but rather to end an unjustified pricing advantage that now exists in the non-Florida producer's favor by virtue of the minimum soluble solids differential between the two products.

The petitioners state that this amendment, which would increase the minimum soluble solids to an average of that occurring in the natural orange,

would benefit the total domestic frozen concentrated orange juice industry and U.S. consumers by making uniform the minimum soluble solids content for frozen concentrated orange juice in all domestic citrus-producing areas.

The petitioners also state that the requested amendment is limited solely to the U.S. standard of identity for frozen concentrated orange juice, § 146.146, and is not intended to apply to standards of identity for other orange juice products.

In a letter to FDA dated November 25, 1980, the Processors Council of the California-Arizona Citrus League, P.O. Box 7888, Valley Annex, Van Nuys, California 91409 (Processors Council), requested that the petition be denied on the grounds that there is no basis other than economics for increasing the ° Brix for frozen concentrated orange juice and that the increase in the ° Brix would have an adverse effect upon frozen concentrated orange juice processed in California and Arizona. The letter included the following comments:

1. Data compiled by Sunkist Growers, Inc., a California-Arizona processor, show that the average ° Brix of oranges they used for processing over the past seven seasons is about 11.9 ° Brix, with no apparent trend toward higher average ° Brix values.

2. California-Arizona frozen concentrated orange juice has greater consumer acceptability at 11.8 ° Brix due to the tart nature of California-Arizona frozen concentrated orange juice, and a cooked flavor as the ° Brix is increased above 11.8.

3. Frozen concentrated orange juice when reconstituted according to label directions, should have the same minimum ° Brix as orange juice from concentrate.

The agency has made a decision that the petition presents sufficient information to warrant further proceedings. However, the petition does not present sufficient data to fulfill the requirement placed on the agency by the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 603 and 604) to assess the economic impact on small businesses of any rule that may be adopted based upon the petition. The agency is aware, however, that the circumstances surrounding the ability of the petitioner to obtain all the needed data in fulfilling this requirement are unique. In this particular case, the petitioner may be at a disadvantage because pertinent information surrounding the economic impact on small businesses would have to be obtained from competitors both in other geographical areas of the United States and abroad. Because of this uniqueness, and recognizing the strong positions held by opposing groups, the agency is providing an advance notice of the proposed rule to obtain data and views from interested persons on all issues posed by (1) the joint petition filed by the State of Florida, Department of Citrus; the Florida Citrus Mutual; the Florida Citrus Processors Association; the United Growers and Shippers Association; and the Indian River Citrus League and (2) the letter to FDA dated November 25, 1980, from the Processors Council of the California-Arizona Citrus League.

In particular, the agency requests the submission of information to enable it to determine whether to prepare an initial regulatory flexibility analysis as required by the Regulatory Flexibility Act. The agency has examined the economic data provided by the petitioner to determine if it is sufficient to make this determination and, if necessary, to prepare an initial regulatory flexibility analysis. The agency concludes that additional information is necessary to determine the economic impact of the petition on small businesses and to assess possible alternatives for relieving any burden. Using available information, the agency has prepared a preliminary economic assessment which is published along with this notice. This assessment is presented in the format prescribed for an initial regulatory flexibility analysis. It is intended to illustrate the aspects of this issue where additional economic data are needed. FDA particularly requests information on the total number of businesses that would be affected by the proposal, the number of small businesses that would be affected by the proposal, and the effect (in quantitative terms, where feasible) on each firm, including any small businesses.

Interested persons may, on or before March 9, 1982, submit to the Dockets Management Branch (address above) written comments regarding this advance notice of proposed rulemaking. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 31, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Preliminary Economic Assessment

This preliminary economic assessment presents the available information on the small business impact of an amendment to the standard of identity for frozen concentrated orange juice proposed by various Florida citrus interests. Their petition was submitted to the agency before enactment of the Regulatory Flexibility Act. It contains some information regarding the economic impact of the amended standard, but not all the information that is necessary to prepare a regulatory flexibility analysis.

The purpose of this preliminary assessment is to present available economic information in the format prescribed by section 603 of the Regulatory Flexibility Act in order to identify aspects of the issue where additional data are needed to complete the regulatory flexibility analysis.

I. Reason for Action

The petitioners believe that the ° Brix value in the existing standard of identity for frozen concentrated orange juice should reflect the average ° Brix value for orange juice, and that the approximate average of the soluble orange solids contained in juice of mature oranges is above the existing standard of 11.8 ° Brix. Due to improved cultural practices, age of bearing trees, and harvesting better timed to coincide with optimal maturity, the petitioners conclude that the approximate average of the soluble orange solids naturally occurring in oranges for processing during the most recent 10-year period was 12.3 ° Brix. Therefore, the petitioners propose that the existing standard be amended to increase the minimum percent of weight of orange juice soluble solids contained in a properly reconstituted product from 11.8 ° Brix to 12.3 ° Brix.

II. Statement of Objectives

The petitioners state that a uniform minimum ° Brix in all domestic citrus-producing areas will benefit both the total domestic frozen concentrated orange juice industry and consumers. The petition mentions the elimination of "an unjustified pricing advantage that now exists in California's favor by virtue of the minimum ° Brix differential between the two products" as a specific benefit from the amended standard. The petition supplies information on the average ° Brix of oranges from different regions (Florida—12.3 °, Texas—in excess of 12.3 °, California/Arizona—12.2 ° for valencia, 12.8 ° for navels).

The petition does not provide information on the extent to which the reported average ° Brix difference between Florida oranges and California valencia oranges is reflected in unjustified pricing. Some limited data,

however, suggest that the marketplace may already reflect ° Brix differentials. For example, one source [1] reported a 2 cent price spread for a national market private label 12 ounce can: 80 cents for Florida frozen concentrated orange juice, and 78 cents for non-Florida frozen concentrated orange juice. In the western market, Florida concentrated orange juice sells for about 5 cents more than non-Florida frozen concentrated orange juice. The fact that two products of different quality sell at different prices seems to indicate a healthy competitive environment that appropriately distinguishes the two levels of quality. If natural market forces and consumer selection produce sufficient price differentials between frozen concentrated orange juice with different ° Brix levels, amending the Federal standard to require non-Florida producers to conform to Florida standards may not eliminate unjustified pricing, but only reduce consumer choice for frozen concentrated orange juice.

Because the petition does not have sufficient economic data to determine the existence or extent of unjustified pricing, the agency requests additional information on this issue so that the economic need for the amendment can be more accurately determined.

III. Estimate of Small Businesses Affected

This proposal will affect growers of oranges with average ° Brix of less than 12.3 ° if their product is used for frozen concentrated orange juice. From the petitioners' data, it is anticipated that only growers of valencia oranges in California and Arizona will be affected. There are an estimated 4,059 growers of oranges in California and Arizona. Presumably, many could be classified as small businesses.

This proposal will also affect processors of frozen concentrated orange juice in those areas where the average Brix is less than 12.3°. It is anticipated that all of the estimated 27 processors in California and Arizona who produce frozen concentrated orange juice will be affected. Most of the 27 processors are believed to be small businesses.

IV. Nature of the Burden

Orange and orange juice producers in the United States may be initially viewed as Florida and non-Florida producers. The non-Florida producers are located primarily in California, Arizona, and Texas. The Florida producers have an estimated 90 percent share of the market for frozen concentrated orange juice. Total production and production used for processing in the four orange-growing States in the 1980–1981 season are:

[In billions of pounds]

	Total production	Used for processing	Percent processed
Florida	15,516	14,777	95.2
Texas	368	126	34.2
California	4,969	2,062	41.6
Arizona	195	69	35.4
Total	21,048	17,054	81.0

Florida produces 87 percent of the oranges used for processing. However, Florida's share of frozen orange juice concentrate is probably even higher because, according to the U.S. Department of Agriculture, the Western States use more of the processed fruit for uses other than frozen concentrate. (However, there are no data on frozen orange juice concentrate only.)

The oranges grown in Florida and the Western States tend to vary uniformly in terms of the ° Brix, with Florida oranges generally being higher. The primary types of non-Florida oranges used in frozen concentrated orange juice are the valencia and the navel. The California-Arizona Citrus League reports an average ° Brix level of 11.9° for the valencia and 12.7° for the navel over the years 1972 through 1977. The yearly weighted average ° Brix levels for valencia oranges range from a freeze-year low of 10.6 to a "vintage year" high of 13.2.[2] Within any given year the monthly average ° Brix levels may vary by as much as 2.5, or as little as 1.0. Unlike the Florida data, there is no discernible trend toward higher ° Brix levels. Navel oranges, because of a bitter taste when juiced (as a result of a nonbitter precurser being progressively converted to limonin), are not used extensively for frozen concentrated orange juice.

An increase in the minimum ° Brix requirement of the Federal standard of identity to 12.3° would have several possible effects:

1. It would cause an increase in the bulk product cost for any processor using oranges with an average Brix of less than 12.3°. The petition estimates an increase of 4 percent for valencia processors. This results from the addition of more orange soluble solids to make the same amount of reconstituted frozen concentrated orange juice.

2. The demand for California/Arizona frozen concentrated orange juice could decrease by as much as 5.7 percent because of the increase in product cost. This estimate is based on supplementary information provided by the petitioners.[3]

3. The California-Arizona Citrus League believes that an increase in the minimum ° Brix for frozen concentrated orange juice could also impair consumer acceptance for their product.[4] Because of the tart nature of California/Arizona frozen concentrated orange juice, western processors believe their juice has greater consumer acceptability at 11.8° Brix than at higher levels.

Their belief is supported by a study called "The Pritchett Tongue." Generally, this study shows that consumers prefer a tart-light orange to a tart-heavy juice, and concomitantly, they prefer a sweet-heavy juice to sweet-light juice. In addition, California/Arizona processors have found that their frozen concentrated orange juice acquires a perceivable cooked flavor as the ° Brix is increased above 11.8.

It is difficult to aggregate and quantify these three possible effects based on the evidence available. It does, however, appear likely that the resultant effects would be adverse upon growers and processors of valencia oranges used in frozen concentrated orange juice. The extent to which they may be able to avoid any adverse effects by shifting their production to orange products other than frozen concentrated orange juice cannot be determined from available information.

Similarly, the beneficiaries of any reduction in frozen concentrated orange juice made from valencia oranges are also unclear. The California-Arizona Citrus League [5] supplied a research paper that states:

> The estimated future domestic supply-demand relationship is such that demand for orange juice will exceed Florida production at relatively constant real prices. This, in combination with anticipated excess Brazilian supplies, suggests that with average projected crops Florida will generally become a net importer in the near future. In contrast to projected U.S. market conditions, the

[1] Based on a conversation with Jay B. (Skip) Haviser, Administrative and Legal Affairs Director, Florida Department of Citrus.

[2] Comments of California-Arizona Citrus League, November 25, 1980, p. 4.

[3] Elasticity estimates in the study of Ronald V. Ward and Daniel S. Tilly entitled "Time Varying Parameters With Random Components: The Orange Juice Industry," *Southern Journal of Agricultural Economics*, December 1980, pp. 5 to 13.

[4] Comments of California-Arizona Citrus League, November 25, 1980, p. 5.

[5] "Economics Information in Support of Three-Party Program Recommendations," 1980–1981, Gary F. Fairchild, Research Economist, Florida Department of Citrus, June 1980.

world processed orange market is forecast as a situation in which supply is growing at a faster rate than demand.

If this conclusion is accurate, any decrease in valencia orange frozen concentrated orange juice may cause an off-setting increase in the importation of Brazilian frozen concentrated orange juice. Additional information is needed to establish the likelihood of this consequence, and its implications for the domestic orange juice industry.

V. Overlap With Other Federal Statutes

This proposal would not overlap with any other Federal regulation. It is related to a Florida State law which established the minimum ° Brix of frozen concentrated orange juice as 12.8°. This level was subsequently reduced to 12.3° effective December 1, 1980 and then further reduced to 11.8° effective December 1, 1981. It is also related to an international standard recommended by the Food and Agriculture Organization/ World Health Organization (FAO/ WHO) Codex Alimentarius Commission. The Codex Alimentarius Commission has recommended to member nations the adoption of 11.0° Brix. The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex standards.

VI. Alternatives to Relieve Burden on Small Businesses

The petition does not examine any alternatives; however, several are self-evident. One alternative would be to leave the ° Brix standard at its current level of 11.8°, thereby avoiding any possible adverse consequences on valencia orange growers and processors. A second alternative would be to adopt the Codex Alimentarius recommendation of 11.0° Brix and allow unfettered marketplace pricing to distinguish different grades of ° Brix above 11.0°. A third alternative would be to abandon a ° Brix level in the standard and replace it with a mandatory declaration of the percentage of orange juice soluble solids in the finished product.

Additional data are needed to assess the feasibility of alternativs and, in particular, their effects on small growers and processors.

[FR Doc. 82-465 Filed 1-7-82; 8:45 am]

BILLING CODE 4150-81-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 5

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule.

SUMMARY: Pursuant to section 105 of the Contract Work Hours and Safety Standards Act, the Department of Labor proposes to amend § 5.14 of its Regulations (29 CFR 5.14) to provide a variation from the overtime pay requirements of section 102 of the Act with respect to pilots and co-pilots of fixed-wing and rotary-wing aircraft employed by a contractor or subcontractor on government contracts, the principal purpose of which is the furnishing of fire fighting or suppression and related services.

DATE: Comments must be received on or before February 8, 1982.

ADDRESS: Comments should be sent to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone: 202–523–8333.

SUPPLEMENTARY INFORMATION: Section 102 of the Contract Work Hours and Safety Standards Act requires the payment of one and one-half times the basic rate of pay for all hours worked in excess of eight in a day and 40 in a workweek. Section 105 of the Contract Work Hours and Safety Standards Act authorizes the Secretary to prescribe regulations allowing reasonable variations from the Act's requirements if the Secretary finds it "necessary and proper in the public interest to prevent injustice of undue hardship or to avoid serious impairment of the conduct of Government business".

The National Air Tankers Operators Association has requested an exemption from the Act's overtime pay requirements based upon their submission that (1) pilots and co-pilots engaged in fire fighting and related activities are generally paid substantial amounts as a result of receiving a regular salary plus additional amounts for hours of flying time, (2) the majority of overtime hours are caused by fire needs and involve significant amounts of highly paid flying time, and therefore pilots in effect generally receive a premium pay for working overtime, (3) the contractor often has little control over the hours worked by his employees as this is dictated by the Government based upon the current fire danger and the Government's common contractual right to dispatch aircraft and crew from their designated home base to alternate bases throughout the United States, (4) the calculation of overtime pay would be costly and extremely difficult for an employer because the hours of overtime worked vary greatly from week to week, and the pilots are not only often located at a considerable distance from the employer's principal base of operation but are moved from one location to another in response to the needs of the Government, and (5) an exemption would be consistent with the intent of Congress expressed in other statutes involving labor standards for fire fighting activities. Given these circumstances the Secretary of Labor proposes that a conditional variance from the overtime provisions of the Act for contractors and subcontractors employing pilots and co-pilots of fixed and rotary-wing aircraft on Government contracts for fire fighting and related services is necessary and proper in the public interest to prevent hardship and to avoid serious impairment of the conduct of Government business. Under the proposed variation, qualifying contractors and subcontractors would not be subject to the overtime pay requirement provided certain conditions are met: (1) Pursuant to written agreement between the contractor and employee, the employee must receive gross wages of not less than $300 per week regardless of the total number of hours worked, and the amount of wages paid the employee in a workweek must not be less than the amount the employee would receive if he were paid the minimum hourly wage required by the Service Contract Act plus one and one-half times this minimum for all

overtime hours worked; and (2) the contractor must maintain accurate records of the hours worked by each pilot and co-pilot.

The enumerated conditions to the variance insure the wage protection for the employees involved and conform with the Act's remedial purposes.

Classification

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The Department believes that the proposed rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 91 Stat. 1164 (to be codified at 5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the number of affected business entities is not substantial. Accordingly, no initial regulatory flexibility analysis is required. However, the proposed variation would relieve a substantial administrative burden on the impacted entities and obviate the possible necessity of altering existing pay structures. Therefore, the proposed regulation is within the spirt of the Regulatory Flexibility Act.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rule contained in 29 CFR Part 5, concerning a conditional variation from the Contract Work Hours and Safety Standards act will not have a significant economic impact on a substantial number of small entities.

Signed at Washington, D.C. this 31st day of December 1981.

Raymond J. Donovan,

Secretary of Labor.

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARD ACT)

In accordance with the foregoing, it is proposed that 29 CFR 5.14 be amended by adding a new subparagraph (4) of § 5.14(d) as set forth below.

§ 5.14 Limitations variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(d) *Variations.* * * *

(4) Any contractor or subcontractor performing on a government contract the principal purpose of which is the furnishing of fire fighting or suppression and related services, shall not be deemed to be in violation of Section 102 of the Contract Work Hour and Safety Standards Act for failing to pay the overtime compensation required by Section 102 of the Act in accordance with the basic rate of pay as defined in subsection (c)(1) of this section, to any pilot or co-pilot of a fixed-wing or rotary-wing aircraft employed on such contract if:

(i) Pursuant to a written employment agreement between the contractor and the employee which is arrived at before performance of the work,

(A) The employee receives gross wages of not less than $300 per week regardless of the total number of hours worked in any workweek, and

(B) Within any workweek the total wages which an employee receives are not less than the wages to which the employee would have been entitled in that workweek if the employee were paid the minimum hourly wage required under the contract pursuant to the provisions of the Service Contract Act of 1965 and any applicable wage determination issued thereunder for all hours worked, plus an additional premium payment of one-half times such minimum hourly wage for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek;

(ii) The contractor maintains accurate records of the total daily and weekly hours of work performed by such employee on the government contract.

In the event these conditions for the exemption are not met, the requirements of section 102 of the Contract Work Hours and Safety Standards Act shall be applicable to the contract from the date the contractor or subcontractor fails to satisfy the conditions until completion of the contract.

(40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301)

Signed at Washington, D.C. this 31st day of December 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82–222 Filed 1–7–82; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 870, 872, 874, 875, 877, 879, 882, 884, 886, and 888

Notice Extending the Public Comment Period on the Proposed Revision of the Abandoned Mine Land Reclamation Program Regulations

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Extension of public comment period.

SUMMARY: OSM is extending the period for public review and comment on the proposed revision of 30 CFR Chapter VII, Subchapter R, the Abandoned Mine Land Reclamation Program (AML) regulations because of requests from the public for an extension.

DATES: The comment period on the proposed rules will extend until 5:00 p.m., February 1, 1982. Comments received after that time will neither be considered nor included in the administrative record.

A public hearing will be held on January 8, 1982, from 9:00 a.m. to 12:00 noon at the following location: Main Auditorium, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. The public hearing is discussed under "Supplementary Information" below.

ADDRESSES: Written comments must be mailed to Administrative Record (AML–01), Office of Surface Mining, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240. Hand delivered comments may be carried to either: Office of Surface Mining, Room 239, South Interior Building, 1951 Constitution Ave., NW, Washington, D.C. or Office of Surface Mining, Room 5315, 1100 "L" Street, NW, Washington, D.C. All comments, notices of public meetings, and summaries of meetings will be available for inspection in Room 5315, 1100 "L" Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue, NW, Washington, D.C. 20240; Telephone (202) 343–7951.

SUPPLEMENTARY INFORMATION:

Public Hearing

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements to the person identified under "For Further Information Contact" in advance of the hearing date will assist the OSM officials by giving them an opportunity to consider appropriate questions which could be used to clarify the statement or elicit more specific information from persons testifying.

Those wishing to testify at the Washington, D.C. hearing should contact: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW, Washington, D.C. 20240, (202) 343–7951.

Persons in the audience who have not been scheduled to speak and wish to do so should register at the hearing and will be heard after the scheduled speakers. Persons not scheduled to testify assume the risk of having the hearing adjourned if they are not present when all scheduled speakers conclude.

Public Meetings

Representatives of OSM will be available to meet between December 11, 1981, and February 1, 1982 at the request of members of the public, State representatives, industry officials, labor representatives and environmental organizations to receive advice and recommendations concerning the content of the proposed regulations.

OSM representatives will be available for such meeting from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m., local time, Monday through Friday, excluding holidays. Summaries of each meeting will be prepared and made available for public review in Room 153 of the South Interior Building.

Persons wishing to meet with reprsentatives of OSM during this time period may request a meeting at the Washington Office or any of the five Regional Offices. Persons to contact to schedule such meetings are as follows:
Washington—Don Willen, 202/343–7951
Charleston, W. Va.—Robert Biggi, 304/342–8125
Knoxville, Tennessee—Ralph Cox, 615/637–8060
Indianapolis, Indiana—Richard McNabb, 317/269–2646
Kansas City, Missouri—Dan Jones, 816/374–5162
Denver, Colorado—Wayne Oliver, 303/837–5918

Availability of Copies

Copies of these proposed regulations may be obtained from the Office of Surface Mining, Administrative Record Room (AML–01), Room 5315, 1100 L St., N.W., Washington, D.C. 20240, Telephone 202/343–7896 or any of OSM's regional offices.

Summary of Program

The Abandoned Mine Land Reclamation Program was established by the Surface Mining Control and Reclamation Act of 1977, (SMCRA) Pub. L. 95–87, 30 U.S.C. 1201 et seq. in response to concern over extensive environmental damage caused by past coal mining activities. The Abandoned Mine Reclamation Fund derives its financing from Title IV of SMCRA which establishes a fee on coal production for the purpose of financing specified Federal, State and Indian reclamation programs. Programs funded by congressional appropriation include grants to States and Indian Tribes to plan and carry out reclamation programs and projects; direct Federal reclamation projects carried out by the Secretary of the Interior through the Office of Surface Mining and other Interior agencies and the Rural Abandoned Mine Lands Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service.

On October 25, 1978, OSM published final regulations implementing an abandoned mine land reclamation program incorporating the provisions of Title IV of the Act. The regulations established procedures and requirements for the preparation and implementation of State and Indian reclamation programs, consisting of reclamation plans, submission of annual projects and applications for annual grants. Additional parts of this subchapter include provisions for Federal, State and Indian Abandoned Mine Reclamation Funds, general reclamation objectives, rights-of-entry, liens, emergency reclamation acquisitions, disposition of lands and waters, reclamation on private lands, and Indian reclamation programs.

Regulations relating to the amount and collection of fees were promulgated in 30 CFR Part 837 on December 31, 1977 (42 FR 62713). This part has since been redesignated as Part 870.

Information Collection and Recordkeeping Requirements

The information collection requirements in the existing AML rules were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507. Those approvals were identified in "notes" at the introductions to 30 CFR Parts 870, 872, 877, 879, 882, 884, and 886. OSM will delete those "notes" and codify the OMB approvals under new sections 10 in each of those Parts that contain information collection requirements. OSM is requesting OMB approval of the following new information collection requirements being proposed in this rulemaking: Sections 870.15, 870.16, 877.11, 877.12(b), 879.11(b)(2) and 879.12(a). OSM is also requesting OMB to reapprove the following existing information collection requirements being reproposed in this rulemaking: Sections 870.12, 870.17, 872.11(b), 872.12 (a) & (b), 877.13(b) & (c), 879.13, 879.15, 882.12, 882.13(b), 882.14(b), 884.13, 884.15, 886.14, 886.15, 886.18(c)(2), and 886.24. This information is being collected to insure the adequate implementation of approved reclamation programs and to enforce the fee provisions of Pub. L. 95–87. OSM, States and Indian tribes will use the information.

The obligation to respond is required and will benefit the States and Tribes by enabling the allocation of funds for State/Indian reclamation plans and projects.

Extension of Public Comment Period

On December 11, 1981, OSM published notice (46 FR 60778–60798) of the public hearing and public comment period on the proposed revised rules. The public comment period was scheduled to close on January 11, 1982. Since that publication, OSM has received a number of requests to extend the public comment period. In order to ensure that all interested persons are afforded an adequate opportunity to comment, OSM is extending the comment period until 5:00 p.m., February 1, 1982. This announcement is made in keeping with OSM's commitment to ensuring maximum public participation as an integral part of the Surface Mining Control and Reclamation Act of 1977.

Date: January 4, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-448 Filed 1-7-82; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[Docket No. 9-82-3; AEN-FRL-2023-4]

Proposed Delayed Compliance Order for Hawaiian Electric Company, Inc., Kahe, Oahu, Hawaii

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue a Federal Delayed Compliance Order (DCO) to the Hawaiian Electric Company, Inc. (hereinafter "HECO") power plant at Kahe, Hawaii. Such Order would be applicable to Units 1–5 of the power plant and would be issued as an Innovative Technology Order under the Federal Clean Air Act (CAA). EPA has determined that compliance with Prevention of Significant Deterioration (PSD) Permit HI 78–02 is impracticable because of high fuel costs and therefore proposes to issue a DCO to HECO in order for HECO to achieve compliance through the use of a new means of emission control technology—a seawater scrubber. During the first two years the program will consist of a research program to determine the feasibility of installing a seawater scrubber as well as a monitoring program to determine the appropriate level of control. The permit requires the use of fuel oil containing no more than 0.5% sulfur by weight, but HECO will be allowed to burn sulfur fuel oil containing up to 2.0% sulfur by weight during the term of the DCO unless after the initial two (2) year research and monitoring program EPA determines either that constant control technology is not feasible or that a different level of sulfur control is adequate. A contingency plan to protect public health during adverse air quality conditions is also provided for during the term of the DCO. Source compliance with the DCO will preclude suits under the Federal enforcement and citizen suit provisions of the CAA for violations of the permit.

DATES: Written comments must be received on or before February 8, 1982, and requests for a public hearing must be received on or before January 25, 1982. All requests for public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Air and Hazardous Materials Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105. The DCO, and supporting materials, including the research, monitoring, and contingency plans, and public comments received in response to this notice, may be inspected and copied (for appropriate charges) at this address during normal business hours. A copy of the DCO, and supporting materials may also be inspected and copied at the Hawaii office, EPA Region 9, Pacific Island Contact Office, 300 Ala Moana Boulevard, Room 1302, Honolulu, Hawaii. The research, monitoring, and contingency plans submitted by HECO will be approved by EPA after the public comment period, assuming that no significant adverse comments are received which would lead EPA to disapprove such plans or the underlying DCO.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Chief, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 974–8250.

SUPPLEMENTARY INFORMATION: HECO operates a power plant at Kahe consisting of six units approximately 18 miles West of the Honolulu metropolitan area on the Island of Oahu, Hawaii. All of the units are oil-fired steam generating units. In 1978 the Kahe facility consisted only of Units 1–5. HECO however proposed to construct a 6th unit and PSD Permit HI 78–02 was issued on January 25, 1979. This permit authorized construction of Kahe Unit No. 6, but also imposed conditions applicable to existing Units 1–5. The permit required that Units 1–5, as well as Unit No. 6, burn fuel containing no more than 0.5% sulfur by weight. The permit further required that the stack for Units 1–5 be raised to a height of 300 feet. At the time that the PSD permit was being considered for the Kahe facility, HECO considered a number of emission control options including a traditional limestone scrubber or a fuel oil desulfurization plant. HECO concluded that both of these options presented environmental problems and were substantially more expensive than low sulfur fuel oil. Seawater scrubbers at that time were not developed to a point where they were considered a reliable alternative and are still considered innovative. HECO's experience with the purchase of low sulfur fuel oil (LSFO) indicated that a price differntial between low and high sulfur fuel was approximately 3% making use of 0.5% sulfur fuel oil a significant less costly means of compliance. For these reasons the permit required the use of LSFO, as well as increasing the height of the existing stack, as the means for achieving compliance. Since the time the permit was issued HECO has examined its compliance efforts for Units 1–6 and has reportedly encountered two serious problems with the conditions of the permit. First, the economic conditions upon which original compliance was chosen have changed. Since the permit conditions were imposed, the price differential between low and high sulfur fuel oil (0.5% versus 2.0% sulfur content fuel) has escalated. The price differential between these fuels is approximately $13.00 per barrel in late 1981 based on HECO's geographic location and present long term contract. Given HECO's current rate of fuel consumption at the Kahe facility, the additional cost associated with the use of LSFO, over the cost of the fuel used prior to the issuance of the permit, is approximately $63 million per year. Most other locations in the United States are subject to a much lower price differential. For a remote island with the highest cost of living in the United States (except for Alaska) the increase in expenditures for electricity due to the cost of LSFO is extremely difficult for consumers to absorb. The Governor of Hawaii, the State legislature, the Hawaii Department of Health (DOH) and the City and County of Honolulu all have expressed serious concern over the implications of the current permit conditions. Secondly, HECO states that data and studies developed by HECO indicate that the PSD permit conditions may result in more stringent control than is required by the PSD regulations and that National Ambient Air Quality Standards (NAAQS) can be attained with less stringent permit conditions. HECO also contends that ground level monitoring that it has done supports this view.

During the initial technology development phase of the Order, data will be developed on the performance characteristics of this new technology. This Order is premised on Seawater Scrubbers providing equivalent emissions reduction at lower cost in terms of economic, energy, or non air environmental impact, as provided for in Section 113(d)(4)(C)(ii) of the Act. Should the data indicate the statutory criteria in Section 113(d)(4)(C)(ii) are not met, the Order provides for revision of the terms of the Order to require compliance by alternative means of emission limitation. HECO will develop data on the long-term feasibility of the

technology to achieve emission reductions under the conditions at Kahe. Information on environmental impacts, energy usage, and capital and operating costs of the system will also be developed for comparison with other means of emission limitation. The statute imposes no precise formula for weighing these factors, and some costs, such as long-term fuel prices, cannot be estimated with great accuracy. Other factors, such as reliability and risk of interruption of operations, must also be assessed in determining whether Seawater Scrubbers will achieve the emission reductions at lower cost.

The purpose of the Order and the initial development program is to insure that Seawater Scrubbers will achieve long-term compliance at lower cost. If, after the development stage of the Order, HECO determines that it does not appear Seawater Scrubbers will achieve the benefits contemplated by the statutory criteria of section 113(d)(4)(C)(ii) upon expiration of the Order, it may request revision of the Order. EPA will make the necessary revisions to the Order to provide for compliance by alternative means of emission limitation.

The Order may also be revised to reflect changes in the conditions of PSD Permit HI 78–02. The Order requires HECO to conduct an air quality monitoring program around the Kahe facility to provide additional data on the impact of emissions from the plant. Where the monitoring data indicate revised emission limitations for Kahe Units 1–5 are justified under applicable laws and regulations, EPA will promptly revise the permit to impose the alternative emission limitations, which may be more or less stringent than the current permit conditions. No Permit revision imposing less stringent emission limitations will be granted unless HECO adheres strictly to the requirements of the air quality monitoring program. Because the Order is based on Kahe Units 1–5 controlling emissions to meet the current permit conditions, the Order provides for revision of the Order upon EPA's determination that it will change the underlying permit conditions.

During spring, summer, and fall months, the prevailing trade winds normally blow over the Island of Oahu from the northeast to the southwest, carrying the plumes out over the Pacific Ocean. Thus, it appears that only during the winter months is there any possibility of adverse air quality conditions. However, at Units 1–5 a contingency plan has been developed to require the use of LSFO during any such air conditions. Unit No. 6 is unaffected by the DCO and will continue to be subject to applicable New Source Performance Standards (NSPS) and to the requirements of PSD Permit HI 78–02.

After a thorough evaluation, EPA has determined that HECO's proposed seawater scrubber does constitute a new means of emission limitation as defined by section 113(d)(4) of the CAA. In addition, EPA has determined that compliance at this time by HECO is impracticable because of the high fuel costs associated with compliance and that such compliance during the interim period covered by the proposed order is further impracticable because of such costs. In addition, EPA has determined that the use of LSFO during adverse air quality conditions, represents the best means of interim compliance as provided by section 113(d)(7). EPA, therefore, has determined that all requirements of 113(d)(4) are met and proposes to issue such Order. HECO has consented to the terms of the DCO and has agreed to meet the DCO's requiremeents during the period of this order. If the DCO is issued, compliance with its terms would preclude EPA enforcement against Units 1–5 of the HECO power plant for violation of PSD Permit HI 78–02 while the DCO is in effect. Enforcement against the source under the citizen suit provision of the Clean Air Act (section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the DCO. Testimony given at any public hearing concerning the DCO will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the DCO in 40 CFR Part 65.

(Sections 113 and 301 of the Clean Air Act, as amended (42 USC 7413 and 7601).)

Dated: December 1, 1981.

Sonia F. Crow,

Regional Administrator, Environmental Protection Agency, Region 9.

In consideration of the foregoing, it is proposed to amend Subpart M of Part 65 of Chapter I, of Title 40 of the Code of Federal Regulations, as follows:

PART 65—DELAYED COMPLIANCE ORDER

§ 65.160 [Amended]

1. By amending the table in § 65.160 Federal delayed compliance orders issued under sections 113(d)(1), (3), and (4) of the Act, to reflect approval of the following order: Docket No. 9–82–3. The text of the order reads as follows:

Before The United States Environmental Protection Agency—Region 9

In the matter of Hawaiian Electric Company, Inc. proceeding under section 113(d)(4) of the Clean Air Act, as Amended, Docket No. ———.

Delayed Compliance Order

This Order applicable to Units 1–5 at the Hawaiian Electric Company, Inc. (hereinafter "HECO") power plant at Kahe, Hawaii, is issued this date pursuant to section 113(d)(4) of the Clean Air Act, as amended (hereinafter referred to as the "Act"), 42 U.S.C. 7413(d)(4), and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for public hearing, and thirty (30) days' notice to the State of Hawaii have been provided pursuant to section 113(d)(1) of the Act.

Findings

1. HECO operates a power plant at Kahe, Oahu, Hawaii, consisting of six generating units. Prevention of Significant Deterioration (PSD) Permit HI 78–02 issued by the Regional Administrator, Environmental Protection Agency, Region 9 (hereinafter "U.S. EPA"), on January 25, 1979, authorizing construction of Kahe Unit No. 6, limits emission of sulfur dioxide from Kahe Units 1–5 as well as Unit No. 6 by requiring the use of fuel oil containing no more than 0.5 percent sulfur by weight.

2. Significant cost and fuel availability problems associated with the low sulfur fuel required by the permit make HECO's compliance with the permit conditions for Units 1–5 impracticable. Alternative control options should be established to insure compliance with Federal and State air pollution requirements, and innovative technologies may provide the most reliable alternative.

3. The Director of the State of Hawaii Department of Health (DOH) has agreed to the issuance of a Federal delayed compliance order (DCO) pursuant to section 113(d)(4) of the Act for Units 1–5 to allow HECO to develop and install means of emission limitation that will insure long-term compliance with National Ambient Air Quality Standards (NAAQS).

After a thorough investigation of all of the relevant facts, U.S. EPA has determined that:

1. HECO is proposing an alternative control system that is a new means of emission limitation for control of sulfur dioxide emissions from fossil-fuel fired steam electric plants of this size;

2. This new means of emission limitation is an innovative technology that is likely to be demonstrated upon expiration of this Order;

3. This new means of emission limitation has a substantial likelihood to achieve final compliance at lower cost in terms of economic, energy, or non-air quality environmental impact over conventional methods and technology;

4. Such new means of emission limitation is not likely to be used without this Order;

5. Compliance with the terms of PSD Permit No. HI 78-02 for Units 1-5 is impracticable prior to or during installation of the new means;

6. The issuance of this Order is consistent with the policy and intent of section 113(d)(4) of the Act;

7. The Order requires HECO to use the best practicable system of emissions reduction during the period the Order is in effect; and

8. The timetable and final compliance is as expeditious as practicable.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule set forth in this Order is as expeditious as practicable, and the terms of this Order comply with section 113(d) of the Act.

Therefore, it is hereby Agreed an Order that:

A. HECO shall proceed on a development program directed toward installation of the Flakt Hydro Flue Gas Desulfurization System or equivalent (hereinafter referred to as "Seawater Scrubbers") at the Kahe power plant as a means of continuous emission control in order to attain and maintain NAAQS for sulfur dioxide and to comply with PSD Permit HI 78-02.

B. The development program set out in paragraph A shall include biological and environmental research on the marine ecosystem and on other non-air environmental conditions around the Kahe facility, including potential adverse effects of Seawater Scrubbers, review of the optimum size and configuration of Seawater Scrubbers for the Kahe power plant, analysis of the technical and economic performance characteristics of Seawater Scrubbers in contrast to alternative means of emission limitation, and analysis of the long-term reliability of Seawater Scrubbers.

C. Such development program shall be known as the "HECO Development Program for Seawater Scrubbers at Kahe," as more particularly defined in that document bearing such name, approved by EPA on ———. The development program and the increments of progress set forth in such document shall be a partof this Order and enforceable under paragraph P.

D. HECO shall submit quarterly progress reports on its development program and the increments of progress contained therein to U.S. EPA in accordance with the following schedule:

(1) Within five months of the effective date of this Order, a report summarizing progress during the first three months of the program.

(2) Every three months thereafter, a quarterly report summarizing progress in the preceeding quarterly period.

(3) A final report to be completed within 24 months following the effective date of this Order.

E. At the end of the 24-month period following issuance of this Order, HECO shall either:

(1) submit to U.S. EPA a schedule containing increments of progress (as specified in 40 CFR 51.1(q)) for installation and operation of Seawater Scrubbers, or

(2) invoke the provisions of paragraph G of this Order.

F. Any compliance schedule submitted under paragraph E (1) shall require compliance with PSD Permit HI 78-02, or emission limitations for sulfur dioxide equivalent to those required by Permit HI 78-02, as expeditiously as practicable, but no later than February 20, 1986.

G. (1) The U.S. EPA and HECO recognize that the bases of this Order include:

(a) the requirement of PSD Permit HI 78-02 that Kahe Units 1-5 use fuel with sulfur content not exceeding 0.5 percent by weight, and

(b) the Administrator's determination that Seawater Scrubbers have a substantial likelihood of achieving continuous emission reduction equivalent to that required by PSD Permit HI 78-02 at lower cost within the meaning of section 113(d)(4)(C)(ii) of the Clean Air Act.

(2) U.S. EPA recognizes that a change in either of these two bases would constitute grounds for revision of the terms of this Order. Such a change could result from

(a) a determination by EPA that the 0.5 percent sulfur fuel requirement of PSD Permit HI 78-02 should be amended, as a result of the air quality monitoring program described in the document "Kahe Air Quality Monitoring Program," approved by EPA on ———, or

(b) a determination by HECO, based upon the development program referred to in paragraphs A-C of this Order and other relevant data, that Seawater Scrubbers no longer appear to have a substantial likelihood of achieving emission reductions upon expiration of this Order equivalent to those required by PSD Permit HI 78-02 at lower cost within the meaning of section 113(d)(4)(C)(ii) of the Clean Air Act.

(3) HECO may request a revision of this Order based upon EPA's determination that PSD Permit HI 78-02 should be amended or upon HECO's determination set forth in subparagraph (2)(b) of this paragraph G. Any such revision will be accomplished by notification to HECO by U.S. EPA of approval of the request and will thereupon be considered incorporated herein by reference. Such notification will be published in the **Federal Register**. EPA agrees to grant such approval for any request which is in accordance with the procedures and criteria of this paragraph G.

H. If this Order is revised under paragraph G to provide for compliance with PSD Permit HI 78-02 solely by means of the sulfur content of fuel oil, such compliance shall be as expeditiously as practicable but no later than six months from the date of approval by U.S. EPA of HECO's request. If this Order is revised under paragraph G to provide for compliance with PSD Permit HI 78-02 by other means, such compliance shall be as expeditiously as practicable but no later than February 20, 1986.

I. Within 60 days of completion of construction of the Seawater Scrubbers or alternative control means, HECO shall achieve compliance with the requirements of PSD Permit HI 78-02 applicable to Units 1-5 or any revision thereto. HECO shall submit performance test results to U.S. EPA to demonstrate such compliance. Such performance tests shall be conducted in accordance with 40 CFR 60.8 and 60.46.

J. HECO shall provide the U.S. EPA and the DOH at least 30 days' notice prior to conducting any performance tests in order to afford EPA and DOH an opportunity to evaluate the proposed test methods and procedures to be used and to enable the agencies to have an observer present at such testing.

K. During the term of this Order, the sulfur content of the fuel oil burned at Units 1-5 of the Kahe power plant shall not exceed 2.0 percent sulfur by weight. EPA has determined that this is the best practicable system of emission reduction during the period the Order is in effect.

L. HECO shall be required to carry out the contingency plan described in the document "Kahe Contingency Plan" as approved by EPA on ———. Such Plan shall be a part of this Order, enforceable under paragraph P, and shall be implemented during adverse air quality conditions as more particularly described in the approved plan and shall remain in effect until the termination of this Order. If such contingency plan is amended at any time during the term of this Order a copy of such amended contingency plan shall be immediately submitted to EPA for approval. The requirements of the approved contingency plan shall remain in effect, unless and until such amended plan is approved by EPA. EPA has determined that the use of low sulfur fuel oil during adverse air quality conditions, as defined by the contingency plan, represents the best practicable system of interim emission reduction during the term of this Order and therefore satisfies the requirements of section 113(d)(7) of the Act.

M. HECO shall notify EPA in writing of its compliance or noncompliance (and reason therefor) with any incremental step or final compliance date provided in this Order within 15 days after the date the action was required. If any delay is anticipated in meeting any requirements of this Order, HECO shall immediately notify EPA in writing citing the reasons for the anticipated delay. Such notification does not excuse the delay. All submittals and notifications to EPA pursuant to this Order shall be made to the Regional Administrator, Region 9, U.S. EPA, 215 Fremont Street, San Francisco, California 94105, or such other persons as specified by EPA. In addition, all submittals and notifications to EPA requird by this Order shall be transmitted simultaneously to the DOH.

N. Nothing contained in these Findings or Order shall affect HECO's responsibility to comply with State of Hawaii laws or regulations or other Federal laws or regulations during the term of this Order.

O. HECO is hereby notified that its failure to meet the interim requirements of this Order or to achieve final compliance by February 20, 1986, or such earlier date as may be required in a revised compliance schedule established in accordance with paragraph H, at the source covered by this Order may result in a requirement to pay a noncompliance penalty in accordance with section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, HECO will be formally notified pursuant to section 120(b)(3), 42 U.S.C. 7420(b)(3) and any regulations promulgated thereunder of its noncompliance.

P. Violation of any requirement of this Order shall result in one or more of the following actions:

(1) Enforcement of requirements pursuant to section 113(a), (b) or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c), including possible judicial action for any injunction and/or penalties and in appropriate cases criminal prosecution.

(2) Revocation of this Order, after notice and opportunity for public hearing, and subsequent enforcement of PSD Permit HI 78-02 in accordance with the preceding paragraph.

Q. HECO is protected by section 113(d)(10) of the Act against Federal enforcement action under section 113 of the Act and citizen suits under section 304 of the Act for violation of PSD Permit HI 78-02 as applicable to Units 1-5 during the period the Order is in effect and HECO remains in compliance with the terms of such Order.

R. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, section 303 of the Act, 42 U.S.C. 7603.

S. This Order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator or her delegate determines on the record, after notice and hearing, that an inability to comply with PSD Permit HI 78-02 no longer exists.

T. This Order shall become effective upon final promulgation in the **Federal Register**.

Dated:

Administrator, U.S. Environmental Protection Agency.

HECO has reviewed this Order, consents to the terms and conditions of this Order, and considers it to be a reasonable means by which HECO can achieve final compliance with PSD Permit HI 78-02 or any revision thereto adopted consistent with this Order.

Dated:

Hawaiian Electric Company, Inc.

Peter C. Lewis,

By its Vice President.

C. Dudley Pratt,

By its President.

[FR Doc. 82-413 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 86

[AEN-FRL-2024-6]

Application for Waiver of Effective Date of 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles; Request for Public Comments and Opportunity for Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comments and notice of opportunity for a hearing.

SUMMARY: This notice requests public comment and provides interested parties with an opportunity to request a hearing to consider an application that General Motors Corporation (GM) submitted to EPA on December 17, 1981. The application is for a waiver of the 1981 model year carbon monoxide (CO) exhaust emission standard for its 3.8 liter(L), 4.4L and 5.0/5.7L engine families. Based on information currently before me, and assuming the public comments and testimony, if any, do not persuade me to the contrary, I am inclined to grant a waiver for these engine families because they all appear to qualify according to the same rationale under which EPA has granted CO waivers to other engines families.

DATES: EPA has scheduled a public hearing on January 27, 1982, beginning at 9:00 a.m. to consider GM's waiver application. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than January 25, 1982.

Interested parties may also submit written comments to the public docket on this waiver application until January 29, 1982, to ensure that I can consider these comments in my evaluation of this waiver application. If no party testifies at the hearing, EPA will consider the waiver application based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol St., S.W., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Mr. Michael Chernekoff as noted below. Parties wishing to submit written comments should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Information submitted by GM, as well as any comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN-81-6, located in EPA's Central Docket Section (A-130), Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), 401 M St., S.W., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(5) of the Clean Air Act, as amended (Act) (42 U.S.C. 7521(b)), authorizes EPA to waive application of the 1981 and 1982 model year statutory CO emission standard applicable to light-duty motor vehicles and engines upon the request of a manufacturer for a specific vehicle model if the Administrator makes certain findings specified under section 202(b)(5)(C) of the Act.

On December 17, 1981, GM submitted an application for a waiver of the 1981 model year statutory CO standard for its 3.8L, 4.4L and 5.0/5.7L engine families. These engine families were manufactured by GM's Chevrolet Motor Division and were used in 1981 GM A-Body, B-Body and F-Body cars. The GM application asserted that these engine families qualify for waivers under the same rationale EPA used to grant waivers in EPA's other CO waiver decisions. After my initial review of GM's submission it appears that the three GM engine families will likely qualify for a waiver under that rationale.

GM's states that service information indicates that vehicles of these engine families are experiencing unanticipated problems with their emission control hardware. Specifically, GM explains that the pelleted dual-bed catalytic converter on some vehicles of these engine families become "plugged" causing high back pressure in the exhaust system. This converter plugging condition, which is occurring at relatively low mileage, manifests in poor engine performance which causes a noticeable loss of power and thus adversely affects vehicle driveability.

GM indicated that a waiver of the 3.4 grams per mile (g/mi) statutory standard to an interim standard of 7.0 g/mi could enable GM to install replacement pelleted single-bed (three way) converters on affected cars. GM has not fully diagnosed the problem, though GM considers this to be its most expeditious solution at the present time. Data submitted by GM indicate that these engine families, when utilizing the single-bed converter, generally exhibit CO emissions slightly above the 3.4 g/mi statutory standard, but also generally exhibit higher fuel economy and lower oxides of nitrogen (NO_x) emissions.

Therefore, GM has applied for waivers for these engine families, indicating that waivers could provide GM with the flexibility to restore these vehicles, which constituted a significant portion of GM's 1981 model year production, to their orignial level of driveability. The improved driveability as well as better fuel economy of these vehicles potentially realized by the replacement catalytic converter could make them more attractive to consumers, and could improve the competitiveness of GM's entire product line.

The serious financial difficulties from which certain automobile manufacturers, GM included, currently are attempting to recover are well known, as are the problems which those difficulties pose for the national economy and employment. In light of the current market situation, GM could use the flexibility which waivers could provide to benefit its market competitiveness and, thereby, continue to improve its financial position.

The concerns which GM has identified in its application are comparable to those which the Court in *International Harvester v. Ruckelshaus*, 478 F. 2d 615 (D.C. Cir. 1973), indicated EPA should take into account in weighing the risks of erroneously denying a request for a one year suspension of the effective date of two statutory standards mandated by the 1970 version of the Act. At a time when members of the automobile industry are facing significant problems in many areas, the public interest to be served by granting waivers must be carefully balanced against the environmental benefits which denials in this instance would likely achieve. EPA relied upon concerns of these types in recent CO waiver decisions. In those decisions, EPA granted waivers, in part, because it recognized the significance of the current economic circumstances and the flexibility which waivers could provide to manufacturers experiencing economic difficulties to improve the fuel economy, driveability or cost of the engine families receiving waivers.

At this point in the proceeding, it appears that GM's 3.8L, 4.4L and 5.0/5.7L engine families fit under the same rationale that EPA employed to grant waivers in those CO waiver decisions. A thorough analysis of GM's application and any public comments and testimony must still be undertaken. However, based on my initial review of the information presently before me, I am inclined to grant CO waivers for these engine families based on the rationale described above.

I am now requesting public comments and providing an opportunity for a public hearing. EPA plans to hold the hearing on January 27, 1982. The procedures under which the hearing will be held are the same as those EPA has employed for previous CO hearings (See 46 FR 21629 (April 7, 1981)).

Interested parties may submit written comments to the public docket until January 29, 1982, to ensure that I can consider those comments in formulating this waiver decision. At the hearing, the Agency will make a verbatim record of the proceeding. Interested persons may obtain a copy of the transcript from the Manufacturers Operations Division or the Public Docket by so arranging with the reporter during the hearing. I will base determinations with regard to GM's waiver requests on the record of the public hearing, if any, and on any other relevant written submissions submitted to, or otherwise included in, the record. This information will be available for public inspection at the EPA Central Docket Section in docket number EN-81-6. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it only announces the Agency's inclination regarding a waiver request for three models produced by one manufacturer, and requests comments and provides an opportunity for a hearing on that waiver request. This action does not grant or deny the request. Moreover, if EPA does eventually grant the request it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The applicant, GM, indicated that if EPA granted the waiver, GM would be able to restore these vehicles to their original level of driveability. Improved driveability as well as better fuel economy could enable GM to improve its competitive position in the marketplace.

Dated: December 31, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82-479 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-26-M

---

40 CFR Part 799

[OPTS-42008; TSH-FRL-2005-2]

Phenylenediamines; Response to Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 4(e) of the Toxic Substances Control Act (TSCA) established an Interagency Testing Committee to recommend to the Administrator of the EPA a list of chemical substances and mixtures to be considered for the development of test rules under TSCA section 4(a). On May 28, 1980, the ITC recommended that the class phenylenediamines be considered for testing for their toxic effects on human health and the environment. EPA currently feels that toxicological data for the phenylenediamines and the exposure potential of thirteen PDAs are sufficient to warrant proposing those 13 of the 47 chemicals recommended by the ITC for testing under section 4(a)(1)(A). EPA is considering the desirability of placing 34 additional phenylenediamines whose production is low or unknown or that are not currently in production, under other regulatory authority such as section 5(a) significant new use rule or a section 8(a) reporting rule.

DATE: Written comments should be submitted on or before March 9, 1982.

ADDRESSES: Written comments should be addressed to: Document Control Officer, (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPTS 42008. The administrative record, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll

free: (800–424–9065), In Washington D.C.: (554–1404), Outside the USA: (Operator–202–544–1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(a) of TSCA authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

In order to make a section 4(a)(1)(A) finding, EPA must determine that the manufacture, distribution in commerce, processing, use or disposal of a chemical substance or mixture, or any combination of such activities, may present an unreasonable risk of injury to health or the environment, that insufficient data exist to characterize the potential effects of that chemical to human health and the environment, and that testing is necessary to develop such data. In order to make a section 4(a)(1)(B) finding, EPA must determine that a substance is produced in substantial quantities and that there is or may be significant or substantial human exposure or substantial environmental release of that substance, that there are insufficient data to characterize the potential effects of that chemical to human health and the environment, and that testing is necessary to develop such data.

Section 4(e) of TSCA established the Interagency Testing Committee (ITC) to recommend chemicals to the Administrator of EPA for priority consideration for test rules under section 4(a). The Committee may at any one time designate up to 50 of its recommendations for priority attention by EPA. Within 12 months of that designation, EPA either must initiate rulemaking to require testing or publish in the **Federal Register** reasons for not doing so.

The ITC's Sixth Report to the Administrator published in the **Federal Register** of May 28, 1980 (45 FR 35897), included a recommendation that the phenylenediamines be tested for their effects on human health and the environment.

The phenylenediamines (PDAs) were defined by the ITC as: "all nitrogen-unsubstituted phenylenediamines with zero to two substituents on the ring selected from the same or different members of the group of halo, nitro, hydroxy, hydroxy-lower alkoxy, lower-alkyl and lower-alkoxy. For this purpose, the term 'lower' is defined as a group containing between one and four carbons." The ITC listed 50 PDA's as occurring on the TSCA Public Inventory. EPA's review has identified 47 of these chemicals (listed in Table A) that fall within the stated definitioin. Note that, in the Sixth ITC Report, #18 and #32 are the same chemical and #29 and #38 are the same chemical. Number 22 (CAS 1477550) on the ITC list is a xylene derivative that does not fit the definition. The total number of CAS numbers listed in Table A, which is based upon the original ITC list, is 49, while the total number of chemicals is 47.

There is some ambiguity in the counting of PDA owing to possible equivalency of free bases and their salts. EPA has for the present chosen to use the ITC list as its reference point, retaining various salts of a single PDA as individual entries.

Thus, for example, the 13 compounds listed in Table C represent only nine distinct PDA bases. For purposes of EPA's preliminary determination of exposure potential, the total production of all base and salt forms of a particular PDA was used. Public comments on this ANPR will help the Agency to decide how to treat this kind of redundancy.

Table A—Phenylenediamines, (as adapted from the May 28, 1980 Federal Register List) [1]

CAS No. and Name

(1) 95545 o-Diaminobenzene
(2) 95705 2,5-Diaminotoluene
(3) 95807 1,3-Diamino-4-methylbenzene
(4) 95830 o-Phenylenediamine, 4-chloro-
(5) 99569 o-Phenylenediamine, 4-nitro-
(6) 106503 p-Diaminobenzene
(7) 108452 m-Diaminobenzene
(8) 108714 3,5-Diaminotoluene
(9) 137097 2,4-Diaminophenol dihydrochloride
(10) 496720 1,2-Diamino-4-methylbenzene
(11) 541695 m-Phenylenediammonium dichloride
(12) 541708 m-Phenylenediamine, sulfate (1:1)
(13) 614948 m-Phenylenediamine, 4-methoxy-, dihydrochloride
(14) 615054 m-Phenylenediamine, 4-methoxy-
(15) 616281 1,2-Phenylenediamines dihydrochloride
(16) 615452 1,4-Benzenediamine, 2-methyl-, dihydrochloride
(17) 615463 p-Phenylenediamine, 2-chloro-, dihydrochloride
(18) 615509 2,5-Diaminotoluene sulfate (1:1)
(19) 624180 p-Phenylenediamine dihydrochloride
(20) 823405 2,6-Diamino-1-methylbenzene
(21) 1197371 o-Phenylenediamine, 4-ethoxy-
(22) 2687254 1,2-Diamino-3-methylbenzene
(23) 3663238 o-Phenylenediamine, 4-butyl-
(24) 5042557 m-Phenylenediamine, 5-nitro-
(25) 5131588 m-Phenylenediamine, 4-nitro-
(26) 5131602 m-Phenylenediamine, 4-chloro-
(27) 5307028 p-Diaminoanisole
(28) 5307142 p-Phenylenediamine, 2-nitro-
(29) 6219676 m-Phenylenediamine, 2-nitro-
(30) 6219712 p-Phenylenediamine, 2-nitro-
(31) 6219778 o-Phenylenediamine, 4-nitro-, sulfate
(32) 6369591 1,4-Benzenediamine, 2-methyl-, dihydrochloride
(33) 15872738 4,6-Diamino-o-cresol
(34) 16245776 p-Phenylenediamine sulfate
(35) 13266529 p-Phenylenediamine, 2-nitro-, dihydrochloride
(36) 20103097 p-Phenylenediamine, 2,5-dichloro-
(37) 25376458 Diaminotoluene
(38) 39156417 2,4-Diaminoanisole sulfate
(39) 42389300 1,2-Benzenediamine, 5-chloro-3-nitro-
(40) 62654175 1,4-Benzenediamine, ethanedioate (1:1)
(41) 65879449 4,6-Diamino-2-methylphenol, hydrochloride
(42) 66422955 Ethanol, 2-(2,4-diaminophenoxy)-, dihydrocholoride
(43) 67801063 1,3-Benzenediamine, 4-ethoxy-, dihydrochloride
(44) 68015985 1,3-Benzenediamine, 4-ethoxy-sulfate (1:1)
(45) 68239805 m-Phenylenediamine, 4-chloro-, sulfate
(46) 68239827 1,2-Benzenediamine, 4-nitro, sulfate (1:1)
(47) 68239838 1,4-Benzenediamine, 2-nitro-, sulfate (1:1)
(48) 68459983 1,2-Benzenediamine, 4-chloro-, sulfate (1:1)
(49) 68906847 1,3-Benzenediamine, ar-ethyl-ar-methyl

The ITC recommended that the untested and inadequately tested compounds should be evaluated through testing for carcinogenicity, mutagenicity, teratogenicity, and for other health effects (with particular emphasis on blood, bone marrow and nervous system disorders), through epidemiological studies on those phenylenediamines for which there is significant human exposure potential, and through assessment of environmental effects, particularly on organisms repeatedly exposed from constant release sources. The ITC felt that the high production levels of some phenylenediamines and the "demonstrated or suspected health

[1] The list published in the **Federal Register** has been edited and validated so that only those chemicals adhering to the ITC definition are included. One chemical, number 22, a,a'-Diamino-m-xylene (CAS No. 1477550) has been deleted from the list. Number 22 is deleted because it does not adhere to the ITC's definition of a phenylenediamine given in the **Federal Register**.

Note also that for CAS No. 6369591 (**Federal Register** No. 33, No. 32 in Table A) that the correct name is 1,4-Benzenediamine, 2-methyl-, sulfate, not 1,4-Benzenediamine, ethanedioate (1:1) as listed in the **Federal Register**. Numbers 29 and 38 are the same chemical with two different CAS numbers.

The names of the chemicals are the names listed on the Ninth Collective Index. There may be differences within the test of some of the CAS numbers. The names of the chemicals used in the text are the names for the chemicals which are found in the literature.

effects associated with certain phenylenediamines, and the general usage of these kinds of chemicals" justified the designation of the phenylenediamines for assessment by EPA and consideration of rulemaking under section 4(a).

II. Response of EPA to the ITC Report

A. Analysis by EPA of Data on Phenylenediamines

EPA has reviewed the ITC report, the available data on which the recommendation was based, information obtained from EPA's own information-gathering activities, and materials submitted to the Agency by the public. EPA's search of computerized data banks for data on the phenylenediamines first identified over 100,000 articles as potentially containing information on phenylenediamines; EPA staff were able to reduce this number to 7480 pertinent citations. Additional screening by EPA staff identified approximately 900 of these articles from which an evaluation of the production, use, exposure, and health and environmental hazard of phenylenediamines is being made. A list of these articles is included in the public record of this proceeding. The Agency is also reviewing submissions of data by E. I. duPont De Nemours & Company; The Cosmetic, Toiletry and Fragrance Association; the Natural Resources Defense Council; and the Food and Drug Administration.

Preliminary analyses of exposure, production, use and effects of these substances have been completed; a summary of this information is presented in Unit III below. Several issues have been identified which the Agency will try to resolve through updated literature searching, continued evaluation of literature in hand, and evaluation of public comment on the issues presented in Unit IV of this Notice.

B. Tentative Section 4(a) Findings for Phenylenediamines

This advance notice of proposed rulemaking (ANPR) is EPA's response to the ITC. By publishing this ANPR EPA is initiating rulemaking on the phenylenediamines, as required by TSCA section 4(e). This notice also presents a summary of the Agency's thinking about the phenylenediamines based on its preliminary analyses, certain tentative conclusions, its proposed rulemaking schedule, and the major issues that have been identified during the Agency's evaluation to date of phenylenediamines that must be resolved before issuance of a test rule.

Applying the section 4(a) criteria to a complex structural class such as the PDAs is difficult because of the variations in properties and commercial status among the different compounds.

The Agency believes that either a section 4(a)(1)(A)(i) or a section 4(a)(1)(B)(i) finding could be made for variously chosen sets of PDAs but has tentatively decided that the best approach to take for this class of chemicals is to make section 4(a)(1)(A) findings, because the data available to the Agency on exposure and release potential are uneven while the toxicological effects and physicochemical properties are better documented and more consistent than the exposure data. On the basis of the known toxicological characteristics (Table B) of certain PDAs, the structural similarities among group members, the numerous possibilities for structural transformation, and the toxicological activities of other aromatic amines to mammals, fish and aquatic invertebrates, testing of the 13 PDAs in Table C for health and environmental effects and environmental fate is tentatively being considered for proposal under section 4(a)(1)(A).

TABLE B.—TOXICITY OF PHENYLENEDIAMINES*

	Carcinogenicity**							Mutagenicity		Chromosome damage	Cell transformation	Teratogenicity	Reproduction	Neurotoxicity	Other
	BL	K	F	L	M	T	S	Bacteria	Eukaryotes						
o-phenylenediamine (95545)[a].				+[c]				+							
m-phenylenediamine (108452).								+	+		?				
m-phenylenediamine dihydrochloride (541695).	–[b]														+
p-phenylenediamine (106503).								+	+	–					
p-phenylenediamine dihydrochloride (624180)[a].	±	±			±	±									
4-chloro-o-phenylenediamine (95830)[a].	+			±	±	±[c]		+							+
4-chloro-m-phenylenediamine (5131602)[a].				+[c]	±	±									
2-chloro-p-phenylenediamine sulfate (6219712)[a].	±			±[c]	±	±[c]									
2-nitro-p-phenylenediamine (5307142)[a].				+[c]	±			+	+	+[f]	+	+			
4-nitro-m-phenylenediamine (5131588).								+							
4-nitro-o-phenylenediamine (99569)[a].				±[c]	±	±	±	+	+	+[f]	+	+			
2,4-toluenediamine (95807)[a].	±	±		±[c]	+	±		+	+		+				+.
2,5-toluenediamine (95705).								+			+	+[f]			
2,5-toleuenediamine sulfate (6369591)[a].	±	±													
2,6-toluenediamine (323405).								+							
2,6-toluenediamine dihydrochloride (823405)[a].		±		±[c]	±	±[c]									

TABLE B.—TOXICITY OF PHENYLENEDIAMINES*—Continued

	Carcinogenicity**							Mutagenicity		Chromosome damage	Cell transformation	Teratogenicity	Reproduction	Neurotoxicity	Other
	BL	K	F	L	M	T	S	Bacteria	Eukaryotes						
3,4-toluenediamine (496720).								+							
2,5-diminoanisole (5307028).								+			−				
2,4-diaminoanisole (615054).								+	+[g]						
2,4-diaminoanisole sulfate (39156417)[a].		±	±	±[c]	±	+[c]	+[e]								
4-methoxy-m-phenylenediamine (6219676).									+						
4-ethoxy-m-phenylenediamine (68015985)								+							

After Brennan, et al. 1981 and Sontag 1981.
*Positive response = +; Negative response = −; Low frequency observed or possible dose related response = ±; equivocal response = ?; blank space = response not observed for cancer and not documented for mutagenicity, chromosome damage, and cell transformation, carcinogenicity responses not otherwise noted are for rats.
**Bladder = BL, Kidney = K; Forestomach = F; Liver = L; Mammary gland = M; Thyroid gland = T; Skin and skin glands = S.
[a] 78 week treatment.
[b] 103 week treatment.
[c] Carcinogenicity in mice, too.
[d] Significant only in mice.
[e] Rat micronucleus test = −; Human peripheral blood lymphocyte, Chinese hamster prostrate, and C3H/10T mouse cells = +.
[g] Equivocal response in L5178Y mouse lymphocytes; positive *Drosophila melanogaster*.
[h] Reported as non-carcinogenic, but data not available.
[i] Subcutaneous injection 5, 50 mg/kg, between days 7–14 in mice caused skeletal abnormalities.
[j] Embryotoxic without showin teratogenic activity (Marks 1980).
[k] Medullary and spinal type convulsions within 20–30 min. after injection (Hanzlik 1923).

TABLE C.—EFFECTS FOR WHICH TESTING IS BEING CONSIDERED

CAS No. and chemical name	(1,000 lbs) production and imports	Exposure NIOSH predicted	Oncogenicity	Teratogenicity	Reproductive toxicity	Mutagenicity	Acute toxicity	Chronic toxicity	Epidemiology	Chemical fate	Aquatic toxicity*	Avian toxicity	Plant toxicity	Bioconcentration
(1) 95807 2,4-diaminotoluene.	139,400–200,500			X	X	X	X	X	X	X	X	X	X	X.
(2) 823405 2,6-diaminotoluene.	21,000–110,000		X											
(3) 25376458 diaminotoluene, unspecified isomers.	50,000–100,010	7281	X	X	X	X	X	X	X	X	X	X	X	X.
(4) 106503 p-phenylenediamine.	36,500–48,000	81537	X	X	X	X		X	X	X	X	X	X	X.
(5) 16245775 p-phenylenediamine sulfate.	1–10		X	X	X	X	X	X	X	X	X	X	X	X.
(6) 624180 p-phenylenediamine dihydrochloride.	<1		X	X	X	X	X	X	X	X	X	X	X	X.
(7) 2687254 2,3-diaminotoluene.	2,000–22,000		X	X	X	X	X	X	X	X	X	X	X	X.
(8) 496720 3,4-diaminotoluene.	500–8,000		X	X	X	X	X	X	X	X	X	X	X	X.
(9) 108452 m-phenylenediamine.	100–1,136	12590		X	X			X	X	X	X	X	X	X.
(10) 541708 m-phenylenediamine sulfate (1:1).	<1		X	X	X	X	X	X	X	X	X	X	X	X.
(11) 95705 2,5-diaminotoluene.	100–1,000		X	X	X	X	X	X	X	X	X	X	X	X.
(12) 6369591 2,5-diaminotoluene sulfate (unspecified ratio).	3–113	8680	X	X	X	X	X	X	X	X	X	X	X	X.
(13) 95545 o-phenylenediamine.	100–200 (1700–1800)		X	X	X	X	X	X	X	X	X	X	X	X.

( )Values estimated by Mathtech (1980).
*Both vertebrate and invertebrate testing are being considered.

These PDAs are those believed to have significant exposure potential and the highest production. The Agency is also considering the possibility of proposing short term testing for health and environmental effects under section 4(a)(1(A) for chemicals that are otherwise tentatively not being considered for testing.

The effects tentatively identified by EPA as needing testing include oncogenicity, mutagenicity (gene mutations and chromosomal aberrations), teratogenicity, neurotoxicity, reproductive effects, and environmental effects including environmental fate.

EPA does not intend to include the remaining phenylenediamines in a section 4(a) test rule because they are produced in low quantities, are known not to have sufficient exposure subject to TSCA jurisdiction (see Unit III below) or are not currently in commercial production.

III. Summary of Technical Background Information

The following analysis is based upon the Agency's preliminary evaluation of the PDAs. EPA's investigation is continuing. Information received in response to this ANPR could markedly change the tentative conclusions set forth below.

A. Human Exposure Potential

Combined reported domestic production for 22 of the phenylenediamines listed by the ITC exceeds 227 million pounds (103,000 kkg) from 32 different manufacturing companies. Eight of the PDAs have been reported as being produced in unspecified amounts and 18 of the PDAs are reported as not commercially available. NIOSH estimates indicate that a combined total of approximately 64,000 people (after correction for non-TSCA exposure) are potentially exposed in the work place to seven phenylenediamines whose total combined production is approximately 50 million pounds (22.7 kkg). The remaining 15 PDAs for which production data are known have a combined production of 177 million pounds (80.5 kkg), or more than three times that of those included in the NIOSH study; in the absence of specific exposure information or estimates it is reasonable to expect that the number of workers exposed to these 15 PDAs may equal or exceed that obtained in the NIOSH study.

Phenylenediamines are used in dyes, either directly as color-yielding compounds or as intermediates, as curing agents, reagents, and chemical intermediates, and in the synthesis of fungicides, drugs and vulcanization accelerators (see table D for a summary of uses) (Mathtech 1980, Sutta et al. 1981a).

TABLE D.—USES OR POTENTIAL USES OF 47 PHENYLENEDIAMINE COMPOUNDS

CAS	Unknown	Synthesis fungicides	Dye intermediate	Hair dye	Dye other than hair	Chemical intermediate	Photographic developing agent	Identification agent	Synthesis drugs	Curing agent	Reagent	Synthesis antioxidants/antiozonants	Fiber production	Vulcanization acceleration
(1) 95-54-5		X	X	Y				X						
(2) 95-70-5			X	X										
(3) 95-80-7				X	X	X								
(4) 95-83-0			X	X					X	X	X			
(5) 99-56-9				X				X			X			
(6) 106-50-3			X	X		X	X				X	X	X	X
(7) 108-45-2			X	X		X	X			Y			X	
(8) 108-71-1	X													
(9) 137-09-7				X	X	X					X			
(10) 496-72-0				Y		Y						X		
(11) 541-69-5				Y							X			
(12) 541-70-8	X													
(13) 614-94-8				X	X									
(14) 615-05-4			X	X	X									
(15) 615-28-1	X													
(16) 615-45-2	X													
(17) 615-48-3	X													
(18) 615-50-9			X	X										
(19) 624-18-0				Y	X						X			
(20) 823-40-5			Y			X								
(21) 1197-37-1				Y										
(22) 2687-25-4												X		
(23) 3663-[illegible]-8	X													
(24) 5042-55-7				Y										
(25) 5131-[illegible]-8				Y	Y									
(26) 5131-[illegible]			X	Y	X									

TABLE D.—USES OR POTENTIAL USES OF 47 PHENYLENEDIAMINE COMPOUNDS—Continued

CAS	Unkown	Synthe- fungicides	Dye intermedi-	Hair dye	Dye other than hair	Chemical intermediate	Photo-graphic develop-ing agent	Identifica-tion agent	Synthe-size drugs	Curing agent	Reagent	Synthe- antioxi-dants/ antiozon-ants	Fiber produc-tion	Vulcaniza-tion acceleration
(27) 5307-02-8.				Y										
(28) 5307-14-2.				X	X									
(29) [2] 6219-67-6.				X	X									
(30) 6219-71-2.				X	Y								Y	
(31) 6219-77-8.	X													
(32) [1] 6369-59-1.														
(33) 15872-73-8.	X													
(34) 16245-77-5.	X													
(35) 18266-52-9.	X													
(36) 20103-09-7.	X													
(37) 25376-45-8.					Y	X				Y				
(38) [2] 39156-41-7.				X	X									
(39) 42369-30-0.				Y										
(40) 62654-17-5.	X													
(41) 65879-44-9.	X													
(42) 66422-95-5.	X													
(43) 67801-06-3.	X													
(44) 68015-98-5.				Y	Y									
(45) 68239-80-5.	X													
(46) 68239-82-7.	X													
(47) 68239-83-8.				X	Y									
(48) 68459-58-3.	X													
(49) 68966-84-7.	X													

X—Indicates use for the stated purpose.
Y—Indicates possible use for the stated purpose.
[1] Numbers 18 and 32 are the same chemical with two different CAS numbers.
[2] Numbers 29 and 38 are the same chemical with two different CAS numbers.
(Sutta et al. 1981a)

It is apparent from the uses of PDAs summarized in Table D that TSCA-covered exposure to these substances is most likely to occur in various workplace situations. However, there are a few applications that could cause a large number of consumer exposures, including use in photographic developers to which amateur darkroom workers may be exposed, and use in dyes, to the extent that such dyes are sold for consumer use or may migrate from fabrics in contact with human skin. Furthermore, human exposure to PDAs may also occur indirectly via substances that are made from PDAs and which retain the PDA moiety (or substructure) in a form that may be chemically or biologically regenerated as a PDA. Examples of such substances include toluene diisocyanate, some photographic developers, and materials formed in synthetic fiber production (Sutta et al. 1981c).

In addition, there seems to be interchangeability among PDAs for some uses, and the Agency must take into account the possibility that, if a particular commercial PDA is ordered to be tested, or found to be hazardous, it may be replaced by another PDA, previously of little or no commercial importance, that is poorly characterized toxicologically. For example, dyes containing different PDAs which produce similar colors on hair can be substituted for each other (Sutta, et al. 1981c). Thus, the Agency is aware that 2,4-toluendediamine (2,4-TDA), 4-methoxy-m-phenylenediamine (MMPDA) and 4-ethoxy-m-phenylenediamine (EMPDA) have served as substitutes for each other as hair dye intermediates [1], that all three are mutagenic to bacteria and that 2,4-TDA and MMPDA are carcinogenic to rats (Prival et al. 1980). Sutta, et al (1981c) also report that a product brochure for a 35:65 mixture of 2,3- and 3,4-diaminotoluene lists it as an alternative for o-phenylenediamine.

EPA is aware that p-phenylenediamine, M-phenylenediamine, 2,5-diaminotoluene sulfate, 4-nitro-o-phenylenediamine, 4-methoxy-m-phenylenediamine sulfate, 4-nitro-m-phenylenediamine, 2-chloro-p-phenylenediamine sulfate, m-phenylenediamine dihydrochloride, 4-methoxy-m-phenylenediamine dihydrochloride, 4-ethoxy-m-phenylenediamine sulfate (1:1), p-

[1] Both 2,4-TDA and MMPDA are reported as having been used in dyes other than hair.

diaminoanisole, and 2-nitro-p-phenylenediamine sulfate have substantial uses in the manufacture of hair dye either as active ingredients in permanent hair dyes or as intermediates in the synthesis of semipermanent dyes. Approximately 15 million individuals per year are potentially exposed to these PDAs as a result of either personal use or in the application of hair dyes to other people (Sutta et al., 1980). However, the use of phenylenediamine hair dyes falls under the authority of the Food Drug and Cosmetic Act of 1938. Because section 3 of TSCA excludes cosmetics subject to the Food, Drug and Cosmetic Act from TSCA jurisdiction, exposure potential as a result of hair dye use is not being considered as a basis for testing in this Notice. The TSCA usage and exposure potential of the first three chemicals listed above appear to be sufficient to justify their inclusion among the PDAs for which EPA is tentatively considering proposing testing. If information is furnished that there is minimal or no TSCA usage of the remaining substances named above, the Agency will reconsider its tentative determination to retain these substances in the broader group of PDAs for the purpose of this rulemaking evaluation.

B. Environmental Release of Phenylenediamines

Data for environmental release of phenylenediamines are sparse. A materials balance analysis for 2,4-diaminotoluene (2,4-DAT) indicates that of the 433 million pounds (196,900 kkg) produced, over 23.3 million lbs (10,600 kkg) of 2,4-DAT was potentially released to the environment during its production and use in 1977 (Johnston et al. 1980). Sutta, *et al.* (1981c) estimated that, during the production of toluene diisocyanate (TDI), less than 4 percent of the total volume of phenylenediamines consumed during TDI production would be released into the environment. From this predicted release, these authors projected the annual PDA release from this activity into environmental compartments to be 11–18 million pounds (4,4-7.2 kkg) to land, 3–4.5 million lbs. (1.2-1.8 kkg) to water, and 120 lbs (48 kg) to the atmosphere.

EPA has found little information on the loss of PDAs to the environment when used as additives; p-phenylenediamine used as an anti-oxidant in rubber for pipejoints in sewer mains did not leach into the water after 8 years (Mulcock, 1976). EPA has no information on whether the other PDAs demonstrate similar immobility when they serve as additives in dyes, plastics, rubber, etc.

C. Environmental Persistence and Fate

Aromatic amines are relatively reactive compounds that may undergo fairly rapid transformation in the environment, for example the oxidation of o- and p-PDAs to quinones. Thus the lifetime of some PDAs could be short under environmental conditions. The compounds m-phenylenediamine, o-phenylenediamine, p-phenylenediamine, and 2,4-diaminotoluene can undergo some biodegradation in both soil and water environments (Pitter 1976, Horitsu et al. 1977, Richardson 1980). In laboratory experiments, activated sludge biodegraded the concentrations of p-, m-, and o-phenylenediamines to 80 percent, 60 percent, and 33 percent, respectively, of their original concentrations within 120 hours (Pitter 1976, Pitter and Radkova 1974, Verschueren 1977). Under actual use conditions, however, even assuming biodegradation rates of this magnitude, PDAs may enter terrestrial and acquatic ecosystems at levels that will result in a net accumulation of substance over time. Furthermore, the PDAs include a broad range of structure types, some of which may be considerably more stable than others, for example because of the presence of deactivating substituents such as nitro groups, or because of the formation of stable complexes with metals (in the case of o-PDAs). Pesticides derived from the aromatic amine 3,4-dichloroaniline undergo soil microbial or chemical transformation to 3,3', 4,4'-tetrachloroazobenzene, a highly toxic chemical (Bartha 1971, Bartha & Prama 1967, Bartha & Pramer 1968). Similar reactions are theoretically possible with phenylenediamines, but the Agency is unaware of any studies that would clarify the point.

As illustrated in Table E, the octanol/water partition coefficient is low for the eight PDAs for which Log P_{oct} has been determined. Hence, there appears to be little potential for bioaccumulation of these PDAs. However, data have not been identified to substantiate this prediction.

TABLE E.—PHYSICAL PROPERTIES OF PHENYLENEDIAMINES

Name Cas No.	MW	Lg P_{oct}/w	MP °C	BP °C
2,5 diaminotoluene 95705.	122.17	0.25	64	273/274.
2,4 diaminotoluene 95807.	122.17	.50	99	292.
3,5 diaminotoluene 108714.	122.17	NA	40	283–285.
3,4 diaminotoluene 496720.	122.17	.65	88.5	265 (sub).
2,6 diaminotoluene 823405.	122.17	.5	105	
2,3 diaminotoluene 2687254.	122.17	.65	63/64	255.

TABLE E.—PHYSICAL PROPERTIES OF PHENYLENEDIAMINES—Continued

Name Cas No.	MW	Lg P_{oct}/w	MP °C	BP °C
p-phenylenediamine 106503.	108.15	−.25	145/147	267.
m-phenylenediamine 108452.	108.15	0	61/64	282/284.
o-phenylenediamine 95545.	108.15	.15	102/103	256/258.
(Brennan & Siczek 1981.)				

D. Toxic Effects Potential

The carcinogenic activities of 14 PDAs in mice and rats have been studied (USEPA 1980a). Six PDAs are reported as being carcinogenic (Table B). Of these, o-phenylenediamine, 2,4-diaminoanisole, and 4-chloro-o-phenylenediamine were carcinogenic to both rats and mice. Eight PDAs were not carcinogenic under the reported experimental conditions (NCI 1978c, NCI 1978d, NCI 1979c, USEPA 1980a). Bladder, liver, kidney, thyroid and skin cancer have been noted to occur at low frequencies during shorter term chronic tests of PDAs in rats and mice (Table B). Long term (103+ weeks) chronic studies have shown that bladder tumors may be caused by chemicals which, tested for a shorter period such as 78 weeks, did not provide clear evidence for induction of bladder cancers (Sontag 1981).

The Agency's preliminary study of the reports of the carcinogenicity testing has generated concern that the actual concentrations of phenylenediamine being received by the test animals may have been lower than the concentration of PDA mixed with the feed. In the studies evaluated to date, administration of PDAs has been in the feed. These reports indicate that the mixing of a PDA into the feed resulted in an uneven distribution of PDA within the sample (NCI 1979c, NCI 1979d, NCI 1980). The chemical properties of PDAs are such that PDAs could be partially oxidized in the feed before the experiment was completed. E. I. du Pont de Nemours & Co. (1980) reports that when o-PDA was mixed with animal feed, only 75 percent of the initially mixed concentration could be recovered by extraction after 24 hours and that less than 50 percent could be recovered after 7 days. Only for 2,6-toluenediamine dihydrochloride was the compound concentration reported as being stable for 2 weeks at temperatures up to 45° C (NCI 1980).

Eight PDAs are reported as being mutagenic to bacterial cells and not

further tested; six phenylenediamines have been shown to be mutagenic to both bacteria and eukaryotes (Table E). 2,5-Diaminoanisole (CAS 5307028) is reported as being mutagenic to bacteria and not to L5178Y mouse lymphoma cells. 4-Nitor-o-phenylenediamine (CAS 99569) and 2-nitro-p-phenylenediamine (CAS 99569) and 2-nitro-p-phenylenediamine (CAS 5307142) are reported to cause chromosome damage to Chinese hamster prostate cells and to C3H/10T½ mouse cells. 4-Methoxy-m-phenylenediamine sulfate (CAS 6219–676) is reported to be mutagenic to *Drosophila* and to have ambiguous mutagenic effects on mouse lymphoma cells (USEPA 1980a). The preliminary analysis of mutagenicity data indicates that untested PDAs have a potential to cause both gene mutations and chromosomal aberrations.

Teratogenic activity has been identified for three PDAs. Subcutaneous injections of 2,5-diaminotoluene into mice during days 7-14 of gestation resulted in skeletal anomalies, exencephaly and congenital facial cleft (Inouye and Murakami 1977). In a separate experiment subcutaneous injections of 2-nitro-p-phenylenediamine and 4-nitro-o-phenylenediamine were teratogenic to mice. However, 2, 5-diaminotoluene was not teratogenic in this experiment (Marks et al 1980). The Marks et al (1980) experiment does provide evidence of a potential adverse reproductive effect of 2,5-diaminotoluene since embryotoxicity was noted during this experiment. No teratogenic activity was observed when PDAs were mixed into hair dyes and topically administered to rabbits and rats prior to and during gestation (Wernick et al 1975, Hogan and Rinehart 1977).

A potential for neurotoxic effects of PDAs is indicated by one study in which unspecified doses of injected m-PDA and p-PDA caused convulsions in four mammalian species, with neuromuscular effects in frogs (Hanzlik 1923).

Other toxic effects have been noted during the range-finding determinations for the NCI bioassays, such as slight hematopoietic effects and cytoplasmic vacuolation of hepatocytes and bile duct hyperplasia for 2,4-diaminotoluene and renal medullary hemorrhage for 2,6-toluenediamine dihydrochloride. 2, 4-Diaminoanisole sulfate did not produce noticeable abnormalities in rats and mice during the range finding tests.

2,4-Diaminotoluene induces methemoglobinemia; because this effect is characteristic of many aromatic amines (de Bruin 1978), other PDAs besides 2,4-DAT are suspect for this property.

Although the Agency has little information on the environmental effects of PDAs, other better characterized aromatic amines, such as anilines, are known to be toxic to aquatic invertebrates and vertebrates.

PDAs have the potential to be converted metabolically and nonbiologically to a variety of compounds that may still be toxicologically active in humans or other organisms. Quinones, hydroxylated or acetylated derivatives, and azo or azoxy derivatives (see above, Unit III.C) are possible examples. o-PDAs are potential metal-chelating agents that could disturb physiological systems dependent on metal ions. The Agency has little information on the metabolic fate either of those PDAs that have undergone some toxicological testing or those that have not.

IV. Issues

1. Are the exposure-related data on which EPA is basing its tentative section 4(a)(1)(A) testing decision accurate? In order to help the Agency refine its analysis of the phenylenediamines, EPA solicits the submission of more detailed exposure information on individual PDAs, including the numbers of workers at manufacturing, processing, and use sites actually involved with PDAs, use patterns, and potential exposure of workers, consumers and the general public. The Agency is likewise soliciting information on the release, potential release, disposal, transformation products, persistence and bioaccumulation of individual phenylenediamines. The Agency is particularly interested in receiving occupational and environmental monitoring data for these chemicals or their transformation products. The Agency will reconsider which PDAs should be tested if new production and other exposure-related data on the compounds warrant this.

2. The Agency is considering monitoring the future production of the 34 PDAs listed in Table F, and any other PDAs which might be manufactured and which conform to the ITC definition, under TSCA section 5(a) significant new use rule (SNUR) or under a TSCA section 8(a) reporting rule.

TABLE F.—PHENYLENEDIAMINES FOR WHICH ALTERNATIVE ACTION UNDER TSCA IS BEING EVALUATED

CAS	
1. Phenylenediamines produced but with no production data published	
108714	3,5-diaminotoluene.
1197371	4-ethoxy-o-phenylenediamine.
5042557	5-nitro-m-phenylenediamine.
3663238	4-butyl-o-phenylenediamine.
68966547	1,3-benzenediamine ar-ethyl-ar-methyl.
615281	o-phenylenediamine dihydrochloride.
56239827	4-nitro-o-phenylenediamine sulfate.
5131502	4-chloro-m-phenylenediamine.
2. Phenylenediamines not produced commercially	
615452	2,5-diaminotoluene dihydrochloride.
62554175	p-phenylenediamine ethanilosta.
541696	m-phenylenediamine dihydrochloride.
614946	4-methoxy-m-phenylenediamine dihydrochloride.
67801063	4-ethoxy-m-phenylenediamine dihydrochloride.
68015985	4-ethoxy-m-phenylenediamine sulfate (1:1).
5307028	p-diaminoanisole.
18266529	2-nitro-p-phenylenediamine dihydrochloride.
68239838	2-nitro-p-phenylenediamine sulfate.
42389300	5-chloro-3-nitro-o-phenylenediamine.
6219778	4-nitro-o-phenylenediamine dihydrochloride.
68239805	4-chloro-m-phenylenediamine sulfate.
68459988	4-chloro-m-phenylenediamine sulfate.
615463	2-chloro-p-phenylenediamine dihydrochloride.
20103097	2,5-dichloro-p-phenylenediamine.
15872738	4,6-diamino-o-cresol.
65879449	4,6-diamino-o-cresol hydrochloride.
66422955	2-(2,4-diaminophenoxy) ethanol dihydrochloride.
3. Phenylenediamines with production levels reported to be less than 1 million pounds or which are used primarily in hair dyes	
5307142	2-nitro-p-phenylenediamine.
5131568	4-nitro-m-phenylenediamine.
95830	4-chloro-o-phenylenediamine.
6219712	2-chloro-p-phenylenediamine sulfate.
137097	2,4-diaminophenol dihydrochloride.
39156417	4-methoxy-m-phenylenediamine sulfate.
99569	4-nitro-o-phenylenediamine.
615954	4-methoxy-m-phenylenediamine.

The Agency has identified eight PDAs from the ITC listing that have been reported as being produced but for which production data are not published (Table F, Part 1). Eighteen PDAs on the ITC list have been characterized as not commercially available (Table F, Part 2). Eight PDA's have been identified whose current production volume appears to be quite low or whose use and exposure patterns result primarily or exclusively from their use in hair dyes (Table F, Part 3). In light of the large number of PDAs that have shown some form of serious toxicity such as carcinogenicity or mutagenicity, and the possible interchangeability of PDAs, some form of alternative action appears to be the best way to avoid requiring testing of relatively low production and exposure PDAs now but still protect the public against substitution of a poorly characterized, potentially hazardous PDA in the future. The Agency invites comments on the alternatives to testing discussed below.

(A) A significant new use rule (SNUR) under section 5(a) would define certain new uses of PDAs as "significant new uses." A person responsible for manufacturing or processing for a use defined by the rule would be required to submit a notice of intent under section 5(a)(1) at least 90 days before

manufacturing or processing for the new use occurs. The information required to be submitted includes identity of the compound and byproducts, projected uses, amounts of substance to be produced and processed for each use, environmental and health data, numbers of persons expected to be exposed and duration of the exposure, and the manner in which the material is to be disposed. The Agency would be responsible for reviewing data on any significant new use to assess its effect on human health and the environment. A SNUR would let EPA take appropriate followup action if a significant increase in exposure is projected. EPA has a period of 90 days in which to review the health and environmental implications of the new use, but may extend the period up to an additional 90 days for good cause.

(B) Placing PDAs on the 5(b)(4) list in combination with issuing a SNUR for these chemicals would provide EPA the information and opportunity for followup action in alternative (A) and also provide additional data that may help EPA assess the potential risks of these chemicals. Section 5(b)(2)(A) requires persons submitting a notice on chemicals subject to a SNUR that are also on the 5(b)(4) list to submit data which they believe show that the manufacturing, processing, distribution in commerce, use and disposal of the chemical substance will not present an unreasonable risk of injury to health or the environment.

(C) A section 8(a) reporting rule would require the same information to be reported as a SNUR in alternative (A). However, there are differences in who is required to report and the frequency of reporting. For example, a section 8(a) rule could require regular periodic reporting or could require persons to report when certain events occurred. Furthermore, it would extend to all manufacturers and processors (except small ones), unlike a SNUR which reaches only persons manufacturing and processing a chemical for a new use. Unlike a SNUR, a section 8(a) rule, on its own, could not require reporting by small manufacturers and processors.

(D) Placing PDAs on the 5(b)(4) list in combination with a section 8(a) reporting requirement would have the same effect as alternative (C) but would also subject small manufacturers and processors to the section 8(a) reporting requirement.

3. Is environmental fate and effects testing of PDAs needed? EPA has encountered little information that sheds light on the environmental fate of PDAs. Because of the known biological activity of PDAs, their release potential and their potential to undergo a variety of transformations that may not be detoxifying, and the known hazards of aromatic amines, such as anilines, to aquatic organisms, the Agency is considering proposing both fate and environmental toxicity testing for all of the chemicals listed in Table C. However, the Agency has tentatively decided that testing for bioaccumulation is not necessary for PDAs whose Log P_{oct} values are known to be lower than 1. Octanol/water partition coefficient determination is being considered as a requirement for the remaining PDAs listed in Table C.

The Agency would welcome the submission of data on environmental fate and persistence of these substances, including monitoring data obtained near known points of release. The Agency is also interested in obtaining information on potentially harmful transformation products and bioaccumulation of individual phenylenediamines, and on additional testing which will adequately characterize the environmental toxicity of PDAs.

4. For a given test organism, should some or all PDAs be administered as salts rather than as free bases? This would be expected to increase the stability of the materials, but changes the possible exposure routes and pharmacokinetic properties (for example, vapor pressures of the salts are lower than those of the free bases, while water solubilities are much greater). Resolution of the compound stability question discussed in Unit III.D will influence decisions on which chemicals should be tested and the most reliable means of administration of the chemical to test organisms. Should all PDAs be administered by the same route? This would increase comparability of results, but might result in some discrepancies between acutal and experimental exposure routes.

5. How many individual phenylenediamines should be tested? The Agency is aware that requiring full testing of the entire class or even the 13 PDAs listed in Table C may be impractical and unecessary.

As mentioned in Unit II.B, phenylenediamines are a complex structural class. Within the class, there do not appear to be any clear structural relationships with respect to PDA oncogenic activity. The 22 PDAs for which at least one toxicological study has been completed to date have all shown some adverse biological activity. It is highly likely that the remaining untested PDAs will also show biological activity when they are tested. The Agency is therefore considering proposing testing for the 13 substances that are reported to be produced in quantities exceeding one million pounds (454 kkg). EPA is soliciting opinions as to both the number of PDAs to be proposed for testing and the specific PDAs that should be proposed for testing (Issues 6 and 7 bear on this question). Should full testing be required of all PDAs selected for testing? Full testing for some and short term tests for others? Should a respresentative sampling be chosen? If so, what basis should be used to select the sample chemicals?

6. Which of the PDAs not characterized for carcinogenicity should be individually tested for their carcinogenic activity? In its Sixth Report published in the **Federal Register** of May 28, 1980 (45 FR 35897), the ITC argued that, since aromatic (mono-& polycyclic) amines have been shown to be carcinogenic, then the phenylenediamines would" . . . *a priori* . . . (be) suspect as a result of belonging to a chemical class known to have certain properties associated with carcinogenicity." Because most of the oncogenicity tests on PDAs were relatively short-duration tests, and because aromatic amines have been associated with slowly induced bladder tumors, the negative results cited for 8 PDAs (see Unit III.D) should be interpreted with caution. Should the chemicals for which negative results were reported under these conditions be retested?

The Agency is considering proposing oncogenicity testing of all inadequately characterized PDAs listed in Table C (including additional testing of some of those chemicals already tested in less than full term bioassays). Because 4-chloro-o-phenylenediamine, 4-chloro-m-phenylenediamine, 2-nitro-p-phenylenediamine, 2,4-toluenediamine and 4-methoxy-m-phenylenediamine, sulfate are oncogenic under experimental conditions, EPA has tentatively decided not to consider additional oncogenicity testing for these chemicals.

The Agency is interested in receiving comment on the adequacy of the existing experimental data to characterize the oncogenicity of the tested phenylenediamines.

7. Should all phenylenediamines be tested for mutagenicity in bacteria or does the large number of positive bacterial mutagenicity tests (see Unit III.D) indicate that only tests in higher organisms need to be conducted?

In general, EPA believes that a positive bacterial mutagenicity test should be followed by testing in

Drosophila. The results of the *Drosophila* testing would then be used to determine whether additional *in vivo* or *in vitro* mutagenicity would be recommended. Of the compounds in Table E, only 2,6-diaminotoluene and 2,3-diaminotoluene have not undergone bacterial mutagenicity testing and would ordinarily be under tentative consideration for such testing. However, because 14 PDAs are reported positive in bacterial tests, the Agency is considering whether all PDAs should be presumed to have mutagenic potential for the purpose of determining how many PDAs should be subjected to the next stage of mutagenicity testing. The Agency welcomes comments on this issue.

8. Should all of the uncharacterized PDAs selected for testing be tested for teratogenic, reproductive, neurological and other chronic effects? Data on the toxic effects, other than mutagenicity and oncogenicity, are sparse. The data analysed to date for 2,5-diaminotoluene, 2-nitro-p-phenylenediamine, 4-nitro-o-phenylenediamine, m-phenylenediamine, p-phenylenediamine, 2,4-diaminotoluene, and 2,6-toluenediamine dihydrochloride tentatively suggest that teratogenic, reproductive, neurotoxic and other adverse effects may be demonstrated by other members of the class. The Agency welcomes comments on these potential effects of concern.

V. Development of Rulemaking

EPA, after analysis of the comments to the ITC Report and preliminary review of available data, believes that there is reason to proceed with detailed consideration of the recommendations for testing under the rulemaking process identified in TSCA section 4(b).

The purpose of the rule to be proposed is to obtain data which may be evaluated to determine the effect of the chemicals on health and the environment. These data once submitted will be assessed to determine whether sufficient risk is presented to pursue regulatory control. EPA in publishing this ANPR wishes to receive early comment on its tentative basis for requiring testing and on the tests the Agency believes necessary to characterize the effects of the phenylenediamines. The Agency plans to publish a Notice of Proposed Rulemaking by October, 1982.

The Agency will analyze all comments received in response to this ANPR on toxicological effects, exposure, production and use information and other issues. The Agency will also accept any voluntary testing plans submitted for review and comment. These testing plans need not be final for inclusion in the ANPR comments, but should be formal protocols for proper review.

VI. Phenylenediamine References

1. Bartha R. 1971. Fate of herbicide-derived chloroanilines in soil. J. Agr. Food Chem. 19(2):385–387.

2. Bartha R and Pramer D. 1967. Pesticide transformation to aniline and azo compounds in soil. Science 156:1617–18. June 23.

3. Bartha R, Linke HAB, and Pramer D. 1968. Pesticide transformations: Production of chloroazobenzenes from chloroanilines. Science 161:582–583, Aug. 9.

4. deBruin, A. 1976. Anomalies in hemoglobin-methemoglobinemia. *In:* biochemical toxicology of environmental agents. Elsevier/North-Holland. New York, p. 1259.

5. E. I. du Pont de Nemours & Co., 1980. TSCA Sec 4(e) Submission OTS–41002. Comments on sixth ITC report. Office of Toxic Substances. Washington, DC: U.S. Environmental Protection Agency.

6. E. I. du Pont de Nemours & Co., 1980. Sixth report of the Interagency Testing Committee Docket No. OTS–41002. Submitted to USEPA August 18, 1980 OTS 41002/C5.

7. Hanzlik, PJ. 1923. The pharmacology of some phenylenediamines. J. Indust. Hyg. 386–409.

8. Hogan GY and Rinehard WE. 1977. A modified segment II teratology study of hair dyes in mice. Bio/dynamics Inc.

9. Inouye M and Murakmi U. 1977. Teratogenicity of 2,5-diaminotoluene, a hair dye constituent, in mice. Fd. Cosmet. Toxicol. 15, 447–451.

10. Johnston P, Burger R, Hodge V, Walker K. 1980. Level I Materials Balance, 2,4-diaminotoluene. Revised final report. JRB Associates. U.S. Environmental Protection Agency. Contract No. 68–01–5793.

11. Marks TA, Gupta BN, Ledoux TA and Stoples RE. 1980. Teratogenic evalution of 2-nitro-p-phenylenediamine, 4-nitro-o-phenylenediamine and 2,5-toluenediamine sulfate in the mouse. [In press.]

12. Mathtech, Inc. 1980. Level 1 economic evaluation, phenylenediamines. Draft. U.S. Environmental Protection Agency. Contract No. 68–01–5864.

13. Mulcock AP. 1976. The biodegradation of natural rubber pipe-joint rings in sewer mains. In: Int. biodegradation symp. 3rd, Proc. Barking, England, Appl. Sci. pp. 659–664.

14. NCI. 1978a. National Cancer Institute. Bioassay of 2,4-diaminoanisole sulfate for possible carcinogenicity. Carcinogenesis technical report No. 84. Washington, DC. Department of Health, Education and Welfare. DHEW Publ No. (NIH) 78–1334.

15. NCI. 1978b. National Cancer Institute. Bioassay of 4-chloro-m-phenylenediamine for possible carcinogenicity. Carcinogenesis technical report No. 85. Washington, DC: Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 78–1335.

16. NCI. 1978c. National Cancer Institute. Bioassay of 2-chloro-p-phenylenediamine sulfate for possible carcinogenicity. Carcinogenesis technical report No. 113. Washington, DC. Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 78–1388.

17. NCI. 1978d. National Cancer Institute. Bioassay of 2,5-toluenediamine sulfate for possible carcinogenicity. Carcinogenesis technical report No. 126. Washington, DC: Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 78–1361.

18. NCI. 1979a. National Cancer Institute. Bioassay of 2,4-diaminotoluene for possible carcinogenicity. Carcinogenesis technical report No. 162. Washington, DC. Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 79–1718.

19. NCI. 1979b. National Cancer Institute. Bioassay of 2-nitro-p-phenylenediamine for possible carcinogenicity. Carcinogenesis technical report No. 169. Washington, DC: Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 79–1725.

20. NCI. 1979c. National Cancer Institute. Bioassay of p-phenylenediamine dihydrochloride for possible carcinogenicity. Carcinogenesis technical report No. 174. Washington, DC. Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 79–1730.

21. NCI. 1979d. National Cancer Institute. Bioassay of 4-nitro-o-phenylenediamine for possible carcinogenicity. Carcinogenesis technical report No. 180. DHEW Publ. No. (NIH) 79–1736.

22. NCI. 1980. National Cancer Institute. Bioassay of 2,6-toluenediamine dihydrochloride for possible carcinogenicity. Carcinogenesis technical report No. 200. Washington, DC. Department of Health, Education and Welfare. DHEW Publ. No. (NIH) 80–1756.

23. Pitter P. 1976. Determination of biological degradability of organic substances. Water Res. 10(3): 321–325.

24. Pitter P. and Radkova H. 1974. Relation between the structure and the biodegradability of organic compounds. Sb. Vys. Sk. Chem.-Technol. Praze, Technol. 19:99–109.

25. Sontag JM. 1981. Carcinogenicity substituted-benzenediamines (phenylenediamines) in rats and mice. JNCI 66(3):591–602.

26. Sutta BE, Hardy J, McCaleb KE, Millard AJ, Pawlovich AA, Rich PA, Swett OB. 1981a. Preliminary assessment of exposure to 49 phenylenediamine compounds. SRI International. Washington DC: U.S. Environmental Protection Agency. Contract #68–01–6016.

27. Sutta BE, Hardy J, McCaleb KE, Millard AJ, Pawlovich AA, Rich PA, Swett LB. 1981b. First draft occupational exposures to phenylenediamine compounds. SRI. International. Washington DC: U.S. Environmental Protection Agency. Technical Directive 1.3.1, 21 May, Tasks A1 and A2. Contract #68–01–6016.

28. Sutta BE, Hardy J, McCaleb KE, Millard AJ, Pawlovich AA, Rich PA, Swett LB. 1981c. Exposure pathways, manufacture, chemical integrity of phenylenediamine moiety, and substitutes for phenylenediamine compounds SRI International. Washington DC: U.S. Environmental Protection Agency. Technical Directive 1.3.1., 19 June. Tasks A3 and A6. Contract #68–01–6016.

29. USEPA. 1980a. Environmental Protection Agency. Computer printout: Chemicals in commerce information system (non-confidential file), Office of Pesticides and Toxic Substances, Washington, DC, Retrieved August 25, 1980.

30. USEPA. 1980b. Sixth report of the Interagency Testing Committee to the Administrator, Environmental Protection Agency: Receipt of the report and request for comments regarding priority list chemicals. Federal Register May 28, 1980, 45 FR 35897. (Federal Register July 18, 1980, 45 FR 48510).

31. Verschueren K. 1977. Handbook of environmental data on organic chemicals. New York: Van Nostrand Reinhold Co.

32. Vernick T Lanman BM and Fraux JL. 1975. Chronic toxicity. Teratologic and reproduction studies with hair dyes. Toxicol. Appl. Pharmacol. 32: 450–460.

(Sec. 4, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: December 30, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82-418 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 73, and 74

[Gen. Docket No. 81-911; RM-3533; FCC 81-596]

Reallocate Frequency Bands to Television and Radio Respectively in the State of Alaska

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to revise its Rules which up until now allowed Government and non-Government licensees to use certain frequencies in Alaska for fixed communications instead of conventional TV and FM Radio. Under this proposal, these frequencies would be returned to the broadcast services. The Alaska Public Broadcasting Commission stated in its petition that there is a shortage of TV and FM Channels available in Alaska. This action contemplates the shared use of these frequencies by the broadcasters and fixed licensees, provided the former do not cause harmful interference to existing fixed licensees. New fixed licensees will operate on a secondary (non-interference) basis. The reallocation action proposed herein would make possible the allotment and assignment of additional VHF–TV and FM radio channels to Alaska.

DATES: Comments must be received on or before February 16, 1982, and replies on or before March 3, 1982.

ADDRESS: Federal Communications Commission 1919, M Street, NW., Washington D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554 (202) 653–8164—Room 7310.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2 of the Commission's Rules governing Frequency Allocations, 73 of the Commission's rules governing the Radio Broadcast Services, and 74 governing Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services to reallocate the frequency bands 76–88 and 88–100 MHz to television and radio respectively in the State of Alaska.

Adopted: December 24, 1981.

Released: January 7, 1982.

1. In 1955, the Commission amended its Rules and Regulations to allow Government and non-Government fixed operations in the frequency band 76–100 MHz in the State of Alaska (Docket 11140 19 FR 5378). The spectrum in question is allocated to the Broadcast Services in the continental U.S. and is commonly referred to as VHF Television Channels 5 and 6 (76–88 MHz) and FM Radio Channels 201–260 (88–100 MHz); The frequencies were needed for the Department of the Air Force's Alaska Communications System and at the time it was generally believed that the foreseeable population of Alaska would not support a need for TV and FM broadcasting between 76 and 100 MHz. Indeed, no assignments had been made to TV or FM broadcast stations in the Territory of Alaska in that frequency range at that time.

2. On November 30, 1979, the Alaska Public Broadcasting Commission (APBC) filed a petition for rule making (RM–3533) requesting amendment of the FCC's Rules to allocate TV Channels 5 and 6 and FM Channels 201–260 to the State of Alaska. Comments were filed by Alascom, Inc. (Alascom), Association of Maximum Service Telecasters (MST), Division of Communications of the State of Alaska (State of Alaska), and Capital Community Broadcasting, Inc. (CCBI). All four parties supported the APBC petition, although Alascom qualified its support by suggesting that the reallocation provide for its (Alascom's) continued fixed use of the 76–100 MHz frequency band. Aascom is the only non-Government licensee currently operating under the provisions created in 1955 and set forth in Footnote US23 of Part 2 (§ 2.106) of the Rules. Alascom's use of these frequencies is in support of oil exploration and recovery and is largely limited to remote areas. The support of MST extends only to the reallocation of the two VHF–TV Channels because MST's interest is with Television and therefore does not include the FM Radio Channels.

3. As a result of Alascom's comments, the Commission's staff met with Alascom and petitioner's attorneys to work out a sharing agreement which would be mutually agreeable. The result of the meeting was an agreement to share the 76–100 MHz band, with Broadcast Services having primary access to the frequencies and new Common Carrier Rural Radio Services having secondary status.[1] Existing fixed operations, which are listed in Appendix B, shall be protected from harmful interference from VHF–TV and FM stations operating in the 76–100 MHz band. This shared arrangement is practicable because Alascom's Fixed use is in remote areas where there should be no conflict with broadcast use. If this proposed sharing agreement proves acceptable to the public and subsequent allotments to Alaska are made, the Alaskan population should benefit from the availability of considerably more TV and FM Radio Channels as well as the continued use of the same spectrum for telephone service in certain remote locations.

4. The Commission recently had another rule making in progress, Docket 80–710, in which the bands 76–88 and 98–108 MHz were reallocated in Hawaii for Broadcast uses by the adoption of a Report and Order on September 17, 1981. In a subsequent action in that proceeding, the Commission will consider the issue raised by the petitioner, Lee M. Holmes, of assignment of one or more of the Channels to the Hawaiian market(s). In the instant proceeding APBC has not requested a channel assignment to a specific community and in the interest of maintaining the simplicity of the reallocation matter, no requests for individual communities should be submitted in comments or reply comments. Rather they should wait until a decision is made in this proceeding.

[1] According to § 2.105(g)(3) of Part 2 of the rules and Geneva Radio Regulation No. 130, "Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date."

5. Accordingly, the Commission is issuing this Notice of Proposed Rule Making for reallocation from the Fixed Service of the bands 76–88 MHz (TV Channels 5 and 6) to the TV Broadcast Service and 88–100 MHz (FM Channels 201–260) to the FM Broadcast Service in Alaska by deletion of footnote US23 to the Table of Frequency Allocations, § 2.106. Both bands will remain available for Fixed use on a secondary basis. Existing fixed licensees, which are listed in Appendix B, shall be protected from harmful interference according to the terms of new footnote NG129.

6. The proposed amendments to Parts 2, 73 and 74 of the Rules, as set forth in Appendix A, are issued pursuant to the Communications Act of 1934, as amended.

7. Pursuant to Section 605 of the REgulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 94 Stat. 1164; 5 U.S.C. 601 et seq.) the Commission certifies that the action proposed herein will not have a significant economic impact on a substantial number of small entities. There is only one radio common carrier, Alascom, operating in the Fixed Service in Alaska in the 76–100 MHz range, and that entity is not a small business according to the Small Business Administration's criteria. The availability of additional TV and FM Channels would have a positive impact on any prospective Alaskan broadcaster.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before February 16, 1982, and reply comments on or before March 3, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

9. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that ex parte contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an ex parte presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a number of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written ex parte presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral ex parte presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each ex parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. It is ordered, that a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

11. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

12. For further information concerning procedures to follow with respect to this rule making proceeding, contact Maureen Cesaitis (202) 653–8164. A summary of the Commission's procedures governing ex parte contacts in informal rule making is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1065, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 2 and 73 of chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

1. Section 2.106 is amended by removing footnote designator US23 in column 5 for the bands 76–88 and 88–108 MHz.

2. Section 2.106 is amended by adding a new footnote, NG129, in column 7 for the bands 76–88 and 88–108 MHz.

3. Section 2.106 is amended by removing the text of footnote US23 from the list of footnotes following the Table of Frequency Allocations.

4. Section 2.106 is amended by adding a new footnote to the list of footnotes following the Table to read:

NG129 In Alaska, the bands 76–88 MHz and 88–100 MHz are also allocated to the Fixed service on a secondary basis to the Broadcast service. Broadcast stations operating in these bands shall not cause interference to non-Government fixed operations authorized prior to January 1, 1982.

PART 73—RADIO BROADCAST SERVICES

1. In § 73.220, paragraph (b) is revised to read as follows:

§ 73.220 [Amended]

* * * * *

(b) In Alaska, the frequencies 92.1–107.9 MHz (Channels 221–300) may be assigned to FM broadcast stations; however, these stations shall not cause harmful interference to non-Government fixed operations authorized to operate on these frequencies before January 1, 1982.

2. In § 73.501, paragraph (b) is revised to read as follows:

§ 73.50 [Amended]

* * * * *

(b) In Alaska, the frequencies 87.9–91.9 MHz (Channels 200–200) may be assigned to FM broadcast stations; however, these stations shall not cause harmful interference to non-Government fixed operations authorized to operate on these frequencies before January 1, 1982.

3. In § 73.603, paragraph (b) is revised to read as follows:

§ 73.603 [Amended]

* * * * *

(b) In Alaska, the frequency bands 76–82 MHz (Channel 5) and 82–88 MHz (Channel 6) may be assigned to television broadcast stations; however, these stations shall not cause harmful interference to non-Government fixed operations authorized to operate in these bands before January 1, 1982.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In § 74.702, the last sentence of paragpraph (b) (1) is revised and now reads as follows:

§ 74.702 Frequency assignment.

(a) * * *

(b) (1) Any one of the 12 standard VHF Channels (2–13 inclusive) may be assigned to a VHF translator on condition that no interference is caused to the direct reception by the public of the signals of any television broadcast station operating on the same or any adjacent channels. Channels 5 and 6 may be assigned in Alaska but such assignments shall not cause harmful interference to non-Government fixed operation authorized to operate on these frequencies before January 1, 1982.

2. In § 74.1202, paragraph (b) (3) is revised to read as follows:

§ 74.1202 [Amended]

* * * * *

(b) * * *

(3) Channels 201–260 (88.1–99.9 MHz) may be assigned for use by FM translators in Alaska; however, such assignment shall not cause harmful interference to non-Government fixed operations authorized to operate on these frequencies before January 1, 1982.

APPENDIX B.—LIST OF RECEIVE SITES OF EXISTING FIXED OPERATIONS AS OF JANUARY 1, 1982, INCLUDING PROPOSED INTERFERENCE PROTECTION CRITERIA

Rx stations	Latitude	Longitude	Rx freq (MHz)	Rx occupied BW (KHz)	Rx threshold sensitivity (C/N-10xlog) (dBm)	Antenna type	Antenna gain (dBi)	Ground elevation ft. AMSL	Antenna ft. AGL	Call sign	Antenna azimuth	Interference criteria (dBm)
Pelican	57°57'38.00"	136°13'50.00"	98.9000	510	−99	VC.004H (Andrew 3605A)	6.5	50	80	WGF39	318.02°	−118
Cape Spencer	58°11'56.00"	136°38'16.00"	93.5000	510	−99	VC.004H	6.5	70	40	WGF30	137.06°	−118
Cape Spencer	58°11'56.00"	136°38'16.00"	88.6000	510	−99	VY.005H (Scale CLFM)	7.0	70	80	WGF30	85.79°	−118
Gustavus	58°25'4.00"	135°41'43.00"	90.2000	510	−99	VY.005H	7.0	36	60	WGF35	246.52°	−118
Gustavus	58°25'4.00"	135°41'43.00"	92.4000	510	−99	VY.005H	7.0	36	80	WGF35	154.20°	−118
Hoonah	58°7.40'90"	135°25'50.86"	79.1000	510	−99	VY.005H	7.0	1,539	105	WGF826	334.43	−118
Hoonah	58°7.40'90"	135°25'50.86"	88.1000	264	−102	VY.005V	7.0	1,539	105	WGF826	194.89°	−121
Hoonah Village	58°6'29.00"	135°26'27.00"	93.1000	264	−102	VY.005V	7.0	75	80	WGF36	14.38	−121
Boswell Bay	60°25'4.00"	146°9'8.00"	95.4000	510	−99	VY.005H	7.0	782	42	WGF70	57.57°	−118
Sand Point	55°21'3.00"	160°29'15.00"	83.0000	60	−108.5	VC.004H	6.5	250	80	WGF45	350.69°	−127

NOTE.—The interference criteria denote the maximum allowable received interference levels (in dBm) over the receiver occupied bandwidth exceeded no more than 10% of the time.

[FR Doc. 82-394 Filed 1-7-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-897; FCC 81-586]

Applications for Voluntary Assignments or Transfers of Control

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC, acting on its own motion, herein proposes to delete § 73.3597 (a) through (d) of its Rules. These sections comprise what is commonly known as the "three year rule", and require a broadcast application for assignment or transfer filed prior to completion of a three year holding period to be designated for hearing, unless there are certain specified extenuating circumstances or a meritorious waiver request. The FCC believes that the "three year rule" appears to serve no continuing public interest purpose.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 31, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.3597 of the Commission's rules (Applications for Voluntary Assignments or Transfers of Control).

Adopted: December 17, 1981.
Released: December 30, 1981.

1. The Commission, acting on its own motion, here proposes to delete § 73.3597 (a) through (d) of its rules. Section 73.3597 (a) through (d) comprise what is commonly known as the "three year rule." The rule requires a broadcast application for assignment or transfer filed prior to completion of this holding period to be designated for hearing, unless there are certain specified extenuating circumstances or a meritorious waiver request.

2. It is the Commission's view that its rules and policies should be drawn with an eye to the current social, technological and financial environments of licensees and applicants, so as to facilitate maximum service to the listening and viewing public while minimizing the cost induced by regulation. This approach to regulation, which is reflected in our actions in numerous recent rule making proceedings,[1] is consistent both with our Communications Act and with the intent of such recent legislative enactments as the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. As detailed below, we believe that when analyzed in this context, the "three year rule" appears to serve no continuing public interest purpose. We therefore propose elimination of the rule.

Background

3. The Commission has long concerned itself with the issue of possible "trafficking" in broadcast licenses and permits, defined in an early case as the licensee's acquisition of a station "for the purpose of reselling it at a profit rather than for the purpose of rendering a public service." *Powel Crosley, Jr.*, 11 FCC 3, 23 (1945).[2] Factors which have traditionally been considered in determining whether "trafficking" has occurred are time of operation, profit gained or expected from the sale, and intent.[3]

4. Although "trafficking" was an issue considered in numerous proceedings during the Commission's first quarter-

[1] See, for example, *Deregulation of Radio*, 84 F.C.C. 2d 968 (1981), *reconsid. denied*, 87 F.C.C. 2d 797 (1981); *Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations*, 86 F.C.C. 2d 141 (1981); *Revision of Application for Renewal of License of Commercial and Noncommercial AM, FM and Television Licensees*, 46 Fed Reg. 26236, published May 11, 1981; *Representation of Stations by Representatives Owned by Competing Stations in the Same Area*, 87 F.C.C. 2d 668 (1981).

[2] See also *WMIE-TV, Inc.*, 11RR 1091, 1098 (1955); *Harriman Broadcasting Company*, 9 PCC 2d 731 (1967), *aff'd. sub. nom. Crowder* v. *FCC*, 399 F.2d 569 (D.C. Cir. 1968), *cert. denied*, 393 U.S. 962 (1968).

[3] *Combined Communications Corporation*, 72 FCC 2d 637, 648 (1979), *reconsid. denied*, 76 FCC 2d 445 (1980); *Thunderbird Broadcasting Co.*, 61 FCC 2d 1190, 1194 (1976); *Prairieland Broadcasters*, 49 FCC 2d 1377, 1381 (Review Board, 1974); *Atlantic Coast Broadcasting Corporation of Charleston*, 22 RR 1045, 1051 (1962).

century of operation,[4] was not until December, 1960, after significant Congressional attention had been focused on the matter, that a Notice was adopted in Docket No. 13864, FCC 60–1466, 25 FR 12898, proposing adoption of an anti-"trafficking" rule.[5] The Commission observed in the Notice that "frequent turnover of a large number of broadcast stations" had been and was a matter of great concern to it and to the Congress. It stated that "voluntary sales of stations which have been held by their owners for short periods of time raise questions as to whether they are engaged in trafficking in broadcast interests; and whether the resultant uncertainty on the part of station personnel and disruption in operational continuity cause programming deterioration incompatible with programming in the public interest."

5. The proposed cure for these perceived problems was promulgation of what came to be known as the "three year rule."[6] The rule was adopted in March, 1962, in the face of substantial industry opposition.[7] The Commission's rationale for its adoption was in part that the requirement that a hearing be held on the transfer or assignment application of a station operated less than three years by the present licensee would comport with its "special obligation" to insure that "the very high ratio of transfer and assignment applications involving short-term ownership of stations" since 1955 did not involve "trafficking."[8] However, emphasis at least equal to that placed upon the anti-"trafficking" nature of the rule was also given to the possible detriment to service which might result from the sales trend. The Commission noted that while it agreed with opponents of the new rule that "trafficking, standing alone, is to a considerable extent a subjective problem," and that the Commission "has adequate authority to deal with it on a case-to-case basis," this did not "undermine the desirability of the general procedural policy" being adopted. This was particularly the case, the Commission stated, because it was not only "trafficking," but also the trend in broadcast sales, which was being addressed.[9]

Proposal

6. Our review of the stated purposes and apparent impact of the "three year rule" leads us to the view that the rule has outlived whatever validity and utility it may have had, and that its continuance in effect would not serve the public interest. As we have noted, the rule was adopted almost twenty years ago, when many television and most FM radio stations were newly established and broadcasting was not nearly so successful a business enterprise as it has come to be. There generally were fewer stations serving each community. It may well have been appropriate at that time for the Commission to be concerned that what appeared to be a high rate of transfers of these newly-established, not-yet-profitable stations might lead to a deterioration in service to the public. The broadcasting marketplace has, however, changed substantially since the "three year rule" was adopted. The number of operating stations has almost doubled. FM and UHF have attained overall profitability. Radio stations, and, in the larger markets, some television stations as well, have turned to more specialized programming in an effort to obtain a meaningful share of the audience. And, quite significantly, over-the-air broadcasters are increasingly being faced with competition from cable and other services.

7. The conclusion we draw from observation of this well-established over-the-air broadcasting system, operating in an ever more competitive environment, is that it will be the rare case in which sale of a station held less than three years leads to a deterioration of service. We believe, rather, that continuing the rule in effect is more likely to have such an impact. This is because the "three year rule" artifically restricts a station from going to its "higher valued use." A buyer ready and willing to utilize its resources to pay the required price for a given property is more likely to provide the service most desired in a community than an unwilling owner restricted from selling a property it no longer desires only by Commission fiat. Further, the rule's restrictions impose an undesirable cost upon both the present owner, who may be forced to suffer financial loss or forego more appropriate investment opportunities, and upon the public, which may suffer reduced service from a failing operation or lose the opportunity to receive better service which an influx of new capital or a more willing operator might provide.

8. Because of the incentives today present in the marketplace, we also believe that consideration of "trafficking" as it has traditionally been defined in broadcast cases is no longer appropriate. Commission concern regarding "trafficking" has been premised in part on the view that "speculation in licenses" would lead to increased station prices, allowing "only wealthy individuals or businesses" to purchase broadcast properties, and possibly leading the new ownership to decrease the quality of programming and increase the quantity of commercials in an effort to recover its investment. This concern has its basis in what we now believe to be the false dichotomy between purchase of a station for profitable resale and purchase in order to render a public service. Purchase of a station is an investment decision in which consideration of potential profits in resale will frequently be a relevant factor. This consideration does not,

[4] See in this regard Radio Regulation (1st Series), Digest Volume 2, at §§ 53.24Z(4), 53.24Z(7); Digest Volume 2–A, at § 53.24Z.

[5] A staff study and public hearings addressed in part to the "trafficking" issue had been conducted by the Special Subcommittee on Legislative Oversight of the House Committee on Interstate and Foreign Commerce. The staff study, known as the "McMahon Report," was released as "Regulation of Broadcasting: Half A Century of Government Regulation of Broadcasting and the Need for Further Legislative Action," 85th Cong., 2nd Sess. (1958) (Subcommittee Print). The Subcommittee's hearings were published as "Investigation of Regulatory Commissions and Agencies," Part 6, 85th Cong., 2nd Sess. (printed 1959). Following the hearings, the Subcommittee issued the "Harris Report" (after the then-Chairman of the Subcommittee and the full Commerce Committee, Rep. Oren Harris), House Report No. 2711, 85th Cong., 2nd Sess. (printed 1959). See, also, House Report No. 1258, 86th Cong., 2nd Sess. (1962). On March 23, 1960, Chairman Harris introduced H.R. 11340, a bill which would have required, *inter alia*, that no broadcast license be transferred within the first three years after Commission grant or transfer from another licensee, unless a public hearing was first held in the station's service area at which "it is affirmatively established . . . that due to inadequacy of operating capital, death or disability of key management personnel, or other changed circumstances affecting the licensee, occurring subsequent to acquisition of the license, approval of the proposed transfer will serve the public interest, convenience and necessity." The bill died in the 86th Congress, but was reintroduced in the 87th Congress as H.R. 1165 on January 3, 1961, and remained pending at the time the Commission took final action in Docket No. 13864 in 1962.

[6] *Pro forma* assignments or transfers, as well as transfers of translators or FM stations operated for more than three years with Subsidiary Communications Authorizations ("SCAs") held for a lesser period were excluded from the operation of the rule.

[7] *Applications for Voluntary Assignments or Transfers of Control*, 32 FCC 689 (1962).

[8] "Trafficking" was defined as speculation, barter or trade in licenses to the detriment of the public interest.

[9] The Commission commented that if, in a case designated for hearing under the rule, "* * * a transferor establishes that he has not engaged in trafficking, that he has made a good faith effort to fulfill his programming representations or adjust his programming to the needs of his area, that no unwarranted interruption or deterioration in programming service has occurred, or will occur, incompatible with broadcasting in the public interest, and that he has a valid reason for transferring the station after only a brief period of operation, it may be reasonably concluded that the application would be granted."

however, negate the possibility of service in the public interest during the time of ownership. Indeed, public service by the broadcaster and audience acceptance of that service is the *sine qua non* of profitable station operation, which in turn enhances resale value. Thus, the "station doctor" who purchases a failing property, turns its into a success, and sells soon after, has, in our view, made a significant contribution to listener or viewer welfare—even though he or she may well have purchased the station as a speculative business venture.

9. Additionally, we do not believe that artificially restricting the transfer of broadcast licenses through use of the "three year rule" reduces station sale prices. Such restrictions may in fact increase prices for the limited number of available properties. Entry into broadcasting for those of lesser means is, thus, not likely to be eased by anit-"trafficking" prohibitions on transfers and assignments, but by expanding the possibilities for entry. The Commission has a number of porposals under consideration which are directed to this purpose.[10] Finally, we do not believe that high station prices lead to increased commercialization. As we have found in the radio deregulation proceeding, competition and other forces present in the marketplace serve to prevent overcommercialization.[11] Overcommercialization will, in today's competitive environment, likely drive away listeners or viewers, thus decreasing present profitability and future resale value.

10. We are aware that the "three year rule" appears to have reduced the number and percentage of transfer and assignment applications in the years immediately following its adoption.[12, 13] Further, we have no doubt that cases have occurred in which transfers or assignments have been delayed primarily to comply with the three year holding period. We do not believe, however, that this effect of the rule, which could reasonably be expected, provides us with any basis to continue the rule in effect. Conversely, we believe that allowing the marketplace to operate as to transactions involving on-air stations will undoubtedly lead to better broadcasting in the public interest. We therefore propose elimination of the rule and the underlying policy.[14]

11. Section 73.3597 (e) and (f) of the rules restrict payments upon transfer or assignment of a construction permit to reimbursement of expenses, and limit the equity interest which the transferor or assignor may retain in the permittee to a proportion equal to the tranaferor's or assignor's capital contribution. The prohibition terminates once a station has commenced program test operations. This appears to be an era in which sections 301 and 304 of the Communications Act, as well as general public interest concerns, dictate that regulation should be continued. Sections 301 and 304 provide, *inter alia*, that licenses issued by the Commission convey no property interest. To allow a permit to be transferred in a situation in which the station seller obtains a profit, prior to the time that program tests have commenced, would appear to violate this prohibition. The permittee would appear to have nothing to convey for profit other than the mere expectation of future profits, which appends to the permit itself. Additionally, the permittee has, inplicit in its application, indicated to the Commission that it intends to construct and to initiate service. To maintain the integrity of the Commission's processes, and to further the public interest objective of expeditious introduction of new service, it would appear that Sections 73.3597 (e) and (f) should remain in force. Comment on the appropriateness of these tentative conclusions is solicited.

Regulatory Flexibility Act—Initial Analysis

12. *Reason for action.* The Commission believes that its rules and policies should be reviewed in the context of current social, technological and financial environments in which licensees and applicants operate, so that service to the public may be facilitated while the least regulatory cost is imposed. It is in this light that it is considering modifications to § 73.3597 of its Rules.

13. *The objectives.* The Commission proposes to delete § 73.3597 (a) through (d) from its rules, in order to free marketplace forces to operate in brodcast station sales and thus enhance provision of desired service to the public.

14. *Legal basis.* Action proposed herein is taken pursuant to sections 4(i) and 303(g) and (r) of the Communications Act of 1934, as amended, which charge the Commission with regulation in the public interest, convenience and necessity, so as to, *inter alia*, generally encourage the larger and more effective use of radio. The specific rules considered herein also relate to sections 301 and 304 of the Act, which provide that licenses issued by the Commission convey no property interest, to section 310(d) of the Act, which requires that a proposed transfer or assignment of a construction permit or license be approved by the Commission only upon a finding that such transfer or assignment would serve the public interest, convenience and necessity, and to related provisions of sections 308 and 309.

15. *Description, potential impact and number of small entities affected.* The proposals set forth herein would eliminate the three year holding period of station ownership presently imposed on broadcast licensees. Virtually all broadcasters are small entities. This action would be expected to have an immediate impact on those licensees presently operating a station for less than three years who desire to sell the station prior to expiration of the three year period but would be precluded from doing so by operation of the rule. Over a period of time, the number of such entities would obviously expand. This will be of benefit to entities operating a failing station which might otherwise be precluded from station sale, to present station owners seeking alternative business opportunities but prevented from doing so by operation of the rule, and to entities seeking to acquire broadcast properties but limited in this activity by operation of the rule. Other small entities on which there may be an impact include:

(a) Station brokers, approximately 50 in number, whose business may be increased by elimination of the "three

---

[10] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (1980); *Table of Television Allotments*, 45 Fed. Reg. 72902, published November 3, 1980; *Low Power Television Broadcasting*, 82 F.C.C. 2d 47 (1980). See, also, *Clear Channel Broadcasting in the AM Broadcast Band*, 78 F.C.C. 2d 1345 (1980), *reconsid. denied*, 48 R.R. 2d 1077 (1980).

[11] *Deregulation of Radio, supra*, at 999–1008.

[12] See Appendix "A" for a summary of transfer and assignment cases. Fluctuations since that time do not reveal any discernable pattern, and do not appear to be attributable to the rule as such. Factors such as the increased cost of purchase of established AM and VHF stations, and the relative ease of entry into FM or UHF through establishment of a new station may, until recently, have had a significant impact on the number and percentage of assignment/transfer applications.

[13] Support for the view that the impact of the rule was likely not as great as had been contemplated at its inception is the relative ease with which exemption from its impact through one of the specified exceptions or through waiver was provided by the Commission. Available data indicate that in the 1962–1979 period, 697 transfer or assignment casses were considered in which the three year limitation would ordinarily have applied. In 543 of these cases, approval was granted under one of the three exemptions built into the rule: unavailability of capital—370; death or disability—128; and changed circumstances—45. In an additional 142 cases, the party seeking transfer apparently did not qualify for any of the three exemptions, but waiver was granted. The remaining 12 cases were approved through "By direction" letters.

[14] We would, of course, stand ready to reenter this area should circumstances so dictate.

year rule" limitation on transfers and assignments;

(b) Small entities involved in financing of broadcast station sales, of which the number cannot be ascertained, who may derive increased business if elimination of the rule leads to an increase in transfers and assignments;

(c) Management, programming, financial and technical consultants and ratings services, believed to be a number less than 1,000, which may gain new clients and lose others if elimination of the rule increases the rate of transfers and assignments;

(d) Local businesses supplying stations, the number unascertainable, which may both gain and lose accounts if an increased number of new owners seek new sources of supply, and which may obtain increased broadcast-related business if the changes in ownership lead to greater station success and consequent increases in purchasing.

16. *Recording, record keeping and other compliance requirements.* The proposed change will reduce such requirements.

17. *Federal rules which overlap, duplicate or conflict with this rule.* None.

18. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective.* None.

Procedural Matters

19. Authority for action taken herein is found in sections (4)(i), and 303 (g) and (r) of the Communications Act of 1934, as amended. Pursuant to the applicable provisions set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before March 1, 1982, and reply comments on or before March 31, 1982. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the commission's reliance on such information is noted in the Report and Order.

20. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1231.

21. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. All filings in this proceeding will be made available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C. 20554.

22. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX "A".[1]—TRANSFER AND ASSIGNMENT APPLICATIONS FY 1960–FY 1979

Fiscal year	Authorized stations[2]	Assignment and transfer applications filed	Percent of stations filing for transfer or assignment
1960	5391	1102	20.4
1961	5785	1054	18.5
1962	6016	966	16.0
1963	6199	920	14.8
1964	6464	907	14.0
1965	6749	1054	15.6
1966	7076	983	13.9
1967	6962	862	12.4
1968	7218	1045	14.5
1969	7358	1059	14.4
1970	7450	1004	13.5
1971	7560	998	13.2
1972	7684	1089	14.3
1973	7759	1124	14.5
1974	7939	1013	12.8
1975	8089	1020	12.6
1976	8236	1099	13.3
1977	8430	1332	15.8
1978	8569	(3)	(4)
1979	8741	1297	14.8

[1] Source: *FCC Annual Reports.*

[2] Prior to 1967, noncommercial stations were not sparated in the data. However, since this number is reflected in both operating stations and applications, the percentages as well as the conclusions one draws from the table should not be prejudiced.

[3] Not available.

[FR Doc. 82-428 Filed 1-7-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-169-78]

Certain Cash or Deferred Arrangements Under Employee Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of time for comments and requests for a public hearing.

SUMMARY: This document provides notice of an extension of time for submitting comments and requests for a public hearing concerning the notice of proposed rulemaking relating to certain cash or deferred arrangements under employee plans. The extended deadline for submission of comments and requests for a public hearing is February 15, 1982.

DATE: Written comments and requests for a public hearing must be delivered or mailed by February 15, 1982.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attn: CC:LR:T (EE-169-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles M. Watkins of the Employee

Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3430, not a toll free call.

SUPPLEMENTARY INFORMATION: On November 10, 1981, the **Federal Register** published proposed regulations relating to certain cash and deferred arrangements (46 FR 55544). Some members of the public have inquired whether, under the proposed regulations, prohibited discrimination may be avoided through withdrawal (or recharacterization as voluntary contributions) of certain contributed amounts within 30 days after the end of the plan year. The proposed regulations do not permit this practice. This document extends the comment period to February 15, 1982, so that members of the public may comment on this issue. A transitional rule for years before 1982 will be considered.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Jonathan P. Marget,

Assistant Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 82–704 Filed 1–7–82; 12:04 pm]

BILLING CODE 4830-01-M

Notices

Federal Register
Vol. 47, No. 5
Friday, January 8, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Upland Cotton: Study Committee To Study Alternative Methods of Establishing Value of Premiums and Discounts for the Upland Cotton Loan Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of invitation for persons to serve on a study committee on premiums and discounts for upland cotton.

SUMMARY: The Secretary of Agriculture is preparing to appoint a study committee to study alternative methods of establishing values of premiums and discounts for grade, staple and micronaire for the upland cotton loan program. The study committee is required by the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981. The purpose this notice is to invite interested persons and organizations to nominate individuals to serve on the study committee.

EFFECTIVE DATE: Nominations must be received by January 25, 1982.

ADDRESS: Mail nominations to Director, Analysis Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013, 202–447–3391.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Acting Deputy Director, Analysis Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013, 202–447–7954

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established to implement Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined not to be a rule or regulation as defined in the Executive Order; therefore, the executive order does not apply to this notice.

The title and number of the Federal assistance program that this notice applies to are: Title—Commodity Loans and Purchases; Number 10.051; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Secretary of Agriculture is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Section 403 of the Agricultural Act of 1949 (7 U.S.C. 1423) as amended by Section 507 of the Agriculture and Food Act of 1981 provides as follows:

"Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act. Beginning with the 1959 crop, in adjusting the support price for cotton on the basis of grade, the Secretary shall establish separate price support rates for split grades and for full grades substantially reflecting relative values. In determining support prices for the 1966 and 1967 crops of rice the Secretary shall, notwithstanding the foregoing or any other provision of law, use head and broken rice value factors for the various varieties which (1) are not lower than those used with respect to the 1965 crop and (2) do not differ as between any two varieties by a greater amount than the value factors used with respect to the 1965 crop for such two varieties differed.

Beginning with the 1982 crop, the quality differences (premiums and discounts for grade, staple and micronaire) for the upland cotton loan program shall be established by the Secretary by giving equal weight to (1) loan differences for the preceding crop and (2) the market differences for such crop in the nine designated United States spot markets. The Secretary shall establish a study committee of ten members, eight of whom shall be representatives of cotton producers selected to equally represent each of the four major geographic regions which produce and market upland cotton, one of whom shall be a representative of cotton merchants, and one of whom shall be a representative of the textile manufacturers. The committee shall study alternative methods of establishing values of premiums and discount for grade, staple, and micronaire for the upland cotton loan program that will accurately represent true relative market values and reflect actual market demand for upland cotton produced in the United States. The committee shall submit the results of such study to the Secretary at the earliest practicable date together with such recommendations as the committee considers appropriate. The Secretary may, prior to the announcement of loan rate differences for the 1982 crop of upland cotton, review the procedures and criteria, including the recommendations made by the study committee and the formula provided for in the fifth sentence of this section for determining quality differences, including the loan differentials for grade, staple, and micronaire for the upland cotton loan program and, on the basis of such review, revise such procedures and criteria to accurately reflect the actual market value of upland cotton produced in the United States."

Notice

Interested persons and organizations are invited to nominate persons and alternates to serve on the study committee. Nominations shall be written and must include a biographical sketch of the nominees showing: name, date of birth, place of birth, residence address (include congressional district), employer (include sub-divisions and affiliate, business address, and occupation), major source of income, membership and offices held, education, and civic activities.

Signed at Washington, D.C. on December 30, 1981.

C. Hoke Leggett,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-37478 Filed 12-31-81; 11:31 am]

BILLING CODE 3410-05-M

1982 Crop of Extra Long Stable Cotton: Results of Referendum

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of results of national marketing quota referendum for 1982 crop extra long staple cotton.

SUMMARY: The purpose of this notice is to proclaim the result of the national marketing quota referendum with respect to the 1982 crop of extra long staple cotton held during the period December 7–11, 1981, each inclusive. The Agricultural Adjustment Act of 1938, as amended, requires that the result of the referendum be proclaimed within thirty days after the referendum. This notice is needed to satisfy this statutory requirement.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Acting Deputy Director, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7954.

The Final Impact Statement describing the options considered and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been classified as "not major." It has been determined that these provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local Government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S.-based industries to compete with foreign-based enterprises in domestic or foreign markets.

As found in the Catalog of Federal Domestic Assistance, the title and number of the federal assistance programs that this notice applies to are: Title: Cotton Production Stabilization; Number: 10.052.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Effective October 15, 1981, the Secretary of Agriculture proclaimed in accordance with section 347 of the Agricultural Adjustment Act of 1938 (1938 Act) that a national marketing quota of 157,000 bales would be applicable for the 1982 crop of extra long staple (ELS) cotton if such marketing quotas were approved by farmers engaged in the production of such cotton (See 46 FR 51555).

In accordance with Section 343 of the Act, a referendum with respect to marketing quotas for cotton was conducted by the Agricultural Stabilization and Conservation Service (ASCS) during the period December 7–11, 1981, to determine whether farmers were in favor of or opposed to the marketing quota proclaimed by the Secretary of Agriculture for the 1982 crop of ELS cotton.

It is essential that this notice be made effective as soon as possible since the proclamation of the result of the referendum is required by Section 343 of the 1938 Act not later than thirty days after the referendum. Accordingly, it is hereby found and determined that compliance with any further rulemaking requirements of 5 U.S.C. 533 is impracticable and contrary to the public interest. Therefore, this document shall be effective upon filing with the Director, Office of the Federal Register.

Accordingly, the following notice sets forth the results with respect to marketing quotas for the 1982 crop of ELS cotton.

Notice

Result of the national marketing quota referendum for the 1982 crop of extra long staple cotton.

(1) *Referendum period.* The national marketing quota referendum for the 1982 crop of extra long staple cotton was held by mail ballot during the period December 7 to 11, 1981, each inclusive, in accordance with 7 CFR Part 717.

(2) *Farmers voting.* A total of 790 farmers engaged in the production of the 1981 crop of extra long staple cotton voted in the referendum. Of those voting, 699 farmers, or 88.5 percent, favored the 1982 national marketing quota, and 91 farmers, 11.5 percent, opposed the 1982 national marketing quota.

(3) *1982 national marketing quota continues in effect.* The national marketing quota for the 1982 crop of extra long staple cotton of 157,000 bales proclaimed at 46 F.R. 51555 shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343)

Signed at Washington, D.C. on December 30, 1981.

C. Hoke Leggett,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-37477 Filed 12-31-81; 11:29 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Elm Creek (1250) Watershed, Texas

Note.—This document originally appeared in the Federal Register for Thursday, January 7, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Soil Conservation Service.

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of record of decision.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76503, telephone: 817–774–1214.

Notice

George C. Marks, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Texas, is hereby providing notification that a record of decision to proceed with the installation of the Elm Creek (1250) watershed project is available. Single copies of this record of decision may be obtained from George C. Marks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 28, 1981.

George C. Marks,

State Conservationist.

[FR Doc. 82-357 Filed 1-6-82; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 1-82]

Proposed Foreign-Trade Zone—Mobile, Alabama; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Mobile, Alabama, requesting authority to establish a general-purpose foreign-trade zone in Mobile, within the Mobile Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 4, 1982. The applicant is authorized to make this proposal under Act No. 498 of the Regular Session of the Alabama Legislature, approved May 11, 1977.

The applicant proposes to establish the zone within the Brookley Industrial Complex, a 115-acre municipally-owned facility at Brookley Airport on Mobile Bay. It would cover 13 acres west of Brookley runway 18–36 and immediately south of Avenue G. The zone project will be financed and developed by the City as part of the area's economic development plans and operated by the Brookley Manager.

The application contains evidence of the need for zone services in the Mobile area. Several prospective tenants have indicated an interest in using the zone for warehousing, distribution, staging, processing and assembly of products such as excavation equipment and components, small aircraft engines, valves for oxygen cylinders, and fishing equipment.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Harvey L. Perry, District Director, U.S. Customs Service, Region V, P.O. Box 2748, 250 N. Water Street, Mobile, Alabama 36601; and Colonel Robert H. Ryan, District Engineer, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36628.

As part of its investigation, the Examiners Committee will hold a public hearing on February 5, 1982, beginning at 9:00 a.m., in the Conference Room of Building A, City Hall, Dauphin Street and I–65, Mobile, Alabama 36633. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by January 29, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 8, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Customs District Office, 250 N. Water Street, Mobile, Alabama 36601

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and E Streets, NW., Washington, D.C. 20230

Dated: January 4, 1982.

John J. De Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-483 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Clear Sheet Glass From Italy; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On November 16, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on clear sheet glass from Italy. The review for the five known exporters covered various periods through November 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, Washington, D.C. 20230 (202–377–2923/2657).

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1971, the Treasury Department published in the **Federal Register** an antidumping finding with respect to clear sheet glass from Italy (T.D. 71–294, 36 FR 23360). On November 16, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the finding (46 FR 56227). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of clear sheet glass from Italy, currently classifiable under various provisions of the Tariff Schedules of the United States Annotated (TSUSA), ranging from item number 543.2100 through 543.3100.

The Department knows of a total of five Italian firms which have engaged in the manufacture and exportation of clear sheet glass to the United States. This review covers various periods through November 30, 1980.

Final Results of the Review

The Department received no comments on the preliminary results of its review. Therefore the final results are the same as the preliminary results, and we determine that the following weighted average margins exist:

Exporter	Time period	Margin (percent)
Societa Italiano Vetro	1/1/74 to 11/30/80	19.03
Vernante Pennitalia	1/1/74 to 11/30/80	44.56
Vetreria Italiana Balzaretti-Modigliani	5/1/70 to 11/30/80	[1] 37.40
Vetreria Milanese Lucchini	7/1/71 to 11/30/80	[1] 43.90
Vetrobel	5/1/70 to 11/30/80	[1] 59.80

[1] No shipments during period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, if applicable, on all entries with purchase dates during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately for each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based on the dumping margins above shall be required on all shipments by these firms of clear sheet glass entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipment occurred.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of December 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 4, 1982.

[FR Doc. 82-473 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-25-M

Acrylic Sheet From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On August 20, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on acrylic sheet from Japan. The review covered the 14 known firms and 1 third-country shipper presently covered by the finding for various periods through July 31, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. Based on comments received from one interested party the Department has made adjustments which result in a new weighted-average margin for the third-country shipper. The margins in the preliminary results of review remain unchanged for the remaining firms.

EFFECTIVE DATE: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Susan Crawford or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209/5289).

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1976, a dumping finding with respect to acrylic sheet from Japan was published in the **Federal Register** as Treasury Decision 76-240 (41 FR 36497). The finding excluded one firm, Mitsubishi Rayon Co., Ltd. On August 20, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Antidumping Finding" (46 FR 42314). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of acrylic sheet, which is made by polymerizing methyl methacrylate into a stiff, transparent, high molecular weight polymer with resistance to ultraviolet radiation, and includes sheet, whether or not cast, extruded, drilled, milled or ground on the edges. Acrylic sheet is currently classifiable under items 771.4100, 771.4500, and 771.5500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 14 Japanese firms and 1 third-country shipper engaged in the manufacture and exportation of acrylic sheet to the U.S. and currently covered by the finding. The only other known firm is Mitsubishi Rayon. This review covers separate time periods for each of the firms up to July 31, 1980. The Treasury Department reviewed all prior time periods.

Analysis of Comments Received

An importer of merchandise exported by the third-country shipper, I. J. Langleb, presented clarifying information that a commission which the Department deducted from purchase price was in actuality a separate charge. We have eliminated that deduction.

Final Results of the Review

As a result of the adjustment made based on the comments received, we determine that the following weighted-average margins exist:

Manufacturer and exporter	Time period	Margin (percent)
Asahi Chemical Ind. Co./Taikyo Sangyo Co.	4/1/79 to 7/31/80	[1] 13.15
C. Itoh & Co.	1/1/77 to 7/31/80	[1] 0
Kanase Industries Co., Ltd.	4/1/78 to 7/31/80	[1] 1.36
Kanematsu Gosho	7/1/79 to 7/31/80	[1] 11.98
Kyowa Gas Chemical Ind., Ltd.	4/1/79 to 7/31/80	46.9
Kyowa Gas Chemical/K. Sakai	9/1/79 to 7/31/80	7.5
Maruberni Corporation	4/1/78 to 12/31/78	0
	1/1/79 to 7/31/80	[1] 0
Mitsubishi Chemical Ind. Co./Mitsubishi Corp.	7/1/79 to 7/31/80	[1] 7.5
Nitto Jushi Kogyo Co	4/1/78 to 3/31/79	10.86
	4/1/79 to 7/31/80	10.86
S. P. International	4/1/78 to 12/31/78	0
	1/1/79 to 7/31/80	[1] 0
Sumitomo Chemical Co	4/1/79 to 7/31/80	[1] 26.5
Taikyo Sanyko Co., Ltd.	4/1/79 to 7/31/80	[1] 13.15
Tsutsunaka Plastic Ind. Co./Toyo Menka Kaisha	4/1/78 to 3/31/79	30.29
	4/1/79 to 7/31/80	[1] 30.29
Tsutsunaka Plastic Ind. Co./K. Sakai & Co.	4/1/78 to 3/31/79	4/1/79 to 3/31/80

[1] No shipments during this period.

Third-country shipper (country)	Time period	Margin (percent)
I. J. Langleb Ltd. (Hong Kong)	1/1/78 to 7/31/80	0.88

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will separately issued appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent of the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of August 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 31, 1981.

[FR Doc. 82-482 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement; Baltimore, Md.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Baltimore, Maryland SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 03-10-82003-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 8, 1982. Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., Suite 420, Washington, D.C. 20006, Phone (202) 634-7883. For further information contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and
—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. Pre-Application Conference

A Pre-Application conference to assist all interested applicants will be held at the following address on Wednesday, January 20, 1982 at 10:00 A.M.: Fallon Federal Bldg., #31 Hopkins Plaza, Room G-30, Baltimore, Maryland 21201.

Luis G. Encinias,

Regional Director.

December 28, 1981.

[FR Doc. 82-471 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Pittsburgh, Pa.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Pittsburgh, Pennsylvania SMSA. The cost of the project is estimated to be $250,000. The maximum federal participation amount is $225,000. The minimum amount required for non-federal participation is $25,000. The project number is 03-10-82005-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 8, 1982. Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., Suite 420, Washington, D.C. 20006, Phone (202) 634-7883. For further information contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/ Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms.

Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—The Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and forms

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. Pre-Application Conference

A Pre-Application conference to assist all interested applicants will be held at the following address on Friday, January 22, 1982 at 10:30 A.M.: William S. Moorhead, Federal Bldg., 1000 Liberty Avenue, Room 610, Pittsburgh, Pennsylvania 15222.

Luis G. Encinias,

Regional Director.

Dated: December 28, 1981.

[FR Doc. 82-470 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Emergency Striped Bass Study; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and

Atmospheric Administration, Commerce.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96-118).

DATE: The meeting will convene on Wednesday, January 27, 1982, at 10:00 a.m., and will adjourn at approximately 5:00 p.m. The meeting is open to the public; however, space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building #2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7454.

Dated: December 30, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82-442 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

Japan Deep Sea Trawlers Association, et al.; Issuance of General Permits To Take Marine Mammals Incidental to Commercial Fishing Operations

On December 22, 1981, general permits to incidentally take marine mammals during commercial fishing operations in 1982 were issued to:

1. The Japan Deep Sea Trawlers Association, No. 601 Daito Building, 3-6, Kandaogawacho, Chiyodaku, Tokyo, Japan, in Category 1: Towed and Dragged Gear to take 21 phocid seals, 20 otariid seals and one cetacean.

2. The National Federation of Medium Trawlers, Toranomon Chuo Building, VI, 1-16, Toranomon, 1-Chome, Minatoku, Tokyo, Japan, in Category 1: Towed and Dragged Gear, to take 10 otariid seals, and to cetaceans.

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2-7-2, Hirakawa-cho, Chiyodaku, Tokyo, Japan, in Category 5: Other Gear to take by harassment only.

4. The Asociacion Nacional de Armadores de Buques Congeladores de Pesquerias Varias, Vigo, Spain, in Category 1: Towed and Dragged Gear to take 20 phocid seals and 20 cetaceans.

All takings are incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (45 FR 72187-72196). These general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: December 30, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82-441 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

S.E.E. Okeansky Ribolov; Receipt of Application for General Marine Mammals Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations thereunder.

S.E.E. Okeansky Ribolov, Burgas, Bulgaria has applied for a Category 1: "Towed or Dragged Gear" general permit to incidentally take 8 otariid seals, 8 phocid seals, and 8 cetaceans within the U.S. fishery conservation zone in 1982.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on the application on or before February 8, 1982, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: January 4, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-439 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

Solace Enterprises; Issuance of Marine Mammals Permit

On November 12, 1981, notice was published in the **Federal Register** (46 FR 55738) that an application had been filed with the National Marine Fisheries Service by Dr. John D. Hall, Solace Enterprises, 8410 Owen Circle, Anchorage, Alaska 99502, for a permit to take humpback whales (*Magaptera novaeangliae*), killer whales (*Orcinus orca*), minke whales (*Balaenoptera acutorostrata*), fin whales (*Balaenoptera physalus*), and Dall's porpoise (*Phocoenoides dalli*), by inadvertent harassment for the purpose of scientific research.

Notice is hereby given that on December 30, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Research Permit to Dr. John D. Hall for the above taking subject to certain conditions set forth therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973.

The permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: December 30, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82-440 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

University of California, Los Angeles; Issuance of Marine Mammals Permit

On November 20, 1981, notice was published in the **Federal Register** (46 FR 57104), that an application had been filed with the National Marine Fisheries Service by Drs. Jennifer Buchwald, Carl Shipley, and Robin Fisher, Department of Physiology and Brain Research Institutes, University of California, Los Angeles, California 90024 to take four (4) northern elephant seals (*Mirounga angustirostris*) for the purpose of scientific research.

Notice is hereby given that on January 4, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Drs. Buchwald, Shipley, and Fisher subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

January 4, 1982.

[FR Doc. 82-438 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund; Notice of Claims

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 02-82.

SUMMARY: 50 CFR 296.6 required that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the title IV Program. Any interested person may, on or before February 8, 1982 submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before February 8, 1982.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Charles L. Cooper, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202-634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that upon receipt of a timely-filed claim which is not clearly ineligible because of statutory exemptions from eligibility, the chief, FSD publish a 30-day notice of the claim in the **Federal Register**. Upon the expiration of the 30-day period following publication of the **Federal Register** notice, the claim will be referred to the Administrtative Law Judge (ALJ). (50 CFR 296.6(a)(1)(iii).

Dated: December 30, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

The following claims have been received:

Claim No.	Nature of loss and location	Amount
FCF-03-82.....	On *10-11-81* claimant lost 2 60 ft. trawling nets while trawling for shrimp at the following coordinates: 29°34'44.11"N 93°49'43.51"W.	$2,000—Gear Loss; $0—Economic Loss; $0—Consequential Loss; $2,000—Total.
FCF-04-82.....	On *10-13-81* claimant lost a 60 ft. trawling net and damaged the other net while trawling for shrimp at the following coordinates: 23°39'05.90"N 93°44'59.44"W.	$1,300—Gear Loss; $0—Economic Loss; $0—Consequential; $1,300—Total

[FR Doc. 82-550 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.,

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

SN 6-294,096 Enhancement of Color Quality of Lumber During Drying. Filed 18 Sep 81 by the Dept. of Agriculture. Inventor: Howard Rosen

SN 6-302,008 Process for Modifying Cellulosic Fabrics for Improved Heat Transfer Printing. Filed 15 Sep 81 by Dept. of Agriculture. Inventor: Eugene Blanchard

SN 6-272,842 Zwitterion Compounds as Catalysts in Easy-Care Finishing. Filed by Dept. of Agriculture on 12 Jun 81. Inventor: Robert M. Reinhardt

SN 6-276,768 Bromine-Containing 2, 4-Diaminotriazines. Filed 24 Jun 81 by the Department of Agriculture. Inventor: Leon H. Chance

SN 6-294,095 New Surface in Cellulosic Fibers by Use of Radiofrequency Plasma of Ammonia. Filed 19 Aug 81 by the Dept. of Agriculture. Inventor: Truman L. Ward

SN 6-290,540 Method for Sampling Flying Insect Populations Using Low-Frequency Sound Detecting and Ranging in Conjunction with a Biologically Active Chemical/Pheromone. Filed 6 Aug 81 by Department of Agriculture. Inventor: D. E. Hendricks

SN 6-308,350 Antimicrobial Glycolic Acid Derivatives. Filed 5 Oct 81 by the Department of Agriculture. Inventor: August V. Bailey

SN 6-311,587 Apparatus for Continuous Injection of Chemically-Impregnated Filament. Filed 15 Oct 81 by the Department of Agriculture. Inventor: Jim E. Dale

SN 6-308,743 Antimicrobial Glycolic Acid Derivatives. Filed by Department of Agriculture on 5 Oct 81. Inventor: August V. Bailey

SN 6-311,702 Apparatus to Extract Dust and Fine Trash from Opened Cotton. Filed 15 Oct 81 by the Department of Agriculture. Inventor: Charles Shepard

SN 6-302,007 Textile Finishing Agents from Reaction Products of Carbamates and Glutaraldehyde. Filed 15 Sep 81 by Dept. of Agriculture. Inventor: John G. Frick

SN 6-294,203 Nondenaturing Zwitterionic Detergents for Membrane Biochemistry. Filed 26 Aug 80 by Dept. of Health and Human Services. Inventor: Leonard Hjelmeland

SN 6-180,373 Nitroimidazoles of Low Toxicity and High Activity as Radiosensitizers of Hypoxic Tumor Cells. Filed 2 Aug 80 by Dept. of Health & Human Services, Inventor: W. W. Lee

[FR Doc. 82-477 Filed 1-7-82; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and deletions from procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1982 commodities to be produced by and

services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 8, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 9, 1981 and November 6, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 50094, 46 FR 55133, and 46 FR 55134) of proposed addition to and deletions from Procurement List 1982, November 12, 1981 (46 FR 55740).

Addition

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1982:

Class 8440

Suspenders, Trousers
8440–00–221–0852

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby deleted from Procurement List 1982:

Class 7430

Cover, Typewriter
7430–00–823–8080
7430–00–823–8081
7430–00–823–8082
7430–00–823–8083
7430–00–823–8084
7430–00–823–8085
7430–00–823–8090
7430–00–823–8086
7430–00–823–8087

Class 7510

Binder, Looseleaf
7510–00–782–2664

Class 8315

Buckle, Belt, Trousers
8315–00–543–3724

Class 9905

Sign (U.S. Property—No Trespassing)
9905–00–559–2971

SIC 7399

Affix Labels—U.S. Patent Documents, U.S. Department of Commerce, Patent and Trademark Office, Crystal City, Arlington, Virginia

SIC 7641

Furniture Rehabilitation
Cleveland, Ohio, plus 25-mile radius

C. W. Fletcher,

Executive Director.

[FR Doc. 82–502 Filed 1–7–82; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1982; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 10, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1982, November 12, 1981 (46 FR 55740):

Class 6530

Pad, Cooling, Chemical
6530–00–133–4299

SIC 7349

Janitorial/Elevator Operator, Department of Treasury, Bureau of Engraving and Printing, Public Debt Building, 14th and C Streets, S.W., Washington, D.C.
Janitorial/Custodial, Federal Building and U.S. Post Office, Boise, Idaho
U.S. Army Reserve Center, Burrstone Road, Utica, New York
Customs House, Norfolk, Virginia

Deletions

It is proposed to delete the following commodities from Procurement List 1982, November 12, 1981 (46 FR 55740):

Class 6530

Pad, Examining Table
6530–00–900–6618
Pad, Hospital Stretcher
6530–00–269–0004

C. W. Fletcher,

Executive Director.

[FR Doc. 82–501 Filed 1–7–82; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board TAC Cross-Matrix Panel will meet at Langley AFB, VA on 27 and 28 January 1982. The purpose of the meeting will be to review TAC's role in air defense of the United States. The meeting will convene at 0900 and adjourn at 1700 on the 27th and will convene at 0900 and adjourn at 1200 on the 28th.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Carol M. Rose,

Air Force Federal Register Alternate Liaison Officer.

[FR Doc. 82–476 Filed 1–7–82; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–81–025; OFC Case No. 67001–9020–08–77]

The Upjohn Co., Portage Road Plant, Boiler No. 8; Eligibility and Amended Request for Classification

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of eligibility and amended request for classification.

SUMMARY: On October 27, 1981, The Upjohn Company (Upjohn) filed with the Economic Regulatory Administration (ERA) a motion entitled "Request for Modification of Order," seeking reconsideration of ERA's determination, transmitted by letter dated January 8,

1980, that Upjohn had failed to demonstrate its eligibility pursuant to § 515.10 of ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (44 FR 17464 (March 21, 1979)) to request classification of its boiler number 8, located at Upjohn's Portage Road Plant in Kalamazoo, Michigan, as an existing facility under the Powerplant and Industrial Fuel Oil Act of 1978 (42 U.S.C. 8301 *et seq.* ("FUA" or "the Act")). The determination, reflected in ERA's letter of January 8, 1980, left Upjohn's boiler number 8 classified as a new facility, subject to the statutory oil and natural gas use prohibitions of Title II of FUA. In light of ERA's determination herein that Upjohn is eligible to request classification as an existing unit, the purpose of this notice is to invite interested persons to submit written comments prior to a final determination of Upjohn's request for classification as existing. In accordance with § 515.26 of ERA's Revised Interim Rule, no public hearing will be held.

DATE: Written comments are due on or before January 29, 1982.

ADDRESS: Ten (10) copies of written comments shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (Fuel Use Act), 2000 M St., N.W., Room 6114, Washington, D.C. 20461. Docket No. ERA–FC–81–025 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Robert Goodie (Case Manager) (Office of Fuels Programs), Economic Regulatory Administration, Department of Energy, Room 6317, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3400

Allan J. Stein (Office of the General Counsel), Department of Energy, Room 6B–178, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–2967

SUPPLEMENTARY INFORMATION: In order to meet "swing load" requirements for projected production expansion, Upjohn decided in 1970 to construct at its Portage Road Plant in Kalamazoo, Michigan a boiler house addition to accommodate two new 120,000 lb/hour boilers, designed to burn residual fuel oil or natural gas. This boiler house facility was to be constructed adjacent to the larger existing boiler house, containing six coal-fired boilers. As discussed under "Eligibility," *infra*, contracts were executed in 1970 for engineering designs and, according to Upjohn, for "construction of the base footings and walls as well as the entire housing structure and * * * major appurtenances (including fuel lines)" for both of the planned units.

Boiler number 7 was installed and became operational in the new facility, as planned, in 1971. Because of a slowed growth of steam demand, however, the planned installation in 1973 of boiler number 8 in the boiler house addition was postponed. Over the next several years, Upjohn experienced production expansion and increased steam demand, and in 1976 the company again decided to proceed with the installation of boiler number 8. A contract for further engineering specifications for the unit was executed in 1976, and detailed specifications were prepared in July of 1978.

During the 1976–1978 period, the former Federal Energy Administration (FEA) undertook an analysis of boiler number 8 as a potential candidate for issuance of a Construction Order under the Energy Supply and Environmental Coordination Act of 1974 (ESECA), which would prohibit construction of the unit without coal burning capability. Based upon its analysis, FEA notified Upjohn on July 27, 1977 that it would not issue a Construction Order because boiler number 8 was then beyond the "early planning process" under ESECA, and issuance of such an order "would result in significant financial and operational detriment to the Upjohn Company," as defined under ESECA. On December 15, 1978, approximately one month after the enactment of FUA, Upjohn executed a purchase order for shop-fabricated boiler number 8, and the unit, designed to burn natural gas or oil at a fuel heat input rate of 150 MM Btu's per hour, was installed and became operational in May, 1979.

On May 5, 1979, just prior to the effective date of FUA, Upjohn requested ERA to classify boiler number 8 as an existing facility pursuant to ERA's Revised Interim Rule governing the classification of certain transitional powerplants and major fuel burning installations (MFBI's) as existing facilities, subject to Title III of the Act. MFBI's classified as new, face the statutory oil and natural gas use prohibitions of Title II of FUA; MFBI's classified as existing face only the discretionary prohibition order authorities of Title III of FUA, which call for findings of the technical and financial feasibility of using alternate fuels.

On October 12, 1979, ERA issued its Final Rule governing transitional facilities (44 FR 60690 (October 19, 1979), as amended, 44 FR 69919 (December 15, 1979)), providing that determinations on requests received by ERA prior to the effective date of the Final Rule would be made on the basis of either the Final Rule or the Revised Interim Rule, whichever is more favorable to the requester. Accordingly, while Upjohn's request for classification was filed under the Revised Interim Rule, ERA will apply the provisions of the Final Rule wherever it would be more favorable to Upjohn.

Under 10 CFR § 515.10, the owner of an MFBI is eligible to request classification of the unit as existing only where it can demonstrate that a "contract for the construction or acquisition" of the unit was signed prior to the enactment of FUA, on November 9, 1978. By letter dated January 8, 1980, ERA advised Upjohn that it had failed to demonstrate execution prior to November 9, 1978 of a "contract for construction or acquisition" of boiler number 8, and was therefore ineligible to request classification of the facility as existing. In the absence of such a contract, Upjohn was further advised, boiler number 8 is considered a new facility under 10 CFR 515.11, and is subject to the statutory prohibitions of Title II of FUA. On March 13, 1981, Upjohn was granted a 600 hour lack of alternate fuel supply exemption from the foregoing prohibitions, authorizing the limited use of oil or natural gas in boiler number 8 (46 FR 17584 (March 19, 1981)). On October 27, 1981, Upjohn filed with ERA a motion entitled "Request For Modification of Order," seeking reconsideration of its request for classification of boiler number 8 as an existing facility based upon new evidence presented therein.

In light of the unusual circumstances disclosed by review of the entire record of this case, including Upjohn's motion, ERA has determined to reconsider its previous action on Upjohn's eligibility, and to review the Upjohn motion as an amended request for classification as an existing facility.

Upjohn seeks classification as existing based upon its claim that cancellation, rescheduling or modification of boiler number 8 would have resulted in a significant operational detriment pursuant to 10 CFR 515.13(b). Upjohn has made no claim of substantial financial penalty pursuant to 10 CFR 515.13(a).

Based upon its review of the record in this matter, together with Upjohn's additional evidentiary submissions on October 27, 1981, ERA has determined that Upjohn has now met the threshold eligibility requirements of 10 CFR 515.10. The purpose of this notice, therefore, is

to invite interested persons to submit written comments on Upjohn's substantive request for classification of boiler number 8 as existing. Following is a discussion of ERA's finding respecting Upjohn's eligibility, and a summary of Upjohn's claims concerning significant operational detriment under the transitional facility rules.

I. Eligibility

ERA's January 8, 1980, determination of Upjohn's ineligibility was based upon the failure of Upjohn to demonstrate that it has signed a contract for the construction or acquisition of boiler number 8 prior to November 9, 1978, pursuant to the eligibility requirements of 10 CFR 515.10, and the definition of "contract for construction or acquisition" in 10 CFR 515.20(c)(6). Specifically, Upjohn produced three contracts relating to the foregoing eligibility requirement—a contract with Sy Lipton and Associates, executed on December 15, 1978, and identified on its face as the "purchase order for shop fabricated package Boiler #8"; a contract with Miller-Davis, executed on August 18, 1970, and identified as a contract for "the construction of the Upjohn Company Power House addition"; and a contract executed on June 15, 1976, and identified as "Engineer Agreement I." On January 8, 1980, on the basis of evidence then in the record, ERA found that the Sy Lipton contract failed to establish eligibility because it was not executed prior to November 9, 1978, and that neither the Miller-Davis nor the Engineer Agreement I contracts established eligibility because Upjohn had failed to show that either was a "contract for the construction or acquisition" of boiler number 8 under the Revised Interim Rule.

Section 515.20(c)(6) of the Revised Interim Rule defines a qualifying "contract for construction or acquisition," in pertinent part, as a "legally-binding agreement * * * for substantial onsite construction * * * or for the purchase or rental of *significant equipment or appurtenances* required for the construction or operation of a powerplant or MFBI, including, but not necessarily limited to, purchase of the boiler and its *major components, fuel handling equipment* and pollution control equipment * * *" [Emphasis added.]

ERA's January 8, 1980, determination of ineligibility was based upon the finding that Upjohn had failed to show that either the 1970 Miller-Davis contract or the 1976 Engineer Agreement I reflected a qualifying commitment under the foregoing language. Specifically, the showing that the contract provided for the construction of two foundation slabs, and a boiler house addition and smokestack to accommodate two package boilers, numbers 7 and 8, was held insufficient to meet the § 515.20(c)(6) standards.

The 1970 Miller-Davis contract is unclear on its face with respect to the scope of work to be performed which is identifiable to boiler number 8. Upjohn's original request indicated that the contract covered the foundations and the common boiler house addition and smokestack. Upjohn's amended request states that the following additional items were also within the scope of the work actually performed pursuant to the Miller-Davis contract:

Boiler feed water lines were sized and installed to serve boiler number 8, as well as boiler number 7;

(2) The natural gas supply line was sized and constructed for both boilers;

(3) The steam main was sized for both boilers; and

(4) Valves were installed for connecting boiler number 8.

Upjohn's amended request is also supported by financial data which reflects that, as of November 9, 1978, it had expended (in 1978 dollars) $344,659 on boiler number 8, constituting 16 percent of the total projected project cost of $2,089,535. ERA believes that this financial commitment demonstrates an "actual and meaningful commitment to building" boiler number 8, within the intent of 10 CFR 515.20(c)(5), which defines the term "construction."

Based upon Upjohn's demonstration concerning the foregoing financial commitment and the major appurtenances contracted for and installed prior to November 9, 1978, ERA has determined that Upjohn has now demonstrated the existence of a qualifying contract for construction or acquisition of boiler number 8, and is eligible to request classification of its boiler number 8 as an existing facility pursuant to section 103(a)(11) of the Act and 10 CFR 515.10.

II. Significant Operational Detriment

Under 10 CFR 515.13, ERA will classify an eligible transitional facility as existing where it can be demonstrated that the cancellation, rescheduling or modification of the construction or acquisition of the unit as of November 9, 1978, would result in a significant operational detriment. Pursuant to 10 CFR 515.13(b), ERA will make its determinations of significant operational detriment on a case-by-case basis, taking into consideration the following factors:

(1) The extent of construction and anticipated start-up date;

(2) The potential impact of the loss of production which could not be rescheduled elsewhere;

(3) The potential impact on employment; and

(4) The anticipated annual capacity utilization factor of the unit, as well as seasonal or other variations in use.

Following is a summary of the evidence submitted by Upjohn in support of its claim that cancellation, rescheduling or modification of boiler number 8, as of November 9, 1978, would result in a significant operational detriment:

(1) As discussed *supra*, the extent of construction of boiler number 8 as of November 9, 1978, consisted of the completed boiler house, foundation, and valves, and the common smokestack, feed water lines, natural gas supply line, and steam main, sized and installed to serve both boilers numbers 7 and 8. All of this construction was undertaken in 1971, pursuant to the 1970 Miller-Davis contract, and in anticipation of the expected start-up of boiler number 8 in 1973. The additional cost for oversizing common equipment or contructing additional equipment for boiler number 8 was $144,000 in 1971 dollars. In 1976, as a result of projected increased firm steam capacity, Upjohn decided to proceed with the installation of boiler number 8, and entered into a contract with Benjamin, Woodhouse and Guenther, Inc. for further engineering specifications. Detailed specifications were completed in July, 1978. By November 9, 1978, Upjohn had expended $334,659, in 1978 dollars, on boiler number 8, consisting of the 1970–1971 construction costs, together with additional engineering costs. Conferences were held between ERA and Upjohn, concerning its transitional facility request, on April 5, 1979 and August 9, 1979. At the time of the April 5, 1979 conference, which was approximately one month prior to the effective date of FUA, Upjohn's construction of boiler number 8 had proceeded to the point where it had expended a total of $822,300, constituting 40 percent of the total project cost of boiler number 8.

(2) As stated by Upjohn, aside from space heating, its principal steam demands result from its production activities, which entail the fermentation of cultures and other controlled chemical reactions over periods as long as several weeks at a time. These processes require a constant and predictable flow of steam. To assure such a constant flow, Upjohn is required

to have adequate available steam capacity to meet surge or peak steam demands, resulting from such factors as cold weather or the need for large instantaneous fermentation demand preparatory to innoculation with specific cultures.

Because of unpredictable demand levels for particular products from time to time, and varying lead times needed to produce such products, Upjohn characterizes its production activities as "multiple batch processing." That is, some batches will be in the process of fermentation while others may demand a surge of steam for specific innoculation or sterilization purposes. Therefore, according to Upjohn, the quantitative steam demands for its various products cannot be cost-effectively scheduled or predicted far in advance, and steam must be available for these multiple needs upon demand.

For these reasons, Upjohn states, it requires "firm capacity" to deliver steam at levels not less than anticipated peak demand. Upjohn defines such requisite "firm capacity" as the capacity of its remaining boilers to deliver steam when its largest single boiler is down. This is consistent with Upjohn's experience in operating a multiple boiler complex, which has shown that it cannot expect continuous operation of all boilers at full capacity, and that its largest boiler has been down several times over the past few years.

Upjohn states that, for several reasons, use of a coal-fired boiler would have been inadequate to meet the foregoing requirements. First, sudden increases in the firing rate of a coal-fired boiler to meet surge or peak demands can cause impermissible smoking and particulate emissions. Second, coal-fired boilers do not possess the quick response ability of oil/gas-fired boilers. Third, the sudden heating and cooling of coal-fired swing load boilers can cause severe boiler deterioration. In addition, Upjohn submitted an engineering study which, it states, demonstrates that a coal or other alternate fuel-fired boiler would not fit into the existing boiler house designed for boiler number 8. Upjohn asserts that if, as of November 9, 1978, it had modified its plans and replaced the oil/gas-fired packaged boiler with a coal-fired boiler, such boiler could not have been operational until December 1982. As projections indicated that steam demands for 1979–80 would exceed firm capacity, Upjohn contends that to have delayed the acquisition of additional steam generating capabilities until 1982 would have resulted in significant adverse production impacts.

Oil/natural gas-fired boilers numbers 7 and 8 are designed to be swing-loaded to supplement Upjohn's six coal-fired boilers at the Portage Road Plant so as to meet Upjohn's variable steam demands. Because of these steam demands, and the foregoing problems associated with construction and use of a coal boiler, Upjohn states that the following potential production and employment impacts would have resulted from the cancellation, rescheduling or modification of boiler number 8 as of November 9, 1978:

(a) As steam demand approached firm capacity, an accident such as a major steam pipeline leak, a mechanical breakdown of a boiler, or a human error could cause steam demand to exceed ability to supply, resulting in a shutdown of the boiler plant. In the event of such a shutdown, Upjohn states, it would have suffered extensive monetary damages, resulting from product and raw material damage, cost of product rework and makeup of lost production.

(b) If such a shutdown occurred during freezing weather, according to Upjohn, it would have further suffered structural damage to buildings and plant equipment and loss of test animals.

(c) Proposed plant expansions requiring additional steam and certain existing steam demand operations between December, 1979 and December, 1982 would have to have been curtailed, including a pharmaceutical production warehouse addition; addition of chemical processing facilities in a number of buildings; a solvent recovery facility expansion, tank farm expansion and expansion of fermentation facilities.

(d) It is estimated that curtailment of the foregoing planned plant expansions would have resulted in a five percent annual loss of production, and a loss of employment of approximately 200 positions, required to meet such plant expansion needs.

ERA hereby invites all interested persons to submit written comments on this matter. The public file containing documents on these proceedings and supporting materials is available for inspection at the Office of Fuels Programs, ERA, Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m. Persons wishing to review the public file should make prior arrangements with the Case Manager named in the information contact section above.

Issued in Washington, D.C. on January 4, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-530 Filed 1-7-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ALDEN AURORA GAS DRILLING ASSOCIATE			RECEIVED: 12/15/81 JA: NY						
8210162	1623	3103713690		108		E MERCER #1	ALDEN-LANCASTER	8.7	RESERVE GAS CO IN
-AURORA GAS DRILLING ASSOCIATES			RECEIVED: 12/15/81 JA: NY						
8210159	1624	3103713681		108		A SHAFFER #6	ALDEN-LANCASTER	8.7	RESERVE GAS CO IN
-CLINT MEEDER			RECEIVED: 12/15/81 JA: NY						
8210146	2516	3101315049		103		CLINT MEEDER #1 - D G CI	LAKESHORE	36.0	NATIONAL FUEL GAS
-CLOVER OIL CO			RECEIVED: 12/15/81 JA: NY						
8210139	1613	3103711742		108		A SHAFFER #4	ALDEN-LANCASTER	6.6	NATIONAL FUEL GAS
8210140	1614	3103711699		108		A SHAFFER #5	ALDEN-LANCASTER	8.8	NATIONAL FUEL GAS
8210142	1616	3103711777		108		C WOZNIAK #1	ALDEN-LANCASTER	9.4	NATIONAL FUEL GAS
8210141	1615	3103711776		108		F KESTER #1	ALDEN-LANCASTER	4.8	NATIONAL FUEL GAS
8210136	1611	3103711623		108		J BEAL #2	ALDEN-LANCASTER	6.9	NATIONAL FUEL GAS
8210135	1612	3103714487		108		J BEAL #3	ALDEN-LANCASTER	3.4	NATIONAL FUEL GAS
8210138	1609	3103711621		108		J KAWALER #1	ALDEN-LANCASTER	6.2	NATIONAL FUEL GAS
8210145	1622	3102913800		108		J OLES #1	ALDEN-LANCASTER	8.3	NATIONAL FUEL GAS
8210143	1617	3103711778		108		M WOZNIAK #1	ALDEN-LANCASTER	6.7	NATIONAL FUEL GAS
8210144	1621	3103713626		108		P CATANIA #1	ALDEN-LANCASTER	8.0	NATIONAL FUEL GAS
8210137	1610	3103711624		108		W BOSOSKI #1	ALDEN-LANCASTER	3.3	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC			RECEIVED: 12/15/81 JA: NY						
8210152	1780	3101313754		108		COOK #1022	LAKE SHORE	2.3	NATIONAL FUEL GAS
8210154	2093	3101314388		108		FERRO #1 311R	LAKE SHORE	4.3	NATURAL FULL GAS
8210151	2091	3101313811		108		LUCE #1024	LAKE SHORE	9.5	NATIONAL FUEL GAS
8210153	2089	3101313878		108		SALHOFF #5000	LAKE SHORE	3.2	NATIONAL FUEL GAS
8210149	2062	3103113879		108		SALHOFF #5001	LAKE SHORE	3.0	NATIONAL FUEL GAS
8210148	2088	3101313703		108		SZUMIGALA #1007	LAKE SHORE	5.1	NATIONAL FUEL GAS
8210150	1783	3101313747		108		SZUMIGALA #1020	LAKE SHORE	5.6	NATIONAL FUEL GAS
-GENOA & CO			RECEIVED: 12/15/81 JA: NY						
8210147	2142	3101311676		108		FRAZITA #1	LAKESHORE	5.9	NATIONAL FUEL GAS
-GRIMSBY & CO			RECEIVED: 12/15/81 JA: NY						
8210157	2143	3101311787		108		CASTILE HEIGHTS #1	LAKESHORE	9.4	NATIONAL FUEL GAS
8210156	2146	3101311918		108		LINK ST (CIV #1)	LAKESHORE	9.9	NATIONAL FUEL GAS
8210158	2144	3101311952		108		MC ALLISTER (CIV #2)	LAKESHORE	9.9	NATIONAL FUEL GAS
8210155	2145	3101311788		108		MOORELAND ESTATES #1	LAKESHORE	9.9	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO			RECEIVED: 12/11/81 JA: OK						
8210088	11445	3504520340		108		K L MITCHELL #1 (3RD FILING)	CATESBY NE	16.0	MICHIGAN - WISCON
8210087	11444	3505935299		108		WOLF UNIT #1 (3RD FILING)	MOCANE LAVERNE	16.0	MICHIGAN - WISCON
-ANADARKO PRODUCTION COMPANY			RECEIVED: 12/11/81 JA: OK						
8210126	14945	3500721962		102-A		LOEPP B #1	TURPIN EAST	128.2	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-BEARD OIL COMPANY						RECEIVED: 12/11/81 JA: OK
8210103	11638	3507322963		103		PAULINE #1
-BERRY PETROLEUM CORP						RECEIVED: 12/11/81 JA: OK
8210095	11634	3508321661		103		AMBROSE #1-6
8210096	11635	3509322007		103		REAMES 31-26
-BOGERT OIL CO						RECEIVED: 12/11/81 JA: OK
8210086	11392	3504722506		103		THOMAS 1-35
-BROWN & BORELLI INC						RECEIVED: 12/11/81 JA: OK
8210106	11258	3507322951		103		KORDIS #1
-BURKHART PETROLEUM CORP						RECEIVED: 12/11/81 JA: OK
8210130	11696	3501167587		103		HEFFEL 1-16
-CHARLES HILL JR						RECEIVED: 12/11/81 JA: OK
8210121	12752	3506321360		102-2		WILSON #4
-CONOCO INC						RECEIVED: 12/11/81 JA: OK
8210115	15075	3503920514		102-2		DEPUTY 21 #1
-COTTON PETROLEUM CORPORATION						RECEIVED: 12/11/81 JA: OK
8210132	11640	3501121543		103		BRADFORD "E" #1
-DAVIS BROS OIL PRODUCERS INC						RECEIVED: 12/11/81 JA: OK
8210129	11658	3506321176		103		FIFI #1
-DAWN ENERGY CO						RECEIVED: 12/11/81 JA: OK
8210133	11645	3515320994		103		KELICH #1-6
-DEMINEX U.S. OIL CO						RECEIVED: 12/11/81 JA: OK
8210100	11348	3504921542		103		J R THOMPSON #1
-EL PASO NATURAL GAS COMPANY						RECEIVED: 12/11/81 JA: OK
8210118	15381	3500920427		107-DP		KENT #3
-FUNK EXPLORATION INC						RECEIVED: 12/11/81 JA: OK
8210123	14778	3500722160		102-2		CM #1-35
-GENERAL AMERICAN OIL COMPANY OF TEX						RECEIVED: 12/11/81 JA: OK
8210108	11468	3513722583		103		F M WOOD 4-D (HUNTON)
8210109	11590	3513722583		103		F M WOOD 4-D (SYCAMORE)
-HAMILTON BROTHERS OIL CO						RECEIVED: 12/11/81 JA: OK
8210116	15096	3514902065		102-2		WEICHEL #1-28
-HARPER OIL COMPANY						RECEIVED: 12/11/81 JA: OK
8210131	11639	3504722407		103		CHESTNUT #4
8210124	14925	3503920445		102-2		FRANSEN #1
-HESTON OIL CO						RECEIVED: 12/11/81 JA: OK
8210098	11232	3507322799		103		ALFRED #24-1
-HOOVER & BRACKEN ENERGIES						RECEIVED: 12/11/81 JA: OK
8210117	15105	3512920560		102-2		CECIL #1-4
-HPC INC						RECEIVED: 12/11/81 JA: OK
8210122	14710	3504321108		102-4		SALISBURY #1
-HUNGERFORD OIL & GAS INC						RECEIVED: 12/11/81 JA: OK
8210107	11383	3504722283		103		EGGERS #1
-JONES & PELLOW OIL CO						RECEIVED: 12/11/81 JA: OK
8210120	12751	3506300000		102-2		COSPER 7-1
-KANSAS-NEBRASKA NATURAL GAS CO INC						RECEIVED: 12/11/81 JA: OK
8210105	11243	3513930115		108		HEADRICK 1
-LONG ROYALTY CO						RECEIVED: 12/11/81 JA: OK
8210101	11357	3501700000		103		OBELING #1
-LRF CORP						RECEIVED: 12/11/81 JA: OK
8210097	09282	3506120351		103		LACKEY TWIN #1
-MAGIC CIRCLE ENERGY CORP						RECEIVED: 12/11/81 JA: OK
8210089	11599	3515121132		103		MELTON #2

FIELD NAME	PROD	PURCHASER
SOONER TREND-DOVER EAST	109.0	CITIES SERVICE GA
SW CRESENT	200.0	CONOCO INC
SOONER TREND	65.0	PIONEER GAS PRODU
SOONER TREND	22.5	UNION TEXAS PETRO
WEST CASHION	36.5	CONOCO INC
S E SOUTHARD	146.0	ARKANSAS LOUISIAN
CITRA	180.0	ARKANSAS LOUISIAN
EAST CLINTON	693.5	PRODUCERS GAS CO
N W GREENFIELD	600.0	DELHI GAS PIPELIN
DUSTIN	0.0	PUBLIC SERVICE CO
SHARON	100.0	NORTHERN NATURAL
S W PAOLI A	188.0	WARREN PETROLEUM
BERLIN E ATOKA	1811.0	EL PASO NATURAL G
S BALKO	0.0	NORTHERN NATURAL
SHO-VEL-TUM	330.0	LONE STAR GAS CO
SHO-VEL-TUM	365.0	LONE STAR GAS CO
SOUTH COLONY	288.0	
W DRUMMOND	40.0	ARKANSAS-LOUISIAN
WEST ARAPAHO	525.0	
E MENNESSEY	125.0	ITT EASON OIL CO
WILDCAT	1960.0	EL PASO NATURAL G
CESTOS	500.0	MICHIGAN-WISCONSI
EAST BROWN	43.0	AMINOIL USA INC
SOUTH GERDY	360.0	ARKANSAS LOUISIAN
GUYMON-HUGOTON	21.0	KANSAS-NEBRASKA N
NORTH MUSTANG	0.0	MOBIL OIL CORP
KINTA	900.0	ARKANSAS LOUISIAN
WEST ALINE	178.0	OKLAHOMA NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASR
8210092	11602	3500320794		103		MOSER #1	WEST CARMEN	0.0	OKLAHOMA NATURAL
8210091	11601	3500320809		103		ROSS #1	EAST ALINE	46.0	
8210090	11600	3515121131		103		SOMERS #1	WEST ALINE	105.0	OKLAHOMA NATURAL
-MAPCO PRODUCTION COMPANY				RECEIVED: 12/11/81 JA: OK					
8210134	14985	3501922221		102-4		WESTHEIMER-NEUSTADT #3-18	WEST HEWITT	100.0	AMINOIL USA INC
8210134	14985	3501922221		103		WESTHEIMER-NEUSTADT #3-18	WEST HEWITT	100.0	AMINOIL USA INC
-MONEXCO				RECEIVED: 12/11/81 JA: OK					
8210114	15032	3502520403		102-4		HOWARD WARREN #1-27		0.0	PANHANDLE EASTERN
-P-T LTD 80				RECEIVED: 12/11/81 JA: OK					
8210099	11159	3504722393		103		MARKES MILACEK 15-2	SOONER TREND	35.0	WELLHEAD ENTERPRI
-P-T LTD 81				RECEIVED: 12/11/81 JA: OK					
8210104	11150	3504721916		103		MARKES 14-2	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/11/81 JA: OK					
8210127	11649	3501721733		103		EADES A #1	EAST RICHLAND	10.4	OKLAHOMA NATURAL
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 12/11/81 JA: OK					
8210094	11628	3502720518		103		BERRY #2	N W NORMAN	1.1	SUN GAS CO
-ROBERT P LAMMERTS				RECEIVED: 12/11/81 JA: OK					
8210125	14928	3504722940		102-4		SCHNEIDER 4-12	EAST KREHLIN	0.0	CRA INC
-SAMEDAN OIL CORPORATION				RECEIVED: 12/11/81 JA: OK					
8210093	11627	3501721691		103		VON TUNGELN #1-20		220.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED: 12/11/81 JA: OK					
8210112	14982	3506120458		102-2		KIRKWOOD #1-SPIRO	KINTA	1003.8	ARKANSAS LOUISIAN
8210119	11794	3507300000		108-ER		TOWNSITE NO 1-A	OKARCHE	12.2	OELHI GAS PIPELIN
-TRANS-WESTERN EXPLORATION INC				RECEIVED: 12/11/81 JA: OK					
8210111	14946	3504321317		102-4		COONS #4-10	N OAKWOOD	35.0	PHILLIPS PETROLEU
8210111	14946	3504321317		103		COONS #4-10	N OAKWOOD	35.0	PHILLIPS PETROLEU
-TROY MCGEE OIL CO INC				RECEIVED: 12/11/81 JA: OK					
8210128	11656	3514321131		103		LEHR #1	BIRD CREEK	0.0	PHILLIPS PETROLEU
-WALLACE OIL & GAS INC				RECEIVED: 12/11/81 JA: OK					
8210110	11612	3513921390		103		FOLKERS #1	GUYMON HUGOTON	346.6	NORTHERN NATURAL
-WHITMAR EXPLORATION CO				RECEIVED: 12/11/81 JA: OK					
8210102	11389	3507903860		102-4		REES #1-13 LT	MILTON	1400.0	ARKANSAS LOUISIAN
-WOOD ENTERPRISES INC				RECEIVED: 12/11/81 JA: OK					
8210113	14989	3511900000		102-4		C S O DEAN #2 (119-60837)	MARKHAM	1.5	PARKS ENERGY INVE
8210113	14989	3511900000		103		C S O DEAN #2 (119-60837)	MARKHAM	1.5	PARKS ENERGY INVE
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALASKA OIL & MINERAL CO				RECEIVED: 12/14/81 JA: WV					
8210248		4706700213		108		SAN ANTONIA WELL #3	JEFFERSON	6.7	CABOT CORP
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 12/14/81 JA: WV					
8210239		4704103024		103		A-961	FREEMAN'S CREEK DISTRICT	0.0	CONSOLIDATED GAS
8210240		4708300411		103		A-974	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-ANAHAM GAS CORP				RECEIVED: 12/14/81 JA: WV					
8210249		4706700207		108		SAN ANTONIA GAS CO #1	JEFFERSON	6.7	CABOT CORP
-BKK PROSPECTING LTD				RECEIVED: 12/14/81 JA: WV					
8210210		4707300989		107-DV		ARTHUR RICE #1	ARTHUR RICE	1.8	COLUMBIA GAS TRAN
8210206		4707301075		107-DV		DELBERT TAYLOR #1	DELBERT TAYLOR	11.0	COLUMBIA GAS TRAN
8210211		4707301166		107-DV		HAROLD SMITH H-1248	HAROLD W SMITH	118.6	COLUMBIA GAS TRAN
8210209		4707301149		107-DV		HIRAM WHERRY #1	HIRAM WHERRY	109.5	COLUMBIA GAS TRAN
8210179		4707301158		107-DV		LEWIS BARNHART H K K #4	LEWIS BARNHART	182.5	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED: 12/14/81 JA: WV					
8210185		4705100681		103		NANCY #1	WILDCAT	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CARSON PETROLEUM CORP		RECEIVED: 12/14/81 JA: WV							
8210212		4704103021		103		BLAND #1		20.0	CONSOLIDATED GAS
8210196		4702103743		103		MOORE #1	GLENVILLE	15.0	CONSOLIDATED GAS
8210213		4701702956		103		SCHULTE #2	ST CLAIR	20.0	COLUMBIA GAS TRAN
8210225		4701702959		107-DV		SMITH #3A	ST CLAIR	25.0	COLUMBIA GAS TRAN
8210214		4702103703		103		STUMP #1		25.0	CONSOLIDATED GAS
8210195		4704103019		103		TUNING #1		20.0	CONSOLIDATED GAS
-CHASE PETROLEUM		RECEIVED: 12/14/81 JA: WV							
8210233		4701702464	D	107-DV		PRIMM #2	CENTRAL DISTRICT	54.0	COLUMBIA GAS TRAN
8210235		4701702342	D	197-DV		STELLA COX MAY #1	CENTRAL DISTRICT	50.0	COLUMBIA GAS TRAN
-CHRISMAN DRILLING COMPANY		RECEIVED: 12/14/81 JA: WV							
8210189		4706120616		103		ALPHEUS HENDERSON HRS #2	CLAY	20.0	EQUITABLE GAS CO
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 12/14/81 JA: WV							
8210215		4708100901		108		ARTHUR HICKMAN 12238	ELK	17.7	GENERAL SYSTEM PU
8210202		4708501266		103		BOONE COUNTY COAL CORP 12369	WASHINGTON	4.3	GENERAL SYSTEM PU
8210203		4708501267		103		BOONE COUNTY COAL CORP 12443	WASHINGTON	4.9	GENERAL SYSTEM PU
8210197		4708100899		103		CARDER WM T 12337	PHILIPPI	7.6	GENERAL SYSTEM PU
8210201		4708501087		103		CHARLESTON NATIONAL BANK 12522	CROOK	6.2	GENERAL SYSTEM PU
8210204		4701302629		103		CORA STUMP 12354	SHERMAN	3.8	GENERAL SYSTEM PU
8210216		4708100908		108		ELSWORTH WINANS 12417	UNION DISTRICT	15.5	GENERAL SYSTEM PU
8210174		4704102173		108		F B RILEY 12472	FREEMANS CREEK	2.4	GENERAL SYSTEM PU
8210199		4708501082		103		FEDERAL COAL CO 12333	SHERMAN	10.0	GENERAL SYSTEM PU
8210198		4709500486		103		GEORGE T GALE 12427	UNION	14.1	GENERAL SYSTEM PU
8210221		4703301197		108		HARRY DAVIS 12384	UNION DISTRICT	18.6	GENERAL SYSTEM PU
8210217		4708100958		108		JOHN H PROUDFOOT 12382	PLEASANT DISTRICT	9.7	GENERAL SYSTEM PU
8210219		4703300888		108		LEMAR ROBINSON 11890	EAGLE	12.2	GENERAL SYSTEM PU
8210223		4704102097		108		LOIS M LONG 12207	COLLINS SETTLEMENT	13.1	GENERAL SYSTEM PU
8210208		4708100986		103		LUCILLE CHESSER 12535	COVE	6.9	GENERAL SYSTEM PU
8210234		4710301196		103		MILLS WETZEL LAND INC 12672	GRANT	2.5	GENERAL SYSTEM PU
8210220		4703300994		108		SARAH E ADAMS 12061	UNION	10.4	GENERAL SYSTEM PU
8210218		4703300704		108		THOMAS A MCPHERSON 11546	UNION	14.2	GENERAL SYSTEM PU
8210222		4703302086		108		WILLIAM L HORNOR 12592	GRANT DISTRICT	2.3	GENERAL SYSTEM PU
-DAVID A FRESHWATER		RECEIVED: 12/14/81 JA: WV							
8210166		4701303322		103		B B SHIMER #2	YELLOW CREEK	8.8	CABOT CORP
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 12/14/81 JA: WV							
8210256		4701702724		107-DV		R SUTTON #3	SNAKE RUN	25.0	COLUMBIA GAS TRAN
-FMF OIL & GAS PROPERTIES		RECEIVED: 12/14/81 JA: WV							
8210250		4708300246		107-DV		BURKE #2	ROARING CREEK DISTRICT	8.0	COLUMBIA GAS TRAN
-FOUR STAR ENERGY CO		RECEIVED: 12/14/81 JA: WV							
8210167		4701303320		103		B B SHIMER 25A #1	YELLOW CREEK	12.0	CABOT CORP
-GLEN DAWN GAS CO		RECEIVED: 12/14/81 JA: WV							
8210241		4709900718		108		F D SMITH #1	UNION	2.0	GAS SUPPLY CORP
-HAUGHT INC		RECEIVED: 12/14/81 JA: WV							
8210175		4709500881		103		A E PHILLIPS & R JACKSON H-1178	MEADE DISTRICT	15.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC		RECEIVED: 12/14/81 JA: WV							
8210232		4703323270		103		A-315	EAGLE	0.0	CONSOLIDATED GAS
8210178		4704103032		103		J-456	COURTHOUSE	30.0	CONSOLIDATED GAS
-J C CARPENTER LEASE		RECEIVED: 12/14/81 JA: WV							
8210180		4701302613		108		SAMANTHA CARPENTER #3	RUSH RUN	0.0	CABOT CORP
8210181		4701302889		108		SAMANTHA CARPENTER #4	RUSH RUN	0.0	CABOT CORP
-JACKSON GAS CO		RECEIVED: 12/14/81 JA: WV							
8210244		4709900603		108		JACKSON #1	UNION	22.0	GAS SUPPLY CORP
-JAMES F SCOTT		RECEIVED: 12/14/81 JA: WV							

JD NO	JA DKT	API NO	D·SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210226		4703302488	103	BEATRICE SCOTT S-323	UNION	0.2	CONSOLIDATED GAS
8210238		4703302547	103	PATRICIA BECKER #2 S-338	UNION	0.4	CONSOLIDATED GAS
-KOONCE-ZIMMERMAN GAS CO			RECEIVED: 12/14/81 JA: WV				
8210165		4709921511	108	KOONCE S ZIMMERMAN #2	LINCOLN	4.7	INDUSTRIAL GAS CO
-L & B OIL CO INC			RECEIVED: 12/14/81 JA: WV				
8210257		4709500861	107-DV	ANKROM #1 47-095-0861	WICK	15.0	COLUMBIA GAS TRAN
-MARION GAS COMPANY			RECEIVED: 12/14/81 JA: WV				
8210243		4709900681	108	WILLIAMS #2	UNION	6.0	GAS SUPPLY CO
-MID-EASTERN GAS CO INC			RECEIVED: 12/14/81 JA: WV				
8210184		4704908097	108	LULU SHUMAN #149	PAW PAW	7.2	OWENS ILLINOIS GL
-MIDGET OIL COMPANY			RECEIVED: 12/14/81 JA: WV				
8210172		4701302985	108	PARSONS #7	RUSH RUN	12.5	CONSOLIDATED GAS
8210170		4701303173	103	WARREN WESTFALL #2	ISAAC RUN	3.0	CONSOLIDATED GAS
-OPPENHEIMER ENERGY CORP			RECEIVED: 12/14/81 JA: WV				
8210237		4708504056	108	ERNEST GOFF H-636		0.0	CABOT CORP
8210173		4708504380	108	ERNEST GOFF H-820		0.0	CABOT CORP
8210236		4708504165	108	ERNEST GOFF H-692		0.0	CABOT CORP
-PALEO INC			RECEIVED: 12/14/81 JA: WV				
8210228		4702102865	108	E M BOGGS I-366	CROOKED FORK CENTER DIST	11.0	CONSOLIDATED GAS
-PENNZOIL COMPANY			RECEIVED: 12/14/81 JA: WV				
8210229		4708702096	108	O D STOCKLY #90	GEARY	0.0	CONSOLIDATED GAS
-R & B PETROLEUM INC			RECEIVED: 12/14/81 JA: WV				
8210176		4708300371	103	KEELEY #2	ROARING CREEK	25.0	COLUMBIA GAS TRAN
-RAINBOW 7 8 & 9 80 LTD			RECEIVED: 12/14/81 JA: WV				
8210207		4708504906	107-DV	BERNARD RICHARDS H-1059	CLAY DISTRICT	20.0	CONSOLIDATED GAS
-RONDEL KNISLEY			RECEIVED: 12/14/81 JA: WV				
8210182		4702101579	108	NOTTINGHAM & GARRETT #1	NOTTINGHAM & GARRETT	2.2	CONSOLIDATED GAS
8210183		4702101623	108	NOTTINGHAM & GARRETT #2	NOTTINGHAM & GARRETT	2.2	CONSOLIDATED GAS
-SECURITY GAS & OIL INC			RECEIVED: 12/14/81 JA: WV				
8210194		4709500835	107-DV	C S DILLON (FAIRFAX #1)	MCKIM - PLUM RUN FIELD	10.8	COLUMBIA GAS TRAN
8210205		4707300797	107-DV	EMMA WELLS #1	BENS RUN - ARVILLA	45.8	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO			RECEIVED: 12/14/81 JA: WV				
8210171		4709702236	103	J H HUBER #70	WASINGTON	20.0	EQUITABLE GAS CO
-SMITH DRILLING CO			RECEIVED: 12/14/81 JA: WV				
8210246		4706700226	108	MORRIS #1	JEFFERSON	32.0	CABOT CORP
8210247		4706700214	108	SMITH-CRAIG - #1	JEFFERSON	11.5	CABOT CORP
-SWIFT ENERGY CO			RECEIVED: 12/14/81 JA: WV				
8210188		4704103007	103	CLARK B #1	ASPINALL FINSTER	50.0	
8210193		4704103007	107-DV	CLARK B #1	ASPINALL FINSTER	50.0	
8210186		4704103008	103	CLARK B #2	GLENVILLE NORTH	50.0	
8210192		4704103008	107-DV	CLARK B #2	ASPINALL FINSTER	50.0	
8210191		4704103009	107-DV	CLARK B #3	ASPINALL FINSTER	50.0	
8210161		4704103011	107-DV	CRADDOCK #1	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
8210187		4704103011	103	CRADDOCK #1	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
8210208		4702103737	107-DV	CRADDOCK #2	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
8210162		4702103738	107-DV	CRADDOCK #3	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
8210190		4702103738	103	CRADDOCK #3	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 12/14/81 JA: WV				
8210259		4706701508	102-4	ADA CUTLIP #1	OTTER	180.0	
8210260		4706701510	102-4	ADA CUTLIP #3	OTTER	80.0	
8210254		4706700372	102-4	ANNIE WALKER #1	GRANT	73.0	EQUITABLE GAS CO
8210253		4706700360	102-4	C H VICKERS #1	GRANT	46.0	EQUITABLE GAS CO
8210251		4706700381	102-4	CHARLES WILLIAMS #1	GRANT	65.0	EQUITABLE GAS CO

VOLUME 573 PAGE 006

JD NO	JA DAT	API NO	D	SIC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210252		4706700382		102-4		DAVID BROWN #1	GRANT	65.0	EQUITABLE GAS CO
8210168		4706700564		103		FEDERAL COAL #43	TWENTY MILE CREEK	11.0	CABOT CORP
8210169		4706700565		103		FEDERAL COAL #41	TWENTY MILE CREEK	7.0	CABOT CORP
8210231		4706700574		103		FEDERAL COAL #46	TWENTY MILE CREEK	33.0	CABOT CORP
8210255		4706700376		102-4		GEORGE KEENAN #1	GRANT	46.0	EQUITABLE GAS CO
8210250		4706700377		102-4		GEORGE KEENAN ET AL #2	GRANT	65.0	EQUITABLE GAS CO
-TRIO PETROLEUM CORP		RECEIVED: 12/14/81 JA: WV							
8210230		4702102475		108		BARKER #1	GLENVILLE NORTH	7.0	EQUITABLE GAS CO
8210224		4702135580		107-DV		MESSENGER & #1	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
-UNION DRILLING INC		RECEIVED: 12/14/81 JA: WV							
8210177		4709702157		103		DENZIL CRITES #1 - 1621	BANKS DISTRICT	8.0	COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY		RECEIVED: 12/14/81 JA: WV							
8210163		4706100487		108		WRIGHT	DELINGTON	6.0	PARTNERSHIP PROPE
-WACO OIL AND GAS CO INC		RECEIVED: 12/14/81 JA: WV							
8210164		4702103534		108		RAY PATTERSON #1A		15.0	CARNEGIE NATURAL
8210227		4702103422		108		WIANT #1	ELLIS	11.5	CARNEGIE NATURAL
-WHITE GAS CO		RECEIVED: 12/14/81 JA: WV							
8210247		4709900685		108		B WHITE #1	UNION	9.8	GAS SUPPLY CO
-WILLIAMS GAS CO		RECEIVED: 12/14/81 JA: WV							
8210245		4709900541		108		WILLIAMS #1	UNION	18.0	GAS SUPPLY CO

BILLING CODE 6717-01-C

[Docket No. RM82-1]

Commission Meeting

January 4, 1982.

The Federal Energy Regulatory Commission will meet on January 13, 1982, following the Commission meeting of January 6, 1982, to consider the following matter:

Tax Reform Act of 1981, Section 29 Guidelines

By this notice, the Commission schedules a meeting to consider whether to sell the Commission's capacity to determine the annual reference price for natural gas and crude oil under section 29 of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1981 ("Code"). Under section 29, a taxpayer may claim a credit of $3.50 per barrel of oil or $1.05 per thousand cubic feet of natural gas produced from certain wells during 1980, 1981, and 1982. The credit is available only if the annual average wellhead price per barrel of oil or per thousand cubic feet of natural gas is less than the reference price for the calendar year in which the production occurs. The reference price for 1980 is $23.50 per barrel of oil and $6.17 per thousand cubic feet of natural gas. The reference price for 1981 and 1982 will be determined by the Commission. Section 29 also provides that the reference price for 1981 and 1982 will be adjusted for inflation. The Commission is required to publish the reference price for 1981 and 1982 by April 1 of the calendar year following the calendar year in which the production occurs. Section 29 also provides that the Commission may sell its capacity to determine the reference price for 1981 and 1982 to the Secretary of the Treasury. The Commission is considering whether to sell its capacity to determine the reference price for 1981 and 1982 to the Secretary of the Treasury. The Commission is also considering whether to sell its capacity to determine the reference price for 1981 and 1982 to the Secretary of the Treasury.

[FR Doc. 82-00 Filed 1-4-82; 4:00 pm]

BILLING CODE 6717-01-M

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by January 25, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–529 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–185–000]

Commonwealth Electric Co.; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that on December 28, 1981, Commonwealth Electric Company ("Commonwealth") filed, pursuant to § 35.12 of the Commission's Regulations, an agreement governing the sale by Commonwealth of a portion of its entitlement to capacity and related energy produced by Canal Electric Company's Unit No. 2 to the Fitchburg Gas and Electric Light Company.

By the provisions of the tendered rate schedule, Commonwealth proposes to sell to Fitchburg certain quantities of capacity and related energy as determined on a weekly basis during the life of said tendered rate schedule, as more fully described at Article 3 thereof. Commonwealth has requested the commission to waive its notice requirements pursuant to § 35.11 of its regulations for good cause shown and to permit the tendered agreement to become effective as proposed on November 1, 1981.

A copy of this filing has been served upon Fitchburg.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–516 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC81–15–000]

CP National Corp. and Sierra Pacific Power Co.; Order Approving Sale and Purchase of Facilities and Granting Waiver of Filing Requirements

Issued: December 31, 1981.

On June 16, 1981, CP National Corporation (CP) and Sierra Pacific Power Company (Sierra) filed a joint application requesting authorization under section 203 of the Federal Power Act for CP to sell certain of its facilities to Sierra. The proposed transaction involves the Nevada portion of CP's Nevada/Utah Division, which provides electric service in the City of Winnemucca and adjacent portions of Humboldt and Pershing Counties, Nevada, as well as in the City of Elko and adjacent portions of Elko County, Nevada. The proposed sale includes all electric generation,[1] transmission,[2] and distribution[3] facilities, franchises, and properties within these areas. CP will thereby divest itself of all of its operating facilities in Nevada.[4]

The negotiated sales price of approximately $11,237,200 reflects the net book value of CP's properties plus construction work in progress, customer accounts receivable, assumed tax liabilities, and a gain on the sale (an acquisition adjustment) of approximately $2,988,139. Sierra will continue to serve all of CP's existing customers in the affected areas.

Applicants request waiver of § 33.3 of the Commission's regulations insofar as it provides that applications must include copies of "all mortgages, trusts, deeds or indentures" (Exhibit D). Applicants state that the required information would consist of thousands of pages and that supplying it all as part of the instant application would be impractical. Applicants further request partial waiver with respect to filing copies of Exhibit K, their joint application to the Nevada Public Service Commission, which totals more than 300 pages. Three copies of the application were filed, rather than six as required by § 33.3

Notice of the filing was issued on June 29, 1981, with comments, protests, or petitions to intervene due on or before July 16, 1981. Several comments have been filed by a public interest group, a private individual, and public officials with respect to the instant filing.[5] However, no petitions to intervene have been filed. Several common concerns underlie the comments received by the Commission. In particular, the interested parties (1) request that the record in this proceeding be kept open for an indefinite period to permit further comments, (2) make reference to the need for a hearing, and (3) suggest that future public power be considered as an alternative to the Sierra purchase.

---

[1] CP's generation consists of six standby diesel generating units in its Elko system with a combined operating capability of 4 to 5 MW.

[2] CP's affected transmission system includes approximately 70 miles of 60 KV and 69 KV transmission lines.

[3] Approximately 9000 of CP's retail (residential and commercial) customers will be affected by this transaction. CP makes no sales for resale in its Nevada service areas, but does provide approximately 1.8 MW of wheeling service from the Bonneville Power Administration to Wells Rural Electric Cooperative over its Elko transmission lines.

[4] In similar proceedings in Docket No. EC80–8, CP filed an application for authorization to sell the Utah portion of its electric facilities to Utah Power & Light Company. By letter dated August 28, 1981, the Director of the Office of Electric Power Regulation authorized the sale. CP will continue to operate its Oregon and California electric facilities as well as its telephone, natural gas, and water services in various areas.

[5] To date, comments have been received by the Coalition for Affordable Energy, a consumer organization; Vernon O. Lindblade, a resident of Elko; Councilman Donald W. Smit, City of Winnemucca (pursuant to a resolution of the Winnemucca City Council); and Congressman James D. Santini (D-Nevada).

Discussion

Initially, we note that most, if not all, of the material required to be submitted under § 33.3, Exhibit D—copies of "all mortgages, trusts, deeds, or indentures"—has been submitted in other filings. For present purposes sufficient information is available to the Commission. Thus, good cause exists to waive the filing requirements. Likewise, good cause has been shown for partial waiver with regard to copies of Exhibit K.

Before a public utility may sell, lease, or dispose of any of its jurisdictional facilities, it must obtain this Commission's approval pursuant to section 203 of the Federal Power Act. Section 203(a) provides that the Commission shall grant such approval if the transaction "will be consistent with the public interest. * * *"

Although section 203(a) provides no express criteria for determining whether a proposed transaction is in the public interest, the Commission has previously determined that a number of factors should be considered. Specifically, the Commission has analyzed similar transactions in light of: (1) The anticipated effect on operating costs and rate levels; (2) the accounting treatment contemplated by the parties; (3) evidence of arms-length bargaining, including the reasonableness of the acquisition price and coercion by the acquiring utility; (4) possible anticompetitive effects of the proposed transaction; and (5) potential impairment of effective state or Federal regulatory authority. *E.g., Commonwealth Edison Co., et al.*, 36 FPC 927 (1966); *Nevada Power Co., et al.*, Docket Nos. E–9597, E–9306 (December 30, 1977). Similar concerns should be addressed with respect to the currently proposed sale of facilities.

Analysis of this transaction in light of its economic effects on Sierra's operating costs and rate levels indicates that there should be little immediate effect on operating costs. CP is presently purchasing its electric power requirements for the Winnemucca area from Sierra.[6] CP purchases its requirements for the Elko system from Idaho Power Company under a contract which is to be assigned to Sierra.[7] Although Sierra's rates are currently higher than those of CP, the companies state that Sierra initially will continue operating under CP's rates. CP further states that but for the proposed transaction it would have filed increased rates.

With respect to the proposed accounting treatment, our analysis indicates that, on its face, the proposed method fairly represents the result of this transaction and will be consistent with the requirements of the Commission's Uniform System of Accounts as well as with generally accepted accounting principles. The pleadings indicate that the anticipated terms of sale were negotiated at arms' length. Proper disposition of the acquisition adjustment of approximately $3 million will be determined when Sierra files corresponding journal entries after the transaction is completed.

Our review has disclosed no indication of, nor any reason to infer, the existence of coercion in this transaction. Additionally, whether or not public power might ultimately enhance competition in the affected service areas, it does not appear that any adverse effect on the existing competitive situation would result from the proposed transaction.

Finally, with respect to regulatory considerations, the proposed transaction appears to involve no impairment of effective state or Federal regulation. At present, CP makes no sales for resale in the affected areas, although it does provide wheeling services under two contracts with Wells Rural Electric Cooperative. Because the existing contracts will be assigned to Sierra with the same services provided, the scope of this Commission's regulation will not be materially affected.[8] It is conceivable that the state Commissions may be confronted with new allocation questions for purposes of retail rates, although this should not hinder their ability to regulate effectively. In this regard, it is noted that the Oregon Public Utility Commissioner[9] and the Nevada Public Service Commission[10] have authorized the proposed transaction.[11]

After consideration of the matters discussed above, the proposed sale of facilities appears to be consistent with the public interest standards enumerated in similar proceedings. Before the Commission may approve the proposed transaction, however, section 203 of the Federal Power Act provides that "notice and opportunity for hearing" be afforded. Several comments have been filed requesting that the Commission hold a hearing on the matter and explore the feasibility of public power for the affected areas. No one, however, has sought to intervene in opposition to the proposed transaction or requested an opportunity to formally participate as a party in an evidentiary hearing. Nothing in the record suggests that an evidentiary hearing would aid in our determination of whether the proposed transaction is in the public interest. "[T]he right of opportunity for hearing does not require a procedure that will be empty sound and show, signifying nothing." *Citizens for Allegan County, Inc.* v. *F.P.C.*, 414 F. 2d 1125, 1128 (D.C. Cir. 1969). We note also that the proposed transaction was approved by the Nevada Public Service Commission after an evidentiary hearing in which no formal protests were entered. *Sierra Pacific Company, et al.*, Docket No. 81–154, Public Service Commission of Nevada, Opinion at 2 (July 6, 1981). We conclude that a hearing would be unnecessary in this proceeding.

The main contention of the commenters is that public power may be a preferable alternative in the future to Sierra's ownership of the subject facilities. Whatever the merits of this position, however, we note that it is speculative at this time, since no formal action has been taken by the appropriate authorities to initiate condemnation proceedings against CP. Moreover, our decision that the proposed transfer is in the public interest in no way prevents any interested governing body from later initiating condemnation proceedings against Sierra, or seeking other alternatives to Sierra's operation of the electric systems.

In light of the above discussion, we find that the proposed transaction is consistent with the public interest and satisfies the standards of section 203 of the Federal Power Act.

The Commission Orders

(A) Applicants' request for waiver of the § 33.3, Exhibits D and K, filing requirements is hereby granted.

(B) The proposed sale of facilities by CP to Sierra, as described above, is hereby authorized and approved upon the terms and conditions set forth in the

[6] The CP/Sierra contract provides for a maximum demand of 12 MW. CP states that its peak load for the Winnemucca area has reached 27 MW.

[7] CP States that the future availability of adequate power under the contract with Idaho Power Company is in doubt and that Sierra will be in a better position to meet the requirements of the Elko system.

[8] We note, however, that in assuming the wheeling contracts mentioned above, Sierra will be required to file corresponding transmission rates with the Commission.

[9] By order dated August 3, 1981, the Oregon, Public Utility Commissioner approved CP's application for the sale of electric facilities to Sierra.

[10] By order dated July 6, 1981, the Nevada Public Service Commission approved CP's application for the sale of electric facilities to Sierra after public hearing.

[11] By opinion and orders dated August 6, 1981, the Arizona Corporation Commission advised the applicants that it had no jurisdiction to consider the merits of the proposed transaction.

application and subject to the provisions of this order, including Sierra's filing of applicable rates for wheeling service, without prejudice to the authority of the Commission or any other regulatory body with respect to the rates, service, accounts, valuation, estimates, or determination of cost or any matter whatsoever now pending or which may come before this Commission or any other regulatory body.

(C) CP and Sierra shall file the appropriate final journal entries within six (6) months of the consumation of the transaction and shall record the transactions herein authorized and the properties described above as provided in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees. Disposition of the acquisition adjustment will be determined upon the filing of final journal entries concerning Account 102, Electric Plant Purchased or Sold.

(D) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-515 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-190-000]

Detroit Edison Co.; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that the Detroit Edison Company (DEC), on December 29, 1981, tendered for filing the following revised tariff sheets:

FERC Electric Tariff Original Volume No. 1

Fifth Revised Sheet No. 5
Fifth Revised Sheet No. 7
Sixth Revised Sheet No. 9
Second Revised Sheet No. 16a

DEC is requesting that the Commission approve the revised rate sheets which authorize an Interruptible Service option on an experimental basis, and continue such tariff until November 2, 1982, at which time the rate will automatically expire. The Experimental Interruptible Service is available to the customer during on-peak hours for deliveries in excess of firm load. Deliveries under this option shall not serve to increase or reduce the firm load levels specified in the rate schedules.

DEC requests that the Commission grant such waivers and authorizations as are required to enable the implementation of the Experimental Interruptible Service option effective retroactively to November 3, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 82-517 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-184-000]

Endbehr Corp.; Cancellation

January 5, 1982.

The filing company submits the following:

Take noice that on December 21, 1981, Endbehr Corporation (Endbehr), a wholly-owned subsidiary of Hammermill Paper Company (Hammermill) tendered for filing a notice of cancellation of its contract to sell excess electricity to Pennsylvania Electric Company (Penelec).

Endbehr has leased and Hammermill operated a cogeneration facility at Hammermill's pulp and paper mill in Erie, Pennsylvania since January 15, 1976. Endbehr has also sold excess electricity (the excess of Endbehr's production over Hammermill's needs) to Penelec since February 1, 1978. On April 29, 1981, Endbehr gave Penelec six months' written notice that it wished to terminate the contract. Concurrently, Endbehr notified Penelec that at the termination of the contract, Hammermill would begin to sell excess power to Penelec under the rates, terms and conditions of Rider E to Rate LP (large primary) which Rider is on file with the Pennsylvania Public Utilities Commission and is designated as "Electric Pa. P.U.C. No. 75, Original Page 61."

Because Hammermill's and/or Endbehr's only sales are from its qualifying cogeneration facilities, Endbehr claims it is no longer required to keep on file with the Commission the rate schedule under which it is selling electricity to Penelec and is relieved of the obligation to file with the Commission any change in that rate schedule.

Endbehr requests that it be permitted to withdraw its rate schedule, filed in Docket No. ER76-462, not to be superseded by Penelec's Rider E or any other rate schedule, even though the sales to Penelec will continue.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not seve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-518 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER77-578, ER80-259, ER80-793-000, ER80-793-001, ER81-355-000, ER81-356-000, and ER81-357-000]

Kansas Gas and Electric Co.; Compliance Filing

January 5, 1982.

Take notice that on December 24, 1981, Kansas Cities filed their proposals in regard to reconciling any differences between Kansas Gas and Electric Company charges and charges received. The proposals were made pursuant to Opinion No. 80-B in Docket Nos. ER77-578 and ER80-259, issued November 24, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-519 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-651-000]

Northern States Power Co. (Minnesota); Order to Show Cause

Issued: December 31, 1981.

By order issued concurrently in Docket No. ER81-653-000,[1] we have addressed the question of whether Northern States Power Company, Minnesota (NSP-Minnesota) and Northern States Power Company, Wisconsin (NSP-W) have been billing each other under their existing coordinating Agreement for amounts reflecting construction work in progress (CWIP) contrary to the Commission's regulations, 18 CFR 2.16. The findings and conclusions set forth in that order are here incorporated by reference.

In the Docket No. ER81-653-000 order, we are requiring NSP-W to refile its wholesale rates excluding CWIP-related costs and to refund all such amounts already collected, with interest. Because NSP-Minnesota is not a party to the proceedings in Docket No. ER81-653-000, we shall afford the company an opportunity to respond to the findings in those proceedings and to show cause why NSP-Minnesota should not be directed to identify the amount and nature of any CWIP amounts it is charging to NSP-W through the Coordinating Agreement, and to cease billing NSP-W for CWIP-related amounts not allowed by the Agreement or by the Commission's regulations.

The Commission orders:

(A) Pursuant to § 1.6(d) of the Commission's Rules of Practice and Procedure, NSP-Minnesota is hereby directed to respond to the issues raised above within thirty (30) days of the issuance of this order.

(B) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-521 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-653-000]

Northern States Power Co. (Wisconsin); Order on Rehearing and Request for Summary Disposition

Issued: December 31, 1981.

On October 28, 1981, the intervenors in Docket No. ER81-653-000 [1] filed an application for rehearing of the Commission's October 2, 1981 order accepting for filing and suspending proposed rates of Northern States Power Company, Wisconsin (NSP-W), granting summary disposition in part, granting intervention, granting waiver of notice requirements, denying motions to reject, and establishing procedures in the above docket. The Municipals renew their request that the Commission reject NSP-W's filing on the ground that it contains significant construction work in progress (CWIP) in violation of section 2.16 of the Commission's regulations.[2] In the alternative, Municipals request (1) that the Commission order summary disposition of the CWIP-related costs, (2) that an immediate compliance filing be ordered to reflect this and the summary dispositions required by the October 2 order, and (3) that the suspension period ordered in the above docket be increased from one day to the maximum of five months.

Discussion

NSP-W and its parent NSP-Minnesota share the costs of their integrated generation and extra high voltage (EHV) transmission system by means of a Coordinating Agreement, which was filed by the parties on September 9, 1971, and became effective on October 10, 1971. Under the Coordinating Agreement, NSP-W incurs a share of NSP-Minnesota's generation and EHV transmission costs.[3] Likewise, NSP-Minnesota incurs a share of NSP-W's generation and EHV transmission costs. NSP-Minnesota's payments to NSP-W for these shared costs are treated as revenue credits to NSP-W's cost of service in the instant docket.

Our review of NSP-W's costs of service in light of Municipals' detailed allegations in their application for rehearing indicates that NSP-W has in fact included in its cost of service to the wholesale customers an allocated share of return associated with CWIP and ad valorem taxes associated with CWIP. We note that neither NSP-W nor NSP-Minnesota has applied for permission to include CWIP in rate base pursuant to § 2.16 of the Commission's regulations, and that the Uniform System of Accounts provides that ad valorem taxes associated with construction are not to be treated as an expense during the period in which such taxes are incurred, but are to be capitalized as part of the cost of plant, and thereby recovered through depreciation after the plant is placed in service. Such capitalized taxes also should be reflected in income tax deductions for the test period.

In addition, we have reviewed the Coordinating Agreement between NSP-W and NSP-Minnesota to determine whether the language of the agreement contemplates recovery of CWIP-related costs contrary to the Commission's regulations.[4] We do not find that it specifically contemplates recovery of such costs; accordingly, no modification of the agreement is required. Furthermore, the sample calculations of the parties' fixed charges for 1971, included in their original submittal of the Coordinating Agreement in 1971, do not indicate that CWIP-related costs were to be included therein, and the parties have not amended the agreement to include such costs.[5]

In light of the above discussion, we shall order NSP-W to identify the amount and nature (i.e., generation, transmission, pollution control, fuel conversion, etc.) of the various CWIP amounts it is charging NSP-Minnesota through the Coordinating Agreement, and to cease billing NSP-Minnesota for CWIP-related amounts not allowed by the Commission's regulations. Similarly, by our order issued concurrently in Docket No. ER81-651-000, NSP-Minnesota shall be required to show cause why it should not cease billing CWIP-related costs to NSP-W. In addition, NSP-W shall refile its rates in this docket to (1) exclude from its cost of service the amounts related to NSP-Minnesota's generation and EHV

---

[1] "Order on rehearing and request for summary disposition."

[1] The Cities and Villages of Bangor, Black River Falls, Bloomer, Cadott, Cornell, New Richmond, River Falls, Spooner, Westby, and Whitehall, Wisconsin, and the Wisconsin Public Power Incorporated System (Municipals).

[2] The amount in question is comprised of a return on generaton and transmission CWIP charged to NSP-W by its parent, NSP-Minnesota, less an amount identified as AFUDC. Municipals state that on a total company basis, $716,000 is associated with the return (and associated income tax) on generation CWIP and $10,000 is associated with EHV transmission CWIP, which amounts were included in NSP-W's O&M expenses in its Period II cost of service study. Municipals also contend that NSP-W has included in that study $224,000 (total company) of ad valorem taxes related to NSP-W's CWIP.

[3] Generation costs include a return on net production investment, income taxes, depreciation, other taxes, insurance, O&M expense, fuel cost, etc. EHV transmission costs are similar to those for the fixed costs related to generation, i.e., return, depreciation, taxes, O&M, etc.

[4] With respect ot EHV transmission facilities, section 2.05 of the agreement specifically defines such facilities as those "placed in service subsequent to January 1, 1977." "Generation facilities" are not explicitly defined.

[5] The Minnesota Public Service Commission (MPSC) was granted jurisdiction over Minnesota retail rates effective January 1, 1975, after the initial filing of the Coordinating Agreement. A Minnesota statute provides that the MPSC may allow some CWIP in rate base with an AFUDC offset. Although it is not clear when NSP-Minnesota began billing NSP-W based on fixed charges including CWIP-related costs, NSP-Minnesota's current treatment of such costs appears to be consistent with the procedure allowed by the state for retail purposes.

transmission CWIP; (2) exclude ad valorem taxes related to CWIP from test year operating expenses and reflect CWIP related ad valorem taxes in the test year deduction for income tax calculation; (3) exclude from transmission revenue credits ad valorem taxes related to CWIP received by NSP–W through the Coordinating Ageement; (4) exclude ADITC in computing interest expense for tax purposes, and (5) exclude EPRI expenses from the wholesale cost of service.[6]

Because this determination should adequately address the Municipals' major concerns, we shall deny their request for rejection of the filing. In light of the further reduction in rates occasioned by the grant of summary disposition in this order, we shall also deny the Municipals' request for a five month suspension instead of the one day suspension previously ordered by the Commission.

The Commission orders:

(A) Municipals' application for rehearing is hereby granted to the extent set forth in the body of this order.

(B) Summary disposition is hereby ordered, as noted above, with respect to NSP–W's inclusion of CWIP-related costs in its rate filing. Within thirty (30) days of the issuance of this order, NSP–W shall refile its rates and supporting cost data to reflect this and previous summary dispositions, as discussed in this order. NSP–W shall immediately cease billing NSP–Minnesota for CWIP-related costs not permitted by the Coordinating Agreement or the Commission's regulations.

(C) Within thirty (30) days of the date of this order, NSP–W shall refund, with interest as provided in the Commission's regulations, all amounts already collected under the rates filed in this docket which related to the items for which summary disposition has been granted in this order or the Commission's order of October 2, 1981. A refund report shall be filed within thirty (30) days after refunds have been made.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

[6] The October 2, 1981 order granted summary disposition with respect to NSP–W's treatment of ADITC in computing interest expense for tax purposes and its inclusion of EPRI expenses in its wholesale cost of service. Refiling was not ordered at that time due to the relatively small revenue impact of those items considered alone.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–520 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–163–000]

Ohio Power Co.; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate, Ohio Power Company (OPCO) tendered for filing on December 24, 1981, a change of rate schedule, Modification No. 18 to the Operating Agreement between OPCO and The Cleveland Electric Illuminating Company (CEI). This Modification provides for an extension of the present System Unit Power sale by OPCO of 100 MW to CEI from January 1, 1982, to December 31, 1983.

The demand charge for said service will be $8.25/kW month.

Applicant has requested the Commission to accept the Modification for filing on or before January 1, 1982, as it intends to continue the sale of System Unit Power to CEI as of that date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–522 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–141–000]

Potomac Edison Co.; Compliance Filing

January 5, 1982.

The filing Company submits the following:

Take notice that on December 16, 1981, Potomac Edison Company filed compliance reports in accordance with the Commission's November 20, 1981 order approving the settlement as to the Virginia customers and the affiliated customers in this case.

Potomac Edison also filed a refund report in accordance with the Commission's letter of November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–523 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81—141–001]

Potomac Edison Co.; Compliance Filing

January 5, 1982.

The filing Company submits the following:

Take notice that on December 16, 1981, Potomac Edison filed a Fourth Revision of Original Sheet No. 12, FERC Electric Tariff, Second Revised Volume No. II in compliance with the Commission's letter order of November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 18, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–524 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–165–000]

Public Service Company of Indiana, Inc.; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on December 28, 1981, tendered for filing pursuant to the Service Agreements between the city of Frankfort, the Town of

Montezuma, and Public Service Company of Indiana, Inc. revised Exhibits "A" (Service Specifications) and new Service Agreements between Henry County REMC, Jackson County REMC, and Public Service Company of Indiana, Inc.

Said Exhibits "A" to the municipal contracts provide for revised service characteristics at each of the municipal's delivery point(s). The new Service Agreements with Henry County REMC and Jackson County REMC change to contracts to the revised format of FERC Electric Tariff Original Volume No. 2 as approved in Docket No. ER78–513.

A copy of the filing was served upon the City of Frankfort, Town of Montezuma, Henry County Rural Electric Membership Corporation, Jackson County Rural Electric Membership Corporation, and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should fle a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–525 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–178–000]

Public Service Company of Oklahoma; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that, on December 23, 1981, Public Service Company of Oklahoma ("Company") tendered for filing an Agreement for Interchange of Electric Power and Energy ("Agreement") between Company and the United States of America, acting through the Secretary of Energy as represented by the Administrator, Southwestern Power Administration ("SWPA"). The Agreement provides for the interchange and sale of electric power and energy between Company and SWPA.

The Agreement sets forth the conditions and terms of service governing the delivery of electric power and energy from the System of Company to the System of SWPA. The agreement further defines the conditions and terms of service governing the delivery of electric power and energy from the System of SWPA to the System of the Company.

Company requested that the Commission waive its notice requirements in order that the proposed Agreement can become effective immediately.

According to Company, the Oklahoma Corporation Commission and SWPA have been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–526 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–179–000]

Public Service Company of Oklahoma; Filing

January 5, 1982.

The filing Company submits the following;

Take notice that on December 23, 1981, the Public Service Company of Oklahoma (PSCO) tendered for filing an Agreement for Interchange of Electric Power and Energy (Agreement) between PSCO and the Grand River Dam Authority (Authority). The Agreement provides for the interchange and sale of electric power and energy between PSCO and Authority.

The filing contends that the agreement sets forth the conditions and terms of service governing the delivery of electric power and energy from the system of PSCO to the system of Authority. The Agreement further defines the conditions and terms of service for the delivery of electric power and energy from the system of Authority to the system of PSCO.

PSCO requests that the Commission waive its notice requirements in order that the proposed Agreement can become effective on January 1, 1982, the date Authority's fossil-fuel generation plant is to be declared in commercial operation.

According to PSCO, the Oklahoma Corporation Commission and the Authority have been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–527 Filed 1–7–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–188–000]

Wisconsin Power and Light Co.; Filing

January 5, 1982.

The filing Company submits the following:

Take notice that Wisconsin Power and Light Company, on December 29, 1981, tendered for filing proposed changes in its W–2 and W–3 Electric Service Tariffs, Wholesale For Resale. The Company has proposed interim changes which would increase revenues from W–2 Customers by $921,000 and increase revenues from W–3 Customers by $3,686,000 for the period the rates are collected subject to refund based on the 12-month period ending December 31, 1982. In addition, the Company is seeking permanent annual increases in W–2 revenues of $1,313,000 and $5,024,000 in W–3 revenues based on the same 12-month period ending December 31, 1982.

Wisconsin Power and Light Company states that the proposed rate increase is necessary to meet rising financial and operating costs. By its filing, the

Company is requesting that the interim changes become effective on March 1, 1982.

Copies of this filing were served upon the public utility's jurisdictional customers, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-528 Filed 1-7-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-1931-8]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Waivers of Federal preemption.

SUMMARY: This decision grants California waivers of Federal preemption pursuant to section 209(b) of the Clean Air Act, as amended (Act), to enforce two sets of amendments to its new motor vehicle pollution control program. The first set of amendments establishes evaporative emission standards and test procedures for motorcycles. The second set includes changes to California's exhaust emission standards and test procedures reflecting the adoption of special less stringent oxides of nitrogen (NO_x) standards for certain 1982–1985 model year vehicles produced by qualified small-volume manufacturers which depend on other manufacturers for development of their emission control technology.

ADDRESSES: Information relevant to this decision is available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at: U.S. Environmental Protection Agency, Central Docket Section, Gallery I, 401 M St., SW., Washington, D.C. 20460 (Docket Number EN–80–23). Interested parties may obtain copies of the decision document by contacting the Manufacturers Operations Division, as noted below.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff (for motorcycles), or Jerry Schwartz (for NO_x standards), Attorneys/Advisors, Manufacturers Operations Division, (EN–340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 382–2521 and 382–2495, respectively.

SUPPLEMENTARY INFORMATION: I have decided to grant California waivers of Federal preemption, as requested, pursuant to section 209(b) of the Clean Air Act, as amended (Act), 42 U.S.C. 7543(b) (1977), for amendments to its evaporative emission standards and test procedures and exhaust emission standards and test procedures. Specifically, these waivers encompass adoption by the California Air Resources Board (CARB) of (1) hydrocarbon (HC) evaporative emission standards and test procedures applicable to 1983 and subsequent model year motorcycles;[1] and (2) special NO_x exhaust emission standards and test procedures applicable to 1982 through 1986 model year passenger cars and 1983 through 1986 model year light-duty trucks (LTDs) and medium-duty vehicles (MDVs) with equivalent inertia weights of less than 4,000 pounds, produced by qualified "small-volume" manufacturers.[2]

Section 209(b) of the Act provides that if certain criteria are met, the Administratrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanyiung enforcement procedures. The criteria include consideration of whether California's proposed amendments are technologically feasible within the available lead time, considering costs, and whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as their Federal counterparts. In order for EPA to deny the waiver, opponents bear the burden of providing EPA with sufficient information to convince EPA to make a negative determination on any of the criteria.

With regard to CARB's evaporative emission standards and test procedures for motorcycles, no manufacturer submitted sufficient data or other information to satisfy its burden of proof in persuading EPA thta the standards are not technologically feasible within available lead time, considering costs. No manufacturer presented evidence indicating that California arbitrarily and capriciously determined that its standards and test procedures are, in the aggregate, at least as protective as their Federal counterparts. In fact, there are no Federal motorcycle evaporative emission standards or test procedures. No challenges of any kind were levied by any party against the test procedures.

With regard to CARB's special NO_x exhaust emission standards and test procedures, no party submitted evidence indicating compliance with the special standards was not technologically feasible. Further, no party presented evidence indicating that CARB's determination that its standards and test procedures are, in the aggregate, at least as protective as their Federal counteparts was arbitrary and capricous.

The waiver of federal preemption for the special NO_x standards and test procedures completes EPA's response to the Court's decision in *American Motors Corp. v. Blum.*[3] American Motors Corp. (AMC), the only qualifying small-volume manufacturer to date, and CARB, have both agreed to these special standards.

A full explanation of my decision to grant these waiver requests is contained in the decision document, which is incorporated by reference and which may be obtained from EPA, as noted above.

My decision will affect not only persons in California but also the manufacturers located outside the State which must comply with California's standards and test procedures in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to initially determine whether a "rule" that it intends to propose or issue

[1] Smaller Class I and II motorcycles (50–279 cubic centimeter (cc) engines) must meet a 6.0 gram per test (g/test) standard beginning in model year 1983, and a 2.0 g/test standard beginning with the 1985 model year. Larger Class II motorcycles (280 cc and greater-sized engines) must meet the same standards, but the applicability dates are one year later—model years 1984 and 1986, respectively.

[2] These special standards provide that qualified small-volume manufacturers may certify their vehicles to NO_x standards which are less stringent than the California NO_x standards applicable to other manufacturers, but are still more stringent than Federal NO_x standards applicable to those qualifying small-volume manufacturers in those model years.

[3] 603 F. 2d 978 (D.C. Cir. 1979).

is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a major rule. EPA has concluded, based on discussion contained in the decision document, that the special NO_x regulations, if anything, will result in a cost savings to the consumers and industries involved, and will likely improve competition (foreign and domestic), employment, investment, productivity and innovation, since it would assist qualified small-volume manufacturers in marketing vehicles in California which these manufacturers might otherwise not have been able to market without the special standards. EPA has also concluded, based on discussion contained in the decision document, that the motorcycle evaporative emission regulation is likely to result in only a minor increase in costs, if any, to consumers and industries involved, which would not have an annual effect on the economy of $100 million or more, and is likely not to have a significant adverse effect on competition (foreign and domestic), employment, investment and innovation. Accordingly, a Regulatory Impact Analysis is not being prepared for this action.

This action was submitted to OMB for review under the Executive Order.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-490 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-26-M

[ER-FRL-2024-5]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR Part 1506.0

Responsible Agency: Office of Federal Activities, EPA.

Information Contact: Ms. Kathi Wilson (202) 245-3006.

EISs Filed: December 28-31, 1981.

Comment Due Dates: Drafts—February 22, 1982, Finals—February 8, 1982.

Corps of Engineers: Final—Gallipolis Locks and Dam Replacement, Ohio and West Virginia (EPA EIS #811044)

DOI:Fish and Wildlife Service:Final—Redhead Waterfowl Production Wetlands Preservation, Oregon (EPA EIS #811042)

DOI:Bureau of Land Management:Final—Westside Salem Timber Management Plan, Oregon (EPA EIS #811045)

DOT:federal Highway Administration (FHWA):Draft—TX-190 Construction, Dallas, Denton and Collins Counties, Texas (EPA EIS #811043)

DOT:FHWA:Final—FAP-3, Thomas/101 and I-55/Crump Interchanges, Shelby County, Tennessee (EPA EIS #811039)

DOT:FHWA:Final—Cruse Avenue Extension/North Last Chance Gulch Reconstruction, Lewis and Clark County, Montana (EPA EIS #811040)

DOT:FHWA:Final—Roosevelt-Payson Highway/AZ-188 Reconstruction, Gila and Maricopa Counties, Arizona (EPA EIS #811041)

DOT:FHWA:Final—Santa Ana Transportation Terminal Construction, Orange County, California (EPA EIS #811046)

Nuclear Regulatory Commission:Draft—Clinton Power Station Unit #1, Operating License, DeWitt County, Illinois (EPA EIS #811047)

Department of Housing and Urban Development (HUD):104H:Draft—Tacoma Center Development, UDAG, Pierce County, Washington (EPA EIS #811048)

HUD:Draft Supplement—St. Charles New Communities, Title VII Termination, Charles County, Maryland (EPA EIS #811049)

HUD:Final—The Bluffs Housing Development, Mortgage Insurance, Sweetwater County, Wyoming (EPA EIS #811050)

HUD:Final—The Ridges Housing Development, Mortgage Insurance, Mesa County, Colorado (EPA EIS #811051)

HUD:Final—Windriver/Sunrise Housing Development, Mortgage Insurance, Sweetwater County, Wyoming (EPA EIS #811052)

Correction: USDA:SCS:Draft Revised—Llagas Creek Watershed, Santa Clara County, California—published FR 12/31/81 as draft—status is corrected to revised draft (EPA EIS #811030)

Correction: COE:Draft—I-70 Construction in Glenwood Canyon, Garfield County, Colorado—published FR 12/31/81 as draft supplement—status is corrected to draft (EPA EIS #811032)

Extended review: COE:Draft Supplement—Tennessee-Tombigbee Waterway, Alabama and Mississippi—DUE 2/4/82 (EPA EIS #810945)

Dated: January 5, 1982.

Mr. Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-546 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-2024-5]

Impact Statements and Other Federal Actions Impacting the Environment

AGENCY: Office of Federal Activities (A-104), EPA.

SUMMARY: Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, EPA reviews and comments in writing on Federal agency actions impacting the environment. On November 2, 1981, EPA Region X completed the review of the Final EIS prepared by the Federal Highway Administration (FHWA) concerning State Route 509 (I-705), Pacific Avenue Interchange to Port of Tacoma Road. The Final EIS was made available for public review and comment on September 21, 1979. However, EPA requested additional information relating to the document's air quality analysis on April 10, 1980 and October 1, 1981. The FHWA response to these requests has been reviewed and found to adequately respond to the questions raised. Based on the information provided, EPA has no objections to the project.

Dated: January 5, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-544 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-2024-5]

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency, Dallas Region.

INFORMATION CONTACT:
Mr. Clinton B. Spotts, Regional EIS Coordinator, US Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75720 (Telephone: (214) 767–2716 or (FTS) 729–2716).

SUMMARY: Pursuant to EPA regulations for new source NPDES permits and the preparation of EIS's (40 CFR Part 6), EPA is preparing a Draft EIS for wastewater discharges from the proposed Martin Lake Mining Area D lignite surface mine located in Rusk County, northeast of Henderson, Texas and proposed by Texas Utilities Generating Company. A detailed Notice of Intent that describes the project and identifies potential environmental impacts can be obtained from the person identified above. EPA will hold a meeting to determine the scope of the Draft EIS on January 28, 1982, at 7:30 pm at the County Courtroom, Rusk County Courthouse, 115 N. Main, Henderson, Texas.

Dated: January 5, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82–545 Filed 1–7–82; 8:45 am]

BILLING CODE 6560–37–M

[OPTS 42004; TSH–FRL–1988–7]

Chlorinated Paraffins; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the initial report of the Interagency Testing Committee (ITC), transmitted to the EPA on October 4, 1977, the Committee recommended to the Administrator of the EPA the chemical category "chlorinated paraffins" for consideration for testing. Earlier that year, an international group of chlorinated paraffin manufacturers had formed a Consortium to test their products for both health and environmental effects. The EPA has discussed the planned testing with the Consortium and finds the proposal from the Consortium to test chlorinated paraffins voluntarily for their health and environmental effects to be acceptable. Consequently, the EPA is not at this time proposing a section 4(a) rule to require health or environmental effects testing of the chlorinated paraffins.

FOR FURTHER INFORMATION CONTACT:
John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, toll free (800–424–9065); in Washington, D.C. (554–1404); outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) authorizes the Administrator of the EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

Section 4(e) of TSCA (section 4(a); 90 Stat. 2003; (15 U.S.C. 2601 et seq.)) established an Interagency Testing Committee (ITC) to recommend to the EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act. The ITC may designate up to 50 of its recommendations for priority consideration by the EPA. TSCA requires the EPA to respond to such designations within 12 months of the date they are made, either by initiating rulemaking under section 4(a) or publishing in the **Federal Register** reasons for not initiating rulemaking.

The ITC placed chlorinated paraffins on its priority testing list in October 1977. The ITC recommended testing of chlorinated paraffins for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects in mammals, and persistence, environmental fate and chronic effects on aquatic organisms.

The ITC defined the category as "a series of mixtures of chlorination products of materials known commercially as paraffin oils or paraffin waxes; those having a chlorine content of 35 percent through 64 perecent by weight are included." The EPA has expanded the category by increasing maximal chlorine content to 70 perecent by weight, the highest possible. In addition, the Agency has excluded from consideration all such products that might have the same basic structure as a chlorinated paraffin, but were produced in a different manner, e.g., polyvinyl chloride.

II. Proposed Testing

In 1977, an international group of chlorinated paraffins manufacturers had formed a Consortium to test their products for health and environmental effects. In response to the ITC notice, this Consortium of chlorinated paraffin manufacturers sent information to the EPA on their testing scheme. This section describes the final testing proposed by the Consortium, which reflects discussions of the Consortium with the EPA since 1979.

A. Compounds To Be Tested

There are various ways in which chlorinated paraffins might be grouped for purposes of determining which substances should be tested. The Chlorinated Paraffins Consortium, concluding that "99 percent of all chlorinated paraffins sold fell within the range C_{10}–C_{30}, Cl 40–70 percent by weight," classified chlorinated paraffings according to carbon chain length and percent chlorination as shown in Figure 1. The compounds named in the figure are those chosen for the Consortium testing program, and were selected as representative of the varius structure types—long chain, short chain, medium chlorination, etc. While this scheme does not provide testing of all possible "chlorinate paraffins," the EPA believes that a chemical structure-based approach, such as this, should provide the necessary date base for chlorinated paraffins. The four representative compounds are chosen from the matrix categories that the Agency believes to be of major commercial significance. Industry representatives have stated at the public meeting described in unit III of this notice that the "empty" matrix boxes of Figure 1 represent substances of little or no domestic commercial importance.

FIGURE 1.—PERCENT CHLORINATION BY WEIGHT

	40 to 50 pct Cl	50 to 60 pct Cl	60 to 70 pct Cl
Carbon chain length:			
C_{20}–$_{30}$	Chlorowax 40® 2 (liquid)		Electrofine S70® (solid).
C_{14}–$_{17}$		Cereclor S52® (liquid)	
C_{10}–$_{13}$			Chlorowax 500C® (liquid).

B. Testing To Be Performed

The Consortium's present proposals are presented in table 1. Dialogue between the EPA and the Consortium has resulted in alterations to the original proposals, and the present protocols and types of tests reflect the result of those discussions. During this period, Chlorowax 40 ® and Chlorowax 500C ® were selected for inclusion in the National Toxicology Program (NTP) bioassay program.

Both the mammalian testing system and the aquatic system proposed by the Consortium are tiered testing systems. A

number of tests will be performed on all four of the test compounds. Additional testing will be done on the most toxic compound, as selected by the Consortium on the basis of the initial phase of testing. A complete listing is given in Table 1.

In addition, the American members of the Consortium have agreed to fund a one-compound chronic reproductive study on an avian species. The compound to be tested has not yet been chosen.

The Consortium has agreed to permit Good Laboratory Practices/Quality Assurance (GLP/QA) activities at the request of authorized representatives of the EPA in connection with any and all studies being conducted by and for the Consortium. The Consortium has provided the EPA with protocols and will supply the EPA with the data from the studies as soon as possible. Testing is expected to be completed by December 1983 and all the results will be made available to the public as soon as they are received by the EPA. In addition, the Consortium has agreed that Agency representatives may take part in discussions of interim test results, although final testing decisions will be made by the Consortium.

TABLE 1

	Chlorowax 500C[a]	Chlorowax 40®	Cereclor S52®	Electrofine S70®
MAMMALIAN HEALTH				
Phase 1:				
Tissue level and decay studies after single dose (rat)	X[a]	X	X	X
90-day oral subchronic toxicity[b] and metabolism studies	X	X	X	X
Cell transformation (styles) test[c]	X			X
Dominant lethal mutation test (rat)[d]	X			
In vivo cytogenetic test (rat)	X	X	X	X
Teratology (rat, rabbit)	X	X	X	X
Phase 2 (1 compound, most toxic in phase 1): 2 generation reproduction study (rat).				
ENVIRONMENTAL				
Phase 1:30–60 day lethal and sublethal (mussel, rainbow trout)	X	X	X	X
Phase 2 (Chlorowax 500C®R, already known to be most toxic from phase 1 aquatic studies):				
Growth (rainbow trout, mussel)				
Bioconcentration (rainbow trout, mussel)				
Life cycle (*Daphnia*, mysid shrimp)				
Embryo-juvenile (sheepshead minnow)				
14-day bioassay (freshwater alga, marine alga)				
Chronic (partial life-cycle) (midge)				
Solubility				
Biodegradation (aerobic, anaerobic)				
Avian Study (test substance to be selected)				
Reproductive study (duck)[e]				

[a] X = Study being performed by Consortium.
[b] The Agency considers that 90-day subchronic toxicity tests are acceptable in most cases as predictive of chronic effects.
[c] Because NTP is doing full scale 2-year bioassays on Chlorowax 500C® and Chlorowax 40® the EPA did not feel it was necessary to do cell transformation tests for these substances. The cell transformation tests for Chlorowax 500C® and Electrofine S70® are being done for the Consortium's purpose.
[d] Information is already available on dominant lethal mutation tests for Chlorowa 40® and Chlorowax 70® (an analogue of Electrofine S70).
[e] This study is not part of the proposal by the international Chlorinated Paraffins Manufacturers Consortium, and will be performed by the American members.

III. Public Meeting on Proposed Industry Program

A public meeting was held on September 15, 1981 (notice was given in the **Federal Register** of August 27, 1981, 46 FR 43298), to allow interested persons to comment on the industry testing program as an alternative to the promulgation of a test rule at this time.

On October 21, 1981, the EPA received and has subsequently reviewed comments from the Natural Resources Defense Council (NRDC) on the proposed voluntary testing scheme. NRDC appears to believe that by agreeing to the voluntary testing scheme the Agency has forfeited the right to propose and/or require additional testing of chlorinated paraffins in the future. The EPA explicitly retains this right and has decided not to propose testing at this time because the Consortium program will provide considerable data, and even if some aspect of the testing later proves insufficient, EPA will be in a better position to evaluate additional testing needs when the voluntary testing program is completed (see unit IV, following).

The following discussion relates to NRDC's specific comments on the chlorinated paraffins testing scheme. A brief exposition of the EPA's general legal position appears in the alkyl phthalate notice published elsewhere in this issue of the **Federal Register**. A more detailed discussion of these issues and a discussion of NRDC's general comments on voluntary testing programs are provided in memoranda on the public record of this proceeding.

Several of NRDCs comments discussed the failure of the Consortium's testing program to contain certain types of testing included in the proposed Test Rule for Dichloromethane and 1,1,1-Trichloroethane published in the **Federal Register** of June 5, 1981 (46 FR 30300). However, each chemical has different characteristics and different combinations of risk factors, and the types of testing appropriate for one may not be generically appropriate for all chemicals. It is the EPA's belief that the cholorinated paraffins as a class are unlikely to pose the types of potential hazards that the solvents dichloromethane or 1,1,1-trichloroethane might. For example, the chlorinated paraffins have very low acute toxicities, with some LD_{50}s exceeding the 10 g/kg level. They are non-volatile, have a low chemical reactivity, and are not closely related to known oncogens or mutagens. Mutagenicity studies have been negative, and while toxic effects have been seen in the dog and rat these have been in the liver and kidney, with no reported effects in the reproductive organs to indicate an unreasonable risk of reproductive effects.

The EPA is not proposing terrestrial plant testing or a terrestrial bird reproductive study because the Agency believes it can reasonably predict that chlorinated paraffins will not pose an unreasonable risk to terrestrial ecosystems. Available evidence indicates that they are not found in such ecosystems to any great extent, whereas chlorinated paraffins have been measured in aquatic ecosystems in water, sediment, fish, aquatic mammals, and in seabirds and their eggs.

NRDC proposes that the EPA require, at a minimum, biodegradation studies and life cycle studies in *Daphnia magna* and mysid shrimp on all chlorinated paraffins tested, to indicate the potential for chronic toxic effects at low levels. However, the Agency believes that biodegradation studies will not indicate the potential for chronic toxic effects at low levels. In addition, subchronic 30–60 day studies are already being done in an aquatic invertebrate, the mussel, which is a bottom feeder and would be expected, owing to the physical and chemical properties of this class of compounds to be exposed to higher levels of chlorinated paraffins in the environment than *Daphnia* or mysid shrimp, which live in the water column.

NRDC also suggested that the chlorinated paraffins to be tested should include a representative of the low chain length, low chlorination substances, or representatives of the boxes immediately adjacent to that one, i.e., medium chain length, low chlorination, and low chain length, medium chlorination (see Figure 1). The EPA has not proposed testing of compounds in these subcategories because the EPA has no information demonstrating that such compounds are either manufactured or available in the United States in any significant quantities.

The Consortium has submitted an approximate testing schedule to the Agency. Much of the testing has already been completed, and the remainder is expected to be finished by December 1983. If the EPA were to pursue issuance of a test rule on these chemicals, the rule would probably not be final before July 1983 and testing would not actually begin for several months after that. Therefore the Agency believes that the Consortium's scheme will produce results at least as fast and in most cases faster than would be obtainable under a test rule.

The final concern raised by NRDC relates to the Consortium's concept of selecting the compound found to be "most toxic" in Phase 1 studies for investigation in Phase 2. The EPA has not insisted that the Consortium provide detailed decision logic in advance of receipt of the test results because of the many possible combinations of data that may arise in Phase 1. The Agency is not bound to accept the Consortium's interpretation of the data, and as the EPA will have access to all the data generated, Agency scientists will be able to evaluate the information on which the Consortium based its decision. If the EPA does not agree with the Consortium's choice and feels that additional testing needs to be done, the Agency can still require it.

In sum, the EPA has weighed the comments received and finds that it can accept the proposal as described in the preceding part of this notice.

IV. Decision Not To Require Testing

The EPA feels that the Chlorinated Paraffins Consortium's testing proposal, together with the NTP bioassays, will meet the immediate testing concerns of the Agency for the chlorinated paraffins. For this reason the EPA has decided not to require additional testing of the chlorinated paraffins at this time.

Acceptance of this voluntary testing proposal has great advantages over the full regulatory process. The Consortium has already completed many of the listed tests. Because the Phase 1 studies should provide a good basis for further evaluation of the category as a whole, and the Consortium has agreed to consider testing additional compounds in the Phase 2 tests if serious toxicities are shown to occur, the acceptance of the Consortium's proposal seems a reasonable alternative to a time-consuming and expensive formal rulemaking proceeding under TSCA section 4(a). This allows the Agency to focus upon other testing needs not covered by voluntary testing agreements. Considering the Agency's present test rules burden, and the considerable amount of testing included in this testing proposal, the EPA has determined that the public interest will best be served by the Consortium's and the EPA's mutual cooperation in this testing program. Should test results or other information reveal a need for additional testing that the Consortium is unwilling to perform, the Agency reserves its right to require testing under section 4(a).

V. Public Record

EPA has established a public record for this testing decision (docket number OPTS–42004) which is available for inspection from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays, in Rm. E–107, 401 M St. SW., Washington, D.C. 20460. This record includes basic information considered by the Agency in developing this decision. The Agency will supplement the record with additional relevant information as it is received. The record includes the following information.

(1) **Federal Register** notice containing the designation of chlorinated paraffins to the Priority List.

(2) Communications before proposal:

(a) Letters.

(b) Contact reports of telephone conversations.

(c) Meeting summaries of Agency-industry meetings.

(d) Public comments.

(e) Memorandum responding to public comments.

(3) Published data and some 8(d) submissions.

(4) Testing protocols.

(5) Data from Consortium's testing.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601))

Dated: December 30, 1981.

John W. Hernandez, Jr.,

Administrator.

[FR Doc. 82-371 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS–51375; TSH–FRL–2023–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATE: Written comments by: PMN 81–652, 81–656, 81–657 and 81–658—February 21, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51375]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, D.C. 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–652

Close of Review Period. March 23, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Carboxyclic diisocyanate.

Use. The manufacturer states that the PMN substance will be used as a site limited intermediate and in polyurethane systems.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2 g/kg.

Primary eye irritation (rabbit)—Mild with and without washout.

Ames salmonella—Non-mutagenic.

Primary skin irritation (at 10 times the standard quantity)—Moderate.

Exposure. The manufacturer states that at sites not controlled by the submitter, 24 employees at each site may have dermal and inhalation exposure for 8 hrs./day, 10 days/yr.

Environmental Release/Disposal. The manufacturer states that no release to the environment is expected. Material will be shipped to customer for final use. It is expected that substantially all material will be converted into cured polyurethane products. It is also expected that any waste will be disposed of in closed containers via prescribed chemical waste disposal procedures.

PMN 81-656

Close of Review Period. March 23, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000 to 499,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—28

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Halogenated nitrotoluene derivative.

Use. Further clarification needed before information may be released to the public files.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—100-200° C.

Solubility: water @ 25° C—$<10^{-6}$.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—881 mg/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2.1 g/kg.

Primary skin irritation (rabbit)—Slight irritant.

Primary eye irritation (rabbit)—Moderate irritant.

Exposure. The manufacturer states that industrial employees will have very low potential for exposure contact and only in unlikely occurrence of spill.

Environmental Release/Disposal. The manufacturer states that less than 50 kg/yr will be released to the environment.

PMN 81-657

Close of Review Period. March 23, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000 to 499,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: N-alkylated toluidine derivative.

Use. Further clarification needed before information may be released to the public files.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—50-100° C.

Solubility: water @ 25° C—$<10^{-6}$.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—487 mg/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2.1 g/kg.

Primary skin irritation (rabbit)—Minimal irritant.

Primary eye irritation (rabbit)—Extreme irritant.

Ames salmonella—Not mutagenic.

Exposure. The manufacturer states that industrial employees will have very low potential for exposure contact and only in unlikely occurrence of spill.

Environmental Release/Disposal. The manufacturer states that less than 50 kg/yr will be released to the environment.

PMN 81-658

Close of Review Period. March 23, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000 to 499,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Halogenated toluene derivative.

Use. Further clarification needed before information may be released to the public files.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—100-200° C.

Solubility: water @ 25° C—$<10^{-6}$.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>1,000 mg/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2.1 g/kg.

Primary skin irritation (rabbit)—Slight irritant.

Primary eye irritation (rabbit)—Minimal irritant.

Exposure. The manufacturer states that industrial employees will have very low potential for exposure contact and only in unlikely occurrence of spill.

Environmental Release/Disposal. The manufacturer states that less than 50 kg/yr will be released to the environment.

Dated: December 29, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-467 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51376; TSH-FRL-2023-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-659, 81-660, 81-661, 81-662, 81-663, 81-664 and 81-665—February 26, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51376]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–659

Close of Review Period. March 28, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. 3-carboxy-4-[(4-[2-methoxy-5-(2-hydroxysulfonyloxy) ethylsulfonyl) phenyl) aminocarbonyl) phenylazo)-1-(4-sulfophenyl)-5-pyrazolone disodium salt.

Use. The importer states that the PMN substance will be used as an industrial dyestuff.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	3,000
2d year	3,000	8,000
3d year	8,000	15,000

Physical/Chemical Properties

Appearance—Orange powder.
pH—4–6.
Solubility: water—Over 15 (g/solvent 100 g).

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Skin irritation (rabbit)—Negative.
Eye irritation (rabbit)—Minimal.
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

PMN 81–660

Close of Review Period. March 28, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. 4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl) phenylazo)- 1-naphthalene sulfonic acid disodium salt.

Use. The importer states that the PMN substance will be used as a dyestuff.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	3,000
2d year	3,000	8,000
3d year	10,000	15,000

Physical/Chemical Properties

Appearance—Dark red powder.
pH—4–6.
Solubility: water—Over 15 (g/solvent 100 g).

Toxicity Data

Acute oral toxicity LD_{50}—>5,000 mg/kg.
Skin irritation (rabbit)—Negative.
Eye irritation (rabbit)—Mild.
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

PMN 81–661

Close of Review Period. March 28, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. 4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl) phenylazo)-6-[3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.

Use. The importer states that the PMN substance will be used as a dyestuff.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	3,000
2d year	3,000	8,000
3d year	10,000	20,000

Physical/Chemical Properties

Appearance—Light black powder.
pH—4–6.
Solubility: water—Over 15 (g/solvent 100 g).

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Skin irritation (rabbit)—Negative.
Eye irritation (rabbit)—Negative.
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

PMN 81–662

Close of Review Period. March 28, 1982.

Manufacturer's Identify. Claimed confidential business information. Organization information provided:
Annual sales—Over $500 million.
Manufacturing site—Middle Atlantic region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted propionamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Pale pink to colorless solid.
Specific gravity—1–10.
Boiling point—300° C.
Flash point (SFCC)—104° F.
Melting point—30° C.
Solubility: water—Appreciable.

Toxicity Data

Oral LD_{50}—0.73 g/kg.
Dermal LD_{50}—1.01 g/kg.
Skin irritation—Slight.
Eye irritation—Severe.
Exposure. The manufacturer states that during manufacture and use workers may experience dermal and occular exposure 1 hr/day, during sampling, equipment maintenance or accidental spill.
Environmental Release/Disposal. The manufacturer states that less than 10–100 kg/yr will be released to land. Disposal is to an approved landfill and by incineration.

PMN 81–663

Close of Review Period. March 28, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500 million.
Manufacturing site—West South Central region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkali metal salt of substituted benzoate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that

the PMN subtance will be used as a site-limited chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, liquid.
pH—12.
Viscosity @ 20° C—12,000 cp.
Freezing point—<0° C.
Density—1.40 g/cc.

Toxicity Data

Dermal LD_{50}—>5 g/kg.
Skin irritation—Slight.
Eye irritation—Substantial.

Exposure. The manufacturer states that during manufacture and use workers may experience dermal and occular exposure 2 hrs/day, during sampling and clean-up operations.

Environmental Release/Disposal. Disposal is by incineration.

PMN 81-664

Close of Review Period. March 28, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyester from a substituted alkanediol, carbomonocyclic acids and carbomonocyclic anhydride.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	5,000	10,000
2 year	12,500	20,000
3 year	15,000	20,000

Physical/Chemical Properties

Flash point—90° F.
Viscosity—19 stokes.
Acid value—8.5 Mg KOH/g.
Color—1.
Total solids (105° C)—73.6%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 73 workers may experience dermal and occular exposure up to 7 hrs/day, up to 30 days/yr during sampling, transfer, cleaning, and filling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–1,000 kg/yr to land. Disposal is by incineration.

PMN 81-665

Close of Review Period. March 28, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted pyran.

Use. Claimed confidential business information.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	10	100
2 year	10	1,000
1 year	100	2,000

Physical/Chemical Properties

Appearance—Liquid.
Specific gravity @ 25° C—0.905–1.015.
Flash point—Above 100° F.
Refractive index @ 25° C—1.501–1.509.
Color—Pale to light yellow.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—5.0 g/kg.

Acute dermal toxicity LD_{50} (rabbits)—>5.0 g/kg.

Primary skin irritation (rabbit)—Slightly irritating.

Primary eye irritation (rabbit)—Minimal irritant.

Repeated insult patch test/photosensitization study in human subjects—Negative.

Exposure. The importer states that during use 2 workers may experience workplace air exposure < 1 hr/day, < 20 days/yr during blending operations.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air < 1 hr/day, < 20 days/yr.

Dated: December 29, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-[illegible] Filed 1-7-82; 8:45 am]

BILLING CODE [illegible]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 16743; Gen. Docket No. 80-184]

Draft Proposals for 1983 World Mobile Radio Conference Presented for Comment; Action in Docket Case

December 21, 1981.

The Commission has asked for comments on the U.S. Draft Proposals developed for the 1983 World Administrative Radio Conference (WARC) for Mobile Telecommunications.

The Mobile WARC, which will be concerned with distress and safety matters, maritime radio uses and international aeronautical radio services, will be held in Geneva, beginning February 23, 1983, under the auspices of the 155-member International Telecommunication Union.

The Draft Proposals, after receipt of comments and further analysis, will serve as the basis for FCC coordination with the Department of State and the National Telecommunications and Information Administration of the Department of Commerce in the formulation of U.S. proposals and positions for the conference.

The Commission said it expected that, after consultation with those agencies, its final recommended proposals would be sent to the State Department and released to the public in April or May 1982. U.S. Preliminary Views on conference proposals were published in the Third Notice of Inquiry, released April 20, 1981. The Commission said it does not expect to issue any further Notice of Inquiry in its conference preparations.

The Commission said it would continue to press for early formation of the U.S. delegation to the conference.

Comments on the proposals must be filed by February 12, 1982, and reply comments by March 1.

Action by the Commission December 17, 1981, by Fourth Notice of Inquiry (FCC 81-573). Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones, Dawson and Rivera.

For further information contact Lawrence Palmer, (202) 653-8102.

Note.—Due to the effort to minimize publishing costs, the Notice of Inquiry will not be printed herein. However, copies may be obtained from the FCC Office of Public

Affairs, Room 202, 1919 M St., N.W., Washington, D.C. 20554.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-534 Filed 1-7-82; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; First Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the first meeting of the Telecommunications Industry Advisory Group scheduled to meet on Tuesday, January 26, 1982, at 9:30 a.m., in Room 856 of the Commission's offices at 1919 M Street, NW., Washington, D.C. The meeting will be open to the public. The preliminary agenda is as follows:

I. Designation of Member to be Responsible for Minutes and Transcripts
II. Introductory Remarks and Introduction of Members
III. General Discussion of Group Approach, Direction and Restrictions
IV. Organization for Future Work
V. Open Discussion
VI. Other Business
VII. Presentation of Oral Statements
VIII. Date/Place of Next Meeting, and Adjournment

With prior approval of the Group Chairman, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman of the Group determines that an oral presentation is conducive to the efficient attainment of the Group's objectives. Anyone wishing to make an oral presentation should contact the Group Chairman at least five days prior to the meeting date.

For further information, contact Stephen T. Duffy, (202) 634-1861.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-531 Filed 1-7-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10433]

Delta Steamship Line, Inc. and Societe Ivoirienne de Transport Maritime; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10433 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and that preparation of an environmental impact statement is not required. This agreement is a space charter arrangement between Delta Steamship Line, Inc. and Societe Ivoirienne de Transport Maritime for cargo moving from the Ivory Coast to U.S. Gulf Coast ports.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-425 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1149]

Dunnington & Arnold of Philadelphia, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Dunnington & Arnold of Philadelphia, Inc., Suite 1149, Public Ledger Bldg., Philadelphia, PA 19106 was canceled effective December 17, 1981.

By letter dated November 19, 1981, Dunnington & Arnold of Philadelphia, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1149 would be automatically revoked unless a valid surety bond was filed with the Commission.

Dunnington & Arnold of Philadelphia, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1149 be and is hereby revoked effective December 17, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1149 issued to Dunnington & Arnold of Philadelphia, Inc. be returned to the Commission for cancelation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Dunnington & Arnold of Philadelphia, Inc.

Albert J. Klingel, Jr.,

Director Bureau of Certification & Licensing.

[FR Doc. 82-423 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-4012]

Jacksonville Port Authority and Trans Freight Lines, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-4012 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and that preparation of an environmental impact statement is not required. This agreement is between Jacksonville Port Authority (Authority) and Trans Freight Lines, Inc. (TFL). Under the terms of the agreement the Authority will lease real property, and improvements thereto, consisting of five acres at Blount Island Docks and Terminals located in Jacksonville, Florida.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-424 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

Transport Specialists, Inc.; Order of Revocation in Part

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Transport Specialists, Inc. co-holder of FMC License No. 1323 with Transport Specialists (Florida) Inc. was cancelled effective November 15, 1981.

By letter dated October 26, 1981, Transport Specialists, Inc. was advised by the Federal Maritime Commission that its authority to use Independent Ocean Freight Forwarder License No. 1323 would be automatically revoked unless a valid surety bond was filed with the Commission.

Transport Specialists, Inc. has failed to furnish a valid replacement surety bond within the time prescribed. It also appears that this company is no longer in business. Notwithstanding this, Transport Specialists (Florida), Inc. has provided a valid replacement surety bond, therefore, it will continue to hold FMC License No. 1323 in its name only.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Transport Specialists, Inc.'s authority to use Independent Ocean Freight Forwarder License No. 1323 be and is hereby revoked effective November 15, 1981.

It is ordered, that a copy of this Order be published in the **Federal Register** and served upon Transport Specialists, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-422 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2162]

Love Shipping Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Love Shipping Corporation, 9545 Coral Way, P.O. Box 520625, Miami, FL 33152 was cancelled effective December 27, 1981.

By letter dated December 16, 1981, Love Shipping Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2162 would be automatically revoked unless a valid surety bond was filed with the Commission.

Love Shippng Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2162 be and is hereby revoked effective December 27, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2162 issued to Love Shipping Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Love Shipping Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-511 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

Performance Review Board; Members

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director, Office of Personnel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the U.S. Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Federal Maritime Commission.

Alan Green, Jr.,

Chairman.

The members of the Performance Review Board are:

1. Thomas F. Moakley, Vice Chairman.
2. James J. Carey, Commissioner.
3. James V. Day, Commissioner.
4. Richard J. Daschbach, Commissioner.
5. John E. Cograve, Chief Administrative Law Judge.
6. William Beasley Harris, Administrative Law Judge.
7. Seymour Glanzer, Administrative Law Judge.
8. Charles E. Morgan, Administrative Law Judge.
9. Norman D. Kline, Administrative Law Judge.
10. Joseph N. Ingolia, Administrative Law Judge.
11. Paul J. Fitzpatrick, Administrative Law Judge.
12. James K. Cooper, Managing Director.
13. Wm. Jarrel Smith, Jr., Deputy Managing Director.
14. Daniel J. Connors, Director, Bureau of Tariffs.
15. John Robert Ewers, Director, Bureau of hearings and Field Operations.
16. Robert G. Drew, Director, Bureau of Agreements.
17. Albert J. Klingel, Jr., Director, Bureau of Certification and Licensing.
18. Francis C. Hurney, Secretary.
19. C. Jonathan Benner, General Counsel.
20. Robert D. Bourgoin, Deputy General Counsel.

[FR Doc. 82-508 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

Petition for Investigation of Practices of Conferences and Member Lines With Respect to Payment of Brokerage

Notice is hereby given that the National Customs Brokers and Forwarders Association of America, Inc. has filed a petition requesting that the Commission conduct an investigation of the practice of conferences of carriers and their member lines of prohibiting the payment of brokerage on bunker surcharges and currency adjustment factors. Although the North Atlantic Continental Freight Conference is mentioned specifically, the petition requests investigation of all conferences with similar tariff provisions.

Interested parties may inspect and obtain a copy of this application at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10233, or may inspect the application at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois and Hato Rey, Puerto Rico. Interested persons may submit comments to the Secretary, Federal Maritime Commission, Washington, D.C., by February 8, 1982. An original and fifteen copies of such comments shall be submitted and a copy thereof served on applicant.

Francis C. Hurney,

Secretary.

[FR Doc. 82-509 Filed 1-7-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Industry Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming open meeting with representatives of FDA-regulated industry, especially of trade associations. The meeting will be chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: The meeting will be held from 9 a.m. until 10:30 a.m., January 25, 1982.

ADDRESS: The meeting will be held in the main auditorium of the Department of Health and Human Services, North Building, 330 Independence Ave. SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nathaniel L. Geary, Intergovernmental and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs will meet periodically with respresentatives of FDA-regulated industry to share mutual concerns and to facilitate dissemination of FDA proposals and decisions affecting FDA-regulated industry. The topics for discussion at this meeting are: (1) regulatory reform initiatives concerning food safety and revision of new drug procedures and (2) process and procedures for future meetings. Although the meeting will be open to the public, for this inaugural meeting FDA is particularly interested in attendance by representatives of trade associations for FDA-regulated industry.

Dated: January 5, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–551 Filed 1–7–82; 8:45 am]

BILLING CODE 4160–01–M

Social Security Administration

Privacy Act of 1974; Report of New Routine Use

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: New routine use.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to establish a new routine use of information that we maintain in the following Privacy Act systems of records:

1. 09–60–0045—Black Lung Payment System (BLPS), HHS/SSA/OURV;
2. 09–60–0089—Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (Claims Folder), HHS/SSA/OOPP;
3. 09–60–0090—Master Beneficiary Record (MBR), HHS/SSA/OURV;
4. 09–60–0094—Recovery Accounting for Overpayments (ROAR), HHS/SSA/OURV; and
5. 09–60–0103—Supplemental Security Income Record (SSR), HHS/SSA/OURV.

The proposed routine use will enable us to use third party resources to assist in the recovery of overpayments.

We invite public comments on this proposal.

DATE: The proposed routine use will become effective as proposed, without further notice, on February 7, 1982 unless we receive comments on or before that date which would result in a contrary determination.

ADDRESS: Interested individuals may comment on this proposal by writing to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at 3–F–1 Operations Building at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Marder, Director, Debt Management Staff, Social Security Administration, Room 500 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 597–4687.

SUPPLEMENTARY INFORMATION: SSA makes monthly payments to approximately 35 million retirement, survivors and disability insurance beneficiaries and supplemental security income recipients. In administering these payments, we sometimes overpay individuals. This generally is caused by beneficiaries/recipients failure to report events which affect their entitlement to payment or the amount thereof.

When an individual is overpaid, section 204(a) of the Social Security Act gives SSA authority to adjust the overpayment against any benefits, which are still due him or her. If the individual is no longer due benefits, section 204(a) also gives us authority to require refund of the amount overpaid. On April 17, 1979, and April 17, 1981, the General Accounting Office and the Department of Justice issued joint regulations (4 CFR 102) which encourage Federal agencies to supplement Federal debt collection programs by contracting for the services of third parties to assist in collecting debts.

The use of third party resources to assist in the recovery of outstanding overpayments will represent a new direction for SSA. For the most part, we have depended on our own resources to recover overpayments. However, given the Federal Government's concern about growing losses and the regulations urging the use of private resources, we are proposing to establish a routine use which would permit us to disclose information pertaining to an overpaid individual (e.g., name, social security number, latest address, telephone number, amount of debt, debt payment history and information relating to the ability to repay) to third parties for the purpose of their assisting us in recovering overpayments. Such third parties could include, but are not limited to, credit-related services, collection agencies, and State Motor Vehicle Departments.

Initially, we will request information (e.g., current address) from third parties which will be used in our attempts to collect an individual's debt. By early 1982, we expect to award contracts to private collection agencies for the purpose of employing their assistance in the collection of debts. Their activities will include such things as billing, investigating an individual's current whereabouts and ability to refund the overpayment, and making personal contacts to collect overpayments. Third party responsibilities with respect to the Privacy Act and the HHS Privacy Act regulation and other applicable Federal statutes and regulations will be clearly stated in the contracts.

Information that we will disclose to a collection agency under contract with SSA will constitute an SSA system of records maintained by a contractor. Prior to disclosing information to a contractor, we will establish a new system of records in accordance with Privacy Act requirements (5 U.S.C. 552a).

In accordance with the above discussion, we are proposing the following statement of routine use:

> Information may be disclosed to third party contacts (including private collection agencies under contract with the Social Security Administration) for the purpose of their assisting the Social Security Administration in recovering overpayments.

The proposed routine use meets the criteria contained in the Privacy Act and our disclosure regulation (20 CFR 401).

Both permit us to disclose information without the consent of the individual to whom it pertains for purposes which are compatible with those for which SSA collected the information. Information in each of the above mentioned systems is collected for the purpose of administering programs for which SSA is responsible. The BLPS, Claims Folder, MBR and SSR systems may contain information which indicates that an individual has been overpaid; the ROAR system contains information which is used to maintain control of overpayments and SSA's efforts to collect them. Disclosure from these systems under the proposed routine use would enhance our ability to recover monies owed SSA by using third party sources to assist in our recovery efforts, rather than depending solely on our own resources. We anticipate that disclosures under the routine use will not result in any clearly unwarranted adverse effects on personal privacy.

Dated: December 21, 1981.

John A. Svahn,

Commissioner of Social Security.

09-60-0045

SYSTEM NAME:

Black Lung Payment System HHS SSA OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All black lung beneficiaries currently entitled to receive a black lung benefit and beneficiaries terminated because of a termination event as defined in the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Black Lung Master Records consist of a payment master record and a benefit master record which are matched once a month. The payment master record reflects the social security number and the payment identification code under which black lung benefits are awarded and payment data such as the monthly payment amount; the scheduled payment amount; offset information; the number of beneficiaries on the account as well as the number of beneficiaries in the payment; the month of accrual; the month of debit; credit information; future month of adjustment diary dates; cross-reference information; payee name and address information, direct deposit data, and statistical information. The benefit master record contains a benefit record for each beneficiary on the account which includes the social security number, the payment and benefit identification codes, the payment status, the monthly benefit amount, the beneficiary's name, type of benefit, data of birth, race, sex, offset information, credit information, date of filing, date of entitlement, representative payee information, and statistical information.

Only the latest action taken is reflected on these records. The records may be in the following form: Payment Master Record Computer File: Benefit Master Record Computer File; Treasury Payment Tape File; Microfiche File; Payment Reference Listing; Benefit Reference Listing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 413 and 415 of Part IV of the Federal Coal Mine Health and Safety Act (Black Lung).

PURPOSE(S):

The data on the Black Lung Master Records is used by Social Security employees for responding to inquiries; computer exception processing; conversion of benefits; end of the month reconciliations; statistical studies to generate payment tapes for Treasury; and for exchange with the Department of Labor for administering provisions of the Title IV of the Black Lung Act

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made:

1. To a congressional office from the record of a individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendent is (a) the Department of Health and Human Services (DHHS), any component of DHHS or any employee of DHHS in his or her official capacity, (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS or any of its components, or (c) any DHHS employee in his or her individual capacity where the Justic Department has agreed to represent such employee, DHHS may disclose such records as it deems desirable or necessary to the Department of Justic to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

4. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating, and where appropriate, taking legol action against suspected nazi war criminals in the United States.

5. To third party contacts (including private collection agencies under contracts with the Social Security Administration) for the purpose of their assisting the Social Security Administration in recovering overpayments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tape, paper.

RETRIEVABILITY:

By social security number.

SAFEGUARDS:

Magnetic tape is protected through standard security measures used for all Social Security Administration computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records.

RETENTION AND DISPOSAL:

Magnetic tape records are retained up to 90 days. Paper records are usually destroyed after use, except where needed for documentation of the claims folder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, Baltimore, Maryland 21241.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record pertaining to him or her by contacting the system manager at the address shown above and furnishing his or her name, social security number, approximate date and place claim was filed, type of claim (disability, black lung, or supplemental security income), and return address. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in

accordance with HHS Regulations 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

The information for the Black Lung Master Records is furnished by the beneficiary at the time of filing for benefits via the application form and necessary proofs and during the period of entitlement when notices of events such as changes of address, work, marriage, etc., are given to the Social Security Administration by the beneficiary. This information is prepared for input to this system from the Black Lung claims folders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–60–0089

SYSTEM NAME:

Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

The claims folders are generally set up in district or branch officers when claims for benefits are filed (see Appendix F.1 for address information). They are retained there until all development has been completed, and then transferred to the appropriate reviewing office as set out below. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to a folder-staging facility in Chicago prior to transfer to the Chicago Federal Archives Records Center.

Retirement and survivors insurance claims folders are maintained primarily in social security program service centers. However, if an individual to which the claim pertains resides outside the United States or any of its possessions, the folder is maintained in the Office of International Policy. See Appendix A for address information regarding the Program Service Centers and the Office of International Policy.

Disability insurance claims folders for individuals under age 62 are maintained primarily in the Office of Disability Operations, or if the individual resides outside the United States or any of its possessions, the Office of International Policy. Disability insurance claims folders for disabled individuals over age 62 are maintained in the Program Service Centers or the Office of International Policy (see Appendix A for address information).

Claims folders relating to Black Lung claims are maintained in the Office of Disability Operations (see Appendix B.1 for address information).

Supplemental security income claims folders are maintained in the Chicago Federal Archives Records Center.

In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration and the General Service Administration and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health and Human Services). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B.3 for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

The claims folder is established when a claim for benefits is filed. It contains application for benefits earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives.

It also may contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202–205, 223, 226, 228, 1611, 1631, 1818, 1836, and 1840 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

PURPOSE(S):

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (Black Lung Act). Data are used to produce and maintain the Master Beneficiary Record (09–60–0090) which is the automated payment system for retirement, survivors, and disability benefits; the Supplemental Security Income Record (09–60–0103) system for the aged, blind, and disabled payments; the Black Lung Payment System (09–60–0045) for black lung claims; and the Health Insurance Billing and Collection Master Record system (09–70–0522) for hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System (09–60–0091) while the claim is pending development for adjudication in the district or branch office, and by the Case Control System (09–60–0092) once the folder has been transferred to the reviewing office (program service centers, Office of International Policy, or the Office of Disability Programs).

The claims folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determinations as to eligibility for benefits, the amount of benefits, reviewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

Routine uses of records maintained in the system, including catagories of users and the purposes of such uses: Disclosure may be made as indicated below:

1. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the social security program when:

(a) The individual is unable to provide information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist:

(i) he/she is incapable or of questionable mental capability;

(ii) he/she cannot read or write;
(iii) he/she cannot afford the cost of obtaining the information;
(iv) a language barrier exists; or
(v) the custodian of the information will not, as a matter of policy provide it to the individual; or
(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:
(i) his/her eligibility for benefits under the social security program;
(ii) the amount of his/her benefit payment; or
(iii) any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

2. To third party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

3. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:
(a) an award of benefits to a new claimant precludes an award to a prior claimant; or
(b) an award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

4. To employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

5. To the Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

6. To the United States Postal Service for investigating alleged forgery or theft of social security checks.

7. To the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

8. To the Department of State for administering the Social Security Act in foreign countries.

9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan.

10. To the Veterans Administration, Regional Office Philippines, for administering the Social Security Act in the Philippines.

11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.

12. To the Railroad Retirement Board for administering provisions of the Social Security Act relating to railroad employment.

13. To State social security administrators for administration of agreements pursuant to section 218 (State and local).

14. To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations, and expenditures of Federal funds by the State in support of the Disability Determination Section (DDS).

15. To private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

16. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

17. To institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

18. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive an account of benefit payments.

19. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

20. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

21. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

22. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs. Such disclosures include, but are not limited to, release of information to:
(a) the Railroad Retirement Board for administering provisions of the Railroad Retirement Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act;
(b) the Veterans Administration for administering 38 U.S.C. 412, and upon request, information needed to determine eligibility for or amount of VA benefits or verifying other information with respect thereto;
(c) the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act;
(d) State welfare departments for administering sections 208(c)(b)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only;
(e) State agencies for making determinations of Medicaid eligibility; and
(f) State agencies for making determinations of food stamp eligibility under the food stamp program.
(g) To State Vocational Rehabilitation agencies or State crippled Children's service agencies (or other agencies providing services to disabled children) for consideration of rehabilitation services per sections 222a and 1615 of the Social Security Act.

23. To State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments; for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act; and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

24. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country that is a party to that agreement.

25. To the Internal Revenue Service, Department of the Treasury, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

26. To the Office of the President for responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

27. To third party contacts (including private collection agencies under contract with the Social Security Administration) for the purpose of their assisting the Social Security Administration in recovering overpayments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Claims folders are maintained in file cabinets by service area as set out in location above.

RETRIEVABILITY:

Claims folders are filed by social security number.

SAFEGUARDS:

Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

RETENTION AND DISPOSAL:

The claims folder is initially maintained in the reviewing office. Later, both active and inactive folders are transferred to the Federal Archives and Records Center for storage and inactive (no one is entitled to benefits) folders are scheduled for destruction. The time for retention prior to destruction is 5-year retention—no record of surviving potential beneficiaries; 20-year retention—withdrawn claims, claims disallowed or lump-sum death payments only, and 55-year retention—potential future claimants indicated in the file.

When a subsequent claim is filed on the social security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of social security programs.

SYSTEM MANAGER(S) AND ADDRESS:

SSA Privacy Officer, 6401 Security Boulevard, Baltimore Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F.) for address and telephone information).

When requesting notification, an individual should provide his or her name, social security number, the type of claim he or she filed (retirement, survivors, disability, health insurance, black lung special minimum payments, or supplemental security income; if more than one claim is filed, each should be identified), whether he or she is or has been receiving benfits, whether payments are being received under his or her own social security number, and if not, the name and social security number under which received, if benefits have not been received, the appropriate date and place the claim was filed, and his or her address and/or telephone number.

As individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse affect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representaive and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's descretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as modification procedures. Requesters should also reasonably specify the information being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agenices, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0090

SYSTEM NAME:

Master Beneficiary Record HHS SSA OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases;

contains information pertinent to all benficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form:

Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File—a master record in social security number order, Alpha File—an alphabetic list of beneficiaries, Transaction File—monthly supplement (accretions, deletions, and changes) to the master file, in social security number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, and Returned and Cancelled Check Files, and payment reference listing, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary record. After use they are returned to stock.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Payment of benefits is directed by the following sections: Sections 202a–205, 223, 226, 228, 1818, 1836, 1840 and of the Social Security Act.

PURPOSE(S):

Data in this system are used by a broad range of social security employees for responding to inquiries, generating, followups on beneficiary reporting events, computer exception processing statistical studies, conversion of benefits, and to generate records for the Treasury Department. Data in this system are also available to the DHHS Inspector General for use in the performance of his duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made as indicated below:

1. To applicants or claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

2. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the social security program when:

(a) The individual is unable to provide information being sought (an individual is considered to be unable to provide certain types of information when):

(i) he/she is incapable or of questionable mental capability;

(ii) he/she cannot read or write;

(iii) he/she cannot afford the cost of obtaining the information;

(iv) a language barrier exists; or

(v) the custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) his/her eligibility for benefits under the social security program;

(ii) the amount of his/her benefit payment; or

(iii) any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

3. To third party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

4. To a person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(a) an award of benefits to a new claimant precludes an award to a prior claimant; or

(b) an award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

5. To the Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

6. To the United States Postal Service for investigating alleged forgery or theft of social security checks.

7. To the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

8. To the Department of State for administering the Social Security Act in foreign countries.

9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan.

10. To the Veterans Administration, Regional Office Philippines, for administering the Social Security Act in the Philippines.

11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands.

12. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

13. To the Office of the President for the purpose of responding to an inquiry received from that individual or from a third party on his or her behalf.

14. To the Office of Education for determining eligibility of applicants for basic educational opportunity grants.

15. To the Railroad Retirement Board for administering provisions of the Social Security Act relating to railroad employment.

16. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

17. To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

18. To the Office of Personnel Management (formerly the Civil Service Commission) for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

19. To State social security administrators for administration of agreements pursuant to section 218 (State and local).

20. To the Energy Resources Development Administration for their

study of the long-term effects of low-level radiation exposure.

21. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

22. To contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

23. To the Department of Labor, for statistical studies of the relationship of private pensions and social security benefits to prior earnings.

24. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or (c) an HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee. HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

25. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act

26. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs. Such disclosures include, but are not limited to, release of information to:

(a) the Railroad Retirement for administering provisions of the Railroad Retirement Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act;

(b) the Veterans Administration for administering 38 U.S.C. 412, and upon request, for determining eligibility for or amount of VA benefits or verifying other information with respect thereto;

(c) State Welfare Departments for administering sections 205(c)(2)(B)(i)(II) and 401(a)(25) of the Social Security Act requiring information about assigned social security numbers of Aid Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC program; and

(d) State agencies for administering the Medicaid program.

27. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating, and where appropriate, taking legal action against suspected nazi war criminals in the United States.

28. To their party contacts (including private collection agencies under contract with the Social Security Administration for the purpose of their assisting the Social Security Administration in recovering overpayments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, magnetic disk, microfilm, and paper.

RETRIEVABILITY:

Based on social security number on magnetic tape, disk, microfilm readers and printers, listings, and online computer terminals.

SAFEGUARDS:

All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and filed office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Department standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exlusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Magnetic tape records are used to update the disc files and then are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Mircrofilm is disposed of by shredding after periodic replacement, of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, 09-60-0089).

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F.1 for address information).

When requesting notification, an individual should furnish his or her social security claim number (social security number plus alphabetic symbols), name, address, and proper identification. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

The information for the Master Beneficiary Record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, and given the Social Security Administration by the beneficiary; from States regarding health insurance third party premium payment/buy-in cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0094

SYSTEM NAME:

Recovery Accounting for Overpayment, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235, Social Security Administration Program Service Centers, Office of International Policy (see Appendix A for Address information). Office of Disability Operations, Baltimore, Maryland 21241.

Lists of overpaid individuals, which are produced by this computer system, are maintained at each district or branch office (see Appendix F for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All social security beneficiaries who received an overpayment of benefits. All persons holding conserved (accumulated) funds received on behalf of a social security beneficiary. All persons who received social security payments on behalf of a beneficiary and were found to have misused those payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying characteristics of each overpayment or instance of misused or conserved funds. Name and address of the individual(s) involved. Recovery efforts made and the date of each action. Planned future actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 204(a) of the Social Security Act (42 United States Code 404(a)).

PURPOSES(S):

The users of this system are employees of district and branch offices, as well as selected personnel of social security program service centers, the Office of International Policy, and the Office of Disability Operations. The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data adjustment produce accounting and statistical reports at specified intervals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made as indicated below:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.

3. To third party contacts (including private collection agencies under contract with the Social Security Administration) for the purpose of their assisting the Social Security Administration in recovering overpayments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, magnetic disk and microfiche in the Bureau of Data Processing. Microfiche in program service centers, the Bureau of Disability Insurance and the Division of International Operations. Paper listings in district and branch offices.

RETRIEVABILITY:

Magnetic tape, magnetic disk and microfiche indexed by social security number.

SAFEGUARDS:

Magnetic tape, magnetic disk, microfiche and paper records are protected through standard security measures used for all of the Social Security Administration's records–limited access to Social Security Administration offices—limited access to files to employees on a need to know basis.

RETENTION AND DISPOSAL:

Magnetic tape files are updated daily and retained for 10 days, after which the tapes are erased and returned to stock. The magnetic tape file produced in the last operation of the month is retained in security storage for a period of 30 days, after which the tapes are erased and returned to storage. The microfiche records are updated monthly, retained for one month after the month they are produced, and then destroyed by application of heat. Paper listings are destroyed when overpayment issue is resolved or updated listing is received. The disk files are continuously updated and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by contacting the most convenient social security office (see Appendix F for address information) or the appropriate program service center (see Appendix A for address information).

When requesting notification, an individual should provide his or her name, social security number, address, other information which will assist in locating the requested materials (e.g., data about a prior or current overpayment), and reference this system of records. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably accordance with HHS Regulations 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

The information for the computer files is received directly from beneficiaries, from district and branch offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-103

SYSTEM NAME:

Supplemental Security Income Record HHS SSA OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235, Regional, district, and branch offices (see Appendices D and F for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains a record for each individual who has applied for supplemental security income (SSI) payments including individuals who have requested an advance payment, and SSI recipients who have been overpaid and for each essential person associated with an SSI recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains data regarding SSI eligibility, citizenship, residence, medicaid eligibility, eligibility for other benefits, alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21

U.S.C. 1175 and 42 U.S.C.), income data, resources, payment amounts, including overpayments amounts, and data and amount of advance payments, living arrangements, case folder location data, appellate decisions, if applicable, social security numbers used to identify a particular individual, and a history of changes to any of the preceding categories for all persons who have applied for SSI payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, and 1634 of Title XVI of the Social Security Act.

PURPOSE(S):

Supplemental Security Income records begin in the social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant to determine his or her eligibility for supplemental security income payments and, in cases where eligibility is determined, to compute the amount of the payment. Information from the application, in addition to data used internally to control and process supplemental security income cases, is used to create the Supplemental Security Income Record (SSR). The SSR is also used as a means of providing a historical record of all activity on a particular individual's record. In addition, statistical data is derived from the SSR for acturial and management information purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure from this record may be made to:

1. the Treasury Department to prepare supplmental security income benefit checks and energy assistance checks.
2. the States to establish the minimum income level for computation of State supplement.
3. the following Federal and State agencies to prepare information or verification of benefit eligibility under section 1631(e):
   a. Bureau of Indian Affairs
   b. Civil Service Commission
   c. Department of Agriculture
   d. Deartment of Labor
   e. Immigration and Naturalization Service
   f. Internal Revenue Service
   g. Railroad Retirement Board
   h. State Pension Funds
   i. State Welfare Office
   j. State Workmen's Compensation
   k. Department of Defense
   l. United States Coast Guard
   m. Veterans Administration
4. a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. identify title XVI eligibles under the age of 16 to State crippled children's agencies (or other agencies providing services to disabled children) for the consideration of rehabilitation services per section 1615 of the Social Security Act.
6. contractors under contract to the Social Security Administration or under contract to another agency with funds provided by SSA for the performance of research and statistical activities directly relating to Social Security Act.
7. State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.
8. Veterans Administration information requested for the purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.
9. the Railroad Retirement Board for administering the Railroad Unemployment Insurance Act.
10. effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of title XVI eligibles and to assist the States in administering the Medicaid program.
11. identify title XVI eligibiles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.
12. enable States which have elected Federal administration of their supplmentation programs to monitor changes in applicant/recipient income, special needs, and circumstances.
13. enable States which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplemental payments.
14. enable the States to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program.
15. enable the States to assist in the effective and efficient administration of the supplemental security income program.
16. enable those States which have an agreement with the Secretary, to carry out their functions with respect to Interim Assistance Reimbursement per Section 1631(g) of the Social Security Act.
17. enable States to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of title XX.
18. assist the States in determining initial and continuing eligibility in their income maintenance programs and for investigation and prosecution of conduct subject to criminal sanctions under these programs.
19. enable the States to administer energy assistance to low income groups under programs for which the States are responsible.
20. in the event of litigation where the defendant is (a) the Department of Health and Human Services (DHHS), any component of DHHS, or any employee of DHHS in his or her official capacity; (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS or any of its components; or (c) any DHHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee, DHHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.
21. enable the States to administer energy assistance to low income groups under programs for which the States are responsible.
22. the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity grants.
23. Federal, State, or local agencies (or agents in their behalf) for administering cash or non-cash income maintenance or health maintenance programs.
24. the United States Postal Service for investigating the alleged theft, forgery, or unlawful negotiation of supplemental security income checks.
25. the Treasury Department for investigating the alleged theft, forgery, or unlawful negotiation of supplemental security income checks.
26. to the Internal Revenue Service, Treasury Department, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.
26. the Office of the President for the purpose of responding to an inquiry received from that individual or from a third party on his or her behalf.
27. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice

(Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating, and where appropriate, taking legal action against suspected Nazi war criminals in the United States.

28. To third party contacts (including private collection agencies under contract with the Social Security Administration) for the purpose of their assisting the Social Security Administration in recovering overpayments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, magnetic disc, and microfiche.

RETRIEVABILITY:

Magnetic tape, magnetic disc, and microfiche are indexed by social security number.

SAFEGUARDS:

All magnetic tapes and magnetic discs are within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All Supplemental Security Income Record (State Data Exchange records) are protected in accordance with agreements between the Social Security Administration and the respective States regarding confidentiality, use, and redisclosure.

RETENTION AND DISPOSAL:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235, Social Security District and Branch Offices (See Appendix F.1 for address information).

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to or visiting the most convenient social security district or branch office (see Appendix F.1 for address information).

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. However, SSA will grant direct access to a subject individual if the responsible SSA official determines that direct access is not likely to have an adverse effect on him or her. If the responsible SSA official is unable to make a determination, or makes the determination that some harm may occur to an individual, the official will send the record to the designated representative and inform the subject individual in writing that the records have been sent.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record and specify the information to be contested. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the system of records Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits (09-60-0089). The States also provide data affecting the Supplemental Security Record (State Data Exchange Files), affecting the Suplemental Security Income Record (State Data Exchange Files).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-472 Filed 1-7-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Renewal of National Public Lands Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Renewal of National Public Lands Advisory Council.

SUMMARY: This notice is published in accordance with the provisions of section 7(a) of the Office of Management and Budget Circular A-63 (Revised). Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Pub. L. 92-463), the Secretary of the Interior has determined that renewal of the National Public Lands Advisory Council is necessary and in the public interest.

The purpose of the Council is to advise the Secretay of the Interior, through the Director, Bureau of Land Management, on implementation of the Federal Land Policy and Management Act of 1976, Public Law 94-579, as well as on policies and programs of a national scope related to the resources and uses of public lands under the jurisdiction of the Bureau of Land Management.

The General Services Administration concurred in the renewal of this Council on December 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Karen Slater, Bureau of Land Management (150), Department of the Interior, Washington, D.C. 20240 Telephone: (202) 343-5101.

Robert F. Burford,

Director.

January 4, 1982.

[FR Doc. 82-461 Filed 1-7-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

World Heritage Nomination Process; Calendar Year 1982

AGENCY: National Park Service, Interior.

ACTION: Public notice and request for Comment.

SUMMARY: The Department of the Interior, through the National Park Service, announces the process that will be used in calendar 1982 to identify and prepare U.S. nominations to the World Heritage List. This notice lists the properties that were earlier included in the draft inventory of potential future U.S. World Heritage nominations, and solicits public comments and suggestions on properties that should be considered as potential U.S. World Heritage nominations this year. This notice identifies the requirements that U.S. properties must satisfy to be considered for nomination, and references the rules that the Department of the Interior has proposed to implement the World Heritage Convention. In addition, this notice contains the criteria which cultural or natural properties must satisfy for World Heritage status, and the 112 properties currently inscribed on the World Heritage List.

DATES: Comments or suggestions of cultural or natural properties as potential 1982 U.S. World Heritage nominations must be received on or before March 9, 1982. Comments should pertain to the merits of properties included on the draft inventory or others which the respondent believes should be considered for nomination to the World Heritage List in 1982. Comments should also specify how the recommended property satisfies one or more of the World Heritage criteria. The Department will select and publish in the **Federal Register** a list of potential U.S. World Heritage Nominations for 1982 on or before April 15, 1982, with a request for further public comment. Comments on the potential U.S. nominations must be received within 30 days of the April notice. The Department will publish in the **Federal Register** a final list of proposed 1982 U.S. World Heritage nominations on or before July 1, 1981. A detailed nomination document will be prepared for each proposed nomination. In November 1982, the Federal Interagency Panel will review the accuracy and completeness of the draft 1982 U.S. nominations, and will make recommendations to the Department of the Interior. The Assistant Secretary for Fish and Wildlife and Parks will subsequently transmit approved nomination(s) on behalf of the United States to the United Nations Educational, Scientific and Cultural Organization, through the Department of State, by December 15, 1982, for evaluation by the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1983.

ADDRESS: Comments or suggestions should be sent to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (Attention: World Heritage Convention/ 773).

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Ritsch, Acting Associate Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 60 other countries as of this date, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world. The Convention complements each participating nation's heritage conservation programs, and provides for:

(a) The establishment of an elected 21-member World Heritage Committee assisted by UNESCO to further the goals of the Convention and to approve properties for inclusion on the World Heritage List;

(b) The development and maintenance of a World Heritage List to be comprised of natural and cultural properties of outstanding universal value;

(c) The preparation of a List of World Heritage in Danger;

(d) The establishment of a World Heritage Fund to assist participating countries in identifying, preserving, and protecting World Heritage properties;

(e) The provision of technical assistance to participating countries, upon request; and

(f) The promotion and enhancement of public knowledge and understanding of the importance of heritage conservation at the international level.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 112 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria, which are listed later in this notice. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of World Heritage properties situated within its borders.

The Federal Interagency Panel for World Heritage makes recommendations on U.S. World Heritage policy, procedures, and nominations, and is chaired by the Assistant Secretary for Fish and Wildlife and Parks. The Panel includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; and the Department of State.

In the United States, the Interior Department is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On October 20, 1981, the Interior Department published in the **Federal Register** the policies and procedures which it proposes to use to carry out this legislative mandate (46 FR 51557). The proposed rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

I. Potential U.S. World Heritage Nominations

The Department encourages any agency, organization, or individual to submit written comments on how one or more properties on the draft U.S. World Heritage inventory which follows, or other qualified property, relates to and satisfies one or more of the World Heritage criteria (Section II of this notice). In order for a United States property to be considered for nomination to the World Heritage List, it must satisfy the requirements set forth earlier, i.e., (a) it must have previously been determined to be of national significance; (b) its owner must concur in writing to such nomination; and (c) its nomination document must include

evidence of such legal protections as may be necessary to preserve the property and its environment. Information provided by interested parties will be used in evaluating the World Heritage potential of a particular cultural or natural property.

The following properties were published in the **Federal Register** in the draft inventory of potential future U.S. World Heritage nominations (46 FR 43892). The National Park Service is currently compiling a final U.S. inventory, using comments and suggestions that were made on the draft inventory. The September 1, 1981, draft inventory discussed briefly the significance of each site, and identified the specific World Heritage criteria that the sites appeared to satisfy. The properties included on the draft inventory are as follows:

A. *Cultural Properties* (grouped alphabetically by theme):

Archeology: Cape Krusenstern Archeological District, Alaska; Casa Grande National Monument, Arizona; Chaco Culture National Historical Park, New Mexico; Poverty Point, Louisiana; Taos Pueblo, New Mexico.

European Exploration and Colonial Settlement: Columbus Landing Site, Virgin Islands; La Fortaleza-San Juan National Historic Site, Puerto Rico; San Xavier Del Bac, Arizona; Vieux Carre Historic District, Louisiana.

Early U.S. Architecture: Monticello, Charlottesville, Virginia; University of Virginia Historic District, Charlottesville;

Modern U.S. Architecture: Auditorium Building, Chicago, Illinois; Carson, Pirie, Scott and Company Store, Chicago; Leiter II Building, Chicago; Marquette Building, Chicago; Prudential (Guaranty) Building, Buffalo, New York; Reliance Building, Chicago; Rookery Building, Chicago; South Dearborn Street-Printing House Row North Historic District, Chicago; Wainwright Building, St. Louis, Missouri.

Wright School Architecture: Fallingwater, Pennsylvania; Robie House, Chicago; Taliesin, Wisconsin; Unity Temple, Oak Park, Illinois; Frank Lloyd Wright Home and Studio, Illinois.

Engineering: Brooklyn Bridge, New York City; Eads Bridge, Illinois-St. Louis, Missouri; Washington Monument, District of Columbia; Wheeling Suspension Bridge, West Virginia.

Science and Industry: Bell Telephone Laboratories, New York City; Drake Oil Well, Pennsylvania; Ether Dome, Massachusetts General Hospital, Boston; General Electric Research Laboratory, Schenectady, New York; Goddard Rocket Launching Site, Massachusetts; Lowell Observatory, Arizona; McCormick Farm and Workshop, Virginia; Pupin Physics Laboratories, Columbia University, New York City; Trinity Site, New Mexico.

Humanitarian Endeavor and Social Reform: Kalaupapa Leprosy Settlement, Hawaii; New Harmony Historic District, Indiana; Volta Bureau, District of Columbia; Warm Springs Historic District, Georgia.

International Relations: Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska; Statue of Liberty National Monument, New York/New Jersey.

B. *Natural Properties* (grouped alphabetically by natural region):

Appalachian Ranges: Great Smoky Mountains National Park, Tennessee/North Carolina;

Atlantic Coastal Plain: Okefenokee National Wildlife Refuge, Georgia/Florida;

Brooks Range: Arctic National Wildlife Range, Alaska; Gates of the Arctic National Park, Alaska.

Cascade Range: Crater Lake National Park, Oregon; Mount Rainier National Park, Washington; North Cascades National Park, Washington.

Chihuahuan Desert: Big Bend National Park, Texas; Carlsbad Caverns National Park, New Mexico; Guadalupe Mountains National Park, Texas.

Colorado Plateau: Arches National Park, Utah; Bryce Canyon National Park, Utah; Canyonlands National Park, Utah; Colorado National Monument, Colorado; Rainbow Bridge National Monument, Utah; Zion National Park, Utah.

Hawaiian Islands: Hawaii Volcanoes National Park, Hawaii.

Mohave Desert: Death Valley National Monument, California/Nevada.

Pacific Mountain System: Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Alaska; Denali National Park, Alaska; Glacier Bay National Park, Alaska; Katmai National Park, Alaska.

Rocky Mountains: Glacier National Park, Montana; Grand Teton National Park, Wyoming; Rocky Mountain National Park, Colorado.

Sierra Nevada: Sequoia/Kings Canyon National Parks, California; Yosemite National Park, California.

Sonoran Desert: Organ Pipe Cactus National Monument/Cabeza Prieta National Wildlife Range, Arizona; Saguaro National Monument, Arizona.

Additional information on each of the properties listed above may be found in the September 1, 1981, **Federal Register** notice (46 FR 43892), which includes a description of the properties on the draft U.S. World Heritage inventory. This notice is available from the National Park Service (See addresses). Written comments are welcome on these and other qualified properties.

II. World Heritage Criteria

The following criteria are used by the World Heritage Committee in evaluating the World Heritage potential of cultural and natural properties nominated to it:

A. *Criteria for the Inclusion of Cultural Properties on the World Heritage List:* A monument, group of buildings or site which is nominated for inclusion on the World Heritage List will be considered to be of outstanding universal value for the purposes of the Convention when the Committee finds that it meets one or more of the following criteria *and* the test of authenticity. Each property nominated should therefore:

(a)(i) Represent a unique artistic achievement, a masterpiece of the creative genius; or

(ii) Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or townplanning and landscaping; or

(iii) Bear a unique or at least exceptional testimony to a civilization which has disappeared; or

(iv) Be an outstanding example of a type of structure which illustrates a significant stage in history; or

(v) Be an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change; or

(vi) Be directly and tangibly associated with events or with ideas or beliefs of outstanding universal value; and

(b) Meet the test of authenticity in design, materials, workmanship or setting.

The following additional factors will be kept in mind by the Committee in deciding on the eligibility of a cultural property for inclusion on the List: (a) The state of preservation of the property should be evaluated realtively, that is, it should be compared with other property of the same type dating from the same period; and (b) Nominations of immovable property which is likely to become movable will not be considered.

B. *Criteria for the Inclusion of Natural Properties on the World Heritage List:* A natural heritage property which is submitted for inclusion on the World Heritage List will be considered to be of outstanding universal value for the purposes of the Convention when the Committee finds that it meets one or more of the following criteria and fulfills

the conditions of integrity set out below. Properties nominated should therefore:

(i) Be outstanding examples representing *the major stages of the earth's evolutionary history.* This category would include sites which represent the major eras of geological history such as "the age of reptiles" where the development of the planet's natural diversity can well be demonstrated and such as the "ice age" where early man and his environment underwent major changes; or

(ii) Be outstanding examples representing significant ongoing *geological processes, biological evolution, and man's interaction with his natural environment.* As distinct from the periods of the earth's development, this focuses upon ongoing processes in the development of communities of plants and animals, landforms, and marine and freshwater bodies. This category would include for example (a) as geological processes, glaciation and volcanism, (b) as biological evolution, examples of biomes such as tropical rainforests, deserts, and tundra, and (c) as interaction between man and his natural environment, terraced agricultural landscapes; or

(iii) Contain *superlative natural phenomena, formations or features or areas of exceptional natural beauty,* such as superlative examples of the most important ecosystems, natural features, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements; or

(iv) *Contain the foremost natural habitats where threatened species of animals and plants of outstanding universal value* from the points of view of science or conservation still survive.

In addition to the above criteria, the sites should also fulfill the conditions of integrity:

(i) The areas described in (i) above should contain all or most of the key interrelated and interdependent elements in their natural relationships; for example, an "ice age" area would be expected to include the snow field, the glacier itself, and samples of cutting patterns, deposition and colonization (striations, moraines, pioneer stages of plant succession, etc.).

(ii) The areas described in (ii) above should have sufficient size and contain the necessary elements to demonstrate the key aspects of the process and to be self-perpetuating. For example, an area of "tropical rainforest" may be expected to include some variation in elevation above sea level, changes in topography and soil types, river banks or oxbow lakes, to demonstrate the diversity and complexity of the system.

(iii) The areas described in (iii) above should contain those ecosystem components required for the continuity of the species or of the objects to be conserved. This will vary according to individual cases; for example, the protected area of a waterfall would include all, or as much as possible, of the supporting upstream watershed; or a coral reef area would be provided with control over siltation or pollution through the streamflow or ocean currents which provide its nutrients.

(iv) The area containing threatened species as described in (iv) above should be of sufficient size and contain necessary habitat requirements for the survival of the species.

(v) In the case of migratory species, seasonable sites necessary for their survival, wherever they are located, should be adequately protected. The committee must receive assurances that the necessary measures be taken to ensure that the species are adequately protected throughout their full life cycle. Agreements made in this connection, either through adherence to international conventions or in the form of other multilateral or bilateral arrangements, would provide this assurance.

III. World Heritage List

The World Heritage Committee has approved the following 112 cultural and natural properties for inscription on the World Heritage List. The properties are arranged alphabetically by the country which nominated them:

Algeria: Al Qal'a of Ben Hammad;

Argentina: Los Glaciares;

Australia: Great Barrier Reef; Kakadu National Park; Willandra Lakes Region;

Brazil: Historic Town of Ouro Preto;

Bulgaria: Boyana Church; Madara Rider; Rock-hewn Churches of Ivanovo; Thracian Tomb of Kazanlak;

Canada: Anthony Island; Burgess Shale Site; Dinosaur Provincial Park; Head-Smashed-In Bison Jump; L'Anse aux Meadows; Nahanni National Park;

Cyprus: Paphos;

Ecuador: Galapagos National Park; Historic Center of Quito;

Ethiopia: Aksum; Fasil Ghebbi, Gondar Region; Lower Valley of the Awash; Lower Valley of the Omo; Rock-hewn Churches of Lalibela; Simen National Park; Tiya;

Egypt: Abu Mena; Ancient Thebes with its Necropolis; Islamic Cairo; Memphis and its Necropolis—the Pyramid Fields from Giza to Dahshur; Nubian Monuments form Abu Simbel to Philae;

Federal Republic of Germany: Aachen Cathedral; Speyer Cathedral; Wurzburg Residence with the Court Gardens and Residence Square;

France: Amiens Cathedral; Chartres Cathedral; Chateau and Estate of Chambord; Cistercian Abbey of Fontenay; Decorated Grottoes of the Vezere Valley; Mont St. Michel and its Bay; Palace and Park of Fontainebleau; Palace and Park of Versailles; Roman and Romanesque Monuments of Arles; The Roman Theatre and its Surroundings and the Triumphal Arch of Orange; Vezelay, Church and Hill;

Ghana: Ashante Traditional Buildings; Forts and Castles, Volta Greater Accra.

Guatemala: Antigua; Archeological Park and Ruins of Quirigua; Tikal National Park;

Guinea: Nimba Strict Nature Reserve;

Honduras: Maya Site of Copan;

Iran: Median-e Sha, Esfahan; Persepolis; Tchogha Zanbil;

Italy: Church and Dominican Convent of Santa Maria delle Grazie with "The Last Supper" by Leonardo da Vinci; Historic Centre of Rome; Rock Drawings in Valcamonica;

Malta: City of Valetta; Ggantija Temples; Hal Saflieni Hypogeum;

Morocco: Medina of Fez;

Nepal: Kathmandu Valley; Sagarmatha National Park;

Norway: Bryggen; Roros; Urnes Stave Chruch;

Pakistan: Archeological Ruins at Mohenjodaro; Buddhist Ruins at Takht-i-Bahi and Neighboring City Remains at Sahr-i-Bahlol; Fort and Shalimar Gardens at Lahore; Thatta; Taxila;

Panama: Darien National Park; Fortifications on the Caribbean Side of Panama-Portobelo San Lorenzo;

Poland: Auschwitz Concentration Camp; Bialowieza National Park; Historic Centre of Cracow; Historic Centre of Warsaw; Wieliczka Salt Mines;

Senegal: Djoudj National Bird Sanctuary; Island of Goree; Niokolo-Koba National Park;

Syrian Arab Republic: Ancient City of Bosra; Ancient City of Damascus; Site of Palmyra;

Tanzania: Ngorongoro Conservation Area; Ruins of Kilwa Kisiwani and Ruins of Songa Mnara; Serengeti National Park;

Tunisia: Amphitheatre of El Djem; Archeological Site of Carthage; Ichkeul National Park; Medina of Tunis;

United States of America: Everglades National Park; Grand Canyon National Park; Independence Hall; Mammoth Cave National Park; Mesa Verde National Park; Olympic National Park; Redwood National Park; Yellowstone National Park;

Yugoslavia: Durmitor National Park; Historical Complex of Split with the Palace of Diocletian; Natural and Cultural-Historical Region of Kotor; Ohrid Region with its Cultural and Historical Aspects and its Natural Environment; Old City of Dubrovnik; Plitvice Lakes National Park; Stari Ras and Sopocani;

Zaire: Garamba National Park; Kahuzi-Biega National Park; Virunga National Park;

International—Canada/U.S.: Kluane National Park-Wrangell/St. Elias National Park, and

Old City of Jerusalem and Its Walls (Territory in dispute).

Dated: January 4, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-507 Filed 1-7-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Address Changes for Office of Surface Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of address changes for Office of Surface Mining operations.

SUMMARY: On May 21, 1981 Interior Secretary James Watt announced a reorganization of the Office of Surface Mining (OSM). The reorganization is being completed in stages as States assume primary responsibility for enforcing the Surface Mining Control and Reclamation Act of 1977. All western States have achieved primacy and OSM operations in the West are being reorganized into four State Offices and one Technical Service Center. OSM's regional offices in Kansas City, Missouri and Denver, Colorado will be closed.

DATE: Effective date: Janaury 11, 1982.

ADDRESSES: The following addresses and telephone numbers are effective on January 11, 1982.

New Mexico State Office

FTS Telephone: 736-7927
Commercial Telephone: (505) 766-1486
Address: Office of Surface Mining, New Mexico State Office, 219 Central NW., Albuquerque, New Mexico 87102

Wyoming State Office

FTS Telephone: 328-5776
Commercial Telephone: (307) 261-5550-Ext. 5776
Address: Office of Surface Mining, Wyoming State Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644

Oklahoma State Office

FTS Telephone: 736-7927
Commercial Telephone: (918) 581-7927
Address: Office of Surface Mining, Oklahoma State Office, Room 3432, 333 West 4th Street, Tulsa, Oklahoma 74103

Missouri State Office

FTS Telephone: 758-5527
Commercial Telephone: (816) 374-5527
Address: Office of Surface Mining, Missouri State Office, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Denver Technical Service Center

FTS Telephone: 327-5511
Commercial Telephone: (303) 837-5511
Address: Office of Surface Mining, Technical Service Center, Brooks Tower, 1020 15th Street, Denver, Colorado 80202

FOR FURTHER INFORMATION CONTACT:
Ray Booker, Program Evaluation Officer, Office of the Director, (202) 343-4781.

Dated: January 4, 1982.

J. Steven Griles,

Deputy Director, Office of Surface Mining.

[FR Doc. 82-436 Filed 1-7-82; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL COMMUNICATION AGENCY

Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on January 12-13, 1982 in the Commission's offices, Room 1008, 1750 Pennsylvania Avenue, N.W., Washington, D.C. For Further information, please call Elizabeth Fahl, 724-9243.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Director for Management, International Communication Agency.

[FR Doc. 82-445 Filed 1-7-82; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Columbia Distributing Corporation (CDC), 1009 Airport Blvd., P.O. Box 996, Columbia, SC 29202.

2. Wholly-owned Subsidiary and address of principal office: Columbia Distributing Corporation of Charlotte, Inc., 217 Southside Dr., Charlotte, NC 28210.

1. Parent Corporation and address of principal office: Dart & Kraft, Inc., 2211 Sanders Road, Northbrook, IL 60062.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(A) Dart Industries Inc. (Delaware) and the following divisions:

(1) Absorbent Cotton Company.
(2) Action Technology Company.
(3) American Gasket & Rubber Co.
(4) Aztec Chemicals.
(5) Capitol Controls Company.
(6) Catalyst Division.
(7) Colorite Plastics Company.
(8) Coppercraft Guild.
(9) Dart Resorts.
(10) Electrochemicals.
(11) Environmental & Research/Lancy.
(12) Equipment Systems Division.
(13) Fiberfil Company.
(14) Gering Products.
(15) Interpur International.
(16) Liggett Drug Company.
(17) Nappe/Babcock.
(18) Plastech Alloys Division.
(19) PureChem.
(20) Ralph Wilson Plastics Co.
(21) Rexcel.
(22) San Fernando Laboratories.
(23) Seamco Sporting Goods.
(24) Seamless Hospital Products.
(25) Styro Products.
(26) Synthetic Products Company.
(27) Thatcher Glass Manufacturing Co.
(28) Thatcher Plastic Packaging.
(29) Thermo-Serv Company.
(30) The West Bend Company.
(31) Thompson Industries Co.
(32) Tupco.
(33) Tupcraft Company.
(34) Tupperware Home Parties.
(35) Tupperware Manufacturing International.
(36) U.S. Operations Tupperware Company.
(37) Vanda Beauty Counselor-U.S.
(38) Ware Chemical Company.
(39) Wilson Products Company.

(B) Duracell International Inc. (Delaware) and the following divisions:

(1) Duracell Company, U.S.A.
(2) Laboratory for Physical Science.
(3) Lithium Systems Division.
(4) Battery Technology Company.

(C) Hobart Corporation (Delaware).

(D) Kraft, Inc. (Delaware) and the following groups (divisions):

(1) Dairy Group.

(2) Foodservice Group.

(3) Industrial Group.

(4) Operations Group.

(5) Retail Group.

(6) Humko-Sheffield Division.

(E) Universal Packaging Corporation (Delaware).

(F) Universal Bow Transport, Inc. (New Hampshire).

1. Parent corporation and address of principal office: DEKALB AgResearch, Inc., Sycamore Road, DeKalb, IL 60115.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) DEKALB Swine Breeders, Inc. (Delaware).

(ii) Lindsay Manufacturing Company (Delaware).

(iii) Heartland Hatcheries, Inc. (Indiana).

(iv) Hillcrest Hatcheries, Inc. (Delaware).

(v) Ridgeview Hatcheries, Inc. (Delaware).

1. Parent corporation and address of principal office: Fluor Corporation, 3333 Michelson Drive, Irvine, California 92730.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

(i) Aftermarket Diesel, Inc., a South Carolina corporation.

(ii) Amarillo Freightliner Sales, Inc., a Texas corporation.

(iii) Deer Park Equipment Company, a California corporation.

(iv) Fluor Alaska, Inc., an Alaska corporation.

(v) Fluor Canada Ltd., incorporated in Canada.

(vi) Fluor Constructors, Inc., a California corporation.

(vii) Fluor Distribution Companies, Inc., a California corporation.

(viii) Fluor Drilling Services, Inc., a California corporation.

(ix) Fluor Engineers and Constructors, Inc., a California corporation.

(x) Fluor Mining & Metals, Inc., a California corporation.

(xi) Fluor Northwest, Inc., an Alaska corporation.

(xii) Fluor Pipe and Piling Company, a Delaware corporation.

(xiii) Fluor Power Services, Inc., a Delaware corporation.

(xiv) Fluor Supply Company, a Texas corporation.

(xv) Goldston Inc., a North Carolina corporation.

(xvi) Goldston Transfer, Inc., a North Carolina corporation.

(xvii) Jacksonville Freightliner, Inc., a Florida corporation.

(xviii) Kilsby-Roberts Co., an Illinois corporation.

(xix) Liquefied Coal Development Corporation, a California corporation.

(xx) Oklahoma City Freightliner, Inc., an Oklahoma corporation.

(xxi) Republic Supply Company of California (The), a California corporation.

(xxii) Triad Freightliner, Inc., a North Carolina corporation.

1. Parent corporation and address of principal office: Imperial Sugar Company, P.O. Box 9, Sugar Land, TX 77478.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) CSCO, Inc., P.O. Box 449, Galveston, TX 77550.

(b) Fort Bend Utilities Company, P.O. Box 9, Sugar Land, TX 77478.

(c) Imperial Sweetener Distributors, Inc., P.O. Box 9, Sugar Land, TX 77478.

1. The parent corporation and address of the principal office: Kayser-Roth Corporation, 640 Fifth Avenue, New York, NY 10019.

2. Wholly-owned subsidiaries which will participate in the operations, and State of Incorporation.

(i) Kayser-Roth Industries, Inc. a Massachusetts Corporation, Plimpton Park, Norwood, Massachusetts.

(ii) W. Stankouse Sons, Inc., a Delaware Corporation, 100 W. Tenth Street, Wilmington, Delaware.

(iii) Kayser-Roth Corporation, a Delaware Corporation, 640 Fifth Avenue, New York, New York.

(iv) L & L Manufacturing Corp., a Massachusetts Corporation, 1235 Adam Street, Dorchester, Massachusetts.

(v) Excello Shirts, Inc., a New York Corporation, 1221 Avenue of the Americas, New York, New York.

(vi) Haleyville Textile Mills, Inc. an Alabama Corporation, 717–20 First National Bank Building, Montgomery, Alabama.

(vii) Her Majesty Industries, Inc., a Delaware Corporation, Mauldin, South Carolina.

(viii) Kayser-Roth Glove Company, Inc. a North Carolina Corporation, Suite 523, 111 Coccoran Street, Durham, N.C.

(ix) Kayser-Roth Men's Apparel, Inc. a Delaware Corporation, 100 West 10th Street, Wilmington, Delaware.

(x) Rolane Corporation, a Delaware Corporation, Greensboro, North Carolina.

(xi) S.L.S. Corp., a Delaware Corporation, Pageland, South Carolina.

(xii) Allendale Industries, Inc., a New York Corporation, 1350 Broadway, New York, New York.

(xiii) Ardmore Industries, Inc., a Tennessee Corporation, Ardmore, Tennessee.

(xiv) Century Curtain Company, Inc., a Delaware Corporation, 295 Fifth Avenue, New York, New York.

(xv) Century Mills, Inc., a North Carolina Corporation, Burlington, North Carolina.

(xvi) Champion Slacks, Inc., a New York Corporation, 640 Fifth Avenue, New York, New York.

(xvii) Colonial Corporation of America, a Delaware Corporation, 100 West Tenth Street, Wilmington, Delaware.

(xix) Kayser-Roth Intimate Apparel Company, Inc., a North Carolina Corporation, Suite 523, 111 Coccoran Street, Durham, North Carolina.

(xx) No Nonsense Fashions, Inc., a New York Corporation, 640 Fifth Avenue, New York, New York.

I. *Parent corporation and address of principal office:* Martin Gas Sales, Inc., P.O. Drawer 191, Kilgore, TX 75662.

II. *Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:*

A. Martin Gas Transport, Inc.—Texas Corporation.

B. Heavy Fuels, Inc.—Texas Corporation.

C. Martin Truck Leasing, Inc.—Texas Corporation.

1. Billy R. Ramsey and Carolyn Sue Ramsey, 604 Hudson Road, Chattanooga, TN 37405, own 100% of the stock of the subsidiaries named below.

2. The wholly-owned subsidiaries that will participate in the operations, and their states of incorporation are as follows:

(a) Ramsey Trucking, Inc., 604 Hudson Road, Chattanooga, TN 37405, a Tennessee corporation.

(b) Mid-South Recycling Corporation, 604 Hudson Road, Chattanooga, TN 37405, a Tennessee corporation.

1. Parent corporation and address of principal office: Ross Consolidated Corp., 394 Giles Road, Grafton, OH 44044.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Ross Incineration Services, Inc.—Ohio corporation;

(ii) Ross Transportation Services, Inc.—Ohio corporation; and

(iii) Ross Administrative Services, Inc.—Ohio corporation.

1. Parent corporation and address of principal office: The Salt Lake Hardware Co., a Utah corporation, 105 North 400 West, P.O. Box 1079, Salt Lake City, UT 84110.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: Mountain Transport, Inc., a Utah corporation, 105 North 400 West, Salt Lake City, UT 84110.

1. Parent Corporation and address of principal office: SCA Services, Inc., 60 State Street, Boston, Massachusetts 02109.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Name of Subsidiary and State of Incorporation

A.A. Mastrangelo, Inc.—New Jersey
Amphibian Realty, Inc.—New York
Avon Landfill Corporation—New Jersey
B & C Distribution Services, Inc.—Massachusetts
CAS Service Corp.—California
Chem-Trol Pollution Services, Inc.—Delaware
Chula Vista Sanitary Services, Inc.—California
Dewey's Rubbish Service—California
East Yolo Waste Disposal Co., Inc.—California
Great Western Reclamation, Inc.—California
Harmony Sanitary Landfill Co.—Pennsylvania
J.K. Municipal Services, Inc.—Massachusetts
Industrial Haulage Corp.—New Jersey
Instant Disposal Service, Inc.—New Jersey
Intercity Service, Incorporated—New Jersey
Interstate Waste Removal Co., Inc.—New Jersey
Laguana Beach Disposal Service—California
Landfill & Development Company—New Jersey
Mar-Tee Contractors, Inc.—New Jersey
Mobile Waste Controls, Inc.—Delaware
Modern Trash Removal of York, Inc.—Pennsylvania
Mohawk Valley Sanitation, Inc.—New York
Oklahoma City Disposal, Inc.—Oklahoma
Palm Desert Disposal Service, Inc.—California
Rabwil Corp.—Pennsylvania
Recycling Industries, Inc.—Massachusetts
Rite-Way Service, Inc.—Pennsylvania
Sani-Tainer, Inc.—California
SAWDCO—California
SCA Chemical Services, Inc.—Delaware
SCA Disposal Services of New England, Inc.—Massachusetts
SCA Services of Arizona, Inc.—Arizona
SCA Services of Colorado, Inc.—Colorado
SCA Services of Connecticut, Inc.—Connecticut
SCA Services of Florida, Inc.—Florida
SCA Services of Georgia, Inc.—Georgia
SCA Services of Illinois, Inc.—Illinois
SCA Services of Indiana, Inc.—Indiana
SCA Services of Kentucky, Inc.—Kentucky
SCA Services of Louisiana, Inc.—Louisiana
SCA Services of Maine, Inc.—Maine
SCA Services of Michigan, Inc.—Michigan
SCA Services of New Hampshire, Inc.—Connecticut
SCA Services of New Jersey, Inc.—New Jersey
SCA Services of Ohio, Inc.—Ohio
SCA Services of Passaic, Inc.—New Jersey
SCA Services of Pennsylvania—Pennsylvania
SCA Services of South Carolina—South Carolina
SCA Services of Tennessee, Inc.—Tennessee
SCA Services of Texas, Inc.—Texas
SCA Services of Wisconsin, Inc.—Wisconsin
SCAT, Inc.—South Carolina
Shayne Bros., Inc.—District of Columbia
South Carolina SCA Services, Inc.—South Carolina
System Disposal Services, Inc.—Delaware
United Carting Company, Inc.—New Jersey
United Disposal Corp.—District of Columbia
Violet Leasing Company, Inc.—California
Waste Disposal, Inc.—New Jersey
Zeigler's Liquid Waste Management, Inc.—Pennsylvania
Zeigler's Refuse Collector's, Inc.—Pennsylvania
SCA Services of Oregon, Inc.—Oregon
Adams Center Sanitary Landfill, Inc.—Indiana
J.K. Municipal Services of New Jersey, Inc.—New Jersey
J.K. Municipal Services of Rhode Island, Inc.—Rhode Island
SCA Services of Maryland, Inc.—Maryland
River Basin Waste Disposal, Inc.—Maine

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-494 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: December 23, 1981.

The Kaplan Trucking Company (Certificate No. MC-2304 and Permit No. MC-127070) and Dan's Transit, Inc., (Certificate No. MC-135306) have filed a petition for waiver of paragraph (e) of § 1057.22 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) which requires a simple written agreement between authorized carriers signed "by the parties or their authorized representatives" affixing control and responsibility on the lessee during the trip lease and an exchange of equipment receipts during transfer.

Findings

1. Petitioners are commonly controlled.

2. Petitioners have not justified granting of the waiver. If granted, waiver would permit the owner-operator to act as a party with the authorized carrier lessee to the trip lease. The exemption is available only to authorized carriers.

3. The legal relationship between the authorized carrier trip lessor and the owner-operator is governed by Subpart B, or §§ 1057.11 and 1057.12 of the leasing regulations.

4. Paragraph (c) of § 1057.12 that requires the owner-operator be under a permanent lease for at least 30 days exclusively to the authorized carrier-lessee who under the § 1057.22 exemption would be the trip lessor. There is no basis for waiving paragraph (c).

5. Paragraph (e) of § 1057.12 provides that a permanent lease between the owner-operator and authorized carrier lessee fix responsibility for compensation on the authorized carrier lessee. There is likewise no basis for waiving this paragraph.

6. Paragraph (g) of § 1057.12 requires that the permanent lease obligate the authorized carrier lessee (who is the authorized trip lessor under § 1057.22) to compensate the permanent lessor or owner-operator within 15-days "after submission of the necessary delivery documents and other paperwork." Again, there is no basis for waiving this paragraph.

It is ordered, That the petition of Kaplan Trucking Company (Certificate No. MC-2304 and Permit No. 127070) Dan's Transit, Inc. (Certificate No. MC-135306) is denied.

By the Commisssion, Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-500 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

January 4, 1982.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43950, Southwestern Freight Bureau, Agent (No. B-146), carload rates on cottonseed hulls between stations in Southwestern Territory, including Mississippi River Crossings Memphis, TN and South; also between points in Southwestern Territory, on the one hand, and stations in Illinois and Western Trunk Line Territory, on the other hand, and only for account of the BN and/or FWD, in Supplement 206 to its tariff ICC SWFB 4450, effective January 24, 1982. Grounds for relief—Origin Rate Relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-485 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 217]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 5, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 15242 (Sub-14)X, filed December 16, 1981. Applicant: CAUTHEN GIN & BAG CO., Route 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, D.C. 20005. Subs 8, 9F, 12F, and 13F, broaden: (1) Sub 8, textile products and materials and supplies used in the manufacture of textile products (except in bulk) to "textile mill products"; vinyl film and sheeting, and materials and supplies used in the manufacture of vinyl film and sheeting (except in bulk) to "rubber and plastic products"; liquid detergents and abrasives, and materials and supplies used in the manufacture of liquid detergents and abrasives (except in bulk) to "chemicals and related products"; Sub 9F, textile products, and equipment, materials, and supplies used in the manufacture of textile products (except in bulk) to "textile mill products"; Sub 12F, textile products to "textile mill products"; Sub 13, office furniture to "furniture and fixtures"; (2) replace the facilities and cities with county-wide authority, Sub 8, York County, PA (York, PA), Essex, Union, Hudson and Bergen Counties, NJ (Fairfield, Jersey City and Elizabeth, NJ), Sub 9F, Cherokee, Greenville, Pickens, Anderson, Spartanburg, Union and Laurens Counties, SC (Gaffney, Greenville and Spartanburg, SC), Mecklenburg, Union, Gaston, Cabarrus, Rowan, Halifax and Robeson Counties, NC (Charlotte, Roanoke Rapids, Salisbury, Pineville, Monroe, and Lumberton, NC); Sub 12F, Suffolk County, NY (Bay Shore, NY); and Sub 13, New York City, NY (facilities at or near Brooklyn, NY); and (3) to radial authority, Subs 8, 9F, and 13.

MC 36874 (Sub-14)X, filed December 17, 1981. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead and Subs 4, 5, 7, 8, 9, 10, 11F, 12F, and 13F certificates: (1) broaden (a) general commodities (with the usual exceptions) to "general commodities" (except classes A and B explosives), lead (part 1) and Subs 7, 8 (part 1), 10 (part 1), 11F, 12F, and 13F; (b) lubricating oil and grease to "petroleum, natural gas and their products," lead (part 2); (d) lumber to "lumber and wood products," lead (part 3); (e) roofing slate to "clay, concrete, glass or stone products," lead (part 4); (f) anthracite to "coal and coal products," lead (part 5); (g) prepared roofing and asphalt to "building materials, ores and minerals, and petroleum, natural gas and their products," lead (part 6); (h) wire, cable, rods, and materials and supplies to "metal products, and materials and supplies," lead (part 7); (i) asphalt, meats, sugar, dairy products, and scrap metals to "ores and minerals, petroleum, natural gas and their products, food and related products, and waste or scrap materials," Sub 4 (part 1); (j) lead and lead products, and clay products to "metal products and clay, concrete, glass or stone products," Sub 4 (part 2); (k) ventilating and heating equipment and supplies to "machinery equipment and supplies," Sub 8 (part 2); and (l) new and used household appliances (Sub 5) and household appliances (Sub 10) to "machinery"; (2) eliminate restrictions, in containers, in rolls, in drums, lead, and except commodities in bulk, Sub 9; (3) remove the facilities limitation, Sub 9; (4) change one-way to radial authority, lead and Subs 4, 5, 9 and 10; (4) change cities to counties: (a) Point Pleasant, NJ (Ocean County), points in that part of Middlesex County, NJ east of NJ highway 18 (Middlesex County), Bayway, NJ (Essex and Union Counties), Sewaren, NJ (Middlesex County), East Stroudsburg, PA (Monroe County, PA and Warren County, NJ), Olyphant, PA (Lackawanna County), Wilkes Barre, PA (Luzerne County), Scranton, PA (Lackawanna County), Harrisburg, PA (Dauphin, Cumberland, and Perry Counties), Bangor, PA (Northampton County), Pen Argyl, PA (Northampton and Monroe Counties), Hazleton, PA (Luzerne and Carbon Counties), Port Newark, NJ (Essex County), Binghamton, NY (Broome County, NY and Susquehanna County, PA), Elmira, NY (Chemung County, NY and Bradford County, PA), Williamsport, PA (Lycoming County), Stroudsburg, PA (Monroe County, PA and Warren County, NJ), Centralia, PA (Columbia and Schuylkill Counties), Tamaqua, PA (Schuylkill County), Lansford, PA (Schuylkill and Carbon Counties), Allentown, PA (Lehigh and Northampton Counties), Reading, PA (Berks County), Sunbury, PA (Snyder, Northumberland, and Union Counties), Easton, PA (Northumberland County, PA and Warren County, NJ), Dunmore, Tamaqua, Mahoney City, and Blakely, PA, and points within five miles thereof (Lackawanna, Schuylkill and Carbon Counties), Linden, NJ (Union, Essex and Middlesex Counties, NJ and Richmond

County, NY), Kearny, NJ (Hudson County), Stelton, NJ (Middlesex County), and Perth Amboy, NJ (Middlesex County NJ and Richmond County, NY), lead; Perth Amboy, NJ (Middlesex County NJ and Richmond County, NY), Sub 4; Edison, NJ (Middlesex County), Sub 5; Newark, NJ (Essex, Union, Hudson, Middlesex, Bergen and Passaic Counties, NJ and Kings, Nassau, Queens, Bronx, New York, Richmond, and Westchester Counties, NY), New Brunswick, NJ (Midddlesex, Union, and Somerset Counties), points in NJ within 15 miles of New Brunswick (Middlesex, Monmouth, Mercer, Somerset, Morris, and Union Counties), and Chester, PA (Delaware County, PA and Gloucester County, NJ), Sub 8; Edison, NJ (Middlesex County), Sub 9; New Brunswick, NJ (Middlesex, Union and Somerset Counties), points within 15 miles of New Brunswick, (Middlesex, Monmouth, Mercer, Somerset, Morris and Union Counties, NJ and Richmond County, NY), and Langhorne, PA (Bucks County), Sub 10; New Brunswick, NJ (Middlesex, Union, and Somerset Counties), points within 15 miles of New Brunswick (Middlesex, Monmouth, Mercer, Somerset, Morris and Union Counties, NJ and Richmond County, NY) and Newark, NJ (Essex, Union, Hudson, Middlesex, Bergen and Passaic Counties, NJ and Kings, Nassau, Queens, Bronx, New York, Richmond, and Westchester Counties, NY), Subs 11F and 13F; South Plainfield, NJ (Middlesex and Union Counties) and East Brunswwick, NJ (Middlesex County), Sub 12F; and Philadelphia, PA (Philadelphia, Montgomery, Chester, Delaware and Buck Counties, PA, Hunterdon, Mercer, Monmouth, Burlington, Camden, Gloucester and Salem Counties, NJ and New Castle County, DE), Lead and Subs 4, 8, and 10.

MC 42604 (Sub-9)X, filed December 21, 1981. Applicant: GEORGE HUSACK, INC., 167 Locust Drive, Schnecksville, PA 18078. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966. Lead and Subs-Nos. 5 and 7 certificates, broaden: (1)(a) lead, to "lumber and wood products" from lumber; (b) Sub-5, "machinery, and miscellaneous products of manufacturing" from lamps and lampshades, and materials used in their production (except commodities in bulk, in tank vehicles); and (c) Sub-7, "coal and coal products" from coal; (2) to countywide authority: lead, Essex County, NJ (Newark); Sub-5, Lehigh County, PA (plantsite near Slatington); and (3) to radial service.

MC 106194 (Sub-46)X, filed November 20, 1981. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Sub-Nos. 4, 14, 18, 20, 22, 27, 28, 32, 33, 35F, 37F, 38, and 43 certificates, and Sub-Nos. E1 through E11 E-letter notices: (1) change territorial descriptions from one-way to radial authority; (2) remove (a) "originating at and/or destined to," or service "having a subsequent movement in foreign commerce" restrictions (Sub-Nos. 14, 20, 22, and 33), (b) restrictions limiting service to transportation of traffic when moving incidental to and in the same vehicle with other described commodities (Sub-Nos. 20 and 22), and (c) exception of CO (Sub-No. 22); (3) broaden commodity descriptions, as follows: (a) "metal products," from iron and steel articles (except size and weight commodities, and oilfield and pipeline commodities), and from iron and steel articles, in Sub-Nos. 4, 14, 20, 27, 28, 32, 33, 37, and E1 through E11; (b) "building materials" from wallboard, in Sub-No. 18; (c) "metal products and machinery," from self-propelled circular irrigation systems, and parts, accessories and components (Sub 22); (d) "metal products and *Mercer* commodities," from iron and steel articles used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and iron and steel articles when used in or in connection with the construction, operation, repair, servicing, maintenance and diamantling of pipelines (Sub-Nos. 35 and 37); (e) "chemicals and related products and coal and coal products," from drilling mud, mud additives, cottonseed hulls, bentonite, lignite coal, demulsifiers, inhibitors, corrosives, surfactant, oxygen scavengers and antifoulants (except commodities in bulk) (Sub-No. 38); and (f) "farm products" from livestock, agricultural commodities, and binder twine: "coal and coal products" from coal: "lumber and wood products" from lumber: "metal products" from wire: and "machinery" from farm machinery (Sub-No. 43); (4) broaden plantsites to countywide authority: Sub-Nos. 4, 18, 20, 27, 35, and 37, Cass, Jackson, Clay and Platte Counties, MO and Johnson, Wyandotte and Leavenworth Counties, KS (Kansas City, KS/MO commercial zone); Sub-No. 14, Pueblo County, CO (plantsite near Pueblo); Sub-No. 22, El Paso and Teller Counties, CO (Colorado Springs), and Jefferson, Douglas, Adams, Arapahoe, Boulder and Denver Counties, CO (Denver); Sub-No. 27, Reno County, KS (Hutchinson); Sub-Nos. 28 and 37 (route 7), Tulsa and Osage Counties, OK (facilities near Sand Springs); Sub-No. 32, Houston County, TX (Grapeland); Sub-No. 33, Madison and Stanton Counties, NE (facilities near Norfolk); Sub-No. 43, Scotts Bluff County, NE (Scottsbluff), Weld and Logan Counties, CO (Greeley and Sterling), and Laramie County, WY (Cheyenne); Sub-No. 4, points in NE in and south of Cass, Sarpy, Douglas, Dodge, Colfax, Butler, Platte, Polk, Merrick, Hamilton, Hall, Buffalo, Kearney, Phelps, Dawson, Lincoln, Keith, Garden, Morrill and Scotts Bluff Counties, (that part of NE on and south of the Platte and North Platte Rivers); and Sub-No. E4, Sarpy County, NE (La Platte).

MC 107496 (Sub-1284)X, filed December 18, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Subs 264 and 959G: (1) broaden (a) cement to "clay, concrete, glass and stone products", Sub 264, and (b) petroleum products and liquid petrochemicals to "petroleum, natural gas and their products" and sulphuric acid and dry chemicals to "chemicals and related products", Sub 959G; (2) remove the in bulk, in tank vehicles restriction, Sub 959G; (3) remove the facilities limitations, Subs 264 and 959G; (4) remove ex-rail and cement, in bulk restrictions, Sub 264; (5) change one-way to radial authority, Sub 959G; and (6) replace cities with counties: Platte, SD (Charles Mix County), Dubuque, IA (Dubuque County), and Hammond, IN (Lake County), Sub 959G.

MC 124551 (Sub–1)X, filed December 10, 1981. Applicant: CON-OV-AIR FREIGHT SERVICE, INC., 55 Edgeboro Road, East Brunswick, NJ 08816. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Lead certificate, (1) remove all restrictions in the general commodities authority "except classes A and B explosives, household goods, and commodities in bulk", (2) broaden airports to citywide authority: Newark, NJ (Newark Airport), and New York, NY (Idlewild and LaGuardia Airports); (3) remove restrictions prohibiting service in Plainsboro and Rocky Hill, NY; and (4) remove the restriction limiting traffic to that having an immediately prior or subsequent movement by air.

MC 125551 (Sub-29)X, filed December 18, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis,

MN 55402. Sub 27, broaden: (1) general commodities with the usual exceptions to "general commodities (except classes A and B explosives)" and drilling mud compounds, in bulk, to "mercer commodities".

MC 138073 (Sub-4)X, filed December 8, 1981. Applicant: BUF-AIR FREIGHT, INC.,495 Aero Drive, Cheektowaga, NY 14225. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. MC–138073 and Sub-Nos. 1 and 2 certificates, (1) remove all restrictions in the general commodities authority "except classes A and B explosives, household goods, and commodities in bulk"; (2) remove restrictions in: lead and Sub-No. 2, which limit transportation of traffic to that having a prior or subsequent movement by air; and (b)Sub-No. 1, which limit transportation of individual articles moving in shipments not exceeding 500 pounds in weight, on bills of lading of surface interstate freight forwarders; and (3) Broaden airports to countywide authority: in the lead, Buffalo, Rochester, Albany, New York, and Syracuse, NY, and Broome, Cattaraugus, Chautauqua, Chemung, Jefferson, Herkimer, Oneida, Onondaga, St. Lawrence and Tompkins Counties, NY, and Susquehanna and Bradford Counties, PA (The Greater Buffalo Int'l Airport, Rochester-Monroe County Airport, Albany County Airport, Broome County Airport, Olean Municipal Airport, Jamestown Municipal Airport,Chemung County Airport, Watertown Airport, Oneida County Airport, Clarence E. Hancock Airport, LaGuardia Airport, John F. Kennedy Int'l Airport, Massena Airport, and Tompkins County Airport); Newark, NJ (Newark Airport); Cleveland, OH (Cleveland-Hopkins Municipal Airport); and McKean County, PA and Chautauqua County, NY (Bradford-McKean County Airport); and Sub-No. 2, Buffalo, NY (The Greater Buffalo Int'l Airport near Cheektowaga).

MC 138177 (Sub-13)X, filed December 28, 1981. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Rd., Germantown, TN 38138. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103–0140. Sub-Nos. 2, 3, 4, 6, 8, 10F, 11F, certificates broaden: (1) Sub 2 from sand and gravel to "nonmetallic minerals except fuels"; Sub 3, from aggrregate; and Sub 4 from lightweight aggregate to "clay, concrete, glass or stone products"; Sub 6 from coal, in bulk in dump vehicles to "coal"; Sub 8, from general commodities (with exceptions) to "general commodities (except classes A and B explosives); self-propelled articles (except motor vehicles as defined in 49 U.S.C. 10102(14)) related machinery, tools, parts, and supplies moving in connection with such self-propelled articles; and contractors' machinery, equipment, materials, and supplies (except commodities in bulk) to "self-propelled articles, machinery, and contractors' equipment, materials, and supplies;" Sub 10F from cement to "clay, concrete, glass, or stone products"; Sub 11F, from commodities in bulk, in dump vehicles and metals and alloys to "commodities in bulk, and metal products," (2) to radial authority in Sub-Nos. 2, 3, 4, 6 and 11 (3) Lehi, AR to Crittenden County, AR, in Sub-No. 3; (4) in Sub-No. 6, remove the ex-water restriction and broaden Morgantown, KY, Memphis, TN, Nashville, TN, and W. Memphis, AR to Butler County, KY, Davidson and Shelby Counties, TN, Crittenden County, AR; and remove facilities limitation; (5) in Sub-No. 8, broaden Memphis, TN, to Shelby County; Florence, Muscle Shoals, Sheffield, and Tuscambia, AL, to Colbert and Lauderdale Counties; Cairo, IL, to Alexander County; remove originating at or destined to restriction and remove a restriction against service to named facilities at Memphis, TN, (6) in Sub-No. 10, broaden Memphis, TN, and Little Rock, AR, to Shelby County, TN, and Pulaski County, AR.

MC 141500 (Sub-12)X, filed December 21, 1981. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Sub 3 permit: (1) broaden coal, in dump vehicles, to "commodities in bulk," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 141603 (Sub-7)X, filed December 28, 1981. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT LTD, Suite E–330, Atria North, 2255 Sheppard Avenue, East, Willowdale, Ontario, Canada M2J 4Y1. Representative: Harry J. Jordan, John D. Quinn, Suite 502, Solar Building, 1000 16th Street, NW, Washington, DC 20036. Sub-3 certificate and Sub-5 permit, (1) broaden to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), Sub-3; and to "commodities in bulk" from lime, in bulk, Sub-5; (2) expand: Buffalo, NY, to Erie and Niagara Counties, NY, and Detroit, MI, to Macomb, Oakland, Wayne, Washtenaw and Monroe Counties, MI, and ports of entry at Buffalo, NY, and Detroit, MI, to ports of entry in New York and Michigan in Sub-3; (3) eliminate shipment weight restrictions in Sub-3; and (4) to between points in the U.S. under continuing contract(s) with named shipper, in Sub-5.

MC 145511 (Sub-2)X, filed December 11, 1981. Applicant: G. P. TRUCKING CO., 1990 Hays Lane, Woodland, CA 95695. Representative: Thomas M. Loughrau, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Lead and Sub 3F permits: (1) broaden (a) dry fertilizer to "fertilizer," lead and Sub 3F, and (b) sulfate of ammonia to "chemicals and related products," Sub 3F; (2) remove the in bulk restriction, lead and Sub 3F; and (3) broaden the territorial authority to between points in the U.S., under continuing contract(s) with named shippers.

MC 145636 (Sub-23)X, filed December 21, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, Winona, MN 55987. Subs 1, 2, 3, 5, 6, 7, 8, 15, 16, 17 and 18 to broaden: (1) waste materials, in bales, to "waste and scrap materials not identified by industry producing," Sub 1; processed grain products to "food and related products," Sub 2; plastic articles to "rubber and plastic products," Sub 3; metal wares to "metal products," Sub 5; iron chains and steel chains and rubber chain tighteners to "metal products and rubber and plastic products," Sub 6; steel fasteners to "metal products," Sub 8; lighting fixtures to "machinery," Sub 15; confectionery to "food and related products," Sub 16; and Sub 18, part (1), plastic materials and resinate cloth, to "rubber and plastic products, chemicals and related products and textile mill products," Sub 17 part (1), (2) remove facilities limitations at and/or broaden city to countywide authority, (a) Winona, MN to Winona County, Subs 1, 3, 5, 6, 7, 15, 16, 17 and 18, (b) Bunker Hill, KS to Russell County; St. Charles and Stockton, MN to Winona County, Subs 2, (c) Decorah, IA to Winneskiek County, Sub 8, (d) Delano, PA to Schuylkill County, Sub 17 and (3) to radial authority, Subs 1, 2, 3, 5, 6, 7, 8, 15, and 16.

MC 145752 (Sub-2)X, filed December 18, 1981. Applicant: FRANK M. DANIELSEN, d.b.a. DANIELSEN TRUCKS AND TRACTORS, 26643 Whitehorn Drive, Palos Verdes, CA 90274. Representative: Frank M. Danielsen, (same as applicant). Sub-No. 1F permit: broaden (1) lumber, plywood, and wooden paneling to "lumber and wood products"; (2) delete prior interstate movement restriction; (3)

broaden to between points in the U.S. under continuing contract(s) with named shippers.

MC 149375 (Sub-2)X, filed December 7, 1981. Applicant: F. W. NEWCOMB, SR. and F. W. NEWCOMB, JR, d.b.a. F. W. NEWCOMB TRUCKING, 2716 Isette Avenue, Muscatine, IA 52761. Representative: James M. Hodge, 100 United Central Bank Bldg., Des Moines, IA 50309. No. MC–149375F and Sub-No. 1 certificates, and MC–144785 (Sub-No. 1F) permit, (1) broaden as follows: (a) to "farm products and food and related products" from corn products; (b) to "metal products" from lighting fixtures; and (c) to "clay, concrete, glass or stone products" from sand and gravel; (2) delete restrictions which specify "except in bulk," "in bags," and "in dump vehicles"; and (3) broaden (a) lead and Sub-No. 1 certificates to countywide: Muscatine County, IA (facilities at Muscatine); (b) Sub-No. 1 permit to "between points in the U.S.," under continuing contract(s) with a named shipper; and (c) lead certificate to authorize radial service.

MC 153107 (Sub-2)X, filed December 15, 1981. Applicant: CRETEWAYS TRANSPORTATION, INC., P.O. Box 189, Crete, NE 68333.. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Lead and Sub-1 certificates: broaden: (1) lead (part 4) and Sub-1, to "food and related products" from meats, meat products and byproducts, and articles distributed by meat packing houses, (except hides and commodities in bulk); (2) to countywide authority: lead, Worcester County, MA (Fitchburg); Middlesex County, MA (Lowell), Hall County, NE (Grand Island), Cherokee and Polk Counties, IA (Cherokee and Des Moines), Fairfield County, CT (Bridgeport), Cumberland County, NJ (Millville), Cook County, IL (Chicago Heights), Pinellas County, FL (St. Petersburg); Sub-1, Dodge amd Colfax Counties, NE (Fremont and Schuyler); and (3) lead, to radial service.

[FR Doc. 82–493 Filed 1–7–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not, fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for the authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–331

Decided: December 21, 1981.

By the Commission, Division 2, acting as an Appellate Division, Commissioners Gresham, Gilliam, and Taylor.

MC 157530 (Sub-1), filed September 8, 1981. Applicant: PLAINS EXPRESS, INC., 411 North Dumas Ave., Dumas, TX 79029. Representative: Barry Weintraub, Suite 510, 8133 Leesburg, VA 22180 (703–442–8330). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except classes A and B explosives), between Snyder, Mist, Hamburg, AR; Fallbrook, CA; Bell, FL; Astoria, Easton, Five Points, Clare, Esmond, Lindenwood, IL; Minerva, Clemons, St. Anthony, Zearing, IA; Tyro, Peru, Sedan, Cedarvale, Dexter, KS; Taylor Maywood Durham, Ewing, Lewiston, La Belle, Knox City, Edina, Hurdland, Brashear, MO; Livonia, NY; Cheyenne, Butler, Reydon, OK; Keystone, SD; Allison, Briscoe, Mobectie, TX; Krakow, Green Valley, Gillett, Wittenberg, Tigerton, Marion, Burkhardt, Deer Park, Clear Lake, Clayton, Comstock, Cumberland, Barronett, Shell Lake, WI, on the one hand, and, on the other, points in the United States.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP1–332

Decided: December 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 38591 (Sub-3), filed December 17, 1981. Applicant: NATIONWIDE MOVING & STORAGE CO., INC., 100 Peters Road, Bloomfield, CT 06002. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *household goods and machinery*, between points in CT, MA, RI, ME, NH, VT, NY, NJ, PA, MD, DE, OH, VA, WV, NC, SC, GA, AL, FL, AR, IL, IN, KY, LA, MI, MS, TN, TX and DC. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any

authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 39491 (Sub-18), filed December 2, 1981. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482–0881. Transporting (A) over regular routes *passengers and their baggage* in the same vehicle with passengers, (1) between Coatesville, PA and Atlantic City, NJ, from Coatesville, over US Hwy 30 to junction US Hwy 322 at or near Downington, PA, then over US Hwy 322 to junction PA Hwy 3 at or near West Chester, PA, then over PA Hwy 3 to junction PA Hwy 352 near Rocky Hill, PA, then over PA Hwy 352 to junction Interstate Hwy 95 at or near Chester, PA, then over Interstate Hwy 95 to US Hwy 322, then over US Hwy 322 to junction NJ Spur Hwy 536 near Williamstown, NJ, then over NJ Spur Hwy 536 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, NJ and return over the same route, (2) between junction US Hwys 322 and 130 at or near Bridgeport, NJ and junction NJ Spur Hwy 536 and Atlantic City Expressway at or near Sicklerville, NJ, from junction US Hwys 322 and 130, over US Hwy 130 to junction NJ Hwy 534 near Woodbury, NJ, then over NJ Hwy 534 to junction NJ Hwy 45, then over NJ Hwy 45 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction NJ Hwy 42 at or near Bellmawr, NJ, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to junction NJ Spur Hwy 536, and return over the same route, (3) between junction US Hwy 130 and NJ Spur Hwy 551 at or near Gibbstown, NJ and junction NJ Hwy 544 and Atlantic City Expressway at or near Turnersville, NJ, from junction US Hwy 130 and NJ Spur Hwy 551, over NJ Spur Hwy 551 to junction NJ Hwy 551, then over NJ Hwy 551 to junction NJ Hwy 534 at Woodbury, NJ, then over NJ Hwy 534 to junction NJ Hwy 544, then over NJ Hwy 544 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway and return over the same route, (4) between Coatesville, PA and junction NJ Hwy 42 and Atlantic City Expressway at or near Turnersville, NJ, from Coatesville, PA over US Hwy 30 to junction US Hwy 1 near Philadelphia, PA, then over US Hwy 1 to junction Interstate Hwy 76 at Philadelphia, PA, then over Interstate Hwy 76 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, and return over the same route, restricted against the pickup or discharge of passengers on Interstate Hwy 76 in Philadelphia, Philadelphia County, PA, (5) between Lansdale, PA, and junction NJ Hwy 42 and Atlantic City Expressway, from Lansdale, over PA Hwy 63 to junction US Hwy 309, then over US Hwy 309 to junction Bethlehem Pike at or near Lower Gwynedd, PA, then over Bethlehem Pike to junction Butler Pike at or near Ambler, PA, then over Butler Pike to junction Fayette St., then over Fayette St. to junction Interstate Hwy 76, at or near W. Conshohocken, PA, then over Interstate Hwy 76 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, and return over the same route, (6) between junction Bethlehem Pike and Butler Pike in Ambler, PA and junction Interstate Hwy 295 and NJ Hwy 42 near Bellmawr, NJ, from junction Bethlehem Pike and Butler Pike over Bthlehem Pike to junction Interstate Hwy 276 at or near Fort Washington, PA, then over Interstate Hwy 276 to junction US Hwy 1 at or near Linconia, PA, then over US Hwy 1 to junction PA Hwy 132, then over PA Hwy 132 to junction US Hwy 13 at or near Eddington, PA, then over US Hwy 13 to Philadelphia, PA, then over city streets to junction NJ Hwy 73 at or near Palmyra, NJ, then over NJ Hwy 73 to junction Interstate Hwy 295 at or near Fellowship, NJ, then over Interstate Hwy 295 to junction NJ Hwy 42 and return over the same route, restricted against the pickup or discharge of passengers on Interstate Hwy 276 in Montgomery and Bucks Counties, PA or on PA Hwy 132 and US Hwy 13 in Bucks County, PA, or on Interstate Hwy 76 in Philadelphia, Philadelphia County, PA, (7) between Phoenixville, PA and junction Fayette St. and Interstate Hwy 76, at or near W. Conshohocken, PA, from Phoenixville, over PA Hwy 23 to junction US Hwy 202 at or near Norristown, PA, then over US Hwy 202 to junction US Hwy 422, then over US Hwy 422 to junction Butler Pike at or near Plymouth Meeting, PA, then over Butler Pike to Fayette St. at or near W. Conshohocken, PA, and return over the same route, restricted against the pickup or discharge of passengers on Interstate Hwy 76 in Philadelphia, Philadelphia County, PA, (8) between junction PA Hwys 23 and 252 near Valley Forge, PA and junction US Hwy 1 and Interstate Hwy 76 near Philadelphia, PA, from junction PA Hwys 23 and 252, over PA Hwy 252 to junction US Hwy 30 near Devon, PA, then over US Hwy 30 to junction US Hwy 1 near Philadelphia, PA, then over US Hwy 1 to junction Interstate Hwy 76, and return over the same route, (9) between junction PA Hwy 363 and 23 near Port Kennedy and junction US Hwy 422 and Butler Pike near Plymouth Meeting, PA, serving all intermediate points in Montgomery County, PA on PA Hwy 363, from junction PA Hwys 363 and 23, over PA Hwy 363 to junction Interstate Hwy 276 near King of Prussia, PA, then over Interstate Hwy 276 to junction US Hwy 422, then over US Hwy 422 to junction Butler Pike, and return over the same route, (10) between junction PA Hwys 23 and 363 near Port Kennedy and junction US Hwys 422 and 202 near Penn Square, PA, from junction PA Hwys 23 and 363, over PA Hwy 363 to junction US Hwy 422 near Norriton Square, PA, then over US Hwy 422 to junction US Hwy 202, and return over the same route, (11) between Doyleston, PA and junction PA Hwy 132 and US Hwy 13 at or near Eddington, PA, from Doyleston over PA Hwy 611 to junction PA Hwy 132 at or near Neshaminy, PA, then over PA Hwy 132 to junction US Hwy 13, and return over the same route, restricted against the pickup or discharge of passeners on PA Hwy 132 east of Upper Southampton, Bucks County, PA or on US Hwy 13 in Bucks County, PA, (12) between junction NJ Hwy 73 and Interstate Hwy 295 at or near Fellowship, NJ and junction NJ Spur Hwy 536 and Atlantic City Epresway at or near Sicklerville, NJ, from junction NJ Hwy 73 and Interstate Hwy 295 over NJ Hwy 73 to junction NJ Spur Hwy 536, then over NJ Spur Hwy 536 to junction Atlantic City Expressway, and return over the same route, serving all intermediate points in routes (1) to (8) and (10) to (12), and off-route points in Chester, Montgomery, Delaware, Bucks and Philadelphia Counties, PA and Atlantic City, NJ in routes (1) to (12) and (B) over irregular routes, *passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at points in Chester, Montgomery, Delaware, Bucks and Philadelphia Counties, PA, and extending to points in Atlantic City, NJ.

Note.—Applicant intends to tack the above regular-route operations in (1) to (12) above, with its existing regular route operations.

MC 113271 (Sub-84), filed December 18, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Patrick W. Rice, P.O. Box 2644, Great Falls, MT 59403, (406) 727–7500. Transporting *foodstuffs* between points in AZ, CA, ID, MT, OR and WA.

MC 116101 (Sub-15), filed December 21, 1981. Applicant: QUICK AIR FREIGHT, INC., Cargo Bldg., Columbus

International Airport, Columbus, OH 43219. Representative: Russell S. Bernhard, 1625 K St. NW., Washington, DC 20006, (202) 393–3390 Transporting *general commodities* (except classes A and B explosives), (a) between points in IL, IN, KY, MI, NY, OH, PA and WV; and (b) between points in IL, IN, KY, MI, NY, OH, PA and WV, on the one hand, and, on the other, points in CA, CT, DE, FL, GA, IA, KS, MD, MA, MO, NJ, NC, SC, TN, TX, VA and WI.

MC 120080 (Sub-7), filed December 18, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Dr., Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Over regular routes Transporting *general commodities* (except classes A and B explosives), between Vicksburg and Jackson, MS, over US Hwy 80 (also Interstate Hwy 20), serving all intermediate points.

MC 121171 (Sub-2), filed December 18, 1981. Applicant: WILLIAMS TRANSPORTATION, INC., 1925 East Vernon Avenue, Los Angeles, CA 90058. Representative: Robert L. Cope, 1730 M St. NW., Suite 501, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in CA. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its certificate of registration in MC–121171 Sub 1.

Note.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity and to extend its operating rights.

MC 123490, (Sub-18), filed December 15, 1981. Applicant: CHIP CARRIERS INC., 11218 Elm St., Omaha, NE 68144. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of shipping containers, between points in the U.S., under a continuing contract(s) with McCollister Container Service, Inc., of Council Bluffs, IA.

MC 124170 (Sub-193), filed December 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *food and related products*, between points in Galveston County, TX, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MN, MS, MT, MO, NC, NE, OH, OK, ND, NM, SC, SD, TN, TX, VA, WI, WY, WY and DC.

MC 124170 (Sub-194), filed December 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *food and related products*, (1) between points in Charleston County, SC, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IA, KS, LA, MD, MO, MN, MS, NC, ND, NE, NJ, OK, SD, TX, VA, WI, and DC, (2) between points in Hillsborough County, FL, on the one hand, and, on the other, points in AR, KS, MO, NE, TX and OK, (3) between points in Mobile County, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, KS, LA, MN, MO, MS, NC, NE, ND, OK, SC, SD, TX, and WI, and (4) between points in Harrison County, MS, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, LA, NC, NM, OK, SC and TX.

MC 140950 (Sub-5), filed December 22, 1981. Applicant: BROOKVILLE TRANSPORT, LTD., 1170 Old Rothesay Rd., St. John, NB, Canada. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

MC 143741 (Sub-1), filed December 15, 1981. Applicant: WILLIAMS BROTHERS TRUCKING, INC., P.O. Box 188, Hazelhurst, GA 31539. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *metal products* between points in Telfair County, GA, on the one hand, and, on the other, points in AR, GA, IA, IL, KY, MS, NC, OH, PA, SC, TN, TX, VA and WI.

MC 147020 (Sub-4), filed December 21, 1981. Applicant: NORTHWESTERN TRADING COMPANY, INC., Route 4, Box 116B, Milton-Freewater, OR 97863. Representative: M. C. Risser, Suite 501, 1410 SW. Morrison St., Portland, OR 97205, (503) 222–9261. Transporting *food and related products*, between points in Los Angeles, Fresno, Sacramento and Stanislaus Counties, CA, on the one hand, and, on the other, points in Walla Walla and Spokane Counties, WA.

MC 147821 (Sub-2), filed December 14, 1981. Applicant: JOEL OLSON TRUCKING, INC., P.O. Box 837, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) *building materials and materials, supplies and equipment* used in the manufacture and repair of boats, between points in OR, WA and CA; and (2) *lumber and wood products*, between points in OR, WA, ID, NV, CA and AZ.

MC 148021, filed December 21, 1981. Applicant: TRUXILLO DELIVERY SERVICE, INC., 364 Hord St., Harahan, LA 70123. Representative: Michael Truxillo, 2221 Pasadena St., Metairie, LA 70001, (504) 454–3332. Transporting *food and related products*, between points in AL, AR, FL, GA, LA, MS, NC, SC, TN and TX.

MC 151450 (Sub-2), filed December 14, 1981. Applicant: JOE GILBERT GONZALES, P.O. Box 93, Dixon, NM 82527. Representative: Charles M. Williams, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Drywall Supply, Inc. of Denver, CO.

MC 151471 (Sub–13), filed December 21, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with E. A. Miller & Sons Packing Co., Inc. of Hyrum, UT.

MC 152730 (Sub–14), filed December 21, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, County Road 300 South; Hartford City, IN 47348. Representative: Larry Garrett (same address as applicant), (317) 348–0051. Transporting *building materials*, between points in Wells and Huntington Counties, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153560 (Sub–1), filed December 14, 1981. Applicant: AGRICULTURAL CARRIERS, INC., P.O. Box 13081, Wichita, KS 67213. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Transporting (1) *rubber and plastic products*, between points in OK, TX, AR, MO, IA, NE, KS, CO, and NM, (2) *textile mill products*, between points in KS, on the one hand, and, on the other, points in TX, OK, NM, CO, NE, IA, MO, and AR, (3) *clay, concrete, glass or stone products and ores and minerals* between points in TX on the one hand, and, on the other, points in CO, KS, OK, AR, MO, LA and NM, and, (4) *metal products* between points in OK, on the one hand, and, on the other, points in CO and TX.

MC 154170 (Sub–1), filed December 22, 1981. Applicant: BUNYON TRUCKING

COMPANY, INC., 6500 Mt. Zion Blvd., Morrow, GA 30260. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor, Lenox Towers South, Atlanta, GA 30260, (404) 262–7855. Transporting *tractor parts and tractor attachments,* between points in the U.S., under continuing contract(s) with Jackson Tractor Parts Company of Georgia, Inc., of Norcross, GA.

MC 156611 (Sub-1), filed December 18, 1981. Applicant: FOOD TRANSPORT, INC., 614 W. Sycamore St., P.O. Box 446, Fayetteville, AR 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701, (501) 443–3257. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Oldham Farm Sausage, Inc. of Holton, KS.

MC 157400 (Sub-2), filed December 7, 1981. Applicant: W. N. PHELPS DRAYAGE, INC., 2109 Angelica Street, St. Louis, MO 63133. Representative: Austin C. Knetzger, 214 No. Clay, Kirkwood, MO 63122, (314) 821–4616. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in the St. Louis-East St. Louis, MO, Commercial zone, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, KY, MI, MN, MS, OH, OK, TN, WI and points in Putnam County, WV, and (2) *iron and steel articles,* between points in IL, IN, and TN, on the one hand, and, on the other, points in St. Louis County, MO.

MC 159720, filed December 14, 1981. Applicant: JORASON TRANSPORT CORP., Municipal Pier, Providence, RI 02905. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between points in RI, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC.

MC 159791, filed December 21, 1981. Applicant: ENGLER AUTOMOTIVES, INC., P.O. Box 223, Wind Gap, PA 18091. Representative: Stanley S. Engler, 592 Getz Rd., Pen Argyl, PA 18072, (215) 759–5943. Transporting *wrecked or disabled vehicles and replacement vehicles* between points in PA, NY, NJ, MD, DE, VA, WV, OH, CT, RI, MA,VT, NH and ME.

MC 159801, filed December 21, 1981. Applicant: LARRY D. SMITH, P.O. Box 285, Marshville, NC 28103. Representative: Judy E. Smith (same address as appl.), (704) 847–8804. Transporting (1) *building materials* and (2) *lumber and wood products,* between points in NC, SC, GA, TN and VA.

MC 159821, filed December 21, 1981. Applicant: ALLAN L. BLACKBURN d.b.a. A & B TRUCKING, 343 Schneiders Lane, Elkton, MD 21921. Representative: Allan L. Blackburn (same address as applicant), (301) 398–8687. Transporting *transportation equipment,* between (1) the facilities of National Railroad Passenger Corporation located at points in CT, DE, PA, IL, IN, NY and DC, and (2) the facilities of National Railroad Passenger Corporation located at points in CT, DE, PA, IL, IN, NY and DC, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–3–229

Decided: December 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143885 (Sub-3), filed December 4, 1981. Applicant: HARLAND A. WILCOX AND LEROY H. WILCOX d.b.a. WILCOX TRUCKING, 206 Charles Street, Elk Rapids, MI 49629. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 233–5900. Transporting for on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *general commodities* (except classes A and B explosives), between South Haven, Cableton, Covert, Toquin, Lamson, Bay Shore, Charlevoix, Ellsworth, Harpers, Central Lake, Bellaire, Alden, Rapid City, Barker Creek, Williamsburg, Bates, State Hospital, Grawn, Interlocken, Henry, Kaleva, Chief Lake, Norwalk, Douglas, and Wealthy, MI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of part (2) of the application is to substitute motor service for abandoned rail service.

MC 151404 (Sub-2), filed December 7, 1981. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4880. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159585, filed December 7, 1981. Applicant: KENNETH TIPTON d.b.a. KENNETH TIPTON TRUCKING, 2635 Washington St., Unionville, MO 63565. Representative: (same as applicant), (816) 947–3374. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-491 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-076]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 109533 (Sub-53) (republication), filed May 21, 1981, published in the **Federal Register** of June 10, 1981, and republished this issue. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. A decision of the Commission, *Division 1,* decided November 23, 1981, and served November 30, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *household appliances,* between points in Calhoun County, AL, Los Angeles County, CA, Knox and Williamson Counties, IL, Fayette County, IN, and Bradley County, TN, on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations:

insurance (49 CFR 1043), between points in Henry County, KY, Essex County, NJ, and Lucas County, OH, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (6) *lumber and wood products,* between points in Alpena County, MI, Lucas County, OH, Elkhart County, IN, and Wilkes County, NC, on the one hand, and, on the other, those points in the Untied States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

MC 109633 (Sub-53) (republication), filed May 21, 1981, published in the **Federal Register** of June 10, 1981, and republished this issue: Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. A decision of the Commission, *Division 1,* decided November 23, 1981, and served November 30, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *household appliances,* between points in Calhoun County, AL, Los Angeles County, CA, Knox and Williamson Counties, IL, Fayette County, IN, and Bradley County, TN, on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

[FR Doc. 82-492 Filed 1-7-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 108)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Crawford County, KS and Jasper County, MO; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its rail line known as the Pittsburg, Kansas, to Empire, Missouri Line extending from railroad milepost 136.34 near Pittsburg, KS, to railroad milepost 142.94, at the end of the line, near Empire, MO, a distance of 6.60 miles in Crawford County, KS and Jasper County, MO, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard A. Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-497 Filed 1-7-82; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 78)]

Rail Carriers; Denver and Rio Grande Western Railroad Co., Exemption for Contract Tariff ICC-DRGW-C-0006

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Denver and Rio Grande Western Railroad Company (DRGW) filed a petition on December 22, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff ICC-DRGW-C-0006 to become effective December 31, 1981.[1] The tariff was filed to become effective on January 16, 1982. The tariff provides for the movement of carload shipments of copper and copper products between the shipper and the DRGW.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The contract tariff between the shipper and a destination carrier east of the Chicago and Streator, Illinois junctions for shipments moving in Official Territory will become effective on December 31, 1981. Without an advanced effective date on DRGW's contract, the shipper's production will either be curtailed or materials that will move under the terms of the contract will have to be stockpiled, causing increased inventory carrying costs at origin. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

DRGW's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings.

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own inititative or on complaint, to review this contract and to disapprove it.

---

[1] Because of the lateness in filing the petition, this date cannot be met.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: January 4, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-498 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 2 to Third Revised I.C.C. Order No. 80 Under Service Order No. 1344]

Rail Carriers; St. Louis Southwestern Railway Co. et. al.; Rerouting Traffic

In the matter of the St. Louis Southwestern Railway Company; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; and Chicago and North Western Transportation Company.

Upon further consideration of Third Revised I.C.C. Order No. 80 and good cause appearing therefor:

It is ordered, I.C.C. Order No. 80 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., February 28, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., December 31, 1981.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1981.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82-496 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-10 (Sub-No. 24)]

Rail Carriers; Wabash Railroad Co., and Norfolk and Western Railway Co.; Abandonment in La Porte, Porter, and Lake Counties, IN; Notice of Findings

The Commission has found that the public convenience and necessity permit the Wabash Railroad Company and the Norfolk and Western Railway Company to abandon the 42.89 mile line of railroad between milepost 203.74 near Dillon, IN and Clarke Junction, IN (milepost 246.63) and to discontinue operations over 5.77 miles of trackage rights over a line of railroad owned by the Baltimore and Ohio Chicago Terminal Railroad Company between Clarke Junction (milepost 246.63) and State Line Junction, IN (milepost 252.4), in LaPorte, Porter, and Lake Counties, IN. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) a financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Richard Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-499 Filed 1-7-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 40]

Regional Assistant Administrator, et al.; Delegation of Authority Regarding Source, Origin and Nationality for Procurement

Pursuant to the authority delegated to me by Delegation of Authority No. 1, dated October 1, 1979 (44 FR 57521), as amended, from the Director of the International Development Cooperation Agency, it is hereby directed as follows:

Section I—Goods and Services

To the Assistant Administrators for Africa, Asia, Latin America and the Caribbean, Near East, Food for Peace & Voluntary Assistance, Science & Technology, and Private Enterprise and the Director of the Office of Foreign Disaster Assistance, each for countries or programs for which he or she is responsible, I hereby delegate authority to waive, in accordance with the criteria prescribed in Supplement B of AID Handbook 1:

A. U.S. source, origin, and nationality requirements to permit AID financing of the procurement of goods and services, other than transportation services, in countries included in AID Geographic Code 941 (Selected Free World) and the cooperating country when the cost of the goods and services does not exceed $3,000,000 per transaction (exclusive of transportation costs); and

B. U.S. or Code 941 source, origin, and nationality requirements for specific transactions to permit AID financing of the procurement of goods and services, other than transportation services, in any country included in AID Geographic Code 899 (Free World) or AID Geographic Code 935 (Special Free World) when the cost of the goods and services does not exceed $3,000,000 per transaction (exclusive of transportation costs); *provided, however,*

1. That all waivers of source, origin, and nationality for procurement of goods authorized pursuant to this section I.B. shall contain a certification by the approving official that "Exclusion of procurement from free world countries other than the cooperating country and countries included in Code 941 would seriously impede attainment of U.S. foreign policy objectives and objectives of the foreign assistance program"; and

2. That all waivers of the nationality requirements for services, other than ocean transportation services, authorized pursuant to this section I.B. shall contain a certification by the approving official that "The interests of the United States are best served by permitting the procurement of services from free world countries other than the cooperating country and countries included in Code 941".

Section II—Transportation Services

To the Assistant to the Administrator for Management I hereby delegate the authority to waive, in accordance with the criteria prescribed in Supplement B of AID Handbook 1,

A. U.S. transportation source requirements to permit AID financing of

ocean transportation services on vessels under flag registry of countries included in Code 941 and the cooperating country; and

B. U.S. or Code 941 and the cooperating country transportation source requirements to permit AID financing of ocean transportation services on vessels under flag registry of countries included in Code 899 or Code 935; *provided, however,* that all waivers of transportation source requirements authorized pursuant to paragraph II.B. shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941".

Section III—General Provisions

A. Any reference in this Delegation of Authority to any Act of Congress, order, determination, or Delegation of Authority shall be deemed to be a reference to such Act of Congress, order, determination, or Delegation of Authority as amended from time to time.

B. Any official of AID to whom authorities are delegated under this Delegation of Authority may redelegate any of the authorities *provided, however,* that the authority to waive source and origin requirements for procurement of motor vehicles shall not be redelegated for transactions in excess of $50,000 (exclusive of transportation costs).

C. I retain for myself concurrent authority to exercise any of the functions herein delegated.

D. Delegation of Authority No. 40 dated February 20, 1981 (46 FR 15237, March 4, 1981), as amended, is hereby revoked. This revised delegation shall not be construed to affect the validity of any waiver or redelegation granted by a properly authorized official prior to the effective date of this revised delegation. Any such waiver or redelegation shall continue in effect unless modified or revoked by an official to whom such authority has been delegated by this order.

E. This Delegation of Authority is effective immediately.

Dated: December 29, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 82-474 Filed 1-7-82; 8:45 am]

BILLING CODE 8116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-83, 701-TA-84, and 731-TA-51 (Preliminary)]

Hot-rolled Carbon Steel Plate From Belgium; Hot-Rolled Carbon Steel Plate From Brazil, and Hot-Rolled Carbon Steel Plate From Romania

Determinations

On the basis of the record[1] developed in investigation No. 701-TA-83 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury[2] by reason of imports from Belgium of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (1981), which are alleged to be subsidized by the Government of Belgium.

On the basis of the record[1] developed in investigation No. 701-TA-84 (Preliminary), the Commission determines that there is a reasonable indication than an industry in the United States is materially injured or threatened with material injury[3] by reason of imports from Brazil of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (1981), which are alleged to be subsidized by the Government of Brazil.

On the basis of the record[1] developed in investigation No. 731-TA-51 (Preliminary), the Commission determines that there is a reasonable indication than an industry in the United States is materially injured or threatened with material injury[4] by reason of imports from Romania of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (1981), which are alleged to be sold in the United States at less than fair value (LTFV).

[1] The record is defined in § 207.2(j) of the Commission's rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Chairman Alberger and Commissioner Frank determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Belgium of hot-rolled carbon steel plate which are alleged to be subsidized by the Government of Belgium.

[3] Chairman Alberger and Commissioner Frank determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil or hot-rolled carbon steel plate which are alleged to be subsidized by the Government of Brazil.

[4] Chairman Alberger and Commissioner Frank determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Romania of hot-rolled carbon steel plate which are alleged to be sold in the United States at less than fair value.

Background

On November 18, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating countervailing duty investigations on imports of hot-rolled carbon steel plate from Belgium and Brazil and an antidumping investigation on imports of hot-rolled carbon steel plate from Romania. Accordingly, effective November 18, 1981, the Commission instituted investigations pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigations by the Department of Commerce.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was duly given by posting copies of the notices at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notices in the **Federal Register** of November 25, 1981 (46 FR 57784). The conference was held in Washington, D.C., on December 14, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

After considering all available information, we conclude: (1) There is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of hot-rolled carbon steel plate from Romania allegedly sold at less than fair value (LTFV); (2) there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly subsidized imports of hot-rolled carbon steel plate from belgium; (3) there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly subsidized imports of hot-rolled carbon steel plate from Brazil.[5]

[5] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury with respect to imports from Romania, Belgium and Brazil, do not reach the issue of threat in any of the three investigations.

In the following analysis we will first define the domestic industry pursuant to section 771(4)(A) of the Tariff Act of 1930. We will then examine the state of the domestic industry in terms of the relevant economic indicators set forth in section 771(7)(C)(iii). Finally, we will examine the causal relationship between the state of the domestic industry and the dumped or subsidized imports on a country by country basis.[6] [7]

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." Section 771(10) defines "like product" as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.

In its Notice of Initiation, the Department of Commerce defined the scope of the countervailing duty and antidumping investigations regarding carbon steel plate as follows:

> For the purposes of this investigation, the term "hot rolled carbon steel plate" covers steel not alloyed; not pickled and not cold rolled; not in coils; not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over eight inches in width, as currently provided for in item 607.6615 of the Tariff Schedules of the United States Annotated.[8] [9]

The information obtained in these preliminary investigations shows that imported Belgian,[10] Brazilian and Romanian hot-rolled carbon steel plate and domestic hot-rolled carbon steel plate consists of a variety of widths, lengths and thicknesses. There are no clear dividing lines between the characteristics and uses of different sizes and shapes of plate.[11] Accordingly, for purposes of this preliminary investigation, the like product consists of all hot-rolled steel plate, not alloyed, not pickled and not cold-rolled; not coated or plated with metal and not clad; not in coils, 0.1875 inch or more in thickness and over 8 inches in width.

Condition of the Domestic Industry

It is clear from a review of the relevant economic indictors set forth in section 771(7)(C)(iii) that there is a reasonable indication that the domestic hot-rolled carbon steel plate industry is experiencing severe difficulties. The domestic industry's production, capacity utilization, and employment, while fluctuating from year to year, have shown sharp overall declines during the period under investigation. Thus production fell from 6,094,000 tons in 1979 to 5,750,000 tons in 1980.[12] During the first 9 months of 1981, production remained at low levels comparable to those reached in 1980.

Capacity declined markedly from 1979 to 1980 from 10,096,000 tons to 9,683,000 tons. This trend continued in 1981 with a further decline in practical domestic capacity.[13] While capacity utilization remained relatively stable from 1978–81, showing only a slight decline from 61.5 percent utilization in 1978 to 59.8 percent utilization in January-September 1981, such stability is misleading.[14] The industry's practical capacity declined significantly from 1979 to the present. Although there have been some additions to practical capacity, notably at Bethlehem Steel's Chesterton, Indiana facilities in 1978, there have been a number of closures of carbon steel plate facilities during the period, most recently in February 1981 the permanent shutdown of Jones & Laughlin Steel's only plate mill and a hot strip mill at Pittsburgh, Pa.[15]

Employment of production and related workers in the carbon steel plate sector fell from 17,909 workers in 1979 to 17,096 workers in 1980 and 16,612 workers in January-September 1981.[16] The 2.8 percent decline in the carbon steel plate sector during January-September 1981 compared to the same period in 1980 is noteworthy because overall employment in facilities in which carbon steel plate was produced rose during the same period.[17]

Part of the industry's problems can be attributed to shrinking demand. During the period under investigation, U.S. consumption of carbon steel plate showed a significant overall decline. Consumption fell from 8,467,000 tons in 1978 to 7,683,000 tons in 1980.[18] While consumption rose slightly in the first 9 months of 1981, it remained significantly below levels attained in 1978–79. Shipments by domestic producers also showed a declining trend, falling by 8 percent in 1980 and by another 2 percent in January–September, 1981.[19]

Throughout the period under investigation, profitability in the carbon steel plate industry remained extremely low. The industry showed a ratio of operating profit to net sales of 4.0 percent in 1978 and 3.7 percent in 1979.[20] In 1980 the industry's performance deteriorated, recording an operating profit to net sales ratio of only 1.4 percent. The industry turned a profit in 1981, but the January–September 1981 operating profit to net sales ratio of 3.1 percent hardly qualifies as grounds for optimism. Indeed, three U.S. producers

---

[6] Commissioner Paula Stern fully joins the views of the Commission on carbon steel plate. In her separate views on Hot-Rolled Carbon Steel sheet from France, Inv. No. 701–TA–85, she has discussed in detail issues of interest in all these cases.

[7] Commissioner Frank notes that the statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could possibly be suffering injury, threat thereof or material retardation. H.R. Rep. No. 96–317, 96th Cong., 1st sess., 52 (1979).

[8] 46 FR 56635 (Nov. 18, 1981).

[9] One Belgian manufacturer, Cockerill Sambre, S.A., argued that the Commerce Department improperly included cut-to-length hot-rolled steel band in the investigation. Transcript of Public Conference, pp. 192–94. Cockerill contends that the Commerce Department incorrectly defined the imported articles subject to this investigation by TSUS numbers, rather than according to commercial practice. According to Cockerill, this confusion resulted in the mistaken inclusion of hot-rolled steel band in the investigation. We believe that the resolution of this issue should be left to the Department of Commerce.

[10] A Belgian firm, Forges de Clabecq, argued that the great majority of its plate falls within certain combinations of width and thickness that cannot be economically manufactured by U.S. mills. Clabecq's mill is a somewhat unusual combination of a reversing mill followed by a four stand finishing mill. According to Clabecq, the mill can produce certain thinner gages of plate in widths exceeding 84 inches. Clabecq alleges that plate in these gages and widths can be produced in U.S. mills, but as a much higher cost.

The advantage of the wider plate lies in the lower number of welds required to cover a given surface area. According to Clabecq, the narrower U.S. plate requires more welds, thus increasing the cost of covering a given area. Clabecq did not furnish information as to how, if at all, the alleged width-thickness differences affect the use of the imported article.

For purposes of this preliminary investigation, we conclude that hot-rolled steel plate of all widths is "like" the Belgain imported article. There is information indicating that the wider varieties of Belgian plate can be cut into smaller sizes. Such smaller sizes are produced in the United States. Furthermore, U.S. products in narrower widths can be welded together in a processor to form plate of widths and thicknesses equivalent to that of the allegedly unique Belgian plate.

[11] *See* Stainless Clad Steel Plate from Japan, Inv. No. 731–TA–60 (Preliminary), USITC Pub. 1196 (1981).

[12] Staff Report at A–22, Table 8.

[13] *Id.*

[14] *Id.* at A–22.

[15] *Id.* at A–10 to A–11.

[16] *Id.* at A–20, Table 11.

[17] *Id.* Commissioner Frank notes that it is reasonable to presume such recent levels of capacity utilization are not sufficient per se to enable the industry to return to a more healthy condition in view of its capital intensive nature. He also finds it appropriate to observe in this context that continuance of these capacity utilization levels surely would affect industry management decisions as to the nature, magnitude and timing of future capital investment in productive facilities, aside from other economic and financial considerations.

[18] *Id.* at A–21, Table 7.

[19] *Id.* at A–23.

[20] *Id.* at A–31, Table 16.

reported operating losses for the partial accounting year ending in September 1981.[21]

Reasonable Indication of Material Injury by Reason of Imports

We turn now to the impact of the allegedly dumped or subsidized imports on the state of the domestic industry. We will discuss the reasons for our affirmative determinations on a country-by-country basis because we find a reasonable indication of material injury due to the imports of each country individually, rather than cumulatively.[22]

1. Hot-Rolled Carbon Steel Plate From Romania

Introduction

Our determination that there is a reasonable indication that allegedly dumped hot-rolled carbon steel plate from Romania has caused or threatens to cause [23] material injury to the domestic industry is based principally on the dramatic rise in imports of Romanian plate during 1980–81, lost sales, and the large margins of underselling. There are preliminary indications that underselling attributable to Romanian imports has caused both price suppression and depression in the U.S. steel market. Our finding that there is a reasonable indication of a threat of material injury [23] by reason of imports from Romania rests on the likelihood that imports of Romanian plate will continue at their current penetration levels during a period in which the domestic industry is particularly vulnerable to injury.

Volume of Imports

The information developed in our preliminary investigation reveals a dramatic rise in imports of Romanian hot-rolled carbon steel plate. Imports remained below 1 percent of apparent U.S. consumption from 1978–80, accounting for a mere 0.6 percent of apparent U.S. consumption in 1978, 0.2 percent in 1979, and 0.4 percent in 1980.[24] This relatively low level of import penetration changed in 1981 with a sudden increase in the first nine months of 1981 to 3.1 percent. Imports from Romania totaled 35,000 tons during 1980. In the first 9 months of 1981, imports jumped to 184,000 tons.[25] Thus imports for the first three quarters of 1981 are more than five times the level attained over an entire year in 1980. We see indications that this increase has materially disturbed domestic markets at a time or declining overall domestic plate demand.

Impact on Prices

Preliminary indications of possible price suppression or depression form an additional linkage between the state of the domestic industry and the alleged dumping of Romanian plate. For the reasons set forth in the Staff Report it is difficult to make price comparisons between imported and domestic plate.[26] Some quarterly price comparisons, however, are available for 1980 and the first three quarters of 1981. The Romanian product undersold at significant margins the domestically produced hot-rolled plate in six of the seven quarters.[27]

The Commission was also able to confirm that the domestic industry lost sales to Romanian imports.[28] Price was the determining factor in every case. Purchasers reported that Romanian offering and selling prices were as much as 100 dollars per ton below domestic producers' published prices. We conclude that the information available on pricing and lost sales indicates a reasonable possibility of price suppression.

The underselling by Romanian producers may have broader implications. The carbon steel plate industry appears to be highly price-sensitive, and even more so during periods of stagnant of declining demand. According to information obtained by the Commission, buyers generally are aware of prevailing market prices and are able to play off competing domestic and foreign offers. Hence the low prices of one firm, foreign or domestic, may have a broad-ranging effect on the market. The margins of underselling attributable to possibly dumped imports may be suppressing or depressing domestic prices.[29]

Accordingly, we conclude that there is a reasonable indication that the domestic industry has incurred material injury by reason of allegedly LTFV imports.

Threat of Material Injury [30]

We further determine that there is a reasonable indication that the domestic industry is threatened with material injury by reason of allegedly dumped imports of hot-rolled carbon steel plate from Romania. The issue of whether there is a reasonable indication of a threat of material injury turns on the "likelihood of a particular situation developing into actual material injury." [31] The threat must be real and imminent, not a mere possibility based on supposition and conjecture.[32] Information available in this preliminary investigation reasonably indicates that Romanian exporters have the capacity, the export capability and the financial incentive to direct large and increasing quantities of hot-rolled plate to the U.S. market.

Romania's capacity for producing hot-rolled carbon steel plate has increased and will continue to increase. Capacity rose substantially from 1979–80 to January–October, 1981.[33] As a new plant constructed by Combinat Siderurgica Galati (CSG) comes on stream, capacity is projected to increase further in 1985.[34] Since there was substantial unused capacity in 1981, the Romanian steel industry has the ability to substantially increase its production and its exports to the United States. The dramatic increase in Romanian plate imports during January–September 1981 demonstrates that Romania has the ability to increase rapidly its exports to the United States.

We also note that there are preliminary indications that Romania is currently experiencing a shortage of hard currency. This appears to be a particular problem for the steel industry, since the rolling mill equipment for the new CSG plant was purchased with a U.S. Export-Import Bank loan which

---

[21] Commissioner Frank notes that steel industry association data cite certain productivity statistics, e.g., tons per hour, that indicate that this industry manifests greater productivity than Belgian, Brazilian and Romanian producers. He believes that, if final Commission investigations are conducted, the Commission should independently obtain relevant comparative productivity data from domestic and Belgian, Romanian, and Brazilian producers.

[22] Commissioner Frank, while not cumulating the impact of allegedly subsidized imports from Belgium and Brazil as a principal factor in reaching his determinations in these preliminary investigations, notes, based on the record developed to date, the appropriateness of Commerce's self-initiated investigations against these countries inasmuch as aggregated imports of carbon steel plate represent overall over 32% of total carbon steel plate imports for consumption by quantity and value as of September 1981. He did consider, however, the cumulative impact of such imports (including Romanian imports) as an adjunct to his analyses in reaching his determinations in these preliminary investigations.

[23] *See* footnote 5.

[24] Staff Report at A–41 to A–42, Table 20.

[25] *Id.* at A–41 to A–42, Table 19.

[26] *Id.* at A–46. Commissioner Frank points out that there are some differences in handling freight, transportation costs, and other considerations which affect net prices to end users and domestic purchasers, making price comparisons difficult in some circumstances.

[27] *Id.* at A–51 Table 26.

[28] *Id.* at A–51 to A–52.

[29] *Id.* at A–51, Table 26; A–52, Table 27.

[30] *See* footnote 5.

[31] H.R. Rep. No. 96–317, 96th Cong., 1st Sess. 47 (1979).

[32] *Alberta Gas Chemicals, Inc. v. United States*, 515 F. Supp. 780 (Ct. Int'l Trade 1981).

[33] Staff Report at A–57.

[34] *Id.*

must be repaid in dollars.[35] Until the loan is repaid, it would appear that the Romanian steel industry has reason to export in order to obtain U.S. currency.[36] Representatives of the Romanian industry argued that rising Romanian demand will absorb projected increases in steel production, thus removing the threat of future Romanian imports. However, they also stated that they could not be "precise" about when and to what extent demand will increase.[37] This claim can be investigated in our final investigation.

We conclude that the capacity, export capability, and financial needs of the Romanian steel industry establish a reasonable indication of a real and imminent threat of material injury by reason of imports of hot-rolled plate from Romania.

2. Hot-Rolled Carbon Steel Plate From Belgium

Introduction

We conclude that there is a reasonable indication that the domestic industry has suffered or is threatened with [38] material injury by reason of allegedly subsidized imports of hot-rolled carbon steel plate from Belgium. Our determination is based, among other things, on the continued significant volume of Belgian imports, lost sales, and a consistent pattern of underselling.

Volume of Imports

During January 1978–September 1981, Belgium was the largest exporter of hot-rolled plate to the United States, accounting for 17 percent of total imports.[39] While Belgian imports have fluctuated in terms of tonnage,[40] they have consistently accounted for a sizeable share of domestic consumption. After falling from 4.6 percent of apparent domestic consumption in 1978 to 2.7 percent in 1979, Belgian imports rose to 3.7 percent of apparent domestic consumption in 1980 and 3.9 percent in January–September, 1981. During January–September, 1981, imports totaled 232,000 tons, as opposed to 200,000 tons during the comparable period of 1980. This represents an increase of 16 percent.

Price

Pricing data collected by the Commission show that imported Belgian plate consistently undersold domestic plate. On sales to service center distributors underselling occurred in every quarter, with the margin of underselling ranging as high as 18 percent.[41] Sales to end-user customers also showed repeated instances of underselling, although at somewhat smaller margins.

The Commission was able to confirm instances of lost sales to imports from Belgium.[42] In each case, the purchaser stated that price was the principal reason for its decision to purchase Belgian plate over a competing domestic offer. Furthermore, in several situations, domestic producers lowered their prices to avoid losing sales to Belgian competitors.[43] Thus, the information developed in this preliminary investigation suggests that imports of Belgian hot-rolled plate have contributed to price suppression or depression in the U.S. market.[44] [45]

The continued significant volume of Belgium imports of hot-rolled plate, coupled with underselling and confirmed lost sales, establishes a reasonable indication that allegedly subsidized Belgian imports have caused material injury to the domestic industry.[46]

Threat of Material Injury [47]

The Belgian steel industry has significant plate-making capacity. Capacity utilization has remained relatively low, ranging from 47.4 percent in 1979 to 59.5 percent in January–September 1981.[48] Hence it is possible for the Belgian steel producers to increase greatly their production of hot-rolled plate. Furthermore, according to data supplied by the Belgian government, almost all Belgian plate is exported. In 1979, exports of 1,323,000 tons exceeded Belgian production of 1,314,000 tons.[49] During January–September 1981, Belgian production of 1,188,000 tons barely exceeded exports of 1,148,000 tons. After falling to 214,000 tons in 1979, imports from Belgium rose in 1980 and in January–September 1981.[50] It is clear from past import patterns that the Belgian producers are capable of exporting significant quantities of plate to the United States. For these reasons, there is a reasonable indication that imports from Belgium pose a threat of material injury.

3. Hot-Rolled Carbon Steel Plate From Brazil

Introduction

The sharp increase in imports of hot-rolled plate from Brazil, indications of underselling, and confirmed lost sales form the principal bases for our determination that there is a reasonable indication that allegedly subsidized Brazilian imports have caused or threaten [51] to cause material injury to the domestic hot-rolled carbon steel plate industry.

Volume of Imports

The volume of imports of hot-rolled plate from Brazil rose consistently during the period under investigation. Brazilian imports totalled 80,000 tons in 1978.[52] They increased to 206,000 tons in 1979 and 323,000 tons in 1980. This trend continued in 1981. In January–September 1981, 228,000 tons of imported Brazilian plate entered the United States, as opposed to 218,000 tons during the comparable period of 1980.[53]

These increases in volume were accompanied by equivalent increases in import penetration. Thus, the ratio of Brazilian imports to domestic consumption went from 0.9 percent in 1978 to 2.6 percent in 1979 and 4.2 percent in 1980.[54] Accordingly, Brazilian plate played an increasing role in the U.S. market during a period in which the health of the domestic industry declined.

Price

The pricing data regarding Brazil are mixed. There are repeated, albeit irregular, indications of underselling at margins ranging from 2 to 7 percent.[55]

---

[35] Transcript at 226–27.
[36] *Id.*
[37] *Id.* at 240.
[38] *See* footnote 5.
[39] Staff Report at A–41.
[40] *Id.* at A–41, Table 19.
[41] *Id.* at A–50, Table 24. The underselling was particularly marked in the Northeast and Southeast regions.
[42] *Id.* at A–51.
[43] *Id.* at A–52, Table 27.
[44] Commissioner Frank notes that during the 1980 to September 1981 period there also appears to be an indication of possible price distortions in both domestic and imported hot-rolled carbon steel plate which warrants further scrutiny should a final Commission investigation in this matter be undertaken.
[45] Commissioner Frank notes that the U.S. Department of Commerce, in announcing its self-initiated countervailing duty investigation specifically indicated those government programs which it intends to investigate that are listed in the Report on pages A–6 through A–7. He also observes that Under Secretary of Commerce Olmer in his testimony at the Commission's public conference disclosed that the Commerce Department had already made an estimate of the per ton value of just two of the government programs of nearly $40 per ton in some cases and indicated the total value of subsidization under all such programs to be determined after a thorough investigation could be much higher.
[46] Commissioner Frank believes it should be emphasized that such pricing patterns, trends and indications of impact should be scrutinized *per se* totally independent of such impacts on Trigger Price Mechanisms in effect, which for the purpose of this subsidy investigations are not relevant.
[47] *See* footnote 5.
[48] *Id.* at A–54, Table 28.
[49] *Id.*
[50] *Id.* at A–41, Table 19.
[51] *See* footnote 5.
[52] Staff Report at A–41, Table 19.
[53] *Id.*
[54] *Id.* at A–41, Table 20.
[55] *Id.* at A–50, Table 25.

Furthermore, the Commission was able to confirm instances in which potential purchasers of hot-rolled plate selected the Brazilian product over a competing domestic offer.[56] Each purchaser cited the lower price of the Brazilian plate as the basis for its decision to purchase the imported article.

The steel market is highly price sensitive, particularly during periods of stagnant or declining demand. There is information available which indicates that buyers generally are aware of prevailing market prices and are able to play off competing domestic and foreign offers. Hence the low prices of one firm, foreign or domestic, may have a broad-ranging effect on the market.

There are preliminary indications that Brazilian imports, by virtue of a competitive advantage allegedly derived from government subsidization, are taking sales away from domestic manufacturers and may be materially suppressing or depressing prices in the U.S. market.[57] [58] Accordingly, we conclude that there is a reasonable indication of material injury by reason of allegedly subsidized imports from Brazil.[59]

Threat of Material Injury [60]

Section 771(7)(E)(i) of the Tariff Act of 1930 provides:

(i) Nature of subsidy.—In determining whether there is a threat of material injury, the Commission shall consider such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement) provided by a foreign country and the effects likely to be caused by the subsidy.

In its Notice of Investigation,[61] the Department of Commerce alleged that certain of the Brazilian subsidies under investigation are specifically directed at stimulating exports. Exports have accounted for an increasing portion of Brazil's hot-rolled plate production, with the bulk of these exports directed at the United States. Approximately 55 percent of Brazilian plate exports entered the United States in 1979 and 68 percent in 1980. During the period under investigation, Brazil's exports of carbon steel plate to the United States have more than doubled from 177,000 tons in 1979 to 389,000 tons in 1980.[62]

Information obtained in the course of this preliminary investigation indicates that the Brazilian industry's plate capacity may increase as the two facilities currently under construction begin production.[63]

Hence, the Brazilian steel industry appears to have the capacity and the financial incentive to increase its shipments to the United States over present levels. Such shipments would further injure a domestic industry that is already weakened.

Issued: January 4, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-505 Filed 1-7-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-85 (Preliminary)]

Hot-Rolled Carbon Steel Sheet From France

Determination

On the basis of the record [1] developed in investigation No. 701-TA-85 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from France of hot-rolled carbon steel sheet, provided for in items 607.6610, 607.6700, 607.8320, or 607.8342 of the Tariff Schedules of the United States Annotated (1981), which are alleged to be subsidized by the Government of France.

Background

On November 18, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating a countervailing duty investigation on imports of hot-rolled carbon steel sheet from France. Accordingly, effective November 18, 1981, the Commission instituted investigation No. 701-TA-85 (Preliminary) pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the Department of Commerce.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notices at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notices in the Federal Register of November 25, 1981 (46 FR 57785). The conference was held in Washington, D.C., on December 14, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, Commissioner Alfred E. Eckes, and Commissioner Eugene J. Frank

We have determined that there is a reasonable indication that an industry in the United States is materially injured [3] by reason of allegedly subsidized imports from France of hot-rolled carbon steel sheet. Our determination is based on the following considerations.[4]

---

[56] *Id.* at A-51.

[57] Commissioner Frank notes that the U.S. Department of Commerce in self-initiating its countervailing duty investigation has indicated its intention to investigate participation by the Brazilian industry in certain export incentive programs as well as other governmental programs that may provide countervailable benefits which are described in the Report on pages A-7 to A-8. He notes additionally that Commerce has currently estimated a total ad valorem benefit of up to 27 percent for three principal programs which have been found countervailable in previous cases; and further, he notes that Commerce has indicated that it does not currently have sufficient information to estimate the ad valorem value of other possible countervailable assistance, which may be substantial.

[58] Commissioner Frank notes that during the 1980 to September 1981 period there also appears to be an indication of possible price distortions in both domestic and imported hot-rolled carbon steel plate which warrants further scrutiny should a final Commission investigation in this matter be undertaken.

[59] Commissioner Frank believes it should be emphasized that such pricing patterns, trends and indications of impact should be scrutinized *per se* totally independent of such impacts on Trigger Price Mechanisms in effect, which for the purpose of this subsidy investigation are not relevant.

[60] See footnote 5.

[61] 46 FR 56630-37 (Nov. 18, 1981).

[62] Staff Report at A-55, Table 29.

[63] *Id.* at A-55 to A-57.

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Vice Chairman Calhoun and Commissioner Stern determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from France of hot-rolled carbon steel sheet which are alleged to be subsidized by the Government of France.

[3] Vice Chairman Calhoun also finds that there is a reasonable indication of a threat of material injury. *See* f.n. 28.

[4] Commissioner Frank notes that the Statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could possibly be suffering material injury, threat thereof, or material retardation. H.R. Rept. No. 96-317, 96th Cong., 1st Sess., p. 52 (1979).

The Domestic Industry

The domestic industry is defined in section 771(4)(A) of the Tariff Act of 1930 as consisting of all domestic producers of a product that is like that being imported, or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[5] "Like product" is defined by section 771(10) of the Act as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *."[6]

This investigation concerns allegedly subsidized imports of hot-rolled carbon steel sheet from France. Hot-rolled sheet, whether imported or domestically produced, is used in car bodies, large appliances such as washing machines and refrigerators, electrical equipment, machinery and equipment, and certain types of welded pipe and tube. In its Notice of Institution, the Department of Commerce defined the imported articles as follows:

> For the purposes of this investigation, the term "hot rolled carbon steel sheet" covers steel not alloyed; not cold rolled; whether or not pickled; not coated or plated with metal and not clad; over twelve inches in width; and in coils, or if not in coils under 0.1875 inch in thickness, as currently provided for in items 607.6610, 607.6700, 607.8320, or 607.8342 of the Tariff Schedules of the United States Annotated.

46 FR 56640 (Nov. 18, 1981). For purposes of this investigation, then, the term hot-rolled sheet refers to steel less than 0.1875 inch thick which has been cut to length, or which has been coiled, regardless of thickness.

Steel sheet is either coiled to facilitate handling or sheared to various lengths and widths.[7] Coiled sheet is sold to end-users who unroll the coiled sheet and cut it to the dimensions desired.

Hot-rolled sheet, whether imported or domestic, comes in a spectrum of lengths, widths, and gages.[8] Any differences in characteristics and uses are insignificant for purposes of this preliminary investigation.[9] All domestically produced hot-rolled carbon steel sheet, regardless of width or gage, is "like" the French imports. Consequently, we believe the "continuum principle" set forth in *Stainless Clad Steel Plate from Japan*,[10] is appropriate to consideration of the like product in this investigation. That case involved clad steel plate custom-made in a variety of sizes and shapes. The Commission found that the like product consisted of a general category of clad steel plate, rather than plate of particular sizes or shapes. In reaching its conclusion, the Commission stated:

> Since this is a case in which the like product candidates consist of a group of products slightly distinguishable from each other, among which no clear dividing lines can be drawn based on characteristics and uses, we find the like product in this preliminary investigation is all members of the group.[11]

Accordingly, we find that the like product is all hot-rolled carbon steel sheet within the category defined by the Commerce Department. Thus, the relevant domestic industry in this investigation consists of those domestic producers who produce hot-rolled carbon steel sheet.

Reasonable Indication of Material Injury

1. *Condition of the domestic industry.* The Commission last examined the condition of the U.S. steel industry, including that portion of the industry producing hot-rolled carbon steel sheet, in May 1980.[12] Data available at that time revealed an industry adversely affected by increasing import competition and achieving profitability levels that were exceedingly low both in absolute terms and in comparison with other manufacturing groups. Information obtained in the present investigation demonstrates that the domestic industry's health has not substantially improved.

Domestic production of hot-rolled carbon steel sheet declined from 11.3 million tons in 1978 to 9.5 million tons in 1980, or by about 16 percent. Although production rebounded in the first three quarters of 1981 as compared to the same period in 1980, it is unlikely, in light of currently shrinking demand, to reach the full-year levels attained in 1978 and 1979.[13] Utilization of capacity remained steady between 1978 and 1979, but declined approximately 20 percent in 1980 as a result of declining production. Capacity utilization for the first nine months in 1981, although higher than the comparable period of 1980, was still below the percentages reported for 1978 and 1979.[14]

Domestic shipments of hot-rolled carbon steel sheet increased slightly from 1978 to 1979, but fell sharply in 1980. Shipments increased in January–September 1981, as compared to the same period in 1980.[15] Year-end inventories declined 14 percent from 1978 to 1980. However, they increased dramatically—42 percent in the first nine months of 1981, as compared to the same period in 1980 signalling the current downturn in demand.[16]

Total employment in U.S. facilities producing hot-rolled carbon steel sheet, and well as employment of production and related workers in particular, rose from 1978 to 1979, but declined in 1980. While total employment continued to fall in the first three quarters of 1981, employment of production and related workers (including those specifically engaged in producing hot-rolled sheet) increased from 1980, reflecting the general trend in production, but employment was still below levels reached in 1978 and 1979.[17]

Especially significant in the assessment of injury is the extremely low level of profitability in this industry. On both their overall and hot-rolled sheet operations domestic producers are currently receiving a far lower ratio of operating profit to net sales than are either all iron and steel company operations or all manufacturing companies.[18] The data show that net

---

[5] 19 U.S.C. 1677(4)(A).

[6] 19 U.S.C. 1677(10).

[7] The manufacturing process for hot-rolled sheet is described in detail in the Staff Report and will not be discussed here. Staff Report at A–1 and A–2.

[8] *Id.* at A–2 et seq.

[9] Some French producers argued that certain of their imports fall into categories that should be excluded from the definition of the like product. In particular, they contended that lighter gage products in widths of 84 inches or more are either in short supply or unavailable from domestic sources. Transcript of public conference of December 14, 1981, at 157, 179, 183–84. There are no persuasive data, however, to substantiate the product mix of French imports, the lack of alternative domestic sources, or the alleged uniqueness of the French products. Furthermore, information available to the Commission suggests that 84-inch French sheet competes with narrower widths of U.S.-produced sheet, which can be welded together to cover an equivalent surface area.

[10] Inv. No. 731–TA–50 (Preliminary), USITC Pub. 1196 (1981).

[11] *Id.* at 4.

[12] Certain Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and the United Kingdom, Investigations Nos. 731–TA–16 to 24 (Preliminary), USITC Pub. 1064 (1980).

[13] Staff Report at A–16.

[14] *Id.* As noted in the Staff Report, some hot-rolled sheet is produced on the same equipment used to make hot-rolled plate, and allocation of a plant's total capacity must be made in order to arrive at a capacity figure for each product.

[15] *Id.* at A–17. Exports represent approximately 1 percent of total domestic shipments for the relevant period.

[16] *Id.* at A–19.

[17] Commissioner Frank notes that the hours paid for production and related workers for hot-rolled carbon steel sheet also evidence some increase on nine month figures of 1981 as compared to 1980, but likewise showed declines from 1978 and 1979. *Id.* at A–20.

Commissioner Frank further notes that unit labor costs per ton in the production of hot-rolled carbon steel sheet were down 6.2 percent for the January-September 1981 period from the comparable 1980 period. Labor productivity in terms of tons per hour was higher also. *Id.* at A–24, Table 15.

[18] *Id.* at A–27. Profit-and-loss data were received from nine producers accounting for roughly 87 percent of domestic shipments in 1980. *Id.* at A–23.

sales of hot-rolled sheet increased 19 percent, from $3.4 billion in 1978 to $4.0 billion in 1979, then declined to $3.1 billion in 1980. In the first three quarters of 1981, net sales increased by 46 percent over the same period in 1980, from $2.2 billion to $3.2 billion.[19] However, aggregate operating profits from sales of hot-rolled sheet declined from $168 million in 1978 to an operating loss of $234 million in 1980, while the ratio of operating profit to net sales fell from a positive 5 percent in 1978 to a negative 7.6 percent in 1980. Despite increased net sales in 1981, the industry continued to suffer an operating loss, amounting to $58 million in the first three quarters, for a ratio of operating loss to net sales of 1.8 percent.[20] These negative profitability figures amply demonstrate the present weakened condition of the domestic industry.

Furthermore, other considerations, such as the low level of return on equity the industry has shown, do not make it an attractive magnet for investment capital.[21]

2. *Volume of Imports.* One of the most important factors influencing our determination is the changing pattern of imports. The most recent monthly data emphasizes that the volume of imports of hot-rolled sheet from France is increasing. In particular, imports of sheet from France rose from 90,083 tons in the three-month period August to October 1980 to 149,832 tons in the same period of 1981, an increase of 66 percent.[22]

Until 1981, imports steadily declined throughout the period of investigation. They fell from 693,613 tons in 1978 to 395,351 tons in 1980.[23] The ratio of imports to apparent U.S. consumption, which reached 4.0 percent in 1978, declined to 3.1 percent in 1979, and remained constant in 1980. However, the ratio of imports to domestic shipments began to increase in 1981, rising to 5.4 percent in August-October, the most recent period for which data are available.[24] From our perspective, both the absolute rise in the level of sheet imports from France and the imports to domestic shipments ratio point to an affirmative preliminary determination.

3. *Price.* Pricing information on imported hot-rolled carbon steel sheet from France warrants further investigation. The Commission requested delivered selling prices for hot-rolled carbon steel sheet, commercial quality, 0.1210–0.1799 inches in thickness and over 36 but less than 72 inches in width from domestic producers and from importers of French hot-rolled sheet. This information was used for price comparisons. Data supplied by importers of the French product showed that in certain instances French sheet sold for a higher price than the comparable domestic product. Thus on sales to service center-distributors the French imports consistently sold at a higher price than domestic sheet, with the margins of overselling ranging from 1 percent to 24 percent.[25] However, sales to end-user customers reveal a pattern of underselling at margins ranging from 1 percent to 17 percent.[26] The usefulness of these comparisons is affected by the difficulty of calculating freight charges for domestic shipments.[27] Certain domestic companies reported that they were unable to calculate freight, since this cost was assumed by the purchaser. Others emphasized that inclusion of freight charges can distort a comparison of prices. Therefore, for purposes of this preliminary investigation, we note there is a reasonable indication of a pattern of underselling of imports in some parts of the market.

Furthermore, information obtained from domestic purchasers calls into question claims that French sheet sold at higher price, In questionnaire responses, five domestic producers provided information regarding 86 alleged lost sales to imports of competing hot-rolled sheet from France.[28] The Commission staff contacted a representative sample of 17 purchasers. Twelve purchasers confirmed lost sales.[29] The principal reason given by these purchasers for the lost sales was the lower price of the French product. Only one purchaser reported paying a premium for the French import. Staff also verified instances in which domestic hot-rolled sheet producers lowered their prices in order to avoid losing a sale to a competing French offer.[30] Accordingly, in spite of its alleged higher quality, there is evidence that French sheet sold for a lower price than domestic hot-rolled sheet.

The market for hot-rolled carbon steel sheet is highly price sensitive. The lower prices of one source of supply, foreign or domestic, can have ripple effects on the market. We believe that the information regarding French prices demonstrates a reasonable possibility that the imports from France have suppressed, and, on occasion, depressed prices in the domestic market. During a final investigation, the staff will have an opportunity to verify any data submitted and to obtain additional information.

Conclusion

On the basis of the record before us,[31] we conclude that there is a causal link between allegedly subsidized imports of hot-rolled carbon steel sheet and the reasonable indication of material injury. The principal bases for our determination are the increasing volume

---

[19] *Id.* at A–28.

[20] *Id.* at A–28.

[21] Commissioner Frank notes that total capital expenditures have risen since 1978, the majority of which went into machinery and equipment. He notes also that research and development expenditures in the industry have increased consistently since 1978 including the first nine months of 1981. *Id.* at A–27 and A–28.

[22] *Id.* at A–30.

[23] *Id.* at A–29, Table 20.

[24] Commissioner Frank notes that production of hot-rolled carbon steel sheet by the two French producers meanwhile has increased in 1979 and 1980 and rates of production to capacity are up for the first 9 months of 1981. Staff Rept. at *Id.* at A–47.

[25] *Id.* at A–37 through A–39, Table 25. Commissioner Frank notes that a number importer-distributors are owned by French producers. *Id.* at A–8.

[26] *Id.*

[27] *Id.* at A–37.

[28] *Id. at A–39 and A–40.*

[29] *Id.*

[30] With regard to threat of material injury, Vice Chairman Calhoun observes that the two major French producers of hot-rolled sheet, Usinor and Sacilor, increased their capacity from 1097 to 1960. Both firms retain significant amounts of unused capacity that could be used to increase production. Since the Simonet-Davignon Plan apparently restricts shipments within the European Community, it is possible that any increases in French production would be directed at export markets.

France clearly has the ability to export large amounts of hot-rolled sheet to the United States, although it has not fully exploited this capability in recent years. Nevertheless, imports from France increased in January–September 1981 by comparison with the comparable period of 1980, rising from 270,500 tons to 297,903 tons. This trend becomes even more apparent when examined on a month-to-month basis. During 1980, imports from France fluctuated from month to month, both in terms of tonnage and as a ratio of imports to domestic shipments. No clear pattern of increasing volume or import penetration is apparent. In contrast, month-to-month figures for January–October 1981 show a pattern of sharp increases in tonnage and as a ratio of imports to domestic shipments.

The French steel industry's excess capacity, demonstrated export capability, and the recent rising trend in French imports establishes a reasonable indication of a threat of material injury. Furthermore, French hot-rolled carbon steel sheet is allegedly of superior quality and at a price competitive with domestic steel. For a price sensitive industry this provides an added basis for a finding of a reasonable indication of threat of material injury.

[31] On the basis of the record before him, Commissioner Frank concludes that there is a causal link between allegedly subsidized imports of hot-rolled carbon steel sheet from France with the material injury experienced by the domestic industry. The principle bases for his affirmative determination are the significant volume of French imports and information regarding lost sales, as well as a reasonable indication that these French imports through their impact on domestic prices, have had a material adverse effect on the condition of the domestic industry.

of French imports, information regarding lost sales by reason of underselling, and price suppression leading to reduced profitability.

Views of Commissioner Paula Stern

Introduction

On the basis of the record in this investigation, I have found that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of hot-rolled carbon steel sheet allegedly subsidized by the government of France.

The present case has focused on a basic industry which has been the subject of intense discussion throughout the industrial world. Many issues important to this case appeared earlier in cases before the Commission in 1980 [32] and bear review.

Important legal issues in the previous cases centered on the appropriate breadth of product aggregation in describing the domestic industry and the propriety of judging the cumulative impact of the subject imports on the domestic industry. The question of aggregation—which the Commission chose to approach on a product line basis—apparently has been settled for the steel industry. In the present case all parties seemed agreed on the appropriateness of examining each product line separately. I have found it it unnecessary at this preliminary stage to address the issue of cumulation because looking at the subject imports' cumulative impact would not have affected the finding I was able to make on an individual basis.[33] For the sake of brevity, I am incorporating in these Views the previous discussions of product aggregation and cumulation found in *Certain Carbon Steel Products* (May 1980). Both these issues played a role in setting the stage of reaching the primarily economic findings on the existence or threat of injury and the causation of the problems experienced by the U.S. steel industry.[34]

Statutory Standards

Section 771(7) gives specific guidance on what factors, among others, the Commission must consider in evaluating whether a domestic industry has suffered material injury by reason of allegedly subsidized imports. Three general categories of analysis are mentioned: (i) The volume of imports of the merchandise which is the subject of the investigation; (ii) the effect of imports of that merchandise on prices in the United States for like products; and (iii) the impact of imports of such merchandise on domestic producers of like products.

The volume of subject imports is to be evaluated by considering its overall magnitude and any increase either absolute or relative to consumption in the United States.[35] In analyzing price effects, the Act directs the Commission to look for evidence that subject imports have brought about "significant" undercutting, depression or suppression of domestic prices.[36] Finally, the impact on the affected industry is to be judged on the basis of "all relevant ecnonomic factors" including output, sales, market share, profits, productivity, return on investments, capacity utilization, and factors affecting domestic prices, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.[37] The record in these investigations contains some information on virtually all these factors; a detailed compilation may be found in the Report.

Condition of the Domestic Industry

In preliminary investigations Commission practice is to gather data for three full years plus the partial current year. Such questionnaire data is supplemented by publicly available information and in cases such as the present one, material gathered by the Commission in previous investigations of the same industry. Because the scope of the sheet industry in this investigation follows industry practices in defining sheet rather than TSUS numbers, the information gathered in the current investigation is not directly comparable to that found in the previous Commission report.[38] This second detailed look at the steel industry in less than two years confirms my earlier general judgments. But now the same continuing problems have been exacerbated by the heightened macroeconomic difficulties of the U.S. economy. In short, despite a temporary partial recovery in many of the economic indicators of the industry's performance for the first nine months of this year compared to those for the like period of 1980, the domestic hotrolled steel sheet industry remains unhealthy.[39]

U.S. production of hot-rolled sheet has been irregular but generally at troubling levels over the period of investigation. From 11.3 million and 12.2 million short tons in 1978 and 1979, it fell to 9.5 million tons in 1980. Data for the first nine months of 1981 show a growth to 8.8 million tons from the 6.5 million tons recorded in the like period of 1980. What the fall of 1981 will look like is not yet clear; however, there are strong indications that the fourth quarter of 1981 will show a sharp reduction in output as the prolonged and deepening recessoin in the U.S. automobile industry continues to affect adversely the demand for hot-rolled sheet.[40]

Capacity in the industry remained relatively stable over the period. From 17.4 million tons in 1978, it grew to 19.0 million tons in 1979 before falling off to 18.4 million tons in 1980. Partial year data for 1981 indicate a capacity level for this year will be at the 1979 level again. Capacity utilization declined from 64 percent in 1978 to 52 percent in 1980 and then increased to 61 percent in January-September 1981. In view of the sharp decline apparently occurring in the fourth quarter of 1981, the capacity utilization for the full year may well be

---

[32] There is a tendency to regard the Commission as having found in this case that subsidized imports have injured the U.S. industry. Rather, emphasis should be given to the fact that the Commission has determined in this preliminary case that there is a reasonable indication of material injury or threat thereof due to alleged subsidized imports. *See* "Statement of Reasons of Commissioner Paula Stern" in *Certain Carbon Steel Products* * * *, Inv. Nos. 731-TA-16-24 (Preliminary) USITC Pub. No. 1064, May 1980, at 39-71.

[33] See the companion cases, *Carbon Steel Plate from Romania*, Inv. No. 731-TA-51 (Preliminary), and *Carbon Steel Plate from Belgium and Brazil*, Inv. Nos. 701-TA-83 and 84 (Preliminary).

[34] Since there are many firms already in existence, the establishment of an industry in the United States was not at issue and will not be discussed further.

[35] Section 771(7)(C)(i) states: "In evaluating the volume of imports of merchandise the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant."

[36] Section 771(7)(C)(ii) states: "In evaluating the effect of imports of such merchandise on prices, the Commission shall consider whether—(i) there has been significant price undercutting by the imported merchandise as compared with the price of like products of the United States, and (ii) the effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred, to a significant degree."

[37] Section 771(7)(C)(iii) enumerates these factors as follows: "In examining the impact on the affected industry, the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—(i) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity, (ii) factors affecting domestic prices, and (iii) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment."

[38] Accompanying Report at A-2.

[39] Except as otherwise noted, data below are collected by the Commission's staff from nine questionnaire respondents covering approximately 87 percent of U.S. hot-rolled sheet shipments in 1980.

[40] The automobile industry is one of the major customers of hot-rolled sheet. At this stage, it remains unclear what effect, if any, the increased demand for pipe and tube is having on hot-rolled sheet. Should this case return, more information on the structure of demand would be helpful.

close to the depressed level recorded in 1980.

Caution must be used in evaluating these capacity and capacity utilization figures. Hot-rolled carbon sheet is produced in hotstrip mills that use equipment common to the production of carbon steel plate. Thus, an allocation of a plant's total capacity must be made to obtain figures for specific product lines. As the report notes, the integrated nature of all steelmaking facilities results in steel companies altering their mix of product lines in order to keep the primary production facilities (common to all the lines) operating at high capacity levels.[41] This freedom of operation normally requires excess capacity at rolling and finishing mills. There is general agreement that capacity utilization in the production of raw steel is a better indicator of performance for both the broad industry and the individual firm. The capacity for raw steel production in the United States declined slowly from 157.9 million tons in 1978 to 153.7 million tons in 1980. However, U.S. production fell sharply to 111.8 million tons in 1980 from the approximately 137 million ton level of 1978 and 1979. The result was a decline in capacity utilization in raw steel from 87 percent in 1978 to 73 percent in 1980.

Shipments by U.S. producers followed a course similar to that followed by domestic production—a slight increase from 1978 to 1979, followed by a sharp decline in 1980. The first nine months of 1981 saw a noticeable increase over the same period of 1980.

U.S. exports of hot-rolled sheet are not significant, having never exceeded one percent of shipments. They rose irregularly from 77.9 thousand tons in 1978 to 92.4 thousand tons in 1980. Partial year data shows exports down sharply in January-September 1981 from the equivalent period in 1980.

End-of-period inventories declined by 14 percent from 1978 to 1980 before rising by 42 percent as of September 30, 1980, compared to one year earlier. Although inventories stood at five to six percent of shipments from 1978 through 1980, they rose to over seven percent of nine-month shipments in 1981.

Employment attributed to production of hot-rolled sheet declined irregularly from 21,500 in 1978 to 18,500 in 1980 before increasing to 20,300 in January-September 1981. The trend in manhours employed in this product line was similar. Wages and total compensation allocated to workers producing hot-rolled sheet followed a pattern similar to that of employment. However, compared to employment, wages and total compensation increased by a greater percentage in 1979 and declined by a smaller percentage in 1980. Average hourly compensation[42] increased dramatically from $14.29 in 1978 to $19.68 for the first nine months of 1981. Meanwhile, labor productivity was relatively stable between 1978 and 1980 before increasing in January-September 1981. Only in 1981 did unit labor costs actually fall.[43]

The clearest overall picture of the condition of the industry producing hot-rolled sheet emerged from the data on financial performance. Of nine reporting firms, five sustained operating losses in 1978, four in 1979, eight in 1980, and five in the partial accounting year ending in September 1981. Aggregate net operating profit declined from $168 million in 1978 to $95 million in 1979. In 1980 these profits turned to net operating losses of $234 million. Data for partial-year 1981 indicate further losses of $58 million as of September 30. As a share of net sales, operating profit declined from 5.0 percent in 1978 to a negative 7.6 percent in 1980.

The conclusions I have reached on the condition of this industry are similar in form and substance to those I made in the previous cases.[44] The relevant indicators have worsened. Modest profits have become losses. The industry's gains from its most recent upswing—which now appears ended—will not be sufficient to sustain a rate of investment necessary to modernize adequately the industry.[45]

I, therefore, have found that there is a reasonable indication of material injury to the domestic hot-rolled sheet industry. It is now necessary to examine the question of whether there is a reasonable indication that the allegedly subsidized French imports are causing a material portion of this injury.

Causation

The link between the French imports and the injury the industry is experiencing has not been definitively established. Furthermore, there are other factors which contribute significantly to any reasonable explanation of the industry's problems. Notwithstanding these serious reservations, the "reasonable indication" standard prescribed by statute was satisfied and I have concluded that this case should not be terminated at this stage.

In reaching my conclusions on causation, I have concentrated on those parts of the record bearing on the volume of subject imports, price effects of the import competition, and lost sales by domestic producers. Furthermore, I have considered whether other explanations of the steel industry's problems could account for the material injury from which the industry suffers.

Imports of hot-rolled sheet from France declined from 694,000 short tons in 1978 to 395,000 in 1980 and then increased from 271,000 tons in January-September 1980 to 298,000 tons in the comparable period of 1981. As a share of consumption, they declined from 4.0 percent in 1978 to 2.7 percent in January-September 1981. This remains a significant import share in the sheet market. In general, France remains the largest European exporter of hot-rolled sheet to the United States, having been replaced by Japan as the largest exporter to the United States in 1979. Although the role of French imports is smaller than it has been, France remains a definite factor in the market. Furthermore, there is no indication that France is withdrawing from the U.S. market.[46]

Comparative data on steel prices—though far more complete in this preliminary investigation than the previous ones—have proved to be inconclusive. Pricing data in this industry are notoriously complex. Domestic firms followed no uniform methods in calculating, recording, and reporting transaction prices. Adjustments for different transportation costs are difficult and for different product quality inherently subjective. The data showed that imports were frequently higher in price than the domestic product.[47]

Lost sales information, though far more complete in its coverage, seemed to contradict the comparative price data. In a random selection from lost sales allegations by domestic producers, over 70 percent were confirmed. The principal reason cited for buying the French product was price. Only one instance was turned up where a customer paid a premium for French sheet. These lost sales examples, while few in number, are definitely

[41] Report at A–16.

[42] This includes wages and all fringe benefits. *See* Report at A–23.

[43] Report at A–23. Over a period as short as three years, the behavior of labor productivity in an industry with extensive capital facilities most frequently reflects the degree of capacity utilization.

[44] See "Views of Commisioner Paula Stern," *Certain Carbon Steel Products* at 59–60.

[45] Testimony at the Conference pointed to a capital replacement cycle in steel that was moving toward a fifty year period campared to a desirable one of fourteen years. *See* Conference Transcript at 109.

[46] Monthly data indicate that October 1981 was a particularly high month for French imports. In making my determination, I have avoided relying on monthly data because they tend to be so volatile.

[47] Report at A–37 through A–39.

comparable because they each involve a single customer and compare actual delivered prices.

Without weighing other causes against those of the alleged LTFV imports, I believe it is important in closing to note the factors which have kept the costs of the steel industry from falling to a point at which adequate profits might be earned even at the prevailing prices in the subject product lines.

Partly as a result of a very effective cost-of-living adjustment negotiated by the United Steel Workers of America and the unexpected increase in the rate of inflation during the last decade, there has been an accelerating growth of wages at a rate far higher than in general manufacturing. By 1980 steel wages stood at 153 percent of those in general manufacturing. By 1980 this number had grown to 175 percent. The wages of French steel workers have remained considerably below those of their U.S. counterparts. In 1980 the French average hourly compensation in steel was less than 60 percent of that in the United States.[48]

Significant portions of the total investment that has been undertaken has gone to satisfying stricter mandatory standards for environmental protection. Further investment funds have gone into diversification beyond the traditional bounds of the steel industry. While these investments may be socially desirable or economically sound, they have not added in the short run to productivity in the steel industry.

Additionally, foreign producers not the subject of this investigation, including some of the world's most efficient and low-cost steelmakers, are influential participants in the U.S. market. In hot-rolled sheet, Japan is the single largest foreign supplier. Without adequate comparable data for all significant foreign suppliers, I have been unable to dismiss the possibility that some other foreign producer stands to gain if the subject imports are reduced. The allegedly subsidized imports may be hurting foreign suppliers rather than domestic producers.

Citing these other possible causes of injury does not *ipso facto* imply that the subject imports have failed to contribute in a material way to injury for which they may not be primarily responsible. Even a relatively small market share captured by subsidized imports can result in injury by price depression if the product in question is inelastically demanded (and has a price which is very sensitive to small changes in supply). However, there is no information on the record to suggest that steel's price in any line is unusually price-sensitive to changes in supply.

There is ample evidence that the steel market is quite competitive; sales can be made or lost on the basis of small price differences.[49]

Thus, there remains the possibility that, even without significant underselling and price depression or suppression, loss of volume by the domestic industry to subsidized imports can be injurious.

The previous investigation was conducted when raw steel capacity utilization had just peaked at 88 percent (1979). At that time I concluded that:

> * * * with raw steel operating at what amounts to almost full capacity, it does not appear that the solution to these problems can be found in selling more steel. Rather, the problems of all product lines and the larger industry appear to lie in the price at which the steel is sold and the costs at which it is made, not the quantity produced.[50]

At present, raw steel capacity utilization has fallen to 82 percent for the first nine months of 1981.[51] Furthermore, capacity utilization has been declining steadily since mid-1981 and volume has become a serious problem. French imports must be considered in this context.

In the previous cases, I made my findings "in the absence of systematic consumer surveys and comparable price data crucial to linking the alleged LTFV imports to any material injury of the domestic industry." [52] The Commission's staff has under severe time constraints given an unusually full picture of a rather complex industry. We have better price information than before, but it has not resolved the causal questions we must answer. In preliminary cases, my determination is necessarily based as much on what information the Commission has not been able to gather (but has expectations of developing in a full scale investigation) as on the information I have before me.

Also not resolved has been the role of the alleged subsidies in the competition between French and domestic hot rolled sheet. There is no reasonable basis for denying the potential impact such subsidies could be having on the French ability to sell sheet in the U.S. market. All French sheet comes from the Solmer Facility [53] (established 1975) at Fos and the Usinor Facility [54] (established 1963) at Dunkirk. Both are modern, primarily using the continuous casting process. This may account for the high reputation exported French sheet enjoys. Solmer is jointly owned by Usinor and Sacilor.[55] All three entities receive subsidies from the government of France. Some of the subsidies date to a 1978 French rescue plan whose purpose, Commerce states, was to avert bankruptcy of the French steel industry. Only in 1977 had the Solmer facility succeeded in attaining full production. There is a reasonable indication that the mere presence—however reduced it may be—of French sheet in the U.S. market may be due to these and other subsidies.

I have concluded that there is a reasonable indication that the allegedly subsidized imports from France are a cause of material injury to the domestic hot-rolled sheet industry. Needless to say, should this case return, I would expect to base any final determination on more complete demand information, comparable pricing data, a full analysis of the extent and impact of any subsidies, and a better analysis of other factors influencing the state of the U.S. steel industry. Having discussed aspects relating to threat throughout, I close by noting that there is a reasonable indication that French imports will continue to cause material injury to the domestic industry.

Issued: January 4, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-506 Filed 1-7-82; 8:45 am]

BILLING CODE 7020-02-M

[48] Report at A–23.

[49] Report at A–39.

[50] "Statement of Reasons," *Certain Carbon Steel Plate*, at 59–60.

[51] *American Metal Market*, October 7, 1981.

[52] "Statement of Reasons," *Certain Carbon Steel Products*, at 41.

[53] Société Lorraine et Méridionale de Laminage Continu.

[54] Union Siderurgique du Nord et de l'Est de la France.

[55] Acieries et Laminoirs de Lorraine.

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each

of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,628; Astatic Corp., Conneaut, OH

TA-W-11,590; Elanjay Corp., Shelbyville, IN

TA-W-12,460; Emil Fashions, Inc., Hoboken, NJ

TA-W-11,745; D & S Auto Trim Div., Port Clinton Manufacturing Co., Alma, MI

TA-W-11,936; Princess Stitching, Inc., Keene, NH

TA-W-11,266; Hoover Universal, Inc., Solon, OH

TA-W-12,078; Saco Tanning Corp., Saco, ME

TA-W-11,676; E & M Coat, Inc., Paterson, NJ

TA-W-11,078; Tyco Crystal Products, Inc., Phoenix, AZ

TA-W-11,765; Speidel Div. of Textron, Inc., East Providence, RI

TA-W-11,766; Speidel Div. of Textron Inc., Providence, RI

TA-W-11,767; Speidel Div. of Textron, Inc., Smithfield, RI

TA-W-11,738: Main Gate Ltd., NY, NY

TA-W-11,734; Kelly Park, Ltd., Naranjito, PR

TA-W-11,735; Kelly Park, Ltd., Orocovis, PR

TA-W-11,736; Kelly Park, Ltd., Rio Piedras, PR

TA-W-11,705; General Electric Co., Photo Engineering Plant, Cleveland, OH

TA-W-11,710; General Electric Co., Fluorescent Engineering Plant, Cleveland, OH

TA-W-12,150; General Electric Co., Florida Lamp Plant, Plymouth, FL

TA-W-11,193; Eltra Corp., Prestolite Electronics Div., Elberton, GA

TA-W-11,088; Eltra Corp., Prestolite Electronics Div., Florence, KY

TA-W-11,004; Eltra Corp., Prestolite Electronics Div., Detroit, MI

TA-W-10,740; Eltra Corp., Prestolite Electronics Div., Syracuse, NY

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,261; Neimor Contractors, Inc., Newark, NJ

TA-W-11,737; Lydall, Inc., Colonial Fiber Div., Manchester, CT

TA-W-12,426; Diamond Coat, Hoboken, NJ

TA-W-12,749; Ford Motor Co., Parts & Service Div., Virginia Parts Distribution Center, Richmond, VA

TA-W-12,926; Ford Motor Co., Cleveland parts Distribution Center, Cuyahoga Heights, OH

Affirmative Determinations

TA-W-10,523; Calgon Corp., Neville Island Carbon Plant, Pittsburgh, PA

A certification was issued in response to a petition received on August 25, 1980 covering all workers separated on or after October 1, 1980 and before February 1, 1981.

TA-W-11,515; Pennsy Coats, Inc., Paterson, NJ

A certification was issued in response to a petition received on October 24, 1980 covering all workers separated on or after October 17, 1980.

TA-W-11,504; Burgher Shingle Ridge, Inc., Copalis Crossing, WA

A certification was issued in response to a petition received on October 24, 1980 covering all workers separated on or after October 10, 1979.

TA-W-11,870; Paris Knitting Mills, Inc., Carlstadt, NJ

A certification was issued in response to a petition received on November 28, 1980 covering all workers separated on or after October 30, 1980 and before January 1, 1981.

TA-W-11,635; Jackie Stuart, Inc., NY, NY

A certification was issued in response to a petition received on November 3, 1980 covering all workers separated on or after October 29, 1979 and before December 31, 1980.

TA-W-12,357; Brentwood Sportwear, Inc., Philadelphia, PA

A certification was issued in response to a petition received on February 24, 1981 covering all workers separated on or after January 22, 1981 and before July 3, 1981.

TA-W-10,944; McLaughlin Co., Petoskey, MI

A certification was issued in response to a petition received on September 8, 1980 covering all workers separated on or after August 29, 1979 and before September 30, 1980.

TA-W-11,314; Enro Shirt Co., Louisville, KY

A certification was issued in response to a petition received on October 10, 1980 covering all workers separated on or after June 28, 1980

TA-W-11,314A; Enro Shirt Co., Woodruff, SC

A certification was issued in response to a petition received on October 10, 1980 covering all workers separated on or after June 28, 1980.

I hereby certify that the aforementioned determinations were issued during the period December 21–25, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mail to persons to write to the above address.

December 29, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-208 Filed 1-7-82; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, N.W., Attn: TPPL, Washington, D.C. 20213 (202)–376–7192.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this Order for classifying and designating areas which are labor surplus areas. Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as

defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by FPR Temporary Regulation 57 which was issued by the General Services Administration on January 15, 1981, 46 FR 3519. Executive agencies should refer to this regulation in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department's regulations implementing Executive Order Nos. 12073 and 10582 are set forth at 20 CFR Part 654. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to these provisions the Assistant Secretary of Labor published the annual list of labor surplus areas on June 9, 1981, 46 FR 30594–30599.

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order No. 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order No. 12073 are also areas of substantial unemployment under Executive Order No. 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and added to the annual labor surplus area listing, effective January 1, 1982. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activity and locating new plants or facilities.

Signed at Washington, D.C., on December 23, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS—JANUARY 1, 1982

Labor surplus area	Civil jurisdiction included
MASSACHUSETTS	
Lynn City	Lynn City in Essex County.
OHIO	
Balance of Allen County	Allen County less Lima City.
Lake County	Lake County.
OREGON	
Eugene City	Eugene City in Lane County.
PUERTO RICO	
Carolina Municipio	Carolina Municipio.
Guaynabo Municipio	Guaynabo Municipio.
San Juan Municipio	San Juan Municipio.
Toa Baja Municipio	Toa Baja Municipio.

[FR Doc. 82-537 Filed 1-7-82; 8:45 am]

BILLING CODE 4510-30-M

AM Cable TV Industries Inc., AM Electronics Div. (IBEW et al.; Investigations Regarding Certifications of Elegibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
AM Cable TV Industries, Inc., AM Electronics Div. (IBEW).	Lebanon, Pa.	12/22/81	12/18/81	TA-W-13,159	Taps for cable TV.
Bradburn & Brooks (company)	Mt. Vernon, Washington	12/22/81	12/15/81	TA-W-13,160	Shakes for housing.
Definance Screw Machine Products (UAW)	Defiance, Ohio	12/22/81	12/17/81	TA-W-13,161	Screw machine parts.
Franklin Brass Foundry (Molded & Allied Wkrs)	Columbus, Ohio	12/18/81	12/14/81	TA-W-13,162	Castings—aluminum, brass, bronze.
Marek, Inc. (ILGWU)	New York, New York	12/15/81	12/7/81	TA-W-13,163	Dresses, fashion.
OMC Galesburg (OPEU)	Galesburg, Ill.	12/18/81	12/15/81	TA-W-13,164	Ignition systems, outboard and lawn mower.
Prestolite Electronics, Wico Plant (company)	W. Springfield, Mass.	12/21/81	12/15/81	TA-W-13,165	Assemblies, small electronic.
Tomlino Sportswear, Incorporated (ILGWU)	Brooklyn, New York	12/21/81	12/16/81	TA-W-13,166	Blouses, ladies.
Wilco Products, Inc. (workers)	Bronx, New York	12/22/81	12/16/81	TA-W-13,167	Metal wire bars for luggage, clothes hangers, etc.

[FR Doc. 82-630 Filed 1-7-82; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-11,267]

J.H. Apparel, Freeport, New York; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 1980 in response to a worker petition received on October 6, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on October 2, 1980 on behalf of workers and formers workers producing children's slacks, shirts and sweaters at J.H. Apparel, Freeport, New York.

The firm in question apparently has gone out of business. The Department of Labor has not been able to contact officials of the firm or to gain access to the location of any records, ledgers and or documents relating to J.H. Apparel. Therefore, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-641 Filed 1-7-82; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-12,765 and 12,766]

Norrwock Shoe Company Norridgewock, Maine Skowhegan, Maine; Affirmative Determination Regarding Application for Reconsideration

On October 29, 1981, the Department issued negative determinations regarding eligibility to apply for worker adjustment assistance for former workers of the Norrwock Shoe Company's plants in Norridgewock and Skowhegan, Maine. The denials were published in the **Federal Register** on November 10, 1981 (46 FR 55577).

The company challenges the "contributed importantly" finding which supports the Department's denials in the instant cases. The Department's findings were based only on the survey of Norrwock's major customer.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 24th day of December 1981.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 82-640 Filed 1-7-82; 8:45 am]
BILLING CODE 4510-30-M

Perry Plastics Inc., Erie, Pa., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period.

In order for an affirmative determination to be made and a cetification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,304; Perry Plastics, Inc., Erie, PA

TA-W-12,007; Merit Plastics, Inc., Service Cable Div., Mt. Clemens, MI

TA-W-11,933; Garden City Apparel Co., Garden City, MO

TA-W-11,935; Phill Jacobs, Inc., Kansas City, MO

TA-W-11,245; Caterpillar Tractor, Milwaukee, WI

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,465; Natalie Ann Fashions, Inc., Union City, NJ

TA-W-12,312; Eugene Rothmund, Inc., Somerville, MA

TA-W-12,100; Portion King, Inc, Perth Amboy, NJ

In the following case the investigation revealed that criterion (3) has not been met for the specified reason.

TA-W-12,836; M. Shower & Co., Cairo, IL

Aggregate U.S. imports of washable service apparel are negligible.

Affirmative Determinations

TA-W-12,544; American Medical Instrument Corp., Flushing, NY

A certification was issued in response to a petition received on March 24, 1981 covering all workers separated on or after March 20, 1980 and before October 1, 1980.

TA-W-12,276; Empress Sport Togs, Inc., NY, NY

A certification was issued in response to a petition received on February 10, 1981 covering all workers separated on or after February 5, 1980 and before October 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period December 28-31, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 5, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-642 Filed 1-7-82; 8:45 am]
BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide, "Instrument Setpoints"; Correction to Notice of Issuance and Availbility

The Nuclear Regulatory Commission published in the **Federal Register** on December 14, 1981 (46 FR 61024), a notice of issuance and availability of a draft regualtory guide entitled "Instrument Setpoints" and identified by its task number, IC 010-5. In the notice, public comments on the draft guide were solicited, but the deadline for comments was inadvertently omitted. This deadline, as printed on the draft guide, is February 12, 1982, but comments received after that date will be considered to the extent that it is practical to do so.

(5 U.S.C.) 552(a))

Dated at Rockville, Md., this 4th day of January 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-514 Filed 1-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

Illinois Power Co.; Availability of Draft Environmental Statement for Clinton Power Station, Unit 1

Notice is hereby given that a Draft Environmental Statement (NUREG-0854) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Clinton Power Station, Unit 1, by the Illinois Power Company. The plant is located in DeWitt County in Central Illinois, about six miles east of the city of Clinton.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence or their consequences. Finally, the statement presents an updated discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. The Draft Environmental Statement is also being made available at the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Room 315, Springfield, Illinois 62706. Requests for copies of the DES (NUREG-0854) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State, and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and in the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by February 22, 1982.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 28th day of December 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-512 Filed 1-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co.; Granting of Exemption

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption from the requirements of 10 CFR Part 20 "Standards for Protection Against Radiation," to the Pacific Gas and Electric Company (the licensee).

This exemption related to the definition of "calendar quarter" provided in 10 CFR 20.3(a)(4). The basis for this action is set forth in the Commission's Letter of Exemption and related Safety Evaluation dated December 31, 1981.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's request dated October 28, 1981 and (2) the Commission's Letter of Exemption and related Safety Evaluation dated December 31, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 31st day of December 1981.

For the Nuclear Regulatory Commission.

B. C. Buckley,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-513 Filed 1-7-82; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5202]

Trans Florida Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On February 13, 1981, a notice was published in the **Federal Register** (FR 12366), stating that Trans Florida Capital Corporation, located at 747 Ponce de Leon Boulevard, Coral Gables, Florida 33134, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business March 2, 1981, to submit their comments to SBA. No comments were received

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5202 to Trans Florida Capital Corporation on December 17, 1981, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 30, 1981.

Arthur E. Armstrong,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-443 Filed 1-7-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 789]

Claims Against Iran; Iran-United States Claims Tribunal

This notice concerns developments at the most recent session of the Iran-United States Claims Tribunal at The Hague. It supplements information provided in Public Notice 783 (46 FR 58631, December 2, 1981) and prior notices. For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal

Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632–5040.

At its December session, the Tribunal continued its work on modifying the UNCITRAL Arbitration Rules but was not able to complete the task.

At the request of the Islamic Republic of Iran, the Tribunal formally addressed the question whether it has jurisdiction under the Claims Settlement Agreement over claims which might be filed by the Islamic Republic of Iran directly against U.S. nationals, as opposed to counterclaims brouht by Iran against U.S. claimants who have filed claims against Iran with the Tribunal. The Tribunal decided that it does not have jurisdiction over such direct claims.

The Tribunal also determined that the different claims, or components of claim, of an individual claimant may be aggregated for purposes of determining whether the claim is for less than $250,000 must therefore be filed with the Tribunal by the Claimant's government in accordance with Article III(3) of the Claims Settlement Agreement. Claims may be aggregated for this purpose even if they run against different entities or are based on different subject matters, although they may subsequently be handled separately for purposes of Tribunal efficiency. This decision is consistent with the guidance previously given claimants by the Department of State. Accordingly, U.S. nationals with claims totaling $250,000 or more should file their claims directly with the Tribunal no later than January 19, 1982. Claimants with aggregate claims of $250,000 or more are advised not to file separately any components of their claim which are valued at less than $250,000. The United States Government will present to the Tribunal claims of those claimants whose aggregated claims total less than $250,000.

Claimants are also advised to ensure that their statements of claim meet the requirements of the Tribunal's Administrative Directives (previously published in the **Federal Register**). Claimants may avoid possible technical objections by ensuring that their statements of claim are signed and properly translated and that, where applicable, the authority of the person signing (such as legal representative or corporate officer) is appropriately documented.

The Tribunal's next session will begin on January 11, 1982.

Dated: December 31, 1981.

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 82–530 Filed 1–7–82; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice 788]

Federal Republic of Germany, et al.; Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94–265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register.**

Individual vessel applications for fishing in 1982 have been received from the Governments of the Union of Soviet Socialist Republics, the Federal Republic of Germany, the People's Republic of Bulgaria, Japan, Norway and Korea.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: December 16, 1981.

Larry L. Snead,

Deputy Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England. Mid-Atlantic. South Atlantic. Gulf of Mexico. Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England. Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation and vessel name and type	Application No.	Fishery	Activity
Federal Republic of Germany:			
Friedrich Busse, large stern trawler	GE–82–0010	BSA, GOA (See note 1)	1.
Regulus, large stern trawler	GE–82–0011	BSA, GOA (See note 1)	1.
Japan: *Hakuryu Maru No. 72*, medium stern trawler	JA–82–1178	BSA	1.
Norway: *F/T "Sjoeviktrast"*, stern trawler	NO–82–0002	BSA	1.
Bulgaria:			
Afaia, freezer-trawler	BU–82–0007	WOC, NWA (See notes 2, 3, 4)	1 and 2.
Sagita, freezer-trawler	BU–82–0020	WOC, NWA (See notes 2, 3, 4)	1 and 2.
Argonaut, freezer-trawler	BU–82–0002	WOC, NWA (See notes 2, 3, 4)	1 and 2.
Alfeus, freezer-trawler	BU–82–0022	WOC, NWA (See notes 2, 3, 4)	1 and 2.
Korea:			
Gae Cheog Ho, factory ship	KS–82–0112	BSA, GOA (See note 5)	2.
Gae Yang Ho, large stern trawler	KS–82–001	BSA, GOA (See note 5)	2.
Seo Yang Ho, large stern trawler	KS–82–0002	BSA, GOA (See note 5)	2.
Cheog Yang Ho, large stern trawler	KS–82–0003	BSA, GOA (See note 5)	2.
Pung Yang Ho, large stern trawler	KS–82–0004	BSA, GOA (See note 5)	2.
Heung Yang Ho, large stern trawler	KS–82–0005	BSA, GOA (See note 5)	2.
Kyung Yang Ho, large stern trawler	KS–82–0085	BSA, GOA (See note 5)	2.
Kum Kang San Ho, stern trawler	KS–82–0084	BSA, GOA (See note 5)	2.
Hwa Rang Ho, stern trawler	KS–82–0127	BSA, GOA (See note 5)	2.
Nambug, large stern trawler	KS–82–0033	BSA, GOA (See note 6)	2.
Crystal Dahlia, large stern trawler	KS–82–0034	BSA, GOA (See note 6)	2.
Daejin No. 52, large stern trawler	KS–82–0037	BSA, GOA (See note 6)	2.
Dongsan-Ho, large stern trawler	KS–82–0039	BSA, GOA (See note 6)	2.

Nation and vessel name and type	Application No.	Fishery	Activity
Han Kil Ho, large stern trawler	KS–82–0044	BSA, GOA (See note 6)	2
Han Jin Ho, large stern trawler	KS–82–0045	BSA, GOA (See note 6)	2
Shin An Ho, large stern trawler	KS–82–0047	BSA, GOA (See note 6)	2
No. 70 Dyang Ho, large stern trawler	KS–82–0048	BSA, GOA (See note 6)	2
Dae Sung Ho, large stern trawler	KS–82–0051	BSA, GOA (See note 6)	2
No. 303 Dai Ho, large stern trawler	KS–82–0085	BSA, GOA (See note 6)	2
Sa-Ki-a, large stern trawler	KS–82–0103	BSA, GOA (See note 6)	2
Yuyang Ho, large stern trawler	KS–82–0104	BSA, GOA (See note 6)	2
No. 1 Hae Sung, large stern trawler	KS–82–0106	BSA, GOA (See note 6)	2
Hanil Ho, medium stern trawler	KS–82–0107	BSA, GOA (See note 6)	2
No. 71 Dong Bang, medium stern trawler	KS–82–0121	BSA, GOA (See note 6)	2
Shin Yang Ho, medium stern trawler	KS–82–0122	BSA, GOA (See note 6)	2
707 Dai Ho Ho, large stern trawler	KS–82–0123	BSA, GOA (See note 6)	2
No. 7 Sang Won, medium stern trawler	KS–82–0041	BSA, GOA (See note 6)	2
U.S.S.R.:			
Albatros, factory/freezer	UR–82–0743	NWA (See note 7)	2
Sarma, factory/freezer	UR–82–0744	NWA (See note 7)	2

NOTES:—Federal Republic of Germany: (1) In addition to directed fishing activities, both the *Friedrich Busse* and the *Regulus* have also applied for authorization to conduct Joint Venture operations. Joint Venture operations are contemplated in BSA and GOA from February to September 1982 for Cod and Pollock. U.S. partners in the Joint Venture operations are: Alvin Birch, Alaska Shrimp Trawlers Assoc., P.O. Box 991, Kodiak, Alaska; Jeff Hendriks & Associates, Commercial Ocean Fisheries, P.O. Box 190, Anacortes, Washington; Walter Kuhr, 23101 35th SW, Bothel, Washington; and Dave Stanchfield, Dutch Harbor, Alaska.

Bulgaria: (2) These vessels have applied for Joint Venture operations in NWA between December 15, 1981 and March 31, 1982. Target species (for purchase only), is bellefish. The U.S. partner is Lund's Fisheries, Inc., 997 Ocean Drive, Cape May, New Jersey.

(3) In addition to directed fishing activities, these vessels have also applied for authorization to conduct Joint Venture operations in NWA between November 1, 1981 and June 1, 1982. Target species are Atlantic mackerel, Illex and Loligo Squid. The U.S. partner is Lund's Fisheries, Inc., 997 Ocean Drive, Cape May, New Jersey.

(4) In addition to directed fishing activities, these vessels have also applied for authorization to conduct Joint Venture operations in WOC in 1982. Target species is Pacific Whiting (Hake). The U.S. partner is Joint Trawlers (North Pacific), Inc., Suite 1880, 1111 Third Avenue Building, Seattle, Washington.

Korea: (5) These vessels have applied for authorization to conduct Joint Venture operations in BSA and GOA between January 10, 1982 and April 30, 1982. Main target species is Pollock, with smaller amounts of pacific cod and other species. The U.S. partner is Fish Producers Associates, Inc., P.O. Box 273, Vancouver, Washington.

(6) These vessels have applied for authorization to conduct Joint Venture operations in BSA and GOA between January 15, 1982 and April 30, 1982. Target species is Pollock, with smaller quantities of flounders and pacific cod. The U.S. partner is J.V. Fisheries, Ltd., c/o Graham and Dunn, 3400 Ranier Bank Tower, 1301 5th Avenue, Seattle, Washington.

U.S.S.R.: (7) These vessels have applied for authorization to conduct Joint Venture operations in NWA between January 15, 1982 and July 31, 1982. Target species (for purchase) and Atlantic Mackerel, Silver Hake, and Red Hake. The U.S. partner is North Atlantic Fisheries, Ltd., 510 Seward Square, SE. Washington, D.C.

[FR Doc. 82–535 Filed 1–7–82; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82–7]

Andrade and Tecate, California, Customs Ports of Entry; Revocation of Notice of Change in Hours of Service; Solicitation of Comments

AGENCY: Customs Service, Treasury.

ACTION: Notice of revocation of change in hours of service; solicitation of comments.

SUMMARY: This notice announces a revocation of a notice of a change in the hours of service at the Customs ports of entry at Andrade and Tecate, California. Currently, the hours of operation are 6:00 a.m. to midnight at Andrade and 7:00 a.m. to midnight at Tecate. Customs recently announced that effective December 7, 1981, the hours of service at both ports would be changed to 6:00 a.m. to 10:00 p.m. daily However, comments are now being solicited on the proposed change before any action is taken.

DATES: Comments must be received on or before: March 9, 1982. Treasury Decision 81–279 is revoked as of: January 8, 1982.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Joseph E. O'Gorman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

Section 101.6, Customs Regulations (19 CFR 101.6), provides that each Customs office shall be open for the transaction of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. Many Customs offices provide service during hours in addition to those specified in the regulations.

The Customs ports of entry at Andrade, and Tecate, California, located on the U.S.-Mexican border, in the San Diego Customs district (Region VII), are open from 6:00 a.m. to midnight and 7:00 a.m. to midnight, respectively. However, because the volume of traffic passing through each port between the hours of 10:00 p.m. and midnight (an average of 12 vehicles) did not warrant providing regular service during these hours, district and regional Customs officials recommended that the hours of service at these ports be changed so that both are open from 6:00 a.m. to 10:00 p.m. Closing both ports at 10:00 p.m. would permit better use of Customs manpower and reduce administrative expenses.

Because opening Tecate at 6:00 a.m. would provide additional service for approximately 100 local commuter vehicles it also was recommended that that port be opened one hour earlier.

Customs anticipated that Governmental savings would outweigh any public inconvenience resulting from the change. Further, both ports would remain open beyond the normal business hours set forth in the regulations and area businesses requiring port services after hours could contact local Customs officials for service which would be provided on a reimbursable basis. Accordingly, by T.D. 81–279, published in the **Federal Register** on November 6, 1981 (46 FR 55174), Customs announced that the hours of service at the two ports of entry was being changed to 6 a.m. to 10 p.m. daily. The new hours of service were to be effective December 7, 1981. However, in recent weeks Customs has become aware of considerable public interest regarding the hours of service of these ports of entry. Therefore, Customs believes it to be in the best interest of all parties to revoke the notice of change of hours of service published as T.D. 81–279 in the **Federal Register** on November 6, 1981, and provide the public with an opportunity to comment on any change.

Accordingly, effective January 8, 1982, T.D. 81–279 is revoked and comments are solicited on a proposal to change the hours of service at the Customs ports of entry at Andrade and Tecate, California, to 6:00 a.m. to 10:00 p.m. daily.

Comments must be received by March 9, 1982.

Dated: December 29, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 82-503 Filed 1-7-82; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

[Dept. Circ. 570 1981 Rev. Supp. No. 12]

Glacier General Assurance Company; Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,015,000 has been established for the company.

Name of Company:
GLACIER GENERAL ASSURANCE COMPANY

Business Address:
Post Office Box 4626
Missoula, Montana 59806

State of Incorporation:
Montana

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision at page 33967 to reflect this addition. Copies of the circular when issued may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: January 4, 1982.

W. E. Douglas,

Commissioner Bureau of Government Fincial Operations.

[FR Doc. 82-444 Filed 1-7-82; 8:45 am]

BILLING CODE 4810-35-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Letter to the Commissioner of Customs Adjusting Restraint Levels on Color Television Receivers From the Republic of Korea

December 30, 1981.

Pursuant to the authority delegated to the United States Trade Representative under Presidential Proclamation 4769 of June 30, 1980, the following letter was sent to the Commissioner of Customs adjusting the fourth period restraint levels for color television receivers from the Republic of Korea.

William E. Brock,

U.S. Trade Representative.

U.S. Trade Representative,
Washington,
December 30, 1981.

Hon. William Von Raab,
Commissioner, U.S. Customs Service,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: The Government of the Republic of Korea has requested that the level of restraint for the period from July 1 through December 31, 1981, TSUS item 923.73, be adjusted under the carryover and carryforward provisions of the Orderly Marketing Agreement on color television receivers. This would increase the restraint level for that category by 53,022 sets reflecting maximum permissible carryover of the shortfall in the previous restraint period 33,022 sets, and including the unused carryforeward of 20,000 sets allowed in the Federal Register notice of June 30, 1981.

Accordingly, pursuant to operative paragraph (6) of Proclamation 4769 of June 30, 1980 you are hereby requested to make the appropriate adjustments in TSUS item number 923.73. The revised restraint levels for the applicable period will be:

Category	Revised level (units)
TSUS 923.73	358,022

This letter will be published in the Federal Register.

Very truly yours,

William E. Brock,

U.S. Trade Representative.

[FR Doc. 82-469 Filed 1-7-82; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 5
Friday, January 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Home Loan Bank Board	2
International Trade Commission	3
National Mediation Board	4
Postal Rate Commission	5
Securities and Exchange Commission	6

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 12, 1982.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Review of Commission Actions.
2. Freedom of Information Act Appeal No. 81–09–FOIA–16–BI, concerning a request for documents from a file concerning a race discrimination charge.
3. Freedom of Information Act Appeal No. 81–10–FOIA–61–ME, concerning a request for materials pertaining to deferral referral of an ADEA open file.
4. Freedom of Information Act Appeal No. 81–09–FOIA–53–MK, concerning a request for access to all documents contained in an ADEA charge file.
5. Freedom of Information Act Appeal No. 81–10–FOIA–290, concerning a request for material contained in a charge file reflecting its deferral status.
6. Proposed Section 602 of the Compliance Manual, How to Investigate.
7. Ratification of EEOC's Final Rule Regarding Display of OMB Control Numbers for Recordkeeping Requirements.
8. Report on Commission Operations by the Acting Executive Director.

Closed to the public:

1. Review of Commission Actions.
2. Ratification of Notation Vote.
3. Withdrawal of Commissioner Charges.
4. Proposed Contract for Expert Services Needed in Connection with a Court Case.
5. Status Briefing on Litigation Matters.
6. Litigation Authorization; GC Recommendations.

Note: Any matter not discussed or concluded may be carried over to a later meeting.

CONTRACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued January 5, 1982.

[S–0024–82 Filed 1–6–82; 3:39 pm]

BILLING CODE 6570–06–M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 127, Monday, January 4, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, January 8, 1982.

PLACE: 1700 G Street, N.W., Board Room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Friday, January 8, 1982:

Amortization of Discounts on Purchases of Long-Term, Deep Discount Securities

[No. 1, January 6, 1982]

[S–20–82 Filed 1–6–82; 10:28 am]

BILLING CODE 6720–01–M

3

INTERNATIONAL TRADE COMMISSION

[USITC ERB–82–1]

Executive Resources Board (ERB)

TIME AND DATE: 10 a.m., Wednesday, January 13, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Emergency meeting—less than ten days' prior notice. Open to the public.

MATTERS TO BE CONSIDERED:

1. *Old Business:*
   a. Executive Development Program: Individual Development Plans.

Commissioners Calhoun, Stern, and Eckes, as members of the Executive Resources Board (ERB), determined by recorded vote that Board business requires the meeting be called with less than ten days' prior notice and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–19–82 Filed 1–6–82; 9:11 am]

BILLING CODE 7020–02–M

4

NATIONAL MEDIATION BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 62802.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., January 11, 1982.

CHANGES IN THE MEETING: Meeting rescheduled for 2 p.m., January 19, 1982.

SUPPLEMENTARY INFORMATION: Chairman Brown and Board Member Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

Dated: January 5, 1982.

[S–21–82 Filed 1–6–82; 11:30 am]

BILLING CODE 7550–01–M

5

POSTAL RATE COMMISSION

TIME AND DATE: 2 p.m., Tuesday, January 5, 1982.

PLACE: Conference room 500, 2000 L Street, N.W., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket MC78–3 (Remand) * * * electronic mail case. (Closed pursuant to 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268; Telephone (202) 254–5614.

[S–022–82 Filed 1–6–82; 2:46 pm]

BILLING CODE 7715–01–M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of January 11, 1982, in Room

825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, January 13, 1982, following a 10:00 a.m. open meeting, and on Thursday, January 14, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, January 13, 1982, following the 10:00 a.m. open meeting.

Opinions.

The subject matters of the closed meeting scheduled for Thursday, January 14, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Legislative matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Wednesday, January 13, 1982, at 10:00 a.m., will be:

Consideration of significant changes to the Commission's financial responsibility rules for brokers and dealers, including the uniform net capital rule (17 CFR 240.15c3-1) and the customer protection rule (17 CFR 240.15c3-3). The Commission is considering whether to issue four separate releases which would (1) substantially alter the present uniform net capital rule; (2) propose for comment new treatment of related fails; (3) propose for comment new haircut schedules for certain debt securities; and (4) change the treatment of securities borrowing under the financial responsibility rules. For further information, please contact Michael A. Macchiaroli at (202) 272-2372.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Siegelbaum at (202) 272-2468.

January 6, 1982.

[S-0023-82 Filed 1-6-82; 2:48 pm]

BILLING CODE 8010-01-M

federal register

Friday
January 8, 1982

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Gulf of Mexico, Oil and Gas Lease Sale No. 67; Notice of Sale and Notice of Leasing Systems

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Notice of Sale
Outer Continental Shelf, Gulf of Mexico
Oil and Gas Lease Sale No. 67

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., February 8, 1982, or by personal delivery to the Louisiana Superdome, Gate "C," Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras St., New Orleans, Louisiana, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., February 9, 1982. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., February 9, 1982. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 49653, October 7, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., February 9, 1982," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and that tract numbers are not the same as block numbers found on leasing maps or official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 67-133, 67-134, 67-135, 67-136, and 67-137 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent and a capital recovery factor of 0.50. Bids on tracts 67-147, 67-148, 67-149, 67-150, 67-161, 67-162, 67-163, and 67-164 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a capital recovery factor of 1.00.

The net profit share payment shall be calculated according to regulations currently codified at 43 CFR 3301.4(a)(2)(iii) and (iv).

8. Withdrawal of Tracts. The United States reserves the right to

The net profit share payment shall be calculated according to regulations currently codified in 10 CFR 390 (originally promulgated by the Department of Energy, 45 FR 36784, May 30, 1980). The Department of the Interior is in the process of recodifying these regulations.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., February 9, 1982, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973) and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on February 9, 1982, beginning at 10:00 a.m., c.s.t., at the Louisiana Superdome, at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, February 9, 1982, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set; and Nos. 5 through 8 (7 maps), which sell for $7 per set.

(b) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(c) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4 Mobile
NH 16-7 Viosca Knoll
NH 15-12 Ewing Bank
NH 16-10 Mississippi Canyon
NG 14-3 Corpus Christi
NG 15-1 East Breaks
NG 15-2 Garden Banks
NG 15-3 Green Canyon
NG 17-1 St. Petersburg
NG 17-4 Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bids are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements rather than the environmental impact statement for this sale.

OCS SALE 67

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67-1	A-72	All	5760
67-2	A-73	All	5760
67-3	A-83	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67-4	919	1/	2629.14
67-5	924	1/	2746.20

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67-6	A-12	All	5760
67-7	A-13	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
67-8	733	All	5361.50
67-9	734	All	5329.26
67-10	A-58	All	5296.87
67-11	A-59	All	5760
67-12	A-60	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)
(Continued)

Tract	Block	Description	Acreage
67–13	A-151	All	5760
67–14	A-152	All	5760
67–15	A-153	All	5760
67–16	A-162	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–17	569	All	5760
67–18	586	All	5760
67–19	587	All	5760
67–20	588	All	5760
67–21	589	All	5760
67–22	603	All	5760
67–23	622	All	5760
67–24	636	All	5760
67–25	718	2/	4955

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–26	412	All	5760

OCS LEASING MAP, BRAZOS AREA, SOUTH ADDITION, TEXAS MAP NO. 5B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–27	A-49	All	5760
67–28	A-50	All	5760
67–29	A-68	All	5760

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–30	257	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
67–31	20	2/	3515
67–32	22	2/	1735

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967;
Revised October 19, 1981)

Tract	Block	Description	Acreage
67–33	83	All	1485.54
67–34	120	All	2924.73
67–35	128	All	4363.93
67–36	A-244	All	2910.43
67–37	A-245	All	4349.45

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–38	A-565	All	5760
67–39	A-579	All	5760
67–40	A-580	All	5760

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–41	112	All	5000
67–42	114	All	5000
67–43	130	All	5000
67–44	283	All	5000
67–45	284	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957; Revised October 19, 1981)

Tract	Block	Description	Acreage
67–46	379	All	5000
67–47	380	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959; Revised October 19, 1981)

Tract	Block	Description	Acreage
67–48	470	All	3186.36
67–49	471	All	2282.36
67–50	529	All	5000
67–51	530	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
67–52	29	All	5000
67–53	30	All	5000
67–54	44	All	5000
67–55	86	All	5000
67–56	87	All	5000
67–57	191	All	5000
67–58	206	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–59	260	All	5000
67–60	339	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–61	17	3/	1723.58
67–62	44	All	5000
67–63	45	All	5000
67–64	46	S½	2500
67–65	47	All	5000
67–66	56	All	5000
67–67	105	All	5000
67–68	145	All	5000
67–69	158	All	5000

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–70	253	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–71	77	All	5000
67–72	194	All	5000
67–73	202	All	5000
67–74	203	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
67–75	248	All	5000
67–76	259	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–77	20	3/	3582.16
67–78	21	3/	4789.31
67–79	22	3/	4351.07
67–80	23	3/	4691.75
67–81	28	All	5000
67–82	29	All	5000
67–83	30	All	5000
67–84	31	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–85	316	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67–86	37	All	5000
67–87	38	3/	2149.94

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–88	240	All	5000
67–89	259	All	5141.14
67–90	321	All	5000

OCS LEASING MAP, SOUTH PELTO AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
67–91	16	All	5000
67–92	24	All	5000
67–93	25	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
67–94	224	All	5000
67–95	225	All	5000
67–96	314	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67–97	49	All	5000
67–98	50	3/	2636.93

OCS LEASING MAP, SOUTH PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 9A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–99	75	All	5000
67–100	83	All	5000

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–101	118	All	4994.55
67–102	127	S½	2497.27

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–103	221	All	4994.55
67–104	253	All	4994.55
67–105	254	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)

Tract	Block	Description	Acreage
67–106	778		
	822	4/	5326.19
67–107	779		
	823		
	824	4/	5592.51
67–109	820	S1/2	2880
67–110	821	4/	4028.15
67–111	826	4/	1429.64
67–112	827	4/	3173.95
67–113	828	4/	3089.81
67–114	861	4/	5197.79
67–115	862	4/	5618.33
67–116	864	All	5760
67–117	865	All	5760
67–118	866	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)
(Continued)

Tract	Block	Description	Acreage
67–119	867	All	5760
67–120	868	4/	5687.34
67–121	869	4/	4503.26
67–122	870	4/	5618.39
67–123	905	All	5760
67–124	906	All	5760
67–125	908	All	5760
67–126	909	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–127	565	All	5197.59
67–128	825	All	5760
67–129	826	All	5760
67–130	869	All	5760
67–131	870	All	5760
67–132	987	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–133	481	All	3596.36
67–134	525	All	2419.57
67–135	526	All	3516.99

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–136	441	All	5760
67–137	485	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CORPUS CHRISTI NG 14-3
(Approved June 5, 1974; Revised January 27, 1976)

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

OCS OFFICIAL PROTRACTION DIAGRAM, CORPUS CHRISTI NG 14-3
(Approved June 5, 1974; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–138	567	All	5760
67–139	568	All	5760
67–140	569	All	5760
67–141	570	All	5760
67–142	611	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EAST BREAKS NG 15-1
(Approved June 8, 1973; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–143	244	All	5760
67–144	245	All	5760
67–145	288	All	5760
67–146	289	All	5760
67–147	292	All	5760
67–148	293	All	5760
67–149	336	All	5760
67–150	337	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GARDEN BANKS NG 15-2
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–151	105	All	5760
67–152	106	All	5760
67–153	149	All	5760
67–154	150	All	5760
67–155	158	All	5760
67–156	159	All	5760
67–157	169	All	5760
67–158	170	All	5760
67–159	213	All	5760
67–160	214	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–161	97	All	5760
67–162	98	All	5760
67–163	142	All	5760
67–164	143	All	5760
67–165	152	All	5760
67–166	153	All	5760
67–167	154	All	5760
67–168	198	All	5760
67–169	199	All	5760
67–170	427	All	5760
67–171	428	All	5760
67–172	471	All	5760
67–173	472	All	5760
67–174	515	All	5760
67–175	516	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, ST PETERSBURG NG 17-1
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–176	620	All	5760
67–177	662	All	5760
67–178	663	All	5760
67–179	664	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–180	624	All	5760
67–181	625	All	5760
67–182	626	All	5760
67–183	669	All	5760
67–184	670	All	5760
67–185	713	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
67–186	714	All	5760
67–187	757	All	5760
67–188	758	All	5760
67–189	797	All	5760
67–190	798	All	5760
67–191	799	All	5760
67–192	800	All	5760
67–193	801	All	5760
67–194	802	All	5760
67–195	803	All	5760
67–196	841	All	5760
67–197	842	All	5760
67–198	843	All	5760
67–199	844	All	5760
67–200	845	All	5760
67–201	846	All	5760
67–202	847	All	5760
67–203	885	All	5760
67–204	886	All	5760
67–205	887	All	5760
67–206	888	All	5760
67–207	889	All	5760
67–208	890	All	5760
67–209	891	All	5760
67–210	929	All	5760
67–211	930	All	5760
67–212	931	All	5760
67–213	932	All	5760
67–214	933	All	5760
67–215	934	All	5760
67–216	935	All	5760
67–217	973	All	5760
67–218	974	All	5760
67–219	975	All	5760
67–220	976	All	5760
67–221	977	All	5760
67–222	978	All	5760
67–223	979	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959; Revised October 19, 1981)

Tract	Block	Description	Acreage
67–224	A-374	All	5760
67–225	A-385	All	5760

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957; Revised October 19, 1981)

Tract	Block	Description	Acreage
67–226	289	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959; Revised October 19, 1981)

Tract	Block	Description	Acreage
67–227	535	All	5000
67–228	623	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–229	328	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–230	176	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 67-170 through 67-175 will be for an initial term of 10

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67-231	78	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-232	268	All	5000
67-233	277	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
67-234	69	All	3772.18

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67-235	63	All	4994.55
67-236	138	All	4994.55

1/ That portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836).

2/ That portion of the lease block seaward of the Three Marine League Line.

3/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

4/ That portion of the lease block which is more than three geographical miles seaward from the low water line off the coast of Mississippi and/or Alabama.

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 67-170 through 67-175 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5 Minimum Royalty. Hereby deleted.

Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Gulf of Mexico OCS Region, U.S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office, Bureau of Land Management.

Stipulation 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (a) locate the site of such operation so as not to affect adversely the identified location; or (b) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and to the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation 2

(To be included only in the lease resulting from this sale for tract 67-230.)

Operations within the area of Alderdice Bank shown as "3 Mile Zone" in Figure 1 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 3

(To be included only in the lease resulting from this sale for tract 67-

Stipulation 4

(To be included only in leases resulting from this sale for tracts 67-

Stipulation 3

(To be included only in the lease resulting from this sale for tract 67-96.)

(a) Operations within the area of Diaphus Bank shown as "1 Mile Zone" in Figure 2 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area of Diaphus Bank shown as "3 Mile Zone" in Figure 2 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 4

(To be included only in leases resulting from this sale for tracts 67-13 and 67-14.)

(a) Operations within the area of Southern Bank shown as "1 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(b) All production and development operations within the areas shown as "3 Mile Zone" in Figure 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation 5

(To be included only in leases resulting from this sale for tracts 67-39 and 67-40.)

Operations within the area of Applebaum Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 6

(To be included only in leases resulting from this sale for tracts 67-72, 67-73, and 67-74.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Parker Banks as shown in Figure 5 (attached to and made a part of this lease).

(b) Operations within the area of Parker Banks shown as "1 Mile Zone" in Figure 5 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 5 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 7

(To be included only in leases resulting from this sale for tracts 67-151, 67-152, 67-153, and 67-154.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Geyer Bank as shown in Figure 6 (attached to and made a part of this lease).

(b) Operations within the area of Geyer Bank shown as "1 Mile Zone" in Figure 6 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 8

(c) Exploration, development, and production operations are permitted

Stipulation 8

(To be included only in the lease resulting from this sale for tract 67-224.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-374: W½W½NW¼; SE¼SW¼NW¼; SW¼NE¼SW¼; W½SW¼; W½SE¼SW¼; SE¼SE¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The operator (lessee) shall submit a reef monitoring program. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374: SW¼SW¼NE¼; E½NW¼; E½NW¼NW¼; NE¼SW¼NW¼; N½NE¼SW¼; SE¼NE¼SW¼; NE¼SE¼SW¼; W½NW¼SE¼; SE¼NW¼SE¼; SW¼SE¼; SW¼SE¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374: N½NE¼; N½S½NE¼; SE¼SW¼NE¼; S½SE¼NE¼; NE¼SE¼; NE¼NW¼SE¼; N½SE¼SE¼; SE¼SE¼SE¼.

Stipulation 9

(To be included only in the lease resulting from this sale for tract 67-225.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the West Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-385: SW¼SW¼NW¼; NW¼SW¼; NW¼SW¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration, development, and production operations in the lease area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The operator (lessee) shall submit a reef monitoring program. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations.

The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385: SW¼SW¼NE¼; SW¼NE¼NW¼; NW¼NW¼; N½SW¼NW¼; SE¼SW¼NW¼; SE¼NW¼; E½SW¼; E½SW¼SW¼; SW¼SW¼SW¼; W½NW¼SE¼; NW¼SW¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385: E½E½; E½W½E½; W½NW¼NE¼; NW¼SW¼NE¼; N½NE¼NW¼; SE¼NE¼NW¼; SW¼SW¼SE¼.

Stipulation 10

Stipulation 11

Stipulation 10

(To be included only in leases resulting from this sale for tracts 67-106 through 67-126 and 67-176 through 67-223.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) the relocation of operations to avoid live bottom areas;
(b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) the transportation of drilling fluids and cuttings to approved disposal sites;
(d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation 11

(To be included only in leases resulting from this sale for tracts 67-99, 67-100, 67-128 through 67-131, 67-133 through 67-147, 67-149, 67-150, and 67-155 through 67-175.)

All or portions of this lease may be subject to mass movement of sediments, unstable slopes, active faulting, or gaseous sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for slumping and mass movement of sediments. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all slump blocks or mass movement of sediments in the lease must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation 12

(To be included only in leases resulting from this sale for tracts 67-176 through 67-223.)

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of federal, state, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Stipulation 13

(To be included only in leases resulting from this sale for tracts 67-1 through 67-16, 67-25, and 67-138 through 67-142.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the

Stipulation 14

(To be included only in

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 14

(To be included only in leases resulting from this sale for tracts 67-96 and 67-165 through 67-175.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Station, New Orleans, Louisiana 70146.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Station, New Orleans, Louisiana 70146, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Station, New Orleans, Louisiana 70146, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 15

(To be included only in leases resulting from this sale for tracts 67-38, 67-39, 67-40, and 67-143 through 67-150.).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division,

Stipulation 16

(To be included only in leases resulting from this sale for tracts 67-

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 16

(To be included only in leases resulting from this sale for tracts 67-111, 67-112, 67-113, and 67-122.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 17

(To be included only in leases resulting from this sale for tracts 67-106 through 67-110, 67-114 through 67-121, 67-123 through 67-126, and 67-176 through 67-188.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin Air Force Base, Florida.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Eglin Air Force Base, Florida, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall

Stipulation 18

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin Air Force Base, Florida, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 18

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice.)

The net profit share payment specified in Section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16 2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Section 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

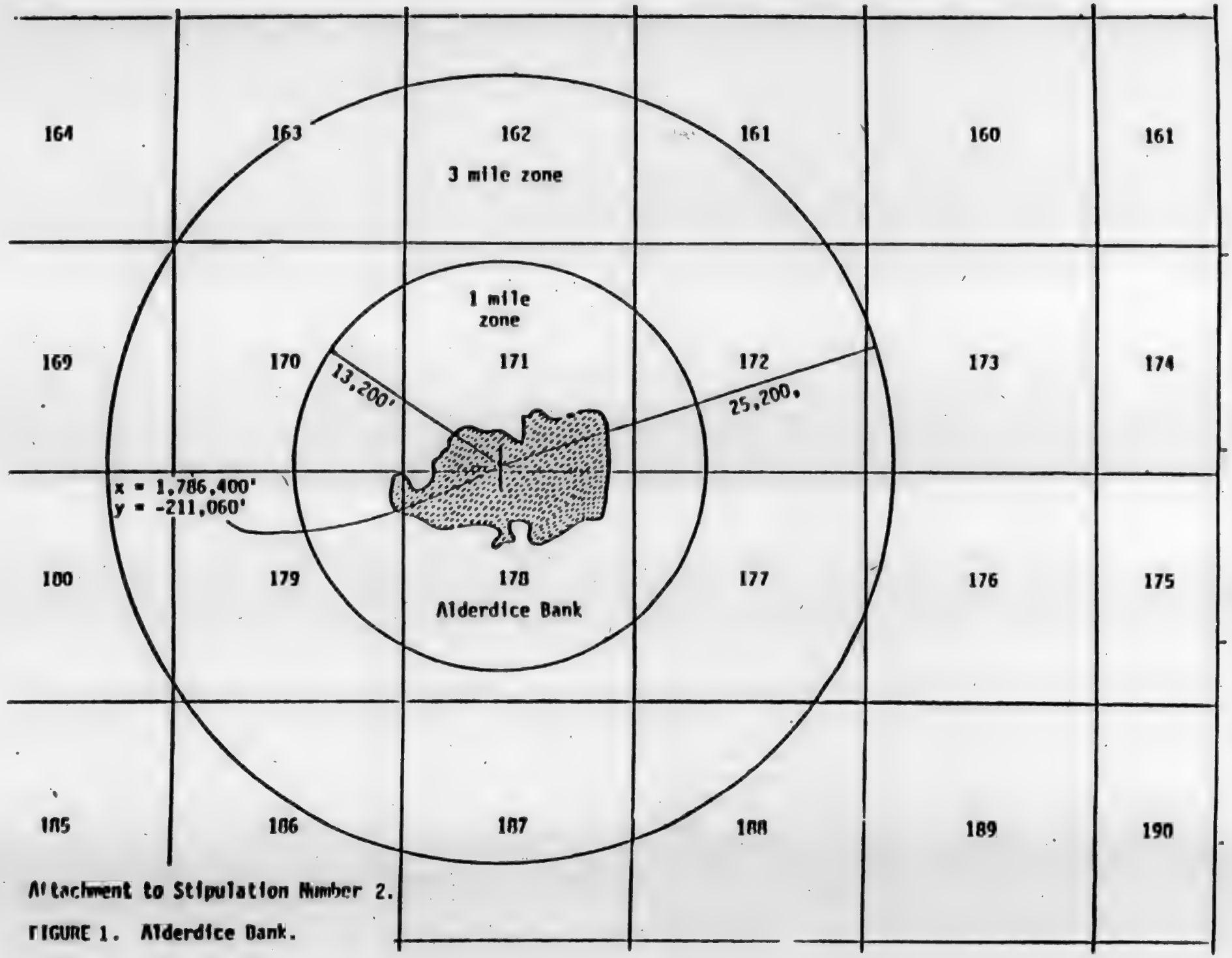

Attachment to Stipulation Number 2.

FIGURE 1. Alderdice Bank.

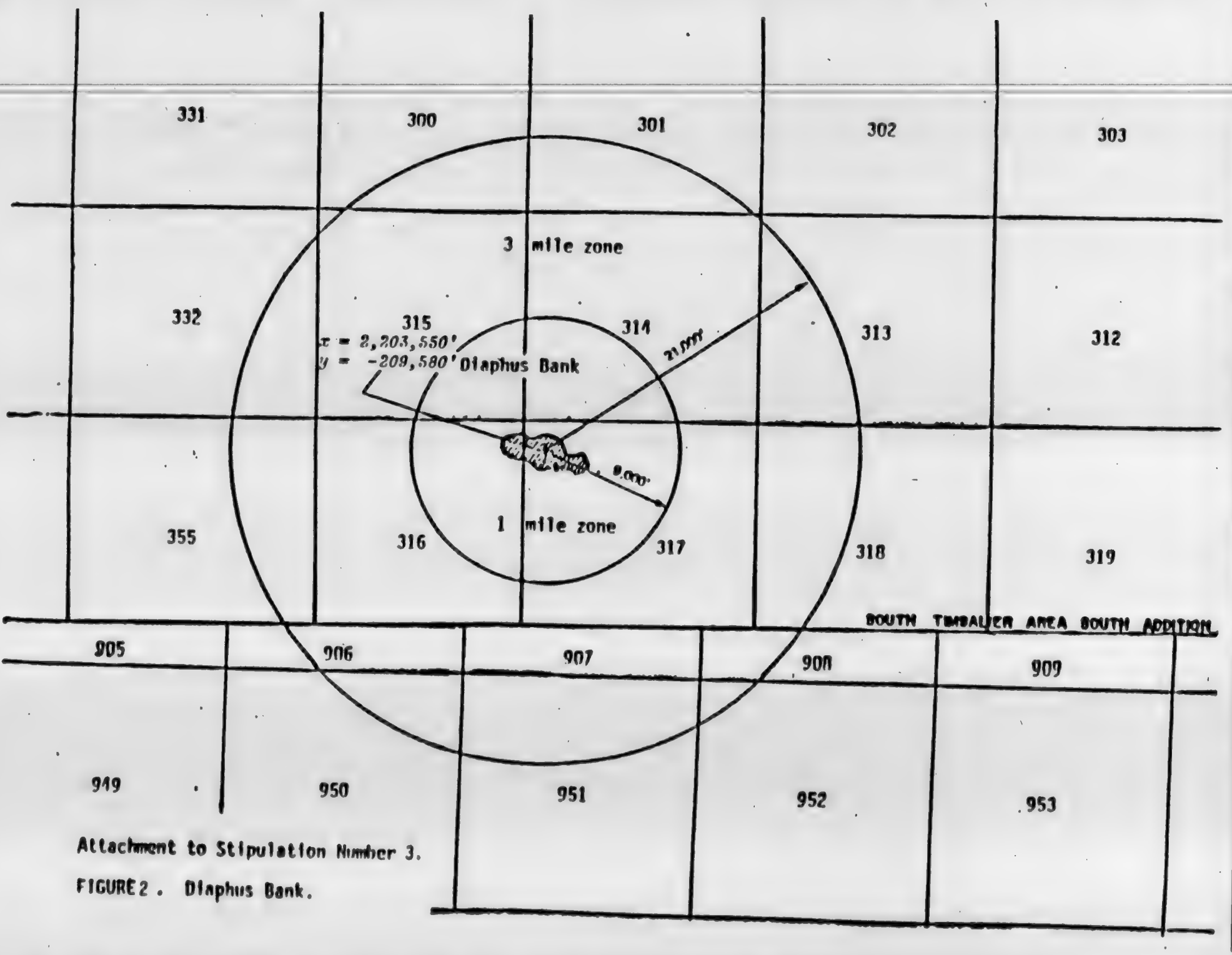

Attachment to Stipulation Number 3.

FIGURE 2. Diaphus Bank.

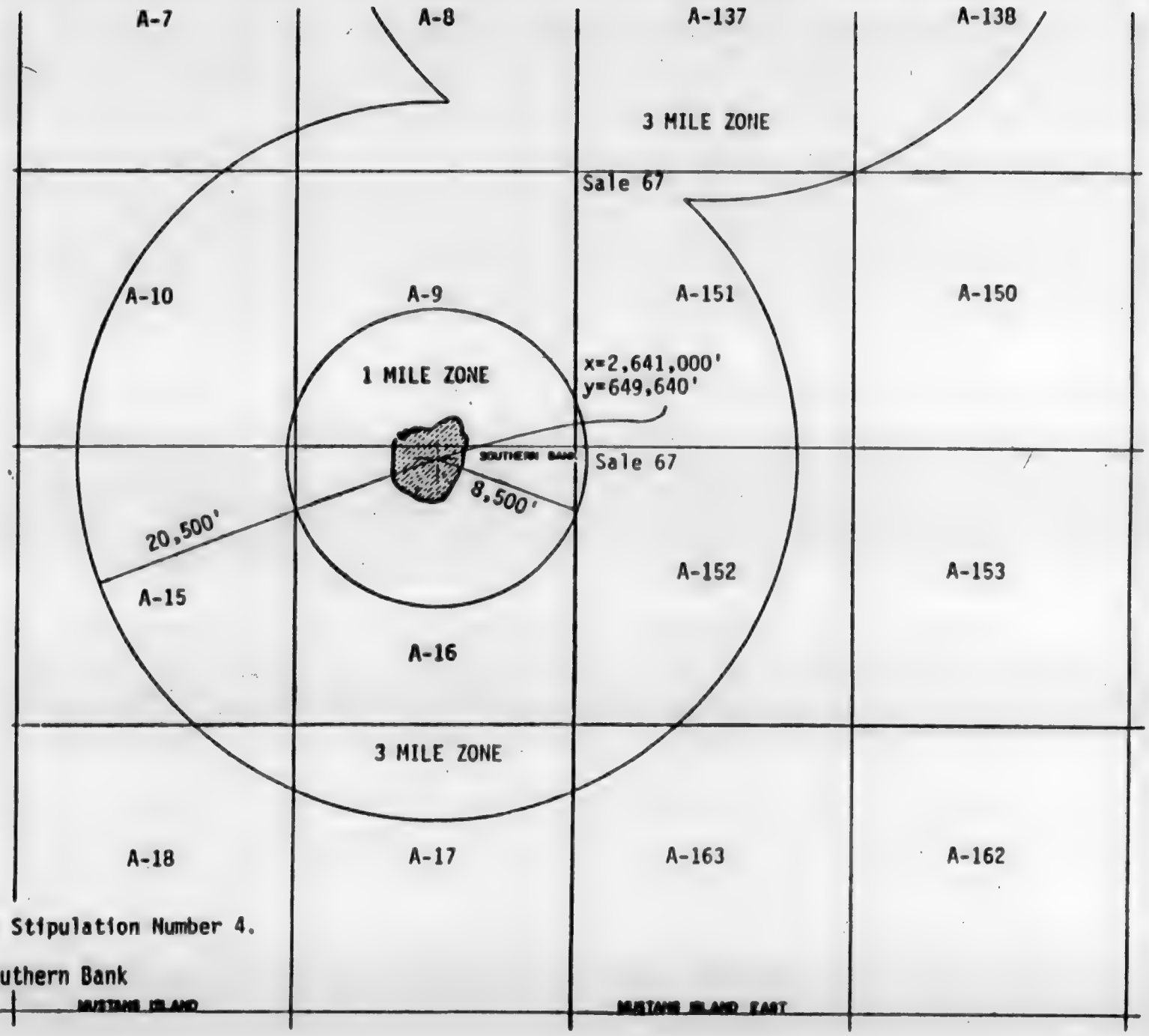

Attachment to Stipulation Number 4.

FIGURE 3. Southern Bank

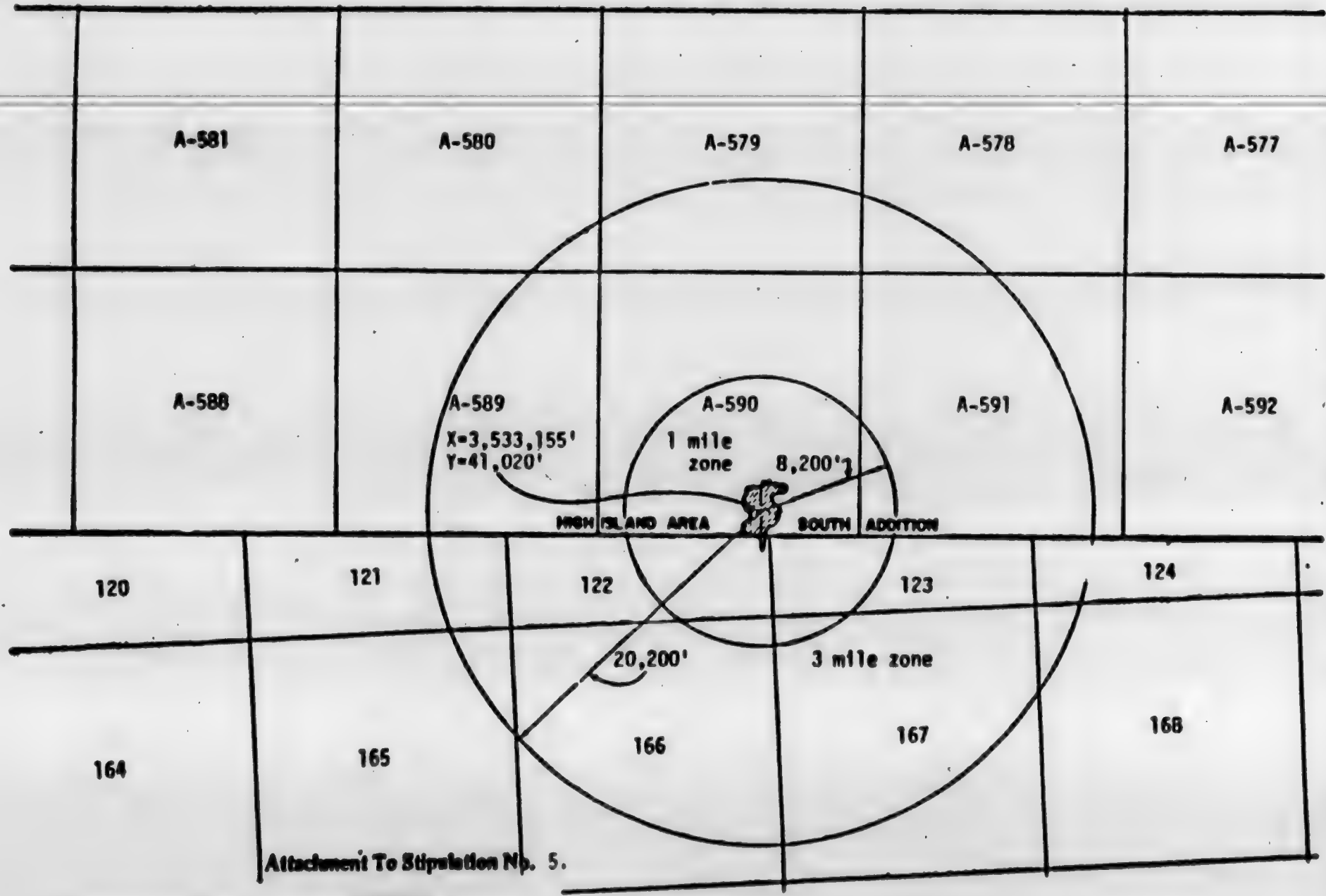

Attachment To Stipulation No. 5.

FIGURE 4.
APPLEBAUM BANK

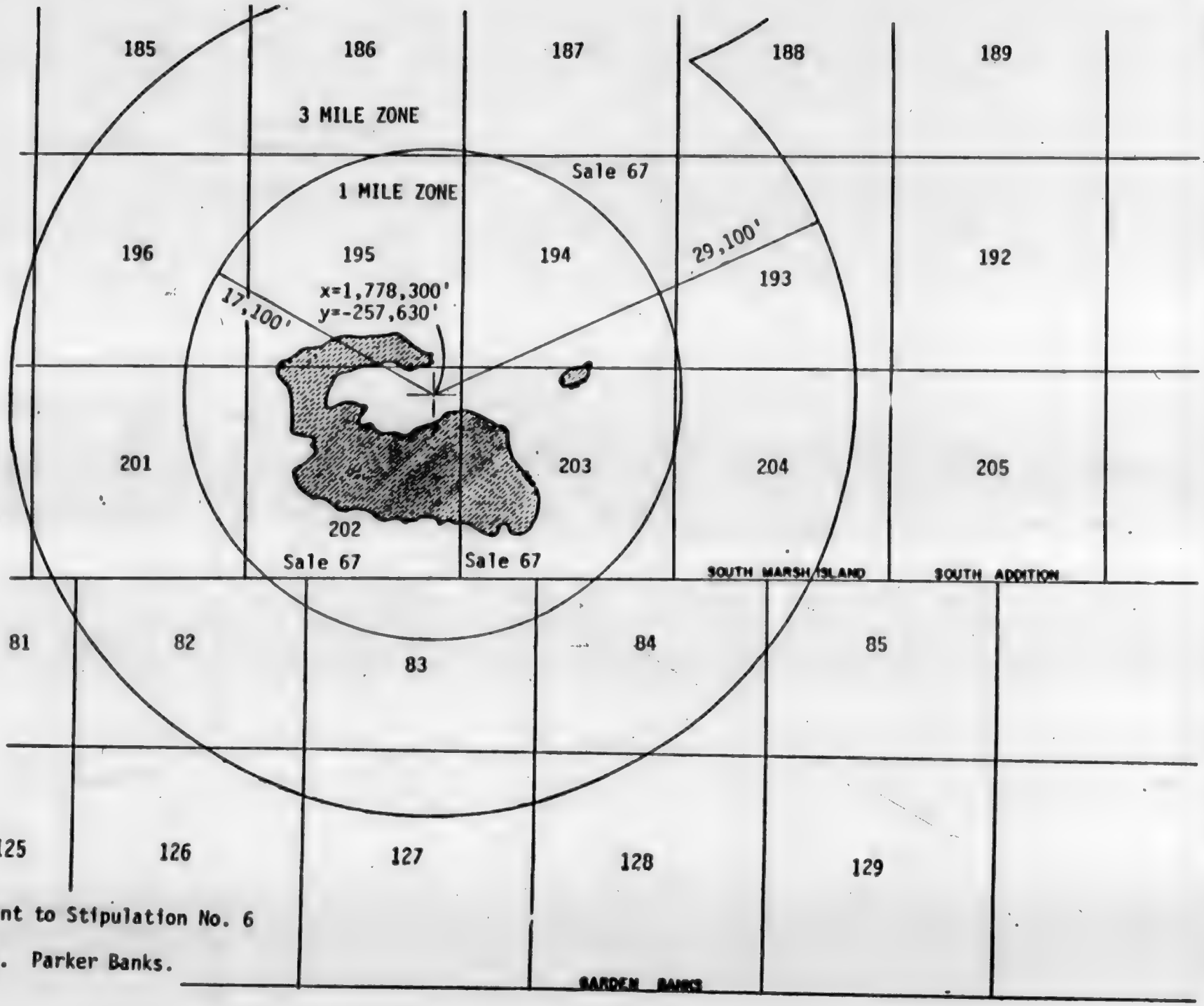

Attachment to Stipulation No. 6

FIGURE 5. Parker Banks.

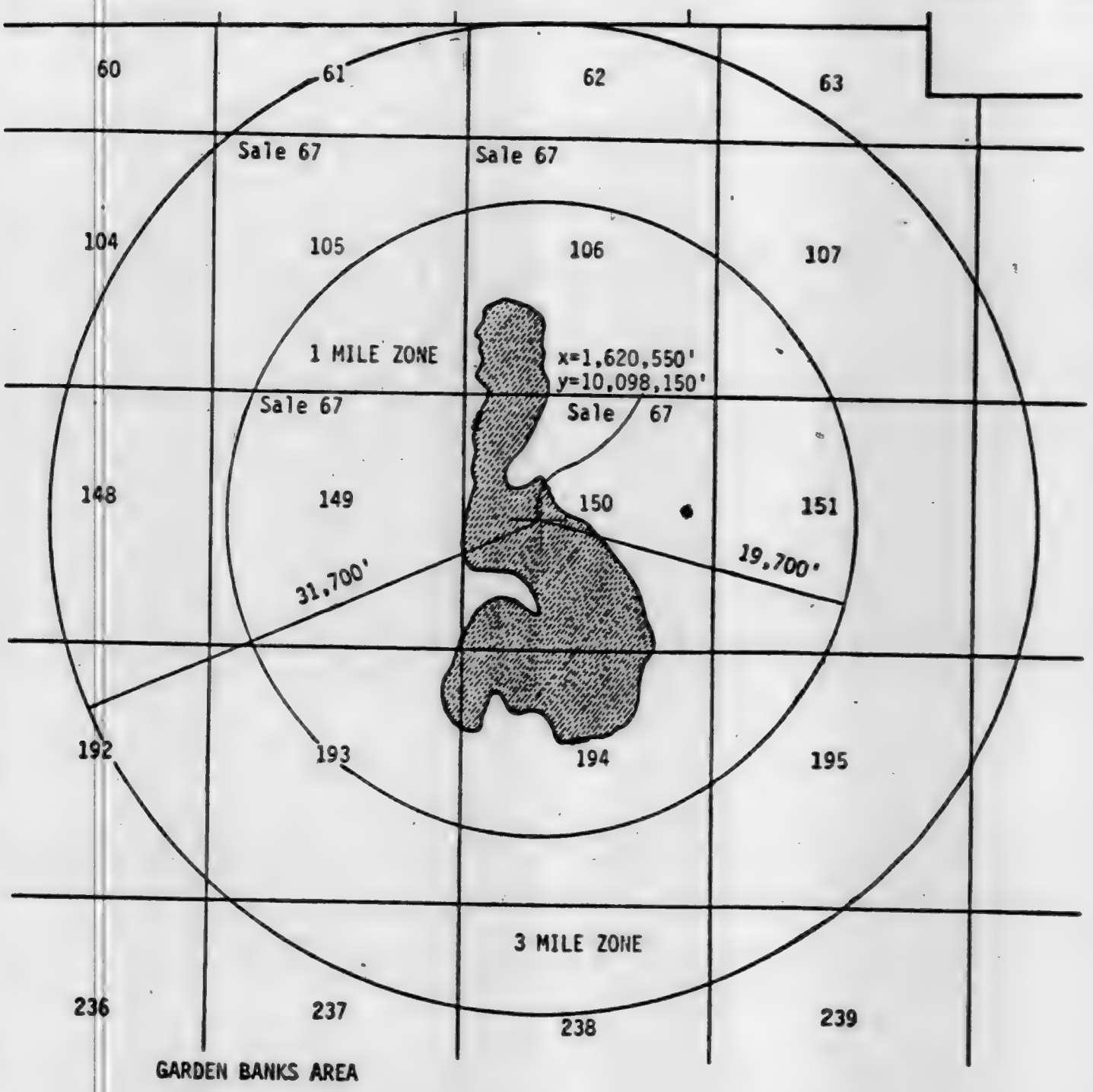

Attachment to Stipulation No. 7.

FIGURE 6. Geyer Bank.

14. Information to Lessees. The Department of the Interior will seek the advice of the states of Texas, Louisiana, Mississippi, Alabama, and Florida, and other federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the DCM, Offshore Field Operations, USGS, after appropriate consultation with the Regional Director, U.S. Fish & Wildlife Service; the Manager, BLM; the states; the Environmental Protection Agency (EPA); and other federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the West Indian manatee is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407), and various other state and federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire state of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976.

Bidders are advised that EPA is considering permitting the disposal of hazardous waste from an existing platform located on tract 67-105 (Main Pass Area, South and East Addition, Block 254). Detailed information is available from Kenneth Biglane, Director, Hazardous Response Support Division, U.S. EPA-WH 548A, 41 M Street, S.W., Washington, D.C. 20460.

Bidders are also advised that the National Oceanic and Atmospheric

Revisions of Department of Labor regulations on Affirmative Action

Bidders are also advised that the National Oceanic and Atmospheric Administration (NOAA) is considering whether to propose the designation of a marine sanctuary, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1431-1434), in the area of the Flower Garden Banks in the Gulf of Mexico. Revised proposed regulations describing the boundaries of the possible sanctuary and possible restrictions which NOAA might impose on oil and gas operations within the sanctuary were published on June 26, 1980 (45 FR 43205). Tracts offered in this sale that are within the boundaries of the marine sanctuary under consideration are tracts 67-224 and 67-225. While a final decision has not been made by NOAA concerning restrictions in the sanctuary, the restrictions under consideration by NOAA for tracts within the sanctuary may be more stringent than those restrictions included by lease stipulation in this Notice of Sale.

Bidders on tracts 67-224 and 67-225 are also advised that EPA has expressed its intention to require lessees within the boundaries of the Flower Garden Banks Marine Sanctuary under consideration by NOAA to obtain National Pollution Discharge Elimination System (NPDES) permits, pursuant to its authority under Section 402 of the Clean Water Act (P.L. No. 95-217), containing ocean discharge restrictions and other conditions which may be more stringent than those imposed through lease stipulation or interior regulation.

For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan, where required, or a general statement of exploration intention prior to the end of the tenth lease year.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

James M Parker
Acting Director, Bureau of Land Management

Date: DEC 29 1981

Approved JAN 5 1982

Donald Paul Hodel
Under Secretary of the Interior

[FR Doc. 82-454 Filed 1-7-82; 8:45 am]
BILLING CODE 4310-84-C

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico

Notice of Leasing Systems, Sale No. 67

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 67, tracts will be offered under the following two bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with fixed net profit share on 13 tracts, and (2) bonus bidding with a fixed 16-2/3 percent royalty on 222 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980 (45 Fed. Reg. 36784 May 30, 1980). This system has been used in nine previous OCS sales. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For five tracts, firms will be permitted a capital recovery factor of 0.50 over their actual allowable costs before any profit share payments are due. The profit share rate for these tracts is 50 percent. Eight tracts will have a capital recovery factor of 1.00 and a profit share rate of 40 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, Government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. (8)(a)(1)(A) of the OCS Lands Act, as amended. This system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration.

B. Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) The number of tracts must be consistent with the requirements

(2) The number of tracts must be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a Fixed Net Profit Share--Tracts 67-133, 67-134, 67-135, 67-136, 67-137, 67-147, 67-148, 67-149, 67-150, 67-161, 67-162, 67-163, and 67-164.

(b) Bonus Bidding with a 16-2/3 Percent Royalty--All remaining tracts.

James M Parker

DEC 31 1981

Acting Director, Bureau of Land Management

Approved: JAN 5 1982

Donald Paul Hodel

Secretary of the Interior

[FR Doc. 82-455 Filed 1-7-82; 8:45 am]

BILLING CODE 4310-84-C

V
4
7
/
5

J
A
8
8
2

federal register

Friday
January 8, 1982

Part III

Department of Agriculture

Agricultural Marketing Service

Egg Research and Promotion Order; Hearing on Proposed Amendments

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1250

Egg Research and Promotion Order; Hearing on Proposed Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed rule.

SUMMARY: The hearing is being held to consider proposed amendments to the Egg Research and Promotion Order submitted by an Egg Industry Promotion Study Task Force. The changes would implement the amendments to the Egg Research and Consumer Information Act. The two principal changes to be considered are the addition of two consumers to the American Egg Board and an increase in the rate of assessment. The text of the proposals to be considered at the hearing is set forth below.

DATES: The hearing is scheduled as follows:

1. March 1, 1982—Washington, D.C.
2. March 4, 1982—St. Louis, Missouri
3. March 23, 1982—San Diego, California

Each session will begin at 9 a.m. local time. Any of the sessions may be continued beyond 1 day if necessary.

ADDRESSES: The hearing will be held at the following locations:

1. March 1–2, 1982—Washington, D.C. 20250, Room 1072 (Thomas Jefferson Auditorium) U.S. Department of Agriculture, South Building, 14th and Independence Avenue, S.W.
2. March 4–5, 1982—St. Louis, MO 63134, Washington A & B Room, Ramada Inn (Airport), 9636, Natural Bridge Road.
3. March 23–24, 1982—San Diego, CA 92138, Forum Room, Town and Country Hotel, 500 Hotel Circle North.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Poultry Division, AMS, USDA, Washington, D.C. 20250, Phone 202–447–2068.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in E.O. 12291 and has been classified as nonmajor in accordance with USDA guidelines implementing such order.

On June 17, 1980, the Egg Research and Consumer Information Act was amended (Pub. L. 96–276, Secs. 2–6, 94 Stat. 541). Section 8 (a) and (b) provide for the appointment of two consumers or representatives of consumers and their alternates to the American Egg Board. For purposes of this action, consumer means an individual who is representative of the consuming public and is unassociated with the egg industry.

Section 8(e) of the amended Act provides for an increase in the rate of assessment from 5 cents per 30-dozen case of commercial eggs to not more than 7½ cents. The legislation allows subsequent yearly increases thereafter of three-quarters of a cent until a 10-cent maximum rate is reached. The proposed amended sections of the Egg Research and Promotion Order would implement the amendments in the legislation cited above.

An Egg Industry Promotion Study Task Force representing 18 egg and poultry associations listed below submitted the proposed amendments with a request for a public hearing theron.

Georgia Egg Commission
Georgia Poultry Federation
Illinois Poultry Industry Council
Iowa Poultry Association
Michigan Allied Poultry Industries
Midwest Egg Producers
National Egg Company
North Carolina Poultry Federation
Northeast Egg Marketing Association
Ohio Egg Processors Association
Ohio Poultry Association
Pacific Egg and Poultry Association
Poultry and Egg Institute of America
South Dakota Poultry Industries Association
Southeastern Poultry and Egg Association
Texas Poultry Federation
United Egg Producers
Virginia Egg Council

The hearing is called pursuant to the provisions of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) as amended, and in accordance with the applicable rules of practice and procedure governing proceedings to formulate such an order (7 CFR 1250.1–1250.19, as amended, 45 FR 75165, November 14, 1980).

The hearing is for the purpose of:

1. Receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments set forth herein; and
2. Determining the extent of need for the amendments to carry out an effective and continuous coordinated program of research, consumer and producer education, and promotion for eggs, egg products, and spent fowl.

The Regulatory Flexibility Act (Pub. L. 96–354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of this action, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Under the provisions of the Egg Research and Consumer Information Act, egg producers with 3,000 or fewer laying hens, are exempt from paying assessments. Also exempt fare producers whose flocks of breeding hens are producing eggs primarily utilized for the hatching of baby chicks. Approximately 2,800 firms currently in these categories are registered with the American Egg Board. Nonexempt egg producers, regardless of size, are subject to the same regulatory, recordkeeping, and reporting requirements of the law. In addition, all such nonexempt producers may receive a refund of their assessment upon demand to the American Egg Board. Interested parties are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposals on small businesses.

PART 1250—EGG RESEARCH AND PROMOTION

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Egg Industry Promotion Study Task Force

1. Section 1250.317 is added as follows:

§ 1250.317 Consumer or consumer representative.

"Consumer" or "consumer representative" means an individual who is representative of the consuming public and is not associated with the egg industry; such person may be a member of a bona fide consumer organization but such membership is not required.

2. Section 1250.326 is revised to read as follows:

§ 1250.326 Establishment and membership.

There is hereby established an Egg Board, hereinafter called the "Board," composed of 18 producers or representatives of producers, 2 consumers or representatives of consumers, and 20 specific alternates. The Board members and alternates shall be appointed by the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, or by other producers pursuant to § 1250.328 and § 1250.329. If the Secretary determines that the nominees to the Board as consumers or consumer representatives are not

members of a bona fide consumer organization or do not represent consumers, the Secretary may appoint such consumers or representatives of consumers as deemed necessary to properly represent the interest of consumers.

3. The section heading for § 1250.328 is revised to read as follows:

§ 1250.328 Nominations of producers.

* * * * *

4. Section § 1250.328 is amended by inserting the words "of producers and representatives of producers" after the second word in the first sentence of such section.

5. Add the following new § 1250.329. Subsequent sections through § 1250.336 would be renumbered accordingly, and changes in references to other sections would be made as necessary.

§ 1250.329 Nominations of consumer representatives.

Eligible organizations certified by the Secretary pursuant to § 1250.356 within each geographic area designated pursuant to § 1250.328 of this Order may caucus for the purpose of jointly nominating consumer representatives to the Board for each consumer member and alternate to be appointed. If joint agreement is not reached with respect to the nominations or no caucus is held, each eligible organization may submit names. Such nominations shall be submitted to the Secretary within 60 days of the approval of this amendment to the Order in referendum. After the appointment of the initial consumer representatives and alternates to the Board, the nominations for subsequent consumer representatives to the Board and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed.

6. Section 1250.347 is amended to read as follows:

§ 1250.347 Assessments.

(a) Each handler designated in § 1250.348 and pursuant to regulations issued by the Board shall collect an assessment from each producer and shall pay that assessment to the Board at such times and in such manner as prescribed by the regulations issued by the Board; *Provided,* That the following shall be exempt from the provisions of this section: (1) Any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date assessments are due and payable has not exceeded 3,000 laying hens, and (2) any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks.

(b) The Egg Board with the approval of the Secretary shall set the amount of assessment, not to exceed 10 cents per 30 dozen case of eggs, or the equivalent thereof, as provided in paragraph (c) of this section to cover such expenses and expenditures, including provisions for a reasonable reserve and those administrative costs incurred by the Department of Agriculture as the Secretary finds are reasonable and likely to be incurred by the Board and the Secretary under this Subpart, except that no more than one such assessment shall be made on any case of eggs.

(c) The rate of assessment for the first 12 months following issuance of regulations by the Board shall not exceed 7½ cents per case and shall not be increased by more than three-quarters of 1 cent per case during each fiscal year thereafter.

Proposed by the Poultry Division, Agricultural Marketing Service

Make such changes as may be necessary to make the entire Order conform with amendments thereto that may result from the hearing.

Copies of this notice of hearing and the Order may be received by requesting them from Janice L. Lockard, Poultry Division, AMS, USDA, Room 2606 South Building, United States Department of Agriculture, Washington, D.C. 20250, or from the Hearing Clerk, Room 1077, at the same location or may be inspected at that location.

From the time this hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Poultry Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 5, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-533 Filed 1-7-82; 8:45 am]
BILLING CODE 3410-02-M

V
4
7
/
5

J
A
8
8
2
UMI

Re

INFO

PUB

Code
CFR

Gene
Incor
Print

Fede
Corre
Daily
Gene
Priva
Publi
Sche

Laws
Index
Law

Slip

Presi
Execu
Publi
Week

Unite

SERV
Agen
Autor
Dial-
Chi
Los
Wa
Libra
Magn
vol
Public
Regul
Speci
Subsc
Subsc
TTY

FEDE

1–128
129–5
589–7
745–9
935–1

Reader Aids

Federal Register

Vol. 47, No. 5

Friday, January 8, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of Documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1106	8

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
November 14, 1912 (Revoked by PLO 6101)	769

5 CFR

410	935
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

7 CFR

Subtitle B	745
2	5, 6
68	129
282	532
425	6
631	130
701	937
800	131
905	589
907	746
910	939
944	747
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1006	814
1007	962
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
92	591

10 CFR

40	8
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
378	817
500	161
501	161
503	161

12 CFR

5	132
203	750
213	755
217	9
226	755
327	943
Proposed Rules:	
701	963
702	633

13 CFR

120	9

14 CFR

21	756
39	10-14, 759
71	15-18, 759, 760
73	18
75	18
201	132
207	134
208	134
212	135
231	137
245	761
246	762
298	604
302	138
321	139
380	140
399	140
Proposed Rules:	
Ch. I	817
71	36-38
91	818
296	633
297	633

15 CFR

50	16

371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

15 CFR

305.....18, 19

17 CFR

201.....609

18 CFR

Ch. I.....613
270.....614
282.....20

Proposed Rules:

141.....39
271.....39, 638
273.....638
274.....638

19 CFR

10.....944

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642

21 CFR

1.....948
2.....946
73.....946
105.....946
170.....946
172.....948
173.....145
193.....616
510.....146
522.....146

Proposed Rules:

20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444-512
358.....522

24 CFR

201.....616, 617
203.....916
234.....916

26 CFR

1.....147

Proposed Rules:

1.....163, 164, 988
15A.....164

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187

30 CFR

Proposed Rules:

Ch. I.....402
Ch. VII.....820
211.....819
700.....41
701.....41
716.....928
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

Proposed Rules:

543.....622
585.....190

33 CFR

Proposed Rules:

88.....626
89.....626

34 CFR

624.....540
625.....540
626.....540
627.....540
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

40 CFR

52.....762, 763, 947, 948
60.....950
80.....764
81.....763, 952
123.....618
180.....619-623
264.....953
762.....148, 149

Proposed Rules:

52.....191
65.....969
180.....651-654
86.....972
775.....193
799.....973

41 CFR

Ch. 50.....145
Ch. 60.....145

Proposed Rules:

Ch. 60.....402

43 CFR

428.....624

Public Land Orders:

6100.....21
6101.....769

44 CFR

65.....770
66.....770
70.....771, 772
67.....22

Proposed Rules:

205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:

510.....215
536.....655

47 CFR

2.....953
21.....953
73.....150
74.....150, 953

Proposed Rules:

2.....983
15.....216, 836
73.....58, 837, 983, 985
74.....983

49 CFR

Ch. X.....613
830.....773
1033.....151, 152, 624, 773, 776
1056.....777

Proposed Rules:

1039.....220
1300.....220
1310.....59

50 CFR

611.....625
662.....629

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982

V 47/5

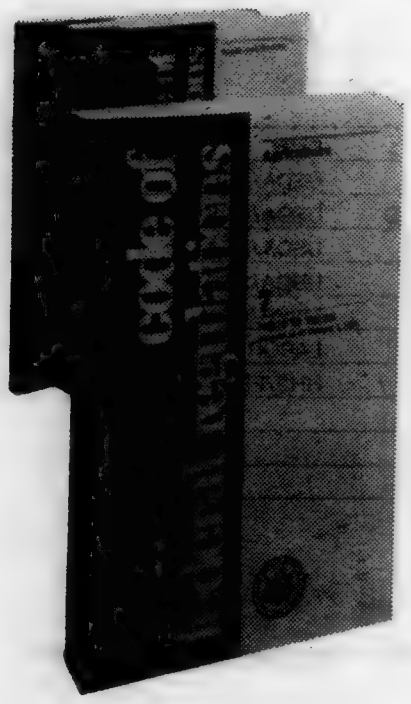

Just Released

Code of Federal Regulations

Revised as of April 1, 1981

Quantity	Volume	Price	Amount
_____	Title 26—Internal Revenue Part 1 (1.301 to 1.400)	$6.50	$_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA®

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

JA 8 82 UMI

1-11-82
Vol. 47 No. 6
Pages 1109-1256

Federal Register

Monday
January 11, 1982

Highlights

1117 **Community Development** HUD/CPD removes regulations on certain community development grant and loan assistance programs.

1248, 1254 **Hazardous Waste** EPA issues regulations on hazardous waste management and disposal facilities. (2 documents) (Parts III and IV of this issue)

1146 **Highways and Roads** DOT/FHWA proposes to revise subcontracting regulations for Federal-aid highway construction work.

1229 DOT/FHWA requests comments on implementation of new Post-Interstate Construction Program.

1177 **Oil and Gas Exploration** Interior requests information on noncompetitive oil and gas lease rentals.

1242 **Endangered and Threatened Wildlife** Interior/FWS announces recommendation that bobcats be removed from list of species protected in international trade.

1137 **Energy—National Defense** DOE/ERA proposes to remove emergency coal supply allocation regulations.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

1148 **Alcohol and Alcoholic Beverages** Treasury/ATF proposes to clarify standard of identity for vodka.

Antidumping Commerce/ITA issues notices on the following:
1162 Birch 3-ply doorskins from Japan.
1162 Carbon steel bars and structural shapes from Canada.
1164 Water circulating pumps, wet motor type, from the United Kingdom.

1164 **Countervailing Duties** Commerce/ITA issues notice on ski-lifts and parts thereof from Italy.

1199 **Privacy Act Document** Postal Service.

1235 **Sunshine Act Meetings**

Separate Parts of This Issue
1242 **Part II, Interior/FWS**
1248 **Part III, EPA**
1254 **Part IV, EPA**

Contents

Federal Register
Vol. 47, No. 6
Monday, January 11, 1982

Administrative Conference of United States
NOTICES
Meetings:
1157 Public Access and Information Committee; cancellation

Agriculture Department
See also Animal and Plant Health Inspection Service.
NOTICES
Meetings:
1157 Future of Cooperative Extension Joint Committee

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
1149 Green Valley, Calif.
1151 North Coast, Calif.
1153 Suisun Valley, Calif.
Alcoholic beverages:
1148 Vodka; identity standard; advance notice
NOTICES
1234 Liquor bottles; use of polyethylene terephthalate (PET) in manufacture; environmental assessment

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
1109 Exotic Newcastle disease

Civil Aeronautics Board
NOTICES
1235 Meetings; Sunshine Act (2 documents)

Coast Guard
RULES
Anchorage regulations:
1117 Virginia; correction
Drawbridge operations:
1118 Hawaii
Safety zones:
1118 Lower Mississippi River, Old River Control Structure

Commerce Department
See International Trade Administration.

Community Planning and Development, Office of Assistant Secretary
RULES
1117 Neighborhood development and facilities programs, open space land program, and public water and sewer facilities program, etc.; removal from CFR

Defense Department
NOTICES
Meetings:
1165 Science Board

Economic Regulatory Administration
PROPOSED RULES
1137 Coal; priority delivery under Defense Department contracts; removal

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
1166 Australia and European Atomic Energy Community
1165 Canada
1166 European Atomic Energy Community and Norway
1166 European Atomic Energy Community and Sweden
1166 Finland and Korea

Environment and Energy Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
1158 Leisuretowne, Southampton Township, Burlington County, N.J.
1157 Three Retirement Communities, Ocean County, N.J.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
1119 Iowa
Air quality planning purposes; designation of areas:
1120 New York
Hazardous waste:
1248 Generators; on-site storage; permit requirements
1254 Treatment, storage, and disposal facilities; interim status period for owners and operators; ground water monitoring standards used to neutralize corrosive wastes; interim
PROPOSED RULES
Hazardous waste programs; interim authorizations; various States:
1155 Illinois; extension of time
NOTICES
Air quality; prevention of significant deterioration (PSD):
1167 Permit approvals
1168 Recordkeeping and reporting requirements

Federal Aviation Administration
RULES
Airworthiness directives:
1111 Boeing
1112 Piper
1110 Hughes
1113 Societe Nationale Industrielle Aerospatiale
1113 Control zones
1114 Control zones; final rule and request for comments

1115 Standard instrument approach procedures
1115 Transition areas; correction

PROPOSED RULES

Airworthiness directives:
1141 Air Cruisers
1142 Boeing
1142 Boeing; extension of time
1140 Piccard Balloon
1146 Restricted areas; correction
1144, 1145 Transition areas (2 documents)
1144 Transition areas; withdrawn

NOTICES

1229 Air traffic computer replacement program; indemnification of contractors; correction

Federal Communications Commission

NOTICES

1235 Meetings; Sunshine Act (2 documents)

Federal Energy Regulatory Commission

NOTICES

1237 Meetings; Sunshine Act

Federal Highway Administration

PROPOSED RULES

Engineering and traffic operations:
1146 Construction and maintenance; contract procedures for Federal-aid highway projects and subcontracting requirements

NOTICES

1229 Interstate resurfacing, restoration, rehabiliation, and reconstruction program; inquiry

Federal Home Loan Bank Board

NOTICES

1238 Meetings; Sunshine Act

Federal Procurement Policy Office

NOTICES

1198 Consulting services, guidelines (Circular A-120); proposed revision; inquiry
1196 Management and professional services, special studies and analyses, and management and support services for research and development activities; proposed bulletin; inquiry

Federal Reserve System

NOTICES

Applications, etc.:
1170 Allied Bancshares, Inc.
1172 Amarillo National Bancorp, Inc.
1170 Chebelle Corp.
1172 Conifer Group, Inc.
1172 Corporate Bankshares, Inc.
1170 Far-Mer Bankshares, Inc.
1170 First Bancshares of Texas, Inc.
1171 First Community Bank Group, Inc.
1171 First Continental Bancshares, Inc.
1171 HNB Corp.
1173 Keyesport Bancshares, Inc.
1173 Mid-Central Bancshares Corp.
1171 NBD Bancorp, Inc., et al.
1171 North Plaza Bancshares, Inc.
1172 Northern Trust Corp.
1172 Paraclete Bancorp.
1173 Prairie Bancorp., Inc.
1173 Unibank Corp.
1173 Uptown Bancorporation, Inc.
1173 Washington Independent Bancshares, Inc.
1174 Westlake Bancshares, Inc.

Federal Trade Commission

NOTICES

1174 Financial reports program, quarterly; confidentiality procedures; modification to reflect organizational changes; correction
1174 Line of business reports program; confidentiality; 1973-1977 and future years LB reports; adoption of final procedures; inquiry; correction
1238 Meetings; Sunshine Act

Fish and Wildlife Service

RULES

Hunting:
1131 Blowing Wind Cave National Wildlife Refuge, Ala., et al.
1124 Cibola National Wildlife Refuge, Ariz., et al.
1122 Eufaula National Wildlife Refuge, Ala., et al.
1134 Kofa National Wildlife Refuge, Ariz., et al.
1129 Lower Klamath National Wildlife Refuge, Calif., et al.
1127 Salton Sea National Wildlife Refuge et al., Calif.
1126, 1135 Overflow National Wildlife Refuge, Ark., et al. (2 documents)

PROPOSED RULES

Endangered Species Convention:
1242 Bobcat; removal from Appendix II

General Services Administration

NOTICES

Authority delegations:
1174, 1175 Defense Department Secretary (2 documents)
1174 Energy Department Secretary

Health and Human Services Department

See Public Health Service.

Hearings and Appeals Office, Energy Department

NOTICES

Applications for exception:
1167 Cases filed
1167 Decisions and orders

Historic Preservation, Advisory Council

NOTICES

1157 Meetings

Housing and Urban Development Department

See Community Planning and Development, Office of Assistant Secretary; Environment and Energy Office, Housing and Urban Development Department.

Interior Department

See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

NOTICES

1177 Oil and gas lease rental rates, noncompetitive; impacts; inquiry

International Trade Administration

NOTICES

Antidumping:
1162 Birch 3-ply doorskins from Japan

1162 Carbon steel bars and structural shapes from Canada
1164 Water circulating pumps, wet motor type, from United Kingdom
Countervailing duties:
1164 Ski-lifts and parts from Italy
Meetings:
1165 Semiconductor Technical Advisory Committee
Scientific articles; duty free entry:
1157 Arizona State University et al.
1161 Clemson Unversity
1158 Institute for Astronomy
1158 Jet Propulsion Laboratory
1160, 1161 National Aeronautics and Space Administration (2 documents)
1158 National Radio Astronomy Observatory
1160 Northwestern University
1160 University of Chicago
1159 University of Illinois
1161 University of Lowell
1159 University of Michigan
1159 Wesley Medical Center

International Trade Commission
NOTICES
1238 Meetings; Sunshine Act

Interstate Commerce Commission
PROPOSED RULES
Rail carriers:
1155 Fuel; filing of statements of divisions of joint rates; removal
NOTICES
Motor carriers:
1178 Permanent authority applications
1181 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
1187 M&E Transportation Co. et al.
1187 Southern Railway Co. et al.

Justice Department
See Parole Commission.

Land Management Bureau
PROPOSED RULES
Grazing administration:
1155 Livestock grazing on public rangelands; extension of time
NOTICES
Coal leases, exploration licenses, etc.:
1177 Utah

Library of Congress
NOTICES
Meetings:
1188 American Folklife Center Board of Trustees

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
1191, 1194 Agency forms under review (2 documents)

National Park Service
NOTICES
Management and development plans:
1177 Canyonlands National Park, Utah; river management plan

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
1188 Duke Power Co.
1189 Florida Power & Light Co.
1189 Indiana & Michigan Electric Co.
1191 Isotope Measurements Laboratories, Inc.
1189, 1190 Tennessee Valley Authority (2 documents)
1190 Virginia Electric & Power Co.

Occupational Safety and Health Review Commission
NOTICES
1238 Meetings; Sunshine Act

Pacific Northwest Electric Power and Conservation Planning Council
PROPOSED RULES
1138 Columbia River Basin fish and wildlife program; recommendations

Parole Commission
NOTICES
1239 Meetings; Sunshine Act

Postal Service
NOTICES
1199 Privacy Act; systems of records; annual publication

Public Health Service
NOTICES
Medical technology scientific evaluations:
1175 Transcutaneous electrical stimulators, single and multiple channel, for treatment of chronic and acute pain

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials inconsistency rulings:
1231 National Tank Truck Carriers, Inc.

Securities and Exchange Commission
NOTICES
1239 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
1226 American Stock Exchange, Inc., et al.

Small Business Administration
RULES
Minority small business and capital ownership development assistance:
1109 Advance payments on section 8(a) subcontracts; authority of Regional Administrators regarding approval or denial of requests
NOTICES
Applications, etc.:
1228 First Ohio Capital Corp.
Disaster areas:
1229 Puerto Rico

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Research and Special Programs Administration, Transportation Department; Urban Mass Transportation Administration.
RULES
Organization, functions, and authority delegations:
1122 Coast Guard Commandant; vessel documentation
NOTICES
1230 Washington National Airport; transfer or air carrier services to Dulles International and Baltimore-Washington International Airports; meetings

Treasury Department
See Alcohol, Tobacco and Firearms Bureau.

Urban Mass Transportation Administration
NOTICES
Grants; availability, etc.:
11234 New bus equipment introduction program; correction

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Office of the Secretary—
1157 Joint Committee on the Future of Cooperative Extension, Arlington, Va. (open), 1–27 through 1–29–82

COMMERCE DEPARTMENT
International Trade Administration—
1165 Semiconductor Technical Advisory Committee, Washington, D.C. (partially open), 2–2–82

DEFENSE DEPARTMENT
Office of the Secretary—
1165 Defense Science Board, Arlington, Va. (closed), 2–10 and 2–11–82

HISTORIC PRESERVATION, ADVISORY COUNCIL
1157 Meeting, Washington, D.C. (open), 1–11–82

TRANSPORTATION DEPARTMENT
Office of the Secretary—
1230 Transfer of Services from Washington National Airport, Washington, D.C. (open), 1–26 and 2–16–82

CANCELLED MEETING

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
1157 Public Access and Information Committee, Washington, D.C., 1–12–82

HEARINGS

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL
Fish and Wildlife Program:
1138 Portland, Oreg., 3–15 and 3–16–82
1138 Toppenish, Wash., 3–16–82
1138 Boise, Idaho, 3–23–82
1138 Missoula, Mont., 3–26–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

9 CFR
82..... 1109

10 CFR
Proposed Rules:
Ch. XVI..... 1138
317..... 1137

13 CFR
124..... 1109

14 CFR
39 (4 documents)..... 1110–1113
71 (3 documents)..... 1113–1115
97..... 1115
Proposed Rules:
39 (4 documents)..... 1140–1142
71 (3 documents)..... 1144, 1145
73..... 1146

23 CFR
Proposed Rules:
635..... 1146

24 CFR
511..... 1117
540..... 1117
541..... 1117
551..... 1117
555..... 1117
556..... 1117
561..... 1117

27 CFR
Proposed Rules:
5..... 1148
9 (3 documents)..... 1149–1153

33 CFR
110..... 1117
117..... 1118
165..... 1118

40 CFR
52..... 1119
81..... 1120
123..... 1248
262..... 1248
265..... 1254
Proposed Rules:
123..... 1155

43 CFR
Proposed Rules:
4100..... 1155

49 CFR
1..... 1122
Proposed Rules:
1031..... 1155

50 CFR
32 (8 documents)..... 1122–1135
Proposed Rules:
23..... 1242

V
4
7
/
6

J
A
1
1
8
2

R

This
cont
gene
of v
the
publ
U.S.
The
by t
Price
first
mon

DEP

Ani
Ser

9 CI

[Doc

Exo
Psit
Area

AGE
Insp

ACT

SUM
ame
El P
the
dise
conf
Cou
Dec
to p
New
quar

EFFE

FOR
W. E
Fiel
Vete
Buil
2078

SUPP

Exec
Acti

Th
conf
1229
not a
natu
impr
the p
with

Th
this
the a

Rules and Regulations

Federal Register
Vol. 47, No. 6
Monday, January 11, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 81-105]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine portions of El Paso County in Colorado because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of El Paso County on December 21, 1981 and December 28, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected areas.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines portions of El Paso County in Colorado because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, new paragraph (c)(1) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(1) *Colorado.* (i) The premises of Ms. Megan Christiansen and Ms. Rebecca Taggart, 416 San Rafael, Colorado Springs, El Paso County.

(ii) The premises of Mr. Steve Kehayas, Bird Paradise Pet Shop, 3959 Palmer Park Blvd., Colorado Springs, El Paso County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 5th day of January 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-679 Filed 1-8-82; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The amendment is a revision of 124.1-2(c)(2) of the Minority Small Business and Capital Ownership Development Assistance program regulations dealing with authority to approve requests for advance payments on a particular section 8(a) subcontract. The amendment withdraws authority from the Regional Administrators and places it with the Administrator with authority to delegate to program officials. This amendment was published in proposed form in the Federal Register of June 18, 1981 (46 FR 31899). The proposed amendment is hereby adopted as proposed.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT:
Charlie L. Dean, Chief Counsel for Special Programs, Office of General Law, (202) 653-6699.

SUPPLEMENTARY INFORMATION:
Comments were received from eight firms or individuals. The original 30 day comment period was extended for an additional 30 days. All of the comments indicated a belief that, under the proposed rule, decisions for approving advance payments for 8(a) subcontractors would be made in the Central Office away from the Regional Office that knows and understands the 8(a) contractor's problem. Even though the Administrator has the authority to approve or decline all requests for advance payments under the final rule adopted, he intends to delegate to the Regional Administrators the authority to decline any advance payment request and approval authority up to a certain amount. In the future, the delegated authority may be increased. The Agency believes that it is necessary and appropriate in the management of the Minority Small Business and Capital Ownership Development program that certain requests for advance payments be reviewed and approved by Central Office officials.

Another argument made by the comments received is that the proposed rule would cause unnecessary delay in approving advance payment requests. Since it is our experience that advance payments are typically approved well in advance of the actual award of the contract to the 8(a) concern, this concern seems unfounded.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA has determined that this final rule does not constitute a major rule. In addition, SBA certified that, for the purposes of the applicability of the requirements of 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), this final rule will not have a significant economic impact on a substantial number of small entities.

Dated: November 23, 1981.

Michael Cardenas,
Administrator.

PART 124—MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration amends Part 124 of its Regulations (13 CFR Part 124) by revising § 124.1-2(c)(2) to read as follows:

§ 124.1-2 Advance payments.

* * * * *

(c) * * *

(2) Based upon a review of all circumstances and evidence, SBA shall decide whether to approve or deny a request for advance payments. The approval or denial authority may be delegated by the Administrator, in whole or part, to designated SBA officials. The section 8(a) business concern, the bank selected pursuant to § 124.1-2(c)(1)(ii) above, and SBA shall execute an Advance Payment Agreement which shall set forth the terms and conditions governing advance payments.

[FR Doc. 82-569 Filed 1-8-82; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-23-AD; Amdt. 39-4292]

Airworthiness Directives; Hughes Helicopters Model 369 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the existing RPM Governor Lever Control Rod with an improved rod on Hughes Helicopters Model 369 Series helicopters. The AD is needed to prevent rod failure which could result in loss of control of engine power.

DATES: Effective January 7, 1982.

Compliance schedule—Compliance required within 25 hours' additional time in service from the effective date of this AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or
Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:
Harold W. Ferris, Aerospace Engineer, Propulsion Section, AWP-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213)-536-6381.

SUPPLEMENTARY INFORMATION: There have been five reports of loss of control of engine power on Hughes Helicopters Model 369 Series helicopters which have been attributed to failure of the P/N 369A7706-3 RPM Governor Lever Control Rod. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued which requires replacement of the aluminum control rod with a steel control rod (P/N 369A7706-5) on Hughes Helicopters Model 369 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hughes Helicopters: Applies to Model 369 Series helicopters, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent loss of control of engine power due to control rod failure, accomplish the following:

(a) Within 25 hours' additional time in service after the effective date of this AD, remove P/N 369A7706-3 RPM Governor Lever Control Rod and replace with P/N 369A7706-5 RPM Governor Lever Control Rod.

Note.—Hughes Helicopters Notice No. DN-87 and HN-169, dated May 15, 1981, refers to this subject.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate helicopters to a base for the accomplishment of inspections or modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

This amendment becomes effective January 7, 1982.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, Calif., on December 21, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region.

[FR Doc. 82-640 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-NW-95-AD; Amdt. 39-4299]

Airworthiness Directives: Boeing Model 737 Series Lower Lobe Hot-Bonded Skin Panel Inspection, Repair and Replacement

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) which requires inspection, and repair or replacement as necessary of the lower lobe body skin panels on certain Boeing 737 series aircraft. Numerous reports have been received of lower lobe doubler-to skin bond separation, corrosion and cracks on 737 series airplanes with as little as 1400 flight hours time in service. This AD is prompted by the discovery of skin cracks up to 28 inches in length beneath the wing-to-body fairings and other corrosion experience with lower lobe skin panels that progressed to an extreme condition. If left undetected such corrosion, bond separation and skin cracking could lead to rapid decompression and possible loss of the airplane.

DATE: Effective date January 18, 1982.

ADDRESSES: The alert service bulletin and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Roger D. Anderson, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Boeing Service Bulletin 737-53-1042 was originally issued in February, 1974, after nine operators reported 15 instances of delamination and corrosion of the hot-bonded doubler and skin panels located under the forward and aft cargo compartment floor. The FAA at that time considered this a maintenance problem. Recently one operator discovered a 28 inch crack along stringer 27 right, between body stations 500B and 520, under the forward wing-to-body fairing. That operator then initiated a fleet inspection and found a 4-inch skin crack in about the same location on another airplane. Another operator had found a corrosion related 22 inch body skin crack under the forward wing-to-body fairing during a "C" check inspection.

In recognition of recent service experience, including extensive heavy corrosion in the bilge area on an airplane which came apart in flight for unknown reasons, mandatory inspection and repair or replacement is now required to prevent corrosion, bond separation and skin cracking from progressing to an extreme situation which might involve rapid decompression and possible loss of the airplane.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Model 737 series airplanes, certificated in all categories, listed in Boeing Alert Service Bulletin No. 737-53A1042 Revision 3, or later FAA approved revision.

To detect, prevent, arrest, and/or repair damage due to corrosion in the lower body skins, accomplish the following:

A. Within 30 days time-in-service after the effective date of this AD, unless accomplished within the last 60 days time-in-service, and thereafter at intervals not to exceed 90 days since the last inspection inspect the exterior body skin from body station 360 to 540 between stringers 26 right and 26 left and from body station 727 to 1016 between stringers 25 right and 25 left including areas covered by fairings for skin cracks or dished/deformed or popped rivet heads. If any of these defects are noted, prior to further flight accomplish 1 or 2 below:

1. Internally inspect area of distress. Clean up corrosion, repair or replace damaged structure in accordance with Section III, Part II, III, or IV of Boeing Service Bulletin 737-53A1042, Revision 3 or a later FAA approved revision or the 737 Structural Repair Manual and saturate the internal structure surface with BMS3-23 or equivalent.

2. Perform the interim repair of Boeing Service Bulletin 737-53A1042R3N8C1, however, the repair must be replaced in accordance with 1 above within one year after installation.

This inspection is to continue until the inspection of paragraph B. is accomplished.

B. Within 12 months time-in-service after the effective date of this AD, unless accomplished within the last 12 months time-in-service, and at intervals not to exceed 24 months time-in-service, visually inspect the structure internally and externally for corrosion and cracks from body station 360 to 540 between stringers 26 right and 26 left and from body station 727 to 1016 between stringers 25 right and 25 left. Clean up corrosion, repair or replace damaged structure in accordance with Boeing Service Bulletin 737-53A1042, Revision 3 or a later FAA approved revisions or the 737 Structural Repair Manual and saturate the internal structure surface with BMS3-23 or equivalent.

C. Replacement of all affected skin panels in accordance with Section III Part IV of Boeing Service Bulletin 737-53A1042 or a later FAA approved revision constitutes terminating action for this AD.

D. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for the operator.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base in

order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the above specified alert service bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98108.

This Amendment becomes effective January 18, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information, Contact."

Note.—This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 29, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-433 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-EA-60; Amdt. 39-4298]

Airworthiness Directives; Piper PA-38-112

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive (A.D.) applicable to Piper PA-38-112, Serial Nos. 38-78A0001 through 38-81A0051 and 38-81A0105. This A.D. does not apply to those aircraft incorporating Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140. The A.D. requires the inspection, repair or alteration of the aileron balance weight rib. This amendment is prompted by reports of cracks developing in the flange area of the aileron balance weight rib which could lead to separation of the weight from the rib.

EFFECTIVE DATE: January 11, 1982. Compliance is required as set forth in the A.D.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There have been reports from the field of cracks developing in the aileron balance weight ribs of certain Piper PA-38-112 aircraft. A review of malfunction and defect reports for the last five years indicated five such incidents with aircraft times in service of 328 to 1332 hours.

To prevent possible hazard in flight, this A.D. requires an inspection of the aileron balance weight rib flange area for cracks within the next 100 hours in service and, thereafter, inspections at intervals not to exceed 100 hours in service.

If cracks are found, the A.D. requires replacement of the cracked ribs and incorporation of the Aileron Balance Weight Rib Reinforcement Kit Piper Part No. 764140. This Kit was designed by Piper and is a channel section which is added to the aileron rib channel to form a box beam structure. We agree with Piper that the cracks were caused by torsional load from the balance weight not being on the shear center of the rib channel and that the addition of the reinforcement will change the loading from torsional to bending, thus precluding cracking of the flange radii.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13, is amended, by issuing a new airworthiness directive as follows:

Piper: Applies to Model PA-38-112, Serial Nos. 38-78A0001 through 38-81A0051 and 38-81A0105 certificated in all categories except aircraft incorporating Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140.

To prevent possible hazards in flight associated with cracks in the Aileron Balance Weight Rib P/N's 77342-16 and -17 accomplish the following within the next 100 hours in service unless already accomplished, and thereafter at intervals not to exceed 100 hours in service from the last inspection.

a. Remove the aircraft wing tips and aileron balance weights.

b. Using a minimum 10 power magnifier, inspect the aileron balance weight rib flange area for cracks.

c. If no cracks are found, reinstall the balance weights and wing tips.

d. If cracks are found, replace the cracked ribs with undamaged ribs of the same part numbers and incorporate Aileron Balance Weight Rib Reinforcement Kit Piper Part No. 764140.

e. Upon the incorporation of Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140, the repetitive inspection required by this AD may be discontinued.

f. Alternate inspections, repairs or alterations which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

g. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

(Piper Service Bulletin No. 723 dated August 19, 1981, refers to this subject.)

Effective Date: This amendment is effective January 11, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on December 28, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-434 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-62; Amdt. 39-4294]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350 and AS355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires frequent, repetitive visual inspections of the upper vertical fin support fitting on certain Aerospatiale Model AS350 and AS355 series helicopters. The AD is needed to detect possible cracks in the support fitting and prevent separation of the upper vertical fin from the helicopter tail boom. Loss of the upper vertical fin causes a hazardous condition which could result in loss of control.

DATE: Effective on January 15, 1982. Compliance schedule as required by the AD.

ADDRESSES: A copy of the service information may be examined at Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. A copy of the service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or James H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: There have been several reports of cracks occuring in the flanges of the upper vertical fin support fitting, P/N 350A14.1128.20, on certain Aerospatiale Model AS350 helicopters. The support fitting is one of two primary support fittings that attach the upper tail fin to the tail boom. Failure of the support fitting due to possible cracks may result in loss of the upper vertical fin and in loss of helicopter control. The same support fitting is used on the Model AS355 helicopter and is subject to the same conditions. A modification is approved to permit operators to dispense with inspections after making the modification.

Since this condition is likely to occur on other helicopters of the same type designs, and AD is being issued that requires frequent visual inspection of the flanges of the upper fin support fitting on Aerospatiale Models AS350 series and AS355 series helicopters.

Since a situation exists that requires immediate adoption of the amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model AS350 series helicopters equipped with upper tail fin, P/N 350A.14.0020, and Model AS355 series helicopters equipped with upper tail fin, P/N 350A.14.0522, certificated in all categories (Airworthiness Docket No. 81-ASW-62).

Compliance required within 10 hours' time in service after the effective date of this AD unless already accomplished and thereafter at intervals not to exceed 10 hours' time in service from the last inspection unless the tail fin is or has been modified as described in Service Bulletin No. 55.01 or 55.02.

To detect possible cracks in the flanges of the upper vertical fin support fitting and prevent failure of this fitting and loss of the fin, accomplish the following:

a. Remove the tail cone fairing, P/N 350A.23.0014.

b. Inspect the flanges of the upper vertical fin support fitting for cracks using a light and mirror.

c. If a flange of the fitting is cracked, the upper vertical fin must be removed and a serviceable upper fin installed before further flight in accordance with Chapter 55 of the Model AS350 or AS355 Maintenance Manual.

d. Install tail cone fairing.

e. Equivalent means of compliance with this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

f. Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations to fly aircraft to a base where compliance with this AD may be accomplished.

g. The following helicopters have been modified and are not affected by this AD.

(1) Model 350 series S/N 1448, 1452, 1456, 1458, 1460, 1463, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1481, 1484, 1487, 1490, 1493, 1496, 1503, 1506, 1507, and 1509 and subsequent.

(2) Model 355 series S/N 5005, 5006, 5027, 5044, 5048, 5052, 5055, through 5057, 5060, 5063, 5066, 5069, 5070, 5073, 5075, 5081, 5082, 5084 through 5086, 5087, 5089, 5091 and subsequent.

(Aerospatiale Service Bulletin No. 55.02 for Model AS350 and No. 55.01 for Model AS355 pertains to this matter.)

This amendment becomes effective January 15, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Note.—This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 23, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-435 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWP-30]

Alteration of Control Zone; Van Nuys, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Van Nuys, California, Control Zone serving Van Nuys Airport to reflect the part-time use status of the control zone to coincide with staffing of the Van Nuys Tower.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT:
Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate part-time use of the Van Nuys, California, Control Zone. The rule change is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

The Rule

This amendment to Subpart F or Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Van Nuys, California, Control Zone by reducing the hours of the control zone. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the Federal Register on January 2, 1981 (46 FR 455).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171, *Van Nuys, California,* of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, January 7, 1982, as follows:

§ 71.171 [Amended].

Following * * * "longitude 118°25'40"W." Add: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the Airport/Facility Directory."

(Secs. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1955(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therfore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California, on December 24, 1981.

R. L. Devereaux,
Acting Director, Western Pacific Region.

[FR Doc. 82-432 Filed 1-8-82; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWW-14]

Revision of Control Zone; Abbotsford, British Columbia, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document amends the Abbotsford, British Columbia, Canada Control Zone, insofar as it concerns U.S. airspace, by reducing its size. This relief is the result of the establishment of a Special Air Traffic Area and Airport Traffic Pattern Rule for U.S. airspace near Abbotsford, British Columbia, which is to become effective January 21, 1982.

EFFECTIVE DATE: March 11, 1982. Comments must be received on or before February 11, 1982.

ADDRESS: Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:
Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION: Effective January 21, 1982, the FAA amended Part 93 of the Federal Aviation Regulations (FAR) to establish a Special Airport Traffic Area and Air Traffic Rule in U.S. airspace near the Abbotsford, British Columbia, Canada Airport (Docket No. 19497; AMDT No. 93-45). That rule will require pilots to establish two-way radio communications with the Canadian Traffic Control Tower and to receive authorization from Canadian Air Traffic Control before operating in the designated Special Airport Traffic Area. The requirements enhance the level of safety within the designated U.S. airspace by establishing consistency with rules applied in Canadian Positive Control Zones. That rule, in turn, necessitates a redescription of the associated control zone for Abbotsford.

Since this redescription amendment reduces the size of the control zone, it is relieving in nature and notice and public procedure therein are unnecessary.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455, January 2, 1981) is amended, effective 0901 GMT, March 11, 1982, as follows:

Delete description in its entirety and substitute:

Abbotsford, British Columbia, Canada

That airspace in the United States within the area bounded by a line beginning 48°58'00"N; 122°21'43"W, thence eastward and counterclockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N; 122°21'43"W, thence to 49°02'00"N; 122°28'40"W, to 49°02'00"N; 122°33'45"W, to 48°58'00"N; 122°33'45"W; and thence to the point of beginning, excluding the airspace overlying the territory of Canada.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, December 31, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-447 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-55]

Alteration of Transition Area: Ocean City, Maryland

Correction

In FR Doc. 81-36833, appearing at page 63214, in the issue of Thursday, December 31, 1981, make the following change:

On page 63215, in the first column, the first line of the paragraph beginning "1." should read "1. Amend § 71.181 of Part 71, Federal".

BILLING Code 1505-01-M

---

14 CFR Part 97

[Docket No. 22542; Amdt. No. 1207]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW, Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on January 11, 1982 and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective March 18, 1982*

Salt Lake City UT—Salt Lake City Intl, VOR or TACAN Rwy 16L, Amdt. 8
Salt Lake City UT—Salt Lake City Intl, VOR or TACAN Rwy 16R, Amdt. 20
Salt Lake City UT—Salt Lake City Intl, VOR/DME or TACAN Rwy 34L, Amdt. 5

* * * *Effective February 18, 1982*

Bakersfield, CA—Meadows Field, VOR Rwy 12L, Amdt. 2
Bakersfield, CA—Meadows Field, VOR Rwy 30R, Amdt. 3
Concord, CA—Buchanan Field, VOR Rwy 19R, Amdt. 10
Marco Island, FL—Marco Island, VOR/DME Rwy 17, Amdt. 1
Miami, FL—Miami Intl, VOR Rwy 30, Amdt. 4
Atlanta, GA—DeKalb-Peachtree, VOR Rwy 27, Amdt. 14
Tifton, GA—Henry Tift Myers, VOR Rwy 27, Amdt. 5
Tifton, GA—Henry Tift Myers, VOR Rwy 33, Amdt. 7
Waycross, GA—Waycross-Ware County, VOR-A, Amdt. 5

Indianapolis, IN—Indianapolis Terry, VOR Rwy 36, Amdt. 5
Lexington, KY—Blue Grass, VOR-A, Amdt. 3
South Haven, MI—South Haven Muni, VOR Rwy 22, Amdt. 7
Oxford, MS—University-Oxford, VOR/DME-A, Amdt. 2
Waco, TX—TSTI-WACO, VOR-A, Amdt. 7

** * * Effective January 21, 1982*

Baytown, TX—R.W.J., VOR/DME-A, Original

** * * Effective December 24, 1981*

Baton Rouge, LA—Ryan, VOR/DME Rwy 22, Amdt. 6

** * * Effective December 18, 1981*

San Diego, CA—Brown Field Muni, VOR-A, Amdt. 2

** * * Effective December 18, 1981*

St. Mary's, PA—St. Mary's Muni, VOR Rwy 28, Amdt. 4

Note.—The FAA published an amendment in Docket No. 22484, Amdt. No. 1205 to Part 97 of the Federal Aviation Regulations (Vol. 46 FR No. 239, page 60809; dated December 14, 1981) under Section 97.23 effective January 21, 1982, which is hereby amended as follows: Austin, TX, Lakeway Airpark, VOR/DME-C, orig, change effective date to March 18, 1982.

2. By amending § 97.25 SDF-LOC/LDA SIAPs identified as follows:

** * * Effective February 18, 1982*

Bakersfield, CA—Meadows Field, LOC BC Rwy 12L, Amdt. 5
Concord, CA—Buchanan Field, LDA Rwy 19R, Amdt. 5
Miami, FL—Miami Intl, VOR Rwy 30, Amdt. 3
Dalton, GA—Dalton Muni, LOC Rwy 14, Original
Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, LOC BC Rwy 7, Amdt. 2
Indianapolis, IN—Indianapolis Terry, LOC Rwy 36, Original, cancelled

** * * Effective January 21, 1982*

Barre-Montpelier, VT—Edward F. Knapp State, LOC Rwy 17, Amdt. 2

** * * Effective December 28, 1981*

Eagle, CO—Eagle County, LDA-A, Amdt. 2

** * * Effective December 24, 1981*

Olathe, KS—Johnson County Executive, LOC Rwy 17, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective March 18, 1982*

Elkhart, KS—Elkhart-Morton County, NDB Rwy 35, Original
Oakley, KS—Oakley Muni, NDB Rwy 35, Original

** * * Effective February 18, 1982*

Bakersfield, CA—Meadows Field, NDB Rwy 30R, Amdt. 2
Marco Island, FL—Marco Island, NDB Rwy 35, Amdt. 1
Statesboro, GA—Statesboro Muni, NDB Rwy 13, Amdt. 4
Statesboro, GA—Statesboro Muni, NDB Rwy 31, Amdt. 4
Tifton, GA—Henry Tift Myers, NDB Rwy 33, Amdt. 9
Waycross, GA—Waycross-Ware County, NDB Rwy 18, Amdt. 2
Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, NDB Rwy 7, Amdt. 2
Indianapolis, IN—Indianapolis Terry, NDB Rwy 36, Amdt. 1
Lexington, KY—Blue Grass, NDB Rwy 4, Amdt. 13
Grayling, MI—Grayling AAF, NDB Rwy 14, Amdt. 3
Gallipolis, OH—Gallia-Meigs Regional, NDB Rwy 23, Amdt. 3
Van Wert, OH—Van Wert Muni, NDB Rwy 9, Original
Van Wert, OH—Van Wert Muni, NDB Rwy 9, Amdt. 3, cancelled
Waco, TX—TSTI-WACO, NDB Rwy 17L, Amdt. 6
Waco, TX—TSTI-WACO, NDB Rwy 35R, Amdt. 7

** * * Effective December 17, 1981*

Reading, PA—Reading Municipal/General Carl A. Spaatz Field, NDB Rwy 30, Amdt. 19

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective March 18, 1982*

Salt Lake City, UT—Salt Lake City Intl, ILS Rwy 16L, Amdt. 6
Salt Lake City, UT—Salt Lake City Intl, ILS/DME Rwy 16R, Amdt. 1
Salt Lake City, UT—Salt Lake City Intl, ILS Rwy 34L, Amdt. 36

** * * Effective February 18, 1982*

Bakersfield, CA—Meadows Field, ILS Rwy 30R, Amdt. 22
Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, Rwy 25, Amdt. 7
Indianapolis, IN—Indianapolis Terry, ILS Rwy 36, Original
Lexington, KY—Blue Grass, ILS Rwy 4, Amdt. 7
Lexington, KY—Blue Grass, ILS Rwy 22, Amdt. 3
Waco, TX—TSTI-WACO, ILS Rwy 17L, Amdt. 7

** * * Effective January 21, 1982*

Barre-Montpelier, VT—Edward F. Knapp State, ILS Rwy 17, Original

** * * Effective December 24, 1981*

Riverside, CA—Riverside Muni, ILS Rwy 9, Amdt. 5

** * * Effective December 18, 1981*

Kansas City, MO—Richards-Gebaur, ILS Rwy 36, Amdt. 1

** * * Effective December 17, 1981*

Reading, PA—Reading Municipal/General Carl A. Spaatz Field, ILS Rwy 30, Amdt. 24

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective February 18, 1982*

Miami, FL—Miami Intl, RADAR-1, Amdt. 20
Lexington, KY—Blue Grass, RADAR-1, Amdt. 6
Waco, TX—TSTI-WACO, RADAR-1, Amdt. 1

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective February 18, 1982*

Bakersfield, GA—Meadows Field, RNAV Rwy 30R, Original, cancelled
Waycross, GA—Waycross-Ware County, RNAV Rwy 18, Amdt. 1
Indianapolis, IN—Indianapolis Terry, RNAV Rwy 18, Amdt. 3
Oxford, MS—University-Oxford, RNAV Rwy 9, Amdt. 1
Oxford, MS—University-Oxford, RNAV Rwy 27, Amdt. 1
Harrisburg, PA—Capital City, RNAV Rwy 26, Amdt. 1, cancelled

** * * Effective December 17, 1981*

Reading, PA—Reading Municipal/General Carl A. Spaatz Field, RNAV Rwy 13, Amdt. 3
Reading, PA—Reading Municipal/General Carl A. Spaatz Field, RNAV Rwy 18, Amdt. 5

** * * Effective December 18, 1981*

St. Mary's PA—St. Mary's Muni, RNAV Rwy 10, Amdt. 3
St. Mary's PA—St. Mary's Muni, RNAV Rwy 28, Amdt. 3

Note.—The FAA published an amendment in Docket No. 22484, Amdt. No. 1205 to Part 97 of the Federal Aviation Regulations (Vol. 46 FR No. 239, page 60810; dated December 14, 1981) under Section 97.33 effective January 21, 1982, which is hereby amended as follows: Austin, TX, Lakeway Airpark, RNAV Rwy 18 orig, change effective date to March 18, 1982.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 82-641 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 511, 540, 541, 551, 555, 556 and 561

[Docket No. R-81-956]

Neighborhood Development Program Project Selection System; Open Space Land; Open Space Land Program Project Selection System; Neighborhood Facilities Program Project Selection System; Grants for Basic Public Water and Sewer Facilities; Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants; Public Facility Loans Program Project Selection System; Removal of Regulations

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule deletes the following Parts in the Code of Federal Regulations: Part 511 (Neighborhood Development Program Project Selection System); Part 540 (Open Space Land); Part 541 (Open Space Land Program Project Selection System); Part 551 (Neighborhood Facilities Program Project Selection System); Part 555 (Grants for Basic Public Water and Sewer Facilities); Part 556 (Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants); and Part 561 (Public Facility Loans Program Project Selection System). The regulations hereby being withdrawn are for certain categorical community development grant and loan assistance programs with respect to which the authority to fund new projects was terminated as of January 1, 1975, by Section 116(a) of the Housing and Community Development Act of 1974.

EFFECTIVE DATE: March 7, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas Terrell (inquiries relating to Parts 511, 540, 541, 551 and 556), Program Completion Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7180, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6330. (This is not a toll-free number.) Stanley Victor (inquiries relating to 24 CFR Part 561), Acting Chief of Programs Liquidation Branch, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 426-7218. (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The regulations hereby being withdrawn are for certain categorical community development grant and loan assistance programs with respect to which the authority to fund new projects was terminated as of January 1, 1975, by Section 116(a) of the Housing and Community Development Act of 1974. The parts of 24 CFR being withdrawn and their programs are as follows: Part 511, Neighborhood Development Program (under Title I of the Housing Act of 1949); Parts 540 and 541, Open Space Land Program (under Title VII of the Housing Act of 1961); Part 551, Neighborhood Facilities Program (under Section 703 of the Housing and Urban Development Act of 1965); Parts 555 and 556, Basic Water and Sewer Facilities Program (under Section 702 of the Housing and Urban Development Act of 1965); and Part 561, Public Facility Loans Program (under Title II of the Housing Amendments of 1955). To the extent that there are still ongoing projects remaining under these programs, they continue to be governed by the requirements of the enabling legislation under which they were funded since those statutes remain in effect, as well as the obligations under their respective grant and/or loan contracts with HUD.

The Department has determined that in light of the termination of funds, prior notice and public procedure for this rule would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 19, 1981. Analysis of the rule indicates that it does not (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of ten cents per page) during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The following were listed under the Office of Community Development and Planning in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41726 and 41727) pursuant to Executive Order 12291 and the Regulatory Flexibility Act: C) 3. CPD-6-81 (Part 551), C) 4. CPD-7-81 (Part 540), C) 5. CPD-8-81 (Part 541), C) 6. CPD-9-81 (Part 551), C) 7. CPD-10-81 (Part 555), C) 8. CPD-11-81 (Part 556) and C) 9. CPD-12-81 (Part 561).

The Catalog of Federal Domestic Assistance program numbers are as follows: 14.306 (Part 511), 14.303 (Parts 540 and 541), 14.302 (Part 551), 14.301 (Parts 555 and 556) and 14.304 (Part 561).

PARTS 511, 540, 541, 551, 555, 556 AND 561 [REMOVED]

Accordingly, 24 CFR is amended by removing Parts 511, 540, 541, 551, 555, 556 and 561.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., December 22, 1981.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 82-583 Filed 1-8-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD05-81-06R]

Elizabeth River, Norfolk, Va.; Anchorage Regulations

Correction

In FR Doc. 81-36103, published at page 61457, on Thursday, December 17, 1981, on page 61458, in the third column, in § 110.168(c)(2), in the fourth line from the bottom, "76°19'46" W." should be corrected to read "76°19'46.7" W.".

BILLING CODE 1505-01-M

33 CFR Part 117

[CGD 14 81-01]

Drawbridge Operation Regulations; Honolulu Harbor, Hawaii

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the State of Hawaii, Department of Transportation, the U.S. Coast Guard is amending the regulations governing the operation of the John H. Slattery Drawbridge across Kalihi Channel at Honolulu, Hawaii. The change will reduce the number of hours the bridge is required to open on signal to two hours per day, Monday through Friday, excluding legal holidays. This will improve the flow of vehicular traffic over the bridge while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on February 10, 1982.

FOR FURTHER INFORMATION CONTACT: LTJG Michael L. Van Houten, Bridge Administration Officer, Aids to Navigation Branch, Operations Division, Room 9139, Federal Building, 300 Ala Moana, Honolulu, Hawaii 96850, (808) 546-7130.

SUPPLEMENTARY INFORMATION: On August 31, 1981, the Coast Guard published a Notice of Proposed Rulemaking (46 FR 43698) concerning this amendment. The Commander, Fourteenth Coast Guard District, also published these proposals as a Public Notice (March 31, 1981) and in the Fourteenth District Local Notice to Mariners (September 1 and September 15, 1981). The comment period terminated on September 28, 1981.

Drafting Information

The principal persons involved in drafting this proposal are: LTJG Michael L. Van Houten, Bridge Administration Officer, and Timothy C. Titus, Project Attorney.

Discussion of Comments

The Coast Guard received fifty-four comments concerning this rulemaking; fifty-one were in favor of the change and three were opposed. Most of the comments in favor of the rulemaking were submitted by Government representatives and businesses that transport cargo across the drawbridge. The objections to the rulemaking were received from three different companies whose vessels transit Honolulu Harbor and pass through the draw during normal daily business hours. One company whose tugboats pass through the draw several times a week stated the change in the drawbridge operating hours would result in the company conducting all their operations through the main channel, thereby contributing to vessel traffic congestion in the area. Another company operates two cruise vessels that pass through the draw approximately twice a month. Their vessel operators prefer to transit the harbor and pass through the draw during inclement weather. The third company whose tugboats and barges pass through the draw infrequently (less than ten per year) stated their operations are occasionally slowed when their vessels must wait to use the main channel. They like to have the option of transiting the secondary channel and passing through the draw.

Vessel traffic within the harbor is not congested. To prevent congestion, the Harbor Master limits vessel traffic in the harbor to one way when a vessel exceeding 500 gross tons is transiting the main channel. This occurs about twice a day. Any vessel waiting to transit the main channel in the opposite direction is normally delayed less than half an hour when a large vessel is passing through.

Weather and sea conditions are generally favorable in the vicinity of Honolulu Harbor. During inclement weather the cruise vessels are still able to enter the protected waters of the harbor when the draw is closed. The change in the regulations may pose a minor inconvenience to the cruise vessel operators but it will not affect the safe operation of their vessels.

When the draw is closed vessels still have access to all areas within the harbor. Vessels in the main channel are able to gain access to the secondary channel by passing around Sand Island. The route around Sand Island takes a vessel about twenty-five minutes longer than passing through the draw.

The information derived from the comments and studies described in the Notice of Proposed Rulemaking demonstrates that the rule will serve the best interests of the community while still providing for the reasonable needs of navigation.

Regulatory Review

The regulations were reviewed under the provisions of Executive Order 12291 and determined to be non-major. They are also considered to be nonsignificant under the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations, (DOT Order 2100.5 of May 22, 1980). The Regulatory Flexibility Act certification has been previously described in the Notice of Proposed Rulemaking.

PART 117—DRAWBRIDGE OPERATIONS REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.900(a) to read as follows:

§ 117.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.

(a) The draw shall open for the passage of vessels during the scheduled hours of opening as follows: Monday through Friday, excluding legal holidays:

Open on signal	Closed periods
5:00 a.m. to 6:00 a.m. 6:00 p.m. to 7:00 p.m.	6:00 a.m. to 6:00 p.m. 7:00 p.m. to 5:00 a.m.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: November 10, 1981.

B. E. Thompson,

Chief, Office of Operations.

[FR Doc. 82-667 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-14-M

[CGD8-81-01]

33 CFR Part 165

Safety Zone; Vicinity of Old River Control Structure, Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its Safety Zone Regulations, 33 CFR Part 165, by establishing a Safety Zone in the vicinity of the Old River Control Structure at mile 314.5 Above Head of Passes, Lower Mississippi River. This structure is exposed to Mississippi River navigation and is vulnerable to damage if struck by errant vessels. This structure controls the distribution of water between the Mississippi River, Red River and the Atchafalaya River. The zone will assist in protecting the structure, thus preventing interruption of flow control with serious downstream ramifications for flood control, navigation and municipal/industrial water supplies.

EFFECTIVE DATE: This amendment will become effective February 10, 1982.

FOR FURTHER INFORMATION CONTACT: LCDR G. J. E. Thornton, Port Safety Officer or LTJG M. R. Beskeen, Waterways Safety Officer, c/o U.S. Coast Guard Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone: (504) 589-7108.

SUPPLEMENTARY INFORMATION: On 11 May 1981, the Coast Guard published a notice of Proposed Rulemaking in the Federal Register for these regulations. Interested persons were requested to submit comments; two comments were received. The rules have been changed in light of comments received. All comments received before the expiration of the comment period have been considered before final action was taken on this proposal.

Drafting Information

The principal persons involved in the drafting of the rulemaking are LCDR G. J. E. Thornton, Port Safety Officer, and LTJG M. R. Beskeen, Waterways Safety Officer, Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone: (504) 589–7108. The project attorney is LT J. C. Helfrich, c/o Commander, Eight Coast Guard District (d1), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, Telephone: (504) 589–6168.

Discussion of Comment

During the comment period, two letters addressing the proposed rule were received. One had no objection to the establishment of the Safety Zone but expressed the opinion that it would not contribute significantly to the Control Structure's protection. This same commentor expressed broad concern regarding development of federal regulations, which in his opinion, generate no significant benefits. The Coast Guard agrees in principle that regulations not resulting in significant benefits should be avoided. The importance of the Old River Control Structure to the residents, industry and ecology of the State of Louisiana and the commerce of the United States cannot be overstated. The collective maritime activity in the Mississippi River below the Old River Control Structure effectively makes it the largest and most important port in the world. The industries and communities that occupy its shores rely almost exclusively on the River for fresh water supplies. A failure of the Control Structure would probably divert the Mississippi River down the Atchafalaya Basin. Recent studies have concluded that the present Mississippi River channel would thereafter become a tidal estuary. Conversely, the Atchafalaya River Basin's vast wetlands and numerous population centers would become flooded. Salt water incursion into all of the fresh water intakes on the Mississippi River below Baton Rouge could have devastating economic and social impacts reaching far beyond the State of Louisiana.

The Corps of Engineers has a new electronic monitoring system under development for the Old River Control Structure area and will soon replace its aging patrol vessel with one of greater horsepower. These will be substantial improvements in real time protection of the Control Structure from errant vessels. They will not, however, provide failsafe awareness of a well defined area of concern encompassing the forebay to the Control Structure. The only current means of education on the hazards of this area is through periodic publication of Corps of Engineers Navigation Bulletins. The Safety Zone will provide well defined perimeters which the Corps of Engineers' vessel and radar/communications system can then enforce. The purpose and definition of the zone will be permanently published in federal regulations and can be regularly referred to in an intensive awareness campaign through newsletters, notice to mariners and navigation bulletins. It can also be permanently marked on charts of the area which now indicate no such boundaries.

The implications of the loss of the Old River Control Structure and its vulnerability to errant vessels justify every possible additional margin of safety which can be provided to it. The Coast Guard believes a safety zone will provide a significant additional margin of safety.

The second comment letter was received after the comment period expired. This commentor requested that the word "normally" be deleted from paragraph (b) of the rule because authority to enter the safety zone should without exception belong to the onscene picket boat. The Coast Guard foresees no circumstances under which the delegation of authority to the Corps of Engineers for safety zone entry would be withdrawn. Thus, the word "normally" will be deleted from paragraph (b) of the proposed rule.

Summary of Final Evaluation

These regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. An evaluation under the Regulatory Flexibility Act of 1980 has been conducted. It has been determined that this action will not have a significant economic effect on a substantial number of small entities.

Final Regulations

PART 165—SAFETY ZONES.

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code of Federal Regulations by adding § 165.800 to read as follows:

§ 165.800 Lower Mississippi River vicinity of Old River Control Structure.

(a) The area enclosed by the following boundary is a Safety Zone—a line beginning at Black Hawk Light at Mile 316.1 AHOP LMR; thence to the Northwest end of the Overbank Structure; thence South along the Old River Control Structure to the Southeast end of the Low Sill Structure; thence Northeast to the Old River Control Structure Light at Mile 314.5 AHOP LMR; thence along a line to Black Hawk Point Light.

(b) Any vessel desiring to enter this Safety Zone must first obtain permission form the Captain of the Port, New Orleans, Louisiana. The operator of the Corps of Engineer's picket boat on scene is delegated the authority to permit entry into this Safety Zone.

(33 U.S.C. 1225; 1231; 49 CFR 1.46(n)(4))

Dated: October 6, 1981.

R. J. Clements,

Captain, U.S. Coast Guard, Captain of the Port, New Orleans, Louisiana.

[FR Doc. 82-459 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 2011-4]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This document approves new rules relating to excess air pollution emissions during equipment malfunctions as part of the Iowa State Implementation Plan. The state plan, required by Section 110(a)(2) of the Clean Air Act, describes what will be done to meet the air quality standards in Iowa. Approval of these state regulations means they are legally enforceable by the Federal government as well as by the state.

EFFECTIVE DATE: February 10, 1982.

ADDRESSES: The state submission is available at the Environmental Protection Agency, 324 East 11th Street.

Kansas City, Missouri 64106; the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319; the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW, Washington, D.C. 20406; and at the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-3791.

SUPPLEMENTARY INFORMATION: Chapter 5 of the Iowa Air Quality rules contains requirements that apply to sources of air pollution when air pollution control equipment breaks down. This kind of incident can cause "excess emissions", which are pollutant emissions greater than those allowed by state rules, and are generally regulated by what are called "malfunction" rules. Also covered by Chapter 5 are other causes of excess emission such as startup and shutdown of the source, breakdown or malfunction of process equipment and cleaning of equipment.

On December 24, 1980, the State submitted a complete revision of Chapter 5. These new rules are designed to limit excess emissions and to place the burden of proof on the source owner for demonstrating that the excess emissions were due to a malfunction and not to poor maintenance or other preventable cause. This submission also contains several new definitions (Chapter 1 of the Iowa Code) that relate to Chapter 5. The major one is "malfunction" which is defined as any sudden and unavoidable failure of control or process equipment to operate in a normal manner. The state does not consider preventable upsets to be malfunctions.

The new Chapter 5 generally requires sources with excess emissions to report those incidents and to end them by either repairing the malfunctioning equipment or by shutting down the source(s) of the emissions. Reporting an incident does not excuse the violation but the source is allowed to submit information on the incident for the state's use in determining whether the violation should be prosecuted or excused as a matter of "enforcement discretion." Startup and shutdown are not violations if accomplished expeditiously and in a manner consistent with minimizing emissions, nor is cleaning of control equipment if it is limited to six minutes in any sixty. The state believes that those brief violations are unavoidable and should not be subject to enforcement action. If these actions are not accomplished expeditiously and in a manner consistent with good practice for minimizing emissions, then action can be taken against the violating source.

On September 18, 1981 (46 FR 46351), EPA proposed to approve the revised Chapter 5 rules as part of the State Implementation Plan. No comments were received in response to the notice of proposed rulemaking (PRM). For a further discussion of the revisions to Chapter 5 the reader is referred to the PRM.

This revision to Chapter 5 constitutes a proposed revision to the Iowa SIP. The Administrator's decision to approve or disapprove the proposed revision is based on the comments received and on a determination of whether or not the revision meets the requirements of section 110 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Since no comments were received, the decision is based solely on the determination that the revision meets the stated requirements. The revisions to Chapter 5 are hereby approved and made part of the Iowa SIP.

Pursuant to the provision of 5 U.S.C. 605(b) I hereby certify that the rule described herein will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act, as amended (41 U.S.C. 7410 and 7601).

Dated: December 31, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Iowa was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 52.820 is amended by adding paragraph (c)(34) as follows:

§ 52.820 Identification of Plan.

* * * * *

(c) * * *

(34) A revised Chapter 5, dealing with excess emissions and malfunctions was submitted on December 23, 1980, by the Department of Environmental Quality.

[FR Doc. 82-655 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-2-FRL 1906-7]

Designation of Areas for Air Quality Planning Purposes; Revision to Section 107 Attainment Status Designation for New York State

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces a revision of the attainment status designation of the northwest portion of Staten Island, New York from "does not meet primary standards" to "cannot be classified or better than national standards" for carbon monoxide. Such designations are required by section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

EFFECTIVE DATE: This action becomes effective January 11, 1982.

ADDRESSES: Copies of the proposal submitted by New York State and public comments received are available for public inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of Federal Register,

1100 L Street, N.W., Room 840, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request.

On August 7, 1981, the New York State Department of Environmental Conservation (NYSDEC) requested that the northwest portion of Staten Island, defined by the Tri-State Regional Planning Commission (the Metropolitan Planning Organization for the New York City metropolitan area) as Traffic Analysis Zone 16, be redesignated from "does not meet primary standards" to "better than national standards" for carbon monoxide. The State based its carbon monoxide redesignation request on the results of a carbon monoxide "hot-spot" air quality modeling analysis.

In the September 8, 1981 issue of the **Federal Register** (46 FR 44787), EPA advised the public that, based on its review of the technical material submitted by the State, it was proposing to approve the State's request for redesignation to attainment. The reader is referred to that notice for a detailed description of the State's submittal.

One comment was received on EPA's September 8, 1981 notice of proposed rulemaking in a September 30, 1981 letter from the State of Connecticut Department of Environmental Protection (CTDEP). The CTDEP questioned EPA's authority to redesignate the area to "better than national standards" in light of the fact that modeling predicted a violation of the eight-hour national ambient air quality standard for carbon monoxide in an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area at the Goethals Bridge. CTDEP argued that EPA does not have the authority to grant attainment status to an area on the basis of an air quality model that predicts a future date for attainment, namely 1982.

After considering Connecticut's comments, EPA has determined that it is unable to approve the entire redesignation as requested by New York State. Today's final action differs from the State's request, and EPA's September 8, 1981 proposal, in that it excludes from redesignation to "better than national standards" the small area mentioned earlier where carbon monoxide air quality standard violations are predicted to have the temporary potential to occur. Rather, this area is being redesignated by EPA to "cannot be classified."

It should be noted that there have been no monitored violations of the national ambient air quality standards for carbon monoxide in the area at issue. This area was identified through a modeling analysis of carbon monoxide concentrations done for the entire northwest portion of Staten Island. This analysis showed that, under worst-case traffic and meteorological conditions, a potential for violation of the eight-hour carbon monoxide standard exists there until the end of 1982.

While EPA has decided that it cannot legally redesignate the toll booth area in question to "better than national standards," there is also little justification for leaving the area designated as "does not meet primary standards." Because the area consists, almost entirely of limited access highway right-of-way and is predicted to attain standards within a year, it would not be reasonable to expect the State to revise its state implementation plan to include a specific measure to alleviate the potential for violation. Given the lack of a monitored violation, EPA redesignation of the area to "cannot be classified" is supported by these facts.

A final comment from CTDEP concerned whether the modeling analysis had taken into account waivers and possible delays in the scheduled tailpipe emissions reduction from the Federal Motor Vehicle Emission Control Program and the implementation of New York's automobile emissions inspection and maintenance program. The analysis did take into account all existing waivers of the carbon monoxide tailpipe emission standards, but obviously could not consider any delays which are not currently a matter of law or regulation. With the exception of the small area where violations have been predicted, the analysis did not take credit for the planned implementation of the New York's automobile emissions inspection and maintenance program.

In summary, EPA is today approving the State's request for redesignation of the northwest portion of Staten Island to "better than national standards" for carbon monoxide with the exception of an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area of the Goethals Bridge. This latter area is being redesignated to "cannot be classified." This action is being made effective immediately because a redesignation imposes no new or additional regulatory requirements and delay would serve no useful purpose.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for a review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule constitutes an attainment status redesignation under section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes an area's air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not "major" because it imposes no requirements. Its purpose is to change the attainment status designations for certain areas from nonattainment to attainment or cannot be classified.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407 and 7601))

Dated: December 31, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Chapter I, Subchapter C, Part 81, Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

Section 81.333 is amended by amending the attainment status designation table for carbon monoxide by revising the Borough of Staten Island in the New Jersey-New York-Connecticut Interstate AQCR as follows:

§ 81.333 New York

* * * * *

NEW YORK—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
New Jersey-New York-Connecticut Interstate AQCR:		
* * * * *		
The Borough of Staten Island (northeast section and southern half as defined by the Tri-State Regional Planning Commission as Traffic Analysis Zones 17 and 18).	X	
* * * * *		

[FR Doc. 82-400 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amend. No. 1-167]

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority and functions that are vested in the Secretary of Transportation by the Vessel Documentation Act of 1980.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Department of Transportation, Office of General Counsel; (202) 426-4723, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this amendment are Mrs. Phyllis D. Carnilla (Project Manager) and Lieutenant Michael P. Drzal (Staff Attorney) Office of Merchant Marine Safety; and Lieutenant Commander William B. Short (Project Attorney) Office of Chief Counsel, U.S. Coast Guard.

Discussion of Delegation

The Vessel Documentation Act of 1980, Public Law 96-594, was enacted by Congress on December 24, 1980. The Act, which becomes effective on July 1, 1982, is intended to "revise and improve the laws relating to the documentation of vessels." The Act seeks to accomplish its purpose by repealing many of the previous laws dealing with documentation and by amending related laws to accommodate new terminology and procedures wherever appropriate. In conjunction with the elimination of the previous laws, the Act commits the formulation of new documentation procedures, in large part, to the regulatory discretion of the Secretary of Transportation. This amendment delegates the functions relating to vessel documentation to the Commandant of the Coast Guard. The authority granted herein shall be exercised in accordance with the requirements and limitations of the above-cited Act and other applicable statutes and regulations.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Accordingly, § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations, is amended as follows:

Paragraph (d) is revised to read as follows:

§ 1.46 Delegations to the United States Coast Guard Commandant.

* * * * *

(d) Carry out the functions vested in the Secretary by the Vessel Documentation Act of 1980 (Pub. L. 96-594) and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

* * * * *

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on December 16, 1981.

December 16, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82-401 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting; National Wildlife Refuges in Alabama, Arkansas, Georgia, Louisiana, and Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges in Alabama, Arkansas, Georgia, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for certain migratory bird species.

EFFECTIVE DATES: January 11, 1982, to termination of State waterfowl seasons.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900.

Donald Temple, Refuge Manager, Eufuala National Wildlife Refuge, Route 2, Box 97-B, Eufuala, Alabama 36027, Telephone (205) 687-4605.

Raymond R. McMaster, Refuge Manager, White River National Wildlife Refuge, Box 308, DeWitt, Arkansas 72042, Telephone (501) 946-1468.

Robert Bridges, Refuge Manager, Felsenthal National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (501) 364-8700.

Cecil E. McMullan, Refuge Manager, Holla Bend National Wildlife Refuge, Box 1043, Russellville, Arkansas 72801, Telephone (501) 968-2800.

Bobby W. Brown, Refuge Manager, Lacassine National Wildlife Refuge, Route 1, Box 186, Lake Arthur, Louisiana 70549, Telephone (318) 774-2750.

John R. Walther, Refuge Manager, Sabine National Wildlife Refuge, MRH Box 107, Hackberry, Louisiana 70645, Telephone (318) 762-5135.

Bernard H. Powell, Refuge Manager, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale,

Mississippi 38748, Telephone (601) 839–2638.
Daniel Doshier, Refuge Manager, D'Arbonne and Upper Ouachita National Wildlife Refuges, P.O. Box 3065, Monroe, Louisiana 71201, Telephone (318) 325–1735.
James H. Roberts, Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Box 142, Brooksville, Mississippi 39739, Telephone (601) 323–5548.
George Chandler, Refuge Manager, Hillside, Morgan Brake, and Panther Swamp National Wildlife Refuges, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746–8511.

SUPPLEMENTARY INFORMATION: The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, (601) 960–4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

General Conditions: Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Only steel shot ammunition may be used during the refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during these hunts.

Alabama

Eufaula National Wildlife Refuge

Migratory Waterfowl Hunting

(1) Hunting will be permitted on areas comprising approximately 450 acres (Alabama unit) which have been designated as being open to public waterfowl hunting.

(2) Hunts will be held from 30 minutes prior to sunrise until 11:30 a.m., Central Standard Time, on the Alabama unit on alternating Saturday and Wednesday mornings of the State waterfowl season.

(3) Hunters must hunt only from designated blind areas located by refuge personnel. Shooting is not permitted outside designated blind zone.

(4) Hunters are required to check in and out of the hunt area.

(5) Permits are required under the provisions of 50 CFR 26:32. Additional regulations may apply. Contact the refuge manager for additional information.

Mourning Dove Hunting

(1) Dove hunting will be permitted on areas comprising approximately 800 acres which have been designated as being open to public dove hunting from 12 noon until sunset (Central Standard Time) on dates to be announced by the refuge manager.

(2) Hunters must check in and out of the refuge at the designated checking stations and are not permitted within hunting areas before 11:45 a.m. on hunt days.

(3) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

Arkansas

Felsenthal National Wildlife Refuge

(1) Ducks and coots only may be hunted one-half hour before sunrise until noon during regular State seasons, except the last three days of the season when State shooting hours apply. The refuge is closed during the special State teal season. Hunting is permitted refuge-wide, except for the waterfowl sanctuary area.

(2) The waterfowl sanctuary is closed to all public entry during the waterfowl season, except the main channel of the Ouachita River and the barrow pits along U.S. Highway 82 will be open for navigation and fishing. The sanctuary area includes all refuge lands and waters as delineated on hunt area maps available at refuge headquarters.

(3) Only portable blinds are permitted and must be removed each day either to a designated area or from the refuge.

(4) Woodcock may be hunted during State season and hours refuge-wide, except for the waterfowl sanctuary area during the waterfowl season.

(5) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be empty.

(6) Camping is allowed only adjacent to readily identifiable roads and river channels within areas open to hunting.

White River National Wildlife Refuge

(1) Ducks and coots only may be hunted on Tuesdays, Thursdays, and Saturdays during the regular State seasons on approximately 11,100 acres. Hunters may begin hunting one-half hour before sunrise and must depart the hunting area before 12 noon.

(2) The construction and use of blinds is prohibited.

(3) Camping in refuge campgrounds for the purpose of waterfowl hunting is not permitted.

(4) Decoys may not be left overnight.

(5) The maximum outboard motor size allowed is 10 horsepower.

(6) Open fires are prohibited in the hunting area.

(7) Firearms must be unloaded and encased when traveling to and from the hunting area.

(8) Waterfowl may be drawn but not plucked or dressed on the refuge.

Georgia

Eufaula National Wildlife Refuge

Migratory Waterfowl Hunting

(1) Hunting will be permitted on areas comprising approximately 770 acres (Georgia unit) which have been

designated as being open to public waterfowl hunting.

(2) Hunts will be held from 30 minutes prior to sunrise until 11:30 a.m., Eastern Standard Time, on the Georgia unit on alternating Saturday and Wednesday mornings of the State waterfowl season.

(3) Hunters must hunt only from designated blind areas located by refuge personnel. Shooting is not permitted outside designated blind zone.

(4) Hunters are required to check in and out of the hunt area.

(5) Permits are required under the provisions of 50 CFR 26.32.

Additional regulations may apply. Contact the refuge manager for additional information.

Louisiana

D'Arbonne National Wildlife Refuge

(1) Ducks and coots only may be hunted from one-half hour before sunrise until 12 noon during regular State seasons.

(2) Boats, blinds, and decoys may not be left on the refuge overnight.

Lacassine National Wildlife Refuge

(1) Public hunting for ducks, geese, and coots will be permitted on designated areas comprising approximately 6,400 acres. Waterfowl hunting will be allowed from one-half hour before sunrise until 11:00 a.m., Wednesday through Sunday, during the Louisiana Western Zone season. Daily shooting hours during the special teal season are from sunrise to 11:00 a.m. Hunters may enter the hunting area no earlier than two hours before legal shooting time and must depart the refuge by 12:00 noon.

(2) Only steel shot ammunition may be used, except that hunters participating in the steel shot study may be given lead loaded ammunition to shoot as part of the study.

(3) A permit will be needed to hunt the area between the Pipeline Canal and the Intracoastal Canal and all of the hunting area east of the Lacassine Bayou. These areas are reserved for the special shooting study. The hunting area south of the Pipeline Canal and west of Misere Bayou is open to hunting without a permit.

(4) Hunters must hunt from prepared blinds. They may not utilize material to build blinds other than native vegetation; no boards, wire, lumber, netting, burlap, poles, brush, trees, or cane (bamboo) larger than 1 inch in diameter at the large end. Portable blinds made of any material may be used; however, they must be removed from the refuge by 12 noon each day. Hunters may place blinds only in the area open to first-come, first-serve hunting.

(5) Hunting parties may not hunt closer than 150 yards to each other. The first hunter(s) at a pond or blind site outside the reserved area holds that site until the hunt is completed.

(6) No hunting closer than 50-yards to any ditch, canal, or waterway.

(7) No decoys may be left in the hunting area overnight.

(8) No boats may be left on the refuge earlier than one week prior to the opening of the hunting season. No air-thrust boats may be used on the refuge. Mud boats are permitted.

Sabine National Wildlife Refuge

(1) Public hunting for ducks, geese, and coots will be permitted on designated areas comprising approximately 24,000 acres. Waterfowl hunting will be allowed on Wednesday, Saturday, and Sunday mornings throughout the regular State season (Western Zone) from one-half hour before sunrise until 11:00 a.m. Hunters may enter the hunting area no earlier than two hours before legal shooting time and must depart the refuge by 12 noon. Teal hunt—all days of State season (Western Zone), mornings only. The refuge is closed to hunting on Christmas Day.

(2) Upon request hunters are required to exhibit a valid State hunting license, duck stamp, and all shells in possession to a designated refuge official prior to hunting and permit authorized Service personnel to inspect his person, equipment, and/or vehicle.

(3) Hunting parties may not hunt closer than 100 yards apart and must station themselves a minimum of 50 yards inland from refuge canals. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt.

(4) Temporary blinds made of native vegetation may be constructed or portable blinds may be carried in for each hunt.

(5) Firearms must be encased or dismantled when carried in transit through refuge canals.

(6) Furbearing animals or trapping equipment in the hunting area shall not be molested or disturbed by hunters.

(7) Hunters are required to check in at the hunt check station before entering the hunt area and must check out; this includes hunters who did not bag game. All waterfowl bagged must be checked through the check station after each hunt.

Upper Ouachita National Wildlife Refuge

(1) Ducks and coots only may be hunted from one-half hour before sunrise until 12 noon during regular State seasons. Teal may be hunted during the early state teal season between sunrise and noon.

(2) Boats, blinds, and decoys may be left on refuge overnight by permit only at designated area on the dam on Steep Bank Creek and at trail entrance to Bee Brake.

Mississippi

Hillside National Wildlife Refuge

Migratory Waterfowl Hunting

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings on Area II of the refuge from one-half hour before sunrise until 12 noon during the regular State seasons. Daily permits are required.

(2) Woodcock and snipe may be hunted during the State season on the same refuge area as open to duck hunting. Refuge closed to Sunday hunting.

(3) Duck hunters are required to check in and out daily at the designated check station.

Mourning Dove Hunting

(1) Hunting will be permitted from 12 noon until sunset on the first three Saturdays of the State season and two days in November (to be announced) only in fields marked open for dove hunting.

(2) Permits are required.

(3) Dove hunters are required to check out after each day's hunt.

(4) The use of retrievers is encouraged.

Morgan Brake National Wildlife Refuge

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings from one-half hour before sunrise to 12 noon during the State duck season on all of the refuge north of and including Morgan Brake Bayou.

Noxubee National Wildlife Refuge

(1) Public hunting of ducks and coots will be permitted only on the areas designated as green-tree reservoirs numbers 1 and 2.

(2) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise until 12 noon during the State waterfowl season.

(3) The use of boats with electric motors is permitted within the hunting area.

(4) The construction of blinds is not permitted.

(5) Hunters will not be permitted to enter the hunting area sooner than 45 minutes before legal shooting hours.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check in and out at the designated check station.

(9) Permit is required.

Panther Swamp National Wildlife Refuge

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings from one-half hour before sunrise to 12 noon during the State duck season in the designated areas.

(2) Duck hunters are required to check out at the designated check station after each day's hunt.

(3) Woodcock and snipe may be hunted during the State season on the same refuge area as open to duck hunting. Refuge closed to Sunday hunting.

Yazoo National Wildlife Refuge

(1) Mourning dove hunting will be permitted on approximately 600 acres (Swan Island) which has been designated as open to public hunting from 12 noon until sunset. Dates to be announced.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-644 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 32

Hunting; National Wildlife Refuges in Arizona, California, and New Mexico

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of migratory game birds on certain National Wildlife Refuges is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California, and New Mexico.

DATES: Effective on January 11, 1982 through January 31, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2467

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, California 92363, Telephone (714) 326–3853

LeMoyne B. Marlett, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, New Mexico 88201, Telephone (505) 622–6755

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, California 92225, Telephone (714) 922–2129

William Behrends, Acting Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85364, Telephone (602) 783–3400

Stephen S. Berlinger, Refuge Manager, Las Vegas National Wildlife Refuge, Route 1, Box 399, Las Vegas, New Mexico 87701, Telephone (505) 425–3581

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, Sevilleta National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801, Telephone (505) 835–1828

SUPPLEMENTARY INFORMATION:

General

Hunting of migratory game birds on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps available at the above addresses. Vehicular travel is restricted to designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established; and (2) funds are available for the development, operation, and maintenance of permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Fish and Wildlife Service has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations, therefore, the effective date is January 11, 1982.

Listed migratory game bird species may be hunted on the following refuges in accordance with applicable State regulations.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

Arizona

Cibola National Wildlife Refuge

Mourning doves and white-winged doves in accordance with State regulations. Shooting hours will be from ½ hour before sunrise until sunset.

Havasu National Wildlife Refuge

Topock Marsh and Topock Gorge and Bill Williams Unit: Mourning doves and white-winged doves in accordance with Arizona State regulations and special refuge regulations.

Imperial National Wildlife Refuge

Mourning doves only in accordance with Arizona State regulations and special refuge regulations from November 27, 1981, through January 8, 1982, inclusive.

California

Cibola National Wildlife Refuge

Mourning doves and white-winged doves in accordance with the California State regulations and special refuge regulations.

Special conditions:

(1) Up to two (2) dogs per hunter may be used for hunting and retrieving.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any road or levee.

(3) Only street legal vehicles are allowed on designated access roads.

(4) In Arizona, both Zone I and Zone III are closed to hunting.

(5) Construction of pits or permanent blinds is prohibited.

(6) Camping overnight on the refuge is prohibited.

(7) Only legal firearms for the hunting of doves are permitted. Possession of all handguns and all other firearms is prohibited.

(8) Hunting in the floodplain (between the levee and river) is prohibited.

Havasu National Wildlife Refuge

Mourning doves and white-winged doves in accordance with California State regulations and special refuge regulations.

Special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Hunting at Pintail Slough will be permitted only on Fridays, Saturdays, and Sundays. Pintail Slough is comprised of all refuge lands north of the north dike.

(3) Hunting at the Bill Williams Unit is only permitted on refuge land which lies south of the Planet Ranch Road.

(4) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game.

(5) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

(6) Pits may not be dug, and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on the refuge for blind construction must be removed at the end of each day.

Imperial National Wildlife Refuge

Mourning doves and white-winged doves in accordance with California State regulations and special refuge regulations. Second season only: November 14 through December 3, 1981, inclusive.

Special conditions:

(1) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(2) Pits and/or permanent blinds are prohibited.

New Mexico

Bitter Lake National Wildlife Refuge

Mourning and white-winged doves and teal ducks.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations listed.

(1) Steel (iron) shot shotgun ammunition only may be used for the taking of doves on the South Refuge Unit (Area C) during any period when a duck or waterfowl season runs concurrently with a dove season.

(2) Steel (iron) shot shotgun ammunition only may be used for the taking of teal ducks on the South Refuge Unit (Area C), and it will not be permissible to possess shotgun ammunition containing other than steel (iron) shot in this unit during any waterfowl season.

(3) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(4) Pits and/or permanent blinds are prohibited.

(5) Entrance into closed areas by hunters or dogs for retrieving game or for any other reason is prohibited.

Bosque del Apache National Wildlife Refuge

Mourning and white-winged doves.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations from ½ hour before sunrise to ½ hour after sunset only.

Las Vegas National Wildlife Refuge

Mourning doves.

Special conditions:

(1) Dove hunting is permitted in accordance with New Mexico State regulations and special refuge regulations.

(2) A free permit will be required and is available at the refuge office.

(3) Parking is permitted only in designated parking areas.

(4) No shooting is permitted within 50 yards of any public road.

Sevilleta National Wildlife Refuge

Mourning and white-winged doves and teal ducks.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations listed.

(1) No camping is permitted.

(2) Parking will be limited to areas as posted on hunt map.

(3) There will be no entry to the hunt area earlier than 2 hours before sunrise.

(4) Pits and/or permanent blinds are prohibited.

(5) All hunters must be out of the hunt area by 2 hours after shooting hours.

(6) Fires of any type are prohibited.

(7) Unloaded firearms that are dismantled or cased may be transported through the closed area over posted routes of travel.

The provisions of these special regulations supplement regulations which govern on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-646 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 32

Hunting; National Wildlife Refuges in Arkansas, Louisiana, and Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges in Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for certain migratory bird species.

EFFECTIVE DATES: January 11, 1982, to termination of State waterfowl seasons.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

Daniel Tabberer, Refuge Manager, Bogue Chitto National Wildlife Refuge, 1010 Gause Blvd., Building 936, Slidell, Louisiana 70458, Telephone (504) 643-5817

Robert Bridges, Refuge Manager, Overflow National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (504) 364–6700
George Chandler, Refuge Manager, Mathews Brake National Wildlife Refuge, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746–8511

SUPPLEMENTARY INFORMATION: The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, (601) 960–4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the exent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

General Conditions: Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Only steel shot ammunition may be used during the refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during these hunts.

3. The use of retrievers is encouraged, but they must be under control of the handler at all times.

Arkansas

Overflow National Wildlife Refuge

(1) Ducks and coots only may be hunted one-half hour before sunrise until noon during regular State seasons, except the last three days of the season when State shooting hours apply. The refuge is closed during the special State teal season. Hunting is permitted refuge-wide.

(2) Only portable blinds are permitted and must be removed each day either to a designated area or from the refuge.

(3) Woodcock may be hunted during State season and hours refuge-wide.

(4) All firearms being transported in vehicles or boats must be empty and encased or dismantled.

Louisiana

Bogue Chitto National Wildlife Refuge

(1) Ducks may be hunted during the regular State season until 12 noon daily.

(2) Only portable blinds are permitted.

(3) Woodcock—State season.

Mississippi

Mathews Brake National Wildlife Refuge

(1) Ducks and coots only may be hunted each day except Sunday on approximately 807 acres from one-half hour before sunrise until 12 noon during the regular State seasons.

(2) Woodcock and snipe may be hunted during the State seasons except Sundays.

Dated: December 10, 1981.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-[illegible] Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; National Wildlife Refuges, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain National Wildlife Refuges in California to hunting is compatible with the objectives for which the areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming waterfowl and upland game hunting seasons.

DATES: Effective January 11, 1982 through February 21, 1982.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address or telephone number below.

Lawrence N. Dean, Refuge Manager, Salton Sea National Wildlife Refuge, P.O. Box 120, Calipatria, California 92233, Telephone (714) 348–2323
Gary R. Zahm, Refuge Manager, Kesterson National Wildlife Refuge, Merced National Wildlife Refuge, San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635, Telephone (209) 826–3508
Jack B. Helvie, Refuge Manager, Colusa National Wildlife Refuge, Delevan National Wildlife Refuge, Sacramento National Wildlife Refuge, Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone (916) 934–2801
Thomas Charmley, Refuge Manager, Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93216, Telephone (805) 725–5284
Robert C. Fields, Refuge Manager, Clear Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134, Telephone (916) 667–2231
Edward C. Bloom, Refuge Manager, Modoc National Wildlife Refuge, P.O. Box 1610, Alturas, California 96101, Telephone (916) 233–3572

SUPPLEMENTARY INFORMATION: The author of this document is Lynn C. Howard, Sacramento Area Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825, (916) 484–4958.

Hunting on portions of the following National Wildlife Refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulation and

conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to refuge are listed on the reverse side of maps available at refuge headquarters. No vehicle travel is permitted except on designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

California

Migratory game birds, except pigeons and doves, may be hunted on the following refuges:

Salton Sea National Wildlife Refuge

Special Conditions: (1) Hunters using the Union Tract must use goose decoys.

(2) Hunters must hunt from assigned blinds or stakes.

(3) No alcoholic beverages are permitted within the hunt area.

Kern National Wildlife Refuge

Special Conditions: (1) All persons assigned to the spaced blind unit must remain within 100 feet of the numbered steel post (blind site), except when pursuing cripples, placing decoys, or traveling to and from the parking lot.

(2) Hunters assigned to the spaced blind unit must travel to and from parking areas and blind sites with firearms unloaded.

(3) Hunting of snipe is prohibited.

(4) Each hunter will be assigned to a specific parking lot and will be required to park in that lot only.

Merced National Wildlife Refuge

Special Conditions: (1) All persons assigned to the spaced blind unit must remain in their blind except when pursuing cripples or retrieving birds, placing decoys, or traveling to and from the parking lot. All shooting must be from assigned blinds only, except when pursuing crippled birds.

(2) No snipe may be taken in the spaced blind unit.

(3) Hunters assigned to the spaced blind unit must travel to and from parking areas and blinds with firearms unloaded.

Sacramento National Wildlife Refuge

Colusa National Wildlife Refuge

Additional Special Conditions: None.

Delevan National Wildlife Refuge

Additional Special Conditions: None.

Sutter National Wildlife Refuge

Additional Special Conditions: None.

Kesterson National Wildlife Refuge

Additional Special Conditions: None.

San Luis National Wildlife Refuge

Clear Lake National Wildlife Refuge

Special Conditions: (1) Air-thrust and inboard water-thrust boats are prohibited.

Lower Klamath National Wildlife Refuge

Special Conditions: (1) During the first two days of waterfowl season, all hunters 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

(2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

(3) Air-thrust and inboard water-thrust boats are prohibited.

(4) Legal waterfowl shooting hours end at 1:00 p.m. daily on all California portions of the refuge.

(5) No person may possess any weapon or ammunition that may not be legally used for the taking of waterfowl or pheasants.

Tule Lake National Wildlife Refuge

Special Conditions: (1) During the first two days of waterfowl season, all hunters, 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

(2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

(3) Air-thrust and inboard water-thrust boats are prohibited.

(4) In designated spaced blind areas, hunters may not possess any loaded firearm further than 100 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt. Hunters may shoot only from within their assigned blind sites.

(5) No person may possess any weapon or ammunition that may not be legally used for taking waterfowl or pheasants.

(6) Legal waterfowl shooting hours end at 1:00 p.m. daily.

Modoc National Wildlife Refuge

Special Conditions: (1) First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

(2) After first weekend, hunting permitted on Tuesdays, Thursdays, and Saturdays during authorized seasons.

(3) In the designated spaced blind area, hunters must remain within 100 feet of the established blind stake.

§ 32.22 Special Regulations; upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

California

Colusa National Wildlife Refuge

Additional Special Conditions: None.

Delevan National Wildlife Refuge

Additional Special Conditions: None.

Kern National Wildlife Refuge

Special Condition: No pheasant hunting is permitted in the spaced blind unit.

Merced National Wildlife Refuge

Additional Special Conditions: None.

Sacramento National Wildlife Refuge

Special Condition: A special one day only pheasant hunt will be permitted in the spaced blind unit on the first Monday after the opening of the State pheasant hunting season. The remainder of the season, pheasant hunting will not be permitted in the spaced blind unit.

San Luis National Wildlife Refuge

Additional Special Conditions: None.

Sutter National Wildlife Refuge

Additional Special Conditions: None.

Lower Klamath National Wildlife Refuge

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones.

(2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are also available for the following seven days.

(3) No person may possess any weapon that may not be legally used for the taking of pheasant.

Tule Lake National Wildlife Refuge

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones.

(2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are required for the first two days of the hunt. Advance reservations are also available for the following seven days.

(3) No person may possess any weapon that may not be legally used for the taking of pheasant

(16 U.S.C. 460k, 16 U.S.C. 668dd).

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-660 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; National Wildlife Refuges in California and Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: the Director has determined that the opening to hunting of certain National Wildlife Refuges in Oregon is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for migratory game birds, upland game, and big game.

DATE: Effective January 11, 1982 to February 28, 1982.

ADDRESSES: Additional information regarding the hunting programs can be obtained from the Refuge Managers listed below:

Clifford L. Himmel, Refuge Manager, Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97352, Telephone (503) 327–2444

George M. Constantino, Refuge Manager, Cold Springs National Wildlife Refuge, McKay Creek National Wildlife Refuge, Umatilla National Wildlife Refuge, P. O. Box 239, Umatilla, Oregon 97882, Telephone (503) 922–3232

Gary A. Hagedorn, Refuge Manager, Lewis and Clark National Wildlife Refuge, P.O. Box 566, Cathlamet, Washington 98612, Telephone (503) 695–3915

Ralph Lettenmaier, Refuge Manager, Baskett Slough National Wildlife Refuge, 10995 Highway 22, Dallas, Oregon 97338, Telephone (503) 623–2749

Robert C. Fields, Refuge Manager, Klamath Forest National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134, Telephone (916) 667–2231

Joseph P. Mazzoni, Refuge Manager, Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720, Telephone (502) 493–2323

Daniel Boone, Refuge Manager, William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330, Telephone (503) 757–7236

FOR FURTHER INFORMATION CONTACT: Joseph R. Blum, Area Manager, U.S. Fish and Wildlife Service, Area Office, 2625 Parkmont Lane, Olympia, Washington 98502, Telephone: FTS 434–9578; Commercial (206) 753–9578 or 9579.

SUPPLEMENTARY INFORMATION: The author of this document is John H. Doebel, Assistant Area Manager, Olympia Area Office, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, FTS 434–9578 or 9579; Commercial (206) 753–9578 or 9579.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) That no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's final environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicular travel is permitted except on maintained roads and trails.

Special conditions and maps applying to individual refuges are available as pamphlet handouts at each refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Portland, Oregon 97232. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Doves, pigeons, ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

California

Lower Klamath National Wildlife Refuge

Special Conditions: (1) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas.

(2) Air-thrust and inboard water-thrust boats are prohibited.

(3) All decoys, boats, and other personal property must be removed at the close of each day.

Upper Klamath Forest National Wildlife Refuge

Special Conditions: (1) Air-thrust and all-terrain vehicles are prohibited.

(2) All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

Oregon

Ankeny National Wildlife Refuge

Special Conditions: (1) Mourning dove and band-tailed pigeon hunters must check in and out of the refuge by use of self-service permits.

(2) Waterfowl, coot, and snipe hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time until 12 noon during the authorized season.

(3) A Federal permit is required for waterfowl, coot, and snipe hunting and will be issued on an advance reservation basis.

(4) Steel shot only may be possessed or used on the refuge while hunting waterfowl, coot, and snipe.

(5) Waterfowl, coot, and snipe hunters are limited to the possession and use of twenty (20) shells per day.

Malheur National Wildlife Refuge

Special Conditions: (1) That portion of the Blitzen Valley west of Highway 205 and the Malheur Lake area will be open to hunting as posted.

(2) The Malheur Lake hunt area is open for scouting with boats two weeks prior to season opening.

(3) Use of motors on boats, all-terrain vehicles, and construction or use of permanent blinds are prohibited.

William L. Finley National Wildlife Refuge

Special Conditions: (1) Mourning dove and band-tailed pigeon hunters are required to check in and out of the refuge daily by use of self-service permits.

(2) Waterfowl, coot, and snipe hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time until 12 noon during the authorized season.

(3) A Federal permit is required for waterfowl, coot, and snipe hunting and will be issued on an advance reservation basis.

(4) Steel shot only may be possessed or used on the refuge while hunting waterfowl, coots, and snipe.

(5) Waterfowl, coot, and snipe hunters are limited to the possession and use of twenty (20) shells per day.

Ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

Lewis and Clark National Wildlife Refuge

Special Conditions: Camping and overnight parking is prohibited.

Cold Springs National Wildlife Refuge

Special Conditions: Camping and overnight parking is prohibited.

McKay Creek National Wildlife Refuge

Special Conditions: (1) Waterfowl and coot hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays except Christmas.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred (100) permits will be issued for each day. Hunters may apply for one day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

(3) Decoys may not be left set up for hunting on the refuge overnight.

Umatilla National Wildlife Refuge

Special Conditions: (1) Waterfowl and coot hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays except Christmas.

(2) A Federal hunting permit is required and will be issued on an advance reservation basis.

(3) Successful waterfowl applicants may bring one guest and must arrive at hunter check stations at least one hour before shooting time or reservation is cancelled.

(4) Only steel shot may be possessed while hunting waterfowl and coot. Ducks, geese, and coots may be hunted on the following refuge areas:

Klamath Forest National Wildlife Refuge

Special Conditions: (1) Air-thrust and inboard water-thrust boats and all-terrain vehicles are prohibited.

(2) All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

§ 32.22 Special Regulations; upland game, for individual wildlife refuge areas.

Oregon

Upland game birds and rabbits (shotgun only) may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge

Special Conditions: Hunting permitted during that part of the State season concurrent with waterfowl hunting season.

McKay Creek National Wildlife Refuge

Special Conditions: (1) Upland game bird and rabbit hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays (except Christmas) during that part of the State season concurrent with waterfowl hunting season.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred permits will be issued for each day. Hunters may apply for one day only (Saturday or Sunday) of the opening weekend. Fifty (50) hunters will be selected for each day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

Umatilla National Wildlife Refuge

Special Conditions: (1) Upland game bird and rabbit hunting is permitted from 12 noon until sunset on Wednesdays, Saturdays, Sundays, and State holidays (except Christmas), during that part of the State season concurrent with the waterfowl hunting season.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred fifty (150) permits will be issued for each day. Hunters must register for one day only (Saturday or Sunday) of the opening weekend. Seventy-five (75) hunters will be selected for each day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

Pheasant, quail, partridge, coyotes, rabbits, and hares may be hunted on the following refuge areas:

Malheur National Wildlife Refuge

Special Conditions: (1) Pheasant, quail, and partridge hunting will be permitted on the Blitzen Valley upland game hunting area during the last nine days of the State season.

(2) Pheasant, quail, and partridge hunting will be permitted on the Malheur Lake waterfowl hunting area during the waterfowl season.

(3) Hunting for the above species will be permitted in the Blitzen Valley west of Highway 205 and in accordance with State regulations.

Pheasant and quail may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge

Only pheasants may be hunted.

§ 32.32 Special regulations; big game; for individual refuge areas.

Oregon

Deer and antelope may be hunted on the following areas:

Malheur National Wildlife Refuge

Hunting for deer and antelope is restricted to that portion of the refuge in the Blitzen Valley west of Highway 205 consistent with State regulations.

Deer may be hunted on the following refuge area:

William L. Finley National Wildlife Refuge

Special Conditions: (1) Deer is the only species of big game which may be taken.

(2) Hunters are required to check in and out of the refuge by use of self-service permits.

(3) The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-661 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 32

Hunting; National Wildlife Refuges in Alabama, Arkansas, Louisiana, and Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges in Alabama, Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland and big game species.

EFFECTIVE DATES: January 11, 1982 through May 30, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, Telephone (601) 960–4900

Thomas Z. Atkeson, Refuge Manager, Blowing Wind Cave and Wheeler National Wildlife Refuges, Box 1643, Decatur, Alabama 35602, Telephone (205) 353–7243

Robert Bridges, Refuge Manager, Felsenthal National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (501) 364–8700

Don Temple, Refuge Manager, Eufaula National Wildlife Refuge, Route 2, Box 97–B, Eufaula, Alabama 36027, Telephone (205) 687–4065

Marvin L. Nichols, Refuge Manager, Big Lake National Wildlife Refuge, Box 67, Manila, Arkansas 72442, Telephone (501) 564–4249

Cecil E. McMullan, Refuge Manager, Holla Bend National Wildlife Refuge, Box 1043, Russellville, Arkansas 72801, Telephone (501) 968–2800

Michael Riley, Refuge Manager, Wapanocca National Wildlife Refuge, P.O. Box 279, Turrell, Arkansas 72384, Telephone (501) 343–2595

Stephen K. Joyner, Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, Louisiana 71342, Telephone (318) 992–5261

Emil T. Heuer, Jr., Refuge Manager, Delta-Breton National Wildlife Refuge, Venice, Louisiana 70091

James H. Roberts, Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Box 142, Brooksville, Mississippi 39739, Telephone (601) 323–5548

Raymond R. McMaster, Refuge Manager, White River National Wildlife Refuge, Box 308, DeWitt, Arkansas 72042, Telephone (501) 946–1468

Daniel W. Doshier, Refuge Manager, D'Arbonne and Upper Ouachita National Wildlife Refuges, P.O. Box 3065, Monroe, Louisiana 71201, Telephone (318) 325–1735

George Chandler, Refuge Manager, Hillside, Morgan Brake, and Panther Swamp National Wildlife Refuges, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746–8511

Benard H. Powell, Refuge Manager, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale, Mississippi 38748, Telephone (601) 839–2638

SUPPLEMENTARY INFORMATION: The author of this document is Alton Dunaway, U.S. Fish and Wildlife Service, Jackson Area Office, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201 (601) 960–4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives

for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small "entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

General Conditions

Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Unless otherwise specified, dogs are not permitted on refuge areas.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Alabama

Blowing Wind Cave National Wildlife Refuge

(1) Dates, species, and regulations same as Sauty Creek-Crow Creek State Waterfowl Refuge.

Wheeler National Wildlife Refuge

(1) Upland game hunting is permitted on approximately 19,000 acres for squirrel, rabbit, raccoon, and opossum.

(2) Seasons: raccoon and opossum—February 1 through February 20, night hours only. Special rabbit hunt—February 1 through February 27 with shotguns and bows and arrows except in southwest portion of refuge where bows and arrows only are allowed; the use of dogs is permitted.

(3) Permits are required.

(4) Sunday hunting is prohibited.

Arkansas

Felsenthal National Wildlife Refuge

(1) Squirrel may be hunted through January 30 refuge-wide, except closed in the waterfowl sanctuary area during waterfowl season. Steel shot required during waterfowl season.

(2) Rabbits—State season refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(3) Quail—State season refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(4) Beaver may be hunted through February 28 refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(5) Raccoon may be hunted the first three nights of the State season and four consecutive nights starting on the night following closure of the State waterfowl season. Hunting hours are 4:00 p.m. to 7:00 a.m. Open refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(6) Dogs are permitted only for quail and raccoon hunts. No more than two dogs per hunter and four dogs per party are permitted for raccoon hunts.

(7) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be dismantled.

(8) Camping is allowed only adjacent to readily identifiable roads and river channels within area open to hunting.

Louisiana

D'Arbonne National Wildlife Refuge

(1) Species permitted: squirrel and rabbit—State seasons; rabbits with beagles allowed only after the end of the State gun deer season; raccoon—begins day after third segment of State deer gun season ends; quail—State season.

(2) Dogs are permitted during the January raccoon, quail, and special beagle/rabbit hunts only.

Upper Ouachita National Wildlife Refuge

(1) Squirrel—State season; rabbit—State season; rabbit with beagles allowed only after State gun deer season; quail—State season; raccoon—begins the day after third segment of State deer gun season ends through January 31.

Mississippi

Hillside National Wildlife Refuge

(1) Upland game hunting is permitted on approximately 15,400 acres for quail, rabbit, squirrel, raccoon, and opossum. Beaver may be taken as an incidental species.

(2) Seasons: quail—State season; rabbit—State season, except no dogs will be allowed until after January 31, 1982; squirrel—State season; raccoon and opossum—State season except the refuge will be closed during the State deer gun seasons.

(3) Hours for raccoon and opossum hunting are 5:00 p.m. until 4:00 a.m.

(4) Sunday hunting is prohibited.

(5) Dogs are permitted during quail, raccoon, and opossum hunts. Only beagles are permitted during the February 1, 1982, through February 28, 1982, rabbit hunt.

Morgan Brake National Wildlife Refuge

(1) Seasons: rabbit—State season but no dogs allowed until after January 31, 1982, beagles only; squirrel—State; raccoon and opossum—State season except closed during the State deer-gun season.

(2) Beaver may be taken as an incidental species.

(3) No Sunday hunting.

Noxubee National Wildlife Refuge

(1) Species permitted; squirrel—through January 2 (still hunt only), January 11 through January 17 (with dogs); rabbit—through January 2 (no dogs), January 11 through February 28 (with dogs); beaver may be hunted as an incidental species during the squirrel and rabbit hunts. Quail—January 11 through February 28, shotguns only. Snipe and woodcock may be hunted as incidental species during the quail hunt. Raccoon and opossum—January 11 through February 12, only with .22 caliber rimfire weapons from 4:00 p.m. to 7:00 a.m.

(2) No refuge permits will be required for squirrel, rabbit, quail, raccoon, and opossum hunts.

(3) Sunday hunting is prohibited.

(4) During all deer gun hunts all quail and squirrel hunters will be required to wear hunter orange.

Panther Swamp National Wildlife Refuge

(1) Upland game hunting is permitted on approximately 16,300 acres for rabbit, squirrel, raccoon, and opossum. Beaver may be taken as an incidental species.

(2) Seasons: rabbit—State season except dogs are not allowed until after January 31, 1982. Squirrel—State season except dogs are allowed through December 1. Raccoon and opossum—State season except during State deer gun season, dogs permitted.

(3) Hours for raccoon and opossum hunting are 5:00 p.m. until 4:00 a.m.

(4) Sunday hunting is prohibited.

Yazoo National Wildlife Refuge

(1) Species permitted: raccoon and opossum—February 1 through February 12.

(2) Permits are required.

(3) No Sunday hunting is permitted.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Alabama

Eufaula National Wildlife Refuge

(1) Archery deer hunt: open starting with the first day of the State archery season until the State gun season opens. The archery season will reopen for the last three weeks of the State gun season.

(2) Only portable tree stands are permitted which must be removed after each day's hunt.

(3) All deer taken must be checked at the refuge headquarters or designated check station.

(4) Sunday hunting is prohibited.

Wheeler National Wildlife Refuge

(1) Archery deer hunt: through January 25, either sex.

(2) Primitive weapons deer hunt (archery and muzzleloaders 40 caliber and larger): January 22 and 23, either sex.

(3) Redstone Arsenal deer hunt: Contact Post Warden's Office for dates and regulations.

(4) Permits are required.

(5) Hunting is permitted for approximately 19,000 acres.

(6) Sunday hunting is prohibited.

Arkansas

Felsenthal National Wildlife Refuge

(1) Deer (archery, muzzleloader, and regular gun) hunting is permitted during regular State seasons. Open refuge-wide, except closed in the waterfowl sanctuary area during waterfowl season. Only portable stands may be used.

(2) Coyote may be hunted during all other refuge hunts in areas and with weapons applicable to those hunts.

(3) Feral hogs may be hunted during deer gun seasons only in areas open and with weapons legal for deer. There is no bag limit on feral hogs.

(4) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be empty. Firearms are not permitted outside of refuge hunting seasons.

(5) Horses are prohibited during refuge gun hunts. At other times they may be used on refuge roads.

(6) Camping is allowed only adjacent to readily identifiable roads and river channels within areas open to hunting.

White River National Wildlife Refuge

(1) Archery hunt (deer and turkey): January 29 through February 15. Season north of Highway 1—through November 5. Squirrel, rabbit, and beaver may be taken as incidental species.

(2) Youth gun deer hunt: November 27 through November 29. Limit two deer of either sex (not a bonus deer).

(3) Turkey hunt: each Wednesday through Saturday of State spring season.

(4) Permits are required for primitive weapons hunt, and youth deer hunt.

(5) No loaded firearms allowed in boats, vehicles, on campgrounds, or in roadways used by vehicles.

(6) All deer taken in the youth deer hunt must be checked at a designated check station.

(7) Horses are prohibited.

Louisiana

Catahoula National Wildlife Refuge

(1) Archery deer hunt: State season. Rabbit and squirrel may be taken as an incidental species.

(2) No permanent tree stand may be constructed.

(3) All bagged deer must be checked at refuge headquarters.

D'Arbonne National Wildlife Refuge

(1) Archery deer hunt: State season; gun deer hunts—first segment of State season, either sex on State-wide either-sex day; and first 2 days of second segment, either sex.

(2) Portable stands only. Stands may not be nailed to trees or left on refuge overnight.

(3) Unmarked feral hogs and coyotes may be taken during refuge deer seasons.

Upper Ouachita National Wildlife Refuge

(1) Archery deer hunt: State season; gun deer hunts—first segment of State season, either sex on State-wide either-sex day; and first 2 days of second segment, either sex.

(2) Portable stands only. Stands may not be nailed to trees or left on refuge overnight.

(3) Unmarked feral hogs and coyotes may be taken during refuge deer season.

Mississippi

Hillside National Wildlife Refuge

(1) Archery deer hunt—State season; primitive weapons deer hunt—State season, either sex.

(2) Sunday hunting is prohibited.

(3) The use of any drug on arrow is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

Morgan Brake National Wildlife Refuge

(1) Archery deer hunt—State seasons; primitive weapons deer hunt—State seasons, either sex.

(2) Sunday hunting is prohibited.

(3) The use of any drug on arrows is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

Noxubee National Wildlife Refuge

(1) Gun deer hunt—Either sex: A limited either sex gun hunt is planned. Hunt dates and other information is available at refuge headquarters.

(2) Turkey hunt: State seasons; with shotguns only.

(3) All deer and turkey harvested must be checked at the refuge headquarters or designated check station.

(4) The possession or use of any drugged arrow for bow hunting is prohibited.

(5) Sunday hunting is prohibited.

(6) Horses are prohibited.

(7) Permits are required for all deer and turkey hunts.

(8) Man-drive deer hunting is prohibited.

(9) The use of any citizens band radio device to aid in the pursuit or taking of game animals is prohibited.

Panther Swamp National Wildlife Refuge

(1) Archery deer hunt—State season; primitive weapons deer hunt—State season; gun deer hunt—State season.

(2) Turkey—State season.

(3) The use of any drug on arrows is prohibited. Bowhunters may not have arrows employing drugs or any drug holding devices in their possession.

(4) Sunday hunting is prohibited.

Yazoo National Wildlife Refuge

(1) Archery deer hunt: State season: either sex.

(2) Primitive weapons deer hunt: first State primitive weapons season; muzzleloader only; either sex.

(3) All deer hunting will terminate when a total of 80 doe deer have been harvested.

(4) Permits are required.

(5) Man-drive deer hunting is prohibited.

(6) All deer must be checked at refuge headquarters.

(7) No Sunday hunting permitted.

(8) A minimum of 500 square inches of fluorescent hunter orange must be visibly worn above the waist during deer gun hunts.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-645 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 32

Hunting; National Wildlife Refuges in Arizona, California, and New Mexico

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of upland game on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California, and New Mexico.

DATES: Effective on January 11, 1982 through March 1, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241–2467

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, California 92225, Telephone (714) 922–2129

William Behrends, Acting Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85364, Telephone (602) 783–3400

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801, Telephone (505) 835–1828

Milton K. Haderlie, Refuge Manager, Kofa National Wildlife Refuge, P.O. Box 1032, Yuma, Arizona 85364, Telephone (602) 783–7861

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, California 92363, Telephone (714) 326–3853

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, New Mexico 88201, Telephone (505) 622–6755

SUPPLEMENTARY INFORMATION: Hunting of upland game and/or predators on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Vehicular travel is restricted to designated roads and trails on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purpose for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Arizona

Kofa National Wildlife Refuge

Special Conditions:

(1) Quail, cottontail rabbits, coyotes, fox, and bobcat may be taken.

(2) The open season for hunting quail and cottontail rabbits on the refuge extends through February 15, 1982.

(3) Hunting of quail and cottontail rabbits permitted by shotguns only.

(4) The open season for hunting coyotes, fox, and bobcat on the refuge extends through February 28, 1982, except the refuge is closed to the taking of predators and furbearing animals during the deer season, except that deer hunters with a valid unit 45A, 45B, and 45C deer permit may take predators until a deer is taken.

(5) Possession of any loaded or uncased firearm shall mean any firearm not encased in a holster, scabbard, or gun case.

(6) Possession of all rimfire firearms on the Kofa Refuge is prohibited.

(7) Hunting is not permitted in the area known as Crystal Hill Campground.

Arizona and California

Cibola National Wildlife Refuge

Special Conditions:

(1) Quail and cottontail rabbits may be taken.

(2) Arizona—quail and cottontail rabbits through February 15, 1982. California—quail through January 31, 1982.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling, 250 yards of any farm worker, or within 50 yards of any road or levee.

(4) Pits or permanent blinds may not be built.

(5) Only shotguns may be used to take quail and cottontail rabbits.

(6) Possession of all handguns and all .22 caliber rimfire firearms is prohibited.

(7) No more than two (2) dogs per hunter are permitted for upland game hunting.

Havasu National Wildlife Refuge

Special Conditions:

(1) Quail, cottontail rabbits, and jackrabbits may be taken.

(2) Arizona—quail and cottontail rabbits and jackrabbits through February 15, 1982. California—quail through January 31, 1982; cottontail rabbits and jackrabbits through January 31, 1982.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(4) Shotguns only are permitted.

(5) Two dogs per hunter are allowed for upland game hunting only. Neither hunters nor dogs may enter closed areas to retrieve game.

(6) Hunters must enter the Topock Marsh and Pintail Slough hunting areas by way of parking lots only.

(7) The portion of Topock Marsh known as Pintail Slough Management Unit will be open to hunting only on Fridays, Saturdays, and Sundays. This unit comprises all refuge land north of the north dike.

(8) The open portion of the Bill Williams Unit is all refuge land south of the Planet Ranch Road.

(9) Firearms are prohibited on observation towers.

Imperial National Wildlife Refuge

Special Conditions:

(1) Arizona—quail through February 15, 1982; cottontail rabbits through February 15, 1982. California—cottontail rabbits through March 1, 1982; quail through January 31, 1982.

(2) Quail and rabbits may be taken with shotguns only.

(3) Possession of .22 caliber rimfire firearms is prohibited.

(4) Up to two (2) dogs per hunter may be used for the purpose of hunting upland game.

New Mexico

Bitter Lake National Wildlife Refuge

Special Conditions:

(1) Quail, ring-necked and white-winged pheasants, and cottontail rabbits, may be taken in accordance with State regulations and special refuge regulations.

(2) Steel (iron) shotgun ammunition only may be used for the taking of pheasants, quail, and rabbits on the South Refuge Unit (Area C) during any waterfowl season. Possession of shotgun ammunition other than loaded with steel (iron) shot is prohibited in this unit during waterfowl seasons.

Bosque del Apache National Wildlife Refuge

Special Conditions:

(1) Quail and rabbits may be taken.

(2) Rabbits may be taken on the refuge only on those areas designated by sign and delineated on maps through January 31, 1982, and quail in accordance with New Mexico State regulations.

(3) The refuge is open to public access from one-half hour before sunrise to one-half hour after sunset only.

(4) Shotguns, bows and arrows, and .22 caliber weapons may be used for rabbits, except .22 caliber weapons may not be used from the railroad tracks west to the power lines and from the low-flow channel east to the pipeline.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulation, Part 32.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 82-647 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 32

Hunting; National Wildlife Refuges in Arkansas, Louisiana, and Mississippi.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges in Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland game and big game species.

EFFECTIVE DATES: January 11, 1982 to May 30, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960–4900

George Chandler, Refuge Manager, Mathews Brake National Widlife Refuge, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746–8511

Robert Bridges, Refuge Manager, Overflow National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (504) 364–8700

Daniel Tabberer, Refuge Manager, Bogue Chitto National Wildlife Refuge, 1010 Gause Blvd., Building 936, Slidell, Louisiana 70458, Telephone (504) 643–5817

SUPPLEMENTARY INFORMATION: The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, (601) 960–4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

General Conditions: Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State

regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Unless otherwise specified, dogs are not permitted on refuge areas.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Arkansas

Overflow National Wildlife Refuge

(1) Squirrel may be hunted through January 30 refuge-wide, except closed during deer muzzleloader hunts. Steel shot required during waterfowl hunts.

(2) Rabbit and beaver through February 28 refuge-wide, except closed during deer muzzleloader hunts.

(3) Raccoons may be hunted the first three nights of the State season and four consecutive nights starting on the night following closure of the State waterfowl season. Hunting hours are 4:00 p.m. to 7:00 a.m., open refuge-wide. No more than two dogs per hunter and four dogs per party are permitted.

(4) All firearms being transported in vehicles or boats must be empty and cased or dismantled.

Louisiana

Bogue Chitto National Wildlife Refuge

(1) Squirrel—State season.

(2) Rabbit—State season. Beagles allowed only after the last deer season.

(3) Raccoon and opossum—from end of State deer season through last day of February. Only recognized breeds of 'coon dogs permitted.

Mississippi

Mathews Brake National Wildlife Refuge

(1) Rabbits may be hunted same as State season, but no dogs will be allowed until after January 31, 1982.

(2) Raccoon and opossum season will be the same as the State season except the refuge season will be closed after the opening of the State deer-dog hunting season.

(3) Beaver may be taken incidental to other species bagged.

(4) Squirrel will be the same as State season.

§ 32.32 Special regulations; big game; for individual wildlife refuges.

Arkansas

Overflow National Wildlife Refuge

(1) Deer—State archery, muzzleloader, and regular gun season, refuge-wide. Coyote may be taken as an incidental species.

(2) Only portable stands permitted.

(3) Driving deer is prohibited.

Louisiana

Bogue Chitto National Wildlife Refuge

(1) Deer—State archery and gun seasons.

(2) Only portable stands permitted.

(3) Driving deer is prohibited.

Mississippi

Mathews Brake National Wildlife Refuge

(1) Archery deer hunt: the season shall be the same as the State season.

(2) The use of any drug on arrows is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

(3) Sunday hunting is prohibited.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-849 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 47, No. 6
Monday, January 11, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 317

[Docket No. ERA-R-81-11]

Priority Delivery of Coal Under Department of Defense Contracts

AGENCY: Economic Regulatory Administration DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is hereby giving notice of its proposal to remove 10 CFR Part 317 (Part 317), which establishes procedures implementing the coal supply allocation authority of section 101 of the Defense Production Act of 1950, 50 U.S.C. App. section 2071 *et seq.* (DPA).

The proposed removal is part of DOE's regulatory reform program and is based upon ERA's determination that (1) Part 317 would be of only limited usefulness in the event of an emergency requiring allocation of coal among users in the interest of national defense; and (2) that allocation of coal under Part 317 would be less effective than emergency ad hoc operations conducted directly under the DPA statutory provisions.

DATE: Comment on the proposed removal must be received no later than February 10, 1982. Any person wishing to comment should send 10 copies to: Economic Regulatory Administration, Office of Fuels Programs, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

Comments and the envelopes in which they are transmitted should be marked "Proposed Rulemaking—Docket No. ERA-R-81-11."

FOR FURTHER INFORMATION CONTACT:
Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th and Pennsylvania Avenue, NW., Federal Office Building, Room 7120, Washington, D.C. 20461, (202) 633-9451
Robert L. Davies, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 6128, Washington, D.C. 20461, (202) 653-3372
Marya Rowan, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2957

SUPPLEMENTARY INFORMATION: Under the authority of section 101 of the DPA and Executive Order 11790 delegating the DPA presidential coal allocation authority to the Secretary of Energy, 39 FR 23185 (June 27, 1974), ERA can (1) Issue priority ratings requiring DOD coal contractors and other defense-related coal contractors to meet their national defense contractual obligations before supplying their other customers; and, if necessary, mandate coal sales for defense purposes by firms who refuse to contract in accordance with a priority rating; (2) order the priority delivery of coal to defense contractors where such delivery is necessary to assure the performance of their contracts which have previously been given priority ratings by the Department of Commerce; and (3) allocate coal throughout the entire civilian market when certain conditions are met.

Part 317, entitled "Priority Delivery of Coal Under Department of Defense Contracts," was designed to implement a portion of ERA's authority under section 101 of the DPA. However, the Part is limited in scope to establishing the procedures for the priority supply of DOD coal requirements and does not implement the other authorities provided by section 101, including the authority to meet the coal supply requirements of non-DOD defense agencies and defense contractors. In a situation requiring ERA's exercise of those other authorities, recourse to ad hoc operations for coal allocation to parties other than DOD would be required. Furthermore, the DOD priority delivery procedures do not administratively enhance ERA's ability to implement its DPA authorities since ERA may act, as necessary, to promote the national defense directly under the statute and Executive Order, without resort to the regulations. For these reasons, ERA proposes the removal of Part 317.

Procedural Matters

A. Written Comments

Interested persons are invited to submit written comments on any issues raised by the proposed removal of Part 317 to ERA at the address given above, no later than February 10, 1982. All comments received will be available for public inspection at the ERA Office of Public Information, Room 7120, 12th and Pennsylvania Avenue, NW., Federal Office Building, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any interested party who wishes to submit confidential information or data must comply with DOE's Freedom of Information Regulations, 10 CFR Part 1004. The agency reserves the right to determine the confidential status of the information or data so submitted and to treat it according to this determination.

B. NEPA Compliance

DOE has determined that the proposed removal of Part 317 would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). Since ERA can act to promote the national defense, exercising its same authority under section 101 of the DPA regardless of the presence or absence of Part 317, the removal of Part 317 will have no impact upon ERA's exercise of the DPA authority, when such action is required. Therefore, the preparation of an Environmental Impact Statement assessing the impact of alternatives to this proposal is not required.

C. Executive Order No. 12291

Section 3(b) of Executive Order No. 12291 directs each agency to initially determine whether an action it proposes constitutes a major rule.

ERA has determined that the proposed removal of Part 317 is a non-major rule as it would not result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers; individual industries; Federal, state, or local

government agencies; or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In reaching this determination, ERA also considered that the procedures in Part 317 do not affect its authority or ability to take necessary coal allocation actions under section 101 of the DPA and Executive Order 11790, and that, accordingly, the proposed removal of the Part would have no effect, either positive or negative, on any sector of the economy.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that an agency shall prepare a regulatory flexibility analysis with regard to a proposed rule that will have a significant economic impact on a substantial number of small entities.

For the reasons discussed in paragraph C, above, DOE certifies that the rule removing Part 317, if promulgated, would not have a significant economic impact on a substantial number of small entities.

E. Paperwork Reduction Act

No data collection or reports would be required as a result of this rulemaking; therefore, clearance of ERA's proposed action by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* is not required.

(Defense Production Act of 1950, 50 U.S.C. App. 2071 *et seq.*; Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*; E.O. 11790, 39 FR 23185 (June 27, 1974); E.O. 12038, 43 FR 4957 (February 7, 1978))

Issued in Washington, D.C., January 4, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 317—PRIORITY DELIVERY OF COAL UNDER DEPARTMENT OF DEFENSE CONTRACTS [REMOVED]

For the reasons set out in the preamble, it is proposed that Chapter II, Title 10 of the Code of Federal Regulations be amended by removing Part 317.

[FR Doc. 82-552 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

10 CFR Ch. XVI

Fish and Wildlife Program; Columbia River Basin

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice and request for comments on recommendations.

SUMMARY: The Council hereby announces the availability of copies of recommendations for a Columbia River Basin fish and wildlife program and seeks oral and written comments on those recommendations. The Council will use the recommendations and supporting documents, as well as the views and information it receives during this initial comment period, to draft a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of hydroelectric facilities on the Columbia River and its tributaries. The Council will provide a second comment period once it has developed a draft program.

DATES: Copies of program recommendations and supporting documents will be available January 11, 1982; copies of a summary listing of all recommendations will be available by January 15, 1982; comments must be received on or before April 1, 1982; requests to present oral testimony should be made at least three weekdays before the hearing at which a time slot is requested. Hearings are scheduled as follows:

1. March 15, 1982, 8:30 a.m.–5 p.m. and 7–10 p.m., Portland, OR
2. March 16, 1982, 8:30 a.m.–5 p.m. and 7–10 p.m., Portland, OR
3. March 18, 1982, 8:30 a.m.–5 p.m. and 7–10 p.m., Yakima Reservation, WA
4. March 23, 1982, 8:30 a.m.–5 p.m. and 7–10 p.m., Boise, ID
5. March 26, 1982, 8:30 a.m.–5 p.m. and 7–10 p.m., Missoula, MT

ADDRESSES: Program recommendations are available for public inspection and copying between 9 a.m. and 4 p.m. weekdays in the Council's central office public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, and in the Council's state offices and Bonneville Power Administration area and district offices at the addresses listed in the Supplementary Information section, below. Copies of complete sets of recommendations and supporting documents and of a summary listing of all recommendations may by ordered by writing Torian Donohoe, Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Comments on the recommendations must be delivered or mailed to Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Comments received may be inspected and copied between 9 a.m. and 4 p.m. weekdays in the Council's public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon. Hearings on the recommendations will be held at the following locations:

1. March 15, 1982—Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon.
2. March 16, 1982—Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon.
3. March 18, 1982—Eagle-Seelatsee Auditorium, Yakima Indian Nation Tribal Headquarters, Fort Road, Toppenish, Washington.
4. March 23, 1982—Conference Room, Idaho Department of Fish and Game, 600 South Walnut, Boise, Idaho.
5. March 26, 1982—Blackfoot Room, Village Red Lion Moter Inn, 100 Madison, Missoula, Montana.

FOR FURTHER INFORMATION CONTACT: Torian Donohoe, 503–222–5161.

SUPPLEMENTARY INFORMATION:

Background

By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, 94 Stat. 2697, 16 U.S.C. 839 et seq. ("the Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress charged the Council with two major responsibilities: (1) Preparation of a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of hydroelectric facilities on the Columbia River and its tributaries; and, (2) Development of a conservation and electric power plan for the Pacific Northwest. The Council must adopt its fish and wildlife program first and thereafter incorporate that program into its conservation and electric power plan.

The Council initiated the statutory process for development of its fish and wildlife program on June 26, 1981 when it adopted a motion asking for recommendations for: (1) Measures

which can be expected to be implemented by the Bonneville Power Administration and other federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of hydroelectric facilities on the Columbia River and its tributaries; (2) Objectives for the development and operation of hydroelectric facilities on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and, (3) Fish and wildlife management coordination, research, and development activities, including funding, which would assist protection, mitigation, and enhancement of anadromous fish at and between the region's hydroelectric dams. As provided in the Act, the Council issued its request for recommendations to federal and state fish and wildlife agencies, appropriate Indian tribes, federal and regional water management and electric power producing agencies, Bonneville Power Administration customers, and members of the public. The Council asked for submission of such recommendations by November 15, 1981.

In response to its request, the Council received more than 2200 pages of recommendations and supporting documents. Entities submitting recommendations were: Bonneville Power Administration; Columbia River Inter-Tribal Fish Commission; Confederated Salish and Kootenai Tribes; Confederated Tribes and Bands of the Yakima Indian Nation; Idaho Department of Fish and Game; Montana Department of Fish, Wildlife and Parks; National Marine Fisheries Service; Oregon Department of Fish and Wildlife; Oregon Water Policy Review Board; Pacific Northwest Utilities Conference Committee; U.S. Environmental Protection Agency—Region X; U.S. Fish and Wildlife Service; Washington Department of Ecology; Washington Department of Fisheries, and Washington Department of Game.

Availability

The Act requires the Council to give public notice of receipt of recommendations for its fish and wildlife program and to make the recommendations and supporting documents available to the Bonneville Power Administrator; federal and state fish and wildlife agencies; appropriate Indian tribes; federal agencies responsible for managing, operating or regulating hydroelectric facilities on the Columbia River or its tributaries; Bonneville Power Administration customers, and other electric utilities which own or operate hydroelectric facilities on the Columbia River or its tributaries. The Act further requires the Council to make copies of the recommendations and supporting documents available for review and reproduction at a reasonable cost. The Council hereby gives notice that the fish and wildlife program recommendations and supporting documents will be available for inspection and copying starting January 11, 1982, between the hours of 9 a.m. and 4 p.m. weekdays, in the Council's central office public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon. Copies of the program recommendations also are available for public inspection at the Council's state offices and Bonneville Power Administration area and district offices at the following addresses:

Council State Offices

Towers Building, 3rd Floor, Boise, Idaho
155 Cottage Street Northeast, Salem, Oregon
Old Board of Health Building, 1301 Lockey, Helena, Montana
Washington State Energy Office, 400 East Union, Olympia, Washington

Bonneville Power Administration Offices

Suite 288, 1500 Plaza Building, 1500 Northeast Irving Street, Portland, Oregon
Room 206, Federal Building, 211 East Seventh Street, Eugene, Oregon
Suite 117, Morris Building, 23 South Wenatchee Avenue, Wenatchee, Washington
1620 Regent, Missoula, Montana
Room 561, United States Courthouse, West 920 Riverside Avenue, Spokane, Washington
West 101 Poplar, Walla Walla, Washington
Highway 2 District Office, Kalispell, Montana
531 Lomax Street, Idaho Falls, Idaho

Copies of the complete set of recommendations and supporting documents and of a summary listing of all recommendations may be ordered by writing to Torian Donohoe, Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Orders also may be placed by calling Ms. Donohoe at 503–222–5161.

Comments

The Act directs the Council to provide the public with an opportunity to submit written and oral comments on the fish and wildlife program recommendations and supporting documents. The Council hereby opens a public comment period on the recommendations and supporting documents. Written comments may be submitted to the Council at any time between now and 5 p.m. on Thursday, April 1, 1982. Such comments must be mailed or otherwise delivered to the Council at Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Commenters should indicate the document title and page number of the recommendation or supporting materials on which they are commenting. It also would be helpful if commenters would submit at least two copies of each set of comments. Copies of all comments received will be placed in the Council's official administrative reord and its central office public reading room file. Comments received may be inspected and copied between the hours of 9 a.m. and 4 p.m. weekdays in the Council's reading room at Suite 200, 700 Southwest Taylor Street, Portland, Oregon.

The Council will provide opportunities to make oral comments on the recommendations and supporting documents during a total of five days of public hearings in four states. The hearings are scheduled as follows: (1) March 15, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon; (2) March 16, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon; (3) March 18, 1982, 8:30 a.m. to 5 p.m. and 7 p. m. to 10 p.m., Eagle Seelatsee Auditorium, Yakima Indian Nation Tribal Headquarters, Fort Road, Toppenish, Washington; (4) March 23, 1982, 8:30 to 5 p.m. and 7 p.m. to 10 p.m., Conference Room, Idaho Department of Fish and Game, 600 South Walnut, Boise, Idaho, and (5) March 26, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Blackfoot Room, Village Red Lion Motor Inn, 100 Madison, Missoula, Montana.

Each hearing will be conducted by a hearing examiner. Each speaker will be allowed to speak for 10 minutes. No opportunity will be provided for rebuttal or cross-examination. The Council encourages speakers to use their oral comment time to summarize more extensive written comments. Those persons who wish to reserve a time slot for speaking at one of the public hearings should call Torian Donohoe at the Council offices, (503) 222–5161, at least three weekdays prior to the public hearing at which time a slot is sought. A transcript will be made of each hearing and copies of each transcript will be made a part of the Council's administrative record and central office public reading room file.

Issues

The Act contains an extensive list of issues which the council must consider in its development of the fish and wildlife program. To that end, the Council would appreciate comments which address the following questions:

1. *Systemwide Approach:* Would the recommended measure, objective, or other activity fit into a fish and wildlife program which addresses the Columbia River and its tributaries "as a system"? Sec. 4(h)(1) (A), (B).

2. *Implementation authority:* Could the recommended measure be expected to be implemented by: (a) The Bonneville Power Administration, using authorities under the Northwest Power Act or other laws, or, (b) Other federal agencies? Sec. 4(h)(2)(A).

3. *Effect on Fish and Wildlife:* Is the recommended measure, objective, or other activity designed to help protect, mitigate, or enhance fish and wildlife, including related spawning grounds or habitat, affected by the development or operation of any hydroelectric project on the Columbia River or any of its tributaries? Sec. 4(h)(2) (A), (B), (C).

4. *Effect on Power Supply:* Could the recommended measure be implemented in a way that would assure an "adequate, efficient, economical, and reliable" power supply? Sec. 4(h)(5), (7)(A).

5. *Complementary Activities:* Would the recommended measure complement existing and future activities of federal and state fish and wildlife agencies and appropriate Indian tribes in the region? Sec. 4(h) (6)(A), (7)(B).

6. *Scientific Basis:* Is the recommended measure based on and supported by the best available scientific knowledge? Sec. 4(h) (6)(B), (7)(B).

7. *Biological Objective:* Is the recommended measure designed to achieve a sound biological objective? Sec. 4(h) (6)(C), (7)(B).

8. *Alternative Costs:* Is there an equally effective alternative measure which would achieve the same biological objective as the recommended measure? If so, which measure would result in the "minimum economic cost"? Sec. 4(h) (6)(C), (7)(B).

9. *Indian Rights:* Would the recommended measure be consistent with the legal rights of appropriate Indian tribes in the region? Sec. 4(h) (6)(D), (7)(B).

10. *Anadromous Fish Survival:* If the recommended measure relates to anadromous fish, would it help: (a) Improve survival of such fish at Columbia River Basin hydroelectric facilities, or (b) Provide flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives? Sec. 4(h) (6)(E), (7)(B).

11. *Consistency with Purposes of the Act:* Is the recommended measure consistent with the purposes of the Act, as spelled out in Section 2? Sec. 4(h)(7).

12. *Consistency with Other Recommended Measures:* Is the recommended measure inconsistent with any other recommended measure? If so, how should the inconsistency be resolved? Sec. 4(h)(7).

13. *Effectiveness:* Would any other measure be more effective than the recommended measure in protecting, mitigating, and enhancing fish and wildlife? Sec. 4(h)(7)(C).

14. *Coordination with Additional Measures:* Does the recommended measure require coordination with additional measures, including enhancement measures, directed at impacts on fish and wildlife which are not caused by the development and operation of electric power facilities and programs? If so, how can such additional measures be implemented in accordance with agreements, among appropriate parties, providing for the administration and funding of such additional measures? Sec. 4(h)(8) (B), (C).

15. *Cost Allocation:* How can any monetary cost or electric power losses resulting from the recommended measure be allocated consistently with individual project impacts and systemwide objectives of the fish and wildlife program? Sec. 4(h)(8)(D).

16. *Savings Provisions:* How should the recommended measure be implemented so that rights and interests listed in Section 10 are protected in accordance with the Act?

Commenters need not address all these issues and may raise any other issues they consider pertinent.

Recommending Entities

The Council invites those entities which submitted recommendations to use the comment period to provide additional information on their recommendations and to comment on the recommendations and supporting documents submitted by other entities.

Program Development

At the close of this initial comment period the Council will draft a fish and wildlife program on the basis of the recommendations and supporting documents, as well as the views and information obtained through public comment and participation and consulation with federal and state fish and wildlife agencies; appropriate Indian tribes; the Bonneville Power Administrator; federal agencies which manage, operate, or regulate Columbia River Basin hydroelectric facilities; Bonneville Power Administration customers, and other electric utilities which own or operate hydroelectric facilities in the Columbia River Basin. The Council will open a second public comment period once it has developed its draft program. It must adopt its program by November 15, 1982, one year after the deadline set by the Council for receipt of the fish and wildlife program recommendations. The fish and wildlife program will become part of the Council's regional conservation and electric power plan.

Questions concerning development of the fish and wildlife program may be addressed to Torian Donohoe, 503–222–5161, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, 97205.

(Sec. 4, Pub. L. 96–501 (16 U.S.C. 839b))

Edward Sheets,

Executive Director.

[FR Doc. 82-[illegible] Filed 1-8-82; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-22-AD]

Airworthiness Directives; Piccard Balloon Model AX-6 Balloon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require certain fuel system modifications on Piccard Balloon Model AX-6 Balloons. The proposed AD is needed to prevent delay in fuel shut-off which could result in a fire in a forced landing condition.

DATES: Comments must be received on or before March 15, 1982.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Attention: Regional Counsel, Airworthiness Rule Docket P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: General Balloon Corporation, Costa Mesa, California.

FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary

Airworthiness, Directive Review Board, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. (213) 536-6358.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of a forced landing situation in which the fuel shut-off rate provisions on the Piccard Balloon Model AX-6 contributed to a hazardous situation involving a fire. Since this condition is likely to exist or develop on other products of the same type design, the proposed AD will require modifications of the fuel system involving the incorporaton of certain valves, and modification of the blast valve handle shape to prevent entanglement and inadvertent operation on Piccard Balloon Model AX-6 Balloons.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Piccard Balloon: Applies to Model AX-6 series hot air balloons certificated in all categories. Compliance required within the next thirty hours' time in service after the effective date of this AD, unless already accomplished.

To prevent slow operation of fuel shut off during emergency conditions, accomplish the following:

(a) Modify the burner and fuel system to incorporate a P/N PSP 705 quick shut-off valve at the fuel tank, and a shut-off valve P/N PSP 706 on the pilot light system at the burner plate in accordance with General Balloon Corporation Drawing No. 8200-A, dated September 28, 1981, and General Balloon Corporation Service Letter No. 8, dated December 4, 1981.

(b) Install blast valve handle P/N PSP 608 and Return Spring PSP 607 in place of blast valve handle P/N SO41-7 per General Balloon Corporation Service Letter No. 8, dated December 4, 1981 and Drawing 8200-A, dated September 28, 1981.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1429); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation Guidelines.

Issued in Los Angeles, California on December 21, 1981.

H. C. McClure,
Director, FAA Western-Pacific Region.

[FR Doc. 82-636 Filed 1-8-82; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-NE-21]

Airworthiness Directives; Air Cruisers Company Life Rafts

AGENCY: Federal Aviation Administation (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require modifications and a revised packing procedure for Air Cruisers Company life rafts, P/N D23835-403, S/N 8624978 through 9925181. The proposal is prompted by reports of a pull force, in excess of 30 lbs., required to actuate the gas release mechanism. Failure to inflate could result in possible loss of life under emergency ditching conditions.

DATE: Comments must be received on or before January 29, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, New England Region, Office of Regional Counsel, Attention: Rules Docket (ANE-7), Docket No. 81-NE-21, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletin may be obtained from: Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT:
Kenneth Tunjian, Systems and Equipment Section (AEA-213), Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430; telephone: (212) 995-3372.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Several reports have been received of a pull force in excess of the 30 lbs. Technical Standard Order (TSO) requirement to activate the gas release mechanism. These incidents occurred during one airline's functional testing of the rafts. Subsequent investigation of the raft pack revealed that the increased pull force was due to the tightness of the raft pack and drag loads between the cables and adjacent raft and lacing cover fabric. Failure to inflate could result in possible loss of life under emergency ditching conditions. Since this condition is likely to exist or develop on other life rafts of the same type design, the proposed AD would require modifications and a revised packing procedure for all Air Cruisers Company life rafts, P/N D23835-403, S/N 8624978 through 9925181.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation

Regulations (14 CFR 39.13) by adding the following new AD:

Air Cruisers Company. Applies to life rafts P/N D23835-403, S/N 8624978 through 9925161. Compliance required within 60 days after the effective date of this AD, unless already accomplished.

To prevent the need for excessive pull force to activate the gas release mechanism, accomplish the modifications described in paragraph 2 of Air Cruisers Company Service Bulletin 111-81-1, dated July 24, 1981.

An equivalent method of compliance may be approved upon request to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the compliance time of this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430.

The manufacturer's Service Bulletin identified and described in this directive is incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Air Cruisers Company, P.O. 180, Belmar, New Jersey 07719. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under Section 8 of Executive Order 12291. It has been further determined that this document involves a regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on December 28, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-460 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-24-AD]

Airworthiness Directive; Boeing Model 727 Airplanes Using Decoto Leading Edge Actuators, P/N 10-61792-1, -2, -4, -5, -6, -7, or -8

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document further extends the comment period for a Notice of Proposed Rulemaking issued on July 13, 1981 (46 FR 35933). That NPRM would require repetitive inspection or removal of the Docoto leading edge actuators listed above.

DATES: The comment period for this NPRM is hereby further extended from November 30, 1981, to March 31, 1982.

ADDRESS: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANM-130S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rulemaking (NPRM), Docket No. 81-NW-24-AD, was published in the **Federal Register** on July 13, 1981 (46 FR 35933). This proposed rule would require repetitive inspection or replacement of the Decoto leading edge actuators listed above.

The original comment period was extended from September 18, 1981 to November 30, 1981, because the Boeing service bulletin listed in the NPRM was not available early enough to allow for review prior to the end of the comment period. Just prior to November 30, 1981, The Boeing Company stated that they had begun additional laboratory testing of the actuator. The purpose of the testing is to determine if an alternate method of detecting the serviceability of the piston could be found, which might preclude the necessity of fleetwide removal and replacement of the actuator pistons upon accumulation of a certain number of landings. In addition, testing is in progress to determine if machining a new radius in the affected area of the piston would increase service life. The Boeing Company estimates that this testing will be complete approximately mid-February 1982.

Boeing submitted data which show that the likelihood of a piston developing fatigue cracks of any consequence prior to the accumulation of 30,000 landings is small, and that no 727 airplane using Decoto actuators will accumulate 30,000 landings prior to August 1982. For these reasons the comment period for this NPRM may be extended until March 31, 1982 without compromising safety.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

Note.—Since this action merely extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington on December 31, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-449 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-17-AD]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD) which would require inspection, and repair as necessary, of certain significant structural items on high time Boeing 707/720 series airplanes. Service experience and application on state-of-the-art analytical techniques and tests indicate the airplane structure in these areas is cracking and if undetected, may result in failure to sustain limit loads. Boeing Document D6-44860 "Supplemental Structural Inspection Document for High Time Model 707/720 Aircraft" and FAA Advisory Circular (AC) 91-56, dated May 6, 1981, "Supplemental Structural Inspection Program for Large Transport Category Airplanes," also relate to this action.

DATE: Comments must be received on or before February 12, 1982.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Rules Docket No. 81–NW- AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. R. D. Anderson, Airframe Branch, ANM–120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767–2516.

Comments Invited

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81–NW–17–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

The Boeing Supplement Inspection Document (SID) was developed by the manufacturer with the aid of several 707/720 operators. The detail inspection items contained in the document have been determined to be structurally significant by test, analysis, or service experience and are designated Significant Structural Details (SSDs) because they involve structure which contributes significantly to carrying flight, ground or pressure loads whose fracture could affect the structural integrity of the aircraft. SSDs are divided into two categories: those which are not covered by Service Bulletins (predictive) and those which are covered (service related). These detail inspections, when used to supplement an existing approved maintenance program, aid in maintaining the damage tolerance of the structure of inservice aircraft in the presence of aging effects such as fatigue and corrosion to the limit of the aircraft's economic usefulness. Certain items from only the service-related category are included in this proposal.

In establishing the total list of SSDs, Boeing used advanced analysis techniques not available during the original design of the 707/720 aircraft. This analysis revealed that certain details now require increased emphasis in the maintenance program of operators. The specific inspection requirements designated are based on analysis of minimum detectable size and growth characteristics of cracks and residual strength of the damaged structure. Some details were found to require the application of special inspection techniques to ensure the damage tolerance of the design.

After compiling the SSDs, Boeing reviewed all structural Service Bulletins to determine if they were in the structural area identified as an SSD. Those Service Bulletins so identified are listed with the SSD and have been included in the SID to emphasize their significant contribution to continued aircraft integrity.

The initial inspection periods for these items have been established by actual service experience. Operators must carefully review the supplementary inspection instructions contained on each SSD referencing a Service Bulletin, even though the Service Bulletin has been accomplished. In some cases, the modification recommended in the Service Bulletin is a terminating action, and no further supplemental inspection is required. Other items specify the incorporation of the Service Bulletin as the point for starting the count to identify when the initial inspection period should commence. Still others recommend the inspection of selected adjacent structure based upon analysis and experience gained from accomplishment of the Service Bulletin. There are combinations of these situations and also minor additional variations to the stated situations which are covered in detail as required on the SSDs referencing Service Bulletins.

The FAA issued AC 91–56 to provide guidelines to manufactures in the development of SIDs and to enable operators to amend their current structural inspection programs to comply with and account for the applicable SID. Each operator's amendment of its program will be evaluated on an individual basis.

As AC 91–56 states, portions of a SID which the FAA finds to be both applicable to all operators and of safety concern, as a result of a demonstrated safety problem, will be made mandatory under the existing Airworthiness Directive (AD) system.

Pending the completion of the evaluation process for SID implementation through amendment of operators' inspection programs, the FAA has determined that certain portions of the Boeing 707/720 SID should be implemented by AD Action.

The items implemented by this proposal have been selected for the following reasons:

A. Failure of the aft fin terminal fittings may result in loss of the vertical tail with atttendant loss of directional control during critical flight maneuvers. (Item 53–AX5–11);

B. Failure of the rudder actuator support fittings may result in loss or degradation in directional control capability required in critical flight regimes such as takeoff and landing. (Item 55–AX5–04); and

C. Cracks in the inboard wing lower surface, inboard lower rear spar, wing station 360 splice, and lower "beavertail" joint, if left undetected, could result in failure of the wing to sustain limit loads (Items 57–AX5–05, –06, 07, –09, and –10).

It is estimated that 279 airplanes of the U.S. Registry will be affected by this AD, that it will take approximately 630 man hours per airplane to accomplish the initial inspections, and that the average labor cost will be $22,000 per airplane, for a total impact of approximately $6,000,000.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive (AD):

Boeing: All 707/720 series airplanes certificated in all categories. To assure the continuing structural integrity of these aircraft, accomplish the following:

A. Within 90 days after the effective date of this amendment, unless already accomplished, incorporate in the FAA-approved maintenance inspection program a revision which requires inspections, and repair as necessary, of the significant structural details (SSDs) listed in Table I below, as extracted from Boeing Document D6–44860, "Supplemental Structural Inspection Document for High Time Model 707–720 Aircraft," as revised through Revision J, dated June 30, 1981, or later revisions approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

TABLE I

SSD	Title	Effectivity—Model Series				
		720	707 100/200	707 [illegible]00/400	707 300B	707 [illegible]00C
53-A(X)5-11	Aft Fin Terminal Fitting Attachment Holes B.S.1505	X	X	X	X	X.
55-A(X)5-04	Rudder Actuator Support Fitting	X	X	X	X	X.
57-A(X)5-05	Wing Rear Spar Lower Chord, Web, Terminal Fitting/Spar Chord and Wing Lower Skin, BBL 70.5 to WBL129.62.	X	X	X	X	X.
57-A(X)5-06	Wing Rear Spar Lower Chord, Web and Wing Lower Skin at WBL 59.24	N/A	X	X	X	X.
57-A(X)5-07	Wing Lower Panel Stringer (Joint at Beavertail) WBL 59.24 S-1 through S-18	X	X	X	X	X.
57-A(X)5-09	Wing Rear Spar Lower Chord, Web and Wing Lower Skin, WBL 59.24 to W.S. [illegible]60.	X	X	X	X	X.
57-A(X)5-10	Wing Lower Panel, W.S. 360 Splice, Stringers S-1 through Front Spar	X	X	X	X	X.

B. The inspection thresholds, repetitive intervals, inspection techniques, repair methods, terminating action and applicable airplanes for each significant structural detail listed in Table I is contained in Boeing Document D6-44860.

The increase of inspection intervals in accordance with paragraph 1.70 of Boeing Document D6-44860 is not permitted, except as provided in paragraph D.

C. If cracks are found, prior to further flight: (1) Replace with a serviceable approved part of the same Part Number, (2) repair in accordance with the information contained in Boeing Document D6-44860, or (3) repair in accordance with a method approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, Seattle, Washington.

D. Alternate means of compliance may be used when approved by an FAA Maintenance Safety Inspector with the prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, Seattle, Washington.

E. Inspection must be continued until the terminating action (if any), as specified in Boeing Document D6-44860, is accomplished.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves few, if any, such entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on December 30, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-451 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-18]

Alteration of Transition Area; Chambersburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the proposal to amend the Chambersburg, Pa., Transition Area. The amendment was proposed so as to permit a change of instrument procedures resulting from the installation of a nondirectional radio beacon (NDB). Such installation has been abandoned precluding any further need for Notice of Proposed Rulemaking Docket 80-EA-18.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone (212) 995-3391.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Notice of Proposed Rulemaking Docket 80-EA-18 (45 FR 74498; November 10, 1980) is hereby withdrawn, effective January 11, 1982.

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Jamaica, New York, on December 22, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-468 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-69]

Proposed Designation of Transition Area; Crockett, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Crockett, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Houston County Airport. This action is necessary to protect aircraft executing a standard instrument approach procedure (SIAP) using the proposed nondirectional radio beacon (NDB) located on the airport.

DATE: Comments must be received on or before February 10, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air traffic

Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Crockett, TX, will necessitate an amendment to this subpart. This amendment will be required at Crockett, TX, since there is a proposed IFR procedure to the Houston County Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–69." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Crockett, TX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houston County Airport (latitude 31°18'35"N., longitude 95°24'10"W.) and within 3 miles each side of the 196° bearing of the NDB (latitude 31°18'50"N., longitude 95°24'10"W.) extending from the 5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on December 30, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-448 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81–AAL–16]

Proposed Designation of Transition Area; Ambler, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Ambler, Alaska. The FAA has installed a Nondirectional Radio Beacon (NDB) at Ambler and has developed a standard instrument approach procedure to the Ambler airport. This transition area is needed to provide protected controlled airspace for the instrument approach precedure.

DATE: Comments must be received on or before February 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 81–AAL–16, 701 C Street, Box 14, Anchorage, Alaska 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m. The FAA Rules Docket is located in the office of the Regional Counsel, 3rd floor, Federal Building, 701 C Street, Anchorage, Alaska.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Jerry W. Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271–5903.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AAL–16." The postcard will be dated/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, or by calling (907) 271–5903. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2, which describes application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Ambler, AK. This proposal would provide protected controlled airspace for aircraft conducting prescribed instrument approaches to Ambler airport. Section 71.181 was republished on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540), by adding the following:

Ambler, AK

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 6 miles west of the Ambler NDB (Lat. 67°06'26" N., Long. 157°51'18" W.) 186° True (163°M) and 006° True (343°M) bearings, extending from 8 miles north of the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an estimated body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Anchorage, Alaska, on December 29, 1981.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 82-642 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 73

[Airspace Docket No. 81-AWP-22]

Proposed Temporary Restricted Area, Calif.; GALLANT EAGLE 82

Correction

In FR Doc. 81–37147, appearing at page 63318 in the issue of Thursday, December 31, 1981, the second line of the description for restriced area R–2538C, GALLANT EAGLE 82 [New], in column two of page 63319 should have read, "116°30'W.; to lat. 34°43'N., long. 116°26'W.; to".

BILLING CODE 1505-01-M

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 78–16, Notice 2]

Contract Procedures; Subcontracting Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA requests comments on proposed revisions to its subcontracting regulation. The revised regulation would permit States to accept bids for Federal-aid highway construction work from contractors who would perform as little as 30 percent of the contract work with their own organizations as opposed to 50 percent under the regulation currently in effect. The proposed revision would also eliminate procedural requirements in the current regulation which are no longer considered necessary. Lowering the amount of work to be performed by a contractor's own forces includes a possible increase in bidding competition within and better utilization of the construction industry.

DATE: Comments must be received on or before February 10, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 78–16, Notice 2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Mr. K. L. Ziems, Chief, Contract Administration and Operations Branch, Construction and Maintenance Division, Office of Highway Operations (202) 426–4847, or Mr. Michael Laska, Office of the Chief Counsel (202) 426–0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The contract procedures for Federal-aid highway projects are set forth in 23 CFR Part 635, Subpart A. Section 635.113 contains the procedures for subcontracting and is the subject of this notice of proposed rulemaking.

Section 635.113(b) currently requires that a contractor perform with its own organization, contract work amounting to not less than 50 percent of the total contract price. Because of recent increased interest in the cost of Federal-aid construction work, the FHWA decided to review this requirement. Support for lowering the amount of work required to be performed by the contractor's own forces includes a possible increase in bidding competition within and better utilization of the construction industry.

Since the emphasis of the Federal-aid highway program has shifted principally from new rural Interstate routes to resurfacing, restoration, rehabilitation, and bridge replacement type projects, construction firms involved have become smaller in size and more specialized. In general, lowering the limit would enhance the bidding opportunities of these small and/or specialized contractors.

By lowering the Federal limit from 50 percent to 30 percent, a State would have the option of reducing its own limit or, at least in two States and the District of Columbia, allowing the same percentage to be subcontracted on Federal-aid projects as currently allowed on State projects. It is not expected that all States which now have a 50 percent requirement would revise it to 30 percent, nor would it be recommended that the new limit be applied to all projects. This amendment would merely allow States greater flexibility so that, on any given Federal-aid project, a State could allow the contractor to subcontract up to 70 percent of the total contract price excluding identified specialty items.

In addition to the proposed revision of the Federal limit on subcontracting, the FHWA is also proposing to make a number of other changes in § 635.113. The majority of these proposed revisions were included in a previous notice of proposed rulemaking (43 FR 36645, August 18, 1978) on all of Part 635, Subpart A. No substantive comments were received on the proposed revisions to § 635.113 at that time. The proposed revisions to the remainder of Subpart A are currently under review.

With respect to § 635.113, the FHWA is proposing to eliminate the following provisions:

1. Paragraph (a)—definitions;
2. Paragraph (c)—requirements imposed on the contractor to assure performance of subcontracted work in accordance with contract requirements;
3. Paragraph (f)—specific criteria for determining whether a contractor is in compliance with the Federal limit on subcontracting; and
4. Paragraph (h)—a requirement that the State highway agency establish procedures to assure identification of potential subcontractors and adherence to nondiscrimination statutes and regulations.

The foregoing provisions should be eliminated because they are unnecessary and duplicate other requirements. Elimination of these provisions would not affect the obligation of States and contractors to adhere to the requirements of applicable Federal statutes and regulations on all Federal-aid projects.

Two other revisions to § 635.113 are being proposed at this time. Paragraph (d) permits the requirements of § 635.113 to be modified by the Federal Highway Administrator in the public interest upon the request of a State highway agency. This provision would be revised to allow for modifications of this section only prior to the opening of bids. Due to the new allowable limit, it is believed that the need to waive any requirement after the award of a contract would be unnecessary. This provision would also be revised to permit other FHWA officials to exercise the Administrator's authority under this subsection. Paragraph (e) currently permits the exclusion of specialty items from the total contract price before computing the amount of work required to be performed by the contractor's own organization. This provision would not be eliminated, but would simply be incorporated in the same paragraph as the subcontracting limit.

An interim report on results of modifying the subcontracting requirements was recently presented by the Wisconsin Department of Transportation to the American Association of State Highway and Transportation Officials' Subcommittee on Construction. Because the report addresses a majority of the points considered in this notice of proposed rulemaking, a copy of the report and an FHWA summary have been placed in the public docket for inspection. Copies of these documents are also available upon request from Mr. K. L. Ziems at the address provided above.

It is anticipated that the proposed revisions would have a potentially positive economic impact on contracting agencies. In effect, since more contractors would be allowed to bid for a project, the increased competition should lower actual construction costs. Elimination of unnecessary procedural requirements should benefit States and contractors. Smaller contractors should also benefit because of the potential increase in their opportunities to bid on Federal-aid projects. It is possible that large construction firms would be adversely impact due to the loss of some work to smaller firms; however, it is not anticipated that this effect would be significant.

Due to the fact that the States would be under no obligation to adopt the 30 percent requirement and based upon preliminary indications that the majority would not do so, it is not anticipated that this proposal will have a signficant economic effect. Accordingly, a full regulatory evaluation is not required at this time. For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this proposal will not have a significant economic impact on a substantial number of small entities.

Comments are requested on the proposed revisions from all interested parties. The comments should specifically address the effects of the proposed revisions on the highway and construction industry and any effects on the Federal-aid program in the States. The FHWA is also interested in any economic effects of the proposed revisions and any effects on small contractors.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. A 30-day comment period is considered sufficient because the majority of the proposed revisions have already been the subject of public notice and comment and because of the interest in providing greater flexibility, eliminating unnecessary procedural burdens, and increasing the potential for cost savings as quickly as possible.

In consideration of the foregoing, and under the authority of 23 U.S.C. 101, 112, 114 and 315, and 49 CFR 1.48(b), the FHWA proposes to revise Chapter I, Part 635, Subpart A of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued: January 4, 1982.

R. A. Barnhart,

Federal Highway Administrator.

PART 635—CONSTRUCTION AND MAINTENANCE

It is proposed to revise § 635.113 to read as follows:

§ 635.113 Subcontracting.

(a) Contracts for projects shall require that the contractor perform, with its own organization, contract work amounting to not less than 30 percent of the total contract price excluding identified specialty items. For purposes of this section, an assignment of contract work is considered synonymous with a subcontract to perform such work.

(b) Upon the request of a State highway agency, the requirements of this section may be modified in whole or in part by the FHWA for a project prior to the opening of bids to such extent as the FHWA determines to be in the public interest.

(c) The State highway agency shall not permit any of the contract work to be performed under a subcontract unless such arrangement has been authorized by the State highway agency in writing. Prior to authorizing a subcontract, the State highway agency shall assure that the subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. A copy of each such written authorization shall be furnished promptly to the Division Administrator.

[FR Doc. 82-559 Filed 1-8-82; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 403]

Labeling and Advertising of Distilled Spirits, Standard of Identity for Vodka

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend regulations to clarify the standard of identity for vodka. Revenue Ruling 56–98 holds that the addition of sugar and citric acid to vodka in accordance with the limitations specified in the ruling does not materially affect the taste or change the basic character of vodka. Products containing these ingredients within the limitations are allowed to be labeled as vodka. The results of recent tests conducted at the ATF National Laboratory indicate that the use of sugar and citric acid, even within the ruling's limitations, does change the chemical and physical characteristics (the basic character) of vodka. The changes to the chemical and physical characteristics mean that the vodka treated in accordance with this ruling does not conform to the standard of identity for vodka. ATF believes that it may be necessary to reassess its position held in the revenue ruling and amend the standard of identity for vodka.

ATF will, however, also consider, as an alternative proposal, a new class designation for vodka made with the addition of sugar and citric acid.

DATE: Comments must be received on or before April 12, 1982.

ADDRESS: Send comments on this notice to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background

The standard of identity for vodka is established in 27 CFR 5.22(a)(1), as "neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste or color." Section 27 CFR 5.23(a)(2) allows for the addition of harmless coloring, flavoring or blending materials as long as they do not alter the class and type of distilled spirits. Under § 5.23(a)(3)(ii), "Harmless coloring, flavoring and blending materials" shall not include any material whatsoever in the case of neutral spirits.

In 1956 Revenue Ruling 56–98, 1956–1 C.B. 811, was issued allowing the addition of sugar not exceeding two-tenths of one percent and a trace amount of citric acid to neutral spirits in the production of vodka. The position taken at that time was that these ingredients in those amounts do not materially affect the vodka's taste or its basic character. Therefore, products containing these ingredients within the specified limitations are allowed to be labeled as vodka.

The ATF National Laboratory has, however, recently conducted additional tests of vodka samples treated in accordance with specifications in Revenue Ruling 56–98. Analysis of these samples reveals a measurable solids content, indicating the addition of sugar, as compared with negligible measurements in samples not so treated. The addition of the trace of citric acid is also detectable by means of a titration test. The citric acid is detected as a change in the titratable acidity of the sample.

ATF concluded that although sugar and citric acid were used within the specified limitations, the addition of the ingredients did materially affect the chemical and physical characteristics of the vodka. Both the high solids content and the change of titratable acidity indicate that a change has taken place in the physical and chemical characteristics.

ATF holds that the "distinctive character" includes both the chemical and physical characteristics of the vodka. These test results show that the "distinctive character" has been altered so that it no longer conforms to the standard of identity for vodka.

On the basis of these tests, ATF has concluded that the vodka treated in accordance with Revenue Ruling 56–98 is different from the vodka not so treated and therefore does not conform to the standard of identity for vodka. Therefore, Revenue Ruling 56–98 must be reassessed for its validity.

ATF, however, would like to know if the consumer and the alcohol industry are interested in another class of vodka, designated in Part 5, which would allow the addition of sugar and citric acid. Is there a market for this product? Should the amounts of sugar and citric acid as allowed in Revenue Ruling 56–98 remain the same, be increased or decreased? What would ATF call this new class of vodka?

ATF would like comments regarding the two proposals presented, that is, (1) Clarifying the standard of identity for vodka to preclude the addition of any ingredients to vodka, such as sugar and citric acid, that would materially affect its physical and chemical characteristics, or (2) establishing another class of vodka authorizing the addition of sugar and citric acid within specified amounts.

Executive Order 12291

It has been determined that this advance notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the advance notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidential effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the advance notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF encourages interested persons to participate in this rulemaking procedure by submitting written comments. All pertinent comments will be considered prior to the proposal of amended regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for

disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. Written communications will be available for public inspection at the ATF Reading Room, Room 4407, 12th and Pennsylvania Avenue, NW, Washington, DC from 8:30 a.m. to 5:00 p.m.

Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This advance notice of proposed rulemaking is issued under the authority of section 5 of the Federal Alcohol Administration Act (49 Stat. 391) (as amended in 27 U.S.C. 205).

Signed: November 13, 1981.

G. R. Dickerson,

Director.

Approved: December 8, 1981.

John M. Walker, Jr.,

Assistant Secretary.

(Enforcement and Operations).

[FR Doc. 82-672 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

---

27 CFR Part 9

[Notice No. 402]

Establishment of Green Valley Viticultural Area, Calif.

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Solano County, California, to be known as "Green Valley." This proposal is the result of a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by March 12, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn.: Notice No. 402).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association, proposing an area in Solano County, California, as a viticultural area to be known as "Green Valley." The proposed area is located in the southwestern portion of the county adjacent to the Napa County line and west of Suisun Valley. Green Valley lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioner bases these claims on the following:

(a) The Green Valley grape area lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

(b) The climate in Green Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days.

(c) The season totals for degree-days above 50 degrees Fahrenheit for Green Valley were 3,683.9 in 1973 and 3,498.2 in 1974. In comparison, the season totals for upper Suisan Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. Suisun Valley lies directly east of Green Valley.

(d) Due to Green Valley's proximity to the Pacific Ocean, fog is very prevalent in the valley during the months of May, June, July and August. In contrast, fog hardly ever penetrates into the nearby Suisun Valley or into the Vacaville-Dixon area which lies to the east of Suisun Valley.

(e) The soil in Green Valley consists of Conejo clay loam.

(f) The watershed in Green Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, the watershed drains eastward into the Sacramento River.

Historical Background

According to information provided by the petitioner, Green Valley is a small valley approximately one mile wide and four miles long. Grapes have been grown commercially in the valley since the late 1800's. As early as 1909, over 2,000 acres were recorded by the Bureau of the Census. Since that time, a small but stable wine grape acreage has been continuously maintained. Currently, about 400 acres of grapes are under

cultivation within the proposed area. Also, a winery is scheduled to begin operations within the area in the near future.

The principal varieties of grapes grown in Solano County in decreasing order of acreage are: Gamay, Petite Sirah, Cabernet Sauvignon, Carignane, Zinfandel, French Columbard, Chenin Blanc, Early Burgundy, Gamay Beaujolais, and Gray Riesling. The petition claims that grapes from western Solano County have been well received by Napa-Solano vintners, and growers have experienced no difficulty in meeting the minimum acid and sugar requirements for north-coast grapes.

Proposed Boundaries

The boundaries of the proposed Green Valley viticultural area may be found on two U.S.G.S. 7.5 minute quadrangle maps ("Mt. George Quadrangle, California", and "Cordelia Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. ATF has come to this tentative conclusion based on the fact that we do not have a way to assign a monetary value on the use of the name "Green Valley" as a viticultural area appellation of origin on wine labels and in wine advertisements. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Green Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Green Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

A notice of proposed rulemaking requesting public comment on a proposed Suisun Valley viticultural area, adjacent to the proposed Green Valley viticultural area, is being published in today's **Federal Register**. ATF requests public comment regarding the geographic and climatic features, if any, which distinguish the two areas in order for ATF to decide whether there should be two separate areas or a single viticultural area established in these valleys.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.44 to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.44 Green Valley.

Paragraph 2. Subpart C is amended by adding § 9.44 to read as follows;

Subpart C—Approved American Viticultural Areas

§ 9.44 Green Valley.

(a) *Name.* The name of the viticultural area described in this section is "Green Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Green Valley viticultural area are two U.S.G.S. maps. They are titled:

(1) "Mt. George Quadrangle, California," 7.5 minutes series; and

(2) "Cordelia Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Green Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the township line identified as T6N/T5N with the westernmost point of the Solano County/Napa County line on the north border of Section 4, located on U.S.G.S. map "Mt. George Quadrangle."

(1) From the beginning point, the boundary runs in a southerly direction along the Napa/Solano County border to State Road 12;

(2) Thence east along State Road 12 to where it intersects with Interstate 80;

(3) Thence southwest on Interstate 80 to where it intersects with the Southern Pacific railroad track;

(4) Thence in an easterly direction along the Southern Pacific railroad track to where it intersects with range line "R3W/R2W";

(5) Thence north on range line "R3W/R2W" to where it intersects with the Solano County/Napa County line;

(6) Thence due west along the Solano County/Napa County line to the point of beginning.

Signed November 3, 1981.

G. R. Dickerson,

Director.

Approved: December 8, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-671 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 404; Re: Notice No. 360]

North Coast Viticultural Area, Calif.; Amendment of Proposed Boundary

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice amends the proposed boundary of the proposed North Coast Viticultural Area. Evidence received in response to Notice No. 360 published in the **Federal Register** on December 15, 1980 (45 FR 82470) and at a public hearing indicates that the originally proposed area does not meet the requirements of 27 CFR 4.25a(e). Therefore, the Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing new boundaries delineating an area which it feels does meet the viticultural area requirements.

DATE: Comments must be received by February 25, 1982.

ADDRESSES: Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Notice No. 404).

Copies of comments will be available for public inspection during normal business hours at the—ATF Reading Room, Federal Building, Room 4405, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Ference, Research and Regulations Branch (202–566–7626).

SUPPLEMENTARY INFORMATION:

Original Proposal

On December 15, 1980, ATF published a notice of proposed rulemaking, Notice No. 360, in the **Federal Register** proposing the establishment of the "North Coast" viticultural area in Napa, Sonoma, and Mendocino Counties. A public hearing concerning this proposal was held in Santa Rosa, California, on January 12, 1981. ATF accepted written comments on this proposal until February 13, 1981.

Geographical Features. The original North Coast proposal was based on a petition submitted by the California North Coast Grape Growers, a trade association. Under this proposal, the viticultural area would be comprised of Napa, Sonoma, and Mendocino Counties, California in their entireties.

Section 4.25(e)(2) (iii) requires a viticultural area to possess geographical features which distinguish the viticultural features of the area from the surrounding areas. The petitioners stated that the viticultural features of these three counties were geographically distinguishable from the surrounding areas by soil type and climate. The Lake County Wine Producers, the West Solano County Grape Growers Association, and others took exception to that position. The petitioner submitted comments rebutting the comments and testimony in opposition to the original petition. After consideration of all of the matter presented, ATF has concluded that the evidence received in written comments and hearing testimony indicates that the originally proposed area is not viticulturally distinguishable from nearby grape-growing areas in the adjacent Lake and Solano Counties.

ATF believes that the original petitioners failed to show that the soil composition of the three-county area differs significantly from that of surrounding areas. Furthermore, ATF feels that the soil types found in Napa, Sonoma, and Mendocino Counties are so diverse that a meaningful viticultural area cannot be formed on the basis of soil composition.

The petitioners also argued that the grape-growing areas in Lake County and Southwestern Solano County have a much hotter climate during the growing season than the originally proposed area. In general, the temperatures north of San Francisco Bay become increasingly warmer moving east from the Pacific Ocean. However, the grape-growing areas in portions of Lake and Solano Counties are not markedly warmer than some grape-growing areas in portions of Mendocino and Napa Counties. These areas generally fall into the Region III category as based on the heat summation scale established by viticulturalists at the University of California, at Davis. ATF also feels that other factors such as fog and rainfall are not consistent enough throughout the originally proposed area to form a basis for approving the three counties as a viticultural area. Finally, ATF feels that the petitioners failed to show how the county boundaries which they used as viticultural area boundaries had any bearing on their claim to the geographical distinctions of the proposed area.

On the other hand, the climatic evidence presented at the hearing suggests that an area other than the original three-county proposal does possess a climate somewhat influenced by intrusions of cooler, damper, coastal marine air. While this coastal influence progressively diminishes moving east from the Pacific Ocean, the area north of San Francisco Bay and including portions of Solano and Lake Counties is generally distinguishable by climate from the hotter regions of California's Central Valley.

Proposed Name. Section 4.25a(e)(2)(i) requires a proposed viticultural area to be known by the proposed name. Historical evidence indicates that the name "North Coast" has been applied at one time or another to various areas throughout northern California. In 1974, ATF administratively limited the use of the name "North Coast" to wines produced from grapes grown in Napa, Sonoma, and Mendocino Counties. At the time, there were no provisions for an appellation area based on geographical or viticultural characteristics. In the absence of a procedure to establish a viticultural area based on geographical or viticultural characteristics, ATF attempted to limit appellation areas to political subdivisions as much as possible. This was done for the sake of simplicity, since county boundaries were already well established and usually well marked.

However, with the new viticultural area procedure (including provisions for public and industry comment) all appellations other than the actual names of counties or States must be based on geographical and viticultural characteristics. Futhermore, ATF made it clear with the promulgation in 1978 of the new rules concerning viticultural area apellations, that old policies no longer applied. Each viticultural area must stand on its own inherent merits and must meet the criteria in 27 CFR 4.25a. The original petitioner's historical claim to the name "North Coast" is essentially based on ATF's 1974 action. Prior to this action, grapes from portions of Lake County were bought and used as "North Coast" grapes by wineries located in the three-county area. Also, 80 percent of the grapes grown in the southwest portion of Solano County are used in wines currently eligible for a North Coast appellation. Based on the record, ATF feels that the three counties originally proposed as the North Coast viticultural area have no greater historical claim to the name than the adjacent areas in Lake and Solano Counties.

Other Comments. Some commenters stated that the proposed area was too large to be viticultural area. Section 4.25a(e) places no restriction on the size of a viticultural area. A viticultural area may be any size as long as the geographical and other criteria in § 4.25a(e)(2) are met.

One commenter felt that to assign the "North Coast" designation to any area other than the proposed three-county area would be misleading to consumers since the three-county area is currently recognized. In the promulgation of Treasury Decision 53, which established the criteria for a viticultural area, ATF made it clear that no grape-growing area would be "grandfathered" and each area must meet the new criteria before approval.

ATF established the viticultural area criteria to prevent the use of appellations which have no meaning and are misleading. To allow the use of an appellation for an area which does not meet the criteria would, in itself, be misleading. The proposed three-county area does not meet the criteria.

New Proposal

ATF is amending the proposed boundary of the proposed North Coast viticultural area to include the grape-growing areas north of San Francisco Bay which are generally influenced by a coastal, marine climate. This boundary includes the western portions of Lake County and the southwestern portion of Solano County. The new proposed boundary also deletes the extreme northeastern corner of Napa County and the northern portion of Mendocino County from the proposed area. The deleted portion of Napa County has a climate more closely associated with the hotter Central Valley region. The deleted portion of Mendocino County, while possessing similar climatic characteristics, has a more rugged mountainous topography.

The new proposed boundary is described by using features which appear on the following United States Geological Survey maps—

(1) "Ukiah," Western United States, 1:250,000 scale;

(2) "Cordelia Quadrangle, California" 7.5 minute series;

(3) "Fairfield South Quadrangle, California," 7.5 minute series; and

(4) "Fairfield North Quadrangle, California," 7.5 minute series.

The new proposed boundary begins at the conjunction of the Sonoma County-Marin County line and the Pacific Ocean. From this point, the boundary runs along the Sonoma County-Marin County line to San Pablo Bay. The boundary then runs along the shore of San Pablo Bay to the Napa County-Solano County line and then along this county line to State Road 12. From this point, the boundary runs easterly along State Road 12 to Interstate Highway 80, southwesterly along Interstate 80 to the Southern Pacific Railroad track, and easterly along this railroad track to the range line between Range 3 West and Range 2 West.

From the intersection of this range line and the railroad track, the boundary runs in a straight line northeasterly to the intersection of Ledgewood Creek and the southern township line of Township 5 North. From this point, the boundary runs northeasterly to Bench Mark (BM) No. 19 in the town of Fairfield. The boundary then runs due north to Soda Springs Creek and then in a straight line northwesterly to an extreme southeastern corner of Napa County. This corner of Napa County is located just south of Section No. 34, Township 6 North, Range 2 West.

From this corner of Napa County, the boundary runs north along the Napa County-Solano County line to Lake Berryessa, along the southern and western shores of Lake Berryessa to Putah Creek, and along Putah Creek to the Lake County-Napa County line. The boundary then runs from the junction of Putah Creek and the Lake County-Napa County line straight to the summit of Brushy Sky High Mountain (elevation 3,196 feet). The boundary then runs in a northwesterly direction to Bally Peak, Round Mountain, Evans Peak, Pinnacle Rock Lookout, and Youngs Peak (elevation 3,638 feet). From Youngs Peak, the boundary runs in a straight line across Elk Mountain to the summit of Pine Mountain (elevation 4,057 feet). From the summit of Pine Mountain, the boundary runs northwesterly in a straight line to the summit of an unnamed mountain marked with an elevation of 2,703 feet. This mountain is found in Section 20, Township 19 North, Range 13 West. The boundary then runs from this mountain in a southwesterly direction to the junction of Redwood Creek and the Noyo River, then down the Noyo River to the Pacific Ocean. The boundary then runs along the coast of the Pacific Ocean from the Noyo River to the Sonoma County-Marin County line.

Public Participation

ATF requests comments concerning this proposal from all interested persons. In response to the first notice of proposed rulemaking, it was alleged that the term "North Coast" is a "Registered Trademark." ATF requests comments or other evidence showing that the term "North Coast" has been registered as a trademark on the Federal Principal Register in accordance with the Lanham Trademark Act, 15 U.S.C. 1115. Furthermore, while this document proposes boundaries for the North Coast viticultural area, comments concerning other boundaries for this viticultural area will be given consideration. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires Federal agencies to make an initial and final analysis of regulatory proposals where the agency feels that the proposal will have a significant economic impact on a substantial number of small entities. In addition, the agency is required to determine if a proposal would have significant secondary or incidental effects on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

The value of an appellation of origin when used in wine labeling and advertising is primarily intangible. Moreover, the value of an appellation of origin such as "North Coast" may vary widely due to factors completely unrelated to this proposal. Therefore, ATF is not able to assign a realistic economic value to the use of "North Coast" as an appellation of origin. In the absence of evidence to the contrary, ATF does not expect this proposal, if promulgated as a final rule, to have a significant economic impact on a substantial number of small entities. This proposal is not expected to have significant secondary incidental effects on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Thomas L. Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This viticultural area is proposed under the authority in 27 U.S.C. 205.

Signed: November 24, 1981.

G. R. Dickerson,

Director.

Approved: December 23, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-679 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

---

27 CFR Part 9

[Notice No. 401]

Establishment of Suisun Valley Viticultural Area, Calif.

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Solano County, California, to be known as "Suisun Valley." This proposal is the result of a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by March 12, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 401).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. may with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association, proposing an area in Solano County, California, as a viticultural area to be known as "Suisun Valley." The proposed area is located in the southwestern portion of the county adjacent to the Napa County line and east of Green Valley. Suisun Valley lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioner bases these claims on the following:

(a) The Suisun Valley grape area lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

(b) The climate in Suisun Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days. Over a 14-year period, the University of California weather station in mid-Suisun Valley averaged an accumulation of 3,368 degree-days.

(c) The season totals for degree-days above 50 degrees Fahrenheit for upper Suisun Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. In comparison, the season totals for Green Valley, which lies directly west of Suisun Valley, were 3,683.9 in 1973 and 3,498.2 in 1974.

(d) Fog hardly ever penetrates into the Suisun Valley due to its distance from the Pacific Ocean. In contrast, fog is very prevalent in Green Valley due to its proximity to the ocean.

(e) The soils in Suisun Valley consist of Brentwood clay loam, Sycamore silty clay loam, San Ysidro sandy loam and Rincon clay loam.

(f) The watershed in Suisun Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, which lies to the east of Suisun Valley, the watershed drains eastward in to the Sacramento River.

Historical Background

According to information provided by the petitioner, Suisun Valley is approximately three miles wide and eight miles long. Grapes have been grown commercially in Solona County since the late 1800's. As early as 1909, over 2,000 acres were recorded by the

Bureau of the Census. Since that time, a small but stable wine grape acreage has been continuously maintained. Currently, about 800 acres of grapes are under cultivation within the proposed area. Also, two wineries are operating within the area.

The principal varieties of grapes grown in Solano County in decreasing order of acreage are: Gamay, Petite Sirah, Cabernet Sauvignon, Carignane, Zinfandel, French Columbard, Chenin Blanc, Early Burgundy, Gamay Beaujolais, and Gray Riesling. The petitioner claims that grapes from western Solano County have been well received by Napa-Solano County vintners, and growers have experienced no difficulty in meeting the minimum acid and sugar requrements for north-coast grapes.

Proposed Boundaries

The boundaries of the proposed Suisun Valley viticultural area may be found on four U.S.G.S. 7.5 minute quadrangle maps ("Mt. George Quadrangle, California", "Fairfield North Quadrangle, California", "Fairfield South Quadrangle, California", and "Cordelia Quadrangle, California"]. The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. ATF has come to this tentative conclusion based on the fact that we do not have a way to assign a monetary value on the use of the name "Suisun Valley" as a viticultural area appellation of origin on wine labels and in wine advertisements. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Suisun Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Suisun Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

A notice of proposed rulemaking requesting public comment on a proposed Green Valley viticultural area, adjacent to the proposed Suisun Valley viticultural area, is being published in today's Federal Register. ATF requests public comment regarding the geographic and climatic features, if any, which distinguish the two areas in order for ATF to decide whether there should be two separate areas or a single viticultural area established in these valleys.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.45 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.45 Suisun Valley.

Paragraph 2. Subpart C is amended by adding § 9.45 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.45 Suisun Valley.

(a) *Name.* The name of the viticultural area described in this section is "Suisun Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries for Suisun Valley viticultural area are four U.S.G.S. maps. They are titled.

(1) "Mt. George Quadrangle, California", 7.5 minute series;

(2) "Fairfield North Quadrangle, California", 7.5 minute series;

(3) "Fairfield South Quadrangle, California", 7.5 minute series; and

(4) "Cordelia Quadrangle, California", 7.5 minute series.

(c) *Boundaries.* The Suisun Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the Southern Pacific Railroad track with range line "R3W/R2W" in the town of Cordelia, located on U.S.G.S. map "Cordelia Quadrangle."

(1) From the beginning point, the boundary runs northeast in a straight line to the intersection of Ledgewood Creek with township line "T5N/T4N";

(2) Thence in a straight line in a northeast direction to Bench Mark (BM) 19 located in the town of Fairfield;

(3) Thence in a straight line due north to Soda Springs Creek;

(4) Thence in a straight line in a northwest direction to the extreme southeast corner of Napa County located just south of Section 34, Township 6 North, Range 2 West;

(5) Thence due west along the Napa/Solano County border to where it intersects with range line "R3W/R2W";

(6) Thence due south along range line "R3W/R2W" to the point of beginning.

Signed: October 6, 1981.

G. R. Dickerson,

Director.

Approved: December 8, 1981.

John M. Walker,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-670 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-5-FRL-2025-4]

Illinois Application for Interim Authorization; Phase I, Hazardous Waste Management Program; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: On November 4, 1981, the U.S. Environmental Protection Agency (EPA) announced the availability for public review of the Illinois application for Phase I Interim Authorization, invited public comments on the application, and gave notice of a December 8, 1981, public hearing (46 FR 54770). In response to several requests for an extension of time for the filing of comments, the comment period is extended to March 15, 1982.

DATE: Comments on the Illinois Phase I Interim Authorization application must be received by March 15, 1982.

ADDRESSES: Copies of the Illinois Phase I Interim Authorization application are available at the following addresses for inspection and copying by the public during normal business hours:

(1) Illinois Environmental Protection Agency, Library, 2200 Churchill Road, Springfield, Illinois 62706, Telephone (217) 782-6760;

(2) U.S. Environmental Protection Agency, Region V, Air and Hazardous Materials Division, Waste Management Branch, 111 West Jackson, Chicago, Illinois 60604; and

(3) U.S. Environmental Protection Agency, Library, Room 2404, 401 M Street SW., Washington, D.C. 20460.

Written comments should be submitted to: Judy Kertcher, Chief, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, Region V, 111 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Lillian Bagus, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6142.

SUPPLEMENTARY INFORMATION: On October 20, 1981, the State of Illinois submitted its complete application for Phase I Interim Authorization of its hazardous waste management program. EPA announced availability for public review of the Illinois application on November 4, 1981 (46 FR 54770). The November 4, 1981, **Federal Register** also gave notice of a December 8, 1981, public hearing and requested the public to submit comments by December 18, 1981. At the hearing on December 8, 1981, several commenters requested an extension of time for the filing of comments. On December 14, 1981, the Illinois Environmental Protection Agency waived its right for a final determination on its Phase I Interim Authorization application until May 5, 1982. EPA accepted this waiver and suspended its final determination until May 5, 1982.

In response to the requests for an extension of time for the filing of comments, and in view of the suspended date for a final determination, EPA is today extending the comment period on Illinois' application. Comments on the Phase I Interim Authorization application submitted by Illinois on October 20, 1981, must be received by March 15, 1982.

Dated: December 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-669 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

Grazing Administration—Exclusive of Alaska; Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: This notice extends for a period of 30 days the time for filing of public comments on the porposed rulemaking on 43 CFR Part 4100; Grazing Administration—Exclusive of Alaska, which amends the existing regulations on administration of livestock grazing on public rangelands. It has been determined that the comment period should be extended for an additional 30 days to provide the public with additional time to study the proposed rulemaking and submit their comments.

DATE: Comments should be received by February 11, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Paul Leonard, (202) 343-5841.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to amend 43 CFR Part 4100, Grazing Administration—Exclusive of Alaska, was published in the **Federal Register** on November 13, 1981 (46 FR 56132) with a 60-day comment period ending on January 12, 1981. It has been determined that the comment period should be extended for an additional 30 days to provide the public with additional time to study the proposed rulemaking and submit their comments. This notice extends the comment period to February 11, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

January 4, 1982.

[FR Doc. 82-564 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1031

[Ex Parte No. 52]

Filing of Statements of Divisions of Joint Rates Applicable to Railway Fuel

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposal to remove rule.

SUMMARY: The Commission is proposing to remove the present regulation at 49 CFR 1031.1 (the only section in Part 1031) which deals with filing of statements of divisions of joint rates applicable to railway fuel. Commission records show that such information has not been requested for some time. The proposal is based on findings that the rule is outdated, and on the efforts of the

Commission to streamline existing regulations.

DATES: Comments are due on or before February 10, 1982.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION:

Background

The Commission is attempting to streamline existing regulations. The rule found at 49 CFR 1031.1 originated with Commission orders in 1915 and 1916. At that time there was concern that certain preferential divisions of joint rates for fuel coal were being made when one of the participating rail carriers was also the purchaser of such coal. Thus, the Commission was concerned that the special division to the railroad shipper could be used improperly as a rebating mechanism. Accordingly, the Commission required the filing of all statements of divisions of joint rates applicable to railway fuel.

By subsequent notice in 1967, the Commission modified the rule so that carriers would be required to furnish such division sheets only upon request by the Commission. The wording of the rule has remained unchanged since that date.

Commission records indicate that we are not requesting such information and have not been for some time. The practices which the filing of division sheets were designed to correct have apparently been eliminated due to time and changed circumstances. In view of this and our current effort to insure that all regulations are pertinent and necessary, we seek comments on whether to remove the rule found at 49 CFR 1031.1.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

We also certify that this action will not have a significant impact on a substantial number of small entities. The rail carriers involved are not small entities and, given the lack of action under the existing rule, repeal will have no impact at all.

Authority: 49 U.S.C. 10321; and 5 U.S.C. 553.

Decided: January 4, 1982.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–619 Filed 1–8–82; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 47, No. 8
Monday, January 11, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given that the meeting of the Committee on Public Access and Information scheduled for 9:30 a.m. Tuesday, January 12, 1982, in the Library of the Administrative Conference, 2120 L Street, NW., Washington, D.C. (*see* Notice at 46 FR 62882) has been cancelled. The meeting is expected to be re-scheduled at a later date.

For further information concerning this matter, contact Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Washington, D.C. (202–254–7065).

Richard K. Berg,
General Counsel.
January 6, 1982.
[FR Doc. 82-578 Filed 1-8-82; 8:45 am]
BILLING CODE 6110-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet on January 11, 1982, in Room 5160, General Services Administration, 18th and F Streets, NW., Washington, D.C. The meeting will begin at 9:00 a.m. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior; Agriculture; Housing and Urban Development; Treasury; Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor, and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Credentials Committee Report
II. Conflicts of Interest Regulations
III. Report of Tax Study Task Force
IV. Report of Federalism and Preservation Task Force
V. Report of Regulations Review Task Force
VI. Panel Report on Canal Place, New Orleans, Louisiana
VII. Status Report on Lockefield Gardens, Indianapolis, Indiana
VIII. New Business

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW., Washington, D.C. 20005, 202–254–3967.

Dated: December 29, 1981.

Robert R. Garvey, Jr.,
Executive Director.
[FR Doc. 82-577 Filed 1-8-82; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Joint Committee on the Future of Cooperative Extension; Meeting

Notice is hereby given that the Joint Committee on the Future of Cooperative Extension will meet January 27, 1982 from 5:00 to 8:00 p.m., January 28, 1982 from 8:30 a.m. to 4:30 p.m., and January 29, 1982 from 8:30 a.m. to 12:00 p.m. at the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia.

The Committee's purpose is to advise the Secretary of Agriculture on policies and programs affecting the mission, future scope and priorities of Cooperative Extension nationally throughout the 1980's and beyond. The agenda for the meeting will consist of a review of relevant earlier studies and discussion of the issues this Committee has been convened to address.

The meeting of the Joint Committee on the Future of Cooperative Extension is open to the public for observation on a space available basis.

For additional information contact Dr. Mary Nell Greenwood, Administrator, Extension Service, Room 340 Administration Building, 14th and Independence Ave., SW., Washington, D.C. 20250. Telephone 202/447–3377. Written comments may also be addressed to Dr. Greenwood.

Mary Nell Greenwood,
Administrator, Extension Service.
[FR Doc. 82-626 Filed 1-8-82; 8:45 am]
BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00239. Applicant: Arizona State University, Tempe, AZ 85281. Article: Ultra High Resolution Goniometer Cartridge, Model JEM 200CX–BLGH1. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: See Notice on page 36224 in the Federal Register of July 14, 1981. Article ordered: February 20, 1981. Advice submitted by: Department of Health and Human Services: October 21, 1981.

Docket No. 81-00281. Applicant: Center for Occupational & Environmental Health, (U.S. Public Health Service Hospital), 3100 Wymann Park Drive, Bldg. 6, Baltimore, MD 21211. Article: Universal Casette for Photographic Changing Device with Airlock. Manufacturer: Siemens Corp.; West Germany. Intended use of article: See Notice on page 41544 in the **Federal Register** of August 17, 1981. Article ordered: June 4, 1980, Advice submitted by Department of Health and Human Services: October 21, 1981.

Comments: No comments have been received with respect to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by Department of Health and Human Services in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-616 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Institute for Astronomy; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00118. Applicant: Institute for Astronomy, 2680 Woodlawn Drive, Honolulu, HI 96822. Article: Optically contacted Piezo/capacitor tuned Fabrey-Perot Etalon w/ Stabilization System. Manufacturer: Queensgate Instrument Ltd., United Kingdom. Intended use of article: See Notice on page 20584 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a stabilized accuracy of better than lambda/200 with a surface quality better than lambda/100 and is coated for 93 percent reflectivity at a wavelength of 3900 Angstroms. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-614 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Jet Propulsion Laboratory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00243. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. Article: Millimeter Reflex Klystron, VRY 2131A. Manufacturer: Varian Associates, Ltd., Canada. Intended use of article: See Notice on page 36224 in the **Federal Register** of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 169-177 gigahertz. The National Bureau of Standards advises in its memorandum dated November 12, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-617 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00232. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N.

Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron, VRB 2113A30. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See Notice on page 36223 in the Federal Register of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 80–110 gigahertz. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-612 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81–00261. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration, 506 South Wright Street, Urbana, Illinois 61801. Article: Thermally Simulated Current Measuring Apparatus. Manufacturer: Toyo Seiki Seisaku-Sho, Ltd., Japan. Intended use of article: See Notice on page 40247 in the Federal Register of August 7, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a thermally stimulated discharge spectrum of polymer samples. The National Bureau of Standards advises in its memorandum dated November 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-613 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

University of Michigan; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81–00230. Applicant: The University of Michigan, Ann Arbor, MI 48109. Article: Small Angle X-ray Camera with Accessories. Manufacturer: Anton Paar Corp., Austria. Intended use of article: See Notice on page 36223 in the Federal Register of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides measurements in the direct vicinity of the primary beam at very low angles. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-615 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Wesley Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00298. Applicant: Westley Medical Center, 550 North Hillside, Wichita, Kansas 67214. Article: Automated Ultrasound Body Imager with Accessories. Manufacturer: Ausonics Ltd., Australia. Intended use of article: See Notice on page 42093 in the Federal Register of August 19, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with eight transducers which provide a large field of view and compound scanning. The Department of Health and Human Services advises in its memorandum dated October 21, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-618 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00132. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Article: NMR Spectrometer, CXP 200 with Accessories. Manufacturer: Bruker-Physik, West Germany. Intended use of article: See Notice on page 20581 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign aritcle, for such purposes as this article is intended to be used, was being manufactured in the United States, at the time the foreign article was ordered (September 30, 1980).

Reasons: The foreign article provides a wide observation range (8.5—85 MHz and at 200 MHz in solids). The most closely comparable domestic instrument is the Model NT-200 manufactured by Nicolet Instrument Corporation. At the time the foreign article was ordered, the NT-200 did not provide the wide observation range in solids. The National Bureau of Standards advises in its memorandum dated November 12, 1981 that (1) The capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for tha applicant's intended use available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-610 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Northwestern University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00245. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: See Notice on page 37302 in the **Federal Register** of July 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 12, 1979).

Reasons: This application is a resubmission of Docket Number 80-00137 which was denied without prejudice to resubmission on September 18, 1980 for informational deficiencies. The foreign article provides a high average power of six watts and a repetition rate of .1—30 hertz. The National Bureau of Standards advises in its memorandum dated November 6, 1981 that (1) the capabilities of the foreign article described above are pertinent ot the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-609 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00266. Applicant: National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20771. Article: Turbo Molecular Vacuum Pump, TPV 026, with Solid State Frequency Converter. Manufacturer: Pfeiffer Vakuum Technik GmbH, West Germany. Intended use of article: See Notice on page 41125 in the **Federal Register** of August 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article operates in the 10^{-9} torr pressure range, and below, with a constant predictable pumping speed for all gases of interest. The National Bureau of Standards advises in its memorandum dated November 25, 1981 that (1) The capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-607 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Clemson University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00071. Applicant: Clemson University, Clemson, SC 29631. Article: Nuclear Magnetic Resonance Spectrometer, Model FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18566 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such proposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 3, 1979).

Reasons: This application is a resubmission of Docket Number 80-00107 which was denied without prejudice to resubmission on August 12, 1980 for informational deficiencies. The foreign article provides the capability for measuring T_1 rho (spin-lattice relaxation in the rotating frame). The Model XL200 (the most closely comparable domestic instrument) manufactured by Varian Associates now provides this capability. However, at the time the foreign article was ordered it did not. The National Bureau of Standards advises in its memorandum dated September 8, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-608 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Administration; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00242. Applicant: National Aeronautics and Space Administration, (NASA Resident Office, Jet Propulsion Lab), 4800 Oak Grove Drive, Pasadena, CA 91109. Article: Ion Microanalyzer, Model IMS-3F with Accompanying Accessories. Manufacturer: Cameca, France. Intended use of article: See Notice on page 36224 in the **Federal Register** of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides spatial resolving power of 10,000. The National Bureau of Standards advises in its memorandum dated October 30, 1981 that (1) The capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-611 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

University of Lowell; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket No. 81-00314. Applicant: University of Lowell, College of Engineering, 1 University Avenue, Lowell, MA 01854. Article: Mobile Solar Test Facility, Model MSTF-1, Manufacturer: Solarfin Products, Ltd., Canada. Intended use of article: See

Notice on page 43730 in the Federal Register of August 31, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an integrated system of thermometers, pyranometers, recorders, flowmeters and other apparatus designed to measure solar energy absorbed by different types of collectors. The National Bureau of Standards advises in its memorandum dated November 19, 1981 that (1) The capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-667 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Birch 3-Ply Doorskins From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On August 17, 1981, the Department of Commerce published the preliminary results of its supplementary administrative review of the antidumping finding on birch 3-ply doorskins from Japan. These results covered three exporters of this merchandise to the Untied States not covered by the Department's previous review this year.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Based on comments received from an exporter, the Department has made adjustments which result in revised weighted average margins for that exporter.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923/2657).

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1976, an antidumping finding with respect to birch 3-ply doorskins from Japan was published in the Federal Register as Treasury Decision 76-48 (41 FR 7389). On June 30, 1980, the Department of Commerce ("the Department") published the final results of the administrative review of the finding (46 FR 33574-5). On August 17, 1981, the Department published in the Federal Register the preliminary results of its supplementary administrative review of the finding (46 FR 41541). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes, and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers 3 exporters not covered by the Department's final results published earlier this year for the period January 1, 1979 through January 31, 1980. They are listed below in the final results of the review.

Analysis of Comments Received

As a result of comments submitted by an exporter, Toyo Menka Kaisha, we have adjusted the margins cited in the preliminary notice for that exporter. The comments involved clerical errors made in the analysis; these have been corrected. No other comments were received.

Final Results of the Review

As a result of adjustments made based on comments received and our subsequent analysis, we determine that the following weighted average margins exist:

Japanese exporter	Time period	Margin (percent)
1. Nichimen Co., Ltd.	1/1/79-1/31/80	12
2. C. Itoh & Co., Ltd.:		
Mfr.—Satsuru Veneer Co., Ltd.	1/1/79-1/31/80	0
Mfr.—Matsumoto Industries, Ltd.	1/1/79-1/31/80	0
3. Toyo Menka Kaisha, Ltd.:		
Mfr.—Satsuru Veneer Co., Ltd.	1/1/79-1/31/80	.12
Mfr.—Sasmoku Lumber Co., Ltd.	1/1/79-1/31/80	.0
Mfr.—Marutama Industries Co., Ltd.	1/1/79-1/31/80	.01

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made by these firms with purchase dates during the period involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. For those manufacturers shipping through Toyo Menka with weighted average margins that are *de minimis*, that is, less than 0.5%, the Department waives the deposit requirement. For any shipment from a new exporter not covered in this administrative review or in the final results of June 30, 1981, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period covered by either review. This deposit requirement and waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1982.

(Sec. 751(a)(1), Tariff Act of 1930 [19 U.S.C. 1675(a)(1)] and § 353.53 Commerce Regulations [19,CFR 353.53])

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-666 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Bars and Structural Shapes From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The review covers all but three direct shipments to the United States during all periods from October 1, 1972 through August 31, 1980. This review indicates the existence of dumping margins in particular periods. Three transactions are excluded from this review in order to collect more information from Western Canada Steel. Adjustments for similar merchandise appear appropriate for these three comparisons, but no adjustment could be made because of inadequate information. We will publish the results of the review of these three transactions in our next administrative review.

As a result of this review the Department has preliminarily determined to assess dumping duties equal to the calculated differences between purchase price and foreign market value on each of the direct shipments during the period of review.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Michael Cox or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4033/4794).

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1964, a dumping finding with respect to carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, was published in the **Federal Register** as Treasury Decision 56264 (29 FR 13319). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on carbon steel bars and shapes from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are direct shipments of carbon steel bars, bar-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The carbon steel bars and structural shapes covered by this review are currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

In their response to our questionnaire, Western Canada provided information on sales to domestic customers which they believed were destined for delivery to the United States. However, they were uncertain whether these shipments ultimately were shipped to the U.S. Therefore, this review is limited only to direct shipments made by Western Canada Steel during the period of review. Shipments by Western Canada Steel's domestic customers will be covered in our next administrative review.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act. Purchase price was based on the base price, excluding extras, to an unrelated purchaser in the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act.

Home market price was based on the base price, excluding extras, to unrelated home market purchasers. Size and quality extras were applied on a uniform basis in both markets; therefore, excluding them from the comparison is equivalent to an adjustment for differences in the merchandise in accordance with § 153.11 of the Customs Regulations. No adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Time period	Margin
Oct. 1, 1972 to Sept. 24, 1974	15.49%.
Sept. 25, 1973 to Sept. 24, 1974	3.02%.
Sept. 25, 1974 to Sept. 24, 1975	No direct shipments.
Sept. 25, 1975 to Sept. 24, 1976	No direct shipments.
Sept. 25, 1976 to Sept. 24, 1977	No direct shipments.
Sept. 25, 1977 to Sept. 24, 1978	12.59%.
Sept. 25, 1978 to Sept. 24, 1979	No direct shipments.
Sept. 25, 1979 to Aug. 31, 1980	No direct shipments.

Interested parties may submit written comments on these preliminary results on or before February 10, 1982, and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time period involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on the exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 12.59 percent, based upon information provided by the respondent covering all direct shipments to the United States for the latest period of this review during which there were shipments, shall be required on all direct shipments of carbon steel bars and structural shapes entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. For shipments of carbon steel bars and structural shapes produced by Western Canada Steel but shipped by another firm, a cash deposit of 2.93 percent shall be required. These requirements shall remain in effect until publication of the final results of the next administrative review.

(Sec. 751(a)(1), Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53, Commerce Regulations (19 CFR 353.53))

January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-606 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Water Circulating Pumps, Wet Motor Type, From United Kingdom; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On November 4, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on water circulating pumps, wet motor type, from the United Kingdom. The review for the one known exporter covered the period July 1, 1978 through October 14, 1979.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-2923/2057).

SUPPLEMENTARY INFORMATION:

Background

On July 7, 1976, a dumping finding with respect to water circulating pumps, wet motor type, from the United Kingdom was published in the **Federal Register** as Treasury Decision 76-190 (41 FR 27843). The Treasury Department published a tentative revocation of the finding on October 15, 1979 (44 FR 59312), and a final revocation on January 4, 1980 (45 FR 1013-4). However, the period from July 1, 1978 through October 14, 1979, had not been examined by the Treasury Department at the time of final revocation. On November 4, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review for that period (46 FR 54789-90). The Department has now completed the administrative review of the finding.

Scope of the Review

The imports covered by this review are water circulating pumps, wet motor type, from the United Kingdom, currently classifiable under items 660.9710-662.9750 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one British firm engaged in the manufacture and export of water circulating pumps, wet motor type, to the United States, the Myson Group, Ltd. This review covers the period July 1, 1978 through October 14, 1979, for that firm.

Final Results of the Review

The Department received no comments on the preliminary results of its review. Therefore the final results are the same as the preliminary results, and we determine that a weighted average margin of 0.38 percent exists for exports by the Myson Group, Ltd. during the review period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, if applicable, on all entries with export dates during the periods involved. Individual differences between exporter's sales price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

The weighted average margin for the period is *de minimis*, that is, less than 0.5 percent; this is consistent with the Treasury Department's revocation.

Sec. 751(a)(1), Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-604 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Ski-Lifts and Parts Thereof From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on ski-lifts and parts thereof from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On November 22, 1966, a final countervailing duty determination on ski-lifts and parts thereof from Italy, T.D. 66-288, was published in the **Federal Register** (33 FR 17291).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of ski-lifts and parts thereof from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On August 7, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 40244). The Department determined that a net subsidy on ski-lifts and parts thereof from Italy, ranging from 15 to 35 lire per kilogram of this merchandise, was being conferred during the period of review and reported that rate to the ITC.

On December 9, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of ski-lifts and parts thereof covered by the countervailing duty order if the order were revoked (46 FR 60289). As a result, the Department is revoking the countervailing duty order concerning ski-lifts and parts thereof from Italy (T.D. 66-288) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3,

1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

(Sec. 104(b)(4)(B), TAA (19 U.S.C. 1671 note))

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-603 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administation Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: February 2, 1982 at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW, Washigton, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Update of the COCOM schedule for the list review.

(4) Subcommittee reports:

a. Discrete semiconductor device,

b. Microdircuits, and

c. Semiconductor Manufacturing Materials and Equipment.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: January 6, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-666 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board: Advisory Committee Meeting

The Defense Science Board will meet in closed session 10-11 February 1982 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 10-11 February 1982 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/ Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: January 6, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-627 Filed 1-8-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: contract Number S-CA-313, to Atomic Energy of Canada, Ltd., 200 milligrams of plutonium-242, to be used for research studies of complexation and hydrolysis of plutonium in aqueous salt solutions.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-573 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangment Between the U.S., EURATOM and Norway

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following retransfer:

RTD/EU (NO)-36, from Norway to the United Kingdom, four irradiated fuel pins containing 1,266 grams of uranium, 123.4 grams of U-235 (9.75% enrichment) and 3.6 grams of plutonium for post irradiation examination. Upon completion of the examination, the material is to be stored for approximately three years, and then returned to the United States for final disposition.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-574 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses Proposed Subsequent Arrangement Between the U.S., EURATOM and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of two irradiated fuel spheres containing 1.144 grams of uranium and 0.174 grams of U-235 (15.21% enrichment) and one unirradiated fuel sphere containing 1.15 grams of uranium and 1.02 grams of U-235 (88.70% enrichment) from Sweden to the Federal Republic of Germany for post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SW)-63 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-572 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Australia and the U.S. and EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the supply of the following materiala:

Contract Number S-AU-110, to the Department of Science, Jabiru, N.T., Australia, 21.2 grams of natural uranium.

Contract Number S-EU-705, to the Laboratory of the Government Chemist, London, the United Kingdom, 0.001 grams of plutonium.

The above listed materials are to be used as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-576 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Finland and the U.S. and Korea

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Governments of Finland and the Republic of Korea Concerning Civil Uses of Atomic Energy.

The subsequent arangements to be carried out under the above mentioned agreements involve approval for the sale of the following materials:

Contract Number S-FI-11, 0.2 grams of uranium, enriched to 99.82% in U-235, for use as standard reference material by the Geological Survey of Finland.

Contract Number S-KO-12, 184 grams of natural uranuum for use as standard reference material by the Korean Advanced Energy Research Institute.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-575 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of December 11 through December 18, 1981

During the week of December 11, through December 18, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 31, 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 11 through Dec. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 14, 1981	Gulf Oil Corporation, Houston, Texas	HEX-0007	Supplemental Order. If granted: The November 24, 1981 Decision and Order (Case No. BEX-0180) issued to Gulf Oil Corporation would be modified with respect to the firm's entitlement purchase obligations.
Dec. 15, 1981	Texaco, Inc., Washington, D.C.	HRZ-0010	Interlocutory Order. If granted: The Office of Special Counsel for Compliance would be deemed to have admitted certain factual representations set forth in Texaco Inc.'s Statement of Factual Objections to a Proposed Remedial Order issued to the firm (Case No. DRO-0199).
Dec. 16, 1981	Little America Refining Company, Washington, D.C.	HYZ-0008	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Little America Refining Company during its fiscal year ended June 30, 1980 to determine whether the level of relief accorded the firm was appropriate.
Dec. 16, 1981	Office of Special Counsel, Washington, D.C.	HRZ-0009	Interlocutory Order. If granted: The Office of Hearings and Appeals would dismiss certain of the proposed findings of fact set forth in Standard Oil Company of Ohio's Statement of Factual Objections to a Proposed Remedial Order issued to the firm (Case No. DRO-0197), and other factual representations therein would be deemed to have been admitted by the office of Special Counsel.

[FR Doc. 82-570 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of December 14 Through December 18, 1981

During the week of December 14 through December 18, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written Notice of Objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a notice of objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 31, 1981.

Mid-America Refining Co., 12/14/81, DEE-1959, *BEE-1117*

Mid-America Refining Co., Inc. filed two Applications for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception requests, if granted, would (i) relieve Mid-America of its entitlement purchase obligations during the period May through October 1978 and (ii) provide Mid-America with additional entitlements for the period April 1980 through the end of the Entitlements Program in order to bring the firm's average post-entitlements crude oil acquisition costs into substantial parity with those of other domestic refiners. On November 14, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the two exception requests should be denied.

[FR Doc. 82-571 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL-2025-1]

Issuance of PSD Permits to ARCO Alaska, Inc. and Gorge Energy Co.

Notice is hereby given that on December 29, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Gorge Energy Company for approval to construct a 15-megawatt coal- and wood-fired boiler and turbine facility at Bingen, Washington, and a PSD permit to ARCO Alaska, Inc. to install additional gas-fired turbines and heaters in the oil field at Kuparuk, Alaska.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permits.

Under Section 307(b) of the Clean Air Act, judicial review of a PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act,

the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permits are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 524, Seattle, Washington 98101.

Dated: December 29, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 82-636 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-26-M

[PRM-FRL-2026-2]

List of EPA Information Collections Cleared by OMB

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists all the EPA information collections that have been cleared by the Office of Management and Budget (OMB) as of December 31, 1981. All other information collections covered by the Paperwork Reduction Act of 1980 (Pub. L. 96-511) (The "Act") are subject to the Act's public protection clause (Section 3512). Under this clause, the public cannot be penalized for failing to respond to information collections that are covered by the Act and have not received OMB clearance. EPA offers this list to help the public determine the status of the Agency's information collections covered by the Act.

FOR FURTHER INFORMATION CONTACT: N. Phillip Ross, Chief, Statistical Policy Staff, Environmental Protection Agency, PM-223, (202) 382-2742.

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* (the "Act") applies whenever the Environmental Protection Agency (EPA) wishes to collect, or sponsor the collection of, information from people or organizations outside the Federal government. The only exceptions are cases where the information will be collected from fewer than ten people or organizations, or for information collections connected with certain investigatory or enforcement actions described in section 3518(c) of the Act.

Where the Act *does* apply, the information collection must be cleared in advance by the Director of the Office of Management and Budget (OMB). In addition, where the collection will involve the use of standard forms (or questionnaires), these forms must either display a current OMB clearance number of state that the collection is not subject to the Paperwork Reduction Act. If an EPA information collection does not satisfy these requirements then—after December 31, 1981—no one can be penalized for failing to maintain the specified records, or provide the requested information (See the public protection clause in section 3512 of the Act).

Because of the Act's requirements, the public will be able to tell whether an information collection has OMB clearance by looking for the OMB clearance number on any forms that the collection may involve. However, some EPA information collections do not use standard forms. For example, recordkeeping and telephone reporting do not involve any prescribed forms. In such cases, there may be no easy way for the public to tell if a request has OMB clearance. To help the public determine this, EPA is providing a list of information collections that OMB has cleared as of December 31, 1981. In addition, whenever OMB clears an EPA information collection (after December 31, 1981), EPA will publish notice of this in the **Federal Register**. This will either be as a separate notice or as part of a notice of rulemaking.

Joseph A. Cannon,

Acting Associate Administrator for Policy and Resource Management.

Citation	Title	OMB No. 2000-
	WATER PROGRAMS	
40 CFR 35.915	Construction Grant Project State Priority Certification.	0028
40 CFR 112	Spill Prevention Control and Countermeasure Plan and Review.	0244
40 CFR 122.4	Permittees must keep Records of Application Data.	0170
40 CFR 122.7	Compliance Schedule Reports	0246
40 CFR 122.7	Report Inaccurate Previous Information.	0252
40 CFR 122.7	Reporting of Facility and Permit Transfer.	0200
40 CFR 122.7	Report of Anticipated Non-compliance and Other Non-compliance.	0199
40 CFR 122.7	NPDES Report of Planned Changes in Permitted Facility.	0196
40 CFR 122.7	Record Monitoring of Data	0171
40 CFR 122.10	Evidence of Public Commitment To Terminate.	0203
40 CFR 122.15	Request for Modification, Revocation and Reissuance, or Termination of the Permit.	0190
40 CFR 122.18	Quarterly Noncompliance Reports.	0245
40 CFR 122.35	Identification of Underground Sources of Drinking Water and Exempted Aquifers.	0336
40 CFR 122.37	Permitted Inventory Information	0184
40 CFR 122.37	States Notification to Permittees of Duty To Submit Inventory Information.	0184
40 CFR 122.52	Demonstration of Pollutant Load Allocations.	0192
40 CFR 122.53	Information To Determine if a Facility is a New Source.	0252
40 CFR 122.53	Request for Fundamentally Different Factors Variance.	0194
40 CFR 122.53	Form 2c Consolidated Permit Application Forms.	0059
40 CFR 122.53	Form 2b Concentrated Animal Feeding Operations.	0060
40 CFR 122.53	Form 1—Consolidated Permit General Information.	0061
40 CFR 122.53	301(h) Variance Application	0172
40 CFR 122.53	316(a) Variance Application	0197
40 CFR 122.53	301(k) Variance Application	0196
40 CFR 122.53	301 (c) and (g) Variance Requests (Non-Conventional Pollutants).	0195
40 CFR 122.60	Reporting Permit Violations	0201
40 CFR 122.60	Report of Extra Monitoring Data	0173
40 CFR 122.61	Excessive Discharge Report	0175
40 CFR 122.61	POTW/Change in Users' Discharge.	0176
40 CFR 123.6	Recordkeeping Requirements for Compliance Evaluation Programs.	0180
40 CFR 123.13	State Program Revision Submission.	0181
40 CFR 123.53	State Progress Reports	0345
40 CFR 123.55	State Response to Alleged Noncompliance.	0349
40 CFR 123.74	State Information Transmission for NPDES.	0179
40 CFR 124	Permit Consolidation Request	0182
40 CFR 124.4	Applicant's Consent for Consolidation of PSD Permit.	0183
40 CFR 124.5	Modification of Permit Application.	0184
40 CFR 124.53	State Certification of EPA-Issued Permits.	0185
40 CFR 124.54	State Certification of 301(h) Variances.	0196
40 CFR 403.7	Removal Credit Approval Request.	0333
40 CFR 403.9	POTW Pretreatment Program Approval Request.	0325
40 CFR 403.10	State Pretreatment Program Approval Request.	0328
40 CFR 403.12	POTW—Compliance Schedule Work Plan.	0319
40 CFR 403.12	Industrial Pretreaters Compliance Schedule Reports.	0320
40 CFR 403.12	Industrial Pretreater Slug Load Notification.	0324
40 CFR 403.12	POTW Maintenance of Monitoring Records.	0332
40 CFR 403.12	Industrial Pretreaters Compliance Attainment Report.	0322
40 CFR 403.13	Fundamentally Different Factors Variance Requests.	0326
40 CFR 403.15	Net/Gross Request: Credit for Intake Water Pollution.	0327
CWA 104	Report of Pollution-Caused Fish Kill/Abnormalities.	0006
CWA 308	Plan of Data Collection for CWA Sections 301, 304, 306, 307.	0047
CWA 308/402	Effluent Toxicity Testing Services Questionnaire.	0372
CWA 402	Best Management Practices Plans.	0187
CWA 404	Transmission of Information to EPA and Other Federal Agencies.	0214
CWA 404	Preparation of Revised Permit	0258
MPRSA 103	Application To Discharge Waste to Ocean & Reporting on Location, Amount, Type Material.	0039
FWPCA 304	NPDES Permit Application To Discharge Waste Water—Short Forms A, C, D.	0023
Pub. L. 92-500	Economic Analysis of a Nationwide Urban Runoff Program.	0379
None	State Overview Information	0239
None	Program Requirements for Interim Authorization.	0304
None	Application for Training (NCUIH, NCRH, NCAPC, NCHS).	0301
None	Water Supply Cost Study	0115
None	State Conducted Inventory of Injection Wells.	0056
None	NPDES Permit Application To Discharge Wastewater—Forms A, C.	0029
None	Estimate of Municipal Wastewater Treatment Facility Requirements.	0004

Citation	Title	OMB No. 2000-
None	Survey of Operating & Financial Characteristics of Community Water Systems.	0089
None	Category Determination Report	0024
None	State Drinking Water Supply Program Information.	0043
PESTICIDES AND TOXIC SUBSTANCES PROGRAMS		
40 CFR 2	Affirmation of Non-Multinational Status for Pesticide Information.	0363
40 CFR 162	Application for Supplemental Registration for Distributors.	0314
40 CFR 162.30	Application for FIFRA Product Classification Section 24(c).	0284
40 CFR 167.2	Application for Registration of Pesticides Producing Establishments.	0382
40 CFR 167.5	Pesticides Report for Pesticide Producing Establishments.	0029
40 CFR 169.2	Recordkeeping Requirements for Pesticide Producers.	0354
40 CFR 762.70	Report on Production of Fully Halogenated Chlorofluoroalkanes (CFC Report).	0358
7 U.S.C. 136	Notice of Arrival of Pesticides and Devices.	0293
7 U.S.C. 136	Recordkeeping Requirements for Pesticide Dealers and Applicators.	0352
7 U.S.C. 136	Pesticide Applicator Certification Form.	0356
7 U.S.C. 136	Application for Registration of Pesticide-Producing Establishments.	0353
7 U.S.C. 136	Acknowledgement Statement by Foreign Purchaser of Unregistered Pesticide.	0230
15 U.S.C. 2607	Reporting Chemical Substances for Inventory, TSCA Section 8 (a) and (b).	0074
15 U.S.C. 2610	Declaration of TSCA Confidential Business Information.	0351
15 U.S.C. 2611	Chemical Imports and Exports—Notification of Exports.	0359
FIFRA 5	Application for Experimental Use Permit for Pesticides.	0013
FIFRA 8	FIFRA Section 8a, Books and Records.	0064
FIFRA 29	Annual Report on Conditional Registrations.	0365
TSCA	WHO/UNEP Sponsored Biological Monitoring Program.	0378
TSCA	Blanket Clearance Request for Human and Environmental Survey and Analysis Program.	0277
TSCA 5	Premanufacture Notification interim Policy—Domestic Manufacturers and Importers.	0054
TSCA 8	Reporting Identities of Trade Name Chemical Products.	0065
TSCA 8	Notice of Substantial Risk Pursuant to TSCA 8.	0360
TSCA 10	National Household Garden Survey.	0140
None	National Adipose Tissue Survey	0392
None	Pesticide Applicatory Questionnaires.	0130
POLICY AND RESOURCE MANAGEMENT PROGRAMS		
40 CFR 35.1550	Survey of Households for Estimating Recreation and Related Benefits of Improved Water Quality.	0361
REGION VIII PROGRAMS		
CAA	Air Pollution Knowledge and Attitudes Along Utah Wasatch Front.	0127
REGION V PROGRAMS		
None	Sample Request Form	0139

Citation	Title	OMB No. 2060-
AIR, NOISE AND RADIATION PROGRAMS		
19 CFR 1273	Importation of Motor Vehicles/Engines Subject to Federal Air Pollution Control Regulations.	0040
40 CFR 60.7	NSPS Subparts P, Q, R—Primary Copper, Lead and Zinc Smelter Monitoring Requirements.	0142
40 CFR 60.7	Monitoring Requirements for Granular Triple Superphosphate Storage Facilities.	0142
40 CFR 60.7	NSPS Part 60 Subpart K: Storage Vessels for Petroleum Liquids—Monitoring.	0142
40 CFR 60.7	Portland Cement Plant Monitoring Provisions.	0142
40 CFR 60.7	Emission Monitoring and Reporting Requirements for Electric Utility Steam Generating Unit.	0142
40 CFR 60.7	Notification Requirements—New Source Performance Standards.	0147
40 CFR 60.7	Excess Emissions Report and Recordkeeping Requirements for New Modified Kraft Pulp Mills.	0142
40 CFR 60.7	Record of Start-ups, Shutdowns, and Malfunctions.	0185
40 CFR 60.7	Written Notification of Modification or Reconstruction Under New Source Performance Standards.	0144
40 CFR 60.7	Emission Monitoring for Nitric Acid Plants.	0142
40 CFR 60.7	Emission Monitoring for Sulfuric Acid Plants.	0142
40 CFR 60.7	Monitoring Requirements for Lime Manufacturing Plants.	0142
40 CFR 60.7	Monitoring Requirements for Electric Arc Furnaces in Steel Plants.	0142
40 CFR 60.7	Monitoring Requirements for Phosphate Fertilizer Plants.	0142
40 CFR 60.7	Monitoring Requirements for Coal Preparation Plants.	0142
40 CFR 60.8	Request for Use of Alternative or Equivalent Method or Waiving of Performance Test.	0210
40 CFR 60.45	Emission and Fuel Monitoring for Fossil Fuel-Fired Steam Generators.	0142
40 CFR 60.53	Incinerator Monitoring Provisions.	0142
40 CFR 60.105	NSPS Part 60 Subpart J: Petroleum Refineries—Excess Emission Reports.	0142
40 CFR 60.143	Monitoring Requirements for Basic Oxygen Process Furnaces in Iron and Steel Plants.	0142
40 CFR 60.153	Monitoring Requirements for Sewage Treatment Plants.	0142
40 CFR 60.194	Monitoring Requirements for Primary Aluminum Reduction Plants.	0142
40 CFR 60.425	Excess Emissions Report for New, Modified or Reconstructed Ammonium Sulfate Plants.	0142
40 CFR 60.762	Emission and Operations Monitoring Requirements for Ferroalloy Production Facilities.	0142
40 CFR 60.783	NSPS Subpart MM—Automobile and Light Duty Truck Surface Coating.	0142
40 CFR 61.07	NESHAPS Application for Approval of Construction or Modification.	0248
40 CFR 61.09	NESHAP Notification of Start-up	0249
40 CFR 61.10	NESHAPS Source Reporting and Waiver Request.	0250
40 CFR 61.22	NESHAP Subpart B—Demolition and Renovation Notification.	0264
40 CFR 61.32	Beryllium Sources Emission Test Reporting—Request for Alternative Procedures.	0205
40 CFR 61.43	Beryllium Rocket Motor Firing and Disposal—Recordkeeping and Reporting.	0240
40 CFR 61.53	NESHAPS Subpart E—Reporting and Recordkeeping of Stack Sampling and Sludge Sampling.	0243
40 CFR 61.68	NESHAPS Subpart F—Emission Monitoring & Semiannual Reporting.	0204
40 CFR 80	Lead Additive Report for Refiners and Manufacturing Site.	0041
40 CFR 80	On Site Inspection Report	0185
40 CFR 80	Unleaded Gasoline Field Inspection.	0232
40 CFR 80	Motor Vehicle Tampering Survey.	0188
40 CFR 85	Compliance Demonstration by Importers of Motor Vehicles/Engines.	0226
40 CFR 85	Request for Testing Exemption and Notification of Termination of Testing.	0226
40 CFR 85.1509	Proposed Recordkeeping Requirements Concerning Imported Motor Vehicles.	0226
40 CFR 85.1701	Precertification Exemption—Recordkeeping.	0226
40 CFR 85.1703	Request for Vehicle Exclusion from CAA.	0217
40 CFR 85.1802	Emission Recall Audit Program Owner Questionnaire.	0227
40 CFR 85.1901	Emission Defect Information Report/Records.	0227
40 CFR 85.2101	Vehicle Owner's Manuals and Warranty Statements.	0167
40 CFR 86	Selective Enforcement Auditing—Automobile.	0225
40 CFR 86	Light Duty Vehicle Emission Test Results.	0225
40 CFR 86	Non-Compliance of Motor Vehicles with Federal Emissions Standards.	0038
40 CFR 86 & 600	Applications for Motor Vehicle Emission Certification and Fuel Economy Labeling.	0260
40 CFR 87	Temporary Exemption from Aircraft Smoke Emission Standards.	0223
42 U.S.C. 7410	Pilot Household Survey of Ozone Perception Data in Washington, D.C.	0365
CAA 110	National Emissions Data System (NEDS) Input Data Forms.	0022
CAA 114	Stage I Vapor Recovery Inspection Form.	0224
CAA 114	National Inventory Survey of Pollution Sources.	0235
CAA 120	Information Required From Stationary Air Sources for Noncompliance Penalties.	0093
CAA 203	Vehicle Information Report Forms.	0218
CAA 203	Proof of Exportation of Motor Vehicles and Engines.	0226
CAA 207	Vehicle Emission Control System Defect Survey.	0227
None	Catalyst Procurement Information.	0221
None	Catalyst Lead Survey	0196
None	Inspection/Maintenance Station Audit.	0188
None	Verification of Test Parameters and Parts List.	0227
None	Fuel and Fuel Additive Waiver Guidelines.	0219
None	National Air Pollution Emissions Report.	0016
None	Excess Emissions Report & Recordkeeping for New/Modified Gas Turbines.	0142
SOLID WASTE PROGRAMS		
40 CFR 262.41	Phase I—Hazardous Waste Regulations.	0062
40 CFR 264	Temporary Information Requirements for Land Disposal Facilities.	0380

Citation	Title	OMB No. 2000-
40 CFR 264	Closure and Post-Closure Activities for Hazardous Waste Management Facilities.	0080
40 CFR 264	Location Requirements for Hazardous Waste Management Facilities.	0060
40 CFR 264	Information Requirements for Hazardous Waste Storage and Treatment Facilities.	0090
40 CFR 264	Information Requirements for Hazardous Waste Incinerators.	0090
RCRA 3001/3007	Hazardous Waste Industry Studies—Pretest.	0095
RCRA 3010	Notification of Hazardous Waste Management Activity.	0095
RCRA 4005	Open Dump Inventory Report	0099
None	DMS Community Identification Screening.	0110
None	DMS Community Impact Survey	0113
None	Submission of Subject Facility Spill Prevention and Control Countermeasure Plans.	0244
ADMINISTRATIVE PROGRAMS		
None	Title VI, Compliance Report	0006
None	President's Environmental Youth Awards.	0018
None	Application for Certification of Pollution Control Facility.	0004
None	Labor Law Compliance Review	0015
None	Comment Form Calendar of Federal Regulations.	0097
4 CFR 15–16.650	Contractor's Cumulative Claim and Reconciliation.	0005
40 CFR 30.315	Application for Federal Assistance (EPA Research, Demonstration and Training Programs).	0088
40 CFR 35.937	Cost or Price Summary Format for Subagreements Under U.S. EPA Grants.	0126
40 CFR 46.120	Fellowship Applicant Qualifications Inquiry.	0091
15 CFR 337	Supplemental Qualification Statement.	0135
40 U.S.C. 483	Report of Nonexpendable Government Property Acquired by Contractor.	0125
Fed Proc Reg	Contractor Report of Costs Incurred in Responding to Hazardous Substance Emergencies.	0285
CWA 106	Application for Federal Assistance (Non-Construction).	0137
None	Funds Transfer Deposit	0060
None	Notice of Research Project	0017
RESEARCH AND DEVELOPMENT PROGRAMS		
40 CFR 40.110	Review Panel Selection System Questionnaire.	0188
40 CFR 79	Fuel Additive Manufacturer Notification.	0011
40 CFR 79	Fuel Manufacturer Notification for Motor Vehicle Gasoline.	0283
None	Public Health Aspects of Viruses in Water.	0018
None	Total Exposure Assessment Methodology (TEAM) Study.	0354
Pub. L. 98–523	Laboratory Performance Evaluation.	0044

[FR Doc. 82-686 Filed 1-8-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL RESERVE SYSTEM

Allied Banchshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Lakewood Bank and Trust Company, Dallas, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-580 Filed 1-8-82; 8:45 am]
BILLING CODE 6210-01-M

Chebelle Corp.; Formation of Bank Holding Company

Chebelle Corporation, Solon, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Chelsea Savings Bank, Belle Plaine, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 29, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-581 Filed 1-8-82; 8:45 am]
BILLING CODE 6210-01-M

Far-Mer Bankshares, Inc.; Formation of Bank Holding Company

Far-Mer Bankshares, Inc., Reyno, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.4 per cent or more of the voting shares of Farmers & Merchants Bank, Reyno, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 26, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-582 Filed 1-8-82; 8:45 am]
BILLING CODE 6210-01-M

First Bancshares of Texas, Inc.; Formation of Bank Holding Company

First Bancshares of Texas, Inc., Longview, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the following: Cushing Bancshares, Inc., Cushing, Texas, and thereby indirectly acquire The First National Bank of Cushing, Cushing, Texas; Van Bancshares, Inc., Van, Texas, and thereby indirectly acquire First State Bank, Van, Texas; White Oak Bancshares, Inc., White Oak, Texas and thereby indirectly acquire White Oak State Bank, White Oak, Texas; The First National Bank of Bonham, Bonham, Texas; The First National Bank of Claude, Claude, Texas, The First National Bank of Itasca, Itasca, Texas, and Fannin Bank, Windom, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank, to be received not later than January 29, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-583 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

First Community Bank Group, Inc.; Formation of Bank Holding Company

First Community Bank Group, Incorporated, Burlington, Wisconsin, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First Bank and Trust Company, Burlington, Wisconsin. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-584 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

First Continental Bancshares, Inc.; Formation of Bank Holding Company

First Continental Bancshares, Inc., Harvey, Louisiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to the First National Bank of Jefferson Parish, Gretna, Louisiana and Continental Bank, Harvey, Louisiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-585 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

HNB Corp.; Formation of Bank Holding Company

HNB Corporation, Homer, Louisiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Homer National Bank, Homer, Louisiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-586 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

NBD Bancorp, Inc., and West Michigan Financial Corp.; Acquisition of Bank

NBD Bancorp, Inc., Detroit, Michigan, and its wholly-owned subsidiary West Michigan Financial Corporation, Cadillac, Michigan, both registered bank holding companies, have applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Northland State Bank, Kalkaska, Michigan. This represents a corporate reorganization whereby an existing bank subsidiary of these Applicants will transfer certain of its assets to Bank. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 2, 1982. Any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-587 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

North Plaza Bancshares, Inc.; Formation of Bank Holding Company

North Plaza Bancshares, Inc., Topeka, Kansas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company be acquiring 80 percent or more of the voting shares of North Plaza State Bank, Topeka, Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-588 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Northern Trust Corp.; Acquisition of Bank

Northern Trust Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank, presently Security Trust Company of Sarasota, N.A., Sarasota, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-589 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Paracleté Bancorp.; Formation of Bank Holding Company

Paraclete Bancorp., Afton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial State Bank, Afton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 22, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-590 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Amarillo National Bancorp, Inc.; Formation of Bank Holding Company

Amarillo National Bancorp, Inc., Amarillo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Amarillo National Bank, Amarillo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than February 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve system, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-630 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Conifer Group, Inc.; Acquisition of Bank

The Conifer Group, Inc., Worcester, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Commonwealth National Corporation, Boston, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Conifer Group, Inc., Worcester, Massachusetts, is also engaged in the following nonbank activities: providing management consulting advice to nonaffiliated banks and electronic data processing activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-594 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Corporate Bankshares, Inc.; Formation of Bank Holding Company

Corporate Bankshares, Inc., Overland Park, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Corporate Woods State Bank, Overland Park, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-631 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Keyesport Bancshares, Inc.; Formation of Bank Holding Company

Keyesport Bancshares, Inc., Keyesport, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of State Bank of Keyesport, Keyesport, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-632 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Mid-Central Bancshares Corp.; Formation of Bank Holding Company

Mid-Central Bancshares Corporation, Charleston, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Charleston National Bank, Charleston, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 28, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-633 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Prairie Bancorp, Inc.; Formation of Bank Holding Company

Prairie Bancorp, Inc., Bloomington, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Prairie State Bank, Bloomington, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-634 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Unibank Corp.; Formation of Bank Holding Company

Unibank Corporation, Council Bluffs, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Council Bluffs, Council Bluffs, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-635 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Uptown Bancorporation, Inc.; Formation of Bank Holding Company

Uptown Bancorporation, Inc., Moline, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Uptown National Bank of Moline, Moline, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 29, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theordore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-636 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Washington Independent Bancshares, Inc.; Formation of Bank Holding Company

Washington Independent Bancshares, Inc., Tacoma, Washington, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company

Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Central Valley Bank, N.A., Toppenish, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-604 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

Westlake Bancshares, Inc.; Formation of Bank Holding Company

Westlake Bancshares, Inc., Austin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Westlake National Bank, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-597 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Line of Business Reports Program; Confidentiality Procedures—Adoption of Final Procedures as to LB Reports for 1973, 1974–76, 1977, and Future Years

Correction

In FR Doc. 81-36879 appearing on page 62703 in the issue for Monday December 28, 1981, make the following correction:

On page 62704, first column, under **For Further Information About These Procedures Contact**, the telephone number for Joanne L. Levine now reading, "202–254–8179" should have read "202–254–8170".

BILLING CODE 1505-01-M

Quarterly Financial Reports Program; Confidentiality Procedures

Correction

In FR Doc. 81-36880 appearing on page 62708 in the issue for Monday, December 28, 1981, make the following corrections:

(1) On page 62709, third column, in footnote 3, last two lines, ". . . described in n. 1." should have read ". . . described in n. 2.

(2) On page 62710, second column, in the first two lines of the first complete paragraph, ". . . (nn. 1 & 2, *supra*) . . ." should have read ". . . (nn. 2 & 3, *supra*) . . .".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-38]

Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission, Case No. 1694.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving the application of the El Paso Electric Company to recover an increased franchise fee levied against the Company by the City of Las Cruces, New Mexico, Case No. 1694.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: December 29, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-621 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-39]

Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Service Commission involving electric rates, Docket 3960.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Service Commission involving the petition of the City Park Neighborhood Association for Relief from Rates Set by the City of Austin Outside the City Limits for an investigation into electrical rates set by the Austin Municipal Electric Department, Docket 3960.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: December 29, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-623 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-40]

Delegation of Authority to Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Nevada Public Service Commission involving cost-based rate design for Sierra Pacific Power Company and Nevada Power Company, Docket No. 2357–Sub-3.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Nevada Public Service Commission (PSC) involving the PSC's rulemaking proceeding to adopt General Order #33 as its regulations concerning cost-based rate design for Sierra Pacific Power Company and Nevada Power Company, Docket No. 2357–Sub-3.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: December 30, 1981

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-624 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Assessment of Medical Technology; Single and Multiple Channel Transcutaneous Electrical Stimulators

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of single and multiple channel transcutaneous electrical stimulators (TENS) for treatment of chronic and acute pain. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than April 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. In addition, would you comment on the categories of patients (specific disease conditions) that would benefit from single versus multiple channel TENS therapy. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: December 29, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-643 Filed 1-8-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environment and Energy

[Docket No. NI-90]

Intended Environmental Impact Statement; Ocean County, NJ

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: Three Retirement Communities, Ocean County, New Jersey. This notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., December 28, 1981.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix.—Combined EIS on Three Planned Retirement Communities, Ocean County, New Jersey

The Camden Service Office, Department of Housing and Urban Development, Camden, New Jersey,

intends to prepare an Environmental Impact Statement (EIS) for three planned retirement communities in Ocean County, New Jersey.

Description: Leisure Technology Corporation of Lakewood, New Jersey plans to develop the following retirement communities in Northern Ocean County: Leisure Knoll (Manchester Township), Leisure Village West (Manchester Township), and Westlake Village (Jackson Township). Leisure Knoll is located on the north side of State Route 70, just east of Route 37. A total of 743 fee simple units on 174 acres are planned to be constructed at Leisure Knoll. Leisure Village West is located across Route 70 from Leisure Knoll. A total of 1,372 condominium units are proposed to be constructed on an area of 487 acres. Westlake Village is located approximately five miles north of Leisure Knolls and Leisure Village West between County Road 528 and Vanhiseville-Bennett Mill Road (just south of Robins Estates). Proposed development at Westlake Village consists of the Construction of 3,675 units on 1,090 acres. The proposed projects are requesting assistance under Title X of the National Housing Act.

Need: An EIS will be prepared due to the size and scope of the three proposed projects as well as potential impacts on soil, water, and public service resources.

Alternatives: The alternatives to be considered include: accept the projects as currently proposed by the developer; accept the projects with conditions or modifications; or no build/no project. The no build/no project alternative would consist of HUD rejecting the developer's Title X application. The projects could be developed under the no build/no project alternative without HUD participation and without HUD requiring compliance with Federal regulations.

Scoping: HUD will hold a scoping meeting in accordance with the Council on Environmental Quality EIS Regulations (40 CFR Part 1500). This meeting will be open to all persons, groups, organizations and governmental agencies. HUD invites respondents to identify significant issues to be addressed in the EIS, data which should be incorporated in the EIS, and cooperating agencies. The time and place of this scoping meeting will be announced at a later date by notice in a local newspaper of general circulation. HUD also will mail notices of scoping meeting to Federal, State and Local public agencies as well as private organizations and groups responding to this Notice.

Comments: Comments should be sent on or before February 1, 1982 to: Mr. Elmer L. Roy, Supervisor, HUD Service Office, 519 Federal Street, Camden, New Jersey, 08103. The commercial telephone number of this office is 609/757–5107, and the FTS number is 488–5081.

[FR Doc. 82–566 Filed 1–8–82; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. NI–91]

Intended Environmental Impact Statement; Burlington County, NJ

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: Leisuretowne, Southampton Township, Burlington County, New Jersey. This notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., December 28, 1981.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix.—EIS on the Proposed Residential Development at Leisuretowne, Southampton Township, Burlington County, New Jersey

The Camden Service Office, Department of Housing and Urban Development, Camden, New Jersey intends to prepare an Environmental Impact Statement (EIS) for a planned retirement community in Burlington County, New Jersey.

Description: Leisure Technology Corporation of Lakewood, New Jersey plans to develop an addition to the present retirement community at Leisuretowne in Southampton Township, Burlington County, New Jersey. Leisuretowne is located along the north side of New Jersey Route 70, approximately two miles east of Red Lion Circle (U.S. Route 206). The Master Plan for the development at Leisuretowne proposes the construction of 1,980 units over an area of 649 acres. The proposed project is requesting assistance under Title X of the National Housing Act.

Need: An EIS is proposed since the total number of proposed units exceed HUD's threshold requirements and since the potential development may raise issues related to water quality, soil resources, the Pinelands, and a sanitary landfill.

Alternatives: The alternatives to be considered by HUD in the EIS include: accept the project as currently proposed by the developer; accept the project with conditions or modifications; and no build/no project. The no build/no project alternative consists of HUD rejecting the Title X Application. The proposed project could be developed under the no build/no project alternative without HUD participation and without HUD requiring compliance with Federal regulations.

Scoping: HUD will hold a scoping meeting in accordance with the Council on Environmental Quality EIS Regulations (40 CFR Part 1500). This meeting will be open to all persons, groups, organizations and governmental agencies. HUD invites respondents to identify significant issues to be addressed in the EIS, data which would be incorporated in the EIS, and cooperating agencies. The time and place of this scoping meeting will be announced at a later date by notice in a local newspaper of general circulation. HUD also will mail notices of the scoping meeting to Federal, State and Local public agencies as well as private organizations and groups responding to this Notice.

Comments: Comments should be sent on or before February 1, 1981 to: Mr. Elmer L. Roy, Supervisor, HUD Service Office, 519 Federal Street, Camden, New Jersey, 08103. The commercial telephone number of this office is 609/757–5107, and the FTS number is 488–5081.

[FR Doc. 82–565 Filed 1–8–82; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah; Invitation to Participate in Coal Exploration Program Royal Land Company

December 30, 1981.

Royal Land Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Jason Creek near Emery, Utah. The lands are located in Sanpete County, Utah, and are described as follows:

Township 20 South—Range 4 East, SLM

Section 12: All
Section 13: All

Township 20 South—Range 5 East, SLM

Section 7: All
Section 8: All
Section 9: All
Section 10: All
Section 13: S½
Section 14: All
Section 15: All
Section 16: All
Section 17: All
Section 18: All
Section 21: All
Section 22: All
Section 23: All
Section 24: All
Section 25: All
Section 26: All
Section 27: N½
Section 35: All
Section 36: All

Township 21 South—Range 5 East, SLM

Section 1: All

Township 20 South—Range 6 East, SLM

Section 28: W½
Section 29: All
Section 30: All
Section 31: All
Section 32: All
Section 33: W½

Township 21 South—Range 6 East, SLM

Section 4: Lots 3, 4, S½NW¼, SW¼
Section 5: All
Section 6: All
Section 8: N½
Section 9: NW¼

Containing 18,687.66 Acres, more or less. Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. James D. Copen, Staff Geologist, Royal Land Company, 925 South Niagara, Suite 600, Denver, Colorado 80224. Such written notice must be received February 10, 1982.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company, is available for public review during normal business hours, in the following office, under Serial No. U–50071: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Ronald J. Younger,
Acting Chief, Division of Operations.

[FR Doc. 82–620 Filed 1–8–82; 8:45 am]
BILLING CODE 4310–84–M

National Park Service

River Management Plan for Canyonlands National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of River Management Plan.

SUMMARY: The National Park Service announces that the approved river management plan for Canyonlands National Park, Utah, is available to the public. The plan presents a means to accommodate recreational uses of the Colorado and Green Rivers within the park. Both private and commercial boat operations traverse these rivers under permit from the National Park Service. The plan provides for a scheduling system that would allow both motorized and non-motorized boats on the rivers. This system would avoid concentrations of use and sociological and environmental impacts which have occurred in the past. The plan raises the ceiling of river use passengers from the past ceiling of 6,660 to a new level of 8,000 passengers. Under this new ceiling, 365 passenger units will be allocated to each of nineteen commercial boat operators for a total commercial allocation of 6,935 passengers. Non-commercial boat operators will receive a total block of 750 passenger units, which is more than double the non-commercial allocation available in the past. This is consistent with the historical ratio of commercial-non-commercial use of the rivers. A block of 315 passenger units remain unassigned as a "pool" to accommodate special populations or changes in use demand from the commercial and non-commercial permittees.

Other aspects of the plan include permitting unstructured camping along the rivers while retaining the prerogative to close areas to camping as necessary for resource protection or to rehabilitate a site; regulation of campfire use; requiring that all solid human waste be carried out of the park; permitting only such development as necessary for archeological and historical stabilization projects and minimal trail work; providing information to river users, including training of boatmen in river techniques and interpretation of park resources; and protecting endangered and threatened fishes.

An environmental assessment was prepared in 1979. Public workshops were held during 1979 in Moab and Salt Lake City, Utah and Denver, Colorado. In 1981 the draft river management plan was sent to some 800 individuals and organizations. The final plan available from this announcement reflects the responses received from this public involvement.

The National Park Service has determined that the plan is not a major Federal action that will have a major effect on the environment. Because of this finding of no significant impact, an environmental impact statement will not be prepared.

FOR FURTHER INFORMATION CONTACT: Mr. Peter L. Parry, Superintendent, Canyonlands National Park, 446 South Main Street, Moab, Utah 84532, Telephone (801) 259–7164.

Dated: December 30, 1981.

L. Lorraine Mintzmyer,
Regional Director, Rocky Mountain Region.

[FR Doc. 82–639 Filed 1–8–82; 8:45 am]
BILLING CODE 4310–70–M

Office of the Secretary

Request for Information Regarding Oil and Gas Rentals

AGENCY: Office of the Secretary, Interior.

ACTION: Request for information regarding oil and gas rentals.

SUMMARY: In order to prepare a report to Congress on the impacts of noncompetitive oil and gas lease rental rates, the Department of the Interior is requesting that industry and other interested members of the public provide it with information regarding acquisition and exploration behavior and the role of rentals in reaching decisions regarding the same.

DATES: Comments by February 10, 1982.

ADDRESS: Comments should be sent to: Office of Policy Analysis, U.S. Department of Interior, 1800 C Street, N.W., Room 5136, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Abraham E. Haspel, (202) 343–6007.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 directs the Secretary of the Interior "to conduct a study and report to Congress within one year of the date of the enactment of this Act, regarding the current annual rental charges on all noncompetitive oil and gas leases to investigate the feasibility and effort of raising such rentals." To this end the Department is requesting assistance

from the oil and gas industry and other interested members of the public. It would be helpful for the preparation of this report for the Department to receive information and comments describing the lease acquisition and exploration processes and the role which rentals play in these processes. Specifically, information of the following nature would be useful: The number of leases and acreage held; length of time leases are held during which rentals are paid; the level of activity on these leases; financial costs of lease acquisition, rental payments, and exploration, each as a percent of the overall annual budget; the role which rental payments and other factors (e.g., cost of capital, labor, price of oil) play in the decision to acquire and to hold Federal oil and gas lease; and how specific operations would be affected if rental rates were to be increased (e.g., how many less wells might be drilled, how much less acreage might be acquired).

Dated: January 6, 1982.

Wm. D. Bettenberg,

Deputy Assistant Secretary of the Interior.

[FR Doc. 82-696 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that nay of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-4-1

Decided: January 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 111947 (Sub-12), filed December 21, 1981. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232-6500. Transporting *general commodities* (except classes A and B explosives), between points in NY, on the one hand, and, on the other, points in NJ, PA, and OH.

MC 13067 (Sub-60), filed December 21, 1981. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 534 Second St., SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 144667 (Sub-26), filed December 22, 1981. Applicant: ARTHER E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *Mercer commodities*, between points in CO, NE, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152537, filed December 21, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 901 Cos St., Liberty, TX 77575. Representative: Damon R. Capps, 1300 Main St., Suite 1230, Houston, TX 77002, (713) 658-8101. Transporting *Mercer commodities, metal products, pipe, plastic and plastic articles and machinery*, between points in TX, OK, LA, NM, CO, and WY.

MC 154667 (Sub-6), filed December 18, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr., (same address as applicant), (919) 228-2239. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Kayser-Roth Hosiery, Inc., of Burlington, NC.

MC 156127 (Sub-1), filed December 22, 1981. Applicant: PAGE TRANSPORTATION, INC., P.O. Box 2086D, Oswego, NY 13126. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. Transporting (1) *pulp, paper and related products, plastic articles, and metal products*, between points in Oswego County, NY, on the one hand, and, on the other, points in CA, KS, and points in and east of MI, OH, KY, TN, GA, and FL, (2) *machinery*, between points in Oswego County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *metal products*, between points in Onondaga County, NY, on the one hand, and, on the other, points in CA, and points in and east of MN, IA, MO, OK, and TX.

MC 157217, filed December 18, 1981. Applicant: GARY PUTNAM, d.b.a. GARY PUTNAM TRUCKING, 4716 Alpine Dr., Klamath Falls, OR 97601. Representative: Gary Putnam (same address as applicant), (503) 882-9545.Transporting *lumber mill products*,

wall board, siding and building materials, between points in OR, WA, and CA.

MC 159787 filed December 18, 1981. Applicant: NEWGEN TRANSPORTATION COMPANY, 1101 E. Capital Ave., Jefferson City, MO 65101. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *metal products, building materials, and iron and steel articles,* between points in the U.S., under continuing contract(s) with DeLong's, Inc., of Jefferson City, MO.

Volume No. OPY–4–3

Decided: January 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 134806 (Sub-77), filed December 21, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting (1) *footwear,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Timberland Company, of Newmarket, NH, (2) *woodburning stoves,* between points in the U.S. (except AK and HI), under continuing contract(s) with New Age Enterprises, d/b/a Pacific Woodstove Distributors, of Santa Cruz, CA, and (3) *groceries and foodstuffs,* between points in the U.S. (except AK and HI), under continuing contract(s) with Stow Mills of Brattleboro, VT.

MC 134616 (Sub-2), filed December 22, 1981. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph A. Keatinh, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *salt and salt products,* between points in Tompkins County, NY, and points in PA and NJ.

MC 158526 (Sub-1), filed December 21, 1981. Applicant: MERGENTHALER TRANSFER & STORAGE CO., 1414 N. Montana Ave., Helena, MT 59601. Representative: David L. Jackson, 203 N. Ewing St., Helena, MT 59601, (406) 442–1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Mountain States Telephone and Telegraph Company, of Helena, MT.

MC 159786, filed December 18, 1981. Applicant: LINCOLN COUNTY READY MIX, INC., S. Highway 27, Stanford, KY 40484. Representative: Dwayne Greer (same address as applicant), (606) 365–9149. Transporting *coal,* between points in KY, on the one hand, and, on the other, points in OH, and IN.

Volume No. OPY–5–01

Decided: January 4, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 548, filed March 31, 1981. First published in **Federal Register** on April 27, 1981. Applicant: AIR LAND FORWARDERS—SUDDATH, INC., 5266 Highway Ave., Jacksonville, FL 32236. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. To operate as a *freight forwarder,* in interstate or foreign commerce, of (1) *used household goods,* (2) *unaccompanied baggage,* and (3) *used automobiles,* between points in the U.S. This application is republished to show the full authority sought.

MC 2908 (Sub-29), filed December 11, 1981. Applicant: CAPITAL MOTOR LINES, INC., d.b.a. CAPITAL TRAILWAYS, 520 North Court St., P.O. Box 1427, Montgomery, AL 36102. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Over regular routes, transporting *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between (1) the junction of AL Hwys 87 and 167 and Enterprise, AL, over AL Hwy 167, (2) the junction of AL Hwys 166 and 12 and AL Hwys 166 and 189, over AL Hwy 166, (3) Enterprise, AL, and the junction of AL Hwys 248 and 249, over AL Hwy 248, (4) the junction of AL Hwys 85 and 92 and AL Hwys 92 and 12, over AL Hwy 92, (5) the junction of U.S. Hwy 31 and Autauga County Hwy 4 and the junction of AL Hwy 14 and Autauga County Hwy 4, over Autauga County Hwy 4, (6) York, AL, and the junction of AL Hwys 8 and 17, over AL Hwy 17, and (7) the junction of FL Hwys 85 and 123 (north of Valparaiso, FL) and the junction of FL Hwys 85 and 123 (south of Valparaiso, FL), over FL Hwy 123, serving all intermediate points on routes (1) through (7).

MC 31389 (Sub-332), filed December 18, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 41098 (Sub-72), filed December 18, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Franklin Electric Co., of Sunnyvale, CA.

MC 65038 (Sub-1), filed December 14, 1981. Applicant: WILLIAM J. BLAIR, d.b.a. BLAIR TRANSFER & STORAGE CO., 3623 Brooks, Missoula, MT 59801. Representative: William E. Seiliski, 2 Commerce St., POB 8255, Missoula, MT 59807, (406) 543–8369. Transporting (1) *such commodities* as are dealt in by food and drug store supermarkets, between Kansas City, KS, points in Santa Fe, San Juan, Bernalillo Counties, NM, Denver County, CO, and Washoe, County, NV, on the one hand, and, on the other, points in Denver County, CO and WY. (2) *general commodities* (except classes A and B explosives and commodities in bulk), between Omaha, NE, Kansas City, MO, and points in Hennepin County, NV and Cook County, IL, on the one hand, and, on the other, points in MT, and (3) *general commodities* (except classes A and B explosives and commodities in bulk), between points in AZ, WA, OR, ID, MT, CA, CO, UT, NM, and NV.

MC 88368 (Sub-56), filed November 25, 1981, previously noticed in (republication), **Federal Register** publication of December 11, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649–5074. Transporting (1) *machinery and metal products,* and (2) *parts and accessories,* between points in MI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to add parts and accessories.

MC 88619 (Sub-3), filed December 18, 1981. Applicant: MARVIN JAY HUTCHINSON, d.b.a. HUTCHINSON TRANSFER, 309 E. 3rd St., Thief River Falls, MN 56701. Representative: William J. Ganbucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Trans-Consolidated, Inc., of St. Paul, MN.

MC 89369 (Sub-25), filed December 21, 1981. Applicant: JOART TRUCKING COMPANY, P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, Seven Beck Farm

Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *chemicals and related products,* between points in NJ and New Castle County, DE on the one hand, and, on the other, points in IN, IL, MI, SC, and GA.

MC 119699 (Sub-4), filed September 1, 1981. Published initially in the **Federal Register** on September 23, 1981. Applicant: HARRELL FREIGHT, INC., 53 East Thomas Ave., Baltimore, MD 21225. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761–2580. Transporting *metal products and ores,* between Baltimore, MD, on the one hand, and, on the other, points in Chester, Berks, and Northampton Counties, PA.

Note.—This application is republished to include ores, and to show points in Northampton County, PA, in lieu of Clearfield County, PA.

MC 133189 (Sub-44), filed December 14, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg, St. Paul, MN 55101, (612) 291–1215. Transporting *general commodities,* between Duluth, MN on the one hand, and, on the other, points in AK, CO, IA, IL, IN, KY, MI, MO, NE, ND, NM, OH, SD, TX, WI, and WY.

MC 136818 (Sub-139), filed December 21, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *food and related products* between points in the U.S. (except AK and HI).

MC 142059 (Sub-184), filed December 14, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley (same address as applicant), (815) 729–3808. Transporting *food and related products* (except in bulk), between Des Moines and Sioux City, IA, and points in Carroll, Cherokee, Crawford, Hardin, and Webster Counties, IA, Omaha, NE, and points in Lancaster and Saline Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 147669 (Sub-4), filed December 21, 1981. Applicant: McNITT PRODUCE, INC., 8236 Amelia Drive, Jenison, MI 49428. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459–8311. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Cherry Hill Orchards, Inc., of Bailey, MI.

MC 149069 (Sub-2), filed December 7, 1981. Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691–0900. Transporting *automotive tires, tire tread rubber, automotive tubes, tire parts,* and *automotive tire tube parts,* between Texarkana, AK, St. Louis, MO, Oklahoma City, OK, and points in Sandusky, Summit, and Franklin Counties, OH, Coahoma County, MS, and Union County, NJ, on the one hand, and, on the other, points in MD.

MC 150049 (Sub-4), filed December 21, 1981. Applicant: JAMES RESSLER, d.b.a. JIM RESSLER TRUCKING, 300 East Turnpike, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58501, (701) 223–5300. Transporting (a) *lumber, lumber products, wood products, and lumber mill products, and (b) building materials* (except those in (a)), between points in WA, OR, ID, MT, WY, CA, MN, WI, and MI, on the one hand, and, on the other, those points in the U.S. in and west of MI, OH, KY, TN, and GA.

MC 151788 (Sub-15), filed November 9, 1981. Published initially in the **Federal Register** on December 1, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is republished to include all exceptions requested by applicant.

MC 151788 (Sub-16), filed December 17, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *hides,* between points in U.S. (except AK and HI).

MC 152568 (Sub-3), filed December 16, 1981. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana St., Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, 317–638–1301. Transporting *such commodities* as are dealt in by a manufacturer of pharmaceutical, cosmetic, packaging and agricultural products, between points in the U.S. under continuing contract(s) with Eli Lilly & Company and Elanco Products Company, both of Indianapolis, IN.

MC 152708, filed December 14, 1981. Applicant: GOODLUCK REFRIGERATION SERVICE, INC., 67200 Hartway, Romeo, MI 48065. Representative: David D. Warner, 1800 First National Bldg., Detroit, MI 48226, (313) 961–8380. Transporting *culture media and laboratory reagents,* between points in the U.S., under continuing contract(s) with BBL Microbiology Systems of Cockeysville, MD.

MC 158139, filed September 8, 1981. Applicant: LYNCO MOVERS, INC., 1007 South Acme Rd., San Antonio, TX 78237. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Washington, D.C. 20036, 202–887–5868. Transporting *household goods* and *furnished and fixtures,* between points in TX, LA, MS, AL, GA, FL, SC, NC, VA, MD, WV, OH, IN, IL, TN, KY, MO, AR, OK, KS, CO, NM, AZ, NV, UT, CA, NE and DC.

MC 158428, filed December 16, 1981. Applicant: ROBIN HOOD OIL CO., INC., P.O. Box 70, Benson, NC 27504. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, D.C. 20005, 202–347–9332. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in NC, on the one hand, and, on the other points in the U.S.

MC 158479 (Sub-1), filed December 10, 1981. Applicant: TOBEY TRAVEL, INC. d.b.a. BRANMAR TRAVEL, 1804 Marsh Road, Wilmington, DE 19810. Representative: Steven D. Goldberg, 10606 Montchanin Bldg., 100 West Tenth St., P.O. Box 1470, Wilmington, DE 19899, (302) 656–7712. To operate as a *broker* at Wilmington, DE, in arranging transportation of *passengers and their baggage* in same vehicle with passengers, between points in the U.S.

MC 159339 (Sub-1), filed December 17, 1981. Applicant: BRAKE-MEIER TRUCKLOAD, INC., 14523 S. Garfield, Paramount, CA 90723. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, 213–945–3002. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between points in CA on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

MC 159729, filed December 15, 1981. Applicant: JERRY DON McLAMB, Rt. 1, Benson, NC 27504. Representative: Jerry Don McLamb (same address as applicant), (919) 894–8480. Transporting

fertilizer and limestone, between points in VA and NC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-691 Filed 1-8-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-100

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159581 (Sub-1-1TA), filed December 21, 1981. Applicant: TRANS CARGO, INC., 403 Academy Lane, P.O. Box 1019, Turnersville, NJ 08012. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Furniture and store fixtures*, between the facilities of Hussmann Refrigerator Co. in Cherry Hill, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Hussmann Refrigerator Co., P.O. Box 507, Cherry Hill, NJ 08003.

MC 159778 (Sub-1-1TA), filed December 18, 1981. Applicant: MOHEGAN CONTRACTOR CORP., 20 Leary Lane, Nesconset, NY 11767. Representative: William J. Augello, Esq., Augello, Pezold & Hirschmann, 120 Main Street, Huntington, NY 11743. *Contract carrier:* irregular routes: *Building materials and materials, equipment and supplies used in the manufacture of building materials*, between all points in the U.S., under continuing contract(s) with Abbey Hart Co., Verona, NJ; Athena Mason Supply, Inc., Clifton, NJ; Atlantic Brick Corp., Saddlebrook, NJ; PlyGem Industries, Inc., and wholly owned subsidiaries, New York, NY; Gloucester City, NY, Farmingdale, NY, Union, NJ and New Haven, CT. Supporting shipper: There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 149216 (Sub-1-3TA), filed December 16, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highland, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Unfinished zinc die castings and materials, supplies and equipment related thereto* between points in RI, on the one hand, and, on the other, points in NY, PA, IL, TN, and OK under continuing contract(s) with Ridco Casting Company, Pawtucket, RI. Supporting shipper: Ridco Casting Company, 6 Beverage Hill Avenue, Pawtucket, RI 02860.

MC 153563 (Sub-1-2TA), filed December 16, 1981. Applicant: INLAND POLLUTION CONTROL INC., 385 Quincy Avenue, P.O. Box 303, Braintree, MA 02184. Representative: Joseph V. Polsinello, 26 James Road, Hanover, MA 02339. *Waste, hazardous materials, chemicals, oils, fuels, equipment, materials, in conjunction with the petroleum, chemical, marine, construction, municipal, utility, electronic and pollution control industry* between points east of the Mississippi River, TX, LA, and IL. Supporting shipper:: Recycling Industries, Inc., 385 Quincy Avenue, MA 02184.

MC 159734 (Sub-1-1TA), filed December 16, 1981. Applicant: PRESTON MOVING & STORAGE, LTD., 420 Base Line Road West, Box 160, Bowmanville, Ontario, Canada L1O 3K9. Representative: Robert D. Gunderman, Esq., Can-Am Building, 101 Niagara Street Buffalo, NY 14202. *Contract carrier:* irregular routes: *Uncrated restaurant equipment, and food preparation equipment* between Ports of Entry on the International Boundary Line between the U.S. and CD in NY and MI, on the one hand, and, on the other, all points in the U.S. under continuing contract with Hospital & Kitchen Equipment, Ltd and its Affiliates, Modular Architectural Components Ltd. and H. K. Equipment DeService Alimentaire Ltee of Downsview, Ontario, CD. Supporting shipper(s): Hospital & Kitchen Equipment Ltd., Modular Architectural Components Ltd., H. K. Equipment De Service Alimentaire, Ltee, 555 Oakdale Road, Downsview, Ontario, Canada M3N 1W7.

MC 159753 (Sub-1-1TA), filed December 17, 1981. Applicant: VESPA TRUCKING CO., INC., 118 Heritage Drive, Box 13, Freehold, NJ 07728. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Metal products*, between the facilities of Evon Industries, Inc., located at Newark and Camden, NJ, on the one hand, and, on the other, points in CT, MA, RI, NY, PA, DE, and MD. Supporting shipper: Evon Industries, Inc., 1239 Broad Street, Newark, NJ 07114.

MC 159749 (Sub-1-1TA), filed December 17, 1981. Applicant: D & E TRANSPORTATION CORP., 507 Otter Branch Drive, Magnolia, NJ 08049. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Passengers and their baggage, in charter or special operation, limited to the transportation of not more than 15 passengers per vehicle*, between Philadelphia, PA and points in NJ on the south of NJ Hwy 33 on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 158211 (Sub-1-2TA), filed December 17, 1981. Applicant: PORT TRANSPORTATION, CO., INC., 54 Devonshire Street, Boston, MA 02109. Representative: Joseph Wine (same as applicant). *Beer and Wine*, between points in VT on the one hand, and, on the other hand, the Ports of Boston, MA, New York, NY, Newark, NJ, and Portsmouth, NH. Supporting shipper(s): Champlain Valley Fruit Co., Inc. 237 South Champlain Street, Burlington, VT; Calmont Beverages, Inc., Barre, Vt.

MC 159735 (Sub-1–1TA), filed December 16, 1981. Applicant: J. N. B. CARRIERS, INC., 11 Mount March Avenue, Farmingdale, NY 11738. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Barium enema kits,* between Westbury, NY, on the one hand, and, on the other, points in the U.S. under continuing contract with E–Z–EM Company, Westbury, NY. Supporting shipper(s): E–Z–EM Company, Inc., 7 Portland Ave., Westbury, NY.

MC 150121 (Sub-1–2TA), filed December 21, 1981. Applicant: DVJ TRUCK LINES, INC., 1 Ridge Road, Monmouth Junction, NJ 08852. Representative: Henry J. Capro, Esq., 1585 Morris Avenue, Union, NJ 07083. *Contract carrier:* irregular routes: *Toilet preparations; bandages and dressings; soaps and shampoos,; swabs; diapers or diaper liners; powder and talc and related raw materials and displays* between NJ, NY, PA, and CT, under continuing contract(s) with Johnson & Johnson Baby Products Company, Skillman, NJ. Supporting shipper: Johnson & Johnson Baby Products Company, Grandview Avenue, Skillman, NJ 08558.

MC 145093 (Sub-1–2TA), filed December 18, 1981. Applicant: J. C. TRANSPORT CORPORATION, 53 East Broadway, P.O. Box 142, North Salem, NH 03073. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803. *Computer, computer parts, and related equipment and materials used for computer advertising* between computer trade shows at points in the U.S. (except AK and HI) in continuous transportation providing the original origin or final destination is in the State of MA. Supporting shipper(s): Data Terminal Systems, Inc., 124 Acton Street, Maynard, MA 01754; Data General Corporation, Turnpike Road, Westboro, MA 01581; Target Communications, Inc., 44 Pittsburgh Street, Boston, MA 02210.

MC 154190 (Sub-1–1TA), filed December 17, 1981. Applicant: N. J. BART CORPORATION, 561 Bay Avenue, Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Chemicals, (except in bulk and hazardous waste)* between the facilities of Mallinckrodt Chemical Corp., in the U.S., on the one hand, and, on the other, points in the U.S. except AK and HI, under continuing contract(s) with Mallinckrodt Chemical Corp., St. Louis, MO. Supporting shipper: Mallinckrodt Chemical Corp., 3600 North 2nd Street, St. Louis, MO 63147.

MC 151193 (Sub-1–25TA), filed December 21, 1981. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam, (same as applicant). *Contract carrier:* irregular routes: *Such commodities as are dealt in and sold by supermarkets, and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities (except in bulk),* from New York, NY and its Commercial Zone to Oklahoma City, OK, Minneapolis, MN, and its Commercial Zone to Oklahoma City, OK, Minneapolis, MN, and points in MI, IL, OH, IN, KS, MO and IA, under continuing contract(s) with MC Foods, Inc., San Diego, CA. Supporting shipper: MC Foods, Inc., 2251 San Diego Avenue, Suite A–216, San Diego, CA 92110.

MC 151193 (Sub-1–26TA), filed December 21, 1981. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *Hair care products, toilet preparations, soaps, and health and beauty aids and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities (except in bulk),* between points in CA, FL, GA, IL and NJ, under continuing contract(s) with Nature's Organic Plus, Inc., Paramus, NJ. Supporting shipper: Nature's Organic Plus, 599 Industrial Avenue, Paramus, NJ 07652.

MC 147242 (Sub-1–6TA), filed December 21, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier:* irregular routes: *Exhibit booths or stalls, knocked down, containing advertising displays and miscellaneous products of manufacturing,* between Boston, MA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Target Communications Inc., Boston, MA. Supporting shipper: Target Communications Inc., 44 Pittsburgh Street, Boston, MA 02210.

MC 159796 (Sub-1–1TA), filed December 21, 1981. Applicant: CARLEN DISTRIBUTION SYSTEM, INC., 955 West Side Avenue, Jersey City, NJ 07306. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Paper and paper products* between points in the US east of the Mississippi River, under continuing contract(s) with Paper Converters Spply Corp., Cherry Hill, NJ and J. Madden Corp., New York, NY. Supporting shipper(s): Paper Converters Supply Corp., 1 Cherry Hill, Chery Hill, NJ 08002; J. Madden Corp., 9 Rockefeller Plaza, New York, NY 10020.

MC 156428 (Sub-1–4TA), filed December 21, 1981. Applicant: JACK MULA AND FRANK GUMINA, JR., d.b.a. MARSAN WAREHOUSING & TRANSPORTATION, Merrich Road, South Brunswick, NJ 08831. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Air conditioners, humidifiers, dehumidifiers, and household appliances; and (2) Materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between Edison and South Brunswick, NJ, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NJ, NY, PA, OH, DE, MD, VA, NC, SC, GA, AL, and FL, under continuing contract with Edison Products, Edison, NJ and Frigidaire International Co., Dayton, OH. Supporting shipper(s): Edison Products, Route 27 & Vineyard Road, Edison, NJ 08817; Frigidaire International Co., 228 Byers Rd., P.O. Box WC 4900, Dayton, OH 45449.

MC 159532 (Sub-1–1TA), *REPUBLICATION,* filed December 3, 1981. Applicant: M & M MOTOR FREIGHT CORP., River Road, P.O. Box 595, Utica, NY 13501. Representative: Herbert M. Canter, Esquire, Benjamin D. Levine, Esquire, 305 Montgomery Street, Syracuse, NY 13202. *(1) Such merchandise as is dealt in by department stores and mail order houses, and (2) Materials, equipment and supplies used in the conduct of such businesses* between Syracuse and Utica, NY, on the one hand, and, on the other, points in Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego and St. Lawrence Counties, NY. Supporting shipper(s): Sears, Roebuck & Co., Eastern Territorial Traffic Department, 4640 Roosevelt Boulevard, Philadelphia, PA 19132. The purpose of this republication is solely to indicate applicant's intention to interline with other carriers at Syracuse and Utica, NY. Previously published in **Federal Register** of December 14, 1981, on Page 61011.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147463 (Sub-II–2TA), filed November 30, 1981. Applicant: R. M. GUINTHER, INC., R.D. #1, Box 539, Boyertown, PA 19512. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Specialty Chemicals and Metals,* between the facilities of KBI, a Division of Cabot Corporation, In Colebrookdale Township, Berks County, and Douglas Towship, Montgomery County, PA, on the one hand and on the other points in KY and MI for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to tack this authority sought with authority held under MC 147463. Supporting shipper(s): KBI, a Division of Cabot Corporation, County Line Road, Boyertown, PA 19512. The purpose of this republication is to include tacking.

MC 145583 (Sub-II–3TA), filed November 30, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Phila., PA 19137. Representative: Anthony A. Cerone (same as applicant). *Alcohol and alcoholic beverages and wines,* between points in ME, TN, FL, GA, KY, OH, IN, IL, WV, NC, SC & MI for 270 days. Applicant intends to tack this authority sought with authority held under MC 145583. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the Phila. ICC Office. The purpose of this republication is to include tacking.

MC 150444 (Sub-II–TA), filed December 29, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as above). Contract, irregular: *Fabric, garments, material and supplies used or useful in the manufacture, production, or sale of products by, for, or on behalf of Exquisite Form Industries, Inc.* between (1) the facilities of Exquisite Form Industries, Inc. at Pelham Manor, NY on the one hand, and, on the other pts. in the U.S. and (2) between piers located in the cities of New York, NY; Newark, NJ; Baltimore, MD; Long Beach, CA; Oakland, CA; Seattle, WA; New Orleans, LA; Houston, TX; Port of Laredo, TX; Portland, OR; and Jacksonville, FL; on the one hand, and, on the other pts. in the U.S., under a continuing contract with Exquisite Form Industries, Inc., for 270 days. Supporting shipper: Exquisite Form Industries, Inc., 14 Pelham Parkway, Pelham Manor, NY 10803.

MC 159625 (Sub-II–1TA), filed December 29, 1981. Applicant: ALLISON & DEAN TRUCKING, INC., Carter Ave., P.O. Box 135, Triadelphia, WV 26059. Representative: Carl A. Allison, 437 Jones St., Wheeling, WV 26003. Contract irregular: *Coal,* between Ohio, Brooke and Hancock Counties, WV, Washington and Beaver Counties, PA, and Belmount, Jefferson and Columbiana Counties, OH, under continuing contract(s) with the Valley Camp Coal Co., Oil City, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Valley Camp Coal Co., 206 Seneca St., P.O. Box 900, Oil City, PA 16301.

MC 140302 (Sub-II–3TA), filed December 29, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Pt. Rd., Curtis Bay, MD 21225. Representative: Robert B. Pepper, 168 Woodbridge Ave, Highland Park, NJ 08904. Contract irregular: *Chemicals or allied products STCC 28 except hazardous materials,* between pts. in the US, in and east of MN, WI, IL, KY, TN, MS, and LA, for 270 days. Under continuing contract with Dutch Boy, Consumer Division, Sherwin-Williams Co., Baltimore, MD. Supporting shipper: Dutch Boy, Consumer Div., Sherwin-Williams Co., 2325 Hollis Ferry Rd., Baltimore, MD 21230.

MC 158851 (Sub-II–1TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). *General commodities,* except in bulk, in tank vehicles, between points in the U.S. (restricted to shipments originating at or destined to the facilities of Chemical Sales Company) for 270 days. Supporting shipper: Chemical Sales Company, 4661 Monaco Street, Denver CO 80216.

MC 158851 (Sub-II–2TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). (1) *plastic and plastic articles* (2) *rubber and rubber products* and (3) *material and supplies used in the manufacture of (1) and (2) above* (except in Bulk, in tank vehicles) between points in the U.S., on the one hand, and, on the other, Nashua, NH (restricted to truckload traffic) for 270 days. Supporting shipper: Beebe Rubber Co., 20–22 Marshall Street, Nashua, NH 03060.

MC 158851 (Sub-II–3TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). Petroleum products, paints, sundries and other related products for industrial use, except in bulk, in tank vehicles, between Malden, MA and Karns City, PA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Sterling-Clark-Lurton, 184 Commercial Street, Malden, MA.

MC 5603 (Sub-II–2TA), filed December 30, 1981. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Rd., Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd., and Cottman St., Jenkintown, PA 19046. *Contract carrier:* irregular route: *food and related products,* from Florence, NJ to points in ME, NH, VT, MA, CT, RI, NY, PA, MD and VA; from Mt. Holly Springs, PA to Florence, NJ under continuing contract(s) with Ag Foods, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ag Foods, Inc., 37752 Zone Trace Drive, Columbus, OH.

MC 117384 (Sub-II–4TA), filed December 30, 1981. Applicant: DAVIDSON BROTHERS, R.D. #3, Bellefonte, PA 16823. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Calcium fluoride,* in bulk, from Central Falls, RI to Duquesne, PA for 270 days. Supporting shipper: Corning Glass Works, P.O. Box 156, Corning, NY 14830.

MC 111002 (Sub-II–1TA), filed December 29, 1981. Applicant: FAST LEASING, INC., P.O. Box 7, Milton, PA 17847. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: Contract: *Such commodities as are dealt in by a manufacturer of telephone, communication and electronic equipment, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in CO, TX, IA, IL, MI, IN, AL, OH, KY, GA, NC, MD, PA, NY, NJ, CT, MA, NH, and ME, for 270 days, under a continuing contract(s) with Chemical and Metallurgical Division of GTE Products Corporation. An underlying ETA seeks 120 days' authority. Supporting shipper: Chemical and Metallurgical Division of GTE Products Corporation, Hawes St., Towanda, PA 18848.

MC 148412 (Sub-II–6TA), filed December 28, 1981. Applicant: GRIBBLE TRUCKING, INC., R.D. 3, Rockwood, PA 15557. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Contract, irregular: *foundry supplies and materials* from points in AL, IL, KS, MI, MS, NC, NY, OH, PA, SD, TN, WV and WI to points in MI, OH, WI for 270 days under continuing contract(s) with Carpenter Brothers, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Carpenter Brothers, Inc., Milwaukee, WI 53203.

MC 159673 (Sub-II–1TA), filed December 30, 1981. Applicant: INLAND PUMPING & DREDGING

CORPORATION, P.O. Box 140, Downington, PA 19335. Representative: Dale R. Yeager, 388 Devon Drive, Exton, PA 19341. *Hazardous waste materials,* from the facilities of the shipper in Downington, PA to NY, NJ, DE, MD, VA, NC, SC, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880; Dowell Division of Dow Chemical, U.S.A., P.O. Box 179, Mount Holly, NJ 08060.

MC 159857 (Sub-II–1TA), filed December 28, 1981. Applicant: J & L TRUCK LEASING, INC., 3621 State Route 14, Edinburgh, OH. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415. (1) *Lamps, lamp parts and furniture* (a) between Cincinnati and Cleveland, OH, on the one hand, and, on the other, pts. in CA, NC, NJ, and NY; and (b) between Edgewater, Lodi, Newark and Ridgefield Park, NJ, on the one hand, and, on the other pts. in CA, Tipton, IN, Baltimore, MD, Aberdeen and Greensboro, NC and Norfolk, Richmond, and Williamsburg, VA; and (2) *Lamps and lamp parts,* between Los Angeles, CA, on the one hand, and, on the other, pts. in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities operated by Parker Lamp and Fixture Supply, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Parker Lamp & Fixture Supply, Inc., 230 Fifth Ave., New York, NY 10001.

MC 159859 (Sub-II–1TA), filed December 28, 1981. Applicant: NATHANIEL McCURDY, d.b.a. McCURDY PRODUCT, 610 Market St., Toledo, OH 43602. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: Irregular; aluminum sheets, sign blanks or covered, reflective sheeting, aluminum castings, sign posts and other related items* between Toledo, OH, on the one hand, and, on the other points in the U.S. under continuing contract with U.S. Standard Sign Company of Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: U.S. Standard Sign Co., Box 4005, 210 Wade St., Toledo, OH 43609.

MC 109448 (Sub-II–18TA), filed December 30, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors and distributors of building materials (except commodities in bulk)* between Cleveland and Medina, OH, Baltimore, MD and Red Lion, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Donn Corporation, 1000 Crocker Road, Westlake, OH 44145.

MC 152460 (Sub-II–2TA), filed December 29, 1981. Applicant: ROW-DOM, INC., 1 Washington St., Cumberland, MD 21502. Representative: John H. LeSeur, 1224 17th St., NW., Wash., DC 20036. Contract, irregular: *General commodities (except class A & B explosives),* between the facilities of Celanese Fibers Co. located at or near Amcelle, MD and Baltimore, MD, and pts. in its commercial zone with prior or subsequent transportation in interstate or foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Celanese Fibers Co., P.O. Box 1414, Charlotte, NC 28232.

MC 159707 (Sub-II–1TA), filed December 23, 1981. Applicant: SCARAB TRANSPORTATION, INC., 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: Richard Rueda, 135 North Fourth Street, Philadelphia, PA 19106. *Such commodities as are dealt in or used by Retail Department Stores* between points in the state of Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contracts with The Limited Stores, Inc., Columbus, Ohio, for 270 days. An underlying ETA for 120 days is being sought. Supporting shipper: The Limited Stores, Inc., One Limited Parkway, P.O. Box 16528, Columbus, OH 43216.

MC 109821 (Sub-II–2TA), filed December 28, 1981. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main St., Wellsboro, PA 16901. Representative: Larry Sherman (same as applicant). *Glass products and products used in the manufacture, sale and distribution thereof,* between Tioga County, PA and Rockingham County, NH for 270 days. Supporting shipper(s): GTE Products, 100 Endicott St., Danvers, MA 01923.

MC 159888 (Sub-II–1TA), filed December 29, 1981. Applicant: TAZEWELL AUTO SALVAGE, INC., Rt. 2, Box 590, N. Tazewell, VA 24603. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Mining machinery and equipment and materials, supplies, and equipment used in the manufacture and distribution of mining machinery and equipment,* between Tazewell County, VA and pts. in AL, KY, IL, IN, OH, PA, TN, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Coalfield Equipment Corp., Rt. 4, Box 132, N. Tazewell, VA 24630; In-Pro Corp., Rt. 2, Box 360–A, N. Tazewell, VA 24630; The Vest Corp., 2035 Virginia Ave., Bluefield, VA 24605; Klx, Inc., P.O. Box 882, Tazewell, VA 24651.

MC 159743 (Sub-II–1TA), filed December 30, 1981. Applicant: VANGUARD MOVING & STORAGE CO., INC., 1901 Light St., Bldg. #7, Baltimore, MD 21230. Representative: Eugene W. Smoot (same as applicant). Contract, irregular: *Used government household goods in addition to handling containerized government packing and crating contracts,* between Baltimore City, Baltimore, Anne Arundel, Howard, Prince Georges, Carroll, Montgomery, Harford, Cecil, and Kent Counties, MD having prior or subsequent movement in containers beyond the above points under continuing contract with the Dept. of Defense, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Procurement Directorate, US Army, APG, MD, STEAP–PR–S, Bldg. 314, Aberdeen Proving Ground, MD 21005.

MC 145861 (Sub-II–2TA), filed December 28, 1981. Applicant: VANTRANS, INC., 11375 Greenwich Rd., Homerville, OH 44235. Representative: Robert McNamara, 906 Centran Bldg., Akron, OH 44308–1335. Contract, irregular: *Studding, hangers, channels, door and window frames, and miscellaneous building materials and accessories,* between all pts. in the US, except AK and HI, under continuing contract with Donn Corp., Cleveland, OH, for 270 days. Supporting shipper: Donn Corp., 16543 Lee Rd., Cleveland, OH 44118.

MC 142253 (Sub-II–2TA), filed December 28, 1981. Applicant: M & D LEASING, INC. d.b.a. YORK COMMERCIAL TRUCKING CO., 2200 Monroe Street, York, PA 17404. Representative: Steven W. Gardner, 3400 Peachtree Road, NE., Suite 1631, Atlanta, GA 30326. *General commodities (except classes A and B explosives and hazardous waste) restricted to traffic and prior or subsequent movement by rail TOFC or COFC* between York County, PA, on the one hand, and Alexandria, VA, Hagerstown, MD, and Harrisburg, PA, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): (1) Caterpillar Tractor Company, 100 N.E. Adams St., Peoria, IL 61629. (2) Norfolk and Western Railway Company, 8 N. Jefferson St., Roanoke, VA 24042. (3) Southern Railway Systems, PO Box 1808, Washington, DC 20043.

MC 108631 (Sub-2–6TA), filed December 28, 1981. Applicant: BOB

YOUNG TRUCKING, INC., Schoenersville Rd. at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Malt beverages, and empty malt beverage containers,* between the facilities of or utilized by F & M Schaefer Brewing Co. at Fogelsville (Lehigh County), and Belfast (Northampton County), PA, on the one hand, and, on the other, points in OH, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper(s): F & M Schaefer Brewing Co., PO Box 2568, Allentown, PA 18001.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 149123 (Sub-3–5TA), filed December 28, 1981. Applicant: BOAZ PRODUCE COMPANY, INC., P.O. Box 635, Fort Payne, AL 35967. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984. *Margarine, Peanut Butter and Shortening* from Birmingham, AL to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OK, PA, RI, SC, TN, VT, WV, WI and DC. Supporting shipper: Sunnyland Refining Co., Inc., 3330 10th Avenue No., Birmingham, AL.

MC 138184 (Sub-3–2 TA), filed December 28, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602. *Petroleum and petroleum products in bulk in tank vehicles and petroleum products in packages or drums* between points in Scotland, Mecklenburg, New Hanover, Guilford, Cumberland and Johnston Counties, NC, and points in SC, GA, VA, PA, NY, AL, OK. Supporting shippers: Harris Petroleum Company, P.O. Box 586, Laurinburg, NC 28352: Cooper Oil Co., Inc. P.O. Box 888, Laurinburg, NC 28352: Gibson Oil and Gas Co., Inc., Rt 1, Box 2, Laurel Hill, NC.

MC 128021 (Sub-3–3 TA), filed December 29, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Contract Carrier* irregular; *Commodities as are dealt in, or used by, makers of automotive care products (except in bulk)* between points in the US, under a continuing contract(s) with Turtle Wax, Inc. Supporting shipper: Turtle Wax, Inc.; 5655 W. 73rd St.; Chicago, IL 60638.

MC 159879 (Sub-3–1 TA), filed December 29, 1981. Applicant: C T TRUCKING, INC., 414 South Road, High Point, NC 27260. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. *Textiles and empty or filled shipping containers used for the shipment of textiles* from the facilities and for the account of Macfield Texturing Yarns between Alamance and Rockingham Counties, NC, and all points and places in AL, GA, SC, and VA Supporting shipper: Macfield Texturing Yarns, P.O. Box 737, Madison, NC 27025.

MC 159880 (Sub-3–1 TA), filed December 29, 1981. Applicant: FREIGHT HAULERS INTERNATIONAL, INC., 7217 NW. 79th. Terrace, Miami, FL 33166. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW. 53rd. St., Miami, FL. 33166. *General commodities (except classes A & B explosives, household goods as defined by the Commission and commodities in bulk)* between points in FL restricted to traffic having an immediately prior or subsequent movement by water in interstate or foreign commerce. Supporting shippers: Inter Traders Cargo Agency, Inc., 7307 NW. 32nd. Street, Miami, FL 33122, Basa Cargo Services, Inc., 2005A NW. 70th Avenue, Miami, FL 33152, CA. Mar Freight Forwarding Corp., 7332 SW. 45th Street, Miami, FL 33155 and Eastern Navigation Co., Inc., 2531 NW. 72nd. Avenue, Miami, FL 33122.

MC 136123 (Sub-3–24 TA), filed December 29, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, Florida 33561. Representative: David M. Kuehl (same as above). *General Commodities* between Cuyahoga County, Ohio, on the one hand, and Baldwin County, GA., Sebastian County, AK., and Marion County, IN., on the other. Supporting shipper: Morrison Products, Inc., 16900 S. Waterloo Road, Cleveland, OH 44110.

MC 146646 (Sub-46TA), filed December 29, 1981. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Road, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35217. *General Commodities (except Classes A and B explosives and hazardous wastes)* between points in the U.S. for the account of Consolidations Unlimited. Supporting shipper: Consolidations Unlimited, 4834 Mendenhall Road, P.O. Box 18389 Memphis, TN 38118.

MC 154540 (Sub-3–5TA), filed December 28, 1981. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 38109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Commodities as are dealt in by retail, drug, hardware, grocery and department stores, food services; industrial supplies and related materials; and materials, equipment and supplies used in the manufacture, handling and distribution thereof* between points in ME, VT, NH, MA, RI, CT, NJ, NY, PA, NC, SC, VA, GA and TN, on the one hand, and, on the other, points in the U.S. Supporting shippers: (a) Port Terminals Company, Inc., 666 Summer St., Boston, MA 02127 (b) Foxboro Terminals Company, Inc., 208 North St., Foxboro, MA 02033 (c) Transtop, Inc., 666 Summer St., Boston, MA 02127 and (d) Piedmont Distribution Centers, P.O. Box 7123, Charlotte. NC 28217.

MC 159702 (Sub-3–ITA), filed December 30, 1981. Applicant: GEORGE W. OWEN d.b.a. ASSOCIATED DISTRIBUTION COMPANY, Route 1, Highway 77 South, Ashland, AL 36251. Representative: George M. Boles, Carlton, Boles, Vann & Stitchweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Contract carrier: irregular routes: Lumber or wood products, furniture & fixtures, and material, equipment and supplies used in the manufacture thereof;* between facilities of Wellborn Cabinet, Inc. and Wellborn Forest Products Co., in Clay County, AL, on the one hand, and on the other points in the U.S. Supporting shippers: Wellborn Cabinet, Inc, and Wellborn Forest Products Co., Route 1, Highway 77 South, Ashland, AL 36251.

MC 154103 (Sub-3–25TA), filed December 30, 1981. Applicant: MID-SOUTH FREIGHT, INC., 28 Industrial Park Drive, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Contract* carrier; irregular; *commodities used or produced by those in the printing industry,* between the plant sites and facilities of the R. R. Donnelly Printing Co., located at Gallatin, TN, Los Angeles, CA, Chicago, IL, Crawfordsville, IN, Dwight, IL, Glasgow, KY, Harrisonburg, VA, Lancaster, PA, Mattoon, IL, Old Saybrook, CT, Spartanburg, SC, Williard, OH, and Warsaw, IN, on the one hand, and, on the other points in the U.S. (except AK and HI) under continuing contracts with R. R. Donnelly Printing Co. Of Gallatin, TN. Supporting shipper: R. R. Donnelly Printing Co., 801 Steam Plant Road, Gallatin, TN 37066.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 17095 (Sub-5–1TA), filed December 28, 1981. Applicant:

DARNALL TRUCK SERVICE, INC., P.O. Drawer 1346, Great Bend, KS 67530. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *Steel pipe,* from the facilities of Maverick Tube Corp. at or near Union, MO and Russellville, AR to points in AZ, CO, KS, NE, NM, OK, TX, UT and WY. Supporting shipper: Maverick Tube Corp., Box 12760, St. Louis, MO 63141.

MC 48221 (Sub-5–4TA), filed December 28, 1981. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue; Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. (1) *Malt beverages and related advertising materials,* and (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries,* (1) from Jefferson County, CO to AR, MS, MO and TN, and (2) from AR, MS, TN and MO to Jefferson County, Co. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 107496 (Sub-5–60TA), filed December 28, 1981. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Roofing products and roofing shingles,* from Green County, MO, to points in TX, KS, OK, AR, and NE. Supporting shipper: Tile Roofers, Inc., P.O. Box 214, Strafford, MO 65757.

MC 116164 (Sub-5–2TA), filed December 28, 1981. Applicant: ARROW TRANSPORTATION CO., 1911 NW. 58th Avenue, Des Moines, IA 50313. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Refractories products, buildingboard, wallboard, and materials and supplies used in the manufacturing and installation of these commodities,* between points in IL, IN, IA, KY, KS, MD, MI, MN, MO, NE, NJ, NY, OH, PA, TN, WV and WI, restricted to traffic originating at or destined to the facilities of General Refractories Company. Supporting shipper: General Refractories Company, 225 City Avenue, Bala Cynwyd, PA 19004.

MC 117765 (Sub-5–26TA), filed December 28, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Insulation Materials, Precast Insulation Molds,* From Waco, TX to KS, MO and OK; From Dallas, TX to KY; From Pevely, MO, Florence, KY, Natchez, MS to KS and OK. Supporting shipper: Thermal Shield, Inc., 6015 South High, Oklahoma City, OK 73149.

MC 121517 (Sub-5–21TA), filed December 28, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Avenue, Tulsa, OK 74136. Representative: Jerry C. Slaughter (same as above). *Metal Products* from Madill, OK to points in TX, AR, MO, KS, NE, IA, MN, SD, and ND. Supporting shipper: Oklahoma Steel and Wire Co. Box 220 Madill, OK 73446.

MC 133466 (Sub-5–1TA), filed December 28, 1981. Applicant: FORT CALHOUN EXPRESS, INC., 12th and Madison, Fort Calhoun, NE 68023. Representative: Kelly C. Shadden (same as applicant). *Pulp, paper, and related products* from Kansas City, MO on the one hand, and, on the other, points in Douglas, Sarpy, and Lancaster Counties in NE and Mills County, IA. Supporting shipper: Inland Container Corporation, Omaha, NE 68107.

MC 135078 (Sub-5–17TA), filed December 28, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular; *Paper and paper products* between La Palma, CA; Phoenix and Flagstaff, AZ; Pryor, OK; and points in TX, under continuing contract(s) with Orchids Paper Products, 5911 Fresca Drive, La Palma, CA 90623.

MC 142672 (Sub-5–30TA), filed December 28, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same as applicant). *(1) Fruit juices, fruit drinks (2) materials, equipment, and supplies used in the manufacture or distribution of the commodities in part* (1), between Akron, OH, on the one hand, and, on the other, points in TX, LA, OK, MS, TN, KS, and MO. Supporting shipper: Ohio Pure Foods, Akron, OH.

MC 144858 (Sub-5–14TA), filed December 28, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., 11900 Stagecoach Road, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). Contract; Irregular. *General Commodities (except Classes A and B explosives),* between points in the U.S., under a continuing contract with The Taylor Wine Company, Inc. Supporting shipper: The Taylor Wine Company, Inc., Hammondsport, NY 14840.

MC 148832 (Sub-5–8TA), filed December 24, 1981. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, Poplar Bluff, MO. 63901. Representative: Ronald D. Dodds, President, 1616 Rowe Boulevard, Poplar Bluff, MO. 63901, Common, Regular *General Commodities* (except classes A and B explosives and hazardous wastes) between Kansas City, MO (and commercial zone thereof) and Poplar Bluff, MO (and commercial zone thereof) over U.S. Hwy 71 to junction MO Hwy 7, then over MO Hwy 7 to junction MO Hwy 13, then over MO Hwy 13 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Poplar Bluff, MO. Tacking and interlining is intended. Supporting shippers: 50.

MC 150806 (Sub-5–5TA), filed December 28, 1981. Applicant: WECO, INC., 500 Scott Street, Kansas City, KS 66119. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. (1) *Foodstuffs,* and (2) Materials, equipment and supplies used in the manufacture and distribution of foodstuffs, between Shawnee County, KS, on the one hand, and on the other, points in AR, GA, MS, TN and TX. Supporting shipper: Seaboard Allied Milling Co., Shawnee Mission, KS.

MC 153723 (Sub-5–6TA), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., Box 1065, Fayetteville, AR 72702. *Chemicals and Related Products-* Between Little Rock, AR, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Big T Chemical, Inc., 516 North Oak, Little Rock, AR 72205.

MC 153723 (Sub-5–7TA), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72702. *Scrap Plastic Products, Plastic Resins and Materials, Equipment and Supplies used in the manufacture thereof:* Between points in the U.S. Supporting shipper: Simpson Plastics, Inc., 11521 East Pine Street, Tulsa, OK 74116.

MC 153773 (Sub-5–5TA), filed December 28, 1981. Applicant: NDC TRUCKING CO., P.O. Box 7364, Longview, TX 75601. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Motor Oil, Grease and Lubricating Oil* between Dallas, Port Arthur and Longview, TX on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, WI and WY, Supporting shipper: National Distributing Co., P.O. Box 402241, Garland, TX 75404.

MC 154488 (Sub-5–6 TA), filed December 28, 1981. Applicant: LASLEY TRUCKING COMPANY, INC., Highway 64 East, Conway, AR 72032.

Representative: John B. Fowlkes, Jr. (same as applicant). Contract; Irregular, *Steel having prior water or rail movement* from (a)Little Rock, AR and (b)Memphis, TN on the one hand to the facilities of Polyvend, Inc., Conway, AR on the other hand under continuing contract with Polyvend, Inc. Supporting Shipper: Polyvend, Inc., South German Lane, Conway, AR 72032.

MC 154768 (Sub-5–10 TA), filed December 28, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 NW 108th Street, Des Moines, IA 50322. Representative: Harold W. Sternberg (same as applicant). Contract, Irregular; *General Commodities, paper products, toys, hardware products, and rubber and plastic products* between Des Moines, IA on the one hand, and, on the other, points in IA, Omaha, NE and Rock Island County, IL under continuing contract(s) American Delivery System. Shipper: American Delivery System, Detroit, MI 48203.

MC 159864 (Sub-5–1 TA), filed December 28, 1981. Applicant: UNITED STAR CORP., No. 14 Heather, St. Peters, MO 63376. Representative: W. R. England, III, Hawkins, Brydon & Swearengen P. C., P.O. Box 456, Jefferson City, MO 65102. Contract, Irregular. *General commodities (except commodities in bulk, household goods, Classes A and B explosives, and those commodities which, because of their size or weight, require the use of special handling or special equipment)* between points in the US. Suporting shipper: Gerber Industries, 1 Gerber Drive, St. Peters, MO 63376.

MC 159883 (Sub-5–1 TA), filed December 29, 1981. Applicant: ELECTRONIC DATA CARRIERS OF TEXAS, INC., Suite 100, 2203 Timberloch Place, Woodlands, TX 77380. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Contract, irregular; *Electronic equipment and materials, equipment and supplies used in the manufacture of such commodities* between Garland, TX on the one hand and, on the other, points in the U.S. under a continuing contract(s) with E-Systems, Inc., P.O. Box 226118, Dallas TX 75266.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–600 Filed 1–8–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29756]

Southern Railway Company and Golden Triangle Railroad; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the construction and operation of a 620-foot interchange connecting track at Columbus, MS by the Southern Railway Company and Golden Triangle Railroad.

DATE: This exemption is effective February 10, 1982. Petitions for reconsideration must be filed by February 1, 1982.

ADDRESSES: Send petitions for reconsideration to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioners' Representatives:

James L. Tapley, P.O. Box 1808, Washington, DC 20013

John Guandolo, Suite 502, Solar Building, 1000 16th St., NW., Washington, DC 20036.

Robert A. Dowdy, Law Department, Weyerhaeuser Company, Tacoma, WA 98477.

Copies of the full decision may be obtained from: Interstate Commerce Commission, Office of the Secretary, Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or by calling toll-free—800–424–5403.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7564.

SUPPLEMENTARY INFORMATION: The decision served by the Commission gives further information.

Decided: January 4, 1982.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–602 Filed 1–1–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29799 (Sub-No. 1), et al.]

Rail Carriers; M&E Transportation Co., Purchase Morristown and Erie Railroad Co. et al.

January 6, 1982.

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of purchase application and revised notice of reorganization plan.

In the matter of M&E Transportation Company—Purchase—Morristown and Erie Railroad Company, Finance Docket No. 28691 (Sub-No. 4); The Morristown and Erie Railroad Company—Reorganization Plans, Finance Docket No. 29799; The Morristown and Erie Railway Company—Purchase—Morristown and Erie Railroad Company.

SUMMARY: The Morristown and Erie Railroad Company (M&E) is now in reorganization in a proceeding pending before the District Court for the District of New Jersey. The M&E Transportation Company Inc. (MET) has submitted a purchase plan to the Commission for review under section 17(b) of the Milwaukee Railroad Restructuring Act. The Commission is accepting that plan and will consider it in the consolidated proceeding instituted in the finance docket listed above. See 46 FR 62718. Because MET's application has been filed very recently, and because information in that application has led the Commission to revise its description of one of the reorganization plans under consideration in the consolidated proceeding, the Commission is revising the procedural schedule in these dockets.

DATES: (1) Verified statements supporting or opposing the purchase application are due on January 29, 1982. (2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due on February 12, 1982. (3) Verified replies are due on February 22, 1982.

ADDRESS: An original and 10 copies of all statements should refer to Finance Docket No. 28691 (Sub-No. 4), Finance Docket No. 29799 and Finance Docket No. 29799 (Sub-No. 1) and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

Copies of any statement should also be sent to: (1) Representative for Mandelbaum and Mandelbaum: Ravin & Kesselhaut, 80 Main Street, West Orange, NJ 07052; (2) Representative for the Friedland group: Pitney, Hardin, Kipp, & Szuch, 163 Madison Avenue, Morristown, NJ 07960; (3) Representative for the trustee: Crummy, Del Deo, Dolan & Purcell, Attorneys for the Trustee, Gateway I, Newark, NJ 07102; (4) Clerk, United States District Court for the District of New Jersey,[1] Newark, NJ 07102.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott (202) 275–3002.

SUPPLEMENTARY INFORMATION:

Background

The Morristown and Erie Railroad Company (M&E) conducts operations over a line which extends

[1] Statements filed with the Court should refer to docket number B 77–3078.

approximately 11 miles from Morristown, NJ to Great Notch, NJ. The M&E has been in reorganization under Section 77 of the Bankruptcy Act since January 9, 1978. The District Court for the District of New Jersey has forwarded to the Commission for evaluation under Section 77 of the former Bankruptcy Act two plans of reorganization for the M&E.

One of these plans was submitted by the firm of Mandelbaum and Mandelbaum, representatives for the M&E Transportation Company, Inc. (MET). The other plan was submitted by the Trustee for the M&E and the Friedland group for a newly-formed corporation, the Morristown and Erie Railway, Inc. (MER) On December 10, 1981, the Friedland group also submitted an application under section 17(b) of the Milwaukee Railroad Restructuring Act for acquisition of assets of the M&E by MER.[2] On December 22, 1981, the Commission instituted a consolidated proceeding to consider the two reorganization plans and the purchase plan.

MET'S Purchase Application

On December 30, 1981, MET also filed an application under Section 17(b) for purchase of the assets of the M&E. This application has been docketed as Finance Docket No. 29799 (Sub-No. 1). MET states that both its reorganization and purchase plans call for the purchase of the assets, rather than the stock, of the M&E.[3] Under the purchase plan, consideration for the assets of the M&E would consist of $175,000 cash and $1,308,000 in new non-interest-bearing notes, payable over a ten-year period after consummation of the sale. Following consummation, MET would continue rail operations, offering service 5 days a week and expanding some operations.

The purchase application is complete under the Commission's regulations at 49 CFR 1111.20–.25 governing the contents of an application in a minor transaction. The Commission is hereby accepting the application.

Procedures

The Commission is consolidating MET's purchase application with the proceeding instituted by its decision of December 22, 1981 in these dockets. *See,* 46 FR 62718, December 28, 1981. Because of the consolidation of MET's purchase application, and because of the revisions to the description of MET's reorganization plan, the Commission has extended the procedural schedule by two weeks. The revised schedule is set forth above. Regulations governing this proceeding are located at 49 CFR 1111.25 and 49 CFR Part 1100. Persons wishing to file verified statements concerning the reorganization plans or the proposed purchases can obtain copies of the plans and purchase applications from the respective representatives listed above. All plans are also available for public inspection at the Commission.

It is ordered:

1. The application is accepted for consideration and consolidated with the proceeding in Finance Docket Nos. 28691 (Sub-No. 4) and 29799;

2. Parties shall comply with the procedural requirements stated above;

3. This decision shall be effective on January 11, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-717 Filed 1-8-82; 8:45 am]

BILLING CODE 7035-01-M

[2] Under this plan, MER would purchase the principal assets of the M&E for a sum equal to $600,000 minus $25,000 for each calendar month for which MER is not the lessee of the M&E under an interim operating agreement, but in no event would that sum be less than $500,000.

LIBRARY OF CONGRESS

American Folklife Center, Board of Trustees; Meeting

In accordance with Pub. L. 94–463, the Board of Trustees of the American Folklife Center announces its meeting to be held on Tuesday, February 9, 1982, in the Whittall Pavilion of the Library of Congress from 9:30 a.m. to 5:00 p.m. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center, (202) 287–6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 82-622 Filed 1-8-82; 8:45 am]

BILLING CODE 1410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment; Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. The amendment is effective as of its date of issuance.

The amendment extends the required implementation dates for the following operating license conditions: (1) Reactor vessel water level instrumentation system (2.C.(11)f.(1)), (2) revised small break LOCA model submission (2.C.(11)1.(2)), and (3) incore thermocouple system upgrade (2.C.(11)f.(3)).

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letters dated November 11 and December 18, 1981, (2) Amendment No. 10 to Facility Operating License No. NPF-9 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission:

Calvin W. Moon,

Acting Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 82-650 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR-31, and Amendment No. 69 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to conform with the Commission's Bulletins and Orders Task Force review regarding Auxiliary Feedwater Pump requirements following the Three Mile Island Accident.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated April 13, 1981, (2) Amendment Nos. 75 and 69 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of December, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1 Division of Licensing.

[FR Doc. 82-660 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-58, and Amendment No. 35 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments were effective as of August 18, 1981.

The amendments were authorized on August 14, 1981 and August 17, 1981 and were confirmed by letter dated August 18, 1981. The amendments modify License Nos. DPR-58 and DPR-74 to include a one time only relief from the requirements of Technical Specification 3.0.3. This change allows plant operation to proceed at reduced power while temporary bracing is installed around appropriate cabinets, motor control centers and switchgear. Then operation at 100% power is approved. Installation of the permanent modifications are to be completed by August 21, 1981. The amendments were authorized on an expedited basis to maintain the plants at steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The request for amendments dated August 14, 1981, as supplemented by letter dated August 17, 1981, (2) the Commission's letter to the licensee dated August 18, 1981, (3) Amendment Nos. 50 and 35 to License Nos. DPR-58 and DPR-74, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washinton, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30 day of November 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-661 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1

(the facility) located in Hamilton County, Tennessee. This amendment revises implementation dates of several items from January 1, 1982, to no later than startup following the first refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated November 23, 1981, (2) Amendment No. 10 to Facility Operating License No. DPR-77, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 10 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-662 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

Tennessee Valley Authority; Issuance of Amendment, Facility Operating License No. DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequayah Plant, Unit 2 (the facility) located in Hamilton County, Tennessee. This amendment extends the date by which calculations for small-break LOCAs must be submitted to NRC. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated December 18, 1981; (2) Amendment No. 3 to Facility Operating License No. DPR-79; (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of December 1981.

For The Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-663 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment revised the time required for the licensee to complete the implementation dates for NUREG-0737 Long-Term Action Items II.B.3, II.F.1, Attachments 1, 2, 3, and 6, and II.F.2.1. The time required for implementing the above Action Items has been extended from January 1, 1982 to July 1, 1982.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated December 18, 1981; (2) Amendment No. 14 to Facility Operating License No. NPF-7; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of December, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-664 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[License No. 12-13568-01 (EA-82-32)]

Isotope Measurements Laboratories, Inc.; Hearing

Isotope Measurements Laboratories, Inc., 3304 Commercial Avenue, Northbrook, IL 60062 (Licensee) is the holder of NRC License No. 12–13568–01 which authorizes the licensee to receive, store and deliver packaged radiopharmaceuticals to specifically licensed recipients, in accordance with the conditions specified therein.

Pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205 of the Commission's regulations, on May 28, 1981, the Director of the Office of Inspection and Enforcement served on the licensee a Notice of Violation and Proposed Imposition of Civil Penalty, which alleged that violations of Commission requirements had occurred and set forth civil penalties to be assessed for the violations. The violations were identified as a result of an investigation of the licensee's activities conducted from June 1980 through January 1981, which found that the licensee was receiving and distributing radiopharmaceuticals without specific authorization. After consideration of the licensee's June 24, 1981 response, the Director issued an Order Imposing a Civil Penalty on October 22, 1981 in the total amount of $5700.00. 46 FR 53548 (October 29, 1981). By letter dated November 2, 1981, the licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before the Honorable Ivan W. Smith, Administrative Law Judge, at a time to be set by the Administrative Law Judge. The issues to be considered and decided shall be:

(a) Whether the licensee was in noncompliance with the Commission's requirements as set forth in the May 28, 1981 Notice of Violation and Proposed Imposition of Civil Penalty;

(b) Whether the October 22, 1981 Order Imposing a Civil Penalty should be sustained.

A prehearing conference will be held by the Administrative Law Judge at a date and place to be set by him to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and notice in the **Federal Register**. Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the licensee not later than February 1, 1982.

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room 1717 H Street, NW., Washington, D.C.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.706, an original and two (2) copies of each document with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the **Federal Register**.

Dated at Washington, D.C. this 5th day of January, 1982.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-665 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal Budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

New

- Federal Energy Regulatory Commission

Refund Obligations
FERC 569
Other—see SF83
Businesses or other institutions
Natural gas producers
SIC: 999
Energy information, policy, and regulation: 2,250 responses; 2,250 hours; $24,500 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Application is required to establish procedures for interim collection of wellhead prices subject to refund, so that the Commission can carry out its responsibilities under sections 503(c) and 504(a) of the NGPA.

Revisions

- Federal Energy Regulatory Commission

Water Power Projects With More Than 5 MW Capacity
FERC—500
On occasion
State or local governments/businesses or other institutions
Hydroelectric developers or plants with more than 5 MW cap.
SIC: 491
Energy information, policy, and regulation: 80 responses; 42,240 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Applies to any issuance of licensure, amendment, or relicense for any prospective or existing hydroelectric power project with a capacity of more than 5 MW for which approval must be granted by the Federal Energy Regulatory Commission.

Extensions (No Change)

- Federal Energy Regulatory Commission

Cost and Quality of Fuels for Electric Plants
FPC—423
Monthly
Businesses or other institutions
Electric utility companies
SIC: 491
Energy information, policy, and regulation: 10,800 responses; 21,600 hours; $82,400 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

This form is used to gather information on the cost and quality of fuels delivered to electric utility plants. The responses are used in evaluation of individual utility costs and practices in rate cases, and in the required periodic reviews to insure efficient use of resources.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

Revisions

- Social Security Administration

Worksheet for Integrated AFDC, Food Stamps and Medicaid Quality Control Reviews
SSA—4340 (11–81)
Semiannually
Individuals or households
AFDC recipients
Public assistance and other income supplements: 30,636 responses; 247,226 hours; $129,867 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

SSA's major management tool for obtaining a measurement of all payments made and providing data and analysis to help operations managers improve payment accuracy.

Extensions (No Change)

- Office of Assistant Secretary for Health

Public Health Service Sterilization Record
PHS—6044
Quarterly
Businesses or other institutions
Ambulatory health care organizations
SIC: 808
Health: 800 responses; 800 hours; $4,500 Federal cost; 1 form; $8,000 Public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The data collected by this form is essential in order for the department to adequately monitor compliance with the department's sterilization regulations. The data also enables the department to provide the Congress, the public, and program officials with information concerning the number and characteristics of individuals sterilized with DHHS funds.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184.

New

- Housing Programs

CIAP—Survey Instrument
On occasion
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 300 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Explanation detailed in justification.

- Housing Programs

CIAP Consultation
On occasion
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 1,025 responses; 3,450 hours; $0 Federal cost; 3 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Explanation in attached justification.

- Housing Programs

CIAP—Reporting/Monitoring
On occasion, quarterly
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 4,500 responses; 6,600 hours; $0 Federal cost; 4 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

See attached justification.

Reinstatements

- Housing Programs

CIAP—Pre-FY 1982
HUD—52990, 52994, 52995, 52993
On occasion, quarterly
Businesses or other institutions
Public housing agencies
SIC: 953
Public assistance and other income supplements: 3,760 responses; 7,280 hours; $0 Federal cost; 4 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for these forms is derived from secs. 6(a) and 6(c)(4)(B) of the United States Housing Act of 1937 as

amended by the Housing and Community Development Act of 1974 (PL 93–383, 88 Stat 633). These are interelated forms in that each relates to an essential program element i.e., budget preparation—modernization work program, quarterly progress report and cost certifications.

• Housing Programs
CIAP—Application Requirements
HUD 52823
On occasion
State or local governments
Public housing agencies
SIC: 953
Public assistance and other income supplements: 4,050 responses; 12,025 hours; $75,900 Federal cost; 8 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

These forms will be used by PHA's as aids in the assessment of their financial, management and physical problems. The forms are necessary to implement the comprehensive improvement assistance program of the Housing Community Development Act of 1980.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394.

Revisions

• Comptroller of the Currency
Consolidated Report of Condition and Consolidated Report of Income (National Banks)—IBF's
Quarterly, semiannually, annually
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 28,596 responses; 351,948 hours; $1,400,000 Federal cost; 1 form; $6,612,360 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Reports are filed pursuant to 1 U.S.C. 161 and 12 U.S.C. 164. Data are used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data are also used for research, program planning and OCC poublications.

Extensions (Burden Change)

• Internal Revenue Service
Applications for Approval of Master or Prototype Defined Contribution or Benefit Plans
4461, 4461–A
Nonrecurring
Businesses or other institutions
Trade or prof assns, banks, insur cos, regulated invest, etc
SIC: 602, 631
Small businesses or organizations
Central fiscal operations, 1,028 responses; 8,441 hours; $33,216 Federal cost; 2 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

IRS uses the form to determine from the information given whether the applicant's plan qualifies under Section 401(a) of the Internal Revenue Code and whether the related trust qualifies for tax exempt status under Section 501(a) of the Code.

• Internal Revenue Service
Request for payment
CP 14/F 3446, CP 714/F4656
On occasion
Individuals or households
All individ taxpayers who have a balance due after, etc.
Central fiscal operations, 4,019,185 responses; 1,004,796 hours; $23,747,343 Federal cost; 2 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

CP 14 is used to advise the taxpayer that there is a balance due on their account. The bottom portion of the CP is to be used for making payment or inquiry. CP 714/form 4656(SP) is the identical Spanish version of CP 14/form 3446.

• Internal Revenue Service
Correction notice—Balance due IRS
CP 11/F 4084, CP 711/F4656
On occasion
Individuals or households
All individs who have made a mathematical error, etc.
Central fiscal operations, 1,016,566 responses; 254,141 hours; $6,006,378 Federal cost; 2 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

CP 11/form 4084 is used to advise the taxpayer that we corrected a math error on his or her return and there is now a balance due.
CP 711/form 4656(SP) is the identical Spanish version of CP 11/form 4084.

Extensions (No Change)

• Internal Revenue Service
Transit time data card
500–5–587
Annually
Individuals or households/farms/ businesses or other institutions
General public
SIC: All
Small businesses or organizations
Central fiscal operations, 2,000 responses; 33 hours; $534 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

The transit time data card is designed to help improve the service of providing tax forms. It allows the monitoring of transit time of tax forms by U.S. Mail or United Parcel Service. Package condition can also be checked and "trouble" areas can be corrected easier. Random mailings are sampled during the months of October through April each year.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

• Amendment of Part 74, Subp F of the Commission's rules to permit shared use of broadcast auxiliary facilities with other broadcast and non-broadcast entities and to etc.
On occasion
Businesses or other insititutions
Television and radio broadcast licensees
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; 1 form; NPRM under 3504(h)
William T. Adams, 202–395–4814

Reports are presently required of all licensees sharing broadcast auxiliary facilities to insure compliance with 50% time-sharing limitations.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Agency Clearance Officer—Ted M. Chaskelson—202–653–5211

New

• Project performance report
LM–8
Quarterly
State or local governments/businesses or other institutions
Labor-management committees
SIC: Multiple
Other labor services, 60 responses; 60 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

Form is needed to administer congressionally-mandated grants program and to comply with OMB grant reporting requirements. FMCS will use reported information to monitor grantees project accomplishments.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

New

• Report of bank holding company intercompany transactions and balances
F.R. Y–8

Semiannually
Businesses or other institutions
Domestic bank holding companies
SIC: 671
General government, 672 responses; 10,282 hours; $70,000 Federal cost; $308,448 public cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

The F.R. Y–8 is a report required of domestic bank holding companies with consolidated assets of $300 million or more. The data are screened to identify fund flows, internal transactions, and balances that may have an adverse impact on the financial condition of the subsidiary bank(s).

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

• Notice to proceed
GSA 2417
Other—See SF83
Businesses or other institutions
Individuals, firms, or organizations who have been, etc.
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management, 2,000 responses; 100 hours; $668 Federal cost; $682 public cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Form 2417 is used to advise contractors that bonds are accepted, that the contractor is to proceed with the work, and provides for completion of project within number of days specified after receipt. Form gives date of receipt of notice and date proposed for starting work.

• Certification of payment to subcontractors and suppliers
GSA 2419
Other—See SF83
Businesses or other institutions
Individuals, firms and organizatons performing work, etc.
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management, 16,000 responses; 800 hours; $5,344 Federal cost; $5,456 public cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

GSA Form 2419 provides certification data regarding timely payment made or to be made to subcontractors and suppliers.

• U.S. Government lease for real property
SF–2, 2A, 2B
Other—See SF83
Individuals or households/businesses or other institutions
Commercial real estate operators, owners and lessors, etc.
SIC: 651
Small businesses or organizations
General property and records management, 10,000 responses; 5,000 hours; $30,000 Federal cost; 3 forms; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

GSA's responsibility is to accommodate Federal agencies in leased space. SF 2, 2A, and 2B are the legal instruments conveying leasehold interests in real property to the Government. The forms are completed by the Government, reflecting the negotiated terms for occupancy, and executed by the property owner and on behalf of the Government.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Rule 13E–1 under the Exchange Act
On occasion
Individuals or households/businesses or other institutions
Issuers of securities registered pursuant to Section 12
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 20 responses; 260 hours; $1,250 Federal cost; $12,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 13E–1 is designed to provide shareholders and the marketplace with relevant information concerning issuer repurchases during a tender offer for its securities by a third party.

Arnold Strasser,

Acting Chief, Reports Management Branch.

[FR Doc. 82–421 Filed 1–7–82; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

January 6, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C.. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504 (h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

- Departmental Management

Report of Capitalized Non-Expendable Equipment
OS–29–81
On occasion
Businesses or other institutions
Contractors doing business with the Department
SIC: multiple
Small businesses or organizations
Other income security: 3,600 responses; 900 hours; $7,500 Federal costs; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This form is used by contractors to report all capital property acquired by them and billed to the Government. It may be used by contractors in the submission of their annual and final inventories.

Extensions (Burden Change)

- Social Security Administration

Statement Concerning Banking and Bsiness Transactions
SSA 4366
On occasion
Individuals or households
Aged, blind and disabled individuals or couples, etc.
Other income security: 770,000 responses; 89,833 hours; $2,517,686 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Information is needed to identify financial institutions where applicants and beneficiaries transact business. Once identified, the financial institutions are contacted to determine the existence of undisclosed accounts.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

- Employment and Training Administration

Annual State WIN Plan (State WIN Training Plan), Signature Sheet, and Work Sheets
ETA 8480, 8479, 8484, 8482, 8485
Annually
State or local governments
State WIN programs (ES and welfare agencies)
SIC: 944
Training and employment: 27 responses; 6,201 hours; $50,260 Federal cost; 4 forms; not aplicable under 3504(h)
Laverne V. Collins, 202–395–6880

The State WIN plan is the basic planning and management tool utilized by the national and regional offices to ensure compliance with legislation, regulations, and national office goals. It is also the vehicle for providing initial and final allocation levels to State agencies.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

New

- Application for Mutual to Stock Conversion

Monthly, quarterly, annually
Businesses or other institutions
Savings and loan associations
SIC: all
Mortgage credit and thrift insurance: 50 responses; 18,750 hours; $41,145 Federal cost; 1 form; not applicable under 3504(h)

Richard S. Stavneak, 202–395–6880

Mutual to stock conversion application is a one time submission by mutual associations who wish to convert to stock form. The disclosure required is for the benefit of the investing public to assure a fair and equitable plan of conversion and adequate disclosure.

- Fair Housing and Nondiscrimiation in Lending

Semiannually
Businesses or other institutions
FSLIC-insured
SIC: 612, 616
Mortgage credit and thrift insurance: 3,036,485 responses; 2,400,055 hours; $167,000 Federal cost; 1 form; $4,205,490 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Data submission and other recordkeeping requirements of the Equal Credit Opportunity Act (12 CFR 202) and FHLBB regulations (12 CFR 528). Reports replace portions of onsite examination for compliance with ECOA, FHLBB regulations, the Fair Housing and Community Reinvestment Acts, and reduce overall examination time and cost.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

- Representations and Certifications (Construction, etc.)

SF 19B
On occasion
Businesses or other institutions
Construction and architect-engineer firms
SIC: 999
Small Businesses or organizations
General government: 57,000 responses; 7,125 hours; $40,000 Federal cost; 1 form; $57,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The SF 19–B used in the solicitation and award of contracts for construction and architect-engineer services. The information collected by the form is required by various statutes, Executive orders, and regulations.

- Solicitation, Offer and Award and Solicitation Instructions and Conditions

SF 33, 33A
On occasion
Individuals or households/State or local governments/businesses or other institutions
Buss firms, non-profit instit, individs and other govt, etc.
SIC: 999
Small Businesses or organizations

General government: 765,000 responses; 153,000 hours; $2,068,000 Federal cost; 2 forms; $2,040,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

SF 33 and SF 33A are used in the solicitation and award of contracts for supplies, personal property, and non-personal services. The information collected by this form is required by various statutes, Executive orders, and regulations. The information collected is used to determine a firm's eligibility for contract award.

• Request for Quotations
SF 18
On occasion
Individuals or households/State or local governments/businesses or other institutions
Suppliers
SIC: 731, 361
Small Businesses or organizations
General government: 6,000,000 responses; 1,500,000 hours; $10,000,000 Federal cost; 1 form; $18,000,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

SF 18, Request for Quotations, is used to obtain price, delivery, and related information from suppliers prior to placing orders or contracts.

• Solicitation Offer and Award (Contract for Building Service)
GSA 1467
Other—see SF83
Businesses or other institutions
Individs, firms and other organizations bidding on GSA, etc.
SIC: 734, 739, 762
Small Businesses or organizations
General property and records management: 12,50 responses; 3,125 hours; $31,656 Federal cost; 1 form; $21,312 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 1467 is used to solicit bids/offers and to contract for building services.

• Pre-Invitation Notice Construction Contract
GSA 2056
On occasion
Businesses or other institutions
Constr contractors interested in bidding on GSA contracts
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management: 20,000 responses; 5,000 hours; $33,400 Federal cost; 1 form; $34,100 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

GSA form 2056 is required for projects where construction cost estimate is $100,000 or more (optional under $100,000). Notice is sent to firms or individuals that may be interested in submitting bids or offers on proposed procurements. Information received is used to determine (1) number of specifications needed to market the project and (2) the interest in the names being kept on the bidders' mailing list.

• Solicitation Instructions and Conditions (Contract for Building Services)
GSA 1467A
Other—see SF83
Businesses or other institutions
Individs, firms and other organizations bidding on GSA, etc.
SIC: 734, 739, 762
Small businesses or organizations
General property and records management: 12,500 responses; 3,125 hours; $2,500 Federal cost; 1 form; $21,312 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 1467A is used to provide prospective bidders/offerors instructions on bidding on building service contracts.

• Return of Payroll Document for Correction
GSA 1995
On occasion
Businesses or other institutions
Individs, firms and organi performing on GSA const contracts
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small Businesses or organizations
General property and records management: 2,000 responses; 500 hours; $3,340 Federal cost; 1 form; $3,410 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This form is used to return construction contractors' defective payroll submissions to them for correction.

• Release of Claims
GSA 1142
Nonrecurring
Businesses or other institutions
Construction contractors having contracts with GSA
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management: 2,000 responses; 200 hours; $1,336 Federal cost; 1 form; $1,364 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This form is a convenient form for securing a release of claims by the contractor against the Government. Such a release is required by regulation, and the form simplifies its submission by the contractor.

Revisions

• Summary Subcontract Report
SF 295
Semiannually
Businesses or other institutions
Large businesses which hold Govt contracts in excess, etc.
SIC: all
General government: 4,000 responses; 42,000 hours; $91,000 Federal cost; 1 form; $301,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This report is used by contracting agencies to monitor contractor's performance against subcontracting plans. Subcontracting plans are a material part of all contracts of $500,000 or more under Pub. L. 95–507.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82-0751 Filed 1-8-82; 8:45 am]
BILLING CODE 3110-01-M

Office of Federal Procurement Policy

Invitation for Public Comment; Proposed Bulletin

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comments on proposed OMB Bulletin.

SUMMARY: The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed OMB Bulletin relating to controls over certain management and professional services, special studies and analyses and management and support services for research and development activities.

OMB Circular No. A–120, "Guidelines for the Use of Consulting Services," issued on April 14, 1980, established uniform Government-wide policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. A July 2, 1980, memorandum from the Director of the Office of Management and Budget to the heads of selected Executive Departments and Establishments directed agencies to develop two management control systems: one for procurement in general, and one for consulting services in particular, to ensure that the requirements of OMB

Circular No. A–120 are in fact, carried out in day-to-day operations.

In reviewing agency implementation of the Circular, the management control plans for consulting services, and examination of data from the Federal Procurement Data System (FPDS), it has been determined that many of the management problems associated with consulting services contracts are also prevalent in contracts for certain management and professional services, special studies and analyses, and management and support services for research and development activities. Accordingly, this Bulletin proposes that the management controls in OMB Circular No. A–120 and the agency management control plans for consulting services be adopted in these services.

As a related action, a revision to OMB Circular No. A–120 is also being published for public and Government agency comment in this issue of the **Federal Register.**

DATE: Comments must be received on or before February 10, 1982.

ADDRESS: Submit comments to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Fred H. Dietrich, Associate Administrator for Systems and Technology, (202) 395–6810.

Donald E. Sowle,

Administrator.

Bulletin 81—To The Heads of Executive Departments and Establishments

Subject: Management Controls for the Procurement of Certain Management and Professional Services, Special Studies and Analyses, and Management and Support Services for Research and Development Activities.

1. *Purpose.* This Bulletin establishes management controls to be followed by Executive departments and agencies when contracting for certain management and professional services, special studies and analyses, and management and support services for research and development activities.

2. *Background.*

a. OMB Circular No. A–120, "Guidelines for the Use of Consulting Services," issued on April 14, 1980, established uniform Government-wide policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. A July 2, 1980, memorandum from the Director of the Office of Management and Budget to the heads of selected Executive Departments and Establishments directed agencies to develop two management control systems: one for procurement in general, and one for consulting services to ensure that the requirements of OMB Circular No. A–120 are in fact, carried out in day-to-day operations.

b. In reviewing agency implementation of OMB Circular No. A–120, the management control plans for consulting services, and examination of data from the Federal Procurement Data System (FPDS), it has been determined that many of the management problems associated with consulting services contracts are also prevalent in contracts for certain management and professional services, special studies and analyses, and management and support services for research and development activities. Accordingly, this Bulletin requires that the management controls in OMB Circular No. A–120 and the agency management control plans for consulting services be applied to these services.

3. *Definitions:*

a. *Governmental functions.* Certain functions are inherently governmental in nature being so intimately related to the public interest as to mandate performance by Federal employees. *A "Governmental function"* is a function which must be performed in-house due to a special relationship in executing governmental responsibilities. Such governmental functions can fall into several categories:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Armed Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(3) *In-house core capabilities* in the area of research, development and testing, needed for technical analysis and evaluation and technology base management and maintenance. However, requirements for such services beyond the core capability which has been established and justified by the agency are not considered governmental fuctions.

b. *Personal services.*

A personal services contract is characterized by the employee-employer relationship it creates between the Government and contractor personnel. Since the Government is normally required to obtain its employees by excepted appointment or under the competitive appointment procedures of the civil service laws, such a relationship violates those laws unless Congress has specifically authorized acquistion of the services by means of a personal services contract.

4. *Coverage: This Bulletin applies to the following:*

a. *Management and professional services* are those procurement actions coded in the *Product and Service Codes Manual* of the Federal Procurement Data System as R401 through R499. The management controls in this Bulletin apply only to the following R400 procurement actions that are *not* identified as consulting services on the agency's data collection form (which conforms to the requirements of the FPDS), or Optional Form 279, for input into the FPDS.

Management and Professional Services

FPDS Code and Description

R406—Policy Review/Development Services
R407—Program Evaluation Services
R408—Program Management/Support Services
R409—Program Review/Development Services
R498—Other Professional Services
R499—Other Management Services

b. *Special studies and analyses* are those procurement actions coded in the *Product and Service Codes Manual* of the Federal Procurement Data System as R501 through R599. The management controls in this Bulletin apply only to the following R500 procurement actions that are *not* identified as consulting services on the agency's data collection form, or Optional Form 279, for input into the FPDS.

Special Studies and Analyses

FPDS Code and Description

R505—Cost Benefit Analyses
R506—Data Analyses (Other than scientific)
R507—Economic Studies and Analyses
R523—Legislative Studies
R528—Regulatory Studies
R531—Socio-economic Studies
R599—Other Special Studies and Analyses

c. *Management and Support Services* for research and development activities are those services which meet the description of management and professional services (4.a.) and special studies and analyses (4.b.), but are funded with research and development (R&D) funds, and coded as research and development in the FPDS. For further information, see pp. 4 through 14 of the *Product and Service Codes Manual* of the Federal Procurement Data System, April 1980.

5. *Policy:*

a. For each procurement action for services in paragraph 4 of this bulletin, and which is *not* a consulting service, agencies shall ensure that:

(1) Every requirement is appropriate and fully justified in writing. Such justification will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services;

(2) Work statements are specific, complete and specify a fixed period of performance for the service to be provided;

(3) Contracts are competitively awarded to the maximum extent practicable to ensure that costs are reasonable;

(4) Appropriate disclosure is required of, and warning provisions are given to, the contractor to avoid conflict of interest; and

(5) Contracts are properly administered and monitored to ensure that performance is satisfactory.

b. Sole source contracts resulting from unsolicited proposals for management and professional services, and special studies and analyses and management and support services for R&D activities that meet the description of the services listed in paragraph 4 are generally not appropriate. Therefore, when an agency receives an unsolicited proposal for any of these services that are not truly unique and determines it has a need for such services, a synopsis of the requirement shall be published in the *Commerce Business Daily* to determine if there are other qualified contractors interested in submitting a proposal. An RFP shall be issued to qualified contractors.

c. Personal services shall not be obtained by contract for any of the services in paragraph 4 of this Bulletin.

d. The services in paragraph 4 shall not be used to perform Governmental functions, which must be performed by Government employees.

e. The services in paragraph 4 shall not be used solely to circumvent personnel ceilings.

f. The services in paragraph 4 shall not be used, under any circumstances, specifically to aid in influencing or enacting legislation.

g. Contracting officers shall guard against subcontracting arrangements which circumvent the policy in this Bulletin.

h. Written approval of procurement requests for the services in paragraph 4 will be required at a level above the organization sponsoring the activity, up to agency head. In the fourth fiscal quarter, such approval will be required at two levels above the organization sponsoring the activity, up to agency head. Proposed procurement actions over $100,000 shall be approved at the level of an Assistant Secretary or a designee.

6. *Action requirements.*

a. Agency heads shall be responsible for ensuring the policy in this Bulletin is implemented.

b. Contracting officers shall ensure that the appropriate FPDS code for the services in paragraph 4 is written in the Determinations and Findings (D&F) document *prior to* approval of the D&F.

c. Contracting officers shall ensure that the documentation required by this Bulletin (5.a.(1)(2)(4), and 5.h.) is accomplished and included in the official contract file.

d. To implement the new policy in this Bulletin, the Secretary of Defense and the Administrator for General Services are directed to incorporate the provisions in paragraph 5 of this Bulletin into the Defense Acquisition Regulation and the Federal Procurement Regulations, respectively, within ninety (90) days of the date of this Bulletin.

7. *Effective Date.* This Bulletin is effective immediately.

8. *Information Contact.* Inquiries should be directed to the Office of Federal Procurement Policy, Office of Management and Budget, telephone (202) 395–6810.

9. *Sunset Review Date.* This Bulletin will expire on (one year from publication date of final Bulletin).

[FR Doc. 82–628 Filed 1–8–82; 8:45 am]
BILLING CODE 3110–01–M

Invitation for Public Comment; Proposed Revision to Circular

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comments on proposed revision to OMB Circular No. A–120, "Guidelines for the Use of Consulting Services."

SUMMARY: The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed revision to OMB Circular No. A–120.

OMB Circular No. A–120, published April 14, 1980, established policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. Agency management plans for controlling the use of consulting services, as required by the July 2, 1980, memorandum from the Director of OMB, include specific checks and balances to ensure adherence to the provisions of the Circular.

Analysis of implementation of the Circular and the management plans revealed that even tighter controls are needed to ensure that only those consulting services that are necessary, appropriate and justified are acquired.

This proposed revision revises certain sections of OMB Circular No. A–120 and establishes additional policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

As a related action, a proposed OMB Bulletin adopting the management controls in the Circular to similar services is also being published for comment in this issue of the **Federal Register**.

DATE: Comments must be received on or before February 10, 1982.

ADDRESS: Submit comments to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place, NW, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred H. Dietrich, Associate Administrator for Systems and Technology, (202) 395–6810.

Donald E. Sowle,
Administrator.

Circular No. A–120, Transmittal Memorandum No. 1

To The Heads of Executive Departments And Establishments

Subject: Guidelines for the use of Consulting Services

Transmitted herewith is an addition to Office of Management and Budget (OMB) Circular No. A–120, dated April 14, 1980.

1. *Purpose.* This transmittal memorandum revises certain sections of OMB Circular No. A–120 and establishes additional policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

2. *Background.* OMB Circular No. A–120 establishes policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. Agency management plans for controlling the use of consulting services, as required by the July 2, 1980 memorandum from the Director of OMB, include specific checks and balances to ensure adherence to the provisions of OMB Circular No. A–120.

3. *Definitions.* a. *Governmental functions.* Certain functions are inherently governmental in nature being so intimately related to the public interest as to mandate performance by Federal employees. *A "Governmental function"* is a function which must be performed in-house due to a special relationship in executing governmental responsibilities. Such governmental functions can fall into several categories:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Armed Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drug.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(3) *In-house core capabilities* in the area of research, development and testing, needed for technical analysis and evaluation and technology base management and maintenance. However, requirements for such services beyond the core capability which has been established and justified by the agency are not considered governmental functions.

b. *Personal services.* A personal services contract is characterized by the employee-employer relationship it creates between the Government and contractor personnel. Since the Government is normally required to obtain its employees by excepted appointment or under the competitive appointment procedures of the civil services laws, such a relationship violates those laws unless Congress has specifically authorized acquisition of the services by means of a personal services contract.

4. *Policy.* a. Paragraph 6.a. of OMB Circular A–120 is deleted and replaced with the following paragraph:

"6.a. Consulting services shall not be used to perform Governmental functions which must be performed by Government employees."

b. Paragraph 6.b. of OMB Circular is deleted and replaced with the following paragraph:

"6.b. Consulting services arrangements shall not normally exceed 12 months in duration. Normally, any consulting services arrangement (contract, personnel appointment or advisory committee membership) which exceeds 12 months shall be treated as if it were a new consulting service arrangement and, accordingly, again subject to the review and approval requirements of OMB Circular No. A–120 (paragraph 8). However, if a program requires consulting services for a fixed period in excess of 12 months, it does not need to be subject to yearly review and approval, provided the original request covered the fixed period, contained appropriate justification, and the contract for the services was a multi-year or contained prepriced option periods.

c. The award of sole source contracts to obtain consulting services as a result of unsolicited proposals is not appropriate. Therefore, when an agency receives an unsolicited proposal for consulting services, and determines it has a need for such services, a synopsis of the requirement shall be published in the *Commerce Business Daily* to determine if there are other qualified contractors interested in submitting a proposal. Qualified contractors shall be solicited.

d. A consulting services contract shall not be used to obtain personal services.

e. Contracting officers shall guard against subcontracting arrangements which would circumvent the controls in OMB Circular No. A–120 and this transmittal memorandum.

5. *Action Requirements.* a. Agency heads shall be responsible for ensuring the policy in this transmittal memorandum is implemented.

b. Agencies listed at Attachment A shall update their management control plans for consulting services, as required by the July 2, 1980, memorandum, "Management Control of Consulting Service Contracts and Improvement of Agency Procurement Practices," to include checks and balances to ensure adherence to the additional policy in this transmittal memorandum.

c. The Secretary of Defense and the Administrator for General Services are directed to incorporate Section 4 into the Defense Acquisition Regulation and the Federal Procurement Regulations, respectively, within ninety (90) days of the date of this memorandum.

6. *Effective Date.* This transmittal memorandum is effective immediately.

7. *Information Contact.* Inquiries should be directed to the Office of Federal Procurement Policy, Office of Management and Budget, telephone (202) 395–6810.

Attachment A.—OMB Circular A–120

Transmittal Memorandum No. 1

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department State
Department Transportation
Department of the Treasury
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Veterans Administration

[FR Doc. 82-629 Filed 1-8-82; 8:45 am]
BILLING CODE 3110-01-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Postal Service.

ACTION: Annual report and advance and final notice of records system changes.

SUMMARY: The primary purpose of this document is to publish the annual notice under 5 U.S.C. 552a(e)(4) of the systems of records, as defined in the Privacy Act of 1974, Pub. L. 93–579, which are maintained by the Postal Service. The full text of the Postal Service's systems of records last appeared at 45 FR 1558, January 7, 1980 and at 46 FR 1970, January 7, 1981. This document publishes in full the systems that the Postal Service has amended since the January 7, 1981, publication and provides the full systems descriptions of those systems that were not published in the January 7, 1981, issue of the Federal Register. It also provides the system numbers and names of those systems that appeared in the January 7, 1981, issue of the Federal Register which have not been amended. In addition, in the interest of providing complete, current information to the public in an easily accessible format, this document also provides final notice of several systems of records changes, and provides advance notice of certain other changes. The systems of records changes described in Parts 1, 2, and 3 of Supplementary Information are incorporated in the Annual Notice of Systems of Records appearing at the end of the document.

DATE: Comments on the proposed new routine uses in Part 3 must be received on or before February 12, 1982. Parts 1 and 2 and the editorial changes in Part 3 are effective January 12, 1982.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, or delivered to Room 8121 at the above address between 8:15 AM and 4:45 PM. Comments received may also be inspected during the above hours in Room 8121.

FOR FURTHER INFORMATION CONTACT: Mr. A. Scott Hamel, (202) 245–4142.

SUPPLEMENTARY INFORMATION: The Postal Service has determined it is necessary to: (1) Publish final notice of deletion of a system of records, deletion of two previously published routine uses, and of minor technical and editorial changes to certain systems of records, and (2) publish advance notice of proposed addition of routine uses to certain systems of records. Part 1 deletes one system of records and two previously published temporary routine uses and makes minor editorial changes to one system of records. Part 2 makes minor technical and editorial revisions to several systems of records. Part 3 proposes the addition of routine uses to three systems of records. In addition, Part 3 makes minor technical and editorial revisions to the three systems of records. As required by 5 U.S.C. 552a(e)(11), interested persons are invited to submit written views or arguments on the routine uses proposed in Part 3. After the time for public comment has elapsed, final notice will be published on that portion.

Postal Service regulations concerning the privacy of information appear in 39 CFR Part 266. Those Postal Service systems of records which are exempt from certain provisions of the Privacy Act are listed in 39 CFR 266.9(b).

PART 1—DELETION OF ONE SYSTEM OF RECORDS AND TWO ROUTINE USES AND MINOR EDITORIAL CHANGES

The Postal Service has determined that to accurately reflect the manner in which information is physically maintained in our computer systems, the system of records, USPS 120.030, Personnel Records—Master Minority File Records, is no longer necessary and should be deleted. Therefore, effective immediately, USPS 120.080 is deleted

from the list of Postal Service systems of records. This constitutes the final notice of this deletion. The minority records information, which was part of USPS 120.080, exists within USPS 120.070, Personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto). Accordingly, that system description is proposed to be modified. See the explanation of the proposed modifications to USPS 120.070 in Part 3 of this document.

The Postal Service has determined that temporary routine uses for systems USPS 120.098, Personnel Records—Office of Workers' Compensation Program (Routine Use 7), and USPS 120.099, Personnel Records—Injury Compensation Payment Validation Records (Routine Use 1), which last appeared in 46 FR 1986 and 1989, respectively, are no longer in effect and should be deleted. Therefore, effective immediately, these routine uses are deleted, and editorial changes are made to USPS 120.099 for the purpose of renumbering routine uses 2, 3, 4, 5, and 6, to 1, 2, 3, 4, and 5. This constitutes final notice of these deletions and editorial changes.

PART 2—EDITORIAL CORRECTIONS AND REVISIONS

The Postal Service has determined that it is necessary to make certain editorial corrections and revisions to various systems of records descriptions. These corrections and revisions do not reflect changes in the operations or functions of the systems. They are only changes to the descriptions themselves for the purpose of more accurately depicting the records maintained. The following constitutes final notice of the necessary changes:

USPS 030.010

SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees, applicants for positions within the USPS and third party complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, work locations, dates, social security numbers, and other information as included on affidavits, interviews and investigative forms.

USPS 050.010

SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data. Includes records pertaining to employee claims and other accounts payable type records.

RETENTION AND DISPOSAL:

Retained six years and three months after payment and destroyed by burning or magnetic tape by scratching and reuse.

USPS 070.040

SYSTEM NAME:

Inquiries and Complaints—Customer Complaint Records, 070.040.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complainant's name, address, and nature of the specific complaint, and resolution of same. Includes general correspondence and complaint cards.

RETRIEVABILITY:

For correspondence, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by complaint date and pre-printed complaint card serial number.

RETENTION AND DISPOSAL:

Correspondence records are retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additional year. Complaint cards are retained for one year. Paper records are destroyed by burning or shredding. Computer records are destroyed by erasing.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

USPS 080.020

SYSTEM NAME:

Inspection Requirements—Mail Cover Program, 080.020.

RETENTION AND DISPOSAL:

Files and records pertaining to mail covers are retained for eight years, except Regional Headquarters records which are retained for two years. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, USPS Headquarters.

USPS 120.151

SYSTEM NAME:

Personnel Records—Recruiting, Examining and Appointment Records, 120.151.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional resumes, personal applications, test scores, academic transcripts, letters of recommendation, medical records and registers of eligibles. Medical records are accumulated by personnel offices prior to transmittal to medical facilities. In cases where applicant is not hired because of unsuitable medical determination, a statement of medical findings will exist in this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers, personnel officials and medical officers information in recruiting and recommending appointment of qualified persons.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

RETENTION AND DISPOSAL:

Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, Mo. Certain records of examination are maintained as part of USPS 120.120, Personnel Records—Personnel Research and Test Validation Records. Certain records containing medical information are maintained as part of USPS 120.090.

USPS 200.030

SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

RETENTION AND DISPOSAL:

Paid claims records are retained for seven years after payment. All other files are retained for five years after closing. All records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

(1) General Counsel, Law Department, Headquarters; (2) Chief Postal Inspector, Headquarters.

PART 3—ADDITION OF THREE ROUTINE USES AND EDITORIAL CHANGES

This part proposes the addition of routine uses to three systems of records. In addition, minor editorial and technical changes are being made to the three systems of records.

Certain Postal Service policy changes require mailers, who have been permitted to use 2-line addresses in the past, to obtain and use complete 3-line addresses. These policy changes necessitate the publication of a proposed routine use to cover disclosure of rural route customer addresses to persons seeking address correction information pursuant to existing regulations, Sections 159.132 and 945.12 of the Domestic Mail Manual. It is proposed, therefore, to add to system USPS 010.080, Collection and Delivery Records—Rural Carrier Routes, routine use as follows: "7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address correction information." In addition, editorial changes are made as follows: (1) Existing Routine Use *7* is renumbered "8," and the references *United States Civil Service* and *5 CFR 713* are substituted with: "Equal Employment Opportunity" and "29 CFR 1613," respectively, in keeping with recent organizational changes pursuant to the Civil Service Reform Act, and (2) Routine Use *8* is renumbered "9."

Three new routine uses are proposed for USPS 120.070, Personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto). A long-standing routine use previously included in system description USPS 120.080, the system of records which is deleted by Part 1 of this notice, concerns the disclosure of information which is currently being maintained within system USPS 120.070. Therefore, Routine Use 14 is added to simply reflect the transfer of reference to the Postal Service's continuing requirements to fulfill the Equal Employment Opportunity Commission's needs for affirmative action data on the Postal Service work force, as follows: "14. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations." Based on the Postal Service's determination that a long-standing practice of disclosure has not previously been published as a routine use for public comment, Routine Use 15 is added, as follows: "15. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process." Also, in order to provide more specific detail regarding disclosures made under Routine Use 12 of USPS 120.070, Routine Use 16 is added, as follows: "16. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction." In addition, editorial changes are made as follows: (1) Existing Routine Uses 14, 15, 16, 17, and 18, are renumbered "17," "18," "19," "20," and "21." (2) System Location is changed to read: "Personnel Offices of all USPS facilities; St. Louis Personnel Records Centers; E&LR Information Centers; and National Test Administration Center." (3) Authority for Maintenance of the System is changed to read: "39 U.S.C. 1001, 1005; 42 U.S.C. 2000e–16; Executive Orders 11478 and 11590." (4) Under the Notification Procedure section, (Pre-1970) is changed to "(prior to July 1971)" to be consistent with implementation of the Postal Reorganization Act.

In furtherance of regulations implementing the Occupational Safety and Health Act, two new routine uses to provide for the disclosure of employee medical records (relevant to employee exposure to hazardous substances) are proposed for USPS 120.090, Personnel Records—Medical Records, as follows: "10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor, when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19." "11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19." In addition, minor editorial changes are made to existing Routine Use 7, only for the purpose of clarifying its intent, as follows: the word "a" is deleted and the words "an employee's" are inserted before and the word "treating" is inserted after the word "private," and the words "or other" are deleted and substituted with the words "and to," reading as follows: "7. Records in this system may be disclosed to an employee's private treating physician, and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment." Other editorial changes to USPS 120.090 are made as follows: (1) Categories of Individuals Covered by the System is changed to read: "USPS employees, present and former, and individuals who have been offered employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the Postal Service to perform medical services for the agencies' employees.", (2) Categories of Records in the System is changed to read: "Name, address, and pertinent medical information, i.e., history, findings, diagnosis and treatment, and medical findings related to employees' exposure to toxic substances."

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Annual Notice of Systems of Records

The following points are relevant to the annual notice of Postal Service system of records provided in this document.

a. Most systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of personal records, as that term is defined in the Privacy Act. Accordingly, these systems are not listed.

b. All Postal Service records described in this list are subject to:

1. An order of a court of competent jurisdiction.

2. Review by Congress or one of its committees or subcommittees upon request.

3. The "routine use" portion of each system notice contains, as the first item, the system "purpose." The "purpose" is included to provide clarity and promote understanding of the system by the layman. It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their

duties. Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose."

A complete description of the following systems of records was published in the **Federal Register** of January 7, 1981 (46 FR 1970). These systems have not been revised since that publication:

USPS 010.010, Collection and Delivery Records—Address Change and Mail Forwarding Records.

USPS 010.020, Collection and Delivery Records—Boxholder Records.

USPS 010.030, Collection and Delivery Records—Carrier Drive-Out Agreements.

USPS 010.040, Collection and Delivery Records—City Carrier Route Records.

USPS 010.050, Collection and Delivery Records—Delivery of Mail Through Agents.

USPS 010.070, Collection and Delivery Records—Mailbox Irregularities.

USPS 0220.010, Communications (Public Relations)—Biographical Summaries of Management Personnel for Press Release.

USPS 030.020, Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records.

USPS 040.010, Customer Programs—Memo to Mailers Address File.

USPS 050.020, Finance Records—Payroll System.

USPS 060.010, Fraud and False Representation Records—Consumer Protection Case Records.

USPS 060.020, Fraud and False Representation Records—Prohibitory Order.

USPS 070.020, Inquiries and Complaints—Government Officials' Inquiry System.

USPS 090.020, Non-Mail Services—Passport Application Records.

USPS 090.030, Non-Mail Service—U.S. Savings Bonds Application Records.

USPS 100.010, Office Administration—Carpool Coordination/Parking Records System.

USPS 100.020, Office Administration—Customer Services Communicator Letter.

USPS 110.010, Property Management Records—Accountable Property Records.

USPS 120.035, Personnel Records—Employee Accident Records.

USPS 120.040, Personnel Records—Employee Job Bidding Records.

USPS 120.110, Personnel Records—Preemployment Investigation Records.

USPS 120.120, Personnel Records—Personnel Research and Test Validation Records.

USPS 120.121, Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records.

USPS 120.130, Personnel Records—Postmaster Selection Program Records.

USPS 120.140, Personnel Records—Program for Alcoholic Recovery (PAR).

USPS 120.152, Personnel Records—Career Development and Training Records.

USPS 120.153, Personnel Records—Individual Performance Evaluation/Measurement.

USPS 120.180, Personnel Records—Skills Bank (Human Resources Records).

USPS 120.190, Personnel Records—Supervisors Personnel Records.

USPS 120.210, Personnel Records—Vehicle Maintenance Personnel and Operations Records.

USPS 120.230, Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files).

USPS 120.240, Personnel Records—Garnishment Case Files.

USPS 130.010, Philately—Ben Franklin Stamp Club Sponsors and Direct Mail Responders List.

USPS 130.040, Philately—Philatelic Product Sales and Distribution.

USPS 140.020, Postage—Postage Meter Records.

USPS 150.010, Records and Information Management Records—Information Disclosure Accounting Records (Freedom of Information Act).

USPS 150.015, Records and Information Management Records—Freedom of Information Appeals System.

USPS 150.020, Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act).

USPS 160.010, Special Mail Service—Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records.

USPS 160.020, Special Mail Service—Insured and Registered International Mail Inquiry and Application for Indemnity Records.

USPS 160.030, Special Mail Services—Express Mail Service Insurance Claims for Loss, Delay and Damage.

USPS 190.030, Litigation Records—Labor Law Topic Files.

USPS 200.010, Non-Mail Monetary Claims—Relocation Assistance Claims.

USPS 200.020, Non-Mail Monetary Claims—Monetary Claims Involving Present or Former Employees (case files).

USPS 210.020, Contractor Records—Driver Screening System Assignment Records.

The following are complete descriptions of those systems that have changed since the January 7, 1981 **Federal Register** publication and of those systems which last appeared in the January 7, 1980 **Federal Register.**

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Routes, 010.080.

SYSTEM LOCATION:

Post Offices having rural carriers operations; Delivery Services Department Sectional Centers; Regions; Districts; Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers receiving rural mail delivery services, and rural carriers, substitute carriers and flexible employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in this system are: Employee workload, work schedule and performance analysis. Inspection reports of employees, workload and workload adjustments, route travel description, employee and examiners' comments on adjustments and inspection. Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. Customer addresses and names of persons at address location (some rural routes only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently and provide basis for payment of salary and vehicle maintenance allowance carriers.

Use—

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–10 at any stage of the legislative

coordination and clearance process as set forth in that Circular.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address *correction* information. (Advance notice)

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms or lists in ordinary file equipment or on computer tape and printouts.

RETRIEVABILITY:

Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and forward to post office where employed.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The customer to whom the record pertains and from employees, carrier supervisors and route inspectors.

USPS 030.010

SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.101

SYSTEM LOCATION:

Office of Equal Employment Compliance, Employee Relations Headquarters, EEO Office at Regions, Post Offices, Sectional Centers, Bulk Mail Centers, Automatic Data Processing Centers and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees, applicants for positions within the USPS and third party complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, work locations, dates, social security numbers, and other information as included on affidavits, interviews and investigative forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–261, Equal Employment Act of 1972; Executive Order 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by EEO officers and the Equal Employment Opportunity Commission: to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO Program.

Use—

1. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

2. Disclosed to courts and counsel in the event of litigation.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper case files. Status information required by the Equal Employment Opportunity Commission is maintained on ADP records.

RETRIEVABILITY:

Files are accessed by case number, the custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of the last two digits of the year with case in chronological sequence.

SAFEGUARDS:

Case files are maintained in file cabinets within locked rooms. ADP records are protected with password security.

RETENTION AND DISPOSAL:

a. Precomplaint records—Counselor's notes are destroyed three months after a formal report is submitted to the EEO officer or three months following the final adjustment when made at that level. b. Formal complaint records—All closed cases are removed from the system quarterly. Each closed case is retained as follows: Official file, 4 years; any copies, 1 year; background documents not in case file, 3 years. c. ADP records—Closed case information is removed quarterly and stripped of personal identifiers. It is then moved to an inactive file (Not a system or records) for future comparative analyses.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the Region or Headquarters level, giving complainant name, postal location, region, file number and year.

RECORD ACCESS PROCEDURE:

See Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Information is received from the complainant, respondent and from investigations and interviews.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 030.030

SYSTEM NAME:

Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030

SYSTEM LOCATION:

Law Department, Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment involved in EEO Litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and cases analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific case files should submit their name, and case number, if known, to the General Counsel, Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See "System Manager" above.

CONTESTING RECORD PROCEDURES:

See "System Manager" above.

RECORD SOURCE CATEGORIES:

(a) Individuals involved in EEO Litigation; (b) Counsel(s) and other representative(s) for parties in action other than Postal Service; (c) Other individuals involved in the development of EEO Litigation. Source documents include administrative complaint/action file, and other records relevant to the case.

USPS 040.020

SYSTEM NAME:

Customer Programs—Sexually Oriented Advertisements, 040.020.

SYSTEM LOCATION:

Rates and Classification Department, Headquarters; Postal Data Center, Headquarters; Postal Data Center, New York; Postal Inspector-in-Charge NYC and Los Angeles, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any adult who elects to have his name and address and that of his children under 19 years of age, placed on the list of persons who do not wish to receive sexually oriented advertisements through the mail.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the name and address of head of household or other adult, the names and birth dates of children under 19 years of age.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. Section 3010.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To maintain a list, available to mailers of sexually oriented advertisements, of persons desiring not to receive such matter through the mails.

Use—

1. Upon payment of prescribed fee, provide mailers of sexually oriented advertisements a list of individuals who do not wish to receive SOA.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investing or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on magnetic tape, computer printouts, microfiche cards and preprinted forms.

RETRIEVABILITY:

Information is stored in ZIP Code sequence and in application number sequence.

SAFEGUARDS:

Printouts and microfiche are retained by the Office of Mail Classification and Postal Inspection Service; hard copy is maintained in file cabinets at Headquarters with limited access.

RETENTION AND DISPOSAL:

a. Names are retained on the computerized list for a maximum of five years. b. Forms, printouts and microfiche are retained for five years. c. Records are destroyed by shredding; computer records by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Rates and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers will furnish the system manager their name, address, application number and the date of filing.

RECORD ACCESS PROCEDURE:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Customers filing to have their names placed on lists so as not to receive SOA.

USPS 050.005

SYSTEM NAME:

Finance Records-Accounts Receivable File Maintenance, 050.005.

SYSTEM LOCATION:

Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees, contractors, vendors and other individuals indebted to the Postal Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invoice number, location name, Social Security Number, employee name, designation code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To monitor and record collections made by the USPS.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained or printed forms, punched cards and magnetic tapes.

RETRIEVABILITY:

Records are normally retrieved by invoice number may be retrieved, when necessary, by name of employee, contractor, vendor, or other indebted individual.

SAFEGUARDS:

Authorization is limited to personnel of the General Accounting Section. Computerized records are subject to the security of the computer room.

RETENTION AND DISPOSAL:

All information is retained for four years after claim is paid and then destroyed by burning or scratched.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department, Headquarters.

NOTIFICATION PROCEDURE:

Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, and Postmasters and Regional Offices.

USPS 050.010

SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

SYSTEM LOCATION:

Postal Data Centers, Postal Service Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees on official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data. Includes records pertaining to employee claims and other accounts payable type records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 2008.

ROUTINE USERS OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Reimburse Employees for official travel.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information is stored on pre-printed forms and magnetic tape.

RETRIEVABILITY:

Information is indexed by social security number.

SAFEGUARDS:

Access is subject to computer center access control.

RETENTION AND DISPOSAL:

Retained six years and three months after payment and destroyed by burning or magnetic tape by scratching and reuse.

SYSTEM MANAGERS(S) AND ADDRESS:

APMG, Finance Department, Headquarters.

NOTIFICATION PROCEDURE:

Requests for information should be presented to Employee's Personnel Officer, furnishing name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is received from the employee filing a voucher.

USPS 050.040

SYSTEM NAME:

Finance Records—Uniform Allowance Program, 050.040.

SYSTEM LOCATION:

Postal facilities employing personnel entitled to uniform allowances and the Postal Data Center, St. Louis, MO 63180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees entitled to uniform allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained includes name, social security number, designation code, account balance and pay location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1206.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To fund the procurement of uniforms.

Use—

1. Certain information may be furnished to a duly licensed uniform vendor from whom individual employees have made purchases for the purpose of accounting for payments.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this sytem of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

8. Records in this sytem are subject to review by an independent certified public accounting during an official audit of Postal Services finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained on preprinted forms, microfilm and magnetic tape.

RETRIEVABILITY:

Systems of records is indexed by social security number.

SAFEGUARDS:

Forms are kept in file cabinets and magnetic tape and microfilm is subject to Computer Center access control.

RETENTION AND DISPOSAL:

a. The Uniform Allowance Payment Record Card is destroyed by shredding or burning six months after payment. b. Pay listing information is retained for twelve years and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department, Headquarters.

NOTIFICATION PROCEDURE:

Correspond with the head of the facility where employed, furnishing name and social security number.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Payroll system and Postmasters have input to this system of records.

USPS 070.010

SYSTEM NAME:

Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010

SYSTEM LOCATION:

Office of the Postmaster General, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees and Postal Service customers who have corresponded with the Office of the Postmaster General.

CATEGORIES OF RECORDS IN THE SYSTEM:

General postal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To maintain reference to letters from persons communicating with the Postmaster General.

Use—

1. Periodically transferred to custody of National Archives and Records Service (NARS) for keeping as historical documentation.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in respose to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In original typed, printed, or handwritten form.

RETRIEVABILITY:

Records are filed by individual's name, chronologically by date and by subject.

SAFEGUARDS:

Records are maintained in locked filing cabinets under scrutiny of PMG's secretary and in secured locked storage room with limited access.

RETENTION AND DISPOSAL:

Records determined to have historical value are maintained permanently. Other records are maintained for two years and destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Postmaster General, Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the SYSTEM MANAGER above and should contain full name, date of letter, and subject.

RECORD ACCESS PROCEDURES:

See SYSTEM MANAGER above.

CONTESTING RECORD PROCEDURES:

See SYSTEM MANAGER above.

RECORD SOURCE CATEGORIES:

Persons communicating with the Postmaster General.

USPS 070.040

SYSTEM NAME:

Inquiries and Complaints—Customer complaint records, 070.040.

SYSTEM LOCATION:

Consumer advocate. USPS, Regional and National Headquarters, District Officers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS customers who have initiated complaints against the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complainant's name, address, and nature of the specific complaint, and resolution of same. Includes general correspondence and complaint cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To process USPS customer complaints regarding mail services.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal,

or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in original typed, printed, handwritten or computer printed form and on magnetic tape.

RETRIEVABILITY:

For correspondence, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by complaint date and pre-printed complaint card serial number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets. Computer records are subject to the security of the computer room.

RETENTION AND DISPOSAL:

Correspondence records are retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additonal year. Complaint cards are retained for one year. Paper records are destroyed by burning or shredding. Computer records are destroyed by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

RECORD ACCESS PROCEDURES:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

USPS customers.

USPS 080.010

SYSTEM NAME:

Inspection Requirements Investigative File System 080.010.

SYSTEM LOCATION:

Chief Postal Inspector, Headquarters; Inspection Service Regional Headquarters; Division Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations conducted in criminal, civil, and personnel suitability background matters, and information in various forms received from individuals, other law enforcement agencies and from the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 404

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide information related to investigation of criminal matters: employee and contractor background investigations or other Inspection service activities. Use—A record maintained in this system of records may be disseminated as a routine use of such records as follows:

1. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

2. In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, State, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

3. A record relating to a case of matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

4. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

5. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

6. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

7. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction may be disseminated to a Federal, State, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person.

8. A record relating to a case or matter may be disseminated to a foreign county pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

9. A record may be disseminated to a Federal, State, local, foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

10. A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

11. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the accomplishment of the Postal Service or its employees;

12. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

13. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

14. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

15. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

16. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

17. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

18. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Information is collected on handwritten documents and certain investigative material is automated.

RETRIEVABILITY:

Information is located by the name of the individual.

SAFEGUARDS:

Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords.

RETENTION AND DISPOSAL:

1. Case records are maintained for 1 to 15 years depending upon type. Exceptions may be granted in specific instances for longer retention. Paper case records are destroyed by burning, pulping or shredding. Computer tape/disk records are erased or destroyed. 2. Duplicate copies of investigative memoranda maintained by postal officials other than the Inspection Service are retained in accordance with official but not Inspection Service disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type investigation, dates, places and the individuals involvement.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Personal interviews, written inquiries, and other records concerning persons involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 080.020

SYSTEM NAME:

Inspection Requirements—Mail Cover Program, 080.020.

SYSTEM LOCATION:

USPS Inspection Service National and Regional Headquarters; Divisional Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of individuals, inter-office memorandums, and correspondence with other agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401,404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To investigate the commission on or attempted commission of acts constituting a crime that is punishable by law.

Use—

1. Information from this system of records may be disclosed to an appropriate law enforcement agency, whether Federal, State or local, charged by law with the responsibility for investigating, prosecuting or otherwise acting with respect to protecting the national security, locating a fugitive, or obtaining evidence of commission or attempted commission of a crime.

2. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court on grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

3. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

4. Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original typed documents and/or duplicate copies.

RETRIEVABILITY:

Subject's name filed alphabetically by fiscal year.

SAFEGUARDS:

Mail cover data is stored in locked cabinets or in a safe. Classified mail cover material and any mail cover data which involves national security is stored in a safe or in metal file cabinets equipped with either steel lockbar hasp and staple, or locking device and an approved three or more combination dial-type padlock from which the manufacturer's identification numbers have been obliterated.

RETENTION AND DISPOSAL:

Files and records pertaining to mail covers are retained for eight years, except Regional Headquarters records which are retained for two years. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, USPS Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. inquiries should contain full name and current address, together with previous addresses for past eight years when applicable.

RECORD ACCESS PROCEDURE:

See System Manager above.

CONTESTING RECORD PROCEDURES:

See System Manager above.

RECORD SOURCE CATEGORIES:

Correspondence from requesting authority and record of action taken upon that request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 080.030

SYSTEM NAME:

Inspection Requirements—Vehicular Violations Record System, 080.030.

SYSTEM LOCATION:

USPS National Headquarters (Procurement and Supply Department, Washington, DC 20260: Research and Development Laboratories, Rockville, MD 20852). Inspection Service, Special Investigations Division, Washington, DC 20260 and Rockville, MD 20852; Division Headquarters at Washington, DC 20013, and those postal field facilities where security officers have the authority to issue violation notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual violator's name, State operator permit, State operator permit number, violation cited, date of citation, citation number issued, State automobile license tag number, dates of court appearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriation Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide USPS management with information necessary for appropriate administrative remedial action. Use—

1. To provide information to local, State, and Federal enforcement, prosecutive and judicial officials.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In original, typed, printed or handwritten form.

RETRIEVABILITY:

Records filed by name or violator in alphabetical order and by automobile license tag number.

SAFEGUARDS:

Records maintained in limited access Security Force Control Centers manned 24 hours and in National Headquarters, in locked filing cabinets in Procurement and Supply Department and Planning and New Development Department under general scrutinizing of authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, USPS Headquarters.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

a. For National Headquarters: Inspector in Charge, Special Investigations Division, 475 L'Enfant Plaza West, SW, Washington, DC 20260.

b. For the Field: Inspector in Charge, USPS with appropriate field division title and address as listed above under "System Location."

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Individual violators, Security Police Officers, personnel observation, state motor vehicle registration bureau, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal

identification cards, personnel locator listing and parking applications.

USPS 100.050

SYSTEM NAME:

Office Administration—Localized Employee Administration Records, 100.050

SYSTEM LOCATION:

Western Region Headquarters and other field facilities as designated by the facility head.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Facility employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, various information associated with work location, home address, emergency contact point, and other information as locally required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes—Provides readily available information on employees for various routine administrative purposes such as work location identification, emergency locating and home mailings. Use—

1. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, computer disc.

RETRIEVABILITY:

Employee name, organization, pay location, finance number, others as locally required.

SAFEGUARDS:

Paper records kept in locked files, computerized disk files password protected.

RETENTION AND DISPOSAL:

Records about individual employees will be destroyed within 6 months of employment termination at that facility. Lists generated from computerized systems will be destroyed upon the generation of a subsequent more current list.

SYSTEM MANAGER(S) AND ADDRESS:

Facility head.

NOTIFICATION PROCEDURE:

Inquiries should contain employee's name and be addressed to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individuals of record. SPS 110.010.

SYSTEM NAME:

Property Management Records—Accountable Property Records, 110.010.

SYSTEM LOCATION:

All USPS Components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees assigned accountable property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records controlling the issuance of accountable Postal Service Property, such as equipment, credentials, and controlled documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide a record of accountable property on hand and to whom it has been assigned.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate law enforcement agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that undividual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the

performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on printed forms.

RETRIEVABILITY:

Name of recipient of accountable property and types of equipment.

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

As long as individual is charged with equipment, records are returned to individual when he is no longer accountable.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief Postal Inspector, Headquarter; (2) APMG, Procurement and Supply Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in the system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURE:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained by the individual to whom the record pertains.

USPS 110.020

SYSTEM NAME:

Property Management—Possible Infringement of USPS Intellectual Property Rights, 110.020

SYSTEM LOCATION:

National Headquarters, Law Department

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Possible infringers of USPS copyrights and trademarks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Any reports from Inspection Service or other sources, advertisements, photographs, magazine clippings or any other documents reporting possible infringers, and any correspondence between the Postal Service and the possible infringer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To protect USPS intellectual properties by insuring timely action against possible infringers.

Use—

1. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. A record may be transferred, and information from it disclosed, to the Department of Justice or other counsel representing the Postal Service or any officer, employee, former officer or employee, consultant, contractor or subcontractor when appropriate to enable the Department or other counsel to afford proper representation to clients.

4. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

5. A record may be disclosed in a Federal, State, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsbility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

7. A record may be transferred and information from it disclosed to the Patent and Trademark Office, Department of Commerce, in any proceeding involving the registration of Postal Service trademarks.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in locked file cabinets in original, typed, printed or handwritten form. Index cards, kept in a card file, are filed by USPS copyright and trademark and subfiled under the name of each possible infringer of that particular copyright or trademark.

RETRIEVABILITY:

Cases are retrieved by name of possible infringer and USPS copyright or trademark.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are retained six years after closing case and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the SYSTEM MANAGER above and should contain name and, if known, USPS copyright or trademark possibly infringed.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information is provided by the Postal Inspection Service, postal employees and customers.

USPS 120.020

SYSTEM NAME:

Personnel Records—Blood Donor Record System, 120.020

SYSTEM LOCATION:

Health Units at USPS Facilities; District Chapters of the American Red Cross.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who volunteer to join the USPS Blood Donor Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, pay location number, and information as to month they wish to donate blood.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide the USPS Blood Donation Program with Blood Bank

information so that donors can be spread throughout the year in their donation.

Use—

1. May be disclosed to the Office of Management and Budget in conncetion with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Information in this system is maintained on magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee's name and social security number.

SAFEGUARDS:

Maintained in closed file cabinets in secured facilities.

RETENTION AND DISPOSAL:

These records are retained for a period of five years and then destroyed by shredding and automatic deletion in the case of computer information.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual.

USPS 120.036

SYSTEM NAME:

Personnel Records—Discipline, Grievance and Appeals Records for Non-Bargaining Unit Employees, 120.036

SYSTEM LOCATION:

All postal facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on non-bargaining employees in the Postal Service (PS), Postal Management Salary (PMS), Post Technical, Administrative, and Clerical (PTAC), Postal Executive Salary (PES) (except officers) and Non-City Delivery (NCD) who have completed six months of continuous service in the U.S. Postal Service or a minimum of twelve months of combined service, without break of a work day, in positions in the same line of work in the Civil Service and the Postal Service, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limitation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to employee of proposed action, reply to notice, summary of oral reply, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions from installation head, region or Headquarters, notice of action, investigative reports and related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Provides a grievance and appeal procedure for an employee, not subject to the provisions of a collective bargaining agreement, who alleges that his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected. Use—

1. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

2. To respond to a court subpoena and/or refer to a court in connection with a civil suit.

3. To adjudicate an appeal, complaint, or grievance.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

6. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

7. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. Records from the employee file will be disclosed to the Federal Employees Appeals Authority Office of Personnel Management for action on Veterans Preference Appeals.

9. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

10. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

11. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

12. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity

Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on paper in the form of letters, forms, notices. In some instances, records of hearing proceedings are on magnetic tape.

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Records are kept in locked filing cabinets or secured record storage rooms and are available only to authorized officials.

RETENTION AND DISPOSAL:

Appeal records are kept for two years after close of file. All others are kept one year after close of file. Records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Field employees must submit a written request to the head of the field installation where the action was initiated. Headquarters employees must submit a written request to the System Manager. He may also request permission to listen to or record tape recordings of hearings. This must be done in the presence of a postal official. He must identify himself to the satistaction of official authorized to approve request.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Employee initialing actions; employee's supervisors, management, complaining customer, law enforcement agencies, and others.

USPS 120.050

SYSTEM NAME:

Personnel Records—Employee Suggestion Control, 120.050

SYSTEM LOCATION:

USPS Headquarters, Regional Headquarters, Post Offices, Bulk Mail Centers, Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, employee number, employment location, suggestion number, subject, and decision. If adopted, estimate of benefits and recognition granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 45 of Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide a source of data on individual performance which is often one factor in identifyig nonominees for other individual recognitions including cash awards. This information also provides data on the effectiveness of the program which is summarized in an Annual Report.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by the organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

6. Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public right to know.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on printed forms and on magnetic tape.

RETRIEVABILITY:

Employee name, region where employed, pay location, and district.

SAFEGUARDS:

This information is maintained in file cabinets in secured facilities.

RETENTION AND DISPOSAL:

Information in this system is retained for two years and then destroyed by shredding and automatic deletions for computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters

NOTIFICATION PROCEDURE:

Employees wishing to know whether informatin about them is maintained in this system of records should contact the head of the facility where employed. Also, employees who have appealed decisions or whose suggestions have been adopted nationwide should submit requests to the System Manager, Headquarters employees should submit all requests to the System Manager.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual making the suggestion.

USPS 120.060

SYSTEM NAME:

Personnel Records—Employment and Financial Interest Records, 120.060.

SYSTEM LOCATION:

Law Department, Headquarters, Offices of Associate Ethical Conduct Officers at Headquarters, Regional Headquarters, and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees in levels 24 and above and Special Employees as determined by the criteria in Executive Order 11222 as implemented by Postal Service regulations, 39 CFR 447.41(a).

STORAGE:

Employee name, title, salary, date of appointment to present position; list of organizations in which employee has a financial interest, types of indebtedness, interest in real property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 11222 and 11590.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To review a statement by designated Postal Service officials for possible conflicts of interest.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

STORAGE:

Original preprinted forms.

RETRIEVABILITY:

Records are filed by name of employee, but organized according to organizational components.

SAFEGUARDS:

Records are kept in locked safe and access is limited to designated Postal Service officials on need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained for as long as employee is subject to reporting requirements and for two years thereafter. They are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to gain access to information pertaining to them should direct inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and place of employment.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information submitted by individual employee on PS Form 2417 and 2418.

USPS 120.070

SYSTEM NAME:

Personnel Records—General Personnel Folders (Official Personnel folders and records related thereto), 120.070.

SYSTEM LOCATION:

Personnel Offices of all USPS facilities; St. Louis Personnel Records Centers, E&LR Information Centers and National Test Administration Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, resumes, merit evaluations, promotion/salary change and other personnel actions, letters of commendation, records of disciplinary action, health benefit and life insurance elections and other documents pertaining to preemployment, prior Federal employment and current service as prescribed by USPS directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 1001, 1005 42 USC 2000e–16, Executive Orders 11478 and 11590.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by administrators in Personnel Office and by individual employee supervisors to perform routine personnel functions.

Use—

1. To provide information to a prospective employer of a USPS employee or former USPS employee.

2. To provide data for the automated Central Personnel Data File, CPDF, maintained by the Office of Personnel Management (OPM).

3. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.

4. To provide information or disclose to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

5. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. To provide data for the compilation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.

8. Transfer to the OPM upon retirement of an employee for processing retirement benefits.

9. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding, to which the

Postal Service is a party before a court or administrative body.

13. Disclosure of relevant and necessary information pertaining to an employee's participation in health, life insurance and retirement programs may be made to the Office of Personnel Management and private carriers for the provision of related benefits to the participant (also see USPS 050.020).

14. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations. (Advance notice)

15. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process. (Advance notice)

16. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction. (Advance notice)

17. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

18. Inactive folders are transferred to the GSA National Personnel Records Center for storage.

19. Information pertaining to an employee who is retired military officer will be furnished to the appropriate service finance center as required under the provisions of the Dual Compensation Act.

20. May be disclosed to a Federal or State agency, providing parent locator services or to other authorized persons as defined by Public Law 93–647.

21. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, preprinted forms, Official Personnel Folders, magnetic tape and other computer storage devices.

RETRIEVABILITY:

Employee name and location of employment and social security number.

SAFEGUARDS:

Folders are maintained in locked cabinets to which only authorized personnel have access and are also protected by computer passwords and tape or disc library physical security.

RETENTION AND DISPOSAL:

(1) Official Personnel Folder (OPF) Records considered to be permanent are maintained until employee is separated, and then are sent to the National Personnel Records Center. St. Louis, for storage, or to another Federal agency to which the individual transfers employment. Most records considered to be temporary are destroyed one year after creation. (2) Records Related Thereto—Refer to official Postal Service disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to gain access to their Official Personnel Folders should submit requests to the facility head where employed. Headquarters employees should submit requests to the System Manager. Former Postal Service emloyees should submit request to any Postal Service facility head giving name, date of birth and social security number. Former Post Office Department employees having no Postal Service employment (prior to July 1971) should submit the request to the Office of Personnel Management (formerly the U.S. Civil Service Commission).

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System).

USPS 120.090

SYSTEM NAME:

Personnel Records—Medical Records, 120.090

SYSTEM LOCATION:

Postal Service medical facilities and designee offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees present and former and individuals who have been offered employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the Postal Service to perform medical services for the agencies' employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and pertinent medical information, i.e., history, findings, diagnosis, and treatment, and medical findings related to employees' exposure to toxic substances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of system: 39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide employees with necessary health care and to determine fitness for duty.

Use—

1. Information in these records may be provided to the Office of Personnel Management in making determinations related to:

a. Veterans Preference

b. Disability Retirement

c. Benefit Entitlement

2. Information on these records may be provided to officials of the following Federal agencies responsible for administering benefit programs:

a. Office of Workers' Compensation Programs

b. Retired Military Pay Centers

c. Veterans Administration

d. Social Security Administration

3. Information in these records is used or a record may also be used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

c. Used as a record in line of duty injury cases and referred to Public Health Service, HEW.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Records in this system may be disclosed to an employee's private treating physician and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment.

8. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluation to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program; for the purpose of determining a postal employee's fitness for duty.

9. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor when needed by that organization to perform properly its duties in accordance with 29 CFR Section 19. (Advance notice)

11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Section 19. (Advance notice)

12. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms and paper files.

RETRIEVABILITY:

Records are retrieved by employee name.

SAFEGUARDS:

Maintained in locked files.

RETENTION AND DISPOSAL:

Employees—Records are destroyed by the sixth year after employee leaves the USPS. All records are shredded after six years. Failed Eligibles—Retained for two years and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

An employee wishing to know whether information about him is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Failed eligibles should address inquiries to the head of the facility where application for employment was made. Inquiries should contain full name.

RECORD ACCESS PROCEDURE:

Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

USPS employees, selected eligibles, Veterans Administration and USPS medical staff.

USPS 120.098

SYSTEM NAME:

Personnel Records—Office of Workers' Compensation Program (OWCP), Record Copies 120.098.

SYSTEM LOCATION:

All postal facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal employees who have voluntarily filed for injury compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Department of Labor forms consisting of claims and supporting information, Postal Service forms and correspondence related to the claim; automated payment and accounting records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1005.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide injury compensation to qualifying employees and to maintain a record of the events as a basis for managerial decisions.

Use—

1. To provide information to the Department of Labor for the purpose of determining whether a claimant qualifies for compensation and to what extent qualification applies.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms and correspondence (Note: In some cases, the USPS by agreement with the Department of Labor (DOL), temporarily stores original case

files. These files are considered to be DOL records to which DOL rather than USPS regulations apply.) Continuation of pay and DOL charge-back information is stored on computer media.

RETRIEVABILITY:

Records are retrieved alphabetically by name and social security number.

SAFEGUARDS:

Maintained in locked filing cabinets within the exclusive custody of the injury compensation control point. Automated records are protected through computer password security, encryptions, and/or a computer software security system.

RETENTION AND DISPOSAL:

OWCP case files are maintained for five years after employee has left the Postal Service, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, and APMG, Finance Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System manager.

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above. (Note: The original case file (in most cases) is maintained by OWCP and must be requested from that organization as provided for under Department of Labor Privacy Act System DOL/EAS–13.)

CONTESTING RECORD PROCEDURES:

The contents of OWCP records may be contested only by contacting OWCP as provided for under the Department of Labor Privacy Act System DOL/EAS–13.

RECORD SOURCE CATEGORIES:

Information is obtained from the claimant, the supervisor, witnesses, physicians, and Department of Labor.

USPS 120.099

SYSTEM NAME:

Personnel Records—injury Compensation Payment Validation Records, 120.099.

SYSTEM LOCATION:

All postal facilities having injury compensation units. National Headquarters and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Postal Service employees who have received or are receiving injury compensation program payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lists of individuals whose names appear in two systems of records, research case records, and remuneration records related to injury compensation paid to current and former employees by the Postal Service. (See "Retention and disposal" below for cases in which these records are converted to investigative files.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 39 U.S.C. 1005.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Purpose—This information is used to identify instances in which improper double payments have been or are being made to Postal Service employees who have filed injury-sickness compensation claims and to maintain records of this event as a basis for: detecting fraud; seeking remuneration and/or legal action; reporting the extent of double payments nationwide; and for proposing corrective legislation.

Use:

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

4. Disclosure may be made from the record of an individual where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administration body.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer reports, paper records, correspondence and research records. (Note: These files are considered to be USPS records to which USPS regulations apply.)

RETRIEVABILITY:

Records are retrieved by social security number.

SAFEGUARDS:

These restricted files are maintained in locked file cabinets. Access to automated records is protected through a computer security system, file encryption, and/or password protection.

RETENTION AND DISPOSAL:

a. Computer reports.

(1) Initial data collection reports and master file/tape are maintained for 3 years and destroyed by depersonalization.

(2) Subsequent reports containing affirmative identifications become part of research case records.

b. Research case records (copies of records from other system—includes computer reports, paper records, and correspondence).

(1) If research determines nonapplicability, destroy by burning or shredding, 6 months after such determination is made.

(2) If research determines applicability, research records then become (a) part of an investigative case file and fall within system USPS 080.010, Inspection Requirements Investigative File System (refer to USPS 080.010 for retention and disposal instructions), or (b) a remuneration case file which is maintained for 2 years and destroyed by burning or shredding.

Extra copies of research records are destroyed at the time a remuneration or investigative case file is created.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees or former employees wishing to know whether information about them is maintained in this system or records should address inquiries to the System manager.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained from Postal Service injury compensation case files, payment records and employment records as found in USPS Privacy Act Systems: USPS 050.020, 120.070, and 120.098; Social Security Administration death files; and pertinent Federal health benefit carrier's claim/payment files.

USPS 120.100

SYSTEM NAME:

Personnel Records—Performance Awards System Records, 120.100

SYSTEM LOCATION:

Headquarters Personnel Division and Inspection Service, and Inspection Service Regional and Divisional Offices; District Offices; Post Offices; Bulk Mail Centers; Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, employee number, pay location, basis for award and award granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 45 of Title 39, USC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To control and measure the effectiveness of the Cash Awards Program.

Use—

1. Information is summarized and furnished to the Office of Personnel Management annually, to be included in the OPM report on incentive awards to the President.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public right to know.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and printed forms.

RETRIEVABILITY:

Employee name, region where employed, pay location and district.

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

Records are maintained for four years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, and pay location.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained in summary printouts supplied to each region by Postal Data Centers.

USPS 120.151

SYSTEM NAME:

Personnel Records—Recruiting, Examining and Appointment Records, 120.151.

SYSTEM LOCATION:

U.S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to engage in recruiting or examining activities or make appointments to positions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional resumes, personal applications, test scores, academic transcripts, letters of recommendation, medical records and registers of eligibles. Medical records are accumulated by personnel offices prior to transmittal to medical facilities. In cases where applicant is not hired because of unsuitable medical determination, a statement of medical findings will exist in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers, personnel officials and medical officers information in recruiting and recommending appointment of qualified persons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Disclosure may be made to a Federal agency in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Job applicant name and/or social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, Mo. Certain records of examination are maintained as part of USPS 120.120, Personnel Records—Personnel Research and Test Validation Records. Certain records containing medical information are maintained as part of USPS 120.090.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information is contained on them in this system of records should address inquiries to the head of the facility to which job application was made. Inquiries should contain full name, social security number, and if applicable, approximate date of application submitted and residence.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individual, school officials, former employers, supervisors, named references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.170

SYSTEM NAME:

Personnel Records—Safe Driver Award Records, 120.170.

SYSTEM LOCATION:

Motor Vehicle Offices of Postal Facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who are full-time drivers of postal vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contain employees' name, yearly Safe Driver Awards and record of any accidents in which employee is involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide information for awarding Safe Driver Awards.

Use—

1. To furnish information to the National Safety Council for award purposes.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relation Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

STORAGE:

Records are maintined on index cards.

RETRIEVABILITY:

Filed alphabetically by name of employee.

SAFEGUARDS:

Kept in closed file cabinet with limited access.

RETENTION AND DISPOSAL:

a. Records pertaining to postal-owned vehicle driver's individual testing and driver's records are retained for three

years after separation of the employee and destroyed by shredding.

b. Accident reports are retained for three years and destroyed by shredding.

c. Inspection reports are retained for two years after the date of the report and destroyed by shredding.

d. Other records are retained as long as the individual is employed as a vehicle operator, held for one year from the date of reassignment and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit the request to the SYSTEM MANAGER. Inquiries should contain full name.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained from the driver and from USPS accident reports.

USPS 120.220

SYSTEM NAME:

Personnel Records—Arbitration Case Files, 120.220

SYSTEM LOCATION:

Law Department, Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in labor arbitration.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 109(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the apropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See "System Manager" above.

CONTESTING RECORD PROCEDURES:

See "System Manager" above.

RECORD SOURCE CATEGORIES:

(a) Employees involved in labor arbitration cases; (b) Counsel(s) or other representative(s) for parties involved in the arbitration case other than Postal Service; (c) Arbitrators; (d) Other individuals involved in labor arbitration cases. Source documents include the formal case file, and other records relevant to the case.

USPS 130.020

SYSTEM NAME:

Philately—Educators Stamp Fun Mailing Lists, 130.020.

SYSTEM LOCATION:

Customer Services Department, Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Elementary school teachers in schools around the country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Teachers' name, address of school, number of students in the school, number of known stamp collectors in the school, existence of a stamp club.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—These records are used by the Philatelic Education Division of the Office of Stamps to mail periodically issues of "Stamp Fun."

Use—

1. Disclosure may be made to a congressional office from the record of an individual in respose to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards.

RETRIEVABILITY:

Index by coding number or school teachers name.

SAFEGUARDS:

Stored in locked room.

RETENTION AND DISPOSAL:

Indefinitely with annual updates.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should include full name and name and address of school.

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Return responses from national mailing of "Stamp Fun."

USPS 150.025

SYSTEM NAME:

Records and Information Management Records—Privacy Act Appeals System, 150.025.

SYSTEM LOCATION:

Postal Service, National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit appeals under the provisions of the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of copies of all correspondence relating to appeals from Postal Service denials of amendment of records pursuant to the Privacy Act, of pleadings in civil actions arising under the Act, and of other documents incidental thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To enable the USPS Privacy Appeals Officer to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions and to prepare reports required by 5 U.S.C. 552a(p).

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Inactive records may be transferred to GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored as paper files.

RETRIEVABILITY:

Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

SAFEGUARDS:

These records are stored in locked cabinets.

RETENTION AND DISPOSAL:

These records are maintained for ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Postal Privacy Appeals Officer, Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager above and should contain the name of the requester and name of attorney if applicable.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, and that person's attorney.

USPS 170.010

SYSTEM NAME:

Statistical (Cost) Systems—Workload Reporting Records, 170.010.

SYSTEM LOCATION:

Workload Reporting Records are located and/or maintained in various Departments and Facilities of the USPS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees and contract employees assigned to work on specific projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include employee initials and surname, organizational unit and division, work hours on daily, weekly, or pay period basis by course number designated, social security number, systems code, weekly totals and pay period totals, project number, project name, name of customer contact, estimated completion date, estimated resources, actual contact, and general remarks about the development of the project.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—The system is used to determine project costs for billing customers for services and by management to schedule work loads and staffing.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in

the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, magnetic tape and disks.

RETRIEVABILITY:

Employee initials and name, project number, system code, social security number, pay period or project name.

SAFEGUARDS:

Maintained in secured area within secured facility.

RETENTION AND DISPOSAL:

In some cases, records are retained for one year and then automatically deleted from computer disks and paper files are destroyed by shredding. Some records are maintained on computer tape beyond one year for historical and trend analyses.

SYSTEM MANAGER(S) AND ADDRESS:

The department or facility head where such records are required.

NOTIFICATION PROCEDURE:

Employees wishing to gain access to this information should address inquiries to the department or facility head where employed at the time of work load reporting. Inquiries should contain full name and project name and number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Prepared by employee or supervisor as activities occur.

USPS 190.010

SYSTEM NAME:

Litigation Records—Civil Action Case Files, 190.010

SYSTEM LOCATION:

Law Department, Regional and National Headquarters, Offices of Regional Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in litigation to which the USPS is a party or in which information or testimony is sought from Postal Service sources.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry, from the congressional office made at the request of that individual.

4. A record may be transferred, and information from it disclosed, to the Department of Justice or to other counsel representing the Postal Service or any officer, employee, former officer or employee, consultant, contractor or subcontractor when appropriate to enable the Department or other counsel to afford proper representation to clients.

5. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

6. A record may be disclosed in a Federal, State, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

7. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific case files should submit their name, case number and court of record, if known, to the General Counsel Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

(a) Individuals involved in litigation pertaining to employee and labor relations; (b) Counsel(s) and other representatives for parties in litigation pertaining to employee and labor relations. Source document include administrative complaint/action file, grievance file, and/or other records relevant to the case.

USPS 190.020

SYSTEM NAME:

Litigation Records—National Labor Relations Board Administrative Litigation Case Files, 190.020

SYSTEM LOCATION:

Law Department, Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who are charging parties in NLRB cases, or on whose behalf NLRB charges have been filed by a collective bargaining representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents, (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to the Department of Justice, when needed by that department to perform properly its duties as legal representative of Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents (filed by case number) and computer tape/disk.

RETRIEVABILITY:

By name of charging party or individual on whose behalf a charge has been filed or by NLRB case number of case.

SAFEGUARDS:

Case folders are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific files should submit their name and NLRB case number, if known, to the General Counsel, Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

(a) Employee involved in NRLB cases; (b) Counsel(s) or other representative(s) for parties involved in the case other than the Postal Service; (c) The National Labor Relations Board and its General Counsel; (d) Other individuals involved in NRLB cases. Source documents include case files and other relevant records.

USPS 200.230

SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

SYSTEM LOCATION:

Law Department at Headquarters and regions, Postal Inspection Service, Division Headquarters, Post Offices and Post Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in accident as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, tort claims filed, documentary evidence in support of tort claims, and litigation arising out of tort claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671–80; 39 U.S.C. 409(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act. To refer to accident prevention and safety officers, manufacturers of equipment and supplies and their insurers.

Use—

1. Transferred to Department of Justice, other governmental agencies, and other persons involved in a claim against the Postal Service, or use in adjudication, civil litigation and criminal prosecution.

2. To provide members of the American Insurance Association Index System with certain information related to accidents and injuries.

3. Provide information to USPS accident prevention and safety officers.

4. Furnish information to insurance companies that have named the United States as an additional insured or co-insured in liability insurance policies.

5. Provide information to equipment manufacturers and their insurers for claims considerations and possible improvement of equipment.

6. To respond to a subpoena dueces tecum and other appropriate court order and summons.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

10. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper form, original or copies, preprinted or handwritten forms.

RETRIEVABILITY:

Information may be retrieved by person's name or Postal Inspection Service case number.

SAFEGUARDS:

Records are maintained in ordinary filing equipment under general scrutiny of postal personnel.

RETENTION AND DISPOSAL:

Paid claims records are retained for seven years after payment. All other files are retained for five years after closing. All records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

(1) General Counsel, Law Department, Headquarters; (2) Chief Postal Inspector, Headquarters.

NOTIFICATION PROCEDURE:

Furnish person's name, data and place of occurrence giving rise to a claim under the Federal Tort Claims Act, to the head of the facility where the claim was filed.

RECORD ACCESS PROCEDURE:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Claimants making demands for money damages, reports of postal employees involved in accidents, local police reports, Inspection Service investigative reports and American Insurance Association Index reports.

USPS 210.010

SYSTEM NAME:

Contractor Records—Architect Engineers Selection Records, 210.010

SYSTEM LOCATION:

Real Estate and Buildings Department, USPS Headquarters and Postal Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional Architect Engineers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information profile on individual's past experience and present qualifications in the field of providing architect engineering services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To facilitate the review and assessment of the qualifications of architect-engineer firms which have potential for selection and award of a contract to perform architect-engineer services under a designated facility project.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on printed forms.

RETRIEVABILITY:

Records are indexed by State, city and name of individual or firm.

SAFEGUARDS:

Records access is limited to authorized personnel in the Department of Real Estate and Buildings. Records are retained in filing receptacles in locked quarters and in a secured building facility.

RETENTION AND DISPOSAL:

Architect/Engineer service questionnaires are retained for one year and then destroyed by shredding or burning Project forms other than those related to successful awards, are retained on an active basis for one year or until the Architect/Engineer project contract is awarded, whichever is later. Project forms related to successful awards are retained for five years on an active basis and for one additional year on an inactive basis before destruction.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Real Estate and Building Department, USPS Headquarters.

NOTIFICATION PROCEDURE:

Persons desiring information about this system of records should address their inquiries to the designated SYSTEM MANAGER and provide his name and project title.

RECORD ACCESS PROCEDURES:

See SYSTEM MANAGER above.

USPS 210.030

SYSTEM NAME:

Contractor Records—Contractor Employee Fingerprint Records, 210.030

SYSTEM LOCATION:

Mail Processing Department, Headquarters; Regional Offices; Sectional Centers; Bulk Mail Centers; Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons under contract with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and social security number, fingerprints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide information to the Contracting Officer with regard to the USPS screening procedures if a contractor employee has had a previous arrest record.

Use—

1. All USPS fingerprint charts are sent to the Federal Bureau of Investigations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the

Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In original typed, printed or handwritten form.

RETRIEVABILITY:

Contractor employee name.

SAFEGUARDS:

Maintained in locked file cabinets by Administrative Officials.

RETENTION AND DISPOSAL:

Records are kept until employee leaves employment of USPS and then destroyed one year later by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Mail Processing Department, Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the Regional Postmaster General within the region where employed. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Contractor employed by the USPS.

List of U.S. Postal Service Facilities Referenced Herein.

The address of each Postal Service facility to which requests may be sent (referred to in systems descriptions), other than post offices and the geographical area served, is provided below. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, including locations in Puerto Rico, and the Virgin Islands are contained in THE NATIONAL ZIP CODE AND POST OFFICE DIRECTORY, Publication 65, STOCK NUMBER 039–00–00261–2, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Postmasters, upon request, will supply the addresses of the Management Sectional Centers and District Offices to which they report.

The following excerpt to addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice. All "Headquarters" addresses are:

(Office), U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

Postal Service Regional Offices

Regional Postmaster General, Central Region, Main P.O. Bldg., Chicago, IL 60699. (States serviced: IL, MI, OH, IN, HY, WI, MN, IA, MO, ND, SD, NE, KS, (except 679).)

Regional Postmaster General, Eastern Region, P.O. Box 8601, Philadelphia, PA 19101. (States serviced: VA, WV, MD, DE, PA, DC, and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Postmaster General, Southern Region, 5100 Popular Ave., Memphis, TN 38166. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR and KS (679).)

Regional Postmaster General, Northeast Region, 1633 Broadway (at 50th Street) New York, NY 10098. (States serviced: New York City, RI, MA, NH, VT, ME, and those portions of New York State, Connecticut, and New Jersey within the New York City Metropolitan area, also Puerto Rico and Virgin Islands.)

Regional Postmaster General, Western Region, 850 Cherry St., San Bruno, CA 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, EL Paso, TX Dist. and Guam.)

Insepction Service

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

TRAINING INSTITUTE

Postal Service Training and Development Institute, 10000 Kentsdale Drive, Potomac, MD 20854.

NATIONAL TEST ADMINISTRATION CENTER

National Test Administration Center, U.S. Postal Service, Federal Building, Room 2001, 300 North Los Angeles Street, Los Angeles, California 90012.

BULK MAIL CENTERS

Atlanta, 1805 Bolton Road, NW., Atlanta, GA 30369.

Chicago, 7500 West Roosevelt Road, Building No. 1, Forest Park, IL 60130.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235.

Dallas, P.O. Box 21106, Dallas, TX 75211.

Denver, 7755 East 56th Avenue, Commerce City, CO 80022.

Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101.

Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495.

Jacksonville, 7515 Commonwealth Avenue, Jacksonville, FL 32099.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106.

Los Angeles, 4701 South Eastern Avenue, Bell, CA 90201.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136.

Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul, MN 55121.

New York, 80 County Road, Jersey City, NJ 07307.

Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116.

Pittsburgh, R.D. No. 2, Wexford, PA 15090.

St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042.

San Francisco, 2501 Rydin Road, Richmond, CA 94850.

Seattle, P.O. Box 5000, Federal Way, WA 98002.

Springfield, 190 Fiberloid Street, Springfield, MA 01151.

Washington, 9201 Edgeworth Drive, Washington, D.C. 20027.

[FR Doc. 82-555 Filed 1-8-82; 8:45 am]
BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18382; File Nos. SR-Amex-81-23 and SR-CBOE-81-29]

Self-Regulatory Organizations; Proposed Rule Changes by American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.

In the matter of options allocation plans; comments requested on or before February 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on December 23 and 24, 1981 the American Stock Exchange, Inc. ("Amex") and Chicago Board Options Exchange, Inc. ("CBOE"), respectively, filed with the Securities and Exchange Commission proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Amex and CBOE Statements of the Terms of Substance of the Proposed Rule Changes

Amex, pursuant to Rule 19b–4 under the Act, proposes to amend the Allocation Plan previously entered into by the options exchanges and approved by the Securities Exchange Commission on May 30, 1980 (Securities Exchange Act Release No. 16863), as amended on June 1, 1981 (Securities Exchange Act Release No. 17833), concerning procedures for the selection and replacement of underlying securities for options trading. The Amex, CBOE, Pacific Stock Exchange and Philadelphia Stock Exchange have entered into an agreement to adopt amendments to the Allocation Plan respecting the use of an arbitrator in connection with the selection and replacement of options. The CBOE intends to amend the Allocation Plan in a substantially similar manner.

The CBOE stated that in order to give the Commission and other interested parties an opportunity to review and comment upon the proposed changes in the agreement, it elected to treat the agreement as a proposed rule change under Rule 19b–4. The text of the CBOE's proposed amendments to the Allocation Plan is attached as Exhibit A.[1] Italics indicate new material; brackets indicate deletions.

II. A. Amex and CBOE Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The Amex submitted the following statement of purpose and basis. The purpose of the Allocation Plan amendments is to establish procedures for the use of an arbitrator to make determinations concerning the potential selection of underlying securities prior to either a lottery or the replacement of involuntarily delisted options. The proposed amendments establish time-frames and other procedures that each options exchange will need to follow before a lottery can be held and before a new option can be added to replace an involuntarily delisted option. Further, the proposed amendments provide that in determining the eligibility of any selection of an underlying security, the exchanges will not invoke the "exceptional circumstance" provisions which are otherwise permitted by the exchanges' rules.

All the proposed changes are in furtherance of the Commission's request that the options exchanges create a plan that is agreed to by all option exchanges which provides for the equitable allocation of new options among the existing options exchanges. In addition, the changes are consistent with the requirements of the Act and rules and regulations thereunder applicable to the Exchange in that they facilitate and standardize the method and procedure for replacing involuntarily delisted options in a fair and equitable manner. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

The CBOE's statement of purpose and basis for the proposed amendment to the Allocation Plan is substantively similar to the one of Amex.

B. Amex and CBOE Statements on Burden on Competition

The Amex states that the proposed rule changes will not have any impact on competition. The CBOE states that it believes that whatever burdens the proposed rule change will impose on competition are necessary and appropriate in furtherance of the purposes of the Act.

C. Amex and CBOE Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Amex and CBOE state that no written comments on their respective proposals were solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before February 16, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

A. By order approve such proposed rule changes, or

B. Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before February 1, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 4, 1982.

Exhibit A.—Proposed Amendments to Options Allocation Plan

The rule change proposed in this filing was agreed upon by the American Stock Exchange ("Amex"), Chicago Board Options Exchange ("CBOE"), the Pacific Stock Exchange ("PSE") and the Philadelphia Stock Exchange ("Phlx"). It is designed to facilitate the allocation of options on eligible underlying stock to the various options exchanges, subsequent to the initial allocation, as described in Paragraphs F and G of this Item.

A. No change.
B. No change.
C. No change.
D. No change.
E. No change.
F. [On the second Tuesday of each month] *At any time* after the initial allocation, further allocations shall be held at the request of one or more options exchanges, continuing the sequence described above in A.5 whereby the four participating options exchanges would be able to select any unallocated eligible underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated an underlying stock failed to commence the trading of options with respect thereto within six months of the date of selection *under the procedures set forth as follows:*

1. Such allocation shall not take place until a list of additional eligible underlying securities has been established pursuant to the procedures herein.

2. Each of the exchanges shall have 30 calendar days from the date of notification of a call for an allocation to provide the arbitrator with a list of desired underlying securities. Such list may not be changed once submitted to the arbitrator. Once the arbitrator has received lists from all the exchanges, he shall thereafter serve copies of the selection lists on each of the exchanges

[1] The text of the Amex's proposed amendments is substantially similar to that of the CBOE proposal.

so that all exchanges receive the lists on the same date.

3. Within three business days of the request for an allocation each exchange shall inform the other exchanges and the arbitrator of the maximum number of additional underlying securities which it desires to select. The highest number stated by any exchange, multiplied by six, shall establish the maximum number of securities which an exchange may place on its selection list.

4. Up until the close of business on the fifth (5th) business day after receipt of the selection lists from the arbitrator, each exchange may challenge the eligibility of any security selected by another exchange. All challenges must be in writing to the selecting exchange and the arbitrator, and must specify the reason(s) for ineligibility, including appropriate supporting details. The exchange whose selection is challenged shall have until the close of business on the second business day after it receives notice of a challenge to submit data supporting its selection as qualified. The challenged exchange may withdraw its selection at any time and will only be assessed the actual costs for that particular challenge incurred by the arbitrator up to the time of withdrawal. However, no additional securities may be added to such exchange's list to replace any withdrawn security.

5. The allocation shall take place on the fifteenth business day following receipt of the security lists by the exchanges unless deferred pursuant to subparagraph 6 below and shall be conducted according to the procedures set forth herein.

6. The arbitrator shall resolve any challenge by the allocation date which may be deferred by the arbitrator for up to fifteen additional calendar days only if there are more than 8 challenges. Securities must be eligible as of the dates the lists are submitted to the arbitrator, and determination of eligibility shall be made based on the listing standards in effect at that time. It shall be no defense to any challenge that any provision of exchange rules permits waiver of a listing requirement where exceptional circumstances are present. If a security is deemed ineligible, that security must be stricken from the lists of all exchanges who have listed that security, and no other security may be substituted for the ineligible security which has been stricken. There shall be no appeal from the arbitator's determination. No exchange shall select any security which is not on the selection list it submits to the arbitrator.

7. The calling of an allocation acts to suspend the right of any exchange to call a further allocation until the first allocation has been completed.

8. The arbitrator shall be The Options Clearing Corporation. In performing its arbitration function, OCC may employ whatever law firms, accounting firms or other agents and may perform such review as it, in its sole discretion, deems necessary to resolve any challenge within the time limits prescribed by this agreement. The arbitrator in its sole discretion shall have the right to request additional information as to eligibility or ineligibility from the selecting or challenging exchange and to the extent the arbitrator deems necessary to independently verify the information received. It is expressly understood and agreed that the arbitrator is the issuer of the options and may independently of any challenge take any action permitted it under the Participant Exchange Agreement between it and the exchanges. No firm which has regularly provided professional services to any current options exchange during the period from January 1, 1978 to the present may provide support services to OCC in its arbitration function. No firm which currently is providing or has regularly provided professional services to an issuer within four years prior to the date of an allocation, may provide support services to OCC in determining eligibility for options trading of the securities of that issuer. The total cost of such outside services, plus any OCC staff time allocated to the process, shall be divided by the total number of challenges to arrive at a per challenge cost which shall be assessed against the loser in any challenge. If a challenge is sustained, the challenged party shall be assessed one unit of challenge costs. If a selection is upheld, the challenger shall be assessed one unit of challenge costs. Notwithstanding the foregoing, the aribitrator may, in its sole discretion, assess against the losing party or parties to any challenge any extraordinary expense of such challenge.

9. The Exchanges jointly and severally agree to indemnify The Options Clearing Corporation and to hold it harmless from and against any and all loss, damage, or expense (including attorney's fees and costs of litigation) that it may sustain by reason of its serving as arbitrator hereunder in the performance of its duties as such.

G. Introductory paragraph—No change.

1. Involuntarily delisted options, delisted either because of failure to meet the maintenance standards and/or because of changes in the corporate structure of the issues of the underlying security, may be replaced by an exchange outside of the normal allocation procedure if the exchange observes the following procedure. *Subject to the provisions of subparagraph 5 below,* an exchange must select a replacement option within ten business days of the replacement priority date, must promptly notify the other parties to this agreement of the selection and must admit the selection to trading within 90 calendar days from the date of selection. Failure of an exchange to observe this procedure shall result in that exchange's forfeiting its right to replacement outside the normal allocation procedure unless all parties to this amendment waive the forfeiture.

2. No change.

3. No change.

4. No change.

5. An exchange which seeks to replace an involuntarily delisted option shall notify the other exchanges within 24 hours of its selection. Telephonic or telegraphic notification shall be acceptable for this purpose. Up until the close of the third business day after receipt of this notification, each exchange may challenge the eligibility of the security selected. The challenge may be made in the same manner as notification of the selection and shall provide the reason(s) for ineligibility. Upon any challenge, both the challenger(s) and the challenged party shall submit to the arbitrator (referred to in paragraph F above) within three business days of the challenge written support for their claims of ineligibility or eligibility. The arbitrator shall determine whether the security under challenge is in fact eligible and there shall be no appeal from the arbitrator's determination. Securities will be deemed eligible only if they meet the applicable listing standards on the date of selection. It shall be no defense to any challenge that any provision of exchange rules permits waiver of a listing requirement where exceptional circumstances are present. If a security is deemed ineligible, the exchange seeking replacement shall have up until the close of business on the fifth (5th) business day after receipt of the arbitrator's determination to select and notify the other exchanges of another proposed replacement selection. Such selection shall also be subject to the above notification and challenge procedure. The cost(s) of any challenge(s) incurred in determining the eligibility of a replacement selection shall be borne in the manner as provided in subparagraph F(8) of this Agreement.

6. The following provision shall pertain in the event an exchange seeks to replace an involuntarily delisted option during a period when a lottery has been called for under the procedures of paragraph F above but has not yet taken place: if such exchange submits to the arbitrator a proposed replacement selection after the date on which the arbitrator has provided the exchanges with copies of the selection lists submitted by the exchanges pursuant to subparagraph F (2) above, then the replacement selection may only be made from one of the securities which appears on the selection list of such exchange as submitted to the arbitrator.

H. No change.

I. No change.

[FR Doc. 82-637 Filed 1-8-82; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

First Ohio Capital Corp.; Application for License To Operate as Small Business Investment Company (SBIC)

[Application No. 05/05-.0163]

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of First Ohio Capital Corporation, 606 Madison Avenue, Toledo, Ohio 43604, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et

seq.) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
John T. Rogers, 4106 Robinhood Lane, Toledo, Ohio 43623.	President and Director.	0
James P. Silk, 4502 Paddington, Toledo, Ohio 43623.	Secretary and Treasurer.	0
Thomas O. Messinger, 2560 Key Street 1B, Toledo, Ohio 43614.	Treasurer	0
Michael W. White, 5735 Denbridge Drive, Sylvania, Ohio 43560.	General Manager	0
Charles L. McKelve, Jr., 28503 East River Road, Perrysburg, Ohio 43551.	Director	0
David W. Ridenour, 2261 Carriage Drive, Toledo, Ohio 43615.	Director	0
Leonard J. Scott, 6744 Denbridge Drive, Sylvania, Ohio 43560.	Director	0
First Ohio Bancshares, Inc., 606 Madison Avenue, Toledo, Ohio 43604.	Parent Company	100

The Applicant will begin operations with $1,000,000 of private capital derived from the sale of 500 shares to First Ohio Bancshares, Inc. First Ohio Bancshares, parent corporation of First National Bank of Toledo, has 25 Banking branches in the Toledo, Ohio area.

The Applicant will conduct its operations in the States of Ohio and Michigan.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may, not later than January 26, 1982, submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Toledo, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 30, 1981.

Arthur E. Armstrong,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-569 Filed 1-8-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2020]

Puerto Rico; Declaration of Disaster Loan Area

Arecibo, Bayamon, Camuy, Dorado, Fajardo, Florida, Hatillo, Manati, San Juan, Toa Alta, Toa Baja, Vega Alta, and Vega Baja Municipalities within the Commonwealth of Puerto Rico constitute a disaster area as a result of heavy rains and flooding which occurred on December 11–15, 1981. Eligible persons, firms and organizations may file applications for physical loss loans until March 1, 1982 and for economic injury loss loans until the close of business on September 30, 1982 at: Small Business Administration; District Office, Federal Building, Room 691; Carlos Chardon Avenue, Hato Rey, Puerto Rico 00919; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	16
Homeowners without credit available elsewhere	8
Businesses with credit available elsewhere	15½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8

Information on recent statutory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above-mentioned office.

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 30, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 82-568 Filed 1-8-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Indemnification of Contractors Who Participate in the Federal Aviation Administration's Computer Replacement Program

Correction

In FR Doc. 81–36807 appearing on page 62596, in the issue of Thursday, December 24, 1981, make the following correction.

On page 62597, first column, twenty-first line from the bottom of the page, the first word reading "usually" should read "unusually".

BILLING CODE 1505-01

Federal Highway Administration

[FHWA Docket No. 82–1]

Interstate Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R) Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice provides information on implementation of the new Post-Interstate Construction Program (Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R)) established by the Federal-Aid Highway Act of 1981 and the limited applicability of prevailing rate of wage requirements to that program. Public comments are requested.

DATE: Comments must be received on or before March 12, 1982.

ADDRESS: Submit written comments, preferably in triplicate to the Federal Highway Administration, FHWA Docket No. 82–1, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford P. LaHue, Office of Highway Operations, 202–426–0340; or Mr. Hugh T. O'Reilly, Office of the Chief Counsel, 202–426–0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Federal-Aid Highway Act of 1981 was signed into law by the President on December 29, 1981. Under this law, a new Post-Interstate Construction Program is established which includes reconstruction as an eligible item for Federal-aid highway funding. Accordingly, the new program encompasses resurfacing, restoration, rehabilitation, and reconstruction (4R) projects.

Reconstruction, as provided for by the Federal-Aid Highway Act of 1981, includes, but is not limited to, the

addition of travel lanes, interchanges, and overcrossings not included in the Interstate cost estimate and added to existing Interstate routes. Reconstruction also includes work on the Interstate System which was originally included as an eligible item for construction but has yet to be undertaken.

In accordance with the provisions of Federal-aid highway law incorporated in title 23 of the United States Code (23 U.S.C.), the FHWA has apportioned the Interstate 4R funds authorized for fiscal year 1983 by the Federal-Aid Highway Act of 1981. The apportionments were made to the States, the District of Columbia, and the Commonwealth of Puerto Rico and were effective December 31, 1981. Accordingly, Interstate 4R funds are now available for obligation.

The FHWA previously determined that the prevailing rate of wage requirements of 23 U.S.C. 113 do not apply to resurfacing, restoration, and rehabilitation projects (46 FR 26735, May 14, 1981). The establishment of the new Post-Interstate Construction Program required the FHWA to define the applicability of 23 U.S.C. 113 to projects funded under this new program. Accordingly, the following information has been provided to the States in order to provide for the timely implementation of post-Interstate construction (4R) projects:

a. Wage rates established by the United States Department of Labor in accordance with the Davis-Bacon Act and required by 23 U.S.C. 113 to be used for initial construction projects on the Federal-aid highway systems shall not be incorporated in post-Interstate construction (4R) project contracts, except for those projects that provide for new construction. New construction for the purposes of this determination shall be projects which add new facilities to the existing roadway. This work would include such things as the addition of travel lanes, interchanges, grade separations, rest areas, or truck weigh stations.

b. The provisions of 23 U.S.C. 113 normally should not apply to post-Interstate construction (4R) projects where the work accomplished does not provide any new facilities as such projects are not included within the term "initial construction." These projects would normally provide for resurfacing, restoration, or rehabilitation of facilities that are already in place or incidental construction such as landscaping or guardrail.

c. When an Interstate 4R project consists of a combination of the work described in a. and b. above, 23 U.S.C. 113 is applicable if the new construction described in a. above is estimated to represent at least 50 percent of the cost of the total project.

Interested persons are invited to submit written comments on the information contained in this notice. Comments will be considered by the FHWA in determining the need for future revisions to the Post-Interstate Construction Program.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on January 5, 1982.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-543 Filed 1-8-82; 8:45 am]
BILLING CODE 4910-22-M

Office of the Secretary

[Notice No. 82-1]

Transfer of Services From Washington National Airport; Meeting

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of meetings.

SUMMARY: In conformity with Order 81-12-49 of the Civil Aeronautics Board (CAB Docket 39781), the Department of Transportation/Federal Aviation Administration (DOT/FAA) will be holding public meetings with interested persons to discuss the shift of air carrier services from over-utilized Washington National Airport (National) to Dulles International and Baltimore Washington International Airports. Printed below is a letter mailed to several hundred air carriers, commuter air carriers, and certain other interested persons and governmental entities that are parties to CAB Docket 39781. The letter provides details concerning the background and procedures for the meetings to be held.

TIMES AND DATES: 10:00 A.M., Tuesday, January 26, 1982, and 10:00 A.M., Tuesday, February 16, 1982.

PLACE: Room 2230, DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gregory Wolfe, Department of Transportation, C-10, 400 Seventh Street, S.W., Washington, D.C. 20590, Telephone: (202) 426-4710.

SUPPLEMENTARY INFORMATION:

Letter Mailed to All Air Carriers and to All Parties in CAB Docket 39781

"To All Parties on the Enclosed Service List (list not published):

Re: *Discussions on the Transfer of Services Out of Washington National Airport—CAB Docket 39781*

On December 15, the Civil Aeronautics Board served its decision on the Petition of Dulles Policy Task Force for discussion authority and antitrust immunity in Docket No. 39781, Order 81-12-49 (copy enclosed) [but not published]. Though denying the original petition, the Board granted a petition of four air carrier intervenors, U.S. Air, Midway, Piedmont, and Republic. Thus, the Board has granted the authority to discuss the transfer of services out of Washington National Airport ("National").

The Department of Transportation/Federal Aviation Administration ("DOT/FAA") filed in support of the initial petition because of the importance of relieving the excessive demand for operations at National. In its Order, the Board did not designate any party to conduct these meetings, but expressed the hope that DOT/FAA and other parties would participate. Counsel for the four carriers whose request for discussion authority and antitrust immunity was granted, as well as counsel for the Dulles Policy Task Force, have urged DOT/FAA to conduct the discussions, which we feel is appropriate in view of our position as proprietor of both airports.

Therefore, in accordance with the terms of the Order, the following procedures will apply:

- Through this letter, air carriers, commuter air carriers, and all parties to CAB Docket 39781 are invited to attend discussion meetings. In accordance with the Order, the meetings will be open to the public.
- Carriers and other parties are invited to submit suggestions as to the procedural format for these discussions, to suggest substantive issues for discussion, and to indicate what types of data will be most useful. These suggestions should be mailed to me at the United States Department of Transportation, Washington, D.C. 20590, or hand-delivered to Room 10428, 400 Seventh Street, S.W., Washington, D.C. They should be submitted on or before January 15, 1982, and copies should be served upon all parties appearing on the enclosed service list.
- A preliminary meeting to determine the scope of the discussions and to resolve any procedural issues will be held at the DOT Headquarters, 400 Seventh Street, S.W., Washington, D.C. in Room 2230, at 10:00 A.M. on Tuesday, January 26, 1982. A summary of this meeting will be provided to all parties.
- A full session will be held at the Department commencing on Tuesday, February 16, at the same time and place, and continuing as long as the attendees deem necessary or desirable.
- The Secretary will designate a representative to chair the meetings.

Secretary Lewis and FAA Administrator Helms are both committed to the success of these discussions. They believe that an agreement to shift substantial number of flights out of National, either to Dulles International or Baltimore Washington International Airports, will relieve the strain caused by excessive demand, and thus will permit more competition in all air services to

and from the Washington area. We hope that the cooperation of all parties will accomplish these goals.

Any questions about the proposed meetings should be directed to Gregory Wolfe, an attorney on my staff, who can be reached at 202–426–4710.

Sincerely,

John M. Fowler,

General Counsel.

Issued in Washington, D.C. on January 5, 1982.

John M. Fowler,

General Counsel.

[FR Doc. 82-502 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

[Inconsistency Ruling IR–4]

State of Washington House Bill No. 1870 Governing Requirements for Red or Red Bordered Shipping Papers for Hazardous Materials

Applicant: National Tank Truck Carriers, Inc. (NTTC).

State Law Affected: Revised Code of Washington (RCW) 81.29.020 and Washington Administrative Code (WAC) 480–12–195.

Applicable Federal Requirements: Hazardous Materials Transportation Act (HMTA), sections 102–107, and 109; 49 U.S.C. 1802 and following; and Parts 171–173, 177–178 of the Hazardous Materials Regulations (HMR) (49 CFR Parts 171–179).

Mode Affected: Highway.

Issue Date: State law: July 1, 1980; implementing regulations: August 7, 1980.

Ruling: The State law and implementing regulations are inconsistent with the HMTA as implemented by regulations issued thereunder.

Summary: This inconsistency ruling is the opinion of the Materials Transportation Bureau (MTB) concerning whether a portion of RCW 81.29.020 and WAC 480–12–195 are inconsistent with the HMTA or regulations issued thereunder and, therefore, preempted under section 112(a) of the HMTA. This ruling was applied for and is issued pursuant to procedures at 49 CFR 107.201–107.209.

FOR FURTHER INFORMATION CONTACT: W. C. Morgan, Office of Regulatory Planning and Analysis, DMT–60, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, Telephone: (202) 472–2698.

SUPPLEMENTARY INFORMATION:

I. Background

A. Application of the National Tank Truck Carriers, Inc.

On March 3, 1980, the Legislature of the State of Washington gave final approval to House Bill No. 1870. The legislation, which was enacted as Chapter 132, Laws of 1980, amended RCW 81.29.020 (among other provisions not pertinent to this matter). This provision of Washington law requires "Any common carrier receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington" to issue bills of lading for such property, and sets forth liability responsibilities of such common carriers. The legislation required that:

> If the receipt, manifest or bill of lading is for hazardous materials, as defined in 49 CFR Part 172, transported by motor vehicle upon the public highways of the state, it shall be red in color or shall have a red border. Red bills of lading, receipts or manifests or red bordered bills of lading receipts or manifests shall only be used for transportation of hazardous materials as defined in 49 CFR Part 172.

This legislative requirement (the State Requirement) thus affected the color of a shipping paper, which is defined in 49 CFR 171.8 as a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose.

On July 1, 1980, the NTTC, as a national and international trade association of the for-hire tank truck industry, petitioned the Administrator of the Research and Special Programs Administration (RSPA), U.S. Department of Transportation (DOT), Washington, D.C. The petition requested an inconsistency ruling, averring that the State Requirement was inconsistent with and, therefore, preempted by the HMTA, Pub. L. 93–633, 49 U.S.C. 1801–1812, 49 CFR Parts 170–179.

RSPA received comments on the petition from the Office of the Attorney General, State of Washington, on September 10, 1980. The petition for inconsistency ruling was published in the **Federal Register** for public comment on November 3, 1980 (45 FR 72855). In response to that invitation, comments were received from five industry trade associations and two corporations involved in transportation and affected by the State Requirement. All commenters, with the exception of the Attorney General, State of Washington, asserted that the State Requirement is inconsistent with the HMTA and associated regulations. Nearly all commenters stressed the need for uniform and consistent regulations. A few commented on alleged redundancy of regulations. Most commenters believed that an additional, unnecessary burden would be placed on commerce should these regulations be allowed to stand. Several commenters relied on a previous administrative ruling, Inconsistency Ruling (IR–2), "State of Rhode Island Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility", (44 FR 75566, Dec. 20, 1979) affirmed (45 FR 71661, Oct. 30, 1980). Since this notice was published for comment, MTB has also issued another Inconsistency Ruling (IR–3), "City of Boston Rules Governing Transportation of Certain Hazardous Materials by Highway Within the City", (FR 18918, Mar. 26, 1981). Where appropriate, these comments and previous administrative decisions will be discussed in this ruling.

B. General Authority and Preemption under the HMTA

With certain exceptions, the HMTA imposes obligations to act only on the Secretary of Transportation. Obligations are imposed on members of the public only by substantive regulations issued under the HMTA. Known as the Hazardous Materials Regulations (HMR), they are codified at 49 CFR Parts 170–179, and mostly predate the HMTA. The HMR previously were authorized by the Explosives and Other Dangerous Articles Act (18 U.S.C. 831–835), which was repealed in 1979. (Pub. L. 96–129, Nov. 30, 1979). The HMTA was enacted on January 3, 1975 and the HMR were reissued under its authority, effective January 3, 1977 (41 FR 39175, Sept. 9, 1976). Subsequent amendments to the HMR have been issued under the authority of the HMTA and with the preemptive effect granted by that Act.

With regard to highway transportation of hazardous materials, the HMR apply to persons who offer these materials for transportation (shippers), those who transport the materials (carriers), and those who manufacture and retest the packagings and other containers intended for use with the materials. The scope of transportation activity affected includes the packaging of shipments of hazardous materials, package markings (to show content) and labeling (to show hazard), vehicle placarding (to show hazard), handling procedures, such as loading and unloading requirements, care of vehicle and lading during transportation, and the preparation and use of shipping papaers to show the identity, hazard class and amount of each hazardous

material being shipped. The HMR also require carriers to report in writing to DOT any unintentional release of a hazardous material during transportation. In some cases, an immediate report must be made in addition to the subsequent written report.

A discussion of the preemptive effects of the HMTA appears in previous inconsistency rulings. The discussions in IR–2 and IR–3 are extracted and summarized here.

The HMTA at section 112(a) (49 U.S.C. 1811(a)) preempts "any requirement of a State or political subdivision thereof, which is inconsistent with any requirement set forth in (the HMTA) or regulations issued under (the HMTA)." This express preemption provision makes it evident that Congress did not intend the HMTA and its regulations to completely occupy the field of transportation so as to preclude any State or local action. The HMTA preempts only those State and local requirements that are "inconsistent."

In 49 CFR Part 107, Subpart C, the MTB has published procedures by which a State or political subdivision thereof having a requirement pertaining to the transportation of hazardous materials, or any person affected by the requirement may obtain an administrative ruling as to whether the requirement is inconsistent with the HMTA or regulations under the HMTA. At the time these procedures were published, the MTB observed that "the determination as to whether a State or local requirement is consistent or inconsistent with the Federal statute or Federal regulations is traditionally judicial in nature." (41 FR 38167, Sept. 9, 1976) There are two principal reasons for providing an administrative forum for such a determination. First, an inconsistency ruling provides an alternative to litigation for a determination of the relationship of Federal and State or local requirements. Second, if a State or political subdivision requirement is found to be inconsistent such a finding provides the basis for an application for a determination by the Secretary of Transportation as to whether preemption will be waived (49 U.S.C. 1811(b); 49 CFR 107.215–107.225).

Since the proceeding here is conducted pursuant to the HMTA, the MTB will consider only the question of statutory preemption. A Federal court may find a State requirement not statutorily preempted, but, nonetheless, preempted by the Commerce Clause of the U.S. Constitution because of an undue burden on interstate commerce. However, the Department of Transportation does not make such determinations. Also, under earlier legislative authority, the applicability of the HMR was statutorily limited to carriers in interstate and foreign commerce and their shippers, and did not apply to carriers in wholly intrastate commerce and their shippers. Although the HMTA at section 103(1) (49 U.S.C. 1802(1)) authorizes application of its regulation to intrastate commerce that affects interstate commerce, the MTB has exercised this expanded jurisdiction only on a case-by-case basis (e.g., hazardous wastes and hazardous substances). However, laws and regulations of States and political subdivisions applying to intrastate carriers may be preempted, notwithstanding the fact that the Department of Transportation normally does not regulate such carriers, if the laws and accompanying regulations are found to be inconsistent with the HMTA. We recognize that in IR–3 we stated that "Any preemptive effect attributed to the HMTA in an inconsistency ruling is limited to preemption of State or local requirements as they apply to persons currently subject to the Hazardous Materials Regulations" (46 FR 18919, March 26, 1981). However, that statement is limited to the facts of that particular ruling wherein application of the challenged City of Boston rules to intrastate carriers was not at issue.

Given the judicial character of the inconsistency ruling proceeding, the MTB has incorporated case law criteria for analyzing preemption issues into the preemption procedures at 49 CFR 107.209(c):

(1) Whether compliance with both the (State or local) requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the (State or local) requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

The first criterion is the dual compliance or direct conflict test and concerns those State or local requirements that are incongruous with Federal requirements; that is, compliance with the State or local requirement causes the Federal requirement to be violated, or vice versa. The second criterion, in a sense, subsumes the first and concerns those State or local laws that, regardless of conflict with a Federal requirement, stand as "an obstacle to the accomplishment and execution of the (HMTA) and the regulations issued under the (HMTA)." In determining whether a State or local requirement presents such an obstacle, it is necessary to look at the full purposes and objectives of Congress in enacting the HMTA and the manner and extent to which those purposes and objectives have been carried out through the MTB's regulatory program.

In enacting the HMTA, Congress recognized that the Department of Transportation's efforts in hazardous materials transportation regulation lacked coordination by being divided among the various transportation modes, and lacked completeness because of gaps in DOT's authority, most notably in the area of manufacturing and preparation of packagings used to transport these materials. In order to "protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce" (49 U.S.C. 1802), Congress consolidated and expanded the Department's regulatory and enforcement authority.

Specifically with respect to the preemption provision, the legislative history of this provision indicates that Congress intended it "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation" (S. Rep. No. 1192, 93rd Cong., 2nd Sess. 37 (1974)).

II. Ruling

The first consideration in this inconsistency ruling is to determine whether compliance with both the State Requirement and the HMTA and its regulations is possible. The Department received numerous comments that compliance with both the Federal and the Washington State requirements would be costly and inconvenient. While these factors would be relevant to an examination of whether the requirement imposes an undue burden on interstate commerce, they do not establish that it is impossible to comply with both the Federal and the State requirements. I therefore find that the requirement is not inconsistent under the "dual compliance test."

The second consideration is whether the State of Washington requirement is an obstacle to the accomplishment and execution of the HMTA and the regulations issued under it. For a number of reasons, I find that the red or red bordered shipping paper requirement is such an obstacle.

The principal reason for finding the requiremnt to be an obstacle is that drivers and emergency response personnel (fire and police) may tend to

place exclusive reliance on the presence of a red border for determining whether a shipment contains hazardous materials, thereby failing to take note of the Federally mandated scheme for describing hazardous materials on shipping papers. This description, set forth in Subpart C. Shipping Papers, 49 CFR 172.201, requires that when a hazardous material and a material not subject to the requirements of the subchapter are entered on a shipping paper, the hazardous material entry must include the proper shipping name, the hazard class, the UN identification number, and the total quantity of the material and must be: (1) Entered first; (2) entered in a contrasting color or highlighted; or (3) identified by placing an "X" or an "RQ" (Reportable Quantity) in the column marked "HM" (Hazardous Materials). Any or all of these three methods of identification must be used by a shipper to identify hazardous materials packaged for shipment. This hazard warning system already is in use by the State of Washington through its adoption of Federal regulations for hazardous materials. Failure to take note of these identifications through misplaced reliance on the color of the shipping paper or its border might result in the use of inappropriate emergency response techniques, which could lead to substantially greater risks to the emergency response personnel and to the public. Since the primary purpose of the HMTA is to enhance public safety, such a result would clearly create an obstacle to its accomplishment.

A second reason for finding the State of Washington law to be inconsistent is that section 112 of the HMTA requires that State and local requirements be prempted where uniformity is necessary for a national regulatory scheme. As we said in a previous inconsistency ruling:

> However, certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and with the HMTA gave the Department of Transportation the authority to promulgate these standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible Congress intended to make such State or local action unnecessary. The comprehensiveness of MTB Hazardous Materials regulations severely restricts the historical scope of permissible State or local activity. The nature, necessity an number of hazardous materials shipments make uniform standards extremely important. IR–2, 44 FR 75568, Dec. 20, 1979.

Nationwide regulations do not address particular local safety hazards and States may regulate consistently for this purpose. However,

> There are certain areas where the need for national uniformity is so crucial and the scope of Federal regulation is so pervasive that it is difficult to envision any situation where State or local regulation would not present an obstacle to the accomplishment and execution of the HMTA and the Hazardous Materials Regulations * * *. Hazard warning systems are another area where MTB perceives the Federal role to be exclusive. The MTB has thoroughly considered this subject and has issued regulations on marking and labeling of packages and placarding of vehicles in order to communicate the hazards of the materials contained therein. The effectiveness of these systems depends to a large degree on educating the public, especially emergency response personnel. IR–2, 44 FR 75568.

The HMR shipping paper requirements also establish a hazard warning system, and the above reasoning applies equally to them.

In fact, color coding of shipping papers is the type of requirement which DOT might have promulgated in developing its nationwide system of hazardous materials identification, but such a requirement has been considered and rejected. In Hazardous Materials Docket 103(HM 103), the Hazardous Materials Regulation Board, the predecessor to MTB, actively considered publication of a standardized form called a "Hazardous Materials Manifest", which would have been highlighted by diagonal red stripes to emphasize its presence and contents. During a public hearing held February 11, 1975, the color scheme of the manifest was widely rejected. One of the principal reasons cited for rejection of this scheme was the recognition that shippers and carriers of hazardous materials also handle nonhazardous materials, and that a shipping paper requirement that mandated the use of different colors for hazardous and nonhazardous materials would be unnecessarily costly. Instead, the MTB decided to make the shipping papers easily accessible in case of an accident or inspection by clearly distinguishing the hazardous materials shipping papers through: (1) Tabbing them; (2) having them appear first if carried with other shipping papers; and (3) storing them within the immediate reach of the driver. See 49 CFR 177.817, Shipping Papers. Therefore, not only are shipping paper requirements the type of requirements for which national uniformity is essential, but in adopting its uniform system, DOT considered and rejected the type of requirement imposed by Washington State.

The State's principal argument in response to the petition for and inconsistency ruling is that the HMTA applies only to interstate commerce and commerce affecting interstate commerce, that the State Requirement applies only to intrastate commerce, and that the petitioner has not demonstrated that the State Requirement affects interstate commerce. Therefore, the State concludes, the State Requirement is, in effect, beyond the scope of the preemption provision of the HMTA. For a number of reasons, the MTB disagrees with this position.

First, the State's assertion that the HMR do not apply to intrastate shipments is incorrect. It is well established that the HMR apply to wholly intrastate shipments by interstate carriers. *(United States* v. *Oilfields Trucking Company,* 549 F.2d 646 (1977)). It is also well established that, for purposes of the application of the HMR, a carrier is an interstate carrier if it engages in interstate commerce even on an infrequent or irregular basis. Finally, a carrier that operates strictly within the confines of one State but carriers interstate shipments within the vehicle is engaged in interstate commerce.

Therefore, to the extent the State Requirement applies to intrastate shipments that are subject to the HMR, it overlaps and is clearly inconsistent with the HMR's.

Second, as the State recognizes, the HMTA authorizes the regulation of intrastate commerce that affects interstate commerce, and this authority has been exercised on a selective basis. For example, as a result of mandates in the Clean Water Act and the Resource Conservation and Recovery Act, the Department, in a joint effort with the Evironmental Protection Agency, has extended the applicability of the HMR to cover the transportation by motor vehicle of hazardous substances and hazardous wastes in both interstate and intrastate commerce. 49 CFR 171.1(a). Therefore, to the extent the State Requirement applies to interstate or intrastate carriers of hazardous substances or hazardous wastes, as defined in the HMR, it overlaps and is clearly inconsistent with the HMR.

Finally, it should be noted that, for purposes of preemption, Section 112(a) of the HMTA does not distinguish between requirements applying solely to intrastate commerce and requirements applying to interstate commerce: "*any* requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in this title, or in a regulation

issued under this title, is preempted." (Emphasis added.) Given the previous discussion of the importance of national uniformity regarding hazardous materials hazard warning systems, and in light of the extent to which the HMR already apply to the intrastate movement of hazardous materials, I find that the application of the State Requirement to the remaining intrastate commerce which is not currently subject to the Federal regulations would tend to create confusion for those who must rely on the Federal hazard warning systems and would therefore be an obstacle to the accomplishment and execution of the HMTA. This is not to suggest that the State cannot adopt and enforce hazardous materials transportation hazard warning requirments, but, if it chooses to do so, the overall impact of its requirements must be consistent with the HMTA. RCW 81.29.020, prior to the adoption of the State Requirement, was such a consistent requirement.

The State also argues that, even if its requirement is deemed to be inconsistent, it is entitled to a nonpreemption determination pursuant to section 112(b) of the HMTA (49 U.S.C. 1811(b)). The MTB's regulations provide that nonpreemption determinations are to be made in a proceeding which is separate and independent from the inconsistency ruling process (49 CFR 170.215, et seq.). Consequently, the merits of the State's argument will not be addressed in this ruling.

III. Conclusion

For these reasons, I find that the State of Washington law is an obstacle to the accomplishment of the HMTA and its regulations. It is, therefore, our opinion that RCW 81.29.020 and WAC 480–12–195 are inconsistent with the HMTA and its regulations and, in accordance with section 112(a) of the HMTA, are preempted. Any appeal to this ruling must be filed within 30 days of service in accordance with 49 CFR 107.211.

(49 U.S.C. 1811(a), 49 CFR 107.209)

Issued in Washington, D.C. on January 4, 1982.

Alan I. Roberts,

Associate Director, Office of Hazardous Materials.

[FR Doc. 82–653 Filed 1–8–82; 8:45 am]

BILLING CODE 4910–60–M

Urban Mass Transportation Administration

New Bus Equipment Introduction Program

Correction

In FR Doc. 81–36713 appearing on page 62599 in the issue for Thursday, December 24, 1981, make the following correction:

Under **For Further Information Contact,** the phone number for John Marino now reading "(202) 526–4035" should have read "(202) 426–4035".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81–6]

Environmental Assessment of Polyethylene Terephthalate (PET) for Use as Liquor Bottles

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of intent to prepare environmental assessment.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) announces its intention to prepare an environmental assessment of Polyethylene Terephthalate (PET) as a material for use in the manufacture of liquor bottles.

DATE: Relevant information may be sent to the address below by February 10, 1982.

ADDRESS: Environmental Quality Officer, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, Attention: Room 6216–PET.

FOR FURTHER INFORMATION CONTACT: Ray Conrad, Special Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–566–7591).

SUPPLEMENTARY INFORMATION: In recognition of National Environmental Policy Act (NEPA) requirements, ATF intends to prepare an environmental assessment of Polyethylene Terephthalate (PET) as a material for use in the manufacture of liquor bottles. The Bureau is acting in response to petitions from industry members requesting approval of PET for such use.

A substantial amount of data has previously been submitted which ATF can make reference to in preparing the assessment. Also, Environmental Impact Statements prepared by the Food and Drug Administration (Plastic Bottles for Carbonated Beverages and Beer, September, 1976) and ATF (Polyvinyl Chloride Liquor Bottles, March, 1973) are available for reference in this matter. However, if interested individuals or organizations wish to furnish additional relevant information on this issue, ATF will carefully review the additional data before preparing the environmental assessment of PET.

Signed: December 11, 1981.

G. R. Dickerson,

Director.

[FR Doc. 82–666 Filed 1–8–82; 8:45 am]

BILLING CODE 4810–31–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 6
Monday, January 11, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1, 2
Federal Communications Commission	3, 4
Federal Energy Regulatory Commission	5
Federal Home Loan Bank Board	6
Federal Trade Commission	7
International Trade Commission	8
Occupational Safety and Health Review Commission	9
Parole Commission	10
Securities and Exchange Commission	11

1

CIVIL AERONAUTICS BOARD

[M-340 Amdt. 2, January 6, 1982]

Addition and closure of item to the January 7, 1982 board meeting.

TIME AND DATE: 10 a.m. (closed), 2 p.m. (open), January 7, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 4c. Board discussion of FY82 Budget Cuts. (OGC)

STATUS: 1–4c (closed), 5–24 (open).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-34-82 Filed 1-7-82; 3:44 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-340 Amdt. 1, January 6, 1982]

Addition and Closure of Items to the January 7, 1982 Board Meeting

TIME AND DATE: 10: a.m./ (closed), 2 p.m. (open) January 7, 1982.

PLACE: Room 1012 (closed) room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

3a. Docket 33068, *Transpacific Low-Fare Route Investigation (Japan Phase):* Partial Order on Reconsideration. (Memo 166–E, OGC)

4a. Negotiations with Brazil Scheduled to begin January 27–28, 1982 in Washington, D.C. (BIA)

4b. Dockets 40172 and 40218, Lufthansa Complaints against Pan American's U.S.-Germany "two-for-one pass" and special normal economy fares. (Memo 1015, BIA)

SATUS: 1–4 Closed, 5–24 open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-35-82 Filed 1-7-82; 3:44 pm]

BILLING CODE 6320-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, January 13, 1982, following the Open Meeting which is scheduled to Commence at 9:30 A.M. Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Complaints and Compliance—1—Request by Curran Communications, Inc. for reconsideration of Commission's letter of admonition issued to Radio Station WPAM, Pottsville, Pennsylvania

Hearing—1—Petition for Reconsideration of a Memorandum Opinion and Order issued by the Chief, Common Carrier Bureau, which designated for hearing applications filed by Tel-Car, Inc. for two additional DPLMRS frequencies at Pocatello, Idaho and Albion, Idaho. (CC CC D–81.465–66)

Hearing—2—Authorized Interlocutory Appeal in the Brownfield, Texas, FM Comparative Proceeding (BC Docket Nos. 81–164 and 81–165)

Hearing—3—Petition for Reconsideration and Motion to Hold Approval of Distress Sale in Abeyance Pending Reconsideration in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430)

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, Telephone number (202) 254–7674.

Issued: January 6, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-28-82 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, January 13, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Notice of Proposed Rule Making to provide regulatory recognition for power line carrier operations in the bands 10–490 kHz. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to amend Parts 2, 15 and 90 of the Rules to establish new regulations concerning power line carriers. Power line carrier systems are designed to provide protection and control for the electric transmission systems which supply the nations electrical power needs. The action considers if the establishment of a new Footnote is needed for power line carrier use of the 10–490 kHz band and proposes the institution of a notification procedure and associated data base to interface operations with licensed users of the band.

General—2—*Title: Hampton Roads/ Cinciotta* criteria for reimbursement in drop-out agreements. *Summary:* Commission considers standards that should apply in reimbursing applicants withdrawing pursuant to a drop-out agreement.

General—3—*Title:* In re SS Docket 79–18 for amendment of Parts 2, 22 and 94 of the FCC's Rules and Regulations. *Summary:* The Utilities Telecommunications Council filed a petition for rule making requesting reallocation of certain 900 MHz frequencies for use in distribution automation and other multiple-address systems. Telocator Network of America filed comments in this proceeding indicating a similar need for common carrier wide-area and multi-city paging services. The frequencies involved are presently either reserved or allocated to the Private Operational-Fixed Microwave Service and the International Control Services. The Commission issued a Third Notice on January 14, 1981, proposing the reallocation of forty-eight channels for multiple-address use. The item before the Commission discusses the public's response to the January action and the merits of the proposed actions.

General—4—*Title:* Report and Order implementing the Equal Access to Justice Act. *Summary:* The Commission will consider adopting rules to implement the Equal Access to Justice Act, 5 U.S.C. 504.

Private Radio—1—*Title:* Future Private Land Mobile Telecommunications Requirements. *Summary:* The Commission will consider

whether to adopt a Notice of Inquiry to solicit comments and obtain information regarding the future trends and requirements of the Private Land Mobile Radio Services and the land mobile user community.

Private Radio—2—*Title:* Report and Order to implement changes in the frequency allotments to the Aeronautical Mobile (R) Service, and other technical specifications in the Aeronautical Mobile (R) Service in the band between 2850 and 22000 kHz adopted at the World Administrative Radio Conference, Geneva, 1978. *Summary:* The FCC will consider whether to amend the rules to finalize the frequency allotment plan for the Aeronautical Mobile (R) Service and some technical specifications adopted at the ITU World Administrative Radio Conference, Geneva, 1978.

Private Radio—3—*Title:* Amendment of Parts 81 and 83 of the Rules to enlarge the New Orleans VTS radio protected area. *Summary:* The Commission will decide whether or not to propose enlarging the New Orleans VTS radio protected area designated in the rules to 93 degrees west longitude.

Private Radio—4—*Title:* Application for Review of actions taken under delegated authority which denied the request of Stanley S. Hubbard for assignment of ship radio telephone call sign WA–2002 in lieu of its assigned call sign. *Summary:* The Commission will decide whether or not to grant the Application for Review.

Private Radio—5—*Title:* Report and Order concerning the general exemption from the radiotelegraph requirements for cargo vessels of 1600 gross tons and upward engaged on coastwise voyages. *Summary:* The Commission will consider granting a general exemption from the radiotelegraph requirements of the Communications Act to cargo ships of 1600 gross tons and upward when navigated on domestic voyages along the coasts of the contiguous 48 states. The ships will be required to have specific radiotelephone equipment for both terrestrial and satellite communications and also meet additional operational requirements.

Common Carrier—1—*Title:* Little Rock Radio Telephone Company, Inc. *Summary:* The Commission will consider whether the applications for new facilities to provide mobile telephone and paging services of Little Rock Radio Telephone Company, Inc., and Grant County Radio Telephone Company, Inc., and the renewal applications of Otis L. Hale d.b.a. Mobilfone Communication should be designated for hearing on qualifying and comparative issues.

Common Carrier—2—*Title:* Investigation of Western Union Telegraph Co., File No. ENF–80–2. *Summary:* The Commission will consider what action to take in an investigation related to Western Union's interconnection practices with international record carriers and its discounts to international record carrier for delivery of inbound international telegrams.

Cable Television—1—*Title: Order* relating to the colletion of annual fees by the Commission from Cable Televison Systems. *Summary:* In a 1974 decision the Supreme Court concluded that the system of collecting annual fees from cable television systems was beyond the authority of the Commission. The matter before the Commission would consider the deletion of rules relating to that fee collection process.

Cable Television—2—*Title:* "Direct Petition to the Commission for Reconsideration of Denial" (CSR–1904) filed August 4, 1981, by Keystone Cable-Vision Corporation. *Summary:* Keystone Cable-Vision Corporation seeks reconsideration of the denial of its petition for special relief by the Chief of the Cable Television Bureau pursuant to delegated authority on July 6, 1981.

Renewal—1—*Title:* Petition filed by the St. Louis Broadcast Coalition requesting reconsideration of the Commission's decision in *KSDK, Inc.*, 85 FCC 2d 797 (1981) which granted Station KSDK–TV's license renewal application. *Summary:* The Commission considers whether the allegations of employment discrimination against women and Blacks presented by the St. Louis Broadcast Coalition justify a reconsideration of its decision in *KSDK, Inc.*, 85 FCC 2d 797 (1981).

Renewal—2—*Title:* Petition to Deny the Renewal Application of Doubleday Broadcasting Co., Inc., for Station KWK, St. Louis, Missouri, by the St. Louis Broadcast Coalition. *Summary:* The Commission considers the St. Louis Broadcast Coalition's petition to deny the license renewal application of Doubleday Broadcasting for Station KWK in St. Louis, Missouri, for the licensee's alleged failure to meet promises made in a prior application concerning progamming and minority employment.

Renewal—3—*Title:* Competing applications of Tele-Broadcasters of California, Inc. for renewal of license of Station KALI, San Gabriel, California and Life Broadcasting Company, Inc. for a construction permit. *Summary:* The Commission considers designating the mutually exclusive applications for hearing in a consolidated proceeding.

Renewal—4—*Title:* License renewal application of Washington Radio, Inc., for Station WTOP, Washington, D.C. *Summary:* Vivian Goodman filed a petition to deny the license renewal application for Station WTOP. The petition to deny charges that licensee engaged in discriminatory employment practices. The Commission considers petitioner's allegations.

Renewal—5—*Title:* License Renewal Applications of KQED, Inc., San Francisco, California. *Summary:* A number of local community organizations in San Francisco, including the Committee to Save KQED and the Community Coalition for Media Change, have filed petitions for reconsideration of the Commission's Order of May 14, 1980. That Order granted renewal to three San Francisco stations, KQED–FM, KQED–TV and KQEC–TV, licensed to KQED, Inc. The Commissioin now considers whether new facts presented by the petitioners warrant reconsideration. Also, the same community organizations have filed a petition to deny the present renewal applications of KQED, Inc. That petition is also considered.

Aural—1—*Title:* Application of Salter Broadcasting Company to change the facilities of AM station WFVR, Aurora, Illinois. *Summary:* The Commission considers whether to waive Section 73.37(a) of its Rules and accept the application for filing.

Aural—2—*Title:* Application for review of Commission denial of complaint filed by Mr. William J. Rueff, Jr. against existing operation of FM Station WKYU–FM, Western Kentucky University, Bowling Green, Kentucky. *Summary:* Mr. Charles Black has filed an application for review of the Broadcast Bureau action denying the above-referenced complaint.

Television—1—*Title:* Application of Clay Broadcasting Corporation for a construction permit for minor changes in the facilities of WWAY–TV, Channel 3, Wilmington, N.C. *Summary:* Eastern Carolinas Broadcasting Company, Inc. alleges that Clay's proposed move would cause "UHF impact" to WPDE–TV, Channel 15, Florence, S.C. The Commission will consider Eastern's informal objection to Clay's application and Eastern's motion to consolidate the application with those of four Charleston, S.C. stations.

Television—2—*Title:* Request by Ponce Television Corporation, licensee of Station WLUZ–TV, Ponce, Puerto Rico, for dual-city identification authority as "Ponce-San Juan." *Summary:* The Commission will consider oppositions to this request by Telemundo, Inc. and Puerto Rico Broadcasting, Inc.

Broadcast—1—*Title:* Reregulation and Rules Oversight of Radio and TV Broadcasting. *Subject:* Modification, clarification, elimination of updating or rules and policies as follows:

—Relaxing § 73.653, Operation of aural and visual TV transmitters responding to certain needs of STV licensees;
—Eliminating station ID requirements for STV stations during scrambled programming;
—Clarifying of 72 hour prior to election day proviso in political editorial rule.
—Revising current Policy listings and adding new Policies:
§ 73.4065, Combination advertising rates; Joint sales practices;
§ 73.4082, Comparative broadcast hearings—specialized programming formats;
§ 73.4246, Stereophonic pilot subcarrier use during monophonic programming;
§ 73.4247, STV: competing applications;
§ 73.4267, Time brokerage.

Broadcast—2—*Title:* Reregulation and Rules Oversight of Radio and TV Broadcasting. *Summary:* Modification and clarification of rules pertaining to:

—Classes of AM broadcast channels.
—Designation of new class of AM broadcast station as Class II–C.

Broadcast—3—*Title:* Petition for Reconsideration of Staff Denial of Petition

for Rule Making to Require that Agreements Between Broadcast Licensees and the Public Be Announced Over the Licensee's Station and Filed With the Commission. *Summary:* Petitioner seeks Commission reconsideration of the Broadcast Bureau's dismissal (under delegated authority) of its rule making petition.

Broadcast—4—*Title:* Petition for Reconsideration of the Commission's Report and Order in the Matter of Amendment of the Commission's Rules Concerning Program Definitions for Commercial Broadcast Stations by Adding a New Program Type, "Community Service" Program and Expanding the "Public Affairs" Program Category and Other Related Matters. *Subject:* Memorandum Opinion and Order considers and resolves the issues raised in a petition for reconsideration of the Commission's Report and Order in this proceeding (BC Docket No. 78–335).

Broadcast—5—*Title:* Amendment of Subparts E and F of Part 74 to provide for the operation of microwave boosters. *Summary:* The FCC considers proposing rules to govern the operation of microwave boosters to relay the transmissions of aural broadcast studio-transmitter link and intercity relay stations, and TV auxiliary broadcast stations in response to a petition for rule making filed by Marit Electronics, Inc. (RM–2500).

Broadcast—6—*Title:* Reregulation and Rules Oversight of Radio and TV Broadcasting. *Subject:* Modification and clarification of rules pertaining to:

—Creation of a complete listing of all cross references in Part 73 brought about by restructuring the Part;
—undesignated headnotes: to eliminate in Subpart A because they are obsolete since the creation of the alphabetical index, and since many are no longer completely valid;
—Introduction of a new descriptive section in Subpart A to describe "Scope" of the Subpart;
—Recreation of 3 specific, clarified rule sections from two partly obsolescent ones pertaining to AM station transmissions;
—Partial deletion of obsolete §§ 73.41 and 73.42, rewrite viable parts, and insert as paragraph (b) into § 73.1665;
—Collation, rewriting and introducing as one new rule section, the widely spread requirements for equipment performance measurements for various services;
—Creation of one new rule, § 73.1690, combining into one rule section the requirements for changing licensed transmission facilities for AM, FM, NCE–FM and TV stations.

Complaints and Compliance—1—*Title: Ex Parte* Communications by Desert Empire Television corporatio, Licensee of Station KMIR–TV (NBC, Channel 36) Palm Springs, California. *Summary:* On September 22, 1981, the Commission issued a Notice of Apparent Liability for forfeiture, in the amount of $6,000, to Desert Empire Television Corporation, licensee of Station KMIR–TV, Palm Springs, California, for engaging in *ex parte* written communication with individual members of the Commission and with Congressman Thomas P. O'Neill, Jr., concerning a then pending, restricted and adjudicative proceeding, in willful and repeated violtion of Sections 1.1223(b) and 1.1225(a) of the Commission's Rules. The Commission now has under consideration the licensee's request that the forfeiture either be rescinded or substantially reduced.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 6, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–2982 Filed 1–7–82; 10:13 am]

BILLING CODE 6712–01

5

FEDERAL ENERGY REGULATORY COMMISSION

January 6, 1982.

TIME AND DATE: 10 a.m., January 13, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—741st Meeting—January 13, 1982, Regular Meeting (10:00 a.m.)

CAP–1. Project No. 2100–018, State of California Department of Water Resources
CAP–2. Project No. 3687–000, Tuolumne County Water District No. 2
CAP–3. Project No. 3530, Western Montana Electric Generating & Transmission Cooperative; Project No. 3956, Energenics Systems, Inc.; Project No. 4400, City of Kalispell, Montana
CAP–4. Project No. 3701, Yakima-Tieton Irrigation District
CAP–5. Project No. 5037–000, Utah Power & Light Co.
CAP–6. Project No. 4296, Seneca Hydroelectric Co., Inc.; Project No. 5217, Niagara Mohawk Power Corp.
CAP–7. Project No. 4224–000, Gregory Wilcox; Project No. 4560–000, City of Montrose, Colorado
CAP–8. Project No. 3671–000, Borough of Central City, Pennsylvania and Mitchell Energy Co., Inc.; Project No. 3855–000, Energenics Systems, Inc.
CAP–9. Project No. 3473, Jack M. Fuls; Project No. 3784, Deschutes Reclamation & Irrigation Co., Inc.; Central Oregon Irrigation District; and North Unit Irrigation District
CAP–10. Project No. 2849, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District
CAP–11. Project No. 3892, Georgia Pacific Corp.; Project No. 4244, Long Lake Energy Corp.
CAP–12. Docket No. ER82–113–000, Superior Water Light & Power Co.
CAP–13. Docket No. ER82–104–000, Public Service Co. of Colorado
CAP–14. Docket No. ER82–89–000, Missouri Public Service Co.
CAP–15. Docket No. ER82–117–000, Iowa-Illinois Gas & Electric Co.
CAP–16. Docket No. ER81–779–000, Pennsylvania Power Co.
CAP–17. Docket No. ER78–194, The Cleveland Electric Illuminating Co.
CAP–18. Docket No. ER78–338 (Phase I and II), Public Service Co. of New Mexico
CAP–19. Docket Nos. ER81–353–000, ER81–354–000, ER81–380–000, ER81–381–000 and ER81–586–000, The Dayton Power & Light Co.
CAP–20. Docket No. ER81–179–001, Arizona Public Service Co.
CAP–21. Docket Nos. E–9548 and E–9549, City of Mishawaka, Indiana, et al., v. Indiana & Michigan Electric Co., et al., and City of Anderson, Indiana v. Indiana and Michigan Electric Co., et al.; Docket Nos. ER76–710, ER76–382 and ER81–105, Indiana and Michigan Electric Co.
CAP–22. Docket Nos. ER81–448–000, ER81–474–000, ER81–382–000, ER81–386–000 and EL82–1–000, APS–PJM Interconnection Agreement, et al.
CAP–23. Project Nos. 5175 and 5176 Bluepond Associates
CAP–24. Project No. 5413–000, E.R. Jacobson
CAP–25. Project No. 3415, County of Mingo, West Virginia; Project No. 3655, City of Summerville, West Virginia; Project No. 3972, Energenics Systems, Inc.; Project No. 4151, City of Bedford, et al.
CAP–26. Project No. 3215, Water Power Development Corp., Emery Mills Dam
CAP–27. Project No. 5351, Tehama County Flood Control & Water Conservation District
CAP–28. Docket Nos. ER80–592, et al., Allegheny Power System, et al., Docket Nos. ER80–627, ER80–628, ER80–640, ER80–646, ER80–672, ER80–785, ER81–5 and ER81–368, American Electric Power Service Corp.

Consent Miscellaneous Agenda

CAM–1. Docket No. RM81–33, Regulations under Federal Power Act providing for inclusion of construction work in progress in rate base
CAM–2. Ohio Edison Co.
CAM–3. Docket No. RM81–17, definition of agricultural use in section 282.202(a) of the

Commission's Incremental Pricing Regulations
CAM–4. Docket No. RM79–76 (Utah–4), high-cost gas produced from tight formations
CAM–5. Docket No. RM79–76 (New York–1), high-cost gas produced from tight formations
CAM–6. Docket No. RM79–76 (Colorado–17), high-cost gas produced from tight formations
CAM–7. Docket No. RM79–76 (Colorado–20), high-cost gas produced from tight formations
CAM–8. Omitted.
CAM–9. Docket No. RO79–7, Propane Gas & Appliance Co.

Consent Gas Agenda

CAG–1. Docket No. TA82–1–44–001 (PGA82–2), Commercial Pipeline Co., Inc.
CAP–2. Docket No. TA82–1–33–001 (PGA82–1a), El Paso Natural Gas Co.
CAG–3. Docket No. TA81–1–32–001 (PGA82–1a), Colorado Interstate Gas Co.
CAG–4. Docket No. RP82–27–000, El Paso Natural Gas Co.
CAG–5. Docket No. RP82–26–000, Valero Interstate Transmission Co.
CAG–6. Docket No. RP78–61–007, Mountain Fuel Resources, Inc.
CAG–7. Docket No. RP81–3–000, Southwest Gas Corp.
CAG–8. Docket No. RP80–145, Columbia Gulf Transmission Co.; Docket No. RP80–146, Columbia Gas Transmission Corp.
CAG–9. Docket Nos. CI78–414–000 and CI81–501–000, Amoco Production Co.; Docket Nos. CI81–506–000, CI81–493–000 and CI81–509–000, Conoco, Inc.; Docket No. CI82–1–000, Florida Exploration Co.; Docket No. CI81–437–000, Sonat Exploration Co.; Docket Nos. CI81–438–000 and CI76–52–001, Arco Oil and Gas Co., Division of Atlantic Richfield Co.; Docket Nos. CI67–461–000, CI77–518–004, CI77–519–004, and CI82–4–000, Exxon Corp.; Docket No. CI81–16–002, Union Oil Co. of California; Docket No. CI81–494–000, McMoran Offshore Exploration Co.; Docket No. CI76–73–001, Hondo Oil & Gas Co.; Docket No. CI81–508–000, Transco Exploration Co.; Docket No. CI77–53, Chevron USA, Inc.; Docket No. CI75–138–001, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI78–208–004, Chevron U.S.A. Inc.
CAG–10. Docket No. CI81–437–000, Sonat Exploration Co.
CAG–11. Docket No. RI80–16, Transocean Oil, Inc.
CAG–12. Docket No. RP76–3, The Inland Gas Co., Inc.
CAG–13. Docket No. CP81–495, Mississippi River Transmission Corp.
CAG–14. Docket No. CP82–5–000, Columbia Gas Transmission Corp.
CAG–15. Docket No. CP81–385–000, Consolidated Gas Supply Corp.
CAG–16. Docket No. CP81–434–000, Montana-Dakota Utilities Co.
CAG–17. Dockets Nos. RP82–10–000 and RP81–54–000, et al., Tennessee Gas Pipeline Co.

Power Agenda

I. Licensed Project Matters

P–1. Project No. 405, Susquehanna Power Co. and Philadelphia Electric Power Co.
P–2. Project No. 2812, Appalachian Power Co. (Brumley Gap)
P–3. Project No. 2409, Calaveras County Water District

II. Electric Rate Matters

ER–1. Docket No. ER81–750–000, Iowa Power & Light Co.
ER–2. Docket No. ER76–205, Southern California Edison Co.
ER–3. Docket Nos. ER77–485 and ER77–551, Carolina Power & Light Co.; Docket No. E–9606, North Carolina Electric Membership Corp., Four County Electric Membership Corp., Electricities of North Carolina, and Cities of Bennettsville and Camden, and Camden, South Carolina v. Carolina Power & Light Co.
ER–4. Docket No. EF79–4011, United States Secretary of Energy, Southwestern Power Administration
ER–5. Docket Nos. EF81–2021 and EF81–2011, Bonneville Power Administration
ER–6. Docket No. EL79–20, Buckeye Power, Inc. v. Cincinnati Gas & Electric Co.

Miscellaneous Agenda

M–1. Reserved
M–2. Reserved
M–3. Docket No. SA80–59, Southern Natural Gas Co.

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP82–7–000, Gas Gathering Corp.
RP–2. Docket No. RP82–8–000, Kansas-Nebraska Natural Gas Co., Inc.
RP–3. Docket No. RP80–121, United Gas Pipeline Co.

II. Producers Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. (a) Docket No. CP81–221, Michigan Wisconsin Pipe Line Co.; (b) Docket No. CP81–235–000, Northern Natural Gas Co.; Docket No. CP81–367–000, Transcontinental Gas Pipe Line Corp.
CP–2. Docket No. CP81–293–000, Northern Natural Gas Co., Division of Internorth, Inc.
CP–3. (a) Docket No. CP81–210–000 and CP81–210–001, Texas Gas Transmission Corp.; (b) Docket No. CP81–332, Louisiana Resources Co.; (c) Docket No. CP81–333, Louisiana Intrastate Gas Corp.
CP–4. Docket No. CP81–115–000, West Lake Arthur Corp.
CP–5. Docket No. CP74–35–001, Pacific Offshore Pipeline Co.

Kenneth F. Plumb,

Secretary.

[S–25–82 Filed 1–6–82; 4:42 pm]
BILLING CODE 6717–01–M

6

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, January 14, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Net Worth Amendment
Amendment Concerning Borrowing
Consumer Leasing
No. 2, January 7, 1982.

[S–26–82 Filed 1–7–82; 9:58 am]
BILLING CODE 6720–01–M

7

FEDERAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Thursday, January 21, 1982.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Ethyl Corporation, Docket 9128.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in Ethyl Corporation, Docket 9128.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1891; Recorded Message: (202) 523–3806.

[S–33–82 Filed 1–7–82; 3:28 pm]
BILLING CODE 6760–01–M

8

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Tuesday, January 19, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 22–44 (Casein)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–30–82 Filed 1–7–82; 12:19 pm]
BILLING CODE 7020–02–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 61985, December 21, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., January 14, 1982.

CHANGES IN THE MEETING: The first part of this meeting will be open to the public. The remainder of the meeting is likely to be closed to the public. Portion open to the public:

Possible revision of §§ 2200.201, 2200.202, 2200.203, 2200.206 and 2200.209 of the Commission's rules for simplified proceedings (codified at 29 CFR 2200.200–2200.211).

Portion closed to the public:

Specific cases in the Commission adjudication process. This portion may be closed by a vote taken at the beginning of the portion. Otherwise, it will be open.

Dated: January 6, 1982.

[S–27–82 Filed 1–7–82; 10:05 am]

BILLING CODE 7600–01–M

10

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Thursday, January 14, 1982.

PLACE: Room 432, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–32–82 Filed 1–7–82; 3:17 pm]

BILLING CODE 4410–01–M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 63448, December 31, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, December 28, 1981.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Thursday, January 7, 1982, following the 10:00 a.m. open meeting:

Formal order of investigation.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

January 6, 1982.

[S–31–82 Filed 1–7–82; 2:27 pm]

BILLING CODE 8010–01–M

V
4
7
/
6
J
A
1
1
8
2
UMI

federal register

Monday
January 11, 1982

Part II

Department of the Interior

Fish and Wildlife Service

Proposal to Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposal to Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of United States proposal.

SUMMARY: The United States, as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty. Under the terms of CITES, the party nations may consider such proposals either at their biennial meetings or through a postal procedure between the meetings.

This notice announces the Service's determination that the bobcat is inappropriately included in Appendix II and announces the Service's decision to submit a proposal to remove United States and Canadian populations of the bobcat (*Lynx rufus*) from Appendix II. Information obtained from the states by the former Endangered Species Scientific Authority and the Service shows that the bobcat is not potentially threatened with extinction unless international trade is controlled and that such control also is unnecessary in order to effectively regulate international trade in other species included in CITES appendices.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard M. Mitchell, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: This notice announces the Service's decision to submit a proposal to remove United States and Canadian populations of the bobact (*Lynx rufus*) from Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This decision, based on the best available information from state, public, and private organizations on population status, management, and utilization, will be followed by the submission of a bobact delisting proposal to the CITES Secretariat for consideration through the postal procedure.

Comments Received

A preliminary notice (46 FR 45172; September 14, 1981) announced the Service's intention to determine whether the bobcat should be removed or retained on Appendix II and invited comments on the United States proposal. By the end of the comment period on November 13, 1981, the Service received a total of 15 letters from persons and organizations: 12 in favor of removal of the bobcat from Appendix II of CITES and three opposed. Nine comments in favor of delisting were from the state wildlife agencies of Alaska, Alabama, Arkansas, California, Florida, Nevada, New Mexico, Tennessee, and Texas. The Montana Wool Growers Association, the National Wildlife Federation, and the Texas Sheep and Goat Raisers Association also commented in favor of delisting. Comments against delisting were submitted by the Animal Protection Institute of America, the Defenders of Wildlife, Inc., and the Humane Society of the United States.

Defenders of Wildlife was the only group to submit detailed reasons for their position on the proposal. It contended that the Service's estimate in the delisting proposal that there are between 725,000 and 1,020,000 bobcats in the continental U.S. is based largely upon state submitted estimates and that most of these state estimates are unreliable. The Service's estimate was based not only on state submissions, but also on habitat evaluation, reconstruction data and information contained in numerous reports and scientific articles. The Service feels that this is a reliable estimate of the total U.S. population.

Defenders questioned the Service's use of a value of 0.71 kittens surviving per female, based upon the work of Crowe in Wyoming. Defenders argued that the use of the 0.71 figure yields an unrealistically high estimate of annual recruitment, when in fact, it is quite conservative. The average litter size reported from literature is approximately 2.8 kittens. A survival rate of 0.71 kittens per female would represent an annual recruitment rate of about 28 percent. Crowe (1975) reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 70 percent. Age class data from several states (Alabama, Arkansas, California, Georgia, and Texas) indicates a better kitten survival rate than Wyoming. Thus, the Service was conservative in using Crowe's estimate to calculate that there is an expected annual recruitment of 254,000 to 362,000 young-of-the-year into the national population.

Defenders also contended that the Service failed to consider two analyses of bobcat abundance derived from the Service's Animal Damage Control scent station lines. These analyses of bobcat visits to scent stations provide population trend information which suggests that bobcat populations in the western U.S. have declined dramatically since 1972. However, the scent station survey lines are designed primarily to yield indices of coyote abundance. Because bobcats are not scent hunters and use sight and hearing for seeking prey, many of the individual state surveys show drastic fluctuations in bobcat numbers that may be due to the relatively low response rate of bobcats rather than to a population decline. The survey technique was designed primarily for canids, not bobcats, and the low response rate observed for bobcats increases the difficulty of interpreting results. The data are unreliable as indices of abundance because there is no clear relationship between scent line visits and bobcat abundance.

Defenders also contended that bobcat pelts are so valuable that state controls cannot adequately protect the species. As an example, they aruge that there is considerable interstate illegal trafficking of bobcat pelts. Some illegal traffic undoubtedly occurs, but all states require mandatory tagging and reporting if pelts are to be exported. The Service has authority to confront this problem under the Lacey Act, regardless of whether the bobcat is listed under CITES or not. Defenders felt that much more than 45 percent of the pelts harvested are exported, but trade figures from the Federal Wildlife Permit Office which records the number of all pelts legally exported, show that approximately 45–47 percent of the pelts are exported. Defenders reported that New Mexico pelts bring prices as high as $600 to $650. However, information supplied to the Service showed that while some prime pelts may bring $400 to $450, the average pelt price for 1980–81 was only about $103.

Defenders argued that state conservation measures were inadequate, pointing out that the States of Arizona and Texas permit the taking of bobcats year-round. Their example is only partially true. Both states permit hunting the year-round, but each has a limited trapping season (Arizona:

November 1—February 28; Texas: December 1—January 31). Arizona limits the number of export tags issued, giving out 500 for hunters and approximately 7,000 for trappers. Texas likewise issues a limited number of export tags.

Last, Defenders contended that the Service must prepare an Environmental Impact Statement (EIS) before proposing delisting. The Service determined that this is not a major rule under Executive Order 12291 and is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, an EIS on this proposal was not prepared, but an Environmental Assessment was prepared in accordance with regulations implementing the National Environmental Policy Act (40 CFR 1500–1508).

Basis for Decision

The Service's preliminary notice on delisting of the bobcat (46 FR 45172) included a discussion of the CITES criteria for listing species and deleting them from the appendices. That notice also contained a summary of information about the bobcat. The Service has assembled the best available information in the body of its proposal, which is to be sent to the CITES Secretariat. This information is summarized below. Copies of the full text of the proposal are available from the Service's Office of the Scientific Authority.

The bobcat (*Lynx rufus*) was listed on Appendix II of CITES following the First Meeting of the Conference of the Parties in 1976, when a proposal was adopted to list all Felidae. That proposal lacked supporting evidence of the population status of the bobcat or other individual species. Since the U.S. has opposed the taking of reservations on any species, it refrained from doing so in this case.

In the years since the inclusion of the bobcat in Appendix II, all states within the U.S. that allow the species to be harvested have taken positive steps in conducting surveys and establishing or improving management programs for it. At least 5 years of harvest data and population trend information have been gathered by the ESSA and the Service on a national basis. It is evident from this information that the bobcat is not a currently or potentially threatened species, and that its removal from CITES Appendix II will have no adverse affect on its survival or on the effectiveness of CITES in controlling international trade in other Felidae.

Criteria

According to article II of CITES, Appendix II shall include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

Based on language in the original proposal to list the Felidae in Appendix II, the Service has considered the bobcat to be listed for a combination of reasons (a) and (b) above.

The original listing proposal by the United Kingdom consists of the following statement, without supporting information.

"Inclusion of *Panthera leo* in Appendix I and of all Felidae species in Appendix II except those mentioned in Appendix I and the domestic cat (*Felis catus*):

These proposals extend those from Switzerland to delete certain subspecies from Appendix I, and to place three species on Appendix II. All cats are potentially involved in the fur trade, and the scale of this trade is such that all species must be considered as vulnerable, few populations now remaining unaffected. All wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored. Further, the Indian lion is now so reduced in numbers that it should be placed on Appendix I."

It should be noted that Article II of CITES does not provide for listing species in Appendix II because of a need to monitor trade, although once species are listed, trade in them should be monitored.

The nations participating in CITES adopted criteria for listing and delisting species in Appendices I and II at their 1976 meeting. They agree that:

"Criteria for deletion, or transfer from Appendix I to Appendix II, should require positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an appendix initially. Such evidence should include at least a well documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population."

The parties adopted a further resolution concerning the delisting of species at their 1979 meeting:

"Considering that many species have been included on Appendices I and II of the Convention with little or no supporting information;

Considering also, that criteria for adding species to Appendices I and II (Conf. 1.1) and criteria for deleting species from these appendices (Conf. 1.2) were adopted at the first meeting of the Conference of the Parties (Berne, 1976) to ensure the soundness of decisions on amendments to the appendices;

Observing, however, that these criteria were not applied to inclusions in Appendix I or II that were agreed to before the first meeting of the Conference of the Parties, and observing that there was not adequate time to effectively apply these criteria in inclusions agreed to at that meeting;

Conscious of the need to apply stringent criteria for deletion of species included in Appendix I or II under the criteria for addition, including the requirement of a well-documented population survey;

Convinced, however, that the appendices must be scientifically valid in order that the limited resources for implementing the Convention can be focused on species most in need of protection;

Considering the enormous cost of rigorously documenting the population status of all species in Appendix I or II that were included with little or no information and that apparently do not meet the criteria for addition;

Recognizing, therefore, the need to delete species from Appendix I or II if they were included without supporting information and are not qualified for inclusion under the criteria for addition.

The Conference of the Parties to the Convention

Decides that species included in Appendix I or II during or before the first meeting of the Conference of the Parties may be proposed for deletion from Appendix I or II or for transfer from Appendix I to Appendix II if a careful review of all available information on the status of the species does not lead to the conclusion that the species would be eligible for retention in its present appendix under the adopted criteria. Proposed amendments based on such reviews will be subject to the provisions of Article XV, as are all amendments to Appendices I and II."

Population Status

The proposal to be sent to the CITES Secretariat addresses each of the criteria adopted by participating nations

for the delisting of species. The requirements for a population survey and an indication of the population trend are addressed in this section. The requirement for an analysis of trade potential is addressed below in the sections on trade status and protection.

Presently, the bobcat is found throughout much of the United States, north to the Canadian border, crossing into British Columbia in the west and Nova Scotia in the east, and south into Mexico. The species, even though never plentiful during historic times in the northeast and midwest, has been extirpated only in the most densely populated areas of eastern states and some intensively cultivated midwestern states of the U.S. (Peterson and Downing, 1952).

The bobcat is the most numerous and ecologically adaptable felid in North America, inhabiting sagebrush country, semidesert regions, bare mountainsides, montane forests, West Coast chaparral, and woodlands of many types including deciduous and coniferous forests of the east and northeast, subtropical swamp forests of the south and southeast, and dense humid forests of the Cascade Mountains in the northwest, as well as earlier successional stages of these woodlands.

In Mexico, the species is most abundant in the north, but its range extends southward into the temperate highlands. The delisting proposal may be expanded to include the Mexican population if more data on it become available, and if the Government of Mexico concurs in its delisting. The bobcat is distributed along the southern boundary of Canada where evidence suggests a recent invasion since the beginning of this century. This proposal is supported by Canada.

Following the inclusion of all Felidae species in Appendix II of CITES in 1977, all states allowing a harvest of bobcats have had to meet standards (See 46 FR 28192, May 26, 1981, and 46 FR 50774; October 14, 1981) set by the U.S. Scientific Authority in order to export bobcat skins. These criteria require the states annually to furnish harvest figures (numbers taken, number of trappers, and prices paid for pelts), population estimates and trends, habitat assessment (trends), and management plans.

States employ various methods to estimate bobcat numbers. Some states use population models, others use hunter and trapper surveys, a few use line censuses of track data and scent post stations (which show only the relative abundance of bobcats), and many use wildlife habitat inventories and population trends based on harvest data (including information on age-class structure and reproductive condition), or a combination of all the above methods.

In conducting wildlife habitat inventories, states determine the amount of habitat available for bobcats and compare this information to known harvest figures, censuses, direct observations, and other population information. Some states employing this method to estimate populations classify different types of habitat according to relative bobcat abundance. Habitat is classified as supporting high, medium, or low bobcat densities, with each vegetation type assigned a relative abundance designation. In western states, it is assumed that the maximum density of adult bobcats in high density vegetation types is 1 per 18.4 sq. km. based on research conducted by Bailey (1972) in Idaho and Crowe (1975) in Wyoming. Miller and Speake (1979) found the densities of bobcats in the southeastern United States to be 1 per 2.6 sq. km. in high density vegetation types. Jones and Smith (1979) reported a density of 1 bobcat per 3.6–4.1 sq. km. in Arizona, while researchers in California (Lembeck, 1978; Zezulak and Schwab, 1980) have found densities of 1.27 to 1.53 bobcats per sq. km. on their study areas.

An estimate of the number of bobcats occurring in each state is determined by multiplying the densities of bobcats by the area of high, medium, and low density vegetation types. Population estimates derived in this and other ways indicate that there are probably between 725,000 and 1,020,000 bobcats with a mean of 871,000 in the continental U.S.

Bobcats have a lifespan of about 12 years or more in the wild and are sexually active from maturity until death. Females are polyestrous, mating from February to June, with March as the peak season (Crowe, 1975). After a gestation period of 60–63 days, one to four kittens (an average of 2.8—Bailey, 1972; Crowe, 1975) are born from late May to the end of June. The kittens are weaned between 60–70 days of age and remain with the female until they are two-thirds to three-quarters grown (usually early winter, November-December). Female offspring become sexually mature in the following year, but males do not become sexually mature until the second year.

Crowe (1975), based on 25 years of Animal Damage Control data, reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 70 percent, with a 20-year average of 26 percent young survival. Bailey (1972) reported very low natural mortality (about ± 3 percent) once bobcats survived their second winter. Crowe (1975) found that while the young-of-the-year were extremely susceptible to variations in prey populations, adults were resistant to mortality induced by changes in prey abundance. He concluded that survival rates of the young may be the major factor in bobcat population fluctuations.

The density of bobcats in a given area with no human interference is influenced by social behavior, habitat quality, prey base, and interspecific competition. The number of adults in an area appears to remain relatively stable throughout the year (Bailey, 1972). Bobcats space themselves by mutual avoidance throughout their range and avoidance appears to be greatest between animals of the same sex. Bobcats are territorial in nature, following well-established routes and using feces and urine posts (scrapes) to delineate their territory. According to Bailey (1974), the primary function of territoriality appears to be the spacing of individuals, thus ensuring an adequate supply of resources. While territorial in most instances, it appears that bobcats have the behavioral flexibility to accommodate denser population levels and concomitant increased conspecific interaction. Home range overlap has been reported in California populations of bobcats (Lembeck, 1978; Zezulak, 1978).

When old enough to become self-sufficient, bobcats wander in search of available territories. Most transient bobcats appear sexually immature (Bailey, 1972), it is probable they do not rear young until they have permanently settled in an area (established a territory). Adult resident female bobcats appear to prevent transients from rearing young in their territory.

Crowe (1975) calculated age specific surviorship at approximately 67% of the adults surviving each year in the exploited population for Wyoming. The annual recruitment of bobcats into a population is about 0.71 kittens per female, derived as follows. If it is assumed that the average litter size is 2.8 and that the annual kitten survival rate based on a 20-year average is 26 percent, then the annual recruitment rate of new bobcats into a population is 0.71 kittens per breeding female.

Based on state population estimates, and using Crowe's value of 0.71 kittens surviving per female (assuming that the ratio of males to females in the population is nearly equal), the annual recruitment of young-of-the-year into the population would be 254,000 to 362,000 individuals. The sex ratio among 28,432 bobcats caught by government trappers from 1915 to 1956 was 100 males to 77.6

females (Gashwiler et al., 1961). The greater movement of males (since they have a territorial range 4–10 times larger than females) could produce a bias in the sex ratio of trapped animals because of increased opportunities for capture.

Crowe (1975) employed a model for exploited bobcat populations in Wyoming to predict the limits within which harvested bobcats may be expected to respond. He found that 33 percent of the bobcats could be harvested from an area annually without affecting the overall bobcat population. With a recruitment of 254,000 to 362,000 juveniles into an existing population of 725,000 to 1,020,000 adults, the population of bobcats would be anywhere from 979,000 to 1,382,000 before the following hunting and trapping season (usually Nov. 15–Feb. 28). Each state sets a season to manage the bobcat and regulate the harvest. Many states have management plans to annually harvest 10 to 20 percent of the bobcat population. Few exceed this percentage in actual take. In the past 5 years, the reported annual take of bobcats has averaged about 90,000 (from states' annual findings submitted to the Service); thus, the overall U.S. annual take is less than 10 percent of the available population.

Habitat availability and prey abundance appear to be the determining factors because many young-of-the-year and juveniles do not survive beyond their first two years of life. Trapping and hunting are probably taking animals out of that part of the population that ordinarily would die from natural causes. Harvesting animals, at the current rate, has little direct effect on the overall numbers since much of the harvest (approximately 53%) involves nonreproducing individuals (young-of-the-year and juveniles). This is reflected in age-class data compiled by most states. Age-classes 0–1 and 1–2 years are most heavily exploited by hunters and trappers. Nearly 53% of the bobcats harvested annually are in these two age groups. These animals are usually transients and have not established territories or have not been incorporated into the existing breeding population.

Available information furnished annually by the states indicates the bobcat populations in the U.S. have generally remained stable, with little significant increase or decrease since nationwide data collection began in 1977.

Trade Status

Until recently, bobcat pelts had little monetary value and trapping for commercial purposes was not an important reason for taking the animal. Generally, it was treated as a predator and hunted for sport or bounty. In 1971, 40 of the 48 states did not offer protection to the species, including 10 states with bounties. Over the past 5 years, approximately 90,000 bobcats have been harvested annually. Available data from the states show that 55 percent of the harvest is by trappers and 45 percent by hunters. Even with the significant rise in pelt prices and the numbers exported (about 45 percent of all bobcats harvested), the annual harvest has remained stable. This is largely due to the active management programs of the states in controlling the take either by bag limits, quotas, or season length.

Even without regulation by CITES, evidence that much of the harvest is not exported demonstrates that bobcats probably would continue to be harvested in many states at nearly the present level. While trappers take bobcats primarily for the fur trade, which is largely an export market, hunters shoot them for sport and do not regularly sell the pelts since most are damaged. In addition to commercial and sport harvests, a number of animals are removed annually because of their threat to livestock and poultry. In the southeast and southwest where pelts do not bring top prices, much of the harvest involves sport hunting and predator control.

The bobcat pelts harvested for export are used for manufacture into garments, mostly as trim on cloth coats or as full length coats. Generally, only the larger pelts and prime skins are exported. Even with the tremendous rise in fur prices, especially in 1978–79, and the rise in export (from 12 percent in 1976–77 to about 45 percent at present, as documented by CITES permits, beginning in 1977—the apparent rise might be due in part to increasing compliance with CITES by exporters), the harvest of bobcats has not risen significantly. In fact, the harvest for the 1980–81 season has fell below 87,000. The prices paid for pelts reached a peak in 1978–79 ($145) and fell in 1980–81 by at least 30 percent ($103).

Protection

Before 1970, the bobcat was listed as a predator by many states (40) and there were few states with closed seasons or management programs for the species. In 10 states, a bounty was paid for the removal of nuisance bobcats. Presently, no state pays a bounty and all states manage the bobcat as a game animal, furbearer or protected species. Currently (1980–81 season), 11 states list the bobcat as protected against taking and 37 states and 2 Indian Nations allow a regulated harvest of bobcats.

Of the states now allowing bobcat harvest, all have a limited season usually running between November 1–March 31. This season insures against the taking of adults in the breeding season and against the taking of immatures. Thirty-two states require mandatory tagging of all pelts and the reporting of all cats taken. Reporting is usually required within 6 to 7 days after the taking of a bobcat. All states require mandatory tagging and reporting if the pelts are to be exported. Some states have set a seasonal statewide quota and others have established a limit or number (bag limit) that each trapper or hunter can take.

All states within the U.S. now have the population data and management ability needed to regulate the harvest by means of seasons, bag limits, and mandatory tagging and reporting. This is reflected by the change of status of the bobcat in many states from a predator to a game animal or a furbearer and the strict regulation of the harvest. Each state adjusts its harvest season for the purpose of preventing the taking of excess numbers. For example, Nevada reduced its 1980–81 trapping season by one-third and thus reduced the bobcat harvest by 23 percent, and South Dakota will prohibit a bobcat harvest for the 1981–82 and 1982–83 seasons to allow the population to build up.

Each state in the U.S. that allows bobcats to be harvested has established a management program for the species. There is no sound biological basis for establishing additional legal protection. Since approximately 45 percent of all bobcats harvested are exported and the remaining pelts utilized internally or not used at all, the elimination of CITES export requirements would have little impact on the current or future harvest of the species. In effect, each state has determined that export will not be detrimental to the survival of the species when a decision is made to allow an annual harvest. Subsequent establishment of bag limits and periods during which harvest is allowed insure the continued survival of the species.

Similar Species

The lynx is the only animal whose pelt might be mistaken for that of the bobcat. While somewhat similar in appearance to the Canadian lynx (*Lynx canadensis*), the bobcat differs from it in having shorter legs, smaller feet with exposed toe pads, ears tufted slightly or not at all, a longer tail not black all around and white at the tip, and shorter fur.

The final proposal contains illustrations and a full description of characters used to distinguish the bobcat from the lynx or other cats. Pelts of these species are sufficiently distinct that there is no reasonable need to regulate bobcat exports in order to effectively control trade in lynx or other species.

Schedule of Events

The Service will send the bobcat delisting proposal to the CITES Secretariat for consideration through the postal procedure. This procedure, set forth in Article XV of CITES, is as follows:

(a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(b) For marine species, (section omitted).

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under subparagraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no obligation to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of subparagraphs (h), (i), and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against, or in abstention from at least one-half of the Parties within 60 days of the date of notification under subparagraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884, as amended). It was prepared by Dr. Richard M. Mitchell, Office of the Scientific Authority, telephone (202) 653–5948.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: December 11, 1981.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

Literature Cited

Bailey, T. N. 1972. Ecology of Bobcats with Special Reference to Social Organization, Ph.D. Thesis, University of Idaho, Moscow, Idaho, 82 pp.

———. 1974. Social Organization in Bobcat Population, J. Wildl. Management, 38(3): 435–446.

Crowe, D. M. 1975. A Model for Exploited Bobcat Populations in Wyoming, J. Wildl. Management, 39(2): 408–415.

Gashwiler, J., W. Robinette, and O. Morris. 1961. Breeding Habits of Bobcats in Utah. J. Mammal. 42(1): 76–84.

Jones, J. H. and N. S. Smith. 1979. Bobcat density and prey selection in central Arizona. J. Wildl. Manage. 43(3): 666–672.

Lembeck, M. 1978. Bobcat study, San Diego County, California. Final report to California, Dept. of Fish and Game. 22 pp.

Miller, S. D. and D. W. Speake. 1978. Status of the bobcat: An endangered species? Pages 145–153 *in* Proceedings of the rare and endangered wildlife symposium. R. R. Odom and L. Landers, eds. Georgia Dept. Nat. Res., Tech. Bull. WL4.

Peterson, R. L. and S. C. Downing. 1952. Notes on the bobcat (*Lynx rufus*) of eastern North America with the description of a new race. Contr. Royal Ontario Mus., No. 33, 23 pp.

Zezulak, D. S. and R. G. Schwab. 1980. Bobcat biology in a Mojave Desert Community. Final report to California Dept. of Fish and Game. 25 pp.

[FR Doc. 82-549 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

federal register

Monday
January 11, 1982

Part III

Environmental Protection Agency

Hazardous Waste Management System; Standards Applicable to Generators of Hazardous Waste; State Program Requirements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 123 and 262

[SW FRL 1970-3]

Hazardous Waste Management System; Standards Applicable to Generators of Hazardous Waste; State Program Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 26, 1980 and May 19, 1980, under the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA) published regulations establishing a system to manage hazardous waste. Those regulations allowed hazardous waste generators to accumulate hazardous waste on-site without obtaining a permit or meeting financial responsibility requirements if they shipped the waste off-site within 90 days. On November 19, 1980, the Agency published an interim final rule which expanded the scope of the provision to include generators who treat, store or dispose of hazardous waste on-site. The final rule published today retains this change.

As a result of public comments, the Agency is making several changes to the interim final rule. These changes (1) Clarify that the provision is applicable to all generators, including those who accumulate hazardous waste for the purpose of use, reuse, recycling and reclamation, (2) remove the requirement for use of DOT containers, (3) revise the labelling and marking requirements for wastes accumulated in containers and tanks; and (4) allow an extension to the 90-day accumulation limit in certain cricumstances.

EFFECTIVE DATE: These requirements are effective on January 11, 1982.

ADDRESSES: The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

Rolf P. Hill, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, (202) 755-9150 or the RCRA Hotline at (800) 424-9346 or (202) 554-1404.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the regulations promulgated in February and May 1980, EPA established standards applicable to generators of hazardous waste. [40 CFR Part 262, 45 FR 12722 (February 26, 1980), 45 FR 33140 (May 19, 1980)]. These standards require generators to initiate a manifest to track the movement of hazardous waste, maintain records, and provide proper containers, labels, markings and placards for the transportation of hazardous waste.

Recognizing that many generators would accumulate hazardous waste for a period of time prior to shipping the waste off-site to a hazardous waste management facility, EPA included a provision [40 CFR 262.34] allowing generators to accumulate waste on-site for 90 days or less without having to obtain a RCRA permit for a storage facility under 40 CFR Parts 122 and 264 or to qualify for interim status and comply with the standards in Part 265. EPA's purpose was to reduce the regulations with which a generator must comply during the short accumulation period. However, since holding hazardous waste for a period of 90 days may pose some of the same risks to human health and the environment as long-term storage, § 262.34 contained specific conditions with which the generator had to comply. Section 262.34 required the generator to (1) Ship the waste off-site within 90 days, (2) place the waste in containers or tanks meeting specified technical standards, (3) mark the date accumulation began on the container, (4) properly label and mark the containers, and (5) comply with the regulations concerning preparedness and prevention, contingency plans and emergency procedures. [45 FR 33143.]

On November 19, 1980, [45 FR 76624] the Agency published an interim final rule amending § 262.34. The interim final rule expanded the 90-day accumulation provision to apply not only to hazardous waste which generators send off-site, but also to hazardous waste which they treat, store or dispose on-site. As explained in the preamble to the rule, EPA determined that there was no basis for imposing substantially different requirements on the two groups of generators.

Today's rule makes the November 19, 1980 action final, and makes additional amendments to § 262.34 in response to comments received from the public. Conforming amendments to § 262.10 and Part 123 are also being made to clarify the effect of these amendments on the purpose, scope and applicability of Part 262 and on state RCRA program requirements.

II. Response to Comments

1. *Accumulation for on-site management.*

The interim final rule published November 19, 1980 expanded the applicability of the accumulation time provision in § 262.34 to include generators who treat, store or dispose of their hazardous waste on-site. The Agency solicited comments on whether the accumulation time limit for generators who subsequently manage on-site should be less than 90 days. The vast majority of commenters favored the interim final rule and none of them supported shortening the 90-day period.

In support of the rule, several commenters pointed out the similarities between the time needed to accumulate wastes for economical shipment off-site and the time needed to accumulate wastes for efficient on-site management. Commenters also noted that a more restrictive time period for accumulation prior to on-site management would be inequitable to those generators who currently manage their waste on-site. This inequity could discourage on-site management of wastes in favor of shipping off-site. Moreover, increased off-site shipments would increase the likelihood of transportation-associated incidents resulting in the release of hazardous wastes. The Agency agrees with the comments and maintains the 90-day provision for generators who subsequently manage on-site.

2. *Modification to accumulation areas.*

One effect of the interim final amendment (and the final amendments being promulgated today) is to give generators who treat, store, or dispose of wastes on-site greater latitude to enlarge and relocate temporary waste accumulation areas. These amendments allow 90-day accumulation areas at interim status facilities to be governed by § 262.34. Without these amendments, those areas would be subject to the restrictions on modifications to a facility during interim status in 40 CFR 122.23(c). Several commenters supported the amendment for this reason.

3. *Use, reuse, recycling, and reclamation.*

Many of the commenters who supported the interim final rule also suggested that the provision address situations where waste is accumulated prior to being used, reused, recycled, or reclaimed. Through an oversight, the November 19, 1980 provision did not apply to these situations. The Agency had fully intended to allow such activity and therefore is amending the interim final rule so that § 262.34(a) applies

when a generator accumulates hazardous wastes in tanks or containers for subsequent use, reuse, recycling or reclamation. (It should be noted that wastes which are not sludges and which are defined as hazardous solely because they exhibit one or more of the characteristics described in Part 261 Subpart C are not subject to regulation under Parts 262–265 when used, reused, recycled or reclaimed. 40 CFR 261.6(a). The regulatory status of these wastes is thus unaffected by today's action.)

4. *Use of DOT containers.*

Commenters noted that § 262.34 requires that containers used for 90-day accumulation must meet the Department of Transportation (DOT) packaging requirements referred to in § 262.30. Some commenters felt that applying this requirement to generators who subsequently manage their waste on-site at interim status facilities is inequitable since Part 265 Subpart I does not require that DOT containers must be used for storage during interim status.

The Agency agrees that this situation is inequitable. Originally, § 262.34 applied only to hazardous waste accumulated for off-site shipment. Therefore, it seemed sensible to require use of the containers that would be used in transportation during the 90-day accumulation period as an added but not burdensome means of ensuring safe containment during accumulation. For the reasons expressed by the commenters, the Agency no longer believes that the requirement for DOT containers during accumulation is appropriate. However, EPA also believes it is important to ensure that minimum health and safety standards are met in temporary storage situations. Thus, EPA is replacing the DOT container requirement with a provision requiring compliance with Part 265 Subpart I, the interim status standards for storage in containers. Subpart I contains general good-housekeeping requirements and does not stipulate the type of container to be used. These requirements should provide adequate protection to human health and the environment while giving generators greater latitude in their choice of containers.

The amendment to § 262.34(a) requiring compliance with Part 265 Subpart I applies to all generators, whether or not the waste will subsequently be managed on or off-site. In this case, EPA believes that waste accumulated for on-site management should be regulated equally with waste accumulated for off-site shipment until such waste is transported, or offered for transport. Of course, prior to shipment off-site, generators must comply with § 262.30 for packaging hazardous wastes for transportation. Generators may still wish to use DOT containers during the 90-day period, and this amendment does not preclude them from doing so. In fact, EPA encourages generators who ship waste off-site to accumulate the waste in the same containers in which it will be shipped, and thereby avoid transferring wastes among containers. This is a good management practice which helps to prevent releases to the environment, and inadvertent mixture of incompatible wastes.

5. *Labelling and marking requirements.*

Some commenters expressed the opinion that containers used for accumulation of wastes for subsequent on-site management should not have to be labelled and marked in conformance with §§ 262.31 and 262.32. They claimed that the §§ 262.31 and 262.32 standards are necessary for transportation purposes but are not appropriate when the containers stay on site.

Other commenters questioned whether the labelling and marking requirements for waste to be shipped off-site apply when 90-day accumulation begins, or just prior to transportation.

Originally, § 262.34 applied only to hazardous waste accumulated for off-site shipment. Under those circumstances, EPA believes that a requirement that the same labels and markings that would be used in transportation be used during the 90-day period would enable easier identification of hazardous wastes and not be unduly burdensome. For the reasons expressed by the commenters, the Agency has since concluded that the requirement for DOT labelling and DOT/EPA marking during the 90-day period should be changed. However, EPA also believes it is important to ensure that minimum health and safety standards are met in temporary storage situations. EPA is therefore deleting the DOT labelling and DOT/EPA marking provisions from § 262.34(a) and adding a requirement that generators must clearly mark containers and tanks with the words, "Hazardous Waste". This simple identification procedure will ensure that persons at the generating site are aware of which containers and tanks hold hazardous waste, and will help an EPA inspector to determine a generator's compliance with the other requirements of § 262.34.

One commenter expressed the opinion that the DOT labelling requirement should be maintained for all accumulation of hazardous waste in containers because these labels contain useful information about the contained wastes. The information facilitates communication among personnel and effectuates emergency response to discharge incidents. The Agency agrees that having a detailed description of the contents of each container is a good management practice for some industries, but believes that the specificity of the labelling should be determined by each generator according to the needs of his facility. For regulatory purposes, EPA finds that it is unnecessary to require DOT labelling during 90-day accumulation. Of course, prior to shipment, generators must comply with §§ 262.31 and 262.32 for labelling and marking hazardous waste for transportation. Generators may still wish to use DOT labels and DOT/EPA markings during the 90-day period, and this amendment does not preclude them from doing so.

Section 262.34(a), as promulgated on May 19, 1980, also requires generators to mark containers with the date upon which each period of accumulation begins. This requirement is not changed by today's action.

6. *Extension to 90-Day Limit.*

Several commenters expressed concern regarding the 90-day accumulation time limit in special cases where unforeseen, temporary and uncontrollable circumstances result in wastes being accumulated for longer than 90 days. They have argued that although a generator may make arrangements to have his wastes sent to a management facility within 90 days, occasional circumstances may prevent him from doing so. Examples given have included facility refusals of waste shipments, transporter delays and labor strikes.

Section 262.34(b), as promulgated May 19, 1980, stated that a generator who accumulates hazardous waste for longer than 90 days is operating a storage facility and must have a permit or interim status. A generator who accumulated waste beyound the 90-day time limit due to uncontrollable circumstances and did not have a permit or interim status would be in technical violation of the regulations. He would then be required to obtain a permit to store hazardous waste, even though he may intend to store for only a few days or a week.

To avoid this situation, some generators submitted RCRA permit applications to EPA in order to qualify for interim status as storage facilities. Their intent was to be legally covered if an unexpected event forced them to accumulate wastes beyond 90 days. EPA has discouraged "protective filings" in other situations [see November 19, 1980 45 FR 76635] and believes generators

should not have to file permit applications or comply with the administrative standards of Part 265 simply because they may exceed the 90-day accumulation limit. Rather, the Agency believes the problem identified by the commenters should be addressed directly. Accordingly, EPA is amending § 262.34(b) to allow an extension to the 90-day accumulation provision on a case-by-case basis. This amendment, promulgated in final form today, allows generators to receive an extension of up to 30 days for accumulating wastes if the extension is necessary because of unforeseen, temporary and uncontrollable circumstances. This extension would be issued at the discretion of the EPA Regional Administrator upon the request of the generator. After such extension terminates, the generator must comply with the permitting and facility requirements of 40 CFR Parts 122, 264 and 265 if he continues to store the waste.

Generators are encouraged to withdraw protective filings by contacting their EPA Regional Offices.

7. Duration of accumulation period.

The Agency has also received comments from the regulated community concerning the duration of the 90-day accumulation period. Some commenters claim that the 90-day period is too short for many generators to accumulate enough hazardous waste for economical management on-site or shipment off-site. They believe that generators should be allowed to accumulate hazardous waste without a permit or interim status until a quantity is accumulated which is economical to recycle, transport, or otherwise manage. Although today's action provides for extensions to the 90-day period under extenuating circumstances, it does not address the general adequacy of the 90-day limit. However, the Agency is studying this issue as part of an inclusive Regulatory Impact Analysis of EPA's standards for hazardous waste storage. The analysis will assess the environmental benefits and economic costs of the present rule and assess regulatory alternatives. The analysis is scheduled for completion by Fall of 1982. At that time, the Agency will determine whether and how to adjust the 90-day limit.

8. Satellite accumulation.

In the preamble to the interim final amendment to § 262.34 EPA discussed and solicited comments on the issue of "satellite accumulation areas". Commenters had pointed out that within a manufacturing complex, there may be dozens of places where hazardous wastes are collected during daily operation prior to being taken to a loading dock or other central accumulation area. Currently, the regulations governing accumulation of hazardous waste do not differentiate between accumulation at satellite areas within a generating facility and accumulation at a central loading dock; thus, § 262.34 applies to both situations. Comments received on the issue stated that the requirements of § 262.34 are more stringent than necessary for the accumulation and very short-term storage of wastes at areas where the wastes are generated and initially accumulated, often in small containers, prior to movement to the more centralized on-site accumulation areas. The Agency plans to publish a proposed rule to address this subject.

III. Related topics

1. Conforming Amendments to Parts 262, 123.

Today's final amendments to § 262.34 affect the activities of generators who treat, store or dispose of hazardous waste on-site. Accordingly, EPA must change § 262.10 (Purpose, scope and applicability) and Part 123 (State Program Requirements) to reflect this change. The Agency is therefore amending § 262.10(b) to include § 262.34 as one of the sections with which such generators must comply, and amending §§ 123.34 and 123.128 to modify the requirements for interim and final authorization of state RCRA programs in line with today's changes to § 262.34.

2. Empty Tanks.

Questions have been raised concerning the applicability of the 90-day accumulation provision to accumulation in tanks. As with accumulation in containers, the 90-day period begins the moment the generator first places hazardous wastes in an "empty" tank. The generator then must remove all wastes from his tank within 90 days from the time he first places wastes in the "empty" tank. A tank will be considered "empty" when its contents have been drained to the fullest extent possible. Since many tank designs do not allow for complete drainage due to flanges, screens or syphons, it is not expected that 100% of the wastes will always be removed. As general guidance, a tank should be considered empty when the generator has left the tank's drainage system open until a steady, continuous flow has ceased.

IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this requirement is to allow persons handling hazardous wastes sufficient lead time to prepare to comply with major new regulatory requirements. However, since this amendment has been in effect in substantially the same form since November of 1980, EPA believes it would make little sense to delay the effective date. Accordingly, EPA is making this final rule effective upon promulgation.

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The interim final rule published November 19, 1980 on this subject was the result of comments received from the regulated community concerning the May 19, 1980 rules. Comments received from industry on the November 19 action indicated that the rule would reduce regulatory burden. Today's rule makes the November 19 action final and adds several minor amendments on the subject. These additional changes are being made largely in response to comments received from the regulated community on the interim final rule. The Agency concludes that these amendments are not "major" because they reduce the overall cost of EPA's hazardous waste regulations, do not cause an increase in prices for consumers, industries or other groups, and do not have an adverse effect on the economy of the United States.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

VI. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all final regulations that may have a significant impact on a substantial number of small entities. While this regulation may have a significant impact on a substantial number of small entities, the effect of this regulation would be to reduce the cost and paperwork requirements of EPA's hazardous waste management regulations to hazardous waste generators, including those which are small businesses, small organizations, and small governmental jurisdictions. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601, that this final rule will not have a significant economic impact on a substantial number of small entities.

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

PART 123—STATE PROGRAM REQUIREMENTS

1. The authority citation for Part 123 reads as follows:

Authority: Secs. 2002, 3002, and 3006, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6912 through 6925.

2. In § 123.34, paragraph (c) is revised to read as follows:

§ 123.34 Requirements for generators of hazardous waste.

* * * * *

(c) The State Program must require that generators who accumulate hazardous waste for short periods of time comply with requirements that are equivalent to the requirements for accumulating hazardous wastes for short periods of time under 40 CFR 263.34.

* * * * *

3. In § 123.128, paragraph (b)(4) is revised to read as follows:

§ 123.128 Program requirements for interim authorization for Phase 1.

* * * * *

(b) * * *

(4) The State Program must require that generators who accumulate hazardous waste for short periods of time do so in a manner that does not present a hazard to human health or the environment.

* * * * *

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

4. The authority citation for Part 262 reads as follows:

Authority: Secs. 1006, 2002, 3002, 3003, 3004, and 3005, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925.

5. In § 262.10, paragraph (b) is revised to read as follows:

§ 262.10 Purpose, scope and applicability.

* * * * *

(b) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this Part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazadous waste, § 262.40 (c) and (d) for recordkeeping, § 262.43 for additional reporting and if applicable, § 262.51 for farmers.

* * * * *

6. Section 262.34 is amended by revising paragraphs (a) and (b) to read as follows:

§ 262.34 Accumulation time.

(a) A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:

(1) The waste is placed in containers and the generator complies with Subpart I of 40 CFR Part 265, or the waste is placed in tanks and the generator complies with Subpart J of 40 CFR Part 265 except § 265.193;

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

(4) The generator complies with the requirements for owners or operators in Subparts C and D in 40 CFR Part 265 and with § 265.16.

(b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR Part 264 and 265 and the permit requirements of 40 CFR Parts 122 unless he has been granted an extension to the 90-day period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

[FR Doc. 82-658 Filed 1-8-82; 8:45 am]
BILLING CODE 6560-30-M

V
4
7
/
6
J
A
1
1
8
2

federal register

Monday
January 11, 1982

Part IV

Environmental Protection Agency

Standards for Owners and Operators of Hazardous Waste Disposal Facilities; Interim Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SW-FRL 1999-2]

Standards for Owners and Operators of Hazardous Waste Disposal Facilities; Interim Rule

AGENCY: Environmental Protection Agency.

ACTION: Interim final amendments to rule.

SUMMARY: EPA is today promulgating, in interim final form, amendments to the ground-water monitoring standards for certain hazardous waste surface impoundments used to neutralize corrosive wastes. The amendments provide for a waiver of these standards for any surface impoundment that (1) Contains wastes which are hazardous only because they exhibit the corrosivity characteristic and contains no other hazardous wastes, and (2) is demonstrated to rapidly neutralize the wastes so that there is no potential for migration of any hazardous waste out of the impoundment.

The purpose of today's amendment is to relieve owners and operators of neutralization surface impoundments from having to monitor ground water in cases where such monitoring is not necessary to protect human health and the environment. Since the compliance date for the ground-water monitoring requirements is November 19, 1981, today's limited exception to those requirements is being made effective immediately.

DATE: Today's interim final amendments are effective January 11, 1982.

EPA will accept public comments on the proposed amendments until March 9, 1982.

ADDRESSES: Comments on the interim final amendments should be sent to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulatory docket as follows: "Docket No. 3004, Amendment of § 265.90(c)". Requests for a hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA hazardous waste hotline, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 800/424-9346 (382-3000 in Washington, D.C.). For specific information on this amendment, contact Barry Stoll, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755-9116.

SUPPLEMENTARY INFORMATION:

I. Purpose and Content of the Amendment

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during the "interim status" period. Subpart F (§§ 265.90-265.94) of those regulations established ground-water monitoring interim status standards applicable to land disposal facilities.

Section 265.90(c) provides that all or part of the groundwater monitoring requirements of Subpart F may be waived if the owner or operator demonstrates that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells or to surface water. The demonstration must be in writing and must be certified by a qualified geologist or geotechnical engineer and must establish the potential for migration of the hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer and from that aquifer to water supply wells or surface water. This demonstration must be based on an evaluation of several hydrogeological factors set forth in the regulation.

As presently written, this self-implementing waiver provision is available only when hydrogeological factors reduce the migration potential to a low probability.[1] The regulation does not allow consideration of the disposed wastes' characteristics and the facility design to be used as a basis for reducing monitoring requirements. At the time that the regulation was promulgated, EPA was concerned that the state of knowledge about hazardous wastes and facility designs was not sufficiently certain to justify reductions in the basic monitoring system during interim status. (See 45 FR 33192, May 19, 1980.)

Since the time it promulgated § 265.90(c), EPA has become aware of one situation where it is appropriate to allow a waiver of ground-water monitoring requirements to be based upon consideration of the facility and the wastes disposed in the facility. Several industries operate surface impoundments which contain no hazardous wastes except corrosive wastes which themselves are hazardous only due to their corrosivity. In some cases, these wastes may be placed in the impoundment together with large volumes of non-hazardous wastes. In some of these cases, particularly where active mechanical mixing is performed in the impoundment, it may be reliably demonstrated that the corrosive wastes are neutralized shortly after being placed in the inpoundment. In such cases, there may be no potential for any hazardous wastes to migrate out of the impoundment.

For the neutralization surface impoundments described above, EPA believes that it makes little sense to monitor the ground water beneath the facilities. Therefore, EPA is amending § 265.90 to provide a waiver of Subpart F requirements for these types of facilities upon a demonstration that there is no potential for migration of hazardous wastes out of the facility. The demonstration would have to show, based on consideration of the corrosive wastes and the impoundment, that the corrosive wastes will be neutralized before they migrate out of the facility. The demonstration must be certified by a professional qualified to make this type of technical demonstration, rather than necessarily by a geologist or geotechnical engineer (as required in § 265.90(c)).

It may be that there are types of facilities other than neutralization surface impoundments for which reliable demonstrations can in some instances be made, based upon consideration of the nature of the wastes and of the facility, to show that there is no potential for migration of hazardous waste or hazardous waste

[1] As explained in the preamble to § 265.90(c) (45 FR 33192, May 19, 1980), a complete waiver of all Subpart F monitoring requirements is available only when the owner or operator can demonstrate that there is no potential for migration to water supply wells or surface water.

constituents from the facility. EPA welcomes information (including detailed data) on such facilities.

II. Promulgation of Today's Amendment in Interim Final Form

The compliance date for the existing Subpart F ground-water monitoring requirements is November 19, 1981. Unless today's amendment is promulgated and takes effect immediately, owners or operators of neutralization surface impoundments would be required to comply immediately with the Subpart F requirements even when they can demonstrate that those requirements are unnecessary to protect human health and the environment. Such a result would be contrary to the public interest. Therefore, EPA believes that good cause exists to promulgate today's amendment in interim final form without prior notice and comment.

EPA invites public comment on today's interim final rule. Consistent with its duty to fully consider all comments, EPA will promulgate a final rule as soon as possible after the close of the public comment period.

III. Effective date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to comply with major new regulatory requirements. Today's amendment, however, does not impose a new requirement but rather relaxes an existing requirement. Therefore, the Agency believes it is consistent with the intent of Section 3010(b) to make today's amendment immediately effective.

IV. Regulatory Analysis

Section 3(b) of Executive Order 12291, 40 FR 13193 (February 19, 1981), requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the amendment being promulgated today is not a major rule. As discussed above, this amendment will allow a waiver of ground-water monitoring requirements under a limited set of circumstances. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The information collection requirements in this interim final rule will be submitted to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1980. The information requirements or recordkeeping in this interim final rule will not take place until it has been cleared by the Office of Management and Budget. If OMB approves, the information collection requirements will take effect as set forth in this interim final rule. If not, EPA will revise the information requirements (and this rule if appropriate) to comply with OMB's determination.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. The additional waiver opportunity created by this amendment should, if anything, reduce the burden of compliance with the hazardous waste disposal regulations for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse impact on a substantial number of small entities.

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

PART 265—INTERIM STATUS STANDARDS FOR OWNER AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 265.90 is amended by adding paragraph (e) to read as follows:

§ 265.90 Applicability.

. . . . .

(e) The ground-water monitoring requirements of this Subpart may be waived with respect to any surface impoundment that (1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under § 261.22 of this Chapter or are listed as hazardous wastes in Subpart D of Part 261 of this Chapter only for this reason, and (2) contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

[FR Doc. 82-623 Filed 1-8-82; 8:45 am]
BILLING CODE 6560-50-M

V
4
7
/
6
J
A
1
1
8
2
UMI

Re

INFO

PUB

Code
CFR

Gene
Incor
Printi

Fede
Corre
Daily
Gene
Priva
Public

Sched

Laws
Index
Law

Slip

Presi
Execu
Public
Week

Unite

SERV
Agenc
Autom
Dial-a
Chi
Los
Wa
Librar
Magn
vol
Public
Regul
Speci
Subsc
Subsc
TTY

FEDE

1–128
129–5
589–7
745–9
935–1
1109–

Reader Aids

Federal Register

Vol. 47, No. 6

Monday, January 11, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
November 14, 1912 (Revoked by PLO 6101)	769

5 CFR

410	935
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

7 CFR

Subtitle B	745
2	5, 6
68	129
282	532
425	6
631	130
701	937
800	131
905	589
907	746
910	939
944	747
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1006	814
1007	962
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

40	8
70	8
71	596
73	600
150	8
504	749
506	749
Proposed Rules:	
Ch. XVI	1138
317	1137
378	817
500	161
501	161
503	161

12 CFR

5	132
203	750
213	755
217	9
226	755
327	943
Proposed Rules:	
701	963
702	633

13 CFR

120	9
124	1109

14 CFR

21	756
39	10-14, 759, 1110-1113
71	15-18, 759, 760, 1113-1115
73	18
75	18
97	1115
201	132
207	134
208	134
212	135
231	137
245	761
246	762
298	604
302	138
321	139
380	140
399	140
Proposed Rules:	
Ch. I	817
39	1140-1142

71.....36–38, 1144, 1145
73.....1146
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

16 CFR

305.....18, 19

17 CFR

201.....609

18 CFR

Ch. I.....613
270.....614
282.....20
Proposed Rules:
141.....39
271.....39, 638
273.....638
274.....638

19 CFR

10.....944

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145
Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642

21 CFR

1.....946
2.....946
73.....946
105.....946
170.....946
172.....946
173.....145
193.....616
510.....146
522.....146
Proposed Rules:
20.....162
146.....983
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522

22 CFR

Proposed Rules:
635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

26 CFR

1.....147
Proposed Rules:
1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:
5.....1148
9.....1149–1153

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187

30 CFR

Proposed Rules:
Ch. I.....402
Ch. VII.....820
211.....819
700.....41
701.....41
716.....928
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

Proposed Rules:
543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118
Proposed Rules:
88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
674.....736
675.....736
676.....736
690.....736
Proposed Rules:
674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

40 CFR

52.....762, 763, 947, 948, 1119
60.....950
80.....764
81.....763, 952, 1120
123.....618, 1248
180.....619–623
262.....1248
264.....953
265.....1254
762.....148, 149
Proposed Rules:
52.....191
65.....969
86.....972
123.....1155
180.....651–654
775.....193
799.....973

41 CFR

Ch. 50.....145
Ch. 60.....145
Proposed Rules:
Ch. 60.....402

43 CFR

428.....624
Public Land Orders:
6100.....21
6101.....769
Proposed Rules:
4100.....1155

44 CFR

65.....770
66.....770
70.....771, 772
67.....22
Proposed Rules:
205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:
510.....215
536.....655

47 CFR

2.....953
21.....953
73.....150
74.....150, 953
Proposed Rules:
2.....983
15.....216, 836
73.....58, 837, 983, 985
74.....983

49 CFR

Ch. X.....613
1.....1122
830.....773
1033.....151, 152, 624, 773, 776
1056.....777
Proposed Rules:
1031.....1155
1039.....220
1300.....220
1310.....59

50 CFR

32.....1122–1135
611.....625
662.....629
Proposed Rules:
23.....1242

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

Just Released

Code of Federal Regulations

Revised as of July 1, 1981

Quantity	Volume	Price	Amount
_____	Title 32—National Defense (Parts 40 to 399)	$13.00	$_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

1-12-82
Vol. 47 No. 7
Pages 1257-1366

federal register

Tuesday
January 12, 1982

Highlights

1302 **Energy** DOE/CRE revises Geothermal Loan Guaranty Program.

1315 **Air Transportation—International** CAB issues decision on filing of tariffs that contain specific prices.

1301 **Grant Programs—Energy** DOE/withdraws proposed rule on energy auditor training and certification grants.

1299 DOE proposes to amend program for weatherization assistance to low-income persons.

1308 **Radio** FCC proposes rules on use of AM carrier for utility load management purposes.

1267 **Energy** DOE/FERC revises Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and B)."

1338 **Coal Mining** Interior/GS announces intent to revise mining order on reporting recoverable coal reserves from Federal leaseholds.

1294 **Endangered and Threatened Wildlife** Interior/FWS suspends export of Bobcat taken in 1981–82 SEASON.

1316 **Imports** Commerce/ITA terminates countervailing duty investigation on lamb meat from New Zealand.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

1295 **Fisheries** Commerce/NOAA amends fishery management plan for groundfish of the Bering Sea and Aleutian Islands Area.

1294 Commerce/NOAA allocates Atlantic Mackerel reserve to foreign fishing.

1366 **Sunshine Act Meetings**

Contents

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

Agricultural Marketing Service
RULES
1265 Oranges and grapefruit grown in Tex., and imported oranges

Agricultural Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Grain Inspection Service; Forest Service; Rural Electrification Administration.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
1332 February

Animal and Plant Health Inspection Service
RULES
Plant quarantine, domestic:
1257 Imported fire ant; regulated areas

Civil Aeronautics Board
NOTICES
1314 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
1315 Capitol International Airways Inc.
1315 Competitive marketing of air transportation
1315 Westair Commuter Airlines, Inc., et al.; commuter fitness determinations

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
1316 Tennessee

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Conservation and Renewable Energy Office
PROPOSED RULES
1302 Geothermal loan guaranty program; eligible amounts, project costs determinations, etc.

Customs Service
RULES
Organization and functions; field organization; ports of entry, etc.:
1266 Saginaw-Bay City-Flint, Mich., et al.

Defense Department
NOTICES
Meetings:
1317 Electron Devices Advisory Group
1316, 1317 Science Board task forces (2 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
1353 Woodson, Thomas E., D.O.

Energy Department
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission.
PROPOSED RULES
Residential conservation service program:
1301 Energy auditor training and certification grants; withdrawn
Weatherization assistance for low-income persons:
1299 Sub-grantee selection criteria
NOTICES
Remedial orders:
1326 Atlantic Richfield Co.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
1290 Arkansas
1291 Kentucky
1292 Michigan
Air quality implementation plans; delayed compliance orders:
1293 Arizona
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
1304 Wisconsin
Air quality implementation plans; interstate pollution abatement:
1304 New York, Pennsylvania, and Maine; extension of time
Air pollution control; new motor vehicles and engines:
1306 Nitrogen oxides (NO_x) emission standards; 1981–1984 light-duty diesel-powered vehicles; hearing
Waste management, solid:
1307 Beverage containers, resource recovery facilities, and source separation for materials recovery guidelines; reporting requirements removal
NOTICES
Meetings:
1326 Science Advisory Board

Farmers Home Administration
NOTICES
Environmental statements; availability, etc.:
1312 Seward Energy Group, Ltd., project; fuel grade alcohol production

Federal Communications Commission
RULES
Organization, functions, and authority delegations:
1294 Adjudication Division, General Counsel Office; transfer and name change; correction

PROPOSED RULES
Radio broadcasting:
1308 Utility load management; use of AM carrier
Radio services, special:
1310 Land mobile services; service area measure; 20 miles substituted for 40 dBu; extension of time
NOTICES
Hearings, etc.:
1326 Redwood Television Ministries, Inc., et al.

Federal Energy Regulatory Commission
RULES
Electric utilities (Federal Power Act):
1267 Annual reports (Form No. 1), class A and B licensees; elimination of unnecessary data requirements
NOTICES
Hearings, etc.:
1317 Alabama Power Co.
1317 Algonquin Gas Transmission Co.
1317 Cincinnati Gas & Electric Co. et al.
1318 Cities Service Gas Co.
1318 Coppock, Thomas W.
1318 El Paso Natural Gas Co.
1321 Lawrenceburg Gas Transmission Corp.
1321 Natural Gas Pipeline Co. of America
1321 Northern Border Pipeline Co.
1322 Ohio Edison Co.
1322 Ohio Power Co.
1322 Pacific Gas & Electric Co.
1322 Sea Robin Pipeline Co.
1323 Southern Natural Gas Co. et al.
1323 Southeastern Power Administration
1324 Tennessee Gas Pipeline Co. (2 documents)
1325 Texas Eastern Transmission Corp.
1325 Valero Interstate Transmission Co.

Federal Grain Inspection Service
NOTICES
Meetings:
1313 Advisory Committee

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
1330 First Federal Savings & Loan Association of Morrilton, Ark.
1330 First Federal Savings & Loan of Florida Keys, Fla.
1330 Investors Federal Savings & Loan Association
1366 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
1330 Agreements filed, etc.
1366 Meetings; Sunshine Act

Federal Reserve System
NOTICES
1366 Meetings; Sunshine Act

Federal Trade Commission
NOTICES
premerger notification waiting periods; early terminations:
1331 Dresser Industries, Inc.
1331 Hilton Hotels Corp.
1332 Rollins Leasing Corp.

Fish and Wildlife Service
RULES
Endangered Species Convention:
1294 Bobcat taken in 1981–1982 season; suspension

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
1289 Tylosin
Food additives:
1288 Synthetic wax polymer
Food for human consumption:
1287 Ice cream, frozen custard, ice milk, and sherbert; identity standards; effective date confirmed
NOTICES
Food additives, petitions filed or withdrawn:
1335 American Cyanamid Co.
1332 Ciba-Geigy Corp.
1334 Reynolds Metal Co. et al.
Medical devices:
1333 Horizon Pharmacal, Inc.; premarket approval of Horizon System
1334 Robbin Associates, Inc.; premarket approval of Normaline Kit
Meetings:
1335 Consumer information exchange; cancellation
1332 Consumer information exchange; location and date change

Forest Service
NOTICES
Environmental statements; availability, etc.:
1313 Six Rivers National Forest, Calif.; California Nickel Corp., Gasquet Mountain mining project

Geological Survey
NOTICES
Mining orders, general:
1338 Reporting recoverable coal reserves from Federal leaseholds; intent to revise

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; National Institutes of Health.

Historic Preservation, Advisory Council
NOTICES
1312 Meetings
1312 Montana; programmatic agreement regarding in-lieu selection of Federal lands

Housing and Urban Development Department
See Interstate Land Sales Registration Office.

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.

International Trade Administration
NOTICES
Antidumping:
1316 Fireplace mesh panels from Taiwan; correction
Countervailing duties:
1316 Lamb meat from New Zealand

Interstate Commerce Commission
NOTICES
Motor carriers:
1341, 1343 Permanent authority applications (2 documents)
1349 Permanent authority applications; restriction removals

Interstate Land Sales Registration Office
NOTICES
Land sales program, State certification applications:
1336 Minnesota

Justice Department
See Drug Enforcement Administration.

Labor Department
See Mine Safety and Health Administration; Occupational Safety and Health Administration.

Land Management Bureau
NOTICES
Opening of public lands:
1337 Oregon

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
1354 Carbon Fuel Co.
1354 Colorado Westmoreland Inc.

National Institutes of Health
NOTICES
Meetings:
1335 Blood Diseases and Resources Advisory Committee
1335 Digestive diseases research; role of fiber optic instrumentation

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
1294 Atlantic mackerel; foreign fishing
1295 Groundfish, Bering Sea and Aleutian Islands area; foreign and domestic fishing

National Park Service
NOTICES
Historic Places National Register; pending nominations:
1340 Arizona et al.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
1356 Baltimore Gas & Electric Co.
1356 Consumers Power Co.
1356 Duke Power Co.
1355 Edlow International et al.
1356, 1357 Metropolitan Edison Co. et al. (2 documents)
1358 Northern States Power Co.
1358 Power Authority of State of New York
1358 Virginia Electric & Power Co.
1366 Meetings; Sunshine Act

Occupational Safety and Health Administration
RULES
State plans; development, enforcement, etc.:
1289 Wyoming
NOTICES
State plans; standards approval, etc.:
1354 Washington

Pension Benefit Guaranty Corporation
PROPOSED RULES
Multiemployer plans:
1304 Mergers and transfers; correction

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
1314 Minnkota Power Cooperative, Inc. (2 documents)

Securities and Exchange Commission
RULES
Accounting bulletins, staff:
1266 Parent company and other financial disclosures, early adoption of new rules; interpretation
NOTICES
Hearings, etc.:
1359 Capital Venture Fund, Inc.
1359 Central & South West Corp.
1361 Narragansett Electric Co.
1362 Tannetics, Inc.
1360 Tucker Anthony Mutual Fund
1362 Winthrop Residential Associates II et al.
Self-regulatory organizations; proposed rule changes:
1364 Chicago Board Options Exchange, Inc.
1364 National Association of Securities Dealers, Inc.
Self-regulatory organizations; unlisted trading privileges:
1361 Midwest Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
1365 Metro Capital Corp.

Synthetic Fuels Corporation
NOTICES
1365 Meetings

Treasury Department
See Customs Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Federal Grain Inspection Service—
1313 Washington, D.C. (open), 1-27-82
Forest Service—
1313 Gasquet Mountain Mining Project, Del Norte, Calif.; environmental impact statement, Crescent City, Calif. (open), 1-27-82

CIVIL RIGHTS COMMISSION
1316 Tennessee Advisory Committee, Knoxville, Tenn. (open), 1-29-82

DEFENSE DEPARTMENT
Office of the Secretary—
1316 Defense Science Board Task Force on Autodin II, Washington, D.C. (closed), 2–18 and 2–19–82
1317 Defense Science Board Task Force on Rapid Deployment Forces, Washington, D.C. (closed), 2–3 and 2–4–82
1317 DOD Advisory Group on Electron Devices, Working Group C (Mainly Imaging and Display), San Diego, Calif. (closed), 1–19–82

ENVIRONMENTAL PROTECTION AGENCY
1326 Science Advisory Board, Washington, D.C. (open), 1–28 and 1–29–82

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse and Mental Health Administration—
1332 National Advisory Council on Alcohol Abuse and Alcoholism, Bethesda, Md. (partially open), 2–1–82
Food and Drug Administration—
1332 Consumer participation, Washington, D.C. (open), date changed from 1–11–82 to 1–22–82
National Institutes of Health—
1335 Blood Diseases and Resources Advisory Committee, Bethesda, Md. 12–2–81
1335 Role of Fiber Optic Instrumentation in Digestive Diseases Research, Bethesda, Md. (open), 1–21 through 1–23–82

HISTORIC PRESERVATION ADVISORY COUNCIL
1312 Memphis, Tenn. (open), 2–3–82

SYNTHETIC FUELS CORPORATION
1365 Board of Directors, Nashville, Tenn. (open), 1–18–82

CANCELLED MEETINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
1335 Consumer participation meeting, St. Louis Park, Minn. (Minneapolis District Office) (open), 1–21–82

HEARINGS

ENERGY DEPARTMENT
1299 Weatherization assistance to low-income persons, Washington, D.C., 1–28–82

ENVIRONMENTAL PROTECTION AGENCY
1306 Waiver of 1981 to 1984 model year oxides of nitrogen (NO_x) emission standard, applicable to light-duty diesel-powered vehicles, Washington, D.C., 1–27–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301 1257
906 1265
944 1265

10 CFR
Proposed Rules:
440 1299
457 1301
790 1302

17 CFR
211 1266

18 CFR
141 1267

19 CFR
101 1286

21 CFR
135 1287
175 1288
176 1288
178 1288
558 1289

29 CFR
1952 1289

Proposed Rules:
2672 1304

40 CFR
52 (3 documents) 1290–1292
65 1293
Proposed Rules:
52 (2 documents) 1304
86 1306
244 1307
245 1307
246 1307

47 CFR
0 1294
Proposed Rules:
2 1306
73 1306
90 1310

50 CFR
23 1294
611 (2 documents) 1294, 1295
675 1295

Rules and Regulations

Federal Register
Vol. 47, No. 7
Tuesday, January 12, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Imported Fire Ant Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends, on an emergency basis, the imported fire ant quarantine and regulations by adding areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Texas to the list of generally infested areas. The quarantine and regulations, among other things, impose restrictions on the interstate movement of regulated articles from generally infested areas. This action is necessary as an emergency measure to prevent the artificial spread of the imported fire ant.

DATES: Effective date of interim rule: January 12, 1982. Written comments concerning this interim rule must be received on or before March 15, 1982.

ADDRESSES: Written comments concerning this interim rule should be submitted to Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than $1,500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Because of the possibility that the imported fire ant could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 533, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Texas. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that approximately 180 small entities move such articles interstate from the specified areas in those States. Further, the overall economic impact from this action is estimated to be less than $1,500.

Background

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas.

The imported fire ant quarantine and regulations (7 CFR 301.81 through 301.81–10) quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas because of the imported fire ant; and restrict the interstate movement of regulated articles from regulated areas in these States in order to prevent the artificial spread of the imported fire ant.

Under the quarantine and regulations an area may be designated as a regulated area if it is an area in which the imported fire ant has been found, or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas in which eradication of

the imported fire ant is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from both generally infested areas and suppressive areas in order to prevent the artificial movement of the imported fire ant into noninfested areas, and to prevent the reinfestation of suppressive areas after the imported fire ant has been eradicated.

Surveys conducted by inspectors of the U.S. Department of Agriculture and officials of State agencies establish that the imported fire ant has spread, or is likely to spread, to areas not previously listed as regulated areas. Also, eradication of the infestation is not undertaken as an objective in these areas. Therefore, as an emergency measure, it is necessary to add the following areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Texas to the list of generally infested areas:

Alabama

Cherokee County. T. 9 S., R. 9 and 10 E.; T. 10 S., R. 10 E.; and those portions of T. 9 S., R. 8 and 11 E., and T. 10 S., R. 11 E. lying in the county.

Arkansas

Calhoun County. T. 11 and 12 S., R. 13 and 14 W.; T. 13 S., R. 14 and 15 W.; T. 14 S., R. 15 W.; and those portions of T. 11 and 12 S., R. 12 W.; T. 12 and 15 S., R. 15 W., T. 12, 13, 14 and 15 S., R. 16 W.; and T. 17 S., R. 13 W. lying in the county.

Cleveland County. That portion of the county lying south of the south line of T. 10 S.

Columbia County. That portion of the county lying south of the south line of T. 17 S.; W. ½ T. 17 S., R. 18 W.; E. ½ T. 17 S., R. 20 W.; T. 17 S., R. 19 W.; T. 16 S., R. 20 and 21 W.; and those portions of T. 17 S., R. 22 and 23 W., T. 15 and 16 S., R. 22 W., and T. 15 S., R. 20, 21, and 22 W. lying in the county.

Desha County. That portion of the county lying south of the south line of T. 10 S.

Lafayette County. That portion of the county lying west of the east line of R. 25 W., except Secs. 2, 3, 10, and 11, T. 20 S., R. 28 W.

Miller County. The entire county, except T. 15 and 16 S., R. 28 W.

Ouachita County. The entire county.

Georgia

Burke County. That portion of the county lying south of Brier Creek.

Candler County. That portion of the county lying outside Georgia Militia District 1735.

Cherokee County. That portion of the county lying within Georgia Militia District 817.

Cobb County. That portion of the county lying within Georgia Militia Districts 851, 991, 911, 1318, 1540, 1017, 846, 1378, 1608, 895, and that portion of Georgia Militia District 898 lying outside the corporate city limits of the city of Marietta.

Columbia County. That portion of the county lying outside Georgia Militia Districts 129 and 125.

Emanuel County. That portion of the county lying within Georgia Militia Districts 49, 1333, 1429, and 1580.

Floyd County. That portion of the county lying within Georgia Militia Districts 829, 855, 1059, and 1453.

Glascock County. The entire county.

Haralson County. That portion of the county lying within Georgia Militia Districts 1077, 1251, 1745, 1585, and 813.

Jefferson County. That portion of the county lying within Georgia Militia Districts 81, 77, 84.

Jenkins County. That portion of the county lying outside Georgia Militia District 1640.

McDuffie County. That portion of the county lying outside Georgia Militia District 134.

Morgan County. That portion of the county lying within Georgia Militia Districts 281, 399, 277, 276, 285, 1463, and that portion of Georgia Militia District 280 lying north and northwest of State Road S. 1418.

Oconee County. The entire county.

Paulding County. That portion of the county lying within Georgia Militia Districts 942, 951, 839, and 1553.

Richmond County. That portion of the county lying within the Fort Gordon Military Reservation.

Rockdale County. That portion of the county lying with Georgia Militia District 475.

Walton County. That portion of the county lying within Georgia Militia Districts 1663, 250, 415, 454, and 419.

Warren County. The entire county.

Mississippi

Alcorn County. Those portions of T. 2, 3, and 4 S., R. 9 E. and T. 4 S., R. 8 E. lying in the county; and T. 2 and 3 S., R. 8 E.

Carroll County. T. 19 and 20 N., R. 3 E.; and those portions of T. 21 N., R. 2 and 3 E., and T. 19 and 20 N., R. 2 E. lying in the county.

Grenada County. N. ½ T. 22 N., R. 4 E.; T. 22 N., R. 2 and 3 E.; T. 23 N., R. 4 E.; and those portions of T. 23 N., R. 3 E., T. 21 N., R. 2 and 3 E. lying in the county.

Leflore County. N. ½ T. 17 N., R. 2 W.; T. 18 N., R. 1 and 2 W.; T. 19 N., R. 1 W. and R. 1 E.; S. ½ T. 19 N., R. 2 W.; S. ½ T. 20 N., R. 1 E.; and those portions of T. 19, 20 and 21 N., R. 2 E.; T. 18 N.; R. 1 E.; T. 17 N., R. 1 E. and R. 1 W. lying in the county.

Prentiss County. Those portions of T. 4 S., R. 6, 7, and 8 E. lying in the county.

Sunflower County. T. 17 and 18 N., R. 5 W.; T. 18 N., R. 4 W.; and sections 31–36, T. 19 N., R. 4 W.

Yalobusha County. T. 24, 25 and 26 N., R. 4 E.; T. 11 S., R. 4, 5, and 6 W.; T. 12 S., R. 4, 5, and 6 W.; and those portions of T. 11 S., R. 3 and 7 W. lying in the county.

North Carolina

Beaufort County. That portion of the county bounded by a line beginning where State Secondary Road 1129 intersects the Beaufort-Craven County line, thence north along said road to its junction with State Secondary Road 1127, thence east along said road to its junction with Highway 33, thence southeast along said highway to its intersection with State Secondary Road 1100, thence northeast along said road to its junction with Pamlico River, thence southeast along said river to its junction with the Beaufort-Pamlico County line, thence south, southwest and northwest along said county line to its junction with the Beaufort-Craven County line, thence northwest along said county line to the point of beginning.

Bladen County. That portion of the county bounded by a line beginning at a point where U.S. Highway 701 Business intersects the Bladen-Columbus County line, thence north along said highway to its junction with State Secondary Road 1700, thence north along said road to its junction with State Secondary Road 1712, thence east along said road to its junction with State Highway 87, thence southeast along said road to its intersection with Carver's Creek, thence east along said creek to its junction with the Cape Fear River, thence northwest along said river to its intersection with State Secondary Road 1730, thence northeast along said road to its junction with State Highway 53, thence southeast along said highway to its junction with State Highway 210, thence north along said highway to its junction with State Secondary Road 1550, thence east along said road to its intersection with the Bladen-Pender County line, thence southeast and southwest along said county line to its junction with the Bladen-Columbus County line, thence southwest, west, and northwest along said county line to the point of beginning.

Craven County. That portion of the county bounded by a line beginning where State Secondary Road 1001 intersects the Craven-Jones County line, thence north along said road to its junction with State Secondary Road 1232, thence east and northeast along said road to its intersection with U.S. Highway 70, thence, easterly along said highway to its intersection with State Secondary Road 1224, thence northerly along said road to its junction with State Highway 55, thence southeast along said highway to its junction with State Secondary Road 1423, thence northeasterly along said road to its intersection with State Secondary Road 1401, thence easterly along said road to its junction with State Secondary Road 1400, thence northeasterly along said road to its junction with State Secondary Road 1482, thence northeast along said road to its junction with U.S. Highway 17, thence northwest along said highway to its junction with U.S. Highway 17 Bypass, thence northwest along said highway to its intersection with State Secondary Road 1638, thence northeasterly along said road to its intersection with the Craven-Beaufort County line, thence southeast along said county line to its intersection with the Craven-Pamlico County line, thence southwesterly along said county line to its intersection with State Secondary Road 1612, thence northwest along said road to its junction with State Secondary Road 1611, thence northwesterly along said road to its junction with State Secondary Road 1620, thence westerly along said road to its junction with State Secondary Road 1617, thence south along said road to its junction with State Secondary Road 1618, thence

westerly along said road to its junction with State Secondary Road 1433, thence southerly along said road to its junction with State Secondary Road 1431, thence southwest along said road to its junction with the Neuse River, thence southerly across said river to its junction with the Trent River, thence southwest and westerly along said river to its junction with the Craven-Jones County line, thence north and northwest along said county line to the point of beginning.

Pender County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1209 intersects the Pender-Sampson County line, thence easterly along said road to its junction with State Secondary Road 1336, thence northeast along said road to its junction with State Secondary Road 1319, thence east along said road to its junction with State Secondary Road 1318, thence southeast along said road to its junction with State Highway 53, thence northeast along said highway to its intersection with the Pender-Onslow County line, thence southeast along said county line to its junction with the Atlantic Ocean, thence southwest along the coastline to its junction with the Pender-New Hanover County line, thence northwesterly along said county line to its junction with the Pender-Brunswick County line, thence west along said county line to its junction with the Pender-Columbus County line, thence northwest along said county line to its junction with the Pender-Bladen County line, thence northeast, northwest, and north along said county line to the point of beginning.

Robeson County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1003 intersects the Lumber River, thence northeast along said river to its junction with State Highway 211, thence east and southeast along said highway to its junction with State Highway 41, thence easterly along said highway to its junction with the Robeson-Bladen County line, thence southerly along said county line to its junction with the Robeson-Columbus County line, thence southwest along said county line to its junction with the Lumber River, thence northerly and westerly along said river to the point of beginning.

South Carolina

Allendale County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Allendale-Barnwell County line, thence northwesterly along said county line to its junction with the boundary line of the U.S. Department of Energy's Savannah River Plant, thence southwesterly along said boundary line to its junction with the Allendale-Barnwell County line, thence southwest along said county line to its junction with the Savannah River, thence southeasterly along said river to its junction with the Allendale-Hampton County line, thence northeasterly along said county line to its junction with the Southern Railway, thence northwesterly along said railway to its junction with State Secondary Highway 47, thence northwest along said highway to its intersection with State Primary Highway 3, thence north along said highway to the point of beginning.

Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 39 intersects the South Fork Edisto River, thence westerly along said river to its intersection with the Barnwell-Aiken County line, thence southwest along said county line to its intersection with the east boundary of the U.S. Department of Energy's Savannah River Plant, thence southerly along said boundary line to its junction with the Barnwell-Allendale County line, thence southeasterly along said county line to its junction with State Primary Highway 3, thence northeast along said highway to its junction with U.S. Highway 278, thence north along said highway to its junction with State Primary Highway 37, thence north along said highway to its junction with State Primary Highway 39, thence northeast along said highway to the point of beginning. Also, that portion of the county bounded by a line beginning at the junction of Barnwell-Allendale County line and the Savannah River, thence northeast along said county line to its junction with the boundary line of the U.S. Department of Energy's Savannah River Plant, thence west and south along said boundary line to the point of beginning.

Dillon County. That portion of the county bounded by a line beginning at a point where State Primary Highway 9 intersects the Dillon-Marlboro County line, thence northeast along said county line to its junction with the South Carolina-North Carolina State line, thence southeast along said State line to its junction with the Dillon-Horry County line, thence southwest along said county line to its junction with the Dillon-Marion County line, thence northwest, southwest, and westerly along said county line to its junction with State Secondary Highway 92, thence northeast along said highway to its junction with State Secondary Highway 46, thence north along said highway to its junction with State Primary Highway 57, thence north along said highway to its junction with the Dillon City line, thence northerly and westerly along said city line to its junction with U.S. Highway 301, thence north along said highway to its junction with the Little Pee Dee River, thence northwest along said river to its junction with State Secondary Highway 23, thence southwest along said highway to its junction with State Primary Highway 9, thence west and northwest along said highway to the point of beginning.

Fairfield County. That portion of the county lying north of a line beginning at a point where State Primary Highway 34 intersects the Broad River, thence east along said highway to its junction with State Primary Highway 200, thence east along said highway to its junction with State Secondary Highway 41, thence east along said highway to its intersection with Little Wateree Creek, thence northeast along said creek to its junction with the Fairfield-Lancaster County line, where the line ends.

Florence County. That portion of the county west and south of a line beginning at the junction of the Great Pee Dee River and Jefferies Creek, thence northwest along said creek to its junction with Clausseen Creek, thence northwesterly along said creek to its junction with State Primary Highway 327, thence southerly and southwest along said highway to its junction with U.S. Highway 52, thence south along said highway to its junction with State Primary Highway 541, thence westerly along said highway to its junction with State Primary Highway 403, thence northwest along said highway to its junction with the Florence-Sumter County line, where the line ends.

Lee County. That portion of the county lying south of a line beginning at a point where U.S. Highway 401 intersects the Lee-Darlington County line, thence southwest along said highway to its intersection with State Primary Highway 341, thence northwest along said highway to its junction with State Secondary Highway 34, thence westerly along said highway to its junction with U.S. Highway 15, thence southwesterly along said highway to its junction with State Primary Highway 441, thence southwesterly along said highway to its junction with State Secondary Highway 25, thence northwesterly along said highway to its intersection with the Lee-Kershaw County line, where the line ends.

Lexington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 378 intersects the Lexington-Saluda County line, thence northeasterly, southerly and easterly along the Lexington County line to its junction with State Primary Highway 6, thence south along said highway to its junction with U.S. Highway 1, thence west along said highway to its junction with State Secondary Highway 204, thence north along said highway to its junction with U.S. Highway 378, thence westerly along said highway to the point of beginning.

Marion County. That portion of the county bounded by a line beginning at a point where U.S. Highway 501 intersects the Marion-Dillon County line, thence easterly and southerly along the Marion County line to its junction with U.S. Highway 378, thence northwest and southwest along said highway to its junction with the Marion-Florence County line, thence northerly along said county line to its junction with U.S. Highway 76, thence southeasterly along said highway to its junction with U.S. Highway 76 Bypass, thence southeast along said highway to its junction with State Secondary Highway 25, thence southeast along said highway to its junction with State Secondary Highway 34, thence southerly along said highway to its junction with State Secondary Highway 9, thence northerly along said highway to its junction with State Primary Highway 41A, thence north along said highway to its junction with U.S. Highway 501, thence northerly along said highway to the point of beginning.

Marlboro County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 23 intersects the Marlboro-Dillon County line, thence northeast along said county line to its junction with State Primary Highway 9, thence northwest along said highway to its junction with State Primary Highway 381, thence southwest along said highway to its junction with State Secondary Highway 29,

thence easterly along said highway to its junction with State Secondary Highway 23, thence southeasterly along said highway to the point of beginning.

McCormick County. That portion of the county bounded by a line beginning at a point where State Primary Highway 88 intersects the McCormick-Edgefield County line, thence northerly along said county line to its junction with State Primary Highway 283, thence westerly along said highway to its junction with State Secondary Highway 179, thence southwest along said highway to its junction with the South Carolina-Georgia State line, thence southeasterly along said State line to its junction with U.S. Highway 221, thence northeast along said highway to its junction with State Primary Highway 28, thence southeast along said highway to its junction with State Secondary Highway 88, thence northeast along said highway to the point of beginning.

Newberry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, thence northerly, easterly, and southerly along the Newberry County line to its junction with Cannons Creek at the Broad River, thence west along said creek to its junction with U.S. Highway 176, thence southeast along said highway to its junction with the Newberry-Richland County line, thence southerly along the Newberry County line to its junction with U.S. Highway 76, thence west and northwest along said highway to the point of beginning.

Williamsburg County. That portion of the county bounded by a line beginning at a point where the Charleston Subdivision of the Florence Division of the Seaboard Coastline Railroad intersects the Williamsburg-Florence County line, thence southwest along said railroad to its intersection with U.S. Highway 521, thence southeasterly along said highway to its junction with State Secondary Highway 30, thence northeasterly along said highway to its junction with State Secondary Highway 254, thence northeasterly along said highway to its junction with State Primary Highway 527, thence southeasterly along said highway to its junction with State Secondary Highway 383, thence east along said highway to its intersection with the Andrews Subdivision of the Savannah Division of the Seaboard Coastline Railroad, thence northerly along said railroad to its junction with State Primary Highway 512, thence southeast along said highway to its intersection with the Williamsburg-Georgetown County line, thence northeasterly along the Williamsburg County line to the point of beginning.

Texas

Aransas County. The entire county.

Bell County. That portion of the county lying west of a line beginning at a point where State Highway 317 intersects the Bell-McLennan County line, thence southwesterly along said highway to its junction with Interstate 35, thence southwesterly along Interstate 35 to the Bell-Williamson County line, where the line ends.

Blanco County. That portion of the county lying north of a line beginning at a point where the Blanco-Gillespie County line is intersected by U.S. Highway 290, thence easterly along said highway to its junction with U.S. Highway 281, thence southerly along said highway to its junction with Farm to Market Road 165, thence northeasterly along said road to the Blanco-Hays County line, and including the city of Johnson City.

Cass County. That portion of the county lying east of U.S. Highway 59 and north of State Highway 77, including the cities of Atlanta and Queen City.

De Witt County. That portion of the county lying west of a line beginning where U.S. Highway 87 intersects the De Witt-Gonzales County line, thence southeasterly along said highway to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its intersection with the De Witt-Goliad County line, where the line ends, and including the town of Westhoff.

Falls County. The entire county, except for that area within a circle having a radius of 3 miles with the center at the junction of State Highway 7 and U.S. Highway 77.

Goliad County. That portion of the county west and south of a line beginning where U.S. Highway 183 intersects the Goliad-Refugio County line, thence northerly along said highway to its junction with U.S. Highway 59, thence westerly along said highway to its junction with State Highway 239, thence northwesterly along said highway to its intersection with the Goliad-Karnes County line, where the line ends.

Hays County. The entire county, except for the area within a semicircle having a radius of 4 miles with the focal point at the intersection of Farm to Market Road 32 and the Hays-Comal County line.

Henderson County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 314 intersects the Van Zandt-Henderson County line, thence south along said road to its junction with Farm to Market Road 315, thence southwesterly along said road to its junction with the Henderson-Anderson County line where the line ends, but excluding the cities of Brownsboro, Moor Station and Poynor.

Hill County. That area within a circle having a radius of 4 miles with the center where State Highway 22 intersects U.S. Highway 77 at the most northern point.

Jim Wells County. That portion of the county lying north of a line beginning at a point where Farm to Market Road 2295 intersects the Jim Wells-Duval County line, thence southeast and east along said road to its junction with State Highway 141, thence east along said highway to its intersection with the Jim Wells-Kleberg County line, but excluding the city of San Diego and the area within a circle having a radius of 5 miles with the center at the intersection of State Highway 359 and U.S. Highway 281.

Kerr County. That portion of the county lying south and west of a line beginning at the intersection of State Highway 41 and the Kerr-Real County line, thence northeasterly along said highway to its junction with State Highway 27, thence southeasterly along said highway to its junction with State Highway 16, thence south and southwest along said highway to its intersection with the Kerr-Bandera County line, where the line ends.

Marion County. That portion of the county lying west of U.S. Highway 59.

McLennan County. That area within a semi-circle having a radius of 4 miles with the focal point at the intersection of State Highway 6 and the McLennan-Falls County line.

Rains County. That portion of the county bounded by a line beginning at a point where U.S. Highway 69 intersects the Rains-Hunt County line, thence southeasterly along said highway to its junction with Farm to Market Road 47, thence southerly and southwesterly along said road to its intersection with the Rains-Van Zandt County line, thence northwesterly along said county line to its junction with the Rains-Hunt County line, thence northerly and easterly along said county line to the point of beginning, but excluding the city of Point.

Refugio County. That portion of the county lying south and west of a line beginning where State Highway 35 intersects the Refugio-Aransas County line, thence northeast along said highway to its junction with Farm to Market Road 774, thence southwesterly along said road to its junction with U.S. Highway 77, thence northeasterly along said highway to its junction with U.S. Highway 183, thence northwesterly along said highway to its junction with the Refugio-Goliad County line, where the line ends.

Rockwall County. That portion of the county lying west of State Highway 205, including the city of Rockwall.

Upshur County. That portion of the county bounded by a line beginning at a point where State Highway 155 intersects the Upshur-Marion County line, thence south along said county line to its junction with the Upshur-Harrison County line, thence south along said county line to its intersection with Farm to Market Road 726, thence southwesterly along said road to its junction with State Highway 154, thence northwesterly along said highway to its intersection with State Highway 155, thence northeasterly along said highway to the point of beginning.

Wilson County. That portion of the county lying east of State Highway 123, including the city of Stockdale.

In addition, certain nonsubstantive changes have been made for purposes of clarity and uniformity.

Revised Text:

Accordingly, § 301.81–2a of the imported fire ant quarantine and regulations (7 CFR 301.81–2a) is revised to read as follows:

§ 301.82-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

Alabama

(1) *Generally infested areas.*

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. The entire county.

Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Cherokee County. That portion of the county lying south of the north line of T. 9 S.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Cleburne County. The entire county.
Coffee County. The entire county.
Colbert County. That portion of the county lying south of the north line of T. 4 S.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Cullman County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Etowah County. The entire county.
Fayette County. The entire county.
Franklin County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lawrence County. T. 4, 5, 6, 7, and 8 S., R. ½, R. 7 W.; T. 4, 5, 6, 7, and 8 S., R. 6 W.; S. ½, T. 7 S., R. 7, 8, and 9 W.; T. 8 S., R. 7, 8, and 9 W.
Lee County. The entire county.
Limestone County. S. ½, T. 3 S., R. 4, 5, and 6 W.; T. 4 S., R. 4, 5, and 6 W.; T. 5 S., R. 4 W.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Marshall County. T. 7 S., R. 1 E.; T. 8 S., R. 1, 2, and 3 E.; T. 9 S., R. 2, 3, and 4 E.; T. 10 S., R. 2, 3, 4, and 5 E.; T. 11 S., R. 3 E.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 and 5 W.; T. 6 S., R. 4 and 5 W.; and that portion of the county lying south of the north line of T. 7 S.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Randolph County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.
Winston County. The entire county.
(2) *Suppressive areas.*
Lauderdale County. Sec. 8, T. 1 S., R. 7 W.

Arkansas

(1) *Generally infested areas.*
Ashley County. The entire county.
Bradley County. The entire county.
Calhoun County. The entire county.
Chicot County. The entire county.
Cleveland County. That portion of the county lying south of the south line of T. 10 S.
Columbia County. The entire county.
Desha County. That portion of the county lying south of the south line of T. 10 S.
Drew County. The entire county.
Lafayette County. The entire county.
Miller County. The entire county.
Ouachita County. The entire county.
Union County. The entire county.
(2) *Suppressive areas.* None.

Florida

(1) *Generally infested areas.* The entire state.
(2) *Suppressive areas.* None.

Georgia

(1) *Generally infested areas.*
Appling County. The entire county.
Atkinson County. The entire county.
Bacon County. The entire county.
Baker County. The entire county.
Baldwin County. The entire county.
Barrow County. That portion of the county in Georgia Militia District 316 south of U.S. Highway 29, excluding the corporate city limits of Auburn and Carl.
Ben Hill County. The entire county.
Berrien County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Brooks County. The entire county.
Bryan County. The entire county.
Bulloch County. The entire county.
Burke County. The entire county.
Butts County. The entire county.
Calhoun County. The entire county.
Camden County. The entire county.
Candler County. The entire county.
Carroll County. The entire county.
Charlton County. The entire county.
Chatham County. The entire county.
Chattahoochee County. The entire county.
Cherokee County. That portion of the county lying within Georgia Militia District 817.
Clarke County. That portion of the county in Georgia Militia District 1467 outside the corporate city limits of Athens.
Clay County. The entire county.
Clayton County. The entire county.
Clinch County. The entire county.
Cobb County. The entire county.
Coffee County. The entire county.
Colquitt County. The entire county.
Columbia County. The entire county.
Cook County. The entire county.
Coweta County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Douglas County. The entire county.
Early County. The entire county.
Echols County. The entire county.
Effingham County. The entire county.
Emanuel County. The entire county.
Evans County. The entire county.
Fayette County. The entire county.
Floyd County. That portion of the county lying within Georgia Militia Districts 829, 855, 1059, and 1453.
Forsyth County. That portion of the county lying within Georgia Militia Districts 879, 1276, and 795.
Fulton County. The entire county.
Glascock County. The entire county.
Glynn County. The entire county.
Grady County. The entire county.
Greene County. That portion of the county lying within Georgia Militia Districts 142, 143, 145, 160, 161, 162, and 163.
Gwinnett County. The entire county.
Hancock County. The entire county.
Haralson County. The entire county.
Harris County. The entire county.
Heard County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. The entire county.
Jefferson County. The entire county.
Jenkins County. The entire county.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. The entire county.
Laurens County. The entire county.
Lee County. The entire county.
Liberty County. The entire county.
Long County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
McDuffie County. The entire county.
McIntosh County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Muscogee County. The entire county.
Newton County. The entire county.
Oconee County. The entire county.
Paulding County. That portion of the county lying within Georgia Militia Districts 942, 951, 839, and 1553.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Polk County. That portion of the county lying within Georgia Militia Districts 1075, 1079, 1223, 1469, and 1570.
Pulaski County. The entire county.
Putnam County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Richmond County. The entire county.
Rockdale County. The entire county.
Schley County. The entire county.
Screven County. The entire county.
Seminole County. The entire county.
Spalding County. The entire county.
Stewart County. The entire county.
Sumter County. The entire county.
Talbot County. The entire county.
Tattnall County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Tift County. The entire county.

Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Twiggs County. The entire county.
Upson County. The entire county.
Walton County. The entire county.
Ware County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.
Worth County. The entire county.
(2) *Suppressive areas.* None.

Louisiana

(1) *Generally infested areas.* The entire State.
(2) *Suppressive areas.* None.

Mississippi

(1) *Generally infested areas.*
Adams County. The entire county.
Alcorn County. That portion of T. 2, 3, and 4 S., R. 9 E. lying in the county; that portion of T. 4 S., R. 8 E. lying in the county; and T. 2 and 3 S., R. 8 E.
Amite County. The entire county.
Attala County. The entire county.
Bolivar County. T. 29 N., R. 6, 7, and 8 W.; T. 21 N., R. 5, 6, and 7 W., and S. ½ T. 22 N., R. 6 W.
Carroll County. The entire county.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. The entire county.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Holmes County. The entire county.
Humphreys County. The entire county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lafayette County. That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and E. ½ R. 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W., and S.E. ¼, T. 6 S., R. 3 W.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Leflore County. That portion of the county lying south of the north line of T. 19 N.; S. ½ of T. 20 N., R. 1 E.; and that portion of T. 20 and 21 N., R. 2 E. lying in the county.
Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Prentiss County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Sunflower County. That portion of the county lying south of the north line of T. 18 N.; sections 31–36, T. 19 N., R. 4 W.; and T. 19 and 20 N., R. 5 W.
Tippah County. That portion of the county lying south of the north line of T. 4 S., and that portion of T. 3 S., R. 5 E. lying in the county.
Tishomingo County. That portion of the county lying south of the north line of T. 5 S.
Union County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county..
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
Yalobusha County. The entire county.
Yazoo County. The entire county.
(2) *Suppressive areas.* None.

North Carolina

(1) *Generally infested areas.*

Beaufort County. That portion of the county bounded by a line beginning where State Secondary Road 1129 intersects the Beaufort-Craven County line, thence north along said road to its junction with State Secondary Road 1127, thence east along said road to its junction with Highway 33, thence southeast along said highway to its intersection with State Secondary Road 1100, thence northeast along said road to its junction with the Pamlico River, thence southeast along said river to its junction with the Beaufort-Pamlico County line, thence south, southwest and northwest along said county line to its junction with the Beaufort-Craven County line, thence northwest along said county line to the point of beginning.

Bladen County. That portion of the county bounded by a line beginning at a point where U.S. Highway 701 Business intersects the Bladen-Columbus County line, thence north along said highway to its junction with State Secondary Road 1700, thence north along said road to its junction with State Secondary Road 1712, thence east along said road to its junction with State Highway 87, thence southeast along said highway to its intersection with Carver's Creek, thence east along said creek to its junction with the Cape Fear River, thence northwest along said river to its intersection with State Secondary Road 1730, thence northeast along said road to its junction with State Highway 53, thence southeast along said highway to its junction with State Highway 210, thence north along said highway to its junction with State Secondary Road 1550, thence east along said road to its intersection with the Bladen-Pender County line, thence southeast and southwest along said county line to its junction with the Bladen-Columbus County line, thence southwest, west, and northwest along said county line to the point of beginning.

Brunswick County. The entire county.
Carteret County. The entire county.
Columbus County. The entire county.
Craven County. That portion of the county south and east of a line beginning where State Secondary Road 1001 intersects the Craven-Jones County line, thence north along said road to its junction with State Secondary Road 1232, thence east and northeast along said road to its intersection with U.S. Highway 70, thence easterly along said highway to its intersection with State Secondary Road 1224, thence northerly along said road to its junction with State Highway 55, thence southeast along said highway to its junction with State Secondary Road 1423, thence northeasterly along said road to its intersection with State Secondary Road 1401, thence easterly along said road to its junction with State Secondary Road 1400, thence northeasterly along said road to its junction with State Secondary Road 1482, thence northeast along said road to its junction with U.S. Highway 17, thence northwest along said highway to its junction with U.S. Highway 17 Bypass, thence northwest along said highway to its intersection with State Secondary Road 1638, thence northeasterly along said road to its intersection with the Craven-Beaufort County line, where the line ends.

Duplin County. That portion of the county bounded by a line beginning at the intersection of State Secondary Road 1704 and State Secondary Road 1705, thence northeast along State Secondary Road 1705 to its junction with the Duplin-Lenoir County line, thence southeast along said county line to its junction with the Duplin-Jones County line, thence southeast along said county line to its intersection with the Duplin-Onslow County line, thence south along said county line to its intersection with North Carolina Highway 24, thence west along said highway to its intersection with Cabin Creek, thence westerly along said creek to its intersection with North Carolina Highway 111, thence northwest along said highway to its junction with State Secondary Road 1704, thence northeast along said road to the point of beginning.

Jones County. The entire county.

Lenoir County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1165 intersects the Lenoir-Duplin County line, thence east along said road to its intersection with State Secondary Road 1111, thence south along said road to its junction with State Secondary Road 1112, thence east along said road to its junction with North Carolina Highway 11, thence north along said highway to its junction with State Secondary Road 1116,

thence east along said road to its junction with U.S. Highway 258, thence south along said highway to its intersection with State Secondary Road 1105, thence east along said road to its intersection with the Jones-Lenoir County line, thence southwest along said county line to its junction with the Lenoir-Duplin County line, thence northwest and north along said county line to the point of beginning.

New Hanover County. The entire county.

Onslow County. The entire county.

Pamlico County. That portion of the county lying west and southwest of the Intra-Coastal Waterway.

Pender County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1209 intersects the Pender-Sampson County line, thence easterly along said road to its junction with State Secondary Road 1336, thence northeast along said road to its junction with State Secondary Road 1319, thence east along said road to its juction with State Secondary Road 1318, thence southeast along said road to its junction with State Highway 53, thence northeast along said highway to its intersection with the Pender-Onslow County line, thence southeast along said county line to its junction with the Atlantic Ocean, thence southwest along the coastline to its junction with the Pender-New Hanover County line, thence northwesterly along said county line to its junction with the Pender-Brunswick County line, thence west along said county line to its junction with the Pender-Columbus County line, thence northwest along said county line to its junction with the Pender-Bladen County line, thence northeast, northwest, and north along said county line to the point of beginning.

Robeson County That portion of the county bounded by a line beginning at a point where the Seaboard Coastline Railroad intersects the North Carolina-South Carolina State Line, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to its intersection with State Secondary Road 1003, thence northeast along said road to its intersection with State Highway 211, thence east along said highway to its intersection with State Highway 41, thence east along said highway to its intersection with the Robeson-Bladen County line, thence southeast along the Robeson County line to its junction with the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning.

(2) *Suppressive areas.* None.

South Carolina

(1) *Generally infested areas.*

Aiken County. That portion of the county bounded by a line beginning at the junction of the Savannah River and the Aiken-Edgefield County line, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River, thence northwest along said river to the point of beginning.

Allendale County. The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.

Bamberg County. The entire county.

Barnwell County. The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.

Beaufort County. The entire county.

Berkeley County. The entire county.

Calhoun County. The entire county.

Charleston County. The entire county.

Clarendon County. The entire county.

Colleton County. The entire county.

Darlington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 401 intersects the Darlington-Lee County line at Lynches River, thence northwest and northeast along said county line to its intersection with State Secondary Highway 131, thence east along said highway to its intersection with State Secondary Highway 290, thence easterly along said highway to its junction with U.S. Highway 401, thence northeast and north along said highway to its intersection with the Great Pee Dee River, thence southerly along said river to its junction with the Darlington-Florence County line, thence southwesterly along the Darlington County line to its junction with the Lynches River, thence northwest along said river to the point of beginning.

Dillon County. The entire county.

Dorchester County. The entire county.

Edgefield County. That portion of the county bounded by a line beginning at a point where State Primary Highway 23 intersects the Edgefield-McCormick County line, thence east along said highway to its intersection with State Secondary Highway 10, thence southeast along said highway to its junction with U.S. Highway 25, thence southeast along said highway to its junction with State Primary Highway 19, thence southeast along said highway to its intersection with the Edgefield-Aiken County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its junction with the Edgefield-McCormick County line, thence north along said county line to the point of beginning.

Fairfield County. The entire county.

Florence County. The entire county.

Georgetown County. The entire county.

Hampton County. The entire county.

Horry County. The entire county.

Jasper County. The entire county.

Kershaw County. That portion of the county lying west and south of a line beginning at the junction of the Kershaw-Lancaster County line and State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.

Lee County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its intersection with the Lee-Darlington County line, thence southerly, westerly and northerly along the Lee County line to the point of beginning.

Lexington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 378 intersects the Lexington-Saluda County line, thence northerly, southeasterly, southerly, and westerly along the Lexington County line to its intersection with State Primary Highway 302, thence north along said highway to its junction with State Primary Highway 6, thence north along said highway to its intersection with U.S. Highway 1, thence west along said highway to its intersection with State Secondary Highway 204, thence north along said highway to its intersection with U.S. Highway 378, thence west along said highway to the point of beginning.

Marion County. The entire county.

Marlboro County. That portion of the county bounded by a line beginning at the junction of State Secondary Highway 611 and the Great Pee Dee River, thence east along said highway to its junction with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 29, thence northeast and east along said highway to its intersection with State Primary Highway 381, thence northeast along said highway to its junction with State Primary Highway 9, thence southeast along said highway to its intersection with the Marlboro-Dillon County line, thence southwest along said county line to its junction with the Great Pee Dee River, thence northwesterly along said river to the point of beginning.

McCormick County. That portion of the county bounded by a line beginning at the junction of State Secondary Highway 179 and the Clark Hill Reservoir, thence northeast along said highway to its junction with State Primary Highway 283 at Plum Branch, thence east along said highway to its intersection with the McCormick-Edgefield County line, thence southerly along said county line to its junction with the Savannah River, thence northwesterly along said river and Clark Hill Reservoir to the point of beginning.

Newberry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, thence northeasterly, easterly, and southerly along the Newberry County line to its intersection with U.S. Highway 76, thence northeast along said highway to the point of beginning.

Orangeburg County. The entire county.

Richland County. The entire county.

Sumter County. The entire county.

Williamsburg County. The entire county.

(2) *Suppressive areas.* None.

Texas

(1) *Generally infested areas.*

Anderson County. That portion of the county bounded by a line beginning at the point where U.S. Highway 287 intersects U.S. Highway 84, thence easterly along said highway to the Anderson-Cherokee County line, thence southeasterly along said county line to its junction with the Anderson-Houston County line, thence westerly along said county line to its intersection with U.S.

Highway 287, thence northwesterly along said highway to the point of beginning, including all of the city of Palestine and all of the town of Elkhart.

Angelina County. The entire county.

Aransas County. The entire county.

Atascosa County. The entire county.

Austin County. The entire county.

Bandera County. That portion of the county bounded by a line beginning at a point where Texas Highway 16 intersects the Bandera-Kerr County line, thence southeasterly along said county line to its junction with the Bandera-Kendall County line, thence southeasterly along said county line to its junction with the Bandera-Bexar County line, thence southwesterly along said county line to its junction with the Bandera-Medina County line, thence southwesterly, westerly, northerly, and westerly along said county line to its intersection with Farm to Market Road 689, thence northerly along said road to its intersection with Texas Highway 16, thence northwesterly along said highway to the point of beginning, including the towns of Bandera and Medina.

Bastrop County. The entire county.

Bee County. That portion of the county bounded by a line beginning at a point where U.S. Highway 59 intersects the Bee-Live Oak County line, thence easterly along said highway to its intersection with Farm to Market Road 351, thence southeasterly along said road to its junction with State Highway 202, thence easterly along said highway to its intersection with the Bee-Refugio County line, thence southwesterly along said county line to its junction with the Bee-San Patricio County line, thence southwesterly and northwesterly along said county line to its junction with the Bee-Live Oak County line, thence northeasterly and northwesterly along said county line to the point of beginning, but excluding the city of Beeville.

Bell County. The entire county.

Bexar County. The entire county.

Blanco County. The entire county.

Bowie County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 2148 intersects Interstate Highway 30, thence easterly along said highway to its intersection with the Texas-Arkansas State line, thence southerly along said State line to its intersection with Sulphur River, thence northwesterly and westerly along said river to its intersection with U.S. Highway 59, thence northerly along said highway to its junction with Farm to Market Road 2148, thence northerly along said road to the point of beginning.

Brazoria County. The entire county.

Brazos County. The entire county.

Burleson County. The entire county.

Caldwell County. The entire county.

Calhoun County. The entire county.

Camp County. That area within a circle having a radius of 3 miles with the center at the intersection of loop 239 and State Highway 11.

Cass County. That portion of the county lying east of U.S. Highway 59 including the cities of Atlanta and Queen City, but excluding the city of Linden.

Chambers County. The entire county.

Cherokee County. The entire county.

Collin County. The entire county.

Colorado County. The entire county.

Comal County. The entire county.

Dallas County. The entire county.

Denton County. The entire county.

De Witt County. The entire county.

Ellis County. That portion of the county lying north of U.S. Highway 287 including the cities of Midlothian and Ennis, but excluding the city of Waxahachie.

Falls County. The entire county.

Fayette County. The entire county.

Fort Bend County. The entire county.

Freestone County. That area within a circle having a radius of 3 miles with the center at the intersection of Farm to Market Road 80 and Main Street in the city of Teague.

Frio County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 463 intersects the Frio-Median County line, thence east along said county line to its junction with the Frio-Atascosa County line, thence south along said county line to its junction with the Frio-LaSalle County line, thence west along said county line to its intersection with Farm to Market Road 1582, thence northwest along said road to its junction with U.S. Highway 81, thence northeast along said highway to its intersection with Farm to Market Road 140, thence northwesterly along said road to its intersection with Interstate Highway 35, thence northerly along said highway to its intersection with Farm to Market Road 462, thence northwest along said road to the point of beginning, including the city of Pearsall and the town of Moore.

Galveston County. The entire county.

Gillespie County. The entire county.

Goliad County. The entire county.

Gonzales County. The entire county.

Grayson County. That portion of the county lying south of a line beginning at a point where State Highway 56 intersects the Cooke-Grayson County line, thence east along said highway to its junction with U.S. Highway 82, thence east along said highway to its intersection with the Grayson-Fannin County line, but excluding the city of Sherman and the towns of Whitesboro, Southmayd, and Bells.

Gregg County. The entire county.

Grimes County. The entire county.

Guadalupe County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Harrison County. The entire county.

Hays County. The entire county.

Henderson County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 314 intersects the Van Zandt-Henderson County line, thence south along said road to its junction with Farm to Market Road 315, thence southwesterly along said road to its junction with the Henderson-Anderson County line, but excluding the cities of Brownsboro, Moor Station and Poynor.

Hill County. That area within a circle having a radius of 4 miles with the center where State Highway 22 intersects U.S. Highway 77 at the most northern point.

Houston County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jim Wells County. That portion of the county lying north of a line beginning at a point where Farm to Market Road 2295 intersects the Jim Wells-Duval County line, thence southeast and east along said road to its junction with State Highway 141, thence east along said highway to its intersection with the Jim Wells-Kleberg County line, but excluding the city of San Diego.

Kendall County. The entire county.

Kerr County. The entire county.

Lavaca County. The entire county.

Lee County. The entire county.

Leon County. The entire county.

Liberty County. The entire county.

Limestone County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Matagorda County. The entire county.

McLennan County. That area within a semi-circle having a radius of 4 miles with the focal point at the intersection of State Highway 6 and the McLennan-Falls County line.

Medina County. That portion of the county bounded by a line beginning at a point where Texas Farm to Market Road 689 intersects the Medina-Bandera County line, thence easterly, southerly, and northeasterly along said county line to its junction with the Medina-Bexar County line, thence south along said county line to its junction with the Medina-Frio County line, thence west along said county line to its intersection with Texas Farm to Market Road 462, thence northwest and north along said road to its intersection with U.S. Highway 90, thence east along said highway to its junction with Texas Farm to Market Road 689, thence northerly along said highway to the point of beginning, excluding the towns of Yancey and Hondo.

Milan County. The entire county.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Navarro County. That area within a circle having a radius of 3 miles with the focal point at the intersection of Texas Highway 31 and Farm to Market Road 1129.

Newton County. The entire county.

Nueces County. The entire county.

Orange County. The entire county.

Panola County. The entire county.

Polk County. The entire county.

Rains County. That portion of the county bounded by a line beginning at a point where U.S. Highway 69 intersects the Rains-Hunt County line, thence southeasterly along said highway to its junction with Farm to Market Road 47, thence southerly and southwesterly along said road to its intersection with the Rains-Van Zandt County line, thence northwesterly along said county line to its junction with the Rains-Hunt County line, thence northerly and easterly along said county line to the point of beginning, but excluding the city of Point.

Refugio County. The entire county.

Robertson County. The entire county.

Rockwall County. That portion of the county lying west of State Highway 205, including the city of Rockwall.

Rusk County. The entire county.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

San Patricio County. The entire county.

Shelby County. The entire county.

Smith County. The entire county.

Tarrant County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 718 intersects the Tarrant-Wise County line, thence southeasterly along said road to its junction with State Highway 496, thence southerly along said highway to its intersection with Interstate Highway 35–W, thence southerly along said highway to its intersection with the Tarrant-Johnson County line, including that portion of the city of Ft. Worth lying east of the above described line.

Travis County. The entire county.

Trinity County. The entire county.

Tyler County. The entire county.

Upshur County. That portion of the county lying south of a line beginning where State Highway 154 intersects the Wood-Upshur County line, thence easterly along said highway to its intersection with State Highway 155, thence northeasterly along said highway to its intersection with the Upshur-Marion County line where the line ends, including the city of Gilmer.

Victoria County. The entire county.

Walker County. The entire county.

Waller County. The entire county.

Washington County. The entire county.

Wharton County. The entire county.

Williamson County. The entire county.

Wilson County. The entire county.

Wood County. That portion of the county lying south of the city limits of Alba, State Highway 182 and State Highway 154, but excluding the cities of Alba and Quitman.

(2) *Suppressive areas.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141; 7 CFR 301.81–2, 39 FR 21117)

Done at Washington, D.C., this 7th day of January 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82–721 Filed 1–11–82; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Parts 906 and 944

[Texas Orange and Grapefruit Reg. 34; Orange Import Reg. 13]

Imported Oranges and Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes minimum grade and size requirements for Texas oranges and grapefruit, and for imported oranges. This action is necessary to assure shipment of ample supplies of fruit of acceptable grade and size in the interest of producers and consumers.

EFFECTIVE DATE: On and after February 8, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on October 29, 1981 (46 FR 53391), which specified grade and size requirements applicable to shipments of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, and for imported oranges, during the period November 9, 1981, through February 7, 1982. That rule provided an opportunity to file comments through November 30, 1981. None were received. This final rule contains the same requirements as specified in the interim rule.

The Texas orange and grapefruit regulation is issued under the marketing agreement, as amended, and Order 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The grade and size requirements applicable to Texas oranges and grapefruit were recommended by the Texas Valley Citrus Committee which locally administers the marketing order program.

The minimum grade and size requirements for imported oranges would be consistent with section 8e (7 U.S.C. 608e–1) of the act. This section requires that whenever specified commodities, including oranges, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The committee estimates the 1981–82 season Texas orange crop at 10,000 carlots (1,000 42.5-pound cartons per carlot), a 15.5 percent increase over last year's production and 24.1 percent above the 1979–80 production level. Fresh shipments are estimated at 5,000 carlots. If realized, this would be 12.3 percent below last season's fresh shipments but 20.2 percent above 1979–80 fresh shipments.

The committee estimates the 1981–82 season Texas grapefruit crop at 17,700 carlots (1,000 40-pound cartons per carlot), 31.1 percent above last year's production and 12.0 percent above production in the 1979–80 season. Fresh shipments are estimated at 10,620 carlots. This would be 14.2 percent above last season's fresh shipments and 26.4 percent above fresh shipments during the 1979–80 season.

The committee estimates that about 50 percent of the Texas orange crop, and 60 percent of the Texas grapefruit crop will be marketed as fresh fruit. In addition to the regulated domestic market (United States, Canada, and Mexico), Texas oranges are sold in the fresh export market, the processed products market, and the local unregulated market within the production area. Fresh shipments of Texas oranges and grapefruit meet considerable competition in major markets from citrus produced in other areas of the country. This season, 3.0 percent of the nation's orange supply and 15.0 percent of the nation's grapefruit supply is expected to be produced in Texas.

Under the terms of the regulation the grade and size requirements would be effective on and after February 8, 1982. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of regulation of shipments of Texas oranges and grapefruit would tend to effectuate the declared policy of the act.

Therefore, a new § 906.365 is added under a new subpart heading *Grade and Size Regulation* and a new § 944.312 is added under Part 944 *Fruits; Import Regulations* to read as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. Section 906.365 is added to read as follows:

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) On and after February 8, 1982, no handler shall handle any variety of oranges or grapefruit grown in the production area unless:

(1) Such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Such oranges are at least pack size 288, as such size if specified in § 2851.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2⁹⁄₁₆ inches;

(3) Such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(4) Such grapefruit are at least pack size 96, as such size is specified in § 2851.630(c) of the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diametes limit for pack size 96 grapefruit in any lot shall be 3⁹⁄₁₆ inches: *Provided*, That any handler may handle grapefruit smaller than pack size 96, provided such grapefruit grade are at least U.S. No. 1 and they are at least pack size 112, as such size is specified in the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefuit in any lot shall be 3⁹⁄₁₆ inches;

(5) An appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment; and

(6) The fruit meets all the applicable container and pack requirements effective under this marketing order.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 2851.680–2851.714) or in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 2851.620–2851.653).

PART 944—FRUITS; IMPORT REGULATIONS

2. Section 944.312 is added to read as follows:

§ 944.312 Orange Import Regulation 13.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any oranges is prohibited on and after February 8, 1982, unless such oranges meet the minimum grade and size requirements specified in paragraphs (a)(1) and (a)(2) of § 906.365 Texas Orange and Grapefruit Regulation 34.

(b) It is hereby determined that oranges imported into the United States are in most direct competition with oranges grown in the Lower Rio Grande Valley in Texas, and that the grade and size requirements specified in this section are the same as those being made effective for Texas oranges in § 906.365.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of oranges that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 10⁷⁄₁₀ bushel cartons, or equivalent quantity, of oranges exempt from the requirements specified in this section, except for oranges which have been inspected and found not to meet such requirements.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 28, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-709 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB–43]

Staff Accounting Bulletin No. 43

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: The interpretation in this Staff Accounting Bulletin indicates the staff's views on early adoption of the new rules for parent company and other financial disclosures announced in Accounting Series Release No. 302.

DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken (202–272–2130) or John W. Albert (202–272–2133), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

January 5, 1982.

Staff Accounting Bulletin No. 43

The staff hereby adds new topic, 6–K, which provides the staff's views on early adoption of the new rules for parent company and other financial disclosures announced in Accounting Series Release No. 302.

Topic 6: Interpretations of Accounting Series Releases

* * * * *

K. Accounting Series Release No. 302—Separate Financial Statements Required by Regulation S–X.

1. Early Adoption.

Facts: Accounting Series Release No. 302, issued in November 1981, announced amendments to Regulation S–X which significantly modified requirements for providing financial information in three separate reporting areas: the parent company

only, unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method, and consolidated subsidiaries engaged in diverse financial-type businesses. The rules become effective for companies with fiscal years ended after March 15, 1982, with earlier implementation encouraged. ASR No. 302 stipulates that where early application is elected, full application of the new rules is required.

Question: Will the requirement for full application of the new rules be interpreted to require that the registrant adopt the amended rules for all three reporting areas when any early adoption of the ASR No. 302 rules is elected?

Interpretive Response: No. Because the new rules generally relate to three separate matters, the requirement for full application of the new rules will be interpreted to require full compliance with the amended rules for those reporting areas for which early adoption is elected. A registrant may elect to early adopt the new rules in one or more of the three reporting areas.

[FR Doc. 82-783 Filed 1-11-82; 8:45 am]
BILLING CODE 6010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80-55; Order No. 200]

Final Rule To Revise FERC Form No. 1, Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) revises Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B) and the corresponding regulations at 18 CFR § 141.1. The changes reduce the number of schedules and data elements in the form, establish or alter threshold reporting levels in certain schedules and change reporting instructions in several schedules. The modifications reduce the number of data elements in the form by approximately 28 percent.

The changes in the form reflect the results of an ongoing Commission program to review all of its reporting requirements, to eliminate those data elements that are not necessary to the Commission's regulatory responsibilities and to reduce the reporting burdens of jurisdictional companies that file the information with the Commission.

EFFECTIVE DATE: This final rule is effective February 5, 1982.

FOR FURTHER INFORMATION CONTACT:
Elaine Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 3405-N, Washington, D.C. 20426, (202) 357-8190.
Daniel G. Lewis, Office of Electric Power Regulations, 825 North Capitol Street NE., Room 302-RB, Washington, D.C. 20426, (202) 376-9227.

SUPPLEMENTARY INFORMATION:
Issued: January 6, 1982.

The Federal Energy Regulatory Commission (Commission) is revising Form No. 1,[1] "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)" [2] and the related regulations at 18 CFR 141.1. These revisions are part of the Commission's ongoing program to review and evaluate information it collects for regulatory purposes and to eliminate any unnecessary reporting requirements. This rulemaking reduces the data collected in Form No. 1 by about 28 percent.

I. Background

Form No. 1 is collected by the Commission under the authority of sections 304 and 309 of the Federal Power Act (16 U.S.C. 792-828c).[3] The information in the form is prescribed in § 141.1 of Commission's regulations.[4] The form requires information on an annual basis from electric utility companies and certain hydroelectric production sources under the Commission's jurisdiction. The form primarily collects general corporate information; summary financial information; balance sheet and income statement supporting information; and electric plant, sales, operating and statistical data.

The Notice of Proposed Rulemaking to revise Form No. 1 was issued on July 10, 1980 (45 FR 47705, July 16, 1980). The notice provided for changes to 55 schedules in the Form No. 1. The proposed revisions included: (1) eliminating the requirement for Certified Public Accountant certification on fourteen of the eighteen schedules presently requiring such certification, (2) establishing specific reporting thresholds for eight schedules, (3) revising the instructions on nine schedules, (4) deleting reporting columns from four schedules, and (5) deleting thirty-five schedules in their entirety. The Commission stated that it proposed the deletions because it no longer needed the information to perform its regulatory functions. The changes to the form would also result in a reduction in reporting burdens. The notice also provided that this rulemaking would not affect Schedules 431-502 of Form No. 1; instead these schedules would be examined during the Commission's evaluation of related reporting requirements. In addition, the notice provided that modified versions of the form which are filed by certain Federal entities would be considered in a separate rulemaking.[5]

In response to requests by the public, the Commission published two notices to extend the comment period and to provide that the Commission staff would meet informally with interested persons who wished to discuss the rulemaking.[6] Such informal meetings were held on October 9, 14, and 16, 1980.

II. Summary and Analysis of Comments

A. General

In response to the Notice of Proposed Rulemaking, the Commission received 121 comments: 65 from jurisdictional electric utility companies, 13 from state utility regulatory commissions, three from certified public accountant firms, one from a group of cooperatives, one from a group of municipalities and the

[1] Form No. 1 (Appendix C) is not being printed by the **Federal Register**. Appendix A is also not being printed by the **Federal Register**. Appendix A contains the list of commenters and the discussion of the particular schedules by state agencies and other interested persons or groups. Copies of the Form No. 1 final rule, including appendices, may be obtained at the Commission's Division of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055. Blank copies of the form may be obtained at the Energy Information Administration.

[2] A Class A electric utility is one having annual electric operating revenues of $2,500,000 or more. A Class B electric utility is one having annual electric operating revenues of $1,000,000 or more but less than $2,500,000. *See* Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B), 18 CFR Part 101.

[3] The authority under section 309 of the Federal Power Act was transferred to the Commission from its predecessor, the Federal Power Commission, pursuant to section 402(a)(2)(A) of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101-7352). The authority under section 304 was transferred to the Secretary of Energy under the DOE Act and the Secretary delegated this section 304 authority to the Commission in Delegation Order No. 0204-1 (October 1, 1977).

[4] Form No. 1 was initially prescribed in 1937. The form has been revised 65 times prior to this final rule.

[5] On May 25, 1981, the Commission issued a final rule to eliminate these modified versions of Form No. 1 that are filed by Federal entities under § 141.1 (Docket No. RM81-3, Order No. 146, 46 FR 29459, June 2, 1981).

[6] These notices were issued on September 11, 1980 (45 FR 63298, September 24, 1980) and on October 17, 1980 (45 FR 70470, October 24, 1980).

remaining 38 from other individuals or groups.[7]

The utility companies expressed overwhelming support for the changes to Form No. 1 and repeatedly said that the revisions would result in considerable savings of time and cost. In addition, nineteen of the utilities submitted estimates of cost savings that would result from the proposed changes; these estimates varied from $1,800 to $30,000 per year. Many of the companies suggested further changes to the particular schedules, which are discussed in detail in Part E below.

In contrast, most of the other commenters, including the state regulatory commissions, opposed some or all of the proposed deletions to the form. These commenters said that the information in the form proposed for deletion is necessary to their particular functions or to the public. Their comments are discussed in greater detail in Part D, below.

B. Responses to Specific Questions

The Commission posed five questions in the notice to revise Form No. 1. Comments were submitted on each of these questions.

1.a. Do the proposed revisions or elimination of data affect any Commission or State regulatory functions?

Of the twenty-seven investor-owned utility companies that answered this question, seventeen said there would be no effect on Commission or state regulatory functions. Six companies responded that they were not aware of the effect the proposed revisions would have on Commission or state regulatory functions. Four companies said the revisions would affect the regulatory functions of their state commissions because these agencies also require the filing of the Form No. 1 or a form similar to the Form No. 1.

Three state commissions responded directly to this question. One said that the proposed changes in Form No. 1 would affect its regulatory responsibilities and offered specific comments on individual items that would be affected (*see* Appendix A); one said that the proposed revisions may affect state regulatory functions but did not say what the effect would be; and one said that the changes would not affect its functions. The power cooperatives said that the changes would affect the Commission's and the states' regulatory functions because many of the data are necessary for an ongoing enforcement of the Federal Power Act by intervenors acting as "Private Attorneys General" and because many state commissions rely on information in the Form No. 1 or in their equivalent form patterned after the Form No. 1.

1.b. Will state agencies now using this report form in the exercise of their own regulatory responsibilities agree to reduce their reporting requirements concurrently?

The Commission received ten comments from utility companies in response to this question. Three of these stated that their respective state agencies would concurrently reduce the reporting requirements, one said that it would not, and the remaining six said that they did not know.

Eight state commissions responded specifically to this question. Of these, one said that it would reduce its reporting requirements concurrently and the others said that they would continue to collect some or all of the information proposed for deletion from Form No. 1, even though it would require additional expenditures of time and effort to do so.

In spite of the comments that the data should be retained, the Commission believes that it is in the public interest to delete part of the information from the Form No. 1, even though the data may, in some instances, continue to be collected by certain state agencies. Retaining data that are not used by the Commission would place an unnecessary burden on those companies that file Form No. 1 with the Commission as well as on those companies reporting to state agencies that will revise their reporting requirements to correspond with the commission's changes to Form No. 1. Furthermore, the Commission is required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) to minimize both the burdens upon those who file information with the Federal Government and the associated costs of such paperwork for the Federal Government. Justifying the collection of data deleted by the Commission from the Form No. 1 will, therefore, be at the state level.

2. Is there any reason for continued collection of the data for the purposes of another Federal agency?

Sixteen utility companies, one accounting company, and one state commission responded to this question. Thirteen of the utility companies and the accounting firm said there was no reason for the continued collection of the data. Three of the utility companies stated that some of the information proposed for deletion was required by the Internal Revenue Service, the Securities and Exchange Commission and the Department of Energy. The state commission that responded to this question said that there was no reason for continued collection of the data.

Although other agencies may require the collection of data that would be deleted from Form No. 1, the Commission does not believe that this alone is a sufficent reason for retaining the data. Each Federal agency must justify its own information-collection requirements and the Commission does not believe it should collect information only for the convenience of other Federal agencies if it is not otherwise required in its own regulatory processes.

3. What cost savings are likely to result from the proposed elimination of the 14 CPA certifications?

The Commission proposed to delete the certification requirement by Certified Public Accountants (CPA's) from fourteen schedules and retain it for the four basic financial statements required in the revised Form No. 1: the Balance Sheet, the Income Statement, the Statement of Retained Earnings, and the Statement of Change in Financial Position.

Twenty-eight utility companies, three CPA firms, one state commission and one power cooperative responded to this question. The utility companies said that there would be some savings as a result of the elimination of these CPA certifications. Of these companies, six characterized the savings as "significant" and eight said the savings were "insignificant." Actual estimates of savings varied, however, from $750 annually to $6,250. One company said there would be no cost savings at all. Four utility companies could not give estimates of the savings that would result from the elimination of the fourteen CPA certification.

The one state commission responding to this question claimed that there would be no cost savings in eliminating the CPA certification requirement. The power cooperatives said that the CPA certification requirement should be retained "to help ensure the integrity" of the information furnished in Form No. 1.

Two of the CPA firms that responded to this question said that the reduction in costs would be minimal because the basic financial statements in the Form No. 1 would still have to be certified, and these statements are summaries of most of the schedules presently required to be certified in the form. One other CPA firm said that any cost savings could only be measured in relation to individual examinations and not for the industry as a whole.

The Commission has deleted the certification requirement for the

[7] The list of commenters appears at Appendix A.

fourteen schedules because the deletions do not adversely affect the validity of the form. As was noted by two of the CPA firms, the four basic financial statements are essentially summaries of information reported elsewhere in the form, including the fourteen schedules. The continued certification of the fourteen schedules is redundant and, therefore, unnecessary because these schedules are reviewed as part of the certification of the four basic statements.

One of the CPA firms responding to the question also suggested that the Commission require that the CPA report be drafted according to the standards of the American Institute of Certified Public Accountants—Statement on Auditing Standards, No. 14, Special Reports. The commenter added that the CPA report should apply only to financial statements as a whole and not to individual account balances or segment information, or else the scope of the report would be burdensomely increased. Finally, the commenter stated that the CPA report should not cover additional notes to the financial statements that are not in the Report to the Shareholders.

The changes suggested by this company would affect other Commission reporting requirements and are, therefore, beyond the scope of this rulemaking. These suggestions will, however, be considered for any future revisions to the CPA certification requirements.

4. What are the merits of using a percentage of the year end account balance rather than the selected fixed dollar figure in establishing a threshold for "minor items"?

Thirty-two of the utility companies and one CPA firm responding to this question said that they preferred the percentage of the year-end account balance rather than a fixed dollar threshold because the percentage threshold would eliminate much burdensome detail and result in more reliable reports during times of inflation. They also claimed that the percentage threshold minimized reporting differences due to company size.

One utility company, however, preferred a dollar threshold because of the immateriality of some of the year-end account balances.

Six other utility companies preferred a combination dollar and percentage threshold because the combined threshold would provide pertinent data and still eliminate details that are of questionable value. One of these six preferred the continued use of both methods to properly account for the various respondents' sizes and circumstances.

The four state commissions that responded to the question preferred the dollar amount method because they claimed that percentage reporting may eliminate too many significant data for the large utility companies and may include too much information for the small companies.

The Commission has carefully reviewed each of the comments on the threshold issue in light of its need for detail in the particular schedules. Unfortunately, no one method (dollar, percentage or a combination of both) is suitable to all of the schedules. Therefore, the Commission has used a schedule-by-schedule approach to setting thresholds so that its needs may be met for details unique to each schedule, while at the same time, the reporting burden can be kept to a minimum.

5. What is the effect of deleting the index from the back of the report form?

The Commission received comments from 55 participants, including comments by utility companies, state commissions and others. Twenty of these comments, all from utility companies, said that there would be no significant adverse effect as a result of deleting the index. These were joined by one state commission and one other commenter who said that the index could be eliminated without any adverse effects.

On the other hand, thirteen utilities, one CPA firm, five state commissions and four other commenters objected to the deletion of the index because it is a valuable tool for quickly locating information in the form.

Finally, seven utility companies and three other commenters urged the Commission to retain an index, but added that the current index should be updated and reprinted in larger type.

Given these comments, the Commission has retained the Index, as requested and has revised and reprinted it to be more useful and legible.

C. Other General Issues

1. *Differences in Format Between the Form No. 1 and Form No. 2.* Certain commenters to this rulemaking said that the proposed changes for schedules in the Form No. 1 did not always correspond to the changes proposed for similar schedules in the Form No. 2. Form No. 2 is the "Annual Report of Natural Gas Companies (Class A and Class B)" and is essentially the "gas" counterpart of Form No. 1.[8] Some of the companies that file both Form Nos. 1 and 2 with the Commission or with state agencies argued that schedules common to both forms should be treated similarly so as to reduce reporting burdens.

The Commission has, where possible, made conforming changes to both forms. In many instances, however, it is necessary to require information of electric utilities that is different from that required of the gas companies. This is because of the differences in the operations of electric and gas companies and in the types of statutes and regulations under which they operate. Moreover, the Commission regulates about 80 percent of the total natural gas revenues as compared to only about 15 percent of the total electric revenues, and this factor affects the amount of detailed required for effective regulation.

2. *Duplications in Reports Filed Under PURPA.* Two commenters urged the Commission to eliminate duplications between the requirements in the Form No. 1 and the biennial filings required under section 133 of the Public Utility Regulatory Policies Act (PURPA) (18 CFR Part 290).

Section 133 of PURPA specifically requires that certain information respecting costs of service be collected from utilities and provides that this information is collected for the benefit of the public. Some of the data collected for the public under section 133 is also required by the Commission in Form No 1 for its regulatory purposes. In order to alleviate any burdens resulting from duplicate filings under section 133 and Form No. 1, the Commission will accept copies of the pages of Form No. 1 in response to the section 133 requirements that prescribe the same or similar data.[9] The Commission notes that this involves the duplication of only a few pages of the Form No. 1 and presents only a minimal burden for responding companies.

D. Discussion of General Comments of State Agencies, and Other Interested Persons or Groups

The general comments of the state commissions and other interested persons or groups were concerned with three basic issues: (1) the Commission's

[8] The Commission issued a Notice of Proposed Rulemaking to revise Form No. 2 on July 1, 1980 (45 FR 46075, July 8, 1980), only 9 days before it issued the Form No. 1 notice. In some cases, commenters filed responses to both notices at the same time. Certain other commenters merely referred to the Form No. 1 changes in their Form No. 2 comments, and *vice versa*. The Form No. 2 revisions were finalized on January 9, 1981 (Docket No. RM80-50, Order No. 121, 45 FR 6885, January 22, 1981).

[9] The Commission specifically referenced Form No. 1 in portions of the regulations implementing section 133. (*See, e.g.*, 18 CFR 290.401(j), 290.402(a).)

responsibilities to the public, (2) the continued need for Form No. 1 data in light of that responsibility, and (3) the procedures used in this rulemaking.

1. *The Commission's Responsibilities to the Public.* The Notice of Proposed Rulemaking provided a criterion for deleting information from the Form No. 1. That criterion was to review data elements in light of the Commission's regulatory responsibilities and to eliminate the elements unnecessary to those responsibilities. Many commenters, objecting to the criterion, stated that the Commission is responsible to a larger constituency than its own staff, that is, the public. These commenters claimed that the form contained the most complete data respecting fiscal utility activities and was the general public's only nationwide uniform and comprehensive source of utility financial records that is easily accessible and of proven use.

One commenter noted that the public does not have the authority that government agencies have to obtain the additional data from the large utilities and that the Commission could best perform its role as "Federal overseers [sic] of the interstate monopolistic system" by continuing to make available "information properly required for maintenance of the public trust." Other commenters noted that the continued collection of the data by the Commission would correspond to the statutory intent of the Federal Power Act and of the Public Utility Regulatory Policies Act by collecting information from utility companies.

One commenter criticized the Commission's statement in the notice that the Energy Information Administration (EIA) "may decide on behalf of itself or some other sponsors within the Department of Energy to continue the collection of some data proposed for deletion" in Form No. 1. Another commenter claimed that such a decision by EIA or another agency within the Department "is exceedingly remote". The commenter said that the Commission is the lead agency in this matter, and its decision in this rulemaking will establish a policy for both reporting companies and the users of Form No. 1 data.

The Commission believes that the reductions made in the Form No. 1 do not contradict its responsibilities under law or its responsibilities to the public at large. In fact, the Commission is continuing the collection of hundreds of data items in the Form No. 1, and in other reporting requirements, that are essential to its responsibilities under the Federal Power Act and other statutes. This Commission's proper role is not to serve merely as a collector and disseminator of energy information where that information is not needed to perform its regulatory functions. Under the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101–7353), the general energy information collection role is assigned to the Energy Information Administration (EIA), which is specifically:

> Responsible for carrying out a central, comprehensive and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs. (Section 205(a)(2) of the DOE Act)

Although EIA has not assumed the responsibility for gathering the information that is deleted from the Form No. 1, the Commission is not, thereby, authorized to resume the collection of data that the Commission no longer uses or requires.

The Commission's data gathering authority has also been affected by the Paperwork Reduction Act of 1980 (Act) (44 U.S.C. 3501–3520). The purpose of the Act, among other things, is to minimize the burden of Federal paperwork upon others and to minimize the cost to the Federal Government of collecting, maintaining, using and disseminating information. The collection of much of the information required by Federal agencies is subject to the approval of the Director of the Office of Management and Budget. Among the responsibilities of the Director is to determine "whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have a practical utility for the agency" (section 3504(c)(2)). Agencies are required to meet certain criteria before they can collect information, such as reducing "to the extent practicable and appropriate, the burden on persons who provide information to the agency", and formulating plans to tabulate information in order to enhance its usefulness to other agencies and to the public (section 3507(a)(1)). The Act also provides for the designation of a central collection agency, which, in the case of the Department of Energy and the Commission, is the Energy Information Administration. An agency may not collect for itself information which it is the duty of its central collection agency to obtain (section 3509). Therefore, in addition to the Commission's discretion under the Federal Power Act to determine what information it must collect to meet its statutory responsibilities, the DOE Act and the Paperwork Reduction Act, read together, support the Commission's policy of collecting only information it needs to carry out its regulatory responsibilities.

Nevertheless, the Commission still requires the reporting of numerous items in the Form No. 1 and in other public utility filing requirements. In addition, discovery procedures remain available to participants in electric utility ratemaking and licensing proceedings before the Commission and can be used to obtain any necessary data that are not set out in the Form No. 1.

One commenter stressed that by proposing to delete several schedules from Form No. 1, the Commission has failed to perform "one of its primary functions which is to provide leadership and guidance to the State's regulatory bodies". Data that are allegedly found only in the Form No. 1 were said to be used by state agencies for investigations, in ratemaking proceedings, in formulating policy recommendations, and for performing other tasks. Similarly, the information was said to be used extensively by publicly-owned systems in the review of electric rate cases and for initiating certain proceedings before the Commission. One Senator commented that the Form No. 1 data are used by Congress as a "tool in making policies affecting the rates and structures of the electric utility industry". He added that any reductions or deletions of information in the form would constitute a "grave disservice to the principle of public accountability".

The Commission believes that it has not failed to provide leadership and guidance to the state regulatory bodies by revising Form No. 1. These state agencies may still exercise their own authority to require the deleted Form No. 1 data from electric utilities under their jurisdiction. The state and publicly-owned systems can also use discovery tools to require such information from companies during Commission rate proceedings. While the Commission understands the Senator's concern, it believes that reduction of information collected in Form No. 1 will not constitute a disservice to the principle of public accountability. Numerous data elements are still being collected in the revised Form No. 1 and there are other tools to collect information, as needed, such as the Commission's authority to collect "special reports" pursuant to section 304 of the Federal Power Act.

2. *The Continued Need for Form No. 1 Data.* Commenters who identified themselves as intervenors in Commission rate cases stated that *all* of the information in the report is extremely useful to rate case preparation and that, if the data requirements in the Form No. 1 were eliminated, the information would, nevertheless, be requested from utility companies through discovery. They noted, however, that the discovery process is only available while a proceeding is actually pending. Therefore, the Form No. 1 information that would be deleted by this rule would be inaccessible to intervenors at other times. They said that this would be unacceptable, especially since the current data are available in a comprehensive, regular annual submission. Commenters also said that the costs to obtain the deleted data or to enter proceedings without sufficient information would likely exceed, by a significant margin, any savings that utilities may achieve as a result of the proposed revisions.

Commenters also alleged that there was insufficient evidence given in the notice to show that utilities are burdened by the Form No. 1 requirements which are proposed for deletion. The utilities' workload would not be decreased in the long run, according to the commenters, because discovery proceedings to retrieve deleted data could result in greater expenditures of time, money and effort for utilities than when they were required to report this information in Form No. 1. The delays from these lengthy discovery proceedings would be especially evident if the sought-after data, which were previously reported in Form No. 1, were not available anywhere else. For instance, data deleted from Form No. 1 could be entirely lost because utility companies would stop keeping records of information which is no longer required by the Commission.

The Commission agrees that the information deleted from the Form No. 1 may be useful to persons outside of the Commission. However, there are many types of energy information that the Commission does not now collect, nor ever did collect, that would be benefical or desirable to some individual or some group. This Commission is not, thereby, authorized to gather data for other persons that it does not actually use for its own regulatory purposes. This principle also applies to the collection of the deleted Form No. 1 data. The Commission does not agree that the costs for and efforts of interested persons to acquire this information from utility companies will exceed the benefit to the utilities as a result of the reductions to the form. Many of the utility companies that responded to the notice stated that the savings in time and cost would be significant. The extent of savings, however, should not be the deciding factor in this rulemaking because, again, it is the Commission's policy that it should not require any data that are not essential to the Commission in discharging its regulatory duties.

According to the commenters, delays from an extended discovery process would also contradict the Commission's Order No. 91, "Revised Requirement for Filing Changes in Electric Rates Schedules and for the preparation and Submission of Supporting Data." (Docket No. RM79–64, issued June 27, 1980, 45 FR 46352, July 10, 1980). Order No. 91 was designed to provide the Commission and other parties with as much information as possible at the beginning of a rate proceeding and to streamline the rate case litigation process. The commenters added that many of the proposed changes to the filing requirements rulemaking were acceptable to publicly-owned systems because such changes meshed well with the requirements in Form No. 1.

The Commission does not believe that the Form No. 1 revisions conflict with Order No. 91. In Order No. 91, certain data were required to be filed with the Commission earlier in a rate proceeding than were formerly required. In the present rulemaking, certain data are eliminated from a Commisson form. In both proceedings, however, the Commission is requiring only the filing of information that is essential to the performance of its regulatory functions. In both proceedings, the primary purpose for collecting data is to assist the Commission in its work, even though the data collection affects other entities as well.[10]

3. *Procedural Issues.* Several commenters raised concerns about how the Form No. 1 rulemaking proceeding was conducted. One frequently-mentioned problem of consumer representatives pertained to a meeting held on June 11, 1980, a month before the Notice of Proposed Rulemaking was issued. According to some commenters, the Commission's purpose for the meeting was to obtain suggestions from members of industry about changes to Form No. 1 and Form No. 2. They noted that Commission staff members and representatives of natural gas and utility companies and their trade associations attended the meeting but that no users of Form Nos. 1 or 2 data were invited to the meeting nor was it mentioned in the Form No. 1 or 2 notices. According to the comments, the advance notice gave to the industry representatives an unfair advantage over consumers in the length of time to prepare their comments in response to the Form No. 1 proposal. The commenters argued that the comment period for Form No. 1 was extended as a means to remedy this inequity.[11] The commenters stated that the Commission should have notified consumers, or at least consumer groups in the District of Columbia area, about this June, 1980 meeting. This lack of notice was said to have contradicted the objectives of the Commission's efforts to provide consumers with better information and opportunities to participate in proceedings. The Commission was also criticized for failing to meet collectively with representatives of consumer groups or other organizations that rely on Form No. 1.

The Commission does not believe that the procedures in this rulemaking have invalidated the proceeding. As the commenters said, the Commission staff held a meeting on June 11, 1980, with members of the electric and gas industries and their trade associations. The purpose of this meeting, however, was to distribute copies of the proposed Form No. 1 and Form No. 2 prior to the actual Notice of Proposed Rulemaking.[12] The reason for this early distribution was to provide an opportunity to industry representatives to discuss the administrative aspects of each form and to permit industry sufficient time to determine what changes would be necessary to their own data gathering procedures in order to comply with the proposed revisions to the forms. The meeting and distribution of the forms was viewed by the Commission staff simply a courtesy for those who must comply with these sizeable requirements. Prior to the meeting, the representatives were advised that the

[10] Order No. 91 provided that data concerning customer advances for construction and miscellaneous reserves were no longer required as part of a rate case filing because the Commission required them in Form No. 1 (at pages 224 and 228, respectively). However, the Commission has eliminated the detailed reporting of this information from the Form No. 1 and only requires that the information be reported on the balance sheet. The Commission made these deletions because, upon reevaluation, it found that summaries of these data were sufficient for its needs.

[11] *See* footnote 6, *supra*, and accompanying text.

[12] *See* footnote 8, *supra* and accompanying text for a discussion of Form No. 2. The Form Nos. 1 and 2 collect similar data from the electric and gas industries, respectively, and many of the same changes were proposed for both forms.

Commission staff would anwer no questions about substantive changes to the form nor about the policy behind the proposed changes to the form. At the meeting, only questions about the administrative aspects of the proposed form were answered. Because neither the substantive changes nor the Commission's policy in proposing the changes were to be discussed in the meeting, the Commission staff was of the opinion that it was neither necessary nor beneficial for others who do not file the form to attend the meeting.

In response to requests, the Commission twice extended the comment period in this rulemaking to accommodate all interested persons. The Commission staff also held informal meetings to discuss the proposed substantive changes to Form No. 1 with each of the parties that requested such a meeting. (*See* footnote 6 and accompanying text.) The reason that the Commission staff did not meet collectively with representatives of consumer groups in these informal meetings was so that the staff could concentrate on the particular comments of each party instead of hearing and addressing a potentially wide variety of concerns.

For the foregoing reasons, the Commission believes that the rights and interests of both industry representatives and members of the public have been adequately protected in this proceeding, especially in view of the length of the comment period and the opportunities for meetings that staff has presented for interested parties to discuss changes to the form. The Commission has given equal consideration to the comments of those who file the information and those who use it.

A second procedural issue raised by some of the commenters in this rulemaking related to the lack of justification in the notice for deleting particular schedules from the form. The commenters objected because the Commission stated only that the revisions were to be made because certain data were no longer needed for Commission regulatory purposes. Commenters argued that, while the elimination of unnecessary paperwork is to be commended, the Commission has a responsibility, especially to those not concerned with preparing the form, to provide specific explanations for each of the proposed deletions. Some commenters stated that the procedural difficulties should be addressed through a new Notice of Proposed Rulemaking which discussed the evaluations of the Form No. 1 made by the Commission and the rationale behind each of the proposed changes.

The Commission does not believe that a new notice with a schedule-by-schedule or item-by-item explanation for the deletions and revisions in the form would be better than the statement that certain items are deleted because the Commission no longer needs the data for its regulatory purposes. The Commission's policy and the proposed changes are the same in either case.

The Commission notes that Section 304 of the Federal Power Act provides that licensees and public utilities "shall file with the Commission such annual or other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this Act." Section 309 of the Federal Power Act provides that the Commission is authorized to "perform any and all acts, and to prescribe, issue, make, amend, and recind such orders, rules and regulations as it may find necessary or appropriate to carry out the provisions of this Act." Read together, these provisions authorize the Commission to determine what it needs, and what it does not need, to best perform its statutory responsibilities. Although persons outside of the agency have used the Form No. 1 for their own purposes, the Commission must still determine what information is useful to its own functions.

E. Discussion of Comments on Particular Schedules

Following is a schedule-by-schedule analysis of the comments that were submitted by the public utility companies in response to the notice to revise Form No. 1. Many of the state agencies and other interested persons and groups also submitted comments to the particular schedules. The Commission has reviewed all of these comments to each of the schedules and has attached a summary of them at Appendix A.[13] The Commission has not, however, included a separate analysis for these comments because, for the most part, they requested that the Commission retain information that was proposed for deletion. The commenters stated that they had use for the information to be deleted even though the Commission did not require it. As the Commission has said repeatedly in this final rule, data should not be retained by this Commission if they are no longer necessary to the performance of the Commission's regulatory responsibilities.

As mentioned above, the comments of the electric utility companies strongly supported the proposed changes to Form No. 1. Many of these commenters also offered suggestions for additional changes to particular schedules of the form.[14]

1. *All Schedules, and Pages i and ii, General Instructions (New Pages i–iv).* One commenter questioned the need to show the name of the respondent and the year of submission on both sides of each page in the form. The Commission will continue to require the name of the respondent and year of submission at the top of the page to identify corrected or changed information that is submitted by respondents at times during the year other than the normal filing date.

Another commenter suggested that the pages of the form be renumbered after final revisions have been adopted, that a larger type be used for page numbers and that the page numbers be moved from the bottom of the pages to the upper corners. The Commission has used a larger type for page numbers and has renumbered the pages in the revised form, as requested. The page numbers will remain centered on the bottom of the page because moving the page numbers would be of little benefit and could cause confusion for many respondents.

Several commenters suggested changing all references to "kW" and "kWh" to "MW" and "MWh" to conform to current usage and to save space and preparation time. The Commission agrees with this suggestion and has made the changes to MW and MWh on each of the pages where kW and kWh had been used.

Three of the commenters questioned the need for many of the schedules' columns that require only arithmetic calculations and do not provide any additional information. The Commission has eliminated most of the columns requiring only arithmetic calculations. Those that have been retained are necessary to a proper understanding of the data.

Commenters requested that the Commission allow companies to insert in Form No. 1 copies of pages from reports filed with other agencies that request the same information as the

[13] Appendix A is not being printed by the Federal Register. Copies of this Appendix may be obtained at the Commission's Division of Public Information. *See* footnote 1.

[14] The responses of electric utility companies to specific questions in the notice are reviewed at Part B, above, and certain other general issues in the form are discussed at Part C, above.

Form No. 1.[15] The Commission will accept pages from other reports if those pages are in a substantially similar format as the corresponding Form No. 1 pages.

Several commenters suggested that respondents should report dollar amounts in Form No. 1 rounded to the nearest thousand. This suggestion has been rejected. Instead, the General Instructions now provide that amounts can be reported to the nearest cent or rounded to the nearest dollar. In addition, respondents having computerized accounting systems may report amounts by truncating the cents.

One comment suggested that respondents should be allowed to submit computer printed schedules if they are in substantially the same format as that of the form. The Commission will accept computer printed schedules in substantially the same format, which are reduced to an 8½ inch x 11 inch size.

Finally, one commenter suggested that the filing deadline be changed from March 31 to April 30. The Commission has made the requested change. As a result, the filing date of Form No. 1 is the same as that of Form No. 2.

2. *Page 101–101A, General Information (New Page 101).* Several commenters suggested that the Commission eliminate Instruction 5 from this page. Instruction 5 requires details about each class of security of a respondent that is now registered or will be registered on a national securities exchange. The comments alleged that these data could be obtained from other sources, such as the Securities and Exchange Commission (SEC) Form 10–K, "Annual Report Pursuant to Section 13 or 15(d) of the Securities and Exchange Act of 1934". Other comments favored the deletion of Instruction 5 from Page 101 and the addition of an instruction requiring the name of exchange for each listed security on Page 211, "Unamortized Debt Expense, Premium and Discount on Long-Term Debt"; Page 215, "Capital Stock"; and Page 219, "Long-Term Debt".

In response to these suggestions, the Commission has eliminated Instruction 5 from Page 101 and has added a requirement on Page 215 (new Page 250) to identify the stock exchange for each listed security. This requirement will not be added to Pages 211 and 219 (new Pages 256–257) because the long-term data on Pages 256–257 contain the necessary securities information. However, if the stock exchange identification information is reported by a respondent on the SEC Form No. 10–K, the respondent may make specific reference to SEC Form No. 10–K on Page 250, provided that the reporting period of the SEC form coincides with that of the Form No. 1. The instructions on Pages 250 and 256–257 have been modified accordingly.

The Commission has also modified Instruction 6 concerning the identification of independent accountants, because this instruction had required much of the same information as Item 14 of the General Instructions. The duplicative data have been eliminated and Instruction 6 (renumbered as Instruction 5) now requires only the reporting of a change in the respondent's principal accountant.

3. *Pages 102 and 103, Control Over Respondent (new Page 102), and Corporations Controlled by Respondent (new Page 103).* The Commission has added a new instruction to each of these pages to provide that the Commission will accept a reference to the SEC Form No. 10–K in response to the data required on these pages, as long as the information in the SEC form is in a substantially similar format as that of Pages 102 and 103 and covers the same reporting period as that required by the Form No. 1.

4. *Page 104, Officers (new Page 104).* Two commenters questioned the need to report salary information in column (c) of this page since these data are also reported in SEC filings. In response to these comments, the Commission notes that Instruction 3 on this page provides that respondents may file a copy of Item 4 of the Securities and Exchange Commission Regulation S–K in lieu of the information required on this page. The Commission will continue to accept the information from the SEC filing (including salary information), in lieu of reporting it on the page.

5. *Page 105, Directors (new Page 105).* Several commenters argued against collecting information in columns (c), "Term Began"; (d), "Term Expires"; (e), "Directors' Meetings Attended During Year"; and (f), "Fees During Year". The Commission has eliminated columns (c) through (f), as suggested, because, upon review, it is not essential for Commission review.

6. *Pages 106–107, Security Holders and Voting Powers (new Pages 106–107).* One commenter questioned the Commission's need for data in Instruction 1(B), pertaining to the voting powers of each officer and director of the reporting company. Another commenter suggested that the instruction should at least be modified to show the intent of its writers and should be clarified as to its scope.

The Commission has deleted Instruction 1(B), as suggested, because it is not essential to the Commission's regulatory functions.

7. *Pages 108–109, Important Changes During the Year (new Pages 108–109).* One commenter said that Page 108 should be revised to include Instruction 6 from Page 108 of Form No. 2 (requiring the estimated increase or decrease in annual revenue due to important rate changes) and that instructions applicable to data reported in both Form Nos. 1 and 2 should be numbered the same in each of the forms.

The Commission has renumbered the instructions on Page 108 of Form Nos. 1 and 2 so they are consistent with each other. However, Instruction 6 (new Instruction 11 in Form No. 2) has not been added to the Form No. 1 because the increase/decrease data can be obtained by the Commission, as necessary, in individual electric rate cases. Because the instruction requiring this information is retained in Form No. 2, however, a corresponding space (for Instruction 11) is reserved in Form No. 1 to maintain the consistency between the forms.

One commenter requested the deletion of Instructions 3, 4, 6 and 11 on Page 108 of Form No. 1 because the information is duplicated elsewhere on the form. (Instruction 3 requires data on the purchase or sale of an operating unit or system; Instruction 4 requires data on obligations incurred or assumed by the respondent or guarantor and Instruction 11 collects information on generating units placed in service during the year.) Another commenter requested that Instruction 11 (list of electric generating units placed in service during the year) be transferred to Page 435, "Changes Made or Scheduled to be Made in Generating Plant Capacities" to consolidate all information about changes to generating units on a single page.

The Commission has retained Instructions 3, 4 and 6 on Page 108 because this is the only schedule that reports the details on the particular transactions. In addition, Instruction 6 has been revised to include information respecting short-term issues so that Page 220 can be deleted. (*See infra*, discussion about Pages 211, 219 and 220.) Instruction 11 has been deleted because information on Page 435 is sufficient for Commission regulatory purposes.

8. *Pages 110–111, Comparative Balance Sheet (New Pages 110–113).*

[15] In this particular case, one commenter asked to use the detail in the Annual Report to Shareholders in lieu of the information required on Page 215, "Capital Stock", and Page 219, "Long-Term Debt".

Two commenters suggested that Account 122, "Accumulated Provision for Depreciation and Amortization of Nonutility Property" (Page 201), and Account 222, "Reacquired Bonds" (Page 219) should be located on separate lines of the Comparative Balance Sheet rather than netted, respectively, with the related Accounts 121, "Nonutility Property" (Page 201), and 221, "Bonds". The separate lines have been provided for these accounts, as suggested.

One commenter recommended that the cost figure on Line 16, "Investment in Subsidiary Companies" should be transferred as a footnote to Page 203, "Investment in Subsidiary Companies". The change has been made, as suggested, and the instructions have been modified accordingly. The commenter also suggested that a separate line be included on the balance sheet to show the balance for Account 144, "Accumulated Provision for Uncollectible Accounts—CR" (Page 204), since the details of that account were proposed for deletion from Page 204. The Commission has also made this change.

Finally, the same commenter suggested that the amount shown in column (a) for Account 222, "Reacquired Bonds" (Page 219) should be deleted since this amount appears on Page 219 in column (g). The amount has not been deleted because it would prevent the balance sheet from being balanced. Instead, the Commission has moved the amount for Account 222 from column (a) to columns (c), "Balance Beginning of Year", and (d), "Balance End of Year" for clarity and for ease of reporting.

9. *Page 112, Notes to Balance Sheet (New Pages 122–123, entitled Notes to Financial Statements).* Two commenters suggested that this schedule be deleted and replaced by a new schedule entitled, "Notes to Financial Statements", which would consolidate all financial notes on one schedule. The Commission agrees with this suggestion, and for ease of reporting, has consolidated these notes on Pages 122–123, under the suggested heading, "Notes to Financial Statements".

10. *Page 113, Summary of Utility Plant Accumulated Provisions for Depreciation, Amortization and Depletion (New Page 200).* One commenter suggested that, to avoid confusion, line 14, "Net Utility Plant" should be revised to read, "Net Utility Plant, Less Nuclear Fuel" to correspond to column (a), line 6 of the "Comparative Balance Sheet" (Page 110) entitled "Net Utility Plant, Less Nuclear Fuel". The suggested change has been made so that both items now read, "Net Utility Plant, less Nuclear Fuel."

11. *Pages 114–116A, Statement of Income for the Year (New Pages 114–117).* Several commenters suggested that the format used for the "Comparative Balance Sheet" (Page 110) should be used for this schedule, as well, including changing the references to "Increase or (decrease) from the preceding year" so that only the "previous year's" data are required. The Commission has made these changes, as suggested for ease of reporting.

12. *Pages 117–117A, Statement of Retained Earnings for the Year—Statement D (New Pages 118–119).* One commenter stated that the reporting burden associated with the issuances of preferred stock would be lessened if the requirement to report dividends per share for each security was eliminated from this schedule. The Commission has made the suggested change because the deleted information can be obtained by reference to Page 215, "Capital Stock".

Another commenter suggested that Instruction 8 should be changed to correspond to Instruction 6 on Page 112, "Notes to Balance Sheet". Both instructions require the attachment of any applicable notes from the Report to Stockholders. The Commission has consolidated all notes to financial statements on Pages 122–123. The instructions on those pages have been revised to allow the attachment to Form No. 1 of the notes to the Financial Statement from the report to Stockholders, provided the information required in Form No. 1 is reported in those notes.

13. *Page 200, Nuclear Fuel Materials (New Page 201).* Several commenters suggested that this page be deleted and the respective account balances be included in the proposed detailed balance sheet. One commenter stated that, as an alternative, the reporting of these items should be moved to Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". This commenter also recommended the elimination of items 14–21, "Estimated net salvage value of nuclear fuel materials" and "Nuclear materials held for sale", because these items would always be equal to zero.

The suggested changes have not been adopted because the details reported on this page are necessary to the evaluation of the various aspects of nuclear fuel. Moving the information to Page 113 would not result in any material benefits; therefore, the data will continue to be reported on a separate page.

14. *Page 201, Nonutility Property (New Page 215).* One commenter suggested that only the beginning and ending balances be reported in this schedule instead of the detail currently required. This suggestion was not adopted. The Commission needs the details in this schedule for cost allocation purposes and will retain the requirement for this schedule.

Several commenters objected to the threshold in this schedule for the reporting of minor items (*i.e.*, "5% of the End of Year Balance for Account 121") and offered various alternative thresholds. The Commission has modified the proposed threshold for minor items to read, "5%—or $100,000, whichever is less"). As a result of this modification, the Commission will obtain sufficient information without prescribing burdensome reporting about minor items.

One commenter questioned the need to list separately under Instruction 4 all property previously devoted to public service and stated that such property could be reported instead, as a group. The Commission has, accordingly, revised Instruction 4, as suggested.

15. *Page 203, Investment in Subsidiary Companies (New Page 217).* One commenter suggested that a threshold be established for reporting amounts on this schedule. No threshold will be established because it would result in the elimination of details for smaller operations that may be important to the Commission's review of rate-of-return.

16. *Page 207, Materials and Supplies (New Page 218).* Several commenters suggested that the detailed reporting in this schedule be deleted as unnecessary and that its balances be included in the balance sheet as was the case in the corresponding schedule in Form No. 2. The Commission has retained the detailed reporting on this page because all of the information is necessary for rate case determinations. Reporting of balances alone would not be sufficient for the Commission's purposes.

Certain commenters said that it would be difficult or impossible to comply with the requirement in Instruction 1 to classify materials and supplies according to "primary functions". One commenter stated that it would be very expensive for it to make determinations about such classifications. Three commenters argued that the detailed data reported in such classifications would be of little value. Finally, several commenters said that many items included in this schedule can be used both in construction and maintenance, and some items are common to both transmission and distribution. Thus, until the material is actually used, the commenters claim that exact

functionalization is not possible. The commenters added that this requirement duplicates similar data which must be reported for rate cases and increases respondent reporting burden.

The Commission has retained the requirement to classify materials and supplies by function because this allocation is necessary for Commission rate analyses. However, the Commission has revised the instructions on Page 207 to permit estimates of amounts by functions. In addition, the method used to functionalize this information is left to the respondent's discretion.

17. *Page 211, Unamortized Debt Expense, Premium and Discount on Long-Term Debt and Page 219, Long-Term Debt (New Pages 256–257, entitled, Long-Term Debt); and Page 220, Securities Issues or Assumed and Securities Refunded or Retired During the Year.* Several commenters suggested that Schedules 211 and 219 should be combined into a single schedule and offered various alternate formats for such a requirement. Three commenters suggested that part or all of each of these schedules could be deleted.

The Commission has combined Pages 211 and 219, as suggested for ease of reporting. Columns (f), "Balance beginning of year", (g), "Debts during year", (h), "Credits during year", and (i), "Balance end of year" have been eliminated from Page 211, and Columns (a), "Class and series of obligations", (e), "Interest rate", (g), "Reacquired bonds", (h), "Sinking and other funds", and (i), "Redemption Price per $100 end of year" have been eliminated from page 219. The information in these columns provides more detail than is necessary for Commission review purposes.

One commenter said that Schedule 220 should be deleted because the details on securities issued and retired is of questionable value to the regulatory functions of the Commission. The Commission still requires, for its regulatory review, information on Page 220 about the coupon rate for the class/series of obligation and the order number and date on which Commission approval was received for issuances of securities made during the year. The Commission has added this requirement to Pages 256 and 257. The Commission has also revised Instruction 6 on Page 108 to include the necessary reports on short-term issuances that were previously reported on Page 220. As a result, the Commission was able to delete Page 220 in its entirety.

18. *Page 214, Miscellaneous Deferred Debits (New Page 223), and Page 225, Other Deferred Credits (New Page 266).* Commenters suggested that only columns (a), for the description, (b), for the beginning balance, and (f), for the ending balance should be retained on these schedules. Thus, columns (c), "Debits", (d), "Credits" and (e), "Credits (Amount)" would be deleted from Page 214; and columns (c), "Debits (Contra Account)", (d), "Debit (Amount)" and (e), "Credits" would be deleted from Page 225.

The Commission will require the continued reporting on these pages in the current format because they are the only source of this type of detailed data which are used to determine the proper disposition of each charge claimed in the rate process. Beginning and ending balances do not provide this type of information.

Several commenters suggested higher dollar and percentage alternatives to the proposed threshold of "1% of the balance end of year for Account 186 or amounts less than $50,000, whichever is less". Two commenters also questioned the need to report the total of all debit and credit items and to specify the number of items grouped. The Commission has retained the proposed threshold for reporting minor items because a raise in threshold would result in the loss of needed data from small companies. However, the Commission has deleted the requirement to report totals of debit and credit items because these data are simply arithmetic functions. The Commission has also deleted the requirement to specify the number of items grouped because these details are not necessary to Commission regulatory functions.

19. *Page 215, Capital Stock (New Page 250), and Page 216, Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock (New Page 251).* One commenter stated that these two schedules are minor and only represent a few lines of information. Therefore, they could be deleted if the information was reported on the balance sheet. The Commission has not deleted the pages as suggested because the detail is used to analyze rate of return. Furthermore, the reporting burden is insignificant in comparison to the value of the data supplied.

20. *Page 218, Discount on Capital Stock, and Capital Stock Expense (New Page 253).* Several commenters suggested that the column (b), "Balance End of Year" should be reported by class of stock rather than by class and series. The Commission has retained both the class and series identification because they are necessary to the weighted cost of perferred stock, which is an essential component in calculating the oveall cost of capital.

21. *Page 222–222A, Taxes Accrued, Prepared and Charged During Year (New Pages 258–259).* Comments suggested that Instruction 4 should be changed to require reporting only by "kind of tax" rather than by "Federal, State and local" tax. The Commission has made the change to Instruction 4, as suggested, because the additional detail is not needed.

Comments also urged the elimination of Instruction 5 because it requires all information to be reported separately for each tax year involved and this is a burdensome requirement. One commenter suggested that Instruction 5 should require that the current and past two tax years be reported separately and the remaining tax years be reported as a group. Another commenter noted that the corporation tax returns and supporting details are audited by the Internal Revenue Service and other governmental agencies on a regular basis and need not be additionally reported in Instruction 5. Finally, commenters noted that all adjustments are currently required to be reported in column (f) of this schedule and the additional data need not be reported in Instruction 5.

Because of these comments, the Commission has eliminated from Instruction 5 the requirement to report information covering more than one year of Federal and State income tax information because the Commission's rate analysis is not predicated upon actual income taxes.

Other comments suggested the elimination of Instruction 8 which requires the accounts to which taxes charged were distributed. The information was alleged to be too detailed and appeared unnecessary since most charges are already reflected in the Statement of Income for the Year (Page 114). Other commenters suggested that, if Instruction 8 is retained, a threshold be established for reporting under that instruction.

The Commission has retained Instruction 8 because the information reported under that instruction is necessary for determinations of the reasonableness of electric rates charged. The Commission has, however, deleted columns (j), "Gas (Account 408.1, 409.1)", (k), "Other Utility Departments (Account 408.1, 409.1)" (l) "Other Income and Deductions (Account 408.2, 409.2)", and (n), "Other Utility Opn. Income (Account 408.1, 409.1)", because these columns provide unnecessary detail for Commission review purposes. A threshold will not be established because information would be eliminated that is necessary to reconcile

total taxes paid with other information in the schedule.

22. *Page 223, Reconciliation of Reported Net Income With Taxable Income for Federal Income Taxes (New Page 261).* One commenter suggested that the four categories entitled, "Reconciling items for the year" in the schedule [16] be included as part of Instruction 1 so that respondents may have "flexibility in the placement of the reconciling item categories". The commenter also suggested that the schedule be expanded to two pages.

The Commission has amended Instruction 1 to provide that it will accept a substitute schedule (expanded to two pages, if necessary) as long as the schedule contains the required data and is similar in format to Page 223 (new Page 261).

23. *Page 227–227E, Accumulated Deferred Income Taxes (New Pages 268–273).* Several commenters suggested that the detail of this schedule be reported only in columns (a), "Account Subdivision", (b) "Balance Beginning of Year", and (k) "Balance End of Year". The commenters stated that this would be consistent with the Commission's proposed changes for pages 214C–214D of Form No. 1 (new Page 223).

The Commission, however, will continue to require the details for this schedule in each column. All of the information in this schedule is necessary because it provides historical data that are needed for initial evaluations of rate filings.

Comments also stated that Instruction 2 on pages 227B–227C prescribes information that is excessive and of questionable value. Instruction 2 requires information about the method used for liberalized depreciation and also requires a detailed table and supporting information concerning each year's tax deferral from 1954 to the present. The Commission agrees with this comment and has deleted Instruction 2.

24. *Page 229, Accumulated Deferred Investment Tax Credits (New Page 264).* One commenter suggested that the entire schedule be eliminated since it does not appear to collect any useful information or serve any purpose and it is extremely burdensome. Another commenter suggested that columns (c) through (g) should be eliminated to be consistent with the requirements on Pages 214–214D. Columns (c) and (d) require information on accounts deferred for the year, columns (e) and (f) require allocations to the current year's income, and column (g) requires information on adjustments.

The Commission has retained this page in Form No. 1 because it is essential to the Commission's review of any divergence between the rate of return that is just and reasonable and the return that is actually earned by jurisdictional utilities.

25. *Page 304, Particulars Concerning Certain Income Deduction and Interest Charges Accounts (New Page 337).* Commenters suggested that this schedule should be deleted and summarized as line items on the Income Statement (Page 116A) because detailed reporting of this information on a separate schedule is of little value. This schedule has been retained because the Commission requires the detail of individual account items for rate analysis purposes. Moreover, cost-of-service determinations are based upon the Commission's review of the details of the respondent's expenses, such as those reported in this schedule.

Comments also suggested various dollar and percentage thresholds for the reporting of the data instead of the proposed "5% of each Account total for the year". One commenter suggested that the same threshold should be used as that established for the corresponding schedule in the Form No. 2 (*i.e.*, amounts less than $1,000 could be grouped).

The Commission has changed the threshold to read, "Amounts of less than 5% of the Account total for the year or $1,000, whichever is greater, may be grouped by classes." The Commission will require a 5% level or a $1,000 level so that necessary information is reported without undue detail.

26. *Page 351, Common Utility Plant and Expenses (New Page 356).* Several commenters suggested that this schedule be deleted because the detail it requires is insignificant and because the corresponding schedule in Form No. 2 had been deleted. Other commenters added that an adequate summary of this detail is reported on Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". The Commission has retained this page because details of plant functions and subfunctions are needed for rate filings to determine how plant and expense allocations are made.

27. *Page 353–353A, Regulatory Commission Expenses (New Pages 350–351).* Commenters suggested deleting various columns from the schedule, including columns (d), "Total Expenses to Date", (e), "Deferred in Account 186, Beginning of Year"; (f), (g), (h), (i), "Expenses Incurred During Year"; (j), (k), "Amortized During Year"; and (l), "Deferred in Account 186, End of Year". According to the commenters, these columns had little value for regulatory purposes and were considered useful only for auditing purposes.

Both state and Commission regulatory expenses must be evaluated to determine whether those expenses can be allowed in the cost-of-service. The detailed reporting in this schedule is not obtainable in a rate application. Therefore, the Commission has retained pages 353–353A in their current format.

Comments also suggested that percentage thresholds or higher dollar thresholds could be used for the reporting of minor items, instead of the proposed threshold of "less than $25,000". The Commission has retained the $25,000 threshold, as proposed, to be consistent with Form No. 2 and to obtain necessary information about regulatory commission expenses, without requiring undue detail.

28. *Page 354, Charges for Outside Professional and Other Consultative Services.* Two commenters said that, as an alternative to deleting this page from Form No. 1, the Commission could require the reporting of only the ten largest expenditures of this type by each company during the year. Because the information in this schedule can be obtained from rate filings, the Commission has determined that there is no need to require the reporting of even the ten largest expenditures.

Three commenters noted that the deletion of this schedule from Form No. 1 while it is retained in Form No. 2, would have a minimal affect on the reporting burden.

The Commission requires the reporting of these types of data in Form No. 2 and not in Form No. 1 because of its greater jurisdictional responsibilities over gas companies (80 percent) as compared to electric utilities (15 percent). The Commission can depend upon electric rate filings for this information from electric companies because of the frequency and detail of these filings. However, the Commission cannot readily derive this type of information from pipeline rate applications because of a less frequent filing cycle for those applications and lack of detail comparable to the electric filings.

29 *Pages 355–356, Distribution of Salaries and Wages (New Pages 354–355).* One comment suggested that these pages be deleted because the information is unnecessary and the detail is not useful. Two other commenters suggested eliminating columns (c), "Allocation of Payroll

[16] The four categories are: taxable income not reported on books, deductions recorded on books not deducted for return, income recorded on books not included in return, and deductions on return not charged against book income.

Charged Clearing Accounts" and (d), "Total" because the allocations were arbitrary. Commenters also suggested that "Clearing Accounts" could be reported in column (a) above the line entitled, "Other Accounts" by those companies which do not allocate payroll charges to clearing accounts.

The Commission has deleted both column (b), "Direct Payroll Distribution" and column (c), for "Other Accounts" for lines 74 through 104, because the details of these specific accounts are not necessary for the Commission's review. The summaries of this information, however, will be retained by the Commission because they are used to monitor costs for rate purposes. This information is also important because of its indirect effect on the cost of service.

30. *Pages 401–403, Electric Plant in Service (New Pages 202–204).* Several commenters suggested that the reporting in this schedule should be by functional group only, rather than by primary account because primary account balances are provided in rate filings. The Commission has retained in the present format the requirement for this information because it is an integral part of the rate analysis. Rate filings cannot be substituted for this information because rate change applications are not necessarily filed by every company each year, as is the Form No. 1.

31. *Page 403A, Fish and Wildlife and Recreation Plants.* One company suggested that this page should not be deleted as proposed because the information reported is "material, meaningful and relevant in the evaluation of efforts taken by the Company to ameliorate the effects of hydro-production facilities on fish population and surrounding topography". The Commission has not retained this schedule because adequate information is reported at the time of licensing or relicensing of a hydroelectric facility. The Commission also collects data about recreational facilities, including fishing facilities, in the FERC Form No. 80, "Licensed Hydropower Development Recreation Report".

32. *Page 404, Electric Plant Leased to Others.* One commenter suggested that this page be eliminated because the leasing of a plant rarely occurs and annual reporting of this information, therefore, is not necessary. The Commission has retained this schedule because it is important for cost-of-service analyses for those companies that do engage in leasing. Furthermore, if plant leasing does not occur, a company would not have to report on this schedule.

33. *Page 405, Electric Plant Held for Future Use (New Page 206).* Several commenters recommended the deletion of the Instruction 1 provision to report the number of items of property grouped that are each less than $250,000. The commenters stated that the requirement in Instruction 1 to specify each of the items costing $250,000 or more is sufficient for regulatory purposes. The Commission agrees with this suggestion and has made the appropriate deletion.

One commenter suggested that Column (b), "Date Originally Included in this Account" should be deleted to further reduce the reporting burden. The Commission has retained Column (b) because the length of time that the property has been reported in the account reflects whether a company is following its "definite plan" for use of the property as required by Account 105 of the Uniform System of Accounts.

Several commenters suggested that the dollar threshold ($250,000) should be changed to a percentage threshold, such as 5 or 10 percent. One commenter suggested that a combination percentage and dollar threshold should be adopted throughout Form No. 1 for consistent reporting and to reduce the amount of detail presently required. The Commission has not changed the threshold because this schedule discusses specific items of plant property which can best be identified in terms of dollars.

34. *Page 406, Construction Work in Progress and Completed Construction Not Classified—Electric (New Page 210, entitled, Construction Work in Progress).* One commenter suggested that this schedule be eliminated because a summary of major projects is shown on Page 435, "Changes Made or Scheduled to be Made in Generating Plant Capacities", and the balances from construction work in progress are shown on Page 110, "Comparative Balance Sheet", and Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". The Commission agrees that certain summary information about major projects is reported on Page 435, and that dollar totals for the projects are reported on Pages 110 and 113. However, detailed financial data respecting these projects are reported only on Page 406. Therefore, this page will be retained in the form.

Two commenters recommended that, in order to clarify the first sentence of Instruction 1, the words, "for projects actually in service" should be deleted from the sentence that reads: "Report below descriptions and balances at end of year of projects in process of construction for projects actually in service". Other commenters suggested that all of Instruction 1 needed clarification, especially with regard to the reporting of completed construction not classified. The Commission agrees that clarification is necessary and has revised Instruction 1 to read, "Report below descriptions and balances at end of year of projects in process of construction [107]."

Three commenters stated that column (d), "Estimated Additional Cost of Project" could be deleted because the revisions to estimates result in a lack of continuity from year to year. Another commenter stated that column (d) should not require the reporting of minor items as a group since many of these items are small in amount or are new projects without definitive cost estimates. The number would, therefore, be of questionable value. The Commission has deleted column (d) because the information was not necessary for review purposes.

One commenter recommended that Instruction 3 be revised to read, "Report separately each generating unit under construction". The commenter also recommended that Instruction 4 be revised to read, "Minor (5% of the balance end of year for Account 107, after deducting from such balance any amount applicable to generating units under construction) projects may be grouped". The commenter stated that the threshold should be lowered to 3% for projects other than generating units under construction so as not to eliminate the reporting of many large construction projects. Another commenter stated that a combination dollar and percentage threshold should be adopted throughout the report. This type of threshold would allegedly eliminate from the report much detail of questionable value.

The Commission has not revised Instruction 3 (new Instruction 2) or lowered the percentage threshold in Instruction 4 (new Instruction 3) because more detail would be reported on smaller facilities than the Commission requires and this would create a burden on the respondent companies. However, the Commission did revise the Instruction 4 threshold to read "5% of the balance end of year for Account 101 or $100,000, whichever is less," so as to collect sufficient detail on larger projects.

35. *Page 409, Electric Operating Revenues (New Page 301).* Numerous comments suggested deleting columns (c), (e), and (g), "Increase or decrease from preceding year". The Commission has replaced this language with

"previous year" as is provided on Pages 110–111 and 114–116A.

Commenters also suggested that the requirements to report a duplication in customer count (column (f), "Number [of customers for year"), and the footnote disclosure requirement should be excluded from Instruction 3. The Commission has deleted the footnote disclosure requirement in Instruction 3; however, the Commission has retained the average customer reporting requirement (which may include the reporting of duplicate customers) because the information is necessary for rate analyses.

36. *Page 410, Sales of Electricity by Communities.* One commenter stated that the elimination of this schedule from the Form No. 1, as proposed, will not be beneficial because columns (a), (e), (f) and (g) are, nevertheless, reported annually to its state commission. Although this schedule may be required by state agencies, the Commission cannot justify the continued collection of these data since they are not needed for Commission regulatory purposes. Therefore, this schedule is eliminated.

37. *Page 412–413, Sales for Resale (New Pages 310–311), and Pages 422–423, Purchase Power (New Pages 327–328).* Several commenters suggested deleting the following columns from these schedules: Columns (b), "Statistical Classification"; (c), "Export across State lines" (on Pages 412–413), "Import across State lines" (on Pages 422–423); (e), "Point of Delivery" (on Pages 412–413), "Point of Receipt" (on Pages 422–423); (f), "Substation"; (g), (h) and (i), "kW or kVa of Demand"; (j), "Type of demand reading"; (k), "Voltage at which Delivered (on Pages 412–413), "Voltage at which Received" (on Pages 422–423); (m), "Revenue: Demand Charges" (on Pages 412–413), "Cost of Service: Demand Charges" (on Pages 422–423); (n), "Revenue: Energy" (on Pages 412–413), "Cost of Energy: Energy" (on Pages 422–423); (o), "Revenue: Other Charges" (on Pages 412–413), "Cost of Energy: Other Charges" (on Pages 422–423); (p), "Total"; (q), "Revenue per kWh" (on Pages 412–413), "Cost per kWh" (on Pages 422–423).

The Commission has not made most of the suggested deletions. Only column (g) has been deleted. Columns (b), (c), (e) and (f) are essential for rate design determinations. Columns (g) through (k) and (m) through (o) provide rate design data that are necessary to the review and analysis of actual usage/purchase of kW and kVa in computing the demand portion of a customer's bill. These columns are also necessary in that the amounts reported do not always equal the contract demand provided in the tariffs of the individual customers. Column (p) is necessary because it is used to test the reasonableness of the rate design procedure used by the respondent company.

38. *Page 414, Sale of Electricity by Rate Schedules (New Page 304).* Comments recommended the deletion of this schedule because it duplicates amounts by revenue classification reported on Page 409, "Electric Operating Revenues" and also because its information relates to state regulated tariffs which are not subject to the Commission's jurisdiction. The Commission has retained the schedule because it provides a detailed record of non-jurisdictional sales according to rate schedules. This information is essential to establish sales and revenue collection trends for a utility's non-jurisdictional business and is also necessary for rate design analyses.

Other commenters suggested that since sales for resale information is already required on Pages 412–413, such information should not be reported again in this schedule. For this reason, the Commission has deleted sales for resale information.

39. *Page 415, Rent from Electric Property and Interdepartmental Rents, and Page 416, Miscellaneous Service Revenues and Other Electric Revenues.* One commenter stated that these schedules are still required by its state commission during rate proceedings. Thus, the deletion of the schedule from Form No. 1 will not benefit the company. As is the case with similar comments to other schedules, the Commission cannot justify the continued collection of the information because it is not necessary for Commission regulatory purposes. The continued collection of these data must be justified at the state level.

40. *Pages 417–420, Electric Operation and Maintenance Expenses (New Pages 320–323).* Several commenters questioned the need for the detailed reporting in this schedule and argued that the summary schedule on Page 420 would suffice for Commission needs. The Commission has retained the detailed reporting on these pages because they are used for historical trend analyses and for the calssification and allocation of costs.

Several commenters recommended the deletion of column (c), "Increase or decrease from preceding year" from each of the pages in this schedule. The Commission has revised column (c) to require "Previous Year" amounts. This change will conform with revisions made on Pages 110–111, Pages 114–116A and Page 409.

One commenter suggested the deletion of the "Summary of Electric Operation and Maintenance Expenses" on Page 420. The Commission has made the suggested deletion because the information is not required for Commission review.

41. *Page 420, Number of Electric Department Employees (New Page 323).* This page was proposed for deletion in the notice. The Commission has decided, however, to retain this schedule because the information is needed as part of the Commission's review required under section 208 of the Public Utility Regulatory Policy Act (16 U.S.C. § 824d). Furthermore, the reporting of these data is not burdensome to the utilities because they should keep employee totals, if for no other reasons, than for reports to state unemployment compensation boards and for the filing of tax information.

42. *Page 420a, Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations.* One commenter objected to the deletion of this schedule and said that its investment in, and annual costs incurred for, the items in this schedule were material. The commenter suggested, however, that, if this schedule is deleted, the Commission should either delete Pages 501, "Environmental Protection Facilities" and 502, "Environmental Protection Expenses" as well, or incorporate the data from Page 420a into these schedules.

The Commission has deleted this schedule because the information can be obtained in FERC Form No. 80, "Licensed Hydropower Development Recreation Report". The Commission will not delete the environmental schedules on Pages 501–502 because the information collected on those schedules does not duplicate the data in the Form No. 80. Because the Commission no longer needs the information on Page 420a, it would be senseless to include it on Pages 501–502. Furthermore, Pages 501–502 will be examined in connection with a rulemaking proceeding to revise FPC Form No. 12, "Power System Statement," which is expected to be initiated in the near future.

43. *Pages 421–421D, Lease Rentals Charged.* One respondent stated that this schedule, which is proposed for deletion, will still be prepared by the company for its cost of service studies. The Commission will not retain this schedule merely because it is used by a company. The schedule is deleted because it is no longer necessary to the Commission's regulatory purposes. In addition, the annual reporting of the data is a particularly burdensome requirement.

44. *Page 424, Interchange Power (New Page 329).* Various commenters complained about most of the requirements in this schedule, which collects a summary of interchange power according to companies and points of interchange. They stated that the columns are operational in nature and not necessary for financial reporting and regulatory purposes. The Commission has retained this schedule because it is necessary in the Commission's analysis for rate design determinations.

One commenter suggested a new format for this schedule which includes Pages 422–423 and 424. The commenter stated that the new format more clearly sets out the energy transfers and the revenues related to such transfers.

The Commission will retain pages 422–424 in their current format. These schedules will, however, be reexamined in connection with a rulemaking proceeding to revise FPC Form No. 12.

45. *Page 425, Transmission of Electricity for or by Others (New Page 332).* Several comments suggested deleting this schedule because it is operational and not necessary for financial regulatory reporting. Although Form No. 1 is a financial form, certain operational data that are reported in this schedule, are necessary to support the reported financial information.

Another commenter suggested that "borderline transactions" be included in this schedule so that Schedule No. 8 "Itemized Accounting of Energy Transfer with Other Electric Utility Systems and Industrial Companies During the Year" of Form No. 12, "Power System Statement" could be eliminated. The commenter also said that the information on this page could be combined with the data on Pages 422–423, "Purchased Power" and Page 424, "Interchange Power". Another commenter said that the information in this schedule should be eliminated from this report and included in the Form No. 12.

In response to these comments, the Commission notes that it is currently considering revisions to Form No. 12 for a rulemaking proceeding which is expected in the near future. Changes may also be made in Form No. 1 at that time, to correspond to any changes in Form No. 12.

Finally, one commenter questioned the need for the information required by Instruction 3(b) (points of origin and termination of service specifying also any transformation service involved) and Instruction 3(c) (kWh received and kWh delivered). The Commission will retain this information because it is used to monitor reliability of service.

46. *Page 427, Miscellaneous General Expenses (Electric) (New Page 333).* One commenter suggested that this schedule be moved to Page 420, in place of the schedule which is proposed for deletion entitled, "Number of Department Employees". According to the commenter, this action would increase the amount of space which could be used for the schedules that are currently on Pages 427–428. Under the new format, the Commission has moved this page to Page 333, near related accounts. The space for reporting on Pages 427–428 has also been increased.

Two commenters suggested that the following sentence be eliminated from this schedule: "Amounts of less than 5% of the amount for the year for Account 930.2 may be grouped by classes if the number of items so grouped is shown." The commenters said that the identification of the number of items is of no real value to the report and does not eliminate the burdensome effort of accumulating the data.

The Commission will continue requiring the number of items grouped by classes because this detail is needed for rate analyses for the cost-of-service. The list of items helps the Commission determine if further investigation about these expenses is necessary.

Several commenters suggested different threshold reporting requirements for this schedule than the proposed threshold, such as 5% of the account balance, 5% for grouping of minor items, 10%, $5,000 (the threshold currently required in the comparable Form No. 2 schedule) or a combination percentage and dollar threshold.

In response to these suggestions, the Commission has changed the threshold to "$5,000", so that sufficient detail of miscellaneous general expenses will be provided for cost of service purposes and so that this schedule will correspond with the comparable Form No. 2 schedule.

47. *Page 427, Construction Overhead (New Page 221).* One commenter suggested that the space for the total in column (c), "Total cost of construction for which overhead was charged (exclusive of overhead charges)" be eliminated because the totals are meaningless. Another commenter said that column (c) should be shaded or eliminated except for the total line. This commenter stated that it could not report a total which related to specific categories of overhead charges because most of its total overheads are either charged directly on an actual basis or incurred or allocated on the basis of related direct labor charges. Therefore, the total that this commenter would report is the total construction expenditures for the year, excluding overhead. In response to these comments, the Commission has eliminated the entire column (c) because the totals are not essential for Commission review purposes.

48. *Page 428, General Description of Construction Overhead Procedures (New Page 212).* One commenter suggested that this schedule be expanded to two pages to allow more space for explanations. The Commission has not expanded the page to two pages because each respondent may add one or more of its own pages, as needed, for explanations.

Another commenter requested that this page be moved to be adjacent to Page 406, "Construction Work in Progress". The Commission agrees with this suggestion and has moved this schedule to be near the related Page 406 (new Page 210).

49. *Pages 429–430, Depreciation and Amortization of Electric Plant (New Pages 334–336).* Several commenters suggested that Part B, "Basis for Amortization Charges" and Part C, "Factors Used in Estimating Depreciation Charges" be deleted because these data seem useful only for audits and not for regulatory purposes. One commenter said that columns (c) through (g) in Part C should be deleted because they are not useful. Another commenter requested that companies be allowed the option of filing their depreciation studies in support of their depreciation rates currently in effect, in lieu of completing the detail required by Parts B and C.

Despite these comments, the Commission has retained the schedule in its proposed form because each item on the pages is necessary to the review and analysis of depreciation rates for utilities.

F. Summary of Changes

The Commission has adopted the changes to the Form No. 1 that were proposed in the notice, except as modified by the revisions in response to the comments that are discussed in this final rule. A summary of all of the changes to the Form No. 1 is attached at Appendix B.

The most significant deletions to Form No. 1 are the deletions of the following schedules:

OLD FORM NO. 1

Title	Page No.
Accumulated Provision for Depreciation and Amortization of Non-utility Property	201
Investments	202
Notes and Accounts Receivable	204

OLD FORM NO. 1—Continued

Title	Page No.
Accumulated Provision for Uncollectible Accounts—Cr	204
Receivables From Associated Companies	206
Production Fuel and Oil Stock	209
Miscellaneous Current and Accrued Assets	210
Preliminary Survey and Investigation Charges	212
Deferred Losses From Disposition of Utility Plant	214A
Unamortized Loss and Gain on Reacquired Debt	214B
Securities Issued or Assumed and Securities Refunded or Retired During the Year	220
Notes Payable	221
Payables to Associated Companies	221
Miscellaneous Current and Accrued Liabilities	224
Customer Advances for Construction	224
Deferred Gains From Disposition of Utility Plant	224A
Operating Reserves	226
Investment Tax Credits Generated and Utilized	228
Gain or Loss on Disposition of Property	300
Income From Utility Plant Leased to Others	301
Particulars Concerning Certain Other Income Accounts	303
Expenditures for Certain Civic, Political and Related Activities	305
Extraordinary Items	306
Charges for Outside Professional and Other Consultative Services	354
Fish and Wildlife and Recreational Plants	403a
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	407
Sales of Electricity—by Communities	410–411
Sales to Railroads and Railways and Interdepartmental Sales	416
Rent from Electric Property and Interdepartmental Rents	416
Sales of Water and Water Power	416
Miscellaneous Service Revenues and Other Electric Revenues	418
Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations	420a
Lease Rentals Charged	421A–421D
Franchise Requirements	426

The Commission has also adopted the changes to the regulations that were proposed in the notice and has also abbreviated the regulations by combining the separate references to Class A and Class B entities into a single reference. The separate list of schedules in the revised form is retained as an aid to those who must file it. In addition, the regulations reflect the language that was adopted in Order No. 146 respecting the elimination of the requirement for Federal entities to file modified versions of Form No. 1. (*See* footnote 5, *supra* and accompanying text.)

III. Effective Date

The changes in this final rule will be effective on February 5, 1982, for reports to be filed on or before April 30, 1982, and for reports filed thereafter.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 42 FR 46267; Federal Power Act, 16 U.S.C. 792–828c)

In consideration of the foregoing, the Commission amends Form No. 1, as set forth in Appendix C of this final rule and Part 141 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 141—STATEMENT AND REPORTS (SCHEDULES)

1. Part 141—Statement and Reports (Schedules)—is amended in the Table of Contents and in the text of the regulations to read as follows:

§ 141.1 FERC Form No. 1, Annual Report of Electric Utilities, Licensees and Others (Class A and Class B).

(a) *Prescription.* The Form of Annual Report for Class A and Class B electric utilities, licensees and others, designated herein as FERC Form No. 1, is prescribed for the reporting year 1981 and each year thereafter.

(b) *Filing Requirements*—(1) *Who must file.* (i) *Generally.* Each Class A and Class B[1] electric utility, license, and other entity, *i.e.*, each corporation, person, or licensee as defined in section 3 of the Federal Power Act (16 U.S.C. 792 *et seq.*), including any agency, authority or other legal entity or instrumentality engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $1,000,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission an original and conformed copies of the FERC Form No. 1 pursuant to the General Instructions set out in that form.

(ii) *Exceptions.* This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act; (*i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power).

(2) *When to file.* This report shall be filed on or before April 30 of each year for the previous calendar year, beginning April 30, 1982 for the 1981 calendar year.

(c) This annual report contains the following schedules:

Instructions for Filing the FERC Form No. 1
Identification
Attestation
List of Schedules
General Information
Control Over Respondent
Corporations Controlled by Respondent
Officers
Directors
Security Holders and Voting Powers
Important Changes During the Year
Comparative Balance Sheet
Statement of Income for the Year
Statement of Retained Earnings for the Year
Statement of Changes in Financial Position
Notes to Financial Statements
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion
Nuclear Fuel Material
Electric Plant in Service
Electric Plant Leased to Others
Electric Plant Held for Future Use
Construction Work in Progress—Electric
Construction Overhead—Electric
General Description of Construction Overhead Procedure
Accumulated Provision for Depreciation of Electric Utility Plant
Nonutility Property
Investments in Subsidiary Companies
Extraordinary Property Losses
Materials and Supplies
Miscellaneous Deferred Debits
Accumulated Deferred Income Taxes (190)
Capital Stock
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock
Other Paid-in Capital
Discount on Capital Stock
Capital Stock Expense
Long-Term Debt
Taxes Accrued, Prepaid and Charged During Year
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes
Accumulated Deferred Investment Tax Credits
Other Deferred Credits
Accumulated Deferred Income Taxes—Accelerated Amortization Property (Account 281)
Accumulated Deferred Income Taxes—Other Property (Account 282)
Accumulated Deferred Income Taxes—Other (Account 283)
Electric Operating Revenues
Sales of Electricity by Rate Schedules
Sales for Resale
Electric Operation and Maintenance Expenses
Number of Electric Department Employees
Purchased Power
Interchange Power
Transmission of Electricity for or by Others
Miscellaneous General Expenses—Electric
Depreciation and Amortization of Electric Plant
Particulars Concerning Certain Income Deductions and Interest Charges Accounts
Regulatory Commission Expenses
Research, Development and Demonstration Activities
Distribution of Salaries and Wages
Common Utility Plant and Expenses
Electric Energy Account
Monthly Peaks and Output
Steam-Electric Generating Plant Statistics (Large)
Steam-Electric Generating Plant Statistics (Large Plant) Average Annual Heat Rates

[1] *See* 18 CFR Part 101, revised as of April 1, 1981.

and Corresponding New MWh Output for Most Efficient Generating Units/Total System Steam Plants
Hydroelectric Generating Plant Statistics (Large)
Pumped Storage Generating Plant Statistics (Large)
Generating Plant Statistics (Small)
Changes Made or Scheduled to be Made in Generating Plant Capacities
Steam-Electric Generating Plants
Hydroelectric Generating Plants
Pumped Storage Generating Plants
Internal-Combustion Engine and Gas-Turbine Generating Plants
Transmission Line Statistics
Transmission Lines Added During Year
Substations
Electric Distribution Meters and Line Transformers
Environmental Protection Facilities
Environmental Protection Expenses
Footnote Data
Stockholders Reports
Index

BILLING CODE 6717-01-M

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
General Instructions	1-11	i-iv			X			Instructions clarified and expanded. Reduced number of schedules requiring CPA certification to the four basic financial statements. Filing date now 4/30/--
General Information	101-101A	101			X			Instruction 5 deleted with reporting the name of stock exchange moved to new schedule 250. Instruction 6 revised and renumbered as 5.
Control Over Respondent	102	102			X			Option to allow reference to SEC 10-K filings.
Corporations Controlled by Respondent	103	103			X			Option to allow reference to SEC 10-K filings.
Officers	104	104	X					
Directors	105	105				X		Instruction 2 deleted per Order No. 57, 11-8-79. Deleted columns (c), (d), (e), and (f).
Security Holders and Voting Powers	106-107	106-107			X			Deleted instruction 1(B).
Important Changes During the Year	108-109	108-109			X			Revised instruction 6 to include short-term issues. moved old page 220(deleted). Instruction 11 deleted. Instruction 12 added to allow notes from other reports.
Comparative Balance Sheet	110-111	110-113				X		Deleted column (e). Expanded to include reporting account balances previously grouped and detailed on schedule pages now deleted. Common with Form No. 2. Cost data for Account 123.1 moved to footnote on new schedule page 217.
Notes to Financial Statements (was titled as Notes to Balance Sheet)	112	122-123			X			Revised title. Instructions 1 and 6 now include notes for the four basic financial statements.
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion	113	200	X					
Statement of Income for the Year	114-116A	114-117			X			Deleted instruction 7. Accounts 415-418 amounts listed separately. Instructions revised to reflect the moving of the notes to the income statement to page 122-123. Increase/decrease column revised to read "Previous Year." Instruction 9 revised.
Statement of Retained Earnings for the Year	117-117A	118-119			X			Deleted reference to discontinued Form No. 9. Notes to be reported on new schedule page 122-123. Last sentence of instruction 5 deleted.
Statement of Changes in Financial Position	118-119	120-121			X			Notes to be reported on new schedule 122-123.
Nuclear Fuel Material	200	201	X					
Nonutility Property	201	215		X	X			Instructions 4 and 5 revised to allow previously devoted to public service property to be grouped similar to the other nonutility property. Limited the detailed reporting to 5% of the balance end of year for Account 121, or $100,000, whichever is less.
Accumulated Provision for Depreciation and Amortization of Nonutility Property	201	-					X	
Investments	202	-					X	
Investments in Subsidiary Companies	203	217			X			Footnote for total cost of account 123.1 moved from schedule 110, Balance Sheet, description column.
Notes and Accounts Receivable	204	-					X	Moved beginning and end of year balances to page 110.
Accumulated Provision for Uncollectible Accounts - Cr.	204	-					X	
Receivables from Associated Companies	206	-					X	Moved beginning and end of year balances to page 110.
Material and Supplies	207	218			X			Revised instruction 1 to indicate reporting by functional classification as preprinted in column (a) with estimating allowed.
Production Fuel and Oil Stocks	209	-					X	

FERC FORM NO. 1 REVISIONS

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Miscellaneous Current and Accrued Assets	210	-					X	
Extraordinary Property Losses	210	220	X					
Unamortized Debt Expense, Premium and Discount on Long-term Debt	211	256-257			X	X		Deleted columns (f) thru (i) and merged remainder with old page 219, now schedule 256-257.
Preliminary Survey and Investigation Charges	212	-					X	
Miscellaneous Deferred Debits	214	223		X				Instruction 3 - Added provision for grouping: (1% of the balance end of year for Account 186 or amounts less than $50,000, whichever is less). Deleted number of items so grouped.
Deferred Losses from Disposition of Utility Plant	214A	-					X	
Unamortized Loss and Gain on Reacquired Debt	214B	-					X	
Accumulated Deferred Income Taxes (190)	214C-D	224				X		Deleted columns (c) through (j). Retained only (a), (b) and (k). Deleted lines 19-22, Classification of total taxes.
Capital Stock	215	250			X			Added to column (a) - Name of Exchange- transferred from old page 101. Reference to 10-K filings allowed.
Capital Stock Subscribed, Capital Stock Liability for Coversion, Premium on Capital Stock and Installments Received on Capital Stock	216	251	X					
Other Paid-in Capital	217	252	X					
Discount on Capital Stock	218	253	X					
Capital Stock Expense	218	253	X					
Long-Term Debt	219	256-257			X	X		Revised and merged with old page 211. Added from old page 220 (deleted) - Commission authorization. Deleted (g), (h), (i).
Securities Issued or Assumed and Securities Refunded or Retired During the Year	220	-					X	Deleted, with Commission authorization for new issues moved to new schedules 108 (short-term) and 256 (long-term debt).
Notes Payable	221	-					X	Moved beginning and end of year balances to new page 112.
Payables to Associated Companies	221	-					X	
Taxes Accrued, Prepaid and Charged During Year	222-222A	258-259			X	X		Instruction 4 - deleted headings by Federal, State and Local. Instruction 5 - now excludes federal and state income taxes by year. Deleted columns (j), (k), (l), (n).
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes	223	261	X		X			Instruction 3 added to allow for company-own design for format, so long as meets requirements.
Miscellaneous Current and Accrued Liabilities	224	-					X	
Customer Advances for Construction	224	-					X	
Deferred Gains from Disposition of Utility Plant	224A	-					X	
Other Deferred Credits	225	266		X				Instruction 3 - Added 5% of the balance end of the year for Account 253 or amounts less than $10,000, whichever is greater). Deleted number of items grouped.
Operating Reserves	226	-					X	Moved beginning and end of year balances to page 112.
Accumulated Deferred Income Taxes	227-227L	268-273			X			Deleted instruction 2 from old pages 227 and 227B.
Investment Tax Credits Generated and Utilized	228	-					X	

* Data requirements retained with redesigned format.

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is *	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Accumulated Deferred Investment Tax Credits	229	264	X					
Gain or Loss on Disposition of Property	300	-					X	
Income from Utility Plant Leased to Others	301						X	
Particulars Concerning Certain Other Income Accounts	303	-					X	Moved account amounts for the year to new schedule page 117, Statement of Income for the Year.
Particulars Concerning Certain Income Deductions and Interest Charges Accounts	304	337		X	X			Instruction 3 revised to allow grouping of items less than 5% of each account total for the year or $1,000 whichever is greater. Moved Account 426.4 to be included in first sentence of instruction 3.
Expenditures for Certain Civic, Political and Related Activities	305	-					X	Account 426.4 reporting moved to schedule page (new) 337 with some details required by instruction 3.
Extraordinary Items	306	-					X	
Common Utility Plant and Expenses	351	356	X					
Regulatory Commission Expenses	353-353A	350-351		X				Instruction 6 - Added: (less than $25,000).
Charges for Outside Professional and Other Consultative Services	354	-					X	
Distribution of Salaries and Wages	355-356	354-355			X			Columns (b) and (c) shaded for lines 74-94
Electric Plant in Service	401-403	202-204	X					
Fish and Wildlife and Recreation Plants	403a	-					X	
Electric Plant Leased to Others	404	207	X					
Electric Plant Held for Future Use	405	208		X				Revised instructions to raise threshold to $250,000. Deleted number of so grouped.
Construction Work in Progress(and Completed Construction not Classified) - Electric (Title Revised)	406	210		X		X		Instruction 4 - Added: (5% of the balance end of year for Account 107 or $100,000, whichever is less). Deleted column (c) and all reporting for Account 106. on this schedule. Deleted old column (d).
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	407	-					X	
Accumulated Provision for Depreciation of Electric Utility Plant	408	213	X					
Electric Operating Revenues	409	301			X			Increase/decrease columns (c), (e) and (g) revised to read "Previous Year." Instruction 3 revised. Kwh and kilowatts changed to MWh and Megawatts. Deleted at bottom of page, "Total All Electric" customers.
Sales of Electricity -By Communities	410-411	-					X	
Sales for Resale	412-413	310-311			X	X		Kwh and Kilowatts (Kw) and Kva changed to MWh Mega-
Sales of Electricity by Rate Schedules	414	304			X			watts, MW, and MVa. Exclude data for sales for resale on new page 304 if data is reported on new schedule pages 310-311.
Sales to Railroads and Railways and Interdepartmental Sales	415	-					X	Deleted column (g) from schedule page 311.
Rent from Electric Property and Interdepartmental Rents	415	-					X	
Sales of Water and Water Power	416	-					X	
Miscellaneous Service Revenues and Other Electric Revenues	416	-					X	
Electric Operation and Maintenance Expenses	417-420	320-323			X			Increase/decrease column (c) revised to read "Previous Year." Summary deleted.
Number of Electric Department Employees	420	323	X					

* Data requirements retained with redesigned format.

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is *	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Electric Energy Account	429	401			X			Revised to show Megawatthours.
Monthly Peaks and Output	430	401			X			Revised to show Megawatthours.
Steam Electric Generating Plant Statistics (Large Plants)	402-403	402-403			X			Revised to show Megawatthours.
Hydroelectric Generating Plant Statistics (Large Plants)	406-407	406-407			X			Revised to show Megawatthours.
Pumped Storage Generating Plant Statistics (Large Plants)	408-409	408-409			X			Revised to show Megawatthours.
Generating Plant Statistics (Small Plants)	410-411	410-411			X			Revised to show Megawatthours.
Transmission Line Statistics	422-423	422-423			X			Revised to show Megawatthours.
Transmission of Electricity for Others	424-425	328-330			X			Revised to show Megawatthours.
Transmission of Electricity by Others	426-427	332			X			Revised to show Megawatthours.
Miscellaneous General Expenses - Electric	428	335			X			Revised to show Megawatthours.
Depreciation and Amortization of Electric Plant	336-338	336-338			X			Revised to show Megawatthours.
Particulars Concerning Certain Income Deductions and Interest Charges Accounts	340	340			X			Revised to show Megawatthours.
Electric Plant in Service	204-207	204-207			X			Revised to show Megawatthours.
Electric Plant Leased to Others	213	213			X			Revised to show Megawatthours.
Electric Plant Held for Future Use	214	214			X			Revised to show Megawatthours.
Construction Work in Progress - Electric	216	216			X			Revised to show Megawatthours.
Accumulated Provision for Depreciation of Electric Utility Plant	219	219			X			Revised to show Megawatthours.
Nonutility Property	221	221			X			Revised to show Megawatthours.
Investments in Subsidiary Companies	222-223	222-223			X			Revised to show Megawatthours.
Materials and Supplies	227	227			X			Revised to show Megawatthours.
Electric Plant Adjustments	230	230			X			Revised to show Megawatthours.
Nuclear Fuel Materials	202-203	202-203			X			Revised to show Megawatthours.
Nuclear Fuel Stock Expenses During Period	518	518			X			Revised to show Megawatthours.
Nuclear Generating Plant Statistics	402-403	402-403			X			Revised to show Megawatthours.
Steam Electric Generating Plant Statistics (Large Plants)	402-403	402-403			X			Revised to show Megawatthours.
Hydroelectric Generating Plant Statistics (Large Plants)	406-407	406-407			X			Revised to show Megawatthours.
Pumped Storage Generating Plant Statistics (Large Plants)	408-409	408-409			X			Revised to show Megawatthours.
Generating Plant Statistics (Small Plants)	410-411	410-411			X			Revised to show Megawatthours.
Transmission Line Statistics	422-423	422-423			X			Revised to show Megawatthours.
Transmission of Electricity for Others	424-425	328-330			X			Revised to show Megawatthours.
Transmission of Electricity by Others	426-427	332			X			Revised to show Megawatthours.
Miscellaneous General Expenses - Electric	428	335			X			Revised to show Megawatthours.
Depreciation and Amortization of Electric Plant	336-338	336-338			X			Revised to show Megawatthours.
Particulars Concerning Certain Income Deductions and Interest Charges Accounts	340	340			X			Revised to show Megawatthours.
Electric Plant in Service	204-207	204-207			X			Revised to show Megawatthours.
Electric Plant Leased to Others	213	213			X			Revised to show Megawatthours.
Electric Plant Held for Future Use	214	214			X			Revised to show Megawatthours.
Construction Work in Progress - Electric	216	216			X			Revised to show Megawatthours.
Accumulated Provision for Depreciation of Electric Utility Plant	219	219			X			Revised to show Megawatthours.
Nonutility Property	221	221			X			Revised to show Megawatthours.
Investments in Subsidiary Companies	222-223	222-223			X			Revised to show Megawatthours.
Materials and Supplies	227	227			X			Revised to show Megawatthours.
Electric Plant Adjustments	230	230			X			Revised to show Megawatthours.
Nuclear Fuel Materials	202-203	202-203			X			Revised to show Megawatthours.
Nuclear Fuel Stock Expenses During Period	518	518			X			Revised to show Megawatthours.
Nuclear Generating Plant Statistics	402-403	402-403			X			Revised to show Megawatthours.

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As Is *	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations	420a	-					X	
Lease Rentals Charged	421A-421D	-					X	
Purchased Power	422-423	326-327			X	X		Column (g) deleted. Kilowatts changed to Megawatts
Interchange Power	424	328			X			Kwh, Kilowatts (Kw) and Kva changed to MWh, Megawatts
Transmission of Electricity for or by Others	425	332			X			(MW) and MVa.
Franchise Requirements	426	-					X	
Miscellaneous General Expenses -Electric	427	333		X				Revised old lines 6 and 7 to read $5,000, allowing lessor amounts to be grouped for other expenses.
Construction Overhead - Electric	427	211				X		Deleted column (c) and (d).
General Description of Construction Overhead Procedure	428	212	X					
Depreciation and Amortization of Electric Plant	429-430A	334-336	X					
Electric Energy Account	431	401			X			Kilowatt-Hours and Kwh changed to Megawatt Hours and MWh.
Monthly Peaks and Output	431	401	X		X			
Steam-Electric Generating Plant Statistics(Large)	432-432a	402-403	X		X			
Steam-Electric Generating Plant Statistics (Large Plant) Average Annual Heat Rates and Corresponding New Kwh Output for Most Efficient Generating Units/ Total System Steam Plants	432b	404	X		X			
Hydroelectric Generating Plant Statistics (Large)	433a-433b	406-407	X		X			
Pumped Storage Generating Plant Statistics (Large)	433c-433d	408-409	X		X			
Generating Plant Statistics (Small)	434	410	X		X			
Changes Made or Scheduled to be Made in Generating Plant Capacities	435	411	X		X			
Steam-Electric Generating Plants	436-437	412-413	X		X			
Hydroelectric Generating Plants	438-439	414-415	X		X			
Pumped Storage Generating Plants	439a-439c	416-418	X		X			
Internal-Combustion Engine and Gas-Turbine Generating Plants	440-441	420-421	X		X			
Transmission Line Statistics	442-443	422-423	X					
Transmission Lines Added During Year	444	424	X		X			
Substations	445	425	X		X			
Electric Distribution Meters and Line Transformers	447	427	X		X			
Research, Development and Demonstration Activities	448-448A	352-353	X					
Environmental Protection Facilities	501	428	X					
Environmental Protection Expenses	502	429	X					
Attestation	503	1	X					
Identification	Title Sheet	1	X					
Index	-	Ind. 1-5	X					
List of Schedules	iii-iv	2-4	X					

* Data Requirements retained with redesigned format.

[FR Doc. 82-701 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-C

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 82-9]

General Provisions; Change in the Field Organization of the Customs Service

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice amends the Customs Regulations by changing the field organization of the Customs Service to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, Customs port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, Customs port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, Customs port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarify the limits of the Columbus, Ohio, Customs port of entry (Region IX).

The changes are part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs published a notice of proposed rulemaking in the **Federal Register** on July 10, 1981 (46 FR 35682), proposing to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, Customs port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, Customs port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, Customs port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

Clarify the limits of the Columbus, Ohio, Customs port of entry (Region IX).

The changes were proposed for the following reasons:

(a) *Saginaw-Bay City-Flint, Michigan.* The limits of the consolidated Customs port of entry of Saginaw-Bay City-Flint, Michigan, which were extended by T.D. 79–74 (44 FR 12029), do not encompass the Tri-City Airport. Because virtually all of the international aircraft arriving in the area, particularly general aviation from Canada, is processed at the recently improved Tri-City Airport, Customs determined that the port limits should be extended to include that facility

(b) *San Francisco-Oakland, California.* T.D. 79–74 also clarified, but did not change, the geographical description of the port limits of the Customs port of entry of San Francisco-Oakland, California. The Regional Commissioner of Customs, San Francisco (Region VIII), requested that the port limits be extended to include Travis Air Force Base.

Travis Air Force Base, located near San Francisco, California, is outside both city and Customs port of entry limits. However, Customs was providing manpower for service at this location on a regular basis. To ensure continued service for this workload, which was subject to the uncertainty and additional costs associated with out-of-port service, Customs proposed to extend the San Francisco-Oakland port limits to include Travis Air Force Base.

(c) *Durham, North Carolina.* Operations at the Durham, North Carolina, Customs port of entry reflected an increase in the volume of aircraft and over-the-road shipments, accompanied by a decrease in the importation of tobacco for warehousing. Planning was underway to expand the Raleigh-Durham Airport complex to accommodate the increased traffic and larger aircraft. The Raleigh-Durham Airport, which is outside the current port limits, was expected to encompass the major portion of Durham's workload.

Also, Customs was advised that it would have to vacate its present Durham office. Because adequate office space was available at the Raleigh-Durham Airport, Customs determined that moving its offices to the airport and extending the existing port limits to include the airport would locate manpower closer to major work locations and improve Customs service in the area.

(d) *Columbus, Ohio.* The port limits of the Columbus, Ohio, Customs port of entry coincided with the city's corporate limits. However, because the city annexed surrounding areas on a piecemeal basis over the years, there were areas within the city which were not included in the Customs port of entry. As a result, it often was difficult to determine whether service at various locations was being provided inside or outside port limits.

In order to improve service to the public, Customs proposed to clarify the port boundaries.

Interested parties were given until September 8, 1981, to comment on the proposed changes. No comments were received in response to the notice. Accordingly, Customs has determined to adopt the proposal as set forth in the notice of proposed rulemaking published in the **Federal Register** on July 10, 1981.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (46 FR 9336), the following changes in the Customs field organization are adopted:

(a) The geographical boundaries of the Saginaw-Bay City-Flint, Michigan, Customs port of entry are extended to include:

All the territory within the corporate limits of Saginaw and Bay City; from Bay City due west along the right-of-way of U.S. Highway No. 10, to the intersection of Garfield Road and U.S. Highway No. 10, south on Garfield Road to and including the Tri-City Airport, bounded on the west by Garfield Road, on the east by Hackett Road, on the south by Freeland Road and on the north by Sarle Road, the territory embracing the Townships of Zilwaukee, Carrolton and Buena Vista, in Saginaw County; the Townships of Portsmouth and Frankenlust, in Bay County; the right-of-way of Interstate Highway 75, south to and including Flint Township; the city of Flint; and that portion of Genesee Township bounded by Saginaw Street on the west, Stanley Road on the north, Lewis Road on the east, and the city of Flint on the south; all in the State of Michigan.

(b) The geographical boundaries of the San Francisco Oakland, California, Customs port of entry are extended to include:

All the territory within the corporate limits of San Francisco and Oakland; all

points on the San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay; all points on the San Joaquin River in Contra Costa and San Joaquin Counties, to and including Stockton; north along U.S. Interstate 80 to Airbase Parkway, east along Airbase Parkway to and including the territory comprising the Travis Air Force Base; all points on the Sacramento River in Solano, Yolo, and Sacramento Counties, from the junction of the Sacramento River within the San Joaquin River in Sacramento County, to and including Sacramento, California; and all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo, and Sacramento Counties, from and including the junction of Cache Slough with the Sacramento River, to and including Sacramento; all in the State of California.

(c) The geographical boundaries of the Durham, North Carolina, Customs port of entry are extended to include:

All the territory within the corporate limits of Durham; and from the southeast intersection of the corporate limits of Durham and U.S. Highway No. 70, southeast along U.S. Highway No. 70 to State Road 1002 (also named Airport Road), southwest along State Road 1002 to and including the territory comprising the Raleigh-Durham Airport; and beginning at the intersection of the southeastern corporate limits of Durham and Ellis Road, southerly along the west side of Ellis Road a distance of 1.1 miles to Cook Road, then westerly along the north side of Cook Road a distance of .6 mile to Alston Avenue, then northwesterly along the east side of Alston Avenue a distance of 1.2 miles to the corporate limits of Durham; all in the State of North Carolina.

(d) The geographical boundaries of the Columbus, Ohio, Customs port of entry include all of the territory within the corporate limits of Columbus, Ohio; all of the territory completely surrounded by the city of Columbus; and, all of the territory enclosed by Interstate Highway 270 (outer belt), which completely surrounds the city.

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities, it is not expected to be significant because extending the port limits at Customs ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Accordingly, pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

PART 101—GENERAL PROVISIONS

To reflect these changes, the column headed "Ports of Entry" in the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by:

§ 101.3 Amended.

(a) Substituting "(T.D. 82–9)." for "(T.D. 79–74)." in the listing for "Saginaw-Bay City-Flint" in the Detroit, Michigan, Customs district (Region IX);

(b) Substituting "(T.D. 82–9)." for "(T.D. 79–74), all points on San Francisco Bay, and the territory described in E.O. 10042, March 10, 1949 (14 FR 1155), T.D. 53738 and T.D. 56020." in the listing for "SAN FRANCISCO-OAKLAND, CALIF.," in the San Francisco, California, Customs district (Region VIII);

(c) Inserting "and T.D. 82–9." following "9 FR 3761" in the listing for "Durham" in the Wilmington, North Carolina, Customs district (Region IV); and,

(d) Inserting "(T.D. 82–9)." following "Columbus, Ohio." in the listing for the Cleveland, Ohio, Customs district (Region IX).

Dated: December 23, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82–787 Filed 1–11–82; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 78P–0374]

Frozen Desserts; Ice Cream, Frozen Custard, Ice Milk, and Sherbet; Amendment to the Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of the revision of the standards of identity for ice cream and frozen custard, ice milk, and sherbet. These revised standards permit, in addition to sweet whey which was already allowed, the use of acid whey and modified wheys made from sweet and acid wheys as a source of whey solids.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun on November 3, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 17, 1979 (44 FR 48265), FDA published a proposal to amend the standards of identity for ice cream and frozen custard, and sherbet (21 CFR 135.110 and 135.140, respectively) and, by cross-reference, the standard of identity for ice milk (21 CFR 135.120). FDA published the proposal in response to a citizen petition filed by the International Association of Ice Cream Manufacturers, the Whey Products Institute, and Foremost Foods Co. The proposed amendment would permit the use of sweet whey, acid whey and modified whey products made from sweet and acid wheys as a source of whey solids as long as the total amount of whey solids used does not exceed

current limits in the frozen dessert standards.

After receiving and analyzing comments on the proposed revision, FDA published a final rule in the Federal Register of September 4, 1981 (46 FR 44432). No objections or requests for a hearing were received. However, one letter was received which expressed concern whether FDA has the capability to enforce the provision of the final rule regarding the maximum limits set for the amounts of whey solids that may be used in frozen desserts when modified wheys are used.

FDA advises that establishment inspections serve as one means of enforcing this provision of the standard. In addition, U.S. Department of Agriculture's Eastern Regional Research Center has developed a relatively simple analytical method to determine the proportion of protein in ice cream contributed by non-fat milk solids versus whey solids by computing the nitrogen-to-phosphorus ratio. FDA believes, therefore, that it has adequate means of enforcement.

PART 135—FROZEN DESSERTS

§§ 135.110, 135.120 and 135.140 Effective date confirmed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date for compliance with the amendments of §§ 135.110, 135.120, and 135.140 published in the Federal Register of September 4, 1981 (46 FR 44432) is July 1, 1983. Voluntary compliance may have begun on November 3, 1981.

Dated: January 4, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-864 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Parts 175, 176, and 178

[Docket No. 81F-0233]

Indirect Food Additives: Synthetic Wax Polymer

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of synthetic wax polymer prepared by the polymerization of high molecular weight alpha olefins for use as a component of adhesives, as a component of petroleum wax and/or synthetic petroleum wax in paper and paperboard, and as a component of reinforced wax.

DATES: Effective January 12, 1982, objections by February 11, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 21, 1981 (46 FR 42530), FDA announced that a petition (FAP 7B3316) had been filed by the Petrolite Corp., 6910 E. 14th St., P.O. Drawer K, Tulsa, OK 74112, proposing that the food additive regulations be amended in §§ 175.105, 176.170, and 178.3850 (21 CFR 175.105, 176.170, and 178.3850).

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive uses are safe and that §§ 175.105, 176.170, and 178.3850 should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore need not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch, Food and Drug Administration (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 175, 176, and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
Synthetic wax polymer as described in § 176.170(a)(5) of this chapter.	

* * * * *

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

2. Part 176 is amended in § 176.170(a)(5) by alphabetically inserting a new item in the list of substances to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
Synthetic wax polymer prepared by the catalytic polymerization of alpha olefins such that the polymer has a maximum iodine number of 18 and a minimum number average molecular weight of 2,400.	For use only as a component of petroleum wax and/or synthetic petroleum wax complying with § 178.3710 or § 178.3720 of this chapter at levels not to exceed 5 percent by weight of the wax: 1. Under conditions of use F and G described in Table 2 of paragraph (c) of this section for all foods. 2. Under conditions of use E described in Table 2 of paragraph (c) of this section for food types I, II, IV-B, VI, VII-B and VIII as described in Table 1 of paragraph (c) of this section.

* * * * *

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

3. Part 178 is amended in § 178.3850(d)(3) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 178.3850 Reinforced wax.

* * * * *

(d) * * *

(3) * * *

List of substances	Limitations
Synthetic wax polymer as described in § 176.170(a)(5) of this chapter.	Not to exceed 5 percent by weight of the petroleum wax.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 11, 1982 submits to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis of any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 5, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-700 Filed 1-11-82; 8:45 am]
BILLING CODE 4160-01-M

---

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Cadco, Inc., providing labeling revisions for a 10-gram-per-pound tylosin premix that expand its use to manufacture of cattle and poultry feeds in addition to manufacturing swine feeds.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322, is sponsor of an NADA (91–783) to provide for safe and effective use of a 10-gram-per-pound tylosin premix in manufacturing complete swine feeds. The feeds are used for increased rate of weight gain and improved feed efficiency. On behalf of Cadco, Elanco Products Co. filed a supplement to the NADA that expands use of the premix to manufacture of complete cattle and poultry feeds. The cattle feeds are indicated for reduction of incidence of liver abscesses in beef cattle. The poultry feeds are indicated for increased rate of weight gain and improved feed efficiency in chickens, improved feed efficiency in laying chickens, and to aid in the control of chronic respiratory disease in broiler and replacement chickens. The supplement also provides for certain additional uses of swine feeds derived from the 10-gram-per-pound premix.

Cadco has existing approvals for use of premixes containing 4 and 8 grams of tylosin per pound for manufacture of swine feeds used solely for increased rate of weight gain and improved feed efficiency. The supplemental NADA, adding the additional claims and species for the 10-gram-per-pound premix, is approved and 21 CFR 558.625 is amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Elanco's approved NADA 12–491. Use of the data in NADA 12–491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this is a Category II change. The approval of this supplemental NADA does not require reevaluation of the safety and effectiveness data in NADA 12–491.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(4) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(4) To 011490: 4 and 8 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 10 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. This amendment is effective January 12, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 4, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-553 Filed 1-11-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Amendment to the Wyoming State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; amendment.

SUMMARY: This notice amends § 1952.344 of Title 29 Code of Federal Regulations relating to completed developmental steps in the Wyoming State Plan involving legislation revising the enabling law providing for civil enforcement of safety and health violations, an approved merit system for hiring enforcement staff, and the conformity of the State's personnel operations with Federal standards.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Charles Y. Boyd, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3613, Washington, D.C. 20210, (202) 523-8081.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Section 1952.344 of 29 CFR Part 1952 is hereby amended to reflect approval of three developmental steps by adding paragraphs (g), (h) and (i) as follows:

§ 1952.344 Completed developmental steps.

* * * * *

(g) Legislation revising the enabling law to provide for civil enforcement of safety and health violations and revised regulations establishing procedures for review of enforcement actions was approved by the Assistant Secretary on December 19, 1980. (45 FR 83483)

(h) The State has met its plan commitment for hiring enforcement staff under an approved merit system for administration of its health and safety program pursuant to a July 3, 1980 memo from Don Owsley, Administrator of the Wyoming Occupational Health and Safety Department.

(i) As required by 29 CFR 1902.34(b)(3), the personnel operations of the Wyoming Occupational Health and Safety Department have been found to be in substantial conformity with the "Standards for a Merit System of Personnel Administration" by the Office of Personnel Management in a letter dated October 17, 1980.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 30th day of December 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 82-769 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2011-6]

Approval and Promulgation of Revision to Arkansas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The State of Arkansas has submitted to EPA a revision to its Plan for Implementation for Air Pollution Control (SIP) concerning the control of total suspended particulate (TSP) emissions. The SIP revision submitted by Arkansas provides for an emission rate limit for TSP emissions from the Energy Systems Company of El Dorado, Arkansas so that the National Ambient Air Quality Standard (NAAQS) for TSP will continue to be maintained in Arkansas. This notice approves the Arkansas SIP revision and amends the Code of Federal Regulations at § 52.170. This action will be effective on March 15, 1982 unless notice is received within 30 days (on or before February 11, 1982) that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: March 15, 1982.

ADDRESSES: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Arkansas may be examined during normal business hours at the following locations:

Arkansas Dept. of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209

EPA, Region VI Library, 1201 Elm Street, Dallas, Texas 75270

EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas, 75270, (214) 767-1518, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP revision was submitted by the Governor of Arkansas on September 11, 1981. The submittal revised the Arkansas SIP for the control of TSP emissions, to inlcude a maximum allowable emission limit for particulate emissions from Energy Systems Company (ENSCo) of El Dorado, Arkansas. Particulate emissions occur at ENSCo during the operation of an incinerator which the company uses to dispose of hazardous waste, with a scrubber being utilized by ENSCo to control the incinerator's emissions.

The Arkansas SIP was previously fully approved by EPA on October 5, 1976 (41 FR 43903). At that time, the SIP provided for the attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for TSP throughout Arkansas by providing regulations for limiting TSP emissions from individual sources that would have an impact on the NAAQS. Since that time, the State has discovered that ENSCo was not included in the SIP as a major source of TSP. Therefore, the State has revised its regulations, specifically Section 8 of the Regulations of the Arkansas SIP, to include the omitted source and to set a maximum allowable particulate emission limit for ENSCo. The State has submitted the revision to Section 8 of its Regulations to EPA as a SIP revision and has requested EPA's approval of the action.

II. Approval of SIP Revision

EPA has reviewed the Arkansas SIP revision and finds that the submission is fully approvable as explained below and in the Evaluation Report which is available for public review at the locations listed in the Addresses Section of this notice. The submission includes validation that a public hearing was held and adequate time was allowed for public comment. Also, the submission validates that the emission limit for ENSCo of 34 pounds of particulate per hour is fully enforceable by the State, and validates that Section 8 of the Regulations of the Arkansas SIP has been amended to include the particulate emission rate for ENSCo. In addition, the State's submission includes an ambient air analysis using modeling which shows that the NAAQS for TSP will continue to be maintained around the ENSCo plant with the emission rate in effect, since the concentrations of TSP in the ambient air surrounding the plant were predicted to be between .7%-3.1% of the NAAQS for TSP.

Therefore the State submittal includes the necessary information for approval of a SIP revision and shows that the NAAQS for TSP will be maintained around the ENSCo plant in El Dorado, Arkansas.

EPA's Actions

EPA approves the SIP revision as submitted by Arkansas which amends Section 8 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control to include a particulate emission rate of 34 pounds per hour for ENSCo at El Dorado, Arkansas.

The public should be advised that this action will be effective 60 days from the date of notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a State action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely approves a State action concerning one source in the State.

Note.—Incorporation by reference of the SIP for the State of Arkansas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410(a)))

Dated: December 31, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart E—Arkansas, of the Code of Federal Regulations is amended to include the following:

Section 52.170 is amended by adding:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(16) On September 11, 1981, the Governor submitted a revision to Section 8 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control which implements an emission limit for Energy Systems Company of El Dorado, Arkansas.

[FR Doc. 82-724 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-4-FRL-1992-1]

Approval and Promulgation of Implementation Plans; Kentucky: Bubble Action for General Electric Plant in Louisville

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision submitted by the Kentucky Department for Natural Resources and Environmental Protection. The SIP revision presents an alternative emission reduction (bubble) plan for the General Electric (G.E.) plant in Louisville, Kentucky. The revision allows G.E. to achieve compliance with Kentucky and Jefferson County volatile organic compound (VOC) regulations for existing large appliance surface coating operations. The state and local regulations require final compliance by January 1, 1982.

G.E. is leasing banked VOC emission credits from the International Harvester Company (I.H.) in Louisville, Kentucky. The leased emission credits will provide G.E. with sufficient emission reductions to achieve final compliance by January 1, 1982, and contribute a 10 percent net air quality benefit.

This approval action will be effective March 15, 1982, unless notice is received within 30 days (on or before February 11, 1981) that someone wishes to submit adverse or critical comments.

DATE: These actions are effective March 15, 1982.

ADDRESSES: Copies of the materials submitted may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20460

Library, Environmental Protection Agency, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, 18 Reilly Road, Building #2, Ft. Boone Plaza, Frankfort, Kentucky 40601

Comments should be addressed to the Air Programs Branch of EPA Region IV at the address above.

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: The Kentucky SIP revision that EPA is approving today was subjected to public hearing on July 15, 1981 at the offices of the Air Pollution Control District of Jefferson County in Louisville, Kentucky. The Jefferson Air Pollution Control Board subsequently approved it on July 15, 1981. The plan revision was submitted to EPA Region IV as a SIP revision by the Kentucky Department for Natural Resources and Environmental Protection on August 7, 1981. Following a thorough review by EPA, the plan revision was found to be adequate, and EPA is today approving it.

The sources affected by the revision are the Koch Plastisol Prime System and the Koch Wire Rack Prime System at the G.E. plant located in Appliance Park, Louisville, Kentucky. These sources are on a compliance schedule in accordance with Jefferson County Regulation 6.16 and Kentucky Regulation 401 KAR 61:110. G.E. has experienced difficulty in meeting the interim goals in the schedule. After studying all available alternatives for achieving final compliance, it was determined that use of the bubble policy was the most economically feasible and expeditious means.

The state and local regulatory requirements are in accordance with EPA reasonable available control technology (RACT) guidelines for control of volatile organic emissions from existing stationary sources, Volume V—Surface Coating of Large Appliances, and other related guidance.

The state and local regulations require an 85 percent reduction in VOC emissions from any existing large appliance surface coating operations by January 1, 1982. The estimated compliance date without the use of a bubble plan is December 31, 1983. By

using the bubble plan, G.E. can meet the final compliance date of January 1, 1982.

G.E. entered a binding (signed) lease agreement with I.H. on July 8, 1981. G.E. will lease 445 tons per year (TPY) in VOC emission credits from I.H. for the period Januray 1, 1982 to December 31, 1982, and 280 TPY for the period January 1, 1983 to December 31, 1983. In a letter dated June 5, 1981, from G.E. to the Air Pollution Control District of Jefferson County, G.E. certified that production of the plastisoled dishwasher will be discontinued December 31, 1983.

Prior to the termination of the lease agreement with I.H., the company will complete product changes that will reduce VOC emissions to the required level under the Jefferson County Air Pollution Control Board's regulation 6.16 (no more than 15 percent by weight of the VOC net input into the facility). The actual emission reductions necessary for compliance in 1982 are 400 TPY. The bubble includes an additional 45 TPY and this will result in an additional 10 percent reduction in potential VOC emissions. Excess reductions beyond the 10 percent benefit level will ensure compliance in the event of any fluctuations in operations. The 280 TPY leased for 1983 will be applied as necessary to ensure continued compliance. The VOC emission credits necessary for 1983 are dependent upon the degree of phase-out of the VOC emitting processes in 1982. It is expected that the 280 TPY will be in excess of the emission credits necessary for compliance. Compliance for 1983 will be addressed later in 1982, when a better estimate can be made regarding the 1982 phase-out of VOC emitting processes.

Emissions from G.E. and I.H. are being controlled by permit conditions. The I.H. permit numbers and banked emissions for VOC are:

Permit No.	New allowable	Banked emissions
974-80	0 lbs/hr	122 TPY.
20-80	0 lbs/hr	45 TPY.
169-79	0 lbs/hr	303 TPY.
Total		470 TPY.

The G.E. Permit limitations effective January 1, 1982 are:

Permit No.	**Allowable emissions	**Actual emissions	Leased emission credit
*Draft	25.5 lbs/hr (53 TPY)	243.5 lbs/hr (420 TPY)	445 TPY.
*Draft	4.6 lbs/hr (8 TPY)	29.6 lbs/hr (51 TPY)	1/1/82 thru 12/31/82.
Total	71 TPY	471 TPY	445 TPY.

* NOTE.—Permit numbers will be assigned after EPA approval.
** Actual emissions are estimated, based upon present (uncontrolled) emissions and operating rates. Allowable emission rates are based upon compliance with VOC formulation requirements of applicable regulations and operating rates. The final permits, when issued, should include a mechanism for determining compliance of G.E. with the interim emission limits.

Action

EPA is today approving the SIP revision submitted by Kentucky. This is being done without prior proposal because the bubble procedure used in this case is straightforward, noncontroversial, affects only the two companies involved, and no comments are anticipated.

The public should be advised that this revision will be effective 60 days from the date of this notice. However, if notice is received within 30 days from the date of this notice that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action, and establishing a new comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies state actions and imposes no new burden on sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available *only* by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plans for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410)

Dated: January 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

In § 52.920, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(26) Revision to the State Implementation Plan for a bubble action at General Electric, Louisville, Kentucky, submitted on August 7, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 82-725 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-5-FRL 1981-2]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In the August 31, 1981, **Federal Register** (46 FR 43704), EPA proposed to approve as a revision to the Michigan State Implementation Plan (SIP) an amendment to Michigan Air Pollution Control Commission Rule 221 which regulates the State's new source review program. The amendment, which was submitted to EPA by the State of Michigan on July 28, 1980, revises the offset requirements placed on proposed new minor sources of total suspended particulates and sulfur dioxide. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 11, 1982.

ADDRESSES: Copies of the SIP revisions are available for review at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: Section 173 of the Clean Air Act (Act) requires each State to develop a program which will accommodate new source growth and ensure that reasonable further progress is made toward attainment of the National Ambient Air Quality Standards for the areas within the State that have been designated as nonattainment. Such a program is commonly referred to as a new source review (NSR) program.

In the May 6, 1980 **Federal Register** (45 FR 29790), EPA approved Michigan's NSR program which is embodied in Rule 221. The Michigan NSR program is designed to accommodate new source growth through an emissions offset program. Rule 221 requires that emissions from a proposed new major source be offset by a greater than one-to-one decrease in emissions from another source located in the area. For proposed new minor sources which emit either particulate matter or sulfur dioxide, an offset must also be procured.

On July 28, 1980, Michigan submitted to EPA, as a SIP revision, an Amended Rule 221. Amended Rule 221 proposes to exempt proposed new minor sources of particulate matter and sulfur dioxide from the offset requirements.

On August 31, 1981 (46 FR 43704), EPA proposed approval of Amended Rule 221. No public comments were received. EPA, therefore, approves Amended Rule 221.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator, on January 27, 1981 (46 FR 8709), certified that approvals or conditional approvals promulgated pursuant to sections 110 and 172 of the Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to Section 110 of the Act, it falls within this certification. Further, Amended Rule 221 imposes no new regulatory requirements.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's final rulemaking action does not constitute a major regulation because it merely approves a regulation which was developed by the State.

Incorporation by reference of the State Implementation Plans for the State of Michigan was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph 42 as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

* * * * *

(42) On July 28, 1980, the State submitted an amendment to Michigan Air Pollution Control Commission Rule 221 which exempts minor sources of particulate matter and sulfur dioxide from the offset requirements.

[FR Doc. 82–722 Filed 1–11–82; 8:45 am]

BILLING CODE 6560–38–M

---

40 CFR Part 65

[EN–9–FRL 2030–2]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Delayed Compliance Orders for Phelps Dodge Corporation, Ajo and Morenci, Arizona Copper Smelters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues Delayed Compliance Orders (DCO) to Phelps Dodge Corporation copper smelters in Ajo and Morenci, Arizona. The Ajo order requires Phelps Dodge to bring air emissions from its Ajo smelter into compliance with the particulate and sulfur dioxide emission limitations in the State Implementation Plan (SIP) by December 31, 1985. The Morenci order requires Phelps Dodge to bring air emissions from its Morenci smelter into compliance with particulate and sulfur dioxide emission limitations in the SIP by January 1, 1985. Compliance with the orders will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order during the period the order is in effect.

EFFECTIVE DATE: January 12, 1982.

ADDRESS: The DCO is available for public inspection and copying during normal business hours at the address below.

FOR FURTHER INFORMATION CONTACT: William D. Wick, Attorney-Advisor, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105 (415) 974–8038.

SUPPLEMENTARY INFORMATION: On October 7, 1981, the Acting Regional Administrator of EPA's Region 9 office published in the **Federal Register** (46 FR 49604) a notice setting forth the provisions of proposed Delayed Compliance Orders for Phelps Dodge Corporation copper smelters at Ajo and Morenci, Arizona. The notice solicited public comments and offered the opportunity to request a public hearing on the proposed DCOs. No public comments were received. No requests for a public hearing were received.

(Secs. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413, 7601))

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

§ 65.70 [Amended]

1. By amending the table in § 65.70, Federal Delayed Compliance Orders issued under sections 113(d) (1), (3), and (4) of the Act, by adding the following entries:

Source	Location	Order No.	Date of FEDERAL REGISTER proposal	SIP regulation involved	Final compliance date
Phelps Dodge	Ajo	9-81-27	Oct. 7, 1981	40 CFR 51.125(d), 40 CFR 52.126(b)	Dec. 31, 1985
Phelps Dodge	Morenci	9-81-28	Oct. 7, 1981	40 CFR 51.125(d), Reg. 7-1-3.6 (Arizona State Dept. of Health).	Jan. 1, 1985.

2. The text of each DCO can be found at 46 FR 49605 (October 7, 1981).

[FR Doc. 82-856 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-519]

Reflect a Reorganization of the Office of Opinions and Review and the Office of General Counsel; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the Final Rule (Order) in this proceeding concerning the reorganization of the Office of Opinions and Review and the Office of the General Counsel. This action serves the purpose of clarifying the Adopted date of the Order, which is where the error was made.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 0 of the Commission's rules to reflect a reorganization of the Office of Opinions and Review and the Office of General Counsel; Correction.

Released: November 30, 1981.

The order released on November 9, 1981 (FCC 81-519) and published in the **Federal Register** on November 20, 1981 on page (46 FR 57049) in the above captioned proceeding is hereby corrected by changing the Adopted date to read: September 28, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-713 Filed 1-11-82; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat Taken in the 1981-1982 Season

AGENCY: Fish and Wildlife Service, Interior Department.

ACTION: Notice of suspension of a certain rule.

SUMMARY: The Fish and Wildlife Service is suspending for 6 months the final rule published on October 14, 1981 (46 FR 50774) authorizing export, pursuant to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), of bobcat taken during the 1981-82 season. This action is being taken to conform with a court injunction prohibiting the Service from authorizing the export of bobcat.

DATE: The suspension of the rule authorizing export of bobcat taken during the 1981-82 season is effective immediately upon publication. The rule will be suspended for a period of 6 months.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Jachowski, Office of Scientific Authority, U.S. Fish and Wildlife Service.

SUPPLEMENTARY INFORMATION: On October 14, 1981, the Fish and Wildlife Service published a final rule (46 FR 50774) authorizing the export of bobcat and other species taken during the 1981-82 season. The effective date of the rule for the species other than bobcat was October 14, 1981. The effective date of the rule for bobcat was postponed for 60 days to allow the Service to seek vacation of an injunction issued by the United States District Court for the District of Columbia prohibiting the Service from authorizing export of bobcat until it promulgated new guidelines and made findings on the basis of those guidelines. On December 11, 1981 (46 FR 60589) the rule was postponed for an additional 30 days since the court had yet to rule on the Service's motion.

On December 15, 1981 the United States District Court for the District of Columbia issued a decision denying the motion of the Service to vacate the injunction. Accordingly, the Service remains under court injunction prohibiting the Service from authorizing the export of bobcat.

The Service is therefore suspending the rule authorizing the export of bobcat taken during the 1981-82 season for a period of 6 months. This will afford the Service an opportunity to analyze the Court's decision and to take appropriate steps in regard to any future authorization to export bobcat. Additional notice concerning the export of bobcat will then be provided. This action does not affect the export of species other than bobcat.

Notice of Suspended Regulation

PART 23—ENDANGERED SPECIES CONVENTION

§ 23.52 [Amended]

The regulation at 50 CFR § 23.52(e), Bobcat (*Lynx rufus*), 1981-82 Harvest, is suspended for 6 months.

G. Ray Arnett,

Assistant Secretary of the Interior.

[FR Doc. 82-766 Filed 1-11-82; 8:45 am]
BILLING CODE 4310-55-M

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Atlantic mackerel allocation.

SUMMARY: The National Marine Fisheries Service (NMFS) allocates 6,000 metric tons (mt) of Atlantic mackerel from "reserve" to the total allowable level of foreign fishing (TALFF). This action is required by the procedures established in the regulations implementing the fishery management plan for Atlantic mackerel. The allocation will aid in achieving full utilization of optimum yields.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Mackerel Fishery (FMP), as amended, established a reserve of 6,000 mt of Atlantic mackerel (45 FR 45291); implementing regulations provided a mechanism to allocate all or part of the reserve to TALFF (45 FR 77445).

The implementing regulations at 50 CFR 611.52 and 656.22 direct the Regional Director of the Northeast Region, NMFS, to allocate the reserve to TALFF if criteria are met. Following the procedures of § 656.22(a), the domestic catch of mackerel from April through September 30, 1981, was determined, taking into consideration the ability and intent of domestic harvesters and processors to harvest and process mackerel. The Regional Director estimated that the domestic harvest would be between 7,000 mt and 8,000 mt, less than the 20,000 mt domestic annual harvest.

As directed by § 656.22(c), the Regional Director proposed to allocate the entire 6,000 mt reserve to TALFF and invited public comment on this proposal for a 15-day period, ending December 2, 1981. One comment was received.

The comment centered on opposition to granting the mackerel allocation to TALFF. The commenter believed this would hinder exports from domestic processors to foreign nations. However, NMFS' investigation to determine the ability and intent of domestic harvestors and processors revealed no large amounts of mackerel being stored for sale overseas. Nor was it found that future orders of Atlantic mackerel were being placed prior to the end of the fishing year. The Regional Director concluded that the current quota of 20,000 mt is adequate for the domestic fishery and that the release of the reserve to TALFF would not hinder present export opportunities. Therefore, the 6,000 mt reserve is allocated to TALFF.

Classification

This notice is a prescribed management action taken under 50 CFR 611.52 and 652.22 and is exempt from Sections 3, 7 and 9 of Executive Order 12291. Determinations were made at the time these rules were implemented for significance under E.O. 12044 and to meet classification requirements of other applicable law (implemented at 45 FR 77445). The environmental impact statement for this action was evaluated in the final environmental impact statement and supplements prepared for the FMP and its amendments which are on file with the Environmental Protection Agency.

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because notices are exempt from the notice and comment requirements of the Administrative Procedure Act. This notice does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980.

Dated: January 7, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is revised as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Appendix 1 to § 611.20, entry 1–B is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX 1. OPTIMUM YIELD (OY), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NON-PROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY – RESERVE + TALFF, DAH = DAP + JVP + DNP.

Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:								
B. Mackerel Fishery: Mackerel, Atlantic	204	20,000	20,000			0	0	10,000

12. Sec. .611.52

[FR Doc. 82–796 Filed 1–11–82; 8:45 am]

BILLING CODE 3510–22–M

---

50 CFR Parts 611 and 675

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The NOAA issues a final rule implementing two amendments to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). These amendments: (1) increase the domestic annual harvest and decrease total allowable level of foreign fishing for yellowfin sole and "other flatfish," (2) recalculate the maximum sustainable yield for that portion of Pacific cod under U.S. management, and (3) institute procedures to close, during the fall and winter, certain areas in the eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught incidentally a specified number of chinook salmon, a prohibited species for foreign trawling. This action is intended to: (1) meet the growing needs of the U.S. fishing industry, (2) reduce the incidental catch and unnecessary mortality of chinook salmon, a prohibited species in the foreign fishery, and (3) facilitate the enforcement of existing regulations designed to protect prohibited species.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service), 907–586–7221.

SUPPLEMENTARY INFORMATION: The Bering Sea and Aleutian Islands Area groundfish fishery is managed under the FMP, which was implemented on January 1, 1982 (46 FR 63295, December 31, 1981). On October 2, 1981, the NOAA Administrator apporoved Amendments 1a and 2 to the FMP.

Background information, descriptions, and rationale were offered to the public in the preamble of the proposed rule and notice of approval and availability for Amendments 1a and 2, at 46 FR 53475. Comments on these amendments to the FMP and the proposed rule were invited

until December 14, 1981. Briefly, Amendment 2 increases the estimated domestic annual harvest (DAH) for yellowfin sole for the 1982 fishing year from 2,050 metric tons (mt) to 26,200 mt, and DAH for "other flatfishes" is increased from 1,300 mt to 4,200 mt. The optimum yield (OY) for Pacific cod is increased from 58,700 mt to 78,700 mt; DAH is increased by 19,000 mt and the reserve by 1,000 mt, thereby accounting for the full 20,000 mt increase in OY. This action increases the DAH for Pacific cod from 24,265 mt to 43,265 mt, of which 26,000 mt is specified as domestic annual processing (DAP). Those portions of DAH specified as joint venture processing (JVP) (17,075 mt), domestic nonprocessed fish (DNP) (200 mt), and total allowable level of foreign fishing (TALFF) (31,500 mt) are not changed at this time; but 3,935 mt will now be held in reserve, or 1,000 mt more than the 2,935 mt formerly reserved. Amendment 1a limits the prohibited species catch (PSC) of chinook salmon in the eastern Bering Sea foreign trawl fishery to 55,250 fish during all of 1982. This amount is a 15 percent reduction from the 1981 chinook salmon PSC of 65,000 fish implemented under the preliminary management plan.

The estimate of equilibrium yield (EY) for Pacific cod, the harvest rate at which the biomass will remain stable, has been reduced from 160,600 mt to 160,000 mt. This change affects the acceptable biological catch (ABC) for this species, since the ABC will equal the EY of 160,000 mt.

Public Comment

One comment was received on the proposed rule. The statements relevant to Amendments 1a and 2 were:

1. The values of ABC and OY should be revised, using the most current scientific information available.

2. The level of domestic annual harvest should be based on the most current actual U.S. catch.

3. The prohibited species catch scheme for chinook salmon should not be changed from that proposed.

Response to comment (keyed to the statements above)

1. Amendment 2 only addresses the OY and ABC for Pacific cod. The NOAA notes that because of lags between Council development and final Secretarial approval of an amendment, a final rule may not always contain the most recent information. However, the Council is again amending the OY and ABC for Pacific cod, based on more recent information as part of a new amendment to the FMP that is expected to be submitted for Secretarial review soon.

2. Amendment 2 addresses only the DAH of Pacific cod, yellowfin sole, and "other flatfishes." An included suggestion that "DAH should be set at the actual U.S. catch of the previous year and that any expected increase in DAH should be put in reserve" might have merit. The NOAA notes, however, that this suggestion would require a separate determination of reserve for each species or species group, rather than a 5% of OY reserve as specified in the FMP. This suggestion cannot be followed without a plan amendment.

3. The comment is noted. The substance of the proposed regulations is not changed.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that these amendments to the FMP are necessary and appropriate for the conservation and management of fishery resources in the Bering Sea and Aleutian Islands area, and that the action is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act), other provisions of the Magnuson Act, and other applicable law. Therefore, under sections 304 and 305 of the Magnuson Act, he has approved these FMP amendments and their implementing regulations. A notice of availability of a final environmental impact statement on the original FMP and these two amendments was published in the Federal Register November 20, 1981 (46 FR 57126).

The Assistant Administrator has also determined that approval and implementation of these amendments will be carried out in a manner that is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C.

The Administrator of NOAA has determined that this proposed rulemking is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, and that the sector of the U.S. fishing industry dealing in groundfish from the Bering Sea and Aleutian Islands is too small for the proposed actions to have a significant effect on the economy. Amendment 2 will not effectively change the amount of Pacific cod available to the U.S. fishing industry, because the Pacific cod were already available to domestic fishermen under the PMP. Amendment 1a will beneficially affect Alaskan users of chinook salmon while avoiding disruption of foreign groundfish fisheries. The Administrator also certifies that approval and implementation of Amendments 1a and 2 will not have a significant economic impact on a substantial number of small entities, and thus do not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. The Administrator has also determined that this proposed rulemaking does not contain a collection of information requirement or involve any agency in collecting or sponsoring the collection of information within the meaning of the Paperwork Reduction Act of 1980.

The Assistant Administrator finds good cause not to delay for 30 days the effective date of these final regulations under 5 U.S.C. 553(d), for the following reasons: (1) catches of chinook salmon in the foreign trawl fishery tend to be high during winter months and foreign nations are likely to take added measures to avoid chinook salmon under the amended FMP rather than risk premature closure of their fisheries; (2) increases in DAH amounts for yellowfin sole, "other flatfish," and Pacific cod are necessary in view of the 1981 harvest level and the expected 1982 harvest level by U.S. fishing vessels; and (3) ample opportunity for involvement was accorded the public during public hearings and the 45-day public comment period.

On December 1, 1918, at 46 FR 58330, NOAA published a table of optimum yield and its distribution for various species in the fishery conservation zone off Alaska. The headings for "joint venture processing" and "domestic non-processed fish" were reversed. Therefore, NOAA is correcting and repromulgating the entire revised table for this geographic area.

Dated: January 7, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, the regulations for 50 CFR Parts 611 and 675 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In Part 611, § 611.20 Appendix I, is amended by revising the appendix heading and entry 4 to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX—1. OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = DAH + RESERVE + TALFF. DAH = DAP + JVP + DNP

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
4. Alaska Fisheries:									
A. Bering Sea and Aleutian Islands Groundfish Fishery:									
Pollock	701	Bering Sea [1]	1,000,000	99,550	90,000	9,050	500	50,000	850,450
		Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole	720		117,000	26,200	1,000	25,000	200	5,850	84,950
Turbots	721,118		93,000	1,075	1,000	75		4,500	83,425
Other flatfish	139		61,000	4,200	1,000	3,000	200	3,050	53,750
Pacific ocean perch [4]	780	Bering Sea [1]	3,250	1,380	550	830		162	1,708
		Aleutians [2]	7,500	1,380	550	830		375	5,745
Other rockfish	540		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea [1]	3,500	700	500	200		350	2,450
		Aleutians [2]	1,500	700	500	200		150	650
Pacific cod	702		78,700	43,265	26,000	17,065	200	3,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	509		10,000	50	0	50		500	9,450
Other species [3]	499		74,249	2,000	1,400	200	400	3,712	68,537
B. Bering Sea and Aleutian Islands Herring Fishery:									
Herring	209		(*)	(*)	(*)	(*)	(*)	(*)	(*)
C. Tanner Crab Fishery:									
C. opilio	610	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Hybrids	684	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
C. bairdi	501	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
D. Snail Fishery: Snails (meats)	673		3,000	0	0	0		0	3,000
E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [5]	57,000	5,775	25	5,750		11,400	39,825
		Central [5]	85,200	13,320	5,380	7,940		19,040	62,840
		Eastern [5]	16,600	2,215	695	1,520		2,320	11,065
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	8,706	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,850
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [4]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	14,400	1,315	80	1,235		2,880	10,205
		Total	25,000	2,915				5,000	17,085
Other rockfish [6]		Total	7,600	900	700	200		1,520	5,180
Sablefish [7]	703	Western	2,100	270	100	170		421	1,410
		Central	3,800	1,220	1,000	220		760	1,820
		Yakutat District [5]	3,400	1,380	1,180	200		1,420	600
		Southeast Outside District [5]	3,000	2,910	2,820	90		0	90
		Total	12,300	5,780				2,580	3,920
Atka mackerel	207	Western	4,678	290	0	290		836	3,452
		Central	20,836	1,060	0	1,060		4,167	15,589
		Eastern	3,186	790	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species [3]		Total	16,200	1,720	300	820	600	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

*Reserved.
[1] Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.
[2] Aleutian means fishing area IV in Figure 2, Appendix II of 50 CFR 611.9.
[3] The category "other species" inches sculpins, sharks, skates, *eulachon* smelts, capelin, and octopus.
[4] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus*, (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus*, (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).
[5] See Figure 1 of § 611.92(a) for description of regulatory areas and districts.
[6] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 4 above and *Sebastolobus* (thornyhead rockfish).
[7] Excludes values for the Southeast Inside District, which is not governed by these regulations.

3. In Part 611, § 611.93 is amended by revising paragraph (c)(2)(ii)(F) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *
(2) * * *
(ii) * * *

(F) *Chinook salmon prohibited species catch:* During any fishing year, that portion of fishing area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31, and October 1 through December 31, to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted that nation's portion of the prohibited species catch (PSC) of chinook salmon. A nation's initial portion of the chinook salmon PSC for a fishing year is determined by multiplying 55,250 (the total PSC for chinook salmon) by the ratio of that nation's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's chinook salmon PSC equals 55,250 multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

The chinook salmon PSC reserve established by this equation will be distributed subsequently among nations in proportion to increases in their TALFFs which result from the apportionment of groundfish reserves.

Fishing areas I and II are shown in § 611.9, Appendix II, figure 2.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA

4. The authority citation for Part 675 reads as follows:

Authority: 16 U.S.C. 1855.

5. In Part 675, Table 1 of § 675.20 is revised to read as follows:

§ 675.20 General limitations.

* * * * *

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES

[In metric tons]

Reference: Species group	Subarea [1]	ABC=OY [2]	Reserve	Initial DAH	Initial TALFF
Pollock	Bering Sea	1,800,000	50,000	19,550	230,450
Pollock	Aleutian	100,000			100,000
Yellowfin sole		117,000	5,850	26,200	84,950
Turbots		90,000	4,500	1,075	84,425
Other flatfishes [3]		61,000	3,250	4,200	53,750
Pacific cod		78,700	3,935	43,265	31,500
Pacific ocean perch	Bering Sea	3,250	162	1,380	1,708
Pacific ocean perch	Aleutian	7,500	375	1,380	5,745
Other rockfish		7,727	500	1,550	5,677
Sablefish	Bering Sea	3,500	350	700	2,450
Sablefish	Aleutian	1,500	150	700	650
Atka mackerel		24,800	1,240	100	23,460
Squid		10,000	500	50	9,450
Others		74,249	3,712	2,000	68,537
Total		1,579,226	74,324	102,150	1,402,752

[1] BS=Bering Sea (Statistical Areas I, II, and III combined). AL=Aleutian Island Areas (Statistical Area IV). Includes territorial waters.
[2] Excluding Pacific halibut.
[3] Except for Pacific cod where ABC=180,000 mt.

* * * * * * * * *

[FR Doc. 82-784 Filed 1-11-82; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 7
Tuesday, January 12, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR 440

[Docket Number CAS-RM-80-514]

Weatherization Assistance for Low-Income Persons

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy proposes to amend the interim rule for the program for Weatherization Assistance for Low-Income Persons in order to implement a change to the program mandated by the Energy Security Act. Section 573 of the Energy Security Act makes changes in the criteria which must be used to select a local agency to receive the weatherization sub-grant from the State grantee. In this notice of proposed rulemaking the Department of Energy proposes to amend § 440.14 of the program's interim rule to conform to the Energy Security Act.

This proposed amendment is required by the law. Were it not for this legal requirement, DOE would not propose this rule. In proposing this statutorily-mandated amendment to the program, DOE has attempted to provide States with as much flexibility as is legally permissible in the selection of sub-grantees under the program.

DATES: Written comments must be received on or before February 11, 1982. A public hearing will be held in Washington, D.C. on January 28, 1982. See supplementary information, Section III for further information.

ADDRESSES: Public hearing location—Auditorium, Room GE-086, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

All written comments and requests to speak at the hearing should be addressed to the Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Mail Stop 6B-025, Room 1F-005, Docket Number CAS-RM-80-514, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585

FOR FURTHER INFORMATION CONTACT:

Sandra S. Monje, Division of Weatherization Assistance Programs, Department of Energy, Mail Stop 6A-045, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-2476.

Catherine Edgerton, Office of General Counsel, Department of Energy, Mail Stop 6E-067, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9513.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Discussion of Proposed Changes.
III. Opportunity for Public Comment.
IV. Other Matters.

I. Introduction

The Department of Energy (DOE) proposes to amend the interim rule for the program for Weatherization Assistance for Low-Income Persons, 10 CFR Part 440, (45 13028, February 27, 1980), under the Energy Conservation in Existing Buildings Act of 1976 as amended ("Act") 42 U.S.C. 6851 *et seq.*, in order to implement a change to the program mandated by Section 573 of Subtitle E of Title V of the Energy Security Act (ESA), Pub. L. 96-294, 94 Stat. 759, 42 U.S.C. 6865 (1980). Section 573 of ESA makes changes in the procedures and criteria which must be used to select the local agencies to receive subgrants from the States to conduct weatherization activities. Section 573 amends the Act to modify the priority given to community action agencies under the weatherization assistance program. In addition, this section establishes requirements to be followed by each State in selecting the local agencies to conduct the program. These agencies, which may be community action agencies or other public or nonprofit entities, are to be selected on the basis of information received during public hearings regarding each agency's experience and performance in weatherization or housing renovation activities, in assisting low-income persons, and the agency's capacity to undertake a weatherization program. Preference in such selection is to be given any community action agency (CAA) or other public or nonprofit entity which is carrying out, or has conducted, an effective weatherization program under DOE or Community Services Administration programs.

To comply with changes mandated by Section 573 of ESA, DOE proposes to amend paragraphs (b), (c), (d), (e) and (f) of § 440.14 of the program's interim rule by revising the wording in paragraph (b) and by deleting the present paragraphs (c), (d), (e), and (f), and in their place inserting new paragraphs (c), (d), (e) and (f). New paragraphs (c) and (d) will contain the new statutory criteria for selection of sub-grantees mandated by ESA. New paragraph (e) will set out the procedure for addition or replacement of sub-grantees.

II. Discussion of Proposed Changes

DOE proposes to amend subparagraph (b)(2)(i) of § 440.14 by deleting the reference to "CAA", and inserting in its place "sub-grantee." This change reflects the fact that ESA modifies the original Act's priority to CAA's and requires similar consideration of applications for sub-grants from organizations other than CAA's.

In addition, DOE proposes to delete paragraphs (c), (d), (e) and (f) of § 440.14 and in their place, insert new paragraphs (c), (d), (e) and (f). The deleted sections specified a selection procedure where CAA's were given priority. The proposed amendments set forth a modified selection procedure, as mandated by ESA, in which sub-grantees (both CAA's and other public or nonprofit entities) are chosen on the basis of past performance and experience in weatherization or housing renovation, experience in assisting low-income persons in the area to be served, and on their capacity to undertake a timely and effective weatherization program. Under this proposal, CAA's and other public or nonprofit entities that have administered effective weatherization programs under DOE or Community Services Administration programs are to be given preference in the selection of sub-grantees. Additionally, paragraphs (e) and (f) propose to modify, in order to conform to the ESA amendment, the procedures for addition or replacement of sub-grantees by DOE. Also clarified is the intent to require a hearing in accordance with paragraph (a) in such cases.

DOE is interested in receiving comments from the public on this

proposal, as well as any other suggestions for modifying the selection procedure to meet the new requirements of Section 573 of ESA.

III. Opportunity for Public Comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice to: Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F–085, Mail Stop 6B–085, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Comments should be identified on the outside of the envelope, and on the documents themselves, with the designation "Weatherization Assistance for Low-Income Persons, Proposed Amendment to Interim Rule, Docket Number CAS–RM–80–514." Fifteen (15) copies should be submitted.

All comments received on or before February 11, 1982 and all other relevant information will be considered by DOE before taking final action on this rule.

Any person submitting information which that person believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, as well as fifteen copies from which the information claimed to be confidential has been deleted. DOE shall make a determination of any such claim. This procedure is set forth in 10 CFR 1004.11 (44 FR 1980, January 8, 1979).

DOE will hold a public hearing on this proposed rule. The hearing will be held in Washington, D.C. at 9:30 a.m. local time, January 28, 1982.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in it may make a written request for an opportunity to make an oral presentation. Such a request to speak at the hearing should be addressed to the Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F–085, Mail Stop 6B–025, 1000 Independence Avenue, SW., Washington, D.C. 20585, ATTN: CAS–RM–80–514, (202) 252–9319 and must be received by 4:30 p.m. local time, on January 22, 1982. A request may also be hand delivered between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Requests should be marked the same as for written comments with the additional notation "With Request to Speak."

The person making the request should describe briefly his or her interest in the proceeding and, if appropriate, state whether that person is a proper representative of a group. The person should also give a concise summary of the proposed oral presentation and should provide a phone number where the person may be reached. Each person selected to be heard at the public hearing will be notified by January 25, 1982. Those persons selected to be heard should bring 15 copies of their statement to the hearing. If a person cannot provide 15 copies, alternate arrangements can be made in advance of the hearing. This should be done in the letter requesting to speak.

DOE reserves the right to select persons to speak at the hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to speak.

A DOE official will preside at the hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all the information available to DOE.

Any participant who wishes to ask a question at the hearing may submit the question in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

If DOE must cancel a hearing, DOE will make every effort to publish an advance notice of such cancellation in the **Federal Register.** Notice of cancellation will also be given to all persons scheduled to speak at the hearing.

IV. Other Matters

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. 4321 *et seq.*, DOE published a Notice of Availability of an Environmental Assessment (EA) (DOE/EA–0085) of the Grants Program for Weatherization Assistance for Low-Income Persons on April 10, 1979, in the **Federal Register** (44 FR 21323). At the same time, DOE published notice of its negative determination, based on the EA, that the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment, and that therefore no environmental impact statement (EIS) was required.

DOE has reviewed the environmental impacts of the program change proposed today. It is DOE's judgment that no new or additional environmental impacts are associated with DOE's proposed amendments. The proposed program change required by ESA does not require the addition of any new measures beyond those already contained in the program. It is, accordingly, DOE's determination that the environmental impacts of the proposed change have been adequately analyzed in the April, 1979 EA, and that these impacts are not significant. Hence, the previous negative determination is still applicable, and no additional EA or EIS is required.

B. EPA Review

As required by Section 7(a)(1), 15 U.S.C. 766(a)(1), of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), a copy of this proposed rule was submitted to the Administrator of the Environmental Protection Agency for comments on the impact of the proposed rule on the quality of the environment. The Administrator had no comments.

C. Executive Order 12291

Today's issuance was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that the rule is not a "major rule" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354) requires, in part, that agencies prepare an initial regulatory flexibility analysis for any proposed rule unless it determines that the rule will not have a "significant economic impact on a substantial number of small entities." In the event that such an analysis is not required for a particular rule, the agency must publish a certification and explanation of that determination in the Federal Register.

The major revision in this rule is to change the current "priority" given to community action agencies in the selection of sub-grantees to a "preference" for such organizations under the weatherization assistance program. Because the modified selection procedure proposed today takes into consideration the past performance and experience of community action agencies, DOE does not feel that the proposed changes in the selection procedure will have a significant economic impact on a substantial number of small entities, as defined under the Regulatory Flexibility Act. Therefore, pursuant to § 605(b) of that Act, DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et. seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et. seq.*)

In consideration of the foregoing, DOE proposes to amend Part 440 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., January 7, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

10 CFR Part 440 is amended as follows:

Section 440.14 is amended by deleting "CAA" in subparagraph (b)(2)(i) and inserting in its place, "sub-grantee", by deleting paragraphs (c), (d), (e) and (f), and by inserting in their place new paragraphs (c), (d), (e) and (f) as follows:

§ 440.14 Administrative requirements.

* * * * *

(c) The plan shall ensure that each sub-grantee is a CAA or a public or nonprofit entity which has been selected—

(1) On the basis of public comment received during a public hearing conducted pursuant to paragraph (a) of this section; and

(2) On the basis of the following findings:

(i) That the sub-grantee has experience in weatherization or housing renovation activities and his level of performance in these areas;

(ii) That the sub-grantee has experience in assisting low-income persons in the area to be served;

(iii) That the sub-grantee has the capacity to undertake a timely and effective weatherization program; and

(iv) Whether the sub-grantee has or currently is administering an effective program under this part or under Title II of the Economic Opportunity Act of 1964, including consideration of—

(1) The extent to which the past or current weatherization program achieves the goals of the program in a timely fashion;

(2) The quality of work performed by the sub-grantee;

(3) The number, qualifications and experience of the staff members of the sub-grantee; and

(4) The ability of the sub-grantee to secure volunteers, training participants, and public service employment workers, pursuant to CETA.

(d) The plan shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (c) of this section such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons, taking into account the factors referred to in subparagraph (b)(1) of this section.

(e) If DOE finds that the sub-grantee selected in accordance with the criteria in paragraph (c) of this section has failed to comply substantially with the provisions of the Act or this part and should be replaced, such finding shall be treated as a finding under § 440.30(d) for purposes of § 440.30.

(f) Any new or additional sub-grantee shall be selected at a hearing in accordance with paragraph (a) of this section, upon the basis of the criteria in paragraph (c) of this section.

[FR Doc. 82–886 Filed 1–11–82; 8:45 am]

BILLING CODE 6450–01–M

10 CFR Part 457

[Docket No. CAS–RM–80–120]

Energy Auditor Training and Certification Grants

AGENCY: Department of Energy.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Department of Energy is withdrawing the Notice of Proposed Rulemaking published in the Federal Register on October 8, 1980 (45 FR 66970) to implement the first funding cycle of the Energy Auditor Training and Certification Grant Program. The purpose of the program was to provide grants to States to encourage the training and certification of individuals to conduct energy audits of residential and commercial buildings.

DATE: The effective date of this withdrawal is January 12, 1982.

FOR FURTHER INFORMATION CONTACT:

John Millhone, Director, Buildings Energy Research and Development, Department of Energy, M.S. CE–11, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–9444

Daniel Ruge, Office of General Counsel, Room 6B–128, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–9519

SUPPLEMENTARY INFORMATION: On October 8, 1980 the Department of Energy (DOE) proposed regulations (45 FR 66970) implementing Subtitle F of Title V of the Energy Security Act (ESA) (Pub. L. 96–294; 94 Stat 611 *et seq.*). Subtitle F of the ESA was enacted to provide financial assistance to the States to meet the demands of the Residential Conservation Service program (42 U.S.C. 8211 *et seq.* and 10 CFR Part 456) and other audit programs. DOE was authorized by Subtitle F of Title V of the ESA to issue grants to States for the training and certification of energy auditors. Before grants could be issued DOE was required to establish minimum standards for auditor training and certification. The proposed rule, published in the Federal Register on October 8, 1980 (45 FR 66970) delineated those standards.

In March of this year, DOE proposed that Congress rescind the funds previously appropriated for this activity in fiscal year 1981. This proposed rescission reflected the Administration's commitment to reduce Federal expenditures and the conviction that State and local governments, electric and natural gas utilities and private firms which offer energy audit services

should take full responsibility for the training and certification of energy auditors. Recently, the Congress approved this request for rescission. In addition, DOE has requested that no funds be appropriated for this activity in fiscal year 1982.

For the reasons discussed above, DOE hereby withdraws the notice published in the **Federal Register** on October 8, 1980 (45 FR 66970) which proposed to amend Chapter II of Title 10 of the Code of Federal Regulations by establishing a new Part 457.

Issued in Washington, D.C., December 11, 1981.

Howard S. Coleman,

Acting Deputy Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82-702 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 790

[Docket No. CE-RN-82-701]

Federal Loan Guaranties for Geothermal Energy Utilization

AGENCY: Office of Conservation and Renewable Energy (CRE), Energy.

ACTION: Proposed rulemaking.

SUMMARY: The Department of Energy hereby gives notice of its proposed implementation of amendments to Title II of the Geothermal Research, Development, and Demonstration Act of 1974, Pub. L. 93-410, which are set forth in Title VI of the Energy Security Act, Pub. L. 96-294. These amendments, in revising the Geothermal Loan Guaranty Program, provide generally that: (1) The amount eligible for loan guaranties be increased to 90 percent of project costs for municipalities and cooperatives; (2) in determining project costs, the cost of constructing electric transmission lines be excluded to the extent that such costs exceed 25 percent of project cost; (3) the program be extended to the end of FY 1990; (4) final decisions on loan guaranty applications be reached within four months of the date of filing; and (5) duplication of actions taken pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 be minimized.

In order to implement these changes, DOE proposes to amend the regulations governing the Geothermal Loan Guaranty Program, 10 CFR Part 790 (44 FR 75078, December 18, 1979). This notice describes the proposed amendments and requests written comments on the proposed rule from interested parties.

These amendments are being proposed in order to comply with the statutory directive of section 644 of the Energy Security Act. The Geothermal Loan Guaranty Program is currently under review to determine if DOE will continue to make loan guaranties.

DATE: Written comments in response to this notice must be received no later than March 15, 1982.

ADDRESS: Written comments should be sent to Department of Energy, Hearings and Dockets, Mail Stop 6B-025, 1000 Independence Avenue, Rm. 1F-085, Washington, D.C. 20585, Attention: (Docket No. CE-RM-82-701)

FOR FURTHER INFORMATION CONTACT:

As to geothermal loan guaranty matters: Lachlan W. Seward, Geothermal and Hydropower Technology Division, Department of Energy, Room 7112, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8760.

As to legal matters: Mary Ann Masterson, Office of General Counsel, Department of Energy, Room 6F-067, Forrestal Building, 1000 Independence Avenues SW., Washington, D.C. 20585, (202) 252-1900.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comment Procedures
III. Other Matters

I. Background

The Geothermal Loan Guaranty Program was established by Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-410. The program was later amended by Title V of the Department of Energy Act—Civilian Applications, Pub. L. 95-238 (44 FR 75078, December 18, 1979).

Today's proposed rule implements amendments to the Geothermal Energy Research, Development, and Demonstration Act of 1974 required by Title VI of the Energy Security Act, Pub. L. 96-294. A summary description of these amendments as set forth in the proposal follows:

1. Section 790.6(e) has been revised to provide that the loan and guaranty limit is raised to a maximum of 90 percent of project costs if the guaranty is made on a loan to an electric, housing or other cooperative, or to a municipality.

2. Section 790.9 has been revised to provide that the period of time allowed to enter into loan guaranty agreements and interest or principal assistance contracts is extended until the end of fiscal year 1990.

3. Section 790.20(b)(1) has been revised to provide that: (a) A prospective applicant should be advised of all supporting information required for DOE's consideration of a loan guaranty application; (b) the date when all required information has been submitted to DOE by the applicant shall be considered the date of filing; and (c) applications shall be subject to final decision within not more that four months after the date of filing.

4. A new subsection 790.22(g) has been added which provides that the aggregate project cost excludes the costs of constructing electrical transmission lines to the extent that such costs exceed 25 percent of the aggregate cost of the project.

5. New subsection 790.22(h) provides an exception to the above 25 percent limitation for projects in the State of Hawaii upon finding that the project is remote from the area of primary consumption, that a transmission line is required before the geothermal reservoir can be developed, and that the transmission line will be used by more than the plant which is the subject of the loan guaranty.

6. Section 790.23(a) has been amended to provide that the Secretary shall ensure that any action undertaken pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 take the maximum cognizance allowable of any other action previously undertaken pursuant to such section.

The above amendment and revisions to 10 CFR Part 790 are not effective at this time. The provisions in 10 CFR Part 790 published earlier by DOE (44 FR 75078) will remain in effect until amended by a final rule.

II. Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments with respect to the amendments set forth in this notice. Comments should be mailed in time to reach DOE by March 15, 1982, and should be submitted to the address indicated in the "Address" section of this preamble. The outside of the envelope containing written comments and documents submitted to DOE should be marked with the designation "Geothermal Guaranties." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C., between 8:30 am and 4:00 pm, Monday through Friday. If any information is considered proprietary or

confidential, it should be so identified and submitted in writing, one copy only.

III. Other Matters

A. Review under Executive Order 12291, and OMB Circular A–116. Today's proposed rule was reviewed under Executive Order 12291 (February 17, 1981) and OMB Circular A–116. DOE has concluded that the rule is not a "major rule" because, if implemented, it would not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, emloyment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For the same reasons, DOE has determined that an urban and community impact analysis under OMB Circular A-116 is not necessary.

B. Review Under the National Environmental Policy Act. DOE has determined that issuance of the proposed amendments clearly is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). Therefore, neither an environmental assessment nor an environmental impact statement is required. Projects submitted under the proposed amendments will individually be subject to the requirements of the National Environmental Policy Act.

C. Determination Regarding Public Hearing. The Secretary has determined, with respect to the amendments proposed today, that no substantial issue of fact or law exists and that the proposed amendments are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, a public hearing will not be held with respect to the proposed amendments.

(Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93–410, 88 Stat. 1066 (30 U.S.C. 1141 et seq.), as amended; Title VI of the Energy Security Act, Pub. L. 96–294, 94 Stat. 763 (30 U.S.C. 1501 et seq.); Department of Energy Organization Act, Pub. L. 96–91, 91 Stat. 565 (42 U.S.C. 7101 et seq.))

In consideration of the foregoing, 10 CFR Part 790 is proposed to be amended as shown below.

Issued in Washington, D.C., December 15, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 790—THE GEOTHERMAL LOAN GUARANTY PROGRAM

For the reasons set out in the preamble, Part 790 of Chapter III, Title 10 of the Code of Federal Regulation is amended as shown.

1. In § 790.6, paragraph (e) is revised to read as follows:

§ 790.6 Loan guaranty criteria.

* * * * *

(e) The maximum guaranty shall apply only to that amount of a loan that does not exceed 75 percent of the estimated aggregate cost of the project. However, any guaranty made for a loan to an electric, housing, or other cooperative, or to a municipality (as defined in section 3(7), Part I, of the Federal Power Act), may apply to that amount of the loan that does not exceed 90 percent of the estimated aggregate cost of the project.

§ 790.9 [Amended]

2. Section 790.9 is amended by removing the words "September 3, 1984" wherever they appear and inserting, in their place, the words "September 30, 1990."

3. In § 790.20, paragraph (b)(1) is revised to read as follows:

§ 790.20 Filing.

* * * * *

(b)(1) Prior to receipt of an application, the Manager is authorized to conduct preliminary discussions with prospective lenders, borrowers or other interested parties wishing to obtain information or advice regarding eligibility for a loan guaranty and compliance with this regulation, and whether a lender should be obtained by the borrower prior to the submission of an application. To the maximum extent practical, an applicant should be advised (prior to the submission of an application) of all information which will be required by the Manager in processing the application. The date of filing shall be the date, as determined by the Manager, when all such required information has been submitted by the applicant. A final decision on the application shall be made by the Secretary within no more than four months of the date of filing established by the Manager.

4. Section 790.22 is amended by adding paragraphs (g) and (h) to read as follows:

§ 790.22 Project costs.

* * * * *

(g) The estimated total aggregate cost of a project shall exclude the cost of constructing electric transmission lines to the extent that such cost exceeds 25 percent of the estimated total aggregate cost of the project. In determining this 25 percent limitation, the amount used in the denominator shall be the estimated total aggregate cost of the project including the total cost of constructing the electric transmission line.

(h) The Secretary may waive or limit the 25 percent limitation imposed by paragraph (g) above for projects located in the State of Hawaii upon finding that the project is remote from the area of primary consumption, that a transmission line is required before the geothermal reservoir can be developed, and that the transmission line will be used for more than the plant which is the subject of the loan guaranty.

5. In § 790.23, paragraph (a) is revised to read as follows:

§ 790.23 Environmental considerations.

(a) The issuance of a Federal guarantee for a loan under these regulations is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq. Pub. L. 91–190) and applicable regulations, rules and guidelines implementing NEPA. The Secretary shall ensure, to the maximum extent possible, that any action undertaken pursuant to section 102(2)(C) of NEPA which is associated with the granting of a loan guaranty under this regulation takes maximum cognizance allowable under law of any other action previously undertaken pursuant to NEPA section 102(2)(C) with respect to the project which is the subject of such loan guaranty. No action associated with the loan guaranty shall duplicate any action previously undertaken under NEPA section 102(2)(C) in connection with the project, so long as all requirements which are applicable to the project under NEPA section 102(2)(C) have been or will be satisfied.

* * * * *

[FR Doc. 82–707 Filed 1–11–82; 8:45 am]

BILLING CODE 6450–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2672

Mergers and Transfers Between Multiemployer Plans

Correction

In FR Doc. 81-36439, appearing at page 62087, in the issue of Tuesday, December 22, 1981, make the following change:

On page 62082, in the first column, in § 2672.5(a)(4)(iii) the first word in the fifth line now reading "charge" should read "credit".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-2026-6]

Interstate Pollution Abatement; Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: This notice announces that EPA is extending the comment period on the petitions submitted by the States of New York, Pennsylvania, and Maine under Section 126 of the Clean Air Act. This extension is necessary since EPA has yet to receive certain relevant information from New York supporting their original petition. An extension had been requested by representatives of the sources named in the original petitions and has the concurrence of the three petitioning States.

DATES: The public comment period will extend until February 18, 1982 for comments submitted by those parties other than the three petitioning States of New York, Pennsylvania, and Maine. New York, Pennsylvania, and Maine will have until March 18, 1982, to submit comments on the material submitted by the public through February 18, 1982.

ADDRESSES: Comments should be submitted to the docket for the New York, Pennsylvania, and Maine petitions. This docket is numbered A-81-09 and is available at the EPA Central Docket Section (A-130), U.S. Environmental Protection Agency, Room 2902, 401 M Street, SW, Washington, D.C. 20460, Telephone number 202-755-0245. Comments should be submitted to this address:

FOR FURTHER INFORMATION CONTACT:

William F. Hamilton, Control Programs Development Division (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, Telephone number 919-541-5551 or FTS 629-5551.

SUPPLEMENTARY INFORMATION: Section 126(b) of the Clean Air Act authorizes any State or political subdivision to "petition the Administrator [of the EPA] for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(E)(i)" of the Clean Air Act. That section prohibits "any stationary source within a State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C [of the Act] to prevent significant deterioration of air quality or to protect visibility."

On December 22, 1980 and January 16, 1981, the State of New York, and on December 19, 1980, the State of Pennsylvania petitioned EPA, pursuant to Section 126 (b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 et seq.) to make a finding that emissions from certain sources were causing or contributing to high concentrations of total suspended particulates and sulfur dioxide in these States and were otherwise in violation of Section 110(a)(2)(E)(i).

As announced in the **Federal Register** of May 1, 1981 (46 FR 24602), a public hearing on the New York and Pennsylvania petitions was held June 18-19, 1981 in Washington, D.C. Subsequent to this hearing, the public comment period on the New York and Pennsylvania petitions was extended to January 4, 1982 in order to allow sufficient time for public review and comment on the proceedings (see 46 FR 45383, Sept. 11, 1981).

On October 7, 1981, the State of Maine submitted to EPA a petition under Section 126 of the Clean Air Act. The Maine petition was filed against the same sources named in the New York and Pennsylvania petitions. These sources were described in 46 FR 24602 and 46 FR 45383 and include sources in the States of Ohio, West Virginia, Illinois, Indiana, Kentucky, Michigan, and Tennessee. The Maine petition was consolidated with those of New York and Pennsylvania and the material submitted by Maine was included in the docket previously established for these proceedings. At the time of its submission, Maine waived its right to a public hearing and agreed that the public comment period on their submission should end on January 4, 1982, the same time as the end of the public comment period on the New York and Pennsylvania petitions (see 46 FR 55551, November 10, 1982).

The date for the close of the comment period of January 4, 1982 was determined by EPA based upon the expectation that all submittals from New York and Pennsylvania relevant to demonstrating adverse impact under Section 126 would be received by October 4, 1981. EPA was informed by representatives of some of the sources named in the petitions that New York has not yet submitted all of the information that it intends to submit relevant to its demonstration of adverse impact. This fact has been verified by New York.

EPA is granting an extension of the comment period in these proceedings in order to allow for public comment on the additional New York material. The three petitioning States have been contacted by EPA and have agreed to an extension. In agreeing to an extension of the comment period, New York requested that the petitioning States have an opportunity to comment on the material submitted by the public in response to the submittals of the petitioning States. EPA intends to grant this request. Comments from the public pertaining to the material submitted by New York, Pennsylvania, and Maine must be received by EPA by February 18, 1982. Any further comments by New York, Pennsylvania, and Maine must be received by EPA no later than March 18, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

January 6, 1982.

[FR Doc. 82-723 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL 1998-7]

Approval and Promulgation of State Implementation Plans; Wisconsin Volatile Organic Compound Regulations

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Part D of the Clean Air Act (CAA), as amended in 1977, requires that each State revise its State Implementation Plan (SIP) for all areas that have not attained the National

Ambient Air Quality Standards (NAAQS). As part of Wisconsin's control strategy for attainment of the NAAQS for ozone (O_3), the State has revised its SIP to require controls representing the application of reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs). These source categories are addressed in EPA's control technique guidelines (CTGs) which were issued between January 1978 and January 1979. The EPA proposes approval of the SIP revisions with the understanding that the inconsistencies outlined in this register are corrected by the State. The notice discusses the EPA review of this revision and solicits public comment on EPA's proposed action.

DATE: Submit comments on or before February 11, 1982.

ADDRESSES: Comments should be addressed to Gary Gulezian of EPA Region V's Air Programs Branch (see EPA Region V address below). Please submit an original and three copies, if possible.

Copies of the SIP revision submitted by the State and EPA's review are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the State submitted revisions are also available during normal business hours at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Air Programs Branch, Region V (312) 886–6034.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the CAA as amended in 1977, the EPA designated certain areas in each State as not attaining the NAAQS for photochemical oxidants. This standard was subsequently changed on February 8, 1979 (44 FR 8202), to O_3. Part D of the CAA, as added by the 1977 amendments, requires each State to revise its SIP for areas that have not attained the NAAQS. For States with nonattainment areas, these SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain circumstances, dates for attainment of the NAAQS for O_3 and/or carbon monoxide may be extended through 1987. The Part D requirements for an approvable SIP are described in the April 4, 1979 **Federal Register** (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

An adequate SIP for O_3 is one which provides for sufficient control of VOC from stationary and mobile sources to provide for attainment of the standard. For mobile sources, the plan must provide for expeditious implementation of reasonably available transportation related control measures. For stationary sources, the plan must include legally enforceable requirements reflecting the application of RACT requirements for sources of VOC emissions for which the EPA has published a CTG by January 1978 and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II) were due July 1, 1980 (44 FR 50371, August 28, 1979). State regulatory processes have taken longer than anticipated, but in most cases good faith efforts are being made to adopt the necessary regulations. As a result, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

On January 15, 1981, the State of Wisconsin submitted to EPA revisions to the O_3 SIP that consist of revised Wisconsin Administrative Code section NR 154.01, Definitions, and section NR 154.13, Control of Organic Compound Emissions, as amended to require control of VOC emissions from the source categories covered by Group II CTGs and other direct sources of VOCs. The amendments to NR 154.01 add the definitions for nine additional Group II VOC source categories regulated in NR 154.13 and clarify existing definitions. The amendments to NR 154.13 relate to the regulation of the nine Group II VOC source categories and clarify existing regulations. The EPA publishes CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what the EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

- Factory Surface Coating of Flatwood Paneling.
- Petroleum Refinery Fugitive Emissions (Leaks).
- Pharmaceutical Manufacture.
- Rubber Tire Manufacture.
- Surface Coating of Miscellaneous Metal Parts and Products
- Graphic Arts (Printing)
- Dry Cleaning (Perchloroethylene)
- Gasoline Tank Trucks, Leak Prevention
- Petroleum Liquid Storage, Floating Roof Tanks

The EPA has reviewed the revisions to the Wisconsin SIP and prepared a detailed analysis which is contained in a technical memorandum entitled Wisconsin VOC RACT II Review—Rationale Document. This memorandum is available for public inspection during normal business hours at the EPA Regional Office listed above. The EPA finds that the SIP revision is consistent with RACT except as noted below and is proposing to approved all portions of the regulations except as noted below.

Clarification

NR 154.13 (13)(a) contains exemptions for certain organic compounds used in specific operations. One of the listed operations to which this subsection applies is the transfer of VOCs at pharmaceutical manufacturing facilities (3)(e). The State has confirmed that this reference to subsection 3(e) is a typographical error. The correct operation should be the transfer of any organic compound, subsection (3)(f).

Inconsistencies

1. NR 154.13(13)(d), Limitations of Restrictions to the Ozone Season, allows that the use of incinerators and other energy intensive control devices shall be required only during the O_3 season, provided that operation of the device is not required for health, safety or for the control of toxic or hazardous substances. The EPA allows that only gas-fired afterburners installed to control emissions of VOC for the purposes of reducing ambient O_3 concentrations can be shut down during the non-ozone season. ("Revised Seasonal Afterburner Policy," December 1, 1980). The EPA policy does not speak to "other energy intensive control devices", nor has Wisconsin submitted a definition of "energy intensive" or a justification for the State proposal. Clarification of how the State will implement this policy is necessary.

2. Wisconsin has not included test methods for the Group II source category regulations or for the other regulations in NR 154.13 because of its preference to include test methods in operating manuals. Recent EPA memoranda on VOC test methods allow the States to reference 40 CFR Part 60 Appendix A test methods provided that the **Federal Register** notices cite that EPA approved test procedures are to be used in conducting compliance tests.

("Test Methods for the Set I and Set II CTG Source Categories", March 24, 1981; "Clarification of VOC Test Method Requirements", April 1, 1981; and "VOC Test Methods", April 6, 1981). The policy requires that test methods for CTG categories not in Part 60 (bulk terminals, cutback asphalt, degreasers, petroleum refinery fugitive leaks, perchloroethylene dry cleaning and tank trucks) must be included in the SIP. The State should submit, as part of the SIP, either enforceable Appendix A test methods and CTG test methods to be used in conducting compliance tests or its operating manuals which specifically contain such test methods.

Other Issues

The EPA is soliciting comments on the following compliance timetable for the air dried and extreme performance emissions limitations contained in rules NR 154.13(4)(m) and (12)(c)4.d. Rule (4)(m) specifies a final compliance date of December 31, 1985 and increments of progress for VOC emissions from air dried coatings. Rule (12)(c)4.d. specifies a final compliance date of up to December 31, 1985 and increments of progress for VOC emissions from extreme performance coatings if the facility employs low solvent coating as a means of compliance and if prolonged product quality evaluation periods are necessary.

While the EPA believes that air dried and extreme performance coatings are available, the State has submitted justification supporting its case-by-case RACT compliance extensions for these two categories. In conjunction with the Wisconsin Manufacturers and Commerce Association, the State has undertaken a survey of the miscellaneous metal coaters to determine the necessity of the extension. The results of the survey indicate that the industry is large (over 250 sources) and consists of small, unique jobbers who have low priority with coating suppliers to convert to high solids or waterbased coatings. The industry coats mostly untreated metal parts. This increases the difficulty of switching to low solids or waterbased coatings because the solvent in the coatings is used as a cutting agent to promote adhesion to the substrate. Finally, the Wisconsin regulations have no exempt solvents and only exempt those facilities with total VOC emissions from all surface coating process lines of less than or equal to 10 tons per year. For these reasons, Wisconsin believes the extended compliance dates are as expeditious as practicable.

Proposed Action

The EPA proposes to approve the entire revision with the understanding that Wisconsin correct the deficiencies. Wisconsin has agreed with EPA to make the corrections. The EPA solicits comments from all interested parties on the regulatory actions and on the compliance extension dates proposed above.

Under Executive Order 12291, EPA must judge whether a regulation is a "major rule" and, therefore, subject to the requirement of a regulatory impact analysis. This rule, if promulgated, will not be major as defined by Executive Order 12291 because this action only either approves a State action or continues present requirements.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP revisions under Section 110 of the Clean Air Act will not have a significant economic effect on substantial number of entities (46 FR 8709). The attached rules, if promulgated, constitute a SIP revision within the terms of the certification.

This Notice of Proposed Rulemaking is issued under the authority of sections 110, 172, and 201(a) of the Clean Air Act, as amended.

Dated: September 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-482 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 86

[AEN-FRL-2026-3]

Waiver of NO_x Standard; Public Hearing

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of public hearing.

SUMMARY: This notice announces that EPA has received an application from Nissan Motors Co., Ltd. (Nissan) for waiver of the 1981 to 1984 model year oxides of nitrogen (NO_x) emission standard applicable to light-duty diesel-powered vehicles. EPA is scheduling a public hearing to consider this, and any other timely requests for waivers of the NO_x standard.

DATES: EPA has scheduled a public hearing on January 27, 1982, beginning at 9:00 a.m., to consider Nissan's and any other applications for waiver of the NO_x standard received by January 25, 1982. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than January 25, 1982. Interested parties should submit any relevant written comments by January 29, 1982, to ensure that the Administrator can consider these comments in deciding on the applications. If no party testifies at the hearing, EPA will consider the waiver requests based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street, S.W., 3rd floor, Washington, D.C. Parties planning to testify at the hearing should notify Mr. Michael Chernekoff, as noted below. Manufacturers submitting applications, or parties submitting written comments, should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All public portions of applications and other relevant information will be available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket No. EN-81-19).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(6)(B) of the Act, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gram per vehicle mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act; and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy

Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the Federal Register at 43 FR 30341 (July 14, 1978), in order to apprise manufacturers of the information then deemed necessary to demonstrate that a waiver should be granted. EPA subsequently published a notice in the Federal Register at 46 FR 20705 (April 7, 1981), also announcing procedures for submitting NO_x waiver applications covering model years 1981–1984.

EPA has received an application from Nissan for waiver of the 1983 and 1984 model year NO_x standard for its new 4-cylinder XM1 diesel engine family. This engine family will be used in Nissan's new Sunny models.

Hearing Procedures

The hearing will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should notify Michael Chernekoff of EPA's Manufacturers Operations Division as listed above no later than January 25, 1982. The procedures for the hearing will be the same as those EPA has employed in previous diesel NO_x waiver hearings.[1]

Presentations by the participants at the hearing and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices [2] and in the Federal Register notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981–1984 model years.[3]

Interested parties should submit written information to the record by January 29, 1982, to ensure its consideration by the Administrator in formulating waiver decisions. At the hearing, the Agency will make a verbatim record of any testimony. The Administrator will base determinations with regard to manufacturers' waiver requests on the record of the public hearing and on any other relevant written materials. This information will be available for public inspection at the EPA Central Docket Section in docket EN–81–19. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

[1] *See* 45 FR 27788 (April 24, 1980).
[2] *See*, e.g., 45 FR 73790 (November 6, 1980).
[3] 46 FR 20705 (April 7, 1981).

Dated: January 5, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-876 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-29-M

---

40 CFR Parts 244, 245, 246

[SW-FRL-1944-1]

Solid Waste Management; Guidelines for Beverage Containers; Resource Recovery Facilities Guidelines; Source Separation for Materials Recovery Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Office of Solid Waste proposes to cancel the reporting requirements for Federal agencies under the Beverage Container Guidelines (40 CFR Part 244), Resource Recovery Facilities Guidelines (40 CFR Part 245), and Materials Recovery Guidelines for Source Separation (40 CFR Part 246). Cancellation of the reporting requirements is being proposed because the requirements are of limited utility and EPA has shifted staff capable of reviewing the reports to higher priority projects. Elimination of the reporting requirements will not prejudice the guidelines' objectives.

DATE: Comments must be received on or before February 11, 1982.

ADDRESS: Office of Solid Waste (WH–563), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jane Stieber, (202) 755–9140.

SUPPLEMENTARY INFORMATION: The Beverage Container, Resource Recovery Facilities and Materials Recovery Guidelines were promulgated to fulfill EPA responsibilities under Section 209 of the Solid Waste Disposal Act of 1965 (Pub. L. 89–272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91–512), requiring the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the Federal Register guidelines for solid waste recovery, collection, separation, and disposal systems. * * *"

These three guidelines require federal agencies to file two kinds of reports: an *Initial Report* which reflects the Agency's determination whether or not to implement the guidelines and *Status Reports* which update the initial report. The initial reports were due by the end of 1978. The status reports are the subject of our proposal.

The above reporting requirements were not specifically required by statute and were imposed by the Agency in the belief that they could substantially aid in monitoring compliance with the guidelines. In June, 1979, an EPA Office of Solid Waste Working Group reviewed these reporting requirements and concluded that the objectives of the guidelines would not be compromised by eliminating the requirements. Among the reasons cited in support of this conclusion were the availability of the information from other sources, and the small number of federal agencies covered.

Because the reports have been judged to be of limited utility the Agency proposes to eliminate these requirements. Comments are solicited.

Regulatory Analysis: Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analysis for all major rules.

EPA has determined that the amendment being proposed today is not a major rule. As discussed above, this amendment will withdraw the reporting requirements on the guidelines for Beverage Containers (promulgated September 21, 1976), Resource Recovery Facilities (promulgated September 21, 1976) and the Source Separation for Materials Recovery (promulgated April 23, 1976). As such, it lessens the burden on complying federal agencies. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. The reporting requirements addressed by this proposed amendment do not affect private enterprises. Furthermore, the effect of the proposal is to eliminate these requirements. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

Dated: December 11, 1981.

Anne M. Gorsuch,

Administrator, U.S. Environmental Protection Agency.

For the reasons set out in the preamble, Parts 244, 245 and 246 of Title

40 of the Code of Federal Regulations are proposed to be amended as follows:

PART 244—SOLID WASTE MANAGEMENT GUIDELINES FOR BEVERAGE CONTAINERS

1. The authority citations for Part 244 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 244.100 is amended by removing § 244.100(f)(2).

§ 244.100 [Amended]

* * * * *

(f) * * *

(2) [Removed[

3. Section 244.203 is revised to read as follows:

§ 244.203 Implementation decisions and reporting.

Federal agencies are to determine whether or not to implement these guidelines by October 20, 1977. Reporting of that determination shall be in accordance with the following requirements:

(a) Federal agencies that plan to implement these guidelines shall report that decision to the Administrator in accordance with the procedures described in § 244.100(f)(1).

(b) Agencies that determine not to implement these guidelines shall provide to the Administrator a nonimplementation report in accordance with § 244.100(f)(3). This report shall include the reasons for nonimplementation, based on concepts presented in §244.100(d).

PART 245—RESOURCE RECOVERY FACILITIES GUIDELINES

1. The authority citation for Part 245 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 245.200–1 is amended by removing § 245.200–1(g) and (h).

§ 245.200–1 [Amended

* * * * *

(g) [Removed]

(h) [Removed]

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

1. The authority citation for Part 246 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 246.100 is amended by removing § 246.100(g) and by relettering and revising § 246.100(h) to read as follows:

§ 246.100 [Amended]

* * * * *

(g) The report required under § 246.100(e) and (f) shall be made on forms to be prescribed by the Administrator by notice in the **Federal Register.**

§ 246.203–1 [Removed]

3. Section 246.203–1 is amended by removing that section.

[FR Doc. 82–708 Filed 1–11–82; 8:45 am]

BILLING CODE 6560–30–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[BC Docket No. 81–896; RM–3955; FCC 81–585]

Amendment of the Commission's Rules With Reference to the Use of the AM Carrier for Utility Load Management Purposes

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its AM broadcasting rules to authorize utility load management signals to be transmitted through the AM carrier so long as they do not degrade the regular carrier broadcasts of AM stations. As with FM Subsidiary Communication Authorization (SCA) load management considered in BC Docket No. 81–352, concerning SCA use, the AM carrier use would allow expansion of load management communication alternatives for utilities. This would appear to offer valuable energy conservation and cost saving possibilities.

DATES: Comments must be filed on or before February 16, 1982, and reply comments on or before March 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Norman Plotkin, Broadcast Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION:

Adopted: December 17, 1981.

By the Commission.

In the matter of amendment of Parts 2 and 73 of the Commission's AM broadcast rules with reference to the use of the AM carrier for utility load management purposes, BC Docket No. 81–896; RM–3955.

1. On May 21, 1981, the Commission adopted a *Notice of Proposed Rule Making* [Docket No. 81–352] proposing that commercial FM subcarriers be allowed to carry signals for controlling utilities' energy demands. In response to that *Notice,* a number of commenters requested that load management uses also be permitted on the AM broadcast carrier.[1] Upon initial consideration, this request appeared to have merit. The Commission, therefore, accepted those comments as a petition and sought public views on its desirability.[2] The ensuing comments further supported such authorization. Therefore, the Commission is proposing that load management signals be authorized including public broadcasting AM stations. Such use must not degrade the regular broadcasts of AM stations.[3]

2. As with FM SCA load management techniques, AM load management authorization would permit such carrier signals to be used to: (1) turn off certain user's equipment which consumes a particular fuel; (2) transfer users from one type of equipment to another in order to redistribute fuel demand from one fuel to another; and (3) implement time-of-day metering; that is, switch the metering of a particular fuel during periods of higher fuel demand to allow the charging of higher rates reflecting increased operating cost conditions.

3. The Commission reiterates its view expressed in the FM load management proceeding that "energy conservation is of critical importance to our nation. . . . Managing utility loads has been given strong Congressional endorsement in the *Public Utilities Regulatory Policies Act of 1978* . . . [because it] aids materially in conserving energy by causing it to be used more efficiently . . . [and] helps to damp rising energy prices."

[1] The present *Notice* is being considered in conjunction with the *Report and Order,* Docket No. 81–352, as a closely related energy conserving proposal.

[2] Comments and reply comments in favor of AM carrier use in Docket No. 81–352 were received from CBS, Inc., General Electric Company, National Association of Broadcasters, Edison Electric Institute, American Broadcasting Companies, Altran Electronics, Inc., Utilities Telecommunication Council, and McKenna, Wilkinson and Kittner. These comments are available to the public in the FCC Public Reference Room.

[3] This petition was published for public comment per the Commission's Public Notice of August 7, 1981, Report No. 1303. Two comments were received, both in support of the petition. These were from Sigma Instruments, Inc. and Utilities Telecommunications Council. These comments are available to the public in the FCC Public Reference Room under RM 3955.

4. A clear case was also developed in that proceeding that the public interest would be furthered by expanding utility load management communication alternatives to include both FM SCA and AM (a) they offer valuable energy conservation and cost-saving possibilities by helping fulfill a critical need for load management communication alternatives suitable to the diverse situations and cost capabilities of utilities; (b) they offer this possibility at a time when utilities are in a search, demonstration and implementation process for load management techniques that are best suited to their individual situations; and (c) with respect to using the AM carrier, one such method has been demonstrated in an on-air test. Test results reported in a research report state that it has no detrimental effect on the AM main channel operation, and offers a number of possible advantages.[4]

5. The Commission, therefore, proposes to authorize AM carrier use, including public broadcasting AM stations, for utility load management subject to the requirement that any method so used does not disrupt or degrade regular programs of the station or the signals of any other radio service. This proposal does not confine AM carrier use for utility load management to a particular technique but allows the use of any method that meets these safeguards. These constraints assure the protection of main channel broadcasting services and will speed the use of new processes. They will also require that the initial determination be made by the licensee of any technical or other conflicts that may arise in its use. The proposed amendment is set forth in the attached appendix.[5]

6. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for action

It appears that the use of AM carrier signals as a utility load management technique could improve the nation's utilization of energy and thus be in the public interest, but is presently not permitted by Commission rules.

II. The objective

The Commission proposes to permit utility load management use of the AM carrier signal to make this technique available to allow a more efficient utilization of the nation's scarce energy resources.

III. Legal basis

The action, as proposed, is in furtherance of Section 303 of the Communications Act of 1934, as amended, which charges the Commission to explore new and improved uses of radio.

IV. Description, potential impact and number of small entities affected

The permission for utility load management to be effected via AM carriers is expected to have a beneficial effect on all parties wishing to use, or receiving use from the technique. The proposed change is permissive, authorizing a use but not requiring it. The rule change would have its direct effect on AM broadcasters (4620 stations as of August 1981) by enabling them, if they wish, to receive pay from utilities for the use of these techniques. The next effect would be on utilities who elect to use the techniques. Most utilities are small entities (1900 municipal systems, 900 rural electric cooperatives). These techniques would enlarge their choice of load management communication techniques. Ultimately, the effect would be on the customers of these utilities.

The number of utilities that may be affected, while unknown, is conceivably substantial. However, it is doubtful that this effect will be of any significance to the great majority. This is particularly true since use of the AM carrier is only one of a number of methods available to carry out utility load management. Its actual use and the degree of impact in the marketplace and on small entities must await empirical evidence. Nevertheless, the Commission felt its potential impact warranted conducting this analysis. A listing by description and potential impact this rule change may have on small entities follows.

1. Small businesses, small not-for-profit organizations and small government jurisdictions, in general, may have lower energy costs where they agree to have certain appliances shut off during peak demand periods or at times of severe fuel shortages, and where they redistribute their energy use to newly available low price periods.

2. Small businesses, small not-for-profit organizations and small government jurisdictions, in general, may have higher energy costs if their energy use remains unchanged during higher cost peak periods where multi-rate metering is put into operation.

3. Any small government jurisdiction which receives revenue by taxing local energy may lose revenue as energy use decreases.

4. AM stations that rent out their subcarrier spectrum to utilities for this use would gain additional revenue.

5. Small businesses in the electronics field who participate in the expected increased demand for radio and related equipment required by this utility load management technique should be benefited by the additional business.

In summary, the proposed action would be expected to improve efficiency and to have positive effects on almost all parties affected by it, and to have no known significant deleterious effect on small entities.

V. Recording, recording keeping and other compliance requirements

None.

VI. Federal rules which overlap, duplicate or conflict with this rule

None.

VII. Any significant alternatives minimizing impact on small entities and consistent with stated objectives

The Commission's alternative is to maintain the status quo and not authorize AM carrier use for utility load management. This alternative would not accomplish the beneficial objective sought in this rule making.

8. For the purpose of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed

---

[4] From Altran Electronics, Inc. comment in Docket 81-352. This test was made by Altran using its own proprietary system under the auspices of the Electric Power Research Institute (EPRI), with the Southern California Edison as the host utility and CBS clear-channel station KNX in Los Angeles as the AM station. For its report see Broadcast Radio System Distribution Communications, Electric Power Research Institute, EPRI EL-1868, Project 1535-1, Final Report, June 1981. A copy of this report has been placed in this docket.

[5] The Commission will entertain special temporary authority requests during the period this proceeding is outstanding.

written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it related. See generally, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

9. This *Notice of Proposed Rule Making* is issued pursuant to authority contained in sections 4(i) and 303 of the Communication Act of 1934, as amended. Interested parties may file comments on or before February 16, 1982, and reply comments on or before March 3, 1982. All relevant and timely comments filed in response to this *Notice* will be considered by the Commission. In accordance with the provisions of § 1.419 of the Commission's Rules, and original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact of the Commission's reliance on such information is noted in the Report and Order.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, Northwest, Washington, D.C.

11. For further information concerning this proceeding, contact Norman Plotkin, Broadcast Bureau, (202) 632–6302.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Appendix

It is proposed to amend Parts 2 and 73, Title 47, of the Federal Communications Commission's Rules and Regulations as follows:

1. Section 2.106, the National Table of Frequency Allocations, would be revised by adding footnote designator NG128 in column 7 in the band 535–1605 kHz, and by revising footnote NG128 in the list of footnotes which follow the Table.

§ 2.106 Table of Frequency Allocations

FEDERAL COMMUNICATIONS COMMISSION

7	8	9	10	11
Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services of stations
535–1605 (US 15) (NG 16) (NG 128).	BROADCASTING			Standard broadcasting

NG 128 In the band 535–1605 kHz, AM broadcast licensees or permittees may use their AM carrier to transmit signals intended for utility load management. In the band 88–108 MHz, FM broadcast licensees or permittees may be granted a Subsidiary Communications Authorization (SCA) to transmit signals intended for utility loan management.

PART 73—RADIO BROADCAST SERVICES

2. Subpart A of Part 73 would be amended by adding new Section 73.127 to read as follows:

§ 73.127 Use of multiplex transmission

The licensee of an AM broadcast station may use its AM carrier to transmit signals not audible on ordinary consumer receivers, for utility load management purposes subject to the following requirements:

(a) Such use does not disrupt or degrade the station's main channel programs or the signals of any other radio service.

(b) In all arrangements entered into with outside parties with reference to such use, the licensee or permittee must retain control over all material transmitted over the station's facilities, with the right to reject any material which it claims inappropriate or undesirable.

[FR Doc. 82-703 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 90

[PR Docket No. 81-787]

Substitution of 20 Miles in Place of 40 dBu as the Measure of Service Area

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of comment/reply comment period.

SUMMARY: This order extends by 30 days the time for filing comments and reply comment to the Notice of Proposed Rule Making in PR Docket No. 81–787 which would substitute 20 miles in place of 40 dBu as the measure of service area specified in §§ 90.367(c) and 90.371(b) of the Commission's rules relating to Private Land Mobile Radio Services. This action is taken in response to a request for extension of time filed by Electronic Industries Association who indicated that this additional time would be needed for the submission of responsive comments.

DATES: Comments are now due by January 29, 1982, and reply comments by February 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order to Extend Time to File Comments

Adopted: December 30, 1981.

Released: January 4, 1982.

By the Chief, Private Radio Bureau:

In the Matter of amendment of Part 90 of the Commission's rules and regulations to substitute 20 miles in place of 40 dBu as the measure of Service area specified in §§ 90.367(c) and 90.371(b), PR Docket No. 81–787.

1. A Notice of Proposed Rule Making in the above-captioned matter was released November 27, 1981. The deadline for filing comments is December 30, 1981, and for filing reply comments is January 14, 1982. On December 22, 1981, Electronic Industries Association (EIA) requested that the dates for filing comments and reply comments in this proceeding be extended by 30 days.

2. EIA states that the potential impact of the issues raised in this proceeding can only be evaluated in conjunction with a complete analysis of PR Docket

Nos. 79–191 and 79–334, RM–3691, Further Notice of Proposed Rule Making (FCC 81–285, 46 FR 37927, July 23, 1981). EIA points out that reply comments in the latter proceeding are due on January 15, 1982, and asks that the deadlines in the above-captioned proceeding be postponed until after the January 15, 1982, filing date so that the information submitted in connection with PR Dockets 79–191 *et al.* will be available to parties wishing to file comments in the instant rule making.

3. Because of the Commission's desire to have the most comprehensive responses possible, an additional thirty (30) days for filing comments and reply comments will be allowed.

4. Accordingly, it is ordered, pursuant to §§ 0.331 and 1.46 of the Commission's rules and regulations, that the time for filing comments in the above-captioned proceeding is hereby extended from December 30, 1981, to January 29, 1982, and for filing reply comments from January 14, 1982, to February 15, 1982.

Federal Communications Commission,

Robert S. Foosaner,

Acting Chief, Private Radio Bureau.

[FR Doc. 82–788 Filed 1–11–82; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 47, No. 7
Tuesday, January 12, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding the In-Lieu Selection of Federal Lands by the State of Montana

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Intent.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Bureau of Land Management (BLM), U.S. Department of Interior and the Montana State Historic Preservation Officer (SHPO), providing for the protection of historic and cultural properties in connection with "in-lieu" selection by the State of Montana of lands administered by BLM. In accordance with sections 2275 and 2276 of revised statutes, as amended (43 U.S.C. 851, 852) BLM proposes to transfer some 26,740.66 acres of land to the State in lieu of certain lands granted to it which could not be transferred because of prior encumbrances. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be protected both during the selection process and thereafter in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

DATE: Comments must be submitted on or before February 11, 1982.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas F. King, Director, Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, (202–254–3974).

Dated: January 6, 1982.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 82–684 Filed 1–11–82; 8:45 am]

BILLING CODE 4310–01–M

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on February 3, 1982, at 7:30 p.m., a public information meeting will be held at the City Council Chamber, City Hall, 125 North Main Street, Memphis, Tennessee.

This meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed demolition of the Memphis Street Railway Company Office and Street Car Complex, an undertaking of the city of Memphis, Tennessee that will adversely affect these properties eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the eligible National Register properties, and alternate courses of action that could avoid, mitigate, or minimize adverse effects on these properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the city of Memphis.

III. A statement by the Tennessee State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statement in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW, Washington, DC 20005, telephone No. 202–254–3495, Attention: Don L. Klima.

Dated: January 6, 1982.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 82–685 Filed 1–11–82; 8:45 am]

BILLING CODE 4310–01–M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Availability of Impact Assessment for Seward Energy Group., Ltd., Project Proposed for Financing by the Commodity Credit Corporation

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) proposes to present the Seward Energy Group, Ltd., project to the Board of Directors of the Commodity Credit Corporation (CCC), U.S. Department of Agriculture (USDA), for decision with respect to the awarding of a loan guarantee pursuant to the provisions of section 1420 of the 1977 Food and Agriculture Act. Formerly known as Farmers Grain and Fuel, Inc., this project involves production of approximately 6 million gallons annually of fuel grade alcohol from milo and will be located near Liberal, Kansas. The purpose of the environmental and economic impact assessment to which this notice refers is to assure the CCC Board of Directors that said project involves no significant environmental or economic impacts and to meet Council of Environmental Quality assessment requirements in these respects. Publication of this notice affords the public with opportunity, on demand, to examine this impact assessment.

ADDRESSES: Submit all written comments in duplicate to the Office of the Chief, Directives Management

Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given here.

Copies of the Finding of No Significant Impact and the Environmental Assessment may be reviewed in the Farmers Home Administration, Room 506, Presidential Building, Hyattsville, Md. Limited copies are also available and can be obtained from Boddington & Brown, Suite 100, Security National Bank Building, Minnesota Avenue at 7th Street, Kansas City, KS 66101.

FOR FURTHER INFORMATION CONTACT: Donald A. Fink, Economist, Office of Renewable Resources, Farmers Home Administration, Room 506, Hyattsville, Md. 20782. Telephone (301) 436–5942.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the U.S. Department of Agriculture, acting through the Commmodity Credit Corporation, has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance in the form of a loan guarantee to Seward Energy Group, Ltd., a Kansas limited partnership doing business near Liberal, Kansas. Farmers Grain & Fuel Products, Inc., the applicant of record, is the general partner in Seward. Seward proposes to construct and operate an alcohol distillation plant capable of processing grain sorghum (milo) into ethanol at a potential capacity of 6 million gallons of ethanol per year. In addition, Seward will operate a cattle feedlot on the plant site located in Seward County, Kansas.

Seward prepared and submitted environmental information concerning the proposed project. USDA supplemented the information and prepared an Environmental Assessment.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, water and air quality impacts and all other potential impacts of the proposed project have been adequately investigated.

USDA's independent evaluation of the proposed project concludes that the proposed financing assistance to Seward does not represent a major Federal action that will significantly affect the quality of the human environment. Based on this independent evaluation and the Environmental Assessment a FONSI has been reached by USDA. This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of USDA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91–190), an Environmental Impact Statement is not required.

This program is listed in the Catalog of Federal Domestic Assistance as 10.432, Biomass Energy and Alcohol Fuels Loans and Loan Guarantees.

Financing of the Seward project by the CCC (USDA) does not directly affect any USDA programs or projects that are subject to A–95 Clearinghouse review.

Dated: December 11, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82–730 Filed 1–11–82; 8:45 am]

BILLING CODE 3410–07–M

Federal Grain Inspection Service

Federal Grain Inspection Service Advisory Committee; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.
Date: January 27, 1982.
Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2096 South Building, Washington, D.C. 20250.
Time: 8:30 a.m.
Purpose: To enable the members to discuss and provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The meeting is open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting, should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–0219.

Dated: January 6, 1982.

K. A. Gilles,

Administrator.

[FR Doc. 82–705 Filed 1–11–82; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

California Nickel Corporation's Gasquet Mountain Mining Project; Six Rivers National Forest, Del Norte County, Calif.; Intent To Prepare Environmental Impact Statement

The Department of Agriculture, Forest Service, will be responsible for the preparation of an environmental impact statement for the development of California's Nickel's proposed Gasquet Mountain Mining Project on the Gasquet Ranger District.

A range of alternatives for this project will be considered. One of these will be non-development of the site. Other alternatives will consider different sizes of the proposed processing facilities ranging from 2,500 tons/day capacity to 10,000 tons/day capacity; other locations for the processing facilities; and different types of ore processing.

The California Environmental Quality Act and the regulations for the Council on Environmental Quality (40 CFR Part 1500) for implementation of the National Environmental Policy Act provides for the preparation of a joint EIR/EIS document where both State and Federal agencies are responsible for the analysis of a proposed action. The joint venture provides for a single planning process, environmental research and review, joint public hearings and the preparation of a single comprehensive document, resulting in savings to the County of Del Norte (lead agency for the State) and the Six Rivers National Forest (lead agency for the Federal Government).

Although a significant amount of input has been received since the draft EIR was distributed in April of 1981, which was withdrawn at a later date, Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process.

The Forest Supervisor and Del Norte County will conduct a public scoping meeting on January 27, 1982, at the Cultural Center, Front Street, Crescent City, CA. The meeting will begin at 1:00 p.m., recess at 5:00 p.m., resume at 6:30 p.m., and end at 9:30 p.m.

The scoping process will include:

1. Identification of those issues to be addressed,
2. Identification of issues to be analyzed in depth,
3. Elimination of insignificant issues, and
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish & Wildlife Service of the Department of the Interior will be invited to participate as a consulting agency on the potential impacts to threatened and endangered species habitat if any such species are found to exist in the proposed mining development area.

Joseph H. Harn, Forest Supervisor, Six Rivers National Forest in Eureka, California is the responsible official.

The analysis is expected to take about 8 months. The draft environmental impact statement should be available for public review by April 1982. The final environmental impact statement is scheduled to be completed in August 1982.

Written comments and suggestions concerning this project should be sent to Joseph H. Harn, Forest Supervisor, Six Rivers National Forest, 507 F Street, Eureka, California 95501. Final date for written comments will be February 10, 1982.

Questions about the proposed action and environmental impact statement should be directed to Dick Ferneau, Environmental Coordinator, Six Rivers National Forest, 507 F Street, Eureka, California 95501 (707–442–1721).

Joseph H. Harn,

Forest Supervisor.

January 6, 1982.

[FR Doc. 82-716 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Minnkota Power Cooperative, Inc.; Franklin P. Wood Station; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with the proposed financing assistance to Minnkota Power Cooperative, Inc., (MPC) for a fabric filter particulate collection system at the Franklin P. Wood Station (Station) in Grand Forks, North Dakota. The collection system is required to bring the Station into compliance with North Dakota air quality regulations.

MPC prepared a Borrower's Environmental Report (BER) concerning the collection system. Based on this BER and other support documents, REA prepared an Environmental Assessment which incorporates the BER. REA's independent evaluation of the project leads to the conclusion that approval of the project does not represent a major Federal action that will significantly affect the quality of the human environment, and in accordance with REA Bulletin 20–21:320–21, REA has made a FONSI.

Alternatives discussed in the BER are no action, operating the fabric filter particulate collection system, obtaining a waiver from state regulations and converting the station to other fuels.

Copies of the FONSI, REA's Environmental Assessment and MPC's Borrower's Environmental Report may be obtained from Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382–1400 or at Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, telephone: (701) 795–4000.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 5th day of January 1981.

Harold V. Hunter,

Administrator.

[FR Doc 82-728 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-15-M

Minnkota Power Cooperative, Inc.; Milton R. Young Station; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with the proposed financing assistance to Minnkota Power Cooperative, Inc., (MPC) of Grand Forks, North Dakota, for two previously completed projects. The projects are a coal pile runoff system and the purchase of additional land for a buffer zone for the Milton R. Young Station (Station) of Center, North Dakota. The coal pile runoff system was required for the Station to be in compliance with State water quality regulations. The buffer zone has provided noise protection for adjacent landowners and space for incidental projects such as the coal pile expansion, access roads and sludge ponds.

MPC prepared a Borrower's Environmental Report (BER) concerning the project. Based on this BER and other support documents, REA prepared an Environmental Assessment which incorporates the BER. REA's independent evaluation of the project leads to the conclusion that approval of the projects does not represent a major Federal action that will significantly affect the quality of the human environment and, in accordance with REA Bulletin 20–21:320–21, REA has made a FONSI.

Alternatives discussed for the coal pile runoff system in the BER are no action and converting the Station to another fuel. Alternatives to the buffer zone are no action and purchasing additional land.

Copies of the FONSI, REA's Environmental Assessment and MPC's Borrower's Environmental Report may be obtained from Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382–1400 or the Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, telephone: (701) 795–4000.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 5th day of January 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-729 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; See, 14 CFR 302.1701 et seq.; Week Ended December 24, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Dated filed	Docket No.	Description
Dec. 22, 1981	[illegible]	Southcentral Air, Inc., c/o Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Southcentral Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Anchorage, Alaska; the intermediate points: Cordova, Alaska, Fairbanks, Alaska, Gulkana, Alaska, Homer, Alaska, Illiamna, Alaska, King Salmon, Alaska, Kenai, Alaska, Kodiak, Alaska, Prudhoe Bay/Sag River/Deadhorse, Alaska, Seattle, Washington, Valdez, Alaska, and the terminal point: Yakutat, Alaska. Conforming Applications, motions to modify scope, and Answers may be filed by January 19, 1981.
Dec. 23, 1981	40335	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Conforming Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled air transportation of persons, property and mail: Between the coterminal points New York, N.Y. and Washington, D.C. the intermediate points Brussels, Belgium and/or Frankfurt, Germany, and the coterminal points Moscow and Leningrad, U.S.S.R., subject to such terms, conditions and limitations as the Board may find to be required by the public convenience and necessity. Answers may be filed by January 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-731 Filed 1-11-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 38748]

Capitol International Airways Inc.; Violations of Part 250; Enforcement Proceeding; Cancellation of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, which was assigned to be held on January 11, 1982 (46 FR 49282) is hereby cancelled.

Dated at Washington, D.C., January 5, 1982.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 82-734 Filed 1-11-82; 8:45 am]
BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82-1-3	Westair Commuter Airlines, Inc.	Jan. 22, 1982.
82-1-19	Princeton Airways, Inc.	Jan. 27, 1982.
82-1-20	Lawrence Aviation, Inc.	Jan. 27, 1982.
82-1-21	Aero Coach Aviation International, Inc., d.b.a. Aero Coach.	Jan. 27, 1982.
82-1-22	California Air Express.	Jan. 27, 1982.
82-1-23	Jeffery D. Haddock & Ronald A. Watson, d.b.a. Valdez Airlines.	Jan. 27, 1982.
82-1-30	Emerald Air, Inc., d.b.a. Emerald Airlines.	Jan. 27, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 82-1-19-20, -21, -22, -23, and -30 with the Special Authorities Division, Room 915, for Order 82-1-3 with the Essential Air Services Division, Room 921, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Order 82-1-3: Mr. Dennis DeVaney, (202) 673-5405; for Orders 82-1-19, -20, -22, and -30 Mr. J. Kevin Kennedy, (202) 673-5918; for Order 82-1-21, Mr. John McCamant, (202) 673-5082; for Order 82-1-23: Mr. Curtis B. Maloy, (202) 673-5088.

By the Civil Aeronautics Board: January 7, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-733 Filed 1-11-82; 8:45 am]
BILLING CODE 6320-01-M

Investigation Into the Competitive Marketing of Air Transportation—Retail Pricing Phase

AGENCY: Civil Aeronautics Board.

ACTION: Partial Decision Continuing Tariff Filing Obligations in International Air Transportation, Order 81-12-112, December 18, 1981, and Order Extending Exemptions, Order 81-12-113, December 18, 1981.

SUMMARY: The Board has decided to continue to require carriers to file tariffs for international air transportation that state specific prices to be charged. While it believes that there would be substantial public benefits from relaxing tariff filing obligations in international air transportation, as it has decided to do domestically, it is not prepared at this time to broadly relinquish its authority over fares for foreign air transportation. It concluded that a relaxation of the current requirements, which could significantly affect the marketing of international air transportation, may not be the best way of pursuing a more competitive international regime. It found that, over the near term, the costs of adopting a maximum tariff system, as proposed in EDR-408, 45 FR 64864, September 30, 1980, in terms of international good will and diplomatic opportunities, may well exceed the potential benefits. Consequently, the Board is terminating the maximum tariff rulemaking, EDR-408, and withdrawing international tariff filing issues from the *Competitive Marketing Investigation.*

In addition, the Board has decided to extend exemptions for carriers to engage in practices it had elsewhere permitted pending final action in EDR-408. Specifically, it is extending, for a two year period, the exemption granted all U.S. and foreign air carriers from section 403 of the Federal Aviation Act for them to accept tickets of other carriers at published fares lower than their own published fares in transpacific markets. It is also extending the exemption granted all U.S. and foreign air carriers and air freight forwarders from section 403 of the Act and 14 CFR § 296.7 and § 297.32, for carriers to pay and forwarders to receive, directly or indirectly, commissions for U.S.-origin cargo shipments in foreign air transportation, pending final Board action on these issues in a forthcoming rulemaking.

The complete texts of the orders are available as noted below.

DATE: Adopted December 18, 1981.

FOR FURTHER INFORMATION CONTACT: George S. Baranko or Barry L. Molar, Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–6011 or (202) 674–5205, respectively.

SUPPLEMENTARY INFORMATION: The complete texts of Orders 81–12–112 and 81–12–113, are available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for the orders to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–732 Filed 1–11–82; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Tennessee Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 2:30 pm and will end at 6:30 pm, on January 29, 1982, at the Hyatt Regency Knoxville, 500 Hill Avenue, James Polk Room, Knoxville, Tennessee 37915. The purpose of this meeting is to release a report, *Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action;* and a discussion on program planning for FY 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Mattie R. Crossley, 351 Fay Avenue, Memphis, Tennessee 38109, (901) 276–4461; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, NE, Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington D.C., January 7, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–743 Filed 1–11–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping, Fireplace Mesh Panels From Taiwan; Corrected Notice of Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of antidumping investigation; correction.

On September 8, 1981, the International Trade Administration published on page 44805 of the **Federal Register** (46 FR 44805) a Notice of Initiation of an Antidumping Investigation. In column 3, under the paragraph headed, "Scope of Investigation," the words "wood-burning stoves" in the first sentence are corrected to read, "zero-clearance fireplaces."

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 6, 1982.

[FR Doc. 82–771 Filed 1–11–82; 8:45 am]

BILLING CODE 3510–25–M

Lamb Meat From New Zealand; Termination of Countervailing Duty Investigation

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Termination of Countervailing Duty Investigation.

SUMMARY: The petitioners have withdrawn their petition concerning lamb meat from New Zealand. Therefore we are terminating our countervailing duty investigation and we will not reach a final determination.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Miguel Pardo de Zela, Import Administration Specialist, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Termination of Countervailing Duty Determination.

On April 23, 1981, we received a petition from the National Wool Growers Association, Inc. (NWGA), alleging that lamb meat from New Zealand benefited from subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended. On May 12, 1981, the National Lamb Feeders Association (NLFA) joined in this petition. On the basis of information contained in the NWGA's petition, we announced our initiation of a countervailing duty investigation on May 18, 1981 (46 FR 27151). The result of the investigation was a preliminary determination on November 30, 1981 (46 FR 58128). We anticipated reviewing the findings contained in the preliminary determination before reaching a final determination.

Before we reached any final conclusions, counsel for the NWGA and NLFA submitted a letter on December 22, 1981, withdrawing the petition and requesting that we terminate the case. This letter is reproduced as an appendix to this notice. Under section 704(a) of the Act, upon the withdrawal of the petition by the petitioner, the administering authority may terminate an investigation after giving notice to all parties to the investigation.

We have notified all parties to the investigation of the petitioner's withdrawal and we have decided to terminate this case in the public interest (19 CFR 355.30). Customs officers have been instructed to refund any estimated countervailing duties collected and release any bonds or other securities posted with respect to lamb meat from New Zealand.

By virtue of the withdrawal of the petition and termination of the investigation, the preliminary determination and all preliminary conclusions reached therein, as to whether the programs investigated do or do not constitute subsidies are without legal force or effect.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–698 Filed 1–11–82; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Autodin II: Notice of Advisory Committee Meeting

The Defense Science Board Task Force on AUTODIN II will meet in closed session on 18–19 February 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 18–19 February 1982 the Task Force will be briefed by members of the Defense Communications Agency AUTODIN II Evaluation Group and concerned members of the Defense Department.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 6, 1982.

[FR Doc. 82-606 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Rapid Deployment Forces (RDF): Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Rapid Deployment Forces will meet in closed session on 3–4 February 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 3–4 February 1982, the Task Force will continue discussions on the application of technology to rapidly deploying forces.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 5, 1982.

[FR Doc. 82-697 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 19 January 1982, at the Naval Ocean Systems Center, 271 Catalina Blvd, San Diego, CA 92142.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 7, 1982.

[FR Doc. 82-735 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-10-M

DEPARTMENT OF ENERGY

Federal Energy Regulation Commission

[Docket Nos. DER80'715 and ER81-84-001]

Alabama Power Co.; Compliance Filing

January 7, 1982.

The filing Company submits the following:

Take notice that on December 30, 1981, Alabama Power Company filed a compliance report pursuant to the Commission's letter order dated November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before January 29, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-750 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-20-002]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB

January 5, 1982.

Take notice that Algonquin Gas Transmissioin Company (Algonquin Gas) on December 17, 1981, tendered for filing Fifth Revised Sheet No. 10–C to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that it is filing the above-mentioned tariff sheet to reflect in Algonquin Gas' Rate Schedule STB, an increase in Texas Eastern Transmission Corporation's Rate Schedule SS–II.

Algonquin Gas requests that the proposed effective date of the filing be January 1, 1982.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) on or before January 13, 1982. All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the preceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-748 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-132-000 and ER81-305-000]

Cincinnati Gas & Electric Company and Union Light, Heat and Power Co.; Compliance Filing

January 7, 1982.

The filing Companies submit the following:

Take notice that on December 23, 1981, Cincinnati Gas & Electric Company and Union Light, Heat and Power Company submitted jointly a compliance report pursuant to the Commission's order issued November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 29, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-751 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-124-000]

Cities Service Gas Co.; Application

January 8, 1982.

Take notice that on December 7, 1981, Cities Service Gas Company (Applicant), P.O. 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-124-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities and for permission and approval to abandon certain existing natural gas facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to abandon by reclaim approximately 1.18 miles of 30-inch natural gas pipeline and appurtenant facilities on its Oklahoma City 30-inch pipeline in Oklahoma County, Oklahoma. Applicant also proposes to construct approximately 1.39 miles of 30-inch pipeline, 0.01 mile of 20-inch pipeline and appurtenant facilities and install river weights on approximately 0.19 mile of said Oklahoma City 30-inch pipeline. Applicant explains that this rearrangement of facilities is necessary due to the construction of Arcadia Lake in the vicinity of Edmond, Oklahoma. It is stated that Applicant's Oklahoma City 30-inch pipeline lies in the area to be flooded by the construction of this lake.

Applicant asserts that the total cost of the proposed project is estimated to be $1,568,430 which would be paid from treasury cash and to be totally reimbursed by the U.S. Army Corps of Engineers and the City of Edmond, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules and practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the National Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-752 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1991-000]

Thomas W. Coppock; Application

January 7, 1982.

The filing individual submits the following:

Take notice that on December 28, 1981, Thomas W. Coppock filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Philadelphia Electric Company.
President, Conowingo Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-753 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-33-000]

El Paso Natural Gas Co.; Change

January 7, 1982.

Take notice that on December 31, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of a change in rates (and certain identified tariff provisions) for natural gas service rendered to jurisdictional customers served under all rate schedules contained in Original Volume No. 1 and certain rate schedules contained in Third Revised Volume No. 2 and Original Volume No. 2A. Accordingly, El Paso submitted the following revised tariff sheets: [1]

Original Volume No. 1

Thirty-first Revised Sheet No. 3-B
Ninth Revised Sheet No. 67
Sixth Revised Sheet No. 67-A
Sixth Revised Sheet No. 67-B
Fifth Revised Sheet No. 67-C
Eighth Revised Sheet No. 67-D
Second Revised Sheet No. 67-D.1

Third Revised Volume No. 2

Twenty-second Revised Sheet No. 1-D
Twelfth Revised Sheet No. 1-D.2

Original Volume No. 2A

Twenty-third Revised Sheet No. 1-C

The proposed effective date for the revised tariff sheets and for the increase in rates the subject hereof, is February 1, 1982, except in the case of Ninth Revised Sheet No. 67, Sixth Revised Sheet Nos. 67-A and 67-B, Fifth Revised Sheet No. 67-C, Eighth Revised Sheet No. 67-D and Second Revised Sheet No. 67-D.1, where the proposed effective date is June 1, 1982.

El Paso states that its juridictional rates which are firm and which were approved by Federal Energy Regulatory Commission ("Commission") orders issued July 20, 1979, May 30, 1980 and August 28, 1981 at Docket Nos. RP79-12, RP79-12 (Extension) and RP79-12 (Further Extension), repecitvley, are deficient based upon the test period cost of service and projected slaes volumes in an amount of $198,044,046 annually. The current base tariff rates were estalbished at Docket No. RP79-12 which utilized cost data experienced

[1] El Paso also tendered, in addition to the above revised tariff sheets, certain alternative revised tariff sheets and *prof forma tariff sheets as discussed below.*

primarily during the calendar year 1978. Over the approximatley three-year period since then, all items of cost have increased signifiantly, including the cost of capital. The impact of higher natural gas prices resulting from the pricing provisions of the Natural Gas Policy Act of 1978 has had a significant effect on El Paso's gas well royality and production tax expenses associated with production that is treated on a cost of service basis for rate purposes. In addition to the Washington Ranch Storage Project, El Paso has added over $300,000,000 to its rate base over that reflected at Docket No. RP79–12. Additionally, all items of operation and maintenace expense have increased significantly over levels included in the existing base rates. Further, the increased rates proposed includes an increase in the overall claimed rate of return to reflect signifiantly higher cost of capital El Paso is experiencing and also includes higher depreication rates. These cost increases have partially been offset by an increase in sales volumes and increases in natural gas liquid revenues.

The increase in rates for which the notice is given and which is necessary to recover the deficiency is reflected in the "Revised Tariff Sheets." The production and local area sales rate schedules, Rate Schedule X–1 and the special rate schedules keyed thereto, reflect an increase of 20.26¢ per Mcf. The propsed increase in rates under east-of-California sales rate schedules (ABD Rate Scheules), the special rate schedules "keyed" thereto and Rate Schedule A–1–X is 31.49¢ per Mcf and the proposed increase applicable to the California sales rate schedules (G and G–X Rate Schedules) is 17.60¢ per Mcf. The proposed increase in rates for transportation services is 4.50¢ per Mcf as to Mainline Transmission Charges, 9.33¢ per Mcf as to Field Transmission and Field Gathering Charges, 0.37¢ per Mcf as to Processing and 0.40¢ per Mcf applicable to Dehydration only. The increase in the San Juan Triangle Facilities Charges is 119.17¢ per Mcf for the Demand Charge and 3.92¢ per Mcf as to the Commodity Charge. Further, El Paso proposes to include on Sheet No. 1–D.2 of its Volume No. 2 Tariff, a rate Equivalent to one-half of the applicable forward haul rate for back haul transportation service (Back Haul Charge) and a 3.26¢ per Mcf rate or short haul transportation service (Short Haul Charge).

El Paso has specifically requested waiver of the requirements of § 154.63(e)(2)(i) of the Commission's Regulations in order to permit El Paso to include in its rates the effect of an increase in special overriding royality costs which will be incurred by El Paso on June 1, 1982, only one (1) day beyond the end of the test period selected for the instant filing.

El Paso has also requested waiver of the requirements of § 154.63(e)(2)(ii) of the Commission's Regulations, to permit the inclusion in rate base of the Washington Ranch Storage Project not yet placed in service. El Paso requested such waiver to permit the facilities to be included in rate base and their associated costs in rates even though the facilities are not projected to be placed in service until approximately one (1) month beyond the close of the test period used; i.e., the period ending May 31, 1982. At the time the test period data for the instant notice was assembled, El Paso intended to file such notice no later than November 30, 1981, and was compelled to employ a test period ending on May 31, 1982. El Paso then also believed that the Washington Ranch Storage Project would be available for service within or quite close to the end of such test period. It subsequently became apparent, however, that the in-service date of these facilities would not occur until approximately July 1, 1982. Such delay was due to unforeseen problems with equipment procurement occuring after Commission authorization of such facilities.

The total impact on El Paso's costs of this single project is substantial and alone would require El Paso to adjust its rates to avoid such a large cost exposure. Specifically, the annual effect on the cost of service reflected in the instant notice is approximately $34.1 million. Because of this large cost of service impact, and because of El Paso's concern to assure rate coverage of these costs, the unforeseen delay in the in-service date of the Washington Ranch Storage Project caused El Paso to delay filing the instant notice of change by one (1) month in order that collection of such costs might be insured through inclusion in rates.

Retention of the completed test period presentation applicable to the period ending May 31, 1982, coupled with a one-month delay in filing, would permit the Commission, by imposing a five-month suspension period, to assure that El Paso would not collect such increased rates earlier than the date in which the facilities giving rise to a significant item of increased cost was actually placed in service; i.e., following such five-month suspension, the increased rates would not become effective at least until July 1, 1982. This procedure, accordingly, fairly balances the interests of El Paso's ratepayers and El Paso's interest in avoiding a substantial cost underrecovery. For this reason, El Paso states that a waiver of the Commission's Regulations to permit Washington Ranch Storage Project costs to be included in rates concurrently with the in-service date of the facilities, even though such facilities will not be placed in service until approximately one (1) month beyond the close of the test period, is fully warranted. In consideration for receiving the waiver of § 154.63(e)(2)(ii) requested and as an express condition thereof, El Paso obligated itself to withhold the filing of a motion placing the instant proposed rates and other changes (except those tariff sheets containing PGAC provisions with a proposed effective date of June 1, 1982) into effect until the later of July 1, 1982, or the date on which the Washington Ranch Storage Project facilities are placed into service; provided, however, if El Paso anticipates an unforeseen extended delay for the in-service date of the Washington Ranch Storage Project beyond July 1, 1982, El Paso reserves the right to eliminate the Washington Ranch Storage Project facilities and related costs from its rates and to place such lower rates and other changes (except those tariff sheets containing PGAC provisions with a proposed effective date of June 1, 1982) into effect July 1, 1982.

Article XII of El Paso's Stipulation and Agreement, approved by Commission letter order dated July 20, 1979 at Docket No. RP79–12, modified El Paso's then effective Purchased Gas Cost Adjustment Provision ("PGAC") during the effectiveness of the Docket No. RP79–12 rates by (i) establishing the use of one (1) month actual purchased gas volumes in determining the annualized change in purchased gas cost and (ii) providing that the amount of purchased gas costs deferred to Account 191 each month will be based upon the difference between the actual purchased gas costs for the month, exclusive of refunds received from El Paso's gas suppliers, and the product of the portion of the gas sales rate applicable to purchased gas costs, times the gas sales volume for the month. The letter order of July 20, 1979, directed El Paso to file, as a part of its next general system-wide change in rates, tariff sheets which supersede the tariff sheets containing §§ 19.6 and 19.7 of its PGAC and which reflect the elimination of said PGAC modifications permitted by Article XII, and the reinstitution of the methodology for determining PGAC rate adjustments

which was reflected in El Paso's then currently effective PGAC; namely, (i) a revised § 19.6(a) which provides that the determination of the gas cost adjustment will be based on twelve (12) months of actual purchased gas volumes, in lieu of the currently effective one (1) month of actual purchased gas volumes, and (ii) a revised § 19.7(a) which provides that the amount of purchased gas costs deferred to Account 191 each month will be based upon the difference between actual purchased gas costs for the month, excluding any costs subject to incremental pricing, and an amount for the same volume purchased, excluding any costs subject to incremental pricing, computed at the average purchased gas costs applicable to the currently effective tariff rates.

El Paso has made modifications to Section 19, Purchased Gas Cost Adjustment Provision, of the General Terms and Conditions of El Paso's Original Volume No. 1 Tariff which would permit the use of estimated gas purchase volumes and comparable estimated sales volumes and continue the procedure set forth above establishing the method of deferring purchased gas costs to Account 191 based upon the difference between the actual purchased gas costs for the month, exclusive of refunds received from El Paso's gas suppliers, and the product of the portion of the gas sales rate applicable to purchased gas costs, times the gas sales volume for the month. El Paso now has operable a computer model capable of forecasting volumes to be utilized in determining the gas cost adjustment. The use of estimated purchased volumes generated by the model and comparable estimated sales volumes which result from the estimated purchased volumes would more accurately track the actual activity in the Adjustment Period therefore providing El Paso with a reduction in the amounts debited to Account 191 and a more current recovery of actual purchased gas costs incurred. Such methodology comports to § 154.38(d)(4)(iv)(a) of the Commission's regulations.

In the event said revised tariff sheets are rejected by the Commission, El Paso tendered alternative revised tariff sheets, which reinstitute the methodology for determining PGAC rate adjustments as directed by the Commission's order dated July 20, 1979 at Docket No. RP79–12. The proposed effective date, after suspension, for the revised or alternative revised tariff sheets respecting El Paso's PGAC is June 1, 1982 since the settlement base rates approved in El Paso's Stipulation and Agreements at Docket No. RP79–12 will terminate on May 31, 1982 as a result of the "36-month rule" of § 154.38(d)(4)(vi) of the Commission's Regulations. In order to secure the June 1 effective date, El Paso has requested waiver of the thirty-day notice period, or a shortened, four-month suspension period.

In addition, El Paso is proposing to incorporate into the General Terms and Conditions of its Original Volume No. 1 Tariff a new Section 23 entitled "Gas Well Royalty and Production Tax Adjustment Provision." Such permanent provision would permit the periodic adjustment of El Paso's rates to reflect changes in the level of gas well royalty and production tax expense resulting from variations in the volume of produced gas and, as well, changes in the price of natural gas. El Paso states that the proposed Gas Well Royalty and Production Tax Adjustment Provision is to operate in tandem with El Paso's PGAC.

To implement the proposed new section 23, El Paso has included in its notice of change certain *pro forma* tariff sheets. El Paso has requested that the Commission institute an investigation into the justness and reasonableness of the new Gas Well Royalty and Production Tax Adjustment Provision, and that such investigation be conducted with and as a part of the section 4 proceeding precipitated by the filing of the instant Notice of Rate Change. El Paso further requested that the Commission approve the proposed section 23 at its earliest convenience and that the tendered *pro forma* tariff sheets implementing the new provision be made effective for prospective application following the issuance of a final Commission order approving such tariff sheets.

El Paso, on December 1, 1981, filed a notice of rate change which will increase the currently effective Gas Research Institute funding unit to a level of 0.72 cent per Mcf, effective January 1, 1982. In the near future El Paso will file (i) a PGAC rate adjustment in accordance with the terms of El Paso's PGAC and (ii) if necessary, rate adjustments and surcharges applicable to particular items of cost which are not included in its general section 4 rate increase filing. If the effectiveness of the rates proposed by the instant notice is suspended beyond the date that any other rate adjustment or surcharge which El Paso may be authorized to collect becomes effective, El Paso will make the appropriate filings with the Commission to reflect in its rates the effect of any such adjustments or surcharges. To facilitate making such filings, El Paso specifically requested that the Commission expressly state in its suspension order, applicable to the instant notice, that the rates ultimately placed into effect in the instant proceeding shall reflect any rate adjustments or surcharges which become effective during the suspension period pursuant to El Paso's FERC Gas Tariff or any other Commission authorization.

El Paso states that the valuation of its company-owned natural gas production on a cost of service basis, as reflected in the notice, is without prejudice to the ultimate effect of, or to such rights as El Paso may have as a result of, the recent holding of the United States Court of Appeals for the *Mid-Louisiana Gas Company, et al.* v. *Federal Energy Regulatory Commission*, Nos. 80–3804, *et al.* (slip opinion dated December 23, 1981) respecting the valuation of El Paso's company-owned production on a first sale basis under the Natural Gas Policy Act of 1978.

El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary so as to implement the notice of change in the manner described herein.

El Paso states that a copy of the notice of change, together with a copy of the documents filed concurrently, has been served upon all customers served from El Paso's interstate system and upon all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said notice should, on or before January 25, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–784 Filed 1–11–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-14-001 (PGA 82-1)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

January 6, 1982.

Take notice that on December 28, 1981 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC GAS Tariff, First Revised Volume No. 1, all of which are dated as issued on December 23, 1981 proposed to become effective February 1, 1982, and identified as follows:

Twenty-Sixth Revised Sheet No. 4
Twenty-Fourth Revised Sheet No. 18
Fifth Revised Sheet No. 4-B

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-747 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP80-107-004; TA80-2-26-001 (AP80-2)]

Natural Gas Pipeline Company of America; Post Audit Report

January 6, 1982.

Take notice that on December 17, 1981, Natural Gas Pipeline Company of America (Natural) submitted to this Commission its Post Audit Report in compliance with Article II, Paragraph 3 of the Stipulation and Agreement (Agreement) approved by the Commission Order issued December 7, 1981 in the above-referenced dockets. As required by the Agreement, the report sets forth the settlement cost of service for the period December 1, 1980 through September 30, 1981 (Locked-in Period), the settlement base tariff rates for the locked-in period, and the unit rate differentials determined in accordance with Article II, Paragraph 1 of the Agreement.

Natural states that a copy of the Report was mailed to its jurisdictional customers, interested state commissions, and all parties to these proceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 21, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-748 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-123]

Northern Border Pipeline Co.; Petition of Clarification of Order

January 8, 1982.

Take notice that on November 20, 1981, Northern Border Pipeline Company (Northern Border), P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP78-124 a petition pursuant to § 1.7 of the Commission's Rules of Practice and Procedure for clarification of the Commission's order issued in the subject docket on June 20, 1980, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Northern Border states that the Commission in its order issued April 28, 1980, approved the use of the unit of throughput (UOT) method of depreciation until such time as Alaskan gas commenced to flow but required that Alaskan volumes be reflected for depreciation purposes coincident with the start of Alaskan construction. It is further stated that in its order on rehearing issued June 20, 1980, the Commission approved an alternative to its preferred method approved in the April 28, 1980, order for use by Northern Border. The alternative, it is stated, authorized the collection of UOT depreciation for 4 years from the completion and commissioning date of the prebuilt facilities or until Alaskan construction begins, whichever occurs later. The authorization was conditioned on a provision which would require refund of the difference in depreciation between the two methods, it is submitted.

Northern Border explains that its rates would be determined pursuant to a cost of service tariff and as a result the higher depreciation amounts collected under the UOT method would increase monthly the reserve for accumulated depreciation at a faster than normal rate and concurrently diminish the rate base more rapidly. This would, it is asserted, result in a lower total cost of service during subsequent periods as no return or related taxes would be charged on the lower rate base caused by the accumulated depreciation amounts subject to refund. Northern Border states that if it is required to refund the depreciation difference with interest while at the same time charging a lower cost of service because of the lower rate base created by the UOT method there would be an inadvertent double counting for the time value of money.

To correct this, Northern Border proposes that the Commission clarify the June 20, 1980, order to recognize that Northern Border's tariff provides for a monthly cost of service based on current operating costs and return and taxes on a current net rate base. Any depreciation amounts accruing would, it is asserted, result in lower current charges for return and taxes thereby compensating the consumer on a current basis for carrying charges. It is submitted that then only the amount of depreciation expense and the related taxes would be subject to refund by Northern Border.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 29 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therin must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-755 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-189-000]

Ohio Edison Co.; Filing

January 7, 1982.

The filing Company submits the following:

Take notice that Ohio Edison Company on December 29, 1981, tendered for filing a proposed change in its FERC electric service tariff FERC No. 66, an amendment No. 5 to the Interconnection Agreement between The Dayton Power and Light Company and Ohio Edison Company. The amendment provides for participation by the parties in economy transactions involving systems which are not parties to the Agreement and provides that transactions with systems not a party to the Agreement between the parties would be priced as are those under the existing Agreement between the parties, on the basis of the cost incurred plus a sharing by all of the participants of the savings realized by the ultimate receiving system.

Dayton Power and Light Company has concurred with the filing. Ohio Edison Company requests waiver of the Commission's notice requirements to allow an effective date of January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-756 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-463-000]

Ohio Power Co.; Compliance Filing

January 7, 1982.

The filing Company submits the following:

Take notice that on December 28, 1981, Ohio Power Company filed a refund compliance report pursuant to the Commission's letter order issued on November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 29, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-757 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-191-000]

Pacific Gas and Electric Co.; Filing

January 7, 1982.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on December 30, 1981, tendered for filing a signed letter agreement dated December 21, 1981 stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A (Contract) between the Western Area Power Administration (Western) and PG&E dated July 31, 1967.

The letter agreement further defers review of certain rates and charges pursuant to Article 32 of the Contract from December 31, 1981, to July 1, 1982. Review of these rates and first deferred from April 1, 1981, to July 1, 1981, pursuant to a letter agreement dated January 27, 1981, and from July 1, 1981 to December 31, 1981, pursuant to a letter agreement dated June 25, 1981.

The January 27, 1981, letter agreement was filed with and accepted by FERC in Docket No. ER81-245-000. The June 25, 1981, letter agreement was filed with and accepted by FERC in FERC Docket No. ER81-584-000. The rates and charges, review of which is deferred by the December 21, 1981, letter agreement, are provided under the following articles:

Article 22(c)(1)(i)—Sales from Capacity Account, Article 22(c)(2)(ii)—Sales from Energy Account No. 2, Article 28(b)(1), 28(b)(2), 28(b)(3)—Meter Rental.

The parties have agreed to further deferment of the April 1, 1981, rate review date to allow the parties sufficient time to complete their joint review of the rates in a more thorough manner.

The proposed effective date for the December 21, 1981, letter agreement is the date of filing hereof. Pacific requests a waiver of the notice requirements in order to avoid a possible hiatus in the effective rate review period agreed upon by the parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-758 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-32-000]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

January 6, 1982.

Take notice that Sea Robin Pipeline Company (Sea Robin), on December 31, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes are based on the twelve-month period ending September 30, 1981, as adjusted, and would increase jurisdictional revenues by $13,663.952.

Sea Robin states that the revenue increase results from increases in costs for several areas of Sea Robin's operations including cost of debt and depreciation.

Copies of the filing have been served upon Sea Robin's jurisdictional customers and the Public Service Commission of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-749 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-112-000]

Southern Natural Gas Co. and Northern Natural Gas Co., Division of InterNorth, Inc.; Application

January 8, 1982.

Take notice that on December 10, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-112-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to transport natural gas produced from Mustang Island Block 755, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate approximately 9.4 miles of 10¾-inch O.D. pipeline extending from the producer's platform in Mustang Island Block 755 to a point of interconnection at a subsea tap in Mustang Island Block 738 and a receiving station consisting of measuring facilities and certain related and appurtenant facilities to be installed on the producers' platform in Mustang Island Block 755. It is asserted that Southern would own 80 percent of such facilities and that Northern would own 20 percent based on each Applicant's proportional interest in the gas reserves to be transported by the proposed facilities.

The estimated cost of the facilities proposed herein is $7,703,403 which cost would be financed initially from internally generated funds.

It is stated that Applicants have acquired the right to purchase the natural gas reserves to be produced from certain reservoirs beneath Mustang Island Block 755. Total proven and probable reserves in Mustang Island Block 755 are estimated to be approximately 25,000,000 Mcf. To transport onshore the natural gas reserves they have acquired the right to purchase, Applicants state they have agreed to join in the construction, installation and operation of the facilities proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-760 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF82-3011]

Southeastern Power Administration; Filing

January 7, 1982.

Take notice that on December 18, 1981, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. SEPA-12, confirmed and approved on an interim basis, effective concurrent with the effective date of the Duke Power Company (Duke Power) wheeling charge to Southeastern Power Administration (SEPA), Rate Schedule CAR-1-C for power produced at SEPA's Georgia-Alabama System of Projects and sold to customers located on the Duke Power service area. The Assistant Secretary states that the interim approval extends for a one-year period. The Assistant Secretary states that Rate Schedule CAR-1-C replaces Rate Schedule CAR-1-B and Rate Schedule CAR-2-B is eliminated.

By order issued April 13, 1981, in Docket No. EF79-3011, the Commission confirmed and approved the present rates for the Georgia-Alabama System through September 30, 1983.

According to the Assistant Secretary, implementation of a new written power marketing policy for the Georgia-Alabama System of Projects in the Duke Power area has resulted in a new contract between SEPA and Duke Power which necessitates the replacement rate schedule.

The rate schedule is submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by delegation Order No. 0204-33. The Assistant Secretary requests approval for a period ending September 30, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-761 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-107-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

January 8, 1982.

Take notice that on December 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-107-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing adjustments in the annual volumetric limitations of certain of its small volume customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that a number of Applicant's small customers (those with a maximum daily quantity of 5,100 Mcf or less) have requested adjustments of their respective annual volumetric limitations. Applicant states that its gas supply situation has substantially improved since 1974 when the Commission imposed annual volumetric limitations but not to the extent to justify a wholesale adjustment of annual volumetric limitations on the system generally. However, Applicant asserts that its system gas supply is sufficient to serve the minor volumes of gas requested by these small customers without any significant adverse effect on its obligations to its other customers. Moreover, the volumes requested are small enough to be accommodated within Applicant's existing capacity.

Applicant states that the total of the requested annual volumetric adjustments is approximately 6,200,000 Mcf and that the increases requested by each of the customers represent volumes which would be used solely to serve high-priority requirements falling in Priorities 1 through 4 of Applicant's curtailment plan.

The customers requesting increases in their annual volumetric limitations (AVL) are as follows:

	Customers	Additional increase over current AVL (Mcf)
1	Town of Adamsville	20,280
2	Arkansas-Louisiana	48,001
3	Town of Baldwyn	53,832
4	City of Batesville	85,396
5	Blackstone Gas	84,206
6	City of Bolivar	293,885
7	City of Booneville	229,854
8	Town of Centerville	22,969
9	Central Gas Company	136,471
10	Concord Natural:	
11	Concord	335,000
12	Suncook	49,536
13	Delta Natural Gas:	
14	Berea	311,808
15	Nicholasville	118,441
16	Jeffersonville	2,948
17	Salt Lick	31,790
18	Town of Dickson	638,390
19	Village of Forest Hill	5,652
20	Vernon Parish No. 1	800
21	Town of Grand Isle	17,164
22	Town of Green Brier	6,504
23	Hardeman-Fayette	136,890
24	City of Hemphill	20,647
25	City of Henderson	83,200
26	City of Hohenwald	143,539
27	City of Holly Springs	131,703
28	Honesdale Gas:	
29	Honesdale	440,712
30	Milford	56,088
31	City of Lexington	54,706
32	City of Linden	23,543
33	City of Lobelville	7,970
34	Louisiana Gas Service	3,300
35	Ellis T. Myers	14,000
36	City of New Albany	90,000
37	City of Parsons	18,701
38	Pike Natural Gas	141,826
39	City of Pontotoc	163,545
40	City of Portland	162,493
41	Village of Provencal	8,707
42	City of Ridgetop	3,611
43	City of Ripley	672,656
44	City of Senatobia	194,089
45	Town of Shugualak	89,266
46	Southwest Gas	24,000
47	City of Springfield	101,422
48	Town of Walnut	133,025
49	City of Waynesboro	8,363
50	City of Woodville	17,000
51	Westfield Gas	745,841

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-762 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-311-002]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Petition To Amend

January 8, 1982.

Take notice that on December 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-311-002 a petition to amend the order issued October 5, 1976,[1] as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate the Oak Grove compression facilities at Oak Grove, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 5, 1976, it was authorized to construct and operate a compressor station to be located on an existing 12-inch line at Oak Grove, Louisiana, to enable Petitioner to attach and move onshore gas reserves committed to Petitioner by Atlantic Richfield Company, Getty Oil Company and Continental Oil Company (Conoco) from West Cameron Blocks 34, 35, 66 and 67, offshore Louisiana. It is stated that Petitioner was to provide the compression necessary to compress the low pressure casinghead gas into its system at Oak Grove and that at Gibbstown, the secondary separation point, such residue gas was to be compressed by the producers into Petitioner's system. Subsequently, Petitioner received authorization to provide compression at Gibbstown to compress gas it would have otherwise been obligated to compress at Oak Grove and to defer installation of compression at Oak Grove.

Petitioner and Conoco have determined that they would not require the Oak Grove compression facilities. Petitioner is requesting, therefore, that authorization to construct the Oak

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Grove compression facilities be deleted from the certificate. Petitioner further requests that it be authorized to continue to assume the rental charges for the Gibbstown compression facilities effective October 5, 1980, forward. It is stated that the rental charges for the Gibbstown facilities before September 1, 1981, were $15,320 per month. From September 1, 1981, until September 1, 1982, the rental charges would be $17,320 per month and after that the charges are again subject to negotiation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-783 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-117-000]

Texas Eastern Transmission Corp.; Application

January 8, 1982.

Take notice that on December 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-117-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the West Cameron Block 464 area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 4.8 miles of 10-inch pipeline and appurtenant facilities extending from West Cameron Block 478, A Platform, South Addition, offshore Louisiana, to a sub-sea tap on Tennessee Gas Pipeline Company, a Division of Tenneco Inc's. 30-inch pipeline in West Cameron Block 478, South Addition, offshore Louisiana.

Applicant states that the proposed facilities would permit the attachment of volumes of natural gas produced from West Cameron Block 464 and that the proposed pipeline has been sized to accommodate up to 35,000,000 Mcf of natural gas per day. It is explained that this size pipeline has been proposed to accommodate the available reserves in West Cameron Block 464 and to provide for additional reserves from development areas adjacent to the proposed pipeline route.

The facilities are estimated to cost $6,217,000 to be financed by Applicant's revolving credit agreement or from funds on hand.

Applicant further requests authorization to recover in its rates the transportation charges to be paid to Tennessee for the transportation of the West Cameron Block 464 gas supplies.

Applicant explains that it has entered into a gas purchase contract dated August 17, 1981, with McMoran Exploration Company covering 100 percent of the oil and gas leases in the Block 464 field. The subject facilities, it is asserted, would enable Applicant to receive the subject gas into its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-784 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-25-000]

Valero Interstate Transmission Co.; Proposed Rate Changes

January 5, 1982.

Take notice that on December 17, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing a notice of change in rate for the sale of gas under Vitco's FERC Gas Rate Schedule No. 1, Supplement No. 35; FERC Gas Rate Schedule No. 2, Supplement No. 112; FERC Gas Rate Schedule No. 14, Supplement No. 5. Vitco states that the proposed changes would not increase revenues from jurisdictional sales and service and involves only a change in the methodology used in its PGA clause.

Vitco states that the PGA clause has been changed to include the cost of lost and unaccounted for and company used gas. Vitco further states that this change is identical to that which it filed on April 30, 1981 in this proceeding and which was rejected by Commission order of May 29, 1981. According to the filing, the change in PGA is refiled because the Commission subsequently accepted a similar provision for filing by order of September 30, 1981 in *Northwest Pipeline Corporation*, Docket No. RP81-47-001. The filing also states that Vitco can be made whole only if it includes the cost of lost and unaccounted for and company used gas in its PGA.

Vitco states that because the cost of lost and unaccounted for and company used gas is taken out of the gathering component of the rate in Rate Schedules 1, 2 and 14 is reduced.

The proposed effective date is Janmuary 17, 1982. Vitco requests that the Commission place the change in effect without suspension or, at a minimum, after a one-day suspension.

Victo states that copies of the filing have been served on its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-749 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Special Counsel

Atlantic Richfield Co.; Remedial Order

AGENCY: Department of Energy.

ACTION: Proposed Remedial Order to Atlantic Richfield Company and Opportunity for Objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Ecomomic Regulatory Administration (ERA), Department of Energy, (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on November 27, 1981 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in acordance with 10 CFR 205.193 on or before January 27, 1982.

II. The Proposed Remedial Order

ARCO is a refiner angaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning ARCO's calculation and reporting of non-product cost increases under the refiner price rules in 10 CFR Part 212, Subpart E, between December 1, 1974 and December 31, 1979. ARCO is charged with overstating its non-product costs available for recovery in an amount totalling approximately $105,300,000.

During the audit period, § 212.87 and § 212.83 of the refiner price regulations permitted a refiner to pass through certain non-product costs in sales prices for covered products.. These increased non-product costs were required to be calculated pursuant to formulae included in §§ 212.82 and 212.83.

During the period December 1, 1974 through December 29, 1981, ARCO improperly determined its non-product costs associated with five non-product cost categories. (Interest, Marketing, Pollution Control, Refinery Fuel, and Depreciation)

Specifically, in determining interest and pollution control costs increases, ARCO included costs which by definition did not belong in the respective categories. With respect to marketing costs and depreciation costs, ARCO failed to employ its historical accounting practices to determine its non-product cost increases. And, in determining refinery fuel cost increases, ARCO included costs that did not represent costs which it had actually incurred. As a result, ARCO overstated its non-product cost increases by approximately $105,300,000.

As a remedy, ARCO is directed to recalculate its Refinery Fuel, Pollution Control, Depreciation Interest and Marketing Costs increases in accordance with the requirements of § 212.87 and § 212.83. Refunds shall be ordered if these recalculations show over-recoveries of available costs.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW, Washington, D.C. 20585.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearing and Appeals on or before January 27, 1982. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW, Washington, D.C., 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C. January 5, 1982.

Milton Lorenz,

Acting Special Counsel.

[FR Doc. 82-690 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2026-8]

Science Advisory Board Executive Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board (SAB). The meeting will be held January 28-29, 1982, starting at 9:15 a.m. on January 28 in Room 1101 West Tower, EPA, 401 M Street, SW., Washington, D.C. The agenda for the meeting includes the following issues: status of SAB review of Research Outlook, Announcement of ORD Science and Technology Achievement Awards, Report of the SAB Marine Monitoring Task Group, Status of SAB Review of EPA High-Level Radioactive Waste Disposal Standards, and other issues of member interest.

The meeting is open to the public. Any member of the public wishing to obtain information should contact Terry F. Yosie or Cheryl B. Bentley on (202) 755-0263 by close of business January 22, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

January 6, 1982.

[FR Doc. 82-706 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-34-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Doc. No. 81-912, files No. BPCT-5225, et al.]

Redwood Television Ministries, Inc., et al.; Applications for Consolidated Hearing on Stated Issues

Adopted: December 24, 1981.

Released: January 6, 1982.

By the Chief, Broadcast Bureau:

In re Applications of Redwood Television Ministries, Inc., Vallejo, California, BC Docket No. 81-912, File No. BPCT-5225. Golden State Television, Inc., Vallejo, California, BC Docket No. 81-913, File No. BPCT-790130LR. Bay Area Community Television, Inc., Vallejo, California, BC Docket No. 81-914, File No. BPCT-790130LS. Family Stations, Inc., Stockton, California, BC Docket No. 81-915, File No. BPCT-790104LD. Sterling Recreation Organization Co., Stockton, California, BC Docket No. 81-916, File No. BPCT-790507KI. For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to

delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications of Redwood Television Ministries, Inc. (Redwood), Golden State Television, Inc. (Golden) and Bay Area Community Television, Inc. (Community) for authority to construct a new commercial television station to operate on Channel 66, Vallejo, California; (b) the above-captioned mutually exclusive applications of Family Stations, Inc. (Family) and Sterling Recreation Organization Co. (Sterling) for authority to construct a new commercial television station to operate on Channel 64, Stockton, California; (c) statements filed May 7, 1979, and May 23, 1979, by the Association of Maximum Service Telecasters (AMST) against Golden, Community and Family; (d) a petition to dismiss Golden's application filed July 25, 1979, by Redwood; (e) an informal objection to Golden's application filed June 3, 1981, by Community; (f) a motion to hold separate hearings for the two allocations captioned above filed May 15, 1981, by Family; and (g) related pleadings.[1]

Procedural Matters

2. *Motion of Hold Separate Hearings.* Section 73.610(d) of the Commission's rules requires a minimum separation of 20 miles between Channels 66 and 64; however, Family's proposed site in Stockton is only 17.5 miles from the proposed sites of Golden and Community in Vallejo. Consequently, the proposed sites are 2.5 miles short-spaced. Family seeks to hold one hearing for the Stockton applicants and another hearing for the Vallejo applicants.

3. In support of its motion to hold separate hearings, Family asserts that: (a) the Commission has not expressly waived § 1.227 of the Rules in order to permit the consoldiation of the applications in a single hearing; (b) facts developed previously support separate hearings; (c) proceeding separately would be more efficient and more equitable; and (d) because Family proposes to directionalize much of its power away from Vallejo, it will be providing, in electrical terms, separations between transmitter sites greater than the required minimum.

4. Community, in support of Family's motion, asserts that Family's proposal would cause no actual interference and that a consoldiated hearing would be time-consuming and unwieldy. In addition, Community states that the 2.5 mile short-spacing is *de minimis* and that the Commission has opted for separated hearings under similar circumstances. *R & S Broadcasting Company, Inc.*, Mimeo No. 00322 (released October 20, 1980); *Broadcast Enterprises*, Mimeo No. 06205 (released January 26, 1981).

5. Family and Community read § 1.227(b)(1), the consolidation rule, as excluding Sterling from a consolidated hearing with the Vallejo applicants, since its application was filed after the Vallejo cut-off date. Section 73.3572(d) requires applicants for the same channel in a community to be considered in consolidated hearings. Thus, Redwood's, Golden's, and Community's applications for Channel 66 in Vallejo must be considered together, and Family's and Sterling's for Channel 64 in Stockton must be considered together. Section 73.3572(e) further mandates that applications that are mutually exclusive because of short-spacing (Family, Community, and Golden) be designated for hearing together. Consequently, all five applications must be consolidated in one proceeding, and § 1.227 (b)(1) will be waived. In addition, the Commission's decisions to hold separate heaings in *R & S Broadcasting Company, Inc., supra;* and *Broadcast Enterprises, supra;* can be distingushed from the situation here, since there the short-spacings were only one mile out of the required 65 (1.5%) and two miles out of the required 105 (1.9%), respectively. Here we are presented with a 2.5 mile short-spacing out of a required 20 (12.5)—clearly not *de minimis*. Further, Family's reliance on "equivalent protection" is misplaced, since such rationale is limited to the VHF service. *New Jersey Public Broadcasting Authority*, 50 R.R. 2d 251 (1981). As Sterling states in its opposition, Family gives no basis for holding separate hearings, and the mere inconvenience of Family is not enough to justify grant of the relief requested. Consequently, Family's motion will be denied.[2]

6. *Late-filed amendments.* In accordance with the procedures established by the Commission in *Revised Procedures for the Processing of Contested Broadcast Applications (Report and Order)*, 72 F.C.C. 2d 202 (1979), the above-captioned Vallejo applicants were notified on August 7, 1980, that they could amend their applications as of right not later than September 22, 1980.[3] On January 8, 1981, Redwood filed a petition for leave to amend and an accompanying amendment to its application.[4] Similarly, Family has filed several petitions for leave to amend and accompanying amendments to its application pursuant to § 1.65.[4] In addition, on January 21, 1981, Sterling amended its application pursuant to § 1.65, although no accompanying petition for leave to amend was filed. No oppositions to any of these amendments were filed. We have reviewed the above-referenced petitions and the amendments submitted by these parties and conclude that, in each case, good cause exists for accepting these amendments; however, it is not our intention to allow any comparative advantage to these parties as a result of our action herein. Accordingly, the petitions for leave to amend filed by Redwood and Family will be granted and the amendments filed after September 22, 1980, by Redwood, Family and Sterling will be accepted for filing.[5]

7. *Statements filed by AMST.* On May 7 and May 23, 1979, AMST filed "statements" against the applications of Golden, Community and Family. We shall treat the pleadings filed by AMST as informal objections pursuant to § 73.3587. Although AMST takes no position as to the merits of any application, it urges the Commission to take no action that would result in short-spacing. As we stated in paragraph 5, *supra*, we are not presented with *de minimis* short-spacing. Consequently, we are unable to resolve the spacing question at this time, and an issue will be specified to determine whether circumstances exist which would warrant waiver of § 73.610(d) of the rules with regard to Family's, Community's, and Golden's applications. In addition, AMST's objections will be granted and AMST will be made a party to the proceeding.

8. Sterling meets all spacing requirements with respect to the Vallejo applications and, therefore, is not mutually exclusive with them. In addition, Redwood meets all spacing requirements with respect to the Stockton applications and, therefore, is not mutually exclusive with them. Consequently, it is possible to grant

[1] Among these pleadings are petitions for expedited processing filed by Bay Area on May 8, 1979, and by Golden on October 21, 1980. To the extent that we have been able to, we have expedited the processing and designation for hearing of these applications.

[2] This procedure has been generally followed concerning applications on file as of June 1, 1979. *Report and Order*, 72 F.C.C. 2d 202, 223 (paragraph 263) (1979); however, the Stockton applicants were allowed the same opportunity through a "B" cut-off list. *See, Sterling Recreation Organization Co.*, 80 F.C.C. 2d 319 (1980).

[3] This amendment was filed incorrectly pursuant to § 73.3522(a); the applicable rule is § 73.3514.

[4] Family submitted these amendments on: Dec. 2, 1980; Jan. 5, and 23, April 6, May 8 and 11, 1981, Sept. 3, 1981.

[5] Amendments filed before September 22, 1980 have been accepted as a matter of right.

both a Vallejo and a Stockton application, and there is no need to choose between Stockton and Vallejo under section 307(b) of the Communications Act. Accordingly, no section 307(b) issue will be specified. It is possible, however, that a choice between Stockton and Vallejo might be required. This could come about if both Sterling and Redwood were, for some reason, found to be unqualified. In that event, a motion to enlarge issues to add a 307(b) issue and a contingent comparative issue would need to be entertained.

Golden State Television, Inc.

9. Golden filed its competing application on January 30, 1979, the cut-off date for the Vallejo applicants.[6] In its original application, at Section II, Table I, Golden listed the following stock subscribers:

Subscriber	Shares subscribed	Ownership (percent)
Helena H. Chen	16,150	9.5
Leo H. Chen	16,150	9.5
Ting Chai Liang	18,700	11.0
Nelson K. Chen		
Recortec, Inc.		

The columns indicating the number of shares to which Nelson K. Chen and Recortec, Inc. (Recortec) had subscribed and the ownership percent which those shares represented, were not completed. At Section II, page 2, Golden stated that 170,000 shares had been issued. However, Golden also indicated that no shares were subscribed at the time. On June 18, 1979, after the cut-off date, Golden amended its application to reflect a different corporate ownership structure as follows:

Subscriber	Shares (to be subscribed)	Ownership (percent)
Helena H. Chen	17,000	20
Leo H. Chen	17,000	20
Ting Chai Liang	17,000	20
James G. Freeman	17,000	20
Nelson K. Chen	5,666	6.66
Carson Chen	5,666	6.66
Han Y. Lee	5,666	6.66

On Section II, page 2, applicant now stated that there were no shares issued or subscribed.

10. On July 6, 1979, Redwood filed a petition to dismiss Golden's application, alleging that the above-described amendment constituted a major change under §§ 73.3572(b) and 73.3540 and that therefore, it should be assigned a new file number and dismissed from this comparative proceeding. Redwood's petition is based on § 73.3572(b) which requires the assignment of a new file number if an application is amended so as to result in a change which, if applicant were an authorized station, would require the filing of a "long form" transfer application. On the other hand, if the amendment can be reported in a "short form," a new file number is not necessary. The Commission has determined that a "short form" is permissible when both of these factors are present: (1) less than a controlling interest (50% of the voting stock) is being transferred and (2) as a result of the transaction, 50% or more of the voting stock will not be held by a person or persons whose qualifications have not been "passed upon" by the Commission. *See, Gaffney Broadcasting, Inc.*, 35 RR 2d 1607, 1609 (1976). In its petition, Redwood argued that, since Recortec was listed as a stockholder in applicant's original proposal, it is reasonable to assume that Recortec had subscribed to 70% of applicant's stock. Therefore, Redwood concluded that the June 18, 1979 amendment constituted a transfer of a controlling interest requiring Golden's dismissal from this comparative proceeding.

11. On October 12, 1979, Golden further amended its application to substitute two new stockholders for a former one, as follows:

Subscriber	Shares (to be subscribed)	Ownership (percent)
Helena H. Chen	17,000	20
Leo H. Chen	17,000	20
Nelson K. Chen	5,666	6.66
Carson Chen	5,666	6.66
Han Y. Lee	5,666	6.66
James G. Freeman	17,000	20
Christopher Hirose	8,500	10
Charlotte Hirose	8,500	10

12. On June 3, 1981, Community filed a "supplement to the petition to dismiss" initially filed by Redwood.[7] Besides restating Redwood's prior objections, Community states that with the October 12, 1979, amendment, a new group of individuals owns 53.32% of Golden's stock, and that the Commission's decision in *Grace Missionary Baptist Church* (Grace), 80 F.C.C. 2d 330 (1980), compels the dismissal of Golden's application. The central question in that case was whether a pre-designation, post-cut-off amendment of the corporate structure of one of three competing applicants for a new FM station constituted a transfer of control requiring assignment of a new file number and consequent dismissial of the amended application. The amendment apparently had been misplaced and the Bureau staff could not determine the effect of the amendment prior to designation for hearing. The Commission analyzed the facts before it in light of several decisions concerning transfer of control situations: *Gaffney Broadcasting, Inc., supra; Barnes Enterprises, Inc.*, 55 F.C.C. 2d 721 (1975); *Fees, Notice of Proposed Rulemaking*, 38 F.C.C. 2d 587 (1972); *Clay Broadcasters, Inc.* 21 RR 2d 442 (1971). Although the Commission concluded that more than 50% of the applicant's stock had been transferred, it declined to require assignment of a new file number. The Commission reasoned that three different approaches to transfers of control (*Gaffney, Barnes* and *Clay*) leading to different results, appeared to govern the challenged amendment and that the potential for confusion was sufficient basis for sparing applicant's dismissal. However, the Commission recognized it would have been unfair to the other applicants in that proceeding to grant comparative advantage to the challenged applicant. Therefore, noting that the amendment had been misplaced, the Commission protected the other competing applicants from that "intervening contingency," and gave the challenged applicant the opportunity to withdraw the amendment.

13. We believe, however, that the facts before us do not parallel the situation presented in *Grace* . As filed in January, 1979, that application listed four persons (Helena H. Chen, Leo H. Chen, Nelson K. Chen and Ting Chai Liang) and Recortec as holding ownership interests in the applicant. However, the ownership interests held by Nelson Chen and Recortec were not specified. In light of this, we cannot agree with Community and Redwood's assumption that Recortec was the only subscriber to the 70% of the stock which seemed to be unaccounted for. Further, Recortec's commitment letter indicates only that it would make an investment in the amount of $500,000. Therefore, we cannot conclude that Recortec was, in fact, a subscriber. It is also unclear how many shares, if any, were subscribed initially. Although applicant stated that 170,000 shares had been issued, it also indicated that no shares had been subscribed at the time the application was filed.

14. Applicant's June 1979 amendment clarified the situation. That amendment explained that no shares had been

[6] *See, Sterling Recreation Organization Co.*, FCC 81-203, released May 4, 1981, paragraphs 1, 7.

[7] Our procedural rules do not afford a party the opportunity to "supplement" another party's pleadings; however, we shall treat Community's pleading as an informal objection pursuant to § 73.3587.

issued or subscribed and that the individuals listed in FCC Form 301, Section II, Table I, were only proposed subscribers. Recortec was never a stockholder or subscriber, but only proposed to lend funds to the applicant. Therefore, the only reasonable assumption that can be made is that the corporate structure, as originally set forth in the application never, in fact, existed, and that the June 1979 amendment was submitted as a correction to the ownership section of the application. Since the true corporate structure was, and had always been, that shown in the June 1979 amendment, it is clear that the October 1979 amendment effected only a 20% change in stock ownership and it was, therefore, only a minor change.

15. Finally, Community also argues that Golden's failure to complete the ownership section of its application warrants dismissal, on the basis that it was incomplete when filed.[8] In support, Community cites a recent Order issued by Administrative Law Judge Walter Miller, *Anax Broadcasting Incorporated et al.* (Anax) FCC 81M–1409, Mimeo No. 001011 released May 6, 1981. In that comparative proceeding, one of the applicants failed to submit the names of all its general and limited partners as well as the information required by FCC Form 301 concerning the partners' addresses, dates and places of birth, occupations, and the nature and percent of each ownership interest. The hearing designation Order specified an issue inquiring into these matters. Judge Miller noted that the application should have been rejected as incomplete; however, he allowed the applicant to amend its application to meet the specified issue. Subsequently, the application was dismissed because the applicant attempted to meet the legal issue by filing an amendment which, according to the ALJ, would have resulted in a transfer of control and would have improved applicant's comparative position after the cut-off date.[9] In the instant case, applicant completed its ownership section long before its application was processed and designated for hearing. This is different from the *Anax* case where it was necessary to include an issue inquiring into the missing information in the hearing designation Order.

16. Applicant indicates that it will require $678,469 to construct and operate the proposed station for three months, itemized as follows:

Equipment, down payment	$289,654
Equipment payments with interest, 3 months	71,669
Land, lease included in operation costs	
Buildings	80,000
Legal fees	5,000
Engineering fees	5,000
Installation costs	30,000
Miscellaneous	80,000
Operation costs, 3 months	117,128

To meet these expenses, applicant relies upon $1,125,980, itemized as follows:

New capital, shares to be subscribed	$349,980
Loans from Recortec, Inc.; Leo, Nelson and Carson Chen; Han Y. Lee; James Freeman; Christopher and Charolotte Hirose	540,000
Advertising revenues	236,000

Neither the proposed stock subscribers, nor the lenders have submitted balance sheets evidencing their ability to meet their commitments. See FCC Form 301, Section III, page 3, Item 4(b). Therefore, we cannot determine whether these funds are available. In relation to the advertising revenues, we cannot conclude that these are immediate sources of funds because their full realization cannot be expected within the first three months of operation. See FCC Public Notice 79–299, 45 RR 2d 925 (1979). Accordingly, an appropriate financial issue will be specified to determine whether applicant has $678,469 available to finance its construction and operation costs for three months.

Sterling Recreation Organization Co.

17. Sterling estimates that $1,759,272 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,099,447
Land	Lease
Building	300,000
Legal, engineering, installation and other miscellaneous costs	115,000
Operation costs (3 months)	244,825

In its proposed operating budget, Sterling does not allow for the cost of leasing the land. Accordingly, an appropriate issue will be specified to determine the cost of leasing the land for five months (two months for construction and three months while in operation).

18. To meet its expenses, Sterling intends to rely on existing capital and a $1,500,000 loan from the Rainier National Bank of Seattle, Washington. The bank merely states that it is "prepared to discuss a loan," and does not, therefore, provide reasonable assurance of the availability of funds. In addition, although the applicant's most recent balance sheet demonstrates approximately $460,000 in cash, it also indicates nearly $13,700,000 in liabilities. Because Sterling has not differentiated between current and long-term liabilities, the entire $13,700,000 will be considered current and payable within a year. Consequently, we are unable to determine the availability of any funds to Sterling and an appropriate financial issue will be specified.

Conclusion and Order

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

20. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the extent of the short-spacing between Family's and Golden's (or Community's) proposed sites and whether circumstances exist which would warrant waiver of § 73.610 of the rules and grant of any Stockton application with any Vallejo application.

2. To determine with respect to Golden State Television, Inc.

(a) Whether the applicant has $678,469 available to meet the estimated construction and three-month operation costs;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant is financially qualified.

3. To determine with respect to Sterling Recreation Organization Co.:

(a) The cost of leasing the land for five months;

(b) In light of the evidence adduced pursuant to the foregoing issue, the total cost for construction and three-month operation expenses;

(c) The availability of financial resources to meet the estimated construction and three-month operation costs;

---

[8] Pursuant to § 73.3564(a) of the Commission's rules, applications which are not substantially complete are returned to the applicant, rather than dismissed.

[9] The Commission later reversed the ALJ's ruling. *Anax Broadcasting, Inc.*, 87 F.C.C. 2d 483 (1981).

(d) Whether, in light of the evidence adduced pursuant to the foregoing issues, the applicant is financially qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That the Motion to Hold Separate Hearings filed by Family Stations, Inc. is denied.

22. It is further ordered, That § 1.227(b)(1) of the Commission's rules is waived *sua sponte*.

23. It is further ordered, That the amendments filed after September 22, 1980, by Redwood Television Ministries, Family Stations, Inc. and Sterling Recreation Organization Co. are accepted for filing.

24. It is further ordered, That the Informal Objections filed by the Association of Maximum Service Telecasters are granted, and the Association of Maximum Service Telecasters is made a party respondent with respect to Issue 1.

25. It is further ordered, That the Petition to Dismiss filed by Redwood Television Ministries, Inc. and the Informal Objection filed by Bay Area Community Television, Inc. are denied.

26. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this order.

27. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-678 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-147]

First Federal Savings and Loan Association of the Florida Keys, Key West, Florida; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on November 16, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-689 approved the application of First Federal Savings and Loan Association of the Florida Keys, Key West, Florida for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW, Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal State Building, 260 Peachtree Center Station, NW, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-741 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-148]

First Federal Savings and Loan Association of Morrilton, Morrilton, Arkansas; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on December 2, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-721 approved the application of First Federal Savings and Loan Association of Morrilton, Morrilton, Arkansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-742 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-146]

Investors Federal Savings and Loan Association, El Reno, Oklahoma; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on November 24, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-714 approved the application of Investors Federal Savings and Loan Association El Reno, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-740 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 22, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United

States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T–4008 and T–4009.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T–4008, between the Port of Oakland (Port) and Marine Terminals Corporation (MTC) provides that MTC will perform marine terminal management services and terminal operating and cargo solicitation services for certain berths and container cranes at the Port's Seventh Street Terminal. Principally, MTC will attempt to obtain user agreements between the Port and ocean carriers, committing such users to the sole use of the premises as their regularly scheduled Northern California port of call. Users will be subject to the Port's tariff. MTC guarantees an annual minimum of 900,000 revenue tons at the facility and an annual sum equivalent to 3,000 hours of crane usage for the cranes located at the facility. As compensation, MTC shall retain 2½ percent of the gross wharfage and dockage terminal tariff revenues which accrue for users of the terminal. The term of the agreement is 5 years, with an option to renew for one additional 5-year period.

Agreement No. T–4009, between the Port, Hapag-Lloyd AG (User), and MTC is designated as the "7th Street Terminal Use Agreement" and provides that the User shall have the nonexclusive right to certain assigned premises at the Port's 7th Street Terminal for the berthing, loading, discharging of its owned or operated vessels in its Transpacific services. User agrees that the assigned premises shall be its sole regularly scheduled port of call in Northern California. MTC is vested with the authority to manage these assigned premises as separately provided for under the terms of proposed Agreement No. T–4008. User agrees to negotiate a contract for stevedoring and terminal services with MTC for a sum equal to the term of this Use Agreement. The provisions of the Port of Oakland Tariff No. 2 shall apply to User's use of the assigned premises. User shall pay to the Port for use of the premises 90 percent of all revenue from dockage and wharfage earned on the assigned premises pursuant to Port of Oakland Tariff No. 2, in lieu of 100 percent of said tariff charges. This modification of tariff rate granted to User is conditioned upon User's use of the assigned premises as its only regularly scheduled Northern California port of call. The term of the agreement is 5 years.

Agreement No.: 57–118.

Filing Party: Edward D. Ransom, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 57–118 modifies the basic agreement of the Pacific Westbound Conference to comply with the self-policing requirements of General Order 7, Revised.

Agreement No.: 10205–3.

Filing Party: F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 10205–3 amends the basic agreement of the South Sea Islands Rate Agreement to provide for self-policing by arbitration when there are only two parties to the agreement.

Dated: January 7, 1982.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82–727 Filed 1–1–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Dresser Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Dresser Industries, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Reliance Standard Life Insurance Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification, Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–681 Filed 1–11–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Hilton Hotels Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hilton Hotels Corporation is granted early termination of the waiting period provided by the law and the premerger notification rules with respect to the proposed acquisition of certain assets of Del E. Webb Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this

waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-682 Filed 1-11-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Rollins Leasing Corporation

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Rollins Leasing Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with repsect to the proposed acquisition of all voting securities of ABC Truck Rental and Leasing Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-680 Filed 1-11-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Alcohol Abuse and Alcoholism; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of February 1982.

National Advisory Council on Alcohol Abuse and Alcoholism, February 1; 9:30 a.m., Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.
Open: February 1, 9:30 a.m. to 3:00 p.m.
Closed: February 1, 3:00 p.m. to 5:00 p.m.
Contact: Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3887.

Purpose: The Council advises the Secretary of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. The Council reviews all grant aplications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: From 9:30 a.m. to 3:00 p.m., Fegruary 1, the Council will discuss general business, current program and budget developments, and other subjects related to Institute programs. From 3:00 to 5:00 p.m., February 1, the Council will conduct final review of grant applications for Federal assistance. This session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIAAA Committee Management Office will furnish, upon request, summaries of the meeting and a roster of Council members. Contact MS. Diana Widner, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: January 6, 1982.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-684 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Consumer Participation; Change in Date and Location of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a date and location change for the forthcoming National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs. Notice of the meeting was published in the **Federal Register** of January 5, 1982 (47 FR 348).

DATE: The meeting will be held at 1:30 p.m., Friday, January 22, 1982.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg., Rm. 800, 200 Independence Ave. SW., Washington, DC 20201.

FOR FUTHER INFORMATION CONTACT:
Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5006.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-623 Filed 1-8-82; 11:27 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0394]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,2'-(2,5-thiophenediyl) bis(5-*tert*-butylbenzoxazole) as an optical brightener for polypropylene intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT:
Julia L. Ho, Bureau of Foods (HFF-334),

Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3550) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the safe use of 2,2'-(2,5-thiophenediyl) bis(5-*tert*-butylbenzoxazole) as an optical brightener for polypropylene intended to contact food.

The potential environmental impact statement of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: 29, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-557 Filed 1-11-82; 8:45 am]

BILLING CODE 4110-01-M

[Docket No. 81M-0384]

Horizon Pharmacal, Inc.; Premarket Approval of the Horizon System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of The Horizon System for all soft (hydrophilic) contact lenses, sponsored by Horizon Pharmacal, Inc., Kansas City, MO. The Horizon System is intended for use in the preparation of normal saline solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On March 17, 1981, Horizon Pharmacal, Inc., Kansas City, MO, submitted to FDA an application for premarket approval of The Horizon System for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 20, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of The Horizon System states that the solution prepared from the salt tablets is intended to make normal saline solution for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct it's labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Inprovement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 11, 1982, file with the Dockets Management Branch (address

above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-558 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 75F-0264, 76F-0013, 76F-0341, 77F-0368, 78F-0060]

Reynolds Metal Co., Ludlow Corp., DRG Flexible Packaging, Ltd., Toyo Seikan Kaisha, Ltd., DeSoto, Inc.; Withdrawal of Five Petitions for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of five petitions (FAP Nos. 6B3131, 6B3152, 6B3195, 6B3223, and 7B3297) that proposed use of containers composed of layers consisting of polyolefin and polyethylene phthalate polymers and aluminum foil bonded together by certain polyurethane laminating adhesives.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 15, 1980 (45 FR 2842), FDA published a regulation to establish new § 177.1390 *High-temperature laminates* (21 CFR 177.1390) in response to food additive petitions, proposing use of certain laminated containers for packaging food where the temperature does not exceed 250° F. This regulation was a partial response to those petitions because there was no assurance of "no reasonable expection" of migration of 2,4-diaminotoluene from the polyurethane adhesives to food. The petitioners have requested withdrawal of the still pending portion of their petitions concerning polyurethane adhesives without prejudice to a future filing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued.

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), five petitioners have withdrawn their petitions. Notices of which were published in the **Federal Register** as follows:

1. Reynolds Metal Co., 6601 Broad St., Richmond, VA 23261; FAP 6B3131, November 7, 1975 (40 FR 52076).
2. Ludlow Corp., Flexible Packaging Division, Mount Vernon, OH 43050 (formerly a division of Continental Diversified industries); FAP 6B3152, February 10, 1976 (41 FR 5861).
3. DRG Flexible Packaging, Ltd., Filwood Rd., Fishponds, Bristol BS16 3RY England; FAP 6B3195, April 7, 1978 (43 FR 14737).
4. Toyo Seikan Kaisha, Ltd., 3-1 Uchisaiwaicho 1-Chome, Chiyoda-Ku, Tokyo 100, Japan; FAP 6B3223, September 13, 1976 (41 FR 38802).
5. DeSoto, Inc., 1700 S. Mount Prospect Rd., Des Plaines, IL 60018; FAP 7B3297, February 10, 1978 (43 FR 5891).

Dated: December 29, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-556 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0373]

Robbins Associates, Inc.; Premarket Approval of the Normaline™ Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Normaline™ Kit for all soft (hydrophilic) contact lenses, sponsored by Robbins Associates, Inc., Burnsville, MN. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On September 8, 1980, Robbins Associates, Inc., Burnsville, MN, submitted to FDA an application for premarket approval of the Normaline™ Kit. The kit includes 135-milligram sodium chloride tablets, U.S.P., for preparing normal saline solution for use in the heat disinfection of all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Normaline™ Kit states that the solution prepared from the salt tablets is intended for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 11, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 5, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-695 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0398]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of hexadecyl 3,5-bis(1,1-dimethylethyl)-4-hydroxybenzoate as a stabilizer for polypropylene and polyethylene.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3589) has been filed by American Cyanamid Co., Bound Brook, NJ 08805, proposing that the food additive regulations be amended in § 178.2010 (21 CFR 178.2010) to provide for the safe use of hexadecyl 3,5-bis(1,1-dimethylethyl)-4-hydroxybenzoate as a stabilizer for polypropylene and polyethylene.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, a notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742.

Dated: January 4, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-693 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Minneapolis District Office consumer exchange meeting scheduled for January 21, 1982, and announced by notice in the **Federal Register** of December 22, 1981 (46 FR 62184) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612–752–2121.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-692 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

The Role of Fiber Optic Instrumentation in Digestive Diseases Research; Meeting

Notice is hereby given of a state of the art meeting sponsored by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases titled "the Role of Fiber Optic Instrumentation in Digestive Diseased Research," January 21, 22, and 23, 1982, National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland 20205. The meeting, which will be open to the public, begins at 7:00 p.m. on January 21, and at 8:30 a.m. on January 22 and 23. Attendance by the public will be limited to space available.

The meeting is being held to discuss the role of fiber optic instrumentation in digestive disease research. Dr. Kirk Vener, the Program Director for Esophageal, Gastric and Colonic Diseases, Westwood Building, Room 604, Bethesda, Maryland 20204, (301) 496–7821, will provide an agenda.

Dated: December 31, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82-670 Filed 1-11-82; 8:45 am]

BILLING CODE 4140-01-M

Blood Diseases and Resources Advisory Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Blood Diseases and Resources Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, Conference Room 9, Building

31, C Wing, Bethesda, Maryland 20205, which was published in the **Federal Register** on December 2, 1981, 46 FR 58600.

The time of the first day of the meeting, 9:00 a.m.–5:00 p.m., January 18, 1982 has ben changed to 9:00 a.m.–10:30 p.m.

The entire meeting will be open to the public from 9:00 a.m.–10:30 p.m., January 18, 1982, and from 8:30 a.m.–4:30 p.m. January 19, 1982, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 82–677 Filed 1–8–82; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–82–1105]

Certification of State Land Sales Program; Minnesota

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of certification of the land sales program of the State of Minnesota, Department of Commerce, Securities and Real Estate Division.

SUMMARY: The Secretary gives public notice that a determination has been made to accept the application and certify the land sales program of the State of Minnesota, Department of Commerce, Securities and Real Estate Division. A formal agreement was entered into on October 2, 1981, commencing the effect of the certification. The State of Minnesota applied for certification of its land sales program under 24 CFR 1710.502, and notice of its application was published in the Federal Register on July 8, 1981. The purpose of this public notice of Minnesota's certification is to advise the public, and particularly Minnesota land developers and other state agencies with land sales regulatory responsibilities, of the terms of the agreement and the agreement's effect upon land sales businesses.

EFFECTIVE DATE: October 2, 1981.

ADDRESSES:

HUD, Office of Interstate Land Sales Registration, Room 4130, 451 7th Street, SW, Washington, D.C. 20410

Department of Commerce, Securities and Real Estate Division, 500 Metro Square Building, St. Paul, Minnesota 55101

FOR FURTHER INFORMATION CONTACT: Joyce Sherwood, U.S. Department of Housing and Urban Development, (202) 755–6314 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The agreement between the Minnesota Department of Commerce, Securities and Real Estate Division (SRED) and the HUD Office of Interstate Land Sales Registration (OILSR) affects those land subdivisions located in Minnesota for which both a Minnesota Final Public Offering Statement and Federal Statement of Record and Property Report (a Federal registration) are required. The Federal requirements will be satisfied and a registration for the particular subdivision automatically effective upon receipt of a certified copy of the Minnesota Final Public Offering Statement in proper form, a Minnesota Fact Sheet and a Federal registration fee in the amount set out in existing regulations governing administration and enforcement of the Interstate Land Sales Full Disclosure Act. The Public Offering Statement, prepared pursuant to the Subdivided Land Sales Practices Act, Minnesota Statute Chapter 83 (1980) and certified by the State of Minnesota, and the Minnesota Fact Sheet may be submitted by either the SRED or the subdivision developer. No other documentation will be required.

Developers with a currently effective Federal filing wishing to come under the Minnesota Certification Agreement should submit the following information to OILSR: a copy of the Public Offering Statement certified by the State of Minnesota, a Minnesota Fact Sheet, and a request for the voluntary suspension of their HUD filing. The suspension of the HUD filing will take effect upon OILSR's issuing an effective date.

Federal rescission language will be incorporated into the body of the Public Offering Statement, as appropriate, and in sales contracts. No separate Federal disclaimer page, no agent certification or separate information relative to costs or special risks, activity reports or conversions to 1979 Federal regulatory requirements will be required of Minnesota developers using the certification process. The Federal effective date will not appear on the Public Offering Statement.

Background

Congress, in order to eliminate duplicative reporting requirements, amended the Interstate Land Sales Full Disclosure Act in 1979 to give HUD expanded authority in the certification of states with equivalent land sales protection. Rules were adopted in June 1980 setting out the procedures and criteria for certifying a state land sales program. States can be certified by the Federal government if their land sales program gives purchasers protection either through disclosure requirements or substantive regulation or a combination of the two that is substantially equivalent to that provided by administration of the Federal law. Once a state is certified, HUD may accept a state's disclosure materials, and any documentation required, and declare these effective as a Federal registration.

The State of California was certified on January 6, 1981. Other applications received thus far are from the States of Oregon, Arizona and Florida. An affirmative decision has been made regarding the Minnesota application, and a formal agreement was signed on October 2, 1981, following the close of a 60-day public comment period announced in the **Federal Register** on July 8, 1981. No comments were received.

The formal agreement is as follows:

Be it Known That the State of Minnesota, Department of Commerce, Securities and Real Estate Division (SRED), and the United States Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR) Agree as Follows

1. That the State of Minnesota has adopted and is effectively administering a Subdivided Land Sales Practices Act, Minnesota Statute Chapter 83 (1980) which in part gives lot purchasers and lessees protection that is substantially equivalent to that given them by the Interstate Land Sales Full Disclosure Act (ILSFDA).

2. That the State of Minnesota's program relating to the Subdivided Land Sales Practices Act is certified by the U.S. Department of Housing and Urban Development. A developer or subdivider who has properly registered with SRED a subdivision located in Minnesota may satisfy

the registration requirements of the ILSFDA by filing or having filed with the Secretary of HUD, the final Public Offering Statement (which was previously filed with SRED) with fee, in lieu of the Federal Statement of Record and Property Report. Accordingly, a subdivision located in Minnesota will be considered registered with HUD upon HUD's receipt of a certified current Public Offering Statement as provided in SDiv 1608, the Minnesota Fact Sheet, and a fee in the amount specified in OILSR Regulations. HUD will also accept a Public Offering Statement prepared in accordance with 24 CFR 1710.100–1710.118.

3. That each agency agrees to notify the other within 30 days of any modification or amendment to its law, regulations or administrative procedures, or of any substantial changes in its administrative capabilities, and to send copies of the pertinent documents, if any, affecting the modifications or amendments, including legal opinions relative to regulation under this agreement.

4. That each agency agrees to notify the other of any action taken to suspend sales in a subdivision covered by this agreement subsequent to the issuance of SRED of an Order of Registration and to send to the other copies of any administrative orders including Cease and Desist Orders, Suspension Orders and copies of injunctions obtained.

5. The SRED will certify as true and currently in effect and send to OILSR copies of all Public Offering Statements relating to this agreement including amended and renewed statements as required from subdividers to comply with the ILSFDA and will also send a Minnesota Fact Sheet.

6. That while additional documents will not be required to be certified and sent as a matter of course, SRED will cooperate with OILSR by sending copies of any additional documents that are specifically requested.

7. That the SRED will cooperate with any other states obtaining HUD certification of its land sales programs by providing copies of documents that are specifically requested.

8. That SRED will accept a Public Offering Statement covering land located in another state but offered for sale in Minnesota if the disclosure document has been approved by the other state, provided the other state's land sales program has been certified by OILSR and that such disclosure document will be the only Public Offering Statement required by the SRED with respect to the offer, sale or lease of the subdivided lands. However, the SRED is not required to accept disclosure documents covering offerings located in another certified state if that offering is not subject to the registration requirements of the Interstate Land Sales Full Disclosure Act.

9. That this agreement is limited to disclosure documents required by both agencies and is not intended as a substitute for substantive requirements of the State of Minnesota or of the enforcement authority of either agency. Thus, SRED is not required to accept a disclosure document from another certified state when the subdivision in question and its operation do not meet the substantive requirements of Minnesota law. In addition, neither OILSR nor SRED are precluded from entering administrative, civil or criminal proceedings.

10. That OILSR will not certify another state unless that state's Land Sales program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the Interstate Land Sales Full Disclosure Act.

11. That SRED will exert its best efforts to maintain the level of administration upon which certification is based.

12. That for all subdivisions certified to HUD, SRED will assure that purchasers are advised in both Public Offering Statements and contracts of sale or lease of rescission rights accruing to them under section 1404 of the ILSFDA, and that no representations will be made by subdividers that they will install or complete roads, sewers, water, gas, or electric service, or recerrtional amenities unless the subdividers stipulate in their contract of sale or lease that they will provide or complete such services or amenities—the purpose of which is to assure that purchasers have a private right of action as vested in them by Federal law.

13. That complaints received by OILSR concerning subdivisions in Minnesota will be sent to SRED for investigation; however, they may also be investigated by OILSR. If authorized by the Minnesota Data Practices Act, Minnesota Statute 15.1611 to 15.1699 (1980) as amended, SRED will advise OILSR of any action taken or resolution of each complaint and send OILSR a copy of SRED's reply to the complainant. Where such complaints clearly address only Federal requirements, OILSR will handle the complaint directly. SRED and OILSR will cooperate where both have a direct interest in the subdivision.

14. That each agency agrees to cooperate to the maximum extent possible and legally feasible in enforcement matters. OILSR will send to the SRED, copies of inspections of subdivisions located in Minnesota performed by its field representatives. SRED will exert its best efforts to make inspections of subdivisions prior to issuing an Order of Registration when the subdivision will also be registered with OILSR.

15. That OILSR will apprise the SRED of any investigations it engages in affecting subdivisions located in Minnesota or developers, subdividers or their agents involved with these subdivisions.

16. That this agreement does not affect the authority of either agency to assess or collect fees, particularly for filing and registration purposes.

17. That the Secretary of HUD is required periodically to review the laws and regulations and administration thereof of any state whose land sales program is certified, that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers protection equivalent to that offered by the ILSFDA. Prior to withdrawal of certification, the Secretary must issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

18. That the SRED may withdraw from certification by notice to the Secretary.

19. That this agreement may be amended or supplemented at a later date by written agreement of both parties.

This agreement is entered into on the 2d day of October 1981.

Marry Alice Brophy,

for the State of Minnesota, Department of Commerce, Securities and Real Estate Divsion.

Alan J. Kappeler,

for the United States of Department of Housing and Urban Development, Office of Interstate Land Sales Registration.

Issued at Washington, D.C., on January 6, 1982.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc 82-714 Filed 1-11-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 19379]

Oregon; Order Providing for Opening of Public Land

1. In an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following land has been reconveyed to the United States:

Willamette Meridian

T. 6 S., R. 19 E.,
Sec. 19, NE¼SE¼;
Sec. 20, W½NW¼, NW¼SW¼, and S½S½.

The area described contains 320 acres in Wasco and Wheeler Counties, Oregon.

2. The land in the W½NW¼ of Section 20 is included in Powersite Reserve No. 145 and remains withdrawn from operation of the public land laws generally.

3. At 10 a.m., on February 10, 1982, the land described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 10, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. All minerals in the S½S½ of Sections 20 were and continue to be in the United States ownership. The land has been and continues to be open to operation of the United States mining laws and the mineral leasing laws.

5. At 10 a.m., on February 10, 1982, the land described in paragraph 1, except as

provided in paragraph 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 31, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-679 Filed 1-11-82; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

[General Mining Order No. 1]

Reporting Recoverable Coal Reserves From Federal Leaseholds

AGENCY: Geological Survey, Interior.

ACTION: Notice of intent to revise General Mining Order Number 1.

SUMMARY: On September 17, 1979, General Mining Order Number 1 was published as final in the **Federal Register** (44 FR 53808). This Order established a mandatory format for reporting recoverable coal reserves from each Federal coal leasehold. The reserves reported under the Order are needed by the U.S. Geological Survey (USGS) to carry out its lease management responsibilities under provisions of the applicable Mineral Leasing Acts, including the Federal Coal Leasing Amendments Act of 1976. Specifically, this information is essential to assure the ability of the USGS to enforce the statutory requirements relating to diligent development, continued operations, maximum economic recovery, and advance minimum production royalty. This Notice requests comments as to (1) how the Order might be revised to make compliance less burdensome yet to provide sufficient information for the USGS to carry out its lease management responsibilities and/or (2) whether the Order should be rescinded in its entirety and replaced by another mechanism for collection of the needed data.

DATE: Comments and recommendations must be received by February 26, 1982.

ADDRESS: Comments and recommendations should be submitted to: Mr. Eddie R. Wyatt, Acting Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, 650 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Robert O. Schrott, Acting Chief, Branch of Coal Management, Conservation Division, USGS, MS653, National Center, Reston, Virginia 22092, (703) 860-7136, FTS 928-7136.

SUPPLEMENTARY INFORMATION: Subsequent to the publication of the present Order in its final form, the USGS prepared instructions and definitions to aid Federal coal lessees in the preparation of the required information in compliance with the requirements of the Order. Copies of the instructions and definitions are available at the above listed address should that information be needed to facilitate the review and preparation of comments.

The Order, as published, required annual update of the recoverable coal reserves of each Federal lease. In November of 1980, the annual update requirement was revised to require a biennial update commencing in 1982. In September of 1981, the commencement date for these biennial updates was moved forward to 1983. Thus, the first update of the original submittals are now due by March 1, 1983. These modifications to the Order were made to lessen the reporting burden imposed on industry. In order to further lessen the reporting burden, the periodic updates may now consist of only those data items that should be revised as a result of exploration and mining activities or changes in leasehold conditions which have occurred since the last report. If nothing has occurred to alter the data since the last report, a "no change" statement will suffice as the update.

Comments are solicited (1) on the present reporting requirements for both the initial and update submittals under the Order, as subsequently modified (2) how the modified Order might be further revised to reduce the reporting requirements and yet provide USGS with the data needed to meet its statutory requirements, and (3) whether the Order should be superseded by another mechanism for the collection of the necessary data. In addition, comments and suggestions are solicited as to the appropriate date for the initial submittal for Federal coal leases issued after the effective date of the Order.

All comments and suggestions received will be considered in reaching a decision on this matter. Once a decision has been reached, a proposed revision to the Order or a proposal to institute a new reporting mechanism will be published in the **Federal Register** for further comments.

Published below for convenient reference is the present Order, as published final in the **Federal Register** on September 17, 1979.

General Mining Order No. 1

A. Applicability

All Federal coal lessees shall comply with the requirements of this Order. It is an Order requesting reserve information based on available data. This is not an Order to conduct exploration.

B. Authority

This Order is issued under authority prescribed in 30 CFR 211.3(c)(12) and in accordance with 30 CFR 211.20.

Section 211.20 requires the lessee to submit to the Mining Supervisor, upon request, information "including Recoverable Reserve calculations along with vertical cross sections through the land and a map showing the location of coal outcrops, all drill holes, trenches, and other exploration activities. The records (submitted fof all drill holes, trenches, and other exploration activities) shall include a log of all strata penetrated and conditions encountered such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs produced; and copies of (all) coal analyses and results of other tests conducted on the land."

C. Criteria To Be Used

For the purpose of this order, the criteria given below shall be used.

1. Weight of Coal

Where other more precise data are not available, the following values shall be assigned as the weight of coal:

Type	Short tons per acre-foot
Lignite	1,750
Subbituminous	1,770
Bituminous	1,800
Anthracite	2,000
Semianthracite	2,000

2. Reserve Classification

a. *Coal Reserve Base* means the tons of coal in place contained in beds of (1) metallurgical or metallurgical blend coal 12 inches or more thick; anthratice, semianthracite, bituminous, and subbituminous coal 28 inches or more thick; and lignite 60 inches or more thick to a depth of 500 feet below the lowest surface elevation; (2) metallurgical and metallurgical blend coal 24 inches or more thick, anthracite, semianthracite, bitumunious and subbitumunious coal 48 inches or more thick; and lignite 84 or more inches thick occurring from 500 to 3,000 feet; and (3) any thinner bed of metallurgical, anthracite,

semianthracite, bituminous, and subbituminous coal and lignite at any horizon above 3,000 feet which is presently being mined or for which there is evidence that it could be commercially mined at this time.

b. *Mineable Reserve Base* means the tons of coal in place contained only in the area and thickness which is commercially mineable with no deductions for coal to be left in pillars, fenders, property barriers, and other areas where mining is not permissible such as (1) coal under land determined to be prime farmland, (2) coal under certain alluvial valley floors, (3) land classified as unsuitable for coal mining under OSM regulations, (4) land designated as containing historic, cultural, or archaeological sites protected under provisions of 36 CFR 800, (5) lands in the proximity of or containing the habitat of certain endangered species, and (6) lands with zoning restrictions.

c. *Recoverable Reserves* means the tons of coal that can be commercially mined. It does not include coal that will be left in pillars, fenders, property barriers, or other areas where mining is not permissible such as (1) coal under land determined to be prime farmland, (2) coal under certain alluvial valley floors, (3) land classified as unsuitable for coal mining under OSM regulations, (4) land designated as containing historic, cultural, or archaeological sites protected under provisions of 36 CFR 800, (5) lands in the proximity of or containing the habitat of certain endangered species, and (6) lands with zoning restrictions.

3. Categories of Reserve Classifications

The above classifications of reserves are subdivided into three categories as follows:

a. *Measured* means estimated tonnage based on sample analysis and measurements obtained from outcrops, trenches, mine workings, and drill holes. The points of observation and measurement are so closely spaced and the thickness and extent of coals are so well defined that the tonnage is judged to be accurate within 20 percent of true tonnage. Although the spacing of the points of observation necessary to demonstrate continuity of the coal differs from region to region according to the character of the coal beds, the points of observation are no greater than ½ mile apart. Measured coal is projected to extend as a ¼-mile-wide belt from the outcrop or points of observation or measurement.

b. *Indicated* means estimated tonnage computed partly from measurements and partly from reasonable geologic projections. The points of observation are ½ mile to 1½ miles apart. Indicated coal is projected to extend as a ½ mile-wide belt that lies more than ¼ mile from the outcrop or points of observation or measurement.

c. *Inferred* means estimated tonnage based largely on broad knowledge of the geologic character of the bed or region and where few measurements of bed thickness are available. The estimates are based primarily on an assumed continuation from measured and indicated coal for which there is geologic evidence. The points of observation are 1½ to 6 miles apart. Inferred coal is projected to extend as a 2¼-mile-wide belt that lies more than ¾ mile from the outcrop or points of observation or measurement.

D. Required Information

1. *Reports.* On or before March 1, 1980, the lessee shall furnish to the Mining Supervisor reports based on all data which is available as of December 31, 1979.

A separate report shall be submitted for each individual lease showing:

a. Calculations of Coal Reserve Base (measured, indicated, and inferred) for each separate bed using criteria given regardless of whether or not the coal bed is commercially mineable at the time of the report.

b. Calculations for Mineable Reserve Base (measured, indicated, and inferred) for each separate bed using criteria given if, in the opinion of the lessee, a coal bed is commercially mineable.

c. Calculations for Recoverable Reserves for each separate coal bed using criteria given.

d. Quality of coal in each individual bed by average BTU/pound value and average coal analysis (as received) percent by weight for ash, moisture, fixed carbon, and sulphur.

2. *Maps.* a. Each coal bed report shall contain a Coal Reserve Base map. To assure correlation and uniform audit of all reports by the Mining Supervisor, the Coal Reserve Base maps submitted by the lessees must be uniform. Therefore, the contents of the maps are limited to the following items and standards:

(1) Scale of 1:24,000 (1 inch = 2,000 feet) must be used.

(2) A title block labeled "Coal Reserve Base Map" showing Federal lease identification number; acres contained in lease; county and State; name of lessee; local and official coal bed name; map scale indicated by scale bar; date, signature, and title of person attesting to accuracy of information contained in the map.

(3) A legend indicating the meaning of symbols, stippling, hatching, and crosshatching.

(4) Tabulation as follows:

Reserve base	Acres	Avg. thick.	Tons
Measured			
Indicated			
Inferred			

(5) Tabulation explaining map key numbers as follows:

Key No.; Drill Hole No.; Other.

(6) The lease boundary is to be plotted in a manner clearly showing location by legal subdivision, section, township, range, and meridian. If the lands are not included in the public land rectangular survey system (Texas and original 13 States), the metes and bounds shall be shown giving courses and distances between successive angle points on the lease boundary, and connected by courses and distances to a legal survey corner.

(7) Coal outcrop must be indicated by a solid line where the outcrop is exposed, and by a dotted line where the outcrop is inferred.

(8) Burned coal areas must be indicated by dot stippling.

(9) Mined-out areas must be indicated by darkened area, with notation giving mine name and whether surface or underground.

(10) Areas of measured Coal Reserve Base shall be indicated by parallel horizontal lines.

(11) Areas of indicated Coal Reserve Base shall be indicated by parallel vertical lines.

(12) Areas of inferred Coal Reserve Base shall be indicated by parallel lines slanted 45° to the right.

(13) Data points showing locations of drill holes and other exploration sites should be marked by a reference key number. When data points are sparse and can be legibly shown on the Coal Reserve Base map, they should be shown, if spacing of data points is too close to be legible, show only enough for representative data.

b. Each Coal Reserve map shall be accompanied by a narrative report.

(1) If, in the opinion of the lessee, a coal bed which is included in the Coal Reserve Base cannot be commercially mined, the narrative report shall include a detailed explanation of why all or part of the bed cannot be commercially mined or cannot be mined for safety reasons; the available data concerning average BTU/pound value and average coal analyses (as received) percent by weight for ash, moisture, fixed carbon, and sulphur, an explanation of the

calculation method used to determine measured, indicated, and inferred Coal Reserve Base; and the resulting tonnages.

(2) If, in opinion of the lessee, all or any portion of a coal bed which is included in the Coal Reserve Base can be commercially mined, the narrative report shall include tonnage calculations determining measured, indicated, and inferred Minable Reserve Base and Recoverable Reserves; maps and cross sections on a scale to legibly show data points (sites of analyses and measurements) on which the calculations are based; the average BTU/pound value and average coal analysis (as received) percent by weight for ash, discussion of contemplated mining methods and explanation of why full thickness of the bed cannot be mined; and summary tabulations showing:

MINABLE RESERVE BASE

Category	Acres	Ave. thick	Tones	Ave. Btu/ pound
Measured				
Indicated				
Inferred				

RECOVERABLE RESERVES

Category	Acres	Ave. thick	Tons
Measured			
Indicated			
Inferred			

In addition to the above individual Coal Reserve Base reports, the lessee shall submit a typical cross section showing all coal beds. Where topographic and geologic conditions vary greatly over the lease area and a single cross section is inadequate to accurately identify conditions, additional cross sections may be submitted. The location of the cross section(s) shall be marked on the Coal Reserve Base map which shows the uppermost coal bed. The cross section(s) which contains the coal beds listed shall show lease boundaries, coal thicknesses, overburden and interburden thicknesses, general lithology, and the local or official geologic formation names, as recognized by the Geological Survey.

3. *Annual reports.* After initial compliance with this Order, the lessee shall submit annual reports on or before March 1, showing changes in the previous year's report or a statement of "no change."

E. Confidential Information.

Confidential information in the report of Recoverable Coal Reserves from Federal leaseholds and identified as such by the lessee shall be considered in accordance with provisions of 43 CFR 2. Departmental policy regarding inspection of records is in keeping with the requirements of the Freedom of Information Act 5 U.S.C. 552. The Act exempts certain categories of records from disclosure. Under sections 552(b) (4) and (9), disclosure is not required of data that are geological and geophysical in nature and interpretations of such data, maps, trade secrets, and financial information. Related files for which the lessee requests proprietary status because of privileged or confidential information may be exempt from public disclosure provided that such status is determined by the Mining Supervisor to be warranted. Proprietary information to be kept confidential shall be clearly identified by the lessee by marking the top of each page of the document with the words of "CONFIDENTIAL INFORMATION."

Date: _____
Mining Supervisor: _____
Area: _____
Approved: _____

Dated: December 31, 1981.

Eddie R. Wyatt,

Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 82-765 Filed 1-11-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 31, 1981. Pursuant to 60.13 of 36 CFR Part 60 written comments concerning the signficance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 27, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ARIZONA

Maricopa County

Phoenix, *First Baptist Church,* 302 W. Monroe St.

CALIFORNIA

Butte County

Chico, *Chapman, A. H., House,* 256 E. 12th St.

Riverside County

Riverside, *Old Y.W.C.A. Building,* 3425 7th St.

San Benito County

San Juan Bautista, *Rozas House,* 31 Polk St.

San Joaquin County

Tracy vicinity, *Ohm, John, House,* 31524 S. Kasson Rd.

San Mateo County

Burlingame, *Kohl Mansion (The Oaks)* 2750 Adeline Dr.

Santa Clara County

Gilroy, *Holloway, Edgar, House,* 7539 Eigleberry St. County
San Jose, *Troy Laundry,* 722 Almaden Ave.

KENTUCKY

Christian County

Hopkinsville, *Grace Episcopal Church,* 220 E. 6th St.

Jefferson County

Louisville, *Adath Jeshurun Temple and School,* 749—757 S. Brook St.

MASSACHUSETTS

Berkshire County

Adams, *Park Street Firehouse,* 47 Park St.

Bristol County

North Attleborough, *Fire Barn,* Commonwealth Ave.

Norfolk County

Quincy, *Hancock Cemetery,* Hancock St.

MINNESOTA

Lac qui Parle County

Dawson, *Commercial Bank Building,* Off U.S. 212

Ramsey County

St. Paul, *Finch, Van Slyck and McConville Dry Goods Company Building,* 366 Wacouta St.

NEW MEXICO

Taos County

Taos, Taos Inn, Pueblo del Norte
OLMSTED PARK AND PARKWAY SYSTEM THEMATIC RESOURCES. Reference—see individual listings under Erie County.

Erie County

Buffalo, *Bidwell Parkway (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Cazenovia Park (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Chapin Parkway (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Colonial Circle (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Columbus Park (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Delaware Park (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Ferry Circle (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Front, The (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Gates Circle (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Heacock Place (Olmsted Park and Parkway System Thematic Resources)*

Buffalo, *King, Martin Luther, Jr., Park (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Lincoln Parkway (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *McClellan Circle (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *McKinley Circle (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Porter Avenue (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Red Jacket Parkway (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Richmond Avenue (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Riverside Park, (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Soldier's Place (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *South Park (Olmsted Park and Parkway System Thematic Resources)*
Buffalo, *Symphony Circle (Olmsted Park and Parkway System Thematic Resources)*
Lackawanna, *McKinley Parkway (Olmsted Park and Parkway System Thematic Resources)*

Gillespie County

Fredericksburg vicinity, *Enchanted Rock Archeological District, TX 965*

Box Elder County

Grouse Creek, *Tanner, A. N., House*

Cache County

Hyde Park, *Lee, John E., House*, 123 W. Center St.
Hyrum, *Hanson, Soren, House*, 166 W. Main St.
Logan, *Smith, William McNeil, House*, 116 S. 100 East St.
Mendon, *Gardner, James, House*, 173 N. Maine St.
Providence, *Providence LDS Chapel and Meetinghouse*, 20 S. Main St.
Wellsville, *Riggs, Zial, House*, 95 S. 100 East St.

Davis County

Kaysville, *Barnes, John George Maroni, House*, 42 W. Center St.

Tooele County

Grantsville, *Grantsville First Ward Meetinghouse*, 297 Clark St.

Utah County

Provo, *Booth, John E., House*, 59 W. 500 North St.
Provo, *Davies, Charles E., House*, 388 W. 300 North St.

Door County

Baileys Harbor, *Globe Hotel*, 8090 Main St.

Sheboygan County

Elkhart Lake, *Villa Laun*, 402 Lake Side Park Dr.

[FR Doc. 82-466 Filed 1-11-82; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verfied statements filed on or before 45 days from date of publication (or, if application later become unopposed), appropriate documents will be issued to application with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-333

Decided: December 29, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 154700 (Sub-1), filed December 18, 1981. Applicant: ALVIN L. COURTNEY, d.b.a. COURTNEY TRUCKING, P.O. Box 2653, Renton, WA 98056. Representative: Alvin L. Courtney (same address as applicant), (206) 226-5114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159841, filed December 23, 1981. Applicant: HAROLD STEWART, d.b.a. HAROLD STEWART TRUCKING, 31566 S. Meridian Rd., Hubbard, OR 97032. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-2-001

Decided: January 4, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 151332 (Sub-2), filed December 2, 1981. Applicant: GARRY E. THREADGILL, d.b.a. GARRY E. THREADGILL TRUCKING CO., 16216 S.E. 135th, Renton, WA 98055.

Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, 206–235–1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owners of the motor vehicle in such vehicle, between points in the U.S.

MC 159553, filed December 1, 1981. Applicant: HAROLD W. ANDERSON, 1122 Fourth St., Dawson, MN 56232. Representative: Harold W. Anderson (same address as applicant), 612–769–2491. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159562, filed December 4, 1981. Applicant: ORIN RUTHERFORD, 2173 S.E. 54th Ave., Hillsboro, OR 97123. Representative: Orin Rutherford (same address as applicant), 503–649–0706. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159572, filed December 4, 1981. Applicant: S & W MANAGEMENT, Inc., 977 West Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–004

Decided: January 5, 1982.

By the Commission, Review Board Number 1. Members Parker, Chandler, and Fortier.

MC 148443 (Sub-12), filed December 21, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Alan N. Johnson (same address as applicant), 216–934–6538. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) Transporting *shipment weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. and (3) Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157802 (Sub-2), filed December 23, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 4120, Dalton, GA 30721. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338 (404) 451–0401. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Ralston, Dresden, Martin, Gibbs, Rose Hill, Beech Bluff, Luray, Lexington, Riverside, Jordania, Scottsboro, Steel City, Ashland City, Chapsmansboro, Fox Bluff, Doddsville, Hickory Point, New Providence, Kenwood and Edgoten, TN; Thompsonville and Masonville, KY; Alcorn, Barland, Bonus, Burnella, Busy Corner, Clark, Coles, Cosbry, Church Hill, Doloroso, Dorrington, Elmo, Eunice, Fayette, Flat Rock, Franklin, Garden City, Gordon, Hamburg, Harriston, Homochitto, Ireland, Kingston, Knoxville, Lorman, McBride, McNair, Melton, Oldenburg, O'Neil, Pattison, Peyton, Possum Corner, Red Lick, Rodney, Rosette, Russum, Stonington, Tillman, Union Church, Violet, Westside and White Apple, MS, on the one hand, and, on the other, points in the U.S., (except AK and HI). Applicant indicates intention to tack and join with existing authority.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service

MC 159693, filed December 14, 1981. Applicant: ROHDE & LIESENFELD, INC., One World Trade Center, New York, NY 10048. Representative: Klaus Stankowitz (same as applicant), (212) 432–1200. As a broker of *general commodities* (except household goods) beteen points in the U.S.

MC 159803, filed December 21, 1981. Applicant: K & L ASSOCIATES, 417 Washington Ave., North Haven, CT 06473. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, 212–263–2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Volume No. OPY–3–001

Decided: January 5, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner, and Williams.

MC 146985 (Sub-17), filed December 22, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, (219) 423–3595. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159045, filed December 21, 1981. Applicant: FRANCIS D. ANDERSON, d.b.a. F. D. ANDERSON TRUCKING COMPANY, R.R. 1, Box 107, Chancellor, SD 57015. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101–1103, (606) 335–1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159814, filed December 22, 1981. Applicant: LARSON'S BIG SKY HONEY, 2800 Washington St., P.O. Box 1295, Fort Benton, MT 59442. Representative: Charles K. Larson, (same address as applicant), (406) 622–5219. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159824, filed December 22, 1981. Applicant: OAK MOUNTAIN INDUSTRIES, INC., 211 Eastgate, Fremont, NE 68025. Representative: Probart N. Medlicott, (same address as applicant), (402) 727–7451. Transporting (1) for or on behalf of the United States Government, *general* commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–2

Decided: January 5, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner and Williams.

MC 159817, filed December 22, 1981. Applicant: NORTH AMERICAN TRANSPORT & TRANSFER CO., P.O. Box 396, Staten Island, NY 10308.

Representative: Albert J. Sala, 121 Cortelyou Ave., Staten Island, NY 10312, (212) 967–3093. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159807, filed December 21, 1981. Applicant: L. BRENT CHECKETTS, d.b.a. CEDAR VALLEY TRANSPORT, P.O. Box 315, Hyde Park, UT 84318. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111. Transporting *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–5–02

Decided: January 4, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 159159 (Sub-1), filed December 22, 1981. Applicant: LAURENCE G. WATERS, d.b.a. WATERTOWN IMP. EXP. TRANSP. CO., 308 So. Meadow St., Watertown, NY 13601. Representative: Conboy, McKay, Bachman and Kendall, 407 Sherman St., Watertown, NY 13601, (315) 788–5100. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159759, filed December 17, 1981. Applicant: ROYALTY DISTRIBUTION SERVICES, INC., Jeanne Dr., Newburgh, NY 12550. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–5230. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary

[FR Doc. 82–720 Filed 1–11–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–002

Decided: January 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 52793 (Sub-89), filed December 8, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same as applicant), (312) 547–2184. Transporting *used automobiles*, between points in the U.S., (except AK and HI) under continuing contract(s) with Northern Telecom, Inc., of Richardson, TX.

MC 115603 (Sub-24), filed December 9, 1981. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94628, Oklahoma City, OK 73109. Representative: J. Michael Alexander, First Continental Bank Building, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, (214) 339–4106. Transporting (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in the U.S.

MC 117972 (Sub-10), filed December 4, 1981. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716–853–0200. Transporting *food and related products*, between points in NY, on the one hand, and, on the other, points in OH, PA and VA.

MC 123133 (Sub-12), filed December 21, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130.

Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, 502–589–5400. Transporting *such commodities* as are dealt in by manufacturers, distributors, and retailers of agricultural machinery, materials and supplies, between points in Montgomery, AL, Oldham County, KY and Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124032 (Sub-17), filed December 7, 1981. Applicant: REED'S FUEL COMPANY, 4080 Commercial Ave., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting (1) *lumber and wood products,* and (2) *pulp, paper and related products,* between points in OR, WA, CA, NV, ID, UT and AZ.

MC 129712 (Sub-65), filed December 7, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.W., Atlanta, GA 30326. Transporting *iron and steel articles,* between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129712 (Sub-67), filed December 21, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *general commodities* (except household goods and commodities in bulk) between points in the U.S., except AK & HI, under continuing contract(s) with Pittsburgh Corning Corp., of Sedalia, MO.

MC 138732 (Sub-35), filed December 21, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 2600 Petro-Lewis Tower, 717–17th St., Denver, CO 80202. Transporting *metal products,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 147933 (Sub-3), filed December 3, 1981. Applicant: JOHN H. BRYANT d.b.a. J. B. TRANSPORTATION, 211 Lea Court, San Pablo, CA 94806. Representative: Richard E. Macey, 2111 W. March Ln, Suite A–3, Stockton, CA 95207, 209–951–8227. Transporting *paraffin wax,* between points in the U.S., under continuing contract(s) with Accurate Packaging, Inc., of Tacoma, WA and Commencement Bay Corrugated, Inc., of Tacoma, WA.

MC 148472 (Sub-5), filed December 11, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O.B. 228, Kaysville, UT 84037. Representative: Bruce W. Shand Suite 280, 311 S. State St., Salt Lake City, UT 84111 (801) 531–1300. Transporting *tallow and animal fats,* between points in the U.S., under a continuing contract(s) with Baker Commodities, Inc., of Vernon, CA.

MC 150772 (Sub-2), filed December 7, 1981. Applicant: NCV TRANSPORT, INC., 807 Ramblingwood Court, Nashville, TN 37219. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, 615–255–0540. Transporting *food and related products,* between points in NC, NY, OH, PA, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 151382 (Sub-5), filed December 10, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353–9707. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 153402 (Sub-2), filed December 21, 1981. Applicant: SAGINAW VALLEY MARINE TERMINAL AND WAREHOUSE, INC., 700 Harrison St., Bay City, MI 48706. Representative: Paul Buda, 700 Harrison St., Bay City, MI 48706. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, MI, MN, MO, OH, PA, and WI, on the one hand, and, on the other points in the U.S.

MC 153483 (Sub-3), filed December 9, 1981. Applicant: ANTWEILER TRUCKING COMPANY, INC., Star Route, Montgomery City, MO 63361. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *bananas,* between Galveston, TX, on the one hand, and, on the other points in TX, OK, KS, NE, SD, ND, CO, MN, IA, MO, AR, TN, KY, IL, IN, WI, OH, LA, MI, and MS.

MC 154343 (Sub-2), filed December 10, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest Ave., Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. Transporting *passengers and their baggage, in the same vehicle with passengers,* in special and charter operations, between points in Lake, Cook, DuPage, Will, McHenry, Kane, Kendall, Kankakee, Grundy, Livingston, Iroquois, DeKalb, LaSalle and Fort Counties, IL, and Lake, Porter and LaPorte Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 158002 (Sub-4), filed December 4, 1981. Applicant: SAHARA EXPRESS, a division of SAHARA PACKING COMPANY, 741½ Parkridge, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, 714–981–9981. Transporting *general commodities* (except classes A and B explosives), between the facilities of 7/24 Freight Sales, Inc. on the one hand, and, on the other, points in the U.S., and between the facilities of United Freight, Inc., on the one hand, and, on the other, points in the U.S.

MC 158613, filed December 8, 1981. Applicant: TRICOR BUSINESS GROUP, INC., 1242 Tatamy Road, Easton, PA 18042. Representative: Roger D. Hershman, 22 Olde Mill Run, Medford, NJ 08055, (609) 953–0423. Transporting (1) *machinery and transportation equipment* between points in the U.S., and (2) *general commodities* (except classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk), between the facilities of International Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 159563, filed December 4, 1981. Applicant: C. BERTRAM McBRIDE & MARJORIE N. McBRIDE, d.b.a. McBRIDE GROUP TOURS, P.O. Box 92, South Hero, VT 05486. Representative: C. Bertram McBride (same address as applicant) 802–372–4719. As a broker, at South Hero, VT, to arrange for the transportation by motor vehicle of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in VT, NH and Albany, Clinton, Essex, Saratoga and Warren Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 159603, filed December 8, 1981. Applicant: GREAT WESTERN TRANSPORT, INC., P.O. Box 915, Morton, TX 79346. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *food and related products,* between points in Cochran County, TX, on the one hand, and, on the other, points in the U.S.

MC 159802, filed December 21, 1981. Applicant: R. L. KRAUSE TRUCKING, INC., 1520 Dewey St., Manitowoc, WI 54220. Representative: Nancy J. Johnson, 103 East Washington St, Box 218, Crandon, WI 54520, 715–478–3341. Transporting *general commodities*

(except classes A and B explosives), between points in Manitowoc County, WI, on the one hand, and, on the other, points in the U.S.

MC 159822, filed December 21, 1981. Applicant: MERRILL F. LEWIS, Box 934, Beulah, ND 58523. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502, 701–223–5300. Transporting *soda ash*, between points in Sweet Water County, WY, on the one hand, and, on the other, points in Mercer County, ND.

Volume No. OPY–2–003

Decided: January 5, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

FF 392 (Sub-4), filed December 18, 1981. Applicant: AIRBORNE FORWARDING CORPORATION, 190 Queen Anne Ave, North, Seattle, WA 98111. Representative: Stephen A. Alterman, 1730 Rhode Island Ave, NW., Washington, DC 20036, 202–293–1030. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

FF 582, filed December 21, 1981. Applicant: THE FLYING TIGER LINE, INC., 7401 World Way West, P.O. Box 92935, Los Angles, CA 90009. Representative: Peter E. Hubbard (same as applicant), (213) 417–0900. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S.

MC 903 (Sub-40), filed December 11, 1981. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 11409, Lynchburg, VA 24506. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 25823 (Sub-14), filed November 30, 1981. Applicant: WERCH TRUCKING COMPANY, INC., Rte. #2, Box 113, Berlin, WI 53923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *hides and skins*, between points in the U.S., under continuing contract(s) with Fred Gruen Co., Inc., of Milwaukee, WI.

MC 52793 (Sub-90), filed December 21, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center, Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tandy Corporation/Radio Shack, of Ft. Worth, TX.

MC 109593 (Sub-20), filed December 14, 1981. Applicant: H. R. HILL, P.O. Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083, (405) 348–7700. Transporting *waste and scrap paper* between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 123872 (Sub-131), filed December 14, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28603. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, TN and VA, on the one hand, and, on the other, points in IL, IN, IA, KS, MN, MO, NE, ND, SD and WI.

MC 129712 (Sub-66), filed December 11, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Overhead Crane & Service Corp., of Romulus, MI.

MC 136123 (Sub-33), filed December 21, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant), 813–722–0506. Transporting *paper and paper products, and plastics and plastic products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 139852 (Sub-5), filed December 14, 1981. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, 1338 Main St., Suite 900, P.O. Box 11414, Columbia, SC 29211, (803) 799–9427. Transporting *metal products* between points in GA, NC, and SC.

MC 144530 (Sub-44), filed December 21, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Exchange Bldg., La Crosse, WI 54601, 608–784–5860. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Tampa International Forest Products, Inc., of Tampa, FL; and (2) *general goods commodities* (except classes A and B explosives and household between points in the U.S., under continuing contract(s) with (A) United Freight, Inc., of Morrow, GA, and (B) Distribution Services of America, Inc., of Boston, MA.

MC 146123 (Sub-1), filed December 15, 1981. Applicant: KROFLITE MOTOR EXPRESS, INC., 1932 South Wentworth Avenue, Chicago, IL 60616. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, and points in IN.

MC 146553 (Sub-27), filed December 21, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50809. Transporting *containers*, between points in AZ, CA, CO, IA, IL, KS, LA, MN, OK and TX, on the one hand, and, on the other, points in the U.S.

MC 148443 (Sub-11), filed December 21, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Alan N. Johnson (same address as applicant), 216–934–6538. Transporting (1) *cryogenic and compressed gas equipment*, and (2) *machinery, supplies, and materials* used in the manufacture, installation, and distribution of the commodities in (1) above, between points in the U.S.

MC 149233 (Sub-5), filed December 22, 1981. Applicant: EDGAR SERVICE COMPANY, INC., 3445 Paterson Plank Rd., North Bergen, NJ 07047. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, 617–238–9363. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, DE, FL, IL, IN, MA, MD, ME, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, WI and DC.

Note.—Applicant intends to tack this authority with its existing authority.

MC 150812 (Sub-6), filed December 7, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *such commodities* as are dealt with or used

by a manufacturer of electrical products (except commodities in bulk), between points in the U.S., under a continuing contract(s) with General Electric Company, of Hickory, NC.

MC 154103 (Sub-3), filed December 14, 1981. Applicant: MID–SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Action Consolidated Express, Inc., of Hendersonville, TN.

MC 154143 (Sub-2), filed December 15, 1981. Applicant: KAPLAN TRANSPORTATION COMPANY, INC., P.O. Box 427, Hwy 17 S, Bartow, FL 33830. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *dairy products* between points in the U.S., under continuing contract(s) with Friendship Dairies, Inc., of Friendship, NY.

MC 155223 (Sub-5), filed December 14, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St. Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *metal products* between points in the U.S. (except AK and HI), under continuing contract(s) with Earle M. Jorgensen Co., of Phoenix, AZ.

MC 155812 (Sub-1), filed December 22, 1981. Applicant: SEA–PAC FREIGHT LINES, INC., P.O. Box 3762, Seattle, WA 98124. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104, 206–622–1471. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Certified Grocers of Los Angeles, CA, (b) Rogers Walla Walla, of Walla Walla, WA, (c) Consolidated Dairy Products, of Seattle, WA, (d) Treetop, Inc., of Selah, WA, and (e) United Grocers, of Milwaukie, OR.

MC 158783, filed December 22, 1981. Applicant: ORVAL DAVIS TIRE COMPANY, 314 South Market, Bolivar, MO 65613. Representative: Warren B. Davis (same address as applicant), 417–326–6211. Transporting *artifical flowers and floral products,* between points in the U.S., under continuing contract(s) with Teeter's Floral Products Company, a division of U.S., Inc., of Bolivar, MO.

MC 158942, filed December 21, 1981. Applicant: D & L TRUCKING CO., INC., P.O. Box 1702, Alvin, TX 77511. Representative: Doyle G. Owens, 3985 Phelan, Suite 209, Beaumont, TX 77707, 713–835–6313. Transporting *portable cranes, houses or buildings,* portable or fabricated, metal knocked down flat, or in sections, between points in Harris County, TX, on the one hand, and, on the other, points in LA.

MC 159003, filed December 21, 1981. Applicant: JIM FOTOPOULOS, d.b.a. JIM AUTO & TRUCK SERVICE, 12658 South Winchester, Calumet Park, IL 60643. Representative: Irwin D. Rozner, 134 N. La Salle St., Chicago, IL 60602, 312–782–6937. Transporting *wrecked or disabled vehicles and replacement vehicles,* between points in IL, IN, MI, MN, WI, OH, IA, TN, KY, MO, NE, MS, and AR.

MC 159732, filed December 16, 1981. Applicant: WITHERS TRANSFER & STORAGE OF CORAL GABLES, INC., 357 Almeria Avenue, Coral Gables, FL 33134. Representative: Wayne E. Withers, Jr. (same as applicant), (305) 444–7116. Transporting *household goods* between points in Dade and Broward Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 159823, filed December 21, 1981. Applicant: WESTEXPRSS, INC., 421, West Erie St., Chicago, IL 60610. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, 312–236–0548. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with (a) Decor Fabrics, of Los Angeles, CA, (b) Sierra Textile Co., of San Diego, CA, (c) Van Waters & Rogers, of Cerritos, CA, (d) San Diego Fabrics, of San Diego, CA, (e) Harleys Fabrics, of Tulsa, OK, (f) R & M Enterprises of Cape Girardeau, MI, (g) Western Textile Company, Inc., of Chicago, IL, (h) Urkov Mfg. Company, of Chicago, IL, (i) California Sample Company, of Los Angeles, CA, (j) Sidney Davis Fabrics, Inc., of San Francisco, CA, and (k) Great Lakes Paper Co., of Chicago, IL.

Volume No. OPY–3–002

Decided: January 6, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner and Williams.

MC 9444 (Sub-8), filed December 28, 1981. Applicant: BILOXI TRANSFER & STORAGE CO., INC., P.O. Box 361, Biloxi, MS 39533. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *household goods and furniture and fixtures,* between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MO, MS, NC, OH, OK, SC, TN, TX, VA, WV and DC.

M 76065 (Sub-36), filed December 28, 1981. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 W. 37th St., New York, NY 10018. Representative: Michael R. Werner, 241 Cedar Ln., Teaneck, NJ 07666, (201) 836–1144. Transporting *such commodities* as are dealt in or used by department stores, between points in MA, RI, CT, NH, VT and ME, on the one hand, and, on the other, points in NY, NJ, DE, PA, MD, VA, WV, FL, GA, AL, SC, NC and DC.

MC 76355 (Sub-1), filed December 28, 1981. Applicant: SHANNON BROTHERS, INC., 134 Morgan Ave., Brooklyn, NY 11237. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565, (212) 275–1000. Transporting *paper and paper products,* between New York, NY and points in CT, MA, RI, NY, NJ, PA and DE.

MC 106074 (Sub-189), filed December 24, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, DE, FL, GA, KY, MS, NJ, NC, PA, SC, TN and VA, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, MS, NJ, NC, PA, SC, TN, VA and DC.

MC 111274 (Sub-79), filed December 23, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *lumber and lumber mill products,* between points in the U.S., under continuing contract(s) with Northwest Wholesale Lumber, of LaCrosse, WI, and C & M Wholesale Lumber, Inc., of Onalaska, WI.

MC 111274 (Sub-80), filed December 23, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *lumber and lumber mill products,* between points in the U.S., under continuing contract(s) with Weeks Forest Products, of Minneapolis, MN.

MC 114274 (Sub-81), filed December 21, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *games, toys, and*

swimming pools, between Amsterdam and Gloversville, NY, Pittsburgh, PA, Canton, OH, Los Angeles, CA, Portland, OR, Seattle, WA, Newark, NJ, and Milwaukee WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 114604 (Sub-129), filed December 21, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Paula S. Davis (same address as applicant), (404) 361–9170. Transporting (1) *air conditioning, heating and cooling equipment,* and (2) *component parts* used in the manufacture, repair, and distribution of air conditioning, heating and cooling equipment, between Edison, NJ, Effingham, IL, Frederick, MD, and Buffalo, NY, on the one hand, and, on the other, points in the U.S.

MC 123314 (Sub-29), filed December 21, 1981. Applicant: JOHN F. WALTER, INC., R.D. 4, Newville, PA 17241. Representative: John F. Walter (same address as applicant), (717) 776–3148. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 123744 (Sub-98), filed December 21, 1981. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. Second St. Clearfield, PA 16830, (814) 765–9611. Transporting *refractories,* between points in the U.S., under continuing contract(s) with North American Refractories Company, of Cleveland, OH.

MC 126844 (Sub-98), filed December 21, 1981. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *food and related products,* between points in IL, IN, IA, MN, MO, and NE, on the one hand, and, on the other, points in the U.S.

MC 128075 (Sub-41), filed December 18, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Hiland Potato Chip Co., of Des Moines, IA.

MC 128254 (Sub-4), filed December 28, 1981. Applicant: THEODORE SAVAGE, 16061 Warren Ln., Huntington Beach, CA 92646. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with WTC Airfreight of Los Angeles, CA.

MC 128685 (Sub-40), filed December 28, 1981. Applicant: DIXON BROS., INC., P.O. Drawer 8, New Castle, WY 82701. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101, (406) 248–2611. Transporting *coal products, petroleum, natural gas and gasoline,* between points in WY, SD, NE, CO, MT AND ND.

MC 138415 (Sub-24), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box #327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593–2179. Transporting *expanded polystyrene,* between points in the U.S., under continuing contract(s) with E.f.P. Corporation, of Elkhart, IN.

MC 138415 (Sub-25), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327 Topeka, IN 46571 Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN, (219) 593–2179. Transporting *flexible duct, insulation and heating and air conditioning equipment,* between points in the U.S., under continuing contract(s) with Design Air Systems, Inc., of Elkhart, IN.

MC 138415 (Sub-26), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593–2179. Transporting *vans,* between points in the U.S., under continuing contract(s) with Advantage Corporation, of Goshen, IN.

MC 139875 (Sub-2), filed December 28, 1981. Applicant: DONALD E. GERALD, INC., 2210 E. Randolph Rd., Silver Spring, MD 20904. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *cement and mortar,* between points in Berkeley County, WV, on the one hand, and, on the other, points in MD.

MC 142864 (Sub-31), filed December 21, 1981. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WI, WV, and DC.

MC 144694 (Sub-5), filed December 21, 1981. Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 351, Pell City, AL 35125. Representative: T. A. Flemming, Sr., (same address as applicant), (205) 884–2471. Transporting *lumber, timbers, plywood,* and *particleboard,* between Huttig, AR, and Lillie and Winnfield, LA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145485 (Sub-7), filed December 23, 1981. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman St., Corunna, MI 48817. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737–1030. Transporting *food and related products,* between points in MI, on the one hand, and, on the other, points in the U.S.

MC 146225 (Sub-4), filed December 21, 1981. Applicant: BECKER TRUCKING COMPANY, a corporation, Box 217, Newton Falls, OH 44444. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *ores and minerals,* between points in OH, on the one hand, and, on the other, points in PA and WV.

MC 146325 (Sub-3), filed December 18, 1981. Applicant: DELIVERY SERVICE, INC., 6284 Claude Way East, Inver Grove Heights, MN 55075. Representative: Marquita J. Finley, AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101, (612) 297–8484. Transporting *hazardous waste materials,* between points in the U.S., under continuing contract(s) with Sperry Univac Computer Systems, of Roseville, MN.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 147494 (Sub-7), filed December 21, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Drawer 5690, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39208, (601) 355–3543. Transporting (1) *forest products and glass,* between points in the U.S. under continuing contract(s) with Vitco-Division of Vitreous Intl. Trading Co., Inc., of Great Neck, NY, and (2) *frames and glass,* between points in the U.S. under continuing contract(s) with National Picture & Frame Company, Inc., of Greenwood, MS.

MC 148275 (Sub-6), filed December 18, 1981. Applicant: J. L. McCOY, INC., Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930

Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562–3480. Transporting *clay, concrete, glass or stone products,* between points in the U.S. (except AK and HI), under continuing contract(s) with AFG Industries, Inc., of Kingsport, TN.

MC 148665 (Sub-5), filed December 16, 1981. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, 2550 North Clybourn Ave., Chicago, IL 60614. Representative: Leonard R. Kofkin, 29 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 150214 (Sub-5), filed December 22, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001, (202) 628–9243. Transporting *food and related products,* between points in Bradford County, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, and RI.

MC 151134, filed December 21, 1981. Applicant: KARTRAN, INCORPORATED, 3310 Bobbie Lane, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and used household goods), in containers, between points in Harris County, TX and Galveston County, TX, on the one hand, and, on the other, points in Archer, Bonham, Clay, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hunt, Jack, Johnson, Kaufman, Lamar, Montague, Olney, Palo Pinto, Parker, Rockwall, Stephens, Tarrant, Wichita and Wise County, TX, restricted to traffic having a prior or subsequent movement by water or rail.

MC 151634 (Sub-5), filed December 21, 1981. Applicant: GOLDEN COACH, A.C., INC., Boston at Pacific, P.O. Box 1737, Atlantic City, NJ 08404. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, between Newark, DE and Atlantic City, NJ, serving all intermediate points: from Newark, over Interstate Hwy 95 to junction PA Hwy 322, then over PA Hwy 322 via Commodore Barry Bridge to junction NJ Hwy 130, then over NJ Hwy 130 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route.

MC 156615 (Sub-2), filed December 21, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Dr., Fayetteville, GA 30314. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *plastic articles,* between Baltimore, MD, and points in Dallas County, TX, Essex County, MA, Middlesex County, CT, Middlesex and Gloucester Counties, NJ, Suffolk County, NY, Baltimore County, MD, Henrico County, VA, Mecklenburg County, NC, Atlanta, Fulton, and Spaulding Counties, GA, Hillsborough and Dade Counties, FL, Hamilton and Cuyahoga Counties, OH, Springfield and Dupage Counties, IL, Fond du Lac County, WI, Hennepin County, MN, Denver County, CO, Los Angeles and Alameda Counties, CA, and King County, WA, on the one hand, and, on the other, points in the U.S.

MC 156755 (Sub-1), filed December 18, 1981. Applicant: RON C. VANETTES, d.b.a. R & T TRANSPORT SERVICES, 2656 Falcon Cr., Corona, CA 91720. Representative: Milton W. Flack, 8383 Wilshire Blvd., #900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with MSA/LAMDA, Inc., of Los Angeles, CA.

MC 156785, filed December 12, 1981. Applicant: M.T.S., INC., 6201 Kansas Ave., Kansas City, KS 66111. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *wrecked and disabled trucks, tractors, and trailers,* between points in AR, CO, IA, KS, MO, NE, and OK.

MC 156885 (Sub-1), filed December 28, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Rd., Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *coal products,* between points in Camden County, NJ, on the one hand, and, on the other, points in Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill Counties, PA.

MC 157005 (Sub-1), filed December 28, 1981. Applicant: APOLLO, INC., 10638 Eddyburg Rd., N.E., Newark, OH 43055. Representative: John E. LeFevre (same address as applicant), (614) 345–7472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Inland Container Corporation, of Indianapolis, IN.

MC 157175, filed December 21, 1981. Applicant: PATROIT TRUCKING, INC., 11231 Bullis Rd., Marilla, NY 14102. Representative: Nelson H. Cosgrove, 3976 Seneca St., West Seneca, NY 14224, (716) 675–1066. Transporting *steel products,* between points in NY, NJ, PA, IN, MD, OH, IL, WI, MA, RI, NH, CT, MI, KY, GA, AR, MN, NC, SC, VA, TN, TX, OK, FL, AL, LA, MO, KS, WV, ME, NE, SD, and ND.

MC 159784, filed December 18, 1981. Applicant: ROCHESTER ARMORED CAR CO., 1441 North 11th St., Omaha, NE 68101. Representative: Robert M. Cimino, 3035 South 72nd St., Suite 200, Omaha, NE 68124, (402) 393–5005. Transporting *securities, bank related items, and commodities of unusual value,* (1) between points in AR, IL, MO, and those in OK on, east and north of a line beginning at the OK–KS State line and extending along U.S. Hwy 75 to junction Interstate Hwy 40, then over Interstate Hwy 40 to the OK–AR State line; (2) between points in Hennepin County, MN, on the one hand, and, on the other, points in Douglas County, NE, on the one hand, and, on the other, points in IA; and (3) between points in ND, SD, and IA.

MC 159785, filed December 18, 1981. Applicant: MEDICINE LAKE BUS COMPANY, INC., d.b.a. MEDICINE LAKE LINES, 835 Decatur Ave., N., Golden Valley, MN 55427. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis MN 55402, (612) 340–0808. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Anoka, Dakota, Hennepin, Scott, Ramsey, Carver, Washington, and St. Louis Counties, MN, and extending to points in the U.S.

MC 159805, filed December 21, 1981. Applicant: TRANSPORT ROBERT PRIMEAU, INC., 1102 rue Centrale, Ville Ste-Catherine (Laprairie County), PQ, Canada JOL 1EO. Representative: J. P. Vermette, 5205 Metropolitan Blvd. East, Room 7, St. Leonard (Montreal), PQ, Canada, H1R 1Z7. Transporting *lumber,* between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in CT, IL, MA, MD,

ME, MI, NH, NJ, NY, OH, PA, VA, VT, and WV.

MC 159825, filed December 22, 1981. Applicant: SKIPPERS DISTRIBUTING, 243 NE. Grant St., Hillsboro, OR 97123. Representative: William E. Skipper (same address as applicant), (503) 640–2134. Transporting *pipe, plate steel, particleboard, lumber* and *wood products*, between points in WA, OR, CA, MT, NV, ID, WY, UT, AZ, CO, and NM.

MC 159834, filed December 21, 1981. Applicant: AMERIND TRANSPORT CO., INC., South Depot Plaza, Tarrytown, NY 10591. Representative: Richard T. Blancato, 10 S. Broadway, Irvington, NY 10533, (914) 591–6226. Transporting *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with American Independent Paper Mills Supply, Inc., of Tarrytown, NY.

MC 159844, filed December 21, 1981. Applicant: V & S TRANSPORTATION, INC., 1100 De Forest Ave., Long Beach, CA 90813. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-719 Filed 1-11-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions Restriction Removals Decision-Notice

Decided: January 7, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absense of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 36144 (Sub-10)X, filed December 1, 1981. Applicant: LAW MOTOR FREIGHT, INC., Airport Road, Nashua, NH 03061. Representative: T.J. O'Loughlin, Jr., 18 Baker Street, Hudson, NH 03051. Broaden lead: remove all exceptions to general commodity authority, except Classes A and B explosives; to radial authority; on regular routes, to all intermediate points and off-route points of Lawrence and Andover, MA, those within five miles of Boston, those in Hillsboro, Cheshire, Merrimack and Sullivan Counties, NH, to Essex and Middlesex Counties, MA and Hillsboro, Merrimack, Cheshire, Rockingham and Sullivan Counties, NH; 5 miles of New Bedford to Bristol and Plymouth Counties, MA; Acton, Leominster, Shirley, and Westminster MA, and points within 5 miles of New Bedford, MA, and points within 15 miles of Boston to Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, MA; Nashua, NH, points within 10 miles of Nashua, Manchester, NH, Boston, MA, points within 5 miles of Manchester and Boston, to Hillsboro and Rockingham Counties, NH and Essex, Middlesex and Worcester Counties, MA; points in Massachusetts within 45 miles of Nashua, NH, to Hillsboro, Merrimack and Rockingham Counties, NH, and Essex, Franklin, Hampshire, Middlesex, Norfolk, Suffolk and Worcester Counties, MA; Hancock and Peterborough, NH to Cheshire and Hillsboro Counties, NH; Ayer, MA to Middlesex and Worcester Counties, MA; Red Hook, NY to Columbia, Dutchess, Greene and Ulster Counties, NY; Billerica, Boston, Littleton and Lowell, MA to Essex, Middlesex, Norfolk and Suffolk Counties, MA and Hillsboro and Rockingham Counties, NH; Milford and Wilton, NH to Hillsboro County, NH; Wilton, NH to Hillsboro County, NH; North Grosvenordale, CT to Windham County, CT; West Concord, MA to Bristol and Middlesex Counties, MA; Providence, RI to Bristol, Kent, Newport and Providence Counties, RI, New Haven, CT to New Haven County, CT; Henniker and Bennington, NH, to Hillsboro and Merrimack Counties, NH; Northbridge and Ware MA and Darlington, Pawtucket and Providence RI to Bristol, Franklin, Hampden, Hampshire, Norfolk, and Worcester Counties, MA and Bristol, Kent, Newport and Providence Counties, RI; Wilton, NH to Hillsboro County, NH and South Barre, MA to Worcester County, MA; Jaffrey, Peterborough and Wilton, NH to Cheshire and Hillsboro Counties, NH; and Somerville, MA to Essex, Middlesex, Norfolk and Suffolk Counties, MA; apples and fruit to "farm products and food and related products", lumber, wooden boxes and wooden box shooks to "lumber and wood products"; paper to "pulp, paper and related products"; paper mill supplies to "industrial manufacturing supplies"; rayon and wool taps to "textile mill products"; empty bags to "containers"; sodium chloride to "chemicals and related products"; remove in bulk, in dump vehicles restrictions; remove restrictions: to/from Nashua, NH facility and against transportation of alcoholic beverages, equipment, materials, supplies used therewith to named facility.

MC 108117 (Sub-10)X, filed December 21, 1981. Applicant: PATTERSON TRUCKING, 45 Waln Avenue, Yardville, NJ 08620. Representative: David E. Fox, 1629 K Street, N.W., Suite 801, Washington, DC 20006. Lead permit, and Subs 5, 6, 7 to broden (1) sulfate of ammonia, lead and fertilizer, lead, Subs 6 and 7 to "chemicals and related products"; and limestone, lead and Sub 5 and lime, lead to "clay, concrete, glass and stone products"; (2) remove in bulk, in dump vehicle restrictions in various subs and (3) to between points in the U.S., under continuing contracts with named shippers, in all permits and unnamed shippers in the lead.

MC 115724 (Sub-15)X, filed December 9, 1981. Applicant: PHILLIPS TRUCK LINES, INC., Suite 1, 4500 North Sewell, Oklahoma City, OK 73154. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083. Sub-No. 8F permit, broaden (1) to "machinery" from road construction machinery and equipment and asphalt mixing plants, and equipment, parts, attachments and accessories; (2) to "between points in the U.S.," under continuing contract(s) with a named shipper; and (3) remove "except in bulk" from materials, equipment and supplies used in the manufacture and/or distribution of the commodities described above.

MC 121489 (Sub-29)X, filed December 31, 1981. Applicant: NEBRASKA-IOWA

XPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Sub 2, broaden general commodities (with usual exceptions) to "general commodities, except classes A and B explosives".

MC 127505 (Sub-81)X, filed December 28, 1981. Applicant: R. H. BOELK TRUCK LINES, INC., 1201 14th Avenue, Mendota, IL 61342. Representative: Jack L. Schiller, 123–60 83rd Avenue, Kew Gardens, NY 11415. Subs 13, 15, 16, 24, 27, 28, 30, 31, 38, 41, 42, 43, 46, 48, 50, 52, 53, 55, 58, 61, 62, 63, 67, 69, 71, 73 and 78 broaden: (1) to (a) "building materials", from face brick, Sub 13; plumbing materials and supplies, and bathroom or lavatory fixtures and accessories, Subs 16 and 28; plastic foam articles, Subs 24 and 27; plastic foam articles, liquid plastic, plumbing materials and supplies, bathroom and lavatory fixtures and accessories, and wallboard, Sub 31; urethane products, Sub 48; and mineral wool, mineral wool products, insulating material and insulated air duct, Sub 55 and plastic foam, liquid plastic and wallboard, Sub 50; (b) Sub 41, "farm equipment", from tractor cabs; (c) Sub 42, "metals and metal products", from aluminum and aluminum products; (d) Sub 43, "metal products and scrap metal", from alumimun extrusions, shapes and molding and aluminum scrap; (e) Sub 46, "metal products" from storage racks, and parts and accessories for storage racks; (f) Sub 52, "foundry materials", from foundry sand and foundry sand additives; (g) Subs 53 and 63, "pipe and fittings and accessories for pipe", from plastic pipe, and fittings and accessories for plastic pipe; (h) Sub 61, "food and related products" from sugar; (i) Sub 67, "metals and metal products and scrap metal" from aluminum ingots, aluminum scrap, aluminum slag, zinc alloy ingots and zinc and zinc alloy scrap; (j) Sub 69, "glass and glass glazing units", from flat glass and glass glazing units; and (k) Sub 73, "metals and metal products", from lead and lead alloys: (b) facilities and cities to county-wide authority Sub 13, St. Louis, St. Charles and Jefferson Counties, MO and St. Louis, MO and Monroe, Madison and St. Clair Counties, IL (St. Louis); Sub 15, Ballard County, KY (facilities near Wickliffe); Subs 16 and 28, Knox County, IL (Abingdon); Subs 24 and 27, Boone County, IL (Belevidere); Sub 30, Oshee County, MO (Meta); Subs 31 and 50, McLean County, IL (Bloomington); Sub 38, LaSalle County, IL, Cook, DuPage, and Will Counties, IL, and Porter and Lake Counties, IN and Jefferson County, KY (Mendota, IL, Chicago, IL and Okolona, KY); Sub 41, Whiteside County, IL (Rock Falls, IL); Sub 42, Grundy County, IL (facilities near Grundy County); Sub 43, Kane County, IL (St. Charles); Sub 46, LaSalle and Marshall Counties, IL (Streator, Toluca and Mendota, IL); Sub 48, Hardin County, KY (facilities near Elizabethtown); Sub 50, Jefferson County, KY (Louisville); Sub 52, Calhoun County, MI (Albion) and Madison County, IL (Granite City); Sub 53, Genessee County, IN (facilities near Davidson) and Rice County, MN (facilities near Faribault); Sub 63 Muscatine County, IA (Wilton) Sub 55; Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clay, and Platte Counties, MO (Kansas City); Sub 58, Boone County, MO (facilities near Columbia); Sub 62, Grundy, McLean and Ford Counties, IL (Morris, Normal and Paxton); Sub 67, McIntosh County, OK (Checotah); Sub 69, Warren County, MO (Truesdale); Sub 71, Cuyaoha, Lake, Lorain, Medina and Summit Counties, OH and Cook, DuPage and Will Counties, IL and Porter and Lake Counties, IN (Cleveland and Chicago); Sub 73, Iron County, MO (Glover); and Sub 78, Will County, IL (facilities near Plainfield); (3) to radial authority, all subs; (4) (a) restrictions (a) to traffic originating at and destined to, (b) against Mercer commodities, (c) to the transportation of shipments moving on bills of lading of freight forwarders, (d) against commodities in bulk and (e) against size or weight commodities, in various subs.

MC 128529 (Sub-1)X, filed December 8, 1981. Applicant: BUF-AIR EXPRESS, INC., 495 Aero Dr., Cheektowaga, NY 14225. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. Lead certificate (A) Remove (1) all exceptions from the general commodities description, except classes A and B explosives; (2) "prior or subsequent movement by aircraft" restriction, and (B) Broaden to (1) Buffalo, NY (Greater Buffalo Airport); (2) Detroit, MI (Detroit Airport) (3) Boston, MA (Logan Airport) and (4) Pittsburgh, PA (Pittsburgh Airport).

MC 138274 (Sub-45)X, filed December 29, 1981. Applicant: PAYNE MOTOR LINES, INC., P.O. Box 43, Draper, UT 84020. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Sub-No. 15 broaden (1) rendering house products to "food and related products"; (2) Boise, ID, to Ada County; (3) delete plantsite restriction, (4) to radial authority; and (5) remove restriction against the transportation of meat meal, bone meal, and blood meal to WA and OR.

MC 139248 (Sub-6)X, filed December 22, 1981. Applicant: CONTRACT CARRIERS, INC., P.O. Box 444, Ellensburg, WA 98926. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Sub 4F, broaden from feed and feed ingredients in bulk to "commodities in bulk."

MC 146065 (Sub-5)X, filed December 4, 1981. Applicant: DAY TRANSFER INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst Rd., Indianapolis, IN 46241. Sub 2F certificate: (1) Remove the "except commodities in bulk" restriction from its authority to transport such commodities as are dealt in by grocery and drug stores and warehouses and (2) broaden to radial authority between Indianapolis, IN, and, points in IN.

MC 146646 (Sub-151X), filed December 9, 1981. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Rd., Birmingham, AL 35217. Representative: John R. Frawley, Suite 200, 120 Summit Pkwy., Birmingham, AL 35209. Subs 87, 138, 116, 11, 25, 104, 111, 78, 6, 19, 36, 58, 66, 67, 86, 128, 136, 134, 88, 90, 95, 100, 101, 55, 84, 70, 93, 96, 115, 76, 108, 68, 79, 5, 7, 8, 9, 10, 12, 13, 14, 20, 24, 28, 31, 32, 33, 34, 35, 37, 38, 39, 41, 42, 43, 44, 91, 102, 123, 124, 135, 137, 97, 110, 113, 105, 106, 52, 62, 77, 22, 23, 40, 47, 92, 132, 45, 21, 51, 83, 98, 99, 112, 120, 121, 107, 118, 50, 53, 48, 82, 94, 130, 133, 54, 56, 68, 69, 75, 89, 127, 109, 126, and 129 broaden: 1. Sub-87F—plastic cases and cassettes to "plastic and plastic articles", remove facilities restriction and to radial authority; 2. Sub-138F—general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)"; 3. Sub-116F; (1) air conditioning and heating equipment and parts for the commodities in (1) to "appliances and machinery"; broaden facility limitation from Americus, GA, to Sumter County; 4. Sub-125—mechanic creepers and materials and supplies to "machinery and equipment"; Westville, NJ, to Gloucester County; Greenwood, MS, to LeFlore County; West Jordan, UT, to Salt Lake County; to radial authority; 5. Sub-11F, part 1—from machinery, machinery parts, rubber products, environmental control equipment, and air conditioning units to "machinery and rubber articles"; remove facility limitation and remove originating at/destined to and in bulk restriction; 6. Sub-25F—broaden facility limitation at Gadsden, AL, to Etowah County, AL, and remove originating at/destined to and in bulk restrictions; 7. Sub-104—new furniture to "furniture

and fixtures" and to radial authority; 8. Sub-114F part 1—from new furniture to "furniture and fixtures", remove facilities limitation and replace with Houston, TX; Chicago, IL; Passaic County, NJ, (Clifton, NJ) and Atlanta, GA; 9. Sub-111—broaden facilities at Americus, GA, to Sumter County; LaGrange, IN, to LaGrange County and to radial authority; 10. Sub-78F part 1—furniture, furniture parts, components and accessories thereto to "furniture and fixtures"; 11. Sub-6—remove in bulk restriction; broaden facility at Brudidge and Troy, AL, to Pike County; 12. Sub-19F part 1—charcoal and charcoal briquets to "forest products"; 13. Sub-36F—unfrozen bakery goods to "food and related products"; Marietta, OK, New Rochelle, NY; Los Angeles, Corona, San Diego and LaHabra, CA; Biddeford, ME; and Woburn, MA to Love County, OK, Westchester County, NY; Los Angeles, Riverside, San Diego and Orange Counties, CA; York County, ME, and Middlesex County, MA; 14. Sub-58F part 1, liquid bleach, dish detergents to "chemicals and related products" remove the facility limitation and in bulk restriction; 15. Sub-66F—corn flour and corn meal (except in bulk) to "food and related products"; broaden facility at Mt. Vernon, IN, and Kankakee, IL, to Posey County, IN, and Kankakee County, IL, and to radial authority; 16. Sub-67F—non-alcoholic beverages (except in bulk) to "food and related products" remove facility limitation and to radial authority; 17. Sub-86F—remove in bulk, in tank vehicles, originating at or destined to and size and weight restrictions; remove facilities limitation; 18. Sub-128—foodstuffs to "food and related products"; broaden facilities at Croswell, MI, to Saniloc County; and to radial authority; 19. Sub-136, part 1—canned goods to "food and related products" and Lindale, TX, to Wood County; 20. Sub-134, part 1—canned and bottled foodstuffs to "food and related products"; 21. Sub-88—foodstuffs (except in bulk) to "food and related products"; remove originating at restriction, and to radial authority; 22. Sub-90, part 1—bleach, soap powders, washing powders, liquid detergent, ammonia, soap pads, fabric softeners to "chemicals and related products"; Hapeville, GA, to Fulton County; 23. Sub-95—broaden facilities at Forest Park, GA, to Clayton and Fulton Counties; 24. Sub-100F—corn flower and corn meal to "food and related products"; broaden facility at Mt. Vernon, IN, and Kankakee, IL, to Posey County, IN, and Kankakee County, IL; and to radial authority; 25. Sub-101F—foodstuffs (except in bulk) to "food and related products" and to radial authority; 26. Sub-55—remove in bulk restriction and facilities limitations and broaden Pascagoula, MS, to Jackson County; Bishopville, SC, to Lee County; Winston-Salem, NC, to Forsyth County; Cambridge, MD, to Dorchester County; 27. Sub-84—remove facilities limitation and broaden Salisbury, NC, to Rowan County, and to radial authority; 28. Sub-70F—remove facility limitation and broaden Henderson, TN; Henderson, KY; Alpha, OH; to Chester County, TN; Henderson County, KY; Greene County, OH; 29. Sub-93F—Calhoun, Chatsworth, Dalton and Ringgold, GA; Norwood, MA; Trenton, NJ, to Gordon, Murray, Whitfield, and Catoosa Counties, Ga, Norfolk County, MS; Mercer County, NJ; and remove facility limitation; 30. Sub-96—remove in bulk and against transportation of carpet restrictions and to radial authority; 31. Sub-115F—clay products, brick products and tile products to "building materials" and to radial authority; 32. Sub-76—lumber, plywood, compressed woods, built-up woods, veneers and millwork, to "lumber and wood products" remove facility limitation and broaden Olar, SC, to Bamberg County and Center, TX, to Shelby County; 33. Sub-108, part 1—roofing and roofing materials to "building materials", remove facilities limitations and broaden Tuscaloosa, AL, to Tuscaloosa County; Ennis, TX, to Ellis County; Stephens and Little Rock, AR, to Ouachita and Pulaski Counties and Franklin, OH, to Warren County; and from the port of entry at El Paso, TX, to all ports of entry in TX; 34. Sub-68F—clay building products and materials, equipment and supplies used in the manufacture, production and distribution of clay building products to "building materials" broaden Pomona and Westminister, CA, to Los Angeles and Orange Counties, and to radial authority; 35. Sub-79F—laminated beams, arches and wood decking to "building materials" and broaden El Dorado Springs, MO, to Cedar County, and to radial authority; 36. Sub-5F—remove facilities limitation and broaden Russellville, AL, to Franklin County; remove in bulk restriction; 37. Subs 7, 8, 9, 10, 12, 13, 24, 28, 31, 33—remove facilities limitation and broaden (a) Linden, NJ, to Union County, Sub-7; (b) Pittston, PA, to Luzerne County, Sub-8; (c) Largo, IN, to Wabash County, Sub-9; (d) L'anse, MI, to Baraga County, Sub-10; (e) Quincy, IL, to Adams County, Sub-12; (f) Port Clinton, OH, to Ottawa County, Sub-13; (g) Wilmington, IL, to Wills County, Sub-24; (h) Texarkana, AR, to Miller County, Sub-28; remove in bulk, and originating at and/or destined to restrictions and to radial authority, Sub-33; 38. Subs 14 and 20—roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane and urethane products, and materials, equipment and supplies (except in bulk), to "building and construction materials", remove facility limitation and in bulk restriction; to radial authority in both and broaden Birmingham, AL, to Jefferson County, Sub-20; 39. Subs 32, 34, 35, 37, 38, 39, 42, 43—remove in bulk restriction and facilities limitation; to radial authority and broaden (a) Elizabethtown, KY, to Hardin County, Sub-32; (b) Lockland, OH, to Hamilton County, Sub-34; (c) Pennsauken, NJ, to Camden County, Sub-35; (d) Paris, TN, to Henry County, Sub-38; (e) Marrero, LA, to Jefferson Parish, Sub-39; (f) Dubuque, IA, to Dubuque County, Sub-42; (g) Sunbury, PA, to Northumberland County, Sub-43; 40. Sub-41—roofing and roofing products (except commodities in bulk) to "building materials"; remove facility limitation; broaden Camden, AR, to Ouachita County; and to radial authority; 41. Sub-44—roofing and roofing materials to "building materials"; remove facilities limitations and to radial authority; 42. Subs 91, 102, 123, 124, 135, 137—general commodities with exceptions to "general commodities (except Classes A and B explosives and hazardous wastes)", all subs; remove restriction to traffic moving on freight forwarders bills of lading, Sub-91; broaden (a) Tamarac, FL, to Broward and Dade Counties; and Clifton, NJ, to Passaic County, Sub-102; (b) Bunkie, Mansura Junction, Hamburg, Simmesport, and Lettsworth, LA, to Avoyelles and Pointe Coupee Parishes, Sub-123; (c) Fernwood, Kokomo, Lexie, Tylertown, Black Bayou Junction, Minter City, Vance, Tutwiler, Belzoni, and Sunflower, MS, to Pike, Marion, Walthall, Leflore, Quitman, Tallahatchie, Humphreys and Sunflower Counties, Sub-124; (d) Subs-135 and 137 to radial authority and remove restriction to traffic originating at facilities of a named shipper association and its members; 43. Sub-97—industrial cleaners, weed killers, insecticides to "chemicals and related products"; remove facilities limitations and broaden Chamblee, GA to DeKalb County; Brisbane, CA, to San Mateo County; Camp Hill, PA, to Cumberland County; Charlotte, NC, to Mecklenburg County; Hialeah, FL, to Dade County, Keene, NH, to Cheshire County, Metairie, LA, to Jefferson and Orleans Parishes, Reno, NV, to Washoe County; 44. Sub-110F, part 1—industrial cleaners,

weed killers and insecticides to "chemicals and related products"; remove facility limitation and broaden Chamblee, GA, to DeKalb County; 45. Sub-113—chemicals and plastic bottles to chemicals and related products and rubber and plastic products;" 46. Sub-105—remove facilities limitation and broaden Terrell, TX, to Kaufman County; 47. Sub-106—office and household fixtures and furnishings and parts and materials, equipment and supplies to "furniture and fixtures"; remove originating at or destined to restriction; broaden Nappanee, IN, to Elkhart County and to radial authority; 48. Sub-52F, part 1—zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, zinc residue, zinc skimmings, to "metal and metal products"; remove facility limitation; remove originating at and destined to restriction; and broaden Josephtown, PA, to Beaver County; 49. Sub-62F, part 1—lead to "metal and metal products", remove facility limitation; remove originating at or destined to and in bulk restrictions; 50. Sub-77—non-ferrous scrap metal to "metal products"; 51. Sub-22—remove in bulk restriction; remove facilities limitation and broaden South Plainfield, NJ, to Middlesex County and City of Industry, CA to Los Angeles County; 52. Sub-23F, part 1—moulded pulp paper products, to "pulp, paper and related products" remove facility limitation and broaden Macon, GA, and Griffith, IN, to Bibb County, GA, and Lake County, IN; 53. Sub-40F—remove facility limitation and broaden Mobile, AL, to Mobile County; and Fond Du Lac, Green Bay, Marinette and Oconto Falls, WI, to Fond Du Lac, Brown, Marinette and Oconto Counties; 54. Sub-47—remove in bulk restriction; 55. Sub-92—broaden West Point, VA, to King Williams County; remove originating at and destined to restriction and to radial authority; 56. Sub-132—industrial steelcase batteries to "electrical equipment" and to radial authority; 57. Sub-45—electronic instruments, components, tables and stands therefor and toys and games to "electrical equipment and toys and games", broaden Greeneville and Jefferson City, TN, to Greene and Jefferson Counties and to radial authority; 58. Sub-21—bananas and pineapples and agricultural commodities the transportation of which is exempt under 49 U.S.C. 10526(a)(6)(B), in mixed loads with bananas to "food and related products" and to radial authority; 59. Sub-51F—canned and bottled foodstuffs, and pepper pulp, in drums to "food and related products"; broaden Cade and Lodes, LA, and Wilson, NC, to St. Martin, and Iberia Parishes, LA, and Wilson County, NC, and to radial authority; 60. Sub-83F—metal shelving, tables, checkout counters, and display racks, to "fixtures"; remove facility limitation and broaden Terrell, TX, to Kaufman County, and to radial authority; 61. Sub-98F—applejuice to "food and related products" remove faciltiy limitation and broaden Inman, SC, to Spartanburg County, Aspers, PA to Adams County, and Williamson, NY, to Williamson County; remove in bulk, in tank vehicle restriction and to radial authority; 62. Sub-99—(1) salt and salt products, and (2) materials, equipment and supplies in agriculture, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products to "food and related products", remove facility limitation; broaden Weeks Island, LA, to Iberia Parish, LA, and to radial authority; 63. Sub-112F part 1—(1) charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, fireplace logs, and barbecue supplies to "chemicals and related products, lumber and wood products, and metal products"; and remove in bulk restriction; 64. Sub-120 part 1—washing, cleaning, and scouring compounds and dispensers to "chemicals and related products"; 65. Sub-121 part 1—cleaning compounds and detergents to "chemicals and related products"; remove in bulk restriction and facilities limitation; 66. Sub-107—plastic brushes and plastic bristles to "rubber and plastic products"; remove facilities limitations and broaden Forest Dale and Middlebury, VT, to Chittenden and Addison Counties and to radial authority; 67. Sub-118—remove facilities limitation; 68. Sub-50F—dry cleaning and laundry equipment, materials and supplies and parts for the commodities above to "machinery", remove facility limitation to radial authority and remove in bulk and size and weight restrictions; 69. Sub-53F—automobile transmissions and parts and accessories for automobile transmissions to "transportation equipment"; remove facility limitation; and originating at or destined to restriction and broaden Fairhope, AL, to Baldwin and Mobile Counties; 70. Sub-48—remove in bulk restriction; 71. Sub-82F—television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, audio equipment, and accessories, and component parts for the above commodities to "appliances"; remove facility limitation and broaden Bloomington, IN, to Monroe County, and to radial authority; 72. Sub-94F, part 1—fireplaces, air heaters, ventilators, and barbecue grills, to "appliances and machinery"; and remove facility limitation; 73. Sub-130F—remove facility limitation and broaden Americus, GA, to Sumter County and Eufaula, AL, to Barbour County; 74. Sub-133F, part 1—home heating and air conditioning equipment, and outdoor recreational equipment, to "heating and air conditioning equipment and recreational equipment"; and remove in bulk and special equipment restrictions; 75. Sub-54, part 1; plastic pipe, fittings, valves, irrigation systems, pollution control equipment, steel and concrete tanks, and pumping stations (except commodities in bulk), to "pipe, machinery, and metal products" remove facility limitation and broaden Thomasville, GA, to Thomas County and remove originating at or destined to restriction; 76. Sub-56F—construction materials and oil and chemical absorbent materials (except commodities in bulk), to "construction materials and chemicals and related products"; remove facility limitation and broaden Summerville, SC, to Dorchester County; 77. Sub-69F—buildings (knocked down or in sections), and component parts to "building materials"; remove facility limitation and to radial authority; 78. Sub-75—remove in bags restriction and to radial authority; 79. Sub-89F—furniture, vanities, medicine cabinets, china sinks, china toilets, and plumbing fixtures, to "furniture and fixtures" and to radial authority; 80. Sub-127F, part 1—kitchen cabinets, vanities, shelf units, and hardwood flooring to "furniture and fixtures and floor coverings"; 81. Sub-109F; starch and pepper (except in bulk), to "food and related products" remove facility limitation and to radial authority; 82. Sub-126F—plastic film, to "rubber and plastic products" and remove facility limitation; and 83. Sub-129F, part 1—water heaters, domestic and commercial furnaces and air conditioners, and refrigerated appliances, metal and plastic containers, to "machinery, appliances, metal products and rubber and plastic products".

MC 148143 (Sub-16X), filed December 21, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant). Lead permit, broaden: general commodities (with exceptions) to general commodities (except classes A and B explosives, household goods, and commodities in bulk); and to between points in the U.S. under

continuing contract(s) with named shipper.

[FR Doc. 82-718 Filed 1-11-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-4]

Thomas E. Woodson, D.O.; Revocation of Registrations

On January 19, 1981, the Drug Enforcement Administration [DEA] directed two Orders to Show Cause to Thomas E. Woodson, D.O., of Seattle and Everett, Washington. The Orders to Show Cause advised Dr. Woodson (Respondent) that DEA was proposing to revoke his DEA Certificates of Registration, AW5756424 and AW5756436, for reason that the Supreme Court of the State of Washington had ruled that the Respondent was without authority to prescribe, dispense or administer controlled substances under the laws of the State of Washington. The Respondent requested a hearing and this matter was placed on the docket of Administrative Law Judge Francis L. Young. An Order for Prehearing Statements was issued by Judge Young on February 27, 1981.

On March 12, 1981, the Government filed a Motion for Summary Disposition with a supporting memorandum. The thrust of this motion was that there exists no genuine issue of material fact, that as a matter of law the Respondent's registrations must be revoked because he is not authorized to dispense under Washington State law, and that there was no need to hold an evidentiary hearing. A copy of the Washington Supreme Court opinion was attached. Upon receipt of the motion, the Administrative Law Judge vacated his Order for Prehearing Statements and provided the Respondent with an opportunity to file a response to the Government's motion.

The Respondent, through counsel, filed a response in which he argued that the Washington State Supreme Court decision should not be considered as dispositive of the question of whether or not the Respondent is authorized to dispense controlled substances under Washington law. He also asserted that this matter could not be properly disposed of in a summary manner.

Following a conference of counsel for both sides with the Administrative Law Judge, Government counsel addressed a request to the Washington State Board of Pharmacy for a certification as to whether or not the Respondent was currently authorized to dispense, prescribe, administer or otherwise handle controlled substances under the laws of the State of Washington. Subsequently, Government counsel received, and filed, a letter from the Acting Executive Secretary of the State of Washington Board of Pharmacy with an attached memorandum to the Acting Executive Secretary from the State Attorney General's office. Government counsel renewed his motion for summary disposition, now supported by these two additional documents.

Counsel for the Respondent filed a reply and a second conference of counsel was held by the Administrative Law Judge in his office on June 25, 1981. Judge Young heard both attorneys at some length. In particular, he asked Respondent's counsel to articulate any issues of fact which he believed required an evidentiary hearing. No such issues were specified.

The Administrative Law Judge carefully examined all of the papers filed in this matter, including the En Banc opinion of the State Supreme Court, the letter from the Washington State Board of Pharmacy and the attachment thereto, and the current provisions of the Revised Code of Washington Annotated (RCW), 69.50.301, and following.

Judge Young found that the State Supreme Court clearly held that the Respondent, having only a "limited certificate" to practice osteopathy in Washington, was "not authorized to dispense drugs." The Court was speaking, of course, in light of the law as it existed at the time that the litigation in the state courts began. The Court discussed the law as it then existed, and its development over the years, at considerable length. The Respondent argued that recent amendments to the Washington code have changed the State law so as to permit the Respondent to dispense or otherwise handle controlled substances under the law as it exists today. After studying the new language of RCW § 18.57.020 in light of the State Supreme Court's opinion, the Administrative Law Judge concluded that the Respondent was mistaken. Judge Young agreed with the conclusion of the Assistant Attorney General who authorized the memorandum attached to the Board of Pharmacy letter that "Dr. Woodson only holds a limited certificate to practice osteopathy and he is not authorized to dispense, prescribe or administer controlled substances under Washington law." Judge Young further found that the Washington State Board of Pharmacy, the organ of the Washington State government empowered to speak officially and authoritatively with respect to authorization to dispense controlled substances, had formally stated that the Respondent was not currently authorized to dispense, prescribe, administer or otherwise handle controlled substances under the laws of the State of Washington.

Section 303(f) of the Controlled Substances Act, 21 U.S.C. 823(f), provides that a practitioner such as the Respondent shall be registered by DEA to dispense controlled substances under the law of the state in which he practices. Accordingly, the Administrative Law Judge concluded that the Respondent cannot be registered to dispense controlled substances in Washington. He recommended that the Acting Administrator revoke the Respondent's two DEA registrations.

The Acting Administrator of the Drug Enforcement Administration has carefully considered the record of these proceedings. He has concluded that the findings and conclusions of the Administrative Law Judge are correct and that revocation in this case is absolutely required by the law. Accordingly, the Acting Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety.

The Drug Enforcement Administration has consistently held that when a practitioner lacks requisite state authorization to handle controlled substances, DEA is without statutory authority to issue, or to maintain, a registration. In such cases, a motion for summary disposition is properly entertained and granted. See, *Marshall S. Tuck, M.D.*, Dk. 80-28, 45 FR 85845 (1980); *James Waymon Mitchell*, Dk. 79-16, 44 FR 71466 (1979); *John W. Whitenight, D.O.*, Dk. 77-30, 43 FR 28259 (1978); *Joseph A. Greco, M.D.*, Dk. 77-9. 42 FR 56647 (1977). Clearly, in circumstances such as these, there is no need for a plenary evidentiary administrative hearing. The law does not require that Government agencies perform useless and meaningless acts. *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 455 F. 2d 432, 453 (9th Cir. 1971); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F. 2d 634 (9th Cir. 1977).

Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 824, as redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR § 0.100, the Acting Administrator hereby orders that DEA Certificates of Registration

AW5756424 and AW5756436, previously issued to Thomas E. Woodson, D.O., be, and they hereby are, revoked, effective February 11, 1982.

Dated: January 6, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc 82-699 Filed 1-11-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-230-C]

Carbon Fuel Co.; Petition for Modification of Application of Mandatory Safety Standard

Carbon Fuel Company, 1300 One Valley Square, Charleston, WV 25301 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 36 Mine located in Kanawha County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The deterioration of the roof and roof support system in section 7 has rendered these return aircourses unsafe to travel.

3. As an alternative method, petitioner proposes to danger off specified entries in section 7 and the return airways in their entirety. Checkpoints will be established at specified locations in this area.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 11, 1982. Copies of the petition are available for inspection at that address.

Dated: December 30, 1981

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc 82-745 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-241-C]

Colorado Westmoreland Inc.; Petition for Modification of Application of Mandatory Safety Standard

Colorado Westmoreland Inc., P.O. Box E, Paonia, Colorado 81428, has filed a petition to modify the application of 30 CFR 75.1714-2(e)(3) (self-rescue devices; use and location requirements) to its Orchard Valley Mine located in Delta County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescuer (SCSR) devices not be placed more than 25 feet from miners on mantrips into and out of the mine.

2. Exposing the SCSR devices to the extreme winter mine temperatures and vibration extremes may render the devices inoperable.

3. As an alternative method, petitioner requests that the approved method to "cache" SCSRs for all situations except mantrips be expanded to include protection for mantrips.

4. In support of this request, petitioner states that:

a. All persons would personally carry the existing filter-type self-rescuers, thus assuring that each employee is protected at all times and has greater protection with additional oxygen-generating self-rescuers "cached" throughout the mine;

b. All employees will be familiar with the locations of all "cached" SCSRs and be required to inspect each apparatus each shift;

c. Periodic "caches" throughout the mine would allow an alternate apparatus should one unit fail;

d. Wearing the present filter-type self-rescuer would give added protection in the event of SCSR failure.

5. For those reasons petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 11, 1982. Copies of the petition are available for inspection at that address.

Dated: December 30, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-744 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Washington State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Sections 1952.120–124 of Subpart F set forth the State's schedule for the adoption of Federal standards. By letter dated July 10, 1981 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to Federal standard 29 CFR 1910.261, Pulp, Paper, and Paperboard Mills. The original Federal Standard was published in the **Federal Register** (36 FR 10669) on May 29, 1971. Subsequent revisions were published in the **Federal Register** on October 24, 1978 (43 FR 49751).

The Washington Pulp, Paper, and Paperboard Mills Standard, which is contained in Chapter 296-79 WAC, was promulgated pursuant to 34-04 RCW and to the Open Public Meetings Act of 1971, Chapter 42.30 on July 10, 1970 and subsequently amended on April 3, 1974, January 30, 1976, October 8, 1976, January 10, 1977, April 13, 1977, July 11,

1977, January 8, 1981, and June 17, 1981 to accommodate State/Federal amendments and corrections since the original publication of 29 CFR 1910.261.

2. *Decision.* Having reviewed the State submission in comparison with the Federal Standard, it has been determined that, on the basis of the provision in the standard that the State's tagout procedures will be phased out within one year after the effective date of July 17, 1981, the State's lockout provision, WAC 296–79–220, will then be as effective as the several lockout provisions in 29 CFR 1910.261, the standard will be as effective as the comparable Federal Standard and accordingly should be approved.

Other significant differences from the Federal standard are: (a) Certain State Standards are incorporated by reference in the comparison documents in response to appropriate Federal standards. The referenced State Standards apply in *all* workplaces and across the entire spectrum of industry. (b) The State's response to 29 CFR 1910.261(k)(1) is more effective in that the emergency stop controls must be located at the operator's position and at all normal operating stations. (d) The State's responses to 29 CFR 1910.261(k)(13)(i) & (ii) "Broke Hole" are more effective in that a standard guardrail is considered to be minimum protection and additional measures are required where possible.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N–3613, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are as effective as the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State law and further participation would be unnecessary.

This decision is effective January 12, 1982.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 28th day of August 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 82–768 Filed 1–11–82; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

Application for Licenses to Export/Import; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before February 11, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated: January 6, 1982, Bethesda, Maryland.

For The Nuclear Regulatory Commission.

James B. Devine,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant; date of application; date received and application No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Isotope		
Edlow Int'l; 12/07/81; 12/08/81; and XSNM01897.	3.15% enriched uranium	7,136	225	Reload fuel for Genkai Unit 1	Japan.
Transnuclear; 12/16/81; 12/18/81; XSNM01899.	98.3% enriched uranium	98,000	91,434	For use as driver fuel, fast neutron rods and production rods in the NRX and NRU reactors in 1984–85.	Canada.
Transnuclear; 12/16/81; 12/18/81; XSNM01900.	93.3% enriched uranium	89,000	82,357	For use as driver fuel, fast neutron rods and production rods for the NRX and NRU reactors for 1985–86.	Canada.
Combustion Eng.; 12/21/81; 12/21/81; XSNM01901.	3.27% enriched uranium	198,100	5,216	Initial core loadings for Laguna Verde Power Sta. Plant 2, Units 3 and 4.	Mexico.
Combustion Eng.; 12/21/81; 12/21/81; XSNM01902.	3.80% enriched uranium	450,000	17,500	5 reloads each, Laguna Verde Power Sta, Plant 2, Units 3 and 4.	Mexico.
Exxon Nucl. Co.; 12/16/81; 12/22/81; XSNM01903.	3.5% enriched uranium	27,200	952	2 reloads—Oskarshamn Unit 1	Sweden.
Transnuclear; 12/28/81; 12/29/81; XSNM01905.	93.3% enriched uranium	11,700	10,916	Fuel for FRJ–2 (DIDO)	W. Germany.
Mitsubishi Int'l; 12/14/81; 12/22/81; IU81025.	Natural uranium	1,300,000		For conversion from U_3O_8 to UF_6 by Allied Chemical and then reexport to Japan for Kansai Elect. Power Co.	From S. Africa.
Transnuclear; 12/28/81; 12/29/81; XSNM01025.	1.02% enriched uranium	20,000	204	Enriched feed material for Obrigheim fuel enriching contract.	From France.
Combustion Eng.; 12/21/81; 12/21/81; XR1402.				2PWR's 1300 MWe each, Laguna Verde Power Sta., Plant 2, Units 3 and 4.	Mexico.

[FR Doc. 82–769 Filed 1–11–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-317 and 318]

Baltimore Gas and Electric Co. Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 64 and 46 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to provide updated Limiting Conditions for Operation and Surveillance Requirements for dynamic component restraints (snubbers), delete the restriction on performance of the 60 month reserve battery capacity test, and assign the reserve battery to a capacity test load group.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1981, (2) Amendment Nos. 64 and 46 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of December 1981.

For The Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-772 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 CP & 50-330 CP]

Consumers Power Co. (Midland Plant, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Gary J. Edles

Dated: January 5, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-773 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co., Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 106, 106, and 103 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TS limits on the out-of-service times for the emergency feedwater system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 17, 1981, (2) Amendments Nos. 106, 106, and 103 to Licenses Nos. DPR-38, PR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-774 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320 OLA]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit 2) Modification of Order

I

December 30, 1981.

Metropolitan Edison Company (Met Ed), Jersey Central Power and Light Company (JCP&L) and Pennsylvania Electric Company (PENELEC) (the Licensees) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order for Modification of License, dated July 20, 1979, the Licensees'

authority to operate the facility was suspended and the Licensees' authority was limited to maintenance of the facility in the present shutdown cooling mode. 44 FR 45271 (August 1, 1979). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility. 45 FR 11282 (February 20, 1980). These requirements were memorialized in the form of proposed Technical Specifications set forth in an attachment to the Order.

II

By Amendment No. 18 to Facility Operating License No. DPR–73, issued concurrently with this Modification of Order, GPU Nuclear Corporation ("GPUNC"), a wholly-owned subsidiary of General Public Utilities Corporation (GPU), has replaced Met Ed as the sole Licensee authorized to operate TMI–2. The three original Licensees continue, however, to be owners of the facility and, although GPUNC becomes a licensee of the facility, all of its funding is provided by and its financial obligations assumed by Met Ed, JCP&L, and PENELEC.

Since the organizational structure of GPUNC differs in some respects from that of Met Ed, certain proposed Technical Specifications are being modified to reflect changes in title. These modifications do not alter the substance of the specifications in any manner.

The Staff has prepared a Safety Evaluation in support of Amendment No. 18. This evaluation concluded in material part, that the modification proposed in the Amendment does not involve a significant hazards consideration and that there is reasonable assurance that the health and safety of the public will not be endangered thereby.

It was further determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact appraisal need not be prepared herewith.

On the basis of that Safety Evaluation, the Staff has also concluded that the Amendment to the license and the conforming changes to the proposed Technical Specifications will strengthen the Licensees' organization for the continued maintenance of the safe shutdown condition of the facility and for its recovery. As such, the public health, safety, and interest warrant the effectiveness of the Amendment and Modification of Order on January 1, 1982.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, proposed Technical Specifications 3.7.6.1, 6.1, 6.2, 6.3, 6.4, 6.5.1.6, 6.5.1.7, 6.5.1.8, 6.5.2.2, 6.5.2.9, 6.5.2.10, 6.5.2.11, 6.6.1, 6.7.1, 6.8.2, 6.8.3.1 and 6.8.3.2 imposed by the director's Order of February 11, 1980, are modified, effective on January 1, 1982, in the manner described in Section II of this Order and as set forth specifically in Attachment A hereto.

For details with respect to this action see (1) Amendment No. 18 to Operating License DPR–73, (2) Technical Specification Change Request No. 31, dated September 14, 1981, (3) Director's Order of February 11, 1980, and the Staff's Safety Evaluation related to this action. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Effective date: December 30, 1981.

Dated at Bethesda, Maryland, this 30th day of December 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Office of Nuclear Reactor Regulation.

[FR Doc. 82–775 Filed 1–11–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Metropolitan Edison Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–73, previously issued to Metropolitan Edison Company (Met-Ed), Jersey Central Power & Light Company (JCP&L), and Pennsylvania Electric Company (PENELEC). Operating License No. DPR–73 formerly authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2) located in Dauphin County, Pennsylvania, but that authorization was suspended by an Order for Modification of License, limiting the authorization to maintaining the facility in its present safe shutdown condition. 44 FR 45271 (August 1, 1979). This amendment effects changes to License No. DPR–73 by replacing Metropolitan Edison Company with GPU Nuclear Corporation (GPUNC) as the sole licensee authorized to operate the Three Mile Island Nuclear Station, Unit No. 2 (TMI–2). GPUNC will provide the technical and managerial support for the operation of TMI–2, with TMI–2 still being owned by Met-Ed, JCP&L and PENELEC.

By concurrent action the Commission's Director of the Office of Nuclear Reactor Regulation has issued a Modification of his February 11, 1980 Order (45 FR 11282, February 20, 1980), which had imposed the requirements of proposed Appendix A Technical Specifications incorporated in the license, to reflect changes in titles resulting from the change in operating entities.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has also determined that the changes effected by the amendment and the Modification of Order will result in a strengthening of the licensee's organization for the continued maintenance of the safe shutdown condition of the facility and for its recovery. On this basis, the Commission has concluded that the public health, safety and interest warrant that the amendment and the Modification of Order should become effective January 1, 1982.

For further details with respect to this action, see (1) the application for amendment dated September 14, 1981, (2) Amendment No. 18 to License No. DPR–73 limiting the authorization to maintain the facility in its present safe shutdown condition, (3) the Modification of Order issued as part of the approval of this amendment, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Program Director, TMI Program Office, Office of the Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 30th day of December 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 82-776 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-42, and Amendment No. 47 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications concerned with the operation of the steam exclusion dampers, the applicability of the containment pressure and temperature limits and the deletion of special tests which have been completed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the aplication for amendments dated August 27, 1976, (2) Amendment Nos. 53 and 47 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of December 1981.

For The Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 82-777 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Operating License No. DPR-59 issued to the Power Authority of the State of New York which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment is administrative in nature in that it deletes redundant emergency planning Technical Specification requirements already set forth by § 50.54 to 10 CFR Part 50.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 18, 1981, (2) the supplemental submittal dated December 31, 1981, (3) Amendment No. 61 to License No. DPR-59, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 82-778 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 35 and No. 15 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised the Technical Specifications for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective 7 days from the date of issuance.

The amendments revise the Technical Specification for determining the Quadrant Power Tilt Ratio when above 75% of rated thermal power with one Power Range Channel inoperable.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and

environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 21, 1981 (Serial No. 491); (2) Amendment No. 35 and No. 15 to Facility Operating Licenses No. NPF–4 and NPF–7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of December, 1981.

For The Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82–779 Filed 1–11–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12133; (811–1876)]

Capital Venture Fund, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

January 4, 1982.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Capital Venture Fund, Inc. ("Fund"), 1050 Northgate Drive, San Rafael, CA 94903, registered under the Act as an open-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of Delaware on May 29, 1969, and that it registered under the Act on June 2, 1969. The Fund did not file a registration statement under the Act nor a registration statement under the Securities Act of 1933 in order to make a public offering of its shares. It has not filed any of the periodic reports required by the Act since it registered under the Act. Finally, information in the Commission's files indicates that the Fund was abandoned, and that it ceased to exist as a corporate entity. Thus, it appears that the Fund is not engaged in the business of being an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and upon the taking effect of that order, the registration of that company shall cease to be in effect.

Notice is further given that any interested person may not later than January 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–712 Filed 1–11–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22345; (70–6682)]

Central and South West Corp.; Proposed Issuance and Sale of Common Stock

January 5, 1982.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75250, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSW proposes to issue and sell by competitive bidding in one or two transactions by December 31, 1982 up to 10,000,000 shares of its common stock, par value $3.50 per share. Net proceeds, estimated at $155 million, from the sale of the stock will be used to retire short-term debt incurred to finance capital contributions to wholly-owned subsidiaries.

By supplemental order dated December 10, 1981 (HCAR No. 22310), CSW was authorized to issue and sell up to 10,000,000 shares of its authorized and unissued common stock, par value $3.50 per share, not later than January 31, 1982. The authorization currently requested in this proceeding would be in lieu of the authorization granted in the December 10, 1981 order. Should conditions render competitive bidding inappropriate and unwise, CSW would amend this declaration to seek an exception from competitive bidding.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment or request a hearing should submit their views in writing by January 28, 1982 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 82-711 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12134; (812-4987)]

Tucker Anthony Mutual Fund; Filing of Application Pursuant to Section 6(c) of the Act for an Order Exempting Applicant From Section 2(a)(41) of the Act and the Rules 2a-4 and 22c-1 Thereunder

January 4, 1982.

Notice is hereby given that Tucker Anthony Mutual Fund ("Applicant"), Three Center Plaza, Boston, MA 02108, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified, management investment company, filed an application on October 8, 1981, requesting on order of the Commission pursuant to section 6(c) of the Act to exempt the Applicant from the provisions of section 2(a)(4) of the Act and rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value the portfolio assets of its Government Securities Fund series on the basis of the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the investment adviser for the Applicant is Tucker Anthony Management Corporation. Applicant was formed as a Massachusetts business trust in 1980 and initially had only one series of shares, designated as Tucker Anthony Cash Management Fund. Applicant received an exemptive order permitting the use of amortized cost pricing for that series on March 25, 1981 (Investment Company Act Release No. 11702).

Applicant states that it has established a second series called the Tucker Anthony Government Securities Fund ("Fund"). The Fund will offer to individuals, corporations, fiduciaries and institutions a means of investing in a professionally managed portfolio consisting of specified types of short term securities, with the objective of obtaining as high a level of current income as is consistent with the preservation of capital and liquidity. Applicant states that the Fund will invest exclusively in short term obligations issued or guaranteed as to principal and interest by the United States Treasury or an agency of the United States Government, or in repurchase agreements with respect to such obligations.

Applicant's board of trustees has determined in good faith that absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and will be in the best interests of the shareholders of the Fund and reflects the fair value of such securities. Applicant asserts that under the amortized cost method, the Fund shareholders would have the conveniences and advantages of a stable purchase and redemption price of $1.00 per share.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except as a price based on the current net asset value of such securities which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair market value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that use of the amortized cost method of valuing the Fund's portfolio securities will benefit the Fund shareholders by enabling Applicant to maintain a $1.00 per share purchase and redemption price for the Fund's shares. Applicant believes that the granting of the requested exemptions by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested.

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

---

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Fund's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are in the two highest ratings by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 25, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–710 Filed 1–11–82; 8:45 am]

BILLING CODE 8010–01–M

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 5, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

AZL Resources Incorporated, Common Stock, No Par Value (File No. 7–6110)
Dataproducts Corporation, Common Stock, $.10 Par Value (File No. 7–6111)
HRT Industries, Incorporated, Common Stock, $1 Par Value (File No. 7–6112)
Omnicare, Incorproated, Common Stock, $1 Par Value (File No. 7–6113)
Supron Energy Corporation, Common Stock, $1 Par Value (File No. 7–6114)
Thackeray Corporation, Common Stock, $.10 Par Value (File No. 7–6115)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 26, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–738 Filed 1–11–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22352; (70–6684)]

The Narragansett Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds

January 5, 1982.

The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, an electric utility subsidiary of New

England Electric System ("NEES"), a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder. Narragansett proposes to issue and sell prior to December 31, 1982, up to $20,000,000 principal amount of a new series of first mortgage bonds having a term of not more than 30 years. The terms will be determined by competitive bidding. The bonds will be issued under Narragansett's First Mortgage Indenture and Deed of Trust dated as of September 1, 1944, as supplemented and as to be further supplemented. Net proceeds from the sale of the bonds, together with other available cash, will be used by Narragansett to finance its business, including retirement, in part, of two bond series aggregating $21,900,000, maturing March 1, 1982, and payment of short-term debt. If the bond issuance and sale is postponed beyond the intended sale date of March 1, 1982, Narragansett will retire the maturing bonds with Treasury funds and the proceeds of short-term borrowings either presently authorized or as may be further authorized.

If market conditions make competitive bidding impracticable or undesirable, Narragansett will, subject to further Commission authorization, either place the bonds privately with institutional investors or negotiate with underwriters for the sale of the bonds.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 28, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-738 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

Tannetics, Inc., Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

[File No. 1-7735]

January 5, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exhange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Tannetics, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on December 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 28, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-737 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12140; (812-5011)]

Winthrop Residential Associates II One Winthrop Properties, Inc. and Linnaeus-Hampshire Realty Co.; Filing of Application Pursuant to Section 6(c) of the Act for Exemption From All Provisions of the Act

January 5, 1982.

Notice is hereby given that Winthrop Residential Associates II ("Partnership"), 225 Franklin Street, Boston, Massachusetts 02110, a Maryland limited partnership and its general partners, One Winthrop Properties, Inc. ("One Winthrop") and Linnaeus-Hampshire Realty Company ("Linnaeus") ("General Partners" and, together with the Partnership, collectively referred to hereinafter as "Applicants"), filed an application on November 9, 1981, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act and rules therunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Partnership is virtually identical to Winthrop Residential Associates I, an earlier real estate limited partnership sponsored by First Winthrop Corporation which pursuant to an order of the Commission dated June 9, 1981 (Investment Company Act Release No. 11807), was granted an exemption from all the provisions of the Act and the rules and regulations thereunder.

Applicants state that the Partnership was formed under the Maryland Uniform Limited Partnership Act on October 21, 1981, as a vehicle for equity investment in government-assisted rental housing in accordance with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnership will operate as a "two-tier" entity, i.e., the Partnership, as a limited partner, will invest in other limited partnerships ("Local Limited Partnerships"), that in turn, will engage in the development, rehabilitation, ownership and operation of housing for low and moderate income persons.

Applicants state that in approximately 15% to 30% of the Local Limited Partnerships, and affiliate of the Artery Organization, Inc., ("Artery"), will participate as a limited partner initially with the right to become a general partner upon the withdrawal of the local general partner.

Applicants state that on November 9, 1981, the Partnership filed a registration statement under the Securities Act of 1933 (the "Securities Act"), pursuant to which the Partnership intends to offer publicly 15,000 units of limited partnership interest ("Units") at $1,000 per Unit with a minimum investment of $5,000 per investor. Purchasers of Units will become limited partners ("Limited Partners") of the Partnership. According to the application the Partnership has registered a total of 25,000 Units and has granted to Winthrop Securities Co., Inc. ("Selling Agent"), a right, to sell up to 10,000 additional Units. It is estimated that the Partnership will have as net proceeds of its public offering, a minimum of $1,305,000 and a maximum of $13,575,000 ($22,725,000 if the Selling Agent exercises its right to sell an additional 10,000 Units) available for investment after deduction for sales commissions, anticipated offering expenses, acquisition fees and expenses, and the establishment of a contingency reserve.

Applicants state that subscriptions for Units must be approved by One Winthrop (the "Managing General Partner"), and that such approval will be made conditional upon representations concerning suitability of the investment for each subscriber. Applicants further state that the partnership agreement pursuant to which the Partnership is formed ("Partnership Agreement") will require that, at least for the first five calendar years of the Partnership's operation, transfers of Units will be permitted only if the transferee meets the same suitability standards that had beem imposed upon the transferor Limited Partner.

Applicants state that the Partnership will be controlled by the General Partners, and the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. Limited Partners owning a majority of Partnership interests will have the right to amend the Partnership Agreement, dissolve the Partnership, remove any General Partner and elect a replacement therefore, and to dissolve the Partnership. Any amendment to the Partnership Agreement, however, may not allow the Limited Partners to take part in the control of the Partnership's business or otherwise affect their limited liability.

According to the application, the Partnership will receive an opinion of counsel to the effect that the Partnership's liability in respect of each Local Limited Partnership will be limited to the Partnership's capital contribution to the Local Limited Partnership. Applicants represent, in addition, that under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that the Partnership intends to invest only in Local Limited Partnerships in which an experienced real estate developer will agree to serve as the managing general partner for at least 10 years. If the local general partner is unwilling to serve in such capacity for at least 10 years, Applicants state that the Partnership will invest in that Local Limited Partnership only if an entity affiliated with Artery ("Artery Affiliate") participates as a limited partner, with the right to become the managing general partner under specified circumstances. Applicants also state that the Partnership expects to be able to negotiate more favorable prices for its investments in those Local Limited Partnerships in which an Artery Affiliate participates as a partner that otherwise would be possible, since the participation of the Artery Affiliate will allow the local general partner to withdraw following completion of construction or rehabilitation of the project.

According to the application, substantial fees and other forms of compensation will be paid to the General Partners, their affiliates and Artery Affiliates. The Applicants represent that all such compensation will be fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. In addition, compensation in various forms will be paid to the local general partner of each Local Limited Partnership, in amounts estimated to equal 10% to 15% of the cost of each Local Limited Partnership project.

Applicants state that the Partnership expects to file with the Commission, pursuant to Section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"), all required annual reports, quarterly reports, and current reports on Forms 10–K, 10–Q and 8–K, respectively, as well as any other reports required by the Exchange Act. In addition to those reporting requirements, Applicants state that the Partnership will, under the terms of the Partnership Agreement, be required to provide comprehensive reports to Limited Partners on a periodic basis. Applicants also state that until the net proceeds of the Partnership's public offering have been fully invested or returned to the Limited Partners, the Partnership will furnish each Limited Partner, at least quarterly with a report concerning the investments of the Partnership.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from all provisions of the Act pursuant to Section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 1, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporarenously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice, and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-739 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18393; File No. SR-CBOE-81-28]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Proposed Rule Change Relating to the Date Membership Dues Are Payable

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 23, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Text of the Proposed Rule Change.*

Additions are italicized; deletions are bracketed.

Membership Dues

Rule 2.20. The dues payable by members shall be fixed from time to time by the Board. Dues shall be payable [on the last day of September, December, March and June of each year] *in full on the first day of January, April, July and October on a nonrefundable basis and shall be applied to the quarter beginning on that day.* The Board may, on the request of a member who is serving on active duty in the Armed Forces of the United States, waive dues during the period of such service.

II. A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is (1) to change the liability date for quarterly membership dues from the day before a quarter begins to the first day of that quarter and (2) to make explicit that such dues are not refundable, for example, in the event of a membership sale or transfer. The basis under the Securities Exchange Act of 1934 (the Act) for the proposed change is section 6(b)(4), in that the Exchange continues to provide for the equitable allocation of reasonable dues among its members.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change would not impose a burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Formal comments on the proposed rule change were neither solicited nor received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 2, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 6, 1982.

[FR Doc. 82-781 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18394; File No. SR-NASD-81-24]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Proposed Rule Change; Relating to Advertising Guidelines for Investment Companies and Variable Contracts

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.*

The purpose of the proposed guidelines is to assist members in complying with the Association's rules governing the content of public communications.

II. *Self-Regulatory Organization's Statements Regarding the Proposed Change.*

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

Association members must conform to principles of fair dealing and good faith in public communications as specified in Article III, Section 35 of the Rules of Fair Practice. Certain communications, such as those concerning investment company securities or variable contracts can be quite complicated or technical, particularly if related to investment results or comparisons. Experience with the Commission's Statement of Policy (withdrawn on March 8, 1979) demonstrated that, because there are numerous methods of presenting such data, a variety of purposes for such presentations, and important differences among investment companies in terms of investment objectives and risk, precise standards which apply to all situations are

virtually impossible to develop. The guidelines, therefore, present general principles to be applied by members. Non-compliance with the guidelines will not, in and of itself, be the basis for disciplinary action.

The statutory basis for the proposed rule change is found in Section 15A(b)(6) of the Securities Exchange Act of 1934. The Association believes that the guidelines will further the role of the NASD in regulating its members' sales literature and advertising and therefore in protecting the interests of the investing public.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Association does not believe that the guidelines will impose a burden on competition that is not necessary in furtherance of the purposes of the Act. The Association believes that the guidelines are necessary to the membership in compliance with Article III, Section 35 of the Association's Rules of Fair Practice.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

A total of five comments were received on the guidelines as proposed. Two of the commentators suggested that the guidelines include more specific standards concerning comparisons of money market mutual funds with bank investments and the use of certain terminology by money market funds. While the Association is sympathetic with the concerns of these commentators, it was not felt that the approach suggested would be consistent with that of the guidelines, which is to focus on general principles and not specific requirements or prohibitions. The other three commentators expressed concern that certain sections of the proposed guidelines dealing with performance illustration standards were too rigidly worded and implied requirements. In response thereto, the Board of Governors agreed that the language as proposed was unduly rigid and revised the guidelines to clarify the fact that, while certain standards are recommended, they are not required.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 2, 1982.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: January 6, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–782 Filed 1–11–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Metro Capital Corp.; Surrender of License

[License No. 04/04–5177]

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration's Rules and Regulations governing Small Business Investment Companies (CFR 107.105 (1981)), Metro Capital Corporation, 5403 Aloha Place, Holiday, Florida 33590, incorporated under the laws of the State of Florida, has surrendered its License Certificate No. 04/04–5177, issued by SBA on February 5, 1981.

Metro Capital Corporation has complied with the conditions set forth by SBA for surrender of its License. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited Regulation, the License of Metro Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 6, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–726 Filed 1–11–82; 8:45 am]

BILLING CODE 8025–01–M

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

AGENCY: Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors may consider a resolution to close a portion of the meeting pursuant to Article II section 4 of the Corporation's By-laws, section 116(f) of the said Act and sections 4 and 5 of the said policy.

Meeting Open To The Public—8:30 a.m.

1. Approval of minutes of prior meeting.
2. Consideration of project strength criteria.
3. Consideration of the Corporation's annual report to the Congress.
4. Management status report.
5. Budget status report.
6. Department of Energy projects.
7. Compensation and employee relocation policies.
8. Consideration of insurance matters.
9. Briefing by Office of Planning.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

Time and Date: 8:30 a.m., January 18, 1982.

Place: Radisson Plaza Hotel, Nashville, Tennessee.

Person to Contact for More Information:

If you have questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653–4230.

Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

January 6, 1982.

[FR Doc. 82–787 Filed 1–11–82; 8:45 am]

BILLING CODE 6450–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 7
Tuesday, January 12, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Home Loan Bank Board	1
Federal Maritime Commission	2
Federal Reserve System	3
Nuclear Regulatory Commission	4

1

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Issue No. (none at this time) Page No. (none at this time) Date to be published, Friday, January 8, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, January 8, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following has been renamed.

Old Name: Amortization of Discounts on Purchases of Long-Term, Deep Discount Securities

New Name: Amortization of Certain Discounts and Matching Losses

[No. 3, January 7, 1982]

[S–36–82 Filed 1–7–82; 4:03 pm]

BILLING CODE 6720–01–M

2

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 887, January 7, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 13, 1982.

CHANGE IN THE MEETING: Addition of the following item to the open session:

7. Report on terminal handling charges of conferences serving the U.S. East and Gulf Coast trades.

[S–38–82 Filed 1–8–82; 10:33 am]

BILLING CODE 6730–01–M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, January 18, 1982.

PLACE: 20th Street and Constitution Avenue. NW, Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: January 8, 1982.

James McAfee,

Assistant Secretary of the Board.

[S–39–82 Filed 1–8–82; 3:15 pm]

BILLING CODE 6210–01–M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 11, 1982 (additional items).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Wednesday, January 13:

2:00 p.m.

1. Discussion of Pending Adjudicatory Matter (approximately 30 minutes)
2. Discussion of Export Licensing Policy

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

January 6, 1982.

Walter Magee,

Office of the Secretary.

[S–37–82 Filed 1–8–82; 8:45 am]

BILLING CODE 7590–01–M

Reader Aids

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5
589-744.....6
745-934.....7
935-1108.....8
1109-1256.....11
1257-1366.....12

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1
November 14, 1912 (Revoked by PLO 6101).....769

5 CFR

410.....935
1201.....936

Proposed Rules:
Ch. I.....154
352.....956
550.....958
610.....958
890.....961

7 CFR

Subtitle B.....745
2.....5, 6
68.....129
282.....532
301.....1257
425.....6
631.....130
701.....937
800.....131
905.....589
906.....1265
907.....746
910.....939
944.....747, 1265
1924.....590
1942.....590

Proposed Rules:
102.....631
979.....631
1006.....814
1007.....962
1012.....814
1013.....814
1033.....814
1036.....814
1040.....814
1124.....814
1125.....814
1133.....814
1134.....778, 814
1135.....814
1136.....778, 814
1137.....778, 814
1139.....814
1250.....1105
1865.....33
1951.....33

8 CFR

101.....940
204.....942
238.....131
264.....940
316a.....132

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
82.....1109
92.....591

10 CFR

40.....8
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:
Ch. XVI.....1138
317.....1137
378.....817
440.....1299
457.....1301
500.....161
501.....161
503.....161
790.....1302

12 CFR

5.....132
203.....750
213.....755
217.....9
226.....755
327.....943

Proposed Rules:
701.....963
702.....633

13 CFR

120.....9
124.....1109

14 CFR

21.....756
39.....10-14, 759, 1110-1113
71.....15-18, 759, 760, 1113-1115
73.....16
75.....18
97.....1115
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138

321..... 139
380..... 140
399..... 140

Proposed Rules:
Ch. I..... 817
39..... 1140–1142
71..... 36–38, 1144, 1145
73..... 1146
91..... 818
296..... 633
297..... 633

15 CFR

50..... 18
371..... 609
373..... 609
376..... 609
378..... 609
379..... 141
385..... 141, 609
390..... 144
399..... 141, 609

16 CFR

305..... 18, 19

17 CFR

201..... 609
211..... 1266

18 CFR

Ch. I..... 613
141..... 1267
270..... 614
282..... 20

Proposed Rules:
141..... 39
271..... 39, 638
273..... 638
274..... 638

19 CFR

10..... 944
101..... 1286

20 CFR

Ch. I..... 145
Ch. V..... 145
Ch. VI..... 145

Proposed Rules:
Ch. I..... 402
Ch. V..... 402
Ch. VI..... 402
404..... 642
416..... 642

21 CFR

1..... 946
2..... 946
73..... 946
105..... 946
135..... 1287
170..... 946
172..... 946
173..... 145
175..... 1288
176..... 1288
178..... 1288
193..... 616
510..... 146
522..... 146
558..... 1289

Proposed Rules:
20..... 162
146..... 963
168..... 163
310..... 424, 430
333..... 436
357..... 444–512
358..... 522

23 CFR

Proposed Rules:
635..... 1146

24 CFR

201..... 616, 617
203..... 916
234..... 916
511..... 1117
540..... 1117
541..... 1117
551..... 1117
555..... 1117
556..... 1117
561..... 1117

26 CFR

1..... 147

Proposed Rules:
1..... 163, 164, 988
15A..... 164

27 CFR

Proposed Rules:
5..... 1148
9..... 1149–1153

29 CFR

Subtitle A..... 145
Ch. V..... 145
Ch. XVII..... 145
1952..... 1289

Proposed Rules:
Subtitle A..... 402
Ch. V..... 402
Ch. XVII..... 402
Ch. XXV..... 402
5..... 966
1990..... 187
2672..... 1304

30 CFR

Proposed Rules:
Ch. I..... 402
Ch. VII..... 820
211..... 819
700..... 41
701..... 41
716..... 928
764..... 41
770..... 41
771..... 41
779..... 41
780..... 41
783..... 41
784..... 41
785..... 41
786..... 41
788..... 41
816..... 41
817..... 41
825..... 41
826..... 928
828..... 41
870..... 967
872..... 967
874..... 967
875..... 967
877..... 967
879..... 967
882..... 967
884..... 967
886..... 967
888..... 967
913..... 57
921..... 560
922..... 560
937..... 560
939..... 560

31 CFR

535..... 145

32 CFR

Proposed Rules:
543..... 822
585..... 190

33 CFR

110..... 1117
117..... 1118
165..... 1118

Proposed Rules:
88..... 826
89..... 826

34 CFR

624..... 540
625..... 540
626..... 540
627..... 540
674..... 736
675..... 736
676..... 736
690..... 736

Proposed Rules:
674..... 908
675..... 908
676..... 908

36 CFR

Ch. II..... 745

40 CFR

52..... 762, 763, 947, 948, 1119, 1290–1292
60..... 950
65..... 1293
80..... 764
81..... 763, 952, 1120
123..... 618, 1248
180..... 619–623
262..... 1248
264..... 953
265..... 1254
762..... 148, 149

Proposed Rules:
52..... 191, 1304
65..... 969
86..... 972, 1306
123..... 1155
180..... 651–654
244..... 1307
245..... 1307
246..... 1307
775..... 193
799..... 973

41 CFR

Ch. 50..... 145
Ch. 60..... 145

Proposed Rules:
Ch. 60..... 402

43 CFR

428..... 624

Public Land Orders:
6100..... 21
6101..... 769

Proposed Rules:
4100..... 1155

44 CFR

65..... 770
66..... 770
70..... 771, 772
67..... 22

Proposed Rules:
205..... 827

45 CFR

680..... 193
681..... 193
682..... 193
683..... 193
684..... 193

46 CFR

Proposed Rules:
510..... 215
536..... 655

47 CFR

0..... 1294
2..... 953
21..... 953
73..... 150
74..... 150, 953

Proposed Rules:
2..... 983, 1308
15..... 216, 836
73..... 58, 837, 983, 985, 1308
74..... 983
90..... 1310

49 CFR

Ch. X..... 613
1..... 1122
830..... 773
1033..... 151, 152, 624, 773, 776
1056..... 777

Proposed Rules:
1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR

23..... 1294
32..... 1122–1135
611..... 625, 1294, 1295
662..... 629
675..... 1295

Proposed Rules:
23..... 1242

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 77 JA 12 82 UMI

Just Released

Code of Federal Regulations

Revised as of October 1, 1981

Quantity	Volume	Price	Amount
_____	Title 43—Public Lands; Interior (Parts 1 to 999)	$7.00	$_____
_____	Title 46—Shipping (Parts 1 to 29)	5.50	_____
_____	Title 46—Shipping (Parts 70 to 89)	6.00	_____

Total Order $____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

1-13-82
Vol. 47—No. 8
BOOK 1:
Pages 1367–1660
BOOK 2:
Pages
1661–2072

federal register

Book 1 of 2 Books
Wednesday, January 13, 1982

Highlights

1367 **Basic Allowance for Subsistence for Uniformed Services** Executive order

1369 **Exclusions From the Federal Labor-Management Relations Programs** Executive order

1662 **Calendar of Federal Regulations** Regulatory Information Service Center publishes catalog of regulations under development by 33 departments and agencies. (Part IV of this issue)

1658 **Grant Programs—Child Welfare** HHS/HDSO provides additional information on announcement for Discretionary Funds Grants and requests comments on National Center on Child Abuse and Neglect activities. (Part III of this issue)

1642 **Motor Vehicle Pollution** EPA proposes to revise emissions regulations for 1984 and later model year light-duty trucks and heavy-duty engines. (Part II of this issue)

1372 **Securities** SEC publishes rule on self-underwriting by nonmember brokers or dealers.

1373 SEC rescinds rule on registration of certain broker-dealers.

1386 **Radio** FCC permits commercial FM Subsidiary Communication Authorization (SCA) for utility load management.

CONTINUED INSIDE

V 47 / 8 JA 13 82

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

1392 FCC prohibits interference with communications involving safety to life and protection of property.

1385 **Government Contracts** GSA prescribes procedures for reporting taxpayer identification numbers of service contractors.

1400 **Government Procurement** OMB/FPPO announces availability of draft Federal Acquisition Regulations on small purchase and other simplified purchase procedures and management and operating contracts.

1377 **Postal Service** PS amends Postal Contracting Manual on procurement of property and services.

1396 **Customs Brokers** Treasury/CS proposes to amend licensing procedure for customhouse brokers.

1401 **Countervailing Duty** Commerce/ITA announces final results of administrative review on barley from France.

ITC terminates investigations on:

1449 Lamb meat from New Zealand

1449 Refrigerators, freezers, other refrigerating equipment, and parts from Italy

1448 **Imports** ITC institutes investigation on certain miniature plug-in blade fuses.

1460 **Privacy Act Document** VA

1466 **Sunshine Act Meetings**

Separate Parts of This Issue

1642 **Part II, EPA**

1658 **Part III, HHS/HDSO**

1662 **Part IV, Regulatory Information Service Center**

Contents

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

The President
EXECUTIVE ORDERS
1367 Uniformed Services, basic allowances for subsistence for (EO 12337)
1369 Labor-Management Relations Programs, Federal; exclusions from (EO 12338)

Executive Agencies

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
1422, 1423 February (2 documents)

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
1451 Hospital Affiliates International, Inc.

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
1401 Utah

Commerce Department
See Foreign Trade Zones Board International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
1403 New York Futures Exchange; Treasury bond

Consumer Product Safety Commission
NOTICES
1466 Meetings; Sunshine Act

Customs Service
PROPOSED RULES
1396 Customhouse brokers; applications for licenses in additional districts; elimination of investigation requirement

Economic Regulatory Administration
NOTICES
Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
1404 Niagara Mohawk Power Corp. et al.

Energy Department
See also Economic Regulatory Administration; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
1403 Australia and Canada
1404 European Atomic Energy Community and Norway

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
1377 Colorado
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
1379 Carbofuran
1380, 1381 Oxyfluorfen (2 documents)
1383, 1384 Oxyfluorfen; correction (2 documents)
1378 Potassium oleate and related C_{12}–C_{18} fatty acid potassium salts
1382 Propanil
1381 Residues in dry bulb onions
1384 Seaweed meal aqueous extract
Pesticides; tolerances in animal feeds:
1375, 1376 Carbofuran (2 documents)
Pesticides; tolerances in food:
1374 Oxyfluorfen
1385 Oxyfluorfen; correction
PROPOSED RULES
Air pollution control; new motor vehicles and engines:
1642 Gaseous emissions; 1984 and later model year light-duty trucks and heavy-duty engines
Air quality implementation plans; approval and promulgation; various States, etc.:
1398 Ohio
1398 Wisconsin
NOTICES
Air programs; fuel and fuel additives:
1407 Synco 76 Fuel Corp.; waiver application
Pesticide registration, cancellation, etc.:
1406 Hi-Yield Killer et al.
1405 Spa Brom Feeder Sticks and Spa Brom Mini Pak
Pesticides; temporary tolerances:
1405 Ethalfluralin
Pesticides; tolerances in animal feeds and human food:
1405 American Cyanamid Co.
1408 BASF Wyandotte Corp. et al.
1407 Ciba-Geigy Corp.
1409 Diamond Shamrock Corp.; petition withdrawn
Toxic and hazardous substances control:
1409–1414 Premanufacture notices receipts (4 documents)
1414–1416 Premanufacture notification requirements; test marketing exemption applications (3 documents)

Federal Communications Commission
RULES
Radio broadcasting:
1392 Interference jeopardizing safety of life or protection of property
1386 Utility load management; FM subsidiary communications authorization
NOTICES
1466 Meetings; Sunshine Act

Federal Deposit Insurance Cooporation
NOTICES
1466, 1467 Meetings; Sunshine Act (2 documents)

Federal Maritime Commission
NOTICES
1418, 1420 Agreements filed, etc. (2 documents)
Freight forwarder licenses:
1417 Chicago International Customs Service, Inc.
1417 NAVTRANS International Freight Forwarding et al.
1417 New York International Customs Service, Inc.
1417 Ocean Traffic Services, Inc.
1418 San Francisco International Customs Service, Inc.
1467 Meetings; Sunshine Act

Federal Procurement Policy Office
PROPOSED RULES
Federal Acquisition Regulation (FAR):
1400 Small purchase and other simplified purchase procedures; management and operating contracts; draft availability and inquiry

Federal Trade Commission
RULES
Prohibited trade practices:
1372 Godfrey Co.; correction
NOTICES
Premerger notification waiting periods; early terminations:
1420 Armco, Inc.
1420 Brae Corp.
1420 Brunswick Corp.
1421 Frank B. Hall & Co., Inc.
1421 Lear, Norman
1421 Perenchio, A. Jerrold
1422 Swire Pacific Ltd.
1422 WEDGE International Holdings B.V.

Fiscal Service
NOTICES
1459 Public Debt Bureau reporting and recordkeeping requirements

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
1401 Florida

General Services Administration
RULES
Procurement:
1385 Service contracts; taxpayer identification numbers reporting procedures
NOTICES
Public utilites; hearings, etc.; proposed intervention:
1422 District of Columbia Public Service Commission

Health and Human Services Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Health Care Financing Administration; Human Development Services Office; National Institutes of Health; Social Security Administration.
NOTICES
Organization, functions, and authority delegations:
1426 General Counsel Office
1426 Regulations development; policy and procedures implementing Executive order

Health Care Financing Administration
RULES
Medicaid and medicare:
1386 Drugs, less than effective; interim rule; legislation affecting implementation and enforcement

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
1404 Objections filed

Human Development Services Office
NOTICES
Grant applications and proposals; closing dates:
1658 Discretionary funds program

Immigration and Naturalization Service
PROPOSED RULES
1396 Immigration Appeals Board; denial of oral argument requests and summary dismissal of appeals

Interior Department
See Land Management Bureau.

International Trade Administration
NOTICES
Countervailing duties:
1401 Barley from France
Meetings:
1402 President's Export Council

International Trade Commission
NOTICES
Import investigations:
1449 Lamb meat from New Zealand
1448 Miniature plug-in blade fuses
1449 Refrigerators, freezers, and other refrigerating equipment and parts from Italy

Interstate Commerce Commission
NOTICES
Motor carriers:
1432, 1436 Finance applications (2 documents)
1431 Fuel costs recovery; expedited procedures
1436 Lease and interchange of vehicles
1437 Permanent authority applications
1437 Permanent authority applications; operating rights republication
1440 Permanent authority applications; restriction removals
1442 Temporary authority applications
Railroad services abandonment:
1431, 1455 Consolidated Rail Corp. (9 documents)

Justice Department
See also Antitrust Division; Immigration and Naturalization Service.
NOTICES
Pollution control; consent judgments:
1450 Compania Sun Oil de Yabucoa

1451 Duracell International, Inc., et al.
1450 Silver Spring Taxi, Inc.
1450 U.S. Steel Corp.

Land Management Bureau
NOTICES
Exchange of public lands for private lands:
1428 Colorado
Meetings:
1428 Boise District Grazing Advisory Board
1428 Carson City District Advisory Council; cancelled
1431 Vale District Grazing Advisory Board; correction
Wilderness areas; characteristics, inventories, etc.:
1427 Idaho; protest decision
Withdrawal and reservation of lands, proposed, etc.:
1429 Utah

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
1456 Energy Department petroleum price and distribution forms, action on extension requests

National Credit Union Administration
RULES
1371 Reporting and recordkeeping requirements

National Institutes of Health
NOTICES
Meetings:
1425 Allergy and Infectious Diseases, National Institute; Scientific Counselors Board
1425 Communicative Disorders Review Committee
1424 Eye National Advisory Council
1424 General Clinical Research Centers Committee
1424 Heart, Lung, and Blood National Advisory Council
1424 High Blood Pressure Education Program National Coordinating Committee
1425 Research Grants Division study sections

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
1403 Mid-Atlantic Fishery Management Council

National Science Foundation
NOTICES
Meetings:
1455 Behavioral and Neural Sciences Advisory Committee
1467 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
1456 Cincinnati Gas & Electric Co.
1456 Commonwealth Edison Co.
1456 Florida Power & Light Co.

Oceans and Atmosphere, National Advisory Committee
NOTICES
1454 Meetings; agenda change

Postal Rate Commission
NOTICES
Post office closing; petitions for appeal:
1457 Donnan, Iowa

Postal Service
RULES
Procurement of property and services:
1377 Postal Contracting Manual; amendments

Regulatory Information Service Center
NOTICES
1662 Regulatory calendar

Securities and Exchange Commission
RULES
1373 Broker-dealer registration procedure; rescission of obsolete rule
1372 Brokers and dealers, nonmember; self-underwriting requirements
NOTICES
Hearings, etc.:
1459 Consolidated Natural Gas Co.
1459 Eastern Utilities Associates et al.

Social Security Administration
NOTICES
Organization, functions, and authority delegations:
1427 Central Operations Office

Treasury Department
See Customs Service; Fiscal Service.

Veterans Administration
NOTICES
1460 Privacy Act; systems of records

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
1401 Utah Advisory Committee, Salt Lake City, Utah (open), 1-27-82

COMMERCE DEPARTMENT
International Trade Administration—
1402 President's Export Council, Export Administration Subcommittee, Washington, D.C. (partially open), 1-27-82
National Oceanic and Atmospheric Administration—
1403 Mid-Atlantic Fishery Management Council, Scientific and Statistical Committee, Philadelphia, Pa. (open), 2-3-82

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
1423 Alcohol Biomedical Research Review Committee, Solvang, Calif. (partially open), 2-10 through 2-12-82
1423 Criminal and Violent Behavior Review Committee, Washington, D.C. (partially open), 2-17 through 2-19-82

1422 Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 2–11–82
1423 Mental Health Small Grant Review Committee, Washington, D.C. (partially open), 2–4 through 2–6–82
1423 Treatment Development and Assessment Research Review Committee, Washington, D.C. (partially open), 2–10 through 2–12–82
National Institutes of Health—
1425 Communicative Disorders Review Committee, Bethesda, Md. (partially open), 2–25 and 2–26–82
1424 General Clinical Research Centers Committee, Carmel, Calif. (partially open), 2–22 and 2–23–82
1424 National Advisory Eye Council, Bethesda, Md. (partially open), 2–1 and 2–2–82
1424 National Heart, Lung, and Blood Advisory Council, Manpower Subcommittee and Research Subcommittee, Bethesda, Md. (partially open), 2–10 through 2–13–82
1424 National High Blood Pressure Education Program Coordinating Committee, Bethesda, Md. (open), 3–26–82
1425 National Institute of Allergy and Infectious Diseases, Board of Scientific Counselors, Bethesda, Md. (partially open), 2–3 through 2–5–82
1425 Workshop on Role of Proteins and Peptides in Control of Reproduction, Bethesda, Md. (open), 2–15 and 2–16–82

INTERIOR DEPARTMENT
Land Management Bureau—
1428 Boise District Grazing Advisory Board, Boise, Idaho (open), 2–11 and 2–12–82

NATIONAL SCIENCE FOUNDATION
1455 Behavioral and Neural Sciences Advisory Committee, Systematic Collections Subcommittee, Washington, D.C. (closed), 1–29–82

CANCELLED MEETING

INTERIOR DEPARTMENT
Land Management Bureau—
1428 Carson City District Advisory Council, Palomino Valley Wild Horse and Burro Placement Center (near Sparks, Nev.) (open), 1–15–82

CHANGED MEETING

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE
1454 Meeting, Washington, D.C. (open), 1–18 through 1–20–82 (agenda change)

RESCHEDULED MEETING

INTERIOR DEPARTMENT
Land Management Bureau—
1431 Vale District Grazing Advisory Board, Vale, Oreg. (open), 1–5 and 1–6–82 rescheduled to 1–25 and 1–26–82

HEARINGS

COMMERCE DEPARTMENT
Foreign-Trade Zones Board—
1401 Examiners Committee, Tampa, Fla., 2–12–82

ENVIRONMENTAL PROTECTION AGENCY
1642 Revised emission regulations for 1984 and later model year light-duty trucks and heavy-duty engines, Ann Arbor, Mich., 2–18–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

11157 (Amended by EO 12337)..... 1367
12171 (Amended by EO 12338)..... 1369
12337..... 1367
12338..... 1369

II CFR

Proposed Rules:

3..... 1396

12 CFR

Ch. VII..... 1371

16 CFR

13..... 1372

17 CFR

240 (2 documents)..... 1372, 1373

19 CFR

Proposed Rules:

111..... 1396

21 CFR

193..... 1374
561 (2 documents)..... 1375, 1376

39 CFR

601..... 1377

40 CFR

81..... 1377
180 (9 documents)..... 1378–1384
193..... 1385

Proposed Rules:

52 (2 documents)..... 1398
86..... 1642

41 CFR

5–12..... 1385

42 CFR

405..... 1386
441..... 1386

47 CFR

0..... 1392
2..... 1386
73..... 1386
74..... 1392

48 CFR

Proposed Rules:

13..... 1400
17..... 1400

V
4
7
/
8

J
A
1
3
8
2.

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

Presidential Documents

Title 3—

The President

Executive Order 12337 of January 11, 1982

Basic Allowance for Subsistence for Uniformed Services

By the authority vested in me as President of the United States of America by Section 402(e) of Title 37, United States Code, and in order to define "field duty" and "sea duty" as they affect basic allowances for subsistence, it is hereby ordered as follows:

Section 1. Section 303(e) of Executive Order No. 11157, as amended, is further amended to read as follows:

"(e) the term "field duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service by a member when the member is subsisted in a Government mess or with an organization drawing field rations, and—

"(1) the member is under orders with troops operating against an enemy, actual or potential; or

"(2) the member is serving with troops on maneuvers, war games, field exercises, or similar types of operations.".

Sec. 2. Section 303 of Executive Order No. 11157, as amended, is further amended by adding thereto the following new subsection:

"(f) the term "sea duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service performed by a member in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities.".

Sec. 3. This Order shall be effective as of September 15, 1981.

Ronald Reagan

THE WHITE HOUSE,
January 11, 1982.

[FR Doc. 82-1043
Filed 1-12-82; 10:15 am]
Billing code 3195-01-M

V
4
7
/
8

J
A
1
3
8
2

Presidential Documents

Executive Order 12338 of January 11, 1982

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt certain agencies or subdivisions thereof from coverage of the Federal Labor-Management Relations Program, and in order to reflect organizational changes in the Department of Energy, it is hereby ordered as follows:

Section 1. Section 1–206 of Executive Order No. 12171 of November 19, 1979, is amended by adding thereto the following new subsections:

"(p) Office of the Assistant Chief of Staff, Intelligence.

"(q) Air Force Intelligence Service.".

Sec. 2. Executive Order No. 12171 is further amended by adding thereto the following new Section:

"1–212. Agencies or subdivisions under the operational jurisdiction of the Joint Chiefs of Staff (JCS).

"(a) Intelligence Division (J–2), Headquarters Atlantic Command (LANTCOM).

"(b) Atlantic Command Electronic Intelligence Center.

"(c) Intelligence Directorate (J–2), Headquarters U.S. European Command (USEUCOM).

"(d) Special Security Office (SSO), Headquarters U.S. European Command (USEUCOM).

"(e) European Defense Analysis Center (EUDAC).

"(f) Intelligence Directorate (J–2), Headquarters Pacific Command (PACOM).

"(g) Intelligence Center Pacific (IPAC).

"(h) Intelligence Directorate (J–2), Headquarters U.S. Southern Command (USSOUTHCOM).

"(i) Intelligence Directorate (J–2), Headquarters U.S. Readiness Command (USREDCOM)/Joint Deployment Agency.

"(j) Deputy Chief of Staff/Intelligence, Headquarters Strategic Air Command (SAC).

"(k) 544th Strategic Intelligence Wing, Strategic Air Command (SAC).

"(l) Deputy Chief of Staff/Intelligence, Headquarters 15th Air Force, Strategic Air Command (SAC).

"(m) Deputy Chief of Staff/Intelligence, Headquarters 8th Air Force, Strategic Air Command (SAC).

"(n) Strategic Reconnaissance Center, Headquarters Strategic Air Command (SAC).

"(o) 6th Strategic Wing, Strategic Air Command (SAC).

"(p) 9th Strategic Reconnaissance Wing, Strategic Air Command (SAC).

"(q) 55th Strategic Reconnaissance Wing, Strategic Air Command (SAC).

"(r) 306th Strategic Wing, Strategic Air Command (SAC).

"(s) 376th Strategic Wing, Strategic Air Command (SAC).

"(t) Deputy Chief of Staff/Operations Plans, Headquarters Strategic Air Command (SAC).

"(u) The Joint Strategic Target Planning Staff (JSTPS).".

Sec. 3. Section 1-210 of Executive Order No. 12171 is amended to read as follows:

"1-210. Agencies or subdivisions of the Department of Energy.

"(a) The Albuquerque, Nevada and Savannah River operations offices under the Under Secretary of Energy.

"(b) Offices of the Assistant Secretary for Defense Programs.".

Ronald Reagan

THE WHITE HOUSE,
January 11, 1982.

[FR Doc. 82-1044
Filed 1-12-82; 10:16 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Office of Management and Budget (OMB) Control Numbers for Information Collection Requirements

AGENCY: National Credit Union Administration (NCUA).

ACTION: Technical amendments.

SUMMARY: This document amends National Credit Union Administration regulations and forms to include OMB control numbers at the places in the regulations and forms where current information collection requirements are described.

DATE: Effective December 31, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:
D. Lynn Gordon, Director, Division of Management Analysis, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456, Telephone: (202) 357–1202.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections and forms listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers contained in the listing.

1. *Text of the Amendments.* The following OMB control numbers are hereby added at the end of each paragraph of Title 12 of the Code of Federal Regulations:

Control No.	Title
3133–0019	12 CFR 701.2(d)(3), 12 CFR 701.14(c) Data Processing Guidelines for Federal Credit Unions; NCUA 5006.
3133–0023	12 CFR Part 707, NCUA 4221, 4506, and 4505 Conversion from State to Federal Credit Union.
3133–0024	12 CFR Part 708, NCUA 4302, 4303, 4304, 4305, 4306, 4307, and 4308 Mergers of Credit Unions.
3133–0026	12 CFR 741.6 Notice of Voluntary Termination of Insured Status.
3133–0027	12 CFR Part 706 Conversion from Federal to State Credit Union.
3133–0028	12 CFR Part 745 Clarification and Definition of Account Insurance Coverage.
3133–0029	12 CFR 704.4 Annual Audit of a Corporate Central Federal Credit Union.
3133–0030	12 CFR 704.3 Management of a Corporate Central Federal Credit Union.
3133–0032	12 CFR 749.3 Vital Records to be Stored.
3133–0033	12 CFR 748.5 Filing of Reports.
3133–0034	12 CFR 748.4 Minimum Security Devices and Procedures.
3133–0035	12 CFR 721.4 Trustees and Custodians of Pension Plans.
3133–0036	12 CFR 703.2 Investment in Loans to Non-member Credit Unions.
3133–0037	12 CFR 702.3 Full and Fair Disclosure Required.
3133–0040	12 CFR 701.36 FCU Ownership of Fixed Assets.
3133–0041	12 CFR 701.35 Share, Share Draft and Share Certificate Accounts.
3133–0042	12 CFR 701.28 Joint Operations and Activities.
3133–0043	12 CFR 701.27–1 Purchase and Sale of Accounting Services.
3133–0044	12 CFR 701.26 Credit Union Service Center.
3133–0045	12 CFR 701.24 Refund of Interest.
3133–0046	12 CFR 701.21–8 Purchase, Sale and Pledge of Eligible Obligations.
3133–0047	12 CFR 701.21–7 Loan Participation.
3133–0048	12 CFR 701.21–6 Real Estate Lending.
3133–0049	12 CFR 701.21–3 Lines of Credit to Members, 12 U.S.C. 1761(C), Bylaw XII7.
3133–0050	12 CFR 701.21–1 Lending Policies.
3133–0060	12 CFR 725.5 Annual Stock Subscription Statement.
3133–0063	12 CFR 725.3, 12 CFR 725.4 Membership Applications for CLF: Regular Member, Agent Membership.
3133–0064	12 CFR 725.17 Forms and Instructions for CLF Loans; Request for Funds; Statement of Cash Receipts and Disbursements; Cash Flow Protection; Seasonal Flow Computation, 7001, 7002, 7003, and 7004.
3133–0069	Consumer Programs, IRPS 80–7.
3133–0072	12 CFR 702.2 Regular Reserve.
3133–0075	12 CFR 701.12, Bylaw X, IRPS 80–12, 12 U.S.C. 1761(D) Supervisory Committee Manual for Federal Credit Unions, NCUA 8023.
3133–0076	12 CFR Part 710 Voluntary Liquidation of Federal Credit Unions, NCUA 8040.
3133–0078	12 CFR 701.27–2 Credit Union Service Corporation.

2. *NCUA Forms.* Because the agency's existing stock of forms do not contain OMB control numbers, this notice is being published in the **Federal Register** to inform the public of the control number assigned to each form. When forms are reprinted, the OMB control numbers will be included on them.

Control No.	Title
3133–0001	Monthly Sample (Federal) Monthly Sample (State), NCUA 5301 and 5303.
3133–0002	Annual Statistics for State-Chartered Credit Unions, NCUA 5306.
3133–0004	Financial and Statistical Report, NCUA 5300.
3133–0007	12 U.S.C. 1784 Continued Insurability Status Report, NCUA 9653.
3133–0009	Certification (State Supervision Authority), NCUA 9602.
3133–0010	Instructions for Applying for Insurance of Account of Newly Chartered State Credit Unions, NCUA 9600–1.
3133–0011	Application for Insurance of Accounts State Chartered Credit Unions, NCUA 9600.
3133–0012	Application and Agreement for Insurance of Accounts, NCUA 9500.
3133–0015	12 U.S.C. 1754 Investigation Report, Report of Officials, Management Report for New Federal Credit Unions. NCUA 4001, 4002, 4003, 4012, and 4014
3133–0016	12 U.S.C. 1756 and 1782 Letter of Understanding and Agreement for Special Assistance.
3133–0017	Confidential Administrative Credit Union Financial Report, NCUA 1125.
3133–0018	Accounting Manual for Federal Credit Unions, NCUA 8022.
3133–0020	Special Accounting and Operating Procedures for Federal Credit Unions Maintaining Offices Overseas, NCUA 9039.
3133–0022	12 U.S.C. 1784 Areas of Non-Compliance and Examiner's Comments Report (Federally Insured State-Chartered Credit Unions), NCUA 9654.
3133–0025	12 U.S.C. 1786 Termination of Insured Status.
3133–0052	12 U.S.C. 1761(B) and Article II Section 2 of FCU Bylaws Board of Directors.
3133–0053	12 U.S.C. 1761 Management, Board of Directors, Committees, NCUA 4501, NCUA 9610.
3133–0054	12 U.S.C. 1770 Allotment of Space in Federal Buildings.
3133–0055	Article III Section 5(C), Bylaw III5C.
3133–0056	Article III Section 5(D), Bylaw III5D.
3133–0057	Article VIII Section 6, Bylaw VIII6.
3133–0058	Article IX Section 3, Bylaw IX3.
3133–0059	Article X Section 2, Bylaw X2.
3133–0061	CLF Repayment, Security, and Credit Reporting Agreements; Regular Member; Agent Member; Agent Loan; Agent Group Representative Loan 7005, 7005A, 7005AL, and 7005AGRL.
3133–0066	12 U.S.C. 1755 Operating Fee, NCUA 1309.
3133–0067	Monthly Corporate Central Credit Union Report, NCUA 5310.
3133–0070	Article VII Section 1, Bylaw VII.
3133–0071	12 U.S.C. 1786 Special Assistance to Federally Insured Credit Unions.
3133–0073	12 U.S.C. 1782 Premiums for Share Insurance, NCUA 1300.
3133–0077	12 U.S.C. 1787 Payment of Share Insurance Claims, NCUA 9701.
3133–0080	Article VII Section 4, Bylaw VII4.
3133–0081	Article XIX Section 5, Bylaw XIX5.
3133–0082	Article IX Section 1, Bylaw IX1.
3133–0083	Insurance and Group Purchasing Activities, FCU 2000.
3133–0084	Consumer Compliance Questionnaire.
3133–0031	Investment Activities, IRPS 79–4.
3133–0038	Liquidity Reserves, IRPS 79–7.
3133–0069	Consumer Programs, IRPS 80–7.

Dated: December 30, 1981.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 82-666 Filed 1-12-82; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3066]

Godfrey Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

Correction

In FR Doc. 81-36878 appearing at page 62438 in the issue for Thursday, December 24, 1981, please make the following corrections:

(1) On page 62438, in the "For Further Information Contact" paragraph, the telephone number should be "(202) 376-2891".

(2) On page 62439, in the first column, in paragraph "3.", the address should read "3939 S. 76th St., Milwaukee, WI".

(3) On the same page and column, in paragraph "5.", the address should read "719 S. Layton Blvd., Milwaukee, WI.".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Rel. No. 34-18395; File No. S7-902]

Self-Underwriting by Nonmember Brokers or Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rule imposing certain requirements on brokers or dealers that are not members of a registered securities association and that underwrite or otherwise participate in the distribution of their own securities or those of an affiliate. The amendment creates a conditional exception to that rule for nonmember brokers or dealers that limit their business to participation in the offer and sale of securities issued by an affiliate that is not a broker or dealer.

EFFECTIVE DATE: February 15, 1982.

FOR FURTHER INFORMATION CONTACT: Colleen Curran Harvey, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2826.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of an amendment to Rule 15b10-9 under the Securities Exchange Act of 1934 (the "Act").[1] In an August 1981 release (the "Proposal Release"),[2] the Commission announced the proposal, adopted today, to amend Rule 15b10-9 to create a conditional exception to that rule for SECO broker-dealers[3] that limit their business to participation in the offer and sale of securities issued by an affiliate that is not a broker-dealer ("Special Purpose Broker-Dealers"). The amendment is intended both to alleviate the problems that Special Purpose Broker-Dealers have encountered in complying with Rule 15b10-9 and to promote the purposes of the rule. The Commission is adopting the amendment as proposed.

The Commission's actions are discussed in the following sections of this release:[4]

I. Background
II. Discussion of the Amendment to the Rule
III. Statutory Basis
IV. Text of Rule

I. Background

Rule 15b10-9, the SECO "self-underwriting" rule, prohibits a SECO broker-dealer from underwriting or otherwise participating in any public offering of its own securities or the securities of an affiliate, unless several conditions are met. If the SECO broker-dealer wishes to participate in a distribution of its own or an affiliate's securities, two independent underwriters must perform several functions in connection with the offering. The price of the issue must not be higher than the price jointly recommended by the two independent underwriters. The independent underwriters must also participate in the preparation of the registration statement and the prospectus, offering circular, or other comparable document, must exercise due diligence with respect to the preparation of those documents, and must assume full legal responsibilities and liabilities of an underwriter under the Securities Act of 1933. Independent legal counsel for the underwriters must review the applicable documents and issue an opinion that the documents conform to the requirements of the federal securities laws. The rule also requires that the broker-dealer issuer or broker-dealer affiliate have been actively engaged in the investment banking or securities business for five years and have shown a profit for three of those years.[5]

Rule 15b10-9 was adopted on December 4, 1972,[6] following the adoption of a comparable rule by the National Association of Securities Dealers, Inc. (the "NASD").[7] The Commission stated that two policy objectives prompted proposal of the rule: first, the avoidance of conflicts of interest that may cause abusive practices by underwriters that distribute their own or an affiliate's securities to the public, and, second, the desirability of arm's length bargaining between underwriters and issuers.[8]

When the Commission adopted Rule 15b10-9 in 1972, it recognized that it might not be necessary to require that all self-underwritten offerings be conducted in accordance with the terms of the rule. Accordingly, the Commission provided an opportunity for SECO broker-dealers to apply for exemptions on a case-by-case basis. Since adoption of the rule, the Commission has granted numerous conditional exemptions for Special Purpose Broker-Dealers. On the basis of that experience, the Commission proposed to amend Rule 15b10-9 to create an exception from the rule's requirements for Special Purpose Broker-Dealers.[9] The proposed amendment essentially codifies the conditions imposed by the commission in granting exemptive requests of Special Purpose Broker-Dealers.

The National Association of Securities Dealers, Inc. (the "NASD") submitted comments on the proposed amendment to Rule 15b10-9. The NASD suggested that the exceptions from the self-underwriting rule should be based on

---

[1] 17 CFR 240.15b10-9.

[2] Securities Exchange Act Release No. 18046 (August 20, 1981), 46 FR 43457 (August 28, 1981).

[3] Rule 15b10-9 applies only to broker-dealers that are not members of the National Association of Securities Dealers, Inc. ("SECO broker-dealers").

[4] *See* the Proposal Release for a more detailed explanation of Rule 15b10-9.

[5] Additional conditions are imposed when the securities of a non-broker-dealer issuer are being distributed. The issuer must provide in the prospectus, offering circular, or other comparable document financial statements for the immediately preceding three years and a certified balance sheet for the last fiscal year. The issuer must also represent that after the distribution it will send certain periodic financial and operational reports to its security holders.

[6] Securities Exchange Act Release No. 9883 (Dec. 4, 1972), 37 FR 26207 (1972).

[7] NASD By-laws, Article IV, Section 2, Schedule E; NASD Manual (CCH) ¶ 1402.

[8] Securities Exchange Act Release No. 9555 (April 12, 1972), 37 FR 7709 (1972).

[9] The Commission has granted some requests for exemptions from the rule by Special Purpose Broker-Dealers for future offerings of securities that are offered and sold in a substantially similar manner and under substantially similar terms and conditions as the offering for which an exemption has been granted to such Special Purpose Broker-Dealers. These Special Purpose Broker-Dealers would be required to comply with the amendment to Rule 15b10-9. The Commission has determined to revoke the exemptions previously granted to these Special Purpose Broker-Dealers effective February 15.

the nature of the security being offered, rather than on the nature of the business of the broker-dealer. Rule 15b10–9 does exclude offerings of various classes of securities from its provisions.[10] The Commission does not believe, however, that the NASD's suggested approach would alleviate the problems that Special Purpose Broker-Dealers have encountered in complying with Rule 15b10–9 and continues to believe those problems warrant relief.

II. Discussion of the Amendment to the Rule

As noted above, the amendment provides a conditional exception from Rule 15b10–9 for Special Purpose Broker-Dealers. To qualify for the exception, the Special Purpose Broker-Dealer must deliver to its customer a prospectus, offering circular, or other comparable document that contains certain facts of significance in a self-underwritten offering. The disclosure document would have to disclose in a prominent place: (1) That the Special Purpose Broker-Dealer is an affiliate of the issuer of the securities being offered and that its business is limted to the offer and sale of the nonbroker or dealer affiliate's securities, (2) the amount of commissions or other compensation to be paid to the Special Purpose Broker-Dealer or the formula for determining such compensation, and (3) whether or not persons other than associated persons of the issuer or of the Special Purpose Broker-Dealer[11] participated in determining the price and other terms of the offering and, if so, such persons' names and a brief account of their business experience during the past five years.

The disclosure requirements of the amendment are intended primarily to inform investors of facts that would appear to be pertinent to an investor's understanding of the nature of a self-underwritten offering. Disclosure of facts relating to the affiliation of the issuer and the Special Purpose Broker-Dealer and to the commissions or other compensation it will be paid should alert investors to the conflicts of interest inherent in that affiliation. The requirement to disclose who participated in the determination of the price and other terms of the offering is also intended to inform investors of facts that appear to be pertinent in the context of a self-underwritten offering. That disclosure requirement would not, however, apply to lawyers, accountants, indenture trustees and others advising the issuer in the course of performing their customary services in connection with the offering.

Regulatory Flexibility Act Considerations

The Chairman of the Commission has certified that the amendment to Rule 15b10–9, if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission did not receive any comments concerning the Chairman's certification.

III. Statutory Basis

On the basis of the foregoing analysis and discussion, the Commission finds that the amendment to Rule 15b10–9 is consistent with the public interest, the protection of investors, and the purposes of the Act. The Commission, pursuant to section 23(a)(2) of the Act, finds that the amendment to the rule adopted herein does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendment will eliminate burdens encountered by Special Purpose Broker-Dealers in complying with Rule 15b10–9.

The amendment to Rule 15b10–9 is promulgated under the Act, and particularly Sections 3, 10, 15, and 23 thereof (15 U.S.C. 78c, 78j, 78*o*, and 78w).

IV. Text of Rule

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The Commission is amending Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (c)(3) to § 240.15b10–9 to read as follows:

§ 240.15b10–9 Standards for the underwriting or participation by nonmember broker-dealers in the public distribution of their own or affiliate's securities.

* * * * *

(c) * * *

(3) The provisions of this rule shall not apply to a nonmember broker or dealer that limits its business to participating in the offer and sale of securities issued by an affiliate that is not a broker or dealer; *Provided, however,* That the nonmember broker or dealer delivers to its customers a prospectus, offering circular, or other comparable document that discloses in a prominent place (i) that the nonmember broker or dealer is an affiliate of the issuer of the securities being offered and that its business is limited to the offer and sale of securities issued by a nonbroker or dealer affiliate, (ii) the amount of commissions or other compensation to be paid to the nonmember broker or dealer or the formula for determining such compensation, and (iii) whether or not persons other than associated persons of the issuer or of the nonmember broker or dealer participated in determining the price and other terms of the offering and such persons' names and a brief account of their business experience during the past five years.

* * * * *

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

January 7, 1982.

[FR Doc. 82-015 Filed 1-12-82; 8:45 am]
BILLING CODE 8010-01-M

[10] *See* paragraph (e)(3)(c) of Rule 15b10–9 which defines the term "affiliate" to exclude from the rule certain offerings of investment company and tax shelter securities.

[11] The term "associated person" would include an officer, director, or employee of an issuer or of a SECO broker-dealer (or any person occupying a similar status or performing similar functions), or a person directly or indirectly controlling, controlled by, or under common control with an issuer or a SECO broker-dealer.

---

17 CFR Part 240

[Release No. 34–18396]

Rescission of Obsolete Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule rescission.

SUMMARY: The Commission today is rescinding, as obsolete, a Commission rule under the Securities Exchange Act of 1934 (the "Act") relating to the registration of certain broker-dealers. The rule has been rendered obsolete by the cessation of business by the entity to which it was applicable.

EFFECTIVE DATE: February 12, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas G. Lovett, (202) 272–2415, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On November 28, 1975, the Commission adopted Rule 15b2B–1 [17 CFR 240.15b2B–1] (the "Rule") under the Act.[1] The Rule provides a procedure for the registration of a broker-dealer which is a separately identifiable department or division of a person as set forth in Section 15(b)(2)(B) of the Act, 15 U.S.C. 78*o*(b)(2)(B). That section provides that

[a]ny person who is a broker or dealer solely by reason of acting as a municipal securities dealer or municipal securities broker, who so acts through a separately identifiable department or division, and who so acted [on

[1] Securities Exchange Act Release No. 11681 (November 28, 1975).

June 5, 1975], may, in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors, register such separately identifiable department or division in accordance with this subsection [15(b)].

Only one broker-dealer, W. H. Morton & Co. ("Morton"), has registered pursuant to Rule 15b2B–1 since the Rule was adopted by the Commission. Morton registered as a division of American Express Company.

On June 29, 1981, Shearson Loeb Rhoades, Inc., a broker-dealer registered with the Commission pursuant to Section 15(b) of the Act, merged with a wholly-owned subsidiary of American Express Company. Subsequent to that merger, Morton filed a notice of withdrawal from registration as a broker-dealer on Form BDW, and it no longer conducts business as a separate division of American Express Company. Morton's withdrawal became effective on September 15, 1981.

Since there are no other broker-dealers that have registered pursuant to Rule 15b2B–1, or that are eligible to so register, the Commission has determined to rescind the Rule.

The Commission for good cause finds, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(B), that since the rule no longer has any practical application or effect, notice and opportunity for public comment are unnecessary.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15b2B–1 [Removed]

Accordingly, Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended by removing § 240.15b2B–1.

(Secs. 15(b)(2)(B) and 23(a), 69 Stat. 122 and 48 Stat. 901, 15 U.S.C. 78o(b)(2)(B) and 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

January 7, 1982.

[FR Doc. 82-680 Filed 1-12-82; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 1H5296/R95; PH-FRL-2023-4]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Oxyfluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation to permit the combined residues of the herbicide oxyfluorfen and its metabolites in cottonseed oil and mint oil (peppermint and spearmint). This regulation to establish the maximum permissible level for the combined residues of the herbicide in the commodities was requested by Rohm and Haas Co.

EFFECTIVE DATE: Effective on: January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of June 10, 1981 [46 FR 30692] that Rohm and Haas Co., Philadelphia, PA 19105, had filed a food additive petition (FAP 1H5296) proposing that 21 CFR 193.325 be amended by establishing a regulation permitting the combined residues of the herbicide oxyfluorfen [2-chloro-1-[3-ethoxy-4-nitrophenoxy]-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the food items cottonseed oil at 0.2 ppm and mint oil (peppermint and spearmint) at 0.25 ppm. Subsequently the petitioner amended the proposal for cottonseed oil increasing the tolerance to 0.25 ppm.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. For background information, refer to documents establishing tolerances for residues of oxyfluorfen in various commodities published in the Federal Register of December 24, 1980 (45 FR 85021) and April 24, 1981 (46 FR 23238). The toxicology data considered in support of these tolerance proposals included: A rat oral lethal dose (LD_{50}) with an LD_{50} greater than 5.0 grams (g) per kilogram (Kg) of body weight (bw); a rat cytogenetic test (purified oxyfluorfen) (negative); two Ames tests (one positive (technical oxyfluorfen) one negative (purified oxyfluorfen)); a host-mediated assay (purified oxyfluorfen) (negative) a rec. *assay* (technical oxyfluorfen) (positive); a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of bw; a three-generation rat reproduction study with a NOEL of 10 ppm; a two-year dog feeding study with a NOEL of 100 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL of 2 ppm. Additional data to be submitted by the petitioner include a rabbit teratology study with post-natal evaluation; additional mutagenicity data and 90-day range finding studies for rat and mouse strains tested in the chronic toxicity studies listed above.

Based on a NOEL of 2 ppm in the chronic mouse feeding study and a safety factor of 100, the acceptable daily intake (ADI) is 0.003 mg/kg/day. For a 60-kg person, the maximum permissible intake (MPI) is 0.18 mg/day. These tolerances and previously established tolerances utilize 21.01 percent of the ADI.

The nature of the residue of the pesticide is adequately delineated and an adequate analytical method (a gas-liquid chromatographic procedure using an electron-capture detector) is available for enforcement purposes.

Related documents establishing tolerances on oxyfluorfen in other commodities appear elsewhere in this issue of the Federal Register.

It is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973; 89 Stat. 973; 89 Stat. 751; U.S.C. 135(a) *et seq.*). The pesticide is considered useful for the purposes for which a food additive regulation is sought. Therefore, 21 CFR 193.325 is amended as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has

exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164 (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: December 30, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore 21 CFR 193.325 is revised to read as follows:

§ 193.325 Oxyfluorfen.

A regulation is established permitting the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolities containing the diphenyl ether linkage in the following processed food when present therein as a result of application of the herbicide to growing crops:

Food commodity	Part per million (ppm)
Cottonseed oil	0.25
Mint oil (peppermint and spearmint)	0.25
Soybean oil	0.25

[FR Doc. 82-875 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

21 CFR Part 561

[FAP 6H5102/R93; PH-FRL-2028-2]

Tolerances for Pesticides in Animal Feeds; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the insecticide carbofuran and its metabolites in or on the fatty acids of soybean soapstock. This regulation to establish the maximum permissible level for the combined residues of the insecticide in or on the commodity was requested by FMC Corp.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of April 1, 1976 (41 FR 13984) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a feed additive petition (FAP 6H5102) proposing that 21 CFR 561.67 be amended by the establishment of a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the feed commodity fatty acids of soybean soapstock at 6.0 parts per million (ppm), of which not more than 1.0 ppm is carbamates, reflecting residues of 2 ppm phenolic metabolites and 0.33 ppm carbamates in alkaline soapstock.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a 2-year chronic feeding/oncogenicity study in the rat and mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day; a rabbit teratology study which was negative for teratn and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase-inhibition and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove soybeans from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance for the combined residues of carbofuran and the metabolites in or on the raw agricultural commodity will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or

feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: December 29, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.67 is amended by adding the commodity fatty acids of soybean soapstock to paragraph (a) to read as follows:

§ 561.67 Carbofuran.

(a) * * *

Commodity	Part(s) per million (ppm)
* * * * *	
Fatty acids of soybean soapstock (of which not more than 1.0 ppm is carbamates reflecting residues of 2.0 ppm phenolic metabolites and 0.33 ppm carbamates in alkaline soapstock)	5.0
* * * * *	

[FR Doc. 82-661 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-33-M

---

21 CFR Part 561

[FAP OH5276/T78; PH-FRL-2028-3]

Tolerances for Pesticides in Animal Feeds; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes feed additive regulation related to the experimental use of the insecticide carbofuran and its metabolites in or on sunflower seed hulls and meal (FAP OH5276). The regulation to permit the marketing of the commodities, while further data are collected on carbofuran, was requested by FMC Corporation.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 204650.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Environmental Protection Agency, Registration Division (TS-767), Office of Pesticide Programs, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of December 11, 1980 (45 FR 81650) that FMC Corp., 2000 Market St., Philadelphia, PA 19103, had filed a petition (FAP OH5276) proposing that 21 CFR 561.67 be amended by the establishment of a regulation permitting residues of the insecticide carbofuran, (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in connection with an experimental program involving the application of carbofuran in the growing of sunflower with tolerance limitations of 1.0 part per million (ppm) in or on sunflower seed hulls and meal, of which not more than 0.5 ppm is carbamates.

There were no comments received by the Agency in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include a 2-year rat feeding/oncogenicity study and a 2-year mouse feeding/oncogenicity study with a no-observable-effect level (NOEL) of 20 ppm and 125 ppm, respectively, for systemic effects; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 mg/kg/day; and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which demonstrated that carbofuran is negative for mutagenic effects. Based on the 2-year rat feeding/oncogenicity study with a NOEL of 20 ppm and using a safety factor of 200, the acceptable daily intake (ADI) for man is 0.005 milligrams (mg)/kilograms (kg) of body weight (bw)/day.

The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas-liquid chromatography using a nitrogen detector system) is available for enforcement purposes. No actions are currently pending against continued registration of this chemical nor are there any other relevant considerations involved in establishing these tolerances.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide will be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA, as amended. Therefore, 21 CFR 561.67 is amended as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections to the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to Section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels, do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: January 13, 1982.

(Sec. 409(c)(1), 72 stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: December 29, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore 21 CFR 561.67 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 561.67 Carbofuran.

* * * * *

(b) A regulation is established permitting the combined residues of carbofuran and its metabolites in or on the following feed commodities in connection with an experimental program involving the application of carbofuran in the growing of sunflower.

Commodity	Parts per million (ppm)
Sunflower seed hulls and meal (of which not more than 0.5 ppm is carbamates)	1.0

[FR Doc. 82-[illegible] Filed 1-12-82; 8:45 am]

BILLING CODE 6560-38-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces amendments that incorporate new requirements prohibiting contracting for architect-engineer services with persons or firms that employ others for a fee contingent on success in securing the contract. Also, a form dealing with representations and certifications is revised.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular 81-8, dated December 18, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104).

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation

—Section 1, Part 5, and Section 16, Part 6, are revised to incorporate new requirements which prohibit contracting for architect-engineer services with persons or firms that employ others for a fee contingent on success in securing the contract. The changes make inapplicable to architect-engineer contracting the exception from contingent fee prohibitions provided in Section 1, Part 5, and 7-103.20 for "bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business." The changes will be incorporated in the architect-engineer services contract form (Form 7490) at the next opportunity. Until then contracting officers must substitute the special covenant against contingent fees provided below for the covenant contained in paragraph 9 of Form 7490 (Aug 1974).

—Use the following revised form included in Section 16 immediately when applicable:

Form 7319-B, *Representations and Certifications*, July 1981.

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 82-014 Filed 1-12-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-8-FRL 2011-7]

Colorado: Redesignation of Portions of Adams and Arapahoe Counties for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve Colorado's request for revision of the nonattainment area boundaries for carbon monoxide and ozone in Adams and Arapahoe Counties. The eastern portions of these counties are redesignated from nonattainment to "cannot be classified or better than national standards" for carbon monoxide and ozone. This action will be effective on March 15, 1982 unless notice is received on or before February 12, 1982 that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 15, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
1860 Lincoln Street, Denver, Colorado 80295
Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street, SW.,
Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-0131.

SUPPLEMENTARY INFORMATION: On September 10, 1981, following a public hearing on July 23, 1981, the Governor of Colorado submitted a request to EPA to reclassify portions of the Denver Metropolitan nonattainment areas for carbon monoxide and ozone. The specific boundary changes requested by the State are as follows:

"The portions of Adams and Arapahoe Counties east and north of the following line are hereby redesignated from nonattainment to attainment for carbon monoxide and from nonattainment to unclassifiable for photochemical oxidants: beginning at the northern boundary of Adams County proceeding southerly on the 519000 meter east Universal Transverse Mercator (UTM) grid line, zone 13, to the 4392000 meter north UTM grid line, zone 13, then easterly to the 524500 meter east UTM grid line, zone 13, then southerly along the latter grid line to the southern boundary of Arapahoe County."

This action was taken by the State following a request by Colorado Interstate Gas Company (CIG) for redesignation of portions of the carbon monoxide and ozone nonattainment areas of Adams and Arapahoe Counties. The State indicated that these entire counties had been designated nonattainment for these pollutants in 1978 (43 FR 8962) because of "administrtative convenience", without any monitoring data indicating nonattainment in the area proposed for redesignation to attainment by CIG. The State provided several modeling studies which indicate that the area in question does not violate the National Ambient Air Quality Standards for carbon monoxide and ozone. Since existing data show no violations of the applicable standards in the area proposed for redesignation, and are supported by independent modeling studies, EPA is granting the State's request for a change in the nonattainment boundaries for carbon monoxide and ozone in Adams and Arapahoe Counties.

Since the Agency views as noncontroversial redesignation requests from the States which are supported by

monitoring and/or modeling studies, EPA is today changing the nonattainment boundaries of Adams and Arapahoe Counties for carbon monoxide and ozone as indicated above without prior proposal.

The public should be advised that this action will be effective March 15, 1982. However, if notice is received on or before February 12, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date, One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely approves nonattainment boundary revisions adopted by the State.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

§ 81.306 [Amended]

1. In § 81.306, the attainment status designation tables for CO and O_x are amended by revising the entry entitled "AQCR 3" to read as follows:

COLORADO—O_x

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 3—Counties of Boulder, Denver, Jefferson, and Douglas; Western portions of Adams and Arapahoe Counties.	X	

COLORADO—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 3—Counties of Denver, Jefferson, Boulder, and Douglas; Western portions of Adams and Arapahoe Counties.	X	

[FR Doc. 82-664 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 180

[PP 1F2466/R379; PH-FRL-2028-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Potassium Oleate and Related C_{12}–C_{18} Fatty Acid Potassium Salts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the insecticide potassium oleate and related C_{12}–C_{18} fatty acids potassium salts in or on all raw agricultural commodities when applied in accordance with good agricultural practices. This regulation was requested by Safer Agro-Chem., Inc.

EFFECTIVE DATE: January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of April 22, 1981 (46 FR 22983) which announced that Safer Agro-Chem., Inc., 3233 Vista Diego Rd., Jamul, CA 92035, had submitted a pesticide petition (PP 1F2466) proposing that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the insecticide potassium salts of fatty acids in or on all raw agricultural commodities when applied in accordance with good agricultural practice. These potassium salts are more clearly defined as potassium oleate and related C_{12}–C_{18} fatty acid potassium salts.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included an acute rabbit dermal LD_{50} study, a primary dermal irritation study in rabbits, and an eye irritation study in rabbits. Chronic toxicity studies for potassium oleate and related C_{12}–C_{18} fatty acid potassium salts are not required for the following reasons.

Potassium oleate and related fatty acid salts are naturally occurring substances found in commonly eaten oily foods such as corn and peanuts and are considered nontoxic to humans. Based on the residue data submitted in support of the petition, residues from the proposed use are not likely to exceed levels of naturally occurring fatty acids in commonly eaten foods such as corn and peanuts. Residues, if transferred to meat and milk, are not likely to exceed levels of naturally occurring oleic acid in animal food products. Oleic acid is the chief fatty acid in milk, fats, lard, and tallows and it occurs in considerable quantity in virtually all animal fats.

Salts of fatty acids are cleared, under 21 CFR 172.863, for use as a direct food additive used in food as a binder, emulsifier, and anticaking agent in accordance with good manufacturing practice. In addition, sodium or potassium salts of fatty acids are exempted from the requirement of a tolerance on all raw agricultural commodities when used in accordance with good agricultural practices as a surfactant, emulsifier, and wetting agent under 40 CFR 180.1001(c).

No actions are pending against the registration of the insecticide and no

other considerations are involved in establishing this exemption from the requirement of a tolerance.

The insecticide is considered useful for the purpose for which the exemption is sought, and it is concluded that the exemption will protect the public health. Therefore, the exemption is established as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164 (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 31, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by establishing a new § 180.1068 to read as follows:

§ 180.1068 Potassium oleate and related C_{12}-C_{18} fatty acid potassium salts; exemption from the requirement of a tolerance.

Potassium oleate and related C_{12}-C_{18} fatty acid potassium salts are exempted from the requirement of a tolerance for residues in or on all raw agricultural commodities when used in accordance with good agricultural practice.

[FR Doc. 82-855 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PP 5F1557/R378; PH-FRL-2028-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of the insecticide in or on the commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of November 27, 1974 (39 FR 41401) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 5F1557) proposing that 40 CFR 180.254 be amended by the establishment of tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities soybean forage and hay at 35.0 parts per million (ppm), of which not more than 20.0 ppm are carbamates and soybeans at 1.0 ppm, of which not more than 0.2 ppm is carbamates.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant materials have been evaluated. The toxicological data considered in support of the tolerances included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation, rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day, and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase-inhibition and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove soybeans from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerances. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances for the combined residues of carbofuran and the metabolites in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk at the address given

above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 29, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by alphabetically inserting the commodities soybeans and soybean forage and hay to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Part(s) per million (ppm)
• • • • •	
Soybeans (of which not more than 0.2 ppm is carbamates)	1.0
Soybean, forage (of which not more than 20.0 ppm are carbamates)	35.0
Soybean, hay (of which not more than 20.0 ppm are carbamates)	35.0
• • • • •	

[FR Doc. 82-862 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 1F2488/R362; PH-FRL-2029-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxyfluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oxyfluorfen and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of the herbicide in or on the commodities was requested by Rohm and Haas Co.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M. St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 10, 1981 [46 FR 30692] that Rohm and Haas Co., Philadelphia, PA 19105, had filed a pesticide petition (PP 1F2488) proposing that 40 CFR 180.381 be amended by establishing tolerances for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities cotton at 0.05 part per million (ppm); fresh mint hay (peppermint and spearmint) at 0.1 ppm; pistachio (nut) at 0.05 ppm; and walnut (nut) at 0.05 ppm. The tolerances for cotton are expressed as cottonseed.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. For background information, refer to documents establishing tolerances for residues of oxyfluorfen in various commodities published in the **Federal Register** of December 24, 1980 (45 FR 85021) and April 24, 1981 (46 FR 23238). The toxicology data considered in support of these tolerances included: A rat oral lethal dose (LD_{50}) with an LD_{50} greater than 5.0 grams (g) per kilogram (kg) of body weight (bw); a rat cytogenetic test (purified oxyfluorfen) (negative); two Ames tests (one positive (technical oxyfluorfen) one negative (purified oxyfluorfen)); a host-mediated assay (purfied oxyfluorfen) (negative) a rec. *assay* (technical oxyfluorfen) (positive); a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of bw; a 3-generation rat reproduction study with a NOEL of 10 ppm, a 2-year dog feeding study with a NOEL of 100 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL of 2 ppm. Additional data to be submitted by the petitioner include a rabbit teratology study with postnatal evaluation; additional mutagenicity data and 90-day range finding studies for rat and mouse strains tested in the chronic toxicity studies listed above.

Based on a NOEL of 2 ppm in the chronic mouse feeding study and a safety factor of 100, the acceptable daily intake (ADI) is 0.003 mg/kg/day. For a 60-kg person the maximum permissible intake (MPI) is 0.18 mg/day. These tolerances and previously established tolerances utilize 21.01 percent of the ADI.

The nature of the residue of the pesticide is adequately delineated and an adequate analytical method (a gas-liquid chromatographic procedure using an electron-capture detector) is available for enforcement purposes.

Related documents establishing regulations and tolerances on oxyfluorfen in other commodities appear elsewhere in this issue of the **Federal Register.**

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register,** file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed

objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164 (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 30, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.381 is amended by adding and alphabetically inserting the commodities cottonseed, mint hay (peppermint and spearmint), pistachios, and walnuts to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

* * * * *

Commodity	Part per million (ppm)
Cottonseed	0.05
Mint hay (peppermint and spearmint)	0.1
Pistachios	0.05
Walnuts	0.05

[FR Doc. 82-678 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[OPP-00000/R384; PH-FRL-2028-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Raw Agricultural Commodities Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1(j)(5) to include dry bulb onions. This revision will subject dry onion bulbs to be examined for pesticide residues. The amendment was submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1723).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rule published in the **Federal Register** of October 27, 1981 (46 FR 52398) which announced that the IR-4, New Jersey Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the Technical Committee, proposed amending 40 CFR 180.1(j)(5) to indicate that onion bulbs shall be examined for pesticide residues in the same manner as garlic bulbs

There were no comments of referral received in response to this notice of proposed rulemaking.

The rationale for the amendment and other relevant material have been evaluated. The regulation is considered useful for the purpose for which it is sought. Therefore, the regulation is established by amending 40 CFR 180.1(j)(5) as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 29, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.1(j)(5) is revised to insert the item "dry bulb onions" and the words "onion bulbs" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * * *

(j) * * *

(5) roots, stems, and outer sheaths (or husks) shall be removed and discarded from garlic bulbs and dry bulb onions, and only the garlic cloves and onion bulbs shall be examined for pesticide residues.

* * * * *

[FR Doc. 82-617 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PP 1F2549/R381; PH-FRL-2029-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxyfluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oxyfluorfen and its metabolites in or on the raw agricultural commodities cherries, figs, and pears. This regulation to establish the maximum permissible level for the combined residues of the herbicide in or on the commodities was requested by the Rohm and Haas Co.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of September 23, 1981 (46 FR 47007) which announced that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had filed a pesticide petition (PP 1F2549) proposing that 40 CFR 180.381 be amended by the establishment of tolerances for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities cherries, figs, and pears at 0.05 part per million (ppm).

There were no comments received in response to this notice.

The data submitted in the petition and other relevant material have been evaluated. For background information, refer to documents establishing tolerances for residues of oxyfluorfen in various commodities published in the Federal Register of December 24, 1980 (45 FR 85021) and April 24, 1981 (46 FR 23238). The toxicology data considered in support of these tolerances included: A rat oral lethal dose (LD_{50}) with an LD_{50} greater than 5.0 grams (g) per kilogram (kg) of body weight (bw); a rat cytogenetic test (purified oxyfluorfen) (negative); two Ames tests (one positive) (technical oxyfluorfen) one negative (purified oxyfluorfen); a host-mediated assay (purified oxyfluorfen) (negative); a rec. *assay* (technical oxyfluorfen) (positive); a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of bw; a three-generation rat reproduction study with a NOEL of 10 ppm; a 2-year dog feeding study with a NOEL of 100 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL of 2 ppm. Additional data to be submitted by the petitioner include a rabbit teratology study with post-natal evaluation; additional mutagenicity data, and 90-day range finding studies for rat and mouse strains tested in the chronic toxicity studies listed above.

Based on a NOEL of 2 ppm in the chronic mouse feeding study and a safety factor of 100, the acceptable daily intake (ADI) is 0.003 mg/kg/day. For a 60-kg person, the maximum permissible intake (MPI) is 0.18 mg/day. These tolerances and previously established tolerances utilize 21.01 percent of the ADI.

The nature of the residue of the pesticide is adequately delineated and an adequate analytical method (a gas-liquid chromatographic procedure using an electron-capture detector) is available for enforcement purposes.

Related documents establishing regulations and tolerances on oxyfluorfen in other commodities appear elsewhere in this issue of the Federal Register.

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 30, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.381 is amended by adding and alphabetically inserting the commodities cherries, figs, and pears to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

* * * * *

Commodity	Part per million
Cherries	0.05
Figs	.05
Pears	.05

[FR Doc. 82–677 Filed 1–13–82; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PP IF2534/R387; PH–FRL–2029–5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Propanil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide propanil and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of the herbicide in or on the commodities was requested by the Rohm and Haas Co.

EFFECTIVE DATE: Effective January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C),, Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of September 23, 1981 (46 FR 47006) which announced that the Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted a pesticide petition (PP 1F2534) proposing that 40 CFR 180.274 be amended by the establishment of tolerances for the combined residues of the herbicide propanil (3', 4'-dichloropionanilide) in or on the raw agricultural commodities barley and oats grain at 0.2 part per million (ppm); barley and oats straw at 0.75 ppm.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included an acute oral LD 50 (rats) with a LD 50 of 2,270 milligrams (mg)/kilorgram (kg); an acute dermal LD 50 (rabbits) with a LD 50 of 7,080 mg/kg; an acute inhalation LC 50 (rats) with a LC 50 of 18.6 mg/liter (1); primary dermal irritation (rabbits) with a toxicity category of IV; a primary eye irritation (rabbits) with a toxicity category of II; a skin sensitization test (negative); a 3-generation rat reproduction study with a no-observable-effect level (NOEL) of 1,000 ppm (highest dose tested); a 2-year dog feeding study with a NOEL of 15 mg/kg/day; a 2-year chronic/oncogenic (rat) study with negative oncogenic potential and a NOEL of 20 mg/kg/day; a rat teratology study with a fetotoxic NOEL of 20 mg/kg and negative up to 100 mg/kg; and a rabbit teratology study (negative up to 100 mg/kg and a fetotoxic NOEL of 20 mg/kg). Data desirable but currently lacking include an oncogenicity study on a second species and mutagenicity data. The company has been notified of the deficiencies and has agreed to perform the studies and to remove the uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in section 162.11 of the regulations.

The provisional acceptable daily intake (PADI) is calculated to be 0.15 mg/kg/day based on a NOEL of 15 mg/kg/day using a 100-fold safety factor. For a 60-kg person, the maximum permissible intake (MPI) is 9.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances (rice at 2.0 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; eggs at 0.05 ppm; milk and dairy products at 0.05 ppm; and wheat at 0.2 ppm) is 0.092 mg/day for a 1.5 kg diet. The tolerances on barley and oats will utilize 0.01 percent of the ADI and add 0.0011 percent of the TMRC to give a total TMRC of 0.0931 mg/day (1.5 kg diet), which represents 1.03 percent of the ADI.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues are adequately understood. An adequate analytical method (gas chromatography using electron capture detector) is available for enforcement purposes. Residues of propanil which could occur in eggs, milk, and meat of livestock will be covered under existing tolerances (§ 180.6(a)(2)).

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 31, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.274 is amended by adding and alphabetically inserting the commodities barley and oats grain and barley and oats straw to read as follows:

§ 180.274 Propanil; tolerances for residues.

* * * * *

Commodity	Part per million (ppm)
Barley, grain	.2
Barley, straw	.75
Oats, grain	.2
Oats, straw	.75

[FR Doc. 82–874 Filed 1–12–82; 8:45 am]

BILLING CODE 6560–33–M

40 CFR Part 180

[PP 8F2058/R301A; PH–FRL–2028–7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxyfluorfen; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects production information on the herbicide oxyfluorfen contained in the regulation establishing tolerances for the pesticide on various raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division, Office of Pesticide Programs, Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of April 24, 1981 (46 FR 23238, [PP 8F2058/R301]) establishing tolerances for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on various raw agricultural commodities. The reference to the petitioner's production of oxyfluorfen as stated in the document was in error.

In the FR Doc. 81-12378, appearing at page 23238 under the heading "Supplementary Information;", the first sentence, second paragraph, second column on page 23239 which reads "The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene." is corrected to read "The petitioner produces the formulated oxyfluorfen product containing less than 200 ppm perchloroethylene."

Dated: December 31, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-861 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[9F2197/R283A; PH-FRL-2029-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxyfluorfen; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects production information on the herbicide oxyfluorfen contained in the regulation establishing tolerances for the pesticide on various raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division, Office of Pesticide Programs, Room 237 CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of December 24, 1980 (45 FR 85021, [PP 9F2197/R283]) establishing tolerances for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-trifluoromethyl)benzene] in or on various raw agricultural commodities. The reference to the petitioner's production of oxyfluorfen as stated in the document was in error.

In the FR Doc. 80-40118, appearing at page 85021 under the heading "Supplementary Information:", the first sentence, second paragraph, first column on page 85022 which reads "The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene." is corrected to read "The petitioner produces the formulated oxyfluorfen product containing less than 200 ppm perchloroethylene."

Dated: December 31, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-879 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PP OF2381/R386; PH-FRL-2028-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Aqueous Extract of Seaweed Meal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Ascophyllum Nodosum* when used in or on the raw agricultural commodity rice. This regulation was requested by the Dawn Corp.

EFFECTIVE DATE: Effective on January 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 2, 1980 (45 FR 58193) which announced that the Dawn Corp., 924 Fourth Ave. South, PO Box 100, Dension IO 51442, had submitted a pesticide petiton (PP OF2381) proposing that 40 CFR 180.1042 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Ascophyllum Nodosum* when used on the raw agricultural commodities corn (maize), rice, soybeans, and wheat. The petition was subsequently amended deleting corn (maize), soybeans, and wheat as these commodities are already exempted under 40 CFR 180.1042.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included an acute oral LD50 (rat) with a LD50 greater than 10 milliliters (ml)/kilogram (kg), an eye irritation study (rabbit) with a score of "mildly irritating", and a dermal irritation study. All other toxicology studies and requirements, including long and short-term feeding studies and a 3-generation reproduction study, were waived by the Director, Office of Pesticide Programs in accordance with the provisions of 40 CFR 162.8 as communicated in a memorandum of January 19, 1978. The requirement of an adequate analytical method for enforcement purposes was also waived because aqueous extract of seaweed meal is a derivative of a human food. The marine algae species *Ascophyllum Nodosum* from which the product is derived are identical to, or closely related to, species used for human consumption and livestock and poultry feeds. The product, then, which is derived from these species, would not appear to present an unacceptable hazard to humans and fish and wildlife since the algae are used as a normal dietary item. It is reasonable to assume that no adverse environmental effects may result from an extract of a nontoxic plant material containing only natural materials of a nature common to members of the plant kingdom and subject to the usual known routes of natural degradative processes.

An exemption from the requirement of a tolerance has previously been established for residues of the extract when used on apples, carrots, celery, corn, grapes, oranges, peaches, peanuts, peppers, potatoes, soybeans, strawberries, sugarbeets, tomatoes, and wheat. There are no data considered desirable but lacking; thus no steps are being taken to obtain additional data. No regulations are pending against continued registration of the product nor are there any other considerations for establishment of the proposed exemption.

The subject material is considered useful for the purpose for which the exemption from the requirement of a

tolerance is sought, and it is concluded that the exemption will protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before February 12, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 13, 1982.

(Sec. 408(e), 68 Stat 514 (21 U.S.C. 346(a)(e)))

Dated: December 31, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.1042 is revised by reformatting the commodities in an alphabetical listing and inserting the commodity rice to read as follows:

§180.1042 Aqueous extract of seaweed meal; exemption from the requirement of a tolerance.

Aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum Nodosum* is exempted from the requirement of a tolerance when used as a plant growth regulator in or on the following raw agricultural commodities:

Commodity
Apples
Carrots
Celery
Corn
Grapes
Oranges
Peaches
Peanuts
Peppers
Potatoes
Rice
Soybeans
Strawberries
Sugarbeets
Tomatoes
Wheat

[FR Doc. 82-859 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 193

[FAP 9H5230/R70A; PH-FRL-2028-8]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Oxyfluorfen; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects production information on the regulation permitting residues of the herbicide oxyfluorfen and its metabolite in refined soybean oil.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division, Office of Pesticide Programs, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a food additive regulation published in the Federal Register of April 24, 1981 (46 FR 23228, [FAP 9H5230/R70]) permitting the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil. The reference to the petitioner's production of oxyfluorfen was in error.

In the FR Doc. 81-12406, appearing at page 23228 under the heading "Supplementary Information" the first sentence, fourth paragraph, third column on page 23228 which read "The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene." is corrected to read "The petitioner produces the formulated oxyfluorfen product containing less than 200 ppm perchloroethylene."

Dated: December 31, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-860 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5-12

[APD 2800.2 CHGE 17]

Service Contracts—Reporting Taxpayer Identification Numbers

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to prescribe procedures for contracting officers to obtain and report service contractors' taxpayer identification numbers to the Office of Finance. The taxpayer identification number is required by the Internal Revenue Service (IRS) for reporting income. The intended effect of this order is to ensure compliance with IRS policy.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

1. The Table of Parts for Chapter 5 is amended by adding the following entry:

Part	
5-12	*Labor*

2. Part 5-12 is added as follows:

PART 5-12—LABOR

Subpart 5-12.9—Service Contract Act of 1965

Sec.

5-12.950 Service contracts—reporting taxpayer identification numbers.

Subpart 5-12.9—Service Contract Act of 1965

§ 5-12.950 Service contracts—reporting taxpayer identification numbers.

(a) *General.* This section requires GSA contracting officers to obtain and report service contractors' taxpayer identification numbers (employer identification number or social security number) to the Office of Finance. The Office of Finance in turn will record and report this information on Internal Revenue Service Form NEC 1099 in

compliance with IRS directives regarding the reporting of income.

(b) *Procedures.* (1) This procedure pertains only to service contractors who are (i) not incorporated and who (ii) receive payments from GSA totaling $600 or more in any calendar year. If the contracting officer anticipates that payments to the contractor will equal or exceed the $600 amount for the year, he shall report the taxpayer identification number (TIN).

(2) GSA contracting officers shall obtain and report service contractors' taxpayer identification numbers to their designated Office of Finance.

(3) The taxpayer identification number is either the employer identification number of social security number.

(4) Contracting officers shall make the request for the TIN a part of the solicitation package. A copy of the contract (containing the TIN) shall be forwarded to the Office of Finance.

(5) The TIN shall also appear on the face of any orders placed against a contract, copies of which are forwarded to the Office of Finance for payment.

(6) If written solicitations/orders are not used, the TIN should appear on the invoice certified by an authorized Government official and forwarded to the Office of Finance for payment.

(7) When a prospective service contractor fails to provide the TIN in an offer, it shall be handled as a minor informality.

(8) If a contractor refuses to furnish the TIN to the contracting officer, the contracting officer shall so notify the Office of Finance.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: December 21, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 82-000 Filed 1-12-82; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 441

Medicare and Medicaid Programs, Less Than Effective Drugs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of legislation affecting implementation and enforcement of interim final rule.

SUMMARY: We are notifying affected parties that, in accordance with recent legislation, HCFA will continue reimbursement for expenses incurred for drugs identified in section 2103 of the Omnibus Budget Reconciliation Act of 1981 through March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Henry J. Hehir, 301-594-8561.

SUPPLEMENTARY INFORMATION: Regulations were published in the **Federal Register** on October 1, 1981 (46 FR 48550), to implement section 2103 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). That section prohibits the use of Federal funds under the Medicare Part B and Medicaid programs for drugs that the Food and Drug Administration has proposed, in a notice of opportunity for hearing, to withdraw from the market because they are less than effective, as well as identical, related, or similar drugs. In the **Federal Register** notice, the Department advised that it would grant a grace period until January 1, 1982, before we would begin enforcement of this provision.

In a lawsuit brought in the United States District Court for the District of Columbia *National Council of Senior Citizens* v. *Schweiker* (Civ. Action No. 81-2462), the Court on October 23, 1981, held that the Secretary was not authorized to grant a grace period and ordered the Secretary to discontinue reimbursement under Medicare Part B and Medicaid for expenses incurred on or after October 30, 1981, for the drugs identified in section 2103. Notice of the Court's order was published in the **Federal Register** on October 30, 1981 (46 FR 53664).

On December 15, 1981, the President signed H.J. Res. 370, a resolution continuing appropriations for the government through March 31, 1982. Section 131 of that resolution provides that section 210 of the Department's appropriations bill (H.R. 4560), as passed by the House of Representatives on October 6, 1981 (and as also incorporated as section 209 in the bill reported by the Senate Committee on Appropriations on November 9, 1981), shall be applicable with respect to sums appropriated pursuant to the continuing resolution. The provision incorporated by reference requires that "None of the funds appropriated or otherwise made available in this title may be used to pay the salaries of officers and employees for implementation or enforcement of section 2103 of the Omnibus Budget Reconciliation Act of 1981, or for the implementation or enforcement of rules or regulations pursuant to such section."

The legislative history of this section indicates that the section was intended to require the Department to continue reimbursement for drugs subject to section 2103 of the Omnibus Budget Reconciliation Act. See 127 Cong. Rec. H 7067-73 (October 6, 1981); 127 Cong. Rec. S 13762-65 (November 19, 1981). Accordingly, the Department will continue reimbursement for drugs subject to section 2103 with respect to expenses incurred during the period governed by the continuing resolution—December 16, 1981, through March 31, 1982. In addition, during the same period the Department will not enforce or implement section 2103 with respect to expenses incurred prior to December 16, 1981.

Dated: January 8, 1982.

Carolyne K. Davis,

Administrator.

[FR Doc. 82-959 Filed 1-12-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[BC Docket No. 81-352; FCC 81-584]

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations and Radio Broadcast Services; Amendment of the Commission's Rules Concerning Use of the Subsidiary Communications Authorization for Utility Load Management

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein resolves the issue raised in the Commission's Notice of Proposed Rule Making adopted May 21, 1981 proposing to permit a commercial FM Subsidiary Communication Authorization (SCA) to be used to transmit signals for utility load management purposes. This is a non-broadcast use presently prohibited. The Commission is amending its rules to permit this use, finding it to be in the public interest.

DATE: Effective February 16, 1982.

FOR FURTHER INFORMATION CONTACT: Norman Plotkin, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: December 17, 1981.

Released: January 8, 1982.

By the Commission.

In the matter of amendment of §§ 73.293 and 2.106 of the Commission's rules concerning use of the subsidiary communications authorization for utility

load management. BC Docket No. 81-352. Report and Order (Proceeding Terminated).

Introduction

1. On May 21, 1981, the Commission adopted a Notice of Proposed Rule Making (NPRM) proposing an amendment to its FM Subsidiary Communication Authorization (SCA) rule (46 FR 31290; June 15, 1981). The amendment proposed permitting a specific energy conserving technique, utility load management, to be used on the FM subcarrier signal of commercial FM radio stations. The authorization would be effected by exempting such use from the "non-broadcast" prohibition contained in the Commission's SCA rules (§ 73.293). This authorization would allow utilities to use SCA signals as an additional means to alleviate peak period energy demands and to make possible other energy conserving measures. The Commission felt that authorizing load management use of SCA's was clearly in the public interest. Our tentative view has been strongly confirmed by the comments received. Therefore, the Commission is adopting the proposal with this Report and Order.[1]

2. The Commission proposed this rule change because it felt that energy conservation is of critical importance to our nation. Great amounts of effort and funds are being expended toward its attainment. Managing utility loads has been given strong Congressional endorsement in the Public Utilities Regulatory Policies Act of 1978 (PURPA), and a number of states require positive utility action in its use. Load management aids materially in conserving energy by causing it to be used more efficiently. Its use also helps to damp rising energy prices by: (1) encouraging customers to shift their energy demands to off-peak periods; (2) eliminating the capital costs of generating plants that are required solely to meet such peak demand; and (3) reducing the higher fuel and operating costs associated with bringing standby equipment into use during periods of peak energy demand.

3. There are three known ways that an FM SCA subcarrier signal, "piggy-backed" on the main channel signal, could be used for utility load management purposes. It can be used: (1) to turn off certain users' equipment that consumes a particular fuel;[2] (2) to transfer users from one type of equipment to another in order to redistribute fuel demand from one fuel to another; and (3) to implement time-of-day metering. Switching the metering of a particular fuel during periods of higher fuel demand allows the charging of higher rates to reflect the increased operating cost conditions during those periods.[3] The present "non-broadcast" limitations on SCA use were developed in 1960 in the Commission's Report and Order, Docket No. 12517 (19 FR 1619 (1960)). Their basis was the fear that availability of such uses would: (1) tend to block future development of the infant FM stereophonic broadcasting service; (2) cause serious competitive hardship to Domestic Public Radio Services licensees; and (3) amount to a *de facto* reallocation of broadcast frequencies. In the notice in the present proceeding, the Commission stated its firm belief that these reasons were either no longer relevant in today's environment or were strongly overshadowed by the beneficial effects this permission would have on the national welfare. In soliciting comments on its proposal, the Commission also requested comments on any impact that possible future additions to permissible SCA uses might have on the complexity of administration of the Table of Frequency Allocations.

The Comments

4. Despite the limited scope of this amendment, the Commission received more than 80 comments and 11 reply comments covering a wide spectrum of opinion. The predominant views expressed by these comments can be classified into five basic groupings.

A. More than 50 commenters unqualifiedly favored the action. These were mainly utilities and energy related organizations, both private and government, who represent a substantial number of consumers.[4]

B. Some commenters wanted to broaden the proceeding to permit: (a) the specific inclusion of AM carrier use for load managment purposes; or (b) complete deregulation of FM SCA and AM carrier use to permit licensees to exercise complete freedom in their use as long as such use was consistent with primary broadcast responsibilities. The eight comments and six reply comments received in this group were mainly from broadcasting organizations and equipment producers.

C. A few commenters wanted the inclusion of public broadcasting FM SCA's in the proceeding with their compensation either: (1) on a cost-reimbursable basis in conformity with present rules; or (2) on a for-profit basis just as commercial FM stations are allowed. The four commenters were all public broadcasting organizations.

D. One commenter, a common carrier, felt that the authorization should be subject to common carrier rule treatment.

E. Finally, some commenters wanted the Commission either not to authorize the use of SCA's for such a purpose, or, at least, to relegate it to a secondary position relative to broadcast-type activities. The 16 comments of this type were predominantly from nonprofit radio reading service (RRS) groups currently using SCA's to broadcast to sight-impaired people, and from MUZAK, a commercial firm that uses FM SCA's for background music.

5. In the first group, the need for utility load management was perhaps best summarized by the California Energy Commission in citing evidence from previous load management experiments. They stated that, because of conservation efforts and the downward effect of price increases on consumer energy demand, utilities are faced with a declining average demand relative to peak demand. Nevertheless, it is the peak demand they must plan to serve since that is the maximum they might have to provide. To do so, they must have surplus generation capability, the cost of which is paid for by the consumer. Their comments go on to state that it typically costs a utility less than $30.00 a year to shift a kw of peak load compared to over $100.00 to produce it with a gas turbine. As the demand for electricity increases during a peak period less efficient peaking plants are brought into service. These inefficient plants use as much as 4500 Btu/kwh more energy than base plants and ordinarily use petroleum distillate fuels. Thus, they comment, direct utility control of customer energy load, by decreasing the level of peak demands, allows more efficient use of generating systems.

6. The most common need expressed in the comments as a critical component

[1] In conjunction with this action, the Commission is also considering approval of a related energy conserving proposal in the form of a notice of proposed rule making to authorize AM licensees to use their AM carriers for utility load management purposes.

[2] The potential saving here could be substantial simply in terms of the largely untapped 93 million residential units—primarily water heaters and air conditioners—capable of being remotely controlled by agreement between the utility and user.

[3] This price pressure serves as an effective means of discouraging energy demand of a less important nature during heavy use periods or during severe shortage periods.

[4] This group of commenters included utilities serving about 16 million customers, utility trade associations whose membership included about 4000 electric and gas utilities, and eight state regulatory energy commissions representing the views of states containing about one-third of the U.S. population.

to effective load management was the need for many communication alternatives to meet the diversified situations and cost capabilities of utilities. This argument and the importance of FM SCA availability as a cost effective solution can be lucidly demonstrated by drawing from the statements of various commenters. For example, Vedette Energy Research, Inc. stated:

> Despite the demonstrated and proven benefits to the nation generally and the consumer individually, despite the Federal mandate, the state imperatives and the utilities' own desire to realize the relief capable through ULM (utility load management) there has been no widespread introduction of ULM across the nation * * * (a principal underlying reason is) lack of a reliable cost-effective delivery technology. Indeed, operators of many of the ULM experimental projects or small scale permanent installations confirm that the single major weakness in such systems is the communications link whose function it is to deliver the command from the utility to the load or end user.

Joseph Blackburn of H. Zinder Associates stated:

> No single direct load management technique can be optimal for all electric utility systems. Each individual utility must tailor a load management program to fit the utility's specific needs, taking into consideration the utility's operating characteristics, demographic profile and regulatory climate. Every utility system needs to have a full range of telecommunication options available to it in making economic evaluations between alternative direct control techniques * * *. Enactment of this rule amendment will promote an increase in telecommunications options available for load management and "foster the development of equal opportunities in the selection of a load management technique best suited to the particular requirement of all utilities, regardless of their size, location or type of ownership.

7. The potential users of the SCA technology, users to which such a system would be available, are substantial. Any utility whose customers come within the broadcast range of an FM station would be a potential user. In its comments, the American Public Power Association (APPA) estimated that at least fifty percent of its more than 1700 public power system members, containing eighty percent of the customers served by its members, would have access to FM SCA use.[5]

8. Many utilities appear to be at an important decision point with reference to load management techniques. The National Rural Electric Cooperative Association asserted that its members had projects for the next decade in the planning stages,[6] and Entec Consulting stated: "Since the utility industry is just beginning the demonstration/implementation of load management, it is important that the reliable, cost-effective systems are demonstrated and implemented. Unless the Commission acts positively now, the reliable cost-effective FM subcarrier systems will never be a serious consideration and many proposed load management systems will not be implemented for lack of a proper carrier system." The Burlington Electric Department, for example, is currently investigating numerous strategies but is very cost constrained due to its limited size. "Should transmission service become available to use through a contract to 'rent' a small portion of the FM band from commercial operators, the feasibility of our load management project would be virtually guaranteed."[7]

9. Comments were received from two FM SCA equipment system developers [8] emphasizing the technical sophistication and bandwidth efficiency of techniques available that would permit the use of SCA for utility load management without interfering with present SCA users. As stated by Vedette, its transmission could "simultaneously occupy the same subcarrier being used for such things as background music, physican's medical programs, radio reading services for the blind and other aural SCA programs, without any deleterious effects on those programs, the main channel programming or ULM system functions."

10. The second group, while agreeing with utility load management use of SCA, rejected the present proposal as too limited in scope and urged the further expansion of the docket. Two commenters,[9] urged expansion of the proceeding to encompass AM load management radio techniques as well. They urged the Commission to include and authorize in this docket an AM carrier technique developed by Altran Electronics, Inc. In its comments, Altran stated that such AM technical ability had been tested and is now available.[10] Altran claimed that its AM system offers a number of advantages which should promptly be made available. They urge the Commission to approve both systems at the same time "so that the two technologies may compete together in the market place." [11] The other commenters in this group predominantly urged that the docket be expanded to allow all uses of FM SCA and AM carriers consistent with licensees primary broadcast responsibilities. General Electric's statement appears to capture the general viewpoint of these commenters when it asked the Commission "to recognize, as a matter of policy, the variety of ways in which the broadcast carrier may be utilized. The Commission should expeditiously broaden this proceeding to consider at one time the removal of regulatory restraints on the licensee's authority to provide any such services over either its FM subcarrier or AM carrier." [12] The reply comments received in this group urged the Commission, should it decide not to authorize the AM carrier use in this action, to conduct an expedited proceeding on its behalf.

11. The third group recommended that the Commission expand this procedure to include the SCA's of public broadcasting FM stations, as well, because the energy-efficiency reasons given in support of commercial FM SCA's were equally applicable to public broadcasting FM stations. Such expansion would permit the more than 1100 public radio stations to assist in energy conservation efforts with the use of their SCA's, adding to the benefits of the proposal by making SCA utility load management available in more remote areas where commercial stations are not present, and offering an additional source of needed revenue to these stations. [13] However, the commenters took different stands with reference to the remunerative aspects for public

---

[5] APPA's estimate was developed by using four representative states of its membership (Minnesota, Ohio, Nebraska and California).

[6] The National Rural Electric Cooperative Association claims that its nearly one thousand nonprofit rural electric system members have been leaders in load management. They serve nine million rural member/customers in 46 states or ten percent of the nation's customers.

[7] Vermont's largest municipal utility.

[8] These were Vedette Energy Research, Inc. and the Blaupunkt Division of Robert Bosch Sales Corporation. Blaupunkt stated that a station employing its SCA technique "does not have to reduce its main or subchannel modulations to accommodate these signals."

[9] CBS, Inc. and Altran Electronics, Inc.

[10] For the report of this test see: Broadcast Radio System for Distribution Communications, Electric Power Research Institute ("EPRI"), EPRI EL–1860, Project 1535–1, Final Report, June 1981.

[11] As noted in Footnote 1 and discussed in the next section of this proceeding, the Commission has decided to take positive action on this request by initiating a separate proceeding.

[12] General Electric also states: "Clearly the time has come to explore on a broader scale the numerous and varied beneficial uses to the public which would be made of the FM SCA * * * as well as the AM carrier."

[13] NPR felt the Commission's notice was ambiguous as to whether the proposed change would apply to public FM stations due to an inadvertent use in the Flexibility Act portion of the proposal of the total number of FM stations rather than just the number of commercial stations.

broadcasters. NPR's proposal was to maintain a strictly noncommercial stance in keeping with present rules (Section 73.593(a)). CPB and other commenters urged that this service be permitted to be sold or leased at the going market rate. In urging a for-profit basis, CPB stated that in so doing, "the Commission, in this proceeding, can serve the public's interest in a financially healthy non-commercial educational FM broadcast service, competition in the rendering of a new service to the public, and in the conservation of energy resources and the reduction of overhead in business * * *."

12. The fourth category consists of only one commenter, Microband Corporation of America, a licensed common carrier in the Multipoint Distribution Service (MDS). While supporting the goals sought in the proceeding, this commenter called upon the Commission to subject such SCA uses that are in competition with common carriers to "equivalent regulatory treatment" to prevent unfair competition as a result of differing Commission requirements.

13. The last group of commenters opposed the proposed action altogether. They preferred outright rejection of the proposal, or if necessary, approval only if such "nonbroadcast" SCA use were made subject to definite limitations that would assure priorities to current and potential broadcast-type uses of SCA and/or guarantee their full protection. It would appear that the strongest opposition to the Commission's proposal is from the major present users of FM SCA's. In summary, the basis for this opposition by RRS and MUZAK is their fear that approval of SCA for load management use will increase competition and the price of SCA rentals (already on the rise because of increased competition from new broadcast-type users). They fear that allowing a new user, such as load management, will force RRS and small MUZAK franchisees, both with limited funds, to bid against "monopoly" utility companies which they assert could easily outbid them and, thereby, endanger their very existence. They feel it also would ultimately result in a reallocation of broadcast frequencies to non-broadcast use.

14. RRS states that SCA facilities are currently the only practical means of providing radio reading services and, they assert, squeezing them off SCA's could jeopardize a "vitally needed service to the handicapped population of the nation."[14] This, they declare, is contrary to the public interest. They conclude that "The courts have found that the public interest standard includes consideration of the needs of the blind and handicapped * * * (and) that the Commission has an obligation to consider the needs of the handicapped under the rubric of the public interest."[15] Various options were offered by the RRS commenters which would allay their concerns. The preferred option was outright rejection of the present proposal. However, should the Commission decide to proceed, the following other options were offered to accommodate utilities but assure relatively unimpaired functioning of RRS's operations.

(1) A priority for broadcast-type uses of SCA could be given before their use for utility load management would be allowed; or the utility could be required to ensure continuation of RRS while fulfilling its own need.

(2) Use of SCA's for utility load management purposes could be restricted to subaudible or superaudible tones or to short transmissions of only a few seconds duration to minimize interference with RRS programming.[16]

MUZAK, in its comments and again in its reply comments, set forth its preferred rule alternatives in a somewhat different order than RRS, positing as follows: Outright rejection of this FM SCA proposal; deferral of this action as an inadequate "piecemeal approach" until completion of a comprehensive study on SCA's; and, lastly, should the Commission still decide to authorize SCA's to be used for load management purposes, require a "double accommodation" by confining that function to subaudible tones to protect existing and potential broadcast SCA services.

Discussion

15. A number of comments questioned the Commission's "piecemeal approach" in treating utility load management separately from a large, general study of FM SCA uses. The Commission recognizes the importance and impact of FM SCA's generally and its decision to separate the load managment aspect from other possible uses has been a deliberate one. From its initial study of the SCA area, the Commission concluded that the loaded management use of SCA's would be an important and relatively clear-cut rule change that warranted swift treatment since it was clearly in the public interest. It offers substantial national energy conservation and cost reduction opportunities and is anticipated to have little if any negative effects since it is possible to transmit a load management signal on a very narrow band which would permit sharing of the SCA band with other users. Since a general rule making considering all FM SCA uses would require a substantially larger amount of time to resolve, it would result in an unnecessary postponement of this simple and straightforward, yet highly important, aspect.

16. First, we consider those requests to expand this proceeding to include certain specific additions; namely, authorization of utility load management use by modulating an AM station's carrier, and allowing public broadcasting FM stations to get such authorization. With reference to adding AM to the proceeding, the Commission is persuaded by the evidence supplied by the various commenters that the addition of the AM carrier method should be considered since it appears to offer a worthwhile expansion of the choices utilities are seeking in their energy conservation efforts. Its treatment, however, is outside the scope of this notice and would require issuance of another expanded notice. Therefore, rather than delay the present proceeding by expanding it to include this AM carrier method, the Commission is opening an expedited separate proceeding proposing AM carrier authorization for load management purposes.

17. The Commission also agrees with the view expressed by public broadcasting commenters that the same energy-saving case advanced for commercial FM SCA use for utility load management is applicable to public broadcaster's FM SCA's as well. However, recent Congressional changes in the Public Broadcasting Amendment Act of 1981 as to permissible activities of public broadcasting raise questions of interpretation with reference to the Commission's current rules. We are now considering this impact as well as other possible actions that would relate to public broadcasting activities. Because of this and to avoid delay of the present

[14] Association of Radio Reading Services comment.

[15] From Chicagoland Radio Information Service comment. The court case referred to was *Gottfried* v *FCC* (D.C. Cir. April 17, 1981) (49 RR 2d 449).

[16] Washington Ear, Inc., one of the commenters who proposed option 2, saw very positive possibilities in this option, stating that if "power companies are restricted in their uses of SCA channels, the additional income they could provide, particularly to public radio stations, could help to finance the availability of SCA-facilities for other groups who are performing socially desirable functions for their communities, but which are only able to pay very modest fees for the use of a subcarrier channel."

proceeding, the Commission has decided against issuing a new notice encompassing public broadcasters. Instead, we will treat public broadcasting separately regarding this authorization.

18. The commission also rejects the view of Microband Corporation of America that SCA use for load management, because it is similar to services provided by common carriers, should have the same regulatory requirement as imposed on common carriers. The Commission agrees with the statement in a number of reply comments that the Microband comment misunderstands the nature of this rulemaking, that its "proposal to impose title II (Common Carrier) regulation on SCA uses fails to recognize that the title III (Broadcasting) licensing issues in this docket stand separate and apart from any title II regulatory questions that may arise in the context of specific, individual SCA applications." [17] We do recognize that determining what activities constitute common carriage is often difficult and we are reviewing this complex matter in other Commission proceedings.[18]

19. Finally, we consider the concerns of those generally opposed to allowing this non-broadcast use of FM SCA's. These concerns seem basically rooted not so much in the fact that non-broadcast users would be allowed to participate as in the fact that the new users would represent additional competition for the existing SCA capacity. Although there will likely be some impact on existing users, this effect may not be particularly great. Two factors operate to reduce the expected impact of the new authorization. First, the narrow band capability of the techniques available for load management use of SCA's permits the simultaneous use of many SCA's for load management signals and aural use with no apparent detrimental effects. Secondly, it seems that economic incentives are generally present both to utilities and FM stations to mutually share the SCA spectrum.[19]

20. The utility company demand for an SCA is based on its economical use. The comments indicate that utilities are very interested in managing their loads because of the cost saving it offers them. It follows then that they will be interested in the specific FM SCA approach only if it provides load management at a lower cost than other techniques. Therefore, it seems reasonable to expect utilities to act in a rational manner and seek to share SCA's with other users in many cases in order to minimize their cost. This is particularly true since a majority of the utility companies are small and, as stated in their comments, are faced with strong cost constraints themselves. On the SCA supply side, commercial FM stations would have the same economic incentives to increase their net revenue from SCA's by establishing policies that make such sharing worthwhile.

21. We believe the arguments against granting this authorization by RRS and MUZAK are not valid. The evidence in this docket has made clear that dual use of the SCA by utility load managers and aural users is available and practical and there is a strong economic incentive for sharing where possible, as discussed above. In fact, a reduction in SCA cost per user (or smaller increases) may result from this expanded use of SCA's due to (1) the spreading of SCA prevailing rental rates over two users, (2) the possible reduction in the cost of SCA receivers from any resulting economies of volume production to meet load management demands, and (3) the possible opening up of additional SCA's not presently being used.

22. A substantial number of FM stations do not currently operate SCA's. The additional financial incentive offered by utilities may well entice them to do so, making additional SCA's available to other users as well. In addition to SCA's available under current rules, the FM Quadraphonic Broadcasting proceeding (Docket No. 21310) proposes to expand subcarrier capability by permitting subcarriers on the FM baseband up to and including 99 KHz (from 75 KHz currently). Also, some of the TV stereo systems now being tested would add the possibility of substantially increasing the number of SCA's. As an example of the possible effect such expansion may have on RRS services, the Commission has already received one request for an experimental authorization to use the subcarrier of a TV aural FM transmitter to provide expanded reading service for the visual handicapped.

23. Failing outright rejection of the Notice, RRS and MUZAK wanted load management uses to be secondary to those of a traditional broadcast nature. Such a priority system could: (a) be one in which broadcast-type uses of SCA's would have first choice before an SCA would be made available for load management; (b) specifically establish a priority for RRS and other noncommercial or non-profit users; (c) restrict load management techniques to the use of subaudible tones to assure non-interference with broadcast-type users; or (d) grant the authorization but require Commission review of individual RRS endangering situations.

24. In the case of for-profit users of SCA's, like MUZAK, there would seem to be no reason why the Commission should protect such users from the normal forces of competition, since they do not differ from any other business venture. SCA's are used because they offer a least-cost opportunity for profit. As with the users of any resource, if one party values it more highly than another, it will be bid over to that use. Since we do not wish to unnecessarily interfere with such normal business practices, the Commission does not adopt a priority system for broadcast-type users.

25. In the case of RRS, the Commission recognizes the value of the service to the audience which it serves and applauds its effort on behalf of the sight-impaired. At this point, the Commission has no requirement that its licensees engage in special services of this type and, indeed, would be in a difficult position if it attempted to determine the relative social value of providing reading service for the blind at the possible cost of higher utility bills for the poor. Moreover, the serious problem facing RRS groups is the rising cost of SCA rentals that are already a fact of life because of the increased recognition of the value of an SCA by new broadcast-type users such as stock, commodity, agricultural, and business information services. This is a fact clearly acknowledged by RRS commenters. This trend can be expected to continue. Therefore, RRS is simply faced with a situation common to most organizations today, namely, the rising cost of the resources they require relative to their income. A priority system might assure that an SCA would be available to broadcast-type users but there is no assurance it would continue to be at a price the RRS can afford.

26. The American Foundation for the Blind noted that 110 SCA's are in use for RRS purposes, 95 on public broadcasting stations and only 15 on commercial stations. To assure guaranteed

---

[17] From American Broadcasting Companies, Inc." reply comment.

[18] See Further Notice of Proposed Rule Making, Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations therefor, 84 FCC 2d 445 (1981); and Notice of Proposed Rule Making, BC Docket No. 81-792, 46 FR 60024, published Dec. 8, 1981.

[19] While the sharing of subcarrier use may be the general effect of these factors, we do not wish to exclude load management from SCA broadband use. Situations may arise where broadband use might be best suited for utility load management. The ability to transmit at higher data rates or to accomplish a variety of related load management purposes in concert on an SCA may be required by new technologies or by the variety of existing needs of the large number of utilities in current operation.

protection to these 15 RRS users on commercial stations, the Commission is asked to restrict load management use on all 3300 commercial FM stations to subaudible use only. Such guaranteed protection for the 0.5 percent usage of commercial FM stations by RRS would impose an unreasonable penalty on those stations. Such a restriction clearly seems uncalled for and contrary to the public interest.

27. In light of the above, the Commission does not feel that the various requests to restrict SCA use to guarantee protection of aural SCA users is warranted in this rulemaking. The Commission does not believe it should impose more stringent rules than the situation demands and, thereby, foreclose the flexibility of the parties to handle the great variety of possible situations which may arise in a manner most suitable to the circumstances. The Commission would rather let market incentives, by acting on SCA users to minimize cost and on FM station licensees to maximize revenues, decide what is best for a particular situation. In sum, we do not wish to circumscribe the normally healthy market forces at work nor limit the degree of freedom of choice available unless we are assured the results would otherwise be contrary to the public interest. The Commission is confident that the change being made by this proceeding will not have that contrary effect.

28. With reference to the Commission's additional request in the notice, few comments were received on the implications that future expanded alterations might have on the administration of the Table of Frequency Allocations. Those few, in turn, all felt the impact would be relatively unimportant compared with the public good obtained.

29. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final regulatory flexibility analysis finds as follows:

I. Need for and Purpose of the Rule.

The Commission has concluded that the national energy conservation effort in the U.S. could be enhanced by permitting the use of FM SCA subcarrier signals as an additional utility load management technique. This use, currently prohibited because it is a "non-broadcast" type use, would be exempted by this rule change, thereby opening another choice available to utilities in their energy conservation efforts.

II. Summary of issues raised by public comment in response to the initial regulatory flexibility analysis, Commission assessment, and changes made as a result.

A. Issues raised: 1. Two present SCA user groups containing small entities feared that the addition of utility load management use of commercial FM SCA would increase competition, raise the price of SCA rentals, force them to bid against "monopoly" utilities who could outbid them and endanger their existence unless they were guaranteed protection of their SCA use.[20]

B. Assessment: 1. The Commission concluded that these fears were not warranted with reference to the effects of this limited rule change because the evidence clearly showed that (a) the simultaneous transmission of both aural and utility load management signals without deleterious effects were feasible and practical, and (b) economic incentives were present for both utilities and FM licensees to put the SCA to dual use which might actually work to the economic benefit of these present users through rental price sharing and expansion of SCA use by FM stations.

C. Changes made as a result of such comments: None.

Significant alternatives considered and rejected

1. Change the present rule to authorized utility load management use by guaranteeing protection of aural users through a priority system or through restriction of such use to the subaudible portion of the SCA. This was rejected because the Commission felt it was unjustified by the situation and could be costly to other small organizations. It would unnecessarily foreclose the flexibility of utilities and FM stations (most of which are small) throughout the country to make arrangements most suitable to their particular situation, irrespective of whether aural SCA demand was present in their area.

30. Authority for adoption of the rules herein is contained in Sections 2, 4(i) and 303 of the Communications Act of 1934, as amended.

31. Accordingly, It is ordered, that § 73.293 and § 2.106 of the Commission's rules are amended as set forth in the attached Appendix.[21] The amendments will become effective February 16, 1982.

32. It is further ordered, that this proceeding is terminated.

33. For further information concerning this proceeding, contact Norman Plotkin, Broadcast Bureau, (202) 632–6302.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2 and 73 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, the National Table of Frequency Allocations is revised by adding footnote designator NG128 in column 7 in the band 88–108 MHz, and in the list of footnotes which follow the Table.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission		
Band (MHz)	Allocation	Band (MHz)	Services	Class of station
5	6	7	8	9
•	•	•	•	•
88–108	NG	88–108	Broadcasting	FM Broadcasting
(US23)		(NG21)		(NG2)
(US93)		(NG128)		
•	•	•	•	•

Note.—NG128 In the band 88–108 MHz, FM broadcast licensees or permittees may be granted a Subsidiary Communications Authorization (SCA) to transmit signals intended for utility load management.

* * * * *

PART 73—RADIO BROADCAST SERVICES

2. Section 73.293, Subsidiary Communications Authorizations, is revised by adding the following paragraph (a)(3):

§ 73.293 Subsidiary communications authorizations.

(a) An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to provide limited types of subsidiary services on multiplex basis. Permissible uses fall within one or more of the following categories:

* * * * *

(3) Transmission of signals intended for utility load management.

* * * * *

[FR Doc. 82-827 Filed 1-12-82; 8:45 am]

BILLING CODE 6712-01-M

[20] These were not-for-profit Radio Reading Services for the Sight Handicapped, and for-profit MUZAK on behalf of its small functional music franchisees.

[21] Stations with Subsidiary Communications Authorization that wish to add utility load management use may do so by following the procedures set forth in § 73.293 (b) and (d) of the Commission's Rules. The Commission is currently reviewing form 318, the application form for the SCA.

47 CFR Parts 0 and 74

[BC Docket No. 81-394; FCC 81-472]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Provision for Elimination of Harmful Interference to Radio Communications Involving Safety to Life and Protection of Property

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission amends its rules by adding a new section which prohibits the operation of equipment licensed under Part 74 from interfering with other radio communications involving safety of life or protection of property. If harmful interference in not expeditiously eliminated by the operator of the equipment, and the Commission foresees an eminent threat to life or property, the rules give the Commission the power to shut down the offending equipment until the threat to life or property has passed. Section 0.311 is also amended to give the Chief of the Field Operations Bureau delegated authority to administer the rule. The rules are adopted in response to the occurrence of such harmful interference during the first flight of the space shuttle last April.

DATE: Effective December 29, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: October 1, 1981.

Released: December 29, 1981.

By the Commission: Commissioners Jones, Dawson and Rivera concurring.

In the matter of amendment of Part 74 of the Commission's rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property.

1. Before the Commission is a notice of proposed rule making, 46 FR 35532, published July 9, 1981, to provide for the temporary shutdown of facilities licensed pursuant to Part 74 of our rules, where the operation of such a facility is causing interference to the operation of other communications facilities and that interference poses a threat to the safety of life or property.

2. The notice was issued on the Commission's own motion following the completion of the first space shuttle flight, during which National Aeronautics and Space Administration (NASA) officials complained of severe interference to the shuttle tracking and communications equipment. The interference was caused by spurious radiations emanating from television electronic news gathering equipment operating near the shuttle's landing site. The interference was eliminated through voluntary cooperation among the licensees utilizing the offending equipment, but absent such cooperation, the Commission had little power to effectively remedy the situation. Thus, the Commission proposed amending the rules by adding a new Section 74.23 which would oblige licensees causing interference which jeopardizes safety of life or protection of property to promptly eliminate that interference. If the interference were not expeditiously eliminated, the rule would give the Commission the authority to suspend temporarily the operation of the interference-causing equipment until the threat to safety of life or protection of property has passed. Authority to implement the rules would be delegated to the Chief of the Field Operations Bureau.

3. Comments in response to the notice were submitted by American Broadcasting Companies, Inc. ("ABC"); CBS, Inc. ("CBS"); Doubleday Broadcasting Company, Inc. ("Doubleday"); the National Association of Broadcasters ("NAB"); and National Broadcasting Company, Inc. ("NBC"). No reply comments have been received. An informal comment was submitted by the Southern California Frequency Coordinating Committee Board of Directors ("SCFCC").

4. In general, the commenters argue that the rules proposed are unnecessary and that the existing record does not justify the adoption of such far-reaching regulations. Doubleday asserts that a rulemaking ordinarily proceeds from a factual basis which suggests a need for regulation. Given the broadcasters' voluntary cooperation during the previous emergency, Doubleday states that no rule is necessary. Doubleday opines that "* * * in every case of interference which threatens safety of life, the responsibility which accompanies the right to operate a licensed transmitter will yield results such as occured in the space shuttle instance." NAB agrees that the industry's voluntary compliance during the past space shuttle mission underscores the fact that future problems can best be resolved through a voluntary policy. ABC states that, to its knowledge, there has never been an instance involving a licensee's refusal to suspend operations in emergency situations. Further, NBC states, the notice cites no other similar occurrences in which auxiliary equipment interfered with safety of life or property communications. Several commenters point out that the Southern California Frequency Coordinating Committee, an industry group comprised of many southern California broadcasters, had scheduled a conference with NASA officials. SCFCC asserts that the purpose of this meeting is to review the previous problem and prevent it from occurring again. Thus, the commenters argue that an adequate factual basis for the proposed rules has not been demonstrated and the rules should therefore not be adopted.

5. Moreover, both Doubleday and NAB contend that the rule is unnecessary because, according to NAB, "the rule * * * would not improve the ability of the FCC to deal with situations involving danger to life or destruction of property." Doubleday expands on this theme by stating "if the Commission were faced with a life-threatening interference situation in which minutes and seconds counted, the existence or absence of a rule on the subject would not alter the course of action which the Commission would be obligated to take. It would still be required to analyze the situation and to order shutdown if necessary." CBS adds "the problem of dealing quickly with radio interference, if indeed such a problem exists, should be dealt with on an *ad hoc* basis consistent with the existing requirements of the APA."

6. CBS also argues that the proposed rule is overbroad. It reads the proposed rules as placing in the hands of select Commission employees an absolute authority, the exercise of which would be most tempting during the confusion of breaking news stories. CBS foresees the possibility of the Commission ordering shutdowns on unpersuasive or intentionally inaccurate information provided by outside sources. This same concern is voiced by Doubleday and NAB. CBS notes that the notice used the term "ENG" equipment when explaining the cause of the interference. CBS states that "ENG" refers to a variety of equipment, but the only equipment causing a problem during the shuttle incident were microwave transmitters. CBS asks that any rule adopted be worded such that it would not apply to ENG equipment operating independently of a microwave transmitter.

7. Several parties note that the proposed rule would permit the shutdown of equipment when the protection of property is threatened. Doubleday asserts that the protection of property ordinarily occupies a comparably lower priority than the protection of life. NBC opines that if the protection of property is included in the rule, "* * * the Commission's staff may well be urged to make use of it in situations that do not approach the sensitivity of the shuttle landing." Doubleday urges that if the Commission adopts a provision in favor of protection of property, a more detailed explanation should be included of the circumstances in which shutdown may be deemed necessary. Doubleday also expresses the fear that this action may be considered precedent for further expanding the rules to make them applicable to television and radio stations operating pursuant to Part 73 of the Commission's Rules. NBC objects that there is no explicit prohibition against employment of the rules for content-related reasons, and several parties mention that the enforcement of the rules could affect broadcasters' First Amendment protections. Also, NBC points out that in the notice the Commission refers to the shared use of frequencies and the opportunities for interference between users sharing the same or related frequencies. NBC concludes from this that the proposed rule is designed to avoid interference where there is frequency sharing or use of nearby frequencies. NBC notes, however, that "the rule itself seems to be broader in scope as it is not confined to shared use or nearby frequencies, which have the greatest potential for interference-related problems."

8. The commenting parties also found procedural problems with the proposed rule. According to CBS, it is "* * * the very essence of due process for government agencies and officials to give notice and an opportunity for a hearing prior to taking any action affecting life, liberty or property." CBS complains that the proposed rules do not require the Commission to make a determination that notice and an opportunity for hearing are impracticable, nor do they require the Commission first to seek voluntary shutoff. NBC suggests that the rule be modified to make it clear that the Commission will not order the cessation of operations unless and until all voluntary efforts have failed to remedy the problem, and technical interference could result in the imminent loss of, or danger to, personal safety or life. Several parties note that the rules do not establish a right to an immediate review of the suspension order by higher officials within the Commission. CBS suggests that any rule adopted should require prompt written confirmation of the shutdown order and should allow the appeal process to begin immediately. In this regard, NBC advocates that any action taken by the Chief of the Field Operations Bureau should be reviewable within 72 hours by the full Commission.

Discussion

9. *Demonstrated need for regulation.* The commenters assert that because only one instance of life-threatening interference has ever been documented, and voluntary cooperation solved the interference in that one case, the factual record does not support implementation of the proposed rules. While we are certainly aware that "regulation perfectly reasonable and appropriate in the face of a given problem may be highly capricious if that problem doesn't exist," [1] we do not believe, in situations where life and property are seriously threatened, that we must wait for more documentation of interference before enacting preventative measures. Rather, we believe that the record to date sufficiently justifies the narrow and limited regulations which we are adopting. We know that microwave transmitters, even when operating in accordance with our rules, can cause serious interference to the very sensitive equipment used by NASA. As space shuttle flights become more frequent and the shuttle landing sites become more numerous, the opportunities for harmful interference are certain to increase. We feel it is incumbent upon this Commission to be fully prepared for such occurrences if and when they arise.

10. NAB and Doubleday further argued that the proposed rules add nothing to the existing power of the Commission to issue cease and desist orders when necessary. We disagree. The statutory provision which allows the Commission to take expedited action when warranted by exigent circumstances is Section 9(b) of the Administrative Procedure Act ("APA"), 5 U.S.C. 558. The express language of that section applies only to "* * * the withdrawal, suspension, revocation, or annulment of a license * * *." However, Section 312(e) of the Communications Act of 1934, as amended, 47 U.S.C. 312(e), states that section 9(b) of the APA also applies to the issuance of a cease and desist order. Cease and desist orders, in turn, can be issued only when a person has failed to operate substantially as set forth in a license, has violated the Communications Act or various sections of the United States Code, or has violated or failed to observe any rule or regulation of the Commission. 47 U.S.C. 312(b). However, no such violation occurred during the first shuttle landing. Thus, the proposed rules would give the Commission the device necessary to invoke the cease and desist mechanisms of Section 9(b) of the APA. Without the rules adopted herein, the Commission would be obliged to rely on voluntary cooperation by licensees causing harmful interference, or, absent such cooperation, embark upon some course of action of questionable legality to shut down the offending transmitters. Given this choice, we prefer to follow the regulation route, where all parties know in advance their rights and responsibilities.

11. This same reasoning applies to the suggestion of CBS that the Commission should not act by rulemaking but should react to each situation on an *ad hoc* basis. We note, and CBS apparently does not dispute, that the choice made between proceeding by a general rule or by individual *ad hoc* determinations is one that lies primarily in the informed discretion of the administrative agency.[2] In this situation, we feel that the better procedure is the one which we are following, which apprises all parties of the Commission's authority to issue cease and desist orders when necessary to prevent interference which jeopardizes personal safety and protection of property. Parenthetically, we note that by the very nature of the rules being adopted, enforcement of the provisions will have to be accomplished on an individual, *ad hoc*, basis.

12. *The Necessary Breadth of the Rules.* The commenters argue that the rules are overbroad in that the Commission could order the cessation of operations on the basis of unpersuasive or inaccurate information in the heat and confusion of a fast-breaking news story. However, under the specific wording of the new § 0.311(e), the Chief of the Field Operations Bureau is authorized to make determinations * * * of the presence of interference * * *". Thus, only when the Chief of FOB makes a determination that interference is present and that interference is jeopardizing life or property does the provisions of § 74.23 come into effect. Generally, being

[1] *City of Chicago* v. *Federal Power Commission*, 458 F. 2d 731, 742 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1074 (1972).

[2] *British Caledonian Airways, Ltd.* v. *Civil Aeronautics Board*, 584 F. 2d 982 (D.C. Cir. 1978).

informed by some other source that interference is present is not enough for the Chief of FOB to act.[3] In this regard, we have the utmost trust and confidence in the judgment of the FOB Chief to issue cease and desist orders only when absolutely necessary. The responsibilities placed on the Chief of FOB by these rules are great, and we have no reason to doubt that those responsibilities will be carried out with prudence and professionalism.

13. The commenters also contend the proposed rules are overbroad in that they treat the protection of life and property equally. As Doubleday correctly points out, the protection of property generally occupies a comparatively lower priority than safety of life, and different procedures may be appropriate when only property is threatened. In response to this concern, we have added a sentence to paragraph (b) of § 74.23 which requires the Chief of FOB, before taking any action under the rule, to balance the competing interests when only the protection of property is jeopardized. Under the terms of the rule, the Chief of FOB must balance the "nature and extent" of the possible property damage against the harm caused by ordering a licensee to cease its microwave transmissions. For instance, if the interference were threatening the operation of an unmanned space shuttle, the potential property loss might justify Commission action, where a threat to a less expensive piece of equipment might not cause concern. We believe this balancing approach adequately protects the legitimate interest of licensees while giving the Commission the discretion to act when the situation so demands.

14. Several additional concerns of the broadcasters regarding the potentially overbroad construction of the regulations deserve some discussion. It must be remembered that the rules being adopted relate solely to the elimination of harmful interference. Thus, the concerns of CBS that the rule might be applied to ENG equipment other than a transmitter, or NBC's fear that the equipment might be ordered shut down for content reasons, are unfounded.[4] Unless there is harmful interference, the new rules do not apply. Similarly, confinement of the rule to interference on frequencies which are shared by the auxiliary stations or frequencies which are near to those used under Part 74, as suggested by NBC, seems illogical. As stated above, the operative factor is interference to communications systems affecting life and property. If harmful interference is being caused by equipment licensed under Part 74, we see little reason to make any distinctions based on the frequencies being used by the parties experiencing the interference.

15. *Procedural matters.* CBS contends that, before ordering a licensee to cease operations, the Commission should have to make a determination that notice and an opportunity for hearing are impracticable. NBC states that all voluntary efforts to resolve the interference should be exhausted before the Commission takes any action. We believe both of these concerns are already implicitly addressed in the wording of the new rules. Section 74.23(a) puts the burden on the licensee causing interference to "promptly take appropriate measures to eliminate the interference". Thus, it is in the licensee's power to avoid Commission intervention by "voluntarily" solving the problem. Only if the interference cannot be eliminated by the licensee *and* the Commission finds an *imminent* danger to life or property will the Commission take action under this rule. If there is no imminent danger to life or property, then the rule is not applicable and the normal cease and desist provisions would govern. To rely on the cease and desist provisions of this rule, the Commission must make a determination that notice and an opportunity for hearing are impracticable. With regard to the suggestion of CBS that any oral cease and desist order be followed by written confirmation, § 0.204(d) of the Commission's rules provides that orders issued orally, shall, if practicable, be confirmed promptly in writing.

16. A right of immediate review of any action taken by the Chief of the Field Operations Bureau is urged by CBS and NBC. We fully realize that any actions taken by the Commission under these rules may have an impact on a licensee's operating flexibility. Therefore, we intend to act upon any application for review expeditiously.[5] Furthermore, we are adding a provision to § 0.311(e) which requires the Chief of FOB to inform the Chairman of the Commission whenever the provisions of § 74.23 are invoked. In this way the Chairman will at all times be fully apprised of any emergency actions which may require expedited review. We also note that a type of review mechanism is built into rules already. Section 74.23(b) provides that short test operations may be made during the period of suspended operation to check whether the harmful interference is still present. This provision should allow licensee expeditiously to resume operations once the harmful interference has been eliminated.

17. It is important, we think, to repeat that the regulations we are adopting today are limited to the rarest and most extreme of circumstances. Several events must converge before the emergency cease and desist powers of the Commission can be exercised. First, a determination must be made that a station operating under Part 74 of our rules is causing interference to other radio communications involving the safety of life or protection of property. Second, the licensee must be unable to eliminate the interference. Third, the Commission must find that the interference poses an imminent danger to safety of life or protection of property. Only after all three of these findings have been made (plus an additional finding when only the protection of property is threatened) may the Commission order a licensee to cease operations of the offending equipment. Hopefully, these rules will never have to be utilized; however, if the cease and desist provisions must be invoked, we believe that the potential disruption which may be caused to broadcasters is a small price to pay for the protections that these regulations provide.

18. We have made several other minor changes in the wording of the new rules. Section 74.23(a) of the proposed rules requires a licensee to "* * * promptly take appropriate measures to eliminate the interference." We have deleted the words "take appropriate measures to" as superfluous. Similarly, § 74.23(b) states that if the interference cannot be eliminated "by the application of suitable techniques," the Commission can take action. The phrase "by the application of suitable techniques" has also been struck from the final rule as unnecessary. Further, we have changed all references of "interference" to "harmful interference," and we have added a cross-reference in the rule to a definition of "harmful interference." Finally, we have cross-referenced the statutory cease and desist provisions found in the Communications Act of 1934, as amended, and the Administrative procedure Act.

19. We believe good cause exists to make these rule changes effective as

[3] We do not imply by this that the Chief of FOB will always personally make test measurements under this section. Certainly, in most cases, he will have to rely on measurements and information provided him by field office staff.

[4] The First Amendment concerns expressed by several commenters seem misplaced. The rules we are adopting are truly content-neutral: only the mode of transmitting material is affected.

[5] Upon presentation of a application for review, if the full Commission cannot be assembled for an emergency meeting, then a committee of the Commission might be required to take action.

soon as possible. The rule revisions directly relate to the protection of life and property, and it would be contrary to the public interest not to take such action at the earliest possible date. Emergency Broadcast operating Requirements, 12 FCC 2d 877 (1968). Therefore, good cause having been shown, these rule changes shall become effectively immediately. *See* 4 U.S.C. 553(d)(3) and 1.427(b) of the Commission's rules.

20. Accordingly it is ordered, That pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 0 and 74 of the Commission's rules are amended, effective December 29, 1981, as set forth in the attached Appendix.

21. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to the rules adopted herein. *See* Notice of Proposed Rule Making, 46 FR 35532, para. 8, published July 9, 1981.

22. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)
Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

PART 0—COMMISSION ORGANIZATION

1. Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new paragraph (e) to § 0.311, which reads as follows:

§ 0.311 Authority delegated.

* * * * *

(e) The Chief of the Field Operations Bureau is authorized to make determinations and notifications of the presence of harmful interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under Section 74.23 of this Chapter. Upon invoking the authority granted pursuant to this section, the Chief of the Field Operations Bureau shall immediately inform the Chairman of the Commission.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

2. Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new § 74.23 which reads as follows:

§ 74.23 Interference jeopardizing safety of life or protection of property.

(a) The licensee of any station authorized under this Part that causes harmful interference, as defined in § 2.1 of the Commission's rules, to radio communications involving the safety of life or protection of property shall promptly eliminate the interference.

(b) If harmful interference to radio communications involving the safety of life or protection of property cannot be promptly eliminated and the Commission finds that there exists an imminent danger to safety of life or protection of property, pursuant to 47 U.S.C. 312 (b) and (e) and 5 U.S.C. 558, operation of the offending equipment shall temporarily be suspended and shall not be resumed until the harmful interference has been eliminated or the threat to the safety of life or property has passed. In situations where the protection of property alone is jeopardized, before taking any action under this paragraph, the Commission shall balance the nature and extent of the possible property damage against the potential harm to a licensee or the public caused by suspending Part 74 operations. When specifically authorized, short test operations may be made during the period of suspended operation to check the efficacy of remedial measures.

[FR Doc. 82-800 Filed 1-12-82; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 3

[AG Order No. 965-82]

Board of Immigration Appeals; Oral Argument; Summary Dismissal of Appeals

AGENCY: Department of Justice.

ACTION: Proposed regulation.

SUMMARY: The proposed regulation is designed to grant to the Board of Immigration Appeals the authority to deny oral argument whenever the Board in its discretion determines that such oral argument would serve no useful purpose. Presently under 8 CFR 3.1(e), the right to request oral argument lies with the party appealing the decision rendered below. In certain cases under which the Board acquires jurisdiction by appeal or certification, requested oral argument is mandatory unless the appeal is summarily dismissed under the provisions of 8 CFR 3.1(d)(1-a). This has resulted in the Board being required to schedule cases for oral argument even though such argument would serve no useful purpose. The amendment would give to the Board the authority to deny the request for oral argument in the exercise of its discretion. This amendment would make the provisions of 8 CFR 3.1(d)(1-a) in part superfluous. Additionally, the proposed revision would modify 8 CFR 3.1(d)(1-a) to permit in appropriate circumstances the summary dismissal of any appeal before the Board, not solely the summary dismissal of appeals in deportation cases as is presently the case.

DATE: Written comments must be received by February 12, 1982.

ADDRESS: All written comments should be addressed to the Chairman, Board of Immigration Appeals, Department of Justice, 2 Skyline Place, 5203 Leesburg Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT:
David B. Holmes, Executive Assistant, Board of Immigration Appeals (703/756-6170).

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 605(d), the Attorney General certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Further, the rule is not a major rule within the definition of section 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

PART 3—BOARD OF IMMIGRATION APPEALS

Accordingly, it is proposed to revise paragraphs (d)(1-a) and (e) of 8 CFR 3.1 to read as follows:

§ 3.1 Board of Immigration Appeals

* * * * *

(d) * * *

(1-a) *Summary dismissal of appeals.* The Board may summarily dismiss any appeal in any case in which (i) the party concerned fails to specify the reasons for his appeal on Form I-290A (Notice of Appeal); (ii) the only reason specified by the party concerned for his appeal involves a finding of fact or a conclusion of law which was previously conceded by him; (iii) the appeal is from an order that granted the party concerned the relief which he requested, or (iv) the Board is satisfied, from a review of the record, that the appeal is frivolous or filed solely for the purpose of delay.

* * * * *

(e) *Oral Argument.* When an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. Oral argument shall be heard at the discretion of the Board at such date and time as the Board shall fix. The Service may be represented before the Board by an officer of the Service designated by the Service.

* * * * *

Dated: January 4, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-867 Filed 1-12-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

Proposed Amendments to the Customs Regulations Relating to Customhouse Broker Licenses

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the licensing procedure for customhouse brokers to eliminate the requirement that Customs conduct another investigation each time a broker, previously licensed to transact business (after investigation) in one or more Customs districts, applies for a license in an additional district. This action is proposed to reduce delays in processing broker applications and costs to both brokers and Customs.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
James F. Bartley, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

A customhouse broker ("broker") is a person who is licensed by the Customs Service ("Customs") to transact Customs business on behalf of importers and other persons. The regulations governing the licensing of brokers, and their duties and responsibilities, are found in Part 111, Customs Regulations (19 CFR Part 111).

Under section 111.19, Customs Regulations (19 CFR 111.19), a broker's license authorizes the transaction of Customs business only in the district for which issued. If a licensed broker desires to obtain a license for an additional district, an application must be filed with the district director of the district for which a license is desired, and Customs conducts an investigation

to determine if the applicant is prepared and qualified to furnish efficient service in the additional district.

The requirement for another investigation of an applicant desiring to obtain a license for an additional district delays the processing of the application. Furthermore, Customs incurs the additional expense of conducting an investigation each time a broker applies for a license in a new district.

It has been determined that instead of another investigation each time a broker applies for a license in an additional district, the district director of the district where the application is filed immediately could notify the district director of the district in which the applicant is licensed and request his comments as to the applicant's qualifications in providing efficient service to importers and in complying with the duties and responsibilities of a broker. The district director in the district in which the applicant is licensed would submit his comments and recommendations timely to the district director making the request. The district director of the district where the application is filed then would forward the recommendations of the other district director, his recommendations for action on the application, and the application to Customs Headquarters for a determination as to whether to issue the license in the new district.

This change in procedure would expedite the processing of applications for a license in additional districts, and thus eliminate the cost to the applicant of maintaining qualified employees and an office in the new district pending action on his application to be licensed in that district. In addition, Customs would save the costs of conducting what usually is found to be an unnecessary investigation. However, if any information is developed which would raise any question as to the fitness of the applicant, the Commissioner would be authorized to require that an investigation be conducted.

Accordingly, it is proposed to amend Part 111, Customs Regulations, to eliminate the re-investigation requirement for brokers who apply for a license in more than one district.

Proposed Amendments to The Regulations

PART 111—CUSTOMHOUSE BROKERS

It is proposed to amend Part 111, Customs Regulations (19 CFR Part 111), in the following manner:

1. Section 111.14(a), Customs Regulations (19 CFR 111.14(a)), would be revised to read as follows:

§ 111.14 Investigation of the applicant.

(a) *Individual license.* If the applicant passes the examination, the district director shall refer the application to the special agent in charge for an investigation and report

* * * * *

2. Section 111.14(b), Customs Regulations (19 CFR 111.14(b)), would be revised to read as follows:

§ 111.14 Investigation of the applicant.

* * * * *

(b) *Partnership, association, or corporation license.* The district director shall immediately refer an initial application for a partnership, association, or corporation license to the special agent in charge for investigation and report.

* * * * *

3. Section 111.19(c), Customs Regulations (19 CFR 111.19(c)), would be amended by removing the words "upon investigation" from the first sentence of that section.

4. Add new paragraphs (d) and (e) to § 111.19, Customs Regulations (19 CFR 111.19), to read as follows:

§ 111.19 Licenses for additional districts.

* * * * *

(d) *Recommendation and return of the application by the district director.* Upon receipt of the application, the district director shall immediately notify the district director(s) in the other district(s) in which the applicant is licensed and request comments as to the applicant's qualifications in rendering valuable service to importers and as to the applicant's compliance with the duties and responsibilities of a broker in the other district(s). The district director in the other district(s) shall timely submit his comments and recommendation(s) to the district director making the request(s). The district director for the district where the application is made shall forward the recommendations of other district director(s), his recommendations for action on the application, and originals of the application to the Commissioner. The district director's recommendations of approval or disapproval of the application shall indicate if an individual applicant resides or has an established office in the additional district or, in the case of a partnership, association, or corporation application, if the requirements of § 111.11 (b) or (c) have been met.

(e) *Investigation.* The Commissioner may require an investigation to be conducted if additional facts are deemed necessary to pass upon the application.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, sections 624, 641, 46 Stat. 759, as amended (19 U.S.C. 66, 1624, 1641).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section 1(b) of E.O. 12291, a regulatory impact analysis and review as prescribed by section 3 of the E.O. is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed amendments will not have a significant economic impact on a substantial number of small entities. The proposed amendments merely involve a procedural change in the Customs Regulations intended to expedite the processing of broker applications for licenses in additional districts. The only discernible economic impact would be to lessen the cost of the process for brokers and Customs. In addition, the proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, the Secretary of the Treasury certifies under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service.

However, personnel from other Customs offices participated in its development.

William T. Archey,
Acting Commissioner of Customs.
Approved:
John P. Simpson,
Acting Assistant Secretary of the Treasury.
December 30, 1981.
[FR Doc. 82-864 Filed 1-13-82; 8:45 am]
BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2009-4]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to approve the request of the Wisconsin Department of Natural Resources (DNR) for a revision of the Wisconsin State Implementation Plan (SIP) for sulfur dioxide. The proposed revision is a variance from Section NR 154.12(5)(b) and NR 154.12(5)(a) 2.b.2), Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin. The purpose of this notice is to discuss EPA's evaluation of the revision and to solicit public comments on the revision and on EPA's proposed approval.

DATE: Comments on this revision and on the proposed EPA action must be received by February 12, 1982.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone the contact person given below before visiting the Region V office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.
Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20480.
Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to: (Please submit an original and five copies if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On April 9, 1981, EPA approved the sulfur dioxide regulations for the City of Madison in Dane County (46 FR 21165). These regulations are contained in Section NR 154.12(5) of the Wisconsin Administrative Code.

Wisconsin DNR has authority to grant source—specific variances from the SIP under Section NR 154.02(3) of the Wisconsin Administrative Code. Such variances, however, do not become effective until submitted to and approved by EPA. On August 13, 1980, Wisconsin DNR received from the Oscar Mayer and Company a request for a variance from Section NR 154.12(5)(b) and NR 154.12(5)(a)2.b.2), Wisconsin Administrative Code, for its plant located in Madison, Wisconsin. On August 19, 1981, Wisconsin DNR granted to Oscar Mayer and Company the requested variance for an alternate compliance schedule and an alternate form of the emission limitation specified in Section NR 154.12(5).

On August 31, 1981, Wisconsin DNR submitted the variance to EPA as a SIP revision. The SIP revision consists of a variance request from the compliance schedule contained in NR 154.12(5)(b), Wisconsin Administrative Code. Since the alternate compliance schedule only affects the interim dates of progress and does not affect the final compliance date of November 15, 1982, the alternate schedule is acceptable. Additionally, the SIP revision request consisted of a variance from NR 154.12(5)(a)2.b.2), Wisconsin Administrative Code. This section provided Oscar Mayer and Company with an emission limit of 4.69 lbs./MMBTU based on a stack of 208 feet. The variance, however, provides an alternate total emission limit for Boilers Nos. 5 and 6, each rated at 171.5 MMBTU/hr of 38,600 pounds of SO_2 per twenty-four hours. The alternate limit will not result in any increase in SO_2 emissions. Based on the dispersion modeling used to set the sulfur dioxide regulations for the Madison nonattainment area, the alternate emission limit will protect the constraining 24-hour standard. The alternate form of the emission limit will therefore provide for the attainment and maintenance of the sulfur dioxide ambient air quality standards.

The nearest state border is 70 km from the Oscar Mayer plant. EPA reference models are only valid out to 50 km. No reference techniques have been established for accurately evaluating impacts beyond this distance, the "state-of-the-art" of long-range transport models is not sufficiently advanced to be used for regulatory purposes. Thus, since there are no EPA-approved regulatory tools currently available to assess impacts beyond 50 km, no interstate impact analysis is possible. However, since this revision will not result in an increase in SO_2 emission, it is not expected to interfere with the attainment and maintenance of SO_2 standards in other states.

Therefore, EPA proposes to approve the variance from the provisions of Section NR 154.12(5)(b), and NR 154.12(5)(a)2.b.2), Wisconsin Administrative Code, for the Oscar Mayer and Company located in Madison, Wisconsin as a revision to the Wisconsin sulfur dioxide SIP.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action, if promulgated, only approves a variance initiated by the one source affected.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact analysis. This regulation, if promulgated, is not Major because it merely approves a variance from NR 154.12(5)2.b., Wisconsin Administrative Code.

(Sec. 110, 172, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))).

Dated: December 7, 1981.

Valdas V. Adamkus,
Regional Administrator.
[FR Doc. 82-863 Filed 1-12-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2004-1]

Approval and Promulgation of Implementation Plan; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is today reproposing action on the Ohio State Implementation Plan (SIP) for Lucas County. On May 4, 1981 (46 FR 24966) EPA proposed to disapprove the sulfur dioxide (SO_2) emission limitations for Lucas County. After further modeling analysis, however, EPA has determined that the Ohio SO_2 plan for Lucas County, which includes the State's commitment to

revise the emission limits of four sources, is adequate to protect the primary and secondary National Ambient Air Quality Standards (NAAQS) for SO_2.

The Ohio Environmental Protection Agency (Ohio EPA) has committed itself to adopt the existing federal emission limitations for the Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company, and the Sun Oil Company. However, final action will not be taken on the emission limitations for the four sources mentioned above until all State procedural requirements are satisfied and the regulatory and nonregulatory portions of this SIP revision are formally submitted to the Agency.

DATE: Comments should be received on or before February 12, 1982. If possible, please submit an original and five copies of all comments.

ADDRESSES: Copies of SIP revision are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air and Hazardous Materials Division—Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the Docket #5A–80–3 are on file for copying and inspection during normal business hours at EPA, Region V, and at U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460.

Written comments should be sent to: Gary Gulezian, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6088.

SUPPLEMENTARY INFORMATION: On September 12, 1979, the Governor of Ohio submitted a SO_2 control plan to EPA for inclusion in the SIP for Ohio. On February 25, 1980 (45 FR 12266), EPA proposed action on the plan and on January 27, 1981, EPA took final action on portions of the plan (46 FR 8481) and reproposed action on other portions of the plan (46 FR 8575). On May 4, 1981 (46 FR 24966), EPA reproposed to disapprove the Ohio SO_2 SIP for Lucas County based on a modeling analysis of Lucas County submitted by the Toledo Edison Company in support of a petition to revise the federal regulations for three Toledo Edison facilities. This analysis predicted violations of the 24-hour and 3-hour NAAQS under the federal SIP in Lucas County, since the State SO_2 plan and the existing federal plan for Lucas County are the same for many sources, it was believed that the State plan for Lucas County was also deficient. In the May 4, 1981 notice, EPA also called upon the State to correct the deficiencies in the Lucas County plan.

After the May 4, 1981 notice of proposed rulemaking, Ohio EPA provided updated emissions data for sources in Lucas County. The corrections to the inventory included revised emission and stack exit parameters for several sources. In addition, EPA obtained corrected stack coordinates for some sources. As a result of the new data, EPA initiated another modeling analysis. The purpose of the new analysis was to evaluate the effect of the corrected emissions inventory on the previously predicted violations. EPA's analysis did not predict any violations of either the 24-hour or 3-hour standard. A detailed discussion of the modeling analysis is contained in the technical support document which is available in the docket.

The current State emission limitations for the Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company, and Sun Oil Company differ from those in the existing federal SO_2 plan. The State, however, has committed itself to revise these emission limitations to be identical to those in the existing federal plan. Therefore, today's action includes the approval of the proposed emission limitations for those four sources as committed to by the State.

The current Lucas County emission limitations in the Ohio SO_2 plan, in conjunction with the State's commitment to revise the emission limits for the four sources previously mentioned, and the existing federal SO_2 plan are adequate to protect the primary and secondary NAAQS for SO_2. Therefore, EPA reproposes to approve the State of Ohio's SO_2 plan for Lucas County and withdraws the notice of proposed rulemaking dated May 4, 1981 (46 FR 24966). Final action will not however, be taken on the emission limitations for the four sources mentioned above until all State procedural requirements are satisfied and the regulatory and nonregulatory portions of this SIP revision are formally submitted to the Agency.

Sources in Lucas County have suggested that the air quality dispersion model used by the Agency for Lucas County may be overly conservative because portions of the county possibly can be classified as rural instead of urban. Since the original modeling of the County by USEPA in 1976, more definitive information has become available on land use classification (April 1981—Regional Workshop on Air Quality Modeling: A Summary Report). Any individual source which so desires can further investigate the relevant site parameters. With a proper demonstration, an application can be made to the Agency for a change in area description and modeling methodology.

Pursuant to Section 110(a)(2)(E) of the Clean Air Act, EPA has reviewed this action for potential interstate impacts. Present limitations on EPA's reference dispersion models restrict their application to points within 50 km of Lucas County, Ohio. Michigan is the only state within 50 km. There is a single PSD area in Michigan within Modeling range. However, no PSD increment consumption can occur in that area as a result of this SIP revision since there will be no increase in actual emissions. There are no nonattainment areas in Michigan within 50 km.

The largest source in Lucas County is Toledo Edison's Bayshore power plant located 4.5 km south of the Michigan state border. Modeling performed for a recent revision of the federal emission limits for this source showed that the plant's maximum impact (238 $\mu g/m^3$) closest to Michigan occurred at a receptor located 1 km to the north and approximately 3.5 km from the Michigan border. The Bayshore dominated receptor located closest to Michigan is 1.5 km from the border, and it showed a maximum air quality impact of 166 $\mu g/m^3$ in a 24-hour period. Because the pollutant concentrations decrease markedly close to the border and are well below the 24-hour standard for SO_2 (365 $\mu g/m^3$), no violations are expected to occur in Michigan due to the Bayshore plant.

As for other sources in Lucas County, the effect of a corrected county emission inventory must be considered. The source closest to the state line is Chevrolet in western Lucas County. The revised total concentrations near this source show a high, second high concentration of 149 $\mu g/m^3$ at a receptor 1 km south of Michigan. The next group of receptors, located about 2 km south of Michigan and between the Chevrolet plant and all other Lucas County sources, show a high second high concentration of 247 $\mu g/m^3$. Again, the maximum concentration closest to state border is well below the SO_2 standard, and is significantly less than concentrations near the Lucas County sources. Consequently Ohio's plan for Lucas County is expected to protect the NAAQS in Michigan.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has

certified on January 27, 1981 (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action if promulgated only approves State actions. It will impose no new requirements.

Under Executive Order 12291, EPA must also judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation, if promulgated, is not Major because it merely approves regulations in the Ohio SO_2 SIP which are already part of the currently effective Federal Ohio SO_2 SIP.

Dated: October 21, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-873 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-38-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 13 and 17

Small Purchase and Other Simplified Purchase Procedures, Management and Operating Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR).[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before March 3, 1982.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

This part prescribes policies and procedures for the acquisition of supplies, nonpersonal services, or construction, from commercial sources, the aggregate amount of which does not exceed $10,000. It includes small business-small purchase set-asides, blanket purchase agreements, fast payment procedures, imprest funds, and purchase orders.

PART 17—SPECIAL CONTRACTING METHODS

Subpart 17.6—Management and Operating Contracts

This subpart prescribes policies and procedures for management and operating contracts in accordance with OMB Circular No. A-49. A management and operating contract is an agreement under which the Government contracts for the operation, maintenance, or support, on its behalf, of a Government-owned or controlled research, development, special production, or testing establishment wholly or principally devoted to one or more major programs of the contracting Federal agency. It provides a government-wide procedure for (1) Exempting management and operating contracts from the FAR and (2) a procedure for agency authorization to use this special contracting method. This subpart does not cover the nonregulatory portions of A-49, nor is it intended to supersede A-49.

Dated: January 8, 1982.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 82-893 Filed 1-12-82; 8:45 am]

BILLING CODE 3110-01-M

[1] Filed as a part of original document.

Notices

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Utah Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:30 p.m., and will end at 10:00 p.m., on January 27, 1982, at the Howard Johnson's Motor Lodge, 122 W. South Temple Street, Lisa Room, Salt Lake City, Utah 84101. The purpose of this meeting is to discuss the Committee's current project; and a briefing on hate group activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Linda M. Dupont-Johnson, 2377 East Boyes, Salt Lake City, Utah 84117, (801) 533–4081; or the Rocky Mountain Regional Office, 3660 Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 8, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–882 Filed 1–12–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 2–82]

Proposed Foreign-Trade Zone—Tampa, Florida; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Tampa, Florida, requesting authority to establish a foreign-trade zone project in Tampa, within the Tampa Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 7, 1981. The applicant is authorized to make this proposal under Chapter 288.36 of the Florida Statutes (1979).

The applicant proposes to develop a general-purpose zone in three phases, with sites in the port area, at the airport and in an industrial park. The first phase will involve a 29-acre site at the Tampa International Center (Site 1) at Adamo Drive and 22nd Street, adjacent to the Port of Tampa. Operated by the Elmer J. Krauss Organization, this facility will offer 600,000 square feet of warehouse and processing space for initial zone users. The second phase involves an undeveloped 33-acre site at Tampa International Airport at Tampa Bay Boulevard and Lauber Way (Site 2).

This site will be developed primarily to accommodate air cargo-related operations and firms requiring separate facilities, including light industrial operations. The third phase involves a 50-acre standby site at the 127-acre Tampa Industrial Park at M. McKinley Drive and Fowler Avenue. This site will be marketed as an area for future zone development involving larger scale, heavy industrial operations.

The application contains evidence of the need for zone services in the Tampa area. Prospective tenants have indicated an interest in using the zone for warehousing, distribution, exhibition, assembly and processing of food service equipment, plastic pipe and fittings, laser and computer components, electronic products, woodworking tools, and paper and glass products.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Charles W. Winwood, Director (Inspection and Control), U.S.Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel Alfred B. Devereaux, Jr., District Engineer, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, Florida 32232.

As part of its investigation, the Examiners Committee will hold a public hearing on February 12, 1982, beginning at 9:00 a.m., in the City Council Chambers, 3rd Floor, Old City Hall, 315 E. Kennedy Blvd., Tampa. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by February 3. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 16, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Customs District Office, 301 S. Ashley Drive, Tampa, Florida 33602

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and E Street, NW., Washington, D.C. 20230

Dated: January 7, 1982.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82–836 Filed 1–12–82; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Barley From France; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On October 27, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on barley from France. The review covered the period January 1, 1980 through June 30, 1981. Interested parties were given an opportunity to submit written or oral comments. We received no comments. Therefore, as described in our preliminary results, we have determined that barley from France benefitted from net subsidies of $0.04 per bushel during the period of review.

EFFECTIVE DATE: January 13, 1982.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1168 or 377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 5, 1971, the Department of the Treasury published in the **Federal Register** a countervailing duty order, T.D. 71–117 (36 FR 8365), on barley from France. This order became effective on June 19, 1971. The order stated that exports of this merchandise benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On October 27, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of that countervailing duty order (46 FR 52406). In the notice, we stated that barley from France benefitted from net subsidies of $0.04 per bushel during the period of review and that a cash deposit of estimated countervailing duties of $0.04 per bushel would be required on any entries until completion of the next administrative review. Interested parties were invited to comment.

Scope of the Review

Imports covered by this review are barley imported directly or indirectly from France. These imports are currently classifiable under item numbers 130.08 and 130.11 of the Tariff Schedules of the United States. The review covers the period January 1, 1980 through June 30, 1981, and was limited to the program of restitution payments made through the Guidance and Guarantee Fund operated under the Common Agricultural Policy of the European Communities ("the EC"). This was the only program found countervailable in the final determination.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. There are no known unliquidated entries of this merchandise.

Therefore, as provided by section 751(a)(1) of the Tariff Act, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of $0.04 per bushel on any shipments entered, or withdrawn from warehouses, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of June 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 7, 1982.

[FR Doc. 82–897 Filed 1–12–82; 8:45 am]

BILLING CODE 3510–25–M

The President's Export Council, Subcommittee on Export Administration; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council (PEC) will be held on Wednesday, January 27, 1982. The meeting is being held on short notice because the members need to be briefed on export administration matters to allow them to offer industry views on the Military Critical Technologies List and on ways to strenghten the present system on multilateral controls.

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12258 of December 31, 1980, continued the Subcommittee until December 31, 1982.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons. The agenda for the meeting is as follows:

Public Session

a. Welcome and Introduction of Subcommittee Members
b. Briefing and Status of Previous Recommendations
c. Discussion of Current Issues and Subcommittee Members Issue-Interest Areas
d. Comments and Questions from the Public (written comments will be accepted)

Executive Session

a. Briefing on Export Administration Act—What Items Controlled and Why
b. Briefing on High-Level COCOM Meeting

TIME AND PLACE: The meeting will take place at 9:30 a.m., in Room 4830 of the Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. The public session will be from 9:30 a.m. to 11:30 a.m. An Executive session, closed to the public, will be held from 1:30 p.m. to 5:00 p.m.

From 1:30 p.m. to 5:00 p.m. the Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM export control program developments and their related strategic criteria.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 8, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1) and properly classified under Executive Order 12065.

A copy of the Notice of Determination to close the Subcommittee's meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: (202) 377–4217.

For further information or copies of minutes contact: Ms. Debbie Kappler, Office of the Assistant Secretary for

Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–1455) or Mr. Jeffrey Jackson, President's Export Council, Room 1215 (202/377–1125).

Dated: January 8, 1982.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 82-654 Filed 1-12-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee which will meet to discuss the Council's existing data collection systems and data needs.

DATES: The public meeting will convene on Wednesday, February 3, 1982, at approximately 10 a.m. and will adjourn at approximately 3:30 p.m. The meeting agenda may be rearranged or changed depending upon progress of the same.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: January 8, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-692 Filed 1-12-82; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

The New York Futures Exchange: Proposed Amendments Relating to the Treasury Bond Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the proposed contract market rule changes.

SUMMARY: The New York Futures Exchange ("NYFE" or "Exchange") has submitted a proposal to amend its Treasury bond futures contract. These amendments constitute major revisions to the delivery standards and delivery procedures of the contract. The Commodity Futures Trading Commission (the "Commission") had determined that the proposal is of major economic significance and that, accordingly, making the proposal available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before February 3, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the New York Futures Exchange Chapter 8.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–7303.

SUPPLEMENTARY INFORMATION: The New York Futures Exchange is proposing to revise Chapter 8 of its Treasury bond futures contract. The major revisions proposed include changing the invoicing method from yield maintenance to fixed-factor pricing, with a factor based on a 10 percent coupon, permitting delivery throughout the delivery month rather than only on three days, and changing the delivery unit so that deliverable bonds may now have 15 years to maturity of first call date. Previously, a deliverable bond had to have at least 20 years to maturity.

In accordance with Section 5a(12) of the Commodity Exchange Act (the "Act"), 7 U.S.C. 7a(12) (Supp. III 1979), the Commission has determined that the proposal submitted by the NYFE concerning its Treasury bond futures contract is of major economic significance. Accordingly, the NYFE's proposed amendments to Chapter 8 will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYFE in support of the proposed rule amendment may be available upon request pursuant to the Freedom on Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [twenty-one (21) days after publication]. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on January 7, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-794 Filed 1-12-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Australia; Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Atomic Energy, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the following sales:

Contract Number S–AU–112, to Selbys Scientific Ltd., Australia, 42.4 grams of natural uranium for use as standard reference material.

Contract Number S–CA–314, to Atomic Energy of Canada, Ltd., Canada, 1 gram of uranium enriched to 1.0037% in U–235, and 1 gram of uranium enriched to 2.038% in U–235, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 28, 1982.

For the Department of Energy.

Dated: January 7, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-886 Filed 1-12-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; European Atomic Energy Community; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/N0 (EU)–49, from the Federal Republic of Germany to Norway, 87 kilograms of uranium, containing 4.3 kilograms of U–235 (4.94% enrichment) for fabrication of fuel pellets for irradiation in the Halden reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 7, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-884 Filed 1-12-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket Nos. IE-80-1 and IE-77-6]

Niagara Mohawk Power Corp. and New York Power Pool; Amendment to Supplemental Order Authorizing Transmission of Electric Energy to Canada and Accepting for Filing Export Rate Schedule

Issued: January 5, 1982.

On August 26, 1980, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a supplemental order authorizing the transmission of electric energy to Canada and accepting for filing the export rate schedule in ERA dockets IE–80–1 and IE–77–6. On September 22, 1980, Niagara Mohawk Power Corporation (Niagara Mohawk) filed a request for clarification of the August 26, 1980 Order. Niagara Mohawk stated its belief that the Order was somewhat ambiguous with respect to the continuity of Niagara Mohawk's longstanding authority to export energy to Canada. Accordingly, Niagara Mohawk requested a change in the language of the third line of Ordering Paragraph B, which presently reads as follows: "as the agreement governing any exports from the New York. * * *"; it asked that this language be changed to read "as an agreement governing certain exports as detailed therein from the New York. * * *"

Niagara Mohawk further requested that it be specified that the term "NYPP" includes Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

Finally, Niagara Mohawk requested that, because Niagara Mohawk is the company that physically monitors export under this authorization, Ordering Paragraph F be modified to delete "NYPP" and substitute "Niagara Mohawk" as the responsible party under this Order to ensure that the existing export limits are not exceeded.

DOE Finds:

(1) The changes requested by Niagara Mohawk will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of DOE.

(2) The changes requested by Niagara Mohawk should be permitted.

DOE Orders:

(A) The language of the third and fourth lines of Paragraph B of the Order issued on August 26, 1980, in ERA Docket No. IE–80–1 and IE–77–6 shall be changed to read ". . .as an agreement governing certain exports from New York Power Pool to Ontario Hydro, as detailed therein. Such agreement shall be effective. . . ."

(B) The findings made in the Order of August 26, 1980, shall be amended to include the following paragraph:

(4) For purposes of the Order, the term "NYPP" shall be defined to include the following member corporations which also are signatories to the Interconnection Agreement with Ontario Hydro: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation.

(C) Ordering Paragraph F hereby is modified to delete "NYPP" by substituting "Niagara Mohawk Power Corporation" as the responsible party under the Order.

Issued in Washington, D.C. on January 5, 1982.

Rayburn Hanzlik,[1]

Administrator, Economic Regulatory Administration.

[FR Doc. 82-883 Filed 1-12-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed; Period November 30 Through December 18, 1981

During the period November 30 through December 18, 1981, the notice of objection to a proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before February 2, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an

[1] In the recent reorganization of DOE, responsibility for Presidential Permits was transferred from ERA to the Office of Environmental Protection, Safety, and Emergency Preparedness. DOE is in the process of redelegating authority.

active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Mobil Oil Corporation, Fairfax, Virginia HRO-0023

On December 17, 1981, Mobil Oil Corp., 3225 Gallows Road, Fairfax, Virginia 22037 filed a Notice of Objection to a Proposed Remedial Order that the DOE Office of Special Counsel issued to the firm on October 2, 1981. In the Proposed Remedial Order the Office of Special Counsel found that during the period August 1973 through December 1976 Mobil committed pricing violations in its sales of refined petroleum products. According to the Proposed Remedial Order, the Mobil violations resulted in $12,094,000 of overcharges to its customers.

[FR Doc. 82-821 Filed 1-12-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-209A; PH-FRL-2023-8]

American Cyanamid Co.; Amendment to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: American Cyanamid Co. has amended a pesticide petition (PP 1F2433) to increase the proposed tolerances for the combined residues of the insecticide terbufos in or on the raw agricultural commodities cabbage, broccoli, and cauliflower.

ADDRESS: Written comments to: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William Miller (703-557-2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of December 23, 1980 (45 FR 84849), announcing that American Cyanamid, Agricultural Research Div., PO Box 400, Princeton, NJ 08540, had submitted a pesticide petition (PP 1F2433) proposing that 40 CFR 180.352 be amended by establishing tolerances for the combined residues of the insecticide terbufos [*S*-[(1,1-dimethylethyl)thio]methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the harvestable portions of the following raw agricultural commodities cabbage, broccoli, and cauliflower at 0.05 part per million (ppm).

American Cyanamid Co. has submitted an amendment proposing to increase the tolerance levels for cabbage, broccoli, and cauliflower from 0.05 ppm to 0.20 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a phosphorus-sensitive, alkali flame ionization detector.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-485 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31049A; PH-FRL-2023-5]

Approval of Applications To Conditionally Register Pesticide Products Involving a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the applications by Aqua Brom/Tesco to amend registration of pesticide products Spa Brom Feeder Sticks and Spa Brom Mini Pak, involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 305, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7170).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of July 1, 1981 (46 FR 34406) that Aqua Brom/Tesco, PO Box 65449, Marietta, GA 30065, had submitted applications to conditionally register pesticide products Spa Brom Feeder Sticks (1729-REG) and Spa Brom Mini Pak (1729-REE) both, containing 96% of the active ingredient 1-bromo-3-chloro-5,5-dimethylhydantoin. The applications proposed a changed use pattern of the products.

The applications were approved on October 20, 1981. Spa Brom Feeder Sticks (1729-123) and Spa Brom Mini Pak (1729-122) are approved for general use in spas and hot tubs in addition to its presently registered uses in swimming pools.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: December 22, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-489 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[PP 9G2118/T339; PH-FRL-2024-1]

Ethalfluralin Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide ethalfluralin *N*-ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl) benzenamine in or on the raw agricultural commodity groupings seed and pod vegetables, cucurbits, and forage legumes at 0.05 part per million (ppm).

DATE: These temporary tolerances expire April 16, 1984.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manger (PM 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, that was published in

the Federal Register of June 10, 1981 (46 FR 30693), extending temporary tolerances established for residues of the herbicide ethalfluralin, *N*-ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl) benzenamine, in or on the raw agricultural commodity groupings seed and pod vegetables, cucurbits, and forage legumes at 0.05 ppm. These temporary tolerances have been re-extended in response to pesticide petition (PP 8G2118), submitted by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206.

The company requested a one-year extension of the temporary tolerances to permit the continued marketing of the remaining raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 1471-EUP-63, which is being re-extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the herbicide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 16, 1984. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346A(j)))

Dated: December 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-484 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31053; PH-FRL-2026-1]

Applications to Conditionally Register Pesticide Products Involving Changed Use Pattern; Certain Companies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to conditionally register, or amend registration of, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comments by Feburary 12, 1982.

ADDRESS: Written comments, identified by the document control number [OPP-C31053] and the file or registration number, should be submitted to the product manager (PM) cited at the address below: Registration Division (TS-767C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to conditionally register, or amend registration of, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of applications does not imply a decision by the Agency on the applications.

Applications Received

1. EPA File Symbol: 7401-GRE.

Applicant: Voluntary Purchasing Groups, Inc., PO Box 460, Bonham, TX 75418.

Product Name: Hi-Yield Killer.

Active Ingredient: Toxaphene 10%.

Proposed new use: Toxaphene is already registered as an insecticide for use in agricultural crops, on fruits and nut trees, and for animal dips. The proposed use of toxaphene is as a snake toxicant around homes, gardens, lawns, and other sites.

Proposed use classification: General.

Product manager (PM) 16: William Miller (703-557-2600).

2. EPA File Symbol: 3125-GGO.

Applicant: Mobay Chemical Corp., 1140 Connecticut Ave., Suite 604, Washington, DC 20036.

Product Name: Oftanol 6 Emulsifiable Insecticide.

Active Ingredient: 1-Methyl 2-[[ethoxy[(1-methylethyl)-amino]phosphinothioyl]oxy]benzoate 66%.

Proposed new use: Presently registered for restricted non-domestic use. New use will include domestic use.

Proposed use classification: Restricted.

Product manager (PM) 16: William Miller, (703-557-2600).

3. EPA File Symbol: 359-INU.

Applicant: Rhone-Poulenc Chemical Co., Agrochemical Division, PO Box 125, Black Horse Lane, Monmouth Junction, NJ 08852.

Product Name: Rovral.

Active Ingredient: Isoprodine 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl-2,4-dioxo-1-imidazolidinecarboxamide 50%.

Proposed new use: Presently registered for general use on turf. New use will include the control of blossom and fruit monilinia brown rot on cherries and peaches.

Proposed use classification: General.

Product manager (PM) 21: Henry Jacoby, (703-557-1900).

Notice of approval or denial of an application to register, or amend registration of, a pesticide product will be announced in the Federal Register. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered

before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: December 22, 1981.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 82-813 Filed 1-12-82; 8:45 am]
BILLING CODE 6560-32-M

[AEN-FRL-2026-7]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On November 20, 1981, Dr. Eugene H. Bay, Sr., President, Fuel Research Laboratories, and Dr. Ernest F. Powers, President, S & E Associates, Consultants, Inc., on behalf of Synco 76 Fuel Corporation, submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a fuel additive composed of a proprietary stabilizer mixed with anhydrous ethanol and denatured by Methly Isobutyl Ketone (MIK). The fuel additive, mixed in a ration of one-fourth (¼) gallon stabilizer to five (5) gallons ethanol, will be used with forty-five (45) gallons of finished unleaded gasoline. The Administrator of EPA has until May 18, 1982 (180 days from the date of receipt of the application) to grant or deny a waiver.

ADDRESS: Copies of the non-confidential business information relative to this application are available for inspection in public docket EN-81-20 at the Central Docket Section (A-130) of the EPA, Gallery I—West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0245, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Comments should be submitted on or before March 1, 1982.

FOR FURTHER INFORMATION CONTACT: Janet Golup, Attorney-Advisor, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-2856.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of a fuel of fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny a waiver within 180 days of receipt of the application, the waiver shall be treated as granted.

Synco 76 Fuel Corporation submitted an application for a waiver for a fuel additive composed of a proprietary stabilizer mixed with anhydrous ethanol and denatured by MIK. The fuel additive, mixed in a ratio of ¼ gallon stabilizer to 5 gallons ethanol, will be used with 45 gallons of finished unleaded gasoline. The 180 day review period expires on May 18, 1982.

Because of the proprietary nature of the stabilizer, and because of EPA's desire to render a determination on the maximum amount of data, Synco 76 Fuel Corporation will provide a reasonable amount of the pre-mixed fuel additive (ethanol plus stabilizer) for test purposes provided the prospective tester executes a confidentiality agreement with Synco 76 Fuel Corporation.

For more information on obtaining the test fuel additive contact: Dr. Eugene H. Bay, Sr., President, Fuel Research Laboratories, c/o Synco 76 Fuel Corporation, 3101 West Highway 98, Panama City, Florida 32401, (904) 769-3594; or Dr. Ernest F. Powers, President, S & E Associates, Consultants, Inc., 7409 Radcliffe Drive, College Park, Md. 20740, (301) 441-9007.

Dated: December 29, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-809 Filed 1-12-82; 8:45 am]
BILLING CODE 6560-38-M

[PF-241A; PH-FRL-2025-8]

Pesticide Petition; Correction; Ciba-Geigy Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a pesticide petition (PP 1E2563) proposing the establishment of tolerances for the combined residues of the herbicide metolachlor and its metabolites in or on the raw agricultural commodities rotational grain crop forage and fodder.

ADDRESS: Written comments to: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 19, 1981 (46 FR 51282) that Ciba-Geigy Corporation, Agricultural Division, PO Box 11422, Greensboro, NC 27409, had submitted a pesticide petition (PP 1E2563) proposing the establishment of tolerances for the combined residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide and its metabolites determined as 2-[(ethyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as parent compound in or on the raw agricultural commodities rotational grain crop forage and fodder at 0.5 ppm.

In FR Doc. 81-30137, appearing at page 51282 under "SUPPLEMENTARY INFORMATION" the reference to commodities in petition number PP 1E2563, on page 51283, second column, lines 14 through 15, that portion of the sentence which reads "rotational grain, crop forage, and fodder at 0.5 ppm" is corrected to read "rotational grain crop forage and fodder at 0.5 ppm."

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: December 30, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-810 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[PF-255; PH-FRL-2025-7]

Pesticide Petitions; Certain Companies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing to establish tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-255]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency requesting establishment of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 2F2589. BASF Wyandotte Corp., 100 Cherry Hill Road, PO Box 181, Parsippany, NJ 07054. Proposes amending 40 CFR 180.363 by establishing tolerances for residues of the herbicide fluchloralin [*N*-(2-chloroethyl)-alpha,alpha,alpha,-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine] in or on the raw agricultural commodities seed and pod vegetables and sunflower seed at 0.05 part per million (ppm), and forage and hay of seed and pod vegetables at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography using an electrolytic conductivity detector (nitrogen specific). (PM-25, Robert Taylor, 703-557-1800).

PP 2F2604. E. I. du Pont de Nemours and Co., Wilmington, DE 19898. Proposes amending 40 CFR 180 by establishing tolerances for residues of the herbicide chlorsulfuron (2-chloro-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl]-benzenesulfonamide) in or on the raw agricultural commodities barley, grain at 0.02 ppm; barley straw at 0.1 ppm; kidney and liver of cattle, goats, hogs, horses, and sheep at 0.03 ppm; meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses, and sheep at 0.02 ppm; milk at 0.02 ppm; oat, grain at 0.05 ppm; oat, straw at 0.1 ppm; wheat, grain at 0.02 ppm; wheat, green forage at 6 ppm; and wheat straw at 0.1 ppm. The proposed analytical method for determining residues is high performance liquid chromatography. (PM-25, Robert Taylor, 703-557-1800).

PP 2F2582. Kalo Agricultural Chemicals, Inc., 9233 Ward Parkway, Suite 150, Kansas City, MO 64114. Proposes amending 40 CFR 180.302 by establishing tolerances for the combined residues of the fungicide hexachlorophene (2,2'-methylenebis (3,4,6-trichlorophenol) or its mono sodium salt in or on the raw agricultural commodities peanut (nut and shell) at 0.05 ppm; soybeans at 0.5 ppm; lima beans (dry) and pinto beans at 0.2 ppm; tomatoes, peppers, and cucurbits at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography with an electron capture detector. (PM-21, Henry Jacoby, 703-557-1900).

PP 2F2596. Rhone-Poulenc Chemical Co, Agrochemical Div., PO Box 125 Black Horse Lane, Monmouth Junction, NJ 08852. Proposes amending 40 CFR 180 by establishing tolerances for the combined residues of the fungicide [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboximide], its isomer [3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboximide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboximide] in or on the raw agricultural commodities apricots, cherries (sweet and sour), nectarines, peaches, and plums (fresh prunes) at 10 ppm. The proposed analytical method for determining residues is gas layer chromatography. (PM-21, Henry Jacoby, 703-557-1900).

PP 2F2602. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland, OH 44114. Proposes amending 40 CFR 180.275 by establishing tolerances for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile) in or on the raw agricultural commodities stone fruits (apricots, cherries (sweet and sour)), damsons, nectarines, pawpaws, peaches, plums, and prunes) at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography by electron capture. (PM-21, Henry Jacoby, 703-557-1900).

PP 2E2594. Merck and Co. Inc., PO Box 2000, Rahway, NJ 07065. Proposes amending 40 CFR 180.242 by establishing tolerances for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodities avocado and mango at 10.0 ppm. The proposed analytical method for determining residues is spectrophotometrical analysis. (PM-21, Henry Jacoby, 703-557-1900).

PP 2F2595. BASF Wyandotte Corp., 100 Cherry Hill Road, PO Box 181 Parsippany, NJ 07054. Proposes amending 40 CFR 180.380 by establishing tolerances for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-methyl-2,4-oxazolidinedione and its metabilites containing the 3,5-dichloroaniline moiety in or on the raw agricultural commodity lettuce at 5.0 ppm. The proposed analytical method for determining residues is gas chromatography with electron capture detector. (PM-21, Henry Jacoby, 703-557-1900).

PP 2F2599. Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW Washington, DC 20036. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity head lettuce at 10.0 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-17, Franklin Gee, 703-557-2690).

PP 2F2598. Shall Oil Co. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano in or on the raw agricultural commodity field corn grain at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-17, Franklin Gee, 703-557-2690).

PP 2F2601. Ciba-Geigy Corp., Agricultural Division, PO Box 18300, Greensboro, NC 27419. Proposes amending 40 CFR 180.120 by establishing tolerances for the combined residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide] and

its metabolites determined as 2-[(2-ethlyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morphonlinone, each expressed as a parent metolachlor, in or on the raw agricultural commodity safflower seed at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-23, Richard Mountfort, 703-557-1830).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: December 30, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-811 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[PW-29; PH-FRL-2025-6]

Pesticide Petition; Diamond Shamrock Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Diamond Shamrock Corp. has withdrawn a pesticide petition (PP 6F1789) for residues of the fungicide chlorothalonil and its metabolite in or on the raw agricultural commodities peaches and cherries.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, RM. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: In the Federal Register of April 1, 1976 (41 FR 13984), Diamond Shamrock Corp., Cleveland, OH 44114, submitted a pesticide petition (PP 6F1789) proposing the establishment of tolerances for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile) in or on the raw agricultural commodities peaches at 25 parts per million (ppm) and cherries (tart and sweet) at 15 ppm.

Diamond Shamrock Corp. has withdrawn this petition without prejudice to further filing in accordance with the regulations.

(Sec. 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

Dated: December 30, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-812 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51380; TSH-FRL-2027-2]

Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-1, 82-2, 82-3, 82-4, March 5, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51380]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-1

Close of Review Period. April 4, 1982.

Manufacturer's Identity. The Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Halogenated derivative of polyethylene glycol.

Use. The manufacturer states that the PMN substance will be used as a process intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH—2.7.

Boiling point @ 0.5% distilled—63.2°C.

Solubility:

Water—Miscible with slight turbidity at some concentrations.

Density—1.133 g/ml @ 25°C.

Toxicity Data

Acute dermal toxicity LD_{50} (rat)—<3 g/kg.

Skin irritation (rabbit)—Non-irritating.

Primary eye irritation (rabbit)—Minimally irritating.

Skin sensitization (guinea pig)—Weak sensitizer.

Environmental Test Data

COD—1.7 g/g.

BOD_5—0.003 g/g.

BOD_{20}—0.0047 g/g.

LC_{50} 96 hr. (fathead minnow)—<2,000 mg/l.

Exposure. The manufacturer states that during manufacture and processing 16 workers may experience dermal exposure 12 hrs/day, 15 days/yr during filtration and drumming.

Environmental Release/Disposal. The manufacturer states that 1,000-10,000 kg/yr will be released to water. Disposal is by incineration and wastewater treatment.

PMN 82-2

Close of Review Period. April 5, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic named provided: Propionic acid 1-methyl-2 (amino functional) substituted ester.

Use. The manufacturer states that the PMN substance will be used in a consumer use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, yellow liquid.

Flash point—139°F.

Viscosity—Approx. 3 ctsks. @ 20°C.

Solubility: water—Slightly soluble.

Density—1.1 gm/ml @ 20°C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—4,900 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>2,000 mg/kg.

Skin irritation (rabbit)—Irritating.

Eye irritation (rabbit)—Severe irritating.

Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture, processing, use, and QC testing workers may experience dermal exposure.

Environmental Release/Disposal. Claimed confidential business information.

PMN 82–3

Close of Review Period. April 5, 1982.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identify. Claimed confidential business information.
Generic name provided: Polydimethylsiloxane, copolymer with (substituted alkyl) trimethoxy silane.
Use. The manufacturer states that the PMN substance will be used in a consumer use.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, amine-smelling liquid.
Specific gravity—0.95–1.0.
Boiling point—>300°C.
Flash point—104–150°F.
Solubility:
Water—Generally regarded as immiscible.
Vapor pressure—2 mm Hg @ 25°C (estimated).
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that during manufacture and QC testing workers may experience dermal and inhalation and occular exposure.
Environmental Release/Disposal. Claimed confidential business information.

PMN 82–4

Close of Review Period. April 5, 1982.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identify. Claimed confidential business information.
Generic name provided: Polydimethylsiloxane, polymer with amino substituted and methyl silsesquioxanes.
Use. The manufacturer states that the PMN substance will be used in a consumer use.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, amine-smelling liquid.
Specific gravity—0.95–1.0.
Boiling point—>300°C.
Flash point—104°F. by Pensky Marten Closed Cup.
Melting point—<45°C.
Solubility:
Water—Insoluble.
Vapor pressure—2 mm Hg @ 25°C (estimated).
Generates methanol on exposure to water vapor.
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that during manufacture and QC testing workers may experience dermal exposure.
Environmental Release/Disposal. Claimed confidential business information.

Dated: January 6, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82–820 Filed 1–12–82; 8:45 am]
BILLING CODE 6560–31–M

[OPTS–51378; TSH–FRL–2027–6]

Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–680, 81–681, & 81–682, February 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51378]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–680

Close of Review Period. March 30, 1982.
Manufacturer's Identity. Naarden International USA, Inc., 919 Third Avenue, New York, NY 10022.
Specific Chemical Identity. 3,3-dimethylbicyclo (2.2.1) heptane-2-carboxylic acid.
Use. The manufacturer states that the PMN substance will be used in fragrance compounds.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties.
Boiling point—140°C/6 mm Hg.
Flash point closed cup method Pensky Martens—143,5°C.
Melting point—92°C.
Solubility:
Water—<1 g/l.
Alcohol 60% 20°C—1:4,5 and more.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.
Primary skin irritation (rabbit)—Moderate.
Primary eye irritation (rabbit)—Irritating.
Ames salmonella—No mutagenic activity.
Skin sensitization (guinea pig)—No sensitization.
Exposure. Further clarification needed before information may be released to the public files.
Environmental Release/Disposal. The manufacturer states that release to land and water will only result from an accidental spill. Disposal is by incineration.

PMN 81–681

Close of Review Period. March 30, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55144.
Specific chemical Identity. Decanoic acid, octyl ester.
Use. The manufacturer states that the PMN substance will be used as an industrial and commercial temperature indicating device.

PRODUCTION ESTIMATES

	Maximum (kilograms per year)
1st year	3
2d year	5
3d year	5

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Non-toxic.
Exposure. The manufacturer states that during manufacture and use a total of 2 workers may experience dermal

exposure up to 0.5 hr/day, up to 20 days/yr during transfer and clean up.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land and water. Disposal is by landfill and publicly owned treatment works (POTW).

PMN 81-682

Close of Review Period. March 30, 1982.

Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. Octanoic acid, heptyl ester.

Use. The manufacturer states that the PMN substance will be used as an industrial and commercial temperature indicating device.

PRODUCTION ESTIMATES

	Maximum (kilograms per year)
1st year	3
2d year	5
3d year	5

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Non-toxic.

Exposure. The manufacturer states that during manufacture and use a total of 2 workers may experience dermal exposure up to 0.5 hr/day, up to 20 days/yr during transfer and clean up.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land and water. Disposal is by landfill and POTW.

Dated: January 4, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-818 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51377; TSH-FRL-2027-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7,1980 (45 FR 74378). This notice announces receipt of fourteen PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-666, 81-667, 81-668, 81-669, 81-670, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676, 81-677, 81-678, and 81-679 February 27, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51377]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-666

Closed of Review Period. March 29, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100 and $500 million.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cycloalkyl aralkyl ether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point @ 25 mm—114°C.

Flash point—>200°C.

Solubility:

Water—Insoluble.

Organic solvents—Soluble.

Color—Colorless.

Toxicity Data

Skin sensitization (guinea pig—Slight to minimal sensitization.

Repeated insult patch test/photosensitization study in human subjects—Non-sensitizer.

Primary irritation patch test (human)—Non-irritant.

Exposure. The manufacturer states that during manufacture, processing, use and disposal workers may experience accidental dermal and inhalation exposure during transfer, washing, drumming, blending, and packaging.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land, and water. Disposal is to an on-site effluent treatment plant.

PMN 81-667

Close of Review Period. March 29, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted furan.

Use. Claimed confidential business information.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance—Liquid.

Specific gravity @ 25°C—0.938-0.958.

Flash point—Above 100°F.

Refractive index @ 25°C—1.486-1.494.

Color—Pale to light yellow.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5.0 g/kg.

Acute dermal toxicity LD_{50} (rat)—>5.0 g/kg.

Primary skin irritation (rabbit)—Slightly irritating.

Primary eye irritation (rabbit)—Non-irritating.

Repeated insult patch test/photosensitization study in human subjects—Non-irritating.

Exposure. The importer states that during use 2 workers may experience inhalation exposure less that 1 hr/day, less than 20 days/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air less than 1 hr/day, less than 20 days/yr.

PMN 81-668

Close of Review Period. March 29, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—East North Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ester-diol.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that less that 10 kg/yr will be released to water 1 hr/day, 25 days/yr. Disposal is to a plant site waste water treatment.

PMN 81-669

Close of Review Period. March 29, 1982.

Importer's Identity. Duolite International, Inc., 800 Chestnut Street, Redwood City, CA 94063.

Specific Chemical Identity. Benzene, ar-bromoethenyl-, polymer with diethenylbenzene.

Use. The importer states that the PMN substance will be used as an industrial use to improve reliability in water treatment equipment.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	50,000
2d year	20,000	60,000
3d year	30,000	70,000

Physical/Chemical Properties

Physical form—Spherical beads.
Particle size (mm)—0.6–0.8.
Specific gravity ($H_20=1$)—1.18.
Matrix—Crosslinked polystyrene.
Functional groups—Non-ionic (inert).
Particle size—

Millimeter	Percent
+0.84	10
−0.84+0.80	30
−0.80+0.71	30
−0.71+0.63	25
−0.63	5

Chemical resistance—Insoluble in water, dilute acids and bases, and common solvents.

Toxicity Data. No data were known to be available on the chemical.

Exposure. The importer states that during processing disposal 3–6 workers may experience dermal exposure less than 8 hrs/day, less than 1 day/yr during loading and unloading.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated. Disposal is to a sanitary landfill site.

PMN 81-670

Close of Review Period. March 29, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters.

Use. Claim confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	40,000
2d year	40,000	200,000
3d year	200,000	400,000

Physical/Chemical Properties

Viscosity—15 to 50 cps.
Acid values—5.0 to 8.0 Mg KOH/g.
Percent total solids @ (105°C)—44 to 46.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 105 workers may experience dermal and occular exposure up to 6 hrs/day, up to 200 days/yr during procuring, analyzing, drumming, cleaning, sampling, testing, and filling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–10,000 kg/yr to land. Disposal is by incineration.

PMN 81-671

Close of Review Period. March 29, 1982.

Importer's Identity. Woodmont Products, Inc., P.O. Box 8, Huntingdon Valley, PA 19006.

Specific Chemical Identity. Phenyl mercury neodecanoate.

Use. The importer states that the PMN substance will be used as an industrial catalyst polyurethane sealant.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	2,000
2d year	1,000	4,000
3d year	1,000	8,000

Physical/Chemical Properties

Appearance—Clear, yellow viscous liquid.
Specific gravity (25/4°C)—1.412.
Boiling point>200°C.
Flash point (open cup)>50°C.
Freezing point—<−15°C.
Odor—Characteristic.
Metal content (% Hg)—35.0.
Solubility—Fully miscible with most polyols, glycols, and glycol ethers.
Volatility—Low.

Toxicity Data. No data were submitted.

Exposure. The importer states that during processing 1 worker may experience absorption exposure 0.25 hr/day, 261 days/yr during weighing and transfer.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air 0.25 hr/day, 261 days/yr.

PMN 81-672

Close of Review Period. March 29, 1982.

Manufacturer's Identity. Helix Associates, Inc., P.O. Box 4694, Newark, DE 19711.

Special Chemical Identity. Pheny acetic acid hydrazide.

Use. The manufacturer states that the PMN substance will be used as an industrial dye intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	100	500
2nd year	500	1,000
3d year	1,000	2,000

Physical/Chemical Properties

Appearance—Light yellow crystals.

Specific gravity ($H_2O=1$)—0.9 (20°/4°C).

Boiling point—>400°F.

Solubility:

Water—Very slight.

Vapor pressure @ 25°C—0.1 mm.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience vapor/solution exposure 8 hrs/day, 20 days/yr during filtration and drying.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and 10–100 kg/yr to water 8 hrs/day, 20 days/yr. Disposal is to a publicly owned treatment works (POTW).

PMN 81–673

Close of Review Period. March 29, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester from vegetable oil acids, alkanetriol, carbomonocyclic anhydride and carbomonocyclic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	7,000	45,000
2d year	13,200	90,000
3d year	33,000	225,000

Physical/Chemical Properties

Acidity—0.24 (Meg/g)

Basicity—0.15 (Meg/g)

Flash point—135°F

Viscosity—100 stokes

Color, Gardner—8

Percent solids—29.5

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 111 workers may experience dermal and occular exposure up to 6 hrs/day, up to 84 days/yr during procuring, analyzing, drumming, cleaning, sampling, testing, and filing.

Environmental Release/Disposal. The manufacturer states that less then 10 kg/yr will be released to air and water and 10–10,000 kg/yr to land. Disposal is to an approved landfill and by distillation.

PMN 81–674

Close of Review Period. March 29, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Metal containing 2-hydroxy alkyl benzoate.

Use. Claimed confidential business information. Generic use information provided: The manufacturers states that the PMN substance will be used as a lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–675

Close of Review Period. March 29, 1982.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Primary skin irritation (rabbit)—Moderate and mild irritant

Exposure. The manufacturer states that during manufacture and dispersion 2 shift workers may experience dermal exposure 2 shifts/day 8 hrs/shift, 9 days/yr during transfer.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is by incineration.

PMN 81–676

Close of Review Period. March 29, 1982.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Oral toxicity LD_{50} (rat)—<11,000 mg/kg

Exposure. The manufacturer states that during manufacture 2 shift workers may experience inhalation exposure 2 shifts/day, 8 hrs/shift, 31 days/yr during handling.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is to an approved landfill.

PMN 81–677

Close of Review Period. March 29, 1982.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Skin irritation (rabbit)—Moderately irritating.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure up to 16 hrs/day, up to 16 days/yr.

Environmental Release/Disposal. Disposal is by incineration.

PMN 81–678

Close of Review Period. March 29, 1982.

Manufacturer's Identity. E.I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Esposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure up to 16 hrs/day, up to 4 days/yr.

Environmental Release/Disposal. Disposal is by incineration.

PMN 81-679

Close of Review Period. March 29, 1982.

Manufacturer's Identity. E.I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50}—>11,000 mg/kg.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure up to 16 hrs/day, up to 41 days/yr.

Environmental Release/Disposal. Disposal is by incineration.

Dated: January 4, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-617 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51379; TSH-FRL-2027-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-683 and 81-684, February 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51379]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-683

Close of Review Period. March 31, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-caprolactone and an ethylene glycol derivative; 2-butanone oxime; and a polyalkylhydroxy substituted heterocycle.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—1.0943 g/cc
Flash point—147°F
Color—Straw to amber

Toxicity Data

Acute dermal toxicity LD_{50} (rat)—>2,800 mg/kg
Skin irritation (rabbit)—Slightly irritating
Eye irritation (rabbit)—Minimally irritating
Ames salmonella—Non-mutagenic
Skin sensitization (guinea pig)—No positive responses

Exposure. The manufacturer states that during processing workers may experience dermal and ingestion exposure during cleaning, sampling, and packaging.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is to an approved landfill and by solvent recovery on liquids.

PMN 81-684

Close of Review Period. March 31, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-caprolactone and an ethylene glycol derivative; and a substituted alkane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—1.088 g/cc
Flash point—152°F
Color—Straw to amber

Toxicity Data

Acute dermal toxicity LD_{50} (rat)—>2,800 mg/kg
Skin irritation (rabbit)—Slightly irritating
Eye irritation (rabbit)—Minimally irritating
Ames salmonella—Non-mutagenic
Skin sensitization (guinea pig)—No positive responses

Exposure. The manufacturer states that during processing workers may experience dermal and ingestion exposure during cleaning, sampling, and packaging.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is to an approved landfill and by solvent recovery on liquids.

Dated: January 5, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-615 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59077; TSH-FRL-2027-7]

Premanufacture Exemption Application; 2,7-Naphthalenedisulfonic Acid, 4-Amino-3-((4-(2-Sulfooxyethyl)Sulfonyl)Phenyl)Azo)-5-Hydroxy-6-((Substituted Phenyl)Azo-, Sodium Salts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: January 28, 1982.

ADDRESS: Written comments, identified by the document control 82T–5 number "[OPTS–59077]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SE, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the TME received by the EPA:

TME 81–56

Close of Review Period. February 14, 1982.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Sommerville, NJ 08876.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 2,7-naphthalenedisulfonic acid, 4-amino-3-[(4-[2-sulfooxyethyl]sulfonyl)phenyl]azo)-5-hydroxy-6-((substituted phenyl)azo-, sodium salts.

Use. The manufacturer states that the TME substance will be used as a textile dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility water—100 g/l.

Purity—Product as isolated is about 50% pure with mostly inorganic salts other constituents.

Other impurities:

Vinyl component—<1%.

Nonesterfied component—<1%.

Mono azo component—2–8%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 1 worker may experience inhalation exposure less than 30 man hours per year during drumming.

Environmental Release/Disposal. Disposal is to an on-site National Pollution Discharge Elimination System (NPDES).

Dated: January 4, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division

[FR Doc. 82-814 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS–59076; TSH–FRL–2027–5]

Premanufacture Exemption Application; Polysulfide Polymer With Formal and Alcohol Moiety

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: January 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–59076]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on TME received by the EPA.

TME 81–55

Close of Review Period. February 13, 1982.

Manufacturer's Identity. Thiokol, Specialty Chemicals Division, P.O. Box 8296, Trenton, NJ 08650.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polysulfide polymer with formal and alcohol moiety.

Use. The manufacturer states that the PMN substance will be used for industrial printing rollers and commercial paint spray hose liner.

PRODUCTION ESTIMATES

	Maximum (pounds)
1st year	5,000

Physical/Chemical Properties

Appearance—Millable light brown rubber.

Specific gravity ($H_2O=1$)—1.34.

Percent volatile by volume—0.5 max.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Non-toxic.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that during manufacture and disposal 8 workers may experience dermal exposure 8 hrs/day, 7 days/yr during sampling, cutting, bagging, and cleanout operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land. Disposal is by landfill.

Dated: January 4, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-810 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59075; TSH-FRL-2027-3]

Premanufacture Exemption Applications; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: January 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59075]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on TMEs received by the EPA:

TME 81-51

Close of Review Period. February 11, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Arylamine substituted polyalkoxy silane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Oral toxicity LD_{50} (rat)—>5.0 g/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2.0 g/kg.

Primary skin irritation (rabbit)—Non-irritant.

Eye irritation (irritant)—Non-irritant.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

TME 81-52

Close of Review Period. February 12, 1982.

Importer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of diphenylmethane diisocyanate and hydroxy alkyl ethers.

Use. The importer states that the TME substance will be used by one processor to manufacture a synthetic running surface.

IMPORT ESTIMATES

	Maximum (pounds)
6 months	22,000

Physical/Chemical Properties

Appearance—Clear, yellowish liquid.

Specific gravity @ 20° C—1.11 g/cm³.

Boiling point—115° C @ 1013 mbar.

Freezing point—−28° C.

Solubility: water—Reacts slowly to form CO_2 gas.

Vapor density (Air=1)—8.5

Vapor pressure @ 25° C—$<10^{-4}$ mbar.

Odor—Slight musty odor.

Toxicity Data. No data were available on the specific chemical.

Exposure. The importer states that during manufacture 10 workers may experience dermal, inhalation, and occular exposure 10 hrs/day, 2 days/yr during handling.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

TME 81-53

Close of Review Period. February 12, 1982.

Importer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of diphenylmethane diisocyanate and hydroxy alkyl ethers.

Use. The importer states that the TME substance will be used by one processor to manufacture a synthetic running surface.

IMPORT ESTIMATES

	Maximum (pounds)
6 months	55,000

Physical/Chemical Properties

Appearance—Clear, yellowish liquid.

Specific gravity @ 25° C—1.04 g/cm³.

Boiling point—230° C @ 1013 mbar.

Freezing point—−13° C.

Solubility: water—Reacts slowly to form CO_2 gas.

Vapor density (Air=1)—8.5.

Vapor pressure—$<10^{-4}$ mbar @ 25° C.

Odor—Slightly musty odor.

Toxicity Data. No data were available on the specific chemical.

Exposure. The importer states that during manufacture 10 workers may experience inhalation and occular exposure 10 hrs/day, 10 days/yr during handling.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

TME 81-54

Close of Review Period. February 12, 1982.

Manufacturer's Identity. Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of aromatic and aliphatic diacids and aliphatic diol.

Use. Claimed confidential business information. Generic use information provided. The manufacturer states that the TME substance will be used to form a cured, cross linked, protective and decorative coating for commercial articles.

PRODUCTION ESTIMATES

	Maximum (pounds)
180 days	50,000

Physical/Chemical Properties

Viscosity @ 70% in ethoxyethanol acetate—2,000-5,000 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture workers may be exposed for a few minutes approximately once an hour during sampling and drumming.

Environmental Release/Disposal. Disposal is by landfill and by incineration.

Dated: December 30, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-619 Filed 1-12-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

List of Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

North American Distribution Systems, Inc. d.b.a. NAVTRANS International Freight Forwarding, 5001 U.S. Highway 30 West, Fort Wayne, IN 46818
Officers: Kenneth W. Maxfield, President/Director; Martin A. Weissert, Director; B. Wade Monroe, Treasurer/Director; Margaret S. Vegeler, Secretary; Richard W. Curry, Vice President; William R. Welsh, Vice President; David L. Vanderbosch, Vice President;

KOG Transport, Inc., 21 West Street, Suite 3010, New York, NY 1006
Officers: Wolfgang Klebe, President; Juergen Osmers, Executive Vice President; Rolf Gubler, Executive Vice President

TRI Technical Corporation, d.b.a. TRI Technical Corporation, Professional Services Division, Brentwood Professional Plaza, 785 Old Hickory Blvd., Brentwood, TN 37027
Officers: John L. Mikovits, President; Barbara K. Mikovits, Secretary; Hamid Hamadanian

Richard Diaz, d.b.a. C. A. Mar Freight Forwarding, 7332 S.W. 45th Street, Miami, FL 33155

Trans International Group Inc., 2850 Metro Drive, Suite 417, Bloomington, MN 55420
Officers: Thomas M. Habermann, Vice President International Traffic; Alice K. Westrud, Vice President Operations; Robert A. Miller, President

Pacific Express Cargo Inc., 12715 S. 44th Terrace, Miami, FL 33175
Officer: Herbert E. Barroso, President

World Transportation Services, Inc., d.b.a. WTS, Inc., P.O. Box 22309, 229 Wright Bros. Drive, Salt Lake City, Utah 94122
Officers: Lawrence L. Coats, President; Dan E. Fahndrich, Vice President; Michael A. Williams, Asst. Secretary

Maritime Connections Corporation, 7277 N.W. 32nd Street, Suite C, Miami, FL 33122
Officer: Conchita Diaz, Sole Officer and Stockholder

Dated: January 7, 1982.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-791 Filed 1-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1121]

Chicago International Customs Service, Inc.; Order of Revocation

On December 9, 1981, Chicago International Customs Service, Inc., 4001 Fleetwood Avenue, Franklin Park, IL 60131 surrendered its Independent Ocean Freight Forwarder License No. 1121 for revocation effective January 1, 1982.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1121 issued to Chicago International Customs Service, Inc. be revoked effective January 1, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Chicago International Customs Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-789 Filed 1-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1244]

New York International Customs Service, Inc.; Order of Revocation

On December 9, 1981, New York International Customs Service, Inc., 175-11 148th Avenue, Jamaica, NY 11434 surrendered its Independent Ocean Freight Forwarder License No. 1244 for revocation effective January 1, 1982.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1244 issued to New York International Customs Service, Inc. be revoked effective January 1, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon New York International Customs Service, Inc.

Albert J. Klingel Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-788 Filed 1-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2069]

Ocean Traffic Services, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ocean Traffic Services, Inc., 3908 East Airlane, Phoenix, AZ 85034 was cancelled effective January 3, 1982.

By letter dated December 21, 1981, Ocean Traffic Services, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2069 would be automatically revoked unless a valid surety bond was filed with the Commission.

Ocean Traffic Services, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2069 be and is hereby revoked effective January 3, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2069 issued to Ocean Traffic Services, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal

Register and served upon Ocean Traffic Services, Inc.

Albert J. Klingel, Jr.,

Director Bureau of Certification and Licensing.

[FR Doc. 82-790 Filed 1-12-82; 8:45 am]
BILLING CODE 8730-01-M

[Independent Ocean Freight Forwarder License No. 1451]

San Francisco International Customs Service, Inc.; Order of Revocation

On December 9, 1981, San Francisco International Customs Service, Inc., 500 South Airport Blvd., South San Francisco, CA 94080 surrendered its Independent Ocean Freight Forwarder License No. 1451 for revocation effective January 1, 1982.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1451 issued to San Francisco International Customs Service, Inc. be revoked effective January 1, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon San Francisco International Customs Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-792 Filed 1-12-82; 8:45 am]
BILLING CODE 8730-01-M

[Docket No. 82-2; Agreement No. 10416]

Trailer Marine Transport Corporation and Puerto Rico Maritime Shipping Authority; Order of Investigation and Hearing

Agreement No. 10416, an agreement entered into by Trailer Marine Transport Corporation (TMT) and the Puerto Rico Maritime Shipping Authority (PRMSA) (Proponents), has been filed for approval pursuant to section 15 of the Shipping Act, 1916, (46 U.S.C. 814).

Agreement No. 10416 would authorize its parties to discuss, establish and maintain uniform tariff rules, regulations, provisions and charges, including terminal and accessorial charges, but excluding ocean freight rates, in connection with their carriage of property between ports in the United States and ports in Puerto Rico and the U.S. Virgin Islands, as well as between ports in Puerto Rico and ports in the U.S. Virgin Islands (Trades). Under this arrangement, the parties could, among other things, establish (1) uniform rules and practices relating to terminal services, privileges, and facilities; (2) uniform rules and practices relating to the issuance and substance of bills of lading, and the manner and method of presenting, marking, packing, delivering, receiving, handling, and storing of property; (3) uniform rules and practices relating to the extension of credit, the payment of claims for cargo loss or damage, and free time and demurrage on cargoes and container/trailers; (4) uniform rules and practices designed to avoid preferences and prejudices; and (5) uniform terminal and accessorial charges related to or connected with the receiving, handling, pick-up and delivery, and storing of property. The agreement, if approved, would remain in effect for thirty-six months.

Notice of the filing of agreement No. 10416 was published in the **Federal Register** on April 28, 1981. A protest was filed on behalf of the Government of the Virgin Islands and the Puerto Rico Manufacturers Association (Combined Protestants). Responses thereto were submitted by Proponents.

Position of Proponents

In a justification statement submitted in support of Agreement No. 10416, Proponents emphasize unstable conditions in the Trades and the similarity between the proposed agreement and a previously approved agreement between carriers serving the Trades that was in effect between 1969 and 1975.

Proponents allege that the unstable conditions that necessitate approval of Agreement No. 10416 arise from the ability of shippers in the Trades to exact concessions from carriers, particularly in the credit and trailer demurrage areas. It is suggested by Proponents that Agreement No. 10416, by authorizing the establishment and enforcement of uniform tariff rules, would enable carriers to eliminate malpractices in the Trades and allow for the fair and equal treatment of shippers.

Proponents note the similarity between Agreement No. 10416 and Agreements Nos. DC-38 and DC-38-1, which were granted continued approval by the Commission in *Agreements Nos. DC-38 And DC-38-1 Association, Puerto Rico Trades—1968*, 17 FMC 251 (1974). Proponents argue that these earlier agreements, were highly successful in eliminating malpractices in the trades. Proponents contend that the proposed agreement would be equally effective in eliminating the alleged malpractices that currently plague the Trades.

Comments of Protestants

The Combined Protestants argue that agreement No. 10416 should be disapproved on the grounds that it is *per se* violative of the antitrust laws, is contrary to the public interest standard set forth in section 15 of the Shipping Act, 1916, lacks demonstrated redeeming virtue that would counterbalance its anticompetitive aspects, and involves activities beyond the ambit of the Commission's jurisdiction.

Specifically, the Combined Protestants note that the establishment of uniform credit practices among competitors is a *per se* violation of section 1 of the Sherman Act (15 U.S.C. 1) and, therefore, must be justified under stringent standards. The Combined Protestants further argue that Proponents have failed to substantiate their allegations of widespread malpractices in the Trades. Finally, Agreement No. 10416 extends, the Combined Protestants assert, to cargo movements involving intermodal rail-water or truck-water tranportation over which the Commission has no jurisdiction, and, therefore, is unapprovable.

Response of Proponents

In response to the issues raised by the Combined Protestants, Proponents argue that their affidavits submitted in support of Agreement No. 10416 constitute substantial evidence of widespread malpractices in the Trades. Proponents further emphasize the Commission's discussion of such malpractices in *Agreements Nos. DC-38 and DC-38-1 Association, Puerto Rico Trades—1968, supra*, and suggest that the problems discussed therein still plague the Trades.

In reply to the Combined Protestants' jurisdictional challenge, Proponents assert that Agreement No. 10416 is explicitly limited to port-to-port movements over which the Commission possesses jurisdiction. Further, Proponents argue that even if combined Protestants were correct in their assessment of the potential scope of Agreement No. 10416, the mere fact that the agreement might extend beyond the ambit of the Commission's jurisdiction would not render it unapprovable.

Discussion

Agreement No. 10416 is sufficiently anticompetitive to require justification pursuant to the standards set forth in *Federal Maritime Commission v. Svenska Amerika Linien*, 390 U.S. 238

(1968). Further, as the Commission noted in *Agreements Nos. DC–38 and DC–38–1 Association, Puerto Rico Trades—1968, supra* at 256, the Commission's more extensive rate and other regulatory authority in the domestic offshore trades requires that Proponents of an anticompetitive agreement in these trades "must clearly demonstrate a greater need or justification for such concerted activity than would normally be the case were the agreement in the foreign trades."

The Commission has recognized that the elimination of malpractices may justify the approval of anticompetitive agreements. In *Agreements Nos. DC–38 and DC–38–1 Association, Puerto Rico Trades—1968, supra* at 256–60, the Commission found considerable evidence of serious abuses in the trades related to demurrage practices, detention of trailers, credit and claims, congestion and related matters and the resultant preferences and prejudices. However, the material submitted by Proponents in justification of Agreement No. 10416 lacks specific evidence of the reemergence of such malpractices or relate instability in the Trades. Evidence of Malpractices in the Trades in the early 1970's, upon which the Proponents' justification relies heavily, is insufficient to establish the current widespread existence of such malpractices. Proponents have submitted little material to support their claim that the Trades are plagued by malpractices, no economic data to support their allegations of instability in the Trades and little to substantiate their contention that the current conditions in the Trade reflect those that prevailed in the early 1970's

As the Commission noted in describing Agreement No. DC–38, an agreement such as Agreement No. 10416 "represents an all but absolute elimination of competition between the member lines." 17 FMC at 255. The Trades are currently served by a limited number of carriers. The bulk of the cargo moving in the Trades is transported by the Proponents. Given this degree of economic concentration, the Commission is reluctant to approve an agreement providing for cooperation among these competitors without substantial and persuasive justification.

It is possible that malpractices in the Trades and the instability such malpractices can occasion might require some form of remedial action. It is further conceivable that an agreement with as broad a scope of authority as Agreement No. 10416 may be necessary to correct such malpractices. However, the Commission does not have before it sufficient evidence of malpractices in the Trades to warrant approval of Agreement No. 10416. It therefore is incumbent upon Proponents to submit, during the course of the present investigation, substantial evidence of abuses to support their allegations that malpractices currently plague the Trades. Further, in order for the Commission to determine whether Agreement No. 10416 is approvable, it will be necessary for Proponents to establish why approval of Agreement No. 10416 is the specific vehicle necessary to correct the prevailing abuses, and whether the broad range of activities contemplated under the proposed Agreement is necessary to effect such a remedy or warranted by any other compelling reason.

A further matter of concern to the Commission is the jurisdictional issue raised by the Combined Protestants. While the Commission's jurisdiction over those aspects of Agreement No. 10416 that deal with port-to-port movements in the Trades is beyond dispute, Protestants have alleged that the scope of the proposed agreement may extend beyond these movements. All parties to the present investigation should specifically address whether Proponents' proposed activities extend beyond the scope of port-to-port transportation.

Accordingly, the Commission believes that Agreement No. 10416 should be set down for investigation and hearing.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, 46 U.S.C. 814 and 821, a proceeding is hereby instituted to determine whether Agreement No. 10416 should be approved, disapproved, or modified in accordance with the provisions of section 15;

It is further ordered, That the parties, in addressing the issue of the approvability of Agreement No. 10416, shall specifically address, *inter alia*, the following questions:

1. What types of malpractices are occasioning instability in the Trades?
2. How prevalent are these malpractices?
3. What efforts have been undertaken to eliminate such abuses?
4. How successful have these efforts been?
5. Why is Agreement No. 10416 necessary to combat malpractices in the Trades?
6. Does Agreement No. 10416 extend beyond the ambit of port-to-port operations, is it possible to effectively limit the scope of the Agreement to such activities, and is it necessary to so limit the scope of the Agreement?

It is further ordered, That Trailer Marine Transport Corporation and the Puerto Rico Maritime Shipping Corporation are designated as Proponents;

It is further ordered, That the Government of the Virgin Islands and the Puerto Rico Manufacturers Association are designated Protestants;

It is further ordered, That pursuant to Rule 42 of the Commission's Rules of Practice and Procedure, 46 CFR 502.42, the Commission's Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding;

It is further ordered, That any person(s) other than Proponents, Protestants, and the Bureau of Hearings and Field Operations having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That this matter be assigned for public hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the presiding Administrative Law Judge, within the time limits prescribed in Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. This hearing shall include oral testimony and cross-examination in the discretion of the presiding Judge only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That this order be published in the **Federal Register** and a copy thereof be served upon Proponents, Protestants and the Bureau of Hearings and Field Operations;

It is further ordered, That all future notices, orders, and decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing(s) or prehearing conference(s) be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, as well as mailed directly to all other parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-783 Filed 1-12-82; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within *10* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. T-3363-2.

Filing party: Frank Wagner, Deputy City Attorney, Office of City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Summary: Agreement No. T-3363-2, between the City of Los Angles (City) and Matson Terminals, Inc. (Matson), modifies the basic agreement between the parties which provides for the preferential assignment of Berths 206-209 and adjacent land areas at the Port of Los Angles. The purpose of the modification is to: (1) amend the penalty on late wharfage charges and the time in which Matson will have to make such payments; (2) revise the revenue sharing under the basic agreement whereby the percentage of wharfage to be assessed is 50 percent for up to 2,000,000 revenue tons of merchandise, 45 percent from 2,000,000 to 3,000,000 tons, and 40 percent thereafter, with minimum of 1,700,000 tons; and (3) revise Matson's obligation to pay wharfage due to strikes or other labor disputes.

By order of the Federal Maritime Commission.

Dated: January 8, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-872 Filed 1-12-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Armco, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Armco, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Allied Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3694.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-907 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Brae Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Brae Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisitions of all voting securities of Point Express Ltd., Point Marine, Inc. and Point Venture, Ltd. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Arthur I. Levy, Jr. Neither agency intends to take any action with respect to these acquisitions during the waiting period.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3694.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-908 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Brunswick Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Brunswick Corporation is granted early termination of the waiting period provided by law and premerger notification rules with respect to the proposed acquisition of certain assets of G.D. Searle & Co. and all voting securities of Kelsar S.A. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-904 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Frank B. Hall & Co., Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Frank B. Hall & Co., Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Jartran Inc. the grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: DECEMBER 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-902 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Norman Lear

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Norman Lear is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Avco Embassy Pictures, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Radino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(a)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-903 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; A. Jerrold Perenchio

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: A. Jerrold Perenchio is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Avco Embassy Pictures, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Radino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-606 Filed 1-12-82; 8:45 am]

BILLING CODE 6719-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Swire Pacific Limited

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Swire Pacific Limited is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Magnolia Coca-Cola Bottling Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Great Western Coca-Cola Bottling Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-608 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; WEDGE International Holdings B.V.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: WEDGE International Holdings is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Kent-Nowlin Construction Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-609 Filed 1-12-82; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 144]

The Chesapeake & Potomac Telephone Co. and Public Service Commission of the District of Columbia; Proposed Intervention in Telecommunications Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Service Commission of the District of Columbia concerning the application of The Chesapeake and Potomac Telephone Company for an increase in telecommunications services. GSA represents the interests of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data & Telecommunications Division, General Services Administration, Washington, D.C. (mailing address: General Services Administration (LX), 18th & F Streets N.W., Washington, D.C. 20405, telephone 202-566-1156), on or before February 12, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: January 6, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82-612 Filed 1-12-82; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of February 1982.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

February 11; 9:30 a.m.—OPEN
Conference Room 403A, Humphrey Building, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C.
Contact: Mr. Lee Towle, Room 16C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2593

Purpose: The Interagency Committee (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out

Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of reports and a presentation by the Department of Defense on its survey of alcohol abuse.

Substantive program information may be obtained from the contact person listed above. Mr. Towle's office will also furnish, upon request, summaries of the meeting and a roster of Committee members. Contact Mrs. Nancy Judd, International and Intergovernmental Affairs, Office of the Director, NIAAA, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3885.

Dated: January 7, 1982.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-620 Filed 1-12-82; 8:45 am]

BILLING CODE 4150-20-M

Mental Health Small Grant Review Committee; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of February 1982.

Mental Health Small Grant Review Committee

February 4–6; 1:30 p.m.
The Canterbury, Rooms 208, 209 and 201, 1733 N Street, N.W., Washington, D.C. 20036
OPEN—February 4; 1:30–2:30 p.m.
CLOSED—Otherwise
Contact: LaVerl P. Klein, Room 9–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research activities in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychiatry, sociology, anthropology, psychological sciences, biological sciences, and epidemiology. Makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m, February 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Alcohol Biomedical Research Review Committee

February 10–12; 1:45 p.m,
Danish Inn, The Windmill Road, 1547 Mission Drive, Solvang, California 93463
OPEN—February 10; 1:45–3:00 p.m.
CLOSED—Otherwise
Contact: Harvey P. Stein, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6106

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Alcohol Abuse and Alcoholism for support of research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 1:45–3:00 p.m, February 10, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Treatment Development and Assessment Research Review Committee

February 10–12; 9:00 a.m.
Shoreham Americana, 2500 Calvert Street, N.W., Washington, D.C. 20008
OPEN—February 10; 9:00–10:00 a.m.
CLOSED—Otherwise
Contact: Pamela J. Mitchell, Room 4–68, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6470

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research activities in the fields of treatment development and assessment, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Criminal and Violent Behavior Review Committee

February 17–19; 9:00 a.m.
Gramercy Inn, Parkview and Westview Rooms, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
OPEN—February 17; 9:00–10:30 a.m.
CLOSED—Otherwise
Contact: Phyllis Pinzow, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4868

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:30 a.m, February 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained form the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Mrs. Diana Widner, Committee Management Office, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443–2860; NIMH: Mrs. Helen Garrett, Committee Management Office, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443–4333.

Dated: January 7, 1982.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-623 Filed 1-12-82; 8:45 am]

BILLING CODE 4150-20-M

National Institutes of Health

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, February 22–23, 1982, Pine Inn, Carmel, California.

The meeting will be open to the public on February 22, 1982, from 9:00 a.m. to approximately 12:00 noon, to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 22, 1982, from approximately 1:00 p.m. to recess, and on February 23, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B51, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Note.—NIH programs are not covered by OMP Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 82–629 Filed 1–12–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Eye Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, February 1 and 2, 1982, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until approximately 3:00 p.m. on Monday, February 1, for opening remarks by the Director, National Eye Institute, a discussion of *Vision Research, A National Plan: 1983–87*, presentations on the National Eye Institute's intramural program, discussions of procedural matters, and presentations by the extramural staff of the Institute.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from approximately 3:00 p.m. for the remainder of the day on Monday, February 1, and all day on Tuesday, February 2, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–630 Filed 1–12–82; 8:45 am]

BILLING CODE 4140–01–M

National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on March 26, 1982, from 9:00 a.m. to 4:00 p.m., Building 31, C Wing, Conference Room 6 at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information, a list of meeting participants, and a meeting summary contact: Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A18, 9000 Rockville Pike, Bethesda, MD 20205, 301–496–1051.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–631 Filed 1–12–82; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 11, 12, 13, 1982, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittees of the above Council will be February 10, 1982 at 8 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on February 11 from 9 a.m. to approximately 3 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of

the Council will be closed to the public from 3 p.m. on February 11 to adjournment on February 13 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8 p.m. to adjournment on February 10, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A–17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–830 Filed 1–12–82; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on Febuary 3, 4, and 5, 1982. On February 3 and 4 the meeting will be held in Conference Room 216, Building 5, National Institutes of Health, Bethesda, Maryland. On February 5 the meeting will be held in Conference Room 7A–24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on February 3 and 4 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Biology of Viruses and the Laboratory of Viral Diseases will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Sections 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Board will be closed to the public on February 5 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496–2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.301, National Institutes of Health)

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–832 Filed 1–12–82; 8:45 am]

BILLING CODE 4140–01–M

Communicative Disorders Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, February 25–26, 1982, at the Pooks Hill Hotel and Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20014.

The meeting will be open to the public from 7:30 p.m. until 8:30 p.m. February 25th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 25th from 8:30 p.m. to adjournment on that day and all day on February 26th for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Marilyn B. Semmes, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institute of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–834 Filed 1–12–82; 8:45 am]

BILLING CODE 4140–01–M

Reproductive Biology Study Section; Workshop

Notice is hereby given of a Workshop on Roll of Proteins and Peptides in Control of Reproduction by the Reproductive Biology Study Section at the National Institutes of Health, Building 1, Masur Auditorium, Bethesda, MD, February 15, 1982, from 8:30 a.m. to adjournment and February 16, 1982, from 8:30 a.m. to adjournment.

Further information may be obtained from Dr. Dharam S. Dhindsa, Executive Secretary, Reproductive Biology Study Section, Westwood Building, Room 307, telephone 301–496–7318.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-835 Filed 1-12-82; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary; Statement of Organization, Functions and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Office of the Secretary, is amended to reflect certain changes in Chapter AG, Office of the General Counsel (28 FR 17032, June 28, 1973, as amended by 43 FR 27245, June 23, 1978).

The description of the Immediate Office of the General Counsel is amended to reflect changes in responsibilities for the three Deputy General Counsels and the Associate General Counsel, and the inclusion of a Legal Counsel in the Immediate Office of the General Counsel. The description of the Organization of the Office of General Counsel is amended to show the abolition of the Office of Legal Counsel and the Office of Regulation Review.

These changes are reflected in revisions of Section AG.10 *Organization;* Section AG.12 *The General Counsel;* Section AG.14 *Immediate Office of the General Counsel;* and Section AG.21 *Immediate Office of the General Counsel.* The revisions are as follows:

Delete current Section AG.10 and add revised section as follows:

Section AG.10 *Organization.*

The Office of the General Counsel under the supervision of a General Counsel consists of:

1. Immediate Office of the General Counsel.
2. Divisions in the Office of the General Counsel.
3. Offices of the Regional Attorneys.

Delete current Section AG.12 and add revised section as follows:

Section AG.12 *The General Counsel.*

A. The General Counsel is directly responsible to the Secretary.

B. In the event of the General Counsel's absence or disability, he shall designate a member of the office to act in his place. In the event of a vacancy in the position of General Counsel, the Secretary shall designate an Acting General Counsel.

C. Each division is under the general supervision of the General Counsel and, to the extent that matters pertain to their areas of specialization, the Deputy General Counsels. Each division is under the immediate supervision of an Assistant General Counsel.

Delete current Section AG.14 and add revised section as follows:

Section AG.14 *Immediate Office of the General Counsel.*

A. The Immediate Office of the General Counsel consists of:

1. General Counsel.
2. Deputy General Counsel, Program Review.
3. Deputy General Counsel, Litigation.
4. Deputy General Counsel, Regulations.
5. Associate General Counsel.
6. Legal Counsel.
7. Special Assistants to the General Counsel.
8. Executive Assistant to the General Counsel.

Delete current Section AG.21 and add revised section as follows:

A. The General Counsel:

1. Is responsible to and serves as Special Advisor to the Secretary on legal matters in connection with the administration of the Department.
2. Exercises general direction and supervision over all legal activities carried on by the Department.

B. The Deputy General Counsel, Program Review, assists the General Counsel in developing formal and informal legal advice issued by the Office of General Counsel and supervises the Assistant General Counsels in the issuance of legal advice.

C. The Deputy General Counsel, Litigation, assists the General Counsel in coordinating the Department's litigation efforts and supervises the Assistant General Counsels in the area of the development and execution of Departmental litigation efforts.

D. The Deputy General Counsel, Regulations, assists the General Counsel in providing legal support necessary to development and review of regulations and supervises the Assistant General Counsels in the area of regulation development and review.

E. The Associate General Counsel assists the General Counsel in coordinating efforts by the ten Offices of the Regional Attorney, by supervising operations in the Administrative Office in the Immediate Office of the General Counsel and by performing such other duties as the General Counsel prescribes.

F. The Legal Counsel assists the General Counsel in providing legal advice and opinions relating to major new policy directions, innovative programs not clearly delineated by statutory authority, and Departmental programs and initiatives involving more than one component of the Department.

G. The Special Assistants to the General Counsel assist the General Counsel in carrying out his professional and managerial responsibilities.

H. The Executive Assistant performs such administrative tasks in accordance with established procedures as are necessary to maintain routine operation of the Office of General Counsel.

Dated: January 5, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-838 Filed 1-12-82; 8:45 am]

BILLING CODE 4150-04-M

Office of the Secretary

Policies Implementing Executive Orders on Federal Regulation

AGENCY: Office of the Secretary, HHS.

ACTION: Notice regarding policies on Federal regulation.

SUMMARY: This notice announces new policies and procedures adopted by the Department with respect to issuing and revising regulations. We are also withdrawing a previous notice of such policies, which is no longer applicable.

FOR FURTHER INFORMATION CONTACT: John Phelan, Executive Secretariat, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, 202-245-6111.

SUPPLEMENTARY INFORMATION: Executive Order 12291, issued February 17, 1981 (published in the **Federal Register** on February 19, 46 FR 13193), established new requirements and procedures applicable to Federal departments to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for Presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and ensure well-reasoned regulations.

To carry out the new policies on regulatory reform, Executive Order 12291 establishes procedures regarding the preparation and publication of regulatory impact analyses; the publication of the semi-annual Regulatory Agenda; the review of all regulations that had not yet become effective as of February 17, 1981; and an opportunity for the Director of the Office of Management and Budget to comment on most regulations in development.

The Secretary has established new procedures for development of regulations by the Department of Health and Human Services and for the review, revision, or elimination of existing rules.

The new procedures are intended to comply fully with Executive Order 12291; to hold new regulatory initiatives to a minimum; to provide for the prompt and systematic elimination of unnecessary or overly burdensome rules; to replace a "bottom-up," piecemeal approach to regulation with a framework for management by heads of operating divisions and the Secretary; and to integrate compliance with Executive Order 12291 with requirements of the Regulatory Flexibility Act the the Paperwork Reduction Act of 1980. These procedures are in addition to applicable requirements of the Administrative Procedures Act, such as the provisions regarding notice and the opportunity for public comment.

The Secretary has also established six rulemaking principles to be applied when new regulations are being contemplated or existing rules are being reviewed:

1. Insure that all regulations are clearly within the authority delegated by law and consistent with Congressional intent.

2. Emphasize private market forces whenever feasible, rather than government mandate, when developing policies to reach desired objectives.

3. Provide maximum flexibility to State and local governments.

4. Minimize Federal, State, local, and private costs.

5. Prevant fraud, abuse, waste, and inefficiency.

6. Eliminate regulations not serving a compelling Federal interest or reform those not implemented in the least intrusive means available.

These principles and procedures are intended only to improve the internal management of the Department and are not intended to create any right or benefit, substantive or procedural, enforceable by a party against the Department of its officers.

Executive Order 12291 revoked Executive Order 12044, which had required Federal departments to review their processes for developing regulations and to revise the processes to comply with that Order. On October 16, 1979, the Department published a notice of policies implementing Executive Order 12044 (44 FR 59662). Since that Order has been revoked and many of the announced policies are either inconsistent with or not required by Executive Order 12291, we are hereby withdrawing the October 16, 1979 notice in its entirety. The policies stated in that notice will not necessarily be followed by the Department.

Dated: January 6, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-901 Filed 1-12-82; 8:45 am]

BILLING CODE 4150-04-M

Social Security Administration

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Security Administration (SSA). Sections SP.00, SP.10 and SP.20 of the SSA statement, as published in the **Federal Register** on August 7, 1979 (44 FR 46321–23), describe the mission, organization and functions of SSA's Office of Central Operations (OCO).

Notice is given that sections SP.10 and DP.20 are amended to reflect the establishment of two identical Divisions of Certification and Coverage in OCO's Office of Central Records Operations (OCRO) (pages 46321 and 46322) and the abolishment of OCRO's Division of Adjustment Operations and Division of Claims Operations (pages 46321 and 46322).

The OCO material is amended as follows:

Section SP.10—*The Office of Central Operations* (Organization).

E. *The Office of Central Records Operations* (SPP):

2. The Division of Adjustment Operations (SPPA)— Delete all material.

3. The Division of Claims Operations (SPPB)—Delete all material.

Add:

2. The Division of Certification and Coverage (SPPG, H) Renumber the following:

3. The Division of Earnings Operations (SPPC).

4. The Division of Registration Operations (SPPE).

5. The Data Operations Centers (SPPF 6, 8, 9).

Section SP.20—*The Office of Central Operations* (Functions).

E. *The Office of Central Records Operations*—(SPP).

2. *The Division of Adjustment Operations (SPPA)*—Delete all material.

Add: 2. *The Division of Certification and Coverage*$_1$ (SPPG).

3. *The Division of Claims Operations* (SPPB)—Delete all material.

The Division of Certification and Coverage$_2$ (SPPH).

a. Makes determinations as to coverage under the Social Security Act, as amended, of services performed by employees or self-employed individuals in earnings discrepancy cases if a claim for benefits has not been filed.

b. Reviews determinations on correctness of earnings data; coverage; increment years; total earnings; closing dates; primary insurance amounts; and, in disability cases, determinations as to whether work requirements are met. Makes these determinations when needed.

c. Answers inquiries about earnings records, including earnings discrepancies; investigates and adjusts incorrectly reported earnings items; and resolves discrepancies where SSA's records disagree with individual allegations of services rendered or remuneration received.

d. Certifies earnings record data to district offices and program service centers for use in the adjudication of retirement and survivors insurance and disability insurance cases.

e. Combines and certifies earnings data from Railroad Retirement Board (RRB) and SSA records.

f. Certifies earnings data from SSA to RRB, indicating eligibility under both systems, and makes preliminary findings of jurisdiction on handling claims.

g. Maintains files of microfilmed employer wage reports; self-employed income reports; detailed earnings listings; and a file of earnings reported incorrectly or incompletely by employers or by self-employed individuals.

Renumber the following:

3. The Division of Earnings Operations (SPPC).

4. The Division of Registration Operations (SPPE).

5. The Data Operations Centers (SPPF 6, 8, 9).

Dated: January 5, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-837 Filed 1-12-82; 8:45 am]

BILLING CODE 4150-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Idaho; Wilderness Protest Decision; St. Anthony Sand Dune Area

The October 8, 1981, **Federal Register** contained a notice of decision on wilderness inventory on BLM lands in the St. Anthony Sand Dune area in Idaho. This October 8 notice was corrected in the October 29, 1981, issue.

The decision identified one Wilderness Study Area (WSA), Sand Mountain, 35–3, containing 21,100 acres,

and dropped additional acreage in the Sand Mountain Unit and in Units 35–4 and 35–5, totaling 23,562 acres dropped.

The decision also marked the beginning of a 30-day protest period on the inventory decision. A total of 19 protest letters were received during the specified time.

After analysis of the information on wilderness characteristics contained in these 19 letters, it was determined that no new information was surfaced that would warrant a change in the decision as announced. Therefore, the decision to identify a WSA, Sand Mountain, Unit 35–3, 21,100 acres, and to drop the remaining acreage from further wilderness consideration, remains in effect.

As of January 13, 1982, (upon publication in the **Federal Register**) this decision on the protests will be subject to appeal. Any person adversely affected by the decision may appeal the decision under the provisions of Title 43, Code of Federal Regulations (CFR), Part 4, and as amended in 45 FR 5713.

For further information contact: Bureau of Land Management, Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: January 6, 1982.

Theodore G. Bingham,

Acting State Director, Idaho BLM.

[FR Doc. 82-715 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

Grazing Advisory Board; Boise District, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTIONS: Notice of Boise district, Idaho, Grazing Advisory Board meeting.

SUMMARY: In accordance with Public Law 92–463, the Federal Advisory Committee Act, and Public Law 94–579, Federal Land Policy and Management Act, notice is given that the Boise District Grazing Advisory Board will meet on February 11 and 12, 1982. The meeting will begin at 9:00 a.m. on the 11th and 8:00 a.m. on the 12th in the conference room at the Boise District Office at 3948 Development Avenue, Boise, Idaho.

The agenda for the meeting will include:

1. Election of officers.
2. Financial report on advisory Board fund.
3. Progress report on 1982 fiscal year 8100 program.
4. Finalization of District policy on distribution of 8100 funds.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:00 p.m. and 4:00 p.m. on the 11th or file written statements for the Board's consideration. Statements must be on agenda topics only. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, prior to the meeting. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager.

Minutes of the Board meeting will be maintained in the District Office. They will be available for public inspection during regular business hours within thirty (30) days following the meeting.

Martin J. Zimmer,

District Manager.

January 4, 1982.

[FR Doc. 82-798 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council; Cancellation of Meeting

The Council will *not* meet January 15, 1982, as announced in the **Federal Register** December 10, 1981 (Vol. 46, No. 237, P. 60508).

For further information contact: Stephen A. Weiss, Public Affairs Officer, Carson City District Office, 1050 E. William St., Suite 335 Carson City, Nevada 89701, (702) 882–1631.

Dated: January 5, 1982.

Thomas J. Owen,

District Manager.

[FR Doc. 82-799 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

[C-33325]

Realty Action—Exchange Public Lands in Montrose County, Colorado

January 5, 1982.

The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

New Mexico Principal Meridian

T. 50 N., R. 9 W.,
Sec. 22, SW¼SE¼;
*Sec. 23, NW¼SW¼;
Sec. 27, NE¼, S½NW¼ and SW¼;
*Sec. 28, NE¼SE¼;
*Sec. 34, NE¼NW¼;
Sec. 34, NW¼NW¼.

Containing 600 acres.

In exchange for these lands, the Federal government will obtain non-federal lands in Montrose County from the Nicolas Brothers, c/o Paul Nicolas, 64313 Holly Road, Montrose, Colorado 81401, described as follows:

New Mexico Principal Meridian,

T. 50 N., R. 9 W.,
Sec. 12, SE¼SW¼;
Sec. 13, E½NW¼ and N½SW¼;
Sec. 14, E½SE¼;
Sec. 23, NE¼;
Sec. 24, SW¼NW¼.

Containing 480 acres.

The purpose of the exchange is to obtain non-federal lands for use in Federal recreation programs in the vicinity of the Bureau's Gunnison Gorge Recreations Lands and to obtain physical and legal access to the trailhead for the Chukar Trail into the Black Canyon of the Gunnison River below the National Monument. The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange. The values of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The exchange involves only the surface estate; all minerals in the public lands to be conveyed to non-federal ownership will be reserved to the United States. The United States owns the mineral estate in the private lands that would be conveyed to Federal ownership.

Additional information about the exchange, including the environmental assessment, is available for review at the Bureau of Land Management District Office, 2465 South Townsend Street, P.O. Box 1269, Montrose, Colorado 81402.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Marlyn V. Jones,

District Manager, Montrose District.

[FR Doc. 82-796 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

*These lands will be exchanged only if required to equalize values.

Utah: Notice of Proposed Withdrawal and Continuation

The Bureau of Land Management proposes to continue the following listed existing Public Water Reserve Withdrawals. This action would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The lands affected by this proposed action are described as follows:

Salt Lake Meridian, Utah

U–0136798 Public Water Reserve No. 10

T. 35 S., R. 4 E.,
Sec. 33, SW¼.
T. 36 S., R. 4 E.,
Sec. 16, S½NE¼, SW¼NW¼, and S½;
Sec. 17, W½NE¼, SE¼NE¼, and NE¼NW¼.
T. 36 S., R. 5 E.,
Secs. 25 and 31.
T. 37 S., R. 5 E.,
Sec. 5.
T. 37 S., R. 6 E.,
Secs. 1, 13, 25, and 27.
T. 38 S., R. 6 E.,
Sec. 13.
T. 39 S., R. 6 E.,
Sec. 25.
T. 40 S., R. 6 E.,
Sec. 13.
T. 38 S., R. 7 E.,
Secs. 14 and 20.
T. 39 S., R. 7 E.,
Sec. 16, SW¼;
Sec. 17, SE¼SE¼.
T. 40 S., R. 7 E.,
Sec. 9, SW¼NW¼;
Sec. 28, NW¼NW¼;
Sec. 33, SW¼NE¼;
Sec. 35, NW¼SW¼.
T. 41 S., R. 7 E.,
Secs. 1, 17 and 18.

U–41547 Public Water Reserve No. 4

T. 10 S., R. 4 W.,
Sec. 4, W½SW¼;
Sec. 5, E½SE¼.
T. 3 S., R. 7 W.,
Sec. 7, N½NE¼, SW¼NE¼, NE¼NW¼;
Sec. 31, SW¼.
T. 2 S., R. 8 W.,
Sec. 26, E½NE¼, SW¼NE¼, SE¼NW¼.
T. 2 S., R. 9 W.,
Sec. 7, lot 2, SE¼NW¼, NE¼SW¼;
Sec. 9, NE¼.

U–41549 Public Water Reserve No. 6

T. 26 S., R. 11 W.,
Sec. 19, lots 5, 6, S½SE¼;
Sec. 28, W½NW¼.
T. 27 S., R. 13 W.,
Sec. 26, lot 8.
T. 36 S., R. 13 W.,
Sec. 30, part of SE¼SE¼;
Sec. 31, part of lot 12.
T. 37 S., R. 14 W.,
Sec. 1, lot 1.

U–41550 Public Water Reserve No. 11

T. 6 S., R. 6 W.,
Sec. 21, SE¼SW¼.

U–41551 Public Water Reserve No. 16

T. 36 S., R. 13 W.,
Sec. 28, S½SW¼;
Sec. 33, SW¼SE¼.
T. 32 S., R. 16 W.,
Sec. 12, SW¼NW¼, NW¼SW¼.

U–41551–A Public Water Reserve No. 16

T. 14 S., R. 11 W.,
Sec. 23, SW¼SW¼.

U–41551–B Public Water Reserve No. 16

T. 21 S., R. 7 E.,
Sec. 24, lot 7.
T. 22 S., R. 8 E.,
Sec. 10, SW¼.
T. 21 S., R. 9 E.,
Sec. 14, SW¼NW¼SW¼, W½SW¼;
Sec. 15, S½NE¼SE¼, SE¼NW¼ SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 22, N½NE¼NE¼, NE¼NW¼NE¼;
Sec. 23, NW¼NW¼NW¼.
T. 18 S., R. 10 E.,
Sec. 20, NE¼, N½SE¼.
T. 12 S., R. 13 E.,
Sec. 26, W½W½;
Sec. 34, lots 3, 4, N½NE¼;
Sec. 35, NW¼NW¼.
T. 13 S., R. 13 E.,
Sec. 1, lot 4;
Sec. 4, lot 2, SW¼SE¼;
Sec. 9, NW¼NE¼, E½SW¼.
T. 14 S., R. 13 E.,
Sec. 1, lots 4, 7, S½NW¼, NE¼SW¼, W½SE¼;
Sec. 3, NE¼SE¼, S½SE¼;
Sec. 9, E½NE¼.
T. 15 S., R. 13 E.,
Sec. 11, N½SE¼, SW¼SE¼;
Sec. 15, SE¼SW¼, W½SE¼;
Sec. 22, W½W½.
T. 13 S., R. 14 E.,
Sec. 12, SE¼SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼, E½NW¼, SW¼NW¼;
Sec. 15, NE¼SE¼, SW¼SE¼.
T. 14 S., R. 14 E.,
Sec. 5, lots 1–4, SE¼NE¼, NW¼SE¼;
Sec. 11, E½E½, NW¼NE¼, NE¼NW¼;
Sec. 12, W½W½;
Sec. 13, W½W½;
Sec. 14, E½NE¼, S½S½, NE¼SE¼.
T. 15 S., R. 14 E.,
Sec. 14, N½NE¼.
T. 13 S., R. 15 E.,
Sec. 5, lots 2, 3, S½SW¼;
Sec. 7, lots 3, 4, NE¼SW¼, N½SE¼;
Sec. 8, W½NW¼, NW¼SW¼;
Sec. 19, S½NE¼;
Sec. 29, SE¼NE¼, S½SW¼, NE¼SE¼, SW¼SE¼;
Sec. 30, S½SE¼;
Sec. 31, NE¼SW¼, NW¼SE¼.

U–41551–C Public Water Reserve No. 16

T. 2 N., R. 22 E.,
Sec. 1, NW¼;
Sec. 3, SW¼NW¼.
T. 2 N., R. 23 E.,
Sec. 3, lots 1, 2, 7, 8.
T. 3 N., R. 23 E.,
Sec. 20, SE¼NE¼;
Sec. 23, W½SE¼;
Sec. 29, S½SW¼;
Sec. 31, S½NE¼.
T. 1 N., R. 24 E.,
Sec. 20, SE¼NW¼, NE¼SW¼.
T. 3 S., R. 20 E.,
Sec. 33, lot 9.

U–41552 Public Water Reserve No. 26

T. 27 S., R. 9 W.,
Sec. 12, SE¼SE¼.
T. 28 S., R. 9 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼;
Sec. 11, E½NE¼, NW¼NE¼, SE¼SE¼;
Sec. 12, N½SW¼, SW¼SW¼;
Sec. 13, N½SW¼;
Sec. 14, NE¼, S½NW¼, NE¼SE¼;
Sec. 15, SE¼NE¼;
Sec. 22, S½NE¼, NE¼SE¼;
Sec. 23, NW¼SW¼;
Sec. 26, SW¼NW¼;
Sec. 27, SE¼NE¼;
Sec. 33, SW¼SW¼.
T. 32 S., R. 18 W.,
Sec. 15, N½SE¼, SE¼SE¼;
Sec. 28, SE¼NW¼.
T. 33 S., R. 18 W.,
Sec. 31, SW¼NE¼.

U–41553 Public Water Reserve No. 54

T. 9 S., R. 4 W.,
Sec. 31, NW¼NW¼.

U–41553–A Public Water Reserve No. 54

T. 40 S., R. 5 W.,
Sec. 4, W½SE¼.
T. 31 S., R. 16 W.,
Sec. 33, S½SE¼.

U–41553–B Public Water Reserve No. 54

T. 28 S., R. 22 E.,
Sec. 1, W½SW¼;
Sec. 3, lot 2, SW¼NE¼, W½SE¼;
Sec. 10, S½NE¼, E½NW¼;
Sec. 11, NE¼, S½NW¼, NE¼SE¼;
Sec. 12, NW¼SW¼;
Sec. 35, lots 1–3.

U–41554 Public Water Reserve No. 63

T. 39 S., R. 6 W.,
Sec. 28, SW¼SE¼;
Sec. 33, SW¼SE¼.
T. 40 S., R. 9 W.,
Sec. 3, SW¼NW¼.

U–41554–A Public Water Reserve No. 63

T. 35 S., R. 23 E.,
Sec. 12, NW¼NE¼.

U–41555–A Public Water Reserve No. 66

T. 31 S., R. 15 W.,
Sec. 12, NW¼SW¼.

U–41555–B Public Water Reserve No. 66

T. 14 S., R. 1 W.,
Sec. 4, SW¼SW¼.

U–41555–C Public Water Reserve No. 66

T. 35 S., R. 23 E.,
Sec. 14, SW¼NE¼.
T. 30 S., R. 25 E.,
Sec. 24, S½NW¼, N½SW¼.

U–41556 Public Water Reserve No. 77

T. 40 S., R. 4 W.,
Sec. 9, NW¼NW¼.
T. 32 S., R. 18 W.,
Sec. 24, SW¼SW¼;
Sec. 25, NW¼NW¼.

U–41557 Public Water Reserve No. 78

T. 10 S., R. 16 W.,
Sec. 30, NE¼SW¼.

U–41557–A Public Water Reserve No. 78

T. 11 S., R. 16 W.,
Sec. 6, lots 3, 4.

U–41558 Public Water Reserve No. 81

T. 14 S., R. 22 E.,
Sec. 13, NW¼SE¼.
T. 15 S., R. 22 E.,
Sec. 15, SE¼SW¼;
Sec. 23, SE¼SW¼.
T. 15 S., R. 23 E.,
Sec. 15, NW¼NE¼;
Sec. 16, NW¼NW¼;
Sec. 27, SW¼NW¼;
Sec. 36, SE¼SE¼.

U–41559 Public Water Reserve No. 82

T. 18 S., R. 21 E.,
Sec. 1, lot 4;
Sec. 11, SE¼NE¼, SW¼SE¼;
Sec. 14, NW¼NE¼.

U–41560 Public Water Reserve No. 91

T. 22 S., R. 8 E.,
Sec. 26, SW¼NW¼, NW¼SE¼.
T. 15 S., R. 12 E.,
Sec. 13, NW¼SW¼.
T. 24 S., R. 19 E.,
Sec. 10, SW¼SE¼;
Sec. 14, NW¼SW¼.

U–41561 Public Water Reserve No. 103

T. 8 S., R. 13 W.,
Sec. 9, NW¼.

U–41562 Public Water Reserve No. 121

T. 39 S., R. 18 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼, S½NE¼, E½SW¼, W½SE¼;
Sec. 10, N½N½;
Sec. 16, NE¼NW¼.

U–41563 Public Water Reserve No. 127

T. 39 S., R. 4 W.,
Sec. 31, lots 21, 22.

U–41564 Public Water Reserve No. 131

T. 43 S., R. 10 W.,
Sec. 10, SE¼;
Sec. 13, S½NE¼, SW¼, N½SE¼;
Sec. 14, SW¼NW¼, W½SW¼;
Sec. 15, E½NE¼;
Sec. 23, NW¼, E½SW¼;
Sec. 24, W½NW¼, NW¼SW¼.
T. 37 S., R. 13 W.,
Sec. 1, all;
Sec. 10, all;
Sec. 11, all;
Sec. 15, all.

U–41566 Public Water Reserve No. 152

T. 3 S., R. 25 E.,
Sec. 1, lots 2, 3, SW¼NE¼, SE¼NW¼, W½SE¼;
Sec. 12, W½NE¼.

U–41567 Public Water Reserve No. 153

T. 18 S., R. 16 E.,
Sec. 31, lot 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.

U–41568 Public Water Reserve No. 155

T. 32 S., R. 23 E.,
Sec. 27, SE¼SW¼.

U–41663 Public Water Reserve No. 1

T. 12 S., R. 12 W.,
Sec. 10, all.
T. 16 S., R. 12 W.,
Sec. 19, all.
T. 11 S., R. 13 W.,
Sec. 10, all.
T. 17 S., R. 13 W.,
Sec. 11, all.
T. 11 S., R. 14 W.,
Sec. 3, W½SE¼;
Sec. 23, E½SW¼, SW¼SW¼.
T. 12 S., R. 14 W.,
Sec. 23, SE¼;
Sec. 24, SW¼.
T. 16 S., R. 14 W.,
Sec. 28, W½.
T. 16 S., R. 15 W.,
Sec. 34, all;
Sec. 35, all.
T. 17 S., R. 15 W.,
Sec. 2, all;
Sec. 3, all;
Sec. 11, all;
Sec. 14, all.
T. 11 S., R. 17 W.,
Sec. 18 lots 1–4, E½W½, SE¼;
Sec. 19, NE¼;
Sec. 20, N½;
Sec. 30, NE¼;
Sec. 31, W½SE¼.
T. 12 S., R. 17 W.,
Sec. 5, lots 3–6, 11, 12;
Sec. 6, lots 1–15.
T. 12 S., R. 18 W.,
Sec. 5, lots 13, 14, 18, N½SW¼, W½SE¼;
Sec. 6, lots 10–16;
Sec. 8, lot 1;
Sec. 9, lots 2–8, E½SE¼;
Sec. 10, SW¼SW¼;
Sec. 14, N½SW¼;
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 19, S½N½, NW¼NW¼, NE¼SE¼;
Sec. 20, SW¼NW¼, N½SW¼, SW¼SW¼, W½SE¼;
Sec. 28, N½SW¼, SE¼SW¼;
Sec. 29, lot 3, W½NE¼, NW¼SE¼;
Sec. 33, lot 1, NE¼SE¼.
T. 13 S., R. 18 W.,
Sec. 4, lots 1, 2, S½NE¼, SE¼;
Sec. 5, SW¼;
Sec. 6, lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, N½;
Sec. 9, N½.
T. 16 S., R. 18 W.,
Sec. 8, SE¼NE¼, NE¼SE¼;
Sec. 9, W½SE¼;
Sec. 15, all;
Sec. 22, all.
T. 18 S., R. 18 W.,
Sec. 10, NW¼SE¼.
T. 11 S., R. 19 W.,
Sec. 26, W½SW¼;
Sec. 27, all;
Sec. 28, E½;
Sec. 34, NE¼;
Sec. 35, NW¼.
T. 15 S., R. 19 W.,
Sec. 31, lots 3, 4, E½SW¼, SE¼.
T. 17 S., R. 19 W.,
Sec. 7, lots 1, 2, NE¼, E½NW¼;
Sec. 8, NW¼;
Sec. 21, all;
Sec. 29, NW¼SE¼.
T. 18 S., R. 19 W.,
Sec. 8, S½NE¼;
Sec. 9, SW¼NW¼, NW¼SW¼.
T. 20 S., R. 19 W.,
Sec. 3, lots 1, 2, 7–10, SE¼.

U–41663–A Public Water Reserve No. 1

T. 10 S., R. 17 W.,
Sec. 15, SW¼NW¼;
Sec. 32, NW¼.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before April 13, 1932. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before March 25, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: January 4, 1982.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-797 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

Vale District Grazing Advisory Board; Correction of Meeting Notice

A meeting of the Vale District Grazing Advisory Board originally scheduled for January 5 and 6, 1982, and published in the **Federal Register** December 18, 1981, has been rescheduled for January 25 and 26, 1982. All other conditions of the notice remain as published.

Dated: January 4, 1982.

Robert D. Hostetter,

Chief, Office of Public Affairs, Oregon State Office.

[FR Doc. 82-802 Filed 1-12-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-24N)]

Rail Carriers; Conrail Abandonment Between West Harrod and Lima, OH; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between West Harrod and Lima in the Counties of Allen and Hardin, OH, a total distance of 8.0 miles effective on December 16, 1981.

The net liquidation value of this line is $381,247. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-805 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 16N)]

Rail Carriers; Conrail Abandonment Between Sharpsville and Transfer, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Sharpsville and Transfer in the County of Mercer, PA, a total distance of 8.4 miles effective on December 10, 1981.

The net liquidation value of this line is $391,154. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-845 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 19N)]

Rail Carriers; Conrail Abandonment Between Stowe and Birdsboro, Pa.; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporatioan to abandon its rail line between Stowe and Birdsboro in the County of Berks, PA, a total distance of 4.7 miles effective on December 16, 1981.

The net liquidation value of this line is $394,383. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-848 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 15N)]

Rail Carriers; Conrail Abandonment Between Woodmansie and Winslow Junction, NJ; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Woodmansie and Winslow Junction in the Counties of Camden and Burlington, NJ, a total distance of 24.6 miles effective on December 10, 1981.

The net liquidation value of this line is $210,728. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-844 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: January 6, 1982.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 6.7 percent surcharge for bus carriers, or the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators. However, the UPS surcharge is authorized to be increased to 2.1 percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m., January 8, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp. Commissioner

Gresham dissented to any increase at this time in the UPS surcharge.

Agatha L. Mergenovich,

Secretary.

January 4, 1982.

APPENDIX.—FUEL SURCHARGE

Base Date and Price Per Gallon (including tax)

Jan. 4, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

Jan. 4, 1982 ..... 131.4¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.1	3.1	6.7	[3] 2.9
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.1

[1] Apply to all truckload rated traffic

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 4, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates

[FR Doc. 82-842 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 4, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

MCF 14702, filed December 16, 1981. Transferee: L. G. DeWitt, Inc. (LGD), P.O. Box 70, Ellerbe, NC 28338. Transferor: Textile Motor Freight, Inc. (TMF) (same address as transferee). Repesentative: R. Fred Daugherty (same address). Authority sought to merge TMF Into LGD. Applicants are commonly controlled by L.G. DeWitt pursuant to MC–F–13847F. LGD operates under permits in MC –144740 and subs transporting general commodities throughout the U.S. TMF operates under Certificate No. MC–7555 and subs transporting various named commodities between various points in the Northeast, Southeast, and Midwest. Waiver of question D–4, Appendix D was granted by the Commission.

Correction MC–F–14744, filed November 30, 1981 S.R.T. MOTOR FREIGHT, INC. (S.R.T.) (1801 South Pennsylvania Avenue, Morrisville, PA 19067)—CONTROL—AMERICAN TRANS-FREIGHT, INC. (American) (P.O. Box 796, Manville, NJ 08335). Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110–1097. S.R.T. seeks authority to acquire control of American Capital the purchase by S.R.T. of all the issued and outstanding capital stock of American. Stephen R. Tranovich, major stockholder of S.R.T., seeks authority to acquire control of the operating rights and property of American through the transaction. American holds authority under Docket No. MC–140768 to transport specified commodities as a contract carrier over irregular routes, between points in the United States, for a number of named shippers. American also holds authority under MC–140768 as a common carrier, to transport specified commodities over irregular routes, between points in the United States. S.R.T. Holds authority as a common carrier under Docket No. 84450 to transport (a) *machinery and articles* which because of size or weight require special equipment between Philadelphia, PA and points in NJ, DE, and PA within 30 miles of Philadelphia on the one hand, and, on the other, points in NJ, DE, MD, PA, CT, and DC and those in NY within 75 miles of New York, NY, and (b) *metal products,* between points in the United States, and (c) various specified commodities between points in the eastern United States.

Note.—An application for temporary authority has been filed.

MC–F–14747, filed December 4, 1981. Applicant: AGGREGATE HAULERS, INC., Route 2, Box 559–A, West Columbia, SC 29169. Merger, The Holland Company, Inc., 319 Clark Street, Cayce, SC 29033. Representative: Eric

Meierhoefer, Meierhoefer, Steinfeld & Mohr, Suite 1000, 1029 Vermont Avenue NW., Washington, DC. 20005, 202–347–9332. Aggregate Haulers, Inc., seeks authority to merge with The Holland Company, Inc. Aggregate Haulers, Inc., will be the surviving corporate entity and will assume all of the assets and liabilities of The Holland Company, Inc. Vernon F. Epting, who controls aggregate, seeks authority to control the merged rights. The operating rights to be merged are contained in certificates issued to The Holland Company, Inc. authorizing in No. MC–144985 (Sub-No. 1) the transportation of *glazed structural masonry products,* from Mt. Holly, SC, to points in GA, AL, MS, FL, NC, TN and KY; and No. MC–144985 (Sub-No. 2F), authorizing the transportation of *glazed structural masonry products,* from Mt. Holly, SC, to points in AR, LA, VA, PA, MD, DE, NJ, NY, OH, VT, NH, MA, ME, CT, RI, WV, and DC; and certificates issued to Aggregate Haulers, Inc., in No. MC–134531 (Sub-No. 1), authorizing the transportation of *Cement and Mortar Mix,* in bags from points in Richland County, S.C., and points in Lexington County, S.C., located in the commercial zone of Columbia, S.C., as defined by the Commission, to points in Georgia and North Carolina, *Crushed stone, sand, and sand clay,* in bulk, from points in Columbia (except clay from Hephzibah and points within its commercial zone as defined by the Commission) Countie, Ga., to points in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C., *Crushed stone,* in bulk, from Mecklenburg County, N.C., to points in York and Chester Counties, S.C.; No. MC–134531 (Sub–No. 3), authorizing the transportation of (1) *Aggregates, unprocessed sand, processed dry sand, gravel, and crushed stone,* in dump vehicles, from points in Georgia and North Carolina to points in South Carolina, (except crushed stone from points in Mecklenburg County, N.C., to points in York and Chester Counties, S.C., and except crushed stone, sand, and sand-clay from points in Columbia and Richmond Counties, Ga., to points in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Colleton, Dorcester, Hampton, Jasper, and Orangeburg Counties, S.C.); (2) *Plant mix asphalt,* in dump vehicles, between points in South Carolina, on the one hand, and, on the other, points in Georgia and North Carolina. (3) *Dry fertilizer and fertilizer materials,* in bags, from point in Chatham and Richmond Counties, Ga., to points in South Carolina; and (4) *Prestressed and precast concrete products,* from points in Lexington, Richland, Sumter, and Florence Counties, S.C., to points in Georgia and North Carolina (except pipe from points in Richland County), No. MC–134531 (Sub-No. 6), authorizing the transportation of (1) *Agricultural limestone,* in bulk, in dump trucks, from points in Blount, Jefferson, and Knox Counties, Tenn., to points in North Carolina, South Carolina, and points in Bullock and Candler Counties, Ga.; and (2) *Dry fertilizer and fertilizer materials,* in dump trucks, (1) from Acme, Columbus County, S.C., to points in South Carolina, (2) from points in Chatham and Richmond Counties, Ga. (except Savannah and Augusta, to points in South Carolina, and (3) *Agricultural lime,* in bulk, in dump trucks, from points in Berkeley County, S.C., to points in Georgia; No. MC–134531 (Sub-No. 9) authorizing the transportation of *Dry fertilizer and dry fertilizer materials* (except in bulk, in tank or hopper-type vehicles), (a) Between points in Wayne, Iredell, New Hanover, and Columbus Counties, NC, on the one hand, and, on the other, points in South Carolina, and (b) from Columbia, SC, to Augusta, GA, and Charlotte, NC; No. MC–134531 (Sub-No. 12), authorizing the transportation of (1) *aggregates, sand, gravel, and crushed stone* from points in Lexington, Marlboro, Chesterfield, and Sumter Counties, and Columbia and Hardeeville, SC, to points in North Carolina, Georgia, and Tennessee, and (2) *concrete products,* from Spartanburg, Greenville, and Columbia, SC, to points in North Carolina, Georgia, and Tennessee; and No. MC–134531 (Sub-No. 16F), authorizing the *dry fertilizer and fertilizer materials* (except in tank and hopper-type vehicles), between points in South Carolina, Georgia, Tennessee, and North Carolina. Application has been filed for temporary control under 49 U.S.C. 11349. Condition: Although Vernon F. Epting has signed the application, as president of Aggregate Haulers, Inc., he has not signed, in his own stead, as the party in control of Aggregate. Consequently, approval of the transaction is conditioned upon Vernon F. Epting joining in the application as the party in control of Aggregate Haulers, Inc.

MC–F–14749, filed December 7, 1981. Applicants: GENCOM, INC. (GENCOM) (R.R. 4, P.O. Box 697, Marshall, MO 65340)—purchase (portion) T.F.S., INC. (TFS), South Highway 281, R.R. 2, Box 126, Grand Island, NE 68801). Representative: Thomas P. Rose, Attorney At Law, P.O. Box 205, Jefferson City, MO 65102. Gencom, seeks to purchase a portion of TSF's rights. Larry Morgan and Robert Walker, who control Gencom through stock ownership, seek to acquire control of said rights through the transaction. Gencom is purchasing portions of (1) Certificate MC–F–145743 (Sub 7F) authorizing *animal feed* and *animal feed ingredients* (except commodities in bulk) from facilities of Kal Kan Foods, Inc., at Terre Haute and Indianapolis, IN, and Columbus, OH, to points in FL, GA, LA, MD, MS, NJ, OH, TN and TX, and (2) Certificate MC–145743 (Sub 9) authorizing *fluorescent lighting fixtures* from facilities of Gibson-Matalaux Corporation at Americus, GA to points in KA, MN, MO, MT, ND, OK, SD, TX, WI and WY, and (3) Certificate MC–141575 (Sub 23) authorizing (A) *electrical appliances, equipment and parts,* from facilities of Gibson-Matalaux Corporation at Americus, GA to points in AZ, CA, CO, ID, IA, NE, NV, NM, OR, UT and WA, and (B) *canned goods, not frozen,* from Belledeau and St. Francisville, LA to points in AZ, CA, CO, ID, IL, MT, NM, OR, UT, WA, WY, WI and NV; (4) Certificate MC–145743 (Sub 20) (entire) authorizing *meats,* and similar commodities between points in NE and Pottawattamie, Clay, O'Brein and Webster Counties, IA, on the one hand, and, on the other, points in the U.S. and (5) Certificate 145743 (Sub 26) (portion) authorizing *animal feed,* and similar commodities (except commodities in bulk) between facilities of Kal Kan Foods, Inc. at Matton, IL on the one hand, and, on the other, points in the U.S. Gencom is a contract carrier in 25 states under MC 138926 (Sub-Nos. 2 and 5) and a common carrier throughout the U.S. under MC–138926 (Sub-No. 6). No application for temporary authority has been filed. Impediment: Applicants state that duplications exist between the authority being sold and that being retained. Applicants are required to submit a statement (1) specifying all duplications arising from the transaction and (2) requesting cancellation of all duplicating authority or establishing a public need for both services.

MC–F–14766, filed December 29, 1981. CENTRAL TRUCK LINES, INC. (CTL) (3825 Henderson Blvd., P.O. Box 18464, Peninsula Station, Tampa, FL 33609)—merger—MERCURY FREIGHT LINES, INC. (MFL) (67 Midtown Park East, P.O. Box 1247, Mobile, AL 36601. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Central Truck Lines, Inc. [CTL] and Mercury Freight Lines, Inc. [MFL], both motor common carriers, seek to merge MFL into CTL for ownership,

management and operation, and to have CTL assume all of the assets and liabilities of MFL. U.S. Truck Lines, Inc. of Delaware [USTL], a publicly held corporation and the 99.845% stockholder of CTL and the sole stockholder of MFL, seeks authority to continue in control of the merged operating rights through this transaction. In addition to having control of the two companies involved in this application, USTL controls Be-Mac Transport Company, Inc. (MC–10872, brown Express, Inc. (MC–46054), The Cleveland, Columbus & Cincinnati Highway, Inc. (MC–3419 and MC–3420), Kanawha Cartage Company (MC–150148), Motor Express, Inc. of Indiana (MC–28813), Motor Express, Inc. (NJ) (MC–1778), National Tank Truck Delivery, Inc. (MC–116132), Ohio Delivery, Inc. (MC–142758), and other non-carrier subsidiaries. Central Truck Lines, Inc. holds authority under Docket No. MC–36473 to transport *general commodities* over regular and irregular routes between specified points in GA, FL, AL, LA, OH, KY, MS, and TN; certain *specified commodities* over regular routes between certain points in GA and FL, and other commodities over irregular routes between Palatka and Yulee, FL, on the one hand, and, on the other, certain points in LA and AL. Mercury Freight Lines, Inc. holds authority under Docket No. MC–113528 (Sub-No. 55X) to transport *general commodities* over regular and irregular routes between specified points in AL, FL, TX, MS, GA, LA, NC, and SC; and certain *specified commodities* over irregular routes between designated points in NC, SC, AL, FL, TX, LA, AR, GA, MS, NM, TN, VA, KS, MO, and OK. The merger is for purposes of corporate simplification. A concurrent application has been filed for temporary authority allowing CTL to lease the properties and operating rights of MFL.

MC–F–14754, filed December 11, 1981. LEASEWAY TRANSPORTATION CORP., (Leaseway) 3700 Park East Dr., Cleveland, OH 44122, seeks authority to acquire control of FLEET TRANSPORT COMPANY, INC., (Fleet) through purchases of stock. Applicant's Attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be controlled: Fleet holds Certificate No. MC–103051 and Subs which authorize commodities, in bulk, irregular routes nationwide; Certificate No. MC–114106 and Subs purchased from Maybelle Transport Co. in MC–F–11001; this and a portion of the authority of George A. Rheman Co. purchased in MC–F–14544 authorize commodites, in bulk, to and from points in the Southeastern part of the U.S. Leaseway Transportation Corp. is a publicly held corporation that controls, with Commission approval, the following motor carriers: Anchor Motor Freight, Inc. (MC–808); Gypsum Haulage, Inc. (MC 112113); Signal Delivery Service, Inc. (MC 108393); Sugar Transport, Inc. (MC 115924); Dedicated Freight Systems, Inc. (MC 139583); Custom Deliveries, Inc. (MC 142693); LDF, Inc. (MC 147101); Stam-Win, Inc. (MC 147294 and MC 150185); Pep Lines Trucking Co. (MC 120184 and MC 135280); Mitchell Transport, Inc. (MC 124212 and MC 152085); General Trucking Service, Inc. (MC 143308); Charlton Transport (Quebec) limited (MC 141250); Vernon Equipment, Inc. (MC 150412); Amac Trucking, Inc. (MC 140619); Better Home Deliveries, Inc. (MC 150511); Geo. McNeil Teaming Company (MC 153315); Leaseway Trucking, Inc. (MC 153610); United Home Delivery, Inc. (MC 153685); Max Binswanger Trucking (MC 116314); and Refiners Transport & Terminal Corporation (MC 50069). Max Binswanger Trucking controls Balser Truck Co. (MC 96830), and Bulk Freightways (MC 125417). Refiners Transport & Terminal Corporation controls A. R. Gundry, Inc. (MC 25562). Application has not been filed for temporary control under 49 U.S.C. 11349. Condition: Leaseway proposes to issue promissory notes totalling $1,000,000 in part payment for Fleet's stock. Approval of this application is conditioned upon Leaseway either (1) filing a securities application under 49 U.S.C. 11302 seeking approval for issuance of the notes; or (2) submitting a statement establishing the issuance to be exempt from section 11302.

MC–F–14758, filed December 14, 1981. MURPHY & SONS TRUCKING COMPANY, INC. (MURPHY) (Rt. 2, Box 139, Spring City, TN 37381)—PURCHASE—CELERYVALE TRANSPORT, INC., (RICHARD P. JAHN, JR., TRUSTEE IN BANKRUPTCY) (Celeryvale) (12th Fl., Volunteer State Life Bldg., Chattanooga, TN 37402). Applicants Representative: Stan Guthrie, Suite 500, Dome Bldg., Chattanooga, TN 37402. Murphy seeks authority to purchase the interstate operating rights of Celeryvale. Eddy Murphy and Paul Murphy, who are major stockholders and officers and directors, and Sandy Murphy, who is an officer and director of Murphy seek authority to acquire control of said rights through the transaction. Murphy is purchasing those rights contained in Celeryvale's certificate in MC–134105 and sub-numbers thereunder, transporting general commodities (except articles of unusual value, classes A and B explosives and commodities in bulk) between points in the United States, restricted to traffic originating at or destined to the facilities of the Kroger Company and its subsidiaries; transporting (1) paper, paper products, plastics, plastic articles, and pulpwood, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between the facilities of International Paper Company, on the one hand, and, on the other, points in the United States; transporting such commodities as are dealt in or used by chain and grocery houses (except commodities in bulk) between the facilities of Hudson Industries, Inc., at or near Troy and Brundidge, AL, on the one hand, and, on the other, points in the United States (except AK and HI); transporting such commodities as are dealt in or used by frozen food processors, between the facilities or Morton Frozen Foods, at (a) Russelville and Searcy, AR, and (b) Crozet, VA, on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas; transporting meats, meat products and meat by-products, and articles distributed by meat packing houses (except commodities in bulk) from the facilities of Vernon Calhoun Packing Co., at or near Palestine, TX, to points in the United States; transporting food stuffs, from the facilities used by Globe Products Company, Inc. at or near Clifton, NJ, to points in the United States (except Alaska and Hawaii); transporting general commodities (except classes A and B explosives), between the facilities of Tennessee Donut Corporation, at Nashville, TN, on the one hand, and, on the other, points in Alabama, and numerous other states; transporting malt beverages between points in Jefferson County, CO, on the one hand, and, on the other, points in Tennessee, Louisiana and Mississippi; transporting food and related products between the facilities of American Pantry, Inc., in the United States, on the one hand, and, on the other, points in the United States; transporting textile mill products, between points in Alabama, Arizona, Delaware, Georgia, Tennessee and South Carolina, on the one hand, and, on the other, points in the United States; transporting food and related products between points in Nash County, NC, on the one hand, and, on the other, points in the United States; transporting general commodities (except classes A and B explosives), between the facilities of W. R. Grace

and Co., Construction Products Division located at points in the United States, on the one hand, and, on the other, points in the United States; transporting meats, meat products, meat by-products, and articles distributed by meat packing houses, between points in Bell County, KY, on the one hand, and, on the other, points in the United States; transporting meat, meat products and meat by-products, between points in Ford County, KS, on the one hand, and, on the other, points in the United States; transporting household appliances, between points in Alabama, Illinois and Tennessee, on the one hand, and, on the other, points in the United States. This does not purport to be a complete description of the authority being purchased. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of affidavits, signed by Paul Murphy and Sandy Murphy, stating that they join in this application.

Note.—Application for TA has been filed.

MC–F–14763, filed December 21, 1981. Applicants: GARY L. SHORT, 459 South River Road, Bay City, MI 48706; ROBERT R. SHORT, 459 South River Road, Bay City, MI 48706. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Gary L. Short and Robert R. Short of Bay City, MI seek approval to continue their control through stock ownership of Saginaw Valley Marine Terminal and Warehouse, Inc. of Bay City, MI. In MC–153402 (Sub-No. 1) an administratively final order has been served granting common carrier authority to Saginaw Valley Marine Terminal and Warehouse, Inc. to transport such commodities as are dealt in or used by manufacturers and distributors of doors between points in Genessee and Ogemaw Counties, MI and Polk County, FL, on the one hand, and, on the other, points in the United States. Applicants now control through stock ownership Short Freight Lines, Inc. of Bay City, MI, a common carrier holding authorities issued in Docket MC–108382.

MC–F–14673, filed December 18, 1981. Applicants: PRECISION BULK TRANSPORT, INC., 1330 West Seventh Street, Cincinnati, OH 45203 (Precision); C.S. TRANSPORT, INC., 4001 Overdale Road, Winston-Salem, NC 27107 (C.S.); BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, IL 60628 (Bulkamatic). Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Bulkmatic, a common and contract carrier under MC–128205 and subs, seeks approval for transfer of its Sub–No. 104F Certificate commodities in bulk between points in IL, IN, OH and MI, on the one hand, and, on the other, points in the U.S. to Precision a non-carrier. C.S. has been granted authority in MC–156484 as a contract carrier of food and related products but issuance of its permit has been conditioned on Commission approval of a control relationship. Bulkmatic, Precision and C.S. are wholly-owned subsidiaries of Omnimatic, Inc., a non-carrier, controlled by A. Y. Bingham, Jr. and A. D. Pringle III. All parties seek approval of this common control. Waiver of the following portions of Form OP–F–44 has been granted: A–2 through A–8, B–1 through B–5, C–2 through C–7, amd D–4. Certain duplications exist between the authority transferred in Sub-No. 104F and that retained by Bolkmatic. The Board finds that a prima facie showing for the sale and retention of duplicating authority has been made under the entry standards of 49 U.S.C. 10922. Application for TA lease has not been filed.

MC–F–14753, filed December 11, 1981, ASHLAND AND SHAMOKIN AUTO BUS COMPANY, (A&S), (Route 61 (P.O. Box 446) Mount Carmel, PA 17851)—Purchase (Portion)—TRAILWAYS EDWARDS, INC. (Trailways). (56 East Third Street, Williamsport, PA 17701). Representatives: William A. Chesnutt, Suite 960, 1333 New Hampshire Ave., NW., Washington, D.C. 20036, Attorney for Transferee; George W. Hanthorn, Room 415, 1500 Jackson Street, Dallas, TX 75201, Attorney for Transferor. A&S seeks authority to purchase a portion of the interstate operating rights of Trailways. Robert E. Else, Jr. and Robert E. Else, III join in the applications as the individuals in control of A&S and seek authority to acquire control of said rights through the transaction. A&S is purchasing portions of Trailways PA intrastate authority in PUC Docket A. 6484 and that portion of Trailways' Certificate No. MC–2866 which authorizes the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over regular routes: (a) between junction PA Hwy 93 and U.S. Hwy 209 near Nesquehoning, PA and Williamsport, PA, serving all intermediate points; (b) between junction PA Hwy 248 and PA Hwy 145 at or near Lehigh Gap, PA, and Philadelphia, PA; (c) between Sunburg, PA and Milton, PA, serving all intermediate points; (d) between Shamokin, PA and Allentown, PA, serving all intermediate points; (e) between Nesquehoning, PA and Hometown, PA, serving no intermediate points; (f) between Leighton, PA and Tamaqua, PA, serving no intermediate points; (g) between junction PA Hwy 54 and Legislative Route 209 (east of Gilberton, PA) and junction PA Hwy 54 and Legislative Route 161 (east of Ashland, PA) serving no intermediate points. A&S is authorized to operate as a motor common carrier under MC–14951 (Sub–No. 1). A&S has filed a directly related extension application, Docket No. MC–149451 (Sub-No. 2), published in this same **Federal Register** issue.

Note.—Application for TA has been filed.

Decision-Notice

The following operating applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified

statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 149451 (Sub-2), filed December 11, 1981. Applicant: ASHLAND AND SHAMOKIN AUTO BUS COMPANY, Route 61, P.O. Box 446, Mount Carmel, PA 17851. Representative: William A. Chesnutt, Suite 960, 1333 New Hampshire Ave., NW, Washington, DC 10036. Over regular routes transporting *passengers and their baggage, and express mail and newspapers,* in the same vehicle with passengers between junction PA Hwy 93 and U.S. Hwy 209 near Nesquehoning, PA, and junction PA Hwy 248 (formerly PA Hwy 45) and PA Hwy 145 at or near Lehigh Gap, PA; from junction PA Hwy 93 and U.S. Hwy 209 near Nesquehoning, PA, then over U.S. Hwy 209 to its junction with PA Hwy 248 (formerly PA Hwy 45), then over PA Hwy 248, to its junction with PA Hwy 145 at or near Lehigh Gap, PA, and return over the same route.

Note.—This extension application is directly related to finance application MC–F–14753 published in this same **Federal Register** issue.

[FR Doc. 82–841 Filed 1–12–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human evnironment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79508. By decision of December 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.C. 1132 Review Board Number 3 approved the transfer to Terry Seigel dba C-Gull Express of Mineral Wells, TX, of Certificate No. MC–145743 issued January 16, 1980 to T.F.S., Inc. of Grand Island, NE authorizing the transportation by irregular routes of (1) *containers and container ends* from Oil City, PA to Weatherford, TX and (2) *liquid anti-freezing compounds* from the facilitates of Power Service Products, Inc. at Weatherford, TX, to points in the U.S. (except AK and HI). Representative is: Lloyd Scurlock, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104.

MC–FC–79512. By decision of 12/14/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to MARIANO MOTOR EXPRESS, INC., of Morrisville, PA of Certificate Nos. MC–84450 and Subs-Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 10 issued to S.R.T. MOTOR FREIGHT, INC. of Morrisville, PA authorizing the transportation by irregular routes of certain specified commodities between various points, facilitites, and territories generally in the eastern half of the U.S. Applicant's representative is: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110.

Note.—MC 84450 (Sub-2–1TA) is not a certificate and is not susceptable to transfer.

MC–FC–79521. By decision of December 18, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Mercury Truck Lines, Inc. of Fort Dodge, IA of Certificate No. MC–153822 Sub Nos. 1, 2, 3, and 4F issued to Jones Truck Line, Inc. of Fort Dodge, IA authorizing operations over irregular routes, transporting in Sub 1 *malt beverages,* between Peoria, IL, on the one hand, and, on the other, points in Webster County, IA, in Sub 2 (1) *such commodities* as are used in the manufacture and canning of pet foods, between points in IL, MO, NE, KS, MN, and WI, on the one hand, and, on the other, points in Webster County, IA, and (2) *food and related products* between points in Webster County, IA, on the one hand, and, on the other, points in WI, MO, and OH, in Sub 3 *malt beverages,* from Milwaukee, WI, to Algona, IA, *empty malt beverage containers,* from Algona, IA, to Milwaukee, WI, *beer,* from Milwaukee, WI, to Fort Dodge, IA, and *empty beer containers,* from Fort Dodge, IA, to Milwaukee, WI, and in Sub 4 *transportation equipment,* between Chicago, IL, on the one hand, and, on the other, points, in IA. Representative is: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–852 Filed 1–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC–43]

Motor Carriers; Lease and Interchange of Vehicles

Decided: December 21, 1981.

Interstate Express, Inc. (MC–108973), Nitehawk Express, Inc. MC–128294), and Hines Transfer, Inc. (MC–36165) have filed a petition for waiver of Subpart B

(§§ 1057.11 and 1057.12) of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the waiver were granted in part.

It is ordered:

1. The petiton of Interstate Express, Inc., Nitehawk Express, Inc., and Hines Transfer, Inc., for waiver of Subpart B (§§ 1057.11 and 1057.12), is granted, except for paragraph (b) of § 1057.11, with respect to equipment augmented between them, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under paragraph (b) § 1057.11 is given to the lessor until possession of the equipment is returned to the lessor and the receipt required under paragraph (b) of § 1057.11 is received by the lessee or possession of the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment. A copy of the argreement must be carried in the equipment while it is in the possession of the lessee.

2. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-853 Filed 1-12-82: 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. OPY-3-005]

Motor Carriers; Republications of Grants of Operating Rights; Permanent Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflecting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 157195 (Sub-1) (republication), filed August 14, 1981, published in the **Federal Register** issue of September 1, 1981. Applicant: DANIEL E. GAGAIN, d.b.a. D & L TRUCKING, 5715 Angola Road, P.O. Box 7490, Toledo, OH 43615. Representative: Keith D. Warner, 5732 West Rowland Rd., Toledo, OH 43613. A decision of the Commission, Review Board 2, decided November 30, 1981, and served December 7, 1981, finds that the performance by applicant of the service described herein to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the United States; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the territory description.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-843 Filed 1-12-82: 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP-4-04

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 151056 (Sub-5), filed December 29, 1981. Applicant: SUPER SERVICE, INC., 319 Auburn Ave., Somerset, KY 42501. Representative: William L. Willis, Suite 700–702, McClure Bldg., Frankfort, KY 40601, (502) 227–7384.Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety, and department stores, between points in the U.S., under continuing contract(s) with Clorox Company, of Oakland, CA, and its subsidiaries.

MC 156316, filed December 29, 1981. Applicant: DS & L CHARTER SERVICE, INC., 3564 Marine Rd., Toledo, OH 43609. Representative: Michael M. Briley, P.O. Box 2089, Toledo, OH 43603, (419) 225–8220. Transporting *passengers and their baggage* in the same vehicle, in charter operations, between points in Defiance, Erie, Fulton, Hancock, Henry, Huron, Lorain, Lucas, Ottawa, Sandusky, Seneca, Williams, and Wood Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 157396, filed December 29, 1981. Applicant: H. MELVIN WILLIAMSON, Route 1, Box 128, Hurlock, MD 21643. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *lumber and wood products*, between points in DE, MD, NC, SC, and VA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 157406 (Sub-1), filed December 28, 1981. Applicant: AUTAUGA TRANSPORT, INC., 1401 S. Memorial Dr., Prattville, AL 36067. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *scrap and waste paper*, between points in Wilcox County, AL, on the one hand, and, on the other, New Orleans, LA, and points in FL.

MC 159896, filed December 29, 1981. Applicant: METRO TRANSPORT, a division of METRO SHIPPERS, INC., 251 W. DeKalb Pike, Suite B–110, King of Prussia, PA 19406. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722, (201) 780–0300. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Metro Shippers, Inc., of King of Prussia, PA; Aberdeen Manufacturing Corp., of New York, NY; Acoustiflex Corp., of Hagerstown, MD; American Business Group, Inc., of Secaucus, NJ; American Can Company, of Easton, PA; Ameteklus Gauge Division, of Sellersville, PA; Antillean Marine Shipping Corp., of Miami, FL; Asbury Graphite Mills, Inc., of Asbury, NJ; Avtex Fibers, Inc., of Valley Forge, PA; Bacardi Imports, Inc., of Miami, FL; Billard Barbell Co., Div. of Manson-Billard Co., of Reading, PA; Blossom Farm Products Co., of Fairlawn, NJ; Bristol-Meyers Products Co., of Hillside, NJ; Burron Medical, Inc., of Bethlehem, PA; Caloric Corp., of Topton, PA; Canandaigua Wine Company, Inc., of Canandaigua, NY; Caribmar Shipping Ltd., of Miami, FL; Charles of the Ritz Group Ltd., of Holmdel, NJ; Comfort Design, Inc., of Kingston, PA; Commercial Metals Co., of Atlanta, GA; Commercial Metals Co., of Jacksonville, FL; Conwed Corporation, of Riverside, NJ; Richard Coulston, Inc., of Bethlehem, PA; Dal-Worth Shippers Association, Inc., of Dallas, TX; D. Baskowitz Bottle Co., Inc., of Brooklyn, NY; Drico Industrial Inc., of Wallington, NJ; Duval Spirits, Inc., of Jacksonville, FL; Eastern Alloys, Inc., of Maybrook, NY; Eckerd Drug Company, of Clearwater, FL; English Greenhouse Products Corp., of Camden, NJ; Fedway Associates, Inc., of Kearny, NJ; Flexi-Mat Corporation, of Chicago, IL; Frigidaire International Co., of Dayton, OH; General Distributing Company, Inc., of Albany, GA; Glowatsky Piggyback Service, Inc., of Allentown, PA; Gulf Freight Association, of Tampa, FL; Hercules Chemical Co., Inc., of New York, NY; Ideal Toy Corporation, of Hollis, NY; Indesit Manufacturing Corp., of Harriman, NJ; Jencraft Corp., of Totowa, NJ; Jen Transportation Co., Inc., of South Kearny, NJ; Julian Engineering Co., of Chicago, IL; LCR International Division of Charles of the Ritz Group, Ltd., of Holmdel, NJ; Lewis of London, Inc., of Forest Hills, NJ; Mac Trucks, Inc., of Bridgewater, NJ; National Casein of New Jersey, of Riverton, NJ; Nelco Sewing Machine Co., of New York, NY; Petzold & Co., of Cockeysville, MD; Raynor Mfg. Co., of Dixon, IL; Rings for Drums, Inc., of Edison, NJ; Sediver Inc., of Carlstadt, NJ; Sipi Metals Corp., of Chicago, IL; Southern Railway Corporation, of Washington, DC; Standard Dry Wall Products, of Bristol, PA; Sukonik Barrel & Drum Company, of Camden, NJ; The Telescope Folding Furniture Co., Inc., of Granville, NY; Transconex, Inc., of Miami, FL; Truck Train Transfer, Inc., of Greenville, TN; Uni-Vinyl Corporation, of Hialeah, FL; U.S. Billiards, Inc., of Amityville, NY; World's Finest Chocolate, Inc., of Chicago, IL; and Xerox Corporation, of Atlanta, GA.

MC 159906, filed December 29, 1981. Applicant: WESTOVER CARTAGE, LTD., Box 422 Old Mayfield Rd., Danville, VA 24541. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *general commodities* (except classes A and B explosives), between points in Henry, Pittsylvania, Halifax and Franklin Counties, VA, on the one hand, and, on the other, points in NC.

Volume No. OP–4–05

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 42146 (Sub-33), filed December 28, 1981. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, 1812 W. Morehead St., Charlotte, NC. 28266 Representative: Floyd C. Hartsell (same address as applicant), (704) 376–7533. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Campbell Soup Company, of Maxton, NC.

MC 118746 (Sub-6), filed December 29, 1981. Applicant: CULLMAN BANANA SUPPLY TRUCKING CORPORATION, Rt. 2, Box 411, Hanceville, AL 35077. Representative: Donald B. Sweenry, Jr., P.O. Box 2366, Birmingham, AL 35201, (205) 254–3880. Transporting (1) *food and food products*, between points in AL, on the one hand, and, on the other, points in the U.S., and (2) *furniture and fixtures*, between points in AL and GA, on the one hand, and, on the other, points in the U.S.

MC 138926 (Sub-7), filed December 28, 1981. Applicant: GENCOM, INC., R.R. No. 4, Box 697, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK, and its subsidiaries.

MC 146176 (Sub-12), filed December 28, 1981. Applicant: J & L TRANSPORT, INC., Rt. No. 1, Box 306, Almond, WI 54909. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives), between points in WI, on the one hand, and, on the other, points in the U.S.

MC 150626 (Sub-6), filed December 24, 1981. Applicant: HAROLD IVES TRUCKING CO., P.O. Box 885, Hwy 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *vegetable oil products and cooking oils, shortening*

and lecithin, between points in Arkansas County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 158996, filed December 28, 1981. Applicant: BEULAH M. SEALS, 12343 Oak Dr., Orient, OH 43146. Representative: Frank L. Calvary, 3066 North Star Rd., Columbus, OH 43221, (614) 459–4248. Transporting (1) *handball and racquetball courts, soccer ball game accessories and room partitions,* between points in the U.S., under continuing contract(s) with Wilson Courts, Inc., of Columbus, OH, (2) *such commodities* as are dealt in or used by manufacturers of racquetball and handball courts, between points in the U.S., under continuing contract(s) with Shelmark Industries, Inc., of Columbus, OH and (3) *such commodities* as are dealt in or used by manufacturers of fencing, between points in the U.S., under continuing contract(s) with Robertson Fence Company, of Mt. Sterling, OH.

MC 159836, filed December 23, 1981. Applicant: R. E. GREEN INC., Box 806, Three Forks, MT 59752. Representative: Ralph E. Green (same address as applicant), (406) 285–6949. Transporting *irrigation equipment and building materials,* (1) between points in Multnomah, Clackamas and Lane Counties, OR, and Gallatin, Madison, Park Counties, MT, on the one hand, and, on the other, points in Spokane County, WA.

MC 159866, filed December 21, 1981. Applicant: SOMERSET TRUCKING COMPANY, d.b.a. J & R TRUCKING, 814 W. Columbia, P.O. Box 637, Somerset, KY 42501. Representative: William L. Willis, Suite 700–702, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *fly ash,* between points in Pulaski County, KY, on the one hand, and, on the other, points in Anderson, Bledsoe, Blount, Clairborne, Campbell, Cannon, Carter, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Grainger, Green, Hancock, Jefferson, Knox, Loudon, Monroe, Montgomery, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Scott, Sevier, Summer, Union, Warren, and Wilson Counties, TN, and Lee, Scott and Dickenson Counties, VA.

Volume No. OP–5–03

Decided: January 5, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-333), filed December 21, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Over regular routes, transporting *general commodities* (except classes A and B explosives), household goods as defined by the Commission and commodities in bulk), (1) between Houston, TX and Laredo, TX, over U.S. Hwy 59, (2) between Victoria, TX and Brownsville TX, over U.S. Hwy 77, (3) between Van Horn, TX and Uvalde, TX, over U.S. Hwy 90, (4) between San Antonio, TX and McAllen, TX, from San Antonio over U.S. Hwy 90 to Uvalde, TX, thence over U.S. Hwy 83 to McAllen (also over U.S. Hwy 281), (5) between San Antonio, TX and Port Lavaca, TX, over U.S. Hwy 87, (6) between El Paso, TX and Ft. Worth, TX, from El Paso over Interstate Hwy 10 to junction Interstate Hwy 20, thence over Interstate Hwy 20 to Ft. Worth (also over U.S. Hwy 80), (7) between Lubbock, TX, and Temple, TX, from Lubbock over U.S. Hwy 87 to Brady, TX, thence over U.S. Hwy 190 to Temple, (8) between Abilene, TX and Carrizo Springs, TX, over US Hwy 277, (9) between Houston, TX and Port Lavaca, TX, over TX Hwy 35, (10) between Rosenberg, TX and Freeport, TX, over TX Hwy 36, (11) between Carlsbad, NM and the junction of U.S. Hwys 90 and 285 West of Sanderson, TX, over U.S. Hwy 285, (12) between Alexandria, LA and Bryan, TX, from Alexandria over LA Hwy 1 to Boyce, LA, thence over LA Hwy 8 to the LA/TX state line, thence over TX Hwy 63 to Jasper, TX, thence over U.S. Hwy 190 to Bryan, and (13) between Sayre, OK and Amarillo, TX, over Interstate Hwy 40 (also U.S. Hwy 66), serving points in TX as intermediate and off-route points in connection with Routes (1) through (13) above, in conjunction with carriers's regular route operations.

MC 56388 (Sub-44), filed December 21, 1981. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, 301–986–9030. Transporting *wrecked, disabled or replacement motor vehicles,* between points in NJ, DE, PA, MD, VA, WV, OH, NC, TN, KY and DC.

MC 87109 (Sub-26), filed December 22, 1981. Applicant: TIDEWATER INLAND EXPRESS, INC., 2450 Wright Ave., Auburn, NY 13021. Representative: Leonard A. Jaskiewicz, 1730 M St., NW, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the United States in and east of MN, IA, MO, AR and TX.

MC 96699 (Sub-3), filed December 21, 1981. Applicant: MURPHY TRANSPORTATION, INC., Naugatuck Industrial Park, Naugatuck, CT 06770. Representative: Edward M. Taber, 64 Nottingham Terr., Waterbury, CT 06704, (203) 753–0939. Transporting *metal products* between points in New Haven County, CT, on the one hand, and, on the other, points in NY and NJ.

MC 97699 (Sub-54), filed December 18, 1981. Applicant: BARBER TRANSPORTATION CO., P.O. Drawer 1970, 1970 Deadwood Ave., Rapid City, SD 57709. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, 303–861–4028. Transporting *general commodities* (except classes A and B explosives), serving points in CO, IA, IL, KS, MN, MO, MT, NE, ND, SD, WI, and WY, as off route points in connection with applicants regular-route authority.

MC 129059 (Sub-2), filed December 21, 1981. Applicant: WILSON DRIVEAWAY, INC., 32 West Randolph St., Suite 1800, Chicago, IL 60601. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *motor vehicles, baggage, sporting equipment, and personal effects of owners thereof,* between points in IL and IN, on the one hand, and, on the other, points in the U.S.

MC 133189 (Sub-45), filed December 21, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *diesel engines and construction, mining and materials handling equipment,* between points in Delta County, MI, and points in MN and WI, on the one hand, and, on the other, points in the U.S.

MC 134439 (Sub-5), filed December 21, 1981. Applicant: JAMES G. FERNEYHOUGH, d.b.a. J.G.F. TRUCKING COMPANY, P.O. Box 2173, Lynchburg, VA 24501. Representative: Calvin F. Major, 200 W. Grace St., P.O. Box 5010, Richmond, VA 23220, (804) 649–7591. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Richmond Cedar Works Mfg. Corp., of Danville, VA, and Lovelace Distributing Co., Inc., J. W. Wood & Co., Inc., C. B. Fleet Company, Inc., and Imperial Reading Corporation, all of Lynchburg, VA.

MC 134978 (Sub-28), filed December 21, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 3,

Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288–6000. Transporting *metal products* (a) between points in NC, SC, and TN, and (b) between points in NC, SC, and TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MI, MS, OH, PA, and VA.

MC 148329 (Sub-14), filed December 21, 1981. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting (1) *metal products*, (2) *clay, concrete, glass or stone products*, between points in Portage and Wood Counties, WI and Riverside County, CA, on the one hand, and, on the other, points in the U.S.

MC 149388 (Sub-9), filed December 24, 1981. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202–2200 Century Parkway, Atlanta, GA 30345, (404)321–1765. Transporting *such commodities* as are dealt in or used by food manufacturers, processors or distributors, between points in the U.S., under continuing contract(s) with Southern Tea Company, of Marietta, GA.

MC 157669, filed December 22, 1981. Applicant: JODAN TRANSPORT, INC., P.O. Box 7645, Richmond, VA 23231. Representative: Edward D. Greenberg, 1054 Thirty-first St., NW., Washington, D.C. 20007, (202) 342–5200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Environmental Equipment, Inc., of Ashland, VA, and Deepwater Marine Systems, Inc., and The Continental Group, Inc., both of Richmond, VA.

MC 159718, filed December 15, 1981. Applicant: BULK TRANSPORT CO. OF ESSEXVILLE, INC., 1500 Pine St., Essexville, MI 48732. Representative: William B. Elmer, 615 E. Eighth St., Traverse City, MI 49684, (616) 941–5313. Transporting in foreign Commerce only, *ores and minerals* between points in MI on the one hand, and, on the other, points of entry on the international boundary line between the United States and Canada and points in IL, IN, and OH.

MC 159788, filed December 18, 1981. Applicant: ANDERSON TOURS, INC., 67 Valley View Lane, New Milford, CT 06776. Representative: Dennis D. Kirk, 915 Pennsylvania Bldg., 425–13th St., NW., Washington, D.C. 20004, (202) 737–1030. To operate as a *broker* at New Milford, CT, arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, between points in the U.S.

MC 159818, filed December 21, 1981. Applicant: HAYWOOD TRANSIT, INC., Rt. 2, Box 331, Canton, NC 28716. Representative: Arthur F. Huber (same address as applicant), (704) 235–8038. Transporting *passengers and their baggage* in same vehicle with passengers, in special and charter operations, beginning and ending at points in Haywood, Swain, Buncomb, Transylvania, Jackson, Macon, and Henderson Counties, NC, and extending to points in the U.S.

MC 159819, filed December 21, 1981. Applicant: FAIRRINGTON TRANSPORTATION CORPORATION, 5545 Clarendon Hills Road, Clarendon Hills, IL 60514. Representative: Edward G. Bazelon, 29 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *printed matter*, between Chicago, IL, New York, NY, Atlanta, GA, and points in Hudson and Bergen Counties, NJ and Hampshire County, MA, on the one hand, and, on the other, points in the U.S.

MC 159828, filed December 22, 1981. Applicant: WESTAR TRANSPORT, 1612C Kent-Des Moines Road, Seattle, WA 98188. Representative: Henry C. Winters, 12600 S.E. 38th St., Suite 200, Bellevue, WA 98006, (206) 644–2100. Transporting *food and related products*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–854 Filed 1–12–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority, Decisions, Restriction Removals, Decision-Notice

Decided: January 8, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for commom and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 18037 (Sub-14)X, filed December 28, 1981. Applicant: CHAS LEVY TRANSPORTATION CO., INC., 1200 N. North Branch St., Chicago, IL 60622. Representative: Charles W. Lynch (address same as applicant). Sub-13 permit, broaden to between points in the U.S., under continuing contract(s) with specified shippers, and remove 15,000 pound weight limitation.

MC 22484 (Sub-8)X, filed December 31, 1981. Applicant: BROWN FROM WABASH, INC., P.O. Box 302, Wabash, IN 46992. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead: (1) broaden (a) wooden skids and wooden cores to "lumber and wood products"; (b) scrap paper, and waste paper to "waste of scrap materials not identified by industry producing"; (c) woodpulp, pulpwood, papermill supplies used in the manufacture of pulpboard, used paperboard machinery and used paper-mill machinery, boxboard, chip-board, strawboard, wood pulpboard, boxes and parts (knocked down), fiberboard and corrugated cartons, paper and burlap bags, paper makers' alum, and papermill machinery parts to "pulp, paper and related products"; (d) copper sulphate, fungicides, ferri-floc, dye, chemicals, fertilizer, and sizing to "chemicals and related products"; (e) green hides and green salted hides and tallow to "food and related products"; (f) insulating materials and mineral wood (rock, slag or glass) to "building materials"; and (g) new furniture and display cases to "furniture and fixtures"; (2) change one-way regular routes to two-way authority and allow service at all intermediate points and change one-way irregular routes to radial authority; (3) replace cities with counties (except on regular routes); Wabash, IN (Wabash County); St. Louis, MO (St. Louis, MO and St.

Louis County, except part 7); Louisville, KY (Jefferson County); Newport, KY (Campbell County); Covington, KY (Kenton County); Circleville, OH (Pickaway County); Carthage, IN (Rush County); Alexandria, IN (Madison County); Largo, IN (Wabash County); Lockland, OH (Hamilton County); Grand Rapids, MI (Kent County); Chicago Heights, IL (Cook County); Bourbon, IN (Marshall County); Columbia City, IN (Whitley County); Converse, IN (Miami County); Huntington, IN (Huntington County); Knox, IN (Starke County); Chicago, IL (Cook County, except parts 13, 14, 17, and 28); Logansport, IN (Cass County); Peru, IN (Miami County); Rochester, IN (Fulton County); Elwood, IN (Madison County); Grand Haven, MI (Ottowa County); Richmond, IN (Wayne County); Cleveland, OH (Cuyahoga County); Cincinnati, OH (Hamilton County); Columbus, OH (Franklin County); Joliet, IL (Will County); Aurora, IL (Kane County); Rockford, IL (Winnebago County); Peoria, IL (Peroria County); Toledo, OH (Lucas County); Detroit, MI (Wayne County); Ferndale, MI (Oakland County); Jackson, MI (Jackson County); Flint, MI (Genesse County); Battle Creek, MI (Calhoun County); Hamilton, OH (Butler County); Dayton, OH (Montgomery County); Lima, OH (Allen County); Springfield, OH (Clark County); Champaign, IL (Champaign County); Camp Knox, KY (Hardin County); and Cedar Rapids, IA (Linn County); and (4) remove in truckloads and in other than tank vehicles restrictions.

MC 77129 (Sub-13)X, filed December 23, 1981. Applicant: RAYMOND H. PUFFER, INC., Box 15, R.D. 1, Vernon, VT 05354. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead, Subs 8, 9F, 10F, 12F: Lead, remove exceptions of lumber, commodities of unusual value, household goods, bulk commodities and those requiring special equipment from general commodity authority; Broaden: Subs 8 and 12F, malt beverages to "food and related products"; Sub 9F, wood chips in bulk, to "lumber and wood products"; Sub 10F, petroleum products in bulk, in tank vehicles, to "petroleum, natural gas and their products"; Sub 8, remove facilities restriction; Subs 8, 9F, 10F to radial authority; Sub 8, Brattleboro to Windham County, VT, from Lehigh to Lehigh County, PA, Latrobe to Westmoreland County, PA; Philadelphia to Philadelphia, PA, Montgomery, Chester, Delaware, and Bucks Counties, PA, Hunterdon, Mercer, Monmouth, Burlington, Camden, Gloucester and Salem Counties, NJ and New Castle County, DE; in Sub 9, Ticonderoga to Essex County, NY, from Berlin to Coos County, NH; Sub 10F, New Haven to New Haven County, CT; Springfield to Hampden County, MA.

MC 98438 (Sub-7)X, filed January 4, 1982. Applicant: EXPRESSCO, INC., OF KENTUCKY, 135 Lemuel Street, Nashville, TN 37207. Representative: Roland M. Lowell, 501 Union Street, Nashville, TN 37219. Sub 3 (1) broaden general commodities (with exceptions) to "general commodities (except Classes A & B explosives)" (2) authorize service to all intermediate points (3) remove restriction to shipments having a prior or subsequent movement by motor bus; (4) remove limitation against traffic between Louisville and Glasgow, KY.

MC 104675 (Sub-45)X, filed December 21, 1981. Applicant: FRONTIER DELIVERY, INC., 4238 Ridge Lea Rd., Amherst, NY 14226. Representative: Ronald W. Malin and Gregory, B. Fraser, Bankers Trust Bldg., 4th floor, Jamestown, NY 14701. Subs 2, 15, 18, 19, 22, 24, 25, 27, 28, 29, 30, 35, 37, 40, 42, (1) broaden to (a) "commodities in bulk" from various in bulk, in tank, etc. vehicle commodities such as petroleum products, liquid petroleum wax, asphalt, petrolatum, petroleum bright stock . . . , aviation gasoline, ink, dry or liquid chemicals, coal tar, soda ash, sodium chlorate, and talc in all subs, (b) "ores and minerals and clay, concrete, glass, or stone products" from sand in Sub 27; (2) change (a) Sub 2, points in New York bounded by a line beginning at Buffalo, NY, and extending along New York Highway 130 to junction US Highway 20, thence along US Highway 20 to junction New York Highway 5, thence along New York Highway 5 to Syracuse, thence along US Highway 11 to the New York-Pennsylvania State Line, thence west and north along the New York-Pennsylvania State Line to Lake Erie, and thence along the eastern shore of Lake Erie to Buffalo, including points in New York on and within five miles of the indicated portions of the highways specified to points in New York in, south and west of points in Erie, Genesee, Livingston, Ontario, Seneca, Cayuga, Onondaga, Cortland and Broome Counties, NY; Bayonne to Hudson County, NJ; Buffalo to Erie County, NY; parts of entry on the US-Canada Boundary Line at or near: Champlain and Rouses Point to Clinton County, NY, Alexandria Bay to Jefferson County, NY, Buffalo to Erie and Niagara Counties, NY, and Rooseveltown to Saint Lawrence County, NY; Cleveland to Cuyahoga County, OH; East Providence to Providence County, RI; Oriskany Falls to Oneida County, NY; Neville Island to Allegheny County, PA; Naval Air Station in Niagara Falls to Niagara County, NY; Buffalo and Dunkirk to Erie and Chautauqua Counties, NY; Wilkes-Barre to Luzerne County, PA; (b) Sub 15, Albany to Albany County, NY; (c) Sub 18, Caledonia to Livingston County, NY; (d) Subs 19, 24 and 25, Buffalo to Erie County, NY; (e) Sub 22, Cleveland to Cuyahoga County, OH; (f) Sub 24, Smithville to Ritchie County, WV; (g) Sub 25, Marietta to Lancaster County, PA; (h) Subs 27, 35, 37 and 40, Solvay to Onondaga County, NY; (i) Sub 27, Wellsboro to Tioga County, PA, and Town Annsville to Oneida County, NY; (j) Sub 28, facilities at Niagara Falls to Niagara County, NY; (k) Sub 29, Hailesboro and Emeryville to St. Lawrence County, NY, and Shelton to Fairfield County, CT; (l) Sub 30, facilities at Rochester to Monroe County, NY; (m) Sub 35, Henderson to Vance County, NC, and Laurens to Laurens County, SC; (n) Sub 42, Philadelphia to Delaware, Chester, Philadelphia, Bucks and Montgomery Counties, PA; (3) broaden to radial authority, all subs; (4) remove restrictions: (a) Sub 24, against transportation of traffic from facilities at Buffalo, NY; (b) Sub 27, originating at and/or destined to Canada restrictions; (c) Sub 30, cement and liquefied petroleum gas exception, and ex-rail restriction and (d) remove commodity exceptions wherever they appear.

MC 119794 (Sub-5X), filed December 17, 1981. Applicant: JOE WARREN and MERRICK WARREN, d.b.a. WARREN BROTHERS, RFD No. 2, Center Rd. Station, Linesville, PA 16424. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Lead and Subs 2 and 3 broaden (1)(a) agricultural limestone to "ores and minerals"; fertilizer, fertilizer materials, ingredients, and spreading machines, animal and poultry feed and feed ingredients, inedible packinghouse products, agricultural insecticides, weed killing compounds, sprayers and dusters, bags and printed matter to "chemicals and related products; machinery; food and related products; miscellaneous products of manufacturing; printed matter; pulp, paper and related products; and rubber and plastic products;" and folding chairs to "furniture and fixtures", lead; (b) folding wooden chairs to "furniture and fixtures" and adjustable steel posts to "metal products", Sub 2 and (c) steel posts, steel flagpoles, steel picnic table legs, steel grip horse legs, steel area walls, steel farm gate kits, aluminum and glass laterns, and steel anchor bolts to "metal products and clay, concrete, glass or

stone products" Sub 3 (2) city to county-wide authority, (a) Conneaut, OH to Ashtabula County; Conneaut, Pine, North Shenango, West Fallowfield, South Shenanago, East Fallowfield, Sadusbury: Summit, Beaver, Cussewago, Greenwood, Hayfield, Spring, Summerhill, Vernon and Woodcock Townships, Crawford County, PA to Crawford, Forest and Venango Counties, lead (b) Conneautville, PA to Crawford County, Sub 2; and (c) Linesville, PA to Crawford County, Sub 2 and 3, (3) to radial authority.

MC 136285 (Sub-42X), filed January 4, 1982. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 37, Remove: all exceptions from the general commodities description, except classes A and B explosives and household goods; and the "immediately prior or subsequent movement by water" restriction.

MC 139495 (Sub-541X), filed December 31, 1981. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Subs 404, 433, 473, 511, 514, 518, 531, and 533, broaden (1) to "rubber and plastic products, chemicals and related products, and food and related products" from candles, chemicals, chemical additives, foodstuffs, and plastic articles, Sub 433; "chemicals and related products" from fungicides, insecticides, and agricultural chemicals, Sub 518; "general commodities (except classes A and B explosives, and household goods as defined by the Commission)" from general commodities (with exceptions), Subs 511 and 531; (2) remove in bulk exceptions in all Subs and in tank vehicles in Sub 518F and (3) remove originating at or destined to facilities restrictions in all subs and change territorial description's to between the facilities of the named corporations at points in the United States, on the one hand, and, on the other, points in the United States.

MC 144855 (Sub-24X), filed January 4, 1982. Applicant: CALIFORNIA EASTERN XPRESS, INC., 1543 Calada St., Los Angeles, CA 90023. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Sub 21, acquired in MC–FC–78904, broaden, (1) foodstuffs other than used in retail department stores and retail drug stores and materials, equipment and supplies used in the manufacture of bread to "food and related products and materials, equipment, and supplies used in the manufacture of food and related products", (2) remove restriction limiting traffic to shipments originating at or destined to the facilities of a named shipper association.

MC 148351 (Sub-6)X, filed December 29, 1981. Applicant: MANKE TRUCK LINE, INC., 2550 Boynton Lane, Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Sub 3 certificate and No. MC-144355 Sub 1 permit, boraden (1) insulating materials to "building materials" in Sub 3; iron and steel articles, and building materials to "building and construction materials" in Sub 1; (2) to radial authority in Sub 3; and to between points in the U.S. under continuing contract(s) with named shippers in Sub 1.

MC 148576 (Sub-10)X, filed December 29, 1981. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW, Atlanta, GA 30310. Representative: Brian S. Stern 75411–D Backlick Rd., Springfield, VA 22151. Lead and Subs 2F, 3F, and 4F: (1) broaden (a) glass, flat and automotive to "clay, concrete, glass or stone products", lead, (b) copper rods and empty cable reels to "metal products and empty cable reels", Sub 2F, (c) paper and paper products, and plastic and plastic products and materials, equipment, and supplies to "pulp, paper and related products, and rubber and plastic products, and materials, equipment, and supplies", Sub 3F, and (d) scrap materials and scrap metals to "waste or scrap materials not identified by industry producing", Sub 4F; (2) change one-way to radial authority, lead and Subs 2F and 4F; (3) replace cities with counties: Nashville, Tn (Davidson County) and Hazelwood, MO (St. Louis County), Lead; Gaston, SC (Lexington and Calhoun Counties) and Norcross, GA (Gwinnett County), Sub 2F; and Gaston, SC (Lexington and Calhoun Counties), Sub 4F; and (4) eliminate the facilities limitation, and except commodities in bulk restriction, Sub 3F.

MC 150006 (Sub-4)X, filed December 29, 1981. Applicant: RICHARD L. JENKINS and WARDELL E. JENKINS, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 6, Alpine, WY 83128. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Sub 3 permit broaden (1) bentonite, barite, drilling compounds, lost circulation materials and such commodities as are dealt in by mud companies to "Mercer commodities"; and (2) between points in the U.S.; under a continuing contract with a named shipper.

MC 151930 (Sub-3)X, filed January 4, 1982. Applicant: NEWCOMER TRUCKING, INC., 1200 Island Ave., McKee Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave, Pittsburgh, PA 15222. Sub 2: (1) broaden general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) remove the Pittsburgh, PA interchange restriction; (3) eliminate the PA Boroughs and Townships and replace with Armstrong Clarion, Forest, and Jefferson Counties, PA; and (4) remove the PA Hwy 28 exception to allow service to all points in the county.

[FR Doc. 82–857 Filed 1–12–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which is is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–181

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114

MC 134806 (Sub-1–22TA), filed December 30, 1981. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Books, on pallets,* from Brattleboro, VT to points in CA, under continuing contract(s) with The Book Press, Inc., Brattleboro, VT. Supporting shipper: The Book Press, Inc., Putney Road, Brattleboro, VT 05301.

MC 159677 (Sub-1–1TA), filed December 29, 1981. Applicant: RONALD W. RUONALA, 17 Niquette Drive, Nashua, NH 03062. Representative: Cynthia Ruonala (same as applicant). *Contract carrier:* irregular routes: *Prefabricated chimney products* from Redwood City, CA, to points throughout the U.S. under continuing contract(s) with Dura-Vent Corp., Redwood City, CA. Supporting shipper: Dura-Vent Corp., 2525 El Camino Real, Redwood City, CA 94064.

MC 139579 (Sub-1–2TA), filed December 28, 1981. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier:* irregular routes: *Paperboard boxes and cartons, pulpboard and paperboard stock, and related products and materials,* between Lockport, (Niagara County), NY and Stroudsburg (Monroe County), PA, under continuing contract(s) with Corson Manufacturing Co., Lockport, NY. Supporting shipper: Corson Manufacturing Co., 20–24 Michigan Street, Lockport, NY 14094.

MC 159872 (Sub-1–1TA), filed December 28, 1981. Applicant: POLLUTION CONTROL UNLIMITED, INC., 24 Hichborn Street, P.O. Box 301, Brighton, MA 02135. Representative: Polly Kratman (same as applicant). *Hazardous and non-hazardous materials, in bulk, in tank vehicles and in drums* between states east of the Mississippi River. Supporting shipper: Munro Drydock, 1 Winnissimett Street, Chelsea, MA 02150.

MC 49849 (Sub-1–1TA), filed December 23, 1981. Applicant: TRI-BOROUGH TRANSPORTATION, INC., 68 Kent Avenue, Brooklyn, NY 11211. Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C. 18 East 48th Street, New York, NY 10017. *Contract carrier:* irregular routes: *Flour, in bulk,* between Jamaica, NY, on the one hand, and, on the other, Elkton, MD and Camp Hill and Treichlers, PA, under continuing contract(s) with Modern Maid Food Products, Inc., Jamaica, NY. Supporting shipper: Modern Maid Food Products, Inc., 110–60 Dunkirk Street, Jamaica, NY.

MC 159455 (Sub-1–1TA), filed December 23, 1981. Applicant: DeFELICE TRUCKING COMPANY, 15 North Avenue, Plaistow, NH 03865. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Coal* between points in the U.S. (except AK and HI) under continuing contract(s) with Solid Fuel Depot, Biddeford, ME. Supporting shipper: Solid Fuel Depot, 374 Main Street, Biddeford, ME 04005.

MC 159455 (Sub-1–2TA), filed December 23, 1981. Applicant: DeFELICE TRUCKING COMPANY, 15 North Avenue, Plaistow, NH 03865. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Crushed Glass,* between points in the U.S. (except AK and HI) under continuing contract(s) with Container Recovery Corporation, Nashua, NH. Supporting shipper: Container Recovery Corporation, 12 Celina Avenue, Nashua, NH 03061.

MC 159230 (Sub-1–1TA), filed December 23, 1981. Applicant: DEAN H. YEATON, INC., R.F.D. #2, Yeaton Road, Plymouth, NH 03264. Representative: Dean H. Yeaton (same as applicant). *Lumber, coal, fertilizer and lime* (1) from NY, CT, MA, ME, VT to NH; (2) from NH to CT and VT. Supporting shipper(s): Tilton Agway, 261–263 Main Street, Tilton, NH 03276; Ireland Lumber Co. Inc., R.F.D. #2, Plymouth, NH 03264; G. O. Agway, Inc., R.F.D. #3, Route 11A, Laconia, NH 03264.

MC 159812 (Sub-1–1TA), filed December 22, 1981. Applicant: JOHN W. PEARSON, INC., 194 11th Avenue, Hawthorne, NJ 07506. Representative: William J. Hanlon, Hanover Plaza, Morristown, NJ 07960. *Sand* from Dividing Creek, NJ and New Port, NJ to Orangeburg, NY. Supporting shipper: Glenshaw Glass Co., Inc., 1101 William Flinn Hwy., Glenshaw, PA 15116.

MC 159874 (Sub-1–1TA), filed December 28 , 1981. Applicant: TAPWOOD TRUCKING CO. INC., 3657 Naomi Street, Seaford, L.I., NY 11783. Representative: Derwood A. Fish (same as applicant). *Contract carrier:* irregular routes: *Swimming pools, swimming pool supplies and accessories to include barbecue grills and their related parts.* (1) From the facilities of Island Swimming Sales, Inc., located at Farmingdale, L.I., NY, to Dallas, TX and return of above described merchandise. (2) From Virginia Beach, VA to the facilities of Island Swimming Sales Inc. located at Farmingdale, L.I., NY, under continuing contract(s) with Island Swimming Sales, Inc., of Farmingdale, L.I., NY. Supporting shipper: Island Swimming Sales, Inc., 40 Gazza Blvd., Farmingdale, L.I., NY 11735.

MC 43724 (Sub-1–1TA), filed December 23, 1981. Applicant: PHILLIP'S EXPRESS, INC., 61 Merrimac Street, Lawrence, MA 01842. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Poly batting,* between points in MA and CT, under continuing contract(s) with Loren Products/Div. Purex, Lawrence, MA. Supporting shipper: Loren Products/Div. Purex, 250 Canal Street, Lawrence, MA 01840.

MC 154993 (Sub-1–5TA), filed December 23, 1981. Applicant: H & W ENTERPRISES, INC., South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. *Contract carrier:* irregular routes: *Concrete products* from facilities in Androscoggin, ME to points in MA, RI, VT, CT, NH and NY under continuing contract(s) with Pre-Stressed Components Industries, Ltd. of Auburn, ME. Supporting shipper: Pre-Stressed Components Industries, Ltd., P.O. Box 1347, Auburn, ME 04210.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 119894 (Sub-II–5TA), filed January 4, 1982. Applicant: BOWARD TRUCK LINE, INC.,100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same as applicant). *Contract; irregular: General commodities (except commodities in bulk, classes A and B explosives, commodities in bulk, and those requiring special equipment and household goods)* between pts. in GA, MD, NC, SC, TN, VA, and DC, under continuing contract(s) with Southern Bonded Warehouse, Morrow, GA, for 270 days. Supporting shipper: Southern Bonded Warehouse, 1491 Mt. Zion Road, Morrow, GA 30260.

MC 143522 (Sub-II–7TA), filed January 4, 1982. Applicant: Consolidated Carriers, Inc., P.O. Box D, Irwin, PA 15642. Representative: John T. Wirth, 717 17th Street, Ste. 2600, Denver, CO 80202. Such commodities as are dealt in or used by manufacturers and distributors

of accessories for recreational vehicles and transportation equipment. Between the facilities utilized by the Scott & Fetzer Co. at Broomfield, CO Waterloo, IA, and Booneville, MS, on the one hand, and, on the other points in IN, FL, GA, TX, CA, OH, AZ, KY, and WA, for 270 days. Supporting shipper: Scott & Fetzer Company, 2760 Industrial Lane, Broomfield, CO 80020.

MC 158793 (Sub-II–4TA), filed January 4, 1982. Applicant: DR. CULLY'S CARTAGE CO., INC., 332 Clubhouse Lane, Hunt Valley, MD 21031. Representative: Glenn M. Heagerty (same as applicant). *Contract; irregular: General commodities,* between Cockeysville, Hunt Valley and Baltimore, MD, on the one hand, and, on the other, TX and Points in states on and east of the Mississippi River except DE, MD, NJ, NY, PA, VA, and DC for 270 days, under continuing contract(s) with Dr. Cully's Depot, Inc., Hunt Valley, MD. An underlying ETA seeks 120 days authority. Supporting shipper(s): Dr. Cully's Depot, Inc., 332 Clubhouse Lane, Hunt Valley, MD 21031.

MC 154589 (Sub-II–3TA), filed January 4, 1982. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Coal* between pts. in VA on the one hand, and, on the other, pts. in PA, MD and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jones Coal, Inc., P.O. Box 1503, Cumberland, MD 21502 and Keystone Coal Co., 1 E. Market, P.O. Box 2027, York, PA 17405.

MC 159922 (Sub-II–1–TA), filed January 4, 1982. Applicant: MARJENN TRUCKING COMPANY, 600 Arch Street, Cresson, PA 16630. Representative: Thomas M. Mulroy, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Irregular, Contract: General commodities* (except household goods as defined by the Commission and Classes A and B explosives) between points in IL, KY, PA and WV on the one hand, and on the other, points in AZ, CO, GA, IA, OH, OK, IN, IL, KY, MD, MO, MT, NJ, NE, TN, TZ, PA, WI, WV, VA, for 270 days, under continuing contract(s) with Jennmar Corporation, Keystone Bolt of Kentucky, Keystone Bolt Company, Frank Calandra of Kentucky, Inc., Jennmar Corporation of West Virginia, Inc., Jennmar Corporation of Illinois, Inc., Keystone Bolt Company of West Virginia, Inc., Keystone Bolt of Illinois, Frank Calandra of West Virginia, Inc., Frank Calandra of Illinois, Inc., Jennmar Corporation of Kentucky, Inc., Frank Calandra, Inc., address: PO Box 187 Cresson, PA 16630.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 150865 (Sub-3–9TA), filed December 31, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC., 720 S. Lafayette Street, Post Office Box 144, Shelby 28150. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Food and related products* between the facilities of or used by Banquet Foods Corporation at points in MO, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, NB, NC, OK, SC, TN, TX, and WI. Supporting shipper: Banquet Foods Corporation, One Banquet Place, Ballwin, MO 63011.

MC 150865 (Sub-3–10TA), filed December 31, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC., 720 S. Lafayette Street, Post Office Box 144, Shelby, NC 28150. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Food and related products* from the facilities of or utilized by Armour Food Company at points in IA, MN, MO, NE, and SD to points in FL, GA, NC, SC, TN, and TX. Supporting shipper: Armour Food Company, Greyhound Tower, Station 1130, Phoenix, AZ 85077.

MC 125037 (Sub-3–18TA), filed December 31, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except Classes A and B explosives and hazardous wastes)* between points in the U.S. for the account of National Freight, Inc. Supporting shipper: National Freight, Inc., 1506 4th Avenue SW, Decatur, AL 35601.

MC 142655 (Sub-3–4TA), filed December 31, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 668, Hartselle, AL 35640. Representative: Donald B. Sweeney, Jr., Esq., P.O. Box 2366, Birmingham, AL 35201. *Contract* Carrier; irregular *Retail store fixtures and materials and supplies used in the manufacture thereof* between the facilities of or used by The Lozier Corporation Scottsboro, AL to all points in and east of ND, SD, NE, KA, OK, and TX. Supporting Shipper: Lozier Store Fixtures, Inc., 4401 N. 21st St., Omaha, NE 68110.

MC 145738 (Sub-3–7TA), filed December 31, 1981. Applicant: EAST-WEST MOTOR FREIGHT, INC., Highway 45, South, P.O. Box 607, Selmer, TN 38375. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201. *Such commodities as are dealt in or used by retail and discount department stores and catalog showrooms* between Clay County, MS, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Blazon-Flexible Flyer, Inc., 100 Tubb Avenue, West Point, Clay County, MS 39773.

MC 115654 (Sub-3–31TA), filed December 31, 1981. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20423. *Contract* Carrier: Irregular. *Frozen foods,* between points in the US under continuing contract(s) with Mrs. Smith's Frozen Food Company of Pottstown, PA. Supporting Shipper(s): Mrs. Smith's Frozen Food Company, P.O. Box 298, Pottstown, PA 19464.

MC 134681 (Sub-3–1TA), filed January 4, 1982. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, NC 28211. Representative: Samuel Siegel, Vice President (same as above). *Contract* Carrier irregular route: *Scrap metals, iron and steel articles, and crushed auto bodies for recycling,* between points in the US under a continuing contract(s). Supporting shipper: The David J. Joseph Co., 300 Pike Street, P.O. Box 1078, Cincinnati, OH 45201.

MC 136123 (Sub-3–25TA), filed December 30, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, Florida 33561. Representative: David M. Kuehl (same as above). *Air conditioning equipment, heat equipment and solar water heating* equipment between Hutchins, TX and points in the US. Supporting Shipper: Northrup, Inc., 302 Nichols Drive, Hutchins, TX 75141.

MC 140484 (Sub-3–27TA), filed December 30, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Rubber and plastic products and materials, equipment and supplies used in the manufacture, marketing, and distribution of rubber and plastic products* between Livingston County, MI and selected sub-contractors located throughout the U.S. on the one hand, and on the other, points in the U.S. Supporting shipper: Pinckney Molded

Plastics, Inc., 450 Howell St., Pinckney, MI 48169.

MC 146293 (Sub-3–35TA), filed January 5, 1982. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328. *Textile mill products (except commodities in bulk),* from facilities of Bayly Corp., at or near Norcross, GA, to facilities of Bayly Corp. and its subsidiaries at or near Greely, CO, Shelbyville, TN, and Waco, TX. Supporting shipper: Bayly Corp., P.O. Box 5148, Denver, CO 80218.

MC 159948 (Sub-3–1TA), filed January 5, 1982. Applicant: SOUTH TRANSPORT, INC., 4530 Mobile Highway, Montgomery, AL 36108. Representative: William K. Martin, Post Office Box 2069, Montgomery, AL 36197. *Meat, meat products, meat byproducts and articles distributed by meatpacking houses (except hides and skins and commodities in bulk),* (1) from the facilities of Missouri Beef Packers at or near Plainview, TX, to the facilities of Southern Foods at or near Columbus, GA, and (2) from the facilities of Southern Foods at or near Columbus, GA, to all points in FL. Supporting shipper: Southern Foods, P.O. Box 2037, Columbus, GA 31994.

MC 143792 (Sub-3–1TA), filed January 4, 1982. Applicant: KEN WATFORD, 2200 Locust Street, NE., St. Petersburg, FL 33704. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Containers* from Homerville, GA to points in FL and SC and (2) *Materials and Supplies* from points in FL and GA to Homerville, GA. Supporting shipper: Standard Container Co., Inc., Highway 84 West, Homerville, GA 31534.

MC 107002 (Sub-3–25TA), filed January 4, 1982. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address applicant). *Rice Hull Ash* from the facilities utilized by Uncle Ben's, Inc., and divisions thereof at or near Lake Village, AR to points in the U.S. (except AK and HI). Supporting shipper: Uncle Ben's, Inc., 1098 N. Broadway, Greenville, MS 39801.

MC 159518, (Sub-3–1TA), filed January 4, 1982. Applicant: K. & P. TRUCKING, INCORPORATED, Route 2 Box 143, Vale, NC 28168. Representive: Peggy Boyles (Same as applicant). *Contract Carrier,* Irregular routes, *cardboard boxes,* from points in Gaston County and Durham County in NC and Newton County in GA to FL. Supporting shipper: S Sales Co., Inc. 7710 NW 74th Avenue, Miami, FL 33166.

MC 31389 (Sub-3–12TA), filed January 4, 1982. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27154. *Contract Carrier:* Irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* between points in the US, under continuing contract or contracts with J. C. Penney Company, Inc., New York, NY. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 147547 (Sub-3–6TA), filed January 4, 1982. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Floor, 501 Union Building, Nashville, TN 37219. *Floor coverings, wall coverings, material, supplies and equipment used in manufacturing or installation of the above,* between the facilities of Tarkett, Inc., at or near Vails Gate, NY, Whitehall, PA, and Long Beach, CA, on the one hand, and, on the other, points, in the U.S. Supporting shipper: Tarkett, Inc., P.O. Box 1142, Radio City Station, NY, NY 10101.

MC 11220 (Sub-3–17TA), filed January 5, 1982. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *Contract Carrier:* Irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between points in the U.S. under continuing contract(s) with J. C. Penney Company, Incorporated, of New York, N.Y. Supporting shipper: J. C. Penny Company, Incorporated, 1301 Avenue of the Americas, New York, NY 10012.

MC 155822 (Sub-3–1TA), filed January 5, 1982. Applicant: BILL JAMES DEESE d.b.a. DEESE COACH LINES, Post Office Box 338, Pembroke, NC. Representative: E. Gregory Stott, Post Office Box 131, Raleigh, NC. *Passengers and their baggage, in charter operations,* between points in Robeson County, NC and points in AL, DC, GA, FL, SC, and VA. Supporting shippers: There are fourteen supporting shippers' statements which can be reviewed at the I.C.C. regional office, Atlanta, GA.

MC 159938 (Sub-3–1TA), filed January 5, 1982. Applicant: SPURGEON TRUCKING COMPANY, INC., Route 3, Leoma, TN 38468. Representative: Roland M. Lowell, 5th Floor, 501 Union Street, Nashville, TN 37219. *Contract. Irregular, food and related products* between Atlanta, GA, Lawrenceburg, TN, Green Bay, WI, and New Orleans, LA (and the commercial zones of each). Supporting shipper: Pauly Cheese Company, Division of Swift & Company, P.O. Box 1467, Green Bay, WI 54305.

MC 159959 (Sub-3–1TA), filed January 6, 1982. Applicant: ROWE & LONG TRANSPORT COMPANY, INC., P.O. Box 67, Nicholls, GA 31554. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Lumber,* between the facilities of Brunswick Pulp and Paper Company, Inc., at or near Pierson, GA and McCormick, SC on the one hand, and on the other, points in GA, FL and SC. Supporting shipper: Brunswick Pulp and Paper Company, Inc., P.O. Box 1733, Brunswick, GA 31521.

MC 141323 (Sub-3–1TA), filed January 6, 1982. Applicant: TMT INTERMODAL TRANSPORT, INC., 1163 Talleyrand Avenue, Jacksonville, FL 32203. Representative: Leo C. Franey, 918 16th Street, N.W., Washington, D.C. 20006. *General commodities (except classes A and B explosives, and household goods), between points in the Philadelphia, PA, commercial zone,* restricted to the transportation of traffic having a prior or subsequent movement by water. Supporting shipper: Trailer Marine Transport Corporation, 815 Haines Street, Jacksonville, FL, 32203.

MC 146646 (Sub-3–47TA), filed January 6, 1982. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Road, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except classes A and B explosives and hazardous wastes)* Between points in the U.S. for the account of Distribution Technology, Inc. d/b/a International Freight Brokers, Inc. Supporting shipper: Distribution Technology, Inc. d/b/a International Freight Brokers, Inc., P.O. Box 7123, Charlotte, NC 28217–7123.

MC 126899 (Sub-3–5TA), filed January 5, 1982. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Representative: George M. Catlett, Suite 700–702, McClure Building, Frankfort, KY 40601. *Wine and cordials* from Chicago, IL, Lawrenceburg, IN, and St. Louis, MO, to Toledo, OH. Supporting Shipper: Z & Z Distributing, 4401 Lagrange, Toledo, OH 43612.

MC 159932 (Sub-3–1TA), filed January 5, 1982. Applicant: CLARENCE KENNEDY, JR., d.b.a. KENNEDY & SON TRUCKING, Route 1, Box 81, Tryon, NC 28782. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W.,

Washington, DC 20005. *Textile mill products, and materials and supplies used in the manufacture and distribution thereof,* between the facilities of James Street Fashion and Match Master, Inc., at or near Los Angeles, CA, on the one hand, and, on the other, points in NC, SC, TN, GA, AL, VA, NJ, PA, DE, and TX. Supporting shipper(s): James Street Fashion and Match Master, Inc., 443 South San Pedro Street, Los Angeles, CA 90013.

The following applications were filed in region 5. Send Protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 48221 (Sub-5–5TA), filed December 31, 1981. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Hardware* from Des Plaines, IL to pts in NE, IA, MO, MN, and KS. Supporting shipper: Monogram World Fasteners, Inc., 1757 South Marshall, Des Plaines, IL 60018.

MC 121293 (Sub-5–1TA), filed December 31, 1981. Applicant: PHILLIP E. REEDY, d.b.a. VALLEY TRANSFER, Elkhorn, NE 68022. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Such commodities as are used or dealt in by manufacturers and distributors of (1) irrigation systems, (2) light poles, (3) heating and cooling systems, (4) sewage and waste treatment systems, (5) steel pipe or tubing, and (6) iron or steel articles,* between pts in Douglas county, NE, on the one hand, and, on the other, pts in MI, IN, WI, IL, MN, IA, MO, SD, KS, OK, WY, and CO. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064.

MC 128075 (Sub-5–3), filed December 31, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 Contract irregular *Soybean Oil (in Bulk),* from Manning and Mason City, IA, to Wichita, KS; Lincoln, NE; Chicago, IL and Mankato, MN, under contract with Agri Industries. Supporting shipper: Agri Industries, P.O. Box 4887, Des Moines, IA 50306.

MC 159702 (Sub-5–1TA), filed December 3, 1981. Applicant: MID-AMERICA DAIRYMEN, INC., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: E. R. Grant (same address as applicant). Contract irregular *General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Evansville and Mt. Vernon, IN, Zeeland, MI, and Springfield, MO, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Mead Johnson & Company of Evansville, IN. Supporting shipper: Mead Johnson & Company, 2404 Pennsylvania Avenue, Evansville, IN 47721.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 159829 (Sub-6–1TA), filed December 21, 1981. Applicant: A & D TRANSPORTATION, INC., 175 Vermont St., San Francisco, CA 94103. Representative: Daniel J. Custer, 260 Pine St., San Francisco, CA 94104. *General Commodities,* between points in CA in interstate and foreign commerce with prior or subsequent ex-rail or water movements, for 270 days. Supporting shippers: Ball Container Corp., 345 South High St., Muncie, IN; Shaklee Corp., 456–22nd St., Oakland, CA; Federated Foods, Inc., 520 Mercury Dr., Sunnyvale, CA.

MC 82965 (Sub-6–2TA), filed December 24, 1981. Applicant: AMADOR STAGE LINES, INC., P.O. Box 15707, Sacramento, CA 958520707. Representative: William D. Taylor, 100 Pine St., No. 2550, San Francisco, CA 94111. *Passengers and their baggage,* (1) in *special* operations beginning and ending at points in Nevada, Yuba, Sutter, Plumas and Butte counties, CA, and extending to points in Carson, Douglas, Washoe and Storey counties, NV; and (2) in *charter* operations beginning and ending at points in Nevada, Butte, Tehama, Glenn and Colusa counties, CA, and extending to points in Carson, Douglas, Washoe and Storey counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are eleven supporting appendices which may be inspected at the offices of Region 6 Motor Carrier Board, 211 Main St., San Francisco, CA.

MC 159902 (Sub-6–1TA), filed December 28, 1981. Applicant: FRANK BACA, 122 Los Ranchos Road, N.W., Albuquerque, NM 87107. Representative: Frank Baca, 122 Los Ranchos Road, NW., Albuquerque, NM 87107. *Contract carrier;* irregular routes, *copper concentrates in bulk, in dump vehicles* from San Pedro Mine, Santa Fe County, NM to Asarco Smelter, El Paso, TX for 270 days. Supporting shipper: St. Cloud Mining Company, P.O. Box 11398, Albuquerque, NM 87112.

MC 129219 (Sub-6–6TA), filed December 21, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214. *Contract Carrier,* Irregular routes: *Pulp, paper* and *related products* between Portland, OR on the one hand, and, on the other, Tacoma, Seattle, Walla Walla, Spokane, Yakima and Pasco, WA; Los Angeles, Redding, San Francisco, San Diego, Santa Cruz, Stockton, Fresno, Riverside and Anderson, CA; Blackfoot, Lewiston, Lewisville, Twin Falls, Boise, Nampa, Pocatello and Idaho Falls, ID; and Salt Lake City, UT for the account of Pacific Paperboard Products, Inc. for 270 days. Supporting shipper: Pacific Paperboard Products, Inc., 2424 S.E. Holgate Blvd., Portland, OR 97202.

MC 159877 (Sub-6–1TA), filed December 28, 1981. Applicant: CERTIFIED METALLURGICAL SYSTEMS CORPORATION, 3615 Pacific Blvd., Albany, OR 97321. Representative: Richard A. Polachek, 39692 Lacomb Dr., Lebanon, OR 97355. *Common carrier,* regular route; *General commodities,* (except household goods and Class A & B explosives) From Albany, OR to AK, CO, ID, IN, KS, MI, MO, MT, NE, NV, ND, WA, WY and CA for 270 days. Supporting shippers: Transistion Metals Corporation, 3615 Pacific Blvd., Albany, OR 97321.

MC 42487 (Sub-6–67TA), filed December 22, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.Box 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: *General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in the U.S., under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY and its Subsidiaries and Divisions, for 270 days. Supporting shipper(s): J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 144756 (Sub-6–6TA), filed December 21, 1981. Applicant: DEDICATED TRUCKING CORP., P. O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 12600 S. E. 38th St., Suite 200, Bellevue, WA 98006. *Flour, in bags,* from Ogden, UT to points in CA. For 270 days. Supporting

shipper: Peavey Company, 220 W. 30, Ogden, UT 84401.

MC 147351 (Sub-6–1TA), filed December 22,, 1981. Applicant: YORK ENTERPRISES, INC., d.b.a. DIAMOND Y HOT SHOT, 205 N. 1st Ave., Mills, WY 82644. Representative: Eric A. Distad, P. O. Box 2314, Casper, WY 82602. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery and equipment used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, including electrical and geothermal energy and ore.* From, to, or between: KS, OK, LA, TX, NM, AZ, CA, NV, OR, WA. For 270 days. Supporting shippers: There are fifteen (15) supporting shippers. Their statements may be examined at the Region 6 Office.

MC 159646 (Sub-6–1TA), filed December 29, 1981. Applicant: ENERGY TRUCKING, INC., 4100 S. 500 W., Salt Lake City, UT 84111. Representative: John T. Caine, 2568 Washington Blvd., Ogden, UT. 84401. Contract carrier, Irregular routes: *Uranium bearing ores* from Mojave County, AZ to San Juan County, UT., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Energy Fuels Nuclear, Inc., Suite 900, Three Park Central, 1515 Arapahoe St., Denver, CO 80202.

MC 159770 (Sub-6–1TA), filed December 14, 1981. Applicant: GRAYWAYS, INC., P.O.B. 80841, Seattle, WA 98108. Representative: Rebecca Sievers (same as applicant). *Passengers and their baggage in charter and special operations* from points in WA and OR to Reno, NV for 180 days. Supporting shipper(s): International Travel, Inc., 1110½ Fourth Ave., Seattle, WA 98101; Creative Travel, 610 Crockett St., Seattle, WA 98119; Skagit Valley Travel, 829 Waldron St., Sedro Woolley, WA 98284; Bon Voyage Travel, 13752–104 Ave., Currey, BC, CD, V3T 1W5.

MC 146360 (Sub-6–14TA), filed December 21, 1981. Applicant: GREAT WEST TRANSPORTATION, INC., 110 N. Curtis, Boise, ID 83706. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Food and related products,* between points in the U.S., except AK and HI. Restricted to traffic originating at or destined to facilities utilized by Ore-Ida Foods, Inc., for 270 days. An underlying EPA seeks 120 days authority. Supporting shipper: Ore-Ida Foods, Inc., 220 W. Parkcenter Blvd., Boise, ID 83706.

MC 158644 (Sub-6–1TA), filed December 30, 1981. Applicant: HIGH PLAINS TRANSPORTATION, INC., P.O.B. 26291, Lakewood, CO 80226. Representative: David E. Driggers, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *(1) food and related products and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries* between Galveston, TX and points in Jefferson County, CO, on the one hand, and, on the other, points in CO, KS, MS, NE, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Adolph Coors Company, Golden, CO 80401; Castle & Cooke Foods, 2900 Veterans Blvd., Metairie, LA 70002.

MC 145579 (Sub-6–4TA), filed December 24, 1981. Applicant: D. IRVIN TRANSPORT, LTD., Box 8, Station T, Calgary, Alberta, CD T2H 2G7. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. *Service and workover rigs and equipment, materials and supplies used in the manufacture and assembly thereof,* between the facilities of Knoll Rig and Equipment Manufacturing Co. Ltd., (KREMCO) near Ogden, UT, on the one hand and the other, points in the U.S., for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Knoll Rig and Equipment Manufacturing Co. Ltd., 3620–93 St., Edmonton, Alberta, CA T6H 4N6.

MC 148877 (Sub-6–2TA), filed December 21, 1981. Applicant: LEON'S TRUCKING CO., P.O. Box 10124, Eugene, OR 97440. Representative: Frederick DeLeon (same as applicant). *Petroleum products, Iron & Steel articles, Paint & Abrasives* between Eugene, OR, and Spearfish, SD, Grayling, MI, Richmond, CA & Eagar, AZ for 270 days. Supporting shipper(s): Jones Oil & Supply Co., P.O.B. 933, 92238 Main, Marcola, OR 97454; Emerald Steel Fabricators, 29402 W. Enid Rd., Eugene, OR 97402; Blodgett Steel Fabricators, Inc., 30011 Leghorn Rd., Eugene, OR 97402; Oregon Sandblast and Coating, Inc., 90673 Link Rd., Eugene, OR 97402.

MC 153634 (Sub-6–3TA), filed December 28, 1981. Applicant: RAND E. LITTLE, d.b.a. LITTLE-MONTANA TRANSPORTATION, P.O. Box 3485, Bozeman, MT 59715. Representative: Rand E. Little (same as applicant). *Contract Carrier,* Irregular route *Furniture and Fixtures,* Between Los Angeles, CA and points in OR, WA, ID, MT, WY, UT, CO, AZ, NM, TX. Between San Francisco, CA and points in OR, WA, ID, MT, WY, UT, CO, AZ, NM, TX. Between Salt Lake City, UT and points in CA, OR, WA, ID, MT, WY, CO, AZ, NM, TX, for 270 days. For the accounts of Budget Furniture, Joslins Furniture, and Serv ur Self Furniture. Supporting shippers: Budget Furniture 1520 Custer St., San Francisco, CA 94124. Budget Furniture 3340 Ocean Park Blvd., Suite 3055. Marina Del Ray, CA 90405. Joslin Furniture, 301 Euclid Ave., Helena, MT 59601. Serv ur Self Furniture, 311 N. 7th Ave., Bozeman, MT 59715.

MC 138762 (Sub-6–6TA), filed December 17, 1981. Applicant: MUNICIPAL TANK LINES LIMITED, P.O.B. 3500, Calgary, Alberta, CN T2P 2P9. Representative: D. S. Vincent (same as applicant). *Agriculture Lime,* from points on the International boundary line between the U.S. and CD located in NY to Watertown, NY, Utica, NY, Canton, NY, and Waterville, VT for 270 days. Supporting shipper: J. R. Storey Construction Co. Ltd., R.R. #2, Bath, Ontario, CN KOH 1G0.

MC 159832 (Sub-6–1TA), filed December 21, 1981. Applicant: PAR TRUCKING, INC., 1008 E. Morven, Lancaster, CA 93535. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Soda ash, in bulk,* from Trona, Argus or Westend, CA to Henderson, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Timet Division, Titanium Metals Corp. of America, P.O.B. 2128, Henderson, NV 89015.

MC 158014 (Sub-6–1TA), filed December 28, 1981. Applicant: PAYLESS AUTO TOWING, LTD., 332 W. 23rd St., Vancouver, B.C., CD V7M 2B5. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Antique Automobiles,* between ports of entry on the international boundary line between the U.S. and CD located in WA, on the one hand, and, on the other, points in the Los Angeles commercial zone for 270 days. Supporting shippers: Kentish House Motors, 19370 Enterprise Way, Surrey, B.C., CD B3S 4N9; Octagon Motors, 159 W. 2nd Ave., Vancouver, B.C., CD V5Y 1Z8.

MC 159815 (Sub-6–11TA), filed December 21, 1981. Applicant: LAUREL PHILLIPS, 11570 Ponderosa Dr., Fontana, CA 92335. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Paper, printing other than newsprint,* from the plantsite and warehouse facilities of Simpson Paper Company located in Pomona, CA to points in AZ for 270 days. Supporting shipper: Simpson Paper Company, 100 Erie St., Pomona, CA.

MC 113271 (Sub-6–11TA), filed December 11, 1981. Applicant: ROLAND

I. NISEWANDER, Jr., d.b.a. R & E TRUCKING, P.O.B. 2214, Fullerton, CA 92633. Representative: Roland E. Weigold, P.O.B. 882, Garden Grove, CA 92642. *Contract carrier,* Irregular routes: *Paper products and new Furniture* between Buena Park, CA and Santa Fe Springs, CA to points in CA, AZ, NV, OR, WA, UT, ID, CO, NM, & TX, for the account of S.C.M. Walton Printing, Inc. and Roy E. Thomas Furniture Mgf., Inc. for 270 days. Supporting shipper: S.C.M. Walton Printing, Inc., 6400 Artesia Blvd., Buena Park, CA 90620; Roy E. Thomas Furniture Mgf., Inc. 13724 E. Borate St., Santa Fe Springs, CA 90670.

MC 113271 (Sub-6–11TA) filed December 16, 1981. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Kenneth G. Thomas (same as applicant). *Petroleum, natural gas and related products,* between points in MT on the one hand and, on the other, points in WY for 270 days. An underlying ETA seeks 120 days auth. Supporting shipper: G.A. Enterprises, P.O. B. 350, Worland, WY 82401.

MC 113271 (Sub-6–12TA), filed December 28, 1981. Applicant: TRANSYSTEMS, INC., P.O. Box 399, Black Eagle, Montana 59414. Representative: Kenneth G. Thomas (same as applicant). *Petroleum, natural gas and related products,* between points in MT on the one hand and, on the other, Williston, ND for 270 days. Supporting shipper: Marketing International Ltd., Bainville, MT 59212. Applicant has filed an underlying ETA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–858 Filed 1–12–82; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–114]

Certain Miniature Plug-in Blade Fuses; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 7, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Littelfuse, Inc., 800 E. Northwest Highway, Des Plaines, Illinois 60016. The complaint alleges unfair methods of competition and unfair acts in the importation of miniature plug-in blade fuses into the United States, or in their sale, by reason of the alleged (a) infringement by said fuses of U.S. Letters Patent 3,909,767, U.S. Letters Patent 4,040,175, U.S. Letters Patent 4,056,884, and U.S. Letters Patent 4,131,869; (b) misrepresentation of source of origin and misappropriation of trade dress; (c) passing off; and (d) false advertising by Walter Electronic Co., Ltd. and Terng Nan Industrial Corp. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue an order excluding miniature plug-in blade fuses which infringe (a) claims 7 and 9 of U.S. Letters Patent 3,909,767, (b) claims 2, 3, 6, and 11 of U.S. Letters Patent 4,040,175, (c) claim 17 of U.S. Letters Patent 4,056,884, and (d) claims 1, 2, and 13 of U.S. Letters Patent 4,131,869 and an order excluding the miniature plug-in blade fuses which infringe the complainant's proprietary trademarks and trade dress. The complainant also seeks an order requiring the respondents to cease and desist from selling their existing inventories of infringing miniature plug-in blades fuses in the United States.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's rules of practice and procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on January 4, 1982, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain miniature plug-in blade fuses, or in their sale, by reason of the (a) infringement by said fuses of claims 7 or 9 of U.S. Letters Patent 3,909,767, claims 2, 3, 6 or 11 of U.S. Letters Patent 4,040,175, claim 17 of U.S. Letters Patent 4,056,884, or claims 1, 2, or 13 of U.S. Letters Patent 4,131,869; (b) misrepresentation of source of origin and misappropriation of trade dress; (c) passing off; or (d) false advertising by Walter Electronic Co., Ltd. or Terng Nan Industrial Corp., the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Littelfuse, Inc., 800 E. Northwest Highway, Des Plaines, Illinois 60016.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Fuji Industries, Yang Tye Building, Third Floor, No. 50, Sung Chiang Road, Taipei, Taiwan
Leumark Industrial Co., Ltd., P.O. Box 38–113, Taipei, Taiwan
Walter Electronic Co., Ltd., P.O. Box 48–22, Taipei, Taiwan
Terng Nan Industrial Corp., P.O. Box 55–462, Taipei, Taiwan
Rite Industrial Corp., P.O. Box 59105, Taipei, Taiwan
Yueh Jyh Metal Industrial Co., Ltd., No. 257 Fu Hsin Road, Chung Ho City, Taipei Hsien, Taiwan
M & T Auto Parts, 3038 31st Street, Long Island City, New York 11102
Speedway, 4140 Eagle Rock Boulevard, Los Angeles, California 90065
David Art & Handicraft Co., Ltd., P.O. Box 16–133, Taipei, Taiwan
Tophole Trading Co., Ltd., P.O. Box 17–157, Taipei, Taiwan
Interchem Corp., 403 W. 8th Street, Suite 620, Los Angeles, California 90014
Zeeman Fuse Manufacturing Corp., 2F and 3F, No. 2, Lane 79, San Chang Road, Nankank District, Taipei, Taiwan

(c) Juan Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission Investigative Attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondent in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the

complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1272.

By order of the Commission.

Issued: January 7, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–804 Filed 1–12–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–80 (Final)]

Termination of Countervailing Duty Investigation Concerning Lamb Meat From New Zealand

AGENCY: United States International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 704(a) of the Trade Agreement Act of 1979, with regard to lamb meat from New Zealand.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, telephone number (202) 523–0305.

SUPPLEMENTARY INFORMATION: On April 23, 1981, a petition was filed with the Department of Commerce by counsel for the National Wool Growers Association, Inc., Salt Lake City, Utah, alleging that imports of lamb meat from New Zealand are being subsidized within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). The National Lamb Feeders Association, Inc., Menard, Texas, became a copetitioner on May 12, 1981. As New Zealand was not at that time a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)), there was no requirement for the petition to be filed with the Commission pursuant to section 702(b)(2) (19 U.S.C. 1671a(b)(2)) and no requirement for the Commission to conduct a preliminary material injury investigation pursuant to section 703(a) (19 U.S.C. 1671b(a)).

On September 17, 1981, however, the United States Trade Representative announced that New Zealand had become a "country under the Agreement" (46 FR 46263). Accordingly, Commerce terminated its investigation under section 303, initiated an investigation under section 702, and notified the Commission of its action on September 21, 1981.

Therefore, effective September 21, 1981, the Commission, pursuant to section 703(a) of the Act (19 U.S.C. 1671b(a)), instituted preliminary countervailing duty investigation No. 701–TA–80 (Preliminary). On November 8, 1981, the Commission determined by a 4–2 vote that there is a reasonable indication that industry in the United States is materially injured, or is threatened with material injury, by reason of imports from New Zealand of lamb meat, provided for in item 106.30 of the Tariff Schedules of the United States (TSUS), upon which bounties or grants are alleged to be paid.

The Department of Commerce published in the **Federal Register** of November 30, 1981 (46 FR 58128) its preliminary affirmative countervailing duty determination, estimating a net subsidy of 6.19 percent of the f.o.b. value of lamb meat exports to the United States. Accordingly, effective November 30, 1981, the Commission instituted investigation No. 701–TA–80 (Final) under section 705(b) of the Act to determine whether an industry in the United States is materially injured, or is threatened with material injury or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination.

On December 23, 1981, the Commission was notified by letter that the National Wool Growers Association, Inc., and the National Lamb Feeders Association, Inc. withdrew their petition which prompted the countervailing duty investigation concerning lamb meat from New Zealand. No reason was given in the letter for their withdrawal.

Since the National Wool Growers Association and the National Lamb Feeders Association were the sole petitioners and since these two organizations were the sole participants in the public hearing held in connection with the Commission's preliminary investigation on the subject, the Commission is terminating its investigation on lamb meat from New Zealand, Inv. No. 701–TA–80 (Final), pursuant to section 704(a) of the Trade Agreements Act of 1979.

By order of the Commission.

Issued: January 5, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–8951 Filed 1–12–82; 8:45 am]

BILLING CODE 7020–02–M

Termination of Countervailing Duty Investigation Concerning Refrigerators, Freezers, Other Refrigerating Equipment, and Parts From Italy

AGENCY: U.S. International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to refrigerators, freezers, other refrigerating equipment, and parts from Italy.

EFFECTIVE DATE: January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, telephone number (202) 523–0296.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on refrigerators, freezers, other refrigerating equipment, and parts from Italy (T.D. 75–85).

On October 26, 1981, the Commission received a letter from counsel for White Consolidated Industries, Inc., the original petitioner for the countervailing duty order, stating that it was withdrawing its request for the imposition of countervailing duties

under the above referenced countervailing duty order.

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders. Before terminating a section 104 investigation the Commission solicits public comment, then approves the termination only if it is in the public interest.

On November 25, 1981, (45 FR 57786) the Commission published a notice in the Federal Register requesting public comment by December 28, 1981, on the proposed termination of the Commission investigation on refrigerators, freezers, other refrigerating equipment, and parts from Italy. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on refrigerators, freezers, other refrigerating equipment, and parts from Italy (T.D. 75–85). The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, if the countervailing duty order were to be revoked.

In addition to publishing this Federal Register notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this investigation and is also notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: January 7, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–806 Filed 1–12–82; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Amendment to Consent Decree in Action to Enforce Compliance With Provisions of the Clean Air Act

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 23, 1981, a proposed consent decree in *United States* v. *United States Steel Corporation*, Civil Action No. 79–225 was lodged with the United States District Court for the Northern District of Ohio, Eastern Division. The proposed amendment allows the substitution of a different technology for control of emissions from the casthouses at the defendant's Lorain Works.

The Department of Justice will receive until February 12, 1982 written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *United States Steel Corporation*, D.J. Ref. 90–5–2–3–880.

A proposed consent decree (minus a confidential appendix containing certain proprietary information) may be examined at the office of the United States Attorney, Northern District of Ohio, Eastern Division, Room 400, United States Courthouse, Cleveland, Ohio 44114; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree (minus the confidential appendix) may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–804 Filed 1–12–82; 8:45 am]

BILLING CODE 4410–01–M

Consent Decree in Action To Require Compliance With Requirements of Clean Air Act

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on December 22, 1981, a proposed consent decree in *United States of America* v. *Compania Sun Oil de Yabucoa*, Civil Action No. 81–2463, was lodged with the United States District Court for the District of Puerto Rico. The decree requires Compania Sun Oil de Yabucoa to operate its Yabucoa, Puerto Rico petroleum refinery in compliance with the Clean Air Act, 42 U.S.C. 7401, et seq., and Rule 403(A) of the Commonwealth of Puerto Rico Regulation for the Control of Atmospheric Pollution, Amended Version ("RCAP"), a part of the Puerto Rico State Implementation Plan ("PRSIP"), or any applicable amendment or revision thereof. The decree also provides for the payment of of a civil penalty in the amount of eight thousand dollars ($8,000.00).

The consent decree may be examined at (1) the office of the United States Attorney, District of Puerto Rico, 101 Federal Bldg., Carlos Chardon St., Hato Rey, Puerto Rico 00918, (2) the office of the Environmental Protection Agency, Region II, General Enforcement Branch, 26 Federal Plaza, New York, N.Y. 10278, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1254, Ninth St. and Pennsylvania Ave., N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. The Department of Justice will receive comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America* v. *Compania Sun Oil de Yabucoa*, DOJ Reference No. 90–5–2–1–511.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–806 Filed 1–12–82; 8:45 am]

BILLING CODE 4410–01–M

Proposed Consent Decree in Action to Require Compliance With Requirements of Clean Air Act

In accordance with Departmental policy, 28 CFR 50. 7, 38 FR 19029, notice is hereby given that on November 12, 1981, a proposed consent decree in *United States of America v. Silver Spring Taxi, Incorporated*, Civil Action No. R–81–154, was lodged with the United States District Court for the District of Maryland. The proposed decree requires *Silver Spring Taxi, Inc.* to pay a civil penalty for rendering inoperative vehicle emission control equipment on two taxis in violation of Section 203(a)(3)(B) of the Clean Air Act and requires the defendant to take specified actions to assure compliance

with Section 203(a)(3)(B) at defendant's taxi garage in Silver Spring, Maryland.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, District of Maryland, United States Courthouse, Eighth Floor, 101 W. Lombard Street, Baltimore, Maryland 21201 (2) the Office of the Environmental Protection Agency, Enforcement Division, 6th and Walnut Streets, Philadelphia 19106 (3) and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America v. Silver Spring Taxi, Incorporated,* DOJ Reference #90–5–2–1–416.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–806 Filed 1–12–82; 8:45 am]

BILLING CODE 4410–01–M

Proposed Consent Decree in Action to Obtain Injunctive Relief to Abate an Imminent and Substantial Endangerment Presented by Disposal of Hazardous Wastes

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on December 18, 1981, a proposed consent decree in United States v. Duracell International, Inc. et al. (Civil No. 80–1017) was lodged with the United States District Court for the Middle District of Tennessee, Columbia Division. The proposed decree would require Duracell International, Inc., Aurora Corporation of Illinois and Champion International Corporation to contribute five hundred thousand dollars to a Fund administered by the State of Tennessee and to be used to finance the development and implementation of a program for the closure and maintenance of a hazardous waste site located near Waynesboro, Tennessee and containing substantial quantities of polychlorinated biphenyls. The City of Waynesboro would be required by the decree to accept title to a substantial portion of the site and to commit up to one thousand dollars annually to the maintenance of the site. The Fund would also be used to financing a program of surface water and groundwater monitoring, a program of site maintenance, and the evaluation of any necessary measures for rehabilitation of Beech Creek. The decree would reserve the right of all parties, including the United States, to seek any necessary rehabilitation of Beech Creek by subsequent action.

The Department of Justice will receive until February 12, 1982, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to United States v. Duracell International, Inc., et al., D.J. 90–7–1–15.

The proposed consent decree may be examined at the office of the United States Attorney, 879 U.S. Courthouse Nashville, Tennessee 37202, at the Region IV office of the Environmental Protection Agency, Office of Regional Counsel, 345 Courtland Street, Atlanta, Georgia 30308, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1252), Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C., 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction charge) payable to the Treasure of the United States.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–807 Filed 1–12–82; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. Hospital Affiliates International, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Estern District of Louisiana in *United States of America* v. *Hospital Affiliates International, Inc.,* Civil Action No. 80–3672.

The complaint in this case alleged that the acquisition by Hospital Affiliates International, Inc. (HAI), of American Health Services, Inc. (AHS), would violate both Section 7 of the Clayton Act, 15 U.S.C. 18, and Section 2 of the Sherman Act, 15 U.S.C. 2, by substantially lessening competition in, and permitting HAI to monopolize inpatient psychiatric care provided by non-governmental hospitals in the New Orleans, Louisiana area. The acquisition was preliminarily enjoined on September 30, 1980; subsequently, HAI divested two psychiatric hospitals, and the preliminary injunction was dissolved on October 16, 1980. On August 26, 1981, HAI was acquired by Hospital Corporation of America (HCA).

The proposed Final Judgment dismisses AHS and adds HCA as a defendant. It enjoins HCA from acquiring, or entering into a management contract with, any psychiatric hospital or other hospital providing inpatient care, existing in Louisiana Health Services Area I (as designated by the state) on the date the Final Judgment is entered, without first notifying the United States. Such notification commences a 15-day waiting period. Within the 15-day period, United States may request documents or other information to allow it to assess the competitive impact of the acquisition or management contract. Should the United States make such a request, HCA may not consummate the acquisition or enter the management contract until 15 days after receipt of such documents and information by the United States.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530, Telephone: (202) 633–2425.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court, Eastern District of Louisiana, New Orleans Division

United States of America, Plaintiff, v. *Hospital Affiliates International, Inc., and American Health Services, Inc.,* Defendants.

Civil No. 80–3672.
Sec. E, Mag. 5.
Filed: December 14, 1981.

Stipulation

The parties and Hospital Corporation of America ("HCA"), by their attorneys, stipulate that:

1. The parties and HCA consent that the attached Final Judgment may be filed and then entered by the Court, upon the motion of either party or HCA, or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, without further notice to any party or any other proceedings, provided that the plaintiff has not withdrawn its consent, which it may do at any time before entry of the Final Judgment by serving notice on the other parties and filing that notice with the Court.

2. If the plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Mark Leddy, John W. Poole, Jr., *Attorneys, United States Department of Justice;* John J. Miles, Elizabeth M. O'Neill, *Attorneys, Antitrust Division, United States Department of Justice, Tenth & Pennsylvania Avenue, NW., Washington, D.C. 20530 Telephone: (202) 633–5621.*

For the defendants: Peter J. Nickles, *Covington & Burling, 1201 Pennsylvania Avenue, NW., Washington, D.C. 20044, Attorney for Hospital Affiliates International, Inc., and Hospital Corporation of America;* James C. Treadway, *Dickstein, Shapiro & Morin, 2101 L Street, NW., Washington, D.C. 20037, Attorney for American Health Services, Inc.*

United States District Court, Eastern District of Louisiana, New Orleans Division

United States of America, Plaintiff, v. *Hospital Affiliates International, Inc., and American Health Services,* Defendants.

Civil No. 80–3672.
Sec. E, Mag. 5.
Filed: December 14, 1981.

Final Judgment

The plaintiff, United States of America, having filed its complaint on September 25, 1980; and this Court, having preliminarily enjoined the acquisition of American Health Services, Inc. ("AHS"), by Hospital Affiliates International, Inc. ("HAI"), on September 30, 1980; and HAI having sold its interest in certain psychiatric hospitals in the New Orleans, Louisiana area; and this Court having vacated the preliminary injunction on October 16, 1980; and HAI having been subsequently acquired by Hospital Corporation of America ("HCA"); and the plaintiff, the defendants and HCA, by their attorneys, having consented to entry of this Final Judgment, without a plenary adjudication of any issue of fact or law related to this case, and without this Final Judgment constituting any evidence against, or an admission by, any party regarding any such issue;

Now therefore, based upon the consent of the parties and HCA, it is ordered, adjudged and decreed that:

I

This Court has jurisdiction of the subject matter of this action and of the parties and HCA. The complaint states a claim upon which relief may be granted under Section 2 of the Sherman Act, 15 U.S.C. 2, and Section 7 of the Clayton Act, 15 U.S.C. 18.

II

As used in this Final Judgment:

(A) "Hospital" means an institution which primarily provides to inpatients, by or under the supervision of physicians, diagnostic and therapeutic medical services; treatment and care of injured, disabled, or sick persons; or rehabilitation services for injured, disabled, or sick persons.

(B) "Psychiatric hospital" means an institution which primarily provides to inpatients, by or under the supervision of a physician, specialized services for the diagnosis, treatment and rehabilitation of mental illnesses and emotional disturbances.

(C) "Inpatient psychiatric services" means specialized services for the diagnosis, treatment and rehabilitation of mental illnesses and emotional disturbances provided to persons who are lodged, fed and treated in a hospital or psychiatric hospital.

(D) "HSA I" means Health Service Area I in Louisiana, as presently designated pursuant to Section 1511 of the National Health Planning and Resources Development Act of 1974, as amended, 42 U.S.C. section 300*l* , and includes the Parishes of Orleans, Jefferson, St. Bernard, St. Tammany, Assumption, LaFourche, Plaquemines, St. Charles, St. James, St. John the Baptist and Terrebonne.

(E) "Acquire," "acquiring," or "acquisition" means to obtain, or obtaining, by purchase or otherwise, a cumulative interest of twenty percent or more of any voting securities or assets of the entity being acquired.

(F) "Management contract" means an agreement entered into by HAI or HCA whereby either, for compensation, in any way manages, administers, or directs the operational, marketing, or financial functions of any hospital or psychiatric hospital.

III

AHS is dismissed as a defendant in this action, and HCA is added as a defendant in this action.

IV

The provisions of this Final Judgment applicable to HCA shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participating with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

V

(A) HCA is enjoined from acquiring, or entering into any management contract with, (1) any psychiatric hospital in HSA I existing on the date this Final Judgment is entered, or (2) any hospital in HSA I existing on the date this Final Judgment is entered that provides inpatient psychiatric services, without first notifying the plaintiff.

(B) Unless the plaintiff consents, HCA shall not consummate such an acquisition or enter into such a management contract before fifteen days after such notification. Within 15 days from its receipt of such notice from HCA, the plaintiff, in writing, may request from HCA, and HCA shall provide, such documents and other information as the plaintiff deems necessary to assess the competitive impact of the acquisition or management contract and to determine whether the acquisition or management contract should be challenged because it may lessen competition.

(C) If the plaintiff requests documents or information pursuant to paragraph V(B), HCA shall not consummate such acquisition or enter into such a management contract until 15 days after receipt of such documents or information by plaintiff.

(D) Unless HCA shall consent, no information or documents obtained pursuant to this paragraph V shall be divulged by any representative of the plaintiff to any persons other than employees of the plaintiff, except in the course of legal proceedings (including any appeals) to which the plaintiff is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from tine to time;

(A) Duly authorized representatives of the plaintiff shall, upon written request to HCA by the Attorney General or by the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to HCA made to its principal office, be permitted:

(a) access during the office hours of HCA, which may have counsel present, to inspect and copy all documents in the possession or under the control of HCA relating to any matters contained in this Final Judgment; and

(b) subject to the reasonable convenience of HCA and without restraint or interference from it, to interview its officers and employees, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to HCA's principal office, HCA shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by the means provided in this paragraph VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If, at the time imformation or documents are furnished by HCA to plaintiff

pursuant to paragraph V or VI, HCA identifies in writing any such information or documents of a type described in rule 26(c)(7) of the Federal Rules of Civil Procedure, and HCA marks each pertinent page of such matter, "subject to claim of protection under rule 26(c)(7) of the Federal Rules of Civil Procedure," then the plaintiff shall give HCA ten days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which HCA is not a party.

VII

HCA shall require, as a condition of the sale or other disposition of all, or substantially all, of (A) its assets, (B) its voting securities, or (C), its interest in DePaul Hospital in New Orleans, Louisiana, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

VIII

This Final Judgment will expire on the tenth anniversary of its date of entry.

IX

Jurisdiction is retained by this Court to enable the plaintiff or HCA to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification and enforcement of any of its provisions, and for the punishment of any violations.

X

Entry of this Final Judgment is in the public interest.

United States District Judge.

United States District Court, Eastern District of Louisiana, New Orleans Division

United States of America, Plaintiff, v. *Hospital Affiliates International, Inc., and American Health Services, Inc.*, Defendants.

Civil No. 80-3672.
Sec. E, Mag. 5.
Filed: December 14, 1981.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States of America submits this Competitive Impact Statement relating to the proposed final judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceedings

The Complaint in this action, filed on September 25, 1980, alleges that the acquisition of American Health Services, Inc. ("AHS"), by Hospital Affiliates International, Inc. ("HAI"), would violate Section 7 of the Clayton Act, 15 U.S.C. 18, and section 2 of the Sherman Act, 15 U.S.C. 2. Count I alleges that the merger's effect may be substantially to lessen competition or tend to create a monopoly in the market for inpatient psychiatric care provided by psychiatric hospitals and general acute care hospitals not owned by the federal government or the State of Louisiana, and in a submarket of private psychiatric hospital inpatient care, all in the New Orleans, Louisiana area. Count II alleges that, by the acquisition, HAI would monopolize the market for inpatient psychiatric care provided by psychiatric hospitals and general acute care hospitals not owned by the federal government or State of Louisiana, and a sub-market of private psychiatric hospital inpatient care, all in the New Orleans area.

In its Complaint, the United States requested the Court to restrain temporarily and preliminarily enjoin the acquisition; to declare that the acquisition violates Section 7 of the Clayton Act and Section 2 of the Sherman Act; to enter a permanent injunction enjoining the acquisition; and to order any other just and proper relief.

II

Description of the Alleged Violation and Subsequent Proceedings

At the time the Complaint was filed, HAI and AHS were Delaware and Virginia corporations, respectively, engaged in, among other things, owning, operating, leasing and managing hospitals. At the time of the Complaint, HAI was leading national company in these markets. AHS was a substantially smaller firm which operated primarily in Virginia. In the New Orleans area, HAI owned 100% of Coliseum House Medical Center, and managed and owned 50% of River Oaks Hospital, both of which are private psychiatric hospitals. The only other private psychiatric hospital in the New Orleans area is DePaul Hospital, which was leased to and managed by AHS.

Count I of the Complaint alleges that the effect of the acquisition may be substantially to lessen competition or tend to create a monopoly, in violation of Section 7 of the Clayton Act, in the following ways, among others:

(a) Actual competition in the market for in-patient psychiatric care in the New Orleans area provided by private psychiatric hospitals and general acute-care hospitals not owned by the federal government or State of Louisiana will be reduced;

(b) Concentration in the market for in-patient psychiatric care in the New Orleans area provided by private psychiatric hospitals and general acute-care hospitals not owned by the federal government or State of Louisiana will be increased;

(c) Actual competition in the sub-market for private psychiatric hospital in-patient care in the New Orleans area will be reduced or eliminated; and

(d) Concentration in the sub-market for private psychiatric hospital in-patient care in the New Orleans area will be greatly increased.

Count II of the Complaint alleges that, if HAI were allowed to acquire AHS, HAI would monopolize, in violation of Section 2 of the Sherman Act, the market for in-patient psychiatric care delivered by private psychiatric hospitals and general acute-care hospitals not owned or operated by the federal government or the State of Louisiana, and the sub-market for in-patient psychiatric care delivered by private psychiatric hospitals. Monopolization would occur in the following ways and have the following effects, among others:

(a) AHS will be eliminated as a significant competitor in the aforementioned market and sub-market;

(b) concentration will be substantially increased and the potential for deconcentration will be substantially decreased;

(c) HAI's monopoly power will be substantially increased and the potential for it to be lessened will be substantially decreased; and

(d) actual competition in the aforementioned market and sub-market will be substantially lessened and eliminated.

On September 30, 1980, the Court preliminarily enjoined the acquisition. Subsequent to that date, HAI sold its interests in both Coliseum House Medical Center and River Oaks Hospital, and the Court dissolved the preliminary injunction on October 16, 1980. On August 26, 1981, HAI was acquired by Hospital Corporation of America ("HCA").

III

Explanation of the Proposed Final Judgment

The United States, the defendants, and HCA have stipulated that the Court may enter the proposed final judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h). The proposed final judgment provides that its entry does not constitute any evidence against or admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed final judgment may not be entered until the Court finds that entry is in the public interest.

A. *Parties.* The decree dismisses AHS as a defendant and adds HCA as a defendant.

B. *Prohibitions and Obligations.* The proposed final judgment prohibits HCA, without first notifying the United States, from acquiring, or entering into a management contract with, any psychiatric hospital existing in Louisiana Health Service Area I on the date the proposed final judgment is entered, or with any hospital that provides inpatient psychiatric services existing in Louisiana Health Services Area I on the date the proposed final judgment is entered.

The United States has fifteen days after notification to either consent to the acquisition or management contract, or to request from HCA whatever documents or other information the United States deems necessary to assess the competitive impact of the acquisition or management contract. Should the United States request such information or documents, HCA cannot consummate its acquisition or enter the management contract until fifteen days after the United States receives such documents or information.

C. *Scope of the Proposed Judgment.* The proposed final judgment will remain in effect ten years from its date of entry and applies to HCA and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active

concert or participation with any of them who have received actual notice of the final judgment.

D. *Effect of the Proposed Judgment on Competition.* The relief in the proposed final judgment is designed to ensure that the United States receives notice, of, and is given a reasonable opportunity to investigate, any acquisition or management contract that HCA enters into involving hospitals providing inpatient psychiatric care in the New Orleans, Louisiana area. Such relief is necessary to assure that the aforementioned market remains as competitive as it was prior to HAI's acquisition of AHS.

Two methods for determining compliance with the terms of the final judgment are provided. First, upon reasonable notice, the Department of Justice shall be given access to any of HCA's records relating to matters contained in the final judgment and be permitted to interview any officers or employees of HCA. Second, upon written request, the Department of Justice may required HCA to submit written reports about any matters relating to the final judgment.

The Department of Justice believes that this final judgment containe adequate provisions to prevent further violations of the types upon which the Complaint is based.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed final judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the final judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against the defendants or HCA.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed final judgment should be modified may submit written comments to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed final judgment at any time prior to entry. The final judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternative to the Proposed Final Judgment

As mentioned above, the acquisition was preliminarily enjoined until HAI sold its interests in two of the three private psychiatric hospitals in the New Orleans area. At present, the three private psychiatric hospitals are each owned and managed by different concerns, and thus the market is less concentrated than when the Complaint was filed. DePaul Hospital is managed by HCA; Coliseum House Medical Center is owned and managed by Community Psychyiatric Centers, Inc.; and River Oaks is owned and managed by Qualicare, Inc.

The Department of Justice considered three alternatives other than the proposed final judgment. First, it considered dismissal of the case. This alternative was rejected, however, because the Department believed it important that it be notified of any acquisition or management contract by HCA involving inpatient psychiatric care in the New Orleans area. Such transactions would not necessarily be reported under the premerger notification provisions of Section 7A of the Clayton Act, 15 U.S.C. 18a.

Second, the Department of Justice considered an injunction prohibiting HCA from acquiring, or entering into a management contract with, any private psychiatric hospital in the New Orleans area. This alternative was rejected because the Department believed it unnecessarily restrictive in light of the proposal finally agreed upon, which will allow the Department substantial notice and access to information to investigate any such acquisition or management contract.

Finally, the Department considered a full trial of the issues on the merits and on relief. The Department considers the substantive language of the proposed final judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the final judgment, together with the previous divestiture, provides appropriate relief against the violations alleged in the Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed final judgment.

Respectfully submitted,

John J. Miles,

Elizabeth M. O'Neill,

Attorneys, Department of Justice, Antitrust Division, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20530, Telephone: (202) 633–5621.

[FR Doc. 82–808 Filed 1–12–82; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

January 7, 1982.

Additional changes have been made to the Agenda for the January 18–20, 1982 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) published in the **Federal Register** of December 29, 1981 (Page 62981). The agenda has been revised as follows:

Monday, January 18, 1982

11:15 a.m.–12:00 Noon
Plenary
- William Woodward, Staff Director, Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, U.S. House of Representatives

Topic: Oversight Report on Coast Guard

3:00 a.m.–4:00 p.m.
Panel Meetings
- Environment and Regulations, Co-Chairmen: Sylvia A. Earle, Michael R. Naess (Room B–100A)

Topic: Finalize Scientific Diving Regulations Statement

3:00 p.m.–5:00 p.m.
- Waste Management, Chairman: John A. Knauss (Room B–100)

Topic: Discussion of NACOA Report on "Role of the Oceans in a Waste Management Strategy" and related pending issues

Tuesday, January 19, 1982

8:30 a.m.–12:00 Noon
Panel Meeting
- Environment and Regulations, Co-Chairmen: Sylvia A. Earle, Michael R. Naess (Room 418)

Speaker: Department of the Army
Topic: Clean Water Act—Section 404 (Permits)
Speaker: Department of the Interior
Topic: Fish/Wildlife Coordination Act

Additional information concerning these portions of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Page Building #1, Room 438), Washington, DC 20235. The telephone number is 202/653–7818. The other remaining parts of the meeting on January 18, 19, and 20 will be the same.

Dated: January 7, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82–822 Filed 1–12–82; 8:45 am]

BILLING CODE 3510–12–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-No. 23N)

Rail Carriers; Conrail Abandonment Between Castle and Wheatland, Pa.; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Castle and Wheatland in the County of Lawrence, PA, a total distance of 14.7 miles effective on December 16, 1981.

The net liquidation value of this line is $816,707. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-851 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 18N)]

Rail Carriers; Conrail Abandonment Between Derry and Berwick, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Derry and Berwick in the County of Columbus, PA, a total distance of 24.3 miles effective on December 10, 1981.

The net liquidation value of this line is $304,110. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-847 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 20N)]

Rail Carriers; Conrail Abandonment Between Greenville and Jamestown, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Greenville and Jamestown in the County of Mercer, PA, a total distance of 5.6 miles effective on December 16, 1981.

The net liquidation value of this line is $69,948. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-848 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 17N)]

Rail Carriers; Conrail Abandonment Between Niobe, NY and Columbus, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Niobe, NY and Columbus, PA, in the Counties of Chautauqua, NY, and Warren, PA, a total distance of 9.3 miles effective on December 10, 1981.

The net liquidation value of this line is $386,053. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-846 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 22N]

Rail Carriers; Conrail Abandonment Between Penn Argyl Junction and Bellfast Junction, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Penn Argyl Junction and Bellfast Junction in the County of Northampton, PA, a total distance of 6.6 miles effective on December 16, 1981.

The net liquidation value of this line is $121,541. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-850 Filed 1-12-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences—Subcommittee for Systematic Collections

Date and time: January 29, 1982, 9:00-5:00 p.m.

Meeting place: National Science Foundation, 1800 G Street NW., Room 642

Type meeting: Closed.

Contact person: Mary W. Greene, Associate Program Director for Anthropology, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7804

Purpose of subcommittee: To provide advice and recommendations concerning support for improvement of systematic anthropological collections.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within

exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–911 Filed 1–12–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–358–OL]

In the Matter of Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Power Station, Unit No. 1); Hearing

January 7, 1982.

Please take notice that the evidentiary hearing in the captioned matter will reconvene January 25 through 29, February 1 through 5, and February 22 through 26, 1982.

The week of January 25 the hearing will be held in Courtroom 805 in the U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio, commencing on January 25 at 1:00 to 5:00 p.m. and thereafter at 9:00 a.m.

Arrangements for a hearing room for the week of February 1 are not final. Consequently, this session of the hearing will be the subject of a separate notice.

The week of February 22 the hearing will be held in Courtroom 1, Room 607, in the U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio, commencing at 9:00 a.m. each day.

These hearing sessions will be concerned with emergency planning and monitoring with respect to the application to operate the Zimmer Nuclear Power Station. The Board will entertain oral limited appearance statements from members of the public the afternoon of January 25. Individuals who desire to make such statements are urged to notify the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, as soon as possible. In the event that there are a large number of individuals who desire to make such statements, the Board will limit each statement to approximately five minutes. Written statements may be filed with the Board at any time.

It is so ordered.

Dated at Bethesda, Maryland, the 7th day of January, 1982.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 82–909 Filed 1–12–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR–39, and Amendment No. 66 to Facility Operating License No. DPR–48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to require two service water pumps during reactor operation and one standby pump per unit when the discharge header is separated for the units and one standby pump for both units when the discharge header is cross-tied for both units.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 9 and 18, 1981, (2) Amendment Nos. 72 and 66 to License Nos. DPR–39 and DPR–48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–898 Filed 1–12–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–389A]

Florida Power & Light Co., (St. Lucie Plant, Unit No. 2); Hearing

January 7, 1982.

On December 11, 1981 the Atomic Safety and Licensing Board issued an opinion in which it determined that the operation of St. Lucie Unit No. 2 without a license restriction would maintain a situation inconsistent with the antitrust laws. However, the Board decided that the parties should be permitted to file objections to this determination. It also scheduled a hearing to be held at 9:00 am on February 9, 1982, in Fort Lauderdale, Florida at the U.S. Court House and Federal Building, Room 203A (2nd Floor Central).

The hearng, which will be open to the public, will consider: (1) Objections to our December 11, 1981 order, (2) procedures to handle remaining issues in a fair and efficient manner.

Dated: January 7, 1982, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc. 82–900 Filed 1–12–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Action on Extension Requests for Five Department of Energy Petroleum Price and Distribution Forms

AGENCY: Office of Management and Budget.

ACTION: Notice of approval of three forms and disapproval of two forms.

SUMMARY: In September, the Energy Information Administration (EIA) requested the Office of Management and Budget (OMB) to approve revisions of the following five forms collecting statistical data concerning the import, distribution, and price of various petroleum products: FEA–P–314–M–O,

"Monthly Survey of Distillate and Residual Fuel Oil Sales Volume to Ultimate Consumers"; FEA–P–306–M–O, "Refiner/Importers Monthly Report of Petroleum Products Distribution"; EIA–460, "Petroleum Industry Monthly Report on Product Prices"; EIA–14, "Refiners' Monthly Cost Allocation Report"; and EIA–25, "Prime Supplier's Monthly Report." OMB is approving the use of the EIA–460, the EIA–14, and the EIA–25. OMB is not approving the use of the FEA–P–314–M–O, nor the FEA–P–306–M–O.

Background

On January 28, 1981, President Reagan issued E.O. 12287, "Decontrol of Crude Oil and Refined Petroleum Products." In section 2(a), the Secretary of Energy was directed to review all reporting requirements and to eliminate those forms which were not necessary for emergency planning and energy information gathering purposes required by law. The EIA conducted a requirements review and, as a result, eliminated 23 data collection forms, reducing reporting burden by more than 700,000 hours.

Following up, EIA proposed a draft form EIA–740, "Monthly Petroleum Product Sales Report," to replace 17 petroleum product data collection forms, including four out of the five of which OMB has just completed review (46 FR 30174, June 5, 1981). The draft would collect State petroleum distribution and price data, in more general terms. In response to critical public comments, EIA decided it needed to restructure this effort at consolidation, and to conduct a thorough pretest of the revised version with the respondents before putting it into operation.

While developing this stripped down, more efficient statistical data system, EIA sought, on an interim basis, to extend these five existing forms, to maintain the existing statistical data series. EIA requested a two-year extension to permit development any debugging of the more efficient data system, and statistical integration of the new data series with the extensive historical statistical base.

On November 13, 1981 (46 FR 56011), EIA published a notice postponing the implementation of the proposed EIA–740, stating its plan to redesign and thoroughly pretest an improved version, and pointing out the status of the five forms under OMB review.

Action

The Energy Information Administration's request, under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), for extension of the EIA–14, the EIA–25, and the EIA–460 is approved through December 31, 1982. We are withholding approval on the FEA–P–306–M–O, and the FEA–314–M–O, pending a full data requirements analysis by EIA and the results of the public hearings described below.

Discussion

During this extension period, it is the expectation of OMB that the Energy Information Administration will make every effort to eliminate the potential overlap and duplication between these five forms and other Federal reporting requirements. Moreover, it is the expectation of OMB that the Bureau of Labor Statistics and other Federal statistical agencies will work together with EIA in this effort. It is our further expectation that EIA, in coordination with the other Federal statistical agencies, will develop and implement an integrated petroleum pricing and distribution reporting system that will streamline these requirements to the fullest extent practicable, taking into consideration comments from respondents, potential users, and other interested parties. Until this effort has produced visible results, OMB does not intend to approve any extension of domestic petroleum pricing reporting systems, regardless of the agency that will undertake the collection.

While we are cognizant of the difficulties inherent in developing a reporting system that will meet the data needs of potential users, we do not think it unreasonable to expect EIA, in cooperation with the other agencies, to develop such a system by December 31, 1982.

It is our understanding that, following further developmental consultations, EIA will in March 1982 publish in the **Federal Register** a new proposed statistical data system for public review and comment. After considering all comments received (including those submitted in a proposed Spring 1982 public hearing in which OMB will participate) and making adjustments as necessary, EIA will submit a final version of the improved statistical data system for OMB review and approval no later than July 1, 1982. EIA will then develop, test, and debug software for the new system using data from a limited number of respondents, moving toward implementatation of the system in January 1983. We will request EIA to provide additional information concerning the development of the revised form as it becomes available.

When this final version is submitted to OMB for approval, we expect that EIA will justify the need for (1) State-level reporting, (2) downstream petroleum data, and (3) reporting of landed costs of products, and explain why existing data sources cannot be used to fulfill EIA's requirements. In addition, we expect a demonstration of how these data will serve statistical purposes as opposed to regulatory reporting requirements.

Comments

The purpose of this notice is to provide all interested parties with information on this clearance issue and to notify respondents of changes in reporting requirements. Further, we expect EIA to notify, in writing, respondents to these forms of this action.

Comments may be addressed to Christopher DeMuth, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, N.W., Washington, D.C. 20503.

Signed at Washington, D.C., this 23rd day of December 1981.

Christopher DeMuth,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 82–796 Filed 1–12–82; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Order No. 415]

[Docket No. A82–4]

Donnan, Iowa 52139 (Mr. Earl West, Petitioner); Notice and Order of Filing of Appeal

Issued January 6, 1982.

On January 4, 1982, the Commission received a handwritten letter from Mr. Earl West (hereinafter "Petitioner") concerning the alleged United States Postal Service plans to close the Donnan, Iowa post office. The letter makes no explicit reference to the Postal Reorganization Act. Moreover, the letter refers to the "proposed closing" of the Donnan, Iowa post office. As such, the justiciability of this matter, before this Commission, is not certain.

Yet, despite the deficiencies of this letter, we believe that it should be liberally construed as a petition for review pursuant to section 404(b) of the Postal Reorganization Act [39 U.S.C. 404(b)], because the statute provides that petitions for review must be filed within 30 days of the Postal Service's determination to close the post office.[1] Since the petition was apparently not

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat.1310–1311. Our rules of practice governing these cases appear at 39 CFR § 3001.110 *et seq.*

written by an attorney, it does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice does call for a lilberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to ". . . ensure that such persons will have an opportunity to present their views."[4] The petition appeals the decision to close the Donnan post office. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioners failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petitions appear to raise the following issues of law:

1. Is the Postal Service's proposed closing of this post office consistent with the "maximum degree of effective and regular postal services" standard of section 404(b)(2)(C)?

2. As part of its consideration of the effect on the community standard of section 404(b)(2)(A), did the Postal Service correctly gauge the size and growth of the community?

3. As part of the effect on the community standard of section 404(b)(2)(A), must the Postal Service consider the level of service given by the employees at the Donnan post office as compared to that given by employees at larger offices?

4. As part of the effect on the community standard of section 404(b)(2)(A), must the Postal Service consider that the post office provides employment for someone living in the community?

5. As part of the effect on the community standard of section 404(b)(2)(A), must the Postal Service consider the effect the consolidation of the Donnan post office would have on those doing business within the community?

6. Must the Postal Service consider that it is approximately a five mile round trip to the alternative post office as part of its treatment of the "maximum degree of effective and regular postal services" standard of section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979). Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113), make the request therefore by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioners by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[8]

The Commission Orders:

(A) The letter of January 4, 1982, from Earl West shall be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before January 19, 1982 pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

APPENDIX

Jan. 4, 1982	Filing of Petition.
Jan. 6, 1982	Notice and Order of Filing of Appeal.
Jan. 19, 1982	Filing of record by Postal Service [*see* 39 CFR 3001.113(a)].
Jan. 24, 1982	Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
Feb. 3, 1982	Petitioner's initial brief [*see* 39 CFR 3001.115(a)].
Feb. 18, 1982	Postal Service answering brief [*see* 39 CFR 3001.115(b)].
Mar. 5, 1982	(1) Petitioner's reply brief, if petitioner choses to file such brief [*see* 39 CFR 3001.115(c)].
	(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
	Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

May 4, 1982.

[FR Doc. 82-913 Filed 1-12-82; 8:45 am]

BILLING CODE 7715-01-M

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079–59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22353; (70-6594)]

Consolidated Natural Gas Co.; Supplemental Notice of Extension of Period to Issue Debentures at Competitive Bidding

January 5, 1982.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

On may 13, 1981 (HCAR no. 22048) this Commission issued notice of a proposal by Consolidated to issue and sell up to $100,000,000 of sinking fund debentures at competitive bidding not later than December 31, 1981. Due to market conditions, Consolidated has not sold such debentures during 1981.

Consolidated has amended its declaration to extend the period for the issuance and sale of the debentures from December 31, 1981 to December 31, 1982. Consolidated has not amended its declaration in any other respect.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 29, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-839 Filed 1-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22357; (37-67)]

Eastern Utilities Associates, EUA Service Corp.; Proposed Issuance and Sale of Notes by Subsidiary Service Company to Banks and/or Holding Company

January 7, 1982.

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and its subsidiary service company, EUA Service Corporation ("Service Company") have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 40(b) promulgated thereunder.

By order in this proceeding dated June 18, 1976 (HCAR No. 19579), Service Company was authorized to increase to $2,000,000 the previously authorized amount of its borrowing from EUA, such borrowing to be evidenced by notes maturing on January 5, 1991, and bearing interest at an effective rate derived from a commercial bank base rate together with an assumed compensating balance of 20%. The notes were to be prepayable at any time without premium.

It is stated that the means of determining interest on Service Company's notes held by EUA is no longer appropriate in view of the diversity of arrangements offered by the banks which make loans to companies in the EUA holding-company system. EUA's management believes that arrangements can be made whereby some of such banks will lend directly to Service Company. Some of such loans will be evidenced by notes bearing interest at the commercial bank base rate as adjusted from time to time; these notes will have maximum maturities of nine months and will be subject to prepayment at any time without premium. Other loans by banks to Service Company may be evidenced by notes bearing interest at available money market rates, which in all cases will be less than the prime rate at the time of issuance; such notes will have maximum maturities of sixty days and will not be prepayable. It is proposed that Service Company effect such bank borrowings, at the earliest precticable time, in an amount at least equal to the amount of Service Company's notes held at the time by EUA (the amount of such notes having been $1,605,000 at December 15, 1981).

In order to provide for unforseen circumstances, it is also proposed that Service Company retain authority to make borrowings from EUA and that any such future borrowings from EUA be evidenced by notes bearing interest at a rate not in excess of the commercial base rate at The First National Bank of Boston as adjusted from time to time. The aggregate amount of notes of service Company payable to banks and/or to EUA to be outstanding at any one time will not exceed $2,000,000.

The proceeds of the bank borrowings will be applied by Service Company, so far as necessary, to the prepayment of all notes then held by EUA. EUA intends to apply all or substantially all of the funds which it will receive upon Service Company's prepayment of its notes to the purchase of 30,000 shares of common stock of Blackstone Valley Electric Company ("Blackstone"), a subsidiary company, or the making of a capital contribution to Blackstone of not in excess of $1,500,000 (see File No. 70-6662).

The post-effective amendment and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 3, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-840 Filed 1-12-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Use of Bureau of the Public Debt Forms by the Public

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice.

SUMMARY: This notice lists Bureau of the Public Debt (PD) forms currently in use by the public that have recently been approved and assigned Office of Management and Budget (OMB) control numbers. This approval allows continued use of the forms after January 1, 1982 under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C.).

FOR FURTHER INFORMATION CONTACT: Michael Smiley, Management Analysis Officer, Bureau or the Public Debt, 1111 20th Street N.W., Washington, D.C. 20226, 202–634–5257.

SUPPLEMENTARY INFORMATION: The Bureau of the Public Debt has been requiring the public to complete forms when conducting transactions involving securities such as savings bonds and treasury bills, bonds and notes. These forms have been exempt from approval by OMB. Under the provisions of the Paperwork Reduction Act of 1980, PD forms used by the public are no longer exempt from OMB approval. Therefore, the Bureau of the Public Debt submitted a list of forms used by the public to OMB for approval. OMB has approved these forms for use and assigned each form a control number and expiration date. Existing supplies of present forms that do not include OMB control numbers and expiration dates will continue to be issued and used until supplies are exhausted, at which time a new supply will be printed that will inolude OMB control numbers and expiration dates. Specific OMB approved forms, control numbers, and expiration dates are as follows:

Public debt form No.	OMB control No.	OMB approval expiration date
PD 1522	1535–0004	9/30/84
PD 3253	1535–0005	11/30/82
PD 2458	1535–0006	9/30/84
PD 1946	1535–0007	9/30/84
PD 1938	1535–0008	9/30/84
PD 1851	1535–0009	9/30/84
PD 1782	1535–0010	11/30/82
PD 1668	1535–0011	9/30/84
PD 1455	1535–0012	9/30/84
PD 1048	1535–0013	11/30/82
PD 1025	1535–0014	11/30/82
PD 1022	1535–0015	11/30/82
PD 1022–1	1535–0016	11/30/82
PD 4883	1535–0017	9/30/84
PD 4882	1535–0018	11/30/82
PD 4733	1535–0019	12/31/82
PD 4733–1	1535–0019	12/31/82
PD 4633	1535–0020	11/30/82
PD 4633–1	1535–0020	11/30/82
PD 4633–2	1535–0020	11/30/82
PD 4632–1	1535–0021	11/30/82
PD 4632–2	1535–0021	11/30/82
PD 4632–3	1535–0021	11/30/82
PD 4144	1535–0022	9/30/84
PD 4000	1535–0023	11/30/82
PD 3905	1535–0024	11/30/82
PD 3360	1535–0025	9/30/84
PD 3800–1	1535–0026	11/30/82

Dated: January 7, 1982.

Eleanor J. Holsopple,

Assistant Commissioner (Administration).

[FR Doc. 82–801 Filed 1–12–82; 8:45 am]

BILLING CODE 4810–40–M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems Notice; revised System of Records

Notice is hereby given that the Veterans Administration is considering changing four systems of records currently entitled "01VA024, Accredited Representatives and Claims Agents Records—VA;" "05VA024, Claimant Legal Precedent Files—VA;" "06VA024, Claimant Private Relief Legislative Name Files—VA;" and "16VA024, Litigant Name Files—VA." As set forth respectively on pages 49729, 49730, 49731 and 49735 of the **Federal Register** of September 27, 1977. These revisions are being made as part of an overall effort within the VA to administratively update its Privacy Act systems of records notices. These four systems of records have been rewritten in a clearer and more concise manner to better inform the public of the types of records being maintained by the VA and specifically and more accurately identify disclosures made under the authority of routine uses. In some instances, routine use notices have been eliminated (if deemed necessary), to conform to the requirements of VA confidentiality statutes. Also, the system name, system location, authority for maintenance of the system, the categories of individuals, the categories of records, storage practices, safeguards, retention and disposal, system manager and record source categories have generally all been updated and rewritten to be more specific.

In 16VA024, "Litigant Name Files—VA," which will be renumbered and renamed "16VA026—Litigant, Tort Claimant, EEO Claimant and Third Party Recovery Files—VA," there have been added five new routine uses. New routine uses Nos. 5 and 6 permit the VA to disclose pleadings, opinions, briefs, decisions and evidentiary and nonevidentiary matter to a Federal agency to enable a Federal agency or the VA to properly prepare a particular case or controversy regarding an administrative claim filed under the Federal Tort Claims Act or a debt collection proceeding under the Federal Medical Care Recovery Act. New routine use No. 9 generally permits the VA to disclose EEO complaint records, including the identifiers of the complainant and the witnesses, the complaints, investigation reports, General Counsel decisions, recommended findings by the EEOC, Agency (VA) comments and other support material to representatives of the complainant and the alleged discriminating official(s), and to the Department of Justice and other Federal agencies in order to inform them of the matters in the complaint and to apprise the parties of the identities of the complainant and witnesses. Lastly, new routine use Nos. 11 and 12 permit the VA to disclose any information in the system to a Federal, State or municipal grand jury, a Federal, State or municipal court or a party in litigation, a Federal agency or a State or municipal administrative agency functioning in a quasi-judicial capacity, or a party to a proceeding conducted by such an agency, in order for the VA to respond to and comply with the issuance of a subpoena from one of these institutions.

In accordance with 5 U.S.C. 552a(b)(3), the Veterans Administration has adopted and published routine uses for its systems of records. A routine use allows the agency to disclose Privacy Act records/information without the written consent of the individual to whom the record pertains. Within the VA, routine uses are principally used to permit disclosure of information from a Privacy Act system of records to a third party to enable the VA to carry out its programs in the most expeditious manner possible. Generally, a routine use identified in a VA system of records will either specifically identify information, or in the alternative, the general subject matter (i.e., a major group of information such as "identifying information" and "medical information") which is being disclosed. In those instances where a routine use identifies disclosure of a general subject matter, the general subject matter will be specifically described in the "Categories of records in the system" section of the system of records. Routine uses may be used in conjunction with one another. Each VA system of records contains the routine uses which are applicable for that system.

For purposes of these VA systems of records, the subsequent definitional terms or concepts are used as follows:

1. Veteran—A person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable and whose name and address and other information is maintained by the VA by virtue of the administration of veterans benefits under title 38, United States Code. For

purposes of these systems notices (unless specifically stated otherwise in the "Categories of individuals covered by this system" section of a system of records), the term "veteran" will also include the dependents of a veteran and any other individual who has been granted veteran status by virtue of a specific statutory authority. The name, address and other information regarding a veteran is protected by title 38, United States Code, sections 3301 and 4132 in addition to the Privacy Act. Accordingly, any disclosures of information concerning a veteran made from these Privacy Act systems of records under a routine use or other Privacy Act authority shall be consistent with the provisions of 38 U.S.C. 3301 and 4132.

2. Claimant—Any individual making a claim for a benefit under title 38, United States, Code, e.g., veteran, nonveteran life insurance beneficiaries.

3. Record—Any item, collection or grouping of information about an individual that is maintained by the agency. It is noted that the term "record" may be used with regard to as little as one descriptive item about an individual.

4. Information v. Data—"Information" is individually identifiable (e.g., record includes an individual's name or address or other identifying information) whereas "data" is not individually identifiable.

-5. Subsidiary records—Subsidiary records contain information which is part of a more comprehensive, published VA system of records. Subsidiary records may be physically located separate and apart from the rest of the system of records. Any subsidiary records are maintained for the same general purposes as a published system of records and, therefore, are considered to be part of that published system of records. (OMB Circular A–108, p. 28962.)

6. Disclosures Made "At the Request of the Veteran"—In a few routine use notice, for purposes of section 3301 of title 38, United States Code, the VA has identified situations when the disclosure of a veteran's name and address by the VA to a third party is being made "at the request of the veteran." In these instances, an express or implied consent to disclose a veteran's name or address may be inferred by the VA when a veteran has submitted a claim for VA benefits, inquired into benefits provided by the VA, or has souht assistance from the VA in obtaining any other benefits (e.g., employment, State or local agency benefits programs) to which the veteran might be entitled and referral of the name and address of the veteran by the VA to a third party will reasonably be required for the VA to act on the request of the veteran for assistance.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed systems of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before February 12, 1982 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 1, 1982. Any person visiting Central Office for the purposes of inspecting any such comments will be received by the Central Office Veterans Services Unit in Room 132. Visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the revised systems of records are effective January 4, 1982.

Approved: January 4, 1982.

By direction of the Administrator.

Charles T. Hagel,

Deputy Administrator.

1. The system of records currently identified as 01VA024, "Accredited Representatives and Claims Agents—VA", appearing at 42 FR 49728 is renumbered 01VA022 and is revised as follows:

01VA022

SYSTEM NAME:

Accredited Representatives, Claims Agents, and Rejected Claims Agent Applicant Records—VA

SYSTEM LOCATION:

Records are maintained in the Office of General Counsel (022), Veterans Administration Central Office, Washington, D.C. 20420

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by the system: (1) Members or employees of recognized service organizations accredited by the VA to represent claimants for benefits; (2) claims agents (not attorneys) independent of a service organization and recognized by the VA to represent claimants for benefits; and (3) individuals who have applied to the VA to become claims agents but who have not qualified therefor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) in this system may include: (1) Name; (2) address; (3) service organization affiliations; (4) claims agent examination and grade; (5) correspondence concerning claims agent or accredited representative including claims agent recommendations from third parties; and (6) VA Form 2–21 (Application for Accreditation as Service Organization Representative).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code 210(c), 3402 and 3404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature whether arising by general or program statute or by

regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. The name, business address and service organization affiliation(s) of accredited representatives and claims agents may be disclosed to requesting service organizations, claimants for benefits and the general public in order to aid the requestor in verifying the identity and service organization affiliation of the accredited representative.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active records are maintained in individual folders stored in file cabinets. File cards with name and business addresses of indivisuals covered by this system are maintained in file cabinets.

RETRIEVABILITY:

Records and file cards are maintained in alphabetical order by last name of the individuals covered by this system.

SAFEGUARDS:

Records and file cards are maintained in a manned room during working hours. During nonworking hours, the building is protected from unauthorized access by the Federal Protective Service. Access to the records is only authorized to VA personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Records are maintained as long as the individual is an active accredited representative or claims agent. Once the representative or agent becomes inactive, the inactive records are maintained by the VACO Records Management Section for 3 years and then destroyed. Rejected claims agent applications and related correspondence are permanently maintained in the Office of General Counsel.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel (022), VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant General Counsel under his or her name or other personal identifier, or wants to determine the contents of such records should submit a written request or apply in person to the Assistant General Counsel (022).

RECORDS ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name in this system may write or call or visit the Assistant General Counsel (022).

CONTESTING RECORD PROCEDURES:

(See Records Access Procedures above.)

RECORD SOURCE CATEGORIES:

Application of individuals for accreditation or recognition and recommendations from service organizations and third parties.

2. The system currently identified as 05VA024, "Claimant Legal Precedent Files-VA", appearing at 42 FR 49730 is renumbered 05VA026 and is revised as follows:

05VA026

SYSTEM NAME:

Individual Correspondence Records-VA

SYSTEM LOCATION:

Records are maintained at the Office of the General Counsel (026), VA Central Office, Washington, D.C. 20420 and at the Offices of the District Counsels, addresses for which may be obtained from the above-mentioned General Counsel office address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) Veterans; (2) nonveterans; (3) attorneys; (4) employees; and (5) members of Congress who have made inquiries or sent correspondence to the VA and regarding whom some action was taken by the Office of General Counsel or an office of one or more District Counsels regarding the inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) may contain: (1) Name of individual; (2) inquiries or correspondence sent to the VA by an individual; (3) information pertinent to a legal opinion or response given by the Office of General Counsel or the District Counsel; and (4) the legal opinion or response.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, 210(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. Any information in this system from correspondence or inquiries sent to the VA may be disclosed to State or Federal agencies at the request of the correspondent or inquirer in order for those agencies to help the correspondent with his or her problem. The information disclosed may include the name and address of the correspondent or inquirer

and detail concerning the nature of the problem specified in the correspondence.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In the Office of the General Counsel and District Counsel offices, all inquiries and correspondence are placed in individual folders on storage shelves or place in file cabinets.

RETRIEVABILITY:

Records are maintained in alphabetical order by last name of the individual covered by the system.

SAFEGUARDS:

Records are maintained in a manned room during working hours. During nonworking hours, there is a limited access to the building with visitor control by security personnel, and the room where the records are kept is locked. Access to the records is only authorized to VA personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

In the Office of the General Counsel, correspondence records prior to 1975, relating to a veteran, which result in a legal opinion have been placed on microfiche, and the paper records are currently stored in the Washington National Records Center. Reference copies on microfiche are available for use in the Law Library. In the future, as these records are microfiched, no paper records will be retained. All other system records concerning veterans are kept for two years in the Office of General Counsel. Thereafter, these records are maintained for 3 years by the VACO Record Management Section and then destroyed. All other records that deal with matter of legal opinions and precedent are maintained permanently. Records in District Counsel Offices are maintained for a period of 2 years and thereafter destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel (026), Office of General Counsel, VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant General Counsel (026) under his or her name or other personal identifier or wants to determine the contents of such records should submit a written request or apply in person to the Assistant General Counsel (026).

RECORD ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name or other personal identifier may write or call or visit the Assistant General Counsel (026).

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Individuals (veterans, nonveterans), attorneys, employees, members of Congress, VA officials requesting legal opinions and VA records.

3. The system currently identified as 06VA024, "Claimant Private Relief Legislative Files-VA", appearing at 42FR49731 is renumbered 06VA026 and is revised as follows:

SYSTEM NAME:

Claimant Private Relief Legislative Files-VA

SYSTEM LOCATION:

Records are maintained in the Office of General Counsel (026), VA Central Office, Washington, D.C. 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) Veterans; and (2) their beneficiaries and dependents, on behalf of whom private relief bills are introduced, or proposed for introduction, in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) may include information pertinent to private relief bills such as: (1) The bill for relief (which contains name, other identifying information, personal data and the claim for a particular type of legislative relief); (2) other Federal agency reports; (3) VA reports pertaining to the private relief bill; (4) Congressional committee reports and (5) the Congressional Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, 210(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State of local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. Records pertinent to consideration of private relief bills such as VA and other Federal agency reports may be disclosed to Congressional members in their elected represented capacity and to other Federal agencies upon their official request to enable them to aid or to comment on whether the petitioning veteran should obtain the requested relief and to facilitate the preparation and release of reports by other Federal agencies regarding the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active records are maintained in individual file folders and synopsized on file cards, both of which are kept in metal storage cabinets.

RETRIEVABILITY:

Records and file cards are indexed by last name and bill number of the individuals covered by this system.

SAFEGUARDS:

Records and file cards are maintained in a manned room during working hours. During nonworking hours, the file area is locked, and the building is protected by the Federal Protective Service. Access to the records is only authorized to VA personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Index cards and record files which result in legislation are maintained permanently in the Office of General Counsel. The other record files and cards are maintained for a period of 10 years and then destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel (026), Professional Staff Group VI, Office of General Counsel, VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant General Counsel (026) under his or her name or other personal identifier or wishes to determine the contents of such records should submit a written request or apply in person to the Assistant General Counsel (026).

RECORD ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name or other personal identifier may write, call or visit the Assistant General Counsel (026).

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Courts, veterans, litigants and their attorneys, Federal agencies, insurance carriers, witnesses, or other interested participants to the proceedings and VA records.

4. The system of records currently identified as 16VA024, "Litigant, Tort Claimant, EEO Complainant and Third Party Recovery Files-VA", appearing at 42 FR 49735 is renumbered 16VA026 and is revised as follows:

16VA026

SYSTEM NAME:

Litigant, Tort Claimant, EEO Complainant and Third Party Recovery Files-VA

SYSTEM LOCATION:

Litigant, tort claimant and third party recovery files are maintained at the Office of General Counsel (026), VA Central Office, Washington, D.C. 20420, and Offices of the District Counsels. Addresses for District Counsel offices may be obtained by contacting the above-mentioned Office of General Counsel address. Equal Employment Opportunity (EEO) complaint files are maintained in the Office of General Counsel only.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) Litigants; (2) claimants under the Federal Tort Claims Act, EEO complainants; and (3) veterans involved in third party recovery cases brought by or against the Government and affecting the VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) may include: (1) Pleadings; (2) opinions; (3) briefs; (4) decisions; and (5) evidentiary and nonevidentiary matter relating to a case or controversy in an administrative or litigation proceeding (e.g., witness statements, agency reports, EEO Counselor's reports, recommending findings by the EEO Commission, and other supporting material).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, 210(c), 29 CFR 1613.222 (EEO cases commenced under 42 U.S.C. 2000e–16).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member or staff person requesting the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency of instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. Pleadings, opinions, briefs, decisions and evidentiary and nonevidentiary matters may be disclosed to a Federal agency upon its official request to enable that agency to properly prepare a particular case or controversy regarding an administrative claim filed under the Federal Tort Claims Act or a debt collection proceeding under the Federal Medical Care Recovery Act.

6. Pleadings, opinions, briefs, decisions and evidentiary and nonevidentiary matter may be disclosed to a Federal agency to enable the VA to obtain records necessary for the VA to properly prepare a particular case or controversy under the Federal Tort Claims Act or a proceeding under the Federal Medical Care Recovery Act.

7. Pleadings, opinions, briefs, decisions and evidentiary and nonevidentiary matter may be disclosed to a Federal or a State court to enable the VA to file pleadings, comply with rules and procedures of the court, or to respond to a request from the court in any case or controversy.

8. Pleadings, opinions, briefs, decisions and matters of evidentiary and nonevidentiary matter may be disclosed to a Federal, State, local, or foreign agency, insurance carriers, other individuals from whom the VA is seeking reimbursement and other parties

litigant or having an interest in administrative, prelitigation, litigation and post-litigation phases of a case or controversy. Provided, that the name and address of a veteran can only be disclosed under this routine use if the release is for a VA debt collection proceeding, or if the name and address has been provided to the VA by the party seeking the information.

9. EEO complaint records, including the identities of the complainant and the witnesses, the complaints, investigation reports, General Counsel decisions, recommended findings by the EEOC, agency (VA) comments and other supporting material, may be disclosed to representatives of the complainant, and to Department of Justice and to other Federal agencies in order to inform them of the matters in the complaint and to apprise the parties if the identities of the complainant and witnesses.

10. Any information in this system may be disclosed to the Department of Justice (DOJ) including U.S. Attorneys upon its official request in order for the VA to respond to pleadings, interrogatories, orders or inquiries from the Department of Justice, and to supply the DOJ with information, to enable the DOJ to represent the U.S. Government in any phase of litigation or in any case or controversy involving the VA.

11. Any information in this system may be disclosed to a Federal grand jury. A Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

12. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a state or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

RETRIEVABILITY:

Records are maintained in alphabetical order by last name of an individual covered by the system.

SAFEGUARDS:

Records are maintained in a manned room during working hours. During nonworking hours, the file area is locked, and the building is protected by the Federal Protective Service. Access to the records is only authorized to VA personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Upon completion of a case, except for precedent-setting cases (which are maintained permanently), records are treated as follows:

In Central Office, litigation, tort claimant and third-party recovery files are maintained in the Office of General Counsel for two years, retired to the Washington National Federal Records Center for five years and then destroyed. EEO complainant records are maintained in the Office of General Counsel until the close of the complaint, sent to the VACO Records Management Section for four years, then destroyed.

In District Counsel Offices, civil litigation and third-party recovery files are maintained in the affected District Counsel Office for two years, then destroyed. Tort claimant files are maintained in the affected District Counsel Office for one year, retired to the appropriate Federal Records Center for five years, then destroyed. Criminal litigation prosecution files are maintained in the affected District Counsel Office for three years, then destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel (026), Professional Staff Group VI, Office of General Counsel, VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant General Counsel (026), under his or her name or other personal identifier or wants to determine the contents of such records should submit a written request or apply in person to the Assistant General Counsel (026).

RECORD ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name or other personal identifier may write, call or visit the Assistant General Counsel (026).

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Courts, claimants, litigants, complainants and their representatives or attorneys, other Federal agencies, insurance carriers, witnesses and other interested participants to the proceedings and VA records.

[FR Doc. 82-869 Filed 1-12-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 8
Wednesday, January 13, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Communications Commission	2
Federal Deposit Insurance Corporation	3, 4
Federal Maritime Commission	5
National Science Board	6

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND PLACE: Commission Meeting, Thursday, January 14, 1982, 10 a.m.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Neiss report to Senate Appropriation Committee.

The staff will brief the Commission on a draft report to the Senate Appropriation Committee concerning the National Electronic Injury surveillance System (NEISS).

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: 2. Enforcement Matter OS #1085.

The staff will brief the Commission on issues concerning enforcement matter OS #1085.

CONTACT PERSON FOR ADDITIONAL INFORMATION:
Sheodon D. Butts, Deputy Secretary, Office of the Secretary, Room 342E, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

[S-40-82 Filed 1-8-82; 4:21 pm]

BILLING CODE 6355-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item From January 13th Open Meeting

The following item has been deleted at the request of the Office of the General Counsel from the list of agenda items scheduled for consideration at the January 13, 1982 Open Meeting and previously listed in the Commission's Notice of January 6, 1982.

Agenda, Item No., and Subject

Private Radio—5—*Title:* Report and Order concerning the general exemption from the radiotelegraph requirements for cargo vessels of 1600 gross tons and upward engaged on coastwise voyages. *Summary:* The Commission will consider granting a general exemption from the radiotelegraph requirements of the Communications Act to cargo ships of 1600 gross tons and upward when navigated on domestic voyages along the coasts of the contiguous 48 states. The ships will be required to have specific radiotelephone equipment for both terrestrial and satellite communications and also meet additional operational requirements

Issued: January 8, 1982.

William J. Tricarico,
Secretary, Federal Communications Commission.

Deletion of Agenda Item From January 13th Closed Meeting

The following item has been deleted at the request of the Office of the General Counsel from the list of agenda items scheduled for consideration at the January 13, 1982 Closed Meeting and previously listed in the Commission's Notice of January 6, 1982.

Agenda, Item No., and Subject

Complaints and Compliance—1—Request by Curran Communications, Inc. for reconsideration of Commission's letter of admonition issued to Radio Station WPAM, Pottsville, Pennsylvania

[S-45-82 Filed 1-11-82; 1-15-82]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, January 18, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:
Bank of Los Angeles, a proposed new bank, to be located at 8901 Santa Monica Boulevard, Los Angeles, California.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,019-L—Northeast Bank of Houston, Houston, Texas
Case No. 45,048-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin
Case No. 45,056-L—Banco de Ahorro de Puerto Rico, San Juan (Hato Rey), Puerto Rico
Case No. 45,061-L—The Drovers' National Bank of Chicago, Chicago, Illinois
Case No. 45,062-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: The Mission State Bank & Trust Company, Mission, Kansas

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:
Feldstein, Gelpi, Hernandez & Castillo, Old San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.
Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Memorandum and Resolution re: FDIC regulations selected for review during 1982.

Memorandum re: Mileage rates paid to Corporation employees.

Reports of committees and officers:
Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority; Status of Approved Committee Cases.
Memorandum re: Reports Required Under Delegated Authority; Foreclosure Bids.

Discussion Agenda: No matters scheduled.

The Meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-43-82 Filed 1-11-82; 12:34 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 18, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Request for modification of assistance agreement: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names of locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-44-82 Filed 1-11-82; 12:34 pm]

BILLING CODE 6714-01

5

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 7, 1982. 47 FR 887.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: January 13, 1982, 9 a.m.

CHANGES IN THE MEETING:

Withdrawal of the following item from the open session:

6. Docket No. 81-39: Agreement Nos. 10333, 10333-1 and 10333-2 Calcutta/Bangladesh/U.S.A. Pool Agreement—Referral of motion to stay, modify or terminate the order instituting the proceeding.

Addition of the following item to the closed session:

3. Docket No. 81-39: Agreement Nos. 10333, 10333-1 and 10333-2 Calcutta/Bangladesh/U.S.A. Pool Agreement—Referral of motion to stay, modify or terminate the order instituting the proceeding.

[S-47-82 Filed 1-11-82; 3:46 pm]

BILLING CODE 6730-01-M

6

NATIONAL SCIENCE BOARD.

DATE AND TIME:

January 21, 1982.

8:30 a.m.—Open Session.

January 22, 1982

8:30 a.m.—Open Session.
10:30 a.m.—Closed Session.

PLACE: National Science Foundation, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, January 21, 8:30 a.m.

1. Minutes—Open Session—231st Meeting
2. Chairman's Items
3. Director's Report
   a. Report on Grant and Contract Activity—11/18/81-1/21/82
   b. Organizational and Staff Changes
   c. Congressional and Legislative Matters
   d. NSF Budget for Fiscal Year 1982
4. NSF Advisory Groups—Reports on Meetings
5. Program Review—Materials Research

Friday, January 22, 8:30 a.m. (Conclusion of Open Session)

6. Grants, Contracts, and Programs
7. Reports on Meetings of Board Committees
8. Other Business
9. Next Meeting—National Science Board—February 18-19, 1982

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Friday, January 22, 10:30 a.m.

A. Minutes—Closed Session—231st Meeting
B. Grants, Contracts, and Programs
C. NSF Budget Requests for Fiscal Year 1983 and Subsequent Years
D. NSB Annual Reports
E. NSB and NSF Staff Nominees

CONTACT PERSON FOR MORE INFORMATION: Miss Margaret L. Windus, Acting Executive Officer, NSB, 202/357-9582.

[S-46-82 Filed 1-11-82; 2:36 pm]

BILLING CODE 7555-01-M

V 4 7 / 8 J A 1 3 8 2

federal register

Wednesday
January 13, 1982

Part II

Environmental Protection Agency

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revised Gaseous Emmission Regulations for 1984 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL 1934-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revised Gaseous Emission Regulations for 1984 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes revisions to the gaseous emission regulations promulgated for 1984 and later model year light-duty trucks (LDT's) and heavy-duty engines (HDEs). This rulemaking is in response to EPA's commitment to ease the regulatory burden on the automotive industry. These revisions include:

1. A three-year revision (1984–1986) of the HDE carbon monoxide (CO) emission standard to 35 g/BPH-hr, a level which heavy-duty gasoline-fueled engines (HDGE) can achieve without catalytic converter technology (our feasibility analysis indicates that the statutory hydrocarbon (HC) emission standard is feasible with non-catalyst technology).

2. A 2-year delay of the implementation of the HDE Selective Enforcement Audit (SEA) program (from 1984 to 1986),

3. Relaxation of the Acceptable Quality Level (AQL) applicable to LDT and HDE SEA (from 10 percent to 40 percent), and,

4. Minor amendments involving SEA, maintenance intervals, and test procedure.

Through these actions, we expect the HDE manufacturers will accrue substantial cash expenditure and cash flow savings. These in turn should be passed on directly to the purchasers of heavy-duty vehicles in the form of lower prices. Implementation of these actions is not expected to have a significant adverse effect on air quality.

DATES: EPA will hold a public hearing on this Notice on February 18, 1982. The hearing will convene at 9:00 a.m. and adjourn at 5:00 p.m., or at a later time if necessary to complete the business of the hearing. If necessary, the hearings may be continued to February 19, 1982. Comments will be accepted to the docket for a period of 30 days following the close of the hearing, and should be submitted on or before March 22, 1982. Those wishing to participate actively in the public hearing process should notify the public contact (shown below) not later than two weeks prior to the hearing.

ADDRESSES: The hearing will take place in the conference room at the EPA Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

Written comments, other than those submitted directly at the hearing, should be submitted (preferably 4 copies) to: Central Docket Section (A–130), Environmental Protection Agency, Attn: Docket No. A–81–11, 401 M. Street, S.W., Washington, D.C. 20460.

Docket No. A–81–11 is located in the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. The dockets may be inspected between 8 a.m. and 4 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Glenn W. Passavant, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668–4408.

SUPPLEMENTARY INFORMATION:

I. Background

In December of 1979 EPA promulgated gaseous emission regulations for 1984 and later model year HDEs (45 FR 4136). A similar rulemaking affecting 1984 and later model year LDTs was promulgated in September 1980 (45 FR 63734). The public dockets for these rulemakings (OMSAPC 78–4 and 79–2, respectively) are herein incorporated by reference. The primary function of these rulemakings was to promulgate the statutory HC and CO emission standards called for in section 202(a)(3)(A)(ii) of the 1977 Clean Air Act Amendments. The statutory emission standards were to represent at least a 90 percent reduction from uncontrolled levels.

In addition to the statutory emission standards these rulemakings implemented a number of other provisions also to be effective for the 1984 model year. The major provisions common to both rulemakings included:

1. Revised useful life definition,

2. Revised certification requirements with respect to durability testing and allowable maintenance,

3. An idle test and an idle emission standard for gasoline-powered light-duty trucks and heavy-duty engines, and,

4. The implementation of a 10 percent Acceptable Quality Level (AQL) for Selective Enforcement Audit (SEA) testing.

The HDE final rulemaking also included a new emission test procedure and initiated an SEA program for HDEs.

These new requirements for LDTs and HDEs were promulgated simultaneously, effective for the same model year, to avoid the procedural disruption and waste associated with frequent changes in emission regulations. EPA chose this comprehensive approach to controlling emissions from LDTs and HDEs because it represented the most efficient approach in that it allows manufacturers to deal with the effects of several regulations at once, thus avoiding repeated financial outlays for research, development, retooling, and recertification.

The HDE final rulemaking would have caused the manufacturers and related industry to invest considerable capital to comply with the requirements, with most of the necessary capital investment required between 1981 and late 1983. In the economic analysis supporting the HDE final rulemaking EPA made the finding that "[m]ost manufacturers should have little trouble financing the required investment barring a post-1980 recession."

At the time the final rule was being prepared the heavy-duty engine industry had just finished a year of record sales (1978) and sales continued strong into 1979. However, in later 1979 and early 1980 a general economic downturn occurred. As 1980 progressed the recession became more severe, and LDT and HDE sales dropped dramatically. Over the past five to six financial reporting periods (quarters) most companies in the LDT and HDE markets have reported substantial operating losses. For many companies 1980 was a year of record losses.

EPA's belief in the technological feasibility of the 1984 HDE emission requirements and statutory HC and CO emission standards remains unchanged. However, the economic ability of the manufacturers to comply simultaneously with all of the applicable provisions is not as strong as when these provisions were promulgated in late 1979. The large sales drops in the motor vehicle industry have eroded the manufacturers' ability to underwrite all of the necessary capital investment. Considering the economic condition of the industry, compliance with all of these provisions no longer appears to be economically feasible in the short term.

In response to this economic crisis in the industry, and the need for short-term cash flow improvements, the Administration aimed at reducing the cost burden of Government regulations. Preliminary analyses by EPA indicated

that several provisions of the 1984 LDT/HDE final rulemakings which required substantial capital investment could be relaxed without causing a large loss in the emission reductions and air quality improvements expected from the original rulemakings. EPA has identified two major areas for relaxation and/or revision: 1) the heavty-duty engine emission standards and 2) the enforcement provisions related to SEA and the AQL.

In the case of the HDE emission standards, there is a clear cost breakpoint between catalyst and non-catalyst technology. To achieve compliance with the statutory CO emission standard, HDGEs require the use of catalytic converter technology. Although converters have been used for several years on both light-duty vehicles and light-duty trucks, their use in heavy-duty engine applications would require redesign, development and testing to meet the unique demands of the heavy-duty engine operating environment and the allowable maintenance interval. This would in most cases lead to the development and production of a catalyst designed, sized, and loaded specifically for heavy-duty applications.

By revising the emission standards to "non-catalyst" levels, the manufacturers (or vendors) would be able to forego all costs associated with developing heavy-duty catalysts. These savings would occur in areas such as redesign, development and testing, production tooling, and assembly tooling. And, of course, manufacturers would not need to make capital outlays in any other area related to the use of catalytic converter technology such as engine modifications, exhaust system changes, chassis heat shields, and filler neck restrictions.

There are two relaxations in the SEA provisions affecting LDTs and HDEs: (1) a two year deferral of HDE SEA and (2) a relaxation of the AQL required during formal SEA testing for both LDTs and HDEs.

Section 206(b) of the Clean Air Act provides the Administrator with broad authority and discretion in conducting production line compliance testing. EPA's production line testing program known as "Selective Enforcement Auditing" (SEA) was implemented in 1977 for light-duty vehicles and light-duty trucks. EPA presently conducts no SEA of heavy-duty engines, and had planned to initiate the program in the 1984 model year.

EPA has estimated that the HDE SEA program would require a capital investment of approximately $43.2 million (1981 dollars discounted to January 1984) spread over 1982 and 1983. This investment is necessary to purchase the facilities and equipment required to conduct formal SEA testing and to provide an adequate rate of voluntary testing if desired. Based on EPA's cost figures this investment represents 16 percent of the pre-1984 investment necessitated by the original 1984 heavy-duty engine regulations published January 21, 1980.

In recognition of the current economic condition of the industry, we have concluded that delaying the HDE SEA program for two model years would provide substantial cash flow savings to the HDE industry without significantly affecting air quality. Considering both the economic and environmental factors, the Agency announces a two-year deferral in the implementation of the SEA program for HDE.

The second part of the proposed SEA revisions affects the Acceptable Quality Level (AQL) applicable to LDT and HDE SEA beginning in the 1984 model year. This AQL is given as a percentage which represents the maximum noncompliance rate allowed during formal SEA testing before a manufacturer incurs a substantial (greater than 5 percent) risk of failing the SEA. EPA has promulgated a 10 percent AQL for both LDTs and HDEs beginning in 1984. Even though EPA continues to believe that LDT and HDE manufacturers currently possess the necessary technological capability and leadtime to comply with 1984 model year emission requirements with a 10 percent AQL, recent developments indicate that the economic feasibility of complying with all of these requirements simultaneously is far more difficult than when the provisions were first promulgated.

Recognizing this situation, EPA proposes to change the AQL for HDEs and LDTs from 10 percent to 40 percent. This change should help to decrease the industry's costs of complying with new emissions regulations. Manufacturers will accrue savings as a result of lower self audit costs and in some cases lower facility and equipment costs. Also, in some cases the higher target emission levels with the 40 percent AQL may reduce pre-production compliance costs for the industry.

As mentioned previously, a new HDE test procedure and revised useful life requirements for LDTs and HDEs are both effective beginning in the 1984 model year. As a part of the Administration's regulatory relief program, EPA has committed to a study of the issues pertinent to these provisions and has formally solicited public comment (46 FR 31677, June 17, 1981) (public docket A-81-20). The period to submit information and comment on these issues closed November 1, 1981 for the HDE test procedure and closed December 1, 1981 for the useful life provisions.

EPA recognizes that the transient test and useful life provisions play a key role in the overall emission control program. They directly affect both the manufacturers' compliance strategies and the feasibility of the emission standards. These issues are especially important in this rulemaking and cannot be completely separated from the proposed revised emission standards for HDEs. Given the importance of these provisions in this rulemaking, docket A-81-20 is herein incorporated by reference.

EPA is preserving the option to modify the HDE transient test and useful life provisions as an integral part of the final rulemaking process for this proposed rule. Commenters asserting that changes are needed to make the transient test more accurate or precise are urged to suggest specific amendments where possible. To the extent that issues raised in this rulemaking might elicit additional comment for either the transient test or useful life studies, EPA will accept that comment in conjunction with this rulemaking.

Specifically, concerning the useful life provision, affected manufacturers have contended that a shorter period than full life would be appropriate. This appears to be based in large part on manufacturers' concerns that required statements on the engine label giving the engine's average useful life would expose manufacturers to increased liability under commercial warranties. Comments are welcome on how best to change the wording on the label, or other appropriate measures to address these concerns. Manufacturers should also address whether such changes would ease the perceived burdens of the full life useful life provision, or whether they believe further changes are warranted based upon technical, economic, or other justifications.

Concerning the transient test, this procedure has been the subject of extensive discussion between EPA and the regulated industry since its promulgation in December of 1979. EPA has visited several transient test facilities and met with manufacturers to discuss their concerns about the transient test procedure. EPA has also received a great deal of correspondence on this topic primarily from the engine manufacturers and their trade associations. EPA remains open to additional substantive comment on the transient test procedure and will fully

consider any new information which identifies significant defects in either the method used to develop the transient test or the transient test procedure itself.

EPA has maintained that tighter standards under the steady state test would provide little assurance that appreciable further emission reductions would be achieved by engines in actual use. Those who assert that the transient test should be deferred should also address whether any significant emission reductions beyond current levels can be attained under the existing steady state test procedure, and if so, what standards would be appropriate during any period of deferral. If the need for deferral of the 1984 implementation date for the transient test is established during this rulemaking, EPA will consider all comments on the appropriateness of interim standards; EPA will then make a final determination of whether it would be more appropriate to adopt interim standards or to retain the pre-1984 standards with the steady state test procedure during any period of deferral.

II. Authority

Statutory authority for these actions is provided in sections 202, 206, and 301(a) of the Clean Air Act (42 U.S.C. 7521, 7525, and 7601(a)). Sections 202(a)(3)(B) and (C) of the Act provide that,

(B) During the period of June 1 through December 31, 1978, in the case of hydrocarbons and carbon monoxide, or during the period of June 1 through December 31, 1980, in the case of oxides of nitrogen, and during each period of June 1 through December 31 of each third year thereafter, the Administrator may, after notice and opportunity for a public hearing promulgate regulations revising any standard prescribed as provided in subparagraph (A)(ii) for any class or category of heavy-duty vehicles or engines. Such standards shall apply only for the period of three model years beginning four model years after the model year in which such revised standard is promulgated. In revising any standard under this subparagraph for any such three model year period, the Administrator shall determine the maximum degree of emission reduction which can be achieved by means reasonably expected to be available for production of such period and shall prescribe a revised emission standard in accordance with such determination. Such revised standard shall require a reduction of emissions from any standard which applies in the previous model year.

(C) Action revising any standard for any period may be taken by the Administrator under subparagraph (B) only if he finds—

(i) that compliance with the emission standards otherwise applicable for such model year cannot be achieved by technology, processes, operating methods, or other alternatives reasonably expected to be available for production for such model year without increasing cost or decreasing fuel economy to an excessive and unreasonable degree; and

(ii) the National Academy of Sciences has not, pursuant to its study and investigation under subsection (c) issued a report substantially contrary to the findings of the Administrator under clause (i).

As regards the SEA provisions, Section 206(b)(1) of the Act provides that, "In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Administrator is authorized to test such vehicles or engines. Such tests may be conducted by the Administrator directly or, in accordance with conditions specified by the Administrator, by the manufacturers." Further, section 301(a) provides, in part, that "the Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act."

III. Components of the Proposal

This notice is comprised of five parts. Based on their impact, this proposal contains three primary and two secondary components. The primary components include the HDE emission standards, deferral of the HDE SEA program, and relaxation of the AQL. The secondary components include the proposal of a leaded fuel spark plug maintenance interval for HDGE and minor amendments related to SEA and the HDE test procedure.

A. HDE Emission Standards

1. *Introduction.* The Clean Air Act as amended in 1977 calls for HDE HC and CO emission standards which represent at least 90 percent reductions from an uncontrolled HDGE baseline. These standards were promulgated in late 1979 effective for the 1984 model year. A related section of the Act (cited above) permits EPA to revise for a three year period any of the statutory HDE emission standards if it can make either the technology, fuel economy, or cost findings necessary to support the revision. In the event that the HDE emission standards are revised, the Act requires that the revised standard(s) be set so as to achieve the maximum degree of emission reduction reasonably available.

This proposal to revise the HDE CO emission standard for a period of three model years is based on the cost-related protion of the revision provisions. EPA still believes that with the use of catalytic converter technology the statutory HDE NC and CO emission standards are technologically feasible for all HDGEs and the result of this technology will be a fuel economy improvement fore HDGEs. However with economic problems of the industry, the large capital outlays for the development, application, and production of catalytic converter systems on HDGEs appear to be excessive and unreasonable in the short term. Since our testing and analysis in support of the original 1984 final rulemaking indicated that the statutory CO standard is the factor forcing the use of catalytic converter technology on HDGEs, we propose to revise the CO emission standard to "non-catalyst" levels.

Under Section 202(a)(3)(B) of the Clean Air Act this revision is constrained to a maximum of three years. After that, the standard could be revised again (and would have to be more stringent) or the statutory standard could go into effect. Since we are limited here to a three year revision, the statutory CO emission standard (15.5 g/BHP–hr) remains in place for the 1987 model year. This does not necessarily imply that the statutory CO standard will automatically be implemented for the 1987 model year. In the appropriate time period as provided in the Act, EPA will reconsider whether an additional revision is necessary or if the statutory standard should be allowed to remain effective for 1987 model year engines. In any case EPA will provide adequate leadtime for both public participation and compliance.

2. *Revised HDE CO Emission Standard.* The level of the revised CO emission standard (proposed at 35 g/BHP-hr) is influenced by several factors. First is our intention to set a standard which is feasible using non-catalyst technology. Second, since the purpose of this action is to reduce excessive and unreasonable short-term costs, the technology used should be less expensive to develop and purchase than the catalyst system. Third, because of the limited time available for development, tooling, and certification, the technology used should not require substantial leadtime. And of course, fuel economy effects must be considered.

Given these technology, cost, leadtime, and fuel economy constraints, the technology available to gain greater emission reductions becomes limited to more conventional approaches such as have been used in the LDV and LDT fleet for several years. These approaches should be readily available for fleetwide use in HDGEs for 1984. Because of leadtime and cost we have excluded from consideration at this time the widespread adoption of technologies

such as closed-loop electronic controls, throttle body injection, thermal reactors, or turbocharging which if used would result in a lower feasible standard than proposed here. EPA believes that the HC and CO standards being considered here are achievable for the 1984 model year because the technology analysis incorporates only the conventional approaches which are commonly used in the current motor vehicle fleet. This should aid in greatly reducing leadtime requirements. It should also be noted that the use of conventional (non-catalyst) control technology should make full life compliance easier than with catalyst technology.

Our analysis (found in the Regulatory Support Document) describes in depth the strategies and components that we expect would be used to achieve the 1984 HC and CO emission standards. In summary, these include automatic chokes, heated air intake, and early fuel evaporation as well as air modulation and increased air injection. We also expect significant reductions can be gained through engine recalibrations and calibrations optimized to the transient test procedure. The conclusion of our analysis is that such techniques should allow manufacturers to meet the statutory 1.3 g/BHP-hr HC standard, and relaxed CO standard of 35 g/BHP-hr.

The relaxed CO standard represents more than a doubling of the 15.5 g/BHP-hr statutory standard. Even so, this still represents a substantial reduction in CO emissions when compared to those of current HDGEs. As part of our support and analysis of the 1984 HDE final rulemaking, we tested 12 1979 HDGEs on the transient test procedure. These engines represent current technology emission levels. The arithmetic mean HC and CO levels of these engines were 2.84 and 75.6 g/BHP-hr respectively. The median values were 2.5 g/BHS-hr and 65 g/BHP-hr respectively. So, as compared to current levels, the standards would represent average reductions of at least 54 percent for both HC and CO.

The Act also requires that any revised HDE emission standard be more stringent than that of the previous model year. Numerically the proposed revised CO emmission standard (35 g/BHP-hr) would appear less stringent than the current HDE CO emission standard (25 g/BHP-hr). As described above, the increase in stringency comes about as a result of the test procedure change.

It should be noted that even though the CO emission standard has been reproposed, this will have little or no impact on the compliance programs and strategies for heavy-duty diesel engines (HDDEs). The relaxation of the CO standard will not affect diesels due to their inherently low CO emission levels.

3. *HDE HC Emission Standard.* As was discussed previously, the revision provision of the Act requires that any revised standard be set to achieve the maximum degree of reduction reasonably available. The maximum degree of reduction reasonably available for HC is limited by the same technology, cost, leadtime, and fuel economy constraints as described above for CO.

However, even given these constraints, EPA believes that the statutory HDE HC emission standard (1.3 g/BHP-hr) is still achievable without catalyst technology. As is described more fully in the issues discussion which follows later, there are emission control strategies and components which would allow the HDGE manufacturers to achieve the necessary target emission levels. These include components such as automatic chokes, early fuel evaporation, and preheated air intake and calibration changes such as optimized spark timing, more precise fuel metering, and leaner carburetor calibrations.

Even though we are not actually revising the level of the HC emission standard, the move to non-catalyst standards and the SEA related changes would in fact lead to an increase in the target emission level and make the standard easier to achieve. EPA expects that for HDGEs the targets would rise from 0.50 g/BHP-hr to 1.10 g/BHP-hr (a 120 percent increase) for 1984 and 1985 and then drop back to 1.0 g/BHP-hr in 1986 (still a 100 percent increase).

The constraints affecting HDGE manufacturers do not affect HDDE manufacturers. The move to non-catalyst technology will not affect diesel engine compliance programs, so HDDE manufacturers' compliance programs should remain unchanged. Our technological feasibility analysis for diesels remains unchanged from that published in December 1979. The SEA-related changes described previously will lead to a 39 percent increase in the HC target level for 1984 and 1985 and an 18 percent increase in 1986. Therefore, the compliance difficulty for HDDE manufacturers would be eased somewhat by this proposal.

Considering the technologies and leadtime still available and the relaxations in the HC target emission levels, EPA believes that the statutory emission standard is feasible at a reasonable cost for 1984 model year HDEs. However, EPA remains open to comment and especially encourages submission of data regarding the feasibility of the statutory standard and alternative levels if the statutory levels are considered infeasible. We will promulgate a revised HC standard if the comments and data so warrant.

In the original HDE final rulemaking EPA promulgated an optional steady-state HC emission standard for HDDEs. to allow the manufacturers of these engines adequate additional time to investigate a cost saving means of implementing the transient test procedure. The 1983 (now 1984) California 13-mode HC standard (0.5 g/BHP-hr) was allowed as an option for 1984 model year Federal certification of HDDEs. This standard was chosen to provide agreement with the manufacturers' emission control development programs for California certification while at the same time minimizing any loss in emission reduction benefits which might occur under this option.

In recent conversations with the manufacturers the optional HC standard has been characterized as being too stringent to provide the short term alternative EPA orignially intended. EPA did not intend for the manufacturers to undertake major development programs in achieving the one year optional HC standard. EPA desires that the manufacturers aim their development programs and resources at meeting the statutory HC standard (1.3 g/BHP-hr) over the diesel transient test procedure.

In light of these concerns, EPA is requesting comments on the stringency of the optional 13-mode HC standard for HDDEs. The comments should address the stringency of the optional standard relative to EPA's intent that it not involve a major development program. Any commenter suggesting an alternative level to the current optional standard should provide justification as to why that level is appropriate. EPA will relax the optional steady-state HC standard if the comments, data, and justification submitted so warrant.

4. *HDE NO_x Emission Standard.* The currently promulgated 1984 and later model year NO_x emission standard was set at a level so as to insure that the change in the emission test procedure would not lead to an increase in the stringency of the NO_x standard. EPA is confident that the 1984 NO_x standard need not be revised as a result of the move to non-catalyst technology.

5. *Idle CO Emission Standard.* The 1984 model year is the first year in which HDGEs must comply with an idle emission standard. In this case the standard is 0.47 percent (by volume) for CO. Even applying non-catalyst

technology EPA believes that the idle CO standard is feasible for HDGEs. This could be accomplished through leaner carburetor calibrations and increased air injection. As is discussed further in the issues discussion, five of 12 current technology engines tested already meet the standard.

As before with HC, we welcome comment and data on the feasibility of the idle CO emission standard and alternative levels, and will promulgate a revised standard if the facts so warrant.

B. Deferral of the HDE SEA Program

Section 206(b) of the Clean Air Act provides the Administrator with broad discretion to implement and carry out production line testing programs. Considering all pertinent factors we have decided to delay for two years the initial implementation of an SEA program for HDEs. The primary thrust behind this action is to provide some short term relief in the form of cash flow savings and cash expenditure savings. We now expect that the total cash flow savings will sum to at least $43.2 million and the cash expenditure savings will sum to at least $24.9 million. As detailed in the Regulatory Support Document, the cash flow savings result primarily from deferred investment in facilities and equipment. Cash expenditure savings result from the elimination of formal SEA testing, self audit testing, and quality control improvements for the 1984 and 1985 model years.

The two year deferral of the HDE SEA program could, of course, result in higher per engine emission rates than would otherwise occur if the program were not delayed. Since the expected target levels without SEA are higher than those with SEA, the emission rate of the average HDE produced in 1984 or 1985 will be higher than in later model years. However, since SEA will begin in 1986, EPA expects some manufacturers may choose to certify in 1984 with the needs of the SEA program in mind, thus minimizing the negative impact.

Although this rulemaking announces EPA's intent not to require any formal SEA testing of 1984 and 1985 model year HDEs, the provisions of Subpart K will apply to SEA testing of LDTs beginning with the 1984 model year. In addition, Subpart K will be used to implement the nonconformance penalty (NCP) provisions of Section 206(g) of the Act.

In the publication of the final rules concerning 1984 emission requirements for LDTs and HDEs, EPA stated its intention to propose an NCP program to allow HDEs and LDTs above 6,000 pounds GVW ("heavy" LDTs) with emissions above applicable standards to be certified and produced. The Agency intends at a later date to formally propose the procedures governing an NCP program, which will reflect the changes being proposed in this rulemaking. For those HDE and LDT pollutants considered eligible for NCPs, the penalty will be assessed on the basis of the emission performance of production engines or vehicles. If a manufacturer elects to certify a 1984 or 1985 model year HDE or "heavy" LDT configuration above an eligible standard, but not above a designated "upper limit," the SEA procedures in Subpart K will be a part of the overall NCP system required to retain his certificate of conformity and assess the NCP. The NCP system will also be available in the event of a failure of the LDT SEA with respect to an eligible pollutant.

NCPs would continue to be provided for HDEs and "heavy" LDTs in 1986 and later model years. However, beginning with the 1986 model year, HDEs would be subject to the provisions of Subpart K for general surveillance SEA, as well as for any NCP assessments which HDE manufacturers may elect.

C. Relaxation of the AQL

The Clean Air Act authorizes the Administrator to establish emission standards for HDEs and LDTs and to test production vehicles and engines to determine compliance with these standards. As part of this test program, EPA established the AQL, or acceptable quality level approach for measuring compliance. The AQL refers to the highest acceptable noncompliance rate before a manufacturer has a signifcant chance of failing an SEA.

EPA has conducted SEAs of LDVs and LDTs since the 1977 model year using a 40 percent AQL. At a 40 percent noncompliance rate the failure probability is five percent. Results of these audits indicate that manufacturers have set emission target levels that result in failure rates (18 percent to 20 percent) that are substantially below that permitted by the 40 percent AQL, in part, to minimize the possibility of having a certificate of conformity suspended or revoked by failing an SEA. EPA, therefore, does not expect that revising the AQL for LDTs and HDEs to 40 percent will result in 40 percent noncompliance, but rather anticipates an average noncompliance level for production vehicles and engines of 20 percent or less.

We thus anticipate two effects of revising the AQL from 10 to 40 percent. First, the percentage of vehicles or engines in noncompliance with emission standards under a 40 percent AQL will be somewhat greater than the noncompliance rate permitted by a 10 percent AQL (the historical 18 to 20 percent noncompliance rate under a 40 percent AQL as compared to an expected noncompliance rate of five to eight percent under a 10 percent AQL). Secondly, because of the expected reduction in design target emission levels associated with a 10 percent AQL, emissions from complying vehicles or engines would average slightly lower with a 10 percent AQL than with a 40 percent AQL. The relaxation of the AQL from 10 to 40 percent will result in somewhat higher target emission levels and higher initial per vehicle emission rates. EPA does not believe that either of these differences will substantially increase mobile source emissions.

Relaxation of the AQL would provide substantial cash expenditure savings to the HDE industry. Primarily as a result of decreased self audit rates we expect the industry will save at least $3.6 million for the 1986–88 model years. In addition EPA expects that as a result of the higher target emission levels some per vehicle/engine consumer cost savings related to emission control hardware may also occur. These consumer cost savings will be summarized in the economic impact discussion which follows.

D. HDGE Spark Plug Maintenance Interval

In the 1984 HDE final rulemaking EPA promulgated a spark plug maintenance interval as part of its program to encourage the design of long-life emission-related components and provide the necessary building blocks for the HDE emissions warranty program. In determining these intervals, emission related maintenance was limited to that which was considered technologically necessary.

The allowable maintenance interval for spark plugs was promulgated at 25,000 miles. Although the original level proposed was 30,000 miles, after consideration of the public comments it was concluded that not all HDGE families in all applications would be able to comply with the requirement, even with the use of unleaded fuel. With the move back to non-catalyst technology, the improved spark plug wear benefits of unleaded fuel will also be lost. Therefore, we must reconsider the spark plug allowable maintenance interval when leaded fuel is used.

In the 1984 HDE regulation which implemented the allowable maintenance intervals for a number of components and subsystems, one key guide used to establish the technologically necessary interval was a review of the currently

recommended maintenance intervals. The current spark plug maintenance intervals for the four producers of HDGE's are shown below.

Manufacturer	Recommended interval (miles)
GM	12,000
IH	12,000
Chrysler	18,000
Ford	15,000–16,000

The recommended intervals are in general agreement, with the exception of those of Chrysler. One factor which influences the length of the prescribed interval is the application in which the engine is placed. This explains the longer interval for Chrysler, whose engines are used primarily in lower GVW trucks and motor homes. The closer agreement between Ford and IH/GM is because these manufacturers all offer complete product lines in the HDGE market, and build engines for vehicles of all GVWR. It is not likely that all manufacturers could increase their service interval to the 18,000 mile interval used by Chrysler, especially in some of the more rigorous applications. IH/GM would likely be able to increase their recommended maintenance intervals to 15,000 miles for a small cost.

Even though EPA will continue to encourage the design and use of longer life emission-related components and sub-systems, it is not clear that the potential benefits of an interval of 15,000 or 18,000 miles (3,000–4,000 miles over current minimums) would be large enough to justify the administrative burden and potential small cost associated with the requirement. Most certainly, no motivation presently exists for the engine manufacturers to decrease the recommended intervals from present levels. A 12,000 mile allowable spark plug maintenance interval for those HDGE's certified for use with leaded fuel would provide the necessary building blocks for the emissions warranty program while not levying any new requirement on the industry.

Therefore, we propose to amend the applicable regulations of Subpart A (86.084–25) to specify an allowable spark plug maintenance interval of 12,000 miles for those HDGEs certified for use with leaded fuel and to specify that the previously promulgated allowable spark plug maintenance interval of 25,000 miles is applicable only to those engines certified for use with unleaded fuel only.

E. Minor Amendments

EPA is also proposing several technical and procedural amendments to the regulations governing SEA of HDEs and LDTs contained in Subparts A and K a minor amendment to the heavy-duty engine test procedure of Subpart N. For HDEs, these regulations were originally published at 45 FR 4167 and 4170 (January 21, 1980), and were updated to include LDTs at 45 FR 63767 and 63772 (September 25, 1980).

These amendments are intended to clarify specific aspects of the existing regulations, to improve the efficiency with which the HDE/LDT SEA program will be conducted in the future, and to reduce the compliance burden on the affected manufacturers where practical. Each amendment and the reason for its proposal are described in the chart at the end of this preamble. Several of these changes (those with an asterisk) are more complex than the others. These particular amendments are described in more detail in a short document in the public docket entitled "Minor Amendments to the HDE/LDT SEA Procedures."

The minor amendment to the HDE test procedure arises from a manufacturer's inquiry, and would formally make the revision to which EPA agreed in a written response to the inquiry.

IV. Issues Affecting This Rulemaking

A. Feasibility of the HDE Emission Standards

As discussed previously, technology, cost, fuel economy, and leadtime restrictions must be considered in establishing the appropriate level for non-catalyst standards. Based upon our initial analysis of these factors the emission standards which we believe are feasible for 1984 and later model year HDGEs are:

HC	1.3 g/BHP-hr.
CO	35 g/BHP-hr.
NO_x	10.7 g/BHP-hr.
CO (idle)	0.47 percent (volume).

Our rationale for the proposed revised standard is thoroughly developed in the Regulatory Support Document available in the docket. The results of the analysis are summarized briefly below:

Hydrocarbons—Even applying non-catalyst technology, we believe that the statutory HC emission standard is achieveable for HDGEs. Although in some cases this represents a considerable reduction over the current levels, there are a number of control strategies available to the manufacturers. These strategies can be divided into three main groups: cold start reductions, calibration changes, and engine modifications.

Cold start emissions can be reduced significantly by using automatic chokes, preheated air intake, and early fuel evaporation. When properly calibrated these mechanisms can decrease warm-up time and improve fuel vaporization which would lead to both lower cold start emission levels and improved vehicle/engine performance.

Calibration changes will also provide substantial reductions in HC emission levels. These include optimized spark timing, EGR flow rates, and carburetor related calibrations such as air-fuel ratio, more precise metering, and others.

The third area of potential reductions is related to modifications and improvements in the intake manifold and combustion chamber. Manifold design improvements could provide improved air-fuel distribution to the cylinders. Reduction in the combustion chamber surface-to-volume ratio would also reduce HC emission levels. These types of modifications require more leadtime and are more expensive on a per engine basis, so we do not expect manufacturers will implement these modifications in all families

In addition it should be noted that both the relaxation of the AQL and the move to non-catalyst technology will act to increse the target emission levels over those previously expected. In dealing with the demands of the SEA program manufacturers must act to reduce the impact of emissions variability (engine to engine and test to test) as it relates to compliance with the emission standards. This variability adds a degree of uncertainty to the emission levels which could be expected from any given production engine. For example, the emission level of any given engine could be 10 percent higher or lower than the design target level and those engines emitting above the target level may not be in compliance with the standards. Based on the degree of confidence desired by manufacturers most choose to reduce their design target emission levels so that emission variability will not cause an unacceptable portion of the manufacturers' production engines to emit above the standard. Under a 40 percent AQL the allowable failure rate is higher than under a 10 percent AQL. As a result the 40 percent AQL will permit manufacturers to raise their target emission levels about 25 percent over what would have been necessary with a 10 percent AQL and yet still comply with the applicable AQL.

The other major factor which affects the level of the design target is the magnitude of the deterioration factor. The larger the deterioration factor the lower the design target must be. Historically non-catalyst deterioration factors have been substantially less than catalyst-based factors. Therefore

the design target levels can be higher with a non-catalyst system. For HDGE this could be as much as 50 to 60 percent higher.

Even with the restrictions described above (technology cost, fuel economy, and leadtime), we believe that the statutory HC standard is feasible for HDGEs and thus are not proposing a revised HDE HC emission standard. However, EPA remains open to comment on the feasibility of the statutory HC emission standard for HDGEs and will promulgate a revised HC standard if the comments and substantive data submitted by the public and manufacturers so warrant.

The change to non-catalyst technology will have no effect on feasibility of the statutory HC emission standard for heavy-duty diesel engines (HDDE). If anything, compliance with the standard should be easier as a result of the proposed change in the AQL. Our technological feasibility analysis for HDDEs basically remains unchanged from that presented in the analysis supporting the original 1984 final rulemaking.

In closing this discussion of the HDE HC emission standard one other area deserves brief mention. In the **Federal Register** notice of April 13, 1981 (46 FR 21628) we announced our intent to propose optional non-methane hydrocarbon (NMHC) standards for motor vehicles. When non-catalyst technology is used the need for NMHC is not as clear. Nevertheless, we fully intend to address a NMHC standard for HDEs in a proposal to be published later this year.

Carbon Monoxide—at the level of the statutory HDE CO emission standard was the prime factor in forcing the need for catalytic converter technology on HDGEs. With our decision to promulgate non-catalyst standards, the HDE CO emission standard must be revised.

To determine the proposed level for this revised standard we first reviewed the HDGE current technology baseline mentioned previously. The available data showed a wide range of CO emission levels, but clearly indicated that some engine families had superior CO emission characteristics on the transient test procedure. The range of these CO levels was 34.44–118.07 g/BHP-hr with a median of about 65 g/BHP-hr. It is our engineering judgment that the CO emission levels between 35 and 65 g/BHP-hr are more closely representative of the performance of the better designed current technology engines and thus represent the baseline level from which the initial reductions would have to be achieved. Those engines emitting above 65 g/BHP-hr tend to use excessive power enrichment and less precise fuel metering.

There are three primary means by which the required CO emission reductions can be achieved. These include general calibrations, improvements in the air injection system, and reductions in cold start emissions.

Some of the required CO reductions can be achieved through carburetor recalibrations. These would include changes related to the carburetor air-fuel ratio, power enrichment and other functions such as general fuel metering.

One of the other areas with the greatest potential for reductions is improvements in the air injection system. This would include increases in the amount of air injection, changes in the calibrations of the diverter and pressure relief valves, and possibly the use of a vacuum controlled air modulation system. All of these could provide substantial reductions in CO emission levels and perhaps small HC reductions also.

Although not as critical for CO as for HC, reductions in cold start CO emissions will aid in reaching the required target levels. These would follow as the components are added and calibration changes made to reduce cold start HC emissions.

Considering the CO emission levels of current technology HDG engines and the control techniques available, even with the technology, cost, fuel economy, and leadtime restrictions we believe a CO emission standard of 35 g/BHP-hr is feasible for all HDG engine families. Indeed one current technology engine has CO emission levels below this level. There is no question about the feasibility for HDDEs since all are already in compliance.

This 35 g/BHP-hr standard represents a substantial relaxation from the statutory standard (126 percent). On a percentage basis the relaxation in the CO target levels is even greater due to the move from catalyst to non-catalyst deterioration factors and the relaxations in the SEA program.

Oxides of Nitrogen—The currently promulgated 1984 and later model year HDE NO_x standard is 10.7 g/BHP-hr. This standard was promulgated at a level so as to insure that the change in emission test procedures would not cause an increase in the stringency of the NO_x standard over current levels. The 1984 NO_x standard is easily achievable by all manufacturers. In fact, we expect most manufacturers will be able to change spark timing to reduce HC emmissions (and perhaps increase NO_x) and yet still easily comply with the NO_x standard. No change to the HDE NO_x standard is being proposed.

Idle CO Standard—As part of the 1984 regulation related to HDEs, EPA promulgated an idle emission test procedure and idle CO emission standard for HDGEs. Just as with the statutory standards, the idle CO emission standard was derived by taking a 90 percent reduction from the uncontrolled baseline. Using the idle emission test procedure and the prescribed baseline, the idle CO emission standard was calculated to be 0.47 percent (by volume).

Our original technological feasibility testing and subsequent analysis indicated that compliance with the idle CO standard would come almost automatically as a by-product of the use of catalytic converter technology. With the move to non-catalytic converter technology the feasibility of the idle CO standard should once again be examined.

As part of the 1979 baseline program mentioned previously, EPA tested the same 12 engines on the idle emission test procedure. The idle CO emission levels for these 12 engines are shown below:

	Percent
GM 292	0.31
GM 454	0.50
GM 350	1.16
GM 366	0.91
GM 350	0.24
GM 454	0.89
Ford 370	0.52
Ford 400	1.85
IH 345	0.40
IH 446	0.30
Chrysler 360	0.23
Chrysler 440	1.26

Since five of these engines already meet the standard, this data would tend to indicate that the idle CO emission standard is feasible without catalyst technology. However, these emission results do not reflect the impact of the parameter adjustment provisions, the engine and component changes associated with the more stringent 1984 HC and CO emission standards, and any small deterioration which may occur.

Based on our knowledge of the anticipated engine and component modifications (e.g., leaner carburetor calibrations) and their effect on idle CO emission levels, EPA believes that the idle CO emission standard currently effective for the 1984 model year is achievable without catalytic converter technology. However, since both EPA and the manufacturers have limited experience with the idle test and idle CO standard we welcome comment on

the feasibility of the idle CO emission standard, and will consider promulgating a revised standard if the comments and facts so warrant.

B. Economic Impact

The implementation of the proposed revisions and relaxations would provide significant cash expenditure and cash flow savings to the industry and would also provide large cost savings to the nation's consumers. Industry cash flow savings would result primarily because the two year deferral of the HDE SEA program would allow the manufacturers to delay facility and equipment investment. Industry cash expenditure savings would result from lower R&D/tooling costs associated with non-catalyst technology for HDGEs and lower testing and quality control costs associated with the deferral of the HDE SEA program and the relaxation of the AQL. For HDGEs consumer savings would result from lower control system costs and lower SEA-related costs. Without catalysts HDGE vehicle operators would no longer need to use unleaded fuel, but will lose the lower operating cost benefits provided by unleaded fuel. LDT and HDDE consumer savings will result from the lower SEA related costs.

As part of our regulatory support document we conducted an economic impact analysis to quantify the savings which would occur. The period over which the savings were computed was different for each of the three primary components of the proposal. These periods were different because the number of years of impact for each of the three components was different. The HDE SEA delay covers the two years of the deferral period. The AQL relaxation covers five years, the period over which the impact of the original final rule was analyzed. The HDE CO standard revision was analyzed for three-year period for which the revised standard is proposed to apply. All of these analyses are summarized in the tables below. The figures shown are in 1981 dollars discounted to January 1984.

AGGREGATE SAVINGS TO THE INDUSTRY (MILLIONS)

	HD SEA delay 1984–85 (cash flow)	AQL relaxation 1984–88 (cash expenditure)	Standard revision 1984–86 (cash expenditure)
LDT	NA	[illegible]	NA
HDG	$18.9M	15.3M	$70.8M
HDD	24.3M	[illegible]	
	43.2M	31.6M	70.8M

The aggregate savings to the nation are also quite large. These incorporate the savings from the table above in an amortized manner, as well as savings in hardware, overhead, profit, and costs of capital. The aggregate savings have been computed for the 1984–1988 model years using sales projections. The final figures are discounted at 10 percent to January 1984.

AGGREGATE SAVINGS TO THE NATION: 1984–1988

Group	Years	Sales	Average savings (first [illegible])	Average [illegible] (operating main.)	Discounted total
LDT	[illegible]	17.37M	[illegible]		$55.6M
HDGE	[illegible]	727,879	339.40	$34	[illegible]
	1986	354,287	302.50	[illegible]	[illegible]
	[illegible]	686,718	[illegible]		1.7M
HDD	1984–85	550,416	[illegible]		33.4M
	[illegible]	[illegible]	7.33		0.7M
					[illegible]

In summary, the proposed relaxations and revisions would provide LDT and HDE industries cash flow savings of $43.2 million and cash expenditure savings of $102.4 million. The aggregate savings to the nation over the 1984–1988 model years sums to almost $450 million.

Those desiring more detail on the derivation of these cost savings figures should consult Chapter IV of the Draft Regulatory Support Document.

C. Environmental Impact

As a result of the relaxations in the LDT and HDE SEA programs and the shift to non-catalyst emission standards we expect the per vehicle/engine HC and CO lifetime emissions to increase over that which was expected beginning in 1984. The increases over the originally anticipated lifetime emissions are shown below for each vehicle/engine group in tons.

Group	Model years	Lifetime HC [illegible] (tons)	Lifetime CO [illegible] (tons)
LDT	1984–88+	.006	0.2
HDGE	[illegible]	.113	5.52
	1986+	.079	4.06
HDD	[illegible]	.520	[illegible]
	1986+	.246	[illegible]

The increase in the lifetime emissions from 1984–85 HDEs may not be as large as shown above. To make the most efficient use of resources and avoid replicate expenditures we expect some manufacturers will design and certify their 1984 product lines considering the impacts of SEA at a 40 percent AQL beginning in 1986. So in some cases the 1986+ figures may be more representative for 1984–85 HDEs.

With the increase in lifetime HC and CO emissions from these vehicle groups the ozone and CO air quality improvements expected in the original rulemakings will be diminished. For the case of ozone, although there will be some decreases in the ozone air quality improvements, it is our initial judgment that the absolute increases in the HC emission levels are not large enough to produce any significant air quality impact. Therefore we have not conducted a detailed air quality analysis attempting to quantify the foregone ozone improvements.

On the other hand, even though the proposed HDE CO standard still yields about a 50 percent reduction from current levels, the absolute level of the CO emissions does increase substantially, and a full air quality analysis was conducted. The basic results of this analysis show an average CO air quality improvement foregone of approximately 1–3 percent at both low and high altitudes.

The catalyst technology originally expected for 1984 and later model year HDGEs would have required unleaded fuel, thus yielding an additional environmental benefit in the form of decreased tailpipe lead emissions. With the move back to non-catalyst technology the lost environmental benefit amounts to about 22 lbs. of lead per vehicle over its lifetime. Vehicles powered by HDGEs currently account for about 13 percent of the annual gasoline consumption and 4.2 percent of the annual vehicle miles travelled.

Chapter III of the Draft Regulatory Document contains more detail on the expected environmental impact of this proposal.

V. Comments and the Public Docket

During final rulemaking, EPA will consider all written comments received

on or before the 30th day following the public hearing. EPA requests that, to the extent possible, comments be submitted prior to the hearing. EPA will keep the record of the public hearing open for submission of rebuttal and other information following the close of the hearing until the above mentioned date.

It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made publicly available. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commenter, any comments which are claimed to be confidential.

VI. Request for Comments

As before with other EPA rulemakings, we rely heavily on public participation as part of our final decisionmaking process. As part of this rulemaking action we must also prepare a report to Congress regarding the decision to revise the HDE CO emission standard. To aid us in making the necessary findings we have prepared a number of specific questions. We welcome comment on any aspects of this proposal, but specifically request comments in the following areas:

A. Technology Feasibility

For HDGE manufacturers:

1. What components, modifications and improvements would be used to meet the HC target level? (Assume NOx standard of 10.7 g/BHP-hr.)

2. What components, modifications and improvements would be used to meet the CO target level?

3. EPA believes the current idle CO emission standard can be met by all HDGE families without using catalysts. If you do not agree with our feasibility assessment, please state in detail why and provide an alternative level that you believe is feasible.

4. What deterioration rate would you expect in idle CO emission levels?

5. If you believe that there will be a significant fuel economy penalty at the HDE CO emission standard we are proposing, please provide data and a detailed analysis to support your position.

6. Please identify the needed production targets for the non-SEA and 40 percent AQL cases.

7. Please comment on the feasibility of meeting each standard without catalysts for the 1984 model year, with alternative suggested levels if you do not consider the current and proposed 1984 standards to be feasible.

8. What are the lowest achievable non-catalyst levels? Can you quantify the relationship between fuel consumption and the level of the standard?

B. Economic Impact

For HDGE manufacturers:

1. This rulemaking is based upon EPA's initial assessment that standards requiring catalysts in 1984 would increase costs to an excessive and unreasonable degree. Please evaluate this assessment.

2. Please provide a detailed listing of the capital costs associated with complying with the revised 1984 emission standards. If possible this should be provided in the same level of detail as found in the Draft Regulatory Support Document. These would include capital costs for tooling, development, certification, etc. Also, please identify the capital cost savings associated with non-catalyst standards.

3. Please provide a detailed listing of the first price costs associated with each component, modification, or improvement expected to be used to meet the 1984 emission standards (including idle CO).

4. Do you expect operating or maintenance costs would increase as a result of the anticipated technology? If so by how much?

5. How much will this rulemaking save you? Please separate out by year for non-catalyst emission standards, the HDE SEA deferral, and the AQL relaxation.

C. General

1. How many engine families do you now plan for 1984? 1986?

2. In the mid-eighties, what percent of your production below 10,000 lbs. GVWR would you expect to be certified as a light-duty truck, 0–8,500 lbs. GVWR?

3. What percent "dieselization" do you expect in 1985 in each of the eight major GVWR classes?

4. Section 86.079–1 (b) permits a manufacturer to request to certify any heavy-duty vehicle under 10,000 lbs. GVWR as a light-duty truck. Do you now plan to switch any of your 1984 certification from HDE to LDT under this provision? If so, approximately what percent of your current HDE sales and/or how many engine families?

5. Section 86.084–22(e) describes the parameters which may be subject to adjustment during normal SEA and certification testng. The provisions described in this section basically address the use of an automatic choke. Because one or more HDGE manufacturers may attempt to certify an engine family(ies) with manual chokes, how would you suggest EPA deal with manual chokes under the parameter adjustment provisions?

6. Given EPA's intent that the optional HDDE HC standard for 1984 model year certification should not require a major development program, please comment on the stringency of the 0.5 g/BHP-hr standard. Also, if desired, please provide alternative levels with justification for such levels.

Administrative Designation

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it involves no negative cost impacts and has no significant effect on competition, productivity, investment, employment, or innovation. Therefore, EPA has not prepared a formal Regulatory Impact Analysis.

However, the Agency has prepared a Regulatory Support Document which contains analyses of the Technological Feasibility, Environmental Impact, and Economic Impact. This document is available for copying at the Public Docket cited previously. At this time the Agency is unable to provide free single copies as has been past policy.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Impacts on Recording Requirements

The information collection requirements in this proposed rule will be submitted to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act of 1980. The information requirements or recordkeeping in this proposed rule will not take place until it has been cleared by OMB. If OMB approves, the information collection requirements will take effect as set forth in this proposed rule. If not, EPA will revise the information requirements (and this rule, if appropriate) to comply with OMB's determination.

Effects on Small Entities

Section 605 of the Regulatory Flexibility Act (RFA) requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. I certify that this regulation does not have such an effect because it affects motor vehicle and engine manufacturers, and among this group there are not a

substantial number of small entities. Also, the primary effect of this regulation is the potential for a positive economic benefit to the industry, so no private parties should see any substantial adverse impact.

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

SEA HDE AND LDT AMENDMENTS

[Explanation of amendments and revisions]

Section	Paragraph	Changes	Reason
§ 86.084–30	(e)(8)	*New provision allowing for suspending audit activities when hearing is held due to procedural violations.	Temporary suspension of audit may save manufacturer and EPA resources under certain conditions.
	(e)(9)	*New provision allowing resumption of audit activities after hearing is held for procedural violations.	In the case of temporary suspensions under (e)(8) above, provides a mechanism to complete the audit.
§ 86.1002–84	(b)	Revised definition of LDT "configuration" to specify "axle ratio"	SEA test vehicles can have either front- or rear-wheel drive.
		Revised "Test Sample", added "Inspection Criteria", "Test Engine", and "Test Vehicle".	Clarification.
		Deleted "In the Hands of the Manufacturer"	Extraneous definition.
§ 86.1003–84	(b)	Revised Assistant Administrator that can sign test orders, from "Enforcement" to "Air, Noise, and Radiation".	Recent EPA reorganization.
	(c)(1)	*Added Administrator discretion to select alternate configuration if production of primary configuration is less than minimum daily testing requirements.	Expedites audit by ensuring that minimum number of tests per day can be performed.
§ 86.1003–84	(e)(1)(ii)	*Sales projections in the Fuel Economy Report will be used to determine annual limit on SEA test orders for light-duty trucks.	To provide relief from duplicating this information in the manufacturer's Application for Certification.
	(e)(1)(iii)	*New provision allowing manufacturers to update their annual sales projections	The manufacturer's annual limit would be based on most current production trends.
§ 86.1005–84	(g)	New provision allowing manufacturer to claim confidentiality on information submitted for SEA purposes.	EPA makes submitted information available for public review, except for "confidential" information.
§ 86.1007–84	(b)	*New provision that manufacturer must inform EPA of any emissions related changes in production processes from notification of test order until end of selection.	Enables EPA to ensure that appropriate vehicles are being selected for testing.
	(c)	Revised wording of paragraph	Clarification of intent: Test sample must be representative of all units produced.
§ 86.1006–84	(a)(4)(i)	New provision allowing manufacturers to use diesel emission test fuel for mileage accumulation.	Formalizes procedure that is currently in effect for diesel vehicles.
	(a)(5)	New provision allowing deviation from heavy-duty engine test procedures used for certification testing.	Permits flexibility in new SEA program as experience with testing of production heavy-duty engines is acquired.
§ 86.1008–84	(d), (f)	Deleted references to engine or vehicle substitution or replacement	Under sequential sampling plans, malfunctioning vehicles or engines are deleted from the test sequence.
	(g)	Clarify requirement for EPA notification of manufacturer's test facility	EPA test order issued under §86.1004–84(a) is not applicable.
§ 86.1009–84	(a)	Added requirement to round initial test results	Omitted from original promulgation; consistency with Subpart G calculation methodology.
	(d)(5)(v)	Revised "replacement engine or vehicle" provision to require reason for deletion of test unit.	Sequential sampling plans result in deletion of vehicles or engines from test sequence, not replacement.
	(d)(5)(vi)	Added requirement for submission of CO2 values for LDTs and brake-specific fuel consumption values for HDEs to audit reports.	This data is generated during emission tests. Enables EPA to monitor fuel economy of production vehicles and engines.
	(d)(6)	Revised wording of HDE audit report endorsement to state that all phases of audit were performed in accordance with applicable regulations.	Manufacturer must certify that all phases of audit, including testing, were performed in accordance with Subpart K. Consistency with LDT endorsement.
		*Added statement that no emission related changes on assembly line were made during audit.	To verify that SEA test vehicles or engines are representative of units to be introduced into commerce.
§ 86.1010–84	(c)	Sampling plan to be used for LDT SEA testing is based on sales projections from the LDT manufacturer's Fuel Economy report.	LDT sales projections will no longer be provided in the manufacturer's Application for Certification.
§ 86.1012–84	(k)(1)	Added statement that fuel economy testing may also be required in conjunction with approving a design change for a light-duty truck.	Consistency with amendments to Fuel Economy program.
	(k)(2)	Clarified testing requirements involved in obtaining certification following a revocation	Incorrect paragraph reference in original promulgation.

*These amendments are described in more detail in a short document in the public docket entitled "Minor Amendments to the HDE/LDT SEA Procedures. (See "Addresses" paragraph at beginning of document.)

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Accordingly it is proposed that 40 CFR Part 86, Subparts A, K, and N be amended as follows:

1. Section 86.084–10 is amended by revising paragraph (a)(1)(ii)(A) to read as follows:

§ 86.084–10 Emission standards for 1984 and later model year gasoline-fueled heavy-duty engines.

(a) * * *

(1) * * *

(ii) *Carbon monoxide.* (A) 35 grams per brake horsepower hour, as measured under transient operating conditions [Subpart N].

* * * * *

2. Section 86.084–11 is amended by revising paragraph (a)(1)(ii) to read as follows:

§ 86.084–11 Emission standards for 1984 and later model year diesel heavy-duty engines.

(a) * * *

(ii) *Carbon monoxide.* 35 grams per brake horsepower hour, as measured under transient operating conditions (Subpart N) or under steady state operating conditions (Subpart D).

* * * * *

3. Section 86.084–25 is amended by revising paragraphs (b)(1)(ii)(A) to read as follows:

§ 86.084–25 Maintenance.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A)(1) The cleaning or replacement of light-duty truck spark plugs at 30,000 miles and at 30,000 miles thereafter.

(2) The cleaning or replacement of heavy-duty engine spark plugs at 12,000 miles and at 12,000-mile intervals thereafter, for gasoline-fueled engines certified for use with leaded fuel.

(3) The cleaning or replacement of heavy-duty engine spark plugs at 25,000 miles and at 25,000-mile intervals thereafter, for gasoline-fueled engines certified for use with unleaded fuel only.

* * * * *

4. Paragraphs (e) (8) and (9) of 86.084–30 are added to read as follows:

§ 86.084–30 Certification.

* * * * *

(e) * * *

(8) The Assistant Administrator for Air, Noise and Radiation or her designee may suspend audit activities pursuant to

a test order for a configuration whose certificate will be the subject of a hearing which the manufacturer has been offered under paragraph (e)(6) or (e)(7) of this section.

(9) If audit activities were suspended under paragraph (e)(8) of this section, the Assistant Administrator for Air, Noise and Radiation may, after the hearing, direct the manufacturer to resume audit activities on the configuration which was the subject of the hearing, or to begin audit activities on a modified version of that configuration, according to the conditions specified in the original test order. If a decision is reached according to § 86.1010–84, the Administrator shall reinstate the certificate of conformity covering the configuration if it had been previously suspended or voided.

5. Section 86.085–11 is amended by revising paragraph (a)(1)(ii) to read as follows:

§ 86.085–11 Emission standards for 1985 and later model year diesel heavy-duty engines.

(a) * * *

(1) * * *

(ii) *Carbon monoxide.* 35 grams per brake horsepower hour as measured under transient operating conditions (Subpart N).

* * * * *

6. A new § 86.087–10 is proposed to be added to read as follows:

§ 86.087–10 Emission standards for 1987 and later model year gasoline-fueled heavy-duty engines.

(a)(1) Exhaust emissions from new 1987 and later model year gasoline-fueld heavy-duty engines shall not exceed the following:

(i) *Hydrocarbons.* 1.3 grams per brake horsepower hour, as measured under transient operating conditions.

(ii) *Carbon monoxide.* (A) 15.5 grams per brake horsepower hour, as measured under transient operating conditions.

(B) 0.47 percent of the exhaust gas flow at curb idle.

(iii) *Oxides of nitrogen.* 10.7 grams per brake horsepower hour, as measured under transient operating conditions.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over operating schedules set forth in Subparts N or P and measured and calculated in accordance with those procedures.

(b) [Reserved]

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1987 model year gasoline-fueled heavy-duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subparts N and P of this part to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

7. A new § 86.087–11 is proposed to be added to read as follows:

§ 86.087–11 Emission standards for 1987 and later model year diesel heavy-duty engines.

(a)(1) Exhaust emissions from new 1987 and later model year diesel heavy-duty engines shall not exceed the following:

(i) *Hydrocarbons.* 1.3 grams per brake horsepower hour, as measured under transient operating conditions.

(ii) *Carbon monoxide.* (A) 15.5 grams per brake horsepower hour, as measured under transient operating conditions.

(iii) *Oxides of nitrogen.* 10.7 grams per brake horsepower hour, as measured under transient operating conditions.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over operating schedules set forth in Subpart N and measured and calculated in accordance with those procedures.

(b)(1) The opacity of smoke emissions from new 1987 and later model year diesel heavy-duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (b)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in Subpart I of this part and measured and calculated in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1987 model year naturally-aspirated diesel heavy-duty engine. This provision does not apply to turbocharged engines.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subparts I, or N of this part to ascertain that such test engines meet the requirements of paragraphs (a), (b) and (c) of this section.

8. Paragraph (b) of § 86.1002–84 is to be revised as follows:

§ 86.1002–84 Definitions.

* * * * *

(b) As used in this subpart, all terms not defined herein have the meaning given them in the Act.

"Acceptable Quality Level" (AQL) means the maximum precentage of failing engines or vehicles, that for purposes of sampling inspection, can be considered satisfactory as a process average.

"Configuration" means a subclassification, if any, of a heavy-duty engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration, and other parameters which may be designated by the administrator, or a subclassification of a light-duty truck engine family-emission control system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, axle ratio, and other parameters which may be designated by the Administrator.

"Test Sample" means the collection of vehicles or engines of the same configuration which have been drawn from the population of engines or vehicles of that configuration and which will receive exhaust emission testing.

"Inspection Criteria" means the pass and fail numbers associated with a particular sampling plan.

"Test Engine" means an engine in a test sample.

"Test Vehicle" means a vehicle in a test sample.

9. § 86.1003–84 is amended by revising paragraphs (b), (c) and (e) (1)(ii) and adding (e)(1)(iii) to read as follows:

§ 86.1003–84 Test orders.

* * * * *

(b) The test order will be signed by the Assistant Administrator for Air, Noise and Radiation or her designee. The test order will be delivered in person by an EPA Enforcement Offier to a company representative or sent by registered mail, return receipt requested, to the manufacturer's representative who signs the Application for Certification submitted by the manufacturer pursuant to the requirements of the applicable sections of Subpart A of this part. Upon receipt of a test order, the manufacturer shall comply with all of the provisions of this subpart and instructions in the test order.

(c)(1) The test order will specify the engine configuration selected for testing, the manufacturer's vehicle or engine assembly plant or associated storage facility from which the engines must be selected, the time and location at which engines must be selected, and the procedure by which engines of the specified configuration must be selected. The test order may include alternative configurations to be selected for testing in the event that engines of the first specified configuration are not available for testing because such engines are not being manufactured during the specified time, or not being stored at the specified assembly plant or associated storage facilities. If the first specified configuration is not being manufactured at a rate of at least four vehicles per day, in the case of light-duty truck manufacturers, two engines per day, in the case of heavy-duty engine manufacturers specified in paragraph (g)(1) of § 86.1008–84, or one engine per day, in the case of heavy-duty engine manufacturers specified in paragraph (g)(2) of § 86.1008–84, over the expected duration of the audit, the Administrator or her designated representative may select engines or vehicles of the alternate configuration for testing. In addition the test order may include other directions or information essential to the administration of the required testing.

* * * * *

(e) * * *

(1) * * *

(ii) For manufacturers of gasoline-fueled or diesel light-duty trucks, the number determined by dividing the projected light-duty truck sales bound for the United States market for that model year, as made by the manufacturer in its report submitted under paragraph (a)(2) of § 600.207–80 of the Automobile Fuel Economy Regulations, by 300,000 and rounding to the nearest whole number, unless the projected sales are less than 150,000, in which case the number is one.

(iii) If a manufacturer submits to EPA in writing prior to or during the model year a reliable sales projection update, that update will be used for recalculating the manufacturer's annual limit of SEA test orders.

* * * * *

10. Subpart 86.1005–84 is to be amended by adding paragraph (g) as follows:

§ 86.1005–84 Maintenance of records; submittal of information.

* * * * *

(g) Whenever a manufacturer submits information pursuant to the requirements of this subpart, the manufacturer shall clearly identify over which information it wishes to assert a business confidentiality claim and shall specify the time period for which that confidentiality claim will apply. If no claim accompanies business information when it is received by EPA, it may be made available to the public by EPA without further notice to the manufacturer. If a claim is received, the information covered by the claim will be disclosed by EPA only to the extent, and by means of the procedures, specified in 40 CFR Part 2.

11. Paragraphs (b) and (c) of § 86.1007–84 are revised as follows:

§ 86.1007–84 Sample selection

* * * * *

(b) The manufacturer shall have assembled the test engines or vehicles of the configuration selected for testing using its normal mass production processes for engines or vehicles to be distributed into commerce. During the audit, the manufacturer shall inform the Administrator of any change(s) implemented in its production processes, including quality control, which may be reasonably expected to affect the emissions of the vehicles or engines selected, between the time the manufacturer is notified of a test order and the time the manufacturer finishes selecting test vehicles or engines. In the case of heavy-duty engines, if the test engines are selected at a location where they do not have their operational and emission control systems installed, the test order will specify the manner and location for selection of components to complete assembly of the engines. The manufacturer shall assemble these components onto the test engines using normal assembly and quality control procedures as documented by the manufacturer.

(c) No quality control, testing, or assembly procedures will be used on the completed test engine or vehicle or any portion thereof, including parts and subassemblies, that has not been or will not be used during the production and assembly of all other engines or vehicles of that configuration.

* * * * *

12. Subpart 86.1008–84 is to be amended by revising paragraphs (a)(4)(i), (d), (f) and (g) and by adding a new (a)(5) as follows:

§ 86.1008–84 Test procedures.

(a) * * *

(4) * * *

(i) The manufacturer may use test fuel meeting the specifications of paragraph (a)(1) or (b)(2) of § 86.113–79 for mileage accumulation. Otherwise the manufacturer may use fuels other than those specified in this section only with advance approval of the Administrator.

* * * * *

(5) The administrator may, on the basis of a written application by a manufactuere, prescribe minor test procedure variations from those set forth in paragraphs (a)(1) and (a)(2) of this section for any heavy-duty engine.

* * * * *

(d) The manufacturer shall not perform any maintenance on test vehicles or engines after selection for testing, nor shall the Administrator allow deletion of any test vehicle or engine from the test sequence, unless requested by the manufacturer and approved by the Administrator before any test vehicle or engine maintenance or deletion.

* * * * *

(f) If an engine or vehicle cannot complete the service or mileage accumulation or emission test because of a malfunction, the manufacturer may request that the Administrator authorize the repair of that engine or vehicle or its deletion from the test sequence.

(g) Whenever a manufacturer conducts testing pursuant to a test order issued under this subpart, the manufacturer shall notify the Administrator within one working day of receipt of the test order which test facility will be used to comply with the test order. If no test cells are available at a desired facility, the manufacturer must provide alternate testing capability satisfactory to the Administrator.

* * * * *

13. § 86.1009–84 is to be amended by revising paragraphs (a) and (d) (5)(v) and (vi) and (6) and by adding a new paragraph (d)(5)(vii) as follows:

§ 86.1009–84 Calculation and reporting of test results.

(a) Initial test results are calculated following the Federal Test Procedure specified in paragraph (a) of § 86.1008–84. Round these results, in accordance with ASTM E29–67, to the number of decimal places contained in the applicable emission standard expressed to one additional significant figure.

* * * * *

(d) * * *

(5) * * *

(v) Where an engine or vehicle was deleted from the test sequence by authorization of the Administrator, the reason for the deletion;

(vi) For all valid and invalid exhaust emission tests, carbon dioxide emission values for LDTs and brake-specific fuel consumption values for HDEs; and

(vii) Any other information the Administrator may request relevant to the determination as to whether the new heavy-duty engines or light-duty trucks being manufactured by the manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued; and

(6) The following statement and endorsement: This report is submitted pursuant to sections 206 and 208 of the Clean Air Act. This Selective Enforcement Audit was conducted in complete conformance with all applicable reguations under 40 CFR Part 86, *et seq.*, and the conditions of the test order. No emission-related changes to production processes or quality control procedures for the vehicle or engine configuration tested have been made between receipt of the test order and conclusion of the audit. All data and information reported herein is to the best of

(Company Name)

knowledge, true and accurate. I am aware of the penalties associated with violations of the Clean Air Act and the regulations thereunder.

(Authorized company representative)

14. Section 86.1010–84 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 86.1010–84 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.

(a) The prescribed acceptable quality level is 40 percent.

* * * * *

(c) The manufacturer shall test heavy-duty engines or light-duty trucks comprising the test sample until a pass decision is reached for all pollutants, or a fail decision is reached for one pollutant. A pass decision is reached when the cumulative number of failed engines or vehicles, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the pass decision number appropriate to the cumulative number of engines or vehicles tested. A fail decision is reached when the cumulative number of failed engines or vehicles for one or more pollutants is greater than or equal to the fail decision number appropriate to the cumulative number of engines or vehicles tested. The pass and fail decision numbers associated with the cumulative number of engines or vehicles tested are determined by using the tables in Appendix X of this part appropriate to the projected sales as made by the heavy-duty engine manufacturer in its Application for Certification or as made by the light-duty truck manufacturer in its report submitted under paragraph (a)(2) of § 600.207–80 of the Automobile Fuel Economy Regulations. In the tables in Appendix X sampling plan "stage" refers to the cumulative number of engines or vehicles tested. Once a pass or fail decision has been made for a particular pollutant, the number of engines or vehicles whose final deteriorated test results exceed the emission standard for that pollutant shall not be considered any further for the purposes of the audit.

(d) Passing or failing of an SEA occurs when the decision is made on the last engine or vehicle required to make a decision under paragraph (c) of this section.

* * * * *

15. Paragraph (k) (1) and (2) of § 86.1012–84 is revised as follows:

§ 86.1012–14 Suspension and revocation of certificates of conformity.

* * * * *

(k) * * *

(1) If the Administrator determines that the proposed change(s) in engine or vehicle design may have an effect on emission performance deterioration or, in the case of light-duty trucks, on fuel economy, he shall notify the manufacturer, within five (5) working days after receipt of the report in paragraph (h) of this section, whether subsequent testing under this subpart will be sufficient to evaluate the proposed change or changes or whether additional testing will be required, and

(2) After implementing the change or changes intended to remedy the nonconformity, the manufacturer shall demonstrate that the modified engine or vehicle configuration does in fact conform with these regulations by testing the engine or vehicle configuration in accordance with the conditions specified in the initial test order. This testing will be considered by the Administrator to satisfy the testing requirements of § 86.078–32 or § 86.079–33 if the Administrator had so notified the manufacturer. If the subsequent audit results in passing of the audit at the level of the standards, the Administrator shall reissue or amend the certificate, as the case may be, to include the configuration: *Provided,* That the manufacturer has satisfied the testing requirements of paragraph (k)(1) of this section. If the subsequent audit is failed, the revocation remains in effect. Any design change approvals under this subpart are limited to the configuration affected by the test order.

* * * * *

16. Appendix X is revised to read as follows:

Appendix X.—Sampling Plans for Selective Enforcement Auditing of Heavy-Duty Engines and Light-Duty Trucks

TABLE 1.—SAMPLING PLAN CODE LETTER

Annual sales	Code letter
50 to 99	A
100 to 299	B
300 to 499	C
500 or greater	D

TABLE 2.—SAMPLING PLAN FOR CODE LETTER "A"

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	0	(2)
5	0	(2)
6	1	5
7	1	7
8	2	7
9	2	8
10	3	8
11	3	9
12	4	9
13	5	10
14	5	10
15	6	11
16	6	11
17	7	12
18	7	12
19	8	13
20	8	13
21	9	14
22	10	14
23	10	15
24	11	15
25	11	16
26	12	16
27	12	17
28	13	17
29	14	17
30	15	17

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

TABLE 3.—SAMPLING PLAN FOR CODE LETTER "B"

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	(2)
5	0	(2)
6	1	6
7	1	7
8	2	7
9	2	8
10	3	8
11	3	9
12	4	9
13	4	10
14	5	10
15	5	11
16	6	12
17	6	12
18	7	13
19	8	13
20	8	14
21	8	14
22	9	15
23	10	15
24	10	16
25	11	16

TABLE 3.—SAMPLING PLAN FOR CODE LETTER "B"—Continued

[Sample inspection criteria]

Stage	Pass No.	Fail No.
[illegible]	11	17
27	12	17
28	12	[illegible]
29	13	18
[illegible]	13	19
31	14	19
32	14	[illegible]
33	15	20
34	16	21
35	16	21
[illegible]	17	[illegible]
37	17	22
38	[illegible]	22
39	[illegible]	22
40	21	22

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

TABLE 4.—SAMPLING PLAN FOR CODE LETTER "C"

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	([1])	([2])
[illegible]	([1])	([2])
3	([1])	([2])
[illegible]	([1])	([2])
5	[illegible]	([2])
[illegible]	0	6
7	1	7
[illegible]	[illegible]	7
9	2	[illegible]
10	3	[illegible]
11	3	[illegible]
12	4	10
13	[illegible]	10
14	5	11
15	5	11
16	[illegible]	12
17	6	12
18	7	13
19	7	13
20	[illegible]	14
21	8	14
22	[illegible]	15
[illegible]	10	15
24	10	16
25	11	16
[illegible]	11	17
27	12	17
[illegible]	12	18
29	13	18
[illegible]	13	19
31	14	19
32	14	[illegible]
[illegible]	15	20
34	15	21

TABLE 4.—SAMPLING PLAN FOR CODE LETTER "C"—Continued

[Sample inspecton critena]

Stage	Pass No.	Fail No.
35	16	21
[illegible]	16	22
37	17	22
[illegible]	[illegible]	23
[illegible]	[illegible]	[illegible]
[illegible]	19	24
41	19	24
[illegible]	[illegible]	25
43	[illegible]	[illegible]
44	21	[illegible]
[illegible]	21	27
[illegible]	[illegible]	27
47	[illegible]	27
48	23	27
[illegible]	[illegible]	27
50	[illegible]	27

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

TABLE 5.—SAMPLING PLAN FOR CODE LETTER "D"

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	([1])	([2])
2	([1])	([2])
3	([1])	([2])
[illegible]	([1])	([2])
[illegible]	[illegible]	([2])
[illegible]	[illegible]	[illegible]
7	[illegible]	7
[illegible]	2	[illegible]
[illegible]	2	[illegible]
10	[illegible]	[illegible]
11	3	9
[illegible]	[illegible]	10
13	[illegible]	10
14	[illegible]	11
15	5	11
16	6	12
17	[illegible]	12
[illegible]	7	13
19	7	13
[illegible]	[illegible]	14
21	[illegible]	14
22	[illegible]	15
[illegible]	[illegible]	15
24	10	16
25	11	[illegible]
[illegible]	11	17
27	12	17
[illegible]	12	[illegible]
29	13	19
[illegible]	13	[illegible]
31	14	[illegible]
32	14	[illegible]
[illegible]	15	[illegible]
34	15	21

TABLE 5.—SAMPLING PLAN FOR CODE LETTER "D"—Continued

[Sample inspection criteria]

Stage	Pass No.	Fail No.
34	15	21
35	16	[illegible]
[illegible]	16	22
37	17	[illegible]
[illegible]	17	[illegible]
39	18	[illegible]
[illegible]	18	[illegible]
41	19	25
42	19	26
43	20	[illegible]
44	21	27
45	21	[illegible]
[illegible]	22	[illegible]
47	22	[illegible]
[illegible]	23	29
[illegible]	23	29
50	24	[illegible]
51	24	30
52	25	31
53	25	31
54	[illegible]	[illegible]
55	26	32
56	27	[illegible]
57	27	33
[illegible]	[illegible]	[illegible]
[illegible]	28	33
[illegible]	32	33

[1] Test sample passing not permitted at this stage
[2] Test sample failure not permitted at this stage.

17. Paragraphs (e)(1)(iv) and (2)(iii) of § 86.1332–84 are revised as follows:

§ 86.1332–84 Engine mapping procedures

* * * * *

(e) * * *

(1) * * *

(iv) For all engines, all speed points below the minimum speed shall be assigned a maximum torque value equal to that observed at the minimum speed for purposes of cycle generation.

* * * * *

(2) * * *

(iii) For all engines, all speed points below the minimum speed shall be assigned a maximum torque value equal to that observed at the minimum speed for the purposes of cycle generation.

[FR Doc. 82-683 Filed 1-12-82; 8:45 am]
BILLING CODE 6560-26-M

V
4
7
/
8
J
A
1
3
8
2

federal register

Wednesday
January 13, 1982

Part III

Department of Health and Human Services

Office of Human Development Services

Discretionary Funds Programs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. HDS-82-2]

Discretionary Funds Programs

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Supplemental Information Regarding Announcement of Availability of funds and request for preapplications for the Office of Human Development Services Discretionary Funds Grant Program and solicitation of comments on proposed priorities which pertain to the National Center on Child Abuse and Neglect.

SUMMARY: The Office of Human Development Services (HDS including the Administration for Children, Youth and Families (ACYF), Administration on Developmental Disabilities (ADD), Administration on Aging (AoA), Administration for Native Americans (ANA), Office of Policy Development (OPD), and the Office of Policy Coordination and Review (OPCR) announced November 16, 1981, 46 FR 56364 that competing preapplications would be accepted for new research, demonstration, evaluation and training and technology transfer grants and cooperative agreements authorized by its multiple discretionary funding program legislation. This announcement provides supplemental information regarding the November 16 announcement, and requests comments on proposed priorities which pertain to the National Center on Child Abuse and Neglect.

DATE: January 13, 1982.

Scope of This Program Announcement

This program announcement (a) provides information on the statutory authorities under which grants announced in 46FR 56364 will be awarded; (b) requests comments on proposed priorities contained in 46 FR 56364 which pertain to the Child Abuse Prevention and Treatment Act, Section 2(b); (c) clarifies information in 46 FR 56364 regarding available funds; and (d) provides additional directions regarding Preapplication Submission Procedures to be followed by *all* preapplicants, not just those responding to the Child Abuse and Neglect priorities.

Statutory Authorities

The individual statutory authorities under which grants would be awarded for the Office of Human Development Services Discretionary Funds Grant Program published on November 16, 1981, 46 FR 56364 are as follows:

13.600	Head Start	P.L. 97-35.
13.608 and 13.640.	Child Welfare Services	Section 426 of Social Security Act as amended.
13.623	Runaway Youth Program.	P.L. 93-415 as amended.
13.628	Child Abuse	P.L. 93-247 as amended.
13.652	Adoption Opportunities	P.L. 95-266 as amended.
13.612	Native Americans	P.L. 93-644 as amended.
13.633	DD Special Projects	P.L. 91-517 as amended.
13.647	Social Services Research.	Section 1110 of Social Security Act as amended.
13.634	AoA Model Projects	P.L. 93-29 as amended.
13.636	AoA Research and Demonstration.	P.L. 89-73 as amended.
13.637	AoA Training	P.L. 89-73 as amended.

In implementing the coordinated announcement and application process adopted in the November 16 announcement, we will comply fully with the statutory requirements of each of these categorical authorities. In particular, activities under the Child Abuse Prevention and Treatment Act will be carried out through the National Center on Child Abuse and Neglect, and approval of awards under the Older Americans Act will be made by the Commissioner on Aging.

Request for Comments Under the Child Abuse Prevention and Treatment Act

Section 2(b) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. 5101(b), requires that research priorities for research funded under it be proposed through the National Center on Child Abuse and Neglect and published in the **Federal Register** for public comment at least 60 days prior to their establishment. The research priorities proposed through the Center for new awards in the area of child abuse and neglect are those described under Priority Areas 1.3, 2.1, 3.2, 4.1, 6.1, 6.2, 8.1, 9.1, 9.2, 9.3, 10.7, and 11.1

We solicit comment on these proposed priorities. Comments may either be submitted separately or incorporated in preapplications submitted in response to the November 16 notice. As has been our past practice, we will not separately respond to all comments received, but all comments received within sixty days of the date of this notice will be considered in determining the appropriateness of proposed priorities and in preparing the final program announcement for child abuse and neglect research. All comments should be sent to: Mr. Clarence Hodges, Commissioner, Administration for Children, Youth and Families, Room 5030 Donohoe Building, 400—6th Street, S.W., Washington, D.C. 20201.

Awards in the priority areas listed above may also be made with funds other than child abuse and neglect research funds. This sixty day comment period does *not* change the due date for preapplications contained in 46 FR 56364 for those funds.

Applicants for child abuse and neglect research funds may either submit preapplications in response to the November 16 announcement or wait until final priorities are announced. Failure to submit a preapplication will not affect an applicant's chances for funding under the final child abuse and neglect announcement.

We will not solicit final applications for awards using child abuse research funds until final priorities are established, and no child abuse research funds will be awarded for projects which do not fall within one of the established priorities.

Available Funds

Preapplicants should be advised that Congress has not yet appropriated the funds HDS announced for award during Fiscal Year 1982 and the first quarter of Fiscal Year 1983, and actual amounts awarded may vary substantially from the announced levels.

Submission Procedures

In addition to procedures described in 46 FR 56364, preapplicants are requested to submit eight copies of their preapplications to: Division of Grants and Contracts Management, HHS/ Office of Human Development Services, Room 1740, HHS Building, 330 Independence Avenue, S.W., Washington, DC 20201.

Preapplicants are reminded to select and specify *one and only one* Priority Area for each concept paper submitted. Different concept papers may be submitted to the same or different Priority Areas. Substantially similar concept papers submitted to different Priority Areas will be considered to be nonresponsive.

Dated: January 7, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Clarence E. Hodges,

Commissioner, Administration for Children, Youth and Families.

Francis X. Lynch,

Acting Commissioner, Administration on Development Disabilities.

Lennie-Marie P. Tolliver,

Commissioner, Administration on Aging.

Casimer R. Wichlacz,

Acting Commissioner, Administration for Native Americans.

[FR Doc. 82-567 Filed 1-12-82; 8:45 am]

BILLING CODE 4130-01-M

V
4
7
/
8

J
A

1
3

8
2

Re

INFO

PUB

Code
CFR

Gene
Incor
Printi

Fede
Corre
Daily
Gene
Priva
Public

Sched

Laws
Index
Law

Slip l

Presi
Execu
Public
Week

Unite

SERV
Agen
Auto
Dial-a
Chi
Los
Wa
Librar
Magn
vol
Public
Speci
Subsc
Subsc
TTY

FEDE

1-128
129-5
589-7
745-9
935-1
1109-
1257-
1367-

Reader Aids

Federal Register

Vol. 47, No. 8

Wednesday, January 13, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

4707 (Amended by Proc. 4889)	1
4889	1
November 14, 1912 (Revoked by PLO 6101)	769

Executive Orders:

11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12337	1367
12338	1369

5 CFR

410	935
1201	936

Proposed Rules:

Ch. I	154
352	956
550	958
610	958
890	961

7 CFR

Subtitle B	745
2	5, 6
68	129
282	532
301	1257
425	6
631	130
701	937
800	131
905	589
906	1265
907	746
910	939
944	747, 1265
1924	590
1942	590

Proposed Rules:

102	631
979	631
1006	814
1007	962
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132

Proposed Rules

3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

40	8
70	8
71	596
73	600
150	8
504	749
508	749

Proposed Rules:

Ch. XVI	1138
317	1137
378	817
440	1299
457	1301
500	161
501	161
503	161
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9
226	755
327	943

Proposed Rules:

701	963
702	633

13 CFR

120	9
124	1109

14 CFR

21	756
39	10-14, 759, 1110-1113
71	15-18, 759, 760, 1113-1115
73	18
75	18

97.....1115
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:
Ch. I.....817
39.....1140–1142
71.....36–38, 1144, 1145
73.....1146
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373

18 CFR

Ch. I.....613
141.....1267
270.....614
282.....20

Proposed Rules:
141.....39
271.....39, 638
273.....638
274.....638

19 CFR

10.....944
101.....1286

Proposed Rules:
111.....1396

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146
522.....146
558.....1289
561.....1375, 1376

Proposed Rules:
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522

23 CFR

Proposed Rules:
635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

26 CFR

1.....147

Proposed Rules:
1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:
5.....1148
9.....1149–1153

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289

Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....968
1990.....187
2672.....1304

30 CFR

Proposed Rules:
Ch. I.....402
Ch. VII.....820
211.....819
700.....41
701.....41
716.....928
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

Proposed Rules:
543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:
88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
674.....736
675.....736
676.....736
690.....736

Proposed Rules:
674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292
60.....950
65.....1293
80.....764
81.....763, 952, 1120, 1377
123.....618, 1248
180.....619–623, 1378–1384
193.....1385
262.....1248
264.....953
265.....1254
762.....148, 149

Proposed Rules:
52.....191, 1304, 1398
65.....969
86.....972, 1306, 1642
123.....1155
180.....651–654
244.....1307
245.....1307
246.....1307
775.....193
799.....973

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385

Proposed Rules:
Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

428.....624

Public Land Orders:
6100.....21
6101.....769

Proposed Rules:
4100.....1155

44 CFR

65.....770
66.....770
70.....771, 772
67.....22

Proposed Rules:
205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:
510.....215
536.....655

47 CFR

0.....1294, 1392
2.....953, 1386
21.....953
73.....150, 1386
74.....150, 953, 1392

Proposed Rules:
2.....983, 1308
15.....216, 836
73.....58, 837, 983, 985, 1308
74.....983
90.....1310

48 CFR

Proposed Rules:
13.....1400
17.....1400

49 CFR

Ch. X.....613

1.....1122
830.....773
1033.....151, 152, 624, 773, 776
1056.....777

Proposed Rules:
1031.....1155
1039.....220
1300.....220
1310.....59

50 CFR

23.....1294
32.....1122-1135
611.....625, 1294, 1295
662.....629
675.....1295

Proposed Rules:
23.....1242

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 8 JA 13 82

V.47/8 JA 13 82

Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.

1-13-
Vol. 4
Book
Pages
1661-

1-13-82
Vol. 47—No. 8
Book 2:
Pages:
1661-2072

Register

Book 2 of 2 Books
Wednesday,
January 13, 1982

Part IV

REGULATORY INFORMATION SERVICE CENTER

	Calendar of Federal Regulations
1670	Chapter 1—Energy
1689	Chapter 2—Environment and Natural Resources
1740	Chapter 3—Finance and Banking
1764	Chapter 4—Health and Safety
1858	Chapter 5—Human Resources
1902	Chapter 6—Trade Practices
1945	Chapter 7—Transportation and Communication
1983	Index I—Sectors Affected by Regulatory Action
2033	Index II—Date of Next Regulatory Action
2052	Index III—Dates for Comments, Hearings, or Meetings
2060	Appendix I—Status of Regulations from June 1981 Edition
2070	Appendix II—Publication Dates for Agency Semiannual Agendas
Back Cover	Comment Card—Request for Opinions

Federal

V
4
7
/
8
J
A
1
3
8
2

1-13-82
Vol. 47—No. 8
Book 2:
Pages:
1661-2072

federal register

Book 2 of 2 Books
Wednesday,
January 13, 1982

Part IV

REGULATORY INFORMATION SERVICE CENTER

	Calendar of Federal Regulations
1670	Chapter 1—Energy
1689	Chapter 2—Environment and Natural Resources
1740	Chapter 3—Finance and Banking
1764	Chapter 4—Health and Safety
1858	Chapter 5—Human Resources
1902	Chapter 6—Trade Practices
1945	Chapter 7—Transportation and Communication
1983	Index I—Sectors Affected by Regulatory Action
2033	Index II—Date of Next Regulatory Action
2052	Index III—Dates for Comments, Hearings, or Meetings
2060	Appendix I—Status of Regulations from June 1981 Edition
2070	Appendix II—Publication Dates for Agency Semiannual Agendas
Back Cover	Comment Card—Request for Opinions

REGULATORY INFORMATION SERVICE CENTER

AGENCY: The Regulatory Information Service Center.

ACTION: Calendar of Federal Regulations.

SUMMARY: The Regulatory Information Service Center publishes the **Calendar of Federal Regulations** in order to provide the President, the Congress, agency managers, and the public with a tool to better understand and help shape the Federal regulatory process. The Calendar provides analytic summaries of the most important regulations under development in Federal agencies. Special indices to the material help readers identify quickly items that might be of most interest.

ADDRESS: Regulatory Information Service Center, 2100 M Street, N.W., Suite 700, Washington, DC 20037.

FOR FURTHER INFORMATION: For further information about specific regulations, please refer to the "Agency Contact" listed at the end of each entry.

For further information about the work of the Regulatory Information Service Center, contact:

Mark G. Schoenberg, Executive Director
Regulatory Information Service Center
2100 M Street, N.W., Suite 700
Washington, DC 20037
(202) 653–7246.

For further information about the Calendar project, contact:

Elizabeth Jester, Project Director
Calendar of Federal Regulations
Regulatory Information Service Center
2100 M Street, N.W., Suite 700
Washington, DC 20037
(202) 653–7240.

SUPPLEMENTARY INFORMATION:

Letter from the Executive Director of the Regulatory Information Service Center

The Regulatory Information Service Center is responsible for providing regulatory information to the President, the Congress, agency managers, and the public so they can better understand and help shape Federal regulatory policy. The Center publishes the **Calendar of Federal Regulations** twice a year as a part of its responsibility. The **Calendar of Federal Regulations** provides a comprehensive overview of important regulations that agencies are developing and a summary of the analytical bases for them. Agencies submit entries describing their regulatory activities to Center staff, who review the material to make sure it is in a consistent format and provides the reader as much information as is available. The Center is not, however, responsible for the accuracy or completeness of agency materials.

The Calendar is designed to help improve the regulatory process, to identify areas of multiple regulatory impact, and to assist the regulators in developing well-reasoned, cost-effective, and consistent regulatory policies.

The Center also is working to make semiannual agendas (required by Executive Order 12291) more accessible and easier to produce by developing a computerized, standard format that all agencies can follow. The result will be an easily accessible, government-wide base of information on Federal regulations.

These Center projects complement other efforts by President Reagan's Administration, such as Executive Order 12291, "Federal Regulation," which seeks to reduce the regulatory burden on our economy and our citizens. These projects also provide information to the Presidential Task Force on Regulatory Relief about the burdens and benefits of important regulatory activities under development. The Calendar and the semiannual agendas required under Executive Order 12291 allow interested parties to track most of the regulatory activity under development in the Federal Government.

We solicit your comments on what regulatory information you need and in what forms that information would be most valuable. You can provide this information by completing the comment card we have provided on the back of this volume or by writing to us at the above address. We look forward to hearing from you.

Dated: December 22, 1981.

Mark G. Schoenberg

Executive Director.

TABLE OF CONTENTS

Introduction

	Page
Letter from the Executive Director of the Regulatory Information Service Center	1662
Agency Participation in the Calendar Project	1662
Information About Additional Copies	1663
How To Use the Calendar	1663
About the Entries	
Criteria for Selection	1663
Contents of Entries	1664
Data Limitations	1664
List of Abbreviations	1664
List of Agency Acronyms	1664
List of Regulations (Alphabetically by Agency)	1665

Chapters

Chapter 1 Energy	1670
Chapter 2 Environment and Natural Resources	1689
Chapter 3 Finance and Banking	1740
Chapter 4 Health and Safety	1764
Chapter 5 Human Resources	1858
Chapter 6 Trade Practices	1902
Chapter 7 Transportation and Communication	1945

Indices

Index I Sectors Affected by Regulatory Action	1983
Index II Date of Next Regulatory Action	2033
Index III Dates for Comments, Hearings, or Meetings	2052

Appendices

Appendix I Status of Regulations from June 1981 Edition	2060
Appendix II Publication Dates for Agency Semiannual Agendas	2070

Comment Card

AGENCY PARTICIPATION IN THE CALENDAR PROJECT

Thirty-three Federal departments and agencies with significant regulatory responsibilities have submitted information about regulations under development for this edition of the Calendar. Of these 33, 19 are executive departments and agencies and 14 are independent regulatory agencies. The extent of an independent regulatory agency's activity in the Calendar project is determined by the independent agency. Below is a list of the 33 agencies that contributed to this edition:

Executive Agencies

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury
Environmental Protection Agency

Equal Employment Opportunity Commission
Federal Emergency Management Agency
General Services Administration
National Credit Union Administration
Office of Personnel Management
Small Business Administration

Independent Regulatory Agencies

Civil Aeronautics Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Communications Commission
Federal Election Commission
Federal Energy Regulatory Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Reserve System
Federal Trade Commission
Interstate Commerce Commission
Nuclear Regulatory Commission
Postal Rate Commission
Securities and Exchange Commission

INFORMATION ABOUT ADDITIONAL COPIES

Additional copies of this edition of the Calendar are available from:
Superintendent of Documents
Washington, DC 20402
(202) 783–3238

HOW TO USE THE CALENDAR

The Calendar is organized to help users locate information about regulations of interest to them. The Calendar contains a letter from Mark G. Schoenberg, Executive Director of the Regulatory Information Service Center; a table of contents; a section on how to use the Calendar; a list of abbreviations; a list of regulations covered in this edition; seven chapters describing these regulations; three indices; and two appendices.

The section on how to use the Calendar explains the basic organization of the Calendar, how to use its individual components, the criteria the agencies used to select the regulations reported, the type of information available in each entry, and the limitations on the data presented.

We have divided the entries describing regulations into seven chapters; each covers a major area of Federal regulatory activity. The chapters are:

(1) *Energy*
(2) *Environment and Natural Resources*
(3) *Finance and Banking*
(4) *Health and Safety*
(5) *Human Resources*
(6) *Trade Practices*
(7) *Transportation and Communication*

Within each chapter, entries are presented in alphabetical order, first by executive and then by independent agencies. The entries are further alphabetized by issuing office, if any, and then by the title of the entry.

We have created five indices and appendices to aid Calendar readers to locate easily information that may be important to them.

Separate indices identify sectors affected by each proposal; the estimated date of the next regulatory action; and dates for comments, hearings, and meetings on the regulations under development, when applicable.

The appendices describe the status of the regulations that were reported in the last edition of the Calendar but are absent from this edition and publication dates for each agency's semiannual agenda.

Each index and appendix begins with a brief description of its contents and how to use it.

ABOUT THE ENTRIES

Agencies submitted entries for the Calendar that describe their regulations under development. These entries comprise the body of the Calendar.

Criteria for Selection

This edition of the Calendar provides an overview of important regulations *under development* by 33 Federal agencies. Each agency submitted entries for the Calendar according to several criteria. At a minimum, agencies were asked to use the same criteria as those they use for determining when to prepare Regulatory Impact Analyses under the general guidelines in Executive Order 12291, "Federal Regulation" (46 FR 13193, February 17, 1981), namely:

- Regulations under development that might have an annual effect on the economy of $100 million or more.
- Regulations under development that might impose a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.
- Regulations that might have significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition to entries that meet these criteria, agencies have submitted reports on regulations for this Calendar that concern:

- Regulations that appeared on the lists of regulations to be reviewed that were issued by the Presidential Task Force on Regulatory Relief on March 25 and August 12, 1981, and that the agency did not expect to finalize before mid-December.
- Precedent-setting rules.
- Issues of great public interest or controversy.
- A set of related rules that together could be considered a major rule.
- Grants and income transfer program regulations that may impose annual compliance costs of $100 million or more.
- Regulations that the agency is reproposing after review according to the requirements of Executive Order 12291 or its own internal review procedures, if the proposed change will have important consequences.

Any regulation that the agency reported in the last edition of the Calendar is also reported in this edition unless it has been issued as a Final Rule, is "on hold" for various reasons, or has been withdrawn. If so, we have noted such actions in Appendix I: Status of Regulations from June 1981 Edition.

The regulations covered in the Calendar are those for which an agency is reasonably likely to issue an Advance Notice of Proposed Rulemaking (ANPRM), a Notice of Proposed Rulemaking (NPRM), or a Final Rule, or to take other significant action within the next 12 months.

For clarity and consistency, the Calendar staff asked all agencies in writing their Calendar entries to follow a set of guidelines we developed in consultation with the agencies, the Office of Management and Budget, and others in the Executive Office of the President. The guidelines used by agencies in preparing submissions to this edition of the Calendar are available from the Regulatory Information Service Center.

Contents of Entries

Each Calendar entry describes a regulation and contains the following information:

Title and Code of Federal Regulations Citation	Title of the regulation under development and the CFR citation for the regulation. The word "New" or "Revision" after the CFR citation indicates whether the regulation will be a revision to an existing regulation that has been codified in the CFR or will occupy a new CFR section. If the title of the regulation has changed since the last Calendar entry, the old title follows the new title in parentheses. If there is no CFR citation, the regulation has not yet been assigned a CFR section.
Legal Authority	A citation of the statutory authority under which the agency plans to take the regulatory action.
Reason for Including This Entry	A brief statement indicating under which criteria the agency includes the entry in the Calender.
Statement of Problem	A brief discussion of the problem that the regulation will address.
Alternatives Under Consideration	A brief description of the major choices the agency is considering to achieve its regulatory objectives.
Summary of Benefits	A discussion of the expected direct and important indirect benefits of the regulatory action to the sectors of the economy, population, government, etc., that may be affected.
Sectors Affected	A listing of those sectors that may benefit as a result of the proposal. Where possible, we use Standard Industrial Classification (SIC) terminology in listing the sectors.
Summary of Costs	A discussion of the expected direct and important indirect costs of this action to the sectors of the economy, population, government, etc., that may be affected.
Sectors Affected	A listing of the sectors that may bear costs as a result of the proposal. Where possible, we use SIC terminology in listing the sectors.
Summary of Net Benefits	A description of the aggregate net benefits of the regulation, taking into account its costs.
Related Regulations and Actions	A description of other regulations or actions, either within or outside the agency, that are related to the regulation under consideration.
Government Collaboration	The steps the agency is taking to coordinate the regulatory action with any other Federal, State, or local agencies.
Timetable	A chronological listing of the major steps in the development of the regulation.
Available Documents	A list of major background documents related to the regulation and notice of where they may be obtained or read.
Agency Contact	The name, address, and telephone number of a person in the agency who can respond to questions about the regulation.

Data Limitations

Agencies prepared entries for this edition of the Calendar to give the public the earliest possible notice of their plans to propose and promulgate regulations. They have tried to predict their future activities accurately, but dates and schedules are still tentative. Agencies may withdraw some of the regulations under development that they have described, or they may promulgate or propose other regulations not included in this edition. Agency actions in the rulemaking process may occur before or after the dates they have listed in the Calendar. The Calendar does not create a legal obligation on submitting agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear. The information in this edition is accurate as of December 1, 1981 in the judgment of the submitting agencies.

LIST OF ABBREVIATIONS

The following abbreviations appear throughout this edition of the Calendar.

ANPRM—The Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM usually describes the general area that will be subject to the regulation, lists the alternatives that the agency is considering, and asks for public comment on the proposed regulation.

CFR—The Code of Federal Regulations is a codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles representing broad areas subject to Federal regulation. The Office of the Federal Register revises the CFR annually.

E.O.—Executive Orders are Presidential directives to executive agencies that the President issues under Constitutional or statutory authority. For certain of them, independent agencies may voluntarily comply. They are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal government publication that announces all proposed and final Federal regulations. It also contains notices of public meetings and other events Federal agencies may schedule.

FY—Fiscal year is a budgetary term. The Federal fiscal year runs from October 1 to September 30, as opposed to the calendar year, which runs from Jaunuary 1 to December 31.

NTIS—The National Technical Information Service of the Department of Commerce is the central point in the United States for the public sale of government-funded research and development reports and other analyses prepared by Federal agencies, their contractors, or grantees. The NTIS address is: 5285 Port Royal Road, Springfield, VA 22161; telephone (703) 487–4600.

NPRM—The Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, it must include, at a minimum:

- Statement of the time, place, and nature of the public rulemaking proceeding.
- Reference to the legal authority under which the rule is proposed.
- Either the terms or substance of the regulation under development or a description of the subjects and issues involved.

SIC—The Standard Industrial Classification Manual defines industries in accordance with the composition and structure of the economy and covers the entire field of economic activities. The **Calendar of Federal Regulations** uses SIC terminology, whenever possible, in the "Sectors Affected" sections. Please see the introduction to Index I for a detailed description of SIC terminology and for information on how to obtain the SIC Manual.

U.S.C.—The United States Code contains a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, which represent broad areas of Federal law.

LIST OF AGENCY ACRONYMS

Executive Agencies

USDA—U.S. Department of Agriculture
- AMS—Agricultural Marketing Service
- FSIS—Food Safety and Inspection Service

DOC—Department of Commerce
- NMFS—National Marine Fisheries Service
- NOAA—National Oceanic and Atmospheric Administration
- OCZM—Office of Coastal Zone Management

DOD—Department of Defense
- DOA—Department of the Army

ED—Department of Education
- OCR—Office for Civil Rights
- OESE—Office of Elementary and Secondary Education
- OPE—Office of Post-Secondary Education
- OSERS—Office of Special Education

and Rehabilitative Services
DOE—Department of Energy
CE—Conservation and Renewable Energy
ERA—Economic Regulatory Administration
FE—Fossil Energy
HHS—Department of Health and Human Services
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HRA—Health Resources Administration
OHDS—Office of Human Development Services
HUD—Department of Housing and Urban Development
CPD—Community Planning and Development
HOUS—Office of the Assistant Secretary for Housing
DOI—Department of the Interior
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
HCRS—Heritage Conservation and Recreation Service
NPS—National Park Service
OSM—Office of Surface Mining
DOJ—Department of Justice
CRD—Civil Rights Division
INS—Immigration and Naturalization Service
DOL—Department of Labor
ESA—Employment Standards Administration
ETA—Employment and Training Administration
LMSA—Labor Management Services Administration
MSHA—Mine Safety and Health Administration
OSHA—Occupational Safety and Health Administration
PWBP—Pension Welfare Benefits Program
DOT—Department of Transportation
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
MARAD—Maritime Administration
NHTSA—National Highway Traffic Safety Administration
OST—Office of the Secretary of Transportation
UMTA—Urban Mass Transportation Administration
USCG—United States Coast Guard
TREAS—Department of the Treasury
ATF—Bureau of Alcohol, Tobacco, and Firearms
CUSTOMS—U.S. Customs Service
IRS—Internal Revenue Service
OCC—Office of the Comptroller of the Currency
EPA—Environmental Protection Agency
OANR—Office of Air, Noise, and Radiation
OLCE—Office of Legal Counsel and Enforcement
OMSAPC—Office of Mobile Source Air Pollution Control
OPTS—Office of Pesticides and Toxic Substances
ORP—Office of Radiation Programs
OSWER—Office of Solid Waste and Emergency Response
OW—Office of Water
EEOC—Equal Employment Opportunity Commission
OPI—Office of Policy Implementation
FEMA—Federal Emergency Management Agency
GSA—General Services Administration
ADM—Office of the Administrator
FPRS—Federal Property Resources Service
HRO—Office of Human Resources and Organization
NARS—National Archives and Records Service
PBS—Public Buildings Service
NCUA—National Credit Union Administration
OPM—Office of Personnel Management
OPE—Office of Planning and Education
SBA—Small Business Administration

Independent Regulatory Agencies

CAB—Civil Aeronautics Board
CFTC—Commodity Futures Trading Commission
CPSC—Consumer Product Safety Commission
FCC—Federal Communications Commission
FEC—Federal Election Commission
FERC—Federal Energy Regulatory Commission
FHLBB—Federal Home Loan Bank Board
FMC—Federal Maritime Commission
FTC—Federal Trade Commission
ICC—Interstate Commerce Commission
NRC—Nuclear Regulatory Commission
RES—Office of Nuclear Regulatory Research
PRC—Postal Rate Commission
SEC—Securities and Exchange Commission

LIST OF REGULATIONS

Alphabetically by Agency

Executive Agencies

Department of Agriculture

USDA-FSIS Standards and Labeling Requirements for Mechanically Processed (Species) Product (MP (S) P) and Products in Which It Is Used ... 1902

Department of Commerce

DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area 1690
DOC-NOAA-NMFS/DOI-FWS Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement 1700
DOC-NOAA-OCZM Channel Islands National Marine Sanctuary Regulations; Point Reyes-Farallon Islands National Marine Sanctuary Regulations 1692

Department of Defense

DOD-DOA Regulatory Program of the Corps of Engineers 1697

Department of Education

ED-OCR Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance 1858
ED-OCR Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance ... 1859
ED-OPE Institutional Aid Programs 1860
ED-OSERS Assistance to States for Education of Handicapped Children 1861

Department of Energy

DOE-CE Commercial and Apartment Conservation Service Program 1670
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles .. 1671
DOE-CE Residential Conservation Service Program 1673

Department of Health and Human Services

HHS-FDA Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use .. 1765
HHS-FDA Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues 1767

HHS–FDA Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content 1769
HHS–FDA New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing 1771
HHS–FDA Prescription Drug Products; Patient Package Inserts Requirements 1773
HHS–HCFA Conditions of Participation for Nursing Homes ... 1774
HHS–HCFA Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities 1775
HHS–HCFA End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services 1777
HHS–HCFA Medicaid Regulations Affecting States 1777
HHS–HRA Health Planning and Resources Development 1778
HHS–OHDS/DOL–ETA Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act 1862

Department of Housing and Urban Development

HUD–CPD Community Development Block Grants (CDBG)—Entitlement 1864
HUD–CPD Community Development Block Grants—Small Cities Program 1865
HUD–CPD Environmental Review Procedures for Title I, Community Development Block Grant Programs 1866
HUD–CPD Protection and Enhancement of Environmental Quality 1696
HUD–CPD Siting of HUD–Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature 1780
HUD–HOUS Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program 1869
HUD–HOUS Manufactured Home Construction and Safety Standards 1781
HUD–HOUS Minimum Property Standards for Multi-Family Dwellings 1783
HUD–HOUS Public Housing Lease and Grievance Procedures 1870
HUD–HOUS Revision to Public Housing Utility Allowances 1871

Department of the Interior

DOI–BLM Coal Management Regulations 1699
DOI–FWS/DOC–NOAA–NMFS Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement 1700
DOI–FWS Regulations Promulgated Under the Endangered Species Act (ESA) of 1973 1702
DOI–NPS Right-of-Way Regulations 1704
DOI–NPS Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands 1705
DOI–OSM Permanent Regulatory Program of the Surface Mining Control and Reclamation Act 1709

Department of Justice

DOJ–CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs 1873
DOJ–CRD/EEOC Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds 1875
DOJ–CRD Regulation Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs 1876
DOJ–CRD Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance 1878

Department of Labor

DOL–ESA Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" 1879
DOL–ESA Labor Standards for Federal Service Contracts 1881
DOL–ESA Labor Standards Provisions, Davis-Bacon and Related Acts 1882
DOL–ESA Office of Federal Contract Compliance Programs, Government Contractors' Affirmative Action Requirements 1884
DOL–ETA/HHS–OHDS Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act 1862
DOL–LMSA–PWBP Definition of Plan Assets and Establishment of Trust 1886
DOL–LMSA–PWBP Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans 1887
DOL–LMSA–PWBP Individual Benefit Reporting and Recordkeeping for Single Employer Plans 1889
DOL–MSHA Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977 1784
DOL–MSHA Review of Metal and Nonmetal Standards 1786
DOL–OSHA Access to Employee Exposure and Medical Records 1786
DOL–OSHA Hazard Communication 1789
DOL–OSHA Hearing Conservation Amendment 1792
DOL–OSHA Identification, Classification, and Regulation of Potential Occupational Carcinogens—The "Cancer Policy" 1794
DOL–OSHA Methods of Compliance Hierarchy 1795
DOL–OSHA Occupational Exposure to Cotton Dust 1796
DOL–OSHA OSHA Commercial Diving Operations Standard 1798
DOL–OSHA OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways 1799
DOL–OSHA Respirator Fit Testing Requirements of the Lead Standard 1801
DOL–OSHA Respiratory Protection 1803
DOL–OSHA Standard for Employee Exposures to Toxic Substances in Laboratories 1804
DOL–OSHA Standard for Occupational Exposure to Asbestos 1807

DOL–OSHA Standard for Occupational Exposure to Ethylene Oxide 1808
DOL–OSHA Standard for Occupational Exposure to Lead ... 1810
DOL–OSHA Standard for Occupational Exposure to Noise .. 1812

Department of Transportation

DOT–FHWA Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways 1945
DOT–MARAD Construction-Differential Subsidy Repayment; Total Repayment Policy 1905
DOT–NHTSA Bumper Standard .. 1813
DOT–NHTSA Crashworthiness Ratings 1815
DOT–NHTSA Uniform Tire Quality Grading System 1817
DOT–OST Nondiscrimination on the Basis of Handicap 1890
DOT–OST Special Air Traffic Rules and Airport Traffic Patterns 1948
DOT–UMTA Buy America Requirements 1909
DOT–USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases 1819
DOT–USCG Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action To Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage 1711

Department of the Treasury

TREAS–ATF Implementation of the Distilled Spirits Tax Revision Act of 1979 1911
TREAS–ATF Labeling and Advertising Regulations Under the Federal Alcohol Administration Act 1913
TREAS–CUSTOMS Civil Aircraft Regulations 1915
TREAS–CUSTOMS Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act 1916
TREAS–CUSTOMS Interest Charges on Delinquent Accounts 1917
TREAS–IRS Dollar-Value LIFO Inventory 1740
TREAS–OCC Lending Limits; Unimpaired Surplus Fund 1742
TREAS–OCC Rules, Policies, and Procedures for Corporate Activities 1744
TREAS–OCC Use of Data Processing Equipment and Furnishing of Data Processing Services 1746

Environmental Protection Agency

EPA–OANR Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations 1713
EPA–OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes 1820
EPA–OANR Remedial Action Standards for Inactive Uranium Processing Sites 1822
EPA–OANR Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide 1714
EPA–OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide 1715
EPA–OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter 1716
EPA–OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) 1718
EPA–OANR Standards of Performance To Control Atmospheric Emissions from Industrial Boilers 1719
EPA–OANR–OMSAPC Fuels and Fuel Additives Protocols ... 1825
EPA–OANR–OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines 1720
EPA–OANR–OMSAPC Heavy-Duty Diesel Particulate Regulations 1721
EPA–OLCE Consolidated Permit Regulations 1722
EPA–OPTS Pesticide Registration Guidelines 1826
EPA–OPTS Premanufacture Notification Requirements and Review Procedures 1829
EPA–OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules 1830
EPA–OSWER Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 1834
EPA–OW A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants 1723
EPA–OW BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways 1726
EPA–OW Control of Organic Chemicals in Drinking Water 1837
EPA–OW Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities 1728
EPA–OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1731
EPA–OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1733
EPA–OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1736

Equal Employment Opportunity Commission

EEOC/DOJ–CRD Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds 1875
EEOC–OPI Guidelines on Discrimination Because of Sex; Sexual Harassment 1893

EEOC–OPI Uniform Guidelines on Employee Selection Procedures 1894

Federal Emergency Management Agency

FEMA Review and Approval of State and Local Radiological Emergency Plans and Preparedness 1838
FEMA Review of the National Flood Insurance Flood Plain Management Criteria for Flood-Prone Areas 1841

General Services Administration

GSA–ADM Nondiscrimination in Federally Assisted Programs ... 1895
GSA–FPRS National Defense Stockpile Disposal Regulations 1919
GSA–PBS Federal Space Management 1899

National Credit Union Administration

Please see Appendix I.

Office of Personnel Management

OPM–OPE Standards for a Merit System of Personnel Administration 1900

Small Business Administration

Please see Appendix I.

Independent Regulatory Agencies

Civil Aeronautics Board

CAB Elimination of the Mandatory Joint Fare System 1951
CAB Essential Air Service Subsidy Guidelines 1953
CAB Notice to Passengers of Conditions of Carriage 1955

Commodity Futures Trading Commission

CFTC Gross Margining of Omnibus Accounts 1747
CFTC Large Trader Reporting to Exchanges and Reporting Open Positions 1748
CFTC Notice of Proposed Rulemaking for Options on Physical Commodities 1750
CFTC Proposed Rule Concerning Special Calls for Information from Traders 1751

Consumer Product Safety Commission

CPSC Chronic Hazards Associated with Benzidine Congenere Dyes in Consumer Dye Products 1843
CPSC Consumer Products Containing Asbestos 1845
CPSC Omindirectional Citizens Band Base Station Antenna Standard 1846
CPSC Safety Requirements for Chain Saws 1848
CPSC Upholstered Furniture Cigarette Flammability Standard 1850
CPSC Urea Formaldehyde Foam (UFF) Insulation 1852

Federal Communications Commission

FCC Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination Systems at the Lower Frequency of 10 GHz, Previously Authorized Only for Common Carriers 1956
FCC Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81–741) 1959
FCC Deregulation of Competitive Domestic Telecommunications Market (Commom Carrier Docket 79–252) 1960
FCC Further Inquiry into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78–369; FCC 81–267) 1962
FCC Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80–739) 1964
FCC Inquiry into Creation of "New" Personal Radio Service (PR Docket 79–140) 1965
FCC Inquiry into the Development of Regulatory Policy for Direct Broadcast Satellites (General Docket No. 80–603) .. 1966
FCC Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78–253; RM–1932; FCC 80–503) 1968
FCC Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services 1969
FCC Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806–821/851–866 MHz Bands (PR Docket 79–191) 1971

Federal Election Commission

FEC Communications by Corporations or Labor Organizations 1919
FEC Transfers of Funds; Collecting Agents, Joint Fundraising 1921

Federal Energy Regulatory Commission

FERC Blanket Certificates for Interstate Pipelines and Local Distribution Companies .. 1674
FERC Construction Work in Progress for Public Utilities 1676
FERC High-Cost Natural Gas: Production Enhancement Procedures 1678
FERC Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978 1680
FERC Rate of Return on Common Equity for Electric Utilities 1681
FERC Regulations Governing Applications for Major Unconstructed Projects 1684
FERC Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act 1685
FERC Revised Rules of Practice: Procedures To Expidite Trial-Type Proceedings 1688

Federal Home Loan Bank Board

FHLBB Consumer Leasing by Federal Associations 1752

Federal Maritime Commission

Please see Appendix I.

Federal Reserve System

FRS Simplification of Securities Credit Regulations 1753

Federal Trade Commission

FTC Proposed Amendment to Eyeglasses Rule and Eyeglasses II 1922
FTC Proposed Rule on Standards and Certification 1927
FTC Proposed Trade Regulation Rule Concerning Credit Practices 1930
FTC Proposed Trade Regulation Rule on Mobile Home Sales and Service 1934
FTC Review of Premerger Notification Rules and Report Form 1938
FTC Revision to Trade Regulation Rule Pertaining to Proprietary Vocational and Home Study Schools 1939

Interstate Commerce Commission

ICC Application Procedures for a Certificate To Construct, Acquire, or Operate Railroad Lines 1972
ICC Coal Rate Guidelines—Nationwide 1974
ICC Railroad Consolidation Procedures 1976

Nuclear Regulatory Commission

Please see Appendix I.

Postal Rate Commission

PRC Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand) 1977
PRC Postal Rate Commission Docket No. MC 80-1—E-COM Forms of Acceptance, 1980 ... 1978
PRC Postal Rate Commission Docket Nos. MC81-2 and R81-1—Attached Mail Proceeding, 1981 1980

Securities and Exchange Commission

SEC Proposed Revision of Form S-14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions 1754
SEC Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports 1756
SEC Reproposal of Comprehensive Revision to System for Registration of Securities Offerings 1758
SEC Simplification of Investment Company Prospectuses .. 1760

Additional copies of this edition of the Calendar are available from:

Superintendent of Documents
Washington, DC 20402
(202) 783-3238

PLEASE SEE COMMENT CARD ON BACK COVER OF CALENDAR.

CHAPTER 1—ENERGY

DOE–CE

Commercial and Apartment Conservation Service Program..... 1670

DOE–CE

Energy Conservation Program for Consumer Products Other Than Automobiles..... 1671

DOE–CE

Residential Conservation Service Program..... 1673

FERC

Blanket Certificates for Interstate Pipelines and Local Distribution Companies..... 1674

FERC

Construction Work in Progress for Public Utilities..... 1676

FERC

High-Cost Natural Gas: Production Enhancement Procedures..... 1678

FERC

Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978..... 1680

FERC

Rate of Return on Common Equity for Electric Utilities..... 1681

FERC

Regulations Governing Applications for Major Unconstructed Projects..... 1684

FERC

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act..... 1685

FERC

Revised Rules of Practice: Procedures To Expedite Trial-Type Proceedings..... 1688

DEPARTMENT OF ENERGY

Conservation and Renewable Energy

Commercial and Apartment Conservation Service Program (10 CFR Part 458; New)

Legal Authority

National Energy Conservation Policy Act (NECPA), 42 U.S.C. 8211, as amended by Energy Security Act (ESA), P.L. 96–294, 94 Stat. 611.

Reason for Including This Entry

The Department of Energy (DOE) includes this entry because the regulations could impose costs in excess of $100 million per year.

Statement of Problem

The Energy Security Act of 1980 (ESA) amended the National Energy Conservation Policy Act (NECPA) to require DOE to develop rules on the content and implementation of the Commercial and Apartment Conservation Service (CACS) Program. This program requires large gas and electric utilities to offer, and to provide upon request, energy audits of multi-family dwellings and small commercial buildings. Home heating suppliers may provide these services at their discretion.

States may submit plans to DOE for approval to administer and enforce utility compliance with State programs, but, if they do not, NECPA requires DOE to prepare a Federal plan and to order covered investor-owned utilities to comply with it. Covered utilities include those that during the second preceding year had sales (for purposes other than resale) that exceeded 10 billion cubic feet of natural gas or exceeded 750 million kilowatt hours of electricity. Participating Governors must decide whether or not to include non-regulated, municipally owned utilities and interested home heating suppliers in State plans. Non-regulated utilities not included in State plans but meeting the above size criteria must prepare and submit their own plans for DOE approval.

The Department was required to issue an NPRM, which it did January 16, 1981 (46 FR 4482). The Department believes however, that this program is unnecessary and not cost effective. Private firms and utilities now have, through the workings of the free market, adequate incentive to provide the services consumers need to save energy without the imposition of Federal regulations. Reflecting this belief, the Administration requested no funds to continue to implement or enforce this program, beginning with fiscal year 1982. In addition, DOE supported a proposed amendment to its 1982 appropriation that would have prohibited the expenditure of any funds on this program. However, until the CACS Program is discontinued or further amended by Congress, DOE cannot terminate this rulemaking.

Alternatives Under Consideration

In the absence of further legislative action, DOE is required to proceed with this rulemaking, and no alternatives under the requirements of the current statute would significantly reduce the costs and burdens of the program. However, the Department is exploring alternative ways of designing the rules so as to minimize their potential adverse effects.

Summary of Benefits

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating building heating suppliers; tenants and owners of eligible commercial buildings and multi-family residential dwellings of five or more units that are centrally heated or centrally cooled; and the general public.

DOE defines the benefits of the CACS program as the cost-effective savings in non-renewable fuels that would not have occurred but for the CACS program. The net savings in non-renewable fuels would benefit the entire economy because the amount of such savings would be available for spending or investments. Federal and State governments would have greater revenue, consumers would have more to spend or invest, and utilities would save the amount otherwise needed for investment in new capacity. The CACS program does not actually involve the installation of energy conservation measures or the adoption of energy efficiency procedures. Rather, the program, as legislated, is principally an information program that does not require any specific actions that will conserve energy. The program requires large utilities to offer to all eligible customers an on-site energy audit that will inform them of specific information relating to the energy consumption, energy conservation measures, and energy efficiency improvements applicable to their building. Eligible customers are the owners or tenants of small commercial buildings and the owners of multi-family dwellings with five or more units that are centrally heated or controlled.

The impact of the CACS Program depends largely upon the extent to which owners and tenants are made aware of potential energy savings and of the cost effectiveness of conservation measures and procedures. The media, private firms, architectural and engineering journals, and utilities generally have, with higher energy prices, achieved this awareness by publicizing the benefits of various energy conservation measures and energy efficiency improvements. Thus, the added benefit of the CACS Program in terms of stimulating implementation of conservation measures and procedures would appear to be small.

The CACS program is also plagued with constraints that render the program impractical to implement. For example, under the statute, only the smallest commercial energy users must be offered an audit. Additionally, the level of sophistication required to perform commercial audits for the various types of equipment and processes that may be involved often exceeds the current capability of most utilities. Moreover, because these audits are not subsidized, they are likely to be priced at market levels, thereby not providing any added economic incentive that would not otherwise be available in the absence of the program. In the case of multi-family dwellings, the availability of an audit to the owner is conditional upon the owner agreeing to provide unit-specific information to the occupants of the building. Thus, the landlord can effectively preclude the occupants from receiving the benefits of this program by refusing to accept this condition. Furthermore, even when the tenant receives audit results from the owner, it is questionable whether such tenants would either have the incentive to make any of the recommended conservation investments themselves or be successful in forcing the owner to make recommended investments.

Because this program generally applies to persons involved in the operation of a business, DOE believes that an awareness exists, even without the CACS program, of the financial benefits of obtaining a private energy audit and installing commercial energy conservation measures in those cases where they are cost effective. In this regard, DOE believes the Draft Regulatory Analysis (DOE/CS–0194, November 1980) for the CACS program was invalid in its estimation of benefits because it assumed that *none* of the customers receiving CACS audits would have installed measures absent the CACS program.

For these reasons, DOE believes the benefits of the CACS program are minimal.

Summary of Costs

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating building heating suppliers; tenants and owners of eligible commercial buildings and multi-family residential dwellings of five or more units that are centrally heated or centrally cooled; and the general public.

The costs of this regulation include those incurred by the Federal Government to develop, implement, and monitor the CACS program, as well as the costs incurred by the State governments and non-regulated utilities to develop, implement, and enforce individual plans. These costs will be borne by the taxpayers and the economy as a whole. They also include the costs to utilities and participating building heating suppliers to perform subsidized multi-family dwelling energy audits and provide additional program services. These are the largest direct financial costs of the program. We expect that these costs will be passed along to utility customers in higher utility rates. Also, the program will have an adverse effect upon competition by forcing small independent auditors to compete with large and sometimes subsidized (in the case of multi-family dwellings) utility audit programs.

It is the Department's conviction that the services required to conserve energy will be provided by private firms, utilities, or non-governmental institutions, and the benefits generally will be realized regardless of the presence of Federal statute or regulation. Moreover, the existing statute and proposed regulations would impose unnecessary costs.

Summary of Net Benefits

For the reasons given above, the Department believes that the costs of the CACS program, as currently mandated by the statute and as contemplated in the proposed rule, exceed the benefits resulting from the program.

Related Regulations and Actions

Internal: Residential Conservation Service Program (10 CFR Part 456); Low Income Weatherization Assistance Program (10 CFR Part 440).

External: Existing State laws and regulations.

Government Collaboration

None.

Timetable

NPRM—46 FR 4482, January 16, 1981.
Revised NPRM—DOE will issue as soon as possible.
Final Rule—Date to be determined.
Public Hearing—Date to be determined.
Public Comment Period—Dates to be determined.
Regulatory Analysis—Draft, November 1980; final, date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

Draft Regulatory Analysis.
Comments in response to NPRM.
All documents are available for review in the DOE Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue S.W., Washington DC 20585.

Agency Contact

John P. Millhone, Director
Buildings Energy Research and Development
Office of Conservation and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
(202) 252–9444

DOE–CE

Energy Conservation Program for Consumer Products Other Than Automobiles (10 CFR Part 430; Revision)

Legal Authority

Energy Policy and Conservation Act, Title III, as amended by the National Energy Conservation Policy Act, 42 U.S.C. 6315.

Reason for Including This Entry

The Department of Energy (DOE) includes this entry because the proposed rule would impose substantial costs on the home appliance industry and increase the cost of appliances.

Statement of Problem

The Energy Policy and Conservation Act (EPCA) requires DOE to establish energy efficiency standards for 13 product categories if such standards are technologically feasible and economically justified and result in significant energy conservation. These standards would establish the minimum

level of energy efficiency that the manufacturer of the covered product would have to achieve, but would not prescribe the methods, designs, processes, or materials to be used to achieve the particular efficiency level. Manufacturers would be required to certify that their products conform to the standards by testing them in accordance with DOE-specified test procedures before they could place such products on the market. These product categories are: refrigerators and refrigerator/freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, home heating equipment (not including furnaces), television sets, kitchen ranges and ovens, clothes washers, humidifiers and dehumidifiers, central air conditioners, and furnaces. Nine of these categories were given priority under EPCA, and standards for these products (or a determination that standards are not technologically feasible and economically justified) were required by January 2, 1981. The statutory deadline for the other four categories was November 1981. A fifth product category, heat pumps, has been split off from the central air conditioner category. The public comments following the publication of the NPRM relating to the standards for the first nine product categories (45 FR 43976, June 30, 1980) raised substantial issues with regard to the economic justification of the standards as well as other issues. Consequently, on December 17, 1980, the Department stated that it would not be able to meet the statutory deadline for rules for the first nine products. Later, in February 1981, DOE gave notice of its intent not to issue standards until further study (46 FR 13517, February 23, 1981).

As announced in February, DOE is currently reviewing the methodology and analysis upon which the standards would be based. Furthermore, additional assessment of the underlying data is necessary. Moreover, the Administration has requested no funds for this program in fiscal year 1982. This request reflects the Administration's view that with rising energy prices consumers are demanding and manufacturers are producing more energy efficient products without mandatory Federal standards.

Alternatives Under Consideration

Under EPCA the alternatives are either to adopt standards or to make a finding that standards would not be technologically feasible, economically justified, or would not result in significant conservation of energy.

Summary of Benefits

Sectors Affected: Manufacturers and users of major household appliances and the general public.

The Department is reviewing its detailed estimate of the benefits that would result from implementing mandatory energy efficiency standards for consumer products. The results of this review will be included in the upcoming NPRM.

Summary of Costs

Sectors Affected: Manufacturers of major household appliances and users of these appliances.

The Department is reviewing its detailed estimate of the costs that would result from implementing mandatory energy efficiency standards for consumer products. The results of this review will be including in the upcoming NPRM.

Summary of Net Benefits

Because DOE is still in the process of reviewing its detailed estimate of the costs and benefits of this regulation, a summary of the net benefits is not available at this time.

Related Regulations and Actions

Internal: None.
External: Federal Trade Commission Appliance Labeling Program.

Government Collaboration

The Department is working with the Federal Trade Commission and National Bureau of Standards.

Timetable

Revised NPRM for Standards for Nine Products—As soon as practicable.
Public Hearing—Dates to be determined.
Public Comment Period—Dates to be determined.
Final Rule—As soon as practicable.
Statutory Deadline—January 1981.
Revised Regulatory Impact Analysis—Will accompany NPRM and Final Rule.
Regulatory Flexibility Analysis—Will accompany NPRM and Final Rule.
NPRM for Standards for Five Products—As soon as practicable.
Public Hearing—Dates to be determined.
Public Comment Period—Dates to be determined.
Final Rule—As soon as practicable.
Draft Regulatory Impact Analysis—Date to be determined.
Statutory Deadline—November 1981.
Regulatory Flexibility Analysis—Will accompany NPRM and Final Rule.

Available Documents

Draft Regulatory Analysis.
Test Procedures:
Refrigerators, Refrigerator/Freezers and Freezers—42 FR 46140, September 14, 1977; 45 FR 47396, July 14, 1980.
Dishwashers—42 FR 39964, August 8, 1977.
Clothes Dryers—42 FR 46140, September 14, 1977; 45 FR 46762, July 10, 1980.
Water Heaters—42 FR 54110, October 4, 1977; 43 FR 48986, October 19, 1978; 44 FR 52632, September 7, 1979.
Room Air Conditioners—42 FR 27896, June 1, 1977; 45 FR 43362, June 26, 1980.
Furnaces and Home Heating Equipment—43 FR 20108, May 10, 1978; 44 FR 1970, January 9, 1979; 45 FR 53714, August 12, 1980.
Television Sets—42 FR 46140, September 14, 1977.
Kitchen Ranges and Ovens—42 FR 20106, May 10, 1978.
Clothes Washers—42 FR 49802, September 28, 1977.
Humidifiers and Dehumidifiers—42 FR 55599, October 18, 1977.
Central Air Conditioners, including Heat Pumps—42 FR 60150, November 25, 1977; 44 FR 76700, December 27, 1979.
NPRM Regarding Provisions for the Waiver of Consumer Product Test Procedures—45 FR 14188, March 4, 1980.
Sampling Requirements of Consumer Products Test Procedures—44 FR 22410, April 13, 1979.
Public comments (including comments from public hearing held August 1980).
Representative Average Unit Cost of Electricity, Natural Gas, No. 2 Heating Oil, and Propane—44 FR 37534, June 27, 1979.
Standards:
ANPRM Regarding Energy Efficiency Standards for Nine Types of Consumer Products—44 FR 49, January 2, 1979.
ANPRM Regarding Energy Efficiency Standards for Four Types of Consumer Products—44 FR 72276, December 13, 1979.
NPRM Regarding Energy Efficiency Standards for Nine Types of Consumer Products—45 FR 43976, June 30, 1980.
Notice of Intent Not to Issue Energy Efficiency Standards Until Further Study—46 FR 13517, February 23, 1981.
All documents are available for review in the Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, DC 20585.

Agency Contact

James A. Smith, Chief
Consumer Products Efficiency Branch
Office of Conservation and

Renewable Energy
Department of Energy
1000 Independence Avenue, S.W.,
Room GH–065
Washington, DC 20585
(202) 252–9127

DOE–CE

Residential Conservation Service Program (10 CFR Part 456; Revision)

Legal Authority

National Energy Conservation Policy Act (NECPA), 42 U.S.C. 8211, as amended by Energy Security Act (ESA), P.L. 96–294, 94 Stat. 611 *et seq.*

Reason for Including This Entry

The Department of Energy (DOE) includes this entry because the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The National Energy Conservation Policy Act (NECPA) amendment required DOE to develop rules on the content and implementation of the Residential Conservation Service (RCS) program. The existing RCS program regulations were originally published in the **Federal Register** on November 7, 1979. This program requires large gas and electric utilities to provide general information to all their residential customers as to the cost and savings involved in installing conservation and renewable resource measures, to offer to all its residential customers low-cost, on-site energy audits, and to provide other program services.

States may submit plans to DOE for approval to administer and enforce utility compliance with State programs, but, if they do not, NECPA requires DOE to prepare a Federal plan and to order covered investor-owned utilities to comply with it. Covered utilities include those that during the second preceding year had sales (for purposes other than resale) that exceeded 10 billion cubic feet of natural gas, or exceeded 750 million kilowatt hours of electricity. Participating Governors must decide whether or not to include non-regulated, municipally owned utilities and interested home heating suppliers in State plans. Non-regulated utilities not included in State plans but meeting the above size criteria must prepare and submit their own plans for DOE approval.

DOE's review of the RCS Program regulations indicates that the regulations impose significant burdens on States, utilities, and participating home heating suppliers. DOE believes that private firms and utilities now have, through the workings of the free market, adequate incentive to provide the services consumers need to save energy without the imposition of Federal regulations. Reflecting this belief, the Administration requested no funds to continue to implement or enforce this program, beginning with fiscal year 1982. In addition, DOE supported a proposed amendment to its 1982 appropriation that would have prohibited the expenditure of any funds on the RCS Program. However, until the RCS Program is discontinued or further amended by Congress, DOE cannot rescind the regulations.

Alternatives Under Consideration

In the absence of further legislation, DOE is required to proceed with implementation of the RCS program. Due to the nature of the RCS statutory requirements, any scheme of implementation will of necessity be burdensome. In order to alleviate the burden to the extent legally permissible, DOE has just proposed a new rule to minimize the RCS program's adverse effects by deleting regulatory requirements not mandated by statute (46 FR 55836, November 12, 1981).

Summary of Benefits

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating home heating suppliers; manufacturers, lenders, sellers, and installers of energy conserving and renewable resource products; tenants and owners of eligible residential buildings; and the general public.

DOE defines the benefits of the RCS program as the cost-effective savings in non-renewable fuels that would not have occurred but for the RCS program. The net savings in non-renewable fuels would benefit the entire economy because the amount of such savings would be available for spending or investments. Federal and State governments would have greater revenue, consumers would have more to spend or invest, and utilities would save the amount otherwise needed for investment in new capacity. The RCS program does not actually involve the installation of conservation or renewable resource measures. Rather it is essentially an informational program, requiring large utilities both to provide general information to all its residential customers as to the costs and savings involved in installing conservation and renewable resource measures and to offer to all its residential customers a low-cost, on-site energy audit that is intended to provide specific information. Thus, the benefits of the RCS program would result from the installation of cost-effective measures that would not have occurred without either the general information or the on-site audit.

However, the general information the statute requires to be provided by utilities is not unique or otherwise not publicly available. The media, private businesses, and utilities generally have, with higher energy prices, publicized the benefits of various conservation and renewable resource measures. Consequently, DOE believes little if any benefit is derived from the RCS program's generalized informational function.

Despite their low cost, the RCS energy audits require some commitment and initiative from the homeowner—to make the request, schedule the appointment, be present at the time of the audit. Historical results indicate that only 3 to 5 percent of eligible households will request and receive such audits each year, compared to the 7-percent annual audit rate predicted in the orignial Regulatory Analysis (DOE/CS–00104/1, October 1, 1979). Moreover, DOE believes that persons who do request audits are likely to be those that are generally most interested in installing conservation and renewable resource measures. Consequently, many, if not most, of those request audits would have installed measures even in the absence of the RCS program. In this regard, DOE believes the original Regulatory Analysis for the RCS program was invalid in its estimation of benefits because it assumed that *none* of the customers receiving RCS audits would have installed measures absent the program. Therefore, DOE believes the benefits of the RCS program are minimal.

Summary of Costs.

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating home heating suppliers; manufacturers, lenders, sellers, and installers of energy conserving and renewable resource products; tenants and owners of eligible residential buildings; and the general public.

The costs of this program include those incurred by the Federal government to develop, implement, and monitor the RCS program, as well as the costs incurred by State governments and non-regulated utilities to develop, implement, and enforce their individual plans. These costs will be borne by taxpayers and the economy as a whole.

They also include the costs to utilities and participating home heating suppliers to perform subsidized energy audits and provide additional program services. These are the largest direct financial costs of the program. DOE expects that these costs will be passed along to utility customers in higher utility rates. Also, the program will have an adverse effect upon competition by forcing small independent auditors to compete with large subsidized utility audit programs. Energy Security Act amendments to the RCS program could further adversely affect competition by, in effect, allowing utilities, as part of the RCS program, to offer the supply or installation of conservation and renewable resource measures through subcontracts with some independent suppliers or contractors selected by the utilities in competition with all other small independent suppliers and contractors. Finally, suppliers, contractors, and lenders will incur costs to comply with applicable RCS requirements, particularly listing requirements. DOE expects that these costs will result in increased prices for energy conservation and renewable resource goods and services.

Since the original Regulatory Analysis was completed, experience indicates that some of the assumptions made in the analysis had the effect of underestimating the total costs of the program. For example, the cost of performing an on-site audit is higher than the cost assumed in the analysis.

Summary of Net Benefits

For the reasons stated above, the Department believes that the benefits originally projected for the RCS program have been overstated and the costs of the program understated. Furthermore, it is the Department's conviction that the services required by homeowners to conserve energy will be provided by private firms, utilities, or non-governmental institutions, and the benefits generally will be realized regardless of the presence of Federal statute or regulation. Moreover, the existing statute and regulations impose unnecessary costs. For these reasons, the Department believes that the costs of the RCS program, as currently mandated, exceed the benefits resulting from the program.

Related Regulations and Actions

Internal: Commercial and Apartment Conservation Service Program (proposed 10 CFR Part 456); Low Income Weatherization Assistance Program (10 CFR Part 440).

External: Existing State laws and regulations.

Government Collaboration

None.

Timetable

NPRM—44 FR 16546, March 19, 1979.
Final Rule—44 FR 64602, November 7, 1979.
NPRM—46 FR 2522, January 9, 1981 (Final RCS Plan).
NPRM—46 FR 8996, January 27, 1981 (Urea Formaldehyde Foam Insulation).
Revised NPRM—46 FR 55836, November 12, 1981.
Final Rule—DOE plans to issue the Final Rule as soon as practicable after the expiration of the 60-day comment period.
Public Hearings—December 7 and 8, 1981, Chicago; December 10 and 11, 1981, San Francisco; January 11 and 12, 1981, Washington, DC.
Public Comment Period—Closes January 20, 1982.
Regulatory Analysis—Final, November 1979.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—None.

Available Documents

All documents are available for review in the DOE Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue S.W., Washington, DC 20585.

Agency Contact

John Millhone, Director
Building Energy Research and Development
Office of Conservation and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue S.W.,
Washington, DC 20585
(202) 252–9444

FEDERAL ENERGY REGULATORY COMMISSION

Blanket Certificates for Interstate Pipelines and Local Distribution Companies (18 CFR Part 157, New; 18 CFR Part 284, Revision; 18 CFR Part 375, Revision)

Legal Authority

Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*

Reason for Including This Entry

These rulemakings are part of the Federal Energy Regulatory Commission's (FERC) regulatory reform program and will provide integrated and streamlined procedures for approval of certain activities performed by interstate pipelines and local distribution companies served by interstate pipelines. The rulemakings are important because they propose to substantially reduce the regulatory burdens interstate pipelines and local distribution companies encounter in seeking Commission approval of certain activities.

Statement of Problem

Section 7 of the Natural Gas Act, 15 U.S.C. 717f, provides that no natural gas company may engage in (1) the transportation and sale of natural gas in interstate commerce for resale, (2) the construction of facilities to be used in those activities, or (3) the abandonment of any jurisdictional service or facilities without Commission approval. To carry out this statutory responsibility, the Commission issues certificates, and it has a number of different programs to do so. Some of these programs involve streamlined procedures for the issuance of so-called "blanket certificates" or "budget-type certificates." Those programs authorize, under streamlined procedures, interstate pipelines to undertake specific types of activities (e.g., construction and operation of gas supply facilities, miscellaneous rearrangement of facilities, and transportation of natural gas on behalf of another interstate pipeline) subject to certain conditions, such as conditions relating to the cost of the activity and the type of facility certificated to do the activity. Those actions that do not qualify for the blanket or budget-type certificate programs are handled individually, case-by-case. For projects authorized on a case-by-case basis (which, in terms of dollar amounts, are most of the projects), FERC's regulations require the applicant to file extensive information with the Commission; staff must carefully review such information and the Commission must issue a specific order authorizing these projects.

In an effort to make the case-specific approval process more efficient, the Commission has delegated a number of activities to the Director of the Office of Producer and Pipeline Regulation (18 CFR 375.307). These delegations include authority to decide on certain uncontested applications and amendments to applications, to reject tariff or rate schedule filings if they patently fail to comply with the applicable requirements, and other activities that are so routine that direct Commission review is not necessary. The Commission has also provided (18 CFR 1.32 and 157.11) for expedited

hearings by the full Commission of uncontested, routine applications. In addition, § 157.7(a) of the Commission regulations provides for abbreviated applications if detailed information is either not required or already has been filed by the applicant with the Commission.

Despite the Commission's efforts (such as the existing blanket certificate program or authorizing delegations to the director of the Office of Producer and Pipeline Regulation) to expedite the process of considering and disposing of applications for certificates, many routine activities are still authorized under costly and time-consuming procedures. A substantial portion of the Commission staff's time is devoted to processing applications under the case-specific process. It is estimated that both the applicant and the Commission each spend 250 hours in preparing and processing a case-specific determination.

Alternatives Under Consideration

The first alternative is to make no change to the Commission's regulations. However, because Commission approval is required as a matter of law for these types of authorizations, this alternative would only perpetuate the regulatory problems of cost and time discussed above.

In providing regulations to streamline the certificate process for the transportation or construction activities of interstate pipelines and local distribution companies served by interstate pipelines, the Commission must determine how it will revise its procedures and decide which of these activities are amenable to reduced regulatory process. Under the proposed blanket certificate program, many pipeline activities could be authorized by rule under streamlined procedures. Such activities would include transportation of natural gas for pipelines' and distributors' system supplies, sales by interstate pipelines of natural gas to other interstate pipelines, and construction and operation of facilities. Some activities may be so routine and so well understood that authorization of the activity by the Commission could take place without prior review. In other cases, the activity may be relatively routine, but interested parties (such as customers) may want to express concerns prior to FERC approval of that activity. In these latter cases, such persons should have the opportunity to protest and intervene in the procedure before the Commission considers whether to approve.

Besides deciding which activities should be subject to what type of streamlined procedures, the Commission must also decide whether there should be limits on the types of activities that would be authorized under a blanket certificate. This is because the Commission must, under law, continually regulate the pipelines and the rates they charge for the facilities that have been certificated. For example, the Commission must decide whether the potential cumulative effect on customers of constructing and operating facilities under a blanket certificate on ratepayers should, at some point, be subjected to the scrutiny of a full, case-specific proceeding. The cumulative effect could be limited by requiring that the total costs of projects authorized under a blanket certificate each year not exceed a predetermined dollar amount.

The Commission must also decide how extensive the application requirements should be as well as how detailed subsequent regulatory filings must be. If insufficient information is submitted by the applicant for a blanket certificate, interested persons might routinely protest the proposed activity simply to obtain more information. On the other hand, extensive filing requirements would increase the regulatory burdens imposed on the applicant and defeat the purpose of a blanket certificate.

Off-system sales are sales of excess gas by interstate pipelines to other interstate pipelines who need the gas to serve their customers. If off-system sales are permitted under a blanket certificate, the Commission must consider whether such sales may be made only to other interstate pipelines, or whether intrastate pipelines, local distribution companies, and the final customers may also be eligible purchasers. The Commission must also decide the appropriate price for such sales, e.g., the average price of all gas purchased by the seller, the price of new supplies of gas, the price of gas imported from Canada, or some other just and reasonable price. If the price is set too high, potential buyers may forego purchase of the gas for other, less expensive fuels. However, if the price is set too low, then the seller's customers will be subsidizing the sale without receiving any compensating benefits.

Summary of Benefits

Sectors Affected: FERC; natural gas pipelines; local distribution companies; and natural gas consumers.

This procedure will directly benefit any pipeline or distributor issued a blanket certificate. Unlike the current case-specific procedures, in which interstate pipelines and local distribution companies served by interstate pipelines must first be issued specific certificate authorization by the Commission for each activity, blanket certificate holders would automatically receive authorization for many projects that may then be undertaken without first notifying the Commission or getting specific approval. The procedure would allow the certificate holder to undertake other activities subject only to a notice and protest procedure. The reduced regulatory burden will decrease not only regulatory costs, but also regulatory delays. Local distribution companies served by interstate pipelines that receive a blanket certificate will also benefit from these procedures by reduced regulatory costs and delays. It is estimated that full implementation of the blanket certificate program will reduce regulatory burden on industry by approximately 25,000 hours per year. Approximately 100 cases currently subject to case-specific determinations would be automatically authorized under blanket certificates.

Natural gas consumers will benefit because reduced regulatory delays will assure that gas supplies are more readily available to purchasers. Moreover, reduced regulatory costs ultimately benefit consumers by way of lower gas rates.

The new procedures will also result in more economical and efficient use of the Commission's time. Thus, administrative costs should be lower under the proposed rule than under the Commission's current rules and practices.

Summary of Costs

Sectors Affected: FERC; natural gas companies; and local distribution companies.

The costs that could result from implementing a more efficient and streamlined certificate procedure will ultimately depend on how the Commission implements its blanket certificate program. If, for example, the Commission does not provide for the pipeline certificate holder and one who protest the certificate the opportunity to resolve their differences regarding the appropriateness of the activities, then a single protest filed for the purpose of obtaining more information in such a procedure would remove the proceeding from the blanket certificate procedures and subject it to the more time-consuming, case-specific deliberation. Such a procedure would reduce the benefits of a blanket certificate and increase administrative costs to the

Commission and the blanket certificate holder.

Similarly, if the Commission adopts extensive filing requirements under a blanket certificate program, then the procedures and costs for receiving Commission approval may not significantly differ from those of the present procedures.

These costs ultimately are contingent on the procedures finally adopted. It is impossible at this stage to quantify or estimate the magnitude of such costs.

Summary of Net Benefits

The total benefits of these procedures are in the form of reduced regulatory costs and regulatory delays. Natural gas companies and, ultimately, natural gas consumers, are the beneficiaries. These procedures also will result in the more efficient use of the Commission's time and resources and will reduce administrative costs.

The Commission has proposed to include in the new blanket certificate procedures a broad range of pipeline activities such as: off-system sales of surplus-gas between interstate pipelines, end-user transportation, and transportation of natural gas for pipelines' and distributors' system supplies. Incorporating these activities into the blanket certificate program should result in the more efficient distribution of natural gas supplies throughout the country.

Provided the Commission implements a blanket certificate program that applies to frequently occurring activities and provides substantially streamlined yet fair procedures, then the net benefits to the natural gas industry, consumers, and the Commission of this rulemaking will outweigh the costs.

Related Regulations and Actions

Internal: In Docket No. RM79-34, issued May 21, 1981 (46 FR 30491, June 9, 1981), the Commission invited interested persons to submit written comments in Docket No. RM81-19 on whether pipeline transportation of end-user gas for the displacement of fuel oil should be included in the blanket certificate program.

External: None.

Government Collaboration

None.

Timetable

NPRM—The blanket certificate program was proposed in two separate notices: "Interstate Pipeline Blanket Certificates for Routine Transactions," Docket No. RM81-19, issued March 10, 1981 (46 FR 16903, March 16, 1981); and "Sales and Transportation by Interstate Pipelines and Distributors," Docket No. RM81-29, issued April 27, 1981 (46 FR 24585, May 1, 1981).

Final Rule—Date to be determined.

Final Rule Effective—Date to be determined.

Other—The Commission issued a Notice of Availability of Environmental Assessment for both Docket Nos. RM81-19 and RM81-29, issued July 1, 1981 (46 FR 35529, July 9, 1981).

Public Hearing—A public comment hearing on Docket No. RM81-19 was held on May 4, 1981, and a public comment hearing on Docket No. RM81-29 was held on June 5, 1981.

Public Comment—See "Public Hearing" above.

Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance and includes the results in the issuance of NPRMs and the Final Rules.

Regulatory Flexibility Analysis—In both NPRMs the Commission certified that the provisions of the Regulatory Flexibility Act do not apply to these rulemakings because the participants in the blanket certificate program—interstate pipelines and local distribution companies—are not small entities.

Available Documents

Comments to the two NPRMs, as well as copies of all issued documents, are available and may be obtained from the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426.

Agency Contact

Thomas P. Gross, Attorney Advisor
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.,
Washington, DC 20426
(202) 357-8033

FERC

Construction Work in Progress for Public Utilities (18 CFR Part 2, Revision; 18 CFR Part 35, New)

Legal Authority

Federal Power Act, 16 U.S.C. 791-828c; Department of Energy Organization Act, 42 U.S.C. 712 (Supp. 1979).

Reason for Including This Entry

The Federal Energy Regulatory Commission (FERC) regulates the sale of electric power sold wholesale in the interstate market. This means that the Commission regulates about 13 percent of the total sales of electricity made in the United States. This rulemaking can have an important impact on the amounts paid by those who purchase electric power in sales regulated by the Commission and on the ability of utilities that make those sales to raise money for capital improvements. The rulemaking can therefore have a significant impact on the financial health of the electric utility industry and the reliability of electric power supplies in the future.

Statement of Problem

The electric utility industry faces an important problem in borrowing money to replace obsolete facilities, to reduce the Nation's dependence on foreign oil by converting existing oil-fired plants to coal, and to construct more pollution control and safety facilities on new and existing electric plants. In recent times, investors and lenders have tended to regard the utility industry as an unattractive investment alternative. Utility bond ratings have declined and the value of common equity stock issues has declined. High inflation rates and high interest rates have contributed to utilities' difficulties.

One method for a utility to recover its cost of borrowing money to build a particular project is to account for that money and the cost of that money (i.e., the interest on that money) during the time construction progresses. When the particular project is completed and generating electricity, the rate charged for that electricity is set at a level that allows the utility a return on its capital investment (the "rate base"), supplemented by the accounted-for costs of financing the building of the project. In this way, while the utility recovers, in rates, the costs of borrowing money to construct the project, that recovery does not start until the project is completed and producing electricity. This is the method that utilities normally use to recover construction costs in rates approved by the FERC.

Another method is to permit the utility to recover some or all of its costs of borrowing money to build a particular project before that project is completed and generating electricity. This is done by including the project being built in the utility's electricity-producing rate

base, on which it earns a return. The utility would then recover the costs of borrowing money from rate payers immediately, rather than adding such expenditures to the total cost of construction later, when the project becomes operational. This method is called return on construction work-in-progress, or CWIP, because the construction work-in-progress cost of money is included in the utility's rate base to produce immediate revenues.

Although the inclusion of CWIP in rates permits a utility to recover some or all of its costs of financing construction more promptly than it otherwise could, it has the effect of producing a mismatch of the benefits of the construction program to rates paid for that program: future customers who will buy electricity generated by the plant when it is completed and providing electricity benefit from that service while costs of financing that construction are borne by present customers of the utility.

FERC has an established policy (18 CFR 2.16) under which utilities are allowed to include CWIP in rate base in limited circumstances. Those circumstances are if: (1) the construction involves pollution control facilities, (2) the construction involves conversion of a generating plant to a more economical fuel, or (3) the utility can demonstrate that it is experiencing severe financial difficulty. The Commission has rarely used the financial distress test, and the existing policy (which may allow some utilities to begin recovering construction costs before the project is completed) has produced protracted and complex litigation.

This rulemaking is to provide a forum for the consideration of the issues related to CWIP and to explore the range of alternative standards that FERC could apply to the use of CWIP. The result of the rulemaking could be a rule that eliminates or reduces extensive and frequently unnecessary litigation of the issue before Commission administrative law judges and clarifies the Commission's policy on this aspect of CWIP relief, so that utilities may anticipate the Commission's response in CWIP cases. If the Commission provides more precise standards under which a utility would qualify for CWIP in rate base, utilities would be better able to plan investments in plant, and the only material questions of fact that would require resolution in any Commission rate proceeding would be whether the utility was eligible under the rule, not whether it was in "financial distress."

Alternatives Under Consideration

At the outset, the Commission could preserve its existing rules respecting CWIP or amend them. If the Commission chooses to amend the rules, it has several basic alternatives to consider in determining whether to amend its provisions allowing CWIP. Moreover, to the extent that the Commission considers inclusion of CWIP in rate base appropriate, there are several methods of computing and limiting this kind of ratemaking.

(A) The proposed rule would evaluate whether a utility is likely to have difficulty raising capital on reasonable terms, based on the recent bond ratings given the utility by either of the major rating agencies—Standard and Poor's or Moody's. The rule would then provide for an evaluation by the Commission of whether this difficulty can be reasonably attributed to the utility's construction program. If this is the case, the utility could be considered eligible for rate-base treatment of its construction work-in-progress, subject to certain limitations that the Commission might impose. Under the proposed rule, a utility would qualify for CWIP in rate base if its first mortgage bond rating on the date of filing of the underlying rate case were of a particular rating or lower under the commonly used financial rating system provided by private companies that judge a company's financial health in order to give an objective picture of the quality of an investment in that company. The proposed rule would then require a determination by the Commission of what percentage of the utility's jurisdictional construction work-in-progress (that portion of a utility's activities that are regulated by the Commission) the Commission could exclude from the utility's jurisdictional rate base. In other words, a utility would generally be permitted to include in rate base an additional amount of CWIP sufficient to reduce the amount of jurisdictional construction work-in-progress excluded from rate base to some percent of jurisdictional rate base. (The proposal provides for 40 percent.) However, the Commission would retain discretion to reduce the amount of CWIP that the utility could include in rate base, after considering the effect of such matters as short-term consumer electric prices, the managerial practices of the utility, or the need for the construction programs. Utilities in severe financial distress could collect CWIP immediately, but the utility might be required to refund to customers any amounts collected in excess of the amount FERC determined to be reasonable under the rule.

(B) The Commission could use criteria for determining the financial condition of a utility other than the bond ratings. For example, other available standards include the relationship of a utility's allowances for funds used during construction to its total net income (i.e., the "quality of earnings") or the relationship of a utility's pre-tax income to its long-term obligations to pay interest on money borrowed (i.e., the "interest coverage ratio").

(C) The Commission could allow the utility to add a fixed percentage of construction work-in-progress into rate base regardless of a utility's financial condition. However, this would require the Commission to depart significantly from its existing policy.

(D) The Commission could allow CWIP associated with construction of a particular plant to go into the rate base at a specified time prior to such facilities becoming operational. This approach would involve inclusion of CWIP at a time when it is reasonably certain that the plant will be completed.

(E) The Commission could allow CWIP in rate base only to the extent that a utility's predominant regulatory authority, generally the State in which it is located, permits such inclusion. However, this alternative may not enable the FERC to assist utilities in severe financial difficulty and may provide healthy utilities with assistance they do not need.

(F) The Internal Revenue Service could consider all customer contributions to current construction programs as a non-taxable loan to a utility that could show financial difficulty. However, the IRS might not find such contributions in aid of construction to be non-taxable income.

Each and every one of these alternatives can be examined either in isolation or in relation to the other alternatives. At this time, the relative merits (or demerits) of any one alternative, or combination of alternatives, is unclear.

Summary of Benefits

Sectors Affected: Electric utilities selling power at wholesale; investors in those utilities; electric utilities purchasing power at wholesale; the ultimate consumers of electricity; and FERC.

Determining the proper application of the Commission's CWIP policies generically rather than through litigation will reduce the length of ratemaking processes and benefit electric utilities, electricity customers, and the Commission. Although the rate changes now submitted to the FERC may be collected by utilities subject to refund, rate proceedings can be protracted. A generic CWIP policy will help eliminate

undue delay in ratemaking proceedings. A liberal CWIP policy could help make utilities that buy or sell electric power appear more attractive to investors and assist both the solvency of the utilities that must invest substantial capital in construction programs and the facility with which utilities can undertake or complete those programs.

Summary of Costs

Sectors Affected: Electric utilities selling power wholesale; investors in those utilities; electric utilities purchasing wholesale power; and ultimate consumers of electricity.

Any alternative that the Commission selects will generate costs, and, depending on which alternative the Commission selects and how the Commission decides to implement the method selected, the costs will affect different sectors and will affect them to varying degrees.

With respect to the alternative to forego any action on the question of changing the Commission's CWIP rules, there may be a considerable cost of missing an opportunity to simplify Commission regulations and to provide a viable alternative to encourage financial investments in the electric utility industry. However, a rule to liberalize the amount of CWIP to be allowed a utility will result in increased immediate costs to consumers. This is because the more CWIP that is allowed into rate base, the greater the cost to buyers of electric power before plant construction is completed; while the less CWIP that is permitted before construction is completed, the lower the cost to electricity customers during construction but the greater the increase in rates at the time the unit being constructed becomes operational.

Inaction on the subject of this rulemaking may adversely affect investor interests and the overall financial situation of the utilities in general, thereby threatening the postponement of construction and threatening reliable service in the future. Delays in construction may ultimately increase the costs of construction due to the escalating cost of labor and materials.

The costs associated with including CWIP in the rate base are the subject of debate, and these have not as yet been quantified. The proposed rule, and perhaps some of the alternatives, could provide for adjustments to the economic impact of CWIP costs to suit the particular utility and its customers, taking into account several factors, such as the impacts on customer rates and the company's management decisions.

Summary of Net Benefits

The benefits normally attributed to a more liberal policy toward inclusion of CWIP in rate base can be related to the overall improvement of a utility's financial situation through lowered costs of borrowing money. Proponents of a liberal CWIP policy also argue that customers may save money as well as assure future service by paying for financial costs of construction as they are incurred.

However, neither costs nor benefits for the various alternatives are quantifiable at this stage of the proceeding and will not be available until near the end of the proceeding. Moreover, given the public response to this proceeding, the relative benefits of a CWIP rulemaking under any of the alternatives will be vigorously debated.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—46 FR 39445, August 6, 1981, issued in Docket No. RM81–38 on July 27, 1981.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Public Hearing—A public hearing was held on December 7 and 8, 1981 at the offices of the FERC.
Public Comment Periods—The comment period on the NPRM closed on October 30, 1981, and reply comments are to be submitted by December 23, 1981. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance and includes the results in issued NPRMs and Final Rules.
Regulatory Flexibility Analysis—The preamble to the NPRM states there will be no significant impact on small entities.

Available Documents

Transcript of Informal Public Conference on the Financial Condition of the Electric Utility Industry, Docket No. EL81–7–000 (March 6, 1981).

All documents listed under the Timetable, as well as comments and reply comments, are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, DC 20426, during regular business hours.

Agency Contact

James Hoecker, Deputy Assistant General Counsel
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street N.E., Room 5100B
Washington, DC 20426
(202) 357–8033

FERC

High-Cost Natural Gas: Production Enhancement Procedures (18 CFR Part 271, Subpart G; New)

Legal Authority

Natural Gas Policy Act of 1978, 15 U.S.C. 3317.

Reason for Including This Entry

This rule will encourage production of reserves of natural gas that are recoverable only by application of techniques to enhance production that are often too costly to apply at prices now available.

This, along with other categories of "unconventional" or "high-cost" gas, gas produced from geologic formations or under other conditions that make it especially expensive or risky to produce, represents an important and abundant domestic energy resource and can help to reduce imports of foreign fuels.

Statement of Problem

The Natural Gas Policy Act of 1978 (NGPA) placed all sales of natural gas by producers under Federal jurisdiction and set a series of gradually escalating prices for recently discovered or "new" natural gas that more closely approximated the higher costs of alternate fuels at the time the Act was passed. These prices were intended to stimulate production and to smooth the transition to deregulation of most new gas, which was set for January 1, 1985, by the NGPA.

Unconventional gas, while abundant, can be discovered or produced only at high risk or cost. The NGPA specifies certain categories of unconventional gas eligible for an incentive price, that is, a selling price higher than the prices for conventional gas established by Congress and high enough to make recovery of these reserves economically feasible. Section 107(c)(5) of the NGPA gives the Commission authority to designate other categories of natural gas as unconventional.

In a Notice of Inquiry issued on June 13, 1979, the Federal Energy Regulatory Commission (FERC) requested that the public suggest categories of gas that might qualify under § 107(c)(5) as high-cost or high-risk.

This rulemaking is an outgrowth of the comments received in response to that Notice of Inquiry and a petition filed by the Sun Gas Company requesting the Commission to classify gas produced as a result of production enhancement procedures as high-cost. This petition was supported by other natural gas producers and environmental groups, such as Friends of the Earth and the Environmental Policy Center.

Production enhancement procedures often become necessary in order to maintain or to increase production from a depleting well or a well in which production has become marginal. Production supply enhancement procedures eligible under the proposed rule include: (1) re-entry into a well which has been plugged and abandoned; (2) re-entry into a well in order to drill deeper or start a side shaft; (3) reperforation of the well casing or perforation into a separate gas-producing zone; (4) repair or replacement of a faulty or damaged casing or related equipment in the well; (5) acidizing, fracturing, or installation of compression equipment. Current regulations do not allow sufficient flexibility to contracting parties to amend, modify, or renegotiate contracts in order to provide for production enhancement work.

The purpose of this rule is to set a ceiling or maximum price that may be paid by a purchaser and that is high enough to encourage production of reserves of natural gas recoverable only if production enhancement procedures are applied. Because the price for this gas is controlled by law, this encouragement will not be possible through higher prices if Commission action is not taken.

Alternatives Under Consideration

The Commission has proposed that gas produced with supply enhancement procedures applied after May 29, 1980, be eligible for an incentive price as high as the price for gas under § 109 of the NGPA. (In October 1981, the price for §109 gas was $2.08 per million Btu's.) The proposal also requires that a negotiated contract price must be in effect to ensure that the price for qualified production enhancement gas is set by agreement of all the contract parties. The Commission has also proposed a formula limiting the unit cost of production that results from enhancement procedures so that incremental revenues are not excessive.

The Commission specifically solicited comments on what constitutes a reasonable incentive price and whether other production enhancement techniques should be eligible for the incentive. The Commission also requested any information on the types of supply enhancement projects that will not be undertaken unless the ceiling is even higher than the § 109 price.

The Commission will consider in a separate proceeding whether gas subject to § 104 (gas already dedicated to interstate commerce when the NGPA was enacted) and § 106 (natural gas subject to both interstate and intrastate "rollover" contracts) of the NGPA should be eligible for the incentive price if supply enhancement procedures are necessary to maintain production.

Summary of Benefits

Sectors Affected: Natural gas producers; natural gas users; and the general public.

Large volumes of gas remain in mostly depleted or faulty wells, although it is impossible to estimate the amount. An appropriate incentive price should allow producers to tap reserves on natural gas recoverable only through supply enhancement procedures. The benefits to natural gas users and the general public of increased domestic supplies of natural gas—a clean, environmentally benign fuel—and the possibility of a concomitant reduction in imports of foreign fuels are not precisely quantifiable.

Summary of Costs

Sectors Affected: Natural gas producers; natural gas users; the general public; State jurisdictional agencies; and the Commission.

If the incentive price finally adopted is lower than that necessary to encourage production of reserves recoverable through supply enhancement procedures, these reserves may be left in the ground, and, therefore, natural gas users and the economy will not benefit from increased domestic supply. If an incentive price that is higher than necessary is adopted, consumers will pay unjustified prices for additional gas.

Workload will be increased at the Commission and at the State jurisdictional agencies in order to determine that the supply enhancement work for which the incentive price is claimed has actually been performed and that such work is in fact necessary to produce the gas.

Summary of Net Benefits

One of the most important purposes of the proceeding has been to develop a better understanding of both the benefits of encouraging production of high-cost natural gas by setting higher prices and the costs that must necessarily attend those benefits. At this time, those benefits, while not precisely quantifiable, appear to outweigh costs, in light of present and potential demands for natural gas. However, the Final Rule is still before the Commission because petitions for rehearing have been submitted by several members of the public.

Related Regulations and Actions

Internal: The Commission is considering other categories of gas which may be eligible, as high-cost or high-risk gas, for an incentive price.

External: None.

Government Collaboration

None.

Timetable

NPRM—45 FR 51219, August 1, 1980 (Docket No. RM80-50).
Public Comment Period—Closed 30 days after issuance of NPRM.
Sun Gas Petition for Rulemaking (Docket No. RM80-41).
Final Rule—45 FR 77421, November 24, 1980 (Docket No. RM80-50).
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance and reports the results in issuing NPRMs and Final Rules.
Regulatory Flexibility Analysis—Not required.

Available Documents

The comments filed on the NPRM, copies of the Final Rule, petitions to rehear the Rule, and the Order Granting Rehearing Solely for Purposes of Further Consideration (January 12, 1981; Docket No. RM80-50 are available to the public at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, DC 20426.

Agency Contact

Kenneth J. Malloy, Staff Attorney
Office of the General Counsel
Federal Energy Regulatory Commission

825 North Capitol Street N.E.,
Washington, DC 20426
(202) 357-8033

FERC

Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978 (18 CFR Parts 2 and 271; New)

Legal Authority

Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.;* Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.;* E.O. 12009, 3 CFR, 1977-78 Comp., p. 142.

Reason for Including This Entry

These proposed regulations would encourage producers of these catagories of natural gas to undertake new production or production enhancement projects not otherwise economically feasible. These regulations will cover natural gas production costing millions of dollars annually.

Statement of Problem

The Natural Gas Policy Act of 1978 (NGPA) established a maximum lawful price (MLP) for any first sale of natural gas. The proposed regulations are important in that they would implement the Federal Energy Regulatory Commission's (FERC) authority under the NGPA to set prices higher than the MLP for three categories of gas sales, namely: first sales of gas committed or dedicated to interstate commerce on the day before the date of enactment of the NGPA, first sales of gas under rollover contracts, and first sales of gas not covered by any MLP under any other section of the NGPA. ("First sale" is a term indicating that the sale is subjected to the terms of the NGPA and is therefore eligible for NGPA prices. The term does not refer to the first time gas is sold—hence there may be a chain of first sales.) Thus, producers of these categories of natural gas would be encouraged to undertake new production or production enhancement projects not otherwise economically feasible at the MLP specified in the NGPA.

In the past, ceiling prices for producer sales of natural gas were set by the Commission or its predecessor, the Federal Power Commission (FPC), on an area—later a nationwide—basis. These prices were set to cover classes of producers (large or small) and vintage (when the well was drilled or production began). In some instances, however, the ceiling price did not permit a producer to earn a fair profit or, in the extreme case, recover his cost of production. This put the producer face-to-face with two alternatives: continue production at an economic loss, or abandon the well. Neither of these alternatives was in the public interest, as the first affected the producer and would likely discourge further business ventures, and the latter affected the consumer in that it made less gas available. Therefore, regulations called "special relief procedures" were adopted; they allowed producers to apply for prices higher than those set at area or nationwide ceilings.

Passage of the NGPA fundamentally removed the responsibility for establishing ceiling prices from the Commission. The MLP for a particular sale now depends on when the well is drilled, where the gas is produced, and whether it was priced under the earlier practices of the Commission. As part of its general regulatory scheme, however, the NGPA provides that the Commission may set a price higher than that stated in the NGPA for certain types of producer sales; in other words, the Commission may continue to grant "special relief" under the NGPA.

The Commission believes that it is necessary to continue providing producers with the opportunity, in special or unusual situations, to obtain relief from the MLPs. To this end, the Commission has proposed regulations for granting such relief. The proposed regulations describe the circumstances under which a producer-seller of natural gas may seek a "special relief" rate, the manner in which the seller may apply for the rate, the process by which the Commission will consider an application, and the cost standards which the Commission will use to determine a special relief rate.

Alternatives Under Consideration

Although these relief prices are not specifically provided for by statute, the mechanism by which the Commission can set these prices is provided. In providing regulations to govern the application for, and granting of special relief under, the NGPA, the Commission must determine which of the various categories of natural gas that are priced under the NGPA will be eligible for the relief, and on what basis it will grant the relief. There are alternatives for both of these questions.

The Commission has the authority to grant special relief for the three categories of natural gas sales discussed above. It does not, however, have specific authority to grant special relief for the remaining five categories of natural gas sales defined in the NGPA, namely: new natural gas and certain natural gas produced from the Outer Continental Shelf; natural gas produced from new, onshore production wells; natural gas sold under existing intrastate contracts; certain high-cost natural gas; and stripper well natural gas (wells which produce at very low rates). However, the NGPA could be read to permit a price higher than the MLP for these categories under circumstances which might be considered as warranting "special relief." The Commission is, therefore, considering other rulemaking procedures to encompass some or all of these categories.

Also under consideration is the advisability of an upper limit or "cap" on special relief. The Commission has requested comments on this issue, and a related one: If a "cap" is indeed advisable, what should it be?

One of the more complex problems in establishing a rule for special relief is the criteria by which the Commission should determine a special relief rate. Under the old special relief rules a producer could recover either out-of-pocket expenses or a rate sufficient to provide a fair return on past and future costs, including any extra investment he had to make. The new regulations, while simplifying the standards by providing a formula approach, also distinguish between a producer who must undertake an important investment to make his well economically productive and one who needs no further investment but needs special relief to cover ongoing operating and maintenance expenses.

The most difficult issues concern the rates to be granted to producers making new investments. The Commission must decide what kinds of investment should be recovered and what the appropriate rate of return on investment should be.

The relative pros and cons of alternative standards are extremely complex. In deciding among them, the Commission must balance the impact of each alternative against the practicalities of producer regulation, the supplies affected, the administrative difficulty (or simplicity) of the regulations, and the intent of the NGPA.

Summary of Benefits

Sectors Affected: The Commission; natural gas production; natural gas pipelines; and natural gas consumers.

This proceeding will directly benefit producer-sellers of natural gas, during the time that the regulation and the NGPA are in effect for the types of gas sales covered by the regulation and before the gas may become deregulated. It will provide the sellers with an

opportunity to petition for maximum lawful prices greater than those explicitly set forth under the NGPA. This is important for those sellers who might incur real economic harm or hesitate to undertake new projects because the costs to produce their gas exceeds the MLP they could get for the gas under the NGPA.

In addition, the proceeding will benefit the pipelines that purchase the gas and the ultimate consumers. The benefits will be in the form of added supplies of natural gas—a clean, environmentally benign fuel—which would otherwise never reach the market. These added supplies may permit a reduction in imports of foreign fuels.

The new procedures of the proposed rule should result in a more economical use of the Commission's time. Thus, in the long term, administrative costs could be lower than under prior practices. However, about 130 requests for special relief are now pending. These cases, originally filed under the old procedures, form a backlog requiring immediate administrative action under the new procedures.

Summary of Costs

Sectors Afected: The Commission; natural gas producers and sellers; natural gas pipelines that purchase the gas; and natural gas consumers.

During the time that they are in effect, the procedures to allow special relief applications will add to administrative time and costs at the Commission. The number of petitions for special relief that may be filed cannot be determined at this time and will depend upon many variables, including general economic trends and the particulars of individual cases. About 50 to 60 cases per year were administered under the old special relief procedures. This would be a realistic estimate for cases filed under the proposed regulations.

The granting of a special relief rate means that a producer can receive a higher price for the sale of his gas. This higher price can be passed through to the ultimate consumer. The exact magnitude of this effect is unknown but could well reach millions of dollars annually.

Summary of Net Benefits

Maximizing production of gas while minimizing adverse social costs is one of the main objectives of this rulemaking. As noted above, neither the benefits nor the costs of this rule are quantifiable. In spite of that, at this stage of the rulemaking the benefits to accrue from a greater supply of gas appear to balance favorably against the administrative costs and the cost of a higher price to consumers for the types of gas sales that will be covered by the special relief procedures.

Related Regulations and Actions

Internal: Regulations implementing the Natural Gas Policy Act.
External: None.

Government Collaboration

None.

Timetable

NPRM—44 FR 49468, August 23, 1979 (Docket No. RM79–67).
Public Comment Period—Closed September 14, 1979.
Notice Granting Extension of Time To Comment—44 FR 53759, September 17, 1979 (Docket No. RM79–67).
Notice of Public Hearing—Issued October 13, 1979 under Docket No. RM79–67.
Public Hearing—February 2, 1980.
Notice of Request for Public Comments and Notice of Public Discussion—45 FR 5321, January 23, 1980 (Docket No. RM79–67).
Public Comment Period—Closed February 1, 1980.
NPRM—45 FR 31744, May 14, 1980 (Docket No. RM79–67).
Public Comment Period—Closed June 9, 1980.
Final Rule—To be determined.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare the Regulatory Impact Analysis prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance and includes the results in the issued NPRMs and Final Rules.
Regulatory Flexibility Analysis—Not required.

Available Documents

Copies of all notices, transcripts of public hearings and public discussions, and written comments are available at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426.

Agency Contact

Kenneth J. Malloy, Staff Attorney
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, DC 20426
(202) 357–8033

FERC

Rate of Return on Common Equity for Electric Utilities (18 CFR Part 2; New)

Legal Authority

Federal Power Act, 16 U.S.C. 824, 824d, and 824e (Supp. 1979) and 42 U.S.C. 712(a)(1)(B)(Supp. 1979).

Reason for Including This Entry

The Federal Energy Regulatory Commission (FERC) regulates the sale of electric power sold wholesale in the interstate market. This means that the Commission regulates about 13 percent of the total sales of electricity made in the U.S. This rulemaking can have an important impact on the amounts paid by those who purchase electric power in sales regulated by the Commission and on the ability of those utilities that make those sales to raise money for capital improvements. The rulemaking can also have an important impact on the processes used by the Commission to decide ratemaking issues.

Statement of Problem

The Commission has initiated an inquiry to explore alternatives to the case-by-case procedure it now uses in setting an allowed rate of return on common equity for electric utilities that sell wholesale electric power. "Return on common equity" is the amount of the utility's total revenues—earned by the rates charged for electricity—that remains for sharing among common shareholders or for improving the business after payment of expenses and debts (including dividends to preferred shareholders).

FERC now sets the allowed rate of return, a percentage that defines the return to be permitted on the common shareholders' capital contribution to the utility, for each utility individually as part of its general rate case. This takes time and involves a great deal of highly involved financial analysis. If a new generic procedure can be developed, the necessary calculations in each of these rate cases could be greatly simplified. This can mean not only a savings in time for the FERC and the utilities (and as time frequently means money, a savings to those utilities' customers), but also a more accurate determination of a critical component of a utility's rate structure.

Electric utilities finance construction of new plant and equipment to serve ratepayers just like other businesses, that is, with a mixture of borrowed funds (debt) and the utilities' shareholders' invested funds (equity). In general, those who purchase the utilities'

electricity (the ratepayers) do not finance new construction or system upgrading. They only pay for the plant that is actually in use for current service. For this reason, the utilities must attract investors and raise capital for construction. To do this, the utilities must be allowed a sufficient rate of return on investment, that is, they must be permitted a rate that—considering the riskiness of the business and other factors—will cover their costs of equity capital.

Many local electric utilities do not own facilities to generate power and confine their operations to the distribution of electric power bought in interstate wholesale transactions. Under the Federal Power Act of 1935, FERC sets the rates for these interstate wholesale power transactions. The FERC regulates rates charged by 211 privately owned electric utilities for their wholesale sales of electricity—about 13 percent of the total annual sales of electricity in the United States. This authority to set rates is, of course, the authority to specify the overall revenues of the utility; included within these overall revenues is a recovery of equity capital costs through the Commission-established rate of return on common equity investment.

Because many rate increases filed by electric utilities subject to the FERC's jurisdiction are contested by customers of utilities, in order to determine an appropriate rate of return on equity, extensive evidence must be taken in a trial-type hearing before an administrative law judge. The equity rate of return issue is at present essentially considered anew in each contested rate case and is thus now determined on a utility-by-utility, case-by-case basis.

There is at present a large electric rate caseload, and the cases tend, by their nature, to be complex and time-consuming. One of the most important aspects of the many elements of an electric rate case is the determination of an appropriate equity rate of return. This is because electric utilities, like most other regulated utilities, are "capital intensive"—that is, far more than in unregulated manufacturing or retailing industries, a considerable amount of capital investment in plant, including costly transmission and distribution equipment, is required to earn a relatively low level of revenues. The cost of invested capital accordingly is a relatively much larger component of the final "sale price" of a kilowatt hour of electricity than it is, for example, in the case of a pair of shoes. Moreover, the allowed level of this element of a utility's total cost of service will in a sense determine that utility's net profit—and it thus is not surprising that disputes on this matter are frequent.

Although the capital structure, business organization, and financial condition of electric utilities vary widely, there are enough similarities to suggest that a more general (or generic) approach to equity rate of return questions might be possible. If so, then this type of approach could provide for better and quicker decisions as to the appropriate rates of return to be allowed by the Commission.

Alternatives Under Consideration

The Commission has four basic alternatives to consider in determining a method for setting the common equity rate of return for electric utilities.

(A) The Commission could continue the current practice of determining the rate of return on a case-by-case basis. This method is geared to individual company requirements and circumstances and complex issues of corporate finance and economic market conditions are considered. The advantage of this method is that these individualized factors can be carefully weighed and—in theory—a finely tailored result will be produced. However, this alternative necessarily involves a large commitment of efforts by analysts, accountants, and attorneys from the utilities and at the FERC and additional efforts in the Federal courts.

(B) The Commission could develop a general, or generic, approach for determining an appropriate return for all electric utilities. Within this general approach, there are three options.

(1) The Commission could establish a specific percentage rate of return, based on industry-wide averages, that would apply to each utility. Once the "standard rate" had been set, this approach would be easily and cheaply administered; and FERC could develop a system of periodic revisions to keep the industry average rate of return current with existing capital market conditions.

(2) FERC could set a limited range of percentages within which the equity rate of return for each utility could be set. Depending on whether a given utility's equity costs were relatively low, medium, or high, its return could be set at the bottom, middle, or top of this zone. However, litigation over whether a specific utility falls in the upper, middle, or lower classes could be just as lengthy and costly as the current litigation over what the percentage rate should be.

(3) A "formulaic" alternative would involve the use of a general formula for setting rate of return on a case-by-case basis: Appropriate utility-specific numbers, when entered into the general formula, would result in a return for that specific utility. With this alternative, the Commission could speed up rate cases while retaining some of the advantages of examining each company's specific structure and capital requirements. There are many precedents for this formulaic approach. For example, the valuation of oil pipelines has been determined in a similar manner for more than 40 years. However, litigation over the utility-specific numbers that would be entered into the formula could create costly delays.

While the results of all these generic approaches may not be as "individualized" as those produced by the present case-by-case approach, it is possible that the savings in litigation costs (both to utilities and FERC) may easily offset the arguable precision that the current system achieves.

All three generic alternatives were developed in some detail by a special FERC Staff Study Group and were presented to the Commission and its staff. This presentation, including the report entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms," was made public for comment and discussion on December 15, 1980. A public hearing, attended by representatives of electric power sellers and buyers, the Special Study Group, and FERC staff, was held January 30, 1981 to discuss this report, and written comments from the public have also been submitted. The concept of the report—that there should be a generic approach to setting rates of return—was well received. However, there was no consensus as to which of the three specific approaches (single inflexible percentage rate, range of permissible rates, or formula) was best suited to the needs of the public, the utilities, or the Commission.

The next step may be an NPRM. Staff will be making its recommendations on such a proposal to the Commission early next year (1982).

Summary of Benefits

Sectors Affected: Electric utilities selling power at wholesale; investors in those utilities; electric utilities purchasing power at wholesale; and ultimate industrial, commercial, agricultural, and residential consumers of electricity.

Shortening the time to decide rate of return issues and simplifying the processes involved could benefit electricity consumers, electric utilities, and the Commission.

Under the law, a utility that sells electric power at wholesale and that wishes to increase its rates must file with the FERC a rate increase notice. The new rate goes into effect no sooner than 2 months after the rate increase is filed with FERC and no later than 7 months after it is filed with the FERC. However, a final FERC decision on whether the new rate is proper can require an additional 2 or 3 years or even longer; thus, until that final decision is made, both customers and the selling utility cannot be certain that the new rate is lawful—even though it may have previously gone into effect and is being charged to the rate payers.

Although these rates are collected subject to the seller's obligation to refund to the customers any excess charges (plus interest) if the new rate is finally determined to be too high, the uncertainty of what that refund will be (if any) makes it difficult for utilities—which both sell and buy the electricity—to decide on firm financial commitments and attract investors. Any procedural change that can speed up the time required to finally decide the proper rate reduces that uncertainty and the substantial costs thereby created.

Summary of Costs

Sectors Affected: Electric utilities selling power at wholesale; investors in those utilities; electric utilities purchasing wholesale power; and ultimate consumers of electricty.

Depending on which alternative the Commission selects and how the Commission decides to implement the method selected, there may be costs to one or more of the sectors involved. A high rate of return would result in higher costs to consumers. Conversely, a low rate would reduce rates to consumers. But low rates might also adversely affect investor interest in individual utilities and utilities in general; that in turn might force the utility to postpone needed new construction to a later date, when it may well be far more costly, and these postponements in turn might well result in poorer or more costly service to the ratepayers.

If the generic alternatives are adopted—for example, industry-wide determinations of an appropriate rate of return through the use of either a single number, a zone, or a formula—there will be additional costs.

First, there is an administrative development cost. To develop a workable procedure will most likely take a considerable amount of FERC time and manpower. And these commitments must, in some measure, be maintained in future years in order to "fine tune" the number, range, or formula over time to accord with the vagaries of shifting financial conditions and capital markets.

Second, there will be an implementation and use cost. This is particularly true if the percentage range approach is adopted. Under that approach, although a "high" and a "low" rate is set, precisely where between these two extremes a specific utility may fall will likely be a subject of administrative litigation, much as now occurs. While the scope of that litigation might be considerably narrower than it is at present, it may still be complex and time consuming. The single-rate and formula approaches minimize this type of cost by virtue of their inflexible rigidity.

Third, there is the cost that accompanies a "wrong" result when a particular utility is subjected to the "wrong" rate of return. If that rate is too low, the utility will suffer and, ultimately, so will its customers; if it is too high, the customers will pay too much for too little service. This potential cost problem is most likely with the single-rate approach, for that approach is the least utility specific. Conversely, it is least likely with the formula approach.

Fourth, because a generic or industry-wide ratemaking procedure may not cover all utilities—for example, utilities at the extreme ends of the industry norms may be deliberately excluded from the generic rate because they are so atypical (e.g., their financial structure or condition or their capital costs are substantially different from the industry norms)—there is a possible added cost that could be incurred in determining the proper rate of return for atypical companies that cannot "fit" under a generic approach. This would be the cost of a case-by-case ratemaking procedure for those special cases that would not be addressed under some of the generic alternatives.

At the present time, all of these various costs are very much unquantifiable and subject to much debate. Some, such as the costs of a "wrong" decision, can never be computed.

Summary of Net Benefits

The Commission has not, as yet, chosen between the alternatives of case-by-case decisionmaking and the generic or rule approach to deciding a rate of return on equity for a given utility; nor is there an obvious choice between alternatives available under the generic or rule approach. In deciding whether to propose any generic approach, as opposed to the current case-by-case method, the Commission must consider whether the benefits of the generic approach—reduced decisional delay, certainty, and simplicity—could outweigh the costs that attend the change in procedures. Moveover, comments to a future NPRM should provide the necessary information for FERC to determine how the costs and benefits compare.

With regard to the sub-alternatives available under the generic approach, the same balancing of benefits and costs must precede Commission action. With respect to the "formula" approach, the Commission must weigh the benefit of certainty against the cost of developing and maintaining the necessary formula. At the opposite extreme of complexity, the "specific percentage rate of return," the benefit of prompt and certain decisionmaking must be balanced against the costs that may attend a less precise decision or special rules to handle those cases that do not fall under the umbrella of the "specific percentage" approach. Finally, the third alternative, the "limited range" approach, raises questions on benefits and costs that are similar to the two other alternatives. Again, the NPRM should be the vehicle for providing some information on these questions.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—To be determined.

Public Comment Period—To be determined.

Public Hearing—January 30, 1980.

Final Rule—To be determined.

Rehearing Decision—To be determined.

Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance, and includes the results in the issued NPRMs and Final Rules.

Regulatory Flexibility Analysis—To be determined.

Available Documents

Staff Study Group Report and Executive Summary, "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms," RM80-36, December 15, 1980.

Transcript of public hearing, held January 30, 1981, to discuss the Staff Study Group Report.

Written comments submitted in response to the Report.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, DC 20426, during regular business hours.

Agency Contact

John Conway, Deputy Assistant General Counsel
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, DC 20426
(202) 357-8033

FERC

Regulations Governing Applications for Major Unconstructed Projects (18 CFR Part 4; Revision)

Legal Authority

Federal Power Act, 16 U.S.C. 791a *et seq.;* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.*

Reason for Including This Entry

This rulemaking is important because it simplifies and clarifies licensing requirements and procedures for major projects yet to be constructed, thereby making the development of new sources of hydroelectric power generation—a renewable energy resource with great undeveloped potential—more attractive and efficient.

Statement of Problem

This rulemaking is the third phase of the Federal Energy Regulatory Commission's (FERC) licensing reform program for all projects built for the generation of electric energy by water power that are within the Commission's jurisdiction.

Section 405 of the Public Utility Regulatory Policies Act of 1978 (PURPA) charges the Commission to establish simple licensing procedures for water power projects that are connected with existing dams and have a capacity to generate 15 megawatts (20,000 horsepower) or less of electricity at any one time. The Commission is extending this reform effort to licensing procedures for all water power projects. As a result, this rulemaking proposes licensing reforms that deal with all "major" projects (those with a generating capacity of more than 1.5 megawatts or 2,000 horsepower) (1) for which there is no dam or impoundment (body of water impounded by a dam) at the time of the application, or (2) which would result in a significant increase in the normal surface elevation of an existing impoundment, or (3) which are otherwise determined, pursuant to the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), to have a potentially significant environmental impact.

The current requirements governing licensing of major water power projects are to be found in various sections of the Commission's regulations. An applicant may be required to submit information in as many as 23 different exhibits within each application. Frequently, the regulations do not explain in sufficient detail what information applicants must submit. This can result in duplicate filings or deficient applications. The revision of the regulations governing major unconstructed projects where no dam or impoundment has been built consolidates and simplifies the information required of any applicant in order to elicit only that information that is relevant to an informed decision on the merits of the application.

Projects of the magnitude covered by this rulemaking naturally result in more significant environmental disturbances than other, smaller water power projects. The Commission will therefore require any applicant for a major unconstructed project to file an Environmental Report of considerably greater depth and detail than it will require for smaller projects or projects at existing dams. The Commission is also revising its NEPA regulations that set forth the specifications of an Environmental Report for all projects and is tailoring the requirements for such reports to the type of water power project for which the applicant seeks a license. The need for relatively greater detail concerning such projects also extends to information relating to their structural and financial integrity.

While, as a matter of law, the Commission is not required to undertake all of the reforms provided for under the proposals to reform its regulations governing applications for major unconstructed projects, the opportunity to improve markedly these important procedures should not be wasted. Absent FERC actions, there will be no further improvements, and unnecessary regulatory burdens would continue.

Alternatives Under Consideration

The Commission is not required by PURPA to reform its licensing procedures for hydroelectric projects that are not connected with existing dams. Nevertheless, the FERC has previously reformed hydroelectric licensing procedures outside the scope of PURPA, and this rulemaking accordingly extends to major unconstructed projects the benefits of the simplified licensing program. Because the licensing is required by law, there is no non-governmental mechanism to accomplish this.

There are two basic alternatives available to the Commission. These are: (A) to maintain the existing requirements for licensing; or (B) to reduce further the application requirements consistent with legal requirements. The first alternative would perpetuate costly delays in licensing. The second alternative could affect the discharge of the Commission's statutory responsibilities.

The Commission must determine how it will revise the licensing procedures and decide which of the current reporting requirements to simplify and consolidate. For example, the Commission must determine how extensive the Environmental Report for such projects must be. Because construction of a dam involves flooding land permanently and for the first time and the impacts of extensive construction activity, more environmental detail will be needed to assess the environmental impacts of such a project than is needed for projects where the dam already exists. The Commission will also revise its NEPA reporting requirements to require an Environmental Impact Statement for all such projects.

Summary of Benefits

Sectors Affected: The Commission; State, municipal, and private developers of major unconstructed hydroelectric power projects within the jurisdiction of the Commission; consumers of hydroelectric power; and the general public.

Better licensing procedures should expedite the licensing of water power projects, thus encouraging hydroelectric development. This in turn may help replace costly imported energy supplies with this cheap, renewable energy resource. The licensing of major projects under the new rule will require, on the average, 24 months, compared to about 28 months now required (and 36 months as of about 2 years ago).

Additional hydroelectic facilities will mean that more consumers will have access to hydropower. This may create greater stability in the cost of electricity to consumers. It may even result in lower rates for electric power.

The improved regulations will help conserve the manpower and financial resources of both the Commission and the hydroelectric facility applicants

because the regulations will be more understandable and more reasonable in their requirements. As a result, developers may file fewer deficient applications that require upgrading, and both developers and the Commission may waste less time interpreting and litigating the regulations.

By obtaining more complete environmental data, the improved regulations should also enable the Commission to better fulfill its obligations under NEPA to identify and minimize adverse environmental disturbances. The public will benefit because development of hydropower will be more attractive and adverse environmental impacts will be minimized.

Summary of Costs

Sectors Affected: State, municipal, and private developers of major unconstructed hydroelectric power projects within the jurisdiction of the Commission.

This proposal will require an applicant for a license to construct a major project to file with the Commission a more detailed Environmental Report than is required for smaller projects or for projects at existing dams. The Commission will also require greater specificity regarding the structural and financial integrity of these projects. This will create an additional reporting burden for major project developers. The burden should not discourage them from applying for licenses, however, in light of the significant improvements in the other licensing procedures.

Summary of Net Benefits

The benefits that can accrue from the proceeding—better and more prompt licensing procedures—appear to be worth the added regulatory costs. The procedures will reduce delay in granting certain types of licenses; this reduction will mean that projects can be undertaken more promptly and therefore at some cost savings to licensees. Ultimately, by encouraging hydroelectric power development, the new procedures will encourage less costly energy production.

Related Regulations and Actions

Internal: The first phase of the licensing reform program revised the licensing regulations for all "minor" projects (installed capacity of 1.5 megawatts or less) (FERC Order No. 11, 43 FR 40215, September 11, 1978). The second phase revised the regulations for "major" projects (more than 1.5 megawatts of installed capacity) where at least a dam and impoundment are in existence at the time of the application (FERC Order No. 59, 44 FR 67645, November 27, 1979). In conjunction with these reforms, the Commission also revised its procedural regulations governing licenses and preliminary permits for all water power projects (FERC Order No. 54, 44 FR 61328, October 25, 1979).

The Commission proposed new Regulations Implementing the National Environmental Policy Act of 1969 governing the collection, evaluation, and dissemination of environmental information concerning Commission actions (NPRM, 44 FR 50052, August 20, 1979, Docket No. RM79-79).

External: None.

Government Collaboration

None.

Timetable

NPRM—44 FR 50052, August 20, 1979, Docket No. RM79-169.
NPRM—46 FR 10165, February 2, 1981, Docket No. RM80-39.
Final Rule—Order No. 184, 46 FR 55926, November 13, 1981.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare the Regulatory Impact Analysis prescribed in E.O. 12291. However, the FERC performs essentially the same analysis and includes the results in the orders issuing NPRMs and Final Rules.
Regulatory Flexibility Analysis—An initial and final Regulatory Flexibility Analysis have been prepared for this and a related rulemaking, and they are published in the preamble to the NPRM and Final Rule of that rulemaking (Docket No. RM81-10, 46 FR 9637, January 29, 1981).

Available Documents

FERC Order No. 11, 43 FR 40215, September 11, 1978.

FERC Order No. 59, 44 FR 67645, November 27, 1979.

FERC Order No. 54, 44 FR 61328, October 25, 1979.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426, during regular business hours.

Agency Contact

James Hoecker, Deputy Assistant General Counsel
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, DC 20426
(202) 357-8033

FERC

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act (18 CFR Part 271, Subpart K; Revision)

Legal Authority

15 U.S.C. 3320(a) (Supp. II 1978).

Reason for Including This Entry

These regulations will determine who pays for certain services necessary for natural gas production and transportation and how much may be paid for those services.

This rule involves millions of dollars annually in potential revenues to producers and other sellers of natural gas. The Federal Energy Regulatory Commission (FERC), in providing for collection of production-related costs, will establish a workable set of rules for natural gas pricing that may increase deliveries of properly compressed, treated, and processed gas for shipment to ultimate consumers.

Statement of Problem

On December 1, 1978, the Natural Gas Policy Act of 1978 (NGPA) became law. By that law the Congress established maximum prices for which a producer could sell natural gas. In establishing these prices, the Congress specified that a producer could collect amounts above the maximum lawful prices when the producer incurred particular types of costs, if the Commission approved.

When the NGPA went into effect, the Commission put out interim regulations implementing the Act. Among those regulations were rules defining who could apply to the Commission for production-related costs, what costs could be applied for, and how an application could be made for authorization to collect the add-ons (i.e., additions to a ceiling price that compensate a producer for certain production-related costs) for the costs. The Commission solicited comments on these interim regulations and amended them in July of 1980.

The July 1980 amendments attempted to address three important problems. First, how can the Commission establish a mechanism so that producer can promptly receive approval to add on to a ceiling price an amount for production-related costs? Second, how can the Commission best respond to the situation in which a pipeline company

rather than the producer agrees to incur production-related costs? And third how can the regultions best be designed to ensure that a producer knows what can be applied for and how to apply?

The Commission received comments on the amendments of July 1980 and, because the amendments were effective on their issuance, petitions to rehear the amendments.

There are several probable consequences of not taking any action at this time. First, producers cannot recoup certain types of production-related costs (specifically, compression and gathering costs) until the Commission establishes the special rules that are involved in this proceeding. Second, other costs, if incurred by pipelines, may be subject to question during the pendency of this proceeding. Third, a series of related proceedings now pending before the Commission, on questions as to who, between natural gas producers and natural gas pipelines, should recoup production-related costs, will be left unresolved. Fourth, additional rulemakings to provide for the costs incurred by producers of certain production-related costs—rulemakings that depend to some extent on the proceedings of this Calendar entry—cannot go forward.

Alternatives Under Consideration

Because the price that a producer charges for natural gas is set by the NGPA, and added amounts for production-related costs are also governed by that statute there are no non-governmental alternatives to allowing gas sellers money for these costs. In implementing the production-related cost section of the NGPA, the Commission has two basic alternatives. It could provide a "simple rule" outlining who can apply, what kinds of production-related costs can be applied for, and how to apply. This was the approach used in the interim regulations first issued to implement the NGPA. That approach was based on a case-by-case determination of cost add-ons and only treated cases in which the producers or other sellers of natural gas incur the production-related costs.

Alternatively, the Commission could establish categories of production-related costs that could automatically be added to a producer's ceiling price and provide for situations when the purchaser, instead of the seller, agrees to incur those costs. In this way, the administration of the program becomes simpler, and both the seller and the purchaser are considered. This was the approach adopted by the Commission in the July 1980 amendments.

In adopting this approach, the Commission decided to proceed step-by-step. First, the regulations were amended to immediately provide that certain minimal types of production-related costs could be automatically added by a producer to a sales price without further administrative action or delay. Second, the two most important types of production-related costs were isolated—costs for gathering natural gas (i.e., collecting it from individual wells and bringing it to a common transporting system) and compressing natural gas (i.e., pressurizing it so that it will move from the gas well to and through a transporting system). An appropriate add-on for these costs will be determined in separate rulemakings so that they too may automatically be added on by sellers.

Third, a policy statement for pipelines that purchase natural gas from producers was issued. This policy describes the types of production-related activities that the Commission will automatically permit in the pipeline's rates, further simplifying administrative proceedings.

Finally, FERC would propose a new rule to mark out certain costs that will be considered production costs as opposed to production-related costs. These costs must therefore be covered by the sales price for the gas, which price cannot exceed the maximum lawful price.

Under the step-by-step approach of the July 1980 amendments, the Commission could adopt one of two sub-alternatives for natural gas producers. The limitations on who may apply for what types of production-related costs could be maintained, or those limitations could be removed. For natural gas pipelines that purchase gas and incur production-related costs, similar sub-alternatives are available. The policy could be expanded to describe more production-related activities that the Commission would automatically permit in rates.

Summary of Benefits

Sectors Affected: Producers and other sellers of natural gas; industry purchasers of natural gas, such as pipelines; and ultimate consumers of natural gas.

All sectors will benefit from a workable and practicable set of rules governing collection of production-related costs. Producers and other sellers of natural gas under the NGPA will benefit because the precise production-related costs that they can recoup through gas prices will be established. Because the July 1980 amendments provided that costs to gather and compress gas that would be allowed under subsequent rules will be allowed for costs incurred since July 1980, producers and other sellers will benefit under the new rules to the extent the rules provide for such costs. Natural gas pipelines regulated by the Commission should also benefit from the Final Rules to the extent that they provide direction as to what pipeline costs can be charged to customers.

This rule, under any alternative, involves several millions of dollars in potential revenues to producers and other sellers of natural gas. The Commission, in providing for production-related costs, is seeking to establish a workable set of rules for natural gas pricing and to increase deliveries of properly compressed, treated, and processed gas for shipment to consumers.

Summary of Costs

Sectors Affected: Natural gas producers; natural gas purchasers; and natural gas consumers.

Any and every add-on permitted by the Commission to a producer will increase the sale price of natural gas. This price must be paid in all cases by the ultimate consumer of that gas. To the extent that a producer does not get an add-on for a production-related cost or is delayed in getting the add-on, the producer will incur costs. To the extent that the add-on is permitted, costs will be incurred by natural gas purchasers and, ultimately, paid by natural gas consumers.

The cost involved is sizable but not quantifiable. The amounts involved will be determined by several factors: how many sellers request or receive add-ons; what add-ons are sought; and the amounts of those add-ons. Some measure of the potential impact of the rule can be deduced from the number of producing natural gas wells in the country. There are some 15,000 such wells now in existence and more being completed every year. There may be production-related costs allowed for most, if not all, of these wells.

Summary of Net Benefits

Neither the benefits nor the costs of this proceeding can be quantified in an accurate manner. However, under this rulemaking, the Commission will be able to define, for both natural gas producers and natural gas pipelines, what extra prices they can charge to recoup production-related costs. In this way regulator certainty will result: producers and pipelines will better know what they can and cannot charge for and,

armed with this knowledge, will better plan natural gas exploration, production, and transportation. Second, because natural gas producers are regulated by law as to the prices they can charge for their gas and because, absent this proceeding, no increase in price can be allowed for production-related costs incurred by producers, this proceeding will give full effect to the NGPA.

Related Regulations and Actions

Internal: Because of the step-by-step process, there are several rulemakings involved. These will include, in addition to the main docket described in this entry, the rulemaking for gathering allowances (Docket No. RM80-73), the rulemaking for compression allowances (Docket No. RM80-74), and a rulemaking for production costs (Docket No. RM80-72). Also, rules considered under Order No. 68, "Final Regulations Under Sections 105 and 106(b) of the Natural Gas Policy Act of 1978," Docket No. RM80-14 (issued January 18, 1980, 45 FR 5678, January 24, 1980), may affect this regulation.

External: None.

Government Collaboration

None.

Timetable

NPRM—None.
Interim Rule—43 FR 56448, December 1, 1978; 45 FR 53099, August 11, 1980.
Public Hearing—October 21, 1980.
Public Comment Period—July 1980 to October 6, 1980.
Final Rule—Date to be determined.
Final Rule Effective—The rule is effective on an interim basis as of July 25, 1980.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance and includes the results in the issuing NPRMs and Final Rules.
Regulatory Flexibility Analysis—Not required.

Available Documents

The interim regulations on which this proceeding is based were published in the Federal Register of December 1, 1978 (43 FR 56488).

Amendments to interim regulations, Order No. 94, "Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act," Docket No. RM80-47 [issued July 25, 1980, 45 FR 53099, August 11, 1980].

NPRM, "Special Rule Under Part 270: Production Costs and Maximum Lawful Prices in Sales Under the Natural Gas Policy Act of 1978," 45 FR 61643, September 17, 1980, Docket No. RM80-72.

Notice of Inquiry, "Gathering and Compression Allowances Under Section 110 of the Natural Gas Policy Act of 1978," 45 FR 84814, December 16, 1980, Docket Nos. RM80-73 and RM80-74. This is a special staff report, published for public comment, that estimates costs for gathering and compressing natural gas.

Transcripts of hearings and comments on the interim regulations and their amendments and the notices of inquiry and proposed rulemaking are available and may be obtained from the Commission's Division of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, DC 20426.

Agency Contact

John Conway, Deputy Assistant General Counsel
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, DC 20426
(202) 357-8033

FERC

Revised Rules of Practice: Procedures To Expedite Trial-Type Proceedings (18 CFR Part 385; Revision)

Legal Authority

Administrative Procedure Act, 5 U.S.C. 551-557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791 *et seq.*; Natural Gas Act, 15 U.S.C. 717 *et seq.*; Natural Gas Policy Act, 15 U.S.C. 3301 *et seq.*; Public Utility Regulatory Policies Act, 16 U.S.C. 2601 *et seq.*; and Interstate Commerce Act, 49 U.S.C. 1 *et seq.*

Reason for Including This Entry

This rulemaking can have an important impact on how the Commission operates in reaching decisions. In addition, this rulemaking will have a significant impact upon those who take part in that process.

Statement of Problem

Many of the Federal Energy Regulatory Commission's (FERC) most significant ratemaking and licensing decisions are initially determined in formal, trial-type proceedings—proceedings in which evidence on disputed factual matters is formally presented in hearings presided over by an independent Administrative Law Judge (ALJ), with testimony by witnesses who are subject to cross-examination and a decision made by the ALJ based solely upon the record evidence. To avoid costly delays and excessive litigation, it is imperative that the FERC's rules establishing the procedural requirements for these formal, on-the-record, trial-type proceedings be as clear, simple, and precise as possible.

This proposed rulemaking seeks to clarify, simplify, and reorganize the FERC rules governing trial-type proceedings so that uncertain or confusing rules are clarified and outdated rules are revised to provide shorter and more sensible procedures. These changes should significantly help to expedite formal natural gas pipeline, oil pipeline, hydroelectric, and electric utility ratemaking and licensing proceedings at the FERC, as well as a variety of other proceedings that are handled in a less formal manner.

Since its inception in 1977, the Commission has been faced with a substantial backlog of numerous proceedings that had been pending for a number of years. In mid-1978 it undertook an examination of its decisionmaking process. To this end, the Commission established an Advisory Committee on the Rules of Practice and Procedure. One of the subcommittees was asked to focus on the procedures governing formal, trial-type proceedings. The final recommendation of that Subcommittee is the subject of this rulemaking.

There are two primary objectives in this proposed rulemaking: first, to create a comprehensive set of rules that can be easily understood by all persons affected by Commission action; these include all who come to the Commission seeking rates or licenses (both electric utilities and gas pipelines and producers) and their customers. Second, to recommend new hearing procedures that would remove unnecessary work from the Commission's agenda and expedite decisionmaking by the Commission.

The need for reorganized and comprehensive FERC procedural rules is compelling. The Department of Energy (DOE) Organization Act conferred upon the Commission many functions of the old Federal Power Commission (FPC) as well as the oil pipeline ratemaking functions of the Interstate Commerce Commission (ICC). Provisions in the DOE Act (42 U.S.C. 7295) continued the effectiveness of FPC and ICC regulations for Commission proceedings

previously conducted by those agencies until such time as the Commission promulgates its own procedural rules. Accordingly, at this time, the Commission operates under two unrelated sets of rules. This, of course, is difficult and confusing for both the Commission and the public. Equally confusing is the fact that in many respects the existing FPC and ICC rules are obsolete and do not accurately reflect current Commission practice.

Work on these proposed rules has led to the conclusion that a complete reorganization of the procedural rules was necessary to achieve a set of rules that could be easily found in the Code of Federal Regulations and understood by all who practice before the Commission.

Among the areas for which new proposals are made are:

- pleadings, tariff or rate filings, notices of tariff or rate examination, orders to show cause, intervention, and summary disposition;
- formal hearings, including the powers of presiding officers, the presentation of evidence, and the examination of witnesses;
- conferences, settlements, and stipulations;
- decisions by presiding officers and by the Commission;
- shortened procedures; and
- formal filing requirements.

Alternatives Under Consideration

This proposal presents the Commission and its staff with an unusually wide variety of alternatives. For example, to what extent should the Commission treat in a similar fashion the different types of legal filings presented to it—applications, tariff and rate filings, complaints, notices of protest or intervention, adjustment requests, motions, answers, orders to show cause, and other pleadings or amendments to pleading—in order to reduce the complexities necessarily introduced by a different legal status and effect for each of these filings? Or will a more uniform treatment instead blur legitimate distinctions among these different filings, make them less suited to fulfill the specific legal functions they do serve, and thereby result in greater confusion and delay? If a more uniform treatment is desirable, to what extent can the Commission achieve it with each type of filing?

Similarly, to what extent should the FERC expressly codify in these rules a variety of procedures and practices customarily followed at the FERC but not specifically set down in detail in the present FERC rules? Too much specific codification can result in overly detailed, inflexible, and unwieldy rules, but too little can be equally counterproductive, simply because vague rules may create uncertainty and, in turn, needless litigation.

Finally, there is the alternative of making no change to the Commission's rules of practice. However, despite the fact that the current procedures are known to administrative law judges, Commission staff, and elements of the private bar practicing before the FERC, this alternative does not, for the reasons already stated, appear particularly attractive. In this context, it is important to note that the Advisory Committee that developed the recommendations on which the notice was based was made up, in large part, of those who practice before the FERC.

Summary of Benefits

Sectors Affected: Natural gas producers and pipelines; oil pipelines; electric utilities; cogeneration and small power producers; hydroelectric powerplants; persons served by these facilities; and the FERC.

The most likely benefits will be in the form of more rapid, simpler, and less costly processing of the wide variety of filings made with the FERC by the industries regulated by it and in the form of shorter, more streamlined formal hearings in ratemaking, certificate, and license proceedings. These benefits can be realized with the implementation of the new procedures.

These savings cannot be quantified. However, it is expected that they will translate into not only savings of dollars to the private and public sectors, but, because of changes in the processes, better participation by all involved.

Summary of Costs

Sectors Affected: Natural gas producers and pipelines; oil pipelines; electric utilities; cogeneration and small power producers; hydroelectric powerplants; and persons served by these facilities.

The most likely costs will be those inevitably occasioned by any new procedures: attorneys practicing before the FERC, and to some extent their clients—the industries regulated by the Commission and their customers—will have to become familiar with, and master, a new set of ground rules, and so will the Commission's members, administrative law judges, and trial, supervisory, and advisory staff. It is accordingly important that the new rules be drafted in a way that minimizes these "switchover" costs as much as possible. Although these costs are impossible to quantify, some portion of them could be borne by consumers and taxpayers in general. Like the benefits, these costs will be incurred when the new procedures go into effect.

Summary of Net Benefits

Neither the costs nor the benefits of the proposed changes can be quantified; however, the benefits to be derived from the adoption of simpler, better rules of practice and procedure appear to outweigh the costs that might attend the switchover from the present rules. Moreover, as the new rules are used, these costs, most of which are associated with learning the new procedures, should decrease, thereby further enhancing the net benefits of the new procedures.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—Issued in Docket No. RM78–22, 46 FR 17023, March 17, 1981.
Public Hearing—May 19, 1981.
Public Comment Period—Written comments were due by June 1, 1981.
Final Rule—To be determined.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance and includes the results in the issued NPRMs and Final Rules.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Report of FERC Advisory Committee on the Rules of Practice and Procedure, February 13, 1981.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, DC 20426, during regular business hours.

Agency Contact

Teresa Ponder, Deputy Assistant General Counsel
Office of the General Counsel
Federal Energy Regulatory Commission
825 North Capitol Street, N.E., Room 8600–A
Washington, DC 20426
(202) 357–8033

CHAPTER 2—ENVIRONMENT AND NATURAL RESOURCES

DOC–NOAA

Regulations Implementing a Fishery Management Plan for the Goundfish Fishery for the Bering Sea/Aleutian Island Area 1690

DOC–NOAA–NMFS/DOI–FWS

Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement 1700

DOC–NOAA–OCZM

Channel Islands National Marine Sanctuary Regulations; Point Reyes-Farallon Islands National Marine Sanctuary Regulations 1692

DOD–DOA

Regulatory Program of the Corps of Engineers 1697

HUD–CPD

Protection and Enhancement of Environmental Quality 1698

DOI–BLM

Coal Management Regulations ... 1699

DOI–FWS/DOC–NOAA–NMFS

Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement 1700

DOI–FWS

Regulations Promulgatged Under the Endangered Species Act (ESA) of 1973 1702

DOI–NPS

Right-of-Way Regulations 1704

DOI–NPS

Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands 1705

DOI–OSM

Permanent Regulatory Program of the Surface Mining Control and Reclamation Act 1709

DOT–USCG

Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action To Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage 1711

EPA–OANR

Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations 1713

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide 1714

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide 1715

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter 1716

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) 1718

EPA–OANR

Standards of Performance To Control Atmospheric Emissions from Industrial Boilers 1719

EPA–OANR–OMSAPC

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines 1720

EPA–OANR–OMSAPC

Heavy-Duty Diesel Particulate Regulations 1721

EPA–OLCE

Consolidated Permit Regulations 1722

EPA–OW

A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants ... 1723

EPA–OW

BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways 1726

EPA–OW

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities 1728

EPA–OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1731

EPA–OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1733

EPA–OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 1736

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area (50 CFR Chapter 6; New)

Legal Authority

The Magnuson Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

Reason for Including This Entry

The Department of Commerce (DOC) believes these regulations are of significant public interest in the fishery management area under the geographical jurisdiction of the North Pacific Fishery Management Council. We expect the regulations to provide the framework for development of underutilized species of fish, to rebuild fishery stocks or maintain them at productive levels, and to increase profits and productivity of the U.S. fishing industry.

The Department of Commerce has issued regulations implementing several other fishery management plans (FMPs) that address different types of resource management problems. Two of these existing FMPs, for Atlantic mackerel of the northwest Atlantic ocean, and for commercial and recreational salmon off the coasts of Washington, Oregon, and California, were designated for review by the presidential Task Force on Regulatory Relief. We expect the review of these two FMPs to be completed soon.

Statement of Problem

Background Information on Fishery Management Plans

The Magnuson Fishery Conservation and Management Act of 1976 (the Act), as amended, established a national fishery management program for the conservation and management of fishery resources subject to exclusive U.S. management authority in the fishery conservation zone (FCZ). The FCZ is the area between the seaward boundary of each coastal State and a point 200 miles from the baseline used to measure the territorial sea. Congress authorized this program to prevent overfishing, rebuild overfished stocks, ensure conservation of fishery stocks, and realize the full potential benefits of the Nation's fishery resources for present and future generations. To meet these objectives, the Act calls for the preparation of fishery management plans (FMPs) by the eight Regional Fishery Management Councils (the Councils) or, under certain conditions, by the Secretary of Commerce (the Secretary). The Secretary is responsible for the review, approval, and implementation of these FMPs. Each Council has the authority to prepare an FMP for each fishery within its geographical area of authority. (A fishery is defined as one or more stocks of fish identifiable on the basis of geographical, scientific, technical, recreational, and economic characteristics.) Enforcement of the Act, including the provisions of approved FMPs and the implementing regulations, is the joint responsibility of the Secretary and the Secretary of Transportation (who oversees the operations of the Coast Guard).

The Act established seven National Standards to be applied by both the Council and the Secretary in the preparation and review of any FMP. The National Standards require that the Councils design their FMPs to: (1) achieve the optimum yield of a stock of fish (a species, subspecies, geographical grouping, or other category of fish capable of being managed as a unit) on a continuing basis; (2) use the best scientific information available; (3) manage an individual stock of fish as a unit throughout its range; (4) be nondiscriminatory among residents of different States (assigning fair and equitable fishing privileges); (5) promote efficiency in harvesting techniques or strategies; (6) take into account the variability of fishery resources and the needs of fishermen, consumers, and the general public; and (7) minimize the costs of conservation and management measures. Optimum yield (OY) is based upon the maximum sustainable yield (MSY) of a fishery, modified by relevant economic, social, or ecological factors. The MSY is an average, over a reasonable length of time, of the largest catch that can be taken continuously from a stock under current environmental conditions.

An FMP allows foreign fishing fleets to harvest that portion of the optimum yield of a fishery that will not be harvested by U.S. fishermen. To participate in a U.S. fishery in the FCZ, a foreign vessel must have a permit issued by the Secretary. Each permit contains a statement of the conditions and restrictions with which the foreign fishing vessel must comply. The Secretary of State, in cooperation with the Secretary, determines the allocation of the total allowable surplus the applicant nation will receive.

The Bering Sea/Aleutian Island Groundfish FMP

The North Pacific Fishery Management Council (the Council) has developed an FMP for the groundfish fishery of the Bering Sea/Aleutian Island area off the coast of Alaska. The stocks covered by this FMP include Pacific Ocean perch, Alaska pollock, Pacific cod, yellowfin sole, turbots, sablefish, other flounders and flatfish, Atka mackerel, squid, and other species.

The FMP for the groundfish fishery in the Bering Sea/Aleutian Island area would replace the current Preliminary Fishery Management Plan (PMP) prepared by the National Oceanic and Atmosphere Administration/National Marine Fisheries Service (NOAA/NMFS). This is necessary because the PMP cannot regulate domestic fishing activities and, therefore, cannot guard against overfishing and the potential for incidental catches of halibut and crabs in a directed fishery for groundfish.

The FMP addresses four problems: (1) maintaining stocks currently at levels of MSY; (2) rebuilding depleted stocks to levels of abundance producing MSY; (3) controlling the incidental catch of species of commercial importance to U.S. fishermen; and (4) establishing an environment conducive to development of a U.S. groundfish fishery.

(1) Maintaining or rebuilding of stocks. We (NOAA/NMFS) have conducted stock assessment studies on the following categories of Bering Sea/Aleutian Island groundfish species: Alaska pollock, Pacific halibut, Pacific Ocean perch, yellowfin sole, turbots, other flatfishes, Pacific cod, rockfishes, sablefish, Atka mackerel, squid, and other species. With the exception of Pacific Ocean perch, Pacific halibut, and sablefish, we believe all other groundfish species in the Bering Sea/Aleutian Island area to be at levels of abundance equal to or greater than those that would produce MSY.

Pacific halibut stocks have declined sharply in the eastern Bering Sea since the early 1960s. Recent surveys indicate an increase in the abundance of juveniles; however, abundance is still below early 1960s levels. The Council did not set an allowable biological catch for Pacific halibut in the FMP because the fishery is currently regulated by the International Pacific Halibut Commission (IPHC). Instead, the Council specified OY for species other than halibut covered by the FMP to accommodate rebuilding of halibut stocks.

(2) Incidental catch. Foreign fishing fleets dominate current fishery activity directed at Bering Sea groundfish resources. Foreign vessels target on groundfish, and substantial numbers of halibut and crabs (king and Tanner) are taken as an incidental catch. Although

regulations require that these species be released, most die from injuries received during capture.

The growth of the U.S. groundfish trawl fishery (which uses large nets towed through the water) also has resulted in increased incidental catches of halibut and crabs. The discounted loss in gross revenues to U.S. halibut, crab, and salmon fishermen, based on recent interception rates by U.S. and foreign fishermen and the projected 1982 Bering Sea groundfish harvest, is estimated at $20.25 million (1981 dollars). This estimate assumes that the entire incidental catch, minus losses due to natural mortality, would have been harvested in directed fisheries without increases in effort or cost.

(3) Development of a U.S. groundfish fishery. Joint ventures between U.S. and foreign vessels accounted for most of the growth in domestic landings in 1980 and 1981. (Joint ventures involve the sale of fish caught by U.S. vessels and sold to foreign vessels in the FCZ.) Before 1980, the U.S. groundfish catch was less than 0.2 percent (3,118 metric tons) of the total Bering Sea/Aleutian Island area groundfish harvest. In 1980 the joint venture catch rose to 38,774 metric tons (mt) (2.5 percent of the OY), and in 1981 the catch is expected to reach 100,000 mt (6 percent of the optimum yield). Increases in U.S. catches, given a constant optimum yield, are equivalent to reductions in foreign harvest levels. The development prospects for the U.S. fleet involve specifications of the optimum yield that allows significant increases in U.S. catches coupled with reductions in the total allowable level of foreign fishing (TALFF).

Management objectives for the groundfish fishery in the Bering Sea/Aleutian Island area are as follows:

(a) continue rebuilding the halibut resource so that a viable halibut longline (a type of gear with hooks attached to a long rope suspended from buoys) fishery is again available to American fishermen;

(b) rebuild depleted groundfish stocks to, and maintain healthy groundfish stocks at, levels of abundance that will produce MSY;

(c) provide an opportunity for expanding U.S. involvement in the Bering Sea/Aleutian Island groundfish fishery, limited only by the OY of individual species and objectives (a) and (b) above; and

(d) allow continued foreign participation in the fishery, consistent with objectives (a), (b), and (c), above.

Alternatives Under Consideration

In the process of preparing the FMP, the Council considered alternative management options to attain the plan's objectives. Before making a final decision on a particular set of management options, the Council developed a draft FMP and solicited, through public hearings and public comments, the advice and recommendations of all interested persons, including States, and commercial and recreational fishery groups. After the Council selected the preferred management options, it prepared a final FMP for submission to the Secretary for review, approval, and implementation. The alternatives we now are considering are:

(A) Continue the 1981 PMP—Under this alternative, we would extend the 1981 PMP to cover the 1982 fishing season. However, a PMP can only regulate foreign fishing. As a result, the Council would not be able to develop regulations to permit the rebuilding of depleted stocks or to adequately control the incidental catch of species of commercial importance to U.S. fishermen (halibut, king crab, and Tanner crab).

(B) Develop an FMP—The FMP developed by the North Pacific Fishery Management Council contains management measures specifying OY for the total fishery (1,579,226 mt), domestic allowable harvest (DAH)(102,150 mt), reserves (74,324 mt), and the TALFF (1,402,752 mt). The Council set optimum yields for Pacific Ocean perch and sablefish at levels that should result in rebuilding these stocks to MSY levels. The Council also set the domestic allowable harvest at a level consistent with the production expectations of both U.S. harvesters and processors.

To prevent the OY from being exceeded without hindering unexpected domestic fishery development (an unanticipated increase in U.S. catching capability and intent), we will hold in reserve 500 mt or 5 percent of the OY (whichever is greater) of each species for allocation later in the fishing season on the basis of domestic need. Unless specifically withheld by the National Marine Fisheries Service Alaska Regional Director, acting with the advice of the North Pacific Council, up to 25 percent of the reserve of each species can be released to TALFF every 2 months, beginning with the end of the second month of the fishing year. The Council determined initial TALFFs for each species by subtracting the sum of domestic allowable harvest and reserve from optimum yield.

Additional management measures selected by the Council included statistical reporting requirements for U.S. vessels and permit requirements and area closures for foreign fishing vessels. These areas cover the "Winter Halibut-savings areas," the Petrel Bank, and fishing grounds off the western portions of the Aleutian Islands. If we allowed foreign fishing in these areas during the specified time periods, there would be a continuation of incidental halibut catches. Although these areas are known to contain large concentrations of juvenile halibut, we are unable to quantify the halibut yield losses.

Public comment on the proposed regulations and the draft environmental impact statement raised new issues that forced the Council to reassess the impacts of the management measures on the environment and user groups in the fishery. This has caused at least a 2-year delay in the implementation of the FMP. The PMP, therefore, has been extended through the 1981 fishing season to prevent overfishing by foreign nations.

(C) Discontinue the PMP—Under this alternative, we would allow the PMP to expire. In the absence of conservation and management regulations, the fishery would return to the conditions that existed before the Act: bilateral agreements and flag state enforcement (the United States documents violations, but only foreign nations can enforce the agreement with respect to its fishing vessels). This system was ineffective and resulted in the Act.

Summary of Benefits

Sectors Affected: U.S. commercial fishing and processing in Alaska; consumers of groundfish; and the general public.

The components of the optimum yield are as follows: optimum yield (1,579,226 mt), DAH (102,150 mt), TALFF (1,402,752 mt), and reserves (74,324 mt). The FMP provides an environment for an orderly expansion of the U.S. fleet in the Bering Sea groundfish fishery. The projected dockside value of the 1981 U.S. catch is $23.5 million (1981 dollars). Although we cannot accurately predict the rate of increase of U.S. catches, we estimate that by the end of the decade the annual dockside value of increased catches will range between $41 million to $328 million. For 1982, we estimate that foreign nations could pay $32 million in vessel and management fees to fish in the Bering Sea/Aleutian Island area.

We also expect economic benefits from the rebuilding of stocks to levels of high abundance or to MSY levels. There are potential reductions in the cost of

harvesting fish because of larger catch per unit of effort (i.e., greater productivity). Additionally, there is a strong consumer demand for halibut products. A rebuilt stock, under proper management, will enable the catch of the fishery to expand and increase the supply of halibut for the U.S. consumer.

A biological benefit of rebuilding depleted fish stocks is the maintenance of a large amount of genetic variability in the stock to increase its chances of adapting to changes in the environment. Also, there is the benefit of stabilizing the fishable population to reduce the likelihood of sharp yearly variations in the harvest.

Summary of Costs

Sectors Affected: The State of Alaska; the Federal Government; and the Departments of Commerce, State, and Transportation.

We project the total annual cost of implementing the FMP to be the same amount as the cost of continuing the PMP. The estimated cost of either a PMP or FMP is $44.26 million (1981 dollars). Of this total, the cost of the foreign fishing observer program (U.S. observers on foreign fishing boats) ($407,000) will be reimbursed to the U.S. Treasury by foreign governments. The remaining $43.85 million is divided among NOAA ($589,000) for administrative costs, the State of Alaska ($15,000) for data collection, and the U.S. Coast Guard ($43,250,000) for ship and aerial patrols.

Summary of Net Benefits

The most obvious direct benefit of the FMP is the additional gross revenues of the U.S. fleet attributed to increased catches of Bering Sea groundfish. We cannot predict the pace of development of the U.S. fleet, although current estimates indicate exvessel (dockside) revenues by the end of the 1980s may range between $41 million (with a catch of 200,000 mt) and $328 million (1981 dollars, with a catch of 1,600,000 mt). At a minimum, we expect the value of the U.S. catch in 1982 to be $20 million higher than the 1981 revenues. The costs of either a PMP or FMP are estimated at $44,261,000. We have not attempted to calculate net benefits because of the uncertainty in estimating future U.S. landings and the possible changes in Coast Guard enforcement costs as U.S. effort expands and foreign catches diminish.

Related Regulations and Actions

Internal: Provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) have a bearing on this FMP through restrictions on killing or harvesting seals and sea lions (50 CFR Part 216), which may prey on fish already captured in nets. The FMP for groundfish in the Gulf of Alaska (43 FR 17242, April 22, 1978) has implementing regulations designed to minimize the incidental catch of halibut. In addition, the Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (5 UST 5) controls the directed catch of halibut.

External: The Alaska Department of Fish and Game and the Alaska Limited Entry Commission issue regulations that control the harvest of fishery resources in State territorial waters off the coast of Alaska (0 to 3 miles).

Government Collaboration

We requested comments on this FMP from the Environmental Protection Agency; the Marine Mammal Commission; the Departments of Agriculture, Interior, State, and Transportation; and several State governments.

Timetable

NPRM—44 FR 66356, November 19, 1979.
Public Hearing—1979.
Final Rule—December 1981.
Final Rule Effective—1st Quarter 1982.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

The Draft Environmental Impact Statement and Fishery Management Plan for the Groundfish Fishery in the Bering Sea/Aleutian Island Area.
Draft Regulatory Impact Review.
Amendments 1, 1a, and 2 to the FMP.
"Trawl and Herring Gillnet Fishing in the Eastern Bering Sea—Preliminary Fishery Management Plan."

All documents are available for review at the National Marine Fisheries Service, Office of Resource Conservation and Management, Plan Review Division, 3300 Whitehaven Street, Washington, DC 20235.

Agency Contact

Robert A. Siegel, Staff Economist
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Plan Review Division, F/CM6
Washington, DC 20235
(202) 634-7449

DOC–NOAA—National Marine Fisheries Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement

Please see text of joint DOC and DOI entry under DOI–FWS on page 1700.

DOC–NOAA–Office of Coastal Zone Management

Channel Islands National Marine Sanctuary Regulations (15 CFR Part 935, §§ 935.6 and 935.7(a)(2) only; Revision); Point Reyes-Farallon Islands National Marine Sanctuary Regulations (15 CFR Part 936, §§ 936.6(a)(1), 936.6(a)(2), and 936.6(a)(3) only; Revision)

Legal Authority

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, § 302(f), 16 U.S.C. 1432(f).

Reason for Including This Entry

The portions of these regulations dealing with impacts on the development of hydrocarbon energy sources are on the Presidential Task Force on Regulatory Relief's list of "Rules Designated for Postponement."

Statement of Problem

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431–1434) authorizes the Secretary of Commerce, after consultation with appropriate Federal agencies and with Presidential approval, to designate ocean areas having distinctive conservational, recreational, ecological, or aesthetic values as marine sanctuaries and to issue necessary and reasonable regulations to protect the resources in these areas. Public participation plays an important role in the designation process, and numerous opportunities are provided for all those interested in the proposal to express their views. Concurrence by the Governor is also necessary for sites where State waters are involved. As a final step, the Secretary of Commerce must transmit the marine sanctuary designation to the Congress. Both Houses of Congress can adopt a concurrent resolution within the first 60 calendar days of continuous session

after the date on which the designation was transmitted that disapproves the designation or any of its terms.

On September 21, 1980, the Channel Islands National Marine Sanctuary was designated. The sanctuary includes the waters within 6 nautical miles of the northern Channel Islands (San Miguel, Santa Rosa, Santa Cruz, and the Anacapas) and Santa Barbara Island off the coast of southern California. The total area is approximately 1,252 square nautical miles. The waters of this sanctuary support an extraordinary variety of marine life. They comprise one of the few places in the world where two major ocean ecosystems meet and comingle. The cold waters of the California Current flowing from the north meet the warmer waters of the California Countercurrent and create upwellings of cold, nutrient-rich waters that enhance the biological productivity of the area. Notable aspects of this sanctuary are summarized below:

- The islands, although within a few miles of southern California's populous shoreline, have remained relatively underdeveloped. As a result, they support one of the largest and most varied assemblages of marine mammals in the world. The waters serve as feeding grounds for six species of seals and sea lions (California sea lion, Steller's sea lion, northern fur seal, Guadalupe fur seal, northern elephant seal, and harbor seal). Twenty-seven species of whales and dolphins have been sighted in the area, including the endangered blue, fin, and humpback whales.
- The sanctuary is a focal point for one of the richest resource areas for seabirds in the United States, based on both numbers of individuals and species diversity. Seabird concentrations occur not only on the islands and offshore rocks, which provide nesting habitats for nine of southern California's twelve species of breeding seabirds, but also on the productive waters around the islands, where many species forage for food. The endangered brown pelican breeds on Anacapa Island and forages in sanctuary waters.
- About 40 percent of all kelp beds in the southern California bight are found in the sanctuary waters. The kelp beds support the most productive kelp harvest in southern California and provide habitat for commercially and recreationally valuable finfish.
- The nearshore island waters in the sanctuary are the major southern California producers of such species as abalone, sea urchin, and rockfish.
- The sanctuary offers exceptional recreational opportunities, including pleasure boating, skin diving, sportfishing, and nature study, such as seabird and mammal watching. The recent creation of the Channel Islands National Park emphasizes the important recreational attributes of the area.

On January 16, 1981, the Point Reyes-Farallon Islands National Marine Sanctuary was designated. The sanctuary encompasses a 948 square nautical mile area off the northern California coast. The boundary extends from the mainland between Bodega Head and Rocky Point seaward to a distance of 6 nautical miles and 12 nautical miles around the Farallon Islands and Noonday Rock. The waters off Point Reyes and around the Farallon Islands are especially noteworthy for the seabird and marine mammal populations that thrive there. The waters provide shallow foraging areas and a tremendous diversity of habitats and ecological niches for a significant and complex marine ecosystem. Notable aspects of the Point Reyes-Farallon Islands National Marine Sanctuary are summarized below:

- The Farallon Islands support the largest seabird rookeries in the contiguous United States, including 12 of the 16 known species of seabirds found on the west coast, as well as the entire world's population of ashy storm petrel.
- The Farallon Islands also support one of the largest colonies of western gulls in the world and the largest concentrations of pelagic cormorant, Brandt's cormorant, black oystercatcher, pigeon guillemot, and Cassin's auklet in northern and central California.
- The peregrine falcon, southern bald eagle, brown pelican, California clapper rail, and the California least tern, which are on the Federal and State endangered/threatened species list, are also present in the area although not in large concentrations.
- A large and varied marine mammal population (some 23 species) is present in the waters. Whales, including several endangered species, pass through the proposed sanctuary on their annual migrations.
- The proposed sanctuary includes six offshore zones designated by the California State Water Resources Control Board as "Areas of Special Biological Significance."
- The Point Reyes National Seashore on the adjacent mainland is visited by more than 1.5 million people annually.

The management of each sanctuary includes research, assessment, education, coordination, and regulation. A comprehensive program of this nature did not previously exist and would not have been created in the absence of these sanctuaries. Protection of these marine resources requires an understanding of their condition, both current and evolving. A research, assessment, and monitoring program is essential and has been instituted by the National Oceanic and Atmospheric Administration (NOAA). Funds have been provided for the conduct of specific studies and for projects to coordinate and analyze existing data to assist in the decisions concerning sanctuary management. Likewise, the long-term preservation of ecological, conservational, and recreational values requires public awareness of the value of the resources and of potential harm to the resources. Users of the proposed sanctuary must be informed and educated in order to reduce harm to sensitive areas. NOAA has undertaken a variety of such educational programs. The marine sanctuaries also provide a focus for the coordination of the variety of regulatory actions that State, local, and Federal agencies already undertake in these areas. This coordination assures that complete information concerning the cumulative impacts of activities within the proposed sanctuary is considered as each separate agency pursues its discrete mission and regulatory activities. Finally, through the promulgation of limited additional regulations, the sanctuaries control certain activities that were currently not addressed in a manner most appropriate to the protection of the special values of these rich marine areas.

Specific regulations were proposed in the course of designation as reasonable and necessary for the protection of the natural resources in both sanctuaries. These regulations apply only within the sanctuary boundaries. The portions of the regulations discussed in this entry pertain solely to offshore hydrocarbon (oil and gas) activities. These rules would prohibit any activity for the exploration or exploitation of hydrocarbons anywhere in the sanctuaries pursuant to leases (contracts authorizing exploration for and development and production of hydrocarbons on specific offshore tracts in Federal waters) executed on or after the effective date of these regulations. Exploration, production, and development pursuant to leases predating the effective date of the regulations and the construction of pipelines are allowed, subject to all other proposed sanctuary regulations and all regulations and conditions imposed by the following entities: the Department of the Interior, the U.S. Coast Guard, the Corps of Engineers, the Environmental Protection Agency, the State of California under the Federal consistency provisions of the Coastal Zone Management Act, and any other State or Federal authority. The regulations are designed to reduce the risk of contamination of the nearshore resources by spilled oil and to protect

the island shores and mainland from visual and acoustic disturbances.

As stated above, sanctuary regulations do not become effective until the expiration of a period of 60 calendar days of continuous session of Congress from the date of their transmittal to the Congress, concurrent with publication, to allow for adequate review of the designation. The Congressional review periods began on January 5, 1981 for Channel Islands and January 26, 1981 for Point Reyes and were still running on January 29, 1981, when President Reagan ordered a 60-day suspension of pending regulations.

On February 17, 1981, the President issued Executive Order 12291, directing Federal agencies to suspend further or postpone the effective dates of any pending "major" regulation to the extent permitted by law in order to reconsider the regulation in accordance with the objectives of the Executive Order and to prepare a Regulatory Impact Analysis (RIA). NOAA determined that only those portions of sanctuary regulations that would directly prohibit or have the effect of prohibiting hydrocarbon development could conceivably meet the criteria of the Executive Order. Therefore, on March 30, 1981 (46 FR 19227), NOAA suspended these portions of the regulations within both sanctuaries for a period of 30 days, during which it considered whether to suspend them for an additional period to evaluate their substantive impact in accordance with the Executive Order. On April 29, 1981 (46 FR 23927), the regulations were suspended until September 30, 1981. NOAA accepted comments on substantive issues pertaining to the regulation of hydrocarbon activities until August 1, 1981.

NOAA has awarded a contract for the preparation of a formal Regulatory Impact Analysis, a major element of the reconsideration of these provisions. This reconsideration involves an analysis of the costs and benefits to the Nation that would result from imposing prohibitions on hydrocarbon activities in addition to the controls which may be imposed under the Outer Continental Shelf Lands Act and other Federal statutes. This analysis was not completed by September 30, 1981. NOAA also needs an adequate additional period of time to review its options with respect to the regulations. Therefore, on September 8, 1981 (46 FR 44765), NOAA proposed to further continue the suspension of those portions of the regulations under reconsideration to complete the RIA and fully consider its recommendations. After consideration of comments, NOAA extended the suspension until March 30, 1982 (46 FR 47770, September 30, 1981). As to other activities, the regulations remain effective. (The majority of the regulations issued for the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30 and April 5, 1981, respectively, and are not at issue here.)

No lease sales involving either sanctuary have been held since designation, and none will be held during the period of the continued suspension. The next lease sale that could impact either sanctuary, sale #68, which contains 37 tracts in the Channel Islands Sanctuary, is not scheduled until April 1982. No activities that could impact either sanctuary will result from the continued suspension.

In summary, the problem under review is to examine the costs and benefits of the hydrocarbon activity prohibitions. Factors to be considered include a determination of hydrocarbon resource reserves, including those already precluded from exploitation through other means, estimation of the value of the ecological resources, and evaluation of various production approaches. The end result must ensure that the level of protection that has been established through sanctuary designation be maintained.

Alternatives Under Consideration

Several regulatory alternatives will be considered in the RIA and are discussed in some detail below. They fall in three general categories.

(A) retain the existing prohibitions as embodied in the current regulations;

(B) eliminate the regulations that affect hydrocarbon development; and

(C) compromise between the two extremes.

All the alternatives involve complex issues dealing with man's use of the areas. The RIA will evaluate optional oil and gas production methods, such as directional drilling techniques and subsea completions, that could allow development of these resources while maintaining existing protection of the environment. It will also evaluate the value to society of ecological resources, such as seal and sea lion rookeries and kelp beds, and quantify whenever possible the worth of the recreational, educational, and aesthetic uses of the sanctuaries. The impact on other commercial operations, like fishing and tourism, will also be considered.

Reinstating the suspended oil and gas deyelopment regulations will mitigate potential impacts within the sanctuaries. Prohibiting all future hydrocarbon activities within the boundaries of both sanctuaries:

- creates a buffer area, providing increased response time for oil spill clean-up efforts;
- increases the distance between potential spill/pollutant discharge points (i.e., rigs and platforms) and sensitive resource areas, thereby allowing for weathering and dilution of contaminants before reaching important marine life concentration areas;
- provides a buffer between noise and visual disturbances and important marine life habitats;
- reduces congestion by supply vessels that would otherwise frequent nearshore areas;
- reduces potential visual intrusion on aesthetic values of both the National Marine Sanctuaries and the Channel Islands National Park, Point Reyes National Seahore, and Farallon National Wildlife Refuge, in addition to numerous State parks and preserves; and
- reduces potential air pollution.

The second alternative, that of permanently withdrawing the regulations affecting hydrocarbon operations, would allow the development of available oil and gas reserves within the Federal waters of the sanctuaries. Other existing regulatory bodies involved in offshore hydrocarbon operations and various aspects of environmental protection would continue to exercise some measure of control. However, there is no single entity, besides the National Marine Sanctuary Program, that provides for the comprehensive management of a particular marine area for the purposes of protecting its ecological resources (see Available Documents). For example, under the Outer Continental Shelf Lands Act (OCSLA), the Secretary of the Interior can comprehensively regulate activities associated with oil and gas leasing. While the Secretary is responsible for protecting the marine environment, this responsibility is exercised in the context of carrying out the primary objective of the OCSLA to expedite offshore oil and gas development. This responsibility is carried out in consultation and coordination with other affected agencies and parties as mandated by general environmental protection statutes. However, these priorities and objectives could result in administrative decisions on leasing, exploration, or development that differ from those that would be reached where protection of marine resources has first priority.

The compromise alternative is composed of several interrelated options with the overall purpose of allowing some level of hydrocarbon activity while providing the same level of

environmental protection that would exist under the original rules. This alternative will consist of some amalgam of the following options:

- allow only exploratory drilling to determine the extent of the hydrocarbon resources (resource estimates are very uncertain, especially in Point Reyes, which has no history of oil and gas activity);
- allow drilling on a case-by-case basis, using revised criteria and possibly more stringent lease stipulation and impact-mitigating restrictions;
- allow drilling only in certain areas and at specific times based on criticality and seasonality of the vulnerable habitats and species; and
- allow drilling but require specific technology to minimize the intrusion of oil and gas operations on the sanctuaries; these methods include:

a. directional drilling from a fixed platform (this existing technology would allow hydrocarbon recovery up to 2 miles inside the sanctuary from platforms outside the boundary);

b. extended reach directional wells from a fixed platform (this technology will allow wells to reach out a lateral distance of 8 miles; while this technology is still under development, it should be operational by the latter part of this decade when drilling would likely commence in these areas);

c. subsea production systems (while surface vessels would operate within the sanctuaries while drilling, once the wells began producing this option would eliminate the need to place large surface platforms within sanctuary boundaries, although production activities would still be conducted only underwater); and

d. satellite subsea wells tied to a fixed platform (this existing technology would allow several production Christmas trees (the complex of valves and pipes installed at the well-head to control the flow of high-pressure oil or gas) to sit on the ocean floor and connect with a fixed platform several miles away through flow lines; wells would be drilled within the sanctuary boundary in this case also, but surface facilities would be outside the sanctuary).

All these methods will increase costs to the industry, some possibly prohibitively.

Summary of Benefits

Sectors Affected: Northern Channel Islands and the Santa Barbara Island; Point Reyes and the Farallon Islands; commercial fishing; recreational fishers, boaters, and other users of the area; the nearby tourist industry; the general public; endangered species and marine life; the Federal Government; the State of California; and oil and gas extraction.

Marine sanctuary designation has resulted in enhanced protection of ecological, recreational, and aesthetic resources, particularly endangered species, marine mammals and birds, and the habitats of these populations. Fishing and recreational activities, two major sources of income for the regions, also depend on the continued health of the marine resources of the area.

Environmental resources are difficult to quantify; however, the RIA will attempt to estimate the value of these resources. The hydrocarbon regulations will ensure a partial buffer between petroleum development and nearshore marine mammal and fish habitats, recreational activities, and other resources. The buffer would provide increased time and distance for natural forces to weather and volatilize oil spills and for at-sea cleanup and oil spill containment. The buffer also reduces the visual and acoustic disturbances of petroleum development, which affect both the marine mammals and seabirds and the aesthetic qualities of the islands and the coastal areas.

On the other hand, allowing oil and gas development also has tangible benefits in terms of the value of these resources. The amount of these benefits are also difficult to quantify, since reliable data on the hydrocarbon reserves within the sanctuaries are not available. Approximately half of the Channel Islands site has never been considered for leasing, and no leasing has occurred in northern California. NOAA has few resource estimates for these areas.

Summary of Costs

Sectors Affected: Northern Channel Islands and the Santa Barbara Island; Point Reyes and the Farallon Islands; commercial fishing; recreational fishers, boaters, and other users of the area; the nearby tourist industry; the general public; endangered species and marine life; the Federal Government; the State of California; and oil and gas extraction.

The complicated nature of this analysis is reflected in the description of the costs and benefits of the regulations. One sector's cost is another's benefit, both equally difficult to quantify. However, the thrust of the Executive Order and subsequent analysis now being conducted deals with the effect on industry, and therefore only these costs will be elaborated on below. The RIA will contain a more complete discussion of costs and benefits to all sectors.

As stated earlier, hydrocarbon reserve statistics are not known with any certainty. Also, the extent to which the United States will forego any resources, whatever their potential, as a result of the prohibition is questionable. At least some of the available reserves could be recovered by slant drilling from outside the sanctuary, despite any prohibition. Furthermore, in many areas where recovery of oil and gas will be infeasible under the prohibition, it might be blocked by other agencies independent of any sanctuary regulation. For instance, the State of California prohibits oil and gas development within its waters surrounding the five islands in the proposed sanctuary. In addition, there is a 15-mile oil and gas exclusion zone already in existence around the Point Reyes peninsula.

Finally, to the extent that the capital available for the development of oil and gas reserves can be directed to other tracts outside the sanctuaries, the costs attributable to the prohibition would be minimal. No effect on supply would be felt until such time as excess capital is available. The reserves in the sanctuary would not be destroyed or permanently lost because of the proposed regulation; they could be available in the future if modifications in regulations are instituted.

The petroleum industry would forego any profits it could otherwise realize from the development of the affected tracts. Oil companies that have leased tracts in the Channel Islands area include Texaco, Chevron, Exxon, Mobil, Continental, Union, Phillips, and Champlin. However, as discussed above, in the short term this prohibition will impose only minor losses, if any, on the industry, because operators can channel their capital for exploration and development to other areas of the Southern California Bight in which industrial interest appears stronger.

An anlysis of the economic impacts of the Channel Islands National Marine Sanctuary regulations was performed and is included in the final environmental impact statement on this site as Appendix 6. It shows that even under a "worst case" scenario, where all hydrocarbon reserve estimates are doubled and it is assumed that none of these resources within this sanctuary can be exploited, the very small magnitude and value of the foregone hydrocarbon resources will have no impact on competition or market systems in the domestic oil and gas industry. In addition, even under worst case assumptions, the socioeconomic impacts, both direct and indirect, on the economy, consumers, industry, and employment resulting from foregone exploitation of all estimated

hydrocarbon resources within the proposed sanctuary are not significant. The regulations were deemed to have no impact on costs, prices, or supply of materials, products, and services.

Nevertheless, in light of the Executive Order, NOAA is reconsidering the rules and is also including in its review the Point Reyes-Farallon Islands National Marine Sanctuary regulations, which did not undergo an economic analysis because impacts were assumed to be negligible.

Other primary sectors affected are the Federal Government and the State of California because of the loss of possible revenue from lease sales. We cannot estimate the actual loss of revenues at this time, since individual tracts and their resources have not been identified. There is also an unknown social value to the tracts. The social value is the saving gained by producing oil domestically rather than importing it. The Federal Government obtains most of these savings through leases, royalties, and taxes. As oil prices rise, the social value of hydrocarbon reserves will rise as well.

Summary of Net Benefits

NOAA is still in the process of producing the RIA. Because of the large uncertainties in data, no conclusions can be stated at this time, nor can a preferred alternative be identified.

Related Regulations and Actions

Internal: None.

External: A number of State and Federal agencies have regulatory authority over the activities and resources subject to the suspended regulations. The major ones are:

State

(1) The California Coastal Act of 1976, Cal. Publ. Res. Code § 3000 *et seq.*, establishes comprehensive policies for the protection of coastal resources and the management of orderly economic development. These policies apply to activities within State waters and to Federal activities and federally licensed or funded activities with requisite effects on the coastal zone.

(2) The California Fish and Game Code, § 1580 *et seq.*, establishes ecological reserves in a portion of both sanctuaries. Within these reserves, the State can control activities that threaten the resources.

(3) The Water Quality Control Act, Cal. Water Code § 13300 *et seq.*, regulates water quality in State waters, particularly in Areas of Special Biological Significance, which the State has designated in the waters within 1 nautical mile of the northern Channel Islands and Santa Barbara Island and at six discrete sites within the Point Reyes-Farallon Islands area.

(4) The Cunningham-Shell Tidelands Act, as amended, Cal. Pub. Res. Code § 6850 *et seq.*, establishes State regulation of offshore oil and gas development. The California legislature has created an oil and gas sanctuary, generally prohibiting oil and gas development within 3 nautical miles of the Channel Islands, except for Santa Barbara Island.

Federal

(1) The Endangered Species Act, 16 U.S.C. 1531–1543, provides protection for listed species, several of which are located within the proposed sanctuary.

(2) The Marine Mammal Protection Act, 16 U.S.C. 136 *et seq.*, provides for the protection and management of marine mammals.

(3) The Clean Water Act, 33 U.S.C. 1342, authorizes the Environmental Protection Agency to issue National Pollution Discharge Elimination System (NPDES) permits regulating the discharge of any pollutant into navigable water from a point source.

(4) The Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior primary responsibility for managing outer continental shelf (OCS) oil and gas activities, while requiring a variety of measures to mitigate impacts and protect living marine resources.

Government Collaboration

Extensive collaboration occurred throughout the designation processes for both sites with the State of California and all relevant Federal agencies. However, NOAA is only required to coordinate with the Office of Management and Budget in the preparation of an RIA and any resulting rulemaking, as stipulated by the Executive Order.

Timetable

Channel Islands

NPRM—44 FR 69971, December 5, 1979.
Environmental Impact Statement—Draft, December 5, 1979; final, June 6, 1980.
Public Hearing—January 10 and 11, 1980.
Public Comment Period—December 5, 1979 to February 4, 1980.
Notice of Final Rulemaking—October 2, 1980.
Suspension of Hydrocarbon Provisions—46 FR 19227, March 30, 1981; 46 FR 23927, April 29, 1981; 46 FR 47770, September 30, 1981.
Majority of Final Rule (exempting hydrocarbon development provisions) Effective—March 30, 1981.
Regulatory Impact Analysis—January 1982.
Regulatory Flexibility Analysis—None.
Final Hydrocarbon Rule—February 1982.
Final Hydrocarbon Rule Effective—March 1982.

Point Reyes-Farallon Islands

NPRM—45 FR 20907, March 31, 1980.
Environmental Impact Statement—Draft, March 31, 1980; final, September 26, 1980.
Public Hearing—May 13, 1980.
Public Comment Period—March 31, 1980 to June 17, 1980.
Notice of Final Rulemaking—46 FR 7936, January 26, 1981.
Suspension of Hydrocarbon Provisions—46 FR 19227, March 30, 1981; 46 FR 23927, April 29, 1981; 46 FR 47770, September 30, 1981.
Majority of Final Rule (exempting hydrocarbon development provisions) Effective—April 5, 1981.
Regulatory Impact Analysis—January 1982.
Regulatory Flexibility Analysis—None.
Final Hydrocarbon Rule—February 1982.
Final Hydrocarbon Rule Effective—March 1982.

Available Documents

All reference documents and notices, including the draft and final environmental impact statements and General Accounting Office Report CED–81–37 (March 4, 1981), entitled "Marine Sanctuaries Program Offers Environmental Protection and Benefits Other Laws Do Not" are available for review at Sanctuary Programs Office, Office of Coastal Zone Management, 2001 Wisconsin Avenue, N.W., Room 340, Washington, DC 20235, from 9 a.m. to 5 p.m. on business days.

Agency Contact

John Epting, West Coast Regional Sanctuary Manager
Sanctuary Programs Office
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
3300 Whitehaven Street, N.W.
Washington, DC 20235
[202] 634–4236

DEPARTMENT OF DEFENSE

Department of the Army

Regulatory Program of the Corps of Engineers (33 CFR Parts 320–330; Revision)

Legal Authority

The River and Harbor Act of 1899, 33 U.S.C. 401, 403, 404, 407, and 408; Clean Water Act, 33 U.S.C. 1344 (hereafter referred to as § 404); Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1413.

Reason for Including This Entry

The Department of the Army has included this regulation because it has an impact on a large number of citizens and requires revision to achieve a balance between protection of important environmental resources and economic development. The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

Prior to the enactment of the Federal Water Pollution Control Act in 1972, the Department of the Army permit program, administered by the Corps of Engineers, was primarily involved in granting permits for those activities that affected the navigable capacity of the navigable waters of the United States. Since then, however, the permit program has been expanded in scope through legislation, court rulings, regulations, policy, and procedures to the point where the Army has been given jurisdiction over all "waters of the United States." Courts have defined this term expansively so that a Department of the Army permit is needed before an individual or company can place any dredge or fill material in such areas as rivers, streams, lakes, bogs, marshes, wetlands, prairie potholes, isolated lakes, and intermittent streams.

Interest groups and other Federal agencies are able to wield great influence in the granting of a permit because of their ability to take the matter to court or possibly delay the process for years. The result is that anyone wanting to place material in the expansively defined "waters of the United States" must obtain a permit from the Corps of Engineers. This is perceived as a regulatory burden by the people of the United States, as they point out in a steady stream of mail and telephone calls. For these reasons, this regulation was identified by the Presidential Task Force on Regulatory Relief as one requiring reform.

Individual permits are requested by about 18,000 individuals, groups, organizations, and businesses annually. To obtain a permit for a major activity it is not uncommon for an applicant to spend around $500 and in very complex cases over $1 million to satisfy demands for information. There are cases where small enterprises and entrepreneurs have almost been driven out of business because of the time required and the mitigation demands of commenting organizations and agencies. The cost that often appears to be felt more keenly than money is the time lost obtaining a permit. For complex cases this can be 2 to 3 years.

The Department of the Army is striving to reform this permit program to achieve a proper balance between protecting our important environmental resources and economic development. The reform effort is targeted toward modifying the jurisdictional extent of the permit program, reducing the time required to reach the decision to grant a permit, and eliminating duplication with the States and other agencies. We hope to provide inducement for the States to assume the regulatory program as provided by § 404 of the Clean Water Act.

Alternatives Under Consideration

We are still in the process of developing alternatives. An interagency task force is presently at work to develop the possible alternatives. Represented on this task force are the Departments of Army, Interior, Commerce, and Justice; the Environmental Protection Agency; and the Office of Management and Budget. Also assisting in the reform effort are the Departments of Agriculture and Transportation and the President's Council on Environmental Quality. We expect that the action needed to balance the permit program will include revisions to regulations, policy, and procedures and possibly legislative changes. There may also be recommendations for methods to induce the States to assume the § 404 permitting program.

On September 19, 1980, the Corps of Engineers published proposed amendments to their permit regulations that would incorporate changes from the 1977 Amendments of the Clean Water Act, simplify the process, and expand general permits. Although the changes were a step in the right direction, they did not go as far as is needed to balance the program. We have not decided at this time whether to publish all or part of these amended regulations as final or to combine them with other changes that are expected in the near future.

Summary of Benefits

Sectors Affected: All landowners, organizations, or commercial enterprises that desire to place fill material in the waters of the United States.

The major benefit of a revised regulatory program is a reduction in the time required to obtain a Department of the Army permit. For individuals and businesses, time is often equivalent to money. Thus, a time savings reflects a real financial savings. If, through general permits or jurisdictional changes, the number of permits required is reduced, there would be a direct savings of time and money. In many cases, applicants must hire engineers to prepare plans and drawings for the permit application and then hire consultants to gather the additional information requested either by the Corps or by other agencies. Although it is difficult to quantify expenses, there are a number of applicants whose costs have run in the million-dollar bracket.

An indirect benefit of a reformed program would be a reduction in harassment factor as perceived by the public. A number of citizens have been appalled that the Federal Government is regulating such activities as leveling their own backyard if a few cattails grow there. Then, when they must jump all the hurdles necessary in order to get a permit, they conclude that they are being overregulated.

Finally, there will be a savings to the taxpayer, since less Federal regulation will result in lower costs to administer the regulatory program. This could be somewhat offset if States adopt the program.

Summary of Costs

Sectors Affected: State governments and the general population.

If the States assume all or a portion of the permit program, as allowed in § 404, they will incur administrative costs. Since this would vary from State to State, depending on such factors as the amount of waters to be regulated (e.g., Florida versus North Dakota) and the complexity of the permitting process, a definitive estimate of costs is not feasible. Much of the State costs would be balanced by reduced costs of regulation at the Federal level. If there is a reduction in the degree of Federal regulation, there could be a minor lessening of environmental preservation.

Summary of Net Benefits

The net benefits are approximately the same as the benefits described above, since the monetary costs to the

States would be nearly balanced by a reduction in Federal costs.

Related Regulations and Actions

None.

Government Collaboration

A series of communications is ongoing with the Departments of Agriculture, Commerce, Interior, and Transportation; the Environmental Protection Agency; the President's Council on Environmental Quality; and the Office of Management and Budget. These agencies are providing their views on how the Corps permit program needs to be reformed.

Timetable

NPRM—45 FR 62732, September 19, 1980.
Public Comment Period—Closed December 1, 1980.
Public Hearings—June 15, 1981; June 17, 1981.
Decision on Reform Actions Needed—Early 1982.
Final Rule—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

None.

Agency Contact

David E. Peixotto, Military Assistant
Office of the Assistant Secretary of the Army (Civil Works)
Department of the Army
Washington, DC 20310
(202) 695-0482

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

Protection and Enhancement of Environmental Quality (24 CFR Part 50; Revision)

Legal Authority

National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321 *et seq.*), as amended; and Executive Order 11514 of March 5, 1970, as amended by Executive Order 11991 of May 24, 1977.

Reason for Including This Entry

The Department of Housing and Urban Development (HUD) believes that this new Interim Rule should be included because it will simplify the Department's environmental review requirements. It will be less prescriptive than the rule now in effect and will delete many of the advisory and operational provisions of the present rule. The Presidential Task Force on Regulatory Relief has designated this regulation for review; in addition, this action will represent compliance with the National Environmental Policy Act (NEPA) Regulations issued by the Council on Environmental Quality (CEQ) on November 29, 1978.

Statement of Problem

The length of time it takes to assess the environmental impact of a proposed project has long been a concern of the Department and the building industry. This is increasingly evident when an Environmental Impact Statement (EIS) may be automatically required (EISs take about 20 months to complete) but an Environmental Assessment (which takes about 1 week) would have been adequate. The recommendations from a recent HUD survey of 40 EISs indicated that new procedures should be developed that would increase the quality of Environmental Assessments but would reduce the quantity of EISs produced.

Alternatives Under Consideration

HUD considered two alternatives to issuing a revised regulation. The first alternative would be to issue no new rule at this time but to continue to use the Interim Rule now in effect as published in the **Federal Register** on November 27, 1979 at 44 FR 67906. HUD considered this alternative unacceptable because the basic policy requisites needed to facilitate program operation need to be addressed, including a new look at thresholds for EISs, ensuring good quality EISs, and providing means to handle environmental statutes other than NEPA. The second alternative would be to issue no departmental regulations but to adopt by reference the regulations issued by the Council on Environmental Quality on November 29, 1978 at 43 FR 55978. Although the CEQ Regulations are designed to represent broad agency compliance with NEPA, they are not tailored to the particular needs of HUD program operations.

Summary of Benefits

Sectors Affected: Privately and publicly funded housing construction activities assisted and/or insured by HUD.

This Interim Rule will replace the Interim Rule issued by the Department on November 27, 1979 at 44 FR 67906. It will meet the objectives of Executive Order 12291 by reducing many of the procedural burdens of the present Interim Rule by:

(1) the deletion of advisory provisions and operational guidance information;

(2) elimination of regulatory material previously quoted from the CEQ regulations or otherwise contained in program guidance material; and

(3) elimination of the appendices and repetitious program material that is contained elsewhere.

In addition, this new rule will emphasize the mechanisms and procedures in the CEQ Regulations to produce paperwork, eliminate duplication, and otherwise simplify the environmental review process.

Summary of Costs

Sectors Affected: None.

We do not anticipate that this rule will cause any sectors to bear costs.

Summary of Net Benefits

The net result of this new Interim Rule will be less delay, less paperwork, and lower housing costs. At the same time it will put more emphasis on the mandates identified in the CEQ Regulations of better and more timely environmental decisions. The rule will reduce the number of EISs required and allow greater flexibility in making a finding that an EIS is not necessary.

Related Regulations and Actions

Internal: The review of this Interim Rule encompasses the text of the present Interim Rule, which has been in effect since December 27, 1979. The Rule will complement two companion HUD handbooks: "Procedure for Approval of Single Family Proposed Construction Applications in New Subdivisions" (HUD Handbook 4135.1, Rev 2) and "Procedures for Environmental Clearance of HUD Insured Projects, Subdivisions and Low Rent Housing Projects" (Chapter 8, HUD Handbook 4010.1). This rule does not apply to projects carried out by communities under Title I of the Housing and Community Development Act of 1974, as amended; environmental regulations for such projects are set forth in 24 CFR Part 58.

External: NEPA rules of other agencies.

Government Collaboration

HUD has initiated discussions with the Council on Environmental Quality, Veterans Administration, and Farmers Home Administration on the development of a single environmental assessment procedure for federally assisted housing projects.

Timetable

Regulatory Impact Analysis/ Regulatory Flexibility Analysis—None planned.

Public Hearings—None planned.
Transmittal to Office of Management and Budget, the Council on Environmental Quality, and Congressional Review—January 18, 1982.
Interim Rule—February 1982.
Public Comment Period—Ends April 3, 1982.
Final Rule—July 1, 1982.

Available Documents

Present Interim Rule (24 CFR Part 50).
NEPA (P.L. 1969, 42 U.S.C. 4321 *et seq.*).
NEPA Regulations (40 CFR Parts 1500–1508).

Agency Contact

Richard H. Broun, Director
Office of Environment and Energy
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 7276
Washington, DC 20410
(202) 755–6300

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Coal Management Regulations (43 CFR Group 3400; Revision)

Legal Authority

30 U.S.C. 181; 30 U.S.C. 351–359; 43 U.S.C. 1701; 30 U.S.C. 1201; 30 U.S.C 521–531; 42 U.S.C. 7101; 42 U.S.C. 4321; 90 Stat. 1083–1092; 92 Stat. 2073–2075.

Reason for Including This Entry

The Bureau of Land Management (BLM) includes this entry because: (1) these regulations are to be carried out in a manner that will meet the Nation's need for coal from Federal lands and afford protection for the environment; (2) these regulations may have impacts on other programs of the Department of the Interior (DOI) or other Federal agencies; and (3) the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The BLM recently conducted the first competitive regional coal lease sales under the Federal coal management program, which was restructured in 1979. In the process of developing and implementing the current Federal coal program, significant experience has been accumulated, not only by the Bureau and other Federal agencies supporting this effort, but also by State and local governments, private industry, and the general public.

In January 1981 State Governors, industry DOI agencies, and the public were invited to identify regulations that hindered the responsible and efficient production of Federal resources to meet the Nation's needs. Concerns were raised that the existing Federal coal management rules (43 CFR Group 3400) are unnecessarily burdensome and counterproductive, that the regulatory requirements are duplicative, and that some of the provisions have become obsolete. For example, the application of the unsuitability criteria to leased lands, as required by the existing rules, is an unnecessarily burdensome and duplicative requirement because: (1) Federal coal development from leased lands is still subject to the statutory environmental protection requirements that are determined by the Office of Surface Mining or the States at the time of the mine permit application review; and (2) the unsuitability criteria will still be considered through multiple resource tradeoffs screening during land-use planning or mine permit application review.

Revisions to the existing 43 CFR Group 3400 rules are necessary: (1) to streamline Federal coal leasing procedures; (2) to remove duplicative language and requirements; (3) to provide additional opportunities for earlier input and consideration of the resource data and needs of State and local government, general public, and industry consistent with other resources; and (4) to provide clearer direction to lessees regarding operating standards. The revision can only be accomplished through remedial rulemaking.

Alternatives Under Consideration

The BLM has considered two alternatives:

Alternative (A) is an approach that would continue the existing Federal coal management rules (43 CFR Group 3400). This, among other things, will provide a planning system involving two steps: (1) land-use planning, which includes close consultation with State and local governments, industry, and the public to decide which areas of Federal coal reserves will be considered potentially acceptable locations for coal production; and (2) activity planning to delineate, rank, and select for sale specific tracts of coal.

The disadvantage of this alternative is that it will not address all the concerns raised by State Governors, industry, DOI agencies, and the public and will not make the Federal coal management program more efficient by removing excessive and burdensome requirements. For example, unnecessarily excessive information requirements, such as hydrologic data collections for exploration license and certified abstracts for Preference Right Lease Applications (PRLAs), would remain under this alternative. PRLAs are granted if the applicant can demonstrate that the permit area contains commercially valuable coal. The PRLA exempts the applicant from the competitive bidding process. In addition, duplicative regulatory requirements, such as the application of unsuitability criteria to leased lands, will continue to impose excessive burdens on the public and increase government costs. By failing to streamline the procedural requirements during land-use planning and activity planning, this alternative makes the entire Federal coal management program less efficient.

Alternative (B) is a more market-oriented approach that would revise the existing rules to streamline the entire Federal coal leasing procedures while enhancing competition by reducing governmental intervention in Federal coal development. Unnecessarily burdensome and duplicative requirements would be eliminated and the entire Federal coal leasing procedures streamlined. The advantages of this approach are that it would: (1) streamline regulatory procedures and information requirements; (2) incorporate improved procedures and add clarifications that are the result of experience in managing the program; (3) avoid confusion to the public and prospective lease applicants by deleting obsolete provisions and duplications; and (4) coincide with the court's decision in recent civil lawsuits on the application of unsuitability criteria during land-use planning.

At this time the BLM prefers Alternative (B) because it will be more responsive to national energy needs by streamlining regulatory procedures and information requirements while affording protection for the environment.

Summary of Benefits

Sectors Affected: DOI agencies; the coal industry (SIC Code 1211); the general public; and the States.

As the objective of the rulemaking is to streamline the Federal procedures for arriving at leasing decisions, the economic effects of the changes are largely in the form of cost savings to the Federal Government. Total approximate savings of the proposed revisions to the Federal coal management regulations are estimated to be about $2.7 million (in 1981 dollars) annually.

Of this total savings, $1.8 million is a result of steamlining the entire process of arriving at coal leasing and related decisions. This would be accomplished by simplifying the process to establish

regional leasing targets and providing clearer direction to lessees regarding operating standards. Removing the requirement that the 20 unsuitability criteria be applied to existing leases during land-use planning would bring about annual savings of $270,000 to $400,000.

Deleting the hydrologic data collections requirement for exploration licenses is estimated to have an annual savings of $500,000. Finally, eliminating the certified abstracts requirement for PRLAs would add $44,500 to the total annual savings.

All of these efforts would also save the coal industry (bituminous coal and lignite mining) money. In addition, this proposed action would benefit the general public and the States by enhancing competition through: (1) the identification of all areas with coal development potential for possible leasing; (2) the elimination of restrictions on emergency leasing criteria; and (3) the implementation of a market-oriented leasing policy. These changes not only will ensure the least-cost tracts would be offered first for lease, but also will likely increase bonus bids and therefore increase State revenues.

Summary of Costs

Sectors Affected: The coal industry (SIC Code 1211).

As the proposed changes are to reflect a commitment to fulfill the Secretary of the Interior's directives to eliminate or revise excessive, burdensome, and counterproductive regulations in general, no additional significant costs will be incurred as a result of the proposed regulatory action to the Federal Government or to the general public.

The only possible exception is the call for coal resource information early in the land-use planning process to identify potential coal lease areas. The regulation changes would add a formal opportunity for industry to provide data to the BLM on coal areas that ought to be subject to detailed inventory and resource assessment. These data, along with other information, would be used to estimate the development potential of Federal coal lands. While this new regulation would provide an opportunity for additional data submission, any data provided by industry would be voluntary; it is not a new information requirement. To the extent that a coal company chooses to provide such information there would be some additional costs to industry.

Summary of Net Benefits

The benefits of the proposed changes exceed the costs. The economic benefits are largely in the form of cost savings to the Federal Government, amounting to an estimated $2.7 million (in 1981 dollars) annually. No additional significant costs to the Federal Government or to the general public will be incurred as a result of the proposed regulatory action.

Related Regulations and Actions

Internal: None.

External: The proposed action would transfer portions of the 43 CFR 3400 rules to 30 CFR Part 211 or 10 CFR Part 378, which are the U.S. Geological Survey's or the Department of Energy's responsibility, respectively.

Government Collaboration

The BLM is working with other Interior agencies (U.S. Geological Survey, Office of Surface Mining, National Park Service, and Fish and Wildlife Service) in the promulgation of these regulations. In addition, the BLM is coordinating with the Department of Energy, since the requirements for meeting diligent development will have an impact on the Federal coal management program.

Timetable

NPRM—Late December 1981.
Public Meetings—January 11, 1981, Salt Lake City, Utah; January 13, 1981, Casper, Wyoming; January 15, 1981, Farmington, New Mexico.
Public Comment Period—60 days following publication of NPRM.
Final Rule—April 30, 1982.
Final Rule Effective—May 31, 1982.
Regulatory Impact Analysis—The BLM has determined that there is no need for a Regulatory Impact Analysis.
Regulatory Flexibility Analysis—The BLM has determined that the proposed rulemaking will not have a significant economic effect on a substantial number of small entities and therefore will not prepare an RFA.

Available Documents

"Coal Management; Federally Owned Coal," 44 FR 42609, July 19, 1979.

Agency Contact

Monte Jordan, Chief
Division of Coal, Tar Sands, and Oil Shale
Bureau of Land Management
U.S. Department of the Interior
1800 C Street, N.W.
Washington, DC 20240
(202) 343-4636

DOI—Fish and Wildlife Service
DOC-NOAA-NMFS

Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement (50 CFR 410; New)

Legal Authority

Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated the rules promulgated under the Fish and Wildlife Coordination Act (FWCA) for review.

Statement of Problem

The first version of the FWCA was passed in 1934, with amendments in 1946, 1948, 1958, and 1965. The purpose of the Act is to ensure that fish and wildlife resources receive equal consideration with other purposes of water development projects, such as flood control, navigation, irrigation, power generation, dredging, filling, etc. To date, no common or uniform rules, regulations, Executive Orders, guidelines, or policies have been published that would guide all executive branch agencies (Department of the Interior, Department of Commerce, Department of the Army and the Corps of Engineers, Department of Energy, Department of Transportation, Environmental Protection Agency, etc.) with responsibilities under this Act. The procedural and substantial implementation of this Act has been left to the numerous affected agencies. Thus there is a wide variety and degree of compliance with the spirit, intent, and letter of the FWCA.

The proposed regulations are a joint effort of the Secretaries of Interior and Commerce. Original drafting efforts and substantive review by about 30 Federal agencies, including the Office of Management and Budget, the Department of Justice, and the Council on Environmental Quality, took place in late 1978 and early 1979. Draft regulations were first proposed in the Federal Register of May 18, 1979 to establish a common set of uniform instructions to be followed by all Federal agencies with responsibilities under the Act. Based on six public hearings and about 450 sets of comments, the draft was revised and published as an NPRM in the Federal Register of December 18, 1980 (45 FR 83412). Simultaneously, a draft

environmental impact statement discussing the proposal and its alternatives was released for review and comment. About 150 sets of comments have been received on the second proposed regulations as of the closing date of May 22, 1981.

Problems and/or issues have been identified in the administration of the FWCA via hearings in 1974 and 1978 before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment, and three General Accounting Office (GAO) reports in 1980 and 1981. Some of the key problems or issues are as follows: (1) no common or uniform rules, regulations, procedures, guidelines, or policies have been established that would guide all executive branch agencies with responsibilities under the Act; (2) applicability of the FWCA to various projects, programs, or areas is contested; (3) no common, uniform, and mutually acceptable fish and wildlife evaluation methods or techniques have been adopted; (4) the use of "user-day" or other monetary or cost evaluations should be banned as a method for "justifying" or rejecting wildlife compensation or mitigation measures or for disregarding wildlife losses in favor of other public or private economic benefits or gains; (5) jurisdictional overlap and duplication of effort needs to be resolved between the FWS and NMFS; (6) funding for both Federal and State wildlife agency participation or implementation of the Act is inadequate or lacking; (7) no standard or established time schedules exist for compliance with various steps under the Act; (8) alternatives or consequences for the action agencies are not stated for situations where the wildlife agencies fail to consult and report findings and recommendations; (9) no standards exist for wildlife agencies to recommend like and proportionate compensation and mitigation for similar loss or damage; (10) fish and wildlife resources do not receive equal consideration; (11) action agencies are not giving full consideration to recommendations; (12) mitigation is provided late and not concurrent or proportionate; (13) mitigation is rejected because it did not meet a favorable cost/benefit ratio; and (14) adequate funds do not exist for operation, maintenance, and replacement for mitigation measures.

As presently drawn, the 21 Memoranda of Agreement between the Fish and Wildlife Service and 14 other bureaus covering activities under the Fish and Wildlife Coordination Act are not adequate to efficiently implement the Act. They meet few or none of the objectives of the President's regulatory review effort. Generally the agencies and bureaus who must implement the Coordination Act have not used Memoranda of Agreement to set forth specific procedures to follow; instead, they use internal guidelines. Most of the agreements are general and apply to other activities. Where they are specific, they apply only to a small part of the activities covered under the Act.

The 1980 proposed regulations are designed to provide uniform procedures for affected Federal agencies to follow in implementing the Act. They are intended to reduce delays and controversy over needed development by: fostering wildlife agency entry into the planning process at an earlier stage; coordinating and combining the various required environmental reviews to the maximum extent possible; and clarifying long-standing disagreements over coverage of the Act. The regulations would be binding on all Interior and Commerce bureaus but would bind other agencies only on mechanical and procedural consultation processes. Decisionmaking on inclusion of wildlife mitigation measures in Federal projects and permits would remain with the action agency, and the regulations would have only the force of guidelines in this regard.

Alternatives Under Consideration

Alternative (A) would be to rescind the NPRM and take no action to issue regulations for implementing the Fish and Wildlife Coordination Act.

Alternative (B) would be to publish non-binding guidelines. These would be less controversial since they invite agency participation rather than require compliance.

Alternative (C) would be to continue to work with action agencies to provide for adequate implementation of the Act through revisions in the Memoranda of Agreement, action agency regulations, guidelines, policy, procedures, etc.

Alternative (D) would be to pursue the objectives of the 1980 proposed regulations.

Other alternatives under study are: legislation to accomplish the objectives of the President's directive, revision of the National Environmental Policy Act (NEPA) regulations to include FWCA concerns, and requiring each concerned agency to promulgate its own specific regulations.

Summary of Benefits

Sectors Affected: All industries that carry out activities that alter the waters of the United States; Federal action agencies involved in water development, water related permits, or licenses; and Federal and State fish and wildlife agencies.

Benefits of Alternative (A), No Action. No immediate change in the existing situation would occur. There would be no new requirements placed on either wildlife or action agencies. Conversely, there would be no immediate change or improvement in the performance of these agencies under the FWCA. The present diversity of agency procedures would continue unless and until corrected by *ad hoc* agency-by-agency agreements.

Benefits of Alternative (B), Non-Binding Guidelines. A text very similar to Alternative (D) would be published as guidelines rather than as binding rules. This would be less controversial in that they would have no legal force except to the extent that courts hearing any subsequent litigation might defer to the interpretations contained therein. Agencies carrying out actions such as loans and grants, which we interpret as being exempt from FWCA, would be invited to follow the procedures and would be provided with our interpretations of the Act in a formal organized manner.

Benefits of Alternative (C), Revisions of Agreements, etc. Results from this effort would be an improvement over the no action alternative (A), but not as much as might be expected to occur with the non-binding guidelines alternative (B).

Benefits of Alternative (D), Promulgating Rules Proposed on December 18, 1980. The proposed rules are primarily procedural in nature, setting out processes that would result in full consideration of fish and wildlife values—the prime purpose of the FWCA. They would be binding on procedural issues and interpretive (hence, advisory) as to substantive action agency decisionmaking criteria. The principal results would be: to ensure early wildlife agency entry, full participation in the planning process, and the availability of information of sufficient detail and relevance for action agencies to make informed decisions; to provide opportunities for the public and the wildlife agencies to have their views thoroughly aired and considered in the decisionmaking process; to improve the coordination of environmental reviews now required by this and other laws and authorities; to standardize the diversity of procedures that has developed among Federal agencies in implementing the Coordination Act; and to ensure that the Congress will have the full range of project costs and mitigation options laid before it. This should result in fewer delays and controversies by

streamlining the environmental review process. This in turn should result in savings, both in the planning process itself and in terms of less impact of inflation on construction costs.

Summary of Costs

Sectors Affected: None.

We have not identified any major costs attributable to this rule. Guidelines, agreements, or regulations would establish a standard way of conducting activities that are now being carried out in a wide variety of ways. The overall result should be general cost reduction.

Summary of Net Benefits

The major benefit of taking an action that would establish some level of standard procedure for executive branch agencies would be greater understanding within the Federal, State, and private sectors, which in turn should bring about a general cost reduction for these kinds of activities.

Related Regulations and Actions

Internal: None.

External: Guidelines, procedures, policies, or regulations of the Departments of Agriculture, Army (Corps of Engineers), Energy, and Transportation and the Environmental Protection Agency.

Government Collaboration

The Fish and Wildlife Service is working with the National Marine Fisheries Service in reviewing implementation of this Act and has requested suggestions and recommendations from other affected executive branch agencies and bureaus, the State wildlife agencies, and the public.

Timetable

NPRM—44 FR 29300, May 18, 1979.
Revised NPRM—45 FR 83412, December 18, 1980.
Draft Environmental Impact Statement—Notice of Availability, 45 FR 83412, December 18, 1980.
Regulatory Reform Review—46 FR 46411, September 18, 1981.
Next Action—To be determined.
Public Hearing—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Draft Environmental Impact Statement—Regulations for Implementing the Fish and Wildlife Coordination Act. Available for review at address below.

Agency Contact

Michael J. Spear, Associate Director
U.S. Fish and Wildlife Service
Department of the Interior
18th and C Streets, N.W., Room 3245
Washington, DC 20240
(202) 343-4767

DOI-FWS

Regulations Promulgated Under the Endangered Species Act (ESA) of 1973 (50 CFR Parts 12, 13, 14, 17, 23, 402, 424, 450, 451, 452, 453, and 810; Revision)

Legal Authority

Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Congress passed the Endangered Species Act (ESA) in 1973 and amended it in 1978 and 1979. The purpose of the Act is to protect endangered and threatened species of animals and plants. The Act empowered Department of the Interior (DOI) to develop and maintain a list of threatened and endangered plants and animals and prohibited Federal agencies from authorizing funding or undertaking actions that would jeopardize those species. The Act also outlined certain restrictions on interstate and international trade in those species.

DOI issued regulations to enforce the original act but to date has not issued any regulations for certain amendments made to § 7 of the Act (Interagency Cooperation). Several commenters have identified the lack of regulations implementing the specific amendments as contributing to a lack of proper enforcement of these statutes. These comments triggered a comprehensive review by the Department of the Interior (DOI), aimed at making all existing regulations under ESA as effective as possible in carrying out the purposes of the Act while imposing the least adverse effect on other national goals. This regulatory review was combined with an ongoing review of the Act itself, undertaken by DOI in preparation for reauthorization in 1982. The regulations governing interagency cooperation under ESA are now in an advanced stage of preparation. (The lack of such regulations is one of the key reasons for this review.) Specific areas being given priority consideration for possible change and improvement are detailed in the following section.

Alternatives Under Consideration

Our review has identified 38 areas in which changes or improvements might be made. Options for such changes have been defined for all these issues, including changes of policy, regulation, or the law itself. The Department is first considering the statutory changes that may be needed. Of the issues so identified, seven, stated below as questions, have been chosen as of this time as being in particular need of resolution.

Such priority issues are:

(1) At what stage should economic costs be addressed?

Options considered have included retaining the *status quo*, in which economic considerations are made part of the process of adding a species to the lists of Endangered and Threatened animals and plants, as well as at consultation and exemption stages, and the possible confinement of economic considerations to later stages in the protection of a species. Any modifications of present procedures would require statutory amendments.

(2) Is it desirable to retain Critical Habitat designations?

The concept of Critical Habitat (an area identified for possible Federal agency responsibilities under the Act) and the regulatory procedure leading to its designation for Endangered and Threatened Species has been widely misunderstood and often opposed for inappropriate reasons. The present procedures for the Federal Government to designate Critical Habitat are very involved and time consuming and may do little to increase the protection afforded listed species. We have considered the complete elimination of such designation, methods of streamlining the designation, and limitations on its use. All such options would require changes in the statute.

(3) Should ESA afford protection to Endangered or Threatened populations and subspecies?

The ESA presently allows listing of not only full species, but subspecies and, in the case of vertebrates, individual populations, as Endangered or Threatened. This has led to protection under the Act for numerous subspecies and regional populations of several vertebrate species.

Our review has considered the wisdom, given conditions of limited resources, of devoting staff and funding to populations and subspecies when such protection might better be devoted to full species. Consideration has been given to the flexibility conferred by the present situation as well as possibly

more efficient allocation of resources under a system allowing only listings of full species. Options under consideration include statutory restriction of protection under ESA as well as greater regulatory emphasis on "significance" of populations that may be listed.

(4) What change, if any, should be made to the exemption process under § 7 of ESA?

ESA presently provides a procedure to exempt Federal actions, under certain conditions, from the prohibition against jeopardizing listed species or destroying or adversely modifying Critical Habitats of such species. Some responses to our review expressed concern that the present procedure is unnecessarily cumbersome and involved. We are considering several options, all involving amendment of the statute, to streamline and shorten exemption procedures.

(5) Can the § 7 consultation/conference procedures be streamlined?

Section 7 of the ESA now requires that Federal agencies consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service if they determine that an action that they are involved with may affect a species listed as Endangered or Threatened under the Act.

A range of statutory and regulatory changes are under consideration as possible means of making the consultation requirements mandated by § 7 of ESA less complicated or burdensome. Options include provisions for other Federal agencies to take a stronger role in enforcing compliance with § 7 of ESA by development of counterpart regulations or by conducting internal consultations.

(6) Should the § 7 "jeopardy" standard be modified?

Section 7 of ESA prohibits Federal agencies from involvement in actions likely to jeopardize Endangered or Threatened species. Our review has identified possible changes in the statute that would reduce the effect of this prohibition on the activities of Federal agencies.

(7) Should the listing of foreign species be undertaken only under the Convention of International Trade in Endangered Species of Fauna and Flora (CITES)?

Current interpretation of § 7 of ESA does not allow its application to U.S. activities abroad. Given this, the principal protection afforded foreign species listed under ESA is that involving international trade. These prohibitions overlap those of CITES, creating confusion. DOI is considering changes in ESA that would prevent confusion, as well as policy changes that would make CITES listing the primary or only protection afforded foreign species.

(8) Should the citizens suit provision of § 11(g) be retained, and, if so, should it be retained in its present form?

ESA now allows citizens to bring suit to enforce any of its provisions. Our review has considered several statutory changes that would alter or eliminate the Act's allowance for citizen suits. Alterations could impose a requirement to demonstrate standing (that the citizen has grounds on which to bring the suit) before bringing suit or to bring suit in the district in which the violation is located. We have also considered recommending a specific provision in ESA to allow mandamus suit (one that would force the Interior Department to take a certain activity) and language to indicate whether judicial review of Department actions should be based on existing administrative record or allow new evidence to be presented.

In addition to the questions dealt with above, our review has identified over 30 issues of lesser priority concerning which we will develop positions as part of our regulatory reform process. These include:

(1) A series of possible alterations of procedures leading to a species' listing under ESA.

(2) Possible alterations in the conduct of consultations under § 7 of ESA.

(3) Consideration of providing, altering, or restricting protection under ESA for species identified as candidates for listing, experimental populations of listed species, lower lifeforms (plants and invertebrate animals), and hybrid offspring of listed species.

(4) Alterations in the application of trade restrictions under ESA.

(5) Changes in prohibitions applied to specimens of listed species held prior to passage of ESA or held in controlled environments.

(6) Refinements or changes in certain statutory or regulatory definitions.

(7) Alterations in the enforcement procedures of § 9 of the Act or their implementing regulations to broaden or strengthen their provisions.

(8) Technical changes to resolve apparent inconsistencies or conflicts among certain provisions of the Act.

Summary of Benefits

Sectors Affected: Endangered and Threatened species; the general public; and Federal and State agencies.

Our review is intended to secure the maximum protection possible for Endangered and Threatened species under ESA so that the public may continue to benefit from the survival of such species, while reducing costs to the public and impacts on other national goals resulting from programs authorized by the Act. Benefits that will accrue as a result of species' survival are difficult to quantify but include contributions to ecosystem stability and preservation of unique genetic resources of present and potential value to mankind. Cost and impact reduction as a result of changes undertaken pursuant to our review are intended to lessen costs to Federal agencies in conducting reviews of their activities required under ESA and to State and private interests in their activities related to management of and trade in listed species.

Summary of Costs

Sectors Affected: Endangered and Threatened species; the general public; and Federal and State agencies.

Relaxation of certain provisions of ESA may result in depletion of genetic resources and lessen their potential value to the public. Conversely, increases in certain restrictions on activities involving listed species may impose increased costs of Federal, State, and private interests dealing with such species.

Summary of Net Benefits

Our review is intended to identify changes that might be made in ESA or its implementing regulations in order to provide maximum benefits in conservation of the resources it affects, while imposing the least costs on the activities they restrict or otherwise affect. The precise balance of such benefits and costs cannot be estimated at this time, but we will attempt to recommend or implement changes that will increase benefits in relation to costs.

Related Regulations and Actions

Internal: ESA and its implementing regulations potentially affect all other programs of the U.S. Fish and Wildlife Service that are governed by regulations in 50 CFR.

External: ESA and its implementing regulations may affect any Federal programs involving resource management or development as well as similar State programs.

Government Collaboration

We have directly involved the National Marine Fisheries Service, which shares our implementing authority under ESA, in our review. We have also solicited comments from all the States, all Federal agencies affected

by ESA, and a wide range of industrial and environmental interests.

Timetable

Department Recommendation on Statutory Changes—January 20, 1982.
Next Action—Contingent on Congressional action.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Comments received in response to **Federal Register** notice (46 FR 46411) are available at the Office of the Associate Director of Fish and Wildlife Service—Federal Assistance, Main Interior Building, Room 3024, 18th and C Streets, N.W., Washington, DC 20240.

Agency Contact

Ronald L. Lambertson, Associate Director—Federal Assistance
U.S. Fish and Wildlife Service
18th and C Streets, N.W., Room 3024
Washington, DC 20240
(202) 343–4646

DOI—National Park Service

Right-of-Way Regulations (36 CFR Part 14; Revision)

Legal Authority

16 U.S.C. 5, 79; 23 U.S.C. 317; 36 CFR Part 14 (45 FR 47092, July 11, 1980).

Reason for Including This Entry

The National Park Service (NPS) includes this entry because these regulations may have region-wide or local impacts on State and local government and on other programs of the Department of the Interior or other Federal agencies.

Statement of Problem

A right-of-way is a use of National Park System lands by State and local governments, other Federal agencies, and private individuals and organizations for such purposes as roads and highways, utility and communication lines and facilities, pipelines, and water facilities.

At the present time, the National Park System of the United States comprises nearly 320 areas, covering some 76 million acres in 49 States, the District of Columbia, Guam, Puerto Rico, Saipan, and the Virgin Islands. These areas include such designations as national park, national preserve, national monument, national memorial, national historic site, national seashore, and national battlefield park.

Until July 1, 1980, the National Park Service, in dealing with request for rights-of-way, used regulations promulgated by the Bureau of Land Management (BLM) and codified in 43 CFR Part 2800. However, BLM revised these regulations in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C 1761) and deleted all reference to the National Park Service. Since the provisions of this Act and the regulations promulgated to comply with it do not apply to the National Park Service, the Service must develop independent regulations applicable to right-of-way requests on National Park System lands.

These regulations will provide a process for the review, consideration, and approval or disapproval of requests for rights-of-way across all areas of the National Park System. They will establish procedures for the granting of rights-of-way to State and local governments, other Federal agencies, and private individuals and organizations. These procedures will cover rights-of-way authorized at the discretion of the Secretary of the Interior, by individual park legislation, and for rights-of-way issued because of the right to which the holder is legally entitled.

Until these regulations are drafted, the Service is following interim regulations (45 FR 47092, July 11, 1980).

Alternatives Under Consideration

The National Park Service is considering two alternatives:

Alternative (A) is the drafting of right-of-way regulations that at a minimum are needed to comply with existing laws (16 U.S.C. 5, 79 and 23 U.S.C. 317). This will provide a process for the review, consideration, and approval or disapproval of requests for rights-of-way across all areas of the National Park System.

The disadvantage of this alternative is that it will not address all the issues and problems and may not assure the best protection of all National Park values. Issues and problems that would not be addressed under Alternative A include: access across park lands to private property and rights-of-way authorized in specific legislation establishing a park. These situations currently exist in most of the more than 320 units of the National Park System. By failing to address them in regulations, the NPS will not be providing the maximum protection to the natural, cultural, aesthetic, and recreational resources it administers and is required by law to preserve and protect.

Alternative (B) is the drafting of broader regulations that will cover such issues as: reasonable access to an owner's property, a legally held right to cross NPS lands, and right-of-way authorizations in individual statutes.

These broader regulations will address problems and issues that presently exist in units of the National Park System and will afford greater protection for the natural, cultural, aesthetic, and recreational values that the parks were established to protect. However, since these regulations will be addressing a greater number of complex issues, it is likely that they will be more controversial and difficult to enforce.

At this time the National Park Service prefers alternative (B) because it will afford greater protection for all National Park System areas.

Summary of Benefits

Sectors Affected: Other Federal agencies; State and local governments; private industries (e.g., electric, gas, and other utility services, oil and gas extraction, pipeline transportation, communication services); other establishments requesting rights-of-way across National Park System areas; and NPS.

These rules will benefit each of these sectors because they will provide more detailed, specific, and concise procedures for rights-of-way across National Park System areas. They will also provide information on costs involved and the terms and conditions for revocation and cancellation of permits. These sectors will realize these benefits over the entire time span of the permit.

These regulations will benefits the National Park Service because they will provide detailed, specific, and concise instructions to park management and will afford protection to natural, cultural, aesthetic, and recreational park resources.

If these rules are not promulgated, none of these sectors will have the information or guidance that is necessary to deal with right-of-way requests.

Summary of Costs

Sectors Affected: Other Federal agencies; State and local governments; private industries (i.e., electric, gas, and other utility services, oil and gas extraction, pipeline transportation, communication companies); other establishments requesting rights-of-way across National Park System areas; and NPS.

At this time, NPS does not know what costs these sectors will bear as a result of this proposal. However, fees will be charged to applicants to cover the cost

of processing the application. Rental fees, appraised at fair market value, will also be charged to the holder of a right-of-way. It is likely that these charges will be waived for State local governments if their use of a right-of-way is for governmental purposes and such lands and resources shall continue to serve the general public.

The National Park Service will incur costs for reviewing and processing applications and permits and ensuring that the necessary environmental documents are prepared. It is unknown at this time what these costs will be.

Summary of Net Benefits

Alternative (A) is the promulgation of regulations that will, at a minimum, provide guidance to those desiring rights-of-way to cross National Park Service lands. Since regulations have not yet been written, it is not possible for NPS to quantify the costs and benefits of this alternative or of Alternative (B). Alternative (A) would benefit State and local governments private industries, and individuals desiring rights-of-way by providing them with procedural guidelines. It would ensure protection of park resources and also provide guidance for park managers who must implement these rules.

The net benefits of Alternative (B) are the same as those of Alternative (A), except that the National Park Service believes that this alternative will provide greater protection to national park resources. Interested public and park management will still benefit from detailed guidelines, but because more issues will be dealt with, i.e., reasonable access to an owner's property, a legally held right to cross NPS lands and right-of-way authorizations in individual statutes, national park values will be afforded greater protection.

Related Regulations and Actions

Internal: On July 11, 1980, the National Park Services issued interim right-of-way regulations (45 FR 47092). These regulations will remain in effect until replaced or revised through the rulemaking process. Other Interior agencies have right-of-way regulations. Bureau of Land Management regulations are located in 43 CFR Part 2800, and the U.S. Fish and Wildlife Service regulations are located in 50 CFR Part 28.

External: None.

Governmental Collaboration

The National Park Service is working with other Interior agencies (Bureau of Land Management, U.S. Fish and Wildlife Service) in the promulgation of these regulations. In addition, NPS will be working with State and local agencies as these rules are developed since the regulations will have an impact on their programs.

Timetable

ANPRM—45 FR 54771, August 18, 1980.
NPRM—April 15, 1982.
Regulatory Impact Analysis—The National Park Service has not made a determination on the need for a Regulatory Impact Analysis. We are soliciting public comment on the potential economic impact of the proposed rule.
Public Hearing—None scheduled.
Public Comment Period—90 days following publication of NPRM. Comments should be directed to Division of Ranger Activities and Protection, National Park Service, Department of the Interior, Washington, DC 20240.
Final Rule—October 15, 1982.
Final Rule Effective—November 15, 1982.
Regulatory Flexibility Analysis—Undecided.

Available Documents

None.

Agency Contact

Maureen Finnerty, Park Ranger
Division of Ranger Activities and Protection
National Park Service
Department of the Interior
18th and C Street, N.W.
Washington, DC 20240
(202) 343-4874 or 5607

DOI-NPS

Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands (36 CFR 1215; New)

Legal Authority

The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470 aa–11.

Reason for Including This Entry

The Department of the Interior (DOI) believes these rules and regulations are important because they will significantly affect many archaeological investigations conducted on public and Indian lands by providing an equitable decisionmaking process within the permitting procedure and thereby ensuring greater accountability among Federal agencies. Furthermore, the regulations will improve the management of archaeological resources, detail procedures for civil penalties, and benefit authorized users by reducing or eliminating procedural differences within and among agencies.

Statement of Problem

In the past, the administration of the American Antiquities Act of 1906 (P.L. 59–209; 16 U.S.C. 431–433) was subjected to legal challenges in the courts. The challenges were based on the statute's vagueness, resulting from its failure to inform the public in lay terms of what consitutes an "object of antiquity." Consequently, the criminal sanctions of this statute were easily avoided by those individuals who were destroying, excavating, and removing objects of antiquity without authorization from federally owned or controlled lands. In addition P.L. 59–209 did not foster cooperation from all segments of society to protect and conserve such resources, for its focus was directed toward institutionally initiated research only. By 1974 it became obvious that the permitting sections of the Act were outdated, because they did not provide adequate criminal penalties for violations.

As a result of the above, the Congress enacted the Archaeological Resources Protection Act of 1979 (P.L. 95–95), which provides adequate criminal penalties, clear definitions, new civil penalties, and the promotion of greater public involvement in the decisionmaking process connected with the permitting procedure. This new law is administered by the National Park Service (NPS), as is P.L. 59–209, on behalf of the Secretary of the Interior. Although NPS exercises overall program policy direction, each land-managing bureau of the Department is responsible for field-level program operations on those lands under its immediate jurisdiction. This statute also applies to all Interior land-managing bureaus, the Departments of Defense and Agriculture, the Tennessee Valley Authority, and all other independent land-managing or land-holding agencies of the Federal Government.

On Indian lands, the specific individual Indian landowner or the recognized Indian tribal authority with jurisdiction over such lands owns the archaeological resources located thereon. Such lands are administered jointly by the Bureau of Indian Affairs and the appropriate tribal authority.

These regulations establish procedures for enforcing the Act. The regulations will place limitations on the use of archaeological resources located on all public and Indian lands. The rule will include a systematic permitting

procedure, an appeals process for parties denied permits, and a procedural approach for civil penalties imposed by the Secretary of the Interior and the other major Federal land managers for those persons who violate the statute in a non-criminal manner. This approach leaves a measure of Secretarial discretion in educating the public rather than using only criminal sanctions as the single effective deterrent to resource degradation.

These regulations seek Federal-wide uniformity in program administration and management policy direction. The Department of the Interior, as the lead Federal agency in the field of historic preservation, seeks to provide national leadership in this effort through the administration of the Federal Antiquities Program by the Departmental Consulting Archaeologist.

The regulations will have a direct impact on the activities of collectors, treasure hunters, and other users of the public domain. These rules will also have a direct impact upon the activities of professional archaeologists undertaking either institutionally initiated field research investigations or work directly related to survey, clearance, and mitigation investigations for energy projects. These regulations will also create new opportunities for the Native American community, resulting in its direct authority to provide protection for resources that form a part of their immediate cultural heritage.

The Departmental Consulting Archaeologist or his/her duly authorized representative, on behalf of the Secretary, either issues or denies permits for archaeological investigations after completion of an institutional and professional review process in response to each application received. Applications are received from potential permittees and placed within a comprehensive review system that includes internal review and review by the affected land managing bureau, scholars who are familiar with the archaeology of the proposed land area, and representatives of the appropriate Native American commnity. The review system constitutes a formal analysis of the applicant's ability to undertake the work, provide adequate curatorial facilities for the archaeological resources recovered, and meet several other requirements that demand professional objectivity by the Federal Government. Permits are normally issued within 4 to 6 weeks after an application is received. In addition, NPS may impose an emergency permitting procedure when specific archaeological resources are in immediate danger from natural or manmade terrain-altering activities or when such investigations may delay energy-related projects if not allowed to commence immediately.

Today, the success of many small professional archaeological businesses and the livelihood of thousands of employees depends upon responsible and objective review.

Therefore, the Federal Antiquities Program is one of the few centralized programs to maintain uniform policy direction within the Department of the Interior and to ensure full professional accountability within the permitting authority.

Alternatives Under Consideration

The Department considered several alternatives to this proposal:

(A) No rules and regulations to implement the legislation. This alternative was rejected, for the Act requires at least two levels of rulemaking to occur: (1) interagency uniform regulations as required in § 10(a) of the Act; and (2) departmental or independent agency regulations directly oriented to the individual mission of each, as required in § 10(b) of the Act.

(B) Implementation through voluntary compliance guidelines. This alternative would not have the binding force of rulemaking and would be contrary to Congressional intent and was therefore rejected.

(C) More restrictive definition of "archaeological resource," which would exclude bottles, bullets, coins, or other collector items of non-Native American manufacture. This alternative was rejected because it was not viewed as consistent with the broad purpose of the Act to protect and conserve the Nation's archaeological resources and sites. The field of archaeology is not confined to the study of prehistoric Indian cultural remains. Much of this Nation's cultural heritage is of non-Indian origin and can be the object of archaeological inquiry. Even common collector's items such as bottles and coins can be of great value in establishing the age of associated materials, demonstrating cultural contact or determining the function of a site. In order to preserve such value, blanket exclusion of such items was rejected in favor of a definition that provides a test for determining whether items have archaeological value.

Summary of Benefits

Sectors Affected: Federal land managers (including the Departments of the Interior, Defense, and Agriculture; the Tennessee Valley Authority; and all other independent land-managing or holding agencies of the Federal Government): professional archaeologists, particularly small professional archaeological firms; Native Americans; the general public; and public and Indian lands throughout the United States (approximately 800 million acres), with major emphasis in the 13 Western States where the majority of such lands are located.

The major benefit of the proposed rules will be to inform the public of what is expected of them and to clarify obligations of the Federal land managers to the public. The general public will benefit from increased knowledge of important cultural resources and availability of those resources for educational purposes. Archaeological research benefits because the program procedures are simpler to understand and thereby inform the public in a clear, concise manner while affording a systematic and equitable permitting procedure for legitimate field investigations. Professional archaeologists will be affected, particularly small professional archaeological firms to which permitting delays are financially burdensome. These firms will benefit from the appeals process in cases of permit denial and from the general streamlining of the permitting process, especially in cases of energy-related projects. The Native American community also benefits greatly because these regulations provide greater control of archaeological resources to the Indian landowners and afford all Indian tribes an opportunity to provide comment on all undertakings proposed to occur on non-Indian public lands that may be their former traditional tribal lands.

This rule also clarifies the enforcement procedures of each land-managing bureau of the Department. The most important single benefit to the public in this rule lies in its implicit intent to foster greater and improved involvement and cooperation among the professional archaeological community, Native Americans, and collectors nationwide.

The Department of the Interior strongly believes one of the most important aspects of the Archaeological Resources Protection Act and its regulations lies in their authority to bring about a greater national sensitivity for the protection and conservation of archaeological resources. Because this program will increase public awareness, the Interior Department is confident that it will help to enhance and safeguard that which remains of our national patrimony, as represented by the

tangible remains of man's prehistory and history in the United States.

Summary of Costs

Sectors Affected: Federal land managers.

It is difficult to provide reliable estimates for the direct and indirect costs of the regulations to the sectors they affect. However, we anticipate only minimal costs. Increases will occur in the costs to the Federal Government of administering the Federal Antiquities Program, especially through policy direction at the national level by the Office of the Departmental Consulting Archaeologist on behalf of the Secretary of the Interior. Beyond costs incurred for overall program management and policy direction through the Federal Antiquities Program, responsibilities at the national level also include initial costs for coordination with Native Americans in constructing a centralized registry of interested Native Americans for application consultation purposes; a classified listing of sites that are significant to Native Americans for religious and cultural purposes; leadership in constructing departmental regulations; policy for the disposition of collection and exchange procedures; and other purposes. In addition, the ongoing activities of the Federal Antiquities Program include the annual report to the Congress and the national public awareness program element to sensitize the general public to the benefits of protecting and conserving this component of the national heritage. Such expenses as recordkeeping, inspections of curatorial facilities, on-site field investigations, and overall program monitoring of project-specific activities by the land-managing bureaus will obviously bring additional costs. These same bureaus will incur slight increases in funds for law enforcement efforts, not by increasing the number of field agents, but by providing greater coordination among existing law enforcement facilities at the State and local levels and increased coordination among Federal law enforcement agencies. However, total costs incurred by the Interior land-managing bureaus at the operational level, other Departments, and independent agencies will not increase over present required program funds for application field review. Costs in time involved in securing permits will be reduced for the private sector by further streamlining the review process and permit issuance.

NPS requested $425,000 for FY 1981 for implementation to the program at the national policy direction level. Such funds as are necessary to implement the responsibilities of the several land-managing bureaus of the Department will be sought as needed by those bureaus, as well as the other Federal land-managing departments and independent agencies. We anticipate the needs of the Interior land-managing bureaus not to exceed $700,000 per fiscal year.

Costs are greater for the Interior Department because, as the nationally recognized lead Federal agency in the field of historic reservation, it maintains national program expertise, and the law itself directs Interior to assume greater responsibilities and to provide leadership for the protection and conservation of archaeological resources throughout the Nation.

For other departments and independent agencies, the levels of funding for full program implementation above existing program levels will depend upon their actual level of involvement and whether or not they choose to delegate program administration and/or policy direction to the Department of the Interior. Fiscal impacts to existing protection and permitting programs for non-Interior agencies is expected to be proportionally equal to Interior.

Summary of Net Benefits

It is highly difficult to foresee and demonstrate in quantitative terms the net benefits of each alternative considered. However, those alternatives chosen throughout the rulemaking process associated with the implementation of this statute are in keeping with the full intent of the Congress, as reflected in the law and legislative history.

The Secretary of the Interior's Interagency Rulemaking Task Force, charged with the writing of the Final Rule designed to provide full implementation of the Act, has studied the comments received in response to the published proposed rule and has determined that greater clarification is necessary in the Final Rule due to major misunderstandings by various segments of the public. While the Congress allows some flexibility in the statute itself relative to definition expansion and clarification and in other cases relative to decisionmaking on procedures, in most cases the statute speaks clearly for itself and the rulemaking is merely a restatement of the law in policy format for emphasis purposes. Those several portions of the Act that do allow for expansion and full clarification shall fully eliminate any potential confusion of interpretation voiced to date by the public. The rule provides its overall greatest net benefit to society through its basic mandate to provide protective and conservation measures for archeological resources on all federally controlled and administered public lands and Indian lands. The rule is designed to fully consider the needs of industry for development purposes on public lands. A net benefit to industry, especially important for the mining and timber industries, is an emphasis on not inhibiting exploration and development of natural resources. In brief, the permitting process is designed to facilitate such activities in coordination with national policy focused on energy independence and a decline in the current reliance on foreign imports.

An important net benefit to society is a planned decrease in permits as separate documents for previously approved Federal projects resulting in Federal contracts. In the past this has been regarded as a duplication of effort and will be eliminated entirely. Such Federal contracts will incorporate the requirements of this statute and its regulations. This action is regarded as a major step toward paper reduction and the duplication of the review and approval processes. In addition, another major step toward minimizing paperwork and manpower allocations is the adoption of longer permit durations than presently used for permittees with established records of acceptable past work on public lands. This action is regarded as a measureable step toward minimizing administrative costs to both the applicant and the Federal land managers. Most importantly, permits issued for longer periods of time for the same land sectors will eliminate not only an abundance of preparation time by the applicant and review time by the Federal land manager, but will ensure stable contracting opportunities for independent small business entities with energy-related industry. This action will not obviate the Federal land managers' responsibilities to ensure annual permit reviews on a regular basis at the field level.

This action reduces the unnecessary burden for an annual resubmittal of applications by many permittees and thereby greatly reduces the institutional and professional review process to include only new applicants who have never held a permit under the authority of this statute and have consequently not established a record of professional competence. However, this action will not affect existing policy of restricting new applicants to 1-year permits. Furthermore, on certain public lands, permits may not be subject to the above procedure due to national security reasons or land availability due to

planned Federal land management purposes.

It is an overall benefit to the professional archeological community in academia and private industry to implement a more streamlined and direct permitting process. A uniform grievance process guarantees objectively to all persons regarding the decisionmaking process for permit issuance and denial. As provided by the Congress, this rulemaking addresses the sensitivity of Federal land managers to the needs of Native Americans relative to cultural and religious practices by incorporating the Native American community fully within the permit application review process. On Indian lands, no permit may be issued without the absolute consent of the appropriate tribal entity. On public lands, Native Americans are invited to participate in the review process, and their comments received full consideration by the Federal land managers. As a matter of public policy, expressed in the American Indian Religious Freedom Act (P.L. 95–341), agencies will take the needs of the Native American community into consideration during the planning associated with any Federal project or undertaking. This statute sets forth the policy of the United States to protect and preserve for American Indian, Eskimo, Aleut, and Native Hawaiian people their inherent right to believe, express, and exercise their traditional religions. The intent is to assure that certain Federal programs that affect Indians are administered in a manner that reflects an awareness and respect of and sensitivity to the traditional Indian beliefs and practices and to the various sacred and natural articles and objects used in the exercise of those religious beliefs and customs. It is the intent of the Congress and the Departments of the Interior, Defense, and Agriculture, as well as the Tennessee Valley Authority and all independent land-managing or land-holding agencies of the Federal Government, to ensure adherence to this national policy respective to P.L. 96–95.

Finally, this rulemaking will, as clearly expressed in law, enhance rapport among collectors and the Federal land managers, together with the Native American and professional archeological communities. The net result promises to have a highly positive cumulative affect on the archeological resource data conservation effort. This rule, through a clarification of the statute's provisions, will serve as an educational tool toward intensifying a national spirit and more positive attitude among the American populace in its relationship with Federal land managers who hold and manage the public land in trust as the corporate property of our Nation.

Related Regulations and Actions

Internal: American Antiquities Act of 1906 (43 CFR 3)—The Department of the Interior published proposed rulemaking on the "Definition of an Object of Antiquity" on April 10, 1978 (43 CFR 14975). Due to the passage of P.L. 96–95, the definition of an "object of antiquity" will be republished as a proposed rulemaking under 36 CFR 1214 to coordinate definitions between the two separate statutes next summer after uniform regulations under 36 CFR 1215 are published in final form and become effective after Congressional review.

External: None.

Government Collaboration

The Department of the Interior, through the auspices of the Federal Antiquities Program, initiated an interagency task force to write the rules and regulations immediately prior to the President's signing of House Bill 1825 (Archaeological Resources Protection Act) on October 31, 1979. On March 24, 1980, the Secretary of the Interior formally created the Interagency Rulemaking Task Force for the Implementation of P.L. 96–95. This task force is comprised of representatives of each Interior land-managing bureau, the Departments of Defense (Navy, Air Force, and Army) and Agriculture, and the Tennessee Valley Authority. In addition, several other smaller land-managing and land-holding independent agencies will be affected by these uniform regulations and will be expected to issue agency specific guidelines and procedures. This interagency task force will remain active through publication of final uniform regulations in the **Federal Register**.

These rules and regulations are the first in a three-tier rulemaking process. Subsequent to the publication of final regulations in the **Federal Register** of the uniform regulations, each Federal land manager (department or independent agency) is required to publish the next level of regulations specific to that department or agency's overall mission. Procedurally, each may vary in scope and applicability within the framework of the uniform regulations. Subsequent to the publication of final departmental regulations in the **Federal Register**, each bureau of a department may issue bureau mission-specific guidelines or procedures, which may take the form of regulations within the scope of that particular bureau's departmental regulations or departmental manual.

Timetable

Regulatory Impact Analysis—To accompany Final Rule.
Regulatory Flexibility Analysis—None.
Completion of Task Force's Draft Final Rule—January 15, 1982.
Concurrence by Departments of Defense and Agriculture and the Tennessee Valley Authority—February 11, 1982.
Publication of Final Rule in **Federal Register**, initiating 90 day review by Congress—June 23, 1982.
Final Rule—2nd Quarter 1982.

Available Documents

"Archaeological Resources Protection Act of 1979: Notice of Permitting Procedures Pending Publication of New Regulations"—45 FR 5302, January 23, 1980.

"Archaeological Resources Protection Act of 1979: Public Hearings Prior to Publication of Proposed Rulemaking"—45 FR 17622, March 19, 1980.

"Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands"—36 CFR 1215, 45 FR 77755, November 24, 1980.

Transcripts and recordings of early input public hearings—Denver, Colorado (March 22, 1980); Phoenix, Arizona (March 29, 1980); Portland, Oregon (April 12, 1980); and Knoxville, Tennessee (April 19, 1980).

The Environmental Assessment, the Determination of Significance, and the Work Plan for Public Involvement.

"Archaeological Resources Protection Act of 1979: Proposed Uniform Rulemaking and Notice, 46 FR 5566, January 19, 1981.

Transcripts of public hearings—Chicago, Illinois (February 7, 1981); Atlanta, Georgia (February 14, 1981); Albuquerque, New Mexico (February 21, 1981); San Francisco, California (February 28, 1981); Anchorage, Alaska (March 7, 1981); and Denver, Colorado (March 14, 1981).

"Archaeological Resources Protection Act of 1979: Extension of Comment Period: Rulemaking," 46 FR 22208, April 16, 1981.

The above documents are available by mail from the offices of the National Park Service, Federal Antiquities Program, Washington, DC 20240.

Agency Contact

Charles M. McKinney, Manager, Federal Antiquities Program, and Chairman, Interagency Rulemaking Task Force for Implementation of P.L. 96–95

Department of the Interior
18th and C Streets, N.W.
Washington, DC 20240
(202) 272–3754

DOI—Office of Surface Mining

Permanent Regulatory Program of the Surface Mining Control and Reclamation Act (30 CFR Chapter VII; Revision)

Legal Authority

The Surface Mining Control and Reclamation Act of 1977, P.L. 95–87, 30 U.S.C. 1201 *et seq.*

Reason for Including This Entry

The Office of Surface Mining (OSM), Department of the Interior (DOI), includes this entry because the Presidential Task Force on Regulatory Relief has designated OSM's regulations for review. OSM has also begun to review and revise its rules under § 4 of Executive Order 12291.

Statement of Problem

OSM began to review and revise its regulations on surface coal mining and reclamation in April 1981. The effort is organized in the following manner:

Subchapter A contains introductory information intended to serve as a guide to the rest of the Chapter and to the regulatory requirements and definitions generally applicable to the programs and persons covered by the Surface Mining Control and Reclamation Act. Amendments are being proposed to standardize and clarify the definitions found in this Subchapter.

Subchapter C sets forth regulations covering applications for and decisions on permanent State programs dealing with surface coal mining and reclamation; the process for assuming temporary Federal enforcement of an approved State program; and the process for implementing a Federal program in a State when required by the Act. Amendments are being proposed for Subchapter C to reduce burdens on States and increase States' ability to shape their regulatory programs to local conditions.

Subchapter D identifies the procedures that apply to surface coal mining and reclamation operations conducted on Federal lands rather than on State or private lands. Revisions are being proposed for this Subchapter to increase State flexibility for administering and enforcing the program on Federal lands under cooperative agreements with OSM.

Subchapter F implements the requirements of the Act for designating lands that are unsuitable for all or certain types of surface coal mining operations and establishes procedures for designating lands unsuitable or terminating designations no longer found to be appropriate. Amendments being proposed to Subchapter F are intended to provide greater flexibility to the States in processing petitions to designate lands unsuitable for mining or terminate designations.

Subchapter G governs industry applications for and regulatory authority decisions on permits for surface coal mining and reclamation operations. It also governs coal exploration and decisions on permits for special categories of coal mining. Regulations implementing the experimental practices provision of the Act are also included in Subchapter G. Amendments are being proposed to eliminate the regulations in Subchapter G that are duplicative, unnecessarily detailed, or are required by other agencies, and to revise the remaining regulations, as necessary, by emphasizing results to be achieved rather than methods for achievement.

Subchapter J sets forth requirements for performance bonds and public liability insurance for surface coal mining and reclamation activities. Amendments would consider types of bonds rather than the procedures that apply to bonds.

Subchapter K sets forth the environmental and other performance standards that apply to coal exploration and to surface coal mining and reclamation operations during the permanent regulatory program. This subchapter was broken into the following major subject areas for review and revision:

Subsidence—The proposed revision on subsidence requirements would place greater emphasis on protection of surface owners' rights and property.

Roads—The proposed revision would provide minimum performance standards rather than design standards.

Explosives—The proposed revision would allow greater State involvement in defining the degree of health, safety, and environmental protection necessary to meet the Federal statute.

Remining—The proposed revision would include a new section addressing remining of previously mined areas. The new rules would deal with the issues of highwall elimination, approximate original contour, backfill stability, upslope drainage control, highwall stability, and treatment of overcast spoil on the downslope remaining from initial mining.

Excess Spoil—The proposed revision for the excess spoil regulations would provide primarily performance standards rather than design standards.

Alluvial Valleys—The proposed revision would revise the requirements relating to alluvial valley floors, delete the detailed application information requirements, and provide for State environmental conditions.

Hydrology—The proposed revision would emphasize mining techniques and reclamation practices, streamline data collection and monitoring efforts, and clarify data requirements for determining the probable hydrologic consequences of mining and cumulative impact assessments.

Impoundments—The proposed revision would be oriented toward performance standards and give the States more flexibility in approving design criteria.

Revegetation—The proposed revision would broaden the approaches available for determining successful revegetation and provide more flexibility when considering post-mining land uses.

Land Use/Variances—The proposed revision would provide more flexibility for the regulatory authority to approve post-mining land uses, steep slope mining, mountaintop removal, and experimental practices.

Backfilling and Grading—The proposed revision would be oriented toward performance standards rather than toward design standards.

Air Quality—The proposed revision would give the States more flexibility for reducing fugitive emissions.

Fish and Wildlife—The proposed revision would eliminate overburdensome portions of the performance standards.

Coal Processing Waste—The proposed revision would be more consistent with the Mine Safety and Health Administration (MSHA) existing regulations on refuse piles and impounding structures and would emphasize performance standards rather than design criteria.

Topsoil—The proposed revision would clarify requirements for approval of substitute material.

Experimental Practices—The proposed revision would streamline the process States and industry must follow for the submission of experimental practice permit requests and provide quick Federal response to the requestor.

Auger Mining—The proposed revision would emphasize performance standards instead of design standards.

Support Facilities—The proposed revision would provide a new definition of support facilities.

Concurrent Surface and Underground Mining—The proposed revision would

remove aspects that are redundant to other performance standards.

Special Bituminous Coal Mines in Wyoming—The only significant change would be the incorporation of the approved Wyoming statutory and regulatory program requirements for special bituminous coal mines.

Blaster Certification—The proposed revision would provide more flexibility for States to develop programs requiring training, examinations, and certification of persons using explosives in surface coal mining operations.

Ground Vibrations—The proposed revision would establish standards to be applied to blasting operations, limiting the allowable amount of motion of the ground at the location of the nearest structure or dwelling to prevent damage to the property.

Subchapter L sets forth the inspection, enforcement, and civil penalty provisions of the regulations program. The proposed revisions would streamline procedures.

Subchapter R sets forth the regulations for the abandoned mine land reclamation program. These regulations include the fee collection requirements and the mechanisms for implementing the State and Federal portions of the abandoned mine land reclamation program. The proposed revisions would streamline procedures.

All of these rules, presently in some stage of development, will not be promulgated at the same time (see Timetable).

Alternatives Under Consideration

As a result of its review, the Office of Surface Mining rejected the "no action" alternative and is proposing many changes to its present rules, as described previously.

Summary of Benefits

Sectors Affected: The mining industry; coal consumers; and State mining regulatory programs.

These rulemakings will streamline present regulations by eliminating redundancy, by making the regulations clearer, and by emphasizing performance standards rather than design criteria. The rulemakings will give States more flexibility in regulating surface coal mine and reclamation operations under the Act. The rulemakings have been undertaken to recognize regional differences in topography, geology, and hydrology and to allow State regulatory authorities to consider these differences in administering and enforcing the regulatory program.

The coal industry and coal consumers would benefit from the regulatory changes because unnecessarily burdensome requirements would be lessened. The change in emphasis from design criteria to performance standards allows for innovative, cost-effective techniques and encourages technological innovation while ensuring environmental protection.

Summary of Costs

Sectors Affected: State mining regulatory programs.

Under the Act the States will be responsible for administering and enforcing the regulatory program. OSM establishes guidelines for the States and will assist States requesting help. Under the proposed revisions, costs to the States of establishing specific criteria for surface mine regulation will increase. At this time, OSM does not know what the total cost increases will be.

Summary of Net Benefits

It is not possible at this time for OSM to provide a quantitative summary of net benefits for its regulations. OSM has not yet acquired the quantitative data to formulate the costs and benefits required to obtain a net benefit figure. It is estimated that by late January or early February 1982 OSM may have reached that point and may be able to provide that information. However, the primary purpose of the rulemakings is to reduce the cost of complying with the requirements of the Act through the types of revisions described above.

Related Regulations and Actions

Internal: 30 CFR Subchapter B, Initial Regulatory Program, Subchapter T, which contains the approval of State programs and State reclamation plans and OSM-State cooperative agreements.

External: 7 CFR Part 632, Rural Abandoned Mine Program (Soil Conservation Service, Department of Agriculture).

Government Collaboration

The Office of Surface Mining is coordinating its rule development with the Environmental Protection Agency, Corps of Engineers, Department of Agriculture, Department of Transportation, Small Business Administration, and other Department of the Interior agencies (Fish and Wildlife Service, Bureau of Land Management, and Geological Survey). In addition, OSM provided copies of preproposed drafts of the rules to the States and met to discuss the States' concerns.

Timetable

NPRM—OSM is currently issuing NPRMs on many of the above-mentioned rules, and expects to complete issuances of NPRMs by February 1982.

Public Hearings—OSM is scheduling public hearings for all of the rules in this effort. For information about particular rules, consult the NPRMs or contact the agency (see Agency Contact below).

Public Comment Period—OSM affords the public at least 30 days, and on some occasions 45 to 60 days, to comment on its rules.

Final Rule—OSM intends to issue final rules on the above-mentioned regulations by July or August of 1982.

Regulatory Impact Analysis—Those rules that have been proposed by OSM have been determined not to be major rules and therefore do not require a Regulatory Impact Analysis.

Regulatory Flexibility Analysis—Those rules that OSM has proposed thus far have been determined not to have a significant effect on small entities. OSM has sent a copy of all of its Determinations of Effect documents to the Small Business Administration for its review.

Available Documents

30 CFR Subchapter R, Abandoned Mine Land Reclamation.

30 CFR Subchapter B, Surface Mining Reclamation and Enforcement Provisions, Initial Regulatory Program.

30 CFR Subchapters A, C, D, F, G, J, K, and L, Surface Coal Mining and Reclamation Operations, Permanent Regulatory Program.

30 CFR Subchapter T—The approval of State programs and the State reclamation plans and OSM-State cooperative agreements.

7 CFR Part 632—Rural Abandoned Mine Program (Soil Conservation Service, Department of Agriculture).

These documents are available for review in the Administrative Record, Office of Surface Mining, 1951 Constitution Avenue, Room 153, Washington, DC 20240.

Agency Contact

Bernadine D. Thompson, Chief
Regulatory and Issues Management Office
Office of Surface Mining
Department of the Interior
1951 Constitution Avenue, N.W.
Washington, DC 20240
(202) 343-5241

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action To Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage (46 CFR Parts 30, 32, and 35; Revision)

Legal Authority

Port and Tanker Safety Act of 1978, 33 U.S.C. 1221, 46 U.S.C. 391a.

Reason for Including This Entry

The Coast Guard believes that this rule is important because it has major economic implications for the barge and towing industry in this country. In addition, testimony presented at the hearings on this proposal indicated that the rule may adversely affect the national oil supply network because it would take barges out of service that may not be replaced. The Presidential Task Force on Regulatory Relief has designated this rule for review.

Statement of Problem

Data gathered by the Coast Guard show that from 1973 through 1977 the total volume of oil spilled by tank barges was about 174,000 barrels. Approximately 85 percent of the oil spilled resulted from hull damage, which occurred as a result of groundings and collisions in the normal course of barge movements. Because barges operate mainly on the inland river system, most of the oil spilled by tank barges enters highly sensitive inland waters, where the effect on the marine environment is more significant than it would be on the high seas. While the amount of pollution entering the waters from tank barges fluctuates annually, it is not decreasing in general. Thus, the present regulations in 33 CFR Subchapter O, dealing with pollution prevention, which essentially regulate only loading and unloading operations, are insufficient to reduce oil pollution from tank barges. After examining a study entitled "Tank Barge Oil Pollution Study," prepared by Automation Industries, Inc., the Coast Guard concluded that double-hull standards for tank barges could significantly reduce the amount of oil pollution from barges. After reviewing the data, the Coast Guard determined that a "no action" alternative is not acceptable. The barge industry would not attack the river pollution problem without regulatory intervention. The Coast Guard believes that double hulls provide the single most effective means to prevent cargo discharge, which would ordinarily result from groundings and minor collisions that breach the hulls of single-skin barges.

Alternatives Under Consideration

In 1971 the Coast Guard proposed a requirement for double walls on new tank barges constructed for the carriage of oil in specified trades. This proposal would have required the vertical surfaces, or walls, of barges to be double, but it did not propose double bottoms. Because the normal attrition of existing tank barges is fairly slow, there would be no dramatic reduction in oil pollution due to improved construction standards for new barges. In order to accelerate the retirement of the existing fleet of single-hull barges, the 1971 proposal included a provision that would have prohibited the complete rebuilding of existing vessels and would have allowed only limited repair to damaged areas on these vessels. This provision was designed to speed the attrition of existing single-hull barges, while at the same time allowing them sufficient service life to reduce the financial impact that total fleet replacement would have on barge owners. Another proposed alternative was to specify a date after which owners and operators could not use single-hull barges.

Because of the extensive negative comments from the towing industry, we did not impose the double-wall construction requirement for new tank barges at that time. Instead, the Coast Guard initiated two studies. The first, "Alternative Inland Tank Barge Designs for Pollution Avoidance," developed design and construction alternatives and evaluated them for effectiveness. The second, "Tank Barge Study," evaluated design, construction, and equipment standards for tank barges that carry oil. These studies convinced the Coast Guard that a double-hull standard would be a cost-effective means of reducing pollution due to hull damage.

The comments received in response to the 1971 NPRM indicated that, while the industry supported the intent of the regulations to prevent pollution, it strongly objected to the methods proposed to accelerate the retirement of existing single-hull vessels and to substitute double-hull barges. Both the early retirement option and rebuilding prohibition were attacked as being too costly. The Coast Guard received no comments suggesting economically acceptable ways to accelerate retirement of these vessels.

The Coast Guard is aware that the problems and costs associated with the construction of new barges differ greatly from the problems and costs associated with modifying existing barges. For this reason, following the 1971 proposal, the Coast Guard split this rulemaking into two parts: an ANPRM asking for comments on how to reduce the pollution problem posed by the existing fleet and an NPRM proposing construction standards for new barges.

The present barge fleet consists of about 1,200 full double-hull barges, 2,200 single-hull barges, and 428 barges with partial double skins. Forced retirement of single-hull barges could significantly affect both the economic viability of many individual tank barge operators and the tank barge industry's ability to respond to the Nation's need to transport bulk liquid cargo. The alternatives considered in the ANPRM are early retirement of vessels, conversion to other service, restriction of routes, increased Coast Guard inspection standards, and reduction of the numbers of barges towed together as a single unit.

In the case of new construction, the NPRM proposed two alternatives to the double-hull approach: (1) taking no action or (2) requiring the use of heavier internal structures in either selected areas of the vessel or overall to make the hulls more resistant to penetration. The Coast Guard selected the double-hull alternative as a result of information gathered in a joint Coast Guard/Maritime Administration study known as the "1974 Tank Barge Study," which indicated that this was the most effective method.

Because any action taken on these two items would have a profound effect on the environment and the economy of the towing industry, a series of hearings on both the ANPRM and the NPRM were held in various parts of the country. Responses at the hearings addressed both the ANPRM and the NPRM, without distinguishing between them.

In general, the comments pointed out the high costs of the proposed alternatives to both the towing industry and the Nation's economy. The comments advocated the following:

(A) Do not retire existing equipment.

(B) Require constructing single-hull barges with heavier materials.

(C) Require more stringent inspection and vigorous enforcement of existing regulations.

Because of the controversy over the proposals, and because the Coast Guard views the problem of oil pollution as a national concern, it asked the Maritime Transportation Research Board of the National Academy of Sciences (NAS) to undertake a study of the tank barge oil pollution problem and to recommend

alternatives for solving it. The NAS has published the results of this study in a report entitled "Reducing Tank Barge Pollution." The report made the following major points:

- Accidental releases of oil from tank barges into U.S. rivers, lakes, and coastal waters are frequent events, and efforts to eliminate them are a proper matter of concern for both the Coast Guard and the tank barge operating companies.
- The retirement of usable single-hull tank barges proposed in the ANPRM would be wasteful and would create unnecessary demands for new capital investment. The financial burdens could be of sufficient magnitude to bankrupt some barge operating companies.
- The proposed standards for new barges are too broad and all-encompassing. Operating conditions on inland rivers, intercoastal waterways, the Great Lakes, and ocean waters are so different that the mere substitution of double hulls for single hulls is too simplistic a way of dealing with the problem of oil spills from tank barges. It is unlikely that a single regulation covering the entire tank barge industry would be a cost-effective way of significantly reducing the amount of oil lost from tank barges.
- Much of the oil pollution from tank barges is the result of a relatively small number of catastrophic accidents.
- Double hulls would appear to provide better protection against oil spills in minor, low-energy accidents than single-hull tank barges but would appear to provide only marginally better protection in accidents resulting in large spills.
- The sustitution of double-hull tank barges for single-hull tank barges could reduce the volume of oil spilled annually by approximately 690,000 gallons. This substitution would not prevent approximately 360,000 gallons annually in operational (transfer) spills nor the annual loss of approximately 910,000 gallons in catastrophic accidents.

The Coast Guard is currently reviewing the report and its conclusions and recommendations.

Summary of Benefits

Sectors Affected: Manufacturers of tank barges; aquatic environment for wildlife; and the general public.

The Coast Guard has concluded that double hulls would be 95 percent effective in preventing pollution incidents due to hull damage. This conclusion is based on the report mentioned previously, the "1974 Tank Barge Study." In fairness to those protesting the proposal, it should be pointed out that several comments called into question the data used in the study. Simply stated these comments contended that the amount of hull penetration suffered in several of the casualties examined in the study would have resulted in spills regardless of whether or not the barge had been equipped with a double hull.

The benefits to the general public are impossible to quantify. There would be some reduction in the amount of oil in the water, which would have an aesthetic value for those using the waterways for recreational purposes. However, the actual improvement in the aquatic environment for wildlife is difficult to determine, because destruction done to plants and animals depends upon such factors as how much oil is spilled and how quickly and at what time of year. The success of subsequent cleanup efforts also has a direct bearing upon how much environmental damage is done. A relatively large spill that occurs in protected waters and is promptly cleaned up could have very little impact on the quality of the water while representing a statistically significant pollution incident. Efforts to quantify the benefits to the public are further frustrated because there are no reliable statistical data available to determine the actual extent of damage oil pollution has caused in terms of destroyed wildlife or depleted income as a result of fish-kills. All parties involved with this proposal agree that reduced oil pollution is a desirable goal, but there are no ways to measure the benefits.

Shipyards that manufacture barges would benefit from an increased demand for construction and servicing.

Summary of Costs

Sectors Affected: Water transportation of oil tank barges; towing services; manufacturers of tank barges; and users of oil.

In 1978, the cost of a double-hull inland tank barge ranged from $146,000 to $425,000 more than for a single-hull inland barge of comparable size. Added costs for full double hulls on ocean barges ranged from $700,000 to $1,700,000 for each barge.

The costs for modifying existing barges are more difficult to determine.

The total cost differential between normal fleet replacement and imposed replacement for inland barges is $120,274,000 (1978 dollars), a 28 percent increase over normal replacement costs. The difference for ocean barges (those engaged in trade between U.S. and foreign ports) and coast-wise barges (those engaged in trade between U.S. ports) is $245,030,000, an 85 percent increase over normal replacement costs. To assess which portion of this cost is attributable to the new construction standards, the replacement costs for imposed attrition of these barges was also computed using single-hull construction costs. The early replacement cost for these barges was $101,268,000, a 35 percent increase. The remaining $143,762,000 cost differential is attributable to the proposed rule for double-hull construction and represents a 50 percent increase over normal replacement costs.

The ANPRM solicited estimates of these costs as well as costs the industry would incur for activities such as oil recovery and cleanup resulting from spills related to hull damage. Comments received indicated industry estimates for increased expenses were several times the Coast Guard estimates offsetting savings to industry resulting from decreased cleanup costs. Compliance costs would be passed on to the consuming public.

Comments received at the public hearing also pointed out social costs associated with the ANPRM. According to the testimony, any proposal that would limit the useful life of a barge already in service would decrease the value of that barge in the eyes of financial institutions. This would lower the equity that a barge owner has in a single-hull fleet, which would make it virtually impossible for many smaller owners and operators to borrow upon their assets in order to finance new double-hull barge construction. Consequently, many operators could fail financially. The Coast Guard has heard testimony from banks but has been unable to determine how many operators would be put out of business, what percentage of all oil transported these operators ship, or how much this class of operators contributes to the pollution problem.

There are no significant administrative costs associated with the proposal.

Summary of Net Benefits

As previsouly explained, it is virtually impossible to place a dollar value on the net benefits of the proposed standards for two reasons. First, there is no agreement about the actual long-term consequences of an oil spill. Even the short-term damage depends upon unpredictable variables, such as location and weather conditions. Second, the actual costs of the proposals are not fixed. The Coast Guard issued the proposals for existing barges as an ANPRM, precisely in order to get more cost data to evaluate. Since neither side

of the cost-benefit equation is known at this date, a meaningful discussion is impossible and premature.

The costs of the proposed rules differ depending on the intended use of the barge. As explained in the Summary of Costs section, costs for ocean barges are much higher than for inland barges. In addition, the cost of regulating new construction is not as great as regulating an existing fleet. However, the Coast Guard has made rough estimates of both of these costs and they are discussed in the costs section of this entry. In brief, the Coast Guard estimated that the total 1978 cost for new construction of inland barges is about $2.3 million. This cost is due largely to the assumption, based upon historical trends, that even without the proposed regulations, most new inland tank barges would be built with double hulls.

The costs associated with early retirement of existing barges, as proposed in the ANPRM, are about $222 million. Obviously this high estimated cost was a great concern to both the Coast Guard and the regulated industry. Costs of this magnitude suggest that some businesses will fail and that the services they now provide will stop. The Coast Guard has not calculated the exact social cost of this disruption in service, but it would be significant in areas that are supplied with oil almost exclusively by barge. Comments indicated that several commercial users, such as power generating plants and factories, were supplied exclusively by barge. A disruption of barge service to these users would have severe localized impacts.

The difficulties associated with quantifying a net benefit to society provided the Coast Guard with compelling reasons to seek more information about costs, effective alternatives, and benefits. The NAS study was commissioned by the Coast Guard to clarify some of the confusion and resolve some of the controversy about the benefits of the proposals. The Coast Guard is not yet ready to follow up the NAS study with another regulatory proposal. The net benefits of this project will depend greatly on what form any future proposals might take. The Coast Guard wants to keep the costs of this project as low as possible in order to maximize net benefits; thus, no final determination is possbile at this time.

Related Regulations and Actions

Internal: The Coast Guard has proposed revised training and watchkeeping rules for the tankermen manning barges, which may reduce the amount of oil spilled from tank barges during transfer operations (45 FR 83290, December 18, 1980).

External: None.

Government Collaboration

The Coast Guard has informed the Environmental Protection Agency, the Maritime Administration, and the National Oceanographic and Atmospheric Administration of these regulatory proposals.

Timetable

ANPRM on Existing Vessels—44 FR 34443, June 14, 1979.
NPRM (superseded)—36 FR 24960, December 24, 1971.
NPRM on New Vessels—44 FR 34440, June 14, 1979.
Supplementary NPRM for both proposals—45 FR 16438, March 13, 1980.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Other— **Federal Register** notice announcing NAS study and deferring rulemaking until completion of Coast Guard review of study, March 13, 1979; NAS Workshop on Lake Barge Pollution, April 15 and 16, 1980; NAS Study completed, July 1981.
Public Hearings—Washington, DC (August 2, 1979); Seattle, WA (August 15, 1979); New Orleans, LA (August 23, 1979); Washington, DC (September 5, 1979); St. Louis, MO (September 7, 1979).
Public Comment Period—90 days following publication of the Supplementary NPRM.
Draft Regulatory Analysis—May 1979.
Regulatory Flexibility Analysis—None.

Available Documents

Karlson, E.S., et al., "Alternative Inland Tank Barge Designs for Pollution Avoidance," May 22, 1974.

"Polluting Incidents In and Around U.S. Waters," annual reports for 1971 through 1977. Coast Guard publication number C.G. 487.

Joint Coast Guard/Maritime Administration Study, "Tank Barge Study," October 1974. National Technical Information Service number COM-75-10284/AS.

Bender, A., et al., "Tank Barge Oil Pollution Study," prepared for the Coast Guard by Automation Industries, Inc., 1978.

The superseded NPRM of December 1971; the NPRM for New Vessels; the ANPRM for Existing Vessels; and the Supplementary NPRM for both proposals.

Draft Regulatory Analysis and Environmental Impact Statement, "Design Standards for New Tank Barges and Regulatory Analysis for Existing Tank Barges to Reduce Oil Pollution Due to Accidental Hull Damage, May 1979."

National Academy of Sciences report, "Reducing Tank Barge Pollution" (NTIS AD No. A102118).

Documents available from Agency Contact. Fees will be charged for duplicating the material.

Agency Contact

LCDR Spackman, Project Manager
U.S. Coast Guard Headquarters Bldg. (G-MMT-1)
2100 Second Street, S.W.
Washington, DC 20590
(202) 426-4432

ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations (40 CFR Part 80; Revision)

Legal Authority

Clean Air Act, §§ 211 and 301, as amended, 42 U.S.C. 7545 and 7601(a).

Reason for Including This Entry

Total lead usage in gasoline has declined to the point that over 50 percent of gasoline sold is unleaded; thus, these regulations controlling lead usage in gasoline should be reexamined. The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Because of the known adverse health effects of lead, the Environmental Protection Agency (EPA) promulgated regulations establishing the maximum lead content in gasoline produced at each refinery. Now that unleaded gasoline sales exceed those of leaded, the question has arisen whether the costs of the program now outweigh the benefits. Of particular interest is whether small refineries, which have not yet invested in equipment to meet the 0.5 gram per gallon standard, should be required to meet that standard.

Alternatives Under Consideration

Different options include maintaining current standards, revoking the standards, promulgating new standards, differentiating among classes of refineries, permitting inter-refinery averaging, and setting standards only for certain geographic areas.

Summary of Benefits

Sectors Affected: The general public.

Without the regulations, lead emissions from motor vehicles would roughly double. Therefore, the standards for lead in gasoline help reduce potential exposure to lead. In urban areas, emissions from motor vehicles account for about 90 percent of all lead emissions.

Summary of Costs

Sectors Affected: Oil refineries and the general public.

For small refineries not yet meeting the 0.5 gram per gallon standard, there is a capital cost and a processing cost involved in attaining the 0.5 standard by October 1, 1982, as currently required. For non-small refineries already meeting the standard, only operating costs are involved. Updated estimates of these costs are needed. In addition, there is a cost in terms of energy loss to meet the current standard, estimated in the range of 15,000 to 100,000 barrels per day crude oil equivalent (.1 percent to .7 percent crude oil usage).

Summary of Net Benefits

EPA will provide an assessment of net benefits of the regulatien when we issue the Final Rule.

Related Regulations and Actions

Internal: National Primary and Secondary Ambient Air Quality Standards for Lead (43 FR 46246, October 5, 1978).

External: None.

Government Collaboration

The EPA intends to include data from the Department of Energy in its evaluation.

Timetable

NPRM—January 1982.
Final Rule—May 1982.
Public Comment Period—60 days following NPRM.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

None.

Agency Contact

Robert Wiseman, Special Assistant to the Director
Field Operations and Support Division
Office of Air, Noise, and Radiation
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 755-4835

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide (40 CFR Part 50; Revision)

Legal Authority

Clean Air Act, as amended, § § 109(c) and 109(d), 42 U.S.C. 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important to ensure protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(c) of the Clean Air Act, as amended, directs EPA to promulgate a short-term nitrogen dioxide (NO_2) standard unless there is no significant scientific evidence that such a standard is needed to protect public health. Section 109(d)(1) of the Act requires EPA to review the scientific basis of existing National Ambient Air Quality Standards (NAAQS) every 5 years. (Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and safety. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQS.) This review includes the existing NO_2 annual average standard promulgated by EPA on April 30, 1971 (36 FR 8186). The standard is 100 micrograms per cubic meter ($\mu g/m^3$) annual arithmetic mean (40 CFR 50.11). The Agency has combined possible proposal of a short-term NO_2 standard with review of the annual average NAAQS into one rulemaking process (see 45 FR 6959, January 31, 1980). After review of scientific bases for the standards (the air quality criteria), EPA will decide whether to propose a short-term NO_2 standard and change or reaffirm the existing annual NO_2 NAAQS.

Public exposure to NO_2 can result in impairment of pulmonary (lung) function and can increase susceptibility to respiratory infection. NO_2 or other nitrogen oxide compounds in the ambient air can adversely affect crops, visibility, and materials and has been associated with the formation of acidic deposition.

Alternatives Under Consideration

Based on revised air quality criteria, EPA may decide to keep the existing annual standard without change or make some modification to the allowable air concentration of nitrogen dioxide, the period over which the concentration is measured, or the number of times States will be allowed to exceed the standards. The Agency may also decide to propose a short-term NO_2 standard.

We are investigating no new regulatory techniques in the NO_2 NAAQS review/standard-setting process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. States are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdictions. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory attainment dates.

Summary of Benefits

Sectors Affected: The general public, particularly those persons suffering from respiratory disease.

Revision of air quality criteria and review of the existing ambient air standard will result in greater assurance that the standard that EPA reaffirms or newly promulgates will protect public health and welfare. EPA will complete a study of the benefits of controlling nitrogen oxides under alternative standards when it issues the NPRM.

Summary of Costs

Sectors Affected: Industries emitting nitrogen oxides, such as manufacturing, electric services, and natural gas pipelines; manufacturing of motor vehicles and motor vehicle equipment; regulation and administration of transportation programs; the driving public; EPA; and State air pollution control agencies.

We will assess the costs and economic effects of controlling oxides of nitrogen for alternative short-term and annual standards at the time we propose a revised standard. In addition, EPA will also assess the impact on State air pollution control agencies of developing and modifying control programs to attain and maintain a possible short-term and annual NO_2 standard. The Agency will publish these assessments in a Regulatory Impact Analysis that will be issued simultaneously with the NPRM.

The costs may exceed $100 million annual impact on the economy.

If the Agency's NO_2 activities result in a new regulatory action, the regulation could affect the level of control for

sources of nitrogen oxides emissions, such as power plants, industrial boilers, and natural gas pipeline stations. We currently are controlling mobile source, emissions under existing emissions limits for motor vehicles.

Summary of Net Benefits

EPA will compare and contrast the benefits and costs under alternative standards and provide a summary of net benefits when it issues its NPRM.

Related Regulations and Actions

Internal: Changes to the current ambient standard may affect EPA's regulations for nitrogen oxides emissions from motor vehicles and EPA regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standard may require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary. A new short-term standard could require States to assess ambient air quality data, and if concentrations exceed the standard, to develop a State implementation plan to control NO_2 emissions.

Government Collaboration

Other Federal agencies that are involved in reviewing the nitrogen dioxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority.

Timetable

NPRM—3rd Quarter 1982.
Final Rule—3rd Quarter 1983.
Public Hearing—To be specified in NPRM.
Public Comment Period—Comment period on NPRM will close 60 days from date of NPRM. Comments to be submitted to docket at address specified below.
Regulatory Impact Analysis—Preliminary, September 1982; final, July 1983.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.
Environmental Impact Statement—Same as Regulatory Impact Analysis.
Urban and Community Impact Analysis—Combined with Regulatory Impact Analysis, see above.

Available Documents

"Air Quality Criteria for Nitrogen Dioxide" (external review draft, annotated version, June 1980), available from the Environmental Criteria and Assessment Office (ECAO), U.S. Environmental Protection Agency, MD–52, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency, Science Advisory Board, Clean Air Scientific Advisory Committee, Committee Meeting on Air Quality Criteria for Oxides of Nitrogen, "Transcript of Proceedings" conducted on January 29 and 30, 1979 and November 13 and 14, 1980; available from ECAO.

"Control Techniques for Nitrogen Dioxide Emissions" (draft, January 1978), available from Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD–13, Research Triangle Park, NC 27711.

"National Ambient Air Quality Standards: Establishment of Standard Review Docket for Nitrogen Dioxide," 45 FR 6958, January 31, 1980.

"Preliminary Assessment of Health and Welfare Effects Associated with Nitrogen Oxides for Standard-Setting Purposes," Revised Draft Staff Paper, October 1, 1981, available in Docket OAQPS–78–9 at the address below.

EPA has established a docket (EPA, Central Docket Section OAQPS–78–9) for review of the NO_2 standard. Reports in the docket are available for inspection between 8 a.m. and 4 p.m. on weekdays at the Docket Section Office, Room 2903B, 401 M Street, S.W., Washington, DC.

Agency Contact

Bruce Jordan
Standards Development Section
Ambient Standards Branch
Strategies and Air Standards Division (MD–12)
Environmental Protection Agency
Research Triangle Park, NC 27711
(919) 541–5655 or FTS 629–5655

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide (40 CFR Part 50; Revision)

Legal Authority

Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d)(1) of the Clean Air Act, as amended, directs EPA to review existing national ambient air quality standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and welfare. EPA set the original carbon monoxide (CO) standards (36 FR 8186, April 30, 1971) at 9 parts per million (ppm) averaged over an 8-hour period and 35 ppm for a 1-hour period. On August 18, 1980 (45 FR 55066), the Agency proposed to retain the 9 ppm 8-hour standard and lower the 1-hour standard to 25 ppm. EPA also proposed to change the form of the original standards, which allowed one exceedance in any year, to a statistical form in which the standards cannot be exceeded more than one day per year averaged over several years.

The incidence of adverse health effects in the general population resulting from human exposure to carbon monoxide has not been completely quantified. However, there are several population groups that are particularly sensitive to carbon monoxide exposure, such as people with coronary heart disease (e.g., angina pectoris), peripheral vascular disease, cerebrovascular disease, or chronic obstructive pulmonary disease; pregnant women and their fetuses; and people with anemia. These sensitive population segments range from 5 to 12 percent of the U.S. population.

Potential exposures are localized to the immediate vicinity of sources, and little transport is evident.

Alternatives Under Consideration

The Agency considered the following alternative standards prior to the August 18, 1980 proposal:

1-hr averaging time	8-hr averaging time
15 ppm	7 ppm.
25 ppm	9 ppm.
35 ppm	12 ppm.

EPA originally selected the 8-hour averaging time because most people achieve equilibrium or near-equilibrium levels of carboxyhemoglobin (COHb) in the blood after an 8-hour exposure to carbon monoxide. In addition, most people are exposed to carbon monoxide in roughly 8-hour blocks of time. We uncovered no evidence during the review process resulting in the August 18, 1980 NPRM that indicated that the 8-hour averaging time should be changed.

As a result of the review and revision of the health criteria, EPA proposed to

retain the existing primary 8-hour standard at 9 ppm and to lower the primary 1-hour standard from the current 35 ppm to 25 ppm. The change in the 1-hour standard is being proposed because of the more rapid accumulation of blood carboxyhemoglobin in moderately exercising sensitive persons compared to resting individuals. The impact of exercise, which is greater for short-duration exposures, was not considered in the original standard.

We are investigating no new Federal regulatory techniques in the CO NAAQS review process. State governments use their own discretion in taking regulatory actions to meet EPA's national ambient air quality standards. The States are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory compliance dates.

Summary of Benefits

Sectors Affected: Persons with cardiovascular or pulmonary disease; pregnant women and fetuses; and anemics.

The newly proposed CONAAQSs should result in a greater assurance that persons with cardiovascular heart disease will not experience deleterious health effects due to high ambient concentrations of carbon monoxide.

Summary of Costs

Sectors Affected: Consumers who purchase automobiles; manufacturing of automobiles; administration of State and local transportation programs; the driving public; EPA; and State air pollution control agencies.

In its Regulatory Impact Analysis, EPA estimated the 1987 annualized costs of various CO control strategies for the three 8-hour alternatives; the total nationwide cost in 1979 dollars is approximately $2.8 billion for the 9-ppm proposed standard. It is $2.9 billion for the 7-ppm alternative and $2.6 billion for the 12-ppm alternative. Costs for alternative 1-hour standards were not developed because control strategies needed to attain any of the three alternative 8-hour standards investigated automatically attain all of the 1-hour standards that EPA analyzed.

Approximately 82 percent of these costs are due to the Federal Motor Vehicle Control Program (the automobile emission control program). Buyers of new cars incur these costs. An additional 15 percent of total costs are borne by the auto-using public through inspection and maintenance program fees and repair costs. The remaining 3 percent of total costs are borne by local governments and industrial plants.

Summary of Net Benefits

EPA will-provide an assessment of the net benefits of the regulation when we issue the Final Rule.

Related Regulations and Actions

Internal: The newly proposed CO NAAQSs will not affect any other Agency program since there is no change in the controlling 8-hour standard. Emission standards for moving sources will not be affected since they are established under Title II of the Clean Air Act (42 U.S.C. 7501 *et seq.*).

External: The newly proposed CO NAAQSs will not alter any ongoing or planned State, local, or private industry control program since there is no change in the controlling 8-hour standard.

Government Collaboration

Other Federal agencies that are involved in reviewing the standard include the Departments of Transportation, Energy, and Health and Human Services.

Timetable

ANPRM—43 FR 56250, December 1, 1978.
NPRM—45 FR 55066, August 18, 1980.
Final Rule—1st Quarter 1982.
Public Hearings—Washington, DC, October 2, 1980; Denver, CO, October 10, 1980.
Public Comment Period—August 18, 1980 to November 10, 1980.
Regulatory Impact Analysis—"Regulatory Impact Analysis (Preliminary) of the National Ambient Air Quality Standard for Carbon Monoxide," April 1980; final, January 1982.
Regulatory Flexibility Analysis—None.
Environmental Impact Statements—"Proposed National Ambient Air Quality Standards for Carbon Monoxide: Draft Environmental Impact Statement," July 1980; final, January 1982.
Urban and Community Impact Analysis—Combined with the Regulatory Impact Analysis, see above.

Available Documents

"Air Quality Criteria for Carbon Monoxide" (External Review Draft, April 1979); it is available from the Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency Science Advisory Board Clean Air Scientific Advisory Committee, Subcommittee on Carbon Monoxide, "Transcript of Proceedings" for January 30 and 31, 1979 and June 14–16, 1979.

Public hearing record and public comments (comment period closed November 10, 1980).

The following reports are available from the U.S. EPA Library (MD–35), Research Triangle Park, NC 27711. Telephone: (919) 541–2777 (FTS: 629–2777).

"Control Techniques for Carbon Monoxide Emissions," EPA–450/3–79/006, June 1979.

"Estimated Exposure to Ambient Carbon Monoxide Concentrations Under Alternative Air Quality Standards (Draft)," August 1980.

"Preliminary Assessment of Adverse Health Effects from Carbon Monoxide and Implications for Possible Modifications of the Standard (Draft)," June 1, 1979.

"Sensitivity Analysis of Coburn Model Predictions of COHb Levels Associated with Alternative CO Standards (Draft)," July 1980.

"Significant Harm Levels for Carbon Monoxide (Draft)," July 1, 1980.

EPA has established a docket (EPA, Central Docket Section OAQPS–79–7) for review of this standard. The docket is available for investigation between 9:00 a.m. and 4:00 p.m. on weekdays in the Section Office: Room 2903B, 401 M Street, S.W., Washington, DC.

Agency Contact

Bruce Jordan
Standards Development Section
Ambient Standards Branch
Strategies and Air Standards Division (MD–12)
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
(919) 541–5655, FTS 629–5655

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter (40 CFR Part 50; Revision)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important to ensure the protection of public health and welfare, and because

any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs EPA to review the existing National Ambient Air Quality Standards (NAAQS) every 5 years. Ambient air quality standards define the level of pollutant concentrations in the ambient air that are allowed while still protecting public health and safety. The current primary standard for particulate matter (to protect public health) is 75 micrograms per cubic meter ($\mu g/m^3$), annual geometric mean, and 260 $\mu g/m^3$, maximum 24-hour concentrations, not to be exceeded more than once per year. The current secondary standard for particulate matter (to protect public welfare, e.g., effects on soils, vegetation, manmade materials, visibility, economic values, etc.) is 150 $\mu g/m^3$, maximum 24-hour concentration, not to be exceeded more than once per year. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the primary and secondary standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Exposure to airborne particulate matter (PM) may aggravate asthma and other respiratory disorders, as well as cardiovascular diseases, and can impair pulmonary function; this exposure can also increase coughing and chest discomfort. PM may also increase the adverse health effects of gaseous air pollutants, such as sulfur dioxide. Depending on their chemical composition, specific types of PM may have more serious health effects than others. Elevated PM levels result in increased soiling of exposed materials and impair visibility.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may decide to change the allowable air concentration of particulate matter, the period over which the concentration is measured, or the number of allowable exceedances of the standards. EPA is also considering standards based on the size of the particulate as well as its concentration. This consideration is based on evidence that smaller particles penetrate deeper into the lung and evidence that when elevated concentrations of particulate matter occur in combination with elevated levels of sulfur oxides, adverse health effects may be more pronounced.

EPA is not investigating new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments, which are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases and cardiovascular diseases.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adequately protect health and welfare of the general public, including those groups within the general public most sensitive to adverse health effects of PM.

Benefit may also accrue to the general public as well as commercial, household, manufacturing and public sectors as a result of improved visibility and decreased soiling and materials damage. EPA will complete a study of the benefits of controlling particulate matter under alternative standards when it issues the NPRM.

Summary of Costs

Sectors Affected: Industries emitting particulate matter, including electric and sanitary services, the primary metal industry, and those industries that use or supply large quantities of fossil fuels; and State air pollution control agencies.

EPA will complete a study of costs and economic impacts of controlling particulate matter under alternative standards when it issues the NPRM. This analysis will involve estimates of capital, operating, and energy costs for various industries. Also, estimates of national annual cost will be provided. The annualized capital, operating, and energy cost may exceed $100 million, depending upon the final level of the standards proposed. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs to accommodate revisions to the existing standards.

Summary of Net Benefits

EPA will compare and contrast the benefits and costs under alternative standards and provide a summary of net benefits when it issues its NPRM.

Related Regulations and Actions

Internal: Changes to the current ambient standards for particulate matter may affect EPA's regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standards would require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary.

Government Collaboration

Other Federal agencies that are actively involved in reviewing the standards for particulate matter are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority.

Timetable

ANPRM—"National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 56730, October 2, 1979.

NPRM—2nd Quarter 1982.

Regulatory Impact Analysis—Preliminary, April 1982; final, December 1982.

Public Comment Period—To be specified in NPRM.

Public Hearing—60 days after publication of NPRM.

Final Rule—4th Quarter 1982.

Regulatory Flexibility Analysis—Will be combined with Regulatory Impact Analysis.

Available Documents

"Air Quality Criteria for Particulate Matter and Sulfur Oxides" (Revised Draft), October 27, 1981, available in Docket ECAO–CD–79–1.

The following documents are available in Docket A–79–29 at the address indicated below.

"Transcript of Proceedings," Clean Air Scientific Advisory Committee, July 6–8, 1981.

"Review of the National Ambient Air Quality Standards for Particulate Matter: Revised Draft Staff Paper," October 31, 1981.

A docket (No. A–79–29) containing other relevant information is available for public inspection at the Central Docket Section, EPA, Gallery I, West Tower, 401 M Street, S.W., Washington, DC 20460, and is available for review between the hours of 8:00 a.m. and 4:00

p.m. Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Agency Contact

Bruce Jordan
Standards Development Section
Ambient Standards Branch
Strategies and Air Standards Division (MD–12)
Environmental Protection Agency
Research Triangle Park, NC 27711
(919) 541–5655, FTS 629–5655.

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) (40 CFR Part 50; Revision)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs the EPA to review the existing National Ambient Air Quality Standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are allowed while still protecting public health and welfare. The present primary standard for sulfur oxides measured as sulfur dioxide (set to protect public health) is 80 micrograms per cubic meter ($\mu g/m^3$), annual arithmetic mean, and a maximum 24-hour concentration of 365 $\mu g/m^3$, not to be exceeded more than once per year. The current secondary standard for sulfur oxides measured as sulfur dioxide (to protect public welfare, e.g., effects on soils, vegetation, manmade materials, visibility, economic values, etc.) is 1300 $\mu g/m^3$ with the maximum 3-hour concentration not to be exceeded more than once per year. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Sulfur oxides in the air, working alone or in combination with other pollutants, aggravate respiratory diseases such as asthma, chronic bronchitis, and emphysema and also irritate the eyes and respiratory tract. Sulfur oxides also cause impaired visibility, harm vegetation, and have been associated with the formation of acidic deposition.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may alter the allowable air concentration of sulfur dioxide or the period over which the concentration is measured.

EPA is investigating no new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. States are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases; and agriculture.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adequately protect the health and welfare of the general public, including those most sensitive to adverse health effects of sulfur oxides.

EPA will complete a study of the benefits of controlling sulfur oxides under alternative standards when it issues the NPRM.

Summary of Costs

Sectors Affected: Industries emitting sulfur oxides, including electric, gas, and sanitary services industries, the non-ferrous metal industry, the petroleum refining industry, and those industries that supply or use large quantities of fossil fuel; and State air pollution control agencies.

A study of costs and economic impacts of controlling sulfur oxides under alternative standards will be completed by EPA when the NPRM is issued. These estimates will include capital, operating, administrative, and other costs (including research and development) for the various industries. Nationwide estimates of annualized cost of the regulatory action will also be provided. It is estimated that such cost could exceed $100 million. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs in order to accommodate any revisions to existing standards.

Summary of Net Benefits

EPA will compare and contrast the benefits and costs under alternative standards and provide a summary of net benefits when it issues its NPRM.

Related Regulations and Actions

Internal: Changes to the current ambient standards may affect EPA's regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standards could require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary.

Government Collaboration

Other Federal agencies that are actively involved in reviewing the sulfur oxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority.

Timetable

ANPRM—"National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 56730, October 2, 1979.
NPRM—4th Quarter 1982.
Regulatory Impact Analysis—Preliminary, November 1982; final, November 1983.
Public Comment Period—To be specified in NPRM.
Public Hearing—60 days after publication of NPRM.
Final Rule—4th Quarter 1983.
Regulatory Flexibility Analysis—Will be combined with Regulatory Impact Analysis.

Available Documents

"Sulfur Oxides," National Academy of Sciences, 1978, available from the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Avenue, Washington, DC 20418.

"Air Quality Criteria for Particulate Matter and Sulfur Oxides" (Revised Draft), October 27, 1981, available in Docket ECAO–CD–79–1.

A docket (No. A–79–28) containing other relevant information is available for public inspection at the Central Docket Section, EPA, Gallery I, West Tower, 401 M Street, S.W., Washington, DC 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Agency Contact

Bruce Jordan
Standards Development Section
Ambient Standards Branch
Strategies and Air Standards Division (MD–12)
Environmental Protection Agency
Research Triangle Park, NC 27711
(919) 541–5655 or FTS 629–5655

EPA–OANR

Standards of Performance To Control Atmospheric Emissions from Industrial Boilers (40 CFR Part 50; Revision)

Legal Authority

The Clean Air Act, as amended, § 111, 42 U.S.C. 7411.

Reason for Including This Entry

Industrial boilers produce emissions that could affect ambient air quality. The Environmental Protection Agency (EPA) is evaluating possible and reasonable controls to reduce emissions from these sources in the face of increased industrial use of coal. The impact of this regulation on industry would approach $100 million per year in additional capital and annualized costs by 1990.

Statement of Problem

Combustion of coal, oil, and gas in industrial boilers results in the emission of particulate matter, sulfur dioxide, and nitrogen oxides to the atmosphere. The projected growth rate of the use of industrial boilers, coupled with the emphasis on shifting fuel from gas and oil to coal, will increase the potential for emissions. These air pollutants could affect ambient air quality and thus health and welfare. This rule would apply to new and modified industrial boilers. Only the largest industrial boilers are presently covered by standards established in § 111 of the Clean Air Act. We are considering revision of the existing standard by extending coverage to smaller units.

Alternatives Under Consideration

The 1977 Clean Air Act Amendments require that EPA adopt standards of performance for stationary sources of air pollution that are fired by fossil fuels. EPA is gathering information on eight technologies for reducing boiler pollutants: (1) oil cleaning and use of existing clean oil, (2) coal cleaning and use of existing clean coal, (3) synthetic fuels, (4) fluidized bed combustion (a relatively new technology applicable only to large coal-fired boilers), (5) particulate control, (6) flue gas desulfurization, (7) nitrogen oxides combustion modification, and (8) nitrogen oxides flue gas treatment.

We are examining several control alternatives that include different levels of control for the three pollutants being studied. The option of not revising the standard is also being evaluated. The Agency is using computer modeling to determine the cost impacts, emission impacts, effects upon fuel consumption, overall energy impacts, and other environmental effects on a regional and national basis.

Summary of Benefits

Sectors Affected: Manufacturing industries and the general public.

Installing equipment that represents the best available control technology at new and modified industrial boiler facilities should help lessen air pollution in affected areas and preserve clean air. Since only a small fraction of the industrial boiler population is replaced or modified annually, the short-term impact on air quality should be only nominal. EPA will review the potential long-term effects on air quality.

A regulation that requires controls on new and modified industrial boilers should permit increased industrial expansion and economic growth without adversely affecting ambient air quality. Efforts to quantify benefits of controlling the three pollutants are underway. It should be possible to quantify some of these benefits by late 1982.

Summary of Costs

Sectors Affected: Manufacturing industries and users of products produced by these industries.

This rule would apply to new and modified industrial boilers used in a large number of manufacturing industries, particularly energy-intensive industries, such as glass (SIC Codes 321, 322, 323), pulp and paper (SIC 261, 262, 263), and chemical manufacturing (SIC 281).

The potential cost of the standard would depend on the number, sizes, and types of sources regulated and the degree of control required. EPA estimates that by 1990 annual added capital costs of control could approach $200 million and annualized costs could approach $100 million. Consumer prices for products manufactured by energy-intensive industries may increase slightly as a result of these costs. For industries that are not energy-intensive, increases in consumer prices of products may be negligible. These estimates are necessarily very tentative at this time.

Summary of Net Benefits

Since the level of control for each pollutant has not been determined, net benefits cannot be assessed accurately at this time. Costs cited above reflect stringent control of particulate matter, sulfur dioxide, and nitrogen oxides.

Related Regulations and Actions

Internal: We have issued water pollution regulations for several industries in the form of "Best Practical Technology Currently Available" and "Best Available Technology Economically Achievable." In some industries these regulations cover effluents from boilers. Industrial boilers are also subject to requirements of the Resource Conservation and Recovery Act, Part 261, Subpart C.

External: Industrial boilers are subject to the Power Plant and Industrial Fuel Use Act and associated regulations established by the Department of Energy.

Government Collaboration

Because emissions from industrial boilers come from the combustion of fossil fuels, EPA is working closely with the Department of Energy to share information and stimulate advances in technology.

EPA works closely with State and local governments in developing and implementing these rules.

Timetable

ANPRM—44 FR 37632, June 29, 1979.
Regulatory Impact Analysis—To be determined.
NPRM—To be determined.
Regulatory Flexibility Analysis—To be determined.
Public Hearing—To be determined.
Public Comment Period—To be announced in NPRM.
Final Rule—To be determined.

Available Documents

None.

Agency Contact

John Crenshaw
Emission Standards and Engineering Division (MD–13)
Environmental Protection Agency
Research Triangle Park, NC 27711
(919) 541–5624 or FTS 629–5624

EPA–OANR—Office of Mobile Source Air Pollution Control

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines (40 CFR Part 86; Revision)

Legal Authority

The Clean Air Act, as amended, § 202, 42 U.S.C. 7521.

Reason for Including This Entry

Light-duty trucks and heavy-duty engines are sources of oxides of nitrogen and as such should be examined for control.

Statement of Problem

The Clean Air Act Amendments of 1977 require the Environmental Protection Agency (EPA) to establish regulations that require a reduction (from the uncontrolled state) of heavy-duty engine or vehicle emissions of 90 percent for hydrocarbon (HC) and carbon monoxide (CO) in 1983 and 75 percent for oxides of nitrogen (NO_x) in 1985. These amendments also provide EPA with options either to temporarily revise or change the standards under certain conditions. As defined in the Act, heavy-duty vehicles include those trucks over 6,000 pounds gross vehicle weight (GVW); excluded are off-road vehicles, such as farm tractors and construction equipment. This definition overlaps two truck categories as used by EPA. These are light-duty trucks (LDTs), which EPA defines as trucks up to 8,500 pounds GVW, and heavy-duty vehicles (HDVs), which include trucks 8,500 pounds GVW and over. We published regulations implementing the mandated reductions in HC and CO emissions for HDVs on January 21, 1980 (45 FR 4136) and for LDTs on September 25, 1980 (45 FR 63734). This entry concerns the regulations implementing the mandated reduction in NO_x.

During high temperature combustion in internal combustion engines, atmospheric nitrogen reacts to form nitric oxide (NO) and a comparatively small amount of nitrogen dioxide (NO_2). In the atmosphere, the NO is converted to NO_2 by direct reaction with oxygen and by photochemical processes. NO_2 in the atmosphere causes visibility restrictions and brownish coloration. Elevated NO_2 levels are also associated with both long-term and short-term health effects on the respiratory system. Heavy-duty vehicles and light-duty trucks, representing approximately 40 percent of mobile source NO_x emissions, constitute one area where further NO_x control is available on a cost-effective basis. Mobile sources (which as a group include railroads, boats, planes, etc., in addition to motor vehicles) constitute about 30 percent of total NO_x emissions.

Alternatives Under Consideration

In the development of the NO_x standard, EPA is considering the following alternatives:

(A) Implement an NO_x standard that reflects the Clean Air Act's mandated 75-percent reduction.

(B) Implement an NO_x standard that is either less stringent or more stringent than the 75-percent reduction required by the Clean Air Act. The Clean Air Act (as amended August 1977) directs EPA to set an NO_x standard that reflects a 75-percent reduction (from uncontrolled levels), applicable for the 1985 model year. However, Congress incorporated provisions in the Act allowing EPA either to set more stringent standards or less stringent standards. EPA can make such revisions to the standard if it finds that the emission standards cannot be achieved by available technology at reasonable cost. Of course, as standards are made more stringent, more benefits may accrue. Likewise, as standards become more stringent, costs of compliance generally increase. The task confronting EPA is one of determining technological capabilities and balancing costs and benefits.

At the present time, the Agency intends to propose Alternative (B) for public comment. This decision was made in an effort to reduce the regulatory burden on the motor vehicle industry and was announced in the **Federal Register** (46 FR 21628, April 13, 1981). In that notice EPA expressed its commitment to proposing a relaxed NO_x standard for all heavy-duty engines that would be at a level achievable by diesel engines.

EPA is also considering the additional alternative of emission averaging. Under an averaging approach a manufacturer could achieve compliance to an emission standard by averaging its aggregate fleet emissions. The manufacturer could design some engines to be below the standard and others above it. Conceptually, this approach could increase a manufacturer's flexibility from both a technological and an economic standpoint. We published a separate ANPRM for the averaging concept on November 28, 1980 (45 FR 79382), but we will incorporate that rulemaking into the NO_x proposal.

Summary of Benefits

Sectors Affected: The general public, especially urban populations and persons particularly susceptible to respiratory disease.

As stated above, the Agency believes that an NO_x standard representing a 75-percent reduction from uncontrolled levels is infeasible for heavy-duty diesel vehicles. Given that we do not yet have enough information to propose a specific alternative level, our benefit analysis is based on a 75-percent reduction standard. Such a standard should reduce lifetime emissions of an average light-duty truck by 0.2 tons (59 percent) and of an average heavy-duty vehicle by 0.9 tons (77 percent) and 7.8 tons (79 percent) for gas and diesel, respectively (compared to vehicles sold under present regulations). These reductions could yield improvements in excess of 10 percent in average NO_x air quality by 1995.

Summary of Costs

Sectors Affected: Manufacturers of heavy-duty engines and vehicles and light-duty trucks and purchasers and users of heavy-duty engines and vehicles and light-duty trucks.

Based on technology that we expect heavy-duty diesel engine manufacturers to use to achieve maximum feasible emission levels, and based on a 75-percent reduction standard for all other classes, we project that the average initial price increase of a light-duty truck will be roughly $150 (2 percent), while the average initial price increases of heavy-duty vehicles will be roughly $280 (3 percent) for gasoline engines and $740 (at most 7 percent) for diesel engines (in 1980 dollars).

EPA is not able to quantify the fuel economy impacts of the regulations at this time, though buyers of gasoline-powered light-duty trucks and heavy-duty vehicles could see an improvement over earlier models, and buyers of diesel light-duty trucks may see a decrease. We cannot predict the effect on heavy-duty diesel vehicles until we have more information on a feasible standard level. We do not project an increase in maintenance costs for any of these vehicles.

We stated earlier that we expect this regulation to have an annual economic impact of over $100 million.

Summary of Net Benefits

EPA expects this regulation to result in an average initial price increase of $150 for a light-duty truck, $280 for a gasoline-fueled heavy-duty engine, and $740 for a diesel heavy-duty engine (all in 1980 dollars). The aggregate cost to the Nation over the first 5 years of production would be $2.4 billion for light-duty trucks and $1.8 billion for heavy-duty vehicles (discounted to the first year of production in 1980 dollars).

These costs are weighed against an improvement in average NO_x air quality of over 10 percent by 1995. The effect of this improvement on the public health and welfare is as yet unquantified. Qualitatively, there should be a reduction in both short- and long-term adverse health effects.

Related Regulations and Actions

Internal: Current emission standards for light-duty trucks and heavy-duty engines can be found in "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures." 40 CFR Part 86. Regulations implementing the Department of Transportation light-duty truck fuel economy standards are found in "Fuel Economy of Motor Vehicles," 40 CFR Part 600.

EPA has recently finalized standards and measurement procedures for the control of particulate emissions for diesel-fueled light-duty trucks ("Standard for Emission of Particulate Regulation for Diesel-Fueled Light-Duty Vehicles and Light-Duty Trucks," 45 FR 14496, March 5, 1980). Other related regulations recently finalized are HC and CO emission regulations for 1984 and later model year heavy-duty engines and for 1984 and later light-duty trucks ("Gaseous Emission Regulations for 1984 and Later Model Year Heavy-Duty Engines," 45 FR 4136, January 21, 1980, and "Gaseous Emission Regulations for 1984 and Later Model Year Light-Duty Trucks," 45 FR 63734, September 25, 1980).

In addition to the existing regulations above, EPA has proposed particulate regulations for heavy-duty diesel engines (46 FR 1910, January 7, 1981) and evaporative emission test procedures and standards for heavy-duty gasoline-fueled vehicles (45 FR 28922, April 30, 1980). EPA has also published an ANPRM for investigation of averaging for heavy-duty engine and light-duty truck NO_x emissions (45 FR 79382, November 28, 1980).

External: Light-duty vehicle and light-duty truck fuel economy standards are found in the Department of Transportation "Passenger Automobile Average Fuel Economy Standards," 41 CFR Part 351.

Government Collaboration

Department of Transportation (discussions with the National Highway Traffic Safety Administration prior to ANPRM regarding light-duty truck fuel economy). Other government offices (for example, the Department of Commerce) routinely provide comment during the rulemaking process.

Timetable

ANPRM—46 FR 5838, January 19, 1981.
NPRM—October 1982.
Public Hearing (on ANPRM)—After March 1982.
Public Comment Period (on ANPRM)—Ends 30 days after the public hearing. Comments may be sent to Central Docket Section A–130, West Tower Lobby, Gallery 1, Environmental Protection Agency, Attn: Docket No. A–80–31, 401 M Street S.W., Washington, DC 20460.
Regulatory Impact Analysis—Draft, January 1981; final, to be determined.
Regulatory Flexibility Analysis—Need to be determined.
Final Rule—Applicable to model year 1985 for light-duty trucks and 1986 for heavy-duty vehicles.

Available Documents

The ANPRM, draft Regulatory Impact Analysis, and draft regulations (January 1981) are available for review in Public Docket No. A–80–31, located at the EPA, Central Docket Section A–130, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 4:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

Agency Contact

Peter Kohnken, Project Manager
Emission Control Technology Division
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, MI 48105
(313) 668–4303, FTS 374–8303

EPA–OANR–OMSAPC

Heavy-Duty Diesel Particulate Regulations (40 CFR Part 86; Revision)

Legal Authority

The Clean Air Act, as amended, §§ 202, 206, 207, and 301, 42 U.S.C. 7521, 7525, 7541, and 7601.

Reason for Including This Entry

Heavy-duty diesel vehicles are a major source of particulate emissions, and the Environmental Protection Agency (EPA) is considering this regulation to help reduce the amount of ambient particulate matter.

Statement of Problem

Despite significant gains made in the control of particulate emissions, there are still many regions of the United States that have not met the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP). Congress required EPA (through the Clean Air Act Amendments of 1977) to prescribe standards for the emission of particulate matter from 1981 model year heavy-duty diesel vehicles. EPA must base this standard on the lowest emission rates that we find technologically feasible at the time the standard will take effect, while also taking cost, noise, energy, and safety into consideration.

Diesel engines already power one-third of the heavy-duty vehicles sold in this country. By 1995 EPA expects this figure to increase to over two-thirds, primarily because of the fuel economy advantage of diesel engines over gasoline engines. These diesel engines emit more than twice the particulate matter emitted by gasoline engines operated on leaded fuel.

EPA set the NAAQS for particulate matter at a level to protect the public health and is currently performing a health assessment to determine the risk to human health. Diesel particulate is small in size. Over 95 percent of diesel particulate is fine (aerodynamic diameter of less than 2.5 micrometers). Particulate emissions from diesels occur at ground level, where exposures to humans are direct.

Alternatives Under Consideration

EPA is considering the following alternatives in adopting a standard for particulate emissions from heavy-duty diesel vehicle engines:

(A) Do not regulate particulate emissions from heavy-duty diesel vehicles.

(B) Do not regulate particulate emissions from heavy-duty diesel vehicles, but apply more stringent controls to particulate emissions from other classes of motor vehicles, such as gasoline-powered passenger cars, light-duty trucks and heavy-duty vehicles, and diesel light-duty trucks and passenger cars. Controls placed on these other vehicle classes, however, do not at this time appear to be as cost effective as heavy-duty diesel controls. Also, controls placed on these other vehicle classes may not be able to provide the same improvement in air quality as the regulation of emissions from heavy-duty diesels.

(C) Prescribe a heavy-duty diesel particulate standard and examine alternative levels of control along with alternative dates of implementation. Specifically, EPA is considering a one-step versus a two-step standard, with the one-step standard implemented in 1986 and set at the final level of

technology expected to be available in that year. The two-step standard would involve an interim standard in 1986, based on improved engine design, and a final standard in 1988, set at the final level of technology expected to be available in 1988. It is likely that the different alternatives examined will have different costs and effectiveness and one may prove to be significantly better than the others while still complying with Congressional mandates.

We currently regard Alternative (C) as the most desirable alternative.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas or near busy roadways, and States containing areas currently in violation of the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP).

EPA estimates that this regulation could reduce particulate emissions from heavy-duty diesel vehicles by 64 percent. This reduction would begin to appear with those new vehicles produced in the 1986 model year. By 1995 emissions of particulate matter from these vehicles would be reduced from 218,000–286,000 metric tons per year (depending on the number of diesels on the road) to 78,000–85,000 metric tons per year. These reductions could help many areas of the country meet the primary NAAQS for TSP (75 micrograms per cubic meter), which EPA set at a level to protect the public health. Because diesel particulate is potentially respirable, these reductions should provide an added benefit to public health.

Summary of Costs

Sectors Affected: Manufacturers of heavy-duty diesel engines and vehicles and purchasers and users of heavy-duty diesel vehicles.

This regulation probably would require the addition of emission control devices to heavy-duty diesel engines, though the actual devices used and their cost could vary from manufacturer to manufacturer and engine to engine. Manufacturers of these engines and of the vehicles equipped with these engines may have to raise prices to recover their increased investment. This increase could be substantial, roughly a one-time purchase price increase of $527 to $650 (1980 dollars). This increase represents a 0.5 to 3 percent increase in the price of a heavy-duty diesel vehicle.

EPA does not expect this regulation to increase the operating costs of heavy-duty diesel vehicles. In fact, a decrease of an estimated $178 (discounted to the year of purchase in 1980 dollars) is possible due to the use of more durable exhaust system materials and the elimination of a separate muffler. Because operating costs comprise 90 to 95 percent of the total cost of owning and operating heavy-duty diesel vehicles, this regulation should have a negligible impact (less than 0.3 percent) on the cost of hauling freight in these vehicles. Thus, neither those whose business is hauling freight nor those who have their freight hauled should be adversely affected. Small independent haulers should experience no disproportionate effect.

The aggregate cost of the proposed standard over 5 years (1986 to 1990) would be $249 million to $413 million (present value in 1980) or $442 million to $731 million (present value in 1986). Two present-value reference points are given because two different conventions have been used in the past (the year of the analysis and the year the standard is to be implemented).

Summary of Net Benefits

EPA expects this regulation to result in an average initial price increase of $527 to $650 per vehicle (in 1980 dollars). The aggregate cost to the Nation over the first 5 years of production would be $249 million to $413 million (present value in 1980). Qualitatively, these reductions would help many areas of the country meet the primary NAAQS for TSP (75 micrograms per cubic meter), which EPA set at a level to protect the public health. The reductions could also improve visibility, especially in urban areas.

Related Regulations and Actions

Internal: "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures," 40 CFR Part 86.

EPA is also in the process of revising the standard for the emissions of nitrogen oxides from both gasoline-fueled and diesel heavy-duty engines (46 FR 5638, January 19, 1981), adopting a standard and test procedure for evaporative emissions from gasoline-fueled heavy-duty engines (45 FR 28922, April 30, 1980) and investigating averaging for heavy-duty engine and light-duty truck NO_x emissions (45 FR 79382, November 28, 1980).

External: None.

Government Collaboration

None.

Timetable

ANPRM—42 FR 61287, December 2, 1977.
NPRM—46 FR 1910, January 7, 1981.
Regulatory Impact Analysis—Draft, December 23, 1980; final, to be determined.
Public Hearings—After December 1981.
Public Comment Period—Ends 30 days after public hearings. Comments may be sent to: Charles L. Gray, Jr., Director, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105.
Final Rule—November 1983.
Final Rule Effective—1988 model year.
Regulatory Flexibility Analysis—Not required.

Available Documents

The ANPRM, NPRM, draft RIA, and other documents in Docket A–80–18 are available for review at EPA, Central Docket Section A–130, West Tower Lobby, Gallery 1, Attn: Docket No. A–80–18, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 4:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

Agency Contact

Richard A. Rykowski, Project Manager
Standards Development and Support Branch
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, MI 48105
(313) 668–4339

EPA—Office of Legal Counsel and Enforcement

Consolidated Permit Regulations (40 CFR Parts 122, 123, and 124; Revision)

Legal Authority

Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.;* Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.;* Clean Water Act, 33 U.S.C. 1251 *et seq.;* and Clean Air Act, 42 U.S.C. 1857 *et seq.*

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The Consolidated Permit Regulations establish permit procedures and program requirements authorized by the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and Resource Conservation and Recovery Act for over

90,000 industrial, municipal, and Federal facilities that discharge or store pollutants. We have received numerous comments from industry, States, and trade associations that the regulations as currently written are overly complex and burdensome, lack flexibility, and are duplicative. As a result of the comments received through the Presidential Task Force on Regulatory Relief and comments received independently from States and the Environmental Protection Agency (EPA) Regions, the Agency is conducting a comprehensive review of the Consolidated Permit Regulations. Failure to revise the regulations would result in an unnecessarily lengthy process in obtaining permits, unnecessarily burdensome application and reporting requirements, unnecessarily stringent State program requirements, and unnecessarily high costs to those seeking permits.

Alternatives Under Consideration

Major alternatives considered during the regulatory review include: increasing State flexibility and autonomy in issuing permits; deleting portions of the regulations that are not required by statute or case law, or necessary for efficient program implementation; simplifying requirements for State program approval; restructuring of the regulations to clarify meaning; reducing intergovernmental coordination; and reducing reporting and paperwork requirements.

Summary of Benefits

Sectors Affected: All industries; all geographic regions; and Federal, State, and local governments.

The major benefits for the sectors affected will be an increase in State flexibility in administering their permit programs, a reduction in costs and reporting burdens for permittees and for the States operating permit programs, and an expedited permit process through streamlined regulations and application forms.

Summary of Costs

Sectors Affected: None.

Because the Consolidated Permit Regulations are already effective, the only impact of the revisions will be to decrease costs for all sectors affected. The method used to achieve this reduction in costs will be to simplify application requirements, decrease reporting burdens, and increase State flexibility, which will allow States to determine the most cost-effective manner suitable for effective program implementation.

Summary of Net Benefits

The revision to the Consolidated Permit Regulations will provide a general reduction in costs for all sectors affected by the regulation. Industries will be able to plan more effectively for future growth and expansion. Those States that participate in the National Pollutant Discharge Elimination System and permittees (those entities that hold permits to discharge pollutants) will realize substantial reductions in reporting burdens as application forms are streamlined and paperwork and reporting requirements are reduced. Additionally, States seeking EPA approval to administer permit programs will obtain approval under an expedited approval process.

Related Regulations and Actions

Internal: Criteria and Standards for the National Pollutant Discharge Elimination System, 40 CFR Part 125; Hazardous Waste Management System, 40 CFR Parts 260–267; General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR Part 403; Approval and Promulgation of Implementation Plans, 40 CFR Part 52.

External: Coastal Zone Management Act, 16 U.S.C. 1451; Fish and Wildlife Coordination Act, 16 U.S.C. 661; National Environmental Policy Act, 33 U.S.C. 4321; Wild and Scenic Rivers Act, 16 U.S.C. 1273; National Historic Preservation Act, 16 U.S.C. 470; Endangered Species Act, 16 U.S.C. 1531; Bureau of Land Management.

Government Collaboration

We will be responsive to other government agencies commenting during the public comment period.

Timetable

ANPRM—None.
NPRM—Proposed Rule—3rd Quarter 1982.
Final Rule—1st Quarter 1983.
Final Rule Effective—1st Quarter 1983.
Public Hearing—Undecided.
Public Comment Period—Undecided.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—Undetermined.

Available Documents

Letters received by the Presidential Task Force on Regulatory Relief and memoranda received from States and EPA Regions on initial operation of the Consolidated Permit Program.

Agency Contact

Martha G. Prothro, Acting Director
Office of Water Enforcement and Permits (EN–335)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 755–0440

EPA—Office of Water

A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants (40 CFR Part 423; Revision)

Legal Authority

The Clean Water Act, §§ 301, 304, 306, 307, 308, and 501, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1321, 1364, and 1346.

Reason for Including This Entry

Although the Environmental Protection Agency (EPA) does not believe this regulation will have an annual effect on the economy of $100 million or more, the Agency is including this entry because of the high public interest in these regulations. Further, the affected industry thinks the compliance costs will be over $100 million per year.

Statement of Problem

The Environmental Protection Agency, in its efforts to control water pollution under the Clean Water Act, is required to develop technology-based effluent limitations guidelines and standards to control pollutant discharges from the steam electric power generating industry and review these regulations at least once every 5 years. We initially promulgated effluent limitations guidelines for this industry on October 8, 1974 that reflected the best practicable control technology currently available (BPT), the best available technology economically achievable (BAT), new source performance standards (NSPS), and pretreatment standards for new sources (PSNS). The U.S. Court of Appeals for the Fourth Circuit remanded parts of the guidelines (*Appalachian Power* v. *Train*, 545 F. 2d 1351 (4th Cir. 1976)). The Court found the record insufficient with respect to various technical aspects and non-water quality considerations (especially cost data and ultimate disposal of wastes).

We reviewed the 1974 regulations to incorporate updated information and attempt to remedy the deficiencies pointed out by the Fourth Circuit Court of Appeals. In addition to the pollutants examined in the previous regulations, such as biological oxygen demand (BOD), pH, oil and grease, copper, and iron, we expanded this review to include toxic substances cited in the June 8, 1976 Consent Decree, *Natural Resources Defense Council et al.* v. *Train*, 8 ERC

2120 (D.D.C. 1976), as modified in 12 ERC 1833 (D.D.C. 1979), and incorporated into § 307 of the Clean Water Act. The NPRM was published in the **Federal Register** on October 14, 1980 (45 FR 68328). We did not include guidelines for thermal discharges in these regulations. The Agency is still considering various thermal options in light of *Appalachian.*

The steam electric generating industry is composed of approximately 850 generating plants nationwide. Because these plants have extremely large discharge flows, the quantity of pollutants they discharge may be substantial even if the concentration is relatively low. The Agency estimated that the average discharge flow from a steam electric power plant is 210 million gallons per day and that discharges from the steam electric power industry constitute about 15 percent of the total flow in U.S. rivers and streams. Major pollutants detected in the waste waters of steam electric plants during an EPA sampling program were total residual chlorine (TRC), copper, zinc, nickel, chromium, arsenic, and selenium.

These pollutants, especially TRC, are toxic to fish and other aquatic organisms. Their effect on humans is less documented. Table 1 summarizes ambient waste quality criteria levels and effects on organisms due to their presence in water.

Table 1.—Environmental and Health Effects

Pollutant	Ambient water quality criteria (WQC) (chronic levels, parts per billion [PPB])		Effects
	Fresh water	Salt water	
Total Residual Chlorine	2–10	13	Toxic to fish and other aquatic organisms. No WQC established for human health protection.
Arsenic	NCA	NCA	Toxic to aquatic organisms. Suspected carcinogen in humans (10^{-5} risk—0.022 ppb).
Chromium:			
Trivalent	NCA	NCA	Toxic to fish and invertebrates. Hexavalent chromium is most toxic form and is extremely toxic to aquatic life.
Hexavalent	.29	18	
Nickel	[1] 1,800	7.1	Toxic to fish and aquatic organisms.
Copper	5.6	4.0	Quite toxic to aquatic life. No WQC is established for human health protection.
Zinc	47	58	Toxic to fish and invertebrates. WQC is established for human health protection.
Selenium	35	54	Toxic to fish and aquatic organisms.

[1] Water hardness = 100 mg/l.
NCA = No criteria available.

Alternatives Under Consideration

In the proposed guidelines the Agency considered several wastewater treatment technologies for controlling pollutant discharges from steam electric plants to the Nation's waterways. The primary focus of this effort was to assess the potential control of discharges of toxic substances. In this review of effluent regulations, we focused our efforts on cooling water and ash transport water as the major waste streams because of their large flows. Over 95 percent of the volume of water used in an average power plant is used as cooling water.

The regulatory options for cooling water and ash transport waste are described below:

Cooling Water—All steam electric power plants circulate large volumes of water through their condensers in order to condense steam in the turbines. About 65 percent of existing plants use a "once-through" cooling system. With such a system, the plant withdraws water from a water body, passes the water through condensers, and then discharges the heated water into a receiving water body. Other plants recirculate part of the cooling water using evaporative cooling towers. Cooling towers do not recirculate all of the water; the portion that is discharged is known as cooling tower "blowdown." For regulatory purposes, the Agency has treated once-through cooling water discharges and cooling tower blowdown as two separate waste streams.

The thermal efficiency of the steam cycle can be greatly reduced if biological growth occurs in the condensers. About 60 percent of the plants with once-through cooling water add chlorine to control biological growth; such plants have the potential to discharge total residual chlorine (TRC) and chlorinated compounds into the navigable waters. TRC is a pollutant that has been studied extensively and is known to adversely affect aquatic life.

Chlorine is also added to inhibit biological growth in the cooling tower and condensers. In addition to TRC discharges, plants with cooling towers have the potential to discharge toxic pollutants through other chemicals added for maintenance of the cooling tower.

The technologies that the Agency evaluated for control of pollutants from cooling water included (1) chlorine minimization, (2) dechlorination, (3) chemical substitutes, and (4) mechanical antifouling devices.

Chlorine minimization is a program designed to ensure the most efficient use of chlorine and reduce the amount of TRC discharged. Plant personnel conduct a series of tests to determine the minimum amount of chlorine necessary to control biological growth in the condensers. Chlorination practices can then be adjusted in accordance with the test results. EPA believes that many plants undergoing such a program for once-through cooling water will be able to reduce chlorine doses approximately 70 percent; other plants may not need such control at all.

Dechlorination is chemical treatment that removes a significant amount of TRC from the cooling water before it is discharged from the plant. Although dechlorination reduces the amount of TRC to less than 0.14 milligrams per liter (mg/l) at any time, it does not eliminate it.

Alternatives to chlorine were explored for use in both cooling tower blowdown and once-through cooling water discharges. Substitutes for chlorine were often more expensive and in some cases had similar adverse environmental effects as chlorine.

Alternatives to the non-chlorine chemicals used in cooling towers to prevent scaling and corrosion in the cooling tower were also evaluated. For example, high levels of chromium and zinc are present in cooling tower blowdown when they are added for cooling tower maintenance. Some chemicals that are not priority pollutants, such as sodium bisulfate, potassium hydroxide, and sodium boropolyphosphate, were found to be available at no additional cost, and their expected use is reflected in EPA's proposal for control of toxic pollutants in cooling water blowdown.

Some plants use mechanical antifouling devices to control biological growth in the condensers. Two types of methods are used. One uses sponge rubber balls that are forced through the tubes under water pressure and then recycled. The second method uses brushes that are installed on the inside of each tube. Although this method eliminates chlorine use, it is expensive to install on existing sources. Furthermore, mechanical antifouling devices are not always adequate substitutes for chlorine.

(a) Once-Through Cooling Water—While a total prohibition against TRC

discharges is technologically and economically achievable for many plants with once-through cooling water, this is not the case for all plants. Thus, the Agency has structured the proposed TRC regulation in two parts. First, EPA proposed a general prohibition against TRC discharges. This would be BAT for the many plants that do not need chlorine for biofouling control. Second, plants that must use chlorine to control biofouling would use only the minimum amount demonstrated to be necessary at that plant (chlorine minimization). In no event could a TRC limitation exceed 0.14 mg/l concentration at the point of discharge, and generally TRC could not be discharged for more than 2 hours per day. Use of dechlorination in addition to chlorine minimization may be necessary in some cases to achieve this 0.14 mg/l limitation. These limitations would be established by the National Pollutant Discharge Elimination System (NPDES) permit writer on a case-by-case basis after reviewing the chlorine minimization study.

The Agency considered requiring minimization without specifying a maximum TRC concentration level, as well as specifying a maximum TRC level based on dechlorination technology, without first requiring chlorine minimization. Among other reasons, EPA rejected both options because many plants would have the economic and technological capability to achieve lower discharge levels than either of those options would achieve.

(b) Cooling Towers—For plants with cooling towers, the Agency did not require a chlorine minimization program; it would be unduly complex for this waste stream because chlorine may be used for cooling tower maintenance as well as for biological control. Further, the daily flow is commonly less than 1/100th of the once-through cooling water. Thus, for BAT the proposed regulations only limit the discharge of TRC to 0.14 mg/l based on dechlorination technology. For control of toxic pollutants discharged from cooling towers, the Agency has chosen chemical substitutes as the best technology to eliminate toxic pollutant discharges. These alternative chemicals should protect cooling towers from scaling, corrosion, and biological growth.

The proposed new source performance standards for once-through cooling water and cooling tower blowdown are the same as the proposed BAT.

Ash Transport Water—Coal or oil that is burned in a steam electric plant's boiler produces varying amounts of ash that require periodic collection and disposal. The relatively fine and light-weight ash is carried from the boiler with the flue gases and collected with air pollution control equipment. This type of ash is called "fly ash." The relatively bulky and heavy ash that settles at the bottom of the boiler's furnace is called "bottom ash." These two types of ash can be transported wet or dry to their ultimate or temporary disposal sites. (Only those plants that transport their ash using water would be affected by effluent regulations.)

The Agency is concerned about the presence of inorganic toxic substances in ash transport water. Pollutant concentrations in bottom ash transport water are typically lower than those in fly ash transport water. The Agency did not propose any further controls for existing sources of fly ash transport water beyond the current BPT regulation. EPA seriously considered proposing no discharge of fly ash transport water but concluded that there would be extremely high costs to the industry ($3.2 billion in capital costs for 1980–1985) that were not justified in view of the available data regarding the degree of pollutant reduction. The technology base for achieving this option would have been the use of transport methods that do not require the use of water (dry transport). The Agency is considering further sampling to clarify wastewater characteristics of ash pond discharges.

The Agency proposed a new source performance standard and a pretreatment standard for new sources that would prohibit the discharge of fly ash water for all new plants. EPA proposed the zero discharge limit because the technology to achieve it is clearly demonstrated and available since about half of the industry already uses dry methods of transport. Moreover, EPA believes that the costs for installing a dry fly ash handling system are not appreciably different than costs to install a wet ash sluicing system in a new plant.

Bottom Ash—The need to control pollutant discharges from bottom ash transport water was not demonstrated by the sampling data, since at most plants sampled the concentrations of pollutants detected in the bottom ash pond were less than the concentrations detected in the plant's inlet water. In addition, the concentrations of these pollutants were not only lower than those detected in fly ash ponds, but also exhibited a greater variability. Further, while high costs were associated with the various technological options, the data to quantify effluent reduction beyond BPT were inadequate. Thus, we proposed no further control beyond BPT. We also proposed to withdraw the current BAT requirement for partial recycle of bottom ash sluice water for conventional pollutants since this option does not pass the BCT cost-reasonableness test (40 CFR Part 405, August 23, 1978). This test involves a comparison of the cost and level of reduction of conventional pollutants from the discharge of POTWs to the cost and level of reduction of such pollutants from a class or category of industrial sources.

In addition to the regulatory options for cooling water and ash transport water, the Agency also examined the regulations for metal cleaning wastes. Metal cleaning wastes are generated periodically through operational cleaning of the boiler and steam generator tubes to remove scale and corrosion products that accumulate on the metal surfaces.

The 1974 BAT regulations require that all metal cleaning operations meet limits of 1.0 mg/l for copper and iron. In 1975 EPA narrowed the coverage of the rule to apply only to those metal cleaning operations adding chemicals. EPA now proposes to drop this distinction and to regulate all metal cleaning operations as metal cleaning wastes regardless of whether chemicals or water were used to clean the metal.

The Agency considered mechanisms other than effluent limitations guidelines for achieving the objectives of §§ 301, 304, and 306 of the Clean Water Act. The Agency concluded that the issuance of effluent guidelines, required by the consent decree in *Natural Resources Defense Council* v. *Train*, is the most effective means of achieving these objectives.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the proposed rule is the improvement of the aquatic environment through the reduction and/or elimination of discharges from steam electric generating facilities. Benefits to public health are less documented, although arsenic (refer to Table 1) is a suspected carcinogen.

The main effect of this rulemaking is to strengthen the control of chlorine. In addition, discharges of toxic pollutant additives from cooling towers were prohibited. Preliminary estimates indicate that the proposed regulations will result in the following reduction or elimination of pollutants by waste stream types:

(1) Once-Through Cooling Water: 17.4 million pounds per year of total residual chlorine.

(2) Cooling Tower Blowdown: a. 30,000 pounds per year of total residual

chlorine; b. 157,000 pounds per year of toxic pollutants (chromium, zinc, chlorinated phenolics, etc.). These discharges are estimated to be between 3 and 5 percent of all chlorine discharged into the Nation's waters. No estimate of the total amount can be made for the toxic pollutants.

Summary of Costs

Sectors Affected: Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale; and users of the electric energy.

Based upon the proposed guidelines, EPA estimated that, on a national basis, the total capital expenditures required to bring existing plants into compliance with the proposed regulations for the period 1980 to 1985 would be $120 million (1980 dollars). This would represent about 0.05 percent of the total anticipated capital expenditures for the industry during the same period. With the addition of operation and maintenance costs, this means that the average electric bill for consumers would increase by approximately 0.04 percent. The estimated capital expenditures for plants coming on line between 1985 to 1995 are $80 million (1980 dollars).

Commenters have questioned some aspects of EPA's analysis, particularly with respect to the costs of treating metal cleaning wastes. EPA will be examining these comments closely before making any further decisions.

Summary of Net Benefits

EPA considered the cost and pollutant removal effectiveness of the various treatment alternatives in proposing the revised effluent limitations guidelines of October 14, 1980. The Agency will consider the benefit of the treatment alternatives in finalizing the guidelines. Further, the Agency will reevaluate its cost information in light of industry comments. Efforts to quantify the benefits and update the cost information are now under way.

Related Regulations and Actions

Internal: The scrubber systems used to comply with air pollution regulations may discharge contaminated water. The proposed requirements of the new source performance standards under § 111 of the Clean Air Act will increase the number of facilities with scrubber systems in the future.

Section 316(b) of the Clean Water Act authorizes the Agency to require the best available technology in the location, design, construction, and capacity of intake structures for cooling water to minimize adverse environmental impact.

Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the economic and environmental factors associated with various wastewater treatment technologies.

External: The recent emphasis on converting oil-fired power plants to other fuel types and the problems associated with nuclear waste disposal will affect the distribution of generating capacity by fuel types in the industry and, therefore, the amount of pollutants that would be discharged and controlled.

Government Collaboration

The Nuclear Regulatory Commission, the Department of the Interior, and the Department of Energy have provided assistance by supplying the Agency with information and/or reviewing materials.

Timetable

NPRM—45 FR 68328, October 14, 1980.
Public Comment Period—Ended January 19, 1981.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—None.
Final Rule—June 1982.

Available Documents

Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA 440/1–80/029–b, September 1980).

NPRM—45 FR 68328, October 14, 1980.

Economic Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA, August 1980).

Copies of the above reports can be obtained from National Technical Information Service (NTIS) (5285 Port Royal Road, Springfield, VA 22151. Telephone Number: (703) 321–8543) or the EPA contacts designated below. Public comments on the NPRM and transcript record of the pretreatment public meeting are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213 (EPA Library), 401 M Street, S.W., Washington, DC 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

Agency Contact

For general and technical information, contact:

John W. Lum or Teresa Wright, Project Officers
Energy and Mining Branch
Effluent Guidelines Division (WH–552)
Environmental Protection Agency
Washington, DC 20460
(202) 426–4617

For information concerning the economic impact analysis, contact:

Jeannie Austin, Project Officer
Energy Policy Division (PM–221)
Environmental Protection Agency
Washington, DC 20460
(202) 755–4803

EPA–OW

BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways (Previously, Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants From Pulp, Paper, and Paperboard Mills into Navigable Waterways) (40 CFR Parts 430 and 431; New)

Legal Authority

The Clean Water Act, §§ 301, 304, 308, and 501; 33 U.S.C. 1311, 1314, 1318, and 1361.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have an annual effect of $100 million or more on the economy. The annual effect of this regulation is highly dependent on the final "best conventional pollutant control technology" (BCT) cost-reasonableness tests established by the Agency. The test used at the time of proposal would have resulted in costs of over $100 million. However, some tests now under consideration could result in far smaller or no costs for many subcategories of the industry. Also, the pulp, paper, and paperboard industry is the largest industrial discharger of conventional pollutants. In addition, the Best Conventional Technology Standards in general have been designated for review by the Presidential Task Force on Regulatory Relief.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for

discharges of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs) and to review such guidelines and standards at least once every 5 years. EPA promulgated effluent limitations guidelines reflecting the best practicable control technology currently available (BPT) and the best available technology economically achievable (BAT) and new source performance standards (NSPS) for six subcategories of the industry on May 9 and 29, 1974 (39 FR 16578, 40 CFR Part 431; and 39 FR 18742, 40 CFR Part 430). EPA promulgated BPT guidelines for the 16 remaining subcategories of the industry on January 6, 1977 (42 FR 1398, 40 CFR Part 430).

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for those pollutants that Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" for the regulation of conventional water pollutants (biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, oil and grease, and pH). All pollutants that are neither toxic or conventional have been termed "non-conventional" and are subject to regulation under BAT.

EPA published proposed effluent limitations guidelines for BAT, BCT, and NSPS and pretreatment standards for existing and new sources (PSES, PSNS) for the pulp, paper, and paperboard and the builders' paper and board mills point source categories in the **Federal Register** on January 6, 1981 (46 FR 1430). At that time, the economic impact analysis for the proposed rules resulted in a combined annualized compliance cost of approximately $338 million (1978 dollars). As a result, the set of rules was designated as a major rule under E.O. 12291 in the regulatory agenda we published on June 30, 1981 (46 FR 34057).

Since proposal, several major issues have arisen (such as our requirement to apply a second cost effectiveness test) concerning the BCT methodology (which was separately promulgated on August 29, 1979). EPA does not believe these issues can be resolved as quickly as the other issues concerning the January 6 proposal. This is of concern to EPA, since there is a court-ordered schedule governing the rulemaking timetable for the non-BCT parts of the proposal. (This is the Consent Decree in *Natural Resources Defense Council* v. *Train*, 8 ERC 2120 (D.D.C. 1976), as modified, 12 ERC 1833 (D.D.C. 1979), and incorporated in § 307 of the CWA.) Accordingly, EPA has decided to separate the final BCT rulemaking from that of BAT, PSES, NSPS, and PSNS. Since the BAT, NSPS, PSES, and PSNS guidelines together will have an estimated annualized compliance cost of $60 million and are not expected to have any major adverse impact, EPA has concluded that these effluent guidelines are minor rules under the Executive Order. However, the proposed BCT rules for the pulp, paper, and paperboard category will remain designated as a major rule.

EPA estimates that there are 706 operating pulp, paper, and paperboard mills in the United States that discharge about 4.2 billion gallons per day of wastewater. Conventional pollutants routinely monitored in discharges from pulp, paper, and paperboard mills include biochemical oxygen demand, suspended solids, and pH. Excessive discharge of conventional pollutants may cause a depletion of the dissolved oxygen in streams, which can kill fish and other aquatic life.

Alternatives Under Consideration

The Agency considered various wastewater treatment technologies for controlling conventional pollutant discharges from the pulp, paper, and paperboard industry to the Nation's waterways. We are required to regulate conventional pollutants under the best conventional pollutant control technology (BCT) and under new source performance standards (NSPS). In setting these various standards, we have divided the industry into 25 separate subcategories to account for processing differences and differences in final products manufactured.

In evaluating the options for development of regulations, the Agency considered several important factors, including the quantity and type of pollutants each wastewater source discharges, treatment technologies that are available for the control of these wastewaters, and air pollution and solid wastes that the wastewater treatment syatems may produce, the cost of these systems, and the economic effects of the regulations.

Conventionl pollutants currently regulated include: biochemical oxygen demand, total suspended solids (TSS), and pH. BCT requires that limitations for conventional pollutants be assessed in light of a "cost-reasonableness" test, which involves a comparison of the cost and level of reduction of conventional pollutants from the discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. This methodology compares subcategory removal costs (dollars per pound of pollutant, measuring from BPT to BCT) with costs experienced at POTWs. EPA applied this methodology in developing BCT effluent limitations.

In addition, EPA is required to apply a second internal industry-by-industry cost-effectiveness test (*American Paper Institute* v. *EPA*, No. 79-1511/4 Fourth Cir., July 28, 1981). Because the Court's ruling was issued after the BCT guidelines were proposed, we have not yet applied the second test to this rulemaking.

Five technology alternatives were considered under BCT to reduce further the discharge of BOD and TSS from pulp, paper, and paperboard mills:

Alternative (A) includes BPT plus additional production process controls to reduce raw waste loads.

Alternative (B) includes BPT plus chemically assisted clarification, which involves the use of different chemicals to agglomerate dissolved and colloidal particles in treated effluents that are not readily removed from solution by simple settling, for those subcategories where BPT was based on biological treatment or BPT plus biological treatment for subcategories where BPT was based on primary treatment only.

Alternative (C) includes Alternative (A) plus chemically assisted clarification for those subcategories where BPT was based on biological treatment or Alternative (A) plus biological treatment for those subcategories where BPT was based on primary treatment only.

Alternative (D) includes upgrading of existing BPT to attain effluent levels characteristic of best performing mills.

A new alternative (E), which was not proposed, would establish BCT at the same level of stringency as BPT.

Proposed BCT effluent limitations are based on Alternative (D) for those subcategories that pass the BCT cost-reasonableness test as promulgated (44 FR 50732, August 29, 1979). In those subcategories where Alternative (D) fails the cost-reasonableness test, the less stringent Alternative (A) forms the basis of BCT if it passes the cost-reasonableness test. There are two exceptions—facilities where dissolving sulfite pulp and builders' paper or roofing felt are manufactured—where neither Alternatives (A) or (D) were chosen. Instead, BCT is set at the BPT level because of projected severe economic impact.

EPA selected Alternative (D) as the primary basis of BCT effluent limitations because it yields significant BOD and TSS removals at substantially less cost to the industry than would Alternatives (B) or (C). Alternative (D) technology has proved successful in full-scale operation throughout the entire range of process types and allows considerable flexibility to the industry in achieving BCT.

A major issue in this rulemaking has been the methodology used to establish BCT limitations and, particularly, the methodology used to determine the POTW comparison figure used in the BCT cost-reasonableness test. EPA's methodology for computing the POTW cost comparison figure was upheld in *American Paper Institute* v. *EPA*. However, the Court directed the Agency to develop and apply an internal industry-by-industry cost-effectiveness test and to correct major statistical errors in the computation of the POTW benchmark. These BCT developments have had a major impact on the progress of this rulemaking. Consequently, EPA has extended the period for comments on all issues relating to proposed BCT effluent limitations for this point source category. This extension will last until 60 days after EPA proposes a revised POTW cost comparison figure.

Summary of Benefits

Sectors Affected: The general public and manufacturers of pollution abatement equipment.

The major benefit of the proposed rule will be the reduction or elimination of conventional pollutant discharges from pulp, paper, and paperboard mills.

If the rule is promulgated as proposed, the discharges of BOD and TSS from pulp, paper, and paperboard mills will be substantially reduced by the following amounts:

BOD: 126 million pounds per year (34 percent).

TSS: 245 million pounds per year (40 percent).

The current discharge of 365 million pounds per year of BOD from pulp, paper, and paperboard mills accounts for about 45 percent of the total industrial contribution of BOD. Therefore, these additional reductions represent a significant portion of current conventional pollutant discharge to the Nation's waterways.

Summary of Costs

Sectors Affected: Pulp, paper, and paperboard mills; and users of pulp, paper, and paperboard products.

The Agency estimates that the capital and total annual costs (1978 dollars) for all U.S. pulp, paper, and paperboard mills to attain levels of BOD and TSS associated with the proposed BCT effluent limitations will be $918 million and $280 million, respectively. These costs are expected to result in price increases of such products as newsprint, toilet tissue, writing papers, and bleached kraft foldingboard ranging from zero to 3.6 percent.

These regulations should not require additional resources of EPA or State permit authorities.

Summary of Net Benefits

No estimates are available at this time.

Related Regulations and Actions

Internal: Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the cost of installation and operation of various wastewater treatment technologies.

External: None.

Government Collaboration

The Department of Commerce has provided assistance by reviewing materials.

Timetable

NPRM—46 FR 1430, January 6, 1981.
Public Hearing—March 6, 1981.
Regulatory Impact Analysis—Available with Final Rule.
Regulatory Flexibility Analysis—None.
Public Comment Period—Ended June 9, 1981 for BAT, PSES, PSNS, and NSPS. Comment period on BCT will end 60 days after EPA proposes a change in the POTW cost comparison figure.
Final Rule—August 1982.

Available Documents

Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Categories, EPA, December 1980 (copies may be obtained from: Distribution Officer, Effluent Guidelines Division (WH–522), U.S. Environmental Protection Agency, Washington, DC 20460, (202) 426–2724).

Economic Impact Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Pulp, Paper, and Paperboard Mills Point Source Category, EPA, December 1980 (copies may be obtained from: Renee Rico, Office of Analysis and Evaluation (WH–586), U.S. Environmental Protection Agency, Washington, DC 20460; (202) 426–2617).

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semichemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category, EPA, May 1974, National Technical Information Service (NTIS) Number PB–238833.

Development Document for Effluent Limitations Guidelines (BPCTCA) for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Nonintegrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category, EPA, December 1976 (available for review at EPA Headquarters Library, 401 M Street, S.W., Washington, DC 20460).

Preliminary Data Base for Review of BATEA (Best Available Technology Economically Achievable) Effluent Limitations Guidelines, NSPS, and Pretreatment Standards for the Pulp, Paper, and Paperboard Point Source Category, prepared for the U.S. Environmental Protection Agency by the Edward C. Jordan Co., Inc., Portland, Maine, June 1970 (available for review at EPA Headquarters and Regional Libraries only).

Agency Contact

Robert W. Dellinger, Project Officer
Effluent Guidelines Division (WH–552)
Environmental Protection Agency
401 M Street S.W.
Washington, DC 20460
(202) 426–2554

EPA-OW

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities (40 CFR Part 413; Revision)

Legal Authority

The Clean Water Act, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is important because it will prevent the annual discharge into the water and into publicly owned treatment works (POTWs) of approximately 28 million pounds of toxic metals and 164 million pounds of toxic organics. It may have an annual effect on the economy of more than $100 million. In addition, the General Pretreatment Regulations, which are closely related to this

regulation, have been designated for review by the Presidential Task Force on Regulatory Relief.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency to limit the industrial discharge of pollutants to the waters of the United States and the introduction of pollutants into publicly owned treatment works. (In general, POTWs store or treat municipal sewage or liquid industrial wastes and are owned by a State or municipality.) This is accomplished for categories and classes of direct dischargers, i.e., industries that discharge directly to the Nation's waters, through effluent limitations guidelines based on best practicable technology (BPT), best available technology (BAT), best conventional technology (BCT), and new source performance standards (NSPS). For categories and classes of indirect dischargers, i.e., industries that discharge to POTWs, limits are established through pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS). (In general, pretreatment is the treatment of pollutants prior to the introduction of such pollutants into a POTW.) EPA must review these effluent limitation guidelines and pretreatment standards at least once every 5 years.

The Clean Water Act requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for toxic pollutants idenified under §307(a) of the Act. The Act requires industry to acheive, by July 1, 1984, effluent limitations requiring the application of BCT for conventional water pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are neither "toxic" nor "conventional" are considered "nonconventional" pollutants and are subject to regulation under BAT 3 years after the date of promulgation of the regulation but in no case later than July 1, 1987.

The Metal Finishing Category combines two previous studies conducted by the Agency: electroplating and mechanical products. Although there are no existing effluent limitations or pretreatment standards for the mechanical products category, the results of our earlier study have been incorporated into the metal finishing rulemaking. The electroplating study led to the promulgation on September 7, 1979 of pretreatment standards for existing sources based on BPT (44 FR 52590). These standards were subsequently amended on January 28, 1981 (46 FR 9462). Plants discharging 38,000 liters (10,000 gallons) or more per day must meet limitations for the dicharge of cyanide, copper, nickel, chromium, zinc, lead, cadmium, and, in some cases, silver. Plants discharging less than 38,000 liters (10,000 gallons) per day must meet limitations for the discharge of cadmium, lead, and cyanide. These standards only apply to indirect discharging electroplaters, i.e., those that discharge to POTWs; there are no currently effective standards for direct discharging electroplaters. The electroplating pretreatment standards took effect on March 30, 1981 and establish a compliance deadline of January 28, 1984 for non-integrated facilities and 3 years after the effective date of 40 CFR 403.6(e) (the "combined wastestream formula") for integrated facilities. Section 403.6(e) has not yet taken effect. Therefore, the integrated facilities do not have to comply with the electroplating standards yet. (The term "integrated facility" is defined in 40 CFR § 413.02(h); in general, it means a facility that performs electroplating as only one of several operations, has significant quantities of non-electroplating process wastewater, and its electroplating and non-electroplating process wastewater lines are combined prior to treatment.)

The metal finishing regulations we are proposing are more comprehensive than the electroplating regulations and, with two exceptions, are expected to supersede the electroplating pretreatment standards. The exceptions apply to the job shop and printed circuit board segments of the electroplating industry currently covered by the electroplating pretreatment standards. Since the publication of the final electroplating amendments on January 28, 1981, the Agency has reviewed the data that serve as support material for the new metal finishing regulations. EPA has agreed, in view of the estimated economic impact, not to apply more stringent limitations for metals and cyanide to electroplating job shops (operations plating goods owned by other companies) and printed circuit board manufacturers that were covered by the existing electroplating pretreatment standards.

However, the Agency may propose limitations on the dumping of toxic organic solvents by all electroplaters, including indirect discharging job shops and printed circuit board manufacturers. This additional control is expected to result in very low cost to the industry and, in fact, is predicted in many cases to result in cost savings due to the reclamation value of spent solvents. We expect that most operators would store their spent solvents in separate containers and sell them to a solvent reclaimer. The limitation would take the form of a pretreatment standard for total toxic organics. As an alternative to monitoring for these organics, the plant operator or owner would be permitted to certify that toxic organic solvents are not being dumped into the plant's wastewater. Such certification would obviate the need for monitoring, including monitoring for other toxic organics that might come from sources other than solvents.

The proposed metal finishing regulation includes electroplating operations among the 45 total regulated processes, such as painting, machining, hot dip coating, and others. With the exceptions noted above, direct and indirect dischargers for both existing and new sources will be covered.

EPA estimates that there are approximately 13,000 metal finishing plants in the United States, which discharge about 2 billion gallons per day of wastewater. During EPA's sampling program, a number of toxic pollutants, including silver, copper, chromium, nickel, lead, cadmium, zinc, cyanide, and various toxic organics, were found in significant concentrations. Although there are variations in toxicity among the toxic organic pollutants, a number are known carcinogens. The toxic metals and cyanides are, in varying degrees, hazardous to human, aquatic and plant life. The toxic metals may also contaminate sludges resulting from wastewater treatment and make them unsuitable for recycling into agricultural use as a soil conditioner. Conventional pollutants of concern are total suspended solids (TSS) and oil and grease.

Toxic metals can enter wastewater as a result of any one of 45 operations considered to be metal finishing operations, while cyanide can enter wastewater through electroplating, heat treating, burnishing, and tumbling operations. Toxic organics are generally present in metal finishing wastewater in very small quantities. EPA believes the presence of high concentrations of toxic organics detected in the sampling program is due to the dumping of waste solvents.

Alternatives Under Consideration

In evaluating options for development of regulations, the Agency takes into account several important factors, including the quantity and type of pollutants discharged, available treatment technologies, the air pollution and solid waste that the treatment

systems may produce, and the cost of these systems. In selecting a treatment technology as the basis for a regulation, the Agency considers the criteria provided in § 304(b) of the Clean Water Act (33 U.S.C. 1314(b)). For example, the choice of technology systems for BAT and new source regulations depends on EPA's consideration of the age of equipment and facilities involved; the process employed; engineering aspects of the application of various control techniques; process changes; cost of achieving such effluent reduction; non-water quality environmental impact; and such other factors as the Administrator deems appropriate.

For metal finishing, EPA plans to propose BPT and NSPS regulations controlling toxic and conventional pollutants and PSES, PSNS, and BAT regulations controlling toxic pollutants.

For BPT, the technology being considered includes isolated hexavalent chromium reduction, cyanide destruction, emulsion breaking/skimming of excessive oily wastes, followed by precipitation/clarification and toxic organic control by in-plant isolation and contract hauling of waste solvent degreasers. The Agency refers to this treatment chain as a "precipitation clarification" system. With the exception of emulsion breaking and toxic organic control, this is the same technology that is the basis for the current Electroplating Pretreatment Standards for Existing Sources.

Two technologies are being considered for BAT and PSES regulations. Option 1 is the same precipitation/clarification system under consideration for BPT. In both the BPT and BAT-Option 1 systems, the control of toxic organics would be achieved by setting an effluent limitation or pretreatment standard for total toxic organics and then permitting demonstration of compliance through certification by a plant operator that solvent degreasers are not being dumped into the wastewater. Option 2 includes all of Option 1 plus the addition of filtration. New source technology systems (NSPS and PSNS) being considered include the precipitation/clarification/filtration system with inplant controls to achieve zero discharge from lead and cadmium plating.

EPA estimates that the precipitation/clarification process would remove about 97.6 percent of the raw waste toxic metals from metal finishing wastewater, assuming there is no existing treatment in place. An estimated additional 0.7 percent of the raw waste toxic metals would be removed by the addition of filtration, assuming no filtration is presently in place.

Because of the projected significant economic impact on the direct discharging job shop segment of the industry (see Summary of Costs below). EPA is also considering alternative regulatory approaches such as subcatorization of the industry by job shops and captive shops (captive shops perform electroplating operations on their own materials), limited treatment requirements, and size exemptions based on wastewater flow.

Summary of Benefits

Sectors Affected: The general public and manufacturers of wastewater treatment equipment.

The metal finishing industry is a major industrial source of water pollution in the United States. If precipitation/clarification is selected as the basis for the proposed metal finishing BAT effluent limitation guidelines and pretreatment standards, the metal finishing regulations would prevent the discharge into the Nation's waters and POTWs of approximately 28 million pounds per year or about 97 percent of the toxic metals currently discharged by the metal finishing industry. (The 28 million pound/97 percent removal is in addition to that currently being achieved by treatment equipment already in place.) The proposed rule would also prevent the discharge of approximately 164 million pounds per year of toxic organics by preventing the dumping of organic solvents at little or no cost to metal finishing firms. These levels of removal constitute approximately one third of the total toxic metals and organics removal that could be achieved by all industrial sources for which effluent limitations and standards have been planned or promulgated. Finally, a significant reduction in cyanide, TSS, and oil and grease pollution would be achieved by the proposed regulations.

Although it is not possible to estimate the impact on human health, the proposed rules would lead to a significant improvement in water quality in areas populated with metal finishing plants. Manufacturers of wastewater treatment equipment would indirectly benefit by this regulation through increased demand for their products.

Summary of Costs

Sectors Affected: Metal finishing plants and users of products from metal finishing plants.

The Agency currently estimates that a total capital expenditure of $340 million in 1980 dollars may be necessary for installation of precipitation/clarification technology systems (Option 1) and an additional $723 million would be required if filtration (Option 2) were chosen as part of the BAT technology system. Both of these estimates assume some treatment equipment already in place. The total annual costs for the precipitation/clarification system are estimated to be $102 million, while the total incremental annual costs for the addition of the filtration system are estimated to be $217 million. These large aggregate costs are, in part, due to the size of the industry: current EPA estimates place the total number of plants at over 13,000. Although these costs do not include the costs for control of toxic organics, EPA believes such control can be achieved at little or no cost to the industry by proper solvent segregation and resale of spent solvents to reclaimers.

Despite the high projected industry-wide costs, the impact on the direct and indirect discharging captive shops, which comprise approximately 80 percent of the metal finishing plants, is projected to be low. They are projected to experience no plant closures due to metal finishing regulations based on precipitation/clarification of only 0.3 percent. If filtration is added to precipitation/clarification, captive shop closures are projected to be 0.1 percent. The Agency projects an employment loss of 0.1 percent or 1,841 jobs for this option. The impact on direct discharging job shops is negligible for Option 1 with no plant closures expected. For Option 2 (precipitation/clarification/filtration), EPA projects a closure rate of 37 percent of job shops and an employment loss percent of 16 percent or 1,122 jobs.

No additional closures are expected for indirect discharging job shops and printed circuit board manufacturers already subject to the Electroplating Pretreatment Standards for Existing Sources, because EPA does not plan to impose more stringent limitations on such facilities. (See Statement of Problem above.)

The metal finishing regulations are estimated to affect prices of metal finishing products by about 0.3 percent if limitations are not based on filtration and by 0.72 percent if based on filtration. These price increases could affect many items in the wide range of metal-based products (e.g., automobiles, household appliances, and machinery). EPA will carefully consider these costs prior to proposal and throughout the rulemaking. Because this rule may have an annual effect on the economy in excess of $100 million and therefore is a major rule under Executive Order 12291, the Agency will conduct a Regulatory

Impact Analysis (RIA). EPA plans to complete the RIA in 1981.

These regulations should not require additional resources of EPA or State permit authorities.

Summary of Net Benefits

No estimates are available at this time. However, we project that, in general, net benefits will take the form of significantly improved water quality in areas populated with metal finishing plants.

Related Regulations and Actions

Internal: Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the cost of installation and operation of various wastewater treatment technologies. The General Pretreatment Regulations, 40 CFR Part 403, are being revised at the request of the Presidential Task Force on Regulatory Relief. The results of this review may affect these regulations.

External: None.

Government Collaboration

The Department of Commerce has provided assistance by reviewing materials.

Timetable

NPRM—January 1982.
Public Comment Period—60 days following publication of NPRM.
Regulatory Impact Analysis—Second half of 1981.
Regulatory Flexibility Analysis—Under preparation.
Final Rule—1982.

Available Documents

Development Document for Existing Source Pretreatment Standards for the Electroplating Point Source Category, EPA, April 1979, National Technical Information Service (NTIS) Number PB80-196488.

Draft Development Document for Effluent Limitation Guidelines and Standards for the Metal Finishing Point Source Category, prepared for the U.S. Environmental Protection Agency by Hamilton Standard, Division of United Technologies (available for review at EPA Headquarters and Regional Libraries only).

Economic Impact Analysis of Proposed BATEA Regulations for the Metal Finishing Industry (available for review at EPA Headquarters and Regional Libraries in mid-July).

Agency Contact

Richard Kinch, Project Officer
Effluent Guidelines Division (WH-552)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 426-2582

EPA-OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works (40 CFR Part 420; New)

Legal Authority

The Clean Water Act, as amended, §§ 301, 304, 306, 307, and 501, 33 U.S.C. 1311, 1314, 1316, 1317, and 1351.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is major because it will provide control of discharges from one of the largest metal manfacturing industries in the United States. Approximately 26 billion gallons of wastewater, containing large amounts of toxic pollutants, are annually discharged to navigable waterways and publicly owned treatment works (POTWs). Although EPA has not completed its economic analysis, we expect the regulation will have a substantial economic impact.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for discharge of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works and to review such guidelines and standards at least once every 5 years. EPA has not previously promulgated effluent limitations guidelines for the source category that covers foundries.

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of the best available technology economically achievable (BAT) for those pollutants that Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand, total suspended solids (TSS), fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "nonconventional" and are subject to regulation under BAT.

The foundries category consists of those plants that cast metal. These plants remelt metal to form a cast intermediate or final product by pouring or forcing the molten metal into a mold. Ingots, pigs, or other cast shapes related to primary metal smelting are not included in this category. Casting plants are included within the Standard Industrial Classification (SIC) Major Group 33—Primary Metal Industries. The parts of this major group that are covered by the category we are discussing here are the SIC subgroups 3321, 3322, 3324, 3325, 3361, 3362, and 3369. The types of metal associated with these SIC codes and considered for regulation under this category are: gray iron, ductile iron, malleable iron, steel, aluminum, copper, lead, magnesium, zinc, and their respective alloys.

A 1976 EPA survey indicated that over 3,600 foundries are located in the United States, employing approximately 350,000 workers and producing over 19 million tons per year of cast products. The foundry industry ranks fifth among all manufacturing industries based on "value added by manufacture," according to data issued by the U.S. Department of Commerce in 1970 (Survey of Manufacturers, SIC Codes 29-30).

An estimated 119 billion gallons of process wastewater result each year from the manufacture of castings. Ninety-three billion gallons of process wastewater (or 78 percent) are recycled. Twenty-three billion gallons (or 19 percent) of the total process wastewater flow are discharged to navigable waters. Slightly less than 3 percent (or 3 billion gallons) is annually introduced into POTWs.

Seventy-nine toxic pollutants have been found to be present in foundry process wastewaters. Major toxic pollutants of concern in foundry process wastewaters are: copper, lead, nickel, zinc, toxic phenolic compounds, and other toxic organic compounds. Conventional and nonconventional pollutants are also present in foundry wastewaters. These pollutants include: total suspended solids, oil and grease, pH, ammonia, sulfide, fluoride, manganese, iron, and nontoxic total phenols.

Alternatives Under Consideration

The Agency is evaluating the capabilities and costs of various wastewater treatment technologies for controlling pollutant discharges from casting operations. A primary focus of

this effort is to promulgate regulations to control the discharge of toxic pollutants by direct dischargers (i.e., those who discharge wastewater to surface waters) and indirect dischargers (i.e., those who discharge to POTWs).

To establish discharge levels for control of pollutants at the BPT (best practicable technology currently available), BCT, BAT, NSPS, (new source performance standards), PSES (pretreatment standards for existing sources), and PSNS (pretreatment standards for new sources) levels of treatment, EPA is considering various treatment systems. Most alternatives involve the installation of add-on treatment components (end-of-pipe treatment equipment that can be added in series to existing treatment equipment) in addition to in-plant controls (control equipment that is physically located within the plant).

EPA is considering in-plant controls as part of the technologies identified as best practicable and best available technologies. The in-plant control measures considered include the reduction of wastewater generation via process water reduction and recycle. Reduction in the volume of water used in manufacturing and the increase in the amount of water recycled reduces the volume of wastewater requiring treatment before discharge and the attendant treatment costs.

Add-on treatment for toxic pollutant control could include: settling and recycle; lime, settle, and recycle; chemical oxidation; granular activated carbon; biological treatment pressure filtration; and pressure filtration accompanied with sulfide addition. EPA has not yet determined, but will before proposal, which treatment technologies and effluent levels are appropriate for this category.

Summary of Benefits

Sectors Affected: The general public.

The major benefits of this regulation will be the reduction or elimination of toxic pollutant discharges to the Nation's waterways from metal molding and casting facilities. The quantity of pollutants removed from discharges to the environment under this regulation will be significant.

Effluent levels considered for a proposed BPT (generally based on lime, settle, and 100-percent recycle technology) regulation would result in the removal of an estimated 0.93 million kilograms (2.1 million pounds; 99 percent removal) per year of toxic pollutants and 111.3 million kilograms (245 million pounds; 99 percent removal) per year of other pollutants (primarily suspended solids and oils and greases) above the current discharge levels for these pollutants.

Compliance with the BAT effluent limitations under consideration would result in the removal of the final 1 percent of pollutants, and estimated 3,300 kilograms (7,300 pounds) per year of toxic pollutants, and 175,000 kilograms (386,000 pounds) per year of other pollutants discharged at the BPT level of treatment.

Summary of Costs

Sectors Affected: Manufacturing of ferrous and nonferrous cast products, and users of these products.

The Agency is presently conducting an economic analysis to determine the effects of alternative effluent limitations on the foundry industry and to determine if this regulation meets the criteria established by Executive Order 12291 for performing a Regulatory Impact Analysis. If such criteria are met the Agency will undertake a Regulatory Impact Analysis for this category.

The economic analysis assesses the financial impacts on the foundry industry in terms of the regulation's required capital and annual costs. The specific impacts under the analysis are: plant closures, unemployment, potential price increases, and production changes. To determine major impacts, such as plant closures and unemployment, the costs of compliance are compared to the maximum amount of income available for investment by a foundry. No estimates of the possible effects of this regulation are available at this time.

In addition, §§ 304(b) and 306 of the Act require EPA to consider the nonwater quality environmental impacts of certain regulations. In compliance with these provisions, EPA will be considering the effect of this regulation on air pollution, solid waste generation, water consumption, and energy consumption.

The costs of compliance with proposed Resource Conservation and Recovery Act (RCRA) regulations may not be specifically included for consideration at the time of proposal. The Agency will, however, determine before promulgation of a Final Rule whether there are any significant economic impacts due to RCRA costs.

The Agency has recently completed by phone survey an update of its data base to reflect recent installation of pollution control equipment during the 1977 through 1980 period. Due to the recent completion of this data collection activity and the ongoing analysis, revised cost data are not available for publication at this time.

Summary of Net Benefits

No estimates are available at this time.

Related Regulations and Actions

Internal: The elimination or reduction of one form of pollution may aggravate other environmental problems. Presently, the effects of water regulations on air pollution and on water and energy consumption are likely to be minimal when compared to the total consumption of water and energy by the foundry industry and when compared to the total air emissions controlled by the industry.

However, foundry waste treatment sludges may be identified as hazardous under the regulations implementing Subtitle C of RCRA. If these wastes are identified as hazardous, they will come within the scope of RCRA's "cradle to grave" hazardous waste management program, which covers hazardous wastes from the point of generation to point of final disposition. In addition, RCRA regulations establish standards for hazardous waste treatment, storage, and disposal facilities allowed to receive such wastes. Even if these wastes are not identified by EPA as hazardous, they must still be disposed of in compliance with Subtitle D of RCRA.

External: This proposed regulation would set minimum requirements on a national level that would supersede less stringent State or local regulations. However, any State or locality may require more stringent limitations if there are water quality problems.

Government Collaboration

None.

Timetable

NPRM—August 1982.
Final Rule—October 1983.
Public Hearing—To be determined.
Public Comment Period—60 days following publication of NPRM.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—Publication date to be determined.

Available Documents

Draft Development Document for Effluent Limitations Guidelines and New Source Performance Standards for Foundries; Metal Molding and Casting Point Source Category, April 1980, EPA 440/1-80/070-a. The Development Document may be obtained from the Agency Contact.

Agency Contact

Ernst P. Hall, Chief
Metals and Machinery Branch

Effluent Guidelines Division (WH–552)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 426–2726

EPA–OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works (40 CFR Part 420; New for BAT, Revision for BPT

Legal Authority

The Clean Water Act as amended, §§ 301, 304, 306, 307, and 501, 33 U.S.C. 1311, 1314, 1316, 1317, and 1351.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is important because it will provide control of discharges into the water from the largest metal manufacturing industry in the United States. It will have an annual effect on the economy of more than $100 million.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for discharge of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs) and to review such guidelines and standards at least once every 5 years. EPA promulgated effluent limitations guidelines reflecting the best practicable control technology currently available (BPT) and the best available technology economically achievable (BAT) and new source performance standards (NSPS) for twelve subcategories of the industry on June 28, 1974 (39 FR 24114, 40 CFR Part 420). EPA promulgated BPT guidelines for 14 remaining subcategories of the industry on March 29, 1976 (41 FR 12990, 40 CFR Part 420). These regulations were remanded (Phase I remanded November 7, 1975; Phase II remanded September 14, 1977) to the Agency by the Third Circuit Court (see below).

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for those pollutants that Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand, total suspended solids (TSS), fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "non-conventional" and are subject to regulation under BAT.

The Agency promulgated regulations for the iron and steel manufacturing industry on June 28, 1974 (Phase I or steelmaking operations), and on March 29, 1976 (Phase II or forming, finishing, and specialty steel segments). The U.S. Court of Appeals for the Third Circuit remanded the regulations for several reasons, including procedural errors and the Agency's failure to consider adequately (1) the impact of plant age on the cost or feasibility of retrofitting, (2) site-specific costs, (3) consumptive water use, (4) the economic condition of the industry, and (5) the achievability of certain limitations (*AISI et al.* v. *EPA)* 526 F. 2d 1027 (3d Cir. 1975) and *AISI et al.* v. *EPA)* 568 F. 2d 284 (3d Cir. 1977).

The Agency developed and proposed (46 FR 1858, January 7, 1981) a regulation to replace the regulations remanded by the court. This regulation reflects new information from industry surveys and sampling and is designed to remedy the deficiencies found by the court. In addition, the proposed regulation includes BCT and BAT regulations to control conventional, nonconventional, and toxic pollutants, as required by the 1977 amendments to the Clean Water Act. The proposed regulation pertains to effluent limitations and standards for the manufacturing operations covered by the 1974 and 1976 regulations.

Based upon comments received at the close of the public coment period, May 8, 1981, the Agency contacted the American Iron and Steel Institute (AISI) and a number of steel companies in order to clarify comments that had been received and to request additional data related to current plant discharges. The Agency is currently reviewing and assessing this new information.

Further, as a result of Executive Order 12291, the Iron and Steel regulation has been designated a major rule (i.e., will have an effect of $100 million or more on the economy) and is currently undergoing a Regulatory Impact Analysis. This in-depth analysis, together with new information provided at the close of the comment period, could result in significant changes to both the cost and pollutant removal estimates that are contained in the proposed regulation.

The iron and steel manufacturing category (Standard Industrial Classification Codes 3312, 3315, 3316, 3317, and parts of 3479) is comprised of approximately 680 manufacturing facilities nationwide. The amount of process water used by these facilities is estimated to be 6.3 million gallons per day. Because of these large flows, the quantity of pollutants discharged is very large, even though the concentration of pollutants in a waste stream sometimes may be relatively small. A Development Document is available that presents the concentration and load data used in the development of this proposed regulation.

During its sampling program, EPA detected in iron and steel manufacturing wastewaters significant levels of copper, chromium, cyanide, iron, nickel, lead, zinc, oil and grease, ammonia, sulfide, fluoride, and suspended solids. Additionally, the Agency found a wide variety of organic materials including benzene, phenols, and aromatic compounds in wastewaters from coke manufacturing, from blast furnaces which use the coke, and in cold rolling operations. The heavy metals may produce cumulative toxic effects on the aquatic environment and on humans through impacts on drinking water and foods (particularly fishes), and many of the organic compounds are known or suspected carcinogens. Ammonia, a "nonconventional" pollutant, is proposed for control because of its high aquatic toxicity at concentrations present in wastes from some operations in this industry.

Alternatives Under Consideration

The Agency evaluated the capabilities and costs of various wastewater treatment technologies for controlling pollutant discharges from iron and steel manufacturing facilities. A primary focus of this effort was to promulgate regulations to control the discharge of toxic pollutants by direct (to surface waters) and indirect (to POTW) dischargers.

The technologies for the control of wastewater pollutants include both end-of-pipe treatment and methods to reduce water usage. End-of-pipe treatment, best applied after recycle to reduce wastewater volumes, includes, where appropriate, cyanide oxidation, hexavalent chromium reduction, metals precipitation, oil removal, suspended solids (including precipitated metals) removal, and chemical and biological destruction of ammonia and toxic organic materials. The applicability of these technologies is dependent on the type of waste generated by the subcategory or segment; i.e., not all of the listed technologies are applicable to all sources. However, within each

subcategory or subdivision the selected technologies are generally applicable to all iron and steel manufacturing facilities within that segment.

In evaluating options for this regulation the Agency considered several important factors, including: the quantity and type of pollutants generated by each wastewater source; the treatment technologies available for application to that wastewater source; air, solid waste, energy, and other non-water quality environmental aspects of the proposed regulation; and the cost and economic impact of applying each of the several options. The principal technologies selected as the basis for the proposed regulation are: waste volume reduction by recycle, extended biological treatment (byproduct coke subdivision), alkaline chlorination and dechlorination (sinter and iron making subcategories), slag evaporation (iron making subcatergory where appropriate), lime precipitation, filtration, process changes (cold rolling subdivision), and cascade rinsing (pickling and hot coating subcategories). Cold rolling is an operation in which unheated steel is passed through rolls or otherwise processed to reduce its thickness, to produce a smooth surface, or to develop controlled mechanical properties in the steel.

Pickling is an operation in which steel products are immersed in acid solutions to chemically remove oxides and scale and those rinsing operations associated with such immersion.

Hot coating is an operation in which steel products are coated with other metals by immersion of the steel product in a molten bath of the coating metal and the related operations preceding and subsequent to the immersion phase.

The Agency also evaluated additional alternatives including such control and treatment technologies as sulfide precipitation to reduce toxic metals discharges and the use of multiple effect evaporators to achieve zero discharge. The environmental benefits that could be achieved, beyond these achievable by the regulation as proposed, are very small and the costs in both dollars (capital and annual) and energy are very large. The Agency determined these technologies not to be justifiable.

The Agency is gathering additional information on wastewater characteristics, on costs, and on the availability and effectiveness of technolgies, particularly on the hot forming and cold rolling operations and on plants with existing central treatment facilities (i.e., waste treatment facilities that treat wastes from multiple sources). These data will be evaluated to determine (a) the extent to which the hot rolling of carbon steels contributes toxic metal pollutants to wastewaters, (b) the extent to which cold rolling operations contribute toxic organic pollutants to wastewaters, and (c) what central treatment alternatives to BAT might be developed at specific mills.

The Agency will evaluate these data and the comments received in response to the proposal prior to final promulgation.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the proposed regulation will be the reduction of toxic pollutant discharges from iron and steel manufacturing facilities. The quantity of pollutants removed from discharges to the environment under this regulation will be significant. In the January proposal the Agency estimated that through compliance with the BAT regulation the industry will remove approximately 3.8 million pounds per year of toxic organics (88.5 percent of BPT discharges), 5.0 million pounds per year of toxic metals (91.9 percent of BPT discharges), and 260 million pounds per year of suspended solids, oil and grease, ammonia, and other pollutants (92.7 percent of BPT discharges). The proposed regulation would reduce BPT process wastewater volumes from about 2,600 million gallons per day (mgd) to about 300 mgd (89.8 percent of the BPT flow). The Agency will reevaluate these figures as a part of the reanalysis of the proposed regulation and specifically examine toxic pollutant contributions by hot rolling operations.

The employment effects associated with the installation and operation of the water pollution control facilities required by this regulation will ease the overall employment impacts of the regulation.

In the regulation as proposed, the BCT limitations would have been achieved by the BPT and BAT systems in almost all subdivisions, i.e., little additional cost would have been incurred specifically to achieve BCT limitations.

Because of the remand in *American Paper Institute* v. *EPA* (No. 79–115), the regulation to be promulgated probably will not contain BCT limitations except for those operations for which the BAT limitations are no more stringent than the respective BPT limitations. For most of the basic steelmaking operations, the Agency will reserve its decision on BCT because BCT limitations more stringent than the respective BPT limitations may be appropriate. For the forming and finishing operations, the BCT limitations will be the same as the respective BPT limitations. In any event, no additional costs of compliance are anticipated for BCT.

For the Iron and Steel industry, 31 organic priority pollutants have been observed in sampling in quantities and under circumstances sufficient to consider for regulation. These toxic organics have been found primarily in the coke making and cold rolling operations' wastewaters. These toxic organics are known to be carcinogenic (benzene, benzo(a)pyrene, chrysene, anthracene, phenanthrene, pyrene), eye or skin irritants (ethylbenzene), toxic by ingestion (phenol, toluene, benzene), or toxic by inhalation (trichloroethylene, benzene).

Eleven of the thirteen toxic metals were found in wastes generated by the steel industry in quantities and under circumstances sufficient to consider for regulation. Most steel operations' wastewaters contain one or more of these toxic metals. Toxic effects can be cumulative (long-term) or acute (immediate).

The Agency has determined that 37.3 million tons per year of solid waste (at 30 percent solids) have been and will be generated by the steel industry in complying with the proposed regulation. Of this amount almost all (37.0 million tons) is currently generated by the steel industry in complying with the proposed BPT limitations. This solid waste is comprised almost entirely of treatment plant sludges. EPA recognizes that significant quantities of other solid wastes, such as electric furnace dust and blast furnace slag, are generated by the steel industry. However, those solid wastes are generated by the manufacturing processes and are not associated with this proposed water pollution control regulation. For this reason process solid wastes are not included in this impact analysis.

The data gathered for this study demonstrate that the industry collects and disposes of most sludges currently generated in existing treatment systems. Hence, the industry is presently incurring sludge disposal costs and finding the necessary disposal sites. The Agency believes that the industry will continue to be able to do so. (EPA is unable to estimate accurately the number of disposal sites that are secure, well-maintained operations.) The average sludge disposal cost used in this analysis is $5.00 per ton. These costs have been included in the Agency's estimate for costs of compliance with the proposed regulation, and the Agency expects the solid waste impacts associated with the proposed regulation to be small.

Summary of Costs

Sectors Affected: Manufacturing of iron and steel products; and users of these products.

The Agency is continuing to refine the cost data for BPT remaining to be installed and the costs to implement the proposed BAT requirements. The proposed regulation, when promulgated, would require capital expenditures for water pollution control equipment and create jobs related to the construction and operation of new equipment and facilities. Process changes may also be required (i.e., to rolling oil compositions) to achieve control of toxic pollutants in the cold rolling subdivisions.

In the January proposal the Agency estimated the capital investment required to achieve compliance (in millions of 1978 dollars) for the BPT remaining to be installed and the BAT proposed, to be as follows:

BPT	417.8
BAT	444.1
NSPS	159.5
Total	1021.4

These costs exclude individual Consent Decree commitments and anticipated shutdowns through July 1, 1984. Consent Decrees are legally binding agreements between the Agency and a specific company, to make certain changes (usually installation of specific waste treatment facilities). Those costs will not be costs incurred as a result of promulgation of this regulation.

The Agency projected the economic impact of the proposed rule using:

- A model developed for EPA that is designed to use the costing methodology of the ADL/AISI model. ADL (Arthur D. Little, Inc.) is a consultant to the AISI (American Iron and Steel Institute, an association of steel companies).
- An assessment of the economic impact of the proposed regulation under three scenarios. These three scenarios are based on the following assumptions:

Scenario 1: A continuation, from 1981 to 1990, of the economic environment and governmental policy faced by the steel industry over the last 10 years with two subscenarios: zero pass through and full pass through of water pollution control annual costs to the prices for steel industry products.

Scenario 2: A 3-percent growth in steel shipments; higher profitability; and policy changes, including quicker recovery of capital investments, return to "fair value" import prices, and latitude to increase prices.

Scenario 3: Changed economic environment as a result of governmental policies, such as increased real economic growth, reinstatement of the U.S. Treasury's trigger price mechanism that was suspended upon U.S. Steel's filing of dumping charges in early 1980, and a 40-percent increase in depreciation cash flows.

The impact of the proposed regulations under the three scenarios are summarized in Tables 1 and 2.

TABLE 1.—*Short-Run Economic Impact of Proposed Water Pollution Control Regulation—1984*

	Domestic shipments (millions of net tons)	Number of employees (thousands)	Market share (percent)
Industry status in 1979	100.3	342.0	84.8
Scenario 1: Baseline	101.3	334.5	82.0
Additional water pollution control costs:			
Zero pass through	101.3	335.8	82.0
Full pass through	101.3	335.8	82.0
Scenario 2: Baseline	106.7	356.0	82.0
Additional water pollution control costs	106.7	357.3	82.0
Scenario 3: Baseline	105.8	354.8	[1]85.0
Additional water pollution control costs	105.8	256.1	85.0

[1] Reflects new surge provisions of recently reinstituted Trigger Price Mechanism.

TABLE 2.—*Long-Run Economic Impact of Proposed Water Pollution Control Regulation—1990*

	Domestic shipments (millions of net tons)	Number of employees (thousands)	Market share (percent)
Industry status in 1979	100.3	342.0	84.8
Scenario 1: Baseline	92.4	[2]271.1	71.5
Additional water pollution control costs:			
Zero pass through	90.1	[1]254.6	66.6
Full pass through	88.1	262.5	68.9
Scenario 2: Baseline	126.0	356.4	82.0
Additional water pollution control costs	126.0	358.3	82.0
Scenario 3: Baseline	117.8	341.5	[1]85.0
Additional water pollution control costs	115.5	336.0	[1]83.2

[1] Represents recovery from baseline market share of 77.8 percent in 1988 and from market share after additional water pollution control costs of 73.4 percent also in 1988.

[2] Derivation of Employment Estimates: The effect of the proposed regulations on employment is a combination of two estimates—the loss in production workers due to cut-backs in reworks expenditures due to the regulations, and the additional workers needed to operate the pollution control equipment necessitated by the regulations. This derivation can be seen in Table 2 under the first scenario. The decline in production workers by 1990 in the zero pass through scenario, due to the regulations, would be about 17,925 jobs because of foregone reworks expenditures. However, the additional water pollution control requirements will require the addition of 1,360 workers to operate the equipment. Thus, the net job loss is about 16,500—the difference between 271.1 thousand in the 1990 baseline of Scenario 1 and the 254.6 in the zero pass through case in Scenario 1. The methodology in all three scenarios is the same.

In the January proposal the Agency estimated the total additional investment costs to be $1.02 billion (in 1978 dollars) as follows:

BPT: $416 million;
BAT: $444 million;
NSPS: $159 million.

At that time incremental annual costs were estimated at $264 million in 1984, decreasing to $226 million in 1990, as follows:

BPT: $97 million decreasing to $93 million;
BAT: $150 million decreasing to $93 million; and
NSPS: $17 million increasing to $40 million.

Industry's ability both to finance baseline production and to satisfy capital requirements for water pollution control from 1981 to 1990 depends heavily on governmental policy changes such as those described in Scenarios 2 and 3.

The Agency selected the economic conditions of the industry depicted in the third scenario as the most likely to represent those the steel industry will face in the 1980s. At the time the regulations were under consideration for proposal, the industry, the Congress, the Carter Administration, and then-candidate Reagan were proposing major changes in government economic policy toward steel in particular and industry in general. These proposals ranged from refundable investment tax credits to complete pricing latitude free from government interference. In the Agency's judgment the conditions embodied in the third scenario represented a reasonable attempt to compromise these proposals into a comprehensive policy that contained common programs being discussed by all parties at the time. Specific changes included a 40 percent increase in depreciation cash flows, a return to the trigger price mechanism for steel, and allowable steel price increases of 10.1 percent through the mid-1980s, in accordance with the wage-price guidelines set forth at the time of proposal. These conditions led to an economic impact less severe than in the first scenario but less optimistic than the second scenario but recognized that some changes in government industrial economic policy will probably be forthcoming in the early 1980s.

Under this scenario the following impacts may result:

- Temporary net job loss of 14,540 below projected baseline by 1988. However, by 1990 the net job loss will be 5,500 below baseline 1990. (For more detail regarding the derivation of employment effects see Table 2.)
- Decreased current market share of 4.4 percentage points below baseline but rising to only 1.8 percent below baseline in 1990.

Summary of Net Benefits

The benefit-cost study included: (1) in-depth analyses of the benefits and costs attributable to the regulation for three

streams, the Black Mahoning, and Monongahela Rivers, and (2) an allocation of shares of the aggregate benefits of water pollution control to the steel industry regulation. Because of the deficiencies in the relevant data and knowledge, both analyses relied heavily upon the existing economic and other professional literature. Hence, we consider this economic benefit analysis to be an experimental endeavor rather than a precise analysis.

The in-depth studies of the three streams focused on recreation benefits and non-user benefits because these benefit categories are expected to constitute a significant portion of the total benefits, which also include human health benefits and diversionary uses and commercial fisheries benefits. For both the Black and Mahoning Rivers, the respective ranges of costs to comply with this regulation lie within the lower end of the respective ranges of estimated benefits. For the Monongahela River, the estimated benefits are clearly higher than the associated costs. Thus, the estimated benefits of moving from in-place treatment to BAT would probably outweigh the costs for all three rivers studied. We believe these estimated benefits are as accurate as possible. However, the sample size of three streams is too small to permit statistically sound extrapolation to all affected waterways. The resources for conducting similar intensive water quality and benefit analyses on a larger number of streams are substantial and are not available.

The aggregate shares analysis yielded a positive benefit-costs comparison. However, we have little confidence in those results. This is due to the fact that the aggregate shares methodology contains several large conceptual problems. For example, the estimates of the national benefits of water pollution control may be imprecise. Also, pollutant loadings are used to define benefit shares for each industry. In many cases, the pollutant loading data are incomplete. Further, benefits are not strictly proportional to loading reductions. Without intricate weighting schemes that would account for relevant factors, such as pollutant toxicity and persistence in the aquatic environment, wastewater and receiving water flow, and affected population, we believe that the aggregate shares approach to benefits estimation could include errors of indeterminant direction and magnitude.

Related Regulations and Actions

Internal: The Agency is reviewing the interaction between this regulation and air pollution and solid waste disposal requirements. As an example, we are evaluating the possible disposal of blowdown (approximately 2 percent of the water applied to the scrubber) from blast furnace wastewater recycle systems by evaporation in slag pits (a pit, adjacent to the blast furnace at many installations, provided as a place to cool the molten slag byproduct of the blast furnace operation). The Agency is coordinating this evaluation with the EPA's Office of Research and Development and with air programs.

In adition, in evaluating wastewater treatment alternatives, the Agency considered, to the extent possible, the requirements and costs for the management of solid wastes under the Resource Conservation and Recovery Act.

External: This proposed regulation would set minimum requirements on a national level that would supersede less stringent State or local regulations. However, all levels of government may require more stringent limitations in specific instances if water quality criteria or other requirements so justify.

Government Collaboration

None.

Timetable

NPRM—46 FR 1858, January 7, 1981.
Public Hearing—March 6, 1981.
Public Comment Period—Closed May 8, 1981.
Regulatory Impact Analysis—December 1981.
Final Rule—January 1982.
Regulatory Flexibility Analysis—Not required.

Available Documents

The applicable documents currently available are:

Public Comments—May 8, 1981 (46 FR 20707, April 7, 1981 (46 FR 24606), (46 FR 32274).

All comments on this proosal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear—EPA Library). The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying. The transcript of the public hearing on pretreatment held March 6, 1981 is also available.

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category, December 1980, EPA 440/1-80/024b (Volumes 1 through 6).

The Development Document may be obtained from the Agency Contact.

An Economic (Regulatory) Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category (December 1980), EPA 440/2-81-009.

The Economic (Regulatory) Analysis document may be obtained by contacting Robert Greene, Office of Planning and Evaluation (PM-220), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20560, (202) 287-0713.

Agency Contact

Ernst P. Hall, Chief
Metals and Machinery Branch
Effluent Guidelines Division (WH-552)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 426-2726

EPA-OW

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works (40 CFR Part 420; New)

Legal Authority

The Clean Water Act, as amended, §§ 301, 304, 306, 307, and 501; 33 U.S.C. 1311, 1314, 1316, 1317, and 1351.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this is a major regulation because it pertains to two industrial categories that encompass the manufacture of petrochemical products. These products are not only economically important in terms of production volume, but are products whose manufacture generates toxic pollutants listed in § 307(a) of the Clean Water Act. While EPA is only in the preliminary stages of its economic analysis, we expect the regulation may have an annual economic impact in excess of $150 million.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency to develop technology-based effluent limitations guidelines and standards for the discharge of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs) and to review such guidelines and standards at least once every 5 years. This

rulemaking covers two point source categories that were previously regulated separately. The organic chemicals regulations were published in two phases. Phase I included 40 major products/processes representing 75 percent of the industry production and was promulgated April 25, 1974 (39 FR 12676). Litigation ensued. Phase II (covering an additional 27 products/processes) was promulgated on January 5, 1976 (41 FR 902). On February 10, 1976, the court in *Union Carbide* v. *Train*, 541 F. 2d 1171 (4th Cir. 1976), granted the parties' motion to remand the Phase I guidelines. The court also directed EPA to withdraw the Phase II guidelines, which EPA did on April 1, 1976 (41 FR 13936), with the exception of butadiene manufacture (which was based on different sets of data acceptable to industry).

The issues raised in the litigation were:

(1) The guidelines contained mass limits for biological oxygen demand (BOD), chemical oxygen demand (COD), and total suspension solids (TSS), determined by multiplying best practicable technology (BPT) concentrations by average flows. Industry contended that EPA's consideration and accounting for variability of flows was inadequate.

(2) Industry contended similarly that EPA inadequately accounted for raw waste load variability in defining subcategories (which were few in number and broad in definition).

(3) Industry contended that several waste-specific and site-specific factors significantly affect treatability and were improperly excluded from EPA's analysis and guideline numbers. These included the biodegradability of particular waste streams, the level of total dissolved solids in the waste streams, and ambient temperatures.

(4) EPA developed the variability factor from long-term data from a single plant. Industry contended that different plants have different factors; industry supported its contention with data from a second plant.

(5) EPA's contractor used unacclimated seed for BOD measurement and produced faulty results. In the notice of Phase II withdrawal, EPA said:

> As a result of the extensive Agency reanalysis of the data base occasioned by the petitions for review . . ., the Agency concluded that the contractor retained by the Agency to measure certain parameters of the industry wastewaters had used procedures which may have been, in certain instances, faulty.

The plastics/synthetic fibers regulations were also promulgated in two phases. Phase I was promulgated on April 5, 1974 (39 FR 12502). Phase II was promulgated on January 23, 1975 (40 FR 3730). In *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir., argued on September 25, 1975 and decided on March 10, 1976), Phase I was remanded. The primary basis was EPA's inadequate consideration of the tenfold variability in flows. (The court also frowned upon the absence of an excursion provision.) In accordance with the court's decision, EPA withdrew Phase I (as well as Phase II, which contained the same "errors") on August 4, 1976 (41 FR 32587). However, the pH limitations, which had not been attacked, were not withdrawn. They remain today as the sole guidelines numbers for the plastics/synthetic industry.

Organic chemicals and plastics/synthetic fibers are being studied simultaneously, although separate regulations could be issued. The present schedule is for proposal in July 1982. No regulations have been prepared since the remands.

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of best available technology economically achievable (BAT) for those pollutants that Congress declared toxic under § 307(a) of the Act. The Act also requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "nonconventional" and are subject to regulation under BAT.

The organic chemicals and plastics/synthetic fibers industry is comprised of production facilities of two distinct types: plants whose primary function is chemical synthesis and plants that recover organic chemicals as a byproduct from unrelated manufacturing operations such as coke plants (steel production) and pulp mills (paper production). The bulk of the plants are in the former category; these plants process chemical precursors (raw materials) into a wide variety of industrial and consumer products. Approximately 90 percent of the precursors are derived from petroleum and natural gas. The remaining 10 percent are supplied by plants that recover organic chemicals from coal tar condensates generated by coke production.

The industry (organic chemicals and plastics/synthetic fibers) is characterized by a small number of very large plants and a large number of very small plants. Most of the small plants are batch process plants that do not make any of the 50 or so commercially significant, high-volume chemicals. Many plants or companies exhibit a pronounced degree of interdependence between manufacturing areas. This arrangement, known as vertical integration, converts simple chemicals to complex chemicals through several steps where the product of one process becomes the feedstock for the next. One representative complex, for example, may produce a total of 45 high-volume products with an additional 300 lower volume products. In contrast, a batch process plant may produce a total of 1,000 different products with 70 to 100 of these being produced on any given operating day. Manufacturing sites that produce large quantities of specific chemicals, however, often include fewer manufacturing areas than smaller sites that generate a larger number of products. Because production efficiencies are greater for the high-volume products, the waste production per ton of products, for the small-volume products is often higher than for the large-volume products. Regardless of the process type, wastewater treatment facilities typically serve the entire process complex, rather than individual process units.

The organic chemicals and plastics/synthetic fibers industrial categories are described under SIC Codes 2865 and 2869 for organic chemicals and SIC Codes 2821, 2823, and 2824 for plastics/synthetic fibers.

Various EPA surveys indicate that there are approximately 1,185 plants in the industry (organic chemicals and plastics/synthetic fibers), 925 direct dischargers (i.e., those who discharge wastewater directly to surface waters), and 260 indirect dischargers (i.e., those who discharge to POTWs).

An estimated 629 billion gallons of process wastewater result each year from the manufacture of organic chemicals and plastics/synthetic fibers. Of this, 493 billion gallons of process wastewater flow are discharged to navigable waters, and 137 billion gallons are annually introduced into POTWs.

Ninety-one toxic pollutants have been found to be present in organic chemicals and plastics/synthetic fibers process wastewaters. Specific pollutants of concern in organic chemicals and plastics/synthetic fibers process wastewaters are:

Miscellaneous Compounds

Acrolein
Acrylonitrile
Cyanide

Volatile Compounds

1,2-dichloroethane
1,1,1-trichloroethane
Hexachloroethane
1,1-dichloroethane
1,1,2-trichloroethane
1,1-dichloroethylene
Vinyl chloride
trans-1,3-dichloropropene
Benzene
Chlorobenzene
Chloroform
1,2-dichloropropane
Ethyl benzene
Methylene chloride
Toluene
Carbon tetrachloride

Acid Compounds

Phenol
2-nitrophenol
4-nitrophenol
2,4-dinitrophenol
2,4-dimethylphenol
pentachlorophenol

Base Neutral Compounds Phthalates

Bis (2-ethylhexyl phthalate)
Di-n-butyl phthalate
Dimethyl phthalate
Diethyl phthalate

Polynuclear Aromatic Compounds

Acenaphthylene
Anthracene
Chrysene
Fluoranthene
Naphthalene
Phenanthrene
Pyrene

Chloroethers

bis-(2-chloroethyl) ether
2-chloroethyl vinyl ether
bis-(2 chloroisopropyl) ether

Substituted Aromatics

1,3 dichlorobenzene
trichlorofluoromethane
1,2,4-trichlorobenzene
1,2-dichlorobenzene
1,4-dichlorobenzene
Nitrobenzene
2,6-dinitrotoluene
2,4-dinitrotoluene

Metals

Antimony
Arsenic
Chromium
Copper
Lead
Mercury
Nickel
Zinc
Selenium

Conventional and nonconventional pollutants are also present in organic chemicals and plastics/synthetic fibers wastewaters. These pollutants include: biochemical oxygen demand, chemical oxygen demand, total organic carbon, total suspended solids, oil and grease, pH, ammonia, and total phenols.

Alternatives Under Consideration

The Agency is evaluating the capabilities and costs of various wastewater treatment technologies for controlling pollutant discharges from organic chemical operations. A primary focus of this effort is to promulgate regulations to control the discharge of toxic pollutants by direct (to surface waters) and indirect (to POTW) dischargers.

To control toxic and nonconventional pollutants at the Best Practicable Technology (BPT), Best Available Technology (BAT), New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES) and Pretreatment Standards for New Sources (PSNS) levels of treatment, various treatment systems are being considered. Most alternatives would involve the installation of add-on treatment (treatment beyond the BPT level of control) components in addition to control systems installed as a part of the manufacturing process equipment (in-plant controls).

The Agency plans to incorporate in-plant controls that have been demonstrated in the industry into the model treatment systems considered for each level of effluent control. The in-plant control measures considered include steam stripping, activated carbon, and ion exchange. Both steam stripping and ion exchange are capable of product recovery while removing pollutants from wastewater.

Add-on treatment under consideration for toxic pollutants includes settling and recycle, coagulation/flocculation, chemical oxidation, granular activated carbon, and filtration. Each of these technologies has an area of optimum applicability defined in terms of the number of pollutants removed and wastewater flow range. The selection of any one of these treatment systems for pollutant abatement may be site specific.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of this regulation will be the reduction of toxic pollutant discharges from organic chemicals and plastic synthetic fibers facilities. EPA expects that the quantity of pollutants removed from discharges to the environment under this regulation will be significant.

Effluent levels considered for one possible BPT treatment alternative (30 milligrams per liter (mg/1) of BOD and TSS in effluent) would result in the removal of an estimated 94 million kilograms (206 million pounds) per year of toxic pollutants and 0.42 billion kilograms (0.93 billion pounds) per year of other pollutants (primarily suspended solids and biochemical oxygen demand). Compliance with PSES limitations would result in the removal of an estimated 39.1 million kilograms (86 million pounds) per year of other pollutants and 51 million kilograms (112 million pounds) of toxic pollutants.

Compliance with the BAT effluent limitations would result in the additional removal of an estimated 58.6 million kilograms (129 million pounds) per year of toxic pollutants and 141 million kilograms (310 million pounds) per year of other pollutants.

Summary of Costs

Sectors Affected: Manufacturing of organic chemicals and plastics/synthetic fibers.

The Agency has estimated the cost of each control and treatment technology option by using standard engineering costing practices. EPA has derived costs for each treatment process unit (i.e., primary coagulation-sedimentation, multimedia filtration, etc.) from model treatment plant characteristics. EPA developed model treatment plants using raw waste characteristics, including wastewater flows, industry-supplied production data, and treatment technology capabilities and performance data. To determine the cost of treatment at the BPT, BAT, NSPS, PSES, and PSNS levels of treatment, EPA added the unit process cost described above to yield total treatment cost at each treatment level. Both investment costs and operating and maintenance costs were developed in this manner. EPA has confirmed the reasonableness of this methodology by comparing EPA cost estimates with actual treatment system costs reported by the industry and to costs (for similar equipment of similar size) developed by consulting firms.

The Agency is presently conducting an economic impact analysis to determine the effects of alternative effluent limitations on the organic chemicals and plastics/synthetic fibers industry.

The purpose of the economic impact analysis is to assess the financial

impacts on the organic chemicals and plastics/synthetic fibers industry in terms of the regulation's required capital and annual costs. The specific impacts estimated by the analysis are: plant closures, unemployment, potential price increases, and production changes.

Summary of Net Benefits

The major benefit anticipated to be achieved by this regulation is a reduction in the discharge of toxic pollutants that have been known to be carcinogenic. Both the general public, the workers, and the environment will benefit from these controls.

The Agency has not started the process of selecting definite pollutant limits. However, the selection process will balance the cost of the proposed treatment versus the quantity of pollution reduced.

All of the data that will allow the quantification of the benefit are not yet available.

Related Regulations and Actions

Internal: The Agency is reviewing the interaction between this regulation and air pollution and solid waste disposal requirements, because the elimination or reduction of one form of pollution may aggravate other environmental problems. Sections 304(b) and 306 of the Clean Water Act require EPA to consider the nonwater-quality environmental impacts (including energy requirements) of certain regulations. In compliance with their provisions, EPA is considering the effect of organic chemicals regulations on air pollution, water consumption, energy consumption, and solid waste generation.

Presently, the effects of water regulations on air pollution and water and energy consumption are likely to be minimal when compared to the total consumption of water and energy by the organic chemicals industry and when compared to the total air emissions controlled by the industry.

However, organic chemicals waste treatment sludges may be identified as hazardous under the regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). If these wastes are identified as hazardous, they will come within the scope of RCRA's "cradle to grave" management program, which covers hazardous waste from the point of generation to the point of final disposition. In addition, RCRA regulations establish standards for hazardous waste treatment, storage, and disposal facilities allowed to receive such wastes. Even if these wastes are not identified as hazardous, they must still be disposed of in compliance with Subtitle D of RCRA.

In addition, in evaluating wastewater treatment alternatives, the Agency is considering, to the extent possible, the requirements and costs for the management of solid wastes under RCRA.

External: This proposed regulation would set minimum requirements on a national level that would supersede less stringent State or local regulations. However, any State or locality may require more stringent limitations in specific instances if there are water quality problems.

Government Collaboration

None.

Timetable

NPRM—July 30, 1982.
Public Comment Period—60 days following NPRM.
Final Rule—May 30, 1983.
Regulatory Flexibility Analysis—Dates to be determined.
Regulatory Impact Analysis—Dates to be determined.
Draft Development Document for Effluent Limitations Guidelines and New Source Performance Standards for Organic Chemicals and Plastic/Synthetic Fibers—July 1982.

Available Documents

None.

Agency Contact

Paul Fahrenthold, Chief
Organics Chemical Branch
Effluent Guidelines Division (WH-552)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC-20460
(202) 426-2497

CHAPTER 3—FINANCE AND BANKING

TREAS–IRS
Dollar-Value LIFO Inventory 1740

TREAS–OCC
Lending Limits; Unimpaired Surplus Fund..... 1742

TREAS–OCC
Rules, Policies, and Procedures for Corporate Activities.. 1744

TREAS–OCC
Use of Data Processing Equipment and Furnishing of Data Processing Services 1746

CFTC
Gross Margining of Omnibus Accounts 1747

CFTC
Large Trader Reporting to Exchanges and Reporting Open Positions 1748

CFTC
Notice of Proposed Rulemaking for Options on Physical Commodities..... 1750

CFTC
Proposed Rule Concerning Special Calls for Information from Traders..... 1751

FHLBB
Consumer Leasing by Federal Associations..... 1752

FRS
Simplification of Securities Credit Regulations..... 1753

SEC
Proposed Revision of Form S–14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions..... 1754

SEC
Proposed Revision of Regulation S–K and Guides for the Preparation and Filing of Registration Statements and Reports..... 1756

SEC
Reproposal of Comprehensive Revision to System for Registration of Securities Offerings 1758

SEC
Simplification of Investment Company Prospectuses..... 1760

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Dollar-Value LIFO Inventory (26 CFR Part 1; Revision)

Legal Authority

Internal Revenue Code, 26 U.S.C. 472 and 7805.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

Current regulations under § 472 of the Internal Revenue Code of 1954 (the Code) provide that taxpayers may use the dollar-value last-in-first-out (LIFO) method of accounting for valuing inventories. The LIFO method of accounting assumes that the goods in the end-of-the-year closing inventory are the oldest goods in inventory. Accordingly, sales during the year are deemed to be of the newest goods in inventory.

This method of accounting allows a taxpayer to closely associate current inventory costs with current income, a result not possible with other methods of inventory valuation, such as the first-in-first-out (FIFO) method. During periods of rising inflation, the use of the LIFO method will result in a higher cost-of-goods-sold and, therefore, a lower taxable income.

Dollar-value LIFO is a special form of LIFO in which inventories are valued in terms of dollars of cost rather than specific goods. In order to compare the costs in an inventory at the close of a year with the costs in an inventory at the beginning of a year, it is necessary to convert costs into dollars with a constant value, which are referred to as "base-year" dollars.

Current regulations provide that a taxpayer generally is not permitted to use an inventory price index to determine the base-year dollars in inventory unless the index is based on the price change experience of that taxpayer's inventory. An exception to this rule exists for taxpayers with department store inventories. Such taxpayers may use the department store indexes specially prepared by the Bureau of Labor Statistics (BLS) of the Commerce Department. The Internal Revenue Service (IRS) accepts the use of such indexes as accurate, reliable, and suitable. Generally, other taxpayers are unable to use other government-published price indexes because they cannot show that the other price indexes (such as consumer and producer price indexes prepared by BLS) are appropriate to their particular inventories. This is because BLS does not prepare the other price indexes, such as the consumer and producer price indexes, specifically for the purpose of determining the value, for tax purposes, of inventories.

The existing rules (relating to the computation of inventory price indexes used in connection with the dollar-value LIFO method of inventory valuation) are perceived by many taxpayers, especially many small businesses, as being too costly and too complex. Such taxpayers, it is argued, do not and cannot maintain the detailed inventory records and cost histories required by the current regulations. These taxpayers, therefore, do not use the dollar-value LIFO method. For many businesses, however, this method has become the preferred method of inventory valuation, especially during times of continuing inflation. Those taxpayers with both the expertise and resources to maintain their own inventory price indexes, and thus use the dollar-value LIFO method, have a distinct advantage over their less sophisticated or less affluent competitors.

Public concern regarding the perceived complexity of the current regulations has grown considerably during the last few years. The Treasury Department and the Internal Revenue Service in recognition of the problem, issued an NPRM on January 16, 1981 (46 FR 3912) to provide taxpayers with an alternative, simplified method of computing an inventory price index. Subsequent to the publication of the NPRM, Congress expressed its own concern by amending § 472 of the Code to specifically authorize the use of "suitable published governmental indexes in such manner and circumstances as determined by the Secretary [of the Treasury]" (§ 235 of the Economic Recovery Tax Act of 1981 (95 Stat. 172)).

Alternatives Under Consideration

The Treasury Department is proposing the amending regulation in order to reduce the economic impact of the existing regulations as they relate to the use of the dollar-value LIFO method. Because the amending regulation would simplify the computations required under such a method, more small entities will be able to avail themselves of the reduction in tax liability inherent in the use of the LIFO method. We can accomplish this goal only by amending the existing regulations under § 472 of the Code.

Prior to issuing the NPRM, the only significant alternative that the Department considered, other than not proposing any regulations, was to limit the availability of the new method to small businesses. We rejected this alternative because there is no authority under §§ 472 and 7805 of the Code to differentiate between large and small businesses in providing rules that would affect tax liability. The subsequent amendment of § 472 of the Code by § 235 of the Economic Recovery Tax Act of 1981 does not limit the use of governmental indexes to only small businesses.

The proposed regulation will make the use of the dollar-value LIFO method easier and therefore more accessible, especially to small businesses, by permitting taxpayers to use the consumer and producer price indexes prepared by BLS in lieu of computing an inventory price index based on their own inflation experience.

Summary of Benefits

Sectors Affected: All businesses that are required under § 471 of the Code to maintain inventories, that elect to use the LIFO method in valuing such inventories, and that elect to use the simplified rules provided by the proposed regulation.

The proposed regulation, by simplifying the current recordkeeping requirements associated with the dollar-value LIFO method, will reduce the costs of those taxpayers already using such method and reduce the income tax liability of those taxpayers electing to use such method for the first time.

The proposed regulation will be effective for taxable years beginning after the regulation becomes a final Treasury Decision.

Summary of Costs

Sectors Affected: All businesses that are required under § 471 of the Code to maintain inventories, that elect to use the LIFO method in valuing such inventories, and that elect to use the simplified rules provided by the proposed regulation; and the Federal Government.

Any business electing to use the rules provided by the proposed regulation will be required to report, for the first year that the method is used: the inventory pools used, the type of goods included in each pool, and the consumer or producer price indexes selected for each pool. (Inventory pools are subdivisions of an inventory used to group similar types of goods. Separate cost information must be maintained for each pool.) In addition, for each year in which the method is used, the taxpayer will be required to maintain adequate books and records showing how inventory pools were established, how the consumer and producer price indexes were selected, and how the inventory price indexes and the change in such indexes were computed. (These requirements are similar to those applicable to taxpayers currently using the LIFO method.) Professional accounting skills may be desirable in the initial year of using the method provided by the proposed regulation, although information disseminated by various industry groups may provide businesses with adequate assistance. Otherwise, the rules prescribed in the proposed regulation do not require any professional skills in addition to those already needed to keep inventory accounting records for a business.

During periods of inflation, the use of the LIFO method of inventory valuation will result in a lower income tax liability. The proposed regulation, by encouraging more taxpayers to switch to the LIFO method, will cause a reduction in future tax revenues.

Summary of Net Benefits

Taxpayers who currently use the dollar-value LIFO method to value their inventories, and who elect to use the simplified rules provided by the proposed regulation, will experience a net reduction in the costs associated with the required LIFO recordkeeping. The proposed regulation simply does not require the detailed recordkeeping and accounting expertise that is required by the current regulations. Adoption by taxpayers of the proposed simplified LIFO system will also result in significant administrative savings both for the IRS and for taxpayers who will no longer be required to demonstrate the accuracy of their internally generated indexes if audited.

Taxpayers who do not currently use the LIFO method to value their inventories, and who elect to use the simplified rules provided by the proposed regulation, will experience a net increase in costs associated with the required inventory recordkeeping. However, this increase in costs will be considerably less than the increase that would result from the use of the LIFO method under the current regulations. In addition, the costs associated with the additional LIFO recordkeeping requirements will be more than offset by the LIFO-induced reduction in taxable income.

Related Regulations and Actions

Internal: Proposed regulations are currently being developed to implement the new § 474 of the Code, as added by § 237 of the Economic Recovery Tax Act of 1981, which permits certain small businesses to use one inventory pool when electing to use the dollar-value LIFO method of inventory valuation.

External: None.

Government Collaboration

None.

Timetable

NPRM—46 FR 3912, January 16, 1981.
Final Rule—December 31, 1981.
Final Rule Effective—Taxable years beginning after date of Final Rule.
Public Hearing—June 30, 1981, Internal Revenue Service Building, 1111 Constitution Avenue N.W., Washington, DC 20224.
Public Comment Period (on NPRM)—January 16, 1981 through April 16, 1981.
Regulatory Impact Analysis—None planned.
Regulatory Flexibility Analysis—Initial, January 16, 1981; final, December 31, 1981.

Available Documents

Hearings on Inventory Accounting As a Burden on the Capital Formation Process (parts 1 & 2) Before the Subcommittee on Access to Equity Capital and Business Opportunities of the House Committee on Small Business, February 12, June 10 and 11, 1980, 96th Cong., 2d Sess. Available, free of charge, from the House Committee on Small Business, U.S. Congress, Washington, DC 20510.

Public comments received during NPRM comment period are available from the Commissioner of Internal Revenue, 1111 Constitution Avenue N.W., Washington, DC 20224, Attention: CC:LR:T (LR–267–79). Fee for copying: 10 cents per page.

Agency Contact

Philip R. Bosco, Attorney-Advisor
Legislation and Regulations Division
Office of Chief Counsel
Internal Revenue Service
1111 Constitution Avenue N.W.
Washington, DC 20224
Attention: CC:LR:T
(202) 566–3288

TREAS—Office of the Comptroller of the Currency

Lending Limits (12 CFR 7.1100, Revision); Unimpaired Surplus Fund (12 CFR 7.7545, Revision)

Legal Authority

Authority to issue regulations, 12 U.S.C. 93a.

Reason for Including This Entry

The Office of the Comptroller of the Currency (OCC) is proposing to change the definition of "capital," thereby affecting the activities of all national banks, State and local governments, and the general public.

Statement of Problem

The OCC charters, examines, regulates, and supervises national (i.e., federally chartered) banks. Maintaining adequate capital in national banks is an important part of OCC's goal to assure a safe and sound national banking system. OCC is considering changes to its policy and procedures for assessing the adequacy of capital of individual banks. In connection with that effort, OCC is reviewing its interpretive rules, which define capital for statutory purposes.

Various statutes limit the extent of a national bank's activities, based on the amount of its capital. These activities include, among others, holding investment securities, establishing branches, borrowing, lending to a single entity or group of related entities, lending secured by real estate, and lending to affiliated entities. In some cases, the limitation is on the aggregate extent of activity; in others, the limitation is on the magnitude of the activity as it relates to single bank customers. Adoption of OCC's proposal to change the definition of capital would affect all those activities.

The contemplated changes will aid banks by providing them with the clear definition of capital they need for planning purposes. They will also aid banks and bank customers by expanding the volume of funds that can be called capital and thereby increasing those activities, such as loans to a single borrower, that are tied to the volume of bank capital.

Capital planning is an integral element in the management of every national bank. Assuring adequate capital in national banks is an important element of bank supervision. Although maintaining adequate capital in the national banking system is a continual task of the OCC, several recent factors present in the financial system have increased the OCC's attention to the subject. For example, inflation has spurred asset growth at a pace far in excess of that for retained earnings, a major source of bank capital. For the banking system as a whole, the ratio of capital to assets has declined.

In order to develop and implement a consistent, rational capital adequacy policy, an appropriate definition of capital is necessary. The present OCC definition includes (for most, but not all purposes) all shareholders' equity accounts, subordinated notes and debentures (long-term debt securities whose holders' rights are subordinated to the rights of depositors and other creditors), and 50 percent of the reserve for possible loan losses (a contra-asset account reflecting expected losses in the loan portfolio). That definition is inconsistent with definitions used by the Board of Governors of the Federal Reserve System and by the Federal Deposit Insurance Corporation in their supervision of State-chartered banks. The other Federal bank regulatory agencies do not include subordinated debt in their definitions of capital. While this is not a problem from our supervisory point of view, the inconsistency could be creating some problems in capital planning for multibank holding companies with both State and nationally chartered banks. OCC is working with those agencies to develop a consistent definition of capital and a more uniform capital adequacy policy. In light of recent economic conditions and uncertainty as to the future, OCC believes that a revised, consistent, rational capital adequacy policy (based on an appropriate definition of capital) is necessary at this time to supervise and monitor national banks properly and to assist banks in their own analyses and planning.

Alternatives Under Consideration

OCC is considering alternatives to the statutory definition of capital and alternative implementation programs. One alternative is to make no change. A disadvantage of that approach is that it would inhibit the development of well-conceived capital adequacy policies for banks, by the banks and by government agencies. Implementation costs associated with change would, of course, be avoided.

The OCC had proposed deleting the reserve for possible loan losses from the statutory definition of capital. That contra-asset account reflects the difference between the face amount of all loans outstanding on the books of the bank and the amount the bank anticipates will be repaid. Deleting the reserve would also limit capital to those accounts representing shareholder equity that are available to absorb loan losses, thereby granting the bank sufficient time for earnings to recover while sustaining market confidence. The disadvantage of deleting this account from the definition of capital is that it would reduce the maximum size of certain loans and investments that may presently be made by national banks.

The OCC also had proposed deleting subordinated notes and debentures from the definition of capital. Although those debt instruments reflect some of the characteristics of capital when they have distant maturities, they must be repaid, interest payments are mandatory, and they become increasingly less like capital instruments as maturity dates approach. The advantage of eliminating subordinated debt from the statutory definition is that the entire capital account will be available to absorb unforeseen losses that may be experienced by an otherwise sound institution. A disadvantage of elimination is a curtailment of various bank activities presently subject to limitations based on bank capital.

In order to avoid disruptions in the ongoing conduct of banking operations, the OCC had proposed to implement any changes over time. The delayed impact would enable banks to plan adequately for any necessary changes. Another advantage is that anticipated growth in other components of capital would minimize the reductions in banking activities inherent in the proposals. As such, it is proposed that the reserve for possible loan losses be eliminated as of December 31, 1981, and that subordinated notes and debentures be eliminated at maturity or December 31, 1985, whichever occurs first.

The OCC considered other implementation options, including:

(1) eliminating only subordinated notes and debentures with short maturities;

(2) establishing a timetable to reduce, in stages, the percentage of the reserve and subordinated debt that may be included in the definition (i.e., a phaseout over time); and

(3) allowing outstanding long-term subordinated debt to be included until its maturity, but excluding new debt regardless of its maturity.

OCC solicited comments on specific questions germane to the proposal. These include:

(1) what terms, e.g., length to maturity, or mandatory conversion features might qualify subordinated notes and debentures as capital;

(2) what other forms of capital instruments exhibit sufficient characteristics to qualify as equity; and

(3) whether subordinated notes and debentures issued or outstanding at any time prior to December 31, 1985 should be included.

As a result of comments received on the NPRM of July 24, 1980 (45 FR 49276), OCC published a new NPRM August 10, 1981 (46 FR 40502).

Changes to the July 1980 redefinition of impaired surplus, which we made with our August reproposal include:

(1) inclusion of 100 percent of the loan loss reserve in the definition of surplus (compared to 0 percent in the July 1980 proposal);

(2) continued inclusion of subordinated debt under certain conditions (minimum final maturity, minimum average weighted maturity, and amortization over the final 5 years to maturity, compared to total elimination of subordinated debt as announced in the July 1980 proposal); and

(3) segregation of total bank capital into primary and secondary components for statutory and adequacy purposes. (That change was not specifically covered in our July 1980 proposal.) Primary capital will include items such as equity and retained earnings. Secondary capital will include long-term debentures. This provides some protection against the impact of loan losses and poor earnings. However, the protection is not as good as that provided by equity, for the debt must be repaid at some point.

Summary of Benefits

Sectors Affected: The national banking industry; customers of national banks; and OCC.

Adequately capitalized banks permit a broad range of banking services to be offered competitively to the public. Improvements in capital analysis will have non-quantifiable benefits for national banks and their customers by improving the ability of bankers, regulators, and the public to assess capital adequacy and by maintaining public confidence. The consistency in our proposed definition of capital for both statutory and adequacy purposes will simplify matters for everyone. Related OCC decisions to be made, such as the need for OCC review of bank plans to issue debt and equity, may reduce burdens on applicants and OCC and are expected to result in expanded abilities of national banks to take advantage of market opportunities to issue appropriate securities. The proposal would also establish a more uniform definition of capital, for statutory purposes, among the Federal bank regulatory agencies and eliminate variable, regulatory treatment of banks in more or less similar circumstances.

Data developed in light of the July 1980 proposal indicated that eliminating 50 percent of the loan loss reserve from the definition of surplus would result in an average reduction in a bank's statutory capital base of 4.5 percent. The OCC's current proposal, which would include 100 percent rather than the current 50 percent, or the earlier-proposed 0 percent, would therefore result in an average increase in the capital of national banks by approximately 4.5 percent.

Summary of Costs

Sectors Affected: The national banking industry and customers of national banks, including businesses and State and local governments that borrow from national banks or whose securities are held by national banks.

Any reduction in capital, as defined, would further limit a variety of national bank activities. For example, current statutes generally permit a national bank to lend to an individual entity no more than 10 percent of its defined capital. Similarly, current statutes generally permit a national bank to invest in a revenue obligation issued by a State of local government in an amount no greater than 10 percent of its defined capital. Reducing the amount of defined capital will decrease the maximum lending and investment limits at every national bank.

Data indicate that approximately 1,000 of the Nation's approximately 4,400 national banks have subordinated notes and debentures outstanding. To the extent those issues fall within the proposed amortization period preceding maturity, affected banks will experience a reduction in their capital base.

Furthermore, the amortization requirement may discourage debt issues. As issued debt approaches maturity, the amortization schedule will reduce the amount that can be called capital. Primary components, chiefly equity instruments, are not subject to amortization. They will be given increased emphasis by banks in meeting capital needs. There are, however, greater costs associated with selling equity compared to selling debt issues. For example, interest on debt is tax-deductible; dividends are not. Also, debt instruments are often issued as private placements, whereas equity instruments are typically marketed as public offerings. Public offerings require more disclosure to investors than private placements and thus incur greater administrative costs.

The foregoing analysis, by itself, does not, however, indicate whether the changed limits would affect actual bank performance. For example, a preliminary analysis might indicate that a specific national bank's lending limit to a single borrower would be decreased from $100,000 to $90,000 if the proposals were adopted without a delayed effective date. If that bank has not made and does not intend to make loans to a single borrower in excess of $70,000, the changes would have little impact. Conversely, if that bank has been making loans at its limit and its present and future customers were likely to need loans in amounts approaching the bank's lending limit, the effects of the changes could be more dramatic.

Summary of Net Benefits

The costs and benefits of this proposal are not easily reduced to dollars and cents. However, the OCC believes that most national banks will witness an increase in their capital/asset ratios if the proposal is adopted. Only 1,000 of the 4,000 national banks have "secondary capital" that will be amortized. For the remaining 3,000 banks, inclusion of all loan loss reserves in capital will increase the size of that account. Such an increase will enable them to compete more aggressively for deposits and other funds and, in turn, permit them to be more aggressive suppliers of credit.

There is, in addition to the pure numbers of "winners" and "losers," another consideration. The proposal set out in explicit terms which balance sheet items constitute capital and to what extent. Numerous respondents to the July 1980 NPRM stated their preference for clarity in that area. Clear rules should enhance every bank's ability to estimate capital needs and to plan for meeting those needs.

Related Regulations and Actions

Internal: Section 303 of the *Comptroller's Handbook for National Bank Examiners* describes the present capital adequacy analysis.

External: Each of the 50 States has capital definitions and limitations based on capital applicable to State-chartered banks.

Government Collaboration

The Federal bank regulatory agencies, including the OCC, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation, through the Federal Financial Institutions Examination Council (FFIEC), developed and proposed a definition of capital to be used for capital adequacy purposes (46 FR 32498, July 23, 1981). That

proposal closely parallels the OCC proposal. Comments to the FFIEC proposal are currently being analyzed. Meetings among the staff of those agencies will continue to be held frequently in an attempt to find a definition that satisfies all parties.

Timetable

NPRM—45 FR 49276, Docket No. 80–6, July 24, 1980.
NPRM—May 31, 1981. OCC received almost 800 comment letters in response to an NPRM of July 24, 1980. The wealth of information provided in those letters was analyzed and led to the publication of a new NPRM.
Public Comment Period—June 1 to August 31, 1981.
NPRM—46 FR 40520, Docket No. 81–14, August 10, 1981.
Public Comment Period—August 10, 1981 to October 9, 1981.
Regulatory Impact Analysis—OCC will not prepare. Our initial investigation indicated costs to affected parties will be negligible, with the possible exception of rural banks.
Regulatory Flexibility Analyses are not required for interpretive rulings.
Public Hearing—None planned.
Final Rule—December 31, 1981.
Final Rule Effective—To be determined.

Available Documents

Public comments received in response to **Federal Register** publications are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Agency Contact

Robert B. Norris, National Bank Examiner
Office of the Comptroller of the Currency
490 L'Enfant Plaza East, S.W.,
Washington, DC 20219
(202) 447–1684

TREAS–OCC

Rules, Policies, and Procedures for Corporate Activities (12 CFR Part 5; Revision)

Legal Authority

Authority to issue regulations, 12 U.S.C. 93a.

Reason for Including This Entry

The Comptroller of the Currency (OCC) believes this rule is important because it affects the corporate and structural activities of all national banks.

Statement of Problem

The Comptroller of the Currency is undertaking a comprehensive review of all of its rules, policies, procedures, and forms governing application for charters, branches, mergers, changes in capital, and all other structural and corporate activities of national banks. This review should:

(1) lower costs to the applicants, the OCC, and the public;

(2) provide a better understanding of OCC policies;

(3) modify or eliminate OCC rules, regulations, policies, procedures, and forms that are unnecessary or lead to inefficiencies; and

(4) remove barriers to competition.

The OCC has authority over the corporate activities of the approximately 4,500 national banks. Each of those banks may file various applications with the OCC at any time. In 1979, for example, OCC received approximately 87 charter applications, 984 branch applications, 100 merger applications, and hundreds of additional applications for changes in capital structure, relocations, operating subsidiaries, title changes, and other matters.

OCC rules, policies, procedures, and forms for the various structural and corporate activities of national banks have not been substantially reviewed or revised since November 1976. Since that time, the banking system has experienced substantial changes, high and fluctuating interest rates, competition from money market funds, increased competition from foreign banks in domestic markets, and expanded powers of thrift institutions. Moreover, many new laws were enacted that may have altered the appropriateness of existing OCC rules, policies, procedures, and forms covering filings for various structural and corporate activities.

In addition, the OCC believes that its regulations and policies governing the procedures it uses in evaluating those filings should be periodically reviewed, with input from national banks and other members of the public. The OCC also believes that the corporate filing process should not create unnecessary delays and costs. Forms and processing procedures should not require the submission or review of unnecessary information while failing to elicit information vital to an appropriate decision.

Accordingly, the OCC has started a comprehensive review of this area and has labeled this review the Corporate Activities Review and Evaluation (CARE) Program.

The first phase of the CARE Program has been completed. Included in this phase is a reorganization and consolidation of all rules, policies, procedures, and forms for national bank structural and corporate activities, which previously were located in numerous Parts of the Code of Federal Regulations and other documents, into a single regulation—12 CFR Part 5. This action should make it easier for all interested parties to locate and understand present requirements plus enable the OCC to review its policies, the need for additional policies, existing regulations and methods and to improve its decision criteria and reduce inappropriate burdens on applicants. Other areas covered in the first phase include:

(1) a policy statement governing OCC evaluation of applications for a national bank charter;

(2) a policy statement governing public disclosure by the OCC of material filed with notices of change in control of a national bank;

(3) Final Rules to be followed by OCC in determining whether or not a public hearing should be held in connection with an application for any corporate activity (charter, branches, etc.); and

(4) final procedures enabling the OCC to treat expeditiously applications for interim banks.

The areas that are being or will be reviewed include:

(1) policies and forms to be used by banks applying for branches, mergers, stock options, Federal branches and agencies, conversions, location and title changes, changes in capital structure, and subordinated debt;

(2) assessing stock appraisal rights of dissenting shareholders in merger-type transactions; and

(3) developing procedures to be employed by the OCC in processing applications.

Alternatives Under Consideration

Although proposed changes will be issued for comment on a subject-by-subject basis (e.g., branches, mergers, etc.), the major alternatives common to each involve the choice between current or lesser levels of government intervention in the business judgments of national banks. OCC's intent is to eliminate unnecessary interference in the business decisions of national banks. For example, OCC will consider whether national banks in sound condition desiring to branch or issue subordinated debt should be permitted to do so with fewer filing requirements

and fewer review procedures than are currently in effect.

Summary of Benefits

Sectors Affected: The national banking industry; customers and shareholders of national banks; the general public; and OCC.

A preliminary investigation of these proposals indicates a significant reduction in regulatory burden for a substantial number of small banks.

The benefits of lesser government intervention could include enhanced competition and efficiency in the supply of financial services. Experience has shown that the marketplace normally is the best regulator of economic activity and that competition allows the marketplace to function and promote a sound and more efficient banking system that better serves customers. In addition, OCC's and applicants' costs may be reduced by this lesser amount of intervention. Unnecessary requirements should be eliminated, speed of processing corporate filings increased and the quality of OCC and banker decisions enhanced.

Because OCC will continue to regulate the national banking system where some intervention is necessary to protect the public interest, the revisions to its corporate rules, policies, procedures, and forms will ensure that, in general, banks will not implement poor decisions to the detriment of the banks themselves and their customers, shareholders, and communities.

Summary of Costs

Sectors Affected: The national banking industry; customers and shareholders of national banks; and the general public.

Intensive review by OCC of applications for banking offices and other corporate activities has helped to ensure that the intended action is based on sound judgment and will boost profits. A relaxation of that review process increases the possibility that affected business decisions will yield the profits they are intended to produce. In turn, lower profits could contribute to a deterioration in safety and soundness and in the competitive vigor with which services are offered.

Summary of Net Benefits

The costs and benefits of the regulatory changes described here cannot be reduced easily to dollars and cents. However, the OCC is convinced that the benefits from continued pursuit of its CARE Program outweigh the costs. That conclusion is supported in part by experience over several years in processing a large variety of applications, which suggests bankers and bank organizers generally can produce reliable predictions of future earnings.

Related Regulations and Actions

Internal: None.

External: Each of the 50 States has rules governing applications for State-chartered banks. Regulations of the Board of Governors of the Federal Reserve System are included in 12 CFR Parts 262, 263, and 265. Federal Deposit Insurance Corporation regulations are included in 12 CFR Parts 303, 304, 306, and 308.

Government Collaboration

OCC will send proposals it issues for comment to the banking authorities for each of the 50 States and to the Board of Governors of the Federal Reserve System and Federal Deposit Insurance Corporation.

Timetable

NPRM—45 FR 68611, Docket No. 80–14, October 15, 1980. (Proposes amendments to OCC's rules governing use of public hearings to acquire additional information prior to evaluating applications for charters, branches, mergers, changes in title and location, and changes in capital.)

NPRM—45 FR 08612, Docket No. 80–15, October 15, 1980. (Proposes amendments to OCC rules governing material to be submitted in support of an application to charter an interim bank.)

Final Rule—45 FR 68586, Docket No. 80–11, October 15, 1980. (Consolidates all existing OCC rules, policies, procedures, and forms concerning the review and processing of applications for charters, branches, mergers, changes in title and location, and changes in capital into a single regulation—12 CFR Part 5.)

Final Rule—45 FR 68603, Docket No. 80–12, October 15, 1980. (Codifies OCC chartering policy in 12 CFR Part 5 and describes the analytical framework used by the OCC to determine whether a proposed national bank is likely to be operated in a safe and sound manner, possess reasonable propects for success, and can be expected to meet the credit needs of its entire community.)

Final Rule—45 FR 68607, Docket No. 80–13, October 15, 1980. (Specifies the circumstances under which the OCC will routinely release basic information contained in notices of change in control required by 12 CFR Part 5.)

Final Rule—46 FR 16656, Docket No. 81–6 March 13, 1981. (Adopts new fee structure for processing applications.)

Final Rule—46 FR 16659, Docket No. 81–7, March 13, 1981. (Adopts revised rules governing written comments and hearings on applications.)

Final Rule—46 FR 16661, Docket No. 81–8, March 13, 1981. (Adopts amendments to OCC rules governing an application to charter an interim bank.)

NPRM—46 FR 38925, Docket No. 81–13, June 30, 1981. (Proposes amendments to OCC policy statement, procedures, and forms concerning applications to establish domestic branches, seasonal agencies (branches that operate for limited periods during a year), and customer-bank communications terminals (CBCTs),which are free-standing automated teller machines), and to change the location of head offices, domestic branches, and CBCTs.)

NPRM (stock appraisal rights of dissenting shareholders)—September 30, 1981.

NPRM (policy statements on OCC evaluation of applications for branches, changes in title, relocation, and OCC evaluation of employee stock option plans)—June 30, 1981.

NPRM (new forms for charter applications)—June 30, 1981.

Regulatory Impact Analysis—OCC will not prepare. Our initial investigation indicates that suggested costs, if any, to affected parties will be minor.

Regulatory Flexibility Analysis—Not required.

Public Hearing—None planned.

Public Comment Period—We have grouped issues under review topically, with each topic cutting across several regulations, and each having its own comment period. We expect the total period to be September 1980 to December 1981. Comments may be sent to Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Final Rules—Since we are reviewing a number of issues, several rules are involved. We project publication of Final Rules over a period of time, probably extending to December 1982.

Available Documents

Public comments received in response to all documents thus far published in the **Federal Register** are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Agency Contact

James W. Brennan, Manager, Policy
Bank Organization and Structure Division
Office of the Comptroller of the Currency
490 L'Enfant Plaza East, S.W.
Washington, DC 20219
(202) 447-1184

TREAS-OCC

Use of Data Processing Equipment and Furnishing of Data Processing Services (12 CFR 7.3500; Revision)

Legal Authority

Authority to issue regulations, 12 U.S.C. 93a; Corporate Powers, 12 U.S.C. 24.

Reason for Including This Entry

The Office of the Comptroller of the Currency (OCC) includes this entry because of the possible significant impact on the activities of all national banks, the data processing industry, and the general public.

Statement of Problem

The OCC regulates and supervises national (i.e., federally chartered) banks. In addition to certain express activities, the National Bank Act (12 U.S.C. 24) authorizes national banks to exercise "all such incidental powers as shall be necessary to carry on the business of banking."

OCC Interpretive Ruling 7.3500, last revised in 1974, attemps to define by generic description and by example the data processing services that a national bank may lawfully provide for itself and others pursuant to 12 U.S.C. 24. That ruling currently permits national banks to perform all data processing services directly or incidentally related to the business of banking. As examples under the existing ruling, a national bank may collect, transcribe, process, analyze, and store, for itself and others, banking, financial, or related economic data as part of its banking business. Additionally, the ruling notes that a national bank, incidental to its banking business, may market excess time on data processing equipment and sell the byproducts of data processing activity under certain defined circumstances. Finally, the ruling emphasizes the Federal probibitions found in 12 U.S.C.1971 against national banks tying other banking services, such as loans and the extension of leasing arrangements, to customer use of data processing facilities.

Since Interpretive Ruling 7.3500 was last revised in 1974, there have been rapid and profound advances in both data processing technology and the application of that technology to the financial industry. Moreover, experience with the application and interpretation of the Interpretive Ruling indicates that a more precise delineation of permissible data processing activities by national banks may be needed. Accordingly, the OCC is considering whether the existing ruling accommodates technological advances and provides adequate guidance, or whether the ruling should be revised and, if so, how.

To this end, the OCC issued an ANPRM (45 FR 40613, June 16, 1980) inquiring into a wide range of subjects. We solicited comments on the types of electronic data processing services (EDP) offered by banks; the advantages and disadvantages of banks as providers of data processing; the extent to which the sale of EDP services, software, and excess time is necessary or beneficial to acquisition and maintenance of an adequate EDP capacity by banks; and foreseeable new applications of EDP technology.

Alternatives Under Consideration

The OCC has defined the following alternatives, described more fully in the ANPRM:

(A) OCC could retain the ruling as now written. This alternative would avoid new confusion for those who have accustomed themselves to working with the ruling, but it would not address ambiguities that may currently exist.

(B) OCC could revise the ruling to include a new generic description of permissible data processing activities. This alternative would establish a clearer framework for data processing activities in which national banks are legally entitled to engage, but it could soon become outdated in failing to reflect future technological change.

(C) OCC could revise the ruling to adopt standards similar to those articulated in the present regulation and the interpretive ruling of the Board of Governors of the Federal Reserve System concerning data processing services provided by bank holding companies. This alternative would provide a measure of consistency to a system in which banks and bank holding companies are closely allied, but it might inhibit innovation and improvement as the two perform their distinct financial roles.

(D) OCC could retain its current ruling and provide supplemental aids, such as a listing of specific activities found to be permissible under the ruling. This alternative would remove uncertainty surrounding the existing ruling, but it might be interpreted as restricting data processing activities that arguably fall within the purview of the statute.

(E) OCC is also considering the promulgation of a formal regulation as an alternative to, or in addition to, an interpretive ruling. This alternative would convert what is now an opinion into a formal directive to national banks, adding greater certainty to the permissible limits of data processing activities, but relinquishing the flexibility needed to reflect changes in banking and technology.

Summary of Benefits

Sectors Affected: The national banking industry; the data processing industry; customers of national banks; the general public; and OCC.

Until both the form and substance of any revision in the interpretive ruling are known, it is impossible to predict the benefits expected from such a revision. Nevertheless, a more specific interpretive ruling would provide additional guidance concerning the nature of data processing services that may lawfully be offered by national banks. By identifying those data processing services that are incidental to the business of banking, the OCC could eliminate confusion regarding the application of the existing ruling to specific services, which would benefit both the national banking and data processing industries. Greater certainty about national bank data processing activities would result in fewer court challenges for the OCC. Two major lawsuits have been brought by trade associations that represent a large number of clients. A more specific interpretive ruling would also reduce OCC's need to issue a multiplicity of individual interpretive letters. OCC prepares about 25 such letters a year, and each usually involves a number of complex questions. Customers also would benefit from the reduced risk to their banks of engaging in data processing activities that are expressly permissible and that might otherwise invite costly litigation or worrisome supervisory actions. Finally, such a revision would benefit the public because it would provide greater certainty to banks that may be deterred

from offering the public financially related data processing services because of the legal questions raised under the existing ruling.

Summary of Costs

Sectors Affected: The national banking industry; the data processing industry; customers of national banks; the general public; and OCC.

Until both the form and substance of any revision are known, it is impossible to predict the costs expected from such a revision. Nevertheless, specific guidelines in the area of electronic data processing technology might unduly limit the flexibility needed by banks to accommodate technological change. Also, such guidelines could become rapidly outdated, requiring continual modification by the OCC. Thus, a less flexible interpretive ruling might retard the development and financial application of data processing technology by national banks. Such an impediment would adversely affect the data processing industry and the general public, which would otherwise benefit from such innovations.

Summary of Net Benefits

The OCC is still in the process of deciding which alternative to put forward in an NPRM. Consequently, a determination of net benefits cannot yet be made. The Office hopes to identify an approach that would provide meaningful guidance to national banks, while preserving, if not enhancing, their flexibility to offer automatic data processing services.

Related Regulations and Actions

Internal: None.

External: The present regulation and interpretive ruling of the Board of Governors of the Federal Reserve System concerning data processing services provided by bank holding companies appears at 12 CFR 225.4(a)(8) and 12 CFR 115.123(e), respectively.

Government Collaboration

None at present.

Timetable

ANPRM—45 FR 40613, Docket No. 80-1, June 16, 1980.
NPRM—Date to be determined.
Regulatory Impact Analysis—We will determine if one is required after reviewing the public comments and determining the precise content of the NPRM.
Regulatory Flexibility Analyses are not required for interpretive rulings.
Public Hearing—None planned.
Public Comment Period—Dates to be determined.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.

Available Documents

Public comments received in response to ANPRM of June 16, 1980 are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Agency Contact

Sharon Miyasato or David Ansell, Attorneys
Legal Advisory Services Division
Office of the Comptroller of the Currency
490 L'Enfant Plaza East, S.W.
Washington, DC 20219
(202) 447-1880

COMMODITY FUTURES TRADING COMMISSION

Gross Margining of Omnibus Accounts (17 CFR Part 1)

Legal Authority

Commodity Exchange Act, § 4d, 4g, and 8a, 7 U.S.C. 6d, 6g, and 12a.

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) considers this rule important because it will provide better protection of customer funds against loss due to bankruptcies of futures commission merchants (FCMs) and will improve the Commission's ability to monitor and anticipate financial problems of certain FCMs.

Statement of Problem

The Commission is responsible for maintaining a regulatory structure to help prevent loss of customer funds due to financial failures by FCMs. The CFTC staff has reviewed the adequacy of the current system for monitoring the financial condition of both member and non-member FCMs (i.e., FCMs who trade for customers on exchanges where they themselves are not members) in light of recent problems and has found several weaknesses.

Specifically, approximately $7 million of customer funds were lost in FCM bankruptcies in the last half of 1980. This represents a substantial increase in customer losses, which formerly had been insignificant, and parallels the recent growth in the futures industry and the sharp increase in the number of non-member FCMs—up from 59 to 131 between 1976 and 1981. These non-member FCMs held over $125 million in segregated customer funds as of December 31, 1980.

To protect customers from such losses, CFTC has implemented safeguards such as segregation of customer funds, minimum financial requirements, financial reporting, and early warning rules. To enforce this system, the Commission relies on voluntary compliance, notification by affected FCMs or the exchange community of potential problems, and actual audits. In addition to annual audits by independent public accountants and by the various exchanges (in the case of members FCMs), CFTC's own audit staff reviews FCMs on a selective priority basis, targeting most of its resources to situations in which customer funds appear in the greatest jeopardy.

Because of the volatility of the futures markets, the Commission staff also requires non-member FCMs with customer funds to call daily with their segregation calculations and visits at least monthly those with over $1 million of customer funds. Yet despite these safeguards, recent bankruptcies indicate that financial problems are not always detected in time to prevent loss.

One major weakness is that the Commission possesses more and better information about exchange member FCMs than it does about non-member FCMs. Margins on omnibus customer accounts for non-member FCMs are calculated based on the net of the long and the short open positions of each open contract for all contracts held by customers, rather than upon the total number of all customer positions. While practices differ among exchanges, the wide current use of "net" margining of omnibus accounts can obscure weaknesses in a non-member FCM's actual financial posture and allow possibly imminent problems to go undetected.

Alternatives Under Consideration

The Commission held an open meeting on September 17, 1981 to discuss several alternatives for better protecting customer funds from loss, including a proposal to require gross margining of all omnibus accounts. At that meeting the Commission directed the staff to prepare an NPRM to solicit public comment on this issue.

As contemplated, all omnibus accounts would be margined on a gross, rather than net, basis. Non-member FCMs would then have to transmit proper margin funds for the total open positions contained in an omnibus account to the clearing member clearing its trades. This rule, however, would not

provide for disclosure of individual customer names or account numbers to clearing members, and it would seek to minimize new or additional operational procedures. The rule would not preclude non-member FCMs from depositing Treasury bills or some other acceptable form of interest-bearing instrument with the clearing member as margin in order to continue earning interest on segregated funds.

Other alternatives considered by the Commission to protect customer funds included tightening its audit system for monitoring FCMs, requiring some form of insurance or customer account protection, and stressing the role of the National Futures Association, a registered self-regulatory body with mandatory FCM membership and a strong audit and financial compliance program.

Summary of Benefits

Sectors Affected: Futures commission merchants; contract markets; and traders who participate through non-member FCMs.

While gross margining of omnibus accounts is no instant panacea for FCM bankruptcies, it could, in many cases, prompt earlier detection of serious financial problems among FCMs. The additional information it would generate could then allow clearing members, boards of trade, and, where appropriate, the Commission to take remedial action, resulting in greater protection of customer funds from financial failures of FCMs. This additional protection would have the benefit of inspiring greater confidence among the investor public in the financial stability of non-member FCMs.

Other alternative approaches would be less effective in addressing the central problem of bankruptcy losses. Customer account protection or insurance, for instance, would not directly prevent customer losses, but instead would spread the cost of those losses throughout the industry. Similarly, the effectiveness of recent efforts to tighten CFTC monitoring of FCMs while enhancing the Commission's ability to promptly detect troubled firms, would also be augmented by the additional information generated by gross margining.

Summary of Costs

Sectors Affected: Futures commission merchants.

Gross margining of omnibus accounts could impose some additional costs on non-clearing member FCMs who would be required to shift funds currently under their control to clearing members, which, in turn, might experience some related administrative burden.

Summary of Net Benefits

The costs of implementing a gross margining system for omnibus accounts can be minimized if it is properly designed. For instance, CFTC rules already require non-clearing FCMs to inform their clearing FCMs of the gross positions represented by each omnibus account carried in its name, and clearing FCMs must maintain daily tallies of these gross postions. The added step of actually requiring gross margining of these accounts would not appear to entail significantly more recordkeeping or greater operational burdens.

Further, the rule would not preclude non-member FCMs from depositing Treasury bills or other acceptable interest-bearing instruments for margin, and therefore, these FCMs could continue to collect interest on those funds.

While gross margining of omnibus accounts is not a fool-proof protection against FCM bankruptcies, it could prove a direct and efficient mechanism to detect financial weaknesses among FCMs before deterioration leads to major customer losses.

Related Regulations and Actions

Internal: On September 22, 1981, CFTC voted to approve the application of the National Futures Association (NFA), for registration as a futures association under § 17 of the Commodity Exchange Act. Once fully implemented, NFA will conduct many industry self-regulatory functions.

External: None.

Government Collaboration

None.

Timetable

NPRM—To be determined.
Final Rule—To be determined.
Public Hearing—None.
Public Comment Period—To be determined.
Regulatory Impact Analysis—The CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, CFTC includes much of the same information in its NPRMs and Final Rules.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Memorandum of the Division of Trading and Markets, "Gross Margining of Omnibus Accounts," September 8, 1981.

The above document is available by mail at no cost from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Room 806, Washington, DC 20581.

Agency Contact

Daniel A Driscoll, Chief Accountant
Division of Trading and Markets
Commodity Futures Trading Commission
2033 K Street, N.W.
Washington, DC 20581
(202) 254–8955

CFTC

Large Trader Reporting to Exchanges and Reporting Open Positions (17 CFR Parts 15, 16, 17, 18, and 21; Revision)

Legal Authority

Commodity Exchange Act, §§ 4g, 4i, 5(d), and 8a(5), 7 U.S.C. 6g, 6i, 7(d) and 12a(5).

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) thinks these rules are important because they would shift primary responsibility for the collection of key market surveillance data from the Commission itself to the commodity exchanges. If we adopt these rules, the exchanges will be better equipped to prevent price manipulations, cornering of commodities, and other market distrubances, and the Commission will be able to act more in an oversight role and less as primary regulator. This will set an important precedent.

Statement of Problem

The Commission and the commodity exchanges both have obligations under the Commodity Exchange Act to prevent price manipulation, corners, and other disruptions in the futures markets. In order to detect market disruptions, the Commission and the exchanges both conduct market surveillance activities. The Commission operates an extensive large trader reporting system through which it collects information about traders who control significant futures positions from commodity exchanges, futures commission merchants (FCMs), foreign brokers who carry futures accounts, and individual traders. The various exchanges employ widely differing market surveillance practices and, according to a recent staff review, in some cases apparently collect little data on individual traders' positions for routine use in their surveillance efforts.

As a result of the overlapping responsibility of the Commission and the exchanges described above, some duplication of effort exists. Additionally,

since large trader data, which the Commission considers essential to preventing and detecting price manipulations and other market disturbances, are generally not equally available to the exchanges and the Commission, it may be difficult for the exchanges to fully discharge their market surveillance obligations. If the Commission does not act, these problems are unlikely to be resolved. In order to reduce duplication of effort and to enable the exchanges to discharge their self-regulatory responsibilities, the Commission is considering a general proposal that would require exchanges to collect, process, and forward to the Commission, in machine readable form, information similar to that which the Commission currently collects under existing regulations from FCMs and brokers. If adopted, this rulemaking approach would improve the market surveillance capability of the exchanges and thus enable the Commission to move toward an oversight rather than regulatory role.

Alternatives Under Consideration

As described above, the Commission is considering whether, as self-regulatory entities, commodities exchanges should be primarily responsible for collecting and processing large trader data. It has requested public comments on this question and is now studying those comments. It will then determine whether to publish specific rulemaking proposals to implement this approach.

Shifting primary responsibility for this activity to the exchanges would have several advantages. It would provide the exchanges with the information that is essential to maintaining an effective exchange market surveillance program; it would transfer significant responsibility from Government to the private sector; it would reduce some duplicative reporting burdens now imposed on the FCM community; and it would transfer a substantial portion of the cost of market surveillance to entities that are the direct beneficiaries of effective self-regulation—namely the exchanges, their members, and their customers. This innovative compliance reform would reduce government costs as well. The most significant disadvantage to this approach is that, absent coordination by the exchanges, a reduction in reporting burdens may not be achieved.

Alternatively, the Commission is considering whether it would be feasible for the exchanges or a newly created self-regulatory organization to maintain a joint reporting system. This would have all of the advantages of the approach described above and would eliminate the possibility that different exchanges might impose duplicative or inconsistent reporting requirements. The disadvantage of this approach is that it could delay, complicate, or, because of startup costs associated with creating a new self-regulatory organization, render more expensive the transfer of primary responsibility from the Commission to the exchanges.

Summary of Benefits

Sectors Affected: Commodity exchanges; futures commission merchants; foreign brokers; the CFTC; and all market users.

These proposals would directly benefit commodity exchanges by enhancing their surveillance capability and by lessening the degree of government involvement in their operations. They would also benefit FCMs and foreign brokers by eliminating the need for them to report certain information both to the Commission and some commodity exchanges, as they are required to do under existing Commission and exchange rules. Moreover, the CFTC would save time and money if proposals that shifted the primary burden of data collection to the exchanges were adopted.

Less directly but equally importantly, all market users would benefit from the exchanges' improved surveillance capacity and ability to prevent certain market disruptions.

Summary of Costs

Sectors Affected: Commodity exchanges; futures commission merchants; and foreign brokers.

Commodity exchanges that are currently collecting and maintaining less comprehensive data than would be required under these proposals are likely to experience increased operating costs. Additionally, unless a joint or coordinated reporting program is developed by the exchanges, futures commission merchants and foreign brokers in some instances might incur the cost of complying with duplicative reporting requirements. It is unlikely, however, that their reporting costs under the new system would exceed present reporting costs once the reporting system has been shifted fully from the Commission to the exchanges.

Summary of Net Benefits

The net benefits of placing more responsibility on the exchanges themselves involves balancing possible incremental costs for some exchanges in filling this expanded role against the potential benefits of improved market surveillance, the elimination of duplicative reporting for FCMs in many instances, and the burden of market surveillance to its prime beneficiaries. Several of these factors are, of course, non-quantifiable, and their resolution must await further analytic work by the Commission.

Related Regulations and Actions

Internal: At the same time that the Commission requested comments on large trader reporting, it also published for comment proposed rules designed to standardize and simplify some of its reporting requirements. These proposals were adopted on March 25, 1981 (46 FR 18528).

The Commission also has proposed to amend its current regulations to eliminate the filing and processing of series '03 reports by large traders, which would substantially reduce the overall reporting burden of these market participants (46 FR 42463, August 21, 1981).

External: None.

Government Collaboration

None.

Timetable

NPRM—45 FR 57141, August 27, 1980.
Regulatory Impact Analysis—The CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CFTC prepares much of the same information in its NPRMs and Final Rules.
Revised NPRM—To be determined.
Public Comment Period—Closed November 25, 1981.
Public Hearing—None.
Final Rule—To be determined.
Regulatory Flexibility Analysis—None.

Available Documents

The NPRM and public comments on it are available by mail at no charge from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Washington, DC 20581.

Agency Contact

Lamont L. Reese, Associate Director of Market Surveillance
Division of Economics and Education
Commodity Futures Trading Commission
2033 K Street, N.W., Room 528
Washington, DC 20581
(202) 254-3310

CFTC

Notice of Proposed Rulemaking for Options on Physical Commodities (17 CFR Part 33; Revision)

Legal Authority

Commodity Exchange Act, § 4c and 8a, 7 U.S.C. 6c and 12a.

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) considers this rulemaking proceeding to be important because, if adopted, it could produce a major expansion in commodity trading, reflecting active current interest among commercial traders as well as the trading public. In addition, Congress, when it enacted a ban on commodity options trading until such time as the Commission was prepared to regulate successfully such transactions, expressed specific interest in a program that would permit commodity option trading on exchanges.

Statement of Problem

In 1978 CFTC responded to then-pervasive fraud and unsound practices in the trading of so-called "London" commodity options (claimed to be traded on exchanges in London, England, but often allegedly converted by sellers in the United States) with a general suspension, as of June 1, 1978, of the offer and sale of commodity options in the United States. Congress followed later that year with a general statutory prohibition against exchange-traded commodity options until CFTC could submit documentation of its ability "to regulate successfully such transactions" and could present proposed rules. Congress reserved for itself a 30-day review over these proposals, and limited statutory exemptions for certain types of off-exchange option transactions, referred to as "trade options" and "dealer options," were enacted.

On September 8, 1981, CFTC approved a 3–year pilot program permitting a limited form of commodity options trading on American commodity exchanges.

The program contains several important restrictions, for example:

- a qualifying exchange is limited to trading in one option contract, and each exchange must undertake a heavy self-regulatory burden;
- safeguards are required, such as detailed risk disclosure to members of the public, in order to prevent a recurrence of pre–1978 trading abuses.
- only those futures commission merchants (FCMs) that are members of the exchange upon which the option is traded may offer or sell the option to the public; however, when the National Futures Association, an industry self-regulatory organization registered with the Commission, undertakes to regulate the option-related activities of its member FCMs, such FCMs could also participate in the offer and sale of options.

The CFTC formally submitted its exchange-traded options pilot program to Congress, pursuant to § 4c(c) of the Commodity Exchange Act, on September 18, 1981. Hearings were conducted by the House Agriculture Subcommittee on Conservation, Credit, and Rural Development on September 23, 1981, and by the Senate Agriculture Subcommittee on Agricultural Research and General Legislation on October 14, 1981. The Congressional review period of 30 days has expired. The trading of options on designated exchanges is expected to begin in 1982.

Both CFTC and several public commentators have expressed interest in expanding the options program beyond options-on-futures contracts to include trading in options on the underlying physical commodities. Indeed, some commentators have stated that they would have attractive features not found in options-on-futures. At its meeting on September 8, 1981, the Commission decided to promptly consider expansion of the pilot options program to include options-on-physicals, and a **Federal Register** notice was issued on November 3, 1981 (46 FR 54570) seeking public comment on this proposal.

Alternatives Under Consideration

If the Commission determines to proceed with an option-on-physicals proposal, it must decide whether those options should be introduced on a limited experimental basis, and if so, under what restrictions. Just as the CFTC was guided in shaping the options-on-futures proposal by the Congressional concern for caution born of the pre-1978 experience of abuse, this same prudence would apply to any expansion of that program.

Summary of Benefits

Sectors Affected: Boards of trade; commercial hedgers; futures commission merchants; and the trading public.

An expansion of option trading to include options-on-physicals could give commercial interests greater opportunities to hedge and shift economic risks. The economic functions of providing protection against adverse price fluctuation for both suppliers and buyers of goods, as well as greater economic competition, could all be enhanced by the proposal.

Summary of Costs

Sectors Affected: Boards of trade; commercial hedgers; futures commission merchants; and the trading public.

The most serious potential cost of expanded commodity option trading is the possible recurrence of abuses that occurred prior to the 1978 suspension. These abuses included actual defrauding of the public and the diversion of substantial CFTC resources to investigate allegations and prosecute wrongdoers. Any options program must be designed to minimize, to the extent feasible, the potential for such abuse. Further, by requiring an extensive self-regulatory role for designated exchanges, cost of regulation for the Government can be somewhat reduced.

The actual participation by traders or exchanges in the option program would be voluntary. Each exchange could choose for itself whether to seek approval for option trading or to implement the trading. Thus the traders or exchanges would base their decisions on their own calculations of cost versus potential benefits.

Summary of Net Benefits

The Commission could design several alternatives to reduce any risk of market abuse. So long as expansion of the options program is not so large as to overtax the Commission's resources and those of the industry self-regulatory organizations to effectively oversee trading, greater security of the market would, in turn, bolster investor confidence, maximizing the economic benefits of expanded option trading.

Related Regulations and Actions

Internal: On September 8, 1981, the CFTC approved regulations establishing a 3-year limited pilot program for trading in options-on-futures contracts at qualifying exchanges. The regulation was submitted to Congress for a 30-day review period, as prescribed by statute (46 FR 54500).

External: None.

Government Collaboration

None.

Timetable

NPRM—46 FR 54570, November 3, 1981.
Final Rule—To be determined.
Public Hearing—None.
Public Comment Period—Closed December 3, 1981.
Regulatory Impact Analysis—The

CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CFTC prepares much of the same information in its NPRMs and Final Rules.

Regulatory Flexibility Analysis—None.

Available Documents

Public comments on NRPM.

Regulation on Domestic Exchange-Traded Commodity Options (46 FR 54500).

All of the above documents are available by mail at no cost from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Room 805, Washington, DC 20581.

Agency Contact

Lawrence B. Patent, Special Counsel, or
Kenneth M. Rosenzweig, Assistant Chief Counsel
Division of Trading and Markets
Commodity Futures Trading Commission
2033 K Street, N.W.
Washington, DC 20581
(202) 254-8955

CFTC

Proposed Rule Concerning Special Calls for Information From Traders (17 CFR 21.03; Revision) (Previously, Proposed Rules Concerning Foreign Brokers and Traders)

Legal Authority

Commodity Exchange Act, §§ 4g, 4i, 5, 5a, and 8a, 7 U.S.C. 6g, 6i, 7, 7a, and 12a.

Reason for Including This Entry

The Commodity Futures Trading Commission (the Commission) proposed this rule to facilitate the Commission's ability to obtain timely information concerning foreign traders. If adopted, the rule could substantially enhance the Commission's market surveillance capability.

Statement of Problem

In recent years, foreign participation in the U.S. futures markets has become increasingly significant. Although little statistical information is available, it appears that foreign participation may account for 25 percent or more of the activity in some commodities. By engaging in futures trading in the United States, foreigners, like domestic market participants, become subject to the regulatory scheme set forth in the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* and the Commission's regulations thereunder. One aspect of this scheme requires the Commission to perform intensive market surveillance, which involves collecting reports from and communicating with both domestic and foreign market participants.

The Commission published for comment proposed rules that would make domestic futures commission merchants (FCMs) who are registered with the Commission primarily responsible for ensuring the availability of information needed by the Commission about the foreign brokers and traders whose futures trading accounts they carry. The reason for this action is that, at present, the Commission receives less timely, less complete, and less verifiable information concerning the size of accounts and the identity of the persons for whose benefit the accounts were established from some foreign brokers and traders than it generally receives from their domestic counterparts. The Commission has encountered difficulties and delays in trying to identify and communicate with these foreign entities, in part because of foreign secrecy laws and legal restrictions in some countries on direct communications between foreign governments and their citizens. It is difficult for the Commission to take effective enforcement action against foreign brokers and traders who do not comply with Commission reporting requirements. As the markets regulated by the Commission have become increasingly international in character, the need for us to address these problems has become more important.

Alternatives Under Consideration

As proposed, the rule would require domestic futures commission merchants who are registered with the Commission and who carry accounts for foreign persons to obtain a list of the persons for whose benefit the accounts were established. If a futures commission merchant could not provide this information to the Commission about an account on request, the FCM would be required to liquidate the futures positions in the account.

At a meeting held on November 25, 1980, the Commission approved the rule in principle, subject to some further revisions. The Commission directed its staff to modify the rule to provide a greater role for futures exchanges (contract markets).

Summary of Benefits

Sectors Affected: All sectors of the U.S. commodity futures markets, including farmers and other producers, processors, manufacturers, commercial users, and consumers of commodities; persons speculating in the futures markets; and the Commission.

The availability of more complete market information will promote fair dealing and integrity in the markets and improve the Commission's ability to detect and take action to prevent price manipulations, corners, and other market disruptions.

Summary of Costs

Sectors Affected: Registered domestic futures commission merchants; contract markets; and foreign brokers and traders who participate through domestic agents in the U.S. futures market.

The proposed regulation could impose some administrative costs on registered futures commission merchants, and some commentators believe that domestic futures commission merchants may experience some loss of foreign business. Commentators also felt that contract markets could also experience some increased administrative costs and a possible loss of trading volume.

Summary of Net Benefits

By facilitating the Commission's ability to obtain market data essential to the effective surveillance of American futures markets, the proposed regulation will aid the Commission in preserving orderly markets for all market participants.

Related Regulations and Actions

Internal; On April 1, 1980, the Commission voted to adopt Final Rules that would require foreign brokers and traders to have an agent for service or delivery of Commission communications ("Designation of a Futures Commission Merchant to be the Agent of Foreign Brokers, Customers of Foreign Brokers and Foreign Traders," 17 CFR 15.05).

External: None.

Government Collaboration

None.

Timetable

NPRM—45 FR 31733, May 14, 1980, "Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders."

Public Comment Period—Closed in 1980.

Regulatory Impact Analysis—The Commodity Futures Trading Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Commission prepares much of

the same information in its NPRMs and Final Rules.

Regulatory Flexibility Analysis—To be determined.

Final Rule—To be determined.

Available Documents

"Rules Concerning Foreign Brokers and Traders," Memorandum of the Office of the General Counsel, April 1, 1980.

"Commission Policy on Reporting Requirements for Foreign Brokers and Traders," Memorandum of the Office of the General Counsel, November 17, 1980.

"Foreign Broker and Trader Reporting Requirements," Memorandum of the Division of Economics and Education, November 21, 1980.

Public comments on the NPRM.

All of the above documents are available by mail at no cost from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Room 806, Washington, DC 20581.

Agency Contact

William D. Anthony, Attorney
Division of Economics & Education
Commodity Futures Trading Commission
2033 K Street, N.W., Room 505
Washington, DC 20581
(202) 254-7227

FEDERAL HOME LOAN BANK BOARD

Consumer Leasing by Federal Associations (12 CFR Part 545; New)

Legal Authority

Home Owners' Loan Act of 1934, § 5, 12 U.S.C. 1464, as amended by Depository Institutions Deregulation and Monetary Control Act of 1980, § 401, P.L. No. 96-221, 94 Stat. 143.

Reason for Including This Entry

The Federal Home Loan Bank Board (FHLBB) is including this proposal because the Board considers it to be a matter of great public interest.

Statement of Problem

In the Depository Institutions Deregulation and Monetary Control Act of 1980 (DIDMCA), Congress for the first time authorized federally chartered savings and loan associations to engage in large-scale consumer lending. This type of lending was just one of several new powers created by DIDMCA in order to make federally chartered associations more effective competitors in the financial marketplace. There are approximately 4,000 savings and loan associations in the country, 2,000 of which are federally chartered.

The Board adopted regulations implementing the consumer lending authority in 45 FR 76104, November 18, 1980 (codified at 12 CFR 545.7-10). At that time, several commenters raised the possibility of federally chartered associations engaging in consumer leasing, a form of financing in which the lender purchases an item of property and leases it to a borrower under terms that will return the lessor-lender's entire investment plus profit.

Although this type of finance-leasing had been approved as an incidental activity for banks by both regulation of the Comptroller of the Currency and judicial decision, the Board was uncertain whether similar authority existed for federally chartered associations. Accordingly, the Board declined to authorize consumer leasing by federally chartered associations at the time of the original consumer lending regulations.

The Board continued to study the area of leasing and, after an extended analysis of the legal underpinnings for bank leasing, determined that similar legal authority can be found for leasing by federally chartered associations. Consequently, the Board has recently proposed regulations to allow federally chartered savings and loan associations to enter into this field (46 FR 49135, October 6, 1981).

Alternatives Under Consideration

The Board's proposed leasing rules basically follow the example of similar regulations already developed by the Office of the Comptroller of the Currency and the Federal Reserve Board (see 12 CFR 7.3400 and 225.4(a)(6)). The Board, however, is specifically seeking comment on various aspects of those guidelines in order to ensure that they are fully relevant to savings and loan practices. Aspects for comment include appropriate limits on residual value estimates, usury impact of leasing transactions, and the tax impact on federally chartered savings and loan associations.

Summary of Benefits

Sectors Affected: Federally chartered savings and loan associations; depositors in these associations; and consumers wishing to lease personal property.

Implementation of the increased authority provided by the proposed regulation will provide federally chartered savings and loan associations with the means to compete more effectively with other financial institutions by offering consumer leasing services, thereby increasing the range of services they provide.

Depositors in federally chartered savings and loan associations will benefit because the associations will have a new source of revenue.

The leasing public will benefit because the increased competition may mean lower prices for services.

Summary of Costs

Sectors Affected: Banks and other entities currently offering consumer leasing services.

Institutions currently engaged in consumer leasing may bear some minimal costs because they might have to lower their charges to remain competitive.

Summary of Net Benefits

There are only minimal costs, those that would result from removal of regulatory restrictions to allow increased competition and a freer consumer leasing market. These possible costs are far outweighed by the benefits provided by increased competition—possible lower costs to consumers for services and increased revenues for federally chartered savings and loan associations and their customers.

Related Regulations and Actions

Internal: These proposed changes, while appearing in a new part of the CFR, would also revise existing portions in 12 CFR Chapter V, Subchapters C and D.

External: Similar regulations have already been adopted by the Office of the Comptroller of the Currency and the Federal Reserve Board (12 CFR 7.3400 and 225.4(a)(6)).

Since a number of State statutes authorize State chartered savings and loan associations to exercise the same powers exercised by federally chartered savings and loan associations, adoption of this regulation could by implication extend consumer leasing authority to many State chartered savings and loan associations.

Government Collaboration

None.

Timetable

NPRM—46 FR 49135, October 6, 1981.

Public Comment Period—October 6, 1981 to December 6, 1981.

Public Hearing—None.

Final Rule—January 1982.

Regulatory Impact Analysis—None, but see extensive analysis and discussion in preamble to NPRM.

Regulatory Flexibility Analysis—None.

Available Documents

Copies of proposed rules, public comment letters, and Final Rules (noted in Statement of Problem) are available at the Board's offices at 1700 G Street, N.W., Washington, DC 20522. The Board's Public Information Office, (202) 377–6934, or Office of Communications, (202) 377–6877, may be called for additional information.

Copies of transcripts of public meetings are available from the Office of the Secretary, Federal Home Loan Bank Board, at the same address.

Agency Contact

James C. Stewart, Attorney
Office of General Counsel
Federal Home Loan Bank Board
1700 G Street, N.W.
Washington, DC 20552
(202) 377–6457

FEDERAL RESERVE SYSTEM

Simplification of Securities Credit Regulations (12 CFR Part 207, Revision; 12 CFR Part 220, Revision; 12 CFR Part 221, Revision; 12 CFR Part 224, Revision)

Legal Authority

Securities and Exchange Act of 1934, 15 U.S.C. 78(c)–(hh).

Reason for Including This Entry

We believe this action is important because it simplifies a complex set of regulations and reduces burdens and restrictions on users and suppliers of margin credit.

Statement of Problem

Margin credit regulations apply to the terms upon which borrowing and lending on securities takes place. The "margin" is the amount of the borrower's own funds that must be provided at the time of a transaction.

The Board of Governors (the Board) of the Federal Reserve System (FRS) currently limits extensions of margin credit through four regulations:

- Regulation T: Credit by Brokers and Dealers (12 CFR Part 220).
- Regulation U: Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221).
- Regulation G: Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207).
- Regulation X: Rules Governing Borrowers Who Obtain Securities Credit (12 CFR Part 224).

The Board promulgated the first of these regulations in the 1930s, adding the others and modifying them over the years. Although we promulgated these regulations separately, they deal with related issues and have long been viewed as an integrated whole. Because the securities market has changed substantially since the 1930s, both through growth in the volume of transactions and advances in technology for administering these transactions, the Board decided to initiate a review of these regulations in 1978. (This review encompasses not only the four regulations described above, but all Federal Reserve System regulations.) This entry describes the proposed revisions to the four above-mentioned margin regulations. The initial proposals in the first NPRM were issued as guiding principles for simplifying the regulations; the actual proposed revisions to the regulations in the revised NPRMs we will issue will reflect comments from the initial NPRMs.

Our proposal will revise Regulation T as follows:

(1) Reduce the retention requirement to the level of maximum loan value of the securities sold. That is, lower the current 70-percent retention requirement (the percentage of proceeds from sales of securities that margin credit customers must leave in their accounts with the margin lender) to equivalence with the maximum loan value of the securities (currently, 50 percent for stock).

(2) Remove the restriction on the same-day substitution privilege (i.e., the restriction on replacing the same dollar value of different securities in an account, on the same day).

(3) Reduce from eleven to seven the number of accounts that securities lenders are required to maintain and identify these accounts as being for the transactions of either public customers or market professionals.

(4) Relax the restriction on arranging by brokers of unsecured credit extensions (credit extended without security collateral).

(5) Change regulatory terminology to that used by the industry.

Our proposals to revise Regulations U and G to promote parallel regulatory treatment between banks and persons or institutions who lend under Regulation G will:

(1) Allow non-margin stock to be used as collateral for bank loans without the current requirement that the borrower must state the purpose for which the loan proceeds are to be used.

(2) Clarify the meaning of "indirectly secured" margin lending in order to reduce confusion and uncertainty about the applicability of these regulations to certain unsecured loan agreements.

(3) Relax the rules for consolidation of credit extensions by purpose and by type of security. This will remove margin lending limits from some bank loans under Regulation U and from some loans made by other lenders under Regulation G.

(4) Make collateral segregation rules comparable across the regulations. It will no longer be necessary to segregate loans secured by convertible bonds from other regulated margin loans.

These revisions also automatically affect margin borrowers, under Regulation X, because the regulation includes by reference the other margin credit regulations (T,U,G).

Alternatives Under Consideration

The major alternative we considered to this proposal was a complete one-time overhaul of the entire constellation of the four regulations (T, U, G, and X), including proposed regulatory language. The Board decided, however, that such a comprehensive action would be very time consuming and therefore chose to address the most substantive problem areas.

In conducting the study of the issues, FRS staff had in-depth discussions on issues with industry representatives, including the New York Stock Exchange and various brokers and bankers. The proposed changes reflect the contributions of industry input to the regulatory review in at least three areas:

(1) action on consolidation of accounts;

(2) provisions for more uniform treatment of credit extensions by banks and non-broker lenders; and

(3) increased attention to "plain English" in the rewritten regulations.

Summary of Benefits

Sectors Affected: Banking; credit agencies other than banks; all other lenders of margin credit, including brokers; and all borrowers who use margin credit.

Borrowers who use margin credit will benefit because the revisions (1) will allow such borrowers more flexibility in the use of their proceeds from securities sales (i.e., they will have more cash available to deal with); and (2) the revisions also will allow individuals and institutions more flexibility in borrowing from banks (e.g., banks will be able to extend larger loans on the same collateral).

All margin credit lenders will have a reduced administrative burden, and the revisions also will allow brokers to provide additional investment banking services.

Summary of Costs

Sectors Affected: None.

The revisions could generate only one-time minor administrative costs to margin credit borrowers and lenders and the FRS as we revise our procedures to reflect these changes.

Summary of Net Benefits

The minor administrative costs associated with implementation of the proposed revisions are expected to be more than fully offset by the benefits that will accrue to both margin credit borrower and lenders. Therefore, the net benefits will be: (1) more flexibility for borrowers in the way they use their proceeds from securities sales, (2) more flexibility for individuals and institutions in borrowing from banks, in that banks will be able to make larger loans on the same collateral, and (3) a reduced administrative burden for all margin credit lenders.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—46 FR 32592, June 24, 1981; 46 FR 37516, July 21, 1981. (This proposal was issued through two related NPRMs.)
Public Comment Periods—First NPRM, June 24, 1981 to September 15, 1981; second NPRM, 60 days following publication of the notice.
Public Hearing—None.
Revised NPRMs—1st Quarter 1982.
Public Comment Period—Following revised NPRMs.
Final Rule—2nd Quarter 1982.
Final Rule Effective—Immediately upon publication.
Regulatory Impact Analysis—While the FRS does not have to prepare an RIA under Executive Order 12291, we do present our analysis of this action in a 1,000-page document entitled "Securities Credit Regulations of the Board of Governors of the Federal Reserve System," prepared by the Federal Reserve Bank of New York and available free of charge from Jim McNeil, New York Federal Reserve Bank, 33 Liberty Street, New York, NY 10045.
Regulatory Flexibility Analysis—Published with first NPRM.

Available Documents

The NPRMs and public comments are available for review in Docket No. 0362, at the Freedom of Information Office, Federal Reserve Board, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

Agency Contact

Laura Homer, Security Credit Officer
Federal Reserve Board
20th Street and Constitution Avenue, N.W., Room M–3466
Washington, DC 20551
(202) 452–2786

SECURITIES AND EXCHANGE COMMISSION

Proposed Revision of Form S–14 and Other Forms and Rules Relating to Disclosure in Connection With Business Combination Transactions (17 CFR Parts 230 and 239; Revision)

Legal Authority

Securities Act of 1933, §§ 6, 7, 10, and 19(a), 15 U.S.C. 77a *et seq.*

Reason for Including This Entry

The Securities and Exchange Commission (SEC) believes that this proposed action to revise the disclosure requirements under the Securities Act of 1933 (Securities Act) relating to the merger, acquisition, tender offer, and other business combination activity of companies, focusing principally on Form S–14, is of major interest to issuers in the negotiated acquisitions area. It is anticipated that the proposed revision of Form S–14 would substantially reduce costs in connection with preparation of that form.

Statement of Problem

The Securities Act generally requires that, unless an exemption is available, companies file a registration statement containing specified information before they offer securities for sale to the public. Further, investors must be furnished with a prospectus (which constitutes a major part of each registration statement) containing information to enable them to evaluate the securities and make informed investment decisions. Form S–14 is a specialized registration statement form that may be used by companies for registration under the Securities Act of securities to be issued in a transaction specified in Rule 145(a) (17 CFR 230.145(a)), which deals with business combinations. Rule 145(a) provides that the submission to a vote of security holders of a proposal for certain reclassifications of securities, mergers, consolidations, or transfers of assets is deemed by the Commission to involve an "offer," "offer to sell," "offer for sale," or "sale" of the securities to be issued in the transaction. The effect of the rule is to require registration of the securities to be issued in connection with such transaction, unless an exemption from registration is available.

Form S–14 provides that the prospectus to be used in such registrations shall consist of a proxy or information statement that meets the requirements of the Commission's proxy or information rules under § 14 of the Securities Exchange Act of 1934 (Exchange Act). In the case of companies subject to those rules, the filing of the registration statement on Form S–14 satisfies the requirement for filing a proxy or information statement pursuant to those rules. When a company is not subject to the proxy rules, or is subject thereto but is not required to solicit votes from its security holders, the prospectus would contain the same information that would be required by the proxy rules.

The existing disclosure requirements of Form S–14 often result in substantial reporting costs and the filing of voluminous and complex documents that do not sufficiently assist shareholders in making informed voting decisions on the transactions for which their votes are solicited. In addition, existing disclosure requirements are sometimes inconsistent for different ways of effecting business combinations, e.g., by proxy contest, merger, or tender offer. Thus, the amount and timing of required disclosure may differ depending on the transaction and may result in a failure to apprise shareholders in a timely, adequate manner of important business combination transactions affecting their equity holdings. For these reasons, the Commission has determined that disclosure requirements relating to merger proxies and business combinations need to be generally reexamined. The focal point of this review would be the proposed revision of Form S–14.

Alternatives Under Consideration

(A) Alternative (A) would apply the techniques and principles of the Commission's proposed integrated disclosure program to the merger proxy area. Under the integrated disclosure program, the SEC would permit incorporation by reference of disclosure documents prepared pursuant to the continuous reporting requirements of the Exchange Act in certain registration statements under the Securities Act. Moreover, a proposed three-tiered approach to the classification of companies desiring to sell securities would classify registrants into three categories, essentially on the basis of how widely followed the companies are in the market. The three registrant categories correspond to the eligibility criteria for three proposed forms—

Forms S–1, S–2, and S–3—that comprise the basic framework for registration of securities in the proposed integrated disclosure system (Securities Act Release No. 6331, August 6, 1981, 46 FR 41902). Form S–3 relies on incorporation by reference of Exchange Act reports and contains minimal disclosure in the prospectus. Form S–2 represents a combination of incorporation by reference of Exchange Act reports and presentation in the prospectus or in an annual report to security holders of certain information. Form S–1 requires complete disclosure of information in the prospectus and permits no incorporation by reference. In general, the SEC would permit widely followed companies that have been in the Exchange Act continuous reporting system for some time to use the more streamlined Forms S–2 and S–3, which incorporate more disclosure documents by reference, while less widely followed companies that have not been in the Exchange Act reporting system for a minimum period would be required to use Form S–1.

Alternative (A) would use this integrated disclosure framework in Form S–14 by tying disclosure in the negotiated acquisitions context to the level of registration form used by the companies involved in a negotiated acquisition. Thus, if a company that is eligible for registration of its securities on Form S–3 seeks to acquire a company eligible for registration of its securities on Form S–2, the SEC would permit disclosure regarding the acquiring company at an "S–3 level," i.e., through the incorporation by reference of the same disclosure documents allowed by Form S–3. The Commission would require that the company present information regarding the company to be acquired at an "S–2 level," i.e., combining incorporation by reference of the more complete disclosure documents and the delivery of streamlined disclosure presented in either the prospectus or in the annual report. In all cases, Form S–14 would require that transaction-specific information be presented. However, by allowing incorporation by reference and use of the annual report or annual report level of disclosure information according to the basic registration form eligibility of the company, Alternative (A) would reduce the volume of Form S–14, thus reducing costs for issuers that use merger proxies and providing shareholders with a more manageable disclosure document.

Alternative (A) would also eliminate any differences in timing and amount of disclosure for different types of business combination transactions. Eliminating substantive and timing differences in required merger proxy disclosure would make treatment of disclosure for all business combination transactions consistent and help to ensure that shareholders receive more timely and useful disclosure information. This approach might require statutory amendment in the tender offer area.

(B) Similar to Alternative (A), Alternative (B) would require transaction-specific information regarding any business combination. This alternative would also employ the techniques and principles of the SEC's proposed integrated disclosure program described above, including incorporation by reference of existing documents and use of the annual report, to reduce the volume of disclosure on Form S–14 and to make it a more effective disclosure document. However, recognizing that a shareholder's investment decision in the business combination context differs from other investment decisions, Alternative (B) would not permit incorporation by reference to the degree permitted by proposed Form S–3, as does Alternative (A). Shareholders might not have access to market professionals nor retain their annual reports and thus would benefit from more required merger proxy disclosure in Form S–14 than would be present with the high level of incorporation by reference allowed by Form S–3. However, despite the fact that Alternative (B) would not allow as much material to be incorporated by reference as Alternative (A), prospectus bulk and volume would still decrease under Alternative (B) because it would allow "S–2 level" incorporation by reference and actual prospectus presentation of information, as well as the use of the annual report to shareholders.

Alternative (B) would reduce, but not eliminate, differences between disclosure required in the proxy contest situation vis-a-vis the tender offer situation. This alternative would focus reduction of differences on those areas that are not unique to the structure of either acquisition transaction. No statutory amendment would be required and the substantive nature of negotiated acquisitions would not be affected.

The Commission tentatively has determined to pursue the approach outlined in Alternative (B). With regard to application of the techniques of integrated disclosure to the negotiated acquisitions area, Alternative (B) allows reduction of prospectus bulk and cuts preparation expenses, but retains sufficient disclosure in the prospectus to help ensure informed shareholder decisionmaking. Alternative (B) would also minimize inconsistencies in the timing and substance of disclosure regarding negotiated acquisitions and tender offers but, unlike Alternative (A), would not hamper the delicate nature of Williams Act transactions or tip the balance of a negotiated acquisition in favor of either party.

Summary of Benefits

Sectors Affected: Issuers that seek to register securities to be offered in certain business combination transactions under Securities Act Rules 133 and 145; shareholders of such issuers and of companies sought to be acquired; other persons who rely upon or use information filed by such companies with the SEC; and the SEC.

The SEC believes, on the basis of its own informal estimates, that the proposed revision of Form S–14 would reduce the aggregate costs of preparing that form by roughly $14 million annually (in 1981 dollars). This reduction in preparation costs would stem largely from application of integrated disclosure techniques, specifically incorporation by reference of existing disclosure documents, to Form S–14 registration. In addition to legal and other professional preparation cost savings, streamlining of Form S–14 would result in lowered printing, duplicating, mailing, and handling costs. To the extent that these corporate costs are reduced, shareholders will benefit as equity owners. Although the amount of these savings cannot be measured precisely, the SEC believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burdens to the SEC staff, increase processing speed, improve communications with shareholders and investors, and result in some improved access to capital markets.

Shareholders who are solicited to vote on negotiated acquisition transactions would receive a major non-quantifiable benefit because less voluminous and complex proxy material will enhance their understanding of the transaction and therefore increase their ability to make informed voting decisions. Other users of filed information should also benefit from more readable disclosure information.

Summary of Costs

Sectors Affected: None.

The SEC does not believe that any significant costs would be incurred by any affected sector as a result of the adoption of these proposals.

Summary of Net Benefits

As noted, the SEC does not expect any significant costs to be incurred by any affected sector as a result of the adoption of these proposals. Therefore, net benefits are approximately the same as those discussed above in the Summary of Benefits section: the expense to corporations of engaging in business combination transactions will be reduced and shareholders will be provided with a less complex disclosure document to assist them in making their decisions.

Related Regulations and Actions

Internal: "Integrated Disclosure System," Securities Act of 1933 Release Nos. 6331–6338, 46 FR 41902–42057, August 6, 1981.
External: None.

Government Collaboration

None.

Timetable

NPRM—May 1982.
Public Hearing—None planned.
Public Comment Period—3rd Quarter 1982.
Final Rule—3rd Quarter 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

"Reproposal of Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6331, 46 FR 41902, August 6, 1981.
"Integrated Disclosure Program," Securities Act of 1933 Release Nos. 6231–6236, 45 FR 63630–63731, September 2, 1980.

Agency Contact

Catherine Collins McCoy, Special Counsel
Division of Corporation Finance
U.S. Securities and Exchange Commission
500 North Capitol Street, N.W.
Washington, DC 20549
(202) 272–2589

SEC

Proposed Revision of Regulation S–K (17 CFR Part 229; Revision) and Guides for the Preparation and Filing of Registration Statements and Reports (17 CFR Part 231; Revision)

Legal Authority

Securities Act of 1933, §§ 7, 10, and 19(a), 15 U.S.C. 77g, 77j, and 77s(a); Securities Exchange Act of 1934, §§ 13, 14, 15(d), and 23(a); 15 U.S.C. 78m, 78n, 78o(d), and 78w(a); and Investment Company Act of 1940, §§ 20 and 38(a), 15 U.S.C. 80a–20 and 80a–37(a).

Reason for Including This Entry

The Securities and Exchange Commission (SEC) believes that this proposed action to revise the requirements for preparation and filing of registration statements and reports is of major interest to registrants subject to the disclosure provisions of the Federal securities laws. The proposals potentially would affect approximately 9,000 public companies and other issuers.

Statement of Problem

The Securities Act requires companies that desire to offer securities to the public to file registration statements with the SEC. The Exchange Act requires certain companies with publicly traded securities to register such securities with the SEC, to file annual and other periodic reports, and, in connection with the solicitation of proxies or consents from shareholders to elect directors or approve various corporate actions, to file proxy solicitation materials. The registration statements and reports are designed to provide the investing public with complete and accurate information to assist them in making investment decisions, while the proxy solicitation materials are designed to provide adequate information to security holders for voting purposes. Historically, the mandated disclosures in the registration statements, reports, and proxy statements required under the two Acts evolved separately, resulting, in some areas, in different disclosure requirements even though the disclosures are to be used by investors to make the same investment decisions. Moreover, while major portions of the disclosure required under the two Acts may overlap, differences in the timing of the filings and other factors also resulted in varying disclosures on the same subject matter; such varying disclosures serve no purpose under the Acts.

In addition, many public companies prepare and deliver to security holders informal annual and other periodic reports, portions of which are regulated by State law and SEC and stock exchange regulations. These informal reports may contain much of the information also required in formal filings, but because of differences in State regulatory requirements and the purposes of such reports, the disclosures may vary subtantially in form and context of presentation.

Thus, as a result of the separate historical evolution of disclosure requirements under the two Acts and the differences in informal disclosure documents, registrants had to prepare, in many instances, and the SEC staff had to review, three separate sets of disclosure documents that were all addressed to the same general subject matters and served the same statutory purpose, that is, to provide investors the information necessary to make informed investment decisions. The SEC, recognizing the problems and inefficiencies of subjecting registrants to several disclosure systems, both from the standpoint of registrants themselves and that of the reviewing staff of the SEC, began an effort in the mid-1960s to integrate the various disclosure systems.

The problem faced by the SEC is to reduce or eliminate the duplicative reporting and to reduce thereby both the volume and the cost of the material that companies prepare. Concurrently the SEC is seeking to maintain the quality of disclosure and to update disclosure obligations to eliminate outmoded or unnecessary requirements.

At least three significant factors suggest that the SEC combine or integrate disclosure under the Securities Act and the Exchange Act and in informal shareholder reports. First, the report of the SEC's Advisory Committee on Corporate Disclosure, delivered to the SEC in November 1977, examined the possiblity of combined reporting and indicated a significant and urgent need for integration. Second, an SEC examination of registration statements, Exchange Act reports, and informal shareholder reports indicated that over the years, the number of significant content differences may have diminished, thereby making an integrated system more feasible. Finally, as the volume of disclosure requirements has increased over the years, the cost to registrants and the burden upon the SEC staff correspondingly has increased. An integrated system would reduce the volume of disclosure documents and the number of varying rules and thus reduce both the costs and burdens to reporting companies.

Prior to the adoption in December 1977 of Regulation S–K, which contains the specific disclosure requirements that are incorporated by reference into registration statement and report forms of the SEC (17 CFR 229.20), there were disparate informational requirements between Securities Act registration forms and Exchange Act reporting forms. Regulation S–K reflects the SEC's judgment that information necessary for

investment or voting decisions (other than that relating to the transaction itself) should be the same for the trading markets and for primary distributions. Having made such determination, the Commission was in a position to decide what information is important to such investment decisions and thus should be standardized for use under both Acts.

The SEC designed Regulation S–K as the repository for the Commission's standardized disclosure requirements to be incorporated by reference into the provisions of the various forms that specify the content of registration statements, reports, and proxy statements. In December 1977, the Commission adopted Items 1 and 2 of Regulation S–K, outlining the required descriptions of a registrant's business and properties, respectively, to be included in both registration statements and periodic reports filed pursuant to the Securities Act and Exchange Act.

Over the past 3 years, the SEC has added nine more standardized disclosure items to Regulation S–K, specifying the disclosure requirements with respect to registrants' directors and executive officers, remuneration, legal proceedings, security ownership, market for and dividends on common stock, selected financial data, management's discussion and analysis of the financial condition and results of operations of the registrant, and certain supplementary financial information.

The revisions presently proposed to Regulation S–K will complete the SEC's consolidation into a single regulation of the content requirements for most registration statements and annual reports required under the two Acts. The proposed revisions also implement a recommendation of the Advisory Committee that the Commission undertake a "sunset" review of existing rules and regulations in order to eliminate "duplicative, unnecessary, or impractical reporting requirements."

The principal factors indicating that the SEC should act at this time to revise Regulation S–K and the Guides for the Preparation and Filing of Registration Statements and Reports, a compendium of policies and practices of the Division of Corporation Finance of the SEC in applying the Federal securities laws in its review of disclosure documents, include (1) the SEC's concurrent proposal to revise the system for registration of securities offerings under the Securities Act, (2) the need to complete the SEC's efforts to consolidate and to standardize disclosure requirements in Regulation S–K, and (3) in view of costs to registrants of compliance with disclosure requirements and the burden such requirements also place on the SEC staff in its review procedures, the need to facilitate the integration of the disclosure systems to achieve the efficiencies and cost advantages such integration will provide.

If the SEC does not act to fully implement an integrated disclosure system at this time, companies will continue to bear unnecessary disclosure costs and burdens.

Alternatives Under Consideration

(A) With respect to the "sunset" review and revision of the Guides, there are two alternatives to that presented in the proposals, neither of which appears viable. The first is to have the Guides stand as presently in effect. The consequences of such inaction would be to diminish the usefulness of Regulation S–K to the integrated disclosure system, to continue a system in which content requirements applicable to a filing are dispersed throughout the rules and regulations of the SEC rather than centralized in a single place, and to fail to eliminate those requirements that have become outmoded, unnecessary, or inordinately burdensome. If the proposed revisions to the Guides are adopted, over 30 percent of the existing Guides would be withdrawn as being out of date. Moreover, to leave certain of the Guides in their present form as Guides, a type of disclosure requirement whose legal status is not clear (i.e., on adoption it is specifically noted that they are "not to be rules of the Commission nor are they published as bearing the Commission's official approval"), would perpetuate the practice of formalizing staff practices that have not been adopted by the Commission as rules. The SEC believes this practice is no longer appropriate except in the area of specific industry guides where, in many instances, formal, inflexible rules would not serve the public interest. The SEC believes it is important to clarify the legal status of the other Guides by codifying their substantive and procedural provisions in rules and regulations of the SEC. This clarification is particularly important at this time due to the Commission's recent initiation of a system whereby only selected disclosure documents are reviewed, as under these procedures more and more disclosure will not be subject to the staff review and comment that in the past have been relied upon to assure general compliance with the Guides.

The second alternative is to withdraw the Guides altogether, without incorporating their substance into other Commission rules and regulations. The SEC originally adopted the Guides to clarify existing staff construction of its rules and regulations and to make pubilc its staff practices and policies in applying various disclosure and procedural requirements. To eliminate completely this source of clarification and public information may lead to the problems the Guides originally were designed to eliminate.

(B) With respect to the proposed revision of Regulation S–K, in order to incorporate the content requirements presently included in the Guides, Regulation C, and proposed Securities Act Registration Forms S–1, S–2, and S–3, the principal alternatives are either to repeat disclosure requirements in each form or to adopt the proposed system under which the Regulation S–K items will be incorporated into the various Securities Act and Exchange Act forms.

The SEC believes that there is sufficient commonality of disclosure, whichever major registration form is being used, to justify the standardization of content requirements and their inclusion in Regulation S–K. To leave these requirements in each separate form would again lead to dispersion of content requirements and the inefficiency such dispersion produces. Moreover, Regulation S–K, with its uniform requirements for both the Acts, encourages the uniformity that reduces duplicative disclosure and hence reporting burdens.

Summary of Benefits

Sectors Affected: Companies having a class of securities registered under § 12 or having a reporting obligation under § 15(d) of the Exchange Act, or which offer securities subject to registration under the Securities Act; persons soliciting proxies with respect to securities of registered investment companies or securities registered under § 12 of the Exchange Act; security holders of such companies; persons wishing to purchase securities of such companies; other persons who rely upon or use information filed by such companies with the SEC, or who rely upon or use information contained in informal security holder reports; and the SEC.

The SEC does not believe that its proposed revisions of the Guides or Regulations S–K, by themselves, will result in any measurable cost savings to issuers, security holders, potential investors, and other users of financial reports and filed information, as they largely involve simply a change in formation and the relocation of existing or proposed content items, and the proposed revision of some of the Guides should have at most a minor impact as

the proposals generally would codify existing practice.

The proposed revisions, however, would make the integrated disclosure system more workable and therefore would indirectly help to achieve the cost savings that the Commission believes will result from such an integrated system. The Commission believes that with integration at least some direct cost savings would be realized by nearly all of the approximately 9,000 companies having a reporting or filing obligation. Although the SEC cannot measure the amount of these savings because of numerous internal variables and the lack of a reporting system, it believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burden to the SEC staff, increase processing speed, improve communications with shareholders and investors, and result in some improved access to capital markets.

That part of the proposal that may result in the total withdrawal of outmoded Guides will, however, have a benefit as it will lessen the reporting burden of registrants. Again, however, the cost saving is very difficult to quantify. In addition, the proposals contain a new rule derived from an existing Guide that would, under certain circumstances, permit the registration of securities that are intended to be offered for sale on a delayed or continuous basis in the future. The procedures proposed in the rule are intended to reduce registration costs and the burdens on capital formation by permitting an issuer (or another person) to take immediate advantage of favorable market conditions.

The SEC does not believe that there will be any measurable cost savings to shareholders, potential investors, and other users of financial reports and filed information. However, to the extent that corporate costs are reduced, companies may pass on some of the cost reduction to one or more of these interests.

Summary of Costs

Sectors Affected: None.

The SEC does not believe that any significant costs would be incurred by any affected sector as a result of the adoption of these proposals.

Summary of Net Benefits

As noted, the SEC does not expect any significant costs to be incurred by any affected sector as a result of the adoption of these proposals. Therefore, net benefits are the same as those discussed above in the Summary of Benefits section, i.e., the integrated disclosure system will function more smoothly, which should result in cost savings to registrants and others.

Related Regulations and Actions

Internal: "Integrated Disclosure System," Securities Act of 1933 Release Nos. 6331–6338, 46 FR 41902–42057, August 6, 1981.

External: None.

Government Collaboration

None.

Timetable

NPRM—"Proposed Revision of Regulation S–K and Proposed Rescission of Guides for the Preparation and Filing of Registration Statements and Reports," Securities Act of 1933 Release No. 6332, 46 FR 41925, August 6, 1981.

Public Hearing—None planned.

Reproposal Public Comment Period—August 6, 1981 to October 30, 1981.

Final Rule—January 1982.

Final Rule Effective—2nd Quarter 1982.

Regulatory Impact Analysis—Not required.

Regulatory Flexibility Analysis—Not required.

Available Documents

"Review of Guides for the Preparation and Filing of Registration Statements and Reports," Securities Act of 1933 Release No. 6163, 44 FR 72804, December 14, 1979.

"Proposed Revision of Regulation S–K and Guides for the Preparation and Filing of Registration Statements and Reports," Securities Act of 1933 Release No. 6276, 46 FR 78, January 2, 1981.

"Reproposal of Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6331, 46 FR 41902, August 6, 1981.

Public comments for period ending October 30, 1981 (File No. S7–894) are available in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, DC 20549.

Agency Contact

Linda C. Quinn, Attorney Fellow
Division of Corporation Finance
U.S. Securities and Exchange Commission
500 North Capitol Street, N.W.
Washington, DC 20549
(202) 272–3413

SEC

Reproposal of Comprehensive Revision to System for Registration of Securities Offerings (17 CFR Part 239; Revision)

Legal Authority

Securities Act of 1933, §§ 6, 7, 10, and 19(a), 15 U.S.C. 77a *et seq.*

Reason for Including This Entry

The Securities and Exchange Commission (SEC) believes that these new registration forms are important because they will significantly revise the registration statements filed with the SEC under the Federal securities acts when securities are offered to the public. The proposed revision potentially would affect all of the approximately 9,000 public companies and other issuers of securities.

Statement of Problem

The Securities Act of 1933 (Securities Act) requires companies that desire to offer securities to the public to file registration statements with the SEC. The Securities Exchange Act of 1934 (Exchange Act) requires companies with publicly traded securities to register with the SEC, to file annual and other periodic reports, and to register additional securities that they may wish to sell to the public. The SEC is proposing to revise its forms for Securities Act registration statements to establish a single, integrated disclosure system that will permit most registered companies to comply simultaneously with the disclosure provisions of both Acts.

At present, the Securities Act and the Exchange Act have different disclosure requirements. The Securities Act requires that companies registering securities give detailed disclosure concerning their business and financial condition at the time that securities are offered for public sale. Under the Exchange Act, companies whose shares are registered with the SEC, or which have previously sold shares to the public under the Securities Act, must file periodic reports containing detailed disclosure of their affairs. Often major portions of the disclosure required in Securities Act registration statements and in Exchange Act reports overlap to a great degree, but because of differences in the timing of the filings, the disclosure is not word-for-word the same.

In addition to filing registration statements and periodic reports with the SEC, many public companies prepare and deliver to shareholders informal

annual reports, portions of which are required by various State laws and SEC rules. Again, the informal annual reports prepared by many public companies tend to contain information that duplicates some of the information contained in Securities Act registration statements and Exchange Act reports. In the case of informal reports, however, the duplicated information tends to be delivered in a somewhat different format.

The problem faced by the SEC is to reduce or eliminate the duplicative reporting and to reduce thereby both the volume and the cost of the material that companies prepare. Concurrently, the SEC is seeking to maintain the quality of disclosure and to update disclosure obligations to eliminate outmoded or unnecessary requirements.

At least three significant factors suggest that the SEC should act at this time to combine or integrate disclosure under the Securities Act, the Exchange Act, and in informal shareholder reports. First, the report of the SEC's Advisory Committee on Corporate Disclosure, delivered to the SEC in November 1977, examined the possibility of combined reporting and indicated a significant and urgent need for integration. Second, an SEC examination of registration statements, Exchange Act reports, and informal shareholder reports indicates that over the years, the number of significant content differences may have diminished, thereby making an integrated system more feasible. Finally, as the volume of disclosure requirements has increased over the years, the cost to registrants and the burden upon the SEC staff has correspondingly increased. An integrated system will reduce the volume of disclosure documents and correspondingly reduce both the costs and burdens to reporting companies.

If the SEC does not act now, companies will continue to bear unnecessary costs and burdens. Additionally, from the SEC's point of view, over the past 10 years the SEC staff responsible for the review of filings has been gradually reduced, while the volume of disclosure has increased. At present staffing levels, if the SEC did not eliminate the need to review essentially duplicative filings, the staff would increasingly dilute its ability to review effectively the content and quality of filed documents.

Alternatives Under Consideration

(A) Alternative (A) would create a three-tiered approach to the classification of companies desiring to sell securities. This proposed registration statement framework would classify registrants into three categories: (1) companies that are widely followed by professional analysts; (2) companies that have been subject to the periodic reporting system of the Exchange Act for 3 or more years, but that are not widely followed; and (3) companies that have been in the Exchange Act reporting system for less than 3 years. The first category would be eligible to use proposed Form S–3, which shortens the prospectus by incorporating Exchange Act reports by reference and presenting minimal disclosure in the prospectus itself. This form reflects the Commission's belief that the market operates efficiently for these companies, i.e., that the disclosure in Exchange Act reports and other communications by the registrant, such as press releases, has already been disseminated and accounted for by the marketplace. The second category would be eligible for Form S–2, which represents a combination of incorporation by reference of Exchange Act reports and presentation of certain information in the prospectus or in an annual report to security holders. The third category would use Form S–1, which requires complete disclosure of information in the prospectus and does not permit incorporation by reference. As with the present system, if it desired, a company eligible to use Form S–3 could also use either of the other forms, and a Form S–2 company could also use Form S–1 and, for certain offerings, Form S–3.

(B) The second alternative would also consist of three basic forms comprising the framework of registration of securities under the Securities Act. However, Alternative (B) would have different eligibility requirements for the three forms, with less emphasis on the efficient market for dissemination of information regarding issuers and more emphasis on eligibility criteria related to the quality of the issuer. Thus the eligibility standards for the shortest form would require that an issuer have a consolidated income of at least $250,000 for at least 3 of the 4 years preceding the registration. Eligibility criteria for the middle-tier form would exclude "financially troubled" companies from using the form, based on a recent decline in income, material uncertainty concerning the issuer's financial position, or a downgraded security rating during the previous 12 months. This approach arguably enhances investor protection by requiring more financial stability of issuers that use abbreviated registration statements.

(C) Alternative (C) would be similar to Alternative (B) in terms of basic framework and eligibility standards. However, companies could accomplish much of the disclosure called for in the middle-tier form by furnishing an annual report on Form 10–K in lieu of prospectus reiteration. This would allow the Form 10–K to fulfill a dual purpose for registrants and would integrate reporting requirements under the Securities Act and the Exchange Act.

The Commission has determined that the approach outlined in Alternative (A) is best suited to achieve the implementation of a comprehensive integration of disclosure systems under the Federal securities laws and the improvement and simplification of disclosure requirements where possible. The SEC is not pursuing Alternative (B) because that approach is inconsistent with the concept that registrant classification should depend on the extent to which information about the registrant has been disseminated in the marketplace and on the accuracy of such information. The Commission believes that the standards of Exchange Act experience and a minimum value of voting stock held by persons not affiliated with the registrant are more appropriate than the quality of the registrant in determining the type and amount of disclosure that is set forth in the prospectus delivered to investors. In the Commission's view, indicators of the "quality" of the registrant, such as net income, are more appropriately disclosure matters than criteria for eligibility to use a form. Thus, the SEC has designed the eligibility criteria of Alternative (A) to recognize the realities of the marketplace by matching a registrant to the form that will furnish investors with the appropriate disclosure for delivery in the prospectus. The Commission has decided not to pursue the middle-tier disclosure approach of Alternative (C), which would allow prospectus delivery of the annual report on Form 10–K. The Commission believes the readability of the annual report to security holders makes it more useful to investors than the report on Form 10–K and thus makes the annual report more appropriate to fulfill the purposes of the Securities Act. In addition, use of the annual report to security holders promotes integration of formal and informal corporate disclosure documents as well as integration of documents under the Exchange Act and Securities Act. As proposed in Alternative (A), delivery of the annual report to security holders would be optional for issuers using Form S–2.

Summary of Benefits

Sectors Affected: Companies having a class of securities registered under

§ 12 or having a reporting obligation under § 15(d) of the Exchange Act, or that offer securities subject to registration under the Securities Act; shareholders of such companies; persons wishing to purchase shares of such companies; other persons who rely upon or use information filed by such companies with the SEC, or who rely upon or use information contained in informal shareholder reports; and the SEC.

The SEC believes, on the basis of its own informal estimates, that the proposed amendments would result in approximately a 25 percent decrease in the total cost burden to respondents now using the existing registration forms, which would be replaced by proposed Forms S–1, S–2, and S–3. The cost savings would occur for the following reasons: (1) relaxation of requirements for the use of shorter forms; (2) changes in disclosure required for public offerings and the streamlining of procedures as set forth in proposed revisions of Regulation S–K, Regulation C, and other aspects of the Commission's integrated disclosure program; and (3) as regards proposed Form S–2, increased use of incorporation by reference and the optional use of previously prepared annual and quarterly reports. The Commission estimates that, on the average, the cost of preparation of the proposed forms over their current counterparts will be, respectively, 10 percent lower for Form S–1, 50 percent lower for Form S–2, and 5 percent lower for Form S–3. The SEC believes that at least some direct cost savings would be realized by nearly all companies having a reporting or filing obligation.

The SEC does not believe that there will be any measurable cost savings to shareholders, potential investors, and other users of financial reports and filed information. However, to the extent that corporate costs are reduced, shareholders will benefit as equity owners. Additionally, companies may pass on some of the cost reduction to one or more of these interests.

Because of the reduction in the total volume and complexity of disclosure documents, registered companies and issuers of securities should realize reduced legal and other professional costs, printing and duplicating charges, and mailing costs. Although the SEC cannot measure the amount of these savings precisely, the SEC believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burden to the SEC staff, increase processing speed, improve communications with shareholders and investors, and result in some improved access to capital markets.

Shareholders, investors, and other users of filed information should also benefit because companies will produce more readable disclosure information.

Summary of Costs

Sectors Affected: Companies having a class of securities registered under § 12 or having a reporting obligation under § 15(d) of the Exchange Act, or that offer securities subject to registration under the Securities Act; shareholders of such companies; persons wishing to purchase shares of such companies; and other persons who rely upon or use information filed by such companies with the SEC, or who rely upon or use information contained in informal shareholder reports.

The SEC does not believe that any significant costs would be incurred by any affected sector as a result of the adoption of these proposals, although in some circumstances a limited number of companies filing reports and issuing shares could incur greater auditing costs.

Shareholders, investors, and other users of filed documents will receive slightly less information as a result of these proposals. To the extent that concern for legal liability leads to the use of more complicated and detailed legal terminology, making some parts of documents less readable, these sectors could also be detrimentally affected. The SEC believes, however, that these minimal costs will be more than offset by the greater readability of the overall information package.

Summary of Net Benefits

As noted, the SEC does not expect any significant costs to be incurred by any affected sector as a result of the adoption of these proposals. Therefore, net benefits are approximately the same as those discussed above in the Summary of Benefits section, i.e., implementation of this part of the integrated disclosure program is expected to result in substantial savings in registration costs for registrants as well as in other benefits to other sectors.

Related Regulations and Actions

Internal: "Integrated Disclosure System," Securities Act of 1933 Release Nos. 6331–6338, 46 FR 41902–42057, August 6, 1981.

External: None.

Government Collaboration

None.

Timetable

NPRM—"Reproposal of Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6331, 46 FR 41902, August 6, 1981.
Public Hearing—None planned.
Reproposal Public Comment Period—August 6, 1981 to October 30, 1981.
Final Rule—January 1982.
Final Rule Effective—2nd Quarter 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Initial Regulatory Flexibility Analysis appears at 46 FR 41923, August 6, 1981. Final Regulatory Flexibility Analysis will appear with Final Rule, January 1982.

Available Documents

"Integrated Disclosure Program," Securities Act of 1933 Release Nos. 6231–6236, 45 FR 63630–63731, September 2, 1980.

Public comments for period ending October 30, 1981 (File No. S7–893) are available in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, DC 20549.

Agency Contact

Catherine Collins McCoy, Special Counsel
Division of Corporation Finance
U.S. Securities and Exchange Commission
500 North Capitol Street, N.W.
Washington, DC 20549
(202) 272–2589

SEC

Simplification of Investment Company Prospectuses (17 CFR 239.15, 17 CFR 274.11; Revision)

Legal Authority

Securities Act of 1933, 15 U.S.C. 77a *et seq.*, Investment Company Act of 1940, 15 U.S.C. 80a–1 *et seq.*

Reason for Including This Entry

The Securities and Exchange Commission (Commission) believes that its effort to simplify investment company prospectuses is precedent setting and of great public interest because it represents the first time the Commission has studied the information contained in investment company prospectuses, and the way that information is presented, with the express aim of making the prospectus more useful to investors in understanding the essential features of

an investment in an investment company.

Statement of Problem

The Securities Act of 1933 requires investment companies, like other companies, to file a registration statement with the Commission before they may offer their securities for sale to the public. The registration statement form on which securities are registered includes a prospectus, which must contain the information about the investment company and its operations that the Commission considers necessary to an investor wishing to make an informed investment decision. The Securities Act requires that a company deliver its prospectus to an investor no later than the time of the delivery of the securities or confirmation of the sale, if the securities themselves are not delivered to the investor. However, an investment company that uses sales literature as part of its sales effort cannot deliver such literature unless it is accompanied or preceded by a prospectus, so that many prospective investors in investment companies receive a prospectus before they make an investment decision. As a result, the prospectus is the principal selling document for issuers of securities.

The prospectus is also a significant means of communication to existing shareholders for many investment companies, namely open-end management investment companies. Because these companies engage in a continuous offering of their securities, they must bring their prospectuses up to date each year. Many of these companies (the types commonly known as "mutual funds") send a prospectus to their existing shareholders every year, whether or not these shareholders are making further investments in the company.

Under current rules of the Commission (17 CFR 239.15, 17 CFR 274.11), the prospectus includes information about the following aspects of an investment company's operations:

(1) its investment objectives (e.g., current income or long-term growth of capital) and policies;

(2) its investment adviser (including its experience and the fee it charges for administration and portfolio management);

(3) purchase of the company's securities (including whether it charges a sales load—i.e., that portion of the price of the security to the public that is allocated for sales expense—or whether there are minimum amounts for initial and subsequent investments);

(4) redemption of the company's securities (including any redemption charges and the proper procedure for redemption); and

(5) its financial condition (presented both as a per share table covering the 10 most recent years of its operation and, in statements of income, changes in net assets, and assets and liabilities for shorter time periods).

In addition, the prospectus contains a great deal of additional disclosure about an investment company, including identification of the company's officers and directors, a discussion of how it chooses broker-dealers to execute its portfolio transactions, and a discussion of special investment options that it may make available, including whether it offers its securities through retirement plans.

The Commission has required all of this information to be included in investment companies' prospectuses because it considered the information to be material to investors, that is, information that an average prudent investor ought reasonably to have before purchasing the security. Nonetheless, while the Commission has added new disclosure requirements over the years as a response to changes in investment company operations, it has rarely reviewed existing requirements to remove those that have become outmoded. In addition, because the Securities Act imposes heavy standards of liability upon companies for omissions or misstatements in prospectuses, there has been a growing tendency on the part of issuers to include more disclosure, and in greater detail, than that actually required by the Commission, in order to avoid that liability. As a result of these forces, the prospectus has grown more and more cumbersome, so that it is not as effective as it should be as a source of information for prospective investors. The prospectus has become so long and complex that an investor may be discouraged from reading it at all, much less from learning about the significant features of the investment.

The Commission has attempted in the past to improve the utility of prospectuses to prospective and existing investors. For example, in 1978 the Commission introduced a new item, called the synopsis, to investment company prospectuses, in an effort to highlight the significant features of the offering. The synopsis and a table describing the income and capital changes of a share of stock over the previous 10 years are required to appear within the first five pages of the prospectus, so that an investor is fully informed if he or she reads only that part of the prospectus. Additionally, the Commission is currently considering a separate proposal to eliminate the differences in financial statements between prospectuses, which are sent to purchasers and prospective purchasers (including purchasers who are also already shareholders), and reports to all current shareholders. However, it would appear that more basic changes in the form and content of investment company prospectuses are necessary in order for those documents to be useful to investors.

By revising the disclosure requirements for investment company prospectuses, the Commission will simplify the filing procedures for approximately 1,000 open-end management investment companies. If the Commission does not revise these disclosure requirements the prospectuses of investment companies will continue to be documents that, by their length and complexity, often defeat the Commission's goal of facilitating informed investment decisions.

Alternatives Under Consideration

The Commission is considering the following possible alternatives regarding disclosure in prospectuses of open-end management investment companies:

(A) Reducing the number of items of required disclosure—The types of disclosure requirements that might be deleted altogether from the prospectus include: disclosure of "negative" investment policies (such as "the registrant does not invest in real estate") that the Investment Company Act requires to appear in the company's registration statement but not necessarily in the prospectus; disclosure of practices that are common to most investment companies (such as the company's status under the Internal Revenue Code); and disclosure of those aspects of an investment company's operations that require detailed description to be legally sufficient but that do not appear to be material to most investors (such as a description of a company's valuation practices). Reducing the number of required items of disclosure would allow companies to shorten prospectuses so that they would not be as daunting to a prospective investor. A problem with this alternative, however, is that all of the information currently required to be in the prospectus is there because it is considered significant at least to some investors. Deleting disclosure requirements could conceivably result in the loss of information that is material to an investment decision.

(B) Changing the format of prospectuses—Another alternative would be to require companies to

describe their fundamental characteristics at the beginning of the prospectus. Generally, those features of an investment company that are considered most significant to investors are the following: its fundamental investment policies; its investment adviser; its financial condition; and the method of purchase and redemption of shares. All other disclosure items would be required to follow this introductory portion, which might look like an expanded version of the synopsis that is currently required. This proposal would have the advantage of making it easier for a prospective investor in a mutual fund to find out the most significant things about an investment without reading detailed disclosure that may be directed only to certain groups of investors (such as disclosure concerning the fund's offering of its securities through retirement plans). One disadvantage of a required format, however, would be the cost to investment companies in accommodating themselves to a new disclosure format. Depending on whether the change in format included specific requirements as to the placement of information within the prospectus, investment companies might find that they have less flexibility in arranging disclosure within the prospectus than they find desirable.

(C) Developing a "core prospectus" for investment company complexes—Under this alternative, complexes of investment companies (i.e., investment companies that are managed by the same investment adviser or affiliated advisers) could send one prospectus covering all the companies in the complex, describing their common features, with a separate prospectus for each company describing its fundamental characteristics and other information specific to the fund. This proposal would allow investment company complexes (approximately 90 percent of the investment company industry) to save printing and mailing costs by allowing them to make disclosure about complex-wide operations in only one document, rather than five or ten (or more, in some complexes), and by eliminating duplicative information to prospective investors who request a prospectus for more than one company in a complex. However, a two-part prospectus could confuse investors.

(D) Developing a separate prospectus for current shareholders—An investment company could send a current shareholder who makes an additional investment in the company a prospectus shorter than the one it delivers to prospective investors. The prospectus for current investors could incorporate the company's annual report to shareholders and describe any recent material changes in the company's operations without repeating information that was provided to the investor as of the time of his or her initial investment and that has not changed. This proposal could allow an investment company to save on printing and mailing costs and allow current shareholders to receive a more concise and readable prospectus. Any such savings, however, could be offset by the necessity of developing two separate prospectuses.

These proposals are not mutually exclusive. For example, the elimination of certain disclosure requirements from the prospectus might be accomplished in combination with the development of a core prospectus for investment company complexes. Alternatively, the elimination of certain disclosure requirements could be effected in conjunction with a change in prospectus format that would highlight the essential features of the investment. This latter alternative would provide for the most comprehensive change in prospectus and, at this point, is the alternative being most actively considered for recommendation to the Commission.

Summary of Benefits

Sectors Affected: Registered investment companies; current holders of shares in registered investment companies; and prospective investors.

Prospective investors in investment companies will benefit from the elimination of certain disclosure requirements or from a change in the format of the prospectus by receiving a more readable prospectus. Because a prospectus with fewer items of required disclosure could be a significantly shorter document, investment companies might be more likely to send the prospectus before the delivery (or confirmation of the purchase) of the security. Earlier delivery of the prospectus would allow a prospective investor to have more time to study the prospectus before making an investment decision. Even if the prospectus were not delivered earlier, a prospective investor would benefit from the removal of certain disclosure requirements if the resulting prospectus were shorter and less complex. A prospective investor receiving a prospectus with disclosure about the essential features of the investment highlighted in the first few pages would find it easier to locate essential information. A change in format would also benefit prospective investors, because the format change would make the prospectus more readable by requiring a company to highlight its essential features at the beginning of the prospectus and to disclose information that is useful to sophisticated investors or investors with special interest in the back of the prospectus, where they could find it but where it would not be likely to confuse other investors.

Investment companies would benefit from the removal of certain disclosure requirements or the development of a separate prospectus for current shareholders because the resulting shorter prospectuses would be cheaper for them to prepare, print, and mail. Investment companies would also benefit from the development of a core prospectus for investment company complexes. A complex would save money whenever a prospective investor requested information about more than one fund in the complex because the complex would only be required to send one prospectus for the complex, with separate, shorter prospectuses for each of the funds about which the investor inquired. Investment companies that are not part of complexes, roughly 40 percent of the industry, would not receive any benefits from this alternative, however.

Current shareholders would benefit from the removal of certain disclosure requirements, a change in the prospectus format, or the development of a separate prospectus for current shareholders. Many investment companies send current shareholders copies of their most recent prospectus whether or not the shareholder invests additional money in the fund. Therefore, any improvement in the readability of the prospectus would benefit those current shareholders who receive copies of the prospectus. Also, because the removal of certain disclosure requirements and the development of a separate prospectus for current shareholders would lead to shorter, less expensive prospectuses, more investment companies might send prospectuses annually to their current shareholders, who would then receive more information about the company than is currently required to appear in reports to shareholders. Finally, the development of a separate prospectus for current shareholders would allow a company to send a current shareholder a prospectus that is more closely tailored to his or her needs.

The potential benefits of simplified investment company prospectuses would be widespread. However, an

estimate of the present discounted value of the potential benefits to prospective investors, investment companies, and current shareholders—individually or as a group—is undeterminable.

Summary of Costs

Sectors Affected: Registered investment companies and prospective investors.

Because all of the information currently required to be disclosed in the prospectus is useful at least to some investors, the removal of some disclosure requirements could be harmful to those investors who would no longer receive information they believe is useful to an informed investment decision. Prospective investors could also be harmed by the development of a core prospectus for investment company complexes, with shorter, separate prospectuses for each fund, if they found the two-part prospectus format to be confusing. However, this cost could be minimized if the Commission required companies to explain clearly the importance of each part of the prospectus on the cover of each part.

Investment companies could be expected to incur higher expenses as a result of any change in the prospectus format. These increased costs would not be expected to continue, however, after companies have changed their current prospectuses to meet the new disclosure requirements. An estimate of the present discounted value of the potential costs to investment companies and investors, like the value of the potential benefits, is undeterminable.

Summary of Net Benefits

The removal of certain disclosure requirements or a change in the format of the prospectus would result in (1) a shorter, more readable prospectus for the potential investor, (2) less paperwork and, in the long run, fewer expenses for investment companies, and (3) a prospectus that is more tailored to the requirements of current shareholders and one that they are likely to receive more frequently. However, the removal of some disclosure requirements could result in the elimination of information that is useful to at least some prospective investors and initial cost increases for investment companies as they become accustomed to revised prospectus requirements. The Commission has nevertheless attached more importance to increased benefits for the investing public with shorter and more readable prospectuses than to the short-run expense incurred by investment companies. Moreover, the Commission recognizes that the initial cost burden to the industry should diminish over a period of time.

Related Regulations and Actions

Internal: The proposed revision of the disclosure requirements for the prospectuses of investment companies is part of the Commission's ongoing review of the disclosure process as it applies to investment companies. On July 8, 1981, the Commission adopted regulations to standardize the financial statement requirements in prospectuses and shareholder reports of management investment companies (Securities Act Release No. 6327; 46 FR 36195, July 14, 1981; File No. 57–865).

External: None.

Government Collaboration

None.

Timetable

NPRM—January 1, 1982.
Regulatory Flexibility Analysis—With NPRM and final adoption of the rule.
Regulatory Impact Analysis—Not required.
Public Hearing—None planned.
Public Comment Period—90 days following publication of NPRM.
Final Rule—3rd Quarter 1982.
Final Rule Effective—For companies with fiscal years ending after March 1, 1983.

Available Documents

None.

Agency Contact

Dianne E. O'Donnell, Special Counsel to the Director
Division of Investment Management
Securities and Exchange Commission
500 North Capitol Street, N.W.
Washington, DC 20549
(202) 272–2041

CHAPTER 4—HEALTH AND SAFETY

HHS–FDA

Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use 1765

HHS–FDA

Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues..... 1767

HHS–FDA

Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content..... 1769

HHS–FDA

New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing..... 1771

HHS–FDA

Prescription Drug Products; Patient Package Inserts Requirements 1773

HHS–HCFA

Conditions of Participation for Nursing Homes..... 1774

HHS–HCFA

Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities..... 1775

HHS–HCFA

End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services..... 1777

HHS–HCFA

Medicaid Regulations Affecting States 1777

HHS–HRA

Health Planning and Resources Development..... 1778

HUD–CPD

Siting of HUD-Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature..... 1780

HUD–HOUS

Manufactured Home Construction and Safety Standards..... 1781

HUD–HOUS

Minimum Property Standards for Multi-Family Dwellings 1783

DOL–MSHA

Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977..... 1784

DOL–MSHA

Review of Metal and Nonmetal Standards..... 1786

DOL–OSHA

Access to Employee Exposure and Medical Records..... 1786

DOL–OSHA

Hazard Communication..... 1789

DOL–OSHA

Hearing Conservation Amendment..... 1792

DOL–OSHA

Identification, Classification, and Regulation of Potential Occupational Carcinogens—The "Cancer Policy"..... 1794

DOL–OSHA

Methods of Compliance Hierarchy 1795

DOL–OSHA

Occupational Exposure to Cotton Dust..... 1796

DOL–OSHA

OSHA Commercial Diving Operations Standard..... 1798

DOL–OSHA

OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways..... 1799

DOL–OSHA

Respirator Fit Testing Requirements of the Lead Standard.... 1801

DOL–OSHA

Respiratory Protection..... 1803

DOL–OSHA

Standard for Employee Exposures to Toxic Substances in Laboratories..... 1804

DOL–OSHA

Standard for Occupational Exposure to Asbestos..... 1807

DOL–OSHA

Standard for Occupational Exposure to Ethylene Oxide..... 1808

DOL–OSHA

Standard for Occupational Exposure to Lead 1810

DOL–OSHA

Standard for Occupational Exposure to Noise..... 1812

DOT–NHTSA

Bumper Standard..... 1813

DOT–NHTSA

Crashworthiness Ratings 1815

DOT–NHTSA

Uniform Tire Quality Grading System..... 1817

DOT–USCG

Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases..... 1819

EPA–OANR

Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes..... 1820

EPA–OANR

Remedial Action Standards for Inactive Uranium Processing Sites..... 1822

EPA–OANR–OMSAPC

Fuels and Fuel Additives Protocols 1825

EPA–OPTS

Pesticide Registration Guidelines 1826

EPA–OPTS

Premanufacture Notification Requirements and Review Procedures..... 1829

EPA–OPTS

Toxic Substances Control Act (TSCA) Section 4 Test Rules... 1830

EPA-OSWER

Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 1834

EPA-OW

Control of Organic Chemicals in Drinking Water 1837

FEMA

Review and Approval of State and Local Radiological Emergency Plans and Preparedness 1838

FEMA

Review of the National Flood Insurance Flood Plain Management Criteria for Flood-Prone Areas 1841

CPSC

Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products 1843

CPSC

Consumer Products Containing Asbestos 1845

CPSC

Omnidirectional Citizens Band Base Station Antenna Standard 1846

CPSC

Safety Requirements for Chain Saws 1848

CPSC

Upholstered Furniture Cigarette Flammability Standard 1850

CPSC

Urea Formaldehyde Foam (UFF) Insulation 1852

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use (21 CFR Part 314; Revision)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(p), 352, 355, and 371(a).

Reason for Including This Entry

The Food and Drug Administration, (FDA) includes this entry because it represents a change in Federal policy with signfiicant implications for competition for prices in prescription drug markets and for reducing regulatory barriers that sometimes preclude competition.

Statement of Problem

Under § 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), no person (sponsor) may market a new drug for human use in interstate commerce without prior approval from FDA in the form of an approved new drug application (NDA). An approved NDA permits marketing of the product only under the conditions approved and only by the person named in the NDA. Other persons who want to manufacture and market the same product must have their own approved NDAs.

The statute also requires that an NDA contain the information essential for FDA to determine whether a new drug is approvable. FDA regulations (21 CFR Part 314) explain the application requirements in detail. These regulations also describe the contents of abbreviated new drug applications (ANDAs) (21 CFR 314.1(f)). An ANDA must contain all the information essential for FDA to determine the approvability of a drug product that is identical or closely related to a drug product that has previously satisfied the NDA requirements. However, an ANDA need not contain evidence of safety and effectiveness of the drug product because information already available to FDA is applicable to that product. (Safety and effectiveness evidence, gathered from studies of the drug when used in animals and humans, accounts for about 95 percent of a firm's costs for a duplicate NDA.)

On October 10, 1962, the Federal Food, Drug, and Cosmetic Act was amended to require that new drugs be proven to be effective as well as safe before marketing. Prior to that date, the statute required only evidence of safety. FDA regulations (21 CFR Part 314) and policy now in effect make many drug products first approved for marketing prior to October 10, 1962 eligible for approval on the basis of an ANDA rather than an NDA. The proposed rule would extend the applicability of ANDAs to certain drug products introduced after this date.

It is not in the public interest for FDA to continue to require full NDAs for all new drug products introduced into commerce after October 10, 1962. Because FDA now requires an NDA for all post-1962 drug products, prospective marketers of a "duplicate" drug product (i.e., a product identical in active ingredient(s), dosage form and strength, and route of administration to one that has an approved NDA) either must conduct their own clinical studies or they must submit published studies to support claims of safety and effectiveness that already had been documented in the NDA of the first sponsor ("pioneer") of the drug. If published studies do not exist, prospective marketers of duplicate drug products cannot obtain NDA approval without incurring the costs of clinical trials. Conducting duplicate clinical studies for the purpose of obtaining safety and effectiveness data unnecessarily exposes human test subjects to risk, consumes clinical resources, and causes FDA to use its resources in reviewing the reports of the studies. Moreover, FDA's current policy acts as a barrier to the marketing of duplicate drug products, thus dampening competition and causing higher drug prices. This barrier to market entry provides "secondary" protection to the pioneer drug product in addition to the product's patent coverage.

FDA is estimating in its preliminary Regulatory Impact Analysis the effects of its policy on competition, drug prices, and use of resources.

Alternatives Under Consideration

The agency is considering several alternatives in developing its proposed rule.

(A) No change. The Agency not permit ANDAs for duplicates of drug products that FDA approved after October 10, 1962. However, FDA has allowed the submission of "paper" NDAs, i.e., NDAs that rely on published reports of clinical studies showing safety and effectiveness. Thus, a paper NDA policy would achieve many of the same objectives sought by an extended ANDA policy. However this informal paper NDA policy would necessarily be restricted to drugs for which adequate published literature is available, and published data are estimated to exist for less than one-third of the pioneer drugs whose patents have expired. No change in policy would perpetuate the existing restrictions on competition in prescription drug markets. Such a policy benefits sponsors of pioneer drug products to the extent that market exclusivity sometimes continues beyond the patent expiration.

(B) Full extension of ANDA applicability. This alternative would allow ANDAs for appropriate drugs introduced after October 10, 1962,

regardless of date of approval. Although this alternative would maximize the potential competition in prescription drugs by reducing the costs associated with marketing new drugs, ANDA activity would be constrained (just as NDA activity is now constrained) by the existence of patents in many cases, particularly for more recently approved pioneer drugs. (Although NDA and ANDA approvals are independent of patent issues, marketers of duplicate drugs risk civil suits of patent infringement when a patent has not expired.)

(C) Limited extension of ANDA applicability. The Agency could limit the extension of applicability of the post-1962 ANDA policy in two general ways. First, FDA could extend ANDA availability to duplicates or drugs very similar to "older" drugs introduced during a fixed period of time (e.g., 1962–1967, 1962–1972, etc.). Second, FDA could extend ANDA availability initially to duplicates of drugs introduced before a certain date (e.g., December 31, 1967) and provide annually for successive 1-year extensions, thereby increasing each year the total number of products for which FDA would accept ANDAs. This alternative is a means to balance the trade-off to society. On the one hand society benefits from enhanced competition (i.e., the expectation of subsequent lower prices on generic drugs to consumers). On the other hand society derives benefits from a policy that fosters research and development of previously unmarketed drugs, which in turn is dependent on adequate revenues that result from an exclusive marketing period for a producer of drugs. Clearly, there are numerous possible limited extension alternatives that could be evaluated. FDA selected a few of these possibilities and is now preparing estimates of their consequences.

Summary of Benefits

Sectors Affected: Certain drug test populations (human subjects in clinical trials); consumers of prescription drugs (pharmaceutical preparations); taxpayers; manufacturers of generic drugs (generic pharmaceutical preparations—SIC Code 2834); Federal and State drug purchasing programs; and FDA.

Certain drug test populations (human subjects) would benefit by this proposal through the elimination of duplicate testing on human subjects. The benefits to human subjects were not quantified.

With respect to drugs subject to the proposal, it would eliminate the requirement for safety and effectiveness studies in human subjects. These studies are unnecessary when testing drugs with known characteristics. FDA resources would not be used unnecessarily for the review of duplicative research. Additionally, the proposal would be favorable to increased competition in post-1962 drugs, potentially leading to reduced prices in many cases through increased direct competition or through anticipatory price decreases to reduce the threat of such competition. Consumers would benefit from savings on purchases of affected drugs, as would taxpayers through Federal and State drug purchasing and reimbursement programs. The savings to consumers under full extension of ANDA applicability are tentatively estimated at $248 million to $421 million. Savings under a limited extension may range from $107 million to $236 million, depending upon the terms of the limited extension. All benefit estimates refer to the present value of the benefits to be received from 1983 to 1995 in 1979 dollars.

Prospective marketers (e.g., generic drug manufacturers) could submit ANDAs for approval without conducting new safety and effectiveness testing. Savings to the industry due to the avoidance of duplicative testing and data submission are tentatively estimated at $285 million to $402 million for full extension of policy and $128 million to $325 million for various limited extensions (all are present value estimates).

FDA would also realize some savings through the elimination or reduction in the resources spent to review duplicate NDA data. FDA would save approximately $1 million to $4 million (present value) depending on the alternative chosen.

This proposal is expected to have a significant effect in benefiting small business. The proposed regulation is expected to shift revenues from research-oriented firms (primarily firms developing innovative products) to production-oriented firms. The tentatively estimated present value of this shift in revenues is from $200 million to $800 million, depending on the alternative. This proposed regulation benefits even small firms in the research-oriented sector in that it permits all research-oriented firms to plan research and development investments in a climate of minimum uncertainty on the timing of generic competition.

Summary of Costs

Sectors Affected: Manufacturers of drugs (pharmaceutical preparations—SIC Code 2834); consumers; and FDA.

None of the alternatives imposes any direct costs on the economy. Extension of the ANDA policy would reduce from present levels the requirements on firms who must now submit an NDA to obtain approval to market duplicate drug products. Nevertheless, insofar as an action (i.e., any alternative except no change) results in activities that promote the concomitant goals of increased competition and reduced societal expenditures for prescription drugs, certain costs may be incurred by various sectors of the economy.

Drug manufacturers as a group would incur costs for the preparation of increased numbers of ANDAs. The costs per ANDA are modest as compared to costs of an NDA. However, as the proposed rule became fully implemented, the number of ANDAs submitted could generate aggregate application costs that exceed those costs that likely would have been generated by the submission of a smaller number of duplicate NDAs. The aggregate application preparation costs incurred by industry as a result of this proposal are tentatively estimated to be $206 million to $316 million for the full extension of the policy and $91 million to $231 million for various limited extensions (all are present value estimates).

Drug firms that develop innovative drug products could receive less revenues from such products as a consequence of increased competition in certain markets. The amount of reduced revenues would depend upon factors such as the extent of competition and the type of drug. Conceivably, the impact on total revenues of such firms or on the expected revenues from newly developed drugs could affect unfavorably the economic capacity or incentives for drug development. Should this be translated into a reduction in the future rate of drug development, it could represent a future indirect cost to consumers in the form of delayed introduction of new or improved therapies. FDA believes that drug firms that develop innovative drug products could lose revenues as a consequence of increased competition. The magnitude of the loss—present value from 1983 to 1995—is tentatively estimated at $763 million to $1,295 million for full extension of policy and $327 million to $725 million for various limited extensions of policy.

Processing the increased volume of ANDAs could produce a net increase in FDA's total drug approval workload and resource requirements. The estimated costs (present value from 1983 to 1995) to FDA are tentatively estimated at $2

million to $8 million, depending on the alternative.

Summary of Net Benefits

The total benefits of this proposal to extend ANDA eligibility to post-1962 drugs are tentatively estimated as follows (all estimates are the present value of the effects from 1983 to 1995 in 1979 dollars): total benefits for full extension of ANDA eligibility are $654 million to $708 million; for various limited extensions, $283 million to $475 million.

The total costs for each alternative are: for full extension of ANDA eligibility, $212 million to $324 million; for various limited extensions, $93 million to $237 million.

The net benefits for each alternative are: $330 million to $496 million for full extension and $131 million to $329 million for various limited extensions.

Two effects that could not be quantified are the benefits to human subjects of not being exposed to duplicative clinical testing and the effect on innovation as a result of the projected loss in revenues from increased competition realized by firms that develop innovative products. The benefits to human subjects could not be calculated due to the complexity of determining the value of foregone therapy (for those subjects receiving a placebo or less effective therapy during duplicative testing) and therefore the subsequent health risk experienced by human subjects. With respect to impact on innovation, although R&D investment is usually tied to sales revenues of innovative firms in this industry, these firms have a number of recourses open to them if they attempt to offset some of the revenue loss and therefore the loss in R&D investment for innovative products.

Although the full extension of ANDA applicability alternative has the greatest net benefits, this alternative could have the most negative impact on the future innovation of drugs. The limited extension alternative may provide the greatest net benefits, while also minimizing to the greatest extent adverse effects on innovation by retaining a finite interval of "secondary" protection (for products whose effective patent lives are less than 17 years or for never-patented products). In addition, this alternative implementation option will afford industry the opportunity to plan research and marketing strategies in a climate of minimum uncertainty on the timing of generic competition and provide consumers with a growing body of generic product alternatives.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—March 1982.
Public Comment Period—To be determined.
Public Hearing(s)—To be determined.
Final Rule—To be determined.
Draft Regulatory Impact Analysis—Available at time of NPRM.
Regulatory Flexibility Analysis—To be determined.

Available Documents

None.

Agency Contact

Jean Mansur, Deputy Assistant Director for Regulatory Affairs
Bureau of Drugs (HFD—30)
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857
(301) 443–3640

HHS–FDA

Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 409(c)(3)(A), 512(d)(1)(H), 706(b)(5)(B), and 701(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) includes this entry because the proposed rule could have an annual effect of $100 million or more on the economy.

Statement of Problem

The Federal Food, Drug, and Cosmetic Act (§§ 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B)) allows FDA to approve a carcinogenic new animal drug, food additive, or color additive for use in food-producing animals, provided the compound will not adversely affect the animals for which it is intended and no residue of such compound will be found (by methods of examination prescribed or approved by FDA regulation) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals. This exception to the general statutory prohibition (Delaney clause) against the addition of carcinogenic substances to the food supply has come to be known as the "DES Proviso."

The enactment in 1962 of the DES Proviso to the Delaney clause of the Act has been a source of continuing controversy stemming from the phrase "no residue will be found." This phrase can be interpreted either in an absolute or an operational sense. There are two important facts bearing on this controversy. First, the introduction of a compound, whether or not carcinogenic, into the system of a food-producing animal is likely to leave in the animal's edible tissues minute residues that cannot be detected or measured by any known or likely to be developed method of analysis. Second, for any test developed to measure the concentration of a residue in an edible tissue, there is some level of residue in that tissue below which the test will show no interpretable result. In view of these facts, FDA could not permit any use of carcinogenic drugs in animals if the Agency adopted the absolute interpretation of the phrase "no residue will be found." The effect of that interpretation would be to deny the DES Proviso any effect whatever. The second possible interpretation is to assume that Congress intended to require FDA to give an operational and more realistic definition to the phrase "no residue" and to proceed accordingly.

As a matter of policy, to implement the DES Proviso, the Agency has adopted the second interpretation as a more likely reflection of Congressional intent for two reasons. First, by its nature, the absolute interpretation constitutes a negation of the DES Proviso to the Delaney clause and leads to the conclusion that the Congress introduced the Proviso intending it to have no effect. Second, the critical term in the Proviso is that no residue will be "found"—not that none will exist. Therefore application of the Delaney clause to animal drugs, food additives, or color additives hinges on the availability of appropriate analytical methods that determine whether residues are present in edible tissues from animals treated with carcinogenic drugs. Although FDA has adopted the second interpretation, it has never specified by regulation the criteria and procedures that apply in the process of approving methods for analyzing animal tissues for carcinogenic residues. The proposed regulation would specify such criteria and procedures.

Alternatives Under Consideration

The Agency considered several alternatives in developing its proposed

rule published in the Federal Register of March 20, 1979 (44 FR 17070).

(A) No change. The current method for approval of suspect carcinogenic compounds for veterinary use relies on an FDA/sponsor-negotiated ("sponsor" means the person seeking approval to market the compound) residue level, which attempts to weigh in balance the known or perceived human risk of cancer, the availability of a reliable regulatory test method, and the agricultural importance of the compound. The Agency has rejected this approach because it is difficult to administer fairly and rationally.

(B) State-of-the-art. This alternative, which the Agency has considered inappropriate from the start, defines the phrase "no residue" as the lowest limit of measurement or detection by the best analytical method that is capable of measuring the residues of a compound in edible tissues of animals and that is available at the time FDA approves the compound. The Agency has rejected this approach. Different compounds have differing carcinogenic potencies. These differences are not in any way related to the availability or lack of sensitive analytical methods that measure residues in edible tissues from food-producing animals that have been administered a compound. For instance, depending on the relative sensitivity of the available methods, this alternative would permit public consumption of meat contaminated with very large levels of some potently carcinogenic residues while it would require that meat be essentially free from other carcinogenic residues of low potency. The Agency has rejected this alternative because the degree of public risk associated with the use of a compound would become a function solely of the capability of available analytical technology.

(C) Practical zero. This approach would have one advantage over Alternative (B): it would provide a well-defined criterion for the lowest limit of measurement that a regulatory assay method would have to satisfy. This approach would not, however, take into account differences in carcinogenic "potency" among various carcinogens. Therefore, it is unacceptable for the same reason as Alternative (B). Unless the "practical zero" were set at the level appropriate for the most potent carcinogen, it would not provide sufficient protection, but if it were set at that level, it might be unnecessarily stringent for carcinogens that produce a response that is of a lower magnitude. In sum, no one "practical zero" is appropriate for all carcinogens.

(D) Sensitivity of Method (SOM). A fourth approach is to establish procedures to define "no residue" operationally, on the basis of quantitative carcinogenicity testing of residues and extrapolation of test data (using one of a number of available procedures). The extrapolation procedure would estimate the residue levels that are safe in the total diet of test animals and that would if they occurred, be considered safe in the total diet of man. This approach (SOM procedures) would account for differing carcinogenic potencies of each compound but is feasible only if there is a regulatory assay method to reliably measure the safe level in edible tissue. Under this approach, the Agency accepts a very low level of increased risk of cancer (one case in one million lifetimes).

FDA proposed to adopt Alternative (D).

Summary of Benefits

Sectors Affected: Veterinary pharmaceutical manufacturing; livestock production; consumers of meat and poultry; and FDA.

The proposal would provide uniform criteria and procedures for evaluating the carcinogenic risk presented by residues of sponsored compounds for use in food-producing animals. FDA, industry, and consumers would benefit from uniformity in regulation of such compounds.

Veterinary pharmaceutical manufacturers would know in advance the procedures on which FDA would rely to approve or reaffirm prior approval of applications if the compound is a suspect carcinogen. FDA would apply a screening mechanism known as "threshold assessment" to make the determination of potential carcinogenicity. If, under the criteria provided in the threshold assessment, no such potential exists, the compound need not be subject to the SOM data collection procedures. This should benefit sponsors of future applications because they would be able to determine the kinds and extent of evidence the FDA requires to evaluate carcinogenic potential. For some compounds such evidence already exists, and the manufacturer would avoid unnecessary costs. In other cases, manufacturers could elect to initiate SOM procedures if it appears that the stepwise SOM procedures would identify a safe, feasible residue level and a suitable analytical method for its detection. Finally, there could be cases where manufacturers would avoid the expense of conducting tests for compounds that are unlikely to be approved because their safe residue levels cannot be measured by existing technology or would exceed the safe residue criteria.

Consumers of meat and poultry derived from the animals to whom the compounds were administered (either as a drug or a feed additive) would be assured a virtually risk-free supply of these products.

FDA would benefit because the standardized requirements would permit more efficient review of applications, fewer negotiating sessions with industry, and reduced likelihood of legal challenges to its decisions.

Summary of Costs

Sectors Affected: Veterinary pharmaceutical manufacturing; livestock production; and consumers.

The sponsor of a compound subject to SOM procedures would bear the costs to complete the prescribed procedures. The aggregate cost estimate would depend on the outcome of the Agency's application of the "threshold assessment" to individual compounds sponsored for approval. If the safety of an already approved compound is called into question, the Agency in all likelihood would evaluate the compound first by applying the threshold assessment in order to determine if studies under the SOM procedures are necessary to resolve the safety concerns. FDA plans to publish a notice of availability of the guideline for conducting threshold assessments in First Quarter 1982.

Veterinary pharmaceutical manufacturers who sponsor or have sponsored a compound that is subject to SOM procedures (that is, a compound that the threshold assessment finds has a carcinogenic potential) would bear the costs to conduct the prescribed testing procedures. These costs could be passed on to livestock and poultry producers who later purchase the products to control diseases and stimulate animal growth. Ultimately, consumers could pay higher prices for meat and poultry.

The draft Regulatory Analysis estimated that the average one-time costs of compliance with SOM procedures for an exogenous substance (a synthetic- or natural-origin substance that is not produced in the body of the food-producing animal) would not exceed $2.6 million (1979 dollars) for each combination of target species and route of administration. There is a corresponding estimate of $0.5 million for endogenous substances (substances normally produced in the body of the food-producing animal). The aggregate

cost would depend on the carcinogenic potential as identified by the threshold assessment. Thus, the greater the number of compounds that are identified, the greater the aggregate cost. If, after conducting SOM procedures and determining the approvable residue level for a specific compound, the manufacturer were unable to develop a residue-testing method of the required sensitivity (and such a method is otherwise unavailable), FDA would deny approval of the product and perhaps, where the FDA has applied procedures to reevaluate the safety of an already approved product, withdraw approval. It is difficult, if not impossible, to predict which products would be affected in this way. The ultimate effect on feedlot operations and on the supply of meat and poultry is in turn subject to speculation about which products might lose market approval. If few products are affected in this way and there were an adequate array of substitute products, the impacts could be small and limited to the substitution costs and some loss of total output of slaughtered animals. Conceivably, however, a number of unique products could be affected and the impact correspondingly higher. The annual effect on the economy could exceed $100 million. FDA's final Regulatory Impact Analysis will address these questions.

Summary of Net Benefits

The draft Regulatory Analysis placed on file with the FDA Dockets Management Branch at the time of publication of the proposed rule in the **Federal Register** of March 20, 1979 (44 FR 17070) concluded that the (selected) SOM approach was probably among the highest compliance-cost alternatives because no alternative approach appeared likely, on the average, to impose more testing requirements (the principal cost difference being the requirement for chronic feeding studies) or produce more secondary impacts in the form of market withdrawals of carcinogenic compounds. Though benefits were not quantified, the SOM alternative was chosen because it also appeared to offer the greatest net benefits. The SOM approach offers the fullest degree of public health protection by establishing an acceptable risk of carcinogenesis to humans and by taking into account the carcinogenic potency of drugs in extrapolating to what level of a drug in tissue represents that acceptable level of risk. Accordingly, the SOM is least likely to dictate unnecessary market withdrawals of low-risk suspect compounds or fail to produce withdrawals of higher-risk substances. For these reasons, it eliminates market uncertainty about possible future withdrawals as a result of technological improvements in residue detection methods. None of the other alternatives combined these advantages to the same degree as the proposed approach.

Related Regulations and Actions

Internal: FDA may develop a policy for exempting from SOM procedures certain new animal drug applications pending at the time the March 20, 1979 proposal was published.

External: None.

Government Collaboration

We are keeping the Department of Agriculture (USDA) informed of our action and they are reviewing the analytical methodology that we require.

Timetable

NPRM—44 FR 17070, March 20, 1979.
Public Comment Period—Closed July 18, 1979.
Public Hearing—June 21 and 22, 1979, Washington, DC.
Reproposal or Tentative Final Regulation or Guideline—3rd Quarter 1982.
Regulatory Impact Analysis—Draft available with reproposal or tentative final regulation or guideline; final Regulatory Impact Analysis will be available with final regulation or guideline.
Regulatory Flexibility Analysis—Will accompany Regulatory Impact Analysis.

Available Documents

Data and information supporting the NPRM.

Comments received during public comment periods.

Transcript of the public hearing on June 21–22, 1979.

Draft Regulatory Analysis.

Food and Drug Administration Docket No. 77N–0028.

The above documents are available for review in the Dockets Management Branch, Food and Drug Administration, 5600 Fishers Lane, Room 4–62, Rockville, MD 20857.

Agency Contact

Gerald B. Guest, Acting Director
Bureau of Veterinary Medicine (HFV–1)
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857
(301) 443–3450

HHS–FDA

Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content (21 CFR Part 101, New; and 21 CFR Part 105, Revision)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321, 343, and 371(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) is including this entry because it concerns an issue of great public interest that affects the health of many people.

Statement of Problem

Sodium is an essential element in human nutrition. However, in the United States there has been considerable scientific discussion about the possible health effects of sodium intake in excess of physiological needs. Common salt (sodium chloride) is the greatest single contributor of sodium to our diet, yet sodium also occurs naturally in many foods and drinking water sources and is added to processed foods as other sodium-containing substances for a variety of technical purposes. The scientific concerns have primarily focused on the possible relationship between sodium intake and the development of hypertension and on the value of restricting sodium intake as a supportive measure in treating hypertension.

As early as 1904, scientific reports began to implicate the excessive dietary intake of sodium in the development of hypertension. Since then a long series of studies on humans and animals has suggested a relationship between sodium intake and hypertension in genetically susceptible subjects. The literature also cites a number of other factors, including stress, age, body weight, genetic profile, chronic kidney infection, and potassium intake, as factors in the development of hypertension.

Hypertension is one of the most of prevalent major diseases in the United States. The National Heart, Lung, and Blood Institute (NHLBI) estimates that approximately one out of every four Americans is hypertensive or is predisposed to hypertension. High blood pressure is the primary cause of stroke and is a major contributor to heart attacks.

Although epidemiological studies suggest a relationship between sodium intake and the onset of hypertension, the evidence that sodium consumption is

a major factor in causing hypertension is not conclusive. Nevertheless, the evidence is strong enough for most members of the medical and scientific community to conclude that a significant portion of those persons who are hypertensive or who are predisposed to hypertension would benefit from a reduction in dietary sodium. Further, sodium-restricted diets are common medical practice for treatment of edema associated with some types of heart, liver, and kidney disease and as supportive dietary therapy for patients suffering from other kinds of chronic health problems.

Many health professionals and consumers have expressed a desire for product labels displaying sodium content of foods to facilitate following medically prescribed or self-imposed sodium-moderated diets. Currently, less than 13 percent (by dollar volume) of foods carry such labeling.

FDA regulations for special dietary foods, codified at 21 CFR 105.69 under the heading "Foods used to regulate sodium intake," require the declaration of a food's sodium content only when the label makes a claim about the sodium content of the food. Further, the regulation does not make full nutrition labeling mandatory when sodium content is declared on the label.

FDA's regulations require that if a manufacturer makes a nutritional claim for his product or adds a vitamin, mineral, or protein to it, these actions trigger full nutrition labeling (21 CFR 101.9). At present, nutrition labeling requires the testing of calories, protein, carbohydrates, and fat as well as certain vitamins and minerals. Several items are optional, including sodium. The declaration of sodium was not made mandatory in nutrition labeling in order to permit manufacturers to list sodium content without listing other nutrients. Under the proposed regulations being prepared, when nutrition labeling is required, sodium will be a mandatory part of that labeling. These are food products that, either voluntarily or because they make a claim or add a vitamin, mineral, or protein, provide nutrition labeling and do not include sodium. The agency's proposal, if adopted as a Final Rule, will ensure that all foods that bear nutrition labeling will include sodium labeling as well. Approximately 40 percent of the dollar volume of processed foods now contains nutrition labeling. Thus the agency action will substantially increase the amount of sodium information on food products.

As part of FDA's comprehensive scientific evaluation of substances generally recognized as safe (GRAS), the Federation of American Societies for Experimental Biology (FASEB) submitted to FDA a report on the "Evaluation of the Health Aspects of Sodium Chloride and Potassium Chloride as Food Ingredients." The FASEB report expresses concerns that current levels of use of sodium chloride are not safe for individuals who now have or who are predisposed to hypertension. FDA is committed to a public policy aimed at reducing the amount of sodium in processed foods and providing consumers the kind of information they need to make informed choices according to their own health needs. As part of this policy, the agency will propose revision in the existing sodium labeling regulations to encourage and facilitate more sodium content labeling of the American food supply.

Alternatives Under Consideration

The agency has considered the following alternatives in developing its proposed rule:

(A) No change in existing labeling regulations, which permit food manufacturers to include sodium content declaration in nutrition labeling on an optional basis. This would permit manufacturers to continue to label sodium content solely on a voluntary basis. However, since it is premature to determine whether the agency's voluntary part of the sodium program will be fully successful, this addition to the nutrition labeling requirements would ensure that at least those foods that contain nutrition labeling will bear quantitative sodium information as well.

(B) Legislation to require sodium labeling on all foods. FDA considered seeking new legislation to require sodium labeling on all foods but decided against it. Existing statutory authority is sufficient to implement the proposed regulations that are described herein, i.e., add sodium to nutrition labeling and define such terms as "low sodium." Present law does not contain explicit authority to require quantitative sodium labeling. Although the Department has considered the need for explicit authority to require sodium labeling, it is not considered necessary at this time. The combination of the voluntary efforts of industry and these proposed regulations are deemed sufficient to ensure that this information will be provided to the public.

(C) A change in existing regulations. After considering other options, FDA determined that this approach would be the most cost-effective and least burdensome method for providing consumers information on sodium content of foods. The agency will propose to revise the existing nutrition labeling regulation to (1) require that the sodium content of foods be included as part of nutrition labeling whenever nutrition labeling is required or is provided voluntarily, (2) establish definitions for various levels of sodium in foods, (3) provide for the proper use of these terms in the labeling of foods, (4) provide for the voluntary inclusion of potassium content information in nutrition labeling, and (5) establish policy guidelines for the use of other descriptive labeling terms concerning sodium, such as "no salt added."

Summary of Benefits

Sectors Affected: Food manufacturers and consumers of food products.

Providing information on sodium content would enable those consumers among the estimated 23 million to 60 million persons in the United States who have diseases or disorders that may require dietary control of sodium to limit their sodium intake. Approximately 30 percent of U.S. households report at least one hypertensive in the family, and an estimated 9 percent of all households report one person who must avoid or strictly limit sodium consumption for health reasons. Defining terms for sodium content would ensure that the consumer can rely on foods so labeled to contain a particular range of sodium content.

The medical costs associated with the treatment of hypertension-related diseases and disorders are estimated at $8 billion per year. Since there is a sizable segment of the population that could benefit from information that would enable them to reduce sodium consumption, this proposal has potential health benefits that may exceed the costs of this requirement if a significant percentage of medical costs are avoided.

Summary of Costs

Sectors Affected: Food manufacturers and consumers.

This regulation will have an economic impact on food manufacturers who currently provide nutrition labeling on their products but do not disclose sodium content. The agency estimates that the number of affected firms was about 3,500 in 1980, but that the number may decline as more firms voluntarily disclose sodium content. If manufacturers do not currently know, or cannot determine the sodium content of their product, they may have to test their product to determine its sodium content. They will also have to modify their nutritional label on or before the effective date of the final regulation to include the sodium content. Preliminary

cost estimates of these requirements indicate the initial costs of this requirement to be less than $20 million (in 1981 dollars) and the recurring annual costs to be less than $1 million.

The regulation will also have a cost impact on consumers to the extent that costs to manufacturers are passed on to the consumer in the form of higher food prices. Annual costs to consumers may increase $20 million, which equals about 0.01 percent of the consumer expenditures for nutritionally labeled foods.

The annual economic effect is not expected to approach the thresholds in Executive Order 12291 requiring a Regulatory Impact Analysis.

Summary of Net Benefits

For an initial cost of less than $20 million and less than $1 million in recurring annual costs, a significant percentage (estimated 9 to 30 percent) of the U.S. population seeking to reduce sodium intake for medical reasons will be able to select a varied diet of low sodium food products. As a result, some undetermined share of the $8 billion in health care costs for the treatment of hypertension will be avoided.

Related Regulations and Actions

None.

Government Collaboration

We have worked with the U.S. Department of Agriculture.

Timetable

Notice of Public Hearings—43 FR 25296, June 9, 1978.
ANPRM—44 FR 75990, December 21, 1979.
Public Comment Period—Closed March 20, 1980.
Notice of Meeting—46 FR 33104, June 26, 1981.
Public Hearings—Were held to elicit consumer views on food labeling in general, including sodium. These hearings were held in Wichita, KA, August 22 and 23, 1978; Little Rock, AR, September 18 and 19, 1978; Washington, DC, September 27 and 28, 1978; and Boston, MA, October 25 and 26, 1978. Another public hearing was held in Washington, DC on March 4 and 5, 1980 to gather consumer views on the ANPRM regarding tentative positions on food labeling issues including sodium. A public meeting was held in Washington, DC June 30, 1981 for comments on sodium in foods from representatives of the food industry.
NPRM—1st Quarter 1982.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—Available at time of NPRM.

Available Documents

Data and information supporting Notice and ANPRM.

Comments received during the public comment period.

Transcripts of the public hearings held in 1978 and 1980 and meeting held in 1981.

Food and Drug Adminstration Docket No. 78N–0158.

The above documents are available for review in the Dockets Management Branch, Food and Drug Adminstration, 5600 Fishers Lane, Rockville, MD 20857.

Agency Contact

F. Edward Scarbrough, Chief
Regulatory Affairs Staff
Bureau of Foods (HFF–204)
Food and Drug Administration
200 C Street, S.W.
Washington, DC 20204
(202) 245–3117

HHS–FDA

New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing (21 CFR Parts 310, 312, 314, and 431; Revision) (Previously, New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(p), 352(1), 355, 357, and 371(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) includes this entry because it represents a comprehensive revision of current regulations governing the Agency's review and approval processes for new drugs and antibiotic drugs and it will have significant implications for applicants seeking marketing approval of human drug products. The Presidential Task Force on Regulatory Relief has designated these proposed regulations for review. Revision of the investigational new drug (IND) and new drug application (NDA) regulations is only part of the Agency's response to the Presidential Task Force on Regulatory Relief. The Commissioner has established a top level task force, composed of top officials from both the Agency and other offices within the Department of Health and Human Services (HHS), to review all aspects of the drug approval process and to recommend whatever legislative, regulatory, managerial, and policy changes are needed. The goals of these changes will be to improve the quality and efficiency of the drug approval process without compromising the safety and effectiveness of new drugs. Areas being addressed by this task force include the criteria for approval of NDAs (efficacy and safety), post-marketing authority, role of advisory committees, and deregulation of early clinical research.

Statement of Problem

The Federal Food, Drug, and Cosmetic Act (the Act) provides in § 505 (21 U.S.C. 355) that a new drug for human use may not be introduced or delivered for introduction into interstate commerce in the United States unless FDA has approved a new drug application for it. FDA approves an NDA if the person seeking approval to market the drug (the sponsor of the application) shows by scientific evidence that the drug is safe and effective for the conditions prescribed, recommended, or suggested in the product's proposed labeling.

The drug approval process begins with extensive preclinical and clinical tests of an investigational drug by the sponsor. The regulations governing this stage of drug approval are found at 21 CFR Part 312. Before human testing may begin, the sponsor of an investigation must submit an IND to FDA, containing complete information about the investigational drug, including the results of animal studies that show it is reasonably safe to begin human testing and a detailed outline of the planned human tests. FDA has 30 days from receipt of the IND to notify a sponsor that an IND is deficient. If the sponsor is not notified of any deficiencies in 30 days, human testing may begin.

Drug testing in humans usually consists of three separate phases: short-term studies in a small number of normal subjects and patients to test the properties of the drug and levels of toxicity, metabolism, and, when appropriate, pharmacologic effect (Phase I); larger, more detailed studies in patients designed to evaluate the effectiveness of the drug and to obtain information about the drug's relative safety (Phase II); and more extensive testing on patients to systematically assess the drug's safety and effectiveness (Phase III).

When a sponsor believes the investigational studies on a drug have shown that the drug is safe and effective for specific therapeutic conditions, the sponsor submits an NDA to FDA to obtain the Agency's approval under the

Act, to market the drug in the United States. The Act requires FDA to approve the application before the new drug may be marketed. By the time an application is submitted, the drug usually has been studied in several thousand patients. The application, which often consists of thousands of pages of material, is reviewed by FDA physicians, pharmacologists, chemists, statisticians, and other professionals who are experienced in evaluating new drugs. Their recommendations receive further review by FDA management before the Agency approves the application. The regulations governing this part of the approval process are found at 21 CFR Part 314.

The statutory standards for approval are stated in the Act, but only generally. Accordingly, FDA has established general regulations, applicable to all "new drugs," that implement the statutory requirements. Although the Agency's review of INDs and NDAs has incorporated new scientific and technological developments as they have become known, its regulations have been revised infrequently, and then primarily to deal with specific, discrete problems.

The infrequent revisions of the regulations and the evolutionary changes in the Agency's review practices have resulted in regulations that no longer adequately reflect the Agency's practices. For the same reasons, they fail to promote expeditious Agency review of INDs and NDAs. In some cases they are outdated, requiring information often found unnecessary. The NDA regulations also do not reflect well the Agency's "bookkeeping" practices regarding NDAs nor the significance of certain administrative actions taken on applications, such as the issuance of "approvable" or "nonapprovable" letters. These latter failures have contributed to communications problems with sponsors. By providing the regulated industry with requirements that accurately reflect the Agency's informational needs, that improve the organization of applications, and that explain the mechanics of the IND and NDA process, FDA hopes to improve the quality and speed of the review process.

Requirements for the approval of antibiotic drugs will also be revised. Under special statutory requirements not applicable to other new drugs, antibiotics are required to be "batch certified," that is, manufactured batches are subject to laboratory testing by the Agency before marketing. Standards for these tests are embodied in regulations issued through informal rulemaking. The regulations for batch certification are drug-specific and are frequently issued without a need for prior public comment. Although the approval of each new antibiotic requires the issuance of a new regulation, the standards for approval (safety and effectiveness) of an antibiotic are very much like those for non-antibiotic drugs. Current regulations, however, still differ in some respects: for example, sponsors of new drug applications may make many changes in manufacturing processes or labeling without FDA's prior approval, but sponsors of antibiotic drugs must obtain FDA approval before making almost any change. Apart from certification, the Agency intends in the revision to conform the requirements for antibiotics to the more liberal ones for other new drugs.

Alternatives Under Consideration

The Agency is considering the following alternatives in developing its proposed rules:

(A) No change. FDA rejects this alternative because the Agency believes changes in the regulations are essential.

(B) Retain current requirements but restate them in "plain English." This alternative would help applicants understand existing IND and NDA regulations. It would not, however, provide any refinement of the regulations to improve the approval process, such as the elimination of requirements for submitting unnecessary information.

(C) Revise the regulations. FDA would revise the existing regulations to improve the efficiency of FDA's review processes and to improve the Agency's dealings with sponsors. The NDA revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, biopharmaceutics, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely upon them with confidence that action taken under a guideline would be acceptable to the Agency.

Summary of Benefits

Sectors Affected: Consumers of drugs (pharmaceutical preparations) and manufacturers of drugs (pharmaceutical preparations).

The changes in the regulation are intended to improve the approval process and the accompanying dialogue between FDA and sponsors of INDs and NDAs. The improvements will enable sponsors to prepare and submit higher quality applications, ones which FDA can review more efficiently and with fewer delays. This will benefit sponsors by reducing the length of time required to obtain FDA approval to market a new drug. Quantification of the time savings will be made in the draft Regulatory Impact Analysis but cannot be reliably estimated until various policy specifications are determined. The changes will also benefit consumers through earlier availability of new drugs.

Summary of Costs

Sectors Affected: Manufacturers of drugs (pharmaceutical preparations).

Sponsors of NDAs may bear additional costs in preparing summaries, analyses, and tabulations in submissions to meet some of the revised FDA requirements. Such costs will be offset by reduced costs for other submission requirements and reduced requirements on the holders of previously approved NDAs. On balance, the changes are expected to be neutral with respect to direct cost impacts on manufacturers of drugs. The changes will have a favorable indirect cost impact to the extent they provide benefits of quicker approval described above.

Summary of Net Benefits

The proposed changes will be essentially neutral with respect to direct cost impacts. They will yield benefits in the form of a shorter interval between the submission of a new drug application to FDA and its approval for marketing. This benefit, which can also be viewed as a favorable impact on indirect costs associated with the duration of the drug development process, can be quantified in terms of time. The draft Regulatory Impact Analysis will estimate this time savings after all policy specifications are determined.

Related Regulations and Actions

Internal: New drug and antibiotic regulations, 21 CFR Parts 310 (new drugs), 312 (investigational new drugs), 314 (new drug applications), and 431 (certification of antibiotic drugs).

External: None.

Government Collaboration

None.

Timetable

IND regulations

NPRM—December 1982.
Public Comment Period—To be determined.
Final Rule—To be determined.
Draft Regulatory Impact Analysis—Available at time of NPRM.
Regulatory Flexibility Analysis—Will accompany Regulatory Impact Analysis.

NDA regulations.

NPRM—March 1982.
Public Comment Period—To be determined.
Final Rule—To be determined.
Draft Regulatory Impact Analysis—Available at time of NPRM.
Regulatory Flexibility Analysis—Will accompany Regulatory Impact Analysis.

Available Documents

Concept Document—Investigational and New Drug Regulations—Revisions—HHS/FDA—October 1979.

Notice of Public Meeting on Concept Document, October 12, 1979 (44 FR 58919).

Transcript of the public meeting on November 7, 1979, held in Washington, DC.

The above documents are available for review in the Dockets Management Branch (Docket No. 79N–0388), Food and Drug Administration, 5600 Fishers Lane, Room 4–62, Rockville, MD 20857.

Agency Contact

IND regulations

Steven H. Unger, Regulatory Counsel
Bureau of Drugs (HFD–30)
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857
(301) 443–5220

NDA regulations

Michael C. McGrane, Regulatory Counsel
Bureau of Drugs (HFD–30)
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857
(301) 443–5220

HHS–FDA

Prescription Drug Products; Patient Package Inserts Requirements (21 CFR Part 203)

Legal Authority

The Federal Food, Drug, and Cosmetic Act, §§ 201, 502, 503, 505, 506, 507, and 701, 21 U.S.C. 321, 352, 353, 355, 356, 357, and 371; the Public Health Service Act, § 351, 42 U.S.C. 262; 21 CFR 5.1.

Reason for Including This Entry

This action is taken under § 10.35(a) of the Food and Drug Administration's (FDA) procedural regulations (21 CFR 10.35(a)), which authorize the Agency to stay at any time the effective date of a pending action or following a decision on any matter. Important questions continue to be raised regarding the cost, necessity, and utility of FDA's patient package insert program. These questions merit further review before final implementation of any requirements. FDA also believes additional review of these requirements to be consistent with the spirit of the provisions of Executive Order 12291 (46 FR 13193, February 19, 1981). Further, the Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

FDA has had concern that generally, users of prescription drugs are not routinely exposed to all the necessary information about the proper use of these drugs. The Agency therefore concluded that providing complete and readily understandable information about drugs to patients could produce health benefits by increasing patient understanding and awareness of the need for observing precautions and following directions in taking prescription drugs. Therefore, in the **Federal Register** of July 6, 1979 (44 FR 40016), FDA proposed that written information describing both the benefits and risks involved in the use of a prescription drug product be provided directly to the patient when the drug product is dispensed. The Agency has adopted the term "patient package inserts" (PPIs) to describe these information leaflets.

Final regulations, published in the **Federal Register** of September 12, 1980 (45 FR 60754), require manufacturers and distributors of prescription drug products to provide PPIs for their products to dispensers (generally pharmacists and physicians). Dispensers are then required to provide the inserts to patients when each drug product is dispensed under a new prescription. The Final Rule specifies that during an initial pilot implementation period of about 3 years, PPIs would be limited to 10 drugs or drug classes.

The ten drugs were selected on the basis of the following criteria: (1) whether patient package inserts could affect the patient's decision to use the drug, (2) whether patient package inserts could help prevent serious adverse effects, (3) whether patient package inserts could help increase the patient's adherence to the prescribed course of therapy, and (4) the extent to which a particular drug is prescribed. Although all four criteria did not apply to all ten drugs, each drug is subject to at least two, and most to more than two.

Also in that issue of the **Federal Register**, the Agency published ten draft guideline patient package inserts for drugs to which it intended to apply the regulations initially. After soliciting comments on the draft guidelines, the Agency published three final guidelines and announced the applicability of regulations to these drugs effective May 25, 1981 (45 FR 78516, November 25, 1980); and to two more drugs effective July 1, 1981 (46 FR 160, January 2, 1981).

FDA estimated the cost for each dispensed leaflet at about 18 cents and the total annual cost of the program at $21 million. The pilot program was intended to provide more definite data about the costs and benefits of PPIs.

As originally proposed, these regulations would have required most prescription drug products for human use to be dispensed with patient labeling. Implementation of the program was proposed to be gradual and in two phases. During the first phase, FDA, its contractors, and drug manufacturers would draft guideline patient labeling for approximately 50 to 75 drug products and drug classes. Before beginning the second phase, FDA would thoroughly evaluate the progress and effects of required patient labeling. The Agency would also carefully review the necessity and usefulness of FDA guideline labeling. By that time the Agency, drug manufacturers and distributors, and drug dispensers would be more familiar with the requirements. During the planned second phase of the program the Agency would merely schedule the effective dates of the patient labeling requirements for the remaining prescription drug products. Responsibility for preparing patient labeling would then shift to drug manufacturers.

Although most comments on the proposed regulation recognized the benefits of patients being fully informed about drugs prescribed for their use, many comments criticized the draft

Regulatory Analysis stating that it significantly underestimated the costs of implementing the regulation. One comment estimated the annual cost to be between $214 and $720 million, or two to seven times FDA's estimate. Variously, the comments argued that the rulemaking be ended, that it be postponed until better economic data were developed, or that implementation be limited to a pilot program consisting of a much reduced number of drugs.

Ultimately, although FDA determined that the proposed regulation should be adopted, the comments influenced this Agency to apply the regulation initially to the pilot implementation program mentioned above. Further, FDA stated in the preamble to the Final Rule that an evaluation of the costs and benefits of this pilot program would guide the Agency in deciding whether to extend, revise, or defer the requirements.

Even though the implementation program selected by the Agency was reduced from that initially proposed, the Agency continued to receive strong expressions of concern that the cost of the selected mandatory pilot approach was in considerable excess of that predicted in the final order. Consequently, as the complaints continued to mount that the benefits of patient labeling do not justify the costs of even the ten-drug pilot program, it became apparent that an additional review of the program was merited. Further, FDA also concluded that additional review of this regulation is consistent with the spirit of the provisions of Executive Order 12291.

Therefore, in the **Federal Register** of April 28, 1981 (46 FR 23739 and 23815), the Agency stayed the effective dates of its patient package insert program to permit further review of the questions that have continued to be raised about the program and to review the rulemaking with respect to Executive Order 12291 (46 FR 13191, February 19, 1981).

A public meeting was held in Washington, DC, on September 30 and October 1, 1981, at which persons holding competing views on the program submitted them to the Agency. In addition, since the stay was imposed, the Rand Corporation completed an FDA-funded study that assessed the effects of various prototype PPIs on active drug users.

The information presented at the public meeting, all of the information in the Agency's administrative record of the patient package insert program, and the results of the Rand Study are currently being reviewed.

Alternatives Under Consideration

In addition to the original program, possible alternative approaches being considered include modifying the current regulation to include fewer drugs or withdrawing the regulation and encouraging and supporting voluntary efforts to inform patients.

Summary of Benefits

Sectors Affected: Consumers of prescription drugs.

It is reasonable to believe that increased patient understanding and awareness of the need for observing precautions and following directions in taking prescription drugs will produce health benefits by reducing the incidence or effects of: excessive or inappropriate use of drugs, adverse drug reactions and adverse drug/drug and drug/food reactions, and therapeutic failure due to poor compliance with drug regimens. Such effects may cause additional visits to physicians, prolonged or additional treatment or hospital admissions, disability, death, lost work time or reduced productivity, or wasted expenditures on drugs not properly used. FDA's Regulatory Analysis published with its Final Rule on September 12, 1980 (45 FR 60754) did not make firm quantitative projections of the benefits of reduced incidence of these events that might accrue from patient labeling of the ten drugs or drug classes covered by the final regulation. It gave examples demonstrating how assumptions believed to be plausible and conservative could imply major annual savings.

Summary of Costs

Sectors Affected: Pharmaceutical manufacturers; pharmaceutical distributors and wholesalers; pharmaceutical retailers; hospitals and nursing homes; and pharmacists.

Manufacturers will incur costs for internal review of PPI texts and administrative costs associated with printing and handling, printing costs, and distribution costs to wholesalers and retailers. The distribution/wholesaling sector will incur handling and shipping costs for distributing those PPIs not distributed directly by manufacturers to retailers. Pharmacies will have costs of storing PPIs and operating costs for filing, retrieving, and dispensing them. Hospitals and nursing homes will bear the costs of revising admitting forms to inform patients of the availability of prescription drug information and the costs of a reference binder of patient labeling at each nursing station. The Agency believes that there will be no incremental costs to pharmacists or physicians for increased patient consultation. For at least the initial phase of the regulation, limited to ten drugs or drug classes, the Agency concluded that there would be no disproportionate impact on small businesses or on their ability to remain competitive because virtually all the costs are variable and proportionate to prescription volume. FDA's Regulatory Analysis, published with the Final Rule on September 12, 1980 (45 FR 60754) provides details of projected costs for the Final Rule as published.

Summary of Net Benefits

Since this rule is now under review, evaluation of net benefits will depend on the policy finally adopted.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM on PPIs for Prescription Drug Products—44 FR 40016, July 6, 1979.
Final Rule on PPIs for Prescription Drug Products—45 FR 60754, September 12, 1980.
Final Guideline Labeling for Cimetidine, Clofibrate, and Propoxyphene—45 FR 78516, November 25, 1980.
Proposed Guideline for Bendectin Substitution for Warfarin—45 FR 80740, December 5, 1980.
Final Guideline Labeling for Ampicillin and Phenytoin—46 FR 160, January 2, 1981.
Temporary Stay of Effective Dates of Final Rules—46 FR 23739, April 28, 1981.
Temporary Stay of Effective Dates for Final Guideline Patient Package Inserts—46 FR 23815, April 28, 1981.
Notice of Public Meeting and Request for Comments—46 FR 42470, August 21, 1981.
End of Review—Date to be determined.

Available Documents

The following documents are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857:

- Regulatory Analysis of Final Rules.
- Copies of all comments received.
- Transcripts of Public Hearings held on September 10, 12, 14, 1979, and September 30 and October 1, 1981.
- Final Report on Rand Study of Patient Package Insert Program.

Agency Contact

Eileen Hodkinson, Regulatory Counsel
Bureau of Drugs (HFD–30)
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857
(301) 443–6490

HHS—Health Care Financing Administration

Conditions of Participation for Nursing Homes (42 CFR Parts 405 and 442; Revision)

Legal Authority

Social Security Act, as amended §§ 1102, 1814, 1832, 1833, 1861, 1865, 1866, and 1871, 42 U.S.C. 1302, 1395f, 1395k, 1395t, 1395x, 1395z, 1395bb, 1395cc, and 1395hh.

Reason for Including This Entry

The Department of Health and Human Services (HHS) includes this entry because this regulation is under revision as part of the Health Care Financing Administration (HCFA) deregulation activity and is one of a variety of Medicaid regulations designated for review by the Presidential Task Force on Regulatory Relief.

Statement of Problem

In order to participate as a provider of institutional long-term care services under the Medicare and Medicaid programs, a facility must be a skilled nursing facility (SNF) within the meaning of § 1861(j) of the Act or an intermediate care facility (ICF) within the meaning of § 1905(c) of the Act. These sections of the Act and additional health and safety regulations prescribe specific standards that facilities must meet in order to be eligible to participate in the Medicare and Medicaid programs. Participation in either program is voluntary.

SNFs and ICFs are currently surveyed at least annually by State government survey personnel under contract with the Department of Health and Human Services. Based on the information obtained during those surveys, the HHS Regional Office certifies facilities for participation in the programs. However, if the facility elects to participate only in the Medicaid program, the State makes the certification decision.

Alternatives Under Consideration

This regulation is presently under active review by the HCFA Task Force for Regulatory Reform. The principles used in developing Task Force recommendations are as follows:

(1) Only provisions specifically mandated by statute, or by a strong inference in statute or by some indication of Congressional intent will be retained.

(2) The only exception to the above provision relates to conditions of participation that may be retained when not mandated by statute if the condition clearly relates to the health and safety of patients.

(3) In order to retain any provision, the appropriateness of a Federal oversight role, as defined in the regulation, must be clearly justified.

Summary of Benefits

Sectors Affected: Skilled nursing facilities and intermediate care facilities (nursing and personal care facilities) participating in the Medicare and Medicaid programs; patients and staff of these facilities; and State health agencies.

Since we have not yet developed specific alternatives in detail, we are unable to assign quantities or dollar values to any benefits or costs. The primary goal of simplification, clarification, and reduction of regulatory burden will accrue directly to the facilities themselves and indirectly to the Federal and State governments and all Medicare and Medicaid beneficiaries, since this will result in cost savings to the facilities through reduction in compliance requirements and to the Government through reduced enforcement costs. Beneficiaries would benefit indirectly through more efficient operation of the facilities where they reside.

Summary of Costs

Sectors Affected: Skilled nursing facilities and intermediate care facilities (nursing and personal care facilities) participating in the Medicare and Medicaid programs; patients of these facilities; and Federal and State certification personnel.

As indicated above, due to lack of development of specific alternatives we are unable to assign quantities or dollar values at this time.

Summary of Net Benefits

As indicated above, we are unable to list any specific alternatives or cost or benefit figures. Therefore, we are unable to calculate the net benefits of this regulation at this time.

Related Regulations and Actions

Internal: Consolidation of Survey and Certification Requirements for Medicare and Medicaid (42 CFR Parts 405 and 431). A regulation proposal was contained in 45 FR 13477, February 29, 1980, and an entry appears elsewhere in this Calendar.

External: None.

Government Collaboration

We will collaborate with various agencies within the Department of Health and Human Services involved in long-term care, the Federal Trade Commission, and various State agencies concerned with survey and certification and reimbursement for long-term care.

Timetable

NPRM—To be determined.
Public Comment Period on NPRM—To be determined.
Regulatory Impact Analysis—Preliminary, to be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

None.

Agency Contact

Penny St. Hilare, Chief
Division of Long-Term Care
Health Standards and Quality Bureau
Health Care Financing Administration
Department of Health and Human Services
Dogwood East Building
1849 Gwynn Oak Avenue
Baltimore, MD 21207
(301) 594–3642

HHS–HCFA

Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities (42 CFR 405, 431, 442, and 489; Revision) (Previously, Consolidation of Survey and Certification Requirements for Medicare and Medicaid)

Legal Authority

The Social Security Act, as amended, Titles 11, 18, and 19, 42 U.S.C. 1302 and 1395 *et seq.*

Reason for Including This Entry

The Department of Health and Human Services (HHS) includes this entry because of its potential for impact on consumers, the health care industry, and State agencies. The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

In order to participate in the Medicare or Medicaid program, providers of services must be found to meet pertinent requirements, specified in Titles 11, 18, and 19 of the Social Security Act

(hereafter referred to as "the Act") and related regulations. The Act (§ 1864) further requires that the Secretary of HHS enter into an agreement with a State agency for the purpose of performing surveys to ascertain compliance with program requirements. Under this agreement, the State survey agency is further required to certify to the Secretary whether health care providers meet program requirements.

For Medicaid, the statute (§ 1902(a)(33)(B)) requires that the State survey agency determine compliance with health and safety requirements. The survey agency must then certify its findings to the State Medicaid agency. In this instance, the certification is a determination of eligibility, not a recommendation. If eligibility is established, the State Medicaid agency will enter into an agreement (§ 1902(a)(27) of the Act) with the health care provider.

The Health Care Financing Administration (HCFA) and the States have approved providers based on the results of surveys since the earliest days of the program.

At the same time, the health industry has gained sophistication, in terms of knowing what it has to do in order to participate. In contrast to the early days of the programs, when residential nursing homes were upgraded to meet skilled nursing requirements, facilities are now built to conform with program requirements. Similarly, the chain organization, with its resources and managerial expertise, has had a significant impact on the industry.

HCFA believes that the survey and certification process needs reassessing. Provider groups complain about the extreme reporting burden. Consumers and their advocates claim that we are not really looking at the quality of care and are insisting that they be involved in the survey and certification of health care facilities. The Office of Management and Budget is insisting that we reduce administrative costs and the public reporting burden. State agencies and providers complain that often multiple State agencies survey the same facilities but arrive at different conclusions.

The State agencies are budgeted a total of $46 million to conduct surveys and certify their findings. There are about 37,000 health care providers who participate in Medicare or Medicaid. The State agency budget in fiscal year 1981 was about $70 million. The amount was needed to fund annual surveys of the 37,000 providers and suppliers that participate in Medicare and Medicaid, as well as the other activities performed historically by the State agency. The budget for fiscal year 1982 was reduced to $46 million. Given the reduction in fiscal resources, it is incumbent on HCFA to reduce, refine, and streamline the survey and certification process in a way that will not compromise our ability to monitor the quality of care being furnished. In these times of Federal budgetary restraints and escalating costs of health care, HCFA believes it important to consider ways of making the process more efficient, cost effective, and meaningful in terms of evaluating the quality of care actually being furnished program beneficiaries and recipients.

Alternatives Under Consideration

Following publication of a Regulation Proposal on February 29, 1980 (45 FR 13477), we published a Notice of Public Meeting on March 7, 1980 (45 FR 14900). Public hearings were held in each of the HHS Regions and in Washington, DC. The purpose was to solicit public reaction and comment on a set of survey and certification issues that we, along with State agencies and Regional Offices, had identified as needed modifications.

Summary of Benefits

Sectors Affected: The Federal Government; State Health Departments; State Social Services Departments; and 37,000 health care service providers, consumers, and their advocates.

All proposals are expected to result in a real cost savings to all sectors affected. For example, if only 10 percent of the providers were surveyed every 2 years, we would save about $6 million in FY 1982 dollars (.10 × 37,000 × $70 million divided by 37,000=$7 million). This would also reduce the overall reporting burden now imposed on providers. (37,000 is the total number of providers and $70 million was the amount required to survey and certify them in FY 1981).

We anticipate a more efficient process that will reduce provider reporting burdens and overall Federal and State costs. Further, we see the process being returned to what it was designed to do—determine whether providers of services meet program requirements. Eliminating superfluous procedures not directly related to assessing quality of care and the facilities in which it is being furnished will enable the Federal and State governments to focus their limited resources where they are most needed. This will ultimately benefit the beneficiaries and the taxpaying public.

Summary of Costs

Sectors Affected: None.

We foresee no additional cost to providers of services. The purpose is to reduce overall administrative costs and the public reporting burden.

Summary of Net Benefits

Our goals involve a reduction in total survey and certification procedures. Accordingly, costs to the Administration, State survey agencies, and providers and suppliers of services, who will realize a reduction in their reporting burdens, will be significantly reduced. At the same time, Federal and State governments will be able to focus and concentrate limited human and fiscal resources on marginal health care facilities.

The last full year of annual surveys cost the Federal Government $70,000,000. The current budget, however, is about $46,000,000. Therefore, we must reduce activities if we are to accommodate the $24,000,000 reduction. Our intent is to ensure that only activities that have proven wasteful or ineffective are eliminated. This should benefit the health care industry through a substantial reduction in its reporting burden.

Related Regulations and Actions

None.

Government Collaboration

State agency personnnel participated in a work group to identify procedures that should be considered for revision. Other bureaus within HCFA and the Office of General Counsel will have the opportunity to comment on proposals before they are adopted.

Timetable

NPRM—2nd Quarter 1982.
Public Comment Period—60 days following publication of NPRM. Address comments to: Administrator, HCFA, P.O. Box 17082, Baltimore, MD 21235.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—None.
Final Rule—1st Quarter 1983.

Available Documents

Regulation Proposal (45 FR 13477, February 29, 1980).

Notice of Public Meetings (45 FR 14900, March 7, 1980).

Issue Papers—These issue papers were sent to those who requested them. Their availability was announced in the **Federal Register** on March 7, 1980.

Summary of public hearings held in each HHS region and Washington, DC.

The above documents are available for review at: Health Care Financing Administration, Health Standards and Quality Bureau, Room 2–A–2, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, MD 21207.

Agency Contact

Mark Bernsohn, Program Analyst
Financial and Administrative Management Branch
Health Care Financing Administration
Health Standards and Quality Bureau
Department of Health and Human Services
Room 2–A–2, Dogwood East Building
1849 Gwynn Oak Avenue
Baltimore, MD 21207
(301) 594–7940

HHS–HCFA

End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services (42 CFR Part 405; Revision)

Legal Authority

Social Security Act, as amended, §§ 1102, 1814(b), 1833(a), 1861(v), 1871, and 1881; 42 U.S.C. 1302, 1395f, 1395l, 1395x(v), 1395hh, and 1395rr.

Reason for Including This Entry

The Department of Health and Human Services (HHS) believes this review is required because changes in the method of reimbursing for dialysis services may result in an annual effect on the economy of $100 million or more.

Statement of Problem

We are in the process of developing a comprehensive regulation revising the reimbursement method for all outpatient and home dialysis services to provide greater incentives for economy and efficiency, pursuant to P.L. 97–35.

Alternatives Under Consideration

We are issuing a new NPRM, instead of issuing a Final Rule implementing our proposals of September 26, 1980.

Payment Methods: The 1981 Budget Reconciliation Act gives the Secretary broad discretion in selecting the payment method and the means of applying it. We are currently studying the numerous alternatives open to us that would accomplish the intent of the legislation. Because of the early nature of our deliberations, it would be premature to list or discuss any alternatives in detail. The objective of any alternative selected will be to encourage home dialysis where possible and to reduce overall program costs.

Summary of Benefits

Sectors Affected: Hospitals and outpatient care facilities that provide dialysis services; manufacturers of dialysis equipment; dialysis patients and their families; home dialysis aides; Medicare beneficiaries; and the Federal Government.

Since we have not yet developed any specific alternative in detail, we cannot assign quantities or dollar values to any benefits or costs.

Summary of Costs

Sectors Affected: Hospitals and outpatient care facilities that provide dialysis services and physicians treating dialysis patients; manufacturers and distributors of dialysis equipment and supplies; dialysis patients and their families; and the Federal Government.

As noted above, we cannot assign dollar values to costs, since we have not yet developed any specific alternative in detail.

Summary of Net Benefits

Since we cannot yet quantify any projected benefits or costs, we cannot calculate net benefits. This will be addressed to the extent feasible in the Regulatory Impact Analysis that we are required to perform for these regulations and that will be available when these regulations are published.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

Statutory Deadline—October 1, 1981.
NPRM—To be determined.
Public Comment Period on NPRM—30 days from date of publication.
Final Rule—To be determined.
Final Rule Effective—Date of publication.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.

Available Documents

NPRM—Incentive Reimbursement for Outpatient Dialysis and Self-Care Dialysis Training (45 FR 64006, September 26, 1980).

Public comments on above NPRM, received from September 26, 1980 to November 25, 1980 are available for review in Room 309–G of the Department's office at 200 Independence Avenue, S.W., Washington, DC 20201, on Monday through Friday of each week from 8:30 to 5:00 p.m., telephone (202)245–7890.

Agency Contact

Bernadette Schumaker, Chief
Alternative Reimbursement Systems Branch
Room 1–A–1, East Low Rise
Health Care Financing Administration
Department of Health and Human Services
6325 Security Boulevard
Baltimore, MD 21207
(301) 597–1048

HHS–HCFA

Medicaid Regulations Affecting States (42 CFR Parts 430 through 456; Revision)

Legal Authority

Social Security Act, as amended, Title 19, 42 U.S.C. 1396.

Reason for Including This Entry

The Department of Health and Human Services (HHS) includes this entry because the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Since the inception of the Medicaid program, the Federal Government, as a contributor to the States' Medicaid funding, has furnished detailed requirements and guidelines with which States have to comply in order to receive Federal Financial Participation (FFP) funds. In many cases, it was discovered that the regulations involved did not accomplish their purpose of assuring the efficiency and integrity of the programs involved, but instead contributed to increased administrative costs and reduced efficiency. The States have long contended that many regulations hamper their ability to provide services to needy people at reasonable funding levels. In addition, the President has promised States that regulatory relief will accompany his proposal to limit Federal Medicaid expenditures. For these reasons, the Health Care Financing Administration (HCFA) Task Force on Regulatory Reform has undertaken a review of existing Medicaid regulations affecting States.

Alternatives Under Consideration

Because the Task Force's review is at an early stage, we are unable to list specific alternatives at this time. The objectives of the Task Force in performing its review are as follows:

(1) Only provisions specifically mandated by statute or a strong inference in statute will be retained.

(2) The only exception to the above provision relates to conditions of participation that may be retained when not mandated by statute if the conditions clearly relate to the health and safety of patients.

(3) In order to retain any provision, the appropriateness of a Federal oversight rule, as defined in the regulation, must be clearly justified.

Summary of Benefits

Sectors Affected: State Medicaid Agencies; State governments; providers, practitioners, and suppliers participating in the Medicaid Programs of the various States and Territories; and recipients of services under those programs.

The primary benefit sought, increased State flexibility, will accrue directly to the State governments and State Medicaid Agencies, which will be able to make more effective use of available funds without incurring additional costs of compliance with ineffective or inappropriate Federal regulations. Since this should result in a reduction in administrative costs, Medicaid providers, practitioners, and suppliers should benefit by the larger remaining funds for purchase of services and supplies, while recipients will benefit from retention of services under the programs in their States.

Summary of Costs

Sectors Affected: Providers, practitioners, and suppliers participating in the Medicaid programs of the various States and Territories; and recipients of service under those programs.

Any costs will ultimately depend upon the options exercised by the States.

Summary of Net Benefits

We cannot yet quantify any projected benefits; any costs will ultimately depend upon the options exercised by the States.

Related Regulations and Actions

Internal: Revocation of 60-day Public Notice Requirement for Changes in Medicaid Method or Level of Reimbursement (42 CFR Part 447). An NPRM was published at 46 FR 45964, September 18, 1981. Medicaid Program; Freedom of Choice: Waivers of an Exception to State Plan Requirements was published in interim final form with comment period at 46 FR 48524, October 1, 1981. Medicaid Program; Miscellaneous Medicaid Provision—Increased State Flexibility was published in interim final form with comment period at 46 FR 48556, October 1, 1981.

External: None.

Government Collaboration

None.

Timetable

NPRMs—To be determined.
Public Comment Periods on NPRMs—To be determined.
Regulatory Impact Analyses—Under consideration.
Initial Regulatory Flexibility Analysis—Will accompany NPRM.

Available Documents

None.

Agency Contact

Paul Willging, Ph.D., Deputy Administrator
Health Care Financing Administration
200 Independence Avenue, S.W.
Washington, DC 20201
(202) 245-6726

HHS—Health Resources Administration

Health Planning and Resources Development (42 CFR Parts 121, 122, 123, and 124; Revision)

Legal Authority

Public Health Service Act, 41 U.S.C. 300k–1, 42 U.S.C. 216, 41 U.S.C. 3001–4 and 3001–5, 42 U.S.C. 216, 300o–1, and 300–r.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Federal health planning legislation is intended, among other things, to control rising health care costs. However, the regulations implementing the legislation have themselves been quite costly. They require extensive justification for expansion of health care facilities and services or changes in or acquisition of new equipment. Additionally, they prescribe detailed requirements for the designation, funding, establishment, and operation of State and local health planning agencies. The Health Resources Administration (HRA) will review these regulations and explore ways to make them more cost effective and less burdensome on the health planning agencies and on health care providers.

The current health planning program evolved through a number of Federal efforts, beginning with the Hospital Survey and Construction Act of 1946 (known as the Hill-Burton program). This Act authorized grants to States to identify and meet some of the deficiencies in the supply and distribution of health facilities. In 1964 the Hill-Burton program was modified to provide funding for regional, or areawide, voluntary health facilities planning agencies. This resulted in many major urban areas having non-profit, private corporations, governed by boards of community leaders and health care providers.

The Regional Medical Program, enacted in 1965, was aimed at creating regional centers of care for heart disease, cancer, and stroke victims. The program had a planning component but was primarily concerned with increasing and sharing knowledge about technical developments in medical care.

The concept of areawide planning became firmly established with the Comprehensive Health Planning program in 1966, which created State and areawide agencies to coordinate Federal programs at the State and local levels and to promote and plan the rational development of health resources in local communities. The National Health Planning and Resources Development Act of 1974, adding Titles XV and XVI to the Public Health Service Act, authorized a 3-year effort aimed at ensuring equal access to quality health care at reasonable cost. The Health Planning and Resource Development Amendments of 1979 (P.L. 96–79) substantially revised the health planning program under Title XV and extended it for 3 years. The Health Programs Extension Act of 1980 (P.L. 96–538) contained both technical and minor amendments to Title XV of the Public Health Service Act.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) made a number of changes to the health planning program (Title XV of the Public Health Service Act, as previously amended) by relieving regulatory burdens on local and State health planning agencies and the health care industry and by reducing funding authorizations for planning agencies. Specifically, the amendments to the planning program made by P.L. 97–35 reduced the authorizations for health planning to $102 million (of which not more than $65 million is to be expended for health systems agencies (HSAs)); reduced the minimum grant for HSAs from $245,000 to $100,000; delayed by 12 months the imposition of a penalty on States that did not have a fully designated State health planning and development agency (SHPDA); reduced the federally required minimum

thresholds for certificate of need reviews; allowed Governors to make application to eliminate HSAs within their States under certain conditions; and allowed the Secretary to waive any or all of the requirements for HSAs to conduct reviews of proposed uses of Federal funds, conduct appropriateness reviews of institutional health services in their health service areas, and/or collect and make available to the public rates charged for each of the 25 most frequently used services in their States.

The Administration's budget proposal provides for no Federal funding for local health planning agencies or for State health planning agencies in FY 1983. In the interim, prior to the complete phase-out of Federal support, State and local planning agencies are receiving reduced levels of Federal funding. Specifically, under the Administration's FY 1982 budget proposal, HSAs would receive $6.6 million and SHPDAs would receive $25.7 million. In light of this, the existing regulatory requirements impose an especially difficult burden on planning agencies, which we hope to lighten as Federal support decreases. Specifically, the regulations HRA is taking action to revise and the nature of the proposed revisions include the following:

- Regulations to implement provisions in the Omnibus Budget Reconciliation Act regarding a waiver of the requirement that HSAs review proposed uses of Federal funds, conduct appropriateness reviews, and collect and publish certain hospital rate charges.
- Regulations to repeal the current Computerized Tomographic (CT) Scanner Regulations.
- Revisions to the existing certificate of need regulations. Specifically, the regulations will be revised to specify that certain capital expenditures by or on behalf of health care facilities will no longer be required to be subject to review by planning agencies. Also, requirements for specific written findings by planning agencies on access for medically underserved populations will be eliminated, and some currently required review criteria will be eliminated from the regulations.
- Revisions to the existing regulations related to requirements for capital expenditure reviews under § 1122 of the Social Security Act. The regulations will be simplified to increase State flexibility in implementation.
- Revisions to the existing regulations regarding the designation and funding of State health planning and development agencies. Many procedural requirements for State health planning and development agencies (e.g., public hearings on the State administration program) will be eliminated. Also, many structural requirements for State health planning and development agencies and Statewide Health Coordinating Councils will be eliminated, leaving the State the flexibility to determine policies related to terms of office, public access requirements, etc.

Hopefully, our revision of the above health planning regulations will relieve planning agencies, as well as health care providers, of certain onerous and costly Federal regulatory requirements. It is important to note, however, that many of the requirements in the existing regulations are taken directly from the statute and therefore cannot be eliminated. Additionally, at the same time the regulations described above are being streamlined to relieve regulatory burden, they will be revised to incorporate the requirements of P.L. 96–79, P.L. 96–538, and P.L. 97–35. Although the Omnibus Budget Reconciliation Act (P.L. 97–35) relieves Federal regulatory burden (as described above), the Health Planning and Resources Development Amendments of 1979 (P.L. 96–79) in many areas increase Federal requirements. For example, P.L. 96–79 adds requirements related to the collection of data by SHPDAs, the development of State health plans, and conflict of interest policies. These, as well as other provisions from P.L. 96–79, must be added to the regulations at the same time they are revised for the purpose of streamlining.

In addition to streamlining the regulations described above, HRA is developing new regulations governing the revision of health service areas. These regulations are being developed because § 104(a) of P.L. 96–79 requires the Secretary of Health and Human Services to develop criteria in regulations for the revision of health service area boundaries. Further, in light of reduced Federal funding, we anticipate that HSAs will wish to combine and conserve scarce resources (i.e., money, personnel, equipment, etc.) by consolidating health service areas.

HRA has reviewed all existing health planning regulations and has identified for revision (and listed above) those regulations that affect the operations and structure of SHPDAs. Other regulations related to the performance, structure, and funding of HSAs will not be streamlined since, under the Administration's budget proposal, HSAs would receive only $6.6 million in FY 1982. This low level of funding does not justify revising regulations that would be operative for only a brief time, if at all. On the other hand, the regulations listed above that govern the activities of SHPDAs are being revised since, under the Administration's proposal, these agencies would receive $25.7 million in FY 1982. With this greater level of funding, SHPDAs could be operative for several months longer than HSAs.

Alternatives Under Consideration

HRA has considered three major alternatives with respect to the health planning regulations:

(A) No additional Federal action at this time. In light of the proposed phase-out of the Federal health planning program, HRA considered making no revisions to any existing regulations.

(B) Revising and streamlining *all* major health planning regulations (those affecting HSAs as well as SHPDAs).

(C) Revising those regulations governing the activities of SHPDAs and developing new regulations establishing criteria for the redesignation of health service areas.

HRA favors Alternative (C). Alternative (A) (no Federal action) would result in health planning agencies, as well as health care providers, being burdened with onerous and costly Federal requirements. Alternative (B) is unrealistic and unnecessary, since Federal funding for HSAs is proposed to be quite low. Therefore, the preferable alternative at this point in time is to streamline only those regulations affecting SHPDAs. Also, new regulations governing the designation of health service areas are being developed. Although HSA funding is proposed to be very low in FY 1982, these regulations are deemed critical so that HSAs can consolidate health service areas, thereby conserving scarce resources as long as they are in operation. These regulations have been put on a fast track by the HRA. Hopefully they will be adopted in time to allow the HSAs time to consolidate their health service areas well before Federal funding is phased out.

Summary of Benefits

Sectors Affected: HSAs; SHPDAs; health care facilities and other health care providers; and health care consumers.

The revisions in the existing health planning regulations will relieve the regulatory burden on health planning agencies by (1) no longer requiring them to perform certain review functions, and by (2) eliminating many procedural and structural requirements, thereby giving each State maximum possible flexibility. Further, the revisions being proposed will reduce the costs to health care facilities of complying with these regulations by reducing the numbers and kinds of activities subject to certificate

of need and § 1122 reviews. Finally, the issuance of new regulations governing the redesignation of health service areas will allow agencies to consolidate, thereby conserving scarce resources and reducing costs.

Summary of Costs

Sectors Affected: None.

There are no direct or indirect costs associated with the proposal described above. If HHS simplifies and streamlines the regulations, the costs of complying will be decreased.

Summary of Net Benefits

Since there are no costs associated with this proposal, the net benefits are the same as those described above in the section entitled Summary of Benefits. Specifically, the planned revisions will reduce costs to both planning agencies and health care facilities by eliminating procedural and structural requirements, making certain review functions by health planning agencies optional, and reducing the number of activities subject to certificate of need and § 1122 reviews.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

Final Rule, Amendment to the HSA Designations and Funding Regulations (Waiver of HSA requirements)—Date to be determined.
Final Rule, Revision of Health Service Area Boundaries—Date to be determined.
NPRM, National Guidelines for Health Planning (CT Scanner Standard)—Date to be determined.
NPRM, Amendments to Certificate of Need Regulations—Date to be determined.
Final Rule or NPRM (action to be determined), Amendments to § 1122 Regulations—Date to be determined.
Final Rule or NPRM (action to be determined), Amendments to the SHPDA Designation and Funding Regulations—Date to be determined.
Public Hearing—None.
Public Comment Periods—To be determined.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

None.

Agency Contact

Libby Merrill, Director
Policy Coordination Staff
Bureau of Health Planning
Health Resources Administration
3700 East-West Highway, Room 6-22
Hyattsville, MD 20782
(301) 436-6870

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

Siting of HUD-Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 CFR Part 51-C; New)

Legal Authority

Housing Act of 1949, P.L. 81-171; Housing and Urban Development Act of 1968, P.L. 90-448; and Housing and Community Development Act of 1974, P.L. 93-383.

Reason for Including This Entry

The Department of Housing and Urban Development (HUD) is mandated by the Acts cited above to ensure that HUD-assisted projects are located in a suitable (safe and healthful) environment. This regulation, which pertains only to future HUD-assisted projects and will not apply to ongoing or completed projects, is needed to ensure compliance with the mandate.

We found during the environmental review process involving proposed HUD projects that such projects are too often being located near hazardous operations of an explosive or fire-prone nature. This is particularly true of public housing and housing for the elderly projects, which are generally located on low-cost land and therefore in the proximity of industrial areas.

Statement of Problem

The problem was first brought to the attention of the Department in 1974, when a public housing authority proposed construction of 1,250 units of public housing, which were to be located within 120 feet of a public utility facility containing forty 60,000-gallon liquid propane storage tanks. An engineering analysis determined that an explosion of just one of the tanks would emit a force capable of destroying 60 percent of the project.

Incidents involving chemicals or petrochemicals of an explosion- or fire-prone nature occur nationwide on at least a weekly basis. Condoning the location of HUD-assisted projects near such hazards is tantamount to playing Russian roulette.

Public housing and housing for the elderly, two important HUD endeavors, will be most favorably affected by adoption of this regulation. With increased use of land in the United States and escalating land prices, affordable land for such low-income housing tends to be located in undesirable, industrial areas. Therefore, these sites tend to be located dangerously close to operations that store and handle chemicals or petrochemicals of an explosive or fire-prone nature, e.g., gasoline, kerosene, liquid propane, butane, and vinyl chloride.

Alternatives Under Consideration

One alternative we considered was to maintain the status quo of having no regulation, but this would be tantamount to assuring the location of low-cost housing in undesirable (dangerous) areas.

A second alternative considered was to apprise local public housing authorities, planning agencies, community development block grant recipients, and others of the dangers involved and identify methods for reducing or negating potential hazards to proposed HUD-assisted projects. We can disseminate information by means of seminar-type training sessions, by issuance of a guidebook, or by a combination of the two. This would be better than nothing, but would not ensure compliance with safety standards, since they would not be enforceable.

The alternative we chose and described in our NPRM (45 FR 55223, August 19, 1980) will establish safety standards for explosion and thermal radiation and will provide guidance that can be used by HUD field staff, developers, project sponsors, planning agencies, public housing authorities, and others to determine acceptable separation distances from such potential hazards or to identify mitigating measures that can be incorporated in the projects, such as an earth berm or building design that can withstand specified blast overpressure and thermal radiation flux levels.

Summary of Benefits

Sectors Affected: Persons living in HUD-assisted housing; local housing authorities; and HUD.

Adoption of the proposed regulation will assure the safe location of all HUD projects that are to be sited in the immediate vicinity of explosive or fire-

prone materials, and will provide guidance to HUD and local agencies involved in public housing, as detailed in "Alternatives Under Consideration" above.

Summary of Costs

Sectors Affected: Builders and tenants of HUD-assisted housing projects and HUD.

Any additional land costs or costs resulting from incorporation of mitigation design measures into the project, such as an earthen berm, would be borne by the project sponsor and HUD, through its housing assistance activities. Some or all of these costs may be borne by the tenant in such ways as lower levels of other amenities in the dwelling.

Summary of Net Benefits

The basic benefit of the proposed regulation will be to assure that people and property are not exposed to potential explosion and thermal radiation hazards represented by chemicals or petrochemicals. A secondary benefit is to protect the investments of HUD by assuring that projects located in the proximity of such hazards are located at acceptable separation distances or that mitigating measures are incorporated into the project to protect against potential explosion or high-intensity fire.

Related Regulations and Actions

Internal: None.

External: Department of Transportation, Materials Transportation Bureau, regulation entitled, "Liquefied Natural Gas Facilities, Federal Safety Standards." This proposed regulation establishes safety standards for locating liquified natural gas processing plants and facilities.

Government Collaboration

None.

Timetable

ANPRM—44 FR 52695, September 10, 1979.
NPRM—45 FR 55223, August 19, 1980.
Final Rule—Will be ready for final departmental clearance March 30, 1982.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

Guidebook PD&R–161, December 1975, entitled, "Safety Considerations in Siting Housing Projects."

HUD Research Contract No. HC–5232, "Urban Development Siting with Respect to Hazardous Commercial/Industrial Facilities." To be completed December 16, 1981.

The first document mentioned above is available for review in the office of the Agency Contact. The second document will be available in the same office after January 1, 1982.

Agency Contact

James L. Christopulos, Senior Environmental Engineer
Office of Environmental Quality
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, DC 20410
(202)755–8909

HUD—Office of the Assistant Secretary for Housing

Manufactured Home Construction and Safety Standards (24 CFR Part 3280; Revision) (Previously, Mobile Home Construction and Safety Standards)

Legal Authority

The National Manufactured Housing Construction and Safety Standards Act of 1974, §§ 604 and 625, 42 U.S.C. 5403, 5424, and 7(d): Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Reason for Including This Entry

The Department of Housing and Urban Development (HUD) has determined that some of the options under consideration may result in an annual economic effect of $100 million per year, and this should therefore be considered a major proposal. The Presidential Task Force on Regulatory Relief has designated the Standards for review.

Statement of Problem

The Department of Housing and Urban Development promulgated the National Manufactured (Mobile) Home Construction and Safety Standards in September 1975, and there have been virtually no changes made on them since that time. Because of the Standards, manufactured (mobile) homes are safer, more durable, and more energy efficient than would otherwise be the case. Still, changes in energy prices and the availability of new information makes any set of building standards obsolescent. (Ordinarily, the normal cycle for periodic review and revision of building codes is 3 years.) During the past 5 years, the Department has conducted numerous research projects and obtained fire data and other information that suggested the need to revise the Standards in the areas of safety, quality, and durability of manufactured (mobile) homes. Revisions are also needed to allow the use of new materials and technolgoy, to clarify the meaning of various sections in all subparts of the Standards, and to improve the management of the enforcement of the Standards based on the Department's experience during the past 5 years. Further, on August 12, 1981, the Presidential Task Force on Regulatory Relief included the Standards among a list of thirty Federal regulations to be reconsidered under Executive Order 12291. The Department believes that revision of the Standards is necessary at this time to assure that they provide reasonable levels of protection for consumers of manufactured (mobile) homes and impose no unnecessary cost for builders and consumers.

Alternatives Under Consideration

The Department previously identified major areas of the Standards it was considering for revision in an ANPRM issued June 7, 1979 (44 FR 32711). Those areas were:

- Fire Safety
- Egress Safety
- Transportation
- Energy Conservation
- Structural System Performance
- Wind Safety
- Protection Against Freezing
- Glazing Requirements

Subsequent to the issuance of the ANPRM, the Office of Manufactured (Mobile) Home Standards staff and its consultants developed alternative recommendations for revising the above-cited areas of the Federal Mobile Home Construction and Safety Standards and detailed changes to all subparts of the Standards.

Alternatives under consideration within some of the major areas include:

Fire Safety

(A) Institute no regulatory changes.

(B) Provide improved measures to restrain the spread of fire so as to reduce the number of fire deaths and extent of property damage resulting therefrom by: (1) requiring reduced flamespread-rated materials for ceilings and/or walls; and (2) improving the reliability of smoke detectors by requiring a minimum of two detectors and redefining acceptable locations to ensure proper detector response.

Energy Conservation

(A) Redefine climatic areas (zones) within the Standards so that insulation requirements can be more closely tailored to the climates of different

regions or maintain the current climatic boundaries.

(B) Change the method for determining insulation provisions by: (1) establishing requirements for the wall, floor, and ceiling cavities, limiting the amount of glazing based on the climatic zone and/or the relationship of window to wall areas; or (2) using the entire thermal envelope (that is, the entire wall, ceiling, and floor surface) as presently required by the Standards.

(C) Change the levels of insulation required by the Standards to: (1) achieve comparability with the Federal Housing Administration's Minimum Property Standards (the standards that apply to HUD-insured or -assisted one- and two-family dwellings); and/or (2) implement the recommendations of HUD research (see section on available documents) maintain present insulation standards, or establish another standard. The level of insulation we choose will depend primarily on a comparison of the costs of each alternative in relation to future energy cost savings. In general, more insulation means a higher initial cost and lower utility bills in the future.

Wind Safety

(A) Improve the resistance criteria to overturning and sliding from high wind conditions or retain current criteria for designing anchoring systems.

(B) Provide more effective measures for resisting high uplift wind forces applied to the roof structure or do not implement changes to the wind resistance provisions.

Structural System Performance and Transportation

(A) Improve present design criteria to resist on-site and/or dynamic forces induced during transportation so as to enhance the structure's performance and durability or make no changes to current design criteria.

The alternative revisions prepared by the staff and its consultants were reviewed by the National Manufactured (Mobile) Home Advisory Council during its August 1981 meeting. Following an evaluation of recommendations made by the Council, completion of the deregulatory review, and consideration of other information, the Department will develop an NPRM.

Summary of Benefits

Sectors Affected: Manufacturers, purchasers, and potential purchasers of manufactured (mobile) homes.

Given the wide range of options within each of the four areas described above, it is impossible to quantify the benefits at this time, but the Regulatory Impact Analysis will do so in the future. Qualitatively, these benefits fall into the categories suggested by the four general areas. A strengthening of the fire safety standards would lead to reductions in loss of life and injuries sustained as a result of fires in manufactured (mobile) homes. Also, these more stringent standards would lead to a reduction in property losses due to fire. To quantify these benefits, we will consider the extent to which proposed changes lead to lower property loss, and thus lower insurance premiums, as well as the effect on accidental injury and loss of life.

In the area of energy conservation, there is a continuum of benefits depending on the amount of insulation required. Higher "R" values (R values measure resistance to heat transmission) lead to lower fuel bills over the life of the manufactured (mobile) home. Since marginal benefits (e.g., benefits of each additional inch of insulation) decline as higher R values are required, this necessitates a careful consideration of the marginal costs of additional insulation. The Regulatory Impact Analysis, available when the NPRM is published, will be useful in making this determination.

The area of wind safety is similar to that of fire safety in that more stringent criteria for wind resistance are expected to lead to lower personal injury and property damage occurrence. There is information that suggests that the structural system performance and transportation may affect the useful life of the home. A lack of structural integrity, particularly as the manufactured (mobile) home is moved from the factory to its destination, may lead to a premature degradation of the unit, thereby potentially shortening its useful life. A relatively low additional cost may extend the useful life of the structure.

Benefits will also accrue to all sectors as a result of the deregulatory review. For example, among the revisions being contemplated is elimination of specific location requirements for connection of utility services to the home. This will provide for greater freedom in design, while eliminating costly field connections between the point of connection on the home and utility service available at the site.

Benefits have been discussed largely from the point of view of the buyer or potential buyer of a manufactured (mobile) home, but these same factors will lead to benefits to the manufacturers, provided the standards are such that additional benefits exceed additional costs and provided that consumers are aware of these considerations. If these conditions are met, there should be an increased acceptance of manufactured (mobile) homes by the public and therefore increased demand for the improved units.

Summary of Costs

Sectors Affected: Manufacturers, purchasers, and potential purchasers of manufactured (mobile) homes.

While costs are potentially easier to quantify than benefits in this case, the wide range of choice limits this quantification, at least until the Regulatory Impact Analysis is prepared. In general, more stringent standards imply higher costs to manufacturers and consumers as well as higher benefits. Apart from the issue of whether each of the changes that may be proposed increases the net benefit to consumers, there is the overall issue of affordability—can the higher quality manufactured (mobile) home that sells at a higher price be financed by the same spectrum of buyers as before the change? Until the overall scope of change is determined, this issue cannot be addressed, but will be addressed in the Regulatory Impact Analysis.

Summary of Net Benefits

Quantification of net benefits is not possible at this time. However, it is expected that the following benefits will result from the contemplated changes to the Standards:

(1) Fire safety provisions will lead to reductions in loss of life and injuries and reductions in property losses due to fire.

(2) Improvement of insulation levels will generally result in reduced fuel bills depending on local climatic conditions and fuel costs.

(3) Improvements to structural integrity should enhance the useful life of the structure.

(4) Changes resulting from the deregulatory review will provide benefits to all sectors by eliminating unnecessary requirements in the Standards.

These will be balanced against possible higher costs for consumers.

Related Regulations and Actions

None.

Government Collaboration

The Department will consult with the Consumer Product Safety Commission, as required by the Act, prior to issuing revisions to the Standards.

Timetable

ANPRM, Revision of Manufactured Home Construction and Safety Standards, Docket No. R-81, 44 FR

32711, June 7, 1979.
NPRM—April 1982.
Final Rule—October 1982.
Public Hearings—To be determined.
Public Comment Period—60 days following publication of NPRM.
Regulatory Impact Analysis—Preliminary, will accompany NPRM; final, will accompany Final Rule.
Regulatory Flexibility Analysis—None.

Available Documents

Transcripts of National Manufactured Home Advisory Council Meeting, August 4–7, 1981, available for review in the Office of Manufactured Housing and Construction Standards, Room 3238, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

Research and Data Collection Studies are listed in the Fourth Report to Congress on Mobile Homes, available for review in the Office of Manufactured Housing and Construction Standards, Room 3238.

Copies of the research documents are available from: HUD User, P.O. Box 280, Germantown, MD 20767, and/or National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151.

Agency Contact

Richard Mendlen, Standards Officer
Office of Manufactured Housing and Construction Standards
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 3238
Washington, DC 20410
(202) 755–5798

HUD–HOUS

Minimum Property Standards for Multi-Family Dwellings (24 CFR Part 200; Revision)

Legal Authority

National Housing Act, 12 U.S.C. 1701 *et seq.;* Housing Act of 1949, 42 U.S.C. 1441.

Reason for Including This Entry

The Department of Housing and Urban Development (HUD) has determined that the removal of federally originated standards dealing with life, safety, and health and their replacement with nationally recognized model building codes and the removal of standards for marketability and livability from the Multi-Family Minimum Property Standards (MPS) is precedent setting and an issue of great public interest in the deregulation process. The Presidential Task Force on Regulatory Relief has designated these standards for review.

Statement of Problem

The Minimum Property Standards (MPS) for Multi-Family Dwellings describe physical standards for new housing constructed under HUD mortgage insurance, public housing, and rent subsidy programs. The Standards cover criteria for general acceptability, site design, building design, materials, and construction methods.

A report by the National Institute of Building Sciences (NIBS), entitled "Federal Regulations Impacting Housing and Land Development: Recommendations for Changes," was made public on April 15, 1981, and copies were forwarded to the White House Office of Regulatory Affairs, the Presidential Task Force on Regulatory Relief, and the Congress of the United States. The first recommendation in this report pertained to the HUD Minimum Property Standards. The section of this recommendation concerning the MPS for one- and two-family dwellings is currently being implemented. This proposed revision to the MPS was issued as a Proposed Rule in the Federal Register, 45 FR 62316, September 18, 1980. Publication as a Final Rule is imminent. The Presidential Task Force announcement of March 25, 1980 took notice of the proposed revision to the Single-Family Minimum Property Standards and suggested a comprehensive review of the Multi-Family Minimum Property Standards as well.

The review of the MPS for Multi-Family Dwellings parallels the review of the MPS for One- and Two-Family Dwellings in major respects, such as identification and deletion of durability or criteria not bearing directly on legislative requirements. For example, criteria related to health and safety, which are typically covered by codes, have been deleted. Criteria related to marketability and livability have been deleted, and we will rely on free market forces to establish acceptable performance levels. We have retained legislative requirements, such as those related to elderly and handicapped criteria, and we have retained criteria related to durability, not typically covered by codes, such as windows, doors, finished flooring, and exterior finish materials. The review will also focus on the function and methodology of the MPS. For example, the Department's regulations describe the MPS as referring to material standards developed by industry and accepted by HUD. However, they frequently restate provisions found in the referenced industry standards. This increases the bulk and complexity of the Standards and reduces the Department's ability to keep the Standards current with industry standard changes. The Department's regulations provide that changes in the Standards "will generally be made every three months," but in experience that has not happened. In terms of functions, the review concentrates on identifying those objectives of the Standards that are adequately satisfied by private market forces, locally enacted requirements and codes, and nationally recognized model codes.

Alternatives Under Consideration

As indicated above, a principal intent of the current revision of the MPS is to limit the Standards to criteria bearing directly on legislative requirements and durability. Within the areas of health and safety, the principal non-governmental regulatory alternative being considered is reliance upon one of the four nationally recognized model building codes:

(1) Basic Building Code of Building Officials and Code Administrators International (BOCA);

(2) Standard Building Code of the Southern Building Code Congress International (SBCC);

(3) Uniform Building Code of the International Conference of Building Officials (ICBO); and

(4) National Building Code of the National Conference of States on Building Codes and Standards, Inc.

In addition, the revised multi-family MPS may be used with any other code formally adopted, by a community provided that the HUD Area Office Manager has approved the use of the abbreviated MPS with that code.

A method of coordination of the MPS for Multi-Family Dwellings is different from that considered in connection with the MPS for One-and Two-Family Dwellings because of the difference in code recognition structure. In the single-family area there is a single Model One- and Two-Family Code that HUD can reference. In the multi-family area, however, there are the four separate codes listed above. Different housing authorities recognize different ones. In addition, approximately half of all local jurisdictions have adopted preferred versions of the various codes; others recognize none of the model codes. In addition, there would be a single, fuller MPS volume to be used in jurisdictions that do not recognize any code.

The method described above, if adopted, will simplify compliance by architects and contractors in

jurisdictions recognizing one of the model codes but will introduce an obvious burden of monitoring the different codes in the Department's continuing process of updating the Standards. The Department intends to work with all model code bodies in making the codes more comprehensive and, where appropriate, uniform, and also intends to encourage local jurisdictions that have not done so to recognize one of the model codes for their area.

The alternative to this action is to retain the multi-family MPS in its present format with applicable criteria. This action would continue to present a single set of standards to developers nationwide. However, it would fail to comply with the Administration's policy toward deregulation and would leave another layer of Federal requirements intact.

Summary of Benefits

Sectors Affected: Multi-family residential construction; public and private developers of HUD housing programs; and occupants and owners of HUD housing.

Builders of multi-family HUD housing are the chief beneficiaries of a reduction in the number and level of the multi-family standards. Substitution of recognized codes will enable architects and builders to use the same basic criteria that currently exist for all private construction. Quantification of reduction in housing costs cannot be determined at the present time. In fact, the immediate impact may not be great in dollar terms. However, eliminating duplication of standards and expediting the acceptance process will undoubtedly have long-range cost benefits. Reducing the compliance costs and construction costs will ultimately benefit tenants of that housing and the Federal Government by reducing housing costs and permitting government assistance to reach more families.

Summary of Costs

Sectors Affected: Multi-family residential construction; occupants and owners of housing complying with the MPS; and HUD.

To the extent that reduced standards may allow an increased risk of injury or illness, some tenants or owners may suffer from the less restrictive standards. The national codes, however, that would replace any MPS standard are considered sufficiently restrictive to prevent that risk from being of concern. The multi-family construction industry will have to become familiar with the multi-family MPS if none of the national codes are accepted in the area, but the areas of difference are considered small. These differences are technical in nature and are often subject to varying interpretation by designers, depending on building types, construction details, materials, and locations. Most aspects of construction, from foundation to finish, can be affected, costing either a higher or a lower amount than at present, depending on the national code being used as a basis of comparison. HUD could end up at greater risk of default resulting from accelerated deterioration if removing standards permits significantly lower-quality housing that does not maintain its value. That too, however, is considered unlikely because the general market will evaluate the building and its amenities according to its attributes without the MPS minimum level of livability, marketability, and health and safety features.

Summary of Net Benefits

The major benefits of this action are a reduction in Federal regulation, more consistency in requirements between HUD-assisted and conventionally financed construction, possible cost reductions in HUD-assisted residential construction, and encouragement of local adoption of nationally recognized codes with fewer amendments. We feel that the costs associated with this action (e.g., effort by the construction industry to become familiar with codes or the possibility of accelerated deterioration) are more than offset by these benefits.

Related Regulations and Actions

Internal: Revision to Minimum Property Standards for One- and Two-Family Dwellings (Proposed Rule), 45 FR 62316, September 18, 1980, expected to go final soon.

External: None.

Government Collaboration

Collaboration with the Veterans Administration and Farmers Home Administration is essential because they also use the Multi-Family Minimum Property Standards.

Timetable

NPRM—December 1981.
Public Hearing—None.
Public Comment Period—60 days following NPRM.
Final Rule—To be determined.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Economic Analysis—December 1981.

Available Documents

HUD Handbook, 4910.1 "HUD Minimum Property Standards for Multifamily Housing, Presently in Force." Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The price is $19 (domestic) and $23 (foreign).

Agency Contact

Richard A. Atwell, Chief
Minimum Property Standards Branch
Construction Standards Division
Office of Manufactured Housing and Construction Standards
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, DC 20410
(202) 755–6590

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977 (30 CFR Part 100; Revision)

Legal Authority

Federal Mine Safety and Health Act of 1977 (Act), 30 U.S.C. 801, 815, 820, and 957.

Reason for Including This Entry

The Mine Safety and Health Administration (MSHA) is including this entry because it is of significant public interest. In addition, it may reduce administrative and other costs associated with MSHA's civil penalty system.

Statement of Problem

Under the Act, MSHA is required to assess a penalty for all violations. MSHA's current civil penalty regulations were promulgated on May 30, 1978 (43 FR 23514). Basically, the rules included a formula system for proposing penalties based on six criteria. They also provided for an increase in proposed penalty amounts, and included, for the first time, the metal and nonmetal mining industries in the penalty system. Approximately 20,000 coal and metal and nonmetal mines are subject to MSHA's civil penalty regulations. In calendar year 1980 MSHA proposed approximately $26 million in penalties, of which approximately $20 million was collected. At the time of the 1978 promulgation, MSHA indicated to the mining community that the Agency would undertake a comprehensive review of its penalty regulations and

subsequently modify them where change was shown to be needed. After intensively reviewing its own experience and evaluating comments from both the mining industry and the public at large, MSHA has concluded that the civil penalty system is in need of restructuring to provide increased incentives for mine operators to come into compliance, as well as to shift the emphasis toward the more serious violations of the Act and its mandatory standards and regulations. Under the current system, MSHA and mine operators go through the same penalty assessment process for minor violations as for the more serious ones. The mining industry has suggested that resources are often diverted from more productive health and safety efforts, since inordinate amounts of time are devoted to administrative handling and contesting of citations for violations whose impact on safety and health is not substantial. MSHA concurs and further believes that several provisions of the regulations are in need of refinement and clarification to permit a more equitable application of the statutory criteria.

Alternatives Under Consideration

In the Agency proposal (45 FR 74444, November 7, 1980), the major modifications under consideration include:

(A) a new provision for the assessment of a fixed "minimum penalty" of twenty dollars ($20) for violations involving a low level of gravity and no negligence, that is, less serious violations. This alternative would reduce administrative costs associated with processing penalties and allow the operator to devote more financial and other resources to more serious safety and health hazards. This concept, however, being somewhat subjective, could result in uneven implementation;

(B) the elimination of two classes of cases from an operator's "history of violations"—violations for which the operator has paid a minimum penalty and those which the operator is in the process of contesting;

(C) separate gravity considerations for health violations;

(D) the awarding of greater good faith credit for timely abatement of conditions underlying a violation and special efforts to abate;

(E) the establishment of separate penalty tables for independent contractors. The Federal Mine Safety and Health Act of 1977 redefined the term mine operator to include independent contractors. This alternative will allow them to be appropriately assessed; and

(F) a revised and more explicit "special assessment" provision. The proposal included eight categories of violations; for example, fatalities and imminent danger violations would be reviewed individually to determine if a special assessment were necessary.

Summary of Benefits

Sectors Affected: Coal, metal, and nonmetal mine operators and miners; independent contractors and workers (SIC Codes 10, 11, 12, 14, 15, 16, and 17); and MSHA.

At this stage in the rulemaking process, MSHA has not quantified the benefits. However, generally, MSHA believes that the proposed changes to the civil penalty regulations will provide increased incentives for compliance. The proposal would allow operators to more effectively focus their efforts on the prevention and correction of those hazards that most directly affect miner safety and health. The minimum penalty proposal, which should reduce administrative and other costs associated with processing the contesting citations, will allow operators to devote more of their resources to preventing more serious safety and health hazards. The concept of a fixed minimum penalty will likely reduce penalties for a large number of less serious violations and streamline the penalty process. MSHA anticipates that this would result in savings of administrative costs for operators, which could be devoted to other safety and health efforts. As a result, MSHA expects this regulation to help improve overall miner safety and health. MSHA also anticipates that these changes will reduce administrative costs related to implementation of the civil penalty system and thereby improve both the effectiveness and the efficiency of the civil penalty system. Several specific provisions in the proposal should result in a more equitable application of the statutory criteria in determining the amount of a proposed penalty. MSHA will undertake a more detailed analysis as it proceeds into this rulemaking.

Summary of Costs

Sectors Affected: Coal, metal, and nonmetal mine operators and miners; and independent contractors and workers. (SIC Codes 10, 11, 12, 14, 15, 16, and 17.)

MSHA has not quantified any additional costs associated with this proposal. Although certain alternatives under consideration, e.g., the health provision, may result in some additional costs, for example, higher penalties for more serious violations, MSHA believes that they will be partially or totally offset by other provisions in the proposal, e.g., the minimum penalty provision. At this time, MSHA does not feel that the proposal will result in significant cost increases. MSHA will prepare a more detailed analysis of each major alternative contained in the proposal but does not anticipate preparing a Regulatory Impact Analysis.

Summary of Net Benefits

MSHA has not quantified the net benefits associated with this proposal at this time. MSHA does believe, however, that the focusing of primary safety and health resources toward the more serious violations and the resulting improvement in safety and health at mines will produce a substantial net benefit to the entire mining community. In addition, under this proposal there should be improvements in the administration of the civil penalty regulations.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—45 FR 74444, November 7, 1980.
Public Comment Period—Closed February 5, 1981.
Public Hearings—Date to be determined.
Final Rule—Date to be determined.
Regulatory Impact Analysis—We do not anticipate preparing one.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

None.

Agency Contact

Patricia W. Silvey, Acting Director
Office of Standards, Regulations and Variances
Mine Safety and Health Administration
U.S. Department of Labor
4015 Wilson Boulevard, Room 631
Arlington, VA 22203
(703) 235-1910

DOL-MSHA

Review of Metal and Nonmetal Standards (30 CFR Parts 55, 56, and 57; Revision) (Previously, Review of Safety and Health Standards Applicable to Metal and Nonmetal Mining and Milling Operations)

Legal Authority

Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, *et seq.*; E.O. 12291; Regulatory Flexibility Act, P.L. 96–354; and the Paperwork Reduction Act, P.L. 96–511.

Reason for Including This Entry

The Mine Safety and Health Administration (MSHA) is including this entry because it is a review of all safety and health standards applicable to metal and nonmetal mining and concerns issues of great public interest.

Statement of Problem

In April 1980 MSHA published an ANPRM that announced a review of all its metal and nonmetal standards. Most of these standards had been in place since 1969, and MSHA believed that an overall review was necessary to determine if they were still relevant and effective. Specifically, the review was undertaken to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

This review is intended to achieve the Administration's goal of regulatory relief. It is consistent with the goals of E.O. 12291, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other departmental initiatives related to improving government regulations.

Alternatives Under Consideration

MSHA is considering alternatives that would: (A) reorganize the standards to facilitate their use by the metal and nonmetal mining community; (B) simplify and clarify them so that they can be easily understood; and (C) delete those that are outdated, duplicative, or overlap other MSHA standards. The standards are currently organized in the Code of Federal Regulations (CFR) in terms of general hazards covered, such as electrical, explosives, etc. However, commenters on the ANPRM stated that the existing sections are not comprehensive, in that standards covering electrical hazards, for example, appear in several sections of the CFR. The commenters felt that combining all associated standards in one section would enable operators to understand their responsibilities more easily.

MSHA is also considering an alternative that would delete standards that are no longer applicable because of changes in technology. In addition, the current regulations incorporate by reference other non-Federal requirements, such as the National Fire Protection Code, Threshold Limit Values of the American Conference of Government Industrial Hygienists, and various American National Standards Institute (ANSI) requirements, some of which may be outdated. In its review, MSHA will pay particular attention to these incorporations by reference. In response to commenters, the Agency is also considering style and format changes, including indexing, as well as other organizational modifications designed to make the standards easier to understand and use. More explicit alternatives will be developed as we proceed in the rulemaking.

Summary of Benefits

Sectors Affected: Metal and nonmetal mining industries (except fuel) and miners in these industries (SIC Codes 10 and 14).

Because of the unique nature and early stage of the project, it is not possible to quantify or qualify benefits. However, MSHA will begin to undertake a more detailed analysis to assess benefits as further development of those specific sections selected for review takes place. We anticipate that this review will benefit the metal and nonmetal community by making it easier for operators to comply with MSHA's regulations, and allowing them to concentrate their efforts on those standards that address significant hazard areas.

Summary of Costs

Sectors Affected: None.

Again, because we are in such an early rulemaking stage, we cannot reasonably quantify costs. We will develop cost analyses as sections are reviewed.

We will consider the effect of these regulations on small businesses and make a special effort to minimize recordkeeping and compliance burdens on these businesses. It is important to note that the majority of businesses affected are small businesses. At this point, MSHA does not anticipate that this review will result in any net cost increase.

Summary of Net Benefits

MSHA is hopeful that the review will actually result in a reduction in recordkeeping costs and a deletion of duplicative requirements. In addition, a deletion of duplicative and outdated standards may result in a reduction of operator costs associated with compliance. Our reassessment of standards will result in rulemaking that will improve safety and health standards for the metal and nonmetal community. In addition, clarification of ambiguous standards could facilitate enforcement efforts.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

ANPRM—45 FR 190267, March 25, 1980.
ANPRM—January 1982.
Public Comment Period—60 days following publication of ANPRM.
Extension of Comment Period Notice—45 FR 38037, June 6, 1980.
Public Comment Period—June 6 to August 5, 1980.
Notice of MSHA Decision of Priorities—46 FR 57253, November 20, 1981.
Regulatory Impact Analysis—Preliminary, June 1982; final, to be determined.
Notice Regarding Open Conferences—January 1982.
Open Conferences on Selected Sections—Throughout 1982.
Public Comment Period—60 days following publication of NPRM.
Regulatory Flexibility Analysis—To be determined.
Public Hearings—To be determined.
Final Rule—To be determined.

Available Documents

All existing standards in 30 CFR Parts 55, 56, and 57, as of July 1, 1980.

Copies of public comments received in response to ANPRM are available from Agency Contact on request. Copies are available by mail at a cost of 10 cents per page for copying.

Agency Contact

Patricia W. Silvey, Acting Director
Office of Standards, Regulations and Variances
Mine Safety and Health Administration
4015 Wilson Boulevard, Room 631
Arlington, VA 22203
(703) 235–1910

DOL—Occupational Safety and Health Administration

Access to Employee Exposure and Medical Records (29 CFR 1910.20; Revision)

Legal Authority

Occupational Safety and Health Act of 1970, §§ 6(b), 8(c), and 8(g), 84 Stat. 1593, 1599, and 1600; 29 U.S.C. 655 and 657; E.O. 12291; and 29 CFR Part 1911.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) is planning to review and possibly repropose the records access regulation. The review will include preparation of an economic analysis as described in §§ 2(b) and 2(d) of Executive Order 12291.

Statement of Problem

A regulation aimed at ensuring access to records of workers exposed to toxic substances was promulgated by OSHA on May 23, 1980 (45 FR 35212), and went into effect on August 21, 1980. The regulation requires employers in general industry, construction, and maritime industries to: (1) preserve and maintain for a minimum of 30 years certain exposure and medical records pertinent to an employee's occupational exposure to toxic substances and harmful physical agents; (2) ensure access to these exposure records by employees, designated employee representatives, and OSHA; (3) ensure access to medical records by the employee who is the subject of the records, the employee's designated representative, and OSHA; and (4) inform employees annually of their rights under the regulation and of the procedures for exercising those rights. The National Institute for Occupational Safety and Health (NIOSH) estimates that 25 million workers are exposed to toxic substances and harmful physical agents. "Designated representative" is defined in the regulation (paragraph (c)(3) as any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records, a recognized or certified collective bargaining agent is treated automatically as a designated representative without regard to written employee authorization.

The regulation, which is the subject of court challenges by both industry and labor groups, raises complex policy and legal issues, such as: (1) whether or not OSHA exceeded its statutory authority in promulgating the regulation; (2) the breadth of the scope of the regulation; (3) possible trade secret disclosure; and (4) personal privacy considerations. These issues have also been raised by trade associations and other interested parties in formal petitions for modification of the regulation and other comments. OSHA has decided to review these issues in light of the information received and, if necessary, propose to modify the regulation.

Alternatives Under Consideration

Scope and Application. The current regulation applies to workers "exposed" to a toxic substance. The regulation defines "exposure" (paragraph (c)(8)) to include almost any contact with a toxic substance, excluding only exposure that is no different from typical non-occupational exposure. Consequently, employers are required by the regulation (paragraph (e)) to maintain and provide access to existing records of employees minimally exposed to toxic substances, although these workers are at no apparent health risk from such exposures.

An issue we will consider is whether to limit the scope of the regulation to include only those groups of employees most likely to be at risk from occupational exposures to toxic substances (i.e., production, maintenance, and construction workers). A second alternative is to somehow redefine "exposure" to exclude those workers with minimal toxic substance exposure.

Another issue of scope and application is whether OSHA should prepare separate rules for particular industries (e.g., contract construction).

Toxic Substance. The regulation requires the retention and disclosure of exposure records regarding any "toxic substance or harmful physical agent." The standard defined "toxic substance" (paragraph (c)(11)) broadly, most notably by including any substance listed in the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), a compendium of over 39,000 chemicals. Many affected parties, including the Louisiana Chemical Association, the Flavor and Extract Manufacturers Association, and the American Feed Manufacturers Association, have criticized RTECS (and hence the regulation) as overinclusive. OSHA is interested in devising an alternative means of defining the toxic substance information that employers must retain and disclose in a way that is neither overinclusive nor underinclusive.

Exposure Record. In the absence of more formal exposure records (air contaminant measurements, biological monitoring data, material safety data sheets), the current regulation defines any other record that reveals the identity of a toxic substance (e.g., records of substances an employer had purchased) as an "exposure record" (paragraph (c)(5)). The requirement to keep and make available this information, when coupled with the current broad definitions for 'toxic substance" and "exposure," is a source of employer concern regarding trade secret disclosure and the economic burdens of complying with the regulation. As a result of these concerns, and the provision's close interaction with the hazard communication standard OSHA is developing (see "Related Regulations and Actions" and separate entry in this Calendar), we will reconsider this aspect of the exposure record definition. We will also review the appropriateness of defining biological monitoring records, which measure the absorption of chemicals by the body, as exposure records in light of personal privacy considerations.

Retention Periods. The regulation requires employers to keep existing exposure and analysis records for 30 years and to keep medical records for the duration of employment plus 30 years (paragraph (d)). These periods reflect the latency periods associated with some occupational diseases, most notably cancer. Affected parties, such as construction employers, have expressed concern that the occupational health need of retaining records for the full 30-year period does not justify the expense, particularly with respect to short-term employees.

OSHA will reconsider the requirement for the current retention periods and will consider alternatives that would lessen the recordkeeping burden without undermining the purpose of the standard (e.g., allowing employers to turn over records to short-term employees upon termination of employment with no further retention obligation for the employer).

X-ray Microfilming. The current regulation prohibits the microfilm storage of employee x-rays. This prohibition is based on evidence that a certain amount of diagnostic detail is lost when x-rays are reduced to microfilm. The microfilm industry maintains that the microfilm reduction of x-rays is possible in the majority of cases without loss of diagnostic detail.

An alternative we will consider is whether to allow employers to use microfilm storage of x-rays, as long as the microfilming is performed under certain conditions, such as under the direct supervision of a certified radiologist.

Trade Secrets. The regulation requires the disclosure of toxic substance identities, notwithstanding employer trade secret claims, subject only to the use of confidentiality agreements (paragraph (f)). Confidentiality agreements are written agreements "not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret by a competitor or potential competitor of the employer" (paragraph (f)(3)). OSHA has already proposed an interim modification of the regulation (46 FR 40492, August 7, 1981) to strengthen the protection afforded by confidentiality agreements with respect to access to trade secret information by employee-designated representatives. OSHA will consider ways of providing additional trade secret protections while providing for the necessary records access.

Summary of Benefits

Sectors Affected: Employees in general industry, construction, and maritime industries who are exposed to toxic substances or harmful physical agents.

The primary intent of the review is to make the existing regulation more effective, understandable, and enforceable. Moreover, any modification of the regulation will seek to preserve the occupational health benefits of the regulation.

A thorough qualitative analysis of the benefits of the records access regulation is contained in the preamble to the final standard (45 FR 35219, May 23, 1980). OSHA concluded that employee, employee representative, and OSHA access to employee exposure and medical records is important to the detection, treatment, and prevention of occupational disease.

The most immediate benefit of the regulation is to enable workers and their representatives to play a meaningful role in detecting, treating, and preventing occupational diseases. To accomplish this purpose, workers and their representatives require the opportunity to learn: (1) what workers are or were exposed to on the job, (2) what are or were the levels of exposure, and (3) what are or were the health consequences of those exposures. Through awareness of their health histories and their exposures to toxic substances, workers will be able to obtain more accurate diagnoses of illnesses, obtain more effective treatment, and take steps to prevent occupation-related illnesses from occurring.

Occupational disease is extremely costly to our society, both in terms of human impact (e.g., premature death, pain, and suffering) and in terms of purely economic consequences (e.g., extended health care costs, insurance premiums, increased workers' compensation expenses, welfare payments, lost productivity, and absenteeism). The 1979 Surgeon General's report on health promotion and disease prevention indicated that nine out of every ten workers are not adequately protected from exposure to chemicals. Further, the report stated that 100,000 Americans a year die from occupational illnesses and that almost 400,000 new cases of occupational diseases are discovered. However, as we did not undertake a Regulatory Impact Analysis when the regulation was promulgated, no precise quantification of benefits is currently available. Furthermore, the nature of the regulation makes it difficult to quantify accurately most of the expected benefits.

Summary of Costs

Sectors Affected: Each general industry, construction, and maritime employer who makes, maintains, contracts for, or has access to employee exposure or medical records or to analyses pertaining to employees exposed to toxic substances or harmful physical agents.

OSHA's review and modification of the existing record access regulation aims to reduce the compliance costs of the regulation to employers where possible without reducing net benefits (see "Alternatives Under Consideration"). We are not currently considering any alternatives that would increase compliance costs.

The economic costs of the existing records access regulation are largely determined by three factors: (1) the number of records that are actually created by employers and covered by the standard, (2) the extent to which the preservation periods and access provisions go beyond what employers would do were the standard not in effect, and (3) the increased frequency with which employees and their representatives seek access to records. In the preamble to the final regulation (45 FR 35254, May 23, 1980), OSHA concluded that these costs would not exceed $100 million annually. OSHA will examine this finding in light of actual experience with the regulation.

For example, some estimates of compliance costs (under the current standard) in the construction industry have been submitted to OSHA. The International Brotherhood of Painters and Allied Trades estimated that records storage and access cost between $16.00 and $22.50 per worker per year. The Industrial Health and Hygiene Group, a private firm that develops and markets protocols for compliance with the standard, estimates the costs at between $6.00 and $19.00 per employee per year. However, a study commissioned by the National Constructors' Association (NCA) concluded that the costs of the regulation would be approximately $100.00 per employee per year. OSHA economists have not completed evaluation of these estimates, but the compliance costs of a modified regulation are expected to be lower than the above estimates.

Summary of Net Benefits

OSHA intends that any modification resulting from the review of the records access regulation will reduce employer compliance costs where possible without reducing the net benefits. Since several such areas have been identified (see "Alternatives Under Consideration"), we expect the overall benefits of the review and modification to be positive for the economy as a whole.

Related Regulations and Actions

Internal: OSHA is developing a hazard communication standard. This standard will provide for the communication to workers of chemical hazard information through the use of such mechanisms as container labeling, material safety data sheets, and employee training (see separate entry in this Calendar). OSHA intends that any modifications of the records access standard will take into account the hazard communication rulemaking.

External: None.

Government Collaboration

None.

Timetable

Interim Final Rule—43 FR 31019, July 19, 1978.
NPRM—43 FR 31371, July 21, 1978.
Final Rule—45 FR 35254, May 23, 1980.
Public Comment Period on NPRM—43 FR 31371, closed September 22, 1978.
Public Hearings on NPRM—43 FR 46322, December 5–8, 1978, Washington, DC; December 12–13, 1978, Chicago, IL; December 15, 1978, San Francisco, CA; January 3–5, 1979, Washington, DC; January 9–10, 1979, Chicago, IL.
Public Comment Period on Hearing Testimony—44 FR 11096, closed March 30, 1979.
Effective Date For Final Rule—45 FR 35212, August 21, 1980.

Notice of Interim Modification and Reconsideration—46 FR 40492, August 7, 1981.
Reproposal—Approximately February 10, 1982.
Regulatory Impact and Regulatory Flexibility Analysis—Approximately February 10, 1982.

Available Documents

29 CFR 1910.20, Access to Employee Exposure and Medical Records (45 FR 35212).

46 FR 23740, Access to Employee Exposure and Medical Records; Construction Industry; Administrative Stay.

46 FR 40490, Access to Employee Exposure and Medical Records; Partial Stay; Interpretations.

46 FR 40492, Access to Employee Exposure and Medical Records; Proposed Interim Modification.

46 FR 45758, Access to Employee Exposure and Medical Records; Construction Industry; Lifting of Administrative Stay.

Docket No. H–112, which includes:
- public comments on the July 21 proposal;
- background materials collected by OSHA;
- notice of intent to appear at the public hearings;
- pre-hearing submissions of testimony and evidence;
- verbatim transcripts of the public hearings;
- hearing exhibits; and
- post-hearing comments.

Docket No. H–112B, which contains comments on extending 29 CFR 1910.20 to agricultural employments.

Docket No. H–112C, which contains public comments on OSHA's partial stay of 29 CFR 1910.20 for the construction industry.

Docket No. H–112D, which contains public comments on OSHA's proposed interim modification of 29 CFR 1910.20(f) concerning trade secret protections.

Documents are available from the OSHA Docket Officer, Occupational Safety and Health Administration, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–7894.

Agency Contact

John Martonik, Deputy Director
Directorate of Health Standards Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7075

DOL–OSHA

Hazard Communication (29 CFR Part 1910; New) (Previously, Hazards Identification)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655 and 657.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) believes this standard is extremely important because it would allow employees to identify the chemical substances and know the workplace hazards to which they are exposed, thereby enabling them to take actions to better protect themselves from these hazards. We expect this standard to meet the criteria of a major regulation under E.O. 12291.

Statement of Problem

Approximately 25 million American workers are currently exposed to toxic chemicals where they work. A 1972 National Institute for Occupational Safety and Health (NIOSH) survey found 85,000 trade name products that are commonly used in the workplace. In 90 percent of the cases, neither employer nor employee knew the identity of the chemicals or the hazards of these products. The rapid proliferation of new chemicals increases the number of substances found in the workplace and consequently increases the number of substances with which employees may be unfamiliar. Without provisions for chemical identification, workers do not know what chemicals they are using and are unaware of the potential hazards. Thus, employees are less able to protect themselves properly and are unaware that they should ask their employers for adequate protection. Furthermore, if hazards in the workplace are not appropriately identified, it is difficult to determine which chemicals are responsible when occupational diseases occur.

OSHA is in the process of reproposing a hazard communication standard that we first proposed on January 16, 1981 (46 FR 4412) and withdrew to allow careful review of its provisions in accordance with E.O. 12291. The January proposal included the following key features: (1) coverage of all manufacturing industries and importers and repackagers of chemical products and virtually all containers including pipes and support systems (such as pumps and valves); (2) highly specific evaluation procedures required for hazard evaluation for all manufacturers; (3) detailed labeling of chemical products with no significant adjustments for trade secrets; (4) material safety data sheets for hazardous chemicals to be filed in a central location, if available, or otherwise an information sheet with contents identical to the label; (5) certification that a particular chemical product does not pose a hazard where applicable; (6) extensive recordkeeping on hazard search and evaluation procedures to be kept for 3 years; and (7) a phase-in compliance period of approximately 2 years.

Alternatives Under Consideration

Several alternatives have been considered by OSHA. A brief description of these follows:

(A) *No action*—Propose no Federal action or chemical hazard communication at this time, leaving the problem of hazard communication in the workplace to the marketplace and to State and local action. However, the marketplace inherently undervalues hazard information, and private litigation, which is costly and inefficient, is an inadequate means of correcting for market failure. Similarly, liability or insurance systems have not proven to be effective instruments to apply to the problem and may in fact aggravate the informational problem. The absence of correct information concerning the hazard posed by the chemical substance or mixture will reduce the likelihood of litigation. The potential effectiveness of legal remedies is limited by the fact that workers often cannot afford to forego Workers' Compensation payments while awaiting settlement. In addition, they may not be able to afford the costly legal fees associated with protracted litigation. The threat of litigation may actually suppress information, especially if employers are vulnerable to third-party product liability suits. State and local legislation has been piecemeal and uncoordinated; the inconsistencies and consequent inefficiencies that have been and will be created by these disaggregated efforts are large.

The alternative regulatory approaches OSHA is currently considering include:

(B) *Scope of industry coverage*—The scope of coverage may be limited to only the chemical industry (SIC Code 28). The production employment in chemical manufacturing (SIC Code 28) represents approximately 5 percent of total production employment in manufacturing. However, a substantial number of workers employed in other manufacturing industries, the construction industry, and the services industry are also exposed to significant concentrations of hazardous chemicals. We might limit the scope of the coverage to the manufacturing industries (SIC

Codes 20–39), expand the scope to include construction (SIC Code 15–17), or expand the scope to all industry. If a standard were applied selectively to different manufacturing industries it would create potentially significant inefficiencies. There would be an incentive to shift chemical production and use to exempted industries. Uniform coverage of all manufacturing industries would prevent these potential economic distortions. Because the nature of non-manufacturing production processes differ from manufacturing production processes, a different hazard communication program may be necessary. This is currently being evaluated by OSHA.

(C) *Scope of hazard coverage*—One alternative would be to limit the coverage of the proposed standard to a list of hazardous substances or to a list of hazards. The advantage of this approach is that OSHA could use it to target information on the more serious hazards and thus reduce the possibility of requiring employers to provide "too much information." The disadvantages of this approach include the difficulty of developing a list of hazardous substances that meets the needs of a hazard communication standard. The same can be said of a specific list of hazards—the proposed definitions invariably neglect some known hazardous material. Furthermore, data indicate that a relatively small number of hazardous substances appear in a large proportion of the chemical products. Thus, limiting the standard to a specific list of hazardous substances would not be likely to yield a significant reduction in the costs of regulations.

An alternative approach under consideration is the use of a performance-oriented hazard determination procedure. The standard would be self-limiting: coverage would be limited to those chemicals that the chemical manufacturer has determined to be hazardous in accordance with the performance criteria. This may reduce the number of chemical products that would be accompanied by hazard information. However, the hazard determination by chemical manufacturers would indicate those products that pose a significant hazard. Information overload could thereby be avoided.

(D) *Hazard communication provisions*—A hazard communication program may include several basic components: container labels, material safety data sheets (a document presenting information about the hazardous properties of a chemical and precautions for use), and education and training. The elements of each of these components may be varied in scope and stringency. For example, such a rule might require employers to include chemical names, common names, and Chemical Abstract Service numbers of all chemical ingredients as well as hazard warnings on the label; alternatively, we could require only a simple hazard warning and chemical identifier. The hazard warning format may be made specific as to exact wording or may be left to the judgment of the respective employer.

(E) *Compliance periods*—We are considering the use of alternative effective dates, e.g., staggering the compliance dates by industry, by entity size, and by chemical composition, so that industries can take advantage of the flow of information. A rule may give industrial users of chemical products additional compliance time. Small entities may similarly be given an extension. We are also considering different compliance periods for pure chemical substances and for chemical mixtures.

Summary of Benefits

Sectors Affected: Workers and employers in all industries which produce, use, or otherwise come in contact with hazardous chemicals.

A hazard communication standard would directly affect workers and employers in manufacturing establishments (SIC Codes 20 through 39) that produce or use hazardous chemicals. Establishments and employees in other industries not required to comply with the standard (for example, in retail trade or services) would also benefit from this regulation because they may receive products for which the chemical hazards will have been identified.

Most important, the proposed standard would increase employee awareness and education of the potential health and safety risks associated with industrial chemicals. This should result in increased worker use of personal protective devices, improved work practices, and other precautionary measures when they are handling hazardous substances. Improved hazard communication should also result in early job transfers out of more hazardous jobs and treatment of chronic disease, thus lowering future health care costs. Quantitative estimates are provided in Table 1.

Similarly, the proposed standard would provide employers with improved information on the health and safety hazards of various chemical products as part of their investment and production process decisions. This improved information should result in more safety-enhancing investments—in new control technology, process redesign, and product substitution. Improved information among supervisory personnel of the necessary precautions should result in proper day-to-day handling of hazardous substances. In turn, this hazard recognition would produce market responses to the information provided to employers and employees. These responses would translate into lower incidences of chemically related injury and illness on the job.

In addition to the health effects implications, there would be other expected efficiency improvements as well. Improved information should lead to better matches between the risk preferences of workers and true job risks (and to some extent relative risks across firms), thus improving the allocation of labor. Employers would also benefit from lower production costs as a result of gains in productivity, reduced worker absenteeism and turnover, and, over the long run, lower worker compensation costs (e.g., compensation for illness).

Finally, society should benefit from a reduction in occupational injury and illness costs that firms currently do not incur. These include transfer payments to disabled individuals and their families, such as social security disability benefits and public assistance, health care costs not paid by the individual or company, such as Medicare and Medicaid; and higher administrative costs of related government programs.

The benefits of an effective hazards communication standard are being measured as the discounted present value of (1) reductions in lost earnings and medical expenses for various categories of chemical source illnesses and injuries, (2) lowered turnover costs, and (3) property losses from chemical fires. The injury and illness categories include non-lost workday and first-aid cases; lost workday cases, permanent disease disabilities; and cancers related to industrial chemical soures.

Table 1 presents a summary of the monetizable benefits for which sufficient data were available. Table 1 shows the present discounted value of the total benefits over the 40-year period to be $5,230.1 million for one alternative hazard communication program, using a 10-percent discount rate. The benefits of an information standard stem from the effect of information on workers' and employers' perceptions and actions. The benefits presented in Table 1 represent

a preliminary evaluation of the potential impact of improved information on the social costs of chemical exposures in the manufacturing sector. While these various estimates are not exact, they do provide a reasonable evaluation of the likely beneficial impact of one alternative currently being considered by OSHA. Moveover, they do not incorporate intangible costs important to the individual and associated with premature death, pain, suffering, and family bereavement. Nor do the estimates include firm-based cost savings such as reduced worker compensation premiums and health care costs and productivity gains. Indeed, there is not even a complete accounting of the medical and wage-loss cost.

TABLE 1.—*Summary of some of the monetizable benefits—discounted and undiscounted (1980)*

Type of benefit	Undiscounted benefits			Present discounted value [1]	
	1st year (millions)	20th year (millions)	40th year (millions)	20-year stream (millions)	40-year stream (millions)
Non-lost workday cases:					
Lost production	$0.03	$1.26	$3.60	$2.82	$5.46
First-aid costs	.02	1.00	2.80	2.20	4.20
Lost workday cases:					
Lost production	.61	30.69	81.42	68.01	124.62
Medical costs	.11	5.42	14.39	11.88	21.91
Disabling illness:					
Lost production	13.40	667.80	1,798.30	1,357.80	2,739.00
Cancer illness:					
Lost production	—	487.70	1,293.90	751.70	1,073.60
Medical costs	—	186.20	493.90	286.90	638.80
Turnover costs	.04	2.32	6.16	5.00	9.59
Chemical fire costs	1.00	1.80	3.30	10.60	19.70
Total	$15.21	$1,384.29	$3,697.77	$2,494.99	$5,230.10

[1] A discount rate of 10 percent is used.

Source: U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis.

Summary of Costs

Sectors Affected: Establishments in the manufacturing sector (SIC Codes 20 through 39).

Cost estimates have been developed for several alternative hazard communication standards. The cost evaluations for these alternative standards have been divided into three major categories: initial costs, annual costs, and present value costs. The initial cost includes the expected startup costs for each of the alternatives. The annual cost is the expected cost of maintaining compliance with the respective standard for the first year after phase-in using differing assumptions regarding manufacturing growth. The present value cost is the expected cost of compliance with the standard over a 40-year period under different assumptions about manufacturing and shipment growth.

The cost estimates vary widely depending on the provisions included. The expected initial costs vary from $581.57 million to $7,627.932 million. Using a 0-percent rate of growth for the number of manufacturing establishments, the expected annual cost ranges from $227.92 million to $3,050.70 million. Using a 4.2-percent rate, the expected annual cost ranges from $228.41 million to $3,070.81 million.

Estimates of the present value of the costs of the alternative hazard communication standards for a 40-year period were calculated for discount rates of 5 and 10 percent. Incorporation of the various growth rates for the components of each alternative standard required that the present values be estimated separately for each component. Compliance costs for the hazard evaluation of new chemicals were projected to grow at a 3-percent rate, which is the average annual growth rate of new chemicals. The growth rate of the number of shipments of chemical containers (and hence labels) was estimated to be between 3 and 6 percent. The present value of the costs of the substance-employee identification lists and the recordkeeping provisions were calculated assuming 3-percent annual rates of growth. The annual growth rate for the cost of education and training programs was assumed to equal the rate of growth of manufacturing employment or 0.7 percent.

Using the low growth rates and a 5-percent discount rate, the present value of the total cost for the alternative standards ranges from $5,059.42 million to $56,630.03 million. By contrast, using all the high rates of growth and a discount rate of 10 percent, the present value of the costs for the alternatives ranges from $3,217.81 to $33,712.15 million.

These estimates show the range of possible costs; however, OSHA's new proposal is likely to fall at or near the bottom end of that range. In contrast, the January proposal, which required extensive labeling (pipes and piping systems included), extensive hazard evaluation, and recordkeeping, was expected to be highly costly. The initial cost of the January proposal was estimated at $2,596.65 million with annual costs of about $1,254 million. The present value cost over a 40-year period, using a 10-percent discount rate, was $22,864.08 million.

Summary of Net Benefits

OSHA will evaluate alternative hazard communication standards to determine the least costly alternative consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: None.

External: The Toxic Substances Control Act of 1976 authorizes the Environmental Protection Agency (EPA) to develop a hazards warning regulation. EPA, under the Federal Insecticide, Fungicide, and Rodenticide Act, also has regulations requiring the labeling of pesticides. The Department of Transportation (DOT), Food and Drug Administration (FDA), and the Consumer Product Safety Commission (CPSC) all have labeling regulations. The Department of Transportation's regulations pertain to the bulk shipment of hazardous goods. FDA and CPSC regulations pertain to products for consumer consumption. However, none of these labeling regulations adequately address the problem of identifying and communicating hazards of chemical substances in the workplace environment. A number of State and local governments have promulgated or are considering hazard communication standards.

Government Collaboration

OSHA has actively participated in the Interagency Regulatory Liaison Group (IRLG) and its Labeling Task Force to assure that the provisions of this rule do not conflict with the existing regulations of other agencies.

Timetable

NPRM—January 1982.
Public Comment Period—Following NPRM, length to be determined.
Public Hearings—Dates to be determined.
Final Rule—Date to be determined.
Preliminary and Final Regulatory Impact Analysis, Regulatory Flexibility Analysis, and Environmental Impact Analysis—Date to be determined.
Final Rule Effective—Date to be determined.

Available Documents

ANPRM—42 FR 5372, January 28, 1977.

NPRM—46 FR 4412, January 16, 1981.

Draft "Regulatory Analysis and Environmental Impact Statement for the Hazards Identification Standard," January 1981.

Notice withdrawing NPRM, 46 FR 12020, February 12, 1981.

"A Recommended Standard—An Identification System for Occupationally Hazardous Materials" (HEW–NIOSH, Publication Number 75–126).

Public docket of the record of rulemaking on hazard communication (OSHA Docket H–022).

These documents are available for review and copying at the OSHA Technical Data Center, Room S–6212, 200 Constitution Avenue, N.W., Washington, DC 20210.

Agency Contact

John Martonik, Deputy Director
Health Standards Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7075

DOL–OSHA

Hearing Conservation Amendment (29 CFR 1910.95(c)–(s); Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

This entry is included because the Hearing Conservation Amendment has an annual effect on the economy of $100 million or more. Also, the Presidential Task Force on Regulatory Relief has designated this action for review.

Statement of Problem

Occupational noise exposure can cause irreversible hearing loss, which can lead to serious social and psychological handicaps. Approximately 5.5 million workers are exposed to average levels above 85 decibels (dB) in 300,000 workplaces. OSHA estimated that approximately 900,000 people will develop material impairment of hearing when exposed over a working lifetime. The current occupational noise exposure regulation (29 CFR 1910.95(a) and (b)) limits an employee's noise exposure to an 8-hour time-weighted average sound level (TWA) of 90 dB. Employers must reduce employee exposures to within permissible limits by feasible engineering controls or administrative controls. Where such controls cannot reduce employee exposure to within permissible limits, employers must supplement the controls with personal protective equipment. (The current occupational noise exposure regulation that sets these requirements is also under review. See separate entry in this Calendar.)

Until this year (1981), the Occupational Safety and Health Administration (OSHA) also required employers to establish "a continuing, effective hearing conservation program" for all employees exposed to a TWA of 90 dB or above. On January 16, 1981, OSHA amended the standard for occupational exposure to noise (29 CFR 1910.95), setting forth specific requirements for hearing conservation programs, including requirements for noise monitoring, audiometric testing, hearing protectors, training, warning signs, and recordkeeping. This rule extended these programs to cover all workers exposed to noise at or above a TWA of 85 dB (see 46 FR 4078, January 16, 1981).

After we published requirements for hearing conservation programs in January, OSHA received over 250 comments, requests for interpretation, petitions for administrative stay, and requests for reconsideration pursuant to Executive Order 12291. In order to evaluate the merits of these petitions and comments, OSHA stayed the effective date of the amendment several times (see 46 FR 21365, April 10, 1981; 46 FR 28845, May 29, 1981; and 46 FR 39137, July 31, 1981). Petitions for judicial review of the January 1981 hearing conservation amendment have been filed by the Chocolate Manufacturers Association, U.S. Chamber of Commerce, American Iron and Steel Institute, Fleck Industries, Inc., and the AFL–CIO.

On August 21, 1981, OSHA published in the **Federal Register** a notice that (1) lifted the administrative stay of the effective date of the amendment (46 FR 42622); (2) made certain technical corrections, such as corrections of typographical errors and omissions; (3) invited public comment on the continuation of the administrative stay on certain provisions; and (4) invited new information and comments on the merits of many of the stayed provisions (see 46 FR 42622–46239 for specific information). After reviewing these public comments, OSHA will complete its reconsideration of the hearing conservation amendment and publish its final determinations in the **Federal Register.**

Alternatives Under Consideration

Four alternative actions were available to the Agency:

(A) propose to revoke the January 1981 hearing conservation amendment;

(B) propose to revoke both the January 1981 hearing conservation amendment and the old requirement for hearing conservation programs (29 CFR 1910.95(b)(3));

(C) put into effect all hearing conservation provisions published in January 1981; or

(D) put some hearing conservation provisions into effect on August 22, 1981, but continue the administrative stay of the remaining requirements in order to consider them further.

Under Alternative (A), proposing to revoke the hearing conservation amendment, the Agency could have maintained the current ("old") requirement (29 CFR 1910.95(b)(3)), which requires employers to institute a "continuing, effective hearing conservation program" for all employees exposed above 90 dB.

The Agency rejected this alternative of no new regulatory action. OSHA has determined that 10 to 15 percent of the population is at risk of hearing loss at exposures of 85 dB. Moreover, the old requirements of "continuing, effective hearing conservation programs" do not provide sufficient guidance to enable employers to establish such programs.

The Agency also rejected Alternative (B), i.e., proposing to revoke both the hearing conservation amendment and the current requirement for hearing conservation programs. For the reasons outlined in our Regulatory Impact Analysis, this alternative would not sufficiently protect the approximately 900,000 workers who can be expected to

incur material impairment of hearing in the absence of hearing conservation programs.

We also rejected Alternative (C), i.e., allowing all of the hearing conservation provisions published in January 1981 to become effective. After publication, the Agency received many comments concerning the costs and usefulness of a number of the requirements published in January 1981. Commenters objected to such requirements as periodic remonitoring of employee noise exposure, notifying employees of their exposure levels, performing baseline audiograms within 4 months of exposure to high noise levels, and certain of the recordkeeping requirements. Because many of the concerns expressed in these comments appeared to have some validity, the Agency decided to continue to stay some of the requirements published in January in order to evaluate these concerns.

OSHA chose Alternative (D), allowing many of the less controversial requirements published in January to go into effect while continuing the administrative stay of some of the more controversial requirements. This alternative enables the Agency to put into effect those aspects of the hearing conservation amendment that the Agency had already found to be necessary and feasible while allowing a continuing reconsideration of the remaining requirements.

Summary of Benefits

Sectors Affected: Noise-exposed workers in industries covered by OSHA's general industry and maritime standards.

OSHA anticipates that most noise exposures at or above 85 dB occur in manufacturing (SIC Codes 20–39) and utilities (SIC Code 49).

In the Regulatory Analysis prepared for the amendment, published in January 1981, OSHA estimated that hearing conservation programs for all employees exposed at or above 85 dB would prevent 212,000 cases of material impairment of hearing after 10 years, 696,000 cases after 30 years, and 898,000 after these programs become fully effective (in 70 years). The provisions we published in January were designed to form a system of checks and balances to ensure that employers would identify employees who were susceptible to noise and that they would intervene at an early stage, with counseling, training, retesting, and professional evaluation to prevent material impairment. OSHA pointed out in the Regulatory Impact Analysis (required by Executive Order 12291), published in August 1981, that the interrelated nature of these provisions makes it difficult to predict what effect, if any, the relaxation of any one requirement or group of requirements might have on the predicted benefits. OSHA has requested public comment on the implications of the August publication for the benefits and effectiveness of hearing conservation programs.

Summary of Costs

Sectors Affected: Industries covered by OSHA's general industry and maritime standards, especially manufacturing and utilities.

OSHA anticipates that most noise exposures at or above 85 dB occur in manufacturing (SIC Codes 20–39) and utilities (SIC Code 49).

In the August 1981 Regulatory Impact Analysis, OSHA estimated the new costs of the provisions that were to become effective after August 22, 1981. The annualized costs for each major provision, in 1980 dollars, are:

Monitoring	$22,100,000
Audiometric testing	76,000,000
Hearing protectors	45,500,000
Training	20,000,000
Recordkeeping	6,000,000
Total	170,600,000

Summary of Net Benefits

OSHA estimated that hearing conservation programs, after becoming fully effective, might prevent as many as 898,000 cases of material impairment of hearing. We estimated that these programs would cost about $170.6 million annually.

Throughout the Hearing Conservation rulemaking, OSHA has endeavored to develop a cost-effective standard consistent with the objectives of the Occupational Safety and Health (OSH) Act. As noted above, we requested public comment on the implications of the August publication for the benefits and effectiveness of hearing conservation programs.

Related Regulations and Actions

Internal: OSHA also regulates occupational noise exposure in the construction industry (29 CFR 1926.52). This regulation is virtually identical to paragraphs (a), (b)(1), and (b)(2) of OSHA's regulation for general industry (29 CFR 1910.95) and still contains paragraph (b)(3), which calls for a "continuing, effective hearing conservation program" for employees whose average exposures exceed 90 dB. The construction noise standards is not affected by the new hearing conservation requirements that amend the noise standards for general industry (29 CFR 1910.95).

The Mine Safety and Health Administration (MSHA) has three noise exposure regulations:

(1) Underground Coal Mines (30 CFR 70.500 to 70.510). These regulations cover permissible exposure limits, noise measurement, and survey requirements and reporting procedures.

(2) Surface Work Areas of Underground Coal Mines and Surface Coal Mines (30 CFR 71.300 to 71.305). These regulations are essentially the same as those for underground coal mines.

(3) Metal and Nonmetal Mines (30 CFR 55.5). These regulations are essentially the same as paragraph (a), (b)(1), and (b)(2) of OSHA's noise standard, 29 CFR 1910.95.

External: Pursuant to the OSH Act, all States having their own occupational health programs must promulgate requirements at least as protective as those of the Federal OSHA. A few States already have some hearing conservation requirements.

The Department of Defense (DOD) has had hearing conservation requirements for many years. Under the most recent DOD Instruction (No. 6055.3, June 8, 1978) the three services (Army, Navy, and Air Force) develop and issue individual requirements.

The Federal Advisory Council on Occupational Safety and Health has established a Subcommittee on Noise for the purpose of developing noise abatement and hearing conservation guidelines to be used by all Federal agencies.

The Environmental Protection Agency (EPA) has regulations and programs for noise control and hearing conservation. Under the Noise Control Act of 1972, EPA has the statutory responsibility to coordinate all Federal noise programs.

Government Collaboration

Formal coordination between OSHA and other agencies has taken place under the auspices of the Interagency Regulatory Liaison Group. The vehicle has been the Noise Subgroup of the Regulatory Development Work Group. OSHA has interacted with the other member agencies: the Environmental Protection Agency, Consumer Product Safety Commission, and Food and Drug Administration. We also have coordinated activities with the Department of Labor's Mine Safety and Health Administration and with the Department of Defense, under the auspices of the Noise Subgroup's Hearing Conservation Planning Group. Informal liaison has taken place with

the National Institute for Occupational Safety and Health, the Department of Transportation's Federal Railroad Administration, and the National Bureau of Standards in the Department of Commerce.

Timetable

Public Comment Period on the stayed provisions of the hearing conservation amendment—August 22, 1981 to November 23, 1981.
Regulatory Impact and Regulatory Flexibility Analysis for the Hearing Conservation Amendment—August 1981.
Next Action—To be determined.

Available Documents

Preamble to the Hearing Conservation Amendment, January 16, 1981 (46 FR 4161).

Preamble—August 21, 1981 statement of provisions becoming effective (46 FR 423622).

"Final Regulatory Analysis of the Hearing Conservation Amendment," January 1981.

OSHA Docket OSH–011 A, B, C, and D.

All documents are available for review in the Docket Office, Room S–6212, U.S. Department of Labor-OSHA, 200 Constitution Avenue, N.W., Washington, DC 20210. A fee is usually charged for copies of these documents.

Agency Contact

Dr. Alice Suter, Project Manager
Office of Physical Agents Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7151

DOL–OSHA

Identification, Classification, and Regulation of Potential Occupational Carcinogens—The "Cancer Policy" (29 CFR Part 1990; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

The Cancer Policy was promulgated in an attempt to deal with two issues. The first issue is the prevalence of cancer among American workers due to occupational exposure; the second is the history of OSHA's efforts at regulating occupational carcinogens.

While there is general agreement that some percentage of cancer is related to occupational exposure to chemicals, individual estimates vary widely. In the 11 years that OSHA has been in existence, its efforts at controlling occupational carcinogens have been slowed repeatedly by scientific controversy over the same issues. Some of the major issues debated were how to define a carcinogen, how to relate cancer in animals to risk for workers, and where to set permissible exposure levels.

In an effort to expedite and streamline the regulatory process, thereby conserving the resources of the Agency and affected industries, as well as providing greater protection to workers, OSHA developed the Cancer Policy.

The Cancer Policy establishes (1) the criteria to guide OSHA in determining what substances may be potential carcinogens; (2) the process OSHA will use for screening the evidence and setting priorities among substances; (3) the procedures for limiting the issues that the regulated sector and other interested parties can raise during rulemakings; and (4) the substantive provisions that feasible engineering and work practice controls shall be preferred as the primary method of controlling exposure to carcinogens in future regulations.

OSHA modified the Cancer Policy to conform legally with the subsequent Supreme Court decision regarding benzene, *Industrial Union Dept.* v. *American Petroleum Institute*, 448 U.S. 607 (1980). Specifically, OSHA deleted the provision that requires it to automatically set the lowest feasible exposure limit for occupational carcinogens. Exposure limits are now to be set based on statutory requirements as interpreted by the Court based on the significance of risk and feasibility. The Cancer Policy, with the above changes, is currently in effect.

Both OSHA and the Presidential Task Force on Regulatory Relief have received requests to consider amending certain provisions of the Cancer Policy in light of the Supreme Court's decision, Executive Order 12291, and new Administration policies.

A review is needed to assess the cost effectiveness of suggested or mandatory regulatory provisions in the Cancer Policy, to assure that the regulation of carcinogens will protect workers, and to coordinate the Cancer Policy with the objectives of E.O. 12291 consistent with the statute. OSHA is preparing an ANPRM for the purpose of considering proposing amendments to the Cancer Policy.

Alternatives Under Consideration

(A) *Amend the Policy.* Issues concerning the Cancer Policy are complex. There is a need to reexamine certain of the provisions of the Policy to assure consistency with recent court decisions, to review certain scientific conclusions, to improve the priorities process to assure that chemicals will only be prioritized after appropriate review, to respond to Executive Order 12291, and to include cost effective considerations where appropriate.

(B) *No Federal Action.* The Cancer Policy would remain in effect. The disadvantage of "no Federal action" would be the loss of opportunity to consider newly suggested regulatory strategies that include cost effectiveness and other possible improvements mentioned in Alternative (A).

(C) *Withdraw the Cancer Policy.* The absence of a rational and predictable policy for dealing with occupational carcinogens would hinder OSHA in the protection of workers.

Summary of Benefits

Sectors Affected: Employers covered by the Occupational Safety and Health (OSH) Act of 1970; workers who are potentially exposed to cancer-causing chemicals; and industry in general, but especially chemical production and manufacture.

Potential carcinogenic substances are used in a wide variety of industrial operations, including primary chemical production (SIC Code 28). Secondary use of these products occurs in various manufacturing processes (SIC Codes 20–39). The actual scope of each standard would be established during the rulemaking on a specific carcinogen and is not predetermined by the Cancer Policy.

Benefits of an amended Cancer Policy would result from a clear, consistent, and cost-effective approach to setting standards. Time and resources required for official regulatory and judicial processes would be decreased as the amended Cancer Policy would enable OSHA staff to act with greater efficiency and predictability in framing the critical scientific issues in any rulemaking. Industries' short- and long-term planning would benefit because firms would know the policies and procedures that OSHA would follow. Workers would benefit because the time required to regulate exposure to cancer-causing substances would be reduced, thereby decreasing the possibility of

debilitating disease and death among workers.

Without a Cancer Policy, OSHA might be required to repetitively reexamine scientific and policy issues regarding the regulation for each occupational carinogen. This is a time-consuming and resource-expending process for OSHA, union, industry, and other interested parties.

For example, during its 11-year existence, OSHA has promulgated only seven carcinogen standards. These standards include those for asbestos, arsenic, acrylonitrile, benzene, coke oven emissions, "fourteen carcinogens," and vinyl chloride. Moreover, the total time required from the initiation of the rulemaking to its conclusion ranged from 15 months (the vinyl chloride standard) to over 38 months (the arsenic standard).

Summary of Costs

Sectors Affected: All industries covered by the OSH Act of 1970, including general industry, construction, maritime, and agriculture.

To the extent that the Cancer Policy enables regulation to proceed at a more rapid pace, industry's compliance costs would be greater. OSHA does not have, however, a precise knowledge of the specific substances to be regulated, the affected industries and populations, the available control technologies, or the timing of implementation of each regulation. Thus, it is impossible to differentiate and quantify at this time the costs of regulations to be developed under the Cancer Policy as compared to the costs of regulations that would be developed in its absence.

Summary of Net Benefits

OSHA will evaluate the Cancer Policy to determine the most effective and least costly alternatives consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: OSHA is currently reviewing its standards on three carcinogenic substances: ethylene dibromide, ethylene oxide, and formaldehyde. In each action, the basic scientific and policy issues addressed in the Cancer Policy are being discussed.

External: Several other Federal agencies, including the Consumer Product Safety Commission, the Environmental Protection Agency, and the Food and Drug Administration, are developing or reviewing agency policies on the regulation of carcinogenic materials within the scope of their respective statutes.

Government Collaboration

Specifically with respect to the scientific issues, OSHA has and will continue to collaborate extensively with the National Cancer Institute, the National Institute for Occupational Safety and Health, the Environmental Protection Agency, the Food and Drug Administration, the National Institute for Environmental Health Sciences, and the Consumer Product Safety Commission.

Timetable

ANPRM—January 1982.
NPRM—Date to be determined.
Final Rule—Date to be determined.
Public Hearing—Undecided.
Public Comment Period—Date to be determined by ANPRM.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

"Identification, Classification, and Regulation of Potential Occupational Carcinogens," 45 FR 5001, January 22, 1980.

"List of Substances Which May Be Candidates for Further Scientific Review and Possible Identification, Classification, and Regulation as Potential Occupational Carcinogens," 45 FR 53672, August 12, 1980.

"Identification, Classification, and Regulation of Potential Occupational Carcinogens; Conforming Deletions," 45 FR 4889, January 19, 1981.

Agency Contact

John Martonik, Deputy Director
Directorate of Health Standards Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7081

DOL–OSHA

Methods of Compliance Hierarchy (29 CFR 1910.134(a)(1) and 1910.1000(e); Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655 *et seq.*

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) has included this entry because the primary reliance on engineering controls by some OSHA health standards may impose higher costs than are necessary to protect employee health. The President's Task Force on Regulatory Relief has designed this issue for review.

Statement of Problem

Various OSHA health standards require that employee exposure to airborne toxic materials be reduced to or below specified maximum levels. To achieve compliance with these standards, employers can use engineering controls, administrative work practice controls, and respirators. Engineering controls are modifications to plant, equipment, processes, or materials that reduce an employee's exposure. Administrative controls are procedural or scheduling types of changes that an employer can use (e.g., worker rotation). Respirators are devices worn by an employee to protect against overexposure.

It has been OSHA policy to require that engineering controls be used to the maximum extent feasible to prevent excessive employee exposures and that respirators be used only as a last alternative when other methods are inadequate, infeasible, or have not yet been installed. This policy is reflected in two health standards of general application, 29 CFR 1910.134(a)(1) and 1910.1000(e), and is in accordance with good industrial hygiene practice as recommended by such professional organizations as the American Conference of Governmental Industrial Hygienists, American Industrial Hygiene Association, and the National Safety Council. However, it is not clear whether the employment of all feasible engineering controls is warranted in all situations for the reasonable protection of employee health. In particular, the primary reliance on engineering controls has become the object of continuing controversy in those situations where the expected costs of engineering controls exceed the expected costs of respiratory protection. OSHA has received complaints from employers that there are many instances where strict adherence to this policy is unnecessary to protect employees, is unreasonable, and imposes costs that are far higher than necessary to protect employee health.

Some parties have argued that in achieving worker protection it should not be required that an occupational environmental hazard be minimized in preference to adopting the use of respirators. Others accept the general proposition that occupational environmental protection is preferable to personal protection, but believe that respirators are acceptable in lieu of

implementing all feasible engineering controls. Still others maintain that the uncertainty of the actual protection afforded by respirators, together with inherent problems of convenience and comfort, are sufficient reason to insist on the primacy of engineering controls as now specified in the standards.

Thus, there is a wide difference of opinion about the relative effectiveness, reliability, cost, and reasonableness of engineering controls and respirators. The places of employment affected by OSHA policy in this regard range from those with very few employees to those with several thousand employees and involve exposures to toxic materials that range from relatively innocuous (e.g., chlorofluorocarbons) to very hazardous to life and health (e.g., parathion).

OSHA has concluded that it is timely and appropriate to reexamine formally its policy on these matters to determine whether it is possible to identify circumstances where workers' safety and health can be protected by compliance strategies other than primary reliance on feasible engineering controls.

Alternatives Under Consideration

OSHA will be considering the following alternatives:

(A) Continue to require in future standards that respirators be used only where engineering and work practice controls are not feasible, not adequate, or not yet installed.

(B) In future standards identify specific processes, operations, or situations where respirators or other control strategies may be used in lieu of installation of all feasible engineering controls.

(C) In future standards specify criteria by which employers can identify situations where respirators may be used in lieu of installation of all feasible engineering controls.

(D) Change current standards to reflect changed policy.

Summary of Benefits

Sectors Affected: All firms in manufacturing, construction, and water transportation industries in which workers are exposed to hazardous substances.

OSHA intends to publish an ANPRM to solicit data on the relative benefits and costs of the use of respirators and different control technologies. Therefore, benefits cannot now be estimated. An important factor that will affect the level of potential benefits is the effectiveness of respiratory protection programs, which OSHA is addressing in a reexamination of the respiratory protection standards (see separate entry in this Calendar). Another possible benefit will accrue to firms that may not have been able to raise sufficent capital to install engineering controls. These firms may be able to continue operations by using personal protection programs. Thus, allowing firms the option of using either engineering controls or personal protection programs, when either will provide the required level of worker protection, may increase both efficiency and productive employment levels. In addition, engineering controls may require large capital expenditures that may have a greater impact upon smaller firms than upon larger firms. Allowing respiratory protection programs to substitute for engineering controls may provide needed regulatory relief to small entities. Further, this could also release capital for productive investment, which would increase productivity and wages while reducing costs to the consumer.

Summary of Costs

Sectors Affected: All firms in manufacturing, construction, and water transportation industries in which workers are exposed to hazardous substances; producers of engineering control equipment; and producers of safety appliances and equipment.

Imposing engineering controls may involve higher costs to firms than the costs for personal protection programs. As actual cost data have not been assembled, OSHA cannot predetermine whether there will be any cost differences and, if so, whether these will be significant or whether they will vary across industries and among regulated substances. However, it is possible that firms involved in the manufacturing of equipment for engineering controls would be adversely affected by any changes in policy. Once again, the size of this impact cannot now be determined, but it will be carefully examined. It is unlikely that respiratory protection programs will be permitted to replace engineering controls in every situation and for every regulated substance. This change in OSHA policy may have little impact upon the competitive positions of the many firms already in compliance with the existing engineering control requirements.

Summary of Net Benefits

A changed OSHA policy that permits the use of respiratory protection programs in control strategies other than all feasible engineering controls will result in opportunities for employers to choose the most cost effective means of employee protection. The extent of these cost savings will depend upon the adequacy of current respirators and respiratory protection programs to provide the necessary level of protection and a careful evaluation of the cost trade-offs between alternative methods of protection. Estimates of these regulatory impacts will be provided before revisions to current standards, if any, are proposed. OSHA expects that there will be net benefits since employers would be able to choose the most cost-effective methods that can be demonstrated to offer necessary employee protection.

Related Regulations and Actions

Internal: 29 CFR 1910.134 and the other general respiratory protection standards are the subject of a separate reevaluation project. 29 CFR 1910.1025(f)(3)(ii) is also the subject of a separate rulemaking.

External: Twenty-two States have regulations similar to the above "internal" regulations, and to 29 CFR 1910.134 and 1910.1000.

Government Collaboration.

None.

Timetable

ANPRM—January 1982.

Public Comment Period —Comments should be sent to the OSHA Docket Officer, Docket H–160, Room S–6212, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, DC. 20210.

The existence and timing of other rulemaking steps are unknown at this time and depend on decisions to be made after an analysis of the comments received.

Regulatory Impact Analysis—Date to be determined.

Regulatory Flexibility Analysis—Date to be determined.

Available Documents

None.

Agency Contact

Dr. Sheldon Weiner, Director
Office of Physical Agent Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N3718
Washington, DC 20210
(202) 523–7151

DOL-OSHA

Occupational Exposure to Cotton Dust (29 CFR 1910.1043; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The 1978 standard for occupational exposure to cotton dust could generate annual costs of more than $100 million. The Occupational Safety and Health Administration (OSHA) currently is reviewing this regulation to ensure, among other things, that it is cost effective.

Statement of Problem

Byssinosis is an occupational respiratory disease that occurs in workers who are exposed to cotton dust. In the early stages of the disease, the worker may notice a tightness in the chest on the first day of the work week, which may be accompanied by a measurable decrease in breathing capacity. As the disease progresses, this tightness in the chest is accompanied by breathlessness, and the symptoms then occur on other workdays as well. Eventually, the worker becomes severely affected on every working day with permanent and severe shortness of breath. In the final stages, the disease may lead to permanent disability and death.

In its 1979 "Report to the Congress," the Department of Labor (DOL) estimated that, of the nearly 467,000 production workers in the cotton industry, excluding the cotton ginning sector, which is not covered under the standard, an estimated 68,000 have byssinosis in varying stages. Industry sources have maintained that the number of production workers in these industries is only about 315,000, and some other studies have found lower byssinosis prevalence rates. One prominent study estimated that, in 1973, there were at least 35,000 former textile workers who were permanently disabled as a result of their exposure to cotton dust.

There are a number of reasons for reviewing the standard at this time. First, following publication of the final standard for cotton dust in 1978, a number of industry representatives challenged the standard in court. While the application of the standard to the textile industry was upheld, the courts have vacated the standard as it applies to cottonseed oil mills and remanded it to the Agency. The courts also vacated the section on wage retention following medical removal as it applies to the textile industry. OSHA has suspended enforcement of the standard as it applies to cotton classing and warehousing. The standard as it applies to two other sectors of the cotton industry—knitting and waste processing and utilization—is currently under a stay of enforcement. Second, there have been problems with the vertical elutriator, the device that is used to measure cotton dust. Third, control methods and other requirements specified by the standard may not be the most cost-effective methods available. Finally, industry has questioned whether a significant risk of disease can be demonstrated in all of the non-textile sectors. OSHA can resolve, or at least clarify, most of these issues by revising the standard.

If the Agency does not take action at this time, the above-mentioned problems will continue to exist.

Alternatives Under Consideration

The Agency is considering a number of alternative approaches that are not necessarily mutually exclusive, including:

(A) develop internal program directives to clarify some points in the standard;

(B) make some minor technical changes to provisions of the standard;

(C) modify substantially the standard to allow, for example, alternative methods of compliance; or

(D) alter the standard's scope, that is, the industrial segments covered by the standard.

The Agency is not considering changes to the current permissible exposure limits.

Summary of Benefits

Sectors Affected: All establishments that store, process, or otherwise handle cotton lint, cotton linters, cotton yarn, or cotton waste; the workers employed in these industries who are exposed to cotton dust; the industries that provide dust measurement and control technologies; and the consumers of cotton products. Many of the affected industries and individuals are located in the northeastern and southeastern portions of the United States. These potentially affected industries include the following, listed with their Standard Industrial Code numbers: cotton textiles, including yarn manufacturing, weaving, and knitting (2211, 2241, 2252, 2253, 2254, 2257, 2258, 2259, 2271, 2272, 2279, 2281, 2282, 2284, 2292, 2297, 2298, 2299, 3842); cottonseed oil mills (2074); cotton warehouses and compresses (5152); cottonseed delinting (0723); and cotton waste processors and users (2293, 2294, 2512, 2515).

The direct benefit OSHA expects from controlling exposure to cotton dust is a reduction in the incidence, prevalence, and severity of byssinosis and other respiratory diseases that result from exposure to cotton dust. At this time OSHA has not yet quantified the benefits attributable to each alternative. However, in the 1979 "Report to the Congress," DOL estimated that if the current standard were fully implemented there would be 23,490 fewer cases of byssinosis after a complete turnover of the work force currently exposed to cotton dust. The report estimated the tangible worker benefits, such as increased earnings and reduced medical costs, at $751 million per year in 1977 dollars.

Indirect benefits include reductions in the burden placed on such public support programs as Medicare and Medicaid, Welfare and Workers' Compensation. In addition, improved worker health and safer working conditions are likely to reduce employee turnover and raise labor productivity. A major benefit expected from reexamining certain provisions of the current standard is improved cost effectiveness. The DOL's 1979 report to Congress calculated the annual cost per byssinosis case avoided as $8,658, although industry argues that the cost per case would be substantially greater. More cost effective controls will encourage innovations in control and measurement technology while increasing productivity.

Summary of Costs

Sectors Affected: Establishments that store, process, or otherwise handle cotton lint, cotton linters, cotton yarn, or waste cotton.

The direct costs of the regulatory options that OSHA is considering range from minimal to significant because the required level of capital expenditures and operating expenses depend upon which alternative the Agency chooses. At this preliminary stage the Agency has made no specific determinations as to the cost of any of the alternatives. DOL's 1979 study estimated that the cost of the current standard in 1977 dollars would amount to $655 million in capital costs and $80 million in annual operating, maintenance, and energy costs. Industry estimates ranged to over $2 billion in capital costs. However, the recent trend to modernize plants and equipment in the textile industry has probably reduced the amount of new

investment that would be required to reduce dust levels.

Summary of Net Benefits

DOL's 1979 report estimated the total annualized costs of the 1978 Cotton Dust Standard at approximately $203 million and the annual benefits at about $751 million. Estimates from other parties differed widely. In the reconsideration of this standard, the Agency will determine if any of the alternative provisions can protect employee health in a more cost-effective manner.

Related Regulations and Action

Internal: The OSHA standard for cotton dust, 29 CFR 1910.1000, Table Z–1, which applies in all industries not covered by the cotton dust standard currently under review (29 CFR 1910.1043).

External: None.

Government Collaboration

OSHA shares information with other government agencies, such as the National Institute for Occupational Safety and Health and the U.S. Department of Agriculture.

Timetable

ANPRM—January 1982.
NPRM—4th Quarter 1982.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Public Hearing—Date to be determined following publication of NPRM.
Public Comment Period—At least 60 days following publication of ANPRM; also 60 days following publication of NPRM.
Regulatory Impact Analysis—Preliminary published with NPRM; final to be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.

Available Documents

Occupational Safety and Health Administration Dockets H–052 and H–052B.

The above documents are available for review in the OSHA Docket Office, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC. 20210.

Agency Contact

Dr. Robert Beliles, Director
Office of Carcinogen Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC. 20210
(202) 523–7081

DOL–OSHA

OSHA Commercial Diving Operations Standard (29 CFR Part 1910, Subpart T; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this standard for review.

Statement of Problem

The standard for Commercial Diving Operations became a Final Rule on July 22, 1977 (42 FR 37650). The standard contains provisions for personnel requirements, general operations procedures, specific operations procedures, equipment procedures and requirements, and recordkeeping.

Since its promulgation, several affected groups have raised concern over certain aspects of the standard. One of these affected groups, the educational/scientific divers (scientific diving performed by educational institutions), object to their inclusion in the standard. They avidly maintain that their operations are significantly different than commerical operations and that self-regulation has eliminated unwarranted risk for their divers. They also state that compliance with Subpart T, which contains the commercial diving operations standard, is impeding scientific progress by constraints that limit their programs. One such constraint is the limit on the depth at which SCUBA (self-contained underwater breathing apparatus) diving can be performed. Another constraint is the estimated cost of meeting the decompression chamber requirements. The educational/scientific divers estimate that the implementation cost per institution would exceed $80,000 initially and $30,000 annually thereafter (1976 dollars).

The exemption issue was the subject of an August 17, 1979 ANPRM (44 FR 48274). The majority of responses to that notice supported exemption.

When the standard was promulgated in 1977, the structure of the commerical diving industry was such that approximately 90 percent of offshore operations were conducted by 23 contractors employing commercial divers. In addition, there were approximately 400 small and medium-sized diving companies whose work was principally confined to relatively shallow harbors and inland waterways.

The commercial diving industry has raised issues concerning the stringent specifications in the standard. These include the decompression chamber requirements and other specifications that negate the use of alternative methods of compliance. For example, the standard requires that a diver depth gauge be read at the dive location but does not allow for other means to indicate diver depth (e.g., sonar). The commercial diving industry believes that the alternative measures would ensure that employees have comparable safety and health. Additionally, compliance with Subpart T requirements (personnel requirements, general operations procedures, specific operations procedures, equipment procedures and requirements, and recordkeeping) may place an economic burden on the small entities within the industry.

For these reasons, OSHA believes that Subpart T should be revised by replacing the existing specification-oriented standard, to the greatest extent feasible, with a performance-oriented standard, where criteria are set but ways of meeting that criteria are not specified.

Alternatives Under Consideration

Alternative (A) would be to take no action, leaving the present standard as it is. If no action is taken, the standard will continue to be financially burdensome and will not allow the most cost-effective alternative means of compliance. Additionally, the educational/scientific diving community will continue to be hampered by their inclusion under the standard.

Alternative (B) is to revise only those provisions that are creating problems for the industry. Educational/scientific diving operations (scientific diving performed by educational institutions) could be exempted in this alternative. An advantage to this alternative is that provisions identified by the industry can be revised and the educational/scientific diving community will benefit by an exemption. The disadvantage of this alternative is that it may be almost as time consuming as a complete evaluation and revision of the entire standard. Moreover, an inadequate review may result if we do not examine the entire standard.

Alternative (C) entails a complete revision of Subpart T after careful evaluation of the entire standard. The revised standard would be performance-oriented, to the greatest extent feasible, permitting the industry to use alternate methods of compliance. A performance-

oriented standard has the advantage of addressing the means by which small entities can meet the standard with their limited resources. This approach will best meet the intent of the Regulatory Flexibility Act, which requires regulators to take into consideration disproportionate effects that standards may have on small entities. In addition, Alternative (C) could exempt educational/scientific diving operations from the standard. OSHA believes that Alternative (C) would address the problems in the standard and still ensure a comparable level of employee safety and health.

Summary of Benefits

Sectors Affected: Industries that employ commercial divers—oil and gas extraction (SIC Code 12); bridge, tunnel, and elevated highway construction (1622); water, sewer, pipe lines, communication, and power line construction (1623); heavy construction (1629); water well drilling (1781); petroleum refining (2911); shipbuilding and repairing (3731); boatbuilding and repairing (3732); water transportation (44); pipelines, except natural gas (46); telephone communication (wire or radio) (4811); telegraph communication (wire and radio) (4821); electric, gas, and sanitary services (49); telephone and telegraph apparatus (3661); business services (7399); and scientific and educational institutions (8922).

In 1977 OSHA estimated that approximately $22 million in annualized costs would result from complete implementation of the standard, as contrasted with estimates of up to $40.2 million presented by the industry. Some portion of these costs would be reduced if Alternative (C) were selected. By replacing the existing specification-oriented standard with a performance-oriented standard, Alternative (C) would provide a comparable level of safety and health to divers, while reducing unnecessary cost, particularly to small firms. The actual reduction would depend on individual company decisions about the types of safety precautions to be retained and the amount of money the firm may have already invested in equipment in order to comply with the present standard.

Benefits would remain unchanged if Subpart T, the present standard, were continued. The exemption of educational/scientific operations, Alternative (B) or (C), would reduce unnecessary costs to educational institutions. More detailed benefits data will be available when specific alternative measures have been evaluated and described more fully.

Summary of Costs

Sectors Affected: Oil and gas extraction (SIC Code 12); bridge, tunnel, and elevated highway construction (1622); water, sewer, pipe lines, communication, and power line construction (1623); heavy construction (1629); water well drilling (1781); petroleum refining (2911); shipbuilding and repairing (3731); boatbuilding and repairing (3732); water transportation (44); pipelines, except natural gas (46); telephone communication (wire and radio) (4811); telegraph communication (wire and radio) (4821); electric, gas, and sanitary services (49); telephone and telegraph apparatus (3661); and business services (7399).

Alternative (B) and (C) are cost-saving. Leaving the present standard as it is, Alternative (A), would continue to be financially burdensome to these sectors, for the reasons we outlined in the "Statement of Problem" section above.

Summary of Net Benefits

OSHA will select the least costly alternative consistent with the objectives of the OSH Act. We expect the net benefits to be in the form of more efficient and appropriate regulations that maintain current levels of safety.

Related Regulations and Actions

Internal: None.
External: The U.S. Coast Guard's Commercial Diving Operations Standard is similar to that of OSHA but exempts scientific diving performed by educational institutions (46 CFR Part 197).

Government Collaboration

OSHA and the U.S. Coast Guard are discussing the possible overlap of jurisdictional responsibilities for commercial diving operations.

Timetable

Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Educational/Scientific Diving

ANPRM—44 FR 48274, August 17, 1979.
NPRM, Educational/Scientific Exemption—December 1981.
Public Comment Period—60 days following NPRM.
Close Record—February 1982.
Final Rule—June 1982.

Commercial Diving Operations Standard

ANPRM—December 1981.
Public Comment Period—90 days following ANPRM.
Close Record—March 1982.
NPRM—Undetermined.

Available Documents

Public record from 1977 rulemaking. Docket H–103.
Educational/Scientific Diving ANPRM, Docket H–103S.
The above documentation is available for review and copying in the Docket Office, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–6212, Washington, DC 20210.
A Request for Variance was submitted on August 17, 1981 by the Association of Diving Contractors. This document is available for review in the Office of Fire Protection Engineering and Systems Safety, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N–3463, Washington, DC 20210.

Agency Contact

Glen E. Gardner, Senior Safety Specialist
Directorate of Safety Standards Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3463
Washington, DC 20210
(202) 523–7225

DOL–OSHA

OSHA General Industry Standard for Walking and Working Surfaces (29 CFR Part 1910, Subpart D; Revision), and Contruction Safety Standards for Ladders and Scaffolding (29 CFR Part 1926, Subpart L; Revision), Floor and Wall Openings, and Stairways (29 CFR Part 1926, Subpart M; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) believes these rules are important because preliminary economic estimates indicate that these revisions may involve compliance costs in excess of $100 million annually.

Statement of Problem

The number of occupational injuries resulting from fall accidents associated with unsafe ladders, scaffolding, floors, wall openings, stairways, and walking and working surfaces ranges from 20 to

25 percent of all occupational injuries in general industry and construction. There are approximately 60 million workers in these categories. The National Safety Council estimates that the direct medical cost and lost productivity cost of injuries and fatalities resulting from these hazards may reach $5 billion annually (1977 dollars).

Present OSHA standards for ladders, scaffolding, floors, wall openings, stairways, and walking and working surfaces, promulgated in 1971, contain deficiencies, ambiguities or redundancies in coverage.

Since 1971, industry and construction standards groups have revised and updated the voluntary consensus standards OSHA used to develop the original OSHA standards. Court decisions have held some of the current OSHA standards invalid. Other standards have been either modified by OSHA Standards Instructions or by variances in an attempt to provide consistent interpretation and enforcement of the standards.

The overall result of these actions is a group of standards, some of which cause problems for industry and OSHA in determining compliance. Compliance with current standards is costly both to industry and to OSHA because of misunderstandings of what hazard in what industry is covered by what standard.

OSHA needs to correct this problem at this time in order to end needless financial difficulties of employers and employees in complying with current specification standards. If the Agency fails to take action at this time, the existing deficient, ambiguous, and redundant standards will remain in effect and continue to cause confusion for employers and employees. Industry and OSHA will expend extensive resources without significant reduction in injuries related to falls in the workplace.

Alternatives Under Consideration

(A) OSHA's first alternative is to continue recent Agency efforts to replace existing specification-oriented standards with revised performance-oriented standards. The performance-oriented standards would permit and encourage more flexibility in controlling hazards. OSHA believes that greater flexibility would lead to more effective protection at decreased expense. As part of the first alternative, OSHA would include an appendix to the standards document to aid employers and employees in complying with the performance-oriented standards through alternative methods. The appendix would provide specific, non-mandatory ways of complying with the standard. Failure to use any of the alternatives in the appendix would not mean failure to comply with the standard. The purpose of an appendix would be to help employers be aware of acceptable methods of compliance they may follow if they do not wish to develop their own compliance methods to meet the performance-oriented language of the standard.

The advantage of this alternative is that it would address the most important problems of the existing standards by fully using the research work, support studies, and outside assistance that OSHA has collected to date. A comprehensive revision of the standards would permit more flexible and cost-effective compliance methods, reduce inconsistency among several regulatory standards, and simplify regulatory language. However, this alternative may have a major economic impact because it would cover a greater number of hazards than the present standards. Consequently, this option would involve a greater number of interested parties in the rulemaking procedures.

(B) The second alternative is a phased effort, where a series of rulemaking procedures would be used in an established order of priority to remedy major problems in the existing standards, rather than to comprehensively revise those standards in a single effort. This alternative would not address the many gaps and shortcomings in the current standards and would not include an appendix listing alternative methods of compliance.

This alternative may cost the affected employers less and may simplify the overall rulemaking process, but it would not address many important hazards that are presently causing working injuries. This alternative would only remove those major problem areas known to exist in the present standards. In addition, it would not advance OSHA's regulatory policy of promulgating performance-oriented rather than specification standards.

(C) The third alternative is to take no action, leaving the present standards as they are. This would greatly hinder OSHA's enforcement and consultation efforts, and certain hazardous areas, such as catenary scaffolding and steep-roof-perimeter protection, would remain unregulated. Many organizations and individuals who have contributed significantly to the development of proposed revisions would be disappointed with OSHA. In addition, there would be no immediate hope of more adequately addressing those hazards that may account for one-fifth of all occupational injuries.

Adoption of any one of the three alternatives would have some effect on most industrial activities. However, under Alternatives (A) and (B), OSHA would stagger the effective dates for implementation to enhance voluntary compliance, to minimize potential economic effects, and to provide time to implement an enforcement strategy.

The Agency currently regards Alternative (A) as the most desirable, since it is the only one that will adequately address all of the injuries associated with falls.

Summary of Benefits

Sectors Affected: All general industries (manufacturing; wholesale and retail trade; transportation, communication, electric, gas, and sanitary services; finance, insurance, and real estate; and service industries); the construction industry; and employees in these industries.

The major benefit is expected to be a reduction in work-related injuries and deaths, which now account for approximately 20 percent of all occupational injuries. There would also be a reduction in related personal and family pain and suffering. OSHA expects to see benefits because the proposed standard would cover currently unregulated hazards and would revise existing standards that offer inadequate protection. Although there are no simple solutions to the hazards covered by these standards, even marginal improvements in accident rates will be significant when aggregated on a nationwide basis. For example, a 10 percent reduction in work-related falls could save $500 million (1977 dollars) annually in associated medical and lost productivity costs.

In addition to these economic benefits, the revision of the construction standards to include all relevant provisions and the parallel rulemakings for construction and for general industry would encourage compliance by all employers by making it easier for employers to locate the particular regulations covering a specific situation. Further, OSHA will use a new format that will help to eliminate redundancy and ambiguity. Elimination of ambiguity will assist employers and compliance officers alike by reducing confusion as to the exact requirements of the standard. Less ambiguous language will also aid in any judicial review of a citation.

Summary of Costs

Sectors Affected: All general industries and the construction industry.

The cost of Alternative (A), comprehensive revision using performance-oriented standards, may exceed $100 million (1980 dollars) for employers to comply. This cost includes capital costs as well as operation and maintenance costs. These costs primarily affect the private sector and include every employer who is covered by either the OSHA general industry or construction industry standards. We have not yet determined whether there will be differential costs for small businesses. There will be some consideration given to the size of the facility and the frequency of use. OSHA will conduct an economic analysis.

Summary of Net Benefits

The objective of the standards revisions is to develop more cost-effective standards. Employers will gain the advantage of choosing the form of compliance that best suits their particular needs. No estimates of the amount of these cost reductions are possible until the proposed revisions are more fully defined.

Related Regulations and Actions

Internal: Following this action, OSHA intends to revise its standards for walking and working surfaces in the maritime industries (29 CFR Parts 1915, 1916, 1917, and 1918). The agricultural standards (29 CFR Part 1928) do not need revision at this time.

External: Publications by the American Society of Testing and Materials, the American National Standards Institute, and the American Society of Civil Engineers contain or soon will contain related voluntary standards for many of the products and installations that this proposal addresses. OSHA has shared its research information with all of the affected standards development groups.

Government Collaboration

OSHA has worked and is continuing to work with the National Bureau of Standards in the Department of Commerce to develop safety requirements for scaffolding, guardrails, and safety belts. The Consumer Product Safety Commission and OSHA have been working together to establish satisfactory ladder performance standards.

The Coast Guard is also developing standards for maritime vessels and oil drilling platforms on the Outer Continental Shelf, where hazards exist that are comparable to those addressed in this rulemaking. OSHA will coordinate this rulemaking with the Coast Guard's action in these areas.

Timetable

NPRM—2nd Quarter 1982.
Regulatory Impact Analysis—Accompanying NPRM.
Public Hearings—In at least three cities. Dates to be determined.
Public Comment Period—120 days after NPRM.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

ANPRM–40 FR 17160, April 23, 1976. Comments and transcripts from town meetings, which were held on June 8–10, 1976, in San Diego, California; June 15–17, 1976, in Rosemont, Illinois; June 22–24, 1976, in New Orleans, Louisiana; and June 29–July 1, 1976, in New York, New York. These documents are available for review and copying at the OSHA Technical Data Center, Room S–6212, Second Street and Constitution Avenue, N.W., Washington, DC 20210.

Agency Contact

General Industry

Michael B. Moore, Senior Safety Engineer
Office of Fire Protection Engineering and Systems Safety Standards
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, DC 20210
(202) 523–7225

Construction

Allan E. Martin, Director
Office of Construction and Civil Engineering Safety Standards
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, DC 20210
(202) 523–7207

DOL–OSHA

Respirator Fit Testing Requirements of the Lead Standard (29 CFR 1910.1025(f)(3)(ii); Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655 *et seq.*

Reason for Including This Entry

This Occupational Safety and Health Administration (OSHA) will review this regulation in view of new scientific evidence suggesting that lower cost qualitative respirator fit testing (QLFT) may be adequate for assuring effective respiratory protection for employees exposed to lead. This issue has generated considerable controversy and may significantly affect the general use of respiratory protective equipment.

Statement of Problem

On November 13, 1978, OSHA promulgated a standard regulating occupational exposure to lead (43 FR 52952), pursuant to section 6(b) of the Occupational Safety and Health (OSH) Act. The standard requires employers to provide employees with respirators where engineering and work practice controls do not reduce employee exposure below the permissible exposure limit of 50 $\mu g/m^3$ (micrograms of lead per cubic meter of air). Respirators are the primary means of protecting most of the 100,000 employees overexposed to lead under the rule because the engineering controls and work practice requirement is to be phased in over periods extending up to 10 years. In order to help ensure that respirators will provide employees with the necessary protection, the standard requires employers periodically to perform quantitative face fit tests (QNFT) on all users of negative pressure respirators, which are those respirators that depend on the user's inhalation to draw air into the mask.

QNFT is a method for numerically measuring any leakage of the seal between the respirator facepiece and the wearer's face. The fit test is used to determine whether the respirator assigned to the employee provides the protection factor specified in the lead standard's Respirator Selection Table, 29 CFR 1910.1925(f)(3)(ii). OSHA chose to require QNFT rather than qualitative fit testing, which relies upon the employee's subjective response to an irritant fume or a substance with a characteristic odor or taste, based on its conclusion that QNFT is more accurate.

Although expert testimony in the original record supported the decision to require QNFT, OSHA has concluded that a reexamination of the issue is warranted in the particular circumstances presented. First, there are several new and conflicting studies on the subject. One of the studies, performed at the Lawrence Livermore Laboratories by Hardis, *et al.*, was submitted by the 3M Company, along with its petition for stay and reconsideration of the requirement for QNFT, to support the contention that QLFT is essentially equivalent to QNFT. Another study, performed by Dr. Nelson

Leidel at Harvard University, concluded that QLFT is less accurate than QNFT in measuring the adequacy of the fit of a respirator. OSHA has concluded that these studies should be subjected to close scrutiny in a public proceeding. This will permit the Agency to resolve, on the basis of the best available evidence, the question of which type of fit testing should be required. Moreover, additional scientific studies on this issue by governmental or private organizations may well be completed in the near future and may shed additional light on this issue.

Second, reevaluation of the QNFT requirement is also appropriate because preliminary results of a study by the National Cancer Institute suggested that substance that is used in one type of QNFT instrumentation, di-2-ethyl hexyl phthalate (DEHP), may be a potential carcinogen. Although OSHA's preliminary assessment is that feasible substitutes for DEHP exist, OSHA has concluded that this issue should be fully discussed in a public forum. Moreover, OSHA is concerned that, because the regulation does not preclude the use of DEHP, employers may continue to expose their employees to this substance. Thus, even if it is ultimately determined that QNFT alone should be required under some conditions, the question of whether to permit the continued use of DEHP must also be resolved.

OSHA will announce its intention to conduct rulemaking, pursuant to § 6(b) of the Occupational Safety and Health Act, that will include consideration of QNFT and QLFT as part of a general revision of the respirator protection provisions in 29 CFR 1910.134 and the other general respiratory protection standards that apply to all users of respirators in general industry, construction, and maritime industries. Whatever the ultimate outcome of the planned rulemaking on 29 CFR 1910.134, including consideration of the merits of QNFT versus QLFT, OSHA has decided that it may be inapproprate under the lead standard to require employers to conduct QNFT pending completion of that rulemaking proceeding. QNFT is more expensive than QLFT because it requires sophisticated equipment costing several thousand dollars and more highly trained operators. Therefore, the Agency believes that this burden should not be borne by employers unless and until the need for QNFT has been established on the basis of a more complete evidentiary record. Moreover, that Agency believes it is inappropriate to expose employees to the health hazard of DEHP, which the present QNFT standard may inadvertently be encouraging, unless it can be determined that (1) the health risk presented by DEHP is minimal, or (2) that feasible substitutes to DEHP exist.

Thus, the Agency has proposed to permit alternatives to QNFT pending completion of the general § 6(b) rulemaking. However, OSHA believes that the qualitative fit testing that employers may use during this interim period must meet certain requirements. There are several different types of QLFT, which vary in sensitivity and reliability depending on how the tests are performed. For example, many types of QLFT depend on the user's detection of the odor or taste of substances, such as isoamyl acetate or saccharin, to determine whether the respirator fits properly. Because each individual's sense of smell or taste has a different threshold, some employees may falsely "pass" QLFT (i.e., not smell or taste the test agent while wearing the respirator) merely because they have high detection thresholds. For this reason, unless employees are prescreened to ensure that they can detect the test agent at the tested concentrations, the results of the QLFT cannot be considered reliable. Similarly, if the airborne concentration of the test agent is too low when the respirator wearer is being tested, the wearer may falsely pass the test simply because an insufficient amount of the test agent was present for the wearer to detect it.

Because of these considerations, OSHA proposes to permit the use of QLFT as an alternative to QNFT only if the employer follows strict protocols that are designed to increase the accuracy of these tests (see 46 FR 27358, May 19, 1981).

Alternatives Under Consideration

OSHA will be considering the following alternatives:

(A) Retain the present standard that requires QNFT, as promulgated.

(B) Allow forms of QLFT to be used as an alternative to the presently required QNFT.

(C) Substitute QLFT for QNFT.

Summary of Benefits

Sectors Affected: Employers and employees in 56 industries using lead, primarily primary smelting and refining of lead (SIC Code 3332), copper (SIC Code 3331), zinc (SIC Code 3333), and precious metals (SIC Code 3339), secondary smelting and refining of lead and copper (SIC Code 3341), battery manufacture (SIC Code 3691), steel production (SIC Code 3312), shipbuilding and repairing (SIC Code 3731), non-ferrous foundries (SIC Code 3369), brass and bronze foundries (SIC Code 3362), pigments manufacture (SIC Code 2816), and scrap collection and processing (SIC Code 5093).

This review of the QNFT requirement focuses on the most effective way of testing respirators to ensure that the appropriate exposure level is reached in those work areas that require the use of respirators. Thus, the primary benefit of Alternative (A) is that QNFT provides the highest level of assurance that the respirator worn will provide the required level of protection and worker health. If Alternatives (B) and (C) can ensure this required level of protection, then their benefits will be the improvement in worker health from the reduced exposure to lead and the reductions in employer costs of compliance.

Summary of Costs

Sectors Affected: Manufacturers of QNFT equipment and employers and employees in 56 industries using lead, primarily primary smelting and refining of lead (SIC Code 3332), copper (SIC Code 3331), zinc (SIC Code 3333), and precious metals (SIC Code 3339), secondary smelting and refining of lead and copper (SIC Code 3341), battery manufacture (SIC Code 3691), steel production (SIC Code 3312), shipbuilding and repairing (SIC Code 3731), non-ferrous foundries (SIC Code 3369), brass and bronze foundries (SIC Code 3362), pigments manufacture (SIC Code 2816), and scrap collection and processing (SIC Code 5093).

The types of costs likely to be incurred under Alternative (A) are the continuance of the costs of QNFT—the training of personnel to administer the test, the testing apparatus, the cost of the testing medium, and the lost employee production time during the fit test. The types of costs likely to be incurred under Alternatives (B) and (C) are primarily the costs of QLFT—the training of personnel to administer the test, the testing apparatus, and the lost employee production time during the fit test. Evidence seems to indicate that none of these alternatives will have a major impact upon the economy as defined by Executive Order 12291.

Summary of Net Benefits

OSHA will evaluate the respirator fit testing requirements of the lead standard and alternatives to determine the least costly alternative consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: 29 CFR 1910.134, Respiratory Protection. OSHA will also soon commence a separate proceeding on all the general respiratory protection standards—29 CFR 1910.134, 1926.103, 1915.82, 1916.82, 1917.82, and 1918.102.

External: 30 CFR Part 11, Respiratory Protective Devices; Test For Permissibility; Fees (MSHA–NIOSH). Twenty-two States have regulations similar to the OSHA lead regulation and to the above "internal" regulations.

Government Collaboration

None.

Timetable

ANPRM—None.
NPRM—46 FR 27358, May 19, 1981.
Public Hearing—September 22–23, 1981.
Public Comment Period—For NPRM: May 19, 1981 to August 4, 1981; post-hearing: September 24, 1981 to December 18, 1981.
Final Rule—Date to be determined.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

An extensive docket file (No. H–049A) for this proceeding is available for inspection and copying at the OSHA Docket Office, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210, telephone (202) 523–7894.

Agency Contact

Dr. Sheldon Weiner, Director
Office of Physical Agent Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N3718
Washington, DC 20210
(202) 523–7151

DOL–OSHA

Respiratory Protection (29 CFR 1910.134, 29 CFR 1926.103, 29 CFR 1915.82, 29 CFR 1916.82, 29 CFR 1917.82, and 29 CFR 1918.102; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655 *et seq.*

Reason for Including This Entry

Since the Occupational Safety and Health Administration (OSHA) promulgated the existing standards, the field of industrial repiratory protection has advanced significantly and the demands on respiratory protection have increased substantially. OSHA has included this entry because of the need to revise outdated regulations, especially in view of the fact that for many workers respirators will be the only protection available for several years. Any changes to these standards could have a significant impact on compliance costs and affect a very large number of workers and industries.

Statement of Problem

Many thousands of employees are exposed to unhealthy levels of toxic materials in the workplace and must wear respirators to protect themselves. The current regulations governing the use of respirators have been in effect since 1971 or earlier. The OSHA general industry standard, 29 CFR 1910.134, was adopted from a national consensus standard (American National Standard Institute (ANSI) Z88.2–1969, Practices for Respiratory Protection). The OSHA construction industry standard (29 CFR 1926.103) was promulgated in April 1971. The OSHA maritime standards (29 CFR 1915.82, 1916.82, 1917.82, and 1918.102) were promulgated in the 1960s.

Since the promulgation of these regulations, the field of industrial respiratory protection has advanced significantly. Qualitative fit testing (QLFT) has been used for many years to check the adequacy of fit of a respirator by relying on the subjective response of the wearer in detecting an odor or irritation from an airborne chemical introduced into the air near the respirator. Newer, improved methods of qualitative fit testing are now available. A newer method of respirator fit testing, called quantitative fit testing (QNFT), has also been developed. Quantitative fit testing measures the fit of a respirator by actually measuring and comparing the contaminant level inside and outside of the respirator facepiece. In addition, the concept of assigned protection factors, a numerical indication of the effectiveness of a respirator, has become firmly established. Finally, the consensus of industry concerning what constitutes a reasonable, effective respirator program has changed, as demonstrated by the recent issuance of a revised edition of ANSI Z88.2. The new edition is an extensive revision and incorporates the following:

- Oxygen deficiency is more thoroughly discussed.
- QNFT is now included and described.
- QLFT is more fully described.
- The concept of protection factors is introduced.
- Higher protection factors are assigned when quantitative fit testing is used.
- The section on respirator selection is expanded and now includes fit testing.
- The special problems section now includes a discussion of respirator use in confined spaces.

Besides these developments, the demands on respiratory protection have also increased substantially since 1971. Levels of airborne contaminants allowed by recent OSHA health standards, such as arsenic, lead, and cotton dust, are substantially lower than those levels permitted by previous standards. Levels of contaminants considered acceptable by non-regulatory authorities, such as the American Conference of Governmental Industrial Hygienists (ACGIH), have been lowered significantly for a great many substances. Providing respiratory protection against known or suspected carcinogens has become much more difficult and complex as more substances have been identified as carcinogens and as the degree of protection expected by workers, their families, and the public has increased.

Recent OSHA health standards have imposed respirator-related requirements not found in 29 CFR 1910.134. (See 1910.1018(h), arsenic; 1910.1025(f), lead; 1910.1029(g), coke oven emissions; and 1910.1043(f), cotton dust.) These requirements include the following:

- Quantitative fit tests have been required both annually and semiannually.
- Employees are to be given powered air purifying respirators (PAPRs) upon request.
- Employees may change the filter elements of a respirator whenever an increase in breathing resistance is detected.
- Employees are permitted time during working hours to wash their faces and respirator facepieces to prevent skin irritation associated with using respirators.
- Employers must provide respirators that exhibit minimum facepiece leakage.
- Employers must refer to a physician trained in pulmonary medicine any employee who exhibits difficulty in breathing either at fit testing or during routine respirator use.

A multiplicity of studies and reports provides more extensive background information than has previously existed. In addition, developments in microprocessor and other new technologies have made it possible to develop respirators with warning devices to indicate whether the

respirator is providing appropriate protection while in use, and communication equipment so that employees can warn each other of safety hazards and coordinate their work activities in a safe manner. Improvements in cartridge technology may permit development of respirators for protection from chemicals for which there are not now any approved respirators. Further developments in PAPRs may permit their broader use to reduce the fatigue factors, skin irritation problems, and breathing resistance difficulties sometimes created by negative pressure respirators. These possible improvements when taken together would make it possible to have a more effective respirator program.

Since current respirator standards are based on older technologies, respirator suppliers have been inhibited in developing improved respirators that do not fit into existing categories or that provide protection from chemicals not included in present MSHA–NIOSH approval criteria because of the time period involved from respirator development to ultimate approval.

OSHA has found signficant disagreement among respirator users and manufacturers as to the relative merits of many of the technical issues involved. In view of the potentially significant cost differences between respirator programs and engineering controls as well as the large number of workers and industries affected, OSHA believes that current standards related to respiratory protection should be reexamined in light of current knowledge and accepted industrial hygiene practice. If OSHA does not respond to this situtation, many employees may be overexposed needlessly to a variety of airborne toxic materials because of inappropriate respirator programs. Such exposure could result in severe illness and disability. Alternatively, obsolete regulation may unnecessarily limit an employer's options in providing respiratory protection or restrict innovation in respiratory protection devices. Inadequate regulations may also impose costs that are not always required by actual circumstances.

Alternatives Under Consideration

Alternatives will eventually have to be considered for each individual provision of the standards. These cannot be proposed until after further technical input is received resulting from publication of the ANPRM.

Summary of Benefits

Sectors Affected: All firms in manufacturing, construction, and water transportation industries in which workers are exposed to hazardous substances; producers of engineering control equipment; producers of safety appliances and equipment; and employees of those firms.

The ANPRM will elicit information concerning the relative capabilities of respirators (and respiratory protection programs) and alternatives to reduce employee exposure to hazardous substances. This information is necessary before we can develop any benefit estimates. If OSHA modifies the standards, then firms that are currently using respirators, as well as firms that may use them in the future, will benefit from the increased efficiency arising from a more advanced respirator technology. Employees will benefit by being provided more efficient respirators that afford greater protection to hazardous substances in the workplace.

Summary of Costs

Sectors Affected: All firms in manufacturing, construction, and water transportation industries in which workers are exposed to hazardous substances; producers of engineering control equipment; and producers of safety appliances and equipment.

Uncertainty about the adequacy of respiratory protection programs has caused OSHA and other regulatory agencies and institutions to limit respirator use to situations where all other methods of protection are infeasible. Advancing respirator technology may now warrant revised regulations for the use of respirators. In situations where respirators are adequate and more cost effective, employers may reduce operating costs. Other situations may exist that require more stringent rules for respiratory protection programs, which would increase operating costs. OSHA will evaluate this information and provide estimates of regulatory impacts before changes to the standards are proposed.

Summary of Net Benefits

Benefits will accrue in the form of reduced expenditures for engineering controls, administrative controls, and work practices in those situations where respirators can adequately protect employees and are more cost effective. Careful trade-off analysis will be required to determine where these net benefits can be obtained.

Related Regulations and Actions

Internal: The following sections of 29 CFR Part 1910, Subpart Z, Air Contaminants: .1001, Asbestos; .1017, Vinyl Chloride; .1018, Inorganic Arsenic; .1025, Lead; .1029, Coke Oven Emissions; .1043, Cotton Dust; .1044, 1,2-dibromo-3-chloropropane; .1045, Acrylonitrile.

External: 30 CFR Part 11, Respiratory Protective Devices; Tests For Permissibility; Fees (MSHA-NIOSH).

Government Collaboration

None.

Timetable

ANPRM—January 1982.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.
All other steps in the rulemaking process are undecided at this time and will depend on decisions made after analysis of the public comment.

Available Documents

A docket file (No. H–049) is available for inspection and copying in the OSHA Docket Office, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210, telephone (202) 523–7894.

A related file concerning qualitative respirator fit testing is also available at the OSHA Docket Office in docket file H–049A.

The public comments submitted in response to the ANPRM for this project will become part of docket file No. H–049.

Agency Contact

Dr. Sheldon Weiner, Director
Office of Physical Agent Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N3718
Washington, DC 20210
(202) 523–7151

DOL–OSHA

Standard for Employee Exposures to Toxic Substances in Laboratories (29 CFR Part 1910; New)

Legal Authority

Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) believes this regulation will be of particular interest to academic institutions, industries, and other organizations with laboratory employees because it will provide many laboratories with a more economical, feasible, and protective alternative to implementation of the general industry standards for toxic substances in laboratories.

Statement of Problem

OSHA has designed most exposure standards for general industry so as to ensure protection of employees who are engaged in industrial production or service activities involving exposure to only a few toxic chemicals during relatively standardized, continuous, or repetitive processes. OSHA has not exempted laboratories from these general industry standards. Currently, OSHA does not have reliable estimates of the number of laboratory employees that will be affected by this proposed action. However, many laboratory employers, employees, and supervisors have stated that the general industry standards are inappropriate for most laboratories because of the large number of toxic chemicals used in the typical laboratory, their predominantly short-term and low-level usage, and the protective equipment and careful, scientific procedures routinely used in laboratories. Laboratory personnel also have contended that these procedures and equipment, which laboratory professionals choose to fit the specific facility and task, are more effective, feasible, and economical for laboratory work than any exposure standard designed for industrial workplaces could be.

OSHA agrees that, with regard to health hazards, there are significant differences between work with toxic chemicals in general industry and in laboratories, especially when the laboratory employees are engaged in activities that produce frequently changing or unpredictable exposure conditions. For such cases, a general laboratory standard would be more feasible and more protective than implementation of the numerous OSHA substance-specific health standards. Accordingly, OSHA has been considering alternative regulatory approaches toward the protection of laboratory employees from toxic substance exposures.

If OSHA takes no action to respond to this problem, laboratories will continue to be required to comply with the substance-specific general industry standards. An alternative approach, based on general chemical hygiene, may provide better protection in a more cost-effective manner.

Alternatives Under Consideration

On April 14, 1981 (46 FR 21785), OSHA published a request for comment and information regarding this problem and the suggested alternative regulatory actions. The following alternatives are based on the comments submitted and are the major alternatives that OSHA will consider:

(A) Maintain the current regulations. The major disadvantage of this option would be continued costs of implementation in laboratories of health standards requirements that are designed for industrial workplaces and that in laboratories may be relatively ineffective and wasteful of resources.

(B) Develop a general laboratory standard, requiring that acceptable work practices and other protective measures be used during all work with toxic chemicals. This option would have the advantages of providing a laboratory standard designed for laboratories, rather than for industrial workplaces, and of providing greater protection for laboratory workers than now exists because it would apply not only to OSHA-regulated substances (see Alternative (C)) but to all toxic chemicals. It would have two major disadvantages: (1) because of the great variability in laboratories and in procedures carried out in laboratories, it may be difficult or impossible to develop comprehensive mandatory procedures and specifications of consistent applicability and effectiveness; and (2) the requirement that the standard be implemented for work with all toxic substances would extend far beyond the scope of existing OSHA health standards, possibly necessitating lengthy rulemaking proceedings to establish that toxic chemicals can and should be regulated as a class, rather than on a substance-by-substance basis.

(C) Continue to require laboratories to meet the permissible exposure limits (PELs) specified by existing standards (29 CFR 1910.1000–1910.1045) but relieve them of most other requirements of existing standards, allowing each employer to decide how to meet the PELs. This option would include a requirement that a Chemical Hygiene Plan (designed by the affected organization to ensure that it would not exceed PELs) be developed and implemented. However, laboratory work practice and facility guidelines, based on general scientific consensus, would be published by OSHA as non-mandatory recommendations rather than as standards. The advantage of this option is that it would retain mandatory requirements for control of employee exposures, but would eliminate the necessity for compliance with inappropriate requirements, allowing designated responsible individuals to decide how best to meet PELs in each particular case.

(D) Totally relieve laboratories of the obligation to comply with general industry standards, relying on voluntary compliance with good work practices that OSHA would publish as non-mandatory guidelines. The advantage of this option would be its simplicity and convenience for all concerned. The disadvantage would be that mandatory protection against overexposures would be diminished for laboratory employees and enforcement would be difficult for OSHA.

All of these alternatives are currently under OSHA review.

Summary of Benefits

Sectors Affected: All establishments that use OSHA-related chemicals in laboratories and that are subject to OSHA regulations (29 CFR 1910.1000–1910.1045).

If Alternative (C) is chosen, OSHA anticipates that the regulation would be adopted for most eligible laboratories as more cost effective and more feasible than the general industry standards it would supersede. At the same time, since acceptable exposure levels would not be changed, existing levels of employee protection would be maintained. Indeed, many of those who submitted comments stated that health protection would actually be enhanced by the implementation of such a regulation, because each facility would establish effective chemical hygiene precautions based upon the particular circumstances at that facility. As an incidental health-protective benefit, these precautions would also improve exposure control for other laboratory chemicals that are not regulated by OSHA standards.

Some industrial firms with existing programs for compliance with OSHA's general industry standards in their operations, including laboratories, would probably choose to continue their present program instead of adopting a new regulation based on Alternative (C) and, therefore, would be unaffected by the regulation.

OSHA believes that there are many academic and clinical laboratories (among others) in which the general industry standards have not been implemented because the employers are

not subject to OSHA (the Occupational Safety and Health Act defines which employers are affected), because the laboratory supervisors are not aware that the current regulations are applicable to their workplaces, or because the requirements are considered impractical for laboratories. We believe that many of these laboratories will voluntarily institute measures needed for compliance if we choose Alternative (C). This will have the beneficial effect of improving chemical hygiene precautions for increased numbers of employees.

If OSHA were to exempt laboratories from the general industry exposure standards and to issue non-mandatory guidelines for laboratory chemical hygiene (Alternative (D)), employers and laboratory supervisors would benefit from the freedom to define their own chemical hygiene criteria and standards. Employees would benefit only to the extent that employers and managers voluntarily improved any unsatisfactory chemical hygiene conditions.

If we choose Alternative (B), a general laboratory standard for work with all toxic chemicals, specified protective measures for virtually all laboratory work with chemicals would be required. If this alternative were to achieve general compliance, laboratory employees would benefit from mandatory protection against overexposure to a wider spectrum of chemicals than for any of the other alternatives.

If we choose to take no action (Alternative (A)), the current standard would apply to laboratories and their employees.

Whether Alternative (B), (C), or (D) is chosen, in a particular laboratory, employees and employers will begin to realize benefits as soon as they begin to implement the regulation. For all three alternatives, a significant benefit would be expected because of a reduction in instrumental monitoring requirements. In each case, the regulation would recognize that with the use of standard recommended laboratory precautions, reasonable assurance of non-violation of PELs is possible without the routine use of instrumental monitoring. Reduced costs would also result from reduction of medical surveillance requirements for some chemicals.

Summary of Costs

Sectors Affected: All establishments that use OSHA-regulated chemicals in laboratories and that are subject to OSHA regulations.

We expect that direct costs of compliance with the intended regulation (Alternative (B), (C), or (D)) will be less than the costs of compliance with the existing standards.

To the extent that laboratories not now complying with existing standards undertake the expenditures needed for compliance with the new standard, additional costs will be incurred. The costs of such compliance measures have not been estimated.

However, OSHA expects that the cost to laboratories will not have a great impact because it intends to model the regulation (whether Alternative (B), (C), or (D)) largely on recently published guidelines, prepared by experts from the scientific community. Such guidelines are already being implemented in some laboratories. However, OSHA believes it is important to issue a regulation in order to relieve laboratories of the requirement for complying with the general industry standards, to provide guidance for improvement of laboratory chemical hygiene programs, and, in the case of Alternative (B) or (C), to require improvements by those laboratory employers who would not otherwise adopt satisfactory programs.

Summary of Net Benefits

OSHA will evaluate the laboratory standard to determine the least costly alternative consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: None.

External: The National Institutes of Health (NIH) have recently published guidelines for laboratory use of chemical carcinogens in NIH laboratories. These guidelines are closely related to draft guidelines prepared for the Department of Health and Human Services (HHS) Committee To Coordinate Environmental and Related Programs. They are also consistent with "Prudent Practices for Handling Hazardous Chemicals in Laboratories," recently published by the National Research Council. Each of these guidelines documents, recommends, and specifies prudent general work practices rather than substance-specific regulations as the most protective approach to laboratory use of toxic chemicals.

Government Collaboration

The National Institute for Occupational Safety and Health (NIOSH) assigned knowledgeable representatives to assist with this project as needed. Representatives of the National Institutes of Health, National Science Foundation, Office of Science and Technology Policy, and National Academy of Sciences were active as members of an informal group that met to consider the problems that OSHA's general industry standards may pose for laboratories. This group, which also included representatives from universities, the chemical industry, and professional associations, has provided active assistance to OSHA during its consideration of possible regulatory actions. There has been mutual consultation with individuals at the Environmental Protection Agency who are concerned with the impact on laboratories of hazardous waste disposal regulations.

Timetable

Request for Comments and Information—46 FR 21785, April 14, 1981.
ANPRM—Date to be determined.
NPRM—Date to be determined.
Public Comment Period—Date to be determined.
Public Hearing—Date to be determined.
Final Rule—Date to be determined.
Regulatory Impact Analysis (if required)—Date to be determined.
Regulatory Flexibility Analysis (if required)—Date to be determined.

Available Documents

"Draft Guidelines for the Laboratory Use of Chemical Carcinogens," Department of Health and Human Services (HHS) Committee To Coordinate Environmental and Related Programs, March 1980.

"Prudent Practices for Handling Hazardous Chemicals in Laboratories," National Academy Press, 1981.

"NIH Guidelines for the Laboratory Use of Chemical Carcinogens," HHS, 1981.

Comments in response to 46 FR 21785, April 14, 1981 (Docket No. H–150), are available for inspection and copying; Room S–6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, DC 20210.

Agency Contact

John Martonik, Deputy Director
Health Standards Programs
Occupational Safety and Health Administration
Department of Labor
200 Constitution Avenue, N.W., Room N–3718,
Washington, DC 20210
(202) 523–7075

DOL–OSHA

Standard for Occupational Exposure to Asbestos (29 CFR 1910.1001; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) is currently evaluating the occupational health risks associated with exposure to asbestos. OSHA is also assessing the expected costs and feasibility of achieving alternative reduced exposure levels. The research findings may lead to a revision of the current OSHA standard. Preliminary estimates prepared for OSHA indicate that the current standard may impose annual costs of over $100 million.

Statement of Problem

A preliminary report prepared for OSHA indicated that from 2.3 million to 2.6 million employees have some degree of occupational exposure to asbestos. Of this total, 180,000 to 400,000 are employed in the construction industry and the remaining 2.1 million are in general industry. A significant number of these employees are exposed to airborne asbestos levels at the existing permissible exposure limit of 2 million fibers per cubic meter (fibers/m^3) or higher. This level was established by OSHA for the purpose of reducing the incidence of asbestosis (a diffuse, non-malignant scarring of the lungs).

The National Institute for Occupational Safety and Health (NIOSH) and other sources have provided data to OSHA indicating that the present OSHA exposure limit may be inadequate to protect workers from asbestos-related diseases. Exposure to asbestos can cause asbestosis, lung cancer, and mesothelioma (a cancer of the chest and abdominal cavity linings of exposed workers). Recent epidemiologic evidence indicates that these diseases may be induced at very low levels of exposure.

OSHA is developing a proposal to revise the current standard for occupational exposure to asbestos. This may include a reevaluation of the current permissible exposure limit (PEL) and control requirements representing the most cost effective way for industries to achieve the PEL. The current OSHA standard includes provisions for engineering and administrative controls, work practices, and procedures for medical surveillance and monitoring. The effectiveness of these provisions and others will be evaluated.

A preliminary quantitative risk assessment performed by OSHA has indicated that a significant number of workers (8 to 260 per 1,000 workers) would develop cancer in the lung following a working lifetime exposure to asbestos at the current OSHA permissible exposure limit. A substantial reduction of lung cancer risk may be achieved by lowering the current PEL to either 500,000 fiber/m^3 or 100,000 fiber/m^3. The estimated ranges of the lifetime risk at these two levels are 2 to 75 workers per 1,000 and 0.4 to 15 workers per 1,000, respectively (versus 8 to 260 per 1,000 at the current level).

Alternatives Under Consideration

The Agency is considering a range of alternative PELs as well as possible revisions to current provisions for engineering and work practice controls, hygiene facilities, medical surveillance, respirators, and training. We will consider such revisions both for the alternative PEL and for the current OSHA standard.

Some scientists argue that all commercially available forms of asbestos are cancer-causing agents and therefore should be regulated equally. Others believe that different asbestos forms display varying degrees of toxicity and that OSHA should develop separate standards based on data associated with each specific asbestos mineral. The stringency of a regulation and hence the cost or compliance would then vary for employers using or producing different asbestos forms. Non-uniform treatment may encourage substitution of less toxic forms for more toxic forms of asbestos. This subsitution may change the exposure levels for workers exposed to the asbestos forms. Hence, the long-term impact of a non-uniform treatment on the projected illnessess and the costs of compliance must be evaluated. Experimental data on animals suggest that all forms of asbestos present a health hazard. OSHA will evaluate the relative toxicity of asbestos forms and the regulatory option of establishing different standards for different forms of asbestos.

Still another approach is to establish regulations for asbestos on the basis of the effectiveness and feasibility of compliance for different industries. Specific requirements of the standard would differ according to the feasibility of various control measures in different industries or processes, such as construction versus general industry.

Those States that have assumed responsibility from OSHA for conducting occupational health and safety programs could act to revise their asbestos standards without Federal action. However, the majority of States are without their own program, and hence a Federal action may be necessary.

Summary of Benefits

Sectors Affected: Workers and establishments in manufacturing, retail trade, construction, and service industries that produce or use asbestos-containing products; users of these products; establishments manufacturing substitutes for asbestos or asbestos-containing products; and the general public.

Affected industries include the primary manufacturers of asbestos products; secondary fabricators in the automobile aftermarket, shipbuilding and repair, and elsewhere; and the construction industry. The primary manufacturers are larely grouped in Standard Industrial Classification (SIC) Code 3292 (asbestos products), and many of these establishments also perform some secondary fabrication. Shipbuilding and repair is included in SIC Code 3731. The automobile aftermarket includes establishments that repair, resurface, and repackage such friction parts as brake shoes and clutch faces. The establishments involved are located in SIC Code 55 (automotive dealers and gasoline stations), SIC Code 3714 (motor vehicle parts and repair), and SIC Codes 7538 and 7539 (general automotive repair shops, and automotive repair shops not elsewhere classified). Other secondary fabricators are located in SIC Code 3293 (gaskets, packing, and sealing devices), and in many other SIC Codes too numerous to list here. Construction (SIC Codes 15–17) will also be affected where asbestos-containing products are used, such as roofing felt, asbestos-cement pipe, asbestos-cement siding, and some forms of floor tile.

Establishments that produce substitutes for asbestos or asbestos-containing products will also be affected. Although a complete enumeration of such substitutes and their respective SIC Codes is not included here, a partial listing is as follows: substitutes for asbestos itself, in various uses, including fibrous glass (SIC Code 322), mica (SIC Code 329), graphite-carbon fibers (SIC Code 329), nylon (SIC Code 228), polypropylene (SIC Code 282), and others. A large number of substitutes also exist for asbestos-containing products. Iron or polyvinyl chloride pipe (produced in SIC Codes 33 and 307) can be substituted for

asbestos-cement pipe. Substitutes for asbestos-cement siding include vinyl, aluminum, and wood siding: substitutes for vinyl-asbestos floor tile include pure vinyl tile, carpeting, and hardwood flooring.

The potential benefits of implementing more cost effective methods of controlling asbestos at the level specified by the current standard would be the reduction in compliance cost for the affected firms.

The direct benefit we expect from controlling exposure to asbestos is a reduction in the incidence and prevalence of the health effects. Such reductions in mortality and morbidity will result in reduced pain and suffering for employees and in savings in medical expenses and lost output that would otherwise occur.

Indirect benefits from controlling asbestos exposures to either of the alternative levels will include reductions in the burden placed on such public support programs as Medicare and Medicaid, Welfare, and Worker's Compensation. In addition, improved worker health and safer working conditions are likely to reduce employee turnover and raise labor productivity. Finally, further controlling asbestos exposures will stimulate a search for asbestos substitutes and for alternatives to asbestos-containing products, and it will induce employers to innovate improved control technologies. With less asbestos and fewer asbestos products used, consumers will benefit since incidental asbestos exposures will decline.

Summary of Costs

Sectors Affected: Workers and establishments in manufacturing, retail trade, construction, and service industries that produce or use asbestos-containing products; and consumers of these products.

The costs of the regulatory options being considered are largely the capital and operating expenses that the regulated firms will incur in order to comply. Because these cost increases may raise the prices of asbestos-containing products, the quantity demanded of such products may decline. Higher prices of asbestos products would result in a switch to presently unregulated substitutes. To the extent that some of the substitutes have adverse health or safety effects, these will also be costs of the regulation. The extent of this substitution is under investigation and quantitative estimates are presently unavailable.

A preliminary evaluation of the potential impact on industry of regulation of asbestos was reported in a previous *Calendar of Federal Regulations* [45 FR 36971, May 30, 1980]. This evaluation is currently being updated by OSHA.

Indirect costs attributable to additional regulation hinge on the estimated impact of the use of substitute products and their likely consequences for health, safety, and product quality. Costs associated with the most stringent alternative could result in a significant use of substitutes for asbestos fibers and asbestos-containing products. The extent of this substitution is under investigation by OSHA, and quantitative estimates are presently unavailable. We are also evaluating the health and safety effects of likely substitutes, but, again, no qualitative or quantitive estimates can be ventured at this time.

Summary of Net Benefits

OSHA will evaluate the current asbestos standard and alternative asbestos standards to determine the least costly alternative consistent with the objectives of the Occupational Safety and Health Act.

Related Regulations and Actions

Internal: We are planning to modify the existing OSHA standard for asbestos, found at 29 CFR 1910.1001 of the Agency's General Industry Standards, which specifies an 8-hour time-weighted average of 2,000,000 fibers/m^3. Other provisions of the standard address monitoring, medical surveillance, training, respirators, recordkeeping, protective clothing, and methods of compliance.

On October 7, 1975, OSHA published a notice proposing to revise the current asbestos standard and to reduce the PEL to 500,000 fibers/m^3 [40 FR 3392]. We are performing analyses of the economic and technological impact of that and alternative exposure levels.

External: Regulatory measures are under consideration by the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC). EPA/CPSC published an ANPRM for asbestos use in October 1979. EPA currently has a national emission standard for asbestos (38 FR 8820), and CPSC regulates uses of asbestos in certain consumer products.

Government Collaboration

An OSHA/Environmental Protection Agency/Consumer Product Safety Commission task group will coordinate development of an appropriate regulatory response to possible health hazards associated with asbestos. Information-sharing activities with other governmental agencies, such as the National Institute for Occupational Safety and Health, Food and Drug Administration, and Department of Agriculture, are underway.

Timetable

ANPRM—Date to be determined.
NPRM—Date to be determined.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Public Hearing—Date to be determined.
Public Comment Period—Date to be determined.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

"Occupational Exposure to Asbestos," Notice of Proposed Rulemaking (40 FR 47652), and comments received in response to the NPRM (OSHA Docket No. H–033).

"Workplace Exposure to Asbestos: Review and Recommendations," Department of Health and Human Services Publication No. 81–103, NIOSH–OSHA Asbestos Work Group, April 1980.

"Criteria for a Recommended Standard . . . Occupational Exposure to Asbestos" (NIOSH-HEW, 1975); updated Criteria Document (1976).

These documents are available by mail and for review and copying at the OSHA Technical Data Center, Room S–6212, 200 Constitution Avenue, N.W., Washington, DC 20210. A fee is usually charged for copies of these documents.

Agency Contact

Dr. Robert Beliles, Director
Office of Carcinogen Standards
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7081

DOL–OSHA

Standard for Occupational Exposure to Ethylene Oxide (29 CFR 1910.1000, Table Z–1; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) believes reduction of the present exposure limit may be necessary in order to adequately protect workers from the carcinogenic

risks and other adverse health effects associated with exposure to ethylene oxide (EtO). OSHA believes that the existing EtO standard is an issue of great public interest.

Statement of Problem

Exposure to EtO can cause irritation of the eyes, skin, nose, throat, and lungs and can adversely affect the central nervous system. Recent epidemiologic and experimental evidence indicates that exposure to EtO may also result in carcinogenic, reproductive, and mutagenic effects. The National Institute for Occupational Safety and Health (NIOSH) and other sources have provided data to OSHA indicating that the present OSHA permissible exposure level (PEL) of 50 parts per million (ppm) parts of air may be inadequate to protect workers from ethylene oxide-related disease.

NIOSH estimates that approximately 144,000 workers may be exposed to EtO. The largest amounts of EtO are found in chemical plants where it is produced and used as a chemical intermediate. Because EtO is highly explosive and reactive, the processing equipment containing it in these plants generally consists of tightly closed and highly automated systems. The equipment is often located outdoors, and workers spend most of their work shift inside or around control rooms, away from the equipment. Samples collected by NIOSH in general process areas of six plants indicated that EtO concentrations were, with few exceptions, less than 1 ppm. The greatest potential for worker exposure probably occurs during loading or unloading of transport tanks, product sampling procedures, and equipment maintenance and repair.

OSHA is aware that there are certain activities, particularly in hospitals and in the manufacture of health care devices, in which EtO exposures of employees engaged in sterilizing equipment may exceed those of the chemical industry. However, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, the Environmental Protection Agency (EPA) has responsibility for the registration, labeling, and application of pesticides containing EtO. These regulations cover persons engaged in the application of EtO for sterilization of equipment in hospitals and medical supply companies. Since EPA has regulated exposure to EtO in this context, OSHA, under § (4)(b)(1) of the Occupational Safety and Health Act (OSH Act), does not have jurisdiction over the working conditions of employees using EtO as a sterilant or fumigant. In addition, the limited data currently available to OSHA indicate that most hospitals have reduced exposures below an 8-hour time-weighted average (TWA) of 10 ppm during the sterilization of equipment. The data also suggest that the number of employees at any given hospital who may be involved in using EtO as a sterilant is very small and that their exposure is intermittent.

It should be noted here that, based on recent health data, several industrial users and producers have adopted internal company exposure limits well below OSHA's 50 ppm limit. For example, Exxon and the American Hospital Supply Corporation have adopted a policy to limit employee exposure to EtO to 10 ppm; Shell Chemical Division, Union Carbide, and Medtronic have adopted a 5 ppm limit; Dow Chemical and Celanese have established a limit of 3 ppm; Texaco has established a 2 ppm exposure limit; and Rohm & Haas and Johnson and Johnson have a 1 ppm limit.

Since the current OSHA standard appears to be inadequate, OSHA has decided to proceed with rulemaking under § 6(b) of the OSH Act to lower the PEL and to incorporate appropriate provisions for monitoring of exposed workers, medical surveillance, and other protective requirements.

Alternatives Under Consideration

The Agency is currently considering the necessity of lowering the existing PEL to alternative 8-hour TWAs of 0.5 ppm, 1 ppm, 5 ppm, and 10 ppm. The necessity of establishing a short-term, or ceiling, limit (a level above which employees may not be exposed for any period) is also under consideration. For each of these alternatives, OSHA is also considering the necessity of including other provisions for engineering and work practice controls, hygiene facilities, medical surveillance, respirators, training, etc.

Finally, we may establish new regulations for EtO, if necessary and appropriate, on the basis of the technological and economic feasibility of compliance for different industries. Specific requirements of a new standard may differ according to the feasibility of various control measures in different industries or processes.

Summary of Benefits

Sectors Affected: Workers and establishments in manufacturing and service industries that produce or use EtO-containing products and the general public.

Industries that this action could affect include: organic chemical manufacturers; metal products manufacturers; manufacturers who use EtO as an intermediate for producing chemical and EtO products, such as automotive antifreeze and cleaning agents. Users of these products also would be affected.

On a volume basis, EtO is used primarily as an intermediate in the production of several industrial products. The largest consumption of EtO is in the production of ethylene glycol for automotive antifreeze and as an intermediate for polyester fibers, films, and bottles. The second largest consumption is in production of nonionic surface-active agents for industrial applications and for heavy-duty home laundry detergents and dishwashing formulations. Production of glycol ethers (e.g., solvents for surface coatings) and ethanolamines (used in production of soaps, detergents, and textile chemicals) constitute the third and fourth largest uses, respectively.

The direct benefit we expect from controlling exposure to EtO is a reduction in the incidence and prevalence of adverse health effects. Such reductions in mortality and morbidity will result in reduced pain and suffering for employees and in savings in medical expenses and lost output that would otherwise occur.

Indirect benefits from controlling EtO exposures will include reductions in the burden placed on such public support programs as Medicare and Medicaid, Welfare, and Workers' Compensation. In addition, improved worker health and safer working conditions may reduce employee turnover and raise labor productivity.

Summary of Costs

Sectors Affected: Workers and establishments in manufacturing and service industries that produce or use EtO-containing products; retail and wholesale trade of EtO products; and consumers of these products.

The costs of the regulatory options OSHA is considering are largely the capital and operating expenses that the regulated firms will incur in order to comply. Because these cost increases may raise the prices of EtO-containing products, the quantity demanded of such products may decline. Higher prices of EtO products could result in a switch to presently unregulated substitutes. To the extent that some of the substitutes have adverse health or safety effects, these will also be costs of the regulation. The extent of this substitution is under investigation, and quantitative estimates are presently unavailable.

Summary of Net Benefits

OSHA will evaluate the proposed EtO standard to determine the least costly alternative consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: None.

External: In 1979 the American Conference of Government Industrial Hygienists (ACGIH) published its intention to change its recommended threshold limit value (TLV) for EtO from 50 ppm to 10 ppm, and it did so in 1981. ACGIH's 1981 TLV publication also proposes to further lower the EtO limit from 10 ppm to 5 ppm.

On May 22, 1981, NIOSH released "Current Intelligence Bulletin No. 35" on EtO to disseminate recent information concerning the potential carcinogenic hazard of EtO to workers.

EPA is continuing to review the comments and rebuttals submitted in response to its January 27, 1978 notice on EtO (43 FR 3800).

In July 1980 the Food and Drug Administration, Department of Health and Human Services, completed its review of comments it received on proposed exposure limits for EtO and EtO residues and of the data and comments EPA received on their notice for EtO.

Government Collaboration

OSHA is a member of the Ethylene Oxide Interagency Science/Health Coordination Group, which is composed of representatives of the Consumer Product Safety Commission, the Environmental Protection Agency, the Food and Drug Administration, the Food Safety and Quality Service, and OSHA. This group convenes on a regular basis in an effort to coordinate regulation, research, and information concerning EtO.

Timetable

ANPRM—January 1982.
NPRM—Date to be determined.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Public Hearing—Date to be determined.
Public Comment Period—Date to be determined.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

TLV Airborne Contaminants Committee, "Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1981." American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio, 1981.

NIOSH, "Current Intelligence Bulletin. Ethylene Oxide (EtO): Evidence of Carcinogenicity," May 22, 1981.

Agency Contact

Dr. Robert P. Beliles, Director
Office of Carcinogen Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7081

DOL–OSHA

Standard for Occupational Exposure to Lead (29 CFR 1910.1025; Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief lists the current standard in its "Rules Designated for Postponement." When the Task Force requested information on burdensome regulations, the lead standard was one of those most frequently cited.

Statement of Problem

Lead is a toxic substance that can adversely affect the health of workers through inhibition of heme synthesis (the process of blood formation), damage to the central and peripheral nervous systems, and damage to the kidney. Children are especially susceptible to the toxic effects of lead, and the children of workers can be harmed at conception, in the uterus, and through lead contamination brought into the home from the worksite.

The current standard for occupational exposure to lead was promulgated by the Occupational Safety and Health Administration (OSHA) in 1978. This standard sets a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter ($\mu g/m^3$) of air as a time-weighted average (TWA). Other provisions include requirements for environmental and biological monitoring, medical surveillance, medical removal protection, employee education and training, hygiene facilities, and a compliance hierarchy that requires implementation of engineering and work practice controls to achieve the PEL without regard to the use of respirators.

The lead standard, as promulgated in 1978, is extremely controversial. Both industry and labor groups challenged some aspect of nearly every provision of the standard in court, and numerous groups have petitioned OSHA for review of this regulation. Information received in response to an ANPRM issued on April 21, 1981 (46 FR 22764) indicates that serious questions remain concerning the feasibility and cost effectiveness of the standard in certain industries. Because of these controversies, the Presidential Task Force on Regulatory Relief expects reconsideration of this standard.

The April ANPRM raised several issues but focused on the applicability of cost-benefit analysis in setting occupational health standards. This was in response to Executive Order 12291. On June 17, 1981, the Supreme Court, in its cotton dust decision, ruled that OSHA cannot perform a cost-benefit analysis for health standards because the Occupational Safety and Health (OSH) Act requires a feasibility analysis. OSHA will soon issue a second ANPRM on lead to state its intention to comply with this ruling.

One of the most costly aspects of the lead standard is the requirement that all covered industries must install engineering controls to achieve the 50 $\mu g/m^3$ PEL. Although the courts have upheld the other aspects of the standard, the U.S. Court of Appeals for the District of Columbia remanded this provision to the Agency for all but 10 of 56 affected industries on the grounds that OSHA had failed to demonstrate its feasibility. Since the issue of feasibility of the standard is presently in litigation, the probable consequences of taking no action at this time cannot be determined. If the court upholds the current standard, employers of approximately 100,000 workers now employed in areas where air lead levels exceed 50 $\mu g/m^3$ must install these engineering controls.

Alternatives Under Consideration

Based on data to be collected on technologic and economic feasibility and cost effectiveness, OSHA may decide to retain an implementation schedule requiring various sectors of the lead industry to comply with a single air PEL within set time frames (either the current 50 $\mu g/m^3$ or some other level). OSHA would extend the time required to achieve compliance where such an extension is warranted. Alternatively, OSHA may require compliance with an air PEL without specifying a hierarchy of controls that regulated firms must use to achieve this level.

If information we collect is sufficient to conclude that a single air PEL is not appropriate, OSHA may place a greater

degree of reliance on biological monitoring to measure compliance and deemphasize the lead-in-air requirements.

Because the uses of lead are diverse and the standard covers many compounds with different chemical and physical properties, OSHA anticipates that the final standard will probably encompass more than one of the alternatives listed. All alternatives are intended to provide cost savings to industry where health of workers is not jeopardized.

Summary of Benefits

Sectors Affected: Employers and employees in 56 industries using lead, especially primary smelting and refining of lead (SIC Code 3332), copper (3332), zinc (3333), and precious metals (3339), secondary smelting and refining of lead and copper (3341), battery manufacture (3691), steel production (3312), shipbuilding and repairing (3731), nonferrous foundries (3369), brass and bronze foundries (3362), pigments manufacture (2816), and scrap collection and processing (5093).

OSHA estimates that about 375,000 workers are exposed to airborne lead in excess of 30 $\mu g/m^3$ and that 100,000 of these workers are exposed above the 50 $\mu g/m^3$ PEL. The data indicate that even if workers are exposed to lead at the PEL, 30 percent will have blood lead levels in excess of 40 $\mu g/100g$ whole blood. OSHA has determined that this blood lead level is the lowest at which most adverse health effects have been observed. (Reproductive effects occur at lower blood lead levels.)

Because quantitative risk assessments have not been performed, OSHA has not calculated the distribution of health impairments associated with lead exposure. Therefore, quantified estimates of the benefits of reducing lead exposure are not currently available. Likewise, potential changes in benefits resulting from reconsideration of the standard cannot be quantified at this time. However, to the extent that cost-saving modifications such as phased-in compliance deadlines, use of personal protection in lieu of engineering controls, and tiered PELs can be incorporated into the standard without jeopardizing the health of employees, affected industries will realize benefits in the form of lower compliance costs.

Summary of Costs

Sectors Affected: Employers in 56 industries using lead, especially primary smelting and refining of lead (SIC Code 3332), copper (3331), zinc (3333), and precious metals (3339), secondary smelting and refining of lead and copper (3341), battery manufacture (3691), steel production (3312), shipbuilding and repairing (3731), nonferrous foundries (3369), brass and bronze foundries (3362), pigments manufacture (2816), and scrap collection and processing (5093); and consumers of goods produced by these sectors.

In the preamble to the final lead standard, OSHA presented estimates of the costs of compliance with the proposed standard of 100 $\mu g/m^3$ (costs shown are in 1976 dollars). OSHA estimated compliance expenditures for primary smelting and refining of lead ranging from $32 million to $47 million in capital costs, annual operating and maintenance costs of $2.7 million to $4.1 million, and annual costs for provisions such as monitoring and recordkeeping of $4.2 million. For the secondary lead smelters, OSHA presented capital costs ranging from $34.1 million to $51.1 million, annual operating and maintenance costs of $8.4 million to $12.7 million, and annual recordkeeping and monitoring costs of $10.4 million to $15.8 million. In addition, OSHA calculated the cost of rebuilding the entire industry to achieve the 50 $\mu g/m^3$ PEL at $90.6 million. For the battery industry, capital costs presented ranged from $205.1 million to $230.0 million. Data in the record but not included in the preamble indicated annual operating and maintenance costs of $19.0 million to $38.0 million and annual costs of $27.3 million for compliance with other provisions. For those 46 industries remanded to OSHA for further study of the feasibility of installing engineering controls, OSHA calculated total capital assets (in 1980 dollars) of $303.0 million to comply with the 50 $\mu g/m^3$ PEL.

Given these total cost estimates, predicted impacts on lead prices were generally negligible. Based on 1975 total production, OSHA expected on the basis of 1976 costs that the price per pound of lead produced in primary smelters (i.e. from ore) would rise by at most $0.006, and the predicted increase in the price of lead produced in secondary smelters (i.e. from scrap) was $0.013 per pound, both heavily affected industries. However, in the battery industry, estimated price increases per battery averaged $1.11. OSHA recognized that many small battery producers might not be able to compete with large producers and that closure of small businesses would increase industry concentration. If this occurs, further price increases might result from less competition among battery producers.

In reviewing the lead standard, OSHA will analyze the costs of alternative regulatory actions. In addition, OSHA will give special attention to those industries with a large percentage of small businesses.

Summary of Net Benefits

OSHA will evaluate the current lead standard and alternatives to determine the least costly alternative consistent with the objectives of the OSH Act.

Related Regulations and Actions

Internal: Respirator Fit Testing in the Lead Standard (29 CFR 1910.1025(f)(3)(ii)) and Respiratory Protection (29 CFR 1910.134) (see separate entries in this Calendar).

External: Modifications in the existing standard may require States to reassess their current standards for lead and make revisions if necessary.

Government Collaboration

OSHA has informed the Interagency Science/Health Coordination Group of this review. This group coordinates the regulatory authorities of the Occupational Safety and Health Administration, Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, and the Food Safety and Quality Service of the Department of Agriculture.

Timetable

ANPRM—46 FR 22764, April 21, 1981.
ANPRM—December 1981–January 1982.
NPRM—Date to be determined.
Final Rule—Date to be determined.
Public Comment Period—To be specified in NPRM.
Public Hearings—To be specified in NPRM.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.
Environmental Impact Statement—Date to be determined.

Available Documents

"Occupational Exposure to Lead," 43 FR 52952, November 14, 1978.

"Occupational Exposure to Lead—Attachments to the Preamble for the Final Standard," 43 FR 54353, November 21, 1978.

"Occupational Exposure to Lead; Administrative Stay; Reconsideration; Corrections," 44 FR 5446, January 26, 1979.

"Occupational Safety and Health Standard; Occupational Exposure to

Lead; Appendices to Standard," 44 FR 60980, October 23, 1979.

"Occupational Exposure to Lead; Supplemental Statement and Amendment of Standard; Final Rule," 46 FR 6134, January 21, 1981.

OSHA has established a docket number (H–004) for lead. Reports in the docket are available for inspection between 8:15 a.m. and 4:45 p.m. on weekdays in the Docket Office, Room S–6212, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, DC 20210. There is a per-page charge for copies of materials obtained through the Docket Office.

Agency Contact

Robert P. Beliles, Director
Office of Carcinogen Standards
Health Standards Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7081

DOL–OSHA

Standard for Occupational Exposure to Noise (29 CFR 1910.95 (a) and (b); Revision)

Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) believes that this regulation is important because it provides for the reduction of noise exposures for workers. It is estimated that the current regulation has an annual impact of $100 million or more on the economy. The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

The Agency is considering a review of its current health standard for occupational noise exposure. Exposure to excessive noise is probably the most prevalent occupational health hazard. Approximately 5.5 million people are exposed to average noise levels above 85 decibels (dB) in 300,000 workplaces. There is an abundance of epidemiological and laboratory evidence indicating that protracted noise exposure above 90 dB cause hearing loss in a substantial portion of the exposed population and that more susceptible individuals will incur hearing loss at levels below 90 dB. OSHA also estimated that approximately 940,000 people will suffer material impairment of hearing when exposed over a working lifetime even when current compliance with the noise standard (29 CFR 1910.95 paragraph (a) and (b)) is taken into account. Noise-induced hearing loss is an irreversible condition that progresses with increased exposure and with age. Because hearing is essential for normal interpersonal communication, hearing loss can lead to serious social and psychological handicaps.

Noise can also cause other adverse effects, including degraded job performance, increased accidents and absenteeism, job dissatisfaction, fatigue, sleeplessness, and stress-related illnesses.

OSHA's existing standard for occupational exposure to noise (29 CFR 1910.95) specifies a maximum permissible exposure limit (PEL) of 90 dB. This limit is a time-weighted average noise level (TWA) occurring over an 8-hour day, so that higher levels are allowed for shorter periods of time. The relationship between noise level and duration is called the exchange rate. The present standard requires a 5-dB exchange rate, meaning that the sound level may be increased by 5 dB with every halving of exposure duration. The employee's exposure level is described in terms of an 8-hour TWA. The present standard calls for a reduction in employee exposure to noise to a 90-dB PEL by engineering controls (e.g., modification of noisy equipment) or administrative means (e.g., worker rotation), whenever feasible.

In January 1981 the Agency amended the existing noise standard to clarify its requirement for a "continuing, effective hearing conservation program" for all employees exposed to a TWA above 90 dB and to extend coverage of hearing conservation programs to employees exposed to a TWA of 85 dB or above (see entry in this Calendar on the hearing conservation amendment). The majority of the amendment became effective on August 22, 1981. It calls for noise monitoring, periodic testing of employees' hearing, the availability of hearing protectors, employee education and training, and the maintenance of records.

OSHA proposes to review the noise standard in order to assess the cost effectiveness of various regulatory alternatives that the Agency has not previously studied. The Agency will base this review on 10 years of enforcement experience and on the industry-wide effectiveness of hearing conservation programs that will be stimulated by the new amendment. The Agency also intends to examine the PEL in view of current research data on the safe level for continuous and impulsive noise, the appropriateness of the exchange rate, and the risk of extra-auditory effects, such as stress-related illness. In addition, OSHA will evaluate the standard's impact on small entities. OSHA plans to publish an ANPRM on these issues in the near future to request public comment.

Alternatives Under Consideration

OSHA will consider alternatives that would revise the present regulation after reevaluating the PEL, the exchange rate, the effectiveness of hearing conservation programs, regulatory alternatives to the industry-wide compliance approach, and special problems for small entities. These alternatives include setting lower permissible noise limits for new facilities, establishing different compliance approaches for different industries or different sizes of establishments, and developing various combinations of hearing conservation programs and engineering controls. These alternatives would enable the Agency to identify the means of protecting workers against noise that are more cost effective than the single, industry-wide engineering approach.

Summary of Benefits

Sectors Affected: Noise-exposed workers in industries covered by OSHA's general industry and maritime standards.

OSHA anticipates that most noise exposures at or above 85 dB occur in manufacturing (SIC Codes 20–39) and utilities (SIC Code 49).

The primary benefit of the noise regulation is the reduction in the incidence of occupational hearing impairment. Studies show that lifetime exposures to workplace noise significantly increase the incidence of moderate to severe hearing impairment. For noise exposure levels of 85 to 90 dB, the increase is about 11 percent; for 90 to 95 dB the increase is 25 percent; for 95 to 100 dB, it is 45 percent; and for over 100 dB, it is greater than 55 percent in male workers. Female workers would suffer comparable risks of impairment. Effective hearing conservation programs are expected to reduce the cases of impairment by approximately 838,000.

In the past, the Agency has held that the benefits anticipated from the use of engineering controls are expected to exceed those provided by hearing conservation programs (whose elements are described above), because the hazard is reduced at the source. Studies relied upon by the Agency in issuing its

1974 proposed standard and the recent hearing conservation amendment indicated that ear protection, even when it is supported by audiometry and employee education, may not be as effective as reducing the hazard at the source, since the effectiveness of ear protection varies considerably according to fitting and wearing practices. The forthcoming ANPRM and Agency reconsideration will address these issues.

Summary of Costs

Sectors Affected: Industries covered by OSHA's general industry and maritime standards.

OSHA anticipates that most noise exposures at or above 85 dB occur in manufacturing (SIC Codes 20–39) and utilities (SIC Code 49).

The cost of reducing noise levels by engineering or administrative controls can be very high for those industries characterized by inherently noisy industrial processes. Previous estimates of the cost to reduce all noise exposure above 90 dB to 90 dB or below (as required by the present standard where feasible), range into the billions of dollars.

OSHA has estimated the cost of hearing conservation programs (as required by the provisions effective August 22, 1981) at $170.6 million per year (in 1980 dollars). As part of the reconsideration of the noise exposure regulation, OSHA will study further the cost of various regulatory alternatives (such as those enumerated in the previous section), their feasibility, and their relative cost effectiveness. The forthcoming ANPRM will also request public comment on the issues of cost and cost effectiveness.

Summary of Net Benefits

During this reconsideration, OSHA will evaluate the noise standard to determine the least costly alternative consistent with the objectives of the Occupational Safety and Health Act.

Related Regulations and Actions

Internal: OSHA also regulates occupational noise exposure in the construction industry (29 CFR 1926.52). This regulation is virtually identical to paragraphs (a), (b)(1), and (b)(2) of OSHA's regulation for general industry (29 CFR 1910.95). The construction noise standard contains paragraph (b)(3), which calls for a "continuing, effective hearing conservation program" for employees whose average exposures exceed 90 dB. The construction noise standard is not affected by the new hearing conservation requirements that amend the noise standard for general industry (29 CFR 1910.95) (see separate entry in this Calendar).

The Mine Safety and Health Administration (MSHA) has three noise exposure regulations:

(1) Underground Coal Mines (30 CFR 70.500 to 70.510). These regulations cover permissible exposure limits, noise measurement, and survey requirements and reporting procedures.

(2) Surface Work Areas of Underground Coal Mines and Surface Coal Mines (30 CFR 71.300 to 71.305). These regulations are essentially the same as those for underground coal mines.

(3) Metal and Nonmetal Mines (30 CFR 55.5). These regulations are essentially the same as paragraphs (a), (b)(1), and (b)(2) of OSHA's noise standard, 29 CFR 1910.95.

External: All States having their own occupational health programs must promulgate requirements at least as protective as OSHA's. A few States already have some hearing conservation requirements.

The Department of Defense (DOD) has had hearing conservation requirements for many years. Under the most recent DOD Instruction (No. 6055.3, June 8, 1978), the three services (Army, Navy, and Air Force) develop and issue individual requirements.

The Federal Advisory Council on Occupational Safety and Health has established a Subcommittee on Noise for the purpose of developing noise abatement and hearing conservation guidelines to be used by all Federal agencies.

The Environmental Protection Agency (EPA) has regulations and programs for noise control and hearing conservation. Under the Noise Control Act of 1972, EPA has the statutory responsibility to coordinate all Federal noise programs.

Government Collaboration

Formal coordination between OSHA and other agencies has taken place under the auspices of the Interagency Regulatory Liaison Group. The vehicle has been the Noise Subgroup of the Regulatory Development Work Group. OSHA has interacted with the other member agencies: the Environmental Protection Agency, Consumer Product Safety Commission, and Food and Drug Administration. OSHA has coordinated activities with the Mine Safety and Health Administration and with the Department of Defense under the auspices of the Noise Subgroup's Hearing Conservation Planning Group. Informal liaison has taken place with the National Institute of Occupational Safety and Health, the Department of Transportation's Federal Railroad Administration, and the National Bureau of Standards in the Department of Commerce.

Timetable

ANPRM—January 1982.
NPRM—To be determined.
Public Hearings (if appropriate)—To be determined.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Final Rule—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Preamble to the hearing conservation amendment, 46 FR 4161, January 16, 1981.

Preamble to the notice of effective provisions, 46 FR 42622, August 21, 1981.

"Final Regulatory Analysis of the Hearing Conservation Amendment," January 1981.

"Regulatory Impact and Regulatory Flexibility Analysis for the Hearing Conservation Amendment," August 1981.

OSHA Docket OSH–011 A, B, C, and D.

All documents are available for review in the Docket Office, Room S–6212, U.S. Department of Labor-OSHA, 200 Constitution Avenue, N.W., Washington, DC 20210. A fee is usually charged for copies of these documents.

Agency Contact

Dr. Alice Suter, Project Manager
Office of Physical Agents Standards
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N–3718
Washington, DC 20210
(202) 523–7151

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Bumper Standard (49 CFR Part 581; Revision)

Legal Authority

Motor Vehicle Information and Cost Savings Act, § 102, 15 U.S.C. 1912; National Traffic and Motor Vehicle Safety Act, § 103, 15 U.S.C. 1392.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) believes this proposed rule is important because of its

possible effect on manufacturers of motor vehicles and components; the interest the motor vehicle and insurance industries, Congress, and the public have shown in the proposed rule; and the potentially significant effect of the rule on costs to consumers.

Statement of Problem

In passing the Motor Vehicle Information and Cost Savings Act of 1972, Congress sought to reduce the economic losses resulting from motor vehicle accidents by providing for the promulgation of standards for bumper performance. Congress directed the Secretary of Transportation to promulgate bumper standards, taking into account the costs and benefits of the proposed standard and other factors. To fulfill this mandate, NHTSA issued the 49 CFR Part 581 "Bumper Standard" (41 FR 9346, March 4, 1976). The standard incorporates the safety features of former Federal Motor Vehicle Safety Standard 215, "Exterior Protection," and adds requirements for damage resistance for front and rear vehicle exterior surfaces in general.

In light of changing economic conditions (e.g., increasing fuel costs), the Senate Appropriations Committee, in June 1978, directed NHTSA to conduct studies and analyses to reevaluate the costs and benefits of the bumper standard. This led NHTSA to reassess the standard. In June 1979 NHTSA issued a report that concluded that the current Part 581 bumper standard provides greater net benefits to consumers than the alternatives considered. However, since that report was completed, manufacturers, insurance companies, and others have continued to supply information to the Agency on this subject. In addition, NHTSA has developed additional relevant data of its own.

In April 1981, the Agency completed a new review of the bumper standard and published its findings in a report entitled "Evaluation of the Bumper Standard." As a result of its review, NHTSA concluded that a rulemaking proceeding is necessary to determine which bumper performance level would best fulfill the statutory mandate to seek the maximum net benefits to the public and to the consumer. On October 1, 1981, NHTSA published an NPRM (46 FR 48262) proposing several alternative amendments to the Part 581 Bumper Standard.

Alternatives Under Consideration

The NPRM proposes several alternative amendments to the Part 581 bumper standard. These alternatives involve reducing to varying degrees the level of impact speed for barrier and pendulum testing from the 5.0 mph currently required under the regulation. (In a barrier test, a vehicle is crashed into a flat, vertical, unyielding surface. In a pendulum test, a weighed block having a mass equal to the mass of the test vehicle is swung into the bumper at a specified height.) In some of the alternatives, the current damage resistance criteria are eliminated.

NHTSA implemented the Part 581 Bumper Standard in two phases. The Phase I damage resistance criteria, which went into effect on September 1, 1978, require manufacturers to design the cars to protect a number of safety-related components and systems, such as the lights and the fuel and exhaust systems. In addition, the Phase I criteria require protection for the exterior surfaces of the vehicle, except for the bumper face bar itself and the components and associated fasteners that attach the bumper to the vehicle. The Phase II criteria, which went into effect on September 1, 1979, supplement the Phase I requirements by requiring protection for the bumper face bar and its components and fasteners.

The alternatives being considered are:

(I–A) Alternative I–A would amend the test impact speeds for rear bumpers only to 2.5 mph for longitudinal impacts and to 1.5 mph for corner impacts. It would maintain the test impact speed for front bumpers at the present level (5.0 mph), and it would retain the damage resistance criteria that the standard presently requires (Phase II damage resistance criteria).

(I–B) Alternative I–B would amend the test impact speeds as described in Alternative I–A and would substitute Phase I damage resistance criteria for both the front and rear bumper.

(II–A) Alternative II–A would eliminate the damage resistance criteria for rear bumpers only, with the exception of the criterion that is intended to ensure uniform bumper height, by requiring bumper contact with a pendulum test device within a specified height range (bumper height criterion). It would maintain the test impact speed and damage resistance criteria for front bumpers at their present levels.

(II–B) Alternative II–B would amend the damage resistance criteria and test impact speed requirements as described in Alternative II–A and would substitute Phase I damage resistance criteria for the front bumper.

(III–A) Alternative III–A would amend the test impact speeds for both front and rear bumpers to 2.5 mph for longitudinal impacts and 1.5 mph for corner impacts.

(III–B) Alternative III–B would amend the test impact speeds as described in Alternative III–A and would substitute Phase I damage resistance criteria for both the front and rear bumpers.

(IV–A) Alternative IV–A would amend the test impact speeds for front bumpers to 2.5 mph for longitudinal impacts and 1.5 mph for corner impacts. It would also eliminate the damage resistance criteria for rear bumpers only, with the exception of the bumper height criterion.

(IV–B) Alternative IV–B would amend the damage resistance criteria and test impact speed requirements as described in Alternative IV–A and would substitute Phase I damage resistance criteria for the front bumper.

(V) Alternative V would eliminate the damage resistance criteria for both front and rear bumpers, with the exception of the bumper height criterion.

Summary of Benefits

Sectors Affected: Manufacturing of passenger cars and consumers.

The lack of field experience with 2.5 mph bumper systems and the uncertainty as to how much damage protection manufacturers would provide in the absence of damageability requirements result in a range of estimated benefits. Reducing the stringency of the current bumper standard could save consumers money by lowering car prices, fuel costs, and financing charges. If the alternatives under consideration lower manufacturers' variable costs by 20 to 30 percent, the total savings to consumers could range from $44 to $239 per vehicle (present discounted value). Easing the bumper requirements could also save money for manufacturers of passenger cars. The alternatives under consideration could save manufacturers from $13 to $72 per vehicle (in 1981 dollars) per year in variable costs if there is a 20- to 30-percent reduction in variable costs.

Summary of Costs

Sectors Affected: Insurance companies and consumers.

Again, the lack of field experience with 2.5 mph bumper systems and the uncertainty about how much damage protection manufacturers would provide in the absence of damageability requirements result in a range of estimated costs. In the Preliminary Regulatory Impact Analysis, NHTSA estimated the alternatives under consideration would increase consumer costs for such items as repairs and income premiums from $15 to $289 (present discounted value). Reductions

in damage protection afforded by bumpers could result in increased costs to the consumer to repair the car. Consumers would spend more time having their vehicles repaired. Insurance premiums could increase to reflect not only the increase in the amount of claims paid out but also the increase in administrative and processing costs. Because insurance companies are regulated by the States, they may not be able to increase the premiums they charge in anticipation of any changes in the bumper standard. Instead, they would probably have to wait to adjust premiums until after they had actual claims experience. NHTSA expects that this inability to adjust premiums in anticipation of increased claims could initially result in insurance company expenses exceeding revenues. Eventually, premiums would be adjusted to reflect the higher payouts, and all costs for increased damage would be passed through to the consumer. The Agency does not at this time have data to assess the effect of this potential cash-flow change on the insurance companies.

Summary of Net Benefits

Based on the latest available data and analyses, it appears that the alternative bumper standards considered differ only very slightly from the present bumper standard in the level of net benefits that they provide. Moreover, the absolute amount of benefits available under any of the various alternatives is minimal. When an average of repair cost estimates is used, no alternative offers more than $4 per year in net benefits over the average life of a vehicle. Furthermore, uncertainties regarding data and assumptions tend to limit even the apparent confidence with which the Agency can identify the standard best meeting the statutory requirements and the Administration's regulatory goals. NHTSA has not yet determined which alternative, if any, should be adopted.

Related Regulations and Actions

Internal: Passenger Automobile Average Fuel Economy Standards (49 CFR Part 531); Insurance Cost Information Regulation (49 CFR Part 582).

External: None.

Government Collaboration

None.

Timetable

Bumper Evaluation—Completed April 1981.
NPRM—46 FR 48262, October 1, 1981.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Public Hearing on the NPRM—Held October 22, October 23, and November 12, 1981, Washington, DC.
Public Comment Period on the NPRM—Closed November 30, 1981.
Regulatory Impact Analysis—Preliminary, Possible Modifications to Part 581 Bumper Standard, July 1981; final, to be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.
Environmental Assessment—Completed October 1981.

Available Documents

"Final Assessment of the Bumper Standard," June 1979.

"Evaluation of the Bumper Standard," April 1981.

Notice of Public Hearing (46 FR 48958, October 5, 1981).

Comments on the 1979 Final Assessment.

Comments on the NPRM.

Transcript of the public hearing.

These documents, in addition to the NPRM, the Preliminary Regulatory Impact Analysis, and the Environmental Assessment, are available for review in Docket No. 73–19, Notices 25, 26, and 27. These documents are located in the Docket Section, NHTSA, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590.

Agency Contact

Michael Brownlee, Director
Office of Automotive Ratings
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590
(202) 426–1740

DOT–NHTSA

Crashworthiness Ratings (49 CFR Part 583; New)

Legal Authority

Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1941; National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1401.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) thinks that this rulemaking is important because of the possible impact on manufacturers, the interest shown by consumers, and the potentially significant effect of the rule on the automotive marketplace.

Statement of Problem

Consumers do not have objective, comprehensive information available to them on the comparative ability of cars to protect them in a crash. Such information would help consumers make informed decisions about buying cars and would foster competition among manufacturers to produce safer cars.

To help consumers make informed purchasing decisions, Congress enacted the Motor Vehicle Information and Cost Savings Act of 1972. Title II of the Act directs NHTSA to develop ways to assess the ability of a car to protect its occupants in a crash (crashworthiness), the susceptibility of a car to property damage in a crash (damageability), and the ease of diagnosing and repairing vehicle systems that fail in use or are damaged in a crash (repairability).

The Act further directs NHTSA to develop methods of providing information on crashworthiness, damageability, and repairability to the public in a simple and readily understandable form to facilitate comparisons among various makes and models of cars.

The Act also directs the Agency to require car dealers to distribute information to prospective purchasers that compares differences in insurance costs for different makes and models of cars based upon differences in damageability and crashworthiness.

NHTSA has conducted an experimental program to assess the crashworthiness of cars in crash tests. The Agency's testing of 1979, 1980, and 1981 makes and models has demonstrated that there may be significant differences in the ability of cars to protect their occupants in a crash.

However, NHTSA is concerned over the degree to which the test results convey valid, meaningful information to the public. For this reason, NHTSA is planning to conduct crash tests directed toward establishing the repeatability and reproducibility of the test results with respect to the vehicles themselves. A minimum of three identical cars will be crashed in this effort under closely controlled test conditions. This test will be conducted before the Agency reaches a decision in this rulemaking. If the three-car crash test indicates inexplicable or unacceptable variations in results, NHTSA will review the premises on which this proposal was based and will consider alternatives other than those spelled out in the NPRM.

Alternatives Under Consideration

The Agency is currently considering several alternative ways of carrying out its statutory mandate to provide consumers with comparative information rating the crashworthiness of cars. This information program would supplement the command and control regulatory program under the National Traffic and Motor Vehicle Safety Act.

NHTSA issued an NPRM on January 22, 1981 (46 FR 7025) to solicit public comments on two ways to assess the crashworthiness of passenger cars and how to distribute this data to consumers to help them make more informed purchasing decisions.

(A) Alternative (A), proposed in the Agency's NPRM, would require manufacturers to develop the crashworthiness data and distribute it to consumers. Manufacturers already conduct crash testing to determine if their cars comply with the Federal Motor Vehicle Safety Standards. By conducting those tests at higher speeds (e.g., 35 mph rather than 30 mph as set in the current safety standards), manufacturers would be able to determine if their vehicles comply with the Federal Safety Standards. They would also be able to rate the crashworthiness of their cars. As a practical matter, the compliance crash testing must be completed before the cars are produced and offered for sale to enable manufacturers to have the crashworthiness ratings available for prospective purchasers at the beginning of the model year.

(B) Under Alternative (B), also discussed in the NPRM, the Agency would conduct all the crash tests needed to rate the cars and provide the information to manufacturers for dissemination to prospective purchasers. Although this approach would place all the testing under the full, direct control of the Agency, it would require an expensive test program. More importantly, the Agency would have to obtain the cars for testing after they have been publicly offered for sale to ensure that they are representative of cars available to the public rather than pre-production prototypes. Thus, the comparative ratings could not be distributed at the beginning of the model year to help consumers make their buying decisions.

Other issues discussed in the NPRM include: (1) developing an indexing procedure that would combine head, chest, and femur (leg) injury readings developed in frontal crash tests into a composite measure of crashworthiness; and (2) rating cars on a continuum of crash test speeds.

The NPRM proposes disseminating information to consumers by using a window sticker containing information on the particular model and distributing a booklet containing comparative information. NHTSA would publish this booklet and make it available through automobile dealerships. The NPRM requests comments on alternatives to this approach, including elimination of the window sticker requirement.

If the upcoming crash tests directed toward repeatability and reproducibility indicate a need to revise the crash test standards, NHTSA will consider alternatives other than the two specified in the NPRM and could reopen the issue for additional comment.

Summary of Benefits

Sectors Affected: Purchasers of new cars.

NHTSA has developed an analysis of the expected benefits for the proposed rulemaking. One of the chief benefits would be to provide prospective purchasers of new cars with objective information about the crashworthiness of different makes and models to enable them to make informed buying decisions. The crashworthiness rating should foster competition among manufacturers to produce cars that provide increased levels of protection in a crash. To the extent that consumers and manufacturers respond to this program by demanding and building safer vehicles, there will be a corresponding reduction in highway deaths and injuries.

Summary of Costs

Sectors Affected: Manufacturers of cars; purchasers of new cars.

NHTSA has developed an analysis of the expected costs of the proposed rulemaking. If manufacturers are required to develop the crashworthiness data, they would have to conduct crash tests to rate the ability of their cars to protect occupants in a crash. Manufacturers could combine that crash testing with the testing they already do to certify compliance with Federal Safety Standards. Thus, the additional crash test costs for all manufacturers should be limited, particularly for manufacturers who design their cars to provide more than the 30 mph level of protection required by the current Federal Safety Standards.

Under the system proposed in the NPRM, the first-year cost to the industry for developing the ratings would be approximately $3 million (in 1980 dollars) for model year 1983 vehicles. The annual cost for each successive year would be $240,000. It would cost the Government less than $1 million (annually) to compile, print, and disseminate the ratings booklet and to perform new car verification testing for enforcement purposes. These costs cannot be discounted because the system, if adopted as proposed in the NPRM, would not have any specified lifetime.

No direct costs to automobile purchasers are associated with the crash testing and information dissemination program. Manufacturers, however, may raise prices on their vehicles if they design them with new, more costly safety features.

Summary of Net Benefits

Both alternatives considered by NHTSA could provide consumers with comparative information on the crashworthiness of different vehicle models and could thereby encourage the purchase of cars that achieve superior crashworthiness results. Both alternatives would require that new or redesigned vehicles be crash-tested each year in order to determine the ability of various models to protect occupants in a crash. However, under Alternative (A), the crashworthiness ratings would be available, as a practical matter, for prospective purchasers at the beginning of the model year to help consumers make their buying decisions. Manufacturers could and probably would use the same tests both to rate the crashworthiness of their cars and to determine compliance with the Federal Motor Vehicle Safety Standards. Although maufacturers might in some instances decline to conduct crashworthiness tests and might routinely state that their vehicles do not comply with the occupant crash protection criteria at 35 mph, NHTSA believes that market forces will induce manufacturers to provide ratings for most cars. Thus, at the time the NPRM was issued, the Agency tentatively concluded that Alternative (A), voluntary manufacturer testing, coupled with a mandatory declaration regarding performance, provided the best means of obtaining information for the program. However, NHTSA may reconsider whether this is the best alternative, based on the results of pending crash tests that will determine the repeatability and reproducibility of the test results.

Related Regulations and Actions

Internal: Insurance Cost Information Regulation (49 CFR Part 582).

External: None.

Government Collaboration

None.

Timetable

NPRM—46 FR 7025, January 22, 1981.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Public Hearing—None Scheduled.
Public Comment Period on the NPRM—Ended October 22, 1981.
Regulatory Impact Analysis—Preliminary (prepared before issuance of Executive Order 12291), Crashworthiness Ratings, January 1981; final, to be prepared if necessary, issue date to be determined.
Regulatory Flexibility Analysis—Initial, Crashworthiness Ratings, January 1981; final, to be prepared if necessary, issue date to be determined.

Available Documents

NPRM Correction Notice—46 FR 18059, March 23, 1981.
Notice extending comment period—46 FR 19947, April 2, 1981.
NPRM—46 FR 7025, January 22, 1981.
Results of the Agency's series of tests rating the crashworthiness of 1979 and 1980 model cars.
Public comments on the NPRM.
These documents, in addition to the NPRM, the Preliminary Regulatory Impact Analysis, and the Initial Regulatory Flexibility Analysis, are in Docket No. 79–1, Notice 1, and are available for public inspection. All documents are available for review in the Docket Section, NHTSA, 400 Seventh Street, S.W., Room 5109, Washington, DC 20590.

Agency Contact

Michael Brownlee, Director
Office of Automotive Ratings
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590
(202) 426–1740

DOT–NHTSA

Uniform Tire Quality Grading System (49 CFR Part 575; Revision)

Legal Authority

National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1423.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) believes this rulemaking proceeding is important because of its possible effect on consumers and the manufacturers of tires and because of the interest consumers and manufacturers have shown in the proceeding.

Statement of Problem

Section 203 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1423) directs the Department of Transportation (DOT) to prescribe a system of uniform tire quality grading for motor vehicle tires to help consumers make informed decisions when purchasing tires. In response, NHTSA promulgated a Final Rule (43 FR 30542, July 17, 1978) adopting the Uniform Tire Quality Grading Standards (UTQGS), which became effective on October 1, 1980.

The UTQGS requires tire manufacturers to grade their tires for three properties: (1) treadwear, (2) traction, and (3) temperature resistance. The treadwear grade reflects a tire's projected treadwear on a specified Government test course. The grade is based on the tire's wear rate on the test course, as measured in a 6,400-mile test sequence following an 800-mile break-in period. The traction rating represents a tire's straight-ahead stopping ability on wet surfaces of asphalt and concrete. The temperature resistance grade is a measure of a tire's ability to dissipate heat in testing on an indoor laboratory test wheel. The grades for a tire, along with an explanation of them, must be included on the paper tread label affixed to each tire. The grades must also be molded in the tire's sidewall.

NHTSA chose treadwear as a rating factor because it is an attribute of tire performance of greatest interest to the consumer. The characteristics of traction and temperature resistance were added primarily because of their interrelationship with treadwear. Treadwear can be increased at the expense of traction by varying carcass materials to produce a "harder" tire. ("Carcass" means the tire structure, except the tread and sidewall rubber.) However, such changes have a negative effect on traction performance. Similarly, treadwear can be increased by adding more rubber to the tread. However, increased tread depth results in a hotter-running tire and a greater possibility of catastrophic tire failure. It is uncertain whether, in the absence of traction and temperature resistance ratings, manufacturers would seek to improve treadwear performance at the expense of these safety factors.

The utility of the UTQGS depends largely on two factors: (1) the adequacy of the grades as a measurement of the tire's properties, and (2) the consumer's ability to understand and use the grades. In the past year, certain tire manufacturers have charged that UTQGS is inadequate on either basis. The Agency also has serious questions about utility to consumers of this system in its present form.

On the issue of grade assignment, problems center in two areas: differences in grade assignment procedures and repeatability of test results. Responses to special orders sent by NHTSA to several major tire manufacturers revealed that significant differences in grade assignment techniques existed among manufacturers. The effect of these differences is reflected in UTQGS compliance test data collected by NHTSA's Office of Vehicle Safety Compliance. These data indicate that, in many cases, treadwear test results obtained in NHTSA's compliance testing of specific tires were higher than those values represented by the manufacturers' assigned UTQGS grades.

Manufacturers have responded that because of variability of test results and uncertainty as to the validity of their own data, they are required to apply conservative grading practices to attempt to ensure successful compliance tests of individual specimens. The Agency is concerned that any circumstances that would lead manufacturers to select UTQGS grades below those supportable by valid available test results could undermine the utility of the system to consumers and to the Government, which now purchases tires relying partially upon formulas based on assigned grades. Differing grade assignment practices or results could create apparent differences in tire performance where none really exist or could change the relative ranking of tires with comparable performance properties.

Of potentially greater significance is the question of repeatability of treadwear test results. NHTSA's own compliance test data, as well as data generated in testing conducted for tire manufacturers, indicate that in some cases, test results for a particular line and size of tire can differ considerably among tests run on different occasions, even after correction for environmental factors. While such differences may be partially attributable to tire variability, variations exist even in the case of course-monitoring tires, which are produced under closely controlled conditions. (Course-monitoring tires are tires of the same general construction type—bias, bias-belted, radial—as the test tire and are run in the same convoy as the test tire. The performance of course-monitoring tires is used to correct the projected mileage of a test

tire to account for environmental variations). These circumstances tend to call into question the repeatability of the tests themselves. If NHTSA finds the UTQGS test results are not repeatable, serious questions would be raised concerning the validity of the grades assigned and therefore the utility of the treadwear grades to consumers.

With respect to consumer understanding of the grading system, NHTSA considers the issues of system complexity and homogeneity of grade assignments to be a serious concern. Having three grading categories for tire performance may provide some consumers with more information than they can reasonably use in making a purchasing decision. The present UTQGS system provides consumers with no basis for weighing the relative importance of the three properties as to which grades are issued. Moreover, the use of numerical treadwear grades, compared to ranges of three alphabetical groupings (A, B, C) for traction and temperature resistance, may make trade-offs between criteria difficult.

NHTSA is also concerned that portions of the regulation may be beyond the understanding of many consumers. Some of this information is of a technical nature. In particular, tire temperature resistance is a technical concept that may bear little or no relationship to the experience of the typical consumer.

Finally, NHTSA is concerned that, because of these technical questions, consumers may conclude that the grades themselves convey more information than is actually the case.

These considerations led NHTSA to conclude that a reevaluation of all aspects of UTQGS is in order. Failure to respond to these issues could result in the continuance of a system that fails to provide consumers with useful and accurate information while imposing cost and price penalties on both manufacturers and consumers.

Alternatives Under Consideration

NHTSA will examine the following alternatives in the review of the UTQGS.

(A) *Do nothing*—This alternative would retain all current requirements for grading treadwear, traction, and temperature resistance of tires. It would continue to provide consumers with information on tire characteristics but would not address the possible problem that the grades may convey more information than consumers need or can use.

(B) *Eliminate the treadwear grade requirements*—This alternative would significantly reduce testing costs and eliminate significant uncertainty about the validity of this aspect of the program. However, a valid measurement or grade of predictable treadwear is perceived to be the most important property for consumer information.

(C) *Eliminate traction grade requirements*—This alternative would reduce manufacturers' testing costs for a grade that shows little variation and that therefore is of little utility for the consumer. However, it would remove the incentive provided by the traction grading to produce tires with improved traction and the similar disincentive to reduce traction performance to achieve improved treadwear.

(D) *Eliminate traction grading; establish a minimum traction standard in Federal Motor Vehicle Safety Standard (FMVSS) No. 109*—This alternative would ensure that unsafe tire traction designs are not adopted. However, there are questions to be resolved about the benefits of a traction safety standard.

(E) *Eliminate temperature grading*—This alternative would reduce manufacturers' testing costs for a grade that some consumers may have trouble understanding but could result in tires that are more likely to have heat dissipation problems and are not as fuel efficient.

(F) *Eliminate the entire UTQGS program*—This alternative would reduce manufacturers' testing and labeling costs but would deprive consumers of performance and safety information on tire purchases. Legislative relief would be necessary, since UTQGS is required by statute.

At this time, NHTSA is not recommending a specific alternative.

Summary of Benefits

Sectors Affected: Purchasers of original equipment and replacement tires; manufacturers and distributors of tires included under SIC-Code 3011 (Tires and Inner Tubes).

Benefits resulting from the review of UTQGS will depend on the chosen alternatives.

The alternative to do nothing (A) would continue to give consumers some safety information, encourage tire companies to improve traction and heat resistance properties of their tires, and continue to provide adequate safeguards against tire production based on long tread-life alone at the expense of wet traction/temperature resistance.

The alternative to eliminate the treadwear grading requirement (B) could reduce manufacturing costs by about 6 cents per tire. In addition, it would remove from the standard a grade that is determined by controversial testing procedures. Such action may contribute to greater industry and public acceptance of the overall program.

The alternative to eliminate traction grade requirements (C) would make the system simpler for consumers to understand and could reduce manufacturing testing costs by about 1 cent per tire for a grade that shows little variation and therefore little utility for the consumer.

The alternative to eliminate traction grading and establish a minimum traction standard in FMVSS No. 109 (D) would allow for a simpler grading system while assuring a minimum threshold of traction and would ensure against unsafe tire traction design.

The alternative to eliminate temperature grading (E) would simplify the grading system by eliminating a grade that consumers have trouble understanding.

The alternative to eliminate the entire UTQGS program (F) could reduce manufacturers' testing and labeling costs by as much as 9 cents per tire.

Summary of Costs

Sectors Affected: Purchasers of original equipment and replacement tires; manufacturers and distributors of tires included under SIC Code 3011 (Tires and Inner Tubes).

Costs resulting from review of UTQGS will depend on the chosen alternative. At this time NHTSA is not recommending a specific alternative.

Under the alternative to do nothing (A), the continued implementation of UTQGS would probably cost manufacturers as much as 9 cents per tire in testing and labeling costs.

The alternative to eliminate treadwear grading requirements (B) would remove an incentive to produce tires with improved treadwear. Manufacturers might be encouraged to reduce treadwear in order to improve traction. The remaining portions of UTQGS would probably cost manufacturers about 3 cents per tire.

The alternative to eliminate traction grade requirements (C) would remove an incentive to produce tires with improved traction on wet surfaces and may result in reduced traction in exchange for improved treadwear. The remaining portions of UTQGS would probably cost manufacturers about 6 cents per tire.

The alternative to eliminate traction grading and establish a minimum traction standard in FMVSS No. 109 (D) would retain manufacturer test costs of about 9 cents per tire and may

encourage tire construction to minimum requirements.

The alternative to eliminate temperature grading (E) may allow manufacturers to increase tread life at the expense of safety and fuel economy. The remaining portions of UTQGS would continue to cost manufacturers about 8 cents per tire.

The alternative to eliminate the entire UTQGS program (F) would deprive consumers of safety and performance information on tire purchases. Manufacturers' costs for testing and labeling, however, would be eliminated.

Summary of Net Benefits

Because of the preliminary status of this review, data are not yet available to make a meaningful analysis of net benefits.

Related Regulations and Actions

Internal: FMVSS No. 109, New Pneumatic Tires; Docket No. 25, Notice 43, Statistical Procedures for Grade Assignment (UTQGS), 46 FR 10429.

External: None.

Government Collaboration

None.

Timetable

ANPRM—Late 1981 or early 1982.
NPRM—1st or 2nd Quarter 1982.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Public Hearing—None.
Public Comment Period on the ANPRM—60 days following publication of ANPRM. Comments should refer to the docket and notice number and be submitted to the Docket Section, NHTSA, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

The ANPRM and all comments received on it are available for review in Docket No. 25, in the Docket Section, NHTSA, Room 5109, 400 Seventh Street, S.W., Washington DC 20590.

Agency Contact

Dr. F. Cecil Brenner, Chief
Consumer Information Group
National Highway Traffic Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W., Room 5313
Washington, DC 20590
(202) 426-1740.

DOT—U.S. Coast Guard

Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (46 CFR 31, 34, 38, 40, 54, 98, and 154; Revision)

Legal Authority

Port and Tanker Safety Act of 1978, 33 U.S.C. 1221, 46 U.S.C. 391a.

Reason for Including This Entry

This proposal concerns the safe shipping of bulk liquefied gas in existing ships that have been designed for this purpose. The Coast Guard has included this entry because the safety of this cargo and class of vessels has been of great public interest for several years.

Statement of Problem

Existing U.S. ships for carrying liquefied gas, which are called gas ships, were designed and constructed in accordance with current Coast Guard standards. The Coast Guard developed these standards as the need for ships capable of carrying extremely cold liquefied gas grew. However, there has never been an internationally accepted set of design, equipment, and construction standards, and virtually every nation uses its own unique standards. This has created problems, because not all countries recognize each other's standards. Therefore, an individual ship must comply with the standards of each country with which it wants to trade. This has the effect of restricting free international trade. To alleviate this situation, the international community agreed upon two uniform sets of standards for gas ships, developed by the International Maritime Consultative Organization (IMCO). One set of standards was for new ships. The Coast Guard adopted these standards on May 3, 1979 (44 FR 25986). There was not much controversy about the standards for new ships because they represented only small incremental additional construction costs.

The second set of standards was for existing vessels. A very careful evaluation of the economic impact of implementing provisions of the Existing Gas Ship Code is needed to avoid costly retrofit of vessels that are presently in operation. Therefore, the Coast Guard has issued an ANPRM for public comment (42 FR 33353, June 30, 1977). Existing U.S. gas ships could continue to be regulated without change under the present provisions of 46 CFR Subchapter D, which specifies equipment for and construction of tank vessels. However, these regulations were not drafted with the special needs of vessels carrying cryogenic cargoes in mind. This means that none of the materials used to construct cargo tanks, piping, valves, or any of the items presently inspected by the Coast Guard would have to meet standards specifically designed for liquefied gas service. This not only would be a questionable safety practice, but would also result in an adverse economic impact to these ships by restricting their ability to compete in international trade.

Alternatives Under Consideration

The Coast Guard has considered four alternatives:

(A) Adopt the IMCO Existing Ship Gas Code in its entirety.

(B) Issue no regulations.

(C) Require existing gas ships to comply with the IMCO new ship standards.

(D) Treat all affected vessels on a case-by-case basis.

The proposal in the ANPRM—implementing provisions of the IMCO Existing Ship Gas Code that exceeds current requirements of 46 CFR—would affect 19 U.S. flag vessels. Most U.S. vessels and those foreign vessels currently trading with the United States come close to complying with the IMCO Existing Ship Gas Code. Adoption of the code would establish a uniform level of safety at an acceptable cost and would allow U.S. flag ships to trade in countries that have adopted the IMCO standard. Consequently, the Coast Guard favors Alternative (A). Comments received in response to the ANPRM indicate that there would be minimal difficulty for U.S. vessels to comply with this alternative. Under Alternative (B), the Coast Guard could not issue these ships the International Certificate of Fitness authorized by the IMCO code. This could result in a significant economic burden for those ships desiring to trade with a country that had adopted the IMCO Existing Gas Ship Code. Alternative (C), if selected, would represent a significant economic burden for these vessels and would entail major and unnecessary rebuilding of some of the ships. This would drive them out of business for little social benefit. Selection of Alternative (D) would mean that different ships would have different standards for compliance, some of which may be more costly than others. This situation could result in a feeling among the regulated vessel owners that the rules of fair play have not been observed.

Summary of Benefits

Sectors Affected: The general public; the marine environment; water

transportation of bulk liquefied gas; and construction of liquid cargo vessels.

The Coast Guard expects that any proposed regulation would benefit the public because it would ensure the safe transportation of bulk liquefied gases aboard existing vessels entering the United States by upgrading the mimimum standards for their equipment, material, and construction. However, development of the IMCO standards has been going on for a long time, and most U.S. vessels come close to meeting these standards. In addition, the Coast Guard has been issuing Letters of Compliance to foreign vessels for years. This means that although the IMCO rules would upgrade some safety standards, there would be no radical changes. The major benefit derived from the adoption of these rules would be to have an internationally uniform set of regulations. This would help the industry and the Nation by eliminating confusing conflicts between various standards accepted in different parts of the world. In other words, along with increased safety, an even greater benefit would be promotion of free trade between countries that adopt the IMCO standards.

Summary of Costs

Sectors Affected: Water transportation of bulk liquefied gas; users of this product; and manufacturing of liquid cargo vessels.

Any regulatory action would directly affect owners and operators of gas ships, who probably would pass costs on to the general consumer. The comments received in response to the ANPRM, although incomplete in many respects, indicate that costs would be well below the levels required for a Regulatory Impact Analysis in the Department of Transportation's guidelines. In any case, the present market for this type of ship is at a minimum. Therefore, in most cases, owners and operators would have the flexibility to perform modifications without interrupting their delivery schedules.

This eliminates one of the most costly aspects of laying up a ship that has a busy delivery schedule. In some cases the cost of pulling a ship out of service can be more than the cost of actual modifications. A slack market eliminates this cost, or at least reduces it to a minimum. Administrative costs to the Government would be minimal. The information received as a result of the ANPRM has indicated that the net costs for upgrading the existing U.S. gas ships to the IMCO Existing Gas Ship Code will average $1 million in 1981 dollars per ship. More detailed information will be developed to complete a Financial Draft Evaluation for issuance with the NPRM. The Coast Guard does not anticipate the need for a Regulatory Impact Analysis. Of the 19 affected U.S. gas ships, only 13 are presently operating, and 10 of these ships are trading exclusively between foreign countries. Costs passed on to the domestic industry base or to the U.S. consumer are expected to be minimal.

Summary of Net Benefits

Most of the vessels that this proposal would normally regulate are already in compliance, out of service, or in some other trade. Therefore, the total estimated cost would be relatively low—about $3 million (in 1981 dollars) for the three regulated vessels to retrofit the materials and equipment necessary to meet the minimum safety standards specified in the IMCO code. This expenditure would result in two benefits: it would give these vessels the option of trading internationally, and it would increase safety.

As to international trade, many foreign nations have already adopted the IMCO code, and U.S. vessels wishing to trade with those countries must comply with it. Because all liquefied gas is shipped internationally, it would be difficult to avoid countries that have adopted the code. Therefore, owners who want to enter these markets must bear the compliance costs as a normal business expense. The proposal does not represent any increase in business costs imposed by the U.S. Government.

The second benefit would be an increased level of safety. The chief reason for including this entry in the Calendar was because of public concern about the safety of vessels carrying liquefied gas, not because the proposal was costly. The safety issue has been the subject of extensive international discussions, and the IMCO code represents the minimum safety level that is acceptable to all concerned. However, since there have been no accidents with these vessels, the role the IMCO code will play in preventing future mishaps is unknown. Moreover, although experts agree that the code improves the basic requirements currently in the Coast Guard's regulations, there is no practical way to calculate the value of those improvements in social or monetary terms.

Related Regulations and Actions

Internal: On May 3, 1979, the Coast Guard published rules for new self-propelled vessels carrying bulk liquefied gases, which are based on the IMCO Gas Code for new ships. The rules were effective on May 31, 1979.

External: IMCO Existing Gas Ship Code.

Government Collaboration

None.

Timetable

ANPRM—42 FR 33253, June 30, 1977.
NPRM—This project has been delayed because of review efforts mandated by E.O. 12291 and the Regulatory Flexibility Act. No date has been set for publication of the NPRM.
Final Rule—To be determined.
Final Rule Effective—30 days following publication.
Public Hearing—None.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Draft Evaluation—Made available when NPRM is completed.

Available Documents

Documents, including the ANPRM and comments in response to it, are available from the Agency Contact. Fees will be charged for duplicating the material.

Agency Contact

LCDR McGowan, Project Manager
U.S. Coast Guard Headquarters Building
(G–MMT–2)
2100 Second Street, S.W.
Washington, DC 20590
(202) 426–2160

ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes (40 CFR Part 191; New)

Legal Authority

Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks this rule is important because it is a critical step towards developing disposal methods for high-level and other long-lived radioactive wastes that could pose serious health problems to current and future generations of people, and because it is an issue of great public interest.

Statement of Problem

It is important to ensure proper management and disposal of high-level radioactive wastes; otherwise they could cause excessive radiation exposures to the population of the United States that, in turn, could result in some premature deaths from cancer. Large quantities of these wastes already exist, and national defense programs, commercial nuclear power plants, and research reactors are producing more. At present, the Department of Energy (DOE) stores 70 million gallons of high-level defense wastes in various liquid and solid forms on three Federal reservations in the States of Idaho, South Carolina, and Washington. Owners of commercial nuclear power plants are temporarily storing about 7,000 tons of spent fuel (i.e., fuel removed from a reactor after it has generated electrical power) in holding ponds at the various plant sites. Over the next few years, we expect all the reactors currently licensed to operate to produce an additional 600 tons a year of spent fuel.

Our program to develop these standards began in 1976 as part of an interagency effort to speed up development and demonstration of a high-level waste repository. President Ford announced this program as part of his Nuclear Waste Management Plan on October 27, 1976. President Carter established an Interagency Review Group (IRG) on Waste Management in March 1978 to review existing programs and recommend new policies where necessary. After holding several public hearings on its draft report, the IRG prepared a final report to President Carter in March 1979. This report recommended that EPA accelerate its programs to set standards for nuclear waste management and disposal activities. President Carter approved this recommendation as part of his Program on Radioactive Waste Management, which he announced on February 12, 1980.

If EPA took no action, this would further delay the Federal waste management program and could have significant environmental consequences. Delay in developing disposal methods results in longer storage of existing wastes in surface facilities requiring human control. Such storage is not necessarily a danger under normal conditions. The wastes, however, are more vulnerable to accidental release in surface storage than they would be in disposal facilities. The chances for environmental damage are greater the longer the wastes are stored in existing sites. Furthermore, the lack of a solution to this problem has caused serious uncertainty about the future use of nuclear energy in the United States. This uncertainty makes both national and local energy policy more difficult to develop and has many indirect adverse economic and environmental effects.

Alternatives Under Consideration

The disposal system for high-level radioactive waste has yet to be designed and demonstrated by DOE. As a result, we are evaluating two basic types of environmental protection standards and a third alternative that combines certain aspects of both.

Alternative (A)—We could develop a standard establishing general principles to govern disposal methods without setting quantitative standards. These principles would specify broad design requirements for disposal systems such as: (1) designing multiple manmade barriers and using natural barriers to prevent release of the wastes, (2) disposing of the wastes so that future generations could recover and relocate them, if necessary, and (3) designing disposal systems to reduce potential releases to the lowest levels reasonably achievable. Such requirements would reduce some of the uncertainties of the disposal systems to be developed that must work for very long times. However, they would not place any clear limit on expected environmental effects.

Alternative (B)—We could set numerical performance requirements for disposal systems without using general principles like those discussed in Alternative (A). These environmental protection standards would then be compared by the Nuclear Regulatory Commission (NRC) against the predicted performance of a proposed disposal system to determine whether the system should be approved. Such an approach would allow complete flexibility in meeting the objectives; however, it would rely upon predictions over very long time periods, and such predictions involve many uncertainties.

Alternative (C)—We could combine both types of standards discussed above. This will require long-term predictions of disposal system performance to determine if environmental protection objectives are met. The general principles would require conservative design approaches that would protect the environment as much as possible even if these long-term predictions are wrong.

Summary of Benefits

Sectors Affected: The general public.

The primary benefit of these standards is the protection of human health from radioactive wastes.

Summary of Costs

Sectors Affected: Commercial nuclear power plants; consumers of electricity supplied by nuclear power; Federal defense waste management programs; and NRC.

The high-level radioactive waste disposal program would initially be financed by the Federal Government. According to current policies, electrical utilities would then pay the Federal Government for disposal of the high-level wastes from their reactors. The charge paid by the utilities would cover all the costs of storage, encapsulation, disposal, research and development, and government overhead involved in the management of these wastes. Military-produced wastes would be managed and disposed of by the Federal Government.

We do not know what the incremental cost resulting from these standards will be because we cannot specify how these wastes would have been disposed of without our action. However, we considered how the costs of disposal might be affected if we chose different levels of protection. To do this, we evaluated the long-term protection of different mined geologic repository designs in three different geologic media. From these evaluations, we estimated potential releases from the various types of repositories. These estimates can be the basis for the numerical standards in Alternatives (B) or (C).

We estimate that the incremental cost to consumers of electricity of meeting the most restrictive level of protection we considered could range from zero to $80 million (1981 dollars) per year when compared to the cost of meeting the least protective level. This potential increase is much less than the overall uncertainty in the total costs for waste management and disposal, which range from $700 million to more than $1.4 billion (1981 dollars) per year. The details of these cost estimates will be provided in our Regulatory Impact Analysis.

The Nuclear Regulatory Commission is responsible for implementing these standards and therefore will incur administrative costs.

Summary of Net Benefits

We believe that these environmental standards should provide adequate long-term protection of public health and the environment. We expect the standards to provide the public with a

high degree of confidence that this protection will be attained. In turn, this assurance should help the Federal waste management program to proceed with the key steps needed to develop and demonstrate a disposal system. These steps include identification, examination, and comparison of potential repository sites. While we cannot quantify the potential net benefits of our action, we believe that the assurance of long-term protection and the progress towards resolution of an important uncertainty about nuclear power will compensate for the relatively small potential increase in the costs of waste management and disposal that might be caused by our standards.

Related Regulations and Actions

Internal: We have coordinated the part of these standards that covers normal waste management operations with our Environmental Radiation Protection Standards for Nuclear Power Operations (40 CFR Part 190) to provide consistent exposure standards for all uranium fuel cycle operations.

External: The Nuclear Regulatory Commission is responsible for implementing these standards. To accomplish this, NRC is currently developing regulations for Disposal of High-Level Radioactive Wastes in Geologic Repositories (10 CFR Part 60).

Government Collaboration

We established an interagency working group to help us develop these standards. The agencies represented are the Nuclear Regulatory Commission, the Department of Energy, and the U.S. Geological Survey.

Timetable

ANPRM—41 FR 53363, December 6, 1976.
NPRM—January 1982.
Draft Regulatory Impact Analysis and Draft Environmental Impact Statement—January 1982.
Public Hearings—Several public hearings will be conducted during the public comment period. We will announce the dates and locations in the **Federal Register.**
Public Comment Period—180 days following publication of NPRM.
Final Rule—January 1983.
Final Rule Effective—January 1983.

Available Documents

None.

Agency Contact

Daniel Egan, Project Leader
Radioactive Waste Standards Branch
Criteria and Standards Division
(ANR-460)
Office of Radiation Programs
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(703) 557-8610

EPA-OANR

Remedial Action Standards for Inactive Uranium Processing Sites (40 CFR Part 192; New)

Legal Authority

Uranium Mill Tailings Radiation Control Act of 1978, § 206, 42 U.S.C. 2022.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks these standards are important because the Federal and State governments cannot undertake the remedial actions Congress authorized until we have promulgated standards for them. People who live or work near tailings areas, primarily in the Rocky Mountain States and Pennsylvania, are very interested in all aspects of the remedial action program.

Statement of Problem

The soils and rocks that make up the earth's crust contain radioactive uranium and thorium isotopes (radionuclides). Almost all human activities that involve removing and processing materials from the earth's crust can result in the release of some of these radioactive materials into the atmosphere. These releases can become potentially hazardous when:

(1) the activity involves handling materials that contain concentrations of these radionuclides significantly above the average concentrations in soil;

(2) these radionuclides are concentrated during processing to a level significantly above the average concentrations in soil; or

(3) the radioactive material is redistributed from its place in nature into a pathway where humans can be exposed to it.

Uranium mining operations involve removing large quantities of ore containing uranium and its radioactive decay products in concentrations up to 1,000 times greater than are normally found in the natural terrestrial environment. After mining, the mine operators ship the ores to uranium mills for separation of the uranium from the other materials in the ore. After the mill crushes and grinds the ore, the uranium is dissolved, precipitated, dried, and packaged as "yellow cake" (U_3O_8). The residues of the process, normally in the form of a wet sand (tailings), are discharged to a disposal area where the liquids are evaporated or partially recycled.

The tailings disposal area consists of a pond and a dry beach area. The size of each component depends on the amount of water that is recycled, the rate of evaporation, and the amount of raw ore being milled. In areas of high evaporation, large dry beach areas are exposed. Radioactive emissions from these areas result from wind erosion of the tailings and diffusion of radioactive radon gas out of the tailings. In addition, radioisotopes and other toxic substances may seep into ground water.

The release of radon gas from piles of uranium mill tailings exposes people in the immediate vicinity of the tailings site to radioactivity and, to a lesser extent, exposes more distant populations. Windblown radioactive particulates from tailings sites and direct gamma radiation constitute secondary sources of radiation exposure. If the tailings are uncontrolled, EPA estimates that approximately 200 premature deaths per century could occur in the national population from radiation-induced lung cancer resulting from radon emissions from the tailings piles. These effects would be divided approximately equally between people who live within 5 miles of the inactive tailings piles and those in the rest of the country. Health effects from tailings that have blown off the piles and potential contamination of ground water resources are not included in this estimate. The radioactive components in the tailings will remain hazardous for hundreds of thousands of years.

In addition to the hazards posed by tailings piles are those of tailings that have been removed from the piles. In uranium milling areas, tailings have been used in construction, often as fill under buildings. Radioactive gas from the tailings may then enter the buildings and raise indoor radioactivity well above normal levels. Tailings have also been used for sidewalks, driveways, patios, lawns, and gardens.

Congress recognized that unless it acted, tailings from inactive processing sites might pose a continuing health hazard. Therefore, with the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), Congress authorized a joint Federal and State program to perform remedial actions for inactive uranium processing sites according to standards EPA would set. Under the terms of UMTRCA, the Department of Energy (DOE) has designated 24 eligible inactive processing sites. Tailings piles at these sites contain more than 26 million tons of residual radioactive materials on more than 1,030 acres of

land. In addition, DOE is working to designate additional lands and buildings that are affected by tailings from these sites. However, UMTRCA also provides that DOE may undertake no remedial actions until EPA has promulgated standards. EPA has not met the deadline of November 8, 1979 that UMTRCA set for promulgation.

Alternatives Under Consideration

EPA's standards for uranium mill tailing would apply to all the inactive sites designated under P.L. 95-604. They are standards that define environmental radiation conditions that must not be exceeded, but do not specify remedial methods. UMTRCA requires DOE to conduct the remedial action program. We are developing the standards based on currently available knowledge of the potential harmful effects of uranium mill tailings and the technology and costs of avoiding such effects. EPA proposed cleanup and disposal standards in April 1980 and January 1981, respectively. The following broadly describes the alternatives we considered in developing the proposals. However, we are now formulating a new set of alternatives to be analyzed, based on the public's comments on the proposed standards.

(A) Disposal standards—EPA considered an entire range of options, from no control to virtually complete control of releases of radioactivity and of non-radioactive toxic substances from tailings. We also examined the health benefits and costs of controlling these releases to alternative levels that are (a) significantly above the radon release rates characteristic of undisturbed land areas, (b) within the normal range of release from undisturbed lands, or (c) significantly below average rates from such lands. Standards corresponding to alternative (b) were proposed. We are now analyzing the cost and health effect differences of several higher radon release levels. In general, radon control is achieved through earth cover. The thickness of the cover affects both its effectiveness and durability. Since health benefits are proportional to both of these factors, the benefits of cover increase faster than costs until significant durability (1,000 years) is achieved, at which point greater thickness achieves little improvement.

We also considered whether we should prohibit releases of radioactive and non-radioactive toxic substances from tailings to water or should limit releases to levels that preserve water quality for potential uses, including drinking and agriculture. We proposed standards for uranium mill tailings disposal that prohibit degrading the existing quality of underground and surface water bodies. We are now analyzing earlier and recent data on potential water pollution from tailings, which appear to indicate there is little danger of future pollution by stabilized tailings. We are, therefore, considering alternatives that include not issuing standards if they are not needed, issuing water protection guidance, or issuing revised standards that take account of the uses of water.

The health protection that the disposal system ultimately affords depends on the control levels and the time over which they are maintained. We have examined the technical and economic reasonability of requiring effective control for (a) several hundred years, (b) hundreds to thousands of years, and (c) longer than tens of thousands of years. We proposed to apply the disposal standards for at least 1,000 years. Because some commenters challenged the need for and practicality of a 1,000-year standard, we are now reconsidering the costs and effectiveness of requiring tailings control by physical and institutional methods for durations of 100 to 1,000 years.

(B) Cleanup standards for contaminated open land—We considered alternative standards for cleanup of contaminated open land as follows:

(a) Standards that would reduce residual radiation levels to local natural backgound levels.

(b) Standards that would limit the residual radioactivity to levels that may be above local background but are still within a common natural range of values.

(c) Standards that limit residual radiation to levels significantly above normal background.

Our proposed standards followed alternative (b). Many responses indicated that this may be too restrictive. We have now analyzed several cleanup standards that would allow higher residual radiation levels, as well as institutional versus passive methods of control.

(C) Cleanup standards for buildings—Tailings have sometimes been used by contractors and individuals as construction materials for buildings. This can cause elevated indoor radioactivity and increased risk of lung cancer for occupants who breathe radioactive particles in the air. In developing remedial action standards for this condition, we considered earlier recommendations by the U.S. Surgeon General for a similar situation at Grand Junction, Colorado and guidance provided by EPA to the State of Florida regarding indoor radioactivity. We also considered alternative standards that take account of this earlier guidance and that reflect current assessments of the health effects of the indoor radioactivity. The proposed standards take the form of specifications that, if exceeded, would require remedial action.

We could set action levels in terms of the total indoor radioactivity concentrations or as an increment above average natural background levels. We proposed the indoor radon decay product limit in terms of total radon decay concentration, because background levels cannot be determined separately in practice. Indoor gamma radiation levels are much more easily determined, however, so we proposed to express the gamma radiation standard as an increment above background. In all cases, the standards would apply to radiation that may reasonably be attributed to tailings, not to other causes.

Most comments indicated a belief that we had chosen too low a value for the indoor radon limit. We are now reanalyzing the costs and risk reductions of alternative indoor radon decay product limits and means of providing some discretion in implementation. There is little controversy regarding our proposed indoor gamma radiation standard, however, so we are not actively reconsidering it.

Summary of Benefits

Sectors Affected: People living or working near inactive uranium mill tailings sites designated by DOE for remedial actions under UMTRCA that are located in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, Texas, Pennsylvania, Utah, and Wyoming; individuals who live or work in contaminated buildings; and the general public.

The following broadly describes the benefits we estimated would occur under the proposed standards. However, in developing final standards, we will more thoroughly and explicitly analyze the benefits of alternative standards.

The proposed disposal standards would provide a reasonable expectation of avoiding virtually all detrimental effects of uranium mill tailings from the 24 designated inactive sites for at least 1,000 years. Based on current population distributions, we estimate that the standards would prevent about 200 deaths per century caused by radon emissions from tailings piles. The number may be larger if populations

increase, or if population centers develop near piles that are now remote from people. About 500,000 people live within 6 miles of these tailings piles. Furthermore, the proposed standards would protect surface and ground water from degradation by the tailings. Individuals who live or work in perhaps hundreds of contaminated buildings would benefit from application of the cleanup standards. Finally, applying the cleanup standards for open land would result in conditions that do not require further control. This could make several thousand acres of land available for use and avoid a long-term administrative burden of government control.

Local economies could benefit from decreased unemployment and increased business activity associated with performing the remedial actions to comply with the standards. The remedial actions would also virtually eliminate the inequitable distribution of risk associated with the tailings, which is now greater for people who live or work very near the piles or in contaminated buildings than for the general population. After disposal in accordance with the proposed standards, the radiation risk for such people would be within the normal range of natural background levels.

Summary of Costs

Sectors Affected: The Federal Government; affected States; and people living near inactive uranium mill tailings sites designated by DOE for remedial action.

The following describes the costs we currently estimate would occur under the proposed standards.

UMTRCA provides that the Federal Government bear 90 percent of the actual costs of the remedial actions and the ten affected States bear 10 percent. The Federal Government will bear all the costs of remedial actions on Indian lands. We assume expenditures will be spread over the 7 years Congress authorized for the remedial action program.

The costs of meeting the disposal standards at all the tailings piles eligible under UMTRCA are difficult to estimate, primarily because methods should be chosen on a site-specific basis. We currently estimate the cost of performing remedial actions to meet the proposed disposal standards as $270 million (1981 dollars). We made this estimate under the conservative assumption that nine piles would have to be moved to comply with the standards. However, we believe perhaps only one pile might have to be moved once all pertinent site-specific factors are fully analyzed.

Our estimate of the cleanup cost under the proposed standard for contaminated land immediately adjacent to tailings piles and away from the mill site is $21 million and $36 million (1981 dollars), respectively. Remedial actions for contaminated buildings would cost about $7 million (1981 dollars) under the proposed standards.

DOE estimates that research, development, and administration of the remedial action program would cost $118 million (1981 dollars). When added to our estimated costs for performing remedial actions, the resulting program cost is $452 million (1981 dollars) to satisfy the proposed standards.

During the performance of the remedial actions, localities would be subjected to increased traffic, dust, and other side effects of earth-moving and construction operations. Disposal operations may require large quantities of clay and soil for covering the tailings. Contaminated open land would be subjected to scraping and digging by the cleanup operations. The environmental effects of these land disturbances would vary with the site.

Summary of Net Benefits

The proposed disposal standards would provide a reasonable expectation of avoiding virtually all detrimental health effects of uranium mill tailings from the 24 designated inactive sites for at least 1,000 years. We anticipate that at least two-thirds and perhaps nearly all the existing sites would be suitable for disposal under the proposed standard. The cleanup standards would result in substantially reduced risks for people living in structures constructed on contaminated land. Additionally, thousands of acres of contaminated land could be made available for unrestricted use. We currently estimate the total cost of meeting the proposed standards is about $452 million (1981 dollars).

Related Regulations and Actions

Internal: Radiation protection guidance for remedial actions on residences on Florida phosphate lands (44 FR 38664, July 2, 1979).

Draft proposed standard for high-level radioactive waste (in development).

Regulations for treatment, storage, and disposal of hazardous wastes under the Resource Conservation and Recovery Act (40 CFR Parts 260–267).

Applicable Federal Radiation Protection Guidance.

Clean Water Act regulations (40 CFR Subchapter D, Part 100 *et seq.*).

National Interim Primary Drinking Water Standards (40 CFR Part 141).

EPA Proposed Air Carcinogen Policy (44 FR 58642, October 10, 1979).

Resource Conservation and Recovery Act (42 U.S.C. 6905, 6912(a), 6921–27, 6930, and 6974).

External: UMTRCA gives to DOE the responsibility for selecting and performing remedial actions that satisfy EPA's standards. Any States that share the cost must participate fully, and the Nuclear Regulatory Commission must concur. DOE must also consult any affected Indian tribe and the Department of Interior when Indian lands are involved. In addition, the Department of Justice has responsibilities related to determining the responsibility, if any, of any private parties for remedial actions.

Government Collaboration

The Environmental Protection Agency, the Nuclear Regulatory Commission, and the Departments of Energy, Justice, and Interior all have responsibilities under UMTRCA. These agencies have formed a staff level working group, which plans necessary interagency coordination and reviews draft documents as appropriate.

Timetable

ANPRM—44 FR 33433, June 11, 1979.
Statutory Deadline—November 8, 1979.
NPRM (Cleanup Standards)—44 FR 27370, April 22, 1980.
Interim Cleanup Standards—44 FR 27366, April 22, 1980.
NPRM (Proposed Disposal Standards)—44 FR 2556, January 9, 1981.
Public Hearings—Salt Lake City, UT, April 24 and 25, 1981; Durango, CO, April 27 and 28, 1981; Washington, DC, May 14 and 15, 1981.
Public Comment Period—Proposed Cleanup Standards, April 22, 1980 to July 15, 1981; Proposed Disposal Standards, January 9, 1981 to July 15, 1981.
Final Rules (Cleanup and Disposal Standards)—March 1982.
Final Rules Effective—60 days after promulgation.
Regulatory Impact Analysis—EPA has not decided whether such an analysis is required. In either case, however, we will present similar information in the Final Environmental Impact Statement.
Regulatory Flexibility Analysis—EPA will not develop an analysis. The standards do not apply to small entities and would have no effect on them. In any case, EPA proposed the standards before the Regulatory Flexibility Act took effect.

Environmental Impact Statement—We issued a draft Statement (EPA 520/4–80–011) in January 1981. We will issue a final Statement when standards are promulgated.

Available Documents

From the Congress—House Document Room, H–226 Capitol, Washington, DC 20515: P.L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA); House Report No. 95–2480, Pt. I, Committee on Interior and Insular Affairs; House Report No. 95–1480, Pt. II, Committee on Interstate and Foreign Commerce.

From DOE—Technical Library, Bendix Field Engineering Corp., P.O. Box 1569, Grand Junction, CO 81502: "Phase II, Title I, Engineering Assessment of Inactive Uranium Mill Tailings Sites" by Ford, Bacon and Davis, Utah Inc. (microfiche copy only, nominal charge per report).

From EPA/OANR–ORP: "EPA Development of Standards for Uranium Mill Tailings and Report on Uranium Mining Wastes—Call for Information and Data," 44 FR 33433, June 11, 1979.

"EPA Indoor Radiation Exposure Due to Radium-226 on Florida Phosphate Lands—Radiation Protection Recommendations and Request for Comment," 44 FR 38664, July 2, 1979.

"Interim Cleanup Standards for Inactive Uranium Processing Sites," 45 FR 27366, April 22, 1980.

"Proposed Cleanup Standards for Inactive Uranium Processing Sites," 45 FR 27370, April 22, 1980.

"Proposed Disposal Standards for Inactive Uranium Processing Sites," 46 FR 2556, January 9, 1981.

"Draft Environmental Impact Statement for Remedial Action Standards for Inactive Uranium Processing Sites," EPA Report 520/4–80–011, December 1980.

EPA documents listed above are available at 401 M Street, S.W., Washington, DC 20460.

Comments on the proposed standards and transcripts and other material from public hearings have been placed in Docket No. A–79–25, which is located at EPA, Central Docket Section, West Tower Lobby, 401 M Street, S.W., Washington, DC 20460. Additional documents, when they become available, will also be placed in this Docket.

Agency Contact

Dr. Stanley Lichtman
General Radiation Standards Branch
Criteria and Standards Division
(ANR–460)
Office of Radiation Programs
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(703) 557–8927

EPA–OANR—Office of Mobile Source Air Pollution Control

Fuels and Fuel Additives Protocols (40 CFR Part 79; Revision)

Legal Authority

The Clean Air Act, as amended, § 211, 42 U.S.C. 7545.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have a marked effect on the way private industry develops and markets fuels and fuel additives and because of its potentially beneficial public health effects. While this rule may not have an annual impact of $100 million or more, the potential growth in the use of synthetic fuels and fuel additives in the future, as the Nation attempts to lessen its dependence on foreign oil, makes it a rulemaking worthy of attention.

Statement of Problem

In 1977 Congress amended the Clean Air Act, adding § 211(e), which requires EPA to develop regulations to test the environmental and health effects of fuels and fuel additives. Section 211(e)(2) of the Act itself establishes deadlines by which the manufacturer must provide the requisite information to the EPA Administrator. Section 211(e)(3) authorizes the Administrator to: (1) exempt small businesses from the regulations, (2) provide for sharing of testing costs among manufacturers who desire to register identical compounds, and (3) exempt businesses from duplicative testing requirements.

The present registration regulation requires that manufacturers submit certain information on the chemical composition and the toxicity of fuels and fuel additives to the extent this information is known by the manufacturer as the result of testing conducted for reasons other than fuel registration (40 CFR 79.31(c)).

The proposed action may require the manufacturer to perform certain physical, chemical, and biological testings of fuels and fuel additives before registration. Present regulations require submittal of the additive name, use, chemical description, and analytical technique for detection and do not require any chemical or biological testing.

On August 29, 1978, EPA published an ANPRM in the **Federal Register** (43 FR 38607) requesting comments on the types of health effects and emissions test methods to be used, small business criteria, and cost sharing provisions. In response to this request, the Agency received many submittals of comments from the interested public. These regulations will consider all comments received from interested individuals and organizations.

Alternatives Under Consideration

Our preferred alternative is to require health effects and emissions testing by manufacturers on a tier basis. This approach would require manufacturers to report the chemical composition of all candidate fuels and fuel additives. If, based on chemical composition, EPA can make a determination that the environmental and health impacts are insignificant, further testing may not be required. However, if the initial and subsequent data present a cause for concern, further testing could be required until the concern is alleviated.

The second alternative would require full testing by manufacturers for all fuels and fuel additives with no exemptions. Approximately 2,000 fuels and fuel additives could require full environmental and health testing by their current manufacturers. This alternative would be unnecessarily costly, as many fuels and fuel additives whose environmental impact we can predict to be small or negligible would have to be tested.

The third alternative would provide for full testing for all fuels and fuel additives, except that firms producing a small amount of a fuel or fuel additive could be exempted from testing requirements. (This small business exemption would not apply to chemicals that are believed by EPA to have a potentially hazardous environmental effect.) Testing costs may be prohibitively expensive for small businesses, and EPA believes that this alternative would provide an incentive for small businesses to produce and test fuels and fuel additives. The disadvantage of this alternative is that it would be difficult for EPA to determine criteria for exempting small businesses. Therefore, the Agency is planning further study of this alternative.

The fourth alterenative would permit companies to share the costs of producing and testing fuels and fuel additives. For example, EPA could allow two companies that are making essentially the same additive to test and register the chemical jointly. This alternative could reduce costs for individual firms and also eliminate duplication. In addition, it might provide some incentive for a company to be first

in producing and testing new fuels. By sharing the costs with another firm, the entrepreneurial firm could protect its investment. EPA has not determined specifically how such a cost sharing plan would work; therefore, this alternative is being studied further.

The final alternative would be to require manufacturers to submit test data demonstrating the effect of their fuel or fuel additive on regulated pollutants only (oxides of nitrogen, carbon dioxide, hydrocarbons) before registration, but not to require health or environmental testing. This is the present system as required by 40 CFR Part 79, but which the Congress required be improved via these regulations.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas where the concentration of vehicles is greatest; and those people who live near or work in plants that produce fuels or fuel additives.

The benefit we expect from this regulation is the protection of public health. Those fuels and fuel additives and the products of their combustion, which may be harmful to public health, would be identified and eliminated from the marketplace, where appropriate. A particular concern is that certain combustion products of fuels and fuel additives could be carcinogenic or mutagenic. Adverse health effects could occur in urban areas and near fuel depots or fuel distribution centers. Effects could also be seen by those who fuel their own cars.

Summary of Costs

Sectors Affected: Petroleum refining and users of motor vehicles or their services.

There are over 2,000 fuels and fuel additives currently registered under § 211 of the Clean Air Act. We roughly estimate that approximately 200 of these will require some degree of testing by the manufacturers. The cost to the industry of implementing these tests could total as high as $99 million to $132 million (1980 dollars). These costs would be incurred over the first 3 years of regulation, because by law, all fuels and fuel additives must meet the testing requirements within 3 years of the date of promulgation of this regulation. Small businesses would be exempt from the most costly tests. Users of motor vehicles would share these costs to the extent they are passed on by the petroleum refiners.

Summary of Net Benefits

EPA expects a well designed test program could result in improved public health that will outweigh the cost of testing and thus have a net benefit to the Nation.

Related Regulations and Actions

Internal: Fuels and Fuel Additives Registration, 40 CFR Part 79.

Proposed Guidelines for Registration of Pesticides, 40 CFR Parts 161, 162, and 163.

Toxic Substances Control Act, § 4, Carcinogen Protocols and Chronic Toxicity Protocols, 40 CFR Part 772.

Ambient Air Quality Standards, 40 CFR Part 50.

External: None.

Government Collaboration

Health-testing protocols will be submitted to appropriate interagency review groups for screening before the regulation is promulgated.

Timetable

ANPRM—43 FR 38607, August 29, 1978.
ANPRM—October 1982.
NPRM—October 1983.
Regulatory Impact Analysis—June 1983.
Public Hearing—60 days after publication of NPRM.
Public Comment Period—90 days following publication of NPRM. Comments may be sent to Charles L. Gray, Jr., Director, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105.
Final Rule—October 1984.
Final Rule Effective—Three years after promulgation of regulation.
Regulatory Flexibility Analysis—In conjunction with NPRM.

Available Documents

The August 29, 1978 ANPRM and other documents in EPA Docket ORD-78-1 are available for review at EPA, Central Docket Section, Waterside Mall, Room 2903B, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 5:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

Agency Contact

Richard A. Rykowski, Project Manager
Standards Development and Support Branch
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, MI 48105
(313) 668-4339

EPA—Office of Pesticides and Toxic Substances

Pesticide Registration Guidelines (40 CFR Part 163, Subparts A-P; New)

Legal Authority

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(A), 136f, and 136w.

Reason for Including This Entry

The Environmental Protection Agency (EPA) estimates that the cost to chemical companies and other registrants whose products are registered with EPA or who apply for registration of their products to meet the Guidelines' requirements will total $56 million to $107 million (in 1980 dollars) annually over the next 10 years. This means that the Guidelines, taken as a whole, will probably meet the criterion for classification as a "major regulation" under Executive Order 12291, although the Agency will publish most subparts of the Guidelines in a form other than regulations.

In addition, the Presidential Task Force on Regulatory Relief has designated this program for review.

Statement of Problem

With certain limited exceptions, EPA must, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), register all pesticides before legal sale and distribution by manufacturers and formulators can occur in the United States. The purpose of requiring registration of a pesticide is to permit EPA to determine if: (A) the composition of the pesticide is such as to warrant the proposed claims for it; (B) the labeling and other material required to be submitted comply with the requirements of the Act; (C) the pesticide will perform its intended function without unreasonable adverse effects on the environment; and (D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

In the absence of the Guidelines, manufacturers and formulators must develop, and EPA must review, health and safety data on a case-by-case basis. Such a procedure causes confusion, inefficiency, and inconsistency. Experience has shown that when guidelines have not existed, registration applications often have been incomplete

or inadequate; applicants have spent unnecessary time and money because requirements were not clearly explained; and EPA could not perform registration reviews efficiently. With some 35,000 currently registered pesticide products to be reregistered, and many new ones to be registered each year, the Congress recognized the need for guidelines and called for their preparation and publication at FIFRA § 3(c)(2)(A).

The Guidelines specify the kinds of information required to support a registration application. Such information encompasses data required for evaluation of health and safety hazards to humans, domestic animals, wildlife, aquatic organisms, and nontarget plants and insects. It also includes data concerning chemical characteristics of the ingredients of the pesticide products, the food and feed crop residues resulting from the use of pesticides, and the environmental fate of pesticides. In addition, information on labeling, product efficacy, exposure analysis, and product disposal can be required. The Guidelines also specify the kinds of information of each type mentioned above that are required for pesticides to be tested under an experimental use permit and for pesticides categorized as biorational pesticides (pheromones, bacteria, viruses, etc.).

Prospective registrants (primarily pesticide manufacturers and formulators) are responsible for both testing and submittal of test results to the Agency to support their applications for new registrations. In addition, FIFRA requires that currently registered pesticides be *reregistered* expeditiously. In many cases, the registrants of these pesticides will have to submit health and safety data to meet FIFRA requirements during the next several years, either because they had not previously submitted the data or because they had submitted inadequate data.

Alternatives Under Consideration

Section 3(c)(2)(A) of FIFRA requires that "The Administrator shall publish guidelines specifying the kinds of information required to support the registration of a pesticide and shall revise such guidelines from time to time." Therefore, EPA is not considering alternatives to publication of the Guidelines. The Agency is, however, analyzing public comments on the portions already proposed (see "Timetable") and is considering these comments to improve the nature and clarity of the proposed data and testing requirements. In addition, the Agency is reconsidering whether the tests that would be required are, in fact, essential, and whether more flexibility should be allowed for performing the actual tests. Also, the Agency will publish some subparts of the Guidelines in a form other than regulations, for the time being.

Summary of Benefits

Sectors Affected: Pesticide chemical manufacturing and formulating; chemical/biological testing laboratories; EPA; and people who use or are exposed to pesticides, including farmers and the general public.

The Guidelines will give prospective registrants the benefit of knowing precisely what kinds of data the Agency requires (though there are provisions for waiving or modifying some requirements under some circumstances, such as certain use- or product-related situations where specific kinds of exposure are precluded, or where certain kinds of data, such as efficacy results, are no longer needed under Agency policy). Manufacturers and formulators therefore will be able to plan their research and development programs with greater certainty and thereby save money and time. Improved decisionmaking will result in fewer adverse impacts, increasing public confidence in pesticide use, and, ultimately, increasing the market for certain pesticide products. The chemical/biological testing industry (comprising over 120 businesses and still expanding) will benefit from decreased confusion over when a test is to be run and what is considered a generally acceptable method.

The Guidelines will benefit the Agency by improving the quality of data available for making decisions, and by allowing for more efficient processing of applications. Farmers and other major users will benefit generally from having registered pesticides made available sooner.

Summary of Costs

Sectors Affected: Pesticide chemical manufacturing and formulating; and users of pesticides, including farmers and the general public.

EPA estimates that it will cost registrants between $661 million and $888 million (1980 dollars) over the next 10 years to comply with the Guidelines requirements. These figures are based on the number of new registration actions and requests for data to support existing registrations for all types of pesticides that the Agency expects to process over the next 10 years. The range is due to variability in the number of chemicals for which EPA will request data (the number is expected to decline as EPA's reregistration program progresses) and in the cost of performing the required studies. This range covers all Guidelines subparts as now drafted. EPA estimates sales of all the chemicals for which data under the Guidelines will be required will be about $33 billion over the next 10 years.

On an annual basis, the Agency estimates the costs would range from $56 million to $107 million (1980 dollars). Current (1981) pesticide industry research and development expenditures are estimated to be $365 million annually; of this total, approximately $100 million are used to meet existing registration requirements. In relation to sales, the annual costs (1980 dollars) attributable to the Guidelines would amount to 2 percent to 3.6 percent of the income at the basic producer level ($3 billion), or 1 percent to 1.8 percent of the income at the retail level ($5.8 billion).

The projected cost of the Guidelines represents expenditures for conducting laboratory and field testing and developing the reports of such tests. While registrants will initially bear the cost, we expect that it will be passed on to pesticide users.

We do not expect these Guidelines to have any significant effect on employment in the pesticide industry, or to have any other nationally significant economic effects. We do expect producers of some currently registered pesticides of small economic significance to withdraw their products from the market rather than go to the expense of developing the data required for reregistration. In this situation, we expect consumers to choose other available pesticides.

Summary of Net Benefits

Executive Order 12291 requires that a statement of net benefits be provided with each regulation. Such summary would include, under most circumstances, a quantification of benefits versus costs associated with meeting the regulatory goals. In this instance, however, most of the benefits are not quantifiable (e.g., improved public health, less hazard to wildlife, etc.). A brief explanation of some of the nonquantifiable benefits is provided below.

These guidelines are designed to provide the following two principal benefits concurrently:

(1) make pesticide product development and registration more efficient; and

(2) make the resultant approved pesticide products generally safer to humans and the environment.

Balanced against relatively slight increases in costs at the basic chemical producers level (2 to 3.6 percent of income) and at the retail level (1 to 1.8 percent of income), which are passed on to pesticide users, the direct and indirect benefits of registering pesticides at a more rapid pace than in the past considerably outweigh the costs. Pests not now controlled and crops or sites not now easily or economically protected from pests will in the future gain greater attention from pesticide producers because of the improved efficiency of the registration process. New products designed to deal with these problems will probably be developed and registered sooner now that prospective registrants and the Agency know better what kinds of data to develop and what standards these data must meet.

In addition to benefits attributable to greater efficiency, other benefits will flow from the fact that the data used to register pesticides will often be of better quality than under the present system. This will improve EPA's ability to make accurate and reliable decisions on the risks associated with a pesticide's use. Improved decisionmaking ultimately will result in fewer adverse effects from pesticide use and should increase the public's confidence in pesticide safety. This, in turn, may lead to an increased market for certain pesticide products.

A number of the cost/benefit aspects discussed above are mentioned briefly in the Regulatory Analysis paragraphs in each of the preambles to the guidelines subparts. A more extensive discussion of costs and benefits will be contained in an overall economic impact analysis of the guidelines that the Agency has been developing for over a year and that will be available in early 1982.

Related Regulations and Actions

Internal: In addition to the development of these Registration Guidelines, EPA has been conducting a comprehensive review of its existing pesticide registration regulations (40 CFR Part 162, Subpart A, "Registration, Reregistration, and Classification Procedures") during the past year. The purpose of that review is to determine how those rules should be reorganized and revised to make them more consistent with recent amendments to FIFRA, to delete or change impractical and unnecessary requirements, and to make the rules easier for the public to understand, for industry to comply with, and for the Agency to implement.

The review process is consistent with the August 12, 1981 directive of the Presidential Task Force on Regulatory Relief, which required EPA to review its registration program. In addition to continuing its review of the current registration regulations, EPA plans to comply with the directive of the Task Force by reviewing other related regulations and registration programs for requirements that could now be deemed unnecessarily costly or burdensome to industry or the public. Where appropriate, EPA will propose changes in those requirements to alleviate the costs or burdens and to ensure that the net benefits of each requirement exceed its net costs. EPA is developing a plan and schedule for conducting these reviews.

EPA is also developing a limited number of testing guidelines for chemical substances and mixtures under the Toxic Substances Control Act (TSCA). As far as possible, EPA will make the TSCA and FIFRA testing standards consistent with each other. The Good Laboratory Practice standards we are developing under TSCA and FIFRA, which prescribe standards of performance for toxicological testing, will also be consistent.

External: Four Federal agencies (EPA, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission) are jointly developing guidelines describing test methods and standards that will meet all four agencies' needs.

The Agency is also working with the Organization for Economic Cooperation and Development (OECD). This group is developing international testing standards, and has the cooperative input of 24 other countries besides the United States. In published form, our toxicology guidelines (Subpart F) will be consistent with the international standards. As additional international standards in other areas are developed, the Agency will seek to achieve as much consistency as possible.

Government Collaboration

FIFRA §§ 25 (a) and (d) requires the Administrator of EPA to provide copies of draft proposed and final regulations to the Department of Agriculture, the Committee on Agriculture in the House of Representatives, the Committee on Agriculture and Forestry in the Senate, and the FIFRA Scientific Advisory Panel. These groups provide technical, legal, and scientific oversight.

Agencies and other government groups that EPA has consulted or that have provided assistance in Guidelines development include members of the former Interagency Regulatory Liaison Group, the National Cancer Institute, the Department of the Interior, and the Department of Agriculture.

Timetable

The current rulemaking process began in 1973 and is expected to continue until 1982–1983. There are a number of subparts to these regulations that will have separate NPRMs, public hearings, and requests for public comments. However, some subparts will be published as guidance documents. An overall Regulatory Impact Analysis will be published for the entire Guidelines in early 1982. This analysis will also include the impacts cited in the Regulatory Flexibility Act and Executive Order 12291.

We intend to publish the following subparts in proposed form in early 1982:

Subpart G—Product Performance.
Subpart H—Label Development.
Subpart I—Experimental Use Permits.
Subpart K—Exposure Data Requirements: Reentry Protection.

We intend to publish Subpart A—Introduction—in final form in early 1982.

The following will appear as Guidelines rather than CFR Parts:

Chemistry Requirements: Product Chemistry.
Hazard Evaluation: Wildlife and Aquatic Organisms.
Hazard Evaluation: Humans and Domestic Animals.
Hazard Evaluation: Nontarget Plants.
Hazard Evaluation: Nontarget Insects.
Chemistry Requirements: Environmental Fate.
Good Laboratory Practices.

Available Documents

We have published the following portions of the Guidelines as NPRMs:

Subpart B—Introduction, 43 FR 29606, July 10, 1978. This subpart will become Subpart A when published final.

Subpart D—Chemistry Requirements, 43 FR 29696, July 10, 1978. This subpart has now been divided into five subparts: D—Chemistry Requirements: Product Chemistry; K—Exposure Data Requirements: Reentry Protection; N—Chemistry Requirements: Environmental Fate; O—Chemistry Requirements: Residue Chemistry (scheduled for NPRM in 1982); and P—Data to Support Disposal Instructions (scheduled for NPRM in 1982).

Subpart E—Hazard Evaluation: Wildlife and Aquatic Organisms, 43 FR 29696, July 10, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals, 43 FR 37336, August 22, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals (two additional general sections on good laboratory practices for toxicology testing), 45 FR 26373, April 18, 1980. (This proposal will be separated from Subpart F when developed into a Final Rule; it will be Subpart Q—Good Laboratory Practices.)

Subpart J—Hazard Evaluation: Nontarget Plants and Microorganisms, 45 FR 72948, November 3, 1980.

We have published the following portion of the Guidelines as an Interim Final Rule:

Subpart C—Registration Procedures, 40 FR 41788, September 9, 1975. (This subpart may be replaced by a revised regulation now being developed under FIFRA § 3.)

We also published an "Economic Analysis of Guidelines for Registering Pesticides in the U.S." (covering the costs of Subparts B, D, E, and F, which would be responsible for about 90 percent of the total Guidelines cost) at 43 FR 39644, September 6, 1978.

All documents listed in the Timetable section that have already been published are available for review at the OPTS Reading Room, Room 107, Waterside Mall East Tower, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

Agency Contact

Frederick S. Betz, Guidelines Program Manager
Environmental Protection Agency (TS–769)
401 M Street, S.W.
Washington, DC 20460
(703) 557–1405

EPA–OPTS

Premanufacture Notification Requirements and Review Procedures (40 CFR Part 720; New)

Legal Authority

Toxic Substances Control Act (TSCA). § 5.15 U.S.C. 2604.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because the regulations may have a substantial impact on the chemical industry. The Presidential Task Force on Regulatory Relief has designated for review EPA's policy of exempting certain chemicals from premanufacture notification requirements.

Statement of Problem

To prevent public health risks and environmental contamination before potentially toxic substances are widely used and dispersed, Congress included a section on premanufacture notification in the Toxic Substances Control Act (TSCA). This section § 5 requires a manufacturer to notify EPA of his intent to manufacture or import a new chemical substance, and to submit information concerning that substance which the Agency can use to assess the risks associated with its manufacture, processing, distribution in commerce, use, or disposal. On the basis of this assessment and evaluation of economic considerations and other relevant factors, EPA will make decisions concerning the reasonableness of any risk and will take appropriate action to obtain more information or data; regulate production or use; or require reporting by manufacturers, processors, or distributors of chemicals once the substance is in commerce. If EPA does not regulate the substance during the premanufacture notification period, the manufacturer may begin production (subject to regulation under any other laws).

To implement the notification process, EPA proposed a set of premanufacture notification rules and forms for public comment on January 10, 1979. In October 1979 EPA reproposed the forms and certain portions of the rule. While the statute generally described the notice requirements, the rules, when final, will clarify the statutory obligations of manufacturers and importers of new chemical substances to provide information on the substances, and will also clarify the Agency's procedures for reviewing the information. Without knowledge of the Agency's review procedures, the chemical industry may have difficulty in providing information to the Agency, in planning commercialization of new chemical substances, or in understanding the reasons for regulatory actions taken by the Agency. The forms will provide a detailed specification of the information that manufacturers, processors, and distributors must submit and the formats in which they should supply the information. The manufacturers are responsible for assembling the information. EPA must decide, generally within 90 days of receiving the information, whether the substance in question may present an unreasonable risk to human health or the environment, and if so, what action to take.

Under § 5(h)(4) of TSCA, the EPA Administrator may, upon application and by rule, exempt the manufacturer of a chemical substance from all or part of the requirements of § 5 if the Agency determines that the new chemical substance will not present an unreasonable risk of injury to health or the environment. The development of exemptions from premanufacture review has been designated by the Presidential Task Force on Regulatory Relief as an area for immediate action.

The Agency received its first application for an exemption from Polaroid Corporation on April 7, 1980. Additional petitions for exemptions have been received from the Chemical Manufacturers Association (CMA), the Synthetic Organic Chemical Manufacturers Association (SOCMA), and the Dyes Environmental Toxicity Organization (DETO).

The CMA petition requests the Agency to commence rulemaking proceedings to exempt certain site-limited intermediates, chemical substances manufactured in quantities less than 25,000 pounds per year, and polymers whose precursor monomers are on the inventory. CMA also requests that the Agency allow premanufacture notification submitters to begin manufacture before the end of the 90-day notice review period when the Agency determines it will take no regulatory action. Finally, CMA requests that the Agency establish procedures for processing other exemption applications that it may receive.

The Agency is considering the CMA petition and meeting with industry and other interested groups to develop an approach to exemptions. In particular, the Agency is considering the relationship between the broad exemptions requested by the CMA petition and the narrower exemptions requested by others, the necessary information to determine that categories of chemicals present no unreasonable risk, and the appropriate procedures for processing applications. No timetable has been established.

Alternatives Under Consideration

There are several significant issues to be resolved in this rulemaking. Among them are the scope and the level of detail of information it should require; the identification of chemical substances for which industry must submit premanufacture notification to EPA; policies regarding the confidentiality of information submitted; the extent to which the submitter must contact prospective customers to obtain relevant data; supplemental reporting; and whether and how EPA determines that submissions meet its requirements. A detailed discussion of the proposal

and other regulatory options the Agency is considering is included in the draft Regulatory Impact Analysis and proposed Economic Impact Analysis (see "Available Documents," Proposed Economic Impact and Draft Regulatory Analysis of November 13, 1980 (45 FR 74945)).

Summary of Benefits

Sectors Affected: The chemical industry and its employees; importing of chemical products; the general public; and the environment.

The premanufacture review process will benefit public health and the environment by preventing the production, use, or disposal of new chemicals which present unreasonable risks. By preventing potential hazards at an early stage, EPA can minimize economic dislocation, especially that which would result if a chemical is in full production and use is withdrawn. The rules will benefit manufacturers and importers of chemical products by clarifying statutory obligations for providing information. Adverse employment effects and the obsolescence of plant equipment will be substantially reduced by early regulation. Preventing toxic chemicals from entering the environment also will decrease lost work days and hospitalization costs that result from worker exposure to toxic chemicals.

Summary of Costs

Sectors Affected: The chemical industry and importing of chemical products.

EPA is conducting an in-depth study of the premanufacture notification requirements to determine with a greater degree of confidence the nature of the costs and economic effects of this rulemaking. These effects will include the effect on research and development programs, industry sales, growth, and profitability; and the structure of the chemical industry. EPA will use the results of this study in making final decisions on how to implement the premanufacture notification program. Preliminary results of this analysis estimated that the notice form proposed on January 10, 1979 would impose a one-time cost between $2,500 and $22,500 to complete for each submitter, in 1980 dollars. Estimates for the October 16, 1979 reproposed shortened form indicated that completion of the revised form would impose a one-time cost between $1,155 and $8,925, in 1980 dollars. It has also been estimated that approximately 400 notices would be submitted per year. Therefore, the total cost of providing the notice forms in a typical year would be between $462,000 and $3,570,000, in 1980 dollars. Estimates of costs for the October 16, 1979 revision also included costs of between $0 and $6,400 for asserting and substantiating claims of confidential business information in connection with the notice submission.

The previous estimate did not include confidentiality costs, although there would be some cost for confidentiality imposed by the statute as well as any implementing regulation.

Summary of Net Benefits

The Agency is currently expanding its economic analysis and regulatory analysis to conform with the requirements of Executive Order 12291. This analysis will compare the costs and benefits of the alternatives under consideration by the Agency. Because the analysis is underway, the net benefits of the alternatives are unknown.

Related Regulations and Actions

None.

Government Collaboration

Other Federal agencies that have been involved in this rulemaking include the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Food and Drug Administration, the Department of Transportation, and the Bureau of the Census.

Timetable

NPRM for Premanufacture Notification Requirements and Review Procedures—44 FR 2242, January 10, 1979 (Docket Number OTS 050002).
Reproposed Rule—44 FR 59764, October 16, 1979.
NPRM for Proposed Processor Requirements, Premanufacture Review Program—45 FR 54642, August 15, 1980 (Docket Number OTS 050002).
Proposed Economic Impact and Draft Regulatory Analysis—45 FR 74945, November 13, 1980.
Final Rule—April 1983.
Final Rule Effective—30 days following publication of the Final Rule.
Regulatory Impact Analysis—April 1983.
Regulatory Flexibility Analysis—Not required.

Available Documents

Public comments on NPRM.
Discussion of Premanufacture Testing Policy and Technical Issues—44 FR 16240, March 16, 1979 (Docket Number OTS 050002).
Interim Policy Statement—44 FR 28558, May 15, 1979 (Docket Number OTS 050002).
Extension of Comment Period—45 FR 81615, December 11, 1980.
These documents are available from the Agency Contact listed below.

Agency Contact

Douglas Bannerman, Acting Director
Industry Assistance (TS–799)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(800) 426–9065 (toll free).
In Washington, DC area, call (202) 544–1404.

EPA–OPTS

Toxic Substances Control Act (TSCA) Section 4 Test Rules (40 CFR Part 773; New)

Legal Authority

Toxic Substances Control Act, §§ 4 and 26, 15 U.S.C. 2603 and 2625.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes these rules are important because we need data to assess the risk of injury to human health and the environment caused by exposure to chemicals in commercial production and use.

Statement of Problem

Section 4 of the Toxic Substances Control Act (TSCA) gives the Environmental Protection Agency the authority to require that manufacturers and/or processors of chemicals test these chemicals for possible adverse effects on human health or the environment. To implement § 4, we are in the process of developing, proposing, and promulgating test standards and test rules. A test standard is a description of the scientific methodology and analysis to be used in testing for an effect. A test rule is a regulation requiring manufacturers and processors of specific chemicals to test these substances for certain effects according to appropriate test standards. The Agency established a reasonable timetable in which industry must complete the development of the test data.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to make recommendations to the EPA Administrator, in the form of a list containing chemical substances that should receive priority consideration in

the Agency's development of test rules. For the most part, chemicals to be included in test rules come from the semiannual recommendations made by the ITC. The Committee's eight members represent the Council on Environmental Quality, the Department of Commerce, the Environmental Protection Agency, the National Science Foundation, the National Institute of Environmental Health Sciences, the National Institute for Occupational Safety and Health, the National Cancer Institute, and the Occupational Safety and Health Administration (OSHA).

In its Initial Report (42 FR 55026, October 12, 1977), the ITC recommended that chloromethane be tested for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects and emphasized its concern about chloromethane's effects on the central nervous system, liver, kidney, bone marrow, and the cardiovascular system.

Monochlorobenzene and, dichlorobenzene were also contained in the ITC's initial report. The ITC recommended the development of rules that would require industry to test these chlorinated benzenes for potential to cause cancer, gene mutation and chromosomal aberration, structural birth defects, other chronic effects, and environmental effects and also recommended requiring an epidemiological study. The ITC's third report (43 FR 50830, October 30, 1978) added the higher chlorinated benzenes, (tri-, tetra-, and penta-) to the priority list and recommended testing requirements for the same effects. To date, the ITC has completed reports designating 43 chemicals and groups of chemicals as priority for EPA test rule development.

On July 18, 1980, EPA proposed that chloromethane be tested for its potential to cause cancer and structural birth defects, and that chlorinated benzenes be tested for their potential to cause cancer, birth defects, reproductive effects, and organ-specific effects (45 FR 48524). Approximately 300 million to 500 million pounds of chloromethane are manufactured annually in the United States. Almost all chloromethane is used as a chemical intermediate in the manufacture of materials such as silicones and tetramethyl lead. Because of chloromethane's almost exclusive use in chemical and allied product manufacture and processing, the greatest potential for human exposure during the chemical's life cycle occurs for workers engaged in the manufacture, processing, and use of the chemical.

The annual domestic production volume of chlorinated benzenes ranges from approximately 5 million pounds of pentachlorobenzene to 325 million pounds of monochlorobenzene. Exposure to the liquid chlorobenzenes is due to their use as a functional fluid in transformers, process solvents, solvents in formulated products, and synthetic intermediates, while exposure to the solid forms occurs from their use as synthetic intermediates and pesticides. Workers are exposed to chlorinated benzenes during manufacture, processing, and use; consumers are exposed to certain chlorobenzenes in the use of formulated products such as toilet bowl cleaners, drain cleaners, space deodorants, and moth control agents; and the general population may be exposed from environmental concentrations resulting from manufacture, processing, use, and disposal of the substances.

Simultaneously with the publication of this first proposed test rule, we published a proposed Statement of Exemption Policy and Procedure for granting exemptions from § 4 testing (45 FR 45812). EPA's exemption policy will implement § 4(c) of TSCA, which provides that manufacturers and processors can be exempted from the testing requirements of § 4 if EPA finds that the chemical they manufacture or process is equivalent to a chemical already being tested and that testing of both chemicals would produce data that are duplicative. EPA proposed that in most cases the Agency will consider one test substance to be representative of all forms of the substance subject to the test rule.

We also announced on July 18, 1980 our tentative decision not to require health effects testing for acrylamide, a compound suspected of entering surface water and ground water through its use as a chemical grout, a wastewater treatment chemical, and other industrial applications (45 FR 48510). This decision was made on the judgment that exposure to acrylamide could be controlled on the basis of its neurotoxicity and that Agency resources could best be used on more pressing testing needs. Final rulemaking on these actions is scheduled for March 1982.

We proposed our second test rule on June 5, 1981. This rule would require testing of dichloromethane (DCM), 1,1,1-trichloroethane (TCE), and nitrobenzene for both health and environmental effects. In its Initial Report, the Interagency Testing Committee recommended that nitrobenzene be tested for its potential to cause cancer, genetic damage, and environmental effects. In its Second Report, the ITC recommended that DCM and TCE be tested for their potential to cause cancer, genetic damage, birth defects, chronic toxicity, and environmental effects and that epidemiology studies be performed.

The annual domestic production volume of DCM is approximately 634 million pounds. Exposure to the liquid is due to its use in paint stripping, urethane foam blowing, vapor degreasing, and dip solvent for metals and aerosols. Workers are exposed to DCM during manufacture, processing, and use; consumers are exposed to the chemical in cleaning agents, aerosols, adhesives, paints, and paint-removers. Besides the proposed health effects testing for cardiovascular effects from DCM, the June 5, 1981 proposed rule would require specific environmental effects tests due to the production volume and the estimated 499 million pounds released yearly to the atmosphere through the production, processing, and use of DCM.

The annual domestic production volume of nitrobenzene is about 575 million pounds. Ninety-seven percent of this volume (557.7 million pounds) is used in the production of anilines; 2 percent (12.8 million pounds) is used as a solvent, and 1 percent (6 million pounds) is used in the manufacturing of dye intermediates, metal polishes, and other solvents. EPA proposed health effects tests because of nitrobenzene's reproductive and teratogenic activity, and environmental effects tests because of its high production volume and environmental release (estimated at 12.75 million pounds annually).

TCE manufacturing results in 716 million pounds of the chemical produced annually. This liquid is used as an organic solvent and metal cleaner; these uses account for 422 million pounds of its total volume. Besides the obvious exposure to workers, consumers are significantly exposed because of its commercial use in aerosols, adhesives, textiles, paints, ink, and other consumer items as well as in pharmaceuticals and leather tanning. EPA proposed environmental effects tests due to TCE's substantial production and occupational exposure, and substantial yearly environmental release, estimated to be 75 percent of the total yearly product volume.

In the preamble of this proposed test rule, we discussed our approach for determining the § 4(a)(1)(B) finding for the chemicals in this rule and our approach for determining what health and environmental effects tests EPA would require according to § 4(a)(1)(B).

Finally, in this proposed rule, we stated our intent to pursue consistency in our test standards with those of the

Organization for Economic Cooperation and Development (OECD).

EPA's third § 4 test rule is scheduled for proposal in December 1981. We may include aryl phosphates, antimony, antimony sulfide, and antimony trioxide in this proposal. The ITC recommended in its Second Report that aryl phosphates be tested for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects, and also recommended epidemiological studies. Antimony and its oxide and sulfide were recommended for study in the ITC Fourth Report due to their potential for causing cancer, genetic damage, birth defects, chronic toxicity, and environmental effects and that epidemiology studies be performed.

We also plan to publish test rules or notices stating our reasons for not requiring testing on the benzidine dyes, o-dianisidine dyes, o-tolidine dyes, polychlorinated terphenyls, chlorinated naphthalenes, alkyl phthalates, butyl glycolyl butyl phthalate, butyl benzyl phthalate, and chloroparaffins. These chemicals were recommended for testing by the ITC in its First, Second, Fourth, Fifth, and Seventh Reports. These notices containing our decisions appeared in the **Federal Register** in late October and November of 1981.

Finally, we published an Advance Notice of Proposed Rulemaking in October 1981 for fluoroalkenes (46 FR 53704, October 30, 1981). This chemical was recommended by the ITC in their Seventh Report. In this advance notice, we discussed testing that we expect to propose based on epidemiological information we currently have available.

Other test rules covering the remainder of the 45 ITC-designated priority chemicals will follow.

Alternatives Under Consideration

The alternatives to testing available to us are quite limited. Under TSCA, if EPA finds that (1) a chemical may present an unreasonable risk of injury to human health or the environment or a chemical may enter the environment in substantial quantities or result in significant human exposure, and (2) there are insufficient data or experience to reasonably determine or predict its effects on health or the environment, and (3) testing is necessary to develop such data, we must require industry to conduct testing and there is no alternative to issuing a test rule. However, we will encourage industry to begin testing of a chemical before a test rule is proposed. If such testing is satisfactory, it could obviate the need for a test rule. Voluntary testing proposals for alkyl phthalates and chorinated paraffins have been submitted to the Agency by industy groups and are now being reviewed. If these proposals adequately address our concerns, we will not issue test rules for these chemicals.

Another alternative is to conduct testing in governmental facilities or under contract to the Government. We may take this approach where it would be inappropriate or infeasible to require testing by the chemical industry. This may occur when no test standard exists and EPA's sponsorship of testing would aid the development of the test standard. Heavy reliance on this approach would be in direct conflict with TSCA, which states that the development of data on health and environmental effects "should be the responsibility of those who manufacture and those who process chemical substances and mixtures."

EPA also considered an alternative approach to the reporting deadlines. This approach would have established dates only for the beginning of the testing period rather than dates for reporting during and at the end of the testing period. This alternative was rejected because § 4(b)(1)(C) of TSCA requires EPA to specify the time period within which persons subject to a test rule must submit test data. In addition, EPA believes that it is not necessary to consider size or production capacity of the manufacturers or processors subject to the rule when establishing reporting deadlines because (1) this is not specifically required in the Act, (2) it is difficult to predict exactly who will bear the testing responsibility, and (3) EPA expects manufacturers and processors to coordinate their testing efforts.

Summary of Benefits

Sectors Affected: Workers in establishments manufacturing industrial chemicals and products produced with these chemicals, and workers otherwise exposed to these chemicals; consumers of formulated products containing the chemicals; the environment; the general public; EPA; OSHA; and State and local governments.

The data generated from the testing required by a rule would permit EPA to assess the risk to humans and the environment of manufacturing, processing, distribution in commerce, use, and disposal of chemicals subject to a test rule. If the Agency finds this risk to be unreasonable, it may take action to reduce human exposure under one of its authorities or recommend regulation by another agency, such as OSHA.

The testing required by these rules could potentially benefit individuals who may be exposed to these chemicals. In the case of the first rule, this would include potentially 50,000 workers who may be exposed to chloromethane and potentially 3 to 4 million workers who may be exposed to the chlorinated benzenes.

In regard to the second rule, potentially 2.5 million people are exposed annually to DCM in occupational settings, 13,500 to nitrobenzene, and 2.6 million to TCE. In addition, consumers exposed to products containing these chemicals and the general population exposed to any of these chemicals via dissemination throughout the environment may also derive benefits from the test rule on these chemicals.

The data generated by these test rules will also result in benefits to Federal agencies such as EPA and OSHA and State and local governments. These data will serve to alert government agencies to potential risk from these chemicals and will also obviate the need for these agencies to expend resources to search for data on these chemicals when assessing their risks.

Summary of Costs

Sectors Affected: Manufacturing and processing of designated chemicals, including some manufacturers and processors of industrial solvents, dyes, organic intermediates, pesticides, and solvent-carrying chemicals; processors of some silicone products, chlorinated hydrocarbons, butyl rubber products, herbicides, and lubricating greases and oils; and consumers of products produced with these chemicals.

EPA estimates the annualized costs of complying with the first proposed rule to be $144,000 to $267,000 (1979 dollars) for manufacturers and processors of chloromethane and $371,000 to $1,016,000 for manufacturers and processors of the chlorinated benzenes.

For the second rule the annualized costs of compliance (in 1979 dollars) would be: $58.1 million to $183.4 million for nitrobenzene; $61.3 million to $192.8 million for DCM; and $22.4 million to $75.8 million for TCE. These costs might conceivably be passed on to processors of these chemicals who have not contributed money towards the cost of testing through reimbursement procedures (i.e., manufacturers using these chemicals in their manufacturing processes), or to consumers of products produced with these chemicals.

In general, for future rules, EPA expects that manufacturers will bear the

costs of testing directly, but that processors will pay for testing indirectly through small increases in the price of chemicals. For instance, price increases on dichloromethane, 1,1,1-trichloroethane, and nitrobenzene, chemicals in EPA's second rule, are predicted to be less than 0.1 cent per pound.

Summary of Net Benefits

EPA is unable at this time to provide quantitative estimates of net benefits.

Related Regulations and Actions

Internal: We proposed health effects test standards for various effects on May 9, 1979 (44 FR 27334) and July 26, 1979 (44 FR 44054) and standards for Good Laboratory Practices for Health Effects on May 9, 1979 (44 FR 27362). We also proposed Environmental Fate test standards and Good Laboratory Practices for Environmental Effects testing on November 21, 1980 (45 FR 77332).

We also published a proposed rule under TSCA § 8(d) that would require persons to submit to EPA all unpublished health and safety studies concerning all chemicals recommended for testing by the Interagency Testing Committee (44 FR 77470, December 31, 1979).

External: The EPA has been a full and regular partner in extensive international consultations and negotiations in the Organization for Economic Cooperation and Development (OECD) during the development of its chemical testing and other requirements under TSCA. The Agency places a high priority on these activities because of benefits both for international chemical trade and for more effective health and environmental protection.

U.S. experts, along with those of other OECD member states, have worked since 1977 to develop agreed-upon chemical testing guidelines and good laboratory practices, as well as an agreed-upon set of data that manufacturers should develop for new chemicals prior to marketing. The United States strongly endorsed the work of the expert groups at a meeting of high-level national regulatory officials in May 1980 and firmly committed the United States to domestic implementation of the guidelines and practices.

Government Collaboration

Other Federal agencies that have been or will be consulted include the Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, National Cancer Institute, and National Institute of Environmental Health Sciences.

Timetable

- Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane, Proposed Test Rule—46 FR 30300, June 5, 1981.
- Public Meeting—December 15, 1981.
- Chloromethane and Chlorinated Benzenes Proposed Test Rule, Proposed Health Effects Standards Amended—45 FR 48524, July 18, 1980.
- Public Comment Period—Closed October 31, 1980.
- Public Meetings—October 15, 21, 24, 30, and 31, 1980.
- Proposed Test Rule or Decision Not to Test Benzidine dyes, o-Dianisidine dyes, o-Tolodine dyes, Polychlorinated terphenyls, Chlorinated naphthalenes, alkyl phthalates, butyl glycocyl butyl phthalate, butyl benzyl phthalate, and chloroparaffins—Fall 1981.
- Final Test Rule on Chloromethane and Chlorinated benzenes or Decisions Not to Require Testing—March 1982.
- Explanation of Decision Not to Test Acrylamide—March 1982.
- Proposed Test Rule or Decision Not to Require Testing for Antimony, Antimony sulfide, Antimony trioxide, Alkyl phthalates, and Chloroparaffins—December 1981.
- Regulatory Impact Analysis—Not required. Economic Impact Analysis and Regulatory Flexibility Analysis for all test rules available at proposal.

Available Documents

Acrylamide: Response to the Interagency Testing Committee—45 FR 48510, July 18, 1980.

Exemptions from Test Rules: Proposed Statement of Policy and Procedures—45 FR 48512, July 18, 1980.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules: Proposed Good Laboratory Practice Standards for Health Effects—44 FR 44054, July 26, 1979.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules—44 FR 27334, May 9, 1979.

Proposed Environmental Standards, and Proposed Good Laboratory Practice Standards for Physical, Chemicals, Persistence, and Ecological Effects Testing—45 FR 77332, November 21, 1980.

Assessment of Testing Needs: Chemical Support Document for each test rule is available at proposal.

The Interagency Testing Committee established under TSCA has issued six reports making recommendations on chemicals to be covered by TSCA testing rules:

- First Report—42 FR 55026, October 12, 1977.
- Second Report—43 FR 16884, April 19, 1978. OTS Docket 040004.
- Third Report—43 FR 50630, October 30, 1978. OTS Docket 04005.
- Fourth Report—44 FR 31866, June 1, 1979. OTS Docket 41001.
- Fifth Report—44 FR 70664, December 7, 1979. OTS Docket 41001.
- Sixth Report—45 FR 35897, May 28, 1980. OPTS Docket 41002A.
- Seventh Rule—46 FR 12317, November 25, 1980.
- Eighth Report—46 FR 28138, May 22, 1981.

Public comments on the first test rule are available for inspection in the OPTS Reading Room (Room 407 East Tower, 401 M Street, S.W., Washington, DC 20460) between the hours of 8:00 a.m and 4:00 p.m. on working days.

Transcripts of public meetings for the first test rule chemicals, held on October 15, October 21, October 24, October 30, and October 31, 1980, are also available for inspection in the OPTS Reading Room.

The following Proposed Support Documents are also available in the OPTS Reading Room: (1) Chloromethane Support Document, (2) Chlorinated Benzenes Support Document, (3) Exposure Support Document, and (4) Nitrobenzene Support Document, (5) Dichloromethane Support Document, (6) 1,1,1-Trichloroethane Support Document, and (7) Economic Analysis Support Documents.

Agency Contact

Gary Timm, Environmental Scientists
Test Rules Development Branch
Office of Toxic Substances (TS–788)
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(703) 557–5771

EPA—Office of Solid Waste and Emergency Response

Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (40 CFR Parts 260, 264, 267 and 122; Revision) (Previously, Hazardous Waste Regulations: Phase II–C Regulations Applicable to Hazardous Waste Disposal Facilities)

Legal Authority

Resource Conservation and Recovery Act of 1976 (RCRA), as amended §§ 3004 and 3005, 42 U.S.C. 6924 and 6925.

Reason for Including This Entry

These regulations are important because they initiate, for the first time on a national level, management of the disposal on land of hazardous waste. The Environmental Protection Agency (EPA) includes them in the Calendar to inform the general public of EPA's continuing actions to implement a comprehensive national program to manage hazardous wastes from generation through transportation, storage, and treatment to final disposal. In addition, this qualifies as a major rule in accordance with Executive Order 12291. EPA projects that associated costs to industries that generate hazardous waste could be $100 million or more per year. The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Because of the enormity and complexity of the regulatory task, EPA elected to issue its hazardous waste regulations in phases. The Phase I regulations became effective November 19, 1980. These regulations identified hazardous wastes; established standards for generators and transporters of hazardous wastes; govern the issuance of facility permits by EPA and the States and the authorization of States to implement a hazardous waste program; and set both interim status standards for existing treatment, storage, and disposal facilities and administrative non-technical standards for use in issuing permits.

The Phase II regulations providing the technical standards for use in issuing permits to hazardous wastes management facilities (as well as companion requirements pertaining to permit applications) were partially promulgated on January 12, 1981 (46 FR 2802) and January 23, 1981 (46 FR 7666). That interim final promulgation included additional general requirements applicable to all treatment, storage, and disposal facilities; standards for closure, post-closure, and financial responsibility of facilities; permitting of storage of hazardous wastes in containers; permitting of storage and treatment in tanks, surface impoundments, and waste piles; and permitting of incinerators. Missing from the interim final promulgation were standards for land disposal facilities—surface impoundments and waste piles in which hazardous wastes are disposed in lieu of or in addition to their storage or treatment; land treatment facilities; landfills; underground injection facilities; and underground seepage facilities. Due to extensive public comments concerning these parts of the proposed hazardous waste regulations of December 18, 1978 (43 FR 58946), EPA felt that it was not ready to promulgate final technical land disposal standards (Phase II–C). Instead, the Agency reproposed these standards on February 5, 1981 (46 FR 11126).

EPA wanted the development of land disposal standards to deal with the problem of eventual leachate and volatiles generation and migration from land disposal sites and the technical and institutional limits on preventing or perpetually controlling such occurences. EPA was not confident that the originally proposed standards would assure sufficiently secure land disposal facilities to protect human health or the environment. The reproposed standards offered another approach for public review.

Since reproposal postponed final permitting standards for the most prevalent method of hazardous waste disposal and no new facilities could be built without a permit, EPA supplemented its February 5, 1981 reproposal with temporary standards applicable only to new hazardous waste land disposal facilities (46 FR 12414, February 13, 1981). These standards would allow permits to be issued to new facilities in the near term. As existing facilities can continue to operate under the interim status provisions of the Resource Conservation and Recovery Act [RCRA], it was not necessary to issue temporary standards for them.

EPA estimates that more than 54 million metric tons of hazardous waste are generated annually in the United States; about 27 million metric tons are currently sent to land disposal facilities. Hazardous waste includes toxic chemicals, pesticides, acids, caustics, flammables, and explosives. EPA estimates that as much as 90 percent of hazardous wastes generated in the United States has been subject to improper handling from generation to ultimate disposal. A variety of health and environmental damages have resulted from improper management practices.

These regulations, required by § 3004 of the Resource Conservation and Recovery Act of 1976, as amended, establish for the first time a national framework for proper hazardous waste storage, treatment, and disposal.

The regulations have been subject to a court-ordered promulgation deadline of Fall 1980, resulting from the *State of Illinois* v. *Costle* case. The land disposal regulations are now subject to a new court-ordered promulgation deadline of February 1, 1982.

EPA invited comments on all three of its rulemaking actions of early 1981 in order to assess serious problems requiring remedy before the interim final regulations become effective or, in the case of the land disposal reproposal, were promulgated. In response to its solicitations, EPA received a number of comments from the regulated community and the general public contending that, for various cost, technical, and practical reasons, some of the interim final standards are inappropriate for existing facilities, especially for incinerators and storage surface impoundments. The applicability of the interim final standards for either new or existing tanks, piles, or containers or for new incinerators was not seriously criticized. Because the 1980 RCRA amendments expressly required EPA to distinguish between new and existing facilities where appropriate, EPA is carefully examining the public comments received and is reexamining its regulatory approaches to facility standards.

In the meantime, EPA has proposed suspending the effective dates for the interim final rule concerning existing incinerators and existing storage surface impoundments (46 FR 51407, October 20, 1981). When the reexamination is complete, EPA will lift the suspension or initiate additional rulemaking.

Simultaneously, EPA will analyze comments on the reproposed land disposal facility standards to determine the best approach, in terms of technical feasibility, cost, and level of protection, to making land disposal facilities safe.

Alternatives Under Consideration

Developing standards for hazardous waste treatment, storage, and disposal facilities, particularly landfills, surface impoundments, land treatment facilities, and underground injection wells, continues to be the most difficult task EPA faces in developing its hazardous waste management regulatory program.

The Agency first proposed standards for permitting facilities on December 18,

1978 (43 FR 58982). EPA received hundreds of comments on these standards, which were basically design and operating standards, criticizing them for their reliance on design criteria and their lack of flexibility. In response, EPA examined several other regulatory approaches and decided to develop revised regulations combining features of four approaches: (A) facility design and operating standards, (B) containment standards, (C) specific (numerical) health and environmental performance standards, and (D) non-specific (non-numerical) health and environmental performance standards.

(A) A major advantage of detailed requirements for liners, leachate collection systems, and final covers, such as design and operating standards contain, is that the regulated community and regulating agencies clearly know facility requirements. The drawbacks are their inability to reflect site-specific or waste-specific conditions, their tendency to inhibit application of emerging technology or improved operating procedures, and the finiteness of the time period for which they guarantee protection to human health and the environment.

(B) Containment standards EPA considered specified some amount of time, e.g., 100 years, that hazardous wastes had to be contained within the facility. Although similar in effect to design and operating standards, this approach differs in that it specifies the ultimate performances that treatment, storage, or disposal methods will achieve. Thus, the permit applicant would have the flexibility of tailoring the design and operating methods of the facility to its waste or site conditions. However, this approach will not provide protection beyond a set containment period.

(C) Specific health and environmental performance standards involve establishing specific, often numerical, ambient quality standards that could not be exceeded for ground and surface waters and eventually for air and soils. Such standards would apply at points of current or potential use of the environment, such as points of groundwater withdrawal. This approach allows the permit applicant wide flexibility in designing and operating a facility. The application of this type of standard would require a considerable amount of site study and prediction by the permit applicant to demonstrate that migration of hazardous wastes beyond the facility would never cause the established ambient standards to be exceeded. Ambient quality standards have not, however, been established for most of the constituents or wastes EPA has designated as hazardous. Consequently, exclusive use of this approach is not currently possible.

(D) Non-specific health and environmental performance standards establish (1) the type of assessments and predictions to be performed by a permit applicant to show the environmental effect of the facility's operation, and (2) the broad environmental objectives to be used by the agencies issuing permits to judge the acceptability of the facility's effects. The broad narrative environmental objectives substitute for ambient quality levels contained in specific standards as the basis for judging whether or not the future health and environmental effects can be accepted.

EPA's newest interim final standards for hazardous waste management facilities are drawn from Alternatives (B), (C), and (D), above, supplemented with certain design and operating standards where EPA concluded these can be fashioned. The preambles to the two sets of interim final rules and the reproposed land disposal standards contain discussions of how they each embody these alternatives.

The Regulatory Impact Analysis required by Executive Order 12291, which EPA is preparing on the interim final and reproposed technical facility standards, will include a full evaluation of critical assertions made by commenters, an examination of the human health risks and economics impact and benefits of the current RCRA approaches, and several alternatives. Issues and regulatory options raised by petitioners, challenging EPA's previous hazardous waste promulgations of May 19, 1980, will also be explored through the RIAs wherever the concerns are relevant to the technical facility standards. The RIAs will address a wide range of regulatory and non-regulatory options before the regulations are promulgated in final.

Among the regulatory options to be evaluated are: (A) uniform national performance standards, such as a requirement for incinerators to destroy 99.99 percent of the hazardous wastes received, (B) different performance standards for new versus existing facilities, (C) tailored performance standards based on class of hazard, (D) flexible performance standards for individual facilities based on case-by-case risk assessments and/or emissions tradeoffs; and (E) operating and design standards. Also to be evaluated in terms of risks, costs, benefits, and feasibility are: (A) market abilities, (B) non-Federal controls, such as State controls or citizen suits, and (C) non-RCRA Federal controls, such as economic incentives or regulation through other statutes.

By temporarily delaying final promulgation of technical standards for permitting hazardous waste management until after the Regulatory Impact Analyses are complete, EPA can carefully consider and efficiently promulgate these controversial requirements. To the extent they are currently effective, however, the interim final regulations for incinerators and for storage and treatment in tanks, containers, surface impoundments, and piles and interim regulations for new land disposal facilities can be used by Federal or State agencies to issue permits to owners and operators of approximately 9,500 new or existing facilities. Owners and operators of existing hazardous waste facilities not affected by the recent promulgation will be allowed to continue operation provided that they comply with interim status standards already in effect. Should any of these pose a serious threat to human health or the environment, EPA plans to use the emergency response provisions of RCRA (§ 7003) and other statutes. Section 7003, imminent hazard, allows the EPA Administrator to sue and prevent from continuing to do so anyone who imminently and substantially endangers the environment by handling, storage, treatment, transportation, or disposal of hazardous waste.

Summary of Benefits

Sectors Affected: The general public; the hazardous waste management industry; and Federal, State, and local governments.

These regulations, in combination with other elements of the RCRA hazardous waste regulatory program already in place, will produce a number of improvements to help reduce damage to public health and the environment. The program will: (1) reduce groundwater and surface water pollution from leaching of toxic pollutants from improperly designed or managed tanks, waste piles, landfills, and surface impoundments and diminish the need for expensive drinking water purification; (2) reduce poisoning and injury from direct contact with randomly dumped wastes; (3) reduce illicit dumping in ditches or along roadsides; (4) reduce emissions of toxic gases from improperly run incinerators and decrease the need for some other air pollution control; (5) reduce the number and severity of accidents, mistakes, and malfunctions at facilities that could affect nearby populations due to

improved training of personnel, monitoring and inspection procedures, required emergency equipment, and contingency plans; and (6) limit the possibility of future contamination, as facilities will be secured at closing and monitored and maintained afterwards. None of these improvements are easily quantifiable since records of past problems are limited.

The regulations will relieve all levels of government, and ultimately the general public, of the costs of emergency response and remedy for uncontrolled release of hazardous wastes. The average disposal costs with the RCRA program in place will be much less than the $1,800 per ton estimated societal cost for response to emergencies such as Love Canal in Niagara Falls, New York. In this case, the hazardous waste facility was not properly monitored after it was closed. This resulted in the evacuation of 239 local families at relocation costs of approximately $10 million, projected cleanup costs of over $30 million, and health problems, including possible increases in birth defects, miscarriages, and liver and respiratory disorders.

Improved regulatory controls over hazardous waste facilities may also help reduce public opposition to locating facilities at environmentally secure locations in or near communities. Properly managed facilities will also mean higher property values than if property were located near poorly controlled facilities and will ease the minds of nearby residents.

In addition to major economic benefits expected from decreased human health problems and pollution in the air and water and from avoidance of millions of dollars in future cleanup costs at uncontrolled sites, EPA expects an improvement in economic efficiency and equity. Until now, in most places, firms could handle and dispose of wastes in environmentally unsound ways at a lower cost. Thus, the price of goods did not reflect the full social cost of production, as often, at the request of affected individuals and the general public, tax revenues were used by Federal, State, and local governments to clean up facilities in which hazardous wastes were improperly disposed. It would be more equitable for the costs of adequate hazardous waste management to fall upon the specific consumers and producers of goods that generate the wastes. Because the price of products that did not reflect disposal costs has been low, consumption of these products has been higher than for those products whose prices were higher because they did reflect disposal costs. Also, companies employing sound hazardous waste management techniques have been at a competitive disadvantage and this has tended to discourage them from continuing such sound practices. The economy will now be more efficient and equitable because those receiving the benefits will also bear the disposal costs.

The changeover in practices and their increased cost will also serve as an incentive for producers to develop and install advanced technologies and to process changes to lessen the quantity of hazardous waste generated or to recover wastes as useful materials.

Summary of Costs

Sectors Affected: All industries generating hazardous waste, especially those in the manufacturing industries (SIC Codes 20–39); the public and private hazardous waste management industry; consumers of goods produced by waste-generating industries; EPA; and State governments.

Most of the incremental cost of compliance with the RCRA hazardous waste regulations will be passed on to consumers, while some will be borne by the generator, particularly where price increases are held down in some way, such as by competition.

The estimated annual cost of only the RCRA § 3004 general and interim status standards (which are replaced by technical facility standards) is $665 million in 1978 dollars. Of this, $255 million is attributed to higher prices charged by facilities for off-site disposal and $164 million represents costs of compliance with closure and post-closure financing requirements (these require hazardous waste facilities to be responsible for and to assure EPA of their ability to provide adequate finances for safe closure and post-closure care).

EPA has not been able to isolate the specific incremental costs and impacts of the technical facility standards, because most hazardous wastes can be managed satisfactorily in a variety of ways. The methods chosen by any given company for storage, treatment, or disposal will depend substantially on the costs of each feasible option, as the costs directly depend on the regulations governing the method. Therefore, until the RCRA regulations covering all waste management approaches are available, the total incremental costs and impacts of any particular approach cannot be determined. EPA is developing a model for use in making this determination. Information on each industry producing hazardous waste and unit costs of management methods will eventually produce the total incremental costs of the final RCRA technical facility standards.

EPA does have some engineering costs, as well as some preliminary operating and capital cost data for specific management techniques. The preamble to the interim final regulations issued in January 1981 contain unit cost information for tanks, surface impoundments, waste piles, and incinerators.

The Regulatory Impact Analyses will provide considerably more information on cost-performance relationships as well as assess costs and benefits in quantitative terms. We will make the RIAs publicly available upon completion.

Summary of Net Benefits

The regulations will reduce the average disposal costs and burden on all levels of government substantially, reduce damage to public health and the environment, improve public acceptability of hazardous waste facilities, make the costs of hazardous waste management more equitable, and encourage producers to lessen the quantity of hazardous waste generated and to recover wastes as useful materials. The Regulatory Impact Analyses, which are presently being prepared, will examine the costs of these regulations. At present, EPA feels that the improvements to public health and the environment outweigh the costs of these regulations.

Related Regulations and Actions

Internal: Regulations constituting Phase I of EPA's phased hazardous waste regulatory program were issued on February 26, 1980 and May 19, 1980. Several proposed, final, and interim final amendments to these have been published on or since May 19, 1980. The Phase I regulations require generators to identify their hazardous wastes; transporters to meet specific requirements for off-site shipment of hazardous wastes; and owners and operators of existing treatment, storage, and disposal facilities to comply with administrative and interim status standards. The interim status standards continue to apply to existing storage surface impoundments, incinerators, and land disposal facilities until Final Rules are promulgated.

Management of polychlorinated biphenyls (PCBs) remains under the Toxic Substances Control Act PCB regulations promulgated by EPA on February 17, 1978 (43 FR 7150) and May 31, 1979 (44 FR 31514).

Current Clean Air Act regulations address a portion of the potential emissions from a hazardous waste incinerator. They are, however, oriented toward control of emissions on a pollutant-by-pollutant basis. They focus largely on widespread, large-volume pollutants such as particulates, NO_x (nitrogen oxides), and SO_x (sulfur oxides), and they only regulate specified hazardous emissions from specific sources. To the extent that EPA develops future standards under the Clean Air Act to deal with specific hazardous air emissions, this may aid in the task of regulating hazardous waste incineration.

External: In many cases, more stringent State standards, including standards for issuing State permits, will apply to existing hazardous waste treatment, storage, and disposal facilities.

Government Collaboration

The Department of the Interior, Soil Conservation Service, Water Resources Council, and U.S. Geological Survey cooperated with EPA during development of the proposed regulations.

Timetable

NPRM—Amendments to these standards: Storage, March 1983, Location, April 1983, and Incineration, April 1983. Land Disposal, date to be determined.
Final Rules—Amendments to these standards: Storage, September 1983; Location, October 1983; Incineration, October 1983. Land Disposal—we are presently under court order to produce this by February 1982.
Final Rules Effective—6 months after promulgation.
Public Hearings—2nd Quarter 1983. We will announce details on public participation, dates, and place in the **Federal Register**.
Public Comment Period—2nd Quarter 1983. We will include dates and address for admission of comments in the new NPRMs.
Regulatory Impact Analyses—Hazardous Waste Storage Standards: Preliminary, March 1983; Final, September 1983. Floodplain and Seismic Location Standards for Hazardous Waste Facilities: Preliminary, April 1983; Final, October 1983.
Hazardous Waste Land Disposal Standards—Dates to be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analyses, see above.

Available Documents

NPRM—43 FR 58946, December 18, 1978. This was the general hazardous waste regulatory proposal, of which the storage, location, incineration, and land disposal aspects were a part.

Supplemental Notice of Proposed Rulemaking—45 FR 66186, October 8, 1980.

Addition of General Requirements for Treatment, Storage, and Disposal Facilities and Conforming Amendments to the Permitting Requirements—46 FR 2802, January 12, 1981.

Interim Final Rule and Proposed Rule for Incinerator Standards—46 FR 7666, January 23, 1981.

Reproposal of Proposed Rule and Proposed Amendments to Rule—46 FR 11126, February 5, 1981.

Interim Final Rule and Request for comments—46 FR 12414; February 13, 1981.

Notice of Effective Dates of Interim Final Rules—46 FR 38318, July 24, 1981.

Proposal to Suspend Effective date of Interim Final Rules—46 FR 51407, October 20, 1981.

Amendments to Interim Final Rule—46 FR 55110, November 6, 1981.

Interim Final Rule and Interim Final Amendments to the Rule—46 FR 56592, November 17, 1981. This allows the disposal of small lab pack containers of liquid and solid hazardous waste in landfills.

EPA has developed two sets of documents in conjunction with the technical facility standards. Background documents support the regulations and provide EPA's response to public comments and rationale for the current approach embodied in the regulations. Copies of the various background documents are available for review in the ten EPA regional office libraries and at the headquarters EPA library, Room 2404, Waterside Mall, 401 M Street, S.W., Washington, DC 20460.

Also available to assist both owners and operators of facilities and regulatory officials is a series of design and operation manuals. These provide guidance on how facilities may meet the standards and what modifications and variances are likely to be effective under variance procedures. Limited copies of these may still be available through the RCRA Hotline, (800) 424–9346 (in Washington, DC, 554–1404).

Copies of all documents are available for public review in the RCRA Docket, Room 2711, Waterside Mall, 401 M Street, S.W., Washington, DC 20460.

There are background documents and manuals available for the January 12 and 23 and November 17, 1981 interim final regulations and the February 5, 1981 reproposal.

Agency Contact

John P. Lehman, Director
Hazardous and Industrial Waste Division
Office of Solid Waste (WH–565)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
(202) 755–9185

EPA—Office of Water

Control of Organic Chemicals in Drinking Water (40 CFR Part 141; New)

Legal Authority

The Safe Drinking Water Act, as amended, § 1412, 42 U.S.C. 300(f) *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) includes this regulation because one regulatory option under consideration might possibly impose compliance costs of over $100 million.

Statement of Problem

Recent technological developments in analytical measurement techniques have resulted in the identification of numerous organic contaminants in drinking water that may pose a health risk to consumers. For example, chloroform is only one of many organic chemicals found in some drinking water. Chloroform is representative of a class of chemicals known as trihalomethanes (THMs), whose presence in drinking water was controlled by Final Rules issued at 44 FR 68624 on November 29, 1979.

Other volatile organic chemicals (VOCs) are also of concern because of their frequency of occurrence, concentrations, and potential health effects. Available data show that these compounds can occur in both surface waters and ground waters; this finding contradicts previous perceptions of ground water quality. Historically, ground water has been viewed as a pristine resource, and it is generally used without major treatment. However, recent information indicates the detection of increasing incidents of serious contamination of drinking water, especially in the vicinity of hazardous waste disposal sites.

Accordingly, EPA is considering publishing an ANPRM to initiate a dialogue with interested parties on how best to approach contamination of drinking water by VOCs under the provisions of the Safe Drinking Water

Act. The ANPRM will request comment on the following broad issues:

- What is the significance of contamination of drinking water by VOCs?
- Should national standards be set for VOCs?
- If standards are appropriate, how should levels be established?

Comment will also be requested on any and all other issues covered in the ANPRM and related documents. Included in the ANPRM are discussions of: data on the occurrence of volatile synthetic organic chemicals in drinking water and the characteristics of ground water contamination; potential health effects associated with these chemicals; and available treatment technologies to reduce the levels of these chemicals in drinking water and their associated costs. In addition, background information is provided on the provisions of the Safe Drinking Water Act (SDWA) that might be used to reduce human exposure to VOCs in drinking water.

At this time, contamination of drinking water by volatile organics has been found to be most frequent in ground waters in urbanized and industrial areas. The VOCs that have been found most often include:

- Trichloroethylene
- Carbon tetrachloride
- Tetrachloroethylene
- 1,2-Dichloroethane
- 1,1,1-Trichloroethane
- cis-1,2-Dichloroethylene
- trans-1,2-Dichloroethylene
- 1,1-Dichloroethylene
- Methylene chloride
- Vinyl chloride
- Benzene
- Chlorobenzene
- Dichlorobenzene
- Trichlorobenzene

Alternatives Under Consideration

The major alternatives under consideration by EPA include: (1) non-Federal regulatory actions, such as guidance to the States on health effects and treatment technology; (2) requiring monitoring for VOCs and providing guidance on health effects and treatment technology; and (3) setting national standards in the form of maximum contaminant levels (MCLs) for some or all of these chemicals.

Summary of Benefits

Sectors Affected: The general public; municipally and privately owned public water supply systems; and all segments of the water supply industry, including consulting sanitary engineers, analytical chemists, plant operators, and equipment manufacturers and suppliers.

Preliminary data suggest that 1 to 5 percent of these systems using ground water supplies may have contaminated sources of water, with less than 1 percent having relatively high levels of contamination. The public served by such systems will, in particular, realize the benefits of any actions taken toward reducing exposure to the VOCs.

It is impossible at this time to assign quantitative values to the benefits that may be realized under the alternatives being considered. Such benefits include a lessening of public exposure to toxic substances, including possible carcinogens in drinking water.

Summary of Costs

Sectors Affected: The general public; State and local governments; and public water systems (both privately and publicly owned).

The public in general will be the principal group affected since the users will undoubtedly bear the costs of any necessary modifications to their water supply system. Small water supply systems that currently employ little or no treatment may be particularly affected. State and local governments may bear additional administrative burdens.

No estimates of the economic impact are available at this time.

Summary of Net Benefits

No estimates are available at this time.

Related Regulations and Actions

Internal: All EPA regulations that affect control of chemical contaminants of water are directly related, including: Effluent Guidelines, the National Pollution Discharge Elimination System, Water Quality Criteria, Hazardous Waste Disposal Controls, and Underground Injection Control.

External: State programs would be expected to deal with decisions on variances and exemptions from any regulations and to provide technical assistance to public water systems making changes in their treatment processes.

Government Collaboration

Supporting documentation for the health basis of any regulation requires information-sharing with the National Cancer Institute, National Institute of Environmental Health Sciences, Consumer Product and Safety Commission, and Food and Drug Administration. In addition, the National Academy of Sciences and the National Drinking Water Advisory Council will be consulted during the evaluation of alternative approaches and in selection of the most appropriate approach.

Timetable

ANPRM—2nd Quarter 1982.
Technical Workshop—To be announced.
Public Meeting—To be announced.
Public Comment Period—90 days following APRM.
NPRM—4th Quarter 1982.
Final Rule—3rd Quarter 1983.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

"National Organics Reconnaissance Survey," EPA, Municipal Environmental Research Laboratory, 1975.

"National Organics Monitoring Survey," EPA, Office of Drinking Water.

"Interim Treatment Guide for Controlling Organic Contaminants in Drinking Water Using Granular Activated Carbon," EPA, Municipal Environmental Research Laboratory, January 1978.

Agency Contact

Joseph Cotruvo, Ph.D., Director
Criteria and Standards Division
Office of Drinking Water (WH–550)
Environmental Protection Agency
Washington, DC 20460
(202) 472–5016

FEDERAL EMERGENCY MANAGEMENT AGENCY

Review and Approval of State and Local Radiological Emergency Plans and Preparedness (44 CFR Part 350; New)

Legal Authority

Disaster Relief Act of 1974, as amended, 42 U.S.C. 5121; Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2251 *et seq.*, Executive Order 12148 of July 20, 1979, as amended, 44 FR 43239.

Reason for Including This Entry

The Federal Emergency Management Agency (FEMA) includes these regulations because of the great interest of the public in planning for safety around nuclear power plants. These procedures describe how State and local governments can obtain FEMA evaluation, assessment, findings, and determinations as to the adequacy of State and local plans and preparedness to cope with the offsite effects of a

radiological emergency at nuclear power plants.

Statement of Problem

President Carter's Commission on the Accident at Three Mile Island (known as the Kemeny Commission), the General Accounting Office, Congressional Committees, and others have all concluded that State and local plans and preparedness are inadequate to cope with the offsite effects of an emergency resulting from accidental emission of radiation at a nuclear power plant.

Forty States have a population of 3 million people living within 10 miles of the more than 160 nuclear power plants that are licensed to operate or are under construction or being planned. While more than half of the 500 local site-specific State plans have been completed, considerably more needs to be done for State and local governments to achieve the proper preparedness. For example, nearly half of the local jurisdictions and a few of the States have not completed their plans. The plans need to be exercised before FEMA deems them adequate, and public hearings need to be held by FEMA, State, and/or local authorities.

The Federal Emergency Management Agency is responsible for offsite emergency planning and response. This means planning for action taken outside the plant to deal with consequences affecting the public away from the plant. FEMA also reviews State plans in those States with nuclear power facilities either in operation or scheduled for operation in the near future. FEMA, in order to implement this assignment, entered into a Memorandum of Understanding with the Nuclear Regulatory Commission (NRC), which has the responsibility for licensing nuclear power plants. NRC, however, has no authority to specify the emergency planning responsibilities of State and local governments. Under the Memorandum, FEMA has agreed to make findings and determinations as to whether State and local plans are adequate and capable of implementation (e.g., adequacy and maintenance of procedures, training, resources, staffing levels, and qualifications and equipment adequacy).

The NRC issued emergency planning regulations that became effective November 3, 1980. These were published August 19, 1980 (45 FR 55402). Under the NRC rule, in order for a plant to continue operations or to receive an operating license, the licensee is required to submit its emergency plan as well as State and local government emergency response plans, to NRC. The NRC will then make a finding as to whether the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC will base its finding on a review of the FEMA findings and determinations as to whether State and local emergency plans are adequate and capable of being implemented and on the NRC assessment as to whether the emergency plans for the nuclear plant itself are adequate and capable of being implemented. These issues may be raised in NRC operating license hearings, but a FEMA finding will constitute a rebuttable presumption on the question of adequacy.

Alternatives Under Consideration

The FEMA-proposed rule provides for a formal process for evaluation, review, and approval by FEMA of State plans and the local plans that are submitted to FEMA as annexes to the State plan and considered jointly with it. FEMA would also evaluate and assess the capabilities of State and local governments to implement the plans. The process is voluntary; that is, there is no requirement in law that a State submit a plan to FEMA for review and approval. There is no FEMA sanction for failure to submit a plan. FEMA, which offers grants to State and local agencies to support civil defense and disaster preparedness planning, has not made submission of radiological emergency plans and preparedness a condition for making these other grants.

The FEMA-proposed rule also calls for a public meeting at which the State, utility, and FEMA would explain the plan and for an exercise at which the plan is tested. Both of these requirements are conditions for approval. The findings and determinations are based on performance standards rather than adherence to detailed criteria.

Alternatives would include deletion of one or all of the above features. For example, as one Governor suggested, the review process could be established without a rule, without an exercise or public meeting, and without public involvement at all. A number of commentators on the proposed rule believe the public meeting is unnecessary. FEMA believes such a meeting is extremely important in informing the public and thus obtaining its support for whatever decisions may be made.

Another alternative is to use the November 4, 1980 memorandum of understanding between FEMA and NRC. In this memorandum FEMA agreed to provide findings and determinations concerning the adequacy of offsite emergency plans and preparedness on request from NRC. This alternative is geared to the NRC process of licensing nuclear power plants and usually does not allow for the orderly and more complete process of evaluating State and local radiological preparedness plans prescribed in the FEMA-proposed rule. The findings and determinations made under this arrangement are, therefore, interim in nature, and NRC thus far has issued licenses on the condition that plant operators complete the process described in the proposed 44 CFR Part 350. No alternative has yet finally been chosen.

Summary of Benefits

Sectors Affected: State and local governments; NRC; nuclear power facilities; and the general public.

The benefits to be obtained from these procedures are those of an orderly process by which States can obtain evaluation and review of their plans and preparedness to cope with the away-from-the-plant consequences of a radiological accident at a nuclear power plant. The Nuclear Regulatory Commission is conditioning licensing of nuclear power plants on, among other things, the adequacy of State or local measures to be taken offsite in event of a radiological emergency. The NRC does not have jurisdiction to require a State or locality to develop or submit a plan. It does have jurisdiction to require a nuclear power plant licensed by NRC to submit, as data, information (the State and local plans) about the adequacy of State and local preparedness to cope with the effects of an accident. NRC, by its rules, will rely in its licensing proceedings on FEMA findings and determinations on the adequacy for health and safety purposes of the plans and preparedness. FEMA is the expert Federal agency on State and local plans and preparedness to respond to emergencies of all types.

The FEMA procedure is justified on its own terms as a process for review and approval of State and local plans to cope with a special type of emergency, and the procedure thus exists independent of NRC licensing hearings and is usable even if not tied to a licensing hearing.

The State and local governments benefit because the procedure is related to other emergency preparedness response plans and allows them to deal with a single Federal agency on this subject rather than dealing with many agencies. It further assures an

independent, carefully considered review and evaluation of their plans.

Nuclear power facilities also benefit because they will know that FEMA's findings and determinations are the product of a comprehensive, impartial, and independent review process.

The general public also benefits because it knows that the process calls for review and approval of plans and preparedness, based on established performance standards; and it can directly participate by attending the public meeting where it can comment. The various notices and the meeting keep the public informed. Advance planning may result in reduced public expenditures in dealing with emergencies.

Summary of Costs

Sectors Affected: FEMA; State and local governments; nuclear power plants; and users of electricity produced by nuclear power.

We have not prepared a Regulatory Impact Analysis. The procedure itself does not require any expenditure of large amounts of funds. That is to say, submission of a plan is voluntary and the process by which FEMA determines whether or not it can approve the plan involves staff time on the part of Federal agencies, such as the Departments of Energy, Health and Human Services, Commerce, and Agriculture, and the Environmental Protection Agency, State and local governments, and the utilities. The conduct of an exercise and the holding of a public hearing do have cost impact on the aforementioned agencies.

What may have a small cost impact are actions that a State or local government may need to take in order that its plans and preparedness can be found adequate. According to studies, typical costs to a State or local government to prepare a plan for a single facility can be approximately $360,000 initially and $74,000 annually thereafter to update plans. It may well be that these costs can be passed to the utilities and perhaps to the consumer. Costs might include communications equipment, radiation monitoring equipment, exercises, training, etc. However, the total cost is going to be minute when compared to a total investment in a nuclear plant, which now exceeds $1 billion. Who bears the cost is a matter of State and local law. In some cases, the utilities are charged for State and local costs. In some, the utilities may volunteer to pay.

Summary of Net Benefits

The major benefit to be achieved from following the procedures in proposed 44 CFR Part 350 is development of emergency plans and preparedness by State and local jurisdictions where commercial nuclear power plants are located using an orderly, cooperative (Federal/State/local) process. Since this process need not be tied directly to the Nuclear Regulatory Commission licensing process, more time is usually available to State and local governments and Federal evaluators to put in place the desired emergency preparedness capabilities. Another benefit is the general acceptance of the proposed regulation by State and local governments through their use if it, at the request of FEMA, pending publication in final form. As noted, the costs are minimal and are substantially exceeded by the benefits.

Related Regulations and Actions

Internal: FEMA has developed, pursuant to a Presidential assignment, interagency assignments that replace a description of assignments set out in a Notice published in the **Federal Register** on December 24, 1975 (40 FR 59494). These new assignments were published on October 22, 1980 (45 FR 69904). See also the discussion under External actions.

External: FEMA and the Nuclear Regulatory Commission (NRC) have jointly issued "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG–0654/FEMA–REP–1, Rev. I. These criteria provide a basis for NRC licensees and State and local governments to develop radiological emergency plans and improve emergency preparedness associated with nuclear power facilities. The document combines guidance to State and local governments with guidance to the NRC and supersedes previous guidance and criteria published by FEMA and NRC. It is intended for use by Federal officials in reviewing and assessing the adequacy of State, local and nuclear power facility operator emergency plans and preparedness. FEMA–REP–1/NUREG 0654 contains a series of planning standards that will be a part of the FEMA rule. Notice of this publication was given December 30, 1980 in the **Federal Register** (45 FR 85862). We intend that the FEMA rule will set the same standards and criteria as the new NRC rule discussed in "Statement of Problem." Thus, both FEMA reviewers and NRC reviewers will be using the same criteria and standards.

Government Collaboration

We are closely coordinating this rulemaking with the Nuclear Regulatory Commission (NRC), which has formally commented on it. We furnish the findings and determinations with respect to adequacy of State plans and preparedness, which are a product of this procedure, to NRC.

FEMA will use the expertise of the Departments of Energy, Agriculture, Health and Human Services, Commerce, and Transportation, and the Nuclear Regulatory Commission and the Environmental Protection Agency, in making its findings and determinations. The manner in which we will accomplish this is set out at 45 FR 69904, which was prepared in collaboration with other agencies.

Timetable

NPRM—45 FR 42341, June 24, 1980.
Public Comment Period—Closed August 25, 1980.
Public Hearing—None.
Final Rule—Not yet scheduled.
Final Rule Effective—30 days after adoption.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

Memorandum of Understanding between NRC and FEMA to accomplish a prompt improvement in radiological emergency planning and preparedness, 45 FR 82713, November 8, 1980.

FEMA–REP–1, NUREG–0654, Rev. I: Criteria for Preparation and Evaluation of Radiological Emergency Plans and Preparedness in Support of Nuclear Power Plants, November 1980.

Copies of the above documents are available from the Agency Contact listed below.

Public Comments: Copies are available for review at FEMA, Rules Docket Clerk, Room 801, 1725 I Street N.W., Washington, DC 20472.

Agency Contact

Marshall Sanders, Assistant Director
Radiological Emergency Preparedness Division
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472
(202) 287–0212

FEMA

Review of the National Flood Insurance Flood Plain Management Criteria for Flood-Prone Areas (44 CFR Part 60; Revision)

Legal Authority

The National Flood Insurance Act of 1968, as amended, § 1361, 42 U.S.C. 4102.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated the program for review.

Statement of Problem

The National Flood Insurance Program (NFIP) is a self-help program designed to reduce the high costs of flood disaster assistance. Established by Congress in 1968 under the National Flood Insurance Act, the NFIP was originally administered by the Department of Housing and Community Development. Broadened and modified since then, it is now administered by the Federal Emergency Management Agency (FEMA).

Congress created the program to address the problem of increasing annual flood losses. For decades the national response to flood disasters was generally limited to building flood control works (dams, levees, seawalls, etc.) and providing disaster relief to flood victims. To compound the problem, the public could not buy flood coverage from insurance companies, and building techniques to reduce flood damage to new construction were often overlooked. In the face of mounting annual flood losses, Congress created the NFIP to mitigate future damge and provide insurance against property losses that do occur.

The NFIP works on the basis of an agreement between the Federal Government and those flood-prone communities that choose to participate in the program. The community agrees to adopt and enforce the minimum standards required by FEMA for mitigation of flood losses. In return, the Federal Government agrees to make flood insurance available to individual property owners at reasonable rates as a financial protection against flood damage.

The program must have community participation to work. Without community oversight of building activities in the flood plains, the best efforts of some to reduce flood losses could be undermined or destroyed by the careless building of others. Unless the community as a whole practices adequate flood hazard mitigation, the potential for loss cannot be lowered sufficiently to reduce disaster assistance costs or to permit insurance to be offered at reasonable rates. The insurance rates for new construction in a community depend on how safe the structure is from the estimated flood risk.

This agreement by participating communities to practice adequate flood plain management to mitigate future losses is the cornerstone to the NFIP. Congress did not intend to subsidize indefinitely the expense of the program. If the NFIP is to become a financially self-supporting program as Congress intended, wise flood plain management must be achieved in all participating flood-prone communities.

FEMA and the States have important roles in achieving the goal of the NFIP to reduce flood losses. FEMA is required by law to identify all flood hazard areas and notify the affected communites, alerting them to the degree of hazard. FEMA administers the insurance aspects of the program though local insurance agents across the country. FEMA also provides technical assistance and funding to States and local governments for flood hazard mitigation projects. In the event of a Presidentially declared flood disaster, FEMA provides disaster assistance and aids in recovery efforts to communities participating in the NFIP. FEMA is also required by law to develop criteria or standards to encourage States and local governments to adopt adequate measures for flood hazard mitigation.

The States also have an important role in the effort to reduce flood losses. Each Governor has designated an agency of State government to coordinate the State's flood insurance program activities. These State agencies assist communities in defining and adopting flood plain management measures required for community participation in the NFIP.

Community participation in the NFIP is strictly voluntary. Each flood-prone community must assess its flood hazard and determine whether flood plain management measures and flood insurance would be beneficial to the community and its residents. The primary concern most communities have about joining the NFIP is the effect flood plain management will have on future develpment in flood hazard areas.

Although participation by a community in the NFIP is voluntary, non-participation by a community that has known flood hazards impacts on that community. Congress decided, by passage of the Flood Disaster Protection Act of 1973, that the Federal Government should not invest funds or provide financial assistance to communities that did not choose to make flood insurance available to its residents or practice flood plain management to mitigate flood losses after the hazard has been identified for one year.

The Act requires the purchase of flood insurance to protect property acquired or constructed *in flood hazard areas* with the Federal funds or financial assistance. If the community has chosen not to participate in the NFIP, and therefore insurance protection is not available, loans or guarantees made by Federal agencies, such as the Small Business Administration, Federal Housing Administration, and Veterans Administration, are prohibited for acquisition or construction *in flood hazard areas*. However, lending institutions insured or regulated by a Federal agency may make loans at their own discretion in these areas.

In addition, if a community chooses not to participate after it has known for one year that flood hazards exist in the community as identified by FEMA, no disaster assistance for acquisition or construction *in flood hazard areas* may be provided by FEMA in the event of a flood disaster. Families may receive assistance under the temporary housing program that is not related to acquisition or construction but may not receive funds for minimal repairs to their dwellings. Individual and family grant assistance for housing and personal property in not available under these circumstances. Congress requires these sanctions to avoid spending Federal tax dollars *in flood hazard areas* of communities not willing to take steps to protect lives and property from flood hazards.

As described above, one of FEMA's roles in administering the NFIP is to develop criteria to encourage States and local governments to adopt adequate flood plain management measures. Communities must adopt and enforce such measures to participate in the NFIP. Specifically, § 1361 of the National Flood Insurance Act of 1968, as amended, requires FEMA to develop comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures that, to the maximum extent feasible, will:

(1) constrict the development of land that is exposed to flood damage, where appropriate;

(2) guide the development of proposed construction away from locations that are threatened by flood hazards;

(3) assist in reducing damage caused by floods; and

(4) otherwise improve the long-range land management and use of flood-prone areas. The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local government agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

To meet this requirement, FEMA has developed minimum standards for flood plain management that communities must meet to participate in the NFIP. These minimum standards are published at 44 CFR Part 60. A community must adopt and enforce flood plain management regulations based on these minimum standards. The detail of flood risk information published by FEMA determines the extent of regulation by the community of its flood hazard areas. Of course, a community may adopt more restrictive requirements, or a State, through its State laws, may require a community to meet more restrictive standards than FEMA's minimum standards.

The most recent comprehensive revisions to the NFIP regulations were made in 1976 after lengthy review and public hearings. Since that time some problems have been experienced in the application of these national minimum standards to specific situations. The regulations have been described by some as too specific in some cases and too inflexible in others. The purpose of the review will be to determine what alternatives are available for addressing these concerns.

One example of the regulations being described as too specific relates to the requirement (44 CFR 60.3 (b)(8)) that all mobile homes be anchored according to a specific number of ties. This NFIP standard conflicts with other Federal government standards and thus leaves local governments in the position of not being able to comply. The NFIP standard for anchoring mobile homes was at one time acceptable but does not work now because of changes in the mobile home industry.

An example of the concern that the regulations are too inflexible also relates to mobile homes or manufactured housing. The NFIP regulations treat mobile homes differently than conventional housing, based upon assumptions made in 1976 that mobile homes, even if properly anchored, were less safe than conventionally constructed housing. FEMA has reexamined these assumptions and has found that they generally are not valid due to the better standards of construction in the mobile home industry. FEMA will examine ways to reflect these changes in the NFIP regulations.

Section 60.6(b) of the NFIP regulations provide an exception process for communities that for hardship reasons cannot meet the minimum standards. This process is adequate for true hardship cases, for which a lesser standard is sought. However, FEMA does not have a process for considering technically equivalent methods of achieving the NFIP minimum standards. Presently, all requests for variations from the NFIP minimum standards must be treated as a hardship case. This inability to examine alternative approaches to achieving the NFIP minimum standards has been criticized. To achieve more flexibility, FEMA will examine ways of accommodating such requests without going through the lengthy exception process outlined in § 60.6(b), which requires lengthy review of environmental impacts. If an approach is technically equivalent to the minimum NFIP standard, such review should not be required.

Another criticism received about the NFIP flood plain management standards is that they apply to urban and rural areas alike without recognizing the differences between urban flooding and rural flooding. FEMA will examine ways to address these concerns.

FEMA will examine other sections of Part 60 to determine if they need revision.

Alternatives Under Consideration

Specific alternatives have not been considered for most of the concerns outlined above because the review just recently began.

A "no action" alternative will result in concerns about the flood plain management standards not being addressed. FEMA will review the regulations in view of the concerns outlined above and develop alternative solutions. As part of this review, FEMA will consider tiering the regulations and using more general standards as the regulatory requirements, accompanied by greater emphasis on technical guidance to communities in achieving flood plain management. The review may indicate that few changes are needed in the regulations or that specific sections need major revisions. Alternatives will be developed more fully during the review.

Summary of Benefits

Sectors Affected: Communities that participate in the NFIP and State Coordinating Agencies in each State.

This review will benefit the more than 17,000 communities participating in the NFIP by assuring that FEMA uses the least burdensome means for achieving the objectives of the National Flood Insurance Act, as amended. Other specific benefits of this review have not been identified at this time.

Summary of Costs

Sectors Affected: Communities that participate in the NFIP and State Coordinating Agencies in each State.

Specific costs are not available because the review has just recently begun. If any regulatory changes are made, State and local governments could incur administrative costs. However, the review should indicate where excessive administrative costs are incurred by communities, the States, and FEMA due to inflexibilities in the regulations. If the regulations are relaxed, additional costs could be incurred by the Federal Government in the form of disaster relief, just as strengthening the regulations could further decrease such expenditures.

Summary of Net Benefits

The review should determine what alternatives can be used to reduce flood losses while at the same time using the least burdensome means for assuring that communities meet the minimum standards for NFIP participation.

Related Regulations and Actions

None.

Government Collaboration

We will coordinate our review with the Office of Management and Budget and the Presidential Task Force on Regulatory Relief.

Timetable

NPRM—To be determined.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Public Hearing—None.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

44 CFR Part 60, Criteria for Land Management and Use.

44 CFR 59 *et seq.*, National Flood Insurance Program Regulations.

For information on available documents, contact Agency Contact below.

Agency Contact

William L. Harding, Assistant General

Counsel
Office of General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472
(202) 287-0382

CONSUMER PRODUCT SAFETY COMMISSION

Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products

Legal Authority

Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

Reason for Including This Entry

The Consumer Product Safety Commission (CPSC) believes this is an issue of considerable public interest due to the possibility of adverse health effects which can result from consumer exposure to benzidine dyes, o-tolidine dyes, and o-dianisidine dyes (collectively termed "benzidene congener dyes") and the significant number of consumers that may be exposed to them.

Statement of Problem

Benzidine and two related chemicals (congeners), o-tolidine and o-dianisidine, constitute a family of synthetic aromatic amines used as intermediates in the synthesis of more than 400 direct benzidine congener dyes.

In 1972, the International Agency for Research on Cancer (IARC) concluded that benzidine is carcinogenic in several species of animals and that "epidemiologic studies showed that occupational exposure to commercial benzidine alone was strongly associated with bladder cancer." Both the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) have issued regulations for benzidine based on the determination of its carcinogenicity. In 1978 the National Cancer Institute (NCI) reported that three benzidine dyes produced tumors in rats. Although it has not been conclusively shown that o-tolidine and o-dianisidine are human carcinogens, there is animal evidence demonstrating carcinogenicity. In addition, evidence indicates that dyes based on benzidine, o-tolidine, and o-dianisidine may be metabolically converted to their respective parent compounds in the body.

In October 1978 the Center for Occupational Hazards, the Artist-Craftsmen of New York, the Foundation for the Community Artists, and the Surface Design Association petitioned the CPSC for a ban of consumer dye products and arts/crafts dye products that contain benzidine congener dyes. In September 1980 the CPSC staff presented to the Commission an evaluation of the carcinogenicity and metabolism of benzidine congener dyes and recommended that all benzidine congener dyes should be recognized as potential human carcinogens. In November 1980 the CPSC granted the petition in part as to consumer dye products containing benzidine dyes, o-tolidine dyes, and o-dianisidine dyes and instructed the staff to prepare an appropriate proposal under § 8 of the Consumer Product Safety Act. At that time, the Commission requested that the staff further address several scientific and economic issues.

Consumer exposure to these dyes may occur from the use of packaged consumer dyes in homes, schools, and arts and crafts processes. In addition to the consumer market, benzidine dyes, o-tolidine dyes, and o-dianisidine dyes are used industrially in the manufacture of consumer products. For example, in 1978 it was estimated that 40 percent of all benzidine dyes produced are used to dye paper goods such as tissues, paper towels, and stationery; 25 percent are applied to textiles; and 15 percent are used in dyeing leather products.

The consumer dyes market can be divided into two segments: the mass-merchandised dye market, consisting of consumer dye products sold at various retail outlets to the general public for home dyeing applications, and the market for specialty dye products sold as arts and crafts materials. Consumer dyes are purchased by the general public from retail stores; their major use is in home fabric dyeing because these dye products are specifically formulated for ease of application and affinity for cotton and rayon fibers. Artists use the consumer dyes for home crafts, teaching workshops, textile printing; and in the production of craft items for resale on a limited basis. Children may be exposed to benzidine congener dyes during arts and crafts applications in school projects.

Experiments conducted in 1981 by CPSC scientists indicate that the potential risk from inhalation of dye powder during the mixing operation is less than originally assumed. However, a danger to consumers arises from the possibility that benzidine congener dyes or their decomposition products may enter the human system by skin absorption. It is possible, despite precautions, for even an experienced artist to contact dye solution on some part of the body during dyeing operations. Experiments to determine the degree of benzidine congener dye dermal (skin) penetration will be performed by the National Center for Toxicological Research (NCTR) in the third quarter of FY 1982.

In 1979 sources estimated that about 30 million packages of consumer dye products were sold annually. It was estimated that the retail market for home dyes fell between $15 million and $18 million (in 1979 dollars).

The three major home dye manufacturers have indicated that since 1978 they have not used benzidine dyes in consumer dye products. Further, in 1981 one of the consumer dye product manufacturers indicated that his company no longer produces dye products containing o-tolidine dyes or o-dianisidine dyes.

Field studies conducted by the CPSC in 1979 demonstrated that general retail outlets still were selling older dye packages, manufactured at a time when industry used benzidine dyes. Although benzidine dyes no longer may be produced for sale to the general public, arts and crafts people are able to purchase them directly from manufacturers or retail dye outlets. Often these dyes are industrial dyes which have been repackaged for arts and crafts use. In 1979 it was estimated that 100 to 500 pounds of benzidine dyes were sold annually to between 1,000 and 4,000 consumers for arts and crafts applications.

Substitutes used for benzidine dyes in consumer dye products may be based on o-tolidine or o-dianisidine. In 1980 it was estimated that about nine different o-tolidine dyes and o-dianisidine dyes are currently used in consumer dye products. Of approximately 30 million packages sold in 1979, estimates place the range of packaged dye products containing o-dianisidine dyes or o-tolidine dyes between 15 million and 21 million, encompassing as much as 60 to 70 percent of the home dye market at that time.

It should be assumed that 1980 estimates do not reflect the current market situation with respect to the consumer dye product industry. It is expected that the current share of benzidine congener dye products is well below the 1979 level. More recent market information will be developed pending completion of benzidine congener dye experiments in late FY 1982.

Alternatives Under Consideration

The Commission considered the following three regulatory alternatives in response to a petition requesting a

ban of benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. The staff recommended alternative A to the Commission.

(A) Commence a proceeding to ban the use of benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. This action would eliminate the risk of consumer exposure to benzidine congener dyes in consumer dye products.

(B) Commence a proceeding to ban the use of benzidine dyes in consumer dye products and do not take immediate action on o-tolidine dyes and o-dianisidine dyes.

The economic impact of a ban on benzidine dyes on the consumer dye industry is expected to be minimal. Deferred action on o-tolidine dyes and o-dianisidine dyes pending further study of substitutes and reformulation may cause less market disruption.

(C) Deny the petition. The Commission may decide to take no action with respect to benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. This alternative would permit continued consumer exposure to benzidine congener dyes.

To date, the CPSC staff's primary concern has been with home dye packages containing benzidine dyes, o-tolidine dyes, or o-dianisidine dyes sold directly to consumers. The Commission staff plans to investigate the industrial use of benzidine congener dyes in textiles.

Summary of Benefits

Sectors Affected: Consumers of benzidine congener dyes, including home dyes; and craftspeople and hobbyists.

Benzidine congener dyes are used in packaged consumer dye products. Evidence indicates that these dyes may be potential carcinogens. Consumers may be exposed to these dyes by inhalation, skin absorption, or ingestion during the home dyeing process. Regulation of benzidine congener dyes in consumer dye products would reduce consumer exposure to potential carcinogens.

Summary of Costs

Sectors Affected: Craftspeople and hobbyists who use benzidine congener dyes; and consumer dye product manufacturers.

The consideration of substitute dyes to replace benzidine congener dyes is of great concern to the Commission staff; substitution of noncarcinogenic dyes for those that present chronic health effects is essential. Current information indicates that substitutes for o-tolidine dyes and o-dianisidine dyes are generally available with the possible exception of a few colors.

If substitutes for these few colors cannot be readily identified or developed for consumer dye products, a search for substitutes not based on benzidine or its congeners could involve virtually hundreds of other organic compounds and, because the entire dye formulation may need to be adjusted, there could be substantial costs to industry. No overall estimates of substitution costs are available. However, information currently available to the CPSC staff suggests that the cost of dye ingredients may not be the predominant cost element that determines the retail price of consumer dyes. If substitution were to occur, costs for labor, packaging, distribution, and advertising, which may be the primary price determinants, may not vary greatly from present costs.

The CPSC staff is considering, at the present time, only the need for controls of consumer dye products; however, if later action is considered against the other uses of benzidine congener dyes in consumer products, the Commission will investigate the potential economic impacts on those products that have been colored with benzidine dyes, o-tolidine dyes, and o-dianisidine dyes.

Related Regulations and Actions

Internal: At the present time the CPSC is supporting research at the National Center for Toxicological Research on the breakdown of benzidine congener dyes in the body. A hazard assessment for textile and non-textile uses of benzidine dyes, o-tolidine dyes, and o-dianisidine dyes is planned for fiscal year 1982 pending the results of NCTR experiments.

External: The Occupational Safety and Health Administration (OSHA) released a field directive on the carcinogenicity of three benzidine dyes which recommends that other benzidine dyes also be handled as carcinogens.

The National Institute for Occupational Safety and Health (NIOSH) published the "Special Hazard Review of Benzidine Based Dyes," which recommends that these dyes should be recognized as potential human carcinogens and that the benzidine congener dyes be handled with extreme care.

OSHA and NIOSH jointly released a Health Hazard Alert for benzidine dyes, o-tolidine dyes, and o-dianisidine dyes, which concludes that benzidine dyes are carcinogenic and states that o-tolidine dyes and o-dianisidine dyes may present a cancer risk to workers and should be handled with care.

The Environmental Protection Agency (EPA) has proposed a Toxic Substances Control Act (TSCA) § 8(a) rule, and is developing a TSCA § 8(d) rule to require manufacturers to submit specific information and health and safety studies for a variety of chemicals, including benzidine dyes.

Government Collaboration

The National Cancer Institute, National Institute of Occupational Safety and Health, the Stanford Research Institute, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Environmental Protection Agency plan to meet periodically with the Dyes Environmental and Toxicology Organization to perform a systematic study of dyes and to recommend dyes to the National Toxicology Program for carcinogenicity testing.

Timetable

The Commissioners granted a petition and directed the staff to prepare a proposed ban. Final staff analysis and recommendations will be completed in September 1982.

NPRM—September 1982.

Public Hearing—September 1982.

Public Comment Period—September 1982.

Commission Decision/Order—September 1982.

Regulatory Flexibility Analysis—September 1982.

Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.

Available Documents

"CPSC Staff Briefing Packages" dated February 26, 1979, and September 24, 1980 are available from the Office of the Secretary, 1111 18th St., N.W., U.S. Consumer Product Safety Commission, Washington, DC 20207.

Agency Contact

Rory Sean Fausett, Program Manager
Health Sciences
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492-6984

CPSC

Consumer Products Containing Asbestos

Legal Authority

Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.;* Federal Hazardous Substance Act, 15 U.S.C. 1261 *et seq.*

Reason for Including This Entry

Asbestos is a known human carcinogen used in a variety of products. The Consumer Product Safety Commission (CPSC) believes this to be an issue of great interest to the public because of serious potential health hazards that may be involved when consumers are exposed to inhalable asbestos fibers.

Statement of Problem

The Consumer Product Safety Commission (CPSC) is concerned that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers. CPSC could act to protect the public from exposure to asbestos fibers in consumer products by issuing a standard or ban concerning asbestos-containing products, requiring labeling of consumer products containing asbestos, encouraging some form of voluntary action by industry, or taking other action.

The CPSC staff has completed a review of the health effects of asbestos which causes the staff to believe that, under certain conditions (discussed below), the presence of asbestos in consumer products may present a risk of cancer and respiratory disease. The health hazard occurs when asbestos fibers are released into the air and people inhale them. Inhaled asbestos fibers may become embedded in lung tissue and once embedded they may remain there indefinitely. Asbestos fibers that are released from consumer products can remain in household air for long periods of time and may subject household members to a continuous risk of fiber inhalation.

Consumer products are one source of exposure to asbestos fibers; there are also a number of environmental sources. Therefore, consumer products must be viewed as part of a cumulative burden of asbestos exposure.

Asbestos released from consumer products poses several problems in the household. First, young children and infants are exposed. Second, asbestos fibers that consumer products release into the living space can remain there over long periods of time and may be subject to repeated cycles of settling and resuspension. The presence of asbestos fibers can thus pose an ongoing inhalation risk in the household. Third, unlike the workplace, where engineering control systems and protective clothing are available to minimize worker's exposure to asbestos, the home provides household members with little or no protection from exposure to asbestos fibers released from consumer products.

In a **Calendar of Federal Regulations** entry published November 24, 1980 (45 FR 77883), the Commission stated its concern about consumer exposure to asbestos fibers. This Calendar statement on asbestos described an ANPRM we issued in October 1979 (44 FR 60057). The purpose of the ANPRM was to inform the public of the Commission's concern and to announce the initiation of a Commission investigation of asbestos in consumer products. The Commission is considering comments and information received in response to the ANPRM in determining regulatory options we might pursue.

One example of CPSC action on products containing asbestos is hairdryers. As a result of information indicating that certain hairdryers released asbestos fibers during use, CPSC asked the National Institute for Occupational Safety and Health (NIOSH) of the Department of Health, Education, and Welfare (now the Departments of Education and Health and Human Services) to conduct tests. The results showed that some hairdryers released asbestos fibers into the airstream and directly on the user's head during ordinary use; thus, any fibers the hairdryers emitted could potentially be inhaled.

As a result of negotiation between the Commission's staff and firms which share approximately 50 percent of the consumer hairdryer market, the firms agreed to cease production and distribution of hairdryers containing asbestos and to offer consumers some form of repair, replacement, or refund for hairdryers they currently owned.

We do not know exactly how many asbestos-containing products are available to the consumer. CPSC has initiated a program to test various products for asbestos fiber release and issued a General Order (December 22, 1980, 45 FR 84384) to manufacturers (including importers) of certain categories of consumer products to submit information on the use of asbestos in their products. CPSC staff will examine the information received in response to the order to help identify specific products containing asbestos, to determine how the asbestos is used in the products, and to analyze the use of possible substitute materials in a variety of applications. The CPSC staff review of this information will also aid in evaluating the impact of possible regulation on the cost, availability, and utility of the products.

The staff is concentrating its evaluation on certain types of products. We will focus initial action on products which show definite fiber release. We may make subsequent efforts to investigate other products which contain asbestos.

Alternatives Under Consideration

On the basis of health research and economic studies, the Commission may consider remedial options which would reduce risks to consumers from asbestos-containing consumer products from which asbestos fibers may be released.

In making its determination of whether or not to take action, the CPSC will consider detailed risk and economic findings. The CPSC will also take into account the function performed by the asbestos in the product, the cost to industry and consumers of the regulations, and the availability of substitutes for the asbestos and the safety of such substitutes.

In cases in which we do not know the asbestos content and whether there is any fiber release, the staff will continue to test products for any asbestos fiber emission.

Summary of Benefits

Sectors Affected: The general public.

The primary benefit of asbestos regulations is to reduce consumer exposure to a known human carcinogen.

Asbestos fiber inhalation has been linked with lung cancer, asbestosis and mesothelioma (cancer of the pleura—the membranes surrounding the lung). These diseases can inflict pain and are often fatal. They may cause large financial burdens due to medical expenses that result. The CPSC believes that by reducing the release of asbestos from consumer products it will help alleviate some of these unfortunate consequences.

Summary of Costs

Sectors Affected: Asbestos mining industry; all manufacturers and wholesale and retail traders; and users of products containing asbestos.

The CPSC estimates that some economic impact may occur on industry in those cases where a mandatory regulation concerning asbestos-containing products occurs. Currently, studies are being made to determine potential costs to industry in developing substitutes for asbestos in consumer products.

Related Regulations and Actions

Internal: In 1979 the Consumer Product Safety Commission issued an ANPRM. The purpose of the ANPRM was to inform the public of the Commission's concern and to announce the initiation of a Commission investigation of asbestos in consumer products. In April 1980, the Commission granted a petition to ban asbestos paper and in July 1980, the Commission cosponsored with the Environmental Protection Agency (EPA) a workshop on asbestos substitutes. The Commission issued a General Order (45 FR 84384) in December 1980, seeking information on asbestos in certain products. The Commission has initiated a testing program for the purpose of testing certain products for asbestos fibers released under typical use conditions.

External: EPA issued on January 26, 1981 (46 FR 8200) a proposal for comment on a life-cycle reporting and recordkeeping requirement on asbestos. In September 1980, EPA published a corrective action program for school buildings containing asbestos.

In 1975 the Occupational Safety and Health Administration (OSHA) proposed lowering the occupational exposure to asbestos from 2 million fibers per cubic meter to 500,000 fibers per cubic meter. Subsequently, in 1976, the National Institute of Occupational Safety and Health recommended a further lowering of the standard to 100,000 fibers per cubic meter.

Government Collaboration

We have worked closely with the Environmental Protection Agency to ensure that our efforts to investigate and possibly regulate the use of asbestos will be coordinated, compatible, and non-duplicative. EPA simultaneously published an ANPRM in October 1979 which describes that Agency's systematic effort to gather information on groups of asbestos products and to evaluate risk from these products based on the "life-cycle" concept. In the life-cycle analysis, the Agency examines cumulative risk from human exposure to asbestos from primary processing through end use and disposal. The CPSC's ANPRM describes an approach to the investigation of possible health risks that may be associated with the use of asbestos in a number of consumer products.

Through close cooperation in our regulatory endeavors, EPA and CPSC hope to achieve the following three objectives. The first is to reduce significantly, through complementary actions, unreasonable human health risk from exposure to asbestos. The second is to reduce potential reporting burdens on industry by coordinating information-gathering activities. Third, to avoid inconsistent or needlessly burdensome regulations, we will develop regulatory actions that may result from these investigations in close consultation with each other.

CPSC published, jointly with EPA, an ANPRM on consumer products containing asbestos in the **Federal Register** of October 17, 1979 (44 FR 60057). Comments on that ANPRM have been received and reviewed.

Timetable

ANPRM— 44 FR 60057, October 17, 1979.

Briefing Package on Recommendations for Selected Products—December 1981.

NPRM—June 1982.

Public Hearing—30 days following NPRM.

Regulatory Impact Anaylsis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information on its own rulemaking proceedings.

Regulatory Flexibility Analysis—August 1982.

Available Documents

Briefing Package of Comments on Advance Notice of Proposed Rulemaking, September 1980, and Briefing Package on Petition to Ban Asbestos Paper, April 1980.

Asbestos: General Order for Submission of Information, December 22, 1980 (45 FR 84384).

Proceedings of the Workshop on Asbestos Substitutes, February 1981.

16 CFR Parts 1304 and 1305: Ban on asbestos-containing patching compounds and emberizing materials, January 1977.

Copies are available from the Office of the Secretary, 1111 18th Street, N.W., U.S. Consumer Product Safety Commission, Washington, DC 20207.

Agency Contact

Rory Sean Fausett, Program Manager
Health Sciences
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492–6984

CPSC

Omnidirectional Citizens Band Base Station Antenna Standard (16 CFR Part 1402; New)

Legal Authority

Consumer Product Safety Act §§ 7 and 14, 15 U.S.C. 2056 and 2063.

Reason for Including This Entry

This standard may impose a major increase in costs or prices for antenna manufacturers, distributors, retailers, and purchasers.

Statement of Problem

One hundred thousand omnidirectional Citizens Band (CB) base station antennas are sold annually in the United States. The Consumer Product Safety Commission (CPSC) estimates that 220 persons in 1977, 105 persons in 1978, 105 in 1979, and 95 in 1980 were electrocuted in incidents involving communications antennas. The vast majority of these deaths occurred when people were putting up or taking down the antennas, which in the process contacted electric power lines. Typically, these incidents occur when the antenna contacts the power line while people are transporting it to the erection site or when it falls into a power line because it gets out of the control of the people who are putting it up or taking it down. The Commission estimates that over 55 percent of the antennas involved in these accidents are omnidirectional CB base station (other than mobile) antennas.

On June 29, 1978, the Commission issued a rule under § 27(e) of the Consumer Product Safety Act which requires manufacturers and importers of (1) outdoor Citizens Band (CB) base station antennas, (2) outdoor television antennas, and (3) antenna supporting structures to provide purchasers with (a) instructions on how to avoid the hazard of contacting electric power lines with the antenna or supporting structure while putting it up or taking it down, (b) labels on the antennas and supporting structures warning of this hazard and referring the reader to the instructions, and (c) statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. We intend this rule to help prevent injuries and death from electric power lines when people put up or take down antennas or antenna-supporting structures. The Commission reasoned that if consumers know of the danger and how to avoid it, they will be better

able to take the necessary steps to protect themselves.

While the Commission believes that the present information and labeling rule will reduce the deaths that occur because of the contact of television and CB base station antennas with electric power lines, the Commission also believes that a standard which would help ensure that the antenna would not transmit a harmful amount of electricity to the installer if the antenna did contact a power line may address the risk of electrocution more effectively and thereby cause a greater reduction in deaths.

In 1979 the Commission contracted to evaluate the impact of its § 27(e) information and labeling rule, which became effective September 26, 1978. The contractor surveyed consumers who had purchased CB base station antennas and outdoor TV antenna components before and after the effective date of the labeling rule.

The hypothesis that many consumers do not recognize nor accurately gauge the potential for electrical shock death or injury associated with antenna installation and removal is firmly supported by the findings of this study. Only one respondent in ten knew that power lines often are not insulated, and a substantial minority failed to recognize the strong likelihood of death or severe injury should direct contact be made with power lines. These findings support the rationale for requiring manufacturers to include hazard avoidance instructions and warning labels with new communications antenna equipment and also indicate that warning labels and instructions are less effective than safety standard requirements.

On August 14, 1981 (46 FR 41082), the Commission proposed a mandatory performance standard. The Commission is presently developing a standard directed only at non-directional CB antennas because they account for the largest number of reported injuries. Moreover, they can be insulated more readily than TV and directional CB antennas because they have fewer joints and element parts. At the same time, the Commission proposed a non-mandatory test method as an alternative to the mandatory standard.

Alternatives Under Consideration

One possible alternative to pursuing a mandatory standard was a voluntary approach through the Electronics Industries Association (EIA). The EIA had formed an ad hoc committee to develop a voluntary standard for CB omnidirectional base station antennas. However, the EIA effort was dropped on October 6, 1980. This action was taken after the committee reached the determination that the conclusions contained in a contractor's final report to the Commission on research in support of the standard development formed a "de facto" standard.

Summary of Benefits

Sectors Affected: Users, installers, manufacturers, and importers of CB base station omnidirectional antennas.

The benefits from this proceeding are related to the injury and death information we cited in "Statement of Problem." The staff estimates that the standard could prevent many of the deaths associated with outdoor communications antennas (all outdoor antennas) by addressing omnidirectional (reception and transmission essentially uniform in all directions) CB antennas only. These antennas are involved in about 45 deaths each year. This figure represents almost one-half the total number of communications antenna-related deaths in 1980.

We estimate that in the first year of the standard, deaths associated with CB antennas would be reduced by 20 percent, since the standard would only affect new antennas. In subsequent years, a greater precentage of deaths would be prevented because more insulated antennas would be in use and would have replaced old antennas that are involved in accidents when they are taken down or moved.

In addition to the reduction in deaths associated with the standard, we anticipate that the present § 27(e) rule will reduce other deaths: (1) some deaths that would otherwise be associated with antennas manufactured between October 1978, the effective date of the § 27(e) rule, and the date when the new standard could take effect; (2) some deaths otherwise associated with antennas or voltages that the standard will not cover; and (3) some deaths where contact would be between the power line and the mast or other support structures, rather than the antenna itself.

The proposed standard could also prevent ten or more injuries in the first year of compliance. Using a conservative range of average costs from the Commission's Injury Cost Model (excluding cost components for pain and suffering and long-term disability), the estimated injury-reduction savings attributable to the standard in the first year of compliance may be about $21,000 to $37,000 (in 1981 dollars). Using a range of average costs which includes the less readily quantifiable components for pain and suffering and long-term disability, first-year injury-reduction benefits could be about $288,000 to $1,680,000 (in 1981 dollars).

Materials-weathering provisions of the standard may also benefit consumers in the form of increased useful life of the product.

Manufacturers and importers of these antennas may also benefit from a decrease in product liability suits to the extent the standard reduces accidents.

A non-mandatory test method may also result in benefits to consumers (i.e., reductions in the numbers of deaths and injuries), to the extent that products that meet the tests are marketed by the industry. The reduction in the number of deaths and injuries could range from zero (if no additional products meeting the tests are produced) to eight, i.e., the same as under the proposed standard (if all antennas met the tests). The precise extent of these potential benefits depends on the degree of market conformance to the tests, which is unknown.

Summary of Costs

Sectors Affected: Manufacturing, importing, and wholesale and retail trade; and purchasers of CB base station omnidirectional antennas.

The price of a typical CB antenna, which retails for about $50.00, may rise to about $60.00; the price of some antennas may rise by nearly 50 percent as a result of the standard. The Commission staff estimates that the standard may cost consumers $750,000 to $1 million a year (in 1981 dollars).

We anticipate that manufacturers may meet the standard by coating or covering the antenna with a nonconductive material, by constructing antennas of a nonconductive material with an embedded conductor, or by electrically separating the antenna from the antenna mast or antenna support structure by a nonconductive material.

Current retail prices for omnidirectional CB antennas range from $20.00 to over $150.00. The price of some antennas may not increase at all because of the standard. Some manufacturers have claimed that depending on provisions of the standard, price increases for some antennas may range up to 50 percent or more. The standard may lead to an annual cost to the industry of up to $300,000. Certain producers, particularly the smaller companies in the industry, may leave the omnidirectional CB antenna market if they cannot develop the capability to produce complying antennas at a reasonable cost.

We estimate that the standard would prevent up to eight deaths in the first year of compliance. If eight deaths were averted, and the cost of the standard to consumers each year were about $750,000 (in 1981 dollars), then the standard could cost about $94,000 per life saved. The cost per life saved would be greater if fewer deaths were averted in the first year. In any case, consumers would incur a higher product price because the cost to industry of meeting the standard would be passed on to them.

Under a non-mandatory test method, some manufacturers may choose to market antennas that meet the tests. One firm claims that its products already meet the test; other producers would have to modify or redesign their antennas. The costs to the industry could range from zero (if no additional firms endeavored to meet the tests) to about the same as the proposed standard (if many firms' products meet the tests). The extent of industry conformance to the tests in the absence of a mandatory rule is uncertain. At least one or two firms may attempt to meet the tests on a voluntary basis; the cost of this to industry and to consumers, which is not precisely known, depends on such factors as how many models of antennas are involved, what kinds of changes to the products can be made, and general conditions in the market for CB antennas.

Related Regulations and Actions

Internal: "CB Base Station Antennas, TV Antennas and Supporting Structures: Warning and Instructions Requirements," 16 CFR Part 1402 (43 FR 28392).

External: Electronics Industry Association (EIA) development of a Voluntary Standard for CB Antennas.

Government Collaboration

We encourage Federal agencies and State governments to participate in developing the standard by submitting comments.

Timetable

ANPRM—Omnidirectional Citizens Band Base Station Antennas—Proceeding to Develop a Consumer Product Safety Standard by the Commission, 44 FR 53676, September 14, 1979.
NPRM—Omnidirectional Citizens Band Base Station Antennas; Proposed Consumer Product Safety Standard; Proposed Non-Mandatory Test Method, 46 FR 41082, August 14, 1981.
Final Rule—April 1982.
Final Rule Effective—To be determined.
Public Meetings—We held four public meetings between November 1, 1979 and November 14, 1980.
Public Comment Period—September and October 1981.
Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, it prepares essentially the same information in its rulemaking proceedings.
Regulatory Flexibility Analysis—CB Antennas: Initial Regulatory Flexibility Analysis, March 25, 1981.
Economic Impact Analysis—Proposed Antenna Standard, March 1981.

Available Documents

Comments from public meeting held November 17, 1980, in Washington, DC.

"CPSC Staff Briefing Packages," dated January 23, 1979, and August 1, 1979, and June 3, 1981.

"Accident Factors Relevant to the Development of a Safety Standard for Omnidirectional Citizens Band Base Station Antennas," June 1980.

"Research and Technical Service for Safety Standard Development for CB Base Station Antennas Final Report," June 1980.

Transcripts of four public meetings from November 1, 1979 to November 17, 1980.

Six progress reports from August 4, 1979 to January 19, 1981.

Eight evaluation reports on standard development from September 25, 1980 to January 26, 1981.

These documents are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

Agency Contact

Carl Blechschmidt, Program Manager
Office of Program Management
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492–6557

CPSC

Safety Requirements for Chain Saws

Legal Authority

Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

Reason for Including This Entry

The Commission estimates that there were over 124,000 chain saw injuries requiring medical attention in 1980, an increase from an estimated 77,000 injuries in 1976. This rulemaking proceeding aims to reduce many of the 28,000 injuries that are specifically related to kickback problems and is of public interest to those concerned about consumer safety and well being.

Statement of Problem

In recent years, the increased use of wood-burning stoves and fireplaces in this country has brought about the increased use of chain saws by consumers. It is estimated that industry shipped 3.4 million professional and home use chain saws for sale in 1980, compared to 2.3 million in 1976. Unfortunately, the increase in the use of chain saws has been accompanied by an increase in injuries associated with them. The Commission estimates that there were over 124,000 chain saw injuries requiring medical attention in 1980, which is up from an estimated 77,000 injuries in 1976. It further estimates that about 23 percent of the injuries associated with chain saws resulted from a phenomenon known as "kickback." The other injuries resulted from loss of control of the saw or from loss of balance of the operator. They also resulted from the saw bouncing, from following through after the cut, or from falling material.

Kickback is the sudden and potentially violent rearward and/or upward movement of the chain saw that can be caused by sudden interference with the movement of the chain. This interference can be caused by the chain binding in the cut, by the chain hitting an unusually hard portion or obstruction in the wood being cut, or by the chain striking the wood or another object on the top quadrant of the tip of the bar. This interference with the movement of the chain transfers the energy that is driving the chain into a movement of the entire saw, causing the bar tip to move back and/or up so fast that the operator may be struck by the moving chain, frequently in the face, neck, or throat area.

Manufacturers have developed a number of devices in attempts to reduce the risk of kickback occurring or to reduce the likelihood of injury if it occurs. One way to help prevent kickback is to provide a guard to cover the chain at the upper quadrant of the tip of the blade, thereby preventing contact with the chain in the chain area. Another way is to provide a chain brake intended to stop the chain before contact with the operator can occur. The chain brake is generally operated by contact of the operator's hand with a hand guard as the saw moves back, although some types of chain brakes are automatic and do not depend upon the

user's hand. These automatic brakes are actuated by an inertial sensing device. A hand guard alone can also provide significant protection against kickback and other injuries. Manufacturers have also designed "low-kick" guide bars and chains, which are intended to reduce the energy generated when the chain at the bar tip contacts an object.

In a letter dated March 21, 1977, John Purtle, Esq., of Batesville, Arkansas, petitioned the Commission (Petition CP 77–10) to begin proceedings under § 7 of the Consumer Product Safety Act (CPSA) to develop a mandatory consumer product safety standard to minimize and prevent chain saw kickback. Mr. Purtle suggested that every chain saw incorporate a safety device such as ". . . a chain saw brake, a nose-tip guard, a kill switch or other safety device."

Alternatives Under Consideration

While the Commission's staff was evaluating this petition in 1977, the Chain Saw Manufacturers Association (CSMA) met with the staff. CSMA recommended that the petition be denied on the grounds that a mandatory standard was not needed because the industry was taking significant voluntary steps to address the chain saw kickback hazard. CSMA estimated that 50 to 60 percent of the saws being sold at that time already contained some type of kickback protection. The industry expected the American National Standards Institute (ANSI) to approve an interim design standard by February 1978. The interim voluntary design standard (ANSI B 175.1, published in April 1980) would require gasoline chain saws to incorporate such protection as a nose-tip guard, a chain brake, a low-kick chain, or a low-kick guide bar. The technology to define kickback in terms of a performance standard did not exist in 1977, but CSMA estimated at that meeting that a test method could be developed and performance requirements drafted in approximately 2½ years.

In December 1977 CSMA proposed a joint 18-month effort with the Commission to develop a voluntary performance standard. The Commission directed the staff to study the proposal to determine whether it provided an acceptable approach. In March 1978 the staff recommended the voluntary effort, because it appeared to be the most expeditious and cost-effective strategy for reducing chain saw kickback injuries.

Subsequently, the Commission denied the petition to establish a mandatory standard (43 FR 26103, June 16, 1978) and in June 1978 formally agreed to participate with CSMA in a joint effort to develop a voluntary performance standard to reduce chain saw kickback injuries. The joint process involved the active participation of consumer, industry, and government representatives in the development of testing equipment and procedures, study of operator interaction with the saw, and analysis of injury data. The agreement specified that work on the standard was to be completed by December 31, 1979.

On December 21, 1979, CSMA submitted to the Commission draft performance requirements for chain saws and backup documentation. CSMA considered the draft to be both "a final standard and rationale," containing sufficient information for CPSC to write a supportable performance standard proposal, although additional work on correlation between the standard and rationale was needed.

The draft standard submitted by CSMA calls for manufacturers to use a specified test apparatus to measure the maximum energy generated at the tip of the chain bar at the initial moment of kickback. A computer model then translates the maximum energy measurement into the angle that the saw would rotate toward an operator. In making this translation, the model uses (1) the energy measurement, (2) information describing key characteristics of the saw being tested, (3) an equation for converting the measured energy into horizontal, vertical, and rotational energy, and (4) formulas intended to describe the influence of the operator's hands on the handle during kickback. The result is a "Derived Angle of Rotation," which manufacturers compare to acceptance criteria to determine whether the saw meets or fails the requirements.

The staff's evaluation of CSMA's draft standard and rationale has left serious doubts that the standard as submitted would reduce injuries associated with chain saws. Staff identified the following specific deficiencies:

(1) The portion of the computer model that attempts to account for the action of the operator's hands on the saw is based on an unproved equation. Furthermore, the study did not establish that the hand-held tests that were performed by CSMA related to the situation where kickback occurs with an unsuspecting user.

(2) The lack of a method to determine the angle at which the chain would stop, and the inability of the model to predict the angle at which the chain stops, prevent use of the acceptance criteria applicable to chain brakes.

(3) There is no analysis of the sensitivity of the computer model to variations in input data.

(4) The draft standard would apply only to saws with an engine displacement of 3 cubic inches (CID) and less, whereas the Commission has data indicating that saws up to 4.5 CID are used regularly by consumers.

As a result the Commission preliminarily concluded that a consumer product safety standard was necessary to reduce or eliminate this unreasonable risk.

In starting the effort to develop a standard addressing chain saw kickback, the Commission expected the standard to apply to both gasoline-powered and electric chain saws. The standard could be a developed performance standard that would, for example, specify allowable levels of kickback energy or allowable kickback angles under specified test conditions. CPSC has not determined whether the standard should apply only to the assembled chain saw, only to components of the saw, such as the saw chain, or both, or whether replacement parts such as saw chains should be subject to requirements of the standard. These questions will be considered by the Commission during the development of the standard. For the time being, however, where the term "chain saw" is used in this regulatory development it also refers to the components and replacement parts of chain saws.

In the case of the kickback hazard associated with chain saws, the Commission is not now aware of any standard issued, adopted, or proposed by any Federal department or agency or by any other qualified agency, organization, or institution that could be published as a proposed standard by the commission. CPSC is undertaking further analysis of foreign standards.

The voluntary standard presently in effect in the United States (ANSI B 175.1, Safety Specification for Gasoline Powered Chain Saws, published in April 1980), while requiring at least some features designed to reduce the hazard, does not go far enough and still permits the marketing of consumer chain saws that present an unreasonable risk of injury. ANSI is developing a similar standard, ANSI B 175.2, for electric chain saws. There are also a number of standards in effect in foreign countries that may be effective in reducing the unreasonable risks of kickback, but the requirements of these standards have not been developed or analyzed to the point that we could propose them as a consumer product safety standard at this time.

CSMA has continued work on their voluntary standard and has told the Commission that they will forward the standard to the Commission by December 15, 1981.

If a valid voluntary standard applicable to a sufficient number of consumer saws is developed and implemented in the future, the Commission could reconsider the need to continue the development of a mandatory standard.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, 95 Stat. 357, signed by the President on August 13, 1981) changes the procedures that the Commission must use to issue mandatory standards and places greater emphasis on the development and use of voluntary standards to address risks of injury from consumer products. Thus, before additional formal steps toward proposal of a mandatory standard can be taken, the Commission would have to issue an ANPRM in accordance with the new procedures.

Summary of Benefits

Sectors Affected: Users of chain saws, expecially working age males and their dependents; and manufacturing of chain saws.

The benefits we expect from this proceeding are improved public health and safety through the prevention of accidents and injuries associated with chain saws. We estimate that over 124,000 injuries occur annually requiring medical treatment. The maximum benefit one could expect from a chain saw kickback standard, voluntary or mandatory, is a 23 percent reduction of these 124,000 injuries, or 28,520 fewer injuries. There are also an increasing number of deaths associated with this product.

The purpose of these proceedings would be to reduce injuries and deaths and the costs associated with them. These costs can be considerable.

For example, assuming kickback injuries are a fairly constant proportion of total chain saw injuries, the Commission estimates that the total annual cost (in 1978 dollars) of chain saw kickback injuries, not including pain and suffering, was $12 million in 1976, $17 million in 1977, $22 million in 1978, and $24 million in 1979. We estimate injury costs (in 1978 dollars), including pain and suffering, at $28 million in 1976, $40 million in 1977, $51 million in 1978, and $54 million in 1979. These cost estimates include hospital costs, follow-up medical treatment costs, foregone earnings, health insurance costs, product liability insurance, litigation cost, transportation cost, patients' visitors' foregone earnings, and transportation costs.

A reduction in any of these costs would be a sizable benefit to the accident victims and their families.

Furthermore, many manufacturers may benefit from a decrease in product liability suits to the extent safety requirements reduce accidents.

Summary of Costs

Sectors Affected: Professionals who use consumer chain saws; wholesale and retail of consumer chain saws; and manufacturing of consumer chain saws.

Professional users of consumer chain saws may find that low-kick bar and chain safety requirements may decrease cutting speed of the saws. They may also find saws with chain brakes more expensive and heavier. Increased cost for a chain saw could be up to $10, or less than 10 percent of the total cost of the saw, depending on the requirements of the final standard and the changes needed to comply with it.

Economic costs of these safety requirements for manufacturers, suppliers, and purchasers would be minimal, and would depend in part on the need to retool and redesign to comply with the standard. Until requirements are finalized we cannot estimate tooling costs connected with a voluntary or mandatory standard. Tooling costs are implicit in our retail price impact estimates and should not be counted twice. Generally speaking, the lowest tooling costs are associated with nose-tip guards and hand guards, while new guidebars, saw chains, and chain brakes involve substantial tooling costs. Tooling costs for a brand new chain involving very large production levels and the use of highly automated machinery could approach $800,000 (in 1978 dollars). Tooling for a new laminated guidebar is about $100,000. Of course, many of these costs may have already been incurred by manufacturers.

Many manufacturers now offer safety features on their saws. Additional costs would also vary depending on whether or not suppliers of specific parts have already retooled for options now available.

Related Regulations and Actions

Internal: None.

External: In spring of 1980 the State of Washington proposed safety standards for chain saws, including requirements for chain brakes and low-kick chains.

Government Collaboration

The National Bureau of Standards (NBS) of the Department of Commerce has provided some technical analysis concerning the Commission's safety activities on chain saws. We will ask NBS to continue to do so in this regulatory development.

Timetable

ANPRM—Chain Saws and Their Components and Replacement Parts: Proceedings To Develop a Consumer Product Safety Standard—46 FR 26262, May 11, 1981.
Notice of Intent To Develop Standard for Chain Saws—45 FR 62392, September 19, 1980.
New ANPRM—To be determined.
NPRM—To be determined.
Public Hearing—To be determined.
Public Comment Period—To be determined.
Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information as a part of its rulemaking proceedings.
Regulatory Flexibility Analysis—To be determined.
Final Rule—To be determined.
Final Rule Effective—To be determined.

Available Documents

"CPSC Staff Briefing Packages," dated November 1977, March 1978, April 15, May 28, 1980, and January 1981, are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

Notice of Denial of Petition from John Purtle, 43 FR 26103, June 16, 1978.

Agency Contact

Carl Blechschmidt, Program Manager
Office of Program Management
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492-6557

CPSC

Upholstered Furniture Cigarette Flammability Standard

Legal Authority

Flammable Fabrics Act. § 4.15 U.S.C. 1193.

Reason for Including This Entry

One of the major causes of death, injuries, and property damage in the United States each year is from fires in upholstered furniture started by burning cigarettes. Appropriate remedial action is needed to address these problems.

Mandatory or voluntary upholstered furniture cigarette flammability standards could reduce this death, injury, and property damage toll. Standards could increase costs for upholstered furniture manufacturers, and these cost increases are likely to be passed on to distributors, retailers, and purchasers.

Statement of Problem

The staff of the Consumer Product Safety Commission (CPSC) estimates that 39,000 upholstered furniture fires occur each year in residences in the United States, 25,000 of which are associated with cigarettes. Our current estimates indicate that 1,500 deaths occur annually because of those fires. Cigarette ignition of residential upholstered furniture causes 1,200 of the deaths. Among other actions, the Commission is considering both mandatory and voluntary cigarette ignition-resistant flammability standards for upholstered furniture.

The Commission staff estimates that the annual losses associated with cigarette ignition of upholstered furniture exceeds $1.3 billion (in 1978 dollars).

Alternatives Under Consideration

The major alternative under consideration is the Upholstered Furniture Action Council's (UFAC) Voluntary Action Program. UFAC believes that manufacturers who agree to build furniture according to the provisions of the UFAC program will produce furniture that can resist ignition by cigarettes. This program provides for the classification of upholstered fabrics into two categories based on their performance in a cigarette-ignition test that UFAC developed. For furniture covered with Class I fabrics (those that are more resistant to cigarette ignition), this voluntary program requires elimination of ignition-prone welt cord (heavy yarn enclosed by fabric around the edges of furniture cushions) and untreated cotton beneath the decking fabric (the material on which a loose seat cushion rests) and in immediate contact with the covering of inside vertical furniture walls. The requirements for furniture covered with Class II fabrics (those that are less resistant to cigarette ignition) are the same as for Class I, with the addition that furniture using Class II fabrics must also avoid contact between conventional polyurethane foam cushions and horizontal seating surfaces. The UFAC voluntary program provides test methods to determine acceptable filling materials (such as treated cotton batting, polyester batting, etc.) for use in furniture.

Tests carried out by CPSC and UFAC during 1979 indicated that the UFAC Voluntary Action Program had a strong potential for significantly increasing the safety (cigarette-ignition resistance) of upholstered furniture. Therefore, the program might substantially reduce the annual loss of life and property damage attributed to cigarette ignition of upholstered furniture. Late in 1979 the Commission voted to defer any regulatory action on the flammability of upholstered furniture in order to determine the effectiveness of UFAC's voluntary program in reducing the ignition of upholstered furniture by cigarettes. This evaluation indicated that the upholstered furniture industry has improved the cigarette-ignition resistance of upholstered furniture. However, further significant improvements are required before upholstered furniture on this retail market can be considered to provide an acceptable level of safety from cigarette ignition.

Another alternative is the proposal of a mandatory performance standard, which is now in draft form. Under this draft proposed mandatory standard, firms would test upholstery fabrics and place them into one of four classes—A through D—on the basis of their resistance to ignition from cigarettes burned on the fabric. Fabric manufacturers would label fabrics according to these classes to show their flammability classification.

Furniture manufacturers would determine furniture constructions suitable for use with the fabric classes by testing mockups of the furniture to demonstrate their resistance to cigarette ignition. The standard would require annual testing and permit manufacturers to use only the combinations of fabric and filling material that did not ignite when the applicable mockup was tested.

On October 21, 1981, the Commission considered the results of the evaluation of the UFAC Voluntary Action Program and voted to defer consideration of any mandatory requirements until such time as ongoing assessments by CPSC of the industry voluntary program indicate a need for such a consideration. The Commission will continue to work with the upholstered furniture industry to further improve the ignition resistance of upholstered furniture.

Summary of Benefits

Sectors Affected: Users of upholstered furniture.

The benefits we expect from the proceeding are related to the loss statistics we cite in "Statement of Problem." We would expect that both the voluntary program and the mandatory standard would result in reductions in future losses from cigarette ignition of upholstered furniture. Staff considers that while the upholstered furniture industry has improved the cigarette-ignition resistance of upholstered furniture, further significant improvements are required before upholstered furniture on the retail market could be considered to provide an acceptable level of safety from cigarette ignition. We expect that modification of the voluntary program could achieve further improvements in cigarette-ignition resistance, thereby resulting in greater reductions in future losses from upholstered furniture fires. The staff previously estimated that the draft proposed mandatory standard could prevent about 86 percent of the losses.

Other benefits that may be related to the voluntary program or the mandatory cigarette-ignition standard are a reduction in losses associated with pain and suffering from burn injuries and a possible increase in the durability of upholstered furniture fabrics as thermoplactics replace cellulosic fibers.

Summary of Costs

Sectors Affected: Upholstered furniture manufacturing; textile mill products manufacturing (particularly cotton and other cellulosic fibers); upholstery shops that sell reupholstered furniture to non-original owners (under a mandatory standard), particularly small establishments in these industries; wholesale and retail trade of upholstered furniture; and users of upholstered furniture.

In 1978 UFAC estimated that its voluntary program would result in increased consumer outlays of $30 million (in 1978 dollars) annually. Based on the material changes that have been made by firms now complying with the program, the staff believes that estimate was reasonable.

In 1978 the CPSC staff estimated that the annual retail cost increase to the consuming public as a result of the mandatory standard that it is considering would range from $114 million to $174 million (in 1978 dollars). However, the preliminary results for the CPSC evaluation of the UFAC program have indicated that many of the technological assumptions upon which these estimates were based need to be modified.

Related Regulations and Actions

Internal: None.

External: The State of California has flammability regulations, parts of which the CPSC standard may preempt. Other States may have similar regulations.

Government Collaboration

The National Bureau of Standards of the Department of Commerce developed the technical basis for the standard.

Timetable

ANPRM—To be determined.
NPRM—To be determined.
Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.
Public Hearing—To be determined.
Public Comment Period—To be determined.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

"CPSC Staff Briefing Packages," November 15, 1978, September 27, 1979, and May 26, 1981, and other applicable material related to upholstered furniture flammability are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

Agency Contact

James Hoebel, Program Manager
Office of Program Management
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492–6453

CPSC

Urea Formaldehyde Foam (UFF) Insulation (16 CFR Part 1306; New)

Legal Authority

Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

Reason for Including This Entry

This investigation is of great public interest because of possible adverse health and safety effects of urea formaldehyde foam (UFF) insulation. It is of special interest to consumers with homes containing the insulation, to consumers considering the purchase of it, and to those who manufacture, distribute, sell, and install it.

Statement of Problem

The Consumer Product Safety Commission (CPSC) is concerned about adverse safety and health effects that may be associated with UFF insulation. This type of home insulation, which is also referred to as urea-based foam insulation or foamed-in-place insulation, is manufactured at the jobsite. Workers drill holes in existing wall cavities and pump in the resin and a foaming agent through pressurized hoses. There are an estimated 500,000 installations of UFF insulation. The Commission has received nearly 2,200 complaints involving an estimated 5,700 people concerning adverse health effects associated with the release of formaldehyde from UFF insulation. Over one-half of these complaints were reported directly to the Commission, and the remainder were referred, mainly by various State agencies. The Commission has complaints from 47 States, and has received 10 or more complaints from 21 States. Most of these complaints involve installations of UFF insulation that occurred after 1977, although a small proportion of installations occurred in 1976 and earlier. In some cases the reactions to formaldehyde gas do not appear for months after installation. Also, any connection between the symptoms and the insulation may be delayed or never recognized by the consumer. As a result, the Commission does not know the exact number of health problems from UFF insulation.

Based on current information, the Commission believes interested persons should be aware of the following reports concerning the possible carcinogenic potential of formaldehyde. Preliminary test results from the Chemical Industry Institute of Toxicology (CIIT), a scientific organization supported by 36 U.S. chemical corporations, show that rats and mice exposed to formaldehyde gas (15 parts per million (ppm)) and rats exposed to 6 ppm formaldehyde gas developed squamous cell carcinomas of the nose. To date no tumors have been reported in rats or mice exposed to the lower concentrations.

The Commission, under the auspices of the National Toxicology Program, convened a panel of eminent scientists from within the Federal Government. This Federal panel assessed the human health implications of this study and the health implications of exposure to formaldehyde. The panel concluded that formaldehyde should be presumed to pose a carcinogenic risk to humans.

The potential for UFF insulation to release formaldehyde may be dependent on the following factors: (1) quality of ingredients in the insulation; (2) age or shelf life of ingredients; (3) viscosities of ingredients; (4) ratios of ingredients; (5) temperatures at which foaming occurs; and (6) mixing of ingredients. Additional factors that may increase the likelihood of liberating formaldehyde are: (1) excess formaldehyde in the resin; (2) excess catalyst in the foaming agent; (3) excess foaming agent; (4) improper ratio of resin to foaming agent; (5) foaming at high humidities; (6) foaming with cold chemicals; (7) dry density of foam exceeding the manufacturer's specifications; (8) application against recommended practice; and (9) improper use or lack of vapor barriers.

The Commission staff has conducted in-depth investigations for over 400 of the consumer complaints and has reviewed over 380 of these investigations. The in-depth investigations reviewed so far have confirmed the presence of UFF insulation and the involvement of a human health problem for over 90 percent of the consumer complaints investigated. Thirty-one persons were hospitalized, primarily for respiratory distress, after UFF insulation was installed. In over one-forth of the investigated cases, involving nearly 100 families, there were reports that some or all of the occupants either vacated, or planned to vacate, all or a portion of the building for various periods of time, or had to delay their move into a home insulated with UFF insulation. Some of these families were advised to leave their homes by their physicians. In about half of the households involved in the consumer complaints, someone sought medical treatment. The health-related symptoms were linked to formaldehyde by a doctor or someone in the medical profession in about 50 of the investigation reports. Non-specific allergic reactions were diagnosed in an additional 30 families. About 40 percent of the reports state the symptoms improve when the victim leaves the insulated environment and reappear after the victim returns to the environment.

Current information suggests that the most common reactions of consumers exposed to formaldehyde gas released from UFF insulation are: (1) eye, nose, and throat irritation; (2) coughing and shortness of breath; (3) skin irritation; (4) headaches and dizziness; and (5) nausea. Persons with respiratory problems or allergies, and especially persons who are allergic to formaldehyde, can suffer more serious reactions.

Although some consumers' reactions to formaldehyde may be so severe that

they seek medical attention, many others may experience a less specific but persistent discomfort that may be mistaken for a cold, allergy, or generally rundown feeling.

In addition to the above effects, current information indicates that formaldehyde is a strong sensitizer, so that certain exposed individuals may become allergic and experience progressively more severe reactions to formaldehyde at very low levels of exposure. Sensitized individuals may find it increasingly difficult to stay in their homes. In some cases, the individual's sensitization to formaldehyde is so severe that even after leaving the home, the consumer may be adversely affected by exposure to very low levels of formaldehyde from other sources. Since there are many sources of formaldehyde exposure, complete avoidance of this exposure may be nearly impossible.

After the UFF insulation is in place it may begin to release formaldehyde, either immediately or after a delay, and may continue to release formaldehyde indefinitely. Available information indicates that heat and humidity may increase formaldehyde emission. Because of these factors, the Commission believes that some consumers who insulate their homes in the winter months may not experience adverse health and safety effects until the summer months.

Alternatives Under Consideration

On January 13, 1981, the Commission proposed a ban on UFF insulation (46 FR 11188, February 5, 1981). The comment period ended on April 6, 1981, and the Commission, after analyzing the comments received, will decide whether or not to make the ban final. The proposed regulation would ban UFF insulation in order to prevent the risk of injury from cancer as well as acute illnesses caused by the release of formaldehyde gas from the product. After the effective date of the final regulation, persons would be prohibited from manufacturing or selling UFF insulation. The ban would not apply to UFF insulation that had been installed before the effective date.

The proposal defines the product that is banned as any cellular plastic thermal insulation material which contains, as a component chemical, formaldehyde, formaldehyde polymers, formaldehyde derivatives, or any other chemical from which formaldehyde can be released.

The definition does not include urethane or styrene foam insulation. These installation materials are rigid in form and are not foamed in place or manufactured at the site of installation.

The proposed ban applies to UFF insulation for use as a consumer product, including UFF insulation that is intended for installation in new homes or residences as well as retrofit applications in existing homes. As proposed, the ban would also apply to UFF insulation that is installed in commercial buildings, recreational facilities, schools, and other public buildings. The Commission included non-residential applications within the scope of the proposal since (1) there is no information showing that the product that is installed in non-residences is different than the product installed in residences, (2) there are some reports of acute health problems associated with non-residences, and (3) there could be some degree of risk to persons exposed to formaldehyde gas released in non-residential applications.

The Commission proposed this ban under the authority provided by § 8 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057).

The Commission staff learned of possible health problems associated with UFF insulation as early as 1976. In October 1976 the Metropolitan Denver District Attorney's Consumer Office filed a petition (CP 77-1) under § 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, requesting the Commission to develop a safety standard under § 7 of the CPSA, 15 U.S.C. 2065, for certain types of home insulation products, including UFF insulation.The petitioner claimed that there is an unreasonable risk of injury of irritation and poisoning associated with UFF insulation. After considering information compiled by the Commission staff, the Commission decided, on March 5, 1979, to defer a decision on the part of the petition relating to UFF insulation and instructed the Commission staff to evaluate additional information on possible means of addressing this alleged unreasonable risk of injury (44 FR 12080).

After gathering additional information, the Commission held public hearings on UFF insulation in Portland, OR; Atlanta, GA; Minneapolis, MN; and Hartford, CT from December 1979 through February 1980 (44 FR 69578, December 3, 1979).

From April 9 to 11, 1980, the Commission staff held a technical workshop on formaldehyde at the National Bureau of Standards. At this workshop, experts from the United States and eight foreign countries presented information on UFF insulation, formaldehyde chemistry, product applications and properties, and measurement and sampling of formaldehyde.

On June 10, 1980, the Commission published a proposed notice to purchasers concerning the potential adverse acute health effects associated with the release of formaldehyde gas from UFF insulation (45 FR 39434). The proposal would have required manufacturers of UFF insulation to give specified technical and performance information to prospective purchasers to assist them in making an informed choice in purchasing the product. The proposal included information concerning the release of formaldehyde gas, symptoms of the acute illness associated with its release, and certain conditions under which the release of formaldehyde gas is more likely. The Commission solicited comments on the proposal and received 63 comments from interested persons.

Also during its 2-year investigation of UFF insulation and consideration of regulatory options, CPSC staff and Commissioners have met with representatives of the Formaldehyde Institute and other industry representatives, including UFF insulation installers, on numerous occasions, including a lengthy public meeting to assess industry data and viewpoints on December 5, 1980.

The CPSC staff recommendation to propose the ban also relied on two advisory reports on the chronic and acute health effects posed by formaldehyde prepared for the Commission by two prestigious bodies of outside experts and a panel ("Federal Panel on Formaldehyde") of 16 Federal experts in health science and cancer research established under the auspices of the National Toxicological Program. The panel's recommendation was based in part on a chemical industry cancer study conducted for 2 years on laboratory animals. The study showed that two different species (rats and mice) developed nasal cancer when exposed to inhalation doses of formaldehyde gas within an order of magnitude of the exposure in residences where UFF insulation has been installed.

CPSC also recently received a report from the Franklin Research Center of Philadelphia, which tested nine separate installations of UF foam under conditions considered by installers to be ideal for minimizing release of formaldehyde gas. The Franklin Research Center discovered that significant amounts of formaldehyde gas were released by all the products that were tested.

The Commission has carefully examined existing standards and manufacturer's specifications for the product, as well as draft standards that recently have been submitted to the Commission. Those standards examined were: Department of Energy standard (1980); Department of Housing and Urban Development Use of Materials Bulletin No. 74 (1977); Dutch Quality Requirements for UFF insulation (1976); British Standards 5617 and 5618 (1978); German Standards DIN 18–159 (Part 2) (1977); and Canadian Standards 51–CP–24M (1977) and 51–CP–22MP (1978). Those standards recently submitted to the Commission were: the National Insulation Certification Institute Voluntary Standard and the Formaldehyde Institute Draft Standard. The Commission preliminarily has concluded that none of these standards or specifications have been shown to addresss adequately the release of formaldehyde from the product and the chronic and acute risk of injury associated with that release. The Commission also concludes at this time that the provisions purporting to reduce formaldehyde emissions are not supported by either a technical rationale or by documentation and experimentation demonstrating their effectiveness. Instead, the ability of manufacturers to avoid complaints of acute illness after the product has been installed is at the present time largely dependent on the skill of the individual installer, and is not something which can be codified in a standard or predictably and reliably duplicated by others. Moreover, even those installations which do not result in complaints of acute illness pose a risk of injury from cancer to consumers exposed to the formaldehyde.

Based on present information, the Commission believes that the technology and support for a standard that would adequately limit the release of formaldehyde from the product to a predictable level is not presently at hand and has not been shown to be readily available in the future.

The Commission has also considered other regulatory alternatives, such as labeling and information disclosure to consumers. However, because of (1) the nature of the product—the fact that it is manufactured at the site of installation and is essentially a nonreturnable product, or one that is removable only at great expense—and (2) the inability to provide notification to subsequent purchasers of the building where the insulation is installed, labeling or disclosures would not adequately address the problem.

The Commission recognizes that banning a product is a serious action. If UFF insulation is banned, the economic consequences to that industry, which is composed of many small businesses, are likely to be severe. At the same time, however, given the unreasonable risk of injury presented by the product, the availability of substitute forms of insulation for nearly all applications, and the fact that there is no feasible standard, including labeling or information disclosure, that would eliminate or adequately reduce the risk the Commission preliminarily concludes that a ban is necessary and is in the public interest. The Commission has included in the proposed rule a procedure for interested persons to apply for an exemption from the ban, based on evidence showing that they have developed a product that will not present an unreasonable risk of injury from the release of formaldehyde gas.

On October 1, 1981, the Commission decided to extend for 130 days (from October 6, 1981) the time in which it must issue a final ban on UFF insulation or withdraw the rule proposed on February 5, 1981. CPSC needs an extension of the period to analyze the complex and voluminous comments submitted in response to the proposal and to publish for public comment additional information obtained during the analysis of the comments received to date. This additional information includes data on off-gasing from UFF insulation panels, a revised risk assessment, and additional economic data. This additional information will be considered by the Commission for publication in the **Federal Register** on November 18, 1981 (46 FR 56762). Once these comments are analyzed early next year, the Commission will decide whether to issue a final ban or to withdraw the proposal.

Summary of Benefits

Sectors Affected: Consumers of UFF insulation, especially persons with respiratory problems and allergies and those sensitized to formaldehyde; and manufacturers, wholesale and retail traders, and installers of UFF insulation.

The benefits we expect from this proceeding are improved public health and safety resulting from the reduction of consumer exposure to formaldehyde released from UFF insulation.

The Commission staff estimates in the ban proposal that the lifetime risk of injury from cancer to consumers resulting from the release of formaldehyde gas from UFF insulation is that up to 150 people may develop cancer among the population of 1.75 million persons exposed to formaldehyde in residences that have been insulated with UFF insulation from 1975 to 1980. Although this estimate reflects the limitations and uncertainties of data, it does provide a measure of the magnitude of the problem associated with the levels of formaldehyde to which consumers are exposed from UFF insulation.

In preparing the risk assessment for the proposed ban on the UFF insulation, the Commission staff relied upon the model used by the Federal panel to assess the risk of nasal tumors in rats caused by the inhalation of formaldehyde insulation.

In considering the potential benefits of a ban in reducing the future incidence of cancer, the Commission has relied upon a risk assessment, which was discussed in the proposal, concerning the degree of the risk of injury for chronic hazards. Based on a projection of 75,000 installations of UFF insulation in 1980 as well as the information in the risk assessment, approximately 262,500 persons would be at risk from the projected 1980 residential installations of UFF insulation. Based on the upper estimation of risk (.000086), approximately 23 of these persons may develop cancer as a result of their exposure.

If the estimated value of foregone energy savings (discussed in the "Summary of Cost" section) is compared to the estimated risk of 23 cases of cancer that might eventually result from these installations each year, based on the upper value of the estimated range of risk, the calculated cost of foregone energy savings per cancer avoided would range from $70,000 to $226,000 per year in 1980 dollars.

This range compares only the benefits of avoided incidences of cancer to estimated foregone energy savings. Although additional benefits cannot be reliably quantified, a ban would also benefit society in the following ways: (1) avoidance of the cost of lives lost and the medical and social costs for treatment of cancer; (2) reducing the costs of adverse acute health effects caused by formaldehyde; (3) avoidance of the costs of remedial measures to attempt to correct problems in future installations, including the costs of removing foam from residences; and (4) avoidance of costs incurred due to time lost from work, rental of other residences, and costs of litigation involving installations.

When the benefits of avoided incidences of cancer and the additional benefits described above are considered

in relationship to the facts that the ban is likely to result in a relatively minor impact to the economy as a whole, and will result in minimal energy losses because of the ready availability of substitute types of insulation for most applications, the Commission has preliminarily concluded that the benefits of the ban do bear a reasonable relationship to, and do in fact justify, the costs of the regulatory action.

The Commission staff believes that there are substitutes for most, but not all, uses of UFF insulation.

In narrow-cavity walls of residences (which represent 10 to 15 percent of the current total residential UFF installations), other types of cavity insulation may not be feasible at this time, although alternatives are under development now and may become widely available in 1 to 2 years. Insulation of these walls can now be done either on the interior or exterior side, although it is not likely that alternative materials would be used frequently. Such materials may be more likely to be used in non-residential, narrow-cavity walls.

Each of the UFF-insulated homes is a potential source of formaldehyde exposure. The Commission is not aware of a practical solution that has been demonstrated to be effective in all instances to the problems from release of formaldehyde gas from UFF insulation. Some of the remedial measures that have been suggested by industry representatives include ventilation by opening windows and doors and turning on air conditioners, the use of ammonia or other chemicals to neutralize formaldehyde gas, painting interior walls with an oil-base paint to keep formaldehyde gas out of the living areas of the home, and the use of chemically treated air filters to absorb formaldehyde gas. These remedies have not been successful in all cases. In some instances, persons have successfully eliminated problems by removing the UFF insulation after it has hardened. However, since this remedy requires removal of the interior walls of the homes, it can be a very expensive solution. The Commission has also received reports that in some instances, formaldehyde gas problems have continued even after the UFF insulation has been removed. Also the proposed ban may result in or cause some firms a decrease in the number of complaints, costs of remedial measure to correct installations involving complaints, law suits involving adverse health effects, and unfavorable publicity.

Summary of Costs

Sectors Affected: Manufacturers, importers, wholesale and retail traders, installers, and consumers of UFF insulation; and the general public.

The economic effects of a ban of UFF insulation would fall on: (1) UFF chemical manufacturers and supplies of imported UFF chemicals; (2) UFF insulation contractors who manufacture the product at the site of installation; and (3) consumers and the public at large, in the direct effect of foregone energy savings, and the indirect effect of reduced real estate values.

The major anticipated economic impacts of a ban for manufacturers and importers of the urea formaldehyde foam component materials are in lost revenues and unemployment. If the total number of residential installations of urea formaldehyde foam per year in the absence of a ban is 60,000 to 80,000, suppliers of the materials used to make UFF insulation would have a loss in sales that corresponds to the value of the materials in these installations. If the lost revenues are calculated by multiplying the estimated value of the chemicals used by the number of installations, the lost sales would be $12 million to $20 million per year (in 1980 dollars). If the lost revenues are calculated as percentage of the retail value of the installed product, then the estimated lost sales would be from $11 million to $40 million per year.

When the Commission staff prepared its preliminary economic assessment (November 1980), available information indicated that 30, and possibly more, companies in the United States either manufactured urea formaldehyde foam chemicals or distributed imported urea formaldehyde foam chemicals. Information available in preparing the assessment showed that the ten largest companies may supply 85 to 90 percent of the resin used for UFF insulation. Information presented to the Commission in December 1980 by industry representatives indicate that there were nine U.S. firms manufacturing component materials for UFF insulation, and that there were ten U.S. firms that were either private labelers of component materials or distributors of materials produced by domestic or foreign firms at that time.

In September 1981 an industry representative informed the Commission's staff that as few as four firms were still manufacturing or supplying UFF insulation materials. Although UFF insulation sales have increased in recent years, the remaining suppliers may still derive a substantial percentage of their revenues from the material. Some may go out of business unless they can diversify their operations. Some major manufacturers and suppliers of urea formaldehyde foam chemicals have gone out of business because of reduced demand for UFF insulation or anticipated problems in marketing the product in the future. Based on information as of September 1981, the maximum impact of a ban for manufacturers and distributors of the component materials used to make UFF insulation may be the exodus of about four firms from the industry, with a loss in employment of perhaps 50 persons.

The major anticipated economic impacts of a ban for persons installing UFF insulation will be in the form of a loss of revenues and reduced employment.

Available information indicates that there has been a substantial decline in the number of installers in the last several years. As of April 1980, the best available estimates were that there were approximately 1,500 to 2,000 active installers, and that approximately an equal number of persons had the necessary equipment to install the product but were not installing UFF insulation. Industry sources estimated that the number of active installers had fallen to between 600 and 800 in January 1981 and to between 200 to 250 in September 1981. A survey of insulation contractors in September 1981 by Commission staff indicated that nearly all current UFF insulation installers have other sources of revenue, such as the installation of other types of insulation, roofing, siding, and storm windows. These findings are consistent with information given to the Commission at the time of the proposed ban; however, several of these firms still receive a significant percentage of their total revenues from UFF insulation.

Based on an estimated total annual retail value of $43 million to $120 million (in 1980 dollars) for 60,000 to 80,000 UFF insulation installations per year and on the assumption that 1,500 to 2,000 installers would be active in the absence of a ban, the average number of annual installations per firm would range from 30 to 50. The average gross revenues per firm would range from $30,000 to $80,000 per year (in 1980 dollars). The actual gross revenues may be greater or less than this amount for individual installers. The overall impact of a ban on each installer would depend on the extent to which total revenues are derived from UFF insulation jobs and the extent to which lost revenues may be compensated by increased installation of other types of insulation

materials or other home improvement operations. (However, the Commission does not have current information on UFF insulation activity that would allow precise estimates of average installation rates of revenues for these firms.)

Information provided by insulation contractors at the time of the proposal indicates the there may have been from 3 to 15 employees per firm who install UFF insulation. According to UFF insulation installers surveyed in September 1981, the average number of employees that install the insulation was then slightly more than four per contractor. The number of employees who would lose their jobs as a result of a ban would vary depending on whether these employees could be used in other activities. Some of the contractors contacted by the staff who are no longer installing UFF insulation indicated that they were able to use these employees in other activities and were not forced to lay them off when they discontinued use of UFF insulation. However, where UFF insulation represents a substantial portion of the firm's revenue, layoffs are more likely to result.

At the time of the proposed ban 75,000 installations were projected for 1980, and the estimated total energy savings for UFF insulation ranged from 2.7 trillion to 3.4 trillion Btu's annually. These savings have an estimated value between $16 million and $20 million of 1980 energy prices. This may be less than .005 percent of national energy use. More recent information indicates that 1980 residential installations may have been closer to a range of 25,000 to 30,000. Annual installations may not total 75,000 in the absence of a ban. Therefore, energy savings per year may be less than projected in the proposed ban.

Present information indicates that the walls of most residences now being insulated with urea formaldehyde foam could be insulated with alternative insulating materials. In approximately 10 to 15 percent of the residences, the wall cavities may be so narrow that alternative materials are inadequate. However, because these homes have narrow wall cavities, the energy savings from UFF insulation in these homes would probably be less than in homes with deeper wall cavities. The Commission staff estimates that the total annual energy savings for UFF insulation in these residences in 1980 could range from 35 to 87 billion Btu's with a value of $204,000 to $518,000 at 1980 energy prices. These foregone energy savings would be repeated for each year that insulation is not installed.

A ban could also have the indirect result of discouraging installation of alternative types of wall insulation in some homes in which the alternative types of insulation are suitable because of a decline in the solicitation of insulation jobs or a decision by consumers not to have other types of insulation installed. However, where other types of insulation are suitable, the energy losses are less likely to be continued in later years, since consumers are able to insulate and are more likely to do so as they consider their energy losses. For this reason, and because the failure to insulate these residences would be an indirect result of a ban, the foregone energy savings in those home where alternative types of insulation are less suitable should be given greater emphasis.

The cumulative foregone energy savings after the ban becomes effective cannot be precisely determined because of uncertainty about: (1) the number of UFF insulation installations in future years in the absence of a ban; (2) the total number of uninsulated residences; and (3) the development of new alternative wall cavity insulating materials in the future that may also be suitable for the small percentage of installations for which urea formaldehyde foam is now reportedly the only available insulating material.

A ban of UFF insulation could have an adverse effect on the resale value of residences or other buildings that have been insulated with UFF insulation. Since the ban is not retroactive and does not directly affect products that have already been installed, this impact would be a secondary, rather than a primary impact of the ban. A decline in real estate values of homes insulated with UFF insulation could also occur in the absence of a ban, though to the extent that it does, such losses in value would not be attributable to the ban. At the present time, there is insufficient information to accurately estimate the magnitude of these effects, if any.

If the Commission bans UFF insulation, consumers who have already had the product installed may increase their efforts to have the insulation removed. This increase in efforts may lead to greater costs incurred by urea formaldehyde foam chemical manufacturers and installers in litigation or in taking remedial measures. Although these costs could be a significant factor in the overall economic impact of a ban, at the present time there is insufficient information to estimate their magnitude, if any.

Related Regulations and Actions

Internal: None.

External: The Commission is aware of the following actions taken by State and Federal agencies concerning UFF insulation:

(1) Based on the risk of acute illness presented by the product, the State of Massachusetts has declared UFF insulation to be a banned hazardous substance and has required the removal of UFF insulation from commerce in that State. The Massachusetts ban became effective November 14, 1979. The Massachusetts regulations are currently in litigation, although the ban itself is in effect during this litigation. The State has issued repurchase provisions for the ban, effective November 20, 1980. These provisions allow homeowners who have had their homes insulated with UFF insulation to have the foam removed at the manufacturer's expense if at least one occupant of the structure has suffered adverse health effects which occurred or were aggravated after exposure to the UFF insulation.

(2) On June 2, 1981, the Governor of Connecticut signed into law a ban on UFF insulation.

(3) The Office of the Attorney General of the State of Colorado issued a warning on December 4, 1978 about potential acute health hazards to consumers who have purchased UFF insulation. On September 17, 1980, the State banned UFF insulation in State-licensed buildings. Arvada County banned UFF insulation in 1978. The city of Denver requires homeowners to sign a statement presented by the installer that they are aware UFF insulation is being installed in their home and that there could be possible health effects from the insulation. Denver County has adopted a prohibition against the use of UFF insulation in new or existing construction.

(4) In Minnesota, the legislature enacted a law requiring the Commissioner of Health to determine if a significant health problem is presented by the use of building materials, including UFF insulation, that emit formaldehyde gas. On May 22, 1980, the Commissioner of Health declared that because of problems of acute toxicity, the use of building materials which give off formaldehyde vapor can be a "significant health problem" under certain circumstances. On June 23, 1980, a temporary rule was proposed which will establish a maximum limit of 0.4 parts per million of formaldehyde for the air inside newly constructed dwelling units. An injunction has been filed against the State to stop this rulemaking.

(5) In Maine, installers are required to inform prospective purchasers that UFF insulation may release formaldehyde gas into the home for long periods after installation; that it may cause eye, nose, and throat problems; that people with allergies or respiratory problems may be particularly susceptible; and that UFF insulation is not recommended for attic spaces and interior walls. The State also requires real estate brokers, when listing a residence for sale, to make an attempt to determine what insulation is in the house and to inform prospective buyers

of the determination. If UFF insulation is present, a disclosure similar to the warning statement above must be given to the prospective buyer.

(6) On July 1, 1981, the State of Rhode Island issued a requirement for UFF insulation installers to give purchasers a statement on the possibility of adverse health effects from exposure to UFF insulation.

(7) On March 31, 1981, New York State requirements became effective whereby a written warning notice must be given to purchasers of UFF insulation or to the owner of a building in which UFF insulation is installed. The New York city building department has removed UFF insulation from its list of approved buildings materials, thereby causing a *de facto* ban.

(8) In August 1981 the State of New Hampshire issued requirements for a warning label on possible health hazards to be posted on the premises by the installer while work is in progress.

(9) In Pennsylvania three State bills are pending: one to ban UFF insulation, another to grant financial relief to homeowners with installed UFF insulation, and another to require a warning notice disclosing acute problems associated with the insulation.

(10) On October 1, 1981, a Wisconsin standard became effective that does not allow formaldehyde vapors in mobile homes to exceed .4 parts per million.

(11) Many local governments have regulations banning or controlling the use of UFF insulation. Some have already been mentioned, such as Denver and Arvada counties in Colorado and the cities of New York and Denver. Others are Euclid, OH, which has an ordinance prohibiting the sale or use of UFF insulation; Las Vegas, NV, which has a ban on the use of UFF insulation in residential and commercial buildings, except on exterior surfaces; and the city of Seattle, WA, whose Housing Authority has prohibited the use of UFF insulation in low-cost housing.

(12) The Canadian government has adopted a temporary ban of further sales of UFF insulation, effective in December 1980, because of the acute and chronic risks of injury associated with the product.

(13) The Department of Housing and Urban Development has issued a Use of Materials Bulletin (UMB #74, October 13, 1977) for UFF insulation. UMB #74 explains the conditions under which HUD will accept the product and stipulates certain limitations for its use in new home construction. On August 28, 1981, HUD published its ANPRM "Formaldehyde Emissions in Manufactured Homes" (46 FR 43466).

(14) On May 29, 1980, the Small Business Administration (SBA) informed the Commission that the SBA declined to make small businesses in the UFF insulation industry eligible for financial assistance under the Economic Dislocation Loan Program. SBA determined that the problems affecting the industry are not due to direct governmental actions but were caused by adverse publicity resulting from improper installation of the product by dealers.

(15) On September 25, 1980, the Department of Energy (DOE) published interim final material and installation standards for UFF insulation (45 FR 63786). These standards are now in effect. DOE stated in the preamble to the regulation that if significant new information arises, DOE will be able to take whatever action is appropriate, including, if necessary, banning UFF from the Residential Conservation Service Program (45 FR 63787). DOE also stated that its regulations will conform with any legal action taken by the Commission with respect to UFF insulation (45 FR 63787). The DOE regulations include a required notice to consumers that is similar to the notice proposed by the Commission.

On January 27, 1981, DOE proposed (46 FR 8997) to either amend their interim standard for UFF insulation or to ban the installation of UFF insulation under the Residential Conservation Service Program.

Government Collaboration

The National Academy of Sciences (NAS), in a 10–month comprehensive analysis of existing formaldehyde research in the international health community prepared for the Commission in March 1980, recommended that consumer exposure to formaldehyde be reduced to the lowest practical level.

In November 1980 a panel of 16 Federal experts in health science and cancer research advised the Commission that formaldehyde should be presumed to pose a risk of cancer for human beings.

The Commission has also conducted research with the Department of Energy to help determine why formaldehyde gas is released from UFF insulation and whether there are means of preventing such release. The Commission has also received a completed economic study, conducted by a contractor, concerning the major uses of formaldehyde in consumer products, including UFF insulation. The study also provides an overview of the production of and market for formaldehyde. The Commission has kept the Environmental Protection Agency and other Federal agencies informed of its activities on UFF insulation.

The Commission staff has had meetings with the National Association of Urea-Foam Insulation Manufacturers, the National Insulation Certification Institute, and the Formaldehyde Institute (including the National Particleboard Association and the Hardwood Plywood Manufacturers Association).

Timetable

Proposed Ban and Denial of Petition—46 FR 11188, February 5, 1981.

Public Comment Period—February 5, 1981 to April 6, 1981.

Public Hearing—March 20, 1981.

Public Comment Period (on additional technical, scientific, and economic data acquired by the Commission)—Ended December 18, 1981.

Commission Decision (on petition to issue a standard and whether to issue a final ban or to withdraw the proposal)—February 1982.

Regulatory Flexibility Analysis—January 1981.

Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.

Final Rule—To be determined.

Final Rule Effective—30 to 180 days after any final ban is published.

Available Documents

CPSC staff Briefing Packages dated November 2, 1979, April 23, 1980, September 2, 1980, and November 18, 1980 (includes economic impact report and public comments, from comment period February 5 to April 6, 1981) are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

"Public Hearings Concerning Safety and Health Problems That May Be Associated With Release of Formaldehyde Gas From Urea Formaldehyde Foam Insulation," 44 FR 69578, December 3, 1979.

"Urea-Formaldehyde Foam Insulation Proposed Notice to Purchasers," 45 FR 39434, June 10, 1980.

Regulatory Flexibility Analysis, January 1981.

"Urea-Formaldehyde Foam Insulation; Proposed Ban; Denial of Petition," 46 FR 11188, February 5, 1981.

These documents are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

Agency Contact

Harry Cohen, Program Manager
Office of Program Management
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492–6453

CHAPTER 5—HUMAN RESOURCES

ED–OCR

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance 1858

ED–OCR

Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance 1859

ED–OPE

Institutional Aid Programs 1860

ED–OSERS

Assistance to States for Education of Handicapped Children .. 1861

HHS–OHDS/DOL–ETA

Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act 1862

HUD–CPD

Community Development Block Grants (CDBG)—Entitlement ... 1864

HUD–CPD

Community Development Block Grants—Small Cities Program 1865

HUD–CPD

Environmental Review Procedures for Title I, Community Development Block Grant Programs 1866

HUD–HOUS

Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program 1869

HUD–HOUS

Public Housing Lease and Grievance Procedures 1870

HUD–HOUS

Revision to Public Housing Utility Allowances 1871

DOJ–CRD

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs 1873

DOJ–CRD/EEOC

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds 1875

DOJ–CRD

Regulation Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs ... 1876

DOJ–CRD

Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance 1878

DOL–ESA

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" 1879

DOL–ESA

Labor Standards for Federal Service Contracts 1881

DOL–ESA

Labor Standards Provisions, Davis-Bacon and Related Acts 1882

DOL–ESA

Office of Federal Contract Compliance Programs, Government Contractors' Affirmative Action Requirements 1884

DOL–ETA/HHS–OHDS

Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act 1862

DOL–LMSA–PWBP

Definition of Plan Assets and Establishment of Trust 1886

DOL–LMSA–PWBP

Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans 1887

DOL–LMSA–PWBP

Individual Benefit Reporting and Recordkeeping for Single Employer Plans 1889

DOT–OST

Nondiscrimination on the Basis of Handicap 1890

EEOC/DOJ–CRD

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds 1875

EEOC–OPI

Guidelines on Discrimination Because of Sex; Sexual Harassment 1893

EEOC–OPI

Uniform Guidelines on Employee Selection Procedures 1894

GSA–ADM

Nondiscrimination in Federally Assisted Programs 1895

GSA–PBS

Federal Space Management 1899

OPM–OPE

Standards for a Merit System of Personnel Administration 1900

DEPARTMENT OF EDUCATION

Office for Civil Rights

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance (34 CFR Part 104; Review)

Legal Authority

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.

Reason for Including This Entry

The Department of Education (ED) includes this entry because the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The regulations in 34 CFR Part 104 implement § 504 of the Rehabilitation Act of 1973, which prohibits discrimination against any "otherwise qualified handicapped individual" in any program or activity receiving Federal financial assistance. For those programs and activities funded by ED, the Office for Civil Rights has compliance and enforcement responsibilities.

The Presidential Task Force on Regulatory Relief expressed concern about the application of these regulations to institutions administering

programs receiving Federal financial assistance. In particular, the Task Force cited excessive compliance costs and the diversion of resources from the education of handicapped individuals because of administrative and recordkeeping costs.

The ED Office for Civil Rights has initiated a review of these regulations. As a result of this review, amendments to these regulations are anticipated that will reduce fiscal and administrative burdens on all recipients of ED assistance.

Alternatives Under Consideration

The amendments ED expects to propose are in the planning stage. Therefore, it is not clear what alternatives will be considered. Public comments will be requested when specific amendments are proposed in order to assure that the Department considers all possible alternatives.

The amendments to the § 504 regulations being considered concern employment discrimination, accessibility to education facilities, and accessibility of publicly funded television programming to the hearing impaired, as well as administrative provisions of the regulations.

Summary of Benefits

Sectors Affected: Persons subject to discrimination on the basis of handicap in any program or activity receiving or benefiting from Federal financial assistance furnished by ED; and any agency, institution, organization, or person operating a program or activity that receives Federal financial assistance from ED.

These regulations provide that no qualified handicapped person shall, on the basis of handicap, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance furnished by ED.

All handicapped persons benefit by being free from discrimination. At this time ED is unable to provide precise data on the number of handicapped persons who are beneficiaries of these regulations or to quantify the benefits received. However, statistical information on handicapped and disabled persons in the population can be found in the "Digest of Data on Persons With Disabilities," prepared under contract to the Congressional Research Service of the Library of Congress and available from the U.S. Government Printing Office (Stock No. 017-080-0050-0).

Summary of Costs

Sectors Affected: Any agency, institution, organization, or person operating a program or activity that receives Federal financial assistance from ED. Included among the sectors affected by these regulations are State educational agencies, approximately 16,000 local educational agencies, and institutions of higher education.

The ED Office for Civil Rights is currently investigating the costs of compliance with these regulations but is unable to provide estimates of these costs at the present time. The costs imposed by the existing regulations and any amendments proposed will be considered in determining the appropriateness of preparing a Regulatory Impact Analysis in accordance with Executive Order 12291.

Summary of Net Benefits

Benefits accruing to handicapped individuals through enforcement of the discrimination prohibition in § 504 are not quantifiable in financial terms. However, it is expected that amendments made in these regulations as a result of this review will reduce compliance and administrative costs for educational agencies and other recipients of ED assistance.

Related Regulations and Actions

Internal: Multiple amendments to Part 104 are anticipated before completion of the review.

External: Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, November 2, 1980 (45 FR 72995; November 4, 1980).

Government Collaboration

These regulations are subject to review by the Department of Justice in accordance with Executive Order 12250.

Timetable

NPRM—June 1982.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Public Hearing—To be determined.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

45 CFR Part 84 was published on May 4, 1977 at 42 FR 22677. It was transferred and redesignated as 34 CFR Part 104 on November 21, 1980 at 45 FR 77368.

Agency Contact

Antonio J. Califa, Director
Litigation, Enforcement, and Policy Service
Office for Civil Rights
Department of Education
Switzer Building, Room 5054
400 Maryland Avenue, S.W.
Washington, DC 20202
(202) 245-2184

ED-OCR

Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance (34 CFR Part 106; Review)

Legal Authority

Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*

Reason for Including This Entry

The Department of Education (ED) includes this entry because the Presidential Task Force on Regulatory Relief has designated a policy interpretation of these regulations for review.

Statement of Problem

These regulations implement Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any education program or activity that receives Federal financial assistance.

The Presidential Task Force on Regulatory Relief expressed concern about the application of a policy interpretation of Title IX and its implementing regulations relating to intercollegiate athletic programs. In particular, the Task Force cited requirements for recordkeeping, overall coverage of intercollegiate athletics programs, and comparable expenditures for both sexes as areas for review.

The ED Office for Civil Rights (OCR) has initiated a review of the policy interpretation. As a result of this review, we anticipate making amendments to the regulations that will reduce fiscal and administrative burdens on recipients of Department assistance.

The review of civil rights regulations enforced by OCR is a major project because of the complexity of the issues and the broad scope of the regulations, rules, and policy statements. In conducting our review, OCR will be guided by President Reagan's Executive Order 12291, the requirements of the Regulatory Flexibility Act, and the Paperwork Reduction Act of 1980.

Alternatives Under Consideration

We will request public comments on any proposed amendments to Part 106 to assure that the Department considers all possible alternatives.

Our goal is to reduce unneccessarily costly and burdensome regulatory compliance and recordkeeping requirements. Additionally, OCR will study the role of State and local authorities in civil rights enforcement. Through the regulations review process, OCR will develop models for increased involvement of the States and localities in the areas of monitoring and enforcement.

Summary of Benefits

Sectors Affected: Persons subject to discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance furnished by ED; and any agency, institution, organization, or person operating an education program or activity that receives Federal financial assistance from ED.

ED is unable to provide precise data on the number of beneficiaries of these regulations or to quantify the benefits to individuals from nondiscrimination.

The potential beneficiaries of our review of the Title IX policy interpretation and these regulations are recipients of ED financial assistance.

OCR's goal is to reduce the burden of Federal regulations while ensuring compliance with the civil rights laws enforced by OCR.

Summary of Costs

Sectors Affected: Any agency, institution, organization, or person operating an education program or activity that receives Federal financial assistance from ED. Included among the sectors affected by these regulations are State educational agencies, approximately 16,000 local educational agencies, and institutions of higher education.

The costs imposed by these regulations will be considered in determining the appropriateness of preparing a Regulatory Impact Analysis in accordance with Executive Order 12291. However, the ED Office of Civil Rights is unable to provide estimates of the costs of compliance with these regulations at the present time.

Summary of Net Benefits

Benefits accuring to individuals through enforcement of the sex discrimination prohibition in Title IX are not quantifiable in financial terms. However, it is expected that amendments made in these regulations as a result of this review will reduce costs for educational agencies and other recipients of financial assistance while continuing to provide protection against sex discrimination.

Related Regulations and Actions

Internal: An NPRM revoking a provision in 34 CFR Part 106 prohibiting discrimination in the application of codes of personal appearance was published on April 23, 1981 at 46 FR 23081. Other amendments to Part 106 may be proposed as a result of the Secretary's commitment to review all ED regulations.

External: Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, November 2, 1980 (45 FR 72995, November 4, 1980). DOJ proposed regulations on sex discrimination at 45 FR 41001, June 17, 1980 (28 CFR 42.701–.771).

Government Collaboration

These regulations will be submitted to the Department of Justice for review in accordance with Executive Order 12250.

Timetable

NPRM—June 1982.
Final Rule—Date to be determined.
Final Rule Effective—Date to be determined.
Public Hearing—To be determined.
Public Comment Period—To be determined.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

45 CFR Part 86 was published on June 4, 1975 at 40 FR 24128. It was transferred and redesignated as 34 CFR Part 106 on November 21, 1980 at 45 FR 77368.

A policy interpretation of Title IX intercollegiate athletic provisions and implementing regulations was published at 44 FR 71413 on December 11, 1979.

Agency Contact

Antonio J. Califa, Director
Litigation, Enforcement, and Policy Service
Office for Civil Rights
Department of Education
Switzer Building, Room 5054
400 Maryland Avenue, S.W.
Washington, DC 20202
(202) 245–2184

ED—Office of Post-Secondary Education

Institutional Aid Programs (34 CFR Parts 624, 625, 626, and 627)

Legal Authority

Title III of the Higher Education Act of 1965, §§ 301–347, as amended by P.L. 96–374, 20 U.S.C. 1051–1069c.

Reason for Including This Entry

The Department of Education (ED) includes this entry because these regulations concern issues of great public interest in this program.

Statement of Problem

The regulations the Department has proposed are necessary to implement Title III of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

Title III provides Federal financial assistance to institutions of higher education to solve problems that threaten their ability to survive and to stabilize their management and fiscal operations so that they may become self-sufficient.

Beginning in fiscal year 1982–83 eligible institutions will be able to apply for funding under the following three new grant programs:

- The Strengthening Program, which provides Federal assistance to institutions in order to improve their academic quality, institutional management, and fiscal stability.
- The Special Needs Program, which provides Federal assistance to institutions with special needs in order to strengthen their planning, management, and fiscal capabilities.
- The Challenge Grant Program, which provides Federal assistance on a matching basis as an incentive for eligible institutions to seek alternative sources of funding.

These programs provide funds to plan, develop, and implement activities for: the development of academic programs and faculty; administrative management; acquisition of equipment for use in management of funds and academic programs; joint use of facilities such as libraries and laboratories; and student services.

Federal assistance under these programs is not intended to supplement the operating expenses of grantees or to supplant what an institution would otherwise spend to carry out activities allowed under the programs. The purpose of these programs, rather, as expressed in § 301 of the Higher Education Act, is to assist eligible institutions to carry out activities that

enable them to become "viable, thriving institutions of higher education," i.e., self-sufficient institutions.

Alternatives Under Consideration

These regulations are necessary to implement the eligibility requirements and establish the application procedures and selection criteria for the programs of institutional aid established by the Education Amendments of 1980. We particularly requested comments on the definition of a "substantial percentage" of recipients of need-based student assistance used to establish eligibility for the Strengthening and Special Needs programs and on further opportunities to reduce regulatory burdens.

The public comment period on the proposed regulations closed September 18, 1981. The comments received will be considered in issuing final regulations.

Summary of Benefits

Sectors Affected: Institutions of higher education.

In reenacting the Title III program, Congress recognized that many institutions of higher education face the problems of declining enrollments and scarce resources, which threaten their ability to survive. In addition, many institutions also face problems stemming from ineffective administrative and fiscal management, as well as an inability to engage in long-range planning, recruitment, and development activities. The money provided to institutions under the Title III programs enables them to develop and implement a comprehensive, long-range development plan in order to strengthen their academic quality and institutional management and to promote self-sufficiency and growth. Activities that may be funded as part of such a plan include faculty and curriculum development, student services, and fiscal and administrative management development. For example, grants may be awarded to institutions of higher education to: improve their career counseling and placement services; develop curriculum in new areas; establish an integrated management information system; and develop institutional research offices.

In general, eligible recipients are institutions that are providing higher education to substantial numbers of persons from low-income families and that do not yet have sufficient resources to provide adequate management, improve academic programs and student services, or upgrade the quality of their faculty members.

Both 2-year and 4-year public and non-profit private colleges are eligible for funding under all the programs. In addition, certain graduate schools and certain medical schools are eligible for funding under the Challenge Grant Program. Both the Strengthening Program and Special Needs Program provide for grants to institutions in cooperative arrangements. A cooperative arrangement is an agreement under which two or more eligible institutions share or combine resources and otherwise cooperate in order to carry out the purposes of the Institutional Aid Programs more efficiently and effectively than if each institution were to conduct those activities separately.

It has been estimated that 375 to 400 awards will be made under Title III in fiscal year 1982:

- 203 under the Strengthening Program.
- 213 under the Special Needs Program.
- 15 under the Challenge Grant Program.

Further, it has been estimated that:

- Planning grants awarded under the Strengthening and Special Needs programs will range between $30,000 and a maximum of $50,000.
- Short-term development grants under the Strengthening Program will range between $50,000 and a maximum of $150,000 per year.
- Long-term development grants awarded under the Strengthening and Special Needs program will range between $200,000 and a maximum of $600,000 per year.
- Grants awarded under the Challenge Grant Program will range between $150,000 and a maximum of $750,000 per year.

The Administration requested an appropriation of $129.6 million for FY 1982 for the Title III programs.

Summary of Costs

Sectors Affected: Institutions of higher education.

Before an institution may receive a grant, it must submit an application to determine if it is eligible to receive Title III funding.

We estimate that:

- The applications for grants under the Strengthening Program, the Special Needs Program, and the Challenge Grant Program will each require an average of 91 person-hours to complete.
- The request for designation as an eligible institution under the Institutional Aid Programs will require an average of 0.5 person-hours to complete.

The authorizing legislation also requires an applicant to develop a long-range comprehensive development plan.

Summary of Net Benefits

Institutions are expected to apply for planning grants to defray the expense of preparing comprehensive development plans. Therefore, this item should not represent a real cost to grant recipients. Benefits to grant recipients will far exceed application and program administration costs.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—46 FR 37470, July 20, 1981.
Public Comment Period—Ended September 18, 1981.
Final Rule—January 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

Public comment file. All comments submitted in response to these proposed regulations are available for public inspection in Room 3045, ROB-3, Seventh and D Streets, S.W., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

Agency Contact

Alfreda M. Liebermann, Chief
Policy and Planning Section
Division of Institutional Development
Office of Postsecondary Education
Department of Education
L'Enfant Plaza
Post Office Box 23868
Washington, DC 20024
(202) 245-2384

ED—Office of Special Education and Rehabilitative Services

Assistance to States for Education of Handicapped Children (34 CFR Part 300; Review)

Legal Authority

Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, 20 U.S.C. 1411-1420.

Reason for Including This Entry

The Department of Education (ED) includes this entry because the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

Under Part B of the Education of the Handicapped Act, as amended, State educational agencies may apply for and receive entitlement grants to assist them in educating handicapped children.

The primary goal of this program is to assist States, and ultimately local educational agencies, to provide full educational opportunities to all handicapped children. It is designed to aid in the initiation, expansion, and improvement of programs and projects for the handicapped at the preschool, elementary, and secondary levels.

The statute authorizes formula grants to States based on the number of the handicapped child population aged 3 through 21 who are receiving special education and related services multiplied by a percentage of the national average per-pupil expenditure. These grants help the States defray the excess costs of educating handicapped children.

Congress appropriated $874,500,000 for this program in fiscal year 1980 and the same amount in fiscal year 1981.

Alternatives Under Consideration

These regulations are still under review by ED. Therefore, it is not clear what amendments to the regulations we will propose. One alternative to the present regulations would be to write minimal regulations directly incorporating the basic wording or substance of the statute and interpreting the statutory provisions only where the statute is not clear. On the other hand, our review may indicate that few changes should be made in the regulations because they provide necessary guidance.

Summary of Benefits

Sectors Affected: State and local educational agencies and handicapped children and their parents.

As a result of this review, proposed amendments to the regulations are anticipated that will reduce fiscal and administrative burdens on recipients by deleting regulatory provisions imposing burdensome procedural and reporting requirements. Responsibility for certain decisions concerning procedures and recordkeeping would be returned to State and local educational agencies, and more resources would be available for educational purposes.

Summary of Costs

Sectors Affected: State and local educational agencies.

As a condition of receiving assistance under this program, a State must provide a free, appropriate public education, along with certain other rights and protections, to its handicapped children. Any State requesting a grant is required to submit a State plan to the Secretary of Education through its State educational agency.

The review of these regulations by the Department has indicated that unnecessary cost burdens may be imposed by certain other regulatory provisions that exceed specific statutory requirements (e.g., information that we require State agencies to obtain in local educational agency applications). A Regulatory Impact Analysis is being prepared by the Department to evaluate the costs involved.

Summary of Net Benefits

We are preparing a Regulatory Impact Analysis on these regulations to determine what percentage of the $874,500,000 appropriations in fiscal years 1980 and 1981 was spent to meet administrative and recordkeeping requirements. Our goal is to review and, where necessary, amend the regulations in order to reduce regulatory burdens and costs while continuing to comply with the authorizing statute. If costs imposed by the regulations can be reduced, more money will be available for educating handicapped children.

Related Regulations and Actions

Internal: The Office of Special Education and Rehabilitative Services (OSERS) has scheduled all existing Department regulations for which it has responsibility for review in order to reduce regulatory burden. OSERS regulations are published in 34 CFR Parts 300–399.

External: None.

Government Collaboration

None.

Timetable

NPRM—April 1982.
Public Hearings—To be determined.
Public Comment Period—Following NPRM.
Final Rule—Date to be determined.
Regulatory Impact Analysis—January 1982.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Final regulations for this program were published as 45 CFR Part 121a on August 23, 1977 at 42 FR 42474. These regulations were redesignated as 34 CFR Part 300 on November 21, 1980 at 45 FR 77368.

A briefing paper providing an overview of the deregulation process being implemented by the Special Education Programs office is available from the agency contact.

Agency Contact

Shirley A. Jones, Acting Deputy Director
Special Education Programs
Office of Special Education and Rehabilitative Services
Department of Education
Donohoe Building, Room 4030
400 Maryland Avenue, S.W.
Washington, DC 20202
(202) 245–9861

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

DEPARTMENT OF LABOR

Employment and Training Administration

Work Incentive Programs for Aid to Families With Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act (29 CFR Part 56, Revision; 45 CFR Part 224, Revision)

Legal Authority

Social Security Act, §§ 402, 403, 406, 431–434, 436, and 437, as amended, 42 U.S.C. 602, 603, 606, 631–634, 636, and 637.

Reason for Including This Entry

The Office of Human Development Services and the Employment and Training Administration include this entry because the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The Work Incentive Program (WIN) was established to help people receiving Aid to Families with Dependent Children (AFDC) find jobs and become self-supporting. The Department of Labor (DOL) and the Department of Health and Human Services (HHS) jointly administer the WIN program through the National Coordinating Committee (NCC). At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administrative unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

In response to complaints from some States regarding the perceived restrictive nature of certain portions of the regulations, a review is being undertaken to determine the extent to which the regulations may be revised to allow greater flexibility in the State administration of the program and to reduce reporting and recordkeeping burden. As part of that review, a Notice of Intent will be published in the **Federal Register** in December 1981 to solicit suggestions from the public of areas where the regulations can be revised to reduce burden and increase program flexibility.

Alternatives Under Consideration

We are reviewing every area of the regulations with the objective of revising provisions that are not required by the statute. Some areas that appear to be candidates for revision are:

(A) *Adjudication and fair hearings*—The present regulation (45 CFR Part 224, Subpart C) imposes detailed procedural requirements for fair hearings in cases involving disputes between WIN recipients and State administering agencies. Can we simplify these procedures?

(B) *Employability plan*—The present regulation (45 CFR 224.22) requires joint development of an employability plan for each registrant by the local WIN sponsor and the separate administrative unit at the time of the appraisal for employability potential. This appraisal usually takes place at the time of registration. Are there more desirable alternatives to this current practice?

(C) *Time limits on provision of social services*—The present regulation (45 CFR 224.30) provides that the local separate administrative unit must provide social services for a period of 30 days following the start of unsubsidized employment and may continue to provide these services for an additional 60 days with Federal financial participation. Should the regulations allow each State to decide on the minimum and maximum lengths of time for provision of social services?

(D) *Relocation of exemption provisions*—As part of the eligibility determination process for Aid to Families with Dependent Children, the local welfare agency determines whether the AFDC applicant is exempt from registration for WIN. The law spells out these exemptions (over age 65, certain caretaker relatives, etc.), and the WIN regulations, at 45 CFR 224.20, codify them in regulatory language. The regulation on determination of eligibility for AFDC is a regulation of the Office of Family Assistance (45 CFR Part 233), whose regulations control the eligibility determinations by local welfare agencies. Since the determination of exemption from WIN is made by the State agency that determines eligibility for AFDC as part of the AFDC eligibility determination process, shouldn't the WIN exemption regulation be transferred from Part 224 to Part 233?

(E) *Reduction of reporting burden*—Present requirements for overall WIN reporting by State administrators are lengthy and seem to be burdensome. For this revision, we will review all approved reporting and recordkeeping requirements. Our aim is to reduce the annual reporting and recordkeeping burden on WIN State administrators from 386,234 hours to 241,043 hours. These totals include both DOL and HHS burden hours.

We are preparing a notice for publication in the **Federal Register** that review of the WIN regulations is underway. We expect that public comment in response to this notice will suggest additional areas for consideration and will provide suggestions for the way to treat the areas set forth here.

Summary of Benefits

Sectors Affected: State agencies that operate the WIN program and AFDC recipients.

These regulations control State agency operation of the WIN program. The regulations ultimately benefit AFDC recipients. We hope that increased flexibility and reduction in reporting hours will allow State administrators to use staff and resources more efficiently. This, in turn, will allow the State offices to serve, and provide more activities for, larger numbers of the AFDC population.

Summary of Costs

Sectors Affected: None.

It is unlikely that ultimate regulatory changes arising from this initiative will produce additional costs. Increased flexibility for State operation should benefit larger numbers of the AFDC population for the same cost of administration.

Summary of Net Benefits

The Office of Management and Budget estimates indicate that one burden hour imposes a $10 per hour cost on the public. Therefore, the anticipated reduction of 145,191 burden hours results in an estimated savings of $1,451,910 for State administrators of the WIN program. Ultimately, we anticipate the increased flexibility of operation for State administrators will result in an increased level of WIN activities for AFDC recipients.

Related Regulations and Actions

None.

Government Collaboration

We are soliciting written comments and suggestions, directed to sections of the regulations that are not mandated by the Social Security Act, from all State agencies administering WIN programs and other interested parties, identifying the specific sections of the WIN regulations that are of concern, suggesting proposed revisions, and justifying the basis for the proposed changes. We are also setting up a State Regional Advisory Task Force to analyze regulations and recommend changes. Proposals for legislative changes will not be considered.

Timetable

Notice of Intent soliciting comments—December 1981.
Public Comment Period—45 days.
Interim Final Regulations—February 26, 1982.
Public Comment Period—60 days.
Regulatory Impact Analysis—Not applicable.
Regulatory Flexibility Analysis—Not applicable.

Available Documents

None.

Agency Contact

Robert W. Easley, Director
Division of Program Design and Evaluation
National Coordination Committee
Work Incentive Program
Patrick Henry Building, Room 5102
601 D Street, N.W.
Washington, D.C. 20213
(202) 376-7030

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

Community Development Block Grants (CDBG)—Entitlement (24 CFR Part 570, Subparts A, B, C, D, J, K, M, and O; Revision)

Legal Authority

Title I, Housing and Community Development Act (HCD Act) of 1974, as amended, 42 U.S.C. 5301 *et seq.*

Reason for Including This Entry

In response to E.O. 12291, the Department of Housing and Urban Development (HUD) initiated review of the Community Development Block Grant (CDBG) Entitlement regulations in the context of the statute then in effect in order to reduce unnecessary restraints on local flexibility and to reduce excessive administrative and compliance costs. Subsequently, Congress included significant revisions to the Housing and Community Development Act (HCD Act) in the Omnibus Budget Reconciliation Act of 1981. These statutory changes have broadened the scope of regulatory revisions under consideration. In addition, the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The CDBG Entitlement program provides formula grants to central cities of Metropolitan Statistical Areas (MSAs), other cities in MSAs with populations of 50,000 or more, and certain urban counties. The earlier categorical community development programs, such as urban renewal, water and sewer, and open space land programs have been consolidated into this single "block grant." Funds were awarded on the basis of HUD's review of an application submitted by each entitled locality.

Program regulations became increasingly complex and restrictive over the 7 years of the program's existence. Those subject areas under review include application requirements (including the Housing Assistance Plan), eligibility of activities, compliance with primary objectives, and performance standards.

The application required of CDBG Entitlement recipients was initially a brief summary document. Over the past several years administrative requirements for application content have been revised to require a lengthy statement of needs, strategies, project descriptions, and additional detail in completing the Housing Assistance Plan (HAP), an assessment of present and future housing requirements in the area applying for a grant. To a large extent, reductions in the burden on localities will be achieved through statutory changes that eliminated application requirements and substituted a statement of community development objectives and projected use of funds.

The requirement for a HAP in this case has been retained, however. The statutory requirements for a HAP include information on housing conditions, households in need of assistance, reasonable goals for meeting housing needs, and the general locations where assisted housing will be provided. Areas that HUD will review include requirements specifying how to estimate the number of needy households expected to reside in the community, the standards for establishing reasonable goals for assisted housing, and the specification of suitable locations for new or rehabilitated assisted housing.

Eligibility of activities has become complex and difficult to understand due, in part, to administrative requirements for special HUD approval. In addition, many localities have proposed activities not clearly specified as eligible under the statute (such as public services to residents outside of specified areas), which has led to further complexity in the Department's attempt to administer the program in a manner consistent with the intent of Congress to limit eligible activities to those specified in the statute.

Compliance with the primary objectives of the HCD Act requires that each activity carried out with CDBG funds either benefit low- and moderate-income families, aid in the prevention or elimination of slums or blight, or meet other community development needs of a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. While the Department believes that some regulatory definition of this requirement is important (particularly now that applications are no longer required), the current provision defines these national objectives rather narrowly (particularly the definition of "prevention or elimination of slums and blight") and needs to be made more realistic.

The current regulations establish performance standards by which HUD can measure whether the grant recipients are complying with the grant objectives and requirements. With regard to performance standards, we will revise the current rules so that performance will not be reviewed against the application, since the application will be replaced by a simplified statement beginning in fiscal year 1982. This will require deletion of the existing regulatory provision. Other changes in performance standards regarding compliance with the HCD Act and other applicable laws and standards for timely program implementation are in the early stages of consideration.

Alternatives Under Consideration

(A) For each of the subject areas described above, one alternative would be to make no changes. This alternative is not feasible since we must change the regulations to be consistent with new provisions in the statute.

(B) Alternative (B) would be to limit changes to those absolutely necessary to conform the regulations to the statute, as revised. While this approach would, in effect, eliminate regulations governing applications (since applications are no longer required), changes in the areas of HAP, eligibility, compliance with primary objectives, and performance standards would be minimal. This approach would not be consistent with E.O. 12291 and the objectives of maximum local flexibility and reduction of administrative requirements on recipients.

(C) Alternative (C) would be to develop comprehensive revisions to the regulations that eliminate administrative embellishments and retain amplifying provisions only to the extent mandated by the statute or where absolutely necessary for efficient administration of the program and the control of fraud, waste, and mismanagement. This is the approach HUD has selected in this rulemaking procedure.

We expect that in place of the regulations on applications, Subpart D of Part 570 will describe the grant award process with little, if any, amplification beyond the minimum statutory requirements. Revised eligibility regulations will, of course, reflect the statutory changes. In addition, the Department will remove special restrictions not required by statute wherever possible and attempt to edit and clarify existing provisions. While striving for brevity, we recognize that some explanatory provisions will be necessary so that recipients, HUD staff, auditors, and the public will understand more clearly the permitted uses of CDBG funds. In revising the HAP, the Department will be guided primarily by the regulations issued on February 23, 1981 (46 FR 13676) governing HAPs under the CDBG Small Cities program.

which significantly reduced the complexity of the rules local governments must follow in completing a HAP. Revisions in the regulations governing compliance with primary objectives will focus on a more specific definition of activities that benefit low- and moderate-income families and elimination of the overly restrictive provisions that limit activities deemed to aid in the prevention or elimininations of slums or blight. The statutory changes also obviate the need to emphasize any one of the primary objectives more than the others. Performance standards will be based on statutory criteria (§ 104(d)(i)), with sufficient explanatory material to ensure that recipients understand the basis for the Department's post-award review conclusions.

Summary of Benefits

Sectors Affected: Local governments receiving CDBG Entitlement grants and HUD.

The requirement for a statement of objectives and projected use of funds instead of the detailed application will permit local government recipients to save staff time. Savings may vary based on the size of locality. On the average, however, it is anticipated that the annual savings per locality will approach 200 hours. Additional quantifiable savings are expected from revisions to the HAP, but estimates of savings are not available at this time.

Benefits from changes in eligibility and compliance standards are not easily quantifiable. Nevertheless, it seems clear that less local government staff time will be necessary when regulations are less restrictive and more easily understood.

These benefits will occur when each grantee prepares its fiscal year 1982 grant submission and annually thereafter.

Summary of Costs

Sectors Affected: Local governments receiving CDBG Entitlement grants and HUD.

The more thorough revision to the CDBG regulations contemplated will involve additional costs to the Department in staff time and could result in staff not being available to carry out other functions. The revisions will also require more extensive training of HUD staff to ensure understanding of significantly changed regulations.

Local governments may experience some initial difficulty becoming familiar with new requirements and procedures. Some localities have already incurred costs to develop an application and HAP consistent with existing provisions. These will have to be significantly changed to comply with new regulations. These are minimal, one-time costs, however, and are inherent in any transition to new requirements.

Summary of Net Benefits

The benefits of reduced local staff costs will increase over time and should enable a greater proportion of the funds to be used for program activities instead of administration. Costs to HUD and recipients are minimal and will not recur. Therefore, in the long term, these costs would be more than offset by future savings.

Related Regulations and Actions

Internal: Community Development Block Grants—Small Cities (24 CFR Part 570, Subparts F and I); Environmental Review Procedures for the Community Development Block Grant Program (24 CFR Part 58); see separate entries in this Calendar.

External: None.

Government Collaboration

None.

Timetable

24 CFR Part 570 Subparts A, B, C, D, and M

Interim Rule—February 1982.

Public Comment Period—60 days after publication of Interim Rule.

Final Rule—To be determined.

Regulatory Impact Analysis—None.

Regulatory Flexibility Analysis—None.

24 CFR Part 570-Subparts J, K, and O—Timetable to be determined.

Available Documents

Community Development Block Grants—Small Cities Program—Housing Assistance Plan (46 FR 13676, February 23, 1981).

Available from Rules Docket Clerk, Room 5218, at address below.

Agency Contact

James R. Broughman, Director
Entitlement Cities Division
Office of Block Grant Assistance
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 7282
Washington, DC 20410
(202) 755-9287

HUD-CPD

Community Development Block Grants—Small Cities Program (24 CFR Part 570, Subpart F)

Legal Authority

Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301.

Reason for Including This Entry

In line with Executive Order 12291, the Department of Housing and Urban Development (HUD) is simplifying the Block Grant Program by eliminating unnecessary regulatory constraints, i.e., those that are not specifically required by the Housing and Community Development Act of 1974, as amended. The Omnibus Budget Reconciliation Act of 1981 includes provisions to radically simplify this block grant program. Finally, the Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The HUD Small Cities Program regulations have evolved over the past 5 years as a result of HUD's desire to implement the program in accordance with the numerous goals and changes in the Housing and Community Development Act of 1974. It has become apparent that these regulations, which govern the selection process for those small cities applying for Community Development Block Grant (CDBG) funds, are more complex than necessary. Also, the Omnibus Budget Act of 1981 eliminated the requirement that small cities prépare a Housing Assistance Plan (HAP), and the regulations and application procedures must be modified to reflect this change.

For these reasons HUD is preparing simplified regulations that will, in effect, make it easier to apply for program funds and to use such funds for problems and eligible activities chosen by local officials.

Alternatives Under Consideration

Alternative (A) would be to make no change in the current program regulations. This would save HUD's administrative efforts and would retain a system familiar to many local officials. On the other hand, if no changes are made, many of the current unnecessary requirements would remain, causing local officials needless administrative burden.

Alternate (B) would be to dramatically revise the Program regulations which would create an entirely new selection system and operating procedures. We feel this is

unwise because of the confusion it would lead to and the training and administrative burden involved in implementing such a change.

Alternative (C) is to modify existing regulations in such a way as to give local officials more flexibility and still make clear what the law requires. Equally important is HUD's need to administer an objective selection process that remains understandable to those cities that compete with other cities for scarce CDBG funds. Changes in the selection process include reducing the number of factors used in the selection process to rate cities' applications and the elimination of unnecessary submission requirements, such as the HAP.

The Department has considered the above alternatives and has chosen to pursue alternative (C).

Summary of Benefits

Sectors Affected: General units of local government that are not recipients of Community Development Block Grant Entitlement funds.

HUD expects that these regulatory changes will ease the administrative burden placed on local officials who apply for and administer Small Cities Program grants. Early estimates indicate that the simplified Small Cities Program will save local governments approximately $1.2 million in fiscal year 1982, based on an estimated savings of 96,000 staff hours.

Summary of Costs

Sectors Affected: None.

The Small Cities Program regulations define the selection system used to select grantees and to administer those projects after the grantees are selected. Since the regulations are only being simplified, and the substantive characteristics remain unchanged, no significant costs are anticipated.

Summary of Net Benefits

Given that we expect this action to generate no significant costs, the net benefits correspond to the savings we described above.

Related Regulations and Actions

Internal: Community Development Block Grants (CDBG)—Entitlement, 24 CFR 570, Subparts A, B, C, J, K, and O.
External: None.

Government Collaboration

HUD has held discussions with public interest groups representing local governments.

Timetable

NPRM—None planned.
Public Hearings—None planned.
Public Comment Period—None.
Final Rule—To be determined.
Interim Rule—January 1982.
Interim Rule Effective—
Approximately 30 days after publication in the **Federal Register**.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

Current operating regulations are contained in the Code of Federal Regulations. The citations are 24 CFR 570.420 and 570.437.

Agency Contact

James N. Forsberg, Director
Small Cities Division
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 7282
Washington, DC 20410
(202) 755-6322

HUD-CPD

Environmental Review Procedures for Title I, Community Development Block Grant Programs (24 CFR Part 58; Revision)

Legal Authority

Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); § 104(f), Title I, Housing and Community Development Act of 1974, P.L. 93-383, 42 U.S.C. 5304(f), as amended by § 103(g) of the Housing and Community Development Amendments of 1979, P.L. 96-153, and by § 302(e) of the Housing and Community Development Amendments of 1981, P.L. 97-35; § 103, National Environmental Policy Act of 1969, P.L. 91-190, 42 U.S.C. 4332, as amended; Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by Executive Order 11991 of May 24, 1977.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review. The Department of Housing and Urban Development (HUD) also considers the regulation to be important because it specifies all the environmental responsibilities of the Department that must be assumed by States and local governments and other recipients of Community Development Block Grant (CDBG) assistance under § 104(f) of Title I of the HUD legislation. The regulation will provide the means by which block grant recipients can fulfill their environmental obligations under the National Environmental Policy Act (NEPA) and other provisions of law (statutes, Executive Orders, and Federal regulations).

Statement of Problem

Given the § 104(f) provisions and the NEPA requirements for regulations to be issued by the HUD Secretary, can the broad array of environmental obligations and the multiplicity of procedural actions prescribed under related laws and authorities be synthesized and integrated into one environmental review and approval process? The problem is threefold.

(1) The environmental review regulations, governing the Title I Community Development Block Grant programs of the Department since 1975, were changed substantially during 1979. The changes were the result of two concurrent but parallel undertakings, both initiated in May 1977. The Council on Environmental Quality, following the directives of Executive Order 11991 to review and promulgate new NEPA regulations codified in 1975 in 24 CFR Part 58, initiated an Advance Notice of Proposed Rulemaking (42 FR 24755, May 16, 1977) as part of a rulemaking process that would ultimately result in the adoption of a final regulation. This process has yet to be completed. The first changes to the 24 CFR Part 58 environmental review procedures were the comprehensive revisions and amendments proposed by the Department in the **Federal Register** of September 19, 1978 (43 FR 42220-42232) and the Final Rule issued on May 24, 1979, taking into account the extensive public comments that we received. The latest changes to Part 58 were introduced in the Interim Rule published by the Department on August 2, 1979 (44 FR 45568-45585).

(2) Recent changes to the HUD legislation require that the current interim regulation issued by HUD on August 2, 1979 be amended to implement the procedure reauthorized by the 1981 amendments and redesignated as § 104(f) and to conform with the new provisions of the Housing and Community Development (HCD) Amendments of 1981 in this fiscal year. Two innovative developments to the Title I statute are of particular interest to this rule:

(a) the elimination of the application and review process for the annual grant assistance to entitlement and small cities and, in its stead, the establishment of a pre-grant award procedure under § 104(a), (b), and (c) of Title I; and

(b) the authorization to assume HUD's oversight responsibilities (including NEPA) by those States that elect to

administer the CDBG program for non-entitlement cities under § 106(d) of Title I.

(3) In addition, conformity of the environmental regulations with the HCD amendments of 1979 is long overdue. The problem here is the need, on the one hand, to formalize and specify the environmental responsibilities that must be assumed by grant recipients under provisions of law other than NEPA, while at the same time we must seek to reduce the regulatory burden on States, cities, and other block grant recipients.

In the selection of alternative measures by HUD, one important criterion will be the development of such an integrated but simplified and streamlined environmental review and clearance process that takes into account the deregulatory objectives of HUD and that will permit block grant recipients to fulfill all their environmental obligations.

Alternatives Under Consideration

The Department has decided to issue a revised Interim Rule to replace the August 1979 Interim Regulations rather than publish a Final Rule or an ANPRM, which would entail the repetition of the entire rulemaking process. The new Interim Rule is needed to implement the changes in the 1979 legislation and to provide the regulatory relief described below.

The provisions of this new Interim Rule are designed to reduce the regulatory burden of the current Interim Regulation on block grant recipients by:

(A) Substantially reducing the text of the 1979 interim regulations through: (1) the deletion of general guidance on procedural and operational measures such as those contained in § 58.14 of the 1979 rule; (2) deletion of the requirement that a "Notice of Intent To Prepare an Environmental Impact Statement (EIS)" be published in the **Federal Register** for each block grant project that needs an environmental impact statement;

(B) Emphasizing the mechanisms and procedures designed in the NEPA regulations to reduce paperwork, eliminate duplication, and otherwise simplify the environmental review process by such measures as:

- incorporation by reference of information and data already stated in other documents;
- adoption of existing impact statements;
- joint preparation of EISs with State and local agencies;
- combining environmental documents with other documents;
- circulating summaries of EISs;
- writing analytically and in plain language;
- setting further page limits if appropriate;
- discussing less significiant issues briefly;
- attaching and circulating only changes to the draft EIS rather than rewriting and recirculating entire EIS when changes are minor;
- using categorical exclusions to exclude from the EIS and assessment requirements categories of actions that will not significantly affect the environment; and
- integrating NEPA requirements with other environmental review and consultation requirements.

(C) Providing new mechanisms to reduce delays in project approvals due to deficiencies in the environmental review of block grant projects through:

(1) The establishment of a "scoping process." The purpose and anticipated effect of the scoping process are to: (a) identify the signficant environmental impact issues surrounding the proposal; (b) provide a greater opportunity for affected persons (including Federal, State, and local agencies) to participate in the process, thereby narrowing the issues and enhancing community and agency agreement over environmentally desirable changes before the proposal becomes too firm; (c) reduce interagency conflicts by allocating assignments for the preparation of the EIS among the lead and cooperating agencies; (d) facilitate timely identification of related environmental review and consultation requirements, thereby enhancing the opportunities for integrated, concurrent environmental analyses and reducing opportunities for later, delaying conflicts; and (e) provide an effective mechanism to set page and time limits for completing the EIS process where appropriate.

(2) The encouragement of joint environmental reviews with other agencies either as a lead or as a cooperating agency. Another reason for unnecessary delays is inadequate coordination among agencies where more than one agency has an interest in a project. Inadequate coordination occurs where several agencies cannot agree on which is to be the lead agency responsible for preparing the draft EIS. We anticipate that the proposed regulations will reduce delays of this sort by providing a mechanism for promptly resolving lead agency disputes. Inadequate coordination also occurs where a non-lead Federal agency, with jurisdiction over a proposal (or portion of a proposal), fails to participate in the lead agency's drafting of the EIS and waits until after the draft EIS is circulating for review and comment before analyzing its interests and registering its objections.

(D) Amending the current Interim Rule by substituting a single threshold for submitting an EIS of 2,500 dwelling units for the sliding scale numerical threshold contained in the 1979 interim rule. The built-in environmental safeguards of the former sliding scale can be realized by a recipient's prior determination, based on available environmental information, of the level of clearance that would be appropriate for a particular project. This simplification can further reduce the unnecessary burden of preparing an EIS just because the numerical threshold is exceeded. For such projects where the Title I recipient determines that significant environmental impacts are unlikely, Part 58 provides that this determination must be verified by preparing an environmental assessment (EA) instead of an EIS.

(E) Adoption in the rule of a new option that allows a recipient to combine into one notice the contents of two public notices: the notice of finding of no significant environmental impact and the public notice of intent to request HUD to release funds. This was requested by a substantial number of comments addressed to the 1979 regulations. Timing requirements and conditions relative to the exercise of these options are further defined to make it clear that the public comment period prescribed for the finding of no significant impact must have elapsed before the actual request for release of funds and the recipient's certification can be submitted to HUD (new § 58.45).

(F) Exempting from the environmental requirements, under NEPA and the laws, seven additional categories of activities based on the Department's experience since the publication of the 1979 Interim Rule. Block Grant recipients will be able to undertake such activities without having to go through the clearance process prescribed in the Interim Rule for the other block grant projects that require environmental reviews. Activities exempted thus include: (1) administrative costs; (2) the payment of principal and interest on outstanding urban renewal project loans; (3) the payment of principal and interest due on notes or other obligations guaranteed by the Department under Title I; (4) project engineering and design costs; (5) technical assistance awards; (6) public service grants; (7) interim assistance for imminent threats to health and safety.

Summary of Benefits

Sectors Affected: Recipients of CDBG assistance, including State, city, and other local units of government (SIC

Code 919) and Indian tribes (SIC Code 953).

Some regulations lend themselves readily to the analysis of benefits and costs. A regulation establishing a particular level of pollutants above which emissions are banned, or one setting up a housing program, can be analyzed in terms of cost and the returns that can be expected from such investments. The influence of a referral policy created for protection and improvement of the environment can be generally recognized as beneficial. The effectiveness of various procedural devices may also be rightfully perceived as benefits because they avoid duplication and reduce delays. However, quantification of the benefits devised from such a particular environmental review procedure, or from public notice requirements is simply not possible. The new Interim Rule, in implementing the National Environmental Policy Act, provides that block grant recipients consider the environmental impact of their community development projects funded under Title I of the HCD Act of 1974. They must carry out environmental reviews that thoroughly assess the environmental effects of each such project and its alternatives, including alternative measures for avoiding or mitigating any adverse environmental effects. Consideration of environmental effects ultimately benefits the State, city, locality, or in the case of discretionary funding the Indian tribe receiving the grant.

By requiring the block grant recipient to consider such environmental reviews documents, the regulation improves the chances that environmental factors will influence the course of action and lead to decisions that avoid or minimize environmental harm. When considered, an environmental review document reduces the risk that the potential adverse effects of block grant activities will be arbitrarily discounted or simply ignored.

Before an environmental impact statement is issued, it must undergo review and comment by Federal, State, and local agencies, interested members of the public, and others. The final statement must respond to the comments that are made on the draft or otherwise incorporate the comments into its analysis.

The review and comment period provides those interested in a proposal with the opportunity to supply additional environmental information and analysis for the EIS and thereby reduces the possibility that important data or materials will be overlooked. It also provides those with varied backgrounds, expertise, and perspectives a chance to scrutinize an agency's analysis of environmental issues. In the course of such a review, factual inaccuracies and analytical errors may be discovered. The agency is responsible for making the necessary corrections and clarifications in the final statement.

Finally, their role in the environmental review process gives interested citizens a chance to advise the block grant recipient concerning possible impacts on the quality of their environment. With a clearer understanding of the public's perspective on such matters, local government officials stand in a better position to strike a balance in their decisionmaking that reflects the broader public interest in community development activities affecting the environment.

Summary of Costs

Sectors Affected: None.

No direct cost to block grant recipients is associated with carrying out the requirement of this new Interim Rule. Environmental reviews, studies, and related actions are eligible activities funded under the Title I block grant program. Financial assistance for environmental reviews is further confirmed in the proposed Interim Rule (§ 58.23).

Summary of Net Benefits

Within the statutory framework of NEPA and other Federal laws, the proposed regulation will strike an appropriate balance between the needs of localities and program recipients and the needs for environmental protection.

Related Regulations and Actions

Internal: 24 CFR Part 570, Community Development Block Grant Programs; 24 CFR Part 571, Community Development Block Grants for Indian Tribes and Alaska Natives; and 24 CFR Part 51, Environmental Criteria and Standards.

External: 40 CFR Parts 1500–1508, NEPA Regulations of the Council on Environmental Quality; and the following related laws:

- *Historic Properties:*

The National Historic Preservation Act of 1966 (P.L. 89–665, 16 U.S.C. 470 *et seq.*), as amended.

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

The Act of June 1960 (P.L. 86–523, 16 U.S.C. 469), as amended by the Archeological and Historic Data Preservation Act of 1974 (P.L. 93–291).

- *Floodplain Management and Wetland Protection:*

Flood Disaster Protection Act of 1973 (P.L. 93–234, 42 U.S.C. 4001 *et seq.*), as amended.

Executive Order 11988, Floodplain Management, May 24, 1977.

Executive Order 11990, Protection of Wetlands, May 24, 1977.

- *Coastal Zone Management.* The Coastal Zone Management Act of 1972 (P.L. 92–583, 16 U.S.C. 1451 *et seq.*), as amended.

- *Sole Source Aquifers.* The Safe Drinking Water Act of 1974 (P.L. 93–253, 42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349), as amended.

- *Wildlife.* The Fish and Wildlife Coordination Act of 1958 (P.L. 85–624, 16 U.S.C. 661 *et seq.*), as amended.

- *Endangered Species.* The Endangered Species Act of 1973 (P.L. 93–205, 16 U.S.C. 1531), as amended.

- *Wild and Scenic Rivers.* The Wild and Scenic Rivers Act of 1968 (P.L. 90–542, 16 U.S.C. 1271 *et seq.*), as amended.

- *Other Applicable Authority—Funding Conditioned on Non-Violation:*

Water Quality. The Federal Water Pollution Control Act of 1970 (P.L. 92–500, 33 U.S.C. 1251 *et seq.*), as amended by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92–500) and by The Clean Water Act of 1977 (P.L. 95–217, 33 U.S.C. 1251).

Air Quality. The Clean Air Act Amendments of 1970 (P.L. 91–604, 42 U.S.C. 1857), as amended by the Clean Air Act Amendments of 1977, P.L. 95–95 and P.L. 95–190 (42 U.S.C. 4362, 7401, *et seq.*).

Solid Waste Management. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94–580) and by P.L. 95–609, 42 U.S.C. 6901, *et seq.*.

Government Collaboration

The National Environmental Policy Act and § 104(f), Title I, of the Housing and Community Development Act of 1974, as amended, require HUD to consult with the Council on Environmental Quality prior to issuance of this regulation.

Under the Paperwork Reduction Act and Executive Order 12291, the proposed Interim Rule must be submitted to the Office of Management and Budget (OMB) for review.

Timetable

ANPRM—42 FR 24755, May 16, 1977.
NPRM—43 FR 42228, September 19, 1978.
Final Rule—44 FR 30280, May 24, 1979.
Interim Rule—44 FR 45568, August 2, 1979.
Revised Interim Rule—January 1982.
Public Comment Period—60 days

following Revised Interim Rule.
Interim Rule Effective—February 1982.
Final Rule—May 1982.
Public Hearing—None.
Final Rule Effective—June 1982.
Regulatory Impact Analysis—The Interim Rule was conditionally waived from the requirements for a Regulatory Impact Analysis by the OMB Office of Economic Affairs, Policy Development and Research.
Regulatory Flexibility Analysis—None.

Available Documents

National Environmental Policy Regulations, 40 CFR Parts 1500–1508, 43 FR 55978, November 29, 1978.
"Community Development Block Grant Program Environmental Review Procedures," 24 CFR Part 58.

Agency Contact

Charles E. Thomsen, Architect
Office of Environment and Energy
Community Planning and Development
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W., Room 5146
Washington, DC 20410
(202) 755–7355

HUD—Office of the Assistant Secretary for Housing

Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program (24 CFR Parts 813, 236, and 215; Revision)

Legal Authority

Sections 322 and 323 of the Housing and Community Development Amendments of 1981, 42 U.S.C. 1437a, 12 U.S.C. 1715z–1, 12 U.S.C. 1701s and 42 U.S.C. 1437n.

Reason for Including This Entry

This rule could have an economic impact exceeding $100 million annually.

Statement of Problem

The Housing and Community Development Act of 1981 requires changes in the Federal housing subsidy programs in order to achieve greater uniformity in the treatment of tenants, to increase rental income, and to provide housing assistance to families with the greatest need.

The statutory changes affect the Low-Income Public Housing Program, the Section 8 Housing Assistance Payment Program, the Section 236 Mortgage Insurance Program, and the Section 101 Rent Supplement Program. These programs were developed at different times, have different emphases, and have evolved on somewhat separate courses. The oldest, public housing, is operated by local public housing agencies (PHAs), which, prior to the 1981 Act, were given a good deal of flexibility in setting income limits and in determining deductions from gross income for eligibility and rent computation purposes. The Section 8 Housing Assistance Payments Program, which is operated by both PHAs and private owners, has had more streamlined, Federally mandated eligibility and rent requirements. The Section 236 Mortgage Insurance Program provides below-market rents to tenants by subsidizing the projects' initial mortgage interest. The Section 101 Rent Supplement Program (also referred to as Section 215) provides additional assistance to families in projects insured by the Department of Housing and Urban Development (HUD). In all programs, the intended recipients are low income (below 80 percent of area median income) and very low income (below 50 percent of area median income) families who want housing assistance.

Very low-income households find it very difficult to locate suitable housing without paying an inordinate percentage of their income for rent. In fact, 62 percent of such households paid more than 30 percent of their income for rent in 1977, and many paid over 50 percent of their income. The problem is less serious for those with incomes between 50 and 80 percent of area medians. The changes in the 1981 Act restrict the extent to which Federal rent subsidies can go to such households. While these changes also involve a phased-in increase in rent from a maximum of 25 percent of a family's adjusted income to 30 percent of adjusted income, the new provisions still require a much smaller portion of income for rent than typically paid by very low-income households in the private market and indeed provide considerable benefits to them.

The 1981 Amendments change the definition of income for eligibility and rent calculation purposes to conform more closely to current procedures under Section 8. Those changes focus assistance on very low-income families. All of the housing assistance programs will have the same income limits and allow the same deductions in determining adjusted income. This will help to achieve uniformity among the federally assisted housing programs as well as equitable treatment of participants. The statutory changes provide for tenant rent contributions to increase to 30 percent of adjusted income for all programs. Thirty percent of income is about the amount that most non-subsidized households pay in rent.

The regulation we are proposing is really two separate rules, one implementing the requirements of §§ 322 and 323 of the Housing and Community Development Amendments of 1981 for public housing and § 8, the other implementing the same legislation as it applies to programs under §§ 236 and 215. Given the similarities of the separate rulemakings, they are grouped together for the purpose of this Calendar entry.

Alternatives Under Consideration

HUD has been given very little flexibility under the 1981 Amendments for defining adjusted income or determining the level of tenants' rents. For example, a phase-in of the income changes so that no existing tenant has a rent increase of more than 10 percent in any one year is mandated by the statute. However, one option that the Department considered was an increase in the portion of income paid for rent of some percentage point per year until the rents have risen to the statutory maximums (after 5 years). The law also allows some latitude in determining the deductions permitted in determining adjusted income.

One significant policy determination given to the Department is when to make the changes effective. To avoid placing a burden on local administrators, we propose making the new provisions effective for each family at their next income reexamination.

Summary of Benefits

Sectors Affected: Low-income families seeking housing assistance; public housing authorities; HUD; and taxpayers.

The increases in rent payments will represent larger receipts to the public housing agencies and private owners and lower subsidy payments by the Federal Government. To the extent that low-income families presently receiving assistance will be replaced by very low-income families, a less significant fiscal benefit can be expected in rental income.

The primary beneficiaries of the policy to increase rents will be the families that have heretofore been unable to find available assisted housing. With this change, those less in need of assistance will have incentives to either move to privately supplied units or cease receiving assistance payments on their present units. In

either case, funds and units will then be available to those most in need.

Summary of Costs

Sectors Affected: Present tenants and recipients of housing assistance and local housing authorities.

Increases in rents are provided to present and potential recipients of housing assistance and to families with incomes high enough to make them ineligible under the new rules. While the number failing to meet the new income cutoffs may not be large, a number of families may choose to move or stop assistance if 30 percent of their income would come close to providing them with a dwelling on the private market. We have no estimates of the magnitude of these effects but make the observations based on relative impacts to different income groups.

Some small administrative costs will accrue to PHAs and private owners of assisted units during the initial period, when incomes must be calculated and rents increased. Once this changeover is completed, the administration of all assistance programs will be easier for PHAs and private owners because all eligibility criteria will be the same.

Summary of Net Benefits

Increased tenant contributions will yield rental revenues for public housing agencies and reduce the need for operating subsidies. Thirty percent of adjusted income represents a more common rent ratio in the current private market situation, and the rule will permit better targeting of housing subsidies to those of very low incomes.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—None.
Public Hearing—None.
Interim Rule—March 1982.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Economic Analysis—Available with Interim Rule.
Public Comment Period—60 days after Interim Rule.
Final Rule—July 1982.

Available Documents

Economic Analysis for the proposed Increase in Tenant Contribution in Subsidized Programs, available for inspection at the Office of the Rules Docket Clerk, HUD Building, 451 Seventh Street, S.W., Washington, DC 20410.

Agency Contact

James Tahash, Director
Program Planning Division
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 6148
Washington, DC 20410
(202) 426–8730
or
Kathy Beckwith, Housing Program Specialist
Office of Public Housing
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 6245
Washington, DC 20410
(202) 755–7373

HUD–HOUS

Public Housing Lease and Grievance Procedures (24 CFR Part 866; Revision)

Legal Authority

Housing Act of 1937, 42 U.S.C. 1437.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

Part 866 of the Department of Housing and Urban Development's (HUD) regulations (Title 24, Code of Federal Regulations) contains two subparts governing landlord-tenant relationships in public housing assisted under the Housing Act of 1937. Subpart A (Dwelling Leases, Procedures, and Requirements) prescribes provisions that must be incorporated in leases between public housing agencies (PHAs) and tenants and also specifies certain provisions that are prohibited from being included in such leases. The provisions that must be incorporated in the lease include those dealing with the PHAs and the tenants' obligations, payments due under the lease and rent redeterminations, hazardous defects, and lease termination. Prohibited lease provisions include those where there is a confession of judgment or a waiver of legal notice or legal proceedings.

Subpart B (Grievance Procedures and Requirements) sets forth:

> requirements, standards and criteria for a grievance procedure to be established and implemented by PHAs to assure that PHA tenants are afforded an opportunity for a hearing if the tenant disputes within a reasonable time any PHA action or failure to act involving the tenant's lease with the PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Subpart B also requires that if a tenant who has been given a notice of lease termination requests a grievance hearing and satisfies the hearing requirements, then the PHA may not commence a State law eviction proceeding until completion of the administrative grievance procedure.

The Presidential Task Force announcement of August 12, 1981 commented:

> These rules establish compliance procedures that must be incorporated in leases by local public housing authorities (PHAs) assisted by HUD. Not only do they often duplicate and sometimes exceed State and local ordinances, they tend to make it difficult for PHAs to protect the health and safety of tenants. For example, PHAs claim that disruptive tenants that violate their leases, vandalize housing and prey upon other tenants can avoid for months effective remedial actions by the PHA. Reforming these requirements could benefit tenants, PHAs, and deserving families seeking public housing.

The lease provisions, eviction procedures, and grievance procedures provided by HUD's regulation are not prescribed by statute.

A proposed revision to particular provisions of Subpart A was published for public comment in August 1980 (45 FR 51615). The particular objective of the proposed changes was the faster processing of evictions for non-payment of rent. Our intent was to clarify that the separate notices that PHAs must issue under Federal and State law in connection with the termination of tenancy may run concurrently, rather than consecutively. The proposed rule also attempted to confirm the Department's position that the grievance procedure must be made available to a tenant whose tenancy is being terminated solely for failure to pay rent and who files a grievance (i.e., who has a dispute with the PHA).

The proposal drew 64 public comments, most of them negative and for different reasons. Many of those writing on behalf of housing authorities thought that the proposed rule would create additional administrative and financial impediments in the way of their rent collection efforts. Those commenting on behalf of tenants thought that the concurrent notices permitted by the proposed rule would result in tenants being denied access to the grievance procedure and deprived of

their right to due process. The proposal clearly failed in its stated purpose of clarification and satisfied neither tenants nor public housing agencies.

The Department may issue a regulation that would reduce greatly the Federal regulatory requirements for lease and grievance procedures. In addition, the Department's Housing Deregulation Task Force is reviewing the basic structure and assumptions of the lease and grievance procedure provisions with a view toward decreasing administrative inflexibility while protecting legitimate interests of tenants. The deregulation review also seeks to take into account increases in procedural protections provided to tenants that have developed generally under State and local law since original promulgation of HUD lease and grievance procedure requirements.

Alternatives Under Consideration

Various alternatives to particular provisions of the existing regulation have been under consideration (e.g., the rules currently require that PHAs give tenants 14 days notice before eviction for non-payment of rent. We had considered reducing that notice period to 5 days). More generally, alternative approaches under consideration are:

(A) Deletion of HUD-prescribed lease, grievance, and eviction procedures in their entirety, permitting public housing agencies to develop lease and eviction procedures that satisfy State and local law. This would provide maximum deregulation but may be infeasible in light of the extent of already developed judicial authority regarding the scope of "property interests" inherent in public housing occupancy and due process requirements applicable to such "property." This is an area where courts perhaps have been more responsible for regulatory burden than executive agency rulemaking. Abstention from executive rulemaking would only leave a vacuum to be filled by further judicial developments.

(B) Retention of HUD-prescribed lease and grievance procedures. State judicial proceedings would be substituted for the administrative grievance procedures in eviction cases. This would be accomplished, in essence, by making the eviction procedures now applicable to HUD-subsidized but privately owned projects applicable to public housing projects. These procedures would require PHAs to give tenants written notice of termination based on "good cause," but due process procedural requirements would be satisfied through the judicial proceedings provided by State law. Under this alternative, revised HUD rules may require special provisions where State law proceedings are determined by HUD to be inadequate under due process standards. In addition, PHAs would be permitted to retain separate administrative grievance procedures for evictions if they elected to do so.

Alternative (B) above does not contemplate elimination of a requirement of proceedings for the handling of tenant grievances but would make such procedures inapplicable to eviction procedures. In addition, PHAs would be given more latitude in formulating grievance procedures.

Summary of Benefits

Sectors Affected: Public housing tenants; public housing authorities; and HUD.

A reduction in the legal agreements between tenants and landlords (in this case, public housing authorities) will benefit both sides when those agreements have become too encumbered with unnecessary provisions. When the protections afforded by these agreements begin to provide protection to the wrong party, removal or revision will assist those living by the standards and rules. Removing procedures and processes that are duplicative of State and local law simplifies the landlord/tenant relationship and allows local remedies instead of national dictums. The primary beneficiaries are the public housing tenants who observe the rights and privileges of other tenants but bear the cost and possible danger when those not willing to observe rules are allowed to continue tenancy because of delay tactics built into the protection system. Reduced costs to PHAs, HUD, and, ultimately, taxpayers are possible if unnecessary procedures are eliminated, rent is collected more quickly, and evictions are processed more rapidly.

Summary of Costs

Sectors Affected: Public housing tenants and HUD.

The present procedures were designed to protect both the tenants and the housing authorities under HUD programs. As such, the maximum possible airing of all difficulties between those two parties was allowed. In retrospect, that latitude may have been too great but seemed necessary to protect all parties. Removal, therefore, of any part of the procedures increases the risk that a party will not receive the full hearing or protection that he deserves. Possible costs include: grievance where none is deserved; an eviction where more extensive hearings, time, etc. would have prevented it; or uncertainty where more specific HUD actions would have provided clear resolutions to problems.

Summary of Net Benefits

Although there may be some risk that a tenant will not receive as full protection as the existing process provides, we feel that the benefits of the proposed revision to those tenants who abide by the rules and standards, as well as to the taxpayers in general, would outweigh this possibility.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—January 1982.
Public Hearing—None.
Public Comment Period—60 days after publication.
Final Rule—60 days after end of public comment period.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

None.

Agency Contact

Edward C. Whipple, Chief
Rental and Occupancy Branch
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 6240
Washington, DC 20410
(202) 755-5840

HUD-HOUS

Revision to Public Housing Utility Allowances (24 CFR Part 865; Revision)

Legal Authority

Housing Act of 1937, § 6(2)(4) 42 U.S.C. 1437d; Department of Housing and Urban Development Act, § 7(d) 42 U.S.C. 3535(d).

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review.

Statement of Problem

One of the Federal Government's efforts for assisting low-income people to obtain safe, decent, and sanitary housing is the public housing program. This housing is owned and managed by local governmental entities designated as public housing agencies or authorities (PHAs). The Federal Government assists PHAs with owning and managing public

housing projects by providing annual contributions to pay the debt service for the bonds sold to pay for the cost to construct or acquire the projects. The Federal Government provides additional subsidies to assist in paying the operation and maintenance expenses. The other principal source of PHA income used to operate the housing project is tenant rent. The amount of the rent is based on the tenant's income.

In administering the low-income public housing program, the Department of Housing and Urban Development (HUD) historically has considered tenants' rents to include shelter plus reasonable amounts of utilities. Depending upon the individual project design, utilities can be purchased by the PHA or by the tenant. If purchased by the PHA and if the amount of utilities used by each tenant is measured, tenant's rent includes reasonable amounts of utilities defined in utility units such as kilowatt-hours of electricity. If a tenant exceeds his or her allowance, the tenant is surcharged for the cost of the excess use. For tenant-purchased utilities, the tenant's rent is reduced by an amount in dollars equal to the cost of reasonable usage.

The Interim Rule has been criticized severely by tenants and by PHAs. Tenants have complained that the allowances are too low, resulting in tenants paying more for shelter and "reasonable" utility costs than the maximum percentage of income established by statute. PHAs contend that the allowance system contains no incentive toward energy conservation (particularly because of the requirement of upward adjustment of allowances as actual consumption by the tenant group increases) and results in severe revenue losses to the PHAs.

In a fundamental sense, the scope of the Department's review is limited by the fact that some system of utility allowance is required by the nature of the income-based limitations on "rent" that can be charged to tenants in public housing. The object of the review, therefore, is to determine a formula structure that will be consistent with statutory limitations on the "rent" burden imposed on tenants while also encouraging energy conservation and consequent expense reductions for PHA agencies.

Alternatives Under Consideration

(A) The theoretically available alternative of retaining the existing Interim Rule has already been rejected. The criticism that the Interim Rule contains no incentive toward energy conservation is too plainly valid to be ignored.

(B) A second theoretically available regulatory alternative would be to abstain from HUD regulation completely, leaving the allocation of tenant responsibility for utility costs entirely to the discretion of PHAs. This alternative, while accomplishing maximum deregulation, probably is inconsistent with the statutory structure of uniform rent burden limitation. An exercise of rulemaking authority toward the definition of a "reasonable" utility cost burden includable in basic tenant rental charges is necessary to reduce the vulnerability of PHAs to a proliferation of costly litigation challenges by tenants over whether their utility allowances are adequate for reasonable needs.

(C) A third alternative is to provide to PHAs a degree of latitude in establishing a utility allowance based upon a reasonable or normal tenant need. This would permit local PHAs to devise administrative frameworks suitable to their own capacities while retaining a basis for incentives to tenant conservation (or penalty for tenant overconsumption of utilities).

HUD is considering the third alternative. This alternative should accomplish the necessary objectives of a utility allowance that meets the needs of tenants, encourages energy conservation by tenants, reduces PHA administrative and operating costs, and reduces PHA needs for operating subsidies.

Summary of Benefits

Sectors Affected: Public housing agencies; public housing tenants; and HUD.

The reasons why some public housing agencies prefer no regulatory requirement was discussed in Alternative (B) above. However, past experience has shown that many PHAs will not systematically establish utility allowances or revise allowances unless required by court order or by HUD. Alternative (A) has proved to be too rigid to meet local conditions. Alternative (C) contains the HUD requirement while allowing for PHA flexibility to develop a method for establishing utility allowances that meet the normal needs of their tenants but also encourage energy conservation. This Alternative also would reduce HUD's liability if tenants institute litigation.

Summary of Costs

Sectors Affected: Public housing agencies; residents of public housing; and HUD.

Regulations on utility allowances impose costs on public housing agencies for administering the system. PHAs must also absorb utility costs either through reduced rents after tenant-purchased utilities are deducted or through direct operating costs and surcharges if utilities are purchased directly by the project.

Public housing tenants are affected economically. If utility allowances are lower than reasonable, tenants are paying more for rent and utilities than legally required. On the other hand, if utility allowances are higher than reasonable, tenants should be paying more for rent and utilities than they are being charged.

HUD is affected also by the level of utility allowances. If utility allowances are unreasonably low, the tenants can initiate legal proceedings against PHAs and, in some instances, against HUD. If the allowances are too high, PHAs are eligible for operating subsidies that are greater than necessary.

Summary of Net Benefits

Regulations that are uncomplicated and adaptable to local conditions and that result in reasonable utility allowances benefit PHAs, tenants, and HUD. PHAs will benefit by lower administrative costs and utility allowances that encourage energy conservation by tenants, thus lowering operating costs and the need for additional Federal subsidies. Tenants will benefit by receiving utility allowances that meet their reasonable needs and by living in projects that can be adequately maintained by the PHAs. HUD will benefit by lower operating subsidy requirements from PHAs and by reduced liability if tenants should institute litigation.

Related Regulations and Action

Internal: Interim Rule, 24 CFR Part 813, Income Eligibility and Rent for the Public Housing Program. See Calendar entry.

External: None.

Government Collaboration

None.

Timetable

NPRM—None.
Public Hearing—None.
Interim Rule—January 1982.
Public Comment Period—60 days following Interim Rule.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Final Rule—May 1982.

Available Documents

None.

Agency Contact

Charles R. Ashmore, Utilities Specialist
Office of Public Housing
Maintenance and Utilities Branch
Department of Housing and Urban Development
451 Seventh Street, S.W., Room 6241
Washington, DC 20410.

DEPARTMENT OF JUSTICE

Civil Rights Division

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs (28 CFR 42.401-.415; Revision)

Legal Authority

E.O. 12250, "Leadership and Coordination of Nondiscrimination Laws" (45 FR 72995, November 4, 1980).

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it concerns nondiscrimination, a matter of great public interest. Executive Order 12250 assigned to the Attorney General responsibility for coordinating enforcement of statutes that prohibit discrimination in federally assisted programs on the basis of race, color, religion, sex, national origin, or handicap. Executive Order 12250 also transferred to the Department of Justice the Guideline coordinating enforcement of § 504 of the Rehabilitation Act of 1973, originally issued by the Department of Health, Education, and Welfare (now Health and Human Services (HHS)). The Presidential Task Force on Regulatory Relief has designated this Guideline for review.

Statement of Problem

The DOJ is in the process of developing changes to its existing regulation that coordinates enforcement of nondiscrimination in federally assisted programs, 28 CFR 42.401–.415. These changes are the result of responsibilities assigned to the Attorney General by Executive Order 12250, issued on November 2, 1980. This Order, which superseded E.O. 11764 (1974) and E.O. 11914, was the result of a multi-year study undertaken by the Reorganization Task Force on Civil Rights. The first part of this review resulted in the issuance of E.O. 12067, which made the Equal Employment Opportunity Commission (EEOC) responsible for coordinating Federal government activity concerning nondiscrimination in employment. A subsequent evaluation by the Task Force in the area of nondiscrimination in federally assisted programs found numerous problems, including: a lack of civil rights enforcement by the 34 Federal grant agencies charged with that responsibility; overlapping civil rights and programmatic jurisdictions, resulting in inconsistent standards and inconsistent investigative procedures and findings; inadequate coordination; inadequate government-wide leadership; deficient civil rights laws; poor management; and inadequate resources. This second evaluation and review took approximately 2 years to complete.

The Task Force identified several possible alternatives for resolving these problems, including: complete consolidation of civil rights enforcement into a new or existing Federal agency other than EEOC; partial consolidation; improving the existing enforcement mechanisms; and legislative changes in civil rights laws.

In choosing among the possible alternatives, the option of working within existing structures but following the EEOC model of consolidating coordination responsibility within one agency was chosen. E.O. 12250 was issued to implement this approach. EEOC continues to be the coordinator for employment enforcement. E.O. 12250, which is administered by DOJ, addresses services, programs, and activities receiving Federal funds. EEOC does not have responsibility for this Executive Order or for the implementation and administration of this regulation.

E.O. 12250 substantially broadened the authority for coordinating Federal enforcement of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), previously assigned to DOJ by E.O. 11764. In addition to Title VI, which prohibits discrimination in federally assisted programs because of race, color, or national origin, the Attorney General also was charged by the new Order to coordinate Federal enforcement of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in federally assisted education programs and activities; § 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in federally assisted or federally conducted programs; and all other provisions of Federal statutory law that prohibit discrimination on the basis of race, color, national origin, sex, handicap, or religion in federally assisted programs.

E.O. 12250 expanded the protected classes from race, color, and national origin to include sex, handicap, and religion for a total of six protected classes. Additionally, under the Attorney General's jurisdiction, E.O. 12250 also expanded the number of coordination responsibilities assigned to DOJ by the earlier E.O. 11764. For example, the Attorney General is now charged with the responsibility for reviewing existing and proposed rules and regulations issued by executive agencies in order to identify those that are inadequate, unclear, or unnecessarily inconsistent; issuing standards and procedures concerning civil rights law enforcement, such as those establishing reasonable time frames for securing voluntary compliance, for initiating sanctions,and for referring matters to DOJ when voluntary compliance fails and administrative hearings are inappropriate; developing model information systems; ensuring consistent reporting and recordkeeping requirements; and establishing cooperative enforcement systems between Federal, State, and local agencies.

Alternatives Under Consideration

The Department considered the possibility of not amending regulations that were issued to implement E.O. 11764, the predecessor to E.O. 12250, but rejected this alternative for three reasons. First, 4 years of experience with the existing regulations on nondiscrimination in federally assisted programs, 28 CFR 42.401–.415, indicated that a redraft was necessary whether or not there were any changes in the Attorney General's authority. For example, 28 CFR 42.407(b), "Application Review," requires that all grant agencies must review and make a written determination that the State or local organization making application for Federal funds is in compliance with Title VI prior to the provision of Federal financial assistance. Our experience has shown that disbursing agencies with a large number of applicants could not reasonably be expected to implement this section. To illustrate, when we raised this requirement with HHS they pointed out to us that they had neither the time nor the civil rights or programmmatic staff to make pre-award determinations of compliance for all of the thousands of applications that they receive yearly. Consequently, the new regulations will recommend a series of alternative approaches to be used in conducting pre-award reviews that will be more reasonable and at the same time improve civil rights enforcement.

Second, the existing coordination regulations *extend only to Title VI* (race,

color, or national origin discrimination). To effectively implement E.O. 12250, this coverge must be expanded to include § 504 (discrimination on the basis of handicap), Title IX (discrimination on the basis of sex in federally assisted education and programs and activities), and the nondiscrimination provisions of grant statutes. Therefore, the regulation must be redrafted to be responsive to this new authority.

Third, DOJ is presently involved in two law suits, *Paralyzed Veterans of America* v. *Smith*, No. 79–1979 (C.D.-Cal., filed May 30, 1979), and *Greater Los Angeles Council on Deafness* v. *Bell*, No. 78–4715 (C.D.-Cal. November 24, 1981), concerning the Attorney General's responsibility for implementing portions of E.O. 12250. The changes proposed in the coordination-regulations would in part respond to the issues being raised in these cases. DOJ is the responsible reviewing agency for providing guidance in the preparation of agencies' regulations as set forth in this Coordination Regulation.

Summary of Benefits

Sectors Affected: The Federal Government; racial and ethnic minorities; handicapped individuals; women; and the general public participating in or benefiting by federally-assisted programs.

Below is an outline of the issues to be addressed by this two-part regulation.

Introduction

Purpose and definitions.
Delegation.
Coordination.
Agency implementation.
Content of implementing directives staffing.
Interagency cooperation and delegations.
Public dissemination of civil rights information.
Data and information collection.
Compliance procedures.
Complaint procedures.
Methods of resolving noncompliance.
Opportunity for hearing and agency findings.
Continuing programs.

Nondiscrimination on the Basis of Handicap

Purpose.
General prohibitions against discrimination.
General prohibitions against employment discrimination.
Reasonable accommodation.
Employment criteria.
Pre-employment inquiries.
Program accessibility.
Existing facilities.
New construction and alterations.
Coordination with the Architectural and Transportation Barriers Compliance Board.
Compliance with the Architectural Barriers Act.
Communications.
Other specific requirements.

Appendix A

Executive agencies to which this regulation applies.

Appendix B

Federal grant statutes with nondiscrimination provisions to which this regulation applies.

We expect that these proposed rules will result in a more efficient use of Federal executive agency civil rights personnel. The regulation places time limits on how long investigations of alleged civil rights noncompliance may last and how long voluntary negotiations between an agency and recipient may continue before the agency determines whether voluntary compliance is possible or formal enforcement action is necessary. As a result, civil rights investigations should be resolved more quickly. The benefits of increased government efficiency, elimination of duplicative efforts, and less complication for those filing complaints would be results of this regulation. In addition, because this regulation provides that civil rights compliance decisions are subject to the approval of agency civil rights offices, whose staffs are trained in civil rights requirements, decisions should be more consistent and made more promptly.

As a result, recipients, racial and ethnic minorities, women, disabled individuals, and the public can expect that civil rights problems will be dealt with in a more predictable and efficient manner.

Summary of Costs

Sectors Affected: The Federal Government.

Any additional costs (e.g., increased staff or training expenses) will be borne by the Federal Government.

Over a period of time, however, Federal costs should be reduced by E.O. 12250 and the proposed implementing regulations, which will stress more efficient use of staff and increased cooperation among Federal agencies.

DOJ believes this regulation will not have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have significant adverse effects on competition, employment, investment, productivity, or innovation or have any effect on the ability of United States-based enterprises in domestic or export markets.

Summary of Net Benefits

This regulation will establish procedures for the Federal enforcement of statutes prohibiting discrimination on the basis of race, religion, national origin, sex, color, and handicap in programs and activities that receive Federal financial assistance, thereby complying with Executive Order 12250. Compliance costs should be minimal. The net effect will be accomplishment of this important purpose for an issue of great public interest at virtually no cost to any affected sector.

Related Regulations and Actions

Internal: These proposed rules will amend the regulation entitled "DOJ Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964," 28 CFR 42.401-.415.

External: These proposed rules will require the amendment or issuance of regulations implementing Title VI, Title IX, § 504, and other statutes that prohibit discrimination on the basis of race, color, national origin, handicap, religion, or sex by the following agencies: ACTION; Agency for International Development; Department of Agriculture; Civil Aeronautics Board; Department of Defense; Department of Commerce; Department of Education; Equal Employment Opportunity Commission; Environmental Protection Agency; Federal Home Loan Bank Board; General Services Administration; Department of Health and Human Services; Department of Labor; Department of Housing and Urban Development; Department of the Interior; Department of the Treasury; National Aeronautics and Space Administration; National Endowment for the Arts; Nuclear Regulatory Commission; National Science Foundation; Office of Personnel Management; Small Business Administration; Department of State; Department of Transportation; Tennessee Valley Authority; Veterans Administration; Department of Energy; Department of Justice; Federal Emergency Management Agency; International Communications Agency; International Development Corporation; and National Endowment for the Humanities.

Government Collaboration

As required by § 1–303 of E.O. 12250, the Attorney General shall consult with the agencies listed above and others, as appropriate, before the final coordination regulations are issued.

Timetable

NPRM—December 28, 1981.
Regulatory Impact Analysis—To be determined.
Public Hearing—Not required.
Public Comment Period—Minimum of 90 days following publication of NPRM.
Final Rule—To be determined.
Final Rule Effective—Upon publication.
Regulatory Flexibility Analysis—Not required.

Available Documents

E.O. 12250, "Leadership and Coordination of Nondiscrimination Laws," 45 FR 72995, November 4, 1980.
28 CFR 42.401–.415.
42 U.S.C. 2000d *et seq.*
20 U.S.C. 1681 *et seq.*
29 U.S.C. 794.
The above documents may be reviewed at the address of the Agency Contact below.
"Agencies When Providing Federal Financial Assistance Should Ensure Compliance With Title VI," General Accounting Office, April 15, 1980. Available from the General Accounting Office, publication number HRD–80–22. Up to five copies are free.

Agency Contact

Ms. Stewart B. Oneglia, Chief
Coordination and Review Section
Civil Rights Division
Department of Justice
Washington, DC 20530
(202) 724–2222

DOJ–CRD

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds (28 CFR Part 42; 29 CFR Part 1691; New)

Legal Authority

E.O. 12250 (45 FR 72995, November 4, 1980); E.O. 12067 (43 FR 28967, June 30, 1978); Civil Rights Act of 1964, Title VI, 42 U.S.C. 2000d *et seq.;* Civil Rights Act of 1964, Title VII, as amended, 42 U.S.C. 2000e *et seq.;* Education Amendments of 1972, Title IX, 20 U.S.C. 1681; Age Discrimination in Employment Act, as amended, 29 U.S.C. 621 *et seq.;* Equal Pay Act of 1963, 29 U.S.C. 206(d); President's Reorganization Plan No. 1 of 1978, 92 Stat. 3781.

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because the proposed rule would cause an increase in the efficiency and productivity of Federal agencies and minimize the regulatory burden on recipients of Federal financial assistance.

Statement of Problem

The authority of the Equal Employment Opportunity Commission (EEOC) to enforce prohibitions against employment discrimination on the basis of race, color, religion, sex, national origin, or age overlaps with the authority of Federal funding agencies to enforce prohibitions against employment discrimination by recipients of Federal funds. Among the major Federal funding agencies concerned are the Department of Health and Human Services, the Department of Education, the Department of Labor, and the Office of Revenue Sharing of the Department of the Treasury.

Because of the overlapping authority, there is a potential for duplicative efforts by Federal agencies, which may cause needless burdens on the recipients. According to a survey conducted by the General Accounting Office, more than one-third of the discrimination complaints filed with Federal agencies under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.,* contained allegations of employment discrimination. If the complainant also had filed a similar employment discrimination complaint with EEOC, then the recipient may have been subjected to separate investigations by EEOC and Federal agencies concerning the same employment practice. Another problem is that victims of discrimination may be confused about with which agency to file their complaints of employment discrimination and may, therefore, inadvertently lose their rights.

EEOC has the responsibility of coordinating the Federal effort to enforce Federal equal employment opportunity law, according to Executive Order 12067, 43 FR 28967. The Attorney General has the responsibility of coordinating Federal enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.,* Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.,* and similar provisions in Federal grant statutes prohibiting discrimination on the basis of race, color, religion, sex, or national origin (Executive Order 12250, 45 FR 72995).

DOJ and EEOC initially decided to act on this problem upon the suggestion of several Federal fund-granting agencies, including the Department of Health and Human Services and the Department of Education. By taking regulatory action, we may be able to eliminate duplicative investigations, increase the efficiency of Federal agencies, and minimize needless burdens on recipients of Federal funds.

Alternatives Under Consideration

(A) Allow each interested Federal fund-granting agency to negotiate a separate memorandum of understanding with EEOC. A memorandum of understanding could provide for a Federal fund-granting agency and EEOC to share information or conduct joint investigations relating to the employment practices of the recipients of Federal funds. This alternative would allow a Federal agency to address a unique aspect of its program in a separate memorandum of understanding. However, the process of negotiating separate memoranda would be time-consuming and might lead to inconsistent results. For example, employment discrimination complaints filed with one Federal fund-granting agency may be treated differently by that agency than similar kinds of complaints filed with another agency. This creates confusion and an extra administrative burden for employers who may be subjected to varying investigative procedures and substantive standards.

(B) Promulgate a joint (DOJ and EEOC) regulation setting forth procedures for processing complaints of employment discrimination filed with Federal fund-granting agencies. The regulation would allow Federal fund-granting agencies to refer complaints of employment discrimination to EEOC for investigation and conciliation and would provide for the agencies and EEOC to share information relating to the employment practices of recipients of Federal funds. Federal funding agencies would retain authority to determine whether there had been a violation of the statute(s) they are charged with enforcing and to take enforcement action, where appropriate. This alternative would provide a uniform approach to the processing of such complaints and would be easier for EEOC to administer. Recipients of Federal funds would not be subjected to duplicative investigations or varying investigative procedures for the same types of complaints. Victims of discrimination would be protected from

losing their rights based upon a misfiled complaint because a complaint filed with an agency and thereafter sent to EEOC would be treated as a complaint filed with EEOC. An individual who misfiled his or her complaint would therefore be able to proceed under Title VII if his or her complaint would have been timely had it been initially filed with EEOC.

(C) No action. If no action is taken, recipients of Federal funds will continue to be subjected to duplicative investigations and varying investigative procedures for the same types of complaints.

We regard alternative (B) as the desirable alternative because it addresses the problem across the board and eliminates the possibility of a multiplicity of procedures governing the same type of complaints.

Summary of Benefits

Sectors Affected: Recipients of Federal financial assistance covered by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and similar provisions in Federal grant statutes; persons filing complaints of employment discrimination alleging violations of those statutes; Federal fund-granting agencies; DOJ; EEOC; and the general public.

This regulation is intended to eliminate duplication of investigations by EEOC and Federal fund-granting agencies by providing for EEOC investigation and conciliation of employment discrimination complaints filed with Federal fund-granting agencies. The elimination of duplicative investigations will not only increase the efficiency and thus the productivity of Federal agencies but also will minimize the reporting burdens on recipients of Federal funds.

By referring complaints of employment discrimination against any individual to EEOC, Federal fund-granting agencies will be able to focus their enforcement efforts on discrimination in the provision of services and significant patterns or practices of employment discrimination that affect the rights of beneficiaries. The individual complaints, except in special circumstances, will be handled by EEOC, the agency with the most expertise for processing that kind of complaint.

The general public will benefit because the Government will be able to enforce prohibitions against employment discrimination with greater effectiveness and reduced costs.

Summary of Costs

Sectors Affected: None.

We anticipate that administrative costs to implement this regulation, such as training employees, will be minimal and that the regulation will save money by reducing duplicative investigations of employment discrimination complaints by Federal fund-granting agencies and EEOC.

Summary of Net Benefits

We do not anticipate any significant costs for the proposed rule, and any minor costs that will occur will be short-term and related to administrative changes. Therefore, the benefits of increased government efficiency, elimination of duplicative efforts, and less complication for those filing complaints far outweigh any minor costs the Government will bear.

Related Regulations and Actions

Internal: Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs, 28 CFR 42.401 *et seq.*; Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964, 28 CFR 50.3.

External: The procedural regulations of EEOC are codified at 29 CFR 1601.1 *et seq.* Federal fund-granting agencies have promulgated regulations concerning the enforcement of Title VI of the Civil Rights Act of 1964. See, e.g., 34 CFR Part 100.

Government Collaboration

DOJ and the Equal Employment Opportunity Commission have worked together to develop this joint regulation. In December 1980 we circulated for comment a draft of the proposed regulation to Federal fund-granting agencies and met to discuss the draft with the major fund-granting agencies, including the Departments of Health and Human Services, Education, Labor, Energy, Interior, Housing and Urban Development, and Transportation, and the Economic Development Administration.

Timetable

NPRM—46 FR 22395, April 17, 1981.
Public Hearing—None.
Public Comment Period—April 17, 1981 to June 16, 1981.
Final Rule—January 1982.
Final Rule Effective—February 1982.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

Public comments may be reviewed from 9:30 a.m. to 4:30 p.m., Monday through Friday, at: Library (Room 2303), Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, DC 20503.

Agency Contact

David L. Rose, Chief
Federal Enforcement Section
Civil Rights Division
Department of Justice
Washington, DC 20530
(202) 633–3831

DOJ–CRD

Regulation Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs (28 CFR Part 42, Subpart H; New)

Legal Authority

Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; Health, Education, and Welfare (now Health and Human Services) Government-Wide Age Discrimination Regulations, 44 FR 33768, June 12, 1979.

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it concerns nondiscrimination, an issue of great public interest. This proposed regulation prohibits discrimination on the basis of age against persons participating or attempting to participate in DOJ-assisted programs.

Statement of Problem

A substantial number of people in the United States are denied full participation in major activities, such as public benefits, services, and facilities, because of discrimination based on their age. Recognizing this fact, the Congress passed the Age Discrimination Act of 1975, which prohibits discrimination solely on the basis of age in all programs and activities that receive Federal financial assistance. Federal agencies that provide such assistance must develop and publish regulations in furtherance of the broad remedial purpose of the Age Discrimination Act of 1975.

Pursuant to the Act, the Secretary of Health and Human Services (HHS) has issued general regulations, 45 CFR Part 90, 44 FR 33768 (June 12, 1979), to guide Federal agencies in implementing the Act. In addition to setting government-wide standards, HHS reiterated the Act's requirement that all disbursing agencies, such as DOJ, issue agency-specific regulations.

The DOJ regulation closely adheres to the substance of the HHS standard. However, the DOJ regulation has been program-specific by including a number

of illustrative examples that apply the Act to those recipients who receive assistance from DOJ, including police departments, court systems, and correction agencies.

Failure to issue this regulation at this time would constitute a failure to adequately address the potential problem of age discrimination in DOJ-assisted programs.

Alternatives Under Consideration

In furtherance of its statutory responsibility for oversight and coordination of enforcement of this law, HHS has required each disbursing Federal department or agency to issue regulations that are consistent with the HHS regulations. There are no alternatives to issuance of such a DOJ regulation in terms of scope, timing, or substantive requirements. DOJ has tailored this regulation to identify issues of concern to recipients under and to beneficiaries of DOJ-assisted programs. For example, the regulation addresses issues arising within DOJ-assisted programs, such as juvenile justice, minimum age limits for visitors to incarcerated prisoners, separate prison facilities for the elderly, separate rehabilitation programs for juvenile offenders, and the resultant status of such kinds of programs in light of the Age Discrimination Act.

Although there are no alternatives to issuing this regulation, we are concerned that some applications of the Act may result in substantial problems in the administration of federally assisted programs. In a November 10, 1980 letter from the then-Assistant Attorney General, Civil Rights Division, DOJ, to the then-Secretary, HHS, we recommended a study of the Act with an eye toward recommending that Congress clarify its scope and purpose. We are especially concerned about the unclear nature of the Act's prohibitions and exceptions.

Summary of Benefits

Sectors Affected: Persons who may be beneficiaries of DOJ-assisted programs and who may be victims of discrimination on the basis of age (e.g., juveniles and the elderly).

The regulation establishes standards to define and prohibit age discrimination in programs and activities that receive Federal financial assistance from DOJ. Programs and activities that the regulation would cover include those administered by State and local units of the criminal justice system that receive Federal assistance in the form of grants and Federal assistance contracts from the law Enforcement Assistance Administration (e.g., police departments, prisons, and courts) or training from the Federal Bureau of Investigation or other agencies with DOJ.

We are unable to provide precise data on the number of recipients covered by the proposed regulation because the major disbursing component of the DOJ, the Law Enforcement Assistance Administration, is in the process of phasing out its grant-making programs. Other components of DOJ that provide Federal financial assistance include the National Institute of Justice; the Bureau of Justice Statistics; the Federal Prison System, formerly the Bureau of Prisons; the Drug Enforcement Administration; the Office of Justice Assistance, Research, and Statistics; and the Multi-State Regional Intelligence Projects. These agencies provide grants, contracts, and training to units of State and local government.

This regulation may also benefit such private entities as juvenile homes, educational institutions, and certain public interest groups such as sub-recipients of funds from State or local government units that have received financial assistance from DOJ. It will also benefit the target populations of these programs, providing them with services that are free of prohibited discrimination based on age.

Summary of Costs

Sectors Affected: Units of government receiving Federal financial assistance from DOJ, including police departments, court systems, and correction agencies.

We cannot provide estimates of compliance costs, but we expect them to be minimal because the exemptions contained in the Act appear to exclude from coverage a significant portion of the activities conducted by DOJ recipients. In support of this conclusion, we note that DOJ has not yet received any age discrimination complaints. The minimal costs associated with the implementation of this regulation may involve such items as new paperwork and additional staff time. After inviting public comment on this issue, we determined that this regulation does not have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, productivity, or innovation. Also, it will not have any effect on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For these reasons, we will not do a Regulatory Impact Analysis.

Summary of Net Benefits

This regulation will establish standards to define and prohibit discrimination on the basis of age in programs and activities that receive financial assistance from DOJ, thereby serving such purpose and complying with both the Age Discrimination Act and the general regulations promulgated pursuant to that Act. Compliance costs should be minimal. The net effect, therefore, will be accomplishment of this important purpose for an issue of great public interest at virtually no cost to any affected sector.

Related Regulations and Actions

Internal: None.

External: The Department of Health, Education, and Welfare (now HHS) general regulations under the Age Discrimination Act, 44 FR 33768, June 12, 1979.

Government Collaboration

Pursuant to 42 U.S.C. 6103(a)(4), the proposed Final Regulation was sent to the Secretary of Health and Human Services for approval.

Timetable

NPRM—45 FR 32710, May 19, 1980.
Final Rule—June 1982.
Regulatory Impact Analysis—Not required.
Public Hearing—Not required.
Regulatory Flexibility Analysis—Not required.
Final Rule Effective—Upon publication, for any program that received or receives financial assistance from DOJ after July 1, 1979.

Available Documents

Public Comments—Available for review; see Agency Contact.

Agency Contact

Allan H. Terl, Attorney
Coordination and Review Section
Civil Rights Division
Department of Justice
Washington, DC 20530
(202) 724-2241

DOJ-CRD

Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance (28 CFR 42.701-.771; New)

Legal Authority

Education Amendments of 1972, as amended, Title IX, §§ 901 and 902, 20 U.S.C. 1681 *et seq.*

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it deals with nondiscrimination, a matter of great public concern. This regulation would prohibit discrimination on the basis of sex in education programs and activities receiving Federal financial assistance from DOJ.

Statement of Problem

In June 1980 the Department of Justice proposed a new regulation for nondiscrimination on the basis of sex in education and training programs receiving or benefiting from Federal financial assistance provided by DOJ (45 FR 41001, June 17, 1980). We intended the June proposal to implement Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits (with certain exceptions) sex discrimination in federally assisted education programs or activities.

Examples of such DOJ-covered programs include:

The National Institute of Corrections gives a grant to a State sheriffs' association to develop and implement a plan to assist local jails. Activities under the grant project include training of resource personnel, who in turn provide on-site training to local jail employees. The sheriffs' association is a recipient of Federal financial assistance for a program that includes education programs and activities. Title IX and this regulation apply to the association's selection and training of resource personnel and to on-site training provided to local jail employees.

The National Institute of Corrections provides a grant to a State agency to implement State jail standards. Employees of the State agency provide training to employees of local jails on the requirements of the jail standards. This training is part of the implementation project, which is subject to the Federal grant, and it is covered by Title IX and this regulation.

Alternatives Under Consideration

The DOJ had two possible alternatives in designing this Congressionally mandated regulation: it could have followed the directions provided by the other Federal agencies, the Department of Health, Education, and Welfare (HEW, now the Departments of Education (ED) and Health and Human Services (HHS)), and the Department of Agriculture (USDA), which had already issued their Title IX regulations; or it could have developed an entirely new approach to Title IX enforcement, ignoring the work performed by other agencies. DOJ is following the leads of HEW and USDA in order to ensure consistency in the Federal Government's approach to enforcing Title IX.

On June 17, 1980, this Department issued the proposed regulation implementing Title IX (45 FR 41001-41012). On August 18, 1980, the Department of Justice extended the comment period on the June 17 proposal to September 19, 1980 (45 FR 54770). Because numerous comments received on the original proposal indicated misunderstanding of its intent and definitions, the Department will publish a revised and clarified regulation for additional comments.

In addition to providing clarifying information, the redraft will also contain changes based on suggestions made during the public comment period. For example, we have provided new definitions for "Department" and "assisted education program or activity," added a prohibition against sexual harassment, and decided not to allow for a lengthy adjustment period for recipients who have already been permitted an adjustment period because of prior coverage under another regulation.

Summary of Benefits

Sectors Affected: Persons who may be beneficiaries of DOJ-assisted education programs and who may be victims of discrimination on the basis of sex.

For example, the Bureau of Prisons (BOP), within DOJ, awarded approximately $42 million to State and local organizations in contracted services for FY 1981. These contracts went to community treatment centers and halfway houses, State and local correctional institutions for Federal prisoners' confinement, local hospital services for the treatment of Federal inmates, vocational training for Federal prisoners, State and local prison and hospital security, recreation and religious program activities, and psychological and mental health services. The implementation of this regulation will ensure that the education programs and services provided with these funds are provided equally and fairly without regard to a person's sex. There are well over 26,000 Federal inmates that would potentially benefit from this regulation with the BOP-funded services listed above.

DOJ also distributes funds through the National Institute of Corrections, the Drug Enforcement Administration, the Bureau of Justice Statistics, the Multi-state Regional Intelligence Projects, and the Federal Bureau of Investigation in the form of grants, contracts, and cooperative agreements. The recipients of these funds include police departments, court systems, correction agencies, juvenile homes, educational institutions, and public interest groups that participate in activities related to the Nation's criminal justice system, and individuals eligible to take part in their programs.

This regulation will clarify what is prohibited discrimination on the basis of sex in education and training programs receiving the above Federal funds. Viewed from a larger perspective, implementation of this regulation will upgrade the quality of law enforcement and related activities by ensuring equality in education and training programs regardless of sex. Specifically, it will improve the ability of women, who have traditionally been discriminated against by the employment practices of law enforcement agencies, to obtain equal access, once hired, to those activities needed for professional advancement.

Below is an outline of the issues to be addressed by this regulation.

Introduction

Purpose and effective date.
Definitions.
Remedial and affirmative action and self-evaluation.
Assurance required.
Transfers of property.
Effect of other requirements.
Effect of employment opportunities.
Designation of responsible employee and adoption of grievance procedures.
Dissemination of policy.

Coverage

Application.
Educational institutions controlled by religious organizations.
Military and merchant marine educational institutions.
Membership practices of certain organizations.
Exempt activities.
Admission.
Education institutions eligible to submit transition plans.
Transition plans.

Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

Admission to assisted education programs and activities.
Recruitment.

Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

Education programs and activities.
Housing.
Comparable facilities.
Access to course offerings.
Access to schools operated by local education agencies.
Counseling and use of appraisal and counseling materials.
Financial assistance.
Employment assistance to students.
Health and insurance benefits and services.
Marital or parental status.
Athletics.
Textbooks and curricular materials.

Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

Employment.
Employment criteria.
Recruitment.
Compensation.
Job classification and structure.
Fringe benefits.
Marital or parental status.
Effect of State or local law or other requirements.
Advertising.
Pre-employment inquiries.
Sex as a bona fide occupational qualification.

Procedures

Interim procedures.
Appendix.

Summary of Costs

Sectors Affected: State and local law enforcement and correction agencies and private entities participating in activities related to the Nation's criminal justice system, such as juvenile homes, educational institutions, and public interest groups.

We cannot provide estimates of compliance costs; however, they appear to be minimal. The primary costs to the recipients associated with Federal implementation of this regulation are those traditionally associated with civil rights compliance activities, for example, responding to complaint investigations and compliance reviews, the collection and reporting of equal opportunity data, and public notification programs. This regulation will not have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have significant adverse effects on competition, employment, investment, productivity, or innovation or have any effect on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For these reasons, at this time we do not expect to do a Regulatory Impact Analysis.

Summary of Net Benefits

This regulation will establish standards to define and prohibit discrimination on the basis of sex in education programs and activities that receive financial assistance from DOJ, thereby complying with both Title IX of the Education Amendments of 1972 and the general regulations promulgated by HHS pursuant to that Act. Compliance costs should be minimal. The net effect, therefore, will be accomplishment of this important purpose for an issue of great public interest at virtually no cost to any affected sector.

Related Regulations and Actions

Internal: DOJ regulation issued by the Law Enforcement Assistance Administration under the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d(c) *et seq.* This law, which contains a general prohibition against sex discrimination, has been reenacted in the Justice System Improvement Act of 1979, P.L. 96-157, and is implemented by 28 CFR 42.201-.217.

External: HEW regulation, 45 CFR Part 86; USDA regulation, 44 FR 21610, April 11, 1979.

Government Collaboration

At the time of development of this regulation, no Federal agency had been delegated overall responsibility for coordination of Title IX. However, on November 2, 1980, DOJ was assigned the responsibility by E.O. 12250 of coordinating the enforcement of various statutes, including Title IX, concerning nondiscrimination in federally assisted programs on the grounds of race, color, national origin, sex, handicap, and religion. Nevertheless, in order to assure consistency with the regulations already published, DOJ has followed the lead established by the Departments of Health and Human Services and Agriculture in their Title IX rules.

Timetable

NPRM—45 FR 41001, June 17, 1980.
Revised NPRM—June 1982.
Regulatory Impact Analysis—To be determined.
Public Hearing—Not required.
Public Comment Period—90 days following publication of revised NPRM.
Final Rule—To be determined.
Final Rule Effective—Upon publication.
Regulatory Flexibility Analysis—Not required.

Available Documents

Comments received on the June 17, 1980 NPRM and the revised NPRM will be available for public inspection in Room 854, 320 First Street, N.W., Washington, DC, between 9:00 a.m. and 5:30 p.m., Monday through Friday, except on Federal holidays, until the rule is published in final form.

Agency Contact

Ms. Stewart B. Oneglia, Chief
Coordination and Review Section
Civil Rights Division
Department of Justice
Washington, DC 20530
(202) 724-2222

DOL—Employment Standards Administration

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (29 CFR Part 541; Revision)

Legal Authority

Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*

Reason for Including This Entry

The Department of Labor has determined that this regulation should be treated as a "major" rule for purposes of E.O. 12291 because of the public interest regarding it.

Statement of Problem

The Fair Labor Standards Act (FLSA) provides minimum wage and overtime protection for most workers. While most non-supervisory workers are subject to the Act, executive, administrative, and professional employees are statutorily exempt under § 13(a)(1) from the minimum wage and overtime requirements. This exemption stemmed from the recognition that such personnel have special work responsibilities, compensatory privileges, and benefits superior to those of other employees.

Section 13(a)(1) of the FLSA gives the Secretary of Labor the responsibility to define the terms of the exemption. These

regulations set forth the criteria for determining the application of the exemption. They delineate the duties, responsibilities, and mimimum salary levels necessary for "executive," "administrative," and "professional" employees to qualify for exemption from the mimimum wage and overtime requirements of the Act. At present, the salary test levels are $155 per week for executive and administrative employees and $170 per week for professional employees. In addition, the regulation sets an "upset" test—a salary level above which employees are considered exempt if they meet a "short" test of responsibilities including "primary duty." This is currently set at $250 per week.

Since the salary test levels are not indexed, periodic adjustments are needed to reflect increases in the average salaries of executive, administrative, and professional employees. The Department's latest adjustment in the salary test levels was an interim adjustment in 1975 and did not fully reflect the increases in various economic indices that had occurred subsequent to the 1970 increase in the salary tests. Further increases in actual salaries paid have seriously outdated these interim levels.

The salary test levels have long provided employers with guidelines for distinguishing executive, administrative, and professional employees from non-exempt workers. Formerly, employers could rely on the salary test as a good indicator of whether an employee was likely to be exempt. Now that the test levels are lagging behind actual salaries, employers who depend on the current salary tests could be misled into inadvertent noncompliance with the FLSA. As the gap between salary test levels and actual executive, administrative, and professional salaries widens, greater emphasis must be put on the time-consuming and more complex "duties-and-responsibilities" portion of the regulations. The duties-and-responsibilities provisions and the salary tests together serve as complementary standards in defining exempt executive, administrative, and professional employees. The Department is also reviewing the duties-and-responsibilities provisions as well as the salary test provisions of these regulations to determine whether any further changes in the regulations may be appropriate at this time.

Alternatives Under Consideration

The following alternatives were considered in developing regulations the Department of Labor published on January 13, 1981 (46 FR 3010), which are currently being reconsidered under President Reagan's E.O. 12291. These alternatives are examples of the types of options we are considering in the review of this regulation.

(A) Continue to use the 1975 interim salary test levels.

The growing gap between salary test levels and actual salaries paid executive, administrative, and professional employees has greatly reduced the usefulness of the salary test as a guide for employers and the Department in determining FLSA exemption status. Because of the rise in salaries generally, more and more employees now meet the salary requirements but may not meet the duties and responsibilities tests and may be erroneously claimed by employers to be exempt.

(B) Update the salary test levels by applying the percentage increase in the Consumer Price Index (CPI) since 1970.

While the CPI is the most widely used series for indexing purposes, use of a wage series that reflects actual pay practices in excutive, administrative, and professional labor markets would be more appropriate in adjusting the salary test levels. The CPI approach would result in salary test levels above those determined by most wage series, which would impose an unnecessary additonal cost burden on employers. (This option would have resulted in salary test levels of $265 per week for executive and administrative employees and $295 per week for professional employees if it had been selected and applied under the January 13, 1981 regulations.)

(C) Set the salary test levels at the entry levels for various professional and administrative occupational classifications taken from the National Survey of Professional, Administrative, Technical, and Clerical Pay (PATC).

While salary test levels should reflect the minimum compensation level of employees who meet the duties-and-responsibilities requirements of the exemption, the PATC survey does not provide sufficient detail for determining the appropriate levels. The PATC survey is restricted to only ten professional and administrative occupations, and the sample size is relatively small within some of the specific entry level categories. Also, the sample is restricted to larger establishments, generally those with 100 employees or more. For these reasons, we do not believe that the entry-level data from the PATC survey are sufficiently representative for executive, administrative, and professional employees to be used in determining the new salary test levels. (This option would have resulted in salary test levels of $335 per week for executive, administrative, and professional employees if it had been selected and applied under the January 13, 1981 regulations.)

(D) Set the salary test levels in two phases, applying data on the percentage increase in the averge salaries paid to employees in the relevant PATC categories to a March 1970 baseline to compute final salary test levels. The regulations the Department published on January 13, 1981, for which the effective date has been stayed indefinitely pending their reconsideration under E.O. 12291, used this approach in determining the appropriate salary test levels.

This method more closely reflected relative increases in salary levels actually paid to executive, administrative, and professional employees as determined by supply and demand conditions. The salary test levels calculated using this methodology appeared reasonable overall compared to actual entry-level salaries paid employees in professional and administrative occupations as indicated by PATC survey data. However, using a single average percent increase may result in levels that exceed the rates paid to some executive, administrative, and professional employees in certain retail and service industries. (This option would have ultimately resulted in salary test levels of $250 per week for executive and administrative employees and $280 per week for professional employees under the January 13, 1981 regulations.)

(E) Set the salary test levels using the PATC percentage increases from March 1975 to March 1980 with 1975 as the base.

Applying the PATC percentage increases to currently applicable 1975 interim salary test levels would result in somewhat lower salary test levels than the above options. This is due to the fact that the 1975 levels were only interim adjustments that did not fully reflect prior increases in executive, administrative, and professional salaries. (This option would have resulted in salary test levels of $230 per week for executive and professional employees and $250 per week for professional employees if it had been selected under the January 13, 1981 regulations.)

Summary of Benefits

Sectors Affected: Employees and employers throughout the economy who are covered by the minimum wage and over-time pay provisions of the Fair Labor Standards Act.

Appropriate changes in the salary test levels would specifically benefit employers by providing them with a more realistic indicator of which employees are exempt as executive, administrative, and professional employees. The changes would benefit non-exempt employees by ensuring that they do not lose appropriate FLSA overtime protection by being improperly classified as exempt employees.

Summary of Costs

Sectors Affected: Employers throughout the economy who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

The estimate costs of significantly raising the salary test levels would involve two types of costs: (1) the added costs to those employers who choose to pay their employees higher salaries in order to qualify for the exemption, and (2) the additional overtime payments to employees who fail to qualify for exempt status under the new tests.

The January 1981 regulations would have increased the salary test levels in February 1981 and February 1983 from $155 to $225 and then $250 per week for executive and administrative employees, and from $170 to $250 and then $280 per week for professional employees. The Department estimated that the planned increases would have affected 0.8 percent of the employees claimed to be exempt as executive, administrative, and professional employees and resulted in additional compensation totaling $53 million (on an annual basis) as of February 1981 had the change in the salary test levels taken effect at that time. This would have resulted in a rise of .03 percent in the aggregate salary bill for such employees and a rise of .01 percent in total wages and salaries for all workers. The salary test levels that would have become effective February 1983 would not have resulted in a further increase in the annual salary bill for executive, administrative, and professional employees because of the expected increases in salary levels that would have occurred by that time. (These cost estimates are based on a "least cost" methodology that assumed that employers would convert salaried employees doing executive, administrative, or professional work and working in excess of 40 hours a week to an hourly basis and provide overtime pay as long as the added costs would be less than the increase associated with raising salaries to the new salary test levels.)

Summary of Net Benefits

The Department intends to issue any proposed changes in a manner that will facilitate cost-effective regulation while providing appropriate minimum wage and overtime protection to non-exempt employees consistent with the objectives of the Act.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

ANPRM—None.
NPRM—43 FR 14688, April 7, 1978; proposal to stay indefinitely, 46 FR 18998, March 27, 1981.
Final Rule—January 13, 1981 (46 FR 3010).
Final Rule Effective—Originally scheduled for February 13, 1981, but stayed indefinitely (46 FR 11972 and 46 FR 18998).
Public Comment Period—Closed April 27, 1981.
Public Hearing—None.
Regulatory Impact Analysis—None to date under E.O. 12291; "Regulatory Analysis for the Department of Labor's Decision to Increase the Salary Tests for Executive, Administrative, and Professional Employees under the Fair Labor Standards Act" under E.O. 12044 (46 FR 3016).
Regulatory Flexibility Analysis—None to date.

Available Documents

Comments received during public comment periods are available for review at the address below.

Agency Contact

James L. Valin, Director
Division of Minimum Wage and Hour Standards
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room S–3508
Washington, DC 20210
(202) 523–7043

DOL–ESA

Labor Standards for Federal Service Contracts (29 CFR Part 4; Revision)

Legal Authority

Service Contract Act of 1965, 41 U.S.C. 351 *et seq.*

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

These provisions contain regulations and interpretations governing the administration of the Service Contract Act. The Act requires contractors and subcontractors performing work under contracts for services to the Federal Government to observe minimum wage and fringe benefit standards as determined by the Secretary of Labor to be prevailing in the locality for the various classes of employees engaged in the performance of the contract. The Department of Labor has perceived a need for thorough review of this regulation to assure that it provides for cost-effective implementation of the Act while meeting statutory objectives and to update its codification of the Department's policies for administering the Act.

Alternatives Under Consideration

The Department of Labor published a proposal to revise these regulations on December 28, 1979 and modified it by a December 12, 1980 proposal. Final regulations resulting from these proposals were published on January 16 and 19, respectively, but their February 1981 effective dates were deferred in response to President Reagan's January 1981 Memorandum on the Postponement of Pending Regulations, in order to allow for careful review of their provisions in accordance with E.O. 12291. The revision published in January 1981 essentially reflected existing practices and interpretations of applicability under the Service Contract Act (SCA) by the Department of Labor. Nevertheless, the regulations generated considerable controversy. In particular, some contractors and associations and the procuring agencies perceived that provisions of that revision indicating SCA coverage of certain types of contracts (such as maintenance and repair of automated data processing (ADP) equipment, especially under contracts for purchase and/or lease of equipment; research and development contracts; and timber sales contracts) represented an expansion of the Act's coverage. Serious concerns were raised regarding the potential inflationary impact of these provisions on government contracting costs. In view of this controversy, the Department thoroughly examined the coverage provisions of the Act and concluded that changes in the regulations in this regard are appropriate. In addition, the

Department determined that certain proposed exemptions of contracts otherwise covered are also appropriate. A new proposal resulting from this review was published on August 14, 1981.

Major regulatory revisions contained in the August proposal that are under consideration include:

(A) Establishment of a two-step wage determination procedure to be used when the geographic area where a contract will be performed is not known at the time of bid solicitation.

(B) Provisions that contracts are subject to the Act when the principal purpose of the entire contract is for services and the work on the contract is performed principally by service employees.

(C) Guidelines indicating when contracts for major overhaul or modification of equipment are subject to the Service Contract Act or Walsh-Healey Act (which sets basic labor standards for employees working on Federal contracts for the manufacture or furnishing of materials, supplies, articles, or equipment, as contrasted with Federal contracts to procure services).

(D) An exemption for certain research and development contracts.

(E) An exemption for certain contracts for the maintenance and repair of automated data processing and other equipment—including office information systems, high technology scientific and medical apparatus, and office/business machines.

(F) A provision showing that contracts primarily for the sale of timber are not subject to the Act.

(G) Limitation of the application of § 4(c) of the Act, which requires that successor contractors pay employees not less than the wage rates and fringe benefits established under a predecessor contractor's collective bargaining agreement, to situations where the successor contractor performs the contract in the same locality as the predecessor contractor.

Summary of Benefits

Sectors Affected: Federal government agencies contracting for services; service contractors and subcontractors; and service employees.

The Department has determined that the August 14, 1981 proposal would result in substantial cost savings for both service contractors and the Government. The Department has estimated that, compared to the January 1981 regulations, the changes in coverage and exemptions contained in the August 14, 1981 proposal would reduce by at least $240 million the annual costs of service contractors, and hence the Federal government procuring agencies. Estimated savings in annual costs attributable to specific revisions in coverage are (1) approximately $50 million (in 1980 dollars) relating to the applicability of the Act to contracts principally for service workers together with the exemption of research and development contracts, (2) $13.24 million in relation to contracts primarily for the sale of timber, (3) close to $100 million (including administrative cost savings) in relation to contracts for the maintenance and repair of automated data processing and other equipment, and (4) approximately $85.64 million in relation to other types of bid specifications for services not included in other coverage and exemption areas contained in contracts where the principal purpose of the entire contract is not for services. Further non-quantified cost reductions would also result from a provision ensuring that wage determinations for the proper locality are issued when the locality is unknown at the time of bid solicitation. Also, possible disruptions of local wages would be eliminated by limiting the application of § 4(c) to where the successor contract is performed in the same locality as the predecessor contract.

The proposed regulations assure that under Federal contracts necessary prevailing labor standards protection for service employees would continue under Federal service contracts.

Summary of Costs

Sectors Affected: Federal government agencies contracting for services; service contractors and subcontractors; and service employees.

The Department is investigating costs in its review of this existing rule.

Summary of Net Benefits

The Department intends to issue a final regulation that substantially reduces government contracting costs while providing necessary wage protection to service workers consistent with the objectives of the Act.

Related Regulations and Actions

Internal: Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal Service Contracts (29 CFR Part 6); proposed regulations (29 CFR Part 8), Practice Before the Board of Service Contract Appeals.

External: Federal Procurement Regulations (41 CFR Part 1–12.9) and Defense Acquisition Regulations (32 CFR Part 12).

Government Collaboration

The proposed revisions resulted, in part, from ongoing discussion with Federal contracting agencies (including the National Aeronautics and Space Administration, the Department of Defense, the General Services Administration, and the Department of Energy) concerning their experience in the administration of the requirements of the Service Contract Act and its regulations in their procurement activities.

Timetable

NPRM—December 28, 1979 (44 FR 77036), modified December 12, 1980 (45 FR 81785).
Final Rule—January 16 and 19, 1981 (46 FR 4320; 46 FR 4886).
Final Rule Effective—Originally scheduled for February 17 and 18, 1981, but deferred until action is taken on new proposal.
NPRM—August 14, 1981.
Statutory or Legal Deadline—None.
Public Hearing—November 19 and 20, 1981.
Public Comment Period—Closed December 1, 1981 on August 14, 1981 proposal.
Regulatory Impact Analysis—"Preliminary Regulatory Impact Analysis on Proposed Service Contract Act Regulations;" final to be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.

Available Documents

None.

Agency Contact

William M. Otter, Administrator
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room S–3502
Washington, DC 20210
(202) 523–8305

DOL–ESA

Labor Standards Provisions, Davis-Bacon and Related Acts (29 CFR Parts 1 and 5; Revision)

Legal Authority

Davis-Bacon and Related Acts and Copeland Anti-Kickback Act (40 U.S.C. 276 *et seq.*); Reorganization Plan No. 14 of 1950; and Contract Work Hours and

Safety Standards Act (40 U.S.C. 327 *et seq.*)

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

The Davis-Bacon and Related Acts require that laborers and mechanics employed by contractors and subcontractors engaged in federally funded or assisted construction projects be paid at least the minimum wages determined by the Secretary of Labor to be prevailing for corresponding classes of employees employed on projects of a similar nature in the geographic area where the work is to be performed. Under the Contract Work Hours and Safety Act, hours standards also apply to such employment, as well as work on other Federal contracts. These regulations govern the Department of Labor's issuance of prevailing wage determinations, the administration and enforcement of the labor standards that must be included in contracts under the Davis-Bacon Act and related Acts and the Contract Work Hours and Safety Standards Act, and related reporting requirements under the Copeland Anti-Kickback Act. Thorough review of these regulations is needed to assure that they reflect and codify the Department's policies for administering the Act and, further, to improve the cost effectiveness of the regulations while assuring consistency with statutory objectives. Proposed changes would address concerns raised by contractors and the procuring agencies regarding the impact on government costs of several of the current requirements.

Alternatives Under Consideration

Proposed changes in these regulations were published by the Department of Labor in the **Federal Register** on December 28, 1979. In response to President Reagan's January 1981 Memorandum on the Postponement of Pending Regulations, final regulations published on January 16, 1981 were deferred to allow for careful review of their provisions in accordance with E.O. 12291, and a new proposal to revise these regulations was issued on August 14, 1981 (46 FR 41444 and 41456).

The August 14, 1981 proposal would amend the procedures for determining the prevailing wage rates applicable to federally funded or assisted construction contracts by eliminating the "30-percent rule" for determining the prevailing wage rates. Under the current procedures, if a single wage rate is not paid to a majority of workers on similar projects in a particular job classification in a geographical area, the Department sets as the prevailing wage for that work the rate paid to the greatest number of such workers if that wage rate is paid to at least 30 percent of the workers in the classification within the geographical area. If at least 30 percent of the workers in a classification in the area are not paid at the same rate, the average wage of workers on the classification in the area is determined to be the prevailing wage. Under the new proposal, the prevailing wage would be redefined as the single rate paid to a majority of workers in a particular classification on similar projects in the locality, or, if no single rate is paid to a majority, the average rate.

Additionally, the August 1981 proposal would provide for the issuance of semi-skilled (helper) classifications on wage determinations and for the increased use of helpers when they are employed in the locality.

The proposal would also eliminate the requirement that contractors submit weekly payrolls to the appropriate Federal agencies.

Summary of Benefits

Sectors Affected: Construction contractors and subcontractors; construction workers; Federal government contracting agencies; government agencies providing Federal assistance for construction; and State and local governments and other entities receiving such assistance.

We expect the proposed changes to result in savings for construction contractors and subcontractors, Federal procurement and assisting agencies, and State and local governments and other entities receiving Federal assistance for construction.

The Preliminary Regulatory Impact Analysis for the revisions in these regulations, proposed on August 14, 1981, anticipates that a reduction of at least an estimated $670 million (1980) dollars in annual costs would result from the revisions. This represents substantial cost savings annually for both contractors and the Government. The amended procedure for determining prevailing wages would result in an estimated annual cost savings of about $120 million. The expanded issuance of wage determinations for semi-skilled classifications, when they can be identified in an area, would result in an estimated $450 million savings in annual costs. Elimination of the requirement that contractors submit weekly a copy of all payrolls to the contracting agencies would save an estimated $100 million a year in administrative costs to contractors.

The proposed regulations would at the same time continue to assure that wage rates on federally funded and assisted construction projects will be in accord with local pay practices.

Summary of Costs

Sectors Affected: Construction contractors and subcontractors; construction workers; Federal government contracting agencies; government agencies providing Federal assistance for construction; and State and local governments and other entities receiving such assistance.

The Department is investigating costs in its review of this existing rule.

Summary of Net Benefits

The Department intends to issue a final regulation that substantially reduces government contracting costs while providing necessary wage protection to construction workers consistent with the objectives of the Act.

Related Regulations and Actions

Internal: Anti-kickback regulations under the Copeland Act (29 CFR Part 3); Practice Before the Wage Appeal Board (29 CFR Part 7); and proposed regulations (29 CFR Part 6), Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally-Assisted Construction on Contracts and Federal Service Contracts.

External: Federal Procurement Regulations (41 CFR Part 1–16.7) and Defense Acquisition Regulations (32 CFR Part 18).

Government Collaboration

The proposed revisions resulted, in part, from ongoing discussion with Federal contracting agencies (including the National Aeronautics and Space Administration, the Department of Defense, the Department of Energy, and the General Services Administration) concerning problems experienced in the administration of the requirements of the Davis-Bacon Act and its regulations.

Timetable

NPRM—44 FR 77026 and 77080, December 28, 1979.
Final Rule—46 FR 4306 and 4380, January 16, 1981.
Final Rule Effective—Originally scheduled for February 17, 1981, but deferred until action is taken on new proposal.
NPRM—46 FR 41444 and 41456,

August 14, 1981.
Public Hearing—None.
Public Comment Period—Closed October 13, 1981 on August 14, 1981 proposal.
Regulatory Impact Analysis—"Preliminary Regulatory Impact Analysis on Proposed Davis-Bacon Related Regulations;" final to be determined.
Regulatory Flexibility Analysis—Combined with Regulatory Impact Analysis, see above.

Available Documents

None beyond those cited above.

Agency Contact

William M. Otter, Administrator
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room S-3502
Washington, DC 20210
(202) 523-8305

DOL-ESA

Office of Federal Contract Compliance Programs, Government Contractors' Affirmative Action Requirements (41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, and 60-741; Revision)

Legal Authority

E.O. 11246, as amended; § 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. 2012; § 503 of the Rehabilitation Act of 1973, as amended, 20 U.S.C. 793.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these regulations for review.

Statement of Problem

These regulations contain nondiscrimination and affirmative action requirements for government contractors and subcontractors and federally assisted construction contractors. The existing regulations have been criticized by contractors for lacking flexibility and for imposing substantial reporting and recordkeeping burdens. Contractors also have complained that the regulations are redundant and conflicting. The Department of Labor has perceived a need to streamline these regulations and thoroughly review them in order to reduce compliance costs while achieving affirmative action to assure equal employment opportunities.

Alternatives Under Consideration

The Department of Labor published proposed changes to these regulations in the **Federal Register** on December 28, 1979 and February 22, 1980. The Department published final regulations on December 30, 1980 but deferred the effective date to allow for a full review of their provisions under E.O. 12291.

On August 25, 1981, after a review under E.O. 12291, the Department published a proposed revision of most of the Office of Contract Compliance Programs (OFCCP) regulations (46 FR 42968). The current regulations contain separate parts for each of the three contract compliance programs. The new proposal would streamline existing regulations by integrating, to the extent practical, the separate parts. The proposal would thus eliminate many redundancies.

The proposal would raise the thresholds for requiring written affirmative action programs from 50 employees and a contract of $50,000 or more to 250 or more employees and a contract of $1 million or more. (The Department also considered other threshold levels.) Contractors with 250 to 499 employees would be permitted to prepare abbreviated affirmative action programs. All contractors covered by written affirmative action program requirements would be permitted to consolidate into a single affirmative action program all establishments located within the same chain of command. Absent otherwise compelling circumstances, contractors would not be required to declare underutilization or set goals and timetables for job groups in which the employment of the subgroups is at least 80 percent of their job market availability.

Further reductions in paperwork would result from elimination of subcontractor certifications regarding nondiscrimination and a requirement that annual affirmative action program summaries be submitted. Contractors with specified training programs and/or recruiting arrangements that significantly increase the availability of minorities and women, who successfully complete an on-site compliance review, could be exempted from routine compliance reviews for 5 years. Preaward compliance reviews would be eliminated.

In construction, small contractors, e.g., generally those with fewer than 20 employees and a contract of less than $50,000, would be exempt from routine recordkeeping and reporting requirements. Nine rather than the present sixteen affirmative action steps would be delineated for construction contractors to show their good faith effort to assure equal employment opportunity.

On July 14, 1981, the Department published an ANPRM (46 FR 36213) to elicit the views of the public on several controversial issues concerning these OFCCP regulations that are not addressed in the August 25, 1981 proposal but that may be addressed by a separate additional proposal. The issues listed were: (1) the method for contractors to determine the availability of minorities and women for non-construction contractors; (2) the appropriateness of backpay as a remedy under E.O. 11246; (3) E.O. 11246 coverage of a Federal construction contractor's non-federally funded construction projects; and (4) the methods contractors use to set goals for women and minorities in construction. On August 21, 1981, the Department published an amendment to the ANPRM to incorporate a series of questions concerning appropriate formulation of "job groups"—having similar content, wage rates, and opportunities—for the purpose of equal employment opportunity analysis (46 FR 42490).

Summary of Benefits

Sectors Affected: Federal contractors, subcontractors and federally assisted construction contractors; employees of such contractors; State and local government agencies working on or under Federal contracts, subcontracts, and federally assisted construction contracts, and employees of such agencies; Federal Government procuring agencies; and Federal agencies providing Federal assistance for construction.

The proposed revisions to the OFCCP regulations would substantially reduce compliance costs. While it is not possible to estimate all of the dollar savings that would result from this proposal, the Department believes that the cost savings would be large. The following summary includes the major areas of cost savings where estimates are feasible.

Written affirmative action program thresholds—The current threshold for written affirmative action programs is 50 employees and a contract of $50,000. The proposal would raise the threshold to 250 employees and a contract of $1 million or more. At these proposed levels, the Department estimates that the number of companies covered by written programs would be reduced from 16,787 to 4,143. However, these threshold levels would maintain coverage for nearly 77 percent of the 26

million employees currently covered by written affirmative action programs.

Grouping establishments—The proposed regulations would permit the consolidation of affirmative action programs for all establishments in the same chain of command. This change alone would reduce the required number of individual programs by an estimated 58,613. The combined proposed thresholds and consolidation provisions would reduce the total number of affirmative action programs from an estimated 107,915 to about 23,740, a decrease of approximately 78 percent. If both proposed changes are adopted, estimated annual compliance costs for employers would be reduced by approximately 45 percent from over $46.2 million to about $25.8 million.

Abbreviated affirmative action programs—The proposal would permit contractors with between 250 and 499 employees to maintain abbreviated affirmative action programs. This would affect about 17 percent of the companies required to maintain such programs under the new thresholds and result in additional annual cost savings of approximately $4.6 million (1980 dollars).

Elimination of EEO–1 reporting requirement for small contractors—The Department proposes to raise the employee threshold for requiring covered employers to file annual employment reports (EEO–1 forms) from 50 employees to 100 employees. We estimate that this change would reduce the number of contractors required to file such forms by 3,221 contractors, from 16,787 companies to 13,546 companies, but would affect reports covering less than 1 percent of the workforce. We estimate the cost savings of raising the EEO–1 reporting threshold at $25,000 a year.

Elimination of certification requirements—The proposal to eliminate subcontractor certifications of compliance would save in excess of $1.64 million in annual costs. In addition, subcontractor certifications of non-segregated facilities would be eliminated for an estimated savings in annual costs of $1.69 million.

Elimination of affirmative action program requirements for non-construction employees of construction contractors—The proposal does not include a requirement contained in the Department's deferred December 30, 1980 regulation that would require construction contractors with 50 or more non-construction employees in their workforce and construction contracts aggregating to at least $50,000 to develop written affirmative action programs to cover such employees. Compared to the December 30, 1980 regulation, elimination of this requirement would save construction contractors an estimated $62,000 a year.

Other construction industry requirements—Several proposed changes would significantly reduce paperwork requirements for construction contractors. Under the current regulations, all covered construction contractors are subject to minority and female equal employment goals and are required to document their efforts to meet these goals through 16 specific steps. The proposal would exempt small construction contractors from these requirements, small contractors being those with a contract of less than $50,000 or fewer than 20 employees. In addition, the number of affirmative action steps would be reduced from 16 to 9.

Equal benefits—A proposed section (41 CFR 60–1.21(c)) would prohibit contractors from making any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment, including fringe benefits. The Supreme Court held in *Los Angeles Department of Water and Power* v. *Manhart*, 435 U.S. 702 (1978), that fringe benefits for similarly situated men and women must be equal, notwithstanding that the contractor's contributions for men and women are unequal.

Summary of Costs

Sectors Affected: Federal contractors, subcontractors and federally assisted construction contractors; employees of such contractors; State and local government agencies working on or under Federal contracts, subcontracts, and federally assisted construction contracts; and Federal agencies providing Federal assistance for construction.

The August 25, 1981 proposal is designed to substantially reduce OFCCP reporting cost burdens to government contractors without infringing upon equal employment opportunity protection for minorities, women, veterans, and the handicapped.

While nearly all of the proposed revisions would reduce compliance costs for covered employers, the proposed section relating to fringe benefits might impose additional compliance costs. While these requirements may lead to increased costs, they are already required under Title VII of the Civil Rights Act of 1964.

Summary of Net Benefits

The Department will analyze the public comments received in response to the proposals in an effort to determine the respective net benefits of the regulatory changes under consideration. The net benefits of this review are in the form of reduced recordkeeping and reporting burden on government contractors and streamlined regulations that will eliminate conflict and overlap in requirements.

Related Regulations and Actions

Internal: None.

External: Many Federal agencies and most States have rules and regulations affecting equal employment opportunity and affirmative action. The major Federal agency enforcing antidiscrimination provisions in addition to the OFCCP is the Equal Employment Opportunity Commission (EEOC). The EEOC administers Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, and the Age Discrimination in Employment Act of 1967, as amended. The EEOC guidelines are published in Title 29 of the CFR.

Government Collaboration

Executive Order 12067 provides that Federal departments and agencies will coordinate enforcement of all Federal statutes, Executive Orders, regulations, and policies that require equal employment opportunity without regard to race, color, religion, sex, national origin, age, or handicap. The Equal Employment Opportunity Commission is the lead agency in this coordination.

Timetable

ANPRM—None for the December 28, 1979, February 22, 1980, or August 25, 1981, NPRMs; further issues addressed by July 14, 1981 ANPRM (46 FR 36213).

NPRM—44FR 77006, December 28, 1979; 45 FR 11856, February 22, 1980; and 46 FR 42968, August 25, 1981.

Final Rule—December 30, 1980 (45 FR 86216) for December 28, 1979 and February 22, 1980 NPRMs. Date to be determined for August 25, 1981 NPRM.

Final Rule Effective—Originally scheduled for January 29, 1981 for December 30, 1980 Final Rule, but deferred until action is taken on August 25, 1981 NPRM.

Public Hearing—None.

Public Comment Period—Closed October 26, 1981 on August 25, 1981 NPRM.

Regulatory Impact Analysis—"Preliminary Regulatory Impact Analysis on Proposed Office of Federal Contract Compliance Regulations," August 1981; Final to be determined.

Regulatory Flexibility Analysis—

Combined with Regulatory Impact Analysis, see above.

Available Documents

None, beyond those cited in Timetable.

Agency Contact

James W. Cisco, Director
Division of Program Policy
Office of Federal Contract Compliance
Employment Standards Administration
U.S. Department of Labor
200 Constitution Avenue, N.W., Room C-3324
Washington, DC 20210
(202) 523-9426

DOL-ETA

HHS—OHDS

Work Incentive Programs for Aid to Families With Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act (29 CFR Part 56, Revision; 45 CFR Part 224, Revision)

Please see text of joint DOL and HHS entry under HHS–OHDS on page 1862.

DOL—Labor Management Services Administration—Pension and Welfare Benefit Programs

Definition of Plan Assets and Establishment of Trust (29 CFR Part 2550; New)

Legal Authority

Employee Retirement Income Security Act of 1974, §§ 401(b), 403(b) and 505, 29 U.S.C. 1101(b), 1103(a), 1103(b), and 1135.

Reason for Including This Entry

The Department of Labor (DOL) includes this entry because these proposed regulations have generated considerable public interest. Below we describe alternatives that will, among other things, avoid unnecessarily affecting the flow of pension assets into certain types of investments, including certain small businesses.

Statement of Problem

The Employee Retirement Income Security Act of 1974 (ERISA) covers virtually all private employee benefit plans. There are several statutory exceptions, such as plans for government employees or plans established by churches. ERISA does not require any employer to establish an employee benefit plan; but if the employer does have an employee benefit plan, the requirements of ERISA will apply to it.

Part 4 of Title I of ERISA sets forth certain requirements that a fiduciary has to meet in handling plan assets. The term "fiduciary" is defined in § 3(21) of ERISA to include a person who exercises any discretionary management of such plan or who exercises any authority or discretion regarding the management or disposition of its assets.

While ERISA contains a definition of fiduciary and that definition uses the concept of "plan assets," ERISA does not explicitly define plan assets. The proposed regulation would provide this key definition. This definition is important under ERISA because plan assets are the funds that will generate the benefit payments to participants and beneficiaries. Consequently, in order to protect plan assets, ERISA requires that they be held in trust and provides that persons responsible for decisions regarding those assets be subject to ERISA's fiduciary responsibility requirements (i.e., they must meet certain standards of conduct, such as making prudent investments).

These proposed regulations also relate to the requirement of ERISA that assets of an employee benefit plan must be held in trust by one or more trustees. The Secretary of Labor is authorized to exempt the assets of certain types of employee benefit plans from the trust requirement. One of the proposed regulations would exempt, pursuant to that authority, certain assets of employee welfare benefit plans.

On August 28, 1979, these proposed regulations appeared in the **Federal Register** (44 FR 50363). They substituted for and withdrew a proposal the Department made in December 1974 that was never finalized (29 CFR 2552.1). The Department held public hearings in Washington, DC on February 27 and 28, 1980. At the conclusion of these hearings, the Department held the record open until March 28, 1980 in order to permit the filing of additional comments. Based on these comments, the Department reproposed for comment, on June 6, 1980, a revised version of a portion of one of the August 28, 1979 proposed regulations.

The regulations proposed on August 28, 1979 provided that any property in which a plan has a beneficial ownership interest is a plan asset. They also provided that the assets of an entity in which a plan has an equity investment would be plan assets, except that the assets of operating companies (i.e., companies that are primarily in the business of providing goods or services, but not the investment of capital), whose shares are widely held and freely transferable, and companies that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, would not be regarded as plan assets. The June 6, 1980 reproposal modifies the proposed definition of plan assets to treat plan investments in the equity securities of certain companies (e.g., certain venture capital companies), which are involved in influencing or controlling the management of the companies in which they invest, in the same manner as plan investments in the equity securities of operating companies (i.e., the assets of such companies would not be regarded as plan assets). In addition, holding companies of operating companies would be regarded as operating companies, and companies primarily engaged in the development or management of real estate (as opposed to merely financing, holding real estate for appreciation, etc.) would also be regarded as operating companies.

The Department believes that the concept of "plan assets" should be clarified so that persons exercising discretionary authority or control respecting the management or disposition of these assets (and who, therefore, are fiduciaries with respect to the plan) are aware of their responsibilities under ERISA.

A number of the public comments submitted to the Department on the proposals argued that employee benefit plan investments would be curtailed in certain types of companies that invest in small businesses, thereby affecting the amount of capital available to small business. The Department's reproposal addresses these concerns, among others. The portion of the proposals that gave rise to concerns about the amount of capital available to small business was reproposed to address many of the arguments presented by these commentators, and the reproposal, if adopted, should eliminate any unnecessary adverse impact on small business. Public comments generally indicate an acceptance of the principle of the reproposal while indicating some concern about certain technical requirements.

If no regulation is issued, confusion among those who may or may not be handling plan assets will continue.

Alternatives Under Consideration

For the reasons set forth above, the Department has concluded that the alternative of not publishing a regulation defining "plan assets" is inappropriate. The Department is considering modifications to the proposed definition

suggested by commentators in this matter. Some modifications were incorporated in the reproposal of June 6, 1980. These modifications classified certain pooled investment vehicles, such as venture capital companies, as not handling plan assets. DOL is considering, among other things, how other types of pooled investment vehicles should be handled.

Summary of Benefits

Sectors Affected: Fiduciaries (which include trustees and investment managers), sponsors (e.g., employers), participants, and beneficiaries of employee benefit plans; and persons providing investment management services, such as banks and insurance companies.

The benefit of regulations in this area is that confusion as to what are plan assets would be avoided, thus enabling fiduciaries to be aware that they have certain responsibilities respecting the management or disposition of such assets, and the other sectors named above to clearly understand their rights and duties. In addition, once the status of various investment vehicles is made clear, certain types of investments now not being made because of uncertainty may be made, including more investments of pension assets in certain small businesses. A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Costs

Sectors Affected: Fiduciaries (which include trustees and investment managers), sponsors (e.g., employers), participants, and beneficiaries of employee benefit plans; and persons providing investment management services, such as banks and insurance companies.

There will be some administrative costs to plan sponsors incident to holding in trust any plan assets that are not now being held in trust. The proposed regulation may also make some persons reluctant to accept plan assets, which, if it retains that characteristic, would subject them to ERISA's fiduciary provisions. This could change plan investment strategies (i.e., investments might be made in different ways). The extent, if any, that such changed investment strategies might affect small business would depend on the availability of needed capital in general. The Department expects the reproposed portion of the proposed regulation to eliminate many of the concerns that pension capital, specifically, will not be available to small business. A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Net Benefits

A Regulatory Impact Analysis will be prepared consistent with E.O. 12291. Any final regulation will assure that net benefits are weighed as appropriate under the Executive Order.

Related Regulations and Actions

Internal: None.
External: Section 4975 of the Internal Revenue Code of 1954.

Government Collaboration

None.

Timetable

NPRM—39 FR 44456, December 24, 1974.
NPRM—44 FR 50363, August 28, 1979.
NPRM—45 FR 38084, June 6, 1980.
Public Hearings—February 27 and 28, 1980, Washington, DC.
Public Comment Period—Closed March 28, 1980.
Further Public Comment Period—Closed August 5, 1980.
Final Rule—To be determined.
Regulatory Impact Analysis—Date to be determined.
Regulatory Flexibility Analysis—Date to be determined.

Available Documents

Public Comments—All documents are available for review in the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, DC 20216. "Plan Asset Regulation."

Agency Contact

William Schmidt, Attorney
Office of the Solicitor
U.S. Department of Labor
Washington, DC 20210
(202) 523–9592
and
R. F. Nuissl, Employee Benefit Plan Specialist
Pension and Welfare Benefits Program
U.S. Department of Labor
Washington, DC 20210
(202) 523–8671.

DOL–LMSA–PWBP

Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans (29 CFR Parts 2520 and 2530; New)

Legal Authority

Employee Retirement Income Security Act of 1974, §§ 105, 209, and 505, 29 U.S.C. 1025, 1059, and 1135.

Reason for Including This Entry

The Department of Labor (DOL) proposed regulations in the individual benefit reporting and recordkeeping area (44 FR 8294, February 9, 1979). These proposed regulations generated considerable public interest among those members of the public directly and indirectly involved with the administration of pension plans. In light of the comments on that proposal, DOL decided to publish new proposed regulations in that area.

Statement of Problem

The Employee Retirement Income Security Act of 1974 (ERISA) imposes a comprehensive scheme of regulation on private sector employee benefit plans. There are several statutory exceptions, such as plans for government employees and plans established by churches. ERISA does not require any employer to establish an employee benefit plan; but if the employer does have an employee benefit plan, it is subject to Title I of ERISA. In the case of pension plans, Title I of ERISA imposes reporting and disclosure requirements, fiduciary duties, and minimum standards. The term "fiduciary" is defined in § 3(21) of ERISA to include a person who exercises any discretionary management of a plan or who exercises any authority or discretion regarding the management or disposition of its assets. With respect to welfare plans, Title I of ERISA imposes only reporting and disclosure requirements and fiduciary duties. This proposed regulation only applies to multiple employer pension plans, other than plans adopted by employers who are under common control. A multiple employer pension plan is one to which more than one employer makes contributions. There are approximately 8 million multiple employer plan participants and beneficiaries.

ERISA generally requires pension plan administrators to provide participants and beneficiaries with statements of the individual benefit entitlements (i.e., the benefits that they would be entitled to receive at retirement age by virtue of their service up to the date of the benefit statement) upon request and upon certain other occasions, such as a 1–year break in service or the termination of service. These statements must include information on the total benefits the individual has accrued, the percentage of those accrued benefits which are non-forfeitable (i.e., the benefits that they will be entitled to receive at retirement age regardless of whether they leave

employment before retirement age), or the earliest date the benefits would become non-forfeitable.

ERISA also requires employers in plans with more than one employer contributing to furnish the plan administrator with the information necessary to maintain records and compile the benefit statements. The Secretary of Labor has the authority to issue regulations on the specifics of the requirement.

Many plans now provide benefit statements to their participants and beneficiaries; however, many others may not. Further, of those plans that do issue benefit statements, some of the plans' statements may not be adequate or may not be provided at the appropriate times. Likewise, some plans keep records; but many plans may have inadequate or no records.

On August 8, 1980, the Department published in the **Federal Register** (45 FR 52824) proposed regulations dealing with individual benefit reporting and recordkeeping for multiple employer plans. These proposed regulations specify content, format, and timing of benefit statements and the retention time, content, and manner of retention of records. DOL published separate proposed regulations concerning single employer plans on August 1, 1980 (45 FR 51231). The two sets of proposed regulations published in August 1980 represent a revision and reproposal of individual benefit reporting and recordkeeping regulations that were proposed on February 9, 1979 (44 FR 8294).

In the new proposals, by contrast to the 1979 proposal, the Department issued separate regulations for single and multiple employer plans in order to address more effectively the distinct problems of each type of plan. If no regulation is issued, many participants may not receive information as to their individual benefits.

Alternatives Under Considerations

In adopting regulations in this area, the Department is seeking to achieve a balance. On the one hand, plans should provide participants and beneficiaries with accurate, timely, and useful information. On the other hand, the Department recognizes the need to avoid imposing undue administrative burdens and costs on employers and administrators.

In response to the originally proposed regulations, the Department received a significant number of comments. In light of these comments, the Department has reproposed the regulations to include some substantial changes. The *Calendar of Federal Regulations* (Vol. 45, No. 106, May 30, 1980) entry for the regulations originally proposed in 1979 discussed four alternatives that were under consideration. The Department has incorporated those alternatives into the reproposed regulations. The following changes were made in the proposed regulations:

(A) The reproposal generally extends the time frame for furnishing individual benefit statements to enable plan administrators to key benefit statements to the end of the plan year (i.e., the plan's fiscal year) and to allow more time for preparing benefit statements.

(B) The reproposal reduces the amount of information that the plan administrator is required to set forth in the benefit statement, particularly that information that is unique to each participant or beneficiary. This should reduce the burden and cost to the plan attendant involved in retrieving, compiling, and reporting the information in a benefit statement.

(C) The new proposal includes separate individual benefit reporting and recordkeeping regulations for single employer plans and for multiple employer plans. Separation of the regulations permits the Secretary of Labor to establish standards that are appropriate to the different conditions of single employer and multiple employer plans, particularly in the recordkeeping area.

(D) The new proposal indicates that the Department contemplates delaying the date on which collectively bargained multiple employer plans have to be in compliance with the recordkeeping rules. Changes in the collective bargaining agreement may be necessary before such a plan can implement the recordkeeping standard. Because of this, DOL contemplates providing an implementation schedule keyed to the expiration date of the collective bargaining agreement(s) in effect on the date of adoption of the regulations so that employers can achieve a more orderly compliance to the regulations.

The Department is looking at whether further changes can be made in these provisions to simplify compliance.

Summary of Benefits

Sectors Affected: Multiple employer pension plan sponsors (employers, labor unions, and joint labor-management bodies that establish plans), administrators (i.e., persons who are responsible for the administration of pension plans), participants, and beneficiaries.

The proposed regulations would provide multiple employer plan sponsors and administrators with the necessary guidance for compliance with the statutory provisions. This would enable participants in multiple employer pension plans and their beneficiaries to receive accurate, timely, and useful information about their specific benefit entitlements under pension plans and to have the information verified from records maintained by the plan under the standards established by the Secretary of Labor. With this information, participants and beneficiaries will be better able to protect their rights to retirement benefits. A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Costs

Sectors Affected: Sponsors and administrators of multiple employer pension plans.

Based on available data as furnished in public comments on the proposed regulation, the estimated first-year cost of complying with the requirements of these reproposed regulations would be approximately $58.1 million. The startup costs attributable to the recordkeeping are approximately $35.8 million. Some plans that currently maintain adequate records will not be faced with significant startup costs. Approximately $22.3 million will be expended annually by plans in order to furnish benefit statements on request. The deferral of implementation of the recordkeeping requirements in order to accommodate the collective bargaining process should further reduce the total cost of compliance for all multiple employer plans in any one year. (All costs were estimated based on 1979 dollars.) A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Net Benefits

A Regulatory Impact Analysis will be prepared consistent with E.O. 12291. Any final regulation will assure that net benefits are weighed as appropriate under the Executive Order.

Related Regulations and Actions

Internal: Proposed Regulations for Individual Benefit Reporting and Recordkeeping for Single Employer Plans.

External: Treasury Regulations under § 6057 of the Internal Revenue Code of 1954.

Government Collaboration

None.

Timetable

NPRM—44 FR 8294, February 9, 1979.

NPRM—45 FR 52824, August 8, 1980.
Public Comment Period—Closed October 8, 1980.
Public Hearings—December 4, 1980.
Regulatory Flexibility Analysis—Date to be determined.
Final Rule—To be determined.
Regulatory Impact Analysis—Date to be determined.

Available Documents

NPRM of August 8, 1980 and public comments are available for review in the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, DC 20216, (202) 523–8671.

Agency Contact

Mary O. Lin, Attorney
Plan Benefits Security Divisions
Office of the Solicitor
U.S. Department of Labor
Washington, DC 20210
(202) 523–9395
and
Robert Doyle, Employee Benefit Plan Specialist
Pension Welfare Benefits Program
U.S. Department of Labor
Washington, DC 20210
(202) 523–8515

DOL–LMSA–PWBP

Individual Benefit Reporting and Recordkeeping for Single Employer Plans (29 CFR Parts 2520 and 2530; New)

Legal Authority

Employee Retirement Income Security Act of 1974. §§ 105, 209, and 505, 29 U.S.C. 1025, 1059, and 1135.

Reason for Including This Entry

The Department of Labor (DOL) proposed regulations in the individual benefit reporting and recordkeeping area (44 FR 8294, February 9, 1979).

These proposed regulations generated considerable interest among those members of the public directly and indirectly involved with the administration of pension plans. In light of the comments on that proposal, DOL decided to publish new proposed regulations in that area.

Statement of Problem

The Employee Retirement Income Security Act of 1974 (ERISA) imposes a comprehensive scheme of regulation on private sector employee benefit plans. There are several statutory exceptions, such as plans for government employees and plans established by churches. ERISA does not require any employer to establish an employee benefit plan; but if the employer does have an employee benefit plan, it is subject to Title I of ERISA. In the case of pension plans, Title I of ERISA imposes reporting and disclosure requirements, fiduciary duties, and minimum standards. With respect to welfare plans, Title I of ERISA imposes only reporting and disclosure requirements and fiduciary duties. This proposed regulation only applies to single employer pension plans, defined to include plans maintained by groups of employers under common control (a term relating to ownership)—e.g., the relationship between parent companies and subsidiaries). There are approximately 23 million plan participants and beneficiaries affected by this regulation.

ERISA generally requires pension plan administrators to provide participants and beneficiaries with statements of their individual benefit entitlements (i.e., the benefits that they would be entitled to receive at retirement age by virtue of their service up to the date of the benefit statement) upon written request and upon certain other occasions, such as a 1-year break in service or the termination of service. These statements must include information on the total benefits the individual has accrued, the percentage of those accrued benefits which are non-forfeitable (i.e., the benefits that they will be entitled to receive at retirement age regardless of whether they leave employment before retirement age) or the earliest date the benefits would become non-forfeitable.

ERISA also requires employers to maintain records so that the information is available for the administrator of the plan to compile the benefit statements. The Secretary of Labor has the authority to issue regulations on the specifics of the requirement.

Many plans now provide benefit statements to their participants and beneficiaries; however, many others may not. Further, of those plans that do issue benefit statements, some of the plans' statements may not be adequate or may not be provided at the appropriate times. Likewise, some plans keep records, but many plans may have inadequate or no records.

On August 1, 1980, the Department published in the **Federal Register** (45 FR 51231) proposed regulations dealing with individual benefit reporting and recordkeeping for single employer plans. These proposed regulations specify content, format, and timing of benefit statements and the type, retention time, content, and manner of retention of records. DOL published separate proposed regulations concerning multiple employer plans on August 8, 1980 (45 FR 52824). The two sets of proposed regulations published in August 1980 represent a revision and reproposal of individual benefit reporting and recordkeeping regulations that were proposed on February 9, 1979 (44 FR 8294).

In the new proposals, by contrast to the 1979 proposal, the Department issued separate regulations for single and multiple employer plans in order to more effectively address the distinct problems of each type of plan. If no regulation is issued, many participants may not receive information as to their individual benefits.

Alternatives Under Consideration

In adopting regulations in this area, the Department is seeking to achieve a balance. On the one hand, plans should provide participants and beneficiaries with accurate, timely, and useful information. On the other hand, the Department recognizes the need to avoid imposing undue administrative burdens and costs on employers and administrators.

In response to the originally proposed regulations, the Department received a significant number of comments. In light of these comments, the Department has reproposed the regulations to include some substantial changes. The *Calendar of Federal Regulations* (Vol. 45, No. 106, May 30, 1980) entry for the regulations originally proposed in 1979 discussed four alternatives that were under consideration. The Department has incorporated those alternatives into the reproposed regulations. The following changes were made in the proposed regulations:

(A) The reproposal generally extends the time frame for furnishing individual benefit statements to enable plan adminstrators to key benefit statements to the end of the plan year (i.e., the plan's fiscal year) and to allow more time for preparing benefit statements.

(B) The reproposal reduces the amount of information that the plan administrator is required to set forth in the benefit statement, particularly that information that is unique to each participant or beneficiary. This should reduce the burden and cost to the plan attendant involved in retrieving, compiling, and reporting the information in a benefit statement.

(C) The new proposal includes separate individual benefit reporting and recordkeeping regulations for single employer plans and for multiple employer plans. Separation of the regulations permits the Secretary of Labor to establish standards that are

appropriate to the different conditions of single employer and multiple employer plans, particularly in the recordkeeping area.

(D) The fourth alternative addressed the problems of multiple employer plans and therefore is covered in a separate DOL entry in this *Calendar* (see "Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans").

The Department is looking at whether further changes can be made in these provisions to simplify compliance.

Summary of Benefits

Sectors Affected: Single employer pension plan sponsors (employers, labor unions, and joint labor-management bodies that establish plans), plan administrators (i.e., persons who are responsible for the administration of single employer pension plans), participants, and beneficiaries.

The proposed regulations would provide single employer plan sponsors and administrators with the necessary guidance for compliance with the statutory provisions. This would enable participants in single employer pension plans and their beneficiaries to receive accurate, timely, and useful information about their specific benefit entitlements under pension plans, and to have the information verified from records maintained by the plan under the standards established by the Secretary of Labor. With this information, participants and beneficiaries will be better able to protect their rights to retirement benefits. A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Costs

Sectors Affected: Sponsors and administrators of single employer pension plans.

Based on available data as furnished in public comments submitted on the proposed regulations, the estimated cost of complying with requirements of these reproposed regulations would be approximately $29 million annually. Of these costs, employers would spend $22 million annually for providing statements on request and approximately $7 million annually for statements furnished upon terminations and breaks in service. No significant costs are attributable to compliance with the recordkeeping requirements of the regulations. (All costs were estimated based on 1979 dollars.) A Regulatory Impact Analysis will be prepared but has not yet been completed.

Summary of Net Benefits

A Regulatory Impact Analysis will be prepared consistent with E.O. 12291. Any final regulation will assure that net benefits are weighed as appropriate under the Executive Order.

Related Regulations and Actions

Internal: Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans.

External: Treasury Regulations under § 6057 of the Internal Revenue Code of 1954.

Government Collaboration

None.

Timetable

NPRM—44 FR 8294, February 9, 1979.
NPRM—45 FR 51231, August 1, 1980.
Public Comment Period—Closed October 1, 1980.
Public Hearings—November 25, 1980.
Regulatory Flexibility Analysis—Date to be decided.
Final Rule—To be determined.
Regulatory Impact Analysis—Date to be decided.

Available Documents

NPRM of August 1, 1980 and public comments are available for review in the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, DC 20216, (202) 523–8671.

Agency Contact

Mary O. Lin, Attorney
Plan Benefits Security Division
Office of the Solicitor
U.S. Department of Labor
Washington, DC 20210
(202) 523–9395
and
Robert Doyle
Pension and Welfare Benefits Program
U.S. Department of Labor
Washington, DC 20210
(202) 523–8515

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Nondiscrimination on the Basis of Handicap (49 CFR Part 27, Subpart E; Revision)

Legal Authority

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; Section 16(a) of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1612(a).

Reason for Including This Entry

The Department of Transportation (DOT) has included this regulation because the Presidential Task Force on Regulatory Relief has designated it for review; because DOT had previously identified it for one of its own priority reviews of regulations; and because of the cost and controversy surrounding the original DOT rule on this subject.

Statement of Problem

In May 1979, DOT issued its regulation to implement § 504 of the Rehabilitation Act of 1973. This regulation affected mass transit, airport, highway, and railroad programs receiving financial assistance from DOT and prohibited employment discrimination in these programs on the basis of handicap. Of these provisions, the requirements affecting mass transit were the most important, costly, and controversial. The regulation required that all new buses purchased with the assistance of Federal funds be equipped with wheelchair lifts and that new and existing rail rapid transit systems be made accessible to wheelchair users and other handicapped persons, often through the installation of elevators. Transit operators and State and local governments argued that these requirements were extremely costly and that other means of transportation (e.g., door-to-door van service) better served the needs of handicapped persons. In addition, critics of the regulation said that local areas should have the option to decide what kind of service is most suitable for handicapped persons in their area.

DOT identified the § 504 rule as one of its priority regulatory reviews in February 1981. The mass transit portion of the Department's § 504 rule also appeared on the March 25, 1981 list of "Existing Regulations to be Reviewed," which was issued by the Presidential Task Force on Regulatory Relief. In May 1981, a Federal appeals court in Washington, in the case of *American Public Transit Association* v. *Lewis*, decided that § 504 did not support the accessibility requirements that the Department's regulation had imposed. The court's decision directed the Department to determine whether other statutes could support these requirements. In response to the court's decision and to the direction from the Presidential Task Force to review the regulation, the Department decided that, as a matter of policy, it did not want to maintain the existing accessibility requirements in force and that it was legally unnecessary to do so.

Consequently, on July 20, 1981, the Department published an Interim Final Rule eliminating the controversial accessibility requirements and substituting for them a "local option" provision that required local areas to certify to the Department that they were making "special efforts" consistent with DOT guidelines to provide transportation service for handicapped persons.

This Interim Final Rule was intended only to be a temporary measure, giving relief from the costly accessibility requirement while the Department devised a permanent regulatory approach to the problem of how best to provide transportation for handicapped persons. Based on its continuing study of the issue and over 280 comments received in response to the Interim Final Rule, the Department will prepare a new NPRM concerning transit programs for handicapped persons. This NPRM will also propose changes, if needed, in the highway, railroad, airport, and employment discrimination portion of the Department's existing § 504 rule.

The Department believes that to take no further regulatory action at this time would be inappropriate. The Interim Final Rule may not be an adequate permanent solution to the question of transportation services for handicapped persons. For instance, it establishes, as an example, that spending 3½ percent of an urbanized area's § 5 Urban Mass Transportation funds on services for handicapped persons is an inadequate level of effort. The Administration's proposed mass transit legislation calls for § 5 funding to be phased out over a period of years, preventing the use of a percentage of § 5 funds as a long-term measure of adequate effort. In addition, the Department must consider the effect of the *American Public Transit Association* case on its requirements affecting railroads, highways, and airports, and the effect of a series of Federal appellate court decisions on the scope of employment discrimination coverage under § 504. Failure to take further regulatory action in these areas could leave the Department with a regulation that is not fully consistent with current legal developments.

Alternatives Under Consideration

The alternatives discussed in this section apply only to the mass transit portion of the § 504 regulation, which is the most important and controversial part of the rule. DOT has not yet identified alternatives concerning other parts of the rule.

(A) *Special efforts*—This alternative would essentially retain the approach taken by the Interim Final Rule. This approach gives local areas substantial discretion with respect to the kind of transportation service provided for handicapped persons, requiring the local areas only to certify that they are making appropriate "special efforts" to provide such transportation. The nature of the special efforts is spelled out in essentially non-regulatory guidance that gives examples of the kinds and levels of effort that the Department intends to be carried out. Some modifications to the Interim Final Rule would have to be made in order for this approach to succeed (e.g., a change from the reliance on a percentage of § 5 funds as a measure for an appropriate level of effort). This approach has the advantage of giving considerable flexibility to local areas while retaining Federal guidelines to ensure reasonable consistency among the kinds of efforts that various transit operators make. Its disadvantages are that it leaves some transit operators unsure of what they should do and that it may permit some transit operators to make minimal transportation service available to handicapped persons.

(B) *Mandatory service criteria*—This alternative would also permit "local option" to local areas. However, the local option would be among alternatives specified in regulations. For example, the regulation could require a transit operator to make 50 percent of its buses accessible to provide paratransit service meeting specified service criteria (e.g., hours of service, geographic scope of service, and fares comparable to regular public mass transit; no restriction on trip purpose; maximim 24-hour wait time for service), or could require the transit operator to provide a certain subsidy level for taxi service. The operator would choose one of these specified approaches, depending on its own situation. The advantages of this approach are that it offers local discretion in decisionmaking and firmer guidance to transit authorities than other alternatives and is more likely to result in consistently higher quality services for handicapped persons. The disadvantages of this approach are that it imposes somewhat greater constraints upon the range of choices available to transit operators and may, especially in the paratransit area, require a somewhat costlier system than other approaches.

(C) *Procedural approach*—This alternative is similar to the legislation that the Administration introduced in the Spring of 1981. It would require local areas to certify that they had established a program for providing transportation services to handicapped persons that took into consideration the various service criteria that affect the quality of these services. These transportation programs would have to be adopted after a consultation process that included the handicapped community in each area. The advantage of this approach is that it would permit local areas maximum discretion in shaping the kind of transportation program for handicapped persons best suited to each area's resources and needs. It would also ensure that the handicapped community in each area had input into the decisionmaking process. It should be pointed out that the consultation feature of this approach could be incorporated in other alternatives. The main disadvantage of this approach is that, without any substantive Federal criteria, the quality of transportation services offered to handicapped persons might be inconsistent or quite low in some areas.

In selecting one of these alternatives, DOT will need to consider the requirements of two principal statutes. Section 504 of the Rehabilitation Act of 1973 requires that there be no discrimination on the basis of handicap in progams receiving Federal financial assistance. Section 16(a) of the Urban Mass Transportation Act requires grantees under the Act to make special efforts to provide transportation service for elderly and handicapped persons. The effectiveness of the various approaches in carrying out the statutory requirements will be an important factor in determining the alternative chosen, as will the Administration's regulatory policy of selecting the most cost-beneficial alternative.

Summary of Benefits

Sectors Affected: Handicapped persons; Federal, State, and local governments; manufacturers of wheelchair lifts and other accessibility equipment; and the general public.

The principal group of beneficiaries of this regulation are handicapped persons who, because of their handicaps, are unable to use the mass transit services provided to the general public. Some handicapped persons are unable to drive cars; many others, especially low-income handicapped persons, cannot afford to own or operate their own vehicles. Consequently, these handicapped persons are dependent on public transportation. If such persons are unable to use regular mass transit services, and if other services are not provided for them, they will be, in many cases, unable to get to or hold a regular job, make necessary medical and shopping trips, or leave their places of residence for social or recreational purposes. To the extent that the

provision of special transportation services enables handicapped persons to get to and hold regular jobs, there will be benefits to the general public and to Federal, State, and local governments in that these people will be able to contribute to tax revenues and will not require public assistance.

It is impossible to estimate reliably the number of handicapped persons who might become employed under various alternatives. However, some savings in Federal, State and local expenditures could be anticipated. For example, a handicapped person who receives disability benefits from the Social Security Administration, and who becomes employed because of improved travel opportunities, can save the Federal Government between $2,736 and $3,451 per year (in 1981 dollars), which includes elimination of cash payments and additional income taxes paid to the Federal Government. These amounts do not include the elimination of additional Federal expenditures on unemployed persons for such things as food stamps, Medicare, Medicaid, Aid to Families with Dependent Children, and vocational rehabilitation services.

A summary of estimates of the relative benefits of various alternatives, expressed in numbers of additional trips per year for handicapped persons, may be found in Table 1.

TABLE 1.—ANNUAL COSTS AND BENEFITS OF REGULATORY OPTIONS

(in 1981 Dollars)

Alternative	Average annual cost (in millions of dollars)	Average annual trips (in millions of trips)	Average costs/trip
Costs/Benefits for Service Provided to All Handicapped Persons			
A. Full Accessibility (1979 rule)	$104 to $306	25.5 to 49.6	$2.10 to $12.00
B. Special Efforts 3½% of Section 5	$50.75	3.0 to 17.3	$2.93 to $16.80
50% accessible buses	$33.3 to $93.3	22.7 to 44.2	$0.75 to $4.11
Vouchers for 20 trips/week	$243 to $21,000	46.8 to 4,000	$5.20
C. Paratransit (service fully comparable to regular mass transit)	$260 to $2,984	88.8 to 177.6	$2.93 to $16.80
Costs/Benefits for Service Provided Only to Handicapped Persons Requiring LIR Assistance			
A. Full Accessibility (1979 rule)	$104 to $306	5.3 to 17.4	$5.98 to $57.75
B. Special Efforts 3½% of Section 5	$50.75	3.0 to 17.3	$2.93 to $16.80
50% accessible buses	$33.3 to $93.3	4.7 to 15.5	$2.15 to $19.85
Vouchers for 20 trips/week	$243 to $21,000	46.8 to 4,000	$5.20
C. Paratransit (service fully comparable to regular mass transit)	$99 to $1,045	33.7 to 62.2	$2.93 to $16.80

Summary of Costs

Sectors Affected: Mass transit operators and State and local governments.

The principal sectors affected by costs of this regulation are operators of mass transit systems and State and local governments.

The costs of the various alternatives reflect the incremental costs of purchasing additional equipment (e.g., wheelchair lifts for buses, vans for use in paratransit, etc.) and the costs of operating additional service for handicapped persons (e.g., extra maintenance costs for lifts on buses, and drivers and fuel for paratransit vehicles). These costs are shown in Table 1.

Summary of Net Benefits

Table 1 summarizes the costs and benefits of various alternatives that the Department considered in promulgating its Interim Final Rule on July 20, 1981. This Interim Final Rule eliminated the full accessibility requirements of the original 1979 § 504 rule in favor of a local option, "special efforts" approach. The table was developed in connection with the regulatory evaluation for the Interim Final Rule. It should be emphasized that the figures in this table represent ranges among different estimates of costs and ridership derived from several different sources. These figures do not necessarily represent DOT's conclusions concerning the best estimates for costs and benefits.

At this time, the Department is preparing a more detailed Regulatory Impact Analysis concerning options for requirements related to transportation for handicapped persons. The Department is also evaluating approximately 300 comments that it has received in response to the request for comments published in conjunction with the Interim Final Rule. Until these evaluations are completed, the Department is not able to state its view as to the most desirable alternative.

Related Regulations and Actions

Internal: None.

External: The Department of Justice is in the process of revising its Guidelines for the Implementation of § 504. These Guidelines, originally promulgated by the former Department of Health, Education, and Welfare in 1978, give direction to the other Federal agencies as they implement § 504 in their financial assistance programs.

Government Collaboration

As required by Executive Orders 12291 and 12250, respectively, the Department will coordinate its § 504 regulation with the Department of Justice and the Office of Management and Budget. Under Executive Order 12067, the Department will also coordinate the employment discrimination section of the § 504 regulation with the Equal Employment Opportunity Commission.

Timetable

ANPRM—None.

NPRM—1st Quarter 1982.

Public Comment Period—On NPRM, 60 to 90 days after publication in **Federal Register.** Send comments to Docket Clerk, Department of Transportation, 400 Seventh Street, S.W., Room 10421, Washington, DC 20590.

Public Hearing—None now scheduled.

Final Rule—3rd Quarter 1982.

Final Rule Effective—30 days from date of publication.

Regulatory Impact Analysis—We expect to issue a preliminary Regulatory Impact Analysis with the NPRM, and a final Regulatory Impact Analysis with the Final Rule.

Regulatory Flexibility Analysis—If necessary, will be done in conjunction with the Regulatory Impact Analysis.

Available Documents

Documents pertaining to this rulemaking action are not yet completed and available. However, the rulemaking documents concerning the 1979 § 504 regulation and the July 20, 1981 Interim Final Rule are available for review in the Office of Regulation and Enforcement, U.S. Department of Transportation, 400 Seventh Street, S.W., Room 10421, Washington, DC 20590. Inquiry should refer to Dockets 56 and 56A.

Agency Contact

Robert C. Ashby, Senior Attorney-Advisor
Office of Regulation and Enforcement
U.S. Department of Transportation
400 Seventh Street, S.W., Room 10421
Washington, DC 20590
(202) 426-4723

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DOJ-CRD

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds (28 CFR Part 42; 29 CFR Part 1691; New)

Please see text of joint EEOC and DOJ entry under DOJ-CRD on page 1875.

EEOC—Office of Policy Implementation

Guidelines on Discrimination Because of Sex; Sexual Harassment (29 CFR 1604.11)

Legal Authority

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000(e) *et seq.*

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these guidelines for review.

Statement of Problem

Sexual harassment, like harassment on the basis of color, race, religion, or national origin, has long been recognized by the Equal Employment Opportunity Commission (EEOC) as a violation of § 703 of Title VII of the Civil Rights Act of 1964, as amended. However, despite the position taken by the Commission, sexual harassment continues to be widespread. Because of the continued prevalence of this unlawful practice, the Commission had determined that there was a need for guidelines in this area of Title VII law. Therefore, EEOC proposed to amend its Guidelines on Discrimination Because of Sex (37 FR 6836, April 5, 1972, as amended) to add § 1604.11, Sexual Harassment. The proposed guidelines were approved by the Commission in final form on November 10, 1980. The guidelines provide that harassment on the basis of sex is a violation of Title VII and states that such unwelcome behavior may be either physical or verbal in nature. These guidelines set out three criteria for determining whether an action constitutes unlawful behavior. These criteria are (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. It is the Commission's position that sexual harassment, like racial harassment, generates a harmful atmosphere. Under Title VII, employers of 15 or more employees should afford employees a working environment free of discriminatory intimidation, whether based on sex, race, religion, or national origin. Therefore, the employer has an affirmative duty to maintain a workplace free of sexual harassment and intimidation.

Section 1604.11(b) of the guidelines recognizes that the question of whether a particular action or incident established a purely personal, social relationship without a discriminatory employment effect requires a factual determination. In making such a determination, the Commission will look at the record as a whole and at the totality of the circumstances, emphasizing the nature of the sexual advances and the context in which the alleged incidents occurred. The Commission's determination of the legality of a particular action will be made from the facts, on a case-by-case basis.

Section 1604.11(c) of the guidelines applies general Title VII principles to the issue of sexual harassment and states that an employer is responsible for the acts of its supervisory employees or agents, regardless of whether the acts were authorized or forbidden by the employer and regardless of whether the employer knew or should have known of the acts. This subsection further states that the Commission will determine on a case-by-case basis, whether an individual acts in either an agent or a supervisory capacity as distinguished from other employees (discussed below). To make this determination, the Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual rather than accepting an individual's title as the determining factor.

Section 1604.11(d) distinguishes the employer's responsibility for the acts of its agents or supervisors from the responsibility it has for the acts of other persons. This subsection states that liability for the acts of those persons not mentioned in subsection (c) exists only when the employer or its agents or supervisory employees know or should have known of the conduct. The subsection further provides that the employer may rebut this apparent liability for the conduct by showing that it took immediate and appropriate corrective action.

Consistent with the policy of voluntary compliance under Title VII, § 1604.11(e) recognizes that the best way to achieve an environment free of sexual harassment is to prevent the occurence of such harassment by using appropriate methods to alert the employees to the problem and to stress that sexual harassment, in any form, will not be tolerated. This subsection requires an employer to take all steps necessary for the prevention of sexual harassment and gives the following as examples of steps that might be deemed necessary: affirmatively raising the subject and expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of sexual harassment under Title VII, and developing methods to sensitize all concerned.

Alternatives Under Consideration

Because this review is in the preliminary stages, EEOC is not considering any alternatives at this time.

Summary of Benefits

Sectors Affected: Employees in all industries subject to Title VII of the Civil Rights Act of 1964 and EEOC.

The guidelines apply to employers, as defined in § 701(j) of Title VII of the Civil Rights Act of 1964. Employees benefit by having their rights clearly defined. The guidelines will aid EEOC in fulfilling its mandate, under Title VII of the Civil Rights Act of 1964, to eliminate employment discrimination of the basis of sex.

Summary of Costs

Sectors Affected: Employers of 15 or more employees.

The guidelines require employers subject to Title VII of the Civil Rights Act of 1964 to take all steps necessary for the prevention of sexual harassment. The Commission believes that the costs to be borne by employers in complying with the guidelines will be minimal.

Summary of Net Benefits

Since the review of these guidelines is in very early stages, it is not possible to project what the net benefits of any proposed changes would be. The Commission believes that the net benefits of the existing guidelines include clarification of the legal responsibilities of covered employers and the rights of employees. Ultimately this will help ensure work environments that are free of discrimination.

Employers are concerned about what they perceive as increased liability for

the actions of others. However, EEOC notes that the guidelines merely interpret the statutory requirements of Title VII and articulate the enforcement standards currently used by Federal courts.

Related Regulations and Actions

Internal: None.

External: EEOC also has jurisdiction over the Federal agencies' Affirmative Action Plans and has directed agencies to prepare such plans and submit them to EEOC. The Commission has specifically directed that Federal agencies include, as a supplement to their Phase II Affirmative Action Planning Process, a plan indicating the steps the agency will take to prevent sexual harassment.

Government Collaboration

In compliance with E.O. 12067 (3 CFR 1978, Comp., p. 206), the Commission has consulted with representeatives of the Office of Personnel Management, and the Departments of Justice, Labor, Education, and Health and Human Services.

Timetable

Final Guidelines—45 FR 74676, November 10, 1980.
Regulatory Impact Analysis—2nd Quarter 1982.
Other Action—To be determined.

Available Documents

Public comments on the proposed guidelines are available at the EEOC library, Room 2303, at the address below.

Agency Contact

Raj K. Gupta, Supervisory Attorney
Office of Policy Implementation
Equal Employment Opportunity Commission
2401 E Street, N.W.
Washington, DC 20506
(202) 634-7060

EEOC-OPI

Uniform Guidelines on Employee Selection Procedures (29 CFR 1607)

Legal Authority

42 U.S.C. 2000e *et seq.*

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated these guidelines for review.

Statement of Problem

One problem that confronted the Congress that adopted the Civil Rights Act of 1964 involved the effect of written preemployment tests on equal employment opportunity. The use of these test scores frequently denied employment to women and minorities, in many cases without evidence that the tests were related to success on the job. Yet employers wished to continue to use such tests as practical tools to assist in the selection of qualified employees. Congress sought to strike a balance that would proscribe discrimination but otherwise permit the use of tests in the selection of employees. Thus, in Title VII, Congress authorized the use of "any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate . . ." (§ 703(h), 42 U.S.C. 2000e(2)(h)).

At first, some employers contended that, under this section, they could use any test that had been developed by a professional so long as they did not intend to exclude women and minorities, even if such exclusion was the consequence of the use of the test. In 1966 the Equal Employment Opportunity Commission (EEOC) adopted guidelines to advise employers with 15 or more employees and other users as to what the law and good industrial psychology practice required (see 35 U.S. L.W. 2137 (1966)). The Department of Labor adopted the same approach in 1968 with respect to tests used by Federal contractors under Executive Order 11246, in a more detailed regulation. The Government's view was that the employer's intent was irrelevant. If tests or other practices had an adverse impact on protected groups, they were unlawful unless they could be justified. To justify a test that screened out a higher proportion of women and minorities, the employer would have to show that it fairly measured or predicted performance on the job. Otherwise, it would not be considered to be "professionally developed."

In succeeding years the EEOC and the Department of Labor provided more extensive guidance, which elaborated upon these principles and expanded the guidelines to emphasize all selection procedures. In 1971, in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), the Supreme Court announced the principle that employer practices that had an adverse impact on women and minorities and were not justified by business necessity constituted illegal discrimination under Title VII. Congress confirmed this interpretation in the 1972 amendments to Title VII. The elaboration of these principles by courts and agencies continued into the mid 1970s, but differences between the EEOC and the other agencies (the Departments of Justice and Labor and Civil Service Commission) produced two different sets of guidelines by the end of 1976.

Under the Carter Administration in 1977, efforts were intensified to produce a unified government position. These guidelines, issued on August 25, 1978, represent the result of that effort. While the guidelines are complex and technical, EEOC has based them upon principles upheld by the courts and the Congress.

Alternatives Under Consideration

Because this review is in the preliminary stages, EEOC is not considering any alternatives at this time.

Summary of Benefits

Sectors Affected: Employees and employers subject to Title VII of the Civil Rights Act of 1964; and EEOC, the Departments of Justice and Labor, and the Civil Service Commission.

The guidelines apply to employers as defined in § 701(j) of Title VII of the Civil Rights Act of 1964. The guidelines aid the agencies in fulfilling their mandate under Title VII to eliminate employment discrimination. These guidelines aid employers to avoid employee selection procedures that are discriminatory by providing a methodology to alert employers that potential discrimination problems could arise. The guidelines help ensure that all job applicants and employees seeking promotional opportunities, regardless of race, color, sex, or national origin, have an equal opportunity for employment.

Summary of Costs

Sectors Affected: All employers subject to Title VII of the 1964 Civil Rights Act.

Employers bear the cost of compliance with the guidelines. Letters from employers to the Task Force indicated that the recordkeeping and validation requirements are the most costly portions of the guidelines. The guidelines require that employers maintain data on the race, sex, and ethnicity of each applicant for employment so that the progress of each group can be tracked through the selection process. EEOC will attempt to obtain an estimate of costs associated with these requirements through a practical utility survey. The survey will be used to assess the usefulness of the recordkeeping requirements, the incremental burden associated with the guidelines, and whether alternatives to the current requirements should be developed.

The guidelines also require employers to validate selection procedures, usually tests, that have an adverse impact on the selection rate of women and minorities. The Commission is unable to place a dollar figure on the cost of such validation processes, since such costs depend upon the nature of work or skills being tested and the scope of the test itself. During the review required by E.O. 12291 the Commission will attempt, to the extent possible, to assess the cost to employers of complying with the validation section and other requirements of the guidelines. EEOC notes, however, that these guidelines, which interpret the statutory requirements of Title VII, articulate the enforcement standards currently used by the Federal courts.

Summary of Net Benefits

EEOC, through the practical utility survey it is issuing, will attempt to assess the costs of the present guidelines. The benefits associated with the guidelines include helping employers to understand what the law requires, which leads to the ultimate benefit of nondiscriminatory hiring and promotion practices and equal employment opportunity.

Related Regulations and Actions

None.

Government Collaboration

These guidelines were developed in collaboration and issued jointly with the Department of Justice, the Department of Labor, and the Civil Service Commission. These agencies' guidelines are published at 28 CFR 50.14, 41 CFR Part 60–3, and 5 CFR 300.103(e), respectively.

Timetable

Final Guidelines—43 FR 38290, August 25, 1978.
Final Guidelines Effective—September 25, 1978.
Regulatory Impact Analysis—2nd Quarter 1982.
Other Actions—To be determined.

Available Documents

Public comments from the comment period following the proposed guidelines in 1978 are available at the EEOC library, Room 2303, at the address below.

Agency Contact

Raj K. Gupta, Supervisory Attorney
Office of Policy Implementation
Equal Employment Opportunity Commission
2401 E Street, N.W.
Washington, DC 20506
(202) 634–7060

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

Nondiscrimination in Federally Assisted Programs (41 CFR Part 101–8; New)

Legal Authority

The Civil Rights Act of 1964, Title VI, 42 U.S.C. 2000d *et seq.;* the Education Amendments of 1972, Title IX, as amended, 20 U.S.C. 1681 *et seq.;* Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.;* the Rehabilitation Act of 1973, as amended, § 504, 29 U.S.C. 794; the Federal Property and Administrative Services Act of 1949, as amended, Title VI, § 606, 40 U.S.C. 476; and E.O. 12250 (45 FR 72995, November 4, 1980).

Reason for Including This Entry

The General Services Administration (GSA) includes this entry because it wishes to inform the widest possible audience of the scope of procedures GSA will issue to enforce nondiscrimination in programs and activities that receive Federal assistance from GSA.

Statement of Problem

GSA is required by Federal laws to promulgate regulations that provide, in whole or in part, that no person in the United States shall on the grounds of race, color, national origin, handicap, age, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal assistance from GSA.

GSA issued one such "Title VI" regulation (29 FR 16287, December 4, 1964, as amended at 38 FR 17975, July 5, 1973), which prohibits discrimination only on the grounds of race, color, or national origin (41 CFR 101–6.2). "Title VI" refers to the applicable title of the Civil Rights Act of 1964. GSA will amend this regulation again to conform to the Department of Justice (DOJ) guidelines "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs," 28 CFR 42.401–415 (41 FR 52669, December 1, 1976). These guidelines were developed pursuant to Executive Order 11764, which designated DOJ the lead agency for coordination and implementation of Title VI by Federal agencies. In doing so, they require that agency regulations provide for specific timeframes for action; that is, conducting reviews for compliance both before and after an agency has made a funding award, placing limits on how long post-award compliance reviews and complaint investigations may last, or otherwise establishing internal controls to avoid unnecessary delays (28 CFR 42.407(b) and (c)(2) and 42.408(a)). Section 42.407(a) requires that "All Federal agency staff determinations of Title VI compliance shall be made by, or be subject to the review of, the agency's civil rights office." The GSA regulations, as presently written, do not cover these and other requirements, and it is unclear who in the Agency has the responsibility for enforcing civil rights matters in federally assisted programs.

Additionally, since GSA published its Title VI regulations, new laws have been adopted prohibiting discrimination on the grounds of handicap (§ 504 of the Rehabilitation Act of 1973, as amended), age (the Age Discrimination Act of 1975, as amended), and sex (Title IX of the Education Amendments of 1972, as amended). As each new law was adopted, the former Department of Health, Education, and Welfare (HEW) (now Health and Human Services (HHS)) was designated by law as the lead agency for coordination and implementation of these laws. As such, the former HEW issued separate coordination rules or guidelines as each law was enacted. HEW incorporated by reference DOJ's Title VI rules on "Procedures to Determine Compliance," §§ 42.407–415, in each rule it issued. Subsequently, Federal agencies issued regulations to implement the laws and lead-agency guidelines as required by those laws. This resulted in many Federal agencies having four separate regulations with duplicate compliance procedures and, in some cases, fragmented program implementation at the Federal, State, and local levels. However, Executive Order 12250 (45 FR 72995, November 4, 1980) redesignated DOJ as the lead agency for Title VI, Title IX, and § 504 of the Rehabilitation Act of 1973. (HHS remains the lead agency for the Age Act.) As such, DOJ has advised GSA and other agencies to adopt the "umbrella" approach as a method of reducing duplication and burden. Some agencies—for example, the Department of Energy and the Environmental Protection Agency—have already published umbrella regulations.

In order to ensure that we issue these regulations and regulations on other bases of discrimination in the most useful, timely, and comprehensive manner, GSA will issue an "umbrella" regulation, which will incorporate the required prohibitions provided in the Federal laws listed under the "Legal

Authority" section above. The regulation will follow the DOJ standards and procedures for monitoring compliance, taking enforcement actions, conducting investigations, establishing reasonable time limits on efforts to secure voluntary compliance, and referring to DOJ for enforcement when there is noncompliance.

The objectives of the regulation are to ensure, to the extent possible, that federally assisted program and activity benefits are distributed equitably to all eligible recipients, subrecipients (donees), and beneficiaries; to streamline certain administrative procedural requirements by consolidating prohibitions on discrimination into one regulation; and to make requirements clear, convenient, and less burdensome and costly to comply with, as well as making the regulation manageable for GSA to administer.

On June 16, 1981, the U.S. District Court of the Central District of California issued an Order and Supporting Findings of Fact and Conclusions of Law in the case of *Paralyzed Veterans of America et al.* v. *William French Smith et al.* The court ordered that GSA issue a final § 504 (Rehabilitation Act of 1973) regulation on an "expedited basis." Therefore, GSA will issue a final § 504 regulation and will incorporate it into the umbrella regulation when the umbrella regulation is published.

Congress enacted the nondiscriminatory provisions found in Federal statutes after thorough analysis and debate about federally assisted programs. The following excerpt from the legislative history of Title VI of the Civil Rights Act of 1964 clearly illustrates Congress' intent: "Title VI is necessary . . . because the Federal Government simply cannot be expected to continue to pay out tax dollars contributed by all the people to just some of them and to exclude others because of the color of their skin." (110 Cong. Rec., p. 6842, April 7, 1964.) The Congress gradually saw fit to include additional distinctions of nondiscriminatory protections for other classes of individuals (i.e., based on handicap, age, and sex) since they too were being denied benefits from federally assisted programs and activities.

GSA-assisted programs and activities, for the most part, permit the taxpayer to obtain the maximum use of real and personal property acquired by the Federal Government. This is achieved by redistributing back to eligible individuals, groups, and State and local governments the property that the Federal Government no longer needs.

The approach we propose in this rule will provide the most flexibility in the adminstration of GSA's nondiscrimination in federally assisted programs efforts and will alleviate for more than 62,000 recipients and subrecipients (donees) unnecessary burdens and cost. The recipients of GSA aid are listed in the table below (these data are based on fiscal year 1980):

RECIPIENTS—GSA-SPONSORED PROGRAMS AND ACTIVITIES

Number of Disposals of Federal Surplus Real Property	420
Number of Recipients of Federal Surplus Personal Property:	
Primary Recipients	(1)
Subrecipients (Donees)	61,792
Number of Recipients of National Historical Publications and Records Grants	180
Number of Recipients of Facilities and Services (Vendors and Concessionaires):	
Health Units	227
8(a) Facilities	45
Recreation and Services Facilities	527
Cafeterias	134
Credit Unions	(2)
Employee Associations	(2)
Unions	(2)
Day Care	(2)
Other	(2)

[1] 54 States and territorial possessions.
[2] Data unavailable.

Federally assisted programs sponsored or supported by GSA are categorized as follows: (A) Project Grants; (B) Sale, Exchange, or Donation of Real and Personal Property and Goods; and (C) Use of Property, Facilities, and Equipment.

GSA activities to ensure compliance with this proposed rule are projected to occur in categories (B) and (C). In fiscal year 1982 GSA will target two specific States, cities, and other local recipients of Federal assistance to focus its compliance resources based on some of the following criteria: size of recipient's program (dollar value), reviews scheduled by other GSA components, Inspector General's audit reports, review of complaint files, recipient's failure to comply with regulatory provisions, and requests from other Federal agencies (or from recipients, subrecipients (donees), or eligible beneficiaries).

GSA's compliance activities in fiscal year 1983 will depend on what resources are available. However, we anticipate that, as familiarization with the program increases, compliance efforts will increase.

The compliance efforts will also include monitoring the civil rights compliance activities of other Federal agencies with whom we have delegated agreements or to whom we have delegated authority, as we are still required by DOJ regulations to monitor these nondiscrimination compliance activities as they pertain to categories (B) and (C) above. The nature of some assisted programs does not lend itself to compliance monitoring, i.e., compliance monitoring is not appropriate for State participation in Federal Telpaks, one program under the category "Use of Property, Facilities, and Equipment." ("Federal Telpaks" refers to interstate telecommunications circuits consisting of twelve or more voice circuits comprising a single channel. The Federal Government leases Telpaks from a common carrier. To make use of any spare capacity that exists, the excess capacity is offered to State governments at a specific rate.)

There are two programs in which the greatest GSA compliance activity will occur. The first, the "Federal Surplus Personal Property Donation Program," by which GSA's Federal Property Resources Service (FPRS), through State agencies, may transfer surplus personal property for donation to public agencies for public purposes and to eligible nonprofit, tax-exempt activities, falls under category(B) above. Under this program, Federal surplus personal property, with an organized government acquisition cost of approximately $340 million, was distributed through 54 States and Territorial Possession Agencies for Surplus Property to 61,792 recipients or subrecipients (donees) during fiscal year 1980.

Another program in the "Sale, Exchange, or Donation of Property and Goods" category is the program for real property donation or transfers for education or public health purposes, for use as public airports, and for park, recreation, or historic monument purposes. In fiscal year 1980, 420 conveyances of real property were completed by the GSA Office of Real Property.

The second area of high compliance activity is the assistance program that deals with facilities (space) and services (utilities) offered to vendors and concessionaires through negotiated contracts. This program falls under the category "Use of Property, Facilities, and Equipment." GSA's Public Buildings Service (PBS) permits and encourages the location of commercial, cultural, educational, and recreational facilities and activities in public buildings.

Below are the requirements that we set forth in our Calendar entry of June 30, 1981 (46 FR 34153):

Requirements for Compliance with Nondiscrimination Provisions in Federal Statutes

General.

As a requirement for compliance with

nondiscrimination provisions in Federal statutes, a recipient of Federal assistance must take action in the areas listed below.

Certificate of Assurance.

In order to qualify for Federal assistance, an application must be accompanied by a written assurance that the program or facility to be benefited will be operated in compliance with Federal nondiscrimination laws and GSA regulations. An applicant must provide methods of administration for the program designed to ensure that the primary recipient and subrecipient (donee) under the program will comply with all applicable regulations and correct any existing or developing instances of noncompliance. The assisted program or activity must be offered on a nondiscriminatory basis, and it must be accessible and usable by the handicapped. A recipient might comply with this latter requirement through such means as redesign of equipment or structural changes in existing buildings. We will use "GSA Accessibility Standards" (PBS (PCD): DG6, October 14,1980) as our standard. Where the assistance is in the form of real property, the proposed regulation will stipulate that GSA may reclaim the property if the recipient's use is contrary to the nondiscrimination provisions.

Publication Notification Procedures.

Each recipient will be responsible for ensuring that all eligible persons, particularly minorities, women, and handicapped individuals, who may have been previously or traditionally deprived of equal opportunity, are adequately encouraged to participate fully in GSA programs and informed of GSA policy of nondiscrimination and the procedures for filing a complaint. The recipient will be required to prominently display the nondiscrimination poster, "We Won't Cut You Out Because Of," developed by GSA or a similar poster developed by the recipient.

Program Participation Data.

A recipient must maintain a system for collecting and reporting data on the name, address, and dollar value of assistance received by subrecipients (donees) participating in its program. This system will allow GSA to identify the eligible populations and measure delivery of program benefits in order that the quantity and quality of benefits and services delivered to minorities, women, and handicapped individuals can be documented and compared to benefits delivered to non-minority individuals and to allow GSA or primary recipients to evaluate the effectiveness of their nondiscrimination efforts. Further, recipients must set up a complaints procedure. In programs where discrimination is found to occur, the regulation will require GSA to encourage remedial action on a voluntary basis before commencing with the provisions to terminate aid.

The subpart on nondiscrimination on the basis of race, color, and national origin prohibits discrimination in employment if the purpose of the Federal assistance is to increase employment or where service to beneficiaries or potential beneficiaries is affected by employment practices. The subparts on nondiscrimination on the bases of sex and handicap prohibit discrimination in employment in any federally assisted program or activity. This means, for example, that a hospital built on GSA-donated land would have to abide by Federal nondiscrimination regulations in hiring a handicapped individual. The subpart on nondiscrimination on the basis of age excludes most employment practices except for programs funded under the public service titles of the Comprehensive Employment and Training Act (CETA) (P.L. 93–203, December 28, 1973). The principal tool for combatting age discrimination in employment continues to be the Age Discrimination in Employment Act (ADEA) (P.L. 90–202, December 5, 1967), which is administered by the Equal Employment Opportunity Commission. The ADEA protects persons between the ages of 40 and 70 in non-Federal employment from discrimination in employment on the basis of age.

Access to Sources of Information.

The regulation will require recipients to keep records and to submit timely, complete, and accurate compliance reports upon request. In addition, it will require recipients to permit access by GSA to such books, records, accounts, and other sources of information as may be pertinent to determining compliance.

Failure To Take Action.

Failure on the part of a recipient of Federal assistance to take action in any of the aforementioned areas may constitute a case of noncompliance. Instances of noncompliance will require GSA to take immediate corrective action to remedy the situation. If a recipient fails to cooperate or take voluntary corrective actions, GSA may wish to take formal enforcement action. This, in turn, could result in termination of assistance or other legal means to achieve compliance.

Alternatives Under Consideration

In an effort to reduce the burdens of paperwork and costs in complying with the regulation by recipients and subrecipients (donees), under the subpart dealing with compliance reports, we are considering the following alternatives:

(A) Each recipient must submit a compliance report to GSA's Director of Civil Rights within 90 days of the effective date of the regulation; new applicants for GSA assistance must submit a report with their application; and subsequent annual reports must be submitted by August 25, covering the preceding fiscal year.

(B) Each recipient must submit a compliance report to GSA's Director of Civil Rights within 180 days of the effective date of the regulation; new applicants for GSA assistance must submit a report with their application; and subsequent reports must be submitted every 3 years on the 25th of August to update their last report.

GSA prefers Alternative (B) because it gives recipients twice the time to respond to the regulation and to collect the required data. The 3-year reporting cycle will reduce paperwork and cost burdens and will provide an additional incentive to recipients to comply voluntarily with the regulation.

Summary of Benefits

Sectors Affected: The general population; special populations (Blacks, Hispanics, Asian Americans and Pacific Islanders, American Indians, Alaskan Natives, women, and handicapped individuals); Federal, State and local governments; other public bodies; charitable (tax-exempt) organizations; and GSA.

The direct benefits will accrue primarily to the special nationwide populations as recipients, subrecipients (donees), and beneficiaries, who will be assured of equal participation in programs, and, in the case of handicapped individuals, access to facilities that receive Federal assistance through GSA. Because nondiscrimination provisions cover employment, some handicapped workers may achieve self-sufficiency or higher standards of living because of increased employment opportunities.

Indirect benefits are realized in terms of GSA fulfilling its obligations under the law. Other beneficiaries will benefit from the enrichment of the program by the increased presence of the special population, particularly its participation in GSA's National Archives and Records Service (NARS) historical records grants. Recipients, including government and other public bodies and charitable organizations, will be in a better position to administer their assisted

programs on an equitable basis because of definitive guidance and clearer understanding of how to comply with all Agency requirements, as provided in the regulation.

Summary of Costs

Sectors Affected: State and local governments and other public and charitable bodies receiving Federal assistance through GSA; programs and activities that benefit from this assistance; and GSA.

Because the projected effect on the economy is less than $100 million, we will not prepare a Regulatory Impact Analysis. We have not estimated cost figures for the recipient, but we have provided a list of the requirements for each recipient (see the discussion labeled Requirements for Compliance with Nondiscrimination Provisions in Federal Statutes, which is in the "Statement of Problem" section above) and the number of recipients (see the table of Recipients of GSA-Sponsored Programs and Activities in the "Statement of Problem" section) to allow the reader to analyze the scope of the direct costs. Because a large proportion of GSA recipients and subrecipients (donees) in these programs also receive assistance from other Federal agencies, the GSA regulation will not generate significant additional costs for recipients. There will be some additional costs and paperwork generated by the required compliance report that must be borne by recipients and subrecipients (donees). For example, in the largest GSA assistance program, Donation of Personal Property, each property transfer transaction from a recipient to a subrecipient (donee) is recorded on a Standard Form 123. There are 300,000 transactions made by more than 60,000 subrecipients (donees) in any given fiscal year. Therefore, dividing 300,000 (transactions) by 60,000 (subrecipients or donees) equals 5, which represents the average number of times per fiscal year that a subrecipient (donee) would have to log the value of assistance received from a State recipient. The total, along with the name and address, would be reported to the State recipient every 3 years. The State recipient would then submit this information to GSA's Director of Civil Rights on the 25th of August every third fiscal year, except for the first report. The first report would be due within 180 days of the effective date of the regulation or, in the case of a new applicant for assistance, with the application. (See Alternative (B) under the discussion labeled "Alternatives Under Consideration.") Any cost incurred by recipients to meet, for example, accessibility requirements of § 504 of the Rehabilitation Act of 1973 would be to comply with the lead agency (DOJ) regulations. The recipients, therefore, should have no significant pass-through costs to the general public as a result of the GSA nondiscrimination regulation.

We cannot provide estimates of compliance costs; however, they appear minimal. The primary costs to the recipients associated with Federal implementation of the regulation are those traditionally associated with civil rights compliance activities; for example, responding to complaint investigations and compliance reviews, collecting and reporting equal opportunity data, and instituting public notification programs.

Summary of Net Benefits

Because we do not have concrete cost estimates but perceive the costs to be minimal, we consider that the benefits of equal praticipation and equal access outweigh the costs of the regulation.

Related Regulations and Actions

Internal: The Federal Property Resources Service (FPRS), in conducting GSA's "Federal Surplus Personal Property Donation Program" in accordance with 41 CFR 101–44.207(f), requires all applicants for program participation to provide necessary assurances of nondiscrimination. FPRS also requires nondiscrimination clauses in any disposal of real property to public bodies by negotiations in accordance with 41 CFR 101–47.307–2. In contracts entered into for facilities and services offered to vendors and concessionaires, GSA's Public Buildings Service (PBS) requires contractors to adhere to equal employment provisions of Title VII of the Civil Rights Act of 1964. PBS monitors these provisions in accordance with Executive Order 11246. In addition, the above contracts require the contractor to render nondiscriminatory services to the general public (Title VI).

External: The Department of Health and Human Services (HHS) has issued guidelines for nondiscrimination in federally assisted programs on the basis of (1) Sex, 45 CFR Part 86; (2) Handicapping condition, 45 CFR Part 84; and (3) Age, 44 CFR Part 90. The Department of Justice issued guidelines on the basis of race, color, and national origin, 28 CFR Part 42. Executive Order 12250 (45 FR 72995, November 4, 1980) redesignated to the Attorney General additional responsibilities to coordinate the implementation and enforcement by executive agencies of items (1) and (2) above, but keep in effect HHS regulations implementing (1) and (2) until they are revoked or modified.

Government Collaboration

GSA has worked with the Department of Justice, the lead agency for nondiscrimination in federally assisted programs under Title VI of the Civil Rights laws of 1964, Title IX of the Educational Amendments Act of 1972, and § 504 of the Rehabilitation Act of 1973, as amended, and with the Department of Health and Human Services, the lead agency for nondiscrimination in federally assisted programs under the Age Discrimination Act of 1975.

Timetable

On July 8, 1981, in response to a court order, GSA published a notice (46 FR 35356) to notify all recipients of GSA's Federal financial assistance that they are required to comply with § 504 of the Rehabilitation Act of 1973, even though GSA has not yet issued final implementing regulations. The notice indicated that recipients may look to regulations issued by the Department of Health and Human Services (45 CFR Part 84) for guidance concerning their obligations under § 504. To finalize this rulemaking, our projected schedule is as follows:

NPRM—January 1982.
Public Hearing—None.
Public Comment Period—60 days following NPRM.
Final Rule (Discrimination Prohibited on the Basis of Handicap; § 504 of the Rehabilitation Act of 1973, as amended)—December 1981.
Final Rule Effective—July 8, 1981.
Final Rule (Umbrella)—April 1982.
Final Rule Effective—April 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies and Procedures.

41 CFR Chapter 101, Federal Property Management Regulations.

45 CFR Part 84, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance .

45 CFR Part 86, Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

45 CFR Part 90, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

E.O. 11246, 3 CFR, 1964–65 Comp., p. 339, Equal Employment Opportunity.

E.O. 12250 (45 FR 72995, November 4, 1980), Leadership and Coordination of Nondiscrimination Laws.

PBS (DG 6), October 14, 1980, GSA Accessibility Standards.

GSA Order PRM P 4025.1, Chapter 2, Donation of Surplus Personal Property.

The CFR and FR are available at many public libraries. Write to the Office of the **Federal Register** to obtain a list of libraries that receive these documents: Director of the **Federal Register**, National Archives and Records Service, General Services Administration, Washington, DC 20408, or call (202) 523–5240. PBS (DG 6) and GSA Order PRM P 4025.1, Chapter 2, can be obtained through Business Service Centers, General Services Administration, National Capital Region, Seventh and D Streets, S.W., Washington, DC 20407, or Regional Business Service Centers in Boston, MA; New York, NY; Philadelphia, PA; Atlanta, GA; Chicago, IL; Kansas City, MO; Fort Worth, TX; Denver, CO; San Francisco, CA; and Seattle, WA.

Agency Contact

Ronson W. Britt, Equal Opportunity Specialist
Policy, Planning, and Program Development Division
Office of Civil Rights
General Services Administration
18th and F Streets, N.W.
Washington, DC 20405
(202) 523–4992

GSA—Public Buildings Service

Federal Space Management

Legal Authority

40 U.S.C. 486(a); E.O. 12072, 3 CFR, 1978 Comp., p. 213.

Reason for Including This Entry

The General Services Administration (GSA) includes this entry because of increased concern over the cost to the Federal Government of giving priority consideration to locating Federal agencies in central business areas (CBAs) and because the relative inflexibility of the existing regulations has sometimes resulted in interference with agency mission accomplishment. It should be noted that Executive Order 12072 is now under review by the Presidential Task Force on Regulatory Relief and by the Office of Management and Budget (OMB).

Statement of Problem

GSA is required by Executive Order 12072 (Federal Space Management) to develop programs to implement the policies of this Order through the efficient acquisition and utilization of federally owned and leased space. On May 27, 1980, GSA issued Amendment D–76 to the Federal Property Management Regulations (FPMR) (45 FR 37199, June 2, 1980), which provides in 41 CFR 101–17.001 *et seq.* the implementing instructions for carrying out the provisions of Executive Order 12072. These regulations require that, in meeting space needs in urban areas, first consideration be given to the CBA. The CBA is defined as that area within a central city in a Standard Metropolitan Statistical Area (SMSA) or any non-SMSA that encompasses the community's principal business and commercial activities and the immediate fringes thereof, as geographically defined in consultation with local elected officials. GSA's implementing instructions for the siting of Federal facilities in the CBA includes a provision that would allow the Federal Government to pay a 15-percent rental premium to owners of buildings in the CBA offering acceptable space to the Government.

GSA is basically an urban-oriented Agency, and even before Executive Order 12072, most of its client agencies were located in downtown areas of the urban centers. Because of this fact, the relocations required by the Order could not produce the massive influx of Federal activities into the CBAs that was apparently envisioned at the time the Order was issued. However, the relocations that did take place under the Order often involved long delays before the agencies' space needs were satisfied. For the most part, these delays were caused by extended disputes over the presumed benefits of relocations to the CBA. Adjoining communities and governmental entities have sometimes been pitted against one another over which location was entitled to the Federal activity, while the primary aim of satisfactorily housing the agency was overlooked.

Despite the opposition of agencies to the policy, and the often protracted space delivery timeframes that this opposition produced, GSA did make a substantial effort to comply with the Order. From October 1978 to February 1981 almost 7,600 Federal employees in approximately 2 million square feet of space in 282 separate space actions were relocated.

Due to questions about the cost to the Federal Government of this regulation, on May 11, 1981, the Director of the Office of Management and Budget (OMB) requested GSA to delay all moves being made solely in compliance with the Executive Order and to reassess the Order's economic and operational impact. As a result, on June 11 the Administrator of General Services notified OMB of GSA's plan to suspend the present FPMR requirements relating to CBA locations and submitted a revised Executive Order for consideration.

Alternatives Under Consideration

Aside from a "no action" alternative, which would continue the problems cited above, the only alternative considered was suspension of the present FPMR requirements until completion of the review of Executive Order 12072. Consequently, a proposed FPMR amendment suspending the CBA requirement until September 1, 1982 has been prepared and is presently being circulated within GSA for concurrences prior to publication in the **Federal Register**.

Summary of Benefits

Sectors Affected: Federal agencies subject to the locational requirements of the FPMR, including GSA.

GSA will have more flexibility with which to carry out its space management responsibilities. Federal agencies will benefit through elimination of a policy that did not focus sufficient attention on mission accomplishment, and one that was opposed by their clients, who objected to relocation from relatively accessible suburban areas to congested downtown locations.

The direct benefits will accrue primarily to Federal agencies requesting space through GSA. They will no longer be required to accept space in the CBA that could be inconvenient for their clientele or that, to some extent, adversely impacted their mission. Further, less expensive space would result in lower Standard Level User Charges (i.e., the standard rate that Federal agencies pay for office space they use) for the agencies. Direct benefits will also accrue to GSA (and the taxpayers) by elimination of the 15-percent rental premium allowable for a CBA location versus a non-CBA site.

Indirect benefits are realized in terms of GSA fulfilling its mission of satisfactorily housing Federal agencies in a timely manner without the time-consuming CBA requirement as part of its space acquisition process.

Summary of Costs

Sectors Affected: Central business areas of cities where there would be a potential for relocation under the CBA policy.

The above-listed sector will be affected to the extent that CBAs no longer receive the same priority consideration as under existing regulations.

Although no records were kept of the total costs of implementing the CBA policy during the period October 1978 through February 1981, direct costs for moving furniture and changing telephones approximate $2 per square foot. Consequently, these one-time costs were about $4 million. Further, assuming 50 percent of these relocations involved a rental payment premium of $1.50 per square foot, the increased lease costs to the Government would approximate $1.5 million per year. Indirect costs incurred by the agencies in "down time" during the move, new stationery, etc., are difficult to estimate but are significant.

As stated in the "Statement of Problem" section, the relocations envisioned when the Order was published did not produce the anticipated large-scale influx of Federal activities into the CBAs of urban centers. Consequently, the suspension of the CBA policy will have little or no effect on the economy of the downtown areas.

Summary of Net Benefits

While it is difficult to summarize net benefits and weigh them against costs without more complete cost data, it is apparent that the CBA policy has produced little positive benefit to the Federal Government, while the benefits accruing to the downtown areas of urban centers are minimal or non-existent.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—None.
Public Hearing—None.
Public Comment Period—None.
Final Rule—September 1, 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

41 CFR Part 101–17, Assignment and Utilization of Space.

FPMR Amendment D–76, Federal Space Management (45 FR 37199, June 2, 1980).

Executive Order 12072, Federal Space Management.

The CFR is available at many public libraries. Write to the Office of the Federal Register to obtain a list of libraries that receive this document: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408. Copies of the FPMR and Executive Order can be obtained through the Business Service Center, General Services Administration, National Capital Region, Seventh and D Streets, S.W., Washington, DC 20407, or Regional Business Service Centers in Boston, MA; New York, NY; Philadelphia, PA; Atlanta, GA; Chicago, IL; Kansas City, MO; Fort Worth, TX; Denver, CO; San Francisco, CA; and Seattle, WA.

Agency Contact

Paul H. Herndon, III, Director
Space Management Division
Office of Space Management
Public Buildings Service
General Services Administration
18th and F Streets, N.W.
Washington, DC 20405
(202) 566–1875

OFFICE OF PERSONNEL MANAGEMENT

Office of Planning and Education

Standards for a Merit System of Personnel Administration (5 CFR Part 900 Subpart F; Revision)

Legal Authority

42 U.S.C. 4728; 42 U.S.C. 4763; E.O. 11589; 3 CFR Part 557, 1971–75 Comp.

Reason for Including This Entry

The Presidential Task Force on Regulatory Relief has designated this regulation for review, as part of the Administration's deregulation effort. The regulation is being revised to provide regulatory relief to State and local governments as far as possible consistent with statutes.

Statement of Problem

Nineteen Federal grants programs require, as a condition of eligibility for grants-in-aid, that State and local governments maintain merit personnel systems for State and local personnel engaged in administration of the programs involved.

A merit personnel system, as defined by statute, is a personnel system that operates in a manner consistent with the following principles:

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

The U.S. Office of Personnel Management (OPM) is required by the Intergovernmental Personnel Act (IPA) to prescribe standards for these systems.

The IPA gives OPM considerable discretion in developing standards for these systems. It requires only that the standards (1) contain the six principles listed above, and (2) be prescribed in a manner that will minimize Federal intervention in State and local personnel administration.

The existing standards are very detailed and go beyond the six broad merit principles stated above in prescribing how State and local governments shall operate their merit systems. In addition, they impose a number of recordkeeping and reporting requirements on State and local governments. Under these detailed standards, OPM formerly was heavily involved in the details of State and local personnel administration. OPM provided technical assistance to State and local governments; reviewed laws, rules, regulations, and policy statements, and negotiated agreements of State and local governments; conducted on-site audits; and obtained information regarding State and local government activity through surveys.

The existing regulations are not consistent with the IPA requirement that they be prescribed in a manner that will minimize Federal intervention in State and local personnel administration.

Alternatives under Consideration

OPM is reviewing these regulations to eliminate provisions that are unnecessary and to revise provisions that are unduly burdensome.

OPM is paying particular attention to issues such as the following:

(A) Is any guidance beyond the six merit principles set forth above required to inform State and local governments of their responsibilities with regard to merit personnel administration with respect to agencies that receive grants under the Federal programs?

(B) Are any recordkeeping and reporting requirements necessary to ensure compliance with the merit principles?

(C) What role should OPM carry out in ensuring compliance with merit principles? Are there State and local activities that must be closely supervised, or can OPM manage the program by exception?

The Administration has submitted for the consideration of the Congress legislation that would eliminate all statutory merit personnel requirements established as a condition for the receipt of Federal grants-in-aid by State and local governments. This legislative proposal has been introduced in the Senate as S 1042. Should S 1042 be enacted into law, these regulations would become obsolete and revision would be unnecessary.

Summary of Benefits

Sectors Affected: State and local governments that are required to operate merit personnel systems as a condition of Federal grants-in-aid; OPM; Federal departments and agencies that make grants to State and local governments.

The detailed standards will be replaced with broad guidelines, which will increase State and local government flexibility to tailor merit personnel systems to suit their particular needs and to pursue administrative innovations and will allow them to reduce their administrative costs. Reporting requirements will be kept to a minimum, thus decreasing recordkeeping and reporting costs.

OPM will continue to advise Federal agencies that make grants covered by the standards and to coordinate their actions to carry out the purposes of the Act but will decrease costs involved in administration of the standards as much as possible.

Summary of Costs

Sectors Affected: None.

The revision will entail no additional costs. It will decrease costs to State and local governments and to OPM.

Summary of Net Benefits

The proposed revision will increase State and local government flexibility in administering merit systems, allow administrative innovations, reduce compliance recordkeeping and reporting requirements, and reduce costs. It will allow OPM to administer the program at a reduced cost.

Related Regulations and Actions

Internal: None.

External: S 1042, pending in the Senate, would eliminate all statutory merit personnel requirements established as a condition of the receipt of Federal grants-in-aid by State and local governments.

Government Collaboration

The results of OPM's review of these regulations will be furnished to Federal agencies that administer grants programs requiring merit systems and to interested State and local government organizations for comment.

Timetable

ANPRM—None.
NPRM—December 1981.
Final Rule—March 1982.
Final Rule Effective—April 1982.
Statutory or Legal Deadline—None.
Public Hearing—None.
Public Comment Period—December 1981 to January 1982. Details in NPRM to be published in December.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

Intergovernmental Personnel Act of 1970, as amended, P.L. 91–648; "Standards for a Merit System of Personnel Administration," 5 CFR Part 900, Subpart F.

Agency Contact

Joseph W. Howe, Chief
Policy Coordination Division
Office of Planning and Evaluation
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, DC 20415
(202) 254–5134

CHAPTER 6—TRADE PRACTICES

USDA-FSIS

Standards and Labeling Requirements for Mechanically Processed (Species) Product (MP(S)P) and Products in Which It Is Used 1902

DOT-MARAD

Construction-Differential Subsidy Repayment; Total Repayment Policy 1905

DOT-UMTA

Buy America Requirements 1909

TREAS-ATF

Implementation of the Distilled Spirits Tax Revision Act of 1979 1911

TREAS-ATF

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act 1913

TREAS-CUSTOMS

Civil Aircraft Regulations 1915

TREAS-CUSTOMS

Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act 1916

TREAS-CUSTOMS

Interest Charges on Delinquent Accounts 1917

GSA-FPRS

National Defense Stockpile Disposal Regulations 1919

FEC

Communications by Corporations or Labor Organizations 1919

FEC

Transfers of Funds; Collecting Agents, Joint Fundraising 1921

FTC

Proposed Amendment to Eyeglasses Rule and Eyeglasses II 1922

FTC

Proposed Rule on Standards and Certification 1927

FTC

Proposed Trade Regulation Rule Concerning Credit Practices 1930

FTC

Proposed Trade Regulation Rule on Mobile Home Sales and Service 1934

FTC

Review of Premerger Notification Rules and Report Form 1938

FTC

Revision to Trade Regulation Rule Pertaining to Proprietary Vocational and Home Study Schools 1939

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

Standards and Labeling Requirements for Mechanically Processed (Species) Product (MP(S)P) and Products in Which It Is Used (9 CFR Parts 317, 318, and 319; Revision)

Legal Authority

Federal Meat Inspection Act, 21 U.S.C. 601 (m) and (n) and 607.

Reason for Including This Entry

The proposed action has been reviewed under U.S. Department of Agriculture (USDA) procedures established to implement Executive Order 12291 and has been classified as a major rule pursuant to section (b) of that order; it is likely to result in an annual effect on the economy of $100 million or more. The Presidential Task Force on Regulatory Relief has designated this rule for review.

Statement of Problem

Mechanically Processed (Species) Product (MP(S)P) is a product that is made from the mechanical separation and removal of most of the bone from attached skeletal muscle of livestock carcasses and parts of carcasses. It can be used as a low-cost protein ingredient in processed meat formulations. MP(S)P has been permitted as an ingredient in certain processed red meat products since June 1978. At that time, regulatory requirements were promulgated by the Department in accordance with its statutory responsibility to prevent the preparation and distribution in commerce of meat and meat food products that are adulterated, misbranded, or not properly labeled.

In general, the existing regulations on MP(S)P state that it may be used in sausage, frankfurters, and similar products as long as it makes up no more than 20 percent of the meat portion. Fat and protein content are restricted to a maximum of 30 percent for fat and a minimum of 14 percent for protein. Bone particle size is limited, and an upper limit is set on the amount of calcium allowable. Labels of products in which MP(S)P is used must carry the phrase "With Mechanically Processed (Species) Product." Moreover, to give notice to consumers who must restrict their intake of calcium, the presence of powdered bone must also be noted on the front label with the statement, "Contains Up To —% Powdered Bone."

The amount of MP(S)P produced since the promulgation of the current regulations has been quite small. It appears that MP(S)P is not being produced at all for use as an ingredient in meat food products sold at retail, despite the availability of the technology and raw materials. As a result, a potential food source is not being made available to the general public. Moreover, utilization of this low-cost protein as an ingredient in meat food products would result in consumer savings by lowering the cost of the meat food products in which it is used.

The red meat industry has contended that its failure to market products containing MP(S)P is due to regulatory requirements that go beyond what is necessary to protect the public from meat food products that are adulterated, misbranded, or not properly labeled. The industry has asked the Department to reconsider these requirements in light of additional information it has compiled since the completion of the MP(S)P rulemaking in 1978. This position was advanced most recently in a February 1981 petition by the Pacific Coast Meat Association (PCMA), a regional trade association of meat packing and processing companies, and the American Meat Institute (AMI), a national trade association of meat packing and processing companies, on behalf of their members.

Based on the information contained in the PCMA–AMI petition, and review and reevaluation of the MP(S)P regulations in accordance with Executive Order 12291, the Department has issued a proposal (46 FR 39274, July 31, 1981) to amend the Federal meat inspection regulations that would (1) change the name of the product to one that would be less burdensome and more descriptive of its characteristics; (2) establish two categories of product:

one that would meet the current fat and protein content requirements and a second for which there would be no fat or protein content requirements; (3) permit use of the second category of product only in meat food products subject to regulatory definition and standards that limit fat content; (4) replace the limit on the amount of product meeting fat and protein content requirements that could be used in a meat food product with limits on the amount of calcium such product could contain (as a measure of its bone content) when used at various levels; (5) delete the requirement that the names of all meat food products containing the product must be qualified by a phrase indicating its presence, but consider retaining this requirement in particular situations on the basis of information submitted in this rulemaking; (6) replace the requirement that the names of meat food products containing the product must be further qualified to indicate the amount of powdered bone they contain with a requirement that their labels declare calcium content as part of a nutrition label—or, if a meat food product does not bear nutrition labeling, in a statement in conjunction with the ingredients list—whenever the amount so declared would differ from the amount that would be declared if such meat food product contained only hand-deboned ingredients; and (7) add labeling requirements for the product itself where this would be necessary to assure compliance with the regulations.

According to an AMI-funded study, "Economic Impacts of Regulations on Mechanically Deboned Red Meats," by J. Bruce Bullock and Clement C. Ward, which was submitted with the PCMA–AMI Petition, 350 million pounds of beef and pork MP(S)P were not produced in 1979 due to the labeling and fat and protein content restrictions imposed by the current regulations. According to the study, this represents a net economic loss of $450 million.

Alternatives Under Consideration

(A) "No regulation," i.e., not imposing any labeling or compositional requirements or use limits. Under such an approach, the product would be delcared by its species designation, could contain any amount of bone and bone particles of any size, and could be used at any level in any meat food product regardless of its composition.

(B) Amend only the Labeling Requirements. The name of the product would be changed to one that provides a more meaningful description of its characteristics. The options under consideration include "Mechanically Separated (Species)," "Mechanically Deboned (Species)," "Mechanically Recovered (Species)," and "Mechanically Processed (Species)." The requirement that the names of all meat food products must be qualified to indicate the presence of MP(S)P would be deleted, with possible exceptions. The argument here is that the qualifier places undue emphasis on a single ingredient and that listing the product in the ingredients statement would generally provide sufficient notice that it is present. The requirement that the names of meat food products containing MP(S)P must be further qualified by the phrase "Contains Up To —% Powdered Bone" would be deleted. Instead, producers of final meat food products containing MP(S)P would declare calcium content as follows: (1) as part of the nutrition labeling information, or (2) if the meat food product does not bear nutrition labeling, in a prominent statement in immediate conjunction with the ingredients list. Removing the undue emphasis on MP(S)P by removing both the product qualifier and the powdered bone qualifier would have the effect of removing possible derogatory implications about the product. Thus, products in which MP(S)P is used would be more acceptable and more marketable to consumers.

(C) Amend the Labeling, Product Standard, and Use Limits as set forth in the proposed rule. The Labeling requirements would be amended as set forth in Alternative (B) above. The Product Standard for MP(S)P would be amended to include two categories of product: (1) product that meets the current fat (maximum 30 percent) and protein (minimum 14 percent) content requirements (which could be used in any meat food product in which use of MP(S)P is currently permitted), and (2) product that does not meet the current fat and protein content requirements (i.e., product "for processing," which could be used only in meat food products that are subject to a regulatory definition and standard that limits fat content). These categories would be reflected on the label of the product.

The proposal would revise the limits on the amount of mechanically processed product that may be used as an ingredient as follows: (1) The maximum usage level of product that contains at least 14 percent protein and not more than 30 percent fat would depend on its calcium content as a measure of its bone content. Where product contains the maximum calcium level permitted—0.75 percent—the current 20-percent use limit would continue to apply; but where calcium content is reduced, greater amounts could be used (i.e., product that has a calcium content of no more than 0.15 percent could constitute up to 100 percent of the livestock and poultry product portion; product that has a calcium content of no more than 0.30 percent could constitute up to 50 percent of such portion; product that has a calcium content of no more than 0.60 percent could constitute up to 25 percent of such portion). This would provide an incentive for the development of machinery capable of producing product with a lower bone content. (2) Product for processing (i.e., product that contains less than 14 percent protein and/or more than 30 percent fat) would be subject to the current 20 percent limitation. (Where product for processing is used as an ingredient, its calcium content would be taken into account.) In addition, product for processing could only be used in meat food products that are subject to a definition and standard of identity or composition that establishes a maximum limit on the fat content of the finished product. The purpose here is to maintain the reliablity of meat food products as good sources of high quality protein while preventing increases in the fat content of these products. (3) The Department would continue to prohibit use of MP(S)P in certain meat food products in which its use would destroy the food's accepted identity, e.g., hamburger, fabricated steaks, and similar products.

In general, the above limitations will benefit consumers by protecting the quality and integrity of meat food products.

Alternative (B) was not selected as it would not allow industry or consumers to receive the full benefit of increased MP(S)P production. Alternative (A) was not selected because of legal constraints and the fact that it would not result in significant net economic benefits beyond those brought about by the proposed changes.

The Department is proposing to amend the MP(S)P regulations as set forth in Alternative (C). There are ample outlets for potential supplies of MP(S)P, and the proposed revisions as set forth in Alternative (C) will not constrain the production or marketing of MP(S)P. That is, the Department's proposal as set forth in Alternative (C) contains labeling requirements that are not expected to cause consumers to react negatively to an MP(S)P-containing product; it sets forth fat and protein restrictions that will not constrain the potential supply of MP(S)P; and it establishes a use limitation that is also not expected to constrain the supply of MP(S)P. Hence, it is reasoned that the proposed revisions as set forth in Alternative (C) will allow the production of MP(S)P to reach the same level as without

regulation and that these revisions will not affect the ability of users to market the products using MP(S)P.

Summary of Benefits

Sectors Affected: Producers of meat products (SIC Group 201) and consumers of meat products.

Alternative (C) is the alternative that has been proposed by the Department. (All estimates are based on 1979 figures.) Adoption of both the fat and protein requirement changes as well as the proposed labeling changes, as set forth in Alternative (C), would have resulted in increased production of MP(S)P (beef and pork) in 1979 of 351.7 million pounds, an increase of 350.4 million pounds over actual 1979 production. This increased production would have resulted in a net economic gain in 1979 of $495 million. The proposed change in the fat and protein requirements would not bring about this economic gain if the proposed labeling changes were not also made.

The increase in production would also have an impact on income distribution, i.e., dollars would be transferred from producers to processors and consumers. Based on the estimate of 1979 potential production, the amount of this transfer would have been $493 million, in 1979 dollars.

The revisions to the use limits would provide for the development of meat food products containing higher levels of mechanically processed product where limits on calcium, fat, and protein content can be relied upon to prevent potential health and safety problems and maintain the nutritional quality of finished products. Thus, processors would have greater flexibility to explore the possibilities for new products that might be acceptable to consumers. It is likely that the increased production resulting from the above changes would have resulted in an increase in employment in this case, an estimated 640 jobs. Alternative (B), which amends only the labeling requirements, would have resulted in potential MP(S)P (beef and pork) production of 87 million pounds in 1979, an increase of approximately 85 million pounds over actual 1979 production. This would have resulted in a net economic gain in 1979 of $110.7 million. The increased production would also have an impact on income distribution; i.e., dollars would be transferred from producers to processors and consumers. Based on the above estimate of 1979 potential production, the amount of the transfer would have been $106 million. It is also likely that employment would have risen by approximately 160 jobs from the increased production of MP(S)P in response to these labeling changes.

The economic benefits of the "no regulation" Alternative, (A), are the same as those for Alternative (C), the one proposed by the Department.

All three alternatives would benefit processors and consumers to the extent quantified above. In general, processors would benefit from being able to make and use a relatively less expensive raw material, and consumers would benefit from lower prices for meat products. The consumer is expected to receive most of the income transfer due to the competitive nature of the food processing industry. That is, the processors are expected to pass along their cost savings.

Summary of Costs

Sectors Affected: Producers of meat products (SIC Group 201); producers of livestock, except dairy, poultry, and animal specialties (SIC Group 021); and consumers of these products.

Processors of MP(S)P are responsible for costs of quality control in both Alternatives (B) and (C). Production of MP(S)P under an approved quality control system would be retained as a prerequisite for label approval. The system must include provisions to control handling and processing of raw materials and MP(S)P and for chemcial analyses to determine compliance of the MP(S)P with compositional requirments. The burden on plants for conducting these tests to comply with quality control regulations varies according to the variety of mechanically processed product produced by the plants as the analytical requirements apply to each type of product produced.

A minimum and a maximum annual quality control cost per product can be estimated as follows (a minimum and a maximum result due to frequency of testing required based on past compliance. These are current dollars.):

	Per year
Minimum: fat, protein, and calcium—once every 6 lots*; amino acids—once every 6 months	$2,550
Maximum: fat, protein, and calcium—once every lot; amino acids—once per month	14,900

*A lot is the MP(S)P designated by the operator of the establishment from the product produced from a single species of livestock in no more than one continuous shift of up to 12 hours.

Averaging these estimates of maximum and minimum quality control costs, and assuming adoption of the proposed labeling changes, Alternative (B), the total quality control costs for the potential 1979 production of 87 million pounds of MP(S)P would be $.3 million or .27 percent of $110.7 million, the 1979 value of the product at this level of production. Assuming adoption of the labeling and fat and protein content changes, Alternative (C), the total quality control costs for the potential 1979 production of 351.7 million pounds of MP(S)P would be $1.4 million or 0.28 percent of $495 million, the 1979 value of the product at this level of production.

In addition to the quality control costs associated with the production of MP(S)P, there are potential costs tied to the use of MP(S)P. The proposed changes require that the labels of meat food products containing MP(S)P declare calcium content if the percent of the U.S. Recommended Daily Allowance (RDA) of calcium to be declared differs from the percent of the U.S. RDA that would be declared if the product contained only hand-deboned ingredients. One way to determine calcium content is a laboratory test of the final product. The average cost of this calcium test is $20 to $25. It is difficult to estimate how often this test would be performed on the final product and, therefore, what the aggregate cost of this testing would be. One reason is that the final product maker may be able to control this calcium level by means of formulation. That is, the level may be determined by knowing the amounts and calcium content of ingredients used in the final product.

Although there are costs associated with production and use of MP(S)P that may exclude small entities (e.g., quality control and labeling costs), one of the purposes of the proposed changes is to allow the industry to incorporate efficiency-improving technology, which will have the primary long-term effect of reducing producer costs and expanding business opportunities. The costs that small entities will face to enter the MP(S)P market and to use MP(S)P as an ingredient are not, for the most part, costs resulting from the proposed regulatory changes but costs associated with entering any market.

The income transfer, as described earlier under Summary of Benefits, results in a cost or a loss of income to livestock producers (farmers). The Bullock and Ward analysis can be used to estimate that increased 1979 production under Alternative (B) would have resulted in price decreases of 12 cents per hundredweight for live cattle and 25 cents per hundredweight for live swine in 1979. Spread across 35,103 million pounds of live cattle and 25,425 million pounds of live swine, the decrease in total farm revenue would have been $106 million, $42 million for live cattle and $64 million for live swine. This is a .07 percent decrease in total

farm revenue, based on USDA's estimate of 1979 total farm revenue of $150 billion. Again using the Bullock and Ward analysis, increased production under Alternatives (A) or (C) would decrease live cattle and swine prices by a little less than 1 cent per pound, a decrease of 86 cents per hundredweight for live cattle and 75 cents per hundredweight for live swine. Spread across 35,103 million pounds of live cattle and 25,424 million pounds of live swine, this larger price decline would result in a decrease in total farm revenue of $493 million, $302 million for beef producers and $191 million for pork producers. This is a 0.3 percent reduction in total farm revenue, based on the USDA estimate of $150 billion for 1979 total farm revenue, and assuming all other market variables remained at the same level.

Summary of Net Benefits

The following chart summarizes benefits, costs, and net benefits of each alternative. These estimates are based on 1979 figures.

Alternative	Benefits	Costs (million dollars)	Net benefits
(A)	$495.0	0	$495.0
(B)	$110.7	$0.3	$110.4
(C)	$495.0	$1.4	$493.6

The benefits stated in the above chart represent net economic gain of increased production (using base year 1979) should the regulations be amended as set forth in the three alternatives. This increased production would cause a subsequent increase in the number of jobs: for Alternative (B), 160 jobs would be created; for Alternatives (A) and (C), 640 jobs would be created. The costs above are quality control costs that would result from increased production (using base year 1979) should the regulations be amended as set forth in each alternative.

It must be pointed out that the amount of MP(S)P produced since promulgation of the current regulations has been quite small. The purpose here is to amend the regulatory requirements to facilitate the production and use of MP(S)P while continuing to protect the public against adulterated and misbranded product. The overall benefit is to facilitate production of a potential food source and make it available to the general public.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—46 FR 39274, July 31, 1981.
Public Comment Period on NPRM—July 31 through October 29, 1981.
Final Rule—2nd Quarter 1982.
Preliminary Regulatory Impact Analysis (as appendix to NPRM)—46 FR 39274, July 31, 1981.
Initial Regulatory Flexibility Analysis (combined with Preliminary Regulatory Impact Analysis)—July 31, 1981.

Available Documents

PCMA-AMI Petition of February 1981 and supporting documents, e.g., "Consumer Focus Groups Concerning Mechanically Processed Meat Product," September 1980 Report by Market Research Services; "Economic Impacts of Regulations on Mechanically Deboned Red Meats," July 1980 Report by J. Bruce Bullock and Clement E. Ward (published in FR with NPRM—46 FR 39274, July 31, 1981).

"Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume I—Final Report and Recommendations, Select Panel" and "Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume II—Background Materials and Details of Data." (Docket No. 81-016P)

Agency Contact

Robert G. Hibbert, Director
Meat and Poultry Standards and Labeling Division
Food Safety and Inspection Service
U.S. Department of Agriculture
14th Street and Independence Avenue, S.W.
Washington, DC 20250
(202) 447-6042

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Construction-Differential Subsidy Repayment; Total Repayment Policy (46 CFR Part 276; Revision)

Legal Authority

Merchant Marine Act, 1936, as amended, §§ 204(b), 207, 506, and 714, 46 U.S.C. 1114(b), 1117, 1156, and 1204.

Reason for Including This Entry

The Maritime Administration (MarAd) is including this entry because the regulation sets a major precedent for the administration of the maritime subsidy programs. The regulation would establish a policy for total repayment of construction-differential subsidy (CDS) in exchange for the removal of domestic trade restrictions prescribed in § 506 of the Merchant Marine Act, 1936, as amended (the Act). However, the annual impact of the regulation on the economy may not exceed $100 million, and is not expected to impose a major increase in costs or prices. The Presidential Task Force on Regulatory Relief has designated this rule for review.

Statement of Problem

Pursuant to Title V of the Act, MarAd grants financial aid in the form of construction-differential subsidy (CDS) for the construction of vessels for operation in the U.S. foreign trade. However, if no favorable opportunities exist for the viable employment of CDS-built vessel(s) during a protracted period which exceeds that normally associated with cyclical downturns, then MarAd might consider whether "exceptional circumstances" exist to consider payback of CDS in order that the vessel may seek viable employment opportunities in the domestic trade. By establishing the existence of "exceptional circumstances" as a precondition to considering CDS repayment, the regulation would ensure that CDS-vessel owners do not prematurely abandon the foreign trade for which they are intended if more lucrative opportunities exist in the domestic trade. The purpose of the regulation is to establish guidelines for deciding whether to permit vessels built with such aid to operate without restriction in the domestic trade in exchange for the payback of the CDS attributable to the remaining economic useful life of the vessel. These guidelines will be designed to minimize adverse impacts on investors in and operators of vessels built without CDS exclusively for the domestic trade, shipbuilders, shippers, MarAd, consumers, and the general public.

Sections 501-507 of the Act (46 U.S.C. 1151-1157) contain the provisions relating to eligibility and conditions for the award of CDS by the Secretary of Transportation (Secretary). The authority to grant these awards rests, by delegation, with the Maritime Subsidy Board within MarAd. Essentially, CDS represents the excess of the cost of constructing (including reconstructing or reconditioning in exceptional cases) a vessel in a U.S. shipyard (excluding the cost of national defense features) over the fair and reasonable estimated cost of its construction in a representative foreign shipbuilding center. This excess is paid by MarAd to the U.S. shipyard only for a vessel "to be used in the

foreign commerce of the United States," as defined in § 905 of the Act (46 U.S.C. 1244).

Section 506 of the Act (46 U.S.C. 1156) requires the owner of every vessel for which CDS has been paid to agree that the vessel be operated "exclusively in foreign trade" or in foreign trade with limited domestic trade operation as specified in this section. If such a vessel engages in this limited domestic operation, the owner must repay a portion of the CDS. Section 506 also provides for the temporary transfer of such a vessel to services other than those covered by the owner's CDS agreement for periods "not exceeding 6 months in any year," with the consent of the Secretary. A condition for consent to such temporary transfer is the agreement by the owner to repay, on conditions that the Secretary may prescribe, "an amount which bears the same proportion to CDS paid as such temporary period bears to the entire economic life of the vessel."

In addition to these express statutory provisions for partial repayment, the Secretary has discretionary authority to accept full repayment of CDS in return for the permanent removal of the domestic trading restrictions in § 506. The U.S. Supreme Court has affirmed this authority. *(Seatrain Shipbuilding Corp., et al.* v. *Shell Oil Co. et al.,* 100 S. Ct. 800 (February 20, 1980).)

Consistent with this decision, MarAd proposed the regulation to provide, as a matter of sound policy, guidelines and procedures for approval of applications to repay CDS, which MarAd can apply uniformly to all applicants.

Neither § 506 nor any other provision of the Act provides guidelines for determining the circumstances under which the total repayment of CDS is appropriate. In order to establish such guidelines, MarAd conducted an analysis to provide a basis for determining suitable conditions and to estimate costs and benefits. The economic impact of the regulation depends on these conditions.

MarAd published an interim regulation applying only to tankers of at least 100,000 deadweight tons (DWT) (45 FR 68393, October 5, 1980). Ten existing CDS-built vessels are in this category. MarAd has received applications for the total repayment of CDS with respect to six of these vessels. One of the applications has been approved and three have been withdrawn, leaving two applications with aggregate outstanding CDS balances of approximately $39 million. MarAd has approved one of these applications with respect to the BAY RIDGE (upheld on appeal to the Secretary), a 225,000 DWT vessel. On September 17, 1981, the U.S. District Court for the District of Columbia decided a consolidated action in favor of the United States *(American Petrofina and Independent U.S. Tanker Owners Committee* v. *Baldrige et al.;* C.A. Nos. 80-3038 and 80-3214). The principal issues involved were whether the interim rule was issued in full compliance with the Administrative Procedure Act and whether the decision to approve the BAY RIDGE application was arbitrary and capricious.

Alternatives Under Consideration

Among the alternatives considered in the Regulatory Impact Analysis was the "no-action" option. MarAd believes that adoption of a regulation is not a legal requirement, and that it could exercise discretion in allowing the total repayment of CDS by adopting a case-by-case approach and making a determination on the individual merits of each application. However, the advantage of a formalized rule is that it would provide a framework for the decisionmaking process. The regulation would be in compliance with the District Court's suggestion in the *Seatrain* case that the Agency provide guidelines that apply uniformly to all applicants.

MarAd has also considered adoption of a single regulation for all CDS vessels, regardless of type, size, or employment pattern, or adoption of separate regulations for various categories. A single regulation has the advantage of general applicability and simplicity, but may not adequately reflect the unique aspects of the markets in which the various categories of vessels operate.

The choice of specific "exceptional circumstances" under which MarAd would grant permission for a vessel to operate in the domestic trade requires the evaluation of a number of potential alternatives and underlying conditions. If the conditions are too restrictive, the interest of the CDS-built vessel's owner, MarAd, and the maritime industry may not be served. If they are too general, they raise questions concerning whether the non-subsidized fleet, in which there is considerable investment, will be equitably treated.

If no favorable opportunities exist for economic employment of a category of CDS-built vessels in the foreign trade for a protracted period that is longer than that of normal cyclical market downturns, MarAd might consider that "exceptional circumstances" are present that may then warrant approval of total CDS repayment in return for removal of the restrictions on domestic trade operation of the vessel.

MarAd must consider potential impacts on competition in the development of these conditions. The approval of an application for total repayment of CDS for a vessel can be expected to remove that vessel from the foreign trade for which it was intended, generating a potential competitive impact in that trade. Similarly, the removal of the domestic trading restrictions may have a competitive impact in the domestic trade. Among the factors that MarAd would consider before approving an application is whether the operation of the vessel in the domestic trade would be likely to have any significant adverse impact on other vessels operating in that trade.

Finally, MarAd must consider two principal procedural alternatives to ensure that all interested parties have an opportunity to present their views. Under the first alternative, MarAd would publish in the Federal Register a notice of any application for the total repayment of CDS and would allow a specified period for interested parties to submit written comments. As a second alternative, MarAd would hold a hearing or similar proceeding to provide an opportunity for all interested parties to provide data and analyses in support of their respective positions. The formal hearing requirement would greatly increase the likelihood of delays in the decisionmaking process. These delays could have significant adverse impacts on the applicant, as well as on the Government's security interest in the vessel with respect to any outstanding ship obligation guarantees or ship mortgage insurance.

MarAd has considered various hypotheses in order to prepare a Regulatory Impact Analysis involving economic matters. The statements in this document concerning impacts are merely illustrative and are in no sense to be considered exhaustive or definitive.

Summary of Benefits

Sectors Affected: Owners and operators of vessels built with CDS and intended for deep sea foreign water transportation; owners and operators of vessels built without CDS and intended for deep sea domestic water transportation; shipbuilding; shippers of commodities by U.S. deep sea foreign and domestic water transportation; MarAd; consumers; and the general public.

Fairness to all identifiable interests in the administration of the CDS program is the object of the regulation. The regulation can be expected to state the conditions MarAd will consider for removing a restriction on domestic trade

operation that is required by the Act as a condition for receiving CDS assistance.

The regulation may limit total repayment of CDS in exchange for the removal of domestic trade restrictions to situations determined by MarAd to represent "exceptional circumstances," with guidelines provided for making this determination. Benefits would accrue to the owner or operator of an existing vessel that has no favorable opportunities for employment in the foreign trades for which it was originally built with CDS.

Since vessels built with CDS may have obligation guarantees or vessel mortgage insurance issued by MarAd under Title XI of the Act, the prospective default by the vessel owner may mean an imminent loss to the Government due to its payment of the debt (reduced by the amount of recovery through foreclosure sale), as well as the loss of any ongoing benefit to the economy from the Government's CDS expenditure. MarAd may better preserve the value of its security interest by allowing the vessel to operate in the domestic trade in order to generate sufficient income to amortize its government-guaranteed obligations or insured debt. The incidence of default for Title XI guarantees has been extraordinarily low, only seven-tenths of one percent (net losses of only $62.9 million out of $8.8 billion of guarantees since the inception of the program in 1938 to date).

The guidelines to be adopted are intended to minimize any potential adverse impact on the U.S. shipbuilding market for the construction of vessels for the domestic trade. The regulation may significantly reduce uncertainties in this market. Other objectives are that owners of vessels built without CDS will not be displaced from the domestic trades; shippers will be protected against unreasonably high rates; and the consuming public will not experience higher commodity prices resulting from unreasonably high freight rates.

MarAd's careful application of these guidelines should protect investment in domestic trade shipping, shippers of domestic trade cargoes, consumers of commodities shipped in the domestic trade, MarAd's security interests, and the general public.

By allowing repayment, the funds repaid become available for other government purposes, and the vessel can be actively employed. The general public may benefit through reallocation of the asset. A Regulatory Impact Analysis has been prepared that provides estimates of the potential benefits under repayment/non-repayment scenarios.

For example, the Regulatory Impact Analysis shows (theoretically) that the greatest positive impact or benefit of repayment can be expected to occur if repayment will mean that the vessel will avoid indefinite lay-up. The magnitude of the benefit will depend upon costs associated with each application for repayment.

Summary of Costs

Sectors Affected: Owners and operators of vessels built with CDS and intended for deep sea foreign water transportation; owners and operators of vessels built without CDS and intended for deep sea domestic transportation; shipbuilding; shippers of commodities by U.S. deep sea foreign and domestic water transportation; MarAd; and the general public.

The Regulatory Impact Analysis provides estimates of these costs and impacts. Owners and operators of existing domestic trade vessels, which are not eligible for CDS aid, contend that the introduction of even a single additional vessel into the trade, through CDS repayment, would have significant impacts on rates. Unlike liner trades with regulated tariffs, rates in the bulk trades are generally controlled by vessel availability, suitability, and location at any particular time. The domestic trades are relatively small. Few vessels are available at any given time, since most are in proprietary trades or under long-term charter. Thus, the addition of a single CDS vessel could temporarily reduce the profit potential of an existing owner. However, over time, the average charter rates obtained in the domestic trade might not be significantly affected.

The Regulatory Impact Analysis shows that the greatest (theoretical) cost impact associated with CDS repayment on the domestic trade fleet is the displacement of domestic trade vessels. Assuming that one CDS–VLCC (Very Large Crude Carrier) could displace up to two typically smaller domestic trade vessels, the direct cost (losses) to the domestic trade, including the cost to support industries, such as fuel suppliers, shipyards that perform maintenance and repair, and maritime manpower (crew), exceeds possible cost savings to be achieved through repayment.

While the regulation is intended to limit impacts on shipbuilding, shipyards in the United States could possibly lose an opportunity for new vessel construction for the domestic trade if a CDS vessel owner is allowed to make total repayment in exchange for the removal of domestic trade restrictions. In addition, the uncertainty of potential competition from other CDS vessels could further reduce the incentives for vessel construction for the domestic trade. Since the Act expressly permits owners of vessels built with CDS to apply for permission to operate temporarily in domestic trades for periods not exceeding 6 months in any year, the policy reflected in the regulation does not create a completely new class of competing vessel. Also, when the foreign trades again provide favorable employment opportunities, new construction for these trades would probably occur.

Summary of Net Benefits

The first regulatory alternative is to continue an informal ad hoc approach to determining the circumstances and conditions of CDS repayment. It would allow any CDS-built vessel to apply for repayment and enter the domestic trades of the United States. The decisionmaking power would be concentrated in the Secretary (as delegated to the Maritime Subsidy Board). It would be a very flexible system that would allow the widest possible discretion in making determinations. However, there are compelling arguments that the public interest is best served by the promulgation of uniform criteria and procedures for making this determination. In the district court decision on the STUYVESANT case, Judge Richey ruled that while the Administrative Procedure Act did not *require* the Secretary to have a rule or regulation to govern CDS repayment it was strongly *recommended.*

The precedents set in the STUYVESANT case indicate that the Secretary does have the power to allow repayment of CDS funds and the subsequent lifting of the domestic trade restrictions on a permanent basis, provided there is a formalized rule, regulation, or standard that prevents arbitrary and capricious actions and unfair competition with Jones Act (46 U.S.C. 883) vessels, i.e., vessels built without CDS that operate in the domestic trade. Therefore, a continuation of an unformalized approach to determining the circumstances and conditions of CDS repayment is not advisable. To estimate costs and benefits of an approach contrary to that recommended by the courts is not appropriate.

A second alternative involves the creation of a formalized regulatory procedure to allow or disallow CDS repayment and entrance of the vessel

into the Jones Act trades. MarAd has analyzed three general categories of formalized rules. The first would allow total repayment by any owner of a CDS-built vessel on request. The Board would have no discretion to approve or disapprove individual applications. It would give all owners equal standing. However, this approach could be criticized because it would give no consideration to the competitive effect on current owners and operators of vessels built without CDS and operated in the domestic trades and would not address the question of unfair competition.

The benefits to existing and future owners of CDS-built vessels and to the Government of such a rule could be significant, but the costs may exceed these benefits, under certain conditions. For example, should conditions in the foreign trades, for which CDS vessels are intended, deteriorate to a point where there are no prospects for remunerative employment for the foreseeable future, the vessels could find employment in the domestic trades if prospects there are favorable. This substantially reduces the risk associated with CDS construction. However, owners of existing vessels built without CDS could not reduce their market risks in a similar manner, since there is no current mechanism for granting CDS to existing vessels. Thus, there would be a disincentive for investment in Jones Act tonnage. Allowing the repayment of CDS on request could cause certain firms with existing Jones Act vessels to face bankruptcy. With the possibility of bankruptcies involving significant government financial exposure through the Federal Ship Financing Program under Title XI of the Act (Title XI), there is a need to consider the possibly significant adverse impact on all maritime financing, including both domestic and foreign trade owners and operators, if there were to be significant losses incurred by the Title XI program. There would be a direct loss of any funds paid out on bonds guaranteed by the Title XI program. In addition, there would be the cost of the funds lost from the Title XI program and from the repayment of CDS that could be put to other uses, as well as the secondary and tertiary income and employment effects. Another adverse impact would be the possible decline in the size of the U.S.-flag fleet and the reduced capacity for operations in times of national emergency, because displaced domestic trade vessels are unlikely to find alternative employment and may be scrapped by their owners.

The second category of formalized rules would prohibit total repayment of CDS and prohibit all CDS-built vessels from entering the Jones Act trades on a full-time basis. Under this rule, there would be no added cost of administration directly related to the rule. There would be no adverse competitive impact on domestic owner/operators from CDS-built vessels entering the domestic trades on a permanent basis and thus no potential losses to Jones Act vessel owners and to the Government concerning those vessels.

While the prohibition by rule of total repayment of CDS would not preclude an owner from applying for permission to operate in the domestic trade for periods up to 6 months, pursuant to § 506 of the Act, it would not offer any potential solution to the foreign trade problem. The resulting losses to the owners of CDS-built vessels, employees, support industries, and the Government could be substantial. The greatest losses are expected to occur if denial of repayment will mean that the vessel will lay-up for an indefinite period. These costs are shown in the RIA on a theoretical basis, but will depend on the costs associated with each application for repayment.

The third category of formalized rules would consider repayment/non-repayment only under certain conditions or circumstances. It is clear that any rule (or the lack of a formalized rule) that does not retain the Secretary's discretionary authority to approve total repayment of CDS and that is not based on established guidelines and procedures, including consideration of competitive impacts, has serious deficiencies. Therefore, it is necessary to define the conditions and circumstances under which MarAd will consider application for total repayment. This may or may not include specific standards to be met by applicants. Estimates of the net benefits arising from the regulation will depend on the conditions and circumstances MarAd chooses to consider.

The primary condition determined to be essential for consideration of repayment/non-repayment of CDS is that market conditions in the foreign commerce of the United States effectively preclude the viable employment of the subject vessel in the trades for which it was constructed with CDS. Such conditions should continue for a protracted period, of a duration considerably in excess of that normally associated with cyclical market downturns as defined above. Without this condition, there could be a tendency to abandon foreign trade simply because more lucrative opportunities existed in the domestic trade.

The regulation, as it is presently being developed, provides that total repayment of CDS in exchange for the removal of domestic trade restrictions will be limited to situations determined to represent "exceptional circumstances." The first among these conditions is that the foreign trade cannot economically support operation of the vessel. In addition, if an opportunity exists in a domestic trade that can be satisfied by employment of the vessel after repayment of CDS, without significant adverse competitive effect (displacement) on other vessels (Jones Act) operating in the trade, the general public benefits through reallocation of a productive asset. Also, the Government benefits through the repayment of CDS and the improved security for the debt that it guarantees or insures.

The purpose of the formalized rule is to minimize the adverse impacts identified in the preceding analysis where repayment of CDS is not allowed and where repayment is permitted without regard for the employment of existing Jones Act vessels. The rule establishes generalized evaluative criteria for allowing a specific vessel to totally repay CDS, thus permitting the vessel to enter the Jones Act trade on a full-time basis. The actual costs and benefits to be considered and resulting net benefits in this decision are dependent upon prevailing conditions and circumstances at the time the application for repayment is submitted and can only be determined on a case-by-case basis. Individual applications for repayment can be evaluated in terms of the benefits and costs that would be incurred by vessel owners, the Government, and the economy in general.

In summary, the above analysis confirms that the proposed rule, while not a "major rule" under the economic criteria contained in E.O. 12291, satisfies the general requirements of the Executive Order. The evaluation of the need for and consequences of the proposed government action are based on adequate information. The potential benefits to society from the proposed rule outweigh the potential costs to society. The proposed rule seeks to maximize the net benefits to the economy and society. The approach chosen maximizes the net benefits to society, taking into account the condition of the particular industries affected, the condition of the national economy, and other regulatory actions

contemplated in the future. Consequently, the proposed rule is fully consonant with the regulatory objectives set forth by the President.

Related Regulations and Actions

Internal: Participation by vessels built with CDS in the carriage of oil from Alaska in the domestic trade (46 CFR Part 250).

External: None.

Government Collaboration

MarAd encourages Federal agencies and State and local governmental bodies, as well as the general public, to participate in development of this regulation through submission of comments to the Agency Contact listed below.

Timetable

NPRM—45 FR 51045, November 2, 1978; and 45 FR 29610, May 5, 1980.
Interim Rule—45 FR 68393, October 15, 1980; Amendment to Interim Rule, 45 FR 77445, November 24, 1980.
Final Rule—1st Quarter 1982.
Final Rule Effective—On date of publication.
Public Hearing—None.
Public Comment Period—NPRM (November to January 1978); NPRM (May to July 1980); Interim Rule (October to December 1980).
Regulatory Impact Analysis—Although the economic impacts of the regulation do not exceed the thresholds requiring the preparation of a Regulatory Impact Analysis, MarAd has prepared a Preliminary Regulatory Impact Analysis, expected to be published for comment in December 1981, because it considers the regulation to be a matter of sufficient policy significance to warrant such an analysis.
Regulatory Flexibility Analysis—This regulation will not have a significant economic impact on a substantial number of small entities. Since the NPRM was issued prior to January 1, 1981, the Regulatory Flexibility Act (P.L. 96–354) provisions are not applicable.

Available Documents

Decision renderd by U.S. District Court for the District of Columbia (*American Petrofina and Independent U.S. Tanker Owners Committee* v. *Baldridge et al.*; C.A. Nos. 80–3038 and 80–3214). Available from U.S. District Court for the District of Columbia.

Application for CDS Repayment, dated May 1, 1980, or Richmond Tankers, Inc., assigned Docket No. S–668. Available from Secretary, MarAd, 400 Seventh Street, S.W., Room 7300, Washington, DC 20590.

Docket entries, Docket No. S–668, including comments received from public. Available from Secretary, MarAd.

Comments received on NPRM of November 2, 1978. Available from Secretary, MarAd.

Comments received on republication of NPRM of May 5, 1980. Available from Secretary, MarAd.

Application for Repayment of CDS, dated June 16, 1980, of American Petrofina, Inc. ("FINA"), assigned Docket No. S–671. Available from Secretary, MarAd.

Docket entries, Docket No. S–671, including comments received from public. Available from Secretary, MarAd.

Application for repayment of CDS, dated July 7, 1980, of Gulf Trading and Transportation Co. ("GULF"), assigned Docket No. S–673. Available from Secretary, MarAd.

Docket entries, Docket No. S–673, including comments received from public. Available from Secretary, MarAd.

Comments received on Interim Rule on Construction-Differential Subsidy Repayment; Total Repayment Policy, of October 15, 1980. Available from Secretary, MarAd.

Agency Contact

William B. Ebersold, Director
Office of Trade Studies and Statistics
Maritime Administration
Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590
(202) 382–0374

DOT—Urban Mass Transportation Administration

Buy America Requirements (49 CFR Part 660; Review, Revision)

Legal Authority

Surface Transportation Assistance Act of 1978, § 401, P.L. 95–599, 92 Stat. 2689.

Reason for Including This Entry

The Urban Mass Transportation Administration (UMTA) believes that a review and possible revision of the Buy America regulations is necessary because these regulations may have a significant impact on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic markets; in addition, possible revisions of the existing regulations could have a $100 million annual effect on the economy.

Statement of Problem

Congress enacted the Buy America provision of the Surface Transportation Assistance Act in 1978. This provision states that, with exceptions, funds authorized by Congress may not be obligated for urban mass transportation projects unless materials and supplies used are of U.S. origin. Since the provision was effective immediately, UMTA issued emergency regulations on December 6, 1978 (49 CFR Part 660), retroactive to November 6, 1978.

UMTA published a Final Rule on January 19, 1981, containing minor changes that UMTA believed should be made immediately. The Final Rule clarified the existing emergency regulations and responded to several issues and comments presented during the comment period established upon publication of the emergency regulations, and since the enactment of the statutory provision. The Final Rule became effective on March 31, 1981.

UMTA issued, on January 19, 1981, a separate NPRM (46 FR 5815) concerning proposed revised implementation of the Buy America provision. A description of the proposed revision is set out in the "Alternatives Under Consideration" section below.

UMTA is reviewing the entire regulation because enough time has elapsed since the statutory provision was enacted to evaluate its impact as well as the impact of the regulations. UMTA is using the comments it received on the NPRM as a critical element in the review.

This review will focus on the relative impacts on prices of the Buy America requirement versus a "free-market" policy that includes open competition between domestic and foreign manufacturers. The range of scenarios varies from a monopoly for domestic producers of mass transportation vehicles and equipment to a monopoly for foreign producers. The Buy America regulations potentially affect transit agency expenses, U.S. jobs, tax and tariff revenues, trade balances, and innovation in products and services.

The principal objectives of the review are to determine whether the present implementation of the statutory provision is consistent with the Administration's policies and is achieving the purposes of the provision and to determine whether any other approaches (including non-regulatory ones) are viable and more cost effective. The NPRM has already proposed implementation in several areas that

would be substantially different from the existing regulations.

Alternatives Under Consideration

(A) UMTA is considering revisions within the scope of the existing regulations. These revisions could result in changing the regulations so that the cost of domestic subcomponents that are incorporated into components in other countries are included in the computation of domestic components. This would permit U.S. subcomponents that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of the Buy America regulations. Another change to the existing regulation would be to define "final assembly." The existing regulation states that final assembly of an end product must take place in the United States in order for that end product to be considered domestic. UMTA is considering defining "final assembly" or establishing mechanical tests for final assembly in order to provide more guidance for manufacturers.

(B) UMTA is also considering revisions outside the scope of existing regulations. The Agency will also examine other regulatory methods or approaches available to implement the statutory intent consistent with Administration policy. The possible revisions include using different tests to determine whether an end product is domestic (the current two-step test requires at least 50 percent of components used in an end product to be domestic and final assembly to take place in the United States).

(C) UMTA will decide whether construction contracts should be treated differently than they are under existing regulations. Under the present regulations, procurement of construction is treated as procurement of a manufactured product, in that the item to be constructed under the construction contract is considered as the end product, and the construction materials used are regarded as components of the end product. Thus, an UMTA construction project may be considered domestic if more than 50 percent of the value of the construction materials delivered to the job site and incorporated into the project is domestic and if the final assembly of the components (construction) takes place in the United States.

As can be seen, the UMTA regulations permit bidders to use up to 50 percent of foreign construction materials without forfeiting the competitive advantages of a domestic bid. The UMTA regulations differ from other Federal laws and regulations that require each construction material used in the project to be domestic, unless a waiver is granted, thus making the use of foreign construction materials far more difficult.

(D) UMTA will examine and evaluate possible statutory revisions. Possible statutory changes could include those that would delete, limit, or make flexible the existing Buy America provision.

Summary of Benefits

Sectors Affected: Transit vehicle manufacturers, their employees, and their suppliers; and operators of mass transportation systems, both bus and rail.

Domestic preference requirements are very beneficial to domestic producers. In the face of an increased demand (say, from Buy America), manufacturers are able to operate more efficiently, at a larger production scale. Under certain conditions, the provision could encourage re-entry of U.S. manufacturers into the mass transportation vehicle field, or, equally important, U.S. production by foreign producers. Another producer-related benefit is the increased availability of reliable replacement parts, equipment parts, and service networks.

In the employment area, more benefits than costs are expected to flow from the Buy America provision. Domestic jobs will be saved, or perhaps created, in both the transit equipment industry and spinoff industries. These effects tend to be regionalized due to the location of manufacturing.

The transit operators may be expected to incur a wide variety of benefits from Buy America. The companies stand to gain in the sense that it is easier to make site visits to see the procured capital equipment being manufactured. Domestic production also tends to cut down the amount of time it takes for delivery of mass transit equipment.

Along with protecting U.S. jobs, there is a range of broader, federally related objectives and effects that may be evaluated in a cost-benefit framework. For example, a strong domestic preference provision tends to ensure that Federal tax moneys remain in the United States and further allows that such funds remain available to satisfy other objectives, such as encouraging minority business enterprise or fulfilling equal employment opportunity goals. Politically, the Buy America provision can be effectively used to eliminate dependence on foreign-manufactured mass transportation vehicles. It also carries with it benefits that appeal to certain constituencies affected physically or philosophically by the domestic preference requirement (i.e., domestic manufacturers and their employees, especially unionized employees).

Summary of Costs

Sectors Affected: Transit vehicle manufacturers, their employees, and their suppliers; and operators of mass transportation systems, both bus and rail.

For manufacturers, on the cost side of the ledger, entry barriers are increased in the industry, which further concentrates an already concentrated market. An additional danger along these lines is that the industry will become significantly more concentrated if a domestic manufacturer fails or, alternatively, is unable to bid for a period of time.

In the employment area, on the cost side, the only conceivably important factor, all other influences being equal, is the possible increase in the bargaining power of domestic transit equipment production workers in view of the added job protection provided. Under certain conditions this could lead to inflated labor costs for the companies.

The transit companies will have to accommodate the possible impacts of reduced competition among manufacturers. Some of these impacts are possible higher prices, reduced product variety (fewer choices), and less technological innovation.

The provision, however, also has implications for costs at the national level. International relations may suffer, perhaps triggering a similar protectionist response from other countries. In addition, there are costs to be borne (number of Federal employees involved in enforcement) in the administration and enforcement activities required by the program.

Summary of Net Benefits

At this time, UMTA has not completed a Regulatory Impact Analysis. However, it is possible to make some general statements concerning net benefits.

It should be noted again that the original Congressional intent was to protect domestic companies and preserve U.S. jobs by ensuring that these interests are served under Federal awards for mass transit capital equipment projects. Determination of the possible impacts resulting from Buy America can be made within the general framework of protectionism (non-tariff trade barriers) and its consequences. Among the beneficiaries are domestic labor, whose jobs are protected, and domestic manufacturers, who are given captive markets. This assumes that sales losses by foreign firms are gained by

U.S. companies. Possible costs associated with the provisions include limiting competition, perhaps leading to higher prices, less innovation, and fewer choices for transit operators.

To date, the provision has not resulted in the re-entry of previous manufacturers or entry of new domestic firms into the rail car manufacturing industry. However, several foreign firms have located rail car assembly facilities in the United States. Since the enactment of the provision, all rail car contracts have been awarded to firms, regardless of nationality, that have complied with the Buy America requirements.

Several foreign bus manufacturers have established plants in the United States. This will increase the amount of U.S. labor involved in bus manufacturing.

Operators of mass transportation systems may benefit from the establishment of stable and reliable sources of vehicles in the United States.

Related Regulations and Actions

Internal: None.

External: Federal Highway Administration Buy America requirements (23 CFR Part 635.410).

Government Collaboration

We will work with the Departments of State and Commerce and the Office of the Special Trade Representative.

Timetable

Emergency Final Rule—43 FR 57144, December 6, 1978.
Emergency Final Rule Effective—November 6, 1978.
Public Comment Period (on Emergency Final Rule)—Opened, December 6, 1978; closed, February 15, 1979).
Public Hearing—None.
Final Rule—46 FR 5808, January 19, 1981.
Final Rule Effective—March 31, 1981.
NPRM (on proposed revision)—46 FR 5815, January 19, 1981.
Public Comment Period (on NPRM)—Opened, January 19, 1981; closed, April 20, 1981.
Final Rule on Revision—To be determined.
Regulatory Impact Analysis—The DOT Transportation Systems Center is performing a preliminary assessment, scheduled for completion in December 1981.

Available Documents

Urban Mass Transportation Administration Docket Numbers 78–B and 80–L.

These documents are available for examination in the Chief Counsel's Office, Urban Mass Transportation Administration, 400 Seventh Street, S.W., Room 9320, Washington, DC 20590.

Agency Contract

Edward J. Gill, Jr., Special Assistant
Office of the Chief Counsel
Urban Mass Transportation Administration
400 Seventh Street, S.W., Room 9320
Washington, DC 20590
(202) 426–1906.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

Implementation of the Distilled Spirits Tax Revision Act of 1979 (27 CFR Parts 5, 13, 19, 170, 173, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 250, 251, and 252; Revision)

Legal Authority

Distilled Spirits Tax Revision Act of 1979; Trade Agreements Act of 1979, Title VIII, P.L. 96–39, 93 Stat. 273.

Reason for Including This Entry

The Department of the Treasury thinks that this regulatory project is important because it established a new tax system for proprietors of distilled spirits plants. There is also an annual revenue loss to the Treasury in excess of $100 million and a tax savings amounting to over $100 million a year to importers of bottled distilled spirits.

Statement of Problem

Under the Internal Revenue Code of 1954, the Secretary of the Treasury had strict control over liquors for beverage purposes and alcohol for industrial purposes, from the beginning of the production process to the point of removal from bonded premises (the portion of the distilled spirits plant where spirits on which the tax has not been paid or determined are stored). The Secretary has maintained control through a rigid system requiring government permits, on-site supervision by officers of the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms (ATF), and restriction of industry operations to separate premises or designated areas. However, in recent years, with the increased emphasis on audit techniques and the use by industry of sophisticated data and accounting systems, ATF has recognized the need for modernizing this system of control and has sought legislative amendments to make possible an all-in-bond system for taxing and controlling distilled spirits. Under the all-in-bond system, all distilled spirits operations are conducted on the bonded premises of a distilled spirits plant, and the tax is determined after processing and bottling is completed on the basis of the proof (alcoholic content) of the finished product when it is removed from bond.

The Distilled Spirits Tax Revision Act of 1979 changed the tax system to eliminate disparities in taxation between domestic and imported spirits. Under previous law, foreign bottled spirits were taxed on each wine gallon when removed from bond, which resulted in a higher effective tax on foreign bottled imported spirits than on other domestically bottled spirits taxed on a proof gallon basis. Under the new Act, the tax is based solely on the alcoholic content of the domestic or foreign distilled spirits products, and this results in a tax parity between domestic and imported spirits. The Act also gave the Secretary of the Treasury authority to discontinue assignment of government officers at distilled spirits plants. Finally, in order to promote increased efficiency of government and industry operations, the Act permitted many other simplifications in the regulation of the distilled spirits industry. Reduction of government forms and increased acceptance of commercial documents in place of separate government records, elimination of the distinction between bonded and non-bonded operations and premises, and elimination of many letterhead applications all contribute to greater simplification of operations and recordkeeping systems.

On December 11, 1979, ATF issued temporary regulations in Treasury Decision (T.D.) ATF–62 (44 FR 71613). These regulations implemented the Distilled Spirits Tax Revision Act of 1979, effective January 1, 1980.

Alternatives Under Consideration

Because these regulations were required to implement a statute, there was no practical alternative to issuing them. However, because these regulations completely changed the ways the distilled spirits industry was operated and regulated, ATF issued them in the form of a temporary rule with provision for public comment. Based on these public comments, the Bureau will issue a Final Rule in the Spring of 1982.

Summary of Benefits

Sectors Affected: Manufacturers and importers of distilled spirits, brandy, and wine spirits; bonded

manufacturers of wine; and the Federal Government.

Direct benefits accruing to proprietors of distilled spirits plants include savings due to simplification of their operational methods and required recordkeeping. With respect to operations, greater flexibility on the use of premises and equipment is possible, because all operations are conducted on bonded premises. Proprietors are able to employ their equipment, such as tanks, in multiple uses (e.g., production, storage, and processing) and are concerned with paper transactions rather than the physical transfer of spirits from one type of premises to another (i.e., bonded premises and bottling premises). In addition, eliminating the requirement for government officers to supervise directly certain operations or to be present to allow proprietors access to bonded areas allows the proprietors to schedule plant operations more efficiently.

Under the new system, proprietors determine the amount of tax due to the Government after processing and bottling is completed on the basis of the proof of the bottled product when removed from bond. Under previous regulations, ATF officers determined the tax when bulk spirits were withdrawn from bonded premises to non-bonded processing and bottling facilities. By postponing the tax determination until removal of the finished products, the new system simplifies the records systems necessary for proprietors to document their tax liability.

Distilled spirits taxes are paid on the basis of semi-monthly tax returns. Under the previous system, qualified proprietors could defer actual payment of tax for up to 30 days. The new law provided for an additional deferral period of 15 days, and this benefits proprietors of distilled spirits plants because it saves them the cost of borrowing money for this additional length of time.

Wineries are also directly affected by the elimination of "standard wine premises." Under previous law, winery proprietors could not manufacture and bottle non-standard wine products on standard winery premises. The previous regulations required these non-standard wine products to be manufactured on non-standard wine premises. Effective January 1, 1980, the new law abolished distinction between standard and non-standard premises, and manufacturers may now both produce and bottle wines on the same bonded winery premises.

These regulations directly affect importers of bottled distilled spirits because such products are no longer taxed on a wine gallon basis when below 100 degrees proof (i.e., on the actual volume of liquid in the product when below 100 degrees proof). Under the new law and regulations, imported bottled distilled spirits are taxed on a proof gallon basis (i.e., on the actual degree of proof in the product). As a result, importers are paying a reduced amount of tax amounting to over $100 million a year which began in calendar year 1980.

The Government will realize manpower savings because of the elimination of on-site supervision of distilled spirits plants by ATF officers and the more simplified methods of tax collection, records, and reporting requirements.

Summary of Costs

Sectors Affected: Manufacturers of distilled spirits, brandy, and wine spirits; and the Department of the Treasury.

Proprietors of distilled spirits plants should generally experience some increase in costs during the year in which government supervision is eliminated. Training employees, adopting security measures to replace those that were formerly provided by the Government, and revising internal control and recordkeeping systems will entail a one-time cost.

The Government is also bearing administrative costs of implementing the new system. Specific costs include those for developing the new regulations and procedures and for providing assistance to the industry in converting to the new system. The taxation of certain distilled spirits on a proof gallon basis rather than on a wine gallon basis directly affects the Government because there will be an annual revenue loss to the Treasury amounting to over $100 million a year, which began in calendar year 1980.

Summary of Net Benefits

The benefits derived from this regulatory action are five-fold:

(1) Savings for distilled spirits plant proprietors due to simplification of their operational methods and required recordkeeping.

(2) Savings for distilled spirits plant proprietors due to an increased deferral period for filing semi-monthly distilled spirits tax returns.

(3) Savings for bonded wine cellar proprietor due to the elimination of standard wine premises.

(4) A tax savings exceeding $100 million a year for importers bringing bottled distilled spirits into the United States.

(5) The manpower savings to the Government due to the elimination of on-site supervision of distilled spirits plants by ATF officers.

The costs imposed by this regulation are—

(1) A one-time cost to the industry for training employees, adopting security measures to replace those of the Government, and revising internal controls and recordkeeping systems; and

(2) An annual revenue loss to the Treasury amounting to over $100 million a year due to the elimination of the wine gallon method for taxation of distilled spirits.

The overall net benefit of this regulatory action is a reduced tax burden for the alcoholic beverage industry that far outweighs the costs imposed by this regulation.

Related Regulations and Actions

Internal: The principal regulations that this statutory change affects are the following: Gauging Manual (27 CFR Part 13); Distilled Spirits Plants (27 CFR Part 19); Distilled Spirits Plants [27 CFR Part 201); Wine (27 CFR Part 240); Taxpaid Wine Bottling Houses (27 CFR Part 231); Liquors and Articles from Puerto Rico and the Virgin Islands (27 CFR Part 250); Importation of Distilled Spirits, Wine and Beer (27 CFR Part 251); Exportation of Liquors (27 CFR Part 252); Gauging Manual (27 CFR Part 186); Miscellaneous Regulations Relating to Liquors (27 CFR Part 170); Distribution and Use of Denatured Alcohol and Rum (27 CFR Part 211); Distribution and Use of Tax-Free Alcohol (27 CFR Part 213); Liquor Dealers (27 CFR Part 194); Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (27 CFR Part 197); Labeling and Advertising of Distilled Spirits (27 CFR Part 5).

We have incorporated the following regulation projects that were under development into this general revision:

Alternate Premises between Distilled Spirits Plants and Bonded Wine Cellars (27 CFR Parts 201 and 240).

Formulas for Rectified Products (27 CFR Parts 170, 201, 250, and 252).

Strip Stamps and Alternative Devices (NPRM published November 7, 1978 (43 FR 51808), 27 CFR Parts 194, 201, 250, 251, and 252).

Export Storage Facilities at Distilled Spirits Plants (27 CFR Part 201).

Samples of Distilled Spirits (27 CFR Part 201).

Distilled Spirits Meters (27 CFR Part 201).

External: The statutory changes affect the regulations that the U.S. Customs Service administers (Title 19, Code of Federal Regulations).

Government Collaboration

Certain aspects of the regulatory changes affect procedures of the U.S. Customs Service and the Internal Revenue Service (IRS). Some distilled spirits plants received imported bulk spirits under an immediate delivery procedure whereby ATF officers acted as Customs officers. Elimination of assignment of ATF officers precludes the use of this procedure.

The repeal of the rectification tax (an additional tax applicable to certain mixed or processed products) eliminated the need for the collection of the rectifier's occupational tax by IRS.

Timetable

ANPRM—Notice No. 326, 44 FR 41833, July 18, 1979.
NPRM—Notice No. 329, 44 FR 71612, December 11, 1979.
Temporary Rule—T.D. ATF-62, 44 FR 71613, December 11, 1979.
Extension of comment period—Notice No. 347, 45 FR 54087, August 14, 1980.
Extension of comment period to December 1, 1980—Notice No. 349, 45 FR 69249, October 20, 1980.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Final Rule—1st Quarter 1982.

Available Documents

Public Law 96-39, Trade Agreements Act of 1979.

Committee Reports—U.S. Senate, Committee of Finances (S. 1376); U.S. House of Representatives, Ways and Means Committee (H.R. 4537).

Documents listed under "Timetable" and comments received during public comment periods may be inspected during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th Street and Pennsylvania Avenue N.W., Washington, DC 20226.

Agency Contact

Richard A. Mascolo, Chief
Research and Regulations Branch
Bureau of Alcohol, Tobacco, and Firearms
12th Street and Pennsylvania Avenue N.W., Room 6237
Washington, DC 20226
(202) 566-7626

TREAS-ATF

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act (27 CFR Parts 4, 5, and 7; Revision)

Legal Authority

Federal Alcohol Administration Act, 27 U.S.C. 205 (e) and (f).

Reason for Including This Entry

The Department of the Treasury believes this rule is important because it is the first major amendment of alcoholic beverage advertising regulations since the repeal of prohibition. The regulations proposed are intended to deregulate in some instances, update advertising standards, and ensure conformity between the labeling and advertising regulation subparts.

Statement of Problem

The Bureau of Alcohol, Tobacco, and Firearms (ATF) is responsible for ensuring that advertisements for alcoholic beverages contain certain information about the product and that the advertisements are not false or misleading. While the current advertising regulations have remained basically unchanged since ATF adopted them in the mid-1930s, advertising techniques and practices and consumer education and awareness have changed significantly in the past 40 years. Over the years ATF has issued a number of rulings interpreting the regulations in light of changing advertising practices and growing consumer awareness. In many cases, unclear regulations and varied interpretations of these regulations have caused confusion for both the advertiser and the consumer.

Pre-publication review by ATF of advertisements is not mandatory. Of all advertisements reviewed by ATF, most are done on a post-publication basis.

Therefore, because of the confusion over certain regulations, some advertisements violate these regulations, and ATF recalls or rejects them, costing the industry and ATF money and effort. ATF does not have a monetary estimate of the costs that it and industry incur because of recalled and rejected advertisements.

From the consumer's perspective, many advertisements that conform to ATF regulations seem to be false or misleading because of consumers' changing perceptions toward certain products. For instance, the term "light" used with a malt beverage traditionally referred to the color of the product. Now the term "light" has a completely different meaning to most consumers of malt beverages, that is, reduced caloric content.

For these reasons, ATF reviewed the labeling and advertising regulations for possible updating and revision. The major proposals in the NPRM (45 FR 83530, December 19, 1980) were:

(A) The use of active athletes and the depiction of athletic events where alcoholic beverages are shown being consumed before or during the event would be prohibited in alcoholic beverage advertisements and on labels;

(B) The use of subliminal advertising techniques (i.e., the use of words and devices to send a message to an audience below the level of normal awareness (subconsciously)) would be prohibited;

(C) A regulatory standard would be set for the use of the word "natural" on labels and in advertisements to imply that the product is natural;

(D) A definition would be established for "false" or misleading statements and advertisements;

(E) Curative or therapeutic references on labels and in advertisements would be prohibited;

(F) Guidelines would be proposed to conduct comparative advertisements (i.e., ads that mention a competitor's name or brand);

(G) A definition would be established of disparagement (for instance, should statements about a competitor's product that are true but nonetheless disparaging be allowed on labels and in advertisements?);

(H) Guidelines would be proposed to conduct "taste tests," the results of which will be used in alcoholic beverage advertisements;

(I) A standard would be set for the use of the term "light" on alcoholic beverages; and

(J) The prohibition against the use of the words "pure," "double distilled," and "triple distilled" on labels and in advertisements would be lifted.

If ATF fails to address these issues, the problem of false and misleading labeling and advertising statements and representations will continue.

Alternatives Under Consideration

The Federal Alcohol Administration (FAA) Act requires the Treasury Department to regulate the labeling and advertising of alcoholic beverages that are entered into interstate commerce. ATF received approximately 8,900 comments on the ANPRM (43 FR 54206, November 21, 1978) from the general public, some of whom wanted greater restrictions on advertising, including a total ban on alcoholic beverage advertisements. This is beyond the

authority of ATF and would require legislative action. However, the Treasury Department may deregulate certain areas within the framework of the FAA Act. For example, if an industry member feels that a certain advertisement by a competitor does not comply with regulations, or that certain statements made in the advertisement cannot be factually supported, the industry member would submit a complaint to ATF for its review and corrective action if statements or claims cannot be supported by facts.

ATF reviewed all comments received in response to the ANPRM and analyzed the alternatives. The ANPRM we published on December 19, 1980 (45 FR 83530) reflected the consideration of the alternatives and comments received on the ANPRM. The alternatives were to (A) take no action, leaving the present regulations as they are now written and not consolidating rulings into the regulations; (B) to place stricter regulations on industry; or (C) to issue guidelines for industry to follow in presenting advertisements that are truthful and that will not tend to mislead the consumer, while at the same time allowing industry greater discretion in choosing their advertising matter. ATF received 396 comments on the NPRM proposals, as described previously. The comments supported our intent and made many suggestions on modifying the proposed regulations.

By clarifying and consolidating regulations, policies, interpretations, and rulings on advertising, ATF hopes to provide a single comprehensive source of guidelines and to liberalize the regulations in certain areas (for example, if ATF allows the use of truthful comparative advertising, the consumer might gain more information about various alcoholic beverage products and be able to make a more informed selection). ATF hopes also to restrict certain advertising practices that the public finds objectionable (for example, many respondents objected to the possible use of subliminal stimuli in alcoholic beverage advertising).

ATF will uniformly apply the adopted regulations to all alcoholic beverage advertising.

Summary of Benefits

Sectors Affected: Manufacturing and wholesale and retail trade of advertised alcoholic beverages, including malt beverages, wines, and distilled spirits (liquors); the advertising industry; consumers who view advertisements of these products; and Federal and State government agencies with authority relating to the labeling and advertising of alcoholic beverages.

These regulations will benefit consumers and those listed above. Because these regulations will clarify ATF's position on advertising, they will help reduce the recall and rejection of advertisements, thus saving the industry money by reducing necessary revisions of the advertisement's content in order to comply with regulations, while protecting the industry's right to advertise its products and reinforcing the consumer's right to expect clear and truthful advertisements. In addition, the use of taste tests will promote competition among industry members, while regulations prohibiting subliminal advertising would protect the consumer against undue persuasive advertising.

Revising the regulations will not increase costs to the Government. The Government will benefit, since it currently spends much effort in explaining confusing regulations and rulings.

The FAA Act affects only labeled and advertised alcoholic beverages that are entered into interstate commerce. In the case of malt beverages, which command about 80 percent of the total market, the labeling and advertising regulations issued under the authority of the FAA Act apply only to the extent that the law of a particular State imposes similar requirements. In States that have adopted the FAA Act (22 States have adopted) or imposed similar requirements, these State governments should also benefit from the revisions and amendments of the regulations in that Federal and State regulation would more closely conform.

Summary of Costs

Sectors Affected: None.

We have not been able to determine specific cost estimates for this project. In general, costs to producers of alcoholic beverages and the advertising media should not increase because these regulations affect only advertising content and do not alter methods of advertising. A change in content should not necessitate an increase in costs of advertising. A change in the advertising medium, e.g., printed media or television, could increase costs; however, ATF does not regulate this area.

Summary of Net Benefits

The benefits derived from this regulatory action will be:

(1) The modernization of regulations, taking into account the sociological and technological advances of the past 45 years;

(2) The reduction of regulatory constraints in a number of areas, as previously discussed, and the providing of freer competition among industry members;

(3) The providing of a single source of guidelines and rules; and

(4) The protection of the consumer against false and misleading labeling and advertising practices.

The overall net benefit of this action will be a lessening of the regulatory burden and a simplification in the areas that we must regulate. This will encourage competition among industry members in the marketplace. The alternative to this regulatory action is no action, that is, retaining regulations that have remained basically unchanged since 1935. Since these proposed amendments are subjective in nature and the net benefit is a freer and more competitive market, ATF has no plausible way in which to attach a dollar figure to this project. This action does not require amending or revising labels and advertisements but, at industry's option, opens up areas for labeling and advertising. However, industry will be able to operate under these regulations in a more fluid manner with less ambiguous regulatory guidance.

Related Regulations and Actions

Internal: ATF has published a Treasury Decision (T.D. ATF–94, 46 FR 55093, November 6, 1981) rescinding the ingredient labeling regulations for alcoholic beverages. ATF contracted a study with Michigan State University to study the effects of alcoholic beverage advertising on the drinking habits of young people. The University had submitted a preliminary report, which ATF did not accept. Michigan State University's revised report is now available. This study was made under the joint sponsorship of the Federal Trade Commission (FTC), the National Institute of Alcohol Abuse and Alcoholism, the National Highway Traffic Safety Administration of the Department of Transportation, and ATF.

External: The FTC is responsible for regulating the advertisement of wine with less than 7 percent alcohol by volume and the advertisement of non-alcoholic beverages. Under the FAA Act (27 U.S.C. 211(a)(7)), wine is an alcoholic beverage containing not less than 7 percent and not more than 24 percent of alcohol by volume. Therefore, any beverage containing less than 7 percent alcohol by volume does not come under the purview of the FAA Act and is not subject to regulations promulgated by ATF.

Government Collaboration

The Federal Trade Commission and ATF are collaborating on this project. ATF is soliciting comments on proposed regulations from other Federal agencies and State and local governments.

Timetable

ANPRM—Notice No. 313, 43 FR 54266, November 21, 1978, entitled Advertising Regulations Under the Federal Alcohol Administration Act.

Notice extending the comment period to March 23, 1979—Notice No. 313, 44 FR 2603, January 12, 1979.

NPRM—Notice No. 362, 45 FR 83530, December 19, 1980, entitled Labeling and Advertising Regulations Under the Federal Alcohol Administration Act.

Public Hearings—September 9 and 10, 1981, Washington, DC; December 10 and 11, 1981, San Francisco, CA.

Regulatory Impact Analysis—None.

Regulatory Flexibility Analysis—None.

Final Rule—1st Quarter 1983.

Available Documents

Hearing Transcript—Public hearing of September 9 and 10, 1981. Copies may be obtained by contacting Diversified Reporting Services, Inc., P.O. Box 23582, Washington, DC 20044, (202) 667–6655. Specify ATF Advertising Hearing, September 9 and 10, 1981. Copies of the exhibits will be included if specifically requested.

Documents listed under "Timetable" and comments received during public comment periods may be inspected during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, DC 20226.

Agency Contact

Richard A. Mascolo, Chief
Research and Regulations Branch
Bureau of Alcohol, Tobacco, and Firearms
12th Street and Pennsylvania Avenue, N.W., Room 6237
Washington, DC 20226
(202) 566–7626

TREAS—United States Customs Service

Civil Aircraft Regulations (19 CFR Parts 6 and 10; Revision)

Legal Authority

Trade Agreements Act of 1979, § 601, 19 U.S.C. 66 and 1624.

Reason for Including This Entry

The U.S. Customs Service (Customs) is including this entry because it concerns an issue of public interest.

Statement of Problem

Unless specifically exempted, all merchandise imported into the United States is subject to a customs duty. One of the major responsibilities of Customs is to assess and collect duties when due and to insure that the entry requirements for merchandise are met.

In some instances, the President and the Congress determine that it would be in the national interest to reduce or eliminate duty on particular merchandise. In this regard, as part of the Multilateral Trade Negotiations conducted with many of the nations engaged in international trade, the United States signed the Agreement on Civil Aircraft. This Agreement, which was incorporated into U.S. law as Title VI of the Trade Agreements Act of 1979 (the Act), provides for the duty free trade in civil aircraft and parts for civil aircraft.

To implement the statutory provisions of Title VI of the Act, Customs is proposing to amend its regulations as they relate to (1) the importation of civil aircraft and parts for civil aircraft, and (2) foreign repairs to and foreign purchases of repair parts and materials for U.S.-registered civil aircraft. The regulations that we will develop will enable us to administer the provisions of the Agreement.

In the area of tariffs the Agreement eliminated, as of January 1, 1980, duties on the following:

(a) all civil aircraft;

(b) all civil aircraft engines and their parts and components;

(c) all other parts components, and subassemblies of civil aircraft; and

(d) all ground-flight simulators (machines used for training on the ground that duplicate flight conditions) and their parts and components, whether used as original or replacement equipment in the manufacture, repair, maintenance, rebuilding, modification, or conversion of civil aircraft.

"Civil aircraft" are defined in Title VI of the Act to mean all aircraft other than those purchased for use by the Department of Defense and the Coast Guard.

Under the Act, parts, components, and subassemblies of civil aircraft qualify for duty-free entry if they (1) are for use in civil aircraft, and (2) are classified for Customs purposes under one of the specific Tariff Schedules of the United States (19 U.S.C. 1202) headings listed in Title VI of the Act.

To be admitted free of duty, parts, components, and subassemblies must be "Certified for Use in Civil Aircraft" by the Federal Aviation Administration (FAA) or an FAA-recognized airworthiness authority in the country of exportation.

In addition, duties on foreign repairs to and foreign purchases of repair parts and materials for U.S.-registered civil aircraft, previously assessed under § 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), and §§ 6.7 (d) and (e), Customs Regulations (19 CFR 6.7(d) and (e)), are eliminated.

Alternatives Under Consideration

Customs cannot consider alternatives to the proposal because it must implement the provisions of the Agreement and the Act providing for the duty-free entry of civil aircraft and aircraft parts. However, certain enforcement and administrative methods are being considered as a result of public comments on the NPRM.

Summary of Benefits

Sectors Affected: Domestic and foreign manufacturing, repair services, wholesale trade (particularly importing), and retail trade of civil aircraft and parts for civil aircraft; the general public; and purchasers of civil aircraft and parts for civil aircraft.

This Agreement and implementing regulations will indirectly benefit all nations with a civil aircraft industry, whether it be a civil aircraft manufacturer, air carrier, or civil aircraft maintenance industry, by providing for the free flow between countries that are signatories to the Agreement on civil aircraft and parts for civil aircraft.

Foreign repairs to, and foreign purchase of, repair parts and materials for U.S.-registered civil aircraft that were previously dutiable, are duty free under the Act and Customs' proposed implementing regulations. This will eliminate a trade barrier to foreign repairs to and foreign purchases of repair parts and materials for U.S. registered civil aircraft. Elimination of the duty will also benefit purchasers of foreign civil aircraft and purchasers of spare or replacement parts for those aircraft through a reduction in the purchase price because of elimination of duties. The reduction would vary because of the different percentage rates of duty on aircraft, parts, and foreign equipment and repairs, but would range between 5 and 50 percent of their appraised value.

Summary of Costs

Sectors Affected: None.

These regulations do not require a Regulatory Impact Analysis under the criteria established by E.O. 12291 (46 FR 13193). Accordingly, no analysis of costs has been made by Customs. An analysis of the budgetary impact is contained in the Senate report on the Act (Senate Report No. 96–249). Customs believes the costs of implementation of the provisions would be negligible, since significant additional requirements for the entry of the items covered by the Act have not been and will not be established.

Summary of Net Benefits

Customs believes that this rule will have important benefits to all sectors identified above because of the elimination of duty on civil aircraft and parts for civil aircraft. The free flow of aircraft and aircraft parts will be stimulated between all participating nations, and benefits will result to all sectors identified above.

Related Regulations and Actions

Internal: Customs has appointed a Multilateral Trade Negotiations (MTN) Coordinator to oversee implementation of the Act, including the proposed regulations relating to civil aircraft. We have held meetings at the Customs Service headquarters with representatives of the aircraft industry and others who were involved in the MTN negotiations on this Agreement.

External: None.

Government Collaboration

The proposal has been coordinated with representatives of the Office of the Special Trade Representative; the Departments of State, Labor, Commerce, and Treasury; the International Trade Commission; and the Federal Aviation Administration.

Timetable

NPRM—45 FR 1633, January 8, 1980.
Public Comment Period—Closed March 10, 1980.
Regulatory Impact Analysis—None.
Public Hearing—None.
Final Rule—4th quarter 1981.
Final Rule Effective—30 days from date of publication in the **Federal Register**.
Regulatory Flexibility Analysis—Will accompany Final Rule.

Available Documents

Work Plan 79–30.
Public comments on NPRM.

Copies of these documents may be reviewed at the Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, Room 2426, during normal business days between 9:00 a.m. and 4:30 p.m.

Agency Contact

Richard R. Rosettie, Acting Director
Duty Assessment Division
U.S. Customs Service, Room 4114
1301 Constitution Avenue, N.W.
Washington, DC 20229
(202) 566–8121

TREAS—Customs

Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act (19 CFR 12.73; Revision)

Legal Authority

Clean Air Act Amendments of 1970, 42 U.S.C. 7521 *et seq.;* 19 U.S.C. 66 and 1624; 42 U.S.C. 7521, 7522, and 7601.

Reason for Including This Entry

The U.S. Customs Service is including this entry because it would be precedent setting and concerns an issue of public interest and possible controversy.

Statement of Problem

Under §§ 202 and 203 of the Clean Air Act, as amended (42 U.S.C. 7521 and 7522) (the Act), the Department of Health and Human Services (formerly the Department of Health, Education, and Welfare) and the Environmental Protection Agency (EPA) have promulgated regulations in 40 CFR Parts 85 and 86 that establish standards for the control of emissions from certain vehicles and engines. The Act prohibits importation into the United States of a vehicle or engine manufactured after the effective date of an emission control standard applicable to the vehicle or engine (or which would have been applicable had the vehicle been manufactured for importation into the United States). However, this prohibition does not apply if the vehicle or engine is covered by a certificate of conformity with applicable standards or if it is exempted by the EPA Administrator.

In conjunction with EPA, Customs enforces those laws and regulations applicable to emission controls for imported vehicles and engines. Regulations relating to those importations are found in § 12.73, Customs Regulations (19 CFR 12.73), and in the EPA regulations at 40 CFR Part 85, Subpart P. EPA is proposing several major changes in its regulations, published in the **Federal Register** on July 21, 1980 (45 FR 48812). If adopted, the revision to the EPA regulations would require corresponding changes to 19 CFR 12.73, Customs Regulations.

If a vehicle or engine now fails to comply with emission standards, an importer may post a bond with Customs and bring the vehicle or engine into conformity within 90 days of entry. This procedure has misled some importers into believing that modification is an easy option. Likewise, although an importer may post a bond and enter a vehicle or engine to attempt to demonstrate that it conforms by subjecting it to the full Federal test procedure, in some cases this is expensive and impracticable. If, after modification and testing, a vehicle or engine still does not comply with emission standards, the vehicle or engine must be exported or destroyed at the expense of the importer.

Administration and enforcement of present procedures place a substantial burden on Customs and EPA. To alleviate this burden, Customs published in the **Federal Register** on July 21, 1980 (45 FR 48817) an NPRM that would eliminate the provisions currently found in § 12.73(c), Customs Regulations, which allow conditional importation of a vehicle or engine under bond. Further, because of potential hardships, described above, the proposed regulations would provide an exemption from EPA emission control regulations to an individual who has not imported or attempted to import a nonconforming vehicle or engine since December 31, 1970, the effective date of the Clean Air Act Amendments of 1970, and who wishes to import a vehicle or engine for personal use and not for resale. The individual could use this exemption only once.

The Customs proposal provides very limited exemptions for national security and repairs or alterations to vehicles or engines and strengthens and clarifies the exemption in § 12.73 and other exclusions.

Customs thinks this proposal is important because it would improve our administrative and enforcement efficiency and the effectiveness of regulations relating to the importation of motor vehicles and motor vehicle engines under the Clean Air Act. The proposal also would be a matter of public interest because it provides a precedent setting exemption to an individual who wishes to import a vehicle or engine for personal use. The proposal might be controversial because every nonconforming vehicle or engine admitted into the United States would theoretically diminish the air quality.

Alternatives Under Consideration

Because Customs, in conjunction with EPA, enforces those laws and

regulations applicable to emission controls for imported vehicles and engines, the proposed Customs regulations to a large degree are predicated upon the alternatives proposed by EPA.

Alternative (A) would be to maintain the *status quo*. However, because the present regulations appear to have misled some importers, resulting in great expense and inconvenience to them, and are burdensome to Customs and EPA, we believe that this alternative is not satisfactory.

Alternative (B) would be to eliminate the current provisions, which allow conditional importation of a vehicle or engine under bond, pending modification to make the vehicle or engine identical in construction to a vehicle or engine covered by a certificate of conformity, or testing to demonstrate that the vehicle or engine conforms with Federal emission standards. However, adoption of this alternative could cause a hardship to individuals who import nonconforming personal use vehicles for the first time. Without the modification and testing options, an individual attempting to import a vehicle or engine not covered by a certificate of conformity would have to export or destroy the vehicle.

Alternative (C), which we favor and have set forth in the NPRM, would be to adopt Alternative (B) above but promulgate regulations providing a qualified exemption for an individual who imports a nonconforming vehicle or engine for his or her own personal use and not for resale. The exemption would apply only to an individual who has not imported or attempted to import a nonconforming vehicle or engine since the effective date of the Clean Air Act Amendments of 1970 (December 31, 1970). Therefore, an individual could use the exemption only one time at most to import one vehicle or engine not covered by a certificate of conformity.

Summary of Benefits

Sectors Affected: Individuals importing nonconforming vehicles or engines for their own personal use and not for resale; nonresident and resident owners of fleet vehicles (such as corporate owners of taxicabs or buses) importing those vehicles or engines for repairs or alterations; Customs; and EPA.

Under current regulations, if a vehicle or engine fails to comply with emission standards, an importer may post a bond with Customs and bring the vehicle or engine into conformity within 90 days of entry. This procedure and related regulations have imposed a substantial administrative and enforcement burden on Customs and EPA. Similarly, it has proved misleading, expensive, and impracticable for importers to modify or test nonconforming vehicles or engines. Adoption of Alternative (C) would allow an individual, under specified conditions, to import a nonconforming vehicle or engine only once and for personal use and not for resale.

A savings in expenses to the Government and individuals would be realized. Individuals eligible to use the exemption to import a nonconforming vehicle or engine for personal use would be saved the expense of bringing the vehicle or engine into conformity or having to export or destroy it. Similarly, the Government would be able to reduce its expenses associated with administering and enforcing the present procedures related to conditional importations under bond.

The current regulations do not allow residents or nonresidents to import vehicles or engines for the purpose of repairs or alterations. Under the proposed regulations, owners of fleet vehicles would be allowed to import those vehicles or engines for repairs or alterations.

Summary of Costs

Sectors Affected: None.

Customs believes that adoption of the proposed regulations would not result in any increased cost to any sectors. Any measurable impact on air quality is expected to be negligible.

Summary of Net Benefits

It is the opinion of the Customs Service that proposed Alternative (C), as described above, provides the most acceptable compromise between the present regulatory procedure, which is burdensome and costly for both Customs and importers, and a harsh policy of flatly prohibiting entry of all nonconforming vehicles into the United States. The net benefit of this alternative, given that we expect no costs, would be a savings in expenses to the Government and to individuals, as described above.

Related Regulations and Actions

Internal: None.

External: The regulations of EPA applicable to emission control for imported vehicles and engines are found in 40 CFR Part 85, Subpart P.

In conjunction with Customs, EPA publishd its NPRM on July 21, 1980, in the **Federal Register** (45 FR 48812). On September 22, 1980, EPA published a document in the **Federal Register** (45 FR 62851), extending the time for public comment to December 3, 1980 and announcing that a public hearing would be held at EPA headquarters on November 3, 1980. Customs' final action on these regulations has been suspended pending EPA consideration of public comment received in response to both NPRMs and the EPA public hearing.

Government Collaboration

Customs-proposed regulations were coordinated with and reviewed by the Environmental Protection Agency, which would review in a similar manner any Final Rule adopted by Customs.

Timetable

NPRM—45 FR 48817, July 21, 1980.
Public Comment Period—Closed December 30, 1980.
Regulatory Impact Analysis—None.
Public Hearing—None.
Final Rule—4th Quarter 1981.
Final Rule Effective—30 days from date of publication in the **Federal Register**.
Regulatory Flexibility Analysis—None.

Available Documents

Clean Air Act Amendments of 1970 (P. L. 91-604).
Comments to NPRM.
EPA NPRM—45 FR 48812, July 21, 1980.

Copies of these documents may be reviewed at Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229, Room 2426, during normal business days between 9:00 a.m. and 4:30 p.m.

Agency Contact

Harrison C. Feese, Operations Officer
Duty Assessment Division
U.S. Customs Service, Room 4118
1301 Constitution Avenue, N.W.
Washington, DC 20229
(202) 566-8651

TREAS—Customs

Interest Charges on Delinquent Accounts (19 CFR Parts 24 and 113; New)

Legal Authority

19 U.S.C. 66, 580, 1623, and 1624.

Reason for Including This Entry

The U.S. Customs Service (Customs) has included this project because it is precedent setting and could save the Federal Government millions of dollars.

Statement of Problem

This project would provide an incentive for importers to pay accounts due to Customs promptly and, if

accounts are not paid on time, provide for reimbursement of interest costs resulting from unnecessary government borrowing, possibly resulting in millions of dollars in savings to the Government.

The Department of the Treasury (Treasury) has overall responsibility to maintain adequate cash to meet the Government's expenditure needs. One source of that revenue is the duty and other charges that Customs collects on imported merchandise. If importers or other persons who owe the Government money do not pay these amounts on time, Treasury must borrow funds to meet the Government's expenditure needs.

In a major effort toward improving cash management practices, Treasury in 1979 issued requirements prescribing cash management-related procedures, including interest charges on overdue receivable accounts. Specifically, Part 6, Chapter 8020.20, Treasury Fiscal Requirements Manual (TFRM), requires payment of amounts owned the Government on time and assessment of a late charge on overdue accounts, calculated at a precentage rate based on the current value of funds to the Treasury. The percentage rate will be calculated by Treasury as an average of the current value of funds to the Treasury for a recent 3-month period and will be transmitted in TFRM bulletins before the first day of each calendar quarter.

Section 580 of Title 19, United States Code (19 U.S.C. 580), provides for collection of interest upon all bonds on which suits are brought for the recovery of duties at the rate of 6 percent a year from the time when the bonds became due. The TFRM provides that interest will be charged at a percentage based on the current value of funds to the Treasury. Thus, the TFRM requirements would be applicable in all cases except those covered by 19 U.S.C. 580.

In a report from the Comptroller General to the Congress, dated August 21, 1978, the General Accounting Office (GAO) recommended that Customs charge interest on all duty accounts 30 days past due. GAO made this recommendation as part of an effort to maximize the Government's use of Customs collections to decrease its own borrowing. That report states that in the Customs Regions of Boston, Chicago, Los Angeles, and New York, accounts receivable for duties averaged $8.5 million each month from April 1976 to March 1977 and that approximately 38 percent of that amount was more than 90 days past due.

The present Customs accounts collection policy is to (1) issue a bill which is due and payable upon receipt, (2) pursue collection in accordance with the Federal Claims Collection Act (31 U.S.C. 951, 952, and 953) if payment is not received by Customs within 30 days, and (3) if a surety (guarantor) is also liable by virtue of a bond (contract), to make a formal demand on the surety for payment if the bill remains unpaid after 60 days. Currently, there is no provision for collection of an amount exceeding the principal amount, regardless of the time period of delay or additional administrative costs to the Government incurred as a result of special collection efforts.

This project would amend Parts 24 and 113, Customs Regulations (19 CFR Parts 24 and 113), to establish interest charges for the late payments of supplemental duty bills (bills for additional duties found due after payment of estimated duties and release of merchandise); reimbursable services; and miscellaneous bills issued by Customs to organizations outside the Government, including sureties.

Alternatives Under Consideration

Customs is proposing amending its regulations to conform to Treasury cash management policies. Accordingly, other than giving the importing community sufficient time to adjust their procedures, alternative approaches are not applicable. To take no action would result in continued unnecessary government borrowing. All importers will be required to comply with the same deadlines.

Summary of Benefits

Sectors Affected: The Federal Government and the general public.

If this proposal is adopted, it will provide substantial benefits to the Government (1) through the avoidance of unnecessary borrowing by the Treasury and (2) by providing an incentive for prompt payment of accounts that will reduce delays in collection or, alternatively, provide compensation to the Government for revenue collection delays on overdue accounts.

Customs considered preparing a Regulatory Impact Analysis to detail the monetary benefits and other impacts from this proposal on the Federal Government, importing community, and surety insurance industry. However, it has been determined that neither a Regulatory Impact Analysis, as described in E.O. 12291, nor a Regulatory Flexibility Analysis, as provided in the Regulatory Flexibility Act, is required.

Summary of Costs

Sectors Affected: The Federal Government; the importing community, and the surety insurance industry.

The Federal Government will bear the startup costs to initiate this project. The importing community and the surety insurance industry will bear the cost of interest charges for late payments. However, there will be no such cost if payments are made on a timely basis.

Summary of Net Benefits

If the project is adopted, the benefits to the Government of reducing unnecessary borrowing by the Treasury will outweigh the Government startup costs to initiate this program. Customs' Office of Economic Analysis estimates that the Treasury is "losing" between $3.3 million and $6.8 million per year in interest fees that it pays to borrow funds from the public to make up for delinquent payments owed to Treasury.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—1st Quarter 1981.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Public Comment Period—60 days following publication of NPRM in the **Federal Register.**
Public Hearing—None.
Final Rule/Treasury Decision (T.D.)—4th Quarter 1982.
Final Rule Effective—180 days from date of publication in the **Federal Register.**

Available Documents

Part 6, Chapter 8020.20, "Treasury Fiscal Requirements Manual."

Report from the Comptroller General to the Congress, dated August 21, 1978.

These documents are available at Customs Service Headquarters, 1301 Constitution Avenue, N.W., Room 2426, Washington, DC, during normal business days from 9:00 a.m. to 4:30 p.m.

Agency Contact

Robert B. Hamilton, Accounting Division
(202) 566–2596
William Rosoff, Carriers Drawback and Bonds Division
(202) 566–5761
U.S. Customs Service
1301 Constitution Avenue, N.W.
Washington, DC 20229

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

National Defense Stockpile Disposal Regulations (41 CFR 101-14.4; New)

Legal Authority

Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98 *et seq.*; Executive Order 12155, 44 FR 53071, September 12, 1979.

Reason for Including This Entry

The General Services Administration (GSA) includes this entry because it is the first time procedures concerning disposal of materials from the National Defense Stockpile have been developed as regulations.

Statement of Problem

The Strategic and Critical Materials Stock Piling Act, as amended (Act), became effective July 30, 1979. All functions of § 6 of the Act that dealt with Stockpile management were delegated to the Administrator of General Services in Executive Order 12155, effective September 12, 1979. That section of the Act imposed definite restrictions and contained specific authorizations in the management of the Stockpile, including disposals. Specifically, the Act required that disposals shall be made by formal advertising, competitive negotiations procedures, or authorized barter. It also required, under specific conditions, certain notices to the Committees on Armed Services of both Houses of Congress.

The earlier version of the Act placed few restrictions on disposal actions other than requiring the preparation of a disposal plan for each material for the express approval of Congress. In performing his current obligation, the Administrator of General Services must follow procedures for disposal that reflect the international character of markets and the markets' ability to absorb the quantities of materials being disposed, while at the same time protecting the United States against avoidable loss without undue disruption.

The General Services Administration (GSA) plans to publish a regulation on procedures to be followed in implementing the disposal requirements of the current Act by setting forth formal binding principles and procedures that both Government and industry can rely on.

Presently, the Stockpile contains 93 commodities. The Stockpile is continuously being restructured to meet new military developments and changes in the sources of supply due to technological developments in industry. When materials become excess and are authorized for disposal, they are usually sold, and proceeds are used to acquire new requirements. Most disposals result in sales to consumers, processors, or traders.

To proceed in an orderly manner, it is necessary to communicate to these commercial and industrial sectors, as well as Congress and government officials (including disposal contracting officers), the basic principles and procedures that will occur in disposal actions.

The purpose of this regulation will be to formally promulgate these procedures as regulations.

Alternatives Under Consideration

No alternatives are under consideration. Standard government legal structures require implementing statutes with regulations having the force of law where implementation is necessary. Foreign, State, and local governments have no jurisdiction in defense stockpile operations.

Summary of Benefits

Sectors Affected: Congress and Federal executive departments interested in the Stockpile transactions; GSA personnel involved in everyday Stockpile activities, including Stockpile contracting officers; consumers in industry and traders using the Stockpile as a source of supply of Stockpile-type materials available for sale; and trade publications oriented to Stockpile materials markets.

These benefits cannot be quantified, but all sectors will benefit substantially by being more knowledgeable of Stockpile disposal operations.

Summary of Costs

Sectors Affected: None.

No sectors enumerated above will incur any additional costs, but should save by having fewer inquiries to make, or make answers to, about Stockpile disposal principles and procedures. No principles or procedures will be changed to increase any burden.

Summary of Net Benefits

No negative effects are perceived, since a void in the communication of disposal knowledge is being filled. Therefore, net benefits are those we have described above.

Related Regulations and Actions

Internal: The only related regulations involved are those cross-referenced in the proposed regulations to avoid duplicating information and lengthening the submission.

External: The Federal Emergency Management Agency (FEMA), in its delegated authority to indicate and quantify Stockpile materials, has an applicable regulation dealing with their functions, the content of which has been considered in the proposed regulations. (DMO-11, 44 CFR 328)

Government Collaboration

Since by statute and Executive Order 12155 Stockpile management is exclusively a GSA-Federal Property Resources Service operation, no Government collaboration is necessary, although other agencies, such as the Federal Emergency Management Agency, participate in other aspects of the National Defense Stockpile program.

Timetable

NPRM—None.
Public Hearing—None.
Public Comment Period—None.
Final Rule—March 1, 1982.
Final Rule Effective—March 1, 1982.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

DMO-11, General Policies for Strategic and Critical Materials Stockpiling (44 CFR Part 328)

Agency Contact

Douglas Edwards, Strategic Materials Planning Specialist
Office of Stockpile Transactions
Federal Property Resources Service
Crystal Square Building 5
Washington, DC 20406
(202) 557-7315

FEDERAL ELECTION COMMISSION

Communications by Corporations or Labor Organizations (11 CFR 114.3 and 114.4; Revision)

Legal Authority

Federal Election Campaign Act, 2 U.S.C. 438(a)(8) and 441b.

Reason for Including This Entry

The Federal Election Commission (FEC) includes this proposed rulemaking because it concerns an issue of public interest that affects all corporations and labor organizations contemplating

nonpartisan activities in connection with Federal elections.

Statement of Problem

The Federal Election Campaign Act (at 2 U.S.C. 441b) prohibits corporations and labor organizations from making contributions or expenditures in connection with a Federal election. Certain exceptions from that general prohibition are set forth in the statute. These statutory exceptions permit a corporation or labor organization to make contributions or expenditures for communications or activities aimed at the corporation's executive and administrative personnel, stockholders and their families, or the union's members and their families. Thus, 2 U.S.C. 441b(2) (A) and (B) specifically permit:

(1) A corporation to use its treasury funds for communications or for nonpartisan registration and get-out-the-vote campaigns aimed at its stockholders and their families or at its executive or administrative personnel and their families.

(2) A labor organization to use its treasury funds for communications or for nonpartisan registration and get-out-the-vote campaigns aimed at its members and their families.

While the above statutory exceptions permit contributions or expenditures for communications or activities aimed at a corporation's or labor organization's restricted class, there are no comparable statutory exceptions for communications or activities aimed at the general public. Commission regulations, however, do permit a corporation or union to use its treasury funds for communications or activities directed to individuals who are outside the restricted class—that is, to all employees of the corporation or labor organization or to the general public—provided that certain requirements are met, 11 CFR 114.4 (c) and (d) of Commission Regulations permit the following activities:

(1) A corporation or labor organization may, through various communications, urge *employees* of the corporation or employees of the labor organization to register, to vote, or to otherwise participate in the electoral process, provided that the organization meets certain specified conditions designed to ensure nonpartisanship. These conditions are that the communication mentions no political affiliation and that information on particular candidates or political parties is not included unless the entire list of candidates on the ballot is reproduced (see 11 CFR 114.4(c)(1) (i) and (ii)).

(2) A corporation or labor organization may reprint in whole and distribute to the *general public* official registration and voting information or materials, provided that the organization distributes the forms in a nonpartisan manner and does not encourage or support registration with a particular party (see 11 CFR 114.4(c)(2)).

(3) A corporation or labor organization may distribute to the *general public* voter guides and similar materials describing the candidates and their positions if the organization obtains the materials from a nonpartisan, nonprofit organization and if the materials do not favor one candidate or political party over another (see 11 CFR 114.4(c)(3)).

(4) A corporation or labor organization may participate in registration and get-out-the-vote drives aimed at the *general public* if the drive is jointly sponsored with and conducted by a nonpartisan, nonprofit organization and if the services are made available without regard to the voter's political preference (see 11 CFR 114.4(d)).

The above regulations thus specifically permit a corporation or labor organization to make nonpartisan registration and voting communications directly to the corporation's or union's *employees*. There is, however, no provision that specifically permits a corporation or labor organization to use its treasury funds to make such communications directly to the *general public*. Except for official materials prepared by a State government current regulations specifically permit a corporation or labor organization to make contributions or expenditures for communications or activities directed to the general public only with the involvement of a nonpartisan, nonprofit organization.

Any person may request an Advisory Opinion from the FEC on the application of the Federal Election Campaign Act to a proposed specific transaction or activity by the requestor. Several corporations and labor organizations have expressed, through the Advisory Opinion procedure, interest in making nonpartisan communications directly to the general public. In certain situations, the Commission has approved the expenditure of corporate funds for nonpartisan registration and voting communications directed to the general public without the involvement of a nonpartisan nonprofit organization. (See Advisory Opinions 1980–20, Federal Election Campaign Financing Guide (CCH) ¶5487; and Advisory Opinion 1980–33, ID., ¶5500.) In order to clarify the circumstances in which corporations and labor organizations may make such nonpartisan communications, the Commission is considering the promulgation of regulations to govern such activity.

Alternatives Under Consideration

The Commission is now considering proposed regulations that would permit the following communications by corporations and labor organizations under 11 CFR 114.4:

(A) The proposed rules would allow corporations and labor organizations to make nonpartisan registration and get-out-the-vote communications to the general public, provided that the communication meets certain conditions designed to ensure nonpartisanship. The proposed rules would also allow the communication to refer to an issue of public interest in connection with the need to register and vote.

(B) The proposed rules would allow corporations and labor organizations to publish and distribute to the general public the voting records of all Members of Congress, all Members of either House, or all Members from a particular State. To be permissible, the proposed rules wold require a voting record publication to meet certain conditions designed to ensure nonpartisanship.

(C) The proposed rules would allow corporations and labor organizations to publish and distribute to the general public a voter guide that consists of questions posed to all candidates for a particular Federal seat or office and a verbatim reprinting of the candidates responses. The proposed rules would require the voter guide to meet certain conditions designed to ensure nonpartisanship.

In addition to these proposals, the Commission is considering a provision that would allow incorporated membership organizations, incorporated trade associations, cooperatives, and corporations without capital stock to make the same communications the proposed rules would permit corporations and unions to make.

Although all of these proposals are under consideration, the Commission has made no decision at this time to adopt any of the proposed changes.

Summary of Benefits

Sectors Affected: Labor organizations and corporations in all industries, including corporations without capital stock, incorporated membership organizations, trade associations, and cooperatives.

The revisions under consideration would affect those entities whose activities come within the purview of 2 U.S.C. 441b: corporations, labor organizations, incorporated membership organizations, trade associations,

cooperatives, and corporations without capital stock.

By clarifying which types of nonpartisan communications by corporations and labor organizations to the general public are permissible under 2 U.S.C. 441b, the revisions under consideration will remove uncertainty as to such activity. This will make it easier for corporations and labor organizations to plan such nonpartisan activity and will thereby encourage such activity.

It is hoped that the proposed action will provide increased voter participation, reduced costs to corporations and labor organizations in complying with 2 U.S.C. 441b (because greater clarity in regulations will eliminate the need to seek Advisory Opinions), and reduction in Advisory Opinion workload at FEC.

Summary of Costs

Sectors Affected: None.

The alternatives under consideration would impose no obligation to make nonpartisan communications. There is, therefore, no cost imposed by any of the possible revisions.

Summary of Net Benefits

As noted above, the proposed rules would clarify the types of election-related communications corporations and labor organizations may make to the general public. There is no cost and no burden imposed on any sector to comply with these rules.

Related Regulations and Actions

None.

Government Collaboration

Per 2 U.S.C. 438(f), we have informed the Internal Revenue Service of our actions.

Timetable

ANPRM—45 FR 56349, August 25, 1980.
NPRM—46 FR 44964, September 8, 1981.
Public Hearing—October 26, 1981.
Public Comment Period—September 8 to October 8, 1981.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Transmittal to Congress—4th Quarter 1981. (Pursuant to 2 U.S.C. 438(d), the FEC must transmit all rules interpreting the Federal Election Campaign Act to Congress. Each House has 30 legislative days to disapprove a regulation submitted under this provision.)
Final Rule—1st Quarter 1982.

Available Documents

None.

Agency Contact

Susan E. Propper, Assistant General Counsel
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463
(202) 523–4143

FEC

Transfers of Funds; Collecting Agents, Joint Fundraising (11 CFR 102.6 and 102.7; Revision)

Legal Authority

Federal Election Campaign Act, 2 U.S.C. 438(a)(8), 432(e), and 441a(a)(5)(A).

Reason for Including This Entry

The Federal Election Commission (FEC) includes this proposed rulemaking because it concerns an issue of public interest that affects all candidates for Federal office and political committees operating under the provisions of the statute that contemplate engaging in joint fundraising activity in connection with Federal elections. In addition, this proposed rulemaking affects all organizations that collect and transfer contributions received on behalf of separate segregated funds.

Statement of Problem

Joint fundraising is the solicitation of contributions through the combined effort of two or more candidates or political committees. Joint fundraising is distinguished from a second method of collecting contributions in which a collecting agent, which is generally an organization not required by the Federal Election Campaign Act to register and report its activities to the FEC, collects contributions on behalf of a related separate segregated fund.

The FEC has issued a series of Advisory Opinions establishing guidelines for joint fundraising activity and collecting agents. The FEC is now considering proposed regulations that would incorporate the Commission's Advisory Opinions on both topics into its regulations. As a result of FEC's action, candidates, political committees, and other organizations would have access to uniform guidelines for joint fundraising activity. In addition, organizations that qualify as collecting agents would have clearer guidance with respect to their responsibilities as collecting agents under the statute.

The Commission's current regulations at 11 CFR 102.6, although entitled "Transfers of funds; Joint Fundraising," deal only with the collecting agent situation and do not give adequate guidance to entities engaging in joint fundraising activity. The proposed rulemaking that is the subject of this entry makes a distinction between true joint fundraising and the "collecting agent" situation by providing for separate procedures for the two forms of fundraising. The proposed rules would create a new CFR section, entitled "Joint Fundraising," which would incorporate a series of Advisory Opinions issued by the FEC with respect to permissible joint fundraising methods and procedures. In addition, the Commission's regulations at 11 CFR 102.6 would be retitled "Transfers of Funds; Collecting Agents" and would govern the reporting and recordkeeping requirements of only those organizations that qualify as "collecting agents."

The proposed rulemaking in this area reflects the FEC's commitment to provide complete guidance to candidates, political committees, and other organizations that may engage in fundraising activity in the 1982 Federal election cycle. Providing this clearer guidance will encourage voluntary disclosure of campaign finance information under the Federal Election Campaign Act.

Alternatives Under Consideration

(A) *Collecting Agents*—With respect to collecting agents, the proposed regulations would define the term "collecting agent" to include any connected organization of a separate segregated fund or any affiliated committee of the separate segregated fund. In addition, the draft regulations provide several means of transmitting contributions to the separate segregated fund, including depositing the contributions in a transmittal account, a treasury account of the connected organization, or an account of an affiliated committee.

(B) *Joint Fundraising*—The proposed regulations being considered by the Commission would provide for three possible joint fundraising methods: the participants may establish a separate fundraising committee, they may designate one participating committee to act as fundraising representative, or they may hire a commercial fundraising firm or agent. The draft regulations set out procedures for determining gross and net proceeds and for recordkeeping and reporting by the political committees involved in the joint fundraising.

The proposed regulations are designed to cover joint fundraising

activity by Presidential primary candidates electing to receive matching funds under Chapter 96 of Title 26 of the Internal Revenue Code in addition to fundraising activity by candidate committees and other political committees operating under Title 2 of the U.S. Code. If candidates receiving Federal funding engage in joint fundraising activity, such candidates would continue to be subject to the stricter recordkeeping and reporting requirements of Chapter 96 and §§ 9031 *et seq.* of the Commission's regulations. However, these proposed regulations do not address certain substantive issues unique to joint fundraising in the context of Title 26, such as whether contributions received may be submitted for matching funds.

Summary of Benefits

Sectors Affected: Candidates, political committees, and other organizations engaging in joint fundraising activity in connection with the Federal election process, including candidate committees, multi-candidate committees, party committees, and unregistered organizations acting as collecting agents for separate segregated funds.

The revisions under consideration would affect those entities whose activities come within the purview of 2 U.S.C. 441a and who contemplate engaging in joint fundraising activity. By codifying the FEC's Advisory Opinions in this area, the revisions under consideration would remove uncertainty as to the permissible methods and procedures of joint fundraising and the reporting and recordkeeping requirements that those engaging in joint fundraising must observe. In addition, organizations qualifying as collecting agents will have clearer guidelines to follow in collecting and transmitting contributions to separate segregated funds. The FEC hopes that the revisions being considered will reduce costs to political committees because greater clarity in regulations will reduce the need for political committees to seek Advisory Opinions.

Summary of Costs

Sectors Affected: None.

The alternatives under consideration would impose no obligation to engage in joint fundraising activity or collecting agent activity. There is, therefore, no cost imposed by any of the possible revisions.

Summary of Net Benefits

As noted above, the proposed rules would clarify the existing requirements for collecting agents and joint fundraising. There is no cost and no burden imposed on any sector to comply with these rules.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

NPRM—46 FR 48074, September 30, 1981.
Transmittal to Congress—1st or 2nd Quarter 1982. (Pursuant to 2 U.S.C. 438(d), the FEC must transmit all rules interpreting the Federal Election Campaign Act to Congress. Each House has 30 legislative days to disapprove a regulation submitted under this provision.)
Final Rule—30 legislative days after transmittal to Congress, if not disapproved.
Public Hearing—None.
Public Comment Period—September 30 to October 30, 1981.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—46 FR 48074, September 30, 1981. Copies of relevant FEC Advisory Opinions may be obtained from the Public Records Office at the address below.

Agency Contact

Susan E. Propper, Assistant General Counsel
Office of General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, DC 20463
(202) 523–4143

FEDERAL TRADE COMMISSION

The Federal Trade Commission (FTC) entries for credit practices, mobile homes, vocational schools, and standards and certification describe rulemaking proceedings that are currently in progress. The views expressed in these entries are those of the Commission's rulemaking staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself, which will address the issues presented after it reviews the record.

The entry for eyeglasses describes a current investigation in which rulemaking is one of several ultimate options under consideration. The entry for the premerger notification program decribes a current review of the coverage and content of the Premerger Notification Rules and Report Form, 16 CFR Sub-Section 801–803 and Appendix. The views expressed here are those of the staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself, which will consider whether a rulemaking proceeding or some other course of action should be undertaken.

The entry for the Commission's investigation of residential real estate brokerage, which was listed in the **Calendar of Federal Regulations** published in June 1981, is not included in this edition. A description of this investigation may be found at 46 FR 25476, May 7, 1981. Although rulemaking may ultimately result from the investigation, it is believed that an Advance Notice of Proposed Rulemaking will not be issued within the 1982 calendar year. There may, however, be a staff report published and a request for comment on the findings of the investigation in 1982.

With respect to any rulemaking activities and in compliance with the Federal Trade Commission Improvements Act of 1980, P.L. 96–252, a preliminary Regulatory Analysis will be issued whenever the Commission publishes a Notice of Proposed Rulemaking, and a final Regulatory Analysis will be issued whenever the Commission promulgates a Final Rule. Such Regulatory Analysis parallels the requirements of Executive Order 12291 for Regulatory Impact Analysis.

FTC

Proposed Amendment to Eyeglasses Rule and Eyeglasses II (16 CFR Part 456; Revision)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. 45 and 57(a).

Reason for Including This Entry

The Federal Trade Commission (FTC) is examining State and private restrictions on the delivery of eye care services and products in an effort to ensure optimal consumer access to these goods and services at competitive prices, without any compromise in the quality of vision care.

On December 2, 1980, the Commission issued an ANPRM requesting public comment on the issues discussed below.

Statement of Problem

The staff of FTC's Bureau of Consumer Protection has identified a number of State and private restrictions

on delivery of eye care goods and services that may have the effect of decreasing consumer access to vision care services, increasing the cost of those services, and impeding the growth of alternative "non-traditional" eye care practices. The Commission's interest in assessing the effects of these restrictions stems from its earlier eyeglasses investigation, which began in 1975 and culminated in 1978 in a new Federal regulation (16 CFR Part 456) requiring (among other things) the release of eyeglasses prescriptions following an eye examination. In that investigation, which focused on advertising restrictions, the Commission's staff became aware of a number of additional eye care restrictions that may significantly harm consumers by maintaining higher prices and limiting the accessibility to consumers of vision care products and services. The Commission staff is aware of little evidence at this time to support the assertion by proponents of these restrictions that they are necessary to protect the public health and safety.

One category of restriction under review inhibits the commercial or high volume practice of optometry and opticianry. (Optometry is the examining of eyes and the prescribing of corrective lenses, and opticianry is the dispensing of eyeglasses.) For example, approximately 40 States prohibit optometrists and/or opticians from engaging in one or more of the following practices: working for non-professional corporations or department stores; locating in high-traffic commercial locations such as shopping centers; operating branch offices; and using trade names.

Proponents of these restraints argue that they are needed to guard against low-quality vision care. They argue that the practice of optometry in commercial settings invites the intrusion of profit motives into the profession, resulting in poor-quality, incomplete examinations, or unnecessary prescribing of corrective lenses. Bans against the use of trade names are justified by the additional argument that they protect consumers from deception.

The effect of these laws may be to prevent individual practitioners from locating in areas such as shopping centers, where the potential for developing high-volume, lower-cost operations, such as optical chains exists. They may also limit the ability of opticians, optical chains, and department stores to compete and, according to preliminary evidence, may result in an increase in consumer prices. Finally, branching and location restrictions may restrict consumer accessibility to vision care, especially affecting the elderly and other less mobile members of society. Both higher prices and decreased accessibility may mean that some consumers receive no care at all or obtain vision care less frequently than they otherwise would.

The second category of restrictions that the FTC staff has examined consists of those prohibiting opticians from (1) duplication, a process whereby a new eyeglass lens is produced by analyzing the prescription of an existing lens, and (2) fitting of contact lenses. These restrictions may limit the consumer's ability to comparison shop for eyeglasses or contact lenses, particularly when consumers are not given a copy of the prescriptions following the initial sale of eyeglasses or contact lenses. The Commission's Eyeglasses Rule currently mandates prescription release only after the eye examination and not after the dispensing of prescription lenses.

Approximately twelve States prohibit opticians from duplicating a new eyeglass lens from an existing lens. One of the justifications advanced in support of such prohibitions is that opticians may not be able to duplicate eyeglasses accurately from an existing pair. The FTC staff conducted a study that was designed to measure the accuracy of the duplication process. The results indicate that there appears to be some potential for introducing a significant margin of error through the duplication process. However, even in States where duplication is prohibited, an optician is permitted to make new eyeglass lenses from a valid prescription. Thus, if the consumer has been provided with a copy of his or her prescription following the initial sale of eyeglasses (i.e., a "re-release" procedure), he or she could use that prescription to purchase new eyeglass lenses from any optician, so that comparison shopping would be facilitated while any problems in the duplication process would be avoided.

A possible concern with such a "re-release" procedure is that it will enable the consumer to bypass regular eye examinations. However, staff is unaware of any State that presently requires an additional eye examination before the purchase of new eyeglasses if the seller already possesses a valid prescription for the consumer. Thus, even in States where duplication is prohibited, a consumer can purchase additional eyeglasses from his or her initial seller without further eye examinations.

Certain States also prohibit opticians from fitting contact lenses. It has been argued that these restrictions are necessary on the ground that opticians may not be adequately trained to perform this function. The FTC staff has designed a study of recently fitted contact lens wearers in an attempt to generate comparative empirical data about relative quality and prices of lenses in States that restrict opticians from fitting contact lenses and those States that do not.

Alternatives Under Consideration

Various options are available to the Commission if it decides to proceed in this area, including an amendment to its Eyeglasses Rule, the promulgation of new trade regulation rule provisions, a formal complaint against private parties alleged to have engaged in unfair acts or practices, a voluntary guide defining unfair acts or practices, legislative recommendations to Congress or to the States (including development of model State laws), or a public report setting forth the findings of the staff, or no action. On December 2, 1980, an ANPRM was published in the **Federal Register** (45 FR 79823), requesting comment on the options available to the Commission. A discussion of some of these options follows.

A. Staff Recommendations

The FTC staff has written a report recommending that the Commission (1) commence a rulemaking proceeding to examine commercial practice restrictions and (2) propose amendments to the Eyeglasses Rule concerning release of eyeglass and contact lens prescriptions following the dispensing of those ophthalmic goods.

The staff's proposal concerning commercial practice restraints is a deregulatory action and would remove certain State restrictions on the practice of optometry and opticianry in commercial settings. Data from economic studies indicate that these restrictions may raise consumer prices and that the argued justifications are without merit. The staff proposal, however, would not interfere with the State's ability to control any perceived abusive practices through more direct regulations, rather than broad restrictions aimed at banning commercial practice altogether. For example, to the extent that a State is concerned with the thoroughness of eye examinations offered by eye doctors, the State would remain free to enact minimum eye examination standards.

In its report, the staff has also recommended that the Commission extend the prescription release requirement of the Eyeglasses Rule to

require that upon filling a prescription for spectacle lenses, the dispenser (whether an ophthalmologist, optometrist, or optician) return the prescription to the consumer. This would enable the consumer to obtain replacement or duplicate pairs of eyeglasses from the provider of his or her choice and should enhance competition among dispensers. Under this recommendation, States or individual eye doctors would be free to impose a reasonable expiration date on the prescription.

The staff has also recommended that questions concerning the fitting of initial contact lenses by opticians be explored in public hearings, which could result in the issuance of a model State law.

Finally, in its report the staff has recommended that the Commission expand the release-of-prescription requirement in the Eyeglasses Rule to require that the original contact lens fitter provide each consumer with a copy of his or her complete contact lens specifications at the completion of the initial contact lens fitting process. This would enable consumers to obtain replacement contact lenses from the dispenser of their choice.

The Commission has made no determination on the findings and recommendations of the staff. The ANPRM solicited comments on the staff's analysis and on the facts and evidence supporting the staff report.

B. Other Options

In addition to the staff report recommendations, the Commission is considering alternative courses of action. One of the alternatives is publication of a Commission report along with a model State law for review by the States. Such a model statute might, for example, permit optometrists and opticians to practice in commercial settings but at the same time ensure protection of quality of care by including minimum standards for eye examinations and equipment and the protection of the doctor-patient relationship. Adoption in whole or in part of the model State law would be at the discretion of each State.

Another alternative would be the issuance of a voluntary guide, including some or all of the provisions recommended by the Commission's staff for a rulemaking. A guide could define, for example, the kinds of private restrictions on commercial practice that the Commission believed unjustifiably inhibited competition among eye care providers or consumer access to alternative, low-cost eye care goods and services. Enforcement of the restrictions, however, would not lead to the same kinds of Federal sanctions as would violation of a trade regulation rule.

A third alternative under consideration is for the Commission to issue complaints on a case-by-case basis against an ophthalmic board association or practitioner alleged to have engaged in unfair acts or practices. Even if successful, such a suit would not have the nationwide applicability of a trade regulation rule.

Summary of Benefits

Sectors Affected: The retail ophthalmic industry and primarily three groups within that industry: ophthalmologists, optometrists, and opticians; and consumers of eyeglasses and contact lenses.

The Commission's staff estimates that the removal of commercial practice restraints should benefit consumers by reducing vision care costs and making vision care more accessible. In this regard, the Commission's Bureau of Economics (BE) conducted a study that compared prices charged for eye examinations and eyeglasses in cities where commercial optometry exists and in cities where it is restricted. The analysis of data collected in the late 1977 and early 1978 found that (1) prices were 25 percent lower in the cities where commercial practice and advertising were not restricted; (2) commercial optometrists charged lower prices than non-commercial optometrists; and (3) non-commercial providers who operated in markets where commercial practice was permitted charged, on the average, $21 less than those non-commercial providers working in markets where commercial practice was prohibited.

The BE Study also found that the estimated average price for an eye examination and eyeglasses was $72 (in 1977–78 dollars) in markets where commercial practice was permitted, as opposed to $94 in restrictive cities. Given the substantial size of this industry (over one-half of the general population requires some type of corrective lens in order to enjoy optimal vision), consumers annually spend approximately $2.7 billion for ophthalmic goods and an additional $1 billion for eye examinations. There may be considerable savings to consumers if commercial practice restrictions are lessened or eliminated. Present vision care practitioners would be able to own and operate more than a limited number of offices, locate in mercantile settings, use a trade name for their practice, and enter into employment or leasing arrangements with lay individuals and firms. Corporations or other business entities currently selling ophthalmic goods would be able to engage the services of optometrists or lease space to them in order to offer one-stop shopping to consumers. Optometrists who do not dispense corrective lenses would be able to locate near retail optical dispensaries, thus offering their patients easier accessibility to prescription eyewear.

The lifting of commercial practice restraints may also facilitate the growth of commercial chains or volume practices because practitioners would be able to locate in high-traffic commercial areas, have branch offices, and be employed by lay individuals and firms. Such firms could compete with other traditional dispensers of optical goods, with a very possible effect of generating lower prices to consumers. In addition, such changes may provide consumers with a wider choice of providers and greater accessibility to vision care.

If the Commission were to adopt a requirement that the person who fills an eyeglasses prescription must return the prescription, consumers would be able to have their prescriptions refilled by sellers of their choice without necessarily obtaining another eye examination. Such a "re-release" requirement, by enabling consumers to engage in comparison shopping for replacement lenses, could increase competition and lead to lower prices. In addition, the re-release requirement recommended by the staff should fully protect the quality of care received by consumers who wish a duplicate or replacement pair of eyeglasses that reproduce the visual correction present in their existing eyeglasses. The duplication process, on the other hand, may have some potential for error, according to preliminary evidence reviewed by the staff.

Under the staff's recommendation, States or individual eye doctors would be free to impose a reasonable expiration date on the prescription. Such a requirement would prevent consumers from bypassing needed examinations by obtaining duplicate or replacement lenses with an outdated prescription.

If the Commission were to adopt a provision that requires original contact lens fitters to release complete contact lens specifications after the initial fitting, consumers would be able to engage in comparison shopping for replacement lenses. The market for replacement lenses appears to be substantial: preliminary data indicate that contact lens wearers purchase, on the average, one new lens per year. Furthermore, the data suggest that there may be a wide price disparity for

replacement lenses. Such a provision could enable consumers who have been forced to purchase replacement lenses from higher priced providers to obtain lenses from lower priced providers without undergoing a new fitting procedure. (Although there is no currently available evidence that lower-priced providers of contact lenses offer lower quality goods or services, data from the FTC's contact lens study will provide information concerning comparative quality and any possible tradeoffs between quality and price.)

Preliminary evidence indicates that it is likely that a large number of contact lens wearers are denied access to their contact lens specifications and, therefore, are forced to purchase replacement lenses from their original fitters. The free availability of prescriptions might stimulate the growth of small businesses, particularly opticianries, since opticianry is wholly dependent upon the availability of prescriptions. The rule recommended by the staff would in theory assure opticianry unfettered access to all potential eyeglass purchasers and, in States where opticians are permitted to dispense contact lenses, assure them access to all potential purchasers of replacement contact lenses.

Summary of Costs

Sectors Affected: The retail ophthalmic industry and primarily three groups within that industry: ophthalmologists, optometrists, and opticians; and States.

In assessing the costs of possible Commission action, it should be understood that this proposal is essentially deregulatory, not regulatory. That is, the investigation seeks to enhance competition by eliminating restrictions on the marketplace that may be unnecessary.

One cost associated with removal of present commercial restrictions may involve the issue of quality of care. While removal of these restrictions may lower consumer prices, it is necessary to determine whether their removal would involve any decrease in the quality of care received by the public. Before any action is taken, the Commission must determine what, if any, effect there will be if such restrictions are removed.

The critical area of concern is the quality of care comparison between markets that permit commercial forms of practice and those that restrict such practice. The Bureau of Economics study found that the overall level of quality for each of the measures of quality employed was the same both in markets that permit commercial practice and those that prohibit it. With respect to one of the measures of quality, the thoroughness of the eye examination, the results show substantial variation from optometrist to optometrist in the thoroughness of exams being performed, and that variation exists both in markets with and without commercial forms of practice.

Within cities which permit commercial practice, the less thorough exams tended to be given more frequently by commercial providers. However, less thorough examinations were available from about the same percentage of optometrists even in markets where commercial practice was prohibited. With respect to the other measures of quality, commercial or chain-firm optometrists derived the correct prescription and produced accurate eyeglasses no less frequently than non-commercial optometrists. In addition, the study found no difference between commercial optometrists and non-commercial optometrists in the incidence of unnecessary prescribing of eyeglasses.

The economic effect of any Commission action on various industry members cannot be determined with any degree of precision. Data from economic studies of the optical market indicate that the market is price elastic; that is, as per-unit prices decline for eye examinations and eyeglasses, there is a proportionately greater increase in consumption. Total expenditures for vision care should, therefore, increase. However, the market will be a more competitive one, and some inefficient providers will undoubtedly fail to meet the competition. As commercial firms enter markets where they previously were restricted from entering, they will inevitably capture a segment of the market. However, in States that currently permit commercial practice, commercial firms appear to co-exist with traditional solo practices and other small optical businesses.

No direct compliance costs would be imposed on any affected sector if the Commission removed State restrictions on commercial forms of practice. But, instead of restricting commercial practices, the States were solely to impose requirements to control specific abusive practices (for example, by setting minimum eye examination requirements to ensure that all practitioners provide thorough examinations), the States would have to bear the costs of monitoring compliance with those requirements, and it is possible that the prices of vision care would be affected.

The Commission staff does not yet know exactly what costs would be associated with a requirement that a seller return an eyeglass prescription to the purchaser or a requirement that the original contact lens fitters release complete contact lens specifications to their customers following the fitting process. As noted above, data from the FTC's contact lens study will provide information concerning comparative quality of contact lenses fitted by lower priced providers and possible tradeoffs between price and quality.

If the Commission were ultimately to require that when an eyeglass prescription is filled the seller return it to the patient, the compliance cost should be minimal, involving only the time and material for the seller to write a copy of the prescription. If the Commission were to require ophthalmologists and optometrists to release complete contact lens specifications following the initial contact lens fitting so that consumers could obtain replacement contact lenses from a fitter of their choice, the compliance cost should be, again, minimal. In addition, these re-release provisions would impose no government reporting requirements on practitioners.

A model State law would impose no costs directly on any affected sector because it is an option to be adopted by State governmental entities at their discretion. State governments that elect to consider the model State law would incur only those costs normally incurred in the legislative process. If some States do not enact the model State law while others enact only certain provisions or different versions altogether, the end result would be a lack of uniformity in the State laws concerning commercial practice. This might burden practitioners or firms that wish to maintain interstate operations.

If the Commission instead issued a voluntary guide, State restraints would remain intact. Practitioners who wish to engage in commercial forms of practice would still be prohibited from doing so under State law, even if private trade associations adopted the guidelines. Consumers would, therefore, not receive the full benefits of commercial practice.

Summary of Net Benefits

Each of the alternative courses of action under consideration by the Commission focuses on relaxing State and private restrictions that impede commercial ophthalmic practice and prevent consumers from having access to their corrective lens prescriptions. Assuming the broadest application of successful outcomes, the same costs and benefits should result irrespective of the alternative process used to achieve these ends. Therefore, in the discussion

that follows, the staff presents a summary of the total benefits, total costs, and net benefits of permitting commercial ophthalmic practice and ensuring that consumers have access to their corrective lens prescriptions.

With respect to removing State restrictions on commercial practice and thereby permitting commercial forms of practice to enter the market in States that currently prohibit such forms of practice, no direct compliance costs would be imposed on any affected sector. The rule is permissive and would only permit, not require, providers to engage in commercial ophthalmic practice. Thus, the only "costs" borne by industry members would be the indirect effects of doing business in a market where greater consumer choice creates a more competitive market.

No direct economic costs would be imposed on consumers of vision care by removing bans on commercial forms of practice. To the contrary, average prices for eye examinations and eyeglasses were found to be 25 percent lower in markets where commercial practice was permitted. In addition, no adverse impact on the quality of vision care delivered is expected. The staff study of commercial practice indicates that overall quality of care and the percentage of practitioners offering lower quality of care are the same whether commercial practice is present or not. The staff findings also indicate that some practitioners actually increase the quality of their goods and services in response to increased competition.

If State restrictions on commercial ophthalmic practice are removed, indirect costs might arise should State or local regulatory agencies determine to enact new regulations to control potentially abusive practices. In addition to the cost involved in enacting such regulations, the regulatory agencies might incur some additional enforcement costs.

If commercial practice restrictions are removed, present vision care providers would be able to own and operate more than a limited number of offices, locate in mercantile settings, use a trade name, and enter into employment or leasing arrangements with lay individuals and firms, notwithstanding State law to the contrary. Consumers of vision care should be able to purchase vision care at lower prices without any compromise in quality of care (1) from practitioners who lower their prices in response to increased competition and (2) from commercial practitioners who offer vision care at low prices by taking advantage of economies of scale. As a result, it can be anticipated that some consumers will be able to purchase vision care for the first time or on a more frequent basis.

The net benefits should, therefore, be increased consumer access to vision care at lower prices without any compromise in quality of care. The market should also be a more competitive one, and consumers will have greater choice. It is true that increased competition may result in greater market concentration and, therefore, adversely impact on some solo practitioners; however, in States that currently permit commercial practice, this form of practice appears to co-exist with traditional solo practice. Thus, the costs that would be borne by those States that choose to enact new regulations to control potentially abusive practices and the costs to those practitioners who are unable to meet the increased competition would appear to be offset by the fact that the removal of these restrictions should result in increased access to vision care at lower prices without a lowering of quality of care and less direct government interference with practitioners' decisionmaking.

With respect to ensuring consumer's access to their current lens prescriptions, no State laws would be preempted by the proposed action and no direct costs of any kind would be imposed on State or local governmental agencies. Enforcement as needed would be carried out by the FTC. No government reporting requirements would be imposed. And the compliance costs associated with writing out a contact lens prescription at the conclusion of the contact lens fitting and dispensing process appear to be minimal. However, dispensers of prescription eyewear who choose to retain the original prescription that they fill for their files may have to provide consumers with photocopies of their prescriptions if State law requires prescriptions to contain the refractionist's signature and date of examination. Thus, the cost of photocopying the patient's prescription would be incurred and, if the dispenser does not have ready access to a photocopy machine, the cost of acquiring or gaining access to one might be imposed. As a result, practitioners' compliance costs might indirectly be passed on to consumers of vision care in the form of higher prices for vision care goods and services.

Extension of the rule to contact lens specifications and to re-release of eyeglasses prescriptions would increase competition among dispensers of contact lenses and eyeglasses. The free availability of prescriptions might stimulate the growth of small businesses, particularly opticianries, since opticianry is wholly dependent upon the free availability of prescriptions. In addition, consumers would benefit by being able to purchase contact lens replacements from the dispensers of their choice, and average purchase prices might decrease once consumers begin effectively comparison shopping. By ensuring that consumers can obtain copies of their current eyeglass prescriptions from dispensers, consumers would be able to purchase duplicate or replacement pairs of eyeglasses, which are accurate according to their most recent eye examination, from the dispensers of their choice. In States where duplication without a prescription is prohibited, consumers would not be forced to return to the original dispenser or undergo another examination in order to obtain a duplicate pair of eyeglasses. The proposed action would not interfere with the ability of States and eye doctors to require that an expiration date be placed on every prescription; thus, the proposal attempts to ensure that consumers would not be able to bypass regular eye examinations by obtaining duplicate lenses with out-of-date prescriptions.

The Commission staff believes that the benefits of increased consumer choice and potential savings due to the increased ability to engage in comparison shopping for replacement eyeglasses and contact lenses exceed the compliance costs associated with an obligation to release prescriptions.

Related Regulations and Actions

Internal: The Advertising of Ophthalmic Goods and Services Trade Regulation Rule (16 CFR Part 456).

External: Various State laws restricting commercial vision care practices and the ability of opticians to fit contact lenses and duplicate lenses without a prescription.

Government Collaboration

None.

Timetable

ANPRM—45 FR 79823, December 2, 1980.

The ANPRM comment period closed on February 2, 1981. The Commission staff reviewed and analyzed the comments that were received and forwarded its recommendations to the Bureau of Consumer Protection.

NPRM—Undecided.

Commission Decision on Appropriate Action—Date to be determined.

Preliminary Regulatory Analysis—If, and when, an NPRM is issued.
Initial Regulatory Flexibility Analysis—If, and when, an NPRM is issued.
Public Hearings—Undecided.

Available Documents

All documents are available from Room 281, Federal Trade Commission, Washington, DC 20580.

Comments in response to the ANPRM are available for review and copying. Call Agency Contact.

"Staff Report on the Advertising of Ophthalmic Goods and Services and Proposed Trade Regulation Rule (16 CFR Part 456)," dated May 1977.

"A Comparison of a Random Sample of Eyeglasses," prepared by Resource Planning Corporation for the Federal Trade Commission, dated July 2, 1979.

"Advertising and Commercialism in the Profession: The Case of Optometry," prepared by the FTC's Bureau of Economics, April 1980.

"State Restrictions on Vision Care Providers: The Effects on Consumers (Eyeglasses II)," Report of the Staff to the Federal Trade Commission, July 1980.

Agency Contact

Christine Latsey, Attorney
Federal Trade Commission
Room 281
Washington, DC 20580
(202) 523-3428

FTC

Proposed Rule on Standards and Certification (16 CFR Part 457; New)

Legal Authority

Federal Trade Commission Act, §§ 5 and 6(g), 15 U.S.C. 45 and 46(g).

Reason for Including This Entry

The Federal Trade Commission (FTC) includes this proposed rule because of the impact it could have on matters of significant public interest, including inflation, the rate of innovation, and the viability of small businesses.

Statement of Problem

There are more than 20,000 private standards in existence that set requirements for products ranging from nuts and bolts to computers. These product standards are set by trade associations, technical and professional societies, product testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competitors and consumers can occur when standards development or certification blocks the use of superior or lower cost technology, prevents businesses from competing in profitable industries, establishes inadequate or excessive product safety levels, inflates product prices, or deceives consumers about the quality of a product.

More than 150 complaints filed with the Federal Trade Commission during the rulemaking proceeding allege injuries to competitors and consumers. These injuries may occur for a number of reasons. The procedures that some private standards setting and certifying organizations use may be inadequate to prevent the process from being dominated by large producers, who have the resources to participate actively and hold positions of authority in the organizations, at the expense of smaller businesses and consumers. Economic injury may also occur if private standards development and certification organizations fail to examine potential adverse market effects of their actions. In addition, competitive and consumer injury may occur if such organizations fail to respond to challenges to their standards in a fair and timely manner—for example, if they do not update standards in response to technological change.

On December 7, 1978 (43 FR 57269), the FTC proposed a rule intended to reduce the incidence and severity of injuries to competition that may result from private standards development and certification. The proposed rule would require procedural safeguards to ensure that affected persons (large and small businesses, consumers, government officials, and others) have an opportunity for participation in the development or revision of standards. These procedural safeguards include a requirement that developers of standards permit aggrieved parties to challenge standards.

The FTC proposal of the standards and certification rule was immediately preceded by the publication of an FTC staff report summarizing the results of a 4-year investigation of standards and certification practices. The Commission originally directed the staff to conduct a broad investigation of the standards and certification system after it accepted consent orders in *In re Society of the Plastics Industries*, 84 FTC 1253 (1974). (A consent order is an agreement between the Commission and a company in which the company agrees to change certain of its business practices. The agreement is not an admission of wrongdoing by the company.) In that case, the FTC accepted consent orders from 25 manufacturers whose foam plastic building insulation was allegedly falsely rated as fire safe under an inappropriate standard test. The manufacturers agreed on the consent orders to make certain disclosures about fire performance when they marketed their products.

If the FTC does not take any action in this area, any injuries to competition and consumers that now occur because of the current standards and certification system may continue. Standards may raise the cost of manufacturing and thus add to inflation. Anticompetitive standards may contribute to the current decline in innovation. Product standards that set excessively low levels of safety may cause direct harm to consumer health and safety.

Alternatives Under Consideration

When the FTC initiated the rulemaking proceeding, staff focused on practices that may constitute unfair methods of competition and on practices that may be unfair or deceptive. Authority to promulgate rules relating to unfair methods of competition is found in § 6(g) of the Federal Trade Commission Act. Authority to promulgate rules relating to unfair or deceptive acts or practices is found in § 18 of the FTC Act. The FTC Improvements Act of 1980, Pub. L. 96-252, 94 Stat. 374, in § 7, removed authority to promulgate rules under § 18 relating to development and use of standards and certification. Therefore, any rule on standards and certification can only be promulgated by the FTC pursuant to § 6(g) and must be limited to intercepting practices that are unfair methods of competition. Other FTC law enforcement actions, such as guides and individual cases, can be used to remedy any unfair or deceptive acts or practices that the Commission finds to exist.

In response to passage of the Improvements Act, the Commission has determined that the most efficient way to decide what Commission enforcement actions, if any, are necessary with regard to standards and certification activities is to complete analysis of the rulemaking record gathered to date. The Commission has directed the staff to pay special attention to the issues raised in Congress during consideration of the

FTC Improvements Act of 1980 when it examines the rulemaking record and prepares its recommendations. In the Conference Report on the Act several issues were raised by the Managers of the Bill concerning the need for an FTC rule in the standards and certification area. Specifically, the Report states:

> . . . [T]he conferees believe the Commission should explore the possibility of issuing voluntary rules and guidelines in this area. The conferees note that the Office of Management and Budget has now issued OMB Circular No. A-119 which, among other things, sets out procedures for the development of standards applying to products purchased by the Federal Government. The conferees hope the Commission will closely follow the activities of other interested Federal agencies and, in the spirit of Executive Order 12044, will avoid inconsistent or duplicative activity in this area. (Statement of Managers, Cong. Rec. H3157, May 1, 1980.)

FTC staff has been directed by the Commission to analyze the rulemaking record, to address the above issues and to prepare a final report. The final report will be followed by a report of the Presiding Officer in the rulemaking and an opportunity for interested persons to comment on both reports.

Based on the record of the proceeding, staff is considering several alternatives. One set of alternatives includes a variety of non-rule remedies. The Commission could issue an industry guide or statement of enforcement policy and then enforce on a case-by-case basis. Another option would be to move directly into case-by-case enforcement and then encourage industry-wide compliance with a resulting order prohibiting certain practices. Staff is also reviewing other government activities that affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Standards, which is described below under "Related Regulations and Actions."

The remaining alternatives relate to changes in the proposed rule that could make it more effective, less costly, or easier to enforce. First, the Commission could limit the scope and coverage of the proposed rule. The alternatives under consideration by the staff include: tiering of the rule to exclude smaller standards developers from coverage; exclusion of standards that are used primarily by manufacturers as a means of specifying materials or components they use in production; inclusion of only consumer product standards; and exclusion of standards developed primarily by groups of buyers (e.g., purchasers of components for which standards are being written) rather than groups of producers (e.g., manufacturers of the components).

The advantages of limiting the scope of the proposed rule are varied. A tiering approach, such as exempting small standards development organizations from some or all of the rule provisions, would alleviate compliance costs for organizations with limited resources. It would also target rule provisions specifically to the organizations that develop the great majority of standards. Exclusion of certain types of standards from rule requirements would also reduce the cost of compliance to standards developers. The disadvantage of these limitations is that they could leave several areas of the marketplace without regulatory protection.

Second, the Commission could modify the structure of the proposed rule. Possible changes include: extending the notice, participation rights, appeals, and other due process protections to require balanced participation in standards development by all affected interests (including small businesses and consumers); imposing higher burdens of proof on standards organizations or certifiers to justify the reasonableness of their actions when they are challenged by persons alleging injury; requiring organizations to pay the expenses of small business and other interests that could not otherwise participate in the process of developing standards; and making the decisions of private standards developers' appeals boards binding on them. Alternatives also include giving standards developers the option of providing routine procedural safeguards (e.g., notice, right to participate) or of making available an internal complaint mechanism to enable aggrieved parties to challenge restrictive or deceptive standards on a case-by-case basis. The present proposal contains both procedural safeguards and a complaint mechanism.

The advantages of increasing the scope of the procedural safeguards in the proposed rule include the anticipated benefits derived from receiving input from all affected interests in standards development. The disadvantages primarily entail greater direct compliance costs of this broader participation.

Third, the Commission could set performance standards in a rule to increase the flexibility that organizations would have in meeting compliance obligations. One of these alternatives would be to state in general terms the enforcement objectives to be met (e.g., providing greater opportunities for effective participation in standards development by all affected parties) without specifying the precise means of compliance. A related alternative would be to set out one means of compliance but permit alternative approaches that assure the same level of protection in the standards process.

The advantage of such approaches is that they may minimize the direct cost of compliance while achieving regulatory objectives. The disadvantage of such approaches is that standards developers and certifiers might be unsure whether their actions fully comply with the general performance standards set out in the rule.

Fourth, the Commission could use information disclosure to affect the pattern of reliance on standards. For example, standards developers could be required to disclose dissenting positions on standards, so that persons who rely on these standards would be informed of potential problems with use of the standards. This approach could decrease reliance on injurious standards.

One advantage of this approach is that it creates an incentive for standards developers to resolve justifiable substantive disputes, while allowing them to adopt procedures for doing so that are best suited to their needs. The disadvantage is that the incentive may not be present if reliance on a particular standard is very strong, because it is mandated by law, because of market conditions, or for other reasons.

Fifth, the Commission could vary the timing of compliance with the proposed rule. It could phase in individual provisions of the rule over a period of time. Alternatively, it could delay enforcement of the entire rule for a period of time in order to allow standards developers and certifiers to adjust gradually to rule requirements.

The advantage of varying the timing of compliance is that it may reduce costs by allowing standards developers and certifiers to phase in procedural changes in an economical manner. The disadvantage of this alternative is that it delays the achievement of statutory objectives.

The staff is still in the process of analyzing the rule record, and has reached no decisions on any of the rule or non-rule alternatives described above.

Summary of Benefits

Sectors Affected: Manufacturing industries, especially small firms; and business and private users of standards, certifications, and affected products.

Although it is not possible to discuss fully at this time the sectors benefiting from the proposed rule, various small business and consumer representatives have testified during public hearings that they expect to benefit from a rule, and other sectors may benefit as well. For example, manufacturers would benefit from a rule if it prevented standards and certifications from blocking the use of their superior or lower-cost technology. Consumers may benefit from the resulting increased product choice. Consumers would also benefit from a rule if it prevented standards and certifications from inflating product prices or deceiving consumers about product safety or quality.

It is not possible at this time to quantify the benefits for these sectors that result from the different remedial options the FTC is considering. The staff is still in the process of analyzing the rulemaking record. Moreover, as is often the case, certain benefits that would derive from a rule, such as improvements in the availability of some types of information, may not be susceptible to precise measurement even though such benefits may be substantial. There are currently no data on the aggregate beneficial or adverse impact of present standards development and certification activity; this makes quantitative measurement of the effects of a rule even more difficult.

Entries in the rulemaking record explore a variety of specific situations that the rule may improve, such as the elimination of delays in standards revisions for residential energy devices that may reduce the amount of wasted energy; and the reduction of foot candle requirements in lighting standards, which may reduce the costs of energy and lighting fixtures. If these reductions occurred, they could have a beneficial impact on inflation. Analysis of these and additional case studies in the rulemaking record may suggest the type and potential magnitude of benefits to be derived from improving the operation of the private standards system.

A rule could facilitate entry into markets, where entry is predicated on conformance to a standard or on certification, to the extent that the rule reduced unnecessary restrictions. This would improve competition, which in turn would result in benefits to consumers, such as lower prices, an improved selection of products, and more rapid innovation. However, this beneficial effect on consumer prices may be offset if manufacturers pass on to consumers any of the new costs of standard setting imposed by the rule.

A rule or other enforcement action may also encourage an increase in the supply of useful information (such as information on comparative product performance) through standards. If a rule encourages more diverse interests to participate in the development of standards, this participation may cause a more complete and accurate consideration of the costs and benefits of standards and a more equitable allocation of the costs and benefits. Potentially, users of standards could become more aware of the meaning and usefulness of a particular standard or certification. Given better information, users of standards and certifications, including users of products subject to standards, would be able to make more informed choices based on quality and price.

Summary of Costs

Sectors Affected: Private standards development and certification organizations, including trade associations, professional or technical membership organizations, and commercial testing laboratories; manufacturing industries; and business and private users of standards, certifications, and affected products.

As many as 1,200 non-governmental standards development and certification organizations could be affected by the costs imposed by the proposed rule. In addition, manufacturers who use standards and/or certify their products in accordance with a standard would be directly affected by the costs of the proposed rule. Consumers would be indirectly affected by the costs of the proposed rule, to the extent that any additional costs are passed on through the production process.

Staff cannot quantify the specific direct and indirect costs of alternative FTC actions at this time, because analysis of the rulemaking record is incomplete. In addition, as in the case with certain benefits of the proposed rule, there are a number of effects that may be impossible to quantify, even though they may be substantial. However, it is possible to generalize at this time about potential costs and distribution of costs of the proposed rule and of some of the alternatives.

The proposed rule could increase the direct costs of producing a standard. Any standards developer that has to revise its procedures to comply with the rule would bear the initial cost of transition. Standards developers that did not already provide what the rule would require would have the ongoing costs of providing the additional notice, participation rights, and complaint and appeals mechanisms that would be necessary. These costs presumably would be passed on to members of standards development organizations in the form of dues and to users of standards in the form of higher purchase prices for the standards documents and might be reflected in the prices consumers paid for products. The actual direct costs of any regulation will depend on the final form of the regulation as well as on the present practices of those covered by such a regulation.

The proposed rule may also add indirectly to the cost of standards development. A great deal of the present cost of standards development is borne by private groups or individuals who participate because they perceive benefits to themselves from this voluntary activity. To the extent that the rule changes the benefits individuals derive from participation, it would affect the mix of affected interests that participate. Individuals would have to reevaluate the costs and benefits of their participation. It is not possible at this time to conclude whether the amount of such participation would be greater or less as a result of the rule. An indirect effect of the proposed rule might be to reduce the number of standards produced as a result of any increased cost of standards development or to reduce the number of standard setting organizations. A loss of socially beneficial standards might occur in such a case.

The cost of certification might be affected in several ways. If a rule requires more information in conjunction with certification marks, there may be additional costs of printing. If a rule requires information that does not already exist, there would be costs associated with obtaining that information. A requirement that a certifier take some action when it learns of misuse of its certification would add costs if the action required differs from present practice. There may also be increased costs of certification associated with creating and maintaining a required appeals process. An increase in certification costs would result in higher charges for certification services. This presumably would result in higher prices of certified products and/or reduction in the use of certification.

Summary of Net Benefits

As discussed earlier, many of the types of benefits and costs of FTC action in the standards area are not quantifiable. In addition, staff has not yet completed its analysis of the rulemaking record to determine if any FTC action is necessary and, if so, what action would be appropriate. In its analysis of alternative actions, staff is studying the cost and benefit information on the rule record to aid it in its determination. The staff's final report will contain a discussion of the net benefits of the alternatives under consideration.

Related Regulations and Actions

Internal: None.

External: The Office of Management and Budget (OMB) has issued a Circular No. A–119 (45 FR 4328, January 21, 1980), which establishes government-wide policy concerning the use of voluntary standards for procurement purposes and Federal agency participation in voluntary standards development. Only standards activities of organizations following specified due process criteria in their standards development program are open to participation by Federal employees (unless the participation is on their own time). The Circular also cautions Federal agencies that adverse effects may result when unnecessarily stringent or deceptive product standards are used as a basis for government procurement. The Department of Commerce published regulations to implement the Circular but has delayed their effective date indefinitely pending review by the Secretary of Commerce, which was requested by the Presidential Task Force on Regulatory Relief. The Circular itself is currently undergoing review by OMB pursuant to a request by the Task Force on Regulatory Relief.

Legislation has implemented the Tokyo Round trade agreements to reduce tariff and non-tariff barriers to trade in the United States. One of these trade agreements, the Code of Conduct for Preventing Technical Barriers to Trade (Standards Code), places obligations on the United States to reduce barriers to trade that are created by Federal, State, and local government and private sector standards. Commission staff is represented on the Standards subcommittee of the Trade Policy Staff Committee concerned with the trade agreements. Through this participation, staff is working to assure coordination and policy consistency in the Standards Code and FTC enforcement efforts.

Government Collaboration

FTC staff has made numerous presentations relating to the proposed rule to the Department of Commerce (DOC)-sponsored Interagency Committee on Standards Policy and its subcommittees. FTC staff has also worked with DOC in drafting procedures to implement Office of Management and Budget Circular No. A–119. Representatives of several offices of the Federal Government, including the Food and Drug Administration, the Department of Justice, the White House Office of Consumer Affairs, and the National Institute for Occupational Safety and Health, as well as several State and local officials, have testifed or submitted comments during the rulemaking proceeding.

Timetable

The FTC Improvements Act of 1980, P.L. 96–252, 94 Stat. 374, removed the Commission's authority to promulgate rules under FTC Act § 18 (proscribing unfair or deceptive acts or practices) relating to the development and use of standards and certification. The Commission has determined to continue with analysis of the rulemaking record and preparation of Staff and Presiding Officer Reports under authority granted by FTC Act § 6(g) to promulgate a rule proscribing unfair methods of competition.

NPRM—43 FR 57289, December 7, 1978.
Staff Report—May 1982.
Presiding Officer's Report—60 days after staff report.
Post-Record Comments—60 days after Presiding Officer's Report.
Rebuttal Comments Relating to the Impact of OMB Circular A–119—30 days after post-record comments.
Regulatory Analysis—To be determined.

Available Documents

FTC Staff Report on Standards and Certification (December 1978), available at Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, DC 20580.

Public record documents relied on by staff in preparing the initial staff report, available at Room 288, Federal Trade Commission, at the above address.

Rulemaking record and public record of the comment period and of the rulemaking hearings held May 21 through September 21, 1979, and rebuttal submissions received through January 15, 1980, are available at Room 130, Federal Trade Commission.

Agency Contact

Robert J. Schroeder, Attorney
Federal Trade Commission
Sixth Street and Pennsylania Avenue, N.W., Room 288
Washington, DC 20580
(202) 523–3936

FTC

Proposed Trade Regulation Rule Concerning Credit Practices (16 CFR Part 444; New)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. 45 and 57(a).

Reason for Including This Entry

The Federal Trade Commission (FTC) is conducting a rulemaking proceeding on the consumer and competitive effects of certain practices used by creditors when consumers have difficulty repaying their debts. Remedies under consideration in this proceeding could have an important effect on the relationship between creditors and consumer debtors in the United States and on competition in this sizable sector of the economy.

Statement of Problem

Most Americans use consumer credit at some time in their lives. At any given time, about half of all households in the Nation are making payments on installment debt. Many encounter financial or other problems that cause them to become delinquent in their payments. Studies show that the leading causes are unplanned events, such as unemployment and illness, and circumstances in which the consumer is overburdened with debt obligations.

When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict injury on debtors that may be disproportionate to the gain to creditors or the amount owed. The potential injury includes not only dollar losses, but also non-pecuniary harm, such as emotional distress, loss of privacy, and disruption of family relationships. The disproportionate nature of the injury may mean that many consumers may be obtaining credit on terms that they would not choose in a market in which complete information and choice about credit terms were available.

The right of creditors to use remedies derives largely from provisions included in credit contracts. Credit contracts are standardized form documents prepared

by creditors. Staff believes that there is generally no bargaining over terms between debtor and creditor.

The record shows that many consumers may be unable to shop for credit terms because they lack the specialized legal knowledge necessary to understand and evaluate remedy terms in contracts. Furthermore, creditors do not always compete with each other by offering more favorable remedy terms of contracts, and therefore, in a given market, consumers may find little variation in such terms. Staff believes all of these factors indicate that market forces may not have produced a reasonable balance of creditor and debtor rights in credit contracts.

Specific contractual and other creditor remedies that may cause substantial injury to consumers and that are in widespread use include the following:

(1) Confession of judgment—As part of the contract by which credit is extended, the debtor signs a form that authorizes the creditor to obtain a court judgment against him without notice to the consumer and without any opportunity for the consumer to appear and defend himself. The debtor thus loses rights such as the ability to contest disputed claims.

(2) Waivers of State property exemptions—The debtor waives the right granted by State law to keep certain minimal property if a court judgment is obtained against him. In many States a court will not honor the waiver; however, the rulemaking record indicates that some creditors nonetheless have used this waiver to threaten debtors with loss of their goods.

(3) Wage assignments—The debtor authorizes the creditor to seize a portion of his wages without first obtaining a court judgment. The debtor loses the ability to contest disputed claims. Moreover, some debtors may be subject to disciplinary action or firing by employers who do not like to divide employee wages between a creditor and an employee because of the accounting costs this imposes.

(4) Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. Because in many instances such goods may have little resale value, it appears that creditors may use these security interests primarily to threaten the debtor and deter default, rather than to actually secure the debt.

(5) Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from that merchant over an extended period of time in the event of the consumer's failure to pay for a single purchase.

(6) Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for deficiency, i.e., the difference between the sale price of the product and the amount the consumer owes. The evidence suggests that the sale prices of repossessed collateral may frequently be very low, resulting in large deficiencies.

(7) Attorney's fee provisions—The provisions require the debtor to pay the creditor's attorney's fees. Thus they may tend to inhibit debtors from defending themselves against payment of disputed debts. The evidence indicates that, in some instances, attorney's fees assessed by courts may be larger than actual court costs or the cost of actual legal services provided.

(8) Late charges—Late charges are penalty fees that the creditor assesses when the debtor fails to pay an installment on time. The rulemaking record indicates that sometimes they are "pyramided," i.e., a creditor allocates payments in such a way that a single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments.

(9) Third-party contacts—The record indicates that creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. Such contacts may tend to invade privacy and may harm a debtor's employment relationship and lead to job loss.

(10) Cosigners—Creditors sometimes require the debtor to obtain one or more cosigners, who agree to pay the debt if the principal debtor defaults. The evidence indicates that cosigners may frequently fail to understand that the obligation they undertake is substantial, i.e., that they become responsible for the debt if the principal debtor defaults.

Alternatives Under Consideration

The rule that the Commission proposed on April 11, 1975 (40 FR 16347) would prohibit a number of the above creditor remedies and restrict the use of others. It would prevent or limit confessions of judgment, waivers of State property exemptions, wage assignments, security interests in household goods where the credit is not used to buy such goods, and attorney's fee provisions. Creditors would have to promise in the contract not to make third-party contacts except to locate the debtor or his property. Cross-collateral security would be permitted only if creditors released collateral from the security agreement as the consumer paid for it in the order it was purchased by the consumer. Creditors could collect deficiencies only if they credited the debtor with the fair market retail value of the collateral. Late fees would be limited. Cosigners would have to be given information explaining their obligation and a 3-day "cooling-off" period to evalute that obligation. Creditors would also be required to give cosigners copies of relevant documents, to notify cosigners in the event of default by the principal debtor, and to make serious efforts to collect from the principal before seeking payment from the cosigner.

Following publication of the NPRM, members of the public (including many members of the credit industry, which would be affected by the rule) suggested numerous modifications, alternatives, exceptions, and deletions to the proposed rule. Based in part on these suggestions, the rulemaking staff, in its staff report, recommended modifications to the originally proposed rule. The most important proposed modifications concern the provisions on late fees, security interests, deficiencies, and cosigners.

The original proposal would have limited late fees to the amount derived by applying the annual percentage interest rate governing the debt to the amount that was late, for the period it was late. The staff report finds insufficient evidence to support the proposed general limitation on late fees and recommends confining the provision to a ban on "pyramiding."

The original proposal on security interest would have prohibited any security interest other than a purchase money security interest, where credit is used to purchase consumer goods. (A purchase money security interest is a security interest in goods that are purchased with the credit that is being secured.) The staff report recommends dropping the general restriction on non-purchase money security interests. Instead, it recommends a provision banning non-purchase money security interests in household goods but allowing them in other consumer goods, such as automobiles. The recommended provision is intended to focus on the specific problem discussed on the record.

The original proposal on deficiencies would have required that whenever a creditor repossesses collateral, the creditor must credit the debtor with the fair market retail value of the property. The revised proposal would apply a retail value standard only if the creditor wished to collect a deficiency. Creditors

would not be required to return surplus to debtors based soley on the retail value standard. In addition, retail value would have to be determined based on an actual sale in an established retail market, either by the creditor or a third party. This would eliminate ambiguity in the determination of retail value. If no established retail market exists for the collateral, the creditor could not collect any deficiency. This recommendation stems from staff's view that deficiencies may be appropriate when high-value collateral, such as automobiles, is repossessed, but not when low-value collateral is repossessed.

The original proposal required that creditors provide cosigners with a 3-day cooling-off period before the cosigners become obligated on a debt. The staff report recommends a cooling-off period only when a creditor solicits someone to become a cosigner after a debtor has defaulted.

Apart from the four alternatives described, the staff report recommends a variety of other, more technical changes in the proposed rule. The staff report is accompanied by a memorandum from the director of the Bureau of Consumer Protection, which does not make specific recommendations but which invites public comment on alternatives to a number of proposed rule provisions. These include: substituting a "loser pays" approach to attorney's fees for the proposed ban on provisions that require a debtor to pay attorney's fees, limiting the prohibition against third-party contacts to contacts with employers, and dropping proposed protections for cosigners that go beyond disclosure. In addition, the Bureau director's memorandum suggests that the Commission may wish to consider some optimal mix of rule provisions, perhaps modeled on consumer credit laws that are already in effect in Connecticut, Iowa, and Wisconsin. These three States have laws that are similar in many respects to the proposed rule, and the rulemaking developed extensive information about how these State laws have worked in practice.

Finally, a memorandum from the Commission's Bureau of Economics concerning the recommended rule is also available to the public. The Bureau of Economics memorandum suggests alternative rule provisions in a number of areas, including elimination of the prohibition on security interest in household goods, elimination of the cross-collateralization provision of the rule, substitution of a "loser pays" approach to attorney's fees, and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider the alternatives recommended in the staff report, as well as those raised by the Bureau Director, the Bureau of Economics, and various participants in the proceeding, and will decide what form of rule, if any, it ultimately should promulgate.

Summary of Benefits

Sectors Affected: Consumer debtors.

The primary beneficiaries of this rule would be consumers who borrow to obtain goods or services and have difficulty repaying their debts. While the rule would not prevent creditors from compelling consumers to pay legitimate debts where necessary, it seeks to limit possibly unjustified consumer injury arising from the use of certain "boilerplate" collection remedies, where the benefits to creditors from such use appear to be small and the injury to consumers may be substantial.

Although at the present time the Commission does not know what form of rule, if any, it will adopt, it is possible to identify the type of benefits that would result if it promulgates certain provisions of the proposed rule. For example, several provisions may produce dollar benefits for consumers by reducing excessively large deficiencies and late fees. If the Final Rule eliminates collection methods that result in injury to the employment relationship, it may benefit consumers by protecting their employment security. Eliminating practices by which creditors evade procedural requirements would increase the fairness with which creditors treat consumers and may improve consumers' ability to defend themselves legally when creditors demand payment even though the consumer did not get what he or she paid for as a result of fraud or other seller non-performance.

An important qualitative benefit of any Final Rule may be fairer treatment of people suffering from financial difficulties. The proposed rule attempts to rectify practices that may result in some creditors unfairly threatening such individuals with the loss of their possessions and jobs and harassment of their friends and relatives.

Quantitative information relevant to an assessment of current injury to consumers is available for a number of provisions of the proposed rule. For example, evidence in the rulemaking record indicates that over 60,000 consumers have wage assignments filed with their employers each year. One source estimates that use or threatened use of wage assignments results in loss of employment up to 10 to 20 percent of the time, at least for low-income consumers. Next, the rulemaking record indicates that well over 10 million consumers are subject to contracts containing blanket security interests in household goods. Creditors may often make implicit or explicit threats to repossess when borrowers become seriously delinquent. The staff estimates, based on the rulemaking record, that creditors make such threats to repossess to at least several hundred thousand borrowers each year. Finally, over 750,000 automobiles are repossessed each year. In many cases where an auto is repossessed, it may be sold at less than its wholesale value and the consumer continues to owe the creditor money. Based on figures for the mid-1970s, the amount owed as a deficiency totals over $400 million. Although not all of this amount is attributable to sales below fair market value, the provision of the proposed rule relating to deficiency judgments, if adopted, may significantly reduce this total.

Summary of Costs

Sectors Affected: Consumer debtors; credit agencies other than banks, which are exempt from the FTC Act, particularly installment sales finance companies, and other establishments providing consumer credit; retail trade of consumer products; adjustment and collection agencies; and State governments that regulate consumer credit.

The cost to consumers of any rule may potentially take two forms: increases in the price of consumer credit (i.e., interest rate) and reductions in availability of credit to certain consumers.

The rulemaking record contains empirical economic evidence, based on data in States whose credit laws contain provisions similar to one or more provisions of the proposed rule. These economic studies and other information on the record provide an imprecise estimate of the effect a rule would have on the cost of credit, but suggest that adopting the rule in the form originally proposed by the Commission would cause a small increase in the interest rate on loans made by finance companies in States with no existing regulation.

For example, the primary econometric study prepared for the proceeding applied statistical techniques commonly

used by economists to data on individual loans from 30 States with varying credit laws. The estimates of the effect of the rule on the price of credit varied with the method of estimation. The estimates predicted an increase in the annual precentage rate ranging from 0.19 percentage points to 1.6 percentage points, compared to the average interest rate of 25 percent for loans in the sample. (The 0.19 percent measures the overall impact on the price of credit of demand and supply factors influencing the cost and availability of credit as implemented by the rule. The 1.6 percent, in contrast, measures only factors influencing the supply of credit. This estimate is based on loans made at or above the legal interest rate ceiling, where it is hypothesized that the demand for credit exceeds the available supply of credit.) However, these estimates should be viewed as "worst case" estimates. For example, the study measures the effect of a shift to the rule from a system where there is no regulation whatsoever. In fact, most States already restrict one or more of the creditor remedies covered by the rule, so the change created by the rule should be smaller than that measured by the study. The study does not directly address any possible impact on the availability of credit to certain consumers.

Testimony by State officials, some creditors, and others who have experience in States with laws similar to the proposed rule indicates that prohibitions on the covered creditors' remedies have not had significant impact on either the cost or availability of credit in these States. However, the Commission and its staff will analyze these economic data carefully before determining if the rule should be issued or what form it should take.

The main costs of creditors' compliance with any rule should be those associated with revising contract forms and instructional materials that they give their employees. They will have to perform these tasks only once. Since creditors can spread these costs over all subsequent transactions covered by the rule, costs should therefore be low on a per-transaction basis.

While the rule would restrain certain creditor remedies, the staff believes that such restraints would not prevent creditors from collecting debts. For example, the remedies rated as most valuable by creditors in surveys—self-help repossession (retaking of collateral without first going to court) and garnishment (creditor taking a proportion of a debtor's wages directly from the employer pursuant to a court order)—would not be affected by the rule. Moreover, the fact that most serious delinquency is unintentional may limit the economic importance of any collection remedy, particularly of pressure devices such as household goods security and third-party contacts.

The proposed rule would be likely to affect large and small creditors in similar ways. This proposal would affect finance companies more than other creditors because finance companies make greater use of the remedies covered by the rule.

The rule would not impose any requirements on State and local governments. However, several of the proposals concerning cosigners could preempt existing State laws.

Summary of Net Benefits

The empirical evidence contained in the rulemaking record suggests that adoption of this rule would have little or no impact on credit cost or credit availability. The econometric evidence reveals a possible increase of .19 percent in the mean annual percentage rate for consumer credit extended by finance companies, assuming a shift, as a result of the rule, from an environment of no regulation whatsoever to the format contemplated by the rule.

This reduced form estimate takes demand and supply changes into account. For this reason staff believes it is the best estimate of cost impact. However, most States regulate some of the practices addressed in the rule. This fact renders the likely impact of the rule smaller than that predicted by empirical studies, which only measured the difference between a non-regulated environment and the effects of a rule.

On the benefit side, millions of consumers are affected by the remedies addressed in the rule. Adoption of the rule may reduce the invasions of privacy and disruptions of employment caused by third-party contacts and wage assignments. It may reduce the emotional and economic harm caused by seizure of and threats to seize household necessities. It may reduce the deficiency owed by consumers in the more than 750,000 cases of auto repossession each year. It may save consumers the costs of pyramided late charges and automatically imposed attorney's fees. It may reduce the possibility of cosigners unexpectedly finding themselves responsible for debts, by insuring accurate information at the time a loan is guaranteed by a consumer. Finally, the rule may materially enhance the consumer's legal rights when a consumer fails to receive the goods or services contracted for by preventing evasion of due process via confessed judgments and threats to invoke onerous remedies.

Unlike the costs of the rule, these benefits cannot be quantified with precision because the precise impact of each remedy addressed in the rule varies in each individual case. Every consumer default involves a different income, cost, and benefit level, as well as different familial and employment circumstances.

One source of information as to net benefits is the experience of States such as Wisconsin, which has legislation more restrictive than that imposed by the rule. Wisconsin consumers are free of the remedies addressed in the Commission's proposed rule. The incidence of personal bankruptcy in the State is substantially below the national average. The cost of credit in the State is lower than prevailing rates in adjacent States that have not restricted these practices.

The incidence of personal bankruptcy is another indicator of the possible net benefits from this rule. The available data indicate that States that impose restrictions on harsh creditor remedies (for example, Texas, Iowa, Wisconsin, Connecticut, and Massachusetts) have a significantly lower incidence of personal bankruptcy than the Nation as a whole. A number of published studies indicate that this relationship holds even if differences between States in debt/income ratio, unemployment, and other factors are controlled for and suggest that the relationship between remedies (particularly garnishment) and bankruptcy may be causal (Apilado *et al.*, "Personal Bankruptcies," 7 *J. Legal Studies* 371 (1978); Shuchman and Jantscher, Effects of the Federal Minimum Exemption from Wage Garnishment on Nonbusiness Bankruptcy Rates," *Commercial Law Journal*, November 1972 at 360. See also Stanley and Girth, *Bankruptcy, Problems, Process, Reform* (Brookings Institution 1971) at 28–32, and consumer survey results recently presented to Congress by Andrew Brimmer and Robert Johnson). If the rule reduces the incidence of bankruptcy, the result may be beneficial to creditors as well as to consumers who otherwise would be subject to the costs associated with bankruptcy. Benefit to creditors may occur because, if use of a remedy by one creditor induces bankruptcy, all of the bankrupts' creditors may suffer losses. A relationship between remedies and bankruptcy therefore implies a possible external effect on other creditors from the use of remedies by any one creditor.

Thus, while there is no way to quantify the net benefits of this rule in dollars, the available empirical evidence affords the decisionmaker with a variety of different quantitative measures that suggest the nature and magnitude of such benefits.

Related Regulations and Actions

Internal: None.

External: If the Commission decides to adopt the proposed rule, the Federal Reserve Board is required by § 18 of the FTC Act to consider adopting a substantially similar rule for banks unless the Board determines that such acts or practices of banks are not unfair or deceptive or that implementation of similar regulations would seriously conflict with essential monetary and payment systems policies of the Board. The Federal Home Loan Bank Board is also required to consider a similar rule for savings and loan institutions.

Most States have laws similar to one or more provisions of the proposed rule. A small number of States—including Connecticut, Iowa, and Wisconsin—have laws similar to most provisions of the rule, though they differ in detail.

Government Collaboration

Federal, State, and local government agencies participated in the rulemaking proceeding. Representatives of over half the States testified at hearings, along with a number of local government officials. A member of the Federal Reserve Board staff also testified. The Commission received written comments from additional government agencies including, among others, the Department of Defense, the National Credit Union Administration, and several State and local agencies.

Timetable

NPRM—40 FR 16347, April 11, 1975.
Public Comment Period on NPRM—Closed.
Final Notice Concerning Proposed Trade Regulation Rule—42 FR 32259, June 24, 1977.
Final Staff Recommendations to Commission—February 1982.
Oral Presentation to Commission by Interested Parties—March 1982.
Commission Decision—April 1982.
Final Regulatory Analysis—If, and when, any Final Rule is issued.
Regulatory Flexibility Analysis—Not required.

Available Documents

Report of the Presiding Officer—August 1978.
Staff Report—August 1980.
Bureau of Economics Comments on Credit Practices Rule—August 1980.

Copies of these documents can be obtained from the Office of Legal and Public Records, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, DC.

All documents on the rulemaking record, including hearing transcripts, public comments, etc., are available for examination at the same address.

Agency Contact

David Williams, Program Advisor for Credit Practices
Division of Credit Practices
Bureau of Consumer Protection
Federal Trade Commission
Washington, DC 20580
(202) 724-1100

FTC

Proposed Trade Regulation Rule on Mobile Home Sales and Service (16 CFR Part 441; New)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. 45 and 57(a).

Reason for Including This Entry

Mobile homes are an important segment of the housing industry, with annual sales of approximately 275,000 units. The Federal Trade Commission (FTC) staff's recommended rule seeks to enhance warranty performance in the mobile home industry by establishing certain requirements and incentives designed to ensure that mobile home manufacturers fulfill warranty obligations. Therefore, the rule could have a significant impact on the mobile home segment of the housing market.

Statement of Problem

Most mobile home manufacturers offer a 1-year written warranty to cover defects in the materials and workmanship of the home. This warranty obligates them to repair defects. However, the FTC staff believes, on the basis of the rulemaking record developed, that some manufacturers and dealers have failed in a significant number of instances to provide adequate warranty service to the homeowner. (Data from surveys conducted in California and Ohio, for example, indicate that up to 80 percent of new mobile homes have defects and that 40 percent of mobile home owners who request service have not received adequate and timely service.)

The record indicates that many mobile homeowners discover defects in their new mobile homes, including water leaks, malfunctioning plumbing, buckled frames, and inoperative windows and doors. Such problems may have been caused by factory defects or improper transportation or installation of the mobile home. In some cases, severe problems—for example, lack of electricity and heat—may threaten the safety of the homeowner and make the mobile home uninhabitable. Nonetheless, when consumers seek warranty repairs, some manufacturers and dealers often refuse service or delay repairs beyond a reasonable time. In some instances, when manufacturers and dealers attempt repairs, they do not adequately remedy the problem.

These problems in providing adequate warranty service indicate that mobile home manufacturers and dealers may not have adequate service systems to properly perform their warranties. Their warranty systems appear to be deficient in several ways. First, although dealers perform much of the warranty work, the evidence indicates that many manufacturers fail to allocate clearly service responsibilities between themselves and their dealers. As a result, disputes between manufacturers and dealers can delay warranty service. Second, some manufacturers and dealers fail to have sufficient parts, service personnel, and equipment to fulfill consumer requests for repairs. Finally, some manufacturers do not properly monitor their dealers to determine if they have completed repairs. Because they do not have an adequate warranty performance system, some manufacturers and dealers are not able to provide prompt and adequate warranty repairs for mobile homeowners. In additon, disputes over the responsibility for defects caused by transportation and installation (set-up) of the home also impede and delay warranty repairs.

The Federal Trade Commission's investigation into warranty service problems in the mobile home industry initially led to consent orders against four major manufacturers in 1975. (A consent order is an agreement between the Commission and a company, in which the company agrees to change certain of its business practices. The agreement is not an admission of wrongdoing by the company.) Under the orders, the companies agreed to take specific steps to improve their warranty service programs. Shortly after the consent agreements were entered into, the Commission began this rulemaking proceeding because the investigation that led to the consent orders yielded evidence indicating that substantial numbers of mobile home purchasers receive inadequate warranty service

and that an industry-wide approach to this problem might be necessary.

After a period for submission of written public comments, 40 days of public hearings, and a period for submission of written rebuttal by rulemaking participants, the Commission staff issued a report on August 13, 1980 that summarized and analyzed the record evidence and recommended a rule concerning warranty practices in the mobile home industry. The version of the rule recommended by the FTC staff contains substantial modifications and deletions from the rule as originally proposed by the Commission (40 FR 23334, May 29, 1975). Differences between the version of the rule as originally proposed by the Commission and the version recommended by the staff are the result of the staff's analysis of the record supporting each individual provision of the rule and of the staff's effort to make the structure and language of the rule simpler and easier to understand. The recommended rule seeks to improve warranty service by setting time limits within which the warrantor must complete warranty repairs and by requiring manufacturers or their service agents to perform inspections of the home after delivery, at the homesite. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs. Under the rule, written warranties must include specific time deadlines for service; set-up and transportation damage cannot be excluded; and repairs cannot be contingent on return of the home to the factory or return of a registration card (some mobile home manufacturers have used clauses in their written warranties requiring that a registration card be returned to validate the warranty as a precondition to receiving free warranty service).

Alternatives Under Consideration

In contrast to the detailed requirements of the original proposed rule, the recommended rule sets general performance standards for warranty service and warranty service systems and omits many of the original provisions proposed in 1975. The use of performance standards should allow industry flexibility to develop its own specific systems and procedures. To illustrate this approach, the original proposal addressed alleged problems in the manufacturers' handling of consumer complaints by requiring (1) implementation of a specific system to process complaints; (2) designation of a corporate focal point to handle complaints, with responsibility vested in non-sales personnel; (3) recordkeeping; and (4) regular review and periodic reports on the effectiveness of complaint handling procedures. In contrast, the rule now recommended by staff only requires warrantors to resolve complaints in 30 days and to keep records concerning such complaints. Similarly, the 1975 proposal contained detailed requirements for the manufacturers' evaluation of prospective new dealers, including periodic visits to the dealers' sales lots. The staff has deleted these provisions from the recommended rule on the basis that the recommended service deadlines—as well as Federal warranty law, which places ultimate responsibility for warranty performance on the manufacturer that offers a written warranty—provide sufficient incentives for manufacturers to develop their own cost-effective evaluation mechanisms.

The Commission and the staff will further evaluate the need for each of the provisions of the recommended rule based on a review of the written comments that have been received from the public on the staff report. While the staff has designed the provisions of the recommended rule as performance standards for warranty service and service systems, the Commission and staff must still resolve the appropriate degree of flexibility for any rule provision the Commission decides to adopt. For instance, the recommended rule sets specific time deadlines for warranty repairs. These deadlines are consistent with some present industry policies and some State laws. A possible alternative would be to allow individual manufacturers and dealers to set their own deadlines, so long as they were disclosed in their warranties.

The recommended rule sets out eight issues (e.g., specific time deadlines for repairs, inspections) that must be addressed in the written service agreement between the manufacturer and dealer. If any Final Rule that is promulgated retains specific deadlines and related requirements, the written agreement may not need to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

The Commission and staff also will consider whether or not it is necessary to mandate an inspection by the warrantor or his agent after delivery of the home at the owner's site. Some industry members consider such an inspection to be a beneficial procedure, and at present about half of all new mobile homes are inspected after delivery at the homesite by manufacturers or their agents. Given these facts and that other provisions of the rule create strong incentives for timely warranty service, many manufacturers may independently decide to perform inspections.

The recommended rule requires warrantors to assume responsibility for set-up and transportation damage. While this requirement should eliminate manufacturer-dealer disputes as to the cause and responsibility for defects, the Commission and staff will consider further whether ultimate liability for such defects should be imposed on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. The questionnaire is designed to provide a low-cost means of monitoring dealer service. Because the questionnaire will also enable consumers to list in one place all remaining defects at a specified time, service costs thereby could be lessened to the extent that the number of service calls decreases. Since the recommended rule would require manufacturers to monitor warranty repairs, and alternative may be to have manufacturers select their own monitoring devices, rather than require the use of a questionnaire.

Summary of Benefits

Sectors Affected: Purchasers of mobile homes; mobile home dealers; and mobile home manufacturers.

By ensuring that manufacturers meet warranty obligations, the recommended rule may heighten industry competition by removing unjustified advantages that may be enjoyed by companies that appear to offer warranty coverage but breach their warranties. It would allow reputable manufacturers to communicate the effectiveness of their warranty repair program through written warranties and would permit consumers to evaluate competing warranty claims when making their decision to select a particular brand.

Owners of new mobile homes may receive more prompt and adequate warranty service. Evidence on the rulemaking record indicates that a significant number of mobile home purchasers who request warranty service have not been successful in

obtaining adequate repairs. Thus, these consumers either have to pay for some repairs themselves or suffer the inconvenience of defective homes. Improved warranty service may reduce these problems. Moreover, consumers may benefit from inspections that provide early detection and repair of problems. Because many defects can lead to more serious structural damage if not promptly repaired, the recommended rule may also prolong the useful life of mobile homes and, thus, increase their resale value. This, in turn, may lead to more favorable financing terms for purchasers of mobile homes and may make mobile homes a more attractive investment.

The recommended rule may also encourage warrantors to reduce customer claims by voluntarily correcting the underlying causes of defects. For example, manufacturers may find it less costly to comply if they build better homes that require less warranty service, thereby providing a clear benefit to consumers, as well as to dealers, who may be responsible for performing repairs.

Summary of Costs

Sectors Affected: Mobile home manufacturers and dealers, particularly firms not presently providing adequate warranty service.

The proposed rule would affect the business practices of some 200 mobile home manufacturers (Standard Industrial Classification 2451) and approximately 12,000 mobile home dealers.

The recommended rule would affect most heavily those firms that do not presently provide adequate warranty service. For such companies, staff estimates that the total cost to comply with the rule recommended in the staff report would be a maximum of $145 per home in 1981 dollars. (All estimates are derived from evidence on the rulemaking record, and have been adjusted for inflation based upon relevant component series of the Consumer Price Index.) This figure represents roughly 1 percent of the average wholesale price of a new home. Other companies would experience lower compliance costs. These projections are based in part upon an analysis of records submitted in 1977 by the four mobile home manufacturers that are operating under consent orders. These estimates of compliance costs are based on the terms of the recommended rule and may change significantly if it is modified.

Industry compliance costs fall into one of three categories: (1) administrative and other overhead costs, (2) inspections, and (3) additional repairs to mobile homes. Many of the provisions of the original proposed rule that imposed purely administrative costs have been eliminated. Staff estimates that administrative costs for the recommended rule will represent a maximum per-home cost increase of about $6 to $12 for large manufacturers, $15 for medium-sized producers, and $30 for small firms, assuming that no corporate officials now work on warranty matters. Since most companies currently assign at least some corporate personnel to their warranty programs, the net cost increase may be below these estimates.

Manufacturers would also incur other overhead costs through compliance with the service agreement and questionnaire provisions of the recommended rule.The administrative cost to manufacturers of entering into written agreements should be concentrated in the first year of compliance and therefore should have minimal effect on prices in the long run. For the most part, the long-term impact will depend on the frequency with which manufacturers affiliate with new dealers. Responses from the companies currently under Commission order indicate that legal costs for drafting the written service contracts should not exceed about $2 per home for the medium-sized manufacturer. Staff estimates that such costs would be less than $1 for large manufacturers and should not exceed $6 for small companies. Based upon the experience of the consent order companies, the required consumer questionnaires should cost no more than $6 per home to print, distribute, and tabulate. Adding this figure to the other costs brings the total administrative and overhead compliance costs of the recommended rule to a maximum of $42 per home for small firms, $24 for medium firms, and $19 for large firms.

Staff's analysis of data from the companies under the consent orders indicates that each of the required inspections of mobile homes after delivery at the homesite costs these manufacturers about $60. Since half of all new mobile homes are already inspected, total industry compliance costs should not exceed $30 per unit. These estimates include reimbursements to dealers for travel and all inspection expenses. Furthermore, because the total number of inspections will depend directly upon the number of homes sold, large and small manufacturers will spend approximately the same amount per home to meet the inspection requirements of the proposed rule.

It is difficult to estimate the magnitude of increases in warranty costs related to repairs or general increases in warranty expenditures resulting from more diligent attention to customer complaints, as the recommeded rule presumably could motivate producers to lower the incidence of defective homes. While quality control improvements are part of the cost of compliance, they should be no greater than the costs of additional warranty service. Specifically, manufacturers can be expected to introduce quality control improvements whenever the cost is justified by expected future savings in warranty expenditures. In addition, an inspection after delivery and set up at the consumer's homesite should permit dealers to spot and correct installation problems before costly structural problems result and could therefore reduce overall warranty service expenditures.

Staff estimates that additional expenditures for each different size of manufacturer for the warranty service under the recommended rule should be approximately $0 to $90 per home, depending on the present level of service provided. Companies that already meet the recommended requirements should experience no additional costs. Firms on the other end of the service and quality spectrum could expect to incur substantial costs, perhaps greater than the $90 estimate. However, if industry service costs increase more than $90 per home, it will be because staff has underestimated the seriousness of current warranty problems and thus the benefits to be achieved by strengthening warranty performance. Thus, staff estimates that total compliance costs for administration, overhead, inspection, and service should not exceed $145 per home for medium-sized firms. Comparable maximums for large firms would be $139 per unit and $163 for small firms. These costs should not have an unfair impact on small manufacturers, since most of the cost (direct warranty service) will vary by the number of homes sold. Manufacturers would probably attempt to increase prices by an equivalent amount, though competitive pressures from firms with more effective warranty systems and lower compliance costs might prevent a full cost pass-through to consumers.

Staff believes that the recommended rule should not alter the competitive structure of the industry significantly. The rule could encourage manufacturers to integrate vertically into retailing or

enter into exclusive franchising agreements with dealers. Moreover, even the largest manufacturers would probably find the capital costs of establishing a large network of company-owned retail outlets to be prohibitive. The record also suggests that dealers would not find exclusive franchises (representing one manufacturer) as profitable as their present practice of representing four to five manufacturers. Since consumers generally do not select mobile homes on the basis of brand reputation, dealers currently compete for sales by offering the widest possible selection of homes in varying price ranges, sizes, and floor plans. Exclusive dealing would generally limit the variety of homes that dealers could offer without giving them any compensating benefits.

Summary of Net Benefits

The rulemaking staff estimates that the total compliance costs of the recommended rule will be no greater than $139 per mobile home for large firms, $145 per mobile home for medium-sized firms, and $163 per mobile home for small firms. Since about 80 percent of all mobile homes are sold by companies that manufacture 1,000 units or more annually, unit cost increases for most homes should not exceed the $145 per home estimate applicable to medium-sized firms. In return for the projected increase in purchase price, the rule would tend to spread the risk of defect-related repair costs among all mobile home purchasers. Staff estimates that slightly over 20 percent of new buyers would save about $242 on repairs that manufacturers or dealers previously would have refused or otherwise failed to service under warranty. This figure understates true benefits, however, since owners would be spared unquantifiable but nonetheless real costs in frustration and wasted effort. An additional 15 percent of buyers would have service expedited by an average of about 4 months. While it is again difficult to assign a dollar value to this improved service, staff believes that benefits would be substantial, since many service delays involve serious problems that consumers are presumably anxious to have corrected promptly.

It is possible that the risk-sharing benefits discussed above could largely offset total compliance costs. In addition, the recommended rule could lower manufacturing and set-up defect rates. By assigning ultimate responsibility for set-up defects to manufacturers, the rule is designed to motivate companies to monitor dealer performance more closely and help ensure that the useful life of homes will not be shortened by structural deterioration caused by improper installation and leveling. Consumers may also benefit from stricter quality control at the factory. (While it is true that any such quality control and dealer monitoring functions would impose costs not included explicitly in the $145 compliance cost estimate, these efforts would be undertaken only if they at least paid for themselves in reduced warranty outlays. Thus, $145 is a valid upper-limit estimate of combined warranty, quality control, and monitoring costs.) Improvements in product quality or warranty service could also encourage lending institutions to offer more attractive credit terms to mobile home purchasers, reducing the total costs of installment purchases. Finally, industry compliance with the recommended rule's performance standards may allow consumers to comparison shop more easily for mobile homes by using written warranties as an indicator of the relative quality of competing homes.

The provisions to be included in a Final Rule are still being evaluated by the staff and the Commission; therefore, the costs and benefits of the Final Rule, if one is adopted, may differ from those of the recommended rule. If the Final Rule does not include an inspection requirement, compliance costs may be reduced to no more than $115 per mobile home, in staff's estimate. However, without the inspection provision there might be a diminished likelihood of prompt discovery and correction of defects that, if left unchecked, can produce substantial harm to mobile homes and their contents and may contribute to accelerated deterioration and depreciation of mobile homes. Similarly, if the Final Rule does not require specific deadlines for completion of service, this may reduce compliance costs to $109 per mobile home. However, approximately 15 percent of mobile home purchasers who currently receive delayed service would still not receive timely service. If the Final Rule does not include a provision prohibiting exclusion of set-up and transportation from the coverage of written warranties, staff estimates that the costs would not be significantly different from those of the recommended rule. However, without such a provision these costs may be imposed upon consumers, as is generally the case now, rather than manufacturers. Shifting these costs to manufacturers may represent a more efficient allocation of cost because they may be able to reduce those costs by means of improvements in design and quality control and through closer monitoring of dealers. The decrease in the benefits of a rule without the set-up provision may be substantial for those consumers for whom service is refused, delayed, or inadequately performed due to disputes between manufacturers and dealers over the cause of and responsibility for defects. Evidence in the record indicates that there are substantial numbers of such consumers.

Related Regulations and Actions

Internal: Commission consent orders presently require four mobile home companies to establish effective warranty performance systems. The Commission has also brought other cases against mobile home companies allegedly in violation of the warranty disclosure and labeling requirements of the Magnuson-Moss Act, § 101 *et seq.*, 15 U.S.C. 2301 *et seq.*

External: The Department of Housing and Urban Development regulates the production of mobile homes at the factory under the National Mobile Home Construction and Safety Standards Act of 1974, Title VI, 42 U.S.C. 5401 *et seq.*

Seventeen States require warranties in the sale of new mobile homes. A number of States license and bond mobile home dealers and manufacturers.

Government Collaboration

The Department of Housing and Urban Development, Small Business Administration, and representatives from eleven State attorney general offices testified at the rulemaking hearings. Other Federal and State officials submitted written comments on the proposed rule.

Timetable

NPRM—40 FR 23334, May 29, 1975.
Public Comment Period on NPRM—May 29, 1975 through September 7, 1977.
Final NPRM—42 FR 26396, May 23, 1977.
Public Comment Period on Final NPRM—May 23, 1977 through September 7, 1977.
Public Hearings—October 11, 1977 through November 2, 1977, in San Francisco; December 5–23, 1977, January 1 and 31, 1978, and June 9, 1978, in Washington, DC.
Final Staff Recommendations—April 1982.
Oral Presentation Before the Commission by Interested Parties—May 1982.
Commission Consideration and Decision—June 1982.
Final Regulatory Analysis—If, and when, any Final Rule is issued.

Regulatory Flexibility Analysis—Not required.

Available Documents

Presiding Officer's Report—45 FR 53538, September 11, 1979.

Final Staff Report (including a cost-benefit analysis)—45 FR 53839, August 13, 1980.

The record of this proceeding, including comments to the NPRMs and post-record comments on the Presiding Officer's and Staff Reports, is publicly available at the Office of Legal and Public Records Section, Room 130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580.

Agency Contact

Eloise Gore or Allen Hile, Attorneys
Bureau of Consumer Protection
Federal Trade Commission
Sixth Street and Pennsylvania Avenue, N.W.
Washington, DC 20580
(202) 523-3500

FTC

Review of Premerger Notification Rules and Report Form (16 CFR Parts 801-803 and Appendix; Revision)

Legal Authority

Clayton Act, § 7A, 15 U.S.C. 18a.

Reason for Including This Entry

The premerger notification rules appear on the August 12, 1981 list of the Presidential Task Force on Regulatory Relief (the Task Force) citing paperwork requirements for agencies to review.

Statement of Problem

Section 7A of the Clayton Act (the Act) requires large firms contemplating substantial mergers or acquisitions to notify the Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice (DOJ) and to wait a specified period before consummating the transaction. The Act also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust (the AAG), to promulgate rules requiring that the notification be in a form and contain the information about a proposed acquisition necessary to enable the FTC and DOJ to determine whether the acquisition may, if consummated, violate the antitrust laws. Accordingly, the FTC, with the concurrence of the AAG, promulgated the premerger notification rules (the Rules) (16 CFR Parts 801-803) and the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions (the Form) (16 CFR Part 803-Appendix).

The Rules closely track the provisions of the Act. A transaction involving one party with annual net sales or total assets of $100 million or more and another party with sales or assets of $10 million or more must be reported by the parties to the antitrust enforcement agencies (FTC and DOJ) if the transaction itself meets a minimum size requirement. Generally, a transaction must be valued at $15 million or more or involve the acquisition of at least 50 percent of the voting securities of a company with sales or assets in excess of $25 million. Specific classes of transactions—for example, acquisitions of goods or realty in the ordinary course of business, acquisitions of non-voting securities; acquisitions solely for purposes of investment, and certain acquisitions requiring approval of other government agencies—are either completely or conditionally exempt from reporting requirements under the Act.

The Form requires the filing persons to identify themselves and provide information about the transaction. Acquiring persons supply dollar revenues for 1977 by industry and by manufactured product and dollar revenues for the most recent year by industry and by product class. Acquired persons give this information only for the assets or entities to be acquired. Filing persons must identify persons holding more than 5 percent of their stock and their holdings in other issuers. When a filing person believes that it is engaged in a business in which another party to the acquisition is also engaged, it must give information about the geographic area in which it conducts that business, and, if it is an acquiring person, information about previous acquisitions it has made of other firms that also were engaged in that business. The parties must also describe any significant vendor-vendee relationship that existed between them in the most recent year. Finally, the Form requests the submission of certain documents filed with the Securities and Exchange Commission, the most recent annual financial reports, and any reports analyzing the effects on competition of the proposed acquisition.

The Form is designed to require only information that is necessary for the FTC and DOJ to carry out the preliminary antitrust analysis required by the Act, through the least burdensome means available. To reduce the burden on individual firms, the Form is designed to take advantage of information that most filing companies have already compiled for other purposes.

The FTC's review of the premerger notification program focuses on two questions about reducing the paperwork burden imposed on the business community.

First, can the number of transactions affected by the program be reduced? The Task Force has observed that only a small number of the transactions reported result in preliminary injunction actions brought by the FTC or DOJ. It is useful to ask whether there are ways the FTC can exempt more transactions from the program, thereby reducing the paperwork burden on business, while maintaining the program's efficacy as an antitrust enforcement tool. At the same time, it should be noted that the premerger notification program has other values to the public beyond permitting the antitrust agencies to seek preliminary injunctions when necessary, including deterrence of anticompetitive acquisitions and early notice to the FTC and DOJ about possible violations of the antitrust laws. The frequency with which the FTC or DOJ must use the courts to prevent anticompetitive transactions may not be a definitive measure of the appropriate coverage of a law enforcement screening program.

The second question focuses on another way of reducing the program's paperwork burden: can the quantity of information that parties to a transaction are required to submit be reduced? Some of the reports filed with the FTC and the AAG are very bulky, containing copies of numerous or lengthy documents. Some of the information in each of the documents is likely to be irrelevant to an antitrust review of the proposed transaction. At the same time, the great bulk of most filings is composed of copies of documents prepared by the filing persons for other purposes. If the Form required more focused information, the filings might be shorter; yet such a requirement could impose on the parties a greater burden than merely copying existing documents. However, after 3 years of experience with the premerger notification program, it is appropriate to reassess the value for antitrust enforcement purposes of each item of information required by the Form to see whether the paperwork burden imposed on the business community can be reduced.

Alternatives Under Consideration

The FTC staff is considering several approaches to reducing both the coverage of the premerger notification program and the quantity of information that reporting persons must supply. The Act authorizes the FTC to exempt from coverage of the Act only those

categories of transactions that are unlikely to result in antitrust violations. Similarly, the Act requires that the Form include all information necessary to determine whether the acquisition may violate the antitrust laws. As a basis for evaluating a number of rulemaking options, the staff is now conducting a statistical analysis of filings received in the most recent year. This analysis is designed to identify categories of acquisitions that have not posed antitrust problems. It will also help to determine what information required by the Form has not proved useful.

On the basis of this analysis, the FTC will consider changes to the current rules, which would do some of the following:

- raise the size criteria to be met by companies involved in a transaction before that transaction must be reported,
- raise the size criterion that identifies which acquisitions must be reported,
- eliminate from reporting and waiting-period requirements classes of transactions in certain industries that are not likely to result in antitrust violations,
- eliminate some items from the Form, and/or
- change the instructions on the Form to require responses to some questions only in certain identifiable classes of transactions.

Summary of Benefits

Sectors Affected: Business entities with total assets or annual net sales of at least $10 million involved in acquisitions valued at $15 million or more.

Companies currently required to report acquisitions that are unlikely to result in antitrust violations will be relieved of the reporting and waiting period requirements of the Act to the extent that the coverage of the Rules is reduced. The FTC estimates that, on the average, it takes filing persons 50 hours to complete a premerger notification filing, although this figure varies widely depending on the transaction and the companies involved.

Companies still subject to the reporting requirements of the Act will expend less time and money preparing the Form when items calling for unnecessary information are eliminated. The savings associated with these changes will depend on the items eliminated, the transaction, and the companies.

Summary of Costs

Sectors Affected: The general public and customers and competitors of business entities involved in undetected anticompetitive transactions.

The Congress enacted the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to improve the effectiveness of antitrust enforcement. Before the current premerger requirements became effective, the antitrust enforcement agencies often lacked the necessary information and sufficient time to obtain an adequate remedy for an illegal acquisition. The Hart-Scott-Rodino reporting and waiting period requirements were intended to address certain recurring problems in antitrust enforcement—in particular, to prevent companies from engaging in protracted litigation subsequent to an illegal acquisition. In many instances, by the time such an acquisition was determined to be illegal the acquired company had been so altered—or so thoroughly integrated into the acquiring firm—that there was no way to "unscramble the eggs" and restore a viable competitor to the market.

Competitors of companies engaged in undetected anticompetitive transactions may be subject to unfair competition, may be unable to offer their customers prices and services determined by a freely competitive market, and may lose business. Customers of all firms in the affected industry may lose the choices and fair prices assured by a competitive market.

The limitations imposed by the Act on the kind of exemptions that the FTC may propose and on the kind of information that the Form must contain will assure that these costs remain small.

Summary of Net Benefits

The FTC will base any reduction in the coverage or information requirements of the Rules on the statistical analysis of previous filings. Changes will be made only if past experience supports the conclusion that the type of transaction is unlikely to violate the antitrust laws or that the information is unnecessary to an antitrust analysis of the transaction. Therefore, the FTC expects the benefit of any reduction in reporting costs to exceed any cost to the public from a reduction in reporting of antitrust violations.

Related Regulations and Actions

Internal: On July 29, 1981, the Commission published for comment a Notice of Proposed Rulemaking that would, among other things, exempt certain transactions that are reviewed by Federal regulatory agencies from the premerger reporting requirements. In addition, certain information currently required by the Form would be eliminated. A final recommendation will be made to the Commission by the end of December.

External: None.

Government Collaboration

The Antitrust Division of the Department of Justice is also reviewing the premerger notification rules and the Form. The FTC and the Antitrust Division will coordinate their activities in this area.

Timetable

Preliminary Analysis and Report to Commission—January 1982.
Publication of Results and Request for Public Comment—March 1982.
Public Conference (if determined useful by the Commission)—July 1982.
Recommendation to the Commission for Rules Changes—September 1982.
NPRM—To be determined.
Public Comment Period—To be determined.
Final Rule—To be determined.
Regulatory Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

None.

Agency Contact

Roberta Baruch, Acting Deputy Assistant Director for Evaluation and Premerger Notification
Bureau of Competition
Federal Trade Commission
Washington, DC 20580
(202) 523–3894

FTC

Revision to Trade Regulation Rule Pertaining to Proprietary Vocational and Home Study Schools (16 CFR 438; Revision)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. 45 and 57(a).

Reason for Including This Entry

This rule could cause significant changes in the way proprietary vocational and home study schools conduct their business.

Statement of Problem

In 1976 the Federal Trade Commission promulgated a trade regulation rule in response to problems that the Commission determined to be prevalent

within the proprietary (private, non-profit) vocational schools industry (43 FR 60796, December 28, 1978). These problems included use of high pressure sales tactics, misrepresentations about the employment opportunities for particular skills, and misrepresentations concerning the ability of students to complete a course of study successfully. The Commission adopted several remedies designed to correct the perceived problems. It was the Commission's intention that the remedies be primarily self-enforcing, i.e., they provide students with rights to obtain information about dropout and graduation rates; rights to cancel a contract without penalty during an initial "cooling-off period;" and rights to refunds pro-rated on a class-by-class or lesson-by-lesson basis if students left a course after the cooling off period.

In 1979 the Second Circuit Court of Appeals remanded the rule to the Commission for further consideration of certain provisions it found objectionable. The Court remanded it to the Commission citing the Commission's failure to define unfair and deceptive practices with specificity in the rule and disagreeing substantively with certain remedial requirements of the rule. The Court upheld other remedies—cooling-off and dropout disclosures (*Katharine Gibbs School, Inc.* v. *FTC*, 612 F.2d 658 (2d Cir. 1979)). The Commission's rulemaking staff has initially recommended that the Commission reissue the rule, revised to conform to the Court's opinion. Industry representatives have moved that the Commission abandon the rulemaking. The Commission will soon consider the staff's initial recommendations, additional revisions the staff is preparing, and the motions of the industry.

There are about 6,000 schools in the proprietary vocational school industry. Approximately 100 of these are home study schools, i.e., they provide vocational training through the mail. The remaining schools provide classroom instruction. Courses offered by both types of schools cover a wide range of occupational skills, including secretarial skills, computer operations, truck driving, television repair, and cosmetology.

The rulemaking record contains evidence and testimony presented at public hearings in six different cities and written comments from over 900 interested parties. The record includes extensive evidence of practices that some schools have used in order to persuade students to purchase their courses. Such practices include: misrepresenting employment opportunities or demand for particular skills; misrepresenting the content of courses or the school's facilities; and using duress, harassment, or techniques designed to evoke shame or humiliation to secure enrollments. In the Statement of Basis and Purpose accompanying the original rule, the Commission concluded that it was extraordinarily difficult if not impossible to make a precise quantitative assessment of the frequency of the problems. Nevertheless, the Commission found and the Court of Appeals agreed that the record established that large, if not precisely ascertainable, numbers of students are affected by these practices, and this number represents a significant number of all enrollments in proprietary vocational courses.

The staff believes that these problems arise from two interrelated factors. The lack of readily available information by which a potential student can assess the quality and suitability of a particular course of study is one factor. Record evidence indicates that objective evidence of a school's quality is not always available, and if schools use such data, it may be unreliable or incomplete.

The widespread availability of Federal loan and grant money for tuition is the other factor. The Guaranteed Student Loan Program, Basic Educational Opportunity Grants (Pell Grants), and veterans' benefits provide needed educational opportunities for millions of students. They also unintentionally facilitate many of the sales practices described above by reducing consumers' incentives to demand reliable evidence of high-quality education before enrolling in a course and distorting incentives for schools to maintain the cancellation and refund structures that unsubsidized students would choose. For example, proprietary schools received approximately 30 percent of the $2 billion in Guaranteed Student Loans that was dispensed in 1972 and a commensurate portion of GI benefits for the same year. This infusion of Federal money facilitates the indiscriminate enrollment of students who may not complete their courses and find employment. Evidence in the rulemaking record indicates the average dropout rate for all kinds of proprietary vocational schools may be as high as 70 percent. This phenomenon of high dropout rates and low placement percentages may reflect distortions created by Federal funding.

Demographic studies in the record describe the typical consumer of vocational training as young, inexperienced, and underemployed or unemployed. These persons seek job skills in order to elevate their economic station. Without access to dependable information, the potential student cannot easily distinguish the promotional appeals of a good school from those of a poor one. The unethical or poor-quality school may use misleading or incomplete advertising and promotional literature to bring potential students to the school. Deceptions, distortions, and high pressure during an oral sales presentation may then be used to induce potential students to make ill-advised enrollment decisions. Incentives that the schools use to motivate sales personnel do not usually encourage screening for properly qualified and motivated students. Students may begin to discover that the course has been misrepresented to them or that the training is unsuitable only after they are financially obligated. Many students may not discover inadequate training until they complete the course and find the job market still closed to them. Staff believes that a significant percentage of graduates of proprietary vocational schools are unable to obtain employment in the field of their training. Studies in the record indicate that, overall, fewer than half of the graduates of proprietary schools get related jobs.

Vocational schools have been a frequent subject for Commission attention. Under authority of § 5 of the Federal Trade Commission Act, the Commission has issued more than 100 administrative orders against individual schools to cease and desist unfair and deceptive sales practices of the kind described earlier in this entry. In spite of this unusually high level of enforcement effort, problems continued. The rulemaking staff believes that without industry-wide action, a significant segment of the vocational school industry may continue to perform poorly. The result may be that many consumers of vocational eduction will remain unemployed or underemployed, unwilling or unable to make further attempts to obtain entry-level job skills. A byproduct of this may be a continued high default rate in government-insured educational loans and resulting losses in Federal revenues.

Alternatives Under Consideration

The principal components of rule alternatives that the staff will ask the Commission to consider are:

- Requirements that schools disclose to potential students information such as dropout rates and placement rates.

• An initial "cooling-off period" to allow potential students time to consider informational disclosures and to allow opportunity for reflection away from pressure sales tactics.

• A post-cooling-off cancellation right based on time the student spends in the course.

The rule that the Commission issued on December 13, 1978 (43 FR 60796) contained all of these components. It required a 14-day initial cooling-off period, during which a student could cancel and obtain a full tuition refund, and also required schools to use a strict pro rata calculation (less an initial registration fee) for determining the financial obligation of a student who cancelled after the cooling-off period. That version of the rule also required that schools disclose to prospective students their dropout and graduation rate for the course. If the schools made job or earnings claims about a course, these would trigger the requirement to disclose to prospective students the placement rate for persons who completed the course. Following publication of the Final Rule, several schools and associations sought judicial review of the rule.

The Second Circuit Court of Appeals remanded the rule to the Commission, citing procedural and substantive error that it found in the rule. The Court held that, procedurally, the Commission had failed to define specifically in the rule the unfair and deceptive acts or practices the rule was designed to prevent, as § 18 of the Federal Trade Commission Act requires. Substantively, the Court said, the mandated format for making placement rate disclosures was too restrictive because it did not allow schools to explain about graduates who did not look for jobs or those who did not respond to the school's survey. The Court also concluded that there was "no rational connection between the Commission's universally applicable refund requirements and the prevention of specifically described unfair and deceptive enrollment practices." As previously noted, the Court upheld provisions of the rule requiring disclosure of dropout rates and an initial cooling-off period.

In responding to the Court, the rulemaking staff has considered four alternatives. The first alternative is to retain a mandatory strictly prorated refund calculation in the rule; to define the unfair or deceptive acts and practices in the rule; and to allow schools to explain, in the context of the triggered placement rate disclosure, how many students did not respond to the school's inquiries and how many did not look for jobs. This approach retains the mandatory strict pro rata calculation and assumes that the Court's only problem with the strict pro rata requirement was the absence from the rule of the list of specifically defined unfair or deceptive acts or practices that the Court may have deemed necessary to demonstrate the rational connection between remedies and abuses. This was the alternative published in the Federal Register on July 10, 1981 (46 FR 35668) in order to stimulate discussions between the staff and interested parties about the recommended rule revisions. This approach retains the primary remedy of the original rule—strictly prorated refunds—which the Commission then believed to be the best means for creating economic incentives for avoiding the problems in the industry. However, this alternative continues to apply the requirement to the entire universe of proprietary vocational programs and does not distinguish between cancellations for different reasons, including those related to the prohibited practices and those that occur for other reasons.

The second alternative would be to seek to reduce the costs imposed upon all schools by abandoning a strict pro rata formula. There would be a less stringent refund calculation wherein, instead of calculating refunds on a strict class-by-class or lesson-by-lesson basis, the refund due to a canceling student would decline at fixed increments according to the time the student had spent in the course (a 95 percent refund if cancellation occurs at any time during the first 5 percent of the course, 90 percent at any time during the next 5 percent, etc.). This could be further modified by cutting off the right to a refund at some point short of 100 percent. This approach would reduce the costs imposed on all schools. Like the strict pro rata formula, students' refunds would be commensurate with time spent in the course and, provided that the increments were small and frequently spaced, would not impose an unduly harsh penalty on the student who cancels. However, this approach continues to treat all cancellations alike, regardless of cause.

A third alternative would be to eliminate any post-cooling-off refund requirement and to limit the rule to the pre-purchase remedies of cooling-off and "track record" disclosures. However, some schools might find it more costly and burdensome to provide these disclosures than to comply with a refund requirement.

The fourth alternative under consideration by the staff would give schools the option to choose between either mandated dropout and placement rate disclosures or a strict pro rata refund formula. With either option, schools would have to provide the mandatory cooling-off period. Under this approach, schools could avoid the requirement to use the strict pro rata standard, but if they did, they would no longer have discretion to avoid making placement rate disclosures. Students would be assured of receiving either the most important indicator of a school's ability to deliver a valuable service, i.e., the consumers' record of finding target employment or the means of extracting themselves from a poor enrollment choice without incurring a large financial loss. This approach would give schools more flexibility by allowing them the choice of providing either the enhanced informational remedy as described above or a strict pro rata remedy, but it would not require both. However, neither the informational remedy nor the refund remedy directly addresses all of the objectionable practices that schools have used in the past. For example, a failure to deliver the services as represented during the enrollment process may not be cured by a placement disclosure alone. Also a misrepresentation of the school's ability to place a student after graduation would not be fully corrected by a pro rata refund remedy that expires before the student can actually test out the job market.

Two other alternatives that the Commission may wish to consider as substitutes for rulemaking are case-by-case enforcement, supplemented by industry guides and enforcement policy statements, and intervention before other Federal and State agencies having jurisdiction over proprietary vocational schools.

Summary of Benefits

Sectors Affected: Proprietary vocational education.

Although they operate differently, each alternative under consideration is intended to make it easier or less costly for students to obtain and act on reliable information about vocational school courses. Consumers' enhanced abilities to respond to the true qualities of courses may provide schools with strengthened incentives to compete for students on the basis of quality rather than by using methods (such as exaggerated claims) that are only successful when consumers are poorly informed.

The rule alternatives will produce benefits to the extent that they enable students to avoid expenditures on inappropriate courses or increase the effectiveness of the vocational school

industry in training and placing people in productive jobs. Even if schools fail to respond to the incentives provided by a rule, students may benefit by having better information about course quality and by having more rights to retrieve misspent tuition.

Cooling-Off Period and Disclosure of Graduation and Placement Rates

A 14-day cooling-off period within which to cancel the contract and receive a full refund gives the student time to reconsider his purchase decision in light of graduation and placement rate information provided by the school and any other information that may be acquired during this period. If the student decides that his or her enrollment decision was inappropriate, he or she can reverse the decision.

The effectiveness of such a remedy depends on (a) how well the graduation and placement statistics reflect the current effectiveness of the school's screening, counseling, and course instruction; and (b) the ability of students properly to interpret and act on the information made available to them during the cooling-off period. Making inferences from these statistics about school quality may be difficult for students if they have only facts pertaining to the one course being considered. Many students might not get this information from several schools before making a decision. In spite of this difficulty, many students may find it easier with the disclosures to avoid a school with an extremely poor record.

The availability of the disclosure information makes possible the accumulation and sale of this information by a third party in guidebook form to vocational students and its use by high school vocational counselors. Purchase of this type of consolidated graduation and job placement information might be valuable to prospective students by allowing them to make comparisons among schools before enrolling.

Mandatory Refund Formula

An important way of discovering the quality and suitability of a vocational training course is through enrollment and participation in the course. However, this method may be too costly to be effective if students who cancel their enrollment early are required to pay a very large portion of the full tuition. Such a refund policy tends to lock in those students who make inappropriate choices and, in so doing, it may reduce the normal market incentives that schools might otherwise have to screen students and to maintain high quality instruction. Instead, it may give schools incentives to switch resources away from instruction and into sales efforts, if high enrollment yields the higher payoff.

Therefore, a mandatory refund policy that is nearer to a pro rata refund formula may provide benefits in the form of improved instruction and screening adopted by schools. The school would have a greater incentive to convince enrolled students not to exercise their strengthened refund rights. Additional benefits under a mandatory refund formula may result if the schools have a greater incentive to start students in courses they are likely to complete.

The effectiveness of a mandatory formula depends on the student's ability to perceive the quality and usefulness of course instruction. Some schools, even under a pro rata refund formula, should be able to satisfy some students with instruction that does not advance them toward their goals. However, it may be difficult to mislead a large number of students in this way, and since any deception may be just as difficult as (and less profitable than) appropriate high quality instruction, schools may not maintain such a strategy.

Case-by-Case Enforcement Supplemented by Industry Guides and Enforcement Policy Statements

This case-by-case approach is likely to yield many of the same types of benefits as each of the proposed rules. However, it may generate significantly less graduation and job placement information and, as indicated in the Summary of Costs, may produce smaller benefits than one of the rule alternatives for the same level of enforcement effort.

Summary of Costs

Sectors Affected: Proprietary vocational schools; post-secondary vocational schools; and Federal and State enforcement agencies.

The cooling-off, disclosure, and refund components of the four rule variations under consideration would affect differently schools now performing poorly and schools now performing well. Schools would become less profitable if they used high-pressure sales tactics, misrepresented their educational services, or failed to screen prospective students. Similarly, schools that remain ineffective in maintaining student interest in educational programs, are unable to train students sufficiently well to qualify them for jobs related to the training offered, or do not provide students with adequate placement services would have reduced profits. They would suffer loss of tuition revenues, both because students could change their minds during the cooling-off period and because they would select schools with higher graduation and placement rates. Such schools would have to refund larger amounts than those presently paid to students who cancel after the start of class and might suffer additionally from earlier cancellations. Revenue losses from cancellations, however, are not entirely social costs because they may consist partly of a transfer or return of funds by the school to the student, rather than an increased use of society's real resources. When cancellations occur during the cooling-off period, the transfer component is larger than when cancellations occur after classes start; consequently the social cost component is greater for cancellation after classes start than during the cooling-off period.

All schools, however, would incur other real social costs in complying with the rule. The costs of the proposed cooling-off requirement, taken alone, would be principally the administrative costs of processing cancellations. These can be kept reasonably low if schools effectively screen students for their aptitude and motivation. Such screening efforts, however, also have costs.

Schools would also incur social costs in complying with the rule's graduation and placement disclosure requirements. These would include the costs of collecting and disseminating the information. Schools that are currently very successful in placing their graduates, however, may incur only small additional costs for these purposes because they may already collect and use the information as part of their selling efforts. All schools may incur additional costs if students respond to this information by demanding improved quality of education and better placement services. The refund requirements under consideration may similarly result in social costs and possible price increases as schools strive to maintain student interest in courses by improving the quality of education.

Schools may also incur the social costs of adapting to the requirement to pay greater refunds. Price increases may initially result from the need to pay greater refunds but might be moderated as schools adapt to the new refund requirements by such means as distributing course materials at frequent intervals instead of in an initial package, rearranging use of classrooms and instructors as enrollment changes, and changing the length of courses.

More generous refunds may lead to higher drop-out rates and increased costs. However, the more generous

refund requirements under consideration may add only marginally to the current incentives of students in residential vocational programs to drop out. This is because the major portion of their educational costs consists of foregone earnings. For correspondence students, however, the effect might be somewhat greater, because these students typically do not give up employment in order to make time for education.

Finally, to the extent that the rule causes the price of courses to increase, students who do not value the increased refund policy or the improved quality of courses will find the training to be too costly. The magnitude of this effect depends greatly on the size of the price increase.

To summarize, the social costs imposed by the rule's alternatives may be lower than their apparent total cost, since tuition cancellations and refunds, while seen by schools as a cost, are partly transfers back to students that impose no resource costs on society as a whole. Real resource costs are greater when cancellations occur after classes begin than for cancellations during the cooling-off period. Schools incur real resource costs as they respond to the rule's requirements to gather and to disseminate information and the rule's incentives to screen students and to upgrade the quality of education. However, not all schools will face these added costs. Many now screen students and provide quality education. Some have already chosen to collect and to use graduation and placement rate information in their promotional activities.

A comparison of the costs imposed by a rule with the costs imposed by a combination of industry guides, enforcement policy statements, and case-by-case enforcement indicates that the rule would impose lower enforcement costs on the Commission. With a rule in place, enforcement can be focused on compliance with contractual obligations and disclosure requirements. Without a rule, the evidentiary burden for the Commission is larger, and therefore enforcement would be more costly.

Case-by-case enforcement can be expected to impose lower costs on industry because the remedies resulting from selective enforcement against poorly performing schools would not impose costs on other schools, including those already performing well. For example, a disclosure remedy in a particular case would impose collection and dissemination costs on the school affected but would not require all schools to collect and to disseminate such data.

Summary of Net Benefits

There is no way to quantify the net benefits of the alternative rules in dollar terms. However, the available evidence offers a variety of different measures that suggest the nature and magnitude of such benefits. As the discussion above indicates, the alternatives with the highest benefits may have the highest costs. Nevertheless, while the optional method may have the lowest monetary costs, staff believes that the approach suggested on July 10, 1981 is more likely to offer the greatest social benefits. The optional rule has the lowest monetary costs to schools, because schools will choose the least costly means to comply when offered a choice. The July 10 combination of remedies is more likely to offer greater benefits, because it retains a mandatory full pro rata refund, combined with graduation and placement rate disclosures.

Staff believes that the net benefits of each of the alternative rules may be substantial. Each will make some contribution to remedying the perceived problems of the vocational school industry without necessarily imposing high social costs in relation to expected benefits.

A properly designed case-by-case approach could be effective in dealing with some of the problems in this industry. In the past, however, with the level of resources that were available, the problem continued at a level that staff believes is significant. In view of this, staff believes that the net benefits of a case-by-case approach would be lower than those of one of the alternative rules.

Related Regulations and Actions

Internal: Guides for Private Vocational and Home Study Schools, 16 CFR 254.

The Trade Regulation Rule Concerning a Cooling-Off Period for Door-to-Door Sales (16 CFR 429.1) has limited coverage of one provision of the proposed vocational schools rule.

External: The Department of Education has regulations covering some provisions of the proposed rule in those schools that offer courses that enroll students covered by the Title IV programs (34 CFR Part 668 and 34 CFR Part 682).

The Veterans Administration regulations cover some provisions of the rule in connection with veterans' benefits (38 CFR Part 4209, 38 CFR Part 4252 *et seq.).*

State laws and regulations generally do not contain provisions requiring disclosures to prospective students. However, several States have some form of refund requirement and cooling-off provision. Three States—Massachusetts, Minnesota, and Wisconsin—have a strict pro rata refund at least up to 75 percent.

Government Collaboration

Federal and State governmental officials testified during the hearings. Among those testifying was Terrell H. Bell, then Commissioner of the Office of Education. Informed discussions concerning a staff draft of the proposed rule have been held with officials of the Veterans Administration, Department of Education, and some State officials.

Timetable

NPRM—39 FR 29385, August 15, 1974.
NPRM—40 FR 21048, May 15, 1975.
Final Rule and Statement of Basis and Purpose—43 FR 60796, December 28, 1979.
Rule set aside and remanded December 12, 1979 by the Second Circuit Court of Appeals *(Katharine Gibbs* v. *FTC,* 612 F.2d 658 (2d Cir. 1979)).
Publication of Staff's Revised Rule—43 FR 35668, July 10, 1981.
Public Comment Period on Staff's Revised Rule—July 10, 1981 to September 8, 1981.
Commission Consideration of Staff Recommendation—June 1982.
Final Rule—To be determined.
Final Regulatory Analysis—If, and when, any Final Rule is issued.
Regulatory Flexibility Analysis—Not applicable.

Available Documents

Rulemaking Record; Docket No. 215–38.

Report of the Presiding Officer—September 10, 1976.

Staff Report—December 10, 1976.

Copies of these documents can be obtained from the Office of Legal and Public Records, Room 130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580.

All documents on the rulemaking record, including hearing transcripts, public comments, etc., are available for examination at the same address.

Agency Contact

Walter C. Gross III, Program Advisor for Vocational Schools
Division of Marketing Abuses
Bureau of Consumer Protection
Federal Trade Commission
Washington, DC 20580
(202) 523–3911

V 47 / 8 JAN 13 82 UMI

CHAPTER 7—TRANSPORTATION AND COMMUNICATION

DOT-FHWA

Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways 1945

DOT-OST

Special Air Traffic Rules and Airport Traffic Patterns 1948

CAB

Elimination of the Mandatory Joint Fare System 1951

CAB

Essential Air Service Subsidy Guidelines 1953

CAB

Notice to Passengers of Conditions of Carriage 1955

FCC

Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination Systems at the Lower Frequency of 10 GHz, Previously Authorized Only for Common Carriers 1956

FCC

Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81-741) 1959

FCC

Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252) 1960

FCC

Further Inquiry into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78-369; FCC 81-267) 1962

FCC

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80-739) 1964

FCC

Inquiry into Creation of "New" Personal Radio Service (PR Docket 79-140) 1965

FCC

Inquiry into the Development of Regulatory Policy for Direct Broadcast Satellites (General Docket No. 80-603) 1966

FCC

Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503) .. 1968

FCC

Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services 1969

FCC

Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806-821/851-866 MHz Bands (PR Docket 79-191) 1971

ICC

Application Procedures for a Certificate To Construct, Acquire, or Operate Railroad Lines 1972

ICC

Coal Rate Guidelines—Nationwide 1974

ICC

Railroad Consolidation Procedures 1976

PRC

Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand) 1977

PRC

Postal Rate Commission Docket No. MC 80-1—E-COM Forms of Acceptance, 1980 1978

PRC

Postal Rate Commission Docket Nos. MC81-2 and R81-1—Attached Mail Proceeding, 1981 1980

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (23 CFR Part 625; Revision)

Legal Authority

Federal-Aid Highway Acts, as amended, 23 U.S.C. 101, 109, 315, and 402; 49 CFR 1.48(b).

Reason for Including This Entry

The Federal Highway Administration (FHWA) believes this rule is important because of the controversy over its possible impacts on safety and because the geometric design criteria proposed in the NPRM would substantially affect the condition of the Nation's highway system.

DOT has been reviewing its regulations dealing with design standards. Standards for new construction exist; DOT is proposing standards for resurfacing, restoration, and rehabilitation (RRR) of streets and highways other than freeways. The Presidential Task Force on Regulatory Relief has designated the design standards for new construction for review, which review DOT is conducting. This Calendar entry deals with proposed new standards for RRR.

Statement of Problem

The 1976 and 1978 Highway Acts provided for a Federal-aid program to assist the States in resurfacing, restoration, and rehabilitation (RRR) of streets and highways.

Under current regulations and procedures (23 CFR Part 625), RRR improvements must meet the geometric design standards established for new construction, unless FHWA approves specific exceptions on a project-by-project basis. These standards were established by the American Association of State Highway and Transportation Officials (AASHTO) and

have been adopted by FHWA. The standards deal with the dimensions of highway features such as alignment, grades, widths, sight distances, slopes, and clearances. The intent of this proposed rule is to amend existing regulations in order to provide procedures for establishing separate geometric design standards for RRR improvements.

Separate geometric design standards are needed for RRR improvements because current standards for new construction are not appropriate to the basic purpose of RRR improvements—to preserve and prolong the service life of existing highways. Geometric design standards for new construction were developed for projects normally much greater in scope and cost than typical RRR improvements. Continued application of these higher standards to RRR improvements has complicated and discouraged the use of Federal-aid funds for RRR improvements. Although figures are not available, this practice probably has kept some RRR improvements from being completed in a timely manner.

The red tape and delay associated with the current process, particularly for project-by-project exceptions, aggravate the already serious problem of preserving and maintaining the Nation's highway system. Rapidly spiraling construction costs in the past few years, coupled with relatively static or diminishing State and local revenues, have prevented the traditional State and locally funded RRR programs from keeping pace with RRR needs. Consequently, the overall condition of the highway system is deteriorating. Since 1972, the percent of the Nation's arterial and collector systems rated in good condition has dropped from 38 percent to 30 percent. Furthermore, the rate of deterioration accelerates as the deterioration progresses. If this situation is allowed to continue unabated, the utility of the highway system will be significantly diminished, and the eventual repair or replacement cost will rise sharply.

Because of the magnitude of the need and relative shortness of funds, it is important to devise a system that permits States to make some improvements in as many highways as possible, allocating funds at their own discretion. Uniform design standards that require a high level of improvements would instead concentrate available funds in relatively fewer places.

Alternatives Under Consideration

The FHWA has considered a number of alternatives for implementing the RRR program. Initially, the FHWA explored three major alternatives through the publication of an ANPRM on August 25, 1977 (42 FR 42876). These were:

(A) To continue FHWA design approval operations within the provisions of the current regulations (23 CFR Part 625) by granting exceptions to existing design standards on an individual project basis for RRR projects.

(B) To incorporate, by reference, AASHTO's "RRR Guide" as the acceptable criteria for Federal-aid RRR work.

(C) To permit State officials, in conjunction with FHWA Division Administrators, to develop individual RRR standards for each State by using the AASHTO "RRR Guide" and other guides.

An FHWA task force rejected all three alternatives after reviewing comments it received on the ANPRM. The alternatives were rejected because: (1) FHWA recognized the need to establish separate standards for RRR improvements; (2) FHWA perceived the need to minimize inconsistencies in application arising from the present exceptions process (FHWA approval of exception to full standards on a project-by-project basis); and (3) public comments, primarily from highway safety groups, severely criticized AASHTO's "RRR Guide" because it tended to emphasize the perpetuation of existing geometric features rather than safety improvements. The FHWA withdrew the ANPRM on January 19, 1978 (43 FR 2734).

FHWA then recommended a new set of geometric design standards for RRR projects, which it published as an NPRM on August 23, 1978 (43 FR 37556). The FHWA design standards were more stringent than AASHTO's "RRR Guide," but still significantly less stringent than full geometric standards required for new construction. The NPRM elicited more than 100 comments, primarily from State and local highway agencies. The FHWA subsequently established an internal working group to review the comments it received on the NPRM and to identify and evaluate alternatives for implementing the RRR program.

Two basic policy alternatives are available to the FHWA:

(A) The FHWA could adopt design standards for use on all federally assisted, non-freeway RRR projects nationwide. Various options for implementing this alternative include: application of current design standards in 23 CFR Part 625 with exceptions granted on a case-by-case basis (i.e., essentially maintaining the status quo); application of current design standards in 23 CFR Part 625 without exception; development and application of new design standards (e.g., standards proposed by the FHWA in 1978 under Docket No. 78–10).

(B) The FHWA could adopt a flexible approach to non-freeway RRR projects without establishing nationwide standards. Options available under this alternative include: providing State highway agencies with full authority to adopt their own non-freeway RRR design standards; issuing an FHWA policy statement for non-freeway RRR work; issuing an FHWA policy statement for non-freeway RRR work; and establishing a framework for the adoption of non-freeway RRR procedures and criteria in each State that meets the intent of the FHWA policy.

After evaluating these alternatives, FHWA chose to issue an FHWA policy statement for non-freeway RRR work and establish a framework for the adoption of non-freeway RRR procedures and criteria in each State which meets the intent of the FHWA policy.

No specific or detailed national geometric criteria would be established. Instead, each State would be allowed to set, with FHWA approval, geometric design criteria that are considered the most appropriate and cost effective for local circumstances (geography, topography, climate, functional classification, traffic volume, etc.) The advantages of this approach are that: (1) it provides needed program flexibility; (2) it encourages designs that conform to local needs; (3) it maintains sufficient Federal oversight for preservation of the highway system as well as for safety; (4) it reflects the intent of Congress to provide greater flexibility in the use of Federal funds and to obtain maximum use of the existing highway system; (5) it minimizes the burden of Federal regulations on State and local governments; and (6) it avoids disproportionate impacts on urban and rural communities that nationally uniform standards might cause. The only significant disadvantage is that, to use the flexibility provided by the proposal, States would have to develop their own procedures, criteria, and/or standards. The FHWA does not consider this a serious disadvantage, since most States already have developed similar procedures or criteria for guidance in using the present system of exceptions on a project-by-project basis. The selected alternative was published as an NPRM on January 5, 1981 (46 FR 1228).

Summary of Benefits

Sectors Affected: Users of highways; State and local governments; and the general public.

The primary benefits of this program would be to prolong the life of the existing highway system and to enhance highway safety features. Approximately 8 percent of the Nation's arterial and collector highway mileage is rated in poor condition, which means it is approaching structural failure. Another 62 percent is rated only as fair, or in a state of advancing deterioration. If this program is not expediently and effectively implemented, these highways will continue to deteriorate to the point of structural failure, requiring a much larger expenditure by Federal, State, and local governments, and ultimately taxpayers, for reconstruction. Other anticipated benefits to users of highways and the general public include: reducing costs related to vehicle operation and future highway repair; lowering energy consumption; and increasing the comfort, convenience, and safety of drivers.

Summary of Costs

Sectors Affected: Users of highways; State and local governments; the highway construction industry and its suppliers; and engineering services.

The FHWA has prepared an analysis of the impacts of the major alternatives entitled "RRR Alternative Evaluations for Non-Interstate Rural Arterial and Collector Highways Systems." (Copies may be obtained from A. R. Cowan or K. H. Davis at the address noted below.) Using three levels of funding availability (one to satisfy total needs, and a high and a low realistic forecast of available funds), the analysis compares the impacts of various levels of design standards. It concludes that, given limited funding availability, improving or preserving many miles of existing highways to less than full standards would yield a greater safety benefit than complete reconstruction of many fewer miles to full standards. In addition, it concludes that effective and expedient implementation of the RRR program would avoid much of the sharply higher costs of total reconstruction or replacement. The analysis is available as a support document for the NPRM.

Summary of Net Benefits

The Summary of Benefits and the Summary of Costs describe the benefits and costs of this rule in general terms. Because of the flexibility this rule would allow, it is not possible to project or quantify accurately either the benefits or the costs. This rule would establish no specific or detailed geometric design criteria. Instead, it would allow States to set, with FHWA approval, geometric design criteria that are considered the most appropriate and cost effective for local circumstances (geography, topography, climate, functional classification of highway, traffic, and so forth).

The analysis mentioned in the Summary of Costs ("RRR Alternative Evaluations for Non-Interstate Rural Arterial and Collector Highway Systems") considers and compares the impacts of applying three levels of geometric criteria to RRR on a large sample of the highway system over a 16-year period (1975–1990). The three levels of geometric criteria are defined as follows:

(1) Case 1: Minimum Tolerable Conditions (MTC) are set at the level of the currently approved design standards (23 CFR Part 625) for new construction. This case places emphasis on improving lane and shoulder widths, operating speeds, and horizontal and vertical alignments whenever a RRR project is undertaken. Case 1 is a theoretical bound which exceeds present practice for RRR in that the MTC used are the current standards in Part 625 applied without exception to the roadway sections needing improvement. Case 1 represents the upper bound for RRR geometric design standards.

(2) Case 2: The MTC are essentially the standards proposed by FHWA in the August 1978 NPRM (Docket No. 78–10). This case represents the lower bound that would be considered in this analysis as being acceptable for RRR work. Case 2 emphasizes reversing the present trend toward non-freeway pavement surface deterioration without substantially changing the existing system relative to highway geometrics (i.e., lane and shoulder widths, operating speeds, etc.).

(3) Mid-Case: The MTC used in the Mid-Case closely represent current State practice for Federal-aid RRR work (i.e., current design standards in Part 625 with exceptions granted by the FHWA Division Administrator on a project-by-project basis).

Three nationwide highway investment levels were considered, one that would satisfy total needs, and a high and low realistic forecast of available funds. The analysis showed that for either of the realistic funding levels, the lower criteria would result in:

(1) A greater percentage of the system receiving some improvement.

(2) A significantly better 1990 system-wide pavement condition on the principal arterials and a slightly better pavement condition on the other minor arterials and collectors.

(3) Significantly lower surface and shoulder maintenance costs.

(4) Lower operating costs over the entire system.

(5) Fewer fatal, non-fatal, and property damage accidents occurring system-wide.

(6) A higher ratio of total savings to construction costs.

All of these findings support the basic conclusion that a greater overall benefit would be achieved by improving more miles to less than full standards than by improving fewer miles to full standards.

Related Regulations and Actions

Internal: FHWA has regulations establishing geometric design standards for highway construction projects (23 CFR Part 625).

External: None.

Government Collaboration

None.

Timetable

ANPRM—42 FR 42876, August 25, 1977.
Withdrawal of ANPRM—43 FR 2734, January 19, 1978.
NPRM—43 FR 37556, August 23, 1978.
Notice on Status of Proposed Rulemaking—44 FR 29921, May 23, 1979.
NPRM—46 FR 1228, January 5, 1981.
Final Rule—1st Quarter 1982.
Final Rule Effective—30 days after publication of Final Rule.
Public Meeting—February 3, 1981, Washington, DC; hearing before House Subcommittee on Investigations and Oversight—September 17, 1981; October 27–28, 1981; further testimony expected.
Public Comment Period—On NPRM published on January 5, 1981, closed May 5, 1981.
Regulatory Impact Analysis—Will be prepared in conjunction with Final Rule.
Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM—42 FR 42376, August 25, 1977, FHWA Docket 77–4.

Withdrawal of ANPRM—43 FR 2734, January 19, 1978.

NPRM—43 FR 37556, August 23, 1978, FHWA Docket 78–10.

Draft Regulatory Analysis of the proposed regulations (FHWA Docket 78–10).

Notice regarding status of proposed rulemaking—44 FR 29921, May 23, 1979.

NPRM—48 FR 1228, January 5, 1981, FHWA Docket 80-3.

Draft Regulatory Analysis on proposed regulations (FHWA Docket 80-3).

Analysis Appendix—"RRR Alternative Evaluations for Non-Interstate Rural Arterial and Collector Highway Systems," FHWA Docket 80-3.

All documents, including the record of a public meeting held February 3, 1981, and public comments in response to the January 5, 1981 NPRM, are available for review in the Office of the Chief Counsel, Federal Highway Administration, Room 4205, 400 Seventh Street, S.W., Washington, DC 20590

Agency Contact

Alvin R. Cowan, Chief, or Kenneth H. Davis, Geometric Design Engineer
Geometric Design Branch
Federal Highway Administration
400 Seventh Street, S.W.
Washington, DC 20590
(202) 426-0312

DOT—Office of the Secretary of Transportation

Special Air Traffic Rules and Airport Traffic Patterns (14 CFR Part 93)

Legal Authority

Federal Aviation Act of 1958, as amended, 49 U.S.C. 1303, 1348 (a) and (c), and 1354(a); Department of Transportation Act, § 6(c), 49 U.S.C. 1655(c); Act for the Administration of Washington National Airport, 54 Stat. 688, 1940.

Reason for Including This Entry

The Department of Transportation (DOT) thinks these proposed rules are significant for several reasons. Airline fares and services are of substantial public interest. The proposed rules could be potentially costly for the airlines and, if they have to pay for slots, the airlines may pass the costs on to customers. The rules could also affect air transportation service to some communities with service to and from Washington National Airport (DCA).

Statement of Problem

The airport "High Density Rule" (14 CFR 93.123 *et seq.*) limits the number of landings and takeoffs per hour at four heavily used airports: Washington National (DCA), La Guardia, John F. Kennedy, and O'Hare. Because of this restriction, air carriers serving these airports must make reservations for each landing and takeoff. Such reservations are known as "slots." To distribute (allocate) the limited number of slots among air carriers who want to serve these airports, airline scheduling committees, made up of representatives of the air carriers and chaired by a representative from the Air Transport Association, draw up schedules for each of the four airports. The schedules are made up on the basis of unanimous agreement among the airline representatives who serve on the respective scheduling committees. Without antitrust immunity, the airlines were unwilling to meet in scheduling committees to allocate slots. The Civil Aeronautics Board (CAB) granted such immunity in the form of an exemption from antitrust law.

The scheduling committees temporarily suspended operations after the Federal Aviation Administration (FAA) itself began allocating slots at DCA and other congested airports in the wake of the air traffic controllers' strike (August 3, 1981). However, when FAA restores enough system capacity, it will stop allocating slots. At that time, if the scheduling committees still have antitrust immunity—and if the FAA takes no other action—the committees will resume their original slot allocation activities at the four heavily used airports.

Scheduling committees operate under a strict set of rules designed to prevent collusion and overly anticompetitive behavior. To a degree, they are successful. However, they recently have been criticized on antitrust grounds for faults inherent in the system. The CAB is investigating whether slot agreements substantially reduce or eliminate competition within the meaning of § 412 of the Federal Aviation Act and whether it should continue to grant antitrust immunity to the scheduling committees. The Department of Justice, which will inherit the exemption-granting authority when the CAB expires in 1985, also has opposed the scheduling committees as anticompetitive.

While the FAA of DOT does not have statutory authority to authorize the continued operation of the committees, it solicited comments on the committees, as part of its consideration of a "no-action" regulatory alternative, in an NPRM issued October 27, 1980 (45 FR 71236). DOT does have the authority to allocate slots by means other than the existing scheduling committee system and proposed several alternatives in the NPRM.

Alternatives Under Consideration

Based on several studies and review of the existing slot allocation system, DOT proposed in its NPRM to establish a specific methodology for allocation of slots at Washington National Airport. (Although the proposals in the NPRM apply only to DCA, if the rule is promulgated and proves effective, DOT could expand them to cover all high density airports. Such expansions would occur only through additional rulemaking.)

The NPRM described three alternative types of slot allocation methods:

(A) administrative allocation;

(B) allocation by auction;

(C) allocation by the present scheduling committee (the status quo) or some modified version of this technique.

The NPRM indicated no preferred methods.

Regardless of the method adopted, there are elements of the allocation process that are applicable to each method and should be considered. Specifically, these elements are:

- How should a "slot" or "reservation" be defined?
- Should all airport users compete for all slots or should there be separate allocations for different classes of users?
- Who should be eligible to bid for slots?
- Over how long a time period should a slot be awarded?
- What property rights, if any, do recipients of a slot have with respect to resale of slots?
- Should there be a penalty for nonuse of a slot?
- What provision is provided to assure that slots are available for essential air service?
- Should provision be made to restrict the use of slots to ensure that carriers do not substitute more profitable service to larger cities for existing service to smaller communities?

With respect to these elements, DOT proposed in its October 1980 NPRM that:

(1) A reservation be defined as authority to schedule one operation, either landing or takeoff, during a given 1-hour interval between 7:00 a.m. and 8:59 p.m. or the half-hour interval between 9:00 p.m. and 9:30 p.m. The term "slot" as used in this document refers to a single reservation.

(2) Three classes of reservations be defined. The first would be for "air carriers," which conduct operations with aircraft having a maximum passenger seating capacity of 55 or more; the second would be for "scheduled air taxis," which would be defined as air taxis or air carriers that conduct operations with aircraft having a maximum seating capacity of less than 58; and the third would be for other operations (general aviation). The first two categories of slots would be subject to the carrier agreement, administrative allocation, or auction processes described below. In the NPRM, DOT

further proposed that allocations for the first two categories of reservations be made through separate allocations for each category. Finally, a procedure for establishing fees for the third class of user (general aviation) would be set forth in a separate section.

(3) Bidding or application for reservations would be limited to carriers operating under a certificate of convenience and public necessity issued by the CAB or registered with CAB and exempted from certification under 14 CFR Part 298.

(4) Reservations would be awarded for a period of 6 months starting either in October or April immediately following the award of reservations. This would follow the current procedure of the airline scheduling committee, which allocates slots in January for the 6-month period starting the last Sunday in April.

(5) The air carrier slots available under any of the three proposed allocation methods would be subdivided into three parts, with three different sets of slots devoted to three categories of airports served: large hub, medium hub, and small and non-hub. (A hub is an airport where there is a large amount of connecting traffic.)

The question of a marketable property right for holders of a slot (the right to sell a slot) and the question of a penalty being levied for nonuse of a slot was addressed in the NPRM's discussion of each of the procedures under consideration. In addition, under the administrative allocation procedure, DOT proposed, as one alternative, to allocate slots specifically for the purpose of providing the minimum level of essential air service as determined by the CAB. DOT recognizes that there may be some problems with this proposal and, therefore, solicited comments on other alternatives that may be more effective for the allocation of slots for essential air service under any allocation procedure chosen. A discussion of the three major alternatives follows.

(A) *Administrative Procedures*—To ensure continuity of operation at Washington National Airport, DOT has been analyzing several alternative administrative procedures for allocating slots. The easiest way would be to freeze all allocations at their existing levels, but this would not help DOT meet the objectives of the Airline Deregulation Act, such as increased competition and access by new carriers. If DOT froze slot allocations, new carriers could begin operations at DCA only when encumbent carriers were willing to relinquish slots.

Alternative (A) would involve a two-step administrative allocation procedure. Each carrier wanting a reservation would submit an initial reservation request to DOT. For any given hour, an air carrier could request one or more reservations as desired. These requests would have to be submitted by January 1 and July 1 of each year. DOT would tally the reservation requests. If there were a "resolution" (i.e., the number of reservations requested by the airlines was less than or equal to the number available in each hour), DOT would grant all requests. If there were no resolution, DOT would have to compute the number of slots for each airline. This would be done based on a number of factors, including:

- number of slots allocated in the preceding scheduling period, with a minimum of slots;
- number of passengers enplaned (i.e., who boarded the plane) per departure;
- number of passengers deplaned (i.e., who left the plane) per arrival;
- number of different cities to which non-stop service has been provided in the preceding scheduling period relative to the number of slots allocated.

The first factor (current slot allocation) would allow for some continuity and stability of existing service patterns. DOT is now considering allocating half of the available slots based upon the existing allocation. The second and third factors (enplaning and deplaning) would allow DOT to measure the service each airline provided with its slot allocations in the past. Because larger airlines, serving higher-population markets, tend to enplane and deplane more passengers, this factor places smaller markets (i.e., areas with less air service) at a disadvantage. Therefore, DOT also proposed using the fourth factor, namely, the number of different cities provided direct air service by each carrier. By considering the airlines' enplanement/deplanement figures, along with the number of cities served, DOT would be able to measure the carriers' "public service," obtain a better distribution of service to and from high density markets among the three area airports (National, Dulles, and Baltimore-Washington International), and provide direct access to and from DCA to the maximum number of cities.

Once DOT had awarded each carrier its total number of reservations for the day, the second step of this administrative procedure—allocation of slots by hour of day—would begin. Each carrier would submit several alternative schedules, and DOT would combine these into a feasible "consolidated schedule" for all participating airlines. DOT invited comments in the NPRM concerning this mechanism, the specific weighting factors to be assigned to each component of the allocation formula, and minimum allocation to new entrants.

(B) *Auctions*—DOT also proposed separate semiannual auctions for air carrier commuter reservations at DCA. The proposed procedure would take place in two steps: a "reservation auction," followed by a continuous "reservation exchange." In the first step of the auction, each carrier (a similar procedure would be used for air taxis) would have to submit, by January 1 and July 1 of each year, sealed bids for the landing and takeoff reservations it desires for the next 6-month period. The bidding would take place in a number of rounds, during which DOT would release certain information on which the air carriers could base their bids for the next round. Individual airlines' demands would not be revealed. After a specified period, if there were no more bids, or only minimal changes to previous-round bids, the auction would end. The auction also could end, and DOT could finalize awards and prices, if all the participating carriers informed DOT within 24 hours after a round of bidding that they chose to end the auction. DOT then would notify each successful bidder in writing of the amount of its accepted bid prices. (DOT would not retain this money, but would pay it into the U.S. Treasury. DOT also has asked for comments in its NPRM on whether this money could be handled in other ways—for example, paid into a special fund for DCA or some other aviation-related purpose. The auction revenues would not take the place of landing fees, which now cover the cost of maintaining and operating the airfield and which air carriers and taxis would continue to pay.)

In the second step of the process—the continuing "reservation exchange"—reservation owners could sell their reservations to other users. Any reservation owner wishing to sell a reservation and any air carrier or air taxi wishing to buy a reservation would notify DOT in writing. DOT would maintain a list of available reservations and desired reservations and bid prices, but the names of the bidders and offerors would not be disclosed until the transaction was completed. This would eliminate special deals, collusion, or conspiracy that might impair DOT's objective of enhancing competition.

There are several advantages to the auction process. By requiring carriers to pay for slot rights, the auction method

ensures that the slots go to those carriers that can most profitably use them. The auction process would encourage some new entry and expansion by the more efficient carriers, while discouraging less efficient carriers from entering or expanding at the airport. A carrier would be free to discontinue marginal or unprofitable service by selling its slots, but could re-enter the market at a future date if it so desired.

An important advantage of the auction system is that, because it would force airlines to pay for landing and takeoff privileges, the airlines might be encouraged to redistribute their flights to the other area airports (Dulles International and Baltimore-Washington International), where they could charge lower fares (because the fares would not reflect slot allocation costs). One disadvantage of the auction system would be that airlines serving DCA could raise fares to reflect the cost of their slots.

(C) *Scheduling Committees*—This alternative would maintain the status quo.

DOT invited specific comments on the appropriateness of the operations of the present committee system as well as any suggestions for modifications to the rules under which the committees function that would improve the results. In addition, comments were invited on the current system used to allocate air taxi slots. Under that system, slots allocated to commuters are essentially frozen. New entrants or additional flights by a given air taxi can only be added when another air taxi relinquishes a slot or when the number of slots is increased. DOT will weigh these comments against objections to aspects of the auction and administrative allocation process to determine whether regulatory action under Alternative (A) or (B) is advisable. In addition, these comments will be considered if Alternative (A) or (B) is adopted and proves unworkable, inefficient, or otherwise undesirable in actual practice.

In addition to Alternatives (A), (B), and (C), above, the October 1980 NPRM also described a special provision that would offer some protection to smaller markets and, in the event of an auction, the airlines that serve them. These markets have suffered because of the current trend at DCA and other major airports toward slot usage by carriers in more profitable markets (those involving longer haul and/or high passenger levels). To alleviate this problem DOT proposed dividing the current market categories (large hub, medium hub, and small or non-hub) into "submarkets," based on distance from Washington, geographic quadrant (New England, Middle Atlantic, Southeast, etc.), or city hub size.

The process would start with a determination of the percent of total slots that are currently being used to serve the three market categories. During June 1980, the distribution was:

	Percent
Large hub	54
Medium hub	23
Small hub and non-hub	28

These percentages would then be applied to the total number of slots to be made available during the forthcoming scheduling period. This would set the size of the three air carrier "submarkets."

The second phase would be to allocate the slots independently in each of these submarkets using either scheduling committees, slot auctions, or the administrative procedure. There would be no transfer of slots between "submarkets" unless the total demand for slots fell short of the number available. Using hub size as a criterion for establishing the allocation subset has the advantage of placing together markets or relatively comparable economic strength. While this mechanism would not guarantee that every small or non-hub would continue to receive the same amount of non-stop service to and from Washington National, it would tend to protect these markets and enable them to compete more equitably for a limited resource with similarly situated competitors.

With respect to the possible two-step process for allocation, DOT also proposed that if the slots are not used to serve the specified hub type, they would revert to DOT for reallocation.

Another alternative DOT is considering involves general aviation operators (those that do not qualify as commuter operators or air carriers). For example, if DOT adopts the auction system—Alternative (B) above—the system might treat general aviation operators separately, setting aside an allocation for these operators, rather than requiring them to participate in the bidding process. Some public comments have pointed out that this is a logical system, since general aviation operators do not require slots on a regularly scheduled basis. Others, however, contend that, given the limited number of slots available and the need for economic efficiency, it is not desirable to allocate slots specifically to general aviation. These commenters believe that general aviation users should compete in an auction system.

DOT is considering two alternatives:

(1) Continue the present system, in which general aviation operators would continue to pay landing fees, but would not be required to bid for slots or participate in a two-step administrative scheduling procedure. This would not require a regulatory change.

(2) Set the fee for the use of a slot for general aviation during any hour at the bid price established during the auction for scheduled air taxi reservations. An advantage to this alternative is that it would encourage redistribution of general aviation traffic to nearby airports, where auction fees are not applied.

Summary of Benefits

Sectors Affected: Scheduled air carriers; commuter airlines; and scheduled passengers, including passengers traveling to and from small communities.

DOT expects that benefits from a two-step allocation system, which is different from the current scheduling committee system, would be to increase competition among carriers serving DCA; to make more efficient use of the airspace; and to continue and possibly improve service to Washington, DC for travelers from small communities. Other benefits are discussed above in the "Alternatives Under Consideration" section.

Summary of Costs

Sectors Affected: Air carriers; commuters; and scheduled passengers.

Without the two-step procedure, both the slot exchange auction and the administrative allocation are expected to result in increased service on high-density routes at the expense of service to smaller cities. If a slot exchange auction is initiated, passenger fares may, on the average, rise by as much as $8 to $24 (in 1980 dollars) depending on the airline bidding strategy. The average first-leg-out/last-leg-in fare for DCA (that is, the fare to the first stop after leaving DCA or the last stop before landing there) was $72 in February 1980. Fares would be unaffected by the administrative procedure or the scheduling committee procedure.

The slot exchange auction may increase airline costs of service at DCA between $49 million and $197 million per year (in 1980 dollars) depending upon airline bidding strategy.

Summary of Net Benefits

If DOT undertakes rulemaking to establish a slot auction, it will prepare a regulatory impact analysis including an estimate of the net benefits of the proposed rule if the benefits are quantifiable. DOT does not have a quantitative benefits estimate as of this date. An annual estimated increase in the costs of airline service at DCA of between $49 million and $197 million (in 1980 dollars) implies that the present value of the benefits during the first 10 years of a DCA slot exchange auction would have to be between $302 million and $1.2 billion (in 1980 dollars).

Related Regulations and Actions

Internal: On August 15, 1980, the Secretary of Transportation issued a Washington Airport Policy. This followed publication of a Notice of Proposed Policy (45 FR 4320, January 21, 1980). The policy and implementing regulations were published in the Federal Register on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued a regulation for the temporary allocation of slots at DCA for the period December 1, 1980 to April 26, 1981, because of the failure of the scheduling committee to come to agreement for that period. On March 24, 1981, the Secretary issued a notice delaying the effective date of the Washington Airport Policy and implementing regulations so that they could be reviewed under Executive Order 12291 [46 FR 19225, March 30, 1981], Federal Regulation.

On July 13, 1981, the FAA issued a Notice of Proposed Rulemaking, "Metropolitan Washington Airports" (46 FR 36068), which proposed to revoke the rules issued September 15, 1980 and substitute new rules for them beginning October 25, 1981. On September 4, 1981, the FAA published Special Federal Aviation Regulation 44–1, "Air Traffic Control System Interim Operations Plan" (46 FR 44424), which established certain procedures for the operation of the National Air Traffic Control System, including the establishment of air traffic reduction schedules for 22 airports, until at least April 24, 1982. On October 5, 1981, FAA published Special Federal Aviation Regulation 44–2, "Air Traffic Control System Interim Operations Plan" (46 FR 48906), which amended Special Federal Aviation Regulation 44–1.

External: The Air Transport Association (ATA) has petitioned the CAB for an extension of the antitrust immunity granted to the Airline Scheduling Committee. In CAB Order 80–9–148, the CAB granted the ATA a one-year extension of antitrust immunity. At the same time, the CAB will investigate the need for antitrust immunity for airline scheduling committees.

On October 27, 1981, the CAB issued Order 81–10–152, extending the antitrust immunity of the air carriers' scheduling committees for another 6 months, with the requirement that the ATA submit, within that time, an acceptable method for resolving deadlocks in scheduling committees. In the same order, the CAB found the air taxi (commuter) scheduling committees to be anticompetitive because new entrants could obtain slots only when current users relinquished them. The commuter carriers, therefore, will have to devise a new method for allocating slots in time for the Summer 1982 allocations.

Government Collaboration

The DOT has worked with the Civil Aeronautics Board (CAB) and the Department of Justice to develop a set of alternative allocation procedures. An initial study of slot auctions was prepared for DOT/CAB and was widely circulated for comment within the Government and to the general public.

Timetable

NPRM—45 FR 71238, October 27, 1980.
Public Hearing on NPRM—February 12 and 13, 1981, Washington, DC.
Public Comment Period on NPRM—Closed February 26, 1981.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—Not required because NPRM was published before January 1, 1981.
Other Analyses—To be determined.
Final Rule—To be determined.
Final Rule Effective—Not before January 1982.

Available Documents

NPRM—October 27, 1980 (45 FR 71238).

Draft Regulatory Analysis.

"A Method for Administrative Assignment of Runway Slots," June 1980, FAA-AVP–80–3.

Econ, Inc. "The Allocation of Runway Slots by Auction." Princeton, NJ, April 1980, FAA-AVP–80–3.

J. Watson Noah, Inc. "A Slot Allocation Model for High Density Airports," Falls Church VA, August 1980.

The above documents are or will be available from the Agency Contact listed below.

Polynomics Research Laboratories, Inc. "Alternative Method of Allocating Slots; Performance and Evaluation." Available from the Civil Aeronautics Board.

Transcripts from public hearings held February 12 and 13, 1981, and written comments are available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation, 400 Seventh Street, S.W., Washington, DC. Refer to Docket No. 70. The docket is open between 9:00 a.m. and 5:30 p.m., Monday through Friday.

Agency Contact

Harvey Safeer, Director
Office of Aviation Policy
Department of Transportation
400 Independence Avenue, S.W.
Washington, DC 20591
(202) 426–3331.

CIVIL AERONAUTICS BOARD

Elimination of the Mandatory Joint Fare System (14 CFR Part 399; New)

Legal Authority

Federal Aviation Act of 1958, §§ 404, 1002, and 1601, as amended by the Airline Deregulation Act of 1978, P.L. 95–504, 92 Stat. 1739, 49 U.S.C. 1374, 1482, and 1551.

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it would eliminate most Federal regulation of fares that passengers pay when their trips involve connecting flights on two or more different airlines. Airlines would have greater freedom to determine joint fare levels and the division of the revenue received. Passengers would be affected by possible changes in fare and service levels.

Statement of Problem

Passengers making connecting flights on two or more different airlines (interline passengers) pay a "joint fare," which we define as a through fare from the airport of departure to the final destination. Currently, the CAB regulates both the amount that the airlines can charge an interline passenger and how the airlines divide the joint fare revenue. The CAB set the basic rules that govern these matters in 1974, in its Domestic Passenger Fare Investigation, and made some modifications in subsequent orders. Currently, the joint fare ceiling is either the sum of the actual fares on each segment of the journey or the sum of the maximum fares allowed by the CAB on each segment minus a set "terminal charge" for each connection, whichever is less. The terminal charge represents

the theoretical cost savings of one reservations transaction, single ticketing, and through baggage handling.

The division of the joint fare revenue is based on a formula that divides the revenue on the basis of the cost of providing the service. The formula, which was set in 1974, is now outdated because the significant increase in the cost of fuel and changes in equipment used has changed the cost of providing service. The division formula now results in distortion of revenue distribution and provides cross-subsidy to some airlines. In the most extreme case, an airline flying the short leg of the connecting airline trip may receive more than its usual fare for its segment, while the airline flying the long leg receives only a fraction of its usual fare from the joint fare division. This distortion affects long-haul airlines' willingness to provide interline service, as well as the fare and service level offered.

Alternatives Under Consideration

The CAB issued an NPRM (46 FR 29719, June 3, 1981) proposing three alternative ways to change the present mandatory joint fare system.

Alternative (A) would eliminate the mandatory division and ceiling in all markets. The dramatic rise in the cost of fuel over the last 8 years and changes in equipment type have significantly altered the cost relationships in the original formula, so that in some cases, the short-haul partner can receive joint fare revenues in excess of its local fare. Under this option, airlines would be free to negotiate the joint fare level and division.

Alternative (B), our preferred option, would also eliminate the current ceiling and division. In the absence of a mandatory system, smaller airlines might suffer if the larger airlines chose not to make joint fare agreements with them on favorable terms. Therefore, in order to protect small airlines' access to interline arrangements, Alternative (B) provides that an airline that agrees to interline with one airline would be required to interline, upon request, with any other airline, including a small one. The airlines would be free to negotiate the fare level and division, but if they were unable to agree, the joint fare would be the sum of the actual local fares, and the revenue would be divided proportionately on the basis of their usual local fares. This option encourages convenient interline service for passengers. Small airlines would have continued access to interline agreements and larger carriers would not lose as much revenue from cross-subsidy as they do under the current system.

Alternative (C) would eliminate regulation in all markets served by one or more certificated airlines but would retain the present joint fare system in all markets served only by commuter airlines. Only those markets where there is no single-carrier service and where every reasonable interline routing includes at least one leg that is served only by commuter airlines would continue to be regulated. As a compromise alternative, it would remove much of the distortion caused by the current mandatory joint fare system, yet it would give those carriers and communities that must rely on the revenue generated by the division more time to adjust to total deregulation.

Summary of Benefits

Sectors Affected: Air transportation industry and air travelers.

Airlines would benefit by being freer to determine joint fare levels and how the revenue is divided. With a more equitable division, airlines might be able to negotiate more joint fare agreements at fare levels that would generate more traffic and lower fares. The distortion caused by the present regulation would be removed. Adoption of any of the options would provide a transition period to prepare airlines for the Congressionally mandated end of the joint fare system on January 1, 1983.

The proposed changes would benefit passengers by allowing a competitive market to set fare and service levels. The current system provides incentives for larger airlines to charge a higher joint fare than they would negotiate in a less-regulated market so that they can receive a larger fraction of their usual local fare. The new rule would remove this incentive.

Summary of Costs

Sectors Affected: Air transportation industry; air travelers; and small communities.

The elimination of a cost-prorate division may result in small airlines receiving less revenue from each joint fare pasenger in certain markets. Alternatives (A) and (C) would not provide all small airlines with a legal right to interline with large airlines, and as a result, some smaller airlines might be closed out of some markets because of free-market competition. Alternative (C), to the extent that it retained the current system, would perpetuate the fare dilution resulting from the cross-subsidy by some large airlines to short-haul partners.

Passengers may have to pay higher fares or receive a lower level of service in some markets. This would be particularly true in those small communities whose current level of fares and service is in large part based on the cross-subsidy resulting from joint fare division.

Summary of Net Benefits

The proposed changes would remove distortions caused by current and past regulations and would give carriers greater freedom to determine fare levels and divisions. Passengers would benefit generally because of increased competition that should result from the elimination of the current systems.

Related Regulations and Actions

Internal: The CAB issued a Final Rule providing for tariff flexibility (46 FR 46787, September 23, 1981, 14 CFR Part 399). The rule provides that any tariff filed for joint fare construction is binding on airlines and ticket agents, except for interline routings, where the airlines have agreed to charge lesser amounts.

External: None.

Government Collaboration

None.

Timetable

NPRM—46 FR 29729, June 3, 1981.
Final Rule—1st Quarter 1982.
Final Rule Effective—1st Quarter 1982.
Public Comment Period—Closed September 3, 1981.
Public Hearing—None.
Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CAB prepares essentially the same information in its NPRMs and Final Rules.
Regulatory Flexibility Analysis—Three alternative approaches are set forth in the NPRM. CAB has considered other alternatives, such as updating the present division formula or substituting a mandatory rate-prorate for the current cost-based division. The rule may affect some small communities and commuter airlines, as discussed above.

Available Documents

Available documents can be viewed at Docket Section, Room 711, 1825 Connecticut Avenue, N.W., Washington, DC 20428.

Final Rule—46 FR 46787, September 23, 1981 (ER-1246); tariff flexibility.

NPRM—46 FR 29729, June 3, 1981 (PSDR-70); elimination of mandatory joint fare program.

Extension of Comment Period—46 FR 42075, August 19, 1981 (PSDR–70A).

Final Rule—45 FR 70431, October 24, 1980 (PS–98); CAB grants more upward fare flexibility in domestic markets.

Final Rule—45 FR 42254, June 24, 1980 (PS–95); CAB broadens fare flexibility for Puerto Rico/Virgin Islands, Hawaii, Alaska.

Final Rule—45 FR 24115, April 9, 1980 (PS–92); amended 14 CFR Part 399 to harmonize the broad fare flexibility zone with the statutory flexibility zone.

Final Rule—43 FR 39552, September 5, 1978 (PS–80); CAB voluntarily established first zone of domestic fare flexibility.

Order 80–2–35—Exemption from Order prescribing division of joint fares.

Order 80–2–34—Publication of joint fares.

Order 79–6–196—Exemption to permit voluntary divisions of joint fares.

Order 79–1–111—Phase II (Division of Revenues).

Order 78–11–154—Commuter/ Certificated Carrier Joint Fares.

Order 74–3–80—Phase IV (Domestic Passenger Fare Investigation).

(Note: Numbers in parentheses are CAB reference numbers for these documents.)

Civil Aeronautics CAB Dockets 38585, 34138.

Public comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, DC 20428

Agency Contact

Joanne Petrie, Attorney
Office of the General Counsel
Civil Aeronautics Board
Washington, DC 20428
(202) 673–5442

CAB

Essential Air Service Subsidy Guidelines (14 CFR Part 271; New)

Legal Authority

Federal Aviation Act of 1958, § 419(d), as amended by the Airline Deregulation Act of 1978, P.L. 95–504, 92 Stat. 1739, 49 U.S.C. 1389(d).

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it should significantly reduce the Federal subsidy of airlines. It also represents a major shift in focus of the subsidy program. Rather than subsidizing certificated airlines to aid in their economic viability and expansion, the new subsidy program will focus on smaller commuter airlines in order to improve air service to small communities.

Statement of Problem

The primary thrust of the Airline Deregulation Act of 1978 is to let the level, quality, and price of air transportation be determined by free competition of airlines seeking to meet consumer demand, instead of by pervasive government regulation. However, to minimize the potential disruption caused by airlines' increased freedom to reduce or eliminate service in particular markets, the Deregulation Act also established a program to preserve essential air service to small communities that cannot support profitable air service, using Federal subsidy when necessary. The CAB is responsibile for determining the level of essential air transportation at each eligible point and ensuring that such service is provided. "Eligible points" basically are those to which any certificated airline was authorized to provide service on October 24, 1978 (746 points), plus certain other points that the CAB may designate. "Essential air transportation" is a level of air transportation that the CAB, according to statutory criteria, finds will satisfy the community's needs for air transportation to one or more principal destinations and will ensure the community's access to the Nation's air transportation system.

The Federal Aviation Act has long contained a subsidy provision, § 406. Although the CAB has built monetary incentives into that subsidy system, § 406 has not always been effective as a tool to prevent the withdrawal of airlines from small communities. One reason is that § 406 is limited to certificated airlines, which typically use large aircraft that cannot operate efficiently to many of the affected cities and towns. Also, the CAB must consider the needs of the certificated airline's overall system, and not only the point affected, when determining the airline's subsidy need.

This subsidy provision had not been significantly modified since the adoption of the Civil Aeronautics Act in 1938. Its primary intent was the development of a national air transportation system, rather than ensuring air service to small communities. That is why the CAB considered the financial need of the airlines' entire system in establishing subsidy rates. This approach enabled airlines to expand and acquire larger aircraft. While this worked well in building the air transportation system and nurturing airlines to self-sufficiency, the shift to larger equipment made high-frequency service to smaller points increasingly impractical. Because the § 406 subsidy was limited to certificated airlines, the CAB was unable to subsidize the air taxi industry (uncertificated operators of small aircraft), whose equipment was better suited to serving the small points.

The essential air service subsidy program of § 419, which was added to the Federal Aviation Act by the Airline Deregulation Act of 1978, corrected this problem. This rulemaking to establish subsidy guidelines responds to § 419(d), which states:

> The Board shall, by rule, establish guidelines to be used by the Board in computing the fair and reasonable amount of compensation required to insure the continuation of essential air transportation to any eligible point. Such guidelines shall include expense elements based upon representative costs of air carriers providing scheduled air transportation of persons, property, and mail, using aircraft of the type determined by the Board to be appropriate for providing essential air transportation to the eligible point.

During fiscal year 1980 the CAB instituted subsidy support for 27 points, at average annual rates of about $225,000 per point. During fiscal year 1981 the CAB expects to provide subsidy support for 53 points. Those points are smaller communities where airlines cannot provide service at a profit. The § 419 subsidy program is reaching all communities that want service, need subsidy, are not receiving subsidized service under § 406, and qualify as eligible points under the Act.

Alternatives Under Consideration

The Airline Deregulation Act does not point the CAB toward any particular subsidy approach. On the contrary, Congress expects the CAB to develop new and innovative subsidy methods. The primary emphasis is on ensuring essential services, rather than on minimizing the costs of the program; i.e., the subsidy program must be structured so as not to hinder, in any way, the provision of essential services. But, of course, the CAB must be prudent with Federal expenditures, so it is faced with the dual and possibly conflicting objectives of assuring the provision of essential air services while maintaining a fiscally responsible program.

Developing a market for air service to small communities is a step common to achieving both goals. Specifically, increased traffic volumes can at once justify better service (more flights) and reduced subsidy cost. The CAB is considering two alternatives for

achieving these goals. The cost-plus subsidy, under which the CAB would reimburse airlines for their expected losses, allow them a reasonable profit, and, in addition, compensate them for any additional losses that they incur in actually providing the service, would not appear to promote either goal. The CAB has rejected this approach.

Instead, the CAB favors two innovative incentive approaches. Under one, the fixed incentive rate, the CAB reimburses the airline for a predetermined projected loss and allows a reasonable profit. If the airline incurs additional losses, it does not receive additional compensation. If the airline receives additional revenue, however, it may keep the extra profit. The possiblity of making large profits with subsidy gives airlines the incentive to be cost efficient and to develop the market. The possibility of uncompensated losses, however, poses the danger of service terminations. To avoid this problem, the CAB is considering another approach, the shared incentive rate. Under this approach, as with the others, the CAB would reimburse the airline for a predetermined projected loss and allow a reasonable profit. The difference is that under the shared rate, the CAB would compensate the airline for some of its additional losses instead of all of them (cost-plus approach) or none of them (fixed incentive rate approach). These alternatives are more fully discussed in the NPRM (45 FR 83254, December 18, 1980).

Summary of Benefits

Sectors Affected: Small communities; air travelers and potential travelers to these communities; industries within small communities; the air transportation industry, particularly small, commuter airlines; the general public; and CAB.

The benefit from the subsidy program is the assurance that all communities that were receiving service from a Board-certificated carrier would continue to be linked to the air transportation network. In some subsidy cases, the combination of deregulation and subsidy will result in more flights and cheaper or more available air service. Small commuter airlines are more likely to take advantage of the subsidy program because it is oriented toward cities where jet service is inefficient. This may lead to other tangible benefits to the communities, such as the attraction of new industry or business, and intangible benefits, such as an improved way of life stemming from better and continued access to the Nation's air transportation system.

The subsidy guideline rule, as opposed to the subsidy program itself, should also provide several benefits. It would simplify the procedures for computing subsidy amounts, thus saving administrative time for the CAB and airlines. It should also result in improved services and lower subsidy costs by using an incentive approach. Although the effect on individual taxpayers of the choice of guidelines will be slight in any event, the incentive plan should minimize subsidy compensation and save taxpayers in the aggregate several million dollars annually, when compared with other approaches to subsidy.

The Congressional Budget Office estimated that when this new system is phased in and the old subsidy system phased out (currently scheduled for 1988), there will be a savings of 26 million subsidy dollars (1980 dollars) per year. CAB submitted a proposal to Congress to end the § 406 subsidy program on October 1, 1981. Hearings have been held on the § 406 issue, but legislative action to end or modify the § 406 subsidy program has not taken place as yet. If the proposal is adopted, several points currently subsidized under § 406 would require subsidy under the § 419 program. This would raise the costs of the § 419 program but should result in an estimated overall savings of 55.6 million subsidy dollars (1980 dollars) per year. The subsidy program and guidelines are not predicated on a cost/benefit analysis by the Agency, but are required by law.

Summary of Costs

Sectors Affected: CAB.

The cost to the Government of the underlying § 419 subsidy program for fiscal year 1979 was $1.2 million, all of which was paid to carriers that were "held in" while replacement carriers were being sought. For fiscal year 1980 the total hold in payments and final rates for selected carriers was $9 million. The CAB staff's preliminary estimates of the costs are $15.2 million (1980 dollars) for fiscal year 1981 and $20.7 million (1980 dollars) for fiscal year 1982. If the §406 program is eliminated, the CAB staff estimates that the costs of the §419 program would be $58 million (1980 dollars) annually. A regulation establishing subsidy guidelines, as opposed to the subsidy program itself, is not likely to impose any significant costs.

Summary of Net Benefits

The rule should significantly reduce Federal subsidy of airlines. At the same time, it should improve air service to small communities where airlines cannot provide service at a profit.

Related Regulations and Actions

Internal: The CAB has adopted the following new regulations: Criteria for Designating Additional Eligible Points—14 CFR Part 270. Terminations, Suspensions, and Reductions of Service—14 CFR Part 323. Procedures for Compensating Air Carriers for Losses—14 CFR Part 324. Guidelines for Individual Determinations of Essential Air Transportation—14 CFR Part 398.

External: The CAB is a party to an interagency cooperative agreement, described below.

Government Collaboration

The CAB is a party to an interagency cooperative agreement for the purpose of fostering optimum air service to small communities through coordinated financial assistance. The agreement is titled "Small Community Air Transportation Memorandum of Cooperation." Other parties to it are: the Economic Development Administration (Department of Commerce), the Federal Aviation Administration (Department of Transportation), the Farmers Home Administration, and the Small Business Administration.

Timetable

NPRM—45 FR 83254, December 18, 1980.
Final Rule—2nd Quarter 1982.
Final Rule Effective—2nd Quarter 1982.
Public Comment Period—Closed February 17, 1981.
Public Hearing—None.
Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CAB prepares essentially the same information in its NPRMs and Final Rules.
Regulatory Flexibility Analysis—The Regulatory Flexibility Act does not require a Regulatory Flexibility Analysis for NPRMs issued before January 1, 1981.

Available Documents

Final Rule adopting Part 270—44 FR 76767, December 28, 1979 (ER–1166).
Final Rule adopting Part 323—44 FR 20635, April 6, 1979 (PR–200).
Final Rule adopting Part 324—44 FR 42171, July 19, 1979 (PR–209).
Final Rule adopting Part 398—44 FR 52646, September 7, 1979 (PS–87).
NPRM proposing new Part 271—45 FR 83254, December 18, 1980 (EDR–415).

Available documents, including public comments, in CAB Docket 39041 may be examined and copied at the Docket Section, Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, DC 20428.

(Note: Numbers in parentheses are CAB reference numbers for these documents.)

Agency Contact

John R. Hokanson, Chief
Air Carrier Subsidy Need Division
Bureau of Domestic Aviation
Civil Aeronautics Board
Washington, DC 20428
(202) 673–5368

CAB

Notice to Passengers of Conditions of Carriage (14 CFR Parts 221, 250, 298, Revision; 14 CFR Part 255, New)

Legal Authority

Federal Aviation Act of 1958, as amended, §§ 403, 404, and 411, 49 U.S.C. 1373, 1374, and 1381.

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it would affect the information concerning the conditions of carriage that airlines must give passengers. The rule should help the industry prepare for the later stages of deregulation, when they no longer will file tariffs with the CAB.

Statement of Problem

Contracts between airlines and their passengers are very complicated. The airlines write thousands of contract provisions in technical legal language and publish them in tariffs, which are documents that airlines file with the Civil Aeronautics Board (CAB). These documents contain crucial information about the rights passengers do or do not have when they encounter air travel problems such as mishandled baggage, delayed or canceled flights, oversold flights (bumping), lost tickets, or fare misunderstandings. Unlike the practice with most contracts, airlines do not give air travelers a copy of the tariffs to take home and read. The CAB now requires airlines to alert passengers about a few basic subjects by using airline ticket notices and ticket counter signs written by the CAB (14 CFR 221.173–221.176). But even these notices have been technical and hard to understand, and to read most of the terms of their contracts, passengers must visit the Tariffs Section at the CAB or an airline ticket office where tariffs are kept open for public inspection. It is hard for the average passenger to locate and understand important information in the tariffs, and most airline passengers do not find out about many important limitations on the airline's responsibility until after they have a serious problem and register a claim with the airline. But because of the legal doctrine of "constructive notice," under which passengers are assumed to know what is in the tariffs, passengers are usually bound by the contents of tariff rules, whether or not they are aware of them when they agree to buy their tickets.

Alternatives Under Consideration

The CAB issued two separate NPRMs (45 FR 25817, April 16, 1980, and 45 FR 42629, June 25, 1980), soliciting comments on the notice that airlines must give passengers concerning the condition of their contracts of carriage. The first NPRM proposed to revise the text of standard notices that, under current regulations, airlines must post on signs at ticket counters and print on airline tickets. The second proposed a more direct way than tariffs of informing passengers of their contract terms. This proposed rule states that airlines may not bind the passenger to any tariff rule unless they provide written notice of the provision. Airlines would decide what to include in the notices, and courts would review the adequacy of the airlines' notification efforts in claims brought before them, as they do in unregulated industries. Airlines would still file tariffs, and until January 1, 1983, the CAB would continue to review the reasonableness of the practices they describe.

The two NPRMs were consolidated as Option 1, and a second option was set forth in a Supplementary NPRM (46 FR 35936, July 13, 1981). That NPRM proposed to eliminate passenger rules tariffs in interstate and overseas air transportation and to eliminate most of the CAB-prescribed notices to passengers in domestic and foreign air transportation. Without the constructive notice that rules tariffs currently provide, or some equivalent substitute, airlines would have to give actual notice to passengers in order to enforce any conditions of carriage. Under this proposal, CAB would leave the substance and placement of the notices to airlines. In another, related Supplementary NPRM (46 FR 43057, August 26, 1981), the CAB proposed to eliminate the requirement that air taxis post signs at all ticket counters, stating their policy on baggage liability and denied boarding compensation, in order to remove similar burdens placed on small, uncertificated carriers.

Summary of Benefits

Sectors Affected: Air travelers (over 250 million passengers yearly); the air transportation industry; and travel agents.

If rules tariffs were eliminated, and no equivalent form of constructive notice were substituted, passengers would have more reasonable expectations of just what is included in their air fares and would be able to take precautions to avoid many types of air travel problems such as baggage liability limitations and minimize the consequences when problems do arise. They would also be able to make more informed choices among competing airlines, since they would have a clearer understanding of the differences in the services offered.

Under Option 1, the transition to deregulation would be gradual so that the industry could gain valuable experience for the later phases of deregulation, when airlines will no longer have the protection of a government-regulated tariff system and the concomitant doctrine of constructive notice. Similarly, travel agents would be better able to serve their customers, since they could more easily determine the differences between different airlines' service offerings.

Under the second option, a greater degree of government intervention would be removed. The conditions of carriage would be determined by the contracts made between airlines and passengers. With the elimination of rules tariffs, if no equivalent form of "incorporated" rules were substituted, airlines would be expected to give actual notice of the terms of travel and limitations of their liability. The terms of the contract and the forms of notice would be left to airline discretion and competition. Enforcement would be through private legal action.

Summary of Costs

Sectors Affected: The air transportation industry and air travelers.

There would be one-time airline costs to develop contract documents, or other types of notices that airlines choose to provide, as well as printing and distribution costs to make the documents available to passengers. When airline deregulation eliminates tariffs for domestic air transportation in 1983, however, airlines will have to either develop contract documents or substitute some other form of constructive notices. The costs would presumably be reflected in the airlines' fare-setting decisions. The effect of the

CAB regulation would not be to add significantly to costs in the long run, but instead to assist the industry in developing the most cost-effective means of making passengers aware of the terms and conditions of their travel.

Summary of Net Benefits

Elimination of rules tariffs and CAB-prescribed notice requirements would aid small airlines that currently have to file rules tariffs and provide the regulatory notices to passengers. Adoption of the proposal would leave important decisions about formulating and disclosing terms of carriage to the business and legal judgment of airline management. Adoption of the proposal may also have side effects on travel agents, most of which are small businesses, as they participate in the air transportation system's adjustment to methods of providing notice to passengers in a tariff-free environment. This adjustment would have to take place in any event, due to the Congressionally mandated elimination of domestic tariffs on January 1, 1983.

Related Regulations and Actions

Internal: Exemption of U.S. and Foreign Air Carriers from Tariff Observance Requirements to Permit Resolution of Consumer Complaints, Order 78-12-49, Docket 34189.

Air Carrier Rules Governing Failure to Operate on Schedule or Failure to Carry, Orders 79-4-115, 79-9-129, 79-11-23, and 80-3-10, Docket 35361.

Air Carrier Rules Governing the Application of Tariffs, Order 79-2-106, 79-12-98, and Order 80-4-51, Docket 34772.

14 CFR Part 221, Tariffs.

14 CFR Part 250, Oversales.

14 CFR Part 298, Classification and Exemption of Air Taxi Operators.

External: None.

Government Collaboration

None.

Timetable

NPRM—45 FR 25817, April 16, 1980 (EDR-396). Simplifies the notices that CAB already requires airlines to give passengers.

NPRM—45 FR 42629, June 25, 1980 (EDR-404). Requires that airlines give actual notice to passengers about the terms of the contract of carriage. Under the proposed rule, tariff filings would no longer automatically be part of the passenger/airline contract. CAB reference number for this document is EDR-404.

Extension of Comment Period—45 FR 52620, August 5, 1980 (EDR-404A).

Supplementary NPRM—46 FR 35936, July 13, 1981 (EDR-404B). Consolidated the two NPRMs we list above as Option 1 in a merged proceeding, and proposed a new Option 2 for consideration. The new option would eliminate passenger rules tariffs in interstate and overseas air transportation and most of the CAB-prescribed notices to passengers in domestic and foreign air transportation.

Extension of Comment Period—46 FR 40703, August 11, 1981 (EDR-404C).

Extension of Comment Period—46 FR 40703, August 11, 1981 (EDR-404D).

Supplementary NPRM—46 FR 43507, August 26, 1981 (EDR-404E, addendum to Supplementary NPRM of July 13, 1981). Eliminates the requirement that air taxis post signs at all ticket counters stating their policy on baggage liability and denied boarding compensation.

Public Hearings—None.

Public Comment Period—Closed September 28, 1981.

Final Rule—1st Quarter 1982.

Final Rule Effective—1st Quarter 1982.

Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under Executive Order 12291. However, the CAB prepares essentially the same information in its NPRMs and Final Rules.

Regulatory Flexibility Analysis—The Regulatory Flexibility Act does not require a Regulatory Flexibility Analysis for EDR-396 and EDR-404 (Option 1), which were issued before January 1, 1981. The CAB did prepare a Regulatory Flexibility Analysis for EDR-404B (Option 2).

Available Documents

The orders listed under the Timetable can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, DC 20428, (202) 673-5432.

Public Comments—CAB Dockets 38021 and 38348 may be examined and copied at the Docket Section, Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, DC 20428.

(Note: Numbers in parentheses are CAB reference numbers for these documents.)

Agency Contact

Patricia Kennedy, Assistant to Director for Programs
Bureau of Consumer Protection
Civil Aeronautics Board
Washington, DC 20428
(202) 673-5158

FEDERAL COMMUNICATIONS COMMISSION

Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination Systems at the Lower Frequency of 10 GHz, Previously Authorized Only for Common Carriers (47 CFR Parts 2, 21, and 94; Revision)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 1, 4(i), 303, and 403; the Administrative Procedure Act, 5 U.S.C. 553.

Reason for Including This Entry

The proposed regulations would help meet the public need for communications facilities to handle the burgeoning growth of electronic transfer of information. These proposals are directly related to the precedent-setting Federal Communications Commission (FCC) Order, released in April 1981, authorizing these new communications facilities operating at lower frequences.

Statement of Problem

Information transfer in the form of written documents, voice, video teleconferencing (roughly described as conduct of conferences by long-distance telephone with TV), and computer data are becoming increasingly digital. That is, information is represented as and sent by coded pulses (i.e., computer data) rather than electrical waves (i.e., voice). Whereas there are a number of entities providing a digital communications capability on an intercity basis, the communications facilities that transmit directly to the user-subscriber locations are almost exclusively provided over local telephone company lines. However, these facilities, designed to handle information represented by electrical waves (typically voice) rather than pulses (presently mostly computer data), can only transmit with limited transmission rates and introduce unacceptable numbers of errors. Transmission facilities designed to accommodate digital signals would do away with these deficiencies.

On November 16, 1979, the Xerox Corporation (Xerox) submitted to the FCC a petition for rulemaking requesting that microwave frequencies between

10,550 and 10,680 million hertz (megahertz or MHz) be set aside for digital termination systems (DTSs) and that rules and policies be adopted for nationwide common carrier digital communications facilities. DTSs, microwave radio stations that transmit to small rooftop antennas at user-subscriber locations within a circular area about the stations, would transmit in a point-to-multipoint fashion to all receiver stations simultaneously. Like the telephone company, the owners of these facilities could offer to the public, without discrimination, communications services for hire, i.e., they would be regarded as communications common carriers. This network of facilities would provide for high-speed, two-way transmission of digitally coded information directly to and from customers' premises at a greatly reduced error rate. The FCC responded to Xerox's petition by adopting rules and policies governing the use of DTS and associated conventional microwave communications links for a new common carrier service, Digital Electronic Message Service (DEMS). These frequencies were set aside because the FCC found that the establishment of nationwide networks by common carriers for this type of service is in the public interest. In the Notice of Proposed Rulemaking and Inquiry that initiated the docket proceeding concerning DTS, the FCC noted that the public demand for services offered over DTS may exceed our estimates and discussed the possibility of using the 17,700–19,700 MHz (18 GHz) frequency band. The Further Notice of Proposed Rulemaking addressed the use of this frequency band as well as other related issues. Also, the Further Notice responded to a request by the Farinon Electric Division of the Harris Corporation (Farinon) to adopt a scheme for restructuring the 18 GHz frequency band to permit assignment of narrower segments of the band than are currently provided for. Farinon indicated that narrower band segments (or channels) could be attractive for entities like utilities, railroads, and oil companies transmitting a much smaller volume of business information than that for wide-band common carrier channels.

The meager use of 18 GHz frequencies has been of concern to the FCC, particularly since 1974, when wide channels of predetermined width were made available to license applicants. In general, the FCC attempts to encourage exploitation of higher frequencies to alleviate crowding at lower frequencies. Because of the greater difficulties in transmitting a higher frequency signal through the atmosphere and the general lack of readily available and moderately priced equipment for operation at higher frequencies, users have been reluctant to operate at a higher frequency when lower frequencies are available. As a consequence, congestion has occurred at these lower frequencies in the major urban areas.

As part of the FCC's mandate, we must continually investigate more efficient and better uses of the radio spectrum. DTSs and the radio services provided over these systems represent new uses of radio. We have provided for use of DTS for Digital Electronic Message Service in the rules we promulgated in Spring 1981. In a further response to this mandate, we propose that more frequencies for DTS be made available. Failure to do so could dampen the availability of low-cost digital communications directly to and from users' premises. This so-called local distribution of digital communications will be essential as the transmission of information in digital form expands. Were the FCC not to encourage the use of higher frequencies such as 18 GHz, the prospects of spectrum overcrowding at lower frequencies would persist. Technological advance could also be impeded by a failure to tailor our regulatory scheme to encourage exploitation of the higher frequencies.

Alternatives Under Consideration

In the Notice of Proposed Rulemaking and Inquiry that led to the reallocation of the frequencies between 10,550 and 10,680 MHz (10 GHz) to DTS, the FCC considered the use of non-radio facilities, such as various forms of transmission by wire or cable for communication directly to and from user-subscribers. This alternative was rejected primarily because of the relatively low speeds at which information could be transmitted to subscriber premises using present facilities, which are virtually all wire or cable. Additionally, the capital costs of constructing facilities other than the present system for distributing digital communications directly to subscriber premises—the ubiquitous public telephone network—would be prohibitive. For this reason, primarily, radio was deemed to be the most feasible alternative. In one very important respect, the 18 GHz band was considered ideal for the intended purposes. It has been virtually unused. However, equipment unavailabilty and the shorter distances over which the signal at these frequencies could be transmitted would be a disadvantage compared to operation at 10 GHz. Its use, while greater than at 18 GHz, has also been meager. We therefore adopted rules and policies for the use of DTS in the 10 GHz frequency band. In the Further Notice of Proposed Rulemaking, we propose use of the 18 GHz band should the demand for DTS-provided services at 10 GHz exceed our initial expectations. In the rulemaking proposal for 10 GHz, we considered, as alternatives to the assignment of DTS frequencies, the adoption of lotteries or auctions in spectrum rights at 10 GHz. Policy development at the Commission, however, has reached a very preliminary stage in this regard, making it premature to apply these alternatives to the assignment of 18 GHz frequencies. The Commission, therefore, did not propose these alternatives in the Further Notice.

Summary of Benefits

Sectors Affected: Communications industry, including common carriers, their subscribers, and equipment manufacturers; and user groups, including manufacturers, financial institutions, educational institutions, local governments, and service industries.

Those directly benefited would be sectors of American business located in the major urban centers and the smaller communities to which DTS networks would be connected. The entire industrial economy of the United States would be benefited by the direct access to high-speed, digital communications facilities. The widespread availability of DTS will facilitate the development of advanced information distribution services provided over DTS. The need for communicating information required for effective management, which will be increasingly digital in nature, will continue to grow as the number of decentralized offices of the same regional or national organization grows. All segments of the economy would benefit, some more than others, depending on the need to interact with and among their geographically dispersed offices. Common carriers employing DTS are expected to tap a rapidly expanding market for the transmission of digitally coded information. Consumer choice would be broadened with the availability of services offered over DTS, tailored for the carriage of digital information. For example, reliance on the existing telephone network for direct access to customers' premises would be lessened. Additionally, the presence of DTS in the marketplace could spur the development of alternative competing systems, thereby resulting in lowered costs to the

consumer. The proposal we make in the Further Notice of Proposed Rulemaking to allow business, local governments, universities, etc., to operate their own DTS facilities would likewise increase consumer choice. Consumers could avail themselves of this option instead of relying on common carrier-provided services using DTS.

Restructuring other portions of the 18 GHz band into narrow channels would encourage its greater use, relieving congestion at the lower frequencies. Additionally, the availability of these narrow channels would make the pending move of conventional point-to-point microwave stations out of the 12.2–12.7 GHz (12 GHz) band to make room for direct broadcast satellite operation far less painful. The 18 GHz band is a prime candidate for displaced 12 GHz users, who are accustomed to operation on preset channels. A channeling plan at 18 GHz is also more desirable because the potential for interference between stations would be lessened.

An increased demand for both point-to-multipoint DTS and for conventional point-to-point uses should lead to the manufacture of more equipment for use in the 18 GHz band. This should in turn lead to a lower unit cost for each piece of equipment, making operation at the higher frequencies more attractive to prospective users. In sum, we aim to spur greater use of a relatively fallow region of the spectrum and to encourage the development of a market in low-cost equipment at these frequencies.

Small business organizations would especially benefit from the availability of more spectrum for DTS and from the competitive spur DTS would give to the communications marketplace, making such communications affordable to the smaller user. The major factor contributing to lower system costs, as for DTS at 10 GHz, would be the very low-cost transmit/receive stations at the user premises. The benefits of the availability of more frequencies at 18 GHz for DTS would further facilitate the communication of digitally encoded information, an integral part of the near-term proliferation of advanced information distribution systems.

Summary of Costs

Sectors Affected: Communications industry, including common carriers, their subscribers, and equipment manufacturers; and providers of their own communications facilities, including manufacturers, financial institutions, service industries, and local governments.

The major thrust of the DTS proceedings has been to satisfy the public demand for nationwide networks offering end-to-end, high-speed digital communications. To fully implement a nationwide network of DTS stations connected by satellite links, a carrier would probably require capital expenditures in excess of $100 million. Smaller, regional networks would cost proportionately less than nationwide systems in accord with the fewer number of cities served. In our Further Notice of Proposed Rulemaking regarding the use of 18 GHz, the FCC has proposed a relaxation of the eligibility criteria for providing DTS services. For example, channel width is not assigned on the basis of the number of cities in a DTS network as at 10 GHz. The capital costs of implementing a digital termination system using 18 GHz, however, would likely be greater than the cost of DTS using the 10 GHz band. The decreased signal range at 18 GHz would mean less coverage area per station and thereby more stations to cover the service area in some cities. System costs for 18 GHz DTS would therefore be greater than at 10 GHz, even assuming equal equipment costs.

Reallocations normally mean that a current use of the spectrum can no longer be made. Occasionally, displacement of the current users is necessitated. A cost is associated with this displacement. However, the meager use of the 18 GHz band minimizes the likelihood that the few current users would incur any costs due to the partial reallocation of frequencies to DTS or the provision of narrow channels. Operation in the 18 GHz band for conventional point-to-point microwave systems that would utilize the proposed narrow channels would likely be more costly than at lower frequencies. The factors of unavailability of equipment and the decreased signal range are again the prime reasons.

The FCC has recently proposed the authorization of direct broadcasting satellites (DBS) (see entry in this Calendar). A portion of the 12.2–12.7 GHz (12 GHz) band was proposed for use by DBS to transmit TV directly to home receivers. However, this band is utilized presently for non-common carrier, point-to-point microwave operations. Because these two different operations are incompatible, many of the point-to-point microwave operations in this band will have to shift to a higher frequency band, the prime candidate being the 18 GHz band. Such a move would require changes in equipment, such as transmitters, receivers, and antennas. Therefore, users owning their own microwave links, such as petroleum companies, railroads, and other industrial users, would incur costs as a result of these changes. In addition to the cost of equipment, these users would have to bear the costs of some redesign of their systems. With respect to the FCC proposal that non-common carriers operate DTS facilities while sharing the same spectrum with common carriers, a concern for a potential of undue interference between the respective DTS operations arises. Developing means to avoid such interference frequently entails untoward expense.

The staff at the Commission has roughly estimated that for both 10 and 18 GHz 8 man-weeks per year would be required for licensing. For certification of the kinds of DTS transmitters employed, 3 man-years are estimated.

Summary of Net Benefits

The contribution DTS will make to the widespread availability of advanced information systems is the paramount benefit DTS would provide to American society. Particularly, business information, in the form of documents, computer data, and video conference calls, would be communicated directly to and from a user's premises. Should such services over DTS at 10 GHz become widespread, the attractiveness of DTS at 18 GHz presumably would increase despite the relatively higher costs of operation at 18 GHz. Moreover, costs of the greater expense of equipment at the higher frequency band should diminish as more of the 18 GHz equipment is manufactured in response to demand for DTS-provided services.

Comparing the prospective demand for DTS-provided services at 18 GHz with the meager use of 18 GHz for point-to-point use, despite predictions of such large-scale use that have proven to be optimistic thus far, the costs of reallocating a portion of this band appear to be far outweighed by the benefits of making DTS services more available to the public.

Restructuring the 18 GHz frequency band to accommodate 12 GHz point-to-point operations displaced by direct broadcast satellite (DBS) operation would mean virtually no displacement costs to the few current users of 18 GHz. On the other hand, in authorizing DBS, the Commission made the determination that the significant equipment and system cost of the displacement of 12 GHz operations to another frequency band was outweighed by the public benefits of DBS. The Commission also made the tentative judgment, in proposing that non-common carriers may own their own DTS facilities, that the benefits of users having this option superseded concerns over the feasibility

of common carriers and other DTS owners sharing spectrum.

Related Regulations and Actions

Internal: The rules adopted for DEMS using DTS at 10 GHz, located in Part 21 of the Commission's Rules and Regulations, 47 CFR 21.500–511 *et al;* proposal to authorize broadcast satellites, Notice of Proposed Policy Statement and Rulemaking, in General Docket 80–603, 46 FR 30124 (1981).

External: None.

Government Collaboration

None.

Timetable

Initial Request by Petitioner—November 1978.
Notice of Proposed Rulemaking and Inquiry—44 FR 51257, released August 1979.
First Report and Order—46 FR 23428, April 27, 1981.
Public Comment Period—Ends January 14, 1982 for comments; ends March 1, 1982 for reply comments. Send comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.
Second Report and Order—1st Quarter 1983.
Public Hearings—None planned.
Regulatory Impact Analysis—None required.
Regulatory Flexibility Analysis—None required.

Available Documents

Federal Communications Commission Docket 79–188 on "Digital Termination Systems," including the initial request filed in November 1978 by the petitioner, and the comments to the request; the Notice of Proposed Rulemaking and Inquiry, August 1979, and related staff studies, and the comments in response to that proposal; the First Report and Order, April 1981, and the five petitions for reconsideration filed in June 1981 and the oppositions and replies. These documents may be reviewed in the Docket Reference Room, 1919 M Street, N.W., 2nd Floor, Washington, DC.

Agency Contact

Kenneth R. Nichols, Deputy Chief
Spectrum Management Division
Federal Communications Commission
2025 M Street, N.W., Room 7218
Washington, DC 20554
(202) 632–7025

FCC

Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81–741) (47 CFR Part 73; New)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 303(a), (b), (c), (d), (e), (f), (g), (h), (n), and (r), and 4(i).

Reason for including This Entry

Teletext is a new form of broadcast service that is the product of recent technological development. The Federal Communications Commission (FCC) believes that teletext offers substantial opportunities for extending and diversifying the service of television stations and for improving the efficiency of spectrum utilization.

Statement of Problem

In recent years, technological development has produced a number of possibilities for new forms of communications services, including some that can be adapted for use with home television receivers. Teletext is one of this new generation of information transmission systems. The term teletext is generally defined as a broadcast system that superimposes digitally encoded alphanumeric (letters and numbers) and/or graphic information on a television signal in addition to regular programming. The teletext signals are transmitted in the vertical blanking interval (the black bar that can be seen when a television picture rolls) and do not interfere with the reception of regular programming. A special decoder device is needed to display the textual information. Since FCC authorization of such signals has not been considered in the past, they are not permitted under the FCC's current rules for television transmission.

Teletext has the potential to serve a wide variety of applications. Consumer services identified thus far range from those such as closed captioning for the hearing impaired, which are related to a station's regular programming, to news and weather reports, comparative shopping prices, and community service bulletins, which are not related to normal television service. In addition, commercial data and messages can be transmitted over teletext.

The Commission has received two petitions for rulemaking, asking that teletext transmissions be authorized. One request came from CBS, Inc. and the other from the United Kingdom Teletext Industry Working Group. It is apparent from the comments received in response to these two petitions and from other activity on the part of the broadcast and related industries that there is substantial interest in developing teletext service and that such service would be in the public interest.

Alternatives Under Consideration

The Commission is considering whether to authorize television stations to broadcast teletext. The major alternative to this proposal would be to decide not to authorize this service.

If the decision is made to permit teletext, then the Commission will also have to determine which lines in the vertical blanking interval it will make available to carry the signals and the rules to regulate technical operation. As a general rule, any increase in the number of lines that are used will increase the amount of information that can be carried. The Commission's proposal specified that seven lines in the vertical blanking interval would be available for teletext now, and four additional lines would be phased in for use in the future. These lines would be authorized for use, not reserved exclusively, so as not to preclude some other use of the vertical blanking interval that may arise in the future. The Commission could choose to authorize fewer lines than the eleven suggested in the NPRM. The Commission is proposing to authorize teletext under an open environment policy. Under this plan, licensees would be permitted to use their own discretion with respect to both the teletext services they might offer and the technical system they use to support those services. The only restriction would be that teletext signals not degrade the regular service of the originating station or interfere with the service of any other radio or television station. The advantage of the open environment approach is that it would rely on market forces to direct the kinds and amounts of service that are provided. Teletext appears to be particularly well suited to a market-based regulatory strategy because it can be used for many divergent types of service. A second approach would be for the Commission to select a single technical system to be the standard for all teletext transmissions. This option is not considered to be a likely choice for teletext policy. Intermediate options, which would fix some parameters but allow licensees to determine others, are also possible.

Summary of Benefits

Sectors Affected: Television broadcasting industry, including the cable industry and subscription television industry; manufacturing, wholesale, and retail trade of radio

transmitting, signaling, and detection equipment and apparatus; information providers; and television users, including those with hearing impairments.

Authorization of teletext could have a beneficial effect on most of the parties that would be involved in providing and using such services. Television stations would be permitted to engage in a new line of business, thus providing them an opportunity to generate additional income. There are approximately 1,025 television stations, including both commercial and non-commercial broadcasters. Manufacturers of electronic equipment for both transmitting and receiving television signals would need to develop teletext decoders or acquire them from a secondary electronics manufacturer. This would create additional business for these firms, the volume of which would depend in part on the Final Rules that the Commission may adopt. The number of manufacturers that would be affected, while unknown, would probably be significant, since component parts suppliers as well as assemblers of final products would be involved.

Teletext would also give rise to the emergence of new firms or new production units within television stations, whose purpose would be to support and operate the information service. The function of these organizations would be to collect and edit information and to prepare it for insertion in the television signal. The number of such organizations that would be created is difficult to estimate, but it would probably be closely related to the number of television stations. Information providers such as local governments, service and social organizations, and businesses that supply the basic material for teletext would benefit by having an additional avenue for communication.

Users of teletext, which could ultimately include every television household in the United States, would benefit from having an additional source of information. This would help to achieve more efficient use of the television frequencies. Hearing-impaired individuals would benefit to the extent that stations would choose to offer teletext captioning services.

Summary of Costs

Sectors Affected: Newspapers and publishers of other printed media.

Newspapers and other publishers of information that is the same or similar to that which may be carried on teletext would likely experience increased competition that may affect their liability. Authorization of service would result in use of spectrum that is in general not now allocated to other purposes. If the vertical blanking interval lines are only authorized and not reserved for teletext, as proposed, then they will remain available for different types of applications that may emerge in the future.

Summary of Net Benefits

Because teletext is a new form of broadcast service that has not yet found a market, the extent of its future success or failure cannot be evaluated in quantitative terms at this time. Qualitatively, though, it appears that authorization of teletext would have a net beneficial effect on the parties involved. While competing information sources such as newspapers and other publishers would experience increased competition and possible losses of revenue, these losses would probably be offset by increased revenues for all media, including newspaper, due to the authorization. The sectors affected would generate increased revenues in terms of developing new lines of businesses and increasing manufacturing for necessary equipment and component parts. New firms would probably emerge to perform teletext operations and serve as information providers. These functions might even be performed by the competing publishers as an extension of their present services. This possibility might enhance rather than reduce their revenues.

In terms of use of the television frequencies, authorization of the vertical blanking interval lines for teletext would not preclude different types of application in the future, but rather could create a more efficient use of the frequencies now. It would result in use of spectrum that is currently not now allocated and would benefit hearing-impaired individuals to the extent that stations would choose to offer captioning services.

Related Regulations and Actions

Internal: Teletext is related to closed captioning for hearing-impaired persons. Closed captions are authorized on line 21, as specified in 47 CFR 73.682. If the open environment approach were adopted, the line 21 captioning system would not need a separate authorization. Therefore, the Commission will also consider eliminating the separate rules for the line 21 system if it adopts the open environment option.

External: None.

Government Collaboration

None.

Timetable

NPRM—Adopted October 20, 1981 and released November 27, 1981.
Public Hearing—None.
Public Comment Period—Comments on the NPRM are due by January 11, 1982, and replies are due by February 10, 1982. Submit comments to Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554. Refer to BC Docket 81-741.
Report and Order—3rd or 4th Quarter 1982.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—With NPRM.

Available Documents

For review of public comments, request BC Docket 81-741 at the FCC Public Docket Room or Office of Public Affairs.

Agency Contact

Alan Stillwell
Policy and Rules Division
Broadcast Bureau
Federal Communications Commission
Washington, DC 20554
(202) 632-6302

FCC

Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252) (47 CFR 61.38; Revision)

Legal Authority

Communications Act of 1934, as amended, 47 U.S.C. 4(i), 4(j), 201, 202, 203, 204, 205, 214, and 403; Administrative Procedure Act, 5 U.S.C. 553.

Reason for Including This Entry

The Federal Communications Commission (FCC) is attempting to change the traditional approach to regulating commom carriers to one where the Commission would exercise only that amount of regulation that is necessary, depending upon the degree of market power exercised by particular providers of communications services.

Statement of Problem

The telecommunications industry provides telephone, telegraph, and similar "communications" services. As a result of technological and regulatory developments in recent years, the telecommunications industry has evolved from one dominated by a few

large entities to one where there is now some competition for the provision of some communications services.

The rules the FCC originally adopted to regulate a monopolistic telecommunications market may now result in unnecessary regulatory burdens on smaller competitive carriers, which up until now we have regulated fully as common carriers. In general, a common carrier means any entity engaged in providing interstate and foreign communications services for hire. Since these smaller carriers must compete to sell their services, they are incapable of the monopolistic abuses common carrier regulation seeks to control. It is therefore questionable whether these smaller carriers should be defined as common carriers, even though the term generally has applied to any entity providing interstate or foreign communications services for hire. We refer to these smaller carriers as "competitive carriers."

Alternatives Under Consideration

We have attempted to address the problem in two ways. (A) The FCC has adopted a new regulatory scheme substantially reducing or eliminating several of the rules by which we regulate the entry and exit of certain carriers in the telecommunications market and the rates and practices they may charge and employ.

Under the FCC's new approach toward fulfilling its regulatory responsibilities, we have classified carriers on the basis of their ability to control prices in the marketplace. Those that lack such ability are labeled as non-dominant, and regulatory burdens on them have been significantly reduced or eliminated through a rulemaking that became effective November 28, 1980. Because these carriers lack the market power to charge rates or impose conditions of service that would contravene the Act, we now presume that their tariff filings are lawful. These carriers no longer have to submit the extensive economic data required by our current rules to support their tariff filings, and they only have to provide 14 days notice to the public of tariff changes rather than the 90 days notice previously required. Moreover, the FCC will not suspend their tariff filings unless a petitioner can make a strong showing of substantial and irreparable injury to competition that harms the public. Non-dominant carriers are also able to institute or discontinue service more easily under the new regime. They have blanket authority to extend their circuits into any part of the continental United States and thus will no longer need a separate certificate to do so. They will also be able to discontinue service simply by giving the Commission and their customers 30 days notice.

On the other hand, we have not relaxed the regulatory rules for those carriers that we have identified as possessing market power, i.e., dominant carriers, since we need to ensure that such carriers do not exploit their dominance to the detriment of the public.

(B) The FCC is also examining the question of what types of communications carriers should be defined as common carriers and hence subject to our jurisdiction. The issues involved are set forth in a further NPRM released January 16, 1981 (46 FR 10924, February 5, 1981).

The Federal Communications Commission has tentatively concluded that the Communications Act of 1934 (the Act) does not compel us to apply any of the regulatory obligations set forth in Title II of the Act to all companies that offer communications services and facilities to the public. (The essential elements of Title II encompass traditional public utility regulations, including control on price, publication of terms and conditions of service, prohibitions on price discrimination, control on investments, and an obligation to service all. These obligations are imposed on common carriers.) Rather, the Commission has the discretion to decide which communications suppliers should be treated as common carriers, and hence subject to Title II regulation, as well as the discretion to forbear from imposing the full panoply of Title II regulation upon those entities that the Commission determines should be—treated as common carriers.

The Commission must have a set of standards upon which to exercise this discretion. We therefore have sought comment on what criteria should be used; but we tentatively conclude that market power is at least one element sufficient to identify those firms that should be treated as carriers as well as those common carriers that need not be subjected to full regulation under Title II. This element emerges from an analysis of the regulatory scheme embodied in Title II of the Act, the historical context in which the Act was adopted, and applicable legal precedent. We have also asked for comment on how this discretionary authority should be applied to the telecommunications industry, although we have tentatively determined that only those carriers with substantial market power in relevant submarkets need be subjected to Title II regulation. And finally, we sought suggestions on how our tentative conclusions should be implemented.

Summary of Benefits

Sectors Affected: The telecommunications industry, particularly non-dominant carriers; telecommunications users; and the FCC.

This proposal would allow the FCC staff to concentrate its resources on regulating those carriers with substantial market power, particularly the American Telephone & Telegraph Company.

Under our new regulatory scheme, the FCC expects that non-dominant carriers (approximately 27) will save unnecessary regulatory costs, such as responding to petitions by competitors asking that we suspend or reject their tariff filings. This savings in turn will be passed on to the consumer.

Summary of Costs

Sectors Affected: None.

We do not expect that the industry or the FCC will bear any additional costs as a result of these policies, and, in fact, regulatory and administrative costs will be significantly reduced if not totally eliminated.

Summary of Net Benefits

We cannot summarize in quantitative terms the net benefits to be realized. Nevertheless, by reducing regulatory requirements for non-dominant carriers, we expect to foster a more competitive marketplace, which in turn will benefit consumers.

Related Regulations and Actions

Internal: The FCC found that the public interest would be served by allowing all interstate telecommunications services, including message telephone service (MTS), wide area telephone service (WATS), and their functional equivalents, to be provided competitively (FCC Docket 78-72, MTS–WATS Market Structure Inquiry).

External: None.

Government Collaboration

None.

Timetable

Notice of Inquiry/NPRM—77 F.C.C. 2d 308, September 27, 1979.
First Report and Order— 45 FR 76145, November 18, 1980 (released November 28, 1980).
Further NPRM—46 FR 10924, February 6, 1981.
Public Comment Period—The initial and reply comment period on the

Further NPRM closed July 10, 1981.
Second Report and Order—1st Quarter 1982.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation, which is set forth in the First Report and Further NPRM.
Public Hearing—None.
Regulatory Flexibility Analysis—46 FR 10934, February 5, 1981.

Available Documents

The Notice of Inquiry/NPRM of September 27, 1979, 77 F.C.C. 2d 308 (1979), the First Report and Order, and the Further Notice of Proposed Rulemaking are available on request from the FCC's Office of Public Affairs, Washington, DC 20554. Request FCC Docket 79-252.

MTS/WATS Market Structure Inquiry (FCC Docket 78-72).

Agency Contact

Michael Fingerhut, Attorney
Common Carrier Bureau
Federal Communications Commission
Washington, DC 20554
(202) 632-6917

FCC

Further Inquiry Into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78-369; FCC 81-267)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 4(i), 302, 303(f), (g), (r), and (s), 330, and 403.

Reason for Including This Entry

The Federal Communications Commission (FCC) believes that the subject matter of this Inquiry is important because radio frequency interference (RFI) is a problem that, directly and indirectly, affects most of the electronics industry as well as many consumers. This proceeding deals with a very controversial issue and may indeed be precedent setting. In the past the solution to most interference problems has focused on the transmission source. While the transmission source is still a factor in this proceeding, receivers are under close scrutiny as to their role in causing and solving the RFI concerns.

Statement of Problem

During the past decade the FCC has recognized a dramatic change in the number of citizens experiencing interference to the expected performance of various pieces of home electronic equipment caused by the operation of transmitters and other emitters of radio frequency (RF) energy. While some recent data suggest a change in the types of RF devices creating interference, the majority of the increase in complaints is directly attributable to the popularity of Citizens Band (CB). In fact, the number of interference complaints received by the FCC's Field Operations Bureau (FOB) peaked dramatically in 1976 and 1977, closely paralleling the peak in CB license applications. While interference to home electronic equipment from non-CB sources such as low power devices is beginning to become significant, CB-related radio frequency interference still accounts for 64 percent of all complaints received in fiscal year 1980. Both the Congress and the FCC have expressed concern with the trends of RFI totals over the past several years.

The technical aspects of RFI are highly complex. While one may be able to broadly categorize interference into those instances occurring because of on-channel interference sources (those sources that operate within a common frequency band) and those occurring from off-channel sources (those sources that operate on different frequencies), in fact these two classifications may overlap. Despite the ability to categorize interference in this manner, the "best" solution for one particular case may not be the best for another similar case because circumstances surrounding interference tend to be highly individualized.

Alternatives Under Consideration

The FCC finds that there are basically four alternatives to control the spread of RFI that the Commission can follow: direct regulation, liability rules, implicit responsibility of users and manufacturers of equipment, and grading and labeling.

The distinguishing characteristic of the direct regulation approach is that the regulations would set the performance requirements that spectrum users or equipment manufacturers would be required to meet to reduce interference. The Commission would decide just which methods should be used to reduce interference and how much interference should be avoided. Since most kinds of interference can be controlled in more than one way, there are many forms direct regulation might take. For example, design features in TV sets could be required or channel or interservice sharing could be reduced.

The primary benefits of such regulations would be, of course, the reduction in interference, and the attendant certainties and benefits of this approach would depend on the effectiveness with which the regulations controlled interference. Direct regulation also would impose certain costs: costs of equipment modification, of lost service, and of administering and enforcing policy. These costs would vary with the strictness of the regulations and the amount of interference avoided.

Interference remedies fall into two categories: those that address the interfering signal and those that address the affected equipment. Direct regulation might specify use of measures in either category.

The liability rules alternative to direct regulation would establish who is responsible for interference and, therefore, who must act to avoid the interference. Such rules would act to shift the responsibility for interference control from the Government to the affected parties. The rules would not establish how the affected parties would have to reduce the interference, and the responsible parties could choose different methods to avoid different cases of interference. The essential function of such rules would be to increase the incentive of someone to avoid interference by specifying a responsible party and penalties that will be incurred if interference complaints are not resolved.

A third alternative is to establish rules that outline the implicit responsibility of users and manufacturers of home equipment. Interference that is not controlled by direct regulation and for which no one is assigned specific responsibility becomes implicitly the responsibility of the home users of home electronic equipment. They suffer the interference and must decide how to deal with it. They can live with the interference, try to change the installation of the equipment, complain to the manufacturer of the equipment, or purchase different equipment. Because of the last two of the users' options, the market will implicitly shift some of the responsibility for interference to manufacturers of home electric equipment.

This market mechanism allows a third policy approach to controlling interference. By choosing not to eliminate all interference by direct regulation of RF emitters and by not assigning responsibility for interference to RF emitters, marketplace incentives are created for equipment manufacturers to design equipment less susceptible to interference. Of course, it will take time for manufacturers to make design changes, and the changes may or may not control the optimal amount of

interference. Manufacturers may or may not codify the changes by writing them up as voluntary industry standards.

A final alternative would be for the Commission to establish a program of grading and labeling the immunity to interference of home electronic equipment. Under such an alternative the Commission could devise susceptibility standards, i.e., a measure of an equipment's likelihood of accepting or rejecting interference, that determined a minimum level of performance for a product in the presence of harmful interference and then specify labels based upon how a device performed relative to the standard. In addition, the Commission could grade the radio environment so that consumers could match the immunity grade of the equipment they purchase with the predicted need for immunity where they live. Grading and labeling afford more flexibility to both consumers and manufacturers than other forms of regulation in that manufacturers could build and customers could choose various grades of equipment. This would, in addition, strengthen the market incentives for manufacturers to design equipment resistant to interference that is not otherwise controlled.

The Commission could adopt a variety of labeling schemes. These would fall mostly into two categories: voluntary labeling or mandatory labeling. Voluntary labeling would not require manufacturers to label their equipment. Under this approach, the Commission could establish a standard for equipment interference rejection, but the manufacturers would not need to meet the standard nor tell the public of their equipment deficiencies. However, those manufacturers whose products passed the susceptibility standard could label their products with this information. Labeling that indicates compliance with the standard could then be used for promotional advantage. Furthermore, consumers would be given the opportunity to choose between equipment that meets and does not meet the standard, according to their individual preference with respect to interference rejection. Examples of the viability of voluntary labeling schemes can be found in other industries in which products that voluntarily pass government guidelines exploit that fact.

Mandatory labeling would require equipment manufacturers to label their products, regardless of whether they met the suggested standard or not. Consumers could then determine the differences among similar products. Mandatory labeling would be more costly for manufacturers to implement than a voluntary program but would still increase consumer choice.

A labeling approach to the RFI problem can be designed in a variety of forms. For instance, a simple pass-fail standard could be adopted—the product meets the Commission's standard or it does not. The advantage of this approach is the simplicity afforded the consumer in choosing between two products.

Alternatively, the FCC could establish a plan with multiple gradations. Similar to automobile tire labels, the FCC could establish several categories with several classifications, and manufacturers could design equipment that met different standards. The costs of such a program would depend upon the costs of designing, manufacturing, and testing for multiple levels of protection rather than a single level.

Summary of Benefits

Sectors Affected: Owners of consumer electronic devices; communicators (both broadcast and common carrier); industrial electronic equipment users; pacemaker and hearing aid users; and equipment and device manufacturers.

The Further Notice of Inquiry will continue FCC inquiry into the effects and cures of RF interference. Any rulemaking would involve one or more of the four alternatives outlined above. The impact on reduced interference, improved communications, and reduction of risk to wearers of hearing or cardiac devices would be weighed against increased costs and possible increased regulation of the industries affected. Any scheme that allows the FCC to control RFI, directly or indirectly, will increase the Commission's ability to manage the available spectrum more effectively because of an improved interference environment for communications.

Summary of Costs

Sectors Affected: Owners of consumer electronic devices; communicators (both broadcast and common carrier); industrial electronic equipment users; pacemaker and hearing aid users; and equipment and device manufacturers.

Until one or more of the alternatives is endorsed by the Commission, the impact of costs would be difficult to measure. Costs that seem trivial in individual units, literally pennies, may expand when the manufacturer produces millions of units. Even inaction increases costs to users, as RFI degrades mobile radio performance or requires the installation of additional equipment or devices to eliminate RFI.

Summary of Net Benefits

The public should be subjected to less interference to home electronic entertainment devices unless the FCC decision is to retain the *status quo.* How much benefit actually accrues is dependent upon the policy that the Commission follows. Some consumers might use the concept of labeling to make discriminating purchases, others may ignore labels. It may be difficult to discern any change in interference to home devices, if the number of unregulated devices increases while certain others are equipped for RFI suppression.

Related Regulations and Actions

Internal: The Commission has instructed its Office of Science and Technology to independently verify manufacturer compliance with the Electronic Industries Association guideline by testing available TV receivers against the guideline, if resources allow. It also instructed all FCC bureaus and offices to list the RFI issues raised by their current or future activities and instructed the staff to proceed with its investigation of the overall RFI problem.

External: Senate Bill 929 has passed the Senate. The major RFI provision of S929 would "allow the FCC to require that radio frequency suppression techniques be incorporated into electronic home entertainment devices by the manufacturers" (Senator Barry Goldwater, *Congressional Record,* April 8, 1982).

Government Collaboration

None.

Timetable

Notice of Inquiry—Issued November 14, 1978 (43 FR 56062, November 30, 1978).

Further Notice of Inquiry—Issued July 16, 1981 (46 FR 40899, August 13, 1981).

Comments due November 30, 1981; reply comments due January 15, 1982.

Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis on the economic effects of regulation.

Staff Report and possible NPRM—3rd Quarter 1982.

Final Commission Action—1st Quarter 1983.

Available Documents

Notice of Inquiry, November 14, 1978, In the Matter of Radio Frequency (RF)

Interference to Electronic Equipment; Further Notice of Inquiry, July 16, 1981, In the Matter of Radio Frequency (RF) Interference to Electronic Equipment.

These documents and public comments are available for review from the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, DC 20554.

Agency Contact

Michael D. Kennedy
(202) 632–7073
Alex D. Felker
(202) 653–5940
Federal Communications Commission
Washington, DC 20554

FCC

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80–739) (47 CFR Part 2; Revision)

Legal Authority

The Communications Acts of 1934, as amended, 47 U.S.C. 303(b), (c), (g), and (r), 315, 317, 318, 325(a), and 4(i).

Reason for Including This Entry

The Federal Communication Commission (FCC) believes the proposed revisions to domestic allocations for the radio frequency spectrum are of great public interest in that they will provide the basic framework for all domestic allocations until a subsequent General World Administrative Radio Conference is convened. This event is not likely to occur within the next 15 to 20 years, as it had been 20 years since the last conference. One of the resolutions passed at the 1979 Conference was to assess the need in 1990 for convening another general conference.

Statement of Problem

In the Fall of 1979, from September 24 through December 6, a general World Administrative Radio Conference (1979 WARC) was held in Geneva. Its purpose was to review and revise, as necessary, the international Radio Regulations, which had become outdated due to technical advances and inconsistencies resulting from a number of amendments adopted by smaller, more specialized administrative radio conferences. At the 1979 WARC, more than 15,000 proposals were considered, of which over 900 were submitted by the United States. Most of the U. S. Proposals were attained, either in entirety or in substantial part. An example of one such proposal was the U.S. proposal to increase the amount of spectrum in the AM broadcasting band. The conference adopted the proposal by increasing the band from 535–1605 kilohertz (kHz) to 525–1705 kHz.

The U.S. proposals were the result of a 5–year process that coordinated both government and non-government proposals. The FCC developed the non-government proposals through an involved proceeding, Docket 20271, which served as the vehicle by which comments and recommendations were obtained from the public. Many parties representing diverse interests and perspectives participated in this proceeding. In December 1978 a comprehensive set of recommended proposals, representing the combined thinking of the FCC and the executive branch, was issued by the FCC in a Report and Order (Docket 20271).

The result of the 1979 WARC was a treaty entitled "The Final Acts of the 1979 WARC" (Final Acts), which will substantially modify the international Radio Regulations. The Final Acts become effective internationally on January 1, 1982 for those administrations that have ratified the treaty. If the United States ratifies the treaty, the Final Acts will have the force of law in the United States, and we will be obliged to adhere to its provisions. To do this, it will become necessary for the FCC to make substantial modifications to its rules and regulations to be compatible with the international provisions.

The international Radio Regulations are a set of rules that allow efficient and compatible use of the spectrum internationally by governing the rights and responsibilities of each country in its use of the electromagnetic spectrum. This is necessary as electromagnetic energy knows no bound in free space and it is possible for a user of the spectrum in one country to cause interference (i.e., interrupt communication) to a user in an adjacent country or even a country halfway around the world. The Regulations alleviate this potential for interference as much as possible by allocating the usable spectrum in a compatible manner throughout the world. Those countries that operate within this allocation framework are entitled to protection from sources of interference outside of their own boundaries. Therefore, in order to obtain the highest degree of protection from interference from users of other countries, it is important that our domestic Table of Frequency Allocations (Table) be as compatible as possible with the international Table.

Alternatives Under Consideration

Through a series of Notices of Inquiry (NOIs), an NPRM, and a Report and Order, the FCC will modify its Rules to be compatible with the Final Acts. In this effort we do not intend to reopen a general discussion of issues or to initiate discussion of new issues; extensive analyses of various service requirements and recommended proposals occurred during the lengthy preparation process. We will be comparing the Final Acts with the U.S. proposals in order to develop appropriate modifications to the Rules. For those U.S. proposals that were attained at the Conference but provided flexibility in the manner of implementation in our Rules, this proceeding will describe the precise proposal. This effort will be coordinated with the executive branch (e.g., National Telecommunications and Information Agency and Department of State) which faces the same task in developing provisions for the Federal Government sector.

Summary of Benefits

Sectors Affected: Users of the radio frequency spectrum; manufacturers of radio equipment; and the general public.

If adopted, the proposed modifications would result in a significant number of reallocations to the U.S. domestic Table of Frequency Allocations. These allocations would be consistent, to the degree possible, with the Table of Frequency Allocations contained in the international Radio Regulations, and therefore users would have international protection from sources of harmful interference originating outside the United States. Further, the proposed Table would provide a framework that would satisfy current domestic spectrum needs as well as provide flexibility for industry to develop future radio frequency spectrum uses, such as direct broadcast satellites. It would also allow the FCC a reasonable amount of flexibility in future spectrum management decisions. For example, the FCC will have flexibility in deciding the best way to use the spectrum between 470 and 890 megahertz (MHz), which was allocated only for broadcasting use before the Conference but now is also available in certain portions for fixed, mobile, and mobile-satellite use as well.

In general, the proposed Table would benefit the users of the spectrum and general public by managing and providing spectrum for identified spectrum requirements. Further, it will provide spectrum for development of new uses, such as fixed-satellite and mobile-satellite, which should prove to be of great benefit in satisfying the

communication needs of the general public.

Summary of Costs

Sectors Affected: Potentially all users of the radio frequency spectrum.

Potentially all users of the radio frequency spectrum could be affected; however, it is anticipated that no one group will be adversely affected to an intolerable degree. In modifying the domestic Table to be as consistent as possible with the U.S. proposals and the adopted international provisions, it will be necessary to move some users out of certain frequency bands to other bands. However, the vast majority of current users will not have to change bands. Those that will have to move will be, for the most part, "grandfathered" (i.e., allowed to continue operation) through January 1, 1990. This will allow most affected users to depreciate their equipment before changing bands, thereby greatly reducing their costs and enabling them to efficiently plan new equipment purchases. Other costs, however, may not be avoided, such as operation, administrative, and advertisement costs.

It is difficult to determine the exact extent of effects. For example, we are proposing to increase the AM broadcasting band from 535–1605 kHz to 535–1705 kHz, thus providing increased commercial opportunities and public choice. This will not require existing AM broadcasting stations to purchase any new equipment, nor will anyone in the general public who is interested in receiving only the existing AM broadcasting stations have to purchase a new receiver. However, anyone who would like to receive the new AM broadcasting stations (above 1605 kHz) would have to purchase a new receiver.

Summary of Net Benefits

Overall, the results of the 1979 WARC were very good for the United States. We are able to satisfy nearly all of our currently identified spectrum requirements and will still have a reasonable amount of flexibility in determining in which bands future allocations should be made. In some cases, however, it will be necessary that some users move to new bands over the course of future years if we are to maintain a compatible allocation table and if we are to take maximum advantage of the international protection afforded by the international Table of Frequency Allocations. Although a few spectrum users will be temporarily inconvenienced, the greater good of all spectrum users will be served through this proceeding.

Related Regulations and Actions

Internal: As an ongoing process, the FCC regularly entertains petitions for rulemaking to modify the Table. However, these proceedings are not directly related to the implementation of the 1979 WARC.

External: None.

Government Collaboration

This proceeding is being extensively coordinated with the government sector through a subcommittee of the Interdepartmental Radio Advisory Committee, which is chaired by the National Telecommunications and Information Administration (NTIA). NTIA is responsible for overseeing use of the radio frequency spectrum by the Federal Government.

Timetable

NPRM—1st Quarter 1982.
Report and Order—2nd Quarter 1982.
Public Hearings—None.
Public Comment Period—Following NPRM, dates to be determined.
Regulatory Impact Analysis—The FCC, an independent agency, is not required to prepare a Regulatory Impact Analysis.
Regulatory Flexibility Analysis—None.

Available Documents

Preparation for 1979 WARC (Docket 20271): Third Notice of Inquiry (FCC 79–1099, 41 FR 54309); Fifth Notice of Inquiry (FCC 77–349, 42 FR 27756); Eighth Notice of Inquiry (FCC 78–265, 43 FR 18748); Report and Order (FCC 78–849, 44 FR 2683).

Implementation of the 1979 WARC (General Docket 80–739): First Notice of Inquiry (FCC 80–659, 46 FR 3060, January 13, 1981); Second Notice of Inquiry (FCC 81–247, 46 FR 31693, June 17, 1981); Third Notice of Inquiry (FCC 81–323, 46 FR 40536, August 10, 1981); Fourth Notice of Inquiry (FCC 81–457).

Agency Contact

Fred Thomas, Engineer
Federal Communications Commission
1919 M Street, NW., Room 7320
Washington, DC 20554
(202) 653–8171

FCC

Inquiry into Creation of "New" Personal Radio Service (PR Docket 79–140) (Previously, Creation of "New" Personal Radio Service)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 403.

Reason for Including This Entry

The Federal Communications Commission (FCC) thinks this inquiry is important because it would make a new personal radio service available to the public.

Statement of Problem

For over 30 years the Federal Communications Commission has recognized the need for, and the value of, personal radio communications. The largest personal radio service is the Citizens Band (CB) Radio Service in which the FCC has licensed more than 14 million people. Other personal radio services include the General Mobile Radio Service, which offers the general public very high quality communications, but at greater equipment cost, and the Radio Control Radio Service, which licenses people to operate model boats, cars, and airplanes by radio control. The CB Radio Service meets many personal and business needs, but there are continuing complaints by CB users about channel congestion and interference.

The FCC is now exploring several issues:

(1) to what extent the public views the limitations of the three personal radio services as problems (the limitations include the complaints mentioned above, as well as any other problems brought to our attention during the comment period);

(2) whether creation of a new personal radio service in a different frequency range would solve any problems;

(3) what the demand would be for a new personal radios service; and

(4) what features the public would like to see incorporated in a new personal radio service.

Alternatives Under Consideration

The FCC is considering whether to establish a new personal radio service in the 900 megahertz (MHz) band. The major alternative under consideration is for the FCC to decline to create a new personal radio service. If the decision is made to establish the new service, there will be a series of secondary issues that will have to be resolved. For example, the FCC will decide whether equipment to be used in this new service should be designed so that it automatically identifies the station and whether to allow interconnection with the public telephone system. A new service might aid the public in satisfying their personal communication needs. In comparison to CB, a new service could provide for better emergency highway and information communications, better

communications between known parties (car to home or work, etc.), and could provide other technical and operational features not available in the other personal services.

Summary of Benefits

Sectors Affected: Manufacturing, wholesale, and retail trade of two-way radio transmitting, signaling, and detection equipment and apparatus; all potential personal two-way radio users; and all owners of home entertainment equipment (such as stereos, televisions, etc.).

Some members of the public have suggested that the benefits of a new personal radio service at 900 MHz would include better quality communications than those available in the CB Radio Service; less potential than the CB Radio Service for causing interference to home electronic entertainment equipment; and the possibility to incorporate special features (such as channels devoted to special uses) in the new service. A new service could reduce congestion in the CB Radio Service and offer a higher quality radio service than the present-day CB service offers. The communications equipment industry could benefit from the sale of a new line of equipment usable by the general public. Some individuals may purchase new 900 MHz equipment to supplement or supplant their 27 MHz CB equipment, while others who never bought 27 MHz equipment will purchase 900 MHz equipment because of the high quality communications potential of the new personal radio service.

Summary of Costs

Sectors Affected: Radio services desiring the 900 MHz spectrum for their communications systems (broadcasting, private land mobile, and common carriers) and FCC.

Nine-hundred MHz equipment costs more than CB equipment because it uses an advanced state-of-the-art technology, and, at least initially, demand would be low for the 900 MHz equipment.

The FCC has requested the public to comment on the issue of possible costs. For example, the FCC expressly asked for comments on whether the technical standards for the radios in the new service should be set so as to minimize the costs of the radio.

The Commission will also have to take into consideration the costs to itself of licensing 900 MHz personal radio stations and type-acceptance of 900 MHz equipment.

Summary of Net Benefits

Hundreds of comments were received from individual members of the public, manufacturers of radio equipment, and other interested organizations. The Commission staff is evaluating these comments as well as assessing the administrative costs to the Commission that a personal radio service at 900 MHz would create. No final determination has been made at this time as to whether the net benefits of a new personal radio service outweigh its net costs.

Related Regulations and Actions

Internal: The Commission terminated the proceeding in Docket 19759 (the proposal to create a new personal radio service in 220 MHz band). The public comments filed in this proceeding were inconclusive. The FCC concluded that a "fresh start" was necessary on the creation of a new Personal Radio Service and, therefore, that it would start a new rulemaking proceeding to request public comment.

External: None.

Government Collaboration

None.

Timetable

NPRM or Memorandum Opinion and Order—2nd Quarter 1982.

Public Comment Period—Comments on Notice of Inquiry closed January 15, 1980; reply comments were due February 15, 1980.

Regulatory Flexibility Analysis—None.

Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.

Public Hearing—None.

Available Documents

The Notice of Inquiry (44 FR 37522, June 27, 1979) is available on request from the FCC's Office of Public Affairs, Washington, DC 20554.

For review of public comments, request PR Docket 79–140.

Agency Contact

Joseph M. Johnson, Deputy Chief
Rules Division
Private Radio Bureau
Federal Communications Commission
Washington, DC 20554
(202) 632–7597

FCC

Inquiry Into the Development of Regulatory Policy for Direct Broadcast Satellites (General Docket No. 80–603)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 1, 4(i) and (j), 303(g) and (r), and 403.

Reason for Including This Entry

The Federal Communications Commission (FCC) thinks that this rulemaking is of great public interest, because direct broadcast satellite (DBS) service may provide a major new source of video programming for American television viewers.

Statement of Problem

The 1977 World Administrative Radio Conference (WARC–77) allotted a band of frequencies to the United States for direct broadcast satellite service. DBS service would provide television programming from satellites to individual homes by means of small, inexpensive receiving dishes. Both the public and potential DBS operators have shown great interest in the possibility of such a service.

Before DBS service can go into operation, the FCC must establish the rules under which it can operate. Permanent regulations cannot reasonably be established until after the 1983 Regional Administrative Radio Conference (RARC–83), which will determine final international frequency allocations for DBS. Since waiting until after RARC–83 would delay introduction of the service by at least 2 years, the FCC has decided to establish interim regulations before RARC–83 in order to avoid such a delay.

About 1,400 terrestrial microwave users now operate in the 12.2–12.7 gigahertz frequency band, which is allocated internationally to DBS. If the FCC makes no changes in the rules governing terrestrial operations in the band, the terrestrial users will cause sufficient interference to make DBS reception impossible in many parts of the country, including several major urban areas. To prevent such interference the terrestrial users would have to cease operation or be moved to other frequencies, which would require modification or replacement of equipment.

Alternatives Under Consideration

In its Notice of Proposed Policy Statement and Rulemking (NPRM) on DBS, the FCC made a preliminary determination that authorization of DBS

systems would serve the public interest. The FCC proposed to permit interim DBS systems in the period before RARC–83 in order not to delay provision of the service. The FCC also proposed to impose on DBS operators only the requirements necessary to ensure compliance with the Communications Act and international agreements and to ensure that any system authorized under interim rules would be able to come into compliance with the outcome of RARC–83 and any permanent rules or policies later established by the FCC. The FCC believes that such an approach will allow DBS to meet consumers' preferences more precisely and at lower cost than would more stringent regulations.

The FCC proposed to require that terrestrial microwave systems authorized in the 12.2–12.7 gigahertz band not cause harmful interference to DBS systems. Terrestrial users who did cause interference to DBS systems would have to cease operation or move to different frequencies. The FCC, however, also invited public comment on the option of allowing existing terrestrial operators to remain in the 12.2–12.7 gigahertz band for a given period of time even if DBS systems were in operation on the same frequencies. DBS operators then would have the option of reaching agreements with terrestrial users to lessen or eliminate interference, possibly compensating terrestrial operators for the costs of relocating on other frequencies. This option would allow terrestrial users more time to depreciate old equipment before moving and would shift some of the cost from the terrestrial users to the DBS operators. The FCC also stated that it would initiate a proceeding to consider the accommodation of the terrestrial users in other bands.

Summary of Benefits

Sectors Affected: Television viewers nationwide, particularly those in remote areas and central cities; some cable television operators and television stations; and the program production industry.

DBS systems could make available to American viewers many additional channels of television programming, some for pay and some advertiser-supported, and could result in much greater variety in television programming for all television households. Since signal strength would be roughly equal throughout the United States, DBS systems would be able to provide many channels of programming in remote areas, where neither good quality over-the-air signals nor cable television is available, and in inner cities, where cable systems may not be profitable because of the high cost of installing cable and the relatively low incomes of residents. DBS service would be particularly valuable for the 1.2 million households in the United States that have access to no television service at all and the 4 million that receive only one or two channels. While the total number of DBS channels available to the United States will depend on the outcome of RARC–83, enough channels should be available to allow several multiple-channel systems to operate.

The availability of more channels of programming may cause program suppliers to try to meet the tastes of more specialized audiences and thus may result in a much wider variety of programming and greater consumer satisfaction. DBS may provide programming to some cable systems and terrestrial television stations, as well as to individual homes. DBS may also provide other valuable services, such as transmission of programming for educational and medical institutions. The program production industry will probably benefit from the greatly increased demand for programming.

Summary of Costs

Sectors Affected: Local television stations and cable systems and terrestrial microwave operators in the 12.2–12.7 gigahertz band.

DBS systems would provide competition to other sources of video programming. Since DBS programming might be either advertiser-supported or for pay, both conventional advertiser-supported programming and cable and subscription television would be affected. The effect might be greatest on local television stations, particularly subscription television stations that would charge prices similar to those charged by DBS operators but would offer only a single channel.

Terrestrial microwave operators now using the frequencies also allocated to DBS would cause enough interference to DBS reception that the two services would not be able to operate on the same frequencies in the same geographic areas. Requiring terrestrial users to provide protection from interference to DBS systems will mean that some, but probably not all, of these systems will have to move to other frequencies. This will require modification or replacement of their equipment, depending on the frequencies to which they are required to move. About 1,400 microwave links are now licensed in the band. The number that will be affected by DBS will depend on the outcome of the 1983 Regional Administrative Radio Conference and the number of DBS systems implemented in the United States. The cost of changing frequencies would lie between $2,000 and $90,000, depending on the frequencies chosen. Under an alternative proposal DBS operators might be required to accept some interference or compensate terrestrial users for the costs of relocation.

Summary of Net Benefits

The major benefit of DBS is the increase in the quantity and quality of television programming it would make possible for all American viewers, particularly those in remote areas. If 5 million households were willing to subscribe to three channels of DBS service at $25 per month, the gross value of the service to the viewers would be $1.5 billion per year. This does not account for the fact that for many viewers the service would be worth more than they had to pay for it. On the other hand, the value of DBS service would be partially offset by reduced viewing of other program options. The estimate does not account for the value of the spectrum in other uses, or the one-time cost of moving terrestrial microwave users, which might be $25 million to accommodate one three-channel DBS system. As the number of DBS channels increased, the value per channel to viewers would probably decline. The cost per channel of moving terrestrial users would probably remain constant, but might increase if the least heavily used frequencies where chosen first for DBS.

Related Regulations and Actions

Internal: The FCC is studying the United States' spectrum needs for DBS in preparation for RARC–83 in General Docket No. 80–398. The Commission is also beginning a proceeding dealing with the allocation of spectrum to accommodate the future needs of private, fixed microwave users, including those who may be displaced by DBS.

External: None.

Government Collaboration

The FCC is coordinating its planning for direct broadcast satellite service with the National Telecommunications and Information Administration (NTIA).

Timetable

Notice of Inquiry—45 FR 72719, November 3, 1980.
Notice of Proposed Policy Statement and Rulemaking—86 FCC 2d 719, July 3, 1981.
Report and Order—March 1982.

Public Hearings—None.
Public Comment Period—Ended July 31, 1981.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis on the economic effects of regulation.
Initial Regulatory Flexibility and Analysis—June 1981; final, March 1982.

Available Documents

FCC General Docket No. 80-603.

Florence O. Setzer, Bruce A. Franca, and Nina W. Cornell, *Policies for Regulation of Direct Broadcast Satellites* (Federal Communications Commission, October 1980).

Notice of Inquiry, 45 FR 72719, November 3, 1980.

Notice of Proposed Policy Statement and Rulemaking, 86 FCC 2d 719 (July 3, 1981).

These and other documents are available for review and can be copied in Room 230, 1919 M Street N.W., Washington, DC 20554, from 8:00 a.m. to 4:30 p.m. on business days.

Agency Contact

Florence Setzer, Industry Economist
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554
(202) 653-5940

FCC

Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503) (47 CFR Part 73; Revision)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 303 (b), (c), (g), and (r), 315, 317, 318, 325(a), and 4(i).

Reason for Including This Entry

The Federal Communications Commission (FCC) believes the rules proposed for a new low power television service are important because they could facilitate the provision of increased and more diverse television service to greater numbers of viewers throughout the United States and to groups that currently are underserved by conventional methods of television distribution. They also would afford new television opportunities to entrepreneurs, while continuing to permit translator licensees to offer rebroadcast service.

Statement of Problem

On September 9, 1980, the FCC began a rulemaking proceeding proposing to authorize low power television stations that could originate an unlimited amount of programming and operate subscription (pay TV) service. If adopted, the low power proposal could result in a significant increase in the number of television stations, both in rural areas and large cities. The Commission's action was motivated in part by its recognition of the large, unsatisfied demand for television service, particularly in rural and mountainous areas, where millions of Americans do not receive even the basic complement of three or four signals. According to Arbitron and A. C. Nielsen surveys, approximately 1.9 million households, or 42.5 million individuals, receive fewer than four television signals. The low power proposal would permit low power stations (with maximum power of 100 watts VHF and 1,000 watts UHF) to operate on any available channel on a secondary, or non-interference, basis to regular, full-service stations. Secondary status means that any low power station creating interference to a full-service station must cease operation if it is unable to change channels or take other steps to correct the interference. Low power stations also must give way to full-service stations proposing a mutually exclusive use of a frequency. The proposed low power service would consist of existing translator stations, as well as new low power stations. A translator is a low powered transmitter permitted by present FCC rules only to rebroadcast simultaneously the programming of a full-service station in order to extend coverage or correct interference problems. Under the FCC's present rules, the only stations that can originate programs are full-service stations. Under the proposed rules translators could originate programming as low power stations. The FCC's TV Table of Assignments, which allocates channels by community, requires full-service stations operating on the same or adjacent channels to be separated by very wide mileages. Low power stations could be separated from each other and from full-service stations by small distances, because their low operating powers would make their coverage areas smaller. Thus, low power station operators would have the flexibility to use lower cost equipment and to design and program a system adapted to local needs.

Alternatives Under Consideration

Through the proposed rule changes, the FCC hopes to facilitate television service in locations that otherwise are unserved or underserved by regular stations and cable services. At the same time, translators could continue the rebroadcast service they have offered in the past.

Low power is the first new broadcast service the FCC has proposed in over 20 years. The proposed rule would subject low power stations to minimal programming rules, as required by the Communications Act. The only program rules would be the Fairness Doctrine, the prohibitions against obscenity and lotteries, the provisions of access for political candidates, and the personal attack rule. The copyright laws, which require consent of the primary station for retransmission or commercial substitution, would apply. The proposed rules would not require cable systems to carry the programming of local low power stations. Low power stations that originate programming would be required to have a licensed operator on duty at all times. The FCC has proposed no requirement that low power licensees ascertain the needs and interests of other communities or non-entertainment programming or commercialization guidelines, nor has it prescribed hours of operation or origination for low power stations. We believe that these essentially deregulatory aspects of the proposal will facilitate swift development of low power stations. The proposal represents a balance between more stringent regulatory requirements, which could impose prohibitively high entry costs and more relaxed requirements, which might not be in the public interest. To promote diversified control of broadcast outlets and therefore diverse program offerings, we propose that TV networks not be permitted to own low power stations. Under the proposed rules, cable and full-service TV and radio station operators would not be permitted to own low power stations in their own service areas.

Summary of Benefits

Sectors Affected: Television broadcasting industry, including the subscription TV industry and cable industry; and television users, especially those in underserved areas.

If adopted, the low power proposal could result in a significant number of new broadcasting outlets, bringing television service to unserved and underserved locations and audiences and bringing specialized service to particular groups in larger communities. Low power could open up new opportunities for increased service to and ownership by minorities, as well as

other individuals wishing to enter the broadcast industry. It has long been FCC policy to encourage minority ownership, which in turn may result in programming for minority audiences. The relatively inexpensive nature of construction and operation of a low power facility would facilitate entry into the market. The FCC has proposed few limitations on the methods that may be used to provide economic support for low power stations. They could use subscription (pay for programming) service, advertising, listener solicitation, or local tax revenues, in any combination. Satellite and terrestrial microwave interconnections, already permitted for TV translators, would facilitate program networking on low power stations.

Another concern is the competition between cable and low power stations. Cable systems operate on a subscription basis and offer a multi-channel service. The cost of building a cable system is very high, and a minimum population density is necessary for a cable operation to be economically viable. It is believed that the less costly low power service operation is attractive economically. The low power stations could provide additional programming that cable systems could carry if they chose to do so.

Summary of Costs

Sectors Affected: The television broadcasting industry, including the subscription TV industry and the cable industry; and television users.

Provision of a signal of very high technical quality and coverage of a wide geographic area are goals for the FCC's current regulatory scheme for television. Expensive transmitting equipment is necessary to achieve these goals. Thus, the cost of entry into the television industry is relatively high. These costs may preclude development of stations that would be financially viable if the FCC permitted smaller coverage areas and relaxed transmission standards. It is believed that numerous small communities cannot provide the advertising revenues required to maintain full-service stations. The proposed low power rules could reduce the cost of serving small or specialized communities, because low power stations would be less expensive to own and operate than full-service stations. The trade-off is wide-area coverage, superior reception, and fewer stations in exchange for smaller coverage areas, adequate reception, and a greater number of stations and program offerings.

The FCC expressed interest in learning, during the comment period, if this proceeding could affect any other sectors and what other potential costs and benefits may be anticipated. Full-service broadcasters expressed concern that their audiences might be fragmented by low power competition. Cablecasters evinced similar sentiments.

Summary of Net Benefits

Because low power television broadcasting is a new form of broadcast service that is yet untested, the extent of its future success or failure cannot be evaluated in quantitative terms at this time. However, in qualitative terms, it appears that authorization of low power stations would have a net beneficial effect on the broadcasting industry and television users.

While cablecasters and broadcasters expressed concern that the competition of low power service would fragment their audiences, this concern appears to be outweighed by the increased service to unserved and underserved locations and audiences that low power television would provide. In addition, low power television would further increase programming availability by providing specialized service to larger communities and minority audiences.

At present, opportunities for entry into the television industry are limited for minorities, among others. The expense of facility construction and operation currently prohibit opportunities for ownership of full-service broadcast services or cable systems. The less costly mode of low power operation would facilitate entry into the market and also reduce costs of serving small or specialized communities.

Related Regulations and Actions

Internal: The FCC instructed its staff to continue to accept for filing and processing translator applications, including those seeking waiver of the rules for low power features, while the rulemaking is pending. With over 5,200 such applications pending, the FCC has discontinued acceptance of new applications until further notice.

External: In the Omnibus Budget Reconciliation Act of 1981, P.L. 97–35, the U.S. Congress amended the Communications Act of 1934 to permit random selection among competing applicants for telecommunications facilities. The Commission will institute a separate proceeding to implement a lottery system in the broadcast services, and this system may be implemented for the low power service.

Government Collaboration

None.

Timetable

Notice of Inquiry—68 FCC 2d 1525 (1978).
NPRM—45 FR 69178, October 17, 1980.
Further NPRM—46 FR 42478, August 21, 1981.
Report and Order—1st Quarter 1982. Staff will review comments on the Further Notice, which proposes additional technical standards during the Fall.
Public Hearings—None.
Public Comment Period—Comments were due by October 13, 1981; replies were due by November 2, 1981.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.
Regulatory Flexibility Analysis—See NPRM, 46 FR 42478, August 21, 1981.

Available Documents

Staff Report and Recommendations in the Low Power Inquiry, September 9, 1981.

Comments on the Notice and Further Notice are available for review at the address below.

Agency Contact

Molly Pauker, Attorney
Federal Communications Commission
2025 M Street, N.W., Room 8002
Washington, DC 20554
(202) 632–7792

FCC

Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 4(i), (j), 201–205, 403, and 404.

Reason for Including This Entry

The Federal Communications Commission (FCC) is beginning a proceeding to implement a decision that will affect the operation of all telephone companies and most other firms in the telecommunications industry.

Statement of Problem

The telecommunications industry provides telephone and other communications services via electronic means, as well as the equipment used in providing these services. In 1980 this

industry accounted for more that $60 billion in operating revenue. For more than a decade, the FCC has been grappling with the regulatory and policy problems created by the interdependence of telecommunications and data processing. Rapid technological change has forced the Commission to consider whether or not existing regulatory practices, developed over years of relative stability and monopolistic market structures, have been rendered obsolete by these advances.

In the recent landmark proceeding, known as the Second Computer Inquiry, the FCC developed policies that will govern the behavior of telecommunications firms. The Commission adopted a regulatory scheme that distinguishes between regulated offerings of transmission capacity, denoted "basic services," and unregulated offerings of services that are more than simply transmission capacity, known as "enhanced services." Local telephone service is an example of a basic service, while "store and forward," in which a call is electronically stored and retransmitted at a later time, is an enhanced service. The former are subject to price, service, and facility regulation, while the latter are freed of these burdens. The Commission also ordered that customer-premises equipment (CPE), including residential telephones and business private branch exchanges provided by telephone companies or other carriers, be provided on a deregulated basis. That is, after the date of full implementation of the decision, neither the States nor the FCC will continue to regulate the terms of provision of CPE. Finally, the FCC ruled that if the American Telephone and Telegraph Company (AT&T) wishes to participate in the enhanced services or CPE markets, it must do so through a new affiliate, separated from those affiliates providing basic services.

Alternatives Under Consideration

The FCC, the telephone companies, and the other carriers now must implement this new regulatory scheme. The purpose of this proceeding is to resolve the many complex and contentious issues that were raised by the decisions in the Second Computer Inquiry. The Commission has determined that enhanced services and CPE provided to new customers will be deregulated as of January 1, 1983, but it has yet to determine the date on which the CPE already in the hands of customers will be deregulated. For ratemaking purposes, the FCC must determine the value of the CPE to be transferred to unregulated accounts. The Commission must also specify the detailed mechanisms by which this CPE is to be transferred. The Commission must specify accounting rules for allocating costs between regulated and unregulated activities.

Alternatives regarding the substantive implementation issues are still under consideration by the staff.

Summary of Benefits

Sectors Affected: The telecommunications industry; telecommunications users; State regulatory agencies; and the FCC.

The Commission has determined that the continued provision of CPE by regulated carriers would impede the development of a truly competitive market in which prices are driven toward cost, diverse consumer needs are served, and technological progress is rapid. Thus, the Commission expects the deregulation of CPE to enhance competition, bringing these benefits to all consumers of telecommunications services.

One of the major benefits of the deregulation of enhanced services is that the threat of regulatory oversight by the FCC will no longer deter potential entrants from offering these services to the public. The Commission anticipates that deregulation will promote competition, leading to reasonable prices, diversity of services, and rapid innovation in the provision of enhanced telecommunications services. All consumers of the telecommunications services should be the beneficiaries of this improved performance.

The Commission also anticipates that deregulation in the CPE and enhanced services markets will allow it and the State regulatory commissions to focus their regulatory efforts on the provision of basic services. This last market continues to have structural characteristics that require more traditional regulatory oversight. Focusing attention more closely on markets where monopoly abuses are more likely to occur will lead to better protection of consumers.

Summary of Costs

Sectors Affected: The telecommunications industry; telecommunications users; State regulatory agencies; and the FCC.

The transition from the current regulatory scheme to the new deregulated environment will be costly to carriers and regulatory agencies. The telecommunications carriers will have to develop new operating procedures that separate regulated and unregulated activities. AT&T will have to establish one or more separate subsidiaries, which could involve the transfer of over $10 billion in assets and thousands of employees. During the transition, consumers may initially suffer from some confusion or other inconveniences. However, one goal of this implementation proceeding is to determine transitional procedures that will minimize these costs on the carriers, the public, and the State regulatory agencies.

Summary of Net Benefits

The net benefits of the implementation of the FCC's decisions in its Second Computer Inquiry are difficult to quantify, but they should be dramatic. Removing regulatory burdens and promoting competition in the telecommunications industry will provide increased diversity of consumer choice and augmented technical innovation, with market protection from monopoly abuses and freedom from regulatory burdens. These factors will benefit consumers throughout the foreseeable future. The Commission intends to make the costs of transition to this new regulatorty scheme as small as possible and fully expects that these costs will be trivial when compared to the benefits to be achieved in the future.

Related Regulations and Actions

Internal: The FCC is considering the appropriate regulatory scheme for carriers providing regulated services (FCC Docket 79–252, Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor, 47 CFR 61.38 *et seq.*). The Commission has also established a Joint Board, consisting of FCC members and representatives of State regulatory commissions, to reexamine the jurisdictional allocation of telephone plant investment in light of the deregulation of CPE (FCC Docket 80–286, Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, 47 CFR Part 67).

External: None.

Government Collaboration

As one possible alternative, the Commission may establish an additional Joint Board, consisting of FCC members and representatives of State regulatory agencies, to address some important transitional issues related to the deregulation of customer-premises equipment.

Timetable

Notice of Inquiry—4th Quarter 1981.
NPRM—Dates to be determined.

Memorandum Opinion and Order—Dates to be determined.
Public Hearing—No public hearing scheduled as yet. Item is still in infant stage.
Public Comment Period—Dates to be determined.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis.
Regulatory Flexibility Analysis—Dates to be determined.

Available Documents

The Final Decision, 77 FCC 2d 384 (1980), Memorandum Opinion and Order, 84 FCC 2d 50 (1980), and Memorandum Opinion and Order on Further Reconsideration, released October 30, 1981, from the Second Computer Inquiry are available on request from the FCC's Office of Public Affairs, Washington, DC 20554. Refer to FCC Docket 20828.

Agency Contact

William S. Reece, Chief
Economic Studies Branch
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554
(202) 632-7084

FCC

Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806–821/851–866 MHz Bands (PR Docket 79–191) (47 CFR 90; Revision)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), 303(g), and 303(r).

Reason for Including This Entry

The Federal Communications Commission (FCC) thinks this rule making is important because it would make available for use by private land mobile radio users the 250 reserve channels that remain in the 806–821/851–866 megahertz (MHz) band.

Statement of Problem

In 1976 the Commission began assigning channels in the 806–821/851–866 MHz band to private land mobile radio users according to rules and policies that had been promulgated in Docket 18262. At that time, the Commission released 300 of the 600 channel pairs available in the band, designating 200 of these channels for trunked systems and 100 for conventional systems. (A conventional radio system is one in which one or more channels are operated independently. A trunked system is one in which several channels are assigned to a licensee as a block and computer circuitry automatically searches for and accesses an unoccupied channel.) Although trunked systems are theoretically more spectrally efficient than conventional systems, the Commission decided in 1975 that it should wait until a number of trunked systems had been constructed and operated before making a decision on releasing the remaining 300 channels. This would enable the Commission to use its actual operating and regulatory experience with both trunked and conventional systems. Early in 1978 the original 100 channels designated for use by conventional systems were all assigned in the major metropolitan areas. In response, in August 1978, the Commission released an additional 50 channels for conventional systems. Then, in 1979, to alleviate a shortage of spectrum for conventional systems in New York, Los Angeles, and Chicago, the Commission increased the mobile loading limits (or maximum number of mobile radios allowed to operate on a single channel) for conventional channels in the top 25 urbanized areas of the United States. Notwithstanding these efforts to make more 800 MHz spectrum available, by late 1979 it had become apparent that the popularity of 800 MHz systems had resulted in spectrum shortages for trunked and conventional systems in the Nation's major urban centers. Waiting lists of applicants seeking spectrum have developed as applicants anticipated an additional spectrum allocation. Currently, there are no trunked channels available for assignment in Chicago, Los Angeles, New York, Washington, DC, San Francisco, Houston, or Dallas/Forth Worth; and there are no conventional channels available for assignment in Chicago, Los Angeles, or New York.

Alternatives Under Consideration

On June 16, 1981, the Commission adopted a Further Notice of Proposed Rulemaking (Docket 79–191, 46 FR 37927, July 23, 1981) proposing the release of the 250 channels now held in the 800 MHz reserve and a regulatory structure for the licensing and operation of these channels. The Further NPRM would allocate the 250 reserve channels among four private land mobile radio service categories or "pools" in the following manner: Public Safety/Special Emergency Radio Services, 60 channels; Industrial/Land Transportation Radio Services, 70 channels; Business Radio Service, 70 channels; and Specialized Mobile Radio Systems, 50 channels. The selection of frequencies from the new 250 channels will be made by the applicant. The applicant will also have to provide an engineering field survey or frequency coordination recommendation along with his or her application. This frequency coordination procedure is similar to the requirements in all the other private land mobile radio frequency bands. The applicant will have the option of using his or her frequency(ies) for either conventional or trunked operations. However, once a channel is assigned for a particular mode in a specific geographic area, the Commission would not assign that frequency in the same geographic area for the other mode.

As under our existing rules for the original 350 channels, no person or entity may be assigned more than five conventional channels in any one market area. While the conventional channel assignment policy remains unchanged, the Commission proposed that trunked system applicants be eligible for only five channels at a time. They would have to load the five channels to the loading standards being proposed before they would be eligible for another five channels. The Commission also proposed to change the current rule, which prohibits land mobile radio equipment manufacturers from operating more than one trunked radio system in the United States. The proposal would permit land mobile radio equipment manufacturers to operate one trunked system per market area, as defined by the 40 dBu signal contour (approximately 20 miles from the transmitter site). In this Further NPRM the Commission also solicits comments on an alternative proposal that would remove all limitations on the number of trunked systems that can be licensed to manufacturers. Commenters were asked to consider, before commenting, that the equipment manufacturers, as well as all other licensees of trunked systems, would continue to be limited to loading only one trunked system at a time in a given market area. Under this alternative proposal, once a system is loaded, however, the equipment manufacturers would be able to license their next trunked system in the same area.

The Commission proposed that the loading level (number of mobile radio units actually being operated by the licensee) necessary to obtain exclusive use of a conventional channel be 90 percent of the maximum number of mobile radios permitted on a conventional channel and that this 90-percent level be achieved within 8 months of authorization of the facilities.

This 90-percent loading level standard would be applied only to those 800 MHz systems that are located within 75 miles of the Nation's 25 largest urban areas. In all other locales, where demand for 800 MHz spectrum is minimal and where this situation should continue for some time, the loading level necessary for a licensee to get exclusive use of a channel would still be 90 percent, but the licensee would have 2 years from the date of authorization of the facilities to achieve this 90-percent loading level.

In the case of loading maximums, the Commission proposed that all maximum loading limits be lifted unconditionally and retroactively for all conventional and trunked systems—single-user, multiply licensed, or Specialized Mobile Radio Systems (SMRS). Mobile licensees of multiply licensed or SMRS facilities would be free to change systems if a system is unacceptable for their requirements; licensees of single-user systems can load as many mobiles on their system as they see fit.

The Commission also proposes in the Further NPRM to allow greater technical flexibility on those channels assigned for exclusive use to a single licensee, to SMRS operations, and to those shared systems in which all users agree to the intended use of the channel. This enhanced flexibility would be permitted on both the new channels and the original channels in the 800 MHz band. Licensees would be given greater technical flexibility in choosing the type of emission mode(s) they use. This flexibility would enable licensees to use the combination of emission mode and bandwidth that is most appropriate for their particular communications requirements. Technical flexibility, however, will be constrained by present limitations on out-of-band emissions, which are intended to eliminate interference.

Summary of Benefits

Sectors Affected: Manufacturing, wholesale, and retail trade of two-way radio transmitting, signaling, and detection equipment and apparatus; and all current and potential users of two-way land mobile radio equipment operating in the bands 806–821 MHz and 851–866 MHz.

Mobile radio users will have a greater number of service options available due to the release of 250 channels. Larger users, such as utility companies, that currently cannot build their own radio systems because they require an exclusive channel, may be able to do so with the release of the remaining spectrum. In general, competition for providing 800 MHz service will be greater with resulting lower prices if more radio systems (trunked or conventional) exist in an area. Also, with more 800 MHz radio systems in an area, users will be able to procure service that best meets their coverage area, waiting time, and privacy (compatible sharing) requirements. Therefore, user satisfaction will probably be higher if the remaining channels are released.

Summary of Costs

Sectors Affected: Manufacturing, wholesale, and retail trade of two-way radio transmitting, signaling, and detection equipment and apparatus; and all current and potential users of two-way land mobile radio equipment operating in the bands 806–821 MHz and 851–866 MHz.

At this time, the Commission cannot identify any costs that would be incurred by the land mobile radio equipment manufacturers or 800 MHz land mobile radio users as a result of the proposed rules. We expect that during the comment period for this rulemaking, interested parties will inform us of any costs they believe the proposed rules would impose on them.

Summary of Net Benefits

If we do not release the 250 channels in reserve, existing 800 MHz systems would be loaded faster. However, at the same time, the 250 reserve channels would be totally unused, which would result in the lowest possible spectrum efficiency on these channels. It appears desirable for the Commission to release the 250 channels currently held in reserve in order to improve the choices available to the user of 800 MHz radio and increase competition in both the 800 MHz radio equipment and service industries.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

Further NPRM—46 FR 37927, July 23, 1981.
Final Rule—4th Quarter 1982.
Public Comment Period—Comments on Further NPRM closed October 30, 1981; reply comments are due January 15, 1982.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.
Regulatory Flexibility Analysis—Contained within the Further NPRM.

Available Documents

The Further NPRM is available on request from the FCC's Office of Public Affairs, Washington, DC 20554.

For review of public comments, request PR Docket 79–191.

Agency Contact

Lewis Goldman or
Eugene Thomson
Rules Division
Private Radio Bureau
Federal Communications Commission
Washington, DC 20554
(202) 632–6497

INTERSTATE COMMERCE COMMISSION

Application Procedures for a Certificate To Construct, Acquire, or Operate Railroad Lines (49 CFR Part 1120: Revision)

Legal Authority

Administration Procedure Act, 5 U.S.C. 553; Interstate Commerce Act, 49 U.S.C. 10321 and 10901.

Reason for Including This Entry

The Interstate Commerce Commission (ICC) believes that adopted of this revised regulation will streamline application procedures by eliminating unnecessary and redundant informational requirements, thus reducing the administrative burden on the industry, Government, affected shippers, and the public at large.

Statement of Problem

The regulation under revision sets forth the informational requirements and procedures related to the processing of applications for a certificate of public convenience and necessity to construct, extend, acquire, or operate railroad lines. Prior approval of the Commission is required under 49 U.S.C. 10901.

The existing regulation calls for detailed informational concerning the financial and operational aspects of the rail line, including its geographic location; the nature, extent, and growth prospects of industries to be served; demographic data; traffic and revenue projections; and types of service that will be provided. Complete information concerning ownership, control, and financing the entity that will provide service is required. Where applicable, in-depth data concerning the engineering aspects of construction must be provided, including cost estimates on tract and other structural components, equipment and locomotive power to be

used, a topographic map of the route of the proposed line, and environmental information.

The regulation at issue was last revised in 1967. Since that time, a number of statutory changes bearing on the Commission's regulatory responsibility in this area have occurred, thus necessitating the modifications now under consideration. In particular, § 221 of the Staggers Rail Act of 1980 (P.L. 96-448) changed the standard to be applied in considering an application under § 10901. Under former § 10901(a), we were required to determine whether the public convenience and necessity required or would be *enhanced by* the proposal. Now, the Commission need only find, that the public convenience and necessity require or *permit* the proposal.

The existing regulation was adopted prior to the enactment of the National Environmental Policy Act of 1969 (NEPA) and the Commission's implementing regulations in that area, codified at 49 CFR Part 1106 and 49 CFR Part 1108, as revised by *Revision of Natl. Envi. Policy Act Guidelines*, 363 I.C.C. 653 (1980). These regulations embrace separate notification procedures and call for the filing of detailed environmental information. The revised regulation will reduce the filing burden presently required by taking into account the parallel reporting and notice provisions of the environmental regulations.

Superimposed on the specific statutory requirements noted above is the general directive of Congress, as expressed in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) and in submission (2) of the new rail transportation policy, 49 U.S.C. 10101a, established by the Staggers Act, that we expeditiously process applications submitted by rail carriers.

A number of specific changes in the application process, in terms of both procedure and informational content, are contemplated by the proposed regulation. First, the types of transactions covered by the regulations are described. This new statement will eliminate confusion on the part of the public as to the applicability of regulation to a particular type of transaction. The proposed rule disposes of the rigid format required under the existing regulation and in general reduces the amount of information required so as to require only data that the Commission has found through experience to be useful or necessary in reaching an informed decision. For instance, under existing § 1120.7, an extremely detailed filing requirement concerning construction of new facilities has been supplanted by a less rigorous rule requesting that only general information be given. In general, a concerted effort has been made to permit an applicant to file in support of its proposal information that would ordinarily be available as part of its own investigation of the economic and operational feasibility of the transaction. Further, the number of required copies of the application has been reduced from nine to five, in line with the Commission's actual needs. Other changes include a reduction in the analysis of revenues and costs from a 5-year to a 2-year time frame.

Procedural changes have been made to dovetail the proposed regulation with the environmental regulations set forth in § 1108 of NEPA. The existing regulations calls for a two-step procedure in which an applicant first submits an abbreviated application notice, published in the **Federal Register**. Later, the applicant submits a "return to questionnaire," which includes more detailed information about the proposal. However, the proposed rule would require the applicant to submit the information required under the environmental rules at least 6 months prior to filing its proposal (49 CFR 1108.9(b)). The rules that deal with construction currently do not require this lead time. The proposed rule dovetails the existing requirement in the environmental rules with the construction rules. Notice of the application to appropriate State officials and the public and pertinent substantive information concerning it will be generated from the environmental scoping process (the process by which major environmental issues are identified and evaluated). Accordingly, the revised regulation would reduce the notice requirement by requiring only one newspaper announcement rather than three. However, a copy of the proposal must be submitted to the State department of transportation in addition to the Governor and State public service commission, as required under the present regulation. This reflects the growing interest and participation of State agencies in coordinating rail transportation activities within their borders.

In addition, the second phase of the application procedure (the "return to questionnaire") has been eliminated. If there is no opposition to the application, additional evidence normally need not be filed, and a decision will be reached on the basis of the information presented in the application. Thus, only in cases where a hearing is required would an applicant have to furnish the detailed information called for under the present regulation.

The proposed regulation also encourages use of a waiver procedure whereby information that is not readily available or perceived by the Commission to be irrelevant to the decisional process need not be submitted. The availability of waivers of filing requirements under this regulation complements similar procedures available in applications for rail consolidations (49 CFR Part 1111) and for abandonments (49 CFR Part 1121).

In addition, the proposed regulation would codify the Commission's existing regulations concerning procedures for obtaining a certificate of designated operator. The procedures were adopted by the Commission in 1976 in response to Congress' directive in § 304(c) of the Regional Rail Reorganization Act of 1973 (3R Act), as revised by the 4R Act. Under this section, certain operations, conducted over lines of six bankrupt Northeast railroads not designated for transfer to the Consolidated Rail Corporation (ConRail), are not subject to the requirement of prior approval under § 10901.

Finally, the proposed regulation would incorporate the modified certification procedures adopted in *Common Carrier Status of States, State Agencies*, 363 I.C.C. 132 (1980), as modified at 46 FR 37702 (July 22, 1981). These rules apply to the operations conducted over abandoned rail-lines that are acquired by a State or State agency. Under these procedures, the State may contract with an operator to provide service. The operator may apply for a modified certificate of public convenience and necessity and be exempted from the requirements of 49 U.S.C. 10901 and 10903, which would otherwise govern the startup and termination of operations.

Alternatives Under Consideration

Deletion of the waiver provision of the new regulation was considered because the filing burden has already been substantially reduced. This position was rejected, because the granting of a waiver does not preclude the Commission from requiring that the information be submitted at a later date.

Summary of Benefits

Sectors Affected: Railroad industry; State governments; shippers; and the general public.

The rail industry will benefit from the more expeditious processing of pertinent applications. The informational filing burden will be reduced so that carriers can, in most cases, submit information

already in their possession, either as is or in slightly modified form. In cases where information is not readily available, an applicant can seek a waiver of the requirement that the information be filed. It is estimated that the proposed rule will reduce by more than 50 percent the railroad staff time needed to compile the information required in an application. Because format requirements have been made less demanding, an application can probably be prepared by lower-level personnel without sacrificing accuracy. Reducing the time frame for the operational and financial analysis will lessen the need for analysis by an applicant's financial and operational staff.

State governments will benefit from the modified certification procedures because they will not be subject to the more rigorous filing requirements for startup and termination of operations required under 49 U.S.C. 10901 and 10903 and pertinent regulations. Also, the States would not be liable for the labor-protective conditions normally required by 49 U.S.C. 11347 and 10903 when operations of railroads terminate, nor for other obligations stemming from the acquisition of common carrier status.

Shippers will benefit from quicker access to new rail service, which will be made possible by adoption of the proposed rule. In addition, under the modified certificate procedures, there is an increased likelihood that a threatened existing service will continue, because the reduced responsibilities placed on States will result in their increased involvement in service continuation programs.

The public at large will benefit ultimately from the decreased cost of regulation and the preservation, through the modified certificate procedures, of rail service that might otherwise be terminated.

Summary of Costs

Sectors Affected: None.

This proposal would streamline application procedures, resulting in savings of time, effort, and money. The rules would not result in costs of any kind to the involved public and private sectors.

Summary of Net Benefits

Since no costs would be imposed by the proposed regulation, the Summary of Benefits above is an accurate description of net benefits.

Related Regulations and Actions

Internal: Modified Certificate of Public Convenience and Necessity, 49 CFR Part 1120A.

Exemption of Certain Designated Operators from § 11343, 361 I.C.C. 379 (1979).

External: None.

Government Collaboration

None.

Timetable

NPRM—46 FR 43721, August 31, 1981; 365 I.C.C. 236 (served August 28, 1981).
Public Hearing—No public hearing is anticipated at this time.
Public Comment Period on NPRM—Closed October 12, 1981.
Final Rules—Final Rules will be issued by the end of the first calendar quarter of 1982.
Regulatory Impact Analysis—The Commission does not plan to issue a separate Regulatory Impact Analysis in this proceeding. The final decision of the Commission will incorporate the results of our regulatory analysis.
Regulatory Flexibility Analysis—With NPRM.

Available Documents

Public comments were due on October 12, 1981 and are available for inspection at the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, DC 20423, during normal business hours. Documents may be copied at nominal charge.

Agency Contact

Ellen D. Hanson, Deputy Director
Section of Finance
Interstate Commerce Commission
Washington, DC 20423
(202) 275–7245

ICC

Coal Rate Guidelines—Nationwide

Legal Authority

Interstate Commerce Act, 49 U.S.C. 10321, 10701, and 10704; Administrative Procedure Act, 5 U.S.C. 553.

Reason for Including This Entry

We include this entry because it is precedent setting and of broad impact, it concerns an issue of great public interest, and it is controversial. It is precedent setting because the rail rates for transporting coal throughout the Nation will be set according to the guidelines determined by the proceeding. It is of broad impact because it will affect coal rates throughout the Nation. It concerns an issue of great public interest because virtually the entire population will be affected. It is controversial because there are many different ways to determine how the rates should be set.

Statement of Problem

The Interstate Commerce Act requires that rail rates on market-dominant traffic be reasonable (49 U.S.C. 10701a). Because a considerable number of coal purchasers are tied to a particular railroad for transportation service, the Commission often finds that the railroad has market dominance for this traffic. Therefore, it is important that the Commission establish guidelines for determining the reasonableness of the rates on coal, so that rate reasonableness does not have to be determined on a case-by-case basis.

With the passage of the Staggers Rail Act of 1980, P.L. 96–448, the need to establish guidelines for coal rates has become more pressing. This is due, in part, to the requirement that the Interstate Commerce Commission balance the needs of captive shippers with the needs of the railroads to attain revenue adequacy (49 U.S.C. 10704). Thus, the Commission will determine, in this proceeding, how to allocate the cost of transporting coal so as to ensure revenue adequacy for the railroads without placing an undue burden on captive shippers. Improper allocation of costs could cause customers of the utilities that use coal to pay higher and more inflationary rates than necessary to sustain adequate service, or it could cause the railroads to earn inadequate revenues that could result in inadequate rail service. Therefore, it is imperative that the Commission arrive at an appropriate method for properly allocating the cost of service.

Alternatives Under Construction

Most of the parties to this proceeding agree that the determination of the cost of moving coal should be the principal starting point to determine reasonable rates. There is a general consensus that a rail rate should at least cover the railroad's full, long-run costs of transporting coal. Railroads and their shippers/customers do not agree, however, on how to compute the actual cost of service. Additionally, the railroads favor greater emphasis on demand-sensitive pricing (that is, prices set by demand for the transportation), but this approach is opposed by captive coal shippers. A principal source of dispute lies in the difficulty in computing the proportion of constant costs that can be properly allocated to a particular movement of coal; a second problem lies in the allocation of the costs of newly purchased real estate, plants, tracks, and other non-moveable assets; and a

third lies in computing the cost of investment in locomotives and other equipment. With respect to these issues, the Commission proposes significant departures from its past practices. First, the Commission proposes to re-examine the present method of allocating costs. Second, the Commission proposes to eliminate the use of certain types of investment costs from the ratemaking process. Third, the Commission proposes to eliminate locomotive and certain other equipment investment costs. Finally, the Commission proposes eliminating the use of an additive above fully allocated costs.

It is a well-known characteristic of rail transportation that some costs vary directly with the level of a particular service and can be allocated accordingly, while other costs are shared by two or more services and hence cannot in any precise way be allocated directly to any one service on a per-unit basis. These unallocable costs are commonly known as *fixed* or *constant* costs. To avoid the dangers of either under- or over-allocation, we conclude that constant costs should be allocated among users in a way that reflects the importance of rail service to each user as well as the cost of providing service. The Commission is examining the alternatives.

In a number of past coal cases, we have applied an additive of 7 percent over and above fully allocated costs, as calculated by the method then in use. While not entirely ruling out the possible need for an additive above fully allocated costs in future coal rate cases, the Commission believes such an additive will be less often appropriate than in the past. It believes that improvements in costing methodology and the broad program of legislative, regulatory, and industry initiatives now underway will accelerate the rate of railroads to a state of economic health and will eventually eliminate altogether the need for *ad hoc* additives to guarantee revenue adequacy. However, because the necessary changes will take several years to become completely effective, the Commission remains willing to consider, as necessary, the need for an additive above fully allocated costs in exceptional circumstances. It will determine whether to apply such an additive and how high an additive to apply on a case-by-case basis. In the Final Rules, the Commission may wish to propose guidelines for the submission of evidence in cases where an additive is sought.

In the absence of actual cost data, the Commission has used the system-wide average for fuel and maintenance in calculating average costs. The railroads have argued that costs should be revised upward to reflect the heavier weight of coal locomotives. The commission rejected this argument, finding that weight is not the only factor to be considered in adjusting the fuel and maintenance expenses. Indeed, characteristics of some types of coal train movements may lower fuel and maintenance costs below system-wide averages. In the absence of actual operating cost data, the system-wide average is the best estimate of these expenses. However, the Commission is seeking comment on whether sufficient data are now available for it to consider how these costs differ among individual unit coal trains.

A similar situation exists with regard to rail roadway maintenance expenses, as these vary with the use and tonnage of the roadway. In most past decisions, the Commission has allowed roadway maintenance expenses to be allocated on a tonnage basis using system averages. In the absence of data reflecting actual operating expenses, it will continue to use system averages. However, the Commission will make every effort to obtain more specific data. Frequent, heavily loaded coal-train service is relatively new, and it is only recently that its effect on roadway maintenance expenses can be observed. When possible, the Commission will consider these effects in estimating cost.

No specific alternatives to those proposed are presently contemplated. The Commission remains open to modify its proposals. We rejected the alternative of "no action" because improper allocation of transportation costs in the absence of guidelines could result in either railroads or consumers bearing an unfair portion of the cost of coal transportation.

Summary of Benefits

Sectors Affected: Railroads; utility companies and their rate payers; coal mines; other purchasers of coal; and other users of rail service.

The method of allocating the costs affects the revenue of railroads. It also affects those who are paying for the transportation of the coal—the utility companies and, ultimately, their rate payers. Because coal mines selling coal must compete for sales at the delivered price of coal, and the proper allocation of transportation costs will result in the lowest possible coal prices, all purchasers of coal are affected. If the costs are improperly allocated so that the coal industry pays less than it should, other users of rail services may have to pay the difference, because the costs will be allocated to them. Conversely, if the coal industry pays more than it should, it could result in a windfall either to the railroads or to other users of rail services. Thus, all the affected sectors stand to benefit from a proper allocation of rail costs, which is the objective of this rulemaking action.

Summary of Costs

Sectors Affected: None.

The proposed rules would not impose any costs over and above those incurred in existing ratemaking procedures of the affected sectors.

Summary of Net Benefits

Proper allocation of costs according to the proposed guidelines will benefit all sectors involved in the production, transportation, and use of coal. Use of the guidelines by the railroads in the cost allocation and ratemaking process should not require any greater expenditures of time, effort, or money than is required in the absence of the guidelines.

Related Regulations and Actions

Internal: Filing of Contracts by Common Carriers, 49 CFR Part 1030; Railroad Contract Rates: Policy Statement, 49 CFR Part 1039; Procedures Governing Rail General Increase Proceedings, 49 CFR Part 1102; Requirements and Procedures Relating to Railroad Rate Adjustment Act of 1973, 49 CFR Part 1107; Passenger and Freight Tariffs and Schedules, 49 CFR Parts 1300–1310.

External: None.

Government Collaboration

None.

Timetable

Proposed Guidelines—45 FR 80370, December 4, 1980.
Public Comment Period on Proposed Guidelines—Closed April 17, 1981.
Final Guidelines—By March 1982.
Regulatory Impact Analysis—The Commission does not plan to issue a separate Regulatory Impact Analysis in this proceeding. The final decision of the Commission will incorporate the results of our regulatory analysis.
Regulatory Flexibility Analysis—Not required.
Public Hearing—No public hearing is anticipated at this time.

Available Documents

All documents, including the Notice of Proposed Guidelines, the Extension of Time to Notice of Proposed Guidelines

(46 FR 2204), and comments from the public, can be found in Room 1221 in the public docket, at the address below.

Agency Contact

Jane Mackall, Acting Deputy Director
Office of Proceedings
Interstate Commerce Commission
12th Street and Constitution Avenue, N.W.
Washington, DC 20423
(202) 275–7656

ICC

Railroad Consolidation Procedures (49 CFR Part 1111; Revision) Legal Authority

49 U.S.C. 11343–5, as amended by § 228 of Staggers Rail Act of 1980; Administrative Procedure Act, 5 U.S.C. 553.

Reason for Including This Entry

The Interstate Commerce Commission (ICC) considers this rulemaking to be significant because it would reduce the administrative burden imposed by rail consolidation proceedings on U.S. railroads and the Commission.

Statement of Problem

Commission approval is required before rail carriers can complete rail consolidation transactions. These transactions include consolidation or merger of rail carriers; purchases, leases, or contracts to operate the property of carriers; acquisition of control of a carrier; trackage rights over a carrier's line; and joint ownership or use of a line or terminal. Former Commission rules governing rail consolidation proceedings require parties to submit extensive amounts of information.

The Staggers Rail Act of 1980, P.L. 96–448, created a new classification system for these transactions. Under that Act, both the statutory standard for approval and the statutory deadline are governed by the classification of a particular transaction.

If the transaction involves two or more Class I railroads (i.e., the largest U.S. railroads), the Commission must decide whether or not the transaction is consistent with the public interest after considering five factors listed in 49 U.S.C. 11344(b). If the transaction does not involve two or more Class I carriers, the Commission must approve it unless it finds that the transaction is anticompetitive and that any transportation benefits do not outweigh its anticompetitive effects.

In order to make these determinations, the Commission requires applicants to submit financial statements, operational data, environmental information, and market analyses. Such data may also be required from "inconsistent" applicants, i.e., those seeking the same authority as the original applicant or seeking Commission imposition of conditions on the transaction.

Prior to revision of the Commission's regulations (at 49 CFR Part 1111), the Commission required the same information from an applicant regardless of the type or impact of the transaction. The proposed rules relate the extent of information required to the nature and size of the contemplated transaction.

The current regulatory structure imposes a burden on carriers required to submit information that the Commission will not need to examine in order to reach its decision on the application. This unnecessary administrative burden has been brought to the Commission's attention by its staff and by rail carriers subject to these regulations, who often seek to have various informational requirements waived in individual cases.

If the Commission chose a "no-action" alternative, carriers participating in covered transactions would remain subject to requirements for the provision of unnecessary data.

Alternatives Under Consideration

The Commission consulted its staff and reviewed past proceedings governed by these regulations to determine what information is necessary for a particular determination and what is not. It also reviewed comments received in response to its NPRM published in November 1979 (44 FR 66626). For each type of material, the Commission considered the alternatives of continuing to require submission or of dropping the requirement. The proposed rules represent its conclusions about the usefulness of the data.

Summary of Benefits

Sectors Affected: Railroads and line-haul operating establishments (SIC Code 4011); switching and terminal establishments (SIC Code 4013); and the Commission.

These revised rules are procedural, so no quantitative estimate of benefits or costs is possible. Benefits include: reduction in the paperwork required to be submitted with rail consolidation applications and, it is hoped, a simpler and less expensive proceeding in which the Commission obtains all information required to make the findings required by law. The Commission itself would benefit from not needing to sort through massive application material in order to collect the information necessary for decisionmaking.

Summary of Costs

Sectors Affected: Railroads and line-haul operating establishments (SIC Code 4011); switching and terminal establishments (SIC Code 4013); and legal services (SIC Code 8111).

Railroads may incur some costs in generating impact analyses (i.e., descriptions of the likely effects of the transaction on affected markets). The format and degree of sophistication of these analyses, however, are left to the discretion of the applicant. In addition, the requirement for submission of an impact analysis replaces the previous requirement that a "traffic study" (describing diversion resulting from the transaction) be prepared. The Commission considers the impact analysis to be less burdensome, overall, than the traffic study because the impact analysis does not necessarily sample as wide a range of rail movements.

The legal services sector may experience costs in terms of reductions in need for legal man-hours (corresponding to the decrease in material that must be submitted with applications).

Summary of Net Benefits

The Commission believes that the benefits, in terms of lower costs for the railroads resulting from reduced paperwork in affected proceedings, will considerably outweigh any costs, such as those incurred by rail carriers in developing impact analyses or those experienced by lawyers due to reduced need for certain services.

Related Regulations and Actions

Internal: Ex Parte No. 282 (Sub-No. 8), Rail Consolidation Proceedings—Time Revisions, 45 FR 74488, November 10, 1980.

Ex Parte No. 282 (Sub-No. 5), Rulemaking Concerning Traffic Protective Conditions in Railroad Consolidation Proceedings, 45 FR 46461, July 10, 1980.

External: None.

Government Collaboration

None.

Timetable

Final Rule (Procedural Aspects)—363 I.C.C. 200, August 1980.
NPRM (Informational Aspects)—44 FR 66626, November 20, 1979.
Revised NPRM (Informational Aspects)—363 I.C.C. 200, August

1980.
Final Rules (Informational Aspects)—To be determined.
Public Comment Period—Ended October 1980.
Public Hearing—None.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—To be included in Final Rule.

Available Documents

Copies of the two NPRMs and the Final Rule (Procedural Aspects), as well as comments received in response to the two NPRMs, are available in the Public Docket in the Office of the Secretary, Room 1221, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, under Ex Parte No. 282 (Sub-No. 3). Fees for copying are set at 49 CFR 1002.1.

Agency Contact

Ernest B. Abbott, Rail Merger Coordinator
Interstate Commerce Commission
12th and Constitution Avenue, N.W., Room 5328
Washington, DC 20423
(202) 275-3002

POSTAL RATE COMMISSION

Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand)

Legal Authority

Postal Reorganization Act, 39 U.S.C. 3621-23.

Reason for Including This Entry

The Postal Rate Commission thinks this case is important because it concerns the U.S. Postal Service's (USPS) plans to offer E-COM service, in which large-volume mailers can electronically transmit messages from their computers to specially equipped post offices, where the messages would be printed and delivered. This service could be an economical and efficient method for large-volume mailers to use in sending messages.

Statement of Problem

The Commission issued an opinion in this case, approving the Postal Service's proposed electronic mail service, E-COM. The Commission's decision, however, set a termination date of October 1, 1984, so that it could review the costs and rates of the service after the Postal Service gained operating experience. The Governors of the Postal Service allowed the Commission's decision to go into effect, but asked the DC Circuit Court of Appeals to review the Commission's authority to limit its decision in such a manner (*Governors of USPS* v. *PRC*, Docket No. 80-1971, decided May 29, 1981). An additional E-COM action is described in the following entry. The court held the Commission did not have such authority and returned the entire matter to the Commission for further consideration.

On October 8, 1981, the Commission issued an order on the scope of the issues in this remanded proceeding. The Commission analyzed the court decision and concluded that it had returned the entire case to the Commission, not just the issue of the propriety of imposing a termination date. The Commission also divided the remanded case into two phases. In the first phase, the Commission will make a decision on those issues that must be resolved before the Postal Service begins offering the E-COM service. In the second phase, the Commission will resolve the remaining issues. To accommodate the Postal Service's desire to begin offering E-COM service in early 1982, the Commission has committed itself to completing the first phase by February 1982, assuming cooperation from all participants.

The issues the Commission will resolve in the first phase include the determination of what are compensatory rates—rates that reflect costs accurately and avoid cross-subsidization of E-COM service by the other classes of mail. Another issue the Commission will reach a decision on in the first phase is how to structure the E-COM classification so that telecommunications carriers may interconnect with it on open and nondiscriminatory terms. Parties have also raised the issue of whether the Postal Service should be offering an E-COM service. This issue must be settled in the first phase.

The parties in this case are the U.S. Postal Service, American Bankers Association, American Business Press, Inc., American Cable & Radio Corporation, American Newspaper Publishers Association, American Retail Federation, Association of American Publishers, Inc., Computer and Business Equipment Manufacturers Association, Council of Public Utility Mailers, DHL Communications, Inc., Direct Mail/Marketing Association, Inc., Envelope Manufacturers Association, Federal Communications Commission, Graphnet Systems, Inc., GTE Service Corporation, Department of Justice, Magazine Publishers Association, Inc., Mail Order Association of America, MCI Telecommunications Corporation, National Association of Greeting Card Publishers, National Industrial Traffic League, National Telecommunications and Information Administration, J.C. Penney Company, Inc., United Parcel Service, Dr. George M. Wattles, Xerox Corporation, Officer of the Commission, American Facsimile, RCA Global Communications, Inc., American Satellite Corporation, Jack R. Taub, Plexus Corporation, Southern Pacific Communications Company, Western Union International, Inc., and Satellite Business Systems.

Alternatives Under Consideration

At this early stage of the remanded proceeding, before any party has presented evidence, there are only three general alternatives. The Commission cannot estimate the costs and benefits of these alternatives before the parties present evidence concerning them.

The alternatives are:

(A) The Commission may recommend classification changes for E-COM service similar to those it recommended in the original proceeding but without a termination date.

(B) The Commission may recommend classification changes for E-COM service with some changes in accordance with suggestions that the parties may present in their evidence in this proceeding.

(C) The Commission may recommend that the Postal Service not offer any E-COM service.

Summary of Benefits

Sectors Affected: USPS; large-volume mailers and recipients of that mail; and the telecommunications industry.

At this stage of the proceeding, before the parties have presented any evidence, the Commission cannot estimate the costs of any of the alternatives. When the parties present their evidence, they will discuss the benefits of the various alternatives.

Summary of Costs

Sectors Affected: USPS; large-volume mailers and recipients of that mail; and the telecommunications industry.

At this stage of the proceeding, before the parties have presented any evidence, the Commission cannot estimate the costs of any of the alternatives. When the parties present their evidence, the Commission anticipates that they will discuss the costs of the various alternatives.

Summary of Net Benefits

At this stage of the proceeding, before the parties have presented any evidence, the Commission cannot calculate the net benefits of any of the alternatives. The Commission will

analyze the net benefits before it makes its recommendation.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

Notice of Inquiry in Remanded Proceedings—46 FR 35400, July 2, 1981.

Public Hearing—The Commission will hold hearings in compliance with the requirements for formal rulemaking on the record, having regard to the fact that the case is before it on remand from a court.

Public Comment Period—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Regulatory Impact Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. 603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Available Documents

As the following documents are filed with the Commission or issued by it during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street, N.W., Room 500, Washington, DC 20268, (202) 254–3800.

Notice of Inquiry in Remanded Proceedings.

Transcripts of Hearings, as well as Letters of Comment, Testimony, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket MC78–3.

Commission Orders and Notices; Presiding Officer's Orders, Rulings, Motions and Notices, Petitions for Leave to Intervene and Requests for Limited Participation; and Commission's Recommended Decision for Docket MC78–3.

Documents may be inspected in the Commission's reading room. Copies of documents issued by the Commission or filed by the Officer of the Commission are available without charge. Copies of all other public documents are available for 15 cents per page.

Agency Contact

Maureen Drummy, Special Assistant to the Acting Chair
Postal Rate Commission
2000 L Street, N.W., Room 500
Washington, DC 20268
(202) 254–3846

PRC

Postal Rate Commission Docket No. MC 80–1—E-COM Forms of Acceptance, 1980

Legal Authority

Postal Reorganization Act, 39 U.S.C. 3621–23.

Reason for Including This Entry

This case may have a national effect because it will investigate possible ways to make the U.S. Postal Service's (USPS) planned new service, E–COM (Electronic Computer Originated Mail), available to more mailers. The decision in this case may provide an opportunity for the Postal Service and large-volume mailers to increase their productivity without causing adverse effects.

Statement of Problem

The Postal Service is preparing to offer a service, E–COM, in which large-volume mailers can electronically transmit messages from their computers to specially equipped post offices. At these post offices, the Postal Service will convert the electronic messages to printed documents that the Postal Service will put in envelopes and deliver. After reviewing new and developing technologies, the Postal Service decided that electronic mail was an important way of offering innovative service and lowering costs to mailers. The Postal Service plans to offer E–COM service by early 1982.

The Postal Service filed a proposal for the Postal Rate Commission's (PRC) consideration. The Postal Service intended to contract with a single commercial telecommunications carrier to provide all the transmission and data processing services involved when mailers used the E–COM service. The Commission, while agreeing with the Postal Service's decision to enter the market for electronic mail, recommended an alternative plan in which various private firms can compete for the business of transmitting the electronic messages from customers to 25 specially equipped post offices, where the data processing, printing, and enveloping would be done. The Commission determined that such a system would provide a technically superior service at a lower price to the consumer. On August 15, 1980, the Governors of the Postal Service accepted the E–COM system the Commission recommended.

At the time the Governors accepted the Commission's design for E–COM they instructed the Postal Service to present, as soon as possible, evidence to the Commission supporting two additional methods mailers could use to enter electronic mail into the postal system. With either of these methods, mailers would not need to purchase telecommunications service from one of the various firms that will offer it. The Governors want to permit (1) mailers to enter electronic mail by presenting magnetic tapes over the counter at the specially equipped post offices, and (2) direct connection to those post offices by mailers who have their own telecommunication systems.

Consideration of these two additional methods of entry will not delay the Postal Service's implementation of its E–COM service offering. To facilitate consideration of the matter, the PRC instituted Docket No. MC80–1 on May 27, 1980, shortly after the Governors first suggested the two alternative entry methods, in anticipation of the Postal Service's filing. The institution of Docket No. MC80–1 gives notice to interested parties that the Commission will expeditiously consider the proposal to add two other methods of entry for E–COM mail. The parties therefore have additional time to assess their positions and decide whether to intervene and what to present.

Alternatives Under Consideration

At this stage of the case, before the Postal Service has filed its proposal, only a general outline of the issues to be considered is clear. After the Postal Service has filed its proposal, interested parties will have an opportunity to offer modifications to the two forms of entry under consideration, as well as any related proposals—possibly including additional methods for entry. The alternatives we are considering are:

(A) No change in the forms of entry. The system would operate as described in our opinion in Docket No. MC78–3. Any mailer wanting to use E–COM would have to use the services of a carrier. The Postal Service can implement E–COM service without the additional method of entry. These two methods were not explored in Docket No. MC78–3; therefore, neither the Postal Service nor the Commission can estimate how many mailers would use the additional methods if they were available and what the cost to the Postal Service and mailers would be.

(B) The Governors of the Postal Service want the methods of entry expanded to include presentation of magnetic tapes in the specified post offices and direct connection of telecommunication systems owned by mailers. According to the Governors, this expansion of the methods of entry into the E–COM system could reduce mailers' costs. Additionally, mailers who might not use the E–COM service if they had to purchase telecommunication service might decide to use E–COM if the additional methods of entry were available. The availability of additional methods of entry might enhance competition both for the companies offering the telecommunications service and for the large-volume mailers who could choose the form of entry most cost effective for their circumstances.

The parties to this proceeding now include the Postal Service, Graphnet, Inc., Computer & Business Equipment Manufacturers Association, American Cable & Radio Corporation, and MCI Telecommunications Corp. After the Postal Service files its proposal, the Commission will set a deadline for persons to notify the Commission that they wish to intervene in this case.

Summary of Benefits

Sectors Affected: USPS; large-volume mailers and recipients of that mail; and the telecommunications industry.

The exploration of these possible modifications should reveal whether improvements can be made in methods of entry into the E-COM system. The availability of additional ways to enter messages into the E-COM system might decrease costs (compared to the cost of entry using the services of a telecommunications carrier) to mailers and might make electronic mail available to more mailers. Competition might be enhanced, because the telecommunications carriers would be competing against these alternatives as well as against each other. The Postal Service would benefit if the additional entry methods increased the volume of E-COM mail and the Postal Service's costs of handling this mail were not increased by the different forms of entry. Recipients of E-COM mail might benefit if the alternative methods reduced mailers' costs, because there may be less potential cost pass-through to the mail recipients, who will often be consumers of the goods and services produced by the mailers.

Summary of Costs

Sectors Affected: USPS; and large-volume mailers and recipients of that mail.

If the methods in Alternative (B), described above, are adopted, the Postal Service will have to pay an employee to accept computer tapes over the counter and perform the operations necessary to convert the messages from the tapes into printed words on paper. Large-volume mailers who use either alternative form of entry will need to pay the cost of putting their messages into a form that the Postal Service's E-COM system can accept. Some of these costs would be one-time startup costs. Others, such as the actual conversion of messages into a form that the E-COM system can accept, would occur for each mailing. Because recipients will often be consumers of the goods and services produced by the mailer, those recipients probably will bear the costs involved when they pay for the goods and services.

At this time, the Commission cannot estimate the effect this case will have on costs. The Commission anticipates that the Postal Service will present evidence on the costs of accepting electronic mail under the two additional methods and that mailers desiring to use the additional methods of entry will present evidence concerning their costs.

Summary of Net Benefits

At this time, before the Postal Service has filed its proposal, the Commission cannot present the net benefits, as that assessment can be made only after the Postal Service files its proposal and the Commission gives the parties an opportunity for a formal hearing. Possible benefits may have to be weighed against potential increases in costs to the Postal Service, which might result if extra equipment or personnel are needed to deploy the new forms of entry. These are the issues that the Commission will consider in the case.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

When the Postal Service files its proposal, the Commission will issue a schedule for the expeditious consideration of this case.

Commission Order No. 339 instituting the prodeeding in MC80–1 and the Notice sent to the *Federal Register*, published at 45 FR 37571, June 3, 1980.

Public Hearing—The Commission will hold public hearings at 2000 L Street, N.W., Washington, DC, in compliance with the requirements for formal rulemaking on the record; dates to be determined.

Public Comment Period—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Regulatory Impact Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. 603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Available Documents

As the following documents are filed with the Commission or issued by it during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street, N.W., Room 500, Washington, DC 20268, (202) 254–3800.

Transcripts of Hearings, as well as Testimony, Letters of Comment, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket MC80–1.

Commission Orders and Notices; Presiding Officer's Orders, Ruling, Motions and Notices, Petitions for Leave to Intervene, Requests for Limited

Participation, and Commission's Recommended Decision for Docket MC80–1.

Documents may be inspected in the Commission's docket room. Copies of documents issued by the Commission or filed by the Officer of the Commission are available without charge. Copies of all other public documents are available for 15 cents per page.

Agency Contact

Maureen Drummy, Special Assistant to the Acting Chair
Postal Rate Commission
2000 L Street, N.W., Room 500
Washington, DC 20268
(202) 254–3846

PRC

Postal Rate Commission Docket Nos. MC81-2 and R81-1—Attached Mail Proceeding, 1981

Legal Authority

Postal Reorganization Act, 39 U.S.C. 3622–23.

Reason for Including This Entry

This case may have an important national effect because it is an investigation into a mail classification change that may bring about improvement in the joint productivity of mailers and the U.S. Postal Service (USPS) and therefore may mitigate cost increases for both the Postal Service and its customers.

Statement of Problem

Attached mail occurs when more than one item travels through the mail as one unit. A well known example is a first-class letter enclosed within a package mailed at the parcel post rate. Currently, the mailer must pay the first-class rate for the letter plus the parcel post rate for the package. The Postal Service, of course, handles the items as a unit. The package with the enclosed letter receives regular parcel post (fourth-class) treatment, and the Postal Service does not incur the cost of handling the first-class letter separately.

The Postal Rate Commission (PRC) initiated this case to explore the issue of whether separate classifications, and possibly different rates, are appropriate for the various types of attached mail (e.g., first-class letters enclosed in packages or attached to magazines). This case should show whether the Postal Service, by offering lower rates for attached mail, should encourage mailers to combine mail pieces and so reduce the Postal Service's costs of handling the pieces separately. These classification changes might stimulate new volume; business mailers might take advantage of the classification changes, if they result in lower rates, to offer various products and services to their current customers. Such a change could reduce the postal workload while the rates paid would protect necessary postal revenue. If the rates charged reflect a savings made possible by the handling of combined rather than separate pieces, the Postal Service will benefit because it can handle the volume more efficiently. If the change results in additional volume, the Postal Service will benefit as long as the rates are set to cover the costs and make a contribution toward covering institutional costs (e.g., headquarters and regional administration costs).

On February 5, 1981, the Commission issued an order instituting the Attached Mail Proceeding. The order set a deadline for persons wanting to intervene and requested that parties submit proposed language to describe any change they support.

On July 6, 1981, the Postal Service filed a proposal for changes in the rates of postage for attached mail. The PRC docketed this filing as R81–1. Because the subject matter is similar to that in MC81–2, the Commission combined the cases.

In response to a suggestion by the Postal Service, the Commission provided for settlement conferences in these consolidated cases. The Postal Service has filed a settlement proposal that many of of the participants support; none of the participants have opposed this settlement proposal. The settlement contemplates disposition of some, but not all, of the issues in these consolidated cases. The details of the settlement proposal are described as Alternative (C) below.

Alternatives Under Consideration

At this stage in the proceeding, only some of the alternatives that the Commission will consider are apparent. The parties may present additional alternatives for the Commission to consider.

The parties to this proceeding now include the Postal Service, Associated Third Class Mail Users, Meredith Corporation, Reader's Digest Association, Magazine Publishers Association, Association of American Publishers, Recording Industry Association of America, American Business Press, American Retail Federation, Classroom Publishers Association, Department of Defense, J.C. Penney Company, Time Incorporated, United Parcel Service, Parcel Shippers Association, Dow Jones & Co., and the Officer of the Commission (OOC), who represents the interests of the general public.

Some of the alternatives described below do not deal with all of the issues in these consolidated cases. The alternatives at present are:

(A) No change in the current classification schedule. Mailers who wish to attach first-class mail or other types to the other classes of mail will continue to pay the same rates as if the pieces were mailed separately. This alternative would avoid the potential drop in Postal Service revenue if mailers currently using attached mail should begin paying a lower rate for the service. Because attached mail now must pay the same rate as separate pieces, mailers have no monetary incentive to combine pieces; and, although no definite figures are available, the volume of attached mail appears to be small. The Postal Service therefore incurs the costs for the larger number of pieces that must be handled separately.

(B) Another alternative is to classify attached mail separately and to charge a rate that reflects the lower costs of handling attached mail as one piece rather than separately. Under this alternative the Postal Service would face a reduction in revenue, because the small number of pieces of attached mail now pays the full rate charged the class. However, the Service also would achieve a cost savings if mailers convert into attached mail pieces now mailed separately. Rates can be set to reflect only the Postal Service's cost reduction and so protect its financial position. Additionally, lower rates might attract new volume and hence improve the Postal Service's financial position. A rate schedule requiring the full rate for a mail piece as well as some payment for the attached or enclosed piece could improve the financial situation of both the Postal Service and mailers. Taking into account potential revenue lost because attached mail now must pay the full rate, the Postal Service's overall revenue might increase if reduced rates can be offered and generate additional volume. The mailers would have a more economic means of sending messages.

(C) The settlement agreement proposes that first-class attachments or enclosures that are "incidental" to second-class (periodic publications), third-class merchandise pieces, and fourth-class pieces be considered part of the other mail piece for rate purposes. To be incidental, an attachment or enclosure must be closely associated with or related to the other mail piece. Also the attachment or enclosure must be secondary to the other piece and

must not encumber postal processing. An example of incidental attachments or enclosure is a bill for the product or publication.

The parties have agreed that the settlement proposal will be an improvement because they believe that the current rate structure for attached mail is difficult to enforce and unsupported on a cost basis. Additionally, they think the current rate structure is not in accord with a competitive posture and may not further the Postal Service's goal of effectively serving the public. The Postal Service estimates that, in the period March 21, 1981 to March 20, 1982, with the settlement proposal, approximately 150 million first-class pieces might travel as attached mail, causing a $12 million reduction in the net revenue of the Postal Service, during that time period.

(D) The Department of Defense (DOD) has submitted a proposal that would apply to mailing practices principally affecting DOD. Currently, the Department of Defense computes the postage for each of its mail pieces separately, except when a pouch contains only one type of mail, such as first class. When all the mail in the pouch is the same class, the Department of Defense computes the postage in a simplified manner, using the total weight of the pouch and the classification of its contents. The Department of Defense proposes changes in the Domestic Mail Classification Schedule to permit it to treat a pouch of mail as one mail piece, subject to a unitary rate, rather than computing postage individually on each mail piece in the pouch, even if the mail pieces are of different classes.

(E) The OOC says that any changes with regard to attached mail should not allow attached mail prepared in such a way as to impede the Postal Service (for example, if a letter were only partially secured to a parcel, it could jam the Postal Service's sorting machinery). Additionally, the OOC believes any changes should avoid rate and service anomalies and should not jeopardize the Postal Service's financial position. The OOC proposes a rate of 8 cents for the first ounce and 7 cents for each additional ounce of first-class mail attached to mail pieces of other classes. The OOC projects that 623 million pieces would travel as attached mail if its proposal were in effect during the year between March 21, 1981 and March 20, 1982. The OOC's proposal would apply to all attached mail, in contrast to the settlement proposal described in (C), which applies only to incidental attached pieces. The OOC has signed the settlement proposal.

Summary of Benefits

Sectors Affected: USPS; mailers who could take advantage of the attached mail option, such as magazine publishers and mail order businesses; and recipients of that mail.

This case will explore the potential benefits of separate classification for attached mail. The Postal Service would benefit if a classification change caused mailers to give the Postal Service new volume as long as rates cover costs and provide some contribution to institutional costs. Moreover, if present volume shifts to attached mail, the Service could experience reduced costs because of the ease of handling combined rather than separate pieces. Mailers would benefit if the classification change permitted them to send messages more economically. Recipients of the mail would benefit from the mailers' lower costs because often those recipients are purchasing products or services from the mailers. In this case, the Commission will consider these benefits as well as any other ones the parties may point out.

Summary of Costs

Sectors Affected: USPS; mailers who could take advantage of the attached mail option, such as magazine publishers and mail order businesses; and recipients of that mail.

One of the costs that could result from a classification change for attached mail is reduced Postal Service revenue, since attached mail now pays the regular rate. Additionally, mail that could convert to attached mail also pays the regular rate when mailed separately. However, the Postal Service's costs of handling mail that converts to attached mail will drop. Mailers might experience some increased costs in their preparation of items for mailing if they decide to change and take advantage of an attached mail classification, and they might pass these costs on to their customers. However, those costs over the long run must be lower than the expected savings in postage; if not, the mailer would continue to mail these pieces separately.

Summary of Net Benefits

For the mailers who decide to convert, increases in costs for mail preparation would be offset by lower postage. In this case, the Commission will consider the costs to the mailers and the Postal Service. The Commission expects that the parties will present estimates on the amounts of the relevant costs. The Postal Service estimates that the settlement proposal would reduce its net income, over a 12-month period, by $12 million. The net benefits that could flow from a change in the rate structures for attached mail are increased postal volume and lower costs for a particular type of communication—attached mail.

Related Regulations and Actions

None.

Government Collaboration

None.

Timetable

Public Comment Period—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Commission Order No. 367 instituting the proceeding in MC81–2 and the Notice sent to the **Federal Register**—published 46 FR 12377, February 13, 1981.

The Notice concerning the Postal Service's proposal—46 FR 37411–12, July 20, 1981.

Commission Order No. 386 combining MC81–2 and R81–1—46 FR 37412–13, July 20, 1981.

Completion of all discovery directed to the Postal Service witness—August 14, 1981.

Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief—September 22, 1981.

Filing of the case-in-chief of each participant, including that of OOC; parties may amend previously filed testimony through this date—October 5, 1981.

Completion of all discovery directed to the intervenors—October 30, 1981.

Beginning of evidentiary hearings as to the case-in-chief of other participants—November 23, 1981.

Rebuttal evidence of the Postal Service and each participant (no discovery to be permitted on this rebuttal evidence; only oral cross-examination)—December 14, 1981.

Beginning of evidentiary hearings on rebuttal evidence—January 5, 1982.

Record closed—January 8, 1982.

Initial briefs filed—January 19, 1982.

Reply briefs filed—January 29, 1982.

Oral argument (if scheduled)—February 2, 1982.

Regulatory Impact Analysis—The

Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. 603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Available Documents

As the following documents are filed with the Commission or issued by it during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street, N.W., Room 500, Washington, DC 20268, (202) 254–3800.

Transcripts of Hearings, as well as Letters of Comment, Testimony, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket MC81–2 and R81–1.

Commission Orders and Notices; Presiding Officer's Orders, Ruling, Motions and Notices, Petitions for Leave to Intervene and Requests for Limited Participation; and Commission's Recommended Decision for Docket MC81–2 and R81–1.

Documents may be inspected in the Commission's reading room. Copies of documents issued by the Commission or filed by the OOC are available without charge. Copies of all other public documents are available for 15 cents per page.

Agency Contact

Maureen Drummy, Special Assistant
to the Acting Chair
Postal Rate Commission
2000 L Street, N.W., Room 500
Washington, DC 20268
(202) 254–3846

INDEX I—SECTORS AFFECTED BY REGULATORY ACTION

This index graphically presents those sectors of our society that are most likely to benefit from or incur the costs of the regulations described in this edition of the Calendar. The information noted here corresponds to that provided by the agencies in the "Summary of Costs" and "Summary of Benefits" sections of each entry. The index presents the regulations alphabetically, by agency, by unit within the agency, and then by title of the regulation. For additional information on the effects of the regulation, the reader should refer to the specific Calendar entry.

A reader who is interested in a particular industry or group can easily identify those regulations that have a major impact on that industry or group. The reader should locate the relevent "Affected Industries" or "Other Affected Sectors" heading and scan the columns within them to locate the specific industry or other sector in which he or she is interested. For each entry, the reader can then see the agency issuing the regulation, the title of the regulation affecting the sectors of interest, and the page number of which the regulation appears in the Calendar.

Similarly, a reader who is interested in a particular regulation can identify the activities and groups that the particular regulation will affect significantly.

This index highlights two types of regulatory effects: (1) direct impact on industries and other sectors that are required to take a specific action or that will receive a direct or immediate benefit as a result of a regulation; and (2) indirect impact on industrial or population sectors that are important suppliers or customers of the directly regulated or benefited sector or important providers of substitute products.

For each regulation, we first identify the major industrial sectors affected. The terminology we use in the Affected Industries section of the index corresponds, where possible, to standard SIC nomenclature (see the Standard Industrial Classification Manual, 1972 edition with 1977 supplement, available from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock Nos. 041-001-00066-6 and 003-005-00176-0, respectively). The SIC Manual defines industries in accordance with the composition and structure of the economy and covers the entire field of economic activities. The SIC classifies industries by major division, further classifying them within divisions by using multiple digit numbers.

The specific categories within the Affected Industries section correspond to the major SIC industrial divisions. Where an impact will probably be felt throughout a major industrial division, we name that major division (e.g., Agriculture, Mining, Construction, Manufacturing, etc.). Where a regulation will affect only a particular type of establishment within a division, we use a more specific SIC level (e.g., Livestock Production, Coal Mining, Building Construction, Petroleum Refining, etc.). Below is a brief explanation of each major industrial division.

Agriculture, Forestry, Fishing

This division includes establishments primarily engaged in agricultural production of crops, seeds, livestock, and dairy products, along with related agricultural services; forestry; and commercial fishing (including shellfish and marine products). Manufacturing and processing of agricultural products away from the farm and packaging of fish are classified under Manufacturing.

Mining

This division includes establishments primarily engaged in metal and nonmetallic mineral mining, coal mining and processing, oil and gas extraction, and related mining services. (Petroleum refining and smelting, and refining of metal are classified under Manufacturing. Natural gas transmission is classified under Electric, Gas, and Sanitary Services, and pipeline transportation of petroleum is listed under Transportation.)

Construction

This category includes establishments and contractors primarily engaged in construction. Construction includes new work, additions, alterations, and repairs. Three broad types of construction activity are covered: (1) building construction by general contractors or builders primarily engaged in construction of residential, farm, industrial and commercial buildings, rather than as special trade contractors; (2) heavy construction, such as highways, streets, cemeteries, mines, dams and water projects, sewage collection plants, treatment and disposal facilities, hydroelectric plants, and irrigation projects; and (3) construction by special trade contractors, such as painting, carpentry, and electric work, and including establishments primarily engaged in the sale and installation of communication equipment and insulation material.

Manufacturing

This division includes establishments engaged in the mechanical or chemical transformation of materials or substances into new products. The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying, as well as products of other manufacturing establishments. This division includes milk processing and bottling, fish packaging, smelting and refining of metal, and shipbuilding.

Transportation, Communications, and Electric, Gas, and Sanitary Services

This division includes establishments providing to the general public or to other business enterprises passenger and freight transportation; communication services; utilities such as electricity, gas, steam, and water or sanitary services; and the U.S. Postal Service.

Trade

This division covers both wholesale and retail trade. In addition, we have specifically identified impacts on the exporting and importing operations of wholesale and retail establishments. Wholesale trade includes establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, agricultural, or professional business users, or to other wholesalers; and businesses acting as agents or brokers in buying merchandise for or selling

merchandise to such persons or companies. Retail trade includes establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Impacts highlighted include increases or decreases in demand for goods or services traded, as well as passthrough costs from suppliers to wholesalers and retailers.

Finance, Insurance, Real Estate

This division includes establishments operating primarily in the fields of finance, insurance, and real estate. Finance includes banks, trust companies, credit agencies other than banks, investment companies, brokers and dealers in securities and commodity contracts, and security and commodity exchanges. Insurance covers carriers of all types of insurance and all insurance agents and brokers. Real estate includes owners, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Other Services

This division includes establishments primarily engaged in providing a wide variety of services for individuals, business and government establishments, and other organizations. Included are health services; accounting, architectural, legal, engineering, and other professional services; educational institutions; business, repair, and recreational services; and membership organizations. Not included are services closely related to a particular industry, such as agricultural, mining, transportation services, etc., which are noted in their respective categories.

All- or Multi-Industry Impact

This category identifies regulations having (1) an "across-the-board" impact on all sectors of the economy, or (2) an impact which affects several industries and cannot be adequately identified with SIC terminology. Examples of the latter include regulations affecting industries producing a particular pollutant; using a particular manufactured product, raw material, or energy source; employing a particular minority group; or subject to a particular law. For some regulations having this kind of cross-industry impact, we also identify specific industries within the general group that will be significantly affected. For example, in the case of a regulation restricting the production of asbestos products, we (1) record "Other Industries Using Asbestos Products" in the All- or Multi-Industry Impact column, and (2) record "Construction" in the Construction column, because that industry is the major industrial user of asbestos products.

After highlighting industrial sectors affected, we next record impacts on governmental, social, geographic, and other sectors. A brief explanation of each of these "Other Affected Sectors" follows.

State and Local Government

This category identifies regulations significantly affecting State and local governments. We highlight regulations in this category that directly regulate a State or local government function, involve State or local governments in implementation, or preempt a State law or regulation.

Some State and local governments engage in operations not traditionally considered "governmental" in nature (such as State-owned liquor stores). Impacts on such operations are recorded in the appropriate category of the Industries Affected section of the index (e.g., any impact on State-owned liquor stores is included in the listing "Retail of Liquor" under the Wholesale and Retail Trade column).

Population Groups

We use this category to highlight impacts on various population groups, including groups defined by age, income, health status, type of employment, ethnicity, and living environment.

We also use this column to highlight regulations that the agencies identify as having a special or significant impact on consumers. Regulations identified include proposals aimed at providing safer and better quality consumer goods and services, as well as proposed actions that might change prices or the quality or quantity of consumer goods and services.

This category also identifies proposed actions that affect the general public. This term encompasses general improvements to the quality of life, including upgrading the environment, encouraging the development of energy sources, curbing inflation, and improving the balance of trade.

Geographic Areas

In this category, we identify those areas of the country particularly affected by a regulation, such as specific states; rural, urban, or other regions; and specially owned lands such as Indian lands and national parks.

Small Business

In this category we identify those regulations which have special impacts on the small business community as a whole, as well as on small businesses within specific industries. Notations in this category encompass a variety of impacts, including Small Business Administration proposals aimed at directly benefiting the small business community, proposals that might adversely affect small businesses, and regulations that are structured to meet both the special needs and the special limitations of small businesses.

Alternative Regulatory Approaches Considered

The Alternative Regulatory Approaches category is the final column in our index. This category highlights different approaches to regulation that agencies are considering implementing by using a market-oriented strategy. These approaches are departures from traditional "command-and-control" regulation, which involves strictly specified rules and formal government sanctions for failure to comply. Instead, alternative regulatory approaches involve the use of private ingenuity and the economic forces of the marketplace to develop better long-term solutions to problems traditionally addressed by regulation.

These approaches include:

• Marketable rights: allowing government-conferred rights to be exchanged by private parties, eliminating the need for detailed government involvement in their allocation.

• Monetary incentives: structuring fees or subsidies (rather than government-enforced standards) that encourage private sector achievement of regulatory goals.

• Performance standards: replacing regulations that specify the means of compliance (usually detailed design standards) with more general standards. These standards are based on desired overall performance levels, leaving regulated firms free to find the most efficient means of compliance.

• Information disclosure: replacing direct regulation with programs that give customers information about products and services.

• Enhanced competition: achieving needed regulatory goals more efficiently by adjusting market structure through the removal of barriers, governmental or nongovernmental, to market entry or limits on the services that may be provided.

• Tiering: tailoring regulatory requirements, usually recordkeeping and reporting requirements and compliance responsibilities, according to the nature of the regulated entity so as to achieve more cost-effective attainment of regulatory goals (e.g., different requirements for small businesses).

The remaining paragraphs provide an overview of the sectors that may be most significantly affected by regulations described in this edition of the Calendar. We present industrial impacts by major SIC division; where appropriate, we also present data for particular industries within the major divisions. We only tabulated impacts when they were industry-specific; we did not include other all– or multi-industry impacts in the tabulations we present below. Because our goal is to present an overview rather than a detailed analysis, we limited the information we present here to direct impacts and important indirect impacts.

Of the 167 regulations appearing in the Calendar, approximately 82 affect Manufacturing. Within the Manufacturing Division, regulatory impacts are most frequent on chemical and allied products (19), primary metal industries (12), transportation equipment (13), and electrical and electronic machinery, equipment, and supplies (11).

Trade industries are affected by 33 regulations, with wholesale and retail establishments each being affected by 28 regulations. A substantial number of regulations also affect Service Industries (40), with 7 affecting various membership organizations, 7 affecting health services, and 10 involving other business services. Twenty-six regulations affect Transportation, 22 regulations affect Construction, and 18 affect Mining.

Of the 18 regulations affecting the Finance sector, 6 affect banking. Electric, Gas, and Sanitary Services are affected by 25 regulations, with a majority affecting electric and gas services. The Communications sector is affected by 14 regulations. The Divisions affected least are Agriculture (8); Real Estate (2); and Insurance (2). This edition of the Calendar contains 2 regulations with impacts on Forestry and 2 with impacts on Fishing.

Of the 79 regulations affecting consumers, 20 deal with health and safety issues. Seventeen of these regulations affect the consumers of manufactured products. Of the 29 regulations that affect employees, 12 affect manufacturing workers. Other population groups affected are minorities (5); children (2); and the handicapped (5). Over 60 of the regulations have direct or significant indirect effects on the general public. A total of 54 regulations have a general effect on State governments and 35 will affect local governments.

A total of 106 of the 167 entries discuss implementation of various alternative regulatory approaches. The techniques most often mentioned are performance standards (43); tiering (44); enhanced competition (32); and information disclosure (18).

Small businesses are specifically affected in 35 of the entries.

BILLING CODE 3194-01-M

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
USDA-FSIS Standards and Labeling Requirements for Mechanically Processed (Species) Product (MP(S)P) and Products in Which It Is Used	1902	Producers of Livestock Except Dairy, Poultry, and Animal Specialties			Meat Products							Consumers of Meat Products		Information Disclosure; Performance Standards
DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area	1690	Commercial Fishing for Groundfish in Bering Sea/Aleutian Island Area			Fish Processing		Exporting of Fish Products				Alaska	Consumers of Groundfish; General Public; Alaska		
DOC-NOAA-OCZM Channel Islands National Marine Sanctuary Regulations; Point Reyes - Farallon Islands National Marine Sanctuary Regulations	1692	Commercial Fishing	Oil and Gas Extraction						Tourism		California	Channel Islands, Santa Barbara, Point Reyes, & Farallon Islands; Recreational Fishermen; General Public; Endangered Species & Marine Life		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOD-DOA Regulatory Program of the Corps of Engineers	1697									Commercial Enterprises Desiring To Fill U.S. Waters	State Water Planning Agencies	Landowners and Organizations Desiring To Fill U.S. Waters; General Public		
ED-OCR Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1658								Institutions of Higher Education		State and Local Educational Agencies	Handicapped People; Programs Receiving Federal Financial Assistance from the Department of Education		
ED-OCR Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1659								Educational Services; Educational Programs Receiving Federal Financial Assistance from ED		State and Local Educational Agencies	Persons Subject to Sex Discrimination in Educational Programs Funded by ED		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UMI 2 8 3 1 A C 8 1 7 4 V

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
ED-OPE Institutional Aid Programs	1660								Institutions of Higher Education			People Attending Institutions Receiving Grants; Low-Income Recipients; General Public		Monetary Incentives
ED-OSERS Assistance to States for Education of Handicapped Children	1661										State and Local Educational Agencies	Handicapped Children; Parents of Handicapped Children		Monetary Incentives
DOE-CE Commercial and Apartment Conservation Service Program	1670					Electric and Gas Services	Retail of Home Heating Oil	Commercial Buildings; Apartment Buildings		Occupants and Owners of Apartment and/or Commercial Buildings	State Energy Conservation Programs	Apartment Dwellers; General Public		
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles	1671				Major Household Appliances							Consumers of Major Household Appliances; General Public		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOE-CE Residential Conservation Service Program	1673				Energy Conservation and Renewable Resource Products	Electric and Gas Utilities	Wholesale and Retail Sale of Energy Conservation and Renewable Resource Products		Lenders and Installers of Energy Conservation and Renewable Resource Products		State Energy Conservation Programs	Owners of Residential Buildings; Tenants of Residential Buildings; General Public		-
HHS-FDA Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use	1765				Pharmaceutical Preparations, Particularly Generic Drugs		Wholesaling and Retailing of Pharmaceutical Preparations				State Drug Purchasing Programs	Certain Drug Test Populations; Consumers of Pharmaceutical Preparations; General Public		Enhanced Competition; Tiering
HHS-FDA Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues	1767	Livestock and Poultry Production			Veterinary Pharmaceutical Preparations							Consumers of Meat and Poultry		
HHS-FDA Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content	1769				Food							Consumers of Food Products		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
HHS-FDA New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing	1771				Pharmaceutical Preparations		Wholesaling and Retailing of Pharmaceutical Preparations					Consumers of Pharmaceutical Preparations		Performance Standards
HHS-FDA Prescription Drug Products; Patient Package Inserts Requirements	1773				Pharmaceutical Preparations		Wholesaling and Retailing of Pharmaceutical Preparations		Hospitals; Skilled Nursing Care Facilities			Consumers of Prescription Drugs; Pharmacists		Information Disclosure; Enhanced Competition
HHS-HCFA Conditions of Participation for Nursing Homes	1774								Skilled Nursing Care Facilities; Nursing and Personal Care Facilities Participating in Medicare and Medicaid Programs		State Health Agencies and Social Services Departments	Patients in Skilled Nursing Care and Nursing and Personal Care Facilities Participating in Medicare and Medicaid Programs		
HHS-HCFA Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities	1775								Health Services		State Health and Social Services Departments	Consumers of Health Services		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
HHS-HCFA End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services	1777				Dialysis Equipment and Supplies		Wholesale of Professional Equipment and Supplies		Hospitals and Out-Patient Care Facilities; Facilities that Provide Dialysis Services; Physicians Treating Dialysis Patients			Dialysis Patients and Their Families; Home Dialysis Aides; Medicare Beneficiaries		
HHS-HCFA Medicaid Regulations Affecting States	1777				Medical Suppliers Participating in Medicaid Programs				Providers, Practioners Participating in Medicaid Programs		State Medicaid Agencies	Recipients of Medicaid Services		
HHS-HRA Health Planning and Resources Development	1778								HSAs; SHPDAs; Health Care Facilities and Other Health Care Providers			Health Care Consumers		Enhanced Competition
HHS-OHDS DOL-ETA Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act	1862										State Administrators of the Work Incentive Program	Aid to Families with Dependent Children Recipients		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
HUD-CPD Community Development Block Grants - Small Cities Program	1865										Local Governments Applying for Community Development Block Grant Funds			
HUD-CPD Community Development Block Grants (CDBG) - Entitlement	1864										Local Governments Receiving Community Development Block Grants			Performance Standards; Enhanced Competition
HUD-CPD Environmental Review Procedures for Title I, Community Development Block Grant Programs	1866										State and Local Governments; Community Development	Indian Tribes		Enhanced Competition
HUD-CPD Protection and Enhancement of Environmental Quality	1698			General Building Contractors; Residential Buildings Assisted or Insured by HUD										

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
HUD-CPD Siting of HUD-Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature	1780			Builders of HUD-Assisted Housing							Local Public Housing Authorities	People Living in HUD-Assisted Housing Projects near Hazardous Operations		Information Disclosure
HUD-HOUS Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program	1869										Local Public Housing Authorities	Low-Income Families Seeking Housing Assistance; Taxpayers; Present Tenants and Recipients of Housing Assistance		
HUD-HOUS Manufactured Home Construction and Safety Standards	1781				Mobile Homes							Purchasers of Mobile Homes		Tiering
HUD-HOUS Minimum Property Standards for Multi-Family Dwellings	1783			Multi-Family Residential Building Contractors				Housing Developers			Local Building Codes	Occupants of HUD Housing		Enhanced Competition
HUD-HOUS Public Housing Lease and Grievance Procedures	1870										Local Public Housing Authorities	Public Housing Tenants		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
HUD-HOUS Revision to Public Housing Utility Allowances	1871										Local Public Housing Authorities	Public Housing Tenants; General Public		Performance Standards
DOI-BLM Coal Management Regulations	1699		Bituminous Coal and Lignite Mining								States	General Public		
DOI-FWS Regulations Promulgated Under the Endangered Species Act (ESA) of 1973	1702										State Agencies	Endangered and Threatened Species; General Public		
DOI-FWS DOC-NOAA Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement	1700									Industries that Alter the U.S. Waters	State Fish and Wildlife Agencies			
DOI-NPS Right-of-Way Regulations	1704		Oil and Gas Extraction			Communications Services; Electric, Gas, and Sanitary Services			Other Establishments Requesting Rights-of-Way Across National Parks		State and Local Governments Requesting Rights-of-Way Across National Parks	National Parks		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOI-NPS Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands	1705								Archaeological Activities			Native Americans; Collectors and Treasure Hunters; General Public; Public and Indian Lands, Particularly in 13 Western States	Small Archaeological Firms	
DOI-OSM Permanent Regulatory Program of the Surface Mining Control and Reclamation Act	1709		Mining								State Mining Regulatory Programs	Coal Consumers		Performance Standards
DOJ-CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	1873									Program Recipients of Federal Financial Assistance and Participants	State and Local Governments Receiving Federal Funds	Minorities; Women; Handicapped		
DOJ-CRD Regulation Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs	1876								Educational Services; Juvenile Correction Homes	DOJ-Funded Programs and Activities	State and Local Law Enforcement Agencies	Employees of and Participants in DOJ-Funded Programs and Activities		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOJ-CRD 1878 Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance								Educational Services; Juvenile Correction Homes	DOJ-Funded Programs and Activities	State and Local Law Enforcement and Correction Agencies	Employees of and Participants in DOJ-Funded Programs and Activities		
DOJ-CRD EEOC 1875 Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds										State and Local Governments	Recipients of Federal Financial Assistance; Victims of Employment Discrimination; General Public		
DOL-ESA 1879 Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity"									All Employers Covered Under Minimum Wage and Overtime Pay Provisions of Fair Labor Standards Act		Employees Covered Under Minimum Wage and Overtime Pay Provisions of Fair Labor Standards Act	Small Businesses	

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-ESA 1881 Labor Standards for Federal Service Contracts									Employees Providing Services to the Federal Government		Federal Government Agencies; Contractors' Service Employees	Small Contractors	Enhanced Competition
DOL-ESA 1882 Labor Standards Provisions, Davis-Bacon and Related Acts			Construction Contractors and Subcontractors							State and Local Governments Receiving Construction Contracting Assistance	Construction Workers	Small Contractors	Enhanced Competition
DOL-ESA 1884 Office of Federal Contract Compliance Programs, Government Contractors' Affirmative Action Requirements								Contracting Services		State and Local Agencies Working on Federal Contracts	Employees of Contracting Services	Small Contractors	Tiering; Enhanced Competition
DOL-LMSA-PWBP 1886 Definition of Plan Assets and Establishment of Trust							Fiduciary Agencies; Banks and Insurance Agencies Providing Investment Management	Labor Organizations Sponsoring Employee Benefit Plans	Industries Sponsoring Employee Benefit Plans		Participants and Beneficiaries of Employee Benefit Plans	Small Business	

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-LMSA-PWBP Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans	1887							Multiple Employer Pension Plans	Labor Organizations Sponsoring Multiple Employer Pension Plans	Industries Sponsoring Multiple Employer Pension Plans		Participants and Beneficiaries of Multiple Employer Pension Plans		
DOL-LMSA-PWBP Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1889							Single Employer Pension Plans	Labor Organizations Sponsoring Single Employer Pension Plans	Industries Sponsoring Single Employer Pension Plans		Participants and Beneficiaries of Single Employer Pension Plans		
DOL-MSHA Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977	1784		Coal, Metal, and Nonmetal Mine Operators	Construction								Independent Contractors; Miners and Construction Workers	Small Mines	Tiering
DOL-MSHA Review of Metal and Nonmetal Standards	1786		Metal and Nonmetal Mining									Metal and Nonmetal Miners	Small Mines	

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-OSHA Access to Employee Exposure and Medical Records	1786			Construction		Maritime				Other General Industries		Employees Exposed to Toxic Substances or Harmful Physical Agents	Small Businesses Having Employees Exposed to Toxic Substances or Harmful Physical Agents	Tiering; Information Disclosure
DOL-OSHA Hazard Communication	1789				Chemical Manufacturing: Establishments Using Hazardous Chemicals		Wholesale or Retail Trade Using Labeled Chemicals			Other Industries Using Hazardous Chemicals	State and Local Governments	Workers Exposed to Hazardous Chemicals; Consumers of Products Containing or Produced with Hazardous Chemicals	Small Businesses Producing or Using Chemical Products	Tiering; Performance Standards; Enhanced Competition
DOL-OSHA Hearing Conservation Amendment	1792				Manufacturing Industries	Utilities; Maritime				General Industry		Noise-Exposed Workers Covered by OSHA's General Industry and Water Transportation Standards		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-OSHA	Identification, Classification, and Regulation of Potential Occupational Carcinogens -- The "Cancer Policy"	1794	Agriculture		Construction	Primary Chemical Production and Manufacture	Maritime				General Industry		Employers of Industries Covered by OSHA Act of 1970; Workers Potentially Exposed to Cancer-Causing Chemicals	Employees of Small Industries Covered by OSHA Act of 1970	
DOL-OSHA	Methods of Compliance Hierarchy	1795			Construction	Manufacturing; Safety Appliances and Equipment; Engineering Control Equipment	Maritime						Employees	Small Businesses	Performance Standards; Tiering
DOL-OSHA	Occupational Exposure to Cotton Dust	1796	Crop Preparation for Market; Cottonseed Delinting Plants			Cotton Manufacturers, Storers, and Cotton Processors of Cotton Yarn, Cotton Waste, Textiles, and Cotton Lint; Cottonseed Oil Mills		Wholesale Cotton; Cotton Warehouses and Compresers					All Employees Handling Cotton; Northeast and Southeast	Small Businesses Having Employees Exposed to Cotton Dust	Performance Standards; Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-OSHA OSHA Commercial Diving Operations Standard	1798		Oil and Gas Extraction	Construction	Petroleum Refining; Ship and Boat-building and Repairing; Telephone and Telegraph Apparatus	Water Transportation; Pipelines, Except Natural Gas; Telephone Communications; Electric, Gas, and Sanitary Services			Business Services		Public Universities and College Level Schools and Institutions	Commercial Divers; Scientific and Educational Divers	Small Business	Performance Standards
DOL-OSHA OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways	1799		Oil and Gas Extraction	Construction						General Industry		Workers for Construction and General Industry	Small Business	Tiering; Performance Standards
DOL-OSHA Respirator Fit Testing Requirements of the Lead Standard	1801				Primary Lead Users; Smelting and Refining; Metal Industries; Storage Batteries; Ship-building and Repairing; Industrial Pigments		Wholesale of Scrap and Waste Material and Metals and Minerals, Except Petroleum			Other Industries Using Lead		Employees of Primary Metal Industries Exposed to Lead; Consumers of Products Containing Lead	Small Businesses	Enhanced Competition; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
			AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
DOL-OSHA	Respiratory Protection	1803			Construction	Manufacturing; Safety Appliances and Equipment; Engineering Control Equipment	Maritime				General Industry		Workers Exposed to Hazardous Substances	Small Businesses Having Employees Exposed to Hazardous Substances	Performance Standards
DOL-OSHA	Standard for Employee Exposures to Toxic Substances in Laboratories	1804									Establishments Using OSHA-Regulated Chemicals and Subject to OSHA Regulations		Employees Working in Laboratories Using OSHA-Regulated Chemicals		Performance Standards
DOL-OSHA	Standard for Occupational Exposure to Asbestos	1807			Construction	Primary Asbestos Products; Asbestos Substitutes					Other Industries Using Asbestos Products		Workers in Industries Producing or Using Asbestos Products; Consumers of Asbestos Products; General Public	Small Businesses Using Asbestos	Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-OSHA 1808 Standard for Occupational Exposure to Ethylene Oxide				Organic Chemical Manufacturers; All Manufacturers Using Ethylene Oxide; Primary Metal Industries; Chemicals and Chemical Products		Retail and Wholesale of Ethylene Oxide Products		Service Industries Using Ethylene Oxide-Containing Products			Employees Producing or Using Ethylene Oxide or Products Containing Ethylene Oxide; General Public; Consumers of Products Containing Ethylene Oxide		Performance Standards; Tiering
DOL-OSHA 1810 Standard for Occupational Exposure to Lead				Primary Metal Industries; Lead Users, Smelting and Refining; Storage Batteries; Shipbuilding and Repairing; Industrial Pigments		Wholesale of Scrap and Waste Material; Metals and Minerals, Except Petroleum			Other Industries Using Lead		Employees of Primary Metal Industries Exposed to Lead; Consumers of Products Containing Lead	Small Businesses Having Employees Exposed to Lead	Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

NUMBER 28 3-1-82 A 7 8124

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOL-OSHA 1812 Standard for Occupational Exposure to Noise				Manufac-turing	Maritime; Electric, Gas, and Sanitary Services				General Industry		Workers Exposed to Noise Covered Under OSHA's General Industry Standards	Small Businesses	Tiering; Perfor-mance Standards
DOT-FHWA 1945 Design Standards for Highways -- Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways			Highway and Street Construc-tion	Highway Construc-tion Materials				Engineering Services		State and Local Highway Agencies	Users of Highways; General Public		
DOT-MARAD 1905 Construction-Differential Subsidy Repayment; Total Repayment Policy				Ship-building	Deep Sea Foreign and Domes-tic Water Trans-portation				Shippers of Goods by Deep Sea Trans-portation and Their Business Customers		Consumers of Goods Shipped by Deep Sea Trans-portation; General Public		Tiering
DOT-NHTSA 1813 Bumper Standard				Manufac-turing of Passenger Cars and Passenger Car Equip-ment			Accident Insurance		Commercial Users of Passenger Cars		Consumers of Passen-ger Cars; General Public		Perfor-mance Standards
DOT-NHTSA 1815 Crashworthiness Ratings				Passenger Cars					Commercial Users of Passenger Cars		Purchasers of New Passenger Cars		Information Disclosure

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOT-NHTSA Uniform Tire Quality Grading System	1817				Tires and Inner Tubes		Wholesale of Tires and Inner Tubes			Other Commercial Users of Tires and Inner Tubes		Consumers of Tires and Inner Tubes		Information Disclosure; Enhanced Competition
DOT-OST Nondiscrimination on the Basis of Handicap	1890				Wheelchair Lifts and Accessibility Equipment						State and Local Mass Transportation Agencies	Handicapped People; General Public		Performance Standards; Monetary Incentives
DOT-OST Special Air Traffic Rules and Airport Traffic Patterns	1948					Air Carriers				Commercial Users of Scheduled Air Carriers, Particularly at DCA - National Airport		Air Passengers; Communities with Air Service to DCA; DCA - National Airport	Small Airline Markets	Marketable Rights; Tiering
DOT-UMTA Buy America Requirements	1909				Motor Vehicles; Railroad Equipment	Local and Suburban Passenger Transportation; Railroads						Mass Transportation Users and Operators		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases	1819			Construction of Liquefied Gas Cargo Vessels	All Manufacturing; Liquefied Gas Cargo Vessels	Water Transportation of Bulk Liquefied Gas; Utilities and Transportation Industries				Other Commercial Users of Bulk Liquefied Gas		Marine Environment; General Public; Consumers of Bulk Liquefied Gas		
DOT-USCG Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action To Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage	1711				Tank Barges	Water Transportation of Oil Tank Barges; Marine Towing; Utilities and Transportation Industries				Other Commercial Users of Oil		General Public; Consumers of Oil; Aquatic Environment	Small Business	
TREAS-ATF Implementation of the Distilled Spirits Tax Revision Act of 1979	1911				Distilled Spirits; Brandy; Wine; Alcoholic Flavorings		Importing of Distilled Spirits, Wine, and Brandy					Consumers of Distilled Spirits, Brandy, and Wine		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
TREAS-ATF Labeling and Advertising Regulations Under the Federal Alcohol Administration Act	1913				Alcoholic Beverages		Wholesale and Retail of Alcoholic Beverages		Advertising Industry		Twenty-Two States that Have Adopted the Federal Alcohol Administration Act	Consumers of Alcoholic Beverages		Enhanced Competition
TREAS-CUSTOMS Civil Aircraft Regulations	1915				Civil Aircraft and Parts, Domestic and Foreign	Air Transportation	Wholesale, Retail, and Importing of Civil Aircraft and Parts		Domestic and Foreign Repair of Civil Aircraft and Parts	Other Commercial Users of Civil Aircraft and Parts		Users of Civil Aircraft and Parts; General Public		
TREAS-CUSTOMS Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act	1916					Passenger Transportation by Taxicab, Bus, or Charter Service	Importing of Cars			Other Industries Owning Fleet Vehicles, such as Taxicabs and Buses		Individuals Importing Motor Vehicles and Engines		
TREAS-CUSTOMS Interest Charges on Delinquent Accounts	1917						Importing Community	Surety Insurance				General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
TREAS-IRS Dollar-Value LIFO Inventory	1740								Accounting, Auditing, and Bookkeeping Services	All Businesses Required Under Section 471 to Keep Inventories that Use LIFO				Tiering
TREAS-OCC Lending Limits; Unimpaired Surplus Fund	1742							National Banking Industry		Business Customers of National Banks	State and Local Governments	Customers of National Banks and Shareholders; General Public		Tiering
TREAS-OCC Rules, Policies, and Procedures for Corporate Activities	1744							National Banking Industry		Business Customers and Shareholders of National Banks	Comments Solicited from Banking Commissioners of Each State	Customers and Shareholders of National Banks; General Public	Small Banks	Enhanced Competition; Tiering
TREAS-OCC Use of Data Processing Equipment and Furnishing of Data Processing Services	1746							National Banking Industry	Data Processing	Business Customers of National Banks		Customers of National Banks and Shareholders; General Public	Non-Bank Suppliers of Data Processing Services	

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OANR Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations	1713				Petroleum Refining					Other Commercial Users of Leaded Gasoline		Leaded Gasoline Users; General Public; Urban Dwellers	Small Petroleum Refineries	Tiering; Marketable Rights
EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	1820					Commercial Nuclear Power Plants				Other Commercial Users of Electricity Produced by Nuclear Power		Consumers of Electricity Produced by Nuclear Power; General Public; ID, SC, WA		Performance Standards
EPA-OANR Remedial Action Standards for Inactive Uranium Processing Sites	1822										AZ, CO, ID, NM, ND, OR TX, PA, UT, and WY	People Living or Working near Inactive Uranium Mill Tailings Sites in Affected States or Uranium-Contaminated Buildings; General Public		Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

V 4717 8 1 3 7 A 5 8 2 8 OMB

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OANR 1714 Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide	Agriculture			Manufacturing Industries Emitting Nitrogen Oxides; Motor Vehicles and Equipment	Electric Services; Natural Gas Pipelines				Other Industries Emitting Nitrogen Oxides	State and Local Transportation Programs; State Air Pollution Control	General Public, Particularly Persons Suffering from Respiratory Disease; Aquatic Ecosystems; the Driving Public		
EPA-OANR 1715 Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide				Motor Vehicles and Equipment	Motor Vehicles					State and Local Transportation Programs; State Air Pollution Control	Persons with Cardiovascular or Pulmonary Disease; Pregnant Women and Feluses; Anemics; the Driving Public		
EPA-OANR 1716 Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter		Coal Mining		Manufacturing; Primary Metal Industry; Petroleum Refining	Electric and Sanitary Services				Other Industries Emitting Particulate Matter, Including Industries Supplying or Using Large Quantities of Fossil Fuel	State Air Pollution Control	General Public; Children and Other People with Respiratory and Cardiovascular Diseases		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)	1718	Agriculture	Coal Mining		Non-Ferrous Metal Industry; Petroleum Refining	Electric, Gas, and Sanitary Services				Other Industries Emitting Sulfur Oxides, Including Industries Supplying or Using Large Quantities of Fossil Fuel	State Air Pollution Control	General Public, Particularly Children and Other People with Respiratory Diseases		
EPA-OANR Standards of Performance To Control Atmospheric Emissions from Industrial Boilers	1719				Energy-Intensive Manufacturing Industries, Particularly Glass, Pulp and Paper, and Chemicals					Other Energy-Intensive Industries; Commercial Users of Manufactured Products, Particularly Glass, Pulp and Paper, and Chemicals	State Air Pollution Control	General Public; Consumers of Manufactured Products, Particularly Glass, Pulp and Paper, and Chemicals		Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UMI 28 31 A5 8174

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols	1825				Petroleum Refining	Trucking; Passenger Transportation by Taxicab, Bus, or Charter Service				Other Commercial Users of Motor Vehicles		People Who Live near or Work in Plants Producing Fuels and Additives; Users of Motor Vehicles; Urban Dwellers; General Public	Firms Producing Small Amounts of Fuels or Fuel Additives	Tiering
EPA-OANR-OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines	1820			Construction	Heavy-Duty Engines and Vehicles; Light-Duty Trucks	Trucking; Busing				Other Commercial Users of Heavy-Duty Engines and Vehicles and Light-Duty Trucks		General Public, Particularly Urban Populations and People with Respiratory Disease; Users of Heavy-Duty Vehicles and Light-Duty Trucks		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OANR-OMSAPC Heavy-Duty Diesel Particulate Regulations	1721			Construction	Heavy-Duty Diesel Engines and Vehicles	Trucking; Busing				Other Commercial Users of Heavy-Duty Diesel Engines and Vehicles	States with Areas in Violation of the National Ambient Air Quality Standard for TSP	General Public and Urban Populations; Purchasers of Heavy-Duty Diesel Vehicles		
EPA-OLCE Consolidated Permit Regulations	1722									All Industries	State and Local Governments			
EPA-OPTS Pesticide Registration Guidelines	1826	Agriculture and Forestry			Pesticides and Agricultural Chemicals				Chemical and Biological Testing Laboratories	Other Commercial Users of Pesticides and Agricultural Chemicals		Users of Pesticides and Agricultural Chemicals; General Public		
EPA-OPTS Premanufacture Notification Requirements and Review Procedures	1829				Chemicals		Importers of Chemical Products					Workers in the Chemical Industry; General Public		Information Disclosure; Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules	1830				Chloromethane; Chlorinated Benzenes; Other Chemical Products Produced with These Chemicals				Testing Laboratories		State and Local Governments	Workers Exposed to Industrial Chemicals in Production and Handling; Consumers of Formulated Products Containing the Chemicals; General Public		Tiering
EPA-OSWER Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	1834			Construction of Hazardous Waste Depositories	Industries Generating Hazardous Wastes	Hazardous Waste Management Industry				All Industries Generating Hazardous Wastes; Consumers of Goods Produced by Waste-Generating Industries	State and Local Governments	Persons Living or Working near Hazardous Waste Disposal Sites; General Public		Performance Standards; Tiering; Marketable Rights
EPA-OW A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants	1723				Anti-Pollution Equipment; Manufacturing Industries Using Electricity	Electric Services				Other Commercial Users of Electricity		General Public; Users of Electric Energy		Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OW 1725 BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways				Pulp, Paper, and Paperboard Mills; Pollution Abatement Equipment					Commercial Users of Pulp, Paper, and Paperboard Products		Consumers of Pulp, Paper, and Paperboard Products; General Public		Performance Standards
EPA-OW 1637 Control of Organic Chemicals in Drinking Water				Water Supply Equipment	Public and Private Water Supply Systems	Wholesale of Water Supply Equipment		Sanitary Engineers	Commercial Users of Water	State and Local Governments Implementing Drinking Water Programs	Water Consumers; General Public		Performance Standards
EPA-OW 1728 Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities				Metal Finishing; Pollution Abatement Equipment					Other Industries with Electroplating and Metal Finishing Operations; Commercial Users		Aquatic Environment; General Public		Tiering; Performance Standards
EPA-OW 1731 Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works				Iron and Steel Foundries; Non-Ferrous and Ferrous Cast Products					All Commercial Users of Foundry Products		General Public; Consumers of Foundry Products		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OW	Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	1733			Construction	Iron and Steel Manufacturing Industries Using Iron and Steel Products					Other Commercial Users of Iron and Steel Products		Consumers of Iron and Steel Products; General Public		Performance Standards
EPA-OW	Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	1736				Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man-Made Fibers, Except Glass; Industrial Organic Chemicals					All Commercial Users of Organic Chemicals and Plastic/Synthetic Fibers		General Public		Performance Standards
EEOC-OPI	Guidelines on Discrimination Because of Sex; Sexual Harassment	1893									Employers of 15 or More Employees		Employees in Industries Subject to Title VII of the Civil Rights Act of 1964		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EEOC-OPI 1894 Uniform Guidelines on Employee Selection Procedures									All Employers Subject to Title VII of the Civil Rights Act of 1964		All Employees Subject to Title VII of the Civil Rights Act of 1964		
FEMA 1838 Review and Approval of State and Local Radiological Emergency Plans and Preparedness				Manufacturing	Nuclear Power Plants				Other Commercial Users of Electricity Produced by Nuclear Power	State and Local Radiological Emergency Programs	Consumers of Electricity Produced by Nuclear Power; General Public		Performance Standards
FEMA 1840 Review of the National Flood Insurance Flood Plain Management Criteria for Flood-Prone Areas										Communities in Flood-Prone Areas; State Coordinating Agencies	Persons Living in Flood-Prone Areas; General Public		Tiering; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
GSA-ADM Nondiscrimination in Federally Assisted Programs	1895								Membership Organizations; Charitable Organizations		State and Local GSA-funded Programs and Activities	General Public; Special Populations (e.g., Hispanic, Women, Handicapped); GSA-Funded Programs and Activities	Small Business	Tiering
GSA-FPRS National Defense Stockpile Disposal Regulations	1919				Manufacturing; Trade Journals					Other Industries Supplying, Trading, and Using Basic Industrial Raw Materials				
GSA-PBS Federal Space Management	1899									All Federal Agencies		All Federal Agencies; General Public; Central Business Areas of Cities Where Government Agencies Could Relocate		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
OPM-OPE	Standards for a Merit System of Personnel Administration	1900										State and Local Government Recipients of Federal Grants			Performance Standards
CAB	Elimination of the Mandatory Joint Fare System	1951					Air Transportation						Air Travelers	Small Airlines; Small Communities	Enhanced Competition
CAB	Essential Air Service Subsidy Guidelines	1953					Air Transportation				Industries in Small Communities		Small Communities; Air Passengers to and from These Communities; General Public	Small Commuter Airlines	Monetary Incentives
CAB	Notice to Passengers of Conditions of Carriage	1955					Air Transportation; Travel Agencies						Air Passengers		Information Disclosure

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UMI 2 8 3 1 A 7 8 1 7 4 V

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
CFTC Gross Margining of Omnibus Accounts	1747							Futures Commission Merchants; Contract Markets				Commodity Traders Who Participate Through Non-Member Futures Commission Merchants		Information Disclosure
CFTC Large Trader Reporting to Exchanges and Reporting Open Positions	1748							Commodity Exchanges; Futures Commission Merchants; Foreign Brokers		Commercial Users of and Speculators in Commodity Futures		Consumers of and Speculators in Commodities		
CFTC Notice of Proposed Rulemaking for Options on Physical Commodities	1750							Futures Commission Merchants	Boards of Trade	Commercial Hedgers		Trading Public		Tiering; Enhanced Competition
CFTC Proposed Rule Concerning Special Calls for Information from Traders	1751							Commodity Domestic Futures Commission Merchants; Foreign Brokers and Traders		Commercial Users of and Speculators in Commodities		Consumers of and Speculators in Commodities		Information Disclosure

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
CPSC	Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products	1843				Dye		Consumer Dye Product Industry					Consumers of Benzidine Congener Dyes, Including Home Dyers; Crafts-people; Hobbyists		
CPSC	Consumer Products Containing Asbestos	1845		Asbestos	Construction	Asbestos Products		Wholesale and Retail of Asbestos Products					Consumers of Asbestos Products; General Public		Information Disclosure
CPSC	Omnidirectional Citizens Band Base Station Antenna Standard	1846			Installation of CB Base Station Omnidirectional Antennas	CB Base Station Omnidirectional Antennas		Wholesale, Retail, and Importing of CB Base Station Omnidirectional Antennas			Commercial Users of CB Base Station Omnidirectional Antennas		Consumers of CB Base Station Omnidirectional Antennas		Information Disclosure
CPSC	Safety Requirements for Chain Saws	1848	Forestry			Chain Saws and Components		Wholesale and Retail of Chain Saws			Industries Using Chain Saws		Professional and Consumer Users of Chain Saws		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
CPSC	Upholstered Furniture Cigarette Flammability Standard	1850				Upholstered Furniture; Textile Mill Products; Raw Materials for Furniture		Wholesale and Retail of Upholstered Furniture and Mill Products				California	Consumers of Upholstered Furniture; Cigarette Smokers	Small Businesses	Performance Standards
CPSC	Urea Formaldehyde Foam (UFF) Insulation	1852			Installation of UFF Insulation	UFF Insulation		Wholesale, Retail, and Importing of UFF Insulation			Commercial Users of UFF Insulation	Several States that Have Taken Some Action on UFF Insulation	Consumers of UFF Insulation, Particularly People Sensitized to Formaldehyde and People with Respiratory Illness and Allergies; General Public		Information Disclosure; Performance Standards
FCC	Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination, etc.	1950				Radio Transmitting, Signaling, and Detection Equipment and Apparatus	Communication		Financial Users of Digital Termination Systems	Users of Digital Termination Systems	Commercial Users of Digital Termination Systems	Local Government Users of Digital Termination Systems	Consumers of Digital Termination Systems	Small Businesses Using Digital Termination Systems	Marketable Rights

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
			AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
FCC	1959														
Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81-741)						Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus	Radio and Television Broadcasting; Communication Services Not Elsewhere Classified	Wholesale and Retail of Radio Equipment		News Syndicates	Other Information Providers		Radio and Television Users		Enhanced Competition; Marketable Rights
FCC	1960														
Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252)							Telecommunications Industry				Commercial Telecommunications Users		Telecommunications Users	Small Business	Enhanced Competition; Tiering
FCC	1962														
Further Inquiry into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78-369; FCC 81-267)						Electronic Equipment	Communication; Radio and Television Broadcasting; Common Carriers				Users of Consumer Communication Equipment		Persons with Pacemakers and Hearing Aids		Performance Standards; Information Disclosure
FCC	1964														
Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80-739)							Communication				All Users of Communication Devices and Services; Commercial Providers		General Public; Users of Radio Frequency Spectrum		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
FCC 1965 Inquiry into Creation of "New" Personal Radio Service (PR Docket 79-140)				Radio Transmitting, Signaling, and Detection Equipment and Apparatus	Radio Broadcasting	Wholesale and Retail of Electronic Parts and Equipment			Other Commercial Users of Radio Transmitting, Signaling, and Detection Equipment and Apparatus		Users of Two-Way Radios; Owners of Home Entertainment Equipment		
FCC 1966 Inquiry into the Development of Regulatory Policy for Direct Broadcast Satellites (General Docket No. 80-603)					Local TV and Cable Stations; Television Programs; Television Broadcasting Stations; Cable Systems						Viewers, Especially in Remote Areas and Cities		
FCC 1968 Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503)				Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus	Television Broadcasting Industry, including Subscription Television and Cablevision Services	Wholesale and Retail Trade of Electrical Apparatus and Equipment					Television Users, Particularly in Rural and Mountainous Areas; Minorities		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FCC 1969 Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services					Telecommunications Industry					State Communications Regulatory Agencies	Telecommunications Users		Enhanced Competition
FCC 1971 Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806-821/851-866 MHz Bands (PR Docket 79-191)				Radio Transmitting, Signaling, and Detection Equipment and Apparatus		Wholesale and Retail of Radio Transmitting, Signaling, and Detection Equipment and Apparatus					Users of Radio Equipment Operating in the Bands 806-821 MHz and 851-866 MHz; Large Urban Area Users		Enhanced Competition
FEC 1919 Communications by Corporations or Labor Organizations								Membership Organizations, Including Trade Associations and Labor Organizations	Corporations in All Industries				

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UNIV 28 3 1 AC 8 1 7 4 V

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FEC	Transfers of Funds; Collecting Agents, Joint Fundraising	1921		•						Political Organizations Engaging in Joint Fund-raising Activity for Federal Election Process					
FERC	Blanket Certificates for Interstate Pipelines and Local Distribution Companies	1674		Natural Gas			Interstate and Local Natural Gas Distribution						Natural Gas Consumers		
FERC	Construction Work in Progress for Public Utilities	1676					Electric Services				All Commercial Users of Electricity		Consumers of Electricity; Investors in Electric Utilities		Tiering
FERC	High-Cost Natural Gas: Production Enhancement Procedures	1678		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas	State Jurisdictional Agencies	Consumers of Natural Gas; General Public		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
			AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FERC	Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978	1680		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas		Consumers of Natural Gas		Tiering
FERC	Rate of Return on Common Equity for Electric Utilities	1681	Agriculture			Manufacturing	Electric Services				Other Business Users of Electricity; Investors in Electric Services		Consumers of Electricity; Investors in Electric Services		Tiering
FERC	Regulations Governing Applications for Major Unconstructed Projects	1684			Hydroelectric Power Projects	Manufacturing	Hydroelectric Power				Other Business Users of Hydroelectric Power	State and Local Hydroelectric Power Projects	Consumers of Hydroelectric Power; General Public		Tiering
FERC	Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act	1685		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas		Consumers of Natural Gas		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FERC Revised Rules of Practice; Procedures To Expedite Trial-Type Proceedings	1698		Natural Gas		Manufacturing	Oil and Natural Gas Transmission and Distribution; Electric Services; Hydroelectric Power; Cogeneration				Other Business Users of Natural Gas, Oil, and Electric Services		Consumers of Natural Gas, Oil, and Electric Services	Small Power Producers	Tiering
FHLBB Consumer Leasing by Federal Associations	1752							Federally Chartered Savings and Loan Associations; Banks and Other Entities Currently Offering Consumer Leasing Services				Depositors in Federally Chartered Savings and Loan Associations; Consumers Wishing To Lease Personal Property		Enhanced Competition
FRS Simplification of Securities Credit Regulations	1753							Banking; Credit Agencies Other Than Banks; All Other Lenders of Margin Credit				Borrowers Who Use Margin Credit		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FTC 1922 Proposed Amendment to Eyeglasses Rule and Eyeglasses II						Retail Ophthalmic Industry		Ophthalmologists; Optometrists; Opticians		State Regulation of Ophthalmic Industry	Consumers of Eyeglasses and Contact Lenses; Elderly or People with Limited Mobility	Small Opticianries	Enhanced Competition; Information Disclosure
FTC 1927 Proposed Rule on Standards and Certification				Manufacturing				Business Associations; Professional Membership Organizations; Commercial Testing Laboratories	All Business Users of Standards, Certification, and Affected Products		Private Users of Standards, Certification, and Affected Products	Small Manufacturers Requiring Standards and Certification	Tiering; Performance Standards; Information Disclosure; Enhanced Competition
FTC 1930 Proposed Trade Regulation Rule Concerning Credit Practices						Retail Trade of Consumer Products	Credit Agencies, Excluding Banks; Other Establishments Providing Consumer Credit	Adjustment and Collection Agencies		State Regulation of Consumer Credit	Consumer Debtors		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FTC	Proposed Trade Regulation Rule on Mobile Home Sales and Service	1934				Mobile Homes		Retail Trade of Mobile Homes				State Mobile Home Regulation	Purchasers of Mobile Homes		Performance Standards; Information Disclosure; Enhanced Competition
FTC	Review of Premerger Notification Rules and Report Form	1938									Businesses with Certain Assets or Sales		Customers and Competitors of Certain Businesses		Tiering
FTC	Revision to Trade Regulation Rule Pertaining to Proprietary Vocational and Home Study Schools	1939								Vocational Schools		State Enforcement Agencies			Information Disclosure
ICC	Application Procedures for a Certificate To Construct, Acquire, or Operate Railroad Lines	1972					Railroads; Shippers					State Governments	General Public		
ICC	Coal Rate Guidelines -- Nationwide	1974		Coal Mines			Railroads; Utilities				All Other Purchasers of Coal and Users of Railroads		Utility Company Rate Payers		
ICC	Railroad Consolidation Procedures	1976					Railroads			Legal Services					

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
PRC Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand)	1977					U.S. Postal Service; Telecommunications Industry						Large-Volume Mailers		Enhanced Competition
PRC Postal Rate Commission Docket No. MC80-1 -- E-COM Forms of Acceptance, 1980	1978					Telecommunications Industry; U.S. Postal Service				Business Users of Large-Volume Mailers' Goods and Services		Large-Volume Mailers; Recipients of Mail Throughout the Nation		Enhanced Competition
PRC Postal Rate Commission Docket Nos. MC81-2 and R81-1 -- Attached Mail Proceeding, 1981	1980				Periodicals; Publishing	U.S. Postal Service	Mail Order Houses			Business Users of the Mail		Large-Volume Mailers; Recipients of Attached Mail		
SEC Proposed Revision of Form S-14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions	1754							Security Brokers and Dealers	Attorneys Retained by Publicly Held Companies Engaged in Business Combination Transaction	Publicly Held Companies Engaged in Business Combination Transaction; Business Investors		Shareholders of Companies Seeking To Acquire or Be Acquired; Persons Using SEC Information		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I - SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
SEC	Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports	1756							Security Brokers and Dealers		Publicly Held Companies Required To File Periodic Reports with SEC; Business Investors in These Companies		Investors and Those Seeking Proxies in Publicly Held Companies Required To File Periodic Reports with SEC		
SEC	Reproposal of Comprehensive Revision to System for Registration of Securities Offerings	1758							Security Brokers and Dealers; Investment Advisory Companies; and Institutional Investors		Publicly Held Companies Required To Register Securities with SEC; Business Investors in These Companies		Investors in Publicly Held Companies Required To Register with SEC		Tiering
SEC	Simplification of Investment Company Prospectuses	1760							Registered Investment Companies		Business Investors in Registered Investment Companies		Current and Prospective Investors in Registered Investment Companies		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX II - DATE OF NEXT REGULATORY ACTION

This index provides a quick reference to the status of each of the regulations under development that agencies describe in this edition of the Calendar. The index indicates the month(s) in which the agency plans to take the next scheduled regulatory action.The index is organized alphabetically by agency, unit within the agency, and then by title of the regulation. We also provide the page number where you can find each entry in this edition of the Calendar so you can locate specific details in the "Timetable" section of that entry. The actions we note fall into four general categories: ANPRM (Advance Notice of Proposed Rulemaking), NPRM (Notice of Proposed Rulemaking), Final Rule, and Other (any important next action that does not fall into the previous three categories). Independent agencies are most likely to have "Other" actions, such as Staff Recommendations or Commission Decisions.

Of the 167 entries described in this edition of the Calendar, 57, or about 34 percent, of the entries have "Final Rule" scheduled as the next regulatory action; NPRMs are scheduled as the next action for 50 (about 30 percent); and 15 (about 9 percent) list ANPRMs as the next action. Of the remaining entries, 37 list "Other" regulatory actions, 2 do not have next actions scheduled yet, and 6 involve multiple actions.To review the overall schedule that the agency anticipates for each regulation under development, the reader should turn to the specific entry and refer to the "Timetable" section.

Note: In most cases, the agency can only estimate these dates. For current information on any action, please call the "Agency Contact" listed for the specific entry.

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
USDA-FSIS Standards and Labeling Requirements for Mechanically Processed (Species) Product (MP(S)P) and Products in Which It Is Used	1902					<——F——>										
DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area	1690	<—F—>														
DOC-NOAA-OCZM Channel Islands National Marine Sanctuary Regulations; Point Reyes - Farallon Islands National Marine Sanctuary Regulations	1692			<—F—>												
DOD-DOA Regulatory Program of the Corps of Engineers	1697		<——O——>													
ED-OCR Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1858							<—N—>								
ED-OCR Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1859							<—N—>								
ED-OPE Institutional Aid Programs	1860		<—F—>													
ED-OSERS Assistance to States for Education of Handicapped Children	1861					<—N—>										
DOE-CE Commercial and Apartment Conservation Service Program	1670	REVISED NPRM -- SOON														

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles	1671	REVISED NPRM -- SOON														
DOE-CE Residential Conservation Service Program	1673	FINAL RULE -- AS SOON AS PRACTICABLE AFTER JAN. 20, 1982														
HHS-FDA Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use	1765				<--N-->											
HHS-FDA Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues	1766								<----O---->							
HHS-FDA Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content	1769		<----N---->													
HHS-FDA New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing	1771				<--N-->									<--N-->		
HHS-FDA Prescription Drug Products; Patient Package Inserts Requirements	1773	OTHER -- TO BE DETERMINED														
HHS-HCFA Conditions of Participation for Nursing Homes	1774	NPRM -- TO BE DETERMINED														
HHS-HCFA Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities	1775					<----N---->										

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
HHS-HCFA 1777 End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services	NPRM -- TO BE DETERMINED														
HHS-HCFA 1777 Medicaid Regulations Affecting States	NPRMS -- TO BE DETERMINED														
HHS-HRA 1778 Health Planning and Resources Development	MULTIPLE ACTIONS -- TO BE DETERMINED														
HHS-OHDS DOL-ETA 1862 Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act			<--O-->												
HUD-CPD 1865 Community Development Block Grants - Small Cities Program		<--O-->													
HUD-CPD 1864 Community Development Block Grants (CDBG) - Entitlement			<--O-->												
HUD-CPD 1866 Environmental Review Procedures for Title I, Community Development Block Grant Programs		<--O-->													
HUD-CPD 1695 Protection and Enhancement of Environmental Quality			<--O-->												
HUD-CPD 1780 Siting of HUD-Assisted Projects near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature					<--F-->										
HUD-HOUS 1869 Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program				<--O-->											

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
HUD-HOUS 1781 Manufactured Home Construction and Safety Standards					<--N-->										
HUD-HOUS 1783 Minimum Property Standards for Multi-Family Dwellings	<--N-->														
HUD-HOUS 1870 Public Housing Lease and Grievance Procedures		<--N-->													
HUD-HOUS 1871 Revision to Public Housing Utility Allowances		<--O-->													
DOI-BLM 1699 Coal Management Regulations	N-->														
DOI-FWS 1702 Regulations Promulgated Under the Endangered Species Act (ESA) of 1973		<--O-->													
DOI-FWS DOC-NOAA 1700 Fish and Wildlife Coordination Act: Notice of Proposed Rulemaking and Availability of Draft Environmental Impact Statement	NEXT ACTION -- TO BE DETERMINED														
DOI-NPS 1704 Right-of-Way Regulations					<--N-->										
DOI-NPS 1705 Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands					<----F---->										
DOI-OSM 1709 Permanent Regulatory Program of the Surface Mining Control and Reclamation Act	<----N---->														

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
DOJ-CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	1873	<--N-->														
DOJ-CRD Regulation Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs	1876							<--F-->								
DOJ-CRD Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance	1878							<--N-->								
DOJ-CRD EEOC Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds	1875		<--F-->													
DOL-ESA Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity"	1879	OTHER -- SEE ENTRY FOR DETAILS														
DOL-ESA Labor Standards for Federal Service Contracts	1861	OTHER -- SEE ENTRY FOR DETAILS														
DOL-ESA Labor Standards Provisions, Davis-Bacon and Related Acts	1883	OTHER -- SEE ENTRY FOR DETAILS														
DOL-ESA Office of Federal Contract Compliance Programs, Government Contractors' Affirmative Action Requirements	1884	OTHER -- SEE ENTRY FOR DETAILS														
DOL-LMSA-PWBP Definition of Plan Assets and Establishment of Trust	1886.	FINAL RULE -- TO BE DETERMINED														

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
DOL-LMSA-PWBP 1887 Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans	FINAL RULE -- TO BE DETERMINED														
DOL-LMSA-PWBP 1889 Individual Benefit Reporting and Recordkeeping for Single Employer Plans	FINAL RULE -- TO BE DETERMINED														
DOL-MSHA 1784 Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977	FINAL RULE -- TO BE DETERMINED														
DOL-MSHA 1788 Review of Metal and Nonmetal Standards		<--A-->													
DOL-OSHA 1786 Access to Employee Exposure and Medical Records			<--O-->												
DOL-OSHA 1789 Hazard Communication		<--N-->													
DOL-OSHA 1792 Hearing Conservation Amendment	OTHER -- TO BE DETERMINED														
DOL-OSHA 1794 Identification, Classification, and Regulation of Potential Occupational Carcinogens -- The Cancer Policy		<--A-->													
DOL-OSHA 1795 Methods of Compliance Hierarchy		<--A-->													
DOL-OSHA 1796 Occupational Exposure to Cotton Dust		<--A-->													
DOL-OSHA 1798 OSHA Commercial Diving Operations Standard	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
DOL-OSHA OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways	1799					<——N——>										
DOL-OSHA Respirator Fit Testing Requirements of the Lead Standard	1801	FINAL RULE -- TO BE DETERMINED														
DOL-OSHA Respiratory Protection	1803		<—A—>													
DOL-OSHA Standard for Employee Exposures to Toxic Substances in Laboratories	1804	ANPRM -- TO BE DETERMINED														
DOL-OSHA Standard for Occupational Exposure to Asbestos	1807	ANPRM -- TO BE DETERMINED														
DOL-OSHA Standard for Occupational Exposure to Ethylene Oxide	1808		<—A—>													
DOL-OSHA Standard for Occupational Exposure to Lead	1810	<——A——>														
DOL-OSHA Standard for Occupational Exposure to Noise	1812		<—A—>													
DOT-FHWA Design Standards for Highways -- Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways	1945		<——F——>													
DOT-MARAD Construction-Differential Subsidy Repayment; Total Repayment Policy	1905		<——F——>													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
DOT-NHTSA Bumper Standard	1813	FINAL RULE -- TO BE DETERMINED														
DOT-NHTSA Crashworthiness Ratings	1815	FINAL RULE -- TO BE DETERMINED														
DOT-NHTSA Uniform Tire Quality Grading System	1817	<——A——>														
DOT-OST Nondiscrimination on the Basis of Handicap	1890		<——N——>													
DOT-OST Special Air Traffic Rules and Airport Traffic Patterns	1948	FINAL RULE -- TO BE DETERMINED														
DOT-UMTA Buy America Requirements	1909	FINAL RULE ON REVISION -- TO BE DETERMINED														
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases	1819	NPRM -- TO BE DETERMINED														
DOT-USCG Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action To Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage	1711	FINAL RULE -- TO BE DETERMINED														
TREAS-ATF Implementation of the Distilled Spirits Tax Revision Act of 1979	1911		<——F——>													
TREAS-ATF Labeling and Advertising Regulations Under the Federal Alcohol Administration Act	1913														<—F———	
TREAS-CUSTOMS Civil Aircraft Regulations	1915		<—F—>													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
TREAS-CUSTOMS Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act	1916		<--F-->													
TREAS-CUSTOMS Interest Charges on Delinquent Accounts	1917											<----------F---------->				
TREAS-IRS Dollar-Value LIFO Inventory	1740		<--F-->													
TREAS-OCC Lending Limits; Unimpaired Surplus Fund	1742	<--F-->														
TREAS-OCC Rules, Policies, and Procedures for Corporate Activities	1744	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														
TREAS-OCC Use of Data Processing Equipment and Furnishing of Data Processing Services	1746	NPRM -- TO BE DETERMINED														
EPA-OANR Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations	1713		<--N-->													
EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	1820		<--N-->													
EPA-OANR Remedial Action Standards for Inactive Uranium Processing Sites	1822				<--F-->											
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide	1714								<----------N---------->							

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide	1715		<--	F	-->											
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter	1716					<--	N	-->								
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)	1718											<--	N	-->		
EPA-OANR Standards of Performance To Control Atmospheric Emissions from Industrial Boilers	1719	NPRM -- TO BE DETERMINED														
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols	1825											<-A->				
EPA-OANR-OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines	1720											<-N->				
EPA-OANR-OMSAPC Heavy-Duty Diesel Particulate Regulations	1721															FINAL RULE NOVEMBER 1983
EPA-OLCE Consolidated Permit Regulations	1722								<--	N	-->					
EPA-OPTS Pesticide Registration Guidelines	1826	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														
EPA-OPTS Premanufacture Notification Requirements and Review Procedures	1829															FINAL RULE APRIL 1983

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
EPA-OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules	1830	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														
EPA-OSWER Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	1834	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														NPRM - MARCH 1983
EPA-OW A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants	1723							<-F->								
EPA-OW BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways	1726									<-F->						
EPA-OW Control of Organic Chemicals in Drinking Water	1837					<-A->										
EPA-OW Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities	1728		<-N->													
EPA-OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	1731									<-N->						

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
EPA-OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	1733		<--F-->													
EPA-OW Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	1736								<--N-->							
EEOC-OPI Guidelines on Discrimination Because of Sex; Sexual Harassment	1893	OTHER -- TO BE DETERMINED														
EEOC-OPI Uniform Guidelines on Employee Selection Procedures	1894	OTHER -- TO BE DETERMINED														
FEMA Review and Approval of State and Local Radiological Emergency Plans and Preparedness	1838	FINAL RULE -- TO BE DETERMINED														
FEMA Review of the National Flood Insurance Flood Plain Management Criteria for Flood-Prone Areas	1841	NPRM -- TO BE DETERMINED														
GSA-ADM Nondiscrimination in Federally Assisted Programs	1895		<--N-->													
GSA-FPRS National Defense Stockpile Disposal Regulations	1919				<--F-->											
GSA-PBS Federal Space Management	1899										<--F-->					

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
OPM-OPE 1900 Standards for a Merit System of Personnel Administration	<--N-->														
CAB 1951 Elimination of the Mandatory Joint Fare System		<---F--->													
CAB 1953 Essential Air Service Subsidy Guidelines					<---F--->										
CAB 1955 Notice to Passengers of Conditions of Carriage		<---F--->													
CFTC 1747 Gross Margining of Omnibus Accounts	NPRM -- TO BE DETERMINED														
CFTC 1748 Large Trader Reporting to Exchanges and Reporting Open Positions	REVISED NPRM -- TO BE DETERMINED														
CFTC 1750 Notice of Proposed Rulemaking for Options on Physical Commodities	FINAL RULE -- TO BE DETERMINED														
CFTC 1751 Proposed Rule Concerning Special Calls for Information from Traders	FINAL RULE -- TO BE DETERMINED														
CPSC 1845 Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products										<--O-->					
CPSC 1843 Consumer Products Containing Asbestos							<--O-->								
CPSC 1846 Omnidirectional Citizens Band Base Station Antenna Standard					<--F-->										

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
CPSC Safety Requirements for Chain Saws	1848	NEW ANPRM -- TO BE DETERMINED														
CPSC Upholstered Furniture Cigarette Flammability Standard	1850	ANPRM -- TO BE DETERMINED														
CPSC Urea Formaldehyde Foam (UFF) Insulation	1852			<--O-->												
FCC Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination, etc.	1956															OTHER FIRST QUARTER 1983
FCC Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81-741)	1959								<----------O---------->							
FCC Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252)	1960		<----------O---------->													
FCC Further Inquiry into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78-369; FCC 81-267)	1962								<----------O---------->							
FCC Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80-739)	1964		<----------N---------->													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
FCC — Inquiry into Creation of "New" Personal Radio Service (PR Docket 79-140) — 1965					<——N OR O——>										
FCC — Inquiry into the Development of Regulatory Policy for Direct Broadcast Satellites (General Docket No. 80-603) — 1966				<—O—>											
FCC — Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503) — 1968		<——O——>													
FCC — Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services — 1969	NPRM -- TO BE DETERMINED														
FCC — Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806-821/851-866 MHz Bands (PR Docket 79-191) — 1971											<——F——>				
FEC — Communications by Corporations or Labor Organizations — 1919		<——F——>													
FEC — Transfers of Funds; Collecting Agents, Joint Fundraising — 1921		<——F——>													
FERC — Blanket Certificates for Interstate Pipelines and Local Distribution Companies — 1674	FINAL RULE -- TO BE DETERMINED														
FERC — Construction Work in Progress for Public Utilities — 1676	FINAL RULE -- TO BE DETERMINED														

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
FERC High-Cost Natural Gas: Production Enhancement Procedures	1678	OTHER -- TO BE DETERMINED														
FERC Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978	1680	FINAL RULE -- TO BE DETERMINED														
FERC Rate of Return on Common Equity for Electric Utilities	1681	NPRM -- TO BE DETERMINED														
FERC Regulations Governing Applications for Major Unconstructed Projects	1684	OTHER -- TO BE DETERMINED														
FERC Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act	1685	FINAL RULE -- TO BE DETERMINED														
FERC Revised Rules of Practice: Procedures To Expedite Trial-Type Proceedings	1688	FINAL RULE -- TO BE DETERMINED														
FHLBB Consumer Leasing by Federal Associations	1752		<--F-->													
FRS Simplification of Securities Credit Regulations	1753		<----------N---------->													
FTC Proposed Amendment to Eyeglasses Rule and Eyeglasses II	1922	NPRM -- TO BE DETERMINED														
FTC Proposed Rule on Standards and Certification	1927						<--O-->									

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
FTC — Proposed Trade Regulation Rule Concerning Credit Practices — 1930			<-O->												
FTC — Proposed Trade Regulation Rule on Mobile Home Sales and Service — 1934					<-O->										
FTC — Review of Premerger Notification Rules and Report Form — 1938		<-O->													
FTC — Revision to Trade Regulation Rule Pertaining to Proprietary Vocational and Home Study Schools — 1939							<-O->								
ICC — Application Procedures for a Certificate To Construct, Acquire, or Operate Railroad Lines — 1972		<——F——>													
ICC — Coal Rate Guidelines -- Nationwide — 1974				<-F->											
ICC — Railroad Consolidation Procedures — 1976	FINAL RULES -- TO BE DETERMINED														
PRC — Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand) — 1977	OTHER -- SEE ENTRY FOR DETAILS														
PRC — Postal Rate Commission Docket No. MC80-1 -- E-COM Forms of Acceptance, 1980 — 1978	TO BE DETERMINED														
PRC — Postal Rate Commission Docket Nos. MC81-2 and RM1-1 -- Attached Mail Proceeding, 1981 — 1980		<——O——>													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II - DATE OF NEXT REGULATORY ACTION

INDEX II - DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	DEC 82	JAN 83	FEB 83 AND BEYOND
SEC Proposed Revision of Form S-14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions	1754						<-N->									
SEC Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports	1756		<-F->													
SEC Reproposal of Comprehensive Revision to System for Registration of Securities Offerings	1758		<-F->													
SEC Simplification of Investment Company Prospectuses	1760		<-N->													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

This index graphically displays the dates of comment periods, meetings, and hearings on regulations under development that agencies describe in this edition of the Calendar. Where possible, we indicate the opening and closing dates of the comment periods, the dates and locations of hearings and meetings, and the next regulatory action for the entry.

The index is organized alphabetically by agency, by unit within the agency, and then by the title of the regulation.

Not all regulations described in the Calendar are included here; only those with present or future comment periods, hearings, or meetings. Those not listed usually had comment periods, meetings, or hearings that have passed or have not yet been scheduled.

For further information on each regulation, the reader should refer to the text of the entry in the appropriate chapter of the Calendar.

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
ED-OSERS Assistance to States for Education of Handicapped Children	1861													NPRM	Public comment period following NPRM published in April 1982.
DOE-CE Residential Conservation Service Program	1673	<——H——> ——C——>												FINAL RULE	Public comment period closes January 20, 1982.
HHS-HCFA Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities	1775													NPRM	Public comment period 60 days following publication of NPRM in 2nd Quarter 1982.
HHS-HCFA End-Stage Renal Disease Program: Incentive Reimbursement for Dialysis Services	1777													NPRM	Public comment period 30 days from publication of NPRM (date not yet determined).
HHS-OHDS DOL-ETA Work Incentive Programs for Aid to Families with Dependent Children (AFDC) Recipients Under Title IV of the Social Security Act	1862		<——C——>		<——C——>									OTHER	Public comment period 45 days after publication of notice of intent in December. Public comment period 60 days following interim final regulations published on February 26, 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
HUD-CPD Community Development Block Grants (CDBG) - Entitlement	1864				<——C——>									OTHER	Public comment period 60 days after publication of interim rule in February 1982.
HUD-CPD Environmental Review Procedures for Title I, Community Development Block Grant Programs	1866			<——C——>										OTHER	Public comment period 60 days following Revised Interim Rule published in January 1982.
HUD-CPD Protection and Enhancement of Environmental Quality	1698													INTERIM RULE	Comment period ends April 3, 1982.
HUD-HOUS Income Eligibility and Rent for Public Housing, Section 8 Housing Assistance Payment Program, Section 236 Mortgage Insurance Program, and Section 101 Rent Supplement Program	1869					<——C——>								OTHER	Public comment period 60 days after Interim Rule published in March 1982.
HUD-HOUS Manufactured Home Construction and Safety Standards	1781						<——C——>							NPRM	Public comment period 60 days following publication of NPRM.
HUD-HOUS Minimum Property Standards for Multi-Family Dwellings	1783		<——C——>											NPRM	Public comment period 60 days following NPRM published in December 1981.
HUD-HOUS Public Housing Lease and Grievance Procedures	1870			<——C——>										NPRM	Comment period 60 days after publication of NPRM in January 1982.
HUD-HOUS Revision to Public Housing Utility Allowances	1871			<——C——>										INTERIM RULE	Public comment period 60 days following Interim Rule published January 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
DOI-BLM Coal Management Regulations	1699		<C> <M>	C>										NPRM	Public comment period 60 days following publication of NPRM in late December 1981; public meetings January 11, Salt Lake City, Utah; January 13, Casper, Wyoming; January 15, Farmington, New Mexico.
DOI-NPS Right-of-Way Regulations	1704						<C	C	C>					NPRM	Public comment period 90 days following publication of NPRM on April 15, 1982.
DOI-OSM Permanent Regulatory Program of the Surface Mining Control and Reclamation Act	1709													NPRMS	Public hearings are scheduled for all of the rules. For information about particular rules, consult the NPRMs or contact the agency. Public comment period at least 30 days after publication of NPRM, and in some instances 45 to 60 days.
DOJ-CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	1873		<C	C	C>									NPRM	Public comment period, minimum of 90 days following publication of NPRM on December 28, 1981.
DOJ-CRD Regulation Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance	1878								<C	C	C>			REVISED NPRM	Public comment period 90 days following publication of revised NPRM in June 1982.
DOL-MSHA Review of Metal and Nonmetal Standards	1785			<C	C>									ANPRM	Public comment period 60 days following ANPRM published in January 1982; notice regarding open conferences issued in January; open conferences on selected sections throughout 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
DOL-OSHA Hazard Communication	1789													NPRM	Public comment period following NPRM, length to be determined.
DOL-OSHA OSHA Commercial Diving Operations Standard	1798		<——C——> <————C————>											NPRM	Public comment period 60 days following NPRM published in December 1981 (educational/scientific diving). Public comment period 30 days following ANPRM published in December (commercial diving).
DOL-OSHA OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways	1799													NPRM	Public comment period 120 days following NPRM to be published 2nd Quarter 1982; public hearings in at lasst three cities.
DOT-NHTSA Uniform Tire Quality Grading System	1817													ANPRM	Public comment period 60 days following publication of ANPRM in late 1981 or early 1982.
DOT-OST Nondiscrimination on the Basis of Handicap	1890													NPRM	Public comment period 60 to 90 days after publication of NPRM in 1st Quarter 1982.
EPA-OANR Controls Applicable to Gasoline Refineries, Lead Phasedown Regulations	1713			<——C——>										NPRM	Public comment period 60 days following publication of NPRM in January 1982.
EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	1820													NPRM	Public comment period 180 days following publication of NPRM in January 1982. Several public hearings during the comment period.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
EPA-OANR 1714 Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide													NPRM	Public comment period 60 days following NPRM published in 3rd Quarter 1983. Public hearing will be specified in NPRM.
EPA-OANR 1716 Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter													NPRM	Public hearing 60 days following NPRM in 2nd Quarter 1982.
EPA-OANR 1718 Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)													NPRM	Public hearing 60 days following publication of NPRM, public comment period to be specified in NPRM.
EPA-OANR-OMSAPC 1720 Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines				<--H-->									NPRM	Public hearing on ANPRM published January 19, 1981 will be held March 1982. Public comment period ends 30 days following public hearing.
EPA-OANR-OMSAPC 1721 Heavy-Duty Diesel Particulate Regulations													FINAL RULE	Public hearings after December 1981. Public comment period ends 30 days following public hearings.
EPA-OPTS 1826 Pesticide Registration Guidelines														Multiple comment periods; call Agency Contact for details.
EPA-OSWER 1633 Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities													MULTIPLE	Public hearings and comment periods 2nd Quarter 1983.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
EPA-OW 1726 BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways													FINAL RULE	Public comment period on BCT will end 60 days after EPA proposes a change in POTW cost comparison figure.
EPA-OW 1837 Control of Organic Chemicals in Drinking Water													ANPRM	Public comment period 90 days following ANPRM published 2nd Quarter 1982.
EPA-OW 1728 Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities		<——C——>											NPRM	Public comment period 60 days following publication of NPRM.
EPA-OW 1731 Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Foundries to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works										<——C——>			NPRM	Public comment period 60 days following publication of NPRM.
EPA-OW 1736 Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Organic Chemicals and Plastic/Synthetic Fibers to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works									<——C——>				NPRM	Public comment period 60 days following NPRM.
GSA-ADM 1895 Nondiscrimination in Federally Assisted Programs			<——C——>										NPRM	Public comment period 60 days following NPRM published in January 1982.
OPM-OPE 1900 Standards for a Merit System of Personnel Administration	<——C——>												NPRM	Public comment period December 1981 through January 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
CPSC 1844 Consumer Products Containing Asbestos								<-C->					NPRM	Public comment period 30 days following NPRM published in June 1982.
CPSC 1852 Urea Formaldehyde Foam (UFF) Insulation			<-M->											Commission decision meeting on Final Rule -- February 8, 1982.
FCC 1956 Amendment of the Commission's Rules To Allocate Spectrum in the Frequency Band of 18 Gigahertz (GHz) for Microwave Radio Stations Called Digital Termination Systems and for Point-to-Point Microwave Stations for the Provision of Common Carrier, Private Radio, and Broadcast Auxiliary Services; and for the Private Radio Use of Digital Termination, etc.	C->	C->	C->											Public comment period ends January 14, 1982 for comments; ends March 1, 1982 for reply comments.
FCC 1959 Authorization of Teletext Service by Broadcast Television Stations (Broadcast Docket No. 81-741)	C->	C->	C->										OTHER	Comments on the NPRM are due by January 11, 1982, and replies are due by February 10, 1982.
FCC 1962 Further Inquiry into the Problem of Radio Frequency Interference to Electronic Equipment (General Docket No. 78-369; FCC 81-267)	C->	C->											OTHER	Reply comments due January 15, 1982.
FCC 1964 Implementation of the Final Acts of the World Administrative Radio Conference, Geneva 1979 (General Docket No. 80-739)													NPRM	Public comment period following NPRM published in 1st Quarter 1982.
FCC 1971 Release, Allocation, and Criteria for Use of the 250 Remaining Channels in the 806-821/851-866 MHz Bands (PR Docket 79-191)	C->	C->	C->										FINAL RULE	Comments are due January 15, 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

INDEX III - DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JUL 82	AUG 82	SEP 82	OCT 82	NOV 82	NEXT REGULATORY ACTION	COMMENTS
FRS Simplification of Securities Credit Regulations	1753													REVISED NPRMS	Public comment period following revised NPRMs issued in 1st Quarter 1982.
FTC Review of Premerger Notification Rules and Report Form	1938				<--C-->									OTHER	Request for public comment, March 1982.
PRC Electronic Mail Classification Proposal, Docket No. MC78-3 (Remand)	1977													OTHER	Interested parties may intervene or send comments.
PRC Postal Rate Commission Docket No. MC80-1 -- E-COM Forms of Acceptance, 1980	1978													TO BE DETERMINED	Interested parties may intervene or send comments.
PRC Postal Rate Commission Docket Nos. MC81-2 and R81-1 -- Attached Mail Proceeding, 1981	1980													OTHER	Interested parties may intervene or send comments.
SEC Proposed Revision of Form S-14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions	1754								<----C---->					NPRM	
SEC Simplification of Investment Company Prospectuses	1760		<----C---->											NPRM	Public comment period 90 days following publication of NPRM on January 1, 1982.

C = COMMENT PERIOD M = MEETING H = HEARING O = OTHER

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

This appendix provides information about those regulations that appeared as entries in the June 1981 edition of the **Calendar of Federal Regulations** but do not repeat in this current edition.

Many entries from the last edition repeat in this edition because the agencies are still developing those regulations. However, some entries do not repeat; for example, a regulation that an agency was developing in June may have been issued as a Final Rule, or the agency may have withdrawn it or taken some other action that makes it inappropriate to include in this edition of the Calendar. This appendix notes the actions the agencies have taken on such regulations. In addition, it notes any significant word changes in the titles of the regulations to help the reader locate entries that have been retitled since the last edition.

The appendix also includes the page number on which the entry appeared in the June 1981 **Federal Register** edition of the Calendar (46 FR 34004, June 30, 1981).

The appendix lists 36 regulations that appeared in the June 1981 edition of the Calendar but that do not repeat in this edition; another 12 entries in the appendix describe significant title changes of regulations from the last edition. Three more regulations are listed here because the promulgating agency has changed since the last edition.

Of the 36 entries that do not repeat from the last edition, 12, or approximately 33 percent, became Final Rules; 2, or about 6 percent, were dropped from the Calendar because they are undergoing policy review by the agency; for 5 of the dropped entries (14 percent) the agency expects no further action; and for another 8 (22 percent) no agency action is expected in the next 12 months. Five of the entries (14 percent) were dropped because the agency no longer considers them "major" rules suitable for inclusion in the Calendar; and for 4 entries (11 percent), the agency was uncertain about the next regulatory action.

APPENDIX I: STATUS OF REGULATIONS FROM

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOC-MarAd	Construction-Differential Subsidy Repayment; Total Repayment Policy	34159	Agency Change -- MarAd transferred from DOC to DOT, effective August 9, 1981. See DOT-MarAd entry of same name in this Calendar.
DOC-NOAA	Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships	34011	Final Rule -- 46 FR 39388, July 13, 1981.
DOC-NOAA	Regulations on the Mining of Deep Seabed Hard Mineral Resources	34036	Final Rule -- 46 FR 45890, September 15, 1981.
ED-OESE	Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs	34144	No action scheduled in next 12 months. These regulations have been superseded by the Education Consolidation and Improvement Act of 1981, P.L. 97-35, enacted August 13, 1981.
DOE-CE	Energy Performance Standards for New Buildings	34015	The authorizing legislation has been amended so that the revised NPRM will no longer meet E.O. 12291 criteria for a major rule.

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOE-ERA	Natural Gas Curtailment Priorities for Interstate Pipelines	34016	Action uncertain; FERC is reviewing the NPRM, and action on the Final Rule by ERA must await FERC concurrence under § 404 of the DOE Organization Act.
DOE-FE	Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales	34019	Final Rule -- 46 FR 35614, July 9, 1981.
HHS-FDA	New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing	34093	Title Change -- is now New Drug Approval Process; Revision of Regulations Governing the Clinical Investigation of Drugs and Approval for Marketing.
HHS-HCFA	Uniform Reporting Systems for Health Services Facilities and Organizations	34094	No action anticipated during next 12 months.
HUD-HOUS	Minimum Property Standards for One- and Two-Family Dwellings	34146	Final Rule imminent, citation unavailable at time of publication.
DOI-HCRS	Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands	34038	Agency Change -- HCRS was abolished; regulations are now in the National Park Service (NPS).

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOJ-CRD	Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds	34149	This is now a joint action of DOJ-CRD and EEOC.
DOJ-INS	Admission of Refugees and Asylum Procedures	34152	Parts 207 and 209 -- Final Rule, 46 FR 45116, September 10, 1981 (effective October 12, 1981). Part 208 -- Final Rule postponed indefinitely pending development of proposed legislation.
DOT-FAA	Flammability Standards for Crewmember Uniforms	34096	Withdrawn -- the withdrawal of this proposal was published June 22, 1981 (46 FR 32409).
DOT-FHWA	Buy America Requirements	34161	Agency has determined that this regulation does not qualify as major under E.O. 12291.
DOT-FHWA	Hours of Service of Drivers	34098	Withdrawn -- a docket closing notice was published on September 3, 1981 (46 FR 44198).
DOT-NHTSA	Heavy-Duty Vehicle Brake Systems	34102	Next action date uncertain; research under way.
DOT-NHTSA	Occupant Crash Protection	34103	Final Rule -- 46 FR 53419, October 29, 1981.

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
TREAS-OCC	Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements	34067	Title Change -- is now Rules, Policies, and Procedures for Corporate Activities.
EPA-OANR	Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer	34107	Withdrawn -- no action anticipated in next 12 months.
EPA-OANR	Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead)	34044	Withdrawn -- no further action anticipated.
EPA-OANR -OMSAPC	Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines	34051	Title Change -- is now Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines.
EPA-OPTS	Rules Restricting the Commercial and Industrial Use of Asbestos Fibers	34116	Withdrawn -- no action anticipated in next 12 months.

APPENDIX I: STATUS OF REGULATIONS FROM

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
EPA-OWWM (now EPA-OW)	Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways	34057	Title Change -- is now BCT Effluent Limitations Guidelines Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways.
EPA-OWWM (now EPA-OW)	Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants	34063	Title Change -- is now A Review of Proposed Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants.
EPA-OWWM (now EPA-OSWER)	Hazardous Waste Regulations: Phase II-C Regulations Applicable to Hazardous Waste Disposal Facilities	34122	Title Change -- is now Hazardous Waste Regulations: Phase II Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. Also subagency change (to OSWER).
EPA-OWWM (now EPA-OSWER)	Sewage Sludge Disposal Regulations	34125	Withdrawn -- Agency has determined that this regulation does not qualify as major under E.O. 12291.
GSA-HRO	Nondiscrimination in Federally Assisted Programs	34153	Agency Change -- now under the Office of the Administrator (ADM).

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
GSA-NARS	Freedom of Information Act Requests for National Security Classified Information in the National Archives	34156	Agency has determined that this regulation does not qualify as major under E.O. 12291.
NCUA	Group Purchasing Activities of Federal Credit Unions	34072	Final Rule -- 46 FR 47435, September 28, 1981; effective April 1, 1982. (Notice of effective date published 46 FR 55922, November 13, 1981.)
SBA	Revision of Business Loan Policy; Business Loans and Guarantees	34188	Withdrawn pending Agency review.
SBA	Revision to Method of Establishing Size Standards and Definitions of Small Business	34157	Withdrawn pending Agency review.
CAB	Air Carrier Insurance and Liability	34190	Final Rule -- 46 FR 52572, October 27, 1981.
CFTC	Proposed Dealer Option Regulations	34075	No action currently anticipated.
CFTC	Proposed Rules Concerning Foreign Brokers and Traders	34077	Title Change -- is now Proposed Rule Concerning Special Calls for Information from Traders.

APPENDIX I: STATUS OF REGULATIONS FROM

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
CFTC	Review of Guideline No. 1 -- Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation	34078	No action currently anticipated.
FCC	Children's Television Programming and Advertising Practices (Docket 19142)	34194	Withdrawn from Calendar -- no action scheduled during next 12 months.
FCC	Creation of "New" Personal Radio Service (PR Docket 79-140)	34195	Title Change -- is now Inquiry into Creation of "New" Personal Radio Service (PR Docket 79-140).
FEC	Nonpartisan Communications by Corporations or Labor Organizations	34170	Title Change -- is now Communications by Corporations or Labor Organizations.
FERC	High-Cost Natural Gas Produced from Wells Drilled in Deep Waters	34021	Final Rule imminent, FR citation unavailable at time of publication.
FERC	Revision of Form 1 Annual Report by Electric Utilities	34031	Final Rule imminent, FR citation unavailable at time of publication.
FMC	Filing of Currency Adjustment Factors	34199	Withdrawn -- the rule proposed in Docket 80-19 is no longer under consideration.

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
FTC	Residential Real Estate Brokerage Industry Practices	34180	Withdrawn from Calendar because staff does not anticipate that an ANPRM will be issued during calendar year 1982. A staff report and a public comment period on the findings of the investigation are planned during the 1982 calendar year.
ICC	Leasing Rules Modifications (Ex Parte No. MC-43 (Sub-No. 12))	34200	Final Rule imminent, date unavailable at time of publication.
ICC	Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No. 5))	34202	Final Rules -- 46 FR 45342, September 11, 1981.
NRC-RES	Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation	34142	Agency has determined that this regulation does not qualify as major under E.O. 12291.
PRC	Postal Rate Commission Docket -- Attached Mail Proceeding, 1981	34203	Title Change -- is now Postal Rate Commission Docket Nos. MC 81-2 and R81-1 -- Attached Mail Proceeding, 1981.
PRC	Postal Rate Commission Docket -- E-COM Forms of Acceptance, 1980	34205	Title Change -- is now Postal Rate Commission Docket No. MC80-1--E-COM Forms of Acceptance, 1980.

APPENDIX I: STATUS OF REGULATIONS FROM

APPENDIX I: STATUS OF REGULATIONS FROM JUNE 1981 EDITION

AGENCY	TITLE OF REGULATION	FR 6/30/81 PAGE NO.	ACTIVITY SINCE LAST EDITION
PRC	Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail	34206	Withdrawn -- no longer under consideration.
SEC	Classification of Issuers for Reducing or Modifying Certain Reporting Requirements	34079	Action postponed indefinitely; depends on action taken on Reproposal of Comprehensive Revision to System for Registration of Securities Offerings.
SEC	Proposed Comprehensive Revision to System for Registration of Securities Offerings	34081	Title Change -- is now Reproposal of Comprehensive Revision to System for Registration of Securities Offerings.

APPENDIX II: PUBLICATION DATES FOR AGENCY SEMIANNUAL AGENDAS

This appendix lists publication dates for the semiannual agendas that agencies are required to prepare each April and October, in response to Executive Order 12291, "Federal Regulation" (46 FR 13193, February 17, 1981), and/or the Regulatory Flexibility Act (P.L. 96-354). It provides the dates of each agency's last published semiannual agenda and the **Federal Register** citation to enable interested parties to gain quick access to the list of regulations the agency is considering or reviewing in addition to those that may be described in the Calendar.

All executive agencies, and those independent agencies that choose to, publish regulatory agendas in response to E.O. 12291. All agencies must publish regulatory flexibility agendas in response to §602 of P.L. 96-354.

The Act allows agencies to publish their regulatory flexibility agendas as part of other agendas, so many agencies publish a consolidated agenda in response to both requirements. Each agenda entry describes, at a minimum, the regulations agencies are considering and their objectives; the legal basis of the action the agency is taking; an approximate schedule for issuing the rules; and an agency contact. Subject to P.L. 96-354, the agency must, in addition, identify regulations that are likely to have a significant economic impact on a substantial number of small entities.

The Calendar describes more fully only the most important of the regulations that appear in these agendas.

AGENCY	PUBLICATION DATE OF LAST AGENDA	FEDERAL REGISTER CITATION
Executive Agencies		
Department of Agriculture	October 27, 1981	46 FR 52552
Department of Commerce	October 30, 1981	46 FR 54044
Department of Defense	October 30, 1981	46 FR 53697
Department of Education	November 3, 1981	46 FR 54574
Department of Energy	November 2, 1981	46 FR 54476
Department of Health and Human Services	November 10, 1981	46 FR 55612
Department of Housing and Urban Development	August 17, 1981	46 FR 41708
Department of the Interior	October 30, 1981	46 FR 53870
Department of Justice	April 29, 1981	46 FR 24128
Department of Labor	October 30, 1981	46 FR 53958
Department of State	October 19, 1981	46 FR 51258
Department of Transportation	October 1, 1981	46 FR 48422
Maritime Administration	November 19, 1981	46 FR 56988
Department of the Treasury	October 15, 1981	46 FR 50890
ACTION	April 23, 1981	46 FR 23087
International Development Cooperation Agency Agency for International Development	November 24, 1981	46 FR 57570
Committee for Purchase from Blind and Other Severely Handicapped	April 1, 1981	46 FR 19836
Environmental Protection Agency	October 30, 1981	46 FR 53990
Equal Employment Opportunity Commission	October 2, 1981	46 FR 48717
Farm Credit Administration	November 3, 1980	45 FR 72675
Federal Emergency Management Agency	November 2, 1981	46 FR 54386
Federal Mediation and Conciliation Service	October 21, 1981	46 FR 51621

General Services Administration	October 30, 1981	46 FR 53708
Joint Board for the Enrollment of Actuaries	October 19, 1981	46 FR 51258
National Aeronautics and Space Administration	October 13, 1981	46 FR 50392
National Credit Union Administration	April 30, 1981	46 FR 24514
National Foundation on the Arts and Humanities		
National Endowment for the Arts	October 30, 1981	46 FR 53725
National Endowment for the Humanities	October 8, 1981	46 FR 49913
National Science Foundation	October 26, 1981	46 FR 52142
Office of Personnel Management	July 31, 1981	46 FR 39150
Pennsylvania Avenue Development Corporation	October 30, 1981	46 FR 53703
Pension Benefit Guaranty Corporation	October 30, 1981	46 FR 53692
Railroad Retirement Board	January 30, 1981	46 FR 9963
Selective Service System	November 10, 1981	46 FR 55550
Small Business Administration	November 11, 1981	46 FR 55534
Veterans Administration	October 23, 1981	46 FR 51935
Independent Regulatory Agencies		
Civil Aeronautics Board	October 29, 1981	46 FR 53436
Commodity Futures Trading Commission	October 29, 1981	46 FR 53445
Consumer Product Safety Commission	November 19, 1981	46 FR 56811
Federal Communications Commission	November 12, 1981	46 FR 55726
Federal Deposit Insurance Corporation	October 30, 1981	46 FR 53670
Federal Energy Regulatory Commission	June 18, 1981	46 FR 31902
Federal Home Loan Bank Board	July 13, 1981	46 FR 35927
Federal Maritime Commission	November 20, 1981	46 FR 57066
Board of Governors of the Federal Reserve System	October 1, 1981	46 FR 48217
Federal Trade Commission	November 4, 1981	46 FR 54868
Interstate Commerce Commission	November 3, 1981	46 FR 54613
Nuclear Regulatory Commission	October 29, 1981	46 FR 53594
Securities and Exchange Commission	October 30, 1981	46 FR 53679

[FR Doc. 870 Filed 1-12-82; 8:45 am]
BILLING CODE 3194-01-C

V
4
7
/
8

J
A

1
3

8
2

V
4
7
/
8

J
Á

1
3

8
2
UMI

V
4
7
/
8
J
A
1
3
8
2
UMI

Go
is t
to
bel
on

Na
Org
Ad
Sta

Ple
(Pl

• C
• I

OMB Approved Form 2000-0097
Expiration Date 07/31/82

COMMENT CARD

REGULATORY INFORMATION SERVICE CENTER

CALENDAR OF FEDERAL REGULATIONS

The Calendar is intended to help readers learn about important regulations under development in the Federal Government and to help government decisionmakers better manage the development of these regulations. This is the sixth edition of the Calendar, which is published every six months. We hope to make each edition more useful to readers and therefore are asking for your comments. Please take a moment to answer the few questions below. We designed this comment card as a self-mailer—simply fold the page as indicated, so that our address is on the outside, tape, and mail.

Mark G. Schoenberg
Executive Director

Name _____ Title _____

Organization _____ Telephone No. _____

Address _____

State _____ ZIP Code _____

What is the nature of your organization if you represent one? For example: labor union, chemical manufacturing, educational institution, etc. _____

_____

(FOLD HERE)

Please answer the questions below by circling the appropriate number unless otherwise instructed. (Please circle only one reply to each question.)

	Very useful	Useful	No opinion	Not very useful	Not at all useful
• Overall, how useful is the Calendar for you or your organization? . . .	1	2	3	4	5
• How useful are specific sections in the Calendar?					
• Descriptions of regulations under development	1	2	3	4	5
• Index I—Sectors Affected by Regulatory Action	1	2	3	4	5
• Index II—Date of Next Regulatory Action	1	2	3	4	5
• Index III—Dates for Comments, Hearings, or Meetings	1	2	3	4	5
• Appendix I—Status of Regulations from June 1981 Edition	1	2	3	4	5
• Appendix II—Publication Dates for Agency Semiannual Agendas	1	2	3	4	5

(OVER)

(CONTINUED)

- In what specific ways is the Calendar useful to you? (Please check (✓) as many as apply.)

___ As a tool to help in planning and setting work priorities and tasks.

___ As an early warning about forthcoming regulatory actions.

___ Helps us to know in which rulemaking procedures we want to become involved.

___ As a source of regulatory information in general.

___ Other _____

_____

_____

_____

_____

_____

Please add any other comments you have about the Calendar.

_____

_____

_____

_____

REGULATORY INFORMATION SERVICE CENTER
Washington, D.C. 20037

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
REGULATORY
INFORMATION
SERVICE CENTER

U.S.MAIL

Regulatory Information Service Center
2100 M Street, N.W.
Suite 700
Washington, D.C. 20037

1-14-82
Vol. 47 No. 9
Pages 2073-2282

federal register

Thursday
January 14, 1982

Highlights

2152 **Grant Programs—Education** ED invites new awards applications under Educational Opportunity Centers Program.

2258 ED revises rules on Educational Opportunity Centers Program. (Part III of the issue)

2079 **Securities** SEC amends rules on designation of national market system securities.

2127 **Air Pollution Control** EPA proposes to amend national ambient air quality measurement methodology.

2196 **Energy** DOE announces special refund procedures for consent order funds.

2122 **Foreign Trade** Commerce/Census proposes to amend statistics gathering rules on movement of merchandise into and out of U.S. foreign trade zones.

2073 **Agriculture—Law Enforcement** USDA implements authority for arrest, search, seizure and firearms.

2203 **Motor Vehicles** EPA announces fuel economy evaluation for "Sav-A-Mile" device.

2254 **Agriculture** USDA/FGIS revises inspection, weighing and supervision fees. (Part II of the issue)

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

2085 **Customs** Treasury/Customs amends rules on transportation of transit air cargo.

2086 Treasury/Customs amends rules on assessment of liquidated damages under carrier's bonds.

2125 Treasury/Customs proposes rules on entry of merchandise transported in-bond.

2124 Treasury/Customs proposes rules on country of origin evidence under the Generalized System of Preferences.

2126 Treasury/Customs invites comments on tariff classification of certain garments.

2084 Treasury/Customs adds People's Republic of China to list of nations exempted from special tonnage tax and "light money".

2131 **Vessels** DOT/CG proposes rule on optional simplified admeasurement method for commercial vessels.

2089 **Navajo and Hopi Indians** Navajo and Hopi Indian Relocation Commission issues operation and relocation rules.

2146 **Laboratories** Commerce finds need to accredit laboratories that provide electromagnetic calibration services.

2268 **Budget** OMB issues status report on spending rescissions and deferrals. (Part IV of this issue)

2141 **Countervailing Duties** Commerce/ITA postpones preliminary determination on prestressed concrete steel wire strand from Spain.

2231 **Sunshine Act Meetings**

Separate Parts of This Issue

2254 **Part II, USDA/FGIS**
2258 **Part III, ED**
2268 **Part IV, OMB**

Contents

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

Agricultural Marketing Service
RULES
2074 Oranges (navel) grown in Ariz. and Calif.
PROPOSED RULES
Milk marketing orders:
2122 Georgia; hearing; correction
2118 Middle Atlantic

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service.
RULES
Authority delegations by Secretary and General Officers:
2073 Inspector General Office; law enforcement authorities

Animal and Plant Health Inspection Service
NOTICES
Animal welfare; lists:
2139 Horse protection; exhibitor, auctioneers, etc.; disqualification

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
2154 Bell-Half Moon 230-kV transmission project; proposed

Census Bureau
PROPOSED RULES
2122 Foreign trade statistics; data on movements of merchandise into and out of U.S. foreign trades zones

Centers for Disease Control
NOTICES
Meetings:
2205 Mine Health Research Advisory Committee (NIOSH)

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
2139, 2140 Massachusetts (2 documents)
2140 Michigan
2140 New Jersey
2140 South Carolina
2140 South Dakota

Coast Guard
PROPOSED RULES
Vessel documentation and measurement:
2131 Commercial vessels; optional simplified admeasurement method

Commerce Department
See also Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
Laboratory Accreditation Program, National Voluntary:
2146 Electromagnetic calibration services
2149 Quarterly report

Customs Service
RULES
Air Commerce
2085 Transit air cargo, transportation to interior port of destination; penalties imposed for failure to deliver within specified time limit
Merchandise, imported; transportation in bond and merchandise in transit:
2086 Assessment of liquidated damages under carrier's bonds
Organization and functions; field organization; ports of entry, etc.:
2088 Houston-Galveston, Tex.; port limits description
Vessels in foreign and domestic trade:
2084 China; special tonnage tax and light money; exemption
PROPOSED RULES
Articles conditionally free, subject to a reduced rate, etc.:
2124 Shipments valued in excess of $250; waiver of Generalized System of Preferences Form A as evidence of country of origin
Merchandise, imported; transportation in bond and merchandise in transit:
2125 Shipment shortages; entry acceptance when merchandise cannot be recovered intact
2126 Tariff classification of merchandise; garments with simulated features considered as ornamentation

Defense Department
See also Navy Department.
RULES
2112 Credit unions serving DOD personnel; CFR Part removed
NOTICES
Meetings:
2152 Defense Intelligence Agency Advisory Committee

Economic Regulatory Administration
NOTICES
Remedial orders:
2155 Standard Oil Co.

Education Department
RULES
Postsecondary education:
2258 Educational opportunity centers program
NOTICES
Grant applications and proposals, closing dates:
2152 Educational opportunity centers program

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
2154 Japan
Meetings:
2153 International Energy Agency Industry Working Party

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
2112, 2113 Arkansas (2 documents)
Air quality planning purposes; designation of areas:
2113 Colorado
2115 Texas
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
2129 Rhode Island
Air quality planning purposes; designation of areas:
2131 Colorado; additional comment period
Air quality standards; national primary and secondary:
2127 Air monitoring instruments, calibration and audit standards; use of Certified Reference Materials (CRM)
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
2203 Sav-A-Mile

Federal Aviation Administration
RULES
Airports, Metropolitan Washington:
2079 Aircraft, operational restrictions and limitations, flights into or out of Washington National Airport, etc.; correction
2079 Transition areas; correction
NOTICES
2226 Airspace system plan, national; availability and inquiry

Federal Communications Commission
RULES
Radio stations; table of assignments:
2116 California
PROPOSED RULES
Radio stations; table of assignments:
2135 Iowa
2136 Maine
NOTICES
2231 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
NOTICES
2231 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
2231 Meetings; Sunshine Act

Federal Emergency Management Agency
NOTICES
Meetings:
2204 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
RULES
Electric utilities:
2083 Monthly power plant report (Form No. 4); discontinuance
NOTICES
Hearings, etc.:
2156, 2157 American Electric Power Service Corp. (2 documents)
2157 Arizona Public Service Co.
2157 Edison Sault Electric Co.
2157 Electric Energy, Inc.
2158 Florida Power Corp. (2 documents)
2158 Gulf States Utilities Co.
2158 Hartford Electric Light Co.
2160 Iowa Public Service Co.
2160 Kansas City Power & Light Co.
2160 Maine Public Service Co.
2161 Missouri Public Service Co.
2161 Nantahala Power & Light Co.
2161 Northern States Power Co.
2161 Ohio Edison Co.
2163 Panhandle Eastern Pipe Line Co.
2163 Panhandle Eastern Pipe Line Co., et al.
2163 Powers, John W.
2164 Public Service Co. of Indiana
2164 Public Service Co. of Oklahoma
2166 Raymond Oil Co.
2166 Southern California Edison Co.
2167 Sun Exploration & Production Co. et al.
2167 Tennessee Gas Pipeline Co.
2168 Transwestern Pipeline Co.
Natural gas companies:
2159 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend; Helmerich & Payne, Inc., et al.
Natural Gas Policy Act of 1978:
2169–2189 Jurisdictional agency determinations (3 documents)

Federal Grain Inspection Service
RULES
Grain standards:
2074 Hay, hop, miscellaneous processed commodity, pulse, and straw inspection service; adjustment of fees; correction
2254 Official inspection and weighing services

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
2227 Boston, Mass.; intent to prepare
2228 Lansing, Mich.; intent to prepare
2226 Vanderburgh County, Ind.; intent to prepare

Federal Home Loan Bank Board
NOTICES
2232 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Complaints filed:
2204 California Cartage Co., Inc.

2232 Meetings; Sunshine Act

Federal Reserve System
NOTICES
2232 Meetings; Sunshine Act

Fish and Wildlife Service
RULES
Endangered Species Convention:
2117 Bobcat taken in 1981–1982 season; suspension; correction

Forest Service
NOTICES
Meetings:
2139 Carson National Forest Grazing Advisory Boards
2139 Umatilla National Forest Grazing Advisory Board

General Services Administration
NOTICES
Authority delegations:
2204, 2205 Defense Department (2 documents)

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
2206 Exxon Co., U.S.A.
2206 Kerr-McGee Corp.
2206 SONAT Exploration Co.

Health and Human Services Department
See Centers for Disease Control; Public Health Service; Social Security Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
2203 Cases filed
2202 Decisions and orders
2196 Special refund procedures; implementation and inquiry

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau.

International Trade Administration
NOTICES
Countervailing duties:
2141 Prestressed concrete steel wire strand from Spain
Meetings:
2141 East-West Trade Advisory Committee
2141 Semiconductor Technical Advisory Committee

Interstate Commerce Commission
RULES
Motor carriers:
2117 Compensated intercorporate hauling operations; interpretation; correction
NOTICES
2209 Long and short haul applications for relief
Motor carriers:
2209, 2211 Permanent authority applications (2 documents)
Rail carriers:
2223 Seaboard Coast Line Railroad Co.; contract tariff exemption

Land Management Bureau
NOTICES
Closure of public lands:
2208 Nevada
Management framwork plans, review and supplement, etc.:
2209 California
Meetings:
2206 Carson City District Grazing Advisory Board
2208 Cedar City District Grazing Advisory Board
2207 Cedar City District Multiple Use Advisory Council
2208 Idaho Falls District Grazing Advisory Board
2207 Outer Continental Shelf Advisory Board
Opening of public lands:
2207 Montana
Recreation use permit systems:
2209 Upper Missouri National Wild and Scenic River, Mont.; commercial float boating operations
Wilderness areas; characteristics, inventories, etc.:
2207 Arizona

Libraries and Information Science, National Commission
NOTICES
2232 Meetings; Sunshine Act

Management and Budget Office
NOTICES
2268 Budget rescissions and deferrals; cumulative report

Maritime Administration
NOTICES
2229 Collision avoidance radar training courses; revised tutition fees
Trustees; applicants approved, disapproved, etc.:
2229 Bank of Sturgeon Bay
2228 Crocker National Bank
2228 Savings Banks Trust Co.

National Credit Union Administration
PROPOSED RULES
2122 Reserves; full and fair disclosure requirements; use of accounting manual principles and standards; interpretive ruling and policy statement; extension of time; correction

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
2229 Anden Holdings Ltd.

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
2145 Western Pacific Fishery Management Council
Organizations, functions, and authority delegations:
2142 North Pacific Fishery Management Council

National Science Foundation
NOTICES
Environmental statements; availablility, etc.:
2224 California Institute of Technology 10-meter, submillimeter and millimeter wave telescope project; proposed Mauna Kea, Hawaii, site; intent to prepare

National Transportation Safety Board
NOTICES
2224 Accident reports, safety recommendations and responses, etc.; availability

Navajo and Hopi Indian Relocation Commission
RULES
Commission operations and relocation procedures:
2089 Recodification, revision, and additions

Navy Department
NOTICES
Environmental statements; availability, etc.:
2151 Submarine reactor plants, decommissioned and defueled; permanent disposal; intent to prepare

Nuclear Regulatory Commission
NOTICES
Meetings:
2225 Reactor Safeguards Advisory Committee; cancelled
2232 Meetings; Sunshine Act

Public Health Service
NOTICES
Committees; establishment, renewals, terminations, etc.:
2205 Health Services Research and Developmental Grants Review Committee

Railroad Retirement Board
NOTICES
2233 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
Securities:
2079 National market system securities, designation; final rule and request for comments
PROPOSED RULES
Securities:
2124 National market system securities, designation; partial deferral of proposed amendments; cross reference
NOTICES
Hearings, etc.:
2225 National Association of Securities Dealers, Inc.
2233 Meetings; Sunshine Act
2226 National market system securities; designation plan; approval

Small Business Administration
RULES
Organization, functions, and authority delegations:
2074 Central Office

Social Security Administration
PROPOSED RULES
Supplemental security income:
2127 Impairment-related work expenses for substantial gainful activity purposes and for determining countable earned income; correction

State Department
RULES
Visas:
2089 Immigrants, documentation; definition of "accompanying"; CFR correction

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration.

Treasury Department
See Customs Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
2139 East Carson Grazing Advisory Board, Taos, N. Mex. (open), 2–27–82
2139 West Carson Grazing Advisory Board, Tres Piedras, N. Mex. (open), 2–26–82;
2139 Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg. (open), 2–8–82

CIVIL RIGHTS COMMISSION
2139, 2140 Massachusetts Advisory Committee, Boston Mass. (open), 1–28 and 2–9–82
2140 Michigan Advisory Committee, Detroit, Mich. (open), 1–21–82
2140 New Jersey Advisory Committee, Summerville, N.J. (open), 1–27–82
2140 South Carolina Advisory Committee, Columbia, S.C. (open), 1–27–82
2140 South Dakota Advisory Committee, Pierre, S.D. (open), 1–22–82

COMMERCE DEPARTMENT
International Trade Administration—
2141 East-West Trade Advisory Committee, Washington, D.C. (closed), 1–28–82
2141 Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 2–1–82
National Oceanic and Atmospheric Administration—
2145 Western Pacific Fishery Management Council, Commonwealth of the North Mariana Islands (partially open), 1–26–82; Tumon Bay, Guam (open), 1–27 and 1–28–82

DEFENSE DEPARTMENT
Office of Secretary—
2152 Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 3–4 and 3–5–82

ENERGY DEPARTMENT
2153 International Energy Agency, Industry Working Party, Paris, France (open), 1–26–82

FEDERAL EMERGENCY MANAGEMENT AGENCY
2204 Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open), 1–25 and 1–26–82

HEALTH AND HUMAN SERVICES DEPARTMENT
Centers for Disease Control—
2205 Mine Health Research Advisory Committee, Rockville, Md. (open), 2–1 and 2–2–82

INTERIOR DEPARTMENT
Land Management Bureau—
2206 Carson City District Grazing Advisory Board, Carson City, Nev. (open), 2–19–82
2208 Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 2–18–82
2207 Cedar City District Grazing Advisory Board, Cedar City, Utah (open), 2–9–82
2208 Idaho Falls District Grazing Advisory Board, Idaho Falls, Idaho (open), 2–27–82
2207 Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee, Anchorage, Alaska (open), 2–4 through 2–5–82

TRANSPORTATION DEPARTMENT
Federal Highway Administration—
2227 Boston Inner Harbor toll tunnel; environmental impact statement; Boston, Mass. (open), 1–28–82
2226 National Airspace System Plan, Washington, D.C. (open), 1–28–82

CANCELLED MEETINGS

NUCLEAR REGULATORY COMMISSION
2225 Reactor Safeguards Advisory Committee, Electrical Systems and Emergency Core Cooling Systems Subcommittees, Los Angeles, Calif. (partially open), 1–23–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1a..... 2073
68..... 2074
800..... 2254
907..... 2074
Proposed Rules:
1004..... 2118
1007..... 2122

12 CFR
Proposed Rules:
702..... 2122

13 CFR
101..... 2074

14 CFR
71..... 2079
93..... 2079
159..... 2079

15 CFR
Proposed Rules:
30..... 2122

17 CFR
240..... 2079
Proposed Rules:
240..... 2124

18 CFR
141..... 2083

19 CFR
4..... 2084
6..... 2085
18..... 2086
101..... 2088
Proposed Rules:
10..... 2124
18..... 2125
177..... 2126

20 CFR
Proposed Rules:
416..... 2127

22 CFR
42..... 2089

25 CFR
700..... 2089

32 CFR
230..... 2112

34 CFR
644..... 2258

40 CFR
52 (2 documents)..... 2112, 2113
81 (2 documents)..... 2113, 2115
Proposed Rules:
50..... 2127
52..... 2129
58..... 2127
81..... 2131

46 CFR
Proposed Rules:
69..... 2131

47 CFR
73..... 2116
Proposed Rules:
73 (2 documents).... 2135, 2136

49 CFR
1136..... 2117

50 CFR
23..... 2117

Rules and Regulations

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1a

Law Enforcement Authorities

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: In order to provide needed law enforcement authorities to agents of the Office of Inspector General of the Department of Agriculture, Congress granted arrest, search and seizure, and firearms authorities to the Office of Inspector General. These authorities are to be implemented in accordance with rules issued by the Secretary of Agriculture. The authorities will be exercised by designated agents who are investigating alleged or suspected criminal violations of the various statutes administered by the Department. This document implements the law enforcement authorities granted to the Department of Agriculture by the Agriculture and Food Act of 1981, Public Law 97–98.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: L. L. Free, Assistant Inspector General, Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–6915.

SUPPLEMENTARY INFORMATION: This rule is a rule of agency procedure and practice and related to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of the Act.

Accordingly, Part 1a, Title 7, Code of Federal Regulations is added as follows:

PART 1a—LAW ENFORCEMENT AUTHORITIES

Sec.
1a.1 General statement.
1a.2 Authorization.
1a.3 Persons authorized.
1a.4 Limitations.
1a.5 Responsibility of the Inspector General.

Authority: Section 1337, Public Law 97–98; 5 U.S.C. 301; 5 U.S.C. App. I.

§ 1a.1 General statement.

This part sets forth the rules issued by the Secretary of Agriculture to implement section 1337 of Public Law 97–98 relating to—

(a) Arrests without warrant for certain criminal felony violations;

(b) Execution of warrants for arrests, searches of premises and seizures of evidence; and

(c) The carrying of firearms by designated officials of the Office of Inspector General.

§ 1a.2 Authorization.

Any official of the Office of Inspector General who is designated by the Inspector General according to sections 1a.3 and 1a.5 of this part is authorized to—

(a) Make an arrest without a warrant for any criminal felony violation, subject to § 1a.4, if such violation is committed, or if the official has probable cause to believe that such violation is being committed, in his/her presence;

(b) Execute and serve a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that any criminal felony violation, subject to section 1a.4, has been committed; and

(c)Carry a firearm.

§ 1a.3 Persons authorized.

Any person who is employed in the Office of Inspector General and who is designated by the Inspector General in accordance with and subject to § 1a.5 and who conducts investigations of alleged or suspected felony criminal violations of statutes administered by the Secretary of Agriculture or any agency of the Department of Agriculture may exercise the authorities listed in and pursuant to § 1a.2.

§ 1a.4 Limitations.

The powers granted by § 1a.2 shall be exercised only when a designated official is engaged in an investigation of alleged or suspected felony violations of statutes administered by the Secretary of Agriculture or any agency of the Department and is engaged in the performance of his/her official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978 (5 U.S.C. App. I).

§ 1a.5 Responsibility of the Inspector General

The Inspector General shall—

(a) Issue directives conforming to this part governing the exercise of the authorities granted by this part. These directives should contain the policies and procedures by which the authorities will be exercised by designated officials of the Office of Inspector General;

(b) Establish criteria for qualification by officials of the Office of Inspector General who are designated to exercise the authorities granted in this part;

(c) Monitor the implementation and exercise of the authorities granted by this part;

(d) Designate, pursuant to §§ 1a.2, 1a.3 and 1a.4, and the directives issued under paragraph (a) of this section, and the criteria established under paragraph (b) of this section, employees who have satisfied all the qualifications set by the Inspector General to exercise the authorities granted by § 1a.2; and

(e) Submit to the Attorney General of the United States the name of any employee of the Office of Inspector General designated pursuant to paragraph (d) of this section. Any designation not specifically disapproved by the Attorney General within 30 days after the date of submission shall be deemed approved.

Dated: January 7, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82-847 Filed 1-13-82; 8:45 am]
BILLING CODE 3410-23-M

Federal Grain Inspection Service

7 CFR Part 68

Adjustment of Fees for Certain Federal Inspection Services

Correction

In FR Doc. 82–232, appearing at page 129, in the issue of Tuesday, January 5, 1982, make the following change:

On page 129, in the first column, change the "Effective Date" to read "February 4, 1982."

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regs. 536 and 535, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California–Arizona navel oranges that may be shipped to market during the period January 15–January 21, 1982, and increases the quantity of such oranges that may be so shipped during the period January 8–January 14, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 15, 1982, and the amendment is effective for the period January 8–14, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on January 12, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at on open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.836 is added as follows:

§ 907.836 Navel orange regulation 536.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 15, 1982, through January 21, 1982, are established as follows:

(1) District 1: 1,162,000 cartons;

(2) District 2: 88,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

2. § 907.835 Navel Orange Regulation 535 (47 FR 746), is hereby amended to read:

§ 907.835 Navel orange regulation 535.

* * * * *

(1) District 1: 1,175,000 cartons;

(2) District 2: 75,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 13, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–1209 Filed 1–13–82; 12:24 pm]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 21]

Organization and Functions; Update

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: We are updating portions of Part 101—Administration, as it pertains to organization to show the current organization of the Central Office of the Small Business Administration.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Amos B. Cheeseboro, Office of Personnel Services, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–5293.

SUPPLEMENTARY INFORMATION: Inasmuch as this Part sets forth the Agency's organization and procedures, notice of proposed rulemaking and public procedure thereon are not required by Section 553 of Title 5 of the United States Code.

Accordingly, pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), Title 13, §§ 101.2–101.2–11 are revised, §§ 101.2–11a–101.2–11d are removed and §§ 101.2–12–101.2–16 are added as follows:

PART 101—ADMINISTRATION

Sec.

* * * * *

101.2 Organization and Functions of the Central Office—Administrator.
101.2–1 Office of Administration.
101.2–2 Office of Personnel.
101.2–3 Office of Field Management.
101.2–4 Office of Equal Employment Opportunity and Compliance.
101.2–5 Office of the Inspector General.
101.2–6 Office of Advocacy.
101.2–7 Office of General Counsel.
101.2–8 Office of Hearings and Appeals.
101.2–9 Office of International Trade.
101.2–10 Office of Finance and Investment.
101.2–11 Office of Management Assistance.
101.2–12 Office of Procurement and Technology Assistance.
101.2–13 Office of Minority Small Business and Capital Ownership Development.
101.2–14 Office of External Affairs.
101.2–15 Office of Public Affairs.

101.2–16 Office of Policy, Planning and Budgeting.

* * * * *

§ 101.2 Organization and functions of the Central Office—Administrator.

The Administrator is responsible to the President and the Congress for exercising direction, authority and control over the Small Business Administration. The Administrator determines and approves all policies covering the Agency's programs to aid, counsel, assist and protect the interests of the Nation's small business concerns; delegates authority, (except the authority to approve or disapprove pool loans, applied research programs and defense production pools, as set forth in sections 7(a)(6), 9(d) and 11 of the Small Business Act) to the Deputy Administrator, the Associate Deputy Administrator, associate and assistant administrators, other Central Office officials reporting directly to the Administrator and regional administrators; consults with Federal, State and local agencies on behalf of small business interests in the national economy; reports to the President and the Congress on Agency program accomplishments and problems; periodically evaluates the performance, accomplishments and short and long range planning goals of the Central Office and the regions with and through officials reporting directly to the Administrator; and maintains, as a responsibility of the Office, the activities related to equal employment opportunity; SBA advisory councils; hearings and appeals in their formal stage; congressional relations and legislative review; legal services; and investigatory, security and internal and external audit programs.

§ 101.2–1 Office of Administration.

Develops plans, procedures, and standards for effective implementation of automated data services, administrative services (including emergency preparedness activities), and labor-management relations. Develops data management and information systems and procedures to effectively strengthen and improve the planning, program evaluation, loan accounting, management assistance, procurement assistance, minority small business, and internal administrative accounting and personnel functions of the Agency. Responsible for development of plans, operating procedures, and standards to effectively strengthen and improve the provision and management of data processing, data communications, computer systems analysis, and management science services within SBA. Represents the Administrator as delegated, in negotiations with other Government agencies on matters relating to office programs and activities, and develops goals and objectives for Agency management support and data management activities. Reviews and evaluates the effectiveness of all Agency administrative programs.

§ 101.2–2 Office of Personnel.

Develops and recommends policies concerning the personnel programs and related activities. Develops plans, procedures and standards to effectively strengthen and improve the Agency's personnel program, including position classification, recruitment, selection, placement, promotion, separation, pay and wage administration, performance evaluation and incentives, grievances and appeals, conduct and discipline, training and career development, personnel records management and employee services. Plans, directs, coordinates and executes Agencywide personnel management program reviews. Provides technical advice, assistance and support to Central Office officials relating to the personnel program. Reviews and processes all field office personnel actions requiring Central Office approval. Maintains liaison with the Office of Personnel Management in matters relating to the development, interpretation and application of personnel regulations and procedures. Develops, plans and establishes standards to provide for effective analysis and improvement of the Agency organization. Maintains an organizational plan which describes the structure and functions of the organizational units and the location and geographical responsibilities of the field offices, etc. Directs the conduct of organizational studies as requested by the Administrator or other top management officials of SBA, or on a continuing basis as necessitated by changes in staffing requirements and/or shifts in program emphasis or direction.

§ 101.2–3 Office of Field Management.

Develops plans, procedures and standards for effective implementation of field services and field review programs. Provides advice and guidance to regional administrators on all matters relating to their administrative and program management responsibilities and, as necessary, serves as a liaison between them and other key Central Office officials in achieving specific goals and objectives. Evaluates field office performance in terms of program and management activities, determining strengths and weaknesses, and recommends corrective actions where appropriate. Serves as the focal point of contact between the Central Office and regional administrators. Receives and evaluates input from the field on aspects of SBA programs and policies as they affect SBA's performance in the regions and districts, and coordinates with Central Office program and staff personnel to effect such revisions as may be appropriate. Plans, arranges and participates in periodic high level conferences between key Central and field office officials on matters involving program or policy issues. Recommends lines of authority and responsibility of regional administrators and coordinates their efforts for attainment of predetermined objectives with the Office of Policy, Planning and Budgeting. Analyzes reports involving field visits by Central Office personnel and insures that corrective action is taken on any problems outlined therein.

§ 101.2–4 Office of Equal Employment Opportunity and Compliance.

Develops and recommends plans, operating procedures and standards to effectively strengthen and improve the Agency's programs to promote and insure equal employment opportunity in accordance with the 1972 Equal Employment Opportunity Act, and other applicable laws, Executive Orders, Equal Employment Opportunity Commission regulations, Civil Service regulations and Federal agency directives. Handles all cases based on race, religion, color, sex, national origin, age and handicap received from employees or applicants for employment; assists the director in making the final decision on discrimination complaints and ordering corrective measures, except when otherwise specified by the Administrator; assists the director in recommending disciplinary action when discriminatory practices are found. Provides advice, assistance and support to the regional and Central Office officials with respect to the Equal Employment Opportunity program as it affects their operations and activities. Prepares and evaluates regular and special reports on equal employment, taking appropriate action or submitting appropriate recommendations. Serves as liaison with other Federal agencies and nonfederal agencies and organizations on matters relating to equal employment opportunity. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

§ 101.2-5 Office of the Inspector General.

To effectuate the Congressional intent underlying enactment of Pub. L. 95-452, which Act mandates the establishment of independent and objective offices within enumerated executive agencies to provide leadership and coordination and recommend policies designed to promote economy, efficiency, effectiveness and prevent and detect fraud and abuse in the administration of Agency programs and operations, the Office of the Inspector General develops and implements plans, procedures and standards for the conduct, by that office, of audits, investigations and inspections relating to Agency programs, operations, personnel and physical security. Reports the findings of such audits, investigations and inspections to appropriate Agency officials, which report shall include recommendations designed to assist in the development and implementation of measures to correct deficiencies noted in the programs and operations so reviewed. Monitors the nature, scope and results of remedial or other action taken by Agency officials in response to such findings and recommendations and report to the Administrator on the status of such action and on the continuing existence of significant deficiencies requiring remedial action to ensure protection of the Agency's programs and operations. Reviews existing and proposed legislation and regulations relating to Agency programs and operations to determine their impact on the economy and efficiency of, or on the prevention or detection of fraud and abuse in, such programs and operations. Prepares on a semi-annual basis and more frequently if necessary, a report for the Administrator and appropriate committees of Congress which shall include, but not necessarily be limited to, a description of significant deficiencies and abuses disclosed by the Inspector General's activities, the nature of the recommendations for corrective action made by that office, the status of remedial or other action instituted by Agency officials on the basis of these findings and recommendations, and a summary of those criminal matters referred by the Inspector General directly to the Attorney General for further investigative or prosecutive action. Effects liaison with appropriate Federal, state and local governmental agencies and nongovernmental entities as may be necessary to meet office responsibilities as they relate to the economy, efficiency, integrity and security of Agency programs and operations. Initiates such other action as the Inspector General may deem to be reasonable and necessary in carrying out the office's responsibilities pursuant to Pub. L. 95-452 and regulations promulgated pursuant thereto.

§ 101.2-6 Office of Advocacy.

Under the direction of the Administrator, directs the planning and development of government-wide public policies and administrative vehicles which enforce a nationwide program of Advocacy of small businesses; serves as chief spokesperson of such program; and otherwise carries out the mandate of Pub. L. 94-305. Responsible for ensuring that major government-wide policy directions enhance the economic viability of the largest possible number of small businesses. Ensures that the end results of such policies and administrative procedures, in furtherance of the statutory requirements include, but are not limited to, the following: (a) Expanding small business in such a way as to enhance employment opportunities; (b) Working toward improving the tax structure in order to improve the viability and growth of small business; (c) Addressing all major Federal functions impinging on small business with the proper guidance, direction and instruction to assure a uniformity of purpose and approach which benefits small business and promotes or stimulates competition; and (d) Developing and recommending approaches to the ways and means of educating and training existing and potential small businesspersons, and developing incentives for entrepreneurship which assure equality of access to such entrepreneurs. Works with all programs and all regions of SBA in assuring concerted and uniform policy interpretation and implementation. Directs the analysis of economic trends, the changing impact of government expenditures and tax policies, and government regulations on the growth of the small business sector in our economy; provides appropriate evaluation and assessment tools with which to measure successful implementation of the Advocacy effort. Reviews and analyzes, on behalf of the SBA, the impact of existing and proposed legislation and regulations of other agencies of the Federal Government, and state and local governments on small business.

§ 101.2-7 Office of General Counsel.

Develops and recommends policies governing SBA legal functions and activities. Develops plans, procedures and standards for providing legal services in support of SBA program operations, including execution of loan closing and litigation activities by Agency counsel. Analyzes and interprets legislation, regulations and orders relating to the operation of the Small Business Administration. Advises the Administrator, Deputy Administrator, Associate Deputy Administrator and all other SBA officials on the legal aspects of the development and execution of policies and programs. Negotiates with Federal agencies as to the legal aspects of matters pertaining to the responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Federal agencies for decisions in matters of interest to small business. Provides legal counsel, advice and assistance to Central Office officials in connection with financial, investment, administrative, technical, procurement and management assistance, and minority enterprise programs, and in the formation of defense production and research and development pools, in matters of Agency administration and in connection with any other matters having legal implications for the Agency. Within approved policies, gives direct legal advice and assistance to the field offices and exercises technical supervisory responsibility with respect to legal functions in the field offices. Also, advises on eligibility of applicants for assistance from SBA. Advises with respect to servicing and liquidation of loans. Assists and participates with the Department of Justice in litigation arising from delinquent loans and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Reviews legislative proposals affecting small business and develops recommendations for the Office of Management and Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Executive Office of the President. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates legal program effectiveness, including onsite visits to evaluate field office performance. Maintains liaison with governmental and other agencies having activities related to the legal functions of the Agency. The General Counsel serves as Agency designee to the Administrative Conference of the United States, and as chairperson of the Standards of Conduct Committee.

§ 101.2-8 Office of Hearings and Appeals.

Conducts administrative hearings and other proceedings in connection with appeals, grievances and other disputes

in the Small Business Administration. Conducts, or arranges for, hearings and other proceedings to adjudicate disputes, decide appeals, or recommend decisions pertaining to such matters as: SBIC enforcement proceedings; termination, including graduation of 8(a) program participants; adjudication of findings of noncompliance with parts 112 and 113 of SBA's Rules and Regulations, Title 13, CFR, by applicants for or recipients of assistance from SBA; revocation of applicant representative's privilege to appear before SBA; and personnel grievances (in their formal stage). Handles other such matters as may be assigned from time to time by the Administrator. Develops and implements Agency policies and procedures to effectively strengthen and improve dispute-related decision making in SBA. Consults with program and staff offices as necessary to fulfill assigned responsibilities. Recommends appropriate changes in existing regulations and laws to improve the process of dispute-related decision making within SBA.

§ 101.2-9 Office of International Trade.

Develops new methods and techniques for assisting small businesses entering international markets. Plans, develops, and implements programs to encourage small business participation in international trade. To assure that adequate consideration is given to small business interests in the Federal Government's export expansion program, coordinates the SBA International Trade Program with the Department of Commerce, the Export-Import Bank of the U.S., the Agency for International Development, and other departments of the Federal and State governments. Assures that the International Trade Program provides individual counseling to small business concerns to assess the feasibility of their export marketing plans and to determine and obtain necessary international trade data from Government and private sources. Assures that SBA field office designees assigned international trade responsibilities are provided adequate information and material so that international trade counseling and training services can be rendered through SBA field offices. Develops programs in cooperation with operating units of the Department of Commerce to assure that small business will be afforded maximum opportunities and benefits from participation in overseas trade centers, trade fairs, and trade missions. Coordinates the SBA International Trade Program with other SBA units having major operating programs, such as the offices of Management Assistance, Procurement Assistance, and Minority Small Business and Capital Ownership Development, and the Financial Assistance and Investment, in order to provide small business concerns with the full benefits of the Agency's program of assistance in the development of international marketing plans. Provides advice, assistance, and support to Central Office officials relating to the International Trade Program. Establishes and maintains liaison with the offices of Advocacy and Public Affairs to insure that SBA export programs are made more effective by working with foreign governments and foreign visitors to achieve maximum potential. Maintains liaison with other Federal agencies and professional and trade associations whose activities relate to the International Trade Program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

§ 101.2-10 Office of Finance and Investment.

(a) *Office of Finance and Investment.* Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's finance and investment programs designed to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the financial assistance programs, including the control and management of the loan portfolio, the servicing of disaster home, farm and business loans and the liquidation of defaulted loans. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Plans, directs and administers the small business investment company (SBIC) program, including licensing and lending, and proposes regulations to effectively strengthen and improve the Agency's programs of venture capital assistance to small businesses. Provides technical advice, assistance and support to the Office of the Administrator relating to finance, investment, surety bond guarantee and pollution control financing guarantee program matters. Represents the Administrator as specifically delegated in negotiations with other Government agencies whose activities relates to finance and investment program areas.

(b) *Financial Assistance Division.* Develops and recommends policies concerning the loan programs, including related activities of liquidation and disposal. Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's financial programs designed to meet the existing and potential needs of the small business community. Plans, directs and administers the bank certification and other lender related functions. Also, plans, directs and administers the Small Business Lending Company (SBLC) Program, including approving and providing necessary regulatory oversight. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness.

(c) *Disaster Assistance Division.* Plans, directs and administers the Agency's disaster operations through development of policies and procedures for contingency planning, administration during the disaster and disaster maintenance. Recommends physical disaster declarations to the Administrator. Insures the speedy and effective delivery of disaster services. Maintains liaison with other Government agencies to operate the disaster assistance program.

(d) *Investment Division.* Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's Investment program designed to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the Investment and Special Guarantee programs. Plans, directs and administers the secondary market liaison function. Plans, directs and administers the Small Business Investment Company and Minority Small Business Investment Company programs, including licensing and lending, and proposes regulations to effectively strengthen and improve the Agency's program of venture capital assistance to small businesses. Continually evaluates the effectiveness of the programs. Represents the Administrator as specifically delegated in negotiations with other Government agencies whose activities relate to the investment program areas. Plans, directs and administers the Agency's special guarantee programs and continually evaluates the operations of these programs, including reinsured lease guaranty cases.

§ 101.2-11 Office of Management Assistance.

Develops and recommends policies concerning Agency management assistance programs. Insures the effective delivery of management assistance programs to recipients. Develops plans, operating procedures and standards to effectively strengthen

and improve the Agency's management training, counseling and publications programs to meet existing and potential needs of the small business community. Develops plans, operating procedures, standards, goals and objectives for providing management assistance through volunteer or contract activity. Develops and recommends policies and procedures for the administration of the Small Business Development Center program. Develops and recommends policies concerning Agency use of volunteer management assistance groups, such as SCORE (Service Corps of Retired Executives) and ACE (Active Corps of Executives) and maintains active liaison on behalf of SBA with such groups. Provides technical advice, assistance, guidance and support to Central Office officials with respect to the management assistance programs. Maintains liaison with other SBA organizational components, other Federal agencies, and with various state, private sector and professional organizations on matters relating to the management assistance programs.

§§ 101.2-11a—101.2-11d [Removed]

§ 101.2-12 Office of Procurement and Technology Assistance.

Develops and recommends policies concerning SBA's procurement assistance, technology assistance and natural resources sales assistance programs. Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's prime contract assistance, subcontracting assistance, natural resources sales assistance, technology assistance, industrial support services (which provides certificates of competency), research and development programs. Provides for the automated referral of small business sources to meet the needs of the small business community and the government and private sector procurement community. On receipt at headquarters level of specific complaints by individual small business contractors, arranges and participates in hearings with policy officials of cognizant Federal agencies to present the position of the complainants and seek amendatory action. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides for and coordinates SBA participation at procurement and natural resources sales conferences sponsored by other Federal agencies on behalf of Congressional or local sponsors. Represents SBA at the staff levels of departments and agencies in the Executive Branch regarding matters involving procurement and technology assistance activities. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Develops and coordinates, in conjunction with the Office of Policy, Planning and Budgeting and the Office of Advocacy, requirements for economic studies to be utilized in strengthening SBA procurement assistance programs. Develops, coordinates and negotiates with the Office of Federal Procurement Policy, Department of Defense, General Services Administration and other Government agencies, programs, policies, goals, regulations and procedures to ensure that a fair portion of the total Government contracts, including subcontracts and natural resource sales contracts, is placed with small business concerns.

§ 101.2-13 Office of Minority Small Business and Capital Ownership Development.

Formulates policies for and administers the Minority Small Business and Capital Ownership Development (MSB-COD) Program. Mobilizes the resources of all SBA programs for the development and expansion of minority enterprise. Coordinates and recommends policies relating to other Agency programs which provide assistance to minority small business, including Section 8(d) of the Small Business Act, as amended. Formulates policy for, and makes all final determinations of, eligibility of small business concerns seeking contract assistance under the 8(a) procurement program. Formulates policies for use and administration of contracts, grants, and agreements, providing financial assistance to public or private organizations which furnish technical and management assistance to individuals or small business concerns eligible for assistance under the small business, capital ownership development, and economic opportunity loan programs. Promotes, on a nationwide basis, the Agency's 8(a) and other procurement programs to increase the participation and support of industrial concerns, professional and trade associations, local governments, and community groups in developing entrepreneurship opportunities for disadvantaged groups, including minorities, in manufacturing, construction, and service related industries. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's MSB-COD Program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides direction and emphasis in the coordination of all Agency programs to achieve the objectives of the MSB-COD effort. Evaluates the performance of the field offices to insure compliance with MSB-COD program policies and procedures. Represents the Administrator at interagency meetings for the purpose of coordinating programs and activities that effect or contribute to the growth of minority enterprise and capital ownership development. Serves in this capacity, in cooperation with the Office of Procurement Assistance, and the Financial Assistance, Investment, and Management Assistance divisions at other interagency meetings involving negotiations with Federal agencies whose activities relate to MSB-COD programs. Confers with top representatives of industry, trade associations, local government, and community action groups to enlist their substantial participation and involvement in the MSB-COD program. Promotes their cooperation in the development of minority enterprises and entreprenuerships in the disadvantaged areas. Negotiates basic agreements with industries for the establishment of local outlets and franchises and for the provision of management and technical assistance and other types of support. Coordinates with and invites participation by the Office of Procurement and Technology Assistance in meetings and conferences that include representatives of manufacturing and construction industries. Works with the Office of Procurement and Technology Assistance in the development of policies and procedures governing the combined MSB-COD and PA effort to involve minorities in the manufacturing, construction, and related industries. Maintains liaison and cooperation with the Committee on Small Business and Minority Business Ownership regarding placement of subcontracts with small business concerns located in areas with high concentrations of unemployed or low-income individuals, with small businesses owned by low-income individuals, and with small businesses eligible to receive contracts under the 8(a) program.,

§ 101.2-14 Office of External Affairs.

Develops and recommends plans, procedures and standards to effectively strengthen and improve the congressional relations and advisory councils programs of the Agency. Serves as liaison with Members of Congress,

congressional committees, commissions and Executive agencies in relation to program matters involving congressional activities affecting SBA. Keeps the Administrator and key officials of the Agency informed of the activities of congressional committees as they relate to the programs and activities of SBA. Develops congressional and legislative affairs program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Responsible for commenting on legislation deemed to have or suitable for having an impact on SBA programs (other than that prepared by SBA or OMB) and for final assessment of all Agency comments before submission to the Administrator. Maintains liaison with OMB regarding clearance of Agency testimony by the Office of the President. Plans, organizes and participates in the meetings of the National Advisory Council. Participates with and assists, through the Office of Field Management, field personnel in the meetings of regional advisory councils. Recommends the appointment of persons to serve on the advisory councils.

§ 101.2-15 Office of Public Affairs.

Develops and implements plans, operating procedures and standards to improve and present the Agency's public communications efforts. Develops and recommends public communications program goals and objectives. Reviews and evaluates program effectiveness. Establishes and maintains liaison with the news media, trade associations, chambers of commerce and similar groups to promote their involvement in informing the public about the contributions of, and opportunities in, small business and Agency policies, programs and objectives. Directs development of Agency guidelines for making information and/or records available for public use in conformance with the Freedom of Information Act and the Privacy Act.

§ 101.2-16 Office of Policy, Planning and Budgeting.

Coordinates the development of Agency policy, plans, programs, goals, and objectives as they relate to planning, policy, and budgeting. As the principal planning office of the Agency, develops and directs the preparation of Agency program memoranda as required by the Office of Management and Budget and coordinates with program offices in the developing and maintaining of the SBA Five-Year Plan. Develops policies, plans, systems, and procedures to effectively strengthen and improve the planning and program evaluation functions of the Agency and all of its program activities. Responsible for the formulation of a system of goals, policies, procedures, and regulations for regional management that reflects and implements the basic objectives and goals of the Agency. Directs and ensures the conduct of economic, cost benefit, program analysis, and special studies of Agency activities to provide the Administrator and program managers with alternate courses of action and policy. Directs the development of and recommends new and changed size standards for all SBA programs. Is responsible for the determination and interpretation of the SBA size standards. Conducts studies, in cooperation with program offices, involving across-the-board investigations of SBA programs, to measure their effectiveness in terms of costs, benefits, and other considerations. Serves as the central analytical staff to review and evaluate, in conjunction with appropriate program offices, evaluation studies submitted to the Administrator. Represents the Administrator in negotiations with the Office of Management and Budget, GAO, Treasury Department, and other agencies on budgeting, accounting, and fiscal matters. Responsible to the Administrator for the Agency's overall budgeting, accounting, and fiscal activities.

* * * * *

Michael Cardenas,

Administrator.

January 6, 1982.

[FR Doc. 82-951 Filed 1-13-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-EA-39]

Alteration and Revocation of Transition Areas: Albion and Berlin, New Jersey

Correction

In FR Doc. 81-37403 appearing at page 16 in the issue for Monday, January 4, 1982, please make following correction:

On page 16, in the third column, after the heading "Adoption of the Amendment", in paragraph "b. *Berlin, N.J.*", in the sixth line, "39°34'40"N."should have read "39°46'40"N.".

BILLING CODE 1505-01-M

14 CFR Parts 93 and 159

[Docket No. 21955; Amdt. Nos. 93-44 and 159-27]

Metropolitan Washington Airports

Correction

In FR Doc. 81-34141, appearing at page 58036 in the issue of Friday, November 27, 1981, make the following changes:

On page 58048, in the second column, in the "EFFECTIVE DATE" paragraph, the date in the fourth line, the date now reading "February 2, 1982" should read "March 1, 1982";

On page 58048, in the second column, in the "EFFECTIVE DATE" paragraph, in the sixth line change the date now reading "November 19, 1981" to read "November 23, 1981".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18397; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of proposed amendments and deferral of other proposed amendments.

SUMMARY: The Commission is adopting amendments to its rule governing the designation of national market system securities to provide specific criteria for the designation of rights, warrants and American Depositary Receipts and to ease the administration of that rule. In addition, the Commission is deferring action until later this year on amendments to the rule which would increase substantially the number of securities that would be eligible for designation as national market system securities.

DATES: Effective date January 7, 1982. Comments on deferred amendments must be received on or before October 15, 1982.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7-787 and will be available for public inspection at the Commission's Public Reference Room,

1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael Simon (202) 272-2889 or William Uchimoto (202) 272-2906, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 11A(a)(2) of the Securities Exchange Act of 1934 ("Act")[1] directs the Commission to designate, by rule, securities eligible for trading in the national market system. In adopting Rule 11Aa2-1 ("Rule")[2] on February 17, 1981,[3] the Commission established criteria and procedures by which certain securities traded exclusively in the over-the-counter ("OTC") market will be designated as NMS securities. Those criteria and procedures are to be administered, in large part, by the NASD in accordance with the terms of a designation plan the NASD must file with the Commission for approval.[4] Currently, the primary effect of being designated as NMS securities will be to require that transactions in such securities be reported in a real-time system according to the Commission's last sale reporting rule, Rule 11Aa3-1,[5] and that quotations for such securities be firm as to the quoted price and size in accordance with the Commission's firm quotation rule, Rule 11Ac1-1.[6] In adopting the Rule, the Commission determined that real time transaction reporting would increase market efficiency and would enhance opportunities to ensure best execution of public investors' orders.

The Rule employs a two-tiered approach to designating NMS securities. Approximately 45 of the most actively-traded OTC securities satisfy the stringent "Tier 1 criteria" and are scheduled to be designated automatically as NMS securities effective February 1, 1982. In addition, those securities meeting the "Tier 2 criteria" can be designated as NMS securities on or after August 1, 1982, if the issuers of such securities so elect. Currently, approximately 650 NASDAQ securities meet the Tier 2 criteria.

On October 1, 1981, the Commission, in response to a rulemaking petition submitted by the NASD, released for comment various proposed amendments to the Rule.[7] The most significant amendment would reduce the Tier 2 criteria to standards based generally on the listing standards of the American Stock Exchange ("AMEX"). Under those less stringent standards, approximately 1,450 NASDAQ securities would be eligible for NMS designation. In petitioning for the adoption of those amendments, the NASD stated that NMS designation, with the accompanying dissemination of transaction information, will be highly desired by many issuers, and that the attraction of NMS designation will help the NASD attract and keep NASDAQ listings. In publishing the NASD's petition, the Commission, while acknowledging that there were significant concerns which might be raised over the expansion of the number of OTC securities eligible for transaction reporting at this time, expressed its preliminary support for the NASD's proposal.

In addition to the changes in the Tier 2 criteria, the Commission also published for comment two other sets of proposed amendments to the Rule. First, in response to the NASD's petition, the Commission proposed certain minor changes to both the Tier 1 and Tier 2 criteria which the NASD indicated would ease significantly its burden in administering the Rule. Those changes would not have a significant effect on which securities were eligible for designation. Second, the Commission proposed certain changes to the rule to clarify the eligibility of American Depositary Receipts ("ADRs"), rights and warrants to be designated as NMS securities.

In response to the Commission's release, the Commission has received 14 public comments. After reviewing those comments and evaluating the current status of the NASD's plans with respect to NMS securities, the Commission now is adopting those amendments to the Rule dealing with administration of the Rule, ADRs, rights and warrants. While the Commission continues to believe that an expansion of the Tier 2 criteria eventually will be desirable, the Commission has determined to delay final action on those proposals until after the NASD begins to process applications for designation of Tier 2 securities. At that point, the Commission will be able to evaluate empirical data concerning the effects of transaction reporting on the markets for trading of NMS securities. Absent evidence that transaction reporting has had a significant adverse effect on the trading of NMS securities, the Commission believes that it would be appropriate to adopt the amendments. Finally, pursuant to a request from the NASD, the Commission is delaying the commencement of transaction reporting in Tier 1 NMS securities until March 1, 1982 to provide the NASD sufficient time to complete the implementation and testing of the technical changes needed in its NASDAQ system.

Comments

The Commission received comments from 14 organizations, including three issuers,[8] one issuer-related association,[9] five broker-dealers,[10] three OTC trading associations,[11] and one stock exchange.[12] The Commission also received a further submission from the NASD.[13]

The comments focused almost exclusively on the proposed revisions of the Tier 2 criteria, which, as noted above, would increase substantially the number of OTC securities eligible for designation as NMS securities. The issuers and the ASCS favored increasing

---

[1] 15 U.S.C. 78a *et seq.*

[2] 17 CFR 240.11Aa2-1.

[3] Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992 (the "Adoption Release").

[4] The Commission published the NASD's proposed designation plan for public comment on October 1, 1981. Securities Exchange Act Release No. 18133 (October 1, 1981), 46 FR 50451.

[5] 17 CFR 240.11Aa3-1.

[6] 17 CFR 240.11Ac1-1.

[7] Securities Exchange Act Release No. 18131, October 1, 1981 (46 FR 49594, Oct. 7, 1982).

[8] Letter to George Fitzsimmons, Secretary, SEC, from Russell H. Baumgardner, President, Apogee Enterprises, Inc., dated October 21, 1981; letter to George Fitzsimmons, Secretary, SEC, from Marge Wilkerson, Corporate Communications Specialist, Chemical Investors, Inc., dated October 29, 1981; letter to George Fitzsimmons, Secretary, SEC, from Morris Kritz, Assistant to the President, Profit By Air, Inc., dated November 5, 1981.

[9] Letter to George Fitzsimmons, Secretary, SEC, from Earl J. Grimm, Jr., Chairman, Securities Industry Committee, American Society of Corporate Secretaries, Inc. ("ASCS"), dated November 13, 1981.

[10] Letter to George Fitzsimmons, Secretary, SEC, from Norman J. Shapiro, Manager, OTC Trading Dept., Bear, Sterns & Co., dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Robert H. B. Baldwin, Morgan Stanley, dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Peter J. DaPuzzo, Executive Vice President, Shearson Loeb Rhoades, Inc., dated November 6, 1981; letter to George Fitzsimmons, Secretary, SEC, from Charles J. Sheils, President, Sherwood Securities, Corp., dated November 24, 1981; letter to George Fitzsimmons, Secretary, SEC, from Robert A. Powers, Chairman of the Board, Smith Barney, Harris Upham & Co., Inc., dated November 11, 1981.

[11] Letter to George Fitzsimmons, Secretary, SEC, from John L. Watson, III Chairman, OTC Trading Committee, Securities Industry Association ("SIA"), dated November 11, 1981; letter to George Fitzsimmons, Secretary, SEC, from Richard M. Hufnagel, Chairman of the Board, National Security Traders Association ("NSTA"), dated November 10, 1981; letter to George Fitzsimmons, Secretary, SEC, from John N. Tognino, President, Security Traders Association of New York, dated November 4, 1981.

[12] Letter to George Fitzsimmons, Secretary, SEC, from Richard O. Scribner, Executive Vice President, Amex, dated November 10, 1981.

[13] Letter to Douglas Scarff, Director, Division of Market Regulation, from S. William Broka, Secretary, NASD, dated November 27, 1981.

the number of OTC securities eligible for designation as NMS securities because they perceived that the increased visibility provided by transaction reporting would increase investor interest in their securities. The OTC trading community, on the other hand, generally opposed those amendments.[14] The OTC community raised three general arguments in their comments.

First, the most prevalent argument was that, since the impact of transaction reporting on the OTC market cannot be predicted at this time, Tier 1 trading should be evaluated fully prior to increasing the number of stocks eligible for designation. Second, some OTC representatives raised concerns regarding the administrative burdens which might result if a large number of Tier 2 securities were designated at one time.[15] Finally, a number of commentators contended that the reporting requirements associated with such a large number of Tier 2 securities would burden smaller and lesser capitalized broker-dealer firms and could force many of those firms to withdraw from trading in Tier 2 securities, thus reducing the liquidity, depth, and breadth of the markets in Tier 2 stocks.[16]

The NASD also has filed a further submission on the proposed amendments. The NASD indicated that its Board of Directors, after reviewing the comments received by the Commission, has voted unanimously to adhere to its earlier position in favor of the proposed amendments. The NASD stated, however, that its board recognized that bringing the full universe of Tier 2 securities into the system on August 1, 1982 may result in difficult administrative problems. In this respect, the NASD indicated its intention to amend the designation plan to provide for the phasing-in of Tier 2 securities. In addition, the NASD indicated that, because of the large number of technical enhancements to its NASDAQ system that it has undertaken, its transaction reporting system would not be ready by February 1, 1982 and therefore it requested an amendment to Rule 11Aa2–1 which would change the date that the designation of Tier 1 securities would become effective to March 1, 1982.

[14] The OTC trading community historically has been opposed to transaction reporting for OTC securities. They have argued that transaction reporting would result in disincentives to OTC market making (i) because of the direct (*e.g.*, clerical) costs associated with such reporting, and (ii) because OTC market makers might be less willing to acquire a position in a security subject to transaction reporting due to the concern that they would be unable to liquidate effectively a significant position if their competitors were aware, via transaction reporting, of the size of that position. *See* The Adoption Release at page 25, note 53, 46 FR 13998.

[15] In this regard, the OTC Trading Committee of the SIA, stating that it was "not necessarily opposing a broadening of the qualified securities list," but was "opposed to the timing," felt that the Tier 2 securities should be brought gradually into the system by designating only approximately 50 stocks each two months.

[16] While the Amex did not take a position on the proposed amendments' primary effect of substantially increasing the number of securities that would be eligible for NMS designation, the Amex did argue that the proposed Tier 2 criteria were not identical to the Amex listing standards since its listing standards contained additional qualitative criteria. In addition, the Amex argued that "NMS securities will not trade in the same kind of environment which characterizes exchange-traded securities—an auction market environment with the protections that accompany primary exchange trading."

Discussion

Expansion of Tier 2

In publishing for comment the NASD's proposal to amend the Tier 2 criteria to allow for the designation of up to 1,450 securities, the Commission stated that, as a preliminary matter, the proposed amendments appeared to be desirable.

Specifically, the release notes that tape reporting for the most active OTC securities should enhance the efficiency of those markets and increase the ability of investors to ensure that their orders were executed at the best possible price. Moreover, the release states that the NASD's proposal to base the Tier 2 criteria generally on the Amex's numerical listing standards appears to be "a reasonable approach" which, in combination with the provision in the rule permitting issuers to affirmatively elect NMS designation for their securities, should ensure that only securities which would benefit from participation in the national market system will be designated. Nothing in the comment letters has caused the Commission to change its preliminary view that, in the long term, the NASD's proposals are appropriate.

The comment letters opposed to the proposal generally reiterate previous objections to the concept of NMS designation of OTC securities. While the Commission, in adopting the Rule, recognized the validity of concerns raised by commentators regarding the increased direct cost of transaction reporting and the possible effect of transaction reporting on liquidity, it determined that those concerns were outweighed by the benefits obtained from transaction reporting, at least with respect to the most liquid securities covered by the current Tier 1 and Tier 2 criteria.

The Commission's decision was based to some extent on the fact that the Rule provided issuers of Tier 2 securities the opportunity to make an individual determination regarding whether its securities would benefit from designation. In adopting the Rule, the Commission also recognized that the specific requirements adopted as Tier 2 criteria were not based on an infallible formula, but merely were its best attempt to identify conservatively those OTC securities which would benefit from NMS designation.

In reviewing the comment letters, the Commission notes that no commentator argued that the additional securities covered by the NASD's proposed criteria would have trading characteristics substantially different from securities currently eligible for designation pursuant to the Tier 2 criteria. Rather, the only new objections appear to be that the Rule should not be amended at this time because: (i) there has been no experience in trading NMS securities, so there is no basis to judge whether the criteria could be expanded, and (ii) there currently are so many changes pending in the OTC market that it would be inappropriate to require the industry to accommodate further changes with respect to NMS securities at the same time.[17]

The Commission does not believe that any of these arguments undermine the general validity of the NASD's proposal. The Commission continues to believe that the issuer will make an informed decision on whether to designate its Tier 2 securities only after observing the effects of transaction reporting on Tier 1 securities and weighing the relative advantages and disadvantages of designation in its own particular case. In addition, the NASD's proposed designation plan will allow issuers to opt out of NMS designation if they are not satisfied with the results of that trading. The Commission has no indication that the trading characteristics of the additional securities that would be eligible for designation under the NASD's proposal are so inherently different from the securities currently eligible for designation pursuant to Tier 2 that issuers of such securities should be denied the ability to make that election. Nevertheless, while the Commission continues to support the NASD's proposals, the Commission has

[17] In particular, the commentators noted the planned inclusion of quotation size in NASDAQ Level 2 and 3 displays and the Commission's outstanding order requiring the NASD and the participants in the Intermarket Trading System ("ITS") to implement an automated interface between ITS and the NASD's Computer Assisted Execution System.

determined to delay final action on the proposals until there is actual trading experience under the Rule.

As discussed above, the NASD is planning to propose a transition between Tier 1 and Tier 2 that will allow for the designation of Tier 2 securities over a period of time. Because it appears that many issuers will elect NMS status, the Commission supports such a transition as a reasonable method to allow the industry to become accustomed to transaction reporting without the possible disruption of trading that could accompany the designation of all Tier 2 securities at one time. Because, pursuant to the phase-in plans, even those securities currently eligible for designation pursuant to the Tier 2 criteria would be designated only over a period of time, delaying action on the proposed rule amendments until after the designation of Tier 2 securities begins appears to have two major benefits.

First, delaying action on the proposed rule amendments would help provide an orderly phase-in of Tier 2 securities. The first securities eligible for issuer designation would be the relatively more liquid securities that meet the current Tier 2 criteria; after designation of those securities is under way, Commission approval of the proposed rule amendments would allow the designation process to continue for those securities that then would become eligible for designation.

Second, delaying action on the proposed rule amendments will give the Commission and prospective commentators an opportunity to study the effect of transaction reporting on OTC securities before making a final determination on whether to expand the universe of eligible securities. While, as discussed above, the Commission believes that issuers of securities that meet the proposed Tier 2 standards will be capable of deciding whether to elect NMS status on the basis of the Tier 1 experience, the Commission believes that delaying approval of the proposed amendments will allow the Commission to take the more cautious approach recommended by many commentators without seriously inconveniencing issuers who, pursuant to the NASD's plans to phase-in Tier 2, may not be able to elect NMS status immediately in any event.

Accordingly, the Commission intends to monitor closely the trading in NMS securities and reach a decision by the end of 1982 on whether to approve the proposed amendments.[18] Absent strong evidence that last sale reporting is having a deleterious effect on the markets for NMS securities, the Commission intends to adopt the amendments. In this connection the Commission invites interested persons to comment on the effects of designation on the trading of NMS securities no later than October 15, 1982.

Technical Amendments

Commentators did not address the proposed technical amendments to the Rule. Those amendments would ease the NASD's burden in administering the Rule,[19] and would clarify the eligibility of ADRs, rights and warrants to be designated as NMS securities.[20] Therefore, the Commission is adopting those amendments. In addition, as discussed above, the NASD has requested that the effective date of Tier 1 designation be delayed for one month until March 1, 1982. In light of the fact that the NASD has been making progress in effecting the technical enhancements to its NASDAQ system necessary to accommodate transaction reporting for Tier 1 securities, and because the NASD has been under time pressures with respect to other significant projects, the Commission is granting this single one month extension.[21]

Effects on Competition

Section 23(a)(2) of the Act[22] requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. Due to the technical nature of the amendments being adopted, the Commission does not believe that these amendments to Rule 11Aa2–1 will have any effect on competition.[23]

Text of the Rule Amendments

The Securities and Exchange Commission hereby amends Rule 11Aa2–1 pursuant to its authority under the Securities Exchange Act of 1934, and particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 15A, 17 and 23 thereof.

Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By revising paragraphs (a)(2); (b) (1) and (2); (b)(4)(i) (B), (D), and (F); (b)(4)(ii) (B), (D) and (F); adding paragraph (b)(4)(iii); revising Instruction 1 and adding Instruction 4 to paragraph (b); and revising paragraph (g) of § 240.11Aa2–1 as follows:

§ 240.11Aa2–1 Designation of national market system securities.

(a) * * *

(2) The term "registered equity security" shall mean any equity security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, (iii) registered under the Securities Act of 1933 and issued by a closed-end investment management company registered under section 8 of the Investment Company Act of 1940, or (iv) an American

---

[18] Specifically, the Commission's Directorate of Economic and Policy Analysis will be monitoring the impact of NMS designation on market quality as measured in terms of bid-ask spreads. In addition, changes in the number and size of market makers for these securities will be monitored in an attempt to determine whether increased reporting requirements result in some firms, *e.g.*, small broker-dealers, ceasing to make markets in these securities.

[19] These amendments would (i) amend paragraph (b)(1) of the Rule to allow 35 days, rather than the current 10 days, for the designation of Tier 1 securities to become effective, thus allowing time for certain factual administrative appeals on NASD decisions; (ii) amend the Tier 1 criteria in paragraph (b)(4)(i) of the Rule to remove the requirement that there be 1,200 holders of 100 shares or more (the "round-lot requirement"), to substitute a five day requirement for the current 10 day requirement that the bid price be $10 or more, to substitute a five day, rather than 90% of the business days during a six month period, requirement that there be four NASDAQ market makers; and (iii) amend the Tier 2 criteria in paragraph (b)(4)(ii) to remove the round-lot requirement, to substitute a five day requirement for the current 10 day $10 a share requirement, and to substitute a five day, rather than 70% of the business days during the six month period, requirement that there be four market makers.

[20] These amendments would (i) add paragraph (a)(2)(iv) to the Rule to provide for ADRs as part of the definition of "registered equity securities" as long as the foreign securities underlying the ADRs are registered pursuant to Section 12 of the Act; (ii) add paragraphs (b)(2)(ii) and (b)(4)(iii) to the Rule to provide for the designation of rights and warrants; and (iii) amend the instructions to the designation criteria to make them broad enough to cover the financial information filed with respect to ADRs.

[21] The Rule currently provides that the Tier 1 criteria will become effective January 15, 1982. Because the Rule also currently provides that designations of Tier 1 securities will become effective ten business days after the qualification date, which is the effective date of the Rule, Tier 1 designation would have become effective approximately February 1, 1982. Because, as discussed in note 19, *supra*, the time period between effectiveness of the Rule and designation of Tier 1 securities is being expanded to allow for certain minimal appeals of NASD qualification decisions, the effective date of the Rule is being set 25 business days before March 1, 1982, or January 22, 1982.

[22] 15 U.S.C. 78w(a)(2).

[23] At the time the Commission published these amendments for public comment, the Chairman of the Commission certified, pursuant to the requirements of the Regulatory Flexibility Act, that the amendments would not have a significant economic impact on a substantial number of small entities. None of the commentators raised any questions regarding this determination.

Depositary Receipt issued against the equity securities of a foreign issuer if such equity securities are registered pursuant to section 12 of the Act.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which

(i) substantially meets the criteria set forth in paragraph (b)(4)(ii) of this section ("Tier 2 Criteria");

(ii) is a right to purchase a security described in paragraphs (b)(1) or (b)(2)(i) of this section; or

(iii) is a warrant to subscribe to a security described in paragraphs (b)(1) or (b)(2)(i) of this section and meets the criteria set forth in paragraph (b)(4)(iii) of this section ("Warrants")

shall be designated as national market system securities upon application of the issuer in accordance with the terms of an effective designation plan. Determinations that particular NASDAQ securities substantially meet the Tier 2 Criteria shall be made by the National Association of Securities Dealers, Inc. ("NASD"), and designations made pursuant to this paragraph (b)(2) shall become effective in accordance with the terms of such effective designation plan.

* * * * *

(4)(i) *Tier 1 criteria.* * * *

(B) There are at least 500,000 shares held by persons other than directors, or persons owning of record or beneficially 10 percent or more of the outstanding shares of the security ("publicly held shares").

* * * * *

(D) The price per share on each of the five business days preceding the most recent qualification date is $10 or more.

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the most recent qualification date.

(ii) *Tier 2 criteria.* * * *

(B) There are at least 250,000 publicly-held shares.

* * * * *

(D) The price per share on each of the five business days prior to the date of application by the issuer is $5 or more.

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(iii) *Warrants.*

(A) The Warrants substantially meet the Tier 2 criteria; *provided, however,* that they shall not be required to meet the criteria set forth in paragraph (b)(4)(ii)(B) of this section.

(B) Immediately after the distribution there are at least 450,000 Warrants outstanding.

Instructions. 1. The computations required by (i)(A) and (ii)(A) shall be taken from the issuer's most recent financial information filed with the Commission pursuant to section 12 or 13 of the Act. * * * 4. In the case of American Depositary Receipts, the computations required by (i)(A) and (ii)(A) shall relate to the foreign issuer and not to any depositary or any other person deemed to be an issuer for purposes of Form S-12 under the Securities Act of 1933 (§ 239.19).

* * * * *

(g) *Effective dates.* The effective date of this section shall be April 1, 1981, except for paragraph (b)(1) which shall become effective on January 22, 1982, and paragraph (b)(2) which shall become effective on August 1, 1982.

Effective Date of The Amendments

Pursuant to the Administrative Procedure Act,[24] the Commission finds good cause to waive the 30 day period between publication of the amendments and the effective date. Paragraph (b)(1) of the Rule currently is scheduled to become effective on January 15, 1982, and, therefore, the 30 day period between publication and effectiveness would render useless the one week postponement in the effective date of that section; the 30 day delay also would cause undue hardship on the NASD which would be required by the Rule to make initial designation determinations based on standards which would soon be obsolete. Finally, the Commission previously has given notice of these proposed amendments and received no comments on those portions of the amendments being adopted. Accordingly, the Commission has determined that the amendments should become effective immediately.

[24] 5 U.S.C. 553(d)(3).

By the Commission.

January 7, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-910 Filed 1-13-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-9; Order No. 201]

Final Rule To Discontinue Monthly Power Plant Report: Form No. 4

Issued January 7, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) discontinues its Form No. 4 "Monthly Power Plant Report" and deletes §§ 141.22, 141.23 and 141.24 of the Commission's regulations that prescribe the form. Form No. 4 collects information on installed capacity; net generation; consumption of coal, oil and natural gas; and end-of-month stocks of coal and oil for each plant according to each fuel-type combination. The Energy Information Administration has indicated that it needs the information in Form No. 4 for its functions and that it will assume authority to collect the form under the designation "Form No. EIA-759, Monthly Power Plant Report, beginning with all reports due after January 1, 1982.

EFFECTIVE DATE: This final rule is effective January 7, 1982, for reports required to be filed after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 North Capitol Street, N.E., Room 302-RB, Washington, D.C. 20426, (202) 376-9227.

Discontinuance of Monthly Power Plant Report: Form No. 4; Docket No. RM82-9, Order No. 201.

Issued January 7, 1982.

By this rule, the Federal Energy Regulatory Commission (Commission) is eliminating FPC Form No. 4, "Monthly Power Plant Report" and is repealing the regulations that prescribe that form.

Form No. 4 constitutes three separate filing requirements under the Commission's regulations: the monthly

report filed by multiple plant utilities (§ 141.22), the monthly report filed by single plant utilities (§ 141.23), and the monthly report filed by industrial plants (§ 141.24). The elimination of the form and its corresponding regulations are part of the Commission's ongoing program to review and evaluate all of the data which are required by the Commission for regulatory purposes and to eliminate unnecessary reporting burdens.

A. Background and Summary

Form No. 4 was instituted to obtain monthly data from all electric utilities subject to the Commission's jurisdiction under the Federal Power Act.[1] The form collects information on installed capacity; net generation; consumption of coal, oil and natural gas; and end-of-the-month stocks of coal and oil for each plant according to each fuel-type combination. The information on the form is used to assess the adequacy of energy resources to meet the demands of all sectors of the economy and the general public.

The Commission has determined, however, that much of the data in the current format of Form No. 4 are not essential to its regulatory functions and that the form need not be collected by this Commission. The Energy Information Administration (EIA) has indicated that it needs this information to perform its functions and that it will assume the authority to collect the Form No. 4 report under the designation "Form No. EIA–759, Monthly Power Plant Report", beginning with all reports due after January 1, 1982. Therefore, the Commission deletes the requirement to file the Form No. 4 [2] to be effective for all reports due, beginning January 1, 1982. Thus, reports for the month of December, 1981 (which are due ten days after the end of the reporting month) will be collected by EIA.

B. Effective Date

The Commission believes that notice and public procedure under 5 U.S.C. 553(b) are unnecessary in this rulemaking because the data eliminated by this rulemaking will be assumed by EIA without a gap in the collection of the information. Because EIA will begin the collection of these data for all reports due, beginning January 1, 1982, the Commission believes there is good cause to issue this final rule to be effective January 7, 1982, for reports required to be filed after December 31, 1981.

(Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E. O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission amends Part 141 of Title I, Chapter I, Code of Federal Regulations effective January 7, 1982, as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

§§ 141.22, 141.23 and 141.24 [Removed]

Part 141 of 18 CFR is amended by removing §§ 141.22, 141.23 and 141.24 in their entirety.

[FR Doc. 82–1022 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[1] The Commission is authorized to regulate electric utilities engaged in interstate commerce under Part II of the Federal Power Act (16 U.S.C. 792–828c), pursuant to Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172(b)). The Commission collects information in the Form No. 4 under sections 304 and 311 of the Federal Power Act pursuant to a delegation of authority from the Secretary of Energy to the Commission (Delegation Order No. 0204–1 (October 1, 1977)).

[2] The Commission retains a general interest in reports of these electric power plant data. The Commission can obtain this information from the new Form No. EIA–759, upon discontinuance of the Form No.4.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 82–16]

Special Tonnage Tax and Light Money; Payment Exemption; People's Republic of China

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations by adding the People's Republic of China to the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been furnished by the Department of State that no discriminating duties of tonnage or imposts are imposed in ports of the People's Republic of China upon vessels belonging to citizens of the United States or on their cargoes. This document provides reciprocal privileges to vessels registered in the People's Republic of China.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

By letter dated September 19, 1980, the Department of State advised the Department of Treasury that satisfactory evidence exists, in the form of the U.S.-China Agreement on Maritime Transport and the U.S.-China Agreement on Trade Relations, that no discriminating duties of tonnage or imposts are imposed or levied in ports of the People's Republic of China upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into the People's Republic of China on vessels from the United States.

Consequently, the Department of State recommended that the People's Republic of China be added, effective September 17, 1980, to the list of nations whose vessels are exempted from the payment of the U.S. special tonnage tax and light money.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1980 (3 CFR, 1959–1963 Comp., Ch II), and pursuant to the authorization provided by Treasury Department Order No 101–5 (46 FR 9336), I declare that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued, in respect to vessels of the People's

Republic of China and the produce, manufactures, or merchandise imported into the United States in such vessels from the People's Republic of China or from any other foreign country.

This suspension and discontinuance shall take effect from September 17, 1980, in respect to vessels of the People's Republic of China, and shall continue only for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.22 [Amended]

To reflect the reciprocal privileges granted to vessels registered in the People's Republic of China, the list in § 4.22, Customs Regulations (19 CFR 4.22), of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money, is amended by adding the People's Republic of China in appropriate alphabetical order.

(R.S. 251, as amended, 4219, as amended, 4255, as amended, 4228, as amended, section 3, 23 Stat. 119, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 5, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

Inapplicability of the Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a major impact analysis is not required.

Drafting Information

The principal authors of this document were Lawrence P. Dunham and Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and Treasury participated in its development.

Dated: December 24, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1041 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 6

[T.D. 82-14]

Transportation of Transit Air Cargo to an Interior Port of Destination

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify that the penalties imposed as liquidated damages under a common carrier's bond for failure to deliver merchandise to Customs, are applicable where cargo arriving in the United States by aircraft for transportation in, through, or from the United States by aircraft, is not delivered within the specified time limit. The amendment is being made to avoid any possible misunderstanding regarding the applicability of the penalty provisions.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Benjamin H. Mahoney, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

Cargo (including manifested baggage) arriving in the United States by aircraft to be transported subject to Customs control in, through, or from the country by aircraft is known as transit air cargo. Such cargo must be transported in accordance with the provisions of Part 6, Customs Regulations (19 CFR Part 6).

As a more expeditious alternative to the procedure set forth in section 6.15, Customs Regulations (19 CFR 6.15), for transporting merchandise in bond, § 6.18, Customs Regulations (19 CFR 6.18), provides that the Air Cargo Manifest, Customs Form 7509, printed, stamped, or labeled "Transportation Entry and Transit Air Cargo Manifest," may be used as the transportation entry and the manifest for transit air cargo transported under a common carrier's bond.

The Customs Regulations pertaining to the movement of transit air cargo are set forth in §§ 6.18 through 6.24, Customs Regulations (19 CFR 6.18–6.24). Section 6.22(c), provides that transit air cargo must be delivered to Customs at destination within 15 days from the date of receipt by the forwarding carrier at the port of arrival. Under § 6.22(e), penalties imposed as liquidated damages under the common carrier's bond for failure to deliver merchandise must be the same as prescribed in § 18.8, Customs Regulations (19 CFR 18.8). While § 18.8 sets forth the penalty for failure to deliver merchandise, it does not specify a time period during which the delivery must occur.

In response to a request for clarification, Customs Headquarters determined that the penalties imposed under the common carrier's bond for failure to deliver merchandise, set forth in § 18.8, apply to air transit cargo which is not delivered within the 15-day period specified in § 6.22(c). Accordingly, § 6.22(e) must be amended to clarify the applicability of § 18.8 to § 6.22.

Inapplicability of Notice and Delayed Effective Date Provisions

Because this amendment does not change established policy or procedure and merely clarifies an existing regulation, it is considered to be an interpretative rule and notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(2), a delayed effective date is not provided because it is not required for an interpretative rule.

Executive Order 12291

Because this will not result in a "major" rule as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act") because it is an interpretative rule, merely clarifying an existing regulation without changing established policy or procedure.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

PART 6—AIR COMMERCE REGULATIONS

Section 6.22(e), Customs Regulations (19 CFR 6.22(e)), is revised to read as follows:

§ 6.22 Transportation of transit air cargo to an interior port of destination.

* * * * *

(e) Penalties imposed as liquidated damages under the common carrier's bond for shortage, failure to deliver, etc., must be the same as prescribed in § 18.8 of this chapter. The penalty set forth in § 18.8 for failure to deliver merchandise shall apply to the failure to deliver merchandise within the time period set forth in paragraph (c) of this section. Under that section the basis for the assessment of liquidated damages is the value of the merchandise. The transit air cargo manifest does not reflect value. Therefore, when it is necessary to determine the value of merchandise shipped as transit air cargo, the value must be determined by the district director on the basis of the data or documents specified in paragraph (d) of this section and such other information available to him relating to merchandise of the same or similar description or origin. However, when the data or documents required to be furnished by paragraph (d) of this section are not received within the 90-day period prescribed, the district director will make his determination of value on the basis of such other information available to him.

(R.S. 251, as amended, sec. 551, 623, 624, 644, 46 Stat. 742, *et seq.*, as amended, sec. 304, 1109, 72 Stat. 787, *et seq.*, as amended and sec. 101, 76 Stat. 72, as amended (19 U.S.C. 66, 1551, 1623, 1624, 1644, 49 U.S.C. 1474, 1509), General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202))

George C. Corcoran, Jr.

Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1031 Filed 1-13-82; 8:45 am]
BILLING CODE 4820-02-M

19 CFR Part 18

[T.D. 82-13]

Assessment of Liquidated Damages Under Carrier's Bonds

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: Bonded carriers are responsible for shortages, irregular deliveries, or nondeliveries of imported merchandise received by them to be transported from one port to another. In the case of any shortage, failure to deliver, or direct delivery to the consignee or other person of any duty-free merchandise, the bonded carrier is subject to a penalty imposed by Customs as liquidated damages.

Customs has determined that the previous maximum penalty (an amount equal to the value of the merchandise not to exceed $25 in any one shipment) has failed to act as a deterrent to future violations and does not cover the administrative costs of processing the penalty. This document amends the Customs Regulations to increase the penalty to a minimum of $50 and a maximum of $100, in any one shipment, to be determined within the discretion of the district director.

Bonded carriers are also responsible for any internal revenue taxes or other taxes due to the United States on the missing merchandise. While customs duties are included in these taxes, they were not expressly mentioned. Accordingly, this document also amends the Customs Regulations to include the term "duties" within the category of liabilities assumed by bonded carriers for shortage, nondelivery, or irregular delivery of merchandise.

EFFECTIVE DATE: April 14, 1982.

FOR FURTHER INFORMATION CONTACT: Legal aspects: William G. Rosoff, Carriers, Drawback and Bonds Division, 202-566-5856; Operational aspects: Thomas Hargrove, Cargo Processing Division, 202-566-5354; U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, when merchandise is imported into the United States, it must be entered for Customs purposes at the first port at which the merchandise arrives. However, under certain circumstances, imported merchandise may be placed in a Customs bonded warehouse or transported from the first port in the United States to another port. This procedure postpones final Customs formalities, including payment of duties due, until the merchandise arrives at the other port. The merchandise then may be entered, warehoused, or exported. In order to forward imported merchandise to another port, the merchandise must be transported in bond; that is certain Customs documents are required to support the movement and the carriers must be bonded by Customs for this purpose. Carriers bonded to transport merchandise in bond must follow certain procedures specified in Part 18, Customs Regulations (19 CFR Part 18), and they will incur penalties if shipments, together with the necessary documents, are not properly transported and delivered to Customs at the port of destination.

Section 18.10, Customs Regulations (19 CFR 18.10), lists five types of entries or withdrawals which may be made for merchandise to be transported in bond. Under section 18.8, Customs Regulations (19 CFR 18.8), carriers of merchandise transported in bond are responsible for any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of bonded merchandise received by them. If there is a shortage, irregular delivery, or nondelivery, the bonded carrier is assessed liquidated damages under its bond. The amount of the liquidated damages depends on the dutiable status of the merchandise and the type of nonperformance by the carrier.

By a notice published in the **Federal Register** on December 30, 1980 (45 FR 85780), Customs stated that it had determined that the maximum amount of penalty imposed under § 18.8(b)(1), Customs Regulations (19 CFR 18.8(b)(1)), as liquidated damages assessed against the carrier's bond for shortage, nondelivery, or irregular delivery of duty-free merchandise, was insufficient to act as a deterrent to future violations.

Section 18.8(b)(1), provides that if there is a shortage, irregular delivery, or nondelivery of duty-free merchandise, the penalty to be imposed as liquidated damages will be an amount equal to the value to the missing merchandise, not to exceed $25 in any one shipment. However, the $25 maximum penalty permitted in § 18.8(b)(1) does not nearly meet the administrative costs to Customs of processing claims for liquidated damages. In a study performed in the Houston, Texas, Customs Region, it was concluded that the cost of processing the simplest liquidated damages case is $41.50. The cost to Customs has increased since that study was made.

Accordingly, Customs proposed to amend § 18.8(b)(1) to increase the amount of the liquidated damages that

can be assessed to a minimum of $50 and maximum of $100, in any one shipment, to be determined within the discretion of the district director.

In the notice of December 30, 1980, Customs noted that in addition to the penalties prescribed by § 18.8(b)(1), § 18.8(c), Customs Regulations (19 CFR 18.8(c)), provides that the bonded carrier also is responsible to pay any internal revenue taxes or other taxes owed to the United States on the missing merchandise, as well as all costs, charges, and expenses caused by failure to make the required transportation, report, and delivery. Although the provisions of § 18.8(c) have been used to collect customs duties under a carrier's bond on any missing merchandise, and the authority to collect duties under the carrier's bond has been recognized by the U.S. Customs Court in *Art Craft Jewelry Co.* v. *United States*, 64 Cust. Ct. 414, C.D. 4010 (1970), the term "duties" did not expressly appear in § 18.8(c).

Accordingly, for the purpose of clarity, Customs proposed to amend § 18.8(c) to expressly include the term "duties" among the liabilities imposed upon a carrier in the case of shortage, nondelivery, or irregular delivery of merchandise.

Pursuant to the notice interested parties were given until March 2, 1981, to submit comments on the proposal. Six commenters responded to the notice. After a review of the comments, Customs is adopting the amendments as proposed.

Discussion of Comments

One commenter stated that increasing the amount of the penalty is only a partial solution to the problem. He believes that the number of violations could be reduced significantly by ensuring that the delivering carrier receives a copy of Customs Form 7512, signed by the Customs officer at the port of destination. The commenter indicates that the signed copy should be proof that the carrier had fulfilled its obligations and its liability would be released. Customs believes this suggestion has merit and will study this matter further.

One commenter generally supports the proposal but believes the increased amounts are still inadequate. Another believes that the increased amounts would not act as a deterrent but would help cover only the administrative costs of processing these cases. Customs believes that the higher amounts of the penalties will act as a deterrent, that there will be fewer violations and, therefore, the overall administrative cost of processing these cases would be reduced.

Another commenter notes that most claims arise in situations where Customs has not had the opportunity to appraise the missing merchandise or determine whether or not it is duty-free. He further notes that the manifest description is usually insufficient for making a judgment. He suggests that § 18.8(b)(1) be amended further to state that the district director must be satisfied that the merchandise is duty-free or otherwise, liquidated damages would be assessed under § 18.8(b)(2), the provision for dutiable merchandise. Customs does not believe this amendment is necessary because in practice, that is the procedure which is being, or should be, followed.

The commenter agrees that the word "duties" should be included in § 18.8(c) but suggests that guidelines be included in the Customs Fines, Penalties, and Forfeitures Handbook to explain the phrase "cost, charges, and expenses caused by the failure to make the required . . . delivery." Customs believes the suggestion has merit; however, it will be reviewed separately because it is beyond the scope of this document.

Another commenter states that while agreeing that the $25 limit does not cover the administrative cost of processing a penalty for Customs, the same is true for airlines. The commenter suggests that if Customs mandates an increase in the penalty amount in order to recoup the costs associated in assessing liquidated damages, Customs should credit the airline for a like amount whenever the carrier can and does provide evidence that the duty-free shipment was properly handled. Customs is a law enforcement agency which is charged with the responsibility of administering numerous laws and regulations, such as investigating violations of § 18.8. Customs endeavors to minimize its own administrative expenses as well as the expenses which the other party must bear. However, Customs can not credit the party any expense it incurred.

This commenter cites figures purporting to show that 50 percent of all penalty cases are closed without collection of assessed damages because carriers are able to produce evidence of compliance at least 50 percent of the time. The commenter also states that less than 1 percent of all in-bond transactions required investigation and that 85 percent of the investigations were concluded without imposing penalties or liquidated damages because no violation actually occurred. The commenter claims that these figures indicate that the proposed penalty increase has not been justified, nor has Customs shown that the airlines are negligent in the handling of in-bond duty-free merchandise.

Customs does not dispute the assertion that only 1 percent of all transactions require investigation. However, Customs notes that 1 percent of an annual volume of 1.7 million in-bond transactions is a substantial number. Customs has not singled out airlines because the proposed increase is directed towards all carriers.

The commenter cites the President's regulatory reform program and refers to Executive Order 12291 of February 17, 1981. He notes that the Executive Order requires that costs be carefully reviewed, and the potential benefits to society from a regulation outweigh the potential costs to society.

Customs supports fully the President's regulatory reform program and the mandates of Executive Order 12291. By raising the penalty amount, Customs believes there will be fewer violations of § 18.8(b)(1), which would be a benefit to the public. At the same time, overall costs in administering § 18.8(b)(1) would be reduced.

Another commenter claims that because § 18.8(c) has been used to collect customs duties under a carrier's bond on any missing merchandise, it is unreasonable to subject the carrier to liquidated damages when the duties owing on the lost or irregular shipment are paid to Customs in any event. An importer is primarily liable for payment of duties; however, independent of that liability, a carrier who loses merchandise also could become liable for payment of duty. As a matter of policy under the quantity control program, Customs generally collects duty from an importer only on the merchandise actually received. Any shortage is presumed to have occurred while in the carrier's possession and, therefore the carrier is treated by Customs as being responsible for that loss. Customs will collect from the carrier duty on the missing merchandise. However, there are other damages suffered by Customs under the bond. Liquidated damages under the carrier's bond are assessed because of breach of the bond.

The commenter questions Customs assumption that an increase in the penalty will act as deterrent. Customs agrees with the commenter that carriers have very compelling incentives for preventing loss or damage to cargo, such as loss of customers. However, Customs maintains that the assessment of higher penalties will make carriers even more careful.

The commenter objects to Customs citation of increasing administrative costs as a basis for increasing the penalty, especially in light of the President's policy of increasing the efficiency, rather than the cost, of Federal Government regulation. The commenter suggests that Customs efforts be directed toward reducing, rather than increasing, the cost of administering its regulations.

Customs agrees that it is essential to operate as efficiently as possible and to reduce the costs of administering its regulations wherever possible. Of course, reducing administrative costs during an inflationary period is very difficult. It is anticipated that there will be fewer violations of § 18.8(b)(1) because of the deterrent effect of the increased penalty. This will reduce Customs overall administrative costs of processing these cases. Of course, an improvement in the performance of carriers would be of great assistance in reducing Customs costs.

The commenter questions the validity of the study performed in the Houston, Texas, Customs Region which concluded that the cost of processing the simplest liquidated damages case is $41.50. The commenter notes that the study was performed at a seaport, not at an airport, and claims Customs has not demonstrated that data collected at the seaport is representative of air cargo transportation. The commenter claims that Customs has not explained why the $50 minimum to $100 maximum penalty is necessary to cover average administrative costs ($41.50) of less than those amounts.

Customs notes that its study was conducted at several seaports. However, because the forms and procedure for processing a § 18.8(b)(1) violation are the same at a seaport and an airport, Customs believes that the administrative costs would be similar. The new dollar amounts are necessary because the monetary penalty is intended to be a deterrent and not merely to recover administrative costs.

The commenter also discusses a matter relating to amending §§ 171.31 and 172.31, Customs Regulations (19 CFR 171.31, 172.31). This subject is outside the scope of this document but will be studied as a separate project.

Customs Forms

During the 90-day delayed effective date of this document, Customs Form 3587, "Carrier's Bond," Customs Form 3588, "Private Carrier's Bond," and Customs Form 3855, "Bond of Customs Cartman or Lighterman" will be revised by Customs Headquarters to conform to the amendments made in this document. A bond rider will be prepared for each bond and distributed to Customs field personnel. The bond rider will be executed and attached to the Customs bonds already on file before the delayed effective date. The bond rider also would be attached to all applicable bonds that are executed and filed after the delayed effective date. Use of the rider would eliminate the need for printing new bond forms at this time. However, as supplies of these forms are exhausted, the public will be provided with the new forms containing the revised language.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking issued before January 1, 1981, the effective date of the Act.

E.O. 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Part 18, Customs Regulations (19 CFR Part 18), is amended as set forth below.

William von Raab,
Commissioner of Customs.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Sections 18.8(b)(1) and (c), Customs Regulations (19 CFR 18.8(b)(1), (c)), are revised to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

* * * * *

(b) Penalties imposed as liquidated damages under the carrier's bond for shortage, failure to deliver, or irregular delivery shall be as follows:

(1) In the case of shortage, failure to deliver, or delivery direct to the consignee or other person of any merchandise free of duty, a minimum of $50 and a maximum of $100, in any one shipment, to be determined within the discretion of the district director.

* * * * *

(c) In addition to the penalties described in paragraph (b) of this section, the carrier shall pay any internal-revenue taxes, duties, or other taxes accruing to the United States on the missing merchandise, together with all costs, charges, and expenses caused by the failure to make the required transportation, report, and delivery.

(R.S. 251, as amended, and secs. 551, 623, 624, 46 Stat. 742, as amended, 759, as amended (19 U.S.C. 66, 1551, 1623, 1624))

[FR Doc. 82-1039 Filed 1-13-82; 8:45 am]
BILLING CODE 4820-02-M

---

19 CFR Part 101

[T.D. 82-15]

Customs Regulations Amendment Relating to the Field Organization of the Customs Service

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by modifying the description of the port limits of the recently consolidated Houston-Galveston, Texas, Customs port of entry to include territory lying between the corporate limits of both Houston and Galveston. The change is being made to connect Harris and Galveston Counties to form a continuous path from Houston to Galveston, which is necessary to complete the consolidated port of entry.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Renee DeAtley, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

By T.D. 81–160, published in the Federal Register on June 2, 1981 (46 FR 29462), § 101.3, Customs Regulations (19 CFR 101.3), was amended among other things, to consolidate the Customs ports of entry of Houston and Galveston, Texas, into the single Houston-Galveston, Texas, Customs port of entry. In consolidating the two ports, Customs intended to establish one combined port of entry encompassing an area between Houston and Galveston and stated that the Houston-Galveston port limits would include all of the territory within the existing port limits

of Houston and Galveston. However, following publication of the document, Customs determined that the geographical description of the newly consolidated Houston-Galveston port of entry limits did not reflect accurately all of the land area which was to be encompassed by the merger. The notice failed to incorporate that area of Galveston County between Clear Lake and Clear Creek on the north, Texas City on the south, the Texas shore line on the east and the Brazoria/Galveston County border on the west. Because the ports must be connected physically, the description of the consolidated Customs port of entry needs to be modified to include the omitted area.

Accordingly, Customs has determined to amend § 101.3, Customs regulations (19 CFR 101.3), to make this change.

Change in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (46 FR 9336), the description of the port limits of the consolidated Houston-Galveston, Texas, Customs port of entry is modified to include that area of Galveston County bounded by Clear Lake and Clear Creek on the north, Texas City on the south, the Texas shore line on the east and the Brazoria/Galveston County border on the west.

Amendment to the Customs Regulations

§ 101.3 [Amended]

To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs regulations (19 CFR 101.3(b)), is amended by substituting "The territory lying within the corporate limits of both Houston and Galveston, Texas, and the remaining territory in Harris and Galveston Counties, Texas (T.D. 81–160 and T.D. 81–15)." for "Houston-Galveston, Texas, including territory described in T.D. 54409 and Port Bolivar and Texas City (T.D. 81–160)" (46 FR 29464; June 2, 1981) in the list of ports of entry in the Houston-Galveston district.

Executive Order 12291

Because this will not result in a "major rule" as defined by section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has determined that the regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, the regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This determination has been made because the amendment merely is a technical change to connect Harris and Galveston Counties to complete the combined port of entry.

Inapplicability of Notice and Delayed Effective Date Provisions

Because the change does not alter materially the amendments made by T.D. 81–160, which were developed after public participation, and because the amendment merely is a technical change connecting Harris and Galveston Counties to complete the combined port of entry pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are found to be unnecessary. Because the combined port of entry already is in operation, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1038 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Departmental Regulation 108.793]

Visas: Documentation of Immigrants Under the Immigration and Nationality Act

CFR Correction

In Title 22, Code of Federal Regulations, revised as of April 1, 1981, in Part 42, § 42.1 appearing on page 181, the definition of "Accompanying" or "accompanied by" should read:

"Accompanying" or "accompanied by" means, in addition to an alien in the physical company of a principal alien, an alien who is issued an immigrant visa within 4 months of the date of issuance of a visa to the prinicpal alien, within 4 months of the adjustment of status in the United States of the principal alien, or within four months from the date on which the principal alien personally appears and registers before a consular officer abroad for the express purpose of conferring alternate foreign state chargeability or, where applicable, immigrant status upon a spouse or child.

BILLING CODE 1505-02-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: On March 9, 1981, the Commission published a proposed recodification, revision and expansion of existing regulations contained in 25 CFR Part 700. (45 FR 15720–15743). The existing regulations in a large part are a restatement of the applicable portions of the statutes. Experience gained from relocations completed to date, and the anticipation of the increased volume of relocations expected indicate the need for an expansion of regulations to contain more detailed procedures. The final rule revises, expands and assigns a new numbering system to the regulations. Many comments were received and analysed and action was taken as set forth below. The final rules, with the exception of § 700.183—Determination of Replacement Housing Payment, § 700.185—Differential Amount, § 700.143—Payments for Divorced or Separated Relocatees and § 700.145—Payments to Estates are set forth below.

EFFECTIVE DATE: These rules and regulations will be effective January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Telephone No. (602) 779–3311, Extension 1376, FTS: 261–1376.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002, Telephone (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION: Most of the comments received dealt with the proposed changes in § 700.183—

Determination of Replacement Housing Payment and § 700.185—Differential Amount. All such comments opposed the proposed change. Since the question underlying the proposed change is now pending before the General Accounting Office and since an opinion from that office is expected in the very near future, the Commission has decided to await such opinion before making a decision on whether or not to make any changes in these proposed regulations. Pending the resolution of this question the Commission will continue its present policy of adding appraisals to benefits.

Comments were also received on § 700.143—Payments For Divorced or Separated Relocatees and § 700.145—Payments to Estates. The Commission considered these comments and certain revisions to these sections were made. However, the Commission believes it would be advisable to have further comment on these regulations before final adoption. For that reason, the Commission has forwarded the revised §§ 700.143 and 700.145 to the **Federal Register** for publication and further comment. Final action will be taken upon those regulations when such comment has been received and reviewed.

Those suggestions upon which action was taken are as follows:

1. *Section 700.15—Waiver of Rights by Owner.* Comment was received suggesting that the entire section on waiver of rights by owner be omitted. Subsections (b) and (c) were omitted since they deal primarily with procedures. It was felt that some statement concerning waiver should be provided in the regulations.

2. *Section 700.35—Applicant.* Comment was received suggesting that defining the applicant as a person who agrees to relocate pursuant to the regulations and the Act is asking them to agree to more than is necessary. Change was made so that the regulation now reads only that an applicant is a person who agrees to relocate as required by the Act.

3. *Section 700.57—Dependent.* Pursuant to comments received, this definition has been substantially rewritten to reflect that dependency may occur from one of several reasons.

4. *Section 700.59—Displaced Person.* This section has been substantially rewritten to more accurately reflect the provisions of the statute.

5. *Section 700.61—Fair Market Value.* This definition has been changed to remove the substantive determination of what is fair market value from the definition.

6. *Section 700.65—Farm Operation.* Pursuant to suggestion received the terms "livestock" and "crops" have been added to the types of agricultural production which qualify as a farm operation.

7. *Section 700.113—Basic Acquisition Policies.* Subsections (b) and (d) of this section have been amended to provide that in the event of damage to the property after the original appraisal, which damage causes the latter appraisal to be of a lesser value, the owner of the improvements will receive the higher appraisal. The purpose of this is to put the burden of loss during the period from the original application to final relocation on the Commission. Concerning subsection (g)(2), the several appropriate legal proceedings referred to are stated.

8. *Section 700.117—Criteria for Appraisals.* This section has been revised to more accurately reflect the circumstances of these appraisals.

9. *Section 700.133—Notice of Displacement.* This section has been revised by eliminating the ninety (90) day limit within which the Commission is to issue a preliminary relocation notice.

10. *Section 700.135—Relocation Assistance Advisory Services.* Subsection (e) has been amended to state that assistance is terminated only after two years in the replacement dwelling. In addition, the ground of failure to reasonably cooperate with the relocation procedures has been eliminated as a reason for terminating services.

11. *Section 700.137—Notice to Vacate.* Subsection (b) has been amended by eliminating the thirty (30) day notice to vacate.

12. *Section 700.139—Referral for Action.* This section has been amended to provide that the names of persons who have not moved will be forwarded to both the Secretary of the Interior and the United States Attorney for the District of Arizona. It is anticipated that further action by the Secretary of the Interior will be required before action is taken by the United States Attorney.

13. *Section 700.141—Claims for Relocation Payments.* Subsection (b) has been amended by changing the time for filing from thirty (30) to sixty (60) days from the time a person occupies the replacement home.

14. *Section 700.181—Eligibility.* In subsection (a) the two year limitation clause has been omitted. While this appears in Section 15(b)(2) of the Act, as a practical matter it does not occur since the Commission does not pay directly to relocatees the amounts for habitations and improvements purchased under Section 15(a) of the Act. This money is applied directly to the purchase of the replacement dwelling.

15. *Section 700.187—Limitations on Replacement Home Benefits.* This section has been changed to conform more closely to the statutory language for the responsibility of the Commission to provide decent, safe and sanitary replacement housing. Also, subsection (d) has been added stating that the Commission encourages the use of innovative energy and other technologies to achieve minimum monthly housing operating expenses.

16. *Section 700.3—Assurances with Respect to Acquisition and Displacement.* Subsection (b) has been amended by indiciating that maximum quality in housing will be promoted. This was done pursuant to a suggestion and is for emphasis. It is not intended that there will not be some choice.

17. *Section 700.171—Fixed Payment for Moving Expenses—Nonresidential Move.* Subsection (b) has been amended to provide that gross receipts of $1000 or net earnings of $500 will be used instead of gross receipts of $2000 and net earnings of $1000 in determining eligibility for fixed payments. This was done pursuant to suggestion and in recognition of the fact that the economy on the reservation is substantially lower than the general economy.

Those comments on which no action was taken are as follows:

1. *Section 700.11—Manner of Notice.* Comment was received that relocatees are not getting adequate notice of general policy changes, In addition, it was suggested that all certification notices should be hand delivered. The Commission is preparing a public information program to more adequately inform relocatees of policy decisions. Concerning delivery of notices of certification it was decided that to require hand delivery in every instance would be impractical. However, the management manual will provide that hand delivery of such a certification notice is preferred where practical.

2. *Section 700.13—Waiver of Regulations.* A suggestion was made that a relocatee should be allowed to make an appeal at any time within the relocation program. The appeal time set in § 700.307 is thirty (30) days after receipt of notice of the decision.

3. *Section 700.41—Appraiser.* Comment was received that appraisers should not be employees of the Commission because it is not fair to the relocatee to have his property appraised and purchased by the same entity. Whether the appraiser is an employee or under contract, he is still paid by the Commission. It was further commented

that the appraiser should be Navajo so that cultural value of improvements and dwellings can be taken into account. Section 15(a) of the Act provides that the purchase price shall be the fair market value of habitations and improvements. The Commission has decided that the use of the term "fair market value" by the Congress does not allow the Commission to consider cultural and personal values in appraising improvements and habitations, except to the extent that cultural values may affect fair market value. An example would be that the dwelling of a medicineman may have more value than another dwelling of the same size and construction because it is used as the office or headquarters of the medicineman in the conduct of his profession. Such use would enhance its fair market value.

4. *Section 700.43—Assistance Payment.* Comment was received that people should receive $5000 whether they relocate in the first year or the last year. This payment is controlled by Section 14(b) of the Act and the Commission has no discretion to change the terms of the Act.

5. *Section 700.53—Dwelling, Replacement.* Comments were received in connection with the various subsections as follows:

(b) It was suggested that this category should also include an existing dwelling that is encumbered by a mortgage. The definition as written would inlcude this.

(c) Comment was received that person should be warned about flood plain potential but should be permitted to acquire a newly constructed home in the flood plain but not a resale dwelling. Under the proposed regulations as written, a person could get a flood plain variance for new construction but the Commission would not authorize purchase of a resale house in the flood plain.

(d) Comment was received that relocatees should be instructed on how to look for less expensive to operate housing of equal quality. This subject is covered in seminars which are given to relocatees prior to their acquisition of replacement dwellings. See also comments above in regard to Section 700.187(d).

6. *Section 700.55—Decent, Safe and Sanitary Dwellings.* Comment was received that housing should meet more than established minimum codes. This apparently comes from misunderstanding of the term minimum code. The standards set in this section for a decent, safe and sanitary dwelling are the highest in use in this area and represent a quality home. The minimum code is not used as a maximum standard of construction but is a minimum standard that must be met before payment is made.

7. *Section 700.61—Fair Market Value.* Comment was received that the cultural purpose of the dwelling such as one used by a medicineman should be included in fair market value. See comments under § 700.41 above.

8. *Section 700.63—Family.* Comment was received that because of the limiting factors of the construction freeze, livestock reduction and other economic factors, more than one household may share a residence. This concept is already recognized in the administration of the program. More than one household may qualify for benefits even though they may be living within the same residence. It should be noted that this definition has been omitted since the term "family" is referred to in subsection (d) of § 700.69.

9. *Section 700.65—Farm Operation.* Comment was received questioning what meaning would be given to the phrase "contributing materially to the operators support." If the average annual gross receipts during the two taxable years prior to relocation were at least $1000 or if the average annual net earning was at least $500 during the same period, then it is considered that the farm operation contributed materially to the operators support. This is computed pursuant to § 700.171(b)(3). It should be noted that in cases where there is substantial hardship, this requirement can be waived.

10. *Section 700.69—Head of Household.* Comment was received concerning several subsections as follows:

(b)(3) Suggestion was made that the date of June 19, 1980 be removed and that a married couple whose marriage was in effect on the date of application now be eligible.

(b)(5) Suggestion was made that the date of November 12, 1975 be removed and that the determination should be made as of the date of application. In addition, the issue of people who are in the process of continuing education was raised.

The Commission reviewed all these suggestions and determined not to act on them.

11. *Section 700.71—Improvements.* It was suggested that this definition include water rights. This cannot be done since water rights are normally pertinent to the land and the land in these instances is owned by the Tribe. The improvements being paid for are those which the individual has made on the land. For instance, if a person has placed a diesel motor to run a water pump he could take the motor with him or be compensated for it, but he would not be compensated for any right to the water not withdrawn.

12. *Section 700.79—Marriage.* Comment was received that we should not require the people to have lengthy court proceedings such as a tribal court proceeding to declare their marrigages valid. The present wording requires only that the marriage be "recognized" by the law of the Tribe. That recognition does not require a court proceeding.

13. *Section 700.81—Monthly Housing Cost.* Comment was received that this term should include the cost of firewood and other fuels as well as insurance costs. The section has been amended to include insurance. The addition of firewood and other fuel is not necessary due to the definition of utility charges under § 700.105 which has been changed to include these items.

14. *Section 700.91 and § 700.93—Relocation Report and Relocation Plan.* Suggestion was made that the phrase "in consultation with those affected" be added after the word Commission. This was required by the Act and was done but the point is moot at this time since the Report and Plan has been submitted.

15. *Section 700.99—Salvage Value.* Comment was received that a displaced person and his/her family should have the right to salvage at his/her own removal expense before the Commission looks for other persons to salvage for fee. This is not appropriately a matter for definition but can be covered in the management manual.

16. *Section 700.101—Single Person.* Comment was received that divorced people should not be lumped together in one category with other single people since the terms are not synonymous. This comment is aimed primarily at values placed upon terms. The Commission is merely attempting to define a legal term and not expressing a view concerning values.

17. *Section 700.113–700.121—Basic Acquisition Policies and Appraisal Procedures.* Comments were received stating that cultural values should be taken into consideration in the appraisal process. This has been addressed under § 700.41 above. Additional comments regarding these sections were received as follows:

1. It was suggested that a relocatee should have the right to state his asking price and then negotiate. This is not the procedure set forth but the procedure does not preclude the relocatee from stating his asking price. However, this is not a negotiated purchase and the Commission is limited to paying the fair market value.

2. It was suggested that an advocate for the relocatee be present at his realty interviews. In essence, this is done at this time by having the advisory services worker assigned to the case at such interviews. However, this is more appropriately a subject for the management manual.

3. It was suggested that there should be a Navajo appraiser on the Commission payroll. There was one during the period of the original appraisals.

18. *Section 700.133—Notice of Displacement.* Comment was received that this notice should not be sent until the new land have been identified and there is a place for those affected by the partition line to be relocated. This comment would affect the time within which the notices would be sent. Comment was also received that the entire section should be eliminated since the notice is provocative and serves no real purpose. The Commission feels that such a notice does serve a purpose in that it advises people of the fact that the time within which relocation is to be made is running from July 8, 1981 (the date on which the Report and Plan became effective) and advises them concerning the availability of bonus money under Section 14(b) of the Act. It is planned that additional contact will be made with relocatees as new lands are acquired for the purpose of ascertaining their desires concerning residence on the new lands and what it is to be used for.

19. *Section 700.187—Utilization of Replacement Home Benefits.* Comment was received to the effect that this section be eliminated since it tends to reward the less successful and penalize the more successful. The example was given that a person who chose to reinvest livestock reduction payments in housing is penalized for doing so by not having the opportunity to relocate into housing reflecting this added investment. The person who chose to spend the livestock reduction payment on an automobile is rewarded by being granted the opportunity to relocate into new housing with full benefits. The Commission believes that the section as written gives recognition to the various kinds of situations that will be encountered. The Commission does not feel it should introject itself into how a person gets into those situations.

20. *Section 700.189—Expenditure of Replacement Home Benefit.* Comment was received on subsection (a)(3) to the effect that this section should include provisions for relocatees to use portions of their replacement home benefits to set up special accounts to be used to pay for utilities. The Commission has determined that replacement home benefits cannot be used for utility accounts.

21. *Section 700.197—Basic Eligibility Requirements.* Comment was received that a denied applicant should be eligible for reimbursement of expenses that are incidental to the certification process. The Commission now reimburses for travel expenses in connection with an application. The Commission is not aware of any other expenses incidental to the certification process.

22. *Section 700.199—Incidental Expenses.* Comment was received that the Commission should not promise to pay legal costs and fees of persons who choose to challenge the relocation process. This comment was in regard to subsection (a)(1). The legal cost referred to in subsection (a)(1) are related only to the real estate transaction in connection with acquisition of a replacement dwelling.

(23) Section 700.267(a). It was suggested that an exception be made for people who legally represent the individual to whom the record pertains. It is not necessary to act on this suggestion since the provisions of § 700.267(a) already provide that another person can have access to the file with written consent of the individual to whom the record pertains.

24. Section 700.271(b)(2). It was suggested that requiring labeling of a Privacy Act inquiry under this section with "PRIVACY ACT INQUIRY" is unrealistic and that, therefore, this requirement should be deleted. The provision does not say that a request not so labeled will not be considered. Further, it is anticipated that Privacy Act requests received from people who come in would be drafted by staff in any event. The reason for the labeling is that certain willful violation of the Privacy Act carry ciminal penalities. For that reason it is customary to require labeling of Privacy Act requests.

25. Section 700.271(b). It was suggested that a subpart (5) be added to provide that a relocatee is entitled to assistance of staff in gaining access to his/her records. This request, as worded, would be more appropriate under § 700.275. In any event it is not necessary to act on it since this can and should be covered in the Management Manual.

As of the date of publication of this final rule, the Office of Management and Budget has not approved the information collection requirements if any, related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is revised to read as follows:

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart A—General Policies and Instructions

Sec.
700.1 Purpose.
700.3 Assurances with respect to acquisition and displacement.
700.5 Supersedure of regulations.
700.11 Manner of notice.
700.13 Waiver of regulations.
700.15 Waiver of rights by owner.

Definitions

700.31 Applicability of definitions.
700.33 Act.
700.35 Applicant.
700.37 Application for relocation assistance benefits and agreement to move.
700.39 Appraisal.
700.41 Appraiser.
700.43 Assistance payment.
700.45 Business.
700.47 Commission.
700.49 Certified eligible head of household.
700.51 Custodial parent.
700.53 Dwelling, replacement.
700.55 Decent, safe, and sanitary dwelling.
700.57 Dependent.
700.59 Displaced person.
700.61 Fair market value.
700.65 Farm operation.
700.67 Habitation.
700.69 Head of household.
700.71 Improvements.
700.77 Livestock.
700.79 Marriage.
700.81 Monthly housing cost.
700.83 Nonprofit organization.
700.85 Owner.
700.87 Person.
700.91 Relocation report.
700.93 Relocation plan.
700.95 Replacement housing funds.
700.97 Resident (or residency).
700.99 Salvage value.
700.101 Single person.
700.103 Uniform Act.
700.105 Utility charges.

Subpart B—Acquisition and Disposal of Habitation and/or Improvement

700.111 Applicability of acquisition requirements.
700.113 Basic acquisition policies.
700.115 Preliminary acquisition notice.
700.117 Criteria for appraisals.
700.119 Establishment of fair market value.
700.121 Statement of the basis for the determination of fair market value.
700.123 Expenses incidental to transfer of ownership to the Commission.
700.125 Disposal of property.

Subpart C—General Relocation Requirements

700.131 Purpose and applicability.
700.133 Notice of displacement.

Sec.
700.135 Relocation assistance advisory services.
700.137 Notice to vacate.
700.139 Referral for action.
700.141 General requirements—claims for relocation payments.
700.147 Eligibility requirements.

Subpart D—Moving and Related Expenses, Temporary Emergency Moves

700.151 Eligibility.
700.153 Actual reasonable moving and related expenses—residential moves.
700.155 Expenses in searching for replacement dwelling—residential moves.
700.157 Actual reasonable moving and related expenses—nonresidential moves.
700.159 Payment for direct loss of personal property—nonresidential moves.
700.161 Substitute personal property—nonresidential moves.
700.163 Expenses in searching for replacement locations—nonresidential moves.
700.165 Ineligible moving and related expenses.
700.167 Moving and related expenses—fixed payment.
700.169 Fixed payment for moving expenses—residential move.
700.171 Fixed payment for moving expenses—nonresidential move.
700.173 Average net earnings of business or farm.
700.175 Temporary emergency moves.

Subpart E—Replacement Housing Payments

700.181 Eligibility.
700.187 Utilization of replacement home benefits.
700.189 Expenditure of replacement home benefits.

Subpart F—Incidental Expenses

700.195 General.
700.197 Basic Eligibility requirements.
700.199 Incidental expenses.

Subpart G—Assistance Payments (Incentive Bonus)

700.205 Eligibility requirements.

Subpart H—Last Resort Replacement Housing

700.209 Applicability.
700.211 Basic rights and rules.
700.213 Methods of providing replacement housing.

Subpart I—Commission Operations

700.219 General.

Subpart J—Inspection of Records

700.235 Purpose and scope.
700.237 Definitions.
700.239 Records available.
700.241 Requests for records.
700.243 Action on initial requests.
700.245 Time limits on processing of initial requests.
700.247 Appeals.
700.249 Action on appeals.
700.251 Fees.

Subpart K—Privacy Act

700.255 Purpose and scope.
Sec.
700.257 Definitions.
700.259 Records subject to Privacy Act.
700.261 Standards for maintenance of records subject to the act.
700.263 Assuring integrity of records.
700.265 Conduct of employees.
700.267 Disclosure of records.
700.269 Accounting for disclosures.
700.271 Requests for notification of existence of records: Submission.
700.273 Request for notification of existence of record: Action on.
700.275 Requests for access to records.
700.277 Requests for access to records: Submission.
700.279 Request for access to records: Initial decision.
700.281 Request for notification of existence of records and for access to records: Appeals.
700.283 Request for access to records: Special situations.
700.285 Amendment of records.
700.287 Petitions for amendment: Submission and form.
700.289 Petitions for amendment: Processing and initial decision.
700.291 Petitions for amendment: Time limits for processing.
700.293 Petitions for amendment: Appeals.
700.295 Petitions for amendment: Action on appeals.
700.297 Statements of disagreement.

Authority: Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929 (25 U.S.C. 640d).

Subpart A—General Policies and Instructions

§ 700.1 Purpose.

The purpose of this part is to implement provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929), hereinafter referred to as the Act, in accordance with the following objectives—

(a) To insure that persons displaced as a result of the Act are treated fairly, consistently, and equitably so that these persons will not suffer the disproportionate adverse, social, economic, cultural and other impacts of relocation.

(b) To set forth the regulations and procedures by which the Commission shall operate; and implement the provisions of the Act.

(c) To establish standards consistent with those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 U.S.C. 4601 et. seq., Pub. L. 91–646), hereinafter referred to as the Uniform Act.

(d) To insure that owners of habitations and other improvements to be acquired pursuant to the Act are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation, relieve congestion in the courts and to promote public confidence in the Commission's relocation program.

(e) To facilitate development of a relocation plan according to the Act and carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocation, in accordance with the Act.

§ 700.3 Assurances with respect to acquisition and displacement.

The Commission will not approve any programs or projects which may result in the acquisition of habitations and/or improvements, or in the displacement of any person, until such time as written assurances are submitted to the Commission that such projects or programs are in accordance with the Act. It will—

(a) Assure that, within a reasonable period of time prior to displacement, adequate, decent, safe and sanitary replacement dwellings (defined at § 700.55) will be available to all certified eligible heads of households.

(b) Carry out relocation services in a manner that will promote maximum quality in housing.

(c) Inform affected persons of their rights under the policies and procedures set forth under the regulations in this part.

§ 700.5 Supersedure of regulations.

These regulations supersede the regulations formerly appearing in this part. However, any acquisition of property or displacement of a person occuring prior to the effective date of these regulations shall continue to be governed by the regulations at 25 CFR Part 700 in effect at the time of the acquisition or displacement.

§ 700.11 Manner of notice.

Each notice which the Commission is required to provide under these regulations shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested. Each notice shall be written in plain understandable language. Recipients who notify the Commission that they are unable to read and understand the notice will be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§ 700.13 Waiver of regulations.

(a) Any time limit specified for the filing of a claim or an appeal under the regulations in this part may, on a case by case basis, be extended by the Commission.

(b) The Commission may waive any requirement of these regulations in this part if such requirement is not required by law and if the Commission finds such waiver or exception to be in the best interest of individual Indian applicants, the Commission, and the United States. Any request for a Commission waiver shall be submitted in writing to the Commission and shall be justified on a case by case basis.

§ 700.15 Waiver of rights by owner.

Nothing in these regulations shall prevent a fully informed applicant from voluntarily waiving any of his/her rights under the regulations in this part. A waiver of rights shall in no way constitute an exemption from the requirement to relocate pursuant to the Act.

Definitions

§ 700.31 Applicability of definitions.

Except where otherwise noted, the definitions appearing in this Subpart A apply to the regulations in this part.

§ 700.33 Act (The Act).

(a) The Act. The Act is Pub. L. 93–531, (88 Stat. 1712, 25 U.S.C. 640d.) as amended by Pub. L. 96–305 (94 Stat. 929).

§ 700.35 Applicant.

A person who applies for relocation assistance benefits and agrees to relocate as required by the Act.

§ 700.37 Application for relocation assistance benefits and agreement to move.

The application for relocation assistance benefits and agreement to move is Commission Form #69–R0001, completion of which is used for establishing the date upon which a person shall be deemed to have a contract with the Commission to relocate pursuant to Section 14(b) of the Act.

§ 700.39 Appraisal.

The appraisal is an estimate of the fair market value which is placed on the habitation and other improvements owned by a relocatee.

§ 700.41 Appraiser.

An appraiser is a person appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraiser shall be paid by the Commission.

§ 700.43 Assistance payment.

An assistance payment is the additional payment made to the certified eligible head of household pursuant to Section 14(b) of the Act. This term is synonymous with "incentive bonus".

§ 700.45 Business.

The term business means any lawful activity, except a nonprofit organization or a farm operation, that is—

(a) Conducted primarily for the purchase, sale, lease and or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Conducted primarily for the sale of services to the public; or

(c) Solely for the purpose of Subpart D of this part, conducted primarily for outdoor advertising display purposes, when the display(s) must be moved as a result of the Act.

§ 700.47 Commission.

The Navajo and Hopi Indian Relocation Commission is that entity established pursuant to 25 U.S.C. 640d–11 (Section 12(a) of the Act).

§ 700.49 Certified eligible head of household.

A certified eligible head of household is a person who has received notice from the Commission that he/she has been certified as eligible to receive certain relocation assistance benefits.

§ 700.51 Custodial parent.

A custodial parent is a person who has the immediate personal care, charge, and control of a minor child who resides in his/her household, or a person who fills the parental role but who is not necessarily blood-related.

§ 700.53 Dwelling, replacement.

The term replacement dwelling means a dwelling selected by the head of a household as a replacement dwelling that meets the criteria of this section. A replacement dwelling is a dwelling that:

(a) Is decent, safe, and sanitary as described in § 700.55.

(b) May include existing dwellings for resale, new construction, modular homes, mobile homes, mutual self-help housing or other federally assisted housing programs.

(c) Is in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources and in an area not generally less desirable than that of the acquired dwelling with respect to public utilities, public and commercial facilities, and schools.

(d) Is available at a purchase price within the ability-to-pay of the displaced person. A replacement dwelling shall be considered within the ability-to-pay of the displaced person if, after he receives a replacement housing payment and any available housing assistance payments, his new monthly housing cost (defined at § 700.81) for the replacement dwelling does not exceed twenty-five percent (25%) of the monthly gross income of all adult members of the household, including supplemental income payments received from public agencies. If the person's monthly income pattern is irregular, the Commission shall base its determination of average gross monthly income on the period of time, actual and/or projected, that most fairly and equitable represents the person's ability-to-pay.

(e) Is actually available to the displaced person on the private market, other federally-sponsored housing projects, tribal-sponsored housing projects and/or Commission-sponsored housing projects.

§ 700.55 Decent, safe, and sanitary dwelling.

(a) *General.* The term decent, safe, and sanitary dwelling means a dwelling which—

(1) Meets applicable federal, state and local housing and occupancy codes; including but not limited to the Uniform Building Code, National Electrical Code, ICBO Plumbing Code, the Uniform Mechanical Code, HUD Minimum Property Standards, and HUD Mobile Home Construction and Safety Standards (24 CFR Part 3280).

(2) Is structurally sound, clean, weathertight and in good repair and has adequate living space and number of rooms.

(3) Has an adequate and safe electrical wiring system for lighting and other electrical services where economically feasible.

(4) Meets the requirements of the HUD lead-based paint regulations (24 CFR Part 35) issued under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.);

(5) In the case of a physically handicapped person, is free of any architectural barriers. To the extent that standards prescribed by the American National Standards Institute, Inc., in publication ANSI A117.1–1961 (R 1971), are pertinent, this provision will be considered met if it meets those standards;

(6) Has heating as required by climatic conditions;

(7) Has habitable sleeping area that is adequately ventilated and sufficient to accommodate the occupants;

(8) Has a separate well-lighted and ventilated bathroom, affording privacy to the user, that contains a sink and bathtub or shower stall, properly connected to hot and cold water, and a flush toilet, all in good working order and properly connected to a sewage drainage system; and

(9) In the case of new construction or modular housing, complies with the energy performance standards for new buildings set forth by the U.S. Department of Energy.

(10) The Commission may waive paragraphs (a) (3) or (8) of this section on a case-by-case basis if it is determined that it is in the best interest of the individual relocatee to do so.

§ 700.57 Dependent.

A dependent is a person who either derives more than one-half of his/her support from another or is under the custody, control and care of another. In instances where there are conflicting claims for the dependent status of a person in more than one household, the household of the person having custody, control and care shall be determined to be the household wherein the person is a dependent.

§ 700.59 Displaced person.

Displaced person means a member of the Hopi Tribe residing within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe residing within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act. This term is synonymous with the term "relocatee".

§ 700.61 Fair market value.

Fair market value shall mean the value placed on the habitation and improvements owned by each head of household as determined pursuant to §§ 700.117 through 700.121.

§ 700.65 Farm operation.

Farm operation means any activity conducted for the production of one or more agricultural products or commodities including livestock, crops and timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support as determined in § 700.171(b)(3).

§ 700.67 Habitation.

The term habitation means the dwelling(s) of each household required to relocate under the term of the Act.

§ 700.69 Head of household.

(a) *Head of Household.* The head of household is:

(1) The individual who exercises control over, or makes decisions for, the other household members based upon a legal or moral obligation to do so and who is determined by the Commission to represent the household in all matters relating to the Commission, or;

(2) The individual who exercises control or makes decisions for the other household members based upon the consensus of the other household members to do so and who is determined by the Commission to represent the household, or;

(3) The individual determined by the Commission to represent the household in all matters relating to the Commission.

(b) *Household.* A household is:

(1) A group of people who are residing together and are related by blood, marriage, or court order, or;

(2) One or more persons who are residing together in a single place of abode of which one household member has maintained continuous residency therein prior to and since December 22, 1974, or;

(3) A married couple whose marriage was in effect as of June 19, 1980, or who would qualify for Relocation Benefits as a household under any other definition in this section, or;

(4) A person who is a custodial parent and is actually maintaining and supporting himself/herself and his/her dependents, or;

(5) A single person who has actually maintained and supported himself/herself on and since November 12, 1975, or;

(6) Such other situations or relationships which are determined by the Commission to qualify as a household pursuant to the Act.

(c) *Household Status and Size.* Household status and size shall be initially determined by the facts existing on the date of certification of eligibility for relocation assistance benefits. Final determination of household status and size shall be made prior to referral of the case to the Commission's Real Estate Services Department.

(d) The term family is synonymous with household.

§ 700.71 Improvements.

Improvements are structures and attached fixtures to the land owned by a member of a household required to relocate under the terms of the Act, in addition to the habitation which improvements cannot readily be moved without substantial damage, or whose movement would require unreasonable cost.

§ 700.77 Livestock.

The term livestock shall mean all domesticated animals of every type owned by the displaced person.

§ 700.79 Marriage.

Marriage is a legally recorded marriage or a traditional commitment between a man or woman recognized by the law of the Hopi Tribe or the Navajo Tribe.

§ 700.81 Monthly housing cost.

(a) *General.* The term monthly housing cost for a replacement dwelling purchased by a certified eligible head of household is the average monthly cost for all mortgage payments, real property taxes, reasonable utility charges, and insurance.

(b) *Computation of monthly housing cost for replacement dwelling.* A person's monthly housing cost for a replacement dwelling shall be a projected amount that includes one-twelfth of the estimated reasonable annual cost for utility charges.

§ 700.83 Nonprofit organization.

The term nonprofit organization means a corporation, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

§ 700.85 Owner.

The term owner means the person who holds any interest in habitations and improvements to be acquired by the Commission pursuant to Section 15(a) of the Act, which the Commission determines warrants consideration of ownership.

§ 700.87 Person.

The term person means any individual, partnership, corporation, or association.

§ 700.91 Relocation report.

The relocation report shall be the report prepared by the Commission and submitted to Congress pursuant to Section 13(a) of the Act.

§ 700.93 Relocation plan.

The relocation plan shall be the plan prepared by the Commission and submitted to Congress pursuant to Section 13(c) of the Act.

§ 700.95 Replacement housing funds.

Replacement housing funds means those funds authorized to be

appropriated pursuant to Section 25(a)(1) of the Act.

§ 700.97 Resident (or residency).

(a) Residency is established by fulfilling either of the following criteria.

(1) Current occupancy.

(2) Maintenance of substantial recurring contacts with an identifiable homesite although the individual is temporarily away for any of the following reasons:

(i) Employment, and seeking employment.

(ii) Education or job training.

(iii) Medical.

(iv) Military (active duty in the military service).

(v) Unavailability of Housing.

(vi) Incarceration.

(b) Any one or more of the following criteria may be considered in establishing whether or not there have been substantial recurring contacts:

(1) Ownership of livestock.

(2) Ownership of improvements.

(3) Grazing Permits.

(4) Livestock sales receipts.

(5) Homesite Leases.

(6) Public Health Records.

(7) Medical and Hospital records, including those of Medicinemen.

(8) Trading Post Records.

(9) School Records.

(10) Military Records.

(11) Employment Records.

(12) Mailing address records.

(13) Banking Records.

(14) Drivers License Records.

(15) Voting Records—Tribal and County.

(16) Home ownership or rental off the Disputed Area.

(17) B.I.A. Census Data.

(18) Certification from Chapter Officials—Not required.

(19) Certification of Residency.

(20) Certification by Relocatee.

(21) Information obtained by Certification Field Investigation.

(22) Social Security Administration.

(23) Marital Records.

(24) Court Records.

(25) Records of Birth.

(26) Joint Use Area Roster.

(27) Any other relevant data.

§ 700.99 Salvage value.

Salvage value means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

§ 700.101 Single person.

A single person is a widow, widower, unmarried or divorced person.

§ 700.103 Uniform Act.

The term Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646).

§ 700.105 Utility charges.

Utility charges means the cost for heat, lighting, hot water, electricity, natural gas, butane, propane, wood, coal or other fuels water, sewer and trash removal.

Subpart B—Acquisiton and Disposal of Habitations and/or Improvements

§ 700.111 Applicability of acquisition requirements.

General. The requirements of this Subpart B apply to all Commission acquisition of habitations and/or improvements that occur on or after the effective date of these regulations.

§ 700.113 Basic acquisition policies.

(a) *Appraisal and invitation to owner.* Before the initiation of negotiations, the Commission shall have the habitations and/or improvements appraised to its satisfaction and will attempt to assure that the owner or his designated representative is contacted in advance of the appraisal(s) and given an opportunity to accompany each appraiser during the appraiser's inspection of the property.

(b) *Determination and offer of fair market value.* Before the initiation of negotiations, the Commission shall establish an amount which it believes is fair market value for improvements. This amount shall be based on a current appraisal at the time negotations commence for the relocation contract between the NHIRC and the relocatee. The appraisal will be adjusted according to the Boeckh Building Cost Modifier for time or any physical changes in the improvements. If any changes are necessary the appraisal will be corrected to reflect a current dollar value. The amount of the current appraisal will be offered as just compensation for the improvements acquired, except as provided in paragraph (d) below. A copy of the initial appraisal will be sent to the owner as soon as possible after the appraisal program is completed.

(c) *Basic negotiation procedures.* The Commission will attempt to meet with the owner or his/her representative to discuss its offer to purchase his/her property including the basis for the determination of fair market value and explain acquisition policies and procedures, including payment of incidental expenses. The owner shall be given reasonable opportunity to present material which he/she believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Commission shall consider the owner's presentation.

(d) If the condition of the property indicates the need for a new appraisal or if a significant delay has occurred since the time of the latest appraisal of the property, the Commission shall have the appraisal updated or obtain a new appraisal. If a new appraisal is for a lesser value than the previous appraisal and said lesser value is due to damage done to the property during the time between the two appraisals, and such damage was not caused by the owner of the improvement, the owner shall be entitled to the higher appraisal value.

(f) *Objection to determination of fair market value.* If the owner objects to the Commission's determination of fair market value, the owner may request a hearing pursuant to the Commission's Hearing and Administrative Review procedures;

(g) *Payment before taking possession.* Before requiring an owner to surrender possession of his habitations and/or improvements, the Commission shall—

(1) Apply the agreed purchase price towards the acquisition price of the replacement dwelling or;

(2) Deposit with the court in an appropriate proceeding, such as divorce or probate, for the benefit of the owner, an amount not less than the Commission's determination of fair market value for the property or the court award of compensation for the property up to the maximum benefit allowed under the then existing replacement housing benefit.

§ 700.115 Preliminary acquisition notice.

As soon as feasible in the acquisition process, the Commission shall issue a preliminary acquisition notice to the owner. The notice shall—

(a) Inform the owner of the Commission's interest in acquiring his/her habitations and/or improvements.

(b) Explain that such preliminary acquisition notice is not a notice to vacate and that it does not establish eligibility for relocation payments or other relocation assistance under these regulations.

§ 700.117 Criteria for appraisals.

(a) *Appraisal standards.* The Commission's appraisals shall be based upon nationally recognized appraisal

standards and techniques to the extent that such principles are consistent with the concepts of value that the Commission may establish.

(b) *Documentation.* Appraisal reports must contain sufficient documentation, including supporting valuation data and the appraiser's analyses of that data, to demonstrate the reasonableness of the appraiser's opinion(s) of value.

(c) *Conflict of interest.* No appraiser shall have any interest, direct or indirect, in the habitations and/or improvements which he appraisers for the Commission that would in any way conflict with his performance of the appraisal.

§ 700.119 Establishment of fair market value.

(a) *General.* The Commission shall establish the amount of fair market value to be offered to the owner for the habitations and/or improvements. Such amount shall not be less than—

(1) The appraiser's recommendations as to the fair market value of the habitations and/or improvements; or

(2) The fair market value estimate set forth in the agency's approved appraisal, if the property is valued at $2,000 or less.

(b) *Owner retention of improvements.* If the owner of a habitation and/or improvement is permitted to retain it for removal off-site, the amount determined to be just compensation for the interest in habitations and/or improvements to be acquired from him shall not be less than the amount determined by subtracting the salvage value of the improvements he retains for off-site removal from the amount determined to be fair market value for his entire interest in the habitation and improvement. Retention of improvements by the owner shall not change, alter or abrogate the requirement of the Act that the owner must move from land partitioned to the tribe of which he/she is not a member.

§ 700.121 Statement of the basis for the determination of fair market value.

At the time of the initiation of negotiations to acquire the habitations and/or improvements, the Commission shall furnish the owner, along with the initial written purchase offer, a written statement of the basis for the determination of fair market value. To the extent permitted by the Commission, the statement shall include the following—

(a) A description and location identification of the habitations and/or improvements to be acquired.

(b) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the habitations and/or improvements for which the offer of fair market value is made.

(c) A recital of the amount of the offer and a declaration that such amount—

(1) Is the full amount believed by the Commission to be just compensation for the property and is not less than the fair market value of the property as determined on the basis of the appraisal(s);

(2) Does not reflect any relocation payments or other relocation assistance which the owner is entitled to receive.

(d) If only a portion of a habitation and/or improvement is to be acquired, an apportionment of the total estimated just compensation for the partial acquisition will be made. In the event that the Commission determines that partial acquisitions are necessary, all portions so acquired will be acquired simultaneously.

§ 700.123 Expenses incidental to transfer of ownership to the Commission.

Eligible costs. The Commission shall reimburse the owner for reasonable expenses he/she necessarily incurred incidental to the transfer of habitations and/or improvements to the Commission. The Commission is not required to pay costs solely required to perfect the owner's interest in the habitations and/or improvements.

§ 700.125 Disposal of property.

Property acquired by the Commission pursuant to the Act shall be disposed of in one of the following manners:

(a) If the Commission determines that the property acquired constitutes a substantial risk to public health and safety, the Commission may remove or destroy the property.

(b) The Commission may transfer the property acquired by gratuitous conveyance to the tribe exercising jurisdiction over the area. Notice of such transfer shall be in writing and shall be completed within sixty (60) days from the finalization of all property acquisition procedures, unless the tribe notifies the Commission in writing within that time that the property transfer is refused. In the event of a refusal by the tribe, the Commission shall remove the property.

Subpart C—General Relocation Requirements

§ 700.131 Purpose and applicability.

This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this part. The relocation requirements of the regulations in this part apply to the relocation of any displaced person.

§ 700.133 Notice of displacement.

After the Commission's Relocation Report and Plan is in effect pursuant to the Act, the Commission shall issue a preliminary relocation notice to each person identified by the Commission as potentially subject to relocation. This notice shall—

(a) Be published in a newspaper of general circulation in the area of the former Joint Use Area at least two times, and shall be sent to each Chapter House on the former Joint Use Area for posting.

(b) Inform the person that he/she will be required to relocate permanently in the future unless the person has applied for and is determined to be eligible for a Life Estate.

(c) Generally describe the relocation assistance program for which the person may become eligible, including the maximum allowable dollar amounts and basic conditions of eligibility for the payments.

§ 700.135 Relocation assistance advisory services.

(a) *General.* The Commission may carry out a relocation assistance advisory program which offers the services described in paragraph (b) of this section. If the Commission determines that a person occupying habitations and/or improvements adjacent to the habitations and/or improvements acquired pursuant to the Act is caused substantial social, economic cultural or other injury because of such acquisition, it may offer such services to such person.

(b) *Services to be provided.* The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to—

(1) Personally interview where possible each certified eligible head of household to determine his/her relocation needs and preferences, and explain to him/her the relocation payments and other assistance for which he/she may be eligible, the related eligibility requirements, and the procedures for obtaining such payments and assistance;

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of replacement dwellings and commercial and farm properties and locations, as the case may be.

(3) Assure that replacement dwellings are available to all certified eligible heads of households.

(4) Assist any persons displaced from a business or farm operation to obtain and become established in a suitable replacement location;

(5) Supply persons to be displaced with appropriate information concerning Tribal, Federal, State or local housing programs, disaster loans and other programs administered by the Small Business Administration, and other Federal or State programs offering assistance to persons to be displaced;

(6) Endeavor to minimize the adverse social, economic, cultural and other hardships and impacts of relocation on persons involved in adjusting to such relocation.

(c) *Coordination of relocation activities.* The Commission shall, to the maximum extent feasible, coordinate its relocation assistance advisory services activities with existing local, state, federal and Tribal agencies to the extent necessary to enable it to carry out its program. Referrals of displaced persons for services to existing services providers will be utilized whenever possible.

(d) *Policy.* The Commission shall continue to provide assistance to a family, individual, business concern, non-profit organization, or farm operation until relocation has been achieved unless section § 700.139 becomes applicable.

(e) *Reasons for Terminating Assistance.* In general, the circumstances under which the Commission's relocation obligations cease are the following:

(1) Two years have elapsed since the family or individual has moved to a decent, safe and sanitary replacement dwelling and has received all assistance payments to which entitled.

(2) All reasonable efforts to trace a family or individual have failed.

(3) The family or individual on his/her own initiative moves to substandard housing and has refused reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling.

(4) The business concern, farm operation, or non-profit organization has received all assistance and payments to which it is entitles, and has either been successfully relocated or ceased operations.

(5) Other relevant reasons as determined by the Commission.

§ 700.137 Notice to vacate.

(a) *General.* Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable following the fourth year after the effective date of the relocation plan. At such time, the Commission shall—

(1) Request that the head of household choose an available area for relocation, and contract with the Commission for relocation; and

(2) Offer the relocatee suitable housing; and

(3) Offer to purchase from the head of household the habitation and improvements; and

(4) Offer provisions for the head of household and his family to be moved (e.g., moving expenses, etc.).

(b) If a person identified pursuant to § 700.137(a) fails or refuses to move after the actions outlined in this section are taken by the Commission, the Commission will issue a ninety day notice stating the date by which the person will be required to vacate the area partitioned to the Tribe of which he is not a member which date shall be five years after the date of approval of the Report and Plan by the Congress.

(c) Upon expiration of the time period provided and upon failure or refusal of the person to move, the Commission may exercise the referral for action proceedings outlined in § 700.139.

§ 700.139 Referral for action.

Upon the expiration of all notice periods and upon the failure or refusal of any relocatees to make timely arrangements to move, the Commission shall forward the names and addresses of such relocatees to the Secretary of the Interior and to the U.S. Attorney for the District of Arizona for such action as they deem appropriate. The Commission will assure the availability of relocation assistance to which the relocatees may be entitled.

§ 700.141 General requirements—claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment under Subparts D, E, F, G, or H of this part shall be submitted to the Commission on the appropriate Commission form and supported by such documentation as may reasonably be required by the Commission to demonstrate expenses incurred, such as bills and receipts.

(b) *Time for filing.* All claims for a relocation payment shall be filed with the Commission within sixty (60) days after the family occupies the replacement home unless this time period is extended by the Commission.

(c) *Direct payment of claim.* Relocation payments shall be made in accordance with the terms of the Relocation contracts and are not subject to claims of creditors or assignments.

§ 700.147 Eligibility requirements.

(a) To be eligible as a displaced person for benefits provided for under the Act, and these regulations a person must meet one of the following conditions:

(1) The person must be a resident in the area partitioned to the tribe of which he is not a member; or

(2) The person was a resident in the Joint Use Area but moved from there between December 22, 1974, and August 30, 1978; or

(3) The person was a resident of an area which was partitioned to a tribe of which he is not a member but moved therefrom after August 30, 1978.

(b) Moves described in paragraphs (a) (ii) and (a) (iii) of this section are presumed to have been made pursuant to the Act.

(c) Eligibility for certain benefits is further restricted by Sections 14(c) and 15(c) of the Act.

Subpart D—Moving and Related Expenses, Temporary Emergency Moves

§ 700.151 Eligibility.

(a) *General.* All certified eligible heads of household are eligible for moving and related expenses as prescribed in this subpart. A certified eligible head of household who lives on his/her business or farm property may be eligible for both a payment as a dwelling occupant and a payment with respect to the business or farm operation.

(b) *Least costly approach.* The amount of payment for an eligible expense under this subpart shall not exceed the least costly method, as determined by the Commission, of accomplishing the objective of the payment without causing undue hardship to the certified eligible heads of household.

(c) *Prior Approval.* Written approval of the Commission must be obtained for all moving and search expenses in this subpart. Such approval shall be obtained by each certified eligible head of household prior to incurring any expense from the real estate specialist to whom the case is assigned. If prior approval and the amount thereof is not obtained from the Commission, the Commission thereafter will determine:

(1) Whether the travel was required and the expenses reasonable and;

(2) The amount of reimbursement to be paid, if any.

§ 700.153 Actual reasonable moving and related expenses—residential moves.

Subject to the limitations contained in this subpart, a certified eligible head of

household is entitled to actual reasonable expenses for—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules, meals and lodging away from home required by the Commission.

(b) Transportation computed at prevailing federal per diem and mileage allowance schedules of the household and personal property from the acquired site to the replacement site.

(c) Packing, crating, unpacking and uncrating of the personal property.

(d) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances, and other personal property;

(e) Storage of the personal property, not to exceed one year unless extended by the Commission.

(f) Insurance of the personal property in connection with the move and necessary storage; and

(g) Other moving related expenses that are not listed as ineligible under § 700.165, as the Commission determines to be reasonable and necessary.

§ 700.155 Expenses in searching for replacement dwelling—residential move.

(a) A certified eligible head of household is entitled to actual reasonable expenses incurred in the search for a replacement dwelling.

(b) Transportation, meals and lodging when required to be away from home by the Commission, computed at prevailing federal per diem and mileage allowance schedules.

§ 700.157 Actual reasonable moving and related expenses—nonresidential moves.

(a) *Eligible costs.* Subject to the limitations of § 700.151(c) a certified eligible business, farm operation or nonprofit organization is entitled to payment for actual reasonable expenses for:

(1) Transportation of personal property from the acquired site to the replacement site.

(2) Packing, crating, unpacking, and uncrating the personal property.

(3) Disconnecting, dismantling, removing, reassembling and installing relocated and substitute machinery, equipment, and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;

(4) Storage of the personal property;

(5) Insurance of personal property in connection with the move and necessary storage;

(6) Any license, permit or certification required by the displaced person, to the extent such cost is (i) necessary to its re-establishment at the replacement location and (ii) does not exceed either the cost for one year or for the remaining useful life of the existing license, permit, or certification, whichever is less;

(7) Professional services, including architect's, attorney's and engineer's fees, and consultant's charges, necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocation personal property at the replacement location.

(8) Relettering signs and printing replacement stationery made obsolete as a result of the move;

(9) Actual direct loss of personal property;

(10) Purchase of substitute personal property;

(11) Searching for a replacement location;

(12) Other moving-related expenses that are not listed as ineligible under § 700.165.

(b) *Self-move.* If the displaced person self-moves his business, farm operation, or nonprofit organization, the Commission may approve a payment for his moving expenses in an amount not to exceed the lowest acceptable bid or estimate obtained by the Commission, without submission of documentation of moving expenses actually incurred.

(c) *Notification to Commission and inspection.* To be eligible for a payment under this section, the displaced person shall permit the Commission to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

§ 700.159 Payment for direct loss of personal property—nonresidential moves.

(a) *General.* A certified eligible business is entitled to payment for actual direct loss of an item of tangible personal property incurred as a result of moving or discontinuing his business, farm operation, or nonprofit organization. The payment shall consist of the reasonable costs incurred in attempting to sell the item plus the less of—

(1) The fair market value of the item for continued use at the acquired site, less the proceeds from its sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

(2) The estimated cost of moving the item, but with no allowance for storage. (If the business, farm operation or nonprofit organization is discontinued, the estimated cost shall be based on a moving distance of 50 (fifty) miles.)

(b) *Advertising sign.* The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of—

(1) The depreciated reproduction cost of the sign as determined by the Commission, less the proceeds from its sale; or

(2) The estimated cost of moving the sign.

(c) *Sales effort.* To be eligible for payment for direct loss of personal property, the claimant must make good faith effort to sell the personal property, unless the Commission determines that no such effort is necessary.

(d) *Transfer of ownership.* To be eligible for payment for direct loss of personal property, the claimant shall transfer to the Commission ownership of the unsold personal property.

§ 700.161 Substitute personal property—nonresidential moves.

(a) *General.* If an item of personal property, which is used as part of a business, farm operation or nonprofit organization, is not moved but is promptly replaced with a comparable substitute item at the replacement site, the displaced person is entitled to payment of the lesser of—

(1) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item, if any; or

(2) The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate obtained by the Commission for eligible moving and related expenses, but with no allowance for storage.

(b) *Transfer of ownership.* To be eligible for a payment under this section, the claimant shall transfer to the Commission ownership of the personal property that has not been sold or traded in.

§ 700.163 Expenses in searching for replacement location—nonresidential moves.

A displaced business, farm or nonprofit organization is entitled to an amount not to exceed $500 (five-hundred dollars), as determined by the Commission, for actual reasonable expenses incurred in searching for a replacement location, including—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules; meals and lodging away from home;

(b) Time spent searching, based on reasonable earnings;

(c) Fees paid to a real estate agent or broker to locate a replacement site.

§ 700.165 Ineligible moving and related expenses.

A displaced person is not entitled to payment for—

(a) The cost of moving any structure or other improvement in which the displaced person reserved ownership; or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Physical changes at replacement location of business, farm or nonprofit organization, except as provided at § 700.157; or

(g) Any additional expense of a business, farm, or nonprofit organization incurred because of operating in a new location.

§ 700.167 Moving and related expenses—Fixed payment.

A displaced person (other than an outdoor advertising display business who is eligible for a payment for his actual moving and related expenses under Subpart D of these regulations) is entitled to receive a fixed payment in lieu of a payment for such actual moving and related expenses.

§ 700.169 Fixed payment for moving expenses—residential moves.

The fixed payment for moving and related expenses of a certified eligible head of household from a dwelling consists of—

(a) A moving expense allowance not to exceed $300 (three hundred dollars).

(b) A dislocation allowance of $200 (two hundred dollars).

§ 700.171 Fixed payment for moving expenses—nonresidential moves.

(a) *General.* The fixed payment for moving and related expenses of a displaced business or farm operation that meets applicable requirements under this section is an amount equal to its average annual net earnings as computed in accordance with § 700.173, but not less than $2,500 nor more than $10,000. A nonprofit organization which meets the applicable requirements under this section is entitled to a payment of $2,500.

(b) *Business.* A business qualifies for payment under this section if the Commission determines that—

(1) The business cannot be relocated without a substantial loss of its existing patronage.

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Commission, and which is under the same ownership and engaged in the same or similar business activities. For purposes of this rule, no remaining business facility which had average annual gross receipts of less than $1,000 and average annual net earnings of less than $500, during the two taxable years prior to displacement, shall be considered "another establishment"; and

(3) The business had (i) average annual gross receipts of at least $1,000 during the two taxable years prior to displacement, or (ii) average annual net earnings of at least $500 as determined in accordance with § 700.173. However, the Commission may waive this test in any case in which it determines that its use would cause a substantial hardship.

(c) *Determining number of businesses acquired.* In determining whether two or more legal entities, all of which have been acquired, constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which—

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business, and

(4) The same person or closely related persons own, control or manage the affairs of the entities.

(d) *Farm operation.* A farm operation qualifies for a payment under this section if the Commission determines that it meets the criteria set forth in § 700.171(b)(3). In the case of a partial acquisition, the fixed payment shall be made only if the Commission determines that—

(1) The part acquired was a farm operation before the acquisition; or

(2) The partial acquisition caused the operator to be displaced from the farm operation; or

(3) The partial acquisition caused a substantial change in the nature of the farm operation.

(e) *Nonprofit organization.* A nonprofit organization qualifies for a $2,500 payment under this section, if the Commission determines that it—

(1) Cannot be relocated without a substantial loss of existing patronage (membership and clientele). A nonprofit organization is assumed to meet this test, unless the Commission demonstrates otherwise; and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Commission.

§ 700.173 Average net earnings of business or farm.

(a) *Computing net earnings.* For purposes of this subpart, the average annual net earnings of a business or farm operation is one-half of its net earnings before Federal, State and local income taxes, during the two taxable years immediately prior to the taxable year in which it was displaced. However, if the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be computed on the basis of the actual period of operation on the acquired site, projected to an annual rate. Also, average annual net earnings may be based upon a different period of time when the Commission determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents.

(b) *Documentation.* A displaced person who elects to receive a fixed payment in lieu of actual expenses incurred in moving his business or farm shall furnish the Commission proof of his net earnings through income tax returns, certified financial statements or other reasonable evidence.

§ 700.175 Temporary emergency moves.

(a) *General.* An eligible household may be granted temporary relocation resources, at the Commission's discretion, provided:

(1) That the move is for a limited time period not to exceed 12 months unless extended by the Commission.

(2) That permanent relocation resources are not available at the time of displacement.

(3) Prior approval of the Commission is obtained.

(4) That a Relocation Contract providing for permanent relocation has been executed.

(5) The head of household actually remained domiciled on lands partitioned to the tribe of which he is not a member as of December 22, 1974, and continuously thereafter.

(6) The head of household shall vacate all improvements owned by him on lands partitioned to the tribe of which he is not a member and shall transfer title to said improvements to the Commission.

Temporary relocation shall in no way diminish the responsibility of the Commission to offer relocation assistance and services designed to achieve permanent and suitable facilities.

(b) *Conditions Under Which Move to Temporary Housing Accommodations May Be Approved.* The move of a family or individual into temporary housing accommodations may be approved by the Commission only if the following conditions are met.

(1) The move will be undertaken because:

(i) It is necessary because of an emergency as determined by the Commission; or

(ii) The individual or family is subject to conditions hazardous to his or his family's health or safety.

(2) The temporary housing is decent, safe, and sanitary.

(3) The Commission shall have determined that within twelve (12) months of the date of the temporary move, replacement housing meeting Commission-approved standards will be available for occupancy by the persons temporarily rehoused.

(4) Prior to the move, the Commission shall provide in writing assurance to each head of household that:

(i) Replacement housing will be available at the earliest possible time but in any event no later than twelve (12) months from the date of the move to temporary housing.

(ii) Replacement housing will be made available on a priority basis, to the individual or family who has been temporarily rehoused.

(iii) The move to temporary rehousing will not, in any way, affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice or replacement housing units that would have been made available had the temporary move not been made.

(iv) The Commission will pay all costs in connection with the move to temporary housing, including any increased housing costs.

(c) *Agency Documentation.* To request Commission approval for a temporary move of a family, the following information shall be submitted to the Commission (additional information may be required on a case-by-case basis):

(1) An explanation of the necessity for the temporary move, based upon the criteria set forth by the Commission.

(2) The estimated duration of the temporary occupancy.

(3) In the case of the family or individual, (i) a copy of the written assurance which will be provided to the person explaining his rights and the continuing obligation of the agency to provide relocation assistance, and (ii) evidence that the family or individual agrees to make the temporary move.

(d) *Costs in Connection With Temporary Move.* (1) *Costs Included.* Costs included in a temporary move may cover the following:

(i) Actual reasonable moving costs and related expenses for the move to temporary accommodations.

(ii) For the family or individual moved from a rental unit the difference, if any, between the rental cost of the dwelling vacated and the rental cost of the temporary unit.

(iii) For a homeowner who retains ownership of his dwelling the reasonable cost of renting the temporary dwelling.

(iv) For a homeowner whose dwelling has been acquired the difference, if any, between his housing costs for the acquired dwelling and the rental cost of the temporary unit.

(2) *Costs Not a Replacement Home Benefit.* Costs in connection with a move to temporary accommodations are not to be considered as relocation payments under the Act. (See paragraph (e) of this section.)

(e) *Distinguishing Between Cost of Temporary Move and Relocation Payment.* The costs of a temporary move, as decribed in the foregoing subparagraphs, are not to be considered as all or a part of the relocation payment to which a displaced person is entitled under the Act. Thus, when a family is moved to temporary accommodations, a relocation payment is *not* made and the election or choice of type of payments that would ordinarily be made upon displacement must be delayed until the final move is made. When the move out of temporary accommodations is made, the displaced person shall receive the full relocation payments to which he/she is entitled pursuant to Commission regulations.

Subpart E—Replacement Housing Payments

§ 700.181 Eligibility.

(a) *Basic eligibility requirements.* A certified eligible head of household who established his/her residency requirements in the area partitioned to the tribe of which he/she is not a member, is eligible for the replacement housing payment specified at § 700.183(a).

(b) *Other rules and requirements.* A payment under this Subpart E is subject to the other applicable rules and requirements of these regulations.

§ 700.187 Utilization of replacement home benefits.

The Commission shall assure that all eligible heads of household receive a decent, safe and sanitary replacement dwelling in the following manner:

(a) If the eligible head of household owns no dwelling other than that on the area from which he or she must move pursuant to the Act, the Commission will make funds available to the head of household as provided in these regulations for the acquisition of a replacement home in one of the following manners:

(1) Purchase of an existing home, by the head of household,

(2) Construction of a home by the head of household,

(3) Participation or purchase by the head of household in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888, as amended; 42 U.S.C. 1401) or in any other federally assisted housing program.

(b) If the eligible head of household owns or is buying or building a home in an area other than the area from which he or she must move pursuant to the Act, the Commission will expend relocation benefits in one of the following manners:

(1) If the home is decent, safe, and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission will expend replacement housing benefits up to the maximum then existing benefit to accelerate to the maximum extent possible the achievement by that household of debt-free home ownership.

(2) If the home is owned free and clear but does not meet Commission decent, safe, and sanitary standards, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(3) If the home is neither owned free and clear nor decent, safe, and sanitary, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure that the home meets decent, safe, and sanitary standards, and to accelerate to the maximium extent possible the achievement of debt-free home ownership, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(4) If the home is decent, safe, and sanitary, and is owned free and clear,

no replacement home benefits will be paid.

(c) Home improvements shall include the following: General repairs, painting and texturing, fencing—including corrals, landscaping, grading, room additions, re-modeling, roofing, insulating, repair or improvements to the water, sewerage, cooling, heating, or electrical systems, storage buildings, energy conservation measures, and other home improvements as determined and defined by the Commission.

(d) In implementing these regulations the Commission will encourage the use of innovative energy or other technologies in order to achieve the minimum monthly housing cost feasible for each replacement house.

§ 700.189 Expenditure of replacement home benefits.

Replacement home benefits shall be expended or obligated in full at or before the time of original acquisition except as stated below. It is not anticipated that such exceptions would be common and each such instance shall be reviewed and a determination will be made by the Certification Officer.

(a) Under unusual circumstances such as: Unknown (latent) defects in the replacement dwellings, significant change of circumstances and extreme hardship, benefits may be expended after the time of original acquisition up to the the existing maximum replacement home benefit.

(b) All replacement home benefits shall be expended not later than one (1) year after the date of payment of the incentive bonus, except under unusual circumstances as stated above, up to the statutory maximum.

(c) Replacement home benefits shall not be expended for maintenance except under unusual circumstances as stated above, up to the statutory maximum.

(d) For purposes of this paragraph, the time of original acquisition shall be defined as the date of execution of the Commission's relocation contract.

Subpart F—Incidental Expenses

§ 700.195 General.

Incidental expenses are those reasonable expenses, as determined by the Commission, to be incidental to the purchase of the replacement dwelling, but not prepaid.

§ 700.197 Basic eligibility requirements.

A certified eligible head of household is eligible for reimbursement of expenses that are incidental to the purchase of a replacement dwelling, as provided in § 700.199 hereof.

§ 700.199 Incidental expenses.

(a) *Eligible costs.* Subject to the limitations in paragraphs (b) and (c) of this section, the incidental expenses to be paid are those actually incurred by the displaced person incident to the purchase of the replacement dwelling, including—

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing plats, recording fees; and title insurance;

(2) Lender, FHA or VA appraisal fees;

(3) FHA or VA application fee;

(4) Certification of structural soundness when required by the lender;

(5) Credit report;

(6) Owner's and mortgagee's evidence or assurance of title;

(7) Escrow agent's fee;

(8) State revenue or documentary stamps, sales or transfer taxes;

(9) Such administrative costs as are necessary to secure and acquire homesite leases and/or allotments on tribal lands. These costs may include survey fees, appropriate tribal fees and other conveyance instruments as may be appropriate;

(10) Costs, such as advertising charges, incurred incident to the purchase of the improvements owned by the head of household.

(11) Cost related to fee inspector's inspections of the replacement dwelling.

(12) Such other costs as the Commission determines to be incidental to the purchase.

(b) Truth in lending charge. Any expense, which is determined to be part of the debt service or finance charge under 15 U.S.C. 131–1641 and Regulation Z (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, is not eligible for reimbursement as an incidental expense.

Subpart G—Assistance Payments (Incentive Bonus)

§ 700.205 Eligibility requirements.

A certified eligible head of household is eligible for the assistance payment pursuant to Section 14(b) of the Act.

(a) *Amount of Payment.* The amount of payment shall be computed in accordance with the schedule provided for in Section 14(b) of the Act.

(b) *Date for Determination of Amount of Assistance Payment.* The date of completion and filing with the Commission of the Application for Relocation Assistance and Agreement to Relocate shall be the date used for determination of the amount of the assistance payment.

(c) *Time of Payment.* Assistance payments provided for in this section shall only be paid upon actual occupancy of the replacement dwelling and vacation of the acquired habitation and/or improvement, if any, in the area partitioned to the Tribe of which he/she is not a member.

Subpart H—Last Resort Replacement Housing

§ 700.209 Applicability.

The provisions of this subpart apply only when the Commission determines that, unless it acts under the provisions of this subpart, there is a reasonable likelihood that replacement dwelling(s) will not be available on a timely basis to person(s) to be displaced.

§ 700.211 Basic rights and rules.

The provisions of this subpart do not deprive any displaced person of any rights described elsewhere in these regulations. The Commission may meet its obligation to provide persons with reasonable opportunities to relocate to a replacement dwelling by offering such opportunities developed or to be developed under this subpart.

§ 700.213 Methods of providing last resort replacement housing.

(a) *General.* The methods of providing last resort housing include, but are not limited to—

(1) Rehabilitation of, and/or additions to, an existing replacement dwelling;

(2) A replacement housing payment in excess of the limits set forth in Subpart E and F of this part or the provision of direct Commission mortgage financing;

(3) The construction of a new replacement dwelling;

(4) The relocation and, if necessary, rehabilitation of a replacement dwelling;

(5) The purchase of land and/or a replacement dwelling by the Commission and subsequent sale or lease to, or exchange with, a displaced person; and

(6) The removal of barriers to the handicapped as may be necessary.

Subpart I—Commission Operations

§ 700.219 General.

(a) The operation of the Commission shall be governed by a Management Manual passed, amended or repealed by a majority of the Commission at any regular or special meeting. The Management Manual is the prescribed medium for publication of policies, procedures and instructions which are necessary to facilitate the day-to-day operations and administration of the Commission.

(b) *Meetings.* The Commission shall hold a regular monthly meeting on the first Friday of each month at a time and place designated by public notice unless said Friday falls on a legal holiday, in that event, the meeting shall begin on the next regular workday. The monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be recessed from time to time and reconvened at times designated by the Chairperson.

(c) *Special public meetings.* May be called by any Commissioner with ten (10) working days written notice given to the other Commissioners. Written notice may be waived by a release bearing the signatures of all three Commissioners.

(d) *Executive Session.* During a regular or special meeting, any Commissioner may request an Executive Session for purposes of personnel and administrative matters.

(e) *Compliance With Other Laws and Regulations.* As a federal agency, the Commission will conduct its activities in conformance with applicable federal statutes and administrative procedures.

Subpart J—Inspection of Records

§ 700.235 Purpose and scope.

(a) This subpart contains the regulations of the Commission implementing the requirement of subsection (a)(3) of the Freedom of Information Act, 5 U.S.C. 552(a)(3), which provides that the Commission "upon any request for records which (1) Reasonably describes such records and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." This subpart describes the procedures by which records may be obtained from the Commission. The procedures in this subpart are not applicable to requests for records published in the **Federal Register** or opinions in the adjudication of cases, statements of policy and interpretations and administrative staff manuals which have been published or made available under Subpart "A" of this part.

§ 700.237 Definitions.

Act. As used in this subpart, "Act" means the "Freedom of Information Act," 5 U.S.C. 552.

§ 700.239 Records available.

(a) *Commission policy.* It is the policy of the Commission to make the records of the Commission available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) *Statutory disclosure requirement.* The Freedom of Information Act requires that the Commission, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) *Statutory exemptions.* The Act exempts nine categories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempt from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the indentity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(d) *Decisions on requests.* It is the policy of the Commission to withhold information falling within an exemption only if (1) disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of the exemption.

(e) *Deletion of portions of records.* If a requested record contains material within an exemption together with material not within an exemption and it is determined under the regulations in this subpart to withhold the exempt material, any reasonably segregable nonexempt material shall be separated from the exempt material.

(f) *Creation of records.* This subpart applies only to records which exist at the time a request for records is made. Records are not required to be created in response to a request by combining or compiling selected items from the files or by preparing a new computer program, nor are records required to be created to provide the requester with such data as proportions, percentages, frequency distributions, trends, or comparisons.

(g) *Records of concern to other departments and agencies.* (1) If the release of a record would be of concern to both the Commission and another Federal agency, the record will be made available by the Commission only if the interest of the Commission is the primary interest. If the Commission's interest is not the primary interest, the requester shall be referred in writing to the agency having the primary interest. The Commission has the primary interest in a record if the record was developed pursuant to Commission regulations, directives, or request even though the record originated outside of the Commission.

(2) If the release of a record in which the Commission has a primary interest would be of substantial concern to another agency, the official processing the request, should, if administratively feasible and appropriate, consult with that agency before releasing the record.

(h) *Records obtained from the public.* If a requested record was obtained by the Commission from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.

§700.241 Request for records.

(a) *Submission of requests.* A request to inspect or copy records shall be made to the installation where the records are located. If the records are located at more than one installation or if the specific location of the records is not

known to the person wishing to inspect or copy the records, he may direct his request to the head of the appropriate bureau, or the bureau's chief public information officer, if any.

(b) *Form of request.* (1) Requests invoking the Freedom of Information Act shall be in writing.

(2)(i) A request must reasonably describe the records requested. A request reasonably describes the records requested if it will enable an employee of the Commission familiar with the subject area of the request to locate the record with a reasonable amount of effort. If such information is available, the request should identify the subject matter of the record, the date when it was made, the place where it was made, and the person or office that made it, the present custodian of the record, and any other information which will assist in location of the requested records. If the request involves a matter known by the requester to be in litigation, the request should also state the case name and court hearing the case.

(ii) If the description of a record sought is insufficient to allow identification and location of the record, the response denying the request on this ground shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in location of the record.

(3) A request shall state the maximum amount of fees which the requester is willing to pay. Requesters are notified that under § 700.251, the failure to state willingness to pay fees as high as are anticipated by the Commission will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

(4)(i) To insure expeditious handling, requests shall be prominently marked, both on the envelope and on the face of the request, with the legend "FREEDOM OF INFORMATION REQUEST." The failure of a request to bear such a legend will not disqualify a request from processing under the procedures in this subpart if the request otherwise meets the requirments of this section. A request not bearing the legend "FREEDOM OF INFORMATION REQUEST" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.245 until it has been identified by bureau personnel as a Freedom of Information request and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION REQUEST" as a request otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION REQUEST." (B) date the request to reflect the date on which it was identified, and (C) take steps to assure proper processing of the request under the procedures in this subpart.

(d) *Categorical requests.* (1) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (i) it can be determined which particular records are covered by the request and (ii) the records can be searched for, collected and produced without unduly burdening or interfering with Commission operations because of the staff time consumed or the resulting disruption of the files.

(2) If a categorical request is determined under paragraph (d)(1) of this section not to reasonably describe the records requested, the response denying the request on that ground shall specify the reasons why and shall extend to the requester an opportunity to confer with knowledgeable Commission personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

§ 700.243 Action on initial request.

(a) *Granting of requests.* (1) A requested record shall be made available if (i) the record is not exempt from disclosure or (ii) the record is exempt from disclosure, but its withholding is neither required by statute or Executive order nor supported by sound grounds.

(b) *Form of grant.* (1) When a requested record has been determined to be available, the official processing the request shall immediately notify the person requesting the record as to where and when the record is available for inspection or as the case may be, where and when copies will be available. If fees are due under § 700.251, the responsible official shall also state the amount or, if the exact amount cannot be determined, the approximate amount of fees due.

(2) If the record was obtained by the Commission from a person or entity outside of the Government, the responsible official shall, when it is administratively feasible to do so, notify that person or entity that the record has been made available.

(c) *Denial of requests.* (1) A request for a record may be denied only if it is determined that (i) the record is exempt from disclosure and (ii) that withholding of the record is required by statute or Executive order or supported by sound grounds.

(2) A request to inspect or copy a record shall be denied only by the Freedom of Information Act Officer or by an official whom the Executive Director has in writing designated.

(d) *Form of denial.* A reply denying a request shall be in writing and shall include:

(1) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(2) The sound ground for withholding;

(3) A listing of the names and titles or positions of each person responsible for the denial;

(4) A statement that the denial may be appealed to the Commission pursuant to § 700.247 and that such appeal must be in writing and be received by this official within twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the denial, in the case of the denial of an entire request, or within twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) of records being made available, in the case of a partial denial, by writing to the Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

(e) *Exception.* The requirements of paragraphs (c), (d), and (e) of this section do not apply to requests denied under § 2.14 on the ground that the request did not reasonably describe the records requested or to requests for records which do not exist.

(f) *Filing of denials.* Copies of all replies denying, in whole or part, a request for a record which are issued under this section of § 700.243 shall be promptly submitted by the Freedom of Information Act Officer, denials to the Executive Director and the Commission's legal counsel.

§ 700.245 Time limits on processing of initial requests.

(a) *Basic limit.* Requests for records shall be processed promptly. A determination whether to grant or deny a request shall be made within no more than ten (10) days (excepting Saturdays, Sundays, and legal public holidays) after receipt of a request. This determination shall be communicated immediately to the requester.

(b) *Running of basic time limit.* For purposes of paragraph (a) of this section, the time limit commences to run when a request is received at the Commission's office in Flagstaff, Arizona.

(c) *Extensions of time.* In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary to the proper processing of the particular request, but in no case may the time limit be extended for more than ten (10) working days:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) *Authority to make extensions.* (1) An extension of time under paragraph (c) of this section may be made only by the Freedom of Information Act Officer or such higher authority as the Commission has in writing designated.

(2) The person requesting the records shall be notified in writing of the extension. The written notice shall state the reason for the extension and the date on which a determination on the request is expected to be dispatched.

(3) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

(e) *Treatment of delay as denial.* (1) If no determination has been reached at the end of the ten (10) day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 700.247.

(2) When no determination can be reached within the applicable time limit, the responsible official shall nevertheless continue to process the request. On expiration of the time limit, the responsible official shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial for purposes of appeal to the Commission in accordance with § 700.247. The requester may be asked to consider delaying use of his right to appeal until the date on which the determination is expected to be dispatched. If the requester so agrees, he is deemed not to have treated the failure to respond within the applicable time limit as a denial for purposes of the running of the twenty (20) working-day appeal period set out in § 700.247. If a determination of the request is not issued by the new agreed upon date, or if the request is denied in whole or part, the requester will have available his full right of appeal under § 700.247, including the entire twenty (20) working-day period for filing of the appeal.

§ 700.247 Appeals.

(a) *Right of appeal.* Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the Commission.

(b) *Time for appeal.* An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after records have been made available, in the case of a partial denial.

(c) *Form of appeal.* (1) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and should, in order to expedite the appellate process and give the requester an opportunity to present his arguments, contain a brief statement of the reasons why the requester believes the initial denial to have been in error.

(2) The appeal shall be addressed to Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

(3)(i) Both the envelope containing the notice of appeal and the face of the notice shall bear the legend "FREEDOM OF INFORMATION APPEAL". The failure of an appeal to bear such a legend will not disqualify an appeal from processing under § 2.18 if the appeal otherwise meets the requirements of this section. An appeal not bearing the legend "FREEDOM OF INFORMATION APPEAL" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.249 until it has been identified by Commission personnel as a Freedom of Information appeal and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION APPEAL" as an appeal otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION APPEAL," (B) date the appeal to reflect the date on which it was identified, and (C) take steps to assure proper processing of the appeal under the procedures in this subpart.

(4) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

§ 700.249 Action on appeals.

(a) *Authority.* Appeals from initial denials of requests for records shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(b) *Time limit.* A final determination on any appeal shall be made within twenty (20) days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(c) *Extensions of time.* (1) If the time limit for responding to the initial request for a record was not extended under the provisions of § 700.245 or was extended for fewer than ten (10) working days, the time for processing of the appeal may be extended by the Executive Director to the extent reasonably necessary to the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than ten (10) working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 700.245(c) requires an extension.

(2) The Executive Director shall, in writing, advise the appellant of the reasons for the extension and the date on which a final determination of the appeal is expected to be dispatched.

(3) If no determination on the appeal has been reached at the end of the twenty (20) working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit, the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on

which the determination on his appeal is expected to be dispatched.

(d) *Form of decision.* The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Freedom of Information Act Officer shall immediately make the records available or instruct the appropriate bureau official to make them immediately available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia, and shall set forth the names and titles or positions of each person responsible for the denial.

(e) *Distribution of copies.* Copies of final determinations issued by the Commission shall be provided to the Commission's legal counsel.

§ 700.251 Fees.

(a) *Services for which fees may be charged.* (1) Unless waived pursuant to the provisions of paragraph (c) of this section, user fees shall be charged for document search and duplication costs incurred in responding to requests for records. User fees also shall be charged for the formal certification of verification attached to authenticated copies of records under the seal of the Commission.

(2) Unless waived or reduced pursuant to paragraph (c) of this section, user fees shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual.

(b) *Services for which fees may not be charged.* No fee may be charged for any services required by the Freedom of Information Act to be performed in responding to a request for records other than those services for which fees may be charged under paragraph (a) of this section. Services for which no fees may be charged include, but are not limited to, (1) examining requested records to determine whether they are exempt from mandatory disclosure or whether, even if exempt, they should nevertheless be made available in whole or part, (2) deleting exempt matter from records so that the remaining portions of the records may be made available, (3) monitoring a requester's inspection of agency records made available to him for inspection, and (4) resolving legal and policy issues affecting access to requested records.

(c) *Waiver or reduction of fees.* (1) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests for records may be waived or reduced, as appropriate, if the official making the records available determines that furnishing the records can be considered as primarily benefiting the public as opposed to the requester.

(2) Fees otherwise applicable for document research and duplication costs incurred in responding to requests may be waived and not charged if the request involves:

(i) Furnishing unauthenticated copies of any documents reproduced for gratuitous distribution;

(ii) Furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Commission;

(iii) Furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held.

(3) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests may be waived or reduced if the cost of collecting the fee would exceed the amount of the fee or if the request involves:

(i) Furnishing records to press, radio and television representatives for dissemination through the media to the general public;

(ii) Furnishing records to donors with respect to their gifts;

(iii) Furnishing records to individuals or private non-profit organizations having an official voluntary or cooperative relationship with the Commission to assist the individual or organization in its work with the Commission;

(iv) Furnishing records to state, local and tribal governments and public international organizations when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Commission and to do so will help to accomplish the work of the Commission;

(v) Furnishing records when to do so saves costs and yields income equal to the direct cost of providing the records (e.g., where the Commission's fee for the service would be included in a billing against the Commission);

(vi) Furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Commission employees);

(vii) Furnishing one copy of a record in order to assist the requester to obtain financial benefits to which he is entitled (e.g., veterans or their dependents, employees with Government employee compensation claims or persons insured by the Government).

(d) *Notice of anticipated fees and prepayment.* (1) Where it is anticipated that fees chargeable under this section may amount to more than $25.00 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the request shall be deemed not to have been received for purposes of the time limits established by § 700.245 until the requester is advised of the fees which are anticipated and has agreed to pay these fees. Advice to requesters with respect to anticipated fees shall be provided promptly.

(2) The appropriate cases, advance payment of fees may be required before requested records are made available to the requester.

(3) A notice of anticipated fees or notice of request for advance payment shall extend an offer to the requester to confer with appropriate personnel in an attempt to reformulate the request in a manner which will reduce the anticipated fees and meet the needs of the requester.

(e) *Form of payment.* Payment of fees shall be made by check or money order payable to the Navajo-Hopi Indian Relocation Commission. The term United States or the initials "U.S." shall not be included on the check or money order. Where appropriate, the official responsible for handling a request may require that payment by check be made in the form of a certified check.

Subpart K—Privacy Act

§ 700.255 Purpose and scope.

This subpart contains the regulations of the Navajo and Hopi Indian Relocation Commission implementing Section 3 of the Privacy Act.

§ 700.257 Definitions.

(a) *Act.* As used in this subpart, "Act" means Section 3 of the Privacy Act, 5 U.S.C. 552a.

(b) *Individual.* As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Maintain.* As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(d) *Record.* As used in this subpart, "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission including, but not limited to, education, financial transactions, medical history, and criminal or

employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) *System of records.* As used in this subpart, "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) *Medical records.* As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(g) *Civil Service Commission personnel records.* As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Commission and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(h) *Statistical records.* As used in this subpart, "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(i) *Routine use.* As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(j) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published annually in the Federal Register.

(k) *System manager.* As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(l) *Commission Privacy Act Officer.* As used in the subpart, "Commission Privacy Act Officer" means the official in the Commission charged with responsibility for assisting the Commission in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the divisions of the Commission in carrying out the functions which they are assigned in this subpart.

§ 700.259 Records subject to Privacy Act.

The Privacy Act applies to all "records" as that term is defined in § 700.257(d), which the Commission maintains in a "system of records," as that term is defined in § 700.257(e).

§ 700.261 Standards for maintenance of records subject to the Act.

(a) *Content of records.* Records subject to the Privacy Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy.* Records subject to the Privacy Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information.* (1) Information which may be used in making determination about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individual concerning uses of information.* (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3)(i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 700.263 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 522a(e)(10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the

requirements of § 700.265 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standards booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.106.

§ 700.265 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Commission may disclose records subject to the Privacy Act unless disclosure is permitted under § 700.267 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Commission may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 700.287–700.295 or the decision of a court of competent jurisdiction.

§ 700.267 Disclosure of records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) of this section does not apply where disclosure of the record would be:

(1) To those officers or employees of the Commission who have a need for the record in the performance of their duties; or

(2) Required by the Freedom of Information Act, 5 U.S.C. 522.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) For a routine use as defined in § 700.257(i) which has been described in a systems notice published in the **Federal Register;**

(2) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, United States Code.

(3) To a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) Pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Commission indicating that the record may not be fully accurate, complete, or timely.

§ 700.269 Acounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 700.267(c), an accounting shall be made.

(2) The accounting shall record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made.

(3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 700.267(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 700.277.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 700.267(c)(9) as the result of the order of a court of competent juridiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§ 700.271 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1)(i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 700.273 Request for notification of existence of records: Action on.

(a) *Decisions on Request.* (1) An individual inquiring to determine whether a system of records contains records pertaining to him shall be advised within ten (10) days (excepting Saturdays, Sundays and legal public holidays) whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that his is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision informing an individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Executive Director pursuant to § 700.285 by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 700.275 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him, 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 700.277 Requests for access to records: Submission.

(a) *Submission of requests.* (1) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records. Requesters are further notified that under § 700.279(d) the failure to state willingness to pay fees as high as are anticipated by the Commission will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the request of the deficiency in the request.

§ 700.279 Requests for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 700.279(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Executive Director pursuant to § 700.281 by writing to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 700.271.

(2) Fees for copying a record in response to a request made under § 700.271 shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual, unless the official responsible for processing the request determines that, in his/her opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he/she is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 700.281 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he/she is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record that individual may appeal to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 700.273 and 700.277 shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 700.283 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that disclosure should be made to a medical doctor of the individual's choosing.

(2) If it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect records pertaining to him which have been opened for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§ 700.285 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if be believes the record is not accurate, relevant, timely or complete, 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

§ 700.287 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wishes to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 700.289 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 700.261. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Commission Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the Privacy Act Officer.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holidays excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 700.287, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 700.287.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petitioned for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Executive Director by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002, and that the appeal must be received by this official

within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petitioned for amendment is accepted, in whole or part, the appropriate Commission Division maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 700.269 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 700.291 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 700.289(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays, and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 700.289(d) that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 700.293 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona 86002.

§ 700.295 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Navajo and Hopi Indian Relocation Commission. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Navajo and Hopi Indian Relocation Commission shall be transmitted by the Executive Director, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Commission. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 700.297 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Commission, a brief statement by the Commission summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Commission's refusal to amend the record.

(3) If the determination reverses, in whole or in part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 700.297 Statements of disagreement.

(a) *Filing of statements.* If the determination of the Executive Director under § 700.295 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record, a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section occurring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the

Commission for not making the requested amendments may also be provided to recipient.

Roger Lewis,

Chairman.

[FR Doc. 82-801 Filed 1-13-82; 8:45 am]

BILLING CODE 6820-58-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

Removal of Part; Credit Unions Serving DoD Personnel

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has cancelled the source document of 32 CFR Part 230, "Credit Unions Serving DoD Personnel." This action removes this Part from the CFR since it is no longer valid.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Wright, Office of the Deputy Assistant Secretary of Defense (Management Systems), OASD (Comptroller), Washington, D.C. 20301, Telephone: 202-697-8281.

SUPPLEMENTARY INFORMATION: 32 CFR Part 230 represents DoD Directive 1000.10, subject as above, which was reissued December 23, 1981. Copies may be obtained by writing to U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, attention Code 301.

PART 230—[REMOVED]

Therefore Part 230 of Title 32 is removed.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense,

January 11, 1982.

[FR Doc. 82-861 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2016-8]

Arkansas; Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the State of Arkansas' request of April 23, 1981, to revise its State Implementation Plan (SIP) to incorporate by reference the Federal Prevention of Significant Deterioration of Air Quality (PSD) Regulations. This approval will permit Arkansas to carry out all aspects of PSD review.

EFFECTIVE DATE: February 16, 1982.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NW., Washington, D.C., Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street SW., Washington, D.C., Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Air Branch, Air and Waste Management Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518 or (FTS) 729-1518.

SUPPLEMENTARY INFORMATION: In the September 10, 1981 **Federal Register** (46 FR 45157), the Acting Regional Administrator proposed approval of Arkansas' SIP revision to EPA's PSD regulations. No adverse comments were received in response to this notice of proposed rulemaking.

Some subparts of 40 CFR 52.21 were not included in this incorporation and one subpart was expanded in its requirements (See the September 10, 1981, notice for details). Additionally, Section 4(d) of the Arkansas Regulation provides that references in 40 CFR 52.21 to the "Administrator" "shall be deemed to mean the Department of Pollution Control and Ecology, unless the context plainly dictates otherwise." EPA would like to clarify the subparts of 40 CFR 52.21 in which the Administrator will retain responsibility:

(1) Exclusion from increment consumption: (f)(1)(v), (f)(3) and (f)(4)(i).

(2) Redesignation: (g)(1), (g)(2), (g)(4), (g)(5), and (g)(6).

(3) Air Quality Models: (l)(2).

(4) Sources impacting Federal Class I areas—additional requirements: (p)(1) and (p)(2).

The above clarification language was provided to the State agency. No adverse comments were received about its inclusion in the final rulemaking.

Action: EPA has reviewed the submitted material and found it to meet present EPA requirements. Therefore, EPA is today approving the Arkansas submittal as satisfying the requirements of an acceptable plan for implementing PSD.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action is not major because it imposes no new burden on sources since it only approves a State action.

Pursuant to the provision of 5 U.S.C. 605(b) I hereby certify that this proposed action will not have a significant economic impact on a substantial number of small entities. The action will only approve State actions and will not impose any new regulatory requirements. See 46 FR 8709, January 27, 1981 for additional justification.

Note.—Incorporation by reference of the State Implementation Plan for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 161 *et seq.* of the Clean Air Act, as amended (42 U.S.C. 7410 and 7471 *et seq.*))

Dated: January 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is revised to read as follows:

Subpart E—Arkansas

1. Section 52.170 is amended by adding new paragraph (c)(15) to read as follows:

§ 52.170 Identification of plan.

* * * * * * *

(c) * * *

(15) On April 23, 1981, the Governor submitted revisions to the plan to incorporate Federal Prevention of Significant Deterioration (PSD) Regulations 40 CFR 52.21 by reference.

2. Section 52.181 is revised to read as follows:

§ 52.181 Significant deterioration of air quality.

(a) The Arkansas plan, as submitted, is approved as meeting the

Requirements of Part C, Title I, of the Clean Air Act.

(b) Regulations for prevention of significant deterioration of air quality. The provisions of § 52.21 (b) through (r) are hereby incorporated by reference and made a part of the State Implementation Plan for the State of Arkansas.

[FR Doc. 82-910 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-6-FRL-2014-5]

Approval and Promulgation of Implementation Plans: Approval of Arkansas State Variance

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves Arkansas' request to revise its State Implementation Plan (SIP) to include a variance for Weyerhaeuser Gypsum Plant. The variance will allow Weyerhaeuser until August 30, 1982 to come into compliance with Regulation 8 for the control of total suspended particulate (TSP). The variance is approved on the basis that the State has shown that the National Ambient Air Quality Standard (NAAQS) for TSP will not be exceeded during the period of the variance. This action will be effective on March 15, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 15, 1982.

ADDRESSES: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Arkansas may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

Dept. of Pollution Control & Ecology, Air Pollution Control Division, 8001 National Drive, Little Rock, Arkansas 72209.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth at the EPA Region VI address above or call 214/767-1518 (FTS 729-1518).

SUPPLEMENTARY INFORMATION: Section 110(a)(3)(A) of the Clean Air Act, amended in 1977, directs the Administrator to approve revisions to State Implementation Plans if the revision has been adopted by the State after reasonable notice and public hearings, and it includes emission limitations, schedules and timetables for compliance with such limitations and such other measures as may be necessary to insure attainment and maintenance of the applicable air quality standard. The regulations which EPA promulgated to implement this portion of the Air Act are set forth at 40 CFR 51.

The variance being approved today applies to the Weyerhaeuser Gypsum Plant located in Nashville, Arkansas. On June 29, 1981, the Arkansas Department of Pollution Control and Ecology adopted, after adequate notice and public hearing, a variance request which will allow Weyerhaeuser from June 15, 1980 until August 30, 1982 to come into compliance with Arkansas Regulation 8 for the control of particulate matter. During the period of the variance, Weyerhaeuser will install three electrostatic precipitators at its Nashville Gypsum Plant.

The variance was officially submitted to EPA on June 29, 1981. EPA reviewed [1] the variance and supporting documentation, and finds that the State's submittal contains a compliance schedule with legally enforceable increments of progress and a technical analysis which indicates that no violations of the ambient standard for particulate matter will occur during the period of the variance. Based upon these findings, EPA is today approving the variance requests as a revision to the Arkansas State Implementation Plan.

EPA's review of the materials submitted has shown that it is a noncontroversial nonmajor SIP revision. Because EPA does not anticipate that this rulemaking will generate adverse public comments, the variance for Weyerhaeuser is being approved today without a prior prosposed rulemaking. The public should be advised that this action will be effective 60 days from January 14, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

[1] EPA Evaluation Report of Weyerhaeuser Request for Variance for Weyerhaeuser, dated November 81. This report is availabe for public inspection during normal business hours at the EPA libraries listed in the addresses section of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves a State action; it will impose no new regulatory requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely approves a state action. It imposes no regulatory requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject to today's notice may not be challenged later in civil or criminal proceeding brought by EPA to enforce these requirements.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart E of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 52.170 *Identification of plan* is amended by adding a new paragraph (c)(14).

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(14) A variance to Regulation 8 for Weyerhaeuser Gypsum Plant in Nashville, Arkansas was submitted by the Governor on June 29, 1981.

[FR Doc. 82-1026 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-8-FRL 1967-1b]

Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces the redesignation of a portion of Pueblo 3–C urbanized area to attainment for total suspended particulates (TSP) under section 107 of the Clean Air Act. The redesignation was requested by the Governor of Colorado.

DATES: This action will be effective March 15, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION, CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–6131.

SUPPLEMENTARY INFORMATION: On September 29, 1981, the Governor of Colorado requested that EPA redesignate the outlying portion of the Pueblo 3–C urbanized area to attainment for total suspended particulates under Section 107 of the Clean Air Act. The area for which attainment status was requested includes all the area within the said 3–C boundary except for the following "core area":

S½ Sec. 19, T20S, R64W; S½ Sec. 20, T20S, R64W; NW¼ and S½ Sec. 28, T20S, R64W; Sec. 30, T20S, R64W; Sec. 31, T20S, R64W; Sec. 32, T20S, R64W; Sec. 33, T20S, R64W; Sec. 34, T20S, R64W; SW¼ Sec. 35, T20S, R64W; W½ Sec. 2, T21S, R64W; Sec. 3, T21S, R64W; Sec. 4, T21S, R64W; Sec. 5, T21S, R64W; Sec. 6, T21S, R64W; Sec. 7, T21S, R64W; Sec. 8, T21S, R64W; Sec. 9, T21S, R64W; Sec. 10, T21S, R64W; W½ Sec. 11, T21S, R64W; N½ Sec. 15, T21S, R64W; N½ Sec. 16, T21S, R64W; Sec. 17, T21S, R64W; Sec. 18, T21S, R64W; Sec. 19, T21S, R64W; NW¼ Sec. 20, T21S, R64W; SE¼ Sec. 23, T20S, R65W; S½ Sec. 24, T20S, R65W; Sec. 25, T20S, R65W; Sec. 26, T20S, R65W; Sec. 35, T20S, R65W; Sec. 36, T20S, R65W; Sec. 1, T21S, R65W; Sec. 2, T21S, R65W; E½ Sec. 10, T21S, R65W; Sec. 11, T21S, R65W; Sec. 12, T21S, R65W; Sec. 13, T21S, R65W; Sec. 14, T21S, R65W; E½ Sec. 15, T21S, R65W; N½ Sec. 23, T21S, R65W; Sec. 24, T21S, R65W.

EPA is basing approval of this boundary change on air quality modeling data demonstrating attainment of the total suspended particulate standard outside the "core area." The boundary line for the attainment area was established through a modeling effort based on an updated emissions inventory. The model results were validated by monitoring data representative of actual ambient concentrations in the outlying area. EPA believes the new modeling and monitoring data support redesignation of the outlying area to attainment. In addition, at the September 17, 1981, hearing before the Colorado Air Quality Hearings Board, no comments or testimony were presented opposing redesignation to attainment.

The public should be advised that this action will be effective March 15, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Today's action also constitutes a partial response to three petitions for reconsideration and stay of EPA's April 15, 1981 action denying the Governor's request to redesignate the entire Pueblo 3–C urbanized area to unclassified. Among the grounds advanced for reconsideration was the decision of the Colorado Air Quality Commission to consider new evidence on TSP levels in the Pueblo area. On June 15, 1981, the Administrator notified the petitioners that EPA had decided to grant the petitions for reconsideration of the April 15, 1981 denial based on the State's decision to consider new evidence. The Administrator also informed the petitioners that EPA would stay the April 15, 1981 denial of the State's request for redesignation pending the completion of the State's new proceedings. Today's redesignation for the outlying areas terminates any need to stay the April 15 denial for these areas.

However, today's redesignation does not address the inner "core" portion of the Pueblo area. EPA is still evaluating the air quality status of the core area. EPA has received a request for an additional opportunity to comment on the designation for the core area. EPA is publishing a notice announcing a new 30-day comment period for the core portion of the Pueblo area elsewhere in today's **Federal Register**.

Pursuant to the provisions of the Regulatory Flexibility Act [5 U.S.C. 605(b)], I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely reduces the boundary of a nonattainment area and imposes no regulatory requirements on anyone. It only proposes to approve requirements adopted by the State.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

1. In § 81.306, the entry for AQCR 7 for TSP is revised to read as follows:

* * * * *

§ 81.306 [Amended]

COLORADO TSP

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than standard
• • •	•	•	•	•
AQCR 7:				
Pueblo 3–C urbanized area except "core area" [1]				X
Pueblo "core area" [2]	X	X		
• • •	•	•	•	•

[1] For a description of the core area, see FR cite for today's action.
[2] Designation of "core area" is based on actions published at 43 FR 8964 (March 3, 1978) and 43 FR 4022 (Sept. 11, 1978).

[FR Doc. 82–868 Filed 1–13–82; 8:45 am]
BILLING CODE 6560–38–M

40 CFR Part 81

[A-6-FRL-2012-8]

State of Texas; Designation of Area for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status redesignation in the State of Texas for the Houston 2 area with respect to total suspended particulate matter (TSP). The area is being redesignated from nonattainment of the TSP National Ambient Air Quality Standard (NAAQS) to unclassified. When an adequate amount of TSP monitoring data is available for the Houston 2 area, EPA will publish a rulemaking which designates the area as either attainment or nonattainment for TSP as appropriate.

The State of Texas submitted to EPA on April 6, 1979 a request that the area be redesignated to unclassified. This revision was proposed in a Notice of Proposed Rulemaking published on October 12, 1979 (44 FR 58922).

As a result of this redesignation, the requirements of Title I, Part D of the Act, no longer apply in the redesignated area. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518, FTS, 729-1518.

SUPPLEMENTARY INFORMATION:

I. Background

The State of Texas has submitted to EPA a request to redesignate the Houston 2 area in Harris County from nonattainment of the TSP NAAQS to unclassified. The Texas Air Control Board (TACB) submitted its request on April 6, 1979, in TACB Resolution R79-2. EPA published a notice of proposed rulemaking on October 12, 1979 which proposed to grant the State's request for redesignation of the Houston 2 (TSP) areas in Harris County, and for redesignation of 10 other TSP area in Texas. No public comments were received regarding these redesignations.

EPA approved the redesignation of the 10 other TSP areas in Texas in the **Federal Register** on November 25, 1980 (45 FR 78122). Approval of the State's request for redesignation of the Houston 2 (TSP) area was delayed due to the need for EPA to review the monitoring information and the location and adequacy of the monitoring site for the Houston 2 area. In today's action, EPA is approving the TACB request for redesignation of the Houston 2 (TSP) area.

II. Approval of Redesignation Request

As allowed by Sections 107(d)(5) and 107(e)(1) of the Clean Air Act, a State may revise the designation of air quality control regions in the State if recent monitoring data shows that air quality has changed or that previous monitoring data is found to be invalid. As explained in the proposal on October 22, 1979, the State has requested that the designation be changed for Houston 2 (TSP) area on the basis that the monitoring site was found to be improperly sited. EPA has reviewed the history of the monitoring site for Houston 2 (TSP), and EPA agrees with the State that the site did not fully meet EPA's siting criteria for monitoring of TSP prior to 1980 because the monitor was located at ground level from 1976 to 1977 and located too close to an obstruction from 1978 to 1980. The monitor has been properly sited as of December 1980 but only a partial year of data is available presently. Since the previous data from the improperly sited monitor may not be used for attainment/nonattainment designations, EPA's action today will change the Houston 2 area designation from "Does Not Meet Primary Standards" for TSP, to "Cannot Be Classified." When an adequate amount of TSP monitoring data is available for the Houston 2 area, EPA will publish a rulemaking which designates the area as either attainment or nonattainment for TSP as appropriate.

EPA's Action

EPA is approving the revision to the attainment status designation for TSP for the Houston 2 area as submitted by the State of Texas under TACB Resolution R79-2.

As a result of this redesignation, the requirements of Title I, Part D of the Act, no longer apply in the redesignated area. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

This redesignation is being made immediately effective in order to lift growth restrictions which have been in place for this nonattainment area. The growth restrictions apply in nonattainment areas for which SIP revisions required by Part D of the Clean Air Act have not been submitted by the State and approved by EPA.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a State action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely approves a State action which redesignates an area of the State from nonattainment to unclassified for air quality planning purposes.

Dated: January 6, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.344 [Amended]

1. In § 81.344—Texas, the attainment status designation table for TSP is amended by revising AQCR 216 to read as set forth below:

TEXAS—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • •	•	•	•	•
AQCR 216:				
1 limited area in Harris Co. (Houston 1)	X			
1 limited area in Harris Co. (Houston 2)			X	
1 limited area in Harris Co. (Adline)		X		
1 limited area in Harris Co.			X	
1 limited area in Galveston Co.			X	

TEXAS—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of AQCR				X
•	•	•	•	•	•	•

[FR Doc. 82-810 Filed 1-13-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-514; RM-3826]

FM Broadcast Station in Redding, California; Changes Made in Table of Assignments

AGENCY: Federal Communication Commissions.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 247 to Redding, California, in response to a petition filed by Waterland Group. The assignment could provide a third local FM service to Redding.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Redding, California), BC Docket No. 81-514, RM-3826.

Report and Order—Proceeding Terminated

Adopted: December 24, 1981.

Released: January 5, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 42477, published August 21, 1981, proposing the assignment of Class C FM Channel 247 to Redding, California, as its third FM assignment. The Notice was issued in response to a petition filed by Waterland Group ("petitioner"). Supporting comments were filed by the petitioner. Comments in opposition to the proposal were filed by Redding FM,[1] to which petitioner responded.

2. Redding (population 41,955),[2] seat of Shasta County (population 115,715), is located approximately 304 kilometers (190 miles) north of San Francisco, California. It is served locally by two daytime-only AM stations (KCLM and KVIP), three fulltime AM stations (KQMS, KRDG, and KSXO), and by two FM stations (KVIP, Channel 251, and KSHA (CP), Channel 282).

3. In its comments, petitioner incorporates by reference the information presented in the petition for rule making and reiterates its intent to apply for the channel, if assigned. Petitioner also noted that it previously established the substantial growth pattern at Redding and its regional importance. It is the opinion of the petitioner that the population of Redding will exceed the Commission's 50,000 person threshold for a third channel in the relatively near future. Additionally, the petitioner contends that the Commission's population criteria are flexible benchmarks and not immutable standards,[3] and that the Commission has generally made channel assignments not falling within its traditional population criteria when preclusion is insignificant and an interest has been expressed for the channel.

4. Redding FM, in opposition to the proposal, restated its earlier opposition regarding a departure from the Commission's population criteria for FM assignments, and the preclusive effects of the proposed assignment of Channel 247 to Redding. Redding FM also argues that there are no transmitter sites available for use by the station operating on Channel 247 that would not be short-spaced to Station KKBC(FM), Carson City, Nevada. Although the Notice proposed a site of 10.6 miles northeast of Redding, Shasta Bally Mountain cannot reasonably be assumed to be available for use as a transmitter site for a new station, according to an engineering statement submitted on behalf of Redding FM. Thus, Redding FM contends that the proposal should be rejected in the absence of a showing that a properly spaced transmitter site is available.

5. Petitioner, in reply comments, argues that Redding FM reiterated its earlier opposition but raised no arguments of substance against the proposal to assign Channel 247 to Redding, and inasmuch as it has adequately demonstrated the growth pattern, the central role of Redding in the region and the preclusive effects of the proposed assignment, no purpose would be served by further discussing them. The opposition's only new argument is the alleged unavailability of a suitable site for a station operating on Channel 247 at Redding (based on the statement of Redding FM's engineer). Petitioner argues that there are no technical (or other) reasons why the Shasta Bally site would not be available for use (as indicated in its engineering study) and it retained an engineer to study the use of Shasta Bally. The engineer states that he knows of no technical, legal or procedural limitations preventing the use of this site. Rather, Redding FM's experience was based on the occupant's (Station KRCR-TV) refusal to share the site. Thus, it urges the Commission to adopt the proposal.

6. The assignment of Channel 247 to Redding would cause preclusion on Channel 244A within 65 miles, Channel 246 within 150 miles, Channel 247 within 180 miles, Channel 248 within 150 miles, and Channel 249A within 65 miles. The Notice requested the petitioner to submit a list of alternate channels available to the precluded communities. Petitioner states that the preclusion impact will be minimal as several channels are available to the precluded communities currently without local service. The Notice also requested the petitioner to submit a Roanoke Rapids/Anamosa study, if it wished such information in support of the proposal. Since the petitioner did not respond to the request, we shall assume that no first or second service will be provided by the assignment of Channel 247 to Redding.

7. After careful consideration of the proposal and comments, we believe that the public interest would be served by the proposed assignment of Channel 247 to Redding, California. As stated in the Notice and discussed in the opposition's comments, a third assignment to Redding exceeds current population guidelines. However, where, as here, the preclusion impact is considered to be insignificant due to the availability of channels to the precluded areas, the guidelines are applied with flexibility and assignments are made in excess of the population criteria. See Waycross, Georgia, 47 R.R. 2d 319 (1980). The transmitter site is restricted to 17

[1] Redding FM is the permittee of FM Station KSHA, Redding, California.

[2] Population figures are taken from the 1980 U.S. Census.

[3] See Wausau, Wisconsin, 49 R.R. 2d 1113, 1115 (1981).

kilometers (10.6 miles) northwest of the city to avoid short-spacing to Station KKBC(FM), Carson City, Nevada. Our decision is based on the assumed availability of Shasta Bally as an available site. Of course, another non-short-spaced site would be acceptable. But if it turns out that no non-short-spaced site is available, it would not be warranted to seek a waiver on the basis of nonavailability. Rather, the deletion of this channel from Redding may be the ultimate recourse. See Pinckneyville, Illinois, 41 R.R. 2d 69 (1977).

8. In view of the above and pursuant to authority contained in Sections 4(i), 5(d)(1) and 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 16, 1982, the FM Table of Assignments, § 73.202(b) of the Commmission's rules, is amended with respect to the community listed below:

City and Channel No.
Redding, California—247, 251, 282

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Montose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-971 Filed 1-13-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1136

[Ex Parte No. MC-122 (Sub-No. 3)]

Interpretation—Intercorporate Hauling; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of interpretative rule change; correction.

SUMMARY: At 46 FR 62462, December 24, 1981, the Commission modified its rules at 49 CFR 1136.1 by adding language to its regulations regarding compensated intercorporate hauling operations (CIH) for motor carriers. The interpretation made clear the determination that there is no prohibition against a transportation firm using an affiliated CIH carrier for the transportation of company traffic. It found, conversely, that the CIH exemption does not extend to the for-hire transportation of traffic tendered the carrier by nonaffiliates.

The authority citation at the end of that notice incorrectly stated the statutory authority as "49 U.S.C. 103231." That authority should be corrected to read "49 U.S.C. 10321."

FOR FURTHER INFORMATION CONTACT:

Edward E. Guthrie, (202) 275-7691.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-920 Filed 1-13-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat Taken in the 1981-1982 Season

Correction

In FR Doc. 82-766, appearing on page 1294, in the issue of Tuesday, January 12, 1982, make the following change:

On page 1294, in the middle column, in the "DATE" paragraph, in the fourth line, change "immediately upon publication", to read "January 12, 1982".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides changes in the Middle Atlantic milk order based on industry proposals considered at a public hearing in September 1981. These changes would reduce for part of the year the proportion of receipts at a distributing plant which must be disposed of as Class I milk, while increasing the percentage of producer milk which may be diverted to nonpool plants. Also, plants that process the market's reserve milk supplies and meet pool performance requirements during certain months of the year will continue to be automatically qualified for pooling for the remaining months. The changes are necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic order area.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued August 18, 1981; published August 21, 1981 (46 FR 42486).

Order Suspending Certain Provisions: Issued September 30, 1981; published October 6, 1981 (46 FR 49102).

Recommended Decision: Issued November 25, 1981; published December 1, 1981 (46 FR 58337).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900) at Philadelphia, Pennsylvania, on September 15, 1981. Notice of such hearing was issued on August 18, 1981 (46 FR 42486).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on November 25, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. However, no participants at the hearing testified about any potentially adverse impacts of the proposals on small businesses. Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that the amendments adopted herein, which are based on the hearing record, would not have a significant economic impact on a substantial number of small entities. The amendments will lessen the regulatory impact of the order on certain milk handlers and will tend to ensure that dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Performance standards for pool distributing plants.

2. Application of the automatic pool plant qualification provision to pool plants other than supply plants.

3. Allowable diversions of producer milk to nonpool plants.

(a) Allowable diversions of individual producers' milk.

(b) Allowable diversions of all producer milk handled by a cooperative association or proprietary handler.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for pool distributing plants.*

The percentage of receipts disposed of as Class I milk that is now required of pool distributing plants should be changed from 40 percent each month of the year to 30 percent for each month of March through August, with the performance standard remaining at 40 percent for the months of September through February.

A proprietary handler receiving milk from nonmember producers proposed that the Class I disposition standard for pool distributing plants be reduced to 30 percent of the plant's receipts for each month of the year. The handler's representative claimed that without such a reduction the handler would be unable to meet the pooling requirements since his Class I utilization percentage is expected to fall short of 40 percent. He asserted that failure of the handler to maintain pooled status would force him to cease his fluid milk operations. The witness pointed out that this handler's declining percentage of Class I use follows the same trend observable in the market as a whole, although admittedly to a greater degree. The frequent suspensions in recent years of distributing plant performance standards for the Middle Atlantic order to facilitate the continued pooling of the milk of producers normally associated with the market were cited as evidence that those standards are too high. A reduction of those standards, he claimed, would obviate the need for continued suspensions.

A representative of a federation of cooperatives supplying over 60 percent of the milk priced under Order 4 testified in opposition to any reduction of the distributing plant performance requirements. This witness stated that

the marketwide Class I utilization is adequate to accommodate the pooling of reserve supplies associated with the market's fluid needs under the present 40 percent performance standard during the months of September through February. Pooling of the seasonal increase in production in the months of March through August, the witness explained, could be accommodated by adoption of the proposal to include all types of plants in the provision for automatic pooling during those months if such plants were pool plants in each of the previous months of September through February. A principal objection voiced in opposition to the proposed reduction of pooling standards was the possible association with the market of additional supplies of milk not needed as reserve supplies. Such additional supplies, it was feared, would reduce overall returns to producers already associated with the market.

This decision takes official notice of the commercial fact that the proponent of reduced distributing plant performance standards discontinued operating a distributing plant a short time after the hearing. However, the problem addressed by the handler's proposal is reflective of market conditions in general, and still may serve as a valid basis for re-examining pool plant performance standards.

Before October 1978, the performance standard required of pool distributing plants was that 50 percent of receipts be used as Class I milk during each month of the year. It was found necessary to suspend those standards for June and July 1976 and May through August 1977, as some handlers experienced difficulty in meeting the 50 percent requirement. A hearing was held in October 1977 at which testimony was given to the effect that producer receipts had been increasing significantly since a marketing area expansion in June 1975, while Class I utilization remained relatively unchanged. As a result, the percentage of producer milk used in Class I had declined from 61 percent in June 1975 to 54 percent in June 1977. No problems had been encountered in operating within the 50 percent performance requirement during the months of September through February, and the Class I utilization percentage had remained above 60 percent for those months. As a result of the October 1977 hearing, performance standards for pool distributing plants were reduced for the months of March through August from 50 percent to 40 percent. The 50 percent standard for September through February was left unchanged.

By October 1978, when the amendments resulting from the previous hearing became effective, some distributing plant operators were encountering difficulty in maintaining their Class I dispositions at 50 percent of their receipts during the months of September through February. The largest distributing plant regulated under Order 4 had become regulated under Order 2, and as a result Class I utilization by Order 4 handlers had declined considerably without a proportionate decline in production. From September–October 1977 to September–October 1978, Class I use as a percent of producer receipts fell from 61 percent to 57 percent. These developments had necessitated the suspension of the 50 percent performance standard for September 1978 through February 1979, and caused handlers to propose a reduction in the performance requirement for September through February from 50 percent to 40 percent. The proposal was adopted on the basis of reduced Class I use, and in May 1979 a 40 percent performance standard for all months became effective. An additional proposal at the October 1978 hearing requested the reduction of the 40 percent standard for March through August to 30 percent. It was determined that such a reduction was not necessary at that time.

After the most recent amendment to distributing plant performance standards in May 1979, handlers continued to experience difficulty in meeting pooling qualifications. Performance standards were suspended for May through August 1980, and for March through August 1981. As a result of a request for emergency suspension at this hearing, pooling requirements were further suspended for September 1981 through February 1982. Although the expected inability of distributing plants to meet pooling standards can be relieved by suspension of those requirements, such suspensions are emergency actions which should be minimized by providing lower pooling standards.

For the months of September through February, it appears that a 40 percent performance standard is liberal enough to assure continued inclusion in the marketwide pool of producers normally associated with the market. For the September 1977 through February 1978 period, when handlers found it possible to operate without suspension of the 50 percent performance standard, Class I utilization averaged 60 percent, with a low of 59 percent. The reduction to a 40 percent standard for those months was requested a year later when Class I use dipped to 55 percent in December 1978. Class I use during September 1980 through February 1981 averaged 52 percent with a low of 50 percent. As in the 1977–78 period, this spread of 10 percentage points between the performance standard and the lowest marketwide Class I utilization experienced in the period should cause distributing plant operators no difficulty in maintaining their pool status.

Since the proceeding in which performance standards for March through August were reduced from 50 to 40 percent, the Class I utilization percentage for that period has fallen from 55 percent in 1977 to 46 percent in 1981. In view of these changes, a 40 percent requirement for the months of March through August is too high for distributing plant operators to operate within consistently. Such a requirement most likely would make it necessary for some handlers to request frequent suspension of the standard in order to remain pooled.

The proposal to include distributing plants in the provision allowing supply plants meeting pool qualifications during the months of September through February to be automatically qualified for the months of March through August is not adopted in this decision. Furthermore, the opportunity for handlers to attach additional supplies of surplus milk to the market because of a reduction in March through August performance standards would be minimal in view of the fact that standards for September through February are to remain at 40 percent. Accordingly, the proposal to reduce the performance standard for pool distributing plants to 30 percent should be adopted for the months of March through August.

2. *Application of the automatic pool plant qualification provision to pool plants other than supply plants.*

Application of the order provision which allows a supply plant meeting pooling qualifications for the months of September through February to remain pooled during the following March through August period should be expanded to include reserve processing plants, but not distributing plants. A proprietary handler proposed that the provision be amended to include all pool plants which meet performance standards for the months of September through February, and that proposal was supported by a federation of cooperative associations. Witnesses for both parties testified that inclusion of all types of plants in this provision would assure that all producers normally associated with the market would continue to have

their milk pooled. The market's declining Class I use and increased volume of milk production were cited as the principal factors which might be expected to prevent handlers from meeting performance requirements in the months of seasonally heavy milk production.

The rationale for the inclusion of the automatic pooling provision in the Middle Atlantic order is the reduced demand for supply plant milk during the generally flush production months of the year. The reserve milk handled by supply plants is an integral part of the market's supply for Class I use during the short production months. During the months of flush production, however, the direct farm supply received at a pool distributing plant is more likely to be sufficient to supply its Class I requirements. At that time, requiring qualifying shipments from supply plants may force handlers to resort to uneconomic movements of milk in order to remain pooled. The automated pooling provision is designed to make such uneconomic movements unnecessary.

A major proportion of the reserve milk supply for the market is processed at the reserve processing plants pooled under the order. A reserve processing plant operated by a proprietary handler, a cooperative association, or a federation of cooperatives which does not meet performance standards as a pool distributing or pool supply plant may be a pool plant if a specified percentage of the milk handled by the plant operator or cooperative is delivered to pool distributing plants. By balancing surplus milk supplies and requirements for fluid milk, reserve processing plants perform much the same function as supply plants in this market. Therefore, the provision that allows plants performing a substantial reserve supply role to be automatically qualified during the flush production months should be made applicable to them as well as to supply plants.

Application of the automatic pooling provision to distributing plants should not be necessary. Distributing plants generally do not carry reserve supplies of milk for the market and thus are not affected as greatly by seasonal fluctuations of production as are supply plants and reserve processing plants. The reduction in distributing plant performance standards for the months of March through August should be adequate to solve any problems caused by fluctuations in production which are encountered by distributing plants in their role as handlers of producer milk.

3. *Diversion provisions.*

The order should be amended to increase allowable diversions of producer milk to nonpool plants to 30 percent of a handler's milk supply which is received at all pool plants during any months of September through February. A proposal to increase the number of days' production for each producer that may be diverted to nonpool plants during those months should not be adopted.

The order now provides that a handler's total monthly diversions to nonpool plants during September through February may not exceed 25 percent of the producer milk delivered by the handler to pool plants during the month. Alternatively, up to 18 days' production of each dairy farmer may be diverted during the month to nonpool plants. No diversion limitations apply during the months of March through August.

The increased percentage of allowable diversions was proposed by a cooperative association and supported by the federation of cooperatives of which it is a member and by another cooperative association. The witness testifying on behalf of the proposal stated that as production has expanded and the number of plants processing Class I milk has declined, it has been necessary to place more reliance on nonpool plants for handling the reserve supplies of the market. Estimated deliveries by this cooperative association for August 1981–July 1982 to three nonpool plants in Pennsylvania were projected at 24 percent over deliveries to those plants in 1977. Due to these factors, the cooperative claims it is necessary to modify the diversion limit in order to accommodate efficient handling and pooling of milk production of its members, which is an important part of the necessary reserve milk supply for the market. There was no testimony in opposition to the requested increase of allowable diversions to nonpool plants.

Testimony given at the hearing relating to current levels of production, Class I use, and the capacity of the market's reserve processing plants to handle surplus milk indicates that failure to increase the diversion allowance is likely to result in uneconomic movements of milk during the September through February period in order to qualify it for pooling. Since 1971 when the present diversion allowances were determined, production in the Middle Atlantic market has increased more than 25 percent, while the amount of producer milk used in Class I has increased just over 1 percent. As a result, from 1971 to 1980 Class I utilization of producer milk in the market declined from 63.6 percent to 51.5 percent. During this same period, handlers have followed a trend of bottling milk on fewer days of the week. Most bottling plants have tended to require milk only on those days that they are bottling due to demand patterns of schools and supermarkets. Consequently, a large proportion of the milk received on heavy bottling days may be required to meet the demand for fluid needs while milk received from farms on other days of the week is almost entirely surplus. In view of these facts, it is hardly surprising that provisions for disposing of surplus milk considered appropriate in 1971 have since become inadequate. The allowance for diversions to nonpool plants in September through February should therefore be increased from 25 to 30 percent of a handler's milk received at pool plants.

The proposal to increase a producer's allowable days of production diverted to a nonpool plant from 18 to 21 was made by the same proprietary handler who proposed reducing distributing plant performance standards to 30 percent for all months of the year. Twenty-one days' diverted production would correspond to the 70 percent of receipts supplemental to the 30 percent Class I disposition required by the proposal. The cooperative federation opposed this proposal as they did the 30 percent performance standard with which it correlates. Because the 30 percent pool qualification has not been adopted for the months of September through February to which the diversion allowances apply, there should be no change in the days' production of each producer's milk which may be diverted to nonpool plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings On Exceptions

No exceptions were filed.

Marketing Agreement And Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on January 8, 1982

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[1] amending the order, regulating the handling of milk in the Middle Atlantic marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the miminum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on November 25, 1981, and published in the **Federal Register** on December 1, 1981 (46 FR 58337), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA.

1. In § 1004.7 paragraphs (a) and (e) introductory texts are revised to read as follows:

§ 1004.7 Pool plant.

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August, of its receipts described in paragraph (a) (1) or (2) of this section is disposed of a Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

* * * * *

(e) Subject to the conditions of paragraph (e)(1) of this section, a plant that was qualified pursuant to paragraphs (b), (c), or (d) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pursuant to said paragraphs (b), (c), or (d) of this section:

* * * * *

2. In § 1004.12 paragraphs (d)(2) (i) and (ii) are revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

* * * * *

[FR Doc. 82-1023 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 1007

[Docket No. AO-366-A18]

Milk in the Georgia Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Correction

In FR Doc. 82-532 appearing on page 962 in the issue of Friday, January 8, 1982, second column, § 1007.7(a), fifth line, "* * * fully * * *" should read "* * * duly * * *".

BILLING CODE 1505-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

[IRPS 81-8]

Full and Fair Disclosure Required; Proposed Interpretive Ruling and Policy Statement

[Editorial Note.—An incorrect version of this document, FR Doc. 82-296, appears in the issue of January 6, 1982 at 47 FR 633. The correct text is reprinted in full below.]

AGENCY: National Credit Union Administration (NCUA).

ACTION: Extension of the comment period.

SUMMARY: Because of delays in distribution of the revised Accounting Manual, the NCUA Board is extending the comment period on proposed IRPS 81-8.

DATE: Comments must be received on or before April 15, 1982.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street, NW., Washingtoin, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Jospeh Visconti, Surveillance Systems Officer, or Henry Moore, Accounting Officer, Office of Examination and Insurance, Telephone (202) 357-1065.

SUPPLEMENTARY INFORMATION: On October 13, 1981 (46 FR 50387), the National Credit Union Administration published for public comment a proposed Interpretive Ruling and Policy Statement (IRPS) 81-8. The IRPS advises that by adhering to the accounting principles and standards in Section 2000 of the Accounting Manual, credit unions would be in compliance with the full and fair disclosure provisions of 12 CFR Part 702.

IRPS 81-8 was issued as a companion action to the proposed deregulation of the Accounting Manual for Federal Credit Unions (46 FR 48940, October 5, 1981). The proposal removes the Accounting Manual from the incorporation by reference provisions of 12 CFR 701.2 and 12 CFR 701.14.

Because of problems encountered in distribution, some credit unions did not receive the recently revised version of the Accounting Manual in sufficient time to review that document and comment on the proposed IRPS and deregulation. Therefore, the comment periods on both proposals are extended for an additional period of time.

December 30, 1981.

Rosemary Brady,

Secretary of the Board.

December 30, 1981.

BILLING CODE 1505-02-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

Amendment to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations in order to obtain statistical data on movements of merchandise into and out of U.S. Foreign Trade Zones.

The statistics obtained from this revised system of handling U.S. Foreign Trade Zone admissions and exportations will have the capacity to reflect in a timely fashion the full range of information on the movement of merchandise into and out of U.S. Foreign Trade Zones while keeping the reporting burden to a minimum.

DATE: Comments should be submitted on or before March 15, 1982.

ADDRESS: Send comments to the Director, Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-5342.

SUPPLEMENTARY INFORMATION: At the present time, the official U.S. import and export statistics reflect the movement of merchandise into and out of the Customs territory of the United States, and thus exclude merchandise admitted to U.S. Foreign Trade Zones and reexported, having never been entered into U.S. Customs territory. At the time that the present U.S. Foreign Trade Zone procedures were established (during the 1950's), there were about a half dozen Foreign Trade Zones in the United States with a very low volume of activity. This number has now increased to over 50 U.S. Foreign Trade Zones, some with related subzones. In addition, the nature of the activities taking place in U.S. Foreign Trade Zones has undergone substantial change. In the earlier years, the activities of U.S. Foreign Trade Zones were confined largely to sorting, grading, marking, and repackaging of merchandise. Current activities are expanding to include major manufacturing, assembling, testing, and other merchandise processing functions. Accordingly, notification was given to members of the ad hoc Interagency Committee on Foreign Trade Statistical Matters, Customs, the Foreign Trade Zone Board, and the Foreign Trade Zone Operators of the Bureau of the Census intention to expand the coverage of its foreign trade statistics to include the movement of merchandise into and out of U.S. Foreign Trade Zones.

The information collected in association with this rule will be

obtained from Customs Form 214 (O.M.B. No. 1515–0086). Customs requires this form for Zone tenants use in applying for admission of merchandise into a U.S. Foreign Trade Zone. Thus, their action does not require any new forms or the collection of any additional information. These documents will serve as the basic source for including in the general import statistics foreign merchandise admitted into U.S. Foreign Trade Zones in terms of the condition of such merchandise when admitted. If such merchandise enters the Customs territory of the United States from U.S. Foreign Trade Zones, it will be included in the import for consumption statistics in terms of its condition when entering the U.S. Customs territory. The procedures will also afford information on movements of domestic merchandise out of the U.S. Customs territory into U.S. Foreign Trade Zones.

Presently, Form 7513, Shipper's Export Declaration for Intransit Goods, is used for exports of foreign merchandise from U.S. Foreign Trade Zones but is not included in the regular export statistics. The inclusion of exports of merchandise from U.S. Foreign Trade Zones in the regular export statistics will simply require that Form 7525–V instead of Form 7513 be used to reflect such movements. If foreign merchandise is exported from the U.S. Foreign Trade Zone in the same condition as when admitted, it will be included in the export statistics as an export of foreign merchandise. If the merchandise has been subjected to processing while in the Zone, such as refining, assembling, manufacturing, and so forth, it will be reflected in the export statistics as an export of domestic merchandise.

This is not a major rule in accordance with the criteria set forth in Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Moreover, the amendment imposes no additional reporting burden on the public, thus satisfying the requirements of the Paperwork Reduction Act of 1980.

PART 30—FOREIGN TRADE STATISTICS

To effect these changes, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

1. Section 30.3(a)(2) is hereby amended by removing the words "or from Foreign Trade Zones" so that as amended the initial sentence reads as follows:

§ 30.3 Shipper's export declaration form.

(a) * * *

(2) For merchandise shipped in transit through the United States, Puerto Rico, or the Virgin Islands of the United States from one foreign country or area to another, including such merchandise destined from one foreign place to another and transshipped in ports of the United States, Puerto Rico, or the Virgin Islands of the United States, and for foreign merchandise exported from General Order Warehouses, the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) shall be filed. * * *

* * * * *

2. Section 30.7(a) is hereby revised by adding immediately succeeding the final sentence the statement "For merchandise exported after having been in a U.S. Foreign Trade Zone, the letters 'FTZ' followed by the Foreign Trade Zone number shall be inserted in lieu of the U.S. port of export." As revised § 30.7(a) reads as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(a) *Port of export.* The name of the U.S. Customs port of exportation shall be entered in terms of Schedule D, Classification of Customs Districts and Ports. (See § 30.20(c) for definition of port of exportation.) (The boxes for District and Port codes in the upper portion of the form are to be completed by Customs except where the Customs Director requests that they be completed by the person preparing the declaration.) For shipments by mail, the name of the Post Office where the package is mailed shall be inserted in the space for U.S. port of export. For merchandise exported after having been in a U.S. Foreign Trade Zone, the letters "FTZ" followed by the Foreign Trade Zone number shall be inserted in lieu of the U.S. port of export.

* * * * *

3. Section 30.7(p)(1) and (2) are hereby revised by inserting the phrase "including U.S. Foreign Trade Zones" immediately following "United States" in all four places in which it appears so that as revised § 30.7(p)(1) and (2) read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(p) *"D" (Domestic) or "F" (Foreign).* (1) The export declaration covering exports to foreign countries shall show foreign goods separately from goods of domestic production. Exports of foreign merchandise include those commodities which are the growth, produce, or manufacture of foreign countries which entered the United States, including U.S. Foreign Trade Zones, as imports and which at the time of exportation have undergone no change in form or condition or enhancement in value by further manufacture in the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions.

(2) Exports of domestic merchandise include those commodities which are the growth, produce, or manufacture of the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions (including commodities incorporating foreign components), and those articles of foreign origin which have been enhanced in value or changed from the form in which imported by further manufacture or processing in the United States, including U.S. Foreign Trade Zones, Puerto Rico, or U.S. Possessions.

* * * * *

4. The heading for §.30.70(b) is hereby revised by adding the parenthetical note "(Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)" so that as revised the heading for § 30.70(b) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(b) *Importing vessel or carrier.* (Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)

* * * * *

5. Section 30.70(c)(1) is hereby revised by inserting between the first and second sentences, the statement "This information is not required for merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone." As revised, § 30.70(c)(1) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(c) * * *

(1) (Customs Forms 7501, 7502, 7512

and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft that carried the merchandise to the United States is required. This information is not required for merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone. For shipments originating in either Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, supply the name of the province (Canada) or state (Mexico) where the merchandise was first loaded for exportation to the United States.

* * * * *

6. A new § 30.70(c)(3) is hereby added immediately following § 30.70(c)(2) to read as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(c) * * *

(3) For merchandise entering the U. S. Customs territory from a U.S. Foreign Trade Zone, the number of the Foreign Trade Zone, preceded by the letters "FTZ" shall be shown in this space.

* * * * *

7. The heading for § 30.70(d) is hereby revised by adding the parenthetical note "(Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)" so that as revised the heading for § 30.70(d) reads as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(d) *U.S. port of unlading.* (Not required for merchandise entering U.S. Customs territory from U.S. Foreign Trade Zones.)

§ 30.80 [Reserved]

8. Section 30.80 is hereby removed in its entirety and that section number is reserved for future use.

(Title 13, U.S.C., section 302; and title 5, United States Code, section 301; Reorganization Plan No. 5 of 1950; Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 FR 42765)

Bruce Chapman,

Director, Bureau of the Census.

I concur:

John R. Simpson,

Acting Assistant Secretary, Department of the Treasury.

November 25, 1981.

[FR Doc. 82–869 Filed 1–13–82; 8:45 am]

BILLING CODE 3510–07–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–18397; File No. S7–787]

Designation of National Market System Securities; Deferral of Proposed Amendments and Request for Comments

Cross Reference

For a document announcing that the Commission is deferring action and accepting comments on certain proposed amendments to the rule governing the designation of national market system securities, See FR Doc. 82–916 published in the Rules section of this issue. Refer to the table of contents for the appropriate page number.

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

Generalized System of Preferences; Evidence of the Country of Origin

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: For all shipments of imported merchandise valued in excess of $250, a claim for an exemption from duty under the Generalized System of Preferences ("GSP"), must be supported by the production of a GSP Certificate of Origin Form A.

This document proposes to amend the Customs Regulations by giving the district directors of Customs discretion to waive production of the Form A as evidence of the country of origin in all cases when the district director is satisfied that the articles qualify for duty-free entry under GSP. This amendment would remove the burden on importers of acquiring a Form A from foreign governments when, through no fault of the importer, one cannot be obtained and the merchandise qualifies for duty-free treatment in all other aspects.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Benjamin Mahoney, Entry Procedures and Penalties Division (202–566–5765); Operational Aspects: Fred McGreevy, Duty Assessment Division (202–566–2957).

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade Act of 1974 (19 U.S.C. 2461–2465) (the "Trade Act"), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free entry for eligible articles arriving directly from designated "beneficiary developing countries." Section 503(b) of the Trade Act (19 U.S.C. 2463(b)), relating to the requirements which must be met for eligible articles to receive duty-free treatment, authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary to carry out the provisions of that subsection.

Sections 10.171 through 10.178, Customs Regulations (19 CFR 10.171–10.178), set forth the requirements and procedures for the entry of eligible merchandise from "beneficiary developing countries" under GSP. Section 10.173(a), Customs Regulations, requires that except as provided in paragraph (a)(5) of that section, the importer or consignee of a shipment of eligible merchandise, valued in excess of $250, claiming duty-free treatment under GSP shall file with the district director in connection with the entry a Form A, as evidence of the country of origin. Paragraph (a)(2) permits the district director to accept a duplicate Form A in the event of loss, theft, or destruction of the original certificate. Further, paragraph (a)(3) permits the district director to accept the entry and release the merchandise under bond where the Form A, or a duplicate, is unavailable at the time of entry. Under this procedure, the importer has 60 days from the date of entry, or such additional period of time as the district director may allow, to file the Form A with Customs and still obtain duty-free treatment. If the Form A is not delivered, the district director would treat the entry as dutiable and could cancel the bond or the charge against the bond, as he deems appropriate. Section 10.173(a)(5)(i) provides that the district director may waive the production of a Form A *only* in the case of articles for personal or household use which are not intended for resale or brought in for the account of others, when the district director is otherwise satisfied that the merchandise qualifies for duty-free entry under GSP. Section 10.173(a)(5)(ii) provides that until March 31, 1976, the district director may waive production of a Certificate of Origin when he is

otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

This document proposes to amend § 10.173(a) to give the district director the discretion to waive production of the Form A for *all* entries of merchandise, regardless of value, when he is satisfied that the merchandise qualifies for duty-free entry under GSP. The proposed change would remove the regulatory burden on importers of acquiring a Form A from foreign governments when, through no fault of their own, one cannot be obtained, and the merchandise qualifies for duty-free treatment in all other aspects. This would be of benefit to the importing public in that a significant amount of money spent in communicating back and forth between the United States and foreign countries would be saved. This proposed amendment also would benefit Customs by eliminating the need for withholding appraisement on relatively insignificant shipments; the considerable time spent in the process of filing GSP entries; the charging of bonds for missing documents (namely the Form A); and in the follow-up process relating to the production of the missing documents.

It also is proposed to remove § 10.173(a)(5)(ii) which is no longer needed.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Proposed Amendment

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to revise § 10.173(a)(5), Customs Regulations (19 CFR 10.173(a)(5)), to read as follows:

§ 10.173 Evidence of the country of origin.

(a) *Shipments valued in excess of $250.* * * *

(5) *Waiver of Certificate of Origin.* The district director may waive production of a Certificate of Origin when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

* * * * *

Authority

This amendment is proposed under the authority of R.S. 251, as amended, sections 304, 624, 46 Stat. 759, section 503(b), 88 Stat. 2069, (19 U.S.C. 66, 1624, 2463(b)).

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that if promulgated, the regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, this regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

The proposed amendment would remove a regulatory burden on the part of importers. The economic impact, if any, on a number of small entities would be an economic benefit in that a significant amount of money would be saved by the importer in communicating between the U.S. and the foreign country to obtain the certificate. Further, an additional benefit would inure to the importer in that there would be a substantial economic gain derived from the time saved in the processing of entries where a Form A is missing.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

A. R. DeAngelus,

Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1030 Filed 1-13-82; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 18

Entry of Merchandise Transported In-Bond

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: Upon arrival of imported merchandise transported in-bond at the port of destination, the delivering carrier is required to promptly furnish Customs appropriate documentation as a notice of arrival of the merchandise. Thus, Customs can inspect and appraise the merchandise and collect duty, if applicable.

If there is a shortage of one or more packages or nondelivery of an entire shipment and an inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry may be accepted by Customs if the merchandise is recovered intact without any of the packages having been opened. However, if the merchandise cannot be recovered intact, entry cannot be accepted. As a result of not accepting entry, no trade statistics are collected on the merchandise. Effective administration by Customs of quotas, orderly marketing agreements, and import monitoring may be jeopardized as well as trade data used for international trade negotiations. Accordingly, this document proposes to amend the Customs Regulations to authorize acceptance of an entry of the merchandise even though the merchandise cannot be recovered intact.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: William Marchi, Duty Assessment Division (202–566–2957); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Under sections 552 and 553, Tariff Act of 1930 (19 U.S.C. 1552, 1553), any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States, may be entered without appraisement or payment of Customs duty for: (1) Transportation in-bond to any other port of entry; or (2) transportation in-bond through the United States for exportation. Either transportation must be made under regulations prescribed by the Secretary of the Treasury, most of which are set forth in Part 18, Customs Regulations (19 CFR Part 18).

Under § 18.2(d), Customs Regulations (19 CFR 18.2(d)), upon arrival of the merchandise at the port of destination, the delivering carrier is required to promptly furnish Customs with the in-bond manifest and other appropriate documentation as a notice of arrival of the merchandise. Thus, Customs can inspect and appraise the merchandise and collect duty, if applicable.

Section 18.6, Customs Regulations (19 CFR 18.6), sets forth the procedures to be used at the port of destination in the event of nondelivery to Customs of an entire shipment or if there is a shortage of one or more packages in a shipment.

Under § 18.6(b), Customs Regulations, if there is a shortage of one or more packages or nondelivery of an entire shipment and an inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry may be accepted by Customs if the merchandise is recovered intact without any of the packages having been opened.

However, under § 18.6(c), Customs Regulations, if the merchandise cannot be recovered intact, under the circumstances specified in § 18.6(b), entry cannot be accepted. In that event, a demand for liquidated damages under the bond is sent to the initial bonded carrier. As a result of not accepting entry, no trade statistics are collected on the merchandise.

It is believed that the reason for not accepting entry, which has been adhered to since 1936, is that Customs officers could not appraise what they could not see. In addition, it was believed that the penalties assessed against the carrier as liquidated damages under its bond would deter the carrier from violating the regulations. However, Customs has found that the penalties are no longer a deterrent and that vital import statistics are not being collected.

Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act of 1978," made numerous changes in laws administered by Customs relating to the entry of imported merchandise. Section 102 of Pub. L. 95–410 amended 19 U.S.C. 1484(a) by providing that entry shall be made by filing the documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provided that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation. Furthermore, that section provided for the issuance of regulations to ensure the accuracy and timeliness of statistics under the new entry procedures, particularly statistics with regard to the classification and value of imports.

However, under the circumstances set forth in §18.6(c), if no entry is made, no trade statistics are being collected. Effective administration by Customs of quotas, orderly marketing agreements, and import monitoring may be jeopardized as well as trade data used for international trade negotiations.

Therefore, this document proposes to amend § 18.6(c) to authorize acceptance of an entry of merchandise even though the merchandise cannot be recovered intact. In accordance with § 141.4, Customs Regulations, an entry is required for imported merchandise, unless such entry requirement is specifically exempt by law or regulations. The net effect of this proposal would be to require the filing of an entry for merchandise which cannot be recovered intact. A demand for liquidated damages under the bond would still be sent to the initial bonded carrier.

Authority

This amendment is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 484, 552, 553, 624, 46 Stat. 722, as amended, 742, as amended, 759 (19 U.S.C. 1484, 1552, 1553, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commmissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

E.O. 12291

The proposed amendments do not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared for this regulatory project.

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601, et seq.), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

PART 18—TRANSPORTATION IN-BOND AND MERCHANDISE IN TRANSIT

It is proposed to amend § 18.6(c), Customs Regulations (19 CFR 18.6(c)), by revising it to read as follows:

§ 18.6 Short shipments; shortages; entry and allowance.

* * * * *

(c) If the merchandise cannot be recovered intact, as specified above, entry may be accepted for the full manifested quantity unless a lesser amount is otherwise permitted in accordance with Subpart A of Part 158. Except as provided in paragraph (d) of this section, there shall be sent to the initial bonded carrier a demand for liquidated damages on Customs Form 5955–A, in the case of nondelivery of an entire shipment or on Customs Form 5931, in the case of a partial shortage.

* * * * *

George C. Corcoran,
Acting Commissioner of Customs.

Approved: December 15, 1981.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 82–1037 Filed 1–13–82; 8:45 am]
BILLING CODE 4820–02–M

---

19 CFR Part 177

Tariff Classification: Garments With Simulated Features

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing its current uniform and established practice of classifying certain garments with simulated features as not ornamented wearing apparel. To assist in the review, public comments are invited as to whether Customs should change its practice and consider such simulated features as ornamentation for tariff purposes.

DATE: Comments (preferably in triplicate) must be received on or before March 15, 1982.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Philip Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

In classifying imported wearing apparel for Customs purposes, the question often arises whether or not such apparel is ornamented or not ornamented. Generally, ornamented wearing apparel is subject to a higher rate of duty than not ornamented wearing apparel.

Under an existing uniform and established practice Customs has classified certain garments with simulated features as not ornamented if those simulated features (1) simulate functional features normally found on the subject garment; (2) are located where those functional features would usually be found; and (3) are no more decorative than the functional features they simulate.

The tariff classification of ornamented and not ornamented wearing apparel was the subject of a recent notice published in the **Federal Register** on August 21, 1981 (T.D. 81–214, 46 FR 42446). In that notice Customs discussed, at some length, the applicability of the decision of the U.S. Court of Customs and Patent Appeals in *The Ferriswheel* v. *United States,* C.A.D. 1260, to the classification of certain garments, not including garments with simulated features. At this time, and in view of the principles expressed in the *Ferriswheel* decision, and in prior judicial decisions (*e.g., Blairmoor* v. *United States,* 60 Cust. Ct. 388, C.D. 3396 (1968); *Colonial Corp.* v. *United States,* 62 Cust. Ct. 502, C.D. 3815 (1969)), Customs believes its practice with respect to the classification of garments with simulated features is in error.

The court held in *Ferriswheel* that garments having clearly ornamental features are not classifiable as not ornamented solely because the ornamentation is necessary to make those garments authentic. In the case of simulated features, those simulations have no functional capability, even though they may be appropriate to the garment and serve to visually enhance the appearance of the garment. Following the reasoning in *Ferriswheel,* and other judicial precedents, because a simulated feature adds to the visual effect of a garment or article, that garment or article must be judged by the same standards as other garments or articles (i.e., whether the simulation is primarily functional or primarily decorative).

Proposed Change of Practice

In view of the above, Customs believes that simulations on wearing apparel such as false pocket flaps, simulated belts or belt segments, simulated pocket openings, and simulated garment openings, among other simulations, if primarily decorative, should constitute ornamentation for tariff classification purposes.

Accordingly, comments are invited as to whether Customs should change its practice and consider such simulated features as ornamentation for tariff purposes.

Authority

Inasmuch as the proposed change of practice would affect the assessed duties on garments subject to such change, Customs is giving this notice and opportunity for comment in accordance with section 315 (d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

Consideration will be given to any written comments submitted in writing to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business hours at the Regulations Control Branch, Headquarters, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this notice was Robert Joseph Pisani, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices within Customs participated in its development.

Dated: December 28, 1981.

William T. Archey,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–1040 Filed 1–13–82; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 4, 16]

Determination of Certain Impairment-Related Work Expenses for Substantial Gainful Activity Purposes and for Purposes of Determining Countable Earned Income

Correction

In FR Doc. 81–215 appearing on page 642 in the issue of Wednesday, January 6, 1982, make the following correction:

On page 647, third column, the heading reading *Part 2—Supplemental Security Income for the Aged, Blind, and Disabled* should have read *Part 416—Supplemental Security Income for the Aged, Blind and Disabled.*

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 58

[ORD–FRL–1962–2]

National Ambient Air Quality Measurement Methodology Ambient Air Quality Surveillance; Proposed Minor Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Current EPA regulations in 40 CFR Parts 50 and 58 require that pollutant concentration standards used to calibrate and audit air monitoring instruments be traceable to National Bureau of Standards (NBS) Standard Reference Materials (SRM). This requirement has created a substantial demand for SRM's which NBS has found difficult to fulfill in a timely manner.

To help alleviate this problem, NBS and EPA have jointly established a program to allow gas manufacturers to produce and sell high quality gas standards called Certified Reference Materials (CRM). These CRM's are prepared and certified according to NBS/EPA CRM procedures (described in EPA publication No. EPA–600/7–81–010), and they are considered equivalent to SRM's for purposes of establishing traceability of working standards used for calibrations and audits. The amendments proposed below will revise appropriate paragraphs of Parts 50 and

58 to specifically allow CRM's in lieu of SRM's for those purposes. Also, the term "traceable" is formally defined to refer to either a direct certification against the SRM or CRM or a direct certification against a local primary standard that must be certified directly against the SRM or CRM, unless the Administrator or a Regional Administrator approves an alternate certification.

DATES: Comments should be received no later than February 16, 1982.

ADDRESS: Comments (in duplicate, if possible) should be sent to Public Docket No. A–81–35, U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. This docket may be inspected at this address between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Darryl J. von Lehmden, Senior Scientific Advisor (MD–77), Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–2415.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed rule is not a major regulation because it would result in no increased costs to state and local air monitoring agencies.

This proposed rule has been submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule, if promulgated, would impose no new regulatory requirements; it would merely revise existing air monitoring regulations to specifically allow the use of commercially available Certified Reference Materials in lieu of Standards Reference Materials to establish the traceability of pollutant concentration standards used to calibrate and audit air monitoring instruments.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

For the reason cited above, it is proposed to amend 40 CFR Parts 50 and 58 as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. By amending § 50.1 to include an additional definition by adding paragraph (h) to read as follows:

§ 50.1 Definitions.

* * * * * *

(h) "Traceable" means a gas cylinder or other pollutant standard that has been certified directly against either (1) a specified primary standard (e.g., National Bureau of Standards or equivalent) or (2) a local primary standard that has been certified directly against the specified primary standard, unless an alternate certification is specifically approved in writing by the Administrator or by a Regional Administrator.

2. By revising paragraphs 1.3.1, 2.3.1, 2.3.1.1 and 2.3.1.2 in the *Calibration* section of Appendix F, "Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)," to read as follows:

* * * * *

1.3.1 *No concentration standard.* Gas cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_2. The assay of the cylinder must be traceable to a National Bureau of Standards (NBS) NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684), an NBS NO_2 Standard Reference Material (SRM 1629), or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 14, and a list of CRM sources is avaiable from the address shown for Reference 14. A recommended protocol for certifying NO gas cylinders against either an NO SRM or CRM is given in section 2.0.7 of Reference 15. Reference 13 gives procedures for certifying an NO gas cylinder against an NBS NO_2 SRM and for determining the amount NO_2 impurity in an NO cylinder.

* * * * *

2.3.1 *Calibration Standards.* Calibration standards are required for both NO and NO_2. The reference standard for the calibration may be either an NO or NO_2 standard, and must be traceable to a National Bureau of Standards (NBS) NO in NO_2 Standard Reference Material (SRM 1683 or SRM 1604), an NBS NO_2 Standard Reference Material (SRM 1629), or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 14, and a list of CRM sources is available from the address shown for Reference 14. Reference 15 gives recommended procedures for certifiying an NO gas cylinder against an NO SRM or CRM and for certifying an NO_2 permeation device against an NO_2 SRM. Reference 13 contains procedures for certifying an NO gas cylinder against an NO_2 SRM and for certifying an NO_2 permeation device against an NO SRM or CRM. A procedure for determining the amount of NO_2 impurity in an NO cylinder is also contained in Reference 13. The NO or NO_2 standard selected as the reference standard must be used to certify the other standard to ensure consistency between the two standards.

2.3.1.1 *NO_2 Concentration Standard.* A permeation device suitable for generating NO_2 concentrations at the required flow-rates over the required concentration range. If the permeation device is used as the reference standard, it must be traceable to an SRM or CRM as specified in 2.3.1. If an NO cylinder is used as the reference standard, the NO_2 permeation device must be certified against the NO standard according to the procedure given in Reference 13. The use of the permeation device should be in strict accordance with the instructions supplied with the device. Additional information regarding the use of permeation devices is given by Scaringelli et al. (11) and Rook et al. (12).

2.3.1.2 *NO Concentration Standard.* Gas cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_2/. If the cylinder is used as the reference standard, the assay of the cylinder must be traceable to an SRM or CRM as specified in 2.3.1. If an NO_2 permeation device is used as the reference standard, the NO cylinder must be certified against the NO_2 standard according to the procedure given in Reference 13.

3. By adding the following references to Appendix F:

References

* * * * *

14. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

15. Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods. EPA–600/4–77–027a, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina 27711, July, 1979.

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

4. By amending § 58.1 to include an additional definition by adding paragraph (r) to read as follows:

§ 58.1 Definitions.

* * * * *

(r) "Traceable" means a gas cylinder or other pollutant standard that has been certified directly against either (1) a specified primary standard (e.g., National Bureau of Standards or equivalent) or (2) a local primary standard that has been certified directly against the specified primary standard, unless an alternate certification is specifically approved in writing by the

Administrator or by a Regional Administrator.

5. By revising paragraph 2.3.1 of Appendix A, "Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)," to read as follows:

2.3.1 Gaseous standards (permeation tubes, permeation devices or cylinders of compressed gas) used to obtain test concentrations for CO, SO_2, and NO_2 must be traceable to either a National Bureau of Standards (NBS) gaseous Standard Reference Material (SRM) or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 7, and a list of CRM sources is available from the address shown for Reference 7. A recommended protocol for certifying gaseous standards against an SRM or CRM is given in References 2 and 3. Direct use of a CRM as a working standard is acceptable, but direct use of an NBS SRM as a working standard is discouraged because of the limited supply and expense of SRM's.

6. By adding "CRM," to the third sentence of the fourth paragraph of section 3.1.2 of Appendix A to read: * * * The auditing standards and calibration standards may be referenced to the same NBS SRM, CRM, or primary UV photometer. * * *

7. By adding the following reference to Appendix A:

References

* * * * *

7. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January, 1981.

8. By revising paragraph 2.3.1 of Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring," to read as follows:

2.3.1 Gaseous standards (permeation tubes, permeation devices or cylinders of compressed gas) used to obtain test concentrations for CO, SO_2, and NO_2 must be traceable to either a National Bureau of Standards (NBS) gaseous Standard Reference Material (SRM) or an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 7, and a list of CRM sources is available from the address shown for Reference 7. A recommended protocol for certifying gaseous standards against an SRM or CRM is given in References 2 and 3. Direct use of a CRM as a working standard is acceptable, but direct use of an NBS SRM as a working standard is discouraged because of the limited supply and expense of SRM's.

9. By adding, "CRM," to the third sentence of the second paragraph of section 3.2 of Appendix B to read: * * * The auditing standards and calibration standards may be referenced to the same NBS SRM, CRM, or primary UV photometer. * * *

10. By adding the following reference to Appendix B:

References

* * * * *

7. A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials.

EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

[FR Doc. 82–1025 Filed 1–13–82; 8:45 am]
BILLING CODE 6560–35–M

---

40 CFR Part 52

[A–1–FRL 2003–8]

Approval and Promulgation of Implementation Plans; Rhode Island; Group II CTGs and Revisions To Existing SIP Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to announce EPA's proposed action on Rhode Island's January 9 and July 23, 1981 submittals of Group II regulations and other revisions to their existing state implementation plan (SIP) regulations which were submitted to EPA on August 17, 1981. EPA is proposing to approve Regulation 11, Petroleum Liquids Marketing and Storage; Regulation 12, Incinerators; and Regulation 18, Control of Solvent Metal Cleaning Emissions; and conditionally to approve Regulation 21, Graphic Art Printing Operations. EPA is taking no action at this time on the portion of the SIP applicable to sources covered by the control technique guideline (CTG) for Synthesized Pharmaceutical Products.

DATES: Comments should be sent to Harley F. Laing, Chief Air Branch, Room 1903, JFK Federal Building, Boston, Mass. 02203 on or before February 16, 1982.

ADDRESSES: Copies of the Rhode Island submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; and the Department of Environmental Management (DEM), Division of Air and Hazardous Materials, Cannon Building, 75 Davis Street, Providence, Rhode Island 02908.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203. (617) 223–5631.

SUPPLEMENTARY INFORMATION: Pursuant to Part D of the Clean Air Act, EPA approved the ozone portion of Rhode Island's SIP in the May 7, 1981 **Federal Register** (46 FR 25446) which committed the state to adopt and submit reasonably available control technology (RACT) requirements by January 1, 1981 for the sources covered by the CTGs Group II, published between January 1978 and January 1979. The recommended emission limitation contained in the CTGs are a "presumptive norm"—that is, they are emission limitations which EPA believes may be attained by applying RACT. EPA acknowledges that what is RACT for a general source category may not be reasonably available for a particular source or even several sources within a source category. It is EPA policy to accept, as part of a state's VOC control strategy, emission limitations for particular sources or source categories which are different from the EPA recommended numbers, if such new emission limitations are based upon documented evaluations of what is RACT for each source or group of sources within the source category.

I. Group II CTG Regulations

On January 9, 1981, Rhode Island submitted regulations to EPA for Storage of Petroleum Liquids: External Floating Roof Vessels holding gasoline and Graphic Art Printing Operations, and justifications for not regulating the four categories of Synthesized Pharmaceutical Products, Perchloroethylene Dry Cleaning Systems, Miscellaneous Metal Coatings, and Leaks from Gasoline Tank Trucks and Vapor Collection Systems. On July 23, 1981, Rhoide Island submitted a letter certifying that there are no sources in the state in the three Group II categories of Surface Coating of Flatwood Paneling, Manufacture of Pneumatic Rubber Tires, and Leaks from Petroleum Refinery Equipment.

A. Storage of Petroleum Liquids: External Floating Roof Vessels Section (11.6)

Rhode Island's Regulation 11 Section 11.6 for Storage of Petroleum Liquids: External Floating Roof Vessels is consistent with EPA's guidance as referenced in the CTG: *Control of*

Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks, except that Rhode Island's regulation only controls external floating roof tanks storing gasoline. Rhode Island certified in a letter dated July 23, 1981 that there are no external floating roof tank sources in the state storing any petroleum liquids other than gasoline.

Proposed action: EPA is proposing to approve this regulation as a revision to Rhode Island's SIP.

B. Graphic Art Printing Operations (21)

Rhode Island's Regulation 21 for Graphic Arts Printing Operations is consistent with EPA's guidance as referenced in the CTG: *Graphic Arts—Rotogravure and Flexography* except that it does not regulate specialty printing defined as "* * * all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing" (EPA policy memo December 2, 1980, "RACT for Specialty Printing Operations" available at locations cited in the Addresses section of this Notice), nor does it regulate for overall reductions in volatile organic compounds (VOC) according to the different processes (75 percent for publication rotogravure, 65 percent for packaging rotogravure, and 60 percent for flexographic printing). In a letter dated July 23, 1981, Rhode Island DEM informed EPA that it is revising certain sections of Regulation 21 to be consistent with the above referenced CTG. Therefore, EPA proposes to approve this regulation pending submission of a regulation including specialty printing and including EPA recommended overall reduction efficiencies.

Proposed action: EPA is proposing to approve Rhode Island's Regulation 21 conditioned upon the submittal of a revised regulation which includes specialty printing and EPA recommended overall reduction efficiencies by July 1, 1982.

C. Synthesized Pharmaceutical Products

Rhode Island did not submit a regulation for synthesized pharmaceutical products on January 1, 1981 and has suggested that EPA agree to accept construction permits for the only two sources in the state in this source category in lieu of a regulation. EPA will review the control requirements in the two construction permits and determine whether they incorporate RACT for these synthesized pharmaceutical product sources. If they contain federally enforceable and approvable control requirements which are consistent with EPA policy for this source category, EPA will propose to approve them.

Proposed action: EPA will take no action to approve this portion of the SIP until the state submits either federally approvable construction permits or a regulation as a SIP revision.

D. Perchloroethylene Dry Cleaning Systems

Rhode Island did not submit a regulation for perchloroethylene dry cleaning systems. In its submission on January 9, 1981 Rhode Island claimed that the emission reductions to be gained by implementing a regulation for this source category would be small and burdensome to enforce. Present EPA policy requires that Rhode Island submit a regulation for this source category. However, EPA is in the process of reviewing new control techniques for this source category and will defer a final decision on the need for controls until the new control techniques have been made available for Rhode Island's review. EPA will examine Rhode Island's need for a regulation for this source category during the 1982 SIP review.

Proposed action: EPA is proposing to take no action at this time.

E. Miscellaneous Metal Coatings

Rhode Island did not submit a regulation for miscellaneous metal coatings. The state claims that regulating their 18 sources in this category would yield negligible emission reductions and would be resource intensive. Rhode Island is required by present EPA policy to submit a regulation of Miscellaneous Metal Parts and Products that is consistent with EPA guidance, or submit adequate justification for not regulating this source category. EPA will take no action at this time, and will reexamine Rhode Island's need for a regulation for this source category during the 1982 SIP review.

Proposed action: EPA is proposing to take no action at this time.

F. Leaks From Gasoline Tank Trucks and Vapor Collection Systems

Rhode Island did not submit a regulation for leaks from gasoline tank trucks and vapor collection systems. Northeast States for Coordinated Air Use Management (NESCAUM), which includes the six states in Region I plus New York and New Jersey, have identified several problems associated with developing regulations in a highly urbanized area such as the Northeast where the states are small enough that there is a significant amount of interstate transport of gasoline by tank trucks. The problems include: the need for regulatory consistency, lack of resources, procedures for enforcing the programs, readily available inventory of tank trucks, and self-certification for independents. NESCAUM believes that the solutions to these problems should be consistent throughout the region, and the states are therefore working collectively with EPA to develop a suitable control strategy which will be consistent regionwide.

Proposed action: EPA is proposing to take no action on leaks from gasoline tank trucks and vapor collection systems at this time, but has made a commitment to continue to work with the NESCAUM states to develop a satisfactory regulation.

II. Revisions to Existing SIP Regulations

On August 17, 1981 Rhode Island submitted amendments to Regulation 11, Petroleum Liquids Marketing and Storage, and 18, Control of Solvent Metal Cleaning Emissions, which were approved as part of the SIP on May 7, 1981, (46 FR 25448); and an amendment to Regulation 12, Incinerators approved as part of the SIP on March 2, 1976, (41 FR 8965).

A. Petroleum Liquids Marketing and Storage, Section 11.5 Stage I Vapor Controls

The state has amended Regulation 11 by changing Section 11.5 to allow small gasoline dispensing facilities with annual throughputs of 120,000 gallons or less of gasoline to be exempt from the requirements of Stage I Vapor Controls. The state cites that it is necessary to make this amendment because of Rhode Island's limited enforcement resources, and the economic burden placed on these low throughput stations. EPA proposes to approve this amendment because the exemption of these low throughput stations makes no substantive difference, that is, there is less than a 5% difference in the allowable emissions in this source category.

Action: EPA is proposing to approve the amendment to the Stage I Vapor Controls Regulation section 11.5.

B. Incinerators (12)

The amendment made to Regulation 12, Subsection 12.7.1, transfers the control of hazardous waste incineration from the air pollution regulations to the hazardous waste regulations.

Proposed action: EPA is proposing to

approve this transfer of hazardous waste incineration control to the hazardous waste regulations.

C. Control of Solvent Metal Cleaning Emissions (18)

The amendment to Regulation 18 includes solvent dryers under solvent degreasing equipment, and makes language changes to clarify the regulation. Solvent dryers will now be controlled by the same requirements as vapor degreasing equipment. EPA proposes to approve these changes as they incorporate a part of the solvent cleaning process, previously uncontrolled, into the control strategy.

Action: EPA is proposing to approve the amendment to Rhode Island's Regulation 18, Control of Solvent Metal Cleaning Emissions.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have significant economic impact on a substantial number of small entities, 48 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action will impose no new requirements, and will only approve state-determined control levels. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Rhode Island state actions enabling sources to meet state-determined control levels and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: November 10, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 82-1027 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-8-FRL-1967-1a]

Designation of Areas for Air Quality Planning Purposes; Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Notice of additional comment period.

SUMMARY: Elsewhere in today's **Federal Register** EPA is announcing the redesignation of certain outlying portions of the Pueblo 3–C Urbanized Area from nonattainment to attainment for total suspended particulates. This notice announces an additional opportunity to comment on the nonattainment designation for the inner core of the Pueblo Area which is not affected by the redesignation of the outer area.

DATE: Comments must be submitted by February 16, 1982.

ADDRESSES: Materials relating to the designation of the core portions of the Pueblo area are available for public inspection at: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, CO 80295.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, CO 80295, (303) 837–6131.

SUPPLEMENTARY INFORMATION: On March 3, 1978 EPA designated the Pueblo 3–C urbanized area as nonattainment for the total suspended particulates (TSP) standard (43 FR 8962). EPA reaffirmed this designation on September 11, 1978 (43 FR 40412).

On September 27, 1979, the State of Colorado requested that EPA redesignate the entire Pueblo 3–C urbanized area from nonattainment to unclassified for the TSP standard. On April 15, 1981 EPA took final action denying this request (46 FR 21997). The entire Pueblo area remained designated nonattainment for TSP.

EPA received three petitions for reconsideration and stay of its April 15 decision. Among the grounds advanced for reconsideration was the decision of the Colorado Air Quality Control Commission to consider new evidence on TSP levels in the Pueblo area. On June 15, 1981, the Administrator sent letters informing the petitioners that EPA had decided to grant the petitions for reconsideration of the April 15, 1981 denial based on the State's decision to consider new evidence. This letter also informed the petitioners that the Administrator would stay the April 15, 1981 denial of the State's request for redesignation pending the completion of the new State proceedings.

As a result of these proceedings, the Air Quality Control Commission determined that certain outlying portions of the Pueblo area should be redesignated as attainment for TSP. EPA has reviewed the Commission's recommendations and agrees that the outlying areas should be redesignated as attainment for TSP. Elsewhere in today's **Federal Register** EPA is taking final action on this redesignation request. This final action constitutes a partial grant of the petitions for reconsideration of the April 15, 1981 denial. However, for the core portion of the Pueblo area the petitions for reconsideration are still open. EPA has received a request for additional opportunity to comment on the designation for this portion of the Pueblo nonattainment area. To satisfy this request, EPA is providing a 30-day comment period on the question of the appropriate designation for the core area. The stay announced on June 15 remains in effect for this core area.[1]

Documents relating to the State's 1979 redesignation request and EPA's April 15, 1981 denial are available at EPA's Region VIII office in Denver at the address given above.

(Secs. 107(d) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601)

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-770 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 69

[CGD 81-032]

Optional Simplified Admeasurement Method for Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: These proposed regulations would implement the Tonnage Measurement Simplification Act of 1980 (Pub. L. 96–594) which provides vessel owners with an optional simplified admeasurement method for self-propelled vessels of less than 24 meters

[1] The stay of the April 15 denial has no regulatory effect on the Pueblo area. Pueblo remains designated nonattainment for TSP under EPA's original designation of March 3, 1978 (43 FR 8964).

(79.0 feet) in length which are not engaged or intended to engage in international voyages by sea. It also provides a simplifed admeasurement method to be applied to non-self-propelled vessels of all sizes which are not engaged or intended to engage in international voyages by sea. The Coast Guard is presently admeasuring all commercial vessels under a formal, labor intensive, time consuming process. This document will provide an option to the public permitting vessel owners to submit the necessary admeasurement dimensions to the Coast Guard resulting in rapid admeasurement and eliminating prior delays. Government cost to the public will cease for vessels qualifying under these proposed regulations. These proposed regulations are an optional alternative to the systems employed in 46 CFR 69.03 through 69.15.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Comments may be submitted to Commandant (G–CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G–CMC/44), (CGD 81–032), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James V. Higgins, Office of Merchant Marine Safety, Admeasurement Branch, (G–MMT–6), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–2192, between 7 a.m. and 5:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 81–032) and the specific section of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if it is requested in writing by an interested person who is raising a genuine issue and desiring to comment orally at the public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Mr. James V. Higgins, Project Manager, Office of Merchant Marine Safety, and Lt. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Background

The measurement of a vessel's tonnage, technically known as "admeasurement," is actually a reflection of the volume of a vessel rather than of its weight or cargo capacity. Tonnage measurement is used to determine the applicability of international conventions, treaties, domestic laws and regulations. It is also used as the basis for computing limits of liability, tonnage duties, port and pilotage fees, and similar charges. The original admeasurement law for commercial vessels was enacted in 1789 and has been virtually unchanged since 1873.

This law (46 U.S.C. 71) requires the physical on-scene measurement of all spaces within a vessel. This intricate system of measurement (known as "formal admeasurement") is done in accordance with complex statutory and regulatory requirements and requires complicated measurements and calculations using integral calculus. Admeasurement is, therefore, a relatively expensive and time-consuming process.

Recognizing the need for a simplified admeasurement procedure for pleasure vessels, Congress in 1966 enacted Pub. L. 89–476 which permits the optional use of a mathematical formula using the length, breadth, and depth of the vessel to yield gross and net tonnages. These tonnages reasonably approximate the tonnages derived from the formal admeasurement method. This simplified method has proven to be effective by reducing time and cost to the public and the government. This led to Pub. L. 96–594 (Tonnage Admeasurement Simplification Act) which was signed into law on 24 December 1980.

Pub. L. 96–594 permits the admeasurement of self-propelled commercial vessels under 24 meters (79 feet) and barges of any size, provided they do not engage in international voyages by sea, by either formal admeasurement or a simplified method similar to that presently applicable to pleasure vessels.

The law provides for a more efficient method for admeasuring small commercial vessels and will permit more timely admeasurement of larger vessels. It is anticipated that the owners of over 4,700 vessels will be able to take advantage of the simplified method each year. The Coast Guard expects savings in cost and work hours by the use of this new admeasurement system.

Discussion of the Proposed Rule

Proposed § 69.19–1 sets forth the purpose of proposed Part 69.

Proposed § 69.19–3 sets forth the scope and the types of commercial vessels eligible for optional simplified admeasurement.

Proposed § 69.19–5 defines terms used in this Part.

Proposed § 69.19–7 explains the dimensions and measurements required for single hull vessels.

Proposed § 69.19–9 explains the dimensions and measurements required for catamaran (or multi-hull) vessels.

Proposed § 69.19–11 describes the application requirements for admeasurement.

Proposed § 69.19–13 describes the formulas used to calculate gross and net tonnages of all vessels measured in this subpart.

Proposed § 69.19–15 describes the conditions which will require remeasurement of vessels subject to this subpart.

Proposed § 69.19–17 discusses the assignment of like tonnages to like vessels.

Regulatory Evaluation

The proposed regulations have been evaluated under Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 22 May 1980, and have been determined to be neither significant nor major.

Before a vessel may be documented as a vessel of the United States, it must be admeasured. Admeasurement is the process by which an officer of the Coast Guard visits a vessel to take dimensions which are used to calculate the gross and net tonnages. Thousands of commercial vessels are documented each year. Because admeasurement is labor-intensive and requires taking hundreds of dimensions to establish a vessel's tonnage, undue delays often result.

This proposed rule enables vessel owners to provide to the United States Coast Guard the required dimensions necessary to complete the admeasurement of commercial vessels. The Coast Guard considered using professional admeasurers to obtain the required dimensions but determined that it would not be cost effective to either vessel owners or the government. Although it is admitted that professional admeasurers may produce more precise measurements and accurate tonnages, it was determined that tonnages assigned to vessels subject to this subpart

generally are not critical. However, if the tonnage assignment is determined to be critical, the regulation provides the option for formal admeasurement. Therefore, the Coast Guard believes that this optional simplified admeasurement method will be as effective for commercial vessel owners as 46 CFR 69.17 has been for owners of pleasure vessels. Statistics of 1980 indicate that approximately 3,000 self-propelled vessels under 24 meters (79.0 feet) and 1,700 barges were formally admeasured at a cost of $250,000 to the Coast Guard. If the optional procedures are utilized to the extent anticipated this regulation will reduce the cost to the Coast Guard to $32,000 saving the taxpayers an estimated $218,000 annually. Selection of the optional method will result in some direct cost to the vessel owner. The Coast Guard estimates that the average cost of performing the simplified admeasurement will be $40.00 per vessel, which is insignificant when compared to the cost of the vessel involved and will be outweighed by eliminating delay in the documentation process. The total estimated cost to all vessel owners electing to use this option will be $120,000.00.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under Public Law 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. As discussed above, the proposed regulations permit the optional use of a simplified admeasurement methodology calculated to save time and costs, both to the public and to the government. The use of this methodology is permissive, not mandatory. The systems currently employed in 46 CFR 69.03 through 69.15 will still be available for optional usage.

Environmental Statement

The Coast Guard has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that this action is categorically excluded from further environmental documentation.

PART 69—MEASUREMENT OF VESSELS

In consideration of the foregoing, it is proposed to amend 46 CFR Part 69 as follows:

1. The authority citation to Part 69 would be revised to read as follows:

Authority: Secs. 2, 3, 23, Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4150, as amended, 4153, as amended, sec. 12, 79 Stat. 893, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 2, 3, 71, as amended, 74, 83h, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) (35 FR 4959).

2. In Part 69, Subpart 19 would be added to read as follows:

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

Sec.

69.19–1 Purpose of this subpart.
69.19–3 (Scope) Vessels eligible for optional simplified admeasurement.
69.19–5 Definition of terms used in this subpart.
69.19–7 Explanation of dimensions and measurements for single hull vessels.
69.19–9 Explanation of dimensions and measurements for catamaran (multi-hull) vessels.
69.19–11 Application for admeasurement under this subpart.
69.19–13 Calculation of gross and net tonnages.
69.19–15 Readmeasurement of vessels admeasured under this subpart.
69.19–17 Assignment of like tonnages to like vessels.

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

§ 69.19–1 Purpose of this subpart.

These regulations are a result of the Tonnage Measurement Simplification Act of 1980 which provides vessel owners an option, in lieu of the formal systems employed in 46 CFR 69.03 through 69.15, to have a simplified admeasurement method applied to self-propelled vessels, if they are less than 24 meters (79.0 feet) in length and are not engaged or intended to engage in international voyages by sea. It also provides a simplified admeasurement method to be applied to non-self-propelled vessels of all sizes which are not engaged or intended to engage in international voyages by sea.

§ 69.19–3 (SCOPE) Vessels eligible for optional simplified admeasurement.

The regulations in this subpart apply to:

(a) Self-propelled commercial vessels of less than 24 meters (79 feet) overall length which are not engaged or intended to engage in international voyages by sea; and

(b) Barges of any length which are not engaged or intended to engage in international voyages by sea.

§ 69.19–5 Definition of terms used in this subpart.

"Barge" means any vessel without internal means of propulsion.

"Barge-shaped Vessel, Self-propelled" means any vessel which is propelled by any type of engine or motor located within the hull, and has a blunt or square-shaped bow as seen in plan view.

"Catamaran vessel" means any vessel which has two or more hulls.

"International voyage by sea" means a sea voyage of any U.S. vessel from a port in the United States to a port outside the United States, or from a port outside the United States to the United States.

"Sailing Vessel" means any vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

"Ship-shaped Vessel, Self-propelled" means any vessel which is propelled by any type of engine or motor located within the hull, and has a sharp bow as seen in plan view.

§ 69.19–7 Explanation of dimensions and measurements for single hull vessels.

(a) The *"Register length," "Register breadth,"* and *"Register depth,"* are defined in this subpart as the vessel's overall length (L), overall breadth (B), and overall depth (D). The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure No. 1)

(b) *"Overall length"* is the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(c) *"Overall breadth"* is the horizontal distance, excluding rub rails, from the outside of the hull (outside planking or plating) on one side to the outside of the hull on the other, taken at the widest part of the hull.

(d) *"Overall depth"* is the vertical distance taken at or near midships (midpoint of the length) from a line drawn horizontally through the uppermost edges of the sides of the hull (excluding the caprail, trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull.

(1) Overall depth of a sailing vessel constructed of a plastic material, the keel of which is covered by the skin will be limited to 75% of the overall depth.

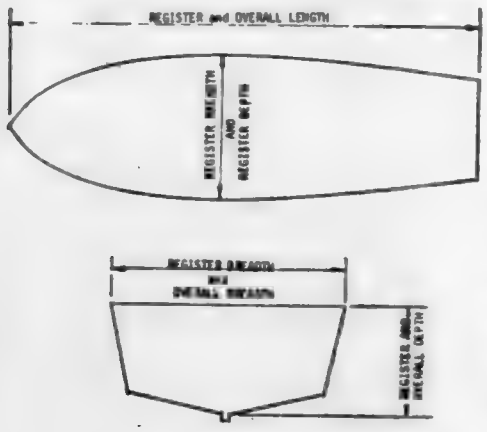

DETAILS OF REGISTER AND OVERALL DIMENSIONS
Figure 1.

§ 69.19–9 Explanation of dimensions and measurements for catamaran (multi-hull) vessels.

(a) Register Length of a catamaran (multi-hulled) vessel in this subpart is the overall length of the vessel's longest hull. The dimensions as measured are rounded off to the nearest tenth of a foot.

(1) An overall length is required for each hull for tonnage computation purposes in accordance with criteria for single hull vessels in § 69.19–7(a). (See figure No. 2)

(b) Register breadth of a catamaran (multi-hulled) vessel in this subpart is the total breadth of the vessel at its widest point (excluding rubrails, etc.). This breadth is measured transversely from the outer side of the outboard hull on one side to the outer side on the outboard hull on the opposite side. The dimensions as measured are rounded off to the nearest tenth of a foot.

(1) Overall breadths for each hull of multi-hulled vessels must be separately measured in accordance with criteria for single-hulled vessels in § 69.19–7(c). Where the inboard sheer of the outer hull is obscured by the deck, the line of the inboard side of that hull is projected to a point on the deck and the breadth is taken between the point and the outboard sheer at the widest part of the hull. If both sheer lines are obscured, then the lines of both hull sides will be projected to the deck and a breadth will be taken between those points. The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure no. 2)

(c) Register Depth of a catamaran (multi-hulled) vessel will be the overall depth of the deepest hull (excluding trunks, cabins, or deckhouses). The dimensions as measured will be rounded off to the nearest tenth of a foot.

(1) An "Overall depth" must be measured for each hull. This dimension is the vertical distance taken at or near midships of that hull from a line drawn horizontally through the uppermost edges of the hull or at the sheer on the deck to the outboard face of the bottom skin of the hull (excluding the caprail, trunks, cabins, or deckhouses). (See figure no. 2)

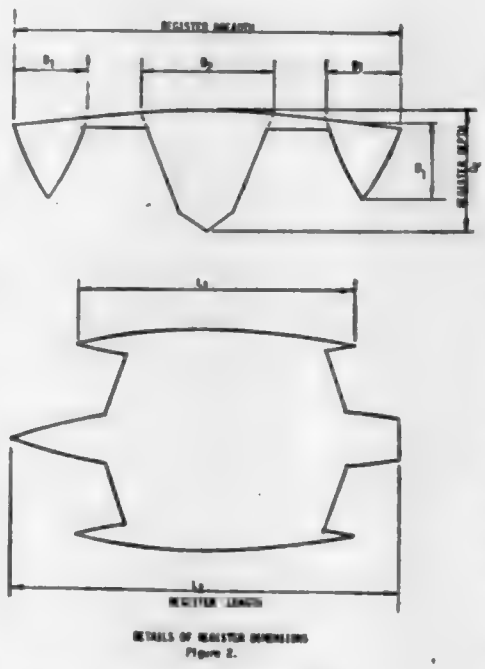

DETAILS OF REGISTER DIMENSIONS
Figure 2.

§ 69.19–11 Application for admeasurement under this subpart.

(a) An owner, master or agent of a vessel which meets the requirements of section 69.19–3 of this subpart may apply by letter to the nearest Coast Guard Marine Inspection Office or Marine Safety Office for admeasurement. The letter application must include the following information:

(1) Vessel name;

(2) Means of propulsion (oil, gas, steam, etc.), and specify inboard, outboard or none;

(3) Name and location of builder;

(4) Date of build;

(5) Type of vessel (towboat, barge, trawler, etc.);

(6) Vessel hull number, serial number, or model number, if any;

(7) Official number, state or Coast Guard number, if any;

(8) Overall length, overall breadth, and overall depth (Dimensions will be stated on the application in feet and inches or in feet and decimal fractions of feet to the nearest tenth of a foot.);

(9) Sketches of the hull (not necessarily to scale) in plan, profile, and cross section views, showing the required dimensions;

(10) Location of the vessel documentation office where the vessel will be documented; and

(11) Name and address of owner.

(b) The letter must contain a statement that the information and dimensions are true and accurate. The letter must be signed by the owner, master or agent.

Note.—Under the provisions of 18 U.S.C. 1001, any person making a false or fraudulent statement in an application may be fined up to $10,000 or imprisoned for up to five years, or both.

(c) After the application has been processed, a notice of approval or disapproval of the application will be forwarded to the owner, master or agent.

§ 69.19–13 Calculation of gross and net tonnages.

(a) The following formulae will be used to calculate gross and net tonnages of all vessels measured under this subpart.

Vessel type	Formulae for gross tonnage (GT)	Formulae for net tonnage (NT)
(1) Sailing vessel, internally powered.	(LBD)/100×.50=GT	GT×.90=NT.
(2) Ship-shaped, self-propelled.	(LBD)/100×.70=GT	GT×.60=NT.
(3) Barge-shaped, self-propelled.	(LBD)/100×.83=GT	GT×.80=NT.
(4) Catamaran:*.		
a. Sail, with internal power.	$\frac{(\text{Sum of hulls})\times .50=GT}{100}$	GT×.90=NT.
b. Internally powered no sail.	$\frac{(\text{Sum of hulls})\times .70=Gr}{100}$	GT×.80=NT.
(5) Barges	(LBD)/100×.84=GT	GT=NT.

*To compute the gross tonnage of a catamaran, the block volumes (L×B×D) of all hulls are added together, the sum of which is divided by 100 and then multiplied by the proper coefficient.

(b) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

(c) Vessels which employ outboard power units or which have no internal power for propulsion will have the same gross tonnage and net tonnages.

§ 69.19–15 Readmeasurement of vessels admeasured under this subpart.

(a) A vessel admeasured under this subpart may be readmeasured under the formal admeasurement systems in subparts 69.03 through 69.15 upon application by the owner, master or agent.

(b) Admeasurement under this subpart will not support an application for a registry and a vessel must be admeasured or readmeasured under the formal systems of subparts 69.03 through 69.15 if a registry is required.

(c) A vessel shall be readmeasured if it is physically altered so that its gross or net tonnage is affected;

(d) A vessel admeasured under this subpart which is subsequently to be documented as a pleasure vessel may be readmeasured under subpart 69.17 or under subparts 69.03 through 69.15.

(e) A vessel admeasured under the formal measurement systems (subparts 69.03 through 69.15), which meets the requirements of 69.19–3 may be readmeasured under this subpart at the request of the owner, master or agent.

(f) A vessel previously admeasured under subparts 69.03 through 69.15 is not required to be readmeasured under this subpart to obtain another document.

(g) In cases of dispute the Coast Guard reserves the right to verify the dimensions of vessels measured under this subpart.

§ 69.19–17 Assignment of like tonnages to like vessels.

(a) When one vessel which is representative of a designated class, model, or type has been admeasured under the optional simplified method, the resulting tonnages may be assigned to identical vessels of the same designated class, model or type.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82–1024 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–873; RM–4003]

FM Broadcast Stations in Dyersville, Iowa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 257A to Dyersville, Iowa, in response to a petition filed by Dyersville Broadcasting Service, Inc. the assignment could provide Dyersville with a first local FM service.

DATES: Comments must be filed on or before February 16, 1982, and reply comments on or before March 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Dyersville, Iowa), BC Docket No. 81–873, RM–4003.

Adopted: December 14, 1981.

Released: December 29, 1981.

1. A petition for rulemaking was filed by Dyersville Broadcasting Service, Inc. ("petitioner") seeking assignment of Channel 257A to Dyersville, Iowa, as that community's first FM assignment. The assignment can be made with a site restriction, as noted *infra*, to conform with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. Petitioner states that it will apply for the channel, if assigned.

2. Dyersville (population 3,825) [1] is located along the border between the Counties of Delaware (population 18,933) and Dubuque (population 93,745), approximately 72 kilometers (45 miles) northeast of Cedar Rapids, Iowa. It presently has no local aural service.

3. Petitioner states that during the period 1960–1970, Dyersville's population increased 22 percent, and further increased by 11.3 percent during the last decade. According to petitioner, this trend is expected to continue due largely to the industrial expansion in the area. Further, it asserts that Dyersville has its own government unit, municipal services, a library, educational and financial institutions, health care accommodations, social organizations, and recreational facilities. Additionally, it advises that the community is well-served by a multiplicity of transportation services and indicates the availability of one weekly newspaper, providing the only source of local media to its residents. Petitioner asserts that the community's economy is largely supported by several manufacturing industries and commercial employers, although agricultural activities also add to its economic base.

4. Petitioner notes that the closest broadcast facility to Dyersville is a 10-watt FM translator station located approximately 20 miles away in Manchester, Iowa, rebroadcasting the signal of an Independence, Iowa, station, some 40 miles distant. It adds that the signal of the translator station is not receivable at Dyersville, and reception of the parent station is difficult at best. Further, it adds that the nearest community with broadcast service is Dubuque, Iowa, approximately 40 kilometers (25 miles) away. However, it advises that signal reception therefrom is frequently marginal in its community due to the hilly terrain between the two areas.

5. Petitioner submitted an engineering study indicating that the proposed assignment of Channel 257A to Dyersville, Iowa, would not cause unacceptable preclusion in the area. However, we need not consider the preclusive impact for a first Class A channel allocation request. See, Policy Statement to Govern Requests for Additional Assignments, 8 F.C.C. 2d 79 (1967). As petitioner acknowledges, this proposal will require a transmitter site restriction of approximately 11 kilometers (6.6 miles) southwest of Dyersville to avoid short-spacing on the co-channel to Station WDMP, Dodgeville, Wisconsin.

6. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows for the community listed:

[1] Population figures herein are extracted from the 1980 U.S. Census, unless otherwise noted.

City	Channel No.	
	Present	Proposed
Dyersville, Iowa		257A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before February 16, 1982, and reply comments on or before March 3, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making, to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154,303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–873 RM–4003]

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever question are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule-making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply of comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be availble for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 82–970 Filed 1–13–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–917; RM–3838]

FM Broadcast Station in Brewer, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 293 to Brewer, Maine, and modify the license of Station WGUY–FM to specify operation on Channel 293. This action is taken at the request of Stone Communications, Inc., the licensee of Station WGUY–FM. If adopted, the channel could provide first FM service to a substantial population in central Maine.

DATES: Comments must be filed on or before February 19, 1982, and reply comments must be filed on or before March 8, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Brewer, Maine) BC Docket No. 81–917, RM–3838.

Adopted: December 24, 1981.

Released: January 5, 1982.

1. A petition for rule making,[1] submitted by Stone Communications, Inc. ("petitioner"), requests the substitution of Channel 293 for Channel 265A at Brewer, Maine, and modification of the license of Station WGUY–FM, Brewer, to specify operation at Channel 293.[2] Oppositions to the petition were submitted by Penobscot Broadcasting Corporation ("Penobscot"), and Tanist Broadcasting Corporation ("Tanist")[3] to which petitioner replied.

[1] *Public Notice* of the petition was given February 10, 1981, Report No. 1269.

[2] Petitioner also requests two channel substitutions at Ellsworth, Maine. However, because of actions taken in BC Docket No. 81–168, regarding channel assignments to Lewiston and Ellsworth, Maine, the channel substitutions requested by petitioner are no longer necessary. *See,* Further Notice of Proposed Rule Making in Docket No. 81–168, adopted December 14, 1981.

[3] A "conditional" opposition to the petition was submitted by Robert Harris, proponent of an assignment to Skowhegan, Maine, in Docket 81–168. By our action in the First Report and Order in Docket No. 81–168, adopted November 2, 1981, we assigned Channel 261A to Skowhegan. Therefore, Harris' conditional opposition to the Brewer proposal is moot.

2. Brewer (population 9,300) [4] in Penobscot County (population 125,393), is located approximately 96 kilometers (60 miles) northeast of Augusta, Maine, and is adjacent to Bangor, Maine. Brewer is presently served by FM Station WGUY–FM, which is licensed to petitioner.

3. In support of its proposal, petitioner asserts that the assignment of a Class C channel [5] to Brewer is necessary to provide a much needed service to all of Penobscot County. Petitioner states that if Station WGUY–FM is allowed to operate on Channel 293, it would result in additional aural service to 129,542 persons in an area of 5,223 square miles. Petitioner avers that if the Commission assigns Channel 293 to Brewer and modifies Station WGUY–FM's license, as requested, Station WGUY–FM will commence operation on Channel 293 as soon as possible. Finally, petitioner states that granting the petition would not create any prohibited contour overlap with its stations in Rumford, Maine, because the Rumford stations have been sold—subject to Commission approval.

4. Penobscot, licensee of Station WPBC–FM, Bangor, Maine, opposed the petition as a "blatant attempt to achieve the same result that the Commission explicitly rejected less than three years ago" in *Brewer, Maine*, 40 R.R. 2d 1123 (Broadcast Bureau 1977) (refusing to assign a Class B channel to Brewer), and 42 R.R. 2d 1148 (Broadcast Bureau 1978) (assigning Channel 265A to Brewer). Penobscot charges that the assignment of a Class C channel to Brewer no more complies with the Commission's assignment policies than did the assignment of a Class B channel in 1978. Penobscot notes that Class C channels are traditionally reserved for assignment to cities larger than Brewer, and that petitioner has presented no special considerations which would persuade the Commission to depart from its traditional policy. In this regard, Penobscot observes that petitioner has not provided any Roanoke Rapids [6] data to show whether the proposed assignment would provide new first and second service to unserved and underserved areas. Penobscot also points out that this proposal is but another effort by petitioner to serve the city of Bangor, Maine, instead of Brewer. According to Penobscot, petitioner currently operates Station WGUY–AM from its main studio in Bangor, not Brewer. Also, Penobscot notes that petitioner's pending applications for renewal of its licenses for Station WGUY–FM, Bangor, and WGUY–FM, Brewer, contain "absolutely identical" ascertainment studies for both communities. Finally, Penobscot states that petitioner has presented no information indicating that its present Class A operation is inadequate to serve Brewer or that the proposed Class C station is necessary to improve service to Brewer.

5. Tanist also states in its opposition that petitioner has made no showing of special considerations which would justify assigning a Class C channel to a community the size of Brewer. Citing Mountain Home, Arkansas, 47 R.R. 2d 762, 763 (Broadcast Bureau 1980), Tanist avers that to move a Class C channel to a city the size of Brewer, it is essential that a petitioner show that it would provide a significant first and second FM service. In this instance, Tanist points out that petitioner has merely provided figures with respect to additional populations which would receive service. Tanist also questions whether petitioner can implement its proposal to construct a 500 foot guyed tower due to FAA and environmental impact considerations. For these reasons, Tanist concludes that the petition should be denied.

6. In reply to the oppositions of Penobscot and Tanist, petitioner submits an engineering statement which purports to show that its proposed Class C operation would provide a first nighttime service to 7,364 persons in a 1,004 square mile area, and a second nighttime service to 20,247 persons in a 2,015 square mile area Petitioner's reply comments fail to address the additional issues raised by Penobscot and Tanist.

7. Preclusion Study—The assignment of Channel 293 to Brewer will cause preclusion on Channels 292A, 293, 294, and 296A. Petitioner submitted a preclusion study which indicates that only three communities with populations over 2,500, currently without an FM assignment, are located within the area of preclusion.[7] According to the petitioner, alternative channel assignments are available for those three commmunities.

8. Although we have serious misgivings about the proposal, we have determined that it should be presented for further comments. As both Penobscot and Tanist correctly note, the Commission generally does not assign a Class C channel to a community the size of Brewer absent some countervailing factor. In this case, petitioner indicates that assigning the Class C channel would provide first nighttime service to over 7,000 persons, and second nighttime service to over 20,000 persons. Such a showing in the past has been sufficient justification for making a Class C assignment to a small community. However, our review of petitioner's study shows that petitioner did not take into account the full effect of Station WTOS (Channel 286) in Skowhegan, Maine. Station WTOS has operating parameters of 50 kW at 2420 feet. According to the Commission's F (50,50) curves, WTOS' 60 dBu contour should extend approximately 56 miles. This factor could drastically reduce petitioner's service figures. Petitioner should therefore recompute its first and second service showings based on the authorized facilities of Station WTOS.

9. Several other issues deserve further explanation by petitioner. In its preclusion study, petitioner lists only those communities having a population over 2,500. Although the Commission occasionally accepts preclusion information based on the assignment's effects on cities having a population greater than 2,500, the normal practice is to consider the preclusive impact of an assignment on all communities with populations over 1,000. We feel this more inclusive procedure is particularly appropriate in this instance due to the other concerns we have with the proposed assignment. Therefore, in its comments, petitioner should submit additional preclusion information with respect to affected communities with populations over 1,000. Finally, petitioner should address the contentions made by Penobscot that it is seeking the Class C channel to serve the larger city of Bangor rather than Brewer.

10. Presently, no other party has expressed an interest in the proposed Class C channel at Brewer. Therefore, as requested by petitioner, we are proposing to modify the license of Station WGUY–FM to specify operation on Channel 293. However, in accordance with Commission policy as expressed in Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976), should another interest in the assignment be expressed, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

11. An Order To Show Cause to the petitioner is not necessary because consent to the modification of its license

---

[4] Population figures are taken from the 1980 U.S. Census.

[5] The city of Brewer itself is located in an area of the country to which Class C channels may not be assigned. However, petitioner specifies a transmitter site approximately 25 miles north of Brewer, which is an area in which Class C stations may operate. *See* §§ 73.202(a) and 73.205 of the Commission's rules.

[6] 9 F.C.C. 2d 672 (1967).

[7] The listed communities are Dexter Center, Orono Center, and Old Town City.

is indicated by its request for the Class C channel.

12. Because Brewer is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment requires coordination with the Canadian Government.

13. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Brewer, Maine	255A	293

14. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

15. Interested parties may file comments on or before February 19, 1982 and reply comments on or before March 8, 1982.

16. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See,* Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

17. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-917, RM-3838]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-969 Filed 1-13-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection Act Violations; Notice of Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, who had been charged with violations of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

1.Dwayne Elliott, Marion, North Carolina.

Dwayne Elliott has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year running from November 24, 1981, through November 23, 1982.

2. Tommy Lyle, Knoxville, Tennessee.

Tommy Lyle has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 15 months running from December 1, 1981, through February 28, 1983.

3. Earlene Lyle, Knoxville, Tennessee.

Earlene Lyle has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 15 months running from December 1, 1981, through February 28, 1983.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states that a person may be disqualified from "showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to civil penalty of not more than $3,000 for each violation * * *"

This will serve as notification to the general public and the horse industry that Dwayne Elliott, Tommy Lyle, and Earlene Lyle have been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act which would subject the violator to the penalties indicated therein.

Done at Washington, DC, this 8th day of January 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-963 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on February 26, 1982, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on February 27, 1982, in the Conference Room of the Forest Supervisor's Office, Carson National Forest, Cruz Alta Road, Taos, New Mexico.

The purpose of the meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meetings will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758-2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or during the meetings.

Dated: December 23, 1981.

William B. Clarke,

Acting Forest Supervisor.

[FR Doc. 82-829 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-11-M

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 1:00 p.m., February 8, 1982, at the U.S. Forest Service Office, 2517 S. W. Hailey Avenue in Pendleton, Oregon. The purpose of the meeting is to develop the Forest's 1983 Range Improvement Program and review the progress on the 1982 program.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office at 2517 S. W. Hailey Avenue, Pendleton, Oregon, 97801, or call 276-3811, ext. 415. Written statements may be filed with the Forest Service before or after the meeting.

The established rules for public participation are that a time period will be set up for the public to participate. Time limits may be set on individual public participation.

John E. Lowe,

Forest Supervisor.

January 4, 1982.

[FR Doc. 82-972 Filed 1-13-82; 8:45 am]

BILLING CODE 3410-11-M

CIVIL RIGHTS COMMISSION

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on February 9, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to discuss affirmative action in the private sector; civil rights developments in Massachusetts in 1981; and fair housing in Boston.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-940 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on January 28, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to plan for the study of affirmative action in the private sector.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusets, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-941 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m., and will end at 9:00 p.m., on January 21, 1982, at the Howard Johnson Downtown, 231 Michigan Avenue, Detroit, Michigan, 48226. The purpose of this meeting is to review the status of current projects, and discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Howard Rienstra, 1225 Thomas, S.E., Grand Rapids, Michigan, 49506, (616) 949–4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-944 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m., and will end at 8:30 p.m., on January 27, 1982, at the Norris McGaughlan, 1081 Route 22, Sommerville, New Jersey. The purpose of this meeting is to discuss program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey, 07060, (212) 572–7577 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, New York 10278, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-942 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 3:30 p.m., on January 27, 1982 at the Edgar Brown State Office Building, 1205 Pendleton Street, Room 415, Columbia, South Carolina, 29201. The purpose of this meeting is to orientate the new members; review draft SAC report on Voting Rights Act; and discuss program plans for fiscal year 82.

Persons desiring additional information or planning a presentation to the committee, should contact the Chairperson, Oscar P. Butler, P.O. Box 1702, South Carolina State College, Orangeburg, South Carolina, 29117, (803) 536–7040 or the Southern Regional Office, Citizens Trust Bank Building, 74 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-943 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 4:00 p.m., on January 22, 1982, at the Kings Inn Motel, in the Tower Room, 220 South Pierre, Pierre, South Dakota, 57501. The purpose of this meeting is to orientate new members, and to review the status of current Committe activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marvin Amiotte, Oglala Sioux Tribe, Box 1053, Pine Ridge, South Dakota, 57770, (605) 867-5140 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the rules and Regulations of the Commission.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-945 Filed 1-13-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Prestressed Concrete Steel Wire Strand From Spain; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination of prestressed concrete steel wire strand (PC strand) from Spain is being postponed, and we intend to issue it not later than April 2, 1982.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377–1279.

SUPPLEMENTARY INFORMATION: On December 2, 1981, we announced our initiation of a countervailing duty investigation to determine whether the government of Spain is giving its producers and exporters of PC strand certain benefits that are bounties or grants (46 FR 58543). The notice stated that we would issue a preliminary determination by January 29, 1982.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges various subsidy programs that the government of Spain provides to producers and exporters of PC strand. The alleged subsidy practices are numerous and raise complex issues. Moreover, it is difficult to determine the extent of utilization of the programs by the various firms. We have determined that the Spanish government and the other parties concerned are cooperating and that additional time is necessary to make the preliminary determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1) (B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue a preliminary determination not later than April 2, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

January 8, 1982.

[FR Doc. 82-984 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committe Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: February 1, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: January 11, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-991 Filed 1-13-82; 8:45 am]

BILLING CODE 3510-25-M

Advisory Committee on East-West Trade; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the Communist countries.

TIME AND PLACE: January 28, 1982, 9:30 A.M.—3:30 P.M., U.S. Department of Commerce, Washington, D.C.

AGENDA: (Entire Meeting in Executive Session)

(1) Review of U.S.–PRC Economic/Political Relations.

(2) Review of Political/Economic/Financial Situation in Poland and Implications for East-West Trade.

(3) Committee Views on U.S. Policy on Trade with the Soviet Union and Eastern Europe.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 7, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the January 28, 1982 meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the agenda items to be discussed will be concerned with matters in 5 U.S.C. 552b (c)(1) and (9)(B); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 C.F.R. 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to

significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determiniation to close the aforementioned portion of the January 28, 1982 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce. Washington, D.C. 20230. Telephone: (202) 377–4217.

FOR FURTHER INFORMATION CONTACT:
Ronald,G. Oechsler, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–5896.

Dated: January 11, 1982.

Eugene K. Lawson,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 82–1033 Filed 1–13–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Statement of Organization, Practices and Procedures

Pursuant to Section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The North Pacific Fishery Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 11858 on March 1, 1977. The revised document is published below.

Dated: January 11, 1982.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

National Oceanic and Atmospheric Administration North Pacific Fishery Management Council; Statement of Organization, Practices, and Procedures

The North Pacific Fishery Management Council, created by section 302(a)(7) of the Magnuson Fishery Conservation and Management Act (the Act), hereby publishes a revised Statement of Organization, Practices, and Procedures (SOPP), as required by section 302(f)(6) of the Act. This is the first revision of the SOPP published in the **Federal Register** March 1, 1977 (11858–11862). This revised SOPP for carrying out the Council's functions under the Act was adopted by the Council during its public meeting held on April 23–24, 1981. Copies may be obtained by writing the Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, AK 99510. The Council's permanent offices are in Suite 32, Post Office Mall Building, 333 West Fourth Avenue, Anchorage, Alaska; telephone (907) 274–4563.

The Council's geographic area of authority includes the fisheries in the Fishery Conservation Zone (FCZ) of the Arctic Ocean, Bering and Chukchi Seas, and Pacific Ocean seaward of Alaska. The states of Alaska, Washington, and Oregon are represented on the Council.

Purpose

1. The Council will prepare and submit to the Secretary of Commerce (Secretary) or his delegate a fishery management plan with respect to each fishery requiring conservation and management within its geographic area of authority and, from time to time, such plan amendments as are necessary.

2. The Council will prepare comments on any application for foreign fishing transmitted to it under a governing international fishery agreement by the Secretary of State under the terms of the Act.

3. The Council will prepare comments on any fishery management plan or amendments thereto prepared by the Secretary which are transmitted to it under section 304(c)(2) of the Act.

4. The Council will conduct public hearings, at appropriate times and in appropriate locations in the Council's membership area to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments thereto, and with respect to the administration and implementation of the provisions of the Act;

5. The Council will submit to the Secretary to a report before February 1 of each year on the Council's activities during the preceding year, and shall submit such other periodic and relevant reports as the Council or the Secretary deem appropriate.

6. The Council will review on a continuing basis, and revise as appropriate, the assessments and specifications contained in each fishery management plan for each fishery within its geographical area with regard to:

a. The present and probable future conditions of the fishery;

b. The maximum sustainable yield from the fishery;

c. The optimum yield from the fishery;

d. The capacity and the extent to which fishing vessels of the United States will harvest the optimum yield on an annual basis;

e. The portion of such optimum yield on an annual basis which will not be harvested by fishing vessels of the United States and can be made available for foreign fishing.

7. The Council will conduct any other activities which are required by or provided for in the Act or which are necessary and appropriate to the foregoing functions.

8. The Council expects to participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters, including the allocation of fishery resources to other nations within its area of authority.

Council Composition

The North Pacific Council has 11 voting members and four non-voting members.

The voting members of the Council shall be:

1. The principal state officials with marine fishery management responsibility in the states of Alaska, Washington, and Oregon, or the designee of such officials;

2. The Regional Director, Alaska Region, of the National Marine Fisheries Service, or his designee; and

3. Five members shall be appointed by the Secretary from the State of Alaska and two from the state of Washington.

The non-voting members of the Council shall be:

1. The Regional Director of the U.S. Fish and Wildlife Service, Alaska Region, or his designee;

2. The Commander, Seventeenth Coast Guard District, or his designee;

3. The Executive Director of the Pacific Marine Fisheries Commission, or his designee;

4. A representative of the Department of State.

Officers and Terms of Office

A Chairman and a Vice-Chairman are elected from the voting members of the North Pacific Council; both officers serve for a period of one year and may succeed themselves.

Staff

1. *Composition.* The staff of the Council shall be comprised of an

Executive Director, Deputy Director, Administrative Officer, Plan Coordinators, Economist, Executive Secretary, and other staff as necessary.

2. *Function.* The staff is responsible for administration and execution of Council operations. Functions include coordination of fishery management plan development and maintenance; preparation of Council reports, statements, and correspondence; financial management, budget preparation, and procurement; record keeping; meeting logistics; and other administrative activities.

Employment Practices

The Council is an equal opportunity employer in full compliance with federal requirements for non-discrimination. Council staff positions are filled solely on the basis of merit, fitness, competence, and qualifications.

1. In setting rates of pay for Council staff, the principle of equal pay for substantially equal work shall be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

2. Employees of the Council shall be granted paid leave for holidays, vacations or exigencies, sickness, and civic duties (jury, military reserve obligations) as determined by the Council.

3. The Council shall provide its employees group health insurance, life insurance, and retirement plan under the State of Alaska Public Employee System.

4. *Development*—Employees will be entitled to promotions and associated pay raises solely on the basis of merit and performance. The Executive Director, acting for the Council, shall conduct performance reviews at least once a year with each Council employee and will approve promotions and raises based on the employee's performance, length of service, or special accomplishments. Pay raises for the Executive Director are to be established by the Council upon recommendation of the Finance Committee. Career development, including formal training, will be supported by the Council when directly beneficial to both the employee and the Council staff.

5. *Conditions of Employment.* All staff employees serve at the pleasure of the Council. The Executive Director may be dismissed by the Council and other staff employees may be dismissed by the Executive Director acting for the Council.

Standards of Conduct

The Council and its staff shall maintain high standards of ethical conduct. These standards include the following principles:

1. No employee of the Council shall use his or her official authority or act in the name of the Council for the purpose of influencing the result of an election to or a nomination for any public elective office.

2. No employee of the Council shall be deprived of employment, position, work, or compensation made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

3. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining a Council decision or for any person, any appointive office, place or employment under the Council.

4. No employee of the Council or member of Plan Development or Maintenance Teams shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties. Council members with a direct or indirect financial interest shall insure that it not conflict with the fair and impartial conduct of his or her Council duties.

5. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council employment which has not been made available to the general public.

6. No Council member or employee of the Council shall use Council property improperly or on other than official business.

Standing Committees of Council Members

The North Pacific Council has established one standing committee of Council members.

Inter-Council Salmon Coordinating Committee. The Inter-Council Salmon Coordinating Committee has been established to coordinate salmon management plan development in the North Pacific and Pacific Council areas of jurisdiction. It consists of three representatives from each Council with the members from the North Pacific Council appointed by the Chairman and serving at his pleasure. The Committee shall meeet as required at the request of either Council Chairman.

Meetings

The North Pacific Council shall meet in the State of Alaska at the call of the chairman or upon the request of the majority of its voting members. Meetings will normally be held during the fourth week of the month.

1. *Location.* Council meetings will be held in various communities in Alaska and the locations and dates of meetings will be advertised well in advance in state-wide and local news media.

2. Agendas for Council meetings will be published in the **Federal Register.** Draft agendas shall be furnished to all Council, Committee, and Panel members at least three weeks prior to regular meetings and will be available to the general public for two weeks prior to a regular meeting.

Minutes

Detailed minutes will be taken for all Council meetings. Council meetings will also be tape recorded. The Council will distribute as soon as possible after adjournment a newsletter summarizing Coucil meeting actions. Meeting minutes, tape recordings, summaries of Advisory Panel and Scientific and Statistical Committee meetings, and written material distributed at the meetings will be available for study at the Council headquarters.

General Rules of Procedure

Generally, parlimentary procedure will be used in the conduct of the meetings. Agreement among Council members can be reached by consensus and non-voting members are expected to take part in all discussions and indicate their opinions on all specific issues. Those matters pertaining to the approval or disapproval of a fishery management plan or amendment, including proposed regulations, or comments for the Secretary on foreign fishing applications, or Secretarially-prepared management plans, require a vote.

Closed sessions of the Council will be held only when the Council is discussing personnel matters not properly conducted in public or discussing matters of a confidential nature requiring a formal security clearance.

1. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more voting members designated by the Council Chairman may hold hearings.

2. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

3. The Council shall conduct all meetings within Alaska, except meetings with other Councils when inter-Council resources are concerned. Hearings may be held in any of the member states.

4. Members of the Council who dissent on any issue to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

Authority of the Chair

The Chairman, or in his absence the Vice-Chairman, of the North Pacific Council has authority to convene and adjourn meetings and public hearings and designate members of the Council, Scientific and Statistical Committee, and Advisory Panel to attend meetings and public hearings. He will control meetings and hearings by recognizing speakers, establishing the order of business, and designating members of the Council and its Advisory bodies as members of committees and working groups. The Chairman certifies the minutes of the meeting as complete and accurate before they are available to general distribution.

Hearings

Public hearings will be held in communities of the member states of the Council. They will be advertised in advance in the **Federal Register** and local news media. Agenda and subject matter will be available at the Council office in Anchorage at least one week prior to the hearings.

Advisory Bodies

The North Pacific Fishery Management Council has established a Scientific and Statistical Committee comprised of 11 members from the fields of biology, economics, statistics, and the social sciences appointed by the Council and serving at the pleasure of the Council, and an Advisory Panel of 25 members from the full spectrum of the fisheries field including fishermen and others based on a diversity of interests from the standpoint of geography, association with specific fisheries, etc.

Scientific and Statistical Committee

The Committee shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director.

Function. At the direction and with the approval of the Council designates the members and structure of management plan development teams, reviews management plans and other material at the request of the Council and advises the Council on them, identifies areas for the Council where further data is needed to complete or improve management plans. Advises the Council on ways to proceed in areas relevant to the scientific and statistical matters or in areas in the bio-socio-economic fields, prepares specific statements for the Council in response to questions or requests from them.

Advisory Panel

The Advisory Panel shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director.

Function. The Advisory Panel offers to the Council on a continuing basis advice on the assessments and specifications contained in each fishery management plan for each fishery within the Council's geographic area of concern. The Panel's major expertise concerns the capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in fishery management plans, the effect of such fishery plans on local economies and social structures, and potential conflicts between user groups of a given fishery resource.

Advisory Panel members serve for two years with the terms beginning at the December Council meeting of even years. Members may succeed themselves. Panel members are chosen by the Council from a list of nominees submitted by all interested persons and groups on the basis of their experience and expertise in various facets of fisheries in the North Pacific. The Council will attempt to appoint as broad a spectrum of interests as is possible, including the various fisheries around Alaska, commercial, sport, and subsistence, catching, processing, sales, consumerism, and general interest.

Persons wishing to serve on the Advisory Panel may submit their names with a short resume through the Executive Director. A list of nominees will be kept in the Council headquarters. The Council Chairman shall have authority to fill interim vacancies on the Advisory Panel from the list of nomines subject to confirmation by the Council at the next regular meeting.

The Advisory Panel meets as a body at the call of the Council Chairman, usually one day before regular Council meetings. Members may attend Council meetings to advise the Council with particular reference to the socioeconomic implications of management plans. Panel members may attend all public hearings on fishery management plans and amendments in which they have an interest with the approval of the Chairman or Executive Director prior to travel to attend a public hearing.

The Council will reimburse Advisory Panel members for expenses incurred by attendance at meetings and hearings to the normal limit for official travel.

The Panel will set up such workgroups as the Chairman of the Panel and the Council deem necessary to carry out the Panel's duties. All members of such workgroups will be appointed from the membership of the Advisory Panel.

Plan Development Teams (PDT)

Management plan teams will be organized for each fishery management unit identified by the Council. Team members will be selected from State and Federal conservation agencies, universities, and private institutions or individuals known to possess specific knowledge or expertise considered desirable in the preparation of management plans. The Scientific and Statistical Committee will submit to the Council a list of recommended members, participating agencies, or institutions. The Council will confirm the composition of the team. Following guidance from the Council concerning the general objectives and scheduling of plan preparation, the team will organize the plan and its contents in accordance with a standard outline. Scientific inputs to the plan will be drawn from any relevant data source, including oral testimony. The Team Chairman will insure that the best available data are analyzed and used in draft plans.

The Chairman will distribute tasks among its members and, through the Council plan coordinator, will be responsible for scheduling meetings, typing and reproducing preliminary drafts, and coordinating the activities of the Team. The draft plan should reflect a consensus view of the Team members. During plan development the Team may seek assistance from other sources and the Scientific and Statistical Committee will propose a list of specialists the Team may contact. The Team Chairman is also free to contact any other outside sources that may be helpful in plan preparation.

Conduct of Plan Development Team Meetings

The Executive Director, on the advice and recommendation of the Plan Development Team leader, may schedule Team meetings as closed sessions to be attended only by members of the Team, or as open sessions which any interested person may attend. At the discretion of the

Chairman, the PDT may allow testimony or invite participation by attendees at open meetings.

It is expected that closed sessions will only be necessary in the first stages of plan or amendment preparation; and that as soon as practical thereafter open sessions will be held in participation with the appropriate plan subgroups from the Council, Advisory Panel, and SSC to discuss the rationale and need for the Team proposals, the data base from which they are derived, and the expected results of those proposals. Those open sessions will also serve as a forum for the aforementioned subgroups, interested user groups, and public to recommend possible alternatives to the proposals and submit additional data and recommendations to the PDT.

Open Plan Development Team meetings will be advertised through the Council's mailing list and, where appropriate, in the local news media.

Plan Maintenance and Management Teams

Actual plan maintenance and management will be accomplished through the agencies, Council advisory bodies, the Council, and Board of Fisheries with input from the affected public. A Plan Maintenance Team (PMT) will be formed primarily to identify individuals responsible for coordinating the needed input to the Council at the appropriate times. One member will be designated as leader to provide a primary contact.

The PMT will accept responsibility for coordinating the FMP process once the Plan has been implemented. This will be smaller and consist primarily of NMFS, Council and State scientists.

The PMT will, for example, coordinate the following tasks: fishery and resource status updates; review of management objectives; appraisals of management regimes' effectiveness in achieving the objectives; FMP amendments; introduction of agency-proposed management changes with rationales and potential impacts; evaluation of proposals introduced by the public; screening of proposals and documents for relevance to appropriate bodies; and so on.

The PMT is a coordinating body which cannot be expected to actually perform all of the tasks associated with FMP maintenance. The PMT will be dependent on agencies' commitments of resources to accomplish their tasks, often on a case by case basis.

Administrative Management System

Office of Management and Budget Circular No. A–110 provides uniform administrative requirements applicable to the North Pacific Fishery Management Council, including standards for financial management, financial reporting, property management, and procurement. The Council will operate in full compliance with these standards.

Financial Management System

Procurement/Property Management System—Management of this system will be a direct responsibility of the Staff Administrative Officer.

1. *Contracts*—Negotiated and advertised contracts will be administered under the same principles of equality and integrity outlined under the section "Employment Practices," and will generally follow the specifications normally characteristic of contracts with public entities, (e.g., public announcement, emphasis on competition, change orders, etc.).

2. *Purchases*—Commodities and services will be procured by means of a document-oriented system, with a receipt, check, or purchase order type document maintained on all transactions. Typical suspense systems will be maintained for any partial and undelivered procurements. Equipment and supplies available in the General Services Administration will usually be given primary consideration, except where cost-effectiveness and efficiency dictate otherwise. A petty cash fund for over-the-counter purchases will be maintained as necessary in the Council staff office.

3. *Property*—An accountability system of all durable or capitalized personal property will be maintained by means of an inventory system.

4. *Real Property*—The leasing, renting, and acquisition of real property and space will be effected in a manner consistent with customary practices related to contracts with public entities. Real property files will be maintained on all transactions, including litigation, connected therewith.

Fiscal Management system

The finance and budget control systems will be a direct responsibility of the Administrative Officer, who will maintain full cognizance of, and compliance with, all Department of Commerce requirements, pursuant to the Act, Treasury Department (IRS) regulations as well as any applicable local requirements (state, municipal, etc.).

1. Financial control will be effected by means of a basic document-oriented accrual accounting system, which will include provisions for ar least the following: direct labor (salary); indirect labor (emloyer contributions for FICA, life and health insurance, retirement, and unemployment taxes), travel expenses (transportation and subsistence), transportation of things, rent and utilities, taxes (non-employment), printing, communications, supplies, equipment, contracts, and any appropriate contra-accounts (contract accruals, etc.).

2. A general ledger, supported by appropriate journals, will be maintained on all obligations and expenses, including appropriate accruals, and will be used to prepare periodic reports for review by the Executive director, the Council, or Department of Commerce representatives. As a minimum, a complete financial status report should be completed on a monthly basis. The financial management system will be coordinated with the budget management system so that current and projected fund usage can be determined at any time.

3. A separate payroll register, indicating all applicable expenses and accruals, will be maintained on each member of the Council and the Council staff.

4. All financial records will be kept until audited or approved for disposal by the appropriate Department of Commerce representative.

5. Specific details related to implementing the above will, in general, correspond to the NMFS 1977 model accounting system for Regional Councils.

[FR Doc. 82–1035 Filed 1–13–82; 8:45 am]
BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Western Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law. 94–265, 16 U.S.C. 1852), to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDA: (Open Meeting)—review the status of spiny lobster, billfish, and precious corals fishery management plans and review progress of a bottomfish planning document. (Closed Session)—The Council will

discuss personnel matters concerning the salaries of Council staff members and also discuss the selection of individuals to fill an economist vacancy on the Council staff.

DATES: (Open Meeting)—January 26–28, 1982 (10:30 a.m. to 5 p.m., on January 26; 1:30 p.m., to 5:30 p.m., on January 27; 9 a.m. to 2 p.m. on January 28). (Closed Session)—January 26, 1982 (8 a.m. to 10 a.m.)

ADDRESS: On January 26, 1982, the meeting will take place at the Saipan Grand Hotel, Saipan, Commonwealth of the North Mariana Islands. On January 27–28, 1982, the meeting will continue at the Pacific Islands Hotel, Tumon Bay, Guam. The meeting is open to the public.

FOR FURTHER INFORMATION:
Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on January 7, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. 552b(b)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: January 11, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82–1034 Filed 1–13–82; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Electromagnetic Calibration Services; Finding of Need

AGENCY: Assistant Secretary for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of a final finding of need to accredit laboratories that provide electromagnetic calibration services.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Parts 7a, 7b, and 7c), this notice announces the Department of Commerce's final finding of need to accredit testing laboratories that provide electromagnetic calibration services. It also announces the Department's intent to develop a voluntary laboratory accreditation program (LAP) to accredit those laboratories. The basis for the final finding of need is described.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT:
John W. Locke, NVLAP Coordinator, Office of Product Standards Policy, Room 4709, U.S. Department of Commerce, Washington, D.C. 20230; phone: (202) 377–2054.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 1980, the U.S. Department of Commerce (DOC) published in the **Federal Register** a preliminary finding of need to accredit laboratories that provide electromagnetic calibration services (preliminary finding) (45 FR 52326–52329) based on the formal request of Dr. Bruno O. Weinschel of Weinschel Engineering, Gaithersburg, Maryland. Written comments on the preliminary finding were due on or before October 6, 1980. The Department held an informal public hearing on September 25, 1980. Eight individuals presented their views at that hearing. Besides these oral comments, 13 written statements were filed in response to the preliminary finding. The written statements and the transcript of the public hearing are available for inspection and copying in DOC's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street, between Constitution Avenue and E Street NW., Washington, D.C.

These oral and written comments have been carefully considered and analyzed. In addition, DOC reviewed the preliminary finding and the basis on which it was issued. The result of this analysis and review is a document entitled, "Summary and Analysis of Comments on the Preliminary Finding of Need to Accredit Laboratories That Provide Electromagnetic Calibration Services and Recommendations for a Final Finding of Need" ("Summary and Analysis Document"). That document, which lists the members of the public who provided oral and written comments, is available for inspection and copying at DOC's Central Reference and Records Inspection Facility mentioned above.

An analysis of the comments and the position taken by DOC on major issues raised by the comments is presented below.

Summary of Analysis of Comments on Major Issues

Scope of LAP. Sixteen respondents indicated support for a LAP covering calibration services beyond that of electromagnetic calibration services, as proposed in the preliminary finding. Their comments are summarized in the "Summary and Analysis Document."

On balance, the comments favor a calibration services LAP which is broader in scope than the LAP proposed in the preliminary finding. Some of the respondents recognized the problems of resource limitations and agreed that priorities need to be set before implementing a broader-based LAP. Considering these factors and taking into account the substantial complexity of the laboratory evaluation procedures in this particular area, DOC has decided that this LAP should remain within the scope of calibrations for electromagnetic power and attenuation measurements as proposed in the preliminary finding.

Benefit to the Public. Twelve respondents addressed some aspects of the benefits to the public that such a LAP would create. One respondent stated that participation by a laboratory in the LAP would provide an excellent form of quality control and incentive to keep up with the state-of-the-art. Another respondent stated that calibration LAPs would standardize terminology as well as insure that equipment is being calibrated to recognized national standards. Four respondents indicated that a LAP would help identify reputable calibration laboratories and help eliminate the "unscrupulous operations" which provide marginal services that, in turn, depress the fair market value of more reputable services. Three respondents indicated that a LAP would improve the quality of calibration services being offered. One respondent indicated that quality calibration services are essential to U.S. industry, productivity, and product competitiveness, and that a LAP would enhance international acceptance of U.S. products. Another respondent indicated that the Air Force has found it necessary to provide in-house audit systems (assumed by NVLAP staff to be equivalent to accreditation systems) to monitor its calibration laboratories. One respondent expressed skepticism that this LAP would help calibration laboratories keep and get new business

or help reduce the number of audits that they currently undergo.

On balance, the comments support the statements in the preliminary finding on benefits to the public. Furthermore, information provided by the respondents and identified subsequent to the preliminary finding supports the following statements which have been added to the final finding:

(1) Recognizing competent vendors of calibration services, thereby promoting equity and fair market value for these services;

(2) Reducing the number of incompetent vendors of calibration services; and,

(3) Fostering international acceptance of test results and calibrations produced by United States laboratories.

With regard to the international acceptance of test results and calibrations, discussions with laboratory accreditation system managers from other countries at the International Laboratory Accreditation Conference (ILAC) in Paris on October 27–31, 1980, indicated that rapid progress is being made by European countries to develop procedures for recognizing calibration service laboratories across national borders. In addition, representatives from India, Indonesia, Brazil, and Mexico spoke of their efforts to develop agreements for bilateral and multilateral recognition of each other's national calibration programs and ultimately of product test results. This trend could form the basis for negotiations leading to the international acceptance of test results produced by an accredited laboratory in any one of the participating countries.

NVLAP staff has held periodic discussions with representatives of other laboratory accreditation systems such as NATA (Australia's system) and TELARC (New Zealand's system) on the significance of calibration in a laboratory accreditation system. Based on these discussions DOC believes that this electromagnetic calibration services LAP will play an important role in fostering international acceptance of U.S. test data in this area.

As this LAP matures and becomes more widely recognized, more organizations should opt to use NVLAP. This is already happening with the three existing LAPs. Additionally, a number of accreditation agencies have decided to eliminate their own programs and rely on NVLAP. Further, DOD appears willing to cooperate with NVLAP and support a calibration services LAP. It is hoped that mutual recognition of the DOD and DOC programs can be arranged at some later date.

Valid Testing Methodology. Three respondents addressed the appropriateness of the two IEEE standards identified in the preliminary finding as the applicable standards and test methods to be included initially in the LAP. Discussions were held with experts at the NBS concerning the test methods to be included in this LAP. It was argued that since the state-of-the-art in microwave power and attenuation measurements is evolving rapidly and that since many valid test methods are now being used, the LAP should have the ability to recognize other test methods which can be shown to be technically suitable. DOC concurs with this view, and has added to the final finding of need an explanation that it will be receptive to changes in the existing methods, or to requests for additions to the test methods for this LAP.

The new material also explains that since the NBS enabling legislation assigns to it responsibility for the integrity of the nation's measurement system, and since NBS provides the basic reference calibrations for the nation, DOC believes that it is appropriate for NBS to review and recognize evolutionary calibration test methods (e.g., as may be identified by applicant laboratories) which are found to be adequate for NVLAP purposes in the same areas as those described in the IEEE standards for electromagnetic calibration services. Similarly, changes in the methods of test specified in those standards will be recognized if judged to be adequate by NBS persons responsible for electromagnetic calibrations. Full documentation of these evolutionary test methods or changes in the existing methods would be necessary in order to judge their acceptability. This is consistent with NVLAP's accreditation criteria addressing evidence of conformance, namely, "The laboratory shall maintain documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought." (15 CFR 7a.28(e)).

Other Considerations. Other matters required by NVLAP Procedures to be considered in determining whether to make a final finding of need are covered in general terms in the accompanying finding. A more detailed description of the comments and DOC's analysis of them appears in the "Summary and Analysis Document."

Administration of the LAP. Nine respondents provided suggestions on how a LAP for calibration services should be developed and administered. The suggestions made by these respondents will be considered by the NVLAP staff in administering the LAP. Additional details regarding these comments are addressed in the "Summary and Analysis Document."

Conlusions

In reviewing the record as a whole, DOC finds general support for this LAP on electromagnetic calibration services. The final finding of need for the LAP follows.

The next step to be taken in implementing the LAP will be to organize one or more public workshops at which the technical issues relevant to each test method will be addressed and resolved. Supplementary information will then be prepared, describing how the NVLAP criteria will be interpreted for each test method. Only when this step is completed will laboratories be invited to seek accreditation in response to a **Federal Register** notice announcing the formal establishment of the LAP.

Dated: January 11, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

Final Finding of Need

The request of Weinschel Engineering that the Department of Commerce (DOC) find that there is a need to accredit testing laboratories which provide electromagnetic calibration services has been carefully considered. Moreover, the preliminary finding issued on August 6, 1980, together with the written and oral comments submitted by interested parties in response thereto, have been carefully reviewed and analyzed. On the basis of that review and analysis, it is hereby found that a need exists to accredit testing laboratories that provide electromagnetic calibration services.

Identification of the Product

The scope of a laboratory accreditation program (LAP) established under the National Voluntary Laboratory Accreditation Program (NVLAP) is defined by the product area of the LAP. According to § 7a.3(b) of the NVLAP procedures, the term "product" means "a type or a category of manufactured goods, constructions, installations and natural and processed materials or *those associated services* whose characterization, classification or functional performance determination is specified by standards." The product for this LAP is identified as "electromagnetic calibration services"

covering calibrations of electromagnetic power and attenuation measurements.

Applicable Standards and Test Methods

NVLAP procedures require that applicable standards be identified when a LAP is established. Accordingly, the two standards and test methods of the Institute for Electrical and Electronic Engineers (IEEE) identified in the Weinschel request, entitled "IEEE Standard Application Guide for Bolometric Power Meters (IEEE Std 474–1973)" and "IEEE Standard Specifications and Test Methods for Fixed and Variable Attenuators, DC to 40 GHz (IEEE Std 470–1972)," are identified as the applicable standards in establishing this LAP.

Basis of Need

Benefit to the Public. Criteria and other requirements for accrediting laboratories under this LAP would benefit the public interest by:

(a) Providing a common basis for quantitative measures of conformance with accepted standards;

(b) Providing a mechanism and calibrations by which private sector laboratories can obtain recognition of their calibration programs equivalent to those provided to DOD laboratories;

(c) Supporting legislative requirements for tracing the accuracy of test equipment measurement in certain consumer product, worker safety, and environmental areas;

(d) Recognizing competent vendors of calibration services, thereby promoting equity and fair market value for these services;

(e) Reducing the number of incompetent vendors of calibration services; and,

(f) Fostering international acceptance of test results and calibrations produced by United States laboratories.

In order to assure the quality of its own calibration services, DOD has found it necessary to provide in-house audit systems (assumed to be equivalent to accreditation systems) for its calibration laboratories. It is apparent that DOD believes that the benefits of its audit systems outweigh the costs. There are no similar audit or accreditation systems available for both private users and for other government users of calibration laboratories. The smaller private sector users, who require infrequent and limited use of calibration services, have little guidance in selecting an appropriate calibration laboratory to meet their needs. This LAP will identify competent calibration laboratories on which smaller users can rely. DOC believes that benefits similar to those obtained by users of the DOD calibration audit systems can be secured for United States private sector calibration service users with the establishment of this LAP.

National Need. Proper calibration of measurement apparatus is the cornerstone on which the accuracy of many important measurements rest. Without properly calibrated measurement apparatus, consistently high quality test data cannot be produced. The validity and reliability of the calibration chain (i.e., traceability to national standards) must be affirmed. Thus, there is a need for a formal means of developing and recognizing competent laboratories that provide certain types of calibration services.

There are a number of organizations interested in using accredited electromagnetic calibration services. DOC believes a LAP in this area is warranted. It is estimated that there may be as many as 40 calibration laboratories which would desire accreditation in this LAP.

The National Association of Testing Authorities (NATA) of Australia considers its formal accreditation program, which covers a full range of calibration services, to be a major factor in improving the quality of testing provided by Australia's laboratories. In announcing the establishment of the British Calibration Service (BCS), the British Government stated:

> The state of measurement science and practice in a country is one of the surest signs of its technical efficiency. Modern industrial technology depends on accurate measurement. The country requires both a comprehensive system of national standards of measurement, tied to the recognized international standards, and also facilities for checking, or calibrating measuring instruments and other test gear against such standards so that their accuracy can be authenticated.

The BCS system is serving as a model for other countries' systems for accrediting calibration services. This trend toward the development of national calibration accreditation systems could form the basis for bilateral and multilateral recognition of calibration results and, ultimately, of product test results. Based on the experience of these systems, a system of accrediting laboratories to perform calibration services in this country is needed to facilitate U.S. participation in international arrangements involving recognition of national calibration systems.

DOC knows of no existing United States programs which offer to examine and accredit both public and private sector laboratories which provide calibration services. As mentioned earlier, NBS does offer Measurement Assurance Programs (MAPs), but these programs do not include assessment of a laboratory against specified criteria. MAPs relate only to an assessment of results obtained by the laboratories when actually measuring reference materials, devices, or artifacts. Further, participation in a MAP does not provide formal recognition of the laboratory's competence. However, a MAP may be used as an evaluation tool under this LAP as a way of evaluating the proficiency of the accredited laboratories on a regular basis.

Importance of Standards

Many standards requiring electromagnetic calibration services are important to commerce, consumer well-being, and the public health and safety, such as standards developed by the Federal Communications Commission (FCC) and the Occupational Safety and Health Administration (OSHA). Specific parts of FCC regulations require power and attentuation measurements for radio frequency devices to assure compliance with FCC standards. OSHA regulations identify radio frequency and microwave radiation levels that should not be exceeded. Both FCC and OSHA regulations indicate that the IEEE standards are acceptable for use in power and attenuation measurements. DOD recognizes the importance of reliable electromagnetic measurements to the nation's defense by the resources devoted to its own calibration laboratory evaluation systems to assure reliable electromagnetic measurements. Thus, assuring the quality of measurements in these areas is deemed important to commerce, consumer well-being, and the public health and safety.

Valid Testing Methodology

The IEEE standards identified in the section entitled *"Applicable Standards and Test Methods"* provide test methods (i.e., calibration procedures) which are deemed valid. To the extent that calibration laboratories have found it necessary to modify or supplement these standards in the performance of electromagnetic power and attenuation measurements to maintain the state-of-the-art, two alternative approaches are available under NVLAP Procedures. Both require the development of full documentation, and a complete description of the test method as used by the laboratory, to enable technical review by NBS. The documentation must include system schematic diagrams, procedures used, equipment descriptions, ranges of measurements made via the method, the degree of

uncertainty expected, and the basis for the determination of this uncertainty.

The NVLAP accreditation criteria contain a provision on deviations from test methods as follows: "The laboratory shall maintain documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought," (15 CFR 7a.28(e)). Thus, a laboratory which has modified one or both of the standards cited above may still be accredited under them, if it has adequate documentation.

Alternatively, any additional standards and test methods which are suitable and technically viable for providing electromagnetic power and attenuation calibration services, or which might supersede either or both of the standards cited above, may be added to this LAP under section 7a.4(i) of the NVLAP procedures, in title 15 of the Code of Federal Regulations. A request for the addition of a test method to this LAP must be accompanied by the documentation described above. Before accreditations may be granted for such test methods, they must be formally added to the LAP through NVLAP procedures. Because of its specifically mandated authority in the area of calibration, NBS will decide whether or not additional standards or test methods for this particular LAP will be proposed under the NVLAP procedures. All standards or test methods and their ranges and uncertainties must be within NBS verification capabiltiy for this LAP.

It is essential that an accredited calibration services laboratory maintain reference standards which are traceable to appropriate national standards. In this context, traceability normally means that each such reference standard has been calibrated directly to corresponding standards maintained at NBS on a schedule acceptable to NBS. An alternatively mechanism may be acceptable wherein a reference standard is characterized using a Measurement Assurance Program (MAP) offered by NBS or using an acceptable test method based on reference standards for the primary SI (International System) units which are adequately verified by direct NBS calibrations or MSPs.

Feasibility and Practicality. The experiences of the DOD, other Federal agencies, and foreign laboratory accreditation systems in the accreditation of laboratories providing calibration services and experiences of NVLAP with its existing LAPs support the feasibility and practicality of a LAP for electromagnetic calibration services.

Criteria

During the period of response to the preliminary finding of need, no one suggested a need to modify or add to the general and specific criteria which were being used in the three existing LAPs, and which now have been added to the NVLAP procedures (15 CFR 7a.20–7a.30; 46 FR 37029 (July 17, 1981)). DOC intends to use these criteria in implementing this new LAP on electromagnetic calibration services. Supplemental information will be prepared for each test method which describes how the criteria apply. However, since comments on the preliminary finding of need were due before the criteria were made part of the procedures, DOC will consider appropriate written requests for changes to the criteria before the formal establishment of the LAP is announced, if received by the NVLAP Coordinator (identified above under the heading "For Further Information Contact") on or before March 15, 1982. Any appropriate change to the criteria would be published in the **Federal Register** as a proposed rule for comment before any action is taken to change the criteria.

[FR Doc. 82-963 Filed 1-13-82; 8:45 am]
BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report (October 1–December 31, 1981)

AGENCY: Assistant Secretary for Productivity, Technology and Innovation, Commerce.

ACTION: Publication of the NVLAP quarterly report.

SUMMARY: The Department of Commerce announces accreditation actions for the fourth quarter of 1981. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT:
Mr. John W. Locke, NVLAP Coordinator, Room 4709, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–2054. Those interested in using the services of a NVLAP accredited laboratory may obtain the latest copy of the list of test methods for which it is accredited either from the individual laboratory itself or from the NVLAP Coordinator. Also available from the NVLAP Coordinator is a complete listing of NVLAP accredited laboratories with a corresponding list of the test methods for which they are accredited.

SUPPLEMENTARY INFORMATION:

Background

This report has been prepared in accordance with §§ 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts 7a, 7b, and 7c). In addition, to fulfill NVLAP requirements for monthly reporting of accreditation actions, notice of such actions taken under NVLAP for the month of December is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. However, before it expires, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in §§ 7a.19–7a.30 of the NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c).

New Accreditations Granted

Three laboratories were newly accredited during December 1981. The name and address of each laboratory and the test methods for which accreditation was granted (for one year beginning January 1, 1982) are listed below:

Conrock Co., Testing Laboratory
Attn: Richard H. Campbell
P.O. Box 2950, Terminal Annex Los Angeles, CA 90051
Phone: (213) 258–2777

Test Method and Short Title

ASTM C31—Making and Curing Concrete Test Specimens in the Field
ASTM C172—Sampling Fresh Concrete
ASTM C143—Slump of Portland Cement Concrete
ASTM C138—Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
ASTM C231—Air Content of Freshly Mixed Concrete by the Pressure Method
ASTM C39—Compressive Strength of Cylindrical Concrete Specimens

Walter Carpet Mills
Attn: Xavier Castro
14641 East Don Julian Road
P.O. Box 1252
City of Industry, CA 91749
Phone: (213) 968–1464

Test Method and Short Title

AATCC 16E—Colorfastness to Light (Xenon Arc)

AATCC 8—Colorfastness to Crocking
ASTM D418—Methods of Testing Woven and Tufted Pile Floor Coverings: Pile Weight—Uncoated (Para. 10–19); Pile Weight—Coated (Para. 20–29) as modified by UM 44C; Pile Thickness— (Para. 30–36);Tuft Height—(Para. 37–45) as modified by UM 44C
DDD–C–95A—Shrinkage
ASTM D1335—Tuft Bind of Floor Coverings, Federal Test Method Standards: 191–5100 Textile Test Method—Breaking Strength; 191–5950 Textile Test Method—Delamination
DoC FF1–70—Methenamine Pill Test

Insta-Foam Products, Inc.
Attn: Ronald L. Smith
1500 Cedarwood Drive
Joliet, IL 60435
Phone: (815) 741–6904

Test Method and Short Title

ASTM C302—Density; Performed pipe insulation
ASTM C303—Density; Performed block insulation
ASTM C355—Water vapor transmission; Thick materials; Desiccant method
ASTM C411—Hot-surface performance; High temperature insulation
ASTM D756—Weight and shape changes; Accelerated service (proc. A); Plastics
ASTM D756—Weight and shape changes; Accelerated service (proc. B); Plastics
ASTM D756—Weight and shape changes; Accelerated service (proc. E); Plastics
ASTM D1622—Apparent density; Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
ASTM D2126—Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
ASTM D2842—Water absorption; Rigid cellular plastics
ASTM D1621—Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
ASTM C518—Thermal transmission properties; Heat flow meter

Expired Accreditations

ATEC Associates, Inc. of Cincinnati, Ohio chose not to renew its Concrete LAP accreditation, which expired December 21, 1981. Accreditation under the Concrete LAP for Materials Service Corporation of Chicago, Illinois, and Soil Testing Services, Inc. of Northbrook, Illinois, expired on December 21, 1981. Evaluations for renewal of their accreditations were in progress at the end of December.

Corrections

The notice of October 1981 accreditation actions published in the **Federal Register** on November 17, 1981 (46 FR 56489–56490) indicated that Commercial Testing Company, Inc. of Dalton, Georgia, had dropped ASTM E84. The notice should have stated that Commercial Testing Company, Inc. dropped ASTM E84 for the Insulation LAP only and for the Carpet LAP as well. Commercial Testing Company, Inc. is accredited for ASTM E84 under the Carpet LAP.

That notice also indicated that Underwriters Laboratories, Inc. of Northbrook, Illinois, dropped ASTM C687. In fact, Underwriters Laboratories, Inc., is accrediated for ASTM C687 under the Insulation LAP.

List of Laboratories Whose Accrediation Were Either Renewed or Newly Granted During the Fourth Quarter of 1981

The following laboratories were accrediated during the fourth quarter of 1981 for one or more test methods available under NVLAP. Each laboratory received a certificate of accrediation and a corresponding list of test methods for which each is accredited. Anyone who wishes to know which test methods each laboratory is accredited for should contact the laboratory directly or the NVLAP Coordinator.

Aguirre Engineers, Inc.
American Admixtures and Chemicals Corp.
American Carpet Laboratories, Inc.
Armstrong World Industries, Inc., Marietta Carpet Plant
The Arundel Corporation, Greenspring Laboratory
Bigelow-Sanford, Inc., Georgia Rug Mill
Bigelow-Sanford, Inc., Technical Services
Bowser-Morner Testing Labs, Inc., Dayton, Ohio Laboratory
Bowser-Morner Testing Labs., Inc., Maysville, Kentucky Laboratory
Bowser-Morner Testing Labs., Inc., Toledo, Ohio Laboratory
Butler Manufactuirng Company Research Center
C. H. Masland and Sons
Capitol Cement
Central Ready Mixed Concrete, Research & Technical Center
Certainteed Corporation Insulation Group, R & D Lab
Certified Testing Laboratories, Inc.
Chisholm Trail Testing and Engineering Company, Inc.
Commercial Testing Company, Inc.
Conrock Co., Testing Laboratory
Construction Technology Lab., Division of Portland Cement Association
Contractors Supply Corporation of West Virginia, Inc.
Coronet Carpets, Inc.
The Dolese Company, Engineering Laboratory
Dow Chemical USA, Granville Research Center
Dynatech R/D Company
Dynatherm Engineering
E & B Carpet Mills, Inc.
Engineering Testing Laboratory, City of Akron
Factory Mutual Research Corp.
Franklin Research Center
Galaxy Carpet Mills, Testing Laboratory
Garco Testing Laboratories
Genstar Stone Products Co., Quality Control Laboratory
Geoscience Ltd.
The H. C. Nutting Company
Hales Testing Laboratories, Inc.
Hardwood Plywood Manufacturers Association
Hauser Laboratories
Herron Consultants, Inc.
Independent Textile Testing Service, Inc.
Insta-Foam Products, Inc.
Intest Laboratories, Inc.
Jim Walter Research Corporation
Kelso Industries, Inc.
Lander Thermal Conductivity Laboratory
Lewis Engineering, Inc.
Louisiana-Pacific Corporation, Pabco R & D Laboratory
Manville Corporation, R & D Center
Mohasco Corporation, Physical Testing Laboratory
NAHB Research Foundation, Inc.
Northern Testing Laboratories, Inc., Billings Area Laboratory
Northern Testing Laboratories, Inc., Boise Area Laboratory
Northern Testing Laboratories, Inc., Great Falls Area Laboratory
Olin Corporation, Physical Testing Laboratory
Owens-Corning Fiberglass Corp., Technical Center Laboratory
Owens-Corning Fiberglass Corp., Barrington, New Jersey Plant Laboratory
Owens-Corning Fiberglass Corp., Delmar, New York Plant Laboratory
Owens-Corning Fiberglass Corp., Fairburn, Georgia Plant Laboratory
Owens-Corning Fiberglass Corp., Kansas City, Kansas Plant Laboratory
Owens-Corning Fiberglass Corp., Newark, Ohio Plant Laboratory

Owens-Corning Fiberglass Corp., Santa Clara, California Plant Laboratory
Owens-Corning Fiberglass Corp., Waxahachie, Texas Plant Laboratory
Pittsburgh Testing Laboratory
R. W. Sidley, Inc., Sidley Quality Control Lab
Shaw Industries, Inc.
Smith-Emery Company
Southwest Research Institute, Department of Fire Technology
Southwestern Laboratories
Sparrell Engineering Research Corporation
Standard Testing and Engineering Company
The Tanner Companies, United Metro Division Laboratory
Technical Micronics Control, Inc.
Testing Engineers, Inc., Oakland Division
Testing Engineers, Inc., Santa Clara Division
Texas Testing Laboratories, Inc.
Thermtron Research Laboratory
Trend/Roxbury Divisions of WWG Industries, Inc.
Twin City Testing & Engineering Laboratory, Inc.
Underwriters Laboratories, Inc., Northbrook, Illinois
Underwriters Laboratories, Inc., Santa Clara, California
United States Testing Company, Inc., Hoboken, New Jersey Laboratory
United States Testing Company, Inc., California Division
United States Testing Company, Inc., Tulsa Division
The Upjohn Company, Donald S. Gilmore Laboratories
W. R. Grace & Company
The Walt Keeler Company, Inc.
Walter Carpet Mills
Western Technologies, Inc.
World Carpets, Inc., R & D

Insulation LAP Status

The LAP for thermal insulation materials has 57 test methods for which accrediation may be granted. Thirty-nine laboratories are currently accrediated to perform one or more of these test methods.

In a letter dated October 30, 1981, Mr. Edwin J. Mears, Quality Control Supervisor of Apache Building Products Company, requested that DOC add test method ASTM D2126, Procedure C to the Insulation LAP. DOC has deemed such an addition suitable and is including this test method as part of the LAP. Application requests for this test method should be addressed to the NVLAP Coordinator.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. Forty-two laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. Twenty-three carpet testing laboratories are currently accredited for one or more of these test methods.

LAPs Under Development

A public workshop to develop the technical details necessary to implement a LAP for solid fuel room heaters was held October 13–14, 1981 at NBS. A notice announcing the formal establishment of this LAP and the availability of applications is expected during the early part of 1982.

A "Request for Proposal" to obtain the services of a testing laboratory to conduct the proficiency testing aspect of a LAP for personnel dosimetry processors is being prepared. Efforts are underway to identify NVLAP assessors for this LAP. Nominations of individuals with professional credentials in personnel dosimetry processing may be submitted to Margaret Federline, NBS, Bldg. 225, Room B–06, Washington, D.C. 20234; 301–921–2427. NVLAP assessors for this LAP are expected to participate in one to ten on-site assessments of processors during 1982–83. A public workshop is planned for April 12–13, 1982, to discuss specific benchmarks of adequacy or characteristics which distinguish competent processors in each area covered by the NVLAP criteria. A notice announcing the formal establishment of this LAP is expected in the spring of 1982.

A final finding of need for a LAP to accredit laboratories that provide acoustical testing services was published on October 19, 1981 (46 FR 51267–51271). Workshops are scheduled for February 23–24 and March 10–11, 1982 to develop the technical details for administering this LAP.

A final finding of need for a LAP to accredit laboratories that provide electromagnetic calibration services should be published in January 1982.

Dated: January 11, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 82-982 Filed 1-13-82; 8:45 am]
BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Navy

Permanent Disposal of Decommissioned, Defueled Naval Submarine Reactor Plants; Intent To Prepare a Draft Environmental Impact Statement

The Department of the Navy announces its intent to prepare a generic environmental impact statement (EIS) to assess the environmental implications of alternatives that could be used by the Navy to permanently dispose of decommissioned, defueled naval submarine reactor plants.

The proposed action is to determine which of two basic alternatives should be pursued for the permanent disposal of decommissioned, defueled submarine reactor plants—either land or sea; and if land, to determine what sites are acceptable for such disposal. The Navy has no immediate plans to dispose of any nuclear-powered ships and no decision has been made to do so. However, with over 100 nuclear-powered submarines in operation, the Navy is faced with eventual decommissioning of these ships at a future rate of possibly 3 or 4 per year over the next 30 years, and a permanent means of disposal must be developed that is environmentally acceptable. Following decommissioning, the reactor plants in the submarines do not contain nuclear fuel, transuranic elements or high level radioactive material. They will, however, contain low-level radioactivity resulting from the operation of the reactors while the submarines were in commission.

The two basic alternatives for permanent disposal are land disposal and sea disposal. Permanent disposal can be achieved by removal of the submarine compartment that contains the defueled reactor, followed by shipment of the compartment by barge and overland trasnsporter to either of two accessible Federal land burial sites currently used by the Department of Energy for burial of low-level radioactive waste. These sites are in South Carolina (Savannah River Plant) and Washington (Hanford Plant). Radiation levels associated with the entire operation would meet applicable requirements of the Department of Transportation, Nuclear Regulatory Commission, and Department of Energy for transportation and disposal of solid low-level radioactivity. Alternatively, permanent disposal of the defueled submarine reactor plants could be achieved by sinking the entire decommissioned, defueled submarine in

deep water locations that would be selected and approved by the United States Environmental Protection Agency. Although specific ocean sites are not being selected in this EIS, preliminary evaluation of available information indicates that ocean areas meeting international site criteria do exist within 200 miles of the East and West Coasts of the United States.

An alternative for temporary disposition of these defueled submarine reactor plants would be the placement of each submarine in protective storage such as in a Naval shipyard for an extended period. This would allow radioactive material to decay under controlled conditions without release to the environment. However, this alternative would lead to other impacts and only postpone the decision for ultimate disposal, requiring the decision to be made sometime in the future. For this reason, this alternative is regarded as the no-action alternative. No other practical alternatives are known to exist for the final disposition of the reactor plants.

Impacts to be assessed for each disposal alternative include expected commitment of resources, land use, transportation requirements, and environmental consequences, including occupational radiation exposure due to disposal activities, and possible radiation exposure to the public during transportation and disposal. The impact of radioactivity releases due to unexpected occurrences will also be assessed. For any alternative considered, an assessment of the impact on the environment and life in the vicinity of disposal sites will be made. The above list is not intended to be all inclusive nor to be a predetermination of impacts.

In accordance with the Council on Environmental Quality regulations for compliance with National Environmental Policy Act (NEPA) (40 CFR Part 1501), the Department of the Navy is serving as the lead agency for preparation of the EIS. The Department of Energy (DOE) will participate as a cooperating agency with regard to the alternative of land disposal at DOE burial sites. By participating as a cooperating agency, DOE obligations under NEPA will be fulfilled and no separate DOE EIS will be required.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation and scoping of the draft EIS are invited to do so. Scoping consists of identifying issues, including disposal alternatives and environmental impacts to be assessed in the EIS. Upon completion of the draft EIS, its availability will be announced in the **Federal Register**, at which time comments from Federal and State agencies, organizations, and the general public will be solicited. Comments on the draft EIS will be considered in preparing the final EIS. Based on the final EIS, a decision will be made as to which alternative will be pursued by the Navy.

Written comments or suggestions on the scope of the EIS may be submitted to: Captain Edward F. Wagner, U.S. Navy, Office of the Chief of Naval Operations (OPNAV–22), Department of the Navy, Washington, D.C. 20350, Telephone (202) 697–1984.

To assist agencies and individuals that may be particularly interested in focusing on the pertinent issues, an annotated outline of the draft EIS as currently envisioned by the Navy has been prepared. Requests for this outline should be addressed to Captain Wagner at the above address.

For general information on the Navy EIS process contact: Mr. Edward W. Johnson, Office of the Chief of Naval Operations (OPNAV–45), Department of the Navy, Washington, D.C. 20350, Telephone: (202) 697–3689.

Written comments received on or before February 16, 1982, will be considered in the preparation of the draft EIS. Comments received after that date will be considered to the extent practicable.

Those not wishing to submit comments or suggestions at this time, but who would like to receive a copy of the draft EIS for review and comment when it is issued, should submit their name and address to Captain Wagner at the above address.

Dated: January 11, 1982.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Certifying Officer.

[FR Doc. 82-982 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Thursday & Friday, March 4–5, 1982, Plaza West, Rosslyn, Virginia

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 11, 1982.

[FR Doc. 82-984 Filed 1-13-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Educational Opportunity Centers Program; Application Notice for New Awards for Fiscal Year 1982

Applications are invited for new awards under the Educational Opportunity Centers Program.

Authority for this program is contained in sections 417A and 417E of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070d, 1070d–1c)

The Secretary awards grants under this program to institutions of higher education, public and private agencies and organizations, and, in exceptional cases, to secondary schools. Combinations of institutions are no longer eligible to apply for Educational Opportunity Centers Program grants.

The purpose of the awards is to allow applicants to carry out projects designed to provide disadvantaged persons with information on financial and academic assistance available to individuals desiring to pursue a program of postsecondary education and to assist them in applying for admission to postsecondary institutions and in obtaining adquate financial aid.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by March 12, 1982.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.066 (Educational Opportunity Centers), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: Applicants are advised that the Education Amendments of 1980 made several changes in the Educational Opportunity Centers Program. For example, at least two-thirds (⅔) of the participants must be low-income individuals who are first-generation, or potential first-generation, college students.

A "low-income individual" means an individual whose family's taxable income did not exceed 150 percent of the poverty level in the calendar year preceding the year in which the individual participates in the project.

A "first-generation college student" means a person neither of whose parents received a bachelor's degree.

In addition, the Education Amendments have included an age requirement for eligible participants. The Educational Opportunity Centers Program, as amended, is designed to focus services on adults (at least nineteen years of age). However, if there is no Talent Search Project serving the same target area, an Educational Opportunity Center may serve eligible persons who are younger than nineteen.

The applications for new awards will be evaluated cometitively under the selection criteria for new awards (34 CFR 644.31) published in this issue of the **Federal Register** In addition, applicants who have been funded within the previous three years to operate an Educational Opportunity Center may receive additional points on the basis of their successful experience. The past performance section of the application will be accepted on the basis of the notice of proposed rulemaking on past performance (34 CFR 644.32) which was published in the **Federal Register.** on December 14, 1981 (45 FR 61063).

Educational Opportunity Centers Program grants may be awarded for project periods of up to three years. The Department of Education may not, however, fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting multi-year funding must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for each additional year requested.

The Secretary approves requests for the additional year(s) if:

1. The need continues to exist for the services provided by the project;
2. Satisfactory progress has been made in implementing the approved work plan and in achieving the program's goals and objectives;
3. The project continues to offer promise of success;
4. All required reports have been received and accepted by the Secretary; and
5. Funds are available to continue the project.

Available funds: The Third Continuing Resolution, which expires on March 31, 1982, authorizes $7,680,000 to be made available for new awards under the Educational Opportunity Centers Program in Fiscal Year 1982. It is estimated that these funds could support approximately 30 new awards ranging between $150,000 and $450,000, at an average cost of $256,000.

Although processing of new applications will proceed on the basis described above, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for Fiscal Year 1982 may result in a further reduction of available funds.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 26, 1982.

Application packages will not automatically be mailed to all institutions of higher education. However, they will be mailed to all currently funded Special Programs projects. Application packages may be obtained by contacting the Division of Student Services, Information Systems and Program Support Branch, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–7070.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

Applicable regulations: Regulations applicable to this program are:

(a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions). (These parts were previously codified as 45 CFR Part 100a and 45 CFR 100c respectively);

(b) Regulations governing the Educational Opportunity Centers Program (34 CFR Part 644) which are published in this issue of the **Federal Register**; and

(c) The notice of proposed rulemaking on past performance (34 CFR 644.32) which was published in the **Federal Register** on December 14, 1981 (45 FR 61063). (If any substantive changes are made in the final regulations for this section, applicants will be given an opportunity to revise their applications, if needed.)

Further information: For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2511.

(20 U.S.C. 1070d, 1070d-1c)
(Catalog of Federal Domestic Assistance Number: 84.066—Educational Opportunity Centers Program)

Dated: January 8, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-950 Filed 1-13-82; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action to Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of the Industry Working Party to the International Energy

Agency (IEA) will be held on January 26, 1982, at the offices of the International Energy Agency, 2 rue Andre Pascal, Paris 16, France, beginning at 10:30 a.m. The purpose of this meeting is to permit attendance by representatives of the Industry Working Party at a meeting of an *Ad Hoc* Working Group of the IEA Standing Group on the Oil Market which is being held in Paris on that date.

The agenda for the meeting is under the control of the *Ad Hoc* Working Group. It is expected that the following provisional agenda will be followed:

1. Adoption of the provisional agenda.
2. Review of the Crude Oil Cost Information System:
—Analysis by the Secretariat of member countries' views on objectives, uses, and modifications;
—Comments by the Industry Working Party.
3. Other business.
4. Date of next meeting.

II. A meeting of the Industry Working Party to the IEA will be held on January 27 and 28, 1982, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. on January 27. The purpose of this meeting is to permit representatives of the Industry Working Party to attend a meeting of the IEA Standing Group on the Oil Market which is being held in Paris on those dates.

The agenda for the meeting is under the control of the Standing Group on the Oil Market. It is expected that the following provisional agenda will be followed and that representatives of the Industry Working Party will be present during discussion of item 3 of the agenda, and possibly other items, except item 5:

1. Adoption of the provisional agenda.
2. Approval of the Summary Record of the 39th session.
3. Review of the Crude Oil Cost Information System:
—Report by the Chairman of the *Ad Hoc* Working Group;
—Analysis of member government views on objectives, uses, and modifications;
—Comments by the Industry Working Party.
4. Current oil market and stocks situation.
5. Consultations on oil supply/demand prospects and product requirements to the year 2000:
—Exxon Corporation;
—British Petroleum Co. Ltd.
6. Standing Group on the Oil Market work programme for 1982.
7. Structural changes in the world oil market—note by the Secretariat.
8. Analysis of the financial information system:
—Paper and presentation by Mr. A. Andersen;
—Analysis of financial data from Fortune magazine.
9. Crude oil price movements of IEA Countries after the outbreak of the Iran/Iraq war.
10. Reserve capacity and production trends:
—OPEC capacity utilization;
—Worldwide reserve/production trends;
—Notes by the Secretariat.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., January 8, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82-986 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements; Government of Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve contractual arrangements under which DOE will consent, if requested, to the assignment of various enrichment services contracts held by various U.S. utilities to the Tokyo Electric Power Company, Inc. for use in various nuclear electric generating facilities. The proposed contractual arrangements will provide for the assignment of 150,000 separative work units in FY 1986, and 100,000 separative work units in FY 1987.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with Pub. L. 96-280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than January 29, 1982.

For the Department of Energy.

Dated: December 22, 1981.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-825 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Bell-Half Moon 230-kV Transmission Project; Finding of No Significant Impact

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of a finding of no significant impact (FONSI) for BPA's proposed Bell-Half Moon 230-kV transmission project providing service to the Inland Power and Light Company.

SUMMARY: BPA has prepared an enviromental assessment (EA) evaluating its proposal to construct transmission facilities improving service to the Inland Power and Light Company in eastern Washington. The proposed action is to rebuild 13 km of 115-kV transmission line to double-circuit 230-kV. The transmission line crosses the Little Spokane River, Deep Creek, and Deadman Creek, requiring construction activity within their 100-year floodplains and an associated wetland. Based on the EA, the Department of Energy (DOE) has determined that BPA's action will not have a significant effect on the quality of the human environment and an environmental impact statement therefore will not be prepared. DOE also finds that there is no practicable alternative to locating part of BPA's action within the floodplains and the wetland.

SUPPLEMENTARY INFORMATION: The need for action is based on load growth forecasts in the area between Spokane and Addy, Washington. Existing transmission facilities are inadequate to reliably and efficiently serve predicted loads.

BPA proposes to rebuild the 115-kV transmission line between Bell and Half Moon Substations, a distance of 13 km, to double-circuit 230-kV. To most of the existing H-frame wood-pole structures, BPA will add one wood pole, relocate the center pole, and install a steel crossarm and set of crossbraces. Placement of the additional pole at each structure site may be on either side of the existing poles, depending on local conditions. As necessary to provide adequate ground clearance for the conductors, some wood-pole structures will be replaced or relocated entirely. In a residential area near U.S. Highway 2, BPA will use single-pole wood

structures instead. Additional right-of-way, in narrow strips totaling less than 1 hectare, may be required to accommodate the rebuilt line. Construction will occur between April and October 1982.

As discussed in the EA, the environmental impacts of BPA's proposed action are:

(1) Short-term noise, dust, and engine exhaust would be created by construction equipment. Because of generally sparse population in the immediate area, exposure to these impacts would be minor.

(2) The visual complexity of the transmission line would generally increase. To reduce adverse visual effects, BPA will use a simpler single-pole design in the residential area and nonspecular conductor for the entire length.

(3) Construction activity could damage private property, especially in the residential area. BPA would compensate owners for property damage resulting from its actions, or restore property if possible.

(4) Approximately 100 commercially valuable trees hazardous to the transmission line would be removed. To protect ground cover, rubber-tired log skidders would be used to remove the trees.

(5) The burning of vegetative debris would create smoke. Only a small amount of debris is anticipated, and it will be disposed of in accordance with local smoke management plans.

(6) Equipment operation causing soil surface disturbance may provide conditions suitable for propagation of noxious weeds common in the general area. Should this occur and should control of these noxious weeds be required, herbicides may be used to control them.

(7) Access road construction on this project would not be significant because an access road system already exists. Primarily, repairs will be performed to assure road system adequacy under increased usage and to prevent deterioration. Where new structure sites will be required in nonagricultural areas, some limited access road construction may be necessary. A minimum of soil will have to be moved in this gently rolling terrain to obtain an adequate roadbed. No deep cuts or fills will be necessary. To control erosion, BPA will construct waterbars on access roads where needed.

(8) Construction activity would disturb ground cover, especially at tower sites and conductor pulling sites. BPA will reseed disturbed areas with an appropriate grass/legume mixture.

(9) Approximately 1.4 hectares of cultivated land may be temporarily disturbed, possibly affecting crops. If possible, construction would be delayed until after harvest. Compacted soils would be restored to preconstruction conditions. Farmlands permanently affected by structure occupancy would total less than 0.3 hectares, including up to 0.1 hectares of prime farmland.

(1.) Wildlife habitat would be temporarily disturbed. Wildlife populations are expected to return to normal when construction is complete.

(11) Actions within floodplains involve relocating one structure out of the Little Spokane River floodplain, and modifying one structure each in the floodplains of Deep Creek and Deadman Creek (which includes a wetland used for pasture). With the exception of visual impact as indicated at (2), above, the natural and beneficial values of the floodplains (and wetland) will not be affected. Very little, if any, vegetation will need to be removed from shorelines.

The proposed action will not affect endangered species or their habitat, properties on or eligible for inclusion on the National Register of Historic Places, or other federally protected resources. The project does not conflict with local land use plans, and conforms to floodplain protection standards appearing in the State of Washington Shoreline Management Act and the Master Shoreline Program for Spokane County.

BPA also considered an alternative plan of service, the alternative of no action, and alternatives to avoid locating within the floodplains and wetland. If no action is taken to increase transmission capacity, the existing facilities would become more severely and more frequently overloaded. Greater electrical losses would result, as would greater likelihood of equipment failure and power outages.

The alternative plan of service would replace the conductor on the 13-km Bell-Half Moon and 54-km Deer Park-Addy sections of the Bell-Colville 115-kV transmission line with a larger conductor. To accommodate the heavier conductor, new structures would be added and existing structures reinforced. This alternative would adversely affect substantially greater amounts of floodplains, wetlands, and prime farmland.

Alternatives to avoid locating in the floodplains and wetland were: (1) Relocate the right-of-way and (2) construct steel towers large enough to support long spans across the floodplains. Neither of these alternatives is practicable because both would have significantly greater environmental impact than the proposed action. No action is not practicable because it would not serve increasing electrical loads and would decrease the reliability and efficiency of service to the Inland Power and Light Company. Therefore, there is no practicable alternative to locating part of the proposed action in the floodplains and wetland. To minimize potential harm to or within these areas, BPA would: (1) Locate structures away from stream edges, (2) leave vegetative buffer zones along stream banks, and (3) revegetate all areas disturbed by construction activity.

FOR FURTHER INFORMATION CONTACT:
Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; phone (503) 234–3361, extension 5136.

BPA may implement the proposed action January 29, 1982.

Dated: December 18, 1981.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82-824 Filed 1-13-82; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Orders and Opportunity for Objection; Standard Oil Company

AGENCY: Economic Regulatory Administration, Office of Special Counsel, DOE.

ACTION: Two proposed remedial orders to the Standard Oil Company ("SOHIO") and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of two Proposed Remedial Orders issued to the Standard Oil Company ("Sohio"), Cleveland, Ohio. In accordance with that section, a copy of one or more of the Proposed Remedial Orders with confidential information, if any, deleted, may be obtained from the DOE.

Sohio is a refiner engaged in the production of crude oil, refining, and the marketing of petroleum products. Sohio was therefore subject to the Mandatory Petroleum Price and Allocation Regulations which were in effect until January 28, 1981.

II. The Proposed Remedial Orders

1. Proposed Remedial Order No. RSOM00501

The Office of Special Counsel's ("OSC") audit of Sohio included an examination of the prices which Sohio charged Tenneco Oil Company ("Tenneco") for sales during the period August 19, 1973 through May 31, 1974.

OSC's examination revealed that all of Sohio's regular gasoline deliveries to Tenneco during this period were priced according to an April 1, 1973 agreement between the parties. Instead of this practice, the prices charged to Tenneco during this period should have been determined in accordance with the formula in DOE pricing regulations. Under the formula Sohio's prices should have been based on Sohio's May 15, 1973 price to Tenneco plus an amount representing the passthrough of increased costs allowable under the formula (the refiner's "d_iu"). However, as a result of Sohio's improper pricing pursuant to the agreement and not the formula, the difference between Sohio's monthly prices to Tenneco and its May 15, 1973 price was greater than Sohio's maximum permissable passthrough of increased costs. Thus, Sohio charged Tenneco prices during this period which were uniformly higher than the maximum lawful prices permitted by DOE regulations.

OSC found that this action by Sohio violated 10 CFR 212.82 and its predecessor regulations and resulted in $3,787,429 in overcharges, plus interest. As a remedy for this violation, OSC proposed that this amount be paid by Sohio in accordance with the special refund procedures provided by Subpart V of 10 CFR Part 205.

2. Proposed Remedial Order No. RSOL00000

OSC's audit of Sohio also involved an examination of the firm's calculation of its non-product cost increases during the period December 1, 1974 to January 28, 1981.

As a result of this examination OSC found that Sohio improperly calculated its increased refinery fuel costs because Sohio (a) failed to perform a single consolidated refinery fuel cost increase computation for the firm, (b) understated its base period costs of natural gas purchased for fuel for its Lima refinery, and (c) failed to input its actual costs incurred for internally produced fuel in its fuel cost increase calculation. OSC also found that Sohio improperly claimed pollution control costs which were duplicative of costs claimed in other non-product cost categories. OSC further found that Sohio failed to properly calculate its increased marketing costs because Sohio (a) improperly claimed imputed marketing costs to offset the cost savings associated with self-service gasoline outlets, (b) improperly claimed imputed marketing costs to offset cost savings achieved by its discontinuation of trading stamps, (c) improperly included costs associated with non-petroleum products in its calculation of increased marketing costs, (d) duplicated pollution control costs in its increased marketing cost calculation, and (e) failed to apply the cents-per-gallon limitation to the marketing cost increase for jet aviation fuel.

OSC found that these actions by Sohio violated 10 CFR 212.83(c)(2)(iii)(E) and 212.87 and resulted in Sohio overstating its non-product cost increases allocable to covered products in the amount of $20,650,623, and throughout the entire audit period in the estimated amount of $168,369,970. As a remedy for the violations, OSC proposed that Sohio reduce its reported refinery fuel cost increases, pollution control cost increases and marketing cost increases by the amount of Sohio's overstatement of such increases during the period December 1, 1974 to January 28, 1981 and recompute its banks of unrecouped cost increases to reflect these adjustments.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to any of the above described Proposed Remedial Orders with the Office of Hearings and Appeals on or before January 29, 1982. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the respective Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of one or more of the Proposed Remedial Orders with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585.

Issued in Washington, D.C., January 7, 1982.

Milton C. Lorenz,
Special Counsel.

[FR Doc. 82-986 Filed 1-13-82; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-197-000]

American Electric Power Service Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on December 31, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power) modification No. 19 dated January 1, 1982 to the Operating Agreement dated June 14, 1962, between Ohio Power, and the Cleveland Electric Illuminating Company.

Modification No. 19 provides for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively when Ohio Power is providing the service.

AEP requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-992 Filed 1-13-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-196-000]

Arizona Public Service Co.; Tariff Change

January 8, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, Arizona Public Service Company tendered for filing proposed Supplement to APS–FPC Rate Schedule No. 33 for sale of non-firm energy to United States—Western Area Power Administration.

The parties request waiver under the provisions of § 35.11 so that service could be commenced on January 1, 1982.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-993 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-198-000]

American Electric Power Service Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on December 31, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power) and Wheeling Electric Company (Wheeling), Modification No. 12 dated January 1, 1982 to the Operating Agreement dated June 1, 1971, among Ohio Power, Wheeling, Appalachian, Monongahela Power Company and West Penn Power Company.

Modification No. 12 provides for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively when Appalachian, Ohio Power and Wheeling are providing the service.

AEP requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1007 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-28-000]

Edison Sault Electric Co.; Application

January 7, 1982.

Take notice that on December 28, 1981, Edison Sault Electric Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance and sale of not more than $2,000,000 of Promissory Notes from time to time on or before December 31, 1982, with a final maturity date of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 21, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-996 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-195-000]

Electric Energy, Inc.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, Electric Energy, Inc. (EEInc.) tendered for filing a supplement to Rate Schedule FERC No. 8, dated November 30, 1981, and entitled "Seventh Revised Service Schedule B" to the Interim Supplemental and Surplus Power Agreement, Amendment No. 5. This agreement is between EEInc. and its Sponsoring Companies: Central Illinois Public Service Company (CIPS), Illinois Power Company (IP), Kentucky Utilities Company (KU), and Union Electric Company (UE). The Sponsoring Companies concurred in the filing. EEInc. states that Seventh Revised Service Schedule B provides for an increase in the reservation charge for the supply of Supplemental Power by the Sponsoring Companies to EEInc.

EEInc. states that the reason for the increase is to cover the Sponsoring Companies' increased cost and to set the reservation charge at a level that is competitive with other reservation charges prevailing in the Companies' service areas.

The Company requests that Seventh Revised Service Schedule B be permitted to become effective on March 1, 1982.

According to EEInc., copies of this filing have been sent to the Sponsoring Companies, the Illinois Commerce Commission, the Kentucky Public Service Commission, and the United States Department of Energy.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-994 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-202-000]

Florida Power Corp.; Filing

January 8, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Florida Power Corporation (Florida Power) tendered for filing Contracts for Interchange Service (Contracts) between Florida Power and the Cities of Kissimmee and St. Cloud, Florida entered into on December 1, 1981. The Agreement provides for the following interchange services: emergency energy, short-term and long-term firm capacity and energy, and economy energy.

Florida Power requests that the sixty day notice requirement be waived so that the Agreement, in accordance with its terms, may be permitted to become effective on December 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1008 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-29-000]

Gulf States Utilities Co.; Application

January 8, 1982.

Take notice that on January 4, 1982, Gulf States Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act for authorization to enter into a nuclear fuel leasing arrangement for its share of fuel to be used in the River Bend Unit No. 1.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 3, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1009 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-201-000]

Florida Power Corp.; Filing

January 11, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service (Agreement) between Florida Power and the City of Vero Beach, Florida, entered into on November 30, 1981. The Agreement provides for the following interchange services: emergency energy, short-term and long-term firm capacity and energy, and economy energy.

Florida Power requests that the sixty day notice requirement be waived so that the Agreement, in accordance with its terms, may be permitted to become effective on December 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-908 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-204-000]

Hartford Electric Light Co.; Filing

January 11, 1982.

Take notice that on January 4, 1982, the Hartford Electric Light Company (HELCO) tendered for filing as an initial rate schedule an exchange agreement (Agreement) between HELCO, the Connecticut Light and Power Company (CL&P) and the United Illuminating Company (UI). The Agreement, dated as of March 23, 1981, provides for HELCO and/or CL&P to exchange Middletown Unit No. 4 and/or Montville Unit No. 6, both mid-range oil-fired steam units (the NU Companies' Units), for non-operable capacity from UI's entitlements in either New Haven Harbor Unit No. 1 or Bridgeport Harbor Unit No. 3, each base load oil-fired steam units (the UI Units). HELCO states that the timing of exchanges cannot be accurately estimated but that UI would likely enter into an exchange only when either or both of the UI Units was unavailable for energy production.

HELCO states that the Agreement provides that the parties will determine daily during the term of the Agreement whether it is economically advantageous to the parties that an exchange shall take place.

HELCO further states that UI will pay an hourly capacity charge to HELCO and/or CL&P in an amount equal to the kilowatts of capacity exchanged times $0.003. UI will purchase energy from HELCO and/or CL&P at the average cost of providing such energy from Middletown Unit No. 4 and/or Montville Unit No. 6.

HELCO requests that the Commission waive its customary notice period and allow the Agreement to become effective on April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1010 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-4608-001, et al.]

Helmerich & Payne, Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

January 11, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7, of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 26, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [2]	Pressure base
G-4608-001 D, Dec. 17, 1981	Helmerich & Payne, Inc., Utica at 21st, Tulsa, Oklahoma 74114.	Northern Natural Gas Company, section 32-29S-33W, Haskell County, Kansas.	(3)	
CI61-228-001 (CI63-269), Dec. 7, 1981	Amoco Production Company, Amoco Building, 17th and Broadway, Denver, Colorado 80202.	Michigan Wisconsin Pipe Line Company, Lovedale field (Laverne area), Harper County, Oklahoma.	(4)	14.65
CI82-143-000 B, Jan. 4, 1982	ARCO Oil and Gas Company, division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Warren Petroleum Corporation, E. B. Jones lease, Sand Hills fields, sec. 12, blk. 3, H&TC survey, Crane County, Texas.	(5)	
CI82-144-000 B, Jan. 4, 1982	do	Union Texas Petroleum, a division of Allied Chemical Corporation, A. D. Neal and State lease, Benedum field, sec. 36, blk. "Y", TC RR Co. survey, Upton County, Texas.	(21)	
CI66-35-000 D, Dec. 17, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Transcontinental Gas Pipe Line Corporation, West Cameron block 45, offshore Louisiana.	(6)	
CI67-279-000 D, Dec. 21, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Mountain Fuel Supply Company, Pole Gulch unit, Moffat County, Colorado.	(5)	
CI67-279-001 D, Dec. 21, 1981	do	Mountain Fuel Supply Company, Pole Gulch unit, Moffat County, Colorado.	(5)	
CI82-126-000 A, Dec. 14, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, South Marsh Island block 256, offshore Louisiana.	(7)	15.025
CI82-127-000 B, Dec. 15, 1981	S & S Production Co., Inc., P.O. Box 280, Pampa, Texas 79065.	Natural Gas Pipeline Company of America, Panhandle field, Gray County, Texas.	(5)	
CI82-128-000 B, Dec. 17, 1981	Energy Corporation of America, Inc., 3636 N. Causeway Blvd., Suite 300, Metairie, Louisiana 70002.	Tennessee Gas Pipeline Company, Despit-Belanger No. 2 well, Terrebonne Parish, Louisiana.	(5)	
CI82-130-000 A, Dec. 16, 1981	Texaco, Inc., Post Office Box 60252, New Orleans, Louisiana 70160.	Columbia Gas Transmission Corporation, West Cameron blocks 426 and 427 field, offshore Louisiana.	(7)	15.025
CI82-131-000 A, Dec. 21, 1981	Pennzoil Oil & Gas, Inc., P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, South Pass block 57 (Federal portion), offshore Louisiana.	(10)	15.025
CI82-132-000 B, Dec. 21, 1981	National Exploration Company, One Elizabethtown Plaza, Elizabeth, New Jersey 07207.	Elizabethtown Gas Company, Lake Arthur field, Jefferson Davis Parish, Louisiana.	(11)	
CI82-133-000 A, Dec. 23, 1981	Henry L. Hillman, 200 Grant Building, Pittsburgh, Pennsylvania 15219.	United Gas Pipe Line Company, Jaynesville field, Jefferson Davis and Covington Counties, Mississippi.	(12)	15.025
CI82-134-000 A, Dec. 23, 1981	do	Transcontinental Gas Pipe Line Corporation, East Collins field, Covington County, Mississippi.	(13)	15.025
CI82-135-000 A, Dec. 22, 1981	Sun Oil Company (Delaware), P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, South Marsh Island blocks 142 and 143, offshore Louisiana.	(14)	15.025
CI82-137-000 (G-11612) B, Dec. 21, 1981.	Conoco, Inc., Post Office Box 2197, Houston, Texas 77252	Cities Service Gas Company, Rhodes field, Barber County, Kansas.	(15)	
CI82-139-000 B, Dec. 21, 1981	Marshall Exploration, Inc., 2615 East End Blvd. South, Post Office Box 1689, Marshall, Texas 75670.	Arkansas Louisiana Gas Company, Bethany-Longstreet field, DeSoto Parish, Louisiana.	(16)	
CI82-139-000 B, Dec. 21, 1981	do	Arkansas Louisiana Gas Company, Belle Bower field, DeSoto Parish, Louisiana.	(17)	
CI82-140-000 B, Dec. 21, 1981	do	Tennessee gas Pipeline Company, Logansport field, DeSoto Parish, Louisiana.	(16)	
CI82-141-000 B, Dec. 30, 1981	Texas International Petroleum Corporation, Suite 300, National Foundation Center, 3535 Northwest 58th Street, Oklahoma City, Oklahoma 731112.	El Paso Natural Gas Company, Burton Flat field, sec. 22, T-21-S, R-27-E, Eddy County, New Mexico.	(18)	
CI82-142-000 B, Dec. 30, 1981	Texas International Petroleum Corporation, Suite 300, National Foundation Center, 3535 Northwest 58th Street, Oklahoma City, Oklahoma 73112.	El Paso Natural Gas Company, Burton Flat field, sec. 22, T-21-S, R-27-E, Eddy County, New Mexico.	(18)	
CI63-1251-000 D, Dec. 30, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Lake LaRose field, St. Martin Parish, Louisiana.	(19)	
CI67-182-000 D, Dec. 28, 1981	ARCO Oil and Gas Company, division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, Latta unit, section 8-23N-23W, Ellis County, Oklahoma.	(20)	
CI63-1251-001 D, Dec. 30, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Lake LaRose field, St. Martin Parish, Louisiana.	(22)	

FOOTNOTES:

[1] Diversion of part of stream to intrastate user as fuel to operate irrigation pumps for agricultural purposed on the unit where the well is located and on adjoining lands.
[2] Applicant is filing under Gas Purchase Agreement dated June 1, 1961 (Rollover Contract) and is requesting that Rate Schedule No. 340 be canceled and Docket No. CI63-289 be terminated.
[3] Contract primary term expired December 1, 1975. The only well subject to this contract was plugged and abandoned in 1967 by Gulf Oil Corporation.
[4] Abandonment is requested for service OCS-G-1352 No. 2 Well which has been plugged and abandoned. No loss of acreage occurred when the well ceased producing, and all other sales under the rate schedule will continue as previously authorized.
[5] Kerr-McGee did not acquire an interest in the lands covered by this Application.
[6] All Kerr-McGee wells drilled on the lands covered by this application have been plugged and Applicant's leases have expired due to lack of commerical production and have been released of record.
[7] Applicant is filing under Gas Purchase Contract dated November 18, 1981.
[8] Natural Gas Pipeline Co. has gotten to the point of not being able to take gas from this lease and contract is terminated and canceled.
[9] Non-productive and uneconomical.
[10] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[11] Depletion of Gas Reserves.
[12] Applicant is filing under Gas Purchase Contract dated August 28, 1978.
[13] Applicant is filing under Gas Purchase Contract dated August 8, 1977.
[14] Applicant is filing under Gas Purchase Contract dated October 9, 1981.
[15] All acreage subject to Rate Schedule No. 140 was assigned, released, or farmed out. Conoco has no working interest subject to Rate Schedule No. 140.
[16] Subject well is depleted; no commerical production available.
[17] The well is depleted; no more commerical production available. Applicant plans to plug and abandon well.
[18] Only producing well on the acreage was plugged and abandoned.
[19] Kerr-McGee did not acquire an interest in the lands covered by this Application.
[20] The Latta Unit Well No. 1 produced from the Morrow Formation and the recoverable gas reserves have been depleted. The well was plugged and abandoned in August 1978 and the leases were permitted to lapse. ARCO has been unable to determine the status of the leases as of May 31, 1978.
[21] Contract primary term expired August 25, 1979. ARCO no longer owns a working interest in acreage in acreage committed thereunder, with the exception of that non-productive portion of Tract 27 below 7,650 feet.
[22] The only wells drilled on the lands covered by this Application have been plugged and Applicant's leases have expired due to lack of commerical production.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 82-1016 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-194-000]

Iowa Public Service Co.; Filing

January 8, 1982.

Take notice that on December 28, 1981, Iowa Public Service Company (IPSC) tendered for filing updated Exhibits B, C and E, to the Transmission Service and Facilities Agreement between IPSC and Cedar Falls Municipal Electric Utility, executed on October 2, 1979. IPSC states that said agreement set forth the facilities to be constructed for the proposed transmission path, the method of payment, the ownership, operation and maintenance of the facilities, and several other general provisions.

IPSC further states that Exhibit B (Supplement 2) increases the total annual carrying charges to reflect the higher property tax rate in effect for 1981, Exhibit C (Supplement 3) has been expanded from two pages to three pages. Page 1 has been updated to show the 1981 property base for 19 megawatts of capacity. Page 2 reflects an increase of one megawatt of capacity by Cedar Falls and Page 3 is the renumbered former page 2 and has not been otherwise amended, and Exhibit E (Supplement 5) shows the revised operation and maintenance expense as a percentage of transmission investment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1011 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-203-000]

Kansas City Power & Light Co.; Filing

January 11, 1982.

Take notice that on January 4, 1982, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedule F-MPA-1 for Transmission and Subtransmission Service under the Missouri Participation Agreement dated June 1, 1980 between KCPL and the City of Ottawa, Kansas, FERC No. 90 (Docket No. ER80-510).

KCPL states that the purpose of this filing is to establish a rate for Transmission and Subtransmission Service for the City of Ottawa, Kansas.

KCPL requests an effective date of November 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-997 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-200-000]

Maine Public Service Co.; Filing

January 8, 1982.

Take notice that on December 31, 1981, Maine Public Service Company (MPSC) tendered for filing a wholesale rate increase of $1,145,979 or 30%, on a calendar year 1982 basis. MPSC requests that the filing be permitted to become effective on February 1, 1982. The increase includes a requested return on 58% of jurisdictional construction-work-in-progress (CWIP). If the Commission does not permit the prompt inclusion of CWIP in rate base, MPSC requests alternatively that an interim increase of $335,137 be permitted to become effective February 1, 1982, with the balance (CWIP-related) of the proposed increase to be effective on July 1, 1982.

MPSC states that the affected customers are the Houlton Water Company, the Van Buren Light and Water District and the Maine Electric Cooperative, Inc.

MPSC requests an effective date of February 1, 1982, and therefore requests waiver of the Commission's notice requirements.

MPSC states that copies of the filing have been served on the affected wholesale customers, the Maine Public

Utilities Commission and the Maine Public Advocate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1012 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-199-000]

Missouri Public Service Co.; Filing

January 8, 1982.

Take notice that on December 31, 1981, Missouri Public Service Company (MPSC) tendered for filing Amendment No. 6 to the General Participation Agreement dated March 28, 1962.

The participants to Amendment No. 6 are as follows:

Kansas City Power & Light Company (KCPL)—Rate Schedule FPC #32
Missouri Public Service Company (MPS)—Rate Schedule FPC #8
The Empire District Electric Company (EDE)—Rate Schedule FPC #73
Kansas Gas and Electric Company (KGE)—Rate Schedule FPC #94
The Kansas Power and Light Company (KPL)—Rate Schedule FPC #7
Central Telephone and Utilities Corporation (CTU)—Rate Schedule FPC #53
Central Kansas Power Company, Inc. (CKP)—Rate Schedule FPC #2
Sunflower Electric Cooperative, Inc. (Sunflower)
St. Joseph Light & Power Company (SJLP)—Rate Schedule FERC #17

MPSC states that Amendment No. 6 adds a new participant, Board of Public Utilities, Kansas City, Kansas. A transmission map, Exhibit A, showing interconnections as of January 1, 1981, between the participants including BPU-KCK.

MPSC further states that Amendment No. 6 does not change rates nor require any new facilities, and no cost of service studies have been undertaken.

MPSC requests an effective date of January 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-998 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-574]

Nantahala Power & Light Co.; Compliance Filing

January 12, 1982.

Take notice that on December 28, 1981, Nantahala Power and Light Company filed a refund compliance report pursuant to the Commission's November 16, 1981 order accepting the offer of settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 1, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1013 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-193-000]

Northern States Power Co.; Filing

January 8, 1982.

Take notice that on December 29, 1981, Northern States Power Company (NSP) tendered for filing a proposed, unexecuted service agreement between NSP and the City of Black River Falls, Wisconsin. NSP states that under the proposed service agreement, Black River Falls will receive load pattern power from NSP under its LP-1 rate schedule filed in Docket No. ER81-653-000. NSP requests an effective date of February 28, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1014 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-79-000; 18 FERC 61,010]

Ohio Edison Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, Granting Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued January 8, 1982.

On November 9, 1981, Ohio Edison Company (Ohio Edison) tendered for filing increased rates for partial requirements service, requesting an effective date of January 8, 1982. The submittal includes tariff rate sheets for Ohio Edison's twenty municipal tariff customers and identical rate sheets for the City of Oberlin, the company's only municipal customer still served under a separate agreement rather than under the partial requirements tariff.[1] The proposed rates would increase revenues by approximately $11,617,120 (22.88%) for the twelve months ending December 31, 1982.

Notice of the filing was issued on November 19, 1981, with responses due on or before December 4, 1981. Ohio Edison's twenty-one municipal customers (Cities) [2] filed a timely protest protest, petition to intervene, and request for maximum suspension.

In support of their request for a maximum suspension, Cities allege a

[1] *See* Attachment A for rate schedule designations.

[2] Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington.

number of cost of service improprieties, including: (1) an excessive rate of return on common equity; (2) inclusion of excessive pollution control CWIP in rate base; (3) excessive O&M expenses; (4) an excessive claimed allowance for nuclear fuel disposal costs; (5) improper inclusion in rate base of unamortized nuclear plant abandonment costs and deferred Quarto mine coal purchase costs; (6) improper calculation of AFUDC rates, the cash working capital allowance, and the demand allocator; (7) use of an inappropriate capital structure; and (8) various improprieties with respect to tax calculations. Cities also allege price squeeze and suggest instances of mismanagement and anticompetitive practices. They contend that the revenues produced by the proposed rates would exceed retail revenues by 33%.

Discussion

Initially, we find that participation in this proceeding by the Cities is in the public interest. Accordingly, we shall grant the petition to intervene.

Ohio Edison has included in rate base approximately $773,146 representing extraordinary unamortized property losses associated with its share of four abandoned nuclear projects. This treatment is contrary to well-established Commission precedent.[3] Accordingly, summary disposition will be ordered with respect to this issue. Because the revenue impact of this summary disposition is substantial in relation to the proposed rate increase, we shall require the company to refile its cost of service and rates to exclude these losses from rate base.

Our preliminary analysis of the proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable, or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where a maximum suspension may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for five months to become effective, subject to refund, on June 9, 1982.

The remaining issues raised in the petitions to intervene may be addressed during the course of the hearing to be convened in this docket. In light of the price squeeze allegations raised, we shall institute price squeeze procedures and phase the proceedings in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979). As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

Finally, we note that Ohio Edison's proposed rates are subject to a tax adjustment clause. The implementation of any change under the tax clause will require a timely filing with the Commission pursuant to § 35.13 of the Commission's regulations.

The Commission orders:

(A) Ohio Edison's proposed rates are hereby accepted for filing, as modified by summary disposition, and are suspended for five months from sixty days after filing, to become effective on June 9, 1982, subject to refund.

(B) Summary disposition is hereby ordered with respect to Ohio Edison's rate base inclusion of the unamortized extraordinary property losses associated with its shares of four abandoned nuclear plants. The company shall file a revised cost of service and rates within thirty (30) days of the date of this order to reflect this determination.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Ohio Edison's rates.

(D) The Cities' petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by the intervenors shall be limited to the matters set forth in their petition to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(E) The Commission staff shall serve top sheets in this proceeding on or before January 8, 1982.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene in this proceeding to be held within approximately fifteen days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures in this proceeding and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rates which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Ohio Edison Company

[Docket No. ER82-79-000]

Item: Rate Increase for Partial Requirements Service.

Customer: Twenty One Municipalities.

Filed: November 9, 1981.

[3] *E.g., New England Power Company*, Opinion No. 49, Docket Nos. E-8641, *et al.* (July 19, 1979), *aff'd New England Power Company* v. *FERC*, Nos. 80-1364, *et al.* (D.C. Cir. October 15, 1981).

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension; *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

Designation	
(1) Second Revised Sheet Nos. 18 through 21 under FERC Electric Tariff Original Volume No. 1 (Supersedes First Revised Sheet) Nos. 18 through 21 and Supplement No. 1 under the Tariff).	(1) Partial Requirement Rate Schedule consisting of four sheets (Supersedes rates and schedule adjustment filed in Docket Nos. ER80-454 and ER81-306-000.
(2) Supplement No. 4 to Rate Schedule FPC No. 140 (Supersedes Supplement No. 3 as supplemented).	(2) City of Oberlin Schedule consisting of four sheets (Supersedes rates and schedule adjustment filed in Docket Nos. ER80-454 and ER81-306-000).

Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth and Wellington.

[FR Doc. 82-989 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-17-000]

Panhandle Eastern Pipe Line Co.; Proposed Change in FERC Gas Tariff

January 6, 1982.

Take notice that on December 10, 1981, Panhandle Eastern Pipe Line Company (Panhandle) filed increased transportation rates proposed to be effective December 1, 1980, to track increased transportation rates of Trunkline Gas Company (Trunkline) which became effective December 1, 1980, subject to refund in Docket No. RP80-106. Subsequently, however, the increased rates of Trunkline being tracked were partially disallowed by Commission Order isssued December 18, 1981, which approved a settlement in Docket No. RP80-106.

Moreover, due to Panhandle's failure to file the subject increase in a timely manner, transportation costs properly charged to the affected transportation customers were charged to Panhandle's resale customers under filings made pursuant to Article VI of the settlement in Docket No. RP80-78.

Panhandle states that the proposed increases involve eleven agreements under which Panhandle and Trunkline jointly transport natural gas for several customers and under which Panhandle, acting as on accounting conduit, handles the billing of such customers on behalf of Trunkline.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1015 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-119-002, et al.]

Panhandle Eastern Pipe Line Company, et al. Filing of Pipeline Refund Reports and Refund Plans

January 7, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before January 22, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
December 11, 1981	Panhandle Eastern Pipe Line Co	RP81-119-002	LFUT report.
December 16, 1981	Florida Gas Transmission Co	RP81-124-001	LFUT report.
December 17, 1981	Arkansas Louisiana Gas Co	RP81-101-005	LFUT report.
December 17, 1981	Eastern Shore Natural Gas Co	RP82-11-004	Report.
December 17, 1981	Eastern Shore Natural Gas Co	RP82-28-000	LFUT report.
December 18, 1981	Transcontinental Gas Pipe Line Corp	RP77-108	Report.
December 21, 1981	Alabama-Tennessee Natural Gas Co	RP81-128-005	LFUT report.
December 21, 1981	Consolidated Gas Supply Corp	RP80-61-013	Report.
December 21, 1981	Consolidated Gas Supply Corp	RP81-114-001	LFUT report.
December 21, 1981	Lawrenceburg Gas Transmission Corp	RP82-29-000	LFUT report.
December 21, 1981	Sea Robin Pipeline Co	RP80-55-002	Report.
December 21, 1981	Transcontinental Gas Pipe Line Corp	RP81-125-001	LFUT report.

[FR Doc. 82-1000 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1851-001]

John W. Powers; Application

January 11, 1982.

The filing individual submits the following:

Take notice that on December 24, 1981, John W. Powers filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer, Niagara Mohawk Power Corporation
Treasurer, St. Lawrence Power Company
Director, Beebee Island Corporation
Treasurer, Beebee Island Corporation
Director, HYDRA-CO Enterprises, Inc.
Treasurer, Moreau Manufacturing Corporation
Assistant Treasurer, NM Uranium, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1017 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-192-000]

Public Service Co., of Indiana; Cancellation

January 11, 1982.

The filing Company submits the following:

Take notice that on December 28, 1981, Public Service Company of Indiana (PSCI) tendered for filing a notice of cancellation of an agreement between Town of Edinburgh, Indiana and PSCI under the provisions of FERC Electric Tariff Original No. 1. PSCI states that the agreement provided for the temporary supply of the total electrical requirements of a retail customer of the Town of Edinburgh until the retail customer was electrically connected to the Town of Edinburgh's distribution system.

PSCI further states that as of November 18, 1980, electric service was discontinued at the temporary point per the Town of Edinburgh's request.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1001 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-80-000; 18 FERC 61,011]

Public Service Co. of Oklahoma; Order Accepting for Filing in Part and Suspending Revised Rates, Rejecting in Part, Granting Motions for Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing procedures

Issued: January 8, 1982.

On November 9, 1981 Public Service Company of Oklahoma (PSO) tendered for filing increased rates for firm power service to ten full requirements and eleven partial requirements customers and for transmission service and thermal energy provided to the Southwestern Power Administration (SWPA).[1] The proposed rates would result in an increase in revenues of approximately $8,150,000 (26.79%) for the twelve-month period ending December 31, 1982. PSO requests that these rates be made effective on January 8, 1982.

PSO concurrently tendered for filing, pursuant to § 2.16 of the Commission's regulations, alternate rates which reflect full inclusion in rate base of construction work in progress (CWIP). The proposed CWIP-based rates would increase revenues by approximately $13,093,970 (43.04%) during calendar year 1982. PSO requests that these rates be permitted to become effective prospectively following a hearing.

Notice of PSO's filing was issued on November 11, 1981, with responses due by December 4, 1981. On December 4, 1981, the Secretary of the Army on behalf of the Department of Defense (DOD) filed a protest, motion and petition to intervene. DOD is a SWPA preference customer affected by PSO's rate schedule RE-6. While DOD does not raise any substantive issues, it states that it will be directly adversely affected by the proposed rate increases and it moves for a maximum suspension of PSO's new rates.

On December 4, 1981, a joint petition to intervene, protest, motion to reject and motion to institute price squeeze procedures was filed by the Oklahoma Municipal Power Authority, the Municipal Electric Systems of Oklahoma, and the Municipal Wholesale Customers of PSO (collectively referred to as Municipalities).[2] With regard to PSO's cost of service, the Municipalities challenge a number of items including (1) the claimed rate of return on equity and a possible overstatement of the test period equity ratio; (2) test period fuel stocks, particularly the stated levels of coal stocks; (3) test period non-fuel O&M expenses; (4) the cash working capital allowance; and (5) the depreciation rates for certain plant and possible improper collection of depreciation expense via the fuel adjustment clause. The Municipalities also state that cost allocation, service limitations, and tax calculations may raise issues to be pursued at hearing.

In addition, the Municipalities take issue with (1) an 80% demand ratchet, the operation of which is characterized as retroactive ratemaking; (2) availability language which purportedly operates as a resale restriction; (3) certain rules and conditions of service affecting voltage levels and discontinuation of service; (4) provisions of the tariff permitting PSO to suspend service for non-compliance with the tariff; and (5) service limitations in the supplemental tariff for SWPA services. The Municipalities request rejection of the restrictive resale provision. Concerning the suspension of service language, they ask the Commission to reject such provisions or to qualify them to require appropriate notice and filing under the Federal Power Act. The Municipalities also seek rejection of PSO's CWIP-based filing on the grounds that no colorable case has been advanced under section 2.16 of the regulations. Finally, the Municipalities allege price squeeze and request a five month suspension of the non-CWIP rates.

On December 4, 1981, a protest, petition to intervene, and petition for suspension and for hearing was filed by the Western Farmers Electric Cooperative and Kamo Electric Cooperative, Inc. (Cooperatives). The Cooperatives raise many of the same cost of service and tariff language issues as those raised by the Municipalities. In addition, the Cooperatives raise questions concerning PSO's demand forecasting methodology, tariff provisions excluding PSO from liability in certain circumstances, treatment of certain leasing costs, allocation of transmission costs and capacity reserves, functionalization of plant and administrative expenses, and classification of O&M expenses as between demand and energy. With respect to PSO's CWIP-based rates, the Cooperatives request that the Commission take no action until the proceedings in Docket No. RM81-38 have been completed.[3]

Discussion

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, the petitions to intervene will be granted.

The availability language which the intervenors challenge reads as follows:

---

[1] *See* Attachment A for rate schedule disignations.

[2] The individual municipal customers of PSO include the Cities of Duncan, Comanche, Cordell, Altus, Copan, Hominy, Walters, Marlow, Frederick, Anadarko, Wetumka, Pawhuska and Kaw and the towns of Granite, Ryan, Olustee, Manitou, and Eldorado. The Oklahoma Municipal Power Authority is a joint action power agency created by the Oklahoma legislature to develop sources of electric power supply for public systems. The Municipal Electric Systems of Oklahoma constitutes an association of certain of the municipal electric utilities in Oklahoma.

[3] Construction Work in Progress for Public Utilities, Docket No. RM81-38, Notice of Proposed Rulemaking, issued July 27, 1981.

The electric service provided under this rate schedule is available under written contract to the Municipalities and Electric Cooperatives for the exclusive use of their retail distribution system at each point of service.[4]

The Municipalities apparently read the language of this clause to prohibit on its face further wholesales of power purchased under this rate schedule. We agree with this interpretation of the availability clause.[5] That being the case, the restrictive language is *per se* unduly restrictive and anti-competitive and is therefore null and void.[6] PSO will be required to file a revised Rate Schedule RE–5 to conform with this finding.

As noted, the intervenors also object to provisions of PSO's proposed tariff which purport to give the company the option of interrupting service under stated conditions with as little as fifteen days advance notice. Because section 205 of the Federal Power Act requires 60 days notice to the Commission and the public prior to any change in service (including suspension of service), we conclude that PSO's tariff attempts to create a "right" which does not lawfully exist.[7] PSO is advised that the notice and filing required by statute (as well as an opportunity for Commission review and disposition) will be required prior to any anticipated change in service under the tariff, including a suspension of service.

We further note that PSO has included accumulated deferred investment tax credits (ADITC) as a separate component of its capital structure. This treatment is contrary to well-established Commission precedent and, therefore, will be rejected.[8] PSO will be required to refile its capitalization (Statement AV) to exclude AIDTC.

Our analysis indicates that PSO's non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[9] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the matters raised by the intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed rates may not produce subsatantially excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. Accordingly, the Commission will suspend the non-CWIP rates for one day from 60 days after filing, to become effective, subject to refund, on January 10, 1982.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, rate of return, and tariff language issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

With respect to PSO's CWIP-based rates, the Municipalities seek rejection and the Cooperatives suggest deferral of any action pending the outcome of the recently initiated CWIP rulemaking. We believe the latter to be the most appropriate course of action. Under the present standards as articulated in Order No. 555, a utility requesting the inclusion of CWIP in rate base [10] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.[11] Rather than addressing this standard in detail, PSO's testimony on the CWIP issue deals largely with the appropriateness of CWIP regulation as a policy matter. However, the purpose of the rulemaking proceeding in Docket No. RM81–38 is to re-examine the current CWIP rules and the underlying policies and standards. In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of PSO's CWIP application and phase that issue to follow the rulemaking proceeding.[12]

The Commission orders:

(A) The Cities' request for rejection of the resale restriction in the availability provision of Rate Schedule RE–5 is hereby granted.

(B) Summary disposition is hereby ordered with respect to PSO's inclusion of ADITC in its capitalization.

(C) Within thirty (30) days of the date of this order, PSO shall file a revised Rate Schedule RE–5 excluding the restrictive language contained in such rate schedule and shall file a revised Statement AV excluding all ADITC from the stated capitalization.

(D) All other motions for rejection or summary disposition are hereby denied.

(E) PSO's proposed non-CWIP rates are hereby accepted for filing, as modified above, and are suspended for one day from 60 days after filing to become effective, subject to refund, on January 10, 1982.

(F) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a

---

[4] PSO Rate Schedule RE–5, 3rd Revised Sheet No. 100.01.

[5] Similar language in other rate schedules also has been so interpreted. *See Empire District Electric Company*, Docket No. ER78–591 (October 27, 1978); *Northern Indiana Public Service Company*, Docket No. ER–78–509 (November 22, 1978); and *Gulf States Utilities Company*, Docket No. ER78–816 (October 20, 1978).

[6] *Gulf States Utilities Company, supra.*

[7] *See Central Illinois Public Service Company*, Docket No. ER81–736 (October 30, 1981); *Missouri Utilities Company*, Docket Nos. ER79–642, *et al.* (February 6, 1981); *Pennsylvania Water and Power Co.* v. *F.P.C.*, 343 U.S. 414, 422–24 (1952); *see also* 18 CFR 2.4 and 35.15.

[8] *E.g., Virginia Electric and Power Company*, Opinion No. 118 (April 10, 1981), 15 FERC ¶ 61,052; *Carolina Power and Light Company*, Opinion No. 19 (August 2, 1979); *Public Service Company of New Mexico*, Docket No. ER81–187–000 (February 27, 1981), 14 FERC ¶ 61,194; *Public Service Company of Oklahoma*, Docket No. ER78–511 (October 12, 1978); *Virginia Electric and Power Company*, Docket No. ER78–522 (August 30, 1978).

[9] *E.g., Boston Edision Company*, Docket No. ER80–506 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80–500, *et al.*, (August 28, 1980) (One day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[10] Other than CWIP associated with pollution control and fuel conversion facilities.

[11] 18 CFR 2.16(b)(3).

[12] *See El Paso Electric Company*, Docket No. ER81–426–000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81–387–000 (July 27, 1981); and *Florida Power and Light Company*, Docket No. ER81–588–000 (September 2, 1981).

public hearing shall be held concerning the justness and reasonableness of PSO's rates and tariff provisions.

(G) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in §2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) PSO's application for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to the outcome of the proceedings in Docket No. RM81–38.

(J) The Commission staff shall serve top sheets in this proceeding on or before January 10, 1982.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever the motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Public Service Company of Oklahoma; Rate Schedule Designations

Docket No. ER82–80–000

Description: Rate RE–5 (Full Requirements).

Rate schedule	Supplement No.	Superseded supplement No.	Other party
FPC No. 168	6	5	City of Altus.
FPC No. 169	6	5	City of Frederick.
FPC No. 170	6	5	City of New Cordell.
FPC No. 171	6	5	City of Kaw City.
FPC No. 188	6	5	Anadarko Public Works Authority.
FPC No. 189	4	3	Town of South Coffeyville.
FPC No. 190	5	4	Town of Marlow.
FPC No. 192	6	5	City of Pawhuska.
FERC No. 197	5	4	Western Farmers Electric Cooperative.
FERC No. 198	5	4	KAMO Electric Cooperative.

Description: Supplemental Power Contract.

Rate schedule	Supersedes rate schedule (as supplemented)	Other party
FERC No. 212	FPC No. 193	City of Hominy.
FERC No. 213	FPC No. 196	City of Copan.
FERC No. 214	FERC No. 199	Town of Manitou.
FERC No. 215	FERC No. 200	City of Walters.
FERC No. 216	FERC No. 201	Town of Granite.
FERC No. 217	FERC No. 202	Town of Eldorado.
FERC No. 218	FERC No. 203	Town of Chustee.
FERC No. 219	FERC No. 204	Town of Comanche.
FERC No. 220	FERC No. 205	Town of Ryan.
FERC No. 221	FERC No. 206	City of Watumka.
FERC No. 222	FERC No. 207	City of Duncan.

Description: Delivery Point Specifications.

Supplement No. 1 to Rate Schedule FERC Nos. 212–222 above.

Description: Rate RE–6 (Partial Requirements Service).

Supplement No. 2 to Rate Schedule FERC Nos. 212–222 above.

Description: Revised pages 21–24 of SWPA Contract.

Other Party: Southwestern Power Administration.

Supplement No. 3 to Rate Schedule FERC No. 196 (Supersedes Supplement No. 2).

[FR Doc. 82–1002 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA82–11–000]

Raymond Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

January 8, 1982.

Take notice that Raymond Oil Company on January 5, 1982 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Jan. 25, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before January 25, 1982, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1003 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER76–205]

Southern California Edison Co.; Compliance Filing

January 12, 1982.

Take notice that on December 18, 1981, Southern California Edison Company filed a revised cost of service and revised rates to reflect the modification set forth pursuant to the Commission's letter dated November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on before February 1, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1004 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. G-6619-000 et al.]

Sun Exploration and Production Co. (Formerly Sun Oil Co. (Delaware)), et al.; Application for Amendment of Certificates of Public Convenience and Necessity and for Redesignation of Rate Schedules To Reflect Change in Corporate Name

January 13, 1982.

Take notice that Sun Oil Company (Delaware) on December 23, 1981, tendered for filing an application for amendment of certain certificates of public convenience and necessity and for redesignation of certain rate schedules. The proposed changes would amend each certificate and rate schedule to reflect a change in corporate name from Sun Oil Company (Delaware) to Sun Exploration and Production Company of P.O. Box 20, Dallas, Texas 75221.

These amendments are necessary to reflect the change in Sun Oil Company's name to Sun Exploration and Production Company accomplished through an amendment to the certificate of incorporation of Sun Oil Company (Delaware), unanimously approved by the stockholders on October 29, 1981, and duly filed with the Secretary of State of the State of Delaware.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission of its own review of the matter believes that a grant of the certificates of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1006 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-114-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

January 11, 1982.

Take notice that on December 14, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. Cp82-114-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a gas transportation agreement dated March 25, 1980, as amended, to transport up to 70,000 Mcf of natural gas per day for Northern's account. It is stated Applicant would receive gas for Northern from a point of receipt at an existing point of interconnection with Northern on Applicant's West Cameron 192 platform, offshore Louisiana, and a point of receipt where volumes are received for Northern's account for delivery to Southern Natural Gas Company (Southern) which point would be the Centerville point of delivery, St. Mary Parish, Louisiana. It is asserted that the primary point of redelivery for gas received (SNG point of receipt) at the West Cameron Block 192 receipt point is a point of interconnection of Applicant and Houston Pipe Line Company in Newton County, Texas (Sabine delivery point). The alternative points of redelivery for such receipt are at facilities in Nueces County, Texas (Agua Dulce delivery point), at the point of interconnection between Applicant's 16-inch line and United Gas Pipe Line Company's (United) 20-inch line in Calcasieu Parish, Louisiana (Iowa delivery point), at the point of interconnection of United's 18-inch line with Applicant's Compressor Station 47 near West Monroe, Ouachita Parish, Louisiana (West Monroe delivery point), at the point of interconnection of Applicant's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville delivery point), at an interconnection of the Lirette facilities with Applicant's facilities at Applicant's Compressor Station 523, Terrebonne Parish, Louisiana (Cocodrie delivery point). It is submitted that volumes received at the SNG point of receipt for additional service by Applicant for Northern would be delivered to Southern for Northern's account at either Rose Hill, Mississippi, Pugh, Mississippi, or other mutually agreeable points. Applicant states that a portion of the transportation volume up to 50,000 Mcf per day may be retendered to Applicant by Northern at the SNG point of receipt to be delivered to Southern for Northern's account.

The transportation agreement provides that Northern would pay Applicant a volume charge equal to the product of 7.62 cents per Mcf for the Sabine delivery point, 30.18 cents per Mcf for the Agua Dulce delivery point, 4.39 cents per Mcf for the Iowa delivery point, 13.85 cents per Mcf for the West Monroe delivery point, 10.22 cents per Mcf for the Centerville delivery point and 13.23 cents per Mcf for the Cocodrie delivery point. for volumes retendered to Applicant at the SNG point of receipt for further transportation, the agreement provides for a charge of 17.05 cents per Mcf for the Rose Hill delivery point or 21.36 cents per Mcf for the Pugh delivery point in each case multiplied by the total volume of gas received by Applicant for the account of Northern during the month for delivery at each such point. It is asserted that the agreement also contains a provision for a minimum monthly bill and a provision that Northern would provide Applicant various volumes of natural gas to compensate Applicant for its fuel and use requirements.

It is explained that the proposed service would provide Northern with a means of transporting an additional supply of natural gas without having to construct and operate additional facilities. It is stated that the proposed service would be rendered only when Applicant's operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1006 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-123-000]

Transwestern Pipeline Co.; Application

January 11, 1982.

Take notice that on December 17, 1981, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-123-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate 35.7 miles of 20-inch pipeline and related facilities originating on Applicant's 30-inch mainline in Chaves County, New Mexico, and extending north through Chaves County and into DeBaca County, New Mexico. Applicant also proposes to construct and operate three compressors of up to 1,100 horsepower each to be located in Chaves County, New Mexico, near the origin point of the 20-inch pipeline.

It is stated that the compression would be installed to boost the pressure of the proposed pipeline system to that of Applicant's existing 30-inch mainline. Applicant explains that the pipeline has been sized for a design capacity of approximately 145,000 Mcf per day but would accommodate a maximum of 188,000 Mcf per day with standby equipment operating.

Applicant asserts that the proposed project would permit Applicant to attach significant quantities of natural gas which are presently being developed in the Abo producing trend of Chaves and DeBaca Counties, New Mexico.

It is averred that the estimated total cost for the proposed facilities is $23,586,900 which would be financed initially by Applicant with funds on hand, borrowings under Applicant's revolving credit arrangements or short-term financing. Applicant submits that permanent financing would be undertaken as part of Applicant's overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1018 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 674]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 7, 1982.

JD NO	DATE	API NO	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
-FUNK EXPLORATION INC			RECEIVED: 12/11/81 JA: KS			
8210493	KNO-0549	1517520411	103 HIRN RANCH #1	ARKALON(MRW/MISS)	270.0	NORTHERN NATURAL
8210494	KNO-0548	1517520411	102-4 HIRN RANCH #1	ARKALON (MRW/MISS)	270.0	NORTHERN NATURAL
8210495	KNO-0639	1517520471	102-4 HIRN RANCH #2	ARKALON	120.0	NORTHERN NATURAL
8210492	KNI-0214	1517520497	102-4 HIRN RANCH #3	ARKALON	0.0	NORTHERN NATURAL
MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
-GETTY OIL COMPANY			RECEIVED: 12/14/81 JA: MI			
8210557		2103100000	102-4 STATE FOREST #1-24	STATE FOREST 1-14	97.0	MICHIGAN CONSOLID
8210558		2103100000	102-4 STATE FOREST 2A-24	STATE FOREST 2-24	50.0	MICHIGAN CONSOLID
-OKLAHOMA DRILLING CORP			RECEIVED: 12/14/81 JA: MI			
8210556		2103500000	102-2 DAN BLACKLEDGE #1-20	WINTERFIELD	0.0	CONSUMERS POWER C
-TENNECO OIL COMPANY			RECEIVED: 12/09/81 JA: MI			
8210496		2110133330	102-4 PCA GILLESPIE 5-23A	MANISTEE 23A	912.0	CONSUMERS POWER C
OHIO DEPARTMENT OF NATURAL RESOURCES						
-ALLEN M ANDERSON			RECEIVED: 12/15/81 JA: OH			
8210261		3416726731	107-DV JAMES CHURCH #1	GRANDVIEW	10.0	
-ALTHEIRS OIL INC			RECEIVED: 12/15/81 JA: OH			
8210262		3412724743	103 GIVENS #1	PIKE TWP	5.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO			RECEIVED: 12/15/81 JA: OH			
8210266		3411924016	108 EDWARD HOLLINGSWORTH #1		10.0	PHELPS DODGE CORP
8210265		3411924003	108 EVELYNE ADAMS #1		10.0	PHELPS DODGE CORP
8210263		3405921945	108 J TENNANT #1		10.0	LIBBEY OWENS FORD
8210267		3411924570	108 MORRISON #2		1.0	TIMKEN CO
8210264		3411923618	108 ROBERT MILES #2		10.0	TIMKEN CO
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 12/15/81 JA: OH			
8210269		3408322936	103 GAYLORD RINC #2	JACKSON	18.0	COLUMBIA GAS TRAN
8210268		3407523453	103 JAMES KING #3	KILLBUCK	18.0	COLUMBIA GAS TRAN
-AMTEX OIL AND GAS INC			RECEIVED: 12/15/81 JA: OH			
8210270		3416922517	107-TF JEFFERS #1	CANAAN	0.0	
8210271		3416922518	107-TF JEFFERS #2	CANAAN	0.0	
-BECK OIL & GAS CO			RECEIVED: 12/15/81 JA: OH			
8210286A		3415123499	103 L SPECK #1	NIMISHILLEN	0.0	COLUMBIA GAS OF O
8210286B		3415123499 D	107-TF L SPECK #1	NIMISHILLEN	0.0	COLUMBIA GAS OF O
-BERRESFORD ENTERPRISES INC			RECEIVED: 12/15/81 JA: OH			
8210289		3416726490	103 BASIL HALL #3	WATERFORD	0.0	
8210288		3416726300	103 EILEEN TAYLOR #3	WATERFORD	0.0	
8210291		3416726787	103 GEORGE GORDON #1	WATERFORD	0.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210290		3416726671		103		JOE MISEL #1	WATERFORD	0.0	
8210287		3416726231		103		MARILYN COMBS #1	WATERFORD	0.0	
-BHK PROSPECTING LTD				RECEIVED: 12/15/81 JA: OH					
8210273		3412122506		107-DV		CHESTER FELDNER #1	JEFFERSON	0.0	COLUMBIA GAS TRAN
8210274		3412122507		107-DV		CHESTER FELDNER #2	JEFFERSON	0.0	COLUMBIA GAS TRAN
8210285		3412122639		107-DV		E BETTINGER #1	ELK	30.0	COLUMBIA GAS TRAN
8210272		3411121977		107-DV		EMERSON SMITH #2	WAYNE	30.0	COLUMBIA GAS TRAN
8210281		3412122518		107-DV		GLADYS BAKER #1	ELK	30.0	COLUMBIA GAS TRAN
8210282		3412122519		107-DV		GLADYS BAKER #2	ELK	0.0	COLUMBIA GAS TRAN
8210279		3412122515		107-DV		HARRY SMITH #1	ELK	0.0	COLUMBIA GAS TRAN
8210280		3412122516		107-DV		HARRY SMITH #2	ELK	30.0	COLUMBIA GAS TRAN
8210276		3412122510		107-DV		RALPH & RUTH BETTINGER #1	ELK	0.0	COLUMBIA GAS TRAN
8210275		3412122508		107-DV		RALPH & RUTH BETTINGER #2	ELK	0.0	COLUMBIA GAS TRAN
8210283		3412122522		107-DV		ROBERT SCHOTT #1	ELK	0.0	COLUMBIA GAS TRAN
8210284		3412122523		107-DV		ROBERT SCHOTT #3	ELK	30.0	COLUMBIA GAS TRAN
8210278		3412122514		107-DV		W H MASON #2	ELK	30.0	COLUMBIA GAS TRAN
8210277		3412122513		107-DV		W N MASON #1	ELK	30.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC				RECEIVED: 12/15/81 JA: OH					
8210297		3410522166		103		B D GRIFFIN #1	OLIVE	0.4	COLUMBIA GAS TRAN
8210292		3410521979		107-DV		DENNIS PARKER #1	ORANGE	5.9	COLUMBIA GAS TRAN
8210293		3410522066		107-DV		HOWARD E PARKER #1	CHESTER	6.8	COLUMBIA GAS TRAN
8210295		3410522068		107-DV		OKEY CONNOLLY #1	ORANGE	6.2	COLUMBIA GAS TRAN
8210294		3410522067		107-DV		RALPH KNIGHT #1	CHESTER	6.7	COLUMBIA GAS TRAN
8210296		3410522075		107-DV		WAYNE RITCHIE #1	ORANGE	6.1	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 12/15/81 JA: OH					
8210307		3411122179		107-DV		CLARENCE HOWELL #1	MALAGA	7.0	TEXAS EASTERN TRA
8210308		3411122452		107-DV		CLEMENTINE ANKROM #1	CENTER	9.0	NATIONAL PETROLEU
8210309		3411122461		103		GARY RUBEL #1	SUMMIT	9.0	COLUMBIA GAS TRAN
-BULLS INVESTMENTS				RECEIVED: 12/15/81 JA: OH					
8210310		3411522500		103		PAUL DIETZ/KENT PLACE #2	CENTER	0.0	
-C W RIGGS INC				RECEIVED: 12/15/81 JA: OH					
8210460		3416725685		107-DV		ROBERT THEOBALD #8	RENO	5.5	COLUMBIA GAS TRAN
-CAVALIER OIL CORP				RECEIVED: 12/15/81 JA: OH					
8210311		3411122395		103		CAVALIER-BROOKS #2	CENTER	15.0	RIVER GAS TRANS C
-CHANSE PETROLEUM CORPORATION				RECEIVED: 12/15/81 JA: OH					
8210312		3400721779		103		A C & G P JEROME #4	NEW LYME	4.5	
8210313		3400721781		103		A C & G P JEROME #5	NEW LYME	3.9	
-CLARENCE SHERMAN				RECEIVED: 12/15/81 JA: OH					
8210471A		3415723624		103		D ANDREAS #1	RAGERSVILLE	20.0	EAST OHIO GAS CO
8210471B		3415723624	D	107-TF		D ANDREAS #1	RAGERSVILLE	20.0	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED: 12/15/81 JA: OH					
8210315		3412725355		103		BARNES-BLOCK #1-672		10.0	
8210314		3411923667		108		PETERMAN-MATESICH #1		10.0	COLUMBIA GAS TRAN
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 12/15/81 JA: OH					
8210316A		3408924106		103		O'DONNELL #1	HOPEWELL	1.5	NEWZANE GAS CO
8210316F		3408924106	D	107-TF		O'DONNELL #1	HOPEWELL	1.5	NEWZANE GAS CO
-CONPETRO VENTURES LTD				RECEIVED: 12/15/81 JA: OH					
8210317		3407522902		103		YODER #1	KILLBUCK	20.0	NATIONAL OIL & GA
-DERBY OIL & GAS CORP				RECEIVED: 12/15/81 JA: OH					
8210479		3407523171		103		IVAN M MAST #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210479		3407523171		107-TF		IVAN M MAST #1	BERLIN	12.0	COLUMBIA GAS TRAN
-DOMESTIC OIL & GAS CO				RECEIVED: 12/15/81 JA: OH					
8210318		3403124233		103		CROTHERS #2-4233	NEWCASTLE	0.5	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210320		3411122462		103		GARY RUBEL #2	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210321		3411122463		103		GARY RUBEL #3	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210322		3411122464		103		GARY RUBEL #4	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210323		3411122465		103		GARY RUBEL #5	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210324		3411122466		103		GARY RUBEL #6	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210325		3411122467		103		GARY RUBEL #7	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210326		3411122468		103		GARY RUBEL #8	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210327		3411122469		103		GARY RUBEL #9	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210328		3411122470		103		GARY RUBEL #10	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210329		3411122471		103		GARY RUBEL #11	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210330		3411122472		103		GARY RUBEL #12	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210331		3411122473		103		GARY RUBEL #13	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210332		3411122474		103		GARY RUBEL #14	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210333		3411122475		103		GARY RUBEL #15	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210334		3411122476		103		GARY RUBEL #16	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210335		3411122477		103		GARY RUBEL #17	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210336		3411122478		103		GARY RUBEL #18	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210337		3411122479		103		GARY RUBEL #19	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210338		3411122480		103		GARY RUBEL #20	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210339		3411122481		103		GARY RUBEL #21	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210340		3411122482		103		GARY RUBEL #22	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210341		3411122483		103		GARY RUBEL #23	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210342		3411122484		103		GARY RUBEL #24	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210343		3411122485		103		GARY RUBEL #25	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210344		3411122486		103		GARY RUBEL #26	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210345		3411122487		103		GARY RUBEL #27	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210346		3411122488		103		GARY RUBEL #28	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210347		3411122489		103		GARY RUBEL #29	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210348		3411122490		103		GARY RUBEL #30	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210349		3411122491		103		GARY RUBEL #31	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210350		3411122492		103		GARY RUBEL #32	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210351		3411122493		103		GARY RUBEL #33	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210352		3411122494		103		GARY RUBEL #34	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210353		3411122495		103		GARY RUBEL #35	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210354		3411122496		103		GARY RUBEL #36	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210355		3411122497		103		GARY RUBEL #37	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210356		3411122498		103		GARY RUBEL #38	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210357		3411122499		103		GARY RUBEL #39	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210358		3411122500		103		GARY RUBEL #40	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210359		3411122501		103		GARY RUBEL #41	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210360		3411122502		103		GARY RUBEL #42	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210361		3411122503		103		GARY RUBEL #43	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210362		3411122504		103		GARY RUBEL #44	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210363		3411122505		103		GARY RUBEL #45	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210364		3411122506		103		GARY RUBEL #46	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210365		3411122507		103		GARY RUBEL #47	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210366		3411122508		103		GARY RUBEL #48	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210367		3411122509		103		GARY RUBEL #49	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210368		3411122510		103		GARY RUBEL #50	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210369		3411122511		103		GARY RUBEL #51	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210370		3411122512		103		GARY RUBEL #52	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210371		3411122513		103		GARY RUBEL #53	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210372		3411122514		103		GARY RUBEL #54	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210373		3411122515		103		GARY RUBEL #55	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210374		3411122516		103		GARY RUBEL #56	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210375		3411122517		103		GARY RUBEL #57	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210376		3411122518		103		GARY RUBEL #58	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210377		3411122519		103		GARY RUBEL #59	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210378		3411122520		103		GARY RUBEL #60	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210379		3411122521		103		GARY RUBEL #61	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210380		3411122522		103		GARY RUBEL #62	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210381		3411122523		103		GARY RUBEL #63	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210382		3411122524		103		GARY RUBEL #64	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210383		3411122525		103		GARY RUBEL #65	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210384		3411122526		103		GARY RUBEL #66	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210385		3411122527		103		GARY RUBEL #67	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210386		3411122528		103		GARY RUBEL #68	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210387		3411122529		103		GARY RUBEL #69	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210388		3411122530		103		GARY RUBEL #70	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210389		3411122531		103		GARY RUBEL #71	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210390		3411122532		103		GARY RUBEL #72	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210391		3411122533		103		GARY RUBEL #73	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210392		3411122534		103		GARY RUBEL #74	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210393		3411122535		103		GARY RUBEL #75	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210394		3411122536		103		GARY RUBEL #76	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210395		3411122537		103		GARY RUBEL #77	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210396		3411122538		103		GARY RUBEL #78	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210397		3411122539		103		GARY RUBEL #79	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210398		3411122540		103		GARY RUBEL #80	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210399		3411122541		103		GARY RUBEL #81	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210400		3411122542		103		GARY RUBEL #82	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210401		3411122543		103		GARY RUBEL #83	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210402		3411122544		103		GARY RUBEL #84	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210403		3411122545		103		GARY RUBEL #85	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210404		3411122546		103		GARY RUBEL #86	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210405		3411122547		103		GARY RUBEL #87	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210406		3411122548		103		GARY RUBEL #88	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210407		3411122549		103		GARY RUBEL #89	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210408		3411122550		103		GARY RUBEL #90	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210409		3411122551		103		GARY RUBEL #91	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210410		3411122552		103		GARY RUBEL #92	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210411		3411122553		103		GARY RUBEL #93	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210412		3411122554		103		GARY RUBEL #94	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210413		3411122555		103		GARY RUBEL #95	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210414		3411122556		103		GARY RUBEL #96	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210415		3411122557		103		GARY RUBEL #97	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210416		3411122558		103		GARY RUBEL #98	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210417		3411122559		103		GARY RUBEL #99	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210418		3411122560		103		GARY RUBEL #100	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210419		3411122561		103		GARY RUBEL #101	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210420		3411122562		103		GARY RUBEL #102	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210421		3411122563		103		GARY RUBEL #103	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210422		3411122564		103		GARY RUBEL #104	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210423		3411122565		103		GARY RUBEL #105	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210424		3411122566		103		GARY RUBEL #106	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210425		3411122567		103		GARY RUBEL #107	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210426		3411122568		103		GARY RUBEL #108	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210427		3411122569		103		GARY RUBEL #109	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210428		3411122570		103		GARY RUBEL #110	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210429		3411122571		103		GARY RUBEL #111	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210430		3411122572		103		GARY RUBEL #112	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210431		3411122573		103		GARY RUBEL #113	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210432		3411122574		103		GARY RUBEL #114	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210433		3411122575		103		GARY RUBEL #115	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210434		3411122576		103		GARY RUBEL #116	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210435		3411122577		103		GARY RUBEL #117	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210436		3411122578		103		GARY RUBEL #118	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210437		3411122579		103		GARY RUBEL #119	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210438		3411122580		103		GARY RUBEL #120	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION ENERGY INC				RECEIVED: 12/15/81 JA: OH					
8210439		3411122581		103		GARY RUBEL #121	SUMMIT	9.0	COLUMBIA GAS TRAN
-DOMINION

JOB NO	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORFMAN PRODUCTION CO			RECEIVED: 12/15/81 JA: OH			
8210319	3409921339	103	J MARTIG UNIT #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210319	3409921339	107-TF	J MARTIG UNIT #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210320	3409921340	103	J MARTIG UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210320	3409921340	107-TF	J MARTIG UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210323	3409921345	103	J MARTIG UNIT #3	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210323	3409921345	107-TF	J MARTIG UNIT #3	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210321	3409921341	103	MYERS D #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210321	3409921341	107-TF	MYERS D #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210322	3409921342	103	MYERS D #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8210322	3409921342	107-TF	MYERS D #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
-DOVER OIL CO			RECEIVED: 12/15/81 JA: OH			
8210325	3416725750	103	ELDER #1	DUNHAM	3.0	RIVER GAS CO
8210324	3416725527	103	JOHN J TOOTHMAN #1	DUNHAM	3.0	RIVER GAS CO
-ELKHEAD GAS & OIL COMPANY			RECEIVED: 12/15/81 JA: OH			
8210327	3408322974	103	J R LEPLEY #1	KNOX	55.0	COLUMBIA GAS TRAN
8210326	3408329480	103	LAW #1	KNOX	321.0	COLUMBIA GAS TRAN
-EMERALD EXPLORATION ASSOCIATES I			RECEIVED: 12/15/81 JA: OH			
8210328	3411122065	107-DV	PAUL & BERNICE MARSHALL #1	BETHEL	60.0	
8210329	3411122082	107-DV	PAUL & BERNICE MARSHALL #2	BETHEL	60.0	
8210330	3411122083	107-DV	PAUL & BERNICE MARSHALL #3	BETHEL	60.0	
-EMERALD EXPLORATION ASSOCIATES II			RECEIVED: 12/15/81 JA: OH			
8210331	3416726591	107-DV	DARRELL BARNES #2	LIBERTY	90.0	
-FRANKLIN GAS & OIL CO INC			RECEIVED: 12/15/81 JA: OH			
8210333	3408322943	103	DONALD KAUFFMAN #1	JEFFERSON	0.0	EAST OHIO GAS CO
-FRONTIER PETROLEUM LTD			RECEIVED: 12/15/81 JA: OH			
8210334	3411122366	107-DV	LEMASTERS #1	BETHEL	25.0	COLUMBIA GAS TRNS
-GREAT NATIONAL CORP			RECEIVED: 12/15/81 JA: OH			
8210336	3411522069	103	DAVIS #5	MALTA	15.0	
8210335	3411522064	103	O WESTFALL #1	MALTA	15.0	
8210337	3411522194	103	W MOORE #1	MALTA	15.0	
-H & S OPERATING COMPANY			RECEIVED: 12/15/81 JA: OH			
8210338	3407522907	103	ROY WEAVER #1	SHREVE	20.0	COLUMBIA GAS TRAN
-HADCO INC			RECEIVED: 12/15/81 JA: OH			
8210342	3410322620	103	DILLWORTH #1	GRANGER	20.0	
8210342	3410322620	107-TF	DILLWORTH #1	GRANGER	20.0	
-HENRY PETROLEUM CORP			RECEIVED: 12/15/81 JA: OH			
8210340	3416726721	107-DV	BERTHA HILL #1	SALEM	5.0	COLUMBIA GAS TRAN
8210339	3416726704	107-DV	BROOM - HILL #1 34-1672-6704	DEVONIAN SHALE	0.0	COLUMBIA GAS TRAN
-HOOVER PRODUCING & OPERATING			RECEIVED: 12/15/81 JA: OH			
8210341	3412725336	103	L WALTERS #1-B	HOPEWELL-PERRY	16.0	NATIONAL GAS & OI
-HOPCO RESOURCES INC			RECEIVED: 12/15/81 JA: OH			
8210344	3411925769	103	HESSIN #1A	JACKSON	12.0	COLUMBIA GAS TRAN
8210344	3411925769	107-TF	HESSIN #1A	JACKSON	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 12/15/81 JA: OH			
8210346	3411925590	103	ANNA HIGHFIELD WOOD #1	PERRY	16.0	COLUMBIA GAS TRAN
8210345	34111222R0 D	107-TF	HARRY FOWLER	SENECA	12.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 12/15/81 JA: OH			
8210347	3403124455 D	107-TF	DALLAS & MARY LINT #1	MONROE	10.0	COLUMBIA GAS TRAN
-I R D CORP			RECEIVED: 12/15/81 JA: OH			
8210348	3400721838	103	FLACK #1	ANDOVER	37.0	
8210348	3400721838	107-TF	FLACK #1	ANDOVER	37.0	
-J P WHITE			RECEIVED: 12/15/81 JA: OH			

OC NO	JA PKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210491		3415521413	107-TF	NEWCOMB LUMBER #2	NEWTON	50.0	COLUMBIA GAS TRAN
-JAMES R SMAIL			RECEIVED: 12/15/81 JA: OH				
8210475		3416922802	103	DAVID E MORRIS #1	CLINTON	30.0	COLUMBIA GAS TRAN
8210475		3416922802	107-TF	DAVID E MORRIS #1	CLINTON	30.0	COLUMBIA GAS TRAN
8210476		3416922839	103	HAMILTON #1	PLAIN	30.0	COLUMBIA GAS TRAN
8210476		3416922839	107-TF	HAMILTON #1	PLAIN	30.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS			RECEIVED: 12/15/81 JA: OH				
8210349		3400721686	103	WOBETT FARMS #1	RICHMOND	30.0	P O I ENERGY INC
8210349		3400721686	107-TF	WOBETT FARMS #1	RICHMOND	30.0	P O I ENERGY INC
8210350		3400721684	103	WOBETT FARMS #2	RICHMOND	25.0	P O I ENERGY INC
8210350		3400721684	107-TF	WOBETT FARMS #2	RICHMOND	25.0	P O I ENERGY INC
8210351		3400721739	103	WOBETT FARMS #3	RICHMOND	100.0	P O I ENERGY INC
8210351		3400721739	107-TF	WOBETT FARMS #3	RICHMOND	100.0	P O I ENERGY INC
8210352		3400721740	103	WOBETT FARMS #4	RICHMOND	60.0	P O I ENERGY INC
8210352		3400721740	107-TF	WOBETT FARMS #4	RICHMOND	60.0	P O I ENERGY INC
-JEFFERSON OIL & GAS CO			RECEIVED: 12/15/81 JA: OH				
8210353		3403124391	107-TF	LOOS #1	WINDING FORK & RINE CORN	30.0	COLUMBIA GAS TRAN
-JERRY C OLDS			RECEIVED: 12/15/81 JA: OH				
8210412		3403124280	103	OSBORN #4	PERRY	0.0	NATIONAL GAS & OI
-JERRY MOORE INC			RECEIVED: 12/15/81 JA: OH				
8210384		3403124275	103	ALLAN R BISHOP #1-A	KILLBUCK	4.0	COLUMBIA GAS TRAN
8210385		3403124286	103	CANAL LEWISVILLE U M CHURCH #1	CANAL LEWISVILLE	6.0	COLUMBIA GAS TRAN
8210385		3403124286	107-TF	CANAL LEWISVILLE U M CHURCH #1	CANAL LEWISVILLE	6.0	COLUMBIA GAS TRAN
8210387		3403124337	103	DENNIS BAHMER JR #1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8210387		3403124337	107-TF	DENNIS BAHMER JR #1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8210386		3403124287	103	FRED BAILEY #1	KEENE	4.0	COLUMBIA GAS TRAN
8210386		3403124287	107-TF	FRED BAILEY #1	KEENE	4.0	COLUMBIA GAS TRAN
8210383		3403123927	103	HENRY A MAST UNIT #2-15	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8210383		3403123927	107-TF	HENRY A MAST UNIT #2-15	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8210389		3407523026	103	RAYMOND SCHEUFLER UNIT #1	WILMOT	3.0	COLUMBIA GAS TRAN
8210388		3407523025	103	ROMAN S YODER UNIT #1-4	WILMONT	3.0	COLUMBIA GAS TRAN
-JOHN G FORAKER			RECEIVED: 12/15/81 JA: OH				
8210332		3408522257	103	KASLER #1	AMES	0.5	COLUMBIA GAS TRAN
-KEN-TRAK			RECEIVED: 12/15/81 JA: OH				
8210357		3410522209	103	JAMES MASH #1	2ND BEREA (LOWER MISSISS	0.0	
8210358		3410522210	103	JAMES QUILLEN #1	2ND BEREA (LOWER MISSISS	0.0	
-KENOIL			RECEIVED: 12/15/81 JA: OH				
8210354		3416922799	C 107-TF	TED ACKER #1-S	CLINTON	6.0	COLUMBIA GAS TRAN
8210355		3416922800	103	WILLIAM MCKEE #1	CLINTON	6.0	COLUMBIA GAS TRAN
-KENSINGTON INVESTORS LTD			RECEIVED: 12/15/81 JA: OH				
8210356		3416726250	107-DV	LEWIS & ZELLA MOORE #3	GRANDVIEW	100.0	
-L & M PETROLEUM INC			RECEIVED: 12/15/81 JA: OH				
8210359		3416725272	107-TF	GLEN A BIEHL #1	LAWRENCE	12.8	COLUMBIA GAS TRAN
-LAKE REGION OIL INC			RECEIVED: 12/15/81 JA: OH				
8210363		3407523212	103	ALL OHIO #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
8210363		3407523212	107-TF	ALL OHIO #1	KILLBUCK	5.0	COLUMBIA GAS TRAN
8210360		3407522897	103	DALE ORR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8210360		3407522887	107-TF	DALE ORR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8210361		3407523128	103	EARL FRAELICH #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8210362		3407523129	103	PAUL ZOLLARS #1	RICHLAND	5.0	COLUMBIA GAS TRAN
-LANDPROVEST INC			RECEIVED: 12/15/81 JA: OH				
8210365		3405922952	107-TF	BLACKWELL #2	CAMBRIDGE	25.0	
8210364		3405922758	107-TF	C WELLMAN #1 - 80	CAMBRIDGE	25.0	COLUMBIA GAS TRAN

JO NO.	JA DKT	API NO.	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LOMAK PETROLEUM INC			RECEIVED: 12/15/81 JA: OH				
8210366		3416922164	107-TF	ALEXANDER #1	WOOSTER	16.3	COLUMBIA GAS TRAN
-MARJAC ENERGY CO			RECEIVED: 12/15/81 JA: OH				
8210370		3412725255	103	FORSYTHE #1	JACKSON	10.0	NATIONAL GAS & OI
-MARTIN EXCAVATING INC			RECEIVED: 12/15/81 JA: OH				
8210374		3407522608	107-TF	CLAUDE STOTLER #1	MECHANIC	4.5	COLUMBIA GAS TRAN
8210372		3407522606	107-TF	DALE LAHM #1	MECHANIC	4.0	COLUMBIA GAS TRAN
8210373		3407522607	107-TF	HERBERT PATTERSON #1	MECHANIC	2.5	COLUMBIA GAS TRAN.
8210377		3407522663	107-TF	NELLIE PATTERSON #1	MECHANIC	3.5	COLUMBIA GAS TRAN
8210376		3407522632	107-TF	RUSTIC REALTY #1	MECHANIC	30.0	COLUMBIA GAS TRAN
8210375		3407522609	107-TF	STOTLER #2	MECHANIC	2.5	COLUMBIA GAS TRAN
8210378		3407522688	107-TF	VIC LAHM #1	MECHANIC	3.0	COLUMBIA GAS TRAN
8210371		3407522421	107-TF	WM WAGERS #1	MECHANIC	3.0	COLUMBIA GAS TRAN
-MILLER DAY ISELI ENERGY CO.			RECEIVED: 12/15/81 JA: OH				
8210381		3416722426	107-DV	BLANEY #1-23	WASHINGTON	1.5	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/15/81 JA: OH				
8210382		3406720410	103	HAUBER #1-9[illegible]	RUMLEY	20.0	
8210383		3406720419	107-TF	HAUBER #1-9[illegible]	RUMLEY	20.0	
-MORELAND OIL & GAS			RECEIVED: 12/15/81 JA: OH				
8210390		3407523251	103	D&S SCALFARO #1	MONROE	15.0	
-MURPHY OIL CO			RECEIVED: 12/15/81 JA: OH				
8210391		3410522211	103	GOEGLEIN #1	SEC 1 RUTLAND TWP	0.0	
-NEW FRONTIER EXPLORATION INC			RECEIVED: 12/15/81 JA: OH				
8210397		3406720446	103	EARL SHEEHAN #2	MONROE	16.0	
8210397		3406720446	107-TF	EARL SHEEHAN #2	MONROE	18.0	
-NOBLE OIL CORP			RECEIVED: 12/15/81 JA: OH				
8210399		3400721829	107-TF	FISHWICK #1	LENOX	20.0	AMERICAN ENERGY S
8210398		3400721826	107-TF	FREIDRICH-COTTERMAN #1	LENOX	20.0	AMERICAN ENERGY S
-OHIO NATURAL FUEL CO			RECEIVED: 12/15/81 JA: OH				
8210404		3407522753	103	A & P MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210404		3407522753	107-TF	A & P MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8210403		3407522540	103	P & S STUTZMAN #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8210403		3407522540	107-TF	P & S STUTZMAN #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8210400		3403124243	103	SPECKMAN #2	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210400		3403124243	107-TF	SPECKMAN #2	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210401		3403124245	103	SPECKMAN #3	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210401		3403124245	107-TF	SPECKMAN #3	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210402		3403124300	103	SPECKMAN #4	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8210402		3403124300	107-TF	SPECKMAN #4	BETHLEHEM	73.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO			RECEIVED: 12/15/81 JA: OH				
8210405		3415521913	107-TF	DENMAN #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210406		3415521919	107-TF	DENMAN #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210407		3415521920	107-TF	WOLFE #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8210408		3415521921	107-TF	WOLFE #3	JOHNSTON	20.0	COLUMBIA GAS TRAN
-OHIO PRODUCERS SERVICES INC			RECEIVED: 12/15/81 JA: OH				
8210409		3412725196	103	PERRY COUNTY CHEESE CO #1	MADISON	35.0	COLUMBIA GAS TRAN
8210409		3412725196	107-TF	PERRY COUNTY CHEESE CO #1	MADISON	35.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO 81-1 LTD			RECEIVED: 12/15/81 JA: OH				
8210411		3405523268	107-TF	ATLEE J MILLER #5	MECHANIC	200.0	
-OHIO TITAN ENERGY CO 81-2 LTD			RECEIVED: 12/15/81 JA: OH				
8210410		3405523267	107-TF	JAMES W BALL #1	MECHANIC	250.0	COLUMBIA GAS TRAN
-OILTECH INC			RECEIVED: 12/15/81 JA: OH				
8210413		3407523250	107-TF	KENNETH BRUMME #2	KILLPUCK	0.0	COLUMBIA GAS TRAN

JD NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210414		3407523282			107-TF	KENNETH BRUMME #3	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210415		3407523290			107-TF	KENNETH BRUMME #4	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210416		3407523291			107-TF	KENNETH BRUMME #5	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210417		3407523292			107-TF	KENNETH BRUMME #6	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210418		3407523316	D		107-TF	KENNETH BRUMME #7	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210419		3407523317	D		107-TF	KENNETH BRUMME #8	KILLBUCK	0.0	COLUMBIA GAS TRAN
8210420		3407523318	D		107-TF	KENNETH BRUMME #9	KILLBUCK	0.0	COLUMBIA GAS TRAN
-OPEX INC						RECEIVED: 12/15/81 JA: OH			
8210421		3408922356			103	WHITE #2	ROME	0.5	COLUMBIA GAS TRAN
-ORION ENERGY CORP						RECEIVED: 12/15/81 JA: OH			
8210422		3416922785			107-TF	BOUGHER #3	CHESTER	10.0	COLUMBIA GAS TRAN
-OXFORD OIL CO						RECEIVED: 12/15/81 JA: OH			
8210426		3411122534			107-DV	CHARLES YONTZ #1	FRANKLIN	0.0	
8210423		3408924228			103	GENE CUNNINGHAM #1	WASHINGTON	12.0	
8210427		3411122557			107-DV	JOHN MCCONNELL #1	FRANKLIN	12.0	
8210425		3411122354			107-DV	RUTH LAFFERRE #1	FRANKLIN	12.0	
8210424		3408924244			103	WILBUR WILSON #1	WASHINGTON	12.0	
-PAROCO DRLG FUNDS INC						RECEIVED: 12/15/81 JA: OH			
8210436		3415521926			103	BOWERS #1	BRISTOL	20.0	
8210436		3415521925			107-TF	BOWERS #1	BRISTOL	20.0	
8210437		3415521948			103	DRENSKI #1	BRISTOL	20.0	
8210437		3415521948			107-TF	DRENSKI #1	BRISTOL	20.0	
8210434		3408721820			103	FOWLIE #2	DENMARK	20.0	NATIONAL PETROLEU
8210434		3408721823			107-TF	FOWLIE #2	DENMARK	20.0	NATIONAL PETROLEU
8210435		3415521924			103	TENNEY #1	BRISTOL	20.0	
8210435		3415521924			107-TF	TENNEY #1	BRISTOL	20.0	
-PETROLEUM SECURITIES FUND - 80						RECEIVED: 12/15/81 JA: OH			
8210438		3416922687			103	MANN #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
8210438		3416922687			107-TF	MANN #4	FRANKLIN	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC						RECEIVED: 12/15/81 JA: OH			
8210430		3408721720			103	DAY-HARRISON #1	NEW LYME	10.0	
8210430		3408721723			107-TF	DAY-HARRISON #1	NEW LYME	10.0	
8210433		3408722629			103	MAGOS #1	BRIMFIELD	40.0	
8210433		3408722629			107-TF	MAGOS #1	BRIMFIELD	40.0	
8210425		3408721624			103	N G MORRIS #1	ROME	45.0	EAST OHIO GAS CO
8210429		3408721624			107-TF	N G MORRIS #1	ROME	45.0	EAST OHIO GAS CO
8210428		3408721590			107-TF	R KAMPF #4	ROME	30.0	
8210431		3408722524			103	WOODMAN #1	FRANKLIN	35.0	
8210431		3408722524			107-TF	WOODMAN #1	FRANKLIN	35.0	
8210432		3408722525			103	WOODMAN #2	FRANKLIN	35.0	
8210432		3408722525			107-TF	WOODMAN #2	FRANKLIN	35.0	
-QUAKER STATE OIL REFINING CORP						RECEIVED: 12/15/81 JA: OH			
8210439		3415123392			103	E J CASSIDY #2	WASHINGTON	16.4	EAST OHIO GAS CO
8210442		3415135720			103	F & B ROSENBERGER #1	WASHINGTON	21.9	EAST OHIO GAS CO
8210440		3415123393			103	HENNING UNIT #2	PARIS	18.3	EAST OHIO GAS CO
8210441		3415123552			103	HENNING UNIT #3	PARIS	18.3	EAST OHIO GAS CO
-R GENE BRASEL DBA BRASEL & BRASEL						RECEIVED: 12/15/81 JA: OH			
8210302		3405320652			103	D DARST #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210301		3405320651			103	D DARST #3	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210300		3405320650			103	D DARST #4	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210299		3405320649			103	D DARST #5	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210303		3405320655			103	R DARNELL #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210304		3405320681			103	MOORE-MYERS #2	ADDISON	3.0	COLUMBIA GAS TRAN

JD NO	JA CAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210431		3408722524			107-TF	WOODMAN #1	FRANKLIN	35.0	
8210432		3408722525			103	WOODMAN #2	FRANKLIN	35.0	
8210432		3408722525			107-TF	WOODMAN #2	FRANKLIN	35.0	
-QUAKER STATE OIL REFINING CORP						RECEIVED: 12/15/81 JA: OH			
8210439		3415123392			103	E J CASSIDY #2	WASHINGTON	16.4	EAST OHIO GAS CO
8210442		3415135720			103	F & B ROSENBERGER #1	WASHINGTON	21.9	EAST OHIO GAS CO
8210440		3415123393			103	HENNING UNIT #2	PARIS	18.3	EAST OHIO GAS CO
8210441		3415123552			103	HENNING UNIT #3	PARIS	18.3	EAST OHIO GAS CO
-R GENE BRASEL DBA BRASEL & BRASEL						RECEIVED: 12/15/81 JA: OH			
8210302		3405320652			103	D DARST #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210301		3405320651			103	D DARST #3	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210300		3405320650			103	D DARST #4	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210299		3405320649			103	D DARST #5	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210303		3405320655			103	R DARNELL #2	CHESHIRE	0.0	COLUMBIA GAS TRAN
8210304		3405320681			103	MOORE-MYERS #2	ADDISON	3.0	COLUMBIA GAS TRAN

JD NO	JA CRT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210305		3405320692		103		R BARRETT #2	ADDISON	0.0	COLUMBIA GAS TRAN
8210306		3405320683		103		R BARRETT #3	ADDISON	0.0	COLUMBIA GAS TRAN
8210298		3405320635		103		W BRADBURY #3	CHESHIRE	0.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED: 12/15/81 JA: OH					
8210453		3416725320		107-DV		ANTHONY #1	SIMMONS	4.6	COLUMBIA GAS OF O
8210451		3416725318		107-DV		BROOKER #1	SIMMONS	21.5	COLUMBIA GAS OF O
8210448		3416724839		107-DV		C SCHWENDEMAN #1	SIMMONS	35.3	COLUMBIA GAS OF O
8210457		3416725585		107-DV		DUCKWORTH #2	SIMMONS	50.4	COLUMBIA GAS OF O
8210446		3416724751		107-DV		HENNIGAR #2	SIMMONS	4.0	COLUMBIA GAS OF O
8210447		3416724752		107-DV		HENNIGAR #3	SIMMONS	46.2	COLUMBIA GAS OF O
8210449		3416724841		107-DV		J SCHWENDEMAN #1	SIMMONS	46.5	COLUMBIA GAS OF O
8210459		3416726478	D	107-DV		JOHN PERRY SR #4	SIMMONS	1.5	COLUMBIA GAS OF O
8210445		3416724728		107-DV		MARTIN #2	SIMMONS	28.3	COLUMBIA GAS OF O
8210458		3416726088		107-DV		MATTHEWS #2	SIMMONS	24.6	COLUMBIA GAS OF O
8210450		3416725325		107-DV		R STEVENS #1	SIMMONS	69.6	COLUMBIA GAS OF O
8210456		3416725568		107-DV		SIMS-NOLAN #1	SIMMONS	21.6	COLUMBIA GAS OF O
8210452		3416725319		107-DV		VANDALE #1	SIMMONS	92.2	COLUMBIA GAS OF O
8210454		3416725338		107-DV		VANDALE #2	SIMMONS	96.7	COLUMBIA GAS OF O
8210455		3416725533		107-DV		WILFRED & FRANCIS HUCK #2	SIMMONS	40.3	COLUMBIA GAS OF O
-RMR PETROLEUM CORP				RECEIVED: 12/15/81 JA: OH					
8210443		3412726635		107-DV		BLANEY LUMBER B-1	LIBERTY	23.0	
8210444		3416726763		107-DV		JAMES WILLIAMS #1	LIBERTY	25.0	
-ROYAL PETROLEUM 81-I				RECEIVED: 12/15/81 JA: OH					
8210461		3407522785	D	107-TF		WEAVER #1	PRAIRIE	5.0	COLUMBIA GAS TRAN
8210462		3407522881	D	107-TF		WEAVER #2	PRAIRIE	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 12/15/81 JA: OH					
8210465		3416725990		107-DV		ARZA PRYOR #1	GRANDVIEW	6.0	
8210468		3416726263		103		CECILE MILLS #1	GRANDVIEW	0.0	
8210464	A	3416725284		107-DV		F W FREDICK #1	LAWRENCE	200.0	
8210463		3411122435		107-DV		HOMER & DELPHINE REEF #1A	GREEN	12.0	
8210467		3416726169		107-DV		JOSEPH SEMON #2	GRANDVIEW	6.0	
8210466		3416726166		103		WILLIAM CLEGG #38 (SEC 15)	GRANDVIEW	0.0	
-SANTA FE DRILLING CO INC				RECEIVED: 12/15/81 JA: OH					
8210469		3411122021		107-DV		ELAINE FLEEMAN #1	BETHEL	50.0	
8210470		3416723951		103		LILA MILL #1	SALEM	50.0	
-SHIELD DRILLING CO				RECEIVED: 12/15/81 JA: OH					
8210472		3416726273		107-DV		LAWRENCE & ETHEL SMITH #11	INDEPENDENCE	0.0	
-SKY PETROLEUM CORP				RECEIVED: 12/15/81 JA: OH					
8210473A		3408322867		103		JAMES COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210473B		3408322867	D	107-TF		JAMES COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210474A		3408322864		103		WILFORD COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
8210474B		3408322864	D	107-TF		WILFORD COLOPY #1	UNION	0.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 12/15/81 JA: OH					
8210477		3410322753		103		DANIEL & NANCY MORROW #1	GRANGER	5.0	COLUMBIA GAS TRAN
-TATUM PETROLEUM OHIO INC				RECEIVED: 12/15/81 JA: OH					
8210478		3407523230		107-TF		SAM YODER #1 MAST UNIT	BERLIN	775.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 12/15/81 JA: OH					
8210395		3411122384		107-DV		BURKHART #1-M	SENECA	0.0	COLUMBIA GAS TRAN
8210393		3411122391		107-DV		HUGHES #1-M	FRANKLIN	0.0	COLUMBIA GAS TRAN
8210394		3411122383		107-DV		J MALLETT #3-M	FRANKLIN	0.0	COLUMBIA GAS TRAN
8210392		3411122378		103		M BAKER #2-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
8210396		3411122387		103		M BAKER #3-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
-TITAN ENERGY CORP				RECEIVED: 12/15/81 JA: OH					

JD NO	JA DKT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210482		3405922995	103	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210482		3405922995	107-TF	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996	103	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996	107-TF	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO			RECEIVED: 12/15/81 JA: OH				
8210485		3405923029	107-TF	CUNNINGHAM #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210486		3405923041	107-TF	LYONS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210488		3405923064	107-TF	SELLE #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210484		3405923011	107-TF	STARR-VAVOSA #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8210489		3405923066	107-TF	WINN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210487		3405923053	107-TF	YODER #2	GUERNSEY	0.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE			RECEIVED: 12/15/81 JA: OH				
8210380		3412725260	103	COOK-REEVES UNIT #1	READING	10.0	NATIONAL GAS & OI
8210379		3404520686	103	MILDRED GRIFFIN #1	RUSHCREEK	6.0	NATIONAL GAS & OI
-VIKING RESOURCES CORP			RECEIVED: 12/15/81 JA: OH				
8210490		3409921407	103	F C F REALTY UNIT #1	BERLIN	30.0	
8210490		3409921407	107-TF	F C F REALTY UNIT #1	BERLIN	30.0	
-W J LYDIC INC			RECEIVED: 12/15/81 JA: OH				
8210368		3405320320	103	CHARLES COTTON #2	GALLIPOLIS	5.0	COLUMBIA GAS OF O
8210367		3405320306	103	GLASSBURN #1	GALLIPOLIS	6.0	COLUMBIA GAS OF O
8210369A		3407523264	103	LEE WOLFE #1	MONROE	20.0	
8210369D		3407523264 D	107-TF	LEE WOLFE #1	MONROE	20.0	
-WARREN R HAUGHT AGENT			RECEIVED: 12/15/81 JA: OH				
8210343		3400922097	103	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
8210343		3400922097	107-TF	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
-WILLIAM H TIPKA			RECEIVED: 12/15/81 JA: OH				
8210480		3405922858	103	DONALD HALL #1	WASHINGTON	6.0	EAST OHIO GAS CO
8210480		3405922858	107-TF	DONALD HALL #1	WASHINGTON	6.0	EAST OHIO GAS CO
8210481		3405922972	103	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
8210481		3405922972	107-TF	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
**********							
** U.S. GEOLOGICAL SUPVEY - ALBUQUERQUE,NM							
**********							
-SOUTHLAND ROYALTY CO			RECEIVED: 12/14/81 JA: NM 4				
8210497	NM1482-80	3004509953	102-PB	HOLDER AW1	BASIN	19.0	SOUTHERN UNION GA
**********							
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
-GEORESOURCES INC			RECEIVED: 12/14/81 JA: MT 5				
8210507	M 176-1	2501121263	102-4	FEDERAL 1-5	HAMMOND GAS	11.1	MONTANA-DAKOTA UT
8210508	M 180-1	2501121303	102-4	FEDERAL 1-34	HAMMOND GAS FIELD	2.6	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION			RECEIVED: 12/14/81 JA: MT 5				
8210505	M 126-1	2507121551	108	FEDERAL #1 3071	HOWDOIN	22.3	KANSAS-NEBRASKA N
-SHELL OIL CO			RECEIVED: 12/14/81 JA: MT 5				
8210550	M 387-1	2502521175	103	USA 24-30CM	PENNEL	4.8	MONTANA DAKOTA UT
8210552	M 389-1	2502521166	103	USA 31-25	PENNEL	1.6	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO			RECEIVED: 12/14/81 JA: MT 5				
8210522	M 356-1	2510521180	103	FEDERAL 2425 #1	SWANSON CREEK	37.0	MONTANA DAKOTA UT
-WILLIAM HERBERT HUNT TRUST ESTATE			RECEIVED: 12/14/81 JA: MT 5				
8210555	M 393-1	2509121380	102-2	FEDERAL-STRINGER #1	WILDCAT	89.0	PHILLIPS PETROLEU
-AL-AQUITAINE EXPLORATION LTD			RECEIVED: 12/14/81 JA: ND 5				
8210542	ND 378-1	3300700694	102-2	U S 2-11 F	TR FIELD	110.0	WESTERN GAS PROCE
-DOME PETROLEUM CORP			RECEIVED: 12/14/81 JA: ND 5				

JD NO	JA DKT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210482		3405922995	103	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210482		3405922995	107-TF	KARL & VIRGINIA TAYLOR WELL #1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996	103	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
8210483		3405922996	107-TF	WYCOFF-DESELMS-UNIT-1	WESTLAND	20.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO			RECEIVED: 12/15/81 JA: OH				
8210485		3405923029	107-TF	CUNNINGHAM #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210486		3405923041	107-TF	LYONS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210488		3405923064	107-TF	SELLE #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210484		3405923011	107-TF	STARR-VAVOSA #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8210489		3405923066	107-TF	WINN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8210487		3405923053	107-TF	YODER #2	GUERNSEY	0.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE			RECEIVED: 12/15/81 JA: OH				
8210380		3412725260	103	COOK-REEVES UNIT #1	READING	10.0	NATIONAL GAS & OI
8210379		3404520686	103	MILDRED GRIFFIN #1	RUSHCREEK	6.0	NATIONAL GAS & OI
-VIKING RESOURCES CORP			RECEIVED: 12/15/81 JA: OH				
8210490		3409921407	103	F C F REALTY UNIT #1	BERLIN	30.0	
8210490		3409921407	107-TF	F C F REALTY UNIT #1	BERLIN	30.0	
-W J LYDIC INC			RECEIVED: 12/15/81 JA: OH				
8210368		3405320320	103	CHARLES COTTON #2	GALLIPOLIS	5.0	COLUMBIA GAS OF O
8210367		3405320306	103	GLASSBURN #1	GALLIPOLIS	6.0	COLUMBIA GAS OF O
8210369A		3407523264	103	LEE WOLFE #1	MONROE	20.0	
8210369D		3407523264 D	107-TF	LEE WOLFE #1	MONROE	20.0	
-WARREN R HAUGHT AGENT			RECEIVED: 12/15/81 JA: OH				
8210343		3400922097	103	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
8210343		3400922097	107-TF	DRY DOCK COAL #2	WATERLOO TWP SECTION 30	15.0	COLUMBIA GAS TRAN
-WILLIAM H TIPKA			RECEIVED: 12/15/81 JA: OH				
8210480		3405922858	103	DONALD HALL #1	WASHINGTON	6.0	EAST OHIO GAS CO
8210480		3405922858	107-TF	DONALD HALL #1	WASHINGTON	6.0	EAST OHIO GAS CO
8210481		3405922972	103	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
8210481		3405922972	107-TF	HEFNER #1	WASHINGTON	30.0	LIBBEY-OWENS-FORD
**********							
** U.S. GEOLOGICAL SUPVEY - ALBUQUERQUE,NM							
**********							
-SOUTHLAND ROYALTY CO			RECEIVED: 12/14/81 JA: NM 4				
8210497	NM1482-80	3004509953	102-PB	HOLDER AW1	BASIN	19.0	SOUTHERN UNION GA
**********							
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
-GEORESOURCES INC			RECEIVED: 12/14/81 JA: MT 5				
8210507	M 176-1	2501121263	102-4	FEDERAL 1-5	HAMMOND GAS	11.1	MONTANA-DAKOTA UT
8210508	M 180-1	2501121303	102-4	FEDERAL 1-34	HAMMOND GAS FIELD	2.6	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION			RECEIVED: 12/14/81 JA: MT 5				
8210505	M 126-1	2507121551	108	FEDERAL #1 3071	HOWDOIN	22.3	KANSAS-NEBRASKA N
-SHELL OIL CO			RECEIVED: 12/14/81 JA: MT 5				
8210550	M 387-1	2502521175	103	USA 24-30CM	PENNEL	4.8	MONTANA DAKOTA UT
8210552	M 389-1	2502521166	103	USA 31-25	PENNEL	1.6	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO			RECEIVED: 12/14/81 JA: MT 5				
8210522	M 356-1	2510521180	103	FEDERAL 2425 #1	SWANSON CREEK	37.0	MONTANA DAKOTA UT
-WILLIAM HERBERT HUNT TRUST ESTATE			RECEIVED: 12/14/81 JA: MT 5				
8210555	M 393-1	2509121380	102-2	FEDERAL-STRINGER #1	WILDCAT	89.0	PHILLIPS PETROLEU
-AL-AQUITAINE EXPLORATION LTD			RECEIVED: 12/14/81 JA: ND 5				
8210542	ND 378-1	3300700694	102-2	U S 2-11 F	TR FIELD	110.0	WESTERN GAS PROCE
-DOME PETROLEUM CORP			RECEIVED: 12/14/81 JA: ND 5				

JD NO	JA DKT	API NO	SEC	CAT	WELL NAME
8210533	ND 369-1	3305301265	102-2		DOME FEDERAL #3-17
-PENNZOIL COMPANY			RECEIVED: 12/14/81 JA: ND 5		
8210526	ND 361-1	3305301043	102-2		PENNZOIL-DEPCO FEDERAL #14-14
8210527	ND 362-1	3305300824	102-2		PENNZOIL-DEPCO FEDERAL #22-32
-SHELL OIL CO			RECEIVED: 12/14/81 JA: ND 5		
8210536	ND 372-1	3305301164	102-2		USA 41-14-131
8210554	ND 391-1	3305301239	102-2		USA 43-6-117
-TENNECO OIL COMPANY			RECEIVED: 12/14/81 JA: ND 5		
8210539	ND 376-1	3305300479	102-2		DAVIS USA #1-35
8210538	ND 375-1	3300700430	102-2		VALERIO USA #1-35
-TEXACO INC			RECEIVED: 12/14/81 JA: ND 5		
8210540	ND 374-1	3305301167	102-2		RED RIVER UNIT 2 #1
-AMOCO PRODUCTION CO			RECEIVED: 12/14/81 JA: WY 5		
8210534	W 370-1	4904120245	103		BERKLEY FEDERAL #1 - DAKOTA
8210512	W 326-1T	4902320193	107-TF		SHUTE CREEK UNIT #4
-BELCO PETROLEUM CORPORATION			RECEIVED: 12/14/81 JA: WY 5		
8210523	W 357-1	4902320397	103		GRBU 76-14
-CITIES SERVICE COMPANY			RECEIVED: 12/14/81 JA: WY 5		
8210530	W 366-1	4903721774	103		FEDERAL BI #1
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/14/81 JA: WY 5		
8210525	W 359-1	4900921879	103		TRAINER FEDERAL 44-12
-GETTY OIL COMPANY			RECEIVED: 12/14/81 JA: WY 5		
8210511	W 323-1	4903721345	102-2		MCPHERSON SPRINGS #23-2
8210515	W345-1	4903721741	102-2		MCPHERSON SPRINGS A #14-2
8210516	346-1	4903721741	107-TF		MCPHERSON SPRINGS A #14-2
-HPC INC			RECEIVED: 12/14/81 JA: WY 5		
8210535	W 371-1	4903721791	102-2		GREAT DIVIDE UNIT #9
8210537	W 373-1	4900525522	102-2		SARA ARMSTRONG FEDERAL #2
-INTEGRITY OIL & GAS COMPANY			RECEIVED: 12/14/81 JA: WY 5		
8210514	W 339-1	4900720543	102-4		FEDERAL #1-29
-INTERNORTH INC			RECEIVED: 12/14/81 JA: WY 5		
8210520	W 354-1	4900921639	103		FEDERAL 952 #1-10
8210519	W 353-1	4900921665	103		FEDERAL 952 #1-3
8210521	W 355-1	4900921638	103		FEDERAL 952 #2-10
-JOHN J CHRISTMANN			RECEIVED: 12/14/81 JA: WY 5		
8210541	W 377-1-T	4903721913	107-TF		HAY FEDERAL 1-20
-KEDCO MANAGEMENT CORP			RECEIVED: 12/14/81 JA: WY 5		
8210546	W 382-1	4902720343	102-4		FEDERAL #11-17A
8210547	W 383-1	4902720334	102-4		FEDERAL #12-17A
8210548	W 384-1	4902720344	102-4		FEDERAL #22-17A
-LOUISIANA LAND & EXPLORATION CO			RECEIVED: 12/14/81 JA: WY 5		
8210513	W 330-1	4900921850	102-2		FEDERAL LL & E 21-25
-MARATHON OIL COMPANY			RECEIVED: 12/14/81 JA: WY 5		
*8210517	W 350-1	4902920932	103		WILSON "A" #12 (EMBAR & TENSLEEP
*8210518	W351-1	4902921006	103		WILSON B #15 (EMBAR AND TENSLEEP
-MOBIL OIL CORP			RECEIVED: 12/14/81 JA: WY 5		
8210528	W 363-1	4903520529	103		TIP TOP UNIT #T72-20G
-NATURAL GAS CORPORATION OF CALIF			RECEIVED: 12/14/81 JA: WY 5		
8210531	W 367-1	4902320387	103		FEDERAL 24-29
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 12/14/81 JA: WY 5		
8210509	W 289-1	4904521543	102-4		CLF FEDERAL #1-7
8210510	W 290-0	4904521548	102-4		PETRO FEDERAL #1-H
8210529	W 364-1	4900525884	103		QUILLBACK FEDERAL #1-35

FIELD NAME	PROD	PURCHASER
MON DAK	11.3	SHELL OIL CO
BULL MOOSE	25.9	KOCH HYDROCARBON
BULL MOOSE	113[illegible].2	KOCH HYDROCARBON
CARTWRIGHT	1.5	MONTANA DAKOTA UT
POKER JIM	24.5	MONTANA DAKOTA UT
BIG STICK	50.0	WESTERN GAS PROCE
MYSTERY CREEK	440.0	WESTERN GAS PROCE
CHARLSON	1500.0	
BRUFF-DAKOTA	153.3	CITIES SERVICE GA
SHUTE CREEK-FRONTIER	54.7	
GREEN RIVER BEND UNIT	0.0	BELCO PETROLEUM C
WILD ROSE	0.0	CITIES SERVICE GA
MIKES DRAW	0.8	
NORTH STATE LINE PROSPEC	90.0	COLORADO INTERSTA
MCPHERSON SPRINGS UNIT	65.0	COLORADO INTERSTA
NORTH STATE LINE PROSPEC	65.0	COLORADO INTERSTA
GREAT DIVIDE UNIT AREA	3.4	PANHANDLE EASTERN
NORTH POWELL	5.0	PHILLIPS PETROLEU
BUNKER HILL	76.5	NATURAL GAS PIPEL
SCOTT	15.0	PHILLIPS PETROLEU
SCOTT	15.0	PHILLIPS PETROLEU
SCOTT	15.0	PHILLIPS PETROLEU
BRUFF	110.0	NORTHWEST PIPELIN
BUCK CREEK	3.0	PHILLIPS PETROLEU
BUCK CREEK	47.0	PHILLIPS PETROLEU
BUCK CREEK	10.0	PHILLIPS PETROLEU
SCOTT	16.0	PHILLIPS PETROLEU
OREGON BASIN	4.2	COLORADO INTERSTA
OREGON BASIN	3.9	COLORADO INTERSTA
TIP TOP UNIT	330.0	NORTHWEST PIPELIN
FONTENELLE	16.0	PACIFIC GAS TRANS
WILDCAT	36.8	PHILLIPS PETROLEU
TODD	16.3	PHILLIPS PETROLEU
PORCUPINE	92.7	BIG HORN FRACTION

VOLUME 74 PAGE 010

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SANTA FE ENERGY PRODUCTS CO				RECEIVED: 12/14/81 JA: WY 5					
8210524	W 358-1	4903721803		107-TF		FEDERAL 1-8	WILD ROSE	365.0	
-SHELL OIL CO				RECEIVED: 12/14/81 JA: WY 5					
8210506	W 154-1	4901321129		103		TRIBAL 12-3	PAVILLION	5.5	MONTANA DAKOTA UT
8210551	W 388-1	4901321128		103		TRIBAL 14-2	PAVILLION	553.0	MONTANA DAKOTA UT
8210553	W 390-1	4901321130		103		TRIBAL 21-9	PAVILLION	153.0	MONTANA-DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED: 12/14/81 JA: WY 5					
8210532	W 368-1	4903721907		102-2		READING & BATES FEDERAL #1-18	BRUFF	500.0	NORTHWEST PIPELIN
-WEXPRO COMPANY				RECEIVED: 12/14/81 JA: WY 5					
8210544	W 380-1T	4903721788		107-TF		BRUFF FEDERAL #2-26	BRUFF	362.0	MOUNTAIN FUEL SUP
8210543	W 379-1T	4904120365		107-TF		CLIFTON FEDERAL #34-1	BRUFF	1032.8	MOUNTAIN FUEL SUP
8210545	W 381-1T	4903721855		107-TF		HAGOOD FEDERAL #12-1	BRUFF	813.0	MOUNTAIN FUEL SUP
8210549	W 386-1T	4904120392		107-TF		HALEY FEDERAL #4-1	BRUFF	379.0	MOUNTAIN FUEL SUP
** DEPARTMENT OF ENERGY									
-NAVAL PETROLEUM RESERVES IN CALIFOR				RECEIVED: 12/28/81 JA: CA 9					
8210499		0402900000		103		25Z-382	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210508		0402900000		102-2		26S-316	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210503		0402900000		102-2		31S-318	NAVAL PETROLEUM RESERVES	219.0	CHEVRON USA INC
8210501		0402900000		102-2		32S-373	NAVAL PETROLEUM RESERVES	109.0	CHEVRON USA INC
8210502		0402900000		102-2		33S-314	NAVAL PETROLEUM RESERVES	36.0	CHEVRON USA INC
8210504		0402900000		102-2		5G-344A	NAVAL PETROLEUM RESERVES	109.0	CHEVRON USA INC
8210498		0402900000		103		7R-365	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC

OTHER PURCHASERS

8210517 CODY GAS CO
8210518 CODY GAS CO

BILLING CODE 6717-01-C

The
were
juris
Ener
to t
and
dete
befo
ann
cub
Com
purc
noti

T
ava
exte
und
Com
Info
Cap
obje
may
and
Com
1982

C
are

Sect

10
10
10
10
10

Sect

10
10
10
10
10

Secti

10
10
10

Kenn

Secr

[FR D

BILLI

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 29, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1019 Filed 1–13–82: 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 8, 1982.

JD	DOCKET	API	SEC CAT WELL FILE	FIELD NAME	PRO.	PURCHASER
TEXAS RAILROAD COMMISSION						
-ABCO ENERGY CORP			RECEIVED: 12/17/81 JA: TX			
8210740	F-7C-037835	4210533146	103 HUDSPETH "73" #3-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210740	F-7C-037835	4210533146	107-TF HUDSPETH "73" #3-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210741	F-7C-037836	4210533168	103 HUDSPETH "73" #4-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210741	F-7C-037836	4210533168	107-TF HUDSPETH "73" #4-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210742	F-7C-037837	4210533163	103 HUDSPETH "73" #5-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210742	F-7C-037837	4210533163	107-TF HUDSPETH "73" #5-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210739	F-7C-037862	4210533142	103 HUDSPETH "74" #1-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210739	F-7C-037862	4210533142	107-TF HUDSPETH "74" #1-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210739	F-7C-037834	4210533162	103 HUDSPETH "74" #2-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210739	F-7C-037834	4210533160	107-TF HUDSPETH "74" #2-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210743	F-7C-037838	4210533164	103 HUDSPETH "88" #6-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210743	F-7C-037838	4210533164	107-TF HUDSPETH "88" #6-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210744	F-7C-037839	4210533165	103 HUDSPETH "88" #7-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210744	F-7C-037839	4210533165	107-TF HUDSPETH "88" #7-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210745	F-7C-037840	4210533166	103 HUDSPETH "88" #8-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210745	F-7C-037840	4210533166	107-TF HUDSPETH "88" #8-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210746	F-7C-037841	4210533167	103 HUDSPETH "88" #9-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
8210746	F-7C-037841	4210533167	107-TF HUDSPETH "88" #9-80	HUDSPETH (CANYON)	6.0	VALERO TRANSMISSI
-ANDERSON PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210759	F-7C-038024	4210533223	103 ALMEDA HOOVER 2-22	OZONA (CANYON SAND)	56.0	ANDERSON PIPELINE
8210759	F-7C-038024	4210533223	107-TF ALMEDA HOOVER 2-22	OZONA (CANYON SAND)	56.0	ANDERSON PIPELINE
8210704	F-7C-036195	4210533191	103 AUSTIN C MILLSPAUGH A1 1-5	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210704	F-7C-036195	4210533191	107-TF AUSTIN C MILLSPAUGH A1 1-5	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210705	F-7C-036196	4210533337	103 L B COX JR "A" 2-R	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8210705	F-7C-036196	4210533337	107-TF L B COX JR "A" 2-R	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8210684	F-7C-035903	4210533198	103 L B COX JR A 3-R	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210684	F-7C-035903	4210533198	107-TF L B COX JR A 3-R	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8210597	F-7C-033857	4210533212	103 PEERY HOLMSLEY A 3-40	OZONA (CANYON SAND)	56.0	ANDERSON PIPELINE
8210597	F-7C-033857	4210533212	107-TF PEERY HOLMSLEY A 3-40	OZONA (CANYON SAND)	56.0	ANDERSON PIPELINE
-APACHE CORPORATION			RECEIVED: 12/17/81 JA: TX			
8210682	F-10-035801	4240333581	107-DP STILES #2-17	STILES RANCH (MORROW)	2190.0	ARKANSAS LOUISIAN
-ARTHUR E CLARK			RECEIVED: 12/17/81 JA: TX			
8210698	F-04-036165	4224931353	103 LYNN #1	WILDCAT	180.0	VALLEY GAS TRANSM
-ATLAS ENERGY CORP			RECEIVED: 12/17/81 JA: TX			
8210760	F-03-038143	4228730212	103 KING #R LEASE NO 14203	GIDDINGS (AUSTIN CHALK)	365.0	P G P GAS PROCESS
-AUSANKA OIL OPERATIONS			RECEIVED: 12/17/81 JA: TX			
8210608	F-09-034609	4250332785	102-4 ALLAR-BURGESS #1	EXOC (CONGL)	17.0	LONE STAR GAS CO
-BASS ENTERPRISES PRODUCTION CO.			RECEIVED: 12/17/81 JA: TX			
8210763	F-02-038208	4228531447	102-4 KRISTEK GAS UNIT #1	WORD N (EDWARDS)	500.0	VALERO TRANSMISSI
8210763	F-02-036209	4228531447	107-TF KRISTEK GAS UNIT #1	WORD N (EDWARDS)	500.0	VALERO TRANSMISSI

JC	JA ST	API	LSE ST WELL #	FIELD NAME	PROD	PURCHASER
8210762	F-02-038207	4228631521	102-4 KUPENA GAS UNIT #1	JORD N (EDWARDS)	365.0	VALERO TRANSMISSI
8210762	F-02-038207	4228631521	107-TF KUPENA GAS UNIT #1	JORD N (EDWARDS)	365.0	VALERO TRANSMISSI
8210765	F-02-038210	4228631521	102-4 MUELLER GAS UNIT #1	JORD N (EDWARDS)	547.5	VALERO TRANSMISSI
8210765	F-02-038210	4228631521	107-TF MUELLER GAS UNIT #1	JORD N (EDWARDS)	547.5	VALERO TRANSMISSI
8210764	F-02-038209	4228631487	102-4 WYNNE GAS UNIT #1	JORD N (EDWARDS)	3650.0	VALERO TRANSMISSI
8210764	F-02-038209	4228631487	107-TF WYNNE GAS UNIT #1	JORD N (EDWARDS)	3650.0	VALERO TRANSMISSI
-BLOCKER EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
8210652	F-04-035385	4247932154	102-2 JOHN P BLOCKER 1745-2 (81049)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210655	F-04-035386	4247900000	102-2 JOHN P BLOCKER 1837-1 (IE #82290)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210654	F-04-035387	4247932209	102-2 JOHN P BLOCKER 1839-1 (81374)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210651	F-04-035384	4247932300	102-2 JOHN P BLOCKER 1841-1 (84445)	BLOCKER RANCH (OLMOS N-3	0.5	HOUSTON PIPELINE
8210657	F-04-035390	4247932103	102-2 JOHN P BLOCKER 1841-2 (80100)	BLOCKER RANCH (OLMOS N-5	0.5	HOUSTON PIPELINE
8210650	F-04-035380	4247932266	102-2 JOHN P BLOCKER 1845-1 (IE #84444)	BLOCKER RANCH (OLMOS N-2	500.0	HOUSTON PIPELINE
8210653	F-04-035386	4247932081	102-2 JOHN P BLOCKER 809-1 (81050)	BLOCKER RANCH (OLMOS N-4	0.5	HOUSTON PIPELINE
8210656	F-04-035391	4247932093	102-2 JOHN P BLOCKER 810-1 (80553)	BLOCKER RANCH (OLMOS N-5	0.5	HOUSTON PIPELINE
-BLUE RIDGE OIL & GAS EXPLOR INC			RECEIVED: 12/17/81 JA: TX			
8210593	F-7C-033445	4210532982	103 A PHILLIPS #57	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8210593	F-7C-033445	4210532982	107-TF A PHILLIPS #57	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8210592	F-7C-033446	4210532984	103 A PHILLIPS #59	ADAMS-BAGGETT RANCH (CAN	48.0	DETROIT-TEXAS GAS
8210592	F-7C-033446	4210532984	107-TF A PHILLIPS #59	ADAMS-BAGGETT RANCH (CAN	48.0	DETROIT-TEXAS GAS
8210591	F-7-C-033447	4210532985	103 A PHILLIPS #60	ADAMS-BAGGETT RANCH (CAN	36.0	DETROIT-TEXAS GAS
8210591	F-7-C-033447	4210532985	107-TF A PHILLIPS #60	ADAMS-BAGGETT RANCH (CAN	36.0	DETROIT-TEXAS GAS
-C & K PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210584	F-08-032950	4238931064	103 CATTAIL #2	MARSH S (DELAWARE)	135.0	INTRATEX GAS CO
-C L GAGE JR			RECEIVED: 12/17/81 JA: TX			
8210615	F-09-034850	4249700000	103 LUTHER WILLIAMS #1	BOORSVILLE (BEND CONGL)	151.0	NATURAL GAS PIPEL
8210615	F-09-034850	4249700000	108 LUTHER WILLIAMS #1	BOORSVILLE (BEND CONGL)	151.0	NATURAL GAS PIPEL
-CANYON CO			RECEIVED: 12/17/81 JA: TX			
8210594	F-7C-033514	4210532579	103 LAURA HOOVER EST 3E #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
8210594	F-7C-033514	4210532579	107-TF LAURA HOOVER EST 3E #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/17/81 JA: TX			
8210780	F-03-039434	4200100000	103 E M DANSBY #1	WILDCAT	0.0	
8210586	F-03-033190	4205100000	102-2 H WILLIS JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8210586	F-03-033190	4205100000	103 H WILLIS JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8210680	F-03-035778	4205100000	102-2 LOSS WARLICK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210680	F-03-035778	4205100000	103 LOSS WARLICK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210603	F-03-034346	4205100000	102-2 LOTTIE GRSAK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210603	F-03-034346	4205100000	103 LOTTIE GRSAK #1	GIDDINGS	0.0	FERGUSON CROSSING
8210569	F-03-029341	4205100000	102-2 WALTER SCHUMACHER #1	GIDDINGS	0.0	FERGUSON CROSSING
-CHASE OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
8210560	F-16-038011	4249100000	108 JOHN ORR GAS UNIT #1 RRC ID 16701	SHILOH (TRAVIS PEAK)	3.6	TEXAS UTILITIES F
-CIBOLA OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX			
8210732	F-7R-037234	4213332347	103 TINKLER #2 RRC LEASE #15851	DESDEMONA	26.0	NORTH GORMAN GATH
-CIRCLE SEVEN PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210674	F-7B-035577	4236731304	103 ROBERT BRYANT #1 ID NO R7913	BEND (CONGLOMERATE)	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY			RECEIVED: 12/17/81 JA: TX			
8210715	F-7B-033526	4236931399	107-SR SADY "A" #1	CHENEYBORO (COTTON VALLE	37.0	
8210715	F-7B-033526	4236931399	102-4 SADY "A" #1	CHENEYBORO (COTTON VALLE	37.0	
-CLARION RESOURCES INC			RECEIVED: 12/17/81 JA: TX			
8210568	F-7B-028527	4218300000	102-4 WOODY CRAWFORD 1 85555	LIBERTY OAK (BIG SALINE)	15.0	NORTHERN GAS PROD
8210568	F-7B-028527	4218300000	103 WOODY CRAWFORD 1 85555	LIBERTY OAK (BIG SALINE)	15.0	NORTHERN GAS PROD
-CLEMCO INC			RECEIVED: 12/17/81 JA: TX			
8210723	F-06-037171	4220330691	103 CRAWFORD GAS UNIT #1	N LANSING (COTTON VALLEY	180.0	TEJAS GAS CORP
8210723	F-06-037171	4220330691	107-TF CRAWFORD GAS UNIT #1	N LANSING (COTTON VALLEY	180.0	TEJAS GAS CORP

OPERATOR NAME	API NO.	DIST	CAT	WELL NAME
-COASTS ENERGY TRUST				
8210771	F-08-038490	4240731380		RECEIVED: 12/17/81 JA: TX
-COBRA OIL AND GAS CORPORATION			102-4	DANIEL ALVARADO UNIT WELL #1
8210718	F-01-036606	4211930280		RECEIVED: 12/17/81 JA: TX
8210716	F-01-036606	4211930280	102-2	VIOLA WILSON #1
-COMOCO INC			103	VIOLA WILSON #1
8210580	F-08-032187	4238900000		RECEIVED: 12/17/81 JA: TX
8210577	F-08-031367	4238900000	108	FORD GERALDINE UNIT #1 I D #21021
8210578	F-08-031368	4238900000	108	FORD GERALDINE UNIT #125 ID #21021
8210588	F-08-033409	4238900000	108	FORD GERALDINE UNIT #126 ID #21021
8210587	F-08-033389	4213900000	106	FORD GERALDINE UNIT #129 I D #21021
8210590	F-08-033419	4213900000	108	KLOH-A-#9 I [illegible] #07819
8210712	F-04-036479	4247932938	108	MF L E WIGHT A-9-#16 I E #09321
8210712	F-04-036479	4247932938	102-2	VAQUILLAS RANCH AL #9
8210589	F-08-033419	4213900000	107-TF	VAQUILLAS RANCH AL #9
-CRYSTAL OIL COMPANY			108	WIGHT UNIT #136 I D #20661
8210731	F-03-037237	4220131086		RECEIVED: 12/17/81 JA: TX
-DAMERON PETROLEUM CORP			103	SIMCO BROUTIGAM #1
8210595	F-7C-033521	4219[illegible]25[illegible]		RECEIVED: 12/17/81 JA: TX
8210595	F-7C-033521	4219[illegible]25[illegible]	103	ARMOND HOOVER - SEC 25 #10204
-DAVID ALBERT OIL & GAS			107-TF	ARMOND HOOVER - SEC 25 #10204
8210561	F-29-021272	4223700000		RECEIVED: 12/17/81 JA: TX
-DELTA DRILLING CO			108-FR	L A CRAWFORD #1
8210570	F-06-029868	4236500000		RECEIVED: 12/17/81 JA: TX
-DEPCO INC			107-TF	GUILL #2 65004
8210786	F-RA-039720	4207931090		RECEIVED: 12/17/81 JA: TX
-DORCHESTER EXPLORATION INC			103	WHITEFACE UNIT #72-A
8210784	F-08-039590	4232930090		RECEIVED: 12/17/81 JA: TX
-DYNAMIC OF TEXAS INC			102-2	BRADFORD 22 #1
8210600	F-[illegible]-033990	4236100000		RECEIVED: 12/17/81 JA: TX
-EL PASO NATURAL GAS COMPANY			102-4	M R BLOCK #1
8210714	F-10-036572	4208726118		RECEIVED: 12/17/81 JA: TX
-ENERGY RESERVES GROUP INC			108	KNOLL A #1
8210607	F-7C-034571	4238331694		RECEIVED: 12/17/81 JA: TX
8210606	F-7C-034567	4238331702	103	RUPERT P RICKER #0 #9
-ENERGY RESOURCES OIL & GAS CORP			103	RUPERT P RICKER O #2
8210613	F-10-034832	4248330779		RECEIVED: 12/17/81 JA: TX
-EXXON CORPORATION			107-DP	BREEDE #1
8210772	F-08-039060	4213300000		RECEIVED: 12/17/81 JA: TX
-GO-TEX OIL & GAS CO			108	J B TUBB B #3
8210720	F-04-036949	4224931233		RECEIVED: 12/17/81 JA: TX
-GRACE PETROLEUM CORPORATION			103	ROBERT F BIERSTEDT A #1
8210581	F-06-032456	4234730490		RECEIVED: 12/17/81 JA: TX
8210581	F-06-032456	4234730490	102-4	BEN IRWIN #1
8210758	F-04-038021	4224930441	103	BEN IRWIN #2
-GULF OIL CORPORATION			108	H S SHANKS #1
8210687	F-10-035947	4239300030		RECEIVED: 12/17/81 JA: TX
8210688	F-10-035948	4239300030	108	G MCCUISTION "A" #5
8210689	F-10-035949	4239300030	108	G MCCUISTION A #2
8210575	F-05-030846	4228930376	108	G MCCUISTION A #6
8210575	F-05-030846	4228930376	102-4	M P WALKER UNIT #1
-GULF SANDS OIL CO			107-TF	M P WALKER UNIT #1
8210729	F-32-037202	4208531495		RECEIVED: 12/17/81 JA: TX
			103	MABEL C TOM #1

FIELD NAME	PROD	POOL CHAIN
ALVARADO	100.0	VALERO INTERSTATE
SMITHVILLE	32.4	PHILLIPS PETROLEU
SMITHVILLE	32.4	PHILLIPS PETROLEU
GERALDINE FORD	0.1	EL PASO NATURAL G
GERALDINE FORD	0.8	EL PASO NATURAL G
GERALDINE FORD	0.1	EL PASO NATURAL G
GERALDINE FORD	0.1	EL PASO NATURAL G
COWDEN N	0.3	AMOCO PROD CO
COWDEN N	0.3	AMOCO PRODUCTION
GATO CREEK (9800')	700.0	E I DUPONT DE NEM
GATO CREEK (9800')	700.0	E I DUPONT DE NEM
COWDEN N	0.1	AMOCO PRODUCTION
WILDCAT (WEST TOMBALL)	285.4	TEXAS SOUTHEASTER
AMERICAN (CANYON)	35.0	EL PASO NATURAL G
AMERICAN (CANYON)	35.0	EL PASO NATURAL G
YOWELL (MARBLE FALLS)	18.0	CITIES SERVICE CO
CARTHAGE (COTTON VALLEY)	161.3	UNITED GAS PIPE L
LEVELLAND	5.0	CITIES SERVICE CO
BRADFORDBRANCH	500.0	EL PASO NATURAL G
PINE FOREST (BLOCK HACKB	180.0	SOUTHWEST GATHERI
PANHANDLE EAST	21.0	EL PASO NATURAL G
CALVIN (DEAN)	23.8	UNION TEXAS PETRO
CALVIN (DEAN)	12.2	UNION TEXAS PETRO
ALLISON PARKS S E (PURVE	1460.0	MICHIGAN WISCONSI
SAND HILLS (MCKNIGHT)	6.0	EL PASO NATURAL G
GRABEN (PRID 3590)	146.0	UNITED GAS PIPE L
GARRISON	200.0	
GARRISON	200.0	
AMARGOSA (2700)	25.7	NATURAL GAS PIPEL
QUINDUNO	1.8	NATURAL GAS PIPEL
QUINDUNO	2.0	NATURAL GAS PIPEL
QUINDUNO	4.0	NATURAL GAS PIPEL
MARQUEZ (BOSSIER SAND)	0.0	
MARQUEZ (BOSSIER SAND)	0.0	
TYNAN (STILLWELL)	175.3	GULF STATES EQUIT

JI	API NO.	DIST	SEC FARM WELL NO	FIELD NAME	DEPTH	PURCHASER
-H-M OIL CO			RECEIVED: 12/17/81 JA: TX			
8210683	F-04-035846	4213134977	102-A AVELINO GARCIA #1	WILDCAT (ABOVE 6,800')	18L.C	UNITED GAS PIPELI
8210683	F-04-035846	4213134977	103 AVELINO GARCIA #1	WILDCAT (ABOVE 6,800')	18L.C	UNITED GAS PIPELI
-HARRISON INTERESTS LTD			RECEIVED: 12/17/81 JA: TX			
8210641	F-7C-035233	4210533283	103 JOE F BEAN C #5	PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
8210641	F-7C-035233	4210533283	107-IF JOE F BEAN C #5	PIKES PEAK DRAW (CANYON)	330.C	INTRATEX GAS CC
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 12/17/81 JA: TX			
8210670	F-03-035467	4270330175	102-A STATE TRACT 525-L SE/4 #1	CAVALLO WEST (7050)	365.0	VALLEY PIPE LINE
-HUMBLE EXPLORATION CO INC			RECEIVED: 12/17/81 JA: TX			
8210717	F-03-036747	4214930746	102-2 LORETTA HARVEY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210717	F-03-036747	4214930746	103 LORETTA HARVEY #1	GIDDINGS (AUSTIN CHALK)	0.C	PHILLIPS PETROLEU
8210627	F-03-035075	4228700000	102-2 MARY GREGORY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210627	F-03-035075	4228700000	103 MARY GREGORY #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
8210691	F-03-036017	4214930963	103 MICHELLE LYNN #1	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
-J O BRUMMETT			RECEIVED: 12/17/81 JA: TX			
8210735	F-02-037594	4246931740	103 CHARLES MILLER #2	VICTORIA (4600)	127.0	VALERO TRANSMISSI
-JOE MCGUIRE			RECEIVED: 12/17/81 JA: TX			
8210724	F-76-037190	4210533317	102-A JOE F BEAN C #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210724	F-76-037190	4210533317	103 JOE F BEAN C #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210725	F-7C-037191	4210533288	102-4 JOE F BEAN NORTH #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
8210725	F-7C-037191	4210533288	103 JOE F BEAN NORTH #1	PIKES PEAK DRAW (CANYON)	0.0	PERMIAN CORP
-JOHN L COX			RECEIVED: 12/17/81 JA: TX			
8210610	F-08-034711	4232930980	103 - T GRAHAM #1-X RRC #21552	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210756	F-7C-038014	4246131774	102 DOLLIE MAE #4 (MA)	SPRABERRY (TREND AREA)	10.C	PHILLIPS PETROLEU
8210755	F-7C-038016	4246130000	103 MALAMICEK D #2	MCGILL (SPRABERRY)	10.C	PHILLIPS PETROLEU
8210757	F-7C-038019	4246100000	103 MALEE 6 #1	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
8210609	F-08-034707	4231732337	103 MAPES FOUNDATION F #1 (APPS NA)	SPRABERRY (TREND AREA)	10.C	NORTHERN NATURAL
8210751	F-7C-037967	4246131737	103 NEAL 20 #1 (ANA)	SPRABERRY (TREND AREA)	10.0	MOBIL PRODUCING T
8210752	F-7C-038001	4246131776	103 POWELL "35" #1	SPRABERRY (TREND AREA)	10.C	MOBIL PRODUCING T
8210753	F-7C-038013	4246131760	103 RINN #2	SPRABERRY (TREND AREA)	10.C	PHILLIPS PETROLEU
8210754	F-7C-038014	4238300000	103 ROCKER B "BB" #1-X RRC #14449	SPRABERRY (TREND AREA)	10.C	EL PASO NATURAL G
8210750	F-7C-037941	4238300000	103 ROCKER B T #1-X (#05416)	SPRABERRY (TREND AREA)	10.C	EL PASO NATURAL G
-L TEXAS INC			RECEIVED: 12/17/81 JA: TX			
8210571	F-03-029864	4248100000	102-4 KRAMS #1	WILDCAT	C.C	
8210571	F-03-029864	4248100000	103 KRAMS #1	WILDCAT	C.0	
-LA SALLE ENERGY CORP			RECEIVED: 12/17/81 JA: TX			
8210747	F-71-037857	4217700000	102-2 KOMOLL #2	PEACH CREEK (AUSTIN CHAL	C.0	TIPPERARY GAS CO
-LARIO OIL & GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
8210719	F-02-036911	4012331050	102-4 HAROLD ANGERSTEIN UNIT #1	SMITH CREEK (WILCOX 9900	C.C	LONE STAR GAS CO
-MARTIN OIL & GAS CO			RECEIVED: 12/17/81 JA: TX			
8210679	F-03-035720	4205130715	102-4 FOJT UNIT #1 (ID NO 91735)	GIDDINGS (AUSTIN CHALK-G	C.C	CLAJON GAS CO
-MCCORMICK OPERATING CO			RECEIVED: 12/17/81 JA: TX			
8210779	F-08-039471	4238731948	102-4 CARTER RANCH #6	ROCIAS N (F6 B)	800.C	TRANSCONTINENTAL
8210678	F-08-035717	4238730875	102-4 LOPEZ #3	ROCIAS N (F6 E V-17)	150.C	TRANSCONTINENTAL
-MCMORAN PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210728	F-08-037291	4270030030	102-4 S T 1064-L #A-6L	BLOCK 1064-L	2240.C	VALLEY PIPE LINES
8210777	F-08-039235	4248930022	102-4 S T 1064-L #F-1 U	BLOCK 1064-L	1095.C	VALLEY PIPE LINE
8210776	F-08-039234	4248930022	102-4 S T 1064-L #-1 L	BLOCK 1064-L	2190.C	VALLEY PIPE LINE
8210775	F-08-039233	4248930031	102-4 S T 1064-L #-7 E	BLOCK 1064-L	2555.0	VALLEY PIPE LINE
8210774	F-08-039232	4248930031	102-4 S T 1064-L #-7 U	BLOCK 1064-L	1460.C	VALLEY PIPE LINE
8210727	F-08-037200	4270030030	102-4 STATE TRACT 1064-L #A-6L	BLOCK 1064-L	900.0	VALLEY PIPE LINES
-MEADCO PROPERTIES			RECEIVED: 12/17/81 JA: TX			
8210701	F-7C-036174	4223531703	102-4 F SUGG 10 RRC I D #08819	TABS (CANYON)	14.0	NORTHERN NATURAL

JL	OP AT		SEC CAT	WELL NAME
8210700	F-70-036173	4223531621	102-4	F SUGG 11 #1 RRC I L #CK571
8210702	F-70-036175	4223531664	102-4	F SUGG 11 #2 RRC I L #CK571
8210703	F-70-036176	4223531702	102-4	F SUGG 11 #3 RRC I L #CK571
-MESA PETROLEUM				RECEIVED: 12/17/81 JA: TX
8210601	F-33-034076	4270630151	102-2	GALVESTON 100-L #2ST
-MELBOURNE OIL COMPANY				RECEIVED: 12/17/81 JA: TX
8210768	F-10-036391	4235731070	103	HOLLAND GRAIN CO #1 RRC #
-MGF OIL CORP				RECEIVED: 12/17/81 JA: TX
8210761	F-70-038172	4210533059	103	C E DAVIDSON III #2
8210761	F-70-038172	4210533059	107-TF	C E DAVIDSON III #2
-MITCHELL ENERGY CORPORATION				RECEIVED: 12/17/81 JA: TX
8210605	F-09-034515	4249700000	108	R I STARKEY #1
8210767	F-43-038356	4214900000	102-2	ABELE UNIT 2 #1
8210776	F-09-039317	4223733541	103	BLOCKWORTH-CAMPSEY #1
8210671	F-09-035470	4250333944	103	C A MCMURTRY #2 33514
8210766	F-09-038356	4223700000	108	CATO #1 55635
8210770	F-09-038767	4249731964	103	J HUGHES #2
8210686	F-09-035997	4249732016	103	DEAN BARFIELD #2
8210602	F-09-034224	4249700000	108	DEDRICK UNIT #3
8210690	F-05-035991	4224330550	103	F L SMYTHE #1
8210690	F-05-035991	4224330550	107-TF	F L SMYTHE #1
8210733	F-09-037327	4249731971	103	HENRY RACHEL #2-T
8210693	F-09-036059	4233700000	108	J D ORTON #1 15583
8210695	F-09-036063	4233700000	108	J D ORTON #3 15583
8210685	F-09-035905	4249700000	108	J E NORMAN -A- #1 52416
8210563	F-78-027099	4236721720	103	J T BAKER #1
8210674	F-09-034511	4249700000	108	JAMES F WISE #1
8210694	F-33-036041	4231700000	108	JAMES LANG #1 52161
8210579	F-09-031594	4249700000	108	M L WAGGONER #21 35934
8210783	F-09-039537	4249700000	108	MAY GRIFFITH #1 52415
8210738	F-33-037742	4214900000	103	MINZENMEYER #1
8210692	F-09-036048	4223700000	108	R L MORRIS -A- #1 38686
8210599	F-33-033985	4214930748	102-2	ROY RUCKR #1
8210565	F-15-028302	4229300000	103	THOMASON #1
8210675	F-09-035606	4249732033	103	W F CLEVELAND #2
-NICO ENERGY CORP				RECEIVED: 12/17/81 JA: TX
8210567	F-33-028506	4205131004	102-2	WHITENER A #1
8210567	F-33-028506	4205131004	103	WHITENER A #1
-NORMAN EVANS				RECEIVED: 12/17/81 JA: TX
8210617	F-09-034977	4250333615	102-4	SIMPSON #1 (86536)
-PENNZOIL PRODUCING COMPANY				RECEIVED: 12/17/81 JA: TX
8210748	F-26-037859	4207730419	102-4	JARVIS #1
-PETROLEUM MANAGEMENT INC				RECEIVED: 12/17/81 JA: TX
8210706	F-09-036215	4249730628	103	YTURRIA CATTLE CO #9
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/17/81 JA: TX
8210673	F-10-035518	4223330990	103	CHAP #5
8210582	F-10-032627	4217900000	108	DAVIDSON M #1A
8210596	F-10-033809	4248300000	108	DESON #11
8210598	F-10-033877	4248300000	108	DESON #5
8210626	F-10-035046	4217900000	108	DOSS #6
8210625	F-10-035045	4217900000	108	DOSS #7
*8210699	F-10-036170	4223300000	108	GREENRIVER #9
8210572	F-38-030677	4213503515	108	GS ANDECTOR #P-13L 21193

FIELD NAME	PRD.	PURCHASER
TAOS (CANYON)	64.0	NORTHERN NATURAL
TAOS (CANYON)	17.0	NORTHERN NATURAL
TAOS (CANYON)	7.0	NORTHERN NATURAL
GALVESTON 100-L #2ST	550.0	LONE STAR GAS CO
SMITH PERRYTON NE MORROW	200.0	
OZONA (CANYON SAND)	560.0	NORTHERN NATURAL
OZONA (CANYON SAND)	560.0	NORTHERN NATURAL
BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
GIDDINGS (BUDA)	5.0	SOUTH CEN-TEX GAS
POST OAK (CONGLOMERATE)	75.0	NATURAL GAS PIPEL
JERMYN WEST (MARBLE FALL	140.0	SOUTHWESTERN GAS
JACK COUNTY REGULAR (GAS	11.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGLOM	200.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	520.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
POKEY (COTTON VALLEY LIM	300.0	TEXAS UTILITIES F
POKEY (COTTON VALLEY LIM	300.0	TEXAS UTILITIES F
BRIDGEPORT (ATOKA CONGL	60.0	NATURAL GAS PIPEL
ORTON (CADDO)	9.1	LONE STAR GAS CO
ORTON (CADDO)	5.3	LONE STAR GAS CO
WISE-KENT (HAM SAND)	13.8	NATURAL GAS PIPEL
SANDRA K (STRAWN)	300.0	
BOONSVILLE (BEND CONGL G	13.0	NATURAL GAS PIPEL
MADISONVILLE (SUB-CLARKS	0.0	LONE STAR GAS CO
BOONSVILLE (BEND CONGL G	10.0	LONE STAR GAS CO
BOONSVILLE (BEND CONGL G	8.4	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	25.0	SOUTH CEN-TEX GAS
MORRIS (CONGLOMERATE)	12.4	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	25.2	
POKEY EAST (COTTON VALLE	350.0	
BOONSVILLE (BEND CONGLOM	50.5	NATURAL GAS PIPEL
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
SOUTH BEND WEST (MARBLE	1316.0	J M TAYLOR GAS CO
PERCY WHEELER (TRAVIS PE	550.0	
LACAL (FRIO C-61	200.0	TEXAS EASTERN TRA
PANHANDLE HUTCHINSON.	0.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE WHEELER	0.0	
PANHANDLE WHEELER	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	22.0	EL PASO NATURAL G

JL	OP AT		SEC CAT	WELL NAME
8210704	F-09-036214	4249730628	103	YTURRIA CATTLE CO #8
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210772	F-09-039316	4223733540	103	BLOCKWORTH-CAMPSEY #2
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210771	F-09-039315	4223733539	103	BLOCKWORTH-CAMPSEY #3
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210773	F-09-039318	4223733542	103	BLOCKWORTH-CAMPSEY #4
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210774	F-09-039319	4223733543	103	BLOCKWORTH-CAMPSEY #5
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210775	F-09-039320	4223733544	103	BLOCKWORTH-CAMPSEY #6
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210777	F-09-039321	4223733545	103	BLOCKWORTH-CAMPSEY #7
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210778	F-09-039322	4223733546	103	BLOCKWORTH-CAMPSEY #8
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210779	F-09-039323	4223733547	103	BLOCKWORTH-CAMPSEY #9
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210780	F-09-039324	4223733548	103	BLOCKWORTH-CAMPSEY #10
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210781	F-09-039325	4223733549	103	BLOCKWORTH-CAMPSEY #11
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210782	F-09-039326	4223733550	103	BLOCKWORTH-CAMPSEY #12
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210784	F-09-039328	4223733552	103	BLOCKWORTH-CAMPSEY #14
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210785	F-09-039329	4223733553	103	BLOCKWORTH-CAMPSEY #15
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX
8210786	F-09-039330	4223733554	103	BLOCKWORTH-CAMPSEY #16
-PRIDE OIL & GAS PROPERTIES				RECEIVED: 12/17/81 JA: TX

JL [illegible]	CA #T	S-T [illegible]	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210618	F-10-035025	4217900000	108	JOHNSON CC #4	PANHANDLE GRAY	0.0	
8210631	F-10-035106	4217900000	108	JOHNSON X #7	PANHANDLE GRAY	0.0	
8210620	F-10-035027	4217900000	108	JOHNSON Z #4	PANHANDLE GRAY	0.0	
8210619	F-10-035028	4217900000	108	JOHNSON Z #5	PANHANDLE GRAY	0.0	
8210621	F-10-035026	4217900000	108	JOHNSON Z #6	PANHANDLE GRAY	0.0	
8210622	F-10-035029	4217900000	108	JOHNSONZ #7	PANHANDLE GRAY	0.0	
8210672	F-10-035517	4223330997	103	SANFORD #2	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8210630	F-10-035092	4217900000	108	URB #1	PANHANDLE GRAY	0.0	
8210629	F-10-035091	4217900000	108	URB #2	PANHANDLE GRAY	0.0	
8210626	F-10-035090	4217900000	108	URB #3	PANHANDLE GRAY	0.0	
8210623	F-10-035039	4217900000	108	URB #4	PANHANDLE GRAY	0.0	
8210624	F-10-035040	4217900000	108	URB #5	PANHANDLE GRAY	0.0	
8210585	F-7C-033117	4243330532	108	WARD C #4	SONORA (CANYON UPPER)	22.2	INTRATEX GAS CO
-PIONEER PRODUCTION CORPORATION			RECEIVED: 12/17/81 JA: TX				
*8210722	F-08-037129	4237131746	107-SP	DIXEL GAS UNIT #1	GOMEZ (FUSSELMAN)	0.0	PIONEER NATURAL G
-PRINGLE PETROLEUM INC			RECEIVED: 12/17/81 JA: TX				
8210710	F-23-036316	4220100000	102-4	BROWN EST #4 (I" #=2199)	AMAREX (7,500 YEGUA)	400.0	BADISCHE CORP
-RANDOLPH ADCOCK			RECEIVED: 12/17/81 JA: TX				
8210616	F-03-034929	4205130717	102-2	ANTON BERAN #1	GIDDINGS (AUSTIN CHALK)	100.0	CLAJON GAS CO
8210616	F-03-034929	4205130717	103	ANTON BERAN #1	GIDDINGS (AUSTIN CHALK)	100.0	CLAJON GAS CO
-RANKIN OIL CO			RECEIVED: 12/17/81 JA: TX				
8210646	F-08-035368	4200332463	103	ANITA #1	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210647	F-08-035369	4200332461	103	ANITA #2	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210648	F-08-035370	4200332462	103	ANITA #3	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210649	F-08-035372	4200332013	103	BASSEL #2	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210636	F-08-035225	4200332164	103	BASSEL #5	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210635	F-08-035224	4200332015	103	BOYE #1	FUHRMAN MASCHO	26.0	PHILLIPS PETROLEU
8210634	F-08-035223	4200332129	103	BOYE #2	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210633	F-08-035222	4200332016	103	EHRIG #1	FUHRMAN MASCHO	2.4	PHILLIPS PETROLEU
8210632	F-08-035221	4200332171	103	EHRIG #2	FUHRMAN MASCHO	23.0	PHILLIPS PETROLEU
8210660	F-08-035417	4200332472	103	ERNESTEEN #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210669	F-08-035427	4200331799	103	FUHRMAN I-A	FUHRMAN MASCHO	22.0	PHILLIPS PETROLEU
8210659	F-08-035415	4200332011	103	KNIGHT-WATSON #1	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210661	F-08-035418	4200332430	103	LEONA #2	FUHRMAN MASCHO	4.0	PHILLIPS PETROLEU
8210662	F-08-035419	4200332454	103	LOCKHART & BROWN 1-A	FUHRMAN MASCHO	26.0	PHILLIPS PETROLEU
8210668	F-08-035426	4200332269	103	LOCKHART #1	FUHRMAN MASCHO	2.4	PHILLIPS PETROLEU
8210667	F-08-035425	4200332270	103	LOCKHART #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210666	F-08-035424	4200332271	103	LOCKHART #3	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210665	F-08-035423	4200332120	103	OLSEN #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210664	F-08-035422	4200332121	103	OLSEN #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210637	F-08-035227	4200330000	103	PARKER #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210663	F-08-035420	4200332169	103	PARKER #3-2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210638	F-08-035228	4200331790	103	SEIDEL #1	FUHRMAN MASCHO	16.0	PHILLIPS PETROLEU
8210639	F-08-035230	4200331800	103	SEIDEL #2	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
8210640	F-08-035231	4200331867	103	SEIDEL #4	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
8210643	F-08-035364	4200332198	103	THORNBERRY #2	FUHRMAN MASCHO	24.0	PHILLIPS PETROLEU
8210644	F-08-035366	4200330000	103	THORNBERRY #4	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
8210645	F-08-035367	4200332242	103	THORNBERRY #5	FUHRMAN MASCHO	27.0	PHILLIPS PETROLEU
8210642	F-08-035361	4200332206	103	ZEISNER #1	FUHRMAN MASCHO	18.0	PHILLIPS PETROLEU
-RIDDLE OIL CO			RECEIVED: 12/17/81 JA: TX				
8210574	F-06-030816	4240130856	103	J B FREEMAN #A-1	OAK HILL S (COTTON VALLE	500.0	HYDROCARBON TRANS
8210574	F-06-030836	4240130856	107-TF	J B FREEMAN #A-1	OAK HILL S (COTTON VALLE	500.0	HYDROCARBON TRANS
-RIDGE OIL CO			RECEIVED: 12/17/81 JA: TX				

#8210787	F-78-039736	4242932976	102-4	WELLS #1	RANGER NW (MARBLE FALLS)	28.8	COMPRESSOR RENTAL
##210787	F-78-039736	4242932976	103	WELLS #1	RANGER NW (MARBLE FALLS)	28.8	COMPRESSOR RENTAL
-ROCKWOOD RESOURCES INC			RECEIVED: 12/17/81 JA: TX				
#210721	F-[illegible]2-037019	4223[illegible]31566	103	CHAMRAD #1 IC NC	LA WARD NORTH (5550-A)	0.0	DELHI GAS PIPELIN
#210726	F-02-037[illegible]3	4223931501	103	MAURITZ #1 LEASE NO	MAURITZ WEST (5400)	0.0	TEXAS EASTERN TRA
-RYCOL EXPLORATION INC			RECEIVED: 12/17/81 JA: TX				
#210566	F-08-028363	4247932737	103	RAYMOND L HARTMAN #1	TOM WALSH	38.0	TEJAS GAS CORP
-SAMEDAN OIL CORPORATION			RECEIVED: 12/17/81 JA: TX				
#210730	F-04-037234	4270230185	102-2	S T BIB L #H-2	SAMEDAN FRIO	1095.0	EL PASO NATURAL G
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 12/17/81 JA: TX				
#210562	F-[illegible]2-026158	4229732107	103	CHARLES L BORDEN #5-U	GEORGE WEST B (7400 SDW)	500.0	TEXAS EASTERN TRA
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX				
#210773	F-04-039162	4213935187	102-4	L T OLIVEIRA #1-B	VOROSENA CREEK (TEDLEY)	500.0	UNITED GAS PIPELI
-SCANDRILL CO			RECEIVED: 12/17/81 JA: TX				
#210696	F-78-036868	4[illegible]732567	103	EAGLE #2	THROCKMORTON COUNTY REGU	0.0	CLEAR FORK GAS CO
#210718	F-09-036870	4250334010	103	PEARL T KURK #12	YOUNG COUNTY REGULAR	0.0	SUN GAS GATHERING
-STALLWORTH OIL & GAS INC			RECEIVED: 12/17/81 JA: TX				
#210734	F-[illegible]-037588	#250131841	103	OWNBY A #2 #60211	OWNBY (CLEARFORK UPPER)	10.0	AMOCO PRODUCTION
#210611	F-06-034827	4242330409	102-4	STALLWORTH-COWAN GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
#210611	F-06-034827	#242330409	107-TF	STALLWORTH-COWAN GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
#210612	F-06-034828	4242330402	102-4	STALLWORTH-C D SHOFNER GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
#210612	F-06-034828	#242330402	107-TF	STALLWORTH-C D SHOFNER GAS UNIT #1	CHAPEL HILL (COTTON VALL	0.0	UNITED GAS PIPELI
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 12/17/81 JA: TX				
#210583	F-[illegible]-032673	4242730003	108	AMANDA MCKINNEY #13	SUN (E-1)	29.6	TRANSCONTINENTAL
#210576	F-10-031849	4217900001	108	COMES & WORLEY A #5	PANHANDLE	0.2	PHILLIPS PETROLEU
#210713	F-06-036487	4222530358	103	R S DAILEY #9	NAVARRO CROSSING (DEXTER	205.0	
#210573	F-[illegible]8-032741	#230100[illegible]	108	W D JOHNSON -38[illegible]-#2	GRICE	4.0	PHILLIPS PETROLEU
#210681	F-03-035774	4207131077	103	W E EVANS #2	WINNIE N (SULLIVAN)	39.7	TEXAS EASTERN TRA
-TENNECO OIL COMPANY			RECEIVED: 12/17/81 JA: TX				
#210781	F-03-039411	4232131084	103	J W GRESHAM A #2	TRULL	250.0	TENNESSEE GAS PIP
#210737	F-[illegible]8-037742	#230130[illegible]	107-DP	FREE 2# #1	BRUNSON RANCH (LOWER PEN	2630.0	TENNESSEE GAS PIP
-TEXAS OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX				
#210711	F-02-036444	#246931742	102-4	DEAN P #1	EAST TELFENER (4981')	0.1	DELHI GAS PIPELIN
#210676	F-03-035665	42[illegible]13204[illegible]	103	HOLUB A-1	EL CAMPO SOUTH (6850)	0.0	DOW CHEMICAL CO
#210787	F-03-039867	4215731151	102-4	WESTHEIMER #2	MCCRARY (3RD YEGUA)	0.0	
#210697	F-[illegible]0-036153	#235321366	103	WINTERBOTHAM B #2	DOVE CREEK (CANYON C) GC	126.0	COLUMBIA GAS TRAN
-THOMAS D COFFMAN INC			RECEIVED: 12/17/81 JA: TX				
#210765	F-03-039709	4214[illegible]31036	102-2	BRIGGS #1 12[illegible]4[illegible]	GIDDINGS (AUSTIN CHALK-3	54.8	SOUTH CEN-TEX GAS
#210677	F-03-035689	4214[illegible]32812	102-2	ELVIS BROWN #1 [illegible]7[illegible]179	GIDDINGS (AUSTIN CHALK)	18.3	SOUTH CEN-TEX GAS
#210[illegible]8	F-03-[illegible]4058	#217[illegible]763	102-2	MOESKER #1 1[illegible]5035	GIDDINGS (AUSTIN CHALK)	146.0	VALERO TRANSMISSI
#210614	F-03-034858	4217730763	103	MOESKER #1 1[illegible]5035	GIDDINGS (AUSTIN CHALK)	146.0	VALERO TRANSMISSI
-TIPPERARY OIL AND GAS CORP			RECEIVED: 12/17/81 JA: TX				
#210727	F-[illegible]1-036288	4217730513	103	W L BARNETT ET AL #1	COST (AUSTIN CHALK)	0.0	HNG PETROCHEMICAL
-TXO PRODUCTION CORP			RECEIVED: 12/17/81 JA: TX				
#210[illegible]58	F-02-035404	#217531252	103	RILEY A-1	PANNIN N (2850)	0.0	DELHI GAS PIPELIN
-VORTT EXPLORATION CO INC			RECEIVED: 12/17/81 JA: TX				
#210736	F-78-037585	#213332381	102-4	FRED BROWN #2	MAGNUM NORTH (3200)	8.0	SOUTHWESTERN GAS
-W & W OIL CO			RECEIVED: 12/17/81 JA: TX				
#210739	F-[illegible]8-036254	#216[illegible]0[illegible]	103	SIMMONS #1	CARP ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEU
#210708	F-[illegible]A-038253	4216[illegible]0800	103	W O MAYO #1	CARP ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEU
-WILBROOK EXPLORATION INC			RECEIVED: 12/17/81 JA: TX				
#210564	F-78-[illegible]2760[illegible]	#213331[illegible]0	103	PINK HALEY #1 (15450)	JOSHUA (CONGLOMERATE)	40.0	LONE STAR GAS CO
-WILLIAM E HENDON JR			RECEIVED: 12/17/81 JA: TX				

VOLUME 57[illegible] PAGE [illegible]

JD NO	DOCKET	API NO	DIST	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8210559	F-08-004461	4200300008	102	4	UNIVERSITY AZ #1	EMMA N (YATES)	102.0	PHILLIPS PETROLEU
-ZONERGY INC		RECEIVED: 12/17/81 JA: TX						
8210769	F-03-[illegible]	4225[illegible]	102	2	STREITSKY #1	GIDDINGS (AUSTIN CHALK-3	0.0	CLAJON GAS CO

[illegible]

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before January 19, 1982.

Categories with each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservior
102–5: New reservior on old OSC lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1020 Filed 1–13–82; 8:45 am]

BILLING CODE 6717–01–M

V 47 / 9 JA 14 82 UME [Volume 576]

JD NO	JA CAT	DLI NO	SEC CAT WELL NAME	FIELD NAME	PROF	PURCHASER
TEXAS RAILROAD COMMISSION						
-ADOBE OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX			
8210941	F-08-042090	4208300030	109 UNIVERSITY "21" #1	BLOCK 12 (YATES)	46.0	NORTHERN NATURAL
-AEC OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
8210984	F-78-042539	4242932767	102-2 GENTRY #1	JOHNNY (CONGL UPPER)	67.2	WARREN PETROLEUM
-AMMEX PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210957	F-03-042349	4203131491	102-2 MELINDA #1	GIDDINGS (AUSTIN CHALK-3	43.2	CLAJON GAS CO
8210957	F-03-042349	4203131490	103 MELINDA #1	GIDDINGS (AUSTIN CHALK-3	43.2	CLAJON GAS CO
-ANDERSON PETROLEUM INC			RECEIVED: 12/17/81 JA: TX			
8210803	F-7C-040317	4243532517	103 PAULINE FRIESS D1 2-7	SAWYER (CANYON)	100.0	SUTTON COUNTY PIP
8210803	F-7C-040317	4243532517	107-TF PAULINE FRIESS D1 2-7	SAWYER (CANYON)	100.0	SUTTON COUNTY PIP
-ARCO OIL AND GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
8210910	F-7C-041611	4241330852	103 VIRGIL J POWELL TR A #100	TILLERY (CANYON UPPER)	57.6	ARCO OIL & GAS CO
-ATKINSON & FRASER			RECEIVED: 12/17/81 JA: TX			
8211004	F-78-082604	4213332724	103 R B WEDDINGTON D #1	LEE RAY (LAKE)	30.0	LONE STAR GAS CO
-BASS ENTERPRISES PRODUCTION CO			RECEIVED: 12/17/81 JA: TX			
8210805	F-03-040393	4228531543	102-4 WYNNE GAS UNIT #2	WORD N (EDWARDS)	0.0	VALERO TRANSMISSI
8210805	F-03-040393	4228531543	107-TF WYNNE GAS UNIT #2	WORD N (EDWARDS)	0.0	VALERO TRANSMISSI
-BETTIS BOYLE & STOVALL			RECEIVED: 12/17/81 JA: TX			
8210815	F-09-040761	4223733519	103 CASTLEBERRY #6	TERESA (5065)	219.0	LONE STAR GAS CO
-BISON EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
8210942	F-09-042122	4222700000	102-4 GRIFFIN #1	GRIFFIN (PENN REEF)	35.0	GETTY OIL CO
-BLUCO PRODUCTION CO INC			RECEIVED: 12/17/81 JA: TX			
8210827	F-01-040986	4249330885	102-2 RUNK	WF	0.0	J L DAVIS
-CANYON CO			RECEIVED: 12/17/81 JA: TX			
8210964	F-7C-042447	4210533251	103 HOOVER ESTATE 1-67A	AMERICAN (CANYON)	55.0	EL PASO NATURAL G
8210964	F-7C-042447	4210533251	107-TF HOOVER ESTATE 1-67A	AMERICAN (CANYON)	55.0	EL PASO NATURAL G
8210963	F-7C-042446	4210533248	103 HOOVER ESTATE 2-28	AMERICAN (CANYON)	42.0	EL PASO NATURAL G
8210963	F-7C-042446	4210533248	107-TF HOOVER ESTATE 2-28	AMERICAN (CANYON)	42.0	EL PASO NATURAL G
-CHAMPLIN EXPLORATION INC			RECEIVED: 12/17/81 JA: TX			
8210936	F-03-042038	4214930797	103 SIERRA MADRE #3 (RRC #13836)	GIDDINGS (AUSTIN CHALK-3	6.5	PHILLIPS PETROLEU
8210935	F-03-042037	4214730799	103 SIERRA MADRE #4 (RRC ID#14432)	GIDDINGS (BUDA-3)	7.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 12/17/81 JA: TX			
8210794	F-03-039947	4205100000	102-2 ALLEN RHODES A #1	GIDDINGS	0.0	FERGUSON CROSSING
8210794	F-03-039947	4205100000	103 ALLEN RHODES A #1	GIDDINGS	0.0	FERGUSON CROSSING
8211007	F-08-042611	4217330202	102-2 H F DOOLEY #3	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8211007	F-08-042611	4217330202	103 H F DOOLEY #3	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8211006	F-08-042615	4243131022	103 J L GLASS #4 (26254)	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8210793	F-03-039946	4205100000	102-2 JOHNNIE KNESEK #2	GIDDINGS	0.0	FERGUSON CROSSING
8210793	F-03-039946	4205100000	103 JOHNNIE KNESEK #2	GIDDINGS	0.0	FERGUSON CROSSING
8210818	F-03-040835	4205100000	102-2 MILDRED MAHLMANN A #1	GIDDINGS	0.0	FERGUSON CROSSING
8210818	F-03-040835	4205100000	103 MILDRED MAHLMANN A #1	GIDDINGS	0.0	FERGUSON CROSSING

JD NO	JA CNT	API	SEC TWP RGE SURVEY	FIELD NAME	FM	PURCHASER
-CHRISTIAN ENERGY INC			RECEIVED: 12/17/81 JA: TX			
R210954	F-78-042331	4244131789	103 C P SMITH #1	BULL (GARDNER)	15.0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR			RECEIVED: 12/17/81 JA: TX			
R210807	F-03-040463	4205100030	102-2 MELVIN UBERNOSKY #5	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
R210807	F-03-040463	4205100030	103 MELVIN UBERNOSKY #3	GIDDINGS (AUSTIN CHALK-3	0.0	VALERO TRANSMISSI
-COPET INC			RECEIVED: 12/17/81 JA: TX			
R210813	F-78-040748	4204900000	103 OLIVER STEEL-JENNIE P FISHER "A" #1	BROWN CO REGULAR (MAPBLE	75.0	LONE STAR GC
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 12/17/81 JA: TX			
R210924	F-[illegible]-041722	4200700687	102-4 STATE TRACT 94 #1	PROPOSED BARTELL GAS FR	0.0	CENTRAL POWER & L
-CPC EXPLORATION INC			RECEIVED: 12/17/81 JA: TX			
R211017	F-03-042686	4228730776	102-2 O B JOHNSON LEASE #13272	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
R211019	F-03-042681	4214930680	102-2 GRANT WILLIAMS UNIT LEASE NO 13393	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
R211015	F-03-042683	4214930576	102-2 MILIAN #1 LEASE #13294	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
R211016	F-03-042684	4214930577	102-2 L PETERS UNIT LEASE #13579	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
R211013	F-03-042681	4214930732	102-2 TAYLOR LEASE #13629	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
R211018	F-03-042679	4214930594	102-2 J L MORGAN	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
R211014	F-03-042662	4214930861	102-2 WALTER PETERS A LEASE NO 14049	GIDDINGS (AUSTIN CHALK-3	100.0	PHILLIPS PETROLEU
-CRD OIL & GAS INC			RECEIVED: 12/17/81 JA: TX			
R210788	F-03-039749	4214931083	102-2 KNAPP UNIT #1	GIDDINGS (AUSTIN CHALK-3	375.0	CLAJON GAS CO
R210931	F-01-041928	4250731533	102-4 LEE RANCH #7	LEE RANCH (SAN MIGUEL 1R	65.0	NORTHERN NATURAL
R210836	F-03-040451	4214931094	102-2 ENGLER #1	GIDDINGS (AUSTIN CHALK-3	75.0	PHILLIPS PETROLEU
-CROWN EXPLORATION CO			RECEIVED: 12/17/81 JA: TX			
R210952	F-7H-042965	4244100003	102-4 RAYOR #1	COTTONWOOD CREEK FLIPPEN	0.0	LONE STAR GAS CO
-CRYSTAL OIL COMPANY			RECEIVED: 12/17/81 JA: TX			
R210820	F-06-040854	4236531243	103 CALDWELL "A" 1-L	BETHANY (COTTON VALLEY)	47.4	UNITED GAS PIPELI
R210820	F-06-040864	4236531245	107-1F CALDWELL "A" 1-L	BETHANY (COTTON VALLEY)	47.4	UNITED GAS PIPELI
R210819	F-06-040852	4236531243	103 CALDWELL "A" 1-U	BETHANY (TRAVIS PEAK)	151.5	UNITED GAS PIPELI
-CUMMINS & WALKER OIL CO INC			RECEIVED: 12/17/81 JA: TX			
R210925	F-02-041725	4229700009	102-4 DOUGHERTY ESTATE A #1	MOUNTAIN VIEW N (9550)-F	200.3	HOUSTON PIPE LINE
-DEPCO INC			RECEIVED: 12/17/81 JA: TX			
R210796	F-8A-040077	4207931351	103 WHITEFACE UNIT #133	LEVELLAND	21.8	CITIES SERVICE CO
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/17/81 JA: TX			
R210830	F-10-041075	4235731143	103 ANNA DAMHOFS #3	ELLIS RANCH	1.0	NORTHERN NATURAL
R210844	F-10-041450	4229530939	103 JAY D BARTON B #2	BARTON	1.0	
R210845	F-10-041452	4229530954	103 JO BARTON 2-511	LIPSCOMB SW	587.0	
R210985	F-10-042540	4239330854	103 LOIS WEBB #6-63	MENDOTA NW (DOUGLAS LOWE	5.0	
R211011	F-10-042663	4235700000	108 MCE/BRAUGH-EDWARDS B #1-134	HORIZON	1.0	NATURAL GAS PIPEL
R210792	F-10-039925	4229530970	103 OLA D PIPER B-6RH	BRADFORD	121.0	TRANSWESTERN PIPE
-DIRKS PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX			
R210917	F-02-041638	4202531545	102-4 AUSTIN E BROWN #16	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210917	F-02-041638	4202531545	103 AUSTIN E BROWN #16	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210916	F-02-041637	4202531546	102-4 AUSTIN E BROWN #28	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210916	F-02-041637	4202531546	103 AUSTIN E BROWN #28	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210915	F-02-041636	4202531554	102-4 AUSTIN E BROWN #38	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210915	F-02-041636	4202531554	103 AUSTIN E BROWN #38	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210914	F-02-041635	4202531567	102-4 AUSTIN E BROWN #48	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210914	F-02-041635	4202531567	103 AUSTIN E BROWN #48	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210913	F-02-041634	4202531514	102-4 HENRY AMEN #5	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
R210913	F-02-041634	4202531514	103 HENRY AMEN #5	RAGSDALE N (1100)	46.0	TEXAS EASTERN TRA
-EDWIN L COX			RECEIVED: 12/17/81 JA: TX			
R210948	F-02-042236	4239131429	102-4 JAMES F WELLER HEIRS #1	PHIL POWER (5200) N CHAR	101.0	TENNESSEE GAS PIP
-EL PASO NATURAL GAS COMPANY			RECEIVED: 12/17/81 JA: TX			
R211027	F10-042765	4217923733	108 [illegible] #1	PANHANDLE WEST BROWN DOL	15.0	EL PASO NATURAL G

-ENERGY RESERVES GROUP INC			RECEIVED: 12/17/81 JA: TX				
8210837	F-10-041160	4223300000	108	DIVING #3 RC	PANHANDLE WEST	19.0	COLORADO INTERSTA
8210836	F-10-041159	4223300000	108	HOST #4 RC	PANHANDLE WEST	19.8	COLORADO INTERSTA
-ERSO INC			RECEIVED: 12/17/81 JA: TX				
8211002	F-06-042584	4236500000	103	CARTHAGE GAS UNIT #41	CARTHAGE (COTTON VALLEY)	365.0	TENNESSEE GAS PIP
8211002	F-06-042584	4236500000	107-TF	CARTHAGE GAS UNIT #41	CARTHAGE (COTTON VALLEY)	365.0	TENNESSEE GAS PIP
-EXPANDO OIL CO			RECEIVED: 12/17/81 JA: TX				
8210919	F-09-041642	4207731505	102-4	CRENSHAW #1	BLUEGROVE SOUTH BRYSON	11.0	FAGADAU ENERGY CO
8210920	F-09-041643	4207732024	102-4	SHORT #2	SHORT ELLENBERGER	10.5	FAGADAU ENERGY CO
8210918	F-09-041640	4207731869	102-4	WATSON #1	BLUEGROVE SOUTH (BRYSON)	12.0	FAGADAU ENERGY CO
-EXXON CORPORATION			RECEIVED: 12/17/81 JA: TX				
8210960	F-7C-042394	4208150970	103	I A P UNIT #735	I A P (MENIELLE PENN)	31.0	SUN GAS CO
8210911	F-7B-042586	4208330000	108	J E PARKER A/C 3 #59	GOLDSMITH N (SAN ANDRES	2.5	PHILLIPS PETROLEU
8210909	F-7B-040596	4208330000	108	J E PARKER A/C 3 #61	GOLDSMITH N (SAN ANDRES	1.7	PHILLIPS PETROLEU
8210910	F-7B-040597	4208330000	108	J E PARKER A/C 3 #70	GOLDSMITH N (SAN ANDRES	2.5	PHILLIPS PETROLEU
8210907	F-7B-040807	4208330000	108	J E PARKER A/C 3 #73	GOLDSMITH N (SAN ANDRES	1.7	PHILLIPS PETROLEU
8211008	F-7A-042635	4226130592	103	K R SAN JOSE DE LA PARRA 34-D	CALABRIA (H-98)	7700.0	ARMCO STEEL CORP
8210797	F-7A-040041	4204730773	103	MCGILL BROS 456 (ID PENDING)	KELSEY DEEP (ZONE 22-A)	175.0	TRUNKLINE GAS CO
8210798	F-7A-040095	4224731290	103	MCGILL BROS 471 (09480)	KELSEY DEEP (ZONE 22-A S	25.0	TRUNKLINE GAS CO
8210939	F-8A-042078	4216532144	103	ROBERTSON CLFK UNIT #4603	ROBERTSON (CLFK 7100)	15.0	PHILLIPS PETROLEU
8210940	F-8A-042081	4216532097	103	ROBERTSON CLFK UNIT 5603	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
8210938	F-8A-042078	4210931471	103	TEXACO FEE D #1	FORD WEST (4100)	15.0	
8210961	F-8A-042395	4210931472	103	TEXACO FEE D #2	FORD WEST (4100)	15.0	
-FAIR OIL CO			RECEIVED: 12/17/81 JA: TX				
8210933	F-01-042015	4216331593	103	BOB WHITE RANCH #2 (76405)	DOERING RANCH (SAN MIGUE	86.0	TEJAS GAS CORP
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 12/17/81 JA: TX				
8210800	F-7C-040232	4243532540	103	FLORENCE 27#2	PHYLLIS SONORA	64.8	INTRATEX GAS CO
8210809	F-7C-040240	4243532540	107-TF	FLORENCE 27#2	PHYLLIS SONORA	64.8	INTRATEX GAS CO
-GARY BUTCHER			RECEIVED: 12/17/81 JA: TX				
8210943	F-7B-042531	4214932765	102-4	ROLAND WINN #3 (17274)	GROSVENOR SW (DUFFER)	21.3	ODESSA NATURAL CO
-GENESIS PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX				
8210932	F-03-041569	4214330854	102-3	A E WRIGHT #1	GIDDINGS (AUSTIN CHALK)	36.0	PHILLIPS PETROLEU
8210802	F-03-042292	4232100000	103	ST TR 309 #2-L ID 44739	OLIVER POINT S (4100')	65.0	DOW CHEMICAL CO
-GETTY OIL COMPANY			RECEIVED: 12/17/81 JA: TX				
8210821	F-08-042035	4230130276	107-DP	GLENN BRUNSON 8-26 #1	BRUNSON RANCH (PENN LOWE	1752.0	INTRATEX GAS CO
-GIBBS COX & GIBBS INC			RECEIVED: 12/17/81 JA: TX				
8211023	F-7B-042722	4204931527	103	CULPERSON #4	BROWN COUNTY REGULAR (MA	82.0	HARBIN GAS CATHER
-GMW CORP			RECEIVED: 12/17/81 JA: TX				
8211003	F-08-042597	4230130289	107-DP	YELLOW BEAR #1	ARAPAHO (MORROW)	1825.0	EL PASO NATURAL G
-GOOD HOPE REFINERIES INC			RECEIVED: 12/17/81 JA: TX				
8210828	F-04-041039	4250531341	102-4	ASCHE #2	CHARCO (9200)	1460.0	VALERO TRANSMISSI
8210843	F-04-041423	4250531360	102-4	LA PERLA RANCH #37	LA PERLA RANCH (LOBO 920	183.0	VALERO TRANSMISSI
8210843	F-04-041423	4250531360	107-TF	LA PERLA RANCH #37	LA PERLA RANCH (LOBO 920	183.0	VALERO TRANSMISSI
8210958	F-04-042372	4247932447	102-4	LUNDELL #2	LUNDELL (LOBO)	360.0	VALERO TRANSMISSI
8210958	F-04-042372	4247932447	107-TF	LUNDELL #2	LUNDELL (LOBO)	360.0	VALERO TRANSMISSI
-GULF ENERGY PRODUCING COMPANY			RECEIVED: 12/17/81 JA: TX				
8210937	F-7B-042076	4236332645	103	VIVIAN SIKES MURPHY #1	PALO PINTO	0.0	TEXAS UTILITIES F
-GULF OIL CORPORATION			RECEIVED: 12/17/81 JA: TX				
8210791	F-08-039911	4213533600	103	GOLDSMITH SAN ANDRES UNIT #6-172	GOLDSMITH	24.1	PHILLIPS PETROLEU
-H-M OIL CO			RECEIVED: 12/17/81 JA: TX				
8210834	F-02-041124	4223931535	102-4	ANNIE MARIE VAUGHN #1	MORALES NORTH (2430)	0.0	HOUSTON PIPE LINE
8210834	F-02-041124	4223931535	103	ANNIE MARIE VAUGHN #1	MORALES NORTH (2430)	0.0	HOUSTON PIPE LINE
-HARRISON INTERESTS LTD			RECEIVED: 12/17/81 JA: TX				

8211022	F-7C-042715	4210533557	103	JOHN W HENDERSON III "F" #1B	OZONA (CANYON SAND)	100.0	INTRATEX GAS CO
8211022	F-7C-042715	4210533557	107-TF	JOHN W HENDERSON III "F" #1B	OZONA (CANYON SAND)	100.0	INTRATEX GAS CO
8210941	F-7C-042506	4210533551	102-4	UNIVERSITY LAND 18-33 G L 1 #23	HOWARDS CREEK (PENN)	500.0	INTRATEX GAS CO
8210941	F-7C-042506	4210533551	103	UNIVERSITY LAND 18-33 G L 1 #23	HOWARDS CREEK (PENN)	500.0	INTRATEX GAS CO
-HENDERSON CLAY PRODUCTS INC			RECEIVED: 12/17/81 JA: TX				
8210923	F-76-041714	4240131244	102-4	MCWILLIAMS BROS #1	RUFUS (TRAVIS PEAK LO)	140.0	HENDERSON CLAY PR
-HILLIARD OIL & GAS INC			RECEIVED: 12/17/81 JA: TX				
8210816	F-RA-040792	4250131891	102-4	JEB A #2	BRAHANEY (DEVONIAN)	0.8	SHELL OIL CO
-HNG OIL COMPANY			RECEIVED: 12/17/81 JA: TX				
8210945	F-7C-042169	4243500030	108	BLOCKWORTH "140" #5	SAWYER (LEONARD)	35.6	INTRATEX GAS CO
8210812	F-10-040611	4248330803	102-4	WRITE 109	ALLISON - BRITT (12350)	0.0	COLORADO INTERSTA
8210944	F-7C-042168	4243500030	108	FIELDS 21 #1	SAWYER (CANYON)	25.8	INTRATEX GAS CO
8210947	F-7C-042177	4243500031	108	FIELDS 21 #3	SAWYER (CANYON)	25.5	INTRATEX GAS CO
8210946	F-7C-042176	4243500030	108	GALLOWAY 67 #3	SAWYER (CANYON)	39.2	INTRATEX GAS CO
8210982	F-7C-042516	4243532544	103	KELLY 102 #4	SAWYER CANYON	323.0	INTRATEX GAS CO
8210982	F-7C-042516	4243532544	107-TF	KELLY 102 #4	SAWYER CANYON	323.0	INTRATEX GAS CO
-HOU-TEX OIL & GAS CO			RECEIVED: 12/17/81 JA: TX				
8210833	F-21-041115	4212130001	107-TF	D R MITCHELL #1 TARC ID #92456	PAIGE NE	182.0	PGP GAS PRODUCTS
-INDIAN WELLS OIL CO			RECEIVED: 12/17/81 JA: TX				
8211028	F-7C-042629	4241330995	103	GREER #166	PAGE RANCH (CANYON)	91.3	INTRATEX GAS CO
8211028	F-7C-042629	4241330995	107-TF	GREER #166	PAGE RANCH (CANYON)	91.3	INTRATEX GAS CO
8211021	F-7C-042701	4229531695	102-4	MCMANUS 344-2	PROBANDT	175.0	NORTHERN NATURAL
8210835	F-7C-041283	4210532273	107-TF	MCMULLAN #1	OZONA (CANYON SAND)	400.0	NORTHERN NATURAL
8210840	F-7C-041314	4210532355	107-TF	MCMULLAN #2-1F	OZONA (CANYON SAND)	400.0	NORTHERN NATURAL
-J A WILBURN			RECEIVED: 12/17/81 JA: TX				
8210976	F-7B-042477	4215131091	103	ALTON MCCAIN #1	CLAYTONVILLE (CANYON SD	2.0	TIPPERARY OIL & G
8210975	F-7B-042478	4215131092	103	ALTON MCCAIN #2	CLAYTONVILLE (CANYON SD	1.0	TIPPERARY OIL & G
8210969	F-7B-042470	4215130979	103	J A WILBURN #1	CLAYTONVILLE (CANYON SD	36.0	TIPPERARY OIL & G
8210968	F-7B-042469	4215130996	103	J A WILBURN "A" #1	CLAYTONVILLE (CANYON SD	0.9	TIPPERARY OIL & G
8210967	F-7B-042468	4215131035	103	J A WILBURN "A" #2	CLAYTONVILLE (CANYON SD	31.0	TIPPERARY OIL & G
8210966	F-7B-042467	4215131041	103	J A WILBURN "A" #3	CLAYTONVILLE (CANYON SD	30.0	TIPPERARY OIL & G
8210965	F-7B-042465	4215131080	103	J A WILBURN "B" #2	CLAYTONVILLE (CANYON SD	17.0	TIPPERARY OIL & G
8210972	F-7B-042473	4215131043	103	L L STUART #1	CLAYTONVILLE (CANYON SD	11.0	TIPPERARY OIL & G
8210971	F-7B-042472	4215131045	103	L L STUART #2	CLAYTONVILLE (CANYON SD	10.0	TIPPERARY OIL & G
8210970	F-7B-042471	4215131046	103	L L STUART #3	CLAYTONVILLE (CANYON SD	12.0	TIPPERARY OIL & G
8210975	F-7B-042476	4215131122	103	MORRIS #1	CLAYTONVILLE (CANYON SD	18.0	TIPPERARY OIL & G
8210977	F-7B-042479	4215131123	103	MORRIS #2	CLAYTONVILLE (CANYON SD	19.0	TIPPERARY OIL & G
8210974	F-7B-042475	4215131130	103	WEEPER #1	CLAYTONVILLE (CANYON SD	26.0	TIPPERARY OIL & G
8210973	F-7B-042474	4215131119	103	ROY REVES #1	CLAYTONVILLE (CANYON SD	11.0	TIPPERARY OIL & G
-J CLEO THOMPSON & JAMES CLEO THOMPS			RECEIVED: 12/17/81 JA: TX				
8210962	F-7C-042435	4210533355	102-4	UNIVERSITY 24F #2	UNIVERSITY 31 (QUEEN)	180.0	PHILLIPS PETROLEU
-J WALTER DUNCAN JR			RECEIVED: 12/17/81 JA: TX				
8210799	F-43-040140	4232131065	102-4	LEWIS-MCDONALD #1	DUNCAN SLOUGH (FRIO-9)	135.0	VALERO TRANSMISSI
-JACKSON EXPLORATION INC			RECEIVED: 12/17/81 JA: TX				
8210829	F-7C-041058	4246131689	103	VENABLE #3	SPRAGBERRY (TREND AREA)	30.0	EL PASO NATURAL G
-JAMES K ANDERSON INC			RECEIVED: 12/17/81 JA: TX				
8211005	F-7C-042609	4238932000	103	PRESLEY D #1 PRC LEASE ID 09258	ENOCH JOHNSON (MORRIS SA	20.0	UNION TEXAS PETR
-MAY PETROLEUM INC			RECEIVED: 12/17/81 JA: TX				
8210909	F-7C-041584	4209530536	103	A M HARTGROVE #1	PAINT ROCK (STRAWN LIME)	0.0	
-MCCORMICK OPERATING CO			RECEIVED: 12/17/81 JA: TX				
8210804	F-7B-040342	4231732364	102-4	DAVIDSON #2	J L M (MISSISSIPPIAN)	100.0	NORTHERN NATURAL
8210912	F-76-041619	4240131216	103	LONGHORN GAS UNIT #2	OAK HILL (COTTON VALLEY)	200.0	HYDROCARBON TRANS
8210912	F-76-041619	4240131216	107-TF	LONGHORN GAS UNIT #2	OAK HILL (COTTON VALLEY)	200.0	HYDROCARBON TRANS

8210911	F-16-041616	4240131217	103	RAIDER GAS UNIT #4	
8210911	F-16-041616	4240131217	107-TF	RAIDER GAS UNIT #4	
8210789	F-16-039752	4240131174	103	SOONER GAS UNIT #4	
8210789	F-16-039752	4240131174	107-TF	SOONER GAS UNIT #4	
8210790	F-16-039756	4240131176	103	STRONG GAS UNIT #1	
8210790	F-16-039756	4240131178	107-TF	STRONG GAS UNIT #1	
-MCMAHON-BULLINGTON DRLG CO			RECEIVED: 12/17/81 JA: TX		
8210835	F-39-041135	4[illegible]	102-4	J F CRAIG #1	
-MEADCO PROPERTIES			RECEIVED: 12/17/81 JA: TX		
8210824	F-7C-040967	4223531893	102-2	C SUGG 1905 PRC #09035	
8210826	F-7C-040965	4223531[illegible]	102-2	UT-25 #1 PRC #08R88	
8210823	F-7C-040966	4223531656	102-2	UT-[illegible]64#1 PRC #52965	
8210832	F-7C-041091	4223531589	102-2	UT-38 #1 PRC #08550	
8210822	F-7C-040965	4223531590	102-2	UT-39 #1 PRC #08454	
8210831	F-7C-041087	4223531662	102-2	UT-40 PRC [illegible] #08731	
8210825	F-7C-040965	4223531[illegible]	102-2	UT-41 PRC[illegible]662	
-MITCHELL ENERGY CORPORATION			RECEIVED: 12/17/81 JA: TX		
8210943	F-09-042161	4233731217	102-4	HENRY D MOORE #1 20610	
8210950	F-78-042227	4236730[illegible]	108	J G FEIFELMAN #1 77498	
8210795	F-09-042031	4249732[illegible]	103	J J LARGENT ESL 59354	
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 12/17/81 JA: TX		
8211012	F-08-042674	4210332531	103	SAND HILLS JUDKINS UNIT #6	
8210955	F-16-042334	4230100300	102-4	W D JOHNSON B #1	
-MR OIL CO			RECEIVED: 12/17/81 JA: TX		
8211001	F-08-042567	4247500000	108	RICHTER LOUIS #36	
8210995	F-08-042566	4247500000	108	RICHTER LOUIS #4	
8210996	F-08-042565	4247500000	108	RICHTER LOUIS #47	
8210997	F-08-042564	4247500000	108	RICHTER LOUIS #40	
8210996	F-08-042563	4247500000	108	RICHTER LOUIS #45	
8210995	F-08-042562	4247500000	108	RICHTER LOUIS #49	
8210994	F-08-042561	4247500000	108	RICHTER LOUIS #57	
8210993	F-08-042555	4247500000	108	RICHTER LOUIS #61	
8210992	F-08-042558	4247500000	108	RICHTER LOUIS #66	
8210991	F-08-042557	4247500000	108	RICHTER LOUIS #65	
8210990	F-08-042556	4247500000	108	RICHTER LOUIS #74	
8210989	F-08-042554	4247500000	108	RICHTER LOUIS #79	
8210988	F-08-04553	4247500000	108	RICHTER LOUIS #81	
8210987	F-08-042552	4247500000	108	RICHTER LOUIS #82	
8210986	F-08-042551	4247500000	108	RICHTER LOUIS B #6	
-REO INDUSTRIES INC			RECEIVED: 12/17/81 JA: TX		
8210841	F-10-041324	4223700000	103	WHITTENBURG F-16	
8210846	F-10-041474	4223700000	103	WHITTENBURG F-27	
8210842	F-10-041331	4223700000	103	WHITTENBURG F-32	
-RETAMCO INC			RECEIVED: 12/17/81 JA: TX		
8210953	F-13-042316	4204730379	103	FUCHS #1	
-RIDGE OIL CO			RECEIVED: 12/17/81 JA: TX		
8210838	F-78-041240	4242952937	102-4	DEMPSEY #1	
8210838	F-78-041240	4242952937	103	DEMPSEY #1	
-RK PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX		
8211024	F-28-042747	4211531[illegible]	102-4	DAVIS #2	
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 12/17/81 JA: TX		
8211001	F-12-042568	4229731866	102-4	OFFUTT GAS UNIT #1	
-SENTINEL PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX		

OAK HILL (COTTON VALLEY)	250.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	250.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANS
OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANS
REBA (4900)	37.0	SOUTHWESTERN GAS
ELA SUGG (CISCO)	11.0	NORTHERN NATURAL
ACKER (CANYON)	46.0	CRA INC
ELA SUGG (WOLFCAMP)	117.0	
ACKER (CANYON)	51.0	CRA INC
ACKER (CANYON)	114.0	CRA INC
ACKER (CANYON)	11.0	CRA INC
ACKER (CANYON)	225.0	CRA INC
KINGHAM CREEK (MISS LO)	55.0	
LAKE MIN WELLS (4000 CON.	6.8	NATURAL GAS PIPEL
MORRIS (CONSOLIDATED CON	180.0	NATURAL GAS PIPEL
SAND HILLS (JUDKINS)	280.9	EL PASO NATURAL G
DIMMIT (CHERRY CANYON)	80.7	INTRATEX GAS CO
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
WARD-ESTES NORTH	0.4	CABOT CORP
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
GIDDINGS (AUSTIN CHALK-G	94.0	CLAJON GAS CO
RANGER NW (MARBLE FALLS)	108.0	COMPRESSOR RENTAL
RANGER NW (MARBLE FALLS)	108.0	COMPRESSOR RENTAL
LAMESA NORTH (7850)	27.4	PHILLIPS PETROLEU
GEORGE WEST EAST (8500)	500.0	TEXAS EASTERN TRA

JD CC	JA MT	API	FIELD NAME
8210959	F-7B-042860	4213331879	108 STEPHAN A 14035
-SOUTHLAND ROYALTY CO			RECEIVED: 12/17/81 JA: TX
8210956	F-7C-042337	4238330030	108 SPRAGBERRY ALDWELL UNIT #14-3
-STEVE JERNIGAN INC			RECEIVED: 12/17/81 JA: TX
8210922	F-10-041713	4229530897	103 DAISY #1
-SUBSURFACE ENERGY CORP			RECEIVED: 12/17/81 JA: TX
8210821	F-7B-042905	4208332437	103 CARVES #1
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 12/17/81 JA: TX
8210949	F-04-042209	4235531773	102-4 H L MCCANN #25
-T SQUARE PETROLEUM CO			RECEIVED: 12/17/81 JA: TX
8210930	F-7B-041908	4213330000	103 TAFF #1
-TEN OIL OPERATING CO			RECEIVED: 12/17/81 JA: TX
8211028	F-7C-042766	4210533402	1 3 UNIVERSITY BLOCK 46 #1002
8211025	F-7C-042763	4210533409	103 UNIVERSITY BLOCK 46 #901
8211026	F-7C-042764	4210533410	103 UNIVERSITY BLOCK 46 #902
-TENNECO OIL COMPANY			RECEIVED: 12/17/81 JA: TX
8210929	F-7B-041697	4239330853	103 MCMORDIE #2-7
-TEXACO INC			RECEIVED: 12/17/81 JA: TX
8210928	F-8A-041771	4221933122	103 IRA P DELOACH #17
8210951	F-8A-042251	4221933121	103 IRA P DELOACHE #18
8211020	F-8A-042758	4221933120	103 IRA P DELOACHE #19
8210614	F-7B-042752	4243130000	108 L R COCKRELL #1
8210921	F-8A-041658	4221933109	103 MONTGOMERY EST DAVIES NCT-2 #78
8210927	F-8A-041749	4221933104	103 MONTGOMERY EST DAVIES NCT-2 #79
-TEXAS GENERAL PETROLEUM CORP			RECEIVED: 12/17/81 JA: TX
8211013	F-23-042655	4235130954	102-2 OFCZARZAK #2/12777
-TRANS-AMERICAN DEVELOPMENT CORP			RECEIVED: 12/17/81 JA: TX
8210934	F-7B-042024	4235730000	103 HOTT #1
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 12/17/81 JA: TX
8210979	F-08-042501	4210332502	103 W A ESTES 111
8210980	F-08-042502	4210342587	103 W N WADDELL 1204
8210926	F-08-041737	4210332615	103 W N WADDELL 1207
-WINDSOR PRODUCING CO			RECEIVED: 12/17/81 JA: TX
8210808	F-03-040593	4228730987	102-2 SELMA STORK #2
8210808	F-03-040593	4228730987	103 SELMA STORK #2
-WINN EXPLORATION/DULCE CO			RECEIVED: 12/17/81 JA: TX
8210893	F-01-041549	4250731135	102-4 BENNETT 3
8210860	F-01-041516	4250731121	102-4 FLOWERS 1
8210894	F-01-041555	4250731136	102-4 HASKETT 5
8210895	F-01-041551	4250731178	102-4 HASKETT 6
8210896	F-01-041552	4250731172	102-4 JACKSON 2
8210859	F-01-041515	4250731173	102-4 JACKSON 3
8210897	F-01-041553	4250731115	102-4 JACKSON 4
8210898	F-01-041554	4250731118	102-4 JACKSON 5
8210899	F-01-041555	4250731125	102-4 WINN-WILSON 1
8210900	F-01-041556	4250731124	102-4 LAFFERE 1
8210887	F-01-041543	4250731234	102-4 PRYOR RANCH "A" 26
8210867	F-01-041523	4250731192	102-4 PRYOR RANCH 11C
8210868	F-01-041524	4250731192	102-4 PRYOR RANCH 11T
8210853	F-01-041508	4250731193	102-4 PRYOR RANCH 12C
8210854	F-01-041509	4250731193	102-4 PRYOR RANCH 12T
8210869	F-01-041525	4250731197	102-4 PRYOR RANCH 13C
8210855	F-01-041510	4250731197	102-4 PRYOR RANCH 13T

FIELD NAME	PRD	PURCHASER
FOSTER MARBLE FALLS	0.0	ODESSA NATURAL CO
SPRAGBERRY	3.2	UNION TEXAS PETRO
LIPACOMB (CLEVELAND)	0.0	PHILLIPS PETROLEU
TRUAX (GRAY SAND)	35.0	UNION TEXAS PETRO
ARNOLD-DAVID (7240)	9.5	
EASTLAND COUNTY REGULAR	20.1	SOUTHWESTERN GAS
BLOCK 46 EAST (GRAYBURG)	10.0	
BLOCK 46 EAST (GRAYBURG)	10.0	
BLOCK 46 EAST (GRAYBURG)	10.0	
MENDOTA NW (GRANITE WASH	450.0	PIONEER NATURAL G
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	22.6	AMOCO PROD CO
MOON MARBLE FALLS	11.9	LONE STAR GAS CO
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
GIDDINGS	350.0	CLAJON GAS CO
TINTOP ATOKA	182.0	SOUTHWESTERN GAS
SAND HILLS WEST (SILIURI	86.0	EL PASO NATURAL G
SAND HILLS (TUBB)	23.6	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	32.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
JUDGE MILLS	52.0	NORTHERN NATURAL
JUDGE MILLS	155.0	NORTHERN NATURAL
JUDGE MILLS	143.0	NORTHERN NATURAL
JUDGE MILLS	145.0	NORTHERN NATURAL
JUDGE MILLS	46.0	NORTHERN NATURAL
JUDGE MILLS	134.0	NORTHERN NATURAL
JUDGE MILLS	135.0	NORTHERN NATURAL
JUDGE MILLS	137.0	NORTHERN NATURAL
JUDGE MILLS	164.0	NORTHERN NATURAL
JUDGE MILLS	144.0	NORTHERN NATURAL
WINN/DULCE	216.0	VALERO TRANSMISSI
WINN/DULCE	168.0	NORTHERN NATURAL
WINN/DULCE	191.0	NORTHERN NATURAL
WINN/DULCE	162.0	VALERO TRANSMISSI
WINN/DULCE	36.0	VALERO TRANSMISSI
WINN/DULCE	165.0	NORTHERN NATURAL
WINN/DULCE	166.0	NORTHERN NATURAL

8210870	F-01-041526	4250731200	102-4	PRYOR RANCH 14C	WINN/DULCE	176.0 NORTHERN NATURAL
8210871	F-01-041527	4250731200	102-4	PRYOR RANCH 14T	WINN/DULCE	196.0 NORTHERN NATURAL
8210872	F-01-041528	4250731198	102-4	PRYOR RANCH 15C	WINN/DULCE	166.0 NORTHERN NATURAL
8210873	F-01-041529	4250731198	102-4	PRYOR RANCH 15T	WINN/DULCE	194.0 NORTHERN NATURAL
8210856	F-01-041511	4250731205	102-4	PRYOR RANCH 16C	WINN/DULCE	131.0 NORTHERN NATURAL
8210874	F-01-041530	4250731205	102-4	PRYOR RANCH 16T	WINN/DULCE	151.0 NORTHERN NATURAL
8210875	F-01-041531	4250731199	102-4	PRYOR RANCH 17C	WINN/DULCE	169.0 NORTHERN NATURAL
8210876	F-01-041532	4250731199	102-4	PRYOR RANCH 17T	WINN/DULCE	191.0 NORTHERN NATURAL
8210877	F-01-041533	4250731195	102-4	PRYOR RANCH 19C	WINN/DULCE	201.0 NORTHERN NATURAL
8210878	F-01-041534	4250731195	102-4	PRYOR RANCH 19T	WINN/DULCE	180.0 NORTHERN NATURAL
8210848	F-01-041503	4250731184	102-4	PRYOR RANCH 2C	IKE PRYOR	6.0 VALERO TRANSMISSI
8210847	F-01-041502	4250731183	102-4	PRYOR RANCH 2T	IKE PRYOR	135.0 VALERO TRANSMISSI
8210879	F-01-041535	4250731209	102-4	PRYOR RANCH 20C	WINN/DULCE	109.0 NORTHERN NATURAL
8210880	F-01-041536	4250731209	102-4	PRYOR RANCH 20T	WINN/DULCE	125.0 NORTHERN NATURAL
8210881	F-01-041537	4250731194	102-4	PRYOR RANCH 21C	WINN/DULCE	171.0 NORTHERN NATURAL
8210882	F-01-041538	4250731194	102-4	PRYOR RANCH 21T	WINN/DULCE	166.0 NORTHERN NATURAL
8210883	F-01-041539	4250731213	102-4	PRYOR RANCH 23C	WINN/DULCE	203.0 NORTHERN NATURAL
8210884	F-01-041540	4250731213	102-4	PRYOR RANCH 23T	WINN/DULCE	75.0 NORTHERN NATURAL
8210885	F-01-041541	4250731213	102-4	PRYOR RANCH 25C	WINN/DULCE	179.0 NORTHERN NATURAL
8210886	F-01-041542	4250731213	102-4	PRYOR RANCH 25T	WINN/DULCE	152.0 NORTHERN NATURAL
8210888	F-01-041544	4250731521	102-4	PRYOR RANCH 29C	WINN/DULCE	180.0 NORTHERN NATURAL
8210889	F-01-041545	4250731521	102-4	PRYOR RANCH 29T	WINN/DULCE	180.0 NORTHERN NATURAL
8210862	F-01-041518	4250731184	102-4	PRYOR RANCH 3C	WINN/DULCE	166.0 NORTHERN NATURAL
8210852	F-01-041507	4250731184	102-4	PRYOR RANCH 3T	WINN/DULCE	203.0 NORTHERN NATURAL
8210857	F-01-041512	4250731249	102-4	PRYOR RANCH 31	IKE PRYOR	6.0 VALERO TRANSMISSI
8210890	F-01-041546	4250731226	102-4	PRYOR RANCH 32C	WINN/DULCE	173.0 NORTHERN NATURAL
8210891	F-01-041547	4250731226	102-4	PRYOR RANCH 32T	WINN/DULCE	191.0 NORTHERN NATURAL
8210863	F-01-041519	4250731185	102-4	PRYOR RANCH 4C	WINN/DULCE	166.0 NORTHERN NATURAL
8210864	F-01-041520	4250731185	102-4	PRYOR RANCH 4T	WINN/DULCE	200.0 NORTHERN NATURAL
8210892	F-01-041548	4250731322	102-4	PRYOR RANCH 40C	WINN/DULCE	211.0 VALERO TRANSMISSI
8210858	F-01-041513	4250731322	102-4	PRYOR RANCH 40T	WINN/DULCE	106.0 VALERO TRANSMISSI
8210850	F-01-041505	4250731188	102-4	PRYOR RANCH 7C	WINN/DULCE	172.0 NORTHERN NATURAL
8210849	F-01-041504	4250731188	102-4	PRYOR RANCH 7T	WINN/DULCE	191.0 NORTHERN NATURAL
8210851	F-01-041506	4250731189	102-4	PRYOR RANCH 8	IKE PRYOR	31.0 VALERO TRANSMISSI
8210865	F-01-041521	4250731190	102-4	PRYOR RANCH 9C	WINN/DULCE	165.0 NORTHERN NATURAL
8210866	F-01-041522	4250731190	102-4	PRYOR RANCH 9T	WINN/DULCE	203.0 NORTHERN NATURAL
8210901	F-01-041557	4250731170	102-4	SMYTH 2	JUDGE MILLS	97.0 NORTHERN NATURAL
8210861	F-01-041517	4250731169	102-4	SMYTH 3	JUDGE MILLS	130.0 NORTHERN NATURAL
8210902	F-01-041558	4250731093	102-4	SMYTH 5A	JUDGE MILLS	101.0 NORTHERN NATURAL
8210903	F-01-041559	4250731095	102-4	SMYTH 6	JUDGE MILLS	142.0 NORTHERN NATURAL
8210904	F-01-041560	4250731086	102-4	SMYTH 7	JUDGE MILLS	40.0 NORTHERN NATURAL
8210905	F-01-041561	4250731119	102-4	SMYTH 9	JUDGE MILLS	130.0 NORTHERN NATURAL
8210906	F-01-041562	4250731091	102-4	SPILLAR 1A	JUDGE MILLS	104.0 NORTHERN NATURAL
8210907	F-01-041563	4250731085	102-4	SPILLAR 2	JUDGE MILLS	103.0 NORTHERN NATURAL
8210908	F-01-041564	4250731096	102-4	SPILLAR 3	JUDGE MILLS	90.0 NORTHERN NATURAL

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1021 Filed 1-13-82; 8:45 am]

BILLING CODE 6717-01-C

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of further comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding over $21 million in consent order funds. These funds were obtained from 25 different firms and individuals in settlement of enforcement proceedings brought by the Office of Enforcement [now the Office of Special Counsel] of the Department of Energy.

DATES AND ADDRESSES: Applications for refund must be postmarked on or before April 14, 1982, and should be addressed to Alfred B. Alkek *et al.* Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. Further comments must be postmarked on or before February 16, 1982, and should also be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. Applications and comments should refer to Case No. DFF-0002.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to consent orders entered into by Alfred B. Alkek and 23 other firms and individuals and a remedial order issued to James M. Forgotson. The names of the parties and amount of each consent order are listed in the decision. All 25 parties are producers or resellers of crude oil. Pursuant to the consent orders, these parties have agreed to make refunds totaling over $21 million with respect to violations of DOE crude oil pricing regulations alleged to have occurred at various times between 1973 and 1978.

The Office of Hearings and Appeals had previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper dispostion of the consent order funds. The proposed decision and order discussing the distribution of funds obtained through these consent orders was issued on May 8, 1981. 46 FR 26681 (1981).

The final decision and order reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than April 14, 1982. *See* 10 CFR 205.283. We will accept applications from all claimants that can affirmatively demonstrate that they have been directly injured by the violations alleged in the consent orders. A detailed discussion of what information a party must provide in order to assert a successful claim is set forth in the final decision and order appended to this notice.

The final decision additionally discusses the comments received in response to the portion of the proposed decision and order concerning the funds, if any, which may remain after all meritorious claims have been paid. It states DOE's views that the funds remaining after completion of the first-stage proceeding may be apportioned among state governments, or may be deposited into the United States Treasury. The final decision reaches no determination with regard to the disposition of any funds in the second stage of the proceeding, however, because the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first stage of the proceeding. Instead, the final decision solicits further comments on the appropriate distribution of these funds.

Commenting parties are requested to submit two copies of their comments. Comments should be postmarked on or before February 16, 1982 and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

January 6, 1982.

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Alfred B. Alkek and others listed in Appendix A

Dates of Filing: April 19, 1979, and others listed in Appendix A

Case Numbers: DFF-0002 and others listed in Appendix A

This proceeding concerns Petitions for the Implementation of Special Refund Procedures submitted to the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V, by the Economic Regulatory Administration's Office of Enforcement (OE). (*1*) In the petitions, OE requests that the Office of Hearings and Appeals establish procedures for the disposition of over $21 million obtained by the DOE in connection with consent orders entered into by Alfred B. Alkek and the other 23 firms and individuals listed in Appendix A, and a remedial order issued to James M. Forgotson. (*2*) The consent orders settled DOE claims that these firms violated the DOE Mandatory Petroleum Price Regulations found in 6 CFR Part 150 and 10 CFR Part 212. The funds are now being held in escrow pending receipt of instructions from the OHA regarding their distribution.

In four previous decisions, the Office of Hearings and Appeals accepted jurisdiction over the refund amounts involved in this proceeding. *Office of Enforcement*, 8 DOE ¶82,516 (1981) (all cases except Alkek, Delta, Enserch, Forgotson and Guenther); *Office of Enforcement*, 8 DOE ¶82,515 (1981) (Forgotson, Delta, and Enserch cases); *Office of Enforcement*, 6 DOE ¶82,571 (1980) (Guenther case); *Office of Enforcement*, 4 DOE ¶82,574 (1979) (Alkek case).

On May 8, 1981, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively established special refund procedures to be used in adjudicating claims to the consent order funds and solicited comments from interested parties concerning the proper disposition of the funds. 46 FR 26681 (May 14, 1981). In that determination we tentatively established a two-stage refund procedure. We stated that in the first stage of the process we would consider Applications for Refund made

by parties who believed they could show a demonstrable injury arising from the violations alleged in the consent orders. In addition, we proposed a second-stage procedure which would apply in the event that the consent order funds were not exhausted by claims paid in the first stage of the refund process. For the second stage we proposed a scheme through which the funds could be distributed to ultimate consumers of petroleum products through state governments on the basis of average use of petroleum products within a state during the period 1973 through 1978.

The focus of this decision is the establishment of the procedures to be employed for filing claims in the first stage of the refund process. This decision will discuss the special circumstances involved in these proceedings, and then outline in general terms which parties may be able to establish that they are entitled to a portion of the consent order funds, and what types of information they should submit in connection with their Applications for Refund. In establishing these requirements, we will address comments filed in response to the first stage proposal in the May 8 Proposed Decision. This Decision will also briefly address the second stage of our refund proposal and the comments filed in response to that proposal.

I. Background

We described the background surrounding the consent order funds involved here in detail in the May 8 Proposed Decision and Order. *Office of Enforcement*, No. DFF-0002, slip op. at 2-3 (proposed decision) (May 8, 1981) (hereinafter cited as Proposed decision), 46 FR 26681, 26682. As we stated in that determination the consent orders in this proceeding resulted from audits or investigations conducted by the DOE and its predecessor agencies. As a result of these audits, the DOE enforcement authorities alleged that the parties in these cases were involved in sales of crude oil at prices in excess of the ceiling prices permitted by the DOE Mandatory Petroleum Price regulations set forth in 6 CFR Part 150 and 10 CFR Part 212. Each party except one against whom enforcement action was taken has settled the outstanding compliance proceeding by executing a consent order. *See* 10 CFR 205.199J.

The types of violations allegedly committed by the parties that entered into the consent orders involved in this proceeding fall into three broad categories. Most of the violations alleged concern firms that were "producers" of crude oil as defined in 10 CFR 212.31. These firms were alleged to have sold domestic, price-controlled oil at uncontrolled prices. Specifically, they were alleged to have incorrectly certified "old" price-controlled crude oil as "new" or "stripper well" oil subject to less stringent price controls. The firms were therefore alleged to have overcharged purchasers by the amount per barrel which represents the difference between "new" or "stripper well" prices and the ceiling price permitted for "old" oil.(*3*)

The second type of alleged violation concerns four producers that were alleged to have miscertified "old" oil. These producers additionally sold oil for which the "base" or May 15, 1973 price was incorrectly computed. Thus this crude oil, though properly certified, was sold at a price higher than that permitted by the regulations.(*4*) The third type of alleged violation concerns parties which were not producers of crude oil. These parties were alleged either to have been resellers of crude oil that miscertified "old" crude oil and sold it as "new" or imported oil, or to have been parties that received commissions for their participation in schemes in which they arranged for others to miscertify crude oil.(*5*)

In all but one case, these parties have entered into consent orders with the DOE or the Department of Justice.(*6*) In each consent order, the government agreed to terminate the pending investigation and administrative or judicial proceeding, and the parties agreed to remit a stipulated sum of money to the DOE. The terms contained in each consent order, including the amount of the monetary settlement, were arrived at through negotiation. Although the amount of money remitted to the DOE can be viewed as based in part upon the magnitude of the violations alleged by the government, additional factors—such as each party's views as to the probable length, expense, and success of litigation—would normally influence the size of the monetary settlement. In addition, the parties' knowledge of ongoing audits would also be reflected in the negotiated settlements. Because of these factors, each of the consent orders contains a stipulation that the DOE does not find that a violation of the regulations actually occurred. Thus, the consent orders involved in this proceeding cannot be considered to be adjudications on the merits of the violations alleged against the parties that entered them, and the amounts of the violations alleged in charging documents previously issued to the firms involved bear only an attenuated relationship to the funds obtained by the DOE.

As stated above, the May 8 Proposed Decision tentatively established a two-stage refund procedure for the consent order funds. In that decision, we noted that all parties theoretically injured by the violations would not necessarily be entitled to refunds. Instead, only those parties who could demonstrate they were adversely affected by the alleged violations would be appropriate refund recipients. We explained that in prior decisions involving special refund procedures we had defined an injured purchaser to be any purchaser which could show that it purchased petroleum products sold by the party that entered into the consent order and which could demonstrate that it did not pass on all overcharges to subsequent purchasers. *See, e.g., Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereinafter cited as *Vickers*). We pointed out that the entities which appeared to be most directly affected by the alleged crude oil price violations in the consent orders involved in this proceeding are refiners that directly purchased the crude oil which was the subject of the individual consent orders, and the other refiners that participated in the Entitlements Program, 10 CFR 211.67. However, we stated our tentative view that these entities might not be the most appropriate recipients of the total pool of refund money available. We reached this position because the effects of crude oil pricing violations were generally spread by the Entitlements Program through the entire United States and among all domestic refiners. In this regard we pointed out:

> Because of the manner in which the Entitlements Program operated, the effects of the miscertifications were spread among all domestic refiners. Miscertifications caused price-controlled crude oil to disappear. This disappearance caused the volume of old oil to be distributed through the Entitlements Program to decline and caused the DOSR [domestic old oil supply ratio] to be reduced. Thus, refiners who included more than the national average percentage of price-controlled oil in their crude oil receipts and runs to stills had to purchase a *greater* number of entitlements. Similarly, refiners with less than the national average percentage of price-controlled crude oil had *fewer* entitlements to sell. As a result, every refiner's cost of crude oil was increased. Thus, all refiners were affected by the alleged miscertification violations involved in the Consent Orders. To the extent the refiners pass through these increased costs to customers, the customers who purchased refined products were harmed by the miscertifications. *See Getty Oil Co.*, 1 DOE ¶80,102 (1977).

Proposed Decision, slip op. at 5–6, 46 FR 26683 (emphasis in original).

From this we articulated two preliminary views. First, we explained that because of the operation of the Entitlements Program, refiners that purchased crude oil from the parties that had signed these consent orders were not injured in a manner distinct from all other refiners. This is because the amount the individual refiners paid in excess of the controlled price for the miscertified crude oil was balanced by the extra benefits they received by the operation of the Entitlements Program. Thus, we reasoned that if all refiners as a group were not appropriate refund recipients, individual refiners which directly purchased the crude oil involved also would not be appropriate refund recipients. *Id.*, slip op. at 6, 46 FR at 26683. Secondly, we stated that through the operation of the Entitlements Program, all refiners lost benefits as a result of the miscertifications of crude oil. We noted that to some extent the refiners probably passed on these increased costs to subsequent purchasers. Also, to the extent these costs were not passed on, we stated that because of such factors as the accumulation of refiners' banks of increased costs, changes in supplier/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the relatively lengthy period covered by the consent orders, it would be extremely burdensome to compute with precision the degree to which each refiner absorbed any increases in costs engendered by the miscertifications. We therefore questioned the practicality of channeling the consent order funds to Entitlements Program participants. *Id.* We also noted that the decontrol of crude oil was another factor which weighed against making refunds directly to the refiners that purchased the crude oil or to all refiners that participated in the Entitlements Program. We observed that had the DOE regulatory scheme still been in effect, any refunds which a refiner received would have been reflected as a decrease in the cost of crude oil and may have affected its maximum lawful selling prices of covered products. In this manner, the parties further down the distribution chain that were likely to have been adversely affected by the alleged overcharges would have received some benefit associated with the refunds. However, since decontrol occurred on January 28, 1981, the mechanism of price rollbacks is of doubtful effectiveness. *Id.*, slip op. at 7, 46 FR 26683.

We did note, however, that certain identifiable parties might be able to show demonstrable injury from the alleged violations. We found that one such class of potentially injured parties was the group of direct purchasers or refiners that obtained crude oil from the parties which entered into consent orders in which an improper computation of the base price for crude oil was alleged. We noted that because this oil appeared to be properly certified, the alleged overcharges were not passed through the mechanism of the Entitlements Program. We stated that these direct purchasers and refiners thus may have borne the effect of such overcharges and may be eligible for refunds to the extent that they could show that the alleged overcharges were not passed through to subsequent purchasers. *Id.*

Refiners were additionally included in the second class of potentially injured parties we identified. This class is composed of refiners that obtained crude oil from parties that entered into consent orders concerning violations alleged to have occurred before the commencement of the Entitlements Program on November 1, 1974. Because the effects of these overcharges has not been passed through the Entitlements Program, we stated that these refiners were directly affected and may have absorbed the effects of the alleged overcharges. Thus we concluded that refiners in this class could be eligible for refunds to the extent they could show that they did not pass these increased costs on to subsequent purchasers. *Id.*

We also stated that, for periods subsequent to November 1, 1974, refiners and subsequent purchasers that obtained crude oil or refined products produced or sold by the parties that entered into the consent orders involved in the proceeding could be eligible for refunds if they could show that the Entitlements Program did not negate the adverse effects caused by the alleged violations and if they could accurately calculate the impact of those effects on them. *Id.*, slip op. at 8 & n.12, 44 FR 26683. Finally, we noted that if our tentative conclusions were correct, the effects of the alleged overcharges were spread among all refiners by the Entitlements Program and were largely passed on by them and subsequent purchasers. In this case, the effects of the alleged overcharges would actually have been borne by all ultimate consumers of refined products. Thus, we determined that consumers could also be appropriate refund recipients. *Id.* We stated that instructions for the filing of refunds for all potentially aggrieved parties would be provided in a final decision.

In a separate section of the May 8 Proposed Decision, we considered ways of distributing whatever funds remained after appropriate refunds to first-stage claimants have been made. We proposed that these funds should be apportioned among state governments to reflect each state's level of petroleum consumption between 1973 and 1978, the years in which the violations were alleged to have occurred. *Id.*, slip op. at 9–10, 46 FR 26684. We chose to distribute the money to state governments because we believed that they would be able to design a distribution scheme for the refund proceeds which would benefit all injured consumers in each state, and account for the varying energy-related needs of their citizens. We also believe that the states would be able to expend the proceeds in an administratively efficient and cost-effective manner. In order to minimize the difference between the recipients of the refunds and the groups which bore the burden of the allegedly illegal pricing practices, we proposed that each state's portion of refund proceeds would be divided among three categories or "pools" relating to the consumption of different types of petroleum products. We stated that within each of the three pools, the refund proceeds would be allocated to organizations which are best suited to passing through the proceeds to the ultimate consumers of that type of product. *Id.*, slip op. at 10–12, 46 FR 26684–85. We additionally stated that an alternaive distribution scheme, should giving the money to state governments prove impractical, would be to deposit all the refund money into the United States Treasury. *Id.*, slip op. at 12–13, 46 FR 26685.

II. Analysis

A. Initial Refund Procedures

In the Proposed Decision, we described our proposal to refund money to parties directly injured by the violations alleged in the consent orders through the first stage of these refund proceedings. The Proposed Decision stated in very general terms that such parties would be eligible to file Applications for Refund with the Office of Hearings and Appeals. In this Decision, we shall set forth in detail the procedures we will follow in the first stage. We will specify clearly the information a refund applicant should submit to demonstrate that it is entitled to a refund. As we will explain in greater detail below, however, it is not

possible for us to articulate with precision how every conceivable applicant in these proceedings should document its refund application. We will therefore describe the issues which an applicant must address and the types of evidence which we believe will tend to support an applicant's claim for a refund. This discussion is not meant to be inclusive, and we will consider *all* evidence which an applicant submits to substantiate its claim. We will also address specific suggestions filed in response to those portions of the Proposed Decision which concern the implementation of the first stage of the refund process.

Since the issuance of the Proposed Decision, we have received numerous comments addressing the proposed first-stage refund mechanism. A number of comments were filed by refiners of crude oil, (*7*) such as Texas City Refining Inc., which objected to the discussion in the Proposed Decision which stated that refiners were generally able to pass on increased costs to their own customers, and that refiners might therefore not be able to qualify for direct refunds. These refiners claim that as a result of market forces, they were actually unable to pass through increased costs to their customers. In support of this contention, the refiners point out that until January 28, 1981, when crude oil and refined petroleum products were exempted from the DOE price and allocation regulations, the firms continuously maintained substantial banks of unrecovered costs. *See, e.g.,* Comments filed by Marathon Oil Company. One refiner, Mount Airy Refining Company, claimed that since it sold only uncontrolled products, it was forced to absorb the effects of any unlawful certifications because it usually sold its product at market prices. According to Mount Airy, it therefore could not have passed on any price increases due to miscertifications. Other refiners, such as Crown Central Petroleum Corporation, suggest that all refunds attributable to miscertified crude oil should be distributed directly to refiners through the Entitlements Program. In this regard, they refer to the mechanism established by the Economic Regulatory Adminsitration for entitlement adjustments for periods prior to the decontrol of crude oil. 46 FR 36902 (July 13, 1981). The refiners point out that that mechanism will liquidate rights and obligations of participants in the Entitlements Program that accrued before decontrol, without regard to whether those participants were actually able to pass through increased costs that may have resulted from the erroneous issuance of entitlements benefits or obligations. Several refiners suggest that we should adopt a similar approach in this proceeding and return all refund moneys directly to them.

We cannot agree with the suggestion that all refunds should automatically be distributed directly to the refiners that purchased crude oil from the producers involved in this proceeding. While we recognize that it may well have been reasonable for the ERA to decide to rectify errors in the apportionment of entitlements benefits and obligations through the Entitlements Program itself, we are not persuaded that such a policy is appropriate with respect to moneys that the DOE has received as a result of consent orders settling enforcement matters involving alleged violations of the crude oil price regulations. Rather, we believe that the benefits associated with the moneys received as refunds for possible overcharges should be distributed in a manner that will inure to the maximum extent possible to those who were actually injured by the alleged overcharges. Nothing in the Proposed Decision and nothing in this decision is intended to foreclose the right of a refiner or any other party that believes that it can prove it was injured by the alleged violations to file an Application for Refund. Indeed, to the extent a refiner can demonstrate an injury, it will be eligible to receive an appropriate share of the refund pool. We wish to point out, however, that the burden in these proceedings is not on the DOE to demonstrate that a prospective claimant or class of claimants is ineligible for refunds. Rather, a claimant must affirmatively demonstrate that it has been injured by the alleged violation and that it should consequently receive a refund. A claimant that does no more than reiterate an argument which presumes the existence of injury without documenting it will not have met this burden.

We now turn to the question of what documentation a claimant must provide in order to establish eligibility for a portion of the consent order funds. In the Proposed Decision we identified certain classes of potentially injured parties that we believe would be able to demonstrate that they were in fact injured by the alleged violations. We wish to point out that the listing of potentially injured parties we gave in the Proposed Decision was intended to be representative rather than exclusive. *Any* party that believes it can prove an injury resulting from the alleged violations may file an Application for Refund. Secondly, while we still believe that many ultimate consumers of refined petroleum products were in all likelihood injured by the violations alleged in these proceedings, consumers cannot in our view show a direct link between the violations alleged in the consent orders and their injuries. Therefore it is not yet appropriate to determine how funds should be apportioned to such consumers.(*8*) That determination can be made only after we know how much of the proceeds must be given to first stage claimants who can prove injury from the alleged overcharges. Thus it would be premature for such consumers and consumer groups who would claim they incurred an injury from the alleged violations merely by virtue of being ultimate consumers to file Applications for Refund at this time. *See Vickers.*

We have recently issued three final determinations establishing special refund procedures. *See Office of Enforcement,* 9 DOE ¶———, No. BEF-0033 (December 28, 1981); *Office of Enforcement,* 9 DOE ¶82,508 (1981); *Vickers.* Each of those decisions provided detailed instructions for filing refund applications. For example, in *Vickers* we suggested a format for the submission of claims. *Vickers,* 8 DOE at 85,402–03. This was possible because the *Vickers* consent order involved only one type of product—motor gasoline. Moreover, the effects of the alleged overcharges were limited to a sixteen-state area in which Vickers marketed motor gasoline and also were limited to the parties within Vickers' distribution chain. Because Vickers' motor gasoline sales volume during the period covered by the consent order was known, it was possible to apportion a definite amount of the consent order fund to each gallon of gasoline purchased, and consequently to calculate refund amounts on a volumetric basis. *Id.* at 85,396 & n.4.

A markedly different situation exists here. Some of the consent orders involved in this proceeding involve both certification and non-certification violations alleged to have been committed by the same firm. The crude oil involved was then transformed into a multitude of refined products by the time it reached ultimate consumers. Indeed, many refined products were not used in their "raw" form but to manufacture other items produced in the national economy. Because of the Entitlements Program, the effects of the overcharges were not restricted to the distribution chain of the firms which purchased the crude oil involved, but were in fact spread among all refiners of crude oil and all consumers of refined

products nationwide. Because the effects of the overcharges were diffused among all refines it is entirely possible that the market reflected these changes by raising the price levels generally charged by all refiners in the United States.

Under these circumstances, it is not possible for us to specify how every potential applicant for refund should document its claims. Nor do we think such specification is necessary at this time. Rather than establishing general rules for the submission of refund applications in this proceeding, we will give some examples of the kinds of documentation certain classes of applicants should provide to prove entitlement to a refund. Applicants should bear in mind that the following examples are not intended to be comprehensive; applicants may find it appropriate to file additional or substitute information in support of their claims. All applicants must provide sufficient information to prove that the violations alleged in one of the consent orders had a direct, measurable impact on them and that this impact caused an injury that they were unable to minimize or eliminate by passing on to subsequent purchasers. The type of documentation a claimant must submit will vary depending on whether a claimant's injury was caused or affected by the Entitlements Program.(9) A claimant's injury was not caused or affected by the Entitlements Program if it was caused by violations other than certification violations, by violations which occurred prior to the inception of the Entitlements Program on November 1, 1974, or if the claimant is a party that sells crude oil before it has been refined. A claimant of this type should first provide proof establishing it obtained crude oil from one of the parties that entered into one of the consent orders in this proceeding. That proof should include the volume of crude oil obtained, the price for which it was obtained, and the time when it was obtained. The claimant should also present a detailed description of the nature of its alleged injury. In addition, we will require a showing that the claimant did not pass through price increases caused by the alleged violations to its own customers.Thus, a claimant in this group should submit data showing increased product costs (bank) for each calendar quarter for which it claims a refund, and market data and other relevant information which tends to show that the market would not permit it to recover the price increases involved by raising its own sales prices. If a claimant used its banked costs to increase its selling price at a later date, its refund might be appropriately reduced.

A claimant's injury was caused or affected by the Entitlements Program if the injury was caused by a certification violation occurring after November 1, 1974, and if the claimant is a refiner or a subsequent purchaser. We expect that claimants in this category will make two general types of claims. The first type would be made by a refiner or subsequent purchaser which obtained crude oil originally sold by one of the parties that entered into the consent orders involved in this proceeding. Such a claimant must be able to demonstrate that the product was originally produced or sold by one of the parties that entered into the consent orders. Barring a showing that a refiner obtained all its crude oil from a single reseller or producer, we are uncertain at this time how this showing can be made by a party in the distribution chain other than a refiner. An applicant with this type of claim must also provide the same information about time of purchase, quantity of purchase, and existence of banks that a claimant whose injury was not caused or affected by the Entitlements Program must provide. Moreover, this type of claimant must satisfactorily demonstrate why and to what extent the Entitlements Program did not operate to negate the effect of the violations.

As we stated in the proposed decision in this proceeding and repeated in our discussion here, the violations alleged in the consent orders could conceivably have directly caused all refiners to incur injury through the operation of the Entitlements Program. Thus, a refiner in this category which is able to quantify its individual injury and can show, through the existence of banks and the submission of market data or other relevant information, that it did not pass on those increased costs to subsequent purchasers may be eligible for a refund. Again, we are unable to specify what type of factual information could be used to document such an injury. We must reiterate, however, that the burden of proving eligibility for a refund is on the refiner, not the DOE. Thus it is the refiner that must provide information showing how and to what extent it was injured by the violations alleged in the consent orders. This cannot be done through the use of generalized, unsupported allegations, and the submission of material establishing simply that sizable product cost banks were maintained during the relevant periods is not sufficient. *See e.g., Vickers,* 8 DOE at 85.396–97.

Accordingly, this Decision announces that OHA will accept Applications for Refund from the consent order amounts pursuant to 10 CFR 205.283 beginning immediately. Applications must be filed no later than April 14, 1982. It should be noted that in establishing these procedures, we intend to avoid excessive processing costs that would be out of proportion to the amount of the consent order funds available for distribution. *See* 10 CFR 205.286(b). Consequently, because the cost of considering claims for small refund amounts may render such a process administratively inefficient, we may decide at some point in the future to establish a minimum amount for which an Application for Refund may be filed. That minimum amount could be based upon the administrative cost of processing a claim, issuing a check, and transmitting the check, which we are informed amounts to approximately $15.00. However, we will not impose a lower limit at this time, but will consider all Applications for Refund that are timely filed.

B. Distribution of the Remainder of the Consent Order Funds

Several comments addressed our proposed distribution of whatever consent order funds may remain after the first stage of the refunds process is completed. In this Decision, we are not implementing the second-stage refund procedure. This would be difficult to do before the analysis and processing of Applications for Refund, because the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. *See Vickers,* 8 DOE at 85,397. However, we continue to believe that distribution of refunds to all consumers of petroleum products through state governments may well be appropriate if sufficiently large amounts remain after the claims process has been completed. In order for the public to be made aware of outstanding issues and be able to comment on them, we will summarize and address briefly the comments received concerning the proposed second-stage procedure. We continue to seek comments on those issues.

The comments received from nineteen States and the National Governors Association address in particular the portion of the Proposed Decision where we proposed that the refund proceeds be divided among product pools, and suggested several uses to which the refunds assigned to each pool might be put (*10*). Many of the States pointed out that reductions in fees and utility

charges made to individual citizens, such as those proposed, would provide an insignificant per capita benefit and involve disproportionately high administrative costs. Nearly all of the States filing comments contend that they should be allowed to disregard the pool plan, and that each State be permitted to develop its *own* plans for the disbursement of refund moneys. In this regard, many of the States have suggested numerous alternative uses to the proposals which we set forth in the Proposed Decision. For example, the States of Washington, Maine, Mississippi, and Idaho proposed that refunds be used generally to increase funding for or to implement energy conservation programs. The States of Minnesota, Arkansas, Oregon, and Kentucky proposed that the refunds could be directed to specific energy conservation programs, such as home weatherization, ride-sharing and mass transit. The States of Texas, Oregon, and Arkansas also suggest that the refunds be used to augment energy planning and development programs.

We believe that the States' suggestions for additional uses for the refunds have considerable merit. As noted above, the purpose of the "pools" in the Proposed Decision was to establish mechanisms which would funnel refunds to the class of persons who were likely to have been injured by the allegedly illegal pricing practices. Otherwise, the restitutionary goal of the second-stage proceeding would not be furthered. Nevertheless, the suggested distribution of refunds among the pools was not intended to preclude other appropriate restitutionary schemes, and other types of state plans for the use of the refunds could also be approved, provided a showing is made that the plan will not disproportionately benefit one class of consumers over another. *See* Proposed Decision, slip op. at 19 n.18, 46 FR 26686 n.18.

Several states and individuals who submitted comments in this proceeding also suggested that refund moneys be used exclusively to assist the elderly and the poor in the payment of utility bills. Some states have also suggested that refund moneys be utilized to train new automobile drivers. While we have no doubt that these are useful and even commendable programs, we must reiterate that our authority to approve any state plan depends in part upon a showing that benefits from the plan will be equitably derived by citizens who are likely to have been overcharged. Refunding money to persons who were injured by overcharges is the focus of Subpart V. We therefore are not inclined to approve a plan whose benefits were unduly weighted in favor of one particular sector of the population, however needy that segment may be. (11)

We also would not be inclined to approve a plan, such as a new driver training program, whose primary beneficiaries were individuals who clearly would have made no gasoline purchases during the period in which the alleged violations occurred.

Finally, the funds remaining after the first-stage distribution is completed may be so small as to render a second-stage distribution impractical, or the schemes proposed not sufficiently cost-effective. As we stated on the Proposed Decision, we may then simply direct the deposit of the remainder of the funds into the miscellaneous receipts account of the United States Treasury. *See* 10 CFR 205.287(c); Proposed Decision, slip op. at 12–13, 46 FR 26,686. We will consider this question after all claims are paid. That determination will be made in the form of a Supplemental Order, notice of which will be provided through the Federal Register.

III. Conclusion

The refund mechanisms and procedures outlined above for claims filed with the DOE will be adopted. In addition, with respect to the second stage of the refund process, although we continue to believe that the plan for distribution of the remainder of the consent order funds outlined in the Proposed Decision is authorized by the DOE's statutory and regulatory provisions, and represents an equitable and efficient method of distributing the settlement funds, we have concluded that it would be premature at this time to authorize the implementation of that second-stage procedure.

We will therefore accept Applications for Refund of a portion of the consent order funds filed on or before April 14, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Matters of Alfred B. Alkek *et al.*, Case No. DFF–0002. Any application for a refund must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in this proceeding or the underlying enforcement proceedings. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

It is therefore ordered that:

The refund amounts provided in conjunction with the consent orders listed in Appendix A of this Decision and Order will be distributed in the manner set forth in the foregoing Decision.

Dated: January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

References

(*1*) The Economic Regulatory Administration has recently been reorganized. Under that reorganization, the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(*2*) For purposes of convenience, the term "Consent Order" will be used below to encompass the Remedial Order issued to James Forgotson.

(*3*) This type of violation was alleged in the following cases: Beta Development Co., PGP Gas Products, Inc., J. R. Parten, Vaughn Petroleum, Inc., Lundell's Inc., Graner Oil Co., Hixon Development Co., Newmont Oil Co., Tipperary Oil and Gas Corp., Crystal Oil Co., Frank W. Michaux, McFarland Energy, Inc., Quintin Little Co., Union Texas Petroleum Corp., McCulloch Oil and Gas Corp., Gladys O'Donnell Co., Natomas North America, Inc., Shawnee Oil and Gas Corp., John H. Hendrix Corp., Delta Drilling Company, Enserch Exploration, Inc., and James M. Forgotson. These violations were alleged to have resulted from the producers' miscalculation of the "base production control level," misapplication of the definition of "property," or incorrect certification of a well as a "stripper well," as these are defined in the DOE regulations.

(*4*) This type of violation was alleged in the Crystal Oil Co., Vaughn Petroleum, Inc., Hixon Development Co., and McFarland Energy, Inc. cases.

(*5*) This type of violation was alleged in the Albert B. Alkek, Jack Guenther, and Coral Petroleum, Inc. cases.

(6) In the one case not involving a consent order, James M. Forgotson, a crude oil producer, paid DOE $76,201 pursuant to a Remedial Order which found that Forgotson charged prices for crude oil in excess of those permitted by the DOE regulations *See* James M. Forgotson, Case No. DRW–0031 (August 9, 1979) (unpublished decision).

(7) Comments were filed by the following refiners: Crystal Petroleum Company, Inc., Golden Eagle Refining Company, Inc., Mount Airy Refining Company, Ergon Refining, Crown Central Petroleum Corporation, Marathon Oil Company, Sun Petroleum Production Company, Amoco Oil Company, Texas City Refining, Inc., Cities Service Company, Mobile Oil Corporation, and Atlantic Richfield Company.

(8) It would be appropriate for an ultimate consumer (or group of consumers) which believes that it can trace back an injury to the violations alleged in the consent orders to file an Application for Refund, however. To do this, of course, the ultimate consumer must be able to show that the product it purchased contained crude oil produced by one of the parties that entered into the consent orders.

(9) Information concerning which consent orders involve violations other than certification violations or violations alleged to have occurred before the inception of the Entitlements Program on November 1, 1974 is provided in the table in Appendix B.

(10) Comments were received from energy offices or other offices of the following states: Indiana, Minnesota, Wisconsin, Florida, Michigan, Texas, California, Idaho, Maine, New York, Tennessee, Arkansas, New Jersey, Kentucky, Vermont, Washington, Mississippi, Nebraska, and Colorado.

(11) The parties that receive benefits from the refunds will be current consumers of refined products. These parties may in some instances not be identical to the injured class, because the overcharges allegedly occurred during the period 1973 through 1978. We have found no administratively feasible technique for ensuring that proceeds go only to those parties who consumed refined products in the 1973 through 1978 period, as opposed to present consumers.

APPENDIX A

Name of Petitioner	Date of filing	Case No.
Office of Enforcement, Economic Regulatory Administration: In the Matters of:		
Alfred B. Alkek	Apr. 19, 1979	DFF–0002.
Jack Guenther	May 14, 1979	DFF–0004.
Beta Development Co.	Nov. 17, 1980	BEF–0009.
PGP Gas Products, Inc.	Dec. 3, 1980	BEF–0010.
J. R. Parten	Dec. 3, 1980	BEF–0011.
Vaughn Petroleum, Inc.	Dec. 5, 1980	BEF–0012.
Lundell's Inc	Dec. 5, 1980	BEF–0013.
Graner Oil Co	Dec. 5, 1980	BEF–0015.
Hixon Development Co.	Dec. 5, 1980	BEF–0016.
Newmont Oil Co	Dec. 5, 1980	BEF–0017.
Tipperary Oil and Gas Corp.	Dec. 5, 1980	BEF–0018.

APPENDIX A—Continued

Name of Petitioner	Date of filing	Case No.
Crystal Oil Co	Dec. 8, 1980	BEF–0019.
Frank W. Michaux	Dec. 11, 1980	BEF–0020.
McFarland Energy, Inc.	Dec. 19, 1980	BEF–0023.
Quintin Little Co	Dec. 23, 1980	BEF–0024.
Union Texas Petroleum Corp.	Dec. 23, 1980	BEF–0025.
McCulloch Oil and Gas Corp., McCulloch Oil Corp. of Texas.	Jan. 29, 1981	BEF–0029.
Coral Petroleum Inc.	Feb. 3, 1981	BEF–0031.
Gladys O'Donnell d/b/a Gladys O'Donnell Co.	Feb. 24, 1981	BEF–0035.
Natomas North America Inc.	Mar. 16, 1981	BEF–0037.
Shawnee Oil and Gas Corp.	Mar. 20, 1981	BEF–0039.
John H. Hendrix Corp.	Mar. 20, 1981	BEF–0040.
James M. Forgotson.	Apr. 9, 1981	BEF–0043.
Delta Drilling Company.	Apr. 9, 1981	BEF–0044.
Enserch Exploration, Inc.	Apr. 9, 1981	BEF–0045.

APPENDIX B

Case	Period of alleged violation	Existence of non-certification violations	Refund amount
Alfred B. Alkek.	12/1/75–7/1/77	No	$ 3,240,000
Jack Guenther.	12/1/75–7/1/77	No	841,528
Beta Development Company.	9/1/73–12/31/75	No	[1] 128,000
PGP Gas Products, Inc.	5/1/74–5/1/75	No	[1] 25,484
J.R. Parten	11/1/73–8/31/76	No	275,000
Vaughn Petroleum, Inc.	9/1/74–8/31/76	Yes	1,250,000
Lundell's Inc.	9/1/73–12/31/76	No	71,083
Graner Oil Co.	6/3/75–5/31/79	No	[1] 77,536
Hixon Development Co.	7/1/73–12/31/77	Yes	45,000
Newmont Oil Co.	9/1/73–12/31/77	No	60,000
Tipperary Oil and Gas Corp.	9/1/73–9/1/76	No	213,533
Crystal Oil Co.	9/1/73–12/31/76	Yes	203,596
Frank W. Michaux.	11/16/–8/31/76 73	No	147,462
McFarland Energy, Inc.	9/1/73–8/31/79	Yes	353,132
Quintin Little Co.	9/1/73–4/30/77	No	1,700,000
Union Texas Petroleum Corp.	9/1/73–12/31/79	No	2,100,000
McCulloch Oil & Gas Corp.	9/1/73–9/30/77	No	437,806
Coral Petroleum Inc.	11/1/74–1/11/80	No	[1] 9,000,000
Gladys O'Donnell.	3/1/76–5/31/79	No	81,580
Natomas North America, Inc..	1/1/75/ 12/31/ 78	No	53,000

APPENDIX B—Continued

Case	Period of alleged violation	Existence of non-certification violations	Refund amount
Shawnee Oil and Gas Corp.	9/1/73–1/31/77	No	650,000
John H. Hendrix Corp.	9/1/73–8/31/77	No	[1] 42,000
Delta Drilling Company.	9/1/73–6/30/77	No	275,000
Enserch Exploration, Inc.	9/1/73–12/31/77	No	495,000
James M. Forgotson.	9/1/73–1/1/77	No	75,201

[1] Plus interest

[FR Doc. 82-921 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of December 21 Through December 25, 1981

During the week of December 21 through December 25, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceeding (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations wil be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of the proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between

the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

January 8, 1982.

George B. Breznay,

Director Office of Hearings and Appeals.

Texas Crude, Inc., Houston, Texas, Bee–1702, reporting requirements

Texas Crude, Inc. filed an Application for Exception from the reporting requirements of Part II, Schedule 2, of Form EIA–23 ("Annual Survey of Domestic Oil and Gas Reserves"). The exception request, if granted, would relieve the firm of the obligation to file the form with the Energy Information Administration. On December 23, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that exception relief should be denied.

[FR Doc. 82-622 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of December 18 Through December 25, 1981

During the week of December 18, through December 25, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

January 8, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

NOTICES OF OBJECTION RECEIVED

[Week of Dec. 18, 1981 to Dec. 25, 1981]

Date	Name and location of applicant	Case No.
12/24/81	Mid-America Refining Co., Inc. Washington, D.C.	BEE-1117
12/24/81	Mid-America Refining Co., Inc. Washington, D.C.	DEE-1958

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of December 18 through December 25, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 18, 1981	Lampton-Love, Inc., Washington, D.C.	HRS-0015	Request for Stay. If granted: Lampton-Love, Inc. would receive a stay of its obligation to file a Statement of Objection pending a modification of the September 16, 1981 Proposed Remedial Order issued to the firm by the Office of Enforcement (Case No. HRO-0015).
Dec. 21, 1981	Miller & Chevalier, Washington, D.C.	HFA-0023	Appeal of Information request Denial. If granted: The November 20, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Miller & Chevalier would receive access to further documents relating to applications for exception relief filed on behalf of The 341 Tract Unit of the Citronelle Field.
Dec. 22, 1981	Office of Special Counsel/Texaco, Inc., Washington, D.C.	HRD-0021	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc. on May 1, 1979.
Dec. 22, 1981	Professional Analysts, Eugene, Oregon	HFA-0025	Appeal of Information Request Denial. If granted: The November 25, 1981 Information request Denial issued by the Bonneville Power Administration would be rescinded, and Professional Analysts would receive access to a copy of the winning proposal for Solicitation No. DE-RP79-81BP29708 (Environmental Impact Statement for Flathead Valley Reinforcement Project).
Dec. 22, 1981	Texaco, Inc., Washington, D.C.	HRZ-0011	Interlocutory Order. If granted: The December 3, 1981 Decision and Order issued to the Office of Special Counsel and Texaco, Inc. by the Office of Hearings and Appeals (Case No. HRZ-0004) would be vacated, and material stricken from the record by that Order would be reinstated in the record of Case No. DRO-0199.
Dec. 22, 1981	The Crude Company, Washington, D.C.	HES-0004	Request for Stay. If granted: The Crude Company would receive a stay of the December 16, 1981 Decision and Order issued by the Office of Hearings and Appeals (Case No. BEE-1015) pending a determination on the Motion for Modification/Rescission which the firm intends to file.
Dec. 23, 1981	Office of Special Counsel/Conoco, Inc., Washington, D.C.	HRD-0022	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1446) issued to Conoco, Inc. on May 6, 1981.

[FR Doc. 82-623 Filed 1-13-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AH-FRL-1995-9]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Sav-A-Mile"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Sav-A-Mile" device under provisions of section 51 of the Motor Vehicle Information and Cost Savings Act.

SUPPLEMENTARY INFORMATION: Section 511(b)(1) and section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusion as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation: On May 18, 1981, the EPA received a request from Energy Managers of America for evaluation of a fuel saving device termed "Sav-A-Mile". This device is designed to fit between the carburetor and the intake manifold. It is claimed to increase evaporation and atomization of the fuel prior to burning by passing it through a heat-conductive wire mesh screen. It is also claimed to function as an insulating block between the carburetor and the intake manifold.

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Sav-A-Mile Device Under section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–82–2 consisting of 45 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephones: FTS 737–4650, or Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "Sav-A-Mile" device was based on that information.

The "Sav-A-Mile" consists of a piece of copper cloth and a flat piece of insulating material which is placed between the carburetor and intake manifold of a gasoline engine. The stated purpose is to increase the efficiency of the engine and decrease the amount of pollutants generated.

Although the limited amount of test data submitted by the applicant did suggest some improvement over an unmodified induction system, the results were not obtained in accordance with EPA requirements and the data did not adequately quantify the amount of any improvement.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: November 20, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82–1028 Filed 1–13–82; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Emergency Training Center, Board of Visitors for the National Fire Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of meeting: January 25–26, 1982.

Place: National Fire Academy, Emmitsburg, Maryland.

Time: 9:00 a.m. to 5:00 p.m.

Proposed Agenda

January 25, 1982: Introductory remarks; Organizational Responsibilities of Board of Visitors; Annual Report to the Administrator; Possible Committee.

Considerations: Target Students, Curriculum and Program Offerings for 1982, Priorities of Course Development, Facilities; Miscellaneous Considerations; Establishment of Proposed Future Meeting Dates.

January 26, 1982: Uncompleted Agenda Items; Tour of Facilities; Administrative Items.

The meeting will be open to the public with approximately 20 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Richard Johnson, National Fire Academy, 16825 S. Seton Avenue, Emmitsburg, Maryland 21727 (phone 301–447–6771) on or before January 19, 1982.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Building N, National Emergency Training Center, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: January 4, 1982.

Fred J. Villella,

Associate Director for Training & Education, National Emergency Training Center.

[FR Doc. 82–955 Filed 1–13–82; 8:45 am]

BILLING CODE 4718–04–M

FEDERAL MARITIME COMMISSION

[Docket No. 82–1]

California Cartage Co., Inc. and Pacific Maritime Association; Filing of Complaint and Assignment

Notice is given that a complaint filed by California Cartage Co., Inc. against Pacific Maritime Association was served January 4, 1982. Complainant alleges that the Container Freight Station Program Fund provisions of Respondent's July 1, 1981 agreement with the International Longshoremen's and Warehousemen's Union are violative of sections 15, 16, and 17, of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Initial decision in this matter will be issued on or before August 31, 1982 (Rule 75). Any hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82–946 Filed 1–13–82; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

[E–82–1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving rates and charges for wholesale service, Docket No. ER 82–86–000.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the

Federal Energy Regulatory Commission involving the application of the Public Service Company of Oklahoma for an increase in its rates and charges for wholesale service, Docket No. ER 82–86–000.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: January 5, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82-035 Filed 1-13-82; 8:45 am]

BILLING CODE 6820-AM-M

[F-82-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Ohio Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Ohio Public Utilities Commission in Case No. 81–436–TP–AIR involving the application of the Ohio Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: January 6, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82-036 Filed 1-13-82; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee
Date: February 1–2, 1982
Place: Conference Room F, Floor 3, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Time: 9:30 a.m. to 4:30 p.m.—February 1; 8:30 a.m. to 12:00 noon—February 2
Type of Meeting: Open
Contact Person: Roy M. Fleming, Sc. D., Executive Secretary, 5600 Fishers Lane, Room 8A–46, Rockville, Maryland 20857, Phone: (301) 443–4614
Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.
Agenda: Agenda items for the meeting will include announcements, consideration of minutes of previous meeting and future meeting dates, presentations and discussions on mining program planning, respirator research and certification, surveillance program development, pulmonary function tests for monitoring coal miners' health, status of coal miner x-ray program, and coal mine dust samplers.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 8, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82-973 Filed 1-13-82; 8:45 am]

BILLING CODE 4160-19-M

Public Health Service

Health Services Research and Development Grants Review Committee; Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the reestablishment by the Secretary, HHS, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Health Services Research and Developmental Grants Review Committee.

Purpose: The Committee shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit of health services research grant applications. Grant appliciations considered by the two Subcommittees of this Committee fall into two general types. One type of application involves primarily analysis and the use of economic, statistical, and other theoretical approaches to examine problems associated with the delivery of health services. The other type of application involves the analysis of the data that derive from both large and small scale experiments and demonstrations which are designed to test more cost-effective or efficient ways to provide health services.

Authority for this Committee will expire on September 30, 1982, unless the Secretary, HHS, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: January 8, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-956 Filed 1-13-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Geological Survey,

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 172 Federal Unit Agreement No. 14-08-0001-8946, submitted on December 31, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 172 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-937 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OSC-G 3288, Block 46, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-938 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed supplemental development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0830, Block 229, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations

Dated: January 6, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-939 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Carson City District Grazing Advisory Board; Meeting

The Board will meet February 19, 1982, at 10:00 a.m. in the Carson City District BLM Office. The agenda will include discussion of the expanded role of the Board, range improvements, the use of range betterment funds, proposed classification of allotments in the Reno EIS area, and allotment management planning.

The Board is composed of five members elected to represent grazing permittees in the Carson City District in advising the District Manager on the rangeland management program. Any person is welcome to attend the meeting and appear before the Board at 10:45 a.m.

For further information contact Stephen A. Weiss, Public Affairs Officer, Bureau of Land Management, Carson City District Office, 1050 E. William St., Suite 335, Carson City, Nevada 89701, (702) 882-1631.

Dated: January 6, 1982.

Roy Jackson,

Acting District Manager.

[FR Doc. 82-832 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

[M 059318]

Montana; Order Providing for Partial Opening of Public Lands; Correction

January 6, 1982.

Paragraph 2 in **Federal Register** Document 81-36597, dated December 16, 1981, appearing on page 62324 in the issue of Wednesday, December 23, 1981, in the third column reads, "2. Effective December 23, 1981, this order restores 2.76 acres of Power Project No. 2188 to the operation of the mining laws (Act of August 11, 1955, 30 U.S.C. 621 (1976)), and to the operation of the public land laws for direct non-competitive sales (section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713)." Paragraph 2 should be changed to read, "2. Effective December 23, 1981, subject to section 24 of the Federal Power Act, this order restores 2.76 acres of Power Project No. 2188 to the operation of the public land laws for direct non-competitive sales (section 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713).

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-831 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National Advisory Board will hold a meeting on February 4-5, 1982, beginning at 9 a.m. in the Mountainview Conference Room, Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska.

The meeting will cover the following principal subjects:

—Discussion of FY 1983 OCSEAP technical development plans.

—Sale 60 (lower Cook Inlet) phase I status report.

—Proposed mitigating measures, sale 71 (Diaper Field).

—Discussion of a Beaufort Sea regional transportation management plan.

—Presentation on pipeline technologies.

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: January 4, 1982.

Esther C. Wunnicke,

Manager, Alaska OCS Office.

[FR Doc. 82-833 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Yuma County, Arizona; Results of Protest for Special Wilderness Inventory of Revocated Lands

The October 30, 1981 **Federal Register** page 53797 announced the results of a special wilderness inventory on revocated lands in Yuma County, Arizona.

That announcement stated that four wilderness inventory units were being dropped from further wilderness review. The following is a summary of the October 30 announcement.

Inventory unit No.	Unit name	Acres reviewed	Acres adjacent	Acres total	Decision	
					Acres dropped	Acres WSA
AZ-050-53A	Muggins Mtn.	28,330	6,175	35,505	35,505	0
AZ-050-53B	No name	1,920	5,840	8,760	8,760	0
AZ-050-53C	No name	595	6,740	7,735	7,735	0
AZ-050-54	Rifle range	1,250	13,830	15,110	15,110	0
Total		33,525	33,585	67,110	67,110	0

A 30-day protest period followed. During this time three protests were received. All three stated that Unit AZ-050-53A met the requirements of a wilderness study area (WSA) and should be established as a WSA.

The protests were evaluated and field checked. On the basis of the information provided I feel that Unit AZ-050-53A does have wilderness characteristics as described in the Wilderness Inventory Handbook and is established as a WSA of 21,300 acres.

The boundary and detailed description of the WSA are on file and available for inspection in the Yuma District, Bureau of Land Management, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364 (602) 726-6300.

Right to Appeal

The publication of this **Federal Register** starts a 30-day period.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the Notice of Appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

Clair M. Whitlock,

State Director.

January 5, 1982.

[FR Doc. 82-830 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on February 18, 1982.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah. The agenda will include: Predatory Animal Control, Rangeland Management

Program, status of ongoing Planning, and status of water rights adjudications.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:45 a.m. at the District Office or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by February 17, 1982. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Morgan S. Jensen,

District Manager.

January 7, 1982.

[FR Doc. 82-976 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Tuesday, February 9, 1982. The meeting will begin at 9:30 a.m. at the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda items to be discussed are:

1. Grazing Advisory Board organization and general business.
2. Allotment Management Plans and Grazing Systems.
3. Rangeland Management Policy.
4. Rangeland Betterment and Improvement Policy.
5. Animal Damage Control.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 11 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by February 5, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours), within 30 days following the meeting.

Dated: January 8, 1982.

Morgan S. Jensen,

District Manager.

[FR Doc. 82-977 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet February 27, 1982.

The Grazing Advisory Board meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho, 83401. The meeting is open to the public. Interested persons may make oral statements to the Board between 12:00 noon and 12:30 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Idaho Falls BLM District Manager at the above address by February 23, 1982. Depending on the number of people wishing to make oral statements, a per-person time limit may be established.

The agenda for the meeting will include:

1. Election of Officers.
2. Update on status of projects discussed at the last meeting.
3. Discussion of new Advisory Board projects and expenditure of Advisory Board funds.
4. Use of range betterment funds.
5. Discussion of District's maintenance plans for range projects.
6. Discussion of Livestock Grazing Regulation amendments.
7. Arrangements for the next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public review and inspection and reproduction during regular business hours within 30 days of the meeting.

Dated: January 6, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-978 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District, Nevada Stateline-Esmeralda Resource Area; Limited Closure of Scenic Loop

AGENCY: Bureau of Land Management, Interior.

ACTION: Limited closure of Scenic Loop Drive, Red Rock Canyon Recreation Lands, Las Vegas, Nevada.

SUMMARY: The limited closure of specifically identified areas within the Red Rock Canyon Recreation Lands, Las Vegas, Nevada will restrict public use of these areas after dark. These areas will be open to public use during daylight hours only.

DATES: The limited closure of Red Rock Canyon will be effective on January 14, 1982.

ADDRESS: Questions should be addressed to the District Manager, Bureau of Land Management, Las Vegas District Office, Box No. 26569, Las Vegas, Nevada 89126.

FOR FURTHER INFORMATION CONTACT: Rodger Schmitt, Recreation Lands Manager, (702) 877-6720.

SUPPLEMENTARY INFORMATION: All portions of the Red Rock Canyon Recreation Lands Scenic Loop Drive and the use areas associated with the Scenic Loop Drive; including, but not limited to, the Visitor Center, Calico Vista I, Calico Vista II, Sandstone Quarry, White Rock Spring, Willow Spring, La Madre Spring, Ice Box Canyon Overlook, Red Rock Wash Overlook and Pine Creek Canyon Overlook located within Sections 27, 28, 29, 32, 33, 34, and 35, T. 20 S., R. 58 E., MDBM and Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, and 23, T. 21 S., R. 58 E. and Red Spring Picnic Area located within Sections 6 and 7, T. 21 S., R. 58 E., MDBM are designated as limited to public use.

These areas will be restricted to daytime use only, with exact hours of closure posted at the entrance to the areas. This restriction is initiated in order to protect the public health and safety, protect the natural environment, preserve areas having cultural or historical values, and protect other resource values. Red Rock Canyon has a variety of natural features and offers unique recreational opportunities to the greater Las Vegas population. Considerable resource and facility damage and significant public safety problems along the Scenic Loop Drive have been caused by late night activities and large parties. The alcohol, drugs, and vehicle use associated with these activities have created an added, incontrollable threat to the safety of the visitor.

The nighttime closure is consistent with the Red Rock Canyon Master Plan, which identified these areas as day use areas. Public input solicited prior to the restriction being initiated, showed across-the-board support for the closure.

Authority for the closure is contained in CFR Title 43 Chapter II, Sub-chapter H—Recreation Programs, Part 8360, Sub-part 8364.1—Closures: "Areas may be closed temporarily to protect public health and safety, prevent excessive erosion, prevent unnecessary destruction of plant life and wildlife habitat, protect the natural environment, and preserve areas having cultural or historical value * * *." Additional

authority for the closure may also be found in CFR Title 43 Chapter II, Subchapter H—Recreation Programs, Part 8340—Off-Road Vehicles.

Edward F. Spang,

State Director, Nevada.

January 8, 1982.

[FR Doc. 82-979 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River

AGENCY: Bureau of Land Management, Interior.

ACTION: Open season for commercial permit applications on the Upper Missouri National Wild and Scenic River.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remain as outlined in the Federal Register, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation Use Permit System for the Upper Missouri National Wild and Scenic River".

DATES: January 25 thru February 28, 1982.

ADDRESS: Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Carl Lind, River Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457 (406-538-7461).

Dated: January 7, 1982.

David E. Little,

Associate District Manager.

[FR Doc. 82-975 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

Preparation of Clear Lake Resource Area Management Framework Plan and Subsequent Range and Wilderness Environmental Impact Statements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to 43 CFR 1601.3 and 40 CFR 1501.7, notice is hereby given that the Clear Lake Resource Area of the Ukiah District, Bureau of Land Management, California, will prepare a revision of the Clear Lake Resource Area Management Framework Plan (MFP). This Plan will facilitate the identification of issues for preparation of (1) a districtwide grazing environmental impact statement (EIS) and (2) a wilderness EIS for the Rocky Creek-Cache Creek Wilderness Study Area (WSA) (CA-050-317) and the Cedar Roughs WSA (CA-050-331).

DATES: Land and resource management alternatives for the Clear Lake Resource Area will be developed by September 1982, and final revisions to the plan, including public input and analysis by an interdisciplinary team, are scheduled for completion in January 1984. Final environmental impact statements for the Rocky Creek-Cache Creek and Cedar Roughs wilderness study areas, as well as the grazing environmental impact statement, are scheduled for completion in 1983.

FOR FURTHER INFORMATION CONTACT: William L. Larramendy, Clear Lake Resource Area Manager, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Telephone: (707) 462-3873.

SUPPLEMENTARY INFORMATION: The Clear Lake Resource Area administers Federal land and resources in Colusa, Lake, Mendocino, Napa, Sonoma, and Yolo counties, and the plan will address both the public land and the private land with reserved Federal minerals. General issues identified by the Ukiah District staff are geothermal development, mining, chaparral watershed management, wilderness, off-road vehicle recreation, natural areas, livestock grazing, and retention or disposal of small tracts. The interdisciplinary team, which will complete the plan, will consist of specialists in the fields of range management, botany, soils, geology, wildlife, fisheries, recreation, wilderness, visual resources, cultural resources, economics, sociology, and lands.

Two wilderness study areas, Rocky Creek-Cache Creek and Cedar Roughs, will be studied through this land-use planning process. Alternatives to be addressed are (1) all wilderness, (2) no wilderness (no action), and (3) partial wilderness. Details of one or more partial wilderness alternatives will be developed during the study. The Management Framework Plan will make recommendations regarding wilderness suitability for the two areas. An EIS will be written on the wilderness portion of the plan and a wilderness study report will be prepared presenting the results of the study.

The court-mandated grazing EIS will analyze alternatives ranging from limited investment (no action) to intensive management.

Opportunities for public input and comments will be announced through the media, a mailing list, and personal contact. A public hearing will be scheduled for the wilderness element of the plan. Times, dates, and locations of any public meetings and the hearing will be announced through the media, mail, and the Federal Register.

Dated: January 7, 1982.

Van Manning,

District Manager.

[FR Doc. 82-974 Filed 1-13-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Long-and-Short-Haul Applications for Relief; (Formerly Fourth Section Applications)

January 11, 1982.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43951, Southwestern Freight Bureau, Agent No. B-145, reduced rates on synthetic rubber and rubber compounds, from Borger, TX to Hopedale, MA, in Supplement 99 to its Tariff ICC SWFB 4973-A, effective February 1, 1982. Grounds for relief—Destination rate relationships.

FSA No. 43952, Southwestern Freight Bureau, Agent, carload tank car rates on vinyl chloride, minimum weight 188,000 pounds, subject to annual volume requirements, from Allemania, LA. to York, WV, in Tariff ICC SWFB 4616-A, Supplement 36 to become effective February 1, 1982. Grounds for relief: Market competition by the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-965 Filed 1-13-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer

to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of varified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–05

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143183 (Sub-14), filed December 24, 1981. Applicant: D & L TRUCKING, INC., P.O. Box 1741, Wilmington, NC 28401. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 144672 (Sub-28), filed December 29, 1981. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant), (513) 277–8933. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (4) as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159833, filed December 22, 1981. Applicant: HAROLD DEAN LOFLIN d.b.a. H & D CARGO CARRIERS, Rt. #3 Box 768, Noah Town Road, Thomasville, NC 27360. Representative: Harold Dean Loflin (same as applicant), (919) 476–3413. Transporting (1) *food and other – edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.; (2) As a *broker of general commodities* (except household goods) between points in the U.S.

MC 159903, filed December 29, 1981. Applicant: SHIPPERS GENERAL FREIGHT BROKERS, INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Floor, First Tennessee Bldg., Memphis, TN 38103, (901) 526–2000. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP3–04

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 115935 (Sub-5), filed December 29, 1981. Applicant: EXPLOSIVES TRANSPORTS, INC., 25 E. Ranchwood Circle, Oklahoma City, OK 73160. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155004 (Sub-3), filed December 31, 1981. Applicant: JOSEPH LAND AND CO., INC., W. Central Ave., P.O. Drawer 3310, Lake Wales, FL 33853. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159875, filed December 22, 1981. Applicant: ALAN JAY MARSHALL, d.b.a. MARSHALL'S TRANSPORTATION, 6084 Vincent Court, San Jose, CA 95123. Representative: Mary E. Marshall (same address as applicant), (408) 226–9409. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159914, filed December 31, 1981. Applicant: RICHARD D. COOK, d.b.a. COOK'S PRODUCE, 2452 N. Hoover, Wichita, KS 67205. Representative: Richard D. Cook (same address as applicant), (316) 942–7221. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural*

limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OP4–07

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 121667 (Sub-11), filed December 24, 1981. Applicant: SMALLEY TRANSPORTATION COMPANY, P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, (813) 223–2411. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157047 (Sub-1), filed December 29, 1981. Applicant: BENDER TRANSPORTATION CO., 529 Evans Drive, Reno, NV 89512. Representative: Chris N. Bender (same address as applicant), (702) 323–2704. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159897, filed December 30, 1981. Applicant: CHESTER ECKHARDT AND ALLEN ECKHARDT d.b.a. ECKHARDT TRUCKING, Rt. 1, Box 147, Fredericksburg, TX 78624. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPS5–04

Decided: January 5, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 84719 (Sub-10), filed December 21, 1981. Applicant: BEKINS MOVING & STORAGE CO., Aurora Avenue at North 95th, P.O. Box 30728, Seattle, WA 98103. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154648, filed December 14, 1981. Applicant: WAYNE PHILLIPS, INC., 805 N. Cage, P.O. Box 648, Pharr, TX 78577. Representative: Wayne Phillips (same address as applicant), (512) 787–0071. Transporting *general commodities* (except classes A and B explosives and commodities in bulk between Primrose, Luthersville, Weston, and Parriott, GA, Cardwell, Arbyard, Hornersville, Edena, Lewiston, Hurdland, Ewing, Alexandria, Kahoka, Wayland, Memphis, Downing and Lancaster, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allsion, TX, Raymond, Oakley, Adams, Myles, Arm, Oakville, Hathorn, Columbia, Michigan City, Lamar, Hudsonville, Waterford, Abbeville, Oxford, Taylor, Water Valley, Velma and Coffeeville, MS, Snyder and Hamburg, AR, Holly Springs, Stokedale, Dallas, High Shoals and Henrietta, NC, Radcliff, Aurora, Ellsworth, Lawn Hill, Harlan, Irwin, Garwin and Toledo, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, Richmond, Dunkel, Oconee, Hanson, Vera, Shobonier, Vernon, Pataka, Graymont, Flagana, Equality, and Shawneetown, IL, Shell Lake, Cumberland, Gillette, Green Valley, Lake Geneva, and Genoa, WI, Elgin, Edgar and Nelson, NE, Benton, Barlow, LA, Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Malesus, Medon, Toone, Bolivor, Hickory Valley and Lexington, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, Painesville, Chardon, Middlefield, and Clarksville, OH, Paris, Paris Crossing, Malden, Hamilton, Helmer, Wolcottsville, and Wakarusa, IN, South Haven, MI, Filbert, Furman and Edgefield, SC, Monticello and Bell, FL, Clyde, WA, Hosston, LA, Fallbrook and Elsinore, CA, Mottville, NY, Brisbin, Joliet, Boyd, Roberts and Red Lodge, MT, on the one hand, and on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 159779, filed December 18, 1981. Applicant: TULSA EXPEDITING, INC., 10602 East Pine, Tulsa, OK 74112. Representative: William P. Parker, P.O. Box 54657, Oklahoma, OK 73154, (405) 424–3301. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Vol. No. OP5–07

Decided: January 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 128998 (Sub-108), filed December 21, 1981. Applicant: STEVENS TRANSPORTATION COMPANY, INC., 5090 State St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, D.C. 20036, (202) 785–0024. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments* weighing 100 pounds or less if transported in a vehicle in which no one package exceeds 100 pounds, and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 153888 (Sub-1), filed December 28, 1981. Applicant: JOSEPH VALLES, d.b.a. J. VALLES TRUCKING, 43116 Gallegos Ave., Fremont, CA 94538. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–967 Filed 1–13–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special

Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volumn No. OP1–334

Decided: January 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 621 (Sub-6), filed December 21, 1981. Applicant: PAUL ARPIN VAN LINES, INC., 150 Manton Ave., Providence, RI 02909. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432–0940. Transporting *household goods,* between points in NM, UT, NV, OR, WA, CO, NE, SD, ND, KS, OK, TX, LA, AR, MO, MN, MI, IL, WI, IA, IN, OH, KY, TN, MS, AL, FL, GA, SC, NC, VA, WV, MD, PA, DE, NY, NJ, CT, RI, VT, MA, NH, ME, and DC.

MC 35831 (Sub-31), filed December 14, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *metal products* between points in AL, AR, CO, KS, LA, MO, OK, and TX.

MC 82841 (Sub-324), filed December 14, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen, (same address as applicant), (402) 339–3003. Transporting *petroleum lubricating greases, oils, compounds, and anti-freeze,* between points in Pottawattamie County, IA, on the one hand, and, on the other, points in CO, ID, MT, NE, ND, SD, and WY.

MC 120360 (Sub-1), filed December 21, 1981. Applicant: STEPHENS TRUCKS, INC., P.O. Box 1169, Graham, TX 76046. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *Mercer commodities,* between points in AR, CO, KS, LA, MS, NM, OK, TX, and WY. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 124160 (Sub-40), filed December 21, 1981. Applicant: SAVAGE BROTHERS, INC., 585 South 500 East, American Fork, UT 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111, (801) 328–8987. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI).

MC 125951 (Sub-27), filed December 21, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3035 S. 72nd St., Suite 200, Omaha, NE 68124. Representative: Robert M. Cimino (same address as applicant), (402) 393–5005. Transporting *paper and paper products,* between points in NC, ND, SD, NE, KS, TX, MN, IA, IL, OH, WI, MI, MS, MO, PA, NY, VA, NH, LA, and ME.

MC 142810 (Sub-7), filed December 21, 1981. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (505) 227–7326. Transporting *petroleum and petroleum products,* between points in Davidson and Knox Counties, TN, on the one hand, and, on the other, points in KY on and west of U.S. Hwy 127.

MC 145810 (Sub-2), filed December 21, 1981. Applicant: THREE L CORPORATION, Second & Siegel, Tama, IA 52339. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Union-Marshall Packing Co., of Marshalltown, IA.

MC 145921 (Sub-4), filed December 11, 1981. Applicant: NEXT DAY MOTOR FREIGHT, INC., 9470 Aerospace Drive, St. Louis, MO 63134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in Adams, Brown, Schuyler, Pike, Cook, Lake, Du Page, Scott, Morgan, Cass, Mason, Menard, Logan, De Witt, Macon, Piatt, Champaign, Vermilion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Rock Island, McDonough, Knox,

Tazewell, Peoria, and Henry Counties, IL, Warren, St. Louis, St. Charles, Franklin, Jefferson, St. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunklin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasonade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark, and Buchanan Counties, MO, Des Moines, Lee, Scott, Muscatine, and Henry Counties, IA, and Johnson, Wyandotte, and Leavenworth Counties, KS.

MC 147570 (Sub-5), filed December 21, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 4413. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254, (216) 948–2531. Transporting *general commodities* (except classes A and B explosives), between points in IN, KY, MI, OH, PA, and WV on the one hand, and, on the other, points in DE, GA, MD, NJ, NY, NC, OH, PA, SC, and VA.

MC 149281 (Sub-2), filed December 21, 1981. Applicant: FLEIG LEASING, INC., 1267 Burlington Road, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with RPC Corporation, of Roxboro, NC.

MC 150721 (Sub-1), filed December 22, 1981. Applicant: COCKE BROTHERS TRANSPORTATION SYSTEMS, INC., 4919 Old Louisville Rd., Savannah, GA 31408. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290 (404) 969–1980. Transporting *general commodities,* (except classes A & B explosives), between points in GA, on the one hand, and, on the other, points in FL, GA, AL, SC, NC, TN, MS, LA and TX.

MC 153881, filed December 21, 1981. Applicant: MAURICE J. FOYE, d.b.a. FOYE TRUCKING, 14854 Dakota Rd., Apple Valley, CA 92307. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting (1) *ores and minerals* and *clay, concrete, glass or stone products,* between points in CA and NV, and (2) *Chemicals and related products,* between points in Clark County, NV, on the one hand, and, on the other, points in OR, WA, CA, AZ, NM, UT, CO, ID, and MT.

MC 156191 (Sub-4), filed December 18, 1981. Applicant: RAYMOND COSSETTE TRUCKING, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *food and related products,* between points in Clark County, SD and Otter Tail County, MN, on the one hand, and, on the other, points in the U.S.

MC 157801, (Sub-1), filed December 14, 1981. Applicant: SCOTT & SONS MOVING & STORAGE, INC., 2472 So. Santa Fe Ave., Vista, CA 92083. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods,* (1) between points in WA, OR, CA, NV, AZ, NM, UT, WY, ID, MT, and CO, and (2) between points in WA, OR, CA, NV, AZ, NM, UT, WY, ID, MT, and CO, on the one hand, and, on the other, points in ME, NH, MA, RI, VT, CT, NY, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, AL, OH, KY, TN, MS, MI, IN, WI, IL, IA, MN, MO, AR, LA, ND, SD, NE, KS, OK, TX, and DC.

MC 158101, filed December 14, 1981. Applicant: DIRECT DELIVERY SERVICE, INC., 4204 N.E. 14th St., Des Moines, IA 50313. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *such commodities* as are dealt in by home products distributors, between points in the U.S., under continuing contract(s) with Amway Corporation, of Des Moines, IA.

MC 158551, filed December 18, 1981. Applicant: ROSE TRANSPORTATION CO., P.O. Box 99, Steele, MO 63877. Representative: Lisa Rigdon, P.O. Box 158, Union, MS 39365. Transporting *lumber and wood products,* between points in AL, AR, GA, IL, IN, KY, LA, MI, MN, MS, MO, OH, TN, TX, WI and IA.

MC 159010, filed December 21, 1981. Applicant: CARGO–MASTERS, INC., 27 West 440 Ridgeview, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting (1) *rubber and plastic products,* and (2) *packaging materials and equipment,* between points in Cook, Lake, Will, Du Page, Kane, Kendall, Kankakee Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, MI, MS, OH, PA, and WI.

MC 159641, filed December 21, 1981. Applicant: LAWRENCE REILING, d.b.a. REILING TRUCKING, Rural Route 1, 651 West County Lane, Dekalb, IL 60115. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 698–2235. Transporting *food and related products,* between points in IA, IL, and WI, on the one hand, and, on the other, St. Louis, MO, and points in IA, IL, and those in WI on and south of a line beginning at the MN-WI State line and extending along U.S. Hwy 14 to junction Interstate Hwy 94 at or near Madison, WI, then along Interstate Hwy 94 to Milwaukee, WI.

MC 159790, filed December 21, 1981. Applicant: TRANSPORTERS, INC., Suite 2001B, 225 West 34th St., New York, NY 10001, Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N. W., Washington, DC 20036, (202) 785–0048. Transporting *transportation equipment,* between points in NY, PA, CT, NJ, MD and DE, on the one hand, and, on the other, points in the U.S.

MC 159820, filed December 21, 1981. Applicant: JOHN S. JURICH, JR., R.D.#4, Butler, PA 16001. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 837–0264. Transporting *waste or scrap materials, coal, and building materials,* between points in Summit, Medina, Portage, Ashtabula, and Trumbull Counties, OH, Erie, Crawford, Allegheny, Beaver, Butler, Armstrong, Washington, Westmoreland, Clarion, Elk, and Mercer Counties, PA, and Erie and Chatauqua Counties, NY.

MC 159840, filed December 23, 1981. Applicant: PEACE DOVE CORP., 200 69th Place, Seat Pleasant, MD 20027. Representative: James T. Belton (same address as applicant), (301) 336–0978. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159860, filed December 28, 1981. Applicant: A. L. SHAW & SONS TRUCKING, INC., P.O. Box 272 Riegelwood, NC 28456. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, on the one hand, and, on the other, points in GA, NC, SC, and VA.

Vol. No. OP2–06

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 20722 (Sub-44), filed December 28, 1981. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *motor vehicles*, between points in the U.S., under continuing contract(s) with Volkswagen of America, Inc. of Warren, MI.

MC 35882 (Sub-6), filed December 24, 1981. Applicant: BRANDER BUS LINES, INC., 20 Slater St., Rehoboth, MA 02769. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *passengers and their baggage, in the same vehicle with passengers*, in charter operations, beginning and ending at Quincy, Boston, Worcester and Springfield, MA and Hartford, CT, and extending to points in the U.S.

MC 52322 (Sub-2), filed December 16, 1981. Applicant: JOHN A. SADOVICH, d.b.a. PINE-EAGLE FREIGHTLINE, 1704 Broadway, Baker, OR 97814. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 38702, (208) 344–7714. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck & Co., of Seattle, WA.

MC 77402 (Sub-5), filed December 15, 1981. Applicant: HOWARD M. HOWES, INC., 514 North Main St., Baltimore, OH 43105. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, 614–481–8821. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of San Francisco, CA.

MC 80852 (Sub-24), filed December 17, 1981. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78285. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107012 (Sub-758), filed December 29, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, (same address as applicant), (219) 429–2224. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Payless Cahsways, Inc., of Kansas City, MO.

MC 117373 (Sub-4), filed December 16, 1981. Applicant: NU-WAY TRUCKING, INC., P.O. Box 1129–N, Rosebud, MO 63091. Representative: Michael C. Feagan (same address as applicant), 314–764–2185. Transporting *metal products*, between points in Franklin County, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, MI, KS, OH, OK and TX.

MC 120853 (Sub-2), filed December 29, 1981. Applicant: DAVIES TRANSPORTATION CO., d.b.a. HARBOR TERMINAL SERVICES, 2400 Dominguez, Long Beach, CA 90801. Representative: Arnold Pantus (same address as applicant), (213) 775–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 126473 (Sub-49), filed December 15, 1981. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Doug Dickey, Packwood, IA 52580, 319–695–3601. Transporting *food and related products*, between the facilities of Dubuque Packing Company, at points in IA and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 127812 (Sub-31), filed December 18, 1981. Applicant: TYSON TRUCK LINES, INC., 1300 Gray Fox Rd., St. Paul, MN 43019. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6889. Transporting *such commodities* as are dealt in by food business houses and retail department stores, between points in MN, ND, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 141002 (Sub-2), filed December 16, 1981. Applicant: ARNEL TOURS, INC., 455 Georgia Avenue, S.W., Atlanta, GA 30312. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlantic, GA 30309, (404) 892–8020. Over regular routes, transporting *passengers and their baggage, in the same vehicle with passengers, and express*, between Atlanta, GA and Tallahassee, FL: from Atlanta, GA over Interstate Hwy. 75 to its junction with GA Hwy. 85, then over GA Hwy. 85 to Columbus, GA, then over U.S. Hwy 27 to Tallahassee, FL and return over the same route, serving all intermediate points and serving Hartsfield International Airport near Atlanta, GA, Fort Benning Military Reservation near Columbus, GA and Donalsonville, GA, as off-route points; and (2) *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at Fulton, Clayton, Fayette, Coweta, Meriwether, Talbot, Harris Muscogee, Chattahoochee, Stewart, Randolph, Clay, Early, Miller, and Decatur Counties, GA and Gadsden County, FL and extending to points in the United States.

MC 141212 (Sub-8), filed December 28, 1981. Applicant: JOHN M. RADKE, Route 2 Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent St. Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *pulp, paper and related products*, between points in Marathon County, WI, on the one hand, and, on the other, points in the U.S.

MC 141392 (Sub-2), filed December 16, 1981. Applicant: THE TAURO BROTHERS TRUCKING CO., 1775 N. State St., Girard, OH 44420. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *commodities in bulk*, between points in IN, KY, MI, NY, OH, PA and WV.

MC 142423 (Sub-17), filed December 24, 1981. Applicant: BIG D CARTAGE, INC., 28091 Kingsberry Dr., Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *malt beverages* between those points in the U.S., in and east of MN, IA, MO, AR and LA.

MC 142603 (Sub-64), filed December 28, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same as applicant) (418) 732–6283. Transporting *paper and paper products*, between points in the U.S., under a continuing contract(s) with Coral Paper Crop/Perez Trading Company, Inc., of Miami, FL.

MC 143302 (Sub-8), filed December 28, 1981. Applicant: DON TRIPP TRUCKING, P.O. Box 69, Lolo, MT 59847. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting *lumber and wood products*, between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, those points in the U.S. in and west of OH, IN, IL, MO, AR, and LA.

MC 143683 (Sub-3), filed December 28, 1981. Applicant: AMERICAN CONTRACT EXPRESS, INC., P.O. Box 425, Childersburg, AL 35044. Representative: Terry P. Wilson, 248 South Lawrence Street, Montgomery, AL 36104, (205) 262–2756. Transporting *food and related products*, between points in Jefferson County, AL, on the one hand, and, on the other, points in Vanderburgh County, IN, St. Clair County, IL, Bexar County, TX, and Houston County, GA.

MC 143792 (Sub-3), filed December 16, 1981. Applicant: KEN WATFORD, 2200 Locust Street, NE, St. Petersburg, FL 33704. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632–2300. Transporting *containers and such commodities* as are used in the manufacture and distribution of containers, between points in Clinch County, GA, on the one hand, and, on the other, points in FL and SC.

MC 146442 (Sub-4), filed December 15, 1981. Applicant: CLEARFIELD TRANSPORTATION CO., INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews and Lawrence Rudolph, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036, 202–452–7400. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Diehl Tire Company, of Clinton, MO.

MC 146953 (Sub-4), filed December 15, 1981. Applicant: MONROE FUGATE d.b.a. H & M CARTAGE, 17151 South Overhill, P.O. Box 427, Tinley Park, IL 60477. Representative: William D. Brejcha, 10 South LaSalle St., #1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives) between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147013 (Sub-9), filed December 17, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *food and related products,* between points in Hale, Potter, and Randall Counties, TX, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, NC, PA, RI, VA and DC.

MC 147463 (Sub-1), filed December 14, 1981. Applicant: R. M. GUINTHER, INC., R. D. #1, Box 539, Boyertown, PA 19512. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603, (215) 376–6721. Transporting *chemicals and metal products,* between points in Berks and Montgomery Counties, PA, on the one hand, and, on the other, points in KY and MI.

MC 147973 (Sub-3), filed December 15, 1981. Applicant: B. J. TRANSPORT, INC., Livestock Exchange Bldg., 100 Stockyard Road, South St. Paul, MN 55075. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Minneapolis, MN, and points in Mille Lacs and Wright Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149333 (Sub-6), filed December 29, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION, CO., INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *lumber and wood products,* between points in AL, AZ, AR, CA, GA, ID, IL, IA, KS, KY, LA, MS, MO, NE, OK, OR, TN, TX, WA, and WY.

MC 149402 (Sub-4), filed December 16, 1981. Applicant: R. A. P. T. CORP., 3159 S. 1900 W., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St. #280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products,* between points in UT, on the one hand, and, on the other, points in the U.S.

MC 150522 (Sub-6), filed December 28, 1981. Applicant: VIRGINIAN POWER TRANSPORT CO., INC., 530 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, 304–562–3460. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 150762 (Sub-1), filed December 24, 1981. Applicant: BENN & NOLT CARRIERS, INC., 1523 East Newport St., Lititz, PA 17543. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *modular homes* between points in Schuylkill County, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and WV.

MC 151193 (Sub-20), filed December 29, 1981. Applicant: PAULS TRUCKING CORP., 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), (201) 499–3869. Transporting *such commodities* as are dealt in or used by supermarkets, between points in the U.S., under continuing contract(s) with MC Foods, Inc., of San Diego, CA.

MC 151623, filed December 28, 1981. Applicant: McDOUGALD OIL CO., INC., 459 Nichols Ln., P.O. Box 309, Moab, UT 84532. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209, 303–320–6100. Transporting *chemicals and related products* between points in AZ and NM, on the one hand, and, on the other, points in Grand, San Juan and Garfield Counties, UT.

MC 151703 (Sub-10), filed December 28, 1981. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with (1) Colt Industries, Inc., Colt Industries Operating Corporation, Central Moloney, Inc., Crucible, Inc., and Garlock, Inc., all of New York, NY, (2) Menasco, Inc., of Burbank, CA, and (3) Stemco, Inc., of Longview, TX.

MC 152723 (Sub-7), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting *chemicals and related products,* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 153723 (Sub-6), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121 Transporting *scrap plastic products and plastic resins,* between points in the U.S.

MC 154953, filed December 28, 1981. Applicant: DOKE TRANSPORT CO., INC., P.O. Box 109, Clarks Hill IN 47930. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301 Transporting *rubber and plastic products,* between points in Cook County, IL and Washington County, MN.

MC 155733, filed December 29, 1981. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Bosie, ID 83709 Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (208) 343–3071. Transporting *food and related products,* between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, TX, UT, WA, and WY.

MC 156363, filed December 28, 1981. Applicant: HALL MACHINE & WELDING CO., INC., 102 West Mermod, Carlsbad, NM 88220. Representative: Joe Brininstool, 1010 S Country Club Carlsbad, NM 88220, (505) 887–9117. Transporting *potassium chloride,* between points in the U.S., under continuing contract(s) with KCL Fluids, Inc., of Tyler, TX.

MC 157302 (Sub-2), filed December 16, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 121 W. Trinity Lane, Nashville, TN 37216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201, (615) 244–2926. Transporting (1) *metal products,* between points in Butler County, OH, Cheatham and Madison Counties, TN, on the one hand, and, on the other, points in the U.S., and (2) *lumber,*

between points in Floyd County, GA, on the one hand, and, on the other, points in AL, GA, IL, IN, KY, MI, OH and TN.

MC 157923, filed December 14, 1981. Applicant: TAYLOR TRUCKING, INC., 4080 Lancer Circle, Manitowoc, WI 54220. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A & B explosives, and household goods, between points in the U.S., under continuing contract(s) with (1) Van Der Vaart Brick and Building Supply Company, of Sheboygan, WI, (2) Sheboygan Concrete Corp., of Sheboygan Falls, WI, (3) C. Harvey Co., Inc., of Manitowoc, WI and (4) Harvey Concrete Corp., of Sister Bay, WI.

MC 158102, filed December 18, 1981. Applicant: TALBERT TRUCKING, INC., 554 Earl St., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, A/C 304–562–3460. Transporting *metal products,* between points in the U.S., (except AK & HI), under continuing contract(s) with the McJunking Corporation, of Charleston, WV.

MC 159002, filed December 24, 1981. Applicant: CRUMPLER TRUCKING, INC., 5823 Wingate Dr., Orlando, FL 32809. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N. W. 53rd. St., Miami, FL 33166 (305) 592–0036. Transporting *Petrolium, natural gas and their products,* between points in Seminole County, FL, and Oklahoma County, OK, on the one hand, and, on the other, points in the U.S.

MC 159052, filed December 16, 1981. Applicant: MER TRUCKING CO. INC., 2241 Bonita Avenue, Vero Beach, FL 32960. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, 305–869–5936. Transporting *food and related products,* between points in Indian River, Brevard, Orange, Polk, Dade and Hillsborough Counties, FL and points in U.S. (except AK & HI).

MC 159303 (Sub-1), filed December 7, 1981. Applicant: TWO WAY TRANSPORTATION, LTD., 2527 N. Carson St., Suite 205, Carson City, NV 89701. Representative: A. R. Fairman (same as applicant), (702) 883–8695. Transporting *golf cars, golf buggies, fuel cells and batteries, and parts for fuel cells and batteries, small electric or gas vehicles and parts for small electric or gas vehicles, gas and electric motors and parts for gas and electric motors,* between points in the U.S., (except HI), under continuing contract(s) with Elmco, Inc., of Cooksville, IL.

MC 159682, filed December 29, 1981. Applicant: A & L DELIVERY SERVICE, INC., P.O. Box 243, Towanda, PA 18848. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30328, (404) 237–6472. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Avon Products, of New York, NY. CONDITION: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 159692, filed December 14, 1981. Applicant: CHARLES G. CREWS & SONS, INC., Route 1, Box 230, Moneta, VA 24121. Representative: Robert A. Mega, 25 Esten Avenue, Pawtucket, RI 02860. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Consolidated Brick & Building Supplies, Inc., of Weymouth, MA; *metal products,* between points in the U.S. under continuing contract(s) with Roanoke Electric Steel Corporation, of Roanoke, VA; *lumber & wood products* between points in the U.S., under continuing contract(s) with GMC Hardwoods, Inc., of Dover, MA.

MC 159713 (Sub-1), filed December 14, 1981. Applicant: LEE INDUSTRIES, INC., Ryan Avenue, P.O. Box 5, Westville, NJ 08093. Representative: Martin S. Ettin, 499 Cooper Landing Road, Cherry Hill, NJ 08002, 609–667–6000. Transporting *tar paper, barn board, planking, and lumber and wood products,* between points in the U.S., under contract(s) with (1) Boom, Inc., of Newtown Square, PA, (2) Pan-American Trade Development Corp., Pan-Pacific Overseas Division, of New York, and (3) C. Itoh Corp., of New York, NY.

MC 159723, filed December 15, 1981. Applicant: OUTBOUND TRAVEL AND TOURS, INC., 93 West Little Canada Road, St. Paul, MN 55117. Representative: Dorothy L. Drake (same address as applicant), (612) 483–8373. As a *broker,* at St. Paul, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at points in MN, WI, ND, SD, IA, IL, NE, MI, and IN, and extending to points in the U.S.

MC 159742, filed December 16, 1981. Applicant: LEE TRUCKING, INC., 124 West Hartford Road, Newington, CT 06111. Representative: Levi Chiaravolloti (same address as applicant), 203–666–4655. Transporting *hardware, handtools,* and *such commodities* as are used in the manufacture of hardware and handtools, between points in the U.S., under contract(s) with the Allen Manufacturing Co., of Bloomfield, CT.

MC 159752, filed December 17, 1981. Applicant: BOOTH'S TRANSFER, 1300–2 North Glendale, Marion, IL 62959. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703, (217) 753–3925. Transporting *household goods* between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV, and WI.

MC 159753, filed December 23, 1981. Applicant: VESPA TRUCKING CO., INC., 118 Heritage Drive, Box 13, Freehold, NJ 07728. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting (1) *metal products and building materials,* between New York, NY and Camden, NJ, on the one hand, and, on the other, points in CT, MA, RI, NH, VT, ME, NJ, NY, PA, DE, MD, VA, NC and DC, and (2) *food and related products* between New York, NY, on the one hand, and, on the other, points in NJ, CT, MA, RI, NY, PA, DE, MD and DC.

MC 159773, filed December 16, 1981. Applicant: ATLANTIC WOOD TRANSPORT, INC., 269 Amboy Avenue, Edison, NJ 08837. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209, (703) 522–0900. Transporting *lumber and wood products* between points east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 159843, filed December 21, 1981. Applicant: R. MIRR ENTERPRISES, INC., 202 North Fulton Street, Princeton, WI 54941. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting *metal products, tanks, tank parts, water heaters, machinery and accessories* (1) between points in Dane, Green Lake, Waushara, Winnebago and Fond du Lac Counties, WI, on the one hand, and, on the other, points in the U.S., (2) between Detroit, MI, on the one hand, and, on the other, points in the U.S., and (3) between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 159862, filed December 28, 1981. Applicant: CHESTER JACKSON WASTE MANAGEMENT SYSTEMS,

INC., 475 Schuyler Avenue, Kearny, NJ 07032. Representative: Edward F. Bowes, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *amorphous poly propylene* between points in the U.S., under continuing contract(s) with Essex Chemical Corporation of Clifton, NJ.

MC 159873, filed December 28, 1981. Applicant: S.T.S TRUCKING & TRANSPORTATION, INC., 154 William Street, Tonawanda, NY 14150. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, 716–845–6066. Transporting (1) *such commodities as are dealt in by manufacturers and distributors of china,* between points in the U.S., under a continuing contract(s) with Syracuse China Corporation, of Syracuse, NY and (2) *food and related products,* between points in the U.S., under a continuing contract(s) with Russer Foods, Inc., of Buffalo, NY.

MC 159882, filed December 28, 1981. Applicant: ADVENTURE TRAVEL, 1236–A Coast Village Circle, Santa Barbara, CA 93108. Representative: Mitchell Blumenthal, 693 Sutter Street, Sixth Floor, San Francisco, CA 94102, 415–673–3333. As a *broker,* at Santa Barbara, CA, in arranging for the transportation, by motor vehicle of *passengers and their baggage in* round-trip special and charter operations, beginning and ending at points in NV, AZ, CA, and DC, and extending to points in the US.

Volume No. OP2–07

Decided: January 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1872 (Sub-86), filed December 4, 1981. Applicant: ASHWORTH TRANSFER, INC., P.O. Box 26585, Salt Lake City, UT 84126. Representative: James B. Emery, (same address as applicant), 801–972–6996. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

MC 31462 (Sub–30), filed December 28, 1981. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, TX 75146. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods* as defined by the Commission, between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WA, OR, NV, CA, ID, UT, AZ, and DC, on the one hand, and, on the other, points in AK and HI.

MC 73533 (Sub-26), filed December 18, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, 301–840–8565. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between Washington, D.C., on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

MC 100463 (Sub-28), filed December 18, 1981. Applicant: SMITH TRANSPORT (U.S.) LIMITED, 150 Commissioners St., Toronto, Ontario, Canada N5A 3R9. Representative: William J Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716–853–0200. *Transporting ordinance and accessories,* between points in the U.S., under continuing contract(s) with Government of Canada, Department of National Defense, Canadian Forces Ammunition Depot, of Angus, Ontario, Canada.

MC 123872 (Sub-132), filed December 21, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28603. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. *Transporting general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, TN and VA, on the one hand, and, on the other, points in CO, NM, OK and TX.

MC 129923 (Sub-24), filed December 18, 1981. Applicant: SHIPPERS TRANSPORT INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twenieth Fl., 1st TN Bldg., Memphis, TN 38103. Transporting *food and related products,* between Hood River, OR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 134552 (Sub-11), filed December 21, 1981. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Weekes Forest Products, Inc., of Minneapolis, MN.

MC 136782 (Sub-37), filed December 31, 1981. Applicant: R.A.N. TRUCKING CO., P.O.Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 141112 (Sub-5), filed December 29, 1981. Applicant: BURWELL RAY GALLOP, d.b.a., GALLOP BUS COMPANY, 600 S. Military Hwy, Virginia Beach, VA 23464. Representative: Burwell Ray Gallop, Sr. (same address as applicant), (804) 420–3135. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at Norfolk, Virginia Beach, Chesapeake, Portsmouth, Suffolk, Newport News, Hampton, and Williamsburg, VA, and points in Nansemond, York, Northampton, Accomack, Mathews, Isle of Wight, Henrico, Southampton, Gloucester, James City, New Kent, and Charles City Counties, VA, and extending to points in MD, PA, NC, VA, NJ, DE, NY, MA, CT, ME, VT, WV, OH, TN, KY, GA, SC, FL, AL, MS, LA, MO, AR, IN, IL, MI, NH, RI, and DC.

MC 144053 (Sub-2), filed December 18, 1981. Applicant: DON MUMMA TRUCKING, INC., Rt. 2 Box 143M, Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, 206–228–3807. Transporting *scrap metal, trailers, farm machinery, and materials and supplies* used in the construction or repair of trailers and farm machinery, between points in Spokane and King Counties, WA, and Portland, OR, on the one hand, and, on the other, AL, MI, KY, OH, IL, PA, CA, WI, NV, CO, GA, MO, MN, OR, ID, MT, NE, FL, TX, AZ, AK, NJ, NY, and IA.

MC 146213 (Sub-15), filed December 18, 1981. Applicant: WISCONSIN FARM LINES, LTD., P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, 612–927–8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal furniture and fixtures, material handling equipment and storage equipment, between points in WI, IL, IN, MI, IA, MN, ND, SD, MO, NJ and PA, on the one hand, and, on the other, points in the U.S.

MC 147013 (Sub-1), filed December 17, 1981. Applicant: DELBERT MILLS, JR., d.b.a., MILLS TRANSPORTATION, R.D. 3, Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg. 1030 Fifteenth St., N.W.,

Washington, D.C. 20005, 202–296–3555. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paints and chemicals, between points in the U.S., under continuing contract(s) with The Sherwin Williams Company, of Cleveland, OH.

MC 147913 (Sub-5), filed December 29, 1981. Applicant: T-LINE, INC., 350 First St., SW., New Brighton, MN 55112. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 149343 (Sub-2), filed December 18, 1981. Applicant: SOUTHERN PRIDE TRUCKING, INC., P.O. Box 84000, San Diego, CA 92138. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515–682–8154. Transporting (1) *aircraft engines, turbines, parts and accessories and ground support equipment,* between points in Maricopa County, AZ, Denver, CO., Miami, FL, Atlanta, GA, Minneapolis-St. Paul, MN, Portland, OR, Salt Lake City, UT, Seattle, WA, and points in CA, on the one hand, and, on the other, points in the U.S., (2) *machinery,* between points in CA, on the one hand, and, on the other, points in the U.S., and (3) *Displays, display equipment and materials, equipment and supplies* used in connection with the setting up of displays and the display of the commodities named in (1) and (2) above, between points in the U.S.

MC 151443 (Sub-2), filed December 16, 1981. Applicant: EDWARD E. SCHULTZ d.b.a. ECS TRUCKING, 13471 Mickey St., Garden Grove, CA 92644. Representative: Edward E. Schultz (same address as applicant), 714–537–7293. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemical products, between points in the U.S., under continuing contract(s) with Great Lakes Chemical Corp., of Irvine, CA and Cargill, Inc., of Synwood, CA.

MC 152572 (Sub-2), filed December 31, 1981. Applicant: BILL J. BILLINGS, d.b.a., BILLINGS TRUCKING COMPANY, P.O. Box 393, Nocona, TX 76255. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *plastic products,* between points in the U.S., under continuing contract(s) with Nocona Athletic Goods Company, of Nocona, TX.

MC 155222 filed December 29, 1981. Applicant: DORRIGAN, INC., 3739 Hillsborough Dr., Concord, CA 94520. Representative: Donald R. Hedrick, P.O.B. 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *car care products,* between points in the U.S., under continuing contract(s) with Wynn Oil Company, of Azusa, CA.

MC 157693, filed December 21, 1981. Applicant: A & J TRUCKING, INC., 2739 12th Street, S.W., Cedar Rapids, IA 52404. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *waste or scrap materials not identified by industry producing,* between points in IL, IN, IA, and MO, (2) *hides,* between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, OK, PA, TX and WI, (3) *machinery, metal products and rubber and plastic products,* between points in CO, IL, IN, IA, KS, MI, MN, MO, NE, OH, PA and WI, and (4) *machinery* between points in Linn County, IA, on the one hand, and, on the other, points in AL, GA, MS, OK and TX.

MC 157702, filed November 17, 1981. Applicant: L. E. BLANCHARD, 804 North Haley, Pine Bluff, AR 71602. Representative: L. E. Blanchard (same address as applicant), 501–247–2622. Transporting *building materials, lumber products, ties, switch ties and related products and tires,* between points in AR, on the one hand, and, on the other, points in IL, IN, KS, LA, MI, MS, MO, OH, OK, TN, TX, IA, NE, MN, and KY.

MC 158923, filed December 16, 1981. Applicant: JOHN R. VALENTINO TRUCKING, R. D. #2 Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same as applicant). Transporting *such commodities* as are dealt in food and feed business houses, between points in PA, NY, DE, NJ, VA, MD and DC.

MC 159203, filed December 29, 1981. Applicant: ARGOSY TRUCKING LTD., 149 Oak Point Rd., Winnipeg, Manitoba—Canada R2R 1T7. Representative: Harold Huppe, 929 St Mary's Rd., Winnipeg, Manitoba—Canada, (204) 257–7280. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with MacKenzie & Feimann Limited, of Winnipeg, Manitoba—Canada.

MC 159223 (Sub-1), filed December 21, 1981. Applicant: S & P PRODUCE, INC., 2668 East Atlantic Blvd., Pompano Beach, FL 33062. Representative: Gary L. Self, 1401 East Atlantic Blvd., Pompano Beach, FL 33060. Transporting *food and related products,* between Miami, FL, on the one hand, and, on the other, Chicago, IL and points in GA, NY, and VT.

MC 159772, filed December 18, 1981. Applicant: BRAKEBUSH BROTHERS, INC., Route #2, Westfield, WI 53964. Representative: Michael J. Wyngaard, 150 East Gilman St. Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Baraboo Sysco Food Services, Incorporated, a subsidiary of Sysco Corporation, of Baraboo, WI.

MC 159913, filed December 31, 1981. Applicant: BROOKS CONTRACT CARRIERS, A DIVISION OF BROOKS RENTAL CO., INC., Hwy 31–E Bypass, Gallatin, TN 37066. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *office furniture and equipment,* between points in the U.S., under continuing contract(s) with G. F. Buinsess Equipment, Inc., of Gallatin, TN.

Vol. No. OP3–03

Decided: January 8, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 584, filed December 30, 1981. Applicant: KUEHNE & NAGEL, INC., P.O. Box 1828, St. Paul, MN 55111. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. As a freight forwarder, transporting *general commodities* (except classes A and B explosives), between points in MN, and points in Barron, Chippewa, Pierce, and Polk Counties, WI, on the one hand, and, on the other, points in the U.S., restricted to traffic having a prior or subsequent movement by water.

MC 49304 (Sub-39), filed December 31, 1981. Applicant: BOWMAN TRUCKING CO., INC., P.O. Box 6, Stephens City, VA 22655. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (301) 654–2240. Transporting *metal products,* between points in Shenandoah County, VA, on the one hand, and, on the other, points in AL, DE, FL, IL, MI, NY, OH, PA and TX.

MV 96345 (Sub-7), filed December 28, 1981. Applicant: AMERICAN EAGLE MOTOR COACH, INC., 72 Sycamore Street, Fairhaven, MA 02719. Representative: Robert J. Brooks, Suite 1111, 1828 L Street, N.W., Washington, D.C. 20036, (202) 466–3892. Transporting *passengers and their baggage,* in the

same vehicle with passengers, in charter and special operations, beginning and ending at points in MA and RI, and extending to points in the U.S. (including AK but excluding HI).

MC 110325 Sub-183), filed December 30, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221–1464. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between San Bernardino, CA and Salt Lake City, UT, over Interstate Hwy 15, (2) between junction Interstate Hwys 15 and 70 and Denver, CO, from the junction of Interstate Hwys 15 and 70 over Interstate Hwy 70 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction Interstate Hwy 70, then over Interstate Hwy 70 to U.S. Hwy 6, to Denver, and return over the same route, (3) between Grand Junction, CO and Newton, KS, over U.S. Hwy 50, (4) between Lawrence, KS and Clayton, NM, from Lawrence over U.S. Hwy 59 to junction U.S. Hwy 56, then over U.S. Hwy 56 to Clayton, and return over the same route, (5) between Belleville, KS and Denver, CO, over U.S. Hwy 36, (6) between Lawrence, KS and junction Interstate Hwy 70 and U.S. Hwy 24, over U.S. Hwy 24, (7) between Topeka and Altoona, KS, over U.S. Hwy 75, (8) between Liberal and Oakley, KS, over U.S. Hwy 83, (9) between Denver, CO and Cheyenne, WY, from Denver, over U.S. Hwy 287 to junction CO Hwy 1, then over CO Hwy 1 to junction U.S. Hwy 87 then over U.S. Hwy 87 to Cheyenne, and return over the same route, and (10) serving all intermediate points in routes (1) through (9), above, and points in Clark County, NV, and points in KS as off-route points in connection with carrier's otherwise-authorized regular route operations.

MC 123385 (Sub-7), filed December 29, 1981. Applicant: SANTRY TRUCKING CO., 10505 N. E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *chemical and related products* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Van Waters & Rogers of Seattle, WA.

MC 126555 (Sub-90), filed December 29, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Manuel Andrade, 770 Grant Street, Suite 244, Denver, CO 80203, (303) 861–4273. Transporting *food and related products*, between points in the U.S. in and west of MN, IA, MO, NE, KS, OK, and TX.

MC 133154 (Sub-13), filed December 28, 1981. Applicant: BELL TRANSPORT CO., 14000 E. 183rd St., La Palma, CA 90623. Representative: Robert C. Rodgers (same address as applicant), (714) 523–4805. Transporting *such commodities* as are dealt in or used by Kimberly-Clark Corporation, Owens-Corning Fiberglas Corporation and Shaklee Corporation, between points in the U.S., under continuing contract(s) with Kimberly-Clark Corporation, of Neenah, WI, Owens-Corning Fiberglas Corporation of Toledo, OH, and Shaklee Corporation, of San Francisco, CA.

MC 134134 (Sub-104), filed December 29, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific Street, Suite #210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and related products*, between points in MN, WI, and MO, on the one hand, and, on the other, points in IA and NE.

MC 140484 (Sub-104), filed December 28, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517 Transporting *rubber and plastic products*, between points in Livingston County, MI, on the one hand, and, on the other, points in the U.S.

MC 147724 (Sub-4), filed December 29, 1981. Applicant: TYRONE SCHULZ, d.b.a. TY SCHULZ TRUCKING, Rt. 1 Box 221, Ione, CA 95640. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pervo Paint Co., of Los Angeles, CA, Stockton Wholesale Lumber Co., Inc., of Stockton, CA, Bemis Co., Inc., of Wilmington, CA, Pacific Modern Homes, Inc., of Elk Grove, CA, and Mineral Aggregates Co., Inc., d/b/a Lone Star Minerals, Inc., of Highland, IN.

MC 148404 (Sub-7), filed December 29, 1981. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 La Monde St., Hacienda Heights, Ca 91745. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting (1) *metal products*, between points in Vigo County, IN, and Montgomery County, PA, on the one hand, and, on the other, points in AZ, CA, OR, TX, and WA, and (2) *petroleum products*, between points in Essex County, NJ, and Lucas County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149105 (Sub-6), filed December 29, 1981. Applicant: BAYOU STATE TRUCKING, INC., 639 S. Rendon St., Suite 303, New Orleans, LA 70119. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield; VA 22151, (703) 941–8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and related products, plastics and related products, containers and closures, and metal products, between points in the U.S., lighting fixtures and furniture fixtures, between Suffolk, VA, and points in Jackson County, AR, Los Angeles County, Ca, and Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 150724 (Sub-6), filed December 23, 1981. Applicant: DONALD SANTISI TRUCKING CO., 340 Victoria Rd., Youngstown, OH 44515. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal and metal products*, (1) between points in Trumbull and Ashtabula Counties, OH and Warren, Franklin and Crawford Counties, MO; and (2) between points in Trumbull and Ashtabula Counties, OH and Warren, Franklin and Crawford Counties, MO, on the one hand, and, on the other, points in WA, CA, AZ, TX, MA, CT, and RI.

MC 150854, filed December 29, 1981. Applicant: NORWALK TRANSFER AND STORAGE, INC., 13900 E. Rosecrans, Santa Fe Springs, CA 90670. Representative: Wayne Nogle (same address as applicant), (213) 921–5501. Transporting (1) *cleaning compounds and related articles*, between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI, and Santa Ana, CA; and (2) *television receving sets and related articles*, between points in the U.S., under continuing contract(s) with RCA Service Company, of Cherry Hill, NJ.

MC 151164 (Sub-3), filed December 21, 1981. Applicant: T.L.C. CHARTER COACH, INC., 157 Summerfield St., Scarsdale, NY 10583. Representative: L. C. Major, Jr., Suite 304, Overlook Building, 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between Fairfield County, CT, Bergen County, NJ, and Rockland County, NY, on the one hand, and, on the other, points in the U.S.

MC 151414, filed December 29, 1981. Applicant: AMERICAN TRAILS, INC.,

1700 Walnut St., Philadelphia, PA 19103. Representative; H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691–0900. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Philadelphia, Montgomery, Bucks, Berks, Chester and Delaware counties, PA, Burlington, Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic Counties, NJ, and New Castle and Kent Counties, DE, and extending to points in the U.S. (except AK and HI).

MC 153124 (Sub-3), filed December 31, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, NJ 07035. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg, NY 14075, (716) 845–6066. Transporting *chemicals and related products,* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Balchem Corporation, of Slate Hill, NY, and Green Ponds, SC.

MC 158014, filed December 29, 1981. Applicant: PAYLESS AUTO TOWING, LTD., 332 W. 23rd St., N. Vancouver, B.C., Canada V7M2B5. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. Transporting *transportation equipment,* between ports of entry on the international boundary line between the U.S. and Canada, in WA, on the one hand, and, on the other, points in Los Angeles, Orange, and Riverside Counties, CA.

MC 158655 (Sub-5), filed December 28, 1981. Applicant: GRAND EXPRESS, INC., 4750 Clyde Park, S.W., Grand Rapids, MI 49509. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers of furniture, between points in Muskegon County, MI, on the one hand, and, on the other, points in the U.S.

MC 159255, filed December 23, 1981. Applicant: HAROLD LeMAY ENTERPRISES, INC., 13502 Pacific Ave., Tacoma, WA 98444. Representative: A. Donald Visser (same as applicant) (206) 537–8687. Transporting *waste and scrap paper,* and *newsprint,* between points in Grays Harbor, King, Kitsap, Kewis, Mason, Pierce, Snohomish and Thurston Counties, WA, on the one hand, and, on the other, points in Yamhill and Clackamas Counties, OR.

MC 159704, filed December 23, 1981. Applicant: HOMAN TRUCKING, INC., 45 East Franklin St., Chicasa, OH 45826. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Dannon Yogurt, Inc., of Minster, OH, and (2) *forklift trucks,* between points in the U.S., under continuing contract(s) with Crown Control Corp., of New Bremen, OH.

MC 159795, filed December 18, 1981. Applicant: TWIN PORTS TRUCKING COMPANY, INC., 1230 Poplar Ave., Superior, WI 54880. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting (1) *salt,* between points in the U.S., under continuing contract(s) with Cutler Magner Company, of Duluth, MN, (2) *paper and paper products, electrical supplies,* and *cleaning supplies,* between points in the U.S., under continuing contract(s) with Duluth Paper and Specialties Company, Inc., of Duluth, MN (3) *meats,* between points in the U.S., under continuing contract(s) with Elliott Packing Company, Inc., of Duluth, MN (4) *food and related products,* between points in the U.S., under continuing contract(s) with Jeno's Inc., of Duluth, MN, (5) *bottled water,* between points in the U.S., under continuing contract(s) with Lake Superior Water Company, Inc., of Superior, WI, (6) *soft drink concentrate,* between points in the U.S., under continuing contract(s) with NAP Beverage, Inc., of Superior, WI, (7) *such commodities* as are dealt in or used by supermarkets, between points in the U.S., under continuing contract(s) with Twin Ports Grocery Company, of Superior, WI, (8) *coal heating briquets,* between points in the U.S., under continuing contract(s) with Stott Briquet Company, of Duluth, MN, and (9) *sand and concrete mix,* between points in the U.S., under continuing contract(s) with ASDCO, Inc., of Duluth, MN.

MC 159835, filed December 23, 1981. Applicant: LENART TRANSPORTATION, INC., 1154 Quinnipiac Ave., New Haven, CT 06513. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *electrical connectors* and *component parts,* between points in the U.S., under continuing contract(s) with Burndy Corporation, of Orange, CT.

MC 159854, filed December 28, 1981. Applicant: TINA B. ALLEN, d.b.a. ALLEN'S LAS VEGAS BUREAU, INC., 8026 Cornflower Circle, Buena Park, CA 90620. Representative: Franklin F. Naumann, 5400 Orange Ave., Suite 110, Cypress, CA 90630, (714) 827–2900. As a *broker* at Buena Park, CA, in arranging for the transportation of *passengers and their baggage,* beginning and ending at points in CA, and extending to points in the U.S.

MC 159864, filed December 29, 1981. Applicant: UNITED STAR CORP., No. 14 Heather, St. Peters, MO 63376. Representative: W. R. England III, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), between points in the U.S., under continuing contract(s) with Gerber Industries, of St. Peters, MO.

MC 159865, filed December 28, 1981. Applicant: CAPITAL CARRIERS, INC., 3815 Zane Trace Dr., Columbus, OH 43228. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting (1) *rubber and plastic products,* (2) *machinery and supplies,* and (3) *chemicals and related products,* (except in bulk), between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Amoco Container Company, of Atlanta, GA, Milo Corporation, of Stow, OH, R & G Sloane Manufacturing Company, Inc., of Cleveland, OH, and Seymour Manufacturing Company, of Seymour, IN.

MC 159885, filed December 28, 1981. Applicant: TRYAD TRUCKING COMPANY, 5129 Ave. H, Rosenberg, TX 77471. Representative: Norman Clark (same address as applicant), (713) 342–8031. Transporting *iron and steel articles, pipe and related commodities,* between points in the U.S. (except AK and HI).

MC 159884, filed December 29, 1981. Applicant: JOSEPH BARRON, 159 Boulevard Ave., Throop, PA Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *food and related products,* between points in Wayne, Cayuga, and Yates Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 159895, filed December 29, 1981. Applicant: LARRY PHELPS, d.b.a. PHELPS FARMS, 11561 State Rt. 4, Milford Center, OH 43045. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *fertilizer and lawn care products,* between points in the U.S.

MC 159904, filed December 30, 1981. Applicant: W. E. HORTON TRUCKING SERVICE, INC., P.O. Box 4133, Dublin, GA 31021. Representative: Wallace E. Horton (same address as applicant),

(912) 275–1265. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Bassett Furniture Co., Wheelers, Inc., and J. P. Stevens Co., Inc., all of Dublin, GA, Cook & Co., Inc., of Lumber City, GA, M & M Clay Co., of McIntyre, GA, and Evans Clay, Co., of Summit, NJ.

MC 159915, filed December 31, 1981. Applicant: MORRIS McCauley, 4622 Creek Shore Dr., Rockville, MD 20852. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *household goods,* between points in Washington, DC, and its commercial zone, on the one hand, and, on the other, points in theU.S. (except AK and HI).

Volume No. OP4–06

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 105457 (Sub-105), filed December 28, 1981. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant), (704) 373–1933. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 126717 (Sub-16), filed December 29, 1981. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 E. Franklin St., Evansville, IN 47711. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639–4511. Transporting *self-propelled drilling rigs and self-propelled well servicing equipment,* between points in Wichita and Clay Counties, TX, and Vanderburgh County, IN, on the one hand, and, on the other, points in the U.S.

MC 128117 (Sub-46), filed December 22, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting *canned goods,* between points in West Feliciana and Avoyelles Parishes, LA, on the one hand, and, on the other, points in AL, GA, NC, PA, TN, VA, SC, and WV.

MC 128837 (Sub-43), filed December 28, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Keystone Consolidated Industries, Incorporated, of Peoria, IL.

MC 128837 (Sub-44), filed December 28, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 226, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *electrical appliances,* electronic equipment, between points in the U.S.

MC 128927 (Sub-12), filed December 21, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 408, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *spirits and wines,* between points in MN and WI, on the one hand, and, on the other, points in FL, IL, IN, KY, MI, MN, MO, OH, and TN.

MC 145917 (Sub-3), filed December 31, 1981. Applicant: STALLMAN TRUCKING, INC., 1114 Brookwood St., Bensenville, IL 60106. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting *such commodities* as are dealt in or used by scrap paper dealers or brokers, between points in IL, IN, IA, MI, OH, and WI.

MC 146067 (Sub-3), filed December 30, 1981. Applicant: CALIFORNIA WASHINGTON EXPRESS, 3554 McReynolds Ave., Modesto, CA 95355. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *plastic and plastic products,* (2) *doors and door sections,* (3) *canned goods,* (4) *dairy equipment,* (5) *tires,* (6) *potting soil, wood chips, fertilizers,* and (7) *such commodities* as are dealt in or used by grocery and department store chains, between points in the U.S., under continuing contract(s) with Jupiter Engineering, Inc., of Menlo Park, CA, Overhead Door Corp., of California, of Rancho Cordova, CA, Tri Valley Growers, of San Francisco, CA, Airle Manufacturing Co., Inc., of Modesto, CA, Prowler Hub Services, of Riverbank, CA, Black Magic Products, of Sacramento, CA, The Price Co., of San Diego, CA, and Seattle, Inc., of Seattle, WA.

MC 147547 (Sub-23), filed December 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Floor, 501 Union Bldg., Nashville, TN 37219, (615) 255–0540. Transporting *floor coverings and wall coverings,* between Long Beach, CA, and points in Orange County, NY and Lehigh County, PA, on the one hand, and, on the other, points in the U.S.

MC 147547 (Sub-24), filed December 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Floor, 501 Union Bldg., Nashville, TN 37219, (615) 255–0540. Transporting *general commodities,* (except classes A and B explosives and household goods), between points in AL, MS, GA, and TN, on the one hand, and, on the other, points in the U.S.

MC 148107 (Sub-9), filed December 22, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald E. Mercier (same address as applicant), (512) 223–1859. Transporting *batteries,* between points in TX, on the one hand, and, on the other, points in NM, AZ, CA, AR, TN, MS, IL, IN, KY, AL, GA, and LA.

MC 150187 (Sub-5), filed December 21, 1981. Applicant: D & L TRUCKING SERVICE, INC., 1419 S. Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety and department stores (except commodities in bulk), between the facilities of the Clorox Company and its wholly owned subsidiaries and contract packers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 159887, filed December 29, 1981. Applicant: JEWELCOR TRAVEL SERVICES, INC., Gateway Shopping Center, Edwardsville, PA 18704. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. To operate as a *broker,* at Luzerne, Lehigh, Lackawanna and Lycoming Counties, PA, in arranging for the transportation of *passengers and their baggage,* between points in PA, on the one hand, and, on the other, points in the U.S.

MC 154937 (Sub-1), filed December 29, 1981. Applicant: COLLEY & COMPANY, INC., 123 E. Grant St., Pauls Valley, OK 73075. Representative: Michael H. Lennox, 531 N. Portland Ave., P.O. Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *iron and steel articles,* between points in AR, CO, IL, IN, KS, LA, MN, MO, NE, NY, OH, OK, SC, TN, and TX.

Volume No. OP4–08

Decided: January 8, 1982.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 7156 (Sub-10), filed December 28, 1981. Applicant: WILLIAMS TRANSFER CO., 2995 Pairie Road, Eugene, OR 97402. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *household goods*, between points in OR, WA, CA, NM, ID, AZ, TX and NV.

MC 77066 (Sub-17), filed December 29, 1981. Applicant: LEWIS BROS. STAGES, INC., 549 W. 5th S., Salt Lake City, UT 84101. Representative: Irene Warr, 311 S. State Street, Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *passengers and their baggage*, in special and charter operations, between points in UT, AZ, MN, CO, NV, ID, and WY.

MC 74416 (Sub-34), filed December 29, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296–3555. Transporting *building materials, pulp, paper and related products, and chemicals and related products*, between the facilities of Georgia-Pacific Corporation at points in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX.

MC 83726 (Sub-5), filed December 28, 1981. Applicant: JOSEPH C. LAVOIE, d.b.a. Lavoie Trucking, 50 Ident Road, P.O. Box 161, S. Windsor, CT 06074. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *building materials* between points in CT, MA, Albany, Broome, and Warren Counties, NY, Somerset and Burlington Counties, NJ, Berks, Beaver, Northumberland, McKean, Jefferson, Clearfield, and Adams Counties, PA, Androscoggin and Kennebec Counties, ME, Strafford and Rockingham Counties, NH, Stark, Tuscarawas, Huron and Wayen Counties, OH and Bfaltimore, MD, on the one hand, and, on the other, points in CT, MA, RI, ME, NH, VT, PA, NY, and NJ.

MC 105016 (Sub-15), filed December 29, 1981. Applicant: PELLISSIER TRUCKING, INC., 1002 Hosteler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting (1) *Metal products*, between points in OR and WA, on the one hand, and, on the other, points in NV, MT, UT, CA, OR, and WA, (2) *wood products*, between points in OR and WA, on the one hand, and, on the other, points in UT, NV, MT and CA, and (3) *malt beverages*, between points in CA and OR.

MC 110616 (Sub-5), filed December 28, 1981. Applicant: CHARTER COACHES, INC., 144 32nd St., Dr. Southeast, Cedar Rapids, IA 51403. Representative: Thomas Fleckenstein (same address as applicant), (319) 366–1835. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in IA, and extending to points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 2410.

MC 157628, filed November 17, 1981, previously noticed in the Federal Register issue of December 7, 1981, and republished this issue. Applicant: FREIGHT FORWARDER TRANSPORT, INC., 5150 Brighton, Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Acem Fast Freight, Inc., of Los Angeles, CA, and Freight Forwarder, Inc., of Denver, CO. Condition: A grant of authority is condition upon the receipt from applicant of an explanation why the proposed operations are not prescribed by 49 U.S.C. 11323, which limits the ownership and control of other carriers by freight forwarders.

Note.—The purpose of this republication is to impose the above "Condition".

MC159876, filed December 21, 1981. Applicant: K–K JR. TRUCKING, INC., 14266 Catalina St., San Leandro, CA 94577. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro CA 94579, (415) 357–6236. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC159886, filed December 29, 1981. Applicant: DONALD R. BLACKMON, 12610 SE 172nd, Boring, OR 97009. Representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, between Portland, OR, on the one hand, and, on the other, Seattle, WA and points in CA.

Volume No. OP5–05

Decided: January 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 49849 (Sub-3), filed December 24, 1981. Applicant: TRI–BOROUGH TRANSPORTATION CORP., 68 Kent Ave., Brooklyn, NY 11211. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, (212) 755–9400. Transporting *flour*, in bulk, between points in the U.S., under continuing contract(s) with Modern Maid Food Products, Inc., of Jamaica, NY.

MC 65658 (Sub-7), filed December 28, 1981. Applicant: H. E. WAMSLEY TRUCKING, INC., 16600 Jefferson Davis Hwy., Colonial Heights, VA 23834. Representative: Donald M. Schubert, P.O. Box 5010, Richmond, VA 23220, 804–649–7591. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Bethlehem Steel Corporation of Bethlehem, PA.

MC 119798 (Sub-12), filed December 28, 1981: Applicant: CANTRELL MOTOR LINES, INC., 926 Pennsylvania Ave., P.O. Box 3443, Charleston, WV 25334. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, 304–562–3460. Transporting *general commodities* (except classes A and B explosives), between Charleston, WV on the one hand, and, on the other, points in KY, OH, VA and WV.

MC 126159 (Sub-12), filed December 14, 1981. Applicant: APACHE EXPRESS, LTD., P.O. Box 341, Lannon, WI 53046. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *salt and salt products*, between points in WI on the one hand, and, on the other, Chicago, IL, Duluth, MN, Dubuque, IA, and points in Porter County, IN.

MC 129219 (Sub-33), filed December 23, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214, (503) 239–4157. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Pacific Paperboard Products, Inc., of Portland, OR.

MC 133259 (Sub-8), filed December 21, 1981. Applicant: ALLIED FREIGHT SYSTEMS, INC., Griswold Industrial Park, Williston, VT 05495. Representative: David M. Marshall, 101 State St., Springfield, MA 01103, (413)

732–1136. Transporting *such commodities* as are dealt in by a manufacturer of paper and paper products, photocopying equipment and supplies, specialty merchandise and promotional items, and film and film products, between points in the U.S., under continuing contract(s) with Saxon Industries, Inc., of New York, NY.

MC 139248 (Sub-2), filed December 24, 1981. Applicant: BSP TRANS., INC., Richardson Rd., Hillis, NH 03051. Representative: T. J. O'Loughlin, Jr., 18 Baker St., Hudson, NH 03051, 603–882–0880. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Hillsborough and Rockingham Counties, NH and Middlesex and Suffolk Counties, MA on the one hand, and, on the other, points in Androscoggin, Cumberland, Oxford and York Counties, ME; MA (except Berkshire County); NH, RI and VT.

MC 139579 (Sub-14), filed December 28, 1981. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580, (716) 265–9510. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Corson Manufacturing Co., of Lockport, NY.

MC 139858 (Sub-45), filed December 28, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. under continuing contract(s) with Lazarus Department Stores, a Division of Federated Department Stores, Inc. of Columbus, OH.

MC 141318 (Sub-15), filed December 21, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1541. Transporting *building materials* between Chicago, IL, and Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 144969 (Sub-43), filed December 29, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park Rd., Pennsville, NJ 08070. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., P.O. Box 269, Millville, NJ 08332, 609–825–1400 Ext 2414. Transporting *general commodities* (except classes A and B explosives), between points in CA, CT, DE, FL, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WI, WV and DC.

MC 145058 (Sub-4), filed December 28, 1981. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., P.O. Box 16707, Greensboro, NC 27460. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, 202–457–1124. Transporting *textile mill products,* and *printed matter,* between points in the U.S. under continuing contract(s) with J. P. Stevens & Co., Inc. of Greensboro, NC; Foote & Davies, Inc. and Stevens Graphics, Inc. both of Atlanta, GA.

MC 145058 (Sub-5), filed December 28, 1981. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., P.O. Box 16707, Greensboro, NC 27460. Representative: Michael F. Marrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the U.S., under continuing contract(s) with Burlington Industries, Inc., of Burlington, NC.

MC 146248 (Sub-3), filed December 29, 1981. Applicant: QUALITY HAULERS, INC., 606 Hild St., Jefferson City, MO 65101. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting (1) *glass, glass products, and fiberboard boxes,* under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH, and (2) *recyclable materials,* under continuing contract(s) with Civic Recycling, Inc., of Columbia, MO, between points in the U.S.

MC 146328 (Sub-4), filed December 28, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IN, KY, MI, NY, PA, and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–968 Filed 1–13–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 82)]

Rail Carriers; Seaboard Coast Line Railroad Co., Exemption for Contract Tariff ICC–SCL–C–0014

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) filed a petition on December 31, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff ICC–SCL–C–0014 to become effective on one day's notice. The tariff was filed with the Commission on December 28, 1982. The contract involves the storage of surplus pulpboard box cars for a period up to six months. The box cars are owned or leased by SCL or the Family Lines Rail System, one of SCL's affiliated railroads.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

Since shipper lacks convenient storage space, it has had to store pulpboard in other cities, which resulted in extensive damage claims. The contract provides that the shipper will load the box cars with its own equipment. The box cars will remain in the SCL yard which should significantly reduce shipper's transportation expenses for storage, and the number of damage claims. The carrier also will benefit from the utilization of idle box cars and additional income generated. Since shipper must begin storage of pulpboard early in January, demurrage will rapidly accrue unless the exemption is granted. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

SCL's contract tariff may become effective on one day's notice. We will apply the following conditions which

have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: January 7, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-900 Filed 1-13-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL SCIENCE FOUNDATION

10-Meter, Submillimeter and Millimeter Wave Telescope Project Preparation of Environmental Impact Statement and Scoping Notice

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969 and the Council on Environmental Quality Regulations of 1978 (40 CFR Parts 1500-1508), the National Science Foundation will prepare a Draft Environmental Impact Statement (DEIS) on the proposed Mauna Kea, Hawaii, site for the California Institute of Technology 10-meter, submillimeter and millimeter wave telescope.

Intent To Prepare an Environmental Impact Statement

This proposed project envisions the installation of an existing 10-meter diameter submillimeter and millimeter wave telescope in a 60-foot diameter dome to be constructed in the Mauna Kea Science Reserve on the island of Hawaii. This site was chosen for its altitude, atmospheric characteristics and geographic location that all contribute to making Mauna Kea an exceptional site for astronomical observation. The schedule for installation is dependent on available funding; however, construction and installation of the dome and telescope as proposed would begin in 1982 or early 1983, with operations beginning in 1985.

Possible alternatives to the proposed action are: no action; alternative site; or alternative site at the Mauna Kea summit.

The National Science Foundation is acting as a joint lead agency (see 40 CFR 1501.5 and 1506.2) with the State of Hawaii for the purposes of the environmental review of this project. The University of Hawaii has been designated as the responsible State agency. An Environmental Impact Assessment (EIA) was prepared from which it was determined that preparation of an EIS is necessary. Copies of the EIA are available from: University of Hawaii, Vice President for Administration, 2444 Dole Street, Honolulu, Hawaii 96882. Attention: Walter Muraoka.

Scoping Process

Pursuant to 40 CFR 1501.7, the National Science Foundation invites the participation of affected Federal, State, and local agencies and of private organizations and individuals in the scoping process for the proposed 10-meter, submillimeter and millimeter wave telescope on Mauna Kea, Hawaii. If any organization or individual wishes to suggest issues to be considered in the preparation of the EIS for this project, please send comments to: University of Hawaii, Vice President for Administration, 2444 Dole Street, Honolulu, Hawaii 96822, Attention: Walter Muraoka, by February 12, 1982.

For the National Science Foundation.

Albert Bridgewater,

Acting Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.

[FR Doc. 82-934 Filed 1-13-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Recommendations, Responses; Availability

- **Safety Recommendations to—**

Federal Aviation Administration (Jan. 5) A-81-161: Issue General Aviation Airworthiness Alert to follow overhaul engine manual procedures in masking machined bosses when crankcase areas are painted. *(Jan. 5) A-81-162:* Require instrument/multiengine rating holders to demonstrate ability to operate multiengine aircraft by flight instruments only as a prerequisite to instrument rating in multiengine aircraft.

U.S. Coast Guard (Dec. 31) M-81-91: Improve working relationship with Mexican authorities for timely entry of USCG rescue aircraft into Mexican territory when U.S. boating accidents occur in Mexican waters. *(Dec. 29) M-81-93 and -94:* Develop and promulgate guidelines for U.S.-flag tankships entering idle or layup status similar to those in Marine Safety Manual (CG-495) for foreign-flag vessels; review approved plans of modified tankships to permit retention of engineroom bilge water, investigate unsafe practices and promulgate safe guidelines.

USCG and National Association of State Boating Administrators (Dec. 29) M-81-90: Inform State child care authorities re boating programs.

Vision Quest National, Ltd. (Dec. 29) M-81-87 through -89: Comply with USCG regulations for small passenger vessels, 46 CFR Subchapter T, carrying more than six passengers; provide adequate number of USCG licensed operators when carrying passengers; require visual contact at all times between boats in programs similar to Ocean Quest.

Victory Carriers, Inc. (Dec. 29) M-81-92: Develop written instructions and safety precautions for transfer of bilge water from engineering spaces to cargo tanks.

New York City Transit Authority (Dec. 30) R-81-103 through -115: Establish a systemwide program of initial and recurrent training for repair and maintenance personnel; provide for more frequent scheduled car maintenance; increase maintenance surveillance and quality assurance of subway car inspections; in "hands on" training, assign top priority to motormen and conductors; train motormen and conductors in immediate evacuation of passengers; provide at conspicuous places in all subway cars instructions for passengers on what to do in an emergency; provide fire extinguishers at each motorman and conductor position; prohibit introduction of untried or untested equipment into passenger service; clarify to Command Center notification of fire department *immediately* when fire is detected; prevent dispatch or operation of passenger train in fire and smoke areas; relocate main airbrake line of subway cars away from motor control group to reduce possibility of rupture; modify air lines to prevent unrestricted flow of air if ruptured; revise NYCTA automated management information system.

Governor, State of New York (Dec. 30) R-81-116: Authorize independent agency to oversee and regulate safety of NYCTA.

Secretary, U.S. Department of Transportation (Dec. 30) R-81-117: Amend Section 107, National Mass Transportation Assistance Act of 1974, to authorize investigation of any mass transit accident or condition affecting passenger safety.

Urban Mass Transportation Administration (Dec. 30) R-81-118: Establish procedures to monitor, evaluate, and assure that approved plans to correct unsafe conditions are carried out by transit authorities.

• **Recommendation Responses From—**

National Oceanic and Atmospheric Administration (Dec. 3) A–80–139 and –140: Will soon complete review of operational guidelines of Center Weather Service Units governing issuances of Center Weather Advisories to update or supplement convective SIGMET's; NOAA area managers will meet with local FAA personnel to review exchange of weather intelligence between agencies.

National Safety Council (Dec. 4) H–81–79: Has support of two hazardous materials transportation associations in expanding Operation Lifesaver to include hazardous grade crossing accident problems.

Note.—Single copies of recommendation letters and responses are free on written request, identified by recommendation number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Margaret L. Fisher,

Federal Register Liaison Officer.

January 8, 1982.

[FR Doc. 82-957 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Electrical Systems and Emergency Core Cooling Systems; Meeting Cancellation

The ACRS Subcommittees on Electrical Systems and Emergency Core Cooling Systems scheduled to meet January 23, 1982, at the Holiday Inn Convention Center, Los Angeles, CA has been cancelled indefinitely. Notice of this meeting was published Tuesday, December 29, 1981, 46 FR 62988.

Dated: January 7, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-958 Filed 1-13-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18398]

National Association of Securities Dealers, Inc.; Receipt of Application for Exemption

January 7, 1982.

Notice is hereby given that the National Association of Securities Dealers ("NASD") has applied, pursuant to paragraph (d) of Rule 11Ac–1 ("Rule") under the Securities and Exchange Act of 1934 (the "Act"), for exemptions from certain requirements of that Rule.

Upon the effectiveness of designation of certain over-the-counter securities as National Market System ("NMS") securities pursuant to Rule 11Aa2–1 under the Act, as amended, those securities will become reported securities, as the term is defined in Rule 11Ac–1(a)(6).[1] Therefore, on March 1, 1982, NMS securities will be subject to the quotation reporting and dissemination requirements contained in Rule 11Ac–1.[2] One of those requirements, contained in Rule 11Ac–1(b)(1) under the Act, requires the NASD to make available to vendors of securities information the bid, ask, and quotation size of each market maker in a reported security.

The NASD has applied to the Commission for two permanent exemptions and one temporary exemption from this requirement. First, the NASD requests an exemption from making available quotations and size for each market maker in an NMS security. The NASD states that such information is equivalent to the quotation montage contained in NASDAQ level II service and has been offered to vendors in the past. The NASD continues that while no vendor has requested access to this information, the NASD shortly will renew its offer to make this information available. Thus, the NASD requests an exemption from this requirement until such time as a vendor has requested this data, a suitable agreement with the vendor is negotiated, appropriate charges are established and the NASDAQ system is modified accordingly.

Second, the NASD requests an exemption which would permit the NASD, with respect to NASDAQ Level I service[3] for NMS securities, to delete specific market maker identifiers associated with the quotations disseminated to the vendors.[4] The NASD believes that the identification of market makers in NASDAQ Level I service "may tend to encourage retail customers to attempt to execute transactions directly with the identified market makers under a mistaken impression that a better execution is available from that market maker." The NASD did indicate, however, that aggregate CAES quotations displayed in the inside quote would be identified generically as originating from CAES.[5]

Third, the NASD requests a temporary exemption with respect to making available the size of the inside quote for NASDAQ Level I service. The NASD indicates that due to significant pressures associated with its other technical enhancements to its NASDAQ system, the NASD will need an additional six months after the start-up of Tier I under Rule 11Aa2–1 before it will be able to make available quotation size for NMS designated securities. The NASD states, however, that size will be included in NASDAQ Level II/III service at the start-up of Tier I.

In order to assist the Commission in evaluating the NASD's exemption request, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before February 4, 1982. The NASD's application will be available for public inspection in the Commission's public reference room. All commentators should refer to File No. S7–787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-959 Filed 1-13-82; 8:45 am]

BILLING CODE 8010-01-M

---

[1] The Commission today amended Rule 11Aa2–1 under the Act to, among other things, defer the application of rule 11Ac–1 to NMS securities until March 1, 1982. For further information regarding the effects of designation of NMS securities, see Securities Exchange Act Release No. 18397 (January 7, 1982).

[2] As reported securities, NMS securities also will be subject to the Commission's vendor display rule, rule 11Ac1–2, and last sale reporting rule, Rule 11Aa3–1.

[3] Level I service currently makes available the best bid and offer ("BBO") with respect to each security quoted in the NASDAQ system.

[4] The NASD will make available the quotation size for the BBO. However, the NASD indicates that it would permit NMS designated securities to trade in its Computer Assisted Execution system ("CAES") and that CAES will be available to all market makers in those securities. As a result, the NASD states that when a CAES quotation is displayed as the inside quote, that quotation would represent the aggregate size of all market makers quoting the best bid or best offer in CAES.

[5] The NASD notes that, should it receive its requested exemption from the commission, vendors of securities information would require an exemption from rule 11Ac–2(c)(2) under the Act. That rule requires vendors to display a BBO which includes identifiers of the market makers making available the best bid and offer. The NASD, however, pursuant to the above discussed exemptions, would not be making identifiers available to vendors. In addition, because the NASD will be aggregating CAES quotes, those quotes will not represent individual market makers as required by the rule. Therefore, should the Commission grant the NASD its requested exemptions, the Commission invites all affected vendors to apply for an appropriate exemption from Rule 11Ac–2(c)(2) under the Act.

[Rel. No. 18399; File No. S7-787]

Order Approving Proposed Designation Plan for National Market System Securities and Notice of Effectiveness of an Amendment to That Plan

January 7, 1982.

On July 24, 1981, pursuant to Rule 11Aa2-1 [1] under the Securities Exchange Act of 1934 (the "Act"), the National Association of Securities Dealers ("NASD") filed with the Commission its proposed "National Market System Securities Securities Designation Plan With Respect to NASDAQ Securites" ("Designation Plan"). Generally, the Designation Plan provides (i) procedures for the designation of national market system securities; (ii) procedures for determining substantial compliance with the criteria established in the Rule; (iii) maintenance criteria for national market system securities; (iv) procedures and criteria for terminating or suspending the designation of securities; and (v) procedures for publication of lists of designated securities.

Notice of the proposed Designation Plan was given by issuance of a Commission release [2] and by publication in the **Federal Register.**[3] One comment was received.[4] The Commission has determined that the NASD has proposed acceptable procedures for the designation of national market system securities [5] and, having due regard for the purposes of the Act, including the public interest, the protection of investors, the maintenance of fair and orderly markets, and the need to remove impediments to, and perfect the mechanisms of, a national market system, has declared the Designation Plan effective as of the date of this release.[6]

In addition, the NASD, on July 31, 1981, filed an amendment to the Designation Plan to provide a procedure by which issuers of securities subject to mandatory designation may make certain limited appeals to the NASD concerning the NASD's numerical calculations in determining that the issuer's securities are subject to mandatroy designation. Generally, the procedure allows an issuer 15 days to appeal the NASD's decision, and, in the event of an appeal, will stay the effectiveness of the designation decision for 10 days. Pursuant to the Rule, because the NASD has designated that the amendment is concerned solely with the administration of the Designation Plan, this amendment will become effective on publication of notice of the amendment. The Commission, however, may summarily abrogate the amendment within 60 days of the date of publication of notice of the amendment, if it appears that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment, interested persons are invited to submit their views to Geroge A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 4, 1982. The amendment will be available for public inspection in the Commission's public reference room. All commentators should refer to File No. S7-787.

In accordance with the above, it is ordered, pursuant to Section 11A of the Act, that the NASD's "National Market System Securities Designation Plan With Respect to NASDAQ Securities" be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-890 Filed 1-13-82; 8:45 am]

BILLING CODE 8010-01-M

[1] 17 CFR 240.11A2.1 ("Rule").

[2] Securities Exchange Act Release No. 18133 (October 1, 1981).

[3] 46 FR 50451 (October 13, 1981).

[4] Letter dated November 16, 1981 from Richard O. Scribner, Executive Vice President, American Stock Exchange, Inc. ("Amex"), to George A. Fitzsimmons, Secretary, Commission.

[5] The NASD, in its recent comments on proposed amendments to the Rule, (letter dated November 27, 1981, from S. William Broka, Secretary, NASD, to Douglas Scarff, Director, Division of Market Regulation, *see* Securities Exchange Act Release No. 18397 (January 7, 1982)), indicated that it planned to propose amendments to the Designation Plan to allow for the phasing-in of the designation of securities eligible for voluntary designation. As indicated in Release No. 18397, the Commission views such phasing-in with favor, and expects to process such amendments expeditiously upon submission by the NASD.

[6] In its comment letter, the Amex questioned the proposed procedures which would allow issuers, in certain circumstances, to terminate voluntarily their company's designation withour any requirement that such issuers trake action to protect shareholders, who the Amex believes may be affected adversely by such termination. While the Commission is sympathetic to the Amex's concerns, the Commission has adopted the general view that issuers of securities subject to voluntary designation are in the best position to make determinations concerning the designation of their securities. *see* Securities Exchange Act Release No. 18397 (January 7, 1982). The Commission believes that, in making such determinations, issuers will abide by their general duty to act only in furtherance of proper corporate purposes. *See* United Funds, Inc. v. Carter Products, Inc., [1983] FED. SEC. L. (CCH) ¶ 91,288 (Md. Baltimore, Civ. Ct., 1983).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace System Plan

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration has completed an intensive review of the National Airspace System and chartered a comprehensive plan for modernizing and improving air traffic control and airway facilities services from now to the year 2000.

The National Airspace System Plan addresses the compelling problems of how best to safely and expeditiously accommodate spiraling demand for aviation services, constrain costs, recast the required technical framework, and deal with aging facilities.

The plan delineates specific improvements to facilities and equipment, and supporting research and development, associated with the National Airspace System. Particular emphasis focuses on en route and terminal air traffic control, flight service stations and weather services, ground-to-air services, interfacility communications, and auxiliary services; such as, airway facilities maintenance and flight inspection of navigational aids.

Due to limited space available, firms are requested to restrict their representation to one or two individuals.

DATE: firms interested in the National Airspace System Plan are invited to attend a briefing session on Janaury 28, 1982.

ADDRESS: DOT/Federal Aviation Administration, Third Floor Auditorium, 800 Independence Avenue, S.W., Washington, D.C. The briefing will commence at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Charles A. Murchison, Assistant Administrator for Public Affairs, 426-3883.

Charles A. Murchison,

Assistant Administrator for Public Affairs.

[FR Doc. 82-862 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Vanderburgh County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed Section of I–164 from S.R. 66 just west of the Warrick-Vanderburgh County Line, south and west to U.S. 41 and Southlane Drive on the south side of Evansville in Vanderburgh County.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Breitwieser, Staff Environemtalist, Federal Highway Administration, Federal Office Building. 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317–269–7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Highways, will prepare an environmental impact statement (EIS) on a proposal to construct I–164 from S.R. 66 just west of the Warrick-Vanderburgh County Line, south and west to U.S. 41 and Southlane Drive on the south side of Evansville. The I–164 extension will be a four-lane freeway-type facility with possible interchanges at U.S. 41, Boeke Road, Green River Road, Covert Avenue and S.R. 66. Also, each interstate alternative may possibly require 4 grade separations at various locations. The number of street closings vary from five to ten depending on the alternative selected. Total proposed project length is approximately 7.50 miles.

The existing transportation system cannot efficiently accommodate the existing and forecasted traffic volumes. The proposed I–164 must be built or the existing transportation network must be improved to provide sufficient capacity for existing and future travel demands.

The following alternatives are being considered: (1) Do-Nothing; (2) Constructing a four-lane, interstate facility on a new location; and (3) Transportation System Management Alternatives.

The project has been coordinated with the following: U.S. National Park Service, Indiana Department of Natural Resources, U.S. Fish and Wildlife Service, Glenn A. Black Laboratory of Archaeology, Department of Anthropology of Ball State University, U.S. Soil Conservation Service, Indiana Aeronautics Commission, Indiana Geological Survey, Water Pollution Control Division State Board of Health, Wayne-Hoosier National Forest, U.S. Corps of Engineers, Evansville E.P.A., Evansville City Parks Department, Evansville Board of Public Works, Evansville-Vanderburgh School Corporation, Evansville Dress Memorial Airport, Warrick County Commissioners, Vanderburgh County Commissioners, Evansville Department of Metropolitan Development, Evansville Historic Preservation Office, Evansville-Vanderburgh Area Plan Commission, Evansville Urban Transportation Study, Evansville Levee Authority, Warrick County Area Plan Commission, Metropolitan Evansville Transit System, Southwestern Indiana and Kentucky Regional Council of Governments, and Evansville Redevelopment Commission. Public information meetings were held on November 17, 18 and 19, 1981. Also, a presentation was made for the elected area officials at the December 9, 1981 Evansville Urban Transportation Study Policy Committee meeting.

In addition, the opportunity for a public hearing will be advertised. Public notice will be given of the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. At this point in the planning process, it is not expected that a formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments and/or questions should direct them to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: January 7, 1982.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 82–928 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Boston, Massachusetts

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Frank Bracaglia, Staff Specialist for Environment, Federal Highway Administration, 31 St. James Avenue, Room 211, Boston, Massachusetts, 02116. Telephone: (617) 223–2875.

SUPPLEMENTARY INFORMATION: The proposed action involves the construction of a four-lane toll tunnel in the Fort Point Channel across the Boston Inner Harbor to East Boston, a distance of approximately 2.5 miles. There will be access from the Southeast Expressway (I–93) and the Massachusetts Turnpike (I–90) in Boston and tunneled connections to Airport Road and Route 1A in East Boston. The proposed project will divert traffic from the Sumner and Callahan Tunnels and the Central Artery (I–93) and relieve present rush hour traffic congestion.

There are five alternatives under consideration. Alternative I is the no-build alternative. Alternative II is a northbound tunnel in the Fort Point Channel which connects to the Central Artery and a two-way tunnel that crosses the harbor, follows a nearly abandoned railroad right-of-way and emerges in East Boston. This alignment across the harbor is called the railroad alignment. Alternative II also involves improvements to the Central Artery Dewey Square Tunnel to serve southbound traffic.

Alternative III is a northbound tunnel in the Fort Point Channel which connects to the Central Artery and a two-way tunnel that crosses the harbor diagonally and emerges either on or adjacent to Bird Island Flats (Logan Airport property) in East Boston. This alignment across the harbor is called the airport alignment. Alternative III also includes improvements to Dewey Square Tunnel.

Alternative IV is a two-way tunnel in the Fort Point Channel which connects to a two-way tunnel on the railroad alignment. Alternative V is a two-way tunnel in the Fort Point Channel which connects to a two-way tunnel on the airport alignment.

Two formal scoping meetings have been scheduled for January 28, 1982. One meeting will be held at 1:30 p.m. at the McCormack Building, One Ashburton Place, 27th Floor, Room 7, in Boston. The other meeting will also take place in Boston at 7:30 p.m. at the New England Aquarium, Long Wharf.

All appropriate Federal, State, and local agencies and private organizations and citizens who express interest in this proposal will be kept informed of the progress of the environmental impact study throughout the preparation process.

The Draft Environmental Impact Statement will be available for public

and agency review and comment. In addition, a public hearing will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the environmental impact statement should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 7, 1982.

P. Robinson,

Transportation Planner, Boston, Massachusetts.

[FR Doc. 82–927 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Lansing, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed completion of Edgewood Boulevard in the City of Lansing, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas A. Fort, Jr., District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone: (FTS) 374–1879 or (Commercial) (517) 377–1879 or Mr. Kunwar Rajendra, Chairman, Mayors Transportation Advisory Committee, Planning Department, City of Lansing, 119 North Washington Square. Lansing, Michigan 48933, Telephone: (517) 487–1400.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the City of Lansing and Michigan Department of Transportation is preparing an Environmental Impact Statement (EIS) for the proposed completion of Edgewood Boulevard in the City of Lansing, Michigan. The proposed project is approximately 2 miles in length and will provide a through east-west connection between Logan and Cedar Streets in south Lansing. The proposed project is needed to accommodate current and anticipated east-west through travel between Logan and Cedar Streets and relieve congestion, noise and safety problems currently being experienced on Miller Road, a residential street and only other through east-west route in this area. The proposed project will also provide access to approximately 200 acres of developable land in the vicinity of the project. Plans for completing Edgewood Boulevard have been under study since 1958 and included in subdivision plats since 1964. Two segments of Edgewood Boulevard have previously been built in conjunction with existing subdivision development in the area. The proposed project was included as a revision to the City's 1974 comprehensive plan and is presently in the approved 1981 comprehensive plan.

A final Negative Declaration was previously approved in 1978 for the proposed completion of Edgewood Boulevard. Citizens living along portions of the proposed boulevard, however, were concerned about the project's impact on their neighborhood and sought relief in the Federal District Court. In July 1980 the court issued a preliminary injunction restraining the City and other defendants from taking further action or otherwise proceeding with the project pending the preparation and issuance of an EIS.

Alternatives presently under consideration include: (1) Taking no action; (2) alternative modes of travel; (3) low capital investment alternatives; and (4) two location alternates with varying cross-section design concepts. One of the location alternatives is along the previously selected alignment addressed in the final Negative Declaration. The other location alternative being considered will require the use of land from Georgetown Park, a section 4(f) property. A section 4(f) evaluation will be included in the EIS.

Coordination with a number of Federal, State and local agencies to date, as well as the Court Order issued in 1980 have identified the more significant issues to be addressed in the EIS. Accordingly, no scoping meeting is planned at this time. A scoping document has been prepared identifying the alternatives and issues involved. All will have varying degrees of transportation, social, economic and environmental effects. The scoping document is available to all interested agencies, organizations and individuals on request. A public meeting will be held in the near future. Comments and suggestions on the scoping document and the issues identified are invited from all interested parties and should be submitted to the above contact persons by February 23, 1982.

The draft EIS is scheduled for completion in early 1982 and will be made available for public and agency review and comment.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on January 7, 1982.

John C. Kliethermes,

Acting Division Administrator, Lansing, Michigan.

[FR Doc. 82–926 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On November 27, 1981, there was published in the **Federal Register** (Vol. 46, No. 228), pursuant to Public Law 89–346 and 46 CFR 221.21–221.30, a Notice of Request for Removal, Without Disapproval, from the Roster of Approved Trustees pursuant to the request of Savings Banks Trust Company, with offices at 200 Park Avenue, New York, New York.

Therefore, pursuant to Public Law 89–346 and 46 CFR 221.21–221.30, Savings Banks Trust Company is removed from the Roster of Approved Trustees.

This notice shall become effective January 14, 1982.

Dated: January 6, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82–688 Filed 1–13–82; 8:45 am]

BILLING CODE 4910–81–M

Approval of Request for Removal, Without Disapproval, From Roster of Approved Trustees

On December 14, 1981, there was published in the **Federal Register** (Vol. 46, No. 239), pursuant to Public Law 89–346 and 46 CFR 221.21–221.30, a Notice of Request for Removal, Without Disapproval, from the Roster of Approved Trustees pursuant to the request of Crocker National Bank, with offices at 111 Sutter Street, San Francisco, California.

Therefore, pursuant to Public Law 89–346 and 46 CFR 221.21–221.30, Crocker National Bank is removed from the Roster of Approved Trustees.

This notice shall become effective January 14, 1982.

Dated: January 6, 1982.

By Order of the Maritime Administrator.
Robert J. Patton, Jr.,
Secretary.

[FR Doc. 82-868 Filed 1-13-82; 8:45 am]
BILLING CODE 4910-81-M

Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, that Bank of Sturgeon Bay, with offices at 215 North Third Avenue, Sturgeon Bay, Wisconsin, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Bank of Sturgeon Bay certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: January 6, 1982.

By Order of the Maritime Administrator.
Robert J. Patton, Jr.,
Secretary.

[FR Doc. 82-867 Filed 1-13-82; 8:45 am]
BILLING CODE 4910-81-M

Tuition Fee for Collision Avoidance Radar Training Courses, Change of Procedures

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: This notice sets forth revised tuition fees that are assessed for the "Collision Avoidance Radar Courses" offered at the Maritime Administration Radar Training Centers.

EFFECTIVE DATE: These revised tuition fees are effective with enrollments on and after February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Friedberg, Director, Office of Maritime Labor Training, MAR 250, Room 7302, U.S. Department of Transportation, Maritime Administration, 400 7th Street, SW., Washington, DC 20590, Phone: (202) 426-5755.

SUPPLEMENTARY INFORMATION: The tuition fees that are assessed for the Collision Avoidance Radar courses offered at the Maritime Administration Radar Training Centers were last changed effective July 1, 1975, as published in the **Federal Register** May 22, 1975 (40 FR 22288). The costs of conducting these courses have risen and necessitate increases in the tuition fees. Accordingly, beginning February 1, 1982, the tuition fees that are assessed for the Collision Avoidance Radar courses offered at the Maritime Administration Radar Training Centers will be increased to the following:

8 day course	$240.00
5 day course	150.00
3 day course	90.00
Recertification course	50.00

Payment shall be made to the registrar at the Center attended in the form of a check or money order made payable to "Maritime Administration—Transportation" in the amount of the fee assessed for the course selected. Such receipts shall be deposited in an appropriate account as general receipts of the Treasury of the United States.

(Catalog of Federal Domestic Assistance No. 20.810, Supplementary Training)

Dated: December 31, 1981.

By order of the Administrator, Maritime Administration.
Robert J. Patton, Jr.,
Secretary, Maritime Administration.

[FR Doc. 82-869 Filed 1-13-82; 8:45 am]
BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. EX82-1; Notice 1]

Anden Holdings Ltd.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Classic Cars of London, Ontario, Canada, a division of Anden Holdings Limited ("Anden" herein), has petitioned for temporary exemption of its Auburn Speedster replica from two Federal motor vehicle safety standards. The basis of the petition is that compliance would cause substantial economic hardship.

Notice or receipt of the petition is published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Anden intends to produce a replica of the 1935 Auburn boat tail speedster, and had manufactured only eight such vehicles as of the end of August 1981. The basis of the vehicle is a full size passenger car manufactured by General Motors from which the body has been removed and the Auburn body installed. Petitioner therefore believes that the vehicle will comply with all applicable Federal motor vehicle safety standards with two exceptions, the requirement in Standard No. 201 that sun visors be provided, and minimum areas specified in Standard No. 104 for windshield wiping. The two exemptions are requested for 3 years.

With respect to Standard No. 201, the configuration of the open vehicle is such that there is no header above the windshield and therefore it is physically impossible to install sun visors. As for Standard No. 104, the replication of the narrow two-piece windshield of the 1935 Auburn means that current standards cannot be met. Federal requirements establish three areas of visibility which must be cleared by wipers. The most critical of them, Area C, must be 99% cleared, Area B, 94%, and Area A, 80%. The Auburn's system clears only 48.6%, 53.7%, and 48%, respectively. However, overall, it wipes a 15% greater area than the system provided on the original 1935 Auburn. Anden has calculated its percentages for vehicles whose overall width is 68 inches or more, although the body width at the cowl where the windshield is mounted is 47 inches. The windshield itself is only 41 inches wide. The company concluded that it was undesirable to mount a wiper motor above the windshield because of the potential safety hazard. To redesign the vehicle to incorporate a complying wiper system would require a windshield 7 inches greater in depth, and a new top design, both of which would destroy the replica appearance. Retooling costs are estimated at $46,500 with additional costs of $31,000 attributable to delays. In its latest fiscal year ending November 30, 1980, Anden had a net income of $57,000 though it claims that the Classic Cars of London Division had a net loss of $91,000.

Anden argues that an exemption would be in the public interest because several components of the finished car are imported from the United States, and that a dealer network will be established throughout the country. As for the effect on motor vehicle safety, Anden projects that it will sell only 175 cars in the U.S. during the intended 30-month production run, and that the vehicle will be used only occasionally.

Interested persons are invited to submit comments on the petition of Anden Holdings Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after

the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: February 16, 1982.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 7, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-681 Filed 1-13-82; 8:45 am]

BILLING CODE 4910-59-M

V 4 7 / 9 J A 1 4 8 2 UMI

Sunshine Act Meetings

Federal Register
Vol. 47, No. 9
Thursday, January 14, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

Contents

	Items
Federal Communications Commission	1
Federal Election Commission	2
Federal Deposit Insurance Corporation	3, 4
Federal Home Loan Bank Board	5
Federal Maritime Commission	6
Federal Reserve System	7
Libraries and Information Science, National Commission	8
Nuclear Regulatory Commission	9
Railroad Retirement Board	10
Securities and Exchange Commission	11

1

FEDERAL COMMUNICATIONS COMMISSION

Rescheduling of an Item Considered at the January 5th, 6th and 7th briefings

The Federal Communications Commission will hold a Closed briefing on the matter listed below on Monday, January 11, 1982 to commence at 1:30 P.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda and Subject

General—Continuation of FY Budget Proposals.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this additional item.

This briefing is closed to the public because it concerns internal personnel rules (See 47 CFR 0.603 (b)).

Additional information concerning this briefing may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–49–82 Filed 1–12–82; 11:14 am]

BILLING CODE 6712–01–M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 19, 1982 at 2:00 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, January 20, 1982 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Continuation of agenda of January 19, 1982; Executive Session, if necessary.

* * * * *

DATE AND TIME: Thursday, January 21, 1982 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1981–54: David H. Stoughton, Fairchild Industries
Draft AO 1981–55: Michael A. Nemeroff, Sidley & Austin
Draft AO 1981–58: Don Edwards, Member of Congress
Revision of Proposed Regulations, Communications by Corporations and Labor Organizations, 11 CFR 114.3 and 114.4
Revision of Proposed Regulations, Collecting Agents and Joint Fundraising, 11 CFR 102.6 and 102.7
Notice of Proposed Rulemaking, Disclaimer Notices, 11 CFR 110.11
Appropriations and budget
Budget Execution Report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S–58–82 Filed 1–12–82; 3:43 pm]

BILLING CODE 6715–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 11, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Boston Five Cents Savings Bank, Boston, Massachusetts, for consent to merge, under its charter and title, with Atlantic Savings Bank, Chelsea, Massachusetts, and for consent to establish the five offices of the latter institution as branches of the resultant bank.
Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,018–L (Amended)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–51–82 Filed 1–12–82; 11:16 am]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 11, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the

Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Applications of The Howard Savings Bank, Newark, New Jersey, for consent to establish two branches at the following locations: the northwest corner of Bay Avenue and Hooper Avenue, Dover Township, New Jersey; and at 78 Allendale Avenue, Borough of Allendale, New Jersey.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" [5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)].

Dated: January 11, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-50-82 Filed 1-12-82; 11:15 am]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47, FR 1238, Monday, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, January 14, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting.

Application for General Trust Powers—Citizens Savings, Federal Savings and Loan Association, San Francisco, California

[No. 4, January 12, 1982]

[S-57-82 Filed 1-12-82; 3:50 pm]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., January 20, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Reduced incentive loading rates of South East Alaska Barge Lines, Inc.
2. Agreement No. 6200–22: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to increase its admission fee.
3. Agreement No. 7680–39: Request of American West African Freight Conference for further hearing.
4. Special Docket No. 844: Application of Sea-Land Service, Inc. for the Benefit of Aquatech Marketing Ltd.—Consideration of the record.
5. Special Docket No. 835: Application of South Atlantic and Gulf-Panama and Costa Rica Rate Agreement 10045 Sea-Land Service, Inc. for the Benefit of H.E. Schurig & Co., Inc. as Agent for Polyment United—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary (202) 523–5725.

[S-52-82 Filed 1-12-82; 11:16 am]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, January 20, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: January 12, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-55-82 Filed 1-12-82; 3:23 pm]

BILLING CODE 6210-01-M

8

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Meeting

TIME: 9:00 a.m.–5:00 p.m.

DATE: Wednesday, January 13, 1982.

PLACE: Washington Hilton Hotel, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

I. Composition of Commission
  (a) New Appointments
  (b) Congressman Paul Simon Hearings
  (c) Senate Actions
II. Funding and Personnel
  (a) Budget Review/Appeal
  (b) System Development Foundation Proposal
  (c) Kellog Foundation (Rural America)
  (d) Personnel Considerations
III. Public/Private Sector—Short-Long-Term Implementation Strategy
IV. International
  (a) UNESCO/PGI
  (b) IFLA Government Information Workshop
  (c) FID
  (d) US/UK
  (e) Need for Commission Committee
  (f) Some Thoughts for August Commission Meeting During IFLA in Montreal, Canada
V. Advising Congress and Executive Branch
  (a) LSCA Oversight Hearings and *Next Steps*
  (b) Office of Management and Budget—Government Information Publications; Public/Private Sector Task Force Review Under Auspices of OMB
VI. Preparation for Next Commission Meeting
  (a) Orientation of New Commissioners
  (b) Planning/Futures Committee Report
  (c) Legislative Activities (See Memorandum from Chairman)
  (d) Task Forces Status and Next Steps
  (e) Ad Hoc Law Libraries
VII. Federal Standards for Librarians

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director (202) 653–6252.

January 7, 1982.

Toni Carbo Bearman,

Executive Director.

[S-48-82 Filed 1-12-82; 9:40 am]

BILLING CODE 7527-01-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 18, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, January 20:

10:00 a.m.
Discussion and Possible Vote on Waste Confidence Proceeding (open/closed status to be determined)

2:00 p.m.
Discussion of Region V Report on Diablo Canyon (closed meeting)

Thursday, January 21:

10:00 a.m.
Discussion and Possible Decision on Region V Report on Diablo Canyon (closed meeting)

3:00 p.m.
Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Delegation of Part 70 Jurisdiction to Licensing and Appeal Boards

b. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance (10 CFR Part 73) (postponed from January 14)
c. Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations (postponed from January 14)
d. Proposed Rule Change on Technical Specifications (postponed from January 14)
e. Dr. George V. Taplin's Petition (PRM 35–1) Regarding 10 CFR Part 35, "Human Uses of Byproduct Material"
f. Proposed Changes to Part 2: Management of Discovery

ADDITIONAL INFORMATION: Discussion of Export Licensing Policy, announced for January 13, has been cancelled. Item "d" at the affirmation session scheduled for January 14 will be Commission Response to FOIA Appeal (81–A–15C) Regarding Transcripts of Zimmer Meetings.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:
Walter Magee (202) 634–1410.

January 11, 1982.

Walter Magee,

Office of the Secretary.

[S–58–82 Filed 1–12–82; 3:54 pm]

BILLING CODE 7590–01–M

10

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., January 21, 1982.

PLACE: Board's meeting room, eighth floor, headquarters building, at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Detection and prevention of fraud, waste, and abuse at the Railroad Retirement Board.

(2) Bureau of Audit and Investigation and Bureau of Planning and Information Management.

(3) Bureau of Unemployment and Sickness Insurance action program.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Charles M. Pope.

(B) Appeal from referees denial of disabled widow's insurance annuity, Evelyn P. Van Meter.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–751–4920, FTS No. 387–4920.

[S–53–82 Filed 1–12–82; 2:47 pm]

BILLING CODE 7905–01–M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 6, 1982.

CHANGES IN THE MEETING: Additional items.

The following additional items will be considered at a closed meetng scheduled for Wednesday, January 13, 1982, following the 10:00 a.m. open meeting:

Formal order of investigation.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Logstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Siegelbaum at (202) 272–2468.

January 12, 1982.

[S–54–82 Filed 1–12–82; 3:17 pm]

BILLING CODE 8010–01–M

V
4
7
/
9
J
A
1
4
8
2
UMI

federal register

Thursday
January 14, 1982

Part II

Department of Agriculture

Federal Grain and Inspection Service

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services; and Revisions to Weighing Services

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services; and Revisions to Weighing Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is revising fees to recover as nearly as practicable: (1) The estimated cost to FGIS for official inspection and weighing services including related administrative and supervisory costs; and (2) the estimated cost to FGIS for supervision of delegated States and designated official agencies, as required by the United States Grain Standards Act (Act), as amended by the Omnibus Budget Reconciliation Act of 1981. FGIS published revised fees in an interim final rule in the **Federal Register** on August 25, 1981 (46 FR 43032–43034) and further revised these fees in an interim final rule published in the **Federal Register** on September 23, 1981 (46 FR 47042–47045). This final rule adopts the interim final rule published on September 23, 1981, with one change to the footnotes in Schedule B.

In this action, FGIS is also adopting without change as a final rule, the interim final rule published in the **Federal Register** on June 5, 1981 (46 FR 30322–30325), except that portion of the rule relating to fees which was republished as in the August 25 and September 23 interim final rules. This portion of the June 5 interim final rule provides: (1) The exemption from mandatory official weighing of certain grain transfers resulting from Pub. L. 96–437; (2) provisions for the issuance of Class Y weight certificates by approved weighers; and (3) revisions to requirements for requests for Class Y weighing services.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken Jr., Regulations and Directives Management, FGIS, USDA, Room 1636, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone 202/382–0231.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures pursuant to the Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions.

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) It applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the mandated delegation/designation process; and (2) most other users of the FGIS services are not considered to be small entities. Further, FGIS is required by statute to eliminate certain of the mandatory inbound grain weighing requirements on export elevators at export locations, make the inspection and weighing services available, and to recover the costs from the users of the service.

Official Grain Inspection and Weighing Fees

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981), amended sections 7(j) and 7a(1) of the Act to require that FGIS fees for inspection and weighing services cover, as nearly as practicable, the estimated costs incident to providing such services, including related administrative and supervisory costs. It further amended these sections to require that delegated States and designated official agencies shall pay fair and reasonable fees to cover the estimated costs to the FGIS to supervise these agencies.

It also amended these sections of the Act to provide that failure by delegated States or designated official agencies to pay such fees within 30 days after due shall result in automatic termination of the delegation or designation; and provided that the delegation or designation may be reinstated upon payment of the fee, with interest, as prescribed by the Secretary.

The Omnibus Budget Reconciliation Act of 1981 also added a section (7C) to the Act which provides that the total administrative and supervisory costs incurred by FGIS for inspection and weighing activities shall not exceed 35 percent of the total costs for such activities carried out by the Service.

On August 25, 1981, FGIS published an interim final rule revising fees for original inspection, supervision of official inspection services, official weighing, and supervision of official weighing services to comply with the mandate of this new amendment to the Act. No substantive corrections were made to this interim final in the **Federal Register** (46 FR 43824) on September 1, 1981.

These fees were based upon information available to FGIS at the time of publication. Public meetings were held on September 3 and 4, 1981, in Washington, D.C. and St Louis, Missouri, respectively, to discuss the fee changes mandated by the Omnibus Budget Reconciliation Act of 1981. FGIS benefitted from comments made during these meetings and otherwise by representatives of the grain industry and members of the delegated States and designated official agencies.

Based on a further review of costs and fees, and in light of comments received and other data within the knowledge of FGIS, a second interim final rule was published on September 23, 1981, in the **Federal Register** (46 FR 47042–47045) which revised the fees published in the **Federal Register** on August 25, 1981. This revision lowered FGIS fees for supervision of official truck, rail, and submitted sample inspection services performed by delegated States and designated official agencies. This revision also increased FGIS fees for supervision of official barge and ship inspection services performed by delegated States and designated official agencies. The comment period for this interim final rule and the interim final rule published on August 25, 1981, ended on October 26, 1981.

Both these interim final rules republished fees for supervision of weighing services (Class Y) as published in the June 5, 1981, interim final rule in order to provide complete schedules of fees for comment.

FGIS received 49 written comments on the fees published in the **Federal Register** on August 25 (46 FR 43032–43034) and September 23, 1981 (46 FR 47042–47045). All written comments contained opposition to the fees. These comments are summarized into the following general areas of concern:

1. Many commentors stated that the truck, rail, and/or submitted sample inspection and/or weighing fees for FGIS supervision of delegated States and designated official agencies were too high. A major concern was that because of the level of these fees non-export official inspection and weighing of grain would decrease and that this decrease may force many delegated States and/or designated official agencies to discontinue providing the official inspection and/or weighing service. In addition, some commentors were concerned with the impact on the interior marketing of grain if these services were no longer utilized. The

user fees for supervision of truck, rail, and submitted sample official inspection services provided by delegated States and designated official agencies were decreased from those published on August 25, 1981, when the fees were revised in the **Federal Register** on September 23, 1981. This revision was based on verbal and written comments received at that time, anticipated reductions in FGIS staff and other costs, and a projected modification to the inspection supervision policy. Information currently available to FGIS does not justify a further revision to these fees at this time.

2. Several commentors objected to any level of user fees for supervision of official inspection and weighing services and recommended that FGIS eliminate these fees. The user fees for supervision are mandated by the Act, as amended by the Omnibus Budget Reconciliation Act of 1981. FGIS must adhere to the Act, and therefore cannot eliminate or defer these fees.

3. Some commentors objected to the level of all of the user fees for supervision of official inspection and weighing services on the basis that the level was not justified by the services provided.

Many of these commentors recommended changes to the supervision program. FGIS, in an effort to increase the cost effectiveness and efficiency of the service, is currently undergoing a restructuring and a reduction in staffing. In addition, all FGIS programs and activities are being reviewed to determine which activities are necessary. Those programs and activities determined necessary are being further analyzed for cost effectiveness. Currently projected reduced staffing levels and associated costs, and changes to the inspection supervision program were considered in the fee revision published on September 23, 1981. FGIS has in the past and will continue to monitor and adjust its fees to maintain them at the minimum level needed to carry out an effective program. At this time sufficient data is not available to warrant further revisions to the level of the fees.

FGIS also received verbal comments and questions on the fees for supervision of "factor only" inspections performed by delegated States and designated official agencies. Changes in the assessment of this fee are not within the scope of this final rule. However, a docket requesting comments on a change to the method of assessment of supervision fees for "factor only" services performed by delegated States and designated official agencies will be published in the **Federal Register** as soon as possible.

In the interim final rule on fees published on August 25 and September 23, the footnotes for Schedule B, Table 1 referred to supervision of weighing services (Class Y) in Canada. Since FGIS does not provide these services in Canada, footnote 1 to Schedule B, Table 1 is being deleted and the footnotes are being renumbered accordingly.

FGIS will monitor and periodically adjust its fees to maintain them at the minimum level needed to carry out an effective program.

Weighing Services

In addition to the fees for supervision of weighing services (Class Y) discussed above, in the interim final rule published in the June 5, 1981, **Federal Register** (46 FR 30322–30325), FGIS revised various sections of Part 800 of the regulations to reflect the amendment to the Act by Pub. L. 96–437, dated October 13, 1980, whereby certain types of grain shipments transferred into or out of export elevators at export port locations were exempted from mandatory official weighing. The following types of shipments were exempted: (1) Intracompany shipments of grain into an export elevator by any mode of transportation; (2) intercompany shipments of grain transferred into an export elevator by transportation modes other than barges; and (3) grain transferred out of an export elevator by any mode of transportation to destinations within the United States.

In the same June 5, 1981, **Federal Register** publication, FGIS also revised the Class Y weighing service to: (1) Provide that Class Y weight certificates may be issued by approved weighers; and (2) reduce the sevice requirement from 6 to 3 months on requests for Class Y services. The comment period for this interim final rule ended on August 4, 1981.

Two written comments were received on this interim final rule on weighing services. One comment reflected general disagreement with the revisions to Class Y weighing service requirements and the exemption from mandatory official weighing of the transfers of grain into export elevators at export port locations. This revision in the regulations was mandatory in order to reflect the amendment to the Act resulting from Pub. L. 96–437. The second comment questioned whether the revisions would require related revisions in the uniform grain storage agreement. This is an agreement between a farmer or grain elevator operator and the Agricultural Stabilization and Conservation Service, USDA to store a certain quality and quantity of grain. This agreement requires official weighing of grain moved into and out of storage under the agreement. This revision to Class Y weighing requirements does not impact on the Uniform Grain Storage Agreement.

Accordingly, the regulations published as an interim final rule in the **Federal Register** on September 23, 1981, (46 FR 47042–47045) are hereby adopted without change with the exception of § 800.71(a), Schedule B, Table 1, which is amended by revising it to delete references to Class Y weighing services and to renumber the footnotes accordingly. Further, FGIS is also adopting without change as a final rule the changes §§ 800.15, 800.19, 800.77, 800.115, 800.160, 800.161, and 800.170 of the regulations published as an interim final rule on June 5, 1981 (46 FR 30322–30225).

PART 800—GENERAL REGULATIONS

In 7 CFR 800.71(a), Schedule B, Table 1 is amended by revising it to read as follows:

§ 800.71 Fees assessed by the Service.

* * * * *

Schedule B—Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in Canada[1]

TABLE 1

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(1) Original inspection, or official weighing, or special services:[2]		
(i) Contract service (per man-hour per Service representative)	$34.40	$39.40
(ii) Noncontract service (per man-hour per Service representative)	34.40	40.40
(2) Reinspection and appeal inspection (per man-hour per Service representative)[3][4]	36.40	42.40
(3) Board appeal inspection (per sample)[3][5]	38.40	44.40
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative)[3]	94.40	112.40
(ii) Reinspection, or appeal inspection (per Service representative)[3][6]	100.40	118.40
(5) Standby (per man-hour per Service representative)[7]	34.40	40.40
(6) Extra copies of certificates (per copy)[8]	2.50	2.50

[1] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs. For incidental costs included in the fees, and fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).

[2] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, check-weighing of sacked grain, checkloading of sacked grain, and related services.

[3] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection,

or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[4] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $15.00 per sample.

[5] Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.

[6] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.

[7] For application of fee for standby, see § 800.72(b).

[8] For application of fee for extra copies of certificates, see § 800.160(c)(3).

(Secs. 8, 9, and 18, Pub. L. 94–582, 90 Stat. 2873, 2875, 2877, and 2884 (7 U.S.C. 79(j), 79a, and 87e), as amended by Pub. L. 97–35, 95 Stat. 371, 372)

Dated: December 28, 1981.

D. R. Galliart,

Acting Administrator.

[FR Doc. 82–691 Filed 1–13–82; 8:45 am]

BILLING CODE 3410-EN-M

V 47 / 9 J A 14 82

federal register

Thursday
January 14, 1982

Part III

Department of Education

Educational Opportunity Centers Program

DEPARTMENT OF EDUCATION

34 CFR Part 644

Educational Opportunity Centers Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Educational Opportunity Centers Program. These regulations reflect statutory changes contained in the Education Amendments of 1980. They also clarify and simplify requirements governing the program.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mary Kathleen Smith, Office of Postsecondary Education, (Room 3514, ROB–3), Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–3314, Telephone: (202) 245–2511.

SUPPLEMENTARY INFORMATION: On May 14, 1976, the Commissioner of Education published in the **Federal Register** the final regulations for the Educational Opportunity Centers Program. Those regulations govern the grant awards made during fiscal year 1981. The Education Amendments of 1980 changed the Educational Opportunity Centers Program in several respects, and a notice of proposed rulemaking reflecting those changes was published in the **Federal Register** on December 31, 1980 (45 FR 86894–86898). These final regulations will govern grant awards made in fiscal year 1982 and thereafter.

These regulations incorporate by reference 34 CFR Parts 75 and 77 of the Education Department General Administrative Regulations (EDGAR); therefore, the regulations do not repeat certain types of information and requirements found in EDGAR. However, the general selection criteria found in EDGAR (34 CFR Part 75.202 through 75.206) have been repeated in these regulations for the convenience of the applicant (§ 644.31 (a) through (e)).

To avoid any implication of overregulation, the Secretary has deleted from these final regulations all of the nonrequired project activities that had been included in § 644.10 (a), (b), and (f) of the notice of proposed rulemaking.

However, to aid potential applicants, the following is a list of *examples* of activities the Secretary may consider for funding under this program in addition to the required activities in § 644.10(a) and the optional activities in § 644.10(b). Centers may:

(1) Identify those eligible persons in the target area with an interest in pursuing a postsecondary education and encourage them to continue or resume their educational careers;

(2)(i) Identify and establish a relationship with those public and private programs in the target area providing counseling services and educational and career information that could benefit the Educational Opportunity Center participant; and

(ii) Refer participants, as needed, to these programs;

(3) Collect and disseminate information regarding the variety of postsecondary educational opportunities and career options available to participants;

(4) Advise and counsel each participant regarding available student financial assistance, career options, and the appropriate postsecondary institution or institutions for that person;

(5) Determine each participant's interests, career goals, academic potential, and need for services through the use of standardized measurement instruments or other verifiable indicators such as written recommendations from educators, counselors, or employers; and

(6) Serve as a centralized recruiting resource for institutions of higher education desiring to admit educationally disadvantaged persons. The Secretary encourages the center, in carrying out this function, to develop relationship with a variety of institutions offering postsecondary educational programs.

In addition, an applicant submitting an application for an Educational Opportunity Center that would also serve veterans may propose to carry out under its grant appropriate related activities. For example, such centers may:

(1) Refer veterans to high school equivalency certification programs, if necessary; and

(2)(i) Establish a relationship with the Veterans Administration, State veterans agencies, and other veterans associations so that the center is aware of the various benefits and services available to veterans; and

(ii) Refer veterans to these agencies and associations as appropriate.

In the notice of proposed rulemaking, the Secretary invited comments on the proposed regulations. A summary of substantive comments received and the Secretary's responses to those comments, including any changes, is contained in the appendix to these regulations.

The Secretary has made a number of other changes in these regulations in an effort to deregulate and to reduce burdens on applicants, participants, and grantees. Each of these changes is also described in the appendix together with an explanation for the change.

In addition, some technical and editorial revisions have been made in the language of the regulations.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Invitation to Comment

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: January 8, 1982.

(Catalog of Federal Domestic Assistance No. 84.066, Educational Opportunity Centers Program)

T. H. Bell,

Secretary of Education.

The Secretary revises Part 644 of Title 34 of the Code of Federal Regulations to read as follows:

PART 644—EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

Subpart A—General

Sec.

644.1 The Educational Opportunity Centers Program.

Sec.

644.2 Eligible applicants.
644.3 Eligible project participants: general.
644.4 Eligible project participants: selection requirements.
644.5 Regulations that apply to the Educational Opportunity Centers Program.
644.6 Definitions that apply to the Educational Opportunity Centers Program.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

644.10 Kinds of projects the Secretary assists under the Educational Opporutunity Centers Program.

Subpart C—How Does One Apply for a Grant?

644.20 Assurances.

Subpart D—How Does The Secretary Make a Grant?

644.30 How the Secretary evaluates an application for a new award.
644.31 Selection criteria the Secretary uses.
644.32 Past performance.

Subpart E—What Conditions Must Be Met by a Grantee?

644.40 Allowable costs.
644.41 Nonallowable costs.
644.42 Matching.
644.43 Other requirements of a grantee.

Authority: Secs. 417A and 417E of the Higher Education Act of 1965, as amended by sec. 405, Pub. L. 96–374, 94 Stat. 1407–1411 (20 U.S.C. 1070d, 1070d–1c), unless otherwise noted.

Subpart A—General

§ 644.1 The Educational Opportunity Centers Program.

The Educational Opportunity Centers Program provides Federal financial assistance to establish and operate Educational Opportunitity Centers. Each center is designed to provide participants with—

(a) Information concerning financial and academic assistance available for individuals desiring to pursue a program of postsecondary education; and

(b) Assistance in applying for admission to institutions at which a program of postsecondary education is offered, including preparing applications for use by admissions and financial aid officers.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.2 Eligible applicants.

The following are eligible to apply for a grant to establish and operate an Educational Opportunity Center:

(a) Institutions of higher education.

(b) Public and private agencies and organizations.

(c) Secondary schools, in exceptional cases, if there are no other applicants capable of providing this program in the target areas to be served by the proposed project.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.3 Eligible project participants: general.

An individual is eligible to participate in an Educational Opportunity Center if the individual—

(a)(1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Resides in the target area;

(c) Is at least 19 years old, except that if there is no Talent Search project serving the same target area as the Educational Opportunity Center, an individual may be younger than 19;

(d) Needs one or more of the services provided by the center in order to pursue a program of postsecondary education; and

(e) Expresses a desire to pursue or is pursuing a program of postsecondary education.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.4 Eligible project participants: selection requirements.

(a) At least two-thirds of the eligible individuals an applicant proposes to serve under an Educational Opportunity Center must be low-income individuals who are also first-generation college students or potential first-generation college students.

(b) A "low-income individual" means an individual whose family's taxable income did not exceed 150 percent of the poverty level in the calendar year preceding the year in which the individual participates in the project. Poverty level income is determined by using criteria of poverty established by the Bureau of the Census, U.S. Department of Commerce.

(c)(1) A "first-generation college student" or a "potential first-generation college student" means a person neither of whose parents received a bachelor's degree.

(2) With respect to an individual 18 years and under, only the natural or adoptive parents who are currently residing with the individual are considered the individual's parents in determining whether the individual meets the criterion of being a first-generation college student or a potential first-generation college student.

(3) With respect to an individual over 18, only the natural or adoptive parents who were residing with the individual before the individual's eighteenth birthday are considered the individual's parents in determining whether the individual meets the criterion of being a first-generation college student or a potential first-generation college student.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.5 Regulations that apply to the Educational Opportunity Centers Program.

The following regulations apply to the Educational Opportunity Centers Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 644.

(20 U.S.C. 1221e–3(a)(1))

§ 644.6 Definitions that apply to the Educational Opportunity Centers Program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant	Grantee
Application	Nonprofit
Award	Private
Budget	Project
EDGAR	Public
Equipment	Secondary school
Facilities	Secretary
Fiscal year	State
Grant	Supplies

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

"Institution of higher education" means an educational institution as defined in Sections 1201(a) and 481 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a), 1088)

"Postsecondary education" means a program of education beyond the high school level.

(20 U.S.C. 1070d, 1070d–1c)

"Target area" means a discrete geographic area—as determined by the applicant—that will be served by an Educational Opportunity Center.

(20 U.S.C. 1070d, 1070d–1c)

"Veteran" means a person as defined in 38 U.S.C. 1652(a).

(38 U.S.C. 1652(a))

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 644.10 Kinds of projects the Secretary assists under the Educational Opportunity Centers Program.

(a) The Secretary gives consideration to an application for an Educational Opportunity Center that, in its target area, proposes to—

(1) Collect and disseminate information regarding available financial and academic assistance to participants desiring to pursue a program of postsecondary education; and

(2) Assist participants in preparing applications and other necessary materials—

(i) For admission to postsecondary institutions; and

(ii) For financial assistance at these institutions.

(b) The Secretary gives consideration to an applicant that, in addition to the activities listed in paragraph (a) of this section, proposes to provide tutoring and counseling for project participants who are not enrolled in an Upward Bound or a Special Services project that provides tutoring or counseling.

(c) The Secretary will consider an application that proposes to carry out activities in addition to the ones listed in paragraphs (a) and (b) of this section if the activities support the purposes of the Educational Opportunity Centers Program.

(20 U.S.C. 1070d, 1070d–1c)

Subpart C—How Does One Apply for a Grant?

§ 644.20 Assurances

(a) If the applicant is an institution of higher education, the applicant shall submit as part of its application an assurance that it will not use the center as a part of its recruitment program.

(b) An applicant shall submit as part of its application an assurance that individuals participating in the project proposed in the application do not have access to services from another Educational Opportunity Center or from a Talent Search project.

(20 U.S.C. 1070d, 1070d–1c)

Subpart D—How Does the Secretary Make a Grant?

§ 644.30 How the Secretary evaluates an application for a new award.

(a) The Secretary evaluates an application on the basis of the criteria in § 644.31.

(1) The Secretary awards up to 100 points for these criteria.

(2) The maximum possible score for each complete criterion is indicated in parentheses next to the heading of that criterion.

(b) For applicants that have conducted an Educational Opportunity Center project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary considers the experience of the applicant on the basis of § 644.32.

(c) In the final selection of similarly rated applications, the Secretary considers the relative need for a project in the area the applicant proposes to serve as compared to the need in areas other applicants propose to serve.

(20 U.S.C. 1070d, 1070d–1c)

§ 644.31 Selection criteria the Secretary uses.

The Secretary uses the following criteria—in paragraphs (a) through (h)—to evaluate applications:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applicantions for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need for the center.* (25 points)

(1) The Secretary reviews each application for documented evidence that a need for an Educational Opportunity Center exists in the target area the applicant plans to serve.

(2) The Secretary looks for information that shows—

(i) (9 points) The number and percentage of individuals who are eligible to be served by an Educational Opportunity Center who reside in the target area;

(ii) (9 points) The extent to which the target area lacks the services and activities to be provided by the proposed Educational Opportunity Center;

(iii) (2 points) The estimated number of veterans in the target area who need services of an Educational Opportunity Center to pursue postsecondary education; and

(iv) (5 points) Other data that show the need of the adults in the target area for services that are provided by an Educational Opportunity Center.

(g) *Likelihood of success.* (20 points)

(1) The Secretary reviews each application for information that shows the likelihood of success.

(2) The Secretary looks for information that shows—

(i) (12 points) The comprehensiveness of the applicant's plan for carrying out the activities under § 644.10(a), those activities under § 644.10(b) that the applicant chooses to propose, and any other activities that the applicant proposes that relate to the goal of the program; and

(ii) (8 points) The extent to which the activities that the applicant proposes are likely to result in increases in the enrollment and retention in and successful completion of postsecondary educational programs by program participants.

(h) *Community participation and coordination.* (15 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to use and coordinate community and other resources.

(2) The Secretary looks for information that shows—

(i) (3 points) The extent to which representatives of the community, secondary schools, and postsecondary schools have participated in the formulation of the application;

(ii) (4 points) The extent to which the applicant has received and has included in the application written commitments by community organizations and other appropriate groups for the use of community and other resources to supplement authorized activities;

(iii) (4 points) The center's defined relationship with Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects in the target area and similar programs and services in the target area in terms of—

(A) Coordinating services to individuals who participate in more than one program;

(B) Providing services not otherwise available from other projects and programs; and

(C) Avoiding duplication of services; and

(iv) (4 points) The degree to which the center is likely to develop relationships with a variety of institutions offering postsecondary educational programs to coordinate the resources and efforts of those institutions in admitting disadvantaged persons.

(20 U.S.C. 1221e-3(a)(1); 1070d, 1070d-1c)

§ 644.32 Past performance. [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 644.40 Allowable costs.

Allowable project costs not specifically covered by 34 CFR Part 74 may include the following costs reasonably related to operating an Educational Opportunity Center:

(a) Transportation and meal costs for participants and staff for—

(1) Approved visits to postsecondary educational institutions in the area;

(2) Participation in "College Days" activities; and

(3) Field trips to observe and meet with persons who are employed in various career fields and who can act as role models for participants.

(b) Purchase of testing materials.

(c) In-service training of project staff.

(d) Tutorial and counseling services if none are available to participants through an Upward Bound or a Special Services project in the target area.

(e) Rental of space if space is not available at the sponsoring institution and the space rented is not owned by the sponsoring institution.

(20 U.S.C. 1070d, 1070d-1c)

§ 644.41 Nonallowable costs.

Costs that may not be charged against a grant under this program include the following:

(a) Tuition, fees, stipends, or other forms of direct financial support for participants.

(b) Application fees for enrollment or financial aid.

(c) Lodging for project participants.

(d) Duplication of services that are available to participants through—

(1) State, local, or private sources;

(2) The institution or agency sponsoring the project; or

(3) Other Federal programs.

(e) Research not directly related to the evaluation or improvment of the project.

(f) The purchase of major equipment, unless the grantee demonstrates to the Secretary's satisfaction that purchase is less expensive than renting.

(g) The construction, renovation, or remodeling of any facilities.

(20 U.S.C. 1070d, 1070d-1c)

§ 644.42 Matching.

(a) The Secretary pays up to 75 percent of the costs reasonably related to the establishment and operation of an Educational Opportunity Center.

(b) A grantee shall provide at least 25 percent of the costs related to the establishment and operation of an Educational Opportunity Center.

(c) The grantee's share may be derived from cash or in-kind contributions.

(d) In order to be considered as part or all of the grantee's share, in-kind contributions must be activities or services that qualify as allowable costs.

(20 U.S.C. 1070d, 1070d-1c)

§ 644.43 Other requirements of a grantee.

Each grantee shall—

(a) Design and implement an evaluation mechanism to test the effectiveness of the center's progress in meeting the approved goals and objectives;

(b) Engage a full-time project director. However, the Secretary may waive the full-time requirement as specified in EDGAR, 34 CFR 75.511; and

(c)(1) Determine the eligibility of each participant at the time that individual is selected to participate in the project.

(2) The grantee does not have to revalidate a participant's eligibility after this time.

(20 U.S.C. 1070d, 1070d-1c)

Note.—This Appendix is included for information, it is not to be codified in the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

In the notice of proposed rulemaking published in the **Federal Register** on December 31, 1980 (45 FR 86894–86898), the Secretary invited comments on the proposed regulations.

The following includes a summary of the substantive public comments received and the Secretary's responses to those comments including any changes. The comments and responses and any changes are organized in the same order as the referenced sections are organized in these final regulations.

Section numbers and section headings in parentheses are the numbers and headings that appeared in the notice of proposed rulemaking but that have been renumbered, retitled, or deleted in these final regulations.

General Comments

Comment. One commenter suggested that the new regulations not become effective until program year 1982–83.

Response. No change has been made. Regulations usually become effective 45

days after they are published in the Federal Register. However, projects do not begin operating under these new regulations until they are funded with fiscal year 1982 funds.

Comment. One commenter suggested that the name of the Educational Opportunity Centers Program be changed to reflect the altered focus of the program.

Response. No change has been made. The legislation authorizing this program continues to name it the Educational Opportunity Centers Program; therefore, these regulations do not rename the program.

§ 644.1 The Educational Opportunity Centers Program.

Comment. One commenter recommended removing the 25 percent non-Federal matching requirement from § 644.1 and § 644.42 (Matching). The commenter stated that since Educational Opportunity Centers have been in existence for several funding cycles, they have already demonstrated that they receive support from the local community.

Response. No change has been made in the regulatory requirement. The legislation authorizing this program requires a non-Federal match of at least 25 percent; therefore, these regulations must also require the non-Federal match. However, reference to the Federal share of up to 75 percent has been dropped from § 644.1 because it is clearly stated in § 644.42.

Comment. Three commenters suggested that reference should be made to financial aid and career and academic counseling in § 644.1. One commenter suggested adding recruitment to the description of the program. Another commenter recommended adding counseling and tutoring.

Response. No change has been made. The description of the Educational Opportunity Centers Program in § 644.1 adheres generally to the language of the statute authorizing this program. Section 644.10 details the activities and services that a center is required to provide and others that it may provide.

§ 644.2 Eligible applicants. (Eligible grantees).

Comment. One commenter recommended that Indian tribes, tribal governments, and Indian organizations be listed as eligible applicants in § 644.2.

Response. No change has been made. The agencies and organizations suggested by the commenter are eligible under the current provisions of this section.

Comment. One commenter noted that combinations of institutions of higher education (formerly § 644.2(b)) are not eligible to apply for a grant under the Educational Opportunity Centers Program because the statute does not authorize them as eligible.

Response. A change has been made. Combinations of institutions of higher education have been deleted from this section as eligible applicants and the paragraphs have been relettered.

§ 644.3 Eligible project participants: general.

Comment. One commenter expressed concern over the requirement of § 644.3(a)(3) that a participant must provide proof from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose. The commenter stated that this could promote discrimination against individuals with "immigrant appearances or names" since it would be a discriminating practice to place on them the burden of proving eligibility.

Response. No change has been made. A potential participant is required to provide evidence from the Immigration and Naturalization Service only if he or she states on the application form for participants that he or she does not qualify under the conditions of paragraphs (a)(1), (2), or (4) of this section.

Comment. Four commenters expressed concern that in order to be served by a center an adult had to have completed the sixth grade (§ 644.3(c)). In many instances adults may not have completed the sixth grade but could benefit from postsecondary education.

Response. A change has been made. Section 644.3(c) has been revised and the provision requiring completion of the sixth grade has been deleted.

Comment. One commenter expressed concern over the requirement of § 644.3(d) that an individual must need one or more of the services provided by a center before the individual may participate.

Response. No change has been made. The Secretary believes that a center should offer services to only those individuals who need these services in order to pursue a program of postsecondary education. Statutory language supports—by implication, at least—the Secretary's position. To provide services to those who do not need them would be a misuse of program funds.

Comment. One commenter questioned the requirement of § 644.3(e) that an individual, in order to participate, must express a desire to pursue a program of postsecondary education. The commenter stated that the statute has no such requirement.

Response. No change has been made. The authorizing legislation (section 417E(a)(1)) states that Educational Opportunity Centers shall be designed to provide information and assistance "for individuals desiring to pursue a program of postsecondary education."

Comment. One commenter suggested adding as eligible participants "members of Indian tribes or individuals that can document tribal affiliation, regardless of citizenship."

Response. No change has been made. The legislation authorizing the Educational Opportunity Centers Program and the General Provisions Relating to Student Assistance Programs (Part F of Title IV of the Higher Education Act of 1965, as amended) specify eligibility requirements for participants. Members of Indian tribes who meet those requirements are eligible to participate.

§ 644.4 Eligible project participants: selection requirements.

Comment. Thirteen commenters expressed numerous concerns over the new restrictions on those who may be served by an Educational Opportunity Center (§ 644.4(a)). Many stated that the requirement that two thirds of those served had to be *both* low-income individuals and first-generation college students was too restrictive. Many recommended that two thirds be *either* low-income individuals *or* first-generation college students.

Several commented that this new two-thirds requirement makes it likely that the centers will lose their very valuable community role as a non-stigmatizing service. Other commenters noted that the two-thirds requirement will curtail a center from serving anyone who lived in the service area and will increase the burden on the center to verify eligibility and thus take time away from providing services. Still others suggested that this requirement will hinder the referral processes that have been set up in communities that currently have centers.

Response. No change has been made. This requirement is mandated by the statute authorizing the Educational Opportunity Centers Program.

Comment. One commenter questioned how an Educational Opportunity Center will document the criterion that each participant be a first-generation or potential first-generation college student.

Response. No change has been made. Both the House and Senate committee reports state that the determination as to whether a participant has met the

first-generation eligibility criterion should rest solely on a written response by the participant or the participants's parents to an inquiry regarding the participant's parents' educational attainment. The inquiry appears on the application for services form used by each local project.

Comment. One commenter questioned the wording of § 644.4(c). Specifically the commenter asked why "received a bachelor's degree" was used instead of the statutory language, "completed a baccalaureate degree" (section 417A(d)(1) of the Act).

Response. No change has been made. While both phrases have the same meaning, the Secretary decided that "received a bachelor's degree" would be more widely understood. This is in keeping with the Secretary's determination to issue regulations written in clear, simple English.

Comment. One commenter questioned the language of § 644.4(b) of the proposed regulations, which differed from the language of the statute. The statute mandates the Secretary to "require an assurance that individuals participating in the project * * * *do not have access to services* from" a Talent Search project or another Educational Opportunity Center. The language of the regulations is less restrictive than that of the law.

Response. A change has been made. This requirement has been revised to more accurately reflect the language of the law. The requirement has been included in § 644.20 (Assurances) as paragraph (b) because it is logically an assurance from the applicant.

Comment. Four commenters questioned the rationale, need, and authority for § 644.4(c) of the proposed regulations. They stated that this requirement has no basis in the law and contradicts the language of the House and Senate committee reports which gave project administrators at the local level the discretion to choose from among the eligible populations those individuals who are most in need of services in a given area.

Response. A change has been made. The Secretary agrees with the commenters. Paragraph (c) of the proposed regulations has been deleted from these final regulations. (Formerly § 644.5) (*Target Area.*)

Change. The Secretary has determined that this section is unnecessary and has deleted it from the final regulations.

§ 644.6 (§ 644.7) Definitions that apply to the Educational Opportunity Centers Program.

Comment. Six commenters expressed concern over the definition of "target area". Several stated that the requirement that at least 20 percent of the resident families be low-income was too restrictive. The commenters said that many areas have a mix of high- and low-income populations, which would preclude those areas from being served. Others stated that since the centers will be serving participants who meet the low-income criteria, it should not be necessary for the geographic area to have a minimum level of low-income families. The important factor, these commenters suggested, should be the number of eligible individuals in the area.

Response. A change has been made. The Secretary has revised the definition of "target area" and has dropped the requirement that at least 20 percent of the resident families be low-income. However, the Secretary has retained the concept of a target area being a center's service area. It is essential for responsible program and project management that a service area be defined by each applicant. The concept of a target area being a discretely defined service area is supported by the language of the House and Senate committee reports. The reports, in discussing the placement of Talent Search projects and Educational Opportunity Centers, direct the Secretary to assure that there is no overlap of target areas when more than one project or center is funded at any location.

Comment. Two commenters questioned the definition of "veterans." One recommended that the prohibition of services to veterans who had been dishonorably discharged be removed so that even though they would not be eligible for veterans' benefits, they could avail themselves of other center services. The other commenter noted that the definition for veteran did not meet the statutory requirement that the term be defined according to 38 U.S.C. 1652(a).

Response. A change has been made. The regulations now read: "Veteran means a person as defined in 38 U.S.C. 1652 (a)." The amended definition also prohibits centers from providing services to dishonorably discharged veterans on the basis of their being veterans. However, those individuals may receive all the services of centers if they meet the requirements of eligible participants.

Other Change. The Secretary has added to these final regulations a definition of "postsecondary education". As defined in § 644.6(b), the term means a program of education beyond the high school level.

§ 644.10 Kinds of projects the Secretary assists under the Educational Opportunity Centers Program.

Comment. One commenter questioned the authority to require centers to conduct outreach activities (§ 644.10(a)(3) of the proposed regulations). The commenter noted that although it was implicit in some of the statutory language, there is no explicit authority for the outreach activities.

Two commenters recommended that more emphasis be placed on career counseling and that programs other than the Educational Opportunity Centers Program should provide personal and academic counseling. They suggested that § 644.10(a)(6)(i) of the proposed regulations be revised to make career counseling the primary function of the centers.

Six commenters expressed their concerns about § 644.10(a)(7) of the proposed regulations. Two of the commenters stressed that nothing in the statute supported a needs assessment and urged that the requirement be dropped. Another commenter suggested that the requirement be made optional. Other commenters noted that the methods of assessment must be flexible and chosen to meet the needs of the participants.

One commenter questioned the authority of §644.10(f)(2) of the proposed regulations that permits a center to serve as a centralized recruiting resource. The commenter noted that, although the recruiting pool concept had been in the previous legislation, the Education Amendments of 1980 deleted this activity.

One commenter questioned the authority for Educational Opportunity Centers to refer veterans to high school equivalency certification programs (644.10(b)(1) of the proposed regulations).

Response. A change has been made. The Secretary has deleted these requirements to avoid the appearance of prescribing non-required project activities and to permit applicants greater flexibility. Some of these activities appear in the preamble as examples of activities the Secretary may consider for funding.

Comment. Two commenters recommended that § 644.10(a)(8) of the proposed regulations be deleted as a requirement. One commenter suggested that once a participant is placed in a postsecondary institution, that institution has the primary responsibility for retention. In addition, institutions are

hesitant to release information because of the Privacy Act. Both commenters noted that follow-up is extremely time consuming and, therefore, costly; the time and money could be better spent in providing services to participants.

Response. A change has been made. The Secretary has deleted the requirement of follow-up from these final regulations.

Comment. Four commenters suggested that the clearinghouse function that centers were required to perform under the previous regulations be added to these regulations. The commenters claimed that by serving as a clearinghouse for information on counseling techniques effective with the disadvantaged, the centers received recognition as a training resource in the local and educational communities. This function also enabled centers to work with postsecondary schools, secondary schools, and agency personnel to improve support services to low-income populations.

Response. No change has been made. The previous legislation authorizing the Educational Opportunity Centers Program required centers to serve a clearinghouse function. However, the Education Amendments of 1980 changed the program in many aspects, one of which was to delete this function as a required activity.

Comment. Two commenters recommended that recruitment be added to the final regulations. They noted that many individuals who desire to pursue a program of postsecondary education are not aware of the services of an Educational Opportunity Center unless the center actively seeks them.

Response. No change has been made. The commenters are referred to the preamble that lists activities the Secretary may fund. Example (1) permits the active recruitment of participants for the program.

Other Changes. Section 644.10 has been revised and reorganized to more accurately reflect the legislation authorizing the program.

Paragraphs (a) (1) and (2) of the proposed regulations remain the same in these final regulations since these activities are required by the program statute.

Paragraphs (a) (3), (4), (5), (6), (7) and (f)(2) have been deleted from the regulations and appear in the preamble as examples of activities the Secretary may consider for funding.

Paragraphs (b) (1) and (2) of the proposed regulations concerning veterans are likewise deleted from the regulations and are listed in the preamble as examples of activities the Secretary may consider for funding.

The requirements of paragraphs (d) and (e) of the proposed regulations have been rewritten and transferred to a new section, § 644.43, "Other requirements of a grantee," where they more logically belong.

Paragraph (a)(6)(ii) of the proposed regulations has been transferred to a new section, § 644.20, "Assurances."

Paragraph (f)(1) of the proposed regulations has been relettered paragraph (b).

Paragraph (c) of the proposed regulations has been deleted.

A new paragraph (c) has been added that informs applicants that the Secretary does not restrict activities under this program to only those listed as required or optional. (Formerly § 644.11) (*Project location.*)

Comment. One commenter questioned the statutory authority for this section. The commenter said that the requirement appeared to be placing on a grantee an additional burden that was not required by the law.

Response. A change has been made. The Secretary has deleted § 644.11 from these final regulations to decrease the burden on grantees.

§ 644.20 Assurances. (How to apply for funds.)

Changes. Section 644.20 of the NPRM (How to apply for funds) has been omitted from these regulations because it duplicates § 644.5(a) regarding the applicability of EDGAR. A new § 644.20 (Assurances) has been added to these final regulations. The requirement was previously listed as an activity under § 644.10(a)(6)(ii) of the proposed regulations. However, the Secretary has determined that the requirement is more logically an assurance and, therefore, has placed it in this section as paragraph (a).

§ 644.30 How the Secretary evaluates an application for a new award.

Comment. One commenter questioned the limitation of experience to the three previous years (§ 644.30(b)).

Response. No change has been made. The Secretary has determined that a three-year period is most feasible administratively: project records are available on location, and grant records are readily available in the Department. In addition, applicants that have had poor experience will not be penalized indefinitely.

Changes. Paragraph (b) has been revised. The sentence concerning the awarding of up to 30 additional points for experience has been deleted. Point assignments for past performance appeared in a separate notice of proposed rulemaking for § 644.32.

§ 644.31 Selection criteria the Secretary uses.

Comment. Several commenters expressed concerns over the requirements of § 644.31(f) (Need for the Center). One commenter recommended changing paragraph (f)(2)(i) of the proposed regulations to reflect the change in the target area concept. Other commenters noted that the information called for in paragraphs (f)(3) (i through iii) of the proposed regulations focused mainly on high school youth, while the Educational Opportunity Centers are intended to focus on adults.

Response. A change has been made. The Secretary has deleted paragraph (f)(2)(i) of the proposed regulations to reflect the deletion of the requirement that to qualify as a target area an area must have at least 20 percent of its resident families qualify as low-income.

In addition, the Secretary has deleted paragraphs (f)(3) (i), (ii), and (iii) as recommended by the commenters. Paragraphs (f)(3) (iv) and (v) have been renumbered (f)(2) (iii) and (iv), respectively.

The Secretary has made these changes to place increased emphasis on the focus of the Educational Opportunity Center—the adult population.

Other Changes: The Secretary has assigned points to each separate criterion in paragraph (f), (g), and (h) of this section.

§ 644.32 Past performance. (Prior experience.)

Changes. This complete section has been revised. It appeared separately as a notice of proposed rulemaking. The reference to § 644.43 of the proposed regulations has also been deleted because the Secretary has decided not to develop performance standards.

§ 644.40 Allowable costs.

Comment. Two commenters expressed concern over the requirement (§ 644.40(c)) that all in-service training required prior approval by the Secretary. The commenters stated that once the project has an approved application there should be no need for further approval. In addition, it is impractical to expect that the Secretary will be able to respond in a timely manner to requests made by project directors during the project year.

Response. A change has been made. The phrase, "if approved by the Secretary" is deleted from these final regulations. As long as in-service training activities conform to the approved budgetary and programmatic guidelines, there is no need for additional approval. (Formerly § 644.43) (*Performance standards.*)

Changes. The Secretary has deleted this section as worded in the proposed regulations. The Secretary has decided not to propose performance standards.

§ 644.43 Other requirements of a grantee.

Comment. One commenter recommended that § 644.10(d) of the proposed regulations—redesignated as § 644.43(a) of these final regulations—be deleted. The commenter stated that while a center must be responsible for collecting and using demographic information, assessing the impact of the program in the target area is a job that would be impossible to accomplish, would not be cost effective, would require additional funding and manpower, and could be manipulated by statisticians without producing valid information.

Response. A change has been made. Paragraph (d) of § 644.10 of the proposed regulations—now paragraph (a) of this section—has been revised so that evaluation is still a requirement of the grantee but is limited to measuring the effectiveness of a center in meeting its goals and objectives.

Other Changes. Those requirements previously listed in the proposed regulations as § 644.10 (c) and (d) have been consolidated, rewritten, and moved to this section as paragraph (a). Paragraph (e) of § 644.10 of the proposed regulations has been moved to this section as paragraph (b). The Secretary has determined that these requirements are more logically post-award requirements of a grantee and, therefore, belong in this subpart.

The Secretary has added a new paragraph (c) which states that centers need to determine the eligibility of each participant only at the time of initial selection of that participant. The Secretary has made this change to reduce the burden on a grantee by not requiring revalidation of the eligibility of each participant every year. (*Formerly § 644.50*) (*Recordkeeping.*)

Comment. Several commenters recommended simplifying the recordkeeping section. They suggested that documentation not be so intensive as to interfere with the quality of services provided. In addition, the commenters said that maintaining different types of records for participants (as required by § 644.50 (b) and (c) of the proposed regulations) is confusing and burdensome.

Five commenters noted problems involved when a grantee is required to obtain high school transcripts and test scores on all participants (§ 644.50(b)(2)(ii) of the proposed regulations). Since a center provides services mainly to adults, many participants have been outside of the educational system for years and many have relocated. Additionally, the commenters noted high school transcripts very often are not accurate measures of present academic aptitude for adults. The commenters also said that requiring high school transcripts would preclude individuals from receiving services since many persons could not obtain transcripts or could not afford to request them.

Four commenters expressed concern over the follow up required by § 644.50 (b)(4)(iii) of the proposed regulations. The commenters said that this requirement places an increased burden on the grantee. They also noted that requirements of privacy and confidentiality often prevent the transfer of specific information when a participant receives services from a referral elsewhere.

Response. A change has been made. To decrease the burden on grantees and to avoid the appearance of prescribing specific recordkeeping items through regulations, the Secretary has deleted this section. Grantees need only conform to the EDGAR requirements (See 34 CFR Part 75.730–75.734).

[FR Doc. 82-940 Filed 1-13-82; 8:45 am]

BILLING CODE 4000-01-M

V
4
7
/
9
J
A
1
4
8
2

federal register

Thursday
January 14, 1982

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

January 1, 1982.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1982 of three rescission proposals and 218 deferrals contained in the first six messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981.

Rescissions (Table A and Attachment A)

One rescission proposal totaling $20.5 million is currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of January 1, 1982, while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of January 1, 1982, $611.3 million in 1982 budget authority was being deferred from obligation and another $1.5 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Friday, October 16, 1981 (Part VII, Vol. 46, No. 200)
Monday, October 26, 1981 (Part IV, Vol. 46, No. 206)
Friday, October 30, 1981 (Part XI, Vol. 46, No. 210)
Tuesday, November 3, 1981 (Part III, Vol. 46, No. 212)
Thursday, November 12, 1981 (Part V, Vol. 46, No. 218)
Thursday, November 19, 1981 (Part IV, Vol. 46, No. 223)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1982 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 108.7
Accepted by the Congress	-0-
Rejected by the Congress	-88.2
Pending before the Congress	$ 20.5

* *

TABLE B

STATUS OF 1982 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 2,759.8
Routine Executive releases (-$1,987.8 million and adjustments ($11.8 million) through January 1, 1982.	-1,976.0
Overturned by the Congress	-171.0
Currently before the Congress	$ 612.8 a.

a. This amount includes $1.5 million in outlays for a Department of the Treasury deferral (D82-23).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 01/06/82 20:18

AS OF JANUARY 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force BA	R82- 2	22,500		10 23 81		22,500	12 14 81
DEPARTMENT OF DEFENSE - MILITARY TOTAL BA		88,200				88,200	
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund BA	R81- 3		20,500	11 6 81			
OTHER INDEPENDENT AGENCIES TOTAL BA			20,500				
TOTAL BA		88,200	20,500			88,200	

END OF REPORT

V 47 / 9 JA 14 82

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
EXECUTIVE OFFICE OF THE PRESIDENT								
White House Office								
Salaries and Expenses	BA D82- 27	366		10 20 81	-366			
Special Assistance to the President								
Salaries and Expenses	BA D82- 28	28		10 20 81	-28			
Council of Economic Advisers								
Salaries and Expenses	BA D82- 86	32		10 23 81	-32			
Council on Envir. Quality & Office of Envir. Qual.								
Salaries and Expenses	BA D82- 29	9		10 20 81	-9			
Office of Policy Development								
Salaries and Expenses	BA D82- 30	45		10 20 81	-45			
National Security Council								
Salaries and Expenses	BA D82- 31	62		10 20 81	-62			
Office of Administration								
Salaries and expenses	BA D82- 32	199		10 20 81	-199			
OMB, Office of Fed. Procurement Policy								
Salaries and expenses	BA D82- 33	24		10 20 81	-24			
Office of Science and Technology Policy								
Salaries and expenses	BA D82- 34	30		10 20 81	-30			
Office of the U.S. Trade Representative								
Salaries and expenses	BA D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		813			-813			
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D82- 1	15,000		10 1 81				15,000
Disaster Relief								
Disaster relief	BA D82-158	7,000		10 29 81	-7,000			
	BA D82-159	138,000		10 29 81	-138,000			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		160,000			-145,000			15,000
DEPARTMENT OF AGRICULTURE								
Office of the Secretary								
Office of the Secretary	BA D82-160	29		10 29 81	-29			
Agricultural Research Service								
Agricultural research service	BA D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service								
Cooperative state research service	BA D82-162	2,790		10 29 81	-2,790			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18.08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Extension Service									
Extension service	BA	D82 163	1,990		10 29 81	-1,990			
National Agricultural Library									
National agricultural library	BA	D82-164	93		10 29 81	-93			
Statistical Reporting Service									
Statistical reporting service	BA	D82 165	198		10 29 81	-198			
Agricultural Cooperative Service									
Agricultural cooperative service	BA	D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development									
Scientific activities overseas	BA	D82-167	700		10 29 81	-700			
Rural Electrification Administration									
Rural electr. and telephone revolving fund	BA	D82-169	49,368a		10 29 81	-49,368			
Foreign Assistance Programs									
Expenses, P.L. 480	BA	D82 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service									
Dairy and beekeeper indemnity programs	BA	D82- 88	28		10 23 81	-28			
Agricultural conservation	BA	D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program	BA	D82 168	1,400		10 29 81	-1,400			
Farmers Home Administration									
Salaries and expenses	BA	D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor	BA	D82-173	1,750		10 29 81	-1,750			
Mutual and self-help housing	BA	D82 174	490		10 29 81	-490			
Rural water and waste disposal	BA	D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants	BA	D82-172	490		10 29 81	-490			
Agricultural credit insurance fund	BA	D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund	BA	D82-176	21,000		10 29 81	-21,000			
Soil Conservation Sevice									
Watershed and flood prevention operations	BA	D82- 89	8,926		10 23 81	-8,926			
Animal and Plant Health Inspection Service									
Animal and plant health inspection service	BA	D82 90	4,125		10 23 81	-4,125			
Buildings and facilities	BA	D82-177	236		10 29 81	-236			
Agricultural Marketing Service									
Payments to States and possessions	BA	D82-178	210		10 29 81	-210			
Food and Nutrition Service									
Food program administration	BA	D82-209	487		11 6 81	-487			
Child nutrition programs	BA	D82-210	472		11 6 81	-472			
Special supplemental food programs (WIC)	BA	D82-211	13,831		11 6 81	-13,831			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Forest Service									
State and private forestry									
	BA	D82- 92	776		10 23 81	-776			
	BA	D82-179	657		10 29 81	-657			
Agricultural research									
	BA	D82- 91	1,348		10 23 81	-1,348			
National forest system									
	BA	D82- 93	12,516		10 23 81	-12,516			
	BA	D82-180	1,059		10 29 81	-1,059			
Construction and land acquisition									
	BA	D82- 94	6,693		10 23 81	-6,693			
Timber salvage sales									
	BA	D82- 2	6,723		10 1 81				6,723
Rangeland improvements									
	BA	D82- 96	109		10 23 81	-109			
Acquisition of lands to complete land exchanges									
	BA	D82- 95	6		10 23 81	-6			
Expenses, brush disposal									
	BA	D82- 3	49,348		10 1 81	-948			48,401
DEPARTMENT OF AGRICULTURE TOTAL	BA		234,519			-179,395			55,124
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions									
	BA	D82- 4	507		10 1 81	-31			476
Economic and Statistical Analysis									
Salaries and expenses									
	BA	D82- 97	420		10 23 81	-420			
Economic Development Administration									
Economic development assistance programs									
	BA	D82- 98	38,855		10 23 81	-38,855			
Minority Business Development Agency									
Minority business development									
	BA	D82- 99	857		10 23 81	-857			
United States Travel Service									
Salaries and expenses									
	BA	D82-181	287		10 29 81	-287			
National Oceanic and Atmospheric Administration									
Operations, research, and facilities									
	BA	D82-100	12,891		10 23 81	-12,891			
Construction									
	BA	D82- 5	2,000		10 1 81				2,000
National Telecom. and Information Admin									
Salaries and expenses									
	BA	D82-101	277		10 23 81	-277			
DEPARTMENT OF COMMERCE TOTAL	BA		56,094			-53,618			2,476
DEPARTMENT OF DEFENSE-MILITARY									
Military Construction									
Military construction, all services									
	BA	D82- 6	38,837		10 1 81	-38,299	11,800		12,338
Family Housing, Defense									
Family housing, Defense									
	BA	D82- 7	1,992		10 1 81				1,992
DEPARTMENT OF DEFENSE-MILITARY TOTAL	BA		40,829			-38,299	11,800		14,330

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
DEPARTMENT OF DEFENSE-CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	BA	D82 37	85		10 20 81	-85			
Corps of Engineers									
General investigations	BA	D82- 38	2,068		10 20 81	-2,068			
Construction, general	BA	D82 39	14,284		10 20 81	-14,284			
General expenses	BA	D82- 40	370		10 20 81	-370			
Special recreation use fees	BA	D82- 41	59		10 20 81	-59			
Soldiers and Airmen s Home									
Operation and maintenance	BA	D82 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D82- 8	597		10 1 81	-8			589
DEPARTMENT OF DEFENSE-CIVIL TOTAL	BA		17,526			-16,937			589
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy R&D	BA	D82 105	14,769		10 23 81	-14,769			
Fossil energy construction	BA	D82- 9	135,000		10 1 81		-135,000		
Strategic Petroleum Reserve	BA	D82 10	8,000		10 1 81				8,000
Gen. science & research-plant & capital	BA	D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses	BA	D82-103	49,393		10 23 81	-49,393			
Energy supply R&D-plant and capital equip	BA	D82-104	11,949		10 23 81	-11,949			
Energy conservation	BA	D82-106	14,007		10 23 81	-14,007			
Energy information administration	BA	D82 107	2,042		10 23 81	-2,042			
Economic regulation	BA	D82 108	2,436		10 23 81	-2,436			
Federal Energy Regulatory Commission	BA	D82-109	490		10 23 81	-490			
Geothermal resources development fund	BA	D82-110	18		10 23 81	-18			
DEPARTMENT OF ENERGY TOTAL	BA		239,786			-96,786	-135,000		8,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D82- 11	1,508		10 1 81				1,508
Indian health services	BA	D82;212	10,950		11 6 81	-10,950			
Centers for Disease Control									
Preventive Health Services	BA	D82-213	791		11 6 81	-791			
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D82- 12	11,500		10 1 81				11,500

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Office of Assistant Secretary for Health								
Health services management								
BA	D82-214	1,142		11 6 81	-1,142			
Special foreign currency program								
BA	D82- 13	7,000		10 1 81				7,000
Health Care Financing Administration								
Program management								
BA	D82-215	420		11 6 81	-420			
Social Security Administration								
Refugee assistance								
BA	D82 43	10,000		10 20 81	-10,000			
Cuban and Haitian entrants, reception & process.								
BA	D82- 44	4,900		10 20 81	-2,500			2,400
Cuban and Haitian entrants, domestic assi								
BA	D82 45	37,000		10 20 81				37,000
Human Development Services								
Work incentives								
BA	D82-216	10,523		11 6 81	10,523			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		95,734			-36,326			59,408
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D82 182	79,218		10 29 81	-79,218			
Payments for operation of low income housing								
BA	D82-183	102,452		10 29 81	-102,452			
Housing for the elderly or handicapped								
BA	D82 111	14,294		10 23 81	-14,294			
Solar Energy and Energy Conserv Bank								
Assist. for solar and conserv improvements								
BA	D82-184	3,500		10 29 81	3,500			
Community Planning and Development								
Community development support assistance								
BA	D82-112	61,589		10 23 81	-61,589			
Urban development action grants								
BA	D82 113	8,412		10 23 81	8,412			
Rehabilitation loan fund								
BA	D82 185	26,959		10 29 81	-26,959			
Neighborhoods, Vol Assoc. & Consumer Prot								
Housing counseling assistance								
BA	D82- 46	207		10 20 81	-207			
Policy Development and Research								
Research and technology								
BA	D82 47	420		10 20 81	420			
Fair Housing and Equal Opportunity								
Fair housing assistance								
BA	D82- 48	96		10 20 81	96			
Management and Administration								
Salaries and expenses								
BA	D82 186	3,590		10 29 81	-3,590			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		300,737			-300,737			
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance								
BA	D82- 49	121		10 20 81	121			
Range improvements								
BA	D82-114	237		10 23 81	-237			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Bureau of Reclamation									
Loan program	BA	D82-115	792		10 23 81	-792			
Construction program	BA	D82-116	4,603		10 23 81	-4,603			
General investigations	BA	D82-117	944		10 23 81	-944			
Operations and maintenance	BA	D82-118	64		10 23 81	-64			
General administrative expenses	BA	D82-119	353		10 23 81	-353			
Office of Water Research & Technology									
Salaries and expenses	BA	D82-120	600		10 23 81	-600			
U.S. Fish and Wildlife Service									
Resource management	BA	D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA	D82- 50	392		10 20 81	-392			
National Park Service									
Urban park and recreation grants	BA	D82-125	1,400		10 23 81	-1,400			
Operation of the National Park Service	BA	D82-122	5,216		10 23 81	-5,216			
John F Kennedy Center for the Performing Arts	BA	D82-124	40		10 23 81	-40			
Construction	BA	D82-123	5,207		10 23 81	-5,207			
Land and water conservation fund	BA	D82-126	16,256		10 23 81	-16,256			
	BA	D82- 14	30,000		10 1 81				30,000
Historic preservation fund	BA	D82-218	108		11 13 81	-108			
Geological Survey									
Surveys, investigations and research	BA	D82- 51	9,019		10 20 81	-9,019			
Exploration of National Petroleum Res. in Alaska	BA	D82- 52	80		10 20 81	-80			
Payments from proceeds, sale of water	BA	D82- 15	45		10 1 81				45
Office of Surface Mining Reclam. and Enforcement									
Regulation and technology	BA	D82- 53	1,245		10 20 81	-1,245			
Bureau of Mines									
Drainage of anthracite mines	BA	D82- 16	991		10 1 81				991
Mines and minerals	BA	D82- 54	2,600		10 20 81	-2,600			
Bureau of Indian Affairs									
Operation of Indian programs	BA	D82-127	16,607		10 23 81	-16,607			
Construction	BA	D82-128	148		10 23 81	-148			
Road construction	BA	D82-129	279		10 23 81	-279			
Office of Territorial Affairs									
Administration of territories	BA	D82- 55	2,439		10 20 81	-2,439			
Trust territory of the Pacific Islands	BA	D82- 56	2,068		10 20 81	-2,068			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Office of the Solicitor and Office of the Secy									
Departmental management	BA	D82-130	414		10 23 81	-414			
Youth conservation corps	BA	D82 131	2,494		10 23 81	-2,494			
DEPARTMENT OF THE INTERIOR TOTAL BA			110,577			-79,541			31,036
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D82-187	250		10 29 81	-250			
	BA	D82-188	196		10 29 81	-196			
United States Parole Commission									
Salaries and expenses	BA	D82-189	60		10 29 81	-60			
Legal Activities									
Salaries and expenses, Antitrust Division	BA	D82-190	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Setti	BA	D82-191	12		10 29 81	-12			
Federal Prison System									
Buildings and facilities	BA	D82-192	1,922		10 29 81	-1,922			
	BA	D82- 17	2,700		10 1 81				2,700
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D82 193	10,729		10 29 81	-10,729			
DEPARTMENT OF JUSTICE TOTAL BA			15,950			-13,250			2,700
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance	BA	D82-194	407,670		10 29 81	-407,670			
	BA	D82- 18	49,881		10 1 81	-49,881			
Occupational Safety and Health Admin									
Salaries and expenses	BA	D82 195	8,500		10 29 81	-8,500			
DEPARTMENT OF LABOR TOTAL BA			466,051			-466,051			
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Emergencies in dipl and consular serv	BA	D82- 58	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA	D82 57	514		10 20 81	-514			
International Commissions									
Salaries and expenses	BA	D82 59	80		10 20 81	-80			
Construction	BA	D82 60	20		10 20 81	-20			
American sections, internat commissions	BA	D82- 61	25		10 20 81	-25			
Other									
Emergency refugee and migration assistance fund	BA	D82 49	35,043		10 1 81				35,043
DEPARTMENT OF STATE TOTAL BA			35,766			-723			35,043

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D82- 20	3,446		10 1 81				3,446
Facilities & equip. (Airport & airway trust fund)	BA	D82- 21	185,783		10 1 81				185,783
Federal Railroad Administration									
Grants to National Railroad Passenger Corp.	BA	D82-217	93,400		11 6 81	-93,400			
DEPARTMENT OF TRANSPORTATION TOTAL	BA		282,629			-93,400			189,229
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
International affairs	BA	D82-196	109		10 29 81	-109			
Office of Revenue Sharing									
Salaries and expenses	BA	D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA	D82- 22	109,738		10 1 81	-2,001		16	107,753
	O	D82- 23	6,287		10 1 81	-4,812			1,475
Federal Law Enforcement Training Center									
Salaries and expenses	BA	D82-198	240		10 29 81	-240			
	BA	D82- 24	4,200		10 1 81				4,200
Bureau of Government Financial Operations									
New York City loan guarantee program	BA	D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program	BA	D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms									
Salaries and expenses	BA	D82-201	1,039		10 29 81	-1,039			
Bureau of the Mint									
Expansion and improvements	BA	D82-132	70b		10 23 81			-70	
Internal Revenue Service									
Payment where energy credit exceeds liab. for tax	BA	D82-202	8		10 29 81	-8			
DEPARTMENT OF THE TREASURY TOTAL	BA		115,469			-3,462		-54	111,953
	O		6,287			-4,812			1,475
ENVIRONMENTAL PROTECTION AGENCY									
Research and development	BA	D82-133	1,889		10 23 81	-1,889			
Abatement, control and compliance	BA	D82-134	8,062		10 23 81	-8,062			
Buildings and facilities	BA	D82-135	69		10 23 81	-69			
Hazardous substance response trust fund	BA	D82-136	3,360		10 23 81	-3,360			
ENVIRONMENTAL PROTECTION AGENCY TOTAL	BA		13,380			-13,380			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:06

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
Construction of facilities	BA	D82-137	2,800		10 23 81	-2,800			
NATIONAL AERONAUTICS & SPACE ADMINISTRATION TOTAL BA			2,800			-2,800			
VETERANS ADMINISTRATION									
Medical and prosthetic research	BA	D82-138	2,583		10 23 81	-2,583			
Medical admin. and misc. operating expenses	BA	D82-139	921		10 23 81	-921			
Construction, major projects	BA	D82-140	91,300		10 23 81		-35,961		55,339
	BA	D82-141	7,877		10 23 81	-7,877			
Construction, minor projects	BA	D82-142	907		10 23 81	-907			
VETERANS ADMINISTRATION TOTAL BA			103,588			-12,288	-35,961		55,339
OTHER INDEPENDENT AGENCIES									
ACTION									
Operating expenses, domestic programs	BA	D82- 62	2,896		10 20 81	-2,896			
Administrative Conference of the U. S.									
Salaries and expenses	BA	D82-143	16		10 23 81	-16			
Advisory Committee on Federal Pay									
Salaries and expenses	BA	D82-144	4		10 23 81	-4			
Arms Control and Disarmament Agency									
Arms control and disarmament agency	BA	D82- 63	282		10 20 81	-282			
Board for International Broadcasting									
Salaries and expenses	BA	D82- 64	252		10 20 81	-252			
Comm for the Purchase From the Blind									
Salaries and expenses	BA	D82- 65	10		10 20 81	-10			
Equal Employment Opportunity Commission									
Salaries and expenses	BA	D82-145	3,000		10 23 81	-3,000			
Federal Emergency Management Agency									
State and local assistance	BA	D82-205	1,814		10 29 81	-1,814			
National flood insurance fund	BA	D82-203	7,140		10 29 81	-7,140			
	BA	D82-204	358,860		10 29 81	-358,860			
General Services Administration									
Consumer information center	BA	D82- 68	26		10 20 81	-26			
Nat. Archives & Records Service-operating	BA	D82- 66	140		10 20 81	-140			
Federal Property Resources Service-operating	BA	D82- 67	748		10 20 81	-748			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Automated Data & Telecom. Service-operating	BA	D82-206	120		10 29 81	-120			
Advisory Commission on Intergovt. Relations									
Salaries and expenses	BA	D82- 69	10		10 20 81	-10			
Delaware River Basin Commission									
Salaries and expenses	BA	D82- 70	2		10 20 81	-2			
Contribution to the Del. River Basin Comm	BA	D82- 71	4		10 20 81	-4			
Interstate Commission on the Potomac River Basin									
Contrib. to Interst. Comm. on Potomac Riv Basin	BA	D82- 72	1		10 20 81	-1			
Susquehanna River Basin Commission									
Salaries and expenses	BA	D82- 73	1		10 20 81	-1			
Contrib. to the Susquehanna River Basin Comm.	BA	D82- 74	1		10 20 81	-1			
International Communication Agency									
Salaries & expenses	BA	D82- 75	4,680		10 20 81	-4,680			
Center for cul. and tech. exch. bet. east & west	BA	D82- 76	125		10 20 81	-125			
Interstate Commerce Commission									
Salaries and expenses	BA	D82-146	648		10 23 81	-648			
Japan-U.S. Friendship Commission									
Japan-U.S. Friendship Commission trust fund	BA	D82- 77	34		10 20 81	-34			
Marine Mammal Commission									
Salaries and expenses	BA	D82- 78	11		10 20 81	-11			
National Capital Planning Commission									
Salaries and expenses	BA	D82-207	19		10 29 81	-19			
National Foundation on the Arts & Humanities									
Nat. endowment for the arts: sal. & expenses	BA	D82-147	11,208		10 23 81	-11,208			
Nat. endowment for the human.: sal. and expenses	BA	D82-208	5,892		10 29 81	-5,892			
Nat. endowment for the human.: matching grants	BA	D82-148	2,628		10 23 81	-2,628			
National Mediation Board									
Salaries and expenses	BA	D82- 79	58		10 20 81	-58			
National Science Foundation									
Research and related activities	BA	D82- 80	19,924		10 20 81	-19,924			
Scientific activities overseas	BA	D82- 81	59		10 20 81	-59			
Science and engineering educ. activities	BA	D82- 82	2,623		10 20 81	-2,623			
Neighborhood Reinvestment Corporation									
Payment to Neighborhood Reinvest. Corp	BA	D82- 83	181		10 20 81	-181			
Pennsylvania Avenue Development Corporation									
Salaries and expenses	BA	D82-149	15		10 23 81	-15			
Public development	BA	D82-150	239		10 23 81	-239			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 01/05/82 18:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-82
Land acquisition and development									
	BA	D82-151	42		10 23 81	-42			
	BA	D82- 25	30,896		10 1 81				30,896
Selective Service System									
Salaries and expenses									
	BA	D82- 84	192		10 20 81	-192			
Small Business Administration									
Salaries and expenses									
	BA	D82-152	3,137		10 23 81	-3,137			
Surety bond guarantees revolving fund									
	BA	D82-154	373		10 23 81	-373			
Lease guarantees revolving fund									
	BA	D82-153	67		10 23 81	-67			
Smithsonian Institution									
Museum programs and related research									
	BA	D82-155	231		10 23 81	-231			
Restoration and renovation of buildings									
	BA	D82-156	145		10 23 81	-145			
Motor Carrier Ratemaking Study Commission									
Salaries and Expenses									
	BA	D82- 26	150		10 1 81				150
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D82-157	2,321		10 23 81	-2,321			
Water Resources Council									
Water resources planning									
	BA	D82- 85	42		10 20 81	-42			
OTHER INDEPENDENT AGENCIES									
	TOTAL BA		461,267			-430,221			31,046
	TOTAL BA		2,753,515			-1,983,027	-170,961	11,746	611,273
	TOTAL O		6,287			-4,812			1,475

a. Off-budget.

b. This deferral was reported in error. Funds for this budget account were not withheld.

END OF REPORT

[FR Doc. 82-987 Filed 1-13-82; 8:45 am]

BILLING CODE 3110-01-C

V
4
7
/
9

J
A
1
4
8
2

R

INI

PU

Co
CF

Ge
Ine
Pri

Fe
Co
Dai
Ge
Pri
Pu

Sch

La
Ind
La

Slip

Pre
Exe
Pub
We

Uni

SE
Ag
Au
Dia
C
L
W
Libr
Mag
vo
Pub
Spe
Sub
Sub
TTY

FED

1–12
129–
589–
745–
935–
1109
1257
1367
2073

Reader Aids

Federal Register

Vol. 47, No. 9

Thursday, January 14, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2262	14

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12337	1367
12338	1369

5 CFR

410	935
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

7 CFR

Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
282	532
301	1257
425	6
631	130
701	937
800	131, 2254
905	589
906	1265
907	746, 2074
910	939
944	747, 1265
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1004	2118
1006	814
1007	962, 2122
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules	
3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

40	8
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
Ch. XVI	1138
317	1137
378	817
440	1299
457	1301
500	161
501	161
503	161
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9
226	755
327	943
Proposed Rules:	
701	963
702	633, 2122

13 CFR

101	2074
120	9
124	1109

14 CFR

21	756
39	10-14, 759, 1110-1113

71.....15–18, 759, 760, 1113–1115, 2079
73.....18
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:
Ch. I.....817
39.....1140–1142
71.....36–38, 1144, 1145
73.....1146
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:
30.....2122

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079

Proposed Rules:
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:
141.....39
271.....39, 638
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:
10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146
522.....146
558.....1289
561.....1375, 1376

Proposed Rules:
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522

22 CFR

42.....2089

23 CFR

Proposed Rules:
635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
51.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147

Proposed Rules:
1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:
5.....1148
9.....1149–1153

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289

Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

Proposed Rules:
Ch. I.....402
Ch. VII.....820
211.....819
700.....41
701.....41
716.....928
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:
543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:
88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:
674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113
60.....950
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115
123.....618, 1248
180.....619–623, 1378–1384
193.....1385
262.....1248
264.....953
265.....1254
762.....148, 149

Proposed Rules:
50.....2127
52.....191, 1304, 1398, 2129
58.....2127
65.....969
81.....2131
86.....972, 1306, 1642
123.....1155
180.....651–654
244.....1307
245.....1307
246.....1307
775.....193
799.....973

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385

Proposed Rules:
Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

428.....624

Public Land Orders:
6100.....21
6101.....769

Proposed Rules:
4100.....1155

44 CFR

65.....770
66.....770
70.....771, 772
67.....22

Proposed Rules:
205.....827

45 CFR

680.....193
681.....193
682.....193

683..... 193
684..... 193

46 CFR

Proposed Rules:
69..... 2131
510..... 215
536..... 655

47 CFR

0.....1294
2.....953, 1386
21.....953
73.....150, 1386, 2116
74.....150, 953, 1392

Proposed Rules:
2.....983, 1308
15.....216, 836
73.....58, 837, 983, 985, 1308, 2135, 2136
74.....983
90..... 1310

48 CFR

Proposed Rules:
13..... 1400
17..... 1400

49 CFR

Ch. X..... 613
1.....1122
830..... 773
1033..... 151, 152, 624, 773, 776
1056..... 777
1136.....2117

Proposed Rules:
1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR

23.....1294, 2117
32.....1122-1135
611.....625, 1294, 1295
662..... 629
675..... 1295

Proposed Rules:
23..... 1242

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 9 JA 14 82 UMI

V 4 7 / 9 J A 1 4 8 2

V 47 / 9 JA 14 82 UMI

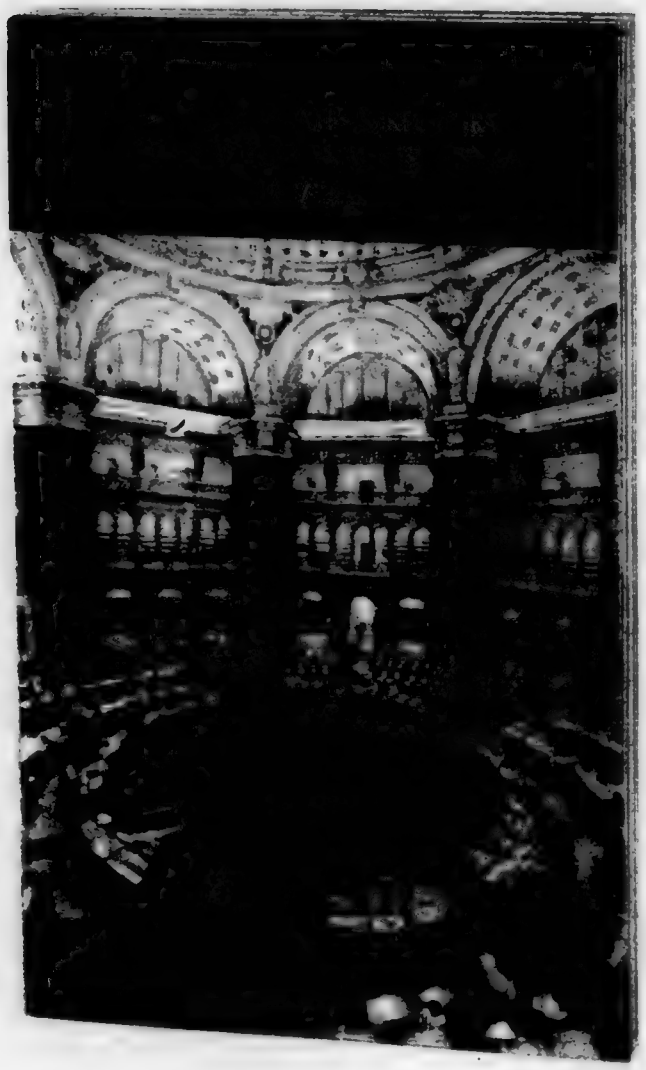

ORDER NOW!

Directory of Federal Regional Structure

Revised as of May 1, 1981

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

Included in the Directory is a map showing the 10 Standard Federal Regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Price: $5.50

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No. ☐☐☐☐☐☐☐ ☐

Order No. _____

VISA and MasterCard Accepted

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me_____copies of the **Directory of Federal Regional Structure**, at $5.50 per copy. Stock No. 022-003-01077-7

Name—First, Last

Street address

Company name or additional address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

1-15-82
Vol. 47 No. 10
Pages 2283-2474

federal register

Friday
January 15, 1982

Highlights

2392 **Steel—Antidumping and Countervailing Duties** Commerce/ITA suspends operation of trigger price mechanism.

2331 **Infant Formulas** HHS/FDA proposes recall requirements.

2313 **Pensions** PBGC publishes interest rates and factors for valuation of plan benefits in non-multiemployer plans for period beginning February 1, 1982.

2384 **Radio** FCC proposes to permit public broadcasting FM stations to stand on same footing as commercial FM stations in conducting subsidiary communications authorization operations.

2320 **Boycotts** Commerce/ITA proposes changes to antiboycott regulations.

2286 **Nuclear Power Plants and Reactors** NRC establishes requirements for pending construction permit and manufacturing license applications.

2312 **Probation and Parole** Justice/PARCOM allows Regional Commissioners to reopen and retard a parole date for institutional misconduct for up to 90 days without a hearing.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

2325 **Commodity Futures** CFTC proposes terms for registration of employees of commodity trading advisors and pool operators.

2416 **Continental Shelf** Interior/GS requests information on best and safest technologies for exploration and development of mineral resources.

2341 **Air Pollution Control** EPA proposes amendments to national ambient air quality measurement methodology.

2329 **Electric Utilities** DOE/FERC proposes to revise FPC Form No. 12, "Power System Statement."

2391 **Countervailing Duties** Commerce/ITA announces final results of administrative review of order on certain fasteners from India.

Antidumping Commerce/ITA issues notices on the following:

2388 Animal glue and inedible gelatin from the Netherlands;
2389 Polychloroprene rubber from Japan;
2390 Printed vinyl film from Argentina;
2391 Printed vinyl film from Brazil

2454 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue.)

2451 **Sunshine Act Meetings**

Separate Part of This Issue

2454 **Part II, Labor/ESA/W&H**

Contents

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

Agriculture Department
See Rural Electrification Administration; Soil Conservation Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
2405 Advisory committees; filing of annual reports

Civil Rights Commission
NOTICES
2451 Meetings; Sunshine Act

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
PROPOSED RULES
2325 Commodity trading advisors and commodity pool operations; registration of employees
NOTICES
Contract market proposals:
2393 Kansas City Board of Trade; 90-day Treasury bills
2451 Meetings; Sunshine Act

Defense Department
NOTICES
Meetings:
2394 DIA Advisory Committee

Employment and Training Administration
NOTICES
Adjustment assistance:
2421 Chrysler Corp.
2422 D. Look Sportswear Corp.
2423 Emerson Electric Co.
2423 Favorite Footwear, Inc.
2423 Hertford Apparel
2423 Paula Lawrence, Ltd.
2423 Reiss Sportswear
2423 Sager Glove Corp.
2423 Texas Apparel Co.
Unemployment compensation; extended benefit periods:
2421 Wisconsin

Employment Standards Administration
NOTICES
2454 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Calif., Ill., Iowa, Kans., La., Pa., and Tex.)

Energy Department
See also Energy Research Office; Federal Energy Regulatory Commission.
NOTICES
Meetings:
2394 DOE/NSF Nuclear Science Advisory Committee

Energy Research Office
NOTICES
Meetings:
2398 Energy Research Advisory Board

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
2314 Homer City Steam Electric Generating Station, Pa.; waiver; correction
Hazardous waste:
2316 Treatment, storage, and disposal facilities; interim status period standards for owners and operators; disposal of small containers in landfills; interim rule and request for comments; RCRA/Superfund Hotline, correction
Hazardous waste programs; interim authorizations; various States:
2314 Wisconsin
PROPOSED RULES
Air quality standards; national primary and secondary:
2341 Sulfur dioxide, suspended particulates, and carbon monoxide; measurement reference methods, etc.
Toxic substances:
2379 Fluoroalkenes; response to Interagency Testing Committee recommendation for testing; advance notice; extension of time
2379 Polychlorinated biphenyls (PCBs); research and development activities decontrol, closure and post closure fund requirements, salvage of metals, etc.; petition denied
Waste management, solid:
2379 Beverage containers, resource recovery facilities, and source separation for materials recovery guidelines; reporting requirements removal; correction
Water pollution control: National Pollutant Discharge Elimination System; State authorizations:
2378 New Jersey
NOTICES
Environmental statements; availability, etc.:
2399 Agency statements; weekly receipts
Hazardous waste:
2398 Land disposal; panel discussion summary availability; RCRA/Superfund Hotline, correction; cross reference
Toxic and hazardous substances control:
2399, 2401 Premanufacture notices receipts (2 documents)
2401 Premanufacture notification requirements; test marketing exemption applications

Equal Employment Opportunity Commission
NOTICES
2451 Meetings; Sunshine Act

Federal Communications Commission
RULES
Radio services, special:
2317 Maritime services; compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over; correction
PROPOSED RULES
Radio broadcasting:
2384 Subsidiary Communications Authorization (SCA); operating restrictions on public broadcasting stations removed
Television broadcasting:
2385 Teletext transmissions in vertical blanking interval; authorization; extension of time
NOTICES
Hearings, etc.:
2402 American Telephone & Telegraph Co. et al.; exchange network facilities for interstate access—trunk terminations
Meetings:
2403 International Telegraph and Telephone Consultative Committee
2403 National Industry Advisory Committee
2403 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
2404 California (2 documents)
Radiological emergency; State plans:
2404 Pennsylvania

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities:
2329 Power system statement (Form No. 12); revision
NOTICES
Hearings, etc.:
2394 Central Power & Light Co.
2395 El Paso Electric Co.
2395 Florida Gas Transmission Co.
2396 Kansas Power & Light Co.
2396 Maine Electric Power Co.
2396 Natural Gas Pipeline Co. of America
2396 Taft, Lawrence R.
2397 Texas Eastern Transmission Corp.
2397 Texas Gas Transmission Corp.
2398 West Lake Arthur Corp.
2398 Wisconsin Electric Power Co.
Natural Gas Policy Act of 1978:
2395 Jurisdictional agency determinations; well category withdrawal

Federal Maritime Commission
NOTICES
2405 Agreements filed, etc.; correction

Federal Mine Safety and Health Review Commission
NOTICES
2451 Meetings; Sunshine Act (2 documents)

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
2448 Texas Pacific Indemnity Co.

Fish and Wildlife Service
RULES
Endangered and threatened species:
2317 Tecopa pupfish
NOTICES
2415 Endangered and threatened species permit applications
2416 Marine mammal permit applications

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
2312 Tylosin premix
Food for human consumption:
2311 Peaches, canned; identity standard; effective date confirmed
PROPOSED RULES
2331 Infant formula recall requirements
NOTICES
Animal drugs, feeds, and related products:
2406 Medicated feed establishments inspection; memorandum of understanding with Kansas State Board of Agriculture, Control Division
2410 Sulfaquinoxaline and arsanilic acid medicated feed; approval withdrawn
2409 Tylosin phosphate premix; approval withdrawn
Food additives, petitions filed or withdrawn:
2407 Kawasaki Kasei Chemicals Ltd.
Food for human consumption:
2410 Tomato products, canned; defect action levels; guides withdrawn
Medical devices:
2405 Central salt tablets; premarket approval
Meetings:
2408-2410 Advisory committees, panels, etc. (3 documents)

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulfur operations:
2416 Best available and safest technologies (BAST); drilling and production operations; inquiry

Health and Human Services Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; National Institutes of Health
NOTICES
2414 National Environmental Policy Act; implementation; programs excluded from environmental review process

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office
RULES
2316 Conduct Standards; positions subject to annual financial reporting requirements; Appendixes C–G availability
PROPOSED RULES
2381 Coastal barriers, undeveloped; flood insurance prohibition; preliminary identification; draft document availability

Internal Revenue Service
NOTICES
Authority delegations:
2449 Regional Directors of Appeals et al.; authority to execute consents fixing the period of limitations on assessment or collection

International Trade Administration
PROPOSED RULES
2320 Restrictive trade practices or boycotts; reduction in reporting requirements and clarification of banking and financial transactions boycott terms
NOTICES
Antidumping:
2386 Animal glue and inedible gelatin from Netherlands
2390 Printed vinyl film from Argentina
2391 Printed vinyl film from Brazil
2389 Polychloroprene rubber from Japan
Countervailing duties:
2391 Fasteners from India
2392 Lamb meat from New Zealand; correction
Steel trigger price mechanism:
2392 Suspension of operation
Trade adjustment assistance determination petitions:
2392 J. W. Trueth & Sons, Inc., et al.

Interstate Commerce Commission
RULES
Motor carriers:
2317 Pooling agreements; application contents and procedures; policy statement; clarification
NOTICES
Motor carriers:
2417 Compensated intercorporate hauling operations; intent to engage in
2418, 2419 Finance applications (2 documents)
2420 Permanent authority applications
2417 Permanent authority applications; correction (2 documents)

Justice Department
See Parole Commission.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.
NOTICES
Meetings:
2438 Trade Negotiations and Trade Policy Labor Advisory Committee

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
2415 Outer Continental Shelf; Diapir Field region, Alaska; oil and gas lease sale; hearings

Mine Safety and Health Administration
PROPOSED RULES
2335 Civil penalties for violations; hearings
NOTICES
Petitions for mandatory safety standard modifications:
2424 ASARCO, Inc.
2424 BHT Coal Co.
2424 Consolidation Coal Co.
2425 D.C. Coal Co.
2425 Dominion Coal Corp.
2425 Harlan-Cumberland Coal Co.
2426 Mullins & Sons Coal Co., Inc.
2426 Old Ben Coal Co.
2426 Ormet Corp.
2427 U.S. Steel Corp.
2427 Utah International, Inc.

National Institutes of Health
NOTICES
Meetings:
2412 Biometry and Epidemiology Contract Review Committee
2413 Cancer Clinical Investigation Review Committee
2413 Cancer Research Manpower Review Committee
2413 Diabetes National Advisory Board (2 documents)
2414 Large Bowel and Pancreatic Cancer Review Committee
2411 Research Grants Division study sections

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
2386 Gulf of Alaska groundfish; foreign and domestic fishing; correction
NOTICES
Environmental statements; availability, etc.:
2393 New York State coastal management program; intent to prepare

National Park Service
NOTICES
Historic Places National Register; pending nominations:
2417 California

Nuclear Regulatory Commission
RULES
Production and utilization facilities; domestic licensing:
2286 Nuclear power plants; pending construction permit and manufacturing license applications
NOTICES
Applications, etc.:
2439 Consumers Power Co.
Meetings:
2438 Reactor Safeguards Advisory Committee

Parole Commission
RULES
2312 Parole dates; reopening and retarding date by Regional Commissioners for institutional misconduct

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
2430 Allan Dee Corp.
2432 Bermo, Inc.
2437 Central Fidelity Banks, Inc.
2428 Central States, Southeast and Southwest Area Pension Fund
2429 Chaimson Brokerage Co., Inc.
2434 First-Wichita Bancshares, Inc.
2428 James W. Good, M.D., Inc.
2434 J. E. Morgan Knitting Mills, Inc.
2431 Minnesota Farms Co.
2436 R. C. Willey & Son, Inc.

2435 Semtner Companies, Inc.
2433 Wilco Trading Co.

Pension Benefit Guaranty Corporation
RULES
Plan benefits valuation:
2313 Non-multiemployer plans; interest rates and factors

Personnel Management Office
RULES
Retirement:
2384 Health care employees of National Health Service Corps serving limited appointments; exclusion from coverage
Senior Executive Service:
2283 Removal, reinstatement, and guaranteed placement; furlough procedures; interim

Postal Service
NOTICES
2451 Meetings; Sunshine Act

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
2387 Brazos Electric Power Cooperative
2387 Continental Divide Electric Cooperative, Inc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
2439 Central & South West Corp. et al.
2440 Central Power & Light Co.
2440 Columbia Gas System, Inc.
2440 Gintel Fund, Inc., et al.
2442 Sears U.S. Government Money Market Trust
Self-regulatory organizations; proposed rule changes:
2443 Boston Stock Exchange, Inc.
2444 Options Clearing Corp.
2445 Philadelphia Stock Exchange, Inc.
2446 Stock Clearing Corp. of Philadelphia

Small Business Administration
RULES
Organization, functions, and authority delegations:
2305 Authority delegations to conduct program activities in field offices
NOTICES
Applications, etc.:
2448 Mountain Ventures, Inc.
2447 Pencor Financial Associates, Ltd.
Disaster loan areas:
2447 California

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
2387 Pipe Creek Critical Area Treatment RC&D Measure, N.Y.
Watershed assistance to local organizations, authorization:
2388 Arkansas

State Department
NOTICES
Meetings:
2448 International Telegraph and Telephone Consultative Committee
2448 Shipping Coordinating Committee

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent and interim regulatory programs, etc.:
2340 Second-cut remining; steep-slope mining; new operations affecting previously mined lands which do not generate sufficient spoil to completely backfill highwall; correction and extension of time
Permanent program submission; various States:
2338 Alabama; resubmission and hearing
2340 West Virginia; hearing cancelled

Treasury Department
See also Fiscal Service; Internal Revenue Service.
RULES
2285 Economic stabilization activities; CFR part removed
NOTICES
Organization, functions, and authority delegations;
2449 Secretary et al.; supervision of Bureaus and Offices and order of succession

Wage and Hour Division
NOTICES
2438 Learners, certificates authorizing employment at special minimum wages

Wage and Price Stability Council
RULES
2285 CFR Title vacated

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Office of Secretary—
2394 Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 2–22–82

ENERGY DEPARTMENT
2394 USF Nuclear Science Advisory Committee, Germantown, Md., 2–16 and 2–17–82
Energy Research Office—
2398 Energy Research Advisory Board, Washington, D.C. (open), 2–4 and 2–5–82

FEDERAL COMMUNICATIONS COMMISSION
2403 International Telegraph and Telephone Consultative Committee, U.S. Organization, Study Group A, Washington, D.C. (open), 1–14–82
2403 National Industry Advisory Committee, Aeronautical Communications Services Subcommittee, Washington, D.C. (open), 2–9–82

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
2408 Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 2–11 and 2–12–82
2408 Vaccines and Related Biological Products Advisory Committee, Bethesda, Md. (partially open), 2–10–82

National Institutes of Health—
2412 Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 1–29–82
2413 Cancer Clinical Investigation Review Committee, Bethesda, Md. (partially open), 2–22 and 2–23–82
2413 Cancer Research Manpower Review Committee, Bethesda, Md. (partially open), 1–28 and 1–29–82
2414 Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Cancer Review Subcommittee, Bethesda, Md. (partially open), 3–3–82
2413 Diabetes National Advisory Board, Bethesda, Md. (open), 2–1 and 2–22–82 (2 documents)
2411 Research Grants Division study sections, various locations, various dates in February and March 1982 (all sessions partially open)

LABOR DEPARTMENT
2438 Trade Negotiations and Trade Policy Labor Advisory Committee, Steering Subcommittee, Washington, D.C. (closed), 2–2–82

NUCLEAR REGULATORY COMMISSION
2438 Reactor Safeguards Advisory Committee, Safety Philosophy, Technology and Criteria/Class–9 Accidents Subcommittees, Washington, D.C. (partially open), 2–3–82

STATE DEPARTMENT
2448 International Telegraph and Telephone Consultative Committee, U.S. Organization, Integrated Services Digital Networks Working Party, Washington, D.C. (open), 1–28–82
2448 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Safety of Navigation Working Group, Washington, D.C. (open), 2–3–82

CHANGED MEETING

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
2410 Pulmonary-Allergy Drugs Advisory Committee, Bethesda, Md., 1–28 and 1–29–82, open changed to partially open

HEARINGS

INTERIOR DEPARTMENT
Land Management Bureau—
2415 Outer Continental Shelf oil and gas lease sale no. 71, Barrow, Alaska, 2–2–82; Fairbanks, Alaska, 2–4–82; Anchorage, Alaska, 2–5–82

LABOR DEPARTMENT
Mine Safety and Health Administration—
2335 Civil penalties, Pittsburgh, Pa., 2–23–82; St. Louis, Mo., 2–24–82; Salt Lake City, Utah, 2–26–82
Surface Mining Reclamation and Enforcement Office—
2338 Alabama permanent regualtory program, Jasper, Ala., 2–11–82

CANCELLED HEARING

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
2340 West Virginia permanent regualtory program, East Charleston, W. Va., 1–18–82, cancelled

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
359.....2283
831.....2284

6 CFR
Ch. VI.....2285
Ch. VII.....2285

10 CFR
2.....2286
50.....2286

13 CFR
101.....2305

15 CFR
Proposed Rules:
369.....2320

17 CFR
Proposed Rules:
1.....2325

18 CFR
Proposed Rules:
141.....2329

21 CFR
145.....2311
510.....2312
558.....2312
Proposed Rules:
7.....2331

28 CFR
2.....2312

29 CFR
2619.....2313

30 CFR
Proposed Rules:
Ch. VII.....2338
100.....2335
716.....2340
826.....2340
948.....2340

40 CFR
60.....2314
123.....2314
265.....2316
Proposed Rules:
50.....2341
123.....2378
246.....2379
761.....2379
799.....2379

43 CFR
20.....2316
Proposed Rules:
Subtitle A.....2381

47 CFR
83.....2317
Proposed Rules:
73 (2 documents).....2384, 2385

49 CFR
1139.....2317

50 CFR
17.....2317
Proposed Rules:
611.....2386
672.....2386

Rules and Regulations

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 359

Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with comments invited for consideration in final rulemaking.

SUMMARY: These interim regulations prescribe the procedures for making furloughs of career appointees in the Senior Executive Service and provide an appeal right to the Merit Systems Protection Board for such actions.

The regulations will help to ensure that furlough actions are taken fairly, that employees have a means of redress if they believe the actions are not fair, and that furloughs are not used when adverse action, performance removal, or reduction in force is the appropriate action.

DATES: Effective Date: January 15, 1982 and until final regulations are issued. Comment Date: Written comments will be considered if received no later than March 16, 1982.

ADDRESS: Send or deliver written comments to the Associate Director, Executive Personnel Group, Office of Personnel Management, 1900 E Street, NW., Room 6R48, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, (202) 632–7676.

SUPPLEMENTARY INFORMATION: Although current civil service regulations do not contain furlough procedures for Senior Executive Service (SES) employees, as they do for other employees in the civil service, there is inherent authority under law to permit agencies to furlough SES members in time of need. These regulations are being published to assure adequate protections for career SES members in furloughs.

For competitive service employees outside the SES, agencies must use 5 CFR Part 752 adverse action procedures for short furloughs (30 calendar days or less) and 5 CFR Part 351 reduction-in-force procedures for long furloughs (over 30 calendar days). The statutory provisions governing adverse action and reduction in force for SES members, however, do not govern SES furloughs.

Adverse action procedures for career SES members are in 5 U.S.C. 7541–7543. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) amended 5 U.S.C. 7543(a) to provide that adverse actions in the SES could be taken only in cases of "misconduct, neglect of duty, or malfeasance." The Conference Report to the Act stated that the amendment was intended to ensure that adverse action procedures for career SES members were limited "to cases involving disciplinary action." Furlough is a nondisciplinary matter, and has been traditionally viewed as such. 5 U.S.C. 7511(a)(5) governing non-SES employees clearly defines furlough as a nondisciplinary action. Furlough is similarly defined in the attached regulations for SES members. Therefore, in view of the disciplinary limitation Congress placed on the use of SES adverse action procedures and the nondisciplinary definition attached to furlough, the statutory rules at 5 U.S.C. 7541–7543 do not govern furloughs.

Furlough also does not fall under the definition of SES reduction in force (RIF), as prescribed in Pub. L. 97–35 and codified at 5 U.S.C. 3595. Under Section 3595(d), SES RIF is defined as including "the elimination or modification of a position due to a reorganization, due to a lack of funds or curtailment of work, or due to any other factor." In a furlough, however, an employee's position is neither eliminated nor modified; the employee is merely placed in a leave without pay status from the position. Since the SES RIF definition does not include furlough, agencies also cannot use 5 U.S.C. 3595 to furlough SES members.

Thus, neither the SES adverse action nor the SES RIF provisions in title 5 govern SES furloughs. However, there is inherent authority under the Civil Service Reform Act (CSRA) of 1978 (Pub. L. 95–454, August 13, 1978), which created the SES as a separate personnel system, to furlough SES members when the conditions warrant. Nothing in the CSRA expressly prohibits SES furlough. If Congress meant to exlude SES furlough it could have so provided, and it plainly refrained from so doing. Further, it is clear that the same conditions which require furloughs elsewhere in the civil service may also exist in the SES. These conditions include cutbacks in funding, lapse appropriations, and other unforeseeable circumstances.

If an agency finds itself in the extreme situation of a lapsed appropriation and there are no funds to operate the agency, the requirements of the Anti-Deficiency Act (31 U.S.C. 655(a)) would control and dictate that the agency suspend operations. In such a situation, furloughs in the regular service, as well as the SES, would be essential and certainly justifiable. Further, if during a period of Government-wide appropriation cuts an agency is forced to take measures to alleviate a budget shortage, it needs to have the ability to furlough SES members, along with regular employees.

In creating the SES system, Congress sought to afford agencies sufficient management flexibility to manage their executive workforces to meet agency and Government needs. An agency thus has authority to take furlough actions affecting SES members if there is a justifiable need.

The principles listed in 5 U.S.C. 3131, however, state that the SES should be administered to "protect senior executives from arbitrary or capricious actions." CSRA placed the general oversight authority to administer and regulate the system in OPM. Therefore, consistent with the CSRA generally and the SES oversight and regulatory role it accorded OPM specifically (5 U.S.C. 3133 and 3136), OPM is issuing these regulations to assure that furloughs of career SES members are made in a fair manner and are not used to evade the requirements in law which apply when an agency takes an action based on unacceptable performance, misconduct, or a RIF situation.

Similar to the furlough requirements for other employees, a furlough of an SES member may be made only when the agency intends to bring the member back to a work and pay status within one year. A furlough should not be used

when an agency knows it will have to separate an SES member through a RIF action when the furlough terminates. It is expected that, generally, furloughs of SES members will occur only when other Federal employees are also being furloughed, as for example, when there is a shortage of funds due to appropriation cutbacks.

As with furlough outside the SES, an agency under the regulations does not have to use competitive procedures to determine who will be selected for short furloughs of 30 calendar days or less (or 22 work days if the furlough does not cover consecutive days). Although the method of selecting SES members to be furloughed for short periods is an agency decision, the decision should be based on sound management reasons and it should be communicated to the affected employees. The regulations require, however, that in view of the more serious effects of long furloughs of more than 30 calendar days (or 22 work days) these furloughs must be made under competitive procedures. Agencies may, if they wish, use the competitive procedures they establish for SES reduction in force under 5 U.S.C. 3595(a).

Except in cases involving unforeseeable circumstances, an agency is required to provide 30 days' advance written notice of a furlough action. In addition to the specific requirements on notice in the regulations, agencies should inform SES members of any changes to their retirement, health benefits, or life insurance coverage during furlough.

Either a short or long furlough action may be appealed to the Merit Systems Protection Board if a career appointee believes the regulations were not properly applied. Furloughs of noncareer and limited SES appointees may be made without regard to these regulations, and there is no appeal right.

Pursuant to section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. In light of the projected budgetary cutbacks facing many agencies, the regulation is being made effective immediately to assure that agency needs are met and the rights of career SES members are adequately protected in any furlough situation.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units, and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is adding Subpart H, §§ 359.801 through 359.807, to 5 CFR Part 359 to read as follows:

PART 359—REMOVAL, REINSTATEMENT, AND GUARANTEED PLACEMENT IN THE SENIOR EXECUTIVE SERVICE

* * * * *

Subpart H—Furloughs in the Senior Executive Service

Sec.

359.801 Agency authority.
359.802 Definitions.
359.803 Competition.
359.804 Length of furlough.
359.805 Appeals.
359.806 Notice.
359.807 Records.

Authority: 5 U.S.C. 3133 and 3136.

* * * * *

Subpart H—Furloughs in the Senior Executive Service

§ 359.801 Agency authority.

This subpart sets the conditions under which an agency may furlough career appointees in the Senior Executive Service. The furlough of a noncareer, limited term, or limited emergency appointee is not subject to this subpart.

§ 359.802 Definitions.

For the purpose of this subpart, "furlough" means the placing of an appointee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

§ 359.803 Competition.

Any furlough for more than 30 calendar days shall be made under competitive procedures established by the agency.

§ 359.804 Length of furlough.

A furlough may not extend more than one year. It may be made only when the agency intends to recall the appointee within one year.

§ 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart has not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

§ 359.806 Notice.

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action;

(2) The expected duration of the furlough and the effective dates;

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The place where the appointee may inspect the regulations and records pertinent to the action; and

(5) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

[FR Doc. 82-1085 Filed 1-14-82; 8:45 am]

BILLING CODE 6325-01-M

---

5 CFR Part 831

Retirement; Health Care Employees

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing revised regulations to exclude from Civil Service Retirement (CSR) law coverage health care employees of the National Health Service Corps (NHSC) serving under appointments limited to four years or less in health manpower shortage areas. These employees are not expected to continue in Federal service beyond four

years and should be covered by social security. By excluding them from CSR, the regulation in effect extends social security coverage to them.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: John Landers (202) 632–4634.

SUPPLEMENTARY INFORMATION: On July 10, 1981, OPM published a proposed rule (46 FR 35658) to add a new exclusion to coverage under the CSR law for health care employees of the NHSC serving under appointments limited to four years or less in health manpower shortage areas. NHSC, a part of the Public Health Service, Department of Health and Human Services (HHS), encourages the establishment of private practice types of health care delivery in areas designated by the Secretary of HHS as critical manpower shortage areas. In these communities the Corps employs health care personnel who are appointed under an excepted Civil Service authority which limits employment of any one individual to four years. During the four year period, the employee is expected to be hired by the local community to permanently staff the health facility which the Federal Government established in that area.

Under the CSR law (5 U.S.C. 8331 et seq.), OPM is authorized to exclude from coverage those employees in the executive branch whose employment is temporary or intermittent. The regulatory definition of temporary employment for this purpose is employment under an appointment limited to one year or less (5 CFR 833.201(a)(1)). The regulations provide that other nonpermanent appointments (term and indefinite appointments) are also excluded even though they are not limited to one year or less. However, neither of these types of appointment is appropriate for NHSC health care personnel in health manpower shortage areas. Thus, these employees are covered under CSR. But, because they are expected to leave Federal service within four years they will not complete the minimum five years of service required for a CSR annuity. At the same time, their CSR coverage operates to exclude them from social security coverage. This regulation excludes these employees from CSR coverage, and thus allows them to receive social security credit for their NHSC service. The exclusion applies only to those employees who are hired after the effective date of this regulation, or after a four day break from covered service.

OPM received one negative comment on the proposed regulation from a Federal employee who is not affected by this regulation. The commenter was concerned that the affected employees would have lesser benefits coverage (social security), that the exclusion is disadvantageous to some employees who might pursue a Federal career beyond their four year appointment, that the affected employees should not be forced to give up CSR coverage when their Federal employment ends and they enter private employment, and finally, that this exclusion establishes a precedent under which an agency may be able to exclude a portion of its employees by designating them as temporary in nature.

This regulation is designed to cover a unique situation and does not constitute a precedent for further exclusions from retirement coverage which the commenter is concerned about. Career employees who are appointed for an indefinite period without time limitation will continue to be covered by the Civil Service Retirement System.

Pursuant to section 553(d)(3) of title 5, United States Code, the Director of OPM finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in order to allow new NHSC hires to be affected by the exclusion as soon as possible.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 831—RETIREMENT

Accordingly, the Office of Personnel Management amends Subpart B of 5 CFR Part 831 by adding § 831.201(a)(18) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(18) Health care employees of the National Health Service Corps serving under appointments limited to four years or less in health manpower shortage areas.

* * * * *

(5 U.S.C. 8347(g))

[FR Doc. 82–1084 Filed 1–14–82; 8:45 am]

BILLING CODE 6325–01–M

COUNCIL ON WAGE AND PRICE STABILITY

DEPARTMENT OF THE TREASURY

Office of the Secretary

6 CFR Chs. VI, VII

Vacation of Title

Editorial Note: The Office of the Federal Register has received a letter from the Office of the General Counsel, Department of the Treasury which recommends that 6 CFR Part 602 not be republished. The letter explains that Part 602 was orginally issued by Treasury to carry out the functions assigned to it by Executive Order 11788—Providing for the Orderly Termination of Economic Stabilization Activities. The letter further explains those functions "have been completed and that no Treasury personnel are assigned any active Economic Stabilization functions." Thus, the Treasury Department has concluded that 6 CFR Part 602 is unnecessary and ought to be removed from the Code of Federal Regulations.

The Council on Wage and Price Stability was established by authority of Pub. L. 93–387, as amended (12 U.S.C. 1904 note). Regulations establishing Chapter VII were published at 40 FR 7233, February 19, 1975.

The wage and price regulatory program was terminated on February 2, 1981, by Executive Order 12288 of January 29, 1981 (46 FR 10135) and the Council on Wage and Price Stability was terminated as provided by Pub. L. 97–12 (95 Stat. 74) (46 FR 11229, Feb. 6, 1981).

Since the Council on Wage and Price Stability has been terminated and the functions of the Department of the Treasury pursuant to E.O. 11788 have been completed, the Director of the

Office of the Federal Register, pursuant to 1 CFR 8.2 hereby removes from the Code of Federal Regulations Title 6, Chapter VI, Assistant Secretary for Administration, Department of the Treasury, consisting of Part 602, and Chapter VII, Council on Wage and Price Stability, consisting of Parts 701 through 704 inclusive.

Title 6, Code of Federal Regulations is hereby vacated.

BILLING CODE 1505-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Licensing Requirements for Pending Construction Permit and Manufacturing License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is adding to its power reactor safety regulations a set of licensing requirements applicable only to construction permit and manufacturing license applications pending at the effective date of this rule. The requirements stem from the Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island to power plant licensing. Each applicant covered by this rule must meet these requirements in order to obtain a permit or manufacturing license.

EFFECTIVE DATE: February 16, 1982.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492–7980.

SUPPLEMENTARY INFORMATION:

Background of the Rulemaking

The events leading up to the promulgation of this rule were discussed in detail in the Notice of Proposed Rulemaking, which appeared in the **Federal Register** on October 2, 1980, at pages 65247–65248. In that notice, the Commission reviewed some of the actions it had already taken in response to the accident at Three Mile Island and outlined the options it was considering with regard to the review of construction permit and manufacturing license applications. The Commission proposed to resume licensing using pre-TMI requirements augmented as necessary by new requirements identified in the Commission's TMI Action Plan, NUREG–0660. In connection with a request for public comments on these new requirements, the Commission noted that final rules might be issued on some or all of the matters discussed in that notice.

The Commission held a series of meetings regarding this proposed rule in January, February, and March of 1981. At its March 12 meeting the Commission decided that a further brief period of public comment was desirable prior to promulgation of a final rule to ensure that all interested persons have an opportunity to review the contents of the proposed rule and, in particular, have the opportunity to comment on the applicability of the proposed rule to the pending manufacturing license application. The additional comment period was discussed and noticed in the **Federal Register** on March 23, 1981, at pages 18045–18049.

The Commission particularly desired comment on whether or not the pending manufacturing license application, filed by Offshore Power Systems, Inc., should be covered by the proposed rule. At issue is whether the rule's requirements for the capacity of containments to withstand the effects of accident-generated hydrogen are sufficient when applied to floating nuclear power plants.

Analysis of Public Comments

The comments that were received and the Commission's responses are presented below in two parts. The first part addresses the comments received in response to the **Federal Register** Notice of October 2, 1980, regarding the proposed requirements set forth in draft NUREG–0718. The second part addresses comments responding to the March 23, 1981 notice containing the proposed requirements, as modified after consideration of comments, in the form of a proposed rule.

I. Comments to FR Notice of October 2, 1980. Comments were received from:

C. W. Rowley, Sand Springs, Oklahoma (Rowley)
Department of the Interior (USDI)
Marvin I. Lewis, Philadelphia, Pennsylvania (Lewis)
Bechtel Power Corporation, San Francisco, California (Bechtel)
Lowenstein, Newman, Reis, Axelrad & Toll (Lowenstein)
Offshore Power Systems (OPS)
Public Service Company of Oklahoma (PSO)
Boston Edison Company (BEC)
General Electric Company (GE)
Westinghouse Electric Corporation (*W*)
Portland General Electric Company (PGE)
Duke Power Company (Duke)
Combustion Engineering (CE)

The Commission's consideration of the comments received are reflected in part by revised text in the pertinent sections of NUREG–0718 and in part by the following discussion. The comments are grouped in five areas as indicated below and are referenced by the use of the abbreviations indicated above.

Comments on Proposed Requirements in NUREG–0718

The following is a discussion of comments received on specific NUREG–0660 items for which draft NUREG–0718 proposed requirements applicable to the pending applications.

I.B.1.1—*Organization and Management Long Term Improvements (PSO).*

II.J.3.1—*Management for Design and Construction (PSO).*

The commentor notes that there is an industry-wide effort related to these activities.

Discussion

The Commission is not entirely certain to what specific activity the commentor is referring. Liaison is maintained with the Institute for Nuclear Power Operations (INPO) which is in the process of conducting utility management audits using its own guidelines.

The classification of Action Plan Item I.B.1.1 has been changed to Category 2 (i.e., an item that is to be addressed at the operating license review stage rather than at the construction permit review stage) since it deals with operations management. The discussion that follows addresses the comments with respect to guidance availability.

Although the NRC is developing guidelines for utility organization and management for operations (I.B.1.1), and design and construction (II.J.3.1), the NRC is still required to make a finding on management and organizational capability prior to issuance of a construction permit or operating license, even if approved guidelines are not available. Therefore, as has always been the case, applicants are required to describe their organizational structure and management for design and construction, regardless of whether or not an industry approach is available or is being developed. For example, in the NRC reviews of utility management and organization for recently issued operating licenses, each one has been evaluated on a case-by-case basis. In conducting these reviews, the draft document "Guidelines for Utilities Management Structure and Technical Resources," NUREG–0731, which has

been issued for public comment, was used.

The commentor also stated that NRC has ignored design and construction management guidance in response to Action Plan II.J.3.1. This is not the case. Draft guidelines for this task were prepared and have been circulated for internal comment. The guidance will be included in the final version of NUREG–0731 or in a separate document.

I.C.9—*Long-Term Program Plan for Upgrading of Procedures (PSO).*

A commentor noted that it would be difficult to describe in any significant detail, until after January 1982, the extent to which that commentor's program will be coordinated with INPO activities.

Discussion

In consideration of the comment the Commission has modified this requirement, which called for applicants to describe how their program would be coordinated with INPO activities. The modification requires that applicants ensure coordination, to the extent possible, of their program with INPO and other industry efforts.

I.D.2—*Plant Safety Parameter Display Console (Bechtel).*

The commentor suggested adding a reference to the document where the pertinent staff criteria can be found.

Discussion

Reference to NUREG–0696 has been incorporated in NUREG–0718 as suggested.

I.D.4—*Control Room Design Standard* (Bechtel, BEC).

The commentor noted that the IEEE standard reference in the requirement is not yet available.

Discussion

The Commission has reconsidered this proposed requirement and has placed this Action Item in Category 1 (i.e., an item that is not applicable to the construction permit review). However, the need was found to strengthen the I.D.1 requirement governing control room design revisions. I.D.1 places general requirements on the ML and CP applicants.

I.E.4—*Coordination of Licensee, Industry and Regulatory Programs* (PSO). The commentor objected to describing, prior to issuance of a CP, efforts to evaluate and factor in applicable experience at similar plants on the gounds that the Nuclear Safety Analysis Center (NSAC) is developing a generic industry plan and that a separate response by the utility could undermine the generic industry program.

Discussion

The Commission considers it important that those responsible for the design and construction of nuclear plants have a program in place prior to issuance of a CP or ML (even if that program is later superseded by an industry program) that assures an early awareness of safety problem areas and areas of safety improvements that arise elsewhere. The Commission would have no objection if a utility were to improve such a plan at a later date by adopting a plan worked out generically between the industry and the NRC staff. The requirements of I.E.4 are covered by I.C.5.

II.A.2—*Site Evaluation of Existing Facilities* (USDI, Lewis, Bechtel, Lowenstein, PSO, BEC, CE).

Siting was one of the four areas that the Commission identified in the October 2, 1980 notice of proposed rulemaking as deserving special attention. Several comments (Bechtel, Lowenstein, PSO and BEC[1] cited Section 108(b) of Pub. L. 96–295 (NRC FY 80 Authorization) and express or imply concern that the proposed requirements under II.A.2 are not consistent with exemption from future regulations that are to be promulgated under Section 108.

Discussion

The Commission believes that the proposed requirements would not have been inconsistent with Section 108. However, based on preliminary staff evaluation of the sites involved, as well as the requirement added in II.B.8 for each CP applicant to perform a plant/site specific probabilistic risk analysis, the Commission has reclassified II.A.2 to Category 1.

The USDI and Lewis comments are addressed elsewhere in this document under the discussion of comments on the methods of implementing the requirements.

II.B.1—*Reactor Coolant System Vents (Bechtel).*

The commentor suggested that this item be removed since II.B.8 requires applicants to describe the degree of design conformance with the proposed interim requirements.

Discussion

Since the proposed interim rule, related to hydrogen control and degraded core considerations, as published in the **Federal Register** (45 FR 65466, October 2, 1980), did not include a requirement to demonstrate by analysis that direct venting will not result in violations of combustible gas concentration limits, II.B.1 has been revised to eliminate the requirement.

II.B.8—*Rulemaking Proceeding on Degraded Core Accidents (Bechtel; BEC; Lewis; Lowenstein; OPS; PSO; W; CE).*

Most comments received opposed requiring any concrete actions in the area of accommodating degraded-core accidents on the part of the applicants prior to completion of the rulemaking process. Several commentors noted that the requirement in this area, as expressed in the draft NUREG–0718, was too openended and did not clearly set forth acceptance criteria.

Discussion

Degraded core rulemaking was another of the four areas the Commission identified in the October 2, 1980, **Federal Register** notice as deserving special attention. As the rule was drafted in that notice, the applicants would have been required to describe the extent to which their designs conform to the proposed interim hydrogen control rule and to provide reasonable assurance that issuance of a CP or ML would not foreclose the ability to accommodate potential requirements resulting from the rulemaking proceedings. The Commission also listed some features as potential requirements and proposed that the applicants submit an evaluation of the preventive and mitigative features having a potential for significant risk reductions that they would propose to include at their facilities.

In view of the comments and upon further consideration, the Commission has revised this requirement. The principal objective in the revision has been to take advantage of the fact that, for a plant that has not yet begun construction, it should be relatively easier to avoid foreclosing design modifications resulting from the rulemaking. For some of the potential design requirements that might be required by the final rule, it is relatively easy to ensure that they can be accommodated at any stage of construction (e.g., by providing large containment penetrations to accommodate a filtered vented containment concept). However, to extend this approach to every conceivable rule requirement could easily lead to major redesigns of these plants, for which considerable design has been completed, possibly causing unnecessary delays in their construction. On the other hand, to do nothing at this time would very likely result in foreclosure of the practical implementation of some of the future requirements.

Taking into account the fact that the plants represented by the pending

applications are of the most recent design and that the proposed sites are comparatively good sites, the Commission has adopted a policy of allowing construction to proceed while minimizing foreclosure of plant modifications in the structural design area that may result from the rulemaking proceeding on degraded core accidents. Specifically, as reflected in II.B.8, prior to issuance of a CP or ML, the applicants would be required to commit to (1) performing a site/plant probabilistic risk assessment (This risk study would encompass many of the other concerns related to siting, systems reliability, and degraded core accidents), (2) making provisions for one or more containment penetrations for possibly venting the containment, (3) providing hydrogen control measures, and (4) providing preliminary design information sufficient to demonstrate, given a 100 percent fuel clad metal-water reaction accompanied by either hydrogen burning or post-accident inerting, that (a) containment integrity will be maintained at an internal pressure of at least 45 psig, (b) systems necessary to insure containment integrity will perform their intended function, (c) facility design will provide reasonable assurance that uniformly distributed hydrogen concentrations cannot exceed 10 percent (controlled burning) or, in the alternative, the post-accident atmosphere will not support hydrogen combustion, (d) facility design will provide reasonable assurance that hydrogen will not collect in areas where localized concentrations could unintentionally burn or detonate and result in loss of containment integrity or loss of appropriate mitigating features, and (e) inadvertent operation (based on CO_2) post-accident inerting hydrogen control system can be safely accommodated during plant operation.

II.C.4—*Reliability Engineering* (Bechtel; Lowenstein; PSO; W; Duke).

Reliability engineering was one of the four areas that the Commission identified in the October 2, 1980 notice of proposed rule making as deserving special attention.

The commentors generally expressed the view that reliability engineering is an important tool in designing for safety, but felt that, because the methodology is not well developed, it would be inappropriate to require extensive analysis as a prerequisite for a construction permit. Most commentors believed that a commitment to incorporate reliability engineering during final design, after CP issuance, would be appropriate. However, one commentor argued that no requirement in this area should be specified until the degraded core rulemaking is completed.

Discussion

The requirement under II.B.8 in the revised NUREG–0718 to perform an overall plant/site risk study will, in effect, encompass and go beyond the simplified reliability analyses called for in the draft NUREG–0718. The comprehensive risk study is expected to achieve a more thorough evaluation of plant safety and will provide a sounder technical basis for making decisions regarding potential plant improvements. Accordingly, the more limited effort called for in the draft NUREG–0718 has been replaced by the risk study requirement of II.B.8.

II.D.2—*Research on Relief and Safety Valve Test Requirements* (Bechtel, BEC).

The commentor noted that the two entries shown for this item should either be combined or one entry deleted.

Discussion

Action Item II.D.2 has been placed in Category 1 since it deals with research on generic tests. Action Item II.D.1 has been expanded to include the information presently shown in II.D.2.

II.F.3—*Instrumentation for Monitoring Accident Conditions* (Regulatory Guide 1.97) (PSO).

The commentor expressed concern that since Regulatory Guide 1.97 has not been issued, it will be difficult for the utilities to meet the NUREG–0718 requirements in a timely manner.

Discussion

Revision 2 to Regulatory Guide 1.97 was issued on December 24, 1980.

III.A.1—*Improve Licensee Emergency Preparedness—Short Term (BEC, PSO).*

III.A.2—*Improve Licensee Emergency Preparedness—Long Term (BEC, PSO).*

The commentors suggested that the requirements in these two items be combined and noted that the requirements should only represent information submitted at the CP review stage.

Discussion

Item III.A.1.1 in the TMI Action Plan was intended to apply only to operating reactors and certain operating license applicants, not to CP and ML applicants. For CP and ML applicants, the long term item III.A.2 called for licensees to participate in the development of guidance and criteria, which has now been completed. The Commission has issued new regulations to upgrade emergency preparedness planning for NRC–licensed facilities. These new regulations were issued on August 19, 1980, and became effective on November 3, 1980. Since item III.A.2 is now covered by the regulations, it has been removed from NUREG–0718.

Item III.A.1.2 has been revised to provide clearer guidance by specific reference to NUREG–0696.

Special Consideration Areas of Siting, Degraded Core Rulemaking, Reliability Engineering, and Emergency Preparedness

(See the discussion above under II.A.2, II.B.8, II.C.4, and III.A.1,–.2)

Deviations From the Standard Review Plan

Several of the responses commented on the proposed requirements to document deviations from the Standard Review Plan. On October 9, 1980, another Notice of Proposed Rulemaking was published in the **Federal Register** (45 FR 67099) which also detailed requirements for documenting deviations from the SRP. This second notice not only reiterated the documentation requirements of the first notice, but also extended the requirements to operating plants and construction permit holders. A comprehensive final rule which will also include action for the pending CP and ML applications is under consideration in connection with 45 FR 67009. Accordingly, no special requirement on this subject will be included in this rule.

Comments on Instruction to Atomic Safety and Licensing and Appeal Boards (Lowenstein; PSO; BEC)

The notice of proposed rulemaking also requested comments on the extent to which judgments reached by the Commission on siting, emergency preparedness, reliability engineering, degraded core rulemaking, and the requirements of NUREG–0718 should form the basis for instructions to licensing and appeal boards in the CP and ML proceedings.

One commentor (Lowenstein) suggested that the licensing boards should be instructed that strict time schedules are to be imposed and enforced for completion of litigation. The Commission anticipates that licensing boards would, under present authority, impose and enforce appropriate schedules.

With respect to siting, this commentor recommends that the licensing boards be permitted to entertain contentions that any part of additional requirements proposed by the NRC staff as a result of the proposed rule on siting are unnecessary or that such proposed requirements are not being complied

with, but that requirements beyond those proposed by the staff may not be entertained and that boards' authority to raise issues *sua-sponte* should be subject to the same limitations. Also, this commentor would have the boards instructed not to entertain contentions that alternate sites be considered due to demographic considerations in view of the provisions of Section 108(b) of the NRC appropriation authorization for Fiscal Year 1980, discussed under item II.A.2 above.

With respect to degraded core rulemaking, the above commentor would have the licensing boards instructed to limit the litigation in a fashion similar to that proposed by this commentor on the siting issue, namely by restricting contentions to the NUREG–0718 requirements applicable to the CP review stage, including the requirement to consider certain preventive and mitigative features.

With respect to reliability engineering, the above commentor would have the licensing boards instructed that they may only entertain contentions on the nature, method of conduct, and completion dates of the studies and the program to assure that the results are reflected in the final design. Here also, this commentor recommends that the authority of licensing boards to raise issues *sua-sponte* be subject to these same limitations.

Another commentor (PSO) believes that the Commission should issue a rule directing licensing boards to resume licensing proceedings in accordance with Option 1 (which the commentor believes would entail further notice and opportunity to comment before implementation). (The options are described in the following section.) If, however, Option 3 is adopted by the Commission, then this commentor would propose that the rule should be issued and made effective within 30 days after publication in the **Federal Register.**

The third commentor (BEC), who also favors Option 1, would have the licensing boards instructed that they may entertain contentions that one or more NUREG–0718 requirements applicable to the CP review stage are not complied with but may not entertain contentions that requirements beyond these are necessary. This commentor would also have the licensing boards' authority to raise issues *sua-sponte* subject to these same limitations.

Discussion

The Commission has decided that Option 3 should be embodied as a rule, to be effective 30 days after publication of the notice in the **Federal Register.** This rule, like other Commission regulations, may be challenged in accordance with 10 CFR 2.758.

Comments on the Method of Implementing the Requirements

In the notice of proposed rulemaking, three options for resuming licensing on the pending CP/ML applications were presented. Briefly, they were as follows:

Option 1

Resume licensing using the pre-TMI requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 Statement of Policy regarding operating licenses.

Option 2

Take no further licensing action until the rulemaking actions described in the Action Plan, NUREG–0660, have been completed.

Option 3

Resume licensing as indicated under Option 1 above, but also require certain additional measures or commitments in selected areas (e.g., those that will be the subject of rulemaking.)

A majority of those commenting favor Option 1 which, with respect to the TMI Action Plan, would, in effect, treat the pending applications as if they were the last of the present generation of nuclear power plants. The applicants for these plants would not, under this option, be required to address the four special areas cited in the notice. Reasons cited for selecting that option include:

Option 3 could significantly delay CP licensing process (Bechtel, PGE)
Option 3 constitutes excessive and unnecesary regulation (Lowenstein)
pending CP applicants should be treated like present CP holders (PSO)
"additional measures" of Option 3 would be inordinately costly (BSE)
Option 3 proposes a different and escalated set of TMI-related requirements (GE)
Option 3 adds uncertainty to the review process by requiring commitments to future events (CE)
Sufficient "in the interim" and can be implemented in a realistic and cost effective manner (*W*)
Reduce dependence on foreign oil (Rowley)

One commentor (OPS) suggested that either Option 1 or Option 3 would provide a reasonable basis for resuming licensing.

One commentor (Duke) proposed its affected units (Perkins) be exempted from the rulemaking altogether because those units are intended to be identical to other units (Cherokee) already granted CP's.

One commentor (USDI) recommended that no construction permits be issued until the siting rulemaking has been completed. While it is true that a siting rule is being formulated, it is not expected to be so drastically different from the present guidelines as to make these previously evaluated sites grossly deficient. The Commission therefore declines as a matter of policy to delay consideration of the pending applications for conclusion of the siting rulemaking.

One commentor (Lewis) asserted that any action at this time is unnecessary and/or premature. Among other things the commentor stated that there is no demand or "need for power" from new plants at this time. The Commission finds that those considerations are outside the scope of this rulemaking. Need for power and related issues have been or will be addressed in the individual CP or ML proceedings by the licensing boards. This commentor also stated that many new requirements will eventually be developed in answer to the accident at TMI–2. Included are proposed rule changes on population density, and consideration of "Class 9" accidents. In his view, concurrent consideration of several rulemakings at one time makes for duplicative efforts. However, the comments in this regard overlook the fact that ongoing licensing proceedings are always subject to matters in rulemaking and that applications are in any event judged against current licensing requirements.

On balance, the Commission continues to believe that Option 3, as modified by revisions to II.A.2, II.B.8, and II.C.4, is the most suitable course of action to take.

II. Comments to FR Notice of March 23, 1981. Comments were received from:

1. J. D. Sloan, Charlotte, North Carolina (Sloan)
2. Southern Company Services, Inc., Birmingham, Alabama (SCS)
3. Minnesota Pollution Control Agency, Roseville, Minnesota (MPCA)
4. Offshore Power Systems (OPS)
5. Baltimore Gas and Electric Company (BG&E)
6. Boston Edison Company (Boston Edison)
7. Gilbert Associates, Inc., Reading, Pennsylvania (Gilbert)
8. Town of Hampton Falls, New Hampshire (Hampton Falls)
9. Marty Casella, Sun Valley, California (Casella)
10. Jane J. Estes, Blacksburg, Virginia (Estes)
11. Stone & Webster Engineering Corporation, Boston, Massachusetts (S&W)

12. Atomic Industrial Forum, Washington, D.C. (AIF)
13. Edison Electric Institute, Washington, D.C. (EEI)
14. Virginia Electric and Power Company (VEPCO)
15. Combustion Engineering, Inc., Windsor, Connecticut (CE)
16. Marvin I. Lewis, Philadelphia, Pennsylvania (Lewis)
17. Robert Alexander, Houston, Texas (Alexander)
18. Committee on Nuclear Quality Assurance, American Society of Mechanical Engineers (NQA)
19. Bechtel Power Corporation, San Francisco, California (Bechtel)
20. Consolidated Edison Company of New York (Con Ed)
21. General Electric Company, San Jose, California (GE)
22. Carolina Power & Light Company (CP&L)
24. Florida Power Corporation (FPC)
25. Lowenstein, Newman, Reis & Alexrad (Lowenstein) on behalf of Houston Light & Power Company and Puget Sound Power and Light Company
26. Commonwealth of Massachusetts (Massachusetts)
27. Tampa Electric Company (TEC)
28. Business and Professional People for the Public Interest, Chicago, Illinois (BPI)
30. Westinghouse Electric Corporation, Pittsburgh, Pennsylvania (*W*)
31. Public Service Company of Oklahoma (PSO)
33. Portland General Electric Company (PGE)
34. Commonwealth Edison Company (CEC)
35. Middle South Services, Inc., New Orleans, Louisiana (MSS)
36. Florida Power & Light Company (FP&L)
37. Central Power and Light Company (Central P&L)
39. Tennessee Valley Authority (TVA)
40. Ebasco Services, Inc., New York, N.Y. (Ebasco)
42. Babcock & Wilcox, Lynchburg, VA (B&W)
43. D. Marrack, Bellaire, Texas (Marrack)

(Letters numbered 23, 29, 32, 38 and 41 are not listed because they are duplicates of the letters numbered 6, 24, 21, 32 and 11, respectively. The letters numbered 1, 8, 9, 10 and 26 contain no comments on the proposed rule).

The staff's consideration of the pertinent comments received is provided in the following discussion. The comments are grouped as indicated below, with the source of the comments referenced by use of the abbreviations indicated above.

1. Inclusion of the ML Application

The following is a discussion of the comments received on including the application for a Manufacturing License (ML) in the rule for licensing requirements for pending applications for Construction Permits and Manufacturing Licenses.

One commentor (Lewis) clearly favors outright exclusion of the ML from the rule. The basis for exclusion presented by the commentor is that Offshore Power Systems lacks a customer for the Floating Nuclear Plant (FNP).

A majority (16) of the (20) commenting letters that address the issue strongly favor including the ML in the rule. Three others (Boston Edison, EEI, Lowenstein) believe the ML should be included, but not if this results in a delay in promulgation of the rule for the CP applications. Some of the reasons given for this support are the standardized plant concept (BG&E, OPS, VEPCO, CON ED, CP&L, FPC), conservation of resources, "diversity of fuel supplies", and "innovation" (BG&E). Also, the considerable expenditure of dollars, expert engineering man-years, and support facility construction are noted.

OPS, particularly, states that exclusion of the ML from the rule would "* * * greatly damage the concept of standardization and would cast substantial doubt on whether the incentives perceived to result from standardization in fact exist." OPS further submits that the investment in the FNP was made "* * * in reliance on our understanding that the standards to be applied to the Manufacturing License are the same as those which apply to Construction Permits, with only such distinctions as are set out in 10 CFR Part 50, Appendix M" and that to segregate them now would "* * * insert * * * a commercial requirement completely at odds with the Manufacturing License concept and the Commission's prior licensing philosophy." OPS asserts that the requirements in Subsection (3)(v) of the proposed rule are "* * * entirely appropriate for application to Floating Nuclear Plants", and that "[D]esign features required by the rule can and will be incorporated into the Floating Nuclear Plant design * * *". OPS also notes that "[M]any of the Near-Term Construction Permit plants utilize containments with volumes and design pressures comparable to the ice condenser containment employed in the Floating Nuclear Plant", and that "* * * information reported at March 1, 1981 ACRS meetings * * * indicate (sic) that the capability to increase containment strength is very nearly the same for the Near-Term Construction Permit plants and the Floating Nuclear Plant * * *."

Discussion for Inclusion of the Manufacturing License in the Rule

The Commission generally agrees with the comments that favor inclusion of the ML application in the rule and has, therefore, included it.

2. Comment Period Too Short

One commentor (Gilbert) stated that, "Based upon the numerous criteria contained in this proposal, and the potential monumental impact of those requirements, the 20-day comment period is too short and restrictive for public rulemaking in spite of the NRC's rationalization of this time interval."

Discussion

The 20-day comment period provided in the notice printed in the **Federal Register** on March 23, 1981 (46 FR 18045) was considered by the Commission to be sufficient, considering the 45-day comment period provided in a previous notice on October 2, 1980 (45 FR 65247). Promulgation of the rule will provide the affected parties with a firm basis for responding to TMI-related requirements, thereby eliminating the present uncertainty and its attendant potential for unnecessary delay.

3. Application of the Proposed Rule to Present CPs and OL Applications

One commentor (BPI) submits that "the new rule, if enacted, should be made applicable to present holders of construction permits, as well as to applicants for construction permits and manufacturing licenses. To decline to so apply the amendment, especially to plants which are in the very early stages of construction, suggests that the Commission is not seriously attempting to implement the needed upgrading of safety for all nuclear plants." Another commentor (Marrack) argues that all plants not yet operating should meet the minimum improved standards.

Discussion

Holders of construction permits have already been informed by letter that they must meet the TMI-related requirements contained in NUREG–0737. There is an ongoing rulemaking to codify these requirements in the Commission's regulations. This action will ensure that the bulk of the requirements that are contained in this new rule for pending CP/ML applicants will be made applicable to all holders of construction permits. For those areas in this new rule that go beyond the requirements of NUREG–0737 (such as those related to containment strengthening and other hydrogen control measures), the Commission, in the near future, intends

to consider their applicability to present CP holders on a case-by-case basis.

4. Imposition of New Requirements

One commentor (FPC) urges "the Commission to impose new licensing requirements on plants during the licensing process only after a cost/benefit evaluation has been completed utilizing identified safety benefit compared to financial requirements to implement i.e. containment strength. We have a concern that without such evaluations licensing requirements may be imposed with minimal increase or perhaps no increase in overall safety at significant costs. This will quickly erase the nuclear alternative as viable and severely limit our energy resources." Another commentor (CE) also recommends that any major modifications should undergo complete cost/benefit assessment. In addition, the commentor urges "that this requirement should be coordinated with other rulemaking proceedings in progess, specifically the development of an overall safety goal."

Another commentor (Lowenstein) said, "we also think it essential that the Commission recognize that in many instances applicants have already completed designs, procured equipment, or committed to fabrication of equipment on much of the proposed plants. The Commission should make clear to the NRC staff that the new requirements should be interpreted to minimize extensive redesign and procurement of new equipment to replace that already purchased."

Discussion

The Commission agrees that new requirements should be based on favorable cost/benefit evaluations, but this is not possible, in quantifiable terms, at present due to the lack of a specified safety goal. The Commission and its staff recognize that unnecessary extensive redesign and procurement of new equipment should be avoided. However, in its extensive deliberations concerning TMI-related requirements, the Commission has decided that the requirements in the new rule are necessary for protection of the public and that their costs are not exorbitant. Acceptable alternative methods of meeting the requirements stated in the rule will be considered.

5. Imposing Requirements Now Under Rulemaking

Several commentors (S&W, CEC, Lewis, Ebasco) oppose the imposition of requirements subject to other rulemaking proceedings, particulaly relative to degraded core conditions, as premature.

Another commenter (*W*) said that "in light of the ongoing generic NRC proceedings with respect to safety goals and methodology, degraded core cooling, siting and emergency planning, the Commission should make it clear that the final rule when adopted is an interim rule to be applied pending the outcome of these proceedings and the risk assessments required by the rule." "Paragraphs (e)(1)(xv), (e)(3)(iii), (e)(3(iv), (B thru D): Each of these items are either premature impositions of requirements not yet authorized by the NRC or are clearly the subject of current ongoing rulemaking e.g. hydrogen control and degraded core rulemaking. To impose these requirements at the CP stage precludes the full airing of these issues prior to assumption by the applicant of construction costs," stated one commentor (CEC).

Discussion

This rule does include some requirements which are subjects of other ongoing rule-making proceedings. The purpose of including these requirements in this rule is to ensure that future requirements are not rendered impractical because construction has been allowed to proceed on these plants without having made provisions for them.

6. NUREG–0718 Is Premature, Limited and Misleading

One commentor (Lewis) states that "the staff guidance in NUREG–0718 * * * is so limited and so misleading that it will probably be a matter of civil suit between NRC and Licensee's. Many licensee's will be able to argue that the staff guidance mislead them into believing that new requirements would be easy-to-meet and low cost." The commentor therefore, suggested that NUREG–0718 be eliminated.

Discussion

The Commission is not aware of specific additional guidance the commentor would have it provide at this time. The staff will provide applicants with additional guidance as the need arises. Eliminating NUREG–0718 at this time would remove all guidance and could lead to more instability in the review process.

7. Objections to Detail of the CP/ML Rule

Two commentors (Gilbert, CEC) object to the regimentation, "great detail", and "specificity" of placing such a rule in the Code of Federal Regulations. They support the use of Regulatory Guides, Standard Review Plans, and/or various NUREG documents. One commentor (Gilbert) goes on to state: "The current proposal applies to but seven pending applications, yet proposes to more than double the volume of 10 CFR 50.34. Furthermore, a number of the individual requirements are so design specific as to preclude the possibility of alternate designs or solutions in the future. We thus see these new proposed regulations as in conflict with both President Reagan's directive for both simplified regulatory requirements, as well as his stated beliefs that new nuclear plants should not be unduly regulated into oblivion * * * We believe that the general goals and objectives of proposing the new 10 CFR 50.34(e) can be obtained through means other than the new regulations (as has been done on plants undergoing OL review) on a case-by-case or even a generic basis, and that imposing these requirements by use of a new 10 CFR 50.34(e) is unwarranted and without justification."

Discussion

The regulatory authority provided by a rule ensures a clear and concrete way to impose the necessary requirements in the wake of lessons learned from the TMI–2 accident. Separate rules for the CP/ML applicants and the OL applicants will clarify the specific requirements the Commission considers necessary for plants at these stages in the licensing process. Excessive details have been removed from the proposed rule; where details are specified, the Commission has decided they are necessary to ensure the safety of the public.

8. Comments on the Method of Implementing the Requirements

One commentor (PSO) provided comments objecting to Option 3* on the basis of timing, "i.e., this option requires the completion of a myriad of time consuming engineering activities and analyses before issuance of construction permits. On the other hand, Option 1 would have required only that an applicant make necessary commitments, including reasonable implementation schedules, before issuance of the construction permits."

---

*Option 3 requires certain measures or commitments in selected areas (e.g., those that will be the subject of rulemaking) in addition to those imposed by Option 1. Option 1 is to resume licensing using the pre-TMI requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 Statement of Policy (now replaced by the December 18, 1980 Statement of Policy) regarding operating licenses.

Another commentor (TVA) expressed the belief that the major issues in the proposed rule have not been resolved sufficiently to process final rule changes at this time. TVA suggested the following approach as a more effective means of accomplishing the changes in licensing requirements:

1. Require that all pending construction permit and manufacturing license applicants commit to implement the final rules that grow out of the money pending post-TMI rulemakings, such as probabilistic risk assessment methodology, safety goal, siting, degraded core, etc.
2. Implement only those changes in the proposed rule which have been promulgated and issued for use by the near term operating license plants. For other changes, retain the existing rules pending completion of the post-TMI rulemakings.

Discussion

The Commission has adopted Option 3, which will ensure that approved action items in the TMI Action Plan are applied to the new CPs and ML and will provide for early consideration of these added safety measures so as to minimize the costs of incorporating them into the design of the facility.

9. Comments on Prompt Adoption of the Rule

Many of the commentors (AIF, EEI, Lowenstein, etc.) expressed strong support for the prompt adoption of the rule. One commentor (Boston Edison) submitted "that the Commission would be shirking its vital responsibility in this area if it did not issue a rule such as this and if this rule were not intended as binding upon the Commission's subsidiary boards." Another stated, "C-E agrees with the Commission's intent of defining the set of TMI-related requirements that are both necessary and sufficient to resume NRC review and approval of pending and ML applications. These requirements (as modified to reflect public comments) should therefore be issued expeditiously in conjunction with a clear enunciation of the sufficiency of those requirements, so that NRC staff action on pending applications can recommence."

Discussion

The Commission believes that issuance of the final rule is the proper response to these comments.

10. Basis for Compliance With the Rule

A. One commentor (Bechtel) noted that most of the items contained in the proposed rule reference action plan items in NUREG-0718 and NUREG-0660 and recommended that where the referenced paragraph in these NUREGs amplifies the requirements of the rule, it should be recognized that as an acceptable means of compliance. Another commentor (Ebasco) also pointed out that the proposed rule imposes new requirements in areas where final NRC acceptance criteria have not been finalized and that NRC policy relative to implementation of those criteria must be flexible because of the different types of requirements. To expedite the CP hearing process, Ebasco suggested that "compliance with NUREG-0718 be considered prima facie evidence that TMI requirements have been met."

Discussion

The Commission agrees with the comments. The Commission has reviewed NUREG-0718 and has concluded that the position contained therein can provide a basis for responding to the TMI-2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than detailed in NUREG-0718, but in such cases must provide a basis for determining that the requirements of the rule have been met. NRC acceptance criteria will be sufficiently flexible to permit appropriate alternative methods of meeting the requirements.

B. Two commentors (Boston Edison, Lowenstein) noted that "Some of the provisions of the proposed rule required the applicant to conduct studies and submit them to the NRC for review and appropriate action. Boston Edison pointed out that "these studies will be completed after issuance of the construction permit, in some instances several years later. We believe it is necessary to make clear that the construction permit licensing boards or appeal boards do not retain jurisdiction or supervisory authority over the applicant and NRC staff for the purpose of reviewing the completed studies. This would extend the construction permit proceeding far beyond the actual issuance of the permit and continue needless uncertainty. Issues concerning the required studies are appropriate matters for the operating license stage review." Another commentor (Ebasco) noted that NRC will have received the studies, in some instances, prior to SER issuance for CPs since some of these study requirements were applicable to operating plants and are generic in nature. Ebasco suggested that the studies be excluded from the (CP) hearings.

Discussion

The Commission does not expect its adjudicatory boards to retain jurisdiction or supervisory authority over fulfillment of those requirements for studies to be completed subsequent to issuance of the CP. However, the Commission does expect the staff to review such studies in a timely manner and to take appropriate action. Regarding the Ebasco comment, one of the study requirements has been deleted for the reason suggested.

C. Another commentor (Lowenstein) stated, "It is essential that the Commission make clear that this regulation, along with the existing regulations, establishes an adequate and sufficient response to the Commission's post-TMI requirements. While the notice intimates this on page 18046 (of the FR notice), we urge that it be explicitly stated in the rule."

Discussion

In the Notice of Rulemaking (46 FR 18045) published on March 23, 1981, under Substance of the Rule, the Commission stated, "It is the Commission's view that this new rule, together with the existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license." The Commission reaffirms this view with the exception of hydrogen control measures for the manufacturing license, and, to eliminate any ambiguity regarding its intent, is amending its special review procedures in 10 CFR 2.764 to delete the statement in paragraph (e) that compliance with existing regulations may turn out to no longer warrant approval of a license application. However, it should be noted that the Commission also indicated in that notice that some elements in the TMI Action Plan have not been acted upon and thus may be required on the basis of future rulemaking.

11. Additional TMI-Related Requirements

One commentor (MPCA) suggested that additional items of the TMI Action Plan should be incorporated into the rule as CP/ML licensing requirements. The specific items in NUREG-0718 and NUREG-0660 suggested for inclusion in the rule are:

I.A.4.1 Initial Simulator Improvement
I.C.1 Short Term Accident Analyses and Procedures Revision
II.B.4 Training for Mitigating Core Damage
II.B.6 Risk Reduction for Operating Reactors at Sites with High Population Densities
II.B.7 Analysis of Hydrogen Control
II.E.2.1 Reliance on ECCS
II.E.2.3 Uncertainties in Performance Predictions
II.E.3.2 Systems Reliability

II.E.3.3 Coordinated Study of Shutdown Heat Removal
II.J.1.1 Establish a Priority System for Conducting Vendor Inspections
III.D.1.2 Radioactive Gas Management
III.D.1.3 Ventilation System and Radionuclide Adsorber Criteria
III.D.1.4 Radwaste System Design Features to Aid in Accident Recovery and Decontamination
III.D.2.1 Radiological Monitoring of Effluents
III.D.2.3 Liquid Pathway Radiological Control
III.D.2.4 Offsite Dose Measurements

Discussion

The Commission has considered incorporating each of these requirements into the proposed rule, but for the reasons stated below it has determined that none of these should be added.

Items II.E.2.3, III.D.1.2–4, III.D.2.1 and III.D.2.3–4 have been judged lower priority TMI issues as reflected by task initiation dates of FY82 or later. Because of their relative low priority, the Commission believes their incorporation into the CP/ML rule is unnecessary. However, the results and conclusions of these tasks will be appropriately considered during the OL review.

A second group of suggested items is covered in other-TMI action tasks that are included as requirements in the proposed rule. Items II.B.6 and II.E.3.2,3 are intended to be included in § 50.34(f)(1)(i), the required plant/site specific probabilistic risk assessment. Item II.B.7 is covered by § 50.34(f)(2)(ix) and (3)(v). Items I.A.4.1 and I.C.1. are applied to operating plants and the substance is included in § 50.34(f)(2) (i) and (ii), respectively, for these CP/ML applications.

Another group of items is not applicable for various reasons. Item II.J.1.1 applies to NRC and not to CP/ML applicants. Item II.B.4, pertaining to crew training, is more appropriate as an OL item. Finally, II.E.2.1 requires the assessment of ECCS data by operating plant licensees and is not applicable to CP/ML applicants.

In summary, the Commission has reviewed and considered all of the additional requirements suggested by MPCA and has determined that they are either covered by provisions of the proposed rule or are not applicable or appropriate for construction permit and manufacturing license applications.

12. Comments on Certain Rule Requirements

The following discussion responds to the comments received on the specific items of 10 CFR 50.34(f) listed below:

(1)(i)—Plant/Site Specific PRA Study

A. Two commentors (S&W, CEC) point out that the NRC has not yet defined the methodology to be used in the PRA study.

Discussion

The Commission notes that a PRA Procedures Guide was issued as a draft for discussion by an IEEE technical symposium in October 1981, and will be issued in proposed final form for consideration at an ANS conference in April 1982. It is expected that the Guide will be published soon after the ANS conference. Meanwhile, plans for a PRA study, and the actual conduct of the study, need not wait until the safety goal and degraded core cooling rulemakings are resolved. During a meeting with the CP/ML applicants on April 8, 1981, the NRC staff made available a PRA program outline which should serve as a guideline for CP/ML applications. The program outline addresses issues such as the scope of the PRA study, how the PRA study should be performed, what should be considered in setting up a schedule, and, most importantly, how the results of the risk study should be factored into the design, fabrication and eventual operation of the plant to improve the reliability of core and containment heat removal systems. It is reasonable to expect that an applicant can utilize the staff guidelines to develop its own program for performing a meaningful PRA study. Consequently, the Commission will retain this requirement.

B. Another commentor (GE) expressed the belief that "completion of the PRA studies and comparison to a reasonable safety goal will demonstrate that the Boiling Water Reactor includes design features which ensures that the public health and safety is protected. If, on the other hand, the results of the studies * * * show that further risk reduction is appropriate, plant modifications * * * should be considered".

Discussion

Based on the risk studies performed to date, accident sequences relating to core and containment heat removal systems contribute substantially to overall accident risk. To reduce such risk, alternate system designs for core and containment heat removal systems should be considered and PRA studies should be performed in comparison with the PRA study for the original design. The outcome of the comparison should be selection of a system design from among several design alternatives that incorporates significant improvements in the reliability of core and containment heat removal systems.

C. Two commentors (TVA, B&W) suggested that the improvements that may result from the risk assessment should be those that are significant with respect to public health and safety, not just generally significant and practical.

Discussion

The aim of the probabilistic risk assessment, as expressed in the requirement, is to seek such improvements in the reliability of core and containment heat removal systems as are practical and do not impact excessively on the plant. The Commission believes that such improvements in reliability would also be significant with respect to public health and safety. Accordingly, the Commission does not consider it necessary to change the language of the requirement.

(1)(ii)—Auxiliary Feedwater System Evaluation

Two commentors (CEC, TVA) argued that the existence of paragraph (1)(i) regarding performance of a probabilistic risk assessment (PRA) makes paragraph (1)(ii) superfluous, since a PRA study would include the analyses and reviews discussed in (1)(ii) and in paragraphs (1)(iii)–(xii).

Discussion

The Commission does not agree with this comment. It is not at all certain that the PRA would necessarily include all parts of the evaluation called for in paragraph (1)(ii). The result might be non-uniform and incomplete submittals by the applicants, with consequent time-consuming reiterations. It is, therefore, important that the three parts of the auxiliary feedwater system evaluation be specified. However, if an applicant's PRA does, in fact, include all parts of the evaluation called for in paragraph (1)(ii), then this requirement will be satisfied.

(1)(iii)—Coolant Pump Seal Damage Evaluation

One commentor (CEC) states that paragraph (1)(iii) is superfluous, given the requirement for a plant/site specific probabilistic risk assessment (PRA) as specified in paragraph (1)(i).

Discussion

The rule requires applicants to evaluate reactor coolant pump seal damage and consequential added loss-of-coolant, following a small-break LOCA with loss of offsite power. The PRA might consider this area only peripherally, if at all, since its thrust is in the improvement of the reliability of

core and containment heat removal systems. Accordingly, no change has been made in paragraph (1)(iii). However, this requirement will be satisfied if an applicant's PRA includes the evaluation called for in paragraph (1)(iii).

(1)(iv)—SBLOCA Probability Due to a Stuck-Open PORV

One commentor (CEC) argued that the PRA analyses required by paragraph (1)(i) would also include the analysis discussed in (1)(iv) in terms of the probability of small LOCA events. The commentor said, "the criteria for judging whether or not an improvement is to be made should, however, not rest with LOCA probabilities but rather with overall risk contribution and ultimately with the comparison of plant risk to a uniform safety goal."

Discussion

The WASH–1400 analysis for a PWR indicated that SBLOCAs contribute significantly to core melt probability. Furthermore, the TMI experience and subsequent analysis have shown that the likelihood of a SBLOCA due to a stuck-open PORV is greater than that assumed in WASH–1400. The purpose of this requirement is to determine whether this probability contributes substantially to the SBLOCA probability from all causes. If it does, an evaluation should be performed to ensure that this probability will be reduced by incorporating an automatic PORV isolation system, which will give assurance that the public health and safety is protected in the event of a stuck-open PORV. The Commission will retain this requirement. However, the requirement will be met if an applicant's PRA includes the analysis called for in (1)(iv).

(1)(v through xii)—Additional Studies

A. One commentor (CEC) states that all topics discussed in these paragraphs "could readily be considered in the PRA discussed in paragraph (1)(i)". Further, the commentor states that "it appears that many of the studies and criteria have a basis only in NRC staff judgment". Lastly, the commentor states that these studies, which are additional to the PRA discussed in paragraph (1)(i), "should be required only for those cases where the basic systems and related questions involved are shown to have a significant contribution to risk—in order to prioritize the work to be done and to conserve industry and NRC resources."

Discussion

In response to the first comment regarding paragraphs (1)(v through xii), it is noted that the specific paragraphs requiring study or evaluation by the applicant resulted from recommendations by the Bulletins and Orders Task Force. This Task Force conducted generic reviews of loss-of-feedwater and small break loss-of-coolant events on operating PWRs designed by B&W, Westinghouse and Combustion Engineering, and on operating BWRs.

These items were not explicitly included in the PRA in (1)(i) to ensure that the areas are specifically addressed. In some cases, the generalized PRA may not be extended to cover the required area, for example: paragraph (1)(vi), study to identify practicable system modifications to reduce challenges to and failure of relief valves in BWRs. However, if an applicant's PRA does, in fact, include the items called for in paragraphs (1)(v through xvii), then these requirements will be satisfied.

With regard to the second comment, it is the judgement of the Commission that potentially significant increases in plant safety could evolve from these studies and evaluations. At this time, the Commission is awaiting results of these studies and evaluations to determine whether certain plant modifications are warranted to improve plant safety.

In response to the last question regarding paragraphs (1)(v through xii), the Commission considers a risk assessment one of many tools which may be used to evaluate plant modifications and improvements. Direct evaluation, as considered in these paragraphs, is an equally valid tool.

In view of the foregoing discussion, no changes have been made in paragraphs (1)(v through xii) as a result of this comment. However, the Commission has made changes in wording to clarify the intent of paragraphs (1)(vii), (viii) and (ix). Proposed paragraph (1)(xi) has been deleted since a generic study applicable to all the affected applicants has been submitted for Commission review.

B. Another commentor (GE) noted that the NRC staff has agreed that the requirements specified in II.K.3.24 of NUREG–0718 should apply only to loss of offsite alternating current power.

Discussion

The Commission concurs and has revised paragraph (1)(ix) as follows to clarify its intent:

Perform a study to determine the need for additional space cooling to ensure reliable long-term operation of the reactor core isolation cooling (RCIC) and high pressure coolant injection (HPCI)* systems, following a complete loss of offsite power to the plant for at least two (2) hours. (applicable to BWRs only) (II.K.3.24)

*For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI."

(2)(iii)—Control Room Design

One commentor (PSO) states that the text conflicts with the predicate given in § 50.34(e)(2) and suggests rewording (2)(iii) to read: "Provide a control room design that applies state-of-the-art human factor principles (I.D.1)." Two other commentors (SRW, CEC) suggested that the design be submitted for NRC "review" instead of "approval" since the latter has specific legal connotations in the engineering area. The suggestion was also made that "the rule should stipulate that the control room design consider state-of-the-art human factor principles, since direct application of all such principles may conflict with existing regulations."

Discussion

In response to the first comment, it should be noted that section (2) does not require a control room design prior to the granting of a CP, only sufficient information to ensure that an appropriate design will be submitted prior to fabrication or revision of panels and layouts. The Commission agrees with the other comments and has amended the text to read as follows:

Provide, for Commission review, a control room design that reflects state-of-the-art human factor principles prior to committing to fabrication or revision of fabricated control room panels and layouts. (I.D.1)

(2)(vi)—Reactor Coolant System Vents

The commentor (CEC) notes that it may be well to review this requirement carefully on a plant specific basis to determine if any core cooling benefit can be identified; for some plants, reactor coolant system vents may offer no real benefit.

Discussion

The reactor coolant system high point vent requirement was developed to provide a means to eliminate gases that could inhibit core cooling. Since all plants have a potential to release non-condensible gases, this requirement applies to all plants. Although events in which gas venting would be required are highly unlikely, there does not appear to be an acceptable substitute at this time for those cases where venting may be needed. Consequently, the Commission is retaining this requirement, but has made a minor wording change for clarification. The paragraph now reads:

Provide the capability of high point venting of noncondensible * * *

(2)(vii)—Radiation and Shielding Design

One commentor (PSO) suggested inserting the words "Provide a plan and submit a schedule to" at the beginning of the text to clarify its intent.

Discussion

The Commission does not believe this change is necessary since the language under (f)(2) clearly indicates that only sufficient information is required prior to granting a CP to demonstrate that the requirements, e.g., (2)(vii), will be met by the operating license stage. However, the Commission has substituted the word "materials" for "fluids" in the text since not only fluids are involved, and the words "TID 14844 source term" have been substituted for "highly" for clarification.

(2)(ix)—Hydrogen Control System

A. One commentor (OPS) requests clarification of the word "handling" in the requirement, "Provide a system for hydrogen control capable of handling hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction."

Discussion

The Commission has substituted the words "that can safely accommodate" for "capable of handling" to clarify the intent.

B. Several commentors (OPS, Bechtel, GE, *W*, CEC, TVA) asserted that the 100% metal/water reaction requirement is too stringent and inconsistent with the value of 75% metal/water reaction in the proposed interim rule on hydrogen.

Discussion

While it is true that the TMI–2 accident produced less hydrogen than that assumed in the rule, and that the 100% requirement is greater than the 75% requirement in the proposed interim rule, the Commission finds that 100% is appropriate as a conservative bound for the design of plants not yet under construction. More specifically, the amount of hydrogen should not be tied to a given accident sequence (e.g., TMI–2), but rather a class of accidents which produce a large amount of hydrogen but hold promise of being recoverable, that is, for cooling to be re-established prior to what would otherwise be a substantial core melt-down. The proposed interim rule will be limited to accidents for which no or limited core melting takes place. The CP/ML rule considers potential accidents that are more severe than those considered in the interim rule. These severe accidents will be the subject of the degraded core rulemaking.

C. Another commentor (B&W) suggested that a maximum rate of hydrogen generation should be provided for the hydrogen control system.

Discussion

The hydrogen generation rates and release rates into the containment are a function of the reactor type, the accident sequence being considered, and the recovery (of cooling) schemes employed. Further, the effects of hydrogen generation rates and release rates (in terms of burning or detonation) are dependent on blowdown and steam-inerting characteristics in the containment. Thus, one maximum rate would be inappropriate and possibly overly conservative. Not having a maximum rate does not necessarily mean that the Commission expects detailed mechanistic analyses of hydrogen generation and release for a variety of sequences. Parametric analysis that adequately scopes the physical processes for the sequences under consideration would be acceptable.

(2)(x)—Relief and Safety Valves

Two commentors (Bechtel, B&W) pointed out that this requirement appears to elevate ATWS to the status of a design basis event.

Discussion

This is not intended, as the Commission is presently reviewing a proposed ATWS rule. Appropriate valve qualification requirements for ATWS can only be finalized after the Commission issues a final ATWS rule or decides that plants do not have to be designed to withstand an ATWS event. To clarify the intent of this requirement, it has been revised to read as follows:

Provide a test program and associated model development and conduct tests to qualify reactor coolant system relief and safety valves and, for PWR's, PORV block valves for all fluid conditions expected under operating conditions, transients and accidents. Consideration of anticipated transients without scram (ATWS) conditions shall be included in the test program. Actual testing under ATWS conditions need not be carried out until subsequent phases of the test program are developed.

(2)(xii)—Auxiliary Feedwater System

A commentor (CE) suggests that the requirement to "provide an analysis of the effect on containment integrity and return to reactor power of automatic AFW system initiation with a postulated main steam line leak inside containment" be deleted since it would institute a regulatory requirement for an analysis of a condition normally assessed during the design of a safety-grade system, e.g., the auxiliary feedwater system. The commentor maintains that it is unnecessary to require this specific analysis in the rule.

Discussion

The Commission agrees with the comment and has deleted this part of the requirement because the regulations already require analyses of such systems (10 CFR 50.34(a)(4)). In addition, the term "safety-grade" has been deleted because that term is not explicitly defined in the regulations. With these changes, (2)(xii) now reads as follows:

Provide automatic and manual auxiliary feedwater (AFW) system initiation, and provide auxiliary feedwater system flow indication in the control room. (Applicable to PWRs only) (II.E.1.2.)

(2)(xvii)—Primary System Sensitivity to Transients

A commentor (Gilbert), referring to this requirement, said "some statements of design criteria are so general as to be nebulous". Another commentor (B&W) objected to "sensitivity" and "reduce" in this requirement as not well-defined terms, making it difficult to know what features must be provided. A third commentor (PGE) indicated that the reference to NUREG–0718 action plan item II.E.5.2 appears incorrect.

Discussion

The requirements in 10 CFR 50.34(f) are intended to be general enough to allow a reasonable amount of flexibility in their interpretation. However, the Commission has deleted this requirement because it has not yet been sufficiently defined. After further study, appropriate action on this subject will be implemented.

(2)(xix)—Indication of Inadequate Core Cooling

A commentor (PGE) suggested the use of "and/or" instead of "and" in the last sentence since the present wording implies that all of the instruments must be provided. Another commentor (B&W) suggested deleting the examples of instrumentation that may be required.

Discussion

The commentor's reference to the "last sentence" is not clear since (2)(xix) has only one sentence. The Commission believes that the words "such as" clearly indicates that what follows are examples of instrumentation that may be required. However, the words "exit" and "core coolant flow rate" have been

eliminated to better reflect the design requirements. As revised and renumbered (2)(xviii), the paragraph now reads as follows:

Provide instruments that provide in the control room an unambiguous indication of inadequate core cooling, such as primary coolant saturation meters in PWR's, and a suitable combination of signals from indicators of coolant level in the reactor vessel and in-core thermocouples in PWR's and BWR's. (II.F.2)

(2)(xxi)—Power Supplies

A commentor (PGE) noted "the requirement that motive and control components be designed to safety grade criteria is inconsistent with the applicable requirement of NUREG–0737 (which is referenced in NUREG–0718)."

Discussion

Paragraph (2)(xxi) has been renumbered (2)(xx) and part (B) has been revised to read:

Motive and control power connections to the emergency power sources are through devices qualified in accordance with requirements applicable to systems important to safety.

(2)(xxii)—Auxiliary Heat Removal Systems

A commentor (PGE) noted that the reference to NUREG–0718 action plan item II.K.1.2 is incorrect.

Discussion

This reference has been corrected to II.K.1.22, and the paragraph has been renumbered (2)(xxi).

(2)(xxiv)—Anticipatory Reactor Trip

One commentor (B&W) indicates that a hard-wired, safety-grade reactor trip on loss of feedwater will be incorporated into the design of B&W plants; however, "B&W believes that the reactor trip upon turbine trip is disadvantageous." B&W states that "plants utilizing a once-through steam generator have the capability to run back on turbine trip without a reactor trip" and the "avoiding of a reactor trip for this event results in smaller perturbations in the primary system."

Discussion

Prior to the accident at TMI–2, B&W operating plants utilized a runback feature to avoid a reactor trip upon turbine trip. However, for each of these events, the PORV was opened to relieve reactor coolant system pressure. As part of the post–TMI–2 fixes to minimize challenges to the PORV, B&W-designed plants were required to lower the high pressure reactor trip setpoint from 2355 psig to 2300 psig and raise the PORV setpoint from 2255 psig to 2450 psig. These actions removed the runback capability for turbine trip events. In addition, B&W plants were required to install anticipatory reactor trips for loss of feedwater and turbine trip.

On applications currently undergoing OL review, such as Midland, the applicant has proposed certain design modifications that may reduce the probability of a small break loss-of-coolant accident (SBLOCA) caused by a stuck-open PORV.

These modifications include:

(1) A fully qualified safety-grade PORV;

(2) Safety-grade indication of PORV position;

(3) Dual safety-grade PORV block valves, capable of being automatically closed if a PORV malfunction occurs;

(4) A test program to demonstrate PORV operability;

(5) Installation of a safety-grade reactor trip on total loss of feedwater; and

(6) Resetting the PORV and high pressure reactor trip setpoints to their original values of 2255 psig and 2355 psig, respectively.

Should these modifications be found acceptable by the staff, the necessity of installing an anticipatory reactor trip upon turbine trip may be negated. However, until these or similar modifications are proposed and found acceptable by the Commission, the plant design must incorporate anticipatory reactor trips for both loss of feedwater and turbine trip.

No change has been made in paragraph (2) (xxiv) because of the comments. However, the Commission has modified the wording for clarification and deleted the words "safety grade" because this term has not been defined in the regulations. The paragraph has been renumbered (2)(xxiii) and modified to read as follows:

Provide, as part of the reactor protection system, an anticipatory reactor trip that would be acutated on loss of main feedwater and on turbine trip. (Applicable to B&W-designed plants only) (II.K.2.10)

(2)(xxvi)—Recording Reactor Vessel Water Level

One commentor (GE) stated that this requirement should be deleted because task II.K.3.23 was not included in NUREG–0737.

Discussion

The TMI action plan, Table C.3, NUREG–0660, indicates that this issue is being covered in connection with TMI action plan item I.D.2, plant safety parameter display console; this latter item is identified in NUREG–0737. Specific console requirements for operating reactor licensees and OL applicants are under consideration by the Commission at the present time. The Commission considers that central water level recording is necessary for BWRs, and that it is appropriate to address such capability in a preliminary manner during the CP safety review. Consequently, this requirement will be maintained. However, the Commission has noted that the range over which the reactor vessel water level must be recorded as specified in the proposed rule is inconsistent with that specified in Regulatory Guide 1.97. Since either range is acceptable for the plants covered by the rule, the Commission has modified the requirement to allow that flexibility in its implementation. This paragraph has been renumbered (2)(xxiv) and changed to read as follows:

Provide the capability to record reactor vessel water level in one location on recorders that meet normal post-accident recording requirements. (Applicable to BWR's only) (II.K.3.23)

(2)(xxviii)—ALARA Exposures

A commentor (Bechtel) noted that this requirement applies to the design basis of systems outside containment likely to contain radioactive material, rather than the development of leakage control and detection provisions intended by NUREG–0718, Item III.D.1.1.

Discussion

The Commission has renumbered the paragraph (2)(xxvi) and, for clarification, replaced the requirement with the following:

Provide for leakage control and detection in the design of systems outside containment that contain (or might contain) TID 14844 source term radioactive materials following an accident: Applicants shall submit a leakage control program including an initial test program, a schedule for re-testing these systems, and the actions to be taken for minimizing leakage from such systems. The goal is to minimize potential exposures to workers and public, and to provide reasonable assurance that excessive leakage will not prevent the use of systems needed in an emergency. (III.D.1.1)

(3)(i), (ii), (iii)—Administrative Procedures and Quality Assurance

A. A commentor (Gilbert) stated that these requirements are a restatement of present 10 CFR requirements.

Discussion

Item (3)(i) has not been a previous requirement for CP reviews (recently, this has been identified as a requirement

for OLs as Item I.C.5, NUREG–0737) nor have Items (3) (ii) and (iii), as stated in the proposed rule, been previous CP requirements.

B. Three commentors (S&W, NQA, TVA) noted that the inference of section (3)(iii) is that Appendix B of 10 CFR 50 is not sufficiently definitive. If this is the case, the proper place to provide such clarification or additional requirements is through Appendix B. It is the recommendation of the NQA Committee that paragraphs 50.34(f)(3) (ii) and (iii) be deleted from the proposed addition to the regulations because they do not clarify Appendix B and can only add confusion.

Discussion

10 CFR Part 50 Appendix B does set forth basic QA criteria from which to develop a QA program. 10 CFR 50.34(a)(7) requires that the applicant describe its QA program in the PSAR and include a discussion of how the applicable requirements of Appendix B will be satisfied. Regulatory Guide 1.70 and the Standard Review Plan provide additional guidance on the extent to which this QA program should be described. The controls described in § 50.34(f)(3)(ii) and (iii) provide additional detailed criteria for proper implementation of Appendix B requirements.

C. Two commentors (NQA, Bechtel) noted that existing regulations contain provisions for the independence (separation) of those individuals who perform functions of attaining quality objectives from those individuals who verify compliance with requirements. Regulatory Guide 1.64 contains additional explanation for the intended independence for design verification purposes. The proposed addition to 10 CFR Part 50 goes beyond other regulations and regulatory guides and suggests the emphasis be placed on organizational independence rather than independence of personnel for objectivity and proficiency.

Discussion

The Commission agrees that Regulatory Guide 1.64 contains sufficient guidelines for independent verification of designs. Of particular concern to the Commission is the lack of sufficient independence of the organization responsible for performing checks, verifications, and inspections. Therefore, this aspect of an effective QA program is emphasized in the rule.

D. A commentor (NQA) also noted that (3)(iii)(B) "would require the entire body of quality assuring activities to be performed at the construction site. This would require massive upheaval and relocation to the construction site of not only top management, but also all support organizations."

Discussion

The objective of item B is to ensure that sufficient quality assurance and quality control activities are performed at the site rather than at corporate offices to provide closer management oversight and communication. To clarify the Commission's intent, (3)(iii)(B) has been modified to read:

(B) performing quality assurance/quality control functions at construction sites to the maximum feasible extent;

E. The commentors (NQA, Bechtel) noted that (3)(iii)(C) is not clear whether quality assurance personnel should be involved in development of the procedures or should be assigned actions through the procedures.

Discussion

The Commission agrees that this item needs clarification to ensure a better understanding of the intent. Item (3)(iii)(C) has been modified to read as follows: "including QA personnel in the documented review of and concurrence in quality-related procedures associated with design, construction, and installation."

F. A commentor (NQA) noted that (3)(iii)(D) is "not clear in what is meant by QA requirements. If this refers to the requirements for quality assurance programmatic activities, the statement is acceptable; if it refers to requirements for the physical characteristics for classes of equipment, the statement is inappropriate."

Discussion

The Commission agrees that this requirement should be clarified. (3)(iii)(D) has been revised to read: "establishing criteria for determining QA programmatic requirements;"

G. A commentor (NQA) noted that "existing regulations now require the establishing of qualification requirements for personnel performing quality assurance activities. Regulatory Guides such as 1.58 and 1.146 add additional clarification concerning personnel who perform quality verification activities. It is not at all clear what additional requirements are intended" by Section (3)(iii)(E).

Discussion

The Commission acknowledges that the existing regulations do require, although not explicitly, the establishment of such qualification requirements. However, the Commission is retaining the requirements stated in (3)(iii)(E) to ensure that they are considered in the QA program. The word "minimum" has been deleted from this section to be consistent with Appendix B to 10 CFR Part 50.

H. The commentor (NQA) notes "that existing regulations would require staffing the quality assurance unit of the organization commensurate with its duties and responsibilities. It is not at all clear how the organization is staffed commensurate with its 'importance to safety'. Ordinarily, duties and responsibilities reflect the importance of the activity to be performed." Part (3)(iii)(F) "is not clear what is intended by the addition of 'importance to safety'."

Discussion

To clarify the intent, (3)(iii)(F) has been modified by deleting the phrase "importance to safety". Existing regulations do not specifically address the numbers of QA/QC individuals required for the design and construction activities associated with building a nuclear power plant. The size of the QA/QC organization should be dependent upon the quantity and type of quality-related activities that are on-going or projected during the design and construction of the nuclear facility.

I. The commentor (NQA) notes, relative to (3)(iii)(G), "that existing regulations contain requirements for preparation and maintenance of documentation including 'as-built' documentation. The problem concerning procedures may lie not in the requirements for them or their establishment, but in their implementation; i.e., procedures are available, but they may not be being followed."

Discussion

Existing regulations (i.e., Criterion VI, "Document Control" of Appendix B to 10 CFR Part 50) establish QA requirements for "* * * instructions, procedures, and drawings * * *" but do not address "as-built" documentation (e.g., as-built drawings). Because the controls imposed upon as-built drawings, which accurately reflect the actual plant design, have been abused in the past, it is the Commission's position that as-built documentation be addressed specifically by the QA requirements contained in the design and construction QA program. Therefore, (3)(iii)(G) has not been modified.

J. Three commentors (S&W, NQA, Bechtel) assert that the intent of (3)(iii)(H) is not clear. The NQA said that "if intent is to place quality assurance personnel on the design and

analysis team, their independence may be compromised. Appendix B now requires that during design, the activities of design control and design verification are to be identified, defined, performed in accordance with written procedures by persons having proper capabilities and sufficiently independent of those who produced the design, so as to eliminate any conflict of interest. This being true, it is not at all clear what is intended by the proposed addition."

Discussion

The Commission agrees that existing regulations (i.e., Criterion III, "Design Control" of Appendix B to 10 CFR Part 50) already establish the requirements that verification of the adequacy of design be "* * * performed by individuals or groups other than those who performed the original design * * *" However, it is the Commission's intent that design documents (e.g., drawings, specifications, etc.) also be reviewed by individuals knowledgeable and qualified in QA/QC techniques to ensure that the documents contain the necessary QA/QC requirements (e.g., inspection and test requirements). For this reason, (3)(iii)(H) has not been changed.

(3)(iv)—Containment Penetration

Several commentors (OPS, Gilbert, *W*, CEC, TVA) centered on the asserted arbitrariness of the requirement for a 3-foot diameter penetration, the lack of technical justification, and the possibility that containment venting provisions may not provide a significant contribution to safety.

Discussion

The containment penetration size was selected so that it would be consistent with mitigation features designed to accommodate medium- and slow-rate pressure rises in containments that would otherwise have failed. Among the features considered were filtered vented containment systems and passive containment cooling systems. Rapid-rate pressure rises from hydrogen burns, for example, were excluded from consideration. The 3-foot penetration was determined to be a conservative penetration size that would not preclude the eventual installation of one of the aforementioned features. Of course, there is the possibility that such penetrations will not be needed, but that will be known only after the completion of the degraded core rulemaking. Therefore, the Commission has retained this requirement so as not to preclude later installation of containment venting systems, if required.

(3)(v)—Containment Design

A. One commentor (OPS) interprets the information requested on post-inerting and ignition systems as not allowing pre-inerting as a hydrogen control measure. Another commentor (CE) states that the level of detailed criteria requested by the Commission for hydrogen control obviates the use of alternative approaches to hydrogen control which may be developed in the future, and recommends eliminating the detailed criteria.

Discussion

The Commission is not limiting the options for hydrogen control by including criteria for post-inerting and ignition systems. Other systems (e.g., pre-inerting) may be proposed to meet the requirements stated in the proposed rule. Also, the level of detail in the criteria does not restrict design options for the post-inerting and ignition systems. The information requested on these systems is needed to ensure that operation of these systems will not adversely impact the safe shutdown of the plant.

B. A commentor (OPS) suggested that, to be consistent with (2)(ix), "requirement (3)(v)(A) should be modified to permit containment analysis to be based on the performance characteristics of existing systems and/or systems to be added during final design." The commentor also suggested rewording (3)(v)(A) to make the text easier to read. In doing so, the commentor suggested deleting the explicit requirement that the containment withstand the added pressure resulting from post-accident operation of the inerting system and inserted "the internal pressure shall be the maximum calculated pressure or 45 psig, whichever is greater."

Discussion

Part (3)(v)(A), as written, does not preclude consideration of the performance characteristics of either existing systems or systems that may be added during the final design. Furthermore, the suggested phrase "maximum calculated pressure" makes the requirement somewhat ambiguous. The Commission believes the present wording expresses the requirements clearly; therefore, no change has been made.

C. One commentor (TVA) maintains that the ten-percent uniformly distributed hydrogen concentration limit in (3)(v)(B) is unrealistically restrictive and should be resolved as part of the degraded-core rulemaking.

Discussion

The Commission believes that the ten-percent limit is appropriate as a conservative bound for the design of plants under construction. Accordingly, this requirement remains unchanged.

D. One commentor (GE) contends that the requirement (3)(v)(D) that the containment structure accommodate inadvertent full inerting is unnecessarily conservative. The commentor argues that a post-accident inerting system may be designed such that inadvertent inerting during plant operation could entail actuation of only part of the overall system, resulting in lower containment pressures. Hence, it was requested that the rule only address the maximum possible inadvertent inerting for the given system design. The commentor also requested relief on the containment test pressure criterion required for plants utilizing a post-inerting system based on the argument that full inadvertent inerting could be prevented.

Discussion

It is the Commission's position that human error needs to be considered in the inadvertent actuation of the post-inerting system and that partial inadvertent inerting cannot be assured in this case. Therefore, accommodation of inadvertent full inerting will be required. However, (3)(v)(D) has been renumbered (3)(v)(B) and revised such that all containment designs affected by this rule must have the capability to safely accommodate the pressure resulting from inadvertent actuation from a post-accident inerting system. This requirement will ensure that post-accident inerting remains a viable option until an applicant's comparative evaluation (See (1)(xii)) is completed and final selection of the hydrogen control system is made.

E. One commentor (OPS) proposed wording changes in (3)(v)(E) to make the text easier to read. Another commentor (Bechtel) suggested other changes "to avoid applying environmental qualification requirements to safety related systems and equipment which would not be needed to accommodate the conditions occurring following significant core degradation." Bechtel also proposed "to allow demonstration of qualification of these items by analysis and judgment and not mandate that these conditions be specified as design bases for the equipment."

Discussion

Equipment required for safe shutdown must perform its safety function in the environment to which it will be exposed

during normal, abnormal and accident conditions. If particular equipment is not needed during or after a hydrogen burn, it need not perform its function in that environment, provided it can be shown that the failure of the equipment will not adversely affect any other needed safety function or mislead the operator. In general, the acceptable methods of demonstrating equipment performance are by testing or analysis based on partial test data. Such demonstration based on analysis or judgment alone may not be acceptable in all cases. No change has been made in (3)(v)(E) because of the comments; however, the words "and maintaining containment integrity" have been inserted to clarify that this consideration is meant to be included, and the requirement has been expanded to be applicable to all containment designs, irrespective of the selected method of hydrogen control.

Additional Changes in Requirements

As a result of its consideration of the comments from the public, the Commission has deleted paragraph (2)(xvii) and changed the wording of several paragraphs of the proposed rule, as discussed above.

In addition, the Commission has modified the wording of several more paragraphs, as shown in the final rule, to clarify their intent, and has deleted paragraphs (1)(xi) and (2)(xxv) of the proposed rule for the reasons discussed below:

1. The requirement proposed in paragraph (1)(xi) is no longer needed since a generic study applicable to all of the affected applicants has been submitted for NRC staff review to demonstrate that the BWR core remains covered for anticipated transients combined with the worst single failure.

2. The requirement in paragraph (2)(xxv) concerning the type of pressure-operated relief valve is too specific and the purpose of the requirement is adequately covered in paragraph (2)(x).

Deletion of the three paragraphs cited above has resulted in appropriate renumbering of the succeeding paragraphs in the final rule.

Finally, the Commission has added a requirement (paragraph (1)(xii)) for a comparative evaluation of alternative hydrogen control systems and a requirement (paragraph (3)(v)(B)) that all containment designs must have the structural capability to safely accommodate the pressure resulting from inadvertent actuation of a post-accident inerting system. These new requirements ensure that the post-accident inerting method of hydrogen control remains a viable option until final selection of the method for hydrogen control is made.

Substance of the Rule

This rule, which has been drawn from NUREG–0718, Licensing Requirements for Pending Applications for Construction Permits and Manufacturing License, March 1981, imposes new safety requirements on pending construction permit and manufacturing license applications. The Commission has determined that these requirements must be met by all applicants for construction permits or manufacturing licenses whose applications are pending as of the effective date of the rule. Specifically, these applicants are: Duke Power Company (Perkins Nuclear Station, Units 1, 2 and 3), Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Unit 1), Portland General Electric Company (Pebble Springs Nuclear Plant, Units 1 and 2), Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), Puget Sound Power & Light Company (Skagit/Hanford Nuclear Power Project, Units 1 and 2), and Offshore Power Systems (License to Manufacture Floating Nuclear Plants). It should be noted, however, that there are some elements in the TMI Action Plan (NUREG–0660), not included in NUREG–0718, that have not yet been acted upon by the Commission. These are items that the Commission has directed be subject to further study before taking approval action. It is possible, therefore, that some of these items will be approved for implementation prior to completion of the licensing review of the pending construction permits or manufacturing license. In that event, such items might be added to this rule. The Commission is aware, however, that the applications covered by this rule have already been substantially delayed and the facility designs may be further advanced than normally expected at the construction permit and manufacturing license review stage. The Commission will take this into account as further requirements are considered. Full opportunity for public comment will be provided if additional requirements are contemplated which would apply to these applications.

While this rule contains the basic requirements set out in NUREG–0718, it does not incorporate the entirety of the document. In particular, the rule does not contain the detailed criteria contained in Appendix B to NUREG–0718 for satisfying many of the requirements. To have included such detail would have resulted in a rule that would be excessively detailed and restrictive.

In addition, this rule does not identify, as does NUREG–0718, the items from the TMI–2 Action Plan, NUREG–0660, that are considered either not applicable to pending construction permit and manufacturing license applications, or to be requirements of the type customarily left for the operating license stage. However, the Commission has reviewed NUREG–0718, as revised* to account for the changes made between the proposed and final rule, and has concluded that the list of TMI-related requirements contained therein can provide a basis for responding to the TMI–2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than that detailed in NUREG–0718, but in such cases must provide a basis for determining that the requirements of the rule have been met.

Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident, the Commission has decided that pending applications for a construction permit or manufacture license should be measured by the NRC staff and Presiding Officers in adjudicatory proceedings against the existing regulations, as augmented by this rule. It is the Commission's view that this new rule, together with the existing regulations, forms a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license, with one exception. For the manufacturing license application, the hydrogen control provisions of the existing regulations, namely, 10 CFR 50.44 and Criterion 50 of Appendix A to 10 CFR Part 50, together with the hydrogen control provisions of the new rule (subsections (1)(xii), (2)(ix), and (3)(v), are to be considered necessary but not necessarily sufficient. That is, the issue of the sufficiency of the hydrogen control measures required by these provisions may be considered in the manufacturing license proceeding, and the Commission may decide to impose additional requirements. Further studies in the area of hydrogen control, containment loading, and mitigation may, at some later date, resolve this issue sufficiently so that it may be addressed by further rulemaking and removed from the pending manufacturing license proceedings.

Some of the proposed rule's provisions deal with studies to be conducted by the license applicants. The

*NUREG–0718, Revision 2, dated January 1982. NUREG documents may be purchased through the NRC/GPO sales program by writing to U.S. Nuclear Regulatory Commission, ATTN.: Sales Manager, Washington, D.C. 20555 or by calling (301) 492–9530.

Commission intends to impose license conditions upon all permits and licenses covered by this rule which will require submittal of these studies to the NRC for review and appropriate action. The license conditions will specify due dates or may require that studies be submitted prior to hardware procurement or other construction events.

Conforming Changes to 10 CFR Part 2. Several conforming changes have been made to 10 CFR 2.764. Because these amendments are non-substantive, notice-and-comment procedures are unnecessary. Although these amendments could be made immediately effective, they will be effective on the same date as the Part 50 amendments in this notice.

Views of Chairman Palladino and Commissioners Ahearne and Roberts. The Commission decision to establish a rule for pending construction permits and manufacturing licenses is based on the view that nuclear plants in the early stages of construction—where capital investment is relatively small—are most amenable to a generic regulatory approach. On the other hand, the Commission believes regulatory flexibility is needed for nuclear plants that are operating. This flexibility recognizes that operating plants—which represent a substantial capital investment—often need case-by-case review to determine the best way to make changes deemed necessary for public health and safety. Therefore, the Commission does not agree with Commissioner Bradford's views on this subject.

It is the Commission's view that this new rule, together with the existing regulations, is sufficient for issuance of a limited number of manufacturing licenses. As stated in the "Substance of the Rule" section above, however, the Commission may decide to impose additional requirements, and the sufficiency of the hydrogen control measures mandated by this rule and the existing regulations will remain a litigable issue in the manufacturing license proceeding pending further rule making based on the results of future studies. For the sake of clarity, it should be stated that for the construction permit proceedings covered by this rule, the existing regulations together with this new rule are both necessary and sufficient as regards hydrogen control measures. If the results of future studies warrant, the hydrogen control issue may, by further rulemaking, be removed from manufacturing license proceedings.

Additional Views of Chairman Palladino (with which Commissioner Bradford agrees). The CP/ML rule approved by the Commission does not require consideration of instability (buckling) for containment loading due to inadvertent inerting.

The staff recommended that the Commission include buckling in the CP/ML rule. It is the staff's opinion that prudent rule development would require that ASME code requirements for buckling be met for all high likelihood events that might affect the containment, such as inadvertent inerting. I agree with the staff's opinion on this requirement.

Separate Views of Commissioner Gilinsky. I approve this rule in its entirety as it applies to pressurized water reactors (PWR's) with standard large containments, which includes most such reactors. I also approve the rule as it applies to other reactors with the following exceptions:

I disapprove the hydrogen control provisions of the rule as they apply to General Electric Mark III plants and Westinghouse ice condenser plants, both of which have relatively smaller and weaker containments than standard PWR's, and are therefore less able to withstand possible post-accident hydrogen burns. Substantially stronger containments should have been required in both cases.

Under the rule, the Commission has permitted Mark III plants whose construction has not yet begun to protect against post-accident hydrogen burns by installing, among other means, essentially the same hydrogen control systems—electrical igniters intended to burn excess hydrogen in a controlled manner—that are being added to similar plants which are nearing completion.

The Commission has taken a more tentative approach in the case of PWR's with ice condenser containments. The rule provides that the hydrogen control requirements for these plants are to be "considered necessary but not necessarily sufficient," and that the sufficiency of these requirements may be litigated in the Manufacturing License proceeding. The Commission is apparently less sure about the efficacy of current hydrogen control systems in this case. The Commission states that further studies "may, at some later date, resolve this issue" so as to remove this issue from the proceeding by rulemaking.

The Commission does not have a technical basis for drawing a distinction in this instance between the unbuilt Mark III plants and the unbuilt ice condenser plants. Both types of plants have relatively weak containments, and stronger containments are needed in both cases. The Commission should have required such stronger containments now.

For the plants nearing completion, compromises had to be made to accommodate the realities of the plants' construction—in many cases the containment was already completed. No such compromises needed to have been made in the case of plants whose construction has not yet begun.

It is true that redesign of the containment and associated features would have been necessary and that this would have taken time. But we had the time. It is now almost three years since the Three Mile Island accident demonstrated that large hydrogen burns were possible and that such burns could generate pressures which exceed the capabilities of the smaller and weaker containments. It is unfortunate that the Commission did not face up to this issue earlier.

Separate Views of Commissioner Bradford. The Commission recently declined to consider a proposed rule (SECY-81-244) that would have imposed many of the lessons learned from the Three Mile Island accident on NRC licensees in regulation form. The arguments advanced against this approach were that such a regulation would reduce needed flexibility and would encompass too many different subjects within the scope of one rule. While both of those arguments were probably wrong in the context in which they were advanced, they apply precisely to the rule being promulgated here.[1] No legal or logical reason can be advanced that favors the imposition of this rule on the licensing process while weighing against the imposition of the similar rule on the operating reactors. The only possible governing principle is the convenience of the nuclear industry, which the Commission has

[1] In the context of the rejected rule for operating reactors, the Commission should have learned the real consequences of this kind of "flexibility" from its experience with fire protection. A similarly informal approach was attempted with the licensees following the 1975 Browns Ferry fire. As the very generous 1980 deadline approached, it was clear that many of the licensees had taken advantage of the absence of a firm rule to ignore actions that the NRC staff thought important. As a result, the Commission was finally forced to put its fire protection requirements in regulation form, meanwhile extending the deadlines out to a ludicrous seven or eight years for many plants.

With regard to the point that a single rule can encompass too many subjects, it is worth remarking that the danger is much less when the parties primarily affected by the rule are the licensees. They have the financial, legal, and technical resources to comment extensively on a complex rulemaking to such an extent that the Commission will be fully aware of the consequences of its rule before imposing it. Furthermore, the operating reactor rule provided for exemptions to be granted as necessary. The rule promulgated here contains no similar provision.

accommodated completely in both situations.

The Commission has already instructed the staff to use specific provisions in this rule as the basis for its position in contested construction permit cases. What it is now providing is that intervenors who wish to challenge the adequacy of some of the provisions proposed here will not be able to do so. In effect, the Boards are being required to rule against them without hearing their evidence.

This authoritarian obsession with the avoiding of public challenge has been a source of continuing trouble for nuclear power over the last decade. That it should now be applied to limit the lessons to be learned from the accident that it helped to cause provides an unsettling indication that the NRC may be returning to its former bad habits.

Additional Views of Commissioner Ahearne. Lest silence be taken as assent, I note that I strongly disagree with Commissioner Bradford's opinions of the reasons for declining to make SECY–81–244 into a rule, the reasons for making SECY–81–20D into a rule, the lessons learned from the fire protection rule, and of the NRC's approach to public hearings.

Further Additional Views of Commissioner Ahearne. The NRC staff "suggests that the Commission consider the desirability of further modifying section (3)(v)(B)(1) on page 81 to require that instability be considered in designing the containment to withstand inadvertent inerting." (P. 3, Secy–81–631, November 4, 1981)

The basis for this recommendation is a November 2, 1981 NRR memorandum "Containment Instability." (Enclosure 2 to Secy–81–631) In this memorandum, the reasons are given to be the following:

—the exemption for instability consideration under the inadvertent inerting condition may limit the usefulness of the rule by presenting the opportunity for technical challenges to future operation of plants choosing post accident inerting systems.

—ASME Code Service Limit A stress criteria are therefore required in the rule to assure with high confidence that inadvertent inerting occurring at any time in the life of a plant, or several times for that matter, would not result in degradation of the containment structure.

This staff suggestion was discussed at a meeting with the NRC staff, described in a December 17, 1981 memorandum by Dr. B. D. Liaw "NTCP/ML Rule Containment Structural Requirements." Dr. Liaw makes the following points:

—* * * the question centered around whether or not the *Code* buckling criteria needed to be considered for the inadvertent inerting conditions during normal operations.

—* * * the staff was asked whether or not there was a compelling technical reason to require that the code buckling criteria be considered. Or, to rephrase it, whether or not the containment shell of both ice condenser amd Mark III plants would buckle under the inadvertent inerting and test conditions.

—* * * The general consensus was that the containment would not buckle for the following reasons * * *

—* * * the Code has a factor of safety of 3 to 4 * * *

—* * * the Code limits are established for external pressure and uniaxial compression * * *

—* * * the case of discussion (here) is for internal pressurization that induces tension in most parts of the shell * * *

—* * * there was an agreement (by NRC staff management and technical personnel) that the question is really not a technical issue whether the containment shell would buckle under inadvertent inerting and test conditions.

As I wrote in my December 17th memorandum to my fellow Commissioners ("CP/ML Rule Containment Structural Requirements"):

I do not see the analytic case for requiring a buckling criterion * * *. I do not believe the Code buckling criterion is needed for inadvertent inerting. On the other hand, (t)his criterion also does not come close to meeting the detonation pressure (if there were a hydrogen explosion). If the Commission's position is that all containments should have an estimated pressure capability of X, we should address that issue directly.

I believe we must develop regulatory requirements based on reason. If we are substantially uncertain about an issue, we should leave it open to be debated in individual cases.

Regulatory Flexibility Statement. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant impact on a substantial number of small entities. This rule affects five applicants for construction permits and one applicant for a manufacturing license. These applications are for permits or a license for plants that do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act in the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

OMB Regulatory Requirements Clearance. The application requirements contained in this final rule affect fewer than 10 persons (applicants) and, therefore, are not subject to Office of Management and Budget clearance as required by Pub. L. 96–511.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Parts 2 and 50 of Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273). § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)). §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. A new paragraph (f) is added to § 50.34 to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(f) *Additional TMI-related requirements.* In addition to the requirements of paragraph (a) of this section, each applicant for a light-water-reactor construction permit or manufacturing license whose application was pending as of (insert effective date of amendment) shall meet the requirements in paragraphs (b) (1) through (3) of this section. This rule applies only to the pending applications by Duke Power Company (Perkins Nuclear Station Units 1, 2 and 3), Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Unit 1), Portland General Electric Company (Pebble Springs Nuclear Plant, Units 1 and 2), Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), Puget Sound Power & Light Company (Skagit/Hanford Nuclear Power Project, Units 1 and 2), and Offshore Power Systems (License to Manufacture Floating Nuclear Plants). The number of units that will be specified in the manufacturing license, if issued, will be that number whose start of manufacture, as defined in the license application, can practically begin within a ten-year period commencing on the date of issuance of the manufacturing license,

but in no event will that number be in excess of ten. The manufacturing license will require the plant design to be updated no later than five years after its approval. Paragraphs (b)(1)(xii), (2)(ix), and (3)(v) of this section, pertaining to hydrogen control measures, must be met by all applicants covered by this rule. However, the Commission may decide to impose additional requirements and the issue of whether compliance with these provisions, together with 10 CFR 50.44 and Criterion 50 of Appendix A to 10 CFR Part 50, is sufficient for issuance of the manufacturing license may be considered in the manufacturing license proceeding.

(1) To satisfy the following requirements, the application shall provide sufficient information to describe the nature of the studies, how they are to be conducted, estimated submittal dates, and a program to ensure that the results of such studies are factored into the final design of the facility. All studies shall be completed no later than two years following issuance of the construction permit or manufacturing license.[1]

(i) Perform a plant/site specific probabilistic risk assessment, the aim of which is to seek such improvements in the reliability of core and containment heat removal systems as are significant and practical and do not impact excessively on the plant. (II.B.8)

(ii) Perform an evaluation of the proposed auxiliary feedwater system (AFWS), to include (applicable to PWR's only) (II.E.1.1):

(A) A simplified AFWS reliability analysis using event-tree and fault-tree logic techniques.

(B) A design review of AFWS.

(C) An evaluation of AFWS flow design bases and criteria.

(iii) Perform an evaluation of the potential for and impact of reactor coolant pump seal damage following small-break LOCA with loss of offsite power. If damage cannot be precluded, provide an analysis of the limiting small-break loss-of-coolant accident with subsequent reactor coolant pump seal damage. (II.K.2.16 and II.K.3.25)

(iv) Perform an analysis of the probability of a small-break loss-of-coolant accident (LOCA) caused by a stuck-open power-operated relief valve (PORV). If this probability is a significant contributor to the probability of small-break LOCA's from all causes, provide a description and evaluation of the effect on small-break LOCA probability of an automatic PORV isolation system that would operate when the reactor coolant system pressure falls after the PORV has opened. (Applicable to PWR's only). (II.K.3.2)

(v) Perform an evaluation of the safety effectiveness of providing for separation of high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) system initiation levels so that the RCIC system initiates at a higher water level than the HPCI system, and of providing that both systems restart on low water level. (For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI") (Applicable to BWR's only). (II.K.3.13)

(vi) Perform a study to identify practicable system modifications that would reduce challenges and failures of relief valves, without compromising the performance of the valves or other systems. (Applicable to BWR's only). (II.K.3.16)

(vii) Perform a feasibility and risk assessment study to determine the optimum automatic depressurization system (ADS) design modifications that would eliminate the need for manual activation to ensure adequate core cooling. (Applicable to BWR's only). (II.K.3.18)

(viii) Perform a study of the effect on all core-cooling modes under accident conditions of designing the core spray and low pressure coolant injection systems to ensure that the systems will automatically restart on loss of water level, after having been manually stopped, if an initiation signal is still present. (Applicable to BWR's only). (II.K.3.21)

(ix) Perform a study to determine the need for additional space cooling to ensure reliable long-term operation of the reactor core isolation cooling (RCIC) and high-pressure coolant injection (HPCI) systems, following a complete loss of offsite power to the plant for at least two (2) hours. (For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI") (Applicable to BWR's only). (II.K.3.24)

(x) Perform a study to ensure that the Automatic Depressurization System, valves, accumulators, and associated equipment and instrumentation will be capable of performing their intended functions during and following an accident situation, taking no credit for non-safety related equipment or instrumentation, and accounting for normal expected air (or nitrogen) leakage through valves. (Applicable to BWR's only). (II.K.3.28)

(xi) Provide an evaluation of depressurization methods, other than by full actuation of the automatic depressurization system, that would reduce the possibility of exceeding vessel integrity limits during rapid cooldown. (Applicable to BWR's only) (II.K.3.45)

(xii) Perform an evaluation of alternative hydrogen control systems that would satisfy the requirements of paragraph (b)(2)(ix) of this section. As a minimum include consideration of a hydrogen ignition and post-accident inerting system. The evaluation shall include:

(A) A comparison of costs and benefits of the alternative systems considered.

(B) For the selected system, analyses and test data to verify compliance with the requirements of (b)(2)(ix) of this section.

(C) For the selected system, preliminary design descriptions of equipmment, function, and layout.

(2) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the required actions will be satisfactorily completed by the operating license stage. This information is of the type customarily required to satisfy 10 CFR 50.35(a)(2) or to address unresolved generic safety issues.

(i) Provide simulator capability that correctly models the control room and includes the capability to simulate small-break LOCA's. (Applicable to construction permit applicants only) (I.A.4.2.)

(ii) Establish a program, to begin during construction and follow into operation, for integrating and expanding current efforts to improve plant procedures. The scope of the program shall include emergency procedures, reliability analyses, human factors engineering, crisis management, operator training, and coordination with INPO and other industry efforts. (Applicable to construction permit applicants only) (I.C.9)

(iii) Provide, for Commission review, a control room design that reflects state-of-the-art human factor principles prior to committing to fabrication or revision of fabricated control room panels and layouts. (I.D.1)

(iv) Provide a plant safety parameter display console that will display to operators a minimum set of parameters defining the safety status of the plant, capable of displaying a full range of important plant parameters and data

[1] Alphanumeric designations correspond to the related action plan items in NUREG 0718 and NUREG 0660, "NRC Action Plan Developed as a Result of the TMI–2 Accident." They are provided herein for information only.

trends on demand, and capable of indicating when process limits are being approached or exceeded. (I.D.2)

(v) Provide for automatic indication of the bypassed and operable status of safety systems. (I.D.3)

(vi) Provide the capability of high point venting of noncondensible gases from the reactor coolant system, and other systems that may be required to maintain adequate core cooling. Systems to achieve this capability shall be capable of being operated from the control room and their operation shall not lead to an unacceptable increase in the probability of loss-of-coolant accident or an unacceptable challenge to containment integrity. (II.B.1)

(vii) Perform radiation and shielding design reviews of spaces around systems that may, as a result of an accident, contain TID 14844 source term radioactive materials, and design as necessary to permit adequate access to important areas and to protect safety equipment from the radiation environment. (II.B.2)

(viii) Provide a capability to promptly obtain and analyze samples from the reactor coolant system and containment that may contain TID 14844 source term radioactive materials without radiation exposures to any individual exceeding 5 rem to the whole-body or 75 rem to the extremities. Materials to be analyzed and quantified include certain radionuclides that are indicators of the degree of core damage (e.g., noble gases, iodines and cesiums, and non-volatile isotopes), hydrogen in the containment atmosphere, dissolved gases, chloride, and boron concentrations. (II.B.3)

(ix) Provide a system for hydrogen control that can safely accommodate hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction. Preliminary design information on the tentatively preferred system option of those being evaluated in paragraph (1)(xii) of this section is sufficient at the construction permit stage. The hydrogen control system and associated systems shall provide, with reasonable assurance, that: (II.B.8)

(A) Uniformly distributed hydrogen concentrations in the containment do not exceed 10% during and following an accident that releases an equivalent amount of hydrogen as would be generated from a 100% fuel clad metal-water reaction, or that the post-accident atmosphere will not support hydrogen combustion.

(B) Combustible concentrations of hydrogen will not collect in areas where unintended combustion or detonation could cause loss of containment integrity or loss of appropriate mitigating features.

(C) Equipment necessary for achieving and maintaining safe shutdown of the plant and maintaining containment integrity will perform its safety function during and after being exposed to the environmental conditions attendant with the release of hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction including the environmental conditions created by activation of the hydrogen control system.

(D) If the method chosen for hydrogen control is a post-accident inerting system, inadvertent actuation of the system can be safely accommodated during plant operation.

(x) Provide a test program and associated model development and conduct tests to qualify reactor coolant system relief and safety valves and, for PWR's, PORV block valves, for all fluid conditions expected under operating conditions, transients and accidents. Consideration of anticipated transients without scram (ATWS) conditions shall be included in the test program. Actual testing
not be carried out until subsequent phases of the test program are developed. (II.D.1)

(xi) Provide direct indication of relief and safety valve position (open or closed) in the control room. (II.D.3)

(xii) Provide automatic and manual auxiliary feedwater (AFW) system initiation, and provide auxiliary feedwater system flow indication in the control room. (Applicable to PWR's only) (II.E.1.2)

(xiii) Provide pressurizer heater power supply and associated motive and control power interfaces sufficient to establish and maintain natural circulation in hot standby conditions with only onsite power available. (Applicable to PWR's only) (II.E.3.1)

(xiv) Provide containment isolation systems that: (II.E.4.2)

(A) Ensure all non-essential systems are isolated automatically by the containment isolation system,

(B) For each non-essential penetration (except instrument lines) have two isolation barriers in series,

(C) Do not result in reopening of the containment isolation valves on resetting of the isolation signal,

(D) Utilize a containment set point pressure for initiating containment isolation as low as is compatible with normal operation,

(E) Include automatic closing on a high radiation signal for all systems that provide a path to the environs.

(xv) Provide a capability for containment purging/venting designed to minimize the purging time consistent with ALARA principles for occupational exposure. Provide and demonstrate high assurance that the purge system will reliably isolate under accident conditions. (II.E.4.4)

(xvi) Establish a design criterion for the allowable number of actuation cycles of the emergency core cooling system and reactor protection system consistent with the expected occurrence rates of severe overcooling events (considering both anticipated transients and accidents). (Applicable to B&W designs only). (II.E.5.1)

(xvii) Provide instrumentation to measure, record and readout in the control room: (A) containment pressure, (B) containment water level, (C) containment hydrogen concentration, (D) containment radiation intensity (high level), and (E) noble gas effluents at all potential, accident release points. Provide for continuous sampling of radioactive iodines and particulates in gaseous effluents from all potential accident release points, and for onsite capability to analyze and measure these samples. (II.F.1)

(xviii) Provide instruments that provide in the control room an unambiguous indication of inadequate core cooling, such as primary coolant saturation meters in PWR's, and a suitable combination of signals from indicators of coolant level in the reactor vessel and in-core thermocouples in PWR's and BWR's. (II.F.2)

(xix) Provide instrumentation adequate for monitoring plant conditions following an accident that includes core damage. (II.F.3)

(xx) Provide power supplies for pressurizer relief valves, block valves, and level indicators such that: (A) Level indicators are powered from vital buses; (B) motive and control power connections to the emergency power sources are through devices qualified in accordance with requirements applicable to systems important to safety and (C) electric power is provided from emergency power sources. (Applicable to PWR's only). (II.G.1)

(xxi) Design auxiliary heat removal systems such that necessary automatic and manual actions can be taken to ensure proper functioning when the main feedwater system is not operable. (Applicable to BWR's only). (II.K.1.22)

(xxii) Perform a failure modes and effects analysis of the integrated control system (ICS) to include consideration of failures and effects of input and output signals to the ICS. (Applicable to B&W-designed plants only). (II.K.2.9)

(xxiii) Provide, as part of the reactor protection system, an anticipatory reactor trip that would be actuated on loss of main feedwater and on turbine

trip. (Applicable to B&W-designed plants only). (II.K.2.10)

(xxiv) Provide the capability to record reactor vessel water level in one location on recorders that meet normal post-accident recording requirements. (Applicable to BWR's only). (II.K.3.23)

(xxv) Provide an onsite Technical Support Center, an onsite Operational Support Center, and, for construction permit applications only, a nearsite Emergency Operations Facility. (III.A.1.2).

(xxvi) Provide for leakage control and detection in the design of systems outside containment that contain (or might contain) TID 14844 source term radioactive materials following an accident. Applicants shall submit a leakage control program, including an initial test program, a schedule for re-testing these systems, and the actions to be taken for minimizing leakage from such systems. The goal is to minimize potential exposures to workers and public, and to provide reasonable assurance that excessive leakage will not prevent the use of systems needed in an emergency. (III.D.1.1)

(xxvii) Provide for monitoring of inplant radiation and airborne radioactivity as appropriate for a broad range of routine and accident conditions. (III.D.3.3)

(xxviii) Evaluate potential pathways for radioactivity and radiation that may lead to control room habitability problems under accident conditions resulting in a TID 14844 source term release, and make necessary design provisions to preclude such problems. (III.D.3.4)

(3) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the requirement has been met. This information is of the type customarily required to satisfy paragraph (a)(1) of this section or to address the applicant's technical qualifications and management structure and competence.

(i) Provide administrative procedures for evaluating operating, design and construction experience and for ensuring that applicable important industry experiences will be provided in a timely manner to those designing and constructing the plant. (I.C.5)

(ii) Ensure that the quality assurance (QA) list required by Criterion II, App. B, 10 CFR Part 50 includes all structures, systems, and components important to safety. (I.F.1)

(iii) Establish a quality assurance (QA) program based on consideration of: (A) Ensuring independence of the organization performing checking functions from the organization responsible for performing the functions; (B) performing quality assurance/quality control functions at construction sites to the maximum feasible extent; (C) including QA personnel in the documented review of and concurrence in quality related procedures associated with design, construction and installation; (D) establishing criteria for determining QA programmatic requirements; (E) establishing qualification requirements for QA and QC personnel; (F) sizing the QA staff commensurate with its duties and responsibilities; (G) establishing procedures for maintenance of "as-built" documentation; and (H) providing a QA role in design and analysis activities. (I.F.2)

(iv) Provide one or more dedicated containment penetrations, equivalent in size to a single 3-foot diameter opening, in order not to preclude future installation of systems to prevent containment failure, such as a filtered vented containment system. (II.B.8)

(v) Provide preliminary design information at a level of detail consistent with that normally required at the construction permit stage of review sufficient to demonstrate that: (II.B.8)

(A)(*1*) Containment integrity will be maintained (i.e., for steel containments by meeting the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE–3220, Service Level C Limits, except that evaluation of instability is not required, considering pressure and dead load alone. For concrete containments by meeting the requirements of the ASME Boiler Pressure Vessel Code, Section III, Division 2 Subsubarticle CC–3720, Factored Load Category, considering pressure and dead load alone) during an accident that releases hydrogen generated from 100% fuel clad metal-water reaction accompanied by either hydrogen burning or the added pressure from post-accident inerting assuming carbon dioxide is the inerting agent. As a minimum, the specific code requirements set forth above appropriate for each type of containment will be met for a combination of dead load and an internal pressure of 45 psig. Modest deviations from these criteria will be considered by the staff, if good cause is shown by an applicant. Systems necessary to ensure containment integrity shall also be demonstrated to perform their function under these conditions.

(*2*) Subarticle NE–3220, Division 1, and subarticle CC–3720, Division 2, of Section III of the July 1, 1980 ASME Boiler and Pressure Vessel Code, which are referenced in paragraph (f)(3)(v)(A)(*1*) and (f)(3)(v)(B)(*1*) of this section, were approved for incorporation by reference by the Director of the Office of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register.** Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, NY 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C.

(*1*) Containment structure loadings produced by an inadvertent full actuation of a post-accident inerting hydrogen control system (assuming carbon dioxide), but not including seismic or design basis accident loadings will not produce stresses in steel containments in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE–3220, Service Level A Limits, except that evaluation of instability is not required (for concrete containments the loadings specified above will not produce strains in the containment liner in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 2, Subsubarticle CC–3720, Service Load Category. (*2*) The containment has the capability to safely withstand pressure tests at 1.10 and 1.15 times (for steel and concrete containments, respectively) the pressure calculated to result from carbon dioxide inerting.

(vi) For plant designs with external hydrogen recombiners, provide redundant dedicated containment penetrations so that, assuming a single failure, the recombiner systems can be connected to the containment atmosphere. (II.E.4.1)

(vii) Provide a description of the management plan for design and construction activities, to include: (A) the organizational and management structure singularly responsible for direction of design and construction of the proposed plant; (B) technical resources director by the applicant; (C) details of the interaction of design and construction within the applicant's organization and the manner by which the applicant will ensure close integration of the architect engineer and the nuclear steam supply vendor; (D) proposed procedures for handling the transition to operation; (E) the degree of top level management oversight and technical control to be exercised by the

applicant during design and construction, including the preparation and implementation of procedures necessary to guide the effort. (II.J.3.1)

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

3. The Authority citation for Part 2 reads as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953. (42 U.S.C. 2201(p) and 2231; sec 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (43 U.S.C. 5846). Sections 2.800–2.808 also issued under 5 U.S.C. 553.

4. Paragraphs (e)(1)(ii) and (e)(3)(iii) of § 2.764 are revised to read as follows:

§ 2.764 Immediate effectiveness of certain initial decisions.

* * * * *

(e) * * *

(1) * * *

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. As provided in paragraph (e)(3) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any apects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but, absent specific Commission directives, such policy issues shall not be the subject of discovery, examination, or cross-examination.

* * * * *

(3) * * *

(iii) In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board).

Dated at Washington, D.C., this 12th day of January 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission

[FR Doc. 82-1174 Filed 1-14-82; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 22]

Administration; Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is revising its delegations of authority to field offices. This revision will incorporate changes in the Agency's lending programs and organization of statutory provisions caused by the enactment of Pub. L. 97–35; reorganization of SBA's field office structure including the installation of the new Area Director (Disaster) and other disaster positions; and additionally cancels the Pilot Program in the Columbia, S.C. District Office.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416 (202) 653–8538.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this revision of Part 101 is adopted without resort to those procedures.

PART 101—ADMINISTRATION

Accordingly, pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, § 101.3–2 of Part 101, Chapter I, Title 13 of the Code of Federal Regulations is revised to read as follows:

§ 101.3–2 Delegations of authority to conduct program activities in field offices.

Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, the following authority is hereby delegated to field positions as hereinafter set forth:

Preface

The policies, rules, procedures and other requirements, as well as citations to the statutes, governing the programs for which this delegation of authority is issued, are contained in various parts of the Regulations of the Small Business Administration, Chapter I of Title 13 of the Code of Federal Regulations, as amended from time to time in the **Federal Register.**

Part I—Financing Program

Section A—Loan Approval Authority

1. Business Loans (Small Business Act) (SBAct).

a. To approve or decline direct and immediate participation section 7(a) business loans (except section 7(a)(13) loans) not exceeding the following amounts (SBA share):

	Approve	Decline
(1) Regional Administrator	$350,000	$350,000
(2) Deputy Regional Administrator	350,000	350,000
(3) Assistant Regional Administrator/F&I	350,000	350,000
(4) District Director	350,000	350,000
(5) Deputy District Director	350,000	350,000
(6) Assistant District Director/F&I	350,000	350,000
(7) Chief, Financing D/O	350,000	350,000
(8) Financial Management Assistance Officer-Minneapolis, MN D/O	350,000	350,000
(9) Supervisory Loan Specialist, Financing D/O	350,000	350,000
(10) Branch Manager, Buffalo, Elmira, Corpus Christi and El Paso	350,000	350,000
(11) Branch Manager, Except Fairbanks Buffalo, Corpus Christi, Elmira and El Paso	250,000	250,000
(12) Assistant Branch Manager/F&I, Biloxi, Milwaukee, and Springfield B/O's only	250,000	350,000
(13) Branch Manager, Fairbanks B/O only	150,000	150,000
(14) Assistant Branch Manager/F&I, Corpus Christi, and El Paso, B/O's only	350,000	350,000

b. Guaranty Loans. 7(a) business loans (except section 7(a)(13) loans):

	Approve	Decline
(1) Regional Administrator	$500,000	$500,000
(2) Deputy Regional Administrator	500,000	500,000
(3) Assistant Regional Administrator/F&I	500,000	500,000
(4) District Director	500,000	500,000
(5) Deputy District Director	500,000	500,000
(6) Assistant District Director/F&I	500,000	500,000
(7) Chief, Financing D/O	500,000	500,000
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O	500,000	500,000
(9) Supervisory Loan Specialist, Financing, D/O	250,000	500,000
(10) Branch Manager, Corpus Christi, El Paso, Milwaukee, and Springfield	500,000	500,000
(11) Branch Manager, Buffalo and Elmira	350,000	500,000

	Approve	Decline
(12) Branch Manager, Except Fairbanks, Buffalo, Corpus Christi, El Paso, Elmira, Milwaukee, and Springfield	250,000	500,000
(13) Branch Manager, Fairbanks D/O	150,000	150,000
(14) Assistant Branch Manager for F&I, Milwaukee and Springfield, B/O's	350,000	500,000
(15) Assistant Branch Manager for F&I, Biloxi, B/O	250,000	500,000
(16) Assistant Branch Manager for F&I Corpus Christi, and El Paso B/O's	500,000	500,000

Section B—Other Financing Authority

For all types of loans contained in Section A above, (except section 7(a)(13) loans)

1. Loan Participation Agreements. To enter into individual and blanket loan participation agreements with bank lenders and savings and loan associations:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director
e. Deputy District Director
f. Assistant District Director for F&I.
g. Chief, Financing D/O.
h. Financial/Management Assistance Officer—Minneapolis, MN D.O.
i. Branch Manager.
j. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

2. Loan Authorization:

a. To execute written authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing D/O.
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O.
(9) Supervisory Loan Specialist Financing, D/O.
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O (on fully undisbursed loans).
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O (on fully undisbursed loans).
(9) Supervisory Loan Specialist, Financing, D/O (on fully undisbursed loans).
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

3. Disbursement Period Extension. To extend disbursement periods:

a. Without limitations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O (on fully undisbursed loans).
(8) Financial/Management Assistance Officer, Minneapolis, MN D/O (on fully undisbursed loans).
(9) Branch Manager.
(10) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

b. For a cumulative total not to exceed six (6) months:
(1) Supervisory Loan Specialist, Financing D/O (on fully undisbursed loans).

4. Service Charges: To approve service charges by participating lenders not to exceed two (2) percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director for F&I.
g. Chief, Financing, D/O (on fully undisbursed loans).
h. Financial/Management Assistance Officer, Minneapolis, MN D/O (on fully undisbursed loans).
i. Supervisory Loan Specialist, D/O (on fully undisbursed loans).
j. Branch Manager.
k. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

Section C: Section 7(a)(13) Loans Approval Authority

1. Loans to a State Development Company (SBI Act). To approve or decline loans to a state development company not exceeding the following amounts (SBA share):

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
With concurrence in at least one prior recommendation:	
c. Assistant Regional Administrator/F&I	$750,000
d. District Director	750,000
e. Deputy District Director	750,000
f. Assistant District Director for F&I	750,000
g. Chief, Financing, D/O	750,000
h. Financial/Management Assistance Officer, Minneapolis, MN, D/O	750,000
i. Branch Manager, Corpus Christi and El Paso B/O's only	750,000
j. Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only	750,000

2. Loans to a Local Development Company (SBI Act): To approve or decline loans to a local development company not exceeding the following amounts (SBA share) for each small business concern being assisted, within the project cost limitations shown below:

Note.—Project cost applies to the cumulative SBA assistance to a small business concern and its affiliates and not to the additional assistance on which the action is being taken.

a. Unlimited Project Cost:	
(1) Regional Administrator	$500,000
(2) Deputy Regional Administrator	500,000
b. Overall project cost not exceeding $1,500,000:	
(3) Assistant Regional Administrator/F&I	500,000
(4) District Director	500,000
(5) Deputy District Director	500,000
(6) Assistant District Director/F&I	500,000
(7) Branch Manager, Corpus Christi and El Paso B/O's only	500,000
(8) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only	500,000
c. Overall project cost not exceeding $700,000:	
(9) Chief, Financing D/O	500,000
(10) Financial/Management Assistance Officer, Minneapolis, MN D/O	500,000

Part II—Disaster Program

Note.—The loan approval authority in Part II refers to the total indebtedness of an applicant for a disaster loan (regardless of the number of structures damaged) for each separate disaster.

Section A—Disaster Loan Authority

1. Direct and Immediate Participation 7(b)(1) Physical Disaster Loans (SBAct):

a. To decline direct and immediate participation 7(b)(1) physical disaster loans in any amount and to approve such loans not exceeding the following amounts (SBA share):

(1) Home Loans: $50,000 for repair, restoration, or replacement of a home; $10,000 for repair, restoration, or replacement of household contents or personal property; or $55,000 for a single disaster home loan, plus $50,000 for refinancing prior liens:

(a) Regional Administrator.
(b) Deputy Regional Administrator.
(c) Assistant Regional Administrator/F&I.
(d) Area Director (Disaster).
(e) District Director.
(f) Deputy District Director.
(g) Assistant District Director for F&I.
(h) Disaster Branch Manager.
(i) Assistant Disaster Branch Manager.
(j) Supervisory Loan Specialist, Financing, D/O.
(k) Supervisory Loan Specialist, Disaster Office.
(l) Branch Manager, Except Fairbanks B/O.
(m) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

(2) Business Loans: Including repair, restoration, or replacement of all real or personal property and refinancing as follows:

(a) Regional Administrator	$500,000
(b) Deputy Regional Administrator	500,000
(c) Assistant Regional Administrator/F&I	500,000
(d) Area Director (Disaster)	500,000
(e) District Director	500,000
(f) Deputy District Director	500,000
(g) Assistant District Director/F&I	500,000
(h) Disaster Branch Manager	500,000
(i) Assistant Disaster Branch Manager	300,000
(j) Supervisory Loan Specialist, Financing, D/O	300,000
(k) Supervisory Loan Specialist, D/O	300,000
(l) Branch Manager, Except Fairbanks B/O	500,000
(m) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only	500,000
(n) Branch Manager, Fairbanks, B/O only	150,000

2. Guaranteed Physical Disaster Loans 7(b)(1) (SBAct): To decline section 7(b)(1) physical disaster guaranteed loans in any amount and to approve such loans in addition to direct and immediate participation

authority not exceeding the following amounts (SBA share):

	Home loans	Business loans
a. Regional Administrator	$500,000	$500,000
b. Deputy Regional Administrator	500,000	500,000
c. Assistant Regional Administrator/F&I	200,000	500,000
d. Area Director (Disaster)	500,000	500,000
e. District Director	200,000	500,000
f. Deputy District Director	200,000	500,000
g. Assistant District Director/F&I	200,000	500,000
h. Disaster Branch Manager	200,000	500,000
i. Assistant Disaster Branch Manager	100,000	500,000
j. Supervisory Loan Specialist Financing D/O	100,000	500,000
k. Supervisory Loan Specialist Disaster Office	100,000	500,000
l. Branch Manager, Corpus Christi and El Paso B/O's	200,000	500,000
m. Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's	100,000	500,000
n. Assistant Branch Manager/F&I, Corpus Christi, and El Paso B/O's	200,000	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	100,000	500,000
p. Branch Manager, Fairbanks B/O only	100,000	150,000

3. Direct and Immediate Participation Economic Injury Disaster Loans (SBAct). To decline direct and immediate participation (Section 7(b)(2) economic injury disaster loans (in connection with a physical disaster declaration by the Administrator, a "major disaster" declaration by the President, or a "natural disaster" declared by the Secretary of Agriculture) in any amount and to approve such loans, not exceeding the following amounts (SBA share):

	Business loans
a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director/F&I	500,000
h. Disaster Branch Manager	500,000
i. Assistant Disaster Branch Manager	300,000
j. Supervisory Loan Specialist Financing D/O	200,000
k. Supervisory Loan Specialist Disaster Office	200,000
l. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
m. Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's	300,000
n. Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O only	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	300,000
p. Branch Manager, Fairbanks B/O only	150,000

4. Guaranteed Economic Injury Disaster Loans (SBAct): To decline section 7(b)(2) Economic Injury guaranteed disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declared by the President, or a "natural disaster" declared by the Secretary of Agriculture) in any amount and to approve such loans, in addition to the direct and immediate participation authority, not exceeding the following amounts (SBA share):

a. Regional Administrators	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director/F&I	500,000
h. Disaster Branch Manager	500,000
i. Assistant Disaster Branch Manager	500,000
j. Supervisory Loan Specialist Financing D/O	500,000
k. Supervisory Loan Specialist Disaster Office	500,000
l. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
m. Branch Manager, except Fairbanks, Corpus Christi & El Paso B/O's	500,000
n. Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O only	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee, and Springfield only	500,000
p. Branch Manager, Fairbanks B/O only	150,000

5. Direct and Immediate Economic Injury Federal Action Loans 7(b)(3) (SBAct). To decline section 7(b)(3) Economic Injury Federal Action Loans in any amount and to approve such loans up to the following amounts (SBA share):

a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District/F&I	500,000
h. Chief, Financing, D/O	500,000
i. Financial/Management Assistance Officer—Minneapolis, MN D/O	500,000
j. Supervisory Loan Specialist Financing D/O	300,000
k. Disaster Branch Manager	500,000
l. Assistant Disaster Branch Manager	300,000
m. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
n. Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's	300,000
o. Assistant Branch Manager/F&I, Corpus Christi and El Paso B/O's only	500,000
p. Assistant Branch Manager/F&I, Biloxi, Milwaukee and Springfield B/O's only	300,000
q. Branch Manager, Fairbanks B/O only	150,000

6. Guaranteed Economic Injury-Federal Action Loans 7(b)(3) (SBAct). To decline section 7(b)(3) Economic Injury-Federal Action Loans in any amount and to approve such loans in addition to the direct and immediate participation authority, not exceeding the following amounts (SBA share).

a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director for F&I	500,000
h. Chief, Financing, D/O	500,000
i. Financial/Management Assistance Officer Minneapolis, MN D/O	500,000
j. Disaster Branch Manager	500,000
k. Assistant Disaster Branch Manager	500,000
l. Supervisory Loan Specialist, Financing D/O	500,000
m. Branch Manager, Corpus Christi & El Paso, B/O's only	500,000
n. Branch Manager, Except Fairbanks, Corpus Christi, and El Paso, B/O's	500,000
o. Assistant Branch Manager for F&I, Corpus Christi and El Paso, B/O's only	500,000
p. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	500,000
q. Branch Manager, Fairbanks, B/O only	150,000

7. Processing Representative: To appoint as a processing representative any bank in the disaster area:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. Area Director (Disaster).
e. District Director.
f. Deputy District Director.
g. Disaster Branch Manager.
h. Assistant Disaster Branch Manager.
i. Branch Manager.
j. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee, and Springfield B/O's only.

8. Late Filing: To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Area Director (Disaster).
d. District Director.
e. Deputy District Director.
f. Disaster Branch Manager.
g. Assistant Disaster Branch Manager.

9. Disaster Loan Authorizations:

a. To execute written authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director for F&I.
(8) Chief, Financing, D/O.
(9) Financial/Management Assistance Officer—Minneapolis, MN D/O.
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
(12) Disaster Branch Manager.
(13) Assistant Disaster Branch Manager.

b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director/F&I.
(8) Chief, Financing, D/O (on fully undisbursed loans).
(9) Financial/Management Assistance Officer—Minneapolis, MN D/O (on fully undisbursed loans).
(10) Supervisory Loan Specialist Financing, D/O (on fully undisbursed loans).
(11) Branch Manager.
(12) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Supervisory Loan Specialist, D/O.

10. Disbursement Period Extension on Disaster Loans: To extend disbursement periods:

a. Without limitations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director for F&I.
(8) Chief, Financing D/O (on fully undisbursed loans).

(9) Financial/Management Assistance Officer—Minneapolis, MN D/O (on fully undisbursed loans).
(10) Disaster Branch Manager.
(11) Assistant Disaster Branch Manager.
(12) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
b. For a cumulative total not to exceed six (6) months:
(1) Supervisory Loan Specialist, Financing, D/O (on fully undisbursed loans).

Section B—Administrative Authority

1. Establishment of Disaster Field Offices.
a. To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when justified: and
b. To obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/ Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Regions V, VIII, IX and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director for F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.
2. Purchase and Contract Authority:
a. Rental of Motor Vehicles and Garage Space. To rent motor vehicles necessary for the use of disaster branch office personnel and garage space for the storage of such vehicles when not furnished by this Administration:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/ Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Region V, VIII, IX and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director for F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.
b. Office Supplies and Equipment. To purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code as amended, subject to the limitations contained in sections 257 (a) and (b) of that Chapter:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/ Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Region V, VIII, IX, and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director/F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
c. Credit Bureau Services. To contract for local credit bureau services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/ Administration.
(5) Area Director (Disaster).
(6) District Director.
(7) Deputy District Director.
(8) Assistant District Director/F&I.
(9) Disaster Branch Manager.
(10) Assistant Disaster Branch Manager.
(11) Branch Manager, Corpus Christi, and El Paso B/O's only.
(12) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.

Part III—Other Financial and Guarantee Programs

Section A—Section 503 Debenture Guaranty Approval Authority (Small Business Investment Act)

1. Section 503 Certified Development Company Debenture Guaranty Approval Authority (SBI Act). To approve or decline section 503 guarantees of debentures issued by certified development companies not exceeding the following amount (SBA share) for each small business being assisted, within the project cost limitations shown below:

Note.—Project cost as used in this part, means the sum of all financial assistance to the small business concern and its affiliates construction project under consideration, not just that portion on which the 503 debenture guarantee action is being taken.

a. Unlimited project cost:	
(1) Regional Administrator	$500,000
(2) Deputy Regional Administrator	500,000
b. Overall project cost not exceeding $1,500,000:	
(1) Assistant Regional Administrator/F&I	500,000
(2) District Director	500,000
(3) Deputy District Director	500,000
(4) Assistant District Director/F&I	500,000
(5) Branch Managers	500,000
c. Overall project cost not exceeding $1,000,000:	
(1) Chief, Financing, D/O	500,000
(2) Assistant Branch Managers—F&I	500,000

Section B—Other 503 Authority:

1. Participation Agreements. To decline to enter into participation agreements with lenders:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director for F&I.
2. Loan Authorizations:
a. To execute written loan authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O.
(8) Financial/Management Assistance Officer—Minneapolis, MN D/O.
(9) Branch Manager, Corpus Christi, and El Paso B/O's only.
(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director/F&I.
(7) Chief, Financing, D/O (before initial disbursement).
(8) Financial/Management Assistance Officer—Minneapolis, MN D/O (before initial disbursement).
(9) Branch Manager, Corpus Christi and El Paso B/O's only.
(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
3. Disbursement Period Extension. To extend disbursement periods:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director/F&I.
g. Chief, CED, D/O (on wholly undisbursed loans).
h. Chief, Financing, D/O (on wholly undisbursed loans).
i. Financial/Management Assistance Officer—Minneapolis, MN D/O (on wholly undisbursed loans).
j. Branch Manager, Corpus Christi and El Paso B/O's only.
k. Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.

Section C—Surety Guarantee

1. To guarantee sureties against portion of losses resulting from the breach of bid payment, or performance bonds on contracts, not to exceed the following amount.

a. Regional Administrator	$1,000,000
b. Deputy Regional Administrator	1,000,000
c. Assistant Regional Administrator/F&I	500,000
d. District Director and Deputy District Director, Philadelphia, San Francisco, Baltimore, and all Region IV District Offices only	500,000
e. Assistant District Director/F&I Philadelphia, San Francisco, Baltimore, and all Region IV District Offices only	500,000
f. Surety Bond Coordinator	250,000
g. Senior Surety Bond Guarantee Specialist	250,000
h. Surety Bond Officer	250,000
i. Chief, Financing, Philadelphia D/O only	250,000

Section D—EDA Loan Authority

1. EDA Loan Disbursement Authority. To disburse EDA loans, directed by EDA:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. Regional Counsel.
e. District Director.
f. Deputy District Director.
g. Assistant District Director/F&I.
h. Chief, FD, D/O.
i. District Counsel.
j. Branch Manager, Corpus Christi, and El Paso B/O's only.
k. Assistant Branch Manager/F&I, Corpus Christi, and El Paso, B/O's only.
l. Branch Counsel, Corpus Christi, and El Paso B/O's only.

Part IV—Portfolio Management (PM) Progam

Section A—Portfolio Management, Servicing, Collection, and Liquidation Authority

1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans and guarantees, EDA loans in liquidation when and as authorized by EDA, lease guarantees, 8(a) matters accepted for litigation, *exclusive of matters in litigation,* to approve loan increases during a period of one year after final disbursement, not to exceed the lesser of $20,000 or 20% of the original loan amount, and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director/F&I.
(7) Branch Manager (full services branches only).
(8) Chief or Supervisory Loan Specialist, Portfolio Management, D/O.
(9) Chief or Supervisory Loan Specialist, Liquidation Section, D/O.
(10) Financial/Management Assistance Officer—Minneapolis, MN, D/O.
(11) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield, B/O's only.
(12) Chief, PM, Biloxi B/O.

2. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans and guarantees, EDA loans in liquidation when and as authorized by EDA, lease guarantees, 8(a) matters acepted for liquidation, *exclusive of matters in litigation,* to approve loan increases during a period of one year after final disbursement, not to exceed the lesser of $20,000 or 20% of the original loan amount, and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. *To initiate suit* for recovery from a participating institution under any alleged violation of a participation or guaranty;

d. *To authorize the liquidation of a loan* (except Disaster Home Loans) or to cancel authority to liquidate; or

e. *To accept a lump sum settlement or to purchase property* under the lease guaranty:

(1) Branch Manager (limited servicing branches).
(2) Chief, Portfolio Management B/O (full servicing branches).
(3) Supervisory Loan Specialist, Portfolio Management, B/O, (full servicing branches).

3. Other Portfolio Management Authority

a. To take *only* the following actions on loans in a current status:

(1) Approve editorial modifications in loan authorizations;
(2) Extend disbursement periods on partially disbursed loans;
(3) Release of cash surrender value or dividends to pay premiums due on assigned policy;
(4) Extend initial principal payment dates or adjust interest payment dates;
(5) Release of equipment (or hazard insurance checks) where the total value being released does not exceed $500.

a. Loan Specialist, Portfolio Management, D/O, or B/O.

b. Loan Specialist, Liquidation Section, D/O or B/O.

Part V—Claims Review Committee

Section A—Authority to Compromise Claims

1. District Claims Review Committee. This committee shall consist of three incumbents (or those officially acting in their behalf) in the following order of position classification. The first member available in this order shall serve as chairperson.

Liquidation Chief (or liquidation supervisor).
PM Chief (or PM supervisor).
District Counsel.
FD Chief (or FD supervisor).
Financial/Management Asst. Officer, Minneapolis, MN, D/O.

However, the District Director may, at this option, establish an alternative committee membership consisting of the Assistant District Director for Finance and Investment, acting as chairperson, District Counsel and the Assistant District Director for Management Assistance or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of $50,000 (excluding interest) upon *majority* vote of the Committee.

b. Claims not in excess of $100,000 (excluding interest) upon *unanimous* vote of the Committee.

c. Claims in excess of $100,000 (excluding interest) when the amount offered represents the full principal balance due thereby forgiving only the interest upon *unanimous* vote of the Committee.

d. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

2. Regional Claims Review Committee. This committee shall consist of the Assistant Regional Administrator for F&I, serving as chairperson, the Assistant Regional Administrator for Management, and the Regional Counsel or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of $100,000 (excluding interest) upon *majority* vote of the Committee.

b. Claims in excess of $100,000 but not exceeding $150,000 (excluding interest) upon *unanimous* vote of the Committee.

c. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

Part VI—Procurement Assistance Program (PA)

Section A—Certification of Competency Approval Authority

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $500,000 bid value received from small business concerns located within the geographical jurisdiction:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/P&TA.

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Administrator.

b. Deputy Regional Administrator.
c. Assistant Regional Administrator/PATA.

Part VII—Minority Small Business and Capital Ownership Development Program (MSB-COD)

Section A—Call Contracts Authority

1. Administration and Management of Call Contracts. To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contracts.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Minority Small Business and Capital Ownership Development (MSB/COD).
d. Chief, Business Development, Regional Office, Reg. VII.
e. District Director.
f. Deputy District Director.
g. Assistant District Director for MSB/COD.
h. Financial/Management Assistance Officer, Minneapolis, MN, D/O.

Section B—Section 8(a)(1)(A) Contracting Authority (SBAct)

1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, services or materials to the Government or to perform construction work for the Government, subject to the following monetary limitations:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, R/O only	250,000
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, Detroit, Cleveland, Indianapolis, and Salt Lake City D/O's only	350,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only	100,000
l. All District Contract Specialists in Region X only	250,000
m. Branch Manager, El Paso B/O only	Unlimited
n. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
o. Senior Contract Specialist, Region X only	1,000,000

2. Subcontracting. To arrange for the performance of such procurement contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns for the construction work, services or the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts subject to the following monetary amounts:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, B/O only	250,000
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, Detroit, Cleveland, Indianapolis, and Salt Lake City, D/O's only	350,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only	100,000
l. All District Contract Specialists in Region X only	250,000
m. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
n. Branch Manager, El Paso Branch Office only	350,000
o. Senior Contract Specialists, Region X only	1,000,000

3. To certify to any Officer of the Government having procurement powers that the Small Business Administration is competent and responsible to perform any specific Government procurement contract to be let by any such officer. Such contracts not to exceed the following amount:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, R/O only	Unlimited
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, New York, Newark, Syracuse, Detroit, Cleveland, Indianapolis, Salt Lake City and Puerto Rico D/O's only	250,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for PA, Region IX	500,000
l. Assistant District Directors for MSB/COD, Washington, Richmond, Philadelphia, and Baltimore	100,000
m. All District Contract Specialists in Region X only	250,000
n. Branch Manager, El Paso Branch Office only	Unlimited
o. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
p. Senior Contract Specialists, Region X only	1,000,000

Part VIII—Legal Services

Section A—Authority To Conduct Litigation Activities

1. To conduct all litigation activities, including SBIC and Economic Development Administration matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers.

Except:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement (including lease guarantees); or

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Regional Counsel.
(4) Attorney, Regional Office.
(5) District Counsel.
(6) Attorney, District Office.
(7) Branch Counsel.
(8) Attorney, Branch Office.

Section B—Loan Closing Authority

1. To close and disburse approved SBA loans and to close EDA loans, as authorized:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Counsel.
f. Attorney, District Office.
g. Branch Counsel.
h. Attorney, Branch Office.

2. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Counsel.
f. Attorney, District Office.
g. Branch Counsel.
h. Attorney, Branch Office.

3. To approve or disapprove fees charged by borrowers' counsel:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Director.
f. Deputy District Director.
g. District Counsel.
h. Attorney, District Office.
i. Branch Manager.
j. Branch Counsel.
k. Attorney, Branch Office.

Section C—Authority to Contact IRS

1. To request and receive address information from IRS records for purpose of collection and compromise of SBA Federal claims. This information will be used only by Agency employees directly engaged in and solely for their use in preparation for any administrative or judicial proceeding pertaining to the collection or compromise of a Federal claim in accordance with the provisions of Section 3 of the Federal Claims: Collection Act of 1966.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. District Director.
e. Deputy District Director.
f. District Counsel.

Part IX—Eligibility and Size Determinations

Section A—Eligibility Determinations

1. Eligibility Determination Authority. In accordance with Small Business Administration standards policies, to determine eligibility of applicants for assistance under *any program of* the Agency: *EXCEPT the SBIC program.*

a. Regional Administrator.
b. Deputy Regional Administrator
c. All officials having the authority and assigned responsibility to take final action on the assistance requested.

Section B—Size Determinations

1. Size Determination Authority. In accordance with Small Business Administration's Small Business Size Standards Regulations, to make initial size determinations of applicants for assistance under *any* program of the Agency:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. All other officials having authority and assigned responsibility to take final action on the assistance requested, *EXCEPT* the SBIC program and Government procurement and sales activities.

2. Size Determinations for Government Procurement and Sales. In accordance with Small Business Administration's Small Business Size Standards Regulations, to make size determinations for government procurement and sales activities.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Procurement and Technology Assistance.
d. Chief, Procurement and Technical Assistance, Region II only.

Part X—Administrative

Section A—Authority to Purchase, Rent, or Contract for Equipment, Services, and Supplies

1. Purchase Reproductions of Loan Documents. To purchase reproductions of loan documents, chargeable to the revolving fund requested by U.S. Attorneys in foreclosure cases:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

2. Office Supplies and Equipment. To purchase office supplies and equipment and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

3. Rental of Motor Vehicles. To rent motor vehicles when not furnished by this Administration:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. District Director.
g. Deputy District Director.
h. Branch Manager.

4. Rental of Conference Space. To rent temporarily SBA conference space located within the respective geographical jurisdiction:

a. Regional Administrator.
b. Deputy Regional Administrator.

5. Use of Seal of the Small Business Administration. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the nonexistence of records on files; and to cause the Seal of the Small Business Administration to be affixed to all such certification.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

6. Contract for Services. To contract for services for the agency not exceeding the monetary amount of $2,500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.

Part XI—Redelegation Authority

Section A—Redelegation

1. The authority delegated herein may not be redelegated.

2. The authority delegated herein may be exercised by any SBA employee designated as acting in a position designated herein.

3. Regional Administrators, Deputy Regional Administrators, District Directors, and Branch Managers may withhold or limit authorities delegated to those positions prescribed in this document for a period not to exceed six months. Information relating to those temporary exceptions will be maintained and available for examination in their respective field offices.

Dated: January 8, 1982.

Michael Cardenas,
Administrator.

[FR Doc. 82-980 Filed 1-14-82; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 77P-0300]

Canned Peaches; Standard of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the provisions of the amended standard of identity for canned peaches to provide for "chunky" style.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun August 25, 1981.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1981 (46 FR 33027), FDA issued a final regulation amending the standard of identity for canned peaches (21 CFR 145.170) to provide for a new optional "chunky" style. Any person who would be adversely affected by the regulation could have, at any time on or before July 27, 1981, filed written objections to the final regulation and requested a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date for compliance with the standard of identity for canned peaches (21 CFR 145.170) as amended in the **Federal Register** of June 26, 1981 (46 FR 33027) is July 1, 1983. Voluntary compliance may have begun August 25, 1981.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–666 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin; Sponsors of Approved NADA's

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing those portions of the regulations reflecting approval of a new animal drug application (NADA) providing for use of a 2-gram-per-pound tylosin premix. The sponsor, Cargill Inc.—Nutrena Feed Division, requested the withdrawal of approval. In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 116–041, sponsored by Cargill, is withdrawn.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Cargill Inc.—Nutrena Feed Division, P.O. Box 9300, Minneapolis, MN 55440, is sponsor of NADA 116–041 for a 2-gram-per-pound tylosin premix which was approved on January 30, 1979. The NADA was originally sponsored by Critic Mills, Inc. The NADA and the firm were acquired by Cargill in January 1980. In a notice published elsewhere in this issue of the **Federal Register**, approval of this NADA is withdrawn. This NADA is the only approval for Critic Mills reflected in the regulations. Therefore, the regulations are amended in §§ 510.600(c) (21 CFR 510.600(c)) and 558.625(b)(59) (21 CFR 558.625(b)(59)) to reflect the withdrawal of approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(2) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry "Critic Mills, Inc.," and in paragraph (c)(2) by removing the entry "023055."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 [Amended]

2. In Part 558, § 558.625 *Tylosin* is amended by removing paragraph (b)(59) and designating it "[Reserved]".

Effective date. This amendment is effective January 25, 1982.

(Sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e)))

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82–1058 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending its rules at 28 CFR 2.34(a) to allow a Regional Commissioner to reopen and retard a parole date for institutional misconduct for up to 90 days without a hearing. Under the present rule, a Regional Commissioner can reopen and retard a case for institutional misconduct for up to 60 days without a hearing. The Commission is taking this action as a cost saving measure.

EFFECTIVE DATE: January 18, 1982. This procedural rule is being made effective on an emergency basis so that the Commission can get maximum benefit from its cost savings.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, Staff Attorney, Office of the General Counsel, Telephone (301) 492–5959.

SUPPLEMENTARY INFORMATION: The Commission is expanding the maximum time for which a Regional Commissioner can retard a parole date for disciplinary infractions without a hearing from 60 days to 90 days. Previously the Commission has conducted hearings at federal institutions on a bimonthly basis. In May, 1981 as a cost saving measure, the Commission began conducting hearings at selected institutions on a trimonthly hearing schedule. This schedule has resulted in a financial savings and the Commission is now expanding it to the majority of federal institutions.

To facilitate the implementation of the trimonthly hearing schedule the Commission needs the flexibility to be able to retard a parole date for up to 90 days without a hearing.

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(1), Title 28 CFR 2.34 is amended as follows:

§ 2.34 [Amended]

In 28 CFR 2.34(a) the words "60 days" are changed to "90 days".

I certify that this rule will not have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: January 12, 1982.

Cameron M. Batjer,

Chairman, U.S. Parole Commission.

[FR Doc. 82-1165 Filed 1-14-82; 8:45 am]

BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning February 1, 1982. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after February 1, 1982, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before January 1, 1982. (29 CFR Part 2619 (1981), 46 FR 36693, 46 FR 45761, 46 FR 50788, 46 FR 55958).

On December 15, 1981, the PBGC last published rates for plans that terminate on or after January 1, 1982 (46 FR 61084). At this time, changes in the financial and annuity markets have necessitated an increase in the rates used by the PBGC to value benefits. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after February 1, 1982. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after February 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 is as follows:

Authority: Secs. 4002(b) (3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Rate Set 31 of Appendix B is revised and Rate Set 32 of Appendix B is added to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date—		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
.	.	.	.	.	.	.	.	.
31	Jan. 1, 1982	Feb. 2, 1982	10.50	1.0975	1.0650	1.0400	7	8
32	Feb. 1, 1982		10.75	1.1000	1.0675	1.0400	7	8

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-1108 Filed 1-14-82; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AEN-FRL-2031-8]

Waiver From New Source Performance Standard for Homer City Unit No. 3 Steam Electric Generating Station; Indiana County, Pennsylvania; Correction

AGENCY: Environmental Protection Agency.

ACTION: Technical correction.

SUMMARY: On November 13, 1981, the United States Environmental Protection Agency (EPA) published a final rule granting an innovative technology waiver under section 111(j) of the Clean Air Act to Homer City Steam Electric Generating Station Unit No. 3, Indiana County, Pennsylvania. 46 FR 55975. In footnote 6, 46 FR at 55977, EPA stated its interpretation of the 24-hour National Ambient Air Quality Standard as a rolling average, based on 40 CFR Part 58, Appendix F, § 2.12. That regulation has been remanded to EPA by the Court of Appeals. *PPG Industries* v. *Costle*, —— F. 2d —— (D.C. Cir. 1981). EPA therefore withdraws footnote 6 in its entirety, pending further agency action.

DATES: Effective January 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Edward E. Reich, Director, Division of Stationary Source Enforcement, U.S. Environmental Protection Agency, EN-341, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2807.

Dated: January 12, 1982.

Richard D. Wilson,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-1176 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-37-M

40 CFR Part 123

[SW-5-FRL-2001-1]

Hazardous Waste Management Program; Phase I Interim Authorization for Wisconsin

AGENCY: Environmental Protection Agency (EPA), Region V.

ACTION: Granting of Phase I Interim Authorization to State hazardous waste program.

SUMMARY: The State of Wisconsin has applied for Interim Authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA) and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123, Subpart F). EPA has reviewed Wisconsin's hazardous waste program and has determined that Wisconsin's hazardous waste program is substantially equivalent to the Federal program. EPA is hereby granting Phase I Interim Authorization to Wisconsin to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT:

Judith Stone, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4179.

SUPPLEMENTARY INFORMATION:

I. Background

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under section 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions. Two types of State program approvals are authorized under RCRA: "Final Authorization" is a permanent approval which may be granted to States whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement; "Interim Authorization" is a temporary approval for States which might not meet the requirements of Final Authorization but whose programs are at least "substantially equivalent" to the Federal program. RCRA contemplates that States receiving Interim Authorization will use the Interim Authorization period to make the changes in their regulations and statutes necessary to qualify for Final Authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing State hazardous waste programs under section 3006 (40 CFR Part 123). These guidelines set forth the requirements for Interim Authorization and the procedures which EPA will follow in acting on State applications for Interim Authorization. They also provide that EPA will grant Interim Authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal Program.

On August 19, 1981, the State of Wisconsin submitted its complete application for Phase I Interim Authorization. A September 19, 1981, **Federal Register** notice (46 FR 47626) announced the availability of the Wisconsin Interim Authorization application for public review and gave notice of an October 30, 1981, public hearing.

After detailed review of the final Wisconsin application EPA transmitted comments to the State of Wisconsin on October 6, 1981. These comments requested clarifications from the Wisconsin Attorney General and suggested several minor changes to the Program Description, Memorandum of Agreement and Authorization Plan. A copy of the EPA comments and the State's response to those comments are

available from the Regional Office. In addition to the items listed above, Wisconsin submitted other minor amendments. Amendments to the Program Description, Memorandum of Agreement and Authorization Plan were submitted on October 30, 1981. The Attorney General's Statement of clarification was received on November 19, 1981.

In its comments, EPA addressed one major area of concern relating to Wisconsin's provisions for the sharing of confidential information. Wisconsin's laws prohibit the release of confidential information to EPA unless confidentiality agreements have been entered into pursuant to 40 CFR 2.215. EPA regulations require that authorized States share confidential information with EPA without restriction. The Wisconsin legislature is currently in session and will be reviewing an amendment to the Wisconsin Hazardous Waste Management Act expressly authorizing the release of confidential information to EPA. Pending adoption of that amendment, Wisconsin will share confidential information with EPA using case-by-case confidentiality agreements. Because Wisconsin is in the process of revising its legislation, EPA will approve Wisconsin's Application for Phase I Interim Authorization. EPA has determined that the Wisconsin hazardous waste management program is substantially equivalent to the Federal program and even more stringent in certain areas. Pursuant to Section 3009 of RCRA, a State may adopt more stringent requirements.

II. Responses to Public Comments

On September 19, 1981, a notice was published in the **Federal Register** (46 FR 47626), inviting the public to comment on the Wisconsin application for Phase I Interim Authorization at a public hearing to be conducted in Madison, Wisconsin, on October 30, 1981. The public comment period closed on November 10, 1981. Four persons offered comments at the public hearing and five additional written comments were received. EPA has responded in detail to the specific comments in its Responsiveness Summary which is available from the Region V office. The comments are summarized as follows:

Comment: A majority of commenters argued that the Wisconsin hazardous waste regulations are not substantially equivalent to the Federal requirements since Wisconsin's provisions are more stringent.

Response: EPA is required to grant Phase I Interim Authorization to any State hazardous waste management programs which meet the minimum requirements of EPA regulations. Regulations at 40 CFR Part 123, Subpart F, specifically outline requirements for Phase I Interim Authorization. Subpart F does not preclude a State from adopting or enforcing requirements which are more stringent or more extensive than those required under this Subpart (see 40 CFR 123.121(h)).

Comment: One industry commenter asked that EPA withhold approval of Wisconsin's Interim Authorization application pending correction of various typographical and other minor errors. In addition, the commenter also raised several concerns about the Wisconsin financial responsibility requirements.

Response: Although Wisconsin's application may contain minor errors, EPA found that the State's program is substantially equivalent to the Federal requirements. Therefore, EPA need not withhold approval of the application pending possible corrections. Since financial responsibility is part of Phase II Interim Authorization, EPA will not comment on Wisconsin's financial responsibility requirements.

Comment: Another commenter, a trade association representative, favored granting Phase I Interim Authorization to Wisconsin, but questioned the legal authority of the Wisconsin Highway Patrol to enforce any hazardous waste regulations.

Response: The Wisconsin Highway Patrol is a division of the Wisconsin Department of Transportation. It is the opinion of the Wisconsin Attorney General that under Ch. 194, Wis. Stats. "* * * the Wisconsin Department of Transportation may enforce transportation requirements under the HWMA (Hazardous Waste Management Act) on the highway." EPA accepts this opinion.

III. Decision

EPA has reviewed the complete application for Phase I Interim Authorization from the State of Wisconsin, and has determined that the State program is "substantially equivalent", as defined in 40 CFR Part 123 Subpart F, to the Phase I Federal program. In accordance with Section 3006(c) of RCRA, the State of Wisconsin is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Wisconsin will be subject to the State of Wisconsin hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless (1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291 EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as any regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions;
3. Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve the Phase I hazardous waste program in Wisconsin is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Wisconsin. In the absence of this decision, persons handling hazardous waste in Wisconsin would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Wisconsin hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation." This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

Subject: Wisconsin Application for Interim Authorization, Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Dated: January 8, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-1177 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 265

[SWH-FRL-2030-3]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste; Correction

January 8, 1982.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects errors in the **Federal Register** of Tuesday, November 17, 1981 (46 FR 56592) and of Monday, December 28, 1981 (46 FR 62689). The local (Washington area) phone number for the RCRA/SUPERFUND Hotline was incorrectly listed. The citation is corrected to read as follows: RCRA/SUPERFUND Hotline, Office of Solid Waste (WH-565), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 (phone: 800-424-9346, or in Washington 382-3000).

Please note that this is a new local number for the RCRA/SUPERFUND Hotline and should be used in place of all previously published local RCRA/SUPERFUND Hotline numbers.

FOR FURTHER INFORMATION CONTACT:

Deborah Villari, (202) 755-9173.

Christopher J. Capper,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 82-1043 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Confidential Statement of Employment and Financial Interest; Availability of Appendices C, D, E, F, and G

AGENCY: Interior Department.

ACTION: Notice of Availability—Appendices C, D, E, F, and G to 43 CFR Part 20.

SUMMARY: This notice announces the availability of Appendices C, D, E, F, and G which list all positions within the Department of the Interior for which statements of Employment and Financial Interests are required to be filed. These Appendices have been updated as of December 15, 1981 and have been printed as an agency document. They will not be published in the **Federal Register** but will be available to the public upon request.

EFFECTIVE DATE: December 15, 1981.

ADDRESS: Copies of the Appendices may be obtained through the Deputy Ethics Counselor for each bureau or office within the Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gabriele J. Paone, Deputy Agency Ethics Official, or Mason Tsai, Assistant Agency Ethics Official, U.S. Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-3932 or (202) 343-5916.

SUPPLEMENTARY INFORMATION: The Department of the Interior requested and received approval from the Office of Government Ethics, Office of Personnel Management, to print Appendices C, D, E, F, and G to 43 CFR Part 20 as an agency document only, and at the same time announce their availability in the **Federal Register.** Notice of this arrangement was first provided with the publication of 43 CFR Part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department employees and at the same time defrays costs of publishing in the **Federal Register.** Copies of the Appendices are on file as a part of the original document and are available from the above address.

Appendix C lists Department of the Interior positions, in addition to GS-15's for which a Confidential Statement of Employment and Financial Interests (Form DI-212) is required to be filed by Executive Order 11222. The positions in addition to GS-15's identified in Appendix C are effective for the February 1, 1982 filing deadline. Appendix C was approved by the Office of Government Ethics, Office of Personnel Management, on December 15, 1981.

Appendices D, E, F and G are published to show bureaus and offices, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act (Pub. L. 94-579), the Mining in the Parks Act (Pub. L. 94-429), the Energy Policy and Conservation Act (Pub. L. 94-163), and the Outer Continental Shelf Lands Act (as amended by Pub. L. 95-372), respectively, and positions within those bureaus and offices which the Secretary has determined to be covered by the public financial disclosure requirements. As provided by these Acts, all officers and employees of the Department who are employed in offices or bureaus, or subunits thereof, performing functions or duties under any of the four Acts are required to file appropriate public financial disclosure statements unless specifically exempted by the Secretary.

Authorities

Appendices C, D, E, F and G to Part 20 of Title 43 of the Code of Federal Regulations are published under E.O. 11222, 30 FR 6469, 3 CFR, 1964-65, Comp., as amended (18 U.S.C. 201 note); 5 CFR 735.104; 5 U.S.C. 301; Sec. 313, Pub. L. 94-579, 90 Stat. 2769 (43 U.S.C. 1743); sec. 13, Pub. L. 94-429, 90 Stat. 1344 (16 U.S.C.A. 1912 (Supp. 1980)); Sec. 522, Pub. L. 94-163, 89 Stat. 962, as amended by sec. 691(b)(2), Pub. L. 95-169, 92 Stat. 3288 (42 U.S.C 6392 (Supp. II 1978)); and sec. 605, Pub. L. 95-372, 92 Stat. 696 (43 U.S.C. 1864 (Supp. II 1978)).

The Appendices were compiled by Bureau and Office Ethics Counselors and consolidated by Gabriele Paone and Mason Tsai of the Designated Agency Ethics Official's staff.

Dated: January 7, 1982.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 82-910 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[Docket No. 18948; Gen. Docket 80-108]

Implement Compulsory Carriage of Radar on Board Vessels of 1600 Tons Gross Tonnage and Over; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule on the compulsory installation of radar equipment on vessels, which appeared at page 18986 in the **Federal Register** of March 27, 1981 (46 FR 18986). This action is necessary to correct typographical errors and an incorrect reference.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Released: December 23, 1981.

In the matter of amendment of Part 83 of the Commission's rules to implement a provision of the 1974 Safety Convention regarding compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over, Docket No. 18948, Gen. Docket No. 80-108.

The following corrections are made in Gen. Doc. 80-108 (FCC 81-97, adopted on March 11, 1981, and released on March 23, 1981), appearing on page 18986 in the issue of March 27, 1981:

1. On FR page 18987 at the top of column one (page two of Appendix B) § 83.115(a)(i) is corrected by removing the word "of" and replacing it with the word "to" so that the beginning of the sentence reads "Station logs involving communications or other entries incident to a distress * * *"

2. On FR page 18987 column one (page two of Appendix B) immediately following correction (1) above, § 83.115(a)(2) is corrected by inserting the word "or" between the words "communication" and "other" so that the beginning of the sentence reads "Station logs which include entries of communications or other matter * * *"

3. On FR page 18988 near the bottom of column one (page four of Appendix B) § 83.465(b) should be corrected by removing the entire sentence beginning with "This specification including Appendix A * * *" and replacing it with "This specification may be found in Part II of Volume II of the SC-65 Final Report."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1078 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1139

[Ex Parte No. MC-141]

Policy Statement on Motor Carrier Pooling Applications

AGENCY: Interstate Commerce Commission.

ACTION: Final statement of general policy; final rules; clarification.

SUMMARY: At 46 FR 21180, April 9, 1981, the Commission adopted rules at 49 CFR Part 1139 which set forth the necessary contents of motor carrier pooling applications and Commission procedures for processing and considering such applications. This notice is to clarify to the public that those regulations apply to motor pooling applications between motor carriers of household goods and their agents.

EFFECTIVE DATE: This policy has been in effect since April 9, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Kelly (202) 275-7246, or Bruce Kasson (202) 275-7655.

SUPPLEMENTARY INFORMATION: Changes to 49 U.S.C. 11342 made by the Household Goods Transportation Act of 1980 (Pub. L. No. 96-454, 94 Stat. 2011) require the Commission to streamline, simplify and expedite, to the maximum extent practicable, the process for submission and approval of applications by household goods motor carriers and their agents to pool or divide their traffic, services, or earnings. In the prior notice of final rules, the Commission issued rules which achieve these goals as to all motor pooling applications. This notice clarifies the fact that the simplified procedures at 49 CFR 1139 shall apply to pooling agreements between motor carriers providing transportation of household goods and their agents.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1086 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Deregulation of the Tecopa Pupfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service removes the Tecopa pupfish (*Cyprinodon nevadensis calidae*) from the list of Endangered and Threatened species, based on a determination, after review of all available data, that the subspecies is extinct. In 1972, its original discoverer reported that it was no longer present in two springs where it was first collected, and extensive 1977 State of California surveys of potential habitats in the same river system produced no evidence that any additional stocks exist. This action constitutes formal Service recognition of Tecopa pupfish extinction, and discontinues protections for the fish and its habitat accorded by the Endangered Species Act of 1973, as amended.

DATE: This rule becomes effective on February 16, 1982.

ADDRESSES: Questions concerning this action may be addressed to the Director, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Cyprinodon nevadensis calidae was described in 1948 by Dr. Robert Rush Miller from outflow streams of two springs, noth and south Tecopa Hot Springs—about 10 yards apart on the east side of the road leading north from Tecopa, California. Considerably larger scales and several proportional and other differences distinguish this fish from the Amargosa River pupfish subspecies (*C. nevadensis amargosae*), which then as now was widespread and locally common in parts of the river system and in other springs in and near

Tecopa. Available data on the Tecopa pupfish in 1970 indicated that it was Endangered by habitat alteration and introduction of exotic fishes, notably bluegill sunfishes and mosquito fish. In 1970, it was added to both Federal and California State Endangered species lists. By 1972, it was reported to no longer occur at the type locality, and surveys in 1977 failed to locate any other populations.

A proposal to remove the Tecopa pupfish from the list of Endangered species was published in the **Federal Register** on July 3, 1978 (43 FR 2884). This proposal summarized biological and environmental evidence indicating that the fish is extinct, and solicited comments, suggestions, objections, or information from any interested persons. A letter was sent to the Governor of California on July 7, 1978, notifying him of the proposed rule. As indicated below, the California Department of Fish and Game concurred with the available evidence, but proposed to continue surveying potential habitats until 1979, after which removal from the list was recommended if no populations were discovered.

Summary of Comments and Recommendations

All comments relating to the possible existence of the Tecopa pupfish, before and subsequent to the 1978 proposed rule, have been considered in the present status determination. A total of eight comments related specifically to the delisting proposal. Seven of these came from concerned citizens, and the Director of the California Department of Fish and Game responded on behalf of his agency and the Governor of California. All seven private citizens responding considered delisting inadvisable. Six respondents had observed pupfishes, five of them in the vicinity of Tecopa, which they logically assumed were Tecopa pupfish. In particular, populations existing in certain bathhouse outflows, and transplanted from them to other nearby springs, are similar in general appearance to the listed form, but biologists generally concur that all specimens examined in the area since 1970 represent the unlisted subspecies *amargosae*. Continuing concern and conservation efforts for that subspecies are justified, because its range and habitat are also limited. At least partly because of the listing of its less fortunate relative, the surviving subspecies and its habitat needs have been considered locally in planning and development of the region, and it is not present by foreseen to become Endangered.

The Director of the California Department of Fish and Game summarized the status findings of his agency, stating that Tecopa pupfish were either extinct or at such low population densities that sampling methods were unproductive. He indicated that a lookout for possible survivors would continue whether or not the species was delisted. In a 1978 report, the Department recommended delisting after 1979 if no populations were found.

Summary of Status Findings

After a thorough review and consideration of all available data, the Director has determined that *Cyprinodon nevadensis calidae* is extinct, and no longer requires protection pursuant to the Endangered Species Act of 1973, as amended. This determination is based on passage of time judged sufficient to insure that the fish is in fact extinct. Should evidence to the contrary be forthcoming at a later time, the action is reversible.

The Service's listing regulations at 50 CFR 424.11(b) state:

A Species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or more combinations of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;
3. Disease or predation;
4. Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and
5. Other natural or manmade factors affecting its continued existence.

The regulations further state, in § 424.11(d), that:

The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:

1. *Extinction*—Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.
2. *Recovery of the species*—The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.
3. *Original data for classification in error*—Subsequent investigations may produce data that show that the best scientific or commercial data available at the time the species was listed were in error.

The first status survey of the Tecopa pupfish after its listing was conducted in 1972 by Dr. Robert R. Miller, the original discoverer. He reported that all efforts to locate populations in the springs originally inhabited and other springs nearby were unsuccessful.

In 1977, an extensive survey of 44 aquatic habitats in the Tecopa-Hot Springs area of Inyo County, California, was conducted by Douglas Selby for the California Fish and Game Department. *Cyprinodon nevadensis amargosae* was found to be locally abundant in some of these habitats, rare in some, and absent from some. The upper outflow stream from Tecopa Hot Springs, the type locality of the Tecopa pupfish, *C. nevadensis calidae*, in the southern half of section 33, T21N R7E, was reported to contain no fish. This apparently resulted from rechanneling and combining the two hot spring outflows in 1965, which probably increased both current speed and downstream temperatures to levels unsuitable for pupfish survival or propagation or both. At the time these actions occurred, only a few persons were aware of the uniqueness and probable restricted distribution of this fish.

References Cited

California Department of Fish and Game. 1978. At the Crossroads, 1978, a Report on California's Endangered and Rare Fish and Wildlife. State of California—Resources Agency, Sacramento, CA. 103 pp.

Miller, R.R. 1948. The cyprinodont fishes of the Death Valley System of eastern California and southwestern Nevada. Misc. Publ. Mus. Zool. Univ. Mich. No. 68. 155 pp.

Selby, D.A. 1977. Report on the aquatic systems of the Tecopa-Shoshone area of the Death Valley System: fish, invertebrate, and habitat status. Unpublished report to California Dept. of Fish and Game. 94 pp.

Effects of the Rule

The rule removes the Tecopa pupfish from the list of Endangered and Threatened Wildlife and Plants, and thereby discontinues all protections accorded the fish and its habitat under provisions of the Endangered Species Act of 1973, as amended.

An Environmental Assessment was prepared in conjunction with this rule. It is on file in the Service's Office of Endangered Species, 1000 North Glebe

Road, Arlington, Virginia, and may be examined by appointment during regular business hours. This assessment is the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Note.—The Department of Interior has determined that this not a major rule and does not require preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined, in accordance with the Regulatory Flexibility Act, that this rule will not have a significant economic effect on a substantial number of small entities. The Service is not aware of negative impacts on small entities from the delisting.

Primary Author

The primary author of this rule is Dr. George E. Drewry, Office of Endangered Species, Arlington, Virginia (703/235–1975).

Regulations Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended, as set forth below:

§ 17.11 [Amended]

1. Amend the table in § 17.11(h) by removing the Tecopa pupfish (*Cyprinodon nevadensis calidae*) from the List of Endangered and Threatened Wildlife and Plants.

(Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241 (16 U.S.C. 1531, et seq.))

Dated: October 30, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-1104 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is seeking public comment on proposed changes in its antiboycott regulations aimed at reducing unnecessary and burdensome aspects of the reporting requirements, and clarifying the prohibited nature of certain boycott terms in banking and financial transactions. The boycott terms the Department proposes to clarify involve restrictions in letters of credit on negotiations with blacklisted banks and requirements in letters of credit for certifications about a company's blacklist status. The reporting changes will eliminate the requirement for reports of requests for vessel or other transport eligibility clauses, for insurance agent clauses, and for certain risk of loss clauses. The Department expects that the proposed reporting changes would reduce by as much as 50 percent the reporting burden on the business community, particularly on smaller exporters and freight forwarders, without impairing the Department's ability to meet its responsibility for monitoring the nature of foreign boycotts and otherwise meeting the United States Government's antiboycott objectives.

DATES: Comments must be received on or before March 16, 1982.

ADDRESS: Written comments (three copies when possible) shall be submitted or mailed to William V. Skidmore, Director, Office of Antiboycott Compliance, Room 3886, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, III or Brian C. Murphy, Office of Antiboycott Compliance, U.S. Department of Commerce, Washington, D.C. 20230 Telephone: (202–377–2361).

SUPPLEMENTARY INFORMATION:

Classification: The Department has determined that this is not a major rule for purposes of Executive Order 12291.

Regulatory impact analysis: Not required for this rulemaking.

The Department of Commerce, in an effort to enhance and promote compliance with its regulations implementing the antiboycott provisions of the Export Administration Act of 1979 (15 CFR Part 369) and to reduce unnecessary burdens imposed by those regulations, has identified a number of issues for clarification and revision. The issues fall into two categories, relating to the reporting of boycott requests and to letters of credit transactions. The Department is proposing new examples and revisiond to a portion of its regulations and is inviting comments on these changes. The objectives are to reduce the level of uncertainty surrounding certain provisions of the antiboycott regulations that are now the subject of confusion and to eliminate unnecessary paperwork for companies seeking to comply with these rules.

When the Department adopted final regulations implementing the boycott reporting provisions of the Export Administration Amendments of 1977, it determined that a number of requests for information or agreement that might be used for a boycott purpose were also commonly used for non-boycott purposes. For example, requests for positive certificates of origin, for agreements to comply with local laws, and for vessel routing certifications were specifically determined not to be reportable because of their common use for non-boycott purposes and because of the mandate from Congress to provide clear and precise guidelines in an area of inherent uncertainty and to reduce paperwork (15 CFR 369.6(a)(5) (1981)).

The Department believes that it is appropriate at this time to examine other conditions in commercial transactions in common use that are being reported as boycott requests to determine whether their continued reporting should be required. The Department has identified two particular conditions or requests that it believes fall into this category: (1) Vessel or transport eligibility certificates, and (2) insurance agent residency certificates. The public may disagree with the Department's proposed treatment of these requests or may believe other requests or conditions warrant similar treatment. Therefore, the Department is inviting comments on these proposed amendments to § 369.6(a)(5) of the regulations and welcomes the views and suggestions of the public on this subject.

There is also some confusion over the reportability of another request or condition, the so-called "risk of loss" clause. This condition seeks to impose on the vendor the risk of the loss, if the vendor's goods are denied entry into a country because of that country's laws or regulations. The Department believes that this clause must be treated somewhat differently from the vessel elegibility and insurance agent clauses because the risk of loss clause was adopted for boycott purposes. Indeed, the Department presumes that any company introducing such a clause after the effective date of the regulations is seeking to evade the antiboycott law contrary to § 369.4 of the regulations. However, since those companies that had introduced the clause prior to the effective date are presumed not to be evading the law, some confusion has arisen over when receipt of risk of loss clauses must be reported to the Department. This proposal would make clear that risk of loss clauses received from companies that introduced the clause prior to the effective date of the regulations (January 16, 1978) need not be reported to the Department of Commerce.

The antiboycott regulations also prohibit U.S. banks and other U.S. persons from implementing letters of credit which contain prohibited boycott conditions or requirements. The Department believes this provision has been effective in eliminating or reducing boycott conditions in letters of credit. Banks have generally done an excellent job in implementing this part of the regulations. However, two aspects of the letter of credit provision involving explicit boycott and blacklisting terminology and conditions are in need of clarification. Certain practices have arisen that the Department believes do not meet the requirements for

compliance with the law and regulations. These practices involve:

1. Implementing letters of credit including a condition restricting negotiation or implementation by banks whose names are included in the Israeli Boycott blacklist; and

2. Refusing to pay a letter of credit if the beneficiary will not provide a permissible self-certification as to its blacklist status or the blacklist status of some other party to the transaction (§ 369.2(f), ex. xiv).

The Department is proposing for comment an interpretation and new illustrative examples that will make it clear (1) that implementation of a letter of credit including a restriction on negotiation with blacklisted banks is prohibited; and (2) that refusal to pay a letter of credit where the beneficiary fails to provide a permissible self-certification as to its or any other person's blacklist status constitutes "insisting" that such certification be furnished in violation of § 369.2(a) of the regulations.

Reporting Requirement Revision

The Export Administration amendments of 1977 (Pub. L. 95–52) significantly changed the restrictive trade practice or boycott reporting requirements administered by the Department of Commerce (the original reporting requirements were contained in the Export Control Act of 1965 and reenacted in the export Administration Act of 1969.) Both Houses of Congress focused their attention on the reporting issue and mandated significant changes (*See,* H.R. Rep. No. 95–190, 95th Cong., 1st Sess. 25–26 (1977), S. Rep. No. 95–104, 1st Sess. 48–49 (1977)). However, the Congress recognized the need for clarity in the regulations implementing these new reporting requirements and the importance of limiting the burden of the regulations on both the reporting public and the Department of Commerce. The Report of the House International Relations (now foreign Affairs) Committee stated:

> The intention is that certain actions (such as positive certification of country of origin, the name and nationality of the carrier and route of shipment of a cargo, and the furnishing of immigration and passport information) which are normal pratices of commercial or diplomatic relations should not be reported in order not to place unnecessary reporting burdens on U.S. persons, or on the Commerce Department. H.R. Rep. No. 95–190, 1st Sess. 25 (1977).

The Conference Committee also emphasized this concern, concluding its report by saying that the committee "further urged that in the review of current regulations and the development of new regulations pursuant to this act, great care shall be taken to minimize to the greatest extent feasible the amount of paperwork required of those reporting to the Secretary of Commerce". H.R. Rep. No. 95–354, 1st Sess. 29 (1977).

Accordingly, in developing the new reporting regulations, the Department of Commerce sought to identify requests in common use that might have a boycott impact but that actually were of general application or use for non-boycott purposes, and to exempt such requests from the reporting requirements. Thus, for example, a request for a positive certificate of origin, the provision of which necessarily involves furnishing boycott-related information when the transaction involves a boycotting country, was determined to be not reportable. Since the boycott purpose of such a request could only be presumed from the facts and circumstances surrounding a specific transaction and not from the language of the request itself, and because the request was commonly used, the Department decided that in the interest of clarity such requests need not be reported. (It should be noted that the Department has not taken the position that the furnishing of a positive certificate of origin is not a boycott-related action. Under the regulations furnishing such a statement in response to a request from a boycotting country would be prohibited by § 369.2(d) and is only permitted by the exception at § 369.3(b).)

Similarly, the Department decided that a request to supply a positive statement about the destination of exports from a boycotting country should not be reported, though it too necessarily serves a boycott purpose when requested by a boycotting country. Because the request on its face cannot be identified as boycott-related, because those elements which may make it boycott-related may not be readily discernible by parties to the transaction, and because a request is reportable by a United States person only if "he knows or has reason to know that the purpose of the request is to enforce, implement or otherwise further, support or secure compliance with an unsanctioned foreign boycott" (15 CFR 369.6(1980)), the Department did not impose a reporting obligation on requests for positive statements of the destination of exports. Following the explicit instructions of the Congress and given its own concern over developing clear regulations that would encourage maximum compliance, the Department identified these and other requests whose purpose is unclear or ambiguous and whose boycott relationship could only be learned through external circumstances or knowledge. The Department determined that it would be a substantial burden on the reporting public and the Department to proceed transaction by transaction through thousands of transactions searching for boycott implications. Thus, the Department developed regulations eliminating the reporting requirements for such requests.

In the three years since the new reporting regulations were implemented, the frequency and nature of certain types of requests have changed, and language has evolved in commercial contexts that did not exist at the time the regulations were adopted. Consistent with the Congressional mandate and the Department's own desire to minimize the paperwork burden on reporters and on the Department, it is appropriate at this time to add two types of request to the list of non-reportable requests. These requests are:

1. A request that the owner, master, charterer (or any employee thereof) certify that a vessel, aircraft, motor vehicle or other mode of conveyance is eligible or otherwise eligible, permitted, or allowed to enter a specific country, port or category of ports; and

2. A request for a certificate from an insurance company stating that the company has a duly authorized agent or representative within a specific country and/or a request for the name and address of such agent.

Transport Eligibility Requests

The Department has been receiving a substantial number of reports of requests for certifications that the vessel carrying the goods involved in the transaction is eligible to enter the port of the purchasing country. During calendar year 1980 over 11,000 such boycott requests were reported from countries other than Saudi Arabia. The Department has taken the position that these requests had to be reported because of its view that such a statement necessarily conveyed information about the blacklist status of the vessel or other mode of conveyance. (*See* Supp. 1, 43 FR 16969 (1978).) However, with respect to requests with identical wording originating in Saudi Arabia and Egypt, the Department has determined that they were not reportable. Saudi Arabia, which initially adopted the use of the transport eligibility clause, has informed the Treasury Department that the criteria for eligibility to enter pertains to maritime matters such as the age of the ship and the condition of the ship and does not relate to the blacklist status of

the vessel. (*See* Supp. 2, 44 FR 67374, (1979).) Since Egypt has terminated its boycott of Israel, the Department no longer considers the language boycott-related by implication and therefore eligibility-to-enter requests originating in Egypt need not be reported. (*See* Supp. 3, 45 FR 29010 (1980).) The language continues to appear in transactions with Saudi Arabia and Egypt, however, causing further confusion on the part of the reporting public. The majority of these requests now come from the United Arab Emirates and Kuwait, although a number of such requests are received from other boycotting and non-boycotting countries. Again, the language is identical or very similar to the language still in use in Saudi Arabia and Egypt.

The Department has noted a considerable amount of uncertainty among regular reporters of boycott requests about whether the eligibility-to-enter language in fact relates to the boycott.

Because the purpose behind requests of this nature is ambiguous, and because a variety of non-boycott factors may be involved in determining if a vessel, aircraft of other means of conveyance is permitted or eligible to enter a given country (age, condition, safety fittings, unloading equipment, etc.), the Department is proposing that such requests no longer be reported regardless of the context in which they arise or the country from which they originate.

Authorized Insurance Agent Requests

A request that the insurance company certify that it has a duly authorized agent or representative within a specific country or the request for the name and address of the company's duly authorized agent within a country creates similar uncertainty. This type of request, like the vessel eligible request, was first adopted by Saudi Arabia and was the subject of a subsequent explanation by the Saudi Government as to its non-boycott purpose. (*See* Supp. 2, 44 FR 67374 (1979).) The request is being made by countries other than Saudi Arabia, however, principally the United Arab Emirates. There has also been confusion and uncertainty concerning its boycott purpose and whether or not it must be reported. Because insurance requirements are a common aspect of letter of credit transactions, the request has a legitimate commercial purpose (establishing that a company will be able to service expeditiously claims within the country), and because any possible boycott purpose may only be discerned through inquiry into motives of the parties or details of the transaction, the Department is proposing that these requests need not be reported regardless of the context in which they arise or the country form which they originate.

Risk of Loss Requests

The Department has identified another common request that has also generated a substantial amount of confusion as to its meaning, and whether it must be reported to the Department. This is the so-called "risk of loss" clause that imposes liability on the vendor of a product if that product is denied entry into a foreign country because of that country's laws or regulations. This clause is somewhat unusual in that its development was a direct response by U.S. persons to antiboycott legislation in an effort to avoid restricted conduct. When the Department promulgated its final regulations on January 18, 1978, it took the position that persons adopting such a clause or condition after that date would be *presumed to be* in violation of § 369.4 of the Export Administration Regulations, the prohibition on taking any action with the intent to evade the application of the law. Because a number of companies had adopted the clause prior to January 18, 1978, however, the presumption of evasion would not apply to their continued use of the clause. The question that immediately arose was whether receipt of these clauses by vendors would have to be reported to the Department. The final reporting regulations that became effective August 1, 1978 included an example to the effect that, if a person "knew or had reason to know" the risk of loss clause was boycott-related, it must be reported (§ 369.6 Example xxix). The example did not differentiate between requests from firms that developed the clause prior to adoption of the substantive antiboycott regulations of January 18, 1978, and requests from those that began using the clause after that date.

The application of the "know or have reason to know" standard in determining reportability of the risk of loss clause has resulted in considerable confusion because of the way the Department applies the evasion provisions of the regulations to the clause. Many people have assumed that, because those companies which used the clause prior to January 18, 1978, were presumed not to be evading the antiboycott provisions, receipt of the clause from such companies was not reportable. The Department finds nothing in its treatment of the risk of loss clause in § 369.4 that would give rise to the view that the clause is not boycott-related. However, given the confusion surrounding the issue, the widespread legal use of the clause by some companies, and the Department's interest in reducing the burden imposed by the reporting requirements on both the Department and the reporting public, the Department proposes that receipt of risk of loss clauses from companies that made use of such clauses prior to January 18, 1978 not be reported to the Department. A statement from the company seeking to impose the clause, to the effect that such clause was in use by that company prior to January 18, 1978, will be sufficient to void the reporting requirement on the part of the recipient of the clause.

The Department wishes to reaffirm its position that use of risk of loss clauses that expressly impose a financial risk on another because of the import laws of a boycotting country will be presumed to constitute evasion if those clauses were introduced after the effective date of the regulations, January 18, 1978. Receipt of such requests must be reported to the Department, and the Department will thoroughly review and investigate use of such clauses to determine their actual purpose. If a company receives a risk of loss clause as a condition on a transaction, and the company is uncertain as to when the party using the clause began such use, the company should inquire about the introduction date from the other party. In the event that the other party fails to indicate when it began to use the risk of loss clauses, the company receiving it should report its receipt to the Department.

Letter of Credit Revisions

1. Letters of Credit Including a Condition Restricting Negotiations By Banks Whose Names Are Included in the Israel Boycott Blacklist

Banks in the Middle East opening letters of credit for U.S. beneficiaries occasionally include terms which limit the negotiability of the letter of credit to banks which are not blacklisted. The condition appears as in instruction or directive and requires no certification or acknowledgment, but does place a limitation on the negotiability of the letter of credit. This limitation applies to the beneficiary who receives the letter, because it limits the banks to which he may present the letter of credit for collection. Because it imposes a prohibited condition on the beneficiary, the bank is foreclosed from implementing the letter of credit pursuant to § 369.2(f) of the regulations.

Many banks and/or beneficiaries are reporting receipt of requests of this type and have successfully negotiated the term out of the letter of credit.

Since there is not explicit requirement for an agreement to or certification of the term, some banks and beneficiaries apparently believe that they may simply disregard the statement and remain in compliance with the regulations. It is the Department's position that, although the limitation on negotiation with blacklisted banks does not require any explicit restatement in the form of an agreement or certification, the term serves to limit or control the transaction for boycott-related purposes and a party *is agreeing to it* if that party pursues the transaction *without taking exception* to the term. Thus, even if a company handles the matter in its normal fashion, while it may not have actually refused to deal with blacklisted banks, it has agreed to do so in accepting that condition on negotiability and in presenting the documentation for payment with the term included. The bank implementing that letter of credit has also violated the regulations if it pays, confirms or otherwise implements the letter of credit containing such a term.

The Department has identified a number of variations of this requirement or condition on these letters of credit, including such phrases as, "Do not negotiate with blacklisted banks"; "Negotiations limited to banks not appearing on the blacklist"; and "On no condition may a bank listed in the Arab-Israel boycott blacklist be permitted to negotiate this credit." The phrasing of the condition is not material in the Department's view because the clear purpose of such language is to impose a boycott-related restriction on the negotiability of the letter of credit. Therefore, regardless of the exact phrasing of such terms of conditions, it is the Department's view that terms, conditions, legends, or directives that would result in restricting the negotiation of a letter of credit on prohibited boycott grounds must be eliminated from the letter of credit before it can be implemented, or the beneficiary and implementing bank will be in violation of the regulations. The explicit boycott language of the clause provides all parties to the transactions with clear notice that it is a boycott condition or request. If a United States person goes forward with the transaction knowing that the boycott is at least one of the reasons for a particular requirement or condition, that person is presumed to have the "intent to comply with, further, or support an unsanctioned foreign boycott." See § 369.1(e)(6).

2. The Bank Practice of Refusing To Pay a Letter of Credit if the Beneficiary Will Not Provide a Self-Certification as to the Blacklist Status of Itself or Some Other Party to the Transaction

The Department has historically taken the position that any United States person may make a statement that it is or is not on the "blacklist" (commonly called a self-certification). The basis for this position is that making such a statement is not prohibited because it furnishes no information about the person's business relationships with boycotted countries or blacklisted persons. Rather, it simply states the Arab nations' perception of that person's status. Because there are numerous reasons for appearing on the blacklist or for not being included on the blacklist, the Department believes that making such a statement about one's own status is not contrary to any prohibition of the law.

Letters of credit from boycotting countries on occasion require some form of "self-certification" by the beneficiary or other party to the transaction. It has been the Department's position that the beneficiary of the letter of credit could provide self-executed certificates or statements as to blacklist status for himself or other parties to the transaction and that a bank could implement a letter of credit requiring such statements or certificates. *See* 15 CFR 369.2(f) example (xiv) Supp. 1, 43 FR 16969 (1978); *and* Supp. 2, 44 FR 67374 (1979). Example (xiv) states, however, that the bank cannot "insist" that the beneficiary furnish a blacklist certificate about itself and that, if the bank did "insist", it would be *refusing to do business* with a blacklisted person in compliance with a boycott, a violation of § 369.2(a). However, some banks are believed to have taken the position that they are free to refuse to pay the letter of credit if the beneficiary does not provide a self-certification because such refusal on the part of the bank does not constitute "insisting" that the certificate be furnished. These banks argue that some other type of coercion is contemplated by the word "insist", such as a general refusal to provide letter of credit services to that beneficiary.

One basis for this view has been the large number of letter of credit transactions involving requirements for vessel eligibility certificates as discussed in the proposed reporting revisions above. The Department has taken the position in the past that such a statement was the same as stating that the vessel was not blacklisted. The banks have argued that because there is no way to identify the statement on its face as boycott-related, it would impose an unreasonable burden on them and would inject an unacceptable level of uncertainty into letter of credit transactions if the banks could not enforce the provision in the letter of credit by refusing to pay if the certificate were not provided. The Department recognizes this concern and does not believe that Example (xiv) addresses itself to conditions in letters of credit that are ambiguous as to their meaning or that are equally susceptible to boycott or non-boycott interpretation. Therefore, the proposed interpretation will not apply to such statements as, "the vessel is eligible to enter (the boycotting country port)."

However, where the letter of credit requires an explicit statement or certificate from any party as to its blacklist status, the bank cannot refuse to pay that letter of credit if it does not receive such a statement or certificate. There is no firmer method of "insisting" that such a certificate be furnished than refusing to pay the beneficiary. This is the case whether the certificate is required from the beneficiary or some other party to the transaction. Section 369.2(a) prohibits a U.S. person from refusing or requiring another person to refuse to do business with any other person when that action is in response to a boycott request or requirement. By refusing to pay a letter of credit unless the beneficiary furnishes any required blacklist self-certification, a bank is violating that prohibition. The bank may make a limited, ministerial inquiry of the beneficiary to determine if such a certificate required by the letter of credit will be furnished or if it has been inadvertently omitted, but it may not refuse to pay if the beneficiary will not provide the certificate.

Proposed Effective Date

The Department proposes that any changes in the reporting requirements take effect upon publication of the final rule after the close of the comment period.

With regard to the proposed clarification of the letter of credit requirements, the Department also believes that, because uncertainty has existed about the two issues addressed, it should apply its proposed position prospectively only, effective upon publication of the final rule. The Department is also considering whether a grace period of some duration would be required to implement effectively one or both of the proposed letter of credit clarifications and would welcome

comments from the public on that question.

Proposed Rule

The principal authors of this proposed rulemaking are Howard N. Fenton, Acting Director, Compliance Policy Division, Office of Antiboycott Compliance, and Pamela Breed, Deputy Assistant General Counsel for Enforcement and Litigation, U.S. Department of Commerce.

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

For the reasons set forth above, 15 CFR part 369 is amended as follows:

1. The Authority citation for Part 369 reads as follows:

Authority: Pub. L. 96–72, 93 Stat 503, section 8, 50 U.S.C. 2407 (Supp. III, 1979).

2. In the examples portion of § 369.2, add the following new examples to paragraphs (a) and (f) as set forth below:

§ 369.2 Prohibitions.

(a) Refusals to do business.

* * * * *

Refusals To Do Business

* * * * *

(xix) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B meets all other conditions of the letter of credit but refuses to certify as to his blacklist status. A refuses to pay B on the letter of credit.

A has refused to do business with another person pursuant to a boycott requirement or request.

(xx) U.S. bank A receives a letter of credit in favor of U.S. benficiary B. The letter of credit requires B to provide a certification from the steamship line that the vessel carrying the goods is not blacklisted. B meets all other conditions of the letter of credit but refuses or is unable to provide the certification from the steamship line about the vessel's blacklist status. A refuses to pay B on the letter of credit.

A has required another person to refuse to do business with a person pursuant to a boycott requirement or request. (Either A or B may request an amendment to the letter of credit substituting a certificate of vessel eligibility, however. See Example xxi below.)

(xxi) U.S. bank A receives a letter of credit from a bank in boycotting country Y in favor of U.S. beneficiary B. The letter of credit requires B to provide a certification from the steamship line that the vessel carrying the goods is eligible to enter the ports in Y. B meets all other conditions of the letter of credit but refuses or is unable to provide the certification from the steamship line about the vessel's eligibility. A refuses to pay B on the letter of credit.

A has neither refused, nor required another person to refuse, to do business with another person pursuant to a boycott requirement or request because the vessel eligibility certificate is not an explicit boycott requirement.

(xxii) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B fails to provide such a certification when he presents the documents to A for payment. A notifies B that the certification has not been submitted.

A has not refused to do business with another person pursuant to a boycott requirement by notifying B of the omitted certificate. A may not refuse to pay on the letter of credit, however, if B states that B will not provide such a certificate.

(xxiii) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. A notifies B that it is contrary to the policy of A to handle letters of credit containing this condition and that unless an amendment is obtained deleting or revising this condition A will not implement the letter of credit.

A has not refused to do business with another person pursuant to a boycott requirement, because A has indicated its refusal to implement the letter of credit containing the term without regard to B's ability or willingness to furnish such a certificate.

Agreements To Refuse To Do Business

* * * * *

(x) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit specifies that negotiation of the letter of credit with a bank that appears on the country X boycott blacklist is prohibited. U.S. bank A, C's correspondent bank, advises B of the letter of credit. B presents documentation to bank A seeking to be paid on the letter of credit, without amending or otherwise taking exception to the boycott condition.

B has agreed to refuse to do business with blacklisted banks because, by presenting the letter of credit for payment, B has accepted all of its terms and conditions.

* * * * *

(f) Letters of credit.

* * * * *

Prohibition Against Implementing Letters of Credit

* * * * *

(xvii) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit includes the statement, "Do not negotiate with blacklisted banks". C forwards the letter of credit it has opened to U.S. bank A for confirmation.

A may not conform or otherwise implement this letter of credit, because it contains a condition with which a U.S. person may not comply.

3. Section 369.6 is amended by adding paragraphs (a)(5)(viii).and (ix). Also, in the examples portion of 369.6, example (xxix) is revised; examples (xxx) through (xxxii) are redesignated as examples (xxxi) through (xxxiii); and new examples (xxx) t abd (xxxiv) through (xxxvi) are added to read as follows:

§ 369.6 Reporting requirements. * * *

(5) * * *

(viii) A request to supply a certificate by the owner, master, charterer, or any employee thereof, that a vessel, aircraft, truck, or any other mode of transportation is eligible, otherwise eligible, permitted, or allowed to enter, or not restricted from entering, a particular port, country, or group of countries pursuant to the laws, rules, or regulations of that port, country, or group of countries.

(ix) A request to supply a certificate from an insurance company stating that the insurance company has a duly authorized agent or representative within a specific country and/or the name and address of such agent.

* * * * *

Examples

* * * * *

(xxix) A, a U.S. manufacturer, is engaged from time-to-time in supplying drilling rigs to company B in boycotting country Y. B insists that its suppliers sign contracts which provide that, even after title passes from the supplier to B, the supplier will bear the risk of loss and indemnify B if goods which the supplier has furnished are denied entry into Y for whatever reason. A knows or has reason to know that this contractual provision is required by B because of Y's boycott, and that B has been using the provision since 1977. A receives an order from B which contains such a clause.

B's request is not reportable by A, because the provision was in use by B prior to the effective date of the regulations, January 18, 1978, and B is permitted to make use of the term.

(xxx) Same as (xxix), except that A does not know when B began using the provision.

Unless A receives information from B that B introduced the term prior to the effective date of the regulations, January 18, 1978, A must report receipt of the request.

(xxxiv) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to state on the bill of lading that the vessel is allowed to enter Y's ports. The request further states that a certificate from the owner or captain of the vessel to that effect is acceptable.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes. (A may not make such a statement on the bill of lading himself, if he knows or has reason to know it is requested for a boycott purpose. *See* Supp. 1, 43 Fed. Reg. 16969 (1978) and Supp. 2, 44 Fed. Reg. 67374 (1979)).

(xxxv) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to furnish a certificate from the owner of the vessel that the vessel is permitted to call at Y's ports.

The request A received from his customer in Y is not reportable if it was received after

the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes.

(xxxvi) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to furnish a certificate from the insurance company indicating that the company has a duly authorized representative in country Y and giving the name of that representative.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes.

Dated: January 11, 1982.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 82-1075 Filed 1-12-82; 11:51 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Registration of Employees of Commodity Trading Advisors and Commodity Pool Operators

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing a rule which, with certain exceptions, would specify the terms by which any individual who (1) solicits customers on behalf of a commodity trading advisor ("CTA") or on behalf of a commodity pool operator ("CPO"), or (2) supervises any person or persons so engaged, must be registered with the Commission as a CTA. The rule would also make it unlawful for a CTA or CPO to allow any such individual to solicit customers on its behalf if the CTA or CPO knows or should know that the individual is not registered with the Commission as a CTA. An individual who is registered with the Commission in some other capacity, however, would not also be required to be registered as a commodity trading advisor if he was not engaged in activities which require registration as a CTA other than the solicitation of customers or the supervision of any person or persons so engaged. In addition, an individual registered under the rule as a CTA would be exempt from the disclosure and recordkeeping requirements normally applicable to CTAs if he did not engage in any other activity which requires registration as a CTA.

DATES: Comments on the proposed rules must be received by March 16, 1982.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Telephone: (202) 254-9703 or 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On March 20, 1980, the Commission published in the **Federal Register** proposed rules which related principally to the "sponsorship" of associated persons by futures commission merchants and the fingerprinting of certain registrants and their principals.[1] Although the Commission had neither proposed rules nor requested public comments relating to the registration of persons who solicit customers on behalf of CTAs and CPOs, the Commission nonetheless received comments urging it to adopt such rules.[2]

The Commission subsequently proposed revisions to certain of its regulations relating to the operations and activities of CPOs and CTAs.[3] As part of that rulemaking, the Commission noted that:

> The expansion of commodity interest account management has brought an increased use of non-clerical employees and agents of CPOs and CTAs to solicit pool participants, operate pools, obtain clients, formulate commodity advice, etc. These persons can have a direct and important effect upon the prospective and actual customers of CPOs and CTAs. Therefore, the Commission is considering adopting rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. Interested persons are requested to submit comments which will assist in the formulation of such rules.[4]

The Commission received fourteen comments in response to that portion of its proposal, most of which favored specific rules for the registration of the persons who solicit customers on behalf of CTAs or CPOs. The Commission has carefully considered all of the comments received in response to that proposal and, as is discussed more fully below, is proposing a rule which, with certain exceptions, would specify the terms by which any individual who solicits customers on behalf of CTAs or CPOs must register with the Commission as a commodity trading advisor.[5]

B. Need for Regulation

The Commission is well aware of the dramatic increase in the number of persons registered as CPOs and CTAs and of the concomitant increase in the number of customers and the amount of funds under management by CPOs and CTAs. The Commission is further aware, however, that "[w]ith this rapid growth, * * * there has been an increase in abusive activity in commodity interest account management" [6] and in the use, by CPOs and CTAs, of employees and agents to solicit pool participants and managed account clients.[7] Because these employees and agents often have a direct and substantial effect upon the customers of CTAs and CPOs and, indirectly, upon the commodity markets themselves, it is essential that they be fit to engage in commodity-related activities. Inasmuch as the registration process is the primary means by which the Commission can bar unfit persons from the commodity industry, the Commission believes that it has become necessary to establish specific procedures for the registration of non-clerical employees and agents of CPOs and CTAs. These procedures, if adopted, will permit the Commission to review the fitness of applicants for registration in this specific capacity and would simultaneously preclude those individuals who are demonstrably unfit for registration from functioning in a manner comparable to that of other persons (*e.g.*, associated persons) who are subject to the Commission's scrutiny during the course of the registration process.

The Commission is, of course, aware of the need to avoid unnecessary burdens upon the commodity futures industry and, as is discussed below, has structured its proposal to minimize any such burdens. At the same time, the Commission is mindful of its obligations to enforce the requirements and effectuate the purposes of the Commodity Exchange Act ("Act").

The Commission has previously had occasion to review the scope of the statutory requirement of CTA registration. In *Damiani* v. *Futures Investment Company, Inc.*, the Commission observed that the 1974 amendments to the Act were intended to bring within the coverage of the Act and

---

[1] 45 FR 18356.

[2] 45 FR 80485, 80488 (December 5, 1980).

[3] 45 FR 51600 (August 4, 1980).

[4] *Id.* at 51601.

[5] The Commission considers its August 4, 1980 proposal, as well as the comments received thereon, to be a part of the present rulemaking proceeding.

[6] 45 FR 51600, 51600 (August 4, 1980).

[7] *Id.* at 51601

the Commission's regulatory jurisdiction all persons who deal directly with customers.[8] The Commission further noted that "the statutory definition of a commodity trading advisor does not distinguish between corporate entities and employees of corporate entities. Rather, it focuses upon whether 'person' give commodity advice to others, as their main occupational pursuit. * * *"[9] Indeed, Section 2(a)(1) of the Act provides that the term "commodity trading advisor" shall mean:

> Any person who, for compensation or profit, engages in the business of advising others, either directly of through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.[10]

The Commission therefore believes that any person who, for compensation or profit, solicits either trading program [11] clients or commodity pool participants is necessarily engaged "in the business of advising others as to the value of commodities or as to the advisability of trading" commodities and is acting as a commodity trading advisor. Unless expressly excluded from the scope of that term by Section 2(a)(1) of the Act, such a person is, with certain limited exceptions, required to be registered as a CTA.[12] Thus, the Commission believes that its present proposal is largely reiterative of the plain meaning of the existing requirements of the Act. The Commission is aware, however, that the Act has formerly been interpreted by some persons not to require the registration of such persons and therefore has decided to publish the text of its proposal for public comment.

II. The Proposed Rule

A. Registration as a Commodity Trading Advisor

Proposed § 1.10g provides, in essence, that any individual who solicits customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator, or who supervises any person or persons so engaged,[13] must be registered as a CTA. The proposed rule also provides that it is unlawful for a CTA of a CPO to permit any individual to solicit customers on its behalf if that CTA or CPO knows or should know that the person soliciting customers was not registered as a commodity trading advisor. The term "customer" is proposed to be defined to mean a prospective or existing trading program client or a prospective or existing pool participant. Proposed § 1.10g(a)(1). The solicitation of subscribers to market or crop reports, or to other, similar publications is, therefore expressly excluded from the coverage of the proposed rule.[14]

The Commission is proposing a number of exceptions to the rule described above. The first such exception relates to those persons who are registered with the Commission in some other capacity. Inasmuch as the Commission's principal objective in this rulemaking is to cause to be applied to those individuals who solicit customers for CTAs and CPOs the same standards of fitness which already apply to other Commission registrants, the Commission does not believe that it is necessary to require those persons to register as CTAs if they are already registered with the Commission in another capacity. Proposed § 1.10g(d).[15] This exception is, of course, limited to the solicitation of customers on behalf of a CTA or CPO and to the supervision of persons so engaged and would not authorize a person who is registered in some other capacity to engage in any other activity which requires registration as a CTA.

The Commission is aware that some CPOs register their pool offerings with the Securities and Exchange Commission ("SEC") and, as part of that process, furnish a written "prospectus" to propsective pool participants containing much of the information required by Commission rule 4.21 (46 FR 26004, 26015 (May 8, 1981)). In recognition of this practice, the Commission has permitted CPOs who choose to provide a prospectus to prospective pool participants to supplement that prospectus to comply with the specific reguirements of § 4.21. *See* 44 FR 1918, 1922 (January 8, 1979).

The Commission believes that similar considerations may apply to the actual solicitation of pool participants inasmuch as that solicitation necessarily involves the disclosures required by § 4.21. The Commission is therefore proposing in § 1.10g(d) to exempt from the general requirement of registration with the Commission any individual who solicits customers in connection with the public offering of a commodity pool if that offering is made pursuant to the provisions of Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) and if that individual is associated with a broker or dealer which is registered as such with the Securities and Exchange Commission. *See* 15 U.S.C. 78c(a)(18),

---

[8] COMM. FUT. L. REP. (CCH) ¶21,007 at 24,417–24,419 (1980).

[9] *Id.* at 24,416.

[10] 7 U.S.C. 2.

[11] The term "trading program" is proposed to be defined to have the same meaning as in Commission rule 4.10(g) (46 FR 26004, 26014 (May 8, 1981))—*i.e.*, the program pursuant to which a person (1) directs a client's commodity interest account, or (2) guides the client's commodity interest trading by means of a systematic program that recommends specific transactions.

[12] As noted above, the Commission earlier proposed to establish specific registration procedures for persons who "formulate commodity advice" or who "operate pools." The Commission's present proposal, which would clarify the responsibilities of those CTAs who solicit customers or supervise that activity, does not, therefore, affect the general obligation of persons who "formulate commodity advice" or who "operate pools" to register as CTAs or CPOs, respectively, in accordance with existing requirements.

[13] If § 1.10g is adopted by the Commission as a final rule, the Commission would apply to that rule the standards it has previously announced with respect to the registration of persons who supervise associated persons. *See* 45 FR 54032 (August 14, 1980).

[14] The Commission's proposal similarly does not affect directly the employees of leverage transaction merchants even though many of those firms are registered as CTAs. The Commission contemplates that the registration of those persons will be the subject of a separate rulemaking proceeding.

[15] The Commission has treated the question of whether a person should be excluded from the definition of CTA under the rulemaking authority contained in Section 2(a)(1) of the Act as a different question from whether a person, while falling within that definition, may nonetheless be exempted from registration under Section 4m of the Act. Commission rule 4.12 (46 FR 26004, 26013 (May 8, 1981)) provides: "The Commission may exempt any person or any class or classes of persons from any provision of this Part 4 if it finds that the exemption is not contrary to the public interest and the purposes of the provision from which the exemption is sought. The Commission may grant the exemption subject to such terms and conditions as it may find appropriate."

Commission rule 4.13(a) then specifically exempts certain classes of persons from registration as a CTA, but Commission rule 4.15 provides that the "provisions of Sections 4*o* and 14 of the Act (7 U.S.C. 6*o*, 18) shall apply to any person even though such person is exempt from registration * * * and it shall continue to be unlawful for any such person to violate Section 4*o* of the Act." 46 FR 26004, 26014, 26015 (May 8, 1981).

Thus, the Commission's regulations contemplate that there are classes of persons who are within the intent of the Act's definition of commodity trading advisor but who nevertheless should not be required to register as such. 44 FR 1918, 1919–20 (January 8, 1979); 43 FR 32291 (July 26, 1978).

78*o*. Inasmuch as these offerings are already highly regulated, the Commission does not presently believe that the benefits that would accrue to the public by requiring the registration, as CTAs, of the individuals who offer those pools outweigh the costs that would be associated with such a measure.[16] Because the Commission is not convinced that other types of commodity pool offerings necessarily offer comparable safeguards, this proposed exemption does not apply to commodity pools which are offered pursuant to an exemption from registration contained in the Securities Act of 1933 [17] or in the rules and regulations thereunder.[18] The Commission also wishes to make clear, however, that if it later becomes apparent that this exemption from CTA registration is resulting in significant abuses, the Commission will reconsider its position and take such additional steps as are necessary, including the repeal of that exemption, if appropriate.

The Commission intends to allow any individual who registers as a CTA in accordance with § 1.10g to file a modified version of the Form 8–R as an application for registration. Proposed § 1.10g(c).[19] The Commission, however, has already adopted a rule which, with certain exceptions, requires an applicant for registration as a CTA to include a completed fingerprint card with its application for registration.[20] The Commission hereby gives notice that if the rule that it is now proposing is ultimately adopted, the Commission contemplates that persons who are required to register in accordance with § 1.10g will similarly be subject to fingerprinting and other registration requirements comparable to those already established for CTAs.

Under Commission rule 4.31(a), a commodity trading advisor which is registered or required to be registered under the Act must deliver or cause to be delivered to its prospective clients a Disclosure Document at or before the time the CTA solicits, or enters into, an agreement either to direct the client's commodity interest account or to guide the client's commodity interest trading by means of a systematic program that recommends specific transactions. 46 FR 26004, 26021 (May 8, 1981). The Commission is proposing, however, to exempt from that requirement those individuals whose activities as a CTA are limited to the solicitation of customers or the supervision of that activity. Thus, the CTA which will actually be directing or guiding the customer's trading would remain responsible for distributing or causing the distribution of the Disclosure Documents at the appropriate time.[21] The Commission emphasizes, however, that it is proposing only to relieve the persons who would be affected by §1.10g from what would otherwise be an obligation to provide an essentially duplicative Disclosure Document. This exemption would not, therefore, exempt persons registered under § 1.10g from the antifraud provisions of the Act or the affirmative duty to disclose material information in appropriate cases.

The Commission is similarly proposing to exempt those individuals who register under § 1.10g from the recordkeeping requirements which are ordinarily applicable to CTAs.[22] The Commission does not believe that it is necessary to require a person who is engaged only in the solicitation of customers (or in the supervision of such solicitation) to maintain many of the same records as the CTA which will actually be directing customers' trading programs.[23] These exemptions, however, would not apply to, nor would registration under § 1.10g authorize, *any* activity requiring registration as a CTA other than the solicitation of customers on behalf of a CTA or a CPO or the supervision of any person or persons so engaged.

One person who commented on the Commission's August 4, 1980 proposal stated its belief that only those employees who are "on the payroll" of a CTA or CPO should be included in this new registration category and that "independent contractors" and "independent agents" engaging in similar activities should be separately registerd as CTAs or CPOs. The Commission disagrees. Rather than focus on the diverse business arrangements between a CTA or CPO and those individuals who solicit customers on its behalf, the Commission's proposal concerns itself solely with the activities of those persons. The Commission believes that its approach is more readily applied and understood by those persons who would be affected by the rule and is more consistent with the definition of the term "commodity trading advisor" that is contained in the Act.

Another commentator suggested that rather than registering the salespersons of CTAs and CPOs, the Commission should hold a CTA or CPO responsbile for the activities of its employees and agents. For the reasons already stated, the commission believes that it is necessary that the persons who solicit customers, or who engage in the supervision of such persons, be registered as CTAs. The Commission wishes to emphasize, however, that its present proposal is not intended to limit in any way the already-existing responsibility of a CTA or CPO for the acts or omissions of those persons who solicit customers on its behalf.[24]

Although a number of commentators suggested that any rule which the Commission might adopt should not include within its scope those persons who are acting solely in a clerical capacity, the Commission does not believe that such an exemption is necessary in view of the relatively limited scope of its present proposal,

---

[16] Registered brokers and dealers and persons associated with them who solicit public participation in registered offerings are subject to comprehensive regulation and, in appropriate cases, to disciplinary action by the SEC and/or the National Association of Securities Dealers. Furthermore, any person exempted from registration as a CTA by proposed § 1.10g(d) would nonetheless remain subject to Sections 4*o* and 14, the antifraud and reparations provisions of the Act (7 U.S.C. 6*o*, 18).

[17] *See, e.g.*, Sections 3(a)(11) and 4(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(11), 77d(2)) (intrastate offerings and private placements, respectively).

[18] *See, e.g.*, SEC Regulation A (17 CFR 230.251—230.262).

[19] Individuals registering under § 1.10g would pay a $20.00 registration fee and would generally be registered for a two-year period. By comparison the registration of all other CTAs expires on June 30th of each year and requires the payment of a $50.00 registration fee.

[20] Commission rule 3.13 (17 CFR 3.13). That rule is presently scheduled to become effective on July 1, 1982.

[21] Of course, nothing in proposed § 1.10g or in rule 4.31 would preclude the person who actually solicits the trading program client from delivering a Disclosure Document for the trading advisor. Similarly, a commodity pool operator could comply with the requirements of Commission rule 4.21(a) (46 FR 26004, 26015 (May 8, 1981)) if the person soliciting pool participants on its behalf provided those prospective participants with the Disclosure Document required by that rule. The Commission emphasizes, however, that the responsibility for compliance with the Commissions disclosure requirements (including the requirements relating to the delivery of Disclosure Documents) remains with the CTA who will actually be directing or guiding the customer's trading and with the CPO who will actually be operating the commodity pool.

[22] Commission rule 4.32 (46 FR 26004, 26023 (May 8, 1981)).

[23] For example, Commission rule 4.32(a)(7) requires each CTA which is registered or required to be registered to keep: "[t]he original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice * * * *distributed or caused to be distributed* by the commodity trading advisor to any existing or prospective client * * *" *Id.* (emphasis added). Thus, the CTA which acutally directs or guides the trading of an account must keep the records specified in rule 4.32. Similarly, a CPO is required to keep the records specified in Commission rule 4.23 (46 FR 26004, 26020–21 (May 8, 1981)).

[24] Section 2(a)(1) of the Act (7 U.S.C. 4); Commission rule 1.2 (17 CFR 1.2); Section 13(a) of the Act (7 U.S.C. 13c(a)); *see* note 21, *supra*.

which pertains to the registration of those individuals who solicit customers. (By comparison, individuals are exempted from registration as an associated person if, acting solely in a clerical capacity, they solicit *or accept customers' orders.)*[25]

III. Related Matters

A. Proposed Rules 1.11 and 1.14(b); Form 8–R

The Commission is also proposing to make non-substantive conforming changes to § 1.11 (relating to the payment of registration fees), § 1.14 (relating to the reporting of deficiencies, changes, and inaccuracies in applications for registration filed under proposed § 1.10g), and Form 8–R (the application for registration).[26]

B. Regulatory Flexibility Act; Paperwork Reduction Act; Authority

The proposed rules do not appear to have a significant economic impact on a substantial number of small entities. As discussed, proposed rule 1.10g, with certain exceptions, relates to the registration as a commodity trading advisor of any individual who solicits customers on behalf of CTAs or CPOs. Thus, the rule is directed primarily towards the registration of certain individuals as commodity trading advisors. The resulting economic impact on these employees or on the CTA or CPO on whose behalf the individual is required to be registered does not appear to be "significant" for purposes of the Regulatory Flexibility Act in view of the minimal cost of registration under the Commission's proposal and in view of the proposed exemptions from the disclosure and recordkeeping requirements normally applicable to CTAs. The only additional burden imposed by that rule is that CTAs or CPOs would generally be required to ensure that any individual who solicits customers on their behalf, or who supervises any person or persons so engaged, is registered with the Commission, either as a commodity trading advisor or in some other capacity. The Commission similarly does not believe that this requirement would have any significant economic impact on small entities.

In this regard, the Commission further notes that existing rules with respect to CTAs not only require registration with the Commission, but also establish standards for disclosure and recordkeeping. *See* Commission rules 1.10c, 4.31, 4.32. No additional burdens in this regard are imposed by proposed rule 1.10g; on the contrary, an individual who registered with the Commission solely under the proposed rule would be exempted from the disclosure and recordkeeping requirements of §§ 4.31 and 4.32.

Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, the Chairman, on behalf of the Commission, certifies that this rule, if promulated, will not have a significant economic impact on a substantial number of small entities. However, the Commission invites comment from any small firm which believes that promulgation of this rule will have a significant economic impact on its activities.

In accordance with the requirements of the Paperwork Reduction Act of 1980, Pub. L. No. 96–511, proposed rules 1.10g and 1.14(b) and the modifications to Form 8–R have been submitted to the Office of Management and Budget concurrent with the publication of this notice in the **Federal Register**.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2, 4m, 4n, and 8a thereof (7 U.S.C. 2, 6m, 6n, 12a), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations by adding § 1.10g and by revising § 1.11 and § 1.14 as follows:

1. Section 1.10g is proposed to be added as follows:

§ 1.10g Registration of persons who solicit customers on behalf of commodity trading advisors and commodity pool operators.

(a) *Definitions.* For purposes of this section:

(1) The term "customer" means:

(i) With respect to a commodity pool operator, a prospective or existing pool participant; and

(ii) With respect to a commodity trading advisor, a prospective or existing trading program client. As used in this paragraph (a)(1)(ii), the term "trading program" has the same meaning as in § 4.10(g) of this chapter.

(2) The term "person" means an individual and does not include a partnership, corporation, trust, or any person which is not a natural person.

(b) *Registration required.* Except as otherwise provided in paragraph (d) of this section—

(1) No person may, for compensation or profit, solicit customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator, or supervise any person or persons so engaged, unless that person is registered under the Act as a commodity trading advisor and such registration has not expired, been suspended (and the period of such suspension has not expired), or been revoked; and

(2) it is unlawful for a commodity trading advisor or a commodity pool operator to permit any person to solicit customers on its behalf if that commodity trading advisor or commodity pool operator knows or should know that such person was not registered as provided in this section or that such registration has expired, been suspended (and the period of such suspension has not expired), or been revoked.

(c) *Application for registration.* Application for initial registration under the Act as a commodity trading advisor in accordance with the requirements of this section, or for renewal thereof, must be filed on Form 8–R and completed in accordance with the instructions thereto.

(d) *Exemption from registration.* (1) Any person who is registered with the Commission as a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, or associated person shall not also be required to register under paragraph (b) of this section; and

(2) The provisions of paragraph (b) of this section shall not apply to any solicitation of customers in connection with the offering of a commodity pool by a broker or dealer which is registered as such in accordance with the provisions of Section 15 of the Securities Exchange Act of 1934 or any person associated with that broker or dealer within the meaning of Section 3(a)(18) of that Act if such offering is made pursuant to the provisions of Section 5 of the Securities Act of 1933.

(e) *Exemption from certain disclosure and recordkeeping requirements.* The provisions of §§ 4.31 and 4.32 of this chapter shall not apply to any commodity trading advisor:

(1) Which has registered as such solely in accordance with, or is exempted from registration by, the provisions of this section; and

(2) Which is not engaged in any activity requiring registration as a commodity trading advisor other than:

---

[25] Section 4k(1)(i) of the Act (7 U.S.C. 6k(1)(i)).

[26] Although the Commission is not publishing the text of the changes that would be made to the instructions in Form 8–R, copies of those modifications are available upon request to the Commission's Division of Trading and Markets at the address specified at the beginning of this **Federal Register** notice.

(i) The solicitation of customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator; or

(ii) The supervision of any person or persons so engaged.

2. Section 1.11 is proposed to be revised as follows:

§ 1.11 Registration fees; form of remittance.

Each application for registration or renewal thereof as a futures commission merchant shall be accompanied by a fee of $200, plus a fee of $6 for each domestic branch office, correspondent, or agent, operating within the United States and authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration or renewal thereof as a floor broker, as an associated person, or as a commodity trading advisor in accordance with the provisions of § 1.10g, shall be accompanied by a fee of $20, except that no fee is required with respect to any application for registration, or renewal thereof, as an associated person filed on Form 4–Ra.[1] Each application for registration or renewal thereof as a commodity pool operator, or as a commodity trading advisor in accordance with the provisions of § 1.10c, shall be accompanied by a fee of $50. Fees shall be remitted by money order, bank draft, or check, payable to the commodity Futures Trading Commission. The fees shall be nonrefundable, unless the applicant withdraws his application before any processing of that application has occurred.

3. Section 1.14 is proposed to be amended by revising paragraph (b) as follows:

§ 1.14 Deficiencies, inaccuracies, and changes to be reported.

* * * * *

(b) Each applicant or registrant as a floor broker or associated person and all individuals who have filed Form 8–R pursuant to § 1.10(a), § 1.10c, § 1.10d, or § 1.10g shall file promptly with the Commission a statement on form 3–R to correct any deficiency or inaccuracy in the Form 8–R, or Schedule A thereof, or any supplemental statement thereto, and to report any change which no longer renders accurate and current the information contained in any of the following items on Form 8–R, or Schedule A thereof, or any supplemental statement thereto:

Item 1—Name of floor broker, associated person or other individual;

Item 2—Any other names by which the individual has been known;

Item 4—Home address and telephone number (applicable only to associated persons and to commodity trading advisors filing pursuant to § 1.10g);

Item 5—Business address (applicable only to floor brokers);

Items 11 and 12—Adverse actions as specified in the Form;

Schedule A, Item 3—Name of each clearing member through whom the registrant clears commodity futures transactions for his own account and for accounts which he controls or in which he has a financial interest; and

Schedule A, Item 4—Name of each clearing member for whom the registrant is currently engaged as floor broker.

* * * * *

Issued in Washington, D.C. on January 5, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–1052 Filed 1–14–82; 8:45 am]

BILLING CODE 6351–01–M

[1] Form 4–Ra filed with original documents.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82–10]

Proposed Rulemaking To Revise Form No. 12, Power System Statement

Issued January 11, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise FPC Form No. 12, "Power System Statement", and corresponding regulations. Form No. 12 annually collects information from electric utilities on generation, exchanges, and sales of electric energy. By this rulemaking, certain data requirements would be eliminated from the form, the number of of electric utilities required to complete the form would be reduced by one-third and the number of copies required would be reduced from six to four.

DATE: Comments are due by February 10, 1982.

ADDRESSES: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82–10.

Copies of the proposed Form No. 12 are available at: Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357–8055.

FOR FURTHER INFORMATION CONTACT: Daniel G. Lewis, Office of Electric Power Regulation, 825 North Capitol Street NE., Room 302–RB, Washington, D.C. 20426, (202) 376–9227.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Regulatory Commission (Commission) proposes to revise FPC Form No. 12, "Power System Statement", and the regulations at 18 CFR 141.51 that prescribe that form. Form No. 12,[1] which was promulgated in 1943,[2] solicits information about electric generating and transmission facilities, electric utility systems, and transactions with other electric utility systems.[3] The information collected is used primarily to analyze the details of utility operations pertinent to the resolution of wholesale electric rate cases and hydroelectric licensing proceedings, and to determine the prudency of utility operations and investments and the value of equivalent electric energy.

This rulemaking proceeding has been initiated as part of the Commission's ongoing program to review the Commission's filing requirements, to eliminate the reporting of information that is not used for decisionmaking in the regulatory process, and to reduce unnecessary reporting burdens. As a

[1] The proposed Form No. 12 (Appendix) is not being printed in the **Federal Register**. Copies of the proposed Form No. 12, including all instructions to the form, are available at the Commission's Division of Public Information, 825 North Capitol Street, Room 1000, Washington, D.C. 20426, (202) 357–8055.

[2] Order No. 108, "Prescribing the Filing of Power System Statements for Electric Utilities, Licensees and Others, FPC Form No. 12", issued December 2, 1943 (8 FR 16354, December 7, 1943). The current version Form No. 12 was promulgated in 1956 and has been revised four times prior to this rulemaking: Order No. 183, "Amendment of Rules Prescribing Form Nos. 12, 12–A, 12–D, Power System Statements", Docket No. R–140, issued January 24, 1956, (21 FR 869 (February 8, 1956); Order No. 224, "Amendments to Forms and Regulations, Power System Statements", Docket No. R–189, issued September 15, 1960 (25 FR 9042, September 21, 1960); Order No. 312, "Power System Statements—Miscellaneous Amendments to FPC Form Nos. 12, 12–A, 12–D", Docket No. R–289, issued December 20, 1965 (30 FR 16108, December 28, 1965), revised by Order No. 312–A, issued September 9, 1966 (31 FR 12093, September 16, 1966); Order No. 372, "Power System Statements, Amendments to Report Form Nos. 12, 12E, 12F", Docket No. R–350, issued October 17, 1968 (33 FR 15711, October 24, 1968).

[3] The Commission is authorized to regulate electric utilities engaged in interstate commerce under Part II of the Federal Power Act (16 U.S.C. 792–828c) pursuant to Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172). The Commission collects information in Form No. 12 under section 304 of the Federal Power Act (16 U.S.C. 825c) pursuant to a delegation of authority from the Secretary of Energy to the Commission (Delegation Order No. 0204–1, (1977)).

result of reevaluating this form, the Commission proposes to delete certain schedules from the form so as to eliminate the filing of unnecessary or duplicative information, to increase the threshold requirements that trigger the filing of the form so as to eliminate the collection of information that the Commission does not need, and to reduce the number of copies of the form that are required to be filed. The Commission would also make corresponding changes to the regulations at 18 CFR 141.51. These changes should decrease the information required from each electric utility by approximately 14 percent and should reduce the number of electric utilities that are required to file the requested data by approximately 33 percent.[4]

This proposal is the first phase of revising Form No. 12. In the second phase, which is planned for 1982, the Commission plans to make additional revisions and deletions of data that are unnecessary or that duplicate data in other forms, such as the Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)".[5] Therefore, any comments to this rulemaking should be directed only to the changes proposed in this notice.

B. Summary of Proposed Changes

The Commission proposes to change the threshold requirement that triggers the filing of Form No. 12 by amending General Instruction 5 to provide that only the following electric power systems would be required to file the form: "Systems which generate all or part of system requirements, and have owned operable generating capacity of more than 25 megawatts, and for whom the sum of net energy for system plus firm sales for resale exceeds 100,000 megawatt-hours per year."[6] This revision should eliminate the necessity of filing Form No. 12 for some 200 electric utilities that currently file the form without depriving the Commission of data necessary for the performance of its regulatory functions. Corresponding revisions are proposed for the instructions in Schedule 8, "Itemized Accounting of Energy Transfers With Other Electric Utility Systems and Industrial Companies During the Year" to reflect the changes in threshold.

In addition, the Commission proposes to eliminate the following schedules from the form: Schedules 5–E, 7–D, 10, 11, 13, 16–A, and 19. Schedules 5–E and 7–D are each entitled, "Station Step-Up Transformers" and provide information on station step-up transformers at steam-electric plants (including nuclear plants), and internal-combustion engine and gas-turbine plants (respectively). These schedules would be eliminated because they provide more detail than is necessary for the Commission's regulation of electric utilities.

Schedule 10, "Energy Delivered to Ultimate Customers" would be eliminated because sufficient information on electric energy delivered and the revenue derived from such sales is provided in the revised Form No. 1. (*See* footnote 5, above.)

Schedule 11 is entitled, "Energy Transferred to or Across a State Line or International Boundary During the Year". This schedule would be eliminated because the Commission does not need the specific data respecting energy transferred to or across state lines because sufficient information about transfers of energy between companies is reported in other Commission reports, such as the Form No. 1, and because sufficient data about transfers across international boundaries is reported in Schedule 8–B of Form No. 12, "Other Energy Transfers With Electric Utility Systems and Receipts From Industrial Companies".

Schedule 13, "Demand on Generating Plants, Power Received, and Power Delivered, For Resale, at the Time of System Peak Load of the Year", provides information on the load characteristics of the respondent's system. This schedule would be eliminated because sufficient demand data is collected in Schedule 15 of this form, "System Load Data for Specified Weeks", and in the Department of Energy (DOE) Form No. 119A, "Annual Projection of System Changes".

Schedule 16–A, "System Dependability and Assured Capacity Instructions—Capacity at End of Year Covered by this Report" would be eliminated because adequate data of this type are collected in Schedule 1 of Form No. 12, "Capacity and Output of System Generating Plants", and also in the Form No. 1.

Schedule 19, "Summer and Winter Peak Month and Calendar Year Load Estimates" is duplicative of DOE's Form No. 119A and, therefore, can be eliminated.

The Commission proposes to reduce the number of signed copies of the form to be submitted from six to four in order to reduce respondent burdens.

Finally, the Commission proposes to amend § 141.51 of its regulations by revising the list of schedules in the form to reflect the deletions made by this rulemaking. In addition, certain non-substantive revisions would be made to the regulations to more clearly describe the requirements for filing the form.[7]

C. Certification of no Significant Economic Impact

The Regulatory Flexibility Act (RFA)[8], requires certain statements, descriptions, and analyses of proposed rules that will have a significant economic impact on a substantial number of small entities.

Pursuant to section 605(b) of the RFA, the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Over 95 percent of the entities that are currently required to file Form No. 12 are large entities. In addition, this rule, if promulgated, should result in an overall reduction in the filing burden because the proposed revisions involve a deletion of certain schedules, an increase in the filing threshold and a decrease in the number of copies required.

D. Written Comment Procedure

The Commission invites interested persons to submit written data, views and other information concerning the changes to Form No. 12 that are set out in this notice. All comments in response to this notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82–10. An original and 14 copies of such comments should be filed with the Commission by February 10, 1982.

All written submissions to this rulemaking will be placed in the Commission's public file and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 during regular business hours.

---

[4] The number of electric utilities required to file Form No. 12 would be decreased from approximately 625 to approximately 425.

[5] The Form No. 1 was revised by a final rule issued on January 6, 1982 (Order No. 200, 47 FR).

[6] The current threshold requirement provides that systems which generate all or part of system requirements and whose net energy for system for the year covered by this statement was more than 100,000 megawatt-hours must file the entire form and that such systems which generate between 20,000 and 100,000 megawatt-hours must file the entire form, except for Schedule 15.

[7] The Commission has also proposed deleting the text of the regulation prescribing the filing of Form No. 12 (18 CFR 141.51). This would be replaced by a simple reference to § 141.51.

[8] 5 U.S.C. 601–612.

(Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission proposes to amend Form No. 12 as set forth in the Appendix, and Part 141 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Section 141.51 is revised to read as follows:

§ 141.51 Form No. 12, Power system statement.

(a) *Prescription.* The form of Power System Statement, designated herein as Form No. 12, is prescribed for the year 1981.

(b) *Filing Requirements.*—(1) *Who must file.* Each Corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission or distribution of electric energy, whose system generates all or part of system requirements, who has an owned operable generating capacity of more than 25 megawatts, and for whom the sum of net energy for system plus firm sales for resale exceeds 100,000 megawatt-hours per year shall prepare and file with the Commission an original an conformed copies of FERC Form No. 12 pursuant to the General Instructions set out in that form.

(2) *When to file.* The completed form shall be filed on or before May 1st of each year for the previous calendar year, beginning with a filing by May 1, 1982 for the 1981 calendar year.

(c) This form shall contain the following schedules:

Schedules

1. Capacity and output of system generating plants.
2. System hydroelectric data.
3. Plant data—small plants.
4. Conventional hydroelectric plant data.
4–A. Pumped storage plant data.
5. Steam-electric including nuclear plant data.
7. Internal-combustion engine and gas-turbine plant data.
8. Itemized accounting of energy transfers with other electric utility systems and industrial companies during the year.
9. System energy accounting for the year.
14. Net generation, energy received and delivered, and system peaks by months for the year.
15. System load data for specified weeks.
16. System dependable and assured capacity.
17. Distribution of system load in service area.
18. System maps and diagrams.
18–B. High voltage line data.

Attestation.

[FR Doc. 82-1159 Filed 1-14-82; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 7

[Docket No. 81N–0053]

Infant Formula Recall Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing, in accordance with the Infant Formula Act of 1980, a recall regulation to be followed by infant formula manufacturers. This regulation would facilitate the removal from the marketplace of an infant formula product that does not provide the nutrients required by the Federal Food, Drug, and Cosmetic Act (the act) or which is otherwise adulterated or misbranded within the meaning of the act.

DATES: Written comments by March 16, 1982. The agency proposes that a final regulation based on this proposal become effective 60 days after the final rule issues.

ADDRESS: Written comments (preferably two copies) to be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1186.

SUPPLEMENTARY INFORMATION: In 1978 a major manufacturer of infant formulas reformulated two of its soy products by discontinuing the addition of salt. This reformulation resulted in products containing an inadequate amount of chloride, an essential nutrient. By mid-1979 hypochloremic metabolic alkalosis, a syndrome associated with chloride deficiency, had been diagnosed in a substantial number of infants. Most of the cases resulted from prolonged and exclusive use of these brands of the soy infant formulas. A recall was instituted for those defective infant formulas. However, the recall did not result in the prompt removal of all the chloride-deficient formula from many retailers and some wholesalers. After reviewing the matter, Congress determined that to improve protection of infants using formula products, modifications of industry's and FDA's recall procedures were needed, as well as greater regulatory control over the formulation and production of infant formulas. Accordingly, Congress passed, and the President signed into law on September 26, 1980, the Infant Formula Act of 1980 (Pub. L. 96–359, 94 Stat. 1190–1192). This amendment to the Federal Food, Drug, and Cosmetic Act (the act) establishes a new section 412 (21 U.S.C. 350a) which provides for more stringent regulatory control over infant formula manufacturing and processing. In the **Federal Register** of December 30, 1980 (45 FR 86362), FDA issued proposed rules on infant formula quality control procedures.

Section 412(d)(1) of the act provides that if a manufacturer conducts a recall of its formula products, it must be carried out in accordance with requirements prescribed by the Secretary of Health and Human Services. Section 412(d)(2) of the act requires the Secretary to prescribe by regulation the scope and extent of infant formula recalls as "necessary and appropriate for the degree of risk to human health presented by the formula subject to the recall."

As required by the act, FDA is now proposing a regulation on infant formula recalls to expedite the retrieval from the marketplace of infant formula products which may present a health hazard or otherwise violate the act. In addition, the requirements in this proposed regulation, when promulgated, will enable FDA to monitor more fully these types of recalls.

A recall involves several separate but related steps that must be taken by recalling firms for quick removal of violative products from the channels of commerce. These necessary steps include; (1) evaluating the health hazard associated with the product being recalled or being considered for recall; (2) developing and following a recall strategy; (3) providing for recall communications to a firm's customers; (4) submitting periodic reports to FDA on the progress of the recall; and (5) terminating the recall and disposing of or correcting the violative product. If these steps are conducted properly by the recalling firm, they will ensure that an orderly and timely removal of a violative product occurs to the extent necessary to protect the public.

The proposed regulation sets forth general standards for an effective recall.

A firm conducting an infant formula recall may satisfy the requirements of the regulation by any reasonable means. In determining the recall procedures it will follow, the firm may wish to consider the detailed criteria in the recall guidelines in Subpart C of Part 7 (21 CFR Part 7, Subpart C). These criteria, which remain in effect as guidelines with respect to an infant formula recall, were developed by FDA on the basis of the agency's extensive experience in conducting and monitoring volunatry recalls.

Prompt Notification of FDA

An infant formula manufacturer may learn that an infant formula that has been distributed violates the act. Section 412(c)(1) of the act requires an infant formula manufacturer to notify FDA promptly when one of its products has been distributed and fails to contain the nutrients or levels of nutrients specified in section 412(g) of the act, and to notify FDA promptly if any distributed infant formula is otherwise adulterated or misbranded and presents a human health risk. Section 412(d)(1)(B) of the act requires a manufacturer to notify FDA not later than 14 days after the initiation of a recall and at least once every 14 days thereafter advising the agency of the actions taken to implement the recall. Section 412(d)(1)(A) of the act requires that the Secretary, not later the 15th day after the beginning of a recall and at least once every 15 days thereafter until the recall ends, review the actions taken to determine whether the recall meets the requirements prescribed in FDA's infant formula recall regulations.

In order for FDA to monitor efficiently and effectively the recall of all infant formulas and fulfill its recall oversight responsibilities under section 412(d)(1)(A) of the act, the agency must be made aware at the earliest possible time that a recall is being conducted. Therefore, FDA is proposing in § 7.72(a) (21 CFR 7.72(a)) that a firm promptly notify the agency by telephone at the time the firm decides to initiate the recall. This notification is to include necessary information concerning the product and the problems associated with it. This early notification will allow the agency the opportunity to evaluate and comment on the recalling firm's recall strategy. In addition, such notification may eliminate needless regulatory actions which the agency might otherwise take against violative products in order to protect the public health. For example, FDA would not normally initiate a seizure action against a violative infant formula if it knew that the shipment was being recalled by the responsible firm. Moreover, because the agency frequently receives inquiries concerning firm-initiated recalls, advance notice of these recalls would permit the agency to respond accurately to such inquiries.

Scope, Effect, and Definitions

Proposed § 7.70 (21 CFR 7.70) states that the criteria of this subpart apply only to an infant formula recall conducted pursuant to section 412(d) of the act. These proposed requirements, however, do not apply if the formula product has not been distributed beyond establishments subject to the control of the manufacturer. Thus, for example, the retrieval by a manufacturer of an infant formula product in violation of section 412 of the act from the manufacturer's warehouse would not be considered a "recall," and this proposed regulation would not apply. Yet, once a manufacturer decides that a recall from establishments not under its control is necessary, the firm's failure to comply with the requirements of this regulation, after its effective date, will constitute a prohibited act under section 301(s) of the act (21 U.S.C. 331(s)).

Health Hazard Evaluation

Proposed § 7.71(a) (21 CFR 7.71(a)) provides that a manufacturer shall carefully evaluate in writing the seriousness of the health consequences that may result from use of a violative infant formula. Evaluation of the health hazard presented by a violative formula product is vital and necessary in determining the specific course of action to be taken. The results of the evaluation also will determine the strategy for conducting the recall.

Recall Strategy

Proposed § 7.71(b)(21 CFR 7.71(b)) requires each recalling firm to devise a specific written course of action, termed a "Recall Strategy." The recall strategy should be a well-reasoned plan for implementing the recall of the infant formula, based upon careful consideration of all available facts surrounding a particular situation. The recall strategy shall set forth the depth to which the recall is to be conducted, whether public warnings are to be issued, and the extent to which the effectiveness of the recall is to be checked by the recalling firm.

"Depth of recall" refers to the level of product distribution to which the recall is to extend. There are three basic options: (1) consumer or user level, (2) retail level, and (3) wholesale level. In cases where the hazard to health is so great that exposure to the product should be prevented to the fullest extent possible, the depth of recall will ordinarily be to the consumer or user level which would include, for example, physicians and hospitals. If a violative product poses a lesser hazard, the depth of recall may be limited to the retail and wholesale levels, or to the wholesale level only.

The purpose of a public warning is to alert home consumers or other users that an infant formula presents a serious hazard to health. An example of such a situation would be a recall of a distributed infant formula that, if consumed, could cause serious injury or death. Widespread publicity would not normally be sought for the recall of a product distributed to a limited number of users when the recalling firm can identify all users, and prompt communications or personal visits can adequately remove the risk to the public.

Effectiveness checks involve verification that known consignees have been notified of the recall and have taken appropriate action. The level of effectiveness checks may range anywhere from contact with 100 percent of known consignees to no contact, depending on the circumstances surrounding the recall. Effectiveness checks should be conducted by any suitable method that will produce reliable information about whether the selected consignees have received a recall notification and whether the product being recalled has in fact been removed. A guide entitled "Methods for Conducting Recall Effectiveness Checks" is available upon request from the Dockets Management Branch (address above).

FDA considers effectiveness checks to be a vital part of the responsibility of recalling firms. However, in keeping with FDA's responsibility for consumer protection and assuring that recalling firms fulfill their responsibilities, FDA will audit the efforts of a firm to carry out and to check the effectiveness of a recall, and where necessary, will initiate its own effectiveness checks.

Recall Communications

A recalling firm shall promptly notify consignees of the recall. Proposed § 7.71(c) (21 CFR 7.71(c)) requires that a recall communication be distinctive and that its format, content, and extent be commensurate with the hazard presented by the infant formula being recalled and the recall strategy the firm has developed.

A recalling firm shall include in the recall communication a method (e.g., a postage-paid, self-addressed postcard) and instructions that enable consignees to report back quickly to the recalling

firm about whether they are in possession of the infant formula being recalled. In addition, the recalling firm shall advise consignees of how to return the formula to the manufacturer or otherwise dispose of it. Similar followup communications shall be sent to the consignees that do not respond to the initial recall communication.

Copies to FDA

Proposed § 7.71(d) (21 CFR 7.71(d)) requires that copies of the documents that embody the recall elements be sent promptly to FDA. FDA cannot effectively monitor a firm's recall unless it knows what is included in the health hazard evaluation and the recall strategy, and unless it is aware of the recall communications that have been sent.

Reports

Section 412(d)(1)(B) of the act requires an infant formula manufacturer that conducts a recall of its formula product to make periodic reports to FDA advising on the progress of its recall. In order that FDA may more effectively carry out its consumer protection responsibilities in connection with infant formula recalls, recalling firms are required under proposed § 7.72 (b) and (c) (21 CFR 7.72 (b) and (c)) to provide the agency with an initial written report and periodic written status reports.

The reporting requirements contained in this proposal are subject to clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96–511). FDA intends to submit to the Director, OMB, copies of this proposed regulation and other related materials before a final regulation becomes effective. If OMB approves the proposed requirements, FDA intends to impose the requirements at the time a final regulation based on the proposal becomes effective. If OMB does not approve, without change, the reporting requirements contained in the proposal, FDA will revise the final regulation as necessary to comply with OMB's determination.

Termination of Recall

Proposed § 7.73 (21 CFR 7.73) provides that the recalling firm may at any time recommend to FDA that the recall be terminated. However, the firm must continue to implement the recall strategy until FDA notifies it in writing that the recall has been terminated. FDA is required to send this notification to the firm unless the agency has information showing that the recall has not been effective. This requirement does not impose a burden on the recalling firm. FDA may exercise its authority to keep a recall open only if the agency itself can demonstrate, from information in its possession, that the purposes of the recall have not been achieved. FDA may conclude that a recall has not been effective only if its information shows that a recall has not been effective only if its information shows that the recalled product remains in the channels of distribution or that there is good reason to believe that the product will not be promptly recalled by the recalling firm's distributors.

The provisions of this section will reduce the potential for disputes between recalling firms and the agency as to whether a recall has been completed and will help avoid situations in which a recall is mistakenly terminated by recalling firms before the hazard posed by the product has been adequately dealt with.

Revision of Recall Actions

Pursuant to its oversight responsibilities established in section 412(d)(1)(A) of the act, FDA will review all reports and monitor all steps taken by the recalling firm as the recall proceeds. Proposed § 7.74 (21 CFR 7.74) states that FDA is required to notify the firm of any serious deficiency in the recall and may request that the recalling firm remedy any such deficiency.

A firm is not required to remedy all the deficiencies that FDA brings to its attention. Where, however, FDA identifies a defect that will threaten the integrity of the recall unless it is corrected, the regulation authorizes FDA to require that it be eliminated. Under this provision, FDA may require a firm to change the depth of the recall, or to carry out additional effectiveness checks, or to issue additional notifications to its distributors.

In each of these cases, however, the agency may not require the firm to act unless the agency has information that clearly justifies the action demanded. Thus, FDA may not require the firm to change the depth of recall unless FDA has scientific evidence demonstrating that the health hazard of the product is greater than the hazard originally described in the health hazard evaluation, or unless the recall depth chosen by the recalling firm is inadequate in light of the firm's health hazard evaluation. Additional effectiveness checks can be ordered only if FDA has information showing that the recall has not been effective, and additional notifications only if FDA has information showing that the original notifications were not received or were disregarded.

Compliance With the Regulations

The elements of an infant formula recall in proposed § 7.71 (21 CFR 7.71) are adpated from FDA's recall guidelines in Subpart C of Part 7, of Title 21, Code of Federal Regulations. The reporting requirements are also patterned after the guidelines. Compare § 7.72 with §§ 7.46 and 7.53 (21 CFR 7.46 and 7.53). Accordingly, FDA will take the giudelines into account in determining whether a recalling firm has complied with the infant formula recall regulations and whether the firm's actions adequately protect the public health. The proposed regulation does not, however, incorporate the detailed cirteria set forth in recall guidelines. Proposed § 7.75 (21 CFR 7.75) provides that the recalling firm may satisfy the requirements of the proposed regulations by any reasonable means. The firm is not required to meet the detailed criteria of the recall guidelines so long as the methods it uses to recall an infant formula work well.

It should be noted that the recall guidelines in Subpart C of Part 7 impose duties on FDA that the proposed regulations impose on the recalling firm. Under the guidelines, for example, the health hazard evaluation is conducted by the agency (21 CFR 7.41(a)). A recalling firm that wished to follow the guidelines would thus do so by applying the criteria of the health hazard evaluation provision as if the firm were the agency.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Order 12291, the economic effects of this proposal have been carefully analyzed, and it has been determined that neither a regulatory flexibility analysis nor a regulatory impact analysis is required. The threshold assessment supporting this finding is on file with the Dockets Management Branch, Food and Drug Administration.

A regulatory flexibility analysis is required whenever a proposed rule will have a significant impact upon a substantial number of small entities, e.g., small manufacturers. The recall procedures in this proposed regulation

are the same as should normally be followed by any infant formula manufacturer, including a small manufacturer, in a voluntary recall of an infant formula product. Therefore, the expense of a recall would not be appreciably different with or without the proposed regulation. Although manufacturers are required to furnish reports to FDA if a recall becomes necessary, no additional costs will be added beyond those established by the Infant Formula Act itself. Any resulting additional reporting costs caused by the Act will be included in the final price to consumers. Furthermore, no changes in the structure of the industry are expected to result from this action. In particular, no significant adverse effects on small businesses are expected.

Likewise, under Executive Order 12291, a regulatory impact analysis is required for a major rule if one or more of the criteria for such a rule is met. None of the criteria would be exceeded by the proposed regulation.

PART 7—ENFORCEMENT POLICY

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190–1192 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), it is proposed that Part 7 of Title 21 of the Code of Federal Regulations be amended by adding new Subpart D to read as follows:

Subpart D—Infant Formula Recalls

Sec.
7.70 Scope and effect.
7.71 Elements of an infant formula recall.
7.72 Reports about an infant formula recall.
7.73 Termination of recall.
7.74 Revision of recall.
7.75 Compliance with this subpart.

Authority: (Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190–1192 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981).

Subpart D—Infant Formula Recalls

§7.70 Scope and effect.

(a) The criteria in this subpart apply to a recall of an infant formula product initiated by a manufacturer under section 412(d) of the act. The requirements of this subpart apply only when a manufacturer has determined to remove from the market an infant formula that has been distributed, that is no longer subject to the control of the manufacturer, and that is in violation of the laws and regulations administered by the Food and Drug Administration and against which the agency could initiate legal or regulatory action.

(b) The failure of a recalling firm to comply with the regulations of this subpart is a prohibited act under section 301(s) of the act.

§ 7.71 Elements of an infant formula recall.

A recalling firm shall conduct an infant formula recall with the following elements:

(a) The recalling firm shall evaluate in writing the hazard to human health associated with the use of the infant formula product. This health hazard evaluation shall include consideration of any disease or injury that has been or that could be caused by the infant formula and of the seriousness, likelihood, and consequences of the disease or injury.

(b) The recalling firm shall devise a written recall strategy suited to the individual circumstances of the particular recall. The recall strategy shall take into account the health hazard evaluation and specify the following: the depth of the recall; if necessary, the public warning to be given about any hazard presented by the product; the disposition of the recalled product; and the effectiveness checks that will be made to determine that the recall is carried out.

(c) The recalling firm shall promptly notify each of its affected direct accounts about the recall. The format of a recall communication shall be distinctive and the content and extent of a recall communication shall be commensurate with the hazard of the infant formula being recalled and the strategy developed for the recall. The recall communication shall instruct consignees to report back quickly to the recalling firm about whether they are in possession of the recalled infant formula and shall include a means of doing so. The recall communication shall also advise consignees of how to return the formula to the manufacturer or otherwise dispose of it. The recalling firm shall send a followup recall communication to any consignee that does not respond to the initial recall communication.

(d) The recalling firm shall promptly furnish copies of the health hazard evaluation, the recall strategy, and all recall communications to the Division of Regulatory Guidance (HFF–310), Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

§ 7.72 Reports about an infant formula recall.

(a) *Telephone report.* When a determination is made that an infant formula is to be recalled, the recalling firm shall promptly telephone the appropriate Food and Drug Administration district office listed in § 5.115 of this chapter and shall provide relevant information about the infant formula that is to be recalled.

(b) *Initial written report.* Within 14 days after the recall has begun, the recalling firm shall provide a written report to the Division of Regulatory Guidance. The report shall contain relevant information about the infant formula that is being recalled.

(c) *Status reports.* The recalling form shall submit to the Division of Regulatory Guidance a written status report on the recall at least every 14 days until the recall is terminated. The status report shall describe the steps taken by the recalling firm to carry out the recall and the results of those steps.

§ 7.73 Termination of recall.

The recalling firm may submit a recommendation for termination of the recall to the Division of Regulatory Guidance. The recalling firm shall continue to implement the recall strategy until it receives a written notification from the Division that the recall has been terminated. The Division shall send such a notification unless it has information, from FDA's own audits or from other sources, demonstrating that the recall has not been effective. The Division may conclude that a recall has not been effective if:

(a) The recall has been to the retail level and (1) stocks of the recalled product remain in retail outlets, or (2) a significant number of distributors of the recalled product have failed to recall the product.

(b) A significant quantity of the recalled product remains in distribution channels because it is unclear which firm controls the product.

§ 7.74 Revision of recall.

If after a review of the recalling firm's reports or other monitoring of the recall the Food and Drug Administration concludes that the actions of the recalling firm are deficient, the agency shall notify the recalling firm of any serious deficiency. The agency may request the firm to change the recall to correct any such deficiency. The agency may require the firm to:

(a) Change the depth of the recall, if the agency has scientific evidence demonstrating that the health hazard of the recalled product is greater than that described in the health hazard evaluation, or if the agency concludes that the depth of recall is not adequate in light of the health hazard evaluation submitted by the firm.

(b) Carry out additional effectiveness checks, if the agency's audits, or other

information, demonstrate that the recall has not been effective.

(c) Issue additional notifications to the firm's direct accounts, if the agency's audits, or other information, demonstrate that the original notifications were not received, or were disregarded, in a significant number of cases.

§ 7.75 Compliance with this subpart.

A recalling firm may satisfy the requirements of this subpart by any means reasonably calculated to meet the obligations set forth above. The recall guidelines in Subpart C of Part 7 specify procedures that may be useful to a recalling firm in determining how to comply with these regulations.

Interested persons may, on or before March 16, 1982 submit to the Dockets Management Branch (HFA–305) (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 22, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-1087 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

Civil Penalties; Public Hearings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold public hearings on its proposal to revise the current regulations for assessing civil penalties. The hearings will be held in Pittsburgh, Pennsylvania; St. Louis, Missouri; and Salt Lake City, Utah. The hearings are being conducted in response to requests from commenters, and will cover the issues raised by the comments submitted concerning the proposed rule as well as those outlined in this notice.

DATES: All requests to make oral presentations for the record should be submitted by February 16, 1982. The public hearings will be held at the following locations on the dates indicated, beginning at 9 a.m.:

1. February 23, 1982; Pittsburgh, Pennsylvania;
2. February 24, 1982; St. Louis, Missouri;
3. February 26, 1982; Salt Lake City, Utah.

ADDRESSES: The hearings will be held at the following locations:

1. February 23, 1982—Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
2. February 24, 1982—Bel Air Hilton Hotel (Gallery Room), 333 Washington Avenue, St. Louis, Missouri 63102.
3. February 26, 1982—Salt Palace (Room 128), 100 South West Temple, Salt Lake City, Utah 84101.

All requests should be sent to: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: On November 7, 1980, the Mine Safety and Health Administration (MSHA), Department of Labor, proposed revisions to its civil penalty regulations, 30 CFR Part 100 (45 FR 74444–74453). Interested persons were afforded 90 days to submit written comments and objections to the proposed rule, and to request public hearings on the issues raised. Several requests for public hearings were included in the comments and objections.

The purpose of the public hearings is to receive relevant comment and respond to questions on the issues outlined in this hearing notice. The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

Each session will begin with an opening statement from MSHA. The hearing panel will be available to answer relevant questions.

The public will then be given an opportunity to present oral testimony. In the discretion of the presiding official, speakers will be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearing for rebuttal statements. A verbatim transcript of each proceeding will be taken and made an official part of the rulemaking record. Copies of the hearing transcript will be available to the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until March 5, 1982.

Effect on Existing Regulations

The final rule developed from this rulemaking will be applicable to any mine operator who is cited for a violation of a mandatory health or safety standard or any other provision of the Act. It will replace the existing regulations for proposing civil penalties under the Act, and appear at 30 CFR Part 100. The following section by section analysis discusses the major issues raised by the comments and objections.

§ 100.1 Scope and purpose.

The proposed rule is intended to provide fair and equitable procedures for applying the statutory criteria in determining proposed penalties for violations, and to maximize incentives for operator compliance and correction of violations.

Some commenters expressed their view that Congress did not intend for penalties to be mandatory and that provisions of the Act allowing MSHA to close a mine or portion of its operations provide sufficient enforcement capability. Others suggested that fines have not been an effective tool for encouraging better safety and health compliance practices. However, the majority of those commenting were in favor of a curtailment or a modification of existing penalty procedures rather than the total elimination of penalties. Several factors were suggested as appropriate grounds for elimination or reduction of civil penalties. These included: the lack of seriousness of the violation; the timely abatement action of the operator in correcting the violation; the degree of employee responsibility for the violation; the operator's safety record; and the operator's absence of intent in committing the violation.

While many operators consider mandatory penalties inappropriate in situations involving minimal gravity, extraordinary abatement efforts or other mitigating factors, section 110 of the Act mandates that a civil penalty be assessed for each violation of a mandatory safety and health standard, or any provision of the Act. Therefore,

to implement this statutory provision, the proposal retains mandatory penalties for all violations. However, MSHA agrees that a new approach to the assessment of civil penalties is necessary to more fairly and efficiently implement the agency's statutory obligations.

MSHA believes that a civil penalty regulation should include the concept for a minimum penalty assessment and a provision for awarding credit for good faith abatement of violations, which will fulfill the statutory requirements of the Act, and promote the goals of improved safety and health. Such changes to the civil penalty assessment process would address the two major concerns expressed by commenters: (1) that excessive time and energy spent by all parties, including MSHA, in the administrative processing of non-serious violations; and (2) that good faith abatement should be credited as a factor which reduces the proposed penalty. Further, commenters stated that the current assessment procedures do not provide operators with optimum incentives to abate the violations since an operator's good faith abatement of a violation does not reduce the proposed penalty unless extraordinary efforts are involved. MSHA agrees, and is considering the adoption of these concepts which the agency believes would enhance the safety and health of miners. The minimum penalty concept, as outlined in the proposed rule and further refined in this hearing notice, proposes to reapportion the emphasis of civil penalties toward those violations having a greater safety and health impact. It should be noted that all violations, regardless of the degree of seriousness, will continue to be cited and must be abated. In addition, other enforcement sanctions will remain available for those situations warranting their use. It is anticipated that the time saved by government and industry in the administrative processing of less serious violations will result in a better allocation of all safety and health resources toward conditions and practices which have a more direct effect on miner health and safety. Similarly, MSHA anticipates that the awarding of a greater incentive for good faith abatement will enhance compliance efforts which will result in improved safety and health of miners. MSHA will discuss these two proposed concepts in greater detail later in the notice (§§ 100.3(f) and 100.4) and specifically solicits further comments and suggestions relative to their merit.

§ 100.2 Applicability.

Commenters perceived a need for greater agency flexibility to vacate citations, more detailed and factually oriented inspector's statements, and easier operator access to such statements.

Where appropriate, citations are vacated after consultation with inspectors. MSHA intends to give greater scrutiny to these supervisory reviews, especially those at the field level. With regard to providing operators with the inspector's statements at the closeout conference, MSHA is now providing operators with these statements in advance of any conference with the assessments office; thereby providing operators with notice of any additional details relating to the alleged violation.

§ 100.3(b) The appropriateness of the penalty to the size of the operator's business.

This proposed section sets out penalty tables for coal, metal and non-metal mines, controlling entities and independent contractors.

When compared to the present rule, the proposal would change the term "controlling company" to "controlling entity" and would also add a table for independent contractors.

Major issues raised by the comments were: (1) whether the term controlling entity should be specifically defined, and if so, what that definition should be; (2) whether total hours worked or tonnage is a better indicator of coal mine size; and (3) whether size should have a bearing on the penalty. Some commenters requested the removal of the size criterion, including the consideration of the size of the "controlling entity". Further comments are specifically solicited on these issues.

§ 100.3(c) History of previous violations.

This proposed section sets out two tables which assess a maximum number of 20 points for: (1) a mine's average violations per inspection day during the preceding 24-month period; and (2) for independent contractors the average number of violations assessed per year in the preceding 24 months. Only violations which have become final orders of the Commission or which have been paid would be included in the computation. However, paid violations which receive the minimum assessment under § 100.4 would not be included as part of the previous history.

Presently up to fifteen (15) points may be assessed based upon the average number of violations assessed at the mine per inspection day during the preceding 24-month period. The remaining five (5) points may be assigned based upon the average number of violations assessed at the mine per year in the preceding 24 months.

Previous history also currently includes all assessed violations which have not been vacated or dismissed, including those which are under appeal.

There were numerous comments with respect to the term "inspection day" which generally called for more specificity as to the meaning of the term. Several commenters also stated that the history table's provision for 20 penalty points where an operator averages 2.2 violations per inspection day is an unrealistically low violation average, and should be increased.

While some commenters supported exclusion of citations not finally adjudicated, others suggested that such citations should still be included in the history as they believed the alternative would cause some operators to initiate litigation for the purpose of delaying final adjudication.

Other commenters believed that negative points should be available for a low history of previous violations.

§ 100.3(d) Negligence.

This proposed section sets forth the factors considered in assigning penalty points for negligence. The proposal reworded the existing language for this section in an effort to further clarify the concept of negligence and the considerations which are weighed in assessing the degree of negligence involved in a particular case. The proposal incorporated the concept that the level of care required of an operator increases with the degree of risk posed to miners.

Presently, the proposal and the existing rule permit assignment of 1 to 20 penalty points for negligence caused by a failure to take reasonable measures to prevent or correct a condition or practice which should have been known to the operator. More serious instances of negligence may receive from 21–25 points.

Some commenters desired to see a more even division of the potential 25 penalty points between the two categories of negligence contained in the proposal. Other commenters still considered the proposed concept of negligence to be vague.

One commenter also objected to the proposal's rewording of negligence stating that it incorporated gravity in evaluating negligence. In the commenter's view, the existing gravity

criterion already gives adequate consideration to the gravity of each violation. On each of the issues above, and any other issues relating to the negligence criteria, MSHA seeks additional comment.

§ 100.3(e) Gravity.

This section sets forth proposed schedules which are designed to evaluate the gravity of a violation. Under the current procedures, one schedule, incorporating three tables evaluating different aspects of gravity, is used to consider both safety and health violations. The proposal, in an attempt to better differentiate the gravity aspect of health and safety violations, added a separate schedule for health violations while retaining the present schedule for safety violations.

The great majority of comments received on this section responded to the proposal's new gravity schedule for health violations. Most commenters, while agreeing that the concept of a separate health schedule was laudable, opposed the specific proposal. Central to the criticisms were: the schedule's failure to set out the basis for determining whether a "risk effect" was high, medium, or low; the absence of distinction between large dose/short exposure situations and those involving small dosage with long exposure; and the assigning of points for the degree by which the threshold limit value was exceeded, irrespective of the relative toxicity of the substance involved. MSHA agrees that the proposed new schedule for evaluating the gravity of health violations presents practical difficulties. Therefore, MSHA seeks comments as to whether the proposed schedule should be amended to correct these difficulties, or whether the existing single schedule should be retained and continue to be applied to assess the gravity of both safety and health violations.

With regard to the proposed schedule for safety violations, commenters sought changes to simplify and clarify the existing language and to decrease the degree of subjectivity.

§ 100.3(f) Demonstrated good faith of the operator.

This proposed section identifies and defines three categories which address the timeliness of the operator's actions to abate the violation. The terms "rapid," "normal," and "lack of good faith" representing degrees of good faith are defined and used in a table which spans a range from —10 to +10 penalty points.

The proposed table differed from the present table in that —3 points would have been given for normal compliance as compared to 0 points in the present table.

Some commenters suggested that the table should offer more specificity, and should address the quality as well as the speed of abatement actions. Many commenters favored a further increase in the incentives for rapid compliance efforts.

In reviewing both the existing good faith criterion and suggestions calling for increased specificity or latitude, significant questions are raised as to whether the refinements set forth in the proposal will in fact produce the maximum incentive for operator abatement of hazards which endanger the safety and health of miners. The agency recognizes that inspectors could have a difficult time making meaningful decisions about an operator's extraordinary efforts relative to the degree of quality and speed of abatement. Therefore, as an alternative to the proposal, MSHA is considering that there be a fixed percentage reduction in the proposed penalty amount for good faith abatement for violations which are assessed through the regular formula system. Under this approach, gravity, negligence, size and history would be assessed under the formula and a penalty amount determined. This amount would then be reduced by a fixed percentage where there is timely abatement. MSHA believes this approach may further encourage timely abatement, and provide a more consistent approach to the application of the good faith criterion. Comments are sought on the following issues: (1) The merits of this approach for considering good faith abatement; and (2) an appropriate percentage to apply.

§ 100.3(g) Penalty conversion table.

This proposed section sets out the table to be used to convert the sum of penalty points to an assessed dollar amount.

The proposed table differs from the present in that violations with ten (10) points or less will be assessed twenty ($20) dollars while the present table sets out individual dollar amounts for one (1) to nine (9) penalty points.

Two issues raised by the comments were whether the table should eliminate penalties below $20 and whether a separate table should be proposed for small mine operators. MSHA notes that should further modifications to the minimum penalty concept be incorporated in the final rule, the conversion table would be retained in its current form, but made applicable only to regular assessments.

§ 100.3(h) The effect on the operator's ability to continue in business.

This proposed section is unchanged when compared to the present regulation. It provides that the operator may submit information with reference to ability to continue in business to the Office of Assessments which may reduce the penalty.

One commenter indicated that the proposal should replace "may" with "shall" in the last sentence, and thereby make it mandatory that the Assessments Office reduce the penalty when the operator shows an adverse effect on the ability to continue in business.

§ 100.4 Determination of penalty; minimum assessment.

As proposed, this section would allow the assessment of a fixed minimum penalty of $20 for violations involving low level gravity and no negligence. In addition, paid violations for which a minimum penalty was assessed would not be included in the operator's history of previous violations.

Commenters generally expressed approval of the concept of a minimum penalty. However, commenters objected that the minimum penalty as proposed was not low enough, that too few violations would actually be assessed the minimum penalty under the proposal, and that inspector judgment would differ with reference to gravity and negligence determinations. Several commenters suggested that the application of a minimum penalty should be expanded to include any violations where the likelihood of injury to miners is low. Other commenters stated that the minimum penalty factors contained in the proposal do not adequately differentiate between serious and nonserious violations, that there should be no penalty for violations which do not pose a risk of substantial impact on safety and health, and that the penalty system should address the probability of injury and severity of the accident.

In response to these objections and suggestions, MSHA is considering applying the minimum penalty to those violations which are not reasonably likely to result in a reasonably serious injury or illness. This criterion for minimum penalty assessment comports with the Agency's present definition of those violations of the Act which are not considered to significantly and substantially contribute to the cause and effect of a mine safety and health hazard. Generally, MSHA believes that this class of violations has a minimal impact upon miner safety and health.

MSHA believes that this approach should focus attention on those violations which have the greatest impact on safety and health. Under this approach, the time necessary to evaluate and administratively process those violations which are not reasonably likely to result in a reasonably serious injury or illness would be reduced, thereby allowing both the agency and mine operators to focus their resources on more serious violations. A more efficient use of safety and health resources was strongly advocated by commenters. MSHA agrees, and believes that this approach should result in a more beneficial allocation of resources for both the agency and the affected mining community.

Hearing participants are specifically requested to focus on this approach to the application of the minimum penalty concept.

§ 100.5 Special assessments.

Although the majority of violations are processed through the regular assessment formula provided in Section 100.3, the nature or seriousness of some violations at times precludes an adequate assessment under the formula. In these instances the special assessment provides an individualized violation review process.

Most commenters favored restricting the categories of instances under which violations are considered for special assessment. However, opinion differed as to which of the enumerated special assessment categories should be deleted. Other commenters felt that special assessments remained a vague area potentially subject to arbitrary application.

As stated in the proposed rule, no category of violation is automatically specially assessed. The categories represent only violations which are reviewed to determine whether a special assessment is needed.

§ 100.6 Procedures for assessment of civil penalties; initial review and conferences.

This proposed section sets out the procedures for processing penalties once the initial penalty amount is proposed. Once an amount is proposed, the section provides for an initial review of the citation or order with notification of results to the appropriate parties. Further, the section sets out the time period during which a conference can be requested along with specifics on place, content, granting of conferences and the time period for payment of the penalty amount.

It is important to note that under MSHA's forthcoming reorganization, the conference function will continue to be available.

Several commenters suggested an increase in the time operators have to request a conference or submit additional evidence after initial review.

Other commenters believed that a conference should be granted as a matter of right and not at MSHA's discretion.

§ 100.7 Issuances of notice of proposed penalty; notice of contest.

This proposed section is unchanged from the present regulation and sets out: (1) under what circumstances a notice of proposed penalty will be served on the parties; (2) procedures for contesting a notice of proposed penalty; and (3) when a proposed penalty becomes final.

One commenter suggested that the section should be amended to reflect that either the citation or the proposed penalty can be contested within thirty (30) days.

§ 100.8 Service.

This proposed section differs from the present regulation in that a third category is added which provides that service for operators who fail to file under 30 CFR Part 41 will be upon the last known business address recorded with MSHA. There were no significant comments on this proposed section.

Dated: January 11, 1982.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 82-1141 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Alabama Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed Rule: Notice of Receipt of Permanent Program Resubmission: Schedule for Public Hearing and Public Comment Period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of the proposed Alabama regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which has been resubmitted by the state. The resubmission consists of the entire regulatory program which was disapproved by the Secretary of the Interior in his initial decision on October 16, 1980, (45 FR 68665-68673).

This notice sets forth the times and locations that the Alabama program is available for public inspection; the date when and location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the proposed Alabama program resubmission will be held at Jasper, Alabama on February 11, 1982 at the address listed under Addresses.

Comments from members of the public must be received on or before the close of business on February 16, 1982, in order to be considered in the Secretary's decision on the proposed Alabama program resubmission.

ADDRESSES: The public hearing will be held at the Holiday Inn, 1400 US Highway 78 Bypass, Jasper, Alabama. Written comments should be sent to: Mr. W. Hord Tipton, Acting Regional Director, Office of Surface Mining, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee, 37902, or may be hand delivered to the Regional Office.

Copies of the full text of the proposed Alabama program and OSM's administrative record on the program review are available for review during regular business hours at the following locations:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, TN 37902

Office of Surface Mining Administrative Record Room, Room 5315, 1100 L Street NW., Washington, D.C. 20204

Alabama Surface Mining, Reclamation Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, AL 35501

Alabama Surface Mining, Reclamation Commission, 100 Third Street, Fort Payne, AL

A copy of this notice along with a copy of the Alabama statutes and regulations regarding the proposed Alabama regulatory program has been placed on file and is available for inspection in the library of the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional

Director, State and Federal Programs, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee, 37902. Telephone: (615) 971–5104.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Alabama. The program was submitted by the Director of the Alabama Surface Mining Reclamation Commission, the State primary regulatory authority, at the direction of the Governor's Office. Notice of receipt of the submission initiating the program review was published in the March 12, 1980, **Federal Register** (45 FR 15947–15948) and in newspapers of general circulation within the State. The announcement noted information for public participation in the initial phase of the review process relating to the OSM Regional Director's determination of whether the submission was complete.

On April 14, 1980, a public review meeting on the program and its completeness was held by the OSM Regional Director in Jasper, Alabama. April 14, 1980, was also the close of the public comment period on completeness, which had begun March 12, 1980.

On April 29, 1980, the OSM Regional Director published notice in the **Federal Register** announcing that he had determined that the program did not fulfill the content requirements for program submissions under 30 CFR 731.14 (45 FR 28367–28368). In accordance with § 732.11(c) and (d) of the permanent program regulations, as amended on May 20, 1980 (45 FR 33926–33927), the Regional Director's notice identified the elements missing from the Alabama submission and established June 16, 1980, the 104th day after program submission, as the final date for submission of a revised program.

Alabama did not submit major additions and/or modifications to the incomplete program of March 3, 1980.

On June 26, 1980, the Secretary published notice in the newspapers of general circulation within Alabama and in the **Federal Register** (45 FR 43220–43221) of a public hearing and its procedures and of the comment period to review the substance of the Alabama program submission. On July 11, 1980, public comment was invited on a tentative list of provisions in the Alabama program which appeared to be based on suspended and remanded Federal rules (45 FR 46820–46826).

On July 24, 1980, the public hearing on the Alabama program submission was held in Jasper, Alabama. The public comment period on the Alabama program ended on July 28, 1980.

On August 4, 1980, the OSM Regional Director submitted to the Director of OSM his recommendation that the Alabama program be disapproved, together with copies of the transcript of the public meeting and the public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the administrative record.

On August 13, 1980, the Secretary, pursuant to 30 CFR 732.13(b)(1), publicly disclosed the comments received on the Alabama program from the Environmental Protection Agency, the Secretary of Agriculture, and other Federal agencies (45 FR 53841).

On September 16, 1980, the Director recommended to the Secretary that the Alabama program be disapproved.

On September 17, 1980, the Secretary disapproved the Alabama program submission.

The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the disapproval by the Secretary (45 FR 68665–68673) published on October 16, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Alabama had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. On November 12, 1980, in Civil Action No. CF 80–369, the Circuit Court of Walker County, Alabama enjoined the Alabama Surface Mining Reclamation Commission from submitting or resubmitting to OSM the Alabama Permanent State Program. Civil Action No. CF 80–369 expired on November 12, 1980, and the state submitted its revised program for consideration on January 11, 1982.

In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 30 days for public review and comment. The comment period announced today ends at 4:00 p.m., on February 16, 1982. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the State of Alabama will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal and non-Indian lands in Alabama. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of these activities on Federal lands in Alabama. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Alabama. To codify decisions on state programs, Federal programs, and other matters affecting individual states, OSM has established Subchapter T of 30 CFR, Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Alabama will be found in 30 CFR Part 901 after Alabama's resubmission has been approved or disapproved.

At the public hearing on February 11, 1982, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted

to supplement, or in lieu of, an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedures in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of the state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperations by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's disapproval of the initial program submission (45 FR 68685–68673) published on October 16, 1980. That document contains detailed findings and explanations relating to the initial submission.

Set forth below is a summary of the contents of the resubmitted Alabama program.

(a) State Law and Regulations.
(b) Other Related State Laws.
(c) Attorney General's Opinion.
(d) Delegation of Regulatory Authority.
(e) Structural Organization-Staffing Functions.
(f) Supporting Agreements Between Agencies.
(g) Narrative Description for:
(1) Issuing Exploration for Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding-Insurance.
(4) Inspecting and Monitoring.
(5) Enforcing the Administrative, Civil and Criminal Sanctions.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalties.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinates with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters.
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review.
(16) Providing a Small Operator Assistance Program (SOAP).
(h) Statistical Information.
(i) Summary of Staff with Titles, Functions, Job Experience and Training.
(j) Description of Staffing Adequacy.
(k) Projected Use of Other Professional and Technical Personnel.
(l) Budget Information.
(m) Physical Resources Information.
(n) Other Programs Administered by the Regulatory Authority.

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. This document is not a major rule under E.O. 12291; therefore no Regulatory Impact Analysis is being prepared on this approval.

Dated: January 12, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1170 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-05-M

---

30 CFR Parts 716 and 826

Second-Cut Remining; Correction; Extension of Comment Period; Public Hearing

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; correction and extension of comment period and public hearing dates.

SUMMARY: OSM is revising the dates for receiving public comments and for holding a public hearing for 30 CFR 716.2(a) and 826.12(b), second-cut remining, published January 7, 1982, in the **Federal Register**.

DATES: The public comment period is being extended to February 8, 1982. All comments must be received by 5:00 p.m. on February 8, 1982, at the address listed below. The public hearing is being rescheduled to be held on February 1, 1982 at 9:30 a.m. at the address below.

Representatives of OSM will be available to meet with interested persons upon request before the close of the public comment period.

ADDRESSES: Written comments must be mailed to: Administrative Record (TSR-13), Office of Surface Mining, Room 5315–L, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

Comments may be hand carried to the following addresses:

Office of Surface Mining, Room 239, 1951 Constitution Avenue NW., Washington, D.C.
Office of Surface Mining, 1100 "L" Street NW., Room 5315, Washington, D.C.

A public hearing will be held at the Main Auditorium, Department of the Interior, 18th and C Streets, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Engineering Analysis Division, 1951 Constitution Avenue, NW., Washington, D.C. 20240, 202–343–5244.

Dated: January 11, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1080 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-05-M

---

30 CFR Part 948

Cancellation of Public Hearing on Modified Portions of the West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of public hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of a public hearing on the substantive adequacy of program modifications to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) submitted by West Virginia pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and 30 CFR 732.17.

This notice cancels the public hearing but does not alter the time and location at which the West Virginia program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATES: The following hearing is cancelled: The public hearing on the proposed modifications to the West Virginia program, January 18, 1982.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining, Reclamation and Enforcement, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

Copies of the West Virginia program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Region I Office and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125

Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW,, Washington, D.C. 20240, Telephone: (202) 343–4728

West Virginia Department of Natural Resources, Building 3, Room 630, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348–9160

FOR FURTHER INFORMATION CONTACT:

Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125.

SUPPLEMENTARY INFORMATION:

On April 29, 1981, West Virginia provided a copy of proposed coal refuse disposal regulations to OSM for review (Administrative Record No. WV–400). On June 8, 1981, OSM provided an informal listing of deficiencies found in the proposed regulations (Administrative Record No. WV–401a) and informed the State that the promulgated regulations must be submitted as a formal program amendment which would be subject to public comment.

The regulations were promulgated on October 1, 1981, and submitted as a program amendment on October 29, 1981. On December 21, 1981, notice of opportunity for public hearing on the proposed modifications to the West Virginia program, was published in the **Federal Register** (46 FR 61897). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Ms. Struminski by January 4, 1982, and that if no person contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by January 4, 1982, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m., on January 20, 1982, to be considered in the Director's decision on whether the proposed amendments are acceptable.

Dated: January 12, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82–1186 Filed 1–14–82; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[ORD–FRL–1962–3]

National Ambient Air Quality Measurement Methodology; Proposed Minor Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: As described in this notice, the U.S. Environmental Protection Agency (EPA) is proposing to revise Appendixes A, B, and C to 40 CFR Part 50. Appendixes A and B set forth the respective reference methods for measuring sulfur dioxide and total suspended particulates in the atmosphere. Appendix C describes the measurement principle and calibration procurement applicable to reference methods for measuring carbon monoxide in the atmosphere. The revisions are needed to clarify certain provisions of these appendixes, to correct certain identified shortcomings, and to incorporate technical improvements developed subsequent to their 1971 promulgation. Although the proposed text of the revised appendixes is substantially rewritten and reorganized in some cases, the revisions are considered minor from a technical aspect. In particular, technical changes have been specifically limited to those that EPA believes will cause no loss of continuity or comparability between ambient measurements made with the existing methods and those made in accordance with the proposed revised methods.

DATE: Comments should be received no later than February 16, 1982.

ADDRESS: Comments (in duplicate, if possible) should be sent to Public Docket No. A–81–34, U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. This docket may be inspected at this address between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT:

Larry J. Purdue, Chief, Methods Standardization Branch (CM–77), Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 (919–541–2685).

SUPPLEMENTARY INFORMATION: When the National Ambient Air Quality Standards (NAAQS) prescribed in 40 CFR Part 50 were promulgated in 1971, an appendix to Part 50 was provided for each standard to describe a reference method for measuring that pollutant. Since then, several of these appendixes (C, D, and F) have undergone major revisions to (1) establish the "measurement principle and calibration procedure" concept for automated reference methods, (2) supersede an existing reference method with a new measurement principle and calibration procedure, or (3) replace a calibration procedure with a substantially better procedure. Also since 1971, it has become apparent that several other appendixes should be changed—but only to a minor extent—to incorporate clarifications and relatively minor technical improvements in the current methodology. Accordingly, such changes are hereby proposed.

Minor revisions are proposed to three appendixes: Appendix A, "Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)"; Appendix B, "Reference Method for the Determination of Suspended Particulates in the Atmosphere (High-Volume Method)"; and Appendix C, "Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)". The specific nature, rationale, and technological effect of the revisions for each appendix are subsequently described in detail. In some cases, the text of the appendix is substantially rewritten and somewhat reorganized. However, in all cases, the technical changes are limited to those that will not jeopardize the continuity or comparability of ambient measurements made according to the proposed revised method with those made previously according to the existing method. For Appendix C, the measurement principle and calibration procedure are simply clarified, and no technical changes are proposed.

Comments

The method revisions, particularly those in Appendix B (High-Volume Method) have been extensively reviewed by experts in monitoring methodology, both within and outside of EPA, and their comments have been incorporated into the proposed revisions to the extent possible. During the current comment period, all interested persons are invited to submit written comments on the proposed revisions set forth here.

All such comments received by EPA during the comment period will be available for inspection during normal business hours at the address indicated previously. After consideration of the comments received, the proposed revisions will be modified as appropriate and will become effective upon final promulgation in the **Federal Register.**

Appendix A.—Reference Method For Sulfur Dioxide

Background

On April 30, 1971, the Environmental Protection Agency (EPA) promulgated (36 FR 8187) a Federal Reference Method (FRM) for the determination of sulfur dioxide (SO_2) in the atmosphere. The FRM was presented in Appendix A of 40 CFR Part 50 (National Ambient Air Quality Standards) and prescribed detailed procedures for sample collection and analysis. Measurements of SO_2 with the FRM are based on collection in potassium tetrachloromercurate (TCM) solution and subsequent spectrophotometric analysis after the addition of formaldehyde and pararosaniline. During sample collection, SO_2 is stabilized as the monochlorosulfanatomercurate complex (TCM–SO_2), which resists oxidation by oxygen in the air.

Prior to the promulgation of the FRM in 1971, research (*1*), (*2*), (*3*), (*4*), (*5*), on pararosaniline methods very similar to the FRM indicated that SO_2 samples collected in TCM were subject to a temperature-dependent decay. Most of these earlier studies focused on the stability of collected samples when stored at room temperature (20° to 25° C). Results by the various investigators were generally in good agreement and indicated that TCM–SO_2 samples decay at a rate of about 1 percent per day. One of the investigators (*3*) observed significant SO_2 losses (decay) when samples were stored at 40° C and noted that such temperatures could occur at some sites during strong solar radiation in summer or overheating in winter.

Nevertheless, following promulgation of the FRM in 1971, it became common practice during typical field use to house the sampling equipment in a thermostated sampling unit at 32° C and, after sample collection, to transport the 24-hour samples back to the analytical laboratory in containers that generally had no means of controlling the temperature. Often, collected samples remained in the sampling unit several days before being transported back to the laboratory by the field operator, but were often sent through the mail. Once received by the analytical laboratory, samples might be stored for several days or even weeks at either room temperature or in a refrigerator. Thus, prior to analysis, samples were exposed to a variety of temperatures for various lengths of time. Temperature exposures were often extreme, especially during the summer months at sites with relatively little protection from the elements (e.g., rooftop locations).

Subsequent to the promulgation of the FRM, additional studies were conducted to determine the effects of temperature and other parameters on the FRM. In a study by the Texas Air Control Board (*6*), the decay rate of TCM–SO_2 samples at temperatures ranging from −15° to 43° C was investigated. The observed decay per day for samples corresponding to the 30-minute ambient SO_2 concentrations of 0.1 and 0.3 ppm was approximately 1 to 1.5 percent at −15° C and 13° C, 2 to 2.5 percent at 30° C, and 14 to 32 percent at 43° C. In another study, the Illinois EPA (*7*) monitored the internal temperature of a typical SO_2 sampler unit under varying ambient air temperature and operating conditions. The internal temperature averaged about 35° C and frequently exceeded 45° C over 10 test days during which the ambient temperature varied from 4.4° to 34.4° C (40° to 94° F). The decay rates of TCM–SO_2 samples corresponding to 24-hour ambient SO_2 concentrations from 33 to 260 μg SO_2/m^3 (0.013 to 0.1 ppm) were examined at temperatures ranging from 10° to 45° C (50° to 112°). Significant losses of SO_2 were observed at temperatures above 27° C (80° F). The observed decay rates were about 10 percent per day at 35° C (95° F) and 40 to 50 percent per day at 45° C (112° F).

EPA Temperature Effect Study

As a result of these reported temperature-related problems with the FRM and other similar reports, EPA undertook an investigation (*8*) to determine the effect of temperature on the stability of collected TCM–SO_2 samples. Simulated field samples representing 24-hour SO_2 concentrations from 35 to 278 μg SO_2/m^3 (0.013 to 0.106 ppm) were exposed to temperatures ranging from 20° C to 50° C. At a given exposure temperature, the rate of decay was found to be independent of SO_2 concentration. The equation best fitting the data was described by an exponential curve of the form:

$C = C_o e^{-kt}$

where

C = concentration measured at time = t, μg SO_2/mL

C_o = concentration measured at t = 0, μg SO_2/mL

k = rate of decay, day $^{-1}$

t = time, day

The average decay rates for each exposure temperature are given in Table 1 and indicate about a fivefold increase in decay rate for each 10° C rise in temperature.

TABLE 1.—EFFECT OF TEMPERATURE ON PERCENT DECAY PER DAY

Temperature, °C	Average rate of decay (k)	Percent loss per day
20	0.009 day^{-1}	0.9
30	0.051 day^{-1}	5.0
40	0.287 day^{-1}	25.0
50	1.33 day^{-1}	73.4

Based on the decay data, an equation was derived to relate decay rate to temperature. The equation

$\ln k = 46.735 - 19681 \left(\frac{1}{T}\right)$,

where T = temperature in K° can be used to calculate the rate of decay at any temperature within the range of 20° to 50° C and to estimate the rate of decay outside this range. The calculated rate of decay at 22° C is 1.3 percent per day, which is in good agreement with the value of 1 percent per day reported in the earlier literature.

Using the decay data, Table 2 was constructed showing the percent of SO_2 remaining in the TCM absorbing solution after exposure to various temperatures. The table shows that sample collection at 25° C results in only a 1.1-percent loss in SO_2 during the 24-hour sampling period, but that further exposure of the collected sample for 4 days at this temperature leads to a 10-percent loss in SO_2.

TABLE 2.—EFFECTS OF TIME AND TEMPERATURE ON COLLECTED SO_2-TCM SAMPLES

°C	°F	Percent SO_2 remaining							
		At end of sampling	Day						
			1	2	3	4	5	6	7
5	41	99.9	99.8	99.8	99.8	99.7	99.7	99.6	99.6
10	50	99.9	99.8	99.7	99.6	99.5	99.4	99.3	99.2
15	59	99.8	99.4	99.0	98.6	98.2	97.8	97.4	97.0
20	68	99.8	98.7	97.6	96.9	96.1	95.2	94.3	93.5
25	77	98.9	95.7	94.4	92.2	90.2	88.1	86.1	84.2

TABLE 2.—EFFECTS OF TIME AND TEMPERATURE ON COLLECTED SO_2-TCM SAMPLES—Continued

°C	°F	Percent SO_2 remaining							
		At end of sampling	Day						
			1	2	3	4	5	6	7
30	86	97.4	92.2	87.4	82.8	78.5	74.3	70.4	66.7
35	95	95.1	84.0	74.1	65.5	57.9	51.2	45.2	39.9
40	104	87.6	66.8	50.8	38.7	29.5	22.5	17.2	13.0
45	113	75.3	41.4	22.7	12.5	6.9	3.8	1.9	1.1
50	122	56.3	15.6	4.3	1.2	0.9	0.1	0	0

EPA Bubbler Temperature Study

As a result of the EPA temperature effect study, EPA conducted an investigation (*9*) to (1) characterize the temperatures that TCM absorbing solutions might be exposed to before, during, and after routine ambient air sampling, and (2) evaluate techniques for controlling absorbing solution temperatures during routine use of the method. Two commercially available sampling shelters were utilized in this study. The Indoor Five-Gas Sampler® consists of a thermostated compartment in which the five-gas sampling system is housed and a separate external sampling pump. The All-Weather Five-Gas Sampler® consists of a shelter that houses a temperature-controlled five-gas sampling system in one section and a sampling pump in a separate ventilated section. Both samplers were equipped with a standard heater controlled at 32° C.

Initially, tests were conducted with the two samplers in an environmental chamber capable of maintaining the desired test temperature within ±0.5° C over the range of 0° to 50° C. The tests showed that at chamber temperatures above 20° C, the temperatures inside the samplers were elevated enough to cause significant decay in collected TCM–SO_2 samples.

Additional tests were conducted under actual sampling conditions using the All-Weather sampler equipped with a thermostated heater. Ambient temperature varied from about 5° to 20° C during the tests, while the temperature inside the sampler varied from about 10° to 30° C. The test results were somewhat inconclusive (poor correlation between ambient temperature and sampler temperature) and suggested that the temperature inside the sampler may be affected by other external meteorological conditions such as windspeed and wind direction.

A final test was conducted to determine the temperature of the TCM absorbing solution in the Indoor sampler during sampling under various chamber temperature conditions. The results indicated that decay of SO_2 could be a problem when the sampler is operated with a 32° C controlled heater and when the ambient temperature exceeds 8° C.

The remainder of this study focused on investigating various measures to control the TCM absorbing solution temperature during and after sampling. One of the approaches evaluated was the use of a commercially available, 1.5–ft^3 (42–L) refrigerator to house the SO_2 absorber. Test results showed that the TCM solution temperature could be maintained at 12° ±5° C at ambient temperatures of 25° to 50° C. To prevent solutions from freezing at ambient temperatures below 20° C, a small heater strip was installed in the refrigerator to keep the temperature above 7° C. Condensation in sample inlet lines and in the absorber was a problem when the relative humidity of the sample stream was high. Wrapping the sample inlet line with standard water pipe insulation or a heater tape minimized or eliminated the condensation.

Another approach investigated was the use of a thermoelectrically controlled chamber to house the SO_2 absorber. Three prototype thermoelectric coolers were evaluated and found to be capable of maintaining the TCM solution temperature 12° ±5° C over an ambient temperature range or 0° to 50° C. Two of these devices were designed to be incorporated into the existing Indoor or All-Weather samplers. Minor modifications to each of the samplers were required to provide proper ventilation for the thermoelectric cooler. The third device was a prototype three-gas sampler with cooling capability for one of the three absorbers.

The use of styrofoam containers equipped with a eutectic mixture for cooling was evaluated as a means of shipping collected samples. The temperature of a TCM solution was maintained below 21° C for up to 50 hours at ambient temperatures up to 50° C. In a test in which exposure temperatures were varied from 25° to 40° C for varying periods of time (simulated transit conditions), TCM solution temperature was maintained below 21° C for as long as 62 hours.

Other Reference Method Deficiencies

In addition to the temperature-dependent sample decay problem, several other shortcomings that affect the precision and accuracy of SO_2 measurements obtained with the existing FRM have been identified.

The use of a needle valve/flowmeter combination, currently prescribed as one of two flow control techniques, has been found to be generally unreliable at low flow rates over a 24-hour sampling period. Furthermore, reliance on a single sample flow measurement (at the initiation of sampling) is also recognized as inadequate. Calibration of flow control devices under conditions (temperature and pressure external to the sampling train) different from those encountered during routine sampling can often introduce errors in the air sample volume measurements. The flow measurement procedure as currently prescribed is not sufficiently explicit. No specifications are given regarding the constancy of the flow rate over the sampling period. Quality control measures to ensure acceptable precision and accuracy in the overall measurement process are generally lacking throughout the existing method description.

Although not technically deficient, the currently prescribed dynamic calibration procedure is impractical when applied to the 24-hour procedure. With the current procedure, preparation of calibration standards requires 6 days unless multiple concentrations are generated and sampled simultaneously.

Proposed Revisions

Many of the reference method shortcomings discussed above can be corrected or their effects minimized by:

- The use of adequate temperature control during sample collection, shipment, and storage.
- The use of more reliable flow control and flow measurement techniques during sample collection.
- The incorporation of more explicit specifications, instructions, and quality control measures throughout the method.

In developing the FRM revisions, the comparability between SO_2 measurements obtained with the original and revised versions of the method is an important consideration. Ambient SO_2 measurements obtained with the original FRM under conditions of extreme temperature exposures are highly suspect because of the demonstrated temperature-dependent decay problem. The data base, from promulgation of the FRM in 1971 to early

1976 is, no doubt, biased low. In December 1975 (*10*) the EPA regional offices were apprised of the temperature sensitivity of the SO_2 reference method. At that time, EPA recommended that agencies making SO_2 measurements with the FRM carry out the method in such a manner that TCM absorbing solution temperatures be maintained at 25° C or less during sampling and that the temperature of collected samples be maintained at 20° C or less until analysis. Since that time, most agencies that use the FRM have incorporated temperature control measures in their procedures. Thus, the data base from early 1976 to the present is much less likely to be affected. Furthermore, the comparability between future data and data from 1976 to the present is not expected to change, since the proposed revisions merely formalize the recommendations and guidance given in 1975.

The economic impact on monitoring agencies was also considered and every attempt was made to keep the cost of implementing the proposed changes in the revised method as low as possible. With the exception of one change, the costs should be minimal. Much of the additional equipment required in the revised method is available in most analytical labortories. An exception is the cooler for controlling the absorbing solution temperature during and after sampling (until shipment to the analytical laboratory). Cooler costs range from approximately $150 for a small refrigerator to $600 for a thermoelectric cooler specifically designed for SO_2 sampling.

Section-by-Section Changes

The numbers given below correspond to similarly numbered sections in the revised method.

1.0 *Applicability.*

1.1 Since the principle and applicability of the method are not necessarily related, these descriptive elements have been separated into individual sections. (This, of course, changes the section numbering.) The applicability section is clarified to specifically reference monitoring for compliance with the NAAQS for SO_2. The revised method includes the formal specifications and procedures, with additional quality assurance techniques and other guidance described in other documents, principally 40 CFR Part 58 and the Quality Assurance Handbook.

2.0 *Principle.*

2.1 This section has been expanded and reworded to describe the principle more explicitly and to clarify that the reported measurements are expressed as micrograms per cubic meter of air corrected to EPA reference conditions (25° C, 760 mmHg).

3.0 *Range.*

3.1 This section has been reworded to specify the range limits of the analytical procedure and gives the corresponding ambient SO_2 concentrations when the prescribed short-term and long-term sampling procedures are used.

4.0 *Interferences.*

4.1 This section has been reworded and expanded to include a statement regarding interference by ammonia.

5.0 *Precision and Accuracy.*

5.1 These two descriptive elements have been separated from the discussion of the stability of the TCM–SO_2 complex. This section gives the precision of the analytical procedure.

5.2 This new section has been added to give estimates of the precision (repeatability and reproducibility) of the 24-hour procedure based on collaborative test data. A statement about the accuracy (bias) of the method based on these data has also been added.

6.0 *Stability.*

6.1 The discussion of the stability of the collected TCM–SO_2 complex has been placed in a separate section and the section has been expanded to include a statement regarding retention of the complex during sampling.

7.0 *Apparatus.*

7.1 *Sampling.* This section has been expanded to include descriptions and/or specifications for all equipment and supplies required for both short-term and long-term sampling. Thermoelectric coolers, small modified refrigerators, or other means of controlling temperature are now required to maintain the temperature of the TCM absorbing solution at 15° ± C during sampling.

7.2 *Shipping.* This new section has been added to include a requirement for the use of a shipping container that can maintain the temperature of collected TCM–SO_2 samples at 5° ±5° C during shipment to the analytical laboratory.

7.3 *Analysis.* This section has been expanded to include more explicit requirements for spectrophotometer wavelength calibration and cell matching. A temperature control device is also now required during the color development step of the analytical procedure. The device must be capable of maintaining solution temperatures to ±1° C in the range of 20° to 30° C. A waste receptacle is required for the storage of spent TCM solutions.

8.0 *Reagents.*

8.1 *Sampling.* This section has been expanded to include a procedure for testing the purity of the distilled water used in the preparation of reagents and in the analytical procedure.

8.2 *Analysis.* This section has been expanded to include instructions for the preparation of all reagents used in the calibration and analytical procedures. Procedures for purification and assay of the pararosaniline dye have also been included in the revision.

9.0 *Sampling Procedure.*

9.1 *General Considerations.* The step-by-step procedures for sample collection, analytical calibration, and sample preparation and analysis have been separated into individual sections and have been ordered in the sequence that they would be carried out during routine use of the method. This first section contains general guidance for sampling when the prescribed sampling procedures are not appropriate to meet the special needs of the method user.

9.2 *30-Minute and 1-Hour Sampling.* This section has been expanded to include more explicit instructions for short-term sampling.

9.3 *24-Hour Sampling.* This section has been expanded to include more explicit instructions for long-term sampling. During the sampling period, the absorbing solution temperature must be controlled to 15° ±10° C.

9.4 *Flow Measurement.* This new section has been added to give more explicit instructions for the measurement of sample flow rate. All flow controllers must be calibriated in the sampling train with absorber in solution in place. Sample flow measurements must be obtained both prior to and following the sampling period and the sample must be invalidated if the difference between the intial and final flow rates exceeds 5 percent.

9.5 *Sample Storage and Shipment.* This new section has been added to give instructions regarding sample storage and shipment. After sample collection, a mark is placed on the absorber or shipping bottle indicating the volume of solution remaining. This mark is used later to verify that the solution volume has not changed during shipment of the sample to the analytical laboratory. The sample must be shipped and/or stored at 5° ±5 C unless it is analyzed within 8 hours of the end of the sampling period.

10.0 *Analytical Calibration.*

10.1 *Spectrophotometer Cell Matching.* This new section has been added to incorporate a procedure for spectrophotometer cell matching and determination of corrected absorbance.

10.2 *Static Calibration Procedure (Option 1).* This section has been reworded.

10.3 *Dynamic Calibration Procedures (Option 2).* This section has been expanded to incorporate dynamic calibration procedures applicable to short-term and long-term sampling procedures. The short-term procedure is carried out using sampling conditions identical to those used during field sampling. The long-term procedure is carried out using a high concentration of SO_2 and varying collection times.

11.0 *Sample Preparation and Analysis.*

11.1 *Sample Preparation.* This section has been expanded to include more explicit instructions for sample preparation. Solution temperature and volume are verified and the volume is adjusted as required. The sample must be invalidated if the sample volume differs by more than 10 mL from the original volume.

11.2 *Sample Analysis.* This section has been expanded to include more explicit instructions for sample analysis. The color development step must now be carried out within ±1° C of that temperature used during the analytical calibration. Two control standards must be prepared and analyzed with each batch of field samples.

11.3 *Absorbance Range.* This section has been reworded and expanded to include a recommendation that samples be reanalyzed using a smaller aliquot when dilution ratios greater than 1.1 are required to obtain absorbance readings below 1.0 absorbance units.

11.4 *Reagent Disposal.* This new section has been added and requires that spent reagents containing mercury be stored and disposed of using one of the procedures in Section 13.0.

12.0 *Calculations.*

12.1 *Calibration Slope, Intercept, and Correlation Coefficient.* This new section has been added to give instructions and a data form for calculating the slope, intercept, and correlation coefficient for the analytical calibration curve.

12.2 *Total Sample Volume.* This section has been revised to give an equation for calculating the air sample volume from the initial and final standard flow rates and the sampling time.

12.3 *Sulfur Dioxide Concentration.* This section has been revised to be consistent with the revised calibration procedures and other changes in the method.

12.4 *Control Standards.* This new section has been added to allow for the calculation of the amount of SO_2 in the control standards. The difference between the true and analyzed values of the control standards must not be greater than 5 percent.

12.5 *Conversion of $\mu g/m^3$ to ppm.* This section has not been revised.

13.0 *Disposal of Mercury-Containing Solutions.* This new section describes two procedures for disposing of spent mercury-containing solutions. One procedure is based on the formation of an amalgam with zinc or magnesium and the other uses aluminum foil strips to convert the mercury to its elemental form.

14.0 *References.*

New references have been added as required.

Appendix B.—Reference Method for Total Suspended Particulate Matter

Background

Since its promulgation in 1971 (36 FR 8187), the Federal Reference Method (high-volume method) for total suspended particulates (TSP) has presented a number of significant problems to method users and sampler manufacturers. Specifications and tolerances are insufficiently explicit, the calibration procedure is unclear, pressure and temperature corrections contain errors, and there is little provision for the incorporation of recent technological improvements such as automatic flow control and alternative flow measurement devices. Because of the wide ranges of flow and inlet sizes currently allowed, samplers of similar appearance may have substantially different particle capture air velocities, which could cause differences in the size range of particles collected.

These problems can lead to unnecessary variability in measured TSP values. Many of these shortcomings can be corrected rather readily by more carefully and scientifically selected specifications, which should both reduce the method variability and at the same time allow additional flexibility for sampler manufacturers to develop and incorporate technological improvements.

It is recognized that EPA is currently reviewing the ambient air quality standard for particulate matter. One possible outcome may be the establishment of a standard based on particulates of a defined size range (inhalable particulates). If this course is taken, EPA intends to promulgate a new reference method for measuring inhaled particulates (IP). Nevertheless, promulgation of a revised TSP method is still justified because it will be very useful, during the interim time period prior to the establishment of any new ambient air quality standard, for historical continuity in trend analysis and for the measurement of another criteria pollutant, lead. It is also quite possible that a grandfather clause may be introduced to permit continued use of TSP measurements until such time as new monitoring equipment becomes available and can be purchased and installed by monitoring agencies. Finally, it would be desirous to determine if any quantitative relationship exists between the present TSP method and any new method that may be established for national trend monitoring purposes.

Objectives

The objectives of the revised method are to:

- Clarify specifications and tolerances so that sampler variability is reduced and sampler manufacturers and users will better understand what is acceptable and unacceptable.
- Change, where possible, to functional specifications to allow sampler manufacturers more flexibility to incorporate innovations and improvements.
- Provide more stringent specifications and guidance applicable to the design of new samplers.
- Provide a more explicit calibration procedure and clarify temperature and pressure corrections.

In developing the method revisions, an overriding constraint was to maintain basic comparability between TSP measurements obtained under the original and revised methods. This is extremely important because of the extensive existing data base of TSP measurements and the magnitude of resulting control requirements. Comparable TSP data will likely continue to be important for trend analysis and for ambient lead measurements. Accordingly, all the proposed changes in the revised method are intended to decrease the variability—i.e., reduce the uncertainty in the TSP measurements—without causing any bias or change in the comparability to the previously collected TSP meaurements. In some areas, this severely restricts the extent of any technical changes that can be incorporated.

Another important consideration in revising the method was to minimize the impact on the current TSP monitoring effort. Thus, revised method specifications must attempt to reduce the variability in new samplers without requiring the replacement of large numbers of samplers currently in use. These opposing objectives are particularly challenging because of the lack of clarity in the original specifications and because of the variety of samplers in use, some of which even predate the 1971

specifications. The revised method strives to accommodate both objectives with a combination of "grandfather" provisions (specific exclusions for existing samplers) and voluntary compliance with suggested "ideal" specifications. Monitoring agencies will be encouraged to check and replace any nonconforming samplers and to phase out older, marginal samplers as funds become available for newer samplers. A new IP standard requiring new monitoring methods would surely reduce the number of TSP samplers required and thereby allow retirement of many old samplers. Finally, many of the proposed changes in the revised method are in the calibration procedures, and such changes can, of course, be readily implemented with little or no economic impact.

In view of the restrictions described above, the changes contained in the revised method are minor to the extent that no changes have been made to the basic principle or comparability of the method, and no substantial impact will result to monitoring agencies. Although the actual language of the method has been changed extensively, the effect of the changes is limited to clarification and control of variability. EPA firmly believes that any apparent differences in ambient measurements that may be observed between the original method and the revised method will be less than the actual *uncertainty* in TSP measurements under the original method. Because of the lack of clarity and wide tolerances of some of the specifications, the maximum variability permitted by the original method is likely to be considerably greater than that observed under typical conditions.

Most Salient Issues

Inlet design. Perhaps the most significant and complex issue is the matter of the sampler air inlet and its relationship to the size of particles collected. Since the original sampler inlet design was only vaguely suggested by a simple line drawing, it was apparently not intended to provide any sort of particle size discrimination. But the inlet geometry does affect the size of particles collected, although the suggested geometric configuration is too simple to provide any sharp cutoff in particle size. A specification is provided for the clearance area between the roof and the main housing at its closest point (580.5 cm^2), but the specified tolerance (±193.5 cm^2) is ±33 percent, which is not very restrictive. Moreover, the specified flow range of 1.13 to 1.70 m^3/min (40 to 60 ft^3/min) allows the inlet velocity to range from 24.3 to 73.2 cm/s—a range of 200 percent. Since the size of collected particles is related to this inlet velocity, such a large velocity range could significantly affect the upper limit of the particle size collected. Changes in the upper particle size limit contribute to overall variability, particularly because of the day-to-day and site-to-site variation in the concentration of large particles (which tend to settle out at low windspeeds).

To complicate matters further, most older samplers (11½" x 14") had clearance area around 450 cm^2, which is near the lower limit of the specified range (367–774 cm^2), and newer (15" x 15") samplers have clearance areas as low as 340 cm^2—apparently below the lower range limit. However, measuring the clearance area at the closest point between the roof and the housing may not be plausible. An alternative concept suggests that whether particles are captured or not captured by the sampler depends on their aerodynamic size and the vertical air velocity in the "capture area" between the lower edge of the roof overhang and the side of the shelter housing.

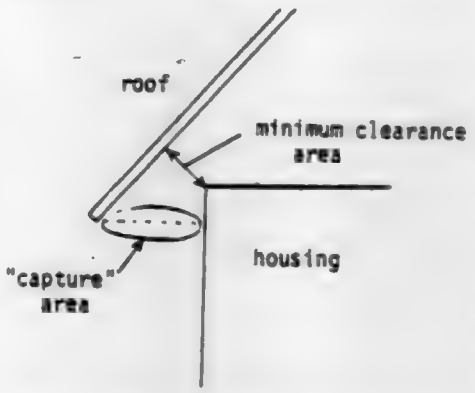

Once a particle is moving vertically in this capture area, the air velocity increases to a maximum at the minimum clearance area and the particle is collected. Thus, the inlet area used to calculate this "capture air velocity" should be measured in a horizontal plane at the lower edge of the roof overhang, not at the closest point between the roof and the sampler housing.

Of course, this simple concept does not take into account the disturbances caused by windspeed at the air inlet and the fact that the air velocity is not vertical at the inlet. However, in view of the simple design of the sampler inlet, this analysis is not unreasonable. Based on this capture area concept, typical high-volume samplers are estimated to have inlet areas ranging from 700 to 900 cm^2. However, the inlet areas of older samplers may vary widely if the roof is improperly mounted or improperly latched after a filter change, or if the sampler or roof is bent or distorted. Also, on many current samplers, the inlet is not uniform on the four sides of the sampler.

To provide greater sampler-to-sampler uniformity, the particle size sampling characteristics—and hence the capture velocity—should be more closely controlled. The revised method, therefore, uses the above approach and specifies capture velocity rather than inlet area. The inlet area would be required to be sized to provide a capture air velocity of between 20 and 35 cm/s at the recommended operational flow rate. This velocity range is considerably narrower than the currently allowed range. In addition, an "ideal" velocity of 23 ±2 cm's is given as a nominal design specification for new, flow-controlled samplers. This specification is based on the average or typical capture air velocity for most samplers currently in use. Older samplers having capture velocities outside this specified range would have to be modified, either by changing their flow rate or by a physical change to the inlet area, to meet the velocity specifications.

At the specified capture velocity, particles of approximately 60μm and smaller aerodynamic diameter would be collected by the sampler, based on the settling velocity of particles with a density of 1 g/cm^3. This captured size range should be comparable to—but more uniform than—current samplers because the capture velocity would be the same as the current average but would be better controlled. However, this particle size limit is approximate because (1) actual particles are irregularly shaped and vary in density; (2) the simple geometry of the sampler provides a broad rather than a sharp size cutoff characteristic; (3) capture velocity will still vary with changes in temperature, pressure, flow rate, and inlet area; and (4) changes in windspeed significantly alter the sampler characteristics.

A capure velocity of 23 cm/s (0.5 mph) is very low with respect to typical ambient windspeeds. Hence, wind can significantly change the particle size characteristics of the sampler. This

effect has been confirmed by wind tunnel tests. There is very little that can be done to reduce the windspeed effect short of a more sophisticated inlet design. In the interest of data comparability, the revised method specifies no new or improved inlet design. Similarly, there is no attempt to improve the particle size selectivity or the sharpness of the size cutoff.

Another inlet characteristic that causes variability in TSP measurements is the rectangular shape of the sampler and the gabled roof, which obviously lead to directional sensitivity. A circular design with respect to the central vertical axis, with a domed or conical roof and an annular inlet area, would certainly reduce this directional sensitivity. However, such a substantial change in the shape of the sampler could likely lead to apparent, if not actual, loss of comparability with current TSP measurements. Therefore, the rectangular shape and gabled roof are retained in the revised method.

Flow rate measurement device. Because of the large volume of air sampled by the sampler, measurement of the total volume of air sampled is not practical. Hence, the total volume must be computed from the flow rate and the sample time period. The flow rate indicator currently specified is a small, inexpensive rotameter connected to measure a portion of the air flow at the sampler air exhaust. This device has been shown to be subject to a variety of errors, including shifts in calibration due to physical changes that alter the fraction of air sampled, deposition of dirt in the rotameter (primarily carbon from the motor brushes), and flow restrictions in the connecting tubing or rotameter outlet.

The current method does allow other types of flow indicators. Another common type consists of a manometer or aneroid pressure indicator to measure the pressure across an orifice plate mounted in the sampler air exhaust. This device is also inexpensive and eliminates many of the errors associated with the rotameter. It is generally reliable, but requires temperature and pressure corrections and is not without its own particular problems associated with the location of the orifice downstream of the motor where brush carbon, turbulence, and temperature gradients can affect measurement accuracy. In a variation of this flow indicator, the orifice is placed in the clean, less turbulent air stream between the filter and the motor. However, this requires a differential pressure indicator because neither side of the orifice is at atmospheric pressure. Also, the calibration of the device must accommodate the change in pressure drop as the filter loads during sampling.

Electronic mass flowmeters have been applied extensively to TSP samplers in the form of flow controllers, but with a suitable readout, they can certainly serve as flow indicators. Although they do not have the inherent mechanical reliability of a fixed orifice and manometer, these flowmeters appear to have adequate reliability and usually require no manual temperature or pressure corrections. The flow sensor is often mounted in the clean, nonturbulent airstream in the neck of the sampler where it senses a portion of the airflow. During calibration, a clean filter is installed on the sampler to insure that the flow pattern at the sensor is the same as it is during normal sampling.

Most other types of flow measuring devices such as venturis, turbine flowmeters, etc., are impractical because of physical or economic considerations.

The revised method allows any type of flow indicator other than the rotameter but provides a resolution specification (0.02 $stdm^3/min$) applicable to new samplers. Since the orifice/manometer and the electronic mass flowmeters are generally the most commonly used, these two types are addressed in the calibration and operational procedures. The rotameter described in the current method would be specifically disallowed 1 year after the effective date of the revised method.

Flow rate transfer standard. The use of transfer standards other than the conventional orifice/manometer type (such as an electronic mass flowmeter) would be permitted.

Filter conditioning environment. Conditioning filters prior to weighing is quite important, as humidity can substantially affect the filter weight. There is some data to indicate that relative humidities less than about 50 percent RH are suitable and necessary, but there are few or no data on temperature range for the conditioning environment. The upper temperature limit has been reduced slightly from 35° to 30° C, but the conditioning specifications are essentially the same as in the current method.

Calibration relationship. As noted above, the orifice/manometer type of flowmeter is commonly used for both the sampler's internal flow indicator and as a flow rate transfer standard. Therefore, the revised procedure addresses this type of flowmeter in detail, including the necessary temperature and pressure corrections. These corrections can be handled in a number of ways, but the most expedient way, used in the revised procedure, is as follows: During calibration, the I or ΔH values from the manometer (or aneroid instrument) are multiplied by the dimentionless expression, $(P_1/760)(298/T_1)$, where P_1 is the barometric pressure and T_1 is the ambient temperature during the calibration. This "corrected" or "normalized" I or ΔH is then used to establish the calibration relationship to the standard flow rate, Q_{std}. During use, the indicated I or ΔH is multiplied by the similar expression $(P_2/760)(298/T_2)$, where P_2 and T_2 are the barometric pressure and temperature, respectively, at the time of use. This "corrected" I or ΔH is then used with the calibration relationship to determine Q_{std}. This process allows the calibration relationship to be used at any pressure and temperature.

Although other forms for the "normalization" expression could have been used, the expression form $(P/760)(298/T)$ was chosen because (1) it is dimentionless when P is in units of mmHg and T is in kelvins, (2) the expression reduces to 1.00 and can, therefore, be ignored when the pressure and temperature are close to EPA reference conditions of 760 mmHg and 298 K, and (3) at normal conditions the "corrected" I or ΔH is usually very close to the uncorrected I or ΔH which many method users have been using previously. The form of this expression is identical to the expression used in gas volume corrections; however, this similarity is entirely coincidental, as the normalization process is *not* a simple gas volume correction. In fact, to obtain a linear calbration relationship, the expression becomes

$$\sqrt{\Delta H(P/760)(298/T)}.$$

A further provision included in the revised method is a variation off the normalization expression to allow geographic, average barometric pressure and seasonal average temperature to be incorporated into sampler orifice calibrations. These average pressure and temperature values approximate the actual values and permit the sampler flows to be obtained without further pressure or temperature corrections each time the sampler is used. For many sites, these approximations cause relatively small errors and considerably simplify the use of the sampler.

Other variations of the normalization expression are also used for other types of flow indicators. The actual expression to be used is selected from Table 1 of the revised method.

Flow adjustment. Under section 7.2.1 of the revised method, new samplers

would be required to have a means to adjust the sampler flow rate to accommodate changes in line voltage and filter pressure drop. This flow adjustment would likely be effected by an adjustment to the motor voltage. Any such adjustment to the motor changes the motor operating conditions, which may result in a significant change in the temperature of the sampler exhaust air. Such a change in temperature could significantly affect the calibration of an orifice flow indicator located in the sampler exhaust. The magnitude of such an effect varies from sampler to sampler and probably varies with different operating conditions, but it is usually not very large. Also, the extent of any flow adjustment needed to accommodate changes in line voltage and filter pressure drop is likely to be small. Therefore, such flow adjustments are allowed without recalibration, and a warning is provided (in Section 8.8) to alert the operator of the potential problem when making a minor flow adjustment.

Section-by-Section Changes

The numbers given below correspond to similarly numbered sections in the revised method.

1.0 *Applicability*

1.1 Since the principle and applicability of the method are not necessarily related, these descriptive elements have been separated into individual sections. (This, of course, changes the section numbering.) The applicability is clarified to specifically reference monitoring for compliance with the NAAQS for TSP, with the optional possibility of subsequent chemical analysis of the sample. As is the policy for other manual reference methods, the revised method includes the formal specifications and procedures, with quality assurance techniques described in other documents, principally 40 CFR Part 58 and the Quality Assurance Handbook.

2.0 *Principle*

This section has been expanded and reworded to describe the principle more explicitly and to clarify that the reported measurements are expressed as micrograms per cubic meter of air corrected to EPA reference conditions (25° C, 760 mmHg).

3.0 *Range*

3.1 Again, the range, precision, and accuracy are described in separate sections. The approximate upper and lower concentration range limits are stated more explicitly, with explanations of the limiting phenomena. Also included are statements concerning the range of particle sizes collected. Other specifications currently in Section 2.2 (such as weighing resolution) are moved to more appropriate sections.

4.0 *Precision*

4.1 The precision values obtained from collaborative testing are not changed.

5.0 *Accuracy*

5.1 The TSP measurement obtained is essentially defined by the method itself. The "absolute" accuracy is undefined because of the difficulty in defining the "true" particulate concentration. The usefulness of the method does not depend on the absolute accuracy. The ±50 percent error mentioned in the current method is deleted because recent tests and experience indicate that that level of variability is unrealistically pessimistic. Moreover, the new specifications and improved quality assurance procedures should significantly reduce the measurement uncertainty.

6.0 *Inherent Sources of Error*

This new section is added to discuss various recognized sources of error and what, if anything, can be done to minimize these errors. Error sources discussed are (1) air flow variation, (2) air volume measurement, (3) loss of volatiles, (4) artifact (extrinsic) particulates, (5) humidity, (6) filter handling, (7) nonsampled particulates, and (8) timing errors.

The current specification (Section 7.1.2) that the sample is to be collected "from midnight to midnight" has been dropped. The start and stop times of the sampler are of interest here only in determining the elapsed sampling period and have no other bearing on the technical aspects of the method. Omitting this specification is also consistent with § 58.13(b), which covers the operating schedule of manual methods but does not specify starting times for sampling periods.

7.0 *Apparatus*

7.1 *Filter.* Specifications for the collection filter—appearing in various sections of the current method—are brought together in this section, clarified, and augmented with new specifications for maximum pressure drop, pH, integrity, pinholes, tear strength, and brittleness.

7.2 *Sampler.* The sampler specifications are reoriented to reflect functional descriptions allowing more flexibility in sampler design within clearly defined limits. Figure B1 is eliminated, and the specifications are itemized. A new provision applicable only to samplers sold after the effective date of the revision would require samplers to have some sort of flow rate adjustment to accommodate variations in line voltage, filter pressure drop, expected filter loading, or operational preference within the specified flow range. Another new provision requires samplers equipped with flow controllers to have a means to disable the flow controller during calibration of the sampler flow rate indicator.

The flow rate range is reduced slightly (about 12 percent) from 1.13 to 1.70 m^3/min (40 to 60 ft^3/min) to 1.0 to 1.5 m^3/min (35.3 to 53 ft^3/min). This should have no significant effect on the comparability of measurements for two reasons: First, the sampler has been shown to be relatively insensitive to minor changes in flow rate, and second, as discussed under Salient Issues, it is the capture air velocity that affects the particle collection characteristics, not the flow rate alone. A new specification applies to the capture air velocity. Advantages of the slightly reduced flow rate include round-number specifications in metric units (m^3/min), slightly reduced noise and power consumption, greater control range on existing flow-controlled samplers, and extended brush life.

7.3 *Sampler Shelter.* As with the sampler, the shelter specifications are restated as functional specifications. The clearance area specification is replaced with a capture air velocity specification (20 to 35 cm/s) as discussed previously. An "ideal" velocity of 23 ±2 cm/s (1.1 m^3/min flow rate with a capture area of about 800 cm^2) is suggested as a nominal design objective for newly designed samples. Inlet openings of existing samplers that do not allow a capture velocity of 20 to 35 cm/s to be obtained would have to be modified.

7.4 *Flow rate measurement device.* See previous discussion under Most Salient Issues.

7.5 *Thermometer.* May be needed for temperature measurements when using an orifice-type flow indicator.

7.6 *Barometer.* May be needed for pressure measurements when using an orifice-type flow indicator.

7.7 *Timing/control device.* Since most samplers are operated from midnight to midnight, some sort of timer is needed to start and stop the sampler. Emphasis is put on accuracy of the elapsed time rather than the exact start and stop times. An accuracy of time setting specification (± 15 min) is provided for existing sampler timers that have no elasped-time capability. This specification is broad enough to continue to allow mechanical timers, although electronic timers with their much better set-point resolution are recommended. (Note cross reference to section 6.8.)

7.8 *Flow rate transfer standard.* Calibration of the sampler's internal flow rate indicator requires a rather specialized calibration device; therefore, the method includes specifications for such a device. Again, the specifications are functional in nature to allow flexibility in the type of device used rather than to limit it to a specific orifice unit as described in the current method. Consistent with its role and with established policy, the device is referred to as a flow rate transfer standard.

The above notwithstanding, the conventional orifice/manometer type transfer standard is rugged, reliable, inexpensive, and is in wide-spread use. Thus, much of the calibration procedure is addressed to this type of transfer standard. Although the conventional use of various individual resistance plates would still be allowed, a new device having an variable, external resistance adjustment is recommeded. Newer electronic mass flowmeter-type transfer standards are also available. Figure 2 illustrates examples of three commonly used transfer standards.

7.9 *Filter conditioning environment.* See discussion under "Salient Issues."

8.0 *Procedure*

As noted previously, the revised method provides only basic procedural information with the associated quality assurance procedures contained in other sources (references 1 and 2). The procedure section is clarified and restated in a more stepwise format, and the instructions are generalized and oriented toward either a mass flowmeter or an orifice/manometer-type flow rate indicator, since the rotameter is not allowed as a flow indicator. Because orifice/manometer flow indicators generally require temperature and pressure correction, the procedure includes instructions to make these corrections as well as instructions for using geographic barometric pressure and seasonal average temperature to simplify sampler use.

9.0 *Calibration*

9.1 Calibration refers to calibration of the sampler's internal flow rate indicator. The two phases—calibration of the transfer standard and calibration of the flow indicator—are described separately and are illustrated in Figure 2.

9.2 Because the orifice/manometer type of transfer standard is so widely used and because it requires temperature and pressure corrections for accurate, use, the transfer standard calibration procedure applies rather exclusively to that type of transfer standard. Other types of transfer standards—electronic mass flowmeters for example—are allowed, but they would almost certainly require a different calibration procedure. The calibration procedure for any other type of flow transfer standard would have to be approved under 40 CFR Part 58 (Modifications of Methods by Users).

The transfer standard calibration procedure is greatly expanded and more detailed than the current procedure. Temperature and pressure corrections are explicitly specified and a data worksheet (Figure 3) is provided for convenience and accuracy. The entire procedure is designed so that even an inexperienced analyst can obtain a correct result if the steps are followed completely and accurately.

Because of the temperature and pressure sensitivity of orifice-type transfer standards, the calibration relationship (between standard flow and indicated reading) is developed in a way that can be readily applied in the field at any temperature and pressure (see discussion of this procedure under "Salient Issues"). Either a linear or nonlinear graphical method can be used or least-squares regression analysis can be applied to establish the calibration relationship.

9.3 Similarly, the calibration procedure for the sampler is also greatly expanded and detailed, including explicitly specified temperature and pressure corrections and a calibration worksheet (Figure 4). The procedure is designed chiefly for orifice-type flow indicators located downstream of the motor but also covers electronic mass flowmeters; these are the two most common flow indicators. The calibration procedure may have to be modified to accommodate other types of flow indicators.

Again, the calibration procedure is developed so that it can be applied at any temperature or pressure according to the instructions provided. The procedure also allows for incorporation of geographic, average barometric pressure and seasonal average temperature. Either a linear or nonlinear graphical or least-squares regression relationship can be established. For electronic mass flow meters, no temperature or pressure corrections are usually required. The procedure also covers the special case of the pressure recorder which has square-root-function chart paper (e.g., Dixon meter). These various options are accommodated by selection of the appropriate expression from Table 1 to use in the calibration relationship.

For samplers equipped with a flow controller, the controller is disabled during the calibration so that the flow indicator can be calibrated over a range of flow rates rather than just at the controlled flow rate. Normally, the flow rate would be varied by adjusting the flow resistance provided by the transfer standard. However, in the case of an electronic mass flowmeter, the flow could be adjusted equally well by adjusting the voltage or power supplied to the motor.

10.0 *Calculations*

The calculations necessary to determine the ambient TSP concentration are specified in explicit stepwise form and cover the three most common types of flow indicators: electronic mass flowmeter, orifice/manometer flowmeter, and orifice/pressure flow indicator with square-root chart (Dixon). The calculations are facilitated by selection of the proper expression from Table 2 to correspond with the expression from Table 1 selected during calibration. The calculations are greatly simplified when geographic average barometric pressure and seasonal average temperature are incorporated into the calibration. Also provided is an alternate method for determining the average sampler flow rate when using a continuous flow recorder. Finally, a formula is provided for converting the conventional TSP concentration in micrograms per standard cubic meter to the actual concentration in micrograms per actual cubic meter (actual conditions).

Appendix C—Measurement Principle and Calibration Procedure for Carbon Monoxide

Background

Appendix C to Part 50 was amended in 1975 (40 FR 7043) to incorporate the measurement principle and calibration procedure concept for carbon monoxide (CO) reference methods. However, the language of the current measurement principle description and calibration procedure, which were left largely unchanged from the original promulgation in 1971, is in need of additional clarification. The present measurement principle describes a particular photometer design that is not unique to the basic physical principles of the CO measurement intended and thereby leaves doubt as to the qualification of other designs or configurations that also utilize the same basic principle. The present calibration procedure is sketchy and needs supplemental details and specifications to assure adequate calibration of CO reference methods.

To correct these deficiencies, Appendix C has been largely rewritten, but no significant changes are proposed to the basic objectives and intent. The

proposed new language augments the existing measurement principle and calibration procedure with additional technical details and clarification. In addition, the new version is more consistent with the measurement principle and calibration procedure descriptions in other appendixes to Part 50.

Measurement Principle

The revised description of the measurement principle is written in a more generalized, functional form to allows a variety of designs of the photometer. This is important so that the measurement principle description does not inadvertently preclude new, improved designs or new configurations of components that are clearly within the intended scope of the measurement principle. In particular, the new description more clearly allows analyzers using the gas filter correlation technique to qualify as reference methods.

Calibration Procedure

The calibration procedure is augmented with much more technical detail, following a format used for other calibration procedures in other appendixes to Part 50. Two calibration methods are described, one using dilution of a single compressed gas CO standard and the other using multiple compressed gas CO standards. Typical calibration system configurations for each method are shown along with specifications for the major components and for the CO standards. The procedure provides step-by-step instructions for establishing flowing CO atmospheres, calculating diluted CO standard concentrations, adjusting the analyzer's zero and span controls, and preparing calibration curves. Also, section 3.1 allows CO calibration standards to be traceable to either a National Bureau of Standards (NBS) Standard Reference Material (SRM) or to an NBS/EPA-approved gas manufacturer's Certified Reference Material (CRM). This provision is consistent with similar provisions in amendments being proposed to 40 CFR Parts 50 and 58 elsewhere in this Federal Register.

Reference (Preamble)

(1) McCaldin, R. O., and E. R. Hendrickson. Use of a Gas Chamber for Testing Air Samplers. J. Amer. Ind. Hyg. Associ., 20:509, 1959.

(2) Perry, W. H., and E. C. Tabor. National Air Sampling Network Measurement of SO_2 and NO_2. Arch. Environ. Health, 4:44 1962.

(3) Lahman, E., The Stability of Absorption Solution for Sulfur Dioxide Determination by the West-Gaeke Method. Staub-Reinhalt. Luft, 29:30, 1969.

(4) Scaringelli, F. P., L. Elfers, D. Norris, and S. Hochheiser. Enhanced Stability of Sulfur Dioxide in Solution. Anal. Chem., 42:1818, 1970.

(5) Shinji, T., E. Kazuhiko, and K. Kazuma. Studies of Analytical Errors in Measurement of Sulfur Dioxide in the Air by the Pararosaniline Method. Jpn. Anal. (Bunseki Kagaku), 20:1097, 1971.

(6) Kasten-Schraufnagel, P., D. L. Ehman, and D. J. Johnson. Telmatic Study Phase II: Effects of Collection and Handling Conditions on the Stability of the Dichlorosulfitomercurate (II) Complex Formed in Sampling for SO_2 by the Modified West-Gaeke Method. Texas Air Control Board, Air Quality Evaluation Division, Austin, Texas, January 15, 1975.

(7) Sweitzer, T. A. The Evaluation of Gas Bubbler Field Performance. Presented at the 32nd Annual Meeting of the East Central Section of the Air Pollution Control Association, Dayton, Ohio, September 17–19, 1975.

(8) Fuerst, R. G., F. P. Scaringelli, and J. H. Margeson. Effect of Temperature of Stability of Sulfur Dioxide Samples Collected by the Federal Reference Method. EPA–600/4–76–024, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, May 1976.

(9) Martin, B. E. Sulfur Dioxide Bubbler Temperature Study. EPA–600/4–77–040, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, August 1977.

(10) Clements, J. B. Memorandum to Directors, Surveillance and Analysis Divisions, Air and Hazardous Materials Divisions, Quality Control Coordinators, EPA Regions I–X; Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, December 29, 1975.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed rule is not a major regulation because it principally revises the existing reference methods for SO_2, TSP, and CO to correct identified short-comings and ambiguities. Certain technical improvements have also been incorporated, but all of the proposed changes are designed to improve the quality and comparability of ambient measurements.

This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule, if promulgated, would impose no new regulatory requirements; principally, it would correct certain identified shortcomings, clarify ambiguities, and incorporate minor but important technical improvements in the existing reference methods for SO_2, TSP, and CO. The economic impact on monitoring agencies resulting from these method revisions is not considered significant because of the minimal cost of upgrading existing equipment and procedures.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

As indicated in the foregoing discussion, it is proposed to amend 40 CFR Part 50 as follows:

1. By revising Appendix A to read as follows:

Appendix A—Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)

1.1 This method provides a measurement of the concentration of sulfur dioxide (SO_2) in ambient air for determining compliance with the primary and secondary national ambient air quality standards for sulfur oxides (sulfur dioxide) as specified in § 50.4 and § 50.5 of this chapter. The method is applicable to the measurement of ambient SO_2 Concentrations using sampling periods ranging from 30 minutes to 24 hours. Additional quality assurance procedures and guidance are provided in part 58, appendixes A and B, of this chapter and in references (*1*) and (*2*).

2.0 *Principle.* 2.1 A measured volume of air is bubbled through a solution of 0.04 M potassium tetrachloromercurate (TCM). The SO_2 present in the air stream reacts with the TCM solution to form a stable monochlorosulfonatomercurate (*3*) complex. Once formed, this complex resists air oxidation (*4*) (*5*) and is stable in the presence of strong oxidants such as ozone and oxides of nitrogen. During subsequent analysis, the complex is reacted with acid-bleached pararosaniline dye and formaldehyde to form an intensely colored pararosaniline methyl sulfonic acid. (*6*) The optical density of this species is determined spectrophotometrically at 548 nm and is directly related to the amount of SO_2 collected. The total volume of air sampled, corrected to EPA reference conditions (25° C, 760 mm Hg), is determined from the measured flow rate and the sampling time. The concentration of SO_2 in the ambient air is computed and expressed in micrograms per standard cubic meter ($\mu g/std\ m_a$).

3.0 Range. 3.1 The lower limit of detection of SO_2 in 10 mL of TCM is 0.75 μg (based on collaborative test results). (*7*) This represents a concentration of 25 $\mu g\ SO_2/m_a$ (0.01 ppm) in an air sample of 30 standard liters (short-term sampling) and a concentration of 13 $\mu g\ SO_2/m^3$ (0.005 ppm) in an air sample of 288 standard liters (long-term sampling). Concentrations less than 25

$\mu g\ SO_2/m^3$ can be measured by sampling larger volumes of ambient air; however, the collection efficiency falls off rapidly at low concentrations (*8*)(*9*) Beer's law is adhered to up to 34 μg of SO_2 in 25 mL of final solution. This upper limit of the analysis range represents a concentration of 1,130 $\mu g\ SO_2/m^3$ (0.43 ppm) in an air sample of 30 standard liters and a concentration of 590 $\mu g\ SO_2/m^3$ in an air sample of 288 standard liters. Higher concentrations can be measured by collecting a smaller volume of air, by increasing the volume of absorbing solution, or by diluting a suitable portion of the collected sample with solution prior to analysis.

4.0 *Interferences.* 4.1 The effects of the principal potential interferences have been minimized or eliminated in the following manner: nitrogen oxides by the addition of sulfamic acid, (*10*)(*11*) heavy metals by the addition of ethylenediamine tetracetic acid disodium salt (EDTA) and phosphoric acid, (*10*)(*12*) and ozone by time delay. (*10*) Up to 60 μg Fe (III), 22 μg V (V), 10μg Cu (II), 10 μg Mn (II), and 10 μg Cr (III) in 10 mL absorbing reagent can be tolerated in the procedure. (*10*) No significant interference has been encountered with 2.3 $\mu g\ NH^3$. (*13*)

5.0 *Precision and Accuracy.* 5.1 The precision of the analysis is 4.6 percent (at the 95 percent confidence level) based on the analysis of standard sulfite samples.(*10*)

5.2 Collaborative test results (*14*) based on the analysis of synthetic test atmospheres (SO_2 in scrubbed air) using the 24-hour sampling procedure and the sulfite-TCM calibration procedure show that:

- The replication error varies linearly with concentration from $\pm 2.5\ \mu g/m^3$ at concentrations of 100 $\mu g.m^3$ to $\pm 7\ \mu g.m^3$ at concentrations of 400 $\mu g/m^3$.
- The day-to-day variability within an individual laboratory (repeatability) varies linearly with concentration from $\pm 18.1\ \mu g/m^3$ at levels of 100 $\mu g.m^3$ to $\pm 50.9\ \mu g/m^3$ at levels of 400 $\mu g.m^3$.
- The day-to-day variability between two or more laboratories (reproducibility) varies linearly with concentration from $\pm 36.9\ \mu g/m^3$ at levels of $100\ \mu g/m^3$ to $\pm 103.5\ \mu g/m^3$ at levels of 400 $\mu g/m^3$.
- The method has a concentration-dependent bias, which becomes significant at the 95 percent confidence level at the high concentration level. Observed values tend to be lower than the expected SO_2 concentration level.

6.0 *Stability.* 6.1 By sampling in a controlled temperature environment of 15° ±10° C, greater than 98.9 percent of the SO_2—TCM complex is retained at the completion of sampling. (*15*) If kept at 5° C following the completion of sampling, the collected sample has been found to be stable for up to 30 days. (*10*) The presence of EDTA enhances the stability of SO_2 in the TCM solution and the rate of decay is independent of the concentration of SO_2. (*16*)

7.0 *Apparatus.*

7.1 *Sampling.*

7.1.1 *Sample probe:* A sample probe meeting the requirements of section 7 of 40 CFR Part 58, Appendix E (Teflon® or glass with residence time less than 20 sec.) is used to transport ambient air to the sampling train location. The end of the probe should be inverted to preclude the sampling of precipitation, large particles, etc. A suitable probe can be constructed from Teflon® tubing connected to an inverted funnel.

7.1.2 *Absorber—short-term sampling:* An all glass midget impinger having a solution capacity of 30 mL and a stem clearance of 4 ±1 mm from the bottom of the vessel is used for sampling periods of 30 minutes and 1 hour (or any period considerably less than 24 hours). Such an impinger is shown in Figure 1. These impingers are commercially available from distributors such as Ace Glass, Incorporated.

7.1.4 *Absorber—24-hour sampling:* A polypropylene tube 32 mm in diameter and 164 mm long (available from Bel Art Products, Pequammock NJ) is used as the absorber. The cap of the absorber must be a polypropylene cap with two ports (rubber stoppers are unacceptable because the absorbing reagent can react with the stopper to yield erroneously high SO_2 concentrations). A glass impinger stem, 6 mm in diameter and 158 mm long, is inserted into one port of the absorber cap. The tip of the stem is tapered to a small diameter orifice (0.4 ±0.1 mm) such that a No. 79 jeweler's drill bit will pass through the opening but a No. 78 drill bit will not. Clearance from the bottom of the absorber to the tip of the stem must be 6 ±2 mm. Glass stems can be fabricated by any reputable glass blower or can be obtained from a scientific supply firm. Upon receipt, the orifice test should be performed to verify the orifice size. The assembled absorber is shown in Figure 2.

7.1.4 *Moisture trap:* A moisture trap constructed of a glass trap as shown in Figure 1 or a polypropylene tube as shown in Figure 2 is placed between the absorber tube and flow control device to prevent entrained liquid from reaching the flow control device. The tube is packed with silica gel as shown in Figure 2. Glass wool may be substituted for silica gel when collecting short-term samples (1 hour or less) as shown in Figure 1.

7.1.5 *Heat shrinkable tape (24-hour sampling):* A heat skrink seal of appropriate diameter is required for sealing the absorber and cap and the moisture trap and cap to prevent leakage during sampling. A heat gun for shrinking the tape is also required. Figure 2 shows a sampling assembly utilizing the heat shrink seal.

BILLING CODE 6560-38-M

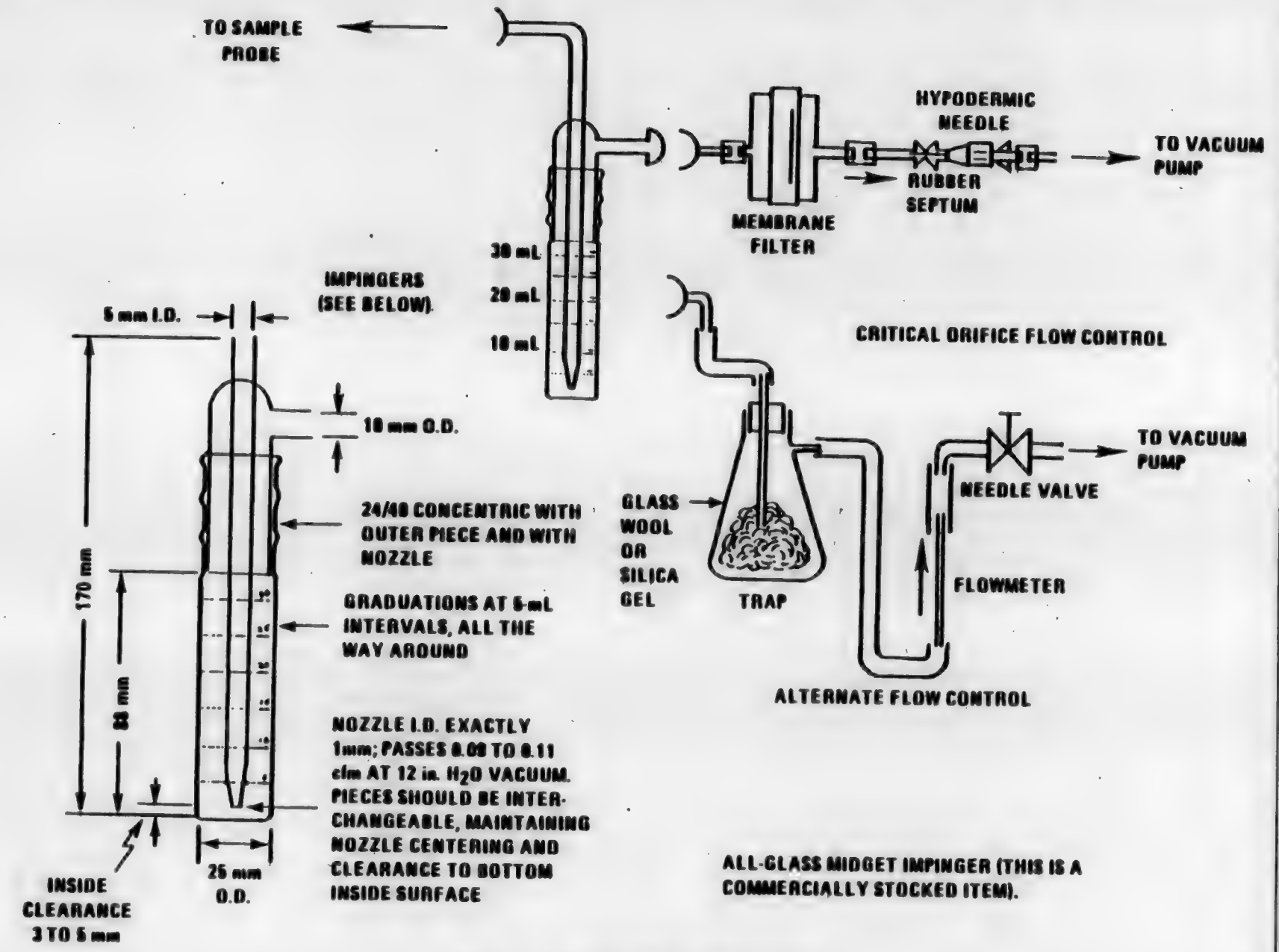

Figure 1. Short-term sampling train.

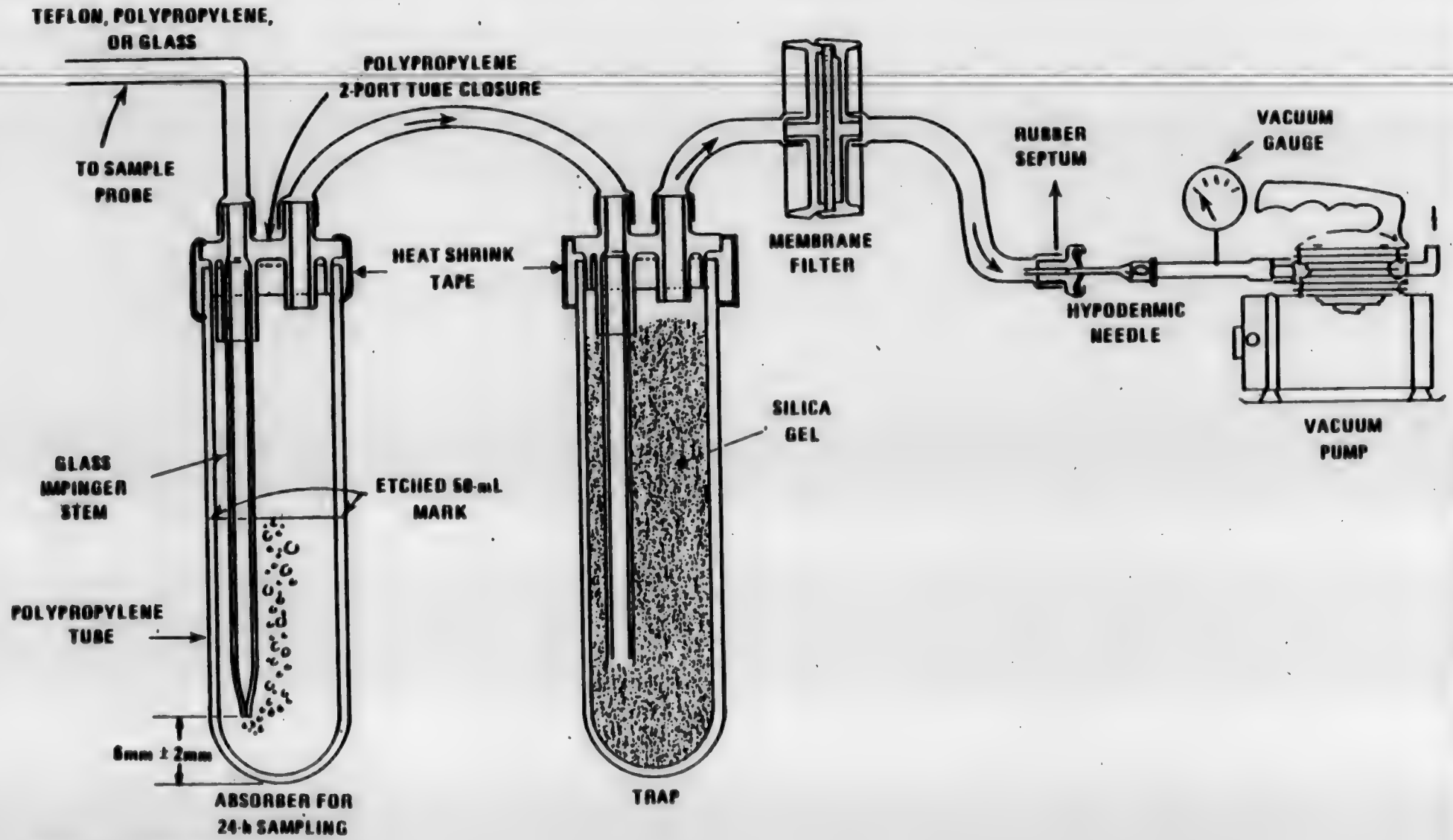

Figure 2. 24-Hour sampling system.

BILLING CODE 6560-26-C

7.1.6 *Flow control device:* A calibrated rotameter and needle valve combination capable of maintaining and measuring air flow to within ±2 percent is suitable for short-term sampling but may not be used for long-term sampling. Calibrated critical orifices can be used for both long- and short-term sampling. A 22-gauge hypodermic needle 25 mm long may be used as a critical orifice to yield a flow rate of 1 L/min for a 30-minute sampling period. When sampling for 1 hour, a 23-gauge hypodermic needle 16 mm in length will provide a flow rate of approximately 0.5 L/min. Flow control for a 24-hour sample may be provided by a 27-gauge hypodermic needle critical orifice that is 9.5 mm in length. The flow rate should be in the range of 0.18 to 0.22 L/min.

7.1.7 *Membrane particle filter:* A membrane filter of 0.8 to 2 μm porosity is used to protect the flow controller from particles during long-term sampling. This item is optional for short-term sampling.

7.1.8 *Vacuum pump:* A vacuum pump equipped with a vacuum gauge and capable of maintaining at least a 0.7 atm vacuum differential across the flow control device at the specified flow rate is required for sampling.

7.1.9 *Temperature control device:* The temperature of the absorbing solution during sampling must be maintained at 15° ±10° C. As soon as possible following sampling and until analysis, the temperature of the collected sample must be maintained at 5°±5° C. Where an extended period of time may elapse before the collected sample can be moved to the lower storage temperature, a collection temperature near the lower limit of the 15 ±10° C range should be used to minimize losses during this period. Thermoelectric coolers specifically designed for this temperature control are available commercially and normally operate in the range of 5° to 15° C. Small refrigerators can be modified to provide the required temperature control; however, inlet lines must be insulated from the lower temperature to prevent condensation when sampling under humid conditions. A small heating pad may be necessary when sampling at low temperatures (<7° C) to prevent the absorbing solution from freezing. (*17*).

7.1.10 *Sampling train container:* The absorbing solution must be shielded from light during and after sampling. Most commercially available sampler trains are enclosed in a light-proof box.

7.1.11 *Timer:* A timer is recommended to initiate and to stop sampling for the 24-hour period. The timer is not a required piece of equipment; however, without the timer a technician would be required to manually start and stop sampling. An elapsed time meter is also recommended to determine the duration of the sampling period.

7.2 *Shipping.*

7.2.1 *Shipping container:* A shipping container that can maintain a temperature of 5°±5° C is used for transporting the sample from the collection site to the analytical laboratory. Ice coolers or refrigerated shipping containers have been found to be satisfactory. The use of eutectic cold packs instead of ice will give a more stable temperature control. Such equipment is available from Cole-Parmer Company, 7425 North Oak Park Avenue, Chicago, IL 60648.

7.3 *Analysis.*

7.3.1 *Spectrophotometer:* A spectrophotometer suitable for measurement of absorbances at 548 nm with an effective spectral bandwidth of less than 15 nm is required for use during analysis. If the spectrophotometer reads out in transmittance, convert to absorbance as follows:

$$A = \log_{10}(1/T) \qquad (1)$$

where

A = absorbance, and
T = transmittance (0<T<1).

A neutral density filter available from the National Bureau of Standards is used to verify the wavelength calibration according to the procedure enclosed with the filter. The wavelength calibration must be verified upon initial receipt of the instrument and after each 160 hours of normal use or every 6 months, whichever occurs first.

7.3.2 *Spectrophotometer cells:* A set of 1-cm path length cells suitable for use in the visible region is used during analysis. If the cells are unmatched, a matching correction factor must be determined according to Section 10.1.

7.3.3 *Temperature control device:* The color development step during analysis must be conducted in an environment that is in the range of 20° to 30° C and controlled to ±1° C. Both calibration and sample analysis must be performed under identical conditions (within 1° C). Adequate temperature control may be obtained by means of constant temperature baths, water baths with manual temperature control, or temperature controlled rooms.

7.3.4 *Glassware:* Class A volumetric glassware of various capacities is required for preparing and standardizing reagents and standards and for dispensing solutions during analysis. These include pipets, volumetric flasks, and burets.

7.3.5 *TCM waste receptacle:* A glass waste receptacle is required for the storage of spent TCM solution. This vessel should be stoppered and stored in a hood at all times.

8.0 *Reagents.*

8.1 *Sampling.*

8.1.1 *Distilled water:* Purity of distilled water must be verified by the following procedure: (*18*)

- Place 0.20 mL of potassium permanganate solution (0.316 g/L), 500 mL of distilled water, and 1 mL of concentrated sulfuric acid in a chemically resistant glass bottle, stopper the bottle, and allow to stand.
- If the permanganate color (pink) does not disappear completely after a period of 1 hour at room temperature, the water is suitable for use.
- If the permanganate color does disappear, the water can be purified by redistilling with one crystal each of barium hydroxide and potassium permanganate in an all glass still.

8.1.2 *Absorbing reagent (0.04 M potassium tetrachloromercurate [TCM]):* Dissolve 10.86 g mercuric chloride, 0.066 g EDTA, and 6.0 g potassium chloride in distilled water and dilute to volume with distilled water in a 1,000-mL volumetric flask. (*Caution:* Mercuric chloride is highly poisonous. If spilled on skin, flush with water immediately.) The pH of this reagent should be between 3.0 and 5.0. (*10*) Check the pH of the absorbing solution by using pH indicating paper or a pH meter. If the pH of the solution is not between 3.0 and 5.0, the solution must be discarded according to one of the disposal techniques described in Section 13.0. The absorbing reagent is normally stable for 6 months. If a precipitate forms, discard the reagent according to one of the procedures described in Section 13.0.

8.2 *Analysis.*

8.2.1 *Sulfamic acid (0.6%):* Dissolve 0.6 g sulfamic acid in 100 mL distilled water. Prepare fresh daily.

8.2.2 *Formaldehyde (0.2%):* Dilute 5 mL formaldehyde solution (36 to 38 percent) to 1,000 mL with distilled water. Prepare fresh daily.

8.2.3 *Stock iodine solution (0.1 N):* Place 12.7 g resublimed iodine in a 250-mL beaker and add 40 g potassium iodide and 25 mL water. Stir until dissolved, then dilute to 1,000 mL with distilled water.

8.2.4 *Iodine solution (0.01 N):* Prepare approximately 0.01 N iodine solution by diluting 50 mL of stock iodine solution (Section 8.2.3) to 500 mL with distilled water.

8.2.5 *Starch indicator solution:* Triturate 0.4 g soluble starch and 0.002 g mercuric iodide (preservative) with enough distilled water to form a paste. Add the paste slowly to 200 mL of boiling distilled water and continue boiling until clear. Cool and transfer the solution to a glass stoppered bottle.

8.2.6 *1 N hydrochloric acid:* Slowly and while stirring, add 86 mL of concentrated hydrochloric acid to 500 mL of distilled water. Allow to cool and dilute to 1,000 mL with distilled water.

8.2.7 *Potassium iodate solution:* Accurately weigh to the nearest 0.1 mg, 1.5 g (record weight) of primary standard grade potassium iodate that has been previously dried at 180° C for at least 3 hours and cooled in a desiccator. Dissolve, then dilute to volume in a 500-mL volumetric flask with distilled water.

8.2.8 *Stock sodium thiosulfate solution (0.1 N):* Prepare a stock solution by dissolving 25 g sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$) in 1,000 mL freshly boiled, cooled, distilled water and adding 0.1 g sodium carbonate to the solution. Allow the solution to stand at least 1 day before standardizing. To standardize, accurately pipet 50 mL of potassium iodate solution (Section 8.2.7) into a 500-mL iodine flask and add 2.0 g of potassium iodide and 10 mL of 1 N HCl. Stopper the flask and allow to stand for 5 minutes. Titrate the solution with stock sodium thiosulfate solution (Section 8.2.8) to a pale yellow color. Add 5 mL of starch solution (Section 8.2.5) and titrate until the blue color just disappears. Calculate the normality (N_s) of the stock sodium thiosulfate solution as follows:

$$N_s = \frac{W \times 2.80}{M} \qquad (2)$$

where
M = volume of thiosulfate required in mL, and
W = weight of potassium iodate in g (recorded weight in Section 8.2.7).

$$2.80 = \frac{10^3 \text{ (conversion of g to mg)} \times 0.1 \text{ (fraction iodate used)}}{35.67 \text{ (equivalent weight of potassium iodate)}}$$

8.2.9 *Working sodium thiosulfate titrant (0.01 N):* Accurately pipet 100 mL of stock sodium thiosulfate solution (Section 8.2.8) into a 1,000-mL volumetric flask and dilute to volume with freshly boiled, cooled, distilled water. Calculate the normality of the working sodium thiosulfate titrant (N_T) as follows:

$$N_T = N_s \times 0.100$$

8.2.10 *Standardized sulfite solution for the preparation of working sulfite-TCM solution:* Dissolve 0.30 g sodium metabisulfite ($Na_2S_2O_5$) or 0.40 g sodium sulfite (Na_2SO_3) in 500 mL of recently boiled, cooled, distilled water. (Sulfite solution is unstable; it is therefore important to use water of the highest purity to minimize this instability.) This solution contains the equivalent of 320 to 400 μg SO_2/mL. The actual concentration of the solution is determined by adding excess iodine and back-titrating with standard sodium thiosulfate solution. To back-titrate, pipet 50 mL of the 0.01 N iodine solution (Section 8.2.4) into each of two 500-mL iodine flasks (A and B). To flask A (blank) add 25 mL distilled water, and to flask B (sample) pipet 25 mL sulfite solution. Stopper the flasks and allow to stand for 5 minutes. Prepare the working sulfite-TCM solution (Section 8.2.11) immediately prior to adding the iodine solution to the flasks. Using a buret containing standardized 0.01 N thiosulfate titrant (Section 8.2.9), titrate the solution in each flask to a pale yellow color. Then add 5 mL starch solution (Section 8.2.5) and continue the titration until the blue color just disappears.

8.2.11 *Working sulfite-TCM solution:* Accurately pipet 5 mL of the standard sulfite solution (Section 8.2.10) into a 250-mL volumetric flask and dilute to volume with 0.04 M TCM. Calculate the concentration of sulfur dioxide in the working solution as follows:

$$C_{TCM/SO_2} (\mu g\ SO_2/mL) = \frac{(A-B)(N_T)(32{,}000)}{25} \times 0.02 \quad (4)$$

where
A = volume of thiosulfate titrant required for the blank, mL;
B = volume of thiosulfate titrant required for the sample, mL;
N_T = normality of the thiosulfate titrant, from equation (3); 32,000 = milliequivalent weight of SO_2, μg;
25 = volume of standard sulfite solution, mL; and
0.02 = dilution factor.

This solution is stable for 30 days if kept at 5° C. (*16*) If not kept at 5° C, prepare fresh daily.

8.2.12 *Purified pararosaniline (PRA) stock solution (0.2% nominal):*

8.2.12.1 *Dye specifications*—

- The dye must have a maximum absorbance at a wavelenght of 540 nm when assayed in a buffered solution of 0.1 M sodium acetate-acetic acid;
- The absorbance of the reagent blank, which is temperature sensitive (0.015 absorbance unit/°C), must not exceed 0.170 at 22° C with a 1-cm optical path length when the blank is prepared according to the specified procedure;
- The calibration curve (Section 10.0) must have a slope equal to 0.030 ±0.002 absorbance unit/μg SO_2 with a 1-cm optical path length when the dye is pure and the sulfite solution is properly standardized.

8.2.12.2 *Preparation of stock PRA solution*—A specially purified (99 to 100 percent pure) solution of pararosaniline, which meets the above specifications, is commercially available in the required 0.20 percent concentration (Harleco Co.). Alternatively, the dye may be purified, a stock solution prepared, and then assayed according to the procedure as described below.[10]

8.2.12.3 *Purification procedure for PRA*—

1. Place 100 mL each of 1-butanol and 1 N HCl in a large separatory funnel (250-mL) and allow to equilibrate. Note: Certain batches of 1-butanol contain oxidants that create an SO_2 demand. Before using, check by placing 20 mL of 1-butanol and 5 mL of 20 percent potassium iodide (KI) solution in a 50-mL separatory funnel and shake thoroughly. If a yellow color appears in the alcohol phase, redistill the 1-butanol from silver oxide and collect the middle fraction or purchase a new supply of 1-butanol.

2. Weigh 100 mg of pararosaniline hydrochloride dye (PRA) in a small beaker. Add 50 mL of the equilibrated acid (drain in acid from the bottom of the separatory funnel in 1.) to the beaker and let stand for several minutes. Discard the remaining acid phase in the separatory funnel.

3. To a 125-mL separatory funnel, add 50 mL of the equilibrated 1-butanol (draw the 1-butanol from the top of the separatory funnel in 1.). Transfer the acid solution (from 2.) containing the dye to the funnel and shake carefully to extract. The violet impurity will transfer to the organic phase.

4. Transfer the lower aqueous phase into another separatory funnel, add 20 mL of equilibrated 1-butanol, and extract again.

5. Repeat the extraction procedure with three more 10-mL portions of equilibrated 1-butanol.

6. After the final extraction, filter the acid phase through a cotton plug into a 50-mL volumetric flask and bring to volume with 1 N HCl. This stock reagent will be a yellowish red.

7. To check the purity of the PRA, perform the assay and adjustment of concentration (Section 8.2.12.4) and prepare a reagent blank (Section 11.2); the absorbance of this reagent blank at 540 nm should be less than 0.170 at 22° C. If the absorbance is greater than 0.170 under the conditions, further extractions should be performed.

8.2.12.4 *PRA assay procedure*—The concentration of pararosaniline hydrochloride (PRA) need be assayed only once after purification. It is also recommended that commercial solutions of pararosaniline be assayed when first purchased. The assay procedure is as follows: (*10*)

1. Prepare 1 M acetate-acetic acid buffer stock solution with a pH of 4.79 by dissolving 13.61 g of sodium acetate trihydrate in distilled water in a 100-mL volumetric flask. Add 5.70 mL of glacial acetic acid and dilute to volume with distilled water.

2. Pipet 1 mL of the stock PRA solution obtained from the purification process or from a commercial source into a 100-mL volumetric flask and dilute to volume with distilled water.

3. Transfer a 5-mL aliquot of the diluted PRA solution from 2. into a 50-mL volumetric flask. Add 5 mL of 1 M acetate-acetic acid buffer solution from 1. and dilute the mixture to volume with distilled water. Let the mixture stand for 1 hour.

4. Measure the absorbance of the above solution at 540 nm with a spectrophotometer against a distilled water reference. Compute the percentage of nominal concentration of PRA by

$$\% \text{ PRA} = \frac{A \times K}{W} \quad [5]$$

where
A = measured absorbance of the final mixture (absorbance units);
W = weight in grams of the PRA dye used in the assay to prepare 50 mL of stock solution (for example, 0.100 g of dye was used to prepare 50 mL of solution in the purification procedure; when obtained from commercial sources, use the stated concentration to compute W; for 98% PRA, W = .098 g.); and
K = 21.3 for spectrophotometers having a spectral bandwidth of less than 15 nm and a path length of 1 cm.

8.2.13 *Pararosaniline reagent:* To a 250-mL volumetric flask, add 20 mL of stock PRA solution. Add an additional 0.2 mL of stock solution for each percentage that the stock assays below 100 percent. Then add 25 mL of 3 M phosphoric acid and dilute to volume with distilled water. The reagent is stable for at least 9 months. Store away from heat and light.

9.0 *Sampling Procedure.*

9.1 *General Considerations.* Procedures are described for short-term sampling (30-minute and 1-hour) and for long-term sampling (24-hour). Different combinations of absorbing reagent volume, sampling rate, and sampling time can be selected to meet special needs. For combinations other than those specifically described, the conditions must be adjusted so that linearity is maintained between absorbance and concentration over the dynamic range. Absorbing reagent volumes less than 10 mL are not recommended. The collection efficiency is above 98 percent for the conditions described; however, the efficiency may be substantially lower when sampling concentrations below 25 μg SO_2/m^3. (*8*) (*9*)

9.2 *30-Minute and 1-Hour Sampling.* Place 10 mL of TCM absorbing reagent in a midget impinger and seal the impinger with a thin film of silicon stopcock grease (around the ground glass joint). Insert the sealed impinger into the sampling train as shown in Figure. 1,

making sure that all connections between the various components are leak tight. Greaseless ball joint fittings, heat shrinkable Teflon® tubing, or Teflon® tube fittings may be used to attain leakfree conditions for portions of the sampling train that come into contact with air containing SO_3. Shield the absorbing reagent from direct sunlight by covering the impinger with aluminum foil or by enclosing the sampling train in a light-proof box. Calibrate the critical orifice or flowmeter according to Section 9.4.1. Collect the sample at 1 ±0.10 L/min for 30-minute sampling or 0.500 ±0.05 L/min for 1-hour sampling. Record the exact sampling time in minutes, as the sample volume will later be determined using the sampling flow rate and the sampling time. Record the atmospheric pressure and temperature.

9.3 *24-Hour Sampling.* Place 50 mL of TCM absorbing solution in a large absorber, close the cap, and apply the heat shrink sealant tape as shown in Figure 3. Make a mark on the absorber with a triangular file to indicate the starting volume of absorbing reagent. Insert the sealed absorber into the sampling train as shown in Figure 2. At this time verify that the absorber temperature is controlled to 15° ±10° C. During sampling, the absorber temperature must be controlled to prevent decomposition of the collected complex. From the onset of sampling until analysis, the absorbing solution must be protected from direct sunlight. Calibrate the critical orifice according to Section 9.4.1. Collect the sample for 24 hours from midnight to midnight at a flow rate of 0.200 ±0.020 L/min. A start/stop timer is helpful for initiating and stopping sampling and an elapsed time meter will be useful for determining the sampling time.

9.4 *Flow Measurement.*

9.4.1 *Calibration:* Calibrate all flow controllers (i.e., critical orifices) and flow measuring devices against a reliable flow or volume standard such as an NBS traceable bubble flowmeter or calibrated wet test meter. Flow controllers used in the sampling train must meet the flow rate specifications in 9.2 and 9.3. Flow controllers must be calibrated in the sampling train with an absorber solution in place.

BILLING CODE 6560-35-M

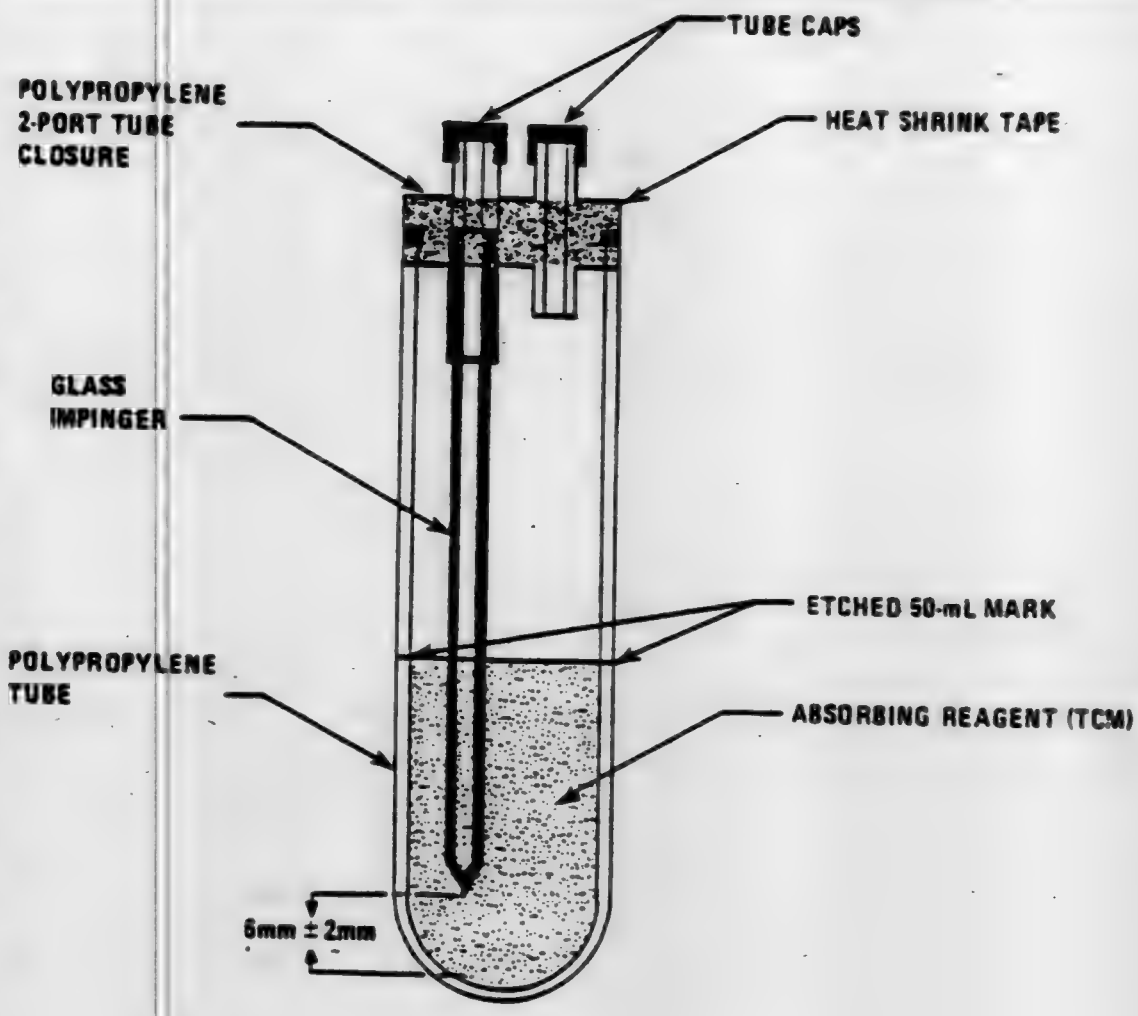

Figure 3. An absorber (24-hour sample) filled and assembled for shipment.

BILLING CODE 6560-35-C

9.4.2 *Determination of flow rate at sampling site:* For short-term samples, the standard flow rate is determined at the sampling site at the initiation and completion of sample collection with a calibrated flow measuring device connected to the inlet of the absorber. For 24-hour samples, the standard flow rate is determined at the time the absorber is placed in the sampling train and again when the absorber is removed from the train for shipment to the analytical laboratory with a calibrated flow measuring device connected to the inlet of the sampling train. The flow rate determination must be made with all components of the sampling system in operation (e.g., the absorber temperature controller and any sample box heaters must also be operating). Equation 6 may be used to determine the standard flow rate when a calibrated positive displacement meter is used as the flow measuring device. Other types of calibrated flow measuring devices may also be used to determine the flow rate at the sampling site provided that the user applies any appropriate corrections to devices for whjch output is dependent on temperature or pressure.

$$Q_{std}=Q_{act}\times\frac{P_b-P_{H2O}}{760}\times\frac{298.16}{(T_{meter}+273.16)} \quad (6)$$

where

Q_{std} = flow rate at standard conditions, std L/min (25° C and 760 mm Hg);

Q_{act} = flow rate at monitoring site conditions, L/min;

P_b = barometric pressure at monitoring site conditions, mm Hg;

P_{H2O} = vapor pressure of water at the temperature of the air in the flow or volume standard, mm Hg, (for wet volume standards only, i.e., bubble flowmeter or wet test meter; for dry standards, i.e., dry test meter, $P_{H2O}=0$); and

T_{meter} = temperature of the air in the flow or volume standard, °C (e.g., bubble flowmeter).

If a barometer is not available, the following equation may be used to determine the barometric pressure:

$$P_b=760-[.076(H)] \quad (7)$$

where

H = sampling site elevation above sea level in meters. If the initial flow rate (Q_i) differs from the flow rate of the critical orifice or the flow rate indicated by the flowmeter in the sampling train (Q_c) by more than 5 percent as determined by equation (8), check for leaks and redetermine Q_i.

$$\%\ Diff=\frac{Q_i-Q_c}{Q_c}\times 100 \quad (8)$$

Invalidate the sample if the difference between the initial (Q_i) and final (Q_f) flow rates is more than 5 percent as determined by equation (9)

$$\%\ Diff=\frac{Q_i-Q_f}{Q_f}\times 100 \quad (9)$$

9.5 *Sample Storage and Shipment.* Remove the impinger or absorber from the sampling train and stopper immediately. With a permanent marker, mark the level of the solution. If the sample will not be analyzed within 8 hours of sampling, it must be stored at 5°±5° C until analysis. Analysis must occur within 30 days. If the sample is transported or shipped for a period exceeding 8 hours, it is recommended that thermal coolers using eutectic ice packs, refrigerated shipping containers, etc., be used for periods up to 48 hours. (*17*) Measure the temperature of the absorber solution when the shipment is received. Invalidate the sample if the temperature is above 10° C. Store the sample at 5°±5° C until it is analyzed.

10.0 *Analytical Calibration.*

10.1 *Spectrophotometer Cell Matching.* If unmatched spectrophotometer cells are used, an absorbance correction factor must be determined as follows:

1. Fill all cells with distilled water and designate the one that has the lowest absorbance at 548 nm as the reference. (This reference cell should be marked as such and continually used for this purpose throughout all future analyses.)

2. Zero the spectrophotometer with the reference cell.

3. Determine the absorbance of the remaining cells, (A_c) in relation to the reference cell and record these values for future use. Mark all cells in a manner that adequately identifies the correction.

The corrected absorbance during future analyses using each cell is determined as follows:

$$A=A_{obs}-A_c \quad (10)$$

where

A = corrected absorbance,

A_{obs} = uncorrected absorbance, and

A_c = cell correction.

10.2 *Static Calibration Procedure (Option 1).* Prepare a dilute working sulfite-TCM solution by diluting 10 mL of the working sulfite-TCM solution (Section 8.2.11) to 100 mL with TCM absorbing reagent. Following the table below, accurately pipet the indicated volumes of the sulfite-TCM solutions into a series of 25-mL volumetric flasks. Add TCM absorbing reagent as indicated to bring the volume in each flask to 10 mL.

Sulfite-TCM solution	Volume of sulfite-TCM solution, mL	Volume of TCM, mL	Total µg SO_2 (approximately)[1]
Working	4.0	6.0	28.8
Working	3.0	7.0	21.6
Working	2.0	8.0	14.4
Dilute working	10.0	0.0	7.2
Dilute working	5.0	5.0	3.6
—	0.0	10.0	0.0

[1] Based on working sulfite-TCM solution concentration of 7.2 µg SO_2/mL; the actual total µg SO_2 must be calculated using equation 11 below.

To each volumetric flask, add 1 mL 0.6% sulfamic acid (Section 8.2.1), accurately pipet 2 mL 0.2% formaldehyde solution (Section 8.2.2), then add 5 mL pararosaniline solution (Section 8.2.13). Start a laboratory timer that has been set for 30 minutes. Bring all flasks to volume with recently boiled and cooled distilled water and mix thoroughly. The color must be developed (during the 30-minute period) in a temperature environment in the range of 20° to 30° C, which is controlled to ±1° C. For increased precision, a constant temperature bath is recommended during the color development step. After 30 minutes, determine the corrected absorbance of each standard at 548 nm against a distilled water reference (Section 10.1). Denote this absorbance as (A). Distilled water is used in the reference cell rather than the reagent blank because of the color sensitivity of the reagent blank. Calculate the total micrograms SO_2 in each solution:

$$\mu g\ SO_2=V_{TCM/SO_2}\times C_{TCM/SO_2}\times D \quad (11)$$

where

V_{TCM/SO_2} = volume of sulfite-TCM solution used, mL;

C_{TCM/SO_2} = concentration of sulfur dioxide in the working sulfite-TCM, µg SO_2/mL (from equation 4); and

D = dilution factor (D=1 for the working sulfite-TCM solution; D=0.1 for the diluted working sulfite-TCM solution).

A calibration equation is determined using the method of linear least squares (Section 12.1). The total micrograms SO_2 contained in each solution is the x variable, and the corrected absorbance associated with each solution is the y variable. For the calibration to be valid, the slope must be in the range of 0.030 ±0.002 absorbance unit/µg SO_2, the intercept as determined by the least squares method must be equal to or less than 0.170 when the color is developed at 22° C (add 0.015 to this 0.170 specification for each °C above 22° C) and the correlation coefficient must be greater than 0.998. If there criteria are not met, it may be the result of an impure dye and/or an improperly standardized sulfite-TCM solution. A calibration factor (B_s) is determined by calculating the reciprocal of the slope and is subsequently used for calculating the sample concentration (Section 12.3).

10.3. *Dynamic Calibration Procedures (Option 2).* Atmospheres containing accurately known concentrations of sulfur dioxide are prepared using permeation devices. In the systems for generating these atmospheres, the permeation device emits gaseous SO_2 at a known, low, constant rate, provided the termperature of the device is held constant (±0.1° C) and the device has been accurately calibrated at the temperature of use. The SO_2 permeating from the device is carried by a low flow of dry carrier gas to a

mixing chamber where it is diluted with SO_2-free air to the desired concentration and supplied to a vented manifold. A typical system is shown schematically in Figure 4 and this system and other similar systems have been described in detail by O'Keeffe and Ortman; (*19*) Scaringelli, Frey, and Saltzman; (*20*) and Scaringelli, O'Keeffe, Rosenberg, and Bell. (*21*) Permeation devices may be prepared or purchased and in both cases must be traceable either to a National Bureau of Standards (NBS) Standard Reference Material (SRM 1625, SRM 1626, SRM 1627) or to an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 22, and a list of CRM sources is available from the address shown for Reference 22. A recommended protocol for certifying a permeation device to an NBS SRM or CRM is given in Section 2.0.7 of Reference 2. Device permeation rates of 0.2 to 0.4 μg/min, inert gas flows of about 50 mL/min, and dilution air flow rates from 1.1 to 15 L/min conveniently yield standard atmospheres in the range of 25 to 600 μg SO_2/m^3 (0.010–0.230 ppm).

10.3.1 *Calibration option 2A (30-minutes and 1-hour samples):* Generate a series of six standard atmospheres of SO_2 (e.g., 0, 50, 100, 200, 350, 500, 750 μg/m^3) by adjusting the dilution flow rates appropriately. The concentration of SO_2 in each atmosphere is calculated as follows:

$$C_a = \frac{P_r - 10^3}{(Q_d + Q_p)} \quad (12)$$

where

C_a = concentration of SO_2 at standard conditions, μg/m^3;

P_r = permeation rate, μg/min;

Q_d = flow rate of dilution air, stdL/min; and

Q_p = flow rate of carrier gas across permeation device, stdL/min.

Be sure that the total flow rate of the standard exceeds the flow demand of the sample train, with the excess flow vented at atmospheric pressure. Sample each atmosphere using similar apparatus as shown in Figure 1 and under the same conditions as field sampling (i.e., use same absorbing reagent volume and sample same volume of air at an equivalent flow rate). Due to the length of the sampling periods required, this method is not recommended for 24-hour sampling.

BILLING CODE 6560-35-M

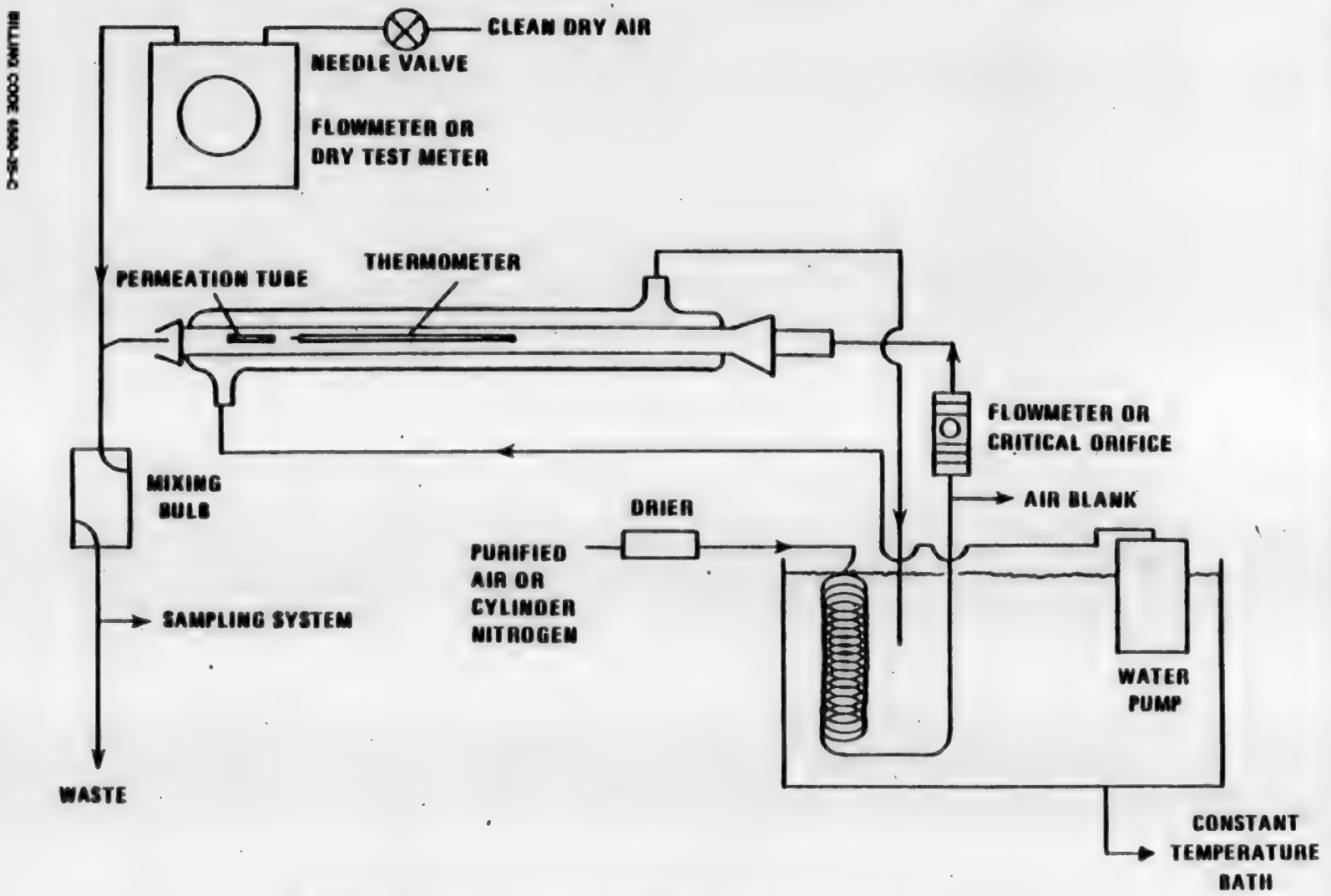

Figure 4. Permeation tube schematic for laboratory use.

A quantitative impinger or flask is used for the solution for the solution with from volume step sample Calc solu

Where:
t = sa
V_s = V_s =
C_s = C_s =
Q_s = At th absor distil absor flask start

Add deve Sect calib (B_v) the s

10. sam cont and acco six a conn the s total flow the e pres sam perio 0.8, 1 The solut follo

At the completion of sampling, quantitatively transfer the contents of each impinger to a series of 25-mL volumetric flasks (if 10 mL of absorbing solution was used) using small amounts of distilled water for rinse (<5 mL). If >10 mL of absorbing solution was used, bring the absorber solution in each impinger to orignial volume with distilled H_2O and pipet 10-mL portions from each impinger into a series of 25-mL volumetric flasks. If the color development steps are not started within 8 hours of sampling, store the solutions at 5° ±5° C. Calculate the total micrograms SO_2 in each solution as follows:

$$\mu g\ SO_2 = \frac{C_s \times Q_s \times t \times V_a}{V_b} \times 10^{-3} \qquad (13)$$

Where:

C_s = concentration of SO_2 in the standard atmosphere, $\mu g/m^3$;

$Q_s = \frac{Q_i + Q_f}{2}$ = sampling flow rate, stdL/min;

t = sampling time, min;

V_a = volume of absorbing solution used for color development (10 mL); and

V_b = volume of absorbing solution used for sampling, mL.

Add the remaining reagents for color development in the same manner as in Section 10.2 for static solution. Calculate a calibration equation and a calibration factor (B_s) according to Section 10.2, adhering to all the specified criteria.

10.3.2 *Calibration option 2B (24-hour samples):* Generate a standard atmosphere containing approximately 1,050 $\mu g\ SO_2/m^3$ and calculate the exact concentration according to equation 12. Set up a series of six absorbers according to Figure 2 and connect to a common manifold for sampling the standard atmosphere. Be sure that the total flow rate of the standard exceeds the flow demand at the sample manifold, with the excess flow vented at atmospheric pressure. The absorbers are then allowed to sample the atmosphere for varying time periods to yield solutions containing 0, 0.2, 0.6, 1.0, 1.4, 1.8, and 2.2 $\mu g\ SO_2$/mL solution. The sampling times required to attain these solution concentrations are calculated as follows:

$$t = \frac{V_b \times C_s}{C_a \times Q_s \times 10^{-3}} \qquad (14)$$

Where:

t = sampling time, min;

V_b = volume of absorbing solution used for sampling (50 mL);

C_s = desired concentration of SO_2 in the absorbing solution, μg/mL;

C_a = concentration of the standard atmosphere calculated according to equation 12, $\mu g/m^3$; and

Q_s = sampling flow rate, stdL/min.

At the completion of sampling, bring the absorber solutions to original volume with distilled water. Pipet 10-mL portion from each absorber into a series of 25-mL volumetric flasks. If the color development steps are not started within 8 hours of sampling, store the solutions at 5°±5° C. Add the remaining reagents for color development in the same manner as in Section 10.2 for static solutions. Calculate the total $\mu g\ SO_2$ in each standard as follows:

$$\mu g\ SO_2 = \frac{t \times C_a \times Q_s \times V_a}{V_b} \times 10^{-3} \qquad (15)$$

Where:

V_a = volume of absorbing solution used for color development (10 mL).

All other parameters are defined in equation 14.

Calculate a calibration equation and a calibration factor (B_s) according to Section 10.2 adhering to all the specified critieria.

11.0 *Sample Preparation and Analysis.*

11.1 *Sample Preparation.* Remove the samples from the shipping container. If the shipment period exceeded 8 hours from the completion of sampling, verify that the temperature is below 10° C. Also, compare the solution level to the level marked on the absorber prior to shipping. If either the temperature is above 10° C or there was significant loss (more than 20%) of the sample during shipping, make an appropriate notation in the record and invalidate the sample. Prepare the samples for analysis as follows:

1. For 30-minute or 1-hour samples: Quantitatively transfer the entire 10 mL amount of absorbing solution to a 25-mL volumetric flask and rinse with a small amount (<5 mL) of distilled water.

2. For 24-hour samples: If the volume of the sample is less than the original volume marked on the absorber, adjust the volume back to the original volume with distilled water to compensate for water lost to evaporation during sampling. If the final volume is greater than the original volume, the volume must be measured using a graduated cylinder. To analyze, pipet 10 mL of the solution into a 25-mL volumetric flask.

11.2 *Sample Analysis.* For each set of determinations, prepare a reagent blank by adding 10 mL TCM absorbing solution to a 25-mL volumetric flask, and two control standards containing approximately 5 and 15 $\mu g\ SO_2$, respectively. The control standards are prepared according to Section 10.2 or 10.3. The analysis is carried out as follows:

1. Allow the sample to stand 20 minutes after the completion of sampling to allow any ozone to decompose (if applicable).

2. To each 25-mL volumetric flask containing reagent blank, sample, or control standard, add 1 mL of 0.6% sulfamic acid (Section 8.2.1) and allow to react for 10 min.

3. Accurately pipet 2 mL of 0.2% formaldehyde solution (Section 8.2.2) and then 5 mL of pararosaniline solution (Section 8.2.13) into each flask. Start a laboratory timer set at 30 minutes.

4. Bring each flask to volume with recently boiled and cooled distilled water and mix thoroughly.

5. During the 30 minutes, the solutions must be in a temperature-controlled environment in the range of 20° to 30° C maintained to ±1° C. This temperature must also be within 1° C of that used during calibration.

6. After 30 minutes and before 60 minutes, determine the corrected absorbances of each solution at 548 nm using 1-cm optical path length cells against a distilled water reference (Section 10.1). (*Distilled water is used as a reference instead of the reagent blank because of the color sensitivity of the reagent blank to temperature.*)

7. Do not allow the colored solution to stand in the cells because a film may be deposited. Clean the cells with isopropyl alcohol after use.

8. The reagent blank must be within 0.03 absorbance units of the intercept of the calibration equation determined in Section 10.

11.3 *Absorbance range.* If the absorbance of the sample solution ranges between 1.0 and 2.0, the sample can be diluted 1:1 with a portion of the reagent blank and the absorbance redetermined within 5 minutes. Solutions with higher absorbances can be diluted up to sixfold with the reagent blank in order to obtain scale readings of less than 1.0 absorbance unit. However, it is recommended that a smaller portion (<10 mL) of the original sample be reanalyzed (if possible) if the sample requires a dilution greater than 1:1.

11.4 *Reagent disposal.* All reagents containing mercury compounds must be stored and disposed of using one of the procedures contained in Section 13. Until disposal, the discarded solutions can be stored in closed glass containers and should be left in a fume hood.

12.0 *Calculations.*

12.1 *Calibration Slope, Intercept, and Correlation Coefficient.* The method of least squares is used to calculate a calibration equation in the form of:

$$y = mx + b \qquad (16)$$

Where:

y = corrected absorbance,

m = slope, absorbance unit/$\mu g\ SO_2$,

x = micrograms of SO_2,

b = y intercept (absorbance units).

The slope (m), intercept (b), and correlation coefficient (r) are calculated as follows:

$$m = \frac{n\Sigma xy - (\Sigma x)(\Sigma y)}{n\Sigma x^2 - (\Sigma x)^2} \qquad (17)$$

$$b = \frac{\Sigma y - m\Sigma x}{n} \qquad (18)$$

$$r = \frac{n\Sigma y^2 - (\Sigma y)^2}{m} \qquad (19)$$

where n is the number of calibration points.

A data form (Figure 5) is supplied for easily organizing calibration data when the slope, intercept, and correlation coefficient are calculated by hand.

12.2 *Total Sample Volume.* Determine the sampling volume at standard conditions as follows:

$$V_{std} = \frac{Q_i + Q_f}{2} \times t \qquad (20)$$

Where:

V_{std} = sampling volume in stdL,
Q_i = standard flow rate determined at the initiation of sampling in stdL/min,
Q_f = standard flow rate determined at the completion of sampling in stdL/min, and
t = total sampling time, min.

12.3 *Sulfur Dioxide Concentration.* Calculate the concentration of each sample as follows:

$$\mu g\ SO_2/m^3 = \frac{(A-A_o)\ (B_x)\ (10^3)}{V_{std}} \times \frac{V_b}{V_a} \qquad (21)$$

Where:
A = corrected absorbance of the sample solution;
A_o = corrected absorbance of the reagent blank;
B_x = calibration factor equal to B_s, B_p, or B_i depending on the calibration procedure used, the reciprocal of the slope of the calibration equation.
V_a = volume of absorber solution analyzed, mL;
V_b = total volume of solution in absorber, mL; and
V_{std} = standard air volume sampled, stdL (from Section 12.2)

DATA FORM FOR HAND CALCULATIONS

Calibration point number	Micrograms SO_2 x	Absorbance units y	x^2	xy	y^2
1					
2					
3					
4					
5					
6					

Σx = ... Σy = ... Σx^2 = ... Σxy = ... Σy^2 = ...
n = (number of pairs of coordinates).

Figure 5. Data form for hand calculations.

12.4 *Control Standards.* Calculate the analyzed micrograms of SO_2 in each control standard as follows:

$$C_s = (A-A_o) \times B_x \qquad (22)$$

Where:
C_s = analyzed μg SO_2 in each control standard,
A = corrected absorbance of the control standard, and
A_o = corrected absorbance of the reagent blank.

The difference between the true and analyzed values of the control standards must not be greater than 1 μg. If the difference is greater than 1 μg, the source of the discrepancy must be identified and corrected and the samples must be reanalyzed.

12.5 *Conversion of $\mu g/m^3$ to ppm (v/v).* If desired, the concentration of sulfur dioxide at reference conditions is converted to ppm SO_2 (v/v) as follows:

$$\text{ppm } SO_2 = \frac{\mu g\ SO_2}{M_3} \times 3.82 \times 10^{-4} \qquad (23)$$

13.0 Disposal of Mercury-Containing Solutions.

13.1 The TCM absorbing solution and any reagents containing mercury compounds must be treated and disposed of by one of the methods discusses below. Both methods remove greater than 99.99 percent of the mercury.

13.2 *Method for Forming an Amalgam.*

(1) For each liter of waste solution, add approximately 10 g of sodium carbonate until neutralization has occurred (NaOH may have to be used).

(2) Following neutralization, add 10 g of granular zinc or magnesium.

(3) Stir the solution in a hood for 24 hours. Caution must be exercised as hydrogen gas is evolved by this treatment process.

(4) After 24 hours, allow the solution to stand without stirring to allow the mercury amalgam (solid black material) to settle to the bottom of the waste receptacle.

(5) Upon settling, decant and discard the supernatant liquid.

(6) Quantitatively transfer the solid material to a container and allow to dry.

(7) The solid material can be sent to a mercury reclaiming plant. It must not be discarded.

13.3 *Method Using Aluminum Strips.*

(1) Place the waste solution in an uncapped vessel in a hood.

(2) Add aluminum foil strips to the solution until the foil is no longer consumed and allow the gas to evolve for 24 hours.

(3) Decant the supernatant liquid and discard.

(4) Transfer the elemental mercury that has settled to the bottom of the vessel to a storage container.

14.0 *References for SO_2 Method.*

(1) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I, Principles. EPA–600/9–76–005, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1976.

(2) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods. EPA–600/4–77–027a, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1977.

(3) Dasqupta, P. K. and K. B. DeCesare. Stability of Sulfur Dioxide in Formaldehyde and Its Anomalous Behavior in Tetrachloromercurate (II). Submitted for publication in Anal. Chem., 1981.

(4) West, P. W., and G. C. Gaeke. Fixation of Sulfur Dioxide as Disulfitomercurate (II) and Subsequent Colorimetric Estimation. Anal. Chem., 28:1816, 1956.

(5) Ephraim, F. Inorganic Chemistry. P. C. L. Thorne and E. R. Roberts, Eds., 5th Edition, Interscience, 1948, P. 562.

(6) Lyles, G. R., F. B. Dowling, and V. J. Blanchard. Quantitative Determination of Formaldehyde in the Parts Per Hundred Million Concentration Level. J. Air. Poll. Cont. Assoc., Vol. 15(106), 1965.

(7) McKee, H. C., R. E. Childers, and O. Saenz, Jr. Collabaorative Study of Reference Method for Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method). EPA–APTD–0903, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, September 1971.

(8) Urone, P., J. B. Evans, and C. M. Noyes. Tracer Techniques in Sulfur—Air Pollution Studies Apparatus and Studies of Sulfur Dioxide Colorimetric and Conductometric Methods. Anal. Chem., 37:1104, 1965.

(9) Bostrom, C. E. The Absorption of Sulfur Dioxide at Low Concentrations (pphm) Studies by an Isotopic Tracer Method. Intern. J. Air Water Poll., 9:333, 1965.

(10) Scaringelli, F. P., B. E. Saltzman, and S. A. Frey. Spectrophotometric Determination of Atmospheric Sulfur Dioxide. Anal. Chem., 39:1709, 1967.

(11) Pate, J. B., B. E. Ammons, G. A. Swanson, and J. P. Lodge, Jr. Nitrite Interference in Spectrophotometric Determination of Atmospheric Sulfur Dioxide. Anal. Chem., 37:942, 1965.

(12) Zurlo, N., and A. M. Griffini. Measurement of the Sulfur Dioxide Content of the Air in the Presence of Oxides of Nitrogen and Heavy Metals. Medicina Lavoro, 53:330, 1962.

(13) Rehme, K. A., and F. P. Scaringelli. Effect of Ammonia on the Spectrophotometric Determination of Atmospheric Concentrations of Sulfur Dioxide. Anal. Chem., 47:2474, 1975.

(14) McCoy, R. A., D. E. Canann, and H. C. McKee. Collaborative Study of Reference Method for Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method) (24-Hour Sampling). EPA–650/4–74–027, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, December 1973.

(15) Fuerst, R. G. Improved Temperature Stability of Sulfur Dioxide Samples Collected by the Federal Reference Method EPA–600/4–78–018, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, April 1978.

(16) Scaringelli, F. P., L Elfers, D. Norris, and S. Hochheiser. Enhanced Stability of Sulfur Dioxide in Solution. Anal. Chem., 42:1818, 1970.

(17) Martin, B. E. Sulfur Dioxide Bubbler Temporature Study. EPA–600/4–77–040, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, August 1977.

(18) American Society for Testing and Materials. ASTM Standards, Water; Atmospheric Analysis. Part 23. Philadelphia, Pennsylvania, October 1968, p. 226.

(19) O'Keeffe, A. E., and G. C. Ortman. Primary Standards for Trace Gas Analysis. Anal. Chem., 38:760, 1966.

(20) Scaringelli, F. P., S. A. Frey, and B. E. Saltzman. Evaluation of Teflon Permeation Tubes for Use with Sulfur Dioxide. Amer. Ind. Hygiene Assoc. J., 28:260, 1967.

(21) Scaringelli, F. P., A. E. O'Keeffe, E. Rosenberger, and J. P. Bell, Preparation of Known Concentrations of Gases and Vapors With Permeation Devices Calibrated Gravimetrically. Anal. Chem., 42:871, 1970.

(22) A Procedure for Establishing Traceability of Gas Mixtures to Certain

National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

2. By revising Appendix B to read as follows:

Appendix B.—Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High Volume Method)

1.0 *Applicability.* 1.1 This method provides a measurement of the mass concentration of total suspended particulate matter (TSP) in ambient air for determining compliance with the primary and secondary national ambient air quality standards for particulate matter as specified in § 50.6 and § 50.7 of this chapter. The measurement process is nondestructive, and the size of the sample collected is usually adequate for subsequent chemical analysis. Quality assurance procedures and guidance are provided in Part 58, Appendixes A and B, of this chapter and in References (*1*) and (*2*).

2.0 *Principle.* 2.1 An air sampler, properly located at the measurement site, draws a measured quantity of ambient air into a covered housing and through a filter during a 24-hr (nominal) sampling period. The sampler flow rate and the geometry of the shelter favor the collection of particles smaller than approximately 60 μm (aerodynamic diameter). The filters used are specified to have a minimum collection efficiency of 99 percent for 0.3 μm (DOP) particles at face velocities between 150 and 225 cm/sec (see Section 7.1.4).

2.2 The filter is weighed (after moisture equilibration) before and after use to determine the net weight (mass) gain. The total volume of air sampled, corrected to EPA standard conditions (25° C, 760 mm Hg), is determined from the measured flow rate and the sampling time. The concentration of total suspended particulate matter in the ambient air is computed as the mass of collected particles divided by the volume of air sampled, corrected to standard conditions, and is expressed in micrograms per standard cubic meter (μg/std m^3). For samples collected at temperatures and pressures significantly different than standard conditions, these corrected concentrations may differ substantially from actual concentrations (in micrograms per actual cubic meter), particularly at high elevations. The actual particulate matter concentration can be calculated from the corrected concentration, using the actual temperature and pressure during the sampling period.

3.0 *Range.* 3.1 The approximate concentration range of the method is 2 to 750 μg/std m^3. The upper limit is determined by the point at which the sampler can no longer maintain the specified flow rate due to the increased pressure drop of the loaded filter. This point is affected by particle size distribution, moisture content of the collected particles, and variability from filter to filter, among other things. The lower limit is determined by the sensitivity of the balance (see Section 7.10) and by inherent sources of error (see Section 6). 3.2 At wind speeds between 1.3 and 4.5 m/sec (3 and 10 mph), the high-volume air sampler has been found to collect an aerosol mass equal to the total aerosol mass fraction below about 60 μm^3. For the filter specified in Section 7.1 there is effectively no lower limit on the particle size collected.

4.0 *Precision.* 4.1 Based upon collaborative testing, the relative standard deviation (coefficient of variation) for single analyst precision (repeatability) of the method is 3.0 percent. The corresponding value for interlaboratory precision (reproducibility) is 3.7 percent. (*4*)

5.0 *Accuracy.* 5.1 The absolute accuracy of the method is undefined because of the complex nature of atmospheric particulate matter and the difficulty in determining the "true" particulate matter concentration. This method provides a measure of particulate matter concentration suitable for the purpose specified under Section 1.0, Applicability.

6.0 *Inherent Sources of Error.*

6.1 *Airflow variation.* The weight of material collected on the filter represents the (integrated) sum of the product of the instantaneous flow rate times the instantaneous particle concentration. Therefore, dividing this weight by the average flow rate over the sampling period yields the true particulate matter concentration only when the flow rate is constant over the period. The error resulting from a nonconstant flow rate depends on the magnitude of the instantaneous changes in the flow rate and in the particulate matter concentration. Normally, such errors are not large, but they can be greatly reduced by equipping the sampler with an automatic flow controlling mechanism that maintains constant flow during the sampling period. Use of a constant flow controller is recommended.

6.2 *Air volume measurement.* If the flow rate changes substantially or nonuniformly during the sampling period, appreciable errors in the estimated air volume may result by averaging the presampling and postsampling flow rates. Greater air volume measurement accuracy may be achieved by (1) equipping the sampler with a flow controlling mechanism that maintains constant airflow during the sampling period, (2) using a calibrated, continous flow rate recording device to record the actual flow rate during the sampling period and integrating the flow rate over the period, or (3) any other means that will accurately measure the total air volume sampled during the sampling period. Use of a continuous flow recorder is recommended, particularly if the sampler is not equipped with a constant flow controller.

6.3 *Loss of volatiles.* Volatile particles collected on the filter may be lost during subsequent sampling or during shipment and/or storage of the filter prior to the postsampling weighing. (*5*) Although such losses are largely unavoidable, the filter should be reweighed as soon after sampling as practical.

6.4 *Artifact particulate matter.* Artifact particulate matter can be formed on the surface of alkaline glass fiber filters by oxidation of acid gases in the sample air, resulting in a higher than true TSP determination. (*6*) (*7*) This effect usually occurs early in the sample period and is a function of the filter pH and the presence of acid gases. It is generally believed to account for only a small percentage of the filter weight gain, but the effect may become more significant where relatively small particulate weights are collected.

6.5 *Humidity.* Glass fiber filters are comparatively insensitive to changes in relative humidity, but collected particulate matter can be hygroscopic. (*8*) The moisture conditioning procedure minimizes but may not completely eliminate error due to moisture.

6.6 *Filter handling.* Careful handling of the filter between the presampling and postsampling weighings is necessary to avoid errors due to loss of fibers or particles from the filter. A filter paper cartridge or cassette used to protect the filter can minimize handling errors. (See Reference (*2*), Section 2.)

6.7 *Nonsampled particulate matter.* Particulate matter may be deposited on the filter by wind action during periods when the sampler is inoperative. (*9*) It is recommended that errors from this source be minimized by an automatic mechanical device that keeps the filter covered during nonsampling periods, or by timely installation and retrieval of filters to minimize the nonsampling periods prior to the following operation.

6.8 *Timing errors.* Samplers are normally controlled by clock timers set to start and stop the sampler at selected times. Errors in the nominal 1,440-min sampling period may result from a power interruption during the sampling period or from a discrepancy between the start or stop time recorded on the filter information record and the actual start or stop time of the sampler. Such discrepancies may be caused by (1) poor resolution of the timer set-points, (2) timer error due to power interruption, (3) misetting of the timer, or (4) timer malfunction. In general, digital electronic timers have much better set-point resolution than mechanical timers, but require a battery backup system to maintain continuity of operation after a power interruption. A continuous flow recorder or elapsed timer provides an indication of the sampler run-time as well as an indication of any power interruption during the sampling period and is therefore recommended.

7.0 *Apparatus.*

(See References (*1*) and (*2*) for quality assurance information.)

Note.—Samplers purchased prior to the effective date of this amendment are not subject to specifications preceded by (*).

7.1 *Filter.* (Filters supplied by the Environmental Protection Agency can be assumed to meet the following criteria. Additional specifications are required if the sample is to be analyzed chemically.)

7.1.1 *Size:* 20.3±0.2×25.4±0.2 cm (nominal 8 x 10 in).

7.1.2 *Nominal exposed area:* 406.5 cm^2 (63 in^2).

7.1.3 *Material:* Glass fiber or other relatively inert, nonhygroscopic material.[8]

7.1.4 *Collection efficiency:* 99 percent minimum as measured by the DOP test (ASTM–2986) for particles of 0.3 μm diameter at face velocities between 150 and 225 cm/sec.

7.1.5 *Maximum pressure drop:* 43 mm Hg (23 in. water) at a flow rate of 1.5 std m^3/min through nominal exposed area.

7.1.6 *pH:* 6 to 10. (*10*)

7.1.7 *Integrity:* 2.4 mg maximum weight loss. (*10*)

7.1.8 *Pinholes:* None.

7.1.9 *Tear strength:* 500 g minimum for 20 mm wide strip cut from filter in weakest dimension. (See ASTM Test D828–60.)

7.1.10 *Brittleness:* No cracks or material separations after single lengthwise crease.

7.2 *Sampler.* The air sampler shall provide means for drawing the air sample, via reduced atmospheric pressure, through the filter at a uniform face velocity.

7.2.1 The sampler shall have suitable means to:

a. Hold and seal the filter to the sampler housing.

b. Allow the filter to be changed conveniently.

c. Preclude leaks that would cause error in the measurement of the air volume passing through the filter.

d. * Adjust the flow rate to accommodate variations in line voltage and filter pressure drop. This may be accomplished by an automatic flow controller or by a manual flow adjustment device. Any manual adjustment device must be designed with positive detents or other means to avoid unintentional changes in the setting.*

7.2.2 A sampler equipped with a flow regulation mechanism must have the means to temporarily disable the flow controller to allow calibration of the flow indicator over the specified flow range.

7.2.3 *Minimum sample flow rate, heavily loaded filter:* 1.0 std m^3/min.

7.2.4 *Maximum sample flow rate, clean filter:* 1.5 std m^3/min.

7.2.5 *Blower Motor:* The motor must be capable of continuous operation for 24-hr periods.

7.3 *Sampler shelter.* 7.3.1 The sampler shelter shall:

a. Maintain the filter in a horizontal position at least 1 m above the floor or supporting surface so that sample air is drawn downward through the filter.

b. Be rectangular in shape with a gabled roof, similar to the design shown in Figure 1.

c. Cover and protect the filter and sampler from precipitation and other weather.

d. Discharge exhaust air at least 40 cm from the sample air inlet.

e. Be designed to minimize the collection of dust from the supporting surface by incorporating a baffle between the exhaust and the supporting surface.

7.3.2 The sampler cover or roof shall overhang the sampler housing somewhat, and shall be mounted so as to form an air inlet gap between the cover and the sampler housing walls. This sample air inlet should be approximately uniform on all sides of the sampler. The area of the sample air inlet must be sized to provide an effective particle capture air velocity of between 20 and 35 cm/sec at the recommended operational flow rate. The capture velocity is the sample air flow divided by the inlet area measured in a horizontal plane at the lower edge of the cover. Ideally, the inlet area and operational flow rate should be selected to obtain a capture air velocity of 23±2 cm/sec. (A flow rate of 1.1 m^3/min and an inlet area of about 800 cm^2 are recommended.)

7.3.3 Inlet openings of existing samplers that do not permit an inlet velocity within the range of 20 to 35 cm/sec at a flow rate as specified in 7.2.3 and 7.2.4 should be suitably modified to meet these specifications.

7.4 *Flow rate measurement device.* 7.4.1 The sampler shall incorporate a flow rate measurement device capable of indicating the total sampler flow rate. Two common types of flow indicators covered in the calibration procedure are (1) an electronic mass flowmeter and (2) an orifice or orifices located in the sample air stream (downstream of the filter) together with a suitable pressure indicator such as a manometer, or aneroid pressure gauge. A pressure recorder may be used with an orifice to provide a continuous record of the flow. Other types of flow indicators having comparable precision and accuracy are also acceptable.

7.4.2 *The flow rate measurement device must be capable of being calibrated and read in units corresponding to a flow rate which is readable to the nearest 0.02 std m^3/min over the range 0.9 to 1.6 std m^3/min.

Note.—Flow rate devices consisting of a rotameter (e.g., visi-float) connected to measure a portion of the sample flow may be used only until 1 year after the effective date of this amendment.

7.5 *Thermometer,* to indicate approximate air temperature at the flow rate measurement orifice, when temperature corrections are used.

7.5.1 *Range:* −40° to +50°C.

7.5.2 *Resolution:* 2°C.

7.6. *Barometer,* to indicate barometric pressure at the flow rate measurement orifice, when pressure corrections are used.

7.6.1 *Range:* 500 to 800 mm. Hg.

7.6.2 *Resolution:* ±5 mm. Hg.

7.7 *Timing/control device.*

7.7.1 The timing device must be capable of starting and stopping the sampler to obtain an elapsed run-time of 24 hr. ±1 hr. (1,440 ±60 min).

7.7.2 *Accuracy of time setting:* ±15 min., or better. (See Section 6.8.)

7.8. *Flow rate transfer standard,* traceable to a primary standard. (See Section 9.2.)

7.8.1 *Approximate range:* 0.9 to 1.6 std. m^3/min.

7.8.2 *Resolution:* 0.02 std. m^3/min.

7.8.3 *Reproducibility:* ±2 percent (2 times coefficient of variation) over normal ranges of ambient temperature and pressure for the stated flow rate range. (See Reference 2, Section 2.)

7.8.4 The flow rate transfer standard must connect without leaks to the inlet of the sampler and measure the flow rate of the total air sample.

7.8.5 The flow rate transfer standard must include a means to vary the sampler flow rate over the range 0.9 to 1.6 std m^3/min by introducing various levels of flow resistance between the sampler and the transfer standard inlet.

7.8.6 The conventional type of flow transfer standard consists of: an orifice unit with adapter that connects to the inlet of the sampler, a manometer or other device to measure orifice pressure drop, a means to vary the flow through the sampler unit, a thermometer to measure the ambient temperature, and a barometer to measure ambient pressure. Two such devices are shown in Figures 2a and 2b. Figure 2a shows fixed resistance plates, which necessitate disassembly of the unit each time the flow resistance is changed. A preferable design, illustrated in Figure 2b, has a variable flow restriction that can be adjusted externally without disassembly of the unit. Use of a conventional, orifice-type transfer standard is assumed in the calibration procedure (Section 9). However, the use of other types of transfer standards, such as the one shown in Figure 2c, meeting the above specifications may be approved; see the note following Section 9.1.

7.9 *Filter conditioning environment.*

7.9.1 *Controlled temperature:* between 15° and 30° C with less than ±3° C variation.

7.9.2 *Controlled humidity:* less than 50 percent relative humidity, constant within ±5 percent.

7.10 *Analytical balance.*

7.10.1 *Sensitivity:* 0.1 mg.

7.10.2 Weighing chamber designed to accept an unfolded 20.3x25.4 cm (8 x 10 in) filter.

7.11 *Area light source,* similar to x-ray film viewer, to backlight filters for visual inspection.

7.12 *Numbering device,* capable of printing identification numbers on the filters before they are placed in the filter conditioning environment.

8.0 *Procedure.* (See References (*1*) and (*2*) for quality assurance information.)

8.1 Number each filter near its edge with a unique identification number.

8.2 Backlight each filter and inspect for pinholes, particles, and other imperfections; filters with visible imperfections must not be used.

8.3 Equilibrate each filter in the conditioning environment for 24 hr.

8.4 Following equilibration, weigh each filter to the nearest milligram and record this tar weight (W_i) with the filter identification number.

8.5 Do not bend or fold the filter before collection of the sample.

8.6 Open the shelter and install a numbered, preweighed filter in the sampler, following the sampler manufacturer's instructions. During inclement weather, precautions must be taken while changing filters to prevent damage to the clean filter and loss of sample from or damage to the exposed filter. Filter cassettes loaded and unloaded in the laboratory may be used to minimize this problem. (See Section 6.6).

8.7 Close the shelter and run the sampler for at least 5 min to establish run-temperature conditions.

8.8 Record the flow indicator reading and, if needed, the barometric pressure and the ambient temperature (see Note following step

* See note at beginning of Section 7.

8.12). Stop the sampler. Determine the sampler flow rate (see Section 10.1); if it is outside the acceptable range (1.0 to 1.5 std M^3/min), use a different filter, or adjust the sampler flow rate. Warning: Manual flow adjustments may affect the calibration of the orifice-type flow indicators and may necessitate recalibration.

8.9 Record the sample information (filter number, site location or identification number, sample date, and starting time).

8.10 Set the timer to start and stop the sampler at appropriate times.

8.11 As soon as practical following the sampling period, run the sampler for at least 5 min to again establish run-temperature conditions.

8.12 Record the flow indicator reading and, if needed, the barometric pressure and the ambient temperature.

Note.—No onsite pressure or temperature measurements are necessary if the sampler flow indicator does not require pressure or temperature corrections (e.g., a mass flowmeter), or if average barometric pressure and seasonal average temperature for the site are incorporated into the sampler calibration (see step 9.3.9). For individual pressure and temperature corrections, the ambient pressure and temperature can be obtained by onsite measurements or from a nearby weather station. Barometric pressure readings obtained from airports must be station pressure, not corrected to sea level, and may need to be corrected for differences in elevation between the sampler size and the airport. For samplers having flow recorders but not constant flow controllers, the average temperature and pressure at the site *during the sampling period* should be estimated from weather bureau or other available data.

8.13 Stop the sampler and carefully remove the filter, following the sampler manufacturer's instructions. Touch only the outer edges of the filter.

8.14 Fold the filter in half lengthwise so that only surfaces with collected particulates are in contact, and place it in the filter holder (glassine envelope or manila folder).

8.15 Record the ending time or elapsed time on the filter information record, either from the stop set-point time, from an elapsed time indicator, or from a continuous flow record. The sample period must be 1,440 ± 60 min. for a valid sample.

8.16 Record on the filter information record any other factors, such as meteorological conditions, construction activity, fires or dust storms, etc., that might be pertinent to the measurement. If the sample is known to be defective, void it at this time.

8.17 Equilibrate the exposed filter in the conditioning environment for 24 hours.

8.18 Immediately after equilibration, reweigh the filter to the nearest milligram and record the gross weight with the filter identification number.

9.0 *Calibration.* 9.1 Calibration of the high volume sampler's flow indicating device is necessary to establish traceability of the field measurement to a primary standard via the flow rate transfer standard. Figure 3a illustrates the certification of the flow rate transfer standard and Figure 3b illustrates it's use in calibrating the sampler flow indicator. Determination of the corrected flow rate from the sampler flow indicator, illustrated in Figure 3c, is addressed in Section 10.1.

Note.—The following procedure assumes use of a conventional, orifice-type transfer standard. Other types of transfer standards may be used if the manufacturer or user provides an appropriately modified calibration procedure that has been approved by EPA under Section 2.8 of Appendix C to Part 58 of this chapter.

9.2 *Certification of the flow rate transfer standard.* (May be accomplished by either the user or the supplier.)

9.2.1 *Equipment required:* Positive displacement volume standard traceable to the National Bureau of Standards (such as a Roots meter or equivalent), stop-watch, manometer, thermometer, and barometer.

9.2.2 Connect the flow rate transfer standard to the inlet of the volume standard. Connect the manometer to measure the pressure at the inlet of the volume standard. Connect the orifice manometer to the pressure tap on the transfer standard. Connect a high-volume air pump (such as a high volume sampler blower) to the outlet side of the volume standard. See Figure 3a.

9.2.3 Check for leaks by temporarily clamping both manometer lines (to avoid fluid loss) and blocking the orifice with a large-diameter rubber stopper, wide cellophane tape, or other suitable means. Start the high-volume air pump and note any change in the volume standard reading. The reading should remain constant. If the reading changes, locate any leaks by listening for a whistling sound and/or retightening all connections, making sure that all gaskets are properly installed.

9.2.4 After satisfactorily completing the leak check as described above, unclamp both manometer lines and zero both manometers.

9.2.5 Achieve the appropriate flow rate through the system, either by means of the variable flow resistance in the transfer standard or by varying the voltage to the air pump. (Use of resistance plates as shown in Figure 1a is discouraged because the above leak check must be repeated each time a new resistance plate is installed.) A minimum of five different but constant flow rates, evenly distributed with at least three in the specified flow rate interval (1.0 to 1.5 std m^3/min), is required.

9.2.6 Measure and record the certification data on a form similar to the one illustrated in Figure 4 according to the following steps.

9.2.7 Observe the barometric pressure and record as P_1 (item 8 in Figure 4).

9.2.8 Read the ambient temperature in the vicinity of the standard volume meter and record it as T_1 (item 9 in Figure 4).

9.2.9 Start the blower motor, adjust the flow, and allow the system to run for at least 1 min for a constant motor speed to be attained.

9.2.10 Observe the standard volume meter reading and simultaneously start a stopwatch. Record the initial meter reading (V_i) in column 1 of Figure 4.

9.2.11 Maintain this constant flow rate until approximately 5 m^3 have passed through the standard volume meter. Record the standard volume inlet pressure manometer reading as ΔP (column 5 in Figure 4), and the orifice manometer reading as ΔH (column 7 in Figure 4). Be sure to indicate the correct units of measurement.

9.2.12 After at least 5 m^3 of air have passed through the system, observe the standard volume meter reading while simultaneously stopping the stop-watch. Record the final meter reading (V_f) in column 2 and the elapsed time (t) in column 3 of Figure 4.

9.2.13 Calculate the volume measured by the standard volume meter at meter conditions of temperature and pressures as $V_m = V_f - V_i$. Record in column 4 of Figure 4.

9.2.14 Correct this volume to standard volume (std m^3) as follows:

$$V_{std} = V_m\left(\frac{P_1 - \Delta P}{P_{std}}\right)\left(\frac{T_{std}}{T_1}\right) = V_m\left(\frac{P_1 - \Delta P}{760}\right)\left(\frac{298}{T_1}\right)$$

where

V_{std} = standard volume, std m^3;
P_1 = barometric pressure during calibration, mm Hg;
ΔP = differential pressure at inlet to volume meter, mm Hg;
P_{std} = 760 mm Hg;
T_{std} = 298 K;
T_1 = ambient temperature during calibration, K.

Calculate the standard flow rate (std m^3/min) as follows:

$$Q_{std} = \frac{V_{std}}{t}$$

where

Q_{std} = standard volumetric flow rate, std m^3/min.
t = elapsed time, minutes.

Record Q_{std} to the nearest 0.01 std m^3/min in column 6 of Figure 4.

9.2.15 Repeat steps 9.2.9 through 9.2.14 for at least four additional constant flow rates, evenly spaced over the approximate range of 0.9 to 1.6 std m^3/min.

9.2.16 Plot $\Delta H(P_1/760)(298/T_1)$ against Q_{std} or, to obtain a linear curve, plot

$$\sqrt{\text{Plot } \Delta H(P_1/760)(298/T_1)}$$

against Q_{std} as shown in Figure 3a. Draw the orifice transfer standard certification curve or calculate the linear least squares slope and intercept of the certification curve. A certification graph should be readable to 0.02 std m^3.

9.2.17 Recalibrate the transfer standard annually or as required by applicable quality control procedures. (See Reference 2.)

9.3 *Calibration of sampler flow indicator.*

Note.—For samplers equipped with a flow controlling device, the flow controller must be disabled to allow flow changes during calibration of the sampler's flow indicator. For samplers using an orifice-type flow indicator downstream of the motor, do not vary the flow rate by adjusting the voltage or power supplied to the sampler.

9.3.1 A form similar to the one illustrated in Figure 5 should be used to record the calibration data.

9.3.2 Install a clean filter on the sampler and connect the transfer standard to the inlet of the sampler over the filter. Connect the

orifice manometer to the orifice pressure tap, as illustrated in Figure 3b. Make sure there are no leaks between the orifice unit and the sampler.

9.3.3 Operate the sampler for at least 5 minutes to establish thermal equilibrium prior to the calibration.

9.3.4 Measure and record the ambient temperature, T_a, and the barometric pressure, P_a, during calibration.

9.3.5 Adjust the variable resistance or, if applicable, insert the appropriate resistance plate (or no plate) to achieve the desired flow rate.

9.3.6 Let the sampler run for at least 2 min to establish run-temperature conditions. Read and record the pressure drop across the orifice (ΔH) and the sampler flow rate indication (I) in the appropriate columns of Figure 5.

9.3.7 Calculate $\sqrt{\Delta H(P_a/760)(298/T_a)}$ or (whichever form was used in step 9.2.16) and determine the flow rate at standard conditions Q_{std} either graphically from the certification curve or by calculating Q_{std} from the least squares slope and intercept of the transfer standard's certification curve. Record the value of Q_{std}.

9.3.8 Repeat steps 9.3.5, 9.3.6, and 9.3.7 for several additional flow rates distributed over the range of 1.0 to 1.5 std m^3/min.

9.3.9 Determine the calibration curve by plotting values of the appropriate expression involving I against Q_{std} (Table 1). The choice of expression depends on the flow rate measurement device used (see Section 7.4.1) and also on whether the calibration curve incorporates geographic average barometric pressure (P_a) and seasonal average temperature (T_a) for the site to approximate actual pressure and temperature. For many sites, using P_a and T_a is sufficiently accurate and avoids the need for subsequent pressure and temperature calculation when the sampler is used. The geographic average barometric pressure (P_a) may be obtained from an altitude-pressure table or by making an (approximate) elevation correction of −26 mm Hg. for each 305 m (1,000 ft) above sea level (760 mm Hg). The seasonal average temperature (T_a) may be obtained from weather station or other records.

9.3.10 Draw the sampler calibration curve or calculate the linear least squares slope, intercept, and correlation coefficient of the calibration curve. Calibration curves should be readable to 0.02 std m^3/min.

9.3.11 For a sampler equipped with a flow controller, the flow controlling mechanism should be re-enabled and the sample flow rate should be verified at this time with a clean filter installed. Then add two or more filters to the sampler to see if the flow controller maintains a constant flow.

10.0 *Calculation of TSP Concentration.*

10.1 Determine the average sampler flow rate during the sampling period according to either 10.1.1 or 10.1.2 below.

10.1.1 For a sampler without a continuous flow recorder, determine the appropriate expression to be used from Table 2. (The expression will correspond to the one from Table 1 used in step 9.3.9.) Using the appropriate expression, determine Q_{std} for the initial flow rate from the sampler calibration curve, either graphically or from the regression equation. Similarly, determine Q_{std} from the final flow reading, and calculate the average flow $\overline{Q_{std}}$ as one-half the sum of the initial and final flow rates.

BILLING CODE 6560-35-M

TABLE 1. EXPRESSIONS FOR PLOTTING SAMPLER CALIBRATION CURVES

Sampler flow rate measuring device	Expression	
	For actual pressure and temperature corrections	For incorporation of geographic average pressure and seasonal average temperature
Mass flowmeter	I	I
Orifice, nonlinear curve	$I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$	$I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)$
Orifice, linear curve	$\sqrt{I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	$\sqrt{I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$
Pressure recorder having square root scale	$I\sqrt{\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	$I\sqrt{\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$

TABLE 2. EXPRESSIONS FOR DETERMINING FLOW RATE DURING SAMPLER OPERATION

Sampler flow rate measuring device	Expression	
	For actual pressure and temperature corrections	For use when geographic average pressure and seasonal average temperature have been incorporated into the sampler calibration
Mass flowmeter	I	I
Orifice	$I\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)$	I
Orifice, linear curve	$\sqrt{I\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)}$	$\sqrt{I}$
Pressure recorder having square root scale	$I\sqrt{\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)}$	I

BILLING CODE [illegible]-05-C

10.1.2 For a sampler with a continuous flow recorder, determine the average flow rate device reading 1 for the period. Determine the appropriate expression from Table 2. (The expression will correspond to the one from Table 1 used in step 9.3.9.) Then using this expression and the average flow rate reading, determine $\overline{Q_{std}}$ from the sampler calibration curve, either graphically or from the regression equation. (If the trace shows substantial flow change during the sampling period, greater accuracy may be achieved by dividing the sampling period into intervals and averaging the individual interval flow rates to find $\overline{Q_{std}}$.

10.2 Calculate the total air volume sampled as:

$$V = \overline{Q_{std}} \times t$$

where

V = total air volume sampled, in standard volume units, std m^3;

$\overline{Q_{std}}$ = average standard flow rate, std m^3/min;

t = sampling time, min.

10.3 Calculate the particulate matter concentration as:

$$TSP = \frac{(W_f - W_i) \times 10^6}{V}$$

where

TSP = mass concentration of total suspended particulate matter, μg/std m^3;

W_i = initial weight of clean filter, g;

W_f = final weight of exposed filter, g;

V = air volume sampled, converted to standard conditions, std m^3;

10^6 = conversion of g to μg.

10.4 If desired, the actual particulate matter concentration (see Section 2.2) can be calculated as follows:

$$(TSP)_a = TSP\ (P_s/760)(298/T_s)$$

where

$(TSP)_a$ = actual concentration at field conditions, $\mu g/m^3$;

TSP = concentration at standard conditions, $\mu g/m^3$;

P_s = average barometric pressure during sampling period, mm Hg;

T_s = average ambient temperature during sampling period, K.

11.0 *References.*

(1) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I, Principles. EPA–600/9–76–005, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1976.

(2) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods. EPA–600/4–77–027a, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1977.

(3) Lundgren, D. A., and H. J. Paulus. The Mass Distribution of Large Atmospheric Particles. J. Air Poll. Cont. Assoc., Vol. 25 (1227), 1975.

(4) McKee, H. C., et al. Collaborative Testing of Methods to Measure Air Pollutants. I. The High-Volume Method for Suspended Particulate Matter. J. Air Poll. Cont. Assoc., 22 (342), 1972.

(5) Clement, R. E., and F. W. Karasek. Sample Composition Changes in Sampling and Analysis of Organic Compounds in Aerosols. The Intern J. Environ. Anal. Chem., 7:109, 1979.

(6) Lee, R. E., Jr., and J. Wagman. A Sampling Anomaly in the Determination of Atmospheric Sulfuric Concentration. Am. Ind. Hygiene Assoc. J., 27:266, 1966.

(7) Appel, B. R., et al. Interference Effects in Sampling Particulate Nitrate in Ambient Air. Atmospheric Environment, 13:319, 1979.

(8) Tierney, G. P., and W. D. Conner. Hygroscopic Effects on Weight Determinations of Particulates Collected on Glass-Fiber Filters. Am. Ind. Hygiene Assoc. J., 28:363, 1967.

(9) Chahal, H. S., and D. J. Romano. High-Volume Sampling Effect of Windborne Particulate Matter Deposited During Idle Periods. J. Air Poll. Cont. Assoc., Vol. 26 (885), 1976.

(10) EPA Test Procedures for Determining pH and Integrity of High-Volume Air Filters. QAD/M–80.01. Available from the Methods Standardization Branch, Quality Assurance Division, Environmental Monitoring Systems Laboratory (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1980.

BILLING CODE 6560-35-M

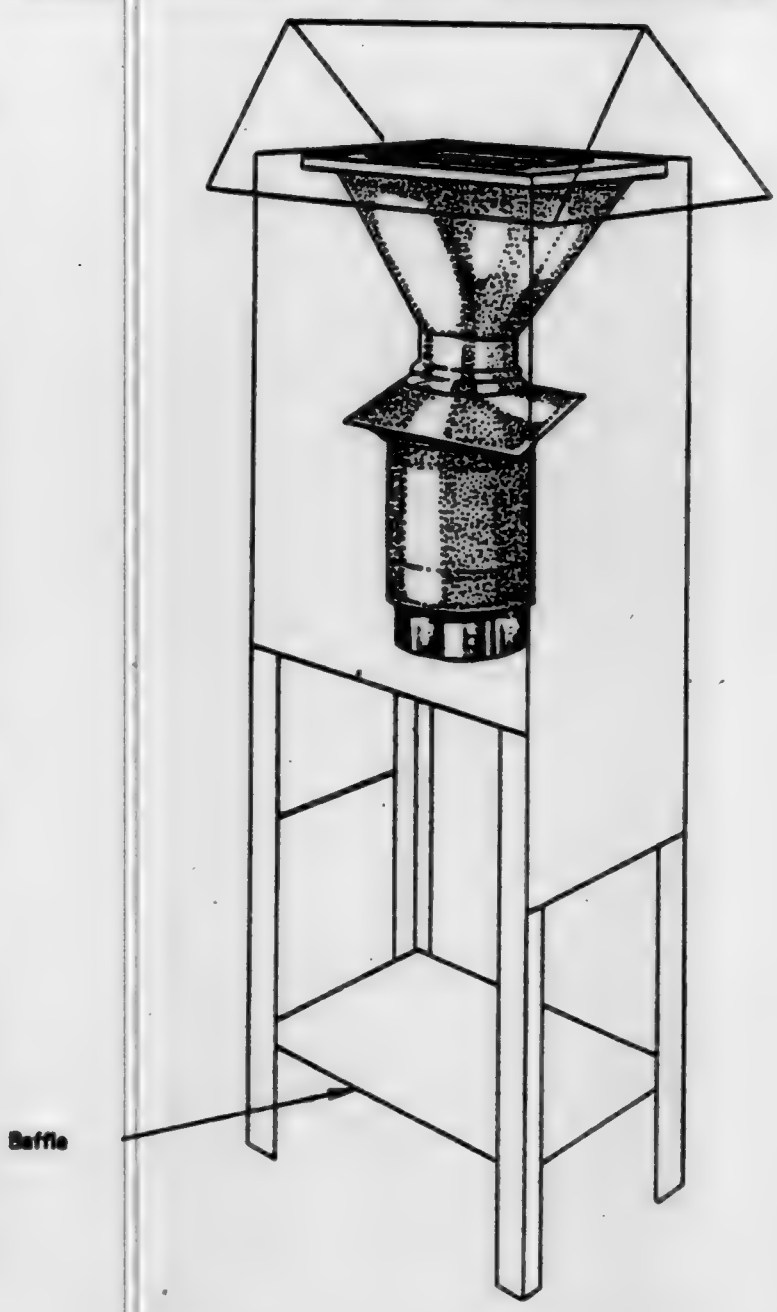

Figure 1. High-volume sampler in shelter.

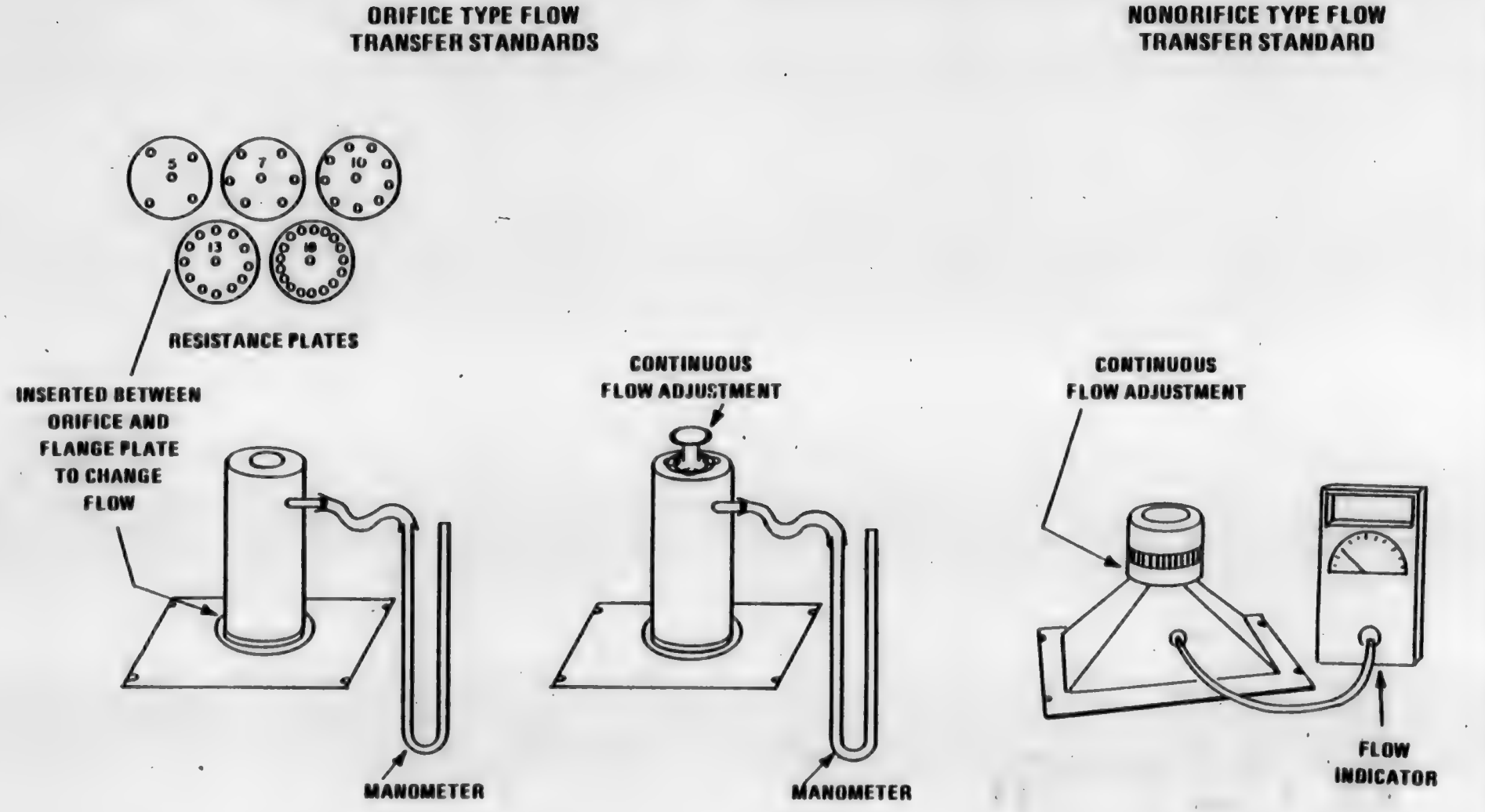

2a. ORIFICE UNIT USING FIXED RESISTANCE PLATES.

2b. PREFERABLE ORIFICE UNIT WITH EXTERNALLY ADJUSTABLE RESISTANCE.

2c. ELECTRONIC FLOWMETER WITH EXTERNALLY ADJUSTABLE RESISTANCE.

Figure 2. Various types of flow transfer standards. Note that all devices are designed to mount to the filter inlet area of the sampler.

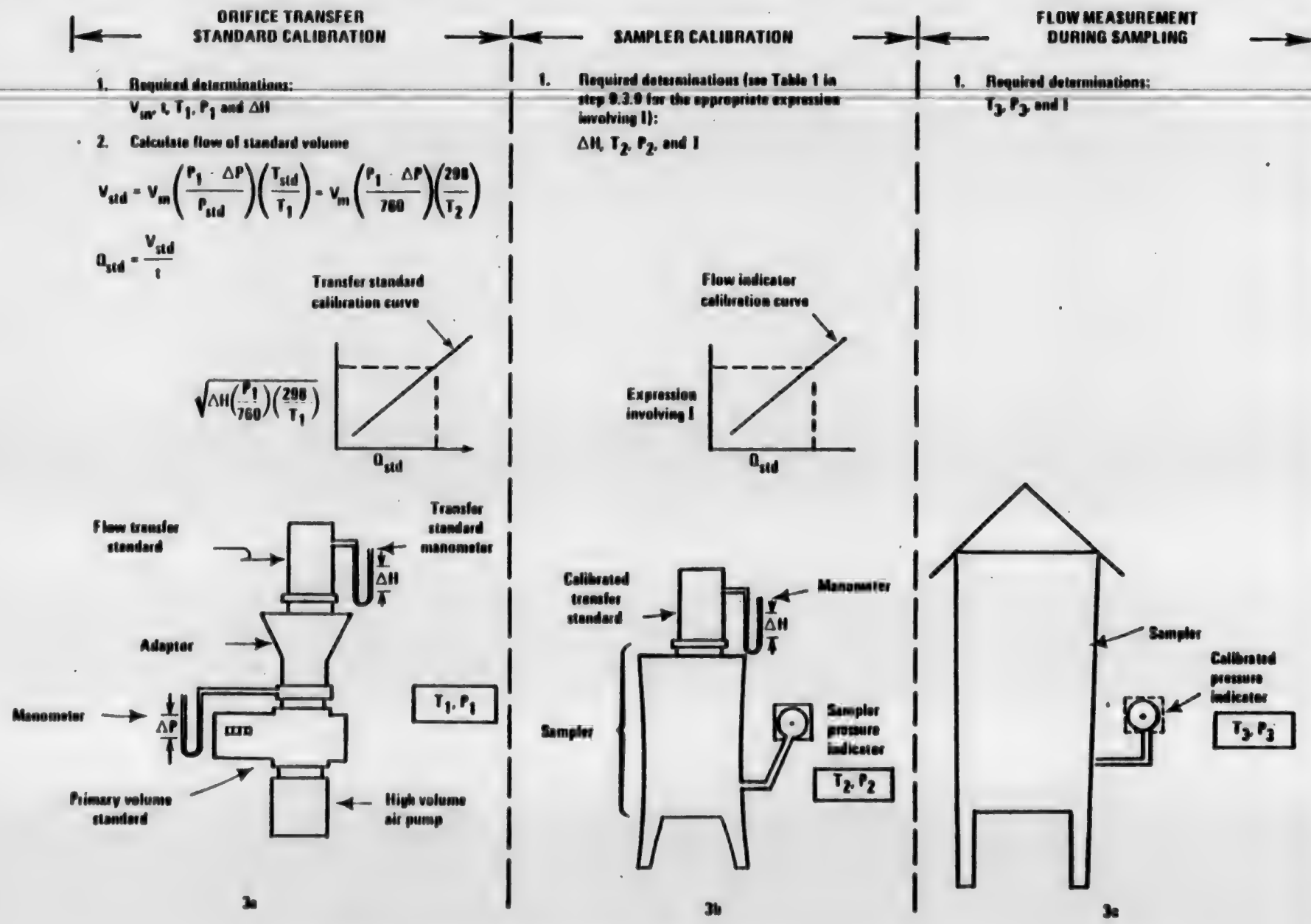

Figure 3. Illustration of the 3 steps in the flow measurement process.

ORIFICE TRANSFER STANDARD CERTIFICATION WORKSHEET

Run No.	(1) Meter reading start V_i (m^3)	(2) Meter reading stop V_f (m^3)	(3) Sampling time t (min)	(4) Volume measured V_m (m^3)	(5) Differential pressure (at inlet to volume meter) ΔP (mm Hg)	(6) Flow rate Q_{std} (std m^3/min)	(7) Pressure drop across orifice ΔH ☐ (in) or ☐ (cm) of water	(7a) ☐ $\Delta H\left(\frac{P_i}{760}\right)\left(\frac{298}{T_i}\right)$ or ☐ $\sqrt{\Delta H\left(\frac{P_i}{760}\right)\left(\frac{298}{T_i}\right)}$
1								
2								
3								
4								
5								
6								

RECORDED CALIBRATION DATA

Standard volume meter no. _____

Transfer standard type: ☐ orifice ☐ other

Model No. _____ Serial No. _____

(8) P_i: _____ mm Hg (10) P_{std}: 760 mm Hg

(9) T_i: _____ K (11) T_{std}: 298 K

Calibration performed by: _____

Date: _____

CALCULATION EQUATIONS

(1) $V_m = V_f - V_i$

(2) $V_{std} = V_m\left(\frac{P_i - \Delta P}{P_{std}}\right)\left(\frac{T_{std}}{T_i}\right)$

(3) $Q_{std} = \frac{V_{std}}{t}$

LEAST SQUARES CALCULATIONS

Linear ($Y = mX + b$) regression equation of $\sqrt{\Delta H(P_i/760)(298/T_i)}$ on Q_{std} for Orifice Calibration Unit.

Slope (m) = _____ Intercept (b) = _____ Correlation coefficient (r) = _____

Figure 4. Example of orifice transfer standard certification worksheet.

HIGH-VOLUME AIR SAMPLER CALIBRATION WORKSHEET

HIGH-VOLUME AIR SAMPLER CALIBRATION WORKSHEET

Site Location: _____

Date: _____ Barometric Pressure, P_2 (mm Hg) _____

Calibrated By: _____ Temperature, T_2 (K) _____

Sampler No. _____ Serial No. _____

Transfer std. type: _____ Serial No. _____

No.	ΔH Pressure drop across orifice ☐(in) or ☐(cm) of water	☐ $\Delta H\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$ or ☐ $\sqrt{\Delta H\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	Q_{std} (from orifice certification) std m^3/min	I Sample flow rate indication (arbitrary)	For specific pressure and temperature corrections: ☐ I; ☐ $I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$; or ☐ $I\sqrt{\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$; or ☐ $I\sqrt{\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	For incorporation of average pressure and seasonal average temperature: ☐ I; ☐ $I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)$; or ☐ $\sqrt{I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$; or ☐ $I\sqrt{\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$
1						
2						
3						
4						
5						
6						

LEAST SQUARES CALCULATIONS

Linear regression of Y on X: $Y = mX + b$

Slope (m) = _____ Intercept (b) = _____ Correlation Coeff. (r) = _____

$X = Q_{std}$, Y = Expression above (see Table 1 in step 9.3.9)

Figure 5. Example of high-volume air sampler calibration worksheet.

BILLING CODE 6560-38-C

3. By revising Appendix C to read as follows:

Appendix C—Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)

Measurement Principle

1. Measurements are based on the absorption of infrared radiation by carbon monoxide (CO) in a non-dispersive photometer. Infrared energy from a source is passed through a cell containing the gas sample to be analyzed, and the quantitative absorption of energy by CO in the sample cell is measured by a suitable detector. The photometer is sensitized by CO by employing CO gas in either the detector or in a filter cell in the optical path, thereby limiting the measured absorption to one or more of the characteristic wavelengths at which CO strongly absorbs. Optical filters or other means may also be used to limit sensitivity of the photometer to a narrow band of interest. Various schemes may be used to provide a suitable zero reference for the photometer. The measured absorption is converted to an electrical output signal, which is related to the concentration of CO in the measurement cell.

2. An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter.

3. *Sampling considerations.* The use of a particle filter on the sample inlet line of an NDIR CO analyzer is optional and left to the discretion of the user or the manufacturer. Use of the filter should depend on the analyzer's susceptibility to interference, malfunction, or damage due to particles.

Calibration Procedure

1. *Principle.* Either of two methods may be used for dynamic multipoint calibration of CO analyzers: (1) One method uses a single certified standard cylinder of CO, diluted as necessary with zero air, to obtain the various calibration concentrations needed. (2) The other method uses individual certified standard cylinders of CO for each concentration needed. Additional information on calibration may be found in Section 2.0.9 of Reference (*1*).

2. *Apparatus.* The major components and typical configurations of the calibration systems for the two calibration methods are shown in Figures 1 and 2.

2.1 *Flow controller(s).* Device capable of adjusting and regulating flow rates. Flow rates for the dilution method (Figure 1) must be regulated to ± 1%.

2.2 *Flow meter(s).* Calibrated flow meter capable of measuring and monitoring flow rates. Flow rates for the dilution method (Figure 1) must be measured with an accuracy of ± 2% of the measured value.

2.3 *Pressure regulator(s) for standard CO cylinder(s).* Regulator must have nonreactive diaphragm and internal parts and a suitable delivery pressure.

2.4 *Mixing chamber.* A chamber constructed of glass, Teflon®, or other nonreactive material and designed to provide through mixing of CO and diluent air for the dilution method.

2.5 *Output manifold.* The output manifold should be constructed of glass, Teflon, ® or other nonreactive material and should be of sufficient diameter to insure an insignificant pressuer drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

3. *Reagents.*

3.1 *CO concentration standard(s).* Cylinder(s) of CO in air containing appropriate concentration(s) of CO suitable for the selected operating range of the analyzer under calibration; CO standards for the dilution method may be contained in a nitrogen matrix if the zero air dilution ratio is not less than 100:1. The assay of the cylinder(s) must be traceable either to a National Bureau of Standards (NBS) CO in air Standard Reference Material (SRM) or to an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference (*2*), and a list of CRM sources is available from the address shown for Reference (*2*). A recommended protocol for certifying CO gas cylinders against either a CO SRM or a CRM is given in Reference 1. CO gas cylinders should be recertified on a regular basis as determined by the local quality control program.

3.2 *Dilution gas (zero air).* Air, free of contaminants which will cause a detectable response on the CO analyzer. The zero air should contain <0.1 ppm CO. A precedure for generating zero air is given in Reference (*1*).

4. *Procedure Using Dynamic Dilution Method. 4.1* Assemble a dynamic calibration system such as the one shown in Figure 1. All calibration gases including zero air must be introduced into the sample inlet of the analyzer system. For specific operating instructions refer to the manufacturer's manual.

4.2 Insure that all flowmeters are properly calibrated, under the conditions of use, if appropriate, against an authoritative standard such as a soap-bubble meter or wet-test meter. All volumetric flowrates should be corrected to 25° C and 760 mm Hg. A discussion on calibration of flowmeters is given in Reference (*1*).

4.3 Select the operating range of the CO analyzer to be calibrated.

4.4 Connect the signal output of the CO analyzer to the input of the strip chart recorder or other data collection device. All adjustments to the analyzer should be based on the appropriate strip chart or data device readings. References to analyzer responses in the procedure given below refer to recorder or data device responses.

4.5 Adjust the calibration system to deliver zero air to the output manifold. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air in pulled into the manifold vent. Allow the analyzer to sample zero air until a stable response is obtained. After the response has stabilized, adjust the analyzer zero control. Offsetting the analyzer zero adjustments to +5 percent of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as Z_{co}.

4.6 Adjust the zero air flow and the CO from the standard CO cylinder to provide a diluted CO concentration of approximately 80 percent of the upper range limit (URL) of the operating range of the analyzer. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent. The exact CO concentration is calculated from:

$$[CO]_{OUT} = \frac{[CO]_{STD} \times F_{CO}}{F_D + F_{CO}} \quad (1)$$

Where:

$[CO]_{OUT}$ = diluted CO concentration at the output manifold, ppm

$[CO]_{STD}$ = concentration of the undiluted CO standard, ppm

F_{CO} = flow rate of the CO standard corrected to 25° C and 760 mm Hg, 1/min

F_D = flow rate of the dilution air corrected to 25° C and 760 mm Hg, 1/min

Sample this CO concentration until a stable response is obtained. Adjust the analyzer span control to obtain a recorder response as indicated below:

$$\text{recorder response (percent scale)} = \frac{[CO]_{OUT}}{URL} \times 100 + X_{co} \quad (2)$$

Where:

URL = nominal upper range limit of the analyzer's operating range

Z_{co} = analyzer response to zero air, % scale

If substantial adjustment of the analyzer span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating Steps 4.5 and 4.6. Record the CO concentration and the analyzer's response.

4.7 Generate several additional concentrations (at least three evenly spaced points across the remaining scale are suggested to verify linearity) by decreasing F_{co} or increasing F_D. Be sure the total flow exceeds the analyzer's total flow demand. For each concentration generated, calculate the exact CO concentration using Equation (1). Record the concentration and the analyzer's response for each concentration. Plot the analyzer responses versus the corresponding CO concentrations and draw or calculate the calibration curve.

5. *Procedure Using Multiple Cylinder Method.* Use the procedure for the dynamic dilution method with the following changes:

5.1 Use a multi-cylinder system such as the typical one shown in Figure 2.

5.2 The flowmeter need not be accurately calibrated provided the flow in the output manifold exceeds the anlayzer's flow demand.

5.3 The various CO calibration concentrations required in Steps 4.6 and 4.7 are obtained without dilution by selecting the appropriate certified standard cylinder.

References

(*1*) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II—

Ambient Air Specific Methods, EPA–600/4–77–027a, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina 27711, 1977.

(2) A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

BILLING CODE 6560-35-M

[FR Doc. 82–1029 Filed 1–14–82; 8:45 am]

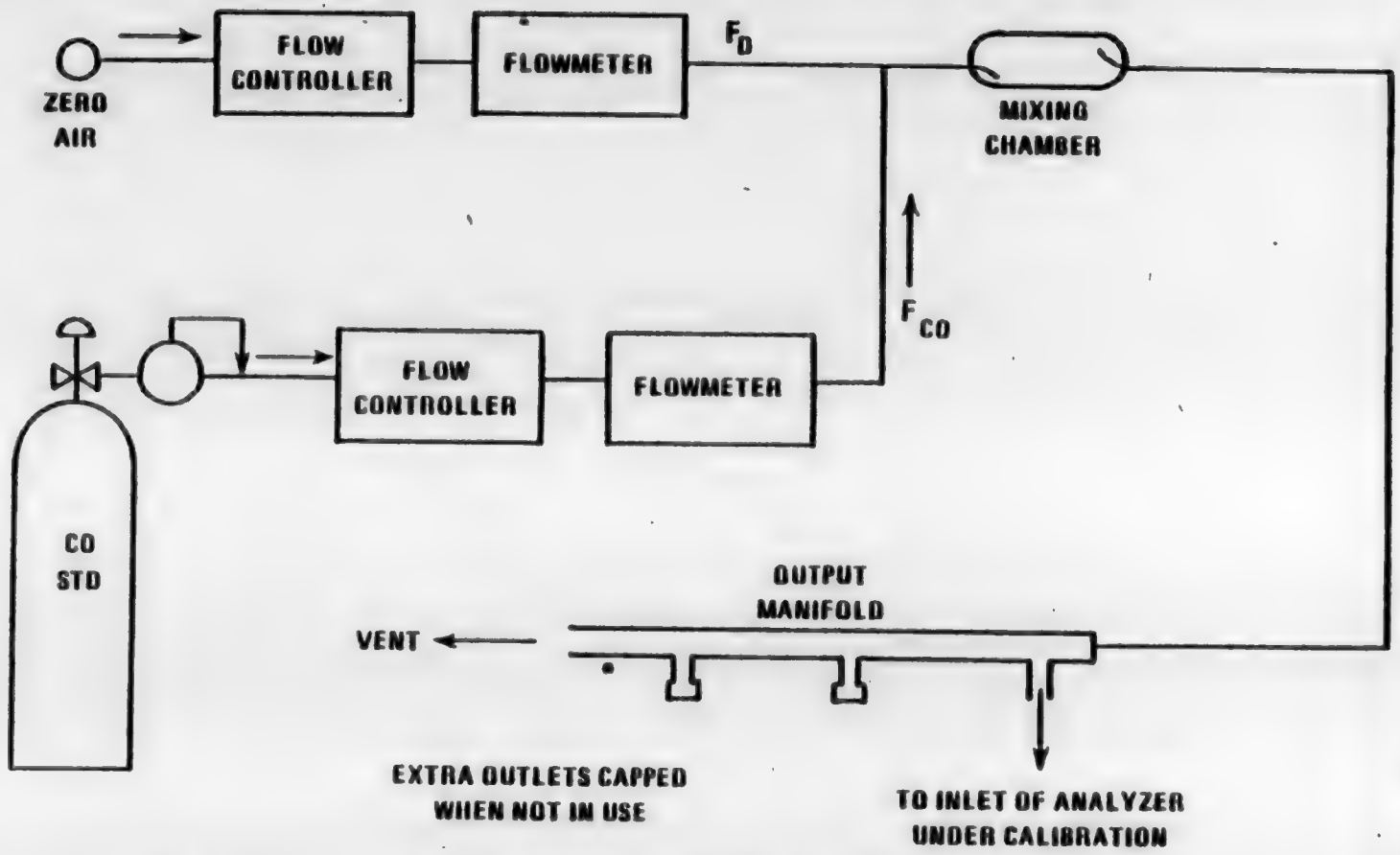

Figure 1. Dilution method for calibration of CO analyzers.

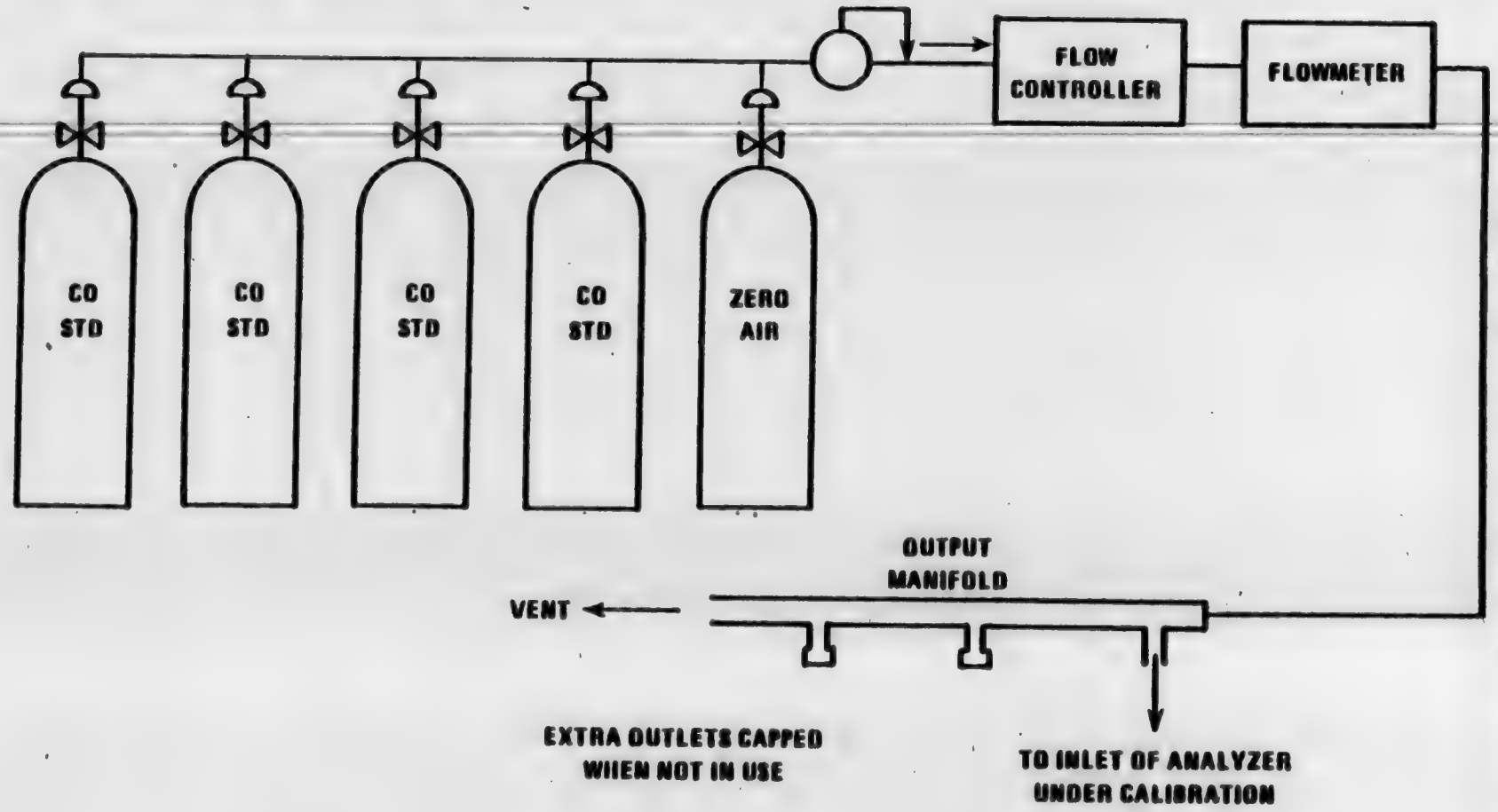

Figure 2. Multiple cylinder method for calibration of CO analyzers.

BILLING CODE 6560-38-C

40 CFR Part 123

[WE-2-FRL 2023-3]

New Jersey's Application to Administer the National Pollutant Discharge Elimination System (NPDES) Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of application.

SUMMARY: The State of New Jersey has submitted a request to the Environmental Protection Agency for approval to administer the National Pollutant Discharge Elimination System (NPDES) program for regulating discharges of pollutants into waters within the State. According to the State's proposal, the NPDES program would be administered by the New Jersey Department of Environmental Protection (NJDEP) under the direction of Jerry Fitzgerald English, Commissioner. This notice provides for a public hearing and a comment period on New Jersey's request. Under EPA regulations, the Administrator shall approve or disapprove a State NPDES program after taking into consideration all comments received.

DATES: Comments must be received on or before March 1, 1982. A public hearing has been scheduled for February 16, 1982, at 10:00 a.m. at the Labor and Education Center, Cook College Campus, Rutgers University, Ryder Lane, New Brunswick, New Jersey 08903.

ADDRESSES: Comments should be addressed to Richard G. Tisch, Chief, Water Enforcement Branch, Enforcement Division, Region II, 26 Federal Plaza, New York, N.Y. 10278.

FOR FURTHER INFORMATION CONTACT: George Pavlou, Water Facilities Branch, New Jersey Management Division, U.S. EPA, 26 Federal Plaza, New York, N.Y. 10278, (212) 264–9878, or Richard Weinstein, Esq., Water Enforcement Branch, Enforcement Division, U.S. EPA, 26 Federal Plaza, New York, N.Y. 10278, (212) 264–4859.

SUPPLEMENTARY INFORMATION: Section 402 of the Federal Clean Water Act created the NPDES under which the Administrator of the United States Environmental Protection Agency (EPA) may issue permits for the discharge of pollutants into waters of the United States under conditions required by that Act.

New Jersey's program submission contains a letter from the Governor requesting NPDES program approval, a complete program description (including funding, personnel requirements and organization, and enforcement procedures), an Attorney General's statement, copies of applicable State statutes and regulations, and a Memorandum of Agreement (MOA) executed by the Regional Administrator, Region II, EPA and the Commissioner, NJDEP. Upon approval by the Administrator of EPA of New Jersey's NPDES program, the MOA, which establishes procedures for administration and enforcement of the State's program, will become effective. The Administrator is required to approve each such submitted program within 90 days of submittal unless it does not meet the requirements of section 402(b) of the Act and EPA regulations, which include, among other things, authority to issue permits which comply with the federal Act, authority to impose civil and criminal penalties for permit violations, and authority to insure that the public is given notice and opportunity for a hearing on each proposed NPDES permit issuance.

At the close of the public comment period (including the public hearing) and within the ninety (90) day statutory review period, the Administrator of EPA will decide to approve or disapprove New Jersey's NPDES program. In accordance with EPA regulations, EPA and DEP have agreed to extend the review period, if necessary, until State regulations proposed in the November 2, 1981 *New Jersey Register* are adopted and effective. These proposed regulations, which comprise Appendix C to the MOA, concern the treatment and use of confidential information in enforcement, permitting, and rule-making proceedings under the State's NPDES program and requirements for compliance by all industrial discharges into publicly-owned treatment works with National Pretreatment Standards promulgated by EPA.

The decision to approve or disapprove New Jersey's NPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If New Jersey's NPDES program is approved, the Administrator will so notify the State. Notice will be published in the **Federal Register** and, as of the date of program approval, EPA will suspend issuance of NPDES permits in New Jersey. The State's program will implement federal law and operate in lieu of the EPA administered program. However, EPA will retain the right to object to NPDES permits proposed to be issued by an approved State. If the Administrator disapproves New Jersey NPDES program, the Administrator will notify the State of reasons for disapproval and of any revisions or modification to the State program which are necessary to obtain approval.

The New Jersey submittal may be reviewed from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, by the public at the NJDEP, Water Quality Management Element, Division Water Resources, 1474 Prospect Street, Trenton, New Jersey 08625, and at the EPA office in New York, New York at the address appearing at the beginning of this Notice. Copies of the submittal may also be obtained (at a cost of 20¢/page or $70 for the entire submission) by appearing in person at either of those offices, or by writing to EPA and the NJDEP at the same addresses.

A public hearing to consider the State of New Jersey's request to administer the NPDES permit program has been scheduled for February 16, 1982, at 10:00 a.m. at the Labor and Education Center, Cook College Campus, Rutgers University, Ryder Lane, New Brunswick, New Jersey 08903.

The Hearing Panel will include representatives of EPA Region II, EPA Headquarters and NJDEP.

The following are policies and procedures which shall be observed at the public hearing:

(1) The Presiding Officer shall conduct the hearing in a manner that permits open and full discussion of any issues involved;

(2) Any person may submit written statements or documents for the record;

(3) The Presiding Office may, in his discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony or is not relevant to the decision to approve or require revision of the submitted State program;

(4) Members of the Hearing Panel may ask questions of witnesses and respond to questions and statements of witnesses;

(5) The transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Administrator; and

(6) The hearing record shall be left open until March 1, 1982, as described below, to permit any person to submit additional written statement or to present views or evidence tending to rebut testimony presented at the public hearing; immediately following the public comment period the Regional Administrator shall forward a copy of the complete hearing record to the Adminstrator.

Hearing statements may be oral or written. Written copies of oral

statements are urged for accuracy of the record and for the use of the hearing panel and other interested persons. Statements should summarize any extensive written materials.

All comments or objections received by EPA Region II by March 1, 1982, or presented at the public hearing will be considered by EPA before taking final action on the New Jersey Request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know will be interested in this matter. All written comments and questions on the hearing or the NPDES program should be addressed to Richard G. Tisch, Esq., Chief, Water Enforcement Branch, Enforcement Division, Region II.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 82-208 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 246

[SW-FRL-1944-1]

Solid Waste Management; Guidelines for Beverage Containers; Resource Recovery Facilities Guidelines; Source Separation for Materials Recovery Guidelines

Correction

In FR Doc. 82-708, appearing at page 1307, in the issue of Tuesday, January 12, 1982, make the following change:

On page 1308, in the middle column, change paragraph "2." to read as follows:

"2. Section 246.100 is amended by removing paragraph (g) and by redesignating paragraph (h) as paragraph (g) and revising it to read as follows:"

BILLING CODE 1505-01-M

---

40 CFR Part 799

[OPTS-42002A; TSH-FRL-2030-6]

Fluoroalkenes; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed test rule for fluoroalkenes published in the Federal Register of October 30, 1981 (46 FR 53704) to give interested persons additional time to comment on the plan to propose test rules.

DATE: All comments on the proposed rule should be sumbitted on or before February 1, 1982.

ADDRESS: Written comments should bear the document control number OPTS-42002A and should be submitted in triplicate to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460.

The administrative record supporting this action is available for public inspection in Rm. E107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St. SW., Washington, D.C. 20460, Toll Free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: EPA issued an advance notice of proposed rulemaking for fluoroalkenes under section 4 of TSCA in the Federal Register of October 30, 1981 (46 FR 53704). The comment period for this proposed test rule will be extended 30 days (from December 29, 1981, to January 29, 1982) to give interested persons additional time to comment on testing requirements for this rule. A notice providing further information will be forthcoming at a later date.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: January 5, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-1185 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

---

40 CFR Part 761

[OPTS 211004; FRL 1989-8]

Polychlorinated Biphenyls (PCBs); Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule Related Notice.

SUMMARY: This notice announces the Administrator's decision to deny a citizen's petition submitted under section 21 of the Toxic Substances Control Act (TSCA). The petitioner requested that the Agency amend its PCB rule (40 CFR Part 761) to exempt research and development activities from control, integrate the PCB rule with hazardous waste regulations issued under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901), establish closure and post closure fund requirements, authorize salvage of metals from PCB items, establish performance standards for alternate disposal methods, and give the Administrator approval authority for disposal methods.

ADDRESS: A copy of the petition and all related information is located in: The office of the Document Control Officer (TS-793), Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

It is available for viewing and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Office of Industry Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 7, 1981, EPA received a TSCA section 21 petition concerning the PCB rules from EOI, Inc., a PCB waste management company headquartered in Washington, D.C. In general, the petition seeks changes in the PCB rule that would encourage the development of new technology, insure consistency among Regional Office in the implementation of the rule, and integrate the PCB rule with the RCRA hazardous waste regulations. EOI submitted six specific recommendations in its petition to change the PCB regulations.

EPA agrees that EOI has recognized six important areas which require clarification in the PCB regulations. However, EPA feels that the proper clarification can be accomplished without amending the regulation.

II. Petitioner's Arguments and the Agency's Responses

A. EOI has petitioned EPA for the addition to the PCB rule of a general exemption for research and development (R&D) activities involving storage, decontamination, transport, and disposal of PCB materials.

With one very narrow exception,[1] the present PBC rule has no specific

[1] Use of Small Quantities of PCBs for Research and Development is authorized (40 CFR 761.31 (j)).

Continued

provision which allows the use of PCBs in R&D activities. EPA recognizes that R&D for new methods of PCB handling and disposal is most desirable. The PCB rule establishes the Regional Administrators as the approval authority for PCB disposal methods. R&D on disposal methods has usually been regulated using the authority of the Regional Administrators, contained in 40 CFR 761.10(e), to approve alternative disposal methods. Some companies have conducted R&D on PCBs without the EPA Regional Office even being aware of their activities.

If EPA were to amend the PCB rule to deal with R&D activities, the prime objective of the amendment would be to allow legitimate research to proceed with a minimum of red tape while allowing EPA a means of halting research projects that present an unreasonable risk to human health and the environment. It is also desirable that any R&D rules provide a systematic set of procedures so that their application would be as consistent as possible throughout the country. This can be accomplished without rulemaking. EPA Headquarters will issue a guidance memorandum to the Regional Offices in the near future.

B. EOI has petitioned EPA to transfer immediately all regulations for control of PCBs from TSCA to RCRA authority.

The petitioner assumes that it is a simple process to integrate the rules promulgated under TSCA and RCRA. Unfortunately, this is not so. There are many complexities involved in integrating the PCB regulations into the RCRA. The TSCA rules for waste PCBs are in place, and they are well understood by the regulated community. As of this writing, the RCRA rules are the subject of pending litigation. In addition, the RCRA rules are undergoing comprehensive regulatory impact analyses that may result in a number of regulatory amendments. A major effort to integrate the PCB rules now could be confusing to the regulated community and could be inefficient if changes are made in the RCRA rules as a result of the litigation or the regulatory impact analyses. Moreover, effective implementation of the waste PCB regulatory control program could be interrupted.

For these reasons, EPA intends to leave the rules separate at this time, with waste PCBs controlled solely under the TSCA rules. Efforts to integrate the rules will resume after the major RCRA litigation issues are resolved and the RCRA regulatory impact analyses are completed.

C. EOI has petitioned EPA to establish a requirement for closure and post-closure funds for facilities storing, processing, or disposing of PCBs.

Closure and post-closure funds represent money set aside by companies managing wastes to ensure environmentally acceptable closure of the facility. These funds are not required by the PCB rule, but financial assurance for facility closure is required under the RCRA hazardous waste regulations.

The petitioner expresses the concern that some firms are collecting and storing PCBs waiting for an easier and/or cheaper disposal method to be approved. It this does not occur, the petitioner speculates that these firms may not have the resources to dispose properly of the PCBs they have collected. EPA's approach to combat irresponsible activities has been to place the burden on the generator to determine whether a person taking possession of their PCBs is reputable. EPA enunciated this policy in the preamble to the PCB Ban Rule (44 FR 31539, May 31, 1979). In addition, if there are problems with improperly stored PCB waste, EPA has authority under several statutes to take action to clean up or require others to clean up the problem. Although requiring closure and post-closure funds would be an improvement on the present system, the current approach is not unworkable. Therefore, EPA will leave the PCB regulation silent with respect to closure funds, and address this issue when the PCB/RCRA integration takes place.

D. EOI has petitioned EPA to add a provision to the regulation that allows the salvage of copper and steel from PCB Equipment, as defined in 40 CFR 761.2 (w); PCB Transformers, as defined in 40 CFR 761.2 (y); and PCB Containers, as defined in 40 CFR 761.2 (v).

There is some confusion in the regulated community on this subject. In this notice, EPA is seeking to clarify its current policies regarding metal recovery operations. Under the current regulations, there is a way that these metals may be salvaged.

EPA's major concern when developing the PCB Rule was the high human and environmental exposure to PCBs that resulted from the rebuilding and salvage of PCB Transformers. Standard industry practices were very sloppy. Because of their large number and relatively low PCB concentration, PCB-Contaminated Transformers, as defined in 40 CFR 761.2 (z), were permitted to be rebuilt and salvaged. Because of the far smaller number of PCB Transformers and the great uncertainty related to the industry's ability to adequately protect against human and environmental PCB exposure, EPA decided not to include in the PCB Rule any specific provision for the decontamination for salvage of PCB Transformers.

EPA's position is that physical separation of PCBs from the metal portion of the transformers, followed by recycle of the metal by incineration or other destruction of the PCB portion remaining in the transformer, can be approved under the current regulatory structure defined in 40 CFR 761.10(e). However, it must be shown that the total alternate disposal method provides environmental protection equivalent to incineration under Annex I of the PCB rule found in 40 CFR 761.40

The PCB rule prohibits removal of the core from PCB Transformers for servicing and requires that the intact, flushed PCB Transformer, minus the PCB dielectric fluid, be disposed of in an incinerator or EPA-approved chemical waste landfill. The PCB rule provides that waste materials requiring incineration may be disposed of by alternative disposal methods that can be shown to achieve performance equivalent to PCB incinerators. Since metal recovery furnaces operate at very high temperatures for long periods of time, it may be possible for a furnance owner to obtain EPA approval as an alternative disposal method for the PCBs.

If a recycle/incineration system were developed for PCB Transformers that reduced worker and environmental PCB exposures to a level no greater than that which occurs when PCB-Contaminated Transformers are rebuilt, there should be little concern about approving such a system. An additional advantage of such a system, beyond the salvage of valuable metals, would be the reduction in disposal-related transportation costs and in landfill space required for PCB Transformers. The owner of a metals recovery furnace could apply for approval, as an alternative PCB disposal method, under 40 CFR 761.10(e).

Thus, EPA's policy is that metal recyclers can either incinerate metal parts at conditions which destroy PCB molecules, or completely remove PCB molecules from metal parts by use of solvents in the vapor or liquid phase. In addition, the PCB regulation allows transformer owners to lower the contamination classification of their transformers by retrofilling, followed by three months of operation (40 CFR 761.31(a)(5)). During this three-month period, the heat of operation and the

---

Small Quantities for Research and Development is defined to include only PCBs originally packaged in one or more hermetically sealed containers of a volume no more than five milliliters (40 CFR 761.2 (ee)).

circulation of dielectric fluid serves to remove PCBs from the transformer core. The disposal of metals from properly reclassified transformers is not controlled under the PCB rule. This process of reclassification might also be accomplished by retrofilling and simulating transformer operation. Any such potential method of metal recovery may be proposed and demonstrated for approval as an alternate method of disposal (40 CFR 761.10 (e)).

There is one other section of the PCB rule which bears an important relationship to the topic of alternate disposal methods. That is 40 CFR 761.30(c)(2), which allows processing and distribution in commerce for purposes of disposal. "Processing for purposes of disposal" has been suggested as a section of the PCB rule which would authorize decontamination of PCB transformers and other equipment for recycle. The section authorizing processing for disposal was intended to facilitate disposal activities. For example, in the case of capacitor disposal, processing for disposal allows grinding of the capacitors prior to incineration. Without this allowance, the regulation would require incineration of whole capacitors, a difficult technical task.

It is theoretically possible to develop a method of physically separating the PCBs from the metals (e.g., solvent extraction). If the method were successful in completely removing all detectable PCBs from the metals, the metal could then be salvaged without subsequent treatment. PCBs removed from the transformer would require incineration. In a case where disposal of the PCB equipment or liquids was regulated, any alternate disposal method requires prior approval under § 761.10(e). This is also the case with PCB-contaminated solvents. These liquids must be incinerated because they are the result of dilution of high concentrations of PCBs.

E. EOI has petitioned EPA to establish separate performance and efficiency standards for alternate disposal techniques.

The advantage of 40 CFR 761.10(e), as it is currently written, is that it can be used to evaluate any new disposal method that may be proposed regardless of the process used. At the time the disposal regulation was issued, EPA recognized that it could not anticipate the technological advances that might be developed toward solving the PCB disposal problem. If EPA set specific parameters, or standards, it would probably be unable to apply them to every possible new disposal technique. In fact, a set of standards would stifle creativity because all new methods would have to be designed to fit the standards.

Section 761.10(e) of the PCB rule states, in part, "Any person who is required to incinerate any PCBs and PCB Items under this subpart and who can demonstrate that an alternative method of distroying PCBs and PCB Items exists and that this alternative method can achieve a level of performance equivalent to Annex I incinerators or high efficiency boilers * * * may submit a written request to the Regional Administrator for an exemption from the incineration requirements." The word "equivalent" is not interpreted to mean "identical", but rather to define a system that provides for the same amount of environmental protection.

One chemical disposal method has been approved under this section and many other varied methods are proposed or under development. Since the present regulation appears to be working, EPA will leave it in place.

F. EOI has petitioned EPA to remove the authority for approval of disposal facilities from the EPA Regional Administration and give it to the Administrator.

The PCB rule gives all the authority for approval of disposal methods to the Regional Administrators. There is a need, however, for uniformity. EPA believes that this consistency can be achieved by improved communication between EPA Headquarters and EPA Regional Offices and among the Regional Offices. Specifically, EPA Headquarters will issue a guidance memorandum to the Regional Offices addressing the need for consistency.

Continuation of decentralized control is desirable because the Regional Offices have traditionally filled this role and are accustomed to it. They have personnel who have learned through experience how best to implement a program for approval of PCB disposal facilities. EPA presently has a contract for technical assistance to the Regional Offices to provide additional review of proposed disposal methods.

EPA therefore intends to leave the approval authority with the Regional Administrators.

Finding

The administrator hereby denies the petition submitted by EOI, Inc., under section 21 of TSCA.

Dated: December 22, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-1175 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Flood Insurance for Undeveloped Coastal Barriers; Preliminary Identification

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Availability of Draft Document.

SUMMARY: This notice is to announce the availability of a draft (Pre-Proposed) document amplifying on the statutory definition and draft maps with supporting information summaries concerning the preliminary identification of undeveloped coastal barriers for initial public review and comments prior to issuance of proposed rule.

DATE: Comments on the draft definitions, draft maps, and draft information summaries should be received no later than March 22, 1982.

ADDRESS: Mr. Ric Davidge, Chairman; Coastal Barriers Task Force; United States Department of the Interior; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Rich Davidge, Chairman; Coastal Barriers Task Force; United States Department of the Interior; Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: On December 1, 1981, the Secretary of the Interior issued a "Notice of intent to issue a proposed rule" on or about August 13, 1982. As indicated in that Notice, the proposed rule will concern delineation of those areas along the Atlantic Coast and Gulf of Mexico which are determined to be undeveloped coastal barriers, as defined in the Omnibus Budget Reconciliation Act (OBRA) of 1981. 46 Fed. Reg. 58346. Final designation of undeveloped coastal barriers by the Secretary of the Interior will occur thereafter—pursuant to final rulemaking. That action will not occur prior to October 1, 1982. Designation of undevelopd coastal barriers will impact upon the availability of Federal flood insurance after October 1, 1983, pursuant to the National Flood Insurance Act of 1968, as amended by OBRA. Section 1321(a) of that Act provides that "[n]o new flood

insurance coverage shall be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on undeveloped coastal barriers which shall be designated by the Secretary of the Interior." This final designation will be for Federal flood insurance purposes only.

The December 1, 1981, Notice of Intent outlines the two-fold responsibilities of the Department of the Interior with regard to section 341 of the Omnibus Budget Reconciliation Act, as enacted on August 13, 1981. The Notice was amended slightly on December 8, 1981. 46 FR 60022. As amended, this December Notice served to establish the process the Department of the Interior will follow in order to:

- Conduct a study for the purpose of designating undeveloped coastal barriers and to provide a report to Congress concerning the conclusions of such study and any recommendations regarding the definition of the term "coastal barrier"; and
- Designate undeveloped coastal barriers.

This December Notice also discussed the relationships of the OBRA implementation process to other Federal legal requirements, such as NEPA, and the Department's concern for extensive public review and comment at each step in the preliminary identification and delineation, study, and designation efforts.

The process outlined in the December Notice remains essentially unchanged. The first step was the development of draft definitions and draft maps. This task has now been completed. Consideration was given to comments and suggestions that were received concerning the proper interpretation of OBRA. Initial comments on the draft definitions were then solicited from concerned Members of Congress and Governors of coastal States pursuant to letters from the Secretary of the Interior dated December 9 or 10, 1981. To the degree comments were received prior to January 9, 1982, they have been considered in the preparation of the present draft definitions document and the draft maps. Comments received thereafter will be considered prior to issuance of a proposed rule and submission of the proposed designations of the undeveloped coastal barriers to the Congress.

As indicated in the December Notice, the next step is the public release of these draft definitions, draft maps, and draft summaries of information relevant to designation of undeveloped coastal barriers. This is being done today. The comment period on these draft definitions, draft maps, and draft information summaries will close on March 15, 1982, with any comments received within one week thereafter considered. These comments will then serve as a basis for review and reconsideration of the draft definitions document, draft maps, and draft information summaries and preparation of proposed definitions and proposed maps. Upon completion of that review, proposed designations and supporting material will be made available for additional public review and comment and will be provided to the Congress for their consideration. Consistent with OBRA, this task will be completed prior to August 13, 1982.

As indicated in the December Notice these proposed designations will be based upon the status of the various coastal barriers as of the close of this comment period—March 15, 1982. This date has been chosen to ensure that proposed designations can be provided to the Congress on or before August 13, 1982, as required by OBRA. It is important that public comments on the draft definitions, draft maps, and draft information summaries being released today include a discussion of the factual situation on the coastal barriers as of March 15, 1982. Status of development, nature and extent of infrastructure leading toward development, existence of structures and man's activities on the coastal barriers, and whether an area is otherwise protected as provided by Section 1321(b)(3) of the National Flood Insurance Act of 1968, as amended by OBRA—all of these factors need to be addressed as of the close of the comment period on March 15, 1982. It is for this reason that comments received within one week after March 15, 1982, will still be considered.

It is important to emphasize that this March 15 date is not dictated by OBRA. This legislation did not address the question of what date should be used as a basis for final designations; that is, what date would be used to established the factual situation on each coastal barrier. While it is clear that some date no later than October 1, 1983, must be chosen to ensure that final designations of coastal barriers can be established as of the effective date, it is also obvious that dates other than March 15, 1982, could be utilized. This is important factor still under consideration within the Department of the Interior at this time.

It is also important to emphasize that this discussion does not affect the sale of flood insurance prior to October 1, 1983, for any new construction or substantial improvements. Rather, it concerns the determination of which areas fall within the definitions provided by OBRA and must be designated as undeveloped coastal barriers. Flood insurance in effect prior to October 1, 1983, will remain valid thereafter for those insured structures regardless of designation of a coastal barrier area consistent with the provisions of OBRA. After October 1, 1983, Federal flood insurance will not be available on designated coastal barriers for new construction or substantial improvements.

Another point warrants emphasis. Many other areas not preliminarily identified as undeveloped coastal barriers also contain important wetland and other aquatic habitats. Other Federal laws applicable to these resources (e.g., the Fish and Wildlife Coordination Act or sections 9 and 10 of the Rivers and Harbors Act of 1899) are not affected by this action. The OBRA provision does not affect the applicability of any Federal statutes other than the National Flood Insurance Act of 1968, as amended.

The December Notice also discussed the relationship of the coastal barrier process to other Federal legal requirements. That discussion remains applicable to the present situations. It is contemplated that a Draft Environmental Impact Statement will be available shortly. In this regard, a notice of intent to prepare an environmental impact statement, as published in the **Federal Register** on December 21, 1981, 46 FR 61929, discusses NEPA compliance in greater detail.

The final issue in the December Notice was the Department's concern for extensive public review and comment. As indicated above, this remains an important issue to the Department. It should be emphasized that the draft definitions, draft maps and draft information summaries being released for public review and comment today, are indeed, drafts. A second round of comments will be solicited at the proposed rulemaking stage, on or before August 13, 1982, and proposed definitions and proposed maps will be made available for public review and comment at that time, prior to final designation.

Draft maps, along with the draft definitions document, and draft summaries of information used to tentatively delineate the undeveloped coastal barriers depicted on the maps, are being sent to a number of classes of recipients with special interest in this issue. The Secretary of the Interior has suggested that these recipients seek the widest possible distribution of these draft definitions, draft maps, and draft

information summaries. The classes of recipients of these materials include:

—Senators and Members of Congress from the 16 affected States
—U.S. Fish and Wildlife Service
  —Washington Office
  —Regional Offices
  —Area Offices
  —Ecological Services Field Offices
  —Cooperative Fish and Wildlife Research Units
  —National Coastal Ecosystems Team
—National Park Service
  —Washington Office
  —Regional Offices
  —National Seashores
  —Cooperative Research Units
—Federal Emergency Management Agency
  —Washington Office
  —Regional Offices
—Other Federal Agency Washington Offices
  —Department of Commerce
  —U.S. Army Corps of Engineers
  —Office of Management and Budget
  —Department of Transportation
  —Department of Housing and Urban Development
  —Governors of the 16 affected States
  —A–95 Clearinghouses of the 16 affected States
  —Affected Local Governments
  —Affected Regional governmental entities.

To facilitate public review, the Department has established a system whereby anyone interested may learn where the closest set of maps can be examined. This can be accomplished by calling the U.S. Geological Survey, Eastern National Cartographic Information Center (E–NCIC), at (703) 860–6336 or FTS: 928–6336 between the hours of 8:00 a.m. and 4:00 p.m. EST. Callers must indicate the State and County in which the units of concern are located as well as where they are located. PLEASE NOTE: Maps cannot be ordered by calling this telephone number.

Addresses

Draft undeveloped coastal barrier maps can be purchased from the U.S. Geological Survey at the address indicated below. To cover reproduction and handling costs, a fee of $3.25 will be charged *per map* for each 36 in. x 42 in. paper ozalid copy. Requests for copies must be made using the following ORDER FORM (or a copy thereof) and must be prepaid by check or money order (NO cash or stamps) made payable to: THE UNITED STATES GEOLOGICAL SURVEY. The ORDER FORM and check or money order should be sent to: Eastern National Cartographic Information Center (E–NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092.

Requests for additional copies of the draft definitions document and draft information summaries must be made in writing and directed to: Ms. Deborah Lanzone, National Park Service—780, Pension Building, Room 201, 440 G Street, NW., Washington, D.C. 20243. (202) 272–3566.

Comments on the draft definitions, draft maps, and draft information summaries should be addressed to: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, United States Department of the Interior, Washington, D.C. 20240.

Maps may be inspected at and hand-delivered comments may be taken to: Office of the Assistant Secretary for Fish and Wildlife and Parks, Main Interior Building, 18th and C Streets, NW., Room 3148, Washington, D.C. 20240.

For Further Information Contact

Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. (202) 343–5347.

Dated: December 12, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

ATTACHMENT A

Order Form

Draft Undeveloped Coastal Barrier Maps

This form will enable you to obtain copies of some or all of the 161 draft Undeveloped Coastal Barrier Maps identified by the U.S. Department of the Interior pursuant to Section 341(d)(1) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Each paper print which measures 36 inches by 42 inches will cost $3.25.

PLEASE INDICATE THE NUMBER OF MAPS OF EACH UNIT YOU WANT TO ORDER IN THE APPROPRIATE BOX ON THE FOLLOWING LIST OF MAPS. IF YOU MARK THE STATE BOX, THE NUMBER OF SETS OF MAPS INDICATED FOR THE ENTIRE STATE WILL BE MAILED TO YOU.

- ☐ MAINE (6 maps)
  - ☐ A03—Jasper
  - ☐ A04—Pond Island
  - ☐ A06—Cape Elizabeth
  - ☐ A07—Scarborough Beach
  - ☐ A08—Crescent Surf
  - ☐ A09—Seapoint
- ☐ MASSACHUSETTS (31 maps)
  - ☐ C01—Wingaersheek
  - ☐ C02—North Scituate Beach
  - ☐ C03—Rivermoor
  - ☐ C04—Plymouth Bay
  - ☐ C06—Center Hill Complex
  - ☐ C08—Scorton
  - ☐ C09—Sandy Neck
  - ☐ C10—Freemans Pond
  - ☐ C11—Namskaket Spits
  - ☐ C12—Chatham Roads
  - ☐ C13—Lewis Bay
  - ☐ C14—Squaw Island
  - ☐ C15—Centerville
  - ☐ C16—Dead Neck
  - ☐ C17—Popponesset Spit
  - ☐ C18—Waquoit Bay
  - ☐ C19—Black Beach
  - ☐ C20—Coatue
  - ☐ C21—Sesachacha Pond
  - ☐ C22—Cisco Beach
  - ☐ C23—Esther Island Complex
  - ☐ C24—Tuckernuck Island
  - ☐ C25—Muskeget Island
  - ☐ C26—Eel Pond Beach
  - ☐ C27—Cape Poge
  - ☐ C28—South Beach
  - ☐ C29—Squibnocket Complex
  - ☐ C31—Elizabeth Islands
  - ☐ C32—Mishaum Point
  - ☐ C33—Little Beach
  - ☐ C34—Horseneck Beach
- ☐ RHODE ISLAND (8 maps)
  - ☐ D01—Little Compton Ponds, MA/RI
  - ☐ D02—Fogland Marsh
  - ☐ D03—Card Ponds
  - ☐ D04—Green Hill Beach
  - ☐ D05—East Beach
  - ☐ D06—Quonochontaug Beach
  - ☐ D07—Maschaug Ponds
  - ☐ D08—Napatree
- ☐ CONNECTICUT (7 maps)
  - ☐ E01—Wilcox Beach
  - ☐ E02—Goshen Cove
  - ☐ E03—Jordan Cove
  - ☐ E04—Menunketesuck Island
  - ☐ E05—Hammonasset
  - ☐ E06—Sandy Hook
  - ☐ E07—Milford Point
- ☐ NEW YORK (11 maps)
  - ☐ F01—Fishers Island Barriers
  - ☐ F02—Eatons Neck
  - ☐ F04—Crane Neck
  - ☐ F05—Old Field Beach
  - ☐ F06—Shelter Island Barriers
  - ☐ F07—North Haven
  - ☐ F08—Clam Island
  - ☐ F9—Gardiners Island Barriers
  - ☐ F10—Napeaque
  - ☐ F11—Mecox
  - ☐ F12—Southhampton Beach
- ☐ NEW JERSEY (2 maps)
  - ☐ G01—Stone Harbor Point
  - ☐ G02—Cape May Complex
- ☐ DELAWARE (1 map)
  - ☐ H01—North Bethany Beach
- ☐ VIRGINIA (5 maps)
  - ☐ K01—Assawomen Island
  - ☐ K02—Metomkin Island
  - ☐ K03—Cedar Island
  - ☐ K04—Little Cobb Island
  - ☐ K05—Fishermans Island
- ☐ NORTH CAROLINA (9 maps)
  - ☐ L01—Currituck Banks
  - ☐ L02—Bodie Island
  - ☐ L03—Hatteras Island
  - ☐ L04—Bogue Banks
  - ☐ L05—Onslow Beach Complex
  - ☐ L06—Topsail
  - ☐ L07—Lea Island Complex
  - ☐ L08—Wrightsville Beach
  - ☐ L09—Masonboro Island
- ☐ SOUTH CAROLINA (13 maps)

- ☐ M01—Waites Island Complex, NC/SC
- ☐ M02—Litchfield Beach
- ☐ M03—Pawleys Inlet
- ☐ M04—Debidue Beach
- ☐ M05—Dewees Island
- ☐ M06—Morris Island Complex
- ☐ M07—Bird Key Complex
- ☐ M08—Captain Sams Inlet
- ☐ M09—Edisto Complex
- ☐ M10—St. Helena Sound Complex
- ☐ M11—Harbor Island
- ☐ M12—St. Phillips Island Complex
- ☐ M13—Daufuskie Island

☐ GEORGIA (4 maps)
- ☐ N01—Little Tybee Island
- ☐ N02—St. Catherines Island
- ☐ N03—Little St. Simons Island
- ☐ N04—Sea Island

☐ FLORIDA (32 maps)
- ☐ P01—Amelia Island
- ☐ P02—Bird/Talbot Islands
- ☐ P04—Guana River
- ☐ P04A—Usinas Beach
- ☐ P05—Conch Island
- ☐ P05A—Matanzas River
- ☐ P07—Ormond-By-The-Sea
- ☐ P09—Ponce Inlet
- ☐ P10—Vero Beach
- ☐ P10A—Blue Hole
- ☐ P11—Hutchinson Island
- ☐ P12—Hobe Sound
- ☐ P13—Jupiter
- ☐ P13A—Lake Worth
- ☐ P14A—North Beach
- ☐ P15—Cape Romano
- ☐ P16—Keewaydin Island
- ☐ P17—Lovers Key Complex
- ☐ P18—Sanibel Island Complex
- ☐ P19—North Captiva Island
- ☐ P20—Cayo Costa
- ☐ P21—Bocilla Island
- ☐ P22—Casey Key
- ☐ P23—Longboat Key
- ☐ P24—The Reefs
- ☐ P25—Atsena Otie Key
- ☐ P26—Pepperfish Keys
- ☐ P28—Dog Island
- ☐ P29—St. George Island
- ☐ P30—Cape San Blas
- ☐ P31—St. Andrew Complex
- ☐ P32—Moreno Point

☐ ALABAMA (2 maps)
- ☐ Q01—Mobile Point
- ☐ Q02—Dauphin Islands

☐ MISSISSIPPI (3 maps)
- ☐ R01—Round Island
- ☐ R02—Deer Island
- ☐ R03—Cat Island

☐ LOUISIANA (14 maps)
- ☐ S01—Bastian Bay Complex
- ☐ S01A—Bay Joe Wise Complex
- ☐ S02—Grande Terre Islands
- ☐ S03—Caminada
- ☐ S04—Bay Champagne
- ☐ S05—Timbalier Island
- ☐ S06—Isles Dernieres (2 maps)
- ☐ S07—Point au Fer
- ☐ S08—Cheniere Au Tigre
- ☐ S09—Rollover
- ☐ S10—Mermentau River Complex
- ☐ S11—Sabine (2 maps)

☐ TEXAS (13 maps)
- ☐ T01—Sea Rim
- ☐ T02—High Island
- ☐ T03—Bolivar Peninsula
- ☐ T04—Follets Island
- ☐ T05—Brazos River Complex
- ☐ T06—Sargent Beach
- ☐ T07—Matagorda Peninsula (2 maps)
- ☐ T08—San Jose Island Complex
- ☐ T09—Mustang Island
- ☐ T10—North Padre Island
- ☐ T11—South Padre Island
- ☐ T12—Boca Chica

☐ COMPLETE SET OF ALL DRAFT UNDEVELOPED COASTAL BARRIER MAPS (161 maps)

COPIES OF THE DRAFT UNDEVELOPED COASTAL BARRIER MAPS ARE AVAILABLE FROM THE U.S. GEOLOGICAL SURVEY. REPRODUCTION AND HANDLING COSTS ARE $3.25 FOR EACH 36 in. x 42 in. PAPER OZALID COPY. REQUESTS FOR COPIES MUST BE PREPAID BY CHECK OR MONEY ORDER (NO CASH OR STAMPS) AND DIRECTED TO:

Eastern National Cartographic Information Center (E-NCIC)
U.S. Geological Survey
536 National Center
Reston, Virginia 22092
Telephone: (703) 860-6336 or FTS 928-6336

MAKE CHECKS PAYABLE TO: THE UNITED STATES GEOLOGICAL SURVEY

PLEASE INDICATE WHERE THESE MAPS SHOULD BE SENT:

NAME _____
STREET ADDRESS _____
CITY STATE ZIP CODE
ORGANIZATION _____

TO BE ABLE TO CONTACT YOU IN THE EVENT THERE ARE QUESTIONS ABOUT YOUR ORDER, PLEASE INCLUDE A TELEPHONE NUMBER WHERE YOU CAN BE REACHED WEEKDAYS BETWEEN 8:00 a.m. AND 4:00 p.m. EST.:

TELEPHONE: AREA CODE ( ) NUMBER

[FR Doc. 82-1197 Filed 1-14-82; 8:45 am]
BILLING CODE 4310-70-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-1; FCC No. 82-1]

Subsidiary Communications Authorization (SCA) Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the amendment of §73.593 of the Commission's Rules to permit public broadcasting FM stations to stand on the same footing as commercial FM stations in conducting their Subsidiary Communications Authorization operations.

DATES: Comments must be filed on or before February 11, 1982, and reply comments on or before February 26, 1982.

ADDRESS: Federal Communcations Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 5, 1982.

Released: January 11, 1982.

1. The Commission has before it the provisions of § 73.593 of the Commission's Rules which impose restrictions on the use of a Subsidiary Communications Authorization ("SCA") granted to noncommercial educational FM stations, now called public broadcasting stations. Recent amendments to the Communications Act[1] have called upon educational stations to provide more of their own funding. As discussed below, this raises the question whether the current restriction on SCA use should be continued.

2. In addition to the regular broadcast service offered on the main carrier (channel), FM stations have the capacity to program one or more subcarriers[2] on a multiplex basis to provide SCA service.[3] upon grant of the necessary application, both commercial and public broadcast FM stations are permitted to provide SCA service. Unlike the commercial station, the public broadcasting can only transmit programs of a noncommercial nature which are in furtherance of an educational purpose.

3. The placement of restrictions on the use of an SCA by a public broadcasting station reflects the then prevailing view about the nature of these stations as well as the expectation that they would have adequate funding from outside sources. Recently, the situation has changed. Federal funding, once a major source, has been greatly curtailed. Recognizing the consequences of dwindling Federal funding, the Congress acted to let these stations do more to help themselves. In fact, one of the main purposes of the Public Broadcasting

[1] Pub. L. 97-35 (Public Broadcasting Amendment Act of 1981).

[2] One such subcarrier is necessary to carry the second signal if the station operates in stereo.

[3] SCA's can be used for a variety of broadcast-like services. It is frequently used by commercial stations for background music in stores and offices. Public broadcasting stations are not now permitted to use it for such commercial purposes.

Amendments Act of 1981 was to help these broadcasters develop such other funding. To this end, the bill (Pub. L. 97–35) contained (in new Section 399B) provisions allowing public broadcast stations to engage in offering services, facilities or products for remuneration. This provision allows these educational licensees to engage in a variety of remunerative non-broadcast activities.

4. Examination of the new public broadcasting provisions and the Reports and debates which accompany them suggest that it may be inappropriate to continue the restriction on licensees of public radio stations that limits these SCA's to educational purposes and prevents these stations from using their subcarrier SCA capacity for remunerative purposes. In fact, an argument can be made that the current restriction is inconsistent with the new Section 399B. Therefore, we are proposing to consider deletion of the current restriction. With this deletion, commercial and noncommercial educational stations would stand on the same footing in regard to the basis on which they could obtain an SCA and the uses to which it could be put.[1]

5. Regulatory Flexibility Analysis:

I. *Reason for action:* Use of the SCA in the fashion proposed could help educational FM stations be self-supporting and could lead to more efficient use of their subcarrier frequencies, which now sometimes lie fallow.

II. *The objective:* The Commission proposed to allow educational FM stations to employ SCA's for the same purposes now permitted commercial FM stations.

III. *Legal basis:* The action proposed would explore new and improved uses of radio and thus would be in furtherance of Sections 303(g) and 399B of the Communications Act of 1934, as amended.

IV. *Description, potential impact and number of small entities affected:* The proposed removal of the restriction on SCA uses by public broadcasting stations could be expected to enhance the ability of these stations to generate revenues and be more self-supporting. This, in turn, could provide opportunities to enhance competition and increase the availability of SCA services in a community. The rule change, if adopted, would directly affect the almost 1,200 public broadcasting FM stations and indirectly affect the more than 3,500 commercial FM stations which do not now receive competition from public broadcasting station SCA's run on a commercial basis. It is also possible that such a step could have an impact on small governmental or business entities which would gain access to SCA services for the first time. Finally, small entities involved in supplying equipment or services connected with constructing or conducting SCA operations could be affected as such opportunities increased.

V. *Recording, record keeping and other compliance requirements:* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule:* None.

VII. *Any significant alternative minimizing impact on small entities and consistent with stated objective:* The only alternative would be to maintain the status quo and thereby continue to preclude expanded SCA uses by public broadcasting FM stations.

[1]Recently, the Commission adopted a change in permissable use of the commercial station SCA to authorize non-broadcast transmissions for utility load management. Thus, the proposed rule change treating commercial and public broadcasting FM stations on the same footing would permit this use for educational stations as well.

PART 73—RADIO BROADCAST SERVICES

6. Accordingly, it is proposed, that pursuant to the provisions of Sections 4(i), 303 (b), (g) and 399B of the Communications Act of 1934, as amended, § 73.593 of the Commission's Rules be revised to read as follows:

§ 73.593 Subsidiary communications authorizations.

The provisions governing SCA authorizations set forth in § 73.293 are applicable to noncommercial educational FM stations.

7. Authority for the institution of this proceeding is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before February 11, 1982, and reply comments on or before February 26, 1982. The Commission will consider all relevant and timely comments and may also consider other relevant information before it before taking further action in this proceeding.

9. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all comments, replies, briefs, and other documents shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. All filings in this proceeding will be available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C. 20554.

10. For further information concerning this proceeding, contact Jonathan David, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

11. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–1080 Filed 1–14–82; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[BC Docket No. 81–741]

Transmission of Teletext by TV Stations; Order Extending Time for Filing Comments and Reply Comments; Authorization

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and replies to comments to a Notice of Proposed Rule Making, (46 FR 60851; December 14, 1981) Docket No. 81–741, which proposed amendment of Part 73 of Commission Rules to allow transmission of teletext by TV stations. Several parties filed requests for such an extension.

DATE: Comments are due on or before February 10, 1982 and replies to

comments are due on or before March 12, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments to Notice of Proposed Rulemaking (46 FR 60851; December 14, 1981)

Adopted: December 29, 1981.
Released: January 6, 1982.

In the matter of amendment of Part 73 to authorize the transmission of teletext by TV stations.

1. On October 20, 1981, the Commission adopted a Notice of Proposed Rulemaking, Docket 81-741 proposing to amend Part 73 of its rules in a manner that would permit the transmission of teletext by television licensees. The Notice was released on November 27, 1981 with comments due by January 11, 1982 and reply comments to be received by February 10, 1982.

On December 18, 1981 the National Captioning Institute (NCI) petitioned to extend the comment period 30 days. NCI bases its request on the fact that 19 business days provide insufficient time to study and distribute the notice to its members.

Comments supporting the NCI petition were received from the National Association of Broadcasters (NAB), the American Broadcasting Companies, Inc. (ABC), and the Consumer Electronics Group of the Electronic Industries Association (EIA/CEG). In addition to complaints about the short time frame, both NAB and EIA/CEG state that meetings within their groups have been scheduled shortly after the original comment date. Thus they desire an extension in order to benefit from the discussions at those meetings.[1]

The Commission is interested in expeditiously completing the teletext proceeding. However, the Commission also recognizes the importance of this proceeding and wishes to grant sufficient time for the parties to submit comments. Consequently, the 30-day extension of time for comments and reply comments is granted.

Accordingly, it is ordered, that the time for filing comments and replies to comments to the above referenced Notice of Proposed Rulemaking, Docket 81-741, is extended to and including February 10, 1982 for comments and March 12, 1982 for reply comments.

(Sec. 4(i), 5(d)(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules)

Federal Communications Commission.

Henry L. Baumann,

Deputy Chief, Broadcast Bureau.

[FR Doc. 82-1088 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

[1] In addition to these comments, informatl requests for extension of time were sbumitted by the Rhode Island School for the Deaf, the State of North Carolina Department of Human Resources and Ellan Maynard.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fishing and Groundfish of the Gulf of Alaska; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the quota for a species in an Appendix and Table contained in proposed regulations to implement Amendment 10 to the fishery management plan for the Groundfish of the Gulf of Alaska. The proposed regulations were published December 7, 1981, (46 FR 59565).

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, 907-586-7221.

Dated: January 11, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

§§ 611.20, 672.20 [Corrected]

Accordingly, NOAA corrects Appendix 1, entry 4E, of 50 CFR 611.20 and Table 1 of 50 CFR 672.20 by changing the reserve and TALFF amounts for thornyhead rockfish, species code 749, from 450 mt and 3,294 mt to 750 mt and 2,994 mt, respectively.

[FR Doc. 82-1181 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Continental Divide Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Continental Divide Electric Cooperative, Inc., (Cooperative) of Grants, New Mexico, for the construction of new 69 kV transmission facilities in New Mexico. A proposed transmission line will extend approximately 15.5 km (25 mi) from the existing Zuni Substation in McKinley County to the proposed Ramah Substation in Valencia County. The Ramah Substation will be built at the eastern terminus of the line.

REA reviewed a Borrower's Environmental Report (BER) submitted by the Cooperative. Based upon the BER and the Cooperative's 1981–1982 Biennial Work Plan, REA prepared an Environmental Assessment concerning the proposed project and its impacts. REA determined that the proposed project 1) will not affect federally listed threatened or endangered species, important farmlands or known cultural resources; and 2) will have no adverse effect or incompatible development associated with wetlands or floodplains. Alternatives examined include no action, energy conservation, upgrading existing facilities and an alternative route. After reviewing these alternatives, REA determined that the proposed project is the preferred alternative because it best meets the District's needs with minimal adverse impacts. REA concluded that the proposed financing assistance would not be a major Federal action significantly affecting the quality of the human environment.

The FONSI, Environmental Assessment and BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382–8848, or at the office of Continental Divide Electric Cooperative, Inc., (Mr. Fred A. Lackey, Manager), P.O. Box 1087, Grants, New Mexico 87020, telephone: (505) 285–6656.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 7th day of January 1982.

Harold V. Hunter,
Administrator.

[FR Doc. 82-1032 Filed 1-14-82; 8:45 am]
BILLING CODE 3410-15-M

Brazos Electric Power Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Final Environmental Impact Statement (FEIS) in connection with the proposed construction of a 30.6 km (19 mi) 345 kV transmission line and associated facilities by the Brazos Electric Power Cooperative (Brazos) that would connect the Texas Power & Light Company's Elm Mott Substation in McLennan County, Texas, with the proposed Whitney Substation in Bosque County, Texas. It is anticipated that Brazos will request REA to provide financing assistance for construction of the facilities.

Alternatives considered in the FEIS are no action, alternative voltages, upgrading of existing facilities, alternative sources, energy conservation, and alternative routes and construction methods.

The preferred alternative, which is construction of the 345 kV transmission line, would cross over 0.72 km (0.45 mi) of floodplain and 0.09 km (0.06 mi) of wetlands. One tower, with a base of 0.01 ha (0.02 acre), may be located in the floodplain. REA has concluded that there is no practicable alternative to crossing these areas. Further information concerning this matter can be found in the FEIS.

Copies of the FEIS have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality regulations. Limited supplies of the FEIS are available upon request to: Mr. Frank Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St. and Independence Avenue, SW., Washington, D.C. 20250.

The FEIS may also be examined during regular business hours at the following locations:

Rural Electrification Administration, USDA, 14th & Independence Ave., SW., Room 0230, Washington, D.C. 20250
Brazos Electric Power Cooperative, 2404 La Salle Ave., Waco, Texas 76706
Hillsboro Public Library, 118 S. Waco St., Hillsboro, Texas 76645
Waco-McLennan Public Library, 1717 Austin St., Waco, Texas 76701

Final REA action concerning the project, including any release of funds for construction, will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes, regulations, Executive Orders, and Secretary's Memorandum.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 12th day of January, 1982.

Jack Van Mark,
Acting Administrator.

[FR Doc. 82-1162 Filed 1-14-82; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Pipe Creek Critical Area Treatment R. C. & D. Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315–423–5076.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pipe Creek RC&D Measure, Tioga County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for these projects.

The measure concerns critical area treatment. The planned works of improvement include clearing, grading, installing heavy rock rip rap along the streambank and seeding.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd, State Conservationist. The FNSI has been sent to various federal, state and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 16, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 4, 1982.

Paul A. Dodd,

State Conservationist.

[FR Doc. 82-803 Filed 1-14-82; 8:45 am]

BILLING CODE 3410-16-M

Plum Bayou Watershed Flat Bayou Portion, Arkansas; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, Post Office Box 2323, 700 West Capitol, Little Rock, Arkansas 72203, telephone—501/378-5445.

Notice: Jack C. Davis, responsible federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Arkansas, is hereby providing notification that a record of decision to proceed with installation of the Plum Bayou Watershed Flat Bayou Portion is available. Single copies of this record of decision may be obtained from Jack C. Davis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 7, 1982.

Jack C. Davis,

State Conservationist.

[FR Doc. 82-948 Filed 1-14-82; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Animal Glue and Inedible Gelatin from the Netherlands; Preliminary Results of Administrative Review of Antidumping Findings

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Findings.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covers the two known producers and the two known third-country resellers of this merchandise to the United States, and separate consecutive time periods for each through November 30, 1980. This review indicates the existence of dumping margins for all of the firms for all but one period.

As a result of the review, the Department has preliminary determined to assess dumping duties for individual exporters equal to the calculated differences between the United States price and foreign market value on each of their shipments during the periods of review. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from the Netherlands was published in the **Federal Register** as Treasury Decision 78-2 (42 FR 64115). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 if the Tariff Act, the Department has conducted an administrative review of the finding on animal glue and inedible gelatin from the Netherlands. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are animal glue and inedible gelatin, of which there are two principal types, hide glue, and bone glue. They are organic colloids of protein derivation. There is no significant differences between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents, as an essential part of many compositions, and as colloids in emulsions and cleaning compounds.

Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Dutch producers and two third-country resellers of this merchandise to the United States, Wed. P. Smits & Zoon B.V. ("Smits"), Lijmfabriek C. Trommelen B.V. ("Trommelen"), F. Leiner & Co., Ltd. (U.K.), and Sheppy

Fertilizers & Chemicals (U.K.) ("Sheppy").

Smits' response was adequate for analysis. Trommelen's response was incomplete since it covered most, but not all, sales to the U.S. Sheppy was non-responsive and F. Leiner's response was inadequate. For Trommelen's reported sales (direct shipments) we will use the calculated margin of appraisement and cash deposit purposes. For its unreported sales (indirect shipments) we will use the best information available, which is its fair value rate, for appraisement and cash deposit purposes, as it is higher than current rates for responding firms in the current period. We will use this rate also as best information available for both Sheppy and F. Leiner.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the C&F or FOB price to an unrelated purchaser in the United States. Where applicable, deductions were made for forwarding fees, foreign inland freight, ocean freight, and loading charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value for Trommelen, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Trommelen sold over 11 percent of its total production in the home market, and home market sales were at least 12 percent of all sales for export to countries other than the U.S. during the period covered. Home market sales were at ex-factory, or "free customer's factory", packed prices. Adjustments were made for inland freight, unloading at the customer's factory, and differences in packing, where appropriate.

In calculating foreign market value for the other producer, Smits, the Department used the price to purchasers in a third country (the United Kingdom), as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, as sales in the home market were insufficient to provide a basis for comparison. The foreign market values were based on ex-factory prices and were adjusted for differences in packing, where appropriate. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Producer	Time period	Margin (direct shipments) (percent)	Margin (indirect shipments)[1] (percent)
Wed. P. Smits & Zoon.	Apr. 1, 1977–Dec. 1, 1978.	0	N/A
	Dec. 2, 1978–Dec. 31, 1979.	34.14	N/A
	Jan. 1, 1980–Nov. 30, 1980.	0.32	N/A
Limfabriek C. Trommelen.	July 1, 1977–Dec. 31, 1977.	13.35	N/A
	Jan. 1, 1978–Dec. 31, 1978.	7.89	43.00
	Jan. 1, 1979–Dec. 31, 1979.	21.63	43.00
	Jan. 1, 1980–Nov. 30, 1980.	20.47	43.00
Third-Country Reseller			
Sheppy/F. Leiner (United Kingdom).	Jan. 1, 1979–Nov. 30, 1980.	43.02	N/A

[1]Indirect shipments are through or from a country other than the country of production. N/A is not applicable.

Interested parties may submit written comments on these preliminary results on or before February 16, 1982, and may request disclosure and/or a hearing on or before February 1, 1982. Any request for an adminstrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments by these firms of animal glue and inedible gelatin from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. We shall waive the cash deposit requirement for Smits since the most recent weighted-average margin for Smits is less than 0.5 percent and, therefore, *de minimis*, this deposit requirement, and the waiver for Smits, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 8, 1982.

[FR Doc. 82-1144 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Polychloroprene Rubber From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on polychloroprene rubber from Japan. This review covers the three known exporters of this merchandise to the United States and various periods from July 1, 1973 through November 30, 1980.

One firm did not ship during its review period. The other two firms provided inadequate responses. Where company-supplied information was inadequate, the Department has used the best information available to determine assessment and estimated deposit rates.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administation, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, a dumping finding with respect to polychloroprene rubber from Japan was published in the Federal Register as Treasury Decision 73–333 (38 FR 33593). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The

Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on polychloroprene rubber from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

This review covers imports of polychloroprene rubber from Japan, which is an oil resistant synthetic rubber also know as polymerized chlorobutadiene or neoprene and is currently classifiable under items 446.1521 and 446.2000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 3 exporters of Japanese polychloroprene rubber to the United States. This review covers all three for all time periods up to November 30, 1980, during which shipments of polychloroprene rubber may have been made to the United States and for which appraisement instructions ("master lists") have not been issued.

One firm, Denki, stated that it did not export polychloroprene rubber to the United States during the period reviewed for Denki. There are no known unliquidated entries for this firm. The estimated deposit rate for Denki shall be based on the most recent information for that firm. Two other firms, Hoei Sangyo and Suzugo Corporation, provided inadequate responses. For these firms we proceeded to use the best information available to determine the assessment and estimated deposit rates. Since there is no previous information for these firms, the best information available is the rate calculated during the original fair value investigation.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time Period	Margin (percent)
Denki	4/79–11/80	[1] 0
Denki/Hoei Sangyo	7/73–11/80	55
Suzugo Corporation	7/73–11/80	55

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before February 16, 1982 and may request disclosure and/or a hearing on or before February 1, 1982. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish a notice of the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries with purchase dates during the time periods involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 6, 1982.

[FR Doc. 82-1148 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Argentina; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 19, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Argentina. The review covered the only known exporter of this merchandise to the United States for the period August 1, 1980 through July 31, 1981. Interested parties were given an opportunity to submit oral or written comments. We received no comments.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 56840) the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Argentina (38 FR 22794, August 24, 1973). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of printed vinyl film to the United States from Argentina. The review covers this exporter, Plavinil Argentina S.A.I.C., for the period August 1, 1980 through July 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no comments. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 146 percent shall be required on all shipments of printed vinyl film entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next review by the end of August 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 11, 1982.

[FR Doc. 82-1149 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Brazil; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 19, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Brazil. The review covered the two known exporters of this merchandise to the United States for the period August 1, 1980 through July 31, 1981. Interested parties were given an opportunity to submit oral or written comments. We received no comments.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 56640–41) the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Brazil (38 FR 22794, August 24, 1973). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two exporters of printed vinyl film to the United States from Brazil. The review covers these two exporters for the period August 1, 1980 through July 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 52 percent shall be required on all shipments of printed vinyl film from Plasticos Plavinil, S.A., entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. There shall be no cash deposit requirement for shipments from Vulcan Material Plastico, S.A. For any shipments from a new exporter not covered in this administrative review, unrelated to either covered firm, a cash deposit shall be required at the 52 percent rate. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of August 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 11, 1982.

[FR Doc. 82-1140 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Fasteners From India; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On July 31, 1981, the Department of Commerce published in the **Federal Register** a notice of the "Preliminary Results of Administrative Review of Countervailing Duty" with respect to certain fasteners from India. The review covers the period from July 21, 1980 through December 31, 1980. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 18 percent of the f.o.b. invoice price of the merchandise. Interested parties were invited to comment. Upon review of all comments received, the Department determines that countervailing duties in the amount of 18 percent *ad valorem* shall be assessed on entries of certain fasteners from India entered during the period from July 21, 1980 through December 31, 1980. The Department currently is enjoined from liquidating these entries. If the Court sustains our position, the entries will be liquidated in accordance with these final results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, Room 2802, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

The Department of Commerce ("the Department") published a notice of "Final Countervailing Duty Determination and Countervailing Duty Order" in the **Federal Register** of July 21, 1980 (45 FR 48607). The notice stated that the Department had determined that the Government of India had provided bounties or grants (subsidies) on the production or exportation of certain fasteners within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). The Department published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct an administrative review of this countervailing duty order. On July 31, 1981, the Department published in the **Federal Register** (46 FR 39194) a notice of the preliminary results of the administrative review of the countervailing duty order regarding this merchandise. The Department has now completed that review.

Scope of the Review

The imports covered by this review are certain industrial fasteners. This merchandise is currently classifiable in the Tariff Schedules of the United States under item numbers 646.49, 646.54, 646.56, 646.58, 646.60 and 646.63. The review covers the period July 21, 1980, the date of the order, through December 31, 1980, and is limited to the programs cited in the order. These programs are: (1) Cash rebates on export, that is, "Cash Compensatory Support" ("CCS"), (2) preferential export financing and (3) a deduction from taxable income up to 133 percent of overseas business expenses.

Analysis of Comments Received

The Government of India officially declined to respond to our questionnaire requesting information on the status of benefits bestowed under these programs on fasteners during the review period. Therefore, the Department is using the rates published in the order as the best information available. As cited in the order the *ad valorem* benefit found under the CCS program was 17.5 percent; under preferential export financing, 0.4 percent; and under the

export tax deduction program, 0.1 percent.

While we did not receive comments from the Government of India, we did receive comments from the Indian Engineering Export Promotion Council. Those comments were directed more to the correctness of the order than to the conclusions reached in this review. Since the order is before the Court of International Trade we believe that it is inappropriate now to reply to those comments.

We received an additional comment from counsel representing the American importers in the litigation before the court. He requested that we delay the publication of this review pending the decision of the court so that we can apply that decision as appropriate. Liquidation of entries of this merchandise has been enjoined by the court pending its decision. The law requires that we conduct annual reviews. As such the effect of this review is to fix the instructions for liquidation to the Customs Service assuming the court sustains our position in the final determination. We will order liquidation in accordance with these final results and the final court decision as required by section 516A(e) of the Tariff Act.

Final Results of Review

As a result of our review, we determine that the total net subsidy conferred by the programs cited above is 18 percent *ad valorem* for the period of review. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 18 percent of the f.o.b. invoice price on shipments of this merchandise entered, or withdrawn from warehouse, for consumption from July 21, 1980 through December 31, 1980.

Our instructions regarding assessment will not be given until the completion of the litigation. Those instructions will reflect the decision of the court to the extent that the decision differs from these final results. The suspension of liquidation previously ordered and the requirement for a deposit of estimated countervailing duty of 18 percent of the f.o.b. invoice price will continue until further notice. The Department intends to complete the next administrative review by the end of July 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 12, 1982.

[FR Doc. 82-1187 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Lamb Meat From New Zealand; Termination of Countervailing Duty Investigation

Correction

In FR Doc. 82-689 published in the issue of Tuesday, January 12, 1982 at 47 FR 1316, the appendix was omitted. It should have appeared immediately following the signature as follows:

Appendix

202/882-8168

December 22, 1981.

By Hand

Mr. Gary N. Horlick
Deputy Assistant Secretary, International Trade Administration
Room 2800,
U.S. Department of Commerce,
Washington, D.C. 20230

Re: *Countervailing Duty Investigation of Lamb from New Zealand*

Dear Mr. Horlick: By this letter and in accordance with 19 U.S.C § 1671c(a), the National Wool Growers Association, Inc. and the National Lamb Feeders Association, Inc., hereby withdraw their petition in the above-captioned investigation and request that this investigation be terminated.

Sincerely,

William Silverman,

John C. Jost,

Dow, Lohnes & Albertson, 1225 Connecticut Ave., NW. Washington, D.C. 20036, Counsel for the National Wool Growers Association, Inc. and the National Lamb Feeders Association, Inc.

cc: Mr. A. C. Cranston,
Edward J. Farrell, Esq.

BILLING CODE 1505-02

Imported Steel Mill Products Trigger Price Mechanism; Suspension

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is suspending the operation of the steel trigger price mechanism (TPM) in response to the filing of major antidumping and countervailing duty petitions by U.S. steel producers.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, U.S. Department of Commerce, [202] 377-3793.

SUPPLEMENTARY INFORMATION: When the TPM was reinstated on October 8, 1980, the Department of Commerce declared that it was a "substitute for and not a supplement to major antidumping petitions by the domestic industry (45 FR 66833)." It further stated that, "if any interested party files a dumping or contervailing duty petition . . . then the TPM may be withdrawn." With the filing of major antidumping and countervailing duty petitions on January 11, 1982 by several U.S. steel producers, the basis upon which the TPM was maintained no longer exists, and it is therefore suspended.

The Commerce Department will devote the resources that had been involved in operating the TPM towards investigation of the industry's complaints, in accordance with the Trade Agreements Act of 1979. Importers must continue to complete the Special Summary Steel Invoice (SSSI), and all outstanding questionnaires must be completed. The specialty steel urge mechanism will continue to operate.

Dated: January 11, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-1053 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) J.W. Trueth and Sons, Inc., 328 Oella Avenue, Catonsville, Maryland 21228, producer of meat (accepted December 23, 1981); (2) Southeastern Cedar Products, P.O. Box 7838, Ketchikan, Alaska 99901, producer of cedar shingles (accepted December 28, 1981); (3) Winer Industries, Inc., 404 Grand Street, Paterson, New Jersey 07505, producer of men's, women's and children's jackets, pants, shirts, vests and suits (accepted December 30, 1981); (4) Republic Hose Manufacturing Corporation, 1350 Albert Street, Youngstown, Ohio 44505, producer of hydraulic hoses (accepted December 30, 1981); (5) Liberty Woodcrafts, Inc., 3300 Benzing Road, Orchard Park, New York 14127, producer of table tops (accepted December 30, 1981); (6) York Luggage Corporation, 204 N. Union Street, Lambertville, New Jersey 08530, producer of luggage (accepted January 4, 1982); (7) Hunt Country Furniture, Inc., Webatuck Road, Wingdale, New York 12594, producer of furniture (accepted January 5, 1982); (8) Danville

Loungewear, Inc., 38 East 32nd Street, New York, New York 10016, producer of women's sleepwear, robes and dusters (accepted January 5, 1982); (9) Metaframe, Inc., 475 Market Street, Elmwood Park, New Jersey 07407, producer of aquarium equipment and pet supplies (accepted January 5, 1982); (10) J. Levine Textile, Inc., 369 Broadway, New York, New York 10013, producer of fabrics (accepted January 6, 1982); and (11) Heritage Cutlery, Inc., P.O. Box 476, Bolivar, New York 14715, producer of scissors (accepted January 6, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82–1054 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement; New York State Coastal Management Program

The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a Draft Environmental Impact Statement (DEIS) on the proposed approval of the New York State Coastal Management Program (NYSCMP) under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended), and distribute it in April, 1982.

Federal approval of the New York State Coastal Management Program would allow program administrative grants to be awarded to the State and require that Federal actions be consistent with the Program.

The Program consists of numerous policies on diverse resource management issues. These policies, contained in several State laws and the recently enacted Waterfront Revitalization and Coastal Resources Act, concern the following major issues; agriculture, air quality, development, energy, fish and wildlife, flooding and erosion hazards, public access, recreation, scenic quality, and water quality. The New York Program will condition, restrict or prohibit some uses in parts of the management area, while encouraging development and other uses in other parts. The Program should improve the decision-making process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. Federal alternatives will include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. State alternatives include the possibility to modify parts of the Program or withdraw its application for Federal approval.

In order to determine the scope and significance of issues to be addressed in the DEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

(1) The adequacy of the scope and geographic coverage of the Program's laws and regulations to ensure implementation of the Program's enforceable policies.

(2) The extent to which the Program's inforceable policies are sufficiently comprehensive and specific to regulate land and water uses, control developments, and resolve conflicts among competing uses.

(3) The adequacy of the mechanisms for administrative review and enforcement of compliance of agency decisions.

(4) The adequacy of the mechanisms for State agency coordination and consultation in order to effectively implement the NYSCMP.

(5) The extent to which the inland boundary of the Program includes those areas the management of which is necessary to control uses which have direct and significant impacts on coastal waters.

Persons or organizations wishing to submit comments on these or other issues should do so by February 12, 1982. Any comments received after that time will be considered in the response to comments received on the DEIS. Please submit all comments to: Kathryn Cousins, North Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202/634–4125.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Programs)

Dated: January 11, 1982.

[FR Doc. 82–1068 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–08–M

COMMODITY FUTURES TRADING COMMISSION

Kansas City Board of Trade Proposed 90-Day Treasury Bill Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Kansas City Board of Trade ("KCBT") has applied for designation as a contract market in 90-day Treasury bills. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making the proposed contract available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 16, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Reference should be made to the KCBT 90-day Treasury bill futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., (202) 254–7303.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of the KCBT proposed 90-day Treasury bill futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the KCBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the KCBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, by March 16, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on January 11, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-1051 Filed 1-14-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, February 22, 1982, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in special study on the Department of Defense Intelligence Information System.

Dated: January 12, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-1194 Filed 1-14-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and time: Tuesday, February 16, 1982—9:00 a.m.–6:00 p.m.; Wednesday, February 17, 1982—9:00 a.m.–6:00 p.m.

Place: Department of Energy, Room A–410, Germantown, MD

Contact: John R. Erskine, Department of Energy, Division of Nuclear Physics, ER–23 GTN, Washington, D.C. 20545, Telephone: 301–353–3613, FTS 233–3613

Purpose of committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda

—Discussion of NSF and DOE budget situations for FY 1982 and FY 1983, as reflected in the President's January 1982 budget submission to Congress

—Presentation and discussion of proposals for FY 1984 facility construction

—Reports of subcommittees

—Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 11, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Office.

[FR Doc. 82-1047 Filed 1-14-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-205-000]

Central Power and Light Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Central Power and Light Company (CP&L) tendered for filing an amendment to the interchange agreement between CP&L, South Texas Electric Cooperatives Inc., and Medina Electric Cooperative, Inc.

CP&L states that the above-mentioned amendment amends the interchange agreement entered into on February 6, 1979 which was the subjct matter of FERC Docket No. ER81–178–000. CP&L further states that the substantive effect of this amendment is to modify the energy charge formula.

CP&L requests an effective date of May 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1147 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER77-488 and ER78-520 (Phase II)]

El Paso Electric Co.; Compliance Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, El Paso Electric Company filed a modified refund report in compliance with the Commission's letter dated December 1, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before January 29, 1982. comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1148 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-84-001]

Florida Gas Transmission Co.; Change in Tariff Sheets

January 11, 1982.

Take notice that Florida Gas Transmission Company (FGT) on December 17, 1981, tendered for filing the below listed tariff sheets pursuant to Ordering paragraph (D) of the Commission's Order issued July 31, 1981:

Original Volume No. 1

Substitute 27th Revised Sheet No. 3-A

Original Volume No. 2

Substitute 17th Revised Sheet No. 128

Original Volume No. 3

Substitute 3rd Revised Sheet No. 126
Substitute 2nd Revised Sheet No. 181
Substitute 2nd Revised Sheet No. 245
Substitute 2nd Revised Sheet No. 265
Substitute 2nd Revised Sheet No. 283
Substitute 2nd Revised Sheet No. 305
Substitute 2nd Revised Sheet No. 332
Substitute 2nd Revised Sheet No. 365
Substitute 2nd Revised Sheet No. 395
Substitute 2nd Revised Sheet No. 396
Substitute 2nd Revised Sheet No. 423
Substitute 1st Revised Sheet No. 453

Ordering paragraph (D) of the Commission's Order dated July 31, 1981, requires FGT to file on or before December 31, 1981, revised tariff sheets to become effective January 1, 1982, reflecting the elimination of all costs associated with facilities not in service on or before December 31, 1981; provided, however, that FGT shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order.

Accordingly, FGT included Revised Exhibits to reflect the elimination of all costs associated with facilities which will not be in service as of December 31, 1981. The effect on jurisdictional revenues due to the elimination of these costs is to reduce the annual jurisdictional revenue increase requested from the original $14,639,008 to $9,645,209.

FGT also made adjustments to the rates proposed in its July 1, 1981 filing to: 1) incorporate the cost of gas and balancing adjustment included in FGT's purchase gas adjustment filing approved by the Commission to be effective October 1, 1981 (TA82-1-34); and 2) to incorporate the GRI Funding Unit approved by the Commission to be effective January 1, 1982 (FGT filing dated November 25, 1981, TA82-1-34 (GRI82-1).

FGT als filed an Agreement and Undertaking pursuant to Section 154.67(b) of the Commission's Rules and Regulations and Motion To Make Effective Revsed Tariff Sheets.

Copies of the filing were mailed to all customers affected by the filing and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in acordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-1149 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP81-50-000]

Gulf Oil Corp., Roetker Well No. 1, JD No. 81-01664; Request for Withdrawal of Final Well Category Determination

Issued December 7, 1981.

On September 22, 1981, Gulf Oil Corporation (Gulf) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit the withdrawal of the final well category determination for the Roetker Well No. 1, Lovedale Field, Harper County, Oklahoma, pursuant to the Commission's authority under the Natural Gas Policy Act of 1978, (NGPA), 15 U.S.C. 3301-3432 (Supp. III 1979).

With respect to Roetker Well No. 1, the Commission received from the Oklahoma Corporation Commission an affirmative determination that the well qualified as a stripper well under section 108 of the NGPA on October 14, 1980. This determination became final November 29, 1980, pursuant to 18 CFR 275.202(a).

Gulf states that its stripper well determination filing was made in error, inasmuch as total production of natural gas from the Roetker Well No. 1 exceeded 60 Mcf per day during the qualifying 90-day production period that was referred to in the application filed with the jurisdictional agency for this well. Gulf states that the total production was understated due to the lease fuel attributable to the production of natural gas from the well being inadvertently overlooked when the qualifying 90-day production volumes were compiled. Gulf therefore requests that the Commission vacate and permit withdrawal of the final well category determination for the Roetker Well No. 1 as a stripper well under section 108 of the NGPA.

Gulf states that no refunds will be due following the vacation and withdrawal of the final well category determination since it has not collected a price in excess of the NGPA section 104 price for natural gas which has been sold from this well. With respect to the question of refunds arising out of Gulf's request for withdrawal of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.120(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, on or before February 15, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with 18 CFR 1.8 or 1.10. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in

accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1150 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-207-000]

Kansas Power & Light Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, the Kansas Power and Light Company (KP&L) tendered for filing amendments to Service Schedules B, D, H, and I of the Interconnection and Interchange Agreement with Sunflower Electric Cooperative.

KP&L states that the above-mentioned amendments replace the language in the service schedules calling for percentage adders.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1151 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-187-000]

Maine Electric Power Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on December 21, 1981, Maine Electric Power Company (MEPCO) tendered for filing a transmission contract between MEPCO and Boston Edison Company (Boston Edison) for the delivery of 100 MW of Point Le Preau power under MEPCO's Rate Schedule No. 1 Supplement No. 5

The terms of the proposed contract shall begin on the first day of the month following the commercial operation date of Point Le Preau Unit No. 1 and shall end on October 31, 1987, with Boston Edison having the right of three (3) consecutive annual extensions provided a 24 months' notice is given for each extension.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1152 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-31-000]

Natural Gas Pipeline Co. of America; Filing of Report of Refund

January 11, 1982.

Take notice that Natural Gas Pipeline Company of America (Natural), filed on December 23, its verified report on the disposition of supplier refunds.

Natural states that this report for the three months ended November 30, 1981 is being filed under the provisions of Subsection 29.5 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1153 Filed 1-14-82; 8:45 pm]

BILLING CODE 6717-01-M

[Project No. 5266-000]

Lawrence R. Taft; Application for Preliminary Permit

January 11, 1982.

Take notice that Lawrence R. Taft (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5266 to be known as the Cranberry Lake Power Project located on the East Branch Oswegatchie River in the Town of Clifton, St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip J. Movish, Daverman & Associates, 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing facilities owned by the Oswegatchie River-Cranberry Lake Commission consisting of: (1) a 162-foot long and 17-foot high concrete gravity-type dam having a 110-foot long spillway section and having five sluice ways; (2) reservoir having a surface area of 6,975 acres and a storage capacity of 60,100 acre-feet at normal maximum pool elevation 1,486 m.s.l.; and (3) appurtenant facilities.

Applicant proposes to construct a new powerhouse at the toe of the dam containing three generating units having a total rated capacity of 400 kW. Applicant estimates that the average annual energy output would be 2,450,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 19, 1982, the competing application itself, or a notice of intent to file such an

application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 19, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 18, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Prior Notices—This notice supersedes all prior notices issued for this project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1154 Filed 1–14–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA82–1–17–002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 11, 1982.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 30, 1981 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Sixty-first Revised Sheet No. 14
Revised Sixty-first Revised Sheet No. 14A
Revised Sixty-first Revised Sheet No. 14B
Revised Sixty-first Revised Sheet No. 14C
Revised Sixty-first Revised Sheet No. 14D
Fifth Revised Sheet No. 14E

These sheets were issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge and section 23, Purchased Gas Cost Adjustment. These sheets were also issued pursuant to Article IX, Transportation Tracker, of the Stipulation and Agreement in RP78–87 approved by Commission Order issued April 4, 1980.

The changes proposed herein consisted of:

(1) Changes in the DCA Commodity Surcharges pursuant to section 12.4, mentioned above;

(2) PGA increases of $.158/dth in the demand component of rates and 65.88¢/dth in the commodity component based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of November 30, 1981 pursuant to section 23;

(3) Projected Incremental Pricing Surcharges for the period February, 1982 through July, 1982 pursuant to section 23;

(4) Increases in the T&C by Others Adjustments to reflect increased projected transportation and compression costs and the estimated January 31, 1982 balance in the Deferred Transportation Cost Account pursuant to the provisions of Article IX of the RP78–87 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is February 1, 1982.

Texas Eastern requested waiver of any regulations to enable the above tariff sheets to become effective on February 1, 1982.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1155 Filed 1–14–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA82–1–18–001]

Texas Gas Transmission Corp., Proposed Changes in FPC Gas Tariff

January 11, 1982.

Take notice that Texas Gas Transmission Corporation, on Dec. 23, 1981, tendered for filing Thirty-Sixth Revised Sheet No. 7 and Fifth Revised Sheet No. 7–B to its FPC Gas Tariff, Third Revised Volume No. 1.

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause. The filing also reflects changes in costs associated with advance payments, and the cost of transportation of gas by others pursuant to the provisions of Articles VII and IX of the Stipulation and Agreement approved by Commission order issued June 8, 1981 in Docket No. RP80–101.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Jan. 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1156 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-61-000]

West Lake Arthur Corp.; Change in Rates

January 11, 1982.

Take notice that West Lake Arthur Corporation (WLAC), on December 30, 1981 tendered for filing Sheet No. PGA-1 of its FERC Gas Tariff, Original Volume No. 1. The tariff sheet was filed pursuant to the Purchased Gas Cost Adjustment provision contained in Section 15 of WLAC's tariff.

Copies of the filing were served upon WLAC's jurisdictional customer and interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1157 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-206-000]

Wisconsin Electric Power Co.; Filing

January 12, 1982.

The Filing Company submits the following:

Take notice that Wisconsin Electric Power Company ("Wisconsin Electric") on January 6, 1982, tendered for filing assignment agreements supplementing Wisconsin Electric's existing electric service agreements with two of its wholesale customers—the City of Lake Mills and the Village of Slinger, Wisconsin ("Customers"). Under the assignment agreements, each of the Customers assigns its rights and duties under existing individual service agreements with Wisconsin Electric to Wisconsin Public Power Incorporated ("WPPI"), a bulk power supply municipal electric company created under Wisconsin law. The assignment agreements are due to become effective on November 1, 1981 for Lake Mills and on January 1, 1982 for Slinger.

Wisconsin Electric requests waiver of the Commission's 60 day notice requirement in order to allow effective dates of November 1, 1981 and January 1, 1982, respectively.

Copies of this filing have been served on the Customers and the Public Service Commission of Wisconsin.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1158 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.
Date and time: Thursday, February 4, 1982—9:00 am to 5:00 pm, Friday, February 5, 1982—9:00 am to 5:00 pm.
Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue, SW, Washington, DC 20585,
Contact: Gloria Decker, Advisory Committee Management, Department of Energy, Forrestal Building, Room 4D-024, 1000 Independence Avenue, SW, Washington, DC 20585, Telephone: 202-252-4357.
Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.
Tentative agenda:
—Status Reports from Panels
—Budget overview, as reflected in the President's Fiscal 1983 budget submission to Congress (if available)
—Briefings and Discussion of R&D Priorities
—Discussion of DOE Sunset Review
—Discussion of DOE Reorganization
Public participation: The motion is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.
Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 am and 4:00 pm, Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 12, 1982.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 82-1129 Filed 1-14-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-2030-3]

Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste;

Correction

Cross Reference

For a document correcting the RCRA/SUPERFUND Hotline telephone number which appeared in two documents: "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (46 FR 56592, Nov. 17, 1981) and "Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste" (46 FR 62689, Dec. 28, 1981), see FR Doc. 82-1042 in the Rules section of this issue. Refer to the

table of contents for the appropriate page number.

BILLING CODE 6560-30-M

[ER-FRL-2032-5]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR 1506.9

Responsible Agency: USEPA, Office of Federal Activities.

Information Contact: Ms. Kathi Wilson (202) 245-3006.

EISs Filed: January 4-8, 1982.

Comment Due Dates: Drafts—March 1, 1982; Finals—February 16, 1982.

Corps of Engineers: Draft—Clear Creek Flood Control Project, Texas (EPA EIS #820006)

DOC: National Oceanic and Atmospheric Administration: Final Supplement—Mid-Atlantic Surf Clam and Ocean Quahog, FMP (EPA EIS #820009)

DOI: Fish and Wildlife Service: Final—Salt and Gila Rivers Phreatophytic Vegetation Clearing, Arizona (EPA EIS #820007)

DOT: Federal Aviation Administration: Final—Ocean Shores Airport Master Plan, King County, Washington (EPA EIS #820003)

DOT: Federal Highway Administration (FHWA): Final—TN-35 Improvement, Sevier, Jefferson and Cocke Counties, Tennessee (EPA EIS #820008)

DOT: FHWA: Final—TX-71 Upgrading through La Grange, Fayette County, Texas (EPA EIS #820012)

Department of Housing and Urban Development (HUD): Draft—Northwood Residential Subdivision, Mortgage Insurance, Kings County, California (EPA EIS #820004)

HUD: Draft—Winding Creek Subdivision, Mortgage Insurance, McHenry County, Illinois (EPA EIS #820005)

HUD: Final—Lakewood Estates, Mortgage Insurance, McLean County, Illinois (EPA EIS #820000)

HUD: Final—Columbia Farms Planned Unit Development, Mortgage Insurance, Monroe County, Illinois (EPA EIS #820001)

HUD: Final—Dale City Subdivision, Mortgage Insurance, Prince William County, Virginia (EPA EIS #820011)

Federal Energy Regulatory Commission: Final—Trans-Anadarko Pipeline Project, Certificate, Texas and Louisiana (EPA EIS #820010)

Upper Mississippi River Basin Commission: Final—Upper Mississippi River System Management Plan, Illinois, Iowa, Minnesota, Missouri and Wisconsin (EPA EIS #820002)

Extended Reviews

USDA: Forest Service: Draft—Southwestern Region Land and Resource Management Plan, Arizona, New Mexico, Oklahoma and Texas—published FR 9-18-81; DUE 1-15-82 (EPA EIS #810738)

DOI: Bureau of Reclamation (BR): Draft—Acreage Limitation, Reclamation Act of 1902—published FR 7-31-81; DUE 3-15-82 (EPA EIS #810015)

DOI: BR: Draft—Tucson Aqueduct Construction and Operation, Arizona—published FR 12-4-81; DUE 1-28-82 (EPA EIS #810961)

Veterans Administration: Draft Supplement—San Francisco Medical Center, California—published 11-27-81; DUE 2-11-82 (EPA EIS #810940)

Dated: January 12, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-1173 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-51381; TSH-FRL-2030-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, & 82-11, March 7, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51381]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-5

Close of Review Period. April 8, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confdential business information. Generic name provided: Alkyl [(substituted phenyl) alkylate].

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in an industrial use.

Imported Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Off-white, crystalline powder, odorless.

Specific gravity—~1.14.

Melting point—76-79° C.

Solubility:

Water—<0.01%.

Acetone—~50%.

Methanol—~12%

Vapor pressure—4×10^{-10} mbar @ 10° C

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>7,000 mg/kg.

Skin irritation (rabbit)—None.

Eye irritation (rabbit)—None.

Exposure. The importer states during manufacture workers may experience dermal and inhalation exposure 1 hr/day during manual transfer.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

PMN 82-6

Close of Review Period. April 8, 1982.

Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Dialkylaminophenylazo)azobenzene sulfonic acid.

Use. The manufacturer states that the PMN substance will be used in nylon carpet and nylon upholstery.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	2,000
2d year	2,000	5,000

PRODUCTION ESTIMATES—Continued

	Kilograms per year	
	Minimum	Maximum
3d year	5,000	10,000

Physical/Chemical Properties

Appearance—Dark, red solution.
pH—9.0–9.5.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 2 workers may experience dermal exposure 2 hrs/day, 2 days/yr during cleaning and weighing.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land, and water. Disposal is to a publicly owned treatment works (POTW).

PMN 82–7

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:
Manufacturing site—Middle Atlantic region.
Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	40,000
2d year	40,000	200,000
3d year	200,000	400,000

Physical/Chemical Properties

Flash point—20° F.
Viscotity—15 to 50 cps.
Acid value—5.0 to 8.0 Mg KOH/g.
Percent total solids—44 to 46.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 105 workers may experience dermal and occular exposure up to 6 hrs/day, up to 200 days/yr during procuring, sampling, testing, filling, analyzing, drumming, cleaning, and processing.

Environmental Releas/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–100,000 kg/yr to land. Disposal is to a landfill and by incineration.

PMN 82–8

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:
Manufacturing site—Middle Atlantic region.
Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester from vegetable oil acids, alkane triol, carbomonocyclic anhydride and carbomonocyclic acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	7,000	45,000
2d year	13,200	90,000
3d year	33,000	225,000

Physical/Chemical Properties

Flash point—138° F.
Viscosity—100 stokes.
Acidity—0.26 Meg/g.
Basicity—0.15 Meg/g.
Color, Gardner—11.
Percent total solids—29.0.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 111 workers may experience dermal and occular exposure up to 6 hrs/day, up to 114 days/yr during procuring, transferring, shipping, charging, sampling, testing, filling, storage, and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–10,000 kg/yr to land. Disposal is to a landfill and by incineration.

PMN 82–9

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:
Annual sales—Greater than $500,000,000.
Manufacturing site—East-North Central region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted di-alkyl dithio phosphate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	25,000	50,000
2d year	50,000	75,000
3d year	75,000	100,000

Physical/Chemical Properties

Specific gravity—1.06.
Flash point—>350° F.

Toxicity Data

Skin irritation (rabbit)—Non-irritant.
Eye irritation (rabbit)—Irritating.

Exposure. The manufacturer states that during manufacture and processing 27 workers may experience dermal and inhalation exposure 8 hrs/day, 15 days/yr during mixing and drumming.

Environmental Release/Disposal. The manufacturer states that release to air and water will occur up to 8 hrs/day, up to 10 days/yr. Disposal is to a POTW.

PMN 82–10

Close of Review Period. April 8, 1982.

Manufacturer's Identity. The Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. 2-ethylmercapto-3-ethylbenzthiazole iodide.

Use. The manufacturer states that the PMN substance will be used as a synthesis intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	30	60
2d year	40	80
3d year	40	80

Physical/Chemical Properties

Melting point—105° C

Toxicity Data. No data were submitted.

Exposure. The manufacturer states

that during manufacture 3 workers may experience dermal exposure 4 hrs/day, 4 days/yr during filtration, washing and transfer.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is by incineration.

PMN 82-11

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of a dihalo alkene, an alkyl alkenoate, and a substituted alkyl alkenoate.

Use. Claimed confidential business information. Generic use infomration provided: The manufacturer states that the PMN substance will be used as an industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Milky fluid.

pH—1.8–2.2.

Specific gravity—1–1.1.

Boiling point—212°F.

Flash point—>400°F.

Viscosity—85–100 cps.

Percent volatiles—50–55.

Vapor pressure—16–18 mm Hg @ 20°C.

Surface tension—45–60 dynes/cm.

Class transition temperature, Tg—5–15°C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use 10 workers may experience dermal exposure 8 hrs/day, 120 days/yr during cleaning, filtering, and drumming.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and 10–100 to land and water. Disposal is to a POTW and an approved landfill.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1107 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59078; TSH-FRL-2031-1]

Ethanol, 2-(3-(Amino-4-Methoxyphenyl)Sulfonyl-, Hydrogen Sulfate Ester Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: February 1, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59078]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the TME received by the EPA:

TME 82-1

Close of Review Period. February 20, 1982.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. Ethanol, 2-[3-(amino-4-methoxyphenyl)sulfonyl-, hydrogen sulfate ester.

Use. The manufacturer states that the TME substance will be used as an intermediate for a dye.

Production Estimates. 3,000—Maximum (kg/yr).

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 2–3 employees may be exposed while emptying and filling drums for a maximum exposure of 15–20 man hours for the year.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1108 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51382; TSH-FRL-2030-7]

Substituted Polyhydroxy Benzene Derivative Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 82-12, March 8, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51382]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 82-12

Close of Review Period. April 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—289.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted polyhydroxy benzene derivative.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical specialty.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	7,500
2d year	10,000	25,000
3d year	50,000	100,000

Physical/Chemical Properties

pH—3-8.0.

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—1,000 mg/kg.

Skin sensitization (guinea pig)—Non-irritant.

Exposure. The manufacturer states that during manufacture, processing, and use 7 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 260 days/yr during drumming, clean up, and transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and land and 1,000-10,000 kg/yr to water. Disposal is to an approved landfill or incineration.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1108 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Transmittals Nos. 43 and 45]

American Telephone and Telegraph Co. and the Bell System Operating Companies Tariff FCC No. 9 (BSOC 9) Exchange Network Facilities for Interstate Access; Trunk Terminations; Order Instituting Investigation

Adopted: December 31, 1981.

Released: January 6, 1982.

1. Before the Bureau are petitions to reject or, alternatively, suspend and investigate the above tariff filings made by the American Telephone and Telegraph Company (AT&T) on behalf of the Bell System Operating Companies (BSOC).[1] For reasons to be explained, we decline to reject or suspend these tariff filings. We shall, however, investigate the proposed tariff and require that AT&T keep accurate account of revenues received pursuant to it.

2. By way of background, Exchange Network Facilities for Interstate Access (ENFIA-A), provides other common carriers (OCCs) lineside connections with BSOC local offices for origination and termination of their MTS/WATS-like services (See BSOC Tariff FCC No. 8). Under the proposal set out in Transmittal No. 43, the BSOCs would for the first time offer two additional local access arrangements for OCCs. The first, designated ENFIA-B, would allow trunk-side connections in many BSOC local offices. The other, ENFIA-C, would provide similar trunk-side connections in many BSOC local tandem offices.

3. Under Transmittal No. 43, AT&T would establish three separate rate elements for these new service features. Rate element 1 would consist of a dedicated Voice Grade Central Office Connecting Facility (VGCOCF) between the OCC's terminal location and the BSOC local central office. Rate element 2 would comprise local switching and trunking, connecting the VGCOCF serving the OCC's terminal location and the loop plant serving the OCC's patrons via commonly used exchange network facilities. Lastly, rate element 3, Jointly Used Subscriber Plant, would provide connection, using non-traffic sensitive plant (e.g., loop plant), between a BSOC local office serving the OCC's patrons and the patrons' premises. Under Transmittal No. 45, AT&T proposes rate increases for rate element 2 of ENFIA-B and C.

4. Several petitions call for rejection of Transmittal No. 43 primarily on a theory that the cost support data provided by AT&T are inappropriate. For example, they challenge AT&T's development of costs based on the categories set forth in the Separations Manual, 47 CFR Part 67. We see no merit to these claims. While we agree that some of the questions raised should be investigated, we do not conclude that the data are so inadequate as to warrant rejection.

5. Further, as stated, we find grounds for investigation, but believe suspension is unwarranted. There appears to be no dispute that ENFIA-B and C would provide some additional capabilities which are not available under ENFIA-A. Thus, suspension of these new offerings would only serve to prevent or delay availability of service options to those who have expressed a need for them, such as SBS.[2]

6. Accordingly, we will permit these offerings to become effective as soon as possible, while leaving the substantive issues for investigation. It is our intent to set out these issues with particularity in a separate designation order. In the meantime, we will enter an accounting order to protect customers in the event the rates are subsequently found to be unreasonably high.

7. We additionally find no ground requiring rejection or suspension of Transmittal No. 45. The proposed increases are based primarily on revisions to the Interim Cost Allocation Manual mandated by the Commission in May, 1981, rather than the January, 1981 version relied upon in Transmittal No. 43.[3] Accordingly, we will deny the petitions to reject or suspend the increased rates. We will, however, subject these rates also to investigation and impose an accounting order.

8. SBS has stated that it has an immediate need for ENFIA-C facilities in order to perform installation, testing and other tasks necessary to meet its scheduled February 1, 1982 Message Service I start-up date.[4] AT&T in its submissions also asserts that prompt

[1] Transmittal No. 43 was originally scheduled to become effective December 17, 1981, but was deferred at the request of the Bureau until February 1, 1982. Transmittal No. 45 would also become effective on that date.

MCI Telecommunications Corporation (MCI), Southern Pacific Communications Company (SPCC) and United States Transmission Systems, Inc. (USTS) seek rejection, or in the alternative, suspension and investigation of the proposed tariffs. Satellite Business Systems, Inc. (SBS) petitions for investigation of the tariff filing made under Transmittal No. 43, rejection or suspension and investigation of the filing made under Transmittal No. 45 and for an accounting order. Comments have been filed on behalf of U.S. Telephone Communications, Inc.

[2] In its petition, SBS states that any delay in the effectiveness of BSOC 9 would jeopardize commitments to its prospective Message Service I customers and result in substantial revenue losses. In contrast, the OCCs calling for suspension have indicated that they do not intend to take service under either of these offerings. At the same time, OCCs which do not wish to obtain these services would be able to continue subscribing to ENFIA-A, and offer services to their patrons accordingly.

[3] *AT&T Manual and Procedures for the Allocation of Costs*, 84 FCC 2d 384 (released January 6, 1981); *modified on reconsideration*, 86 FCC 2d 667 (released May 15, 1981).

[4] Subsequent to filing the petition, SBS and AT&T entered into a contract for the provision of the required facilities during the interim period prior to the effectiveness of BSOC-9. This contract has been filed with the Commission.

effectiveness of the new offering is essential to meet the needs of OCCs for improved interconnections. For these reasons, we grant AT&T special permission to advance the effective date of the tariff material contained in Transmittal No. 43, on not less than one day's notice.

9. Accordingly, it is ordered, that, pursuant to authority delegated under § 0.291 of the Commission's Rules, 47 CFR 0.291, the petition filed by Satellite Business Systems for investigation of the tariff material contained in AT&T-BSOC Transmittal No. 43 is granted to the extent indicated but is otherwise denied.

10. It is further ordered, that the petitions by MCI Telecommunications Corporation, Southern Pacific Communications Company, and United States Transmission Systems, Inc. to reject or suspend the above-captioned tariff filings and the petition by Satellite Business Systems, Inc. to reject or suspend the tariff revisions contained in Transmittal No. 45 are granted to the extent indicated but are otherwise denied.

11. It is further ordered, that AT&T shall, until the termination of this investigation, keep accurate account, by individual customers of all amounts received by reason of the effectiveness of the above-captioned transmittals.

12. It is further ordered, that AT&T is granted special permission to advance the effective date of the tariff material filed in Transmittal No. 43 on not less than one day's notice.

13. It is further ordered, that for the purpose of this order the provisions of §§ 61.58 and 61.59 and 61.116 of the Commission's Rules, 47 CFR 61.58, 61.59 and 61.116, are waived.

14. It is further ordered, that this order is effective immediately on adoption.

15. It is further ordered, that the secretary shall cause this Order to be published in the **Federal Register.**

Federal Communications Commission.

Jack D. Smith,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 82-1081 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Aeronautical Communications Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Aeronautical Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, February 9, 1982. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, N.W., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items:

1. Introduction of attendees.
2. Chairman's Opening Remarks.
3. Adoption of Agenda.
4. Review of Recent Developments:
   SCATANA
   WASP
   CRAF
   SARDA
5. Operational Plan—Airport Operations, Aircraft Manufacturing, Operational and Maintenance.
6. Presidential Directive PD/NSC-53.
7. Review of AECS Plan.
8. Restoration Priorities.
9. Security Clearances.
10. Expanded Membership.
11. Other Business.
12. Next Meeting.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-1076 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1326]

Petitions for Reconsideration of Actions in Rule Making Proceedings

January 8, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before February 1, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Request amendment of Part 95 of the Commision's Technical Regulations pertaining to External Controls on CB Transmitters. (RM-3531)
Filed By: Earl N. Anderson, Secretary-Treasurer for Washington State CB Radio Association on 12-10-81.

Subject: Request amendment of Part 97 to relieve amateur repeater licensees from responsibility for content of messages. (RM-3618)
Filed By: Robert Thornburg & David A. Faraone on 12-24-81.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Tulsa, Sand Springs and Pawhuska, Oklahoma) (BC Docket No. 80-329, RM's 3447 and 3553)
Filed By: Richard J. Dent, Attorney for Westside Communications, Inc. on 1-4-82.

Subject: Elimination of the Telephone Company—Cable Television Cross-Ownership Rules, §§ 63.54-63.56, for Rural Areas. (CC Docket No. 80-767)
Filed By: G. Daniel McCarthy, Attorney for Telephone & Data Systems, Inc., National REA Telephone Association & Ardmore Telephone Company, Inc., on 1-4-82. Arthur Blooston & David L. Nace, Attorneys for Missouri Telephone Company, North-West Telephone Company & Platteville Telephone Company on 1-4-82. David Cosson & Amy S. Gross, Attorneys for National Telephone Cooperative Association on 1-4-82.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coxsackie and Rotterdam, New York) (BC Docket No. 81-322, RM's 3722 and 3935)
Filed By: Scott H. Robb, Attorney for Catskill Communications, Inc. (WCKL), on 12-21-81.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Petosky, Michigan) (BC Docket No. 81-504, RM-3749)
Filed By: Jeffrey D. Southmayd, Attorney for Mighty-Mac Broadcasting Company (WIDG), on 1-4-82.

William J. Tricarico,

Secretary,

Federal Communications Commission

[FR Doc. 82-1077 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

December 29, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 2:00 p.m. in Room 856 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government aspects of international telecommunications operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT Study Group I and III meetings.

Members of the general public may attend the meeting and join in the discussion subject to instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 632–3214.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–1079 Filed 1–14–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–651–DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–651–DR), dated January 7, 1982, and related determinations.

DATE: January 9, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: The Notice of a major disaster for the State of California dated January 7, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 7, 1982:

Solano County for Individual Assistance only.

Contra Costa, Marin, San Mateo, Santa Cruz and Sonoma Counties for Public Assistance in addition to Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–1081 Filed 1–14–82; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–651–DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–651–DR), dated January 7, 1982, and related determinations.

DATED: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of January 7, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms, mudslides, high tides and flooding beginning on or about December 19, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirements that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent. Pursuant to section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the individual and family grant program to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert L. Vickers of the Federal Emergency Management Agency to act as the Federal coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared major disaster.

Contra Costa, Marin, San Mateo, Santa Cruz and Sonoma Counties for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83–300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–1080 Filed 1–14–82; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–REP–3–PA–1]

Pennsylvania Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the Commonwealth of Pennsylvania has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Pennsylvania, and include those of local governments near the General Public Utility Corporation's Three Mile Island Nuclear Station located in Dauphin County, Pennsylvania.

DATE: Plans received December 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Wm. Brucker, Regional Director, FEMA Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597–9416.

Notice: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State

Radiological Emergency Response Plan for the Commonwealth of Pennsylvania was received by the Federal Emergency Management Agency Region III Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency zone of the nuclear plant. For the Three Mile Island Nuclear Station, Plans are included for Dauphin, York, Lancaster, Lebanon and Cumberland Counties. Also enclosed are the plans for Adams, Berks, Franklin, Northumberland, Schuylkill, Snyder and Union Counties. These political subdivisions serve as support counties.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1867 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. John Wm. Brucker, Regional Director, at the above address on or before February 16, 1982.

FEMA proposed Rule 44 CFR 350.10 calls for a public meeting prior to approval of the plans. Details of the meeting were contained in the December 4 issues of the Harrisburg *Evening News*, the *York Dispatch*, the Lancaster *Intelligencer Journal*, the Cumberland County *Evening Sentinel* and the Lebanon *Daily News*. Local radio and television stations also announced the meeting, which was held on Friday, December 18, 1981. A presentation of the plans was delivered by the lead state agency with an opportunity to comment on the plans as well as a question and answer period.

John Wm. Brucker,

Regional Director, FEMA Region III.

[FR Doc. 82-1059 Filed 1-14-82; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

Correction

In FR Doc. 82-727 appearing on page 1330 in the issue for Tuesday, January 12, 1982, third column, tenth line from the bottom, "January 22, 1982. * * *" should have read "February 1, 1982. * * *".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), Annual Reports for the Alcohol, Drug Abuse, and Mental Health Administration Advisory Committees have been filed with the Library of Congress. These are:

Alcohol Abuse Prevention Review Committee
Alcohol Biomedical Research Review Committee
Alcohol Human Resource Development Review Committee
Alcohol Psychosocial Research Review Committee
Basic Behavioral Processes Research Review Committee
Basic Psychopharmacology and Neuropsychology Research Review Committee
Basic Sociocultural Research Review Committee
Board of Scientific Counselors, NIMH
Cognition, Emotion, and Personality Research Review Committee
Community Alcoholism Services Review Committee
Community Processes and Social Policy Review Committee
Criminal and Violent Behavior Review Committee
Drug Abuse Biomedical Research Review Committee
Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee
Drug Abuse Resource Development Review Committee
Epidemiologic and Services Research Review Committee
Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism
Life Course Review Committee
Mental Health Research Education review Committee
Mental Health Services Manpower Development Review Committee
Mental Health Small Grant Review Committee
Minority Group Mental Health Review Committee
National Advisory Council on Alcohol Abuse and Alcoholism
National Advisory Council on Drug Abuse
National Advisory Mental Health Council
Paraprofessional Education Review Committee
Psychiatric Nursing Education Review Committee
Psychiatry Education Review Committee
Psychology Education Review Committee
Psychopathology and Clinical Biology Research Review Committee
Rape Prevention and Control Advisory Committee
Research Scientist Development Review Committee
Social Work Education Review Committee
Treatment Development and Assessment Research Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9:00 a.m. and 4:30 p.m., at Health and Human Services Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-6791.

Dated: January 11, 1982.

William Mayer,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-1100 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 81M-0401]

Central Pharmaceuticals, Inc.; Premarket Approval of Central Salt Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Central Salt Tablets for all soft contact lenses, sponsored by Central Pharmaceuticals, Inc., Seymour, IN. After reviewing the recommendation of the Opthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 16, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets

Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (FHK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 10, 1981, Central Pharmaceuticals, Inc., Seymour, IN, submitted to FDA an application for premarket approval of the Central Salt Tablets for all hydrophilic contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On December 10, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of hydrophilic contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63427), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based in on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Central Salt Tablets states that the solution prepared from the salt tablets is designed for use in heat disinfection of all hydrophilic contact lenses. Sponsors of any hydrophilic contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provision of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F))

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resoultion through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 16, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–824 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

[FDA 225–82–4002]

Inspection of Medicated Feed Establishments; Memorandum of Understanding With the Kansas State Board of Agriculture, Control Division

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memordandum of understanding with the Kansas State Board of Agriculture, Control Division. The purpose of the memorandum is to provide for the inspection of 50 medicated feed-manufacturing establishments annually.

DATE: The memorandum of understanding became effective October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the Federal Register all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING

Between The

KANSAS STATE BOARD OF AGRICULTURE, CONTROL DIVISION

And

REGION VII, FOOD AND DRUG ADMINISTRATION

I. Purpose

The purpose of this Memorandum of Understanding is to formalize a cooperative program between the Kansas State Board of Agriculture, Control Division, and Region VII, Food and Drug Administration (FDA), to provide for the inspection of 50 medicated feed-manufacturing

establishments annually, and to determine compliance with the Federal Food, Drug, and Cosmetic Act as well as compliance with comparable provisions of the Kansas State Feed Law. An objective of this agreement is that overall consumer protection will be enhanced through joint planning and coordination which will avoid duplication of effort and result in more efficient use of inspectional resources.

II. Background

Regional VII, FDA, and the Kansas State Board of Agriculture, Control Division, have been informally scheduling for inspection a number of medicated feed mills in order to avoid a duplication of inspection coverage by the two agencies. The Kansas State Board of Agriculture, Control Division, and Region VII, FDA, have expressed a mutual interest in an agreement to continue formally the effort.

III. Substance of Agreement

A. General Provisions

1. Inspection of medicated feed establishments will be conducted pursuant to FDA's current guidelines re: Compliance Program 7367.004 Medicated Feed (Federal/State) Program.

2. Both agencies will meet annually to list and schedule the medicated feed establishments to be inspected pursuant to the terms of this agreement.

3. Both agencies will exchange inspection information in areas of mutual concern and jurisdiction.

4. Either agency will bring to the attention of the other for mutual consideration any significant deficiencies noted in the reporting of inspectional findings. Corrective measures will be decided upon and implemented.

5. Both agencies, in a timely manner, will exchange the results of analyses on any medicated feed sample(s) collected during an inspection or reinspection.

B. Kansas State Board of Agriculture, Control Division, Agrees To

1. Conduct all medicated feed inspections pursuant to this agreement using FDA-commissioned State employees.

2. Provide copies, using appropriate FDA forms, to Region VII, FDA, of all State-conducted medicated feed inspections and sample collections. These forms will be provided by Region VII, FDA.

3. Provide Region VII, FDA, with the name and address of any new premix manufacturer not listed in FDA's Official Establishment Inventory (OEI), which they may discover during the course of conducting medicated feed inspections pursuant to this agreement.

C. Region VII, FDA, Agrees To

1. Be responsible for the inspection of all premix manufacturers in the State.

2. Provide the Kansas State Board of Agriculture, Control Division, with the most current FDA listing of premix manufacturers for their use and reference.

3. Provide the Kansas State Board of Agriculture, Control Division, with medicated feed inspectional findings resulting from FDA inspections. Such information is to be conveyed via copies of the FD-481 CG-Computer Generated Coversheet A-E and the FD-483-Inspection Observation.

4. Lend an appropriate number of "Feed Additive Compendia" to Kansas State Board of Agriculture to be used by FDA-commissioned State employees in conducting medicated feed inspection pursuant to this agreement.

D. Compliance Activities

Region VII, FDA, and the Kansas State Board of Agriculture, Control Division, agree:

1. To coordinate and maintain close communication on all compliance activities associated with medicated feed establishments conducted in the State of Kansas.

2. That the agency which uncovers a violation associated with an inspection made pursuant to this agreement will have primary responsibility to pursue its correction.

3. That either agency may refer a compliance matter to the other when it appears resolution can best be achieved under the authority of that agency.

4. That either agency may request a specific inspection by the other agency in an emergency or critical situation where the requesting agency does not hae personnel available due to distance, time, or other influencing factors.

5. To mutually exchange all compliance action and correction information for all medicated feed inspectional activities.

E. Training

It is agreed by both parties that:

1. Region VII, FDA, will continue to recommend for FDA commissioning those State Control Division personnel who maintain their medicated feed inspectional expertise.

2. Formal medicated feed training courses sponsored by either agency will be made mutually available whenever possible.

3. Joint inspection for training purposes may be requested by either agency with the underatanding that the ability to respond to such a request by the agency will depend on the availability of personnel and the priorities of that agency.

4. Each agency will apprise the other of any proposed or actual changes in the law or regulations which may affect the accomplishment of this agreement.

IV. Name and Address of Participating Agencies

A. Kansas State Board of Agriculture, Control Division, 901 Kansas Ave., Topeka, KS 66112.

B. Food and Drug Administration, Region VII, 1009 Cherry St., Kansas City, MO 64106.

VI. Liaison Officers

A. For the Kansas State Board of Agriculture: Director, Control Division, Kansas State Board of Agriculture, (currently Robert Guntert), Telephone: 913-296-3786.

B. For the Food and Drug Administration: Director, Investigations Branch, Kansas City District, (currently Mary Woleske), U.S. Food and Drug Administration, Telephone: 816-374-5623.

VI. Period of Agreement

This agreement when accepted by both parties will be effective from date of the last signature and will continue indefinitely. It may be modified by mutual consent or may be terminated by either party upon a 30-day advance written notice to the other.

Approved and accepted for the Kansas State Board of Agriculture:

s/W. W. Duitsman,

Secretary of Agriculture.

Dated: October 19, 1981.

Approved and accepted for the Food and Drug Administration:

s/Clifford G. Shane,

Regional Food and Drug Director.

Dated: October 15, 1981.

Effective date. This memorandum of understanding became effective October 19, 1981.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-825 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0403]

Kawasaki Kasei Chemicals Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Kawasaki Kasei Chemicals Ltd. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of soluble anthraquinones, 1,4,4a,9a-tetrahydro-9,10-anthracenedione and the disodium salts of 1,4-dihydro-9,10-dihydroxyanthracene, as components of paper and paperboard in contact with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3585) has been filed by Kawasaki Kasei Chemicals Ltd., Tokyo, Japan, proposing that the food additive regulations be amended in § 176.170 (21 CFR 176.170) to provide for the safe use of soluble anthraquinones, 1,4,4a,9a-tetrahydro-9,10-anthracenedione and the disodium salts of 1,4-dihydro-9,10-dihydroxyanthracene, as components of paper and paperboard in contact with aqueous and fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, a notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register**. in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 7, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–953 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. February 11 and 12, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, February 11, 9 a.m. to 10 a.m.; open committee discussion, February 11, 10 a.m. to 5 p.m.; February 12, 9 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1869.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed or investigational prescription drug products for use in obstetrics, gynecology, and contraception.

Agenda—open public session. Interested persons requesting to present data, information or views, orally or in writing, on issues pending before the committee should communicate with the committee executive secretary.

Open committee discussion. On February 11, the committee will discuss (1) FDA action on previous committee recommendations and (2) revision of the oral contraceptive labeling. The discussion of the oral contraceptive labeling, if necessary, will continue at 9 a.m. on February 12, 1982.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation and certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–952 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. February 10, 8:30 a.m., Rm. 121, Bureau of Biologics, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9 a.m.; open committee discussion, 9 a.m. to

9:15 a.m.; closed committee deliberations, 9:15 a.m. to 5 p.m.; Jack Gertzog, Bureau of Biologics (HFB–5), Food and Drug Administration, Bldg. 29, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—open public hearing. Any interested persons may present data, information, or views, orally or in writing on issues pending before the committee.

Open committee discussion. Discussion of old business from previous meeting.

Closed committee discussion. The committee will discuss a number of pending investigational new drugs (IND's). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation in certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: January 7, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82–960 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

Cargill, Inc.; Nutrena Feed Division; Tylosin Phosphate Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Cargill Inc.—Nutrena Feed Division, providing for use of Cargill's (Critic Mills') tylosin phosphate premix used to make medicated swine feeds. The firm requested the withdrawal of approval.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV–218), Food and Drug Administration, 5600 Fishers Lane; Rockville, MD 20857, 301–443–4083.

SUPPLEMENTARY INFORMATION: Cargill, Inc.—Nutrena Feed Division, P.O. Box 9300, Minneapolis, MN 55440, is the sponsor of NADA 116–041 which provides for use of a 2-gram-per-pound tylosin premix for making swine feeds for increased rate of weight gain and improved feed efficiency. The NADA was originally approved on January 30, 1979, for Critic Mills, Inc., Beardstown, IL. In January 1980, Cargill acquired Critic Mills and their NADA. In Their correspondence of August 31, 1981, Cargill requested the NADA be withdrawn because the product is no longer being manufactured.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 116–041 and all its supplements for Cargill's (Critic Mills') tylosin phosphate premix is hereby withdrawn, effective January 25, 1982.

In a separate document published elsewhere in this issue of the **Federal Register**, Parts 510 and 558 (21 CFR Parts 510 and 558) are amended to remove those portions of the regulations reflecting approval of this NADA.

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82–1045 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

Merck Sharp & Dohme Research Laboratories; Sulfaquinoxaline and Arsanilic Acid Medicated Feed; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Merck Sharp & Dohme Research Laboratories providing for use of sulfaquinoxaline and arsanilic acid medicated feed used for coccidiosis and growth stimulation in chickens. The firm requested the withdrawal of approval.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine. (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, is sponsor of an NADA (8–649) which provides for use of sulfaquinoxaline and arsanilic acid medicated feed used for coccidiosis and growth stimulation in chickens.

The application became effective September 26, 1952. In their letter of August 25, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 8–649 and all supplements for sulfaquinoxaline and arsanilic acid medicated feed is hereby withdrawn, effective January 25, 1982.

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82–1046 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee; Agenda Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the agenda for the Pulmonary-Allergy Drugs Advisory Committee meeting scheduled for January 28 and 29, 1982, has been changed to include a closed session. The meeting as announced in the **Federal Register** of December 15, 1981 (46 FR 61164) was to be entirely in open session. However, the agency has determined that the meeting needs to include discussion of a Notice of Claimed Exemption for an Investigational New Drug and that holding the discussion in open session would disclose trade secret data which may not be disclosed to the public. The Commissioner, with the concurrence of the Chief Counsel, has determined that the portion of the meeting from 10 a.m. unitl adjournment at about 12 m. on January 29 will be closed to permit discussion of these trade secret data (5 U.S.C. 552b(c)(4)).

FOR FURTHER INFORMATION CONTACT: Conrad Ledet, Bureau of Drugs (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3500.

Dated: January 12, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82–1198 Filed 1–13–82; 10:52 am]

BILLING CODE 4160–01–M

[Docket No. 81D–0148]

Defect Action Levels For Canned Tomato Products; Withdrawal of Guides

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing Compliance Policy Guides 7114.29a and 7114.30a, which would establish on February 15, 1982, revised defect action levels for tomato juice, paste, powder, puree, sauce, and soup that are contaminated by mold and drosophila fly eggs and maggots. FDA is taking this action to evaluate more fully the impact of the revisions on affected tomato growers and producers of tomato products.

ADDRESS: Written comments (preferably two copies) to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 31, 1981 (46 FR 39220), FDA announced the availability of FDA Compliance Policy Guides 7114.29a "Tomato Products Adulterated by Drosophila Fly Eggs and Maggots" and 7114.30a "Tomato Products Adulterated by Rot." These guides are revisions of Compliance Policy Guides 7114.29 and 7114.30, respectively. They list defect action levels for mold and drosophila fly eggs and maggots in tomato products. The revised levels are more stringent than those that previously had been set for tomato juice, paste, powder, puree, sauce, and soup.

Defect action levels are guidelines that, although not promulgated in a rulemaking proceeding, are evaluated by FDA for any potential impact on the affected industry. In some instances in the past. FDA has set action levels on the basis of studies of the actual levels of defects found in correlation with the

attendant natural variables, manufacturing practices, and sanitary conditions. Although FDA recognizes that the actual level of defects constitutes the best data on which to base defect action levels, it lacks the manpower and resources to obtain these kinds of data. Consequently, the agency obtained data for the defect action levels for these tomato products from a retail survey, an alternative procedure that also is adequate.

A defect in a food may have been introduced during the growth, processing, storage, or shipment. When defects are present at levels that meet or exceed defect action levels, FDA considers the condition of the products sufficiently defective, even with no attendant history of production, to justify regulatory action. When there is, or FDA has, evidence of insanitary conditions of production or storage, the agency may initiate regulatory action even when the adulteration is below the action level.

The July 31, 1981 notice invited comments on the defect action levels. In response to that invitation, the National Food Processors Association (NFPA) and others submitted comments to the agency and submitted data contending that the new levels would have adverse economic effects on many small producers and growers, particularly in the East and Midwest, as well as on other domestic and foreign tomato packers. Comments received also questioned the survey design on which FDA based the new level.

As discussed above, the agency believes that the retail survey it used to obtain data is appropriate for the purpose of revising the defect action levels. However, from a preliminary review of the comments and the summary of data presented, FDA is persuaded that there may be a larger adverse economic impact on the tomato packing industry than the agency originally estimated, and concludes that Compliance Policy Guides 7114.29a and 7114.30a should be withdrawn while the agency studies the matter further. Accordingly, these guides are hereby withdrawn. Compliance Policy Guides 7114.29 and 7114.30 remain in effect.

Although FDA intends to establish new tomato product defect action levels in the future, it will not do so until it has gathered addtional data that will aid in assessing the impact of any future revisions of these levels. Interested persons are invited to submit data to FDA on any issue affecting the selection of appropriate levels. It would be particularly useful to have data that correlates (1) the level of a specific defect in the end product with the incoming product, and (2) the quantity of a product that exceeds the level, with the manufacturing practices of the producer. It would also be useful to have data that are representative of the various tomato-producing States and regions of the United States and foreign countries.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this notice of withdrawal. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments are to identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 11, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-1199 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Allergy and Immunology Study Section, et. al; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for February through March 1982, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the executive secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	February-March 1982 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380	Mar. 11-13	8:30	Linden Hill Hotel, Bethesda, MD.
Bacteriology & Mycology-1, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340	Feb. 24-26	8:30	Holiday Inn, Chevy Chase, MD.
Bacteriology & Mycology-2, Dr. William Branche, Jr., Rm. 435, Tel. 301-496-1662	Mar. 3-5	9:00	Holiday Inn, Georgetown, DC.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109	Feb. 23-26	9:00	Holiday Inn, Georgetown, DC.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301-496-7430	Mar. 3-5	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Biochemistry-1, Dr. Adolphus Toliver, Rm. 318, Tel. 301-496-7516	Mar. 3-6	9:00	Linden Hill Hotel, Bethesda, MD.
Biochemistry-2, Dr. Adolphus Toliver, Rm. 318, Tel. 301-496-7516	Feb. 18-19	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Bio-Organic & Natural, Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107.	Mar. 4-6	9:00	Linden Hill Hotel, Bethesda, MD.
Biophysical Chemistry, Dr. John Wolff, Rm. 236, Tel. 301-496-7070	Feb. 18-20	8:30	Marriott Hotel, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058	Mar. 1-4	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Constance E. Weinstein, Rm. 2A-04, Tel. 301-496-7316.	Feb. 24-26	8:00	Linden Hill Hotel, Bethesda, MD.
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 326, Tel. 301-496-7901	Feb. 24-26	8:30	Holiday Inn, Georgetown, DC.
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301-496-7661	Feb. 22-24	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 352, Tel. 301-496-7076	Mar. 8-10	8:00	Holiday Inn, Bethesda, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 225, Tel. 301-496-7550	Mar. 10-12	8:30	Holiday Inn, Georgetown, DC.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219, Tel. 301-496-7650	Feb. 22-24	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301-496-7346	Mar. 1-3	7:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Epidemiology & Disease, Control-1, Dr. Michael Alavanja, Rm. 203, Tel. 301-496-7548.	Feb. 23-25	8:30	Holiday Inn, Rosslyn, VA.
Epidemiology & Disease, Control-2, Dr. Ann Schluederberg, Rm. 203 Tel. 301-496-7248.	Feb. 23-25	8:30	Holiday Inn, Rosslyn, VA.

Study section	February–March 1982 meetings	Time	Location
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7040.	Mar. 2–4	8:00	Ramada Renaissance, Washington, DC.
Experimental Immunology, Dr. David Lavin, Rm. 222, Tel. 301-496-7238	Mar. 3–5	8:30	Westpark Hotel, Rosslyn, VA.
Experimental Therapeutics, Dr. Ira Kline, Rm. 319, Tel. 301-496-7839	Feb. 24–27	12:30 p.m.	Kenwood Country Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 206, Tel. 301-496-7474	Feb. 21–24	2:00 p.m.	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354, Tel. 301-496-7797	Mar. 4–6	8:30	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730	Feb. 23–25	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271	Feb. 25–27	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301-496-7506	Mar. 4–6	8:00	In-Town Motel, Chevy Chase, MD.
Human Development & Aging–1, Dr. Teresa Levitin, Rm. 303, Tel. 301-496-7025	Mar. 9–12	8:30	Gramercy Inn, Washington, DC.
Human Development & Aging–2, Dr. Samuel Rawlings, Rm. 305, Tel. 301-496-7580.	Feb. 15–17	9:00	Holiday Inn, Georgetown, DC.
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301-496-7597.	Mar. 2–5	8:00	Linden Hill Hotel, Bethesda, MD.
Immunobiology, Dr. William Stylos, Rm. 222, Tel. 301-496-7780	Mar. 3–5	8:30	Linden Hill Hotel, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233, Tel. 301-496-7179	Feb. 24–26	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271	Feb. 25–27	8:30	Marriott Hotel, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A–27, Tel. 301-496-7107	Mar. 3–5	8:00	Holiday Inn, Chevy Chase, MD.
Metabolism, Dr. Robert Leonard, Rm. 339, Tel. 301-496-7091	Mar. 4–6	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301-496-7733	Feb. 25–27	9:00	Holiday Inn, Georgetown, DC.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183	Feb. 24–26	8:30	Holiday Inn, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 326, Tel. 301-496-7830	Feb. 18–20	8:30	Holiday Inn, Georgetown, DC.
Molecular & Cellular, Biophysics, Dr. James Cassatt, Rm. 236, Tel. 301-496-7060	Feb. 11–13	9:00	Westpark Hotel, Rosslyn, VA.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233, Tel. 301-496-7149	Feb. 25–27	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Neurological Sciences, Dr. Edwin Bartos, Rm. 439, Tel. 301-496-7260	Feb. 25–27	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. Mischa E. Friedman, Rm. 326, Tel. 301-496-7095	Mar. 10–13	9:00	Room 8, Bldg. 31C, Bethesda, MD.
Neurology B, Dr. Willard McFarland, Rm. 2A–03, Tel. 301-496-7422	Feb. 24–27	8:30	Wellington Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301-496-7178	Mar. 3–5	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Oral Biology & Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301-496-7818	Feb. 23–26	8:30	Linden Hill Hotel, Bethesda, MD.
Orthopedics & Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581	Mar. 4–6	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301-496-7820	Feb. 24–27	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. William A. Kachadorian, Rm. 337, Tel. 301-496-7305	Mar. 9–12	8:00	Holiday Inn, Bethesda, MD.
Pathology B, Dr. Catherine Woodbury, Rm. 352, Tel. 301-496-7244	Feb. 24–26	8:30	Holiday Inn, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7408	Feb. 23–25	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218, Tel. 301-496-7120	Feb. 18–20	9:00	Holiday Inn, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339, Tel. 301-496-7837	Feb. 25–27	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301-496-7878	Feb. 11–13	2:00 p.m.	Holiday Inn, Georgetown, DC.
Radiation, Dr. Robert Straube, Rm. 219, Tel. 301-496-7073	Mar. 8–10	9:00	Shoreham Hotel, Washington, DC.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318	Feb. 17–20	8:00	Ramada Inn, Bethesda, MD.
Social Sciences & Population, Ms. Carol Campbell, Rm. 210, Tel. 301-496-7906	Feb. 25–27	8:30	Dupont Plaza Hotel, Washington, DC.
Surgery & Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301-496-7506	Feb. 25–26	8:00	Holiday Inn, Bethesda, MD.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319, Tel. 301-496-7771	Feb. 22–24	8:30	Westpark Hotel, Rosslyn, VA.
Toxicology, Faye Calhoun, Rm. 205, Tel. 301-496-7570	Feb. 20–22	8:30	Colonnade Hotel, Boston, MA.
Tropical Medicine & Parasitology, Dr. Betty June Myers, Rm. 225, Tel. 301-496-7494.	Mar. 1–3	8:00	Room 8, Bldg. 31C, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301-496-7605	Mar. 4–6	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 207, Tel. 301-496-7000	Mar. 15–17	9:00	Shoreham Hotel, Washington, DC.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301-496-7251	Mar. 10–13	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1003 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, January 29, 1982, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on January 29 from 9:00 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 29, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1087 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, February 22-23, 1982, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 22, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 22, from 9:30 a.m. to 5:00 p.m., and on February 23, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, Cancer Clinical Investigation Review Committee, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1088 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, January 28-29, 1982, Gaithersburg Room, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on January 28 from 9:00 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 28, from 10:00 a.m. to adjournment and on January 29, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 10A-03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "Programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1089 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on February 1, 1982, 8:30 to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluaton of the implementation of the long-range plan to combat diabetes. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

The agenda and roster of members may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1090 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on February 22, 1982, 8:30 to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluaton of the implementation of the long-range plan to combat diabetes. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

The agenda and roster of members may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office,

NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496–5765.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–1091 Filed 1–14–82; 8:45 am]

BILLING CODE 4140–01–M

Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee), National Cancer Institute, March 3, 1982, Building 31, Conference Room 9, C Wing, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on March 3 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 3, from 10:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Pancreatic Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–1092 Filed 1–14–82; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

National Environmental Policy Act and Related Acts, Review of Program Actions

AGENCY: Office of the Secretary, HHS.

ACTION: List of HHS Programs that are categorically excluded from the environmental review process.

SUMMARY: This notice provides a list of Departmental programs which will not require future environmental reviews since they conduct activities that come within the functional exclusions contained in the HHS environmental review procedures.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Custard, Director, Office of Environmental Affairs, Department of Health and Human Services, 200 Independence Ave., SW, Washington, D.C. 20201, or telephone (202) 472–9740.

SUPPLEMENTARY INFORMATION: The HHS environmental review procedures include specific functions whose associated actions are of the type which the Department believes to be incapable of causing environmental effects. An Assistant Secretary or comparable official may, after evaluating the types of actions taken by his or her organization, determine that all or part of a program normally can be excluded categorically from the environmental review process if its activities consist of one or more of the following specific functions:

1. Routine administrative and management support, including legal counsel, public affairs, program evaluation, monitoring and individual personnel actions;

2. Appellate reviews when HHS was the plaintiff in the lower court decision (e.g., a case involving failure by a nursing home to comply with fire and safety regulations);

3. Data processing and systems analysis;

4. Education and training grants and contracts (e.g., grants for remedial training programs or teacher training) except projects involving construction, renovation and/or changes in land uses;

5. Grnats for administrative overhead support (e.g., regional health or income maintenance program administration);

6. Grants for social services (e.g., Head Start, senior citizen programs or drug treatment programs) except projects involving construction, renovation and changes in land use;

7. Liaison functions (e.g., serving on task forces, ad hoc committees or representing HHS interests in specific functional areas in relationship with other governmental and non-governmental entities);

8. Maintenance (e.g., undertaking repairs necessary to ensure the functioning of an existing facility), except for properties on or eligible for listing on the National Register of Historic Places;

9. Statistics and information collections and dissemination (e.g., collection of health and demographic data and publication of compilations and summaries);

10. Technical assistance by HHS program personnel (e.g., providing assistance in methods for reducing error rates in State public assistance programs or in determining the cause of a disease outbreak); and

11. Adoption of regulations and guidelines pertaining to the above activities (except technical assistance and those resulting in population changes.)

Officials throughout the Department have examined activities for which they are responsible and concluded that the following programs carry out one or more functions of the type listed above and are therefore subject to a categorical exclusion:

Office of the Regional Director (Regions I thru X) (See note below)
Office for Civil Rights
Health Care Financing Administration
Office of Human Development Services (except for construction and renovation projects)
Office of the General Counsel
Office of the Inspector General
Office of the Assistant Secretary for Legislation
Office of the Assistant Secretary for Management and Budget. (See note below)
Office of the Assistant Secretary for Personnel Administration
Office of the Assistant Secretary for Planning and Evaluation
Office of the Assistant Secretary for Public Affairs Social Security Administration

Whenever extraordinary circumstances indicate that a normally excluded action may cause a significant environmental effect under NEPA, the

program official shall insure that an environmental review is conducted and appropriate documentation prepared. The Council on Environmental Quality has approved the above exclusions.

Note.—Actions associated with the transfer of surplus real property under the Federal Property Assistance Program at headquarters and in the regions are excluded provided they meet the following criteria: Commodity Futures Trading Commission

1. The program of use will not change the basic nature of a property, neighborhood, or natural resource.

2. The population density of the property will remain essentially the same.

3. The program will require no new major construction within the property boundaries.

4. The program will not stimulate major construction outside the property boundaries.

5. The property is not on or eleigible for inclusion in the National Register of Historic Places.

Dated: January 11, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-1142 Filed 1-14-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Outer Continental Shelf; Dates and Locations of Public Hearings Regarding the Environmental Impact Statement for Proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 71

In accordance with 43 CFR 3314.1, public hearings will be held in order to receive comments and suggestions relating to the Draft Environmental Impact Statement prepared for a proposed Outer Continental Shelf oil and gas lease sale of 372 tracts of submerged Federal lands in the Diapir Field region of Alaska. The hearings will be held on the following dates at the locations and times indicated.

Tuesday, February 2, 1982

Barrow High School, Barrow, Alaska, 1:30 p.m. to 7:00 p.m., 8:30 p.m. to 11:00 p.m.

Thursday, February 4, 1982

North Star Borough Assembly Chamber, Fairbanks, Alaska, 9:00 a.m. to 1:15 p.m.

Friday, February 5, 1982

Anchorage Historical and Fine Arts Museum, 121 West 7th Avenue, Anchorage, Alaska, 9:00 a.m. to 1:15 p.m.

The hearings will provide the Secretary of the Interior with information from government agencies and the public which will help in the evaluation of the potential effects of the proposed lease sale.

The Draft Environmental Impact Statement concerning proposed OCS Lease Sale No. 71 was made available to the public on December 18, 1981. Copies of this statement can be obtained from the Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510 (907) 276-2955. Copies of the Draft Environmental Impact Statement are also available for review in public libraries throughout Alaska (46 FR 62324).

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are asked to contact Laura Yoesting, Alaska Outer Continental Shelf Office, at the address and telephone number above, by 4:00 p.m. (Alaska Daylight Time), Friday, January 29, 1982. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to a hearing official at the time of oral presentation or by mail until February 12, 1982. To the extent that time is available after presentation of oral statements by those scheduled to testify, the hearing officer will give others present an opportunity to be heard. The Bureau of Land Management will accept written comments on the Draft Environmental Impact Statement until Friday, February 12, 1982. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments. Written comments should be addressed to the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510.

The Bureau of Land Management recognizes the distances involved and the travel difficulties faced by those in the more remote areas who may be affected by this proposal and may wish to participate in the public hearing process. For this reason we have instituted a supplemental mechanism which we have termed "public hearing extensions." A public hearing extension team will travel to some of the more remote areas in order to receive comments from those who are unable to travel to the formal public hearing sites. These meetings will be recorded and transcribed for the record. Accordingly, public hearing extensions have been scheduled for Nuiqsut, Alaska on February 3, 1982, and Kaktovik, Alaska on February 4, 1982. While the setting and procedures at extension meetings may be less formal and structured, the comments received there are no less important. All comments, whether provided at the formal public hearings, the public hearing extensions, or in writing, are given equal weight in preparation of the Final Environmental Impact Statement.

Robert F. Burford,

Director, Bureau of Land Management.

January 11, 1982.

[FR Doc. 82-1094 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications, Fred Bagley et al.

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Fred Bagley, Jackson Area Office, USFWS, Jackson, MS; PRT 2-8704.

The applicant requests a permit to take (harass) Ozark big-eared bats (*Plecotus townsendii ingens*) and Virginia big-eared bats (*P. t. virginianus*) during population censuses for scientific research and enhancement of survival. Data collected will be used to develop recovery plans.

Applicant: Wayne D. DuBuc, Morgan City, LA; PRT 2-8713.

The applicant requests a permit to take (harass) Bald eagles (*Haliaeetus leucocephalus*) in Louisiana during low level helicopter flights to determine nesting success and food utilization for scientific research.

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD; PRT 2-8714.

The applicant requests a permit to export captive Aleutian Canada geese (*Branta canadensis leucopareia*) to the Niska Wildlife Foundation, Guelph, Ontario, Canada for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI; PRT 2-8715.

The applicant requests a permit to purchase in interstate commerce seven Nene geese (*Branta sandvicensis*) from the St. Louis Zoological Gardens, St. Louis, Missouri for enhancement of propagation.

Applicant: University of North Carolina Herbarium, The University of North Carolina at Chapel Hill, Chapel Hill, NC; PRT 2-8734.

The applicant requests a permit to export and reimport herbarium specimens held at the University of North Carolina Herbarium for scientific research. Herbarium specimens will be

temporarily loaned to foreign institutions.

Applicant: Florida State Museum, Gainesville, FL; PRT 2–8737.

The applicant requests a permit to export and reimport museum specimens held at the Florida State Museum for scientific research.

Applicant: Denver Wildlife Research Center U.S. Fish and Wildlife Service U.S. Fish and Wildlife Service Ft. Collins, Co; PRT 2–8738.

The applicant requests a permit to import from Mexico salvaged dead specimens and blood samples of the following species for scientific research:

Bolson tortoise (*Gopherus flavomarginatus*)
Desert tortoise (*G. agassizzi*)
Aquatic box turtle (*Terrapene coahuila*)
Black softshell turtles (*Trionyx nigricans*)
Cuatro Cienegas softshell turtle (*T. ater*)

Applicant: San Diego Zoo, San Diego, CA; PRT 2–8711.

The applicant requests a permit to import two (2) male Chinese alligators (*Alligator sinensis*) from the People's Republic of China for enhancement of propagation. The animals will be maintained initially at the New York Zoological Park and then transferred to the Rockefeller Wildlife Refuge, Louisiana.

Applicant: Dawn Animal Agency Inc., Colts Neck, NJ; PRT 2–8648.

The applicant requests a permit to purchase in interstate commerce one male captive-bred jaguar (*Panthera onca*) from Mr. Dave Hale, Missouri, for enhancement of propagation and survival in the context of conservation exhibition.

Applicant: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC; PRT 2–8759.

The applicant requests a permit to import and export endangered species involved in litigation to facilitate their availability in court or similar legal proceedings to strengthen law enforcement capability thus enhancing the survival of the affected species.

Applicant: Dr. Richard D. Brown, Carolina Raptor Rehabilitation and Research Center, University of North Carolina at Charlotte, Charlotte, NC; PRT 2–8742.

The applicant requests a permit to take (capture) endangered and threatened raptors such as bald eagles (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus*) found injured in the wild for enhancement of survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 12, 1982.

R. K. Robinson,

Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 82–1163 Filed 1–14–82; 8:45 a.m.]

BILLING CODE 4310–55–M

Marine Mammals Permit; Denver Wildlife Research Center

On September 23, 1981, a notice was published in the **Federal Register** (46 FR 47015), that an application had been filed with the Fish and Wildlife Service by the Chief, Marine Mammal Section, Denver Wildlife Research Center, U.S. Fish and Wildlife Service, Washington, D.C., for a permit to capture West Indian manatees for scientific research purposes.

Notice is hereby given that on December 4, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Endangered Species Act of 1973 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit PRT 2–8430 to the above applicant subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Federal Wildlife Permit Office, Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: January 11, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82–1164 Filed 1–14–82; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Best Available and Safest Technologies (BAST)

AGENCY: Geological Survey, Interior.

ACTION: Solicitation for Information.

SUMMARY: Section 21(b) of the OCS Lands Act Amendments of 1978 provides that the Secretary of the Interior shall require on all new drilling and production operations, and wherever practicable on existing operations, the use of the best available and safest technologies. This requirement is equipment oriented and applies to equipment whose failure could adversely affect safety, health, or the environment. Human engineering, personnel training, and operational procedures are considered an integral part of BAST. BAST requirements may, however, be specifically waived in instances where the incremental benefits resulting from the use of BAST do not exceed the incremental costs involved in such use.

Information on and details of new technologies which are considered to include equipment and/or procedures that may assist in the safe and expeditious exploration and development of the leasable minerals of the Outer Continental Shelf (OCS) are solicited. The information and details will be used for the following purposes:

1. To maintain U.S. Geological Survey (USGS) familiarity and understanding of the current state of and advances in technology;

2. To maintain USGS familiarity and understanding of available alternatives;

3. To identify current or potential problem areas;

4. To identify known or suspected deficiencies;

5. To point out the need for new or revised Orders, or standards;

6. To identify problems which require further investigation.

The types of questions which should be addressed in the information submitted are:

1. What is the problem that is being addressed?

2. What is the frequency of occurrence of the problem?

3. What is this technology replacing?

4. What is the economic impact of the problem, and how will the application of this technology affect the economic impact?

5. Are there specific recommended or potential locations for the application of this technology?

6. Is there an expected requirement for maintenance or calibration, and what is the envisioned cycle?

7. Are there any expected or recommended special qualifications for maintenance and operating personnel?

8. Are there any specific environmental or operational limitations?

9. What are the expected initial and operational costs?

This information will be provided to USGS personnel for consideration, analysis, and action. The information will also be available to the public

unless specific information is identified as proprietary or confidential. The proprietary or confidential nature of the information submitted must be fully explained and documented.

It is emphasized that the information submitted will be used to ensure that available technologies are adequately understood and that BAST are reflected in USGS OCS Orders, and standards. The USGS will not be certifying any technology, equipment, or procedure as the best available and safest.

DATES: Comments should be submitted as soon as possible. This solicitation will be repeated periodically.

ADDRESS: Information and details should be submitted to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Richard J. Giangerelli, Chief, BAST Unit, (703) 860–6831.

SUPPLEMENTARY INFORMATION: The BAST requirement has been included in the regulation in 30 CFR Part 250 and OCS Order No. 5. The program the USGS is using to implement BAST is described in a document published by the USGS in April 1980 entitled "The Use of Best Available and Safest Technologies (BAST) During Oil and Gas Drilling and Producing Operations on the Outer Continental Shelf." Copies of this document are available from the Deputy Division Chief, Offshore Minerals Regulation.

The USGS has developed a number of programs over the past years to ensure that oil and gas operations on the OCS are conducted in a manner which takes into consideration safety, health, and environmental concerns. In line with this, OCS Orders establish minimum requirements in the form of performance standards and some specifications for technology which is considered to include equipment and/or procedures. These requirements are based on a determination that the technologies which meet these standards and specifications provide the level of protection necessary to ensure safe operations.

The BAST Program is designed to provide a formalized mechanism through which information on new or improved technologies and their utilization are made available to the USGS field personnel and are addressed in regulatory changes. In addition, the program provides a mechanism for information exchanges about common problems between the four OCS Field Regions and for identification of technological questions which may be susceptible to solution via research and development studies.

The desired impact or benefits of the BAST Program include the following:

1. More expeditious and safer development of OCS minerals;

2. Encouragement of improved technologies and techniques and incorporation in new or revised Orders, standards, and application for permits and approvals;

3. Development of improved technologies where deficiencies are know or suspected.

As this is an evolutionary program, changes will be made to the existing body of regulations, OCS Orders, and standards which govern the drilling for and extraction of minerals from OCS leased lands when improvements, additions, and advances are made in safety concepts and technology.

Dated: January 5, 1982.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 82-1172 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Pending Nominations

Nomination of the following property is being considered for listing in the National Register and was received by the National Park Service before January 11, 1982. Waiver of the 15-day public commenting period following this publication is necessary for the California nomination listed below in order for listing to be accomplished before January 17, 1982, the date of an important festival commemorating the property's significance to the Filipino community in San Francisco. Listing, accordingly, will assist in the preservation of this property.

Carol D. Shull,

Acting Keeper of the National Register.

California
San Francisco County
San Francisco, *St. Joseph's Church and Complex,* 1401—1415 Howard St.

[FR Doc. 82-1170 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-34365, published at page 58373, on Tuesday, December 1, 1981, on page 58375, in the first column, under paragraph "MC 150093 (Sub-5)", in the second line "IL," should be corrected to read "IA,".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-35492, published at page 60664, on Friday, December 11, 1981, on page 60668, in the second column, in paragraph "MC 158039", in the fifteen line "Western Counties" should be corrected to read "Weston Counties".

BILLING CODE 1505-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office; Clark Transfer, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Caribbean Worldwide, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

(b) Highway Film Service, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

1. Dana Corporation, 4500 Dorr Street, Toledo, Ohio, 43615, is the parent corporation.

2. Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation are as follows:

i. Wix Corporation, a Delaware corporation;

ii. Tyrone Hydraulics, Inc., a Delaware corporation;

iii. Boston Industrial Products, Inc., a Delaware corporation;

iv. Dana Distribution, Inc., a Delaware corporation.

(1) Parent corporation and address of principal office; General Foods Corporation (a Delaware corporation), 250 North Street, White Plains, New York 10625.

(2) Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(a) Birds Eye, Inc. (Delaware).

(b) Brisk Transportation Inc. (Delaware).

(c) Don's Prize, Inc. (Ohio).

(d) General Foods Caribbean Manufacturing Corporation (Delaware).
(e) General Foods Domestic International Sales Company, Inc. (Delaware).
(f) General Foods Inc. (Puerto Rico).
(g) General Foods Overseas Development Corporation (Delaware).
(h) General Foods Trade Funding Corporation (Delaware).
(i) General Foods Trading Co. (Delaware).
(j) Hudson Commercial Corporation (Delaware).
(k) Italsalumi, Inc. (Illinois).
(l) Kohrs Packing Company (Illinois).
(m) Oscar Mayer & Co. Inc. (Delaware).
(n) Oscar Mayer Export, Ltd. (Wisconsin).
(o) Oscar Mayer Foods Corporation (Delaware).
(p) Maxwell House, Inc. (Delaware).
(q) Meriwether's Restaurants, Inc. (Delaware).
(r) Quality Industrial Plastics, Co., Inc. (Delaware).
(s) Scientific Protein Laboratories, Inc. (Illinois).
(t) Birds Eye de Mexico, S.A. de C.V. (Mexico).
(u) Canterbury Foods (Alberta) Ltd. (Alberta, Canada).
(v) Franklin Baker Company of the Philippines (Philippines).
(w) General Foods, Inc. (Canada).
(x) Hostess Food Products Limited (Ontario, Canada).
(y) ICL Food Services, Ltd. (Brit. Col., Canada).
(z) White Spot Limited (Ontario, Canada).

1. Parent corporation and address of principal office: Media General, Inc., 333 East Grace Street, Richmond, Virginia 23219.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:
(i) Commonwealth Recycling Corp.—Virginia;
(ii) Garden State Paper Company, Inc.—Virginia;
(iii) Media General Financial Services, Inc.—Virginia.

1. Parent corporation and address of principal office: MII, Inc., 2100 W. Fifth Street Road, Lincoln, Illinois 62656.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

Subsidiary and State of Incorporation

(i) MII, Lundia, Inc., Delaware.
(ii) MII, Lincoln, Inc., Delaware.
(iii) MII, Myers Industries, Inc., Delaware.
(iv) MII, Installation Inc., Delaware.
(v) MII, Lincoln Store Fixtures, Inc., Delaware.
(vi) MII, Kiechler Manufacturing Company, Delaware.

1. Parent corporation and address of principal office; The Sherwin-Williams Company, 101 Prospect Ave., Cleveland, OH 4415.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: contract Transportation Systems Co., a Delaware Corporation.

Agatha L. Mergenovich,

Secretary.

FR Doc. 82-1098 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive and effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79519. By decision of issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to COMPASS EXPRESS, INC. of a portion of Certificate No. MC-89031 (Sub-No. 6F) issued to THE KLUG-DIRECT TRANSPORTATION CO. authorizing: General commodities (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Cincinnati and Dayton, OH, on the one hand, and, on the other, points in OH. Applicant's representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215.

MC-FC-79543. By decision of January 5, 1982 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WARD EXPRESS, INC. of Certificate of Registration No. MC-121187 (Sub-No. 1) issued April 9, 1964, to DEL GRECO TRANS., INC. evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate No. 5633 dated May 5, 1958 issued by the Massachusetts Department of Public Utilities subject to the following conditions: A copy of state order approving the transfer of the corresponding state rights musts be furnished when it is available. Applicant's representative is: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC-FC-79554. By decision of January 7, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TEXAS EASTERN TRANSPORT, INC., of Lufkin, TX, of Permit No. MC-144771 (Sub-1F) and Certificate Nos. MC-143066 (Sub-Nos. 1 and 3) issued to BGM TRUCKING, INC., of Houston, TX, authorizing the transportation of *frozen potato products* from points in WA, ID, and OR, to points in TX, under continuing contract(s) with Mims Meat Company, Inc., of Houston, TX; *food and related products*, between points in Galveston County, TX, Mobile County, AK, and Harrison County, MS, on the one hand, and, on the other, points in the United States; and (1) *bananas* and (2)

agricultural commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Galveston, TX, Gulfport, MS, and Mobile, AL, to points in ID, OR, and WA. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768.

Notes.—(1) TA has been filed. (2) Transferee does not hold permanent authority from this Commission. (3) Applicants also seek authority to transfer MC–143086 (Sub-No. 2) This authority is still pending before the Commission and a certificate has not yet been issued. Uncertificated authority is not subject to transfer. Applicants should file a petition for substitution of applicant in that proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1098 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 11, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–F–14757, filed December 15, 1981. SCHEDULED TRUCKWAYS, INC., 107 N. 14th Street, Rogers, AR 72756—Purchase (portion)—J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative for Transferor: Paul R. Bergant, P.O. Box 130, Lowell, AR 72745. Transferee seeks authority to purchase a portion of the operating rights of Transferor in Permit No. MC–149210 (Sub 2F) which authorizes the transport of *meats, meat products, meat byproducts and articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. Application for temporary authority has not been filed. Impediment: The application is signed by Ted W. Easley, an official and director and a one-third shareholder. In addition, Robert Tulip and Carloyn Sleeth each owns one-third of the stock, and Robert Tulip is a director. Consequently, it is not clear which persons actually have control of Scheduled Truckways, Inc. Therefore, Robert Tulip and Carolyn Sleeth must join in the application as parties in control of the vendee or must submit affidavits satisfactorily explaining why either or both should not be required to join in the application.

MC–F–14764, filed December 21, 1981. Port Side Transport, Inc. (Port Side) (755 West Big Beaver Road, Suite 1200, Troy, MI 48084)—Purchase—Brada Miller Freight System, Inc. (BMFS) and Brada Miller, Inc. (BM)—(W. Cassell Stewart, Trustee-In-Bankruptcy) (P.O. Box 2151, Birmingham, AL). Representatives: Jack Goodman, Axelrod, Goodman, Steiner & Bazelon, 29 South LaSalle Street, Chicago, IL 60603 and J. N. Holt, Holt and Cooper, 529 Frank Nelson Building, Birmingham, AL 35203. Port Side, a noncarrier, seeks to purchase the operating authority of BMFS and other properties of its parent BM; and C.T. Transport, Inc. (CT), of Sterling Heights, MI, a motor carrier which controls Port Side through stock ownership, and, in turn, Centra, Inc., (Centra), also of Sterling Heights, a motor carrier which controls CT through stock ownership, and, in turn, M. J. Moroun, A. A. Moroun, V. M. Baks, F. M. O'Brien and T. J. Moroun, all of Sterling Heights, who control Centra through stock ownership, seek to acquire control of the operating rights through the transaction. Port Side seeks to purchase BMFS's operating rights in No. MC–29079 (lead and subnumbers thereto) generally authorizing the transportation of general and specified commodities in the United States (except AK and HI). (Hearing Site: Detroit, MI.)

Note.—Port Side has filed an application for temporary authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1095 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-006]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: January 11, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number No. 2, Members Carleton, Fisher and Williams.

MC-F-14774, filed December 28, 1981. MARY CHUTZ ESHENBAUGH, RONALD E. CHUTZ, and TIMOTHY A. CHUTZ (Chutz) (R.D. 5, Mercer, PA 16137)—CONTINUANCE IN CONTROL—ABLE TRANSPORT, INC. (Able) R.D. 1, Grove City, PA 16127). Representative: Brian L. Troiano, 918 16th St., NW., Washington, D.C. 20006, (202) 785-3700. Chutz seeks authority to continue in control of Able upon the institution by Able of operations in interstate or foreign commerce, as a motor contract carrier. Chutz, a non-carrier, also controls the capitol stock of Tajon, Inc., which holds common carrier authority in No. MC-5470 and subs thereunder.

Note.—Able has filed as a directly-related matter its initial contract carrier application. This application, docketed No. MC 158994, is published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto field within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 158994, filed December 28, 1981. Applicant: ABLE TRANSPORT, INC., R.D. 1, Grove City, PA 16127. Representative: Brian L. Troiano, 918 16th St., NW, Washington, D.C. 20006, (202) 785-3700. Transporting *metal products,* and *waste or scrap materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Hanna Mining Company, of Cleveland, OH. Restriction: The authority granted herein shall not be serverable by sale or otherwise from the authority held by Tajon, Inc.

Note.—This application is directly related to MC-F 14774, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1097 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State Wisconsin

This notice announces the beginning of a new Extended Benefit Period in the State of Wisconsin, effective on January 3, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, the Wisconsin unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Wisconsin has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on December 19, 1981, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in that State.

Therefore, a new Extended Benefit Period commenced in that State with the week beginning on January 3, 1982.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State of Wisconsin, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest employment office of the Wisconsin Department of Industry, Labor and Human Relations in their locality.

Signed at Washington, D.C., on January 7, 1982.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-1100 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,358]

Chrysler Corp., Trenton Engine Plant, Trenton, Michigan; Negative Determination Regarding Application for Reconsideration

By application dated October 30, 1981 and November 3, 1981, the United Auto workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing engines at the Trenton Engine plant of the Chrysler Corporation, Trenton, Michigan. The determination was published in the Federal Register on October 2, 1981 (46 FR 48800).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that company imports of the 2.6 liter 4-cylinder engine from Japan in model year MY 1981 and company imports of the 2.2 liter 4-cylinder engine from Mexico in MY 1982 have adversely affected the workers at the Trenton engine plant. The union further asserts that the Department neglected to make a determination as to whether the Aspen, Volare, Cordoba, Mirada, and other mid-size Chrysler autos and light trucks in MY 1981 are import impacted and that this was an important oversight given the fact that Trenton is substantially integrated into the production of these car models. The union also claims that Chrysler Cordoba and Mirada autos assembled in Canada use Trenton-made engines and that the sales of these cars in the United States have been adversely affected by imported automobiles and thus impacted on workers at Chrysler's Trenton engine plant.

The Department's review shows that the worker petition did not meet the "contributed importantly" test of Section 222 of the Trade Act of 1974. There were no company imports of the 1.7 liter and the 2.2 liter engines in MY 1980 and MY 1981. These engines are used as standard and optional equipment, respectively, on the Omni and Horizon models for which the

Department found no import injury (See TA-W-11,937). The 2.2 liter engine is used as standard equipment on the Aries and Reliant models introduced in MY 1981 where no finding of import injury has been made. Although there were company imports of the 2.6 liter engine in MY 1981, these engines were used only for the K-cars (Aries and Reliant models) and such engine imports declined in each successive quarter of MY 1981 for which the Department had data. The Department notes that there may be some degree of competitiveness between the 2.2 liter and the 2.6 liter engines, the latter being used only as optional equipment on the K-cars. However, the Department could not find a direct connection between increases in company imports of the 2.6 liter engines and declines in production of the 2.2 liter engines during MY 1981.

A large share of the 6-cylinder engines produced at Trenton were used in the Aspen and Volare models which Chrysler discontinued following MY 1980. These models were replaced by the Aries and Reliant models and other downsized or modified Chrysler vehicles so as to meet the demand for increased fuel economy. This was the dominant cause of the decline in production and sales of these engines. Company imports of 6-cylinder engines declined in MY 1978 compared to MY 1977 and ceased entirely in MY 1979. The imported 2.6. liter engine was not offered as either standard or optional equipment on any Chrysler vehicle which used the 6-cylinder engines produced at Trenton during the investigation. Therefore, for both technological and competitive reasons, the imported 2.6 liter engiher is not like or directly competitive with the 6-cylinder engine produced at Trenton and could not have contributed importantly to declines in 6-cylinder engine production and related employment at Trenton.

The union's claims that Trenton engine workers producing the 2.2 liter engines were adversely affected by imports of the Japanese 2.6 liter engines in MY 1981 is contradicted by the fact that although the engines are interchangeable on some Chrysler models, company imports of the 2.6 liter engines were found generally to run in tandem with company production of the 2.2 liter engines. The data do not support a finding that increased imports of the 2.6 liter engine were an important cause of loss of jobs by workers producing the 2.2 liter engine. Trenton entered full scale production of the 2.2 liter engine in August, 1980, the same month in which the company began to import the 2.6 liter engine. Company imports of the 2.2 liter engine from Mexico in MY 1982 is out of scope for this reconsideration investigation. Also, the Department does not consider the claim of unrealized business opportunities (had the 2.6 liter engine not been imported more 2.2 liter engines would have been produced at Trenton) as relevant since the Act does not address itself to such potential business losses but addresses itself instead to actual declines in production and/or sales and worker separations.

Concerning the integration-of-production issue (Chrysler's Trenton engines incorporated into Chrysler trade impact autos), the Department notes that Chrysler workers producing Aspen and Volare models which use the 6-cylinder engine produced at Trenton, were certified for trade adjustment assistance on November 6, 1979 (TA-W-5979-5983). However, production of these engines at Trenton increased in MY 1979 compared to MY 1978 and in the first three quarters of MY 1980 compared to the same period in MY 1979. Subsequent declines in plant production of the 6-cylinder engines were principally due to the discontinuation of Chrysler's Aspen and Volare car models and to the reduced production of Cordoba and Mirada cars in Canada.

The union's claim that increased foreign car imports contributed importantly to the decline in engine production at Trenton is belied by the fact that Chrysler increased its auto production in the first eight months of MY 1981 compared to the same period in MY 1980. In MY 1981 the Chrysler auto mix changed with the introduction of the Aries and Reliant models whose production more than offset the discontinuance of the Aspen and Volare models and the decrease in production of Diplomat/LeBaron, Newport/New Yorker, St. Regis and the Cordoba/Mirada models. Workers at Trenton produced engines for all these models.

With respect to imports of Cordoba and Mirada models adversely affecting workers at Trenton, the Department notes that final articles (automobiles) are not like or directly competitive with their component parts (engines). Imports of engines must be considered by themselves in determining import injury to workers who manufactured this product at Trenton. The courts have concluded that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F 2d 174 (D. C. Circ., 1974). In that case, the court held that imported, finished women's shoes were not like or directly competitive with shoe counters, a component of footwear. Trenton's engines used in Canada-assembled vehicles (which may be imported back into the United States) are exports. Diminished sales, this, would reflect loss of an export market. Loss of export sales does not provide a basis, under the Trade Act of 1974, as amended, for a certification.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 9th day of December 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 82-1115 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,055]

D. Look Sportswear Corp., New York, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 2, 1981 in response to a worker petition received on October 3, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on September 12, 1980 on behalf of workers and former workers producing ladies dresses, pants, skirts and blouses at D. Look Sportswear Corporation, New York, New York.

The firm in question apparently has gone out of business. The Department of Labor has not been able to contact officials of the firm or to gain access to the location of any records, ledgers and or documents relating to D. Look Sportswear Corporation. Therefore, the investigation has been terminated.

Signed at Washington, D.C. this 7th day of January 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1116 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,528]

Emerson Electric Co., Micro Devices Division, Dayton, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 30, 1981 in response to a worker petition received on March 20, 1981 which was filed on behalf of workers at the Emerson Electric Co., Micro Devices Div., Dayton, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1110 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,571]

Favorite Footwear, Inc., Long Island City, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 6, 1981 in response to a worker petition received on March 31, 1981 which was filed on behalf of workers and former workers at Favorite Footwear producing men's, women's and children's slippers. the petition was filed by the Amalgamated Clothing and Textile Workers' Union.

Since the identical group of workers was covered under a previous certification (TA-W-4421), a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 10th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1114 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-10,576]

Hertford Apparel, Hertford, N.C.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 25, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Hertford Apparel, Hertford, North Carolina.

The Hertford plant closed permanently on August 4, 1980. The International Ladies' Garment Workers' Union was not an authorized representative of the employees at the time of the shutdown. Consequently, the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1112 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,272]

Paula Lawrence, Ltd., New York, N.Y.; Termination of Investigation

Pursuant to Section 221, of the Trade Act of 1974, an investigation was initiated on February 17, 1981 in response to a petition received on February 9, 1981 which was filed on behalf of the workers at Paula Lawrence, Ltd., New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1109 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,076]

Reiss Sportswear Brooklyn, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was inititated on September 29, 1980 in response to a worker petition received on September 18, 1980 which was filed on behalf of workers at Reiss Sportswear Brooklyn, New York.

The Department has received no correspondence from the International Ladies' Garment Workers' Union with respect to locating officials of Reiss Sportswear. The firm in question has gone out of business. It has not been possible to contact officials of the firm or to gain access to any records, ledgers, or documents. Therefore, the investigation has been terminated.

Signed at Washington, D.C., this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1113 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,532]

Sager Glove Corp., Murray, Ky.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a worker petition received on October 28, 1980 which was filed on behalf of workers at Sager Glove Corp., Murray, Kentucky.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

FR Doc. 82-1111 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,241]

Texas Apparel Co., Eagle Pass, Tex.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a worker petition received on February 2, 1981 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Eagle Pass #2 (loop 431) plant of Texas Apparel Co., Eagle Pass, Texas.

An active certification covering the petitioning group of workers was in effect (TA-W-4750) at the time all production ceased. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1108 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-67-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., Mascot, Tennessee 37806, has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Immel Mine located in Knox County, Tennessee. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installed at or near shaft stations of intake shafts and at any shaft designated as an escapeway.

2. The two shafts at the mine are of fire resistant construction. They both have concrete or rock walls and steel shaft sets without any wood lagging, and both are wet shafts.

3. The mine, for all practical purposes, is a single-level mine due to many large openings between working areas at various elevations; all haulage and mining areas are interconnected for vehicular traffic.

4. The main ventilating fan is on the surface and is reversible, for protection equivalent to that of doors; and the 100 million cubic feet air volume in mine excavation gives slow air movement which will allow enough time for employees to reach either the regular or emergency exit in case of an emergency.

5. Although the possibility of fire is remote, a two-inch water line will be installed at the shaft collar capable of flooding the upper part of the shaft to extinguish a fire or prevent ignition.

6. Petitioner states that the protection afforded by nonflammable mine workings, dilution of smoke or gas by large volumes of ventilating air from normal air flow and air volume in open stopes, mandatory self-rescue units for personnel, evacuation of downstream personnel, reversible main fan, centrally located refuge chambers and a sprinkler system provide more than adequate equivalent protection in alternative compliance.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1120 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-250-C]

BHT Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

BHT Coal Company, P.O. Box 314, Melvin, KY 41650 has filed a petition to modify the application of 30 CFR 75.1100 (firefighting equipment) to its mine located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that waterlines capable of delivering 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch be installed parallel to the entire length of belt conveyors.

2. The mine is approximately 700 feet above water table making it impractical to drill a well. There is no other water source available.

3. As an alternative to running a waterline the entire length of the belt, petitioner proposes to:

a. Station a miner to patrol the belt to keep the belt in good running condition and rock dusted;

b. Provide telephone communications from the surface to the belt tail piece;

c. Install a fire sensing unit the entire length of the belt with an alarm which would be both audible and visual at the surface;

d. Place 250 pounds of rock dust at intervals not to exceed 250 feet along the belt line;

e. Use an approved fire resistant belt;

f. Provide a belt slippage switch to prevent slippage in the head drive unit.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1123 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-247-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Westland No. 2 Mine located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gasfree atmosphere in the affected area. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and

record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1118 Filed 1-14-82; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-234-C]

D.C. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

D.C. Coal Company, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment, general) to its No. 4 Vein Slope located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternative method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standards Specifications for and Use of Wire Rope for Mines.

5. Petitioner states that the proposed alternative method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1120 Filed 1-14-82; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-244-C]

Dominion Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Dominion Coal Corporation, Vansant, VA 24656, has filed a petition to modify the application of 30 CFR 75.1403-8 (criteria—track haulage roads) to its Winston No. 9 Mine located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that track haulage roads have a continuous clearance on one side of at least 24 inches from the farthest projection of normal traffic.

2. The areas in question have mine roof conditions that are extremely adverse. The roof consists of stratum layers that are extremely soft with vertical and horizontal cracks and places of weakness. The roof control plan requiers resin bolting because of these abnormal roof conditions.

3. To maintain the required clearance, the belt and track entry must be driven 22 feet wide. Because of the poor roof conditions, petitioner states that the entries must be kept as narrow as possible to maintain good roof control.

4. Petitioner further states that to comply with the standard would necessitate taking more coal from the pillars to make entries wider, which would be adverse to positive roof control.

5. As an alternative method, petitioner proposes to post signs with reflectors warning of the close clearance. Petitioner also proposes to provide an additional one hour class on haulage each year during the annual refresher training.

6. For these reasons, petitioner requests a modification of the standard

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1127 Filed 1-14-82; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-262-C]

Harlan-Cumberland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Harlan-Cumberland Coal Company, Grays Knob, Kentucky 40829 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its H-1 Mine located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be examined in their entirety on a weekly basis.

2. A roof fall has rendered the intake air course impassable but has not interrupted ventilation in any way.

3. Rehabilitation of this air course would expose miners to extremely hazardous conditions.

4. As an alternative method, petitioner proposes to timber off the roof fall area at all access points and place "Danger" signs at these points. The requirements

of the standard would then be satisfied by inspecting the fall from each end.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1120 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-260-C]

Mullins & Sons Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Mullins and Sons Coal Company, Inc., Box 27, Kimper, Kentucky 41539 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 9 Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's truss bolt drill machine.

2. The mining height is approximately 48 inches.

3. Installation of a canopy on the drill machine would result in a diminution of safety for the affected miners because the canopy limits the equipment operator's field of vision, creating a potential hazard to the operator and nearby miners.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1124 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-259-C]

Old Ben Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Old Ben Coal Company, 69 West Washington Street, Suite 700, Chicago, Illinois 60602 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Mines No. 25 and 27 located in Franklin County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return air courses be separated from belt haulage entries in any coal mine opened after March 30, 1970.

2. As an alternative method, petitioner proposes the use of belt entry air to ventilate the active workings. The additional air supplied from the belt entry will help carry away methane and aid in the suppression of respirable dust.

3. Petitioner states that the air in the belt entry is necessary to meet the air requirements for existing longwalls and for future longwall development sections. Strict adherence to the standard would require placement of entries that would interfere with roof control and the overlying strata.

4. In support of the proposed alternative method, petitioner proposes to institute the following safety controls:

a. Install and maintain carbon monoxide (CO) monitors at belt drives and tailpieces;

b. Install and maintain a safety device along the longwall panel beltline which would permit deenergization of the longwall panel belt;

c. Examine the belt conveyor entry at least once during each coal producing shift, while miners are working;

d. Fire protection requirements will be strictly followed.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1122 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-69-M]

Ormet Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ormet Corporation, P.O. Box 15, Burnside, Louisiana 70738 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its mine located in Ascension Parish, Louisiana. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer bank of elevated roadways.

2. The company presently has three waste residue lakes or ponds located approximately one mile from the plant. Waste products and residue remaining after alumina is extracted from bauxite with caustic soda are piped into these ponds.

3. The levees are 20 feet wide at the top with a slope that is gentle enough so that a vehicle could be driven down the side of the levee.

4. Petitioner states that berms would cause severe drainage problems.

5. The lake/levee area is entirely surrounded by an 8 foot high cyclone fence topped with barbed wire. Gates are to be kept locked. "Posted" and "Hazardous waste" signs are located on the fence. There is no access except to authorized personnel.

6. Vehicular traffic on the levees is minimal. Usually only one vehicle is present on the levee at any one time. The speed limit is 15 miles per hour.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1121 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-243-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Oak Grove Mine located in Jefferson County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that entries used as intake and return air courses be separated from belt haulage entries and that such air not be used to ventilate active working places.

2. Ventilation is provided by three fans exhausting two million cubic feet of air per minute (cfm). Air is brought in through three air shafts, a material slope, an elevator shaft, and a belt slope. All sections receive between 100,000 and 150,000 cfm to control dust and methane. A minimum of 15,000 cfm is maintained at the face where coal is cut, mined or loaded. A split ventilation system is utilized on all sections.

3. As an alternative method, petitioner proposes to use belt haulage entries as intake entries and:

a. Install at least one low-level carbon monoxide (CO) monitor in each belt haulage entry used as an intake entry at intervals not exceeding 2,000 feet;

b. Inspect the CO monitors weekly, calibrate monthly and maintain accurate records;

c. Assure that the CO monitors are capable of giving a visual and audible signal when 20 parts per minute (ppm) of CO is detected above ambient reading;

d. The CO monitor signal will be noted on the working section involved and at one staffed location where personnel have an assigned post of duty and are equipped with adequate means to communicate with all persons who may be endangered; and

e. The person at the staffed location will be trained in the operation of the monitoring equipment and proper procedures to follow in an emergency situation.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1119 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-65-M]

Utah International, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Utah International, Inc., P.O. Box 325, Imlay, Nevada 89418 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its Sutton II Tungsten Mine located in Pershing County, Nevada. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer banks of elevated roadways.

2. A tailings pond has been built on mine property and the roadway on top of the tailings pond dike will be used for the sole purpose of inspection and maintenance. The tailings pond is located approximately two and one half miles from active mine and mill operations.

3. Petitioner states that the installation of berms would create a drainage hazard which could cause washouts and erosion of the banks in wet weather and ice-covered roadways during the winter.

4. As an alternative method, petitioner proposes that:

a. The area surrounding the pond will be fenced and access to the embankment roadway and the dike roadway will be restricted by means of a locked gate;

b. Only authorized personnel will be permitted access to the roadway;

c. The roadway will only be used for maintenance and daily inspections during daylight hours only;

d. Precautionary signs will be posted to warn authorized personnel of the 15 mile per hour speed limit;

e. The roadways will not be used for haulage of overburden, ore or mill residues;

f. Four turnaround areas will be provided along the length of the roadway at approximately 2500-foot intervals; and

g. The roadway will not be used for vehicle inspection during inclement weather with restricted (less than 500 feet) visibility due to fog, snow, rain or blowing dust.

5. Petitioner states that the alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1125 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-2; Exemption Application No. D-2390]

Exemption From the Prohibitions for Certain Transactions Involving the James W. Good, M.D., Inc. Defined Benefit Pension Plan Located in San Francisco, California (Exemption Application No. D-2390)

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the sale of two parcels of real property in Bodega Harbour, California (the Property) to the James W. Good, M.D., Inc. Defined Benefit Pension Plan (the Plan) by Dr. James W. Good (Dr. Good) and Dona E. Good (Mrs. Good), disqualified persons with respect to the Plan, and the loan of $29,500 by Dr. and Mrs. Good to the Plan to fund the Plan's purchase of the Property. Since Dr. Good is the sole stockholder of James W. Good, M.D., Inc. (the Employer), and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code (the Code).

EFFECTIVE DATE: This exemption is effective July 26, 1979.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57184) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale on July 26, 1979 of the Property by Dr. and Mrs. Good to the Plan for $89,500, provided that this amount was not higher than the fair market value of the Property as of the date of sale, and to the loan by Dr. and Mrs. Good to the Plan of $29,500, for the period from July 26, 1979 until January 25, 1980, provided the terms of the loan were as favorable to the Plan as those available in an arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 11th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-1073 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-12; Exemption Application No. D-2697]

Exemption From the Prohibitions for Certain Transactions Involving the Central States, Southeast and Southwest Area Pension Fund Located in Chicago, Illinois

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the cash sale by the Central States, Southeast and Southwest Area Pension Fund (the Plan) of the Sheraton Savannah Inn & Country Club (Savannah Inn) to the Sheraton Corporation (Sheraton), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57154) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income

Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for the transaction described in an application filed by legal counsel for the Equitable Life Assurance Society of the United States (Equitable), the Plan fiduciary. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency.

One comment was received by the Department from the applicant. In the comment the applicant states that a joint venture arrangement (other than the joint venture arrangement described in the notice of pendency) was entered into between Sheraton and Equitable. Under the joint venture Sheraton and Equitable will construct, own and operate the Sheraton Park Central Hotel in Dallas, Texas. The applicant represents that this joint venture arrangement has no relationship to or bearing on the sale of the Savannah Inn by the Plan to Sheraton. The Department has considered this information and has determined that the exemption should be granted as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the cash sale by the Plan of the Savannah Inn to Sheraton for $7.5 million, provided that this amount is not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1083 Filed 1-14-82; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-6; Exemption Application No. D-2577]

Exemption From the Prohibitions for Certain Transactions Involving the Chaimson Brokerage Co., Inc. Pension Trust Located in Baltimore, Maryland

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit: (1) For a period of five years the proposed loans (the Loans) of money by the Chaimson Brokerage Co., Inc. Pension Trust (the Plan) to the Chaimson Brokerage Co., Inc. (the Employer), the sponsor of the Plan; and (2) the personal guarantee of the obligation of the Employer in such Loans by Hanan Sibel (Sibel), the president of the Employer.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52450) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any

interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) the exemption is administratively feasible;

(b) it is in the interests of the Plan and of its participants and beneficiaries; and

(c) it is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply: (1) For a period of five years to the Loans by the Plan to the Employer provided that the terms and conditions of such Loans are at least as favorable to the Plan as those which the Plan could receive in similar transactions with unrelated parties; and (2) to the guarantee of the obligation of the Employer in such Loans by Sibel.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1007 Filed 1–14–82; 8:45 am]
BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–5; Exemption Application No. D–2473]

Exemption From the Prohibitions for Certain Transactions Involving Allan Dee Corporation Defined Benefit Pension Plan Located in West Bloomfield, Michigan

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the contribution of a land contract by the Allan Dee Corporation (the Employer) to the Allan Dee Corporation Defined Benefit Pension Plan (the Plan).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57148) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction described in an application filed on behalf of the Plan by its legal counsel. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited

transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject ot an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the contribution of a land contract by the Employer to the Plan provided the contribution is valued at no more than its fair market value on the date of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1070 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–1; Exemption Application No. D–1820]

Exemption From the Prohibitions for Certain Transactions Involving the Minnesota Farms Company 1976 Revised Employees' Pension Plan Located in Appleton, MN

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the cash sale of certain improved real property (the Property) by the Minnesota Farms Company 1976 Revised Employees' Pension Plan (the Plan) to Minnesota Farms Company (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Office of Fiduciary Standards, Pension and Welfare Benefits Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57166) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(A) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471,

April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of Property by the Plan to the Employer, provided that the terms and conditions of this transaction are at least as favorable to the Plan as those obtainable in a similar transaction with an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1074 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-9; Exemption Application No. D-2731]

Exemption From the Prohibitions for Certain Transactions Involving Bermo, Inc. Profit Sharing Plan Located in Marshall, Minnesota

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) For a period of five years, the proposed loans (the Loans) of money by the Bermo, Inc. Profit Sharing Plan (the Plan) to Bermo, Inc. (the Employer), the sponsor of the Plan; and (2) the guarantee of the obligation of the Employer in the Loans by Fred P. Berdass (Berdass), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51501) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975 (c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is a subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply: (1) for a period of five years to the Loans by the Plan to the Employer provided that the terms and conditions of the Loans are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party; and (2) for the personal guarantee of the obligation of the Employer in the Loans by Berdass.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1066 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-3; Exemption Application Nos. D-2406 and D-2407]

Exemption From the Prohibitions for Certain Transactions Involving the Money Purchase Plan of the Wilco Trading Company and the Defined Benefit Pension Plan of the Wilco Trading Company Located in Lakewood, New Jersey

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This temporary exemption exempts the proposed loans of money for a period of five years by the Money Purchase Plan of the Wilco Trading Company and the Defined Benefit Pension Plan of the Wilco Trading Company (the Plans) to the Wilco Trading Company, Inc. (the Employer) and the personal guarantee of repayment by Mr. Harold Wilensky (Mr. Wilensky).

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary and will expire five years after the date of grant with respect to the making of any loan. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for exemption.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57173) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transactions described in an application filed by legal counsel for the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of Section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed loans of money for a period of five years by the Plans to the Employer and to the guarantee of repayment by Mr. Wilensky, provided that the terms of the transactions are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1072 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-7; Exemption Application No. D-2576]

Exemption From the Prohibitions for a Certain Transaction Involving the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan Located in Pottsville, Pennsylvania

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the loan of $300,000 by the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan (the Plan) to J. E. Morgan Knitting Mills, Inc. (the Employer) for a five-year period.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7462. (This in not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52456) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction described in an application submitted on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following.

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $300,000 by the Plan to the Employer, provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1068 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-6; Exemption Application No. D-2505]

Exemption From the Prohibitions for Certain Transactions Involving the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and its Subsidiaries Located in Wichita Falls, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit the contribution of certain mineral and royalty interests (the Property) to the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and its Subsidiaries (the Plan) by The First-Wichita National Bank of Wichita Falls (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52455) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the

Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1878) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the pareticipants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the contribution of the Property by the Employer to the Plan provided that the Employer's federal tax deduction for the contribution of the Property is not greater than the value of the Property at the time it is contributed to the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1088 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–11; Exemption Application No. D–2799]

Exemption From the Prohibitions for Certain Transactions Involving Semtner Companies, Inc. Profit Sharing Plan Located in Dallas, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the proposed loan of $500,000 by the Semtner Companies, Inc. Profit Sharing Plan (the Plan) to the Semtner Companies, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57193) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a

fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of $500,000 by the Plan to the Employer provided that the terms of such loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1064 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82-4; Exemption Application No. D–2472]

Exemption From the Prohibitions for Certain Transactions Involving the R.C. Willey & Son Inc., Profit Sharing Plan (the Plan) to R. C. Willey & Son Inc., Profit Sharing Plan Located in Syracuse, Utah

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits for a period of eight years certain loans (the Loans) of money by the R.C. Willey & Son Inc., Profit Sharing Plan (the Plan) to R.C. Willey & Son Inc., (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57191) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of Code, for transactions described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under setion 408(a) of the Act and section 4975(c) (2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c) (1) (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply for a period of eight years to the Loans by the Plan to the Employer provided that: (1) the aggregate of the outstanding balances of the Loans at any point in time shall not exceed the lesser of $1,000,000 or 25% of the assets of the Plan; and (2) the terms and conditions of the Loans are not less favorable to the Plan than those the Plan could obtain in similar transactions with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1071 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–10; Exemption Application No. D–2768]

Exemption From the Prohibitions for Certain Transactions Involving the Central Fidelity Banks, Inc. Retirement Plan Located in Lynchburg, Virginia

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the sale of a parcel of real property and improvements (the Property) by the Central Fidelity Banks, Inc. Retirement Plan (the Plan) to the Central Fidelity Bank, N.A. of Lynchburg, Virginia (the Employer).

EFFECTIVE DATE: The effective date of this exemption is December 26, 1981.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57152) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction as described in the application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statemet of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the notice to interested persons section of the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of the Property by the Plan to the Employer for the cash sum of $525,000, provided that this amount is at least the fair market value of the Property at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms

of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 11th day of January, 1982

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1065 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: February 2, 1982, 10:00 a.m., N3437 A&B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, January 12, 1982.

Signed at Washington, D.C. this 12th day of January 1982.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 82-1171 Filed 1-14-82; 8:45 pm]

BILLING CODE 4510-28-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Flushing Shirt Mfg. Co., Inc., Frostburg, MD; 9-24-81 to 9-23-82; 10 learners. (Men's shirts)

Franklin Ferguson Co., Inc., Florala, AL; 12-19-81 to 12-18-82. (Men's and boys' shirts)

McCreary Mfg. Co., Stearns, KY; 12-8-81 to 12-7-82. (Men's shirts)

Monticello Mfg. Co., Inc., Monticello, KY; 12-8-81 to 12-7-82. (Men's and boys' shirts

The following plant expansion certificates were issued authorizing the number of learners indicated.

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, LA; 10-5-81 to 4-5-82; 30 learners. (Men's and ladies' pants)

Sportcraft, Inc., McAdoo, PA; 9-21-81 to 3-20-82; 15 learners. (Girls' pants)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Junior Form Lingerie Inc., Boswell, PA; 10-11-81 to 10-10-82; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and sleepwear)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 11-8-81 to 11-7-82; 5 learners for normal labor turnover purposes. (Work gloves)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 1, 1982.

Signed at Washington, D.C. this 6th day of January 1982.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 82-1130 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Safety Philosophy, Technology and Criteria/ Class-9 Accidents; Meeting

The ACRS Subcommittees on Safety Philosophy, Technology and Criteria/ Class-9 Accidents will hold a meeting on February 3, 1982, Room 1167 at 1717 H Street, NW, Washington, DC. The Subcommittees will discuss the proposed NRC statement: Licensing Policy for New Power Plant Construction Permit Applications, and other issues related to severe accident rulemaking.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Satff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 3, 1982—1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Garry Quittschreiber or Mr. Michael Griesmeyer, Staff Engineer (Telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 12, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–1161 Filed 1–14–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–329 OM, 50–330 OM, 50–329 OL, and 50–330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2)

January 6, 1982.

Confirming arrangements reached in the two telephone conference calls on Monday, January 4, 1982, the dates for filing supplemental proposed findings on QA/QC and management attitude issues (including SALP and questions arising from Audit Report No. F–77–32) are hereby deferred, pending a meeting between the Applicant and NRC Staff on January 12, 1982, and further hearings on those issues, if necessary. To the extent hearings are required, they will be held commencing on Tuesday, February 2 at 9 a.m. at the Midland County Courthouse Auditorium, 301 W. Main, Midland, MI. 48640. Those hearings will continue during the remainder of that week as necessary.

It is so ordered.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82–1160 Filed 1–14–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22358; 70–6683]

Central and South West Corp., et al.; Proposed Equity Investments Through Acquisition of Subsidiaries' Common Stock and Capital Contributions to Subsidiary

In the Matter of Central and South West Corporation; 2700 One Main Place, Dallas, Texas 75250, Central Power and Light Company, 102 North Chaparral Street, Corpus Christi, Texas 78401, Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156, West Texas Utilities Company, 301 Cypress, Abilene, Texas 79601.

January 8, 1982.

Central and South West Corporation ("CSW"), a registered holding company, and Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), and West Texas Utilities Company ("WTU"), three subsidiaries of CSW, have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 promulgated thereunder.

CSW proposes to make equity investments at any time prior to January 1, 1983 of up to $50,000,000 in CPL, $90,000,000 in SWEPCO and $15,000,000 in WTU. The equity investments in CPL and WTU will consist of the purchase of common shares of CPL and WTU by CSW. In the case of SWEPCO, CSW's equity investment consist of a cpaital contribution without the purchase of stock.

CPL, SWEPCO and WTU anticipate the need for external financing through the sale of bonds and preferred stock in 1982. However, extremely unsettled market conditions make the timing and amount of such long-term financing uncertain. The equity investments are proposed to avoid short-term debt limitations and to increase the companies' equity bases to support the issuance of senior securities. The equity investments will be used to pay the subsidiaries' short-term debt, including estimated 1982 construction expenditures of $233,000,000 for CPL, $221,000,000 for SWEPCO, and $68,000,000 for WTU.

CSW anticipates ultimately financing its proposed investments through the sale of additional common stock during 1982. Prior to the sale of such stock, CSW will use the proceeds from authorized commercial paper sales and other short-term borrowings.

No funds generated by these capital contributions nor any of the borrowings retired thereby, will be or have been utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of operating companies if it were not part of the CSW System, nor will any expenditures be made for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expanded. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3–4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The application-declaration and any amendments thereto are availabe for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc 82–1135 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22359; 70-6670]

Central Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

January 8, 1982.

Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403 ("CPL"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CPL proposes to issue and sell up to $75,000,000 principal amount of its First Mortgage Bonds, Series S, —%, not later than June 30, 1982. The terms will be determined by competitive bidding. The bonds will be issued under and secured by CPL's Indenture dated as of November 1, 1943, to the First National Bank of Chicago and A. R. Bohm, as Trustees, as supplemented to be further supplemented. If market conditions make competitive bidding inadvisable, subject to further Commission authorization, CPL will issue and sell the bonds through a negotiated public offering. Net proceeds from sale of the bonds will be used by CPL to finance its business, including partial repayment of short-term borrowings incurred to make construction expenditures estimated to cost $237,000,000 in 1982 and $249,000,000 in 1983.

No funds generated by these capital contributions nor any of the borrowings retired thereby, will be or have been utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of the operating companies if it were not part of the CSW System, nor will any expenditures be made for the construction or acquisition of any facility not so needed prior to the time all funds covered by this declaration have been expended. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-1134 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22363; 70-6687]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Debentures and Common Stock

January 8, 1982.

The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807 ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Columbia proposes to raise up to an aggregate principal amount of $300,000,000 through the issuance and sale of new debentures and possibly the issuance and sale of common stock through December 31, 1982. The net proceeds will be used for general corporate purposes including the 1982 capital expenditure program of Columbia's subsidiaries, estimated to be $685,000,000, and to repay currently outstanding intermediate term borrowings.

Each series of new debentures will have a term of not less than five nor more than 25 years. The terms will be determined by competitive bidding. The debentures will be issued under Columbia's Indenture, dated as of June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, as Trustee, as supplemented and to be further supplemented.

Columbia also seeks authorization to issue and sell up to 3,000,000 additional shares of authorized but unissued common stock, par value $10 per share. The terms would be determined by competitive bidding.

If market conditions make competitive bidding impracticable or inadvisable, Columbia may seek an exception from the competitive bidding requirements of Rule 50 to sell the debentures and to negotiate with underwriters for the sale of common stock.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 4, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are so disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1138 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12152; 812-4998]

Gintel FUND, Inc. and Gintel ERISA Fund, Inc.; Application

Notice is hereby given that Gintel Fund, Inc. Greenwich Office Park, OP-6, Greenwich, Connecticut 06830 ("Gintel Fund") and Gintel ERISA Fund, Inc. ("ERISA Fund", together "Applicants"), open-end, nondiversified, management investment companies, registered under the Investment Company Act of 1940 ("Act"), filed an application on October 21, 1981, for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants, to the extent noted below, from the provisions of section 2(a)(19) of the Act and declaring that Mr. Thomas H. Lenagh, a director of the Applicants, shall not be deemed an "interested peson" of the Applicants, its investment adviser, or the principal underwriter of Applicants within the meaning of section 2(a)(19) of the Act solely by reason of his position as a

director of USLIFE Corporation ("USLIFE"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the primary investment objective of Gintel Fund is long-term capital appreciation which it seeks to achieve through investing in common stocks or securities convertible into common stock. ERISA Fund's primary investment objective will be to maximize total investment return through a combination of long-term appreciation and short-term trading profit and investment income. ERISA Fund filed a registration statement on Form N–1 with the Commission on October 2, 1981, and has not yet become effective. ERISA Fund's shares are offered exclusively to pension plans or trusts which qualify unde sections 401, 403(b) or 408 of the Internal Revenue Code and to educational, religious and charitable institutions, foundations and other organizations which are exempt from federal income taxation under Section 501 of the Internal Revenue Code. Applicants state that their investment adviser is Equity Advisors, Inc. ("Adviser"). Gintel & Co., ("Distributor") acts as the principal underwriter for the Applicant.

Applicants state that Mr. Thomas H. Lenagh presently acts as financial adviser to various institutions in addition to serving as a director of Gintel Fund since December 6, 1980, and of ERISA Fund since September 2, 1981. He served as adviser to the Aspen Institute from September, 1979, until September, 1980, as financial vice president of the Aspen Institute from September, 1978, until September, 1979, and as treasurer and financial adviser to the Ford Foundation for more than five years prior to 1978. In addition to being a director of USLIFE, Mr. Lenagh is a trustee of Central Savings Bank, chairman of the board of the New York YWCA, and a director of the following companies: Adams Express Co. (a closed-end investment company), ICN Pharmaceuticals, Inc., SCI Systems, Inc., Systems Planning Corp., and five of the registered investment companies managed by Merrill Lynch Asset Management, Inc.

Applicants state that USLIFE is a financial management company primarily engaged in the life insurane business through seven life insurance subsidiaries. USLIFE has a wholly-owned subsidiary, USLIFE Equity Sales Corp. ("USLIFE Equity"), and a wholly-owned subsidiary, USLIFE Real Estate Services Corporation, which in turn has a wholly-owned subsidiary, USLIFE Real Estate Securities Corporation ("USLIFE Real Estate"). USLIFE Equity and USLIFE Real Estate are broker-dealers registered under the Securities Exchange Act of 1934 ("1934 Act"). Applicants state that USLIFE Equity is engaged in the sale of shares of mutual funds in connection with life insurance sales by USLIFE subsidiaries. USLIFE Real Estate packages and sells to non-affiliated companies participations in commercial real estate investments. USLIFE and its subsidiaries are not engaged in any public brokerage business.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested peson" of an investment company, an investment adviser of an investment company or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes as the definition of an "affiliated person", any person directly or indirectly controlling, controlled by, or under common control with such other person. Due to his position as a director of USLIFE, Mr. Lenagh might be considered, for purposes of section 2(a)(19) of the Act, to be an affiliated person of USLIFE Equity or USLIFE Real Estate or both and, thus, an "interested person" of the Applicants, the Adviser, and of the Distributor.

Applicants represent that their directors wish to have a majority of directors who are not "interested persons" within the meaning of section 2(a)(19) of the Act and do not want to increase the number of directors. The Applicants therefore request an order of the Commission, pursuant to section 6(c) of the Act, exempting them from the provisions of section 2(a)(19) of the Act. On October 18, 1977, the Commission issued an order (Investment Company Act Release No. 9963) pursuant to section 6(c) of the Act granting an exemption from the provisions of section 2(a)(19) of the Act which declared, in pertinent part, that Mr. Lenagh shall not be deemed an "interested person" of Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Municipal Bond Fund, Inc. (the "Merrill Funds"), The Corporate Fund Accumulation Program, Inc. and the Municipal Fund Accumulation Program, Inc., their investment adviser, or the principal underwriter of the Merrill Funds (collectively, the "Original Applicants"). The present application relates to substantially the same situation as did the original application. Accordingly, the Applicants propose to make Mr. Lenagh's status as director of Applicants consistent with his status as a director who is not an "interested person" of the Original Applicants.

Applicants contend that Mr. Lenagh is a person of recognized integrity, judgment, independence and competence in the investment company industry, that he is, in fact, a disinterested director and that it is in the best interest of the Applicants that he be permitted to serve as such. Applicants further contend that Mr. Lenagh's independence in acting on behalf of the Applicants would in no way be impaired because of his affiliation with USLIFE. The Application states that he is not involved in the day-to-day operations of USLIFE or any of its subsidiaries and he has no connection with USLIFE Equity or USLIFE Real Estate other than in his capacity as a director of USLIFE.

Applicants represent that neither the Adviser, the Distributor, nor any registered investment company being advised by the Adviser or for which the Distributor acts as a principal underwriter, has ever done any business with USLIFE Equity or USLIFE Real Estate. The Applicants undertake that should the required exemption be granted, as long as Mr. Lenagh is a director of the Applicants, Applicants will not effect brokerage or other portfolio transactions with USLIFE Equity or USLIFE Real Estate or any other dealer subsidiary of USLIFE that may hereafter be organized. Applicants state that their portfolio transactions and other operations would not be adversely affected by such undertaking.

Applicants request that an order be issued, pursuant to section 6(c) of the Act, declaring that Mr. Lenagh shall not be deemed an interested person of any of the Applicants or of the Adviser or of the Distributor within the meaning of section 2(a)(19) of the Act solely by reason of his being a director of USLIFE Corporation. Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 2, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application

accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1136 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12144; 812–5025]

Sears U.S. Government Money Market Trust; Application

January 8, 1982.

In the matter of Sears U.S. Government Money Market Trust, Five World Trade Center, New York N.Y. 10048 (812–5025).

Notice is hereby given that Sears U.S. Government Money Market Trust ("Applicant") filed an application on November 30, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized as a business trust under the laws of the Commonwealth of Massachusetts, and is registered under the Act as an open-end, diversified, management investment company. The Investment Manager of the Trust is Dean Witter Reynolds InterCapital Inc., a Delaware corporation wholly owned by Dean Witter Reynolds Organization Inc., which is a subsidiary of Sears, Roebuck and Co., a New York corporation.

Applicant is a "money market fund" whose shares will be offered to the public on a no-load basis at a constant public offering price of $1.00 per share. Applicant states that it will attempt to balance its threefold investment objectives of high income, security of principal and liquidity in determining the maturity of the securities selected for investment. Applicant states that it will invest in a variety of short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities, and certificates of deposit of $100,000 or less issued by U.S. regulated banks and savings institutions, without regard to asset size, and fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Applicant states that it also may invest in commitments to purchase securities on a "when-issued" or "delayed delivery" basis, and that it may also enter into repurchase agreements and "reverse" repurchase agreements with respect to its portfolio securities, but any repurchase agreements maturing in more than seven days are limited to 10% of its total net assets, computed together with any other illiquid assets it may hold. Applicant represents that such securities will be carried and treated on Applicant's books and will be valued in accordance with all the conditions set forth in Investment Company Act Release No. 10666, dated April 18, 1979.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been its manager's experience that in order to attract investors and retain shareholders, Applicant should have a stable net asset value and a steady flow of investment income. Applicant states that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and

preferable for Applicant and reflects the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment manager, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives to stabilize the Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of the 1 percent, a requirement that the board of trustees will promptly consider what action, if any, whould be initiated.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1,000 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it seems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair result, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

[1]To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustee's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 29, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[2]In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1137 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18406, File No. SR–BSE–81–13]

Boston Stock Exchange, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

January 11, 1982

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1982, the Boston Stock Exchange, Inc. ("BSE") filed with the Securities and Exchange Commission the proposd rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change: (i) increases certain charges assessed to exchange members, generally relating to their operations on the trading floor; and (ii) establishes two new member fees for the use of quotation devices and other communications equipment, as follows:

Floor Post Rental: Monthly fee of $100 per specialist post and $50 per non-specialist post.

Dealer Stock Registration Fee: Monthly fee of $2 per issue for each specialist or alternate stock in which the dealer is registered.

Telephone Connection to Main Switchboard: Monthly telephone extension charge of $20.

Requests for Regulation T and Rule 15c3–3 Extensions: Charge of $1.50 for first request. The second and subsequent requests will increase at $1.00 intervals.

Quotation Devices: Monthly fee of $100 per unit for the basic specialist and non-specialist quotation device, with additional optional features billed back individually at current rates.

Non-standard Equipment: (NASDAQ, Instinet, Western Union Telex). Monthly fee of $25 per device.

The BSE indicated in its submission that some floor charges have not been increased in over fourteen years while other charges have not been revised in over five years. The rule change is designed to partially offset the increased costs to the BSE of supplying the services in question.

The BSE states in its submission that the proposed rule change is consistent with section 6(b)(4) of the Act which requires the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before February 5, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–BSE–81–13.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–1139 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18403; File No. SR–OCC–81–12]

Self-Regulatory Organizations; Proposed Rule Change by Options Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would provide for the issuance of options on Treasury bonds, notes and bills, the clearance and settlement of Treasury securities options transactions, and the processing and settlement of Treasury securities options exercises. In general, the OCC rules applicable to stock options will apply to Treasury securities options as well, with such exceptions as are specified in the proposed rule change. The format of the proposed Treasury options rules is similar to that of the GNMA options rules.

The proposed rule change would establish definitions applicable to Treasury securities options, make adjustments in the margin requirements for debt securities options to accommodate certain peculiarities of Treasury securities options, and establish procedures for the settlement of Treasury securities options exercises.

The underlying securities in the case of a Treasury note or Treasury bond option will be a particular issue of Treasury bonds or Treasury notes having a specified coupon rate and maturity date. Treasury bill options will cover either 13- or 26-week Treasury bills. In either case, the deliverable bill upon exercise of a Treasury bill option will be a bill with either 13 or 26 weeks (as the case may be) remaining to maturity as of the exercise settlement date.

The principal amount of Treasury securities to be covered by a single option contract in a regular series of Treasury securities options will be $100,000 in the case of Treasury bond or Treasury note options, $1,000,000 in the case of 13-week Treasury bill options, and $500,000 in the case of 26-week Treasury bill options. The rules also provide for "mini series" options covering a principal amount which is ⅕ of the principal amount covered by a regular series option covering the same underlying Treasury securities.

Under the proposed rule change, exercises of Treaury bill options will be settled on a weekly basis, whereas exercises of Treasury note and Treasury bond options will be settled on a daily basis. Exercise settlements for Treasury security options will be on a member-to-member basis similar to the GNMA settlement system except that the securities must be delivered in book entry form to the account of the Receiving Clearing Member at a Federal Reserve member bank which has a Federal Reserve wire terminal and which such Clearing Member has designated for that purpose pursuant to the rules.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit the trading of Treasury securities options as heretofore proposed by various national securities exchanges. The basic rules pertaining to margin on debt securities options and the Debt Securities Clearing Fund, which are designed to protect OCC against losses sustained in connection with options on GNMA's

and Treasury securities, have previously been approved by the Commission.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 because it would apply to Treasury securities options substantially the same procedures and safeguards that have been used successfully by OCC in connection with stock options and which have been approved by the Commission for use with GNMA options.

(B) Burden on Competition

OCC does not believe that the proposed rule change would have any material impact on competition.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By February 19, 1982, or within such longer period (i) as the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1131 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18400; File No. SR PHLX-81-24]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on December 30, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statemental of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("PHLX"), pursuant to Rule 19b-4 of the Act, proposes the following rule change. Italics indicate words to be added).

Rule 1014. Obligations and Restrictions Applicable to Specialists and Registered Options Traders

Commentary

.16 *The Options Committee has adopted the following policy concerning bids or offers in any series of options:*

An opening transaction in an options series may not occur at a price which is more than the difference of the preceding session's closing sale and the present session's opening sale in the underlying security, in relation to the closing quotations (bid or offer) in the options series, without prior approval of two floor officials.

This policy is a guideline only. Compliance with it shall not relieve a specialist from the obligations and restrictions set forth in paragraph (a) and the first sentence of paragraph (c) of this rule.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

In 1976, the PHLX Options Committee adopted a guideline for use by specialists in connection with opening transactions. This guideline provided that without prior floor official approval, an opening transaction may not occur at a price which is more than twice the difference of the preceding session's closing sale and the present session's opening sale in the underlying security in relation to the closing bid or offer in the options series. At the request of the staff of the Division of Market Regulation, the Options Committee has reviewed its guideline on opening transactions and determined to narrow it by requiring options openings to occur at a price which is at or between the previous session's closing bid or offer in the options series plus or minus any difference between the underlying security's closing price and its opening price, unless prior floor official approval to do otherwise has been obtained by the specialists. For example, a particular options series' closing quotation is bid at 4½, offered at 5. Assuming the underlying security opens up ½ from the preceding session's closing sale in the underlying security, the options series may open at 5½ or less.

The revised guideline will appear as commentary to Rule 1014 and will note that compliance with it shall not relieve a specialist from his affirmative and negative obligations pursuant to paragraph (a) and the first sentence of paragraph (c) of that rule.

The proposed rule change is based on Section 6(b)(5) of the Act which

provides, in part, that the rules of the exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on this proposed rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By February 19, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 8, 1982.

[FR Doc. 82-1133 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18404; File No. SR-SCCP 81-8]

Self-Regulatory Organizations; Proposed Rule Change by Stock Clearing Corporation of Philadelphia

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP), acting for itself and as billing agent for Philadelphia Depository Trust Company (PHILADEP), proposes to amend Rule 23 (SCCP and PHILADEP rate schedules) as follows:

(1) The basic Account Charge is being increased from $125 to $150 per month.

(2) The fee to lenders in the Stock Loan Program is being raised from the current 30%–50% of broker call (depending upon the extent of clearing activity) to 65% of the broker call rate.

(3) The rebate to holders of short positions in margin accounts is being raised from 40% of the broker call rate to 60% of broker call (providing SCCP is able to borrow the stock).

The text of the proposed rule change is attached to the filing as Exhibit A.

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The reason for the increase in the basic account charge is SCCP's and PHILADEP's need to meet rising costs while continuing to operate with safety. A small increase in the basic account charge for all users was considered the most equitable way to generate the additional revenue.

The changes in the stock loan charges were made in an attempt to revitalize the program, which had fallen off in recent months. The rebate to holders of short positions in margin accounts was increased in order to make it more competitive, thus encouraging the margin account holders to leave their short positions in their SCCP margin accounts. This the basis for the Stock Loan Program. The charge to lenders was increased proportionately in order to allow for this increased rebate.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act) in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants in accordance with Section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not foresee that these rate changes will have an impact on competition, negative or positive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change

Participants were advised of the proposed rule changes in SCCP/PHILADEP Member Bulletin No. 81–26. Comments have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in

furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1132 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2022]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the counties of Santa Cruz, San Mateo, Contra Costa, Marin, and Sonoma California, constitute a disaster loan area because of damage resulting from high winds, tides, mudslides, and floods beginning on December 19, 1981. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 8, 1982, and for economic injury until October 7, 1982, at: Small Business Administration, Box 36044, 450 Golden Gate Avenue, San Francisco, California 94102, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere—16%

Homeowners without credit available elsewhere—8%

Businesses with credit available elsewhere—15¾%

Businesses without credit available elsewhere—8%

Businesses (EIDL) without credit available elsewhere—8%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 7, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82-1055 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-0209]

Pencor Financial Associates, Ltd.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Pencor Financial Associates, Ltd., 316 First Federal Building, Florence, Alabama 35631 for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The management and control of the Applicant are the officers, directors and shareholders of Pencor Capital Corporation as follows:

Name and Address and Title and Relationship

Raymond W. F. Hunt, 104 Ivy Lane, Florence, Alabama 35634—Chairman of the Board, Pencor Capital Corp.

William L. Phipps, Route 8, Box 387, Florence, Alabama 35630—President/Director, Pencor Capital Corp.

Clyde Ray, Jr., 118 Hickory Drive, Muscle Shoals, Alabama 35660—Treasurer/Director, Pencor Capital Corp.

James D. Ashmore, Box 495, Leighton, Alabama 35646—Secretary/Director, Pencor Capital Corp.

Pentron Corporation—100%

The above officers are the principal owners of Pencor Capital Corporation as follows: Messrs. Hunt (28.1%), Phipps (8.4%), Ray (28.1%), Ashmore (28.1%).

Pencor Capital Corporation is a wholly owned subsidiary of Pentron Corporation. The beneficial owners of Pentron Corporation consists of five individuals. Pencor Capital Corporation was established for the purpose of operating as the corporate general partner of Pencor Financial Associates, Ltd.

Pentron Corporation is the general partner of the limited partnerships of Canton Family Units, Ltd. and Delta Housing Partners, Ltd. which have HUD or FHA guaranteed mortgages.

Pencor Financial Associates, Ltd., a Limited Partnership, was formed May 26, 1981, under the Georgia Uniform Limited Partnership Act for the purpose of providing venture capital to small business concerns and assisting in the development of the business of those concerns.

The limited partner investors will be not more than 35 investors or 35 units at subscriptions of $35,000 per unit. The minimum number of subscriptions will be 16 units.

The Applicant will begin operations with a minimum capitalization of $503,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than February 1, 1982 submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W. Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Florence, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 7, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1066 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

Mountain Ventures, Inc.; Filing of an Application for Approval of a Conflict of Interest Transaction

[License No. 04/04-0145]

Notice is hereby given that Mountain Ventures, Inc. (MVI), 911 Main Street, London, Kentucky 40741, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit MVI and its parent, Kentucky Highland Investment Corporation (KHIC) to provide equal financing totaling $225,000, in the form of subordinated notes with common stock purchase warrants to Mount Vernon Plastics Corporation (MVPC), Highway 150, Mt. Vernon, Kentucky.

The proceeds will be used to provide start-up capital. MVPC is engaged in the manufacture and marketing of plastic packaging for the food processing industry.

The acquisition by KHIC of over ten percent of MVPC's common stock results in MVPC becoming an Associate of MVI. As such, the transaction will require an exemption from the provisions of § 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than 15 days from the date of publication of this Notice, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in London, Kentucky.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 8, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1169 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/477]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet on January 28, 1982 at 10:00 a.m. in Room 1406 of the Department of State, 2201 C Street, NW, Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

The agenda for the meeting is as follows:

1. Report of the Meeting of Rapporteurs of Study Group XVIII,

2. Consideration of white documents (contributions to the CCITT) of special interest,

3. Consideration of the delayed contributions for the meeting of Study Group XVIII ISDN Working Party in Munich,

4. U.S. participation in the Munich meeting,

5. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to January 28 persons who plan to attend the meeting inform Mr. Richard Howarth, Office of International Communications Policy, Department of State, telephone (202) 632-1007, of their intention. All attendees must use the C Street entrance to the building.

Dated: December 28, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee

[FR Doc. 82-1101 Filed 1-14-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/478]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Safety of Navigation of SOLAS will conduct an open meeting at 9:00 a.m. on February 3, 1982 in Room 3201 of the US Coast Guard Headquarters, 2100 2nd St., SW., Washington, D.C. 20593.

The purpose of the meeting is to prepare position documents for the Twenty-Sixth Session of the Subcommittee on Safety of Navigation of the Inter-Governmental Maritime Consultative Organization (IMCO) to be held in London on February 15, 1982. In particular, the working group will address the following topics:

—routing of ships
—1972 collision regulations
—search and rescue
—ship movement reporting systems
—differential omega
—shipboard navigational aids
—accuracy requirements and harmonization of radionavigation aids
—standard marine navigation vocabulary
—bridge design and layout
—weather routing
—recorder of operational data for ships

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. T.J. Falvey, US Coast Guard (G-WMM-2/11), Washington, D.C. 20593, Telephone (202) 426-4958.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

December 22, 1981.

[FR Doc. 82-1102 Filed 1-14-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $305,000 has been established for the company.

Name of Company: TEXAS PACIFIC INDEMNITY COMPANY

Business Address: Diamond Shamrock Tower 717 N. Harwood Dallas, Texas 75201

State of Incorporation: Texas

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33974 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: January 7, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-1103 Filed 1-14-82; 8:45 am]

BILLING CODE 4810-35-120-M

Internal Revenue Service

[Delegation Order No. 42 (Rev. 15)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority to sign consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes has been delegated to the Chief, Examination Support Staff/ Section. The text of the delegation order appears below.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: D. Grant, CP:E:G:E, 1111 Constitution Ave., NW., Room 2010, Washington, D.C. 20224, Telephone number, 202-566-3632 (not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

John L. Wedick, Jr.,

Director, Examination Division.

Delegation Order

Date of issue: January 11, 1982.

Effective Date: January 11, 1982.

Subject.—Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120; Order No. 150-2; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d); and 26 CFR 301.7701-9; the authority to sign all consents fixing the period of limitations on assessment or collection is delegated to the following officials:

a. Regional Directors of Appeals;

b. Service Center Directors;

c. District Directors;

d. Director of International Operations.

2. This authority may be redelegated but not below the following levels for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence and Processing Section; Revenue Officers; and Chief, Quality Review Staff;

b. Collection—Chiefs, Office Branches and Office Groups; Revenue Officers; Chiefs, Technical and Office Compliance Branches and Groups; Revenue Representative Supervisors;

c. Examination—Reviewers, Grade GS-11; Group Managers; Case Managers; Returns Program Managers; and Classifiers/ Screeners, Grade GS-11; Chief, Examination Support Staff/Section;

d. Criminal Investigation—Chiefs, Criminal Investigation Divisions, except this authority in streamlined districts is limited to the District Director;

e. Appeals—Appeals Officers;

f. Office of International Operations—Representatives at foreign posts; Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and levels b, c, and d, above; and

g. District Employee Plants and Exempt Organizations—Reviewers, Grade GS-11; Group Managers.

3. This Order supersedes Delegation Order No. 42 (Rev. 14), issued August 10, 1981.

Roscoe L. Egger,

Commissioner.

[FR Doc. 82-1160 Filed 1-14-82; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Number: 101-5]

Supervision of Bureaus and Offices, Delegation of Certain Authority, and Order of Succession

Dated: December 21, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. The Deputy Secretary shall be under the direct supervision of the Secretary.

2. *The following officials shall be under the supervision of the Secretary, and shall report to the Secretary through the Deputy Secretary:*

Under Secretary for Monetary Affairs
Under Secretary for Tax and Economic Affairs
General Counsel
Assistant Secretary (Administration)
Assistant Secretary (Enforcement and Operations)
Assistant Secretary (Legislative Affairs)
Assistant Secretary (Public Affairs)
Assistant Secretary (Public Liaison and Consumer Affairs)
Executive Secretary
Comptroller of the Currency
Commissioner of Internal Revenue
Treasurer of the United States
Inspector General

3. *The following officials shall be under the supervision of the Under Secretary for Monetary Affairs,* and shall exercise supervision over those officers and organizational entities listed:

Director, Office of Monetary Policy Analysis

Assistant Secretary (Domestic Finance)

Deputy Assistant Secretary (Federal Finance)
Director, Office of Government Financing
Director, Office of Market Analysis and Agency Finance
Deputy Assistant Secretary (Financial Institutions and Capital Markets Policy)
Director, Office of Capital Markets Legislation
Director, Office of Securities Market Policies
Deputy to the Assistant Secretary (Corporate Finance)
Director, Office of Corporate Finance and Special Projects
Deputy Assistant Secretary (State and Local Finance)
Director, Office of Municipal Finance
Director, Office of Urban and Regional Economics
Director, Office of State and Local Fiscal Research and Evaluation
Director, Office of New York Finance
Director, Office of Revenue Sharing
Director, Office of Chrysler Finance

Assistant Secretary (International Affairs)

Deputy Assistant Secretary (International Monetary Affairs)
Deputy Assistant Secretary (Developing Nations)
Deputy Assistant Secretary (Trade and Investment Policy)
Deputy Assistant Secretary (Commodities and Natural Resources)
Deputy Assistant Secretary (International Economic Analysis)
Deputy to the Assistant Secretary (Saudi Arabian Affairs)

Deputy to the Assistant Secretary and Secretary of International Monetary Group

Fiscal Assistant Secretary

Deputy Fiscal Assistant Secretary
Commissioner, Bureau of Government Financial Operations
Commissioner of the Public Debt

4. *The following officials shall be under the supervision of the supervision of the Under Secretary for Tax and Economic Affairs,* and shall exercise supervision over those officers and organizational entities listed:

Assistant Secretary (Economic Policy)

Deputy Assistant Secretary (Economic Forecasting)
Deputy Assistant Secretary (Policy Coordination)
Director, Office of Financial Analysis
Director, Office of Special Studies

Assistant Secretary (Tax Policy)

Deputy Assistant Secretary (Tax Legislation)
Office of Tax Legislative Counsel (also part of Legal Division)
Office of International Tax Counsel (also part of Legal Division)
Deputy Assistant Secretary (Tax Analysis)
Director, Office of Tax Analysis

5. The following officials shall exercise supervision over those officers and organizational entities listed:

General Counsel

Deputy General Counsel
Legal Division

Assistant Secretary (Administration)

Deputy Assistant Secretary (Administration)
Director, Office of Administrative Programs
Director, Office of Budget and Program Analysis
Director, Office of Computer Science
Director, Office of Equal Opportunity Program
Director, Office of Management and Organization
Director, Office of Personnel
Director, Office of Procurement
Director, Office of the Secretary Equal Employment Opportunity Staff

Assistant Secretary (Enforcement and Operations)

Deputy Assistant Secretary (Operations)
Deputy Assistant Secretary (Enforcement)
Director, Bureau of Alcohol, Tobacco and Firearms
Commissioner of Customs
Director, U.S. Secret Service
Director, Federal Law Enforcement Training Center
Director, Office of Foreign Assets Control

Assistant Secretary (Legislative Affairs)

Deputy Assistant Secretary (Legislative Affairs)
Office of Legislative Affairs

Assistant Secretary (Public Affairs)

Deputy Assistant Secretary (Public Affairs)
Office of Public Affairs

Assistant Secretary (Public Liaison and Consumer Affairs)

Deputy Assistant Secretary (Public Liaison and Consumer Affairs)
Office of Business Affairs (Office of Small and Disadvantaged Business Utilization)
Office of Consumer Affairs
Office of Operations

Treasurer of the United States

National Director, U.S. Savings Bonds Division
Director, Bureau of the Mint
Director, Bureau of Engraving and Printing

6. The Inspector General shall exercise supervision over:

Deputy Inspector General (Audit)
Deputy Inspector General (Operations and Investigations)

7. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary for Tax and Economic Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his or her own capacity and under his or her own title and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to, the bureaus, offices, or other organizational units over which the incumbent has supervision. Any action heretofore taken by any of these officials in the incumbent's own capacity and under his or her own title is hereby affirmed and ratified as the action of the Secretary.

8. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding the incumbent, until a successor is appointed, or until the absence or sickness shall cease:

a. Deputy Secretary.

b. Under Secretary for Monetary Affairs.

c. Under Secretary for Tax and Economic Affairs.

d. General Counsel.

e. Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary.

9. Treasury Department Orders No. 101–5, January 7, 1981; No. 101–17, March 1, 1980; No. 101–16, March 1, 1980; No. 142, November 30, 1951; No. 62, December 26, 1945; No. 50, June 25, 1943; No. 48, March 2, 1943; No. 45, April 15, 1942; No. 39, March 19, 1941; are rescinded as of this date.

Donald T. Regan

Secretary.

[FR Doc. 82-1002 Filed 1-14-82; 8:45 am]
BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Rights Commission	1
Commodity Futures Trading Commission	2
Equal Employment Opportunity Commission	3
Federal Mine Safety and Health Review Commission	4, 5
Postal Service	6

1

COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Monday, January 18, 1982, 9:00 a.m.—4:00 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of the Miami Hearing Report.
IV. Tentative Agenda for February Retreat.
V. State Advisory Committee Recharter:
  A. New Jersey.
VI. State Advisory Committee Interim Appointments:
  A. Virginia.
VII. Nevada Advisory Committee Report Entitled *Unmet Goals.*
VIII. Civil Rights Developments in the Central States Region.
IX. Staff Director's Report:
  A. Status of Funds,
  B. Personnel Report,
  C. Office Directors' Reports.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S–53–82 Filed 1–13–82; 10:22 am]
BILLING CODE 6335–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 A.M., Tuesday, January 19, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, Programs and Priorities.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–55–82 Filed 1–13–82; 12:22 pm]
BILLING CODE 6351–01–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, January 19, 1982.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 81–11–FOIA–052–NYDO, concerning records contained in a closed ADEA file.
2. Freedom of Information Act Appeal No. 81–11–FOIA–061–MK, concerning materials contained in an investigative file.
3. Section 624 of the Compliance Manual; Reproductive and Fetal Hazards.
4. Proposed EEOC Compliance Manual § 625, Bona Fide Occupational Qualifications.,
5. Report on Commission Operations by the Acting Executive Director.

Closed

1. Litigation Authorization; CC Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

FOR MORE INFORMATION CONTACT: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued January 12, 1982.

[S–59–82 Filed 1–13–82; 10:17 am]
BILLING CODE 6750–06–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, January 12, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Phillips Uranium Corporation, CENT 80–208–M; (Issues include whether owner is responsible for contractor violations).
2. Phillips Uranium Corporation, CENT 79–281–M, etc.; (Issues include whether owner is responsible for contractor violations).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–61–82 Filed 1–13–82; 10:18 am]
BILLING CODE 6820–12–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, January 6, 1982.

PLACE: ROOM 600, 1730 K STREET, NW., WASHINGTON, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Western Steel Corporation, WEST 81–132–RM; Petition for Discretionary Review (Issues include interpretation and application of 30 CFR § 57.4–33).
2. Old Dominion Power Company, VA 81–40–R, etc.; Petition for Discretionary Review (Issues include whether involved public utility is subject to 1977 Mine Act).
3. Eastover Mining Company, VA 80–64; (Issues include interpretation and application of 30 CFR § 75.507–1(a)).
4. Eastover Mining Company, KENT 80–141; (Issues include appropriateness of hearing site and consideration of settlement motion).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–60–82 Filed 1–13–82; 10:18 am]
BILLING CODE 6820–12–M

6

POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote To Close Meeting

On January 6, 1982, the Board of Governors of the United States Postal Service voted to close to public observation its meeting of February 8,

1982. Each of the members voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano. The portion involving planning will also be attended by Assistant Postmaster General Cummings.

One portion of the meeting to be closed will consist of a discussion among the members of compensation for certain postal executives.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

The second portion of the meeting to be closed will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information in connection with future collective bargaining and information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information involving strategies in connection with collective bargaining under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code, and because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the initiation of a particular case involving a determination on the record after opportunity for a hearing. It also determined, pursuant to section 552b(c)(9)(B) and § 7.3(i) of title 39, Code of Federal Regulations, that the discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to future collective bargaining. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portions of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (6), (9)(B) and (10) of title 5 and sections 410(c)(3) and (4) of title 39, United States Code, and sections 7.3(c), (f), (i), and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-64-82 Filed 1-13-82; 2:24 pm]

BILLING CODE 7710-12-M

federal register

Friday
January 15, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81–5129	July 6, 1981.
CA81–5154	Sept. 25, 1981.
Iowa:	
IA81–4088	Nov. 13, 1981.
IA81–4090	Dec. 11, 1981.
IA81–4092	Nov. 27, 1981.
IA81–4096	Nov. 27, 1981.
Kansas: KS81–4053	Oct. 2, 1981.
Louisiana:	
LA81–4084	Nov. 6, 1981.
LA81–4086	Nov. 6, 1981.
Pennsylvania: PA80–3055	Oct. 3, 1980.
Texas:	
TX81–4044	June 26, 1981.
TX81–4077	Oct. 2, 1981.
TX81–4083	Nov. 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL79–2028(IL82–2001)	May 4, 1979.
IL79–2030(IL82–2001)	May 4, 1979.
IL79–2034(IL82–2001)	May 11, 1979.
IL79–2037(IL82–2001)	May 11, 1979.
IL79–2070(IL82–2001)	Sept. 7, 1979.
Kansas: KS81–4033(KS82–4009)	May 15, 1981.
Texas: TX81–4037(TX82–4002)	June 5, 1981.

Signed at Washington, D.C. this 8th day of January 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

Notice.—This is to advise wage determination users that in the **Federal Register** of January 5, 1982, wage determination changes appeared in two sections. These sections are found at two page numbers 414 and 584.

BILLING CODE 4510-27-M

DECISION NO. CA81-5129 - Mod. #5
(46 FR 34961-July 6, 1981)

Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Modification #3, published 12/28/81 in Volume 46, Page No. 62739 to read:					
Modification #4					
Asbestos Workers	$20.25	$1.30	$1.45		.05
Bricklayers; Stonemasons:					
Area 1	17.59	1.20	1.75		.14
Area 2	17.55	1.15	1.75		.07
Area 3	17.50	1.15	2.20		.05
Area 4	16.20	1.50	2.60		.10
Area 5	16.72	1.75	2.25		.06
Cement Masons:					
Cement Masons	15.24	1.60	2.00	1.70	.10
Cement Floating and Troweling Machine	15.49	1.60	2.00	1.70	.10
Electricians:					
Area 1:					
Electricians	18.43	1.08	3%+2.04		.13
Cable Splicers	18.88	1.08	3%+2.04		.13
Area 6:					
Electricians	19.14	1.12	3%+2.60		.06
Cable Splicers	19.64	1.12	3%+2.60		.06
Area 7:					
Electricians	18.20	1.51	3%+3.15		.04
Cable Splicers	18.70	1.51	3%+3.15		.04
Area 8:					
Electricians	20.63	1.43	3%+1.50		
Cable Splicers	22.69	1.43	3%+1.50		
Glaziers	16.12	1.20	3.00		.07
Lathers:					
Area 3	17.75	1.63	2.63	1.00	.10
Area 4	14.80	1.05	2.50	1.00	.03
Area 5	15.87	.90	1.41	1.03	.01

DECISION NO. CA81-5129 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Area 2:					
Brush	$15.29	$1.29	$1.33	$ .75	.10
Structural Steel; Paint Burner	15.41	1.29	1.33	.75	.10
Tapers	15.89	1.29	1.33	.75	.10
Brush swing stage (13 stories or less); Paperhangers; Sandblasters	15.54	1.29	1.33	.75	.10
Area 3:					
Brush	12.65	1.10	1.10		.07
Brush or roller, swing stage; Paperhanger; Taping joint sheet rock	13.15	1.10	1.10	1.10	.07
Spray; Sandblaster	13.65	1.10	1.10	1.10	.07
Area 4:					
Brush; Pot Tender	15.98	1.25	1.83		.03
Paperhangers, Paste Machine Operators; Iron and Steel	16.23	1.25	1.83		.03
Spray; Taper; Sandblasters	16.48	1.25	1.83		.03
Steeplejack	16.98	1.25	1.83		.03
Plumbers:					
Area 1	16.85	1.69	2.70	2.19	.13
Area 2	17.59	1.28	2.25	1.45	.23
Roofers:					
Area 3	16.52	1.32	3.45		.065
Area 4	16.68	1.17	1.20		.065
Truck Drivers:					
Group 1	14.57	1.25	1.47	1.60	.15
Group 2	14.65	1.25	1.47	1.60	.15
Group 3	14.71	1.25	1.47	1.60	.15
Group 4	14.80	1.25	1.47	1.60	.15
Group 5	14.83	1.25	1.47	1.60	.15
Group 6	14.85	1.25	1.47	1.60	.15
Group 7	14.89	1.25	1.47	1.60	.15
Group 8	14.95	1.25	1.47	1.60	.15
Group 9	14.98	1.25	1.47	1.60	.15
Group 10	15.03	1.25	1.47	1.60	.15
Group 11	15.05	1.25	1.47	1.60	.15
Group 12	15.10	1.25	1.47	1.60	.15
Group 13	15.35	1.25	1.47	1.60	.15
Group 14	15.60	1.25	1.47	1.60	.15
Group 15	15.70	1.25	1.47	1.60	.15
Group 16	15.80	1.25	1.47	1.60	.15
Group 17	16.10	1.25	1.47	1.60	.15
Group 18	16.60	1.25	1.47	1.60	.15

DECISION NO. CA81-5129 (Cont'd)

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Cat, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axles

Group 6: Dump Truck of less than 16 yards water level

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yds.

Group 8: Water Truck, 3 or more axles

Group 9: PB and similar type truck whenperforming within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 10: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 11: Driver or vehicle or combination of vehicles of 4 or more axles

Group 12: Dump, 16 yards but less than 25 yards

Group 13: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier Driver, highway

Group 14: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Tepairman

Group 15: Truck Repairman Welder

Group 16: Low Bed Driver, 9 axle or over

Group 17: Water Pull, single engine with attachments

Group 18: Water Pull, twin engine with attachments

DECISION NO. CA81-5154 - Mod. #7
(46 FR 43784-September 25, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Imperail, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California					
Change: Decision No. CA81-5454-Mod. #5 published 12/28/81 in Volume 46, Page No. 62739 to read: Decision No. CA81-5154-Mod. #6					
Truck Drivers:					
Group 1	$14.57*	$1.25	$1.47	$1.60	.15
Group 2	14.65*	1.25	1.47	1.60	.15
Group 3	14.71*	1.25	1.47	1.60	.15
Group 4	14.80*	1.25	1.47	1.60	.15
Group 5	14.83*	1.25	1.47	1.60	.15
Group 6	14.85*	1.25	1.47	1.60	.15
Group 7	14.89*	1.25	1.47	1.60	.15
Group 8	14.95*	1.25	1.47	1.60	.15
Group 9	14.98*	1.25	1.47	1.60	.15
Group 10	15.03*	1.25	1.47	1.60	.15
Group 11	15.05*	1.25	1.47	1.60	.15
Group 12	15.10*	1.25	1.47	1.60	.15
Group 13	15.35*	1.25	1.47	1.60	.15
Group 14	15.60*	1.25	1.47	1.60	.15
Group 15	15.70*	1.25	1.47	1.60	.15
Group 16	15.80*	1.25	1.47	1.60	.15
Group 17	16.10*	1.25	1.47	1.60	.15
Group 18	16.60*	1.25	1.47	1.60	.15

DECISION NO. CA81-5154 (Cont'd)

*When the home of an employee is over thirty (30) road miles from the center of the job or project on Vandeberg Air Force Base, a rate of $22.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Cat, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axles

Group 6: Dump Truck of less than 16 yards water level

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yds.

Group 8: Water Truck, 3 or more axles

Group 9: PB and similar type truck whenperforming within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 10: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 11: Driver or vehicle or combination of vehicles of 4 or more axles

Group 12: Dump, 16 yards but less than 25 yards

Group 13: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier Driver, highway

Group 14: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Tepairman

Group 15: Truck Repairman Welder

Group 16: Low Bed Driver, 9 axle or over

Group 17: Water Pull, single engine with attachments

Group 18: Water Pull, twin engine with attachments

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4088 - MOD. #3 (46 FR 56121 - November 13, 1981) Black Hawk County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Tile setters	$12.88	.90			
DECISION NO. IA81-4090 - MOD. #3 (46 FR 60752 - December 11, 1981) Des Moines County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Carpenters:					
Carpenters	14.30	1.05	1.00		.08
Millwrights & pile-drivermen	15.00	1.05	1.00		.08
DECISION NO. IA81-4092 - MOD. #2 (46 FR 58025 - November 27 1981) Johnson County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Tile setters	13.93		.80		

MODIFICATIONS P. 7

DECISION NO. IA81-4096 - MOD. #2 (46 FR 58023 - November 27, 1981) Woodbury County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$14.14	.90	.55		.045
Marble setters	14.58		1.00		.02
Terrazzo workers	14.58		1.00		.02
Power equipment opm.:					
Group 1	13.645	1.00	1.00		.10
Group 2	13.40	1.00	1.00		.10
Group 3	12.13	1.00	1.00		.10
Group 4	11.35	1.00	1.00		.10

DECISION No. KS81-4053-Mod#2 (46 FR 48847 - October 2, 1981) Leavenworth County, Kansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$14.00	.80	1.50	1.00	.10

MODIFICATIONS P. 8

DECISION NO. LA81-4084 - MOD. #5 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Roofers:					
Calcasieu Parish:					
Roofers	$14.06		.20		

DECISION NO. LA81-4086 - MOD. #5 (46 FR 55189 - November 6, 1981) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Zone 4 - Millwrights	16.27$				1%
Painters:					
Zone 7 - Group 1	8.55				
Group 2	9.55				
Group 3	9.05				
Roofers:					
Zone 1 - Roofers	14.06		.20		

DECISION NO. PA80-3055 MOD. NO. 12 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
ELECTRICIANS					
ZONE 3					
COMMERCIAL	$15.27	.92	3%+10%		1/2 of 1%
LINE CONSTRUCTION					
ZONE 1					
LINEMEN	16.27	.60	3%		1%
Groundmen	9.76	.60	3%		1%
Winch truck operator	11.39	.60	3%		1%

MODIFICATIONS P. 9

SUPERSEDEAS DECISION

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4044 - MOD. #5 (46 FR 33194 - June 26,1981) Bowie County, Texas					
CHANGE:					
Carpenters: Carpenters	$12.20				.05
Millwrights	15.15				.05
Piledrivermen	13.25				.05
DECISION NO. TX81-4077 - MOD. #4 (46 FR 48859 - October 2, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Sheet metal workers: Commercial	14.48	3%+.70	.84		.18
DECISION NO. TX81-4083 - MOD. #4 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Bricklayers & stonemasons Zone 1	14.74	.67	1.00		.07
Carpenters:					
Zone 1 - Carpenters	14.61	.85	.80		.005
Millwrights	15.01	.85	.80		.005
Piledrivermen	15.11	.85	.80		.005

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NUMBER: IL82-2001 DATE: Date of Publication
Supersedes Decision Nos. IL79-2028, dated May 4, 1979 in 44 FR 26415; IL79-2030, dated May 4, 1979 in 44 FR 26421; IL79-2034, dated May 11, 1979 in 44 FR 27854; IL79-2037, dated May 11, 1979 in 44 FR 27867; & IL79-2070, dated September 7, 1979 in 44 FR 52540

*ALEXANDER, CHAMPAIGN, CHRISTIAN, CLARK, CLAY, COLES, CRAWFORD, CUMBERLAND, DEWITT, DOUGLAS, EDGAR, EDWARDS, EFFINGHAM, FAYETTE, FORD, FRANKLIN, GALLATIN, HAMILTON, HARDIN, IROQUOIS, JACKSON, JASPER, JEFFERSON, JOHNSON, LAWRENCE, MARION, MASSAC, MOULTRIE, PERRY, PIATT, POPE, PULASKI, RICHLAND, SALINE, SHELBY, UNION, VERMILION, WABASH, WAYNE, WHITE, & WILLIAMSON

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
AREA 1	$13.49	1.00	1.26		
AREA 2	15.90	.65	1.65		
AREA 3	15.81	.75	1.25		
AREA 4	17.00	1.145	1.645		.06
BOILERMAKERS:					
AREA 1	16.60	1.275	1.10		.03
AREA 2	17.05	1.275	1.60		.03
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:					
AREA 1	13.30	1.00	.65		
AREA 2	14.95	.55	.50		.10
AREA 3	13.85	.95	1.15		.02
AREA 4	14.50		1.00		
AREA 5	14.71	.80	1.30		.01
AREA 6	15.40	.80	.75		.10
AREA 7	15.20	.80	1.55		
AREA 8	15.40	.80	.75		.10
AREA 9	14.90	.65	1.00		.005
CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:					
AREA 1	12.95	.75	.70		.05
AREA 2:					
Carpenters; Lathers; & Soft Floor Layers	14.655	.65	1.30		.08
Millwrights & Piledrivermen	15.155	.65	1.30		.08

SEE PAGE 9 FOR GEOGRAPHICAL JURISDICTIONS

PAGE 2

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Carpenters; Lathers; & Soft Floor Layers	$15.005	1.00	.60		.08
Millwrights & Piledrivermen	15.505	1.00	.60		.08
AREA 4:					
Carpenters; Lathers; & Soft Floor Layers	14.85	.75	.55		.06
Millwrights & Piledrivermen	15.35	.75	.55		.08
AREA 5:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.04	.75	.70		.05
Millwrights	13.44	.75	.70		.05
AREA 6:					
Carpenters & Soft Floor Layers	13.87	.75	.85		.04
Millwrights	14.47	.75	.85		.04
Piledrivermen	14.27	.75	.85		.04
AREA 7:					
Carpenters & Soft Floor Layers	14.56	.75	1.50		.07
Millwrights & Piledrivermen	15.06	.75	1.50		.07
AREA 8:					
Carpenters; Piledrivermen; & Soft Floor Layers	11.89	.75	.55		.05
Millwrights	12.19	.75	.55		.05
AREA 9:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.04	.75	.70		.05
Millwrights	13.44	.75	.70		.05
AREA 10	15.85	.95	.80		.03
AREA 11:					
Carpenters; Lathers; & Soft Floor Layers	14.755	.95	.90		.08
Millwrights & Piledrivermen	15.255	.95	.90		.08
AREA 12:					
Carpenters; Lathers; & Soft Floor Layers	14.755	.75	1.10		.08
Millwrights & Piledrivermen	15.255	.75	1.10		.08
CEMENT MASONS & PLASTERERS:					
AREA 1	13.10				
AREA 2:					
Cement Masons	15.875	.55			.025
Plasterers	15.165	.55			.025

SEE PAGES 9 & 10 FOR GEOGRAPHICAL JURISDICTIONS

PAGE 3

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Cement Masons	$15.25	.65	.575		
Plasterers	15.47	.65	.575		
AREA 4	11.70		.65		
AREA 5	12.95				.01
AREA 6	15.45				
AREA 7:					
Cement Masons	14.86				
Plasterers	13.25				
AREA 8	13.25	.80	.80		
AREA 9:					
Cement Masons	15.49	.75			
Plasterers	16.86				
AREA 10:					
Plasterers	9.22				.01
AREA 11	10.70				
AREA 12	13.10				
AREA 13:					
Cement Masons	15.20	.80	1.55		
Plasterers	15.00	.80	1.55		
AREA 14	15.05		1.00		
ELECTRICIANS:					
AREA 1	15.21	.55	13%		1%
AREA 2	16.05	.80	3%+.75		.3%
AREA 3:					
Electricians & Cable Splicers	16.45	.65	3%+.65		.35%
AREA 4	16.00	.65	3%+1.00		.01
AREA 5	15.65	.65	3%+.85		½%
AREA 6:					
Electricians	16.88	.88	3%+1.20		.6%
Cable Splicers	17.28	.88	3%+1.20		.6%
AREA 7	15.97	.65	3%+.50		½%
AREA 8	16.15	.65	3%+1.00		½%
ELEVATOR CONSTRUCTORS:					
AREA 1:					
Elevator Constructors	15.42	1.345	.95	a&b	.035
Helpers	70%JR	1.345	.95	a&b	.035
Helpers (Prob.)	50%JR				

FOOTNOTES:
a. 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving; & Christmas Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years; 6% for employee who has worked in business less than 5 years

SEE PAGE 10 FOR GEOGRAPHICAL JURISDICTIONS

PAGE 4

PAGE 5

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
AREA 1	$13.49	.45	.50		.02
AREA 2	15.09				
AREA 3	13.085	.80	1.00	.25	.01
AREA 4	15.14	.60	.60		.01
AREA 5	13.68	1.34	2.10	13.2%	.05
IRONWORKERS:					
AREA 1	13.85	.80	1.05		.05
AREA 2	14.55	.75	1.25		.08
AREA 3	15.10	.55	1.05		.08
AREA 4	14.15	1.00	2.70		.10
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:					
AREA 1:					
Marble & Tile Setters	13.30	1.00	.65		
AREA 2:					
Terrazzo Workers	16.03				
AREA 3	15.93				
AREA 4	13.85	.93	1.15		.02
AREA 5	14.50		1.00		
AREA 6	14.71	.80	1.30		.01
AREA 7	15.20	.80	1.55		
AREA 8	14.90	.65	1.00		.005
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:					
AREA 1:					
Tile Setters' Finishers	11.70	.85	.755		
AREA 2:					
Marble Setters' Finishers & Tile Setters' Finishers	14.45				

SEE PAGE 11 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Marble Setters' Finishers & Tile Setters' Finishers	$14.50				
Terrazzo Workers' Finishers & Terrazzo Floor Machine Operators	14.65				
Terrazzo Base Machine Operators	15.05				
AREA 4:					
Marble Setters' Finishers	13.65				
PAINTERS:					
AREA 1:					
Brush	12.59				
Sandblasting & Spray	14.55				
AREA 2	14.97	.55	.40		.04
AREA 3:					
Brush	13.65	.70	.70		25.00p/yr
Sandblasting	14.15	.70	.70		25.00p/yr
Spray	14.40	.70	.70		25.00p/yr
Rollers & Tapers	14.65	.70	.70		25.00p/yr
AREA 4:					
Brush up to 30 ft.	11.30	.55			
Drywall Preparing	11.45	.55			
Brush over 30 ft.	12.10	.55			
Rollers up to 30 ft.	12.15	.55			
Sandblasting & Spray up to 30 ft.	12.30	.55			
Wall Covering Hangers	12.60	.55			
Rollers over 30 ft.	12.95	.55			
Sandblasting & Spray over 30 ft.	13.10	.55			
AREA 5:					
Brush	10.25	1.00			
Roller & Taping	9.50	1.00			
AREA 6:					
Brush; Rollers; & Vinyl Paperhangers	13.75	.80	.60		
Spray	14.50	.80	.60		
AREA 7:					
Brush	13.64	.60	.35		
Spray & Blast	14.64	.60	.35		
AREA 8:					
Brush	14.63	.60			
Spray; Structural Steel; & Tapers	15.13	.60			

SEE PAGES 11 & 12 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 9:					
Brush	9.50				
Sandblasting & Spray	10.50				
AREA 10:					
Brush	8.50				
Drywall; Roller to 10"; & Steel	8.75				
Roller over 10" & Spray	9.25				
AREA 11:					
Brush & Roller	12.45	.70	1.50		
Spray	13.95	.70	1.50		
Sandblasting & Steamcleaning	14.45	.70	1.50		
AREA 12:					
Brush	11.70		.30		
Structural Steel	12.20		.30		
Sandblasting & Spray	12.70		.30		
AREA 13	10.00				
AREA 14:					
Brush & Roller	12.30	.70			
Power Tools & Sandblast	12.85	.70			
Drywall Finishers & Paperhangers	12.80	.70			
AREA 15	10.75				
AREA 16:					
Brush & Drywall Taping	15.00				
Sandblast & Spray	16.00				
AREA 17:					
Brush	11.55				
Sandblasting & Spray	12.65				
PIPEFITTERS; PLUMBERS; & STEAMFITTERS:					
AREA 1	18.00	1.40	.65		.08
AREA 2	16.20	.70	1.40		.12
AREA 3	17.72	.70	1.37		.15
AREA 4	16.13	.70	1.43		.07
AREA 5	16.80	.70	1.10		.10
AREA 6	18.25	1.20	1.40		.15
AREA 7	15.12	.70	1.50		.25
AREA 8	16.59	.60	1.10		.08
AREA 9	18.10	1.00	.85		.08
AREA 10	16.96	.60	1.10		.08

SEE PAGE 12 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
AREA 1	$8.85				
AREA 2	11.50	.95	.20		
AREA 3	15.71	1.00	.75		.05
AREA 4	14.78	.80	.75		.02
AREA 5	14.90	.85		2.25	
AREA 6	14.00	.90	.30		
AREA 7	11.90		.45		
AREA 8	11.30		.10		
SHEET METAL WORKERS:					
AREA 1	14.78	.80	1.00	6%	.06
AREA 2	15.40	.65+c	1.38		.20
AREA 3	15.84	.75+c	1.28		.04
AREA 4	14.48	.50+c	1.10		.09
AREA 5	16.43	1.32	1.30		.14
FOOTNOTE: c. 3% of gross earnings to HASMI					
SPRINKLER FITTERS	15.31	.95	1.40		.08
LABORERS:					
AREA 1	11.30	.60	.30		.035
AREA 2:					
Unskilled	13.45	.70	.60		.05
Semi-Skilled	13.65	.70	.60		.05
Skilled	13.80	.70	.60		.05
AREA 3:					
Unskilled	13.20	.65	.90		.05
Semi-Skilled	13.40	.65	.90		.05
Skilled	13.55	.65	.90		.05
AREA 4:					
Unskilled	13.20	.55	1.00		.05
Semi-Skilled	13.40	.55	1.00		.05
Skilled	13.55	.55	1.00		.05
AREA 5	11.20	.60	.30		.035
AREA 6:					
Unskilled	13.45	.80	.50		.05
Semi-Skilled	13.65	.80	.50		.05
Skilled	13.80	.80	.50		.05

SEE PAGES 11 & 13 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 7:					
Unskilled	13.20	.65	.85		.05
Semi-Skilled	13.40	.65	.85		.05
Skilled	13.60	.65	.85		.05
AREA 8:					
Unskilled	13.10	.65	1.00		.05
Semi-Skilled	13.30	.65	1.00		.05
Skilled	13.45	.65	1.00		.05
AREA 9:					
Unskilled	12.55	.65	1.55		.05
Semi-Skilled	12.75	.65	1.55		.05
Skilled	12.90	.65	1.55		.05

CLASSIFICATIONS FOR AREAS 2, 3, 4, 6, 8, & 9

Unskilled Laborers: All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Goffердam Workers, plus Depth Pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod & Chainmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings, Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers: Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Man on Concrete Paving; Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers: Air Tamping Hammerman; Caisson Workers, plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luteman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screedman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

SEE PAGE 13 FOR GEOGRAPHICAL JURISDICTIONS

GEOGRAPHICAL JURISDICTIONS FOR CLASSIFICATIONS

ASBESTOS WORKERS:

AREA 1: Alexander, Christian, DeWitt, Fayette, Jackson, Jefferson, Marion, Moultrie, Perry, Piatt, Shelby, & Union Cos.
AREA 2: Champaign, Clark, Douglas, Edgar, & Vermilion Cos.
AREA 3: Clay, Coles, Crawford, Cumberland, Edwards, Effingham, Franklin, Gallatin, Hamilton, Hardin, Jasper, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, & Williamson Cos.
AREA 4: Ford & Iroquois Cos.

BOILERMAKERS:

AREA 1: Champaign, DeWitt, Ford, Iroquois & Vermilion Cos.
AREA 2: Remaining Counties

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:

AREA 1: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, & Williamson Cos.
AREA 2: Champaign, Coles, Douglas (N. of Arcola), Edgar, Ford (S. of Roberts), & Vermilion Cos.
AREA 3: Christian Co.
AREA 4: Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Jasper, Lawrence, Richland, Wabash, & Wayne Cos.
AREA 5: DeWitt Co.
AREA 6: Fayette Co.
AREA 7: Ford (Roberts & N. Thereof) & Iroquois Cos.
AREA 8: Marion Co.
AREA 9: Moultrie, Piatt & Shelby Cos.

CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, & Williamson Cos.
AREA 2: Champaign, Douglas (N. part inclu. Tuscola & Newman) & Piatt (Monticello) Cos.
AREA 3: Christian (Millerville, Rosamond, Radford, Pana, & Vic.), Clark, Coles, Cumberland, Douglas (S. part exclu. Tuscola & Newman), Edgar, Effingham, Jasper (W ½), Moultrie (Exclu. Bethany, Okaw River, Lovington, Williamsbury, Lake City & all areas N.), & Shelby Cos.
AREA 4: Christian (Morrisonville) Co.
AREA 5: Clay & Marion Cos.
AREA 6: Crawford, Jasper (E ½), & Lawrence (E. of Sumner & Chancy Rd.) Cos.
AREA 7: DeWitt & Ford Cos.
AREA 8: Edwards (SE), Fayette, Richland & Wabash Cos.
AREA 9: Edwards (Exclu. SE), Hamilton, Jefferson, Wayne, & White Cos.
AREA 10: Iroquois & Vermilion (N. of Rossville Twp.) Cos.
AREA 11: Moultrie (Bethany, Okaw River, Lovington, Williamsbury, Lake City, & N. thereof), & Piatt (Cisco, Allerton Park, Bement & S. thereof) Cos.
AREA 12: Vermilion (Exclu. N. of Rossville) Co.

CEMENT MASONS; & PLASTERERS:

AREA 1: Alexander, Jackson, Perry, Pulaski & Union Cos.
AREA 2: Champaign, Douglas (N ½, inclu. Tuscola & Newman), Ford, & Piatt (N ½) Cos.
AREA 3: Christian (N. part), DeWitt (S ½, inclu. Clinton), Moultrie (NE), Piatt (S ½), & Shelby (Moweaqua & N. thereof) Cos.
AREA 4: Christian (S. part), & Fayette (Bingham, Ramsey, & St. Elmo) Cos.
AREA 5: Clark & Edgar Cos.
AREA 6: Clay, Edwards, Jasper, Richland & Wayne (Exclu. SW part) Cos.
AREA 7: Coles, Cumberland, Douglas (S ½, exclu. Tuscola & Newman), Effingham (N ½), Moultrie (Exclu. NE), & Shelby (S. of Moweaqua) Cos.
AREA 8: Crawford, Lawrence & Wabash Cos.
AREA 9: DeWitt(N ½) Co.
AREA 10: Effingham (S ½), Fayette (Exclu. Bingham, Ramsey, & St. Elmo), Jefferson (N. of Mt. Vernon), & Marion (N 2/3) Cos.
AREA 11: Franklin, Hamilton, Jefferson (Mt. Vernon & S. thereof), Wayne (SW part), & Williamson Cos.
AREA 12: Gallatin, Hardin, Johnson, Massac, Pope, Saline & White Cos.
AREA 13: Iroquois Co.
AREA 14: Vermilion Co.

ELECTRICIANS:

AREA 1: Alexander, Clay, Edwards, Effingham (Exclu. Banner, Bishop, Douglas, Liberty, Lucas, Moccasin, St. Francis, Summit, & Teulopolis Twps.), Fayette (Exclu. Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson, & Loudon Twps.), Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, Wayne, White, & Williamson Cos.
AREA 2: Champaign, DeWitt (Santa Anna Twp.), Douglas (N ½), Ford (S. of Benton Twp.), Iroquois (Artesia, Pigeon Grove & Loda Twps.) & Piatt (Blue Ridge, Sangamon & Monticello Twps.) Cos.
AREA 3: Christian, Coles, Cumberland, DeWitt (Exclu. Santa Anna Twp.), Douglas (S ½), Effingham (Banner, Bishop, Douglas, Liberty, Lucas, Moccasin, St. Francis, Summit & Teulopolis Twps.), Fayette (Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson, & Loudon Twps.), Moultrie, Piatt (Exclu. Blue Ridge, Sangamon & Monticello Twps.), & Shelby Cos.
AREA 4: Clark, Crawford, Edgar, Jasper, Lawrence & Richland Cos.
AREA 5: DeWitt (Waynesville, Wilson, & Rutledge) Co.
AREA 6: Ford (Benton Twp. & N.), & Iroquois (Exclu. Artesia, Pigeon Grove, Loda, Fountain Creek, Lovejoy, & Prairie Green Twps.) Cos.
AREA 7: Vermilion & Iroquois (Fountain Creek, Lovejoy, & Prairie Green Twps.) Cos.
AREA 8: Wabash Co.

ELEVATOR CONSTRUCTORS:

AREA 1:
Champaign, Fayette, & Vermilion Cos.

GLAZIERS:

AREA 1: Champaign, Christian, Clark (W. part), Coles, DeWitt, Douglas, Edgar (W. part), Effingham, Fayette, Jasper, Moultrie, Piatt, & Shelby Cos.
AREA 2: Clark (E. part) & Edgar (E. part) Cos.
AREA 3: Clay, Edwards, Gallatin, Hamilton, Lawrence, Marion, Massac, Pope, Saline, Wabash, Wayne, White, & Williamson Cos.
AREA 4: Ford Co.
AREA 5: Jackson, Jefferson, Perry & Union Cos.

IRONWORKERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson (Carbondale, Murphysboro & Grand Tower), Johnson, Massac, Pope, Pulaski, Saline (Exclu. Vic. of Eldorado & area N.E.), Union & Williamson Cos.
AREA 2: Champaign, Coles, Cumberland, DeWitt (E. part), Douglas, Edgar, Ford, Moultrie, Piatt, Shelby (E ½), & Vermilion Cos.
AREA 3: Christian, DeWitt (W. part), Effingham (Exclu. Dexter & E. thereof), Fayette (St. Elmo & all area N. thereof), & Shelby (W ½) Cos.
AREA 4: Clark, Clay (N. of Louisville), Crawford, Effingham (Dexter & E. thereof), Jasper, Lawrence (N. of Lawrenceville), & Richland (N. of Olney) Cos.

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:

AREA 1: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, & Williamson Cos.
AREA 2: Alexander, Fayette, Franklin, Hamilton, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pulaski, Saline, & Union Cos.
AREA 3: Champaign, Coles, Douglas (N. of Arcola), Ford (S. of Roberts) & Vermilion Cos.
AREA 4: Christian Co.
AREA 5: Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Jasper, Lawrence, Richland, Wabash & Wayne Cos.
AREA 6: DeWitt Co.
AREA 7: Ford (Roberts & N. thereof) Co.
AREA 8: Moultrie, Piatt, & Shelby Cos.

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:

AREA 1: Alexander, Franklin, Hamilton, Jackson, Jefferson, Johnson, Massac, Perry, Pulaski, Saline, Union, Wayne, & Williamson Cos.
AREA 2: Champaign, Ford, Piatt, & Vermilion Cos.
AREA 3: Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Effingham, Jasper, Moultrie, Richland, & Shelby Cos.
AREA 4: Edwards, Lawrence, & Wabash Cos.

PAINTERS:

AREA 1: Alexander, Johnson, & Pulaski Cos.
AREA 2: Champaign, Coles, Cumberland, & Douglas Cos.
AREA 3: Christian Co.
AREA 4: Clark, Crawford, Edgar, Effingham, Jasper, Lawrence, Richland, & Wabash Cos.
AREA 5: Clay, Edwards, Hamilton, Jefferson, Marion (Exclu. Salem City Limits) & Wayne Cos.
AREA 6: DeWitt, Moultrie, Piatt, & Shelby Cos.
AREA 7: Fayette Co.
AREA 8: Ford Co.
AREA 9: Franklin Co.
AREA 10: Gallatin, Hardin, Pope, & Saline Cos.
AREA 11: Iroquois Co.
AREA 12: Jackson & Perry Cos.
AREA 13: Marion (Salem) Co.
AREA 14: Massac Co.
AREA 15: Union Co.
AREA 16: Vermilion Co.
AREA 17: Williamson (Marion & Vin.) Co.

PLUMBERS; PIPEFITTERS; & STEAMFITTERS:

AREA 1: Alexander, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph (Exclu. Baldwin, Red Bud, Ruma, & Tilden Twps.) & Union Cos.
AREA 2: Champaign, Coles, Cumberland, Effingham, Ford, Jasper, & Piatt (E½) Cos.
AREA 3: Christian (Assumption, Pana, & Radford Twps.), DeWitt, Moultrie, Piatt (W½), & Shelby Cos.
AREA 4: Christian (Exclu. Assumption, Pana, & Radford Twps.) Co.
AREA 5: Clark, Crawford, Douglas, Edgar (S½), & Richland Cos.
AREA 6: Clay, Fayette, & Marion Cos.
AREA 7: Edgar (N½) & Vermilion Cos.
AREA 8: Edwards, Lawrence, Wabash & White Cos.
AREA 9: Franklin, Gallatin, Hamilton, Jefferson, Saline, Wayne, & Williamson Cos.
AREA 10: Iroquois Co.

ROOFERS:

AREA 1: Alexander (Cairo) Co.
AREA 2: Alexander (Exclu. Cairo), Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Perry, Pope, Pulaski, Saline, Union, Wabash, Wayne, White, & Williamson Cos.
AREA 3: Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Ford, Piatt (E. Section of Piatt, w. of & exclu. Cities of Monticello & Lodge) & Vermilion Cos.
AREA 4: Christian (Assumption, Pinkle, Dollville, Millersville, Mt. Auburn, Oshbornville, Owaneca, Pana, Radford, Rosamond, Stonington, Velma, Vanderville, & Willeys), Clay, DeWitt (S½), Effingham, Fayette, Jasper, Moultrie, Piatt (W½), Richland, & Shelby Cos.
AREA 5: Christian (Breckenridge, Edinburgh, Humphrey, Kincaid, Morrissonville, Palmer, & Taylorville) Co.
AREA 6: Crawford & Lawrence Cos.

ROOFERS (CONT'D):

AREA 7: DeWitt (N½) Co.
AREA 8: Massac Co.

SHEET METAL WORKERS:

AREA 1: Alexander, Clay, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Marion, Massac, Perry, Pope Pulaski, Richland, Saline, Union, Wabash, Wayne, White, & Williamson Cos.
AREA 2: Champaign, Coles, Cumberland, Douglas, Ford, Moultrie, Piatt, Shelby & Vermilion Cos.
AREA 3: Christian & DeWitt Cos.
AREA 4: Clark, Crawford, Edgar, & Lawrence Cos.
AREA 5: Iroquois Co.

LABORERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, & Williamson Cos.
AREA 2: Champaign, DeWitt, Piatt (N. of a line drawn E. to W. thru N. City limits of Ivesdale) Cos.
AREA 3: Christian & Moultrie (W½) Cos.
AREA 4: Clark, Douglas, Edgar, Moultrie (E½), & Piatt (Rem. of Co.) Cos.
AREA 5: Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne, & White Cos.
AREA 6: Coles & Cumberland Cos.
AREA 7: Ford & Iroquois Cos.
AREA 8: Shelby Co.
AREA 9: Vermilion Co.

POWER EQUIPMENT OPERATORS:

Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White, & Williamson Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$13.30	.75	1.00		.035
CLASS 2	12.15	.75	1.00		.035
CLASS 3	11.85	.75	1.00		.035
CLASS 4	11.45	.75	1.00		.035
CLASS 5	10.60	.75	1.00		.035
CLASS 6	12.15	.75	1.00		.035
CLASS 7	11.85	.75	1.00		.035
CLASS 8	11.25	.75	1.00		.035
CLASS 9	11.20	.75	1.00		.035
CLASS 10	10.50	.75	1.00		.035
RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS					
CLASS 11	13.40	.75	1.00		.035
CLASS 12	11.15	.75	1.00		.035

Class 1: Apsco or Equal Spreading Machine; Backhoe, Backfiller; Boom or Winch Cat; Bituminous Mixplace Machine; Blacksmith; Bituminous Surfacing Machine; Bulldozer; Crane; Shovel; Dragline; Truck Crane; Piledriver; Concrete Finishing Machine or Spreader Machine; Concrete Breaker; Concrete or Pumperete Pumps; Dinky or Standard Locomotive; Drill Well; Elevating Grader; Forklifts; Rubber-Tired; Flex-Plane; Gradall; Hi-Lift, Handblade, Power; Hoists, Tugger Type; Hoists, (2 drums) or over one; Guy-Derrick; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push Cat; Pulls and Scrapers; Pumps; 2 Well Points; P&H Pulverizer or Pulverizer Equal to Pugmill; Rubber-Tired Farm type Tractor with Bulldozer or Hi-Lift (over ½ yd.), Rubber-Tired Tractor w/auger; Skimmer Scoops; Soaman Tiller; Spreader, Jersey; Tract-Air used w/drill or Hi-Lift; Trenching Machine, or Ditching Machine; Wood Chipper with Tractor; Self-Propelled Roller w/10 ft. Blade; Concrete Pumps; Equipment Greaser

Class 2: Roller, Self-Propelled, Power Subgrader; Elevator Operator

Class 3: Rubber-Tired Farm type Tractor w/bull dozer or Hi-Lift (½ yd. or less)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All Wheel type tractors; Oilers on 30 HP Ditches and over; Oiler, Hydra-Crane with 15 ton lifting capacity or more and Cranes similar to Hydra-Crane with 15 ton capacity and more

Class 6: Air Compressor with valve Driving Piling Air Compressors, two (220 cu. ft. capacity or over); Air Track Drills; Air Track Drill with compressor; Automatic Bins Scales with compressor or generators; Pipeline Boring Machine; Bulk Cement Plant with separate compressor; Bulk Float Power Operator; Concrete Saws, two; Hydra-lift (single motor); Straw Mulcher Blower with spout

Class 7: Backend Man on Bituminous Surfacing Machine; Boom or Winch Truck; Cat Wagon with or without Dump; Conveyors, two; Chip Spreader; Self-propelled Concrete Saw, one; Self-propelled Form Grader; Heaters, two (motor driven); Hoist, one drum; Truck Crane Oiler; Vibrator, self-propelled

Class 8: Air Track Drill (one); Belt Drag Machine; Power Boom, mechanical; Plasterer Applicator; Tract-air

Class 9: Air Compressor (220 cu. ft. capacity or over), one; Air Compressor under (220 cu. ft.), two; Automatic Bins; Bulk Cement Plant with built in compressor, running of same motor or electric motor; Form Tamper, Self-Propelled; Light propelled; Light Plants (two); Welding Machine (two); Pumps (two), or combination or two pumps; Light Plants; Welding Machines; Air Compressor (under 200 cu. ft.); Mud Jacks or Wood Chipper; Mixers, less than 21 cu. ft.; Motor Mixer with Skid or Pump; Pipeline Track Jack

Class 10: Air Compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor Operator on Self-propelled Chip Spreader; Heater (one), motor driven; Light Plant (one); Pump (one); Welding Machine (one); Ulmac or Equal Spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, Shovel, Dragline 4 yards or more; Scraper, 18 yards struck or over; Dredge, Derrick and Piledriver; Push Boat Operator; Mechanic on 4 yard machine or over; Engine Man on Dredge; Levee Man on Dredge

Class 12: Oiler on Crane, Dragline, Shovel, 4 yard Machine or over; Oiler on Dredge

POWER EQUIPMENT OPERATORS:

Champaign, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Ford, Iroquois, Jasper, Lawrence, Moultrie, Richland, Vermilion, Wabash Wabash, & Waynge Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$13.70	.75	.75		.08
CLASS II	13.60	.75	.75		.08
CLASS III	13.40	.75	.75		.08
CLASS IV	8.75	.75	.75		.08

CLASS I - Master Mechanic
CLASS II - Utility Operator
CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixers, Two Drum Machine, One Drum Hoists with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blader, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type Drilling Machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Head Equipment Greaser, Barber-Greene Loaders, Formless Paver, Well Point System, Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe Attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, Two to Four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop Curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for Hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

POWER EQUIPMENT OPERATORS:
Christian, DeWitt, Piatt, & Shelby Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hvy & Hwy only)

CLASS III: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

POWER EQUIPMENT OPERATORS:
Fayette, Jefferson, Marion, & Perry Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASTER MECHANICS	$15.42	.87	1.51		.10
GROUP I	14.92	.87	1.51		.10
GROUP II	12.39	.87	1.51		.10
GROUP III	11.74	.87	1.51		.10
GROUP IV	11.64	.87	1.51		.10
GROUP V	11.39	.87	1.51		.10
GROUP VI:					
a	17.07	.87	1.51		.10
b	17.37	.87	1.51		.10
c	13.49	.87	1.51		.10
d	13.99	.87	1.51		.10

GROUP I: Cranes; Draglines; Shovels; Skimmer Scoops; Clamshells or Derrick Boats; Piledrivers; Crane-type Backhoes; Asphalt Plant Operators; Plant Operators; Ditching Machines or Backfillers (requiring oilers); Dredges; Asphalt Spreading Machines; Heavy Duty Mechanic; Assistant Master Mechanic; Locomotives; Cableways or Tower Machines; Hoists 2 drum or more; Hydraulic Backhoes; Ditching Machines or Backfiller (not required oilers); Cherry Pickers; Overhead Cranes; Roller (Steam or Gas); Concrete Pavers, Breakers, & Pumps; Bulk Cement Plants; Cement Pumps; Derrick-type Drills; Mixers (over 3 bags) & Boat Operators (25' & over); Motor Graders or Pushcats; Scoops or Tournapulls; Bulldozers; Endloaders or Fork-Lifts; Power Blade or Elevating Graders; Winch Cats; Boom Tractors, & Pipewrapping or Painting Machines; Drills (other than derrick type); 1-Drum Hoists; Mud Jacks; Mixers (2 or 3 bags); Conveyors (2); Air Compressors (2); Water Pumps regardless of size (2); Welding Machines (2); Siphons or Jets (2); Winch Heads or Apparatus (2) & Light Plants (2); Tractors regardless of size (Straight Tractor only); Firemen on Stationary Boilers; Automatic Elevators; Form Grading Machines; Finishing Machines; Power-Sub-Grader or Ribbon Machine; Longitudinal Floats; Boat Operators (under 25'); Distribution Operators on Trucks; Winch Heads or Apparatuses (1); Excavators

GROUP II: Air Compressor (1); Water Pumps regardless of size (1); Welding Machines (1); Mixers (1 bag); Conveyor (1); Siphon or Jet (1); Light Plant (1); Heater (1) & Immobile Track Air (1)

GROUP III: Firemen on Whirlies and Asphalt Spreader Oilers

GROUP IV: Heavy Equipment Oilers (Truck Cranes, Dredges, Monigans, Large Cranes) over 65 Ton rated capacity

GROUP V: Oilers

GROUP VI:

a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers Operating under air pressure
d. Oilers Operating in air over 10 lbs. pressure

Hard Rock Mining - $.25 per hour premium pay above existing rate

SUPERSEDEAS DECISION

DECISION NO. IL82-2001

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ford (N½ of Co.) County:					
2-3 Axles	$12.25	29.00a	33.00a		
4 Axles	12.40	29.00a	33.00a		
5 Axles	12.60	29.00a	33.00a		
6 Axles	12.80	29.00a	33.00a		
Iroquois (N & SW Parts of Co.) County:					
2-3 Axles	12.025	29.50a	31.00a		
4 Axles	12.225	29.50a	31.00a		
5 Axles	12.425	29.50a	31.00a		
6 Axles	12.575	29.50a	31.00a		
All Counties, except Ford (N ½ of Co.) & Iroquois (N & SW Parts of Co.):					
GROUP I	13.30	1.00	46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: KANSAS

COUNTIES: Douglas, Jefferson, Leavenworth, Miami, and Shawnee

DECISION NUMBER: KS82-4003

DATE: Date of Publication

Supersedes Decision No. KS81-4033 dated May 15, 1981, in 46 FR 27048

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:*					
Zone 1	$10.40	.70	.75		.05
Zone 2	14.05	.65	.75		.07
Zone 3	7.75	.70	.75		
CEMENT MASONS:*					
Zone 1	10.20	.40	.50	1.25	
Zone 2	10.75	.70	.35		
Zone 3	10.45	.70	.35		
ELECTRICIANS:*					
Zone 1	16.18	.69	3%+1.00	7%	.12
Zone 2	15.55	1.00	3%+.80		.13
IRONWORKERS	14.00	.80	1.50	1.00	.10
LINE CONSTRUCTION:*					
Zone 1:					
Lineman	17.33	.45	3%+.25		1/2%
Lineman Operator	16.13	.45	3%+.25		1/2%
Groundman Powderman	12.02	.45	3%+.25		1/2%
Groundman	11.42	.45	3%+.25		1/2%
Zone 2:					
Lineman	14.52	.45	3%		1/2%
Cable Splicers	15.26	.45	3%		1/2%
Groundman	9.03	.45	3%		1/2%
Powderman	12.03	.45	3%		1/2%
Line Truck and Equipment Operator	12.03	.45	3%		1/2%

*ZONE DESCRIPTIONS

CARPENTERS and PILEDRIVERMEN:
Zone 1: Douglas, Shawnee and Jefferson Counties
Zone 2: Leavenworth County
Zone 3: Miami County

CEMENT MASONS:
Zone 1: Leavenworth and Miami Counties
Zone 2: Douglas and Shawnee Counties
Zone 3: Jefferson County

ELECTRICIANS:
Zone 1: Leavenworth County (Delaware, High Prairie, Kickapoo and Leavenworth Townships)
Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:
Zone 1: Leavenworth County, north of Fairmont Stranger, and Tonganoxie Townships
Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:

ZONE 1: Jefferson County
ZONE 2: Douglas and Shawnee Counties
ZONE 3: Leavenworth County
ZONE 4: Miami County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4
1	$ 7.00	$ 7.80	$ 7.80	$ 7.00
2	7.15	7.95	7.95	7.15
3	7.25	8.05	8.05	7.25
4	7.40	8.20	8.20	7.40

FRINGE BENEFITS PAYMENTS: -ZONES 1, 2, and 4	
Health and Welfare	$ 0.70
Pensions	0.50
Vacation	0.50
Apprenticeship Training	0.05

FRINGE BENEFITS PAYMENTS: - ZONE 3:	
Health and Welfare	$ 0.60
Pensions	0.60
Vacation	0.50
Apprenticeship Training	0.05

Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers

Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Grademen; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (Crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator

Group 3: Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)

Group 4: Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Gunite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors

POWER EQUIPMENT OPERATORS: Zone 1: Leavenworth County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.10	$1.00	$1.25	$1.05	.20
Group 2	12.85	1.00	1.25	1.05	.20
Group 3	12.15	1.00	1.25	1.05	.20
Group 4A	10.65	1.00	1.25	1.05	.20
Group 4B	9.03	1.00	1.25	1.05	.20
Group 4C	11.15	1.00	1.25	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in tandem; Self-propelled Rotary Drill (Leroy or equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry-power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 5 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws;, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4A: Mechanic's Helper

Group 4B: Oiler

Group 4C: Oiler Driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twnety-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 2: Jefferson and Miami Counties:					
Group 1	$8.60	.50	$1.00	.75	.10
Group 2	8.35	.50	1.00	.75	.10
Group 3	8.10	.50	1.00	.75	.10
Group 4	7.85	.50	1.00	.75	.10
Group 5	7.50	.50	1.00	.75	.10
Group 6	7.60	.50	1.00	.75	.10

Group 1: Master Mechanic

Group 2: Asphalt Paver and Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any Machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 3: Asphalt Plant Operator; Elevating Grader Operator

Group 4: A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 5: Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 6: Oiler; Motor Crane

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Douglas and Shawnee Counties:					
Group 1	$10.50	.85	$1.00	$1.05	.15
Group 2	10.25	.85	1.00	1.05	.15
Group 3	10.00	.85	1.00	1.05	.15
Group 4	9.65	.85	1.00	1.05	.15
Group 4A	9.75	.85	1.00	1.05	.15

Group 1: Asphalt Paver and Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operators, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2: Asphalt Plant Operator; Elevating Grader Operator

Group 3: A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 H.P.; Self-propelled Roller Operator, other than asphalt siphons and jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4: Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, Disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A: Oiler; Motor Crane

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 1: Leavenworth County:					
Group 1	$8.89	.75	$1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.66½	.75	1.00	.75	
Zone 2: Douglas and Shawnee Counties:					
Class A	8.65	.70	.50		
Class B	8.75	.70	.50		
Class C	8.90	.70	.50		
Zone 3: Miami County	8.35	.75	1.00	.75	

CLASSIFICATIONS - ZONE 1

Group 1: One Team; Station Wagons; Pickup Trucks; Material Trucks, single axle; Tank Wagon Drivers, single axle

Group 2: Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Insley Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame; Lowboy; Boom Truck Drivers

Group 4: Mechanics and Welders

Group 5: Mechanics' Helpers; Oilers and Greasers

CLASSIFICATIONS - ZONE 2

Group 1: Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle

Group 2: Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen

Group 3: Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Atheys, Dumpsters and similar off-road equipment and Mechanics on such equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: TEXAS COUNTY: Wichita
DECISION NUMBER: TX82-4002 DATE: Date of Publication
Supersedes Decision No. TX81-4037, dated June 5, 1981 in 46 FR 30284
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for Paving and utilities Incidental to Building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.71	.95	1.48		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS and STONEMASONS	13.30		.60		.10
CARPENTERS:					
Carpenters	12.90	.53	.90		.10
Millwrights	13.40	.53	.90		.10
CEMENT MASONS	10.94				
ELECTRICIANS:					
Electricians	13.10	.60	3%		1/10%
Cable splicers	13.35	.60	3%		1/10%
ELEVATORS CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	12.30	.55	1.70		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.425	.55	1.70		.10
LABORERS:					
Group 1: General Laborer	7.65	.30	.27		
Group 2: Pipelayer (concrete and clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	7.78	.30	.27		
Group 3: Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1½" thick; Nozzlemen & machine operator	7.90	.30	.27		
Group 4: Powderman, blaster	8.15	.30	.27		

2472 Federal Register / Vol. 47, No. 10 / Friday, January 15, 1982 / Notices

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman Operator	$13.10	.60	3%		5%
Cable splicers	13.35	.60	3%		5%
Groundman	70%JR	.60	3%		5%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	12.75				.01
PLUMBERS and PIPEFITTERS:					
Zone 1 - within 25 miles of Wichita Falls City limits	13.95	.60	1.00		.05
Zone 2 - over 25 miles of Wichita Falls City limits	14.45	.60	1.00		.05
SHEET METAL WORKERS	12.84				.09
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic houlry rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.025	.65	.625		.15
Group 2	10.925	.65	.625		.15
Group 3	11.325	.65	.625		.15

Group 1: Oiler - Fireman.

Group 2: Air Compressors, Pumps, Welding Machine, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators, building; Form Graders; Hoist, single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plant; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford Tractor or like with any attachments (except blade and mower on rear)

Group 3: Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Trucks; Six wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-to; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor and Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 82-871 Filed 1-14-82; 8:45 am]
BILLING CODE 4510-27-C

V
4
7
/
1
0
J
A
1
5
8
2
UMI

Re

INFO

PUB

Code
CFR

Gene
Inco
Print

Fede
Corr
Daily
Gene
Priva
Publi

Sche

Laws
Inde
Law

Slip

Pres
Exec
Publi
Week

Unite

SERV
Agen
Auto
Dial-
Ch
Lo
W
Libra
Magn
vo
Publi
Spec
Subs
Subs
TTY

FED

1-12
129-
589-
745-
935-
1109
1257
1367
2073
2283

Reader Aids

Federal Register

Vol. 47, No. 10

Friday, January 15, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12337	1367
12338	1369

5 CFR

410	935
1201	936
359	2283
832	2284
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
282	532
301	1257
425	6
631	130
701	937
800	131, 2254
905	589
906	1265
907	746, 2074
910	939
944	747, 1265
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1004	2118
1006	814
1007	962, 2122
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules:	
3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

2	2286
40	8
50	2286
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
Ch. XVI	1138
317	1137
378	817
440	1299
457	1301
500	161
501	161
503	161
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9
226	755
327	943
Proposed Rules:	
701	963
702	633, 2122

13 CFR

101	2074, 2305
120	9

124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113
71.....15–18, 759, 760, 1113–1115, 2079
73.....18
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:

Ch. I.....817
39.....1140–1142
71.....36–38, 1144, 1145
73.....1146
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079

Proposed Rules:

1.....2325
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329
271.....39, 638
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146, 2312
522.....146
558.....1289, 2312
561.....1375, 1376

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
51.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147

Proposed Rules:

1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:

5.....1148
9.....1149–1153

28 CFR

2.....2312

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

Proposed Rules:

Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41
701.....41
716.....928, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115
123.....618, 1248, 2314
180.....619–623, 1378–1384
193.....1385
262.....1248
264.....953
265.....1254, 2316
762.....148, 149

Proposed Rules:

50.....2127, 2341
52.....191, 1304, 1398, 2129
58.....2127
65.....969
81.....2131
86.....972, 1306, 1642
123.....1155, 2378
180.....651–654
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385

Proposed Rules:

Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

20.....2316
428.....624

Public Land Orders:
6100..... 21
6101..... 769
Proposed Rules:
Subtitle A..... 2381
4100..... 1155

44 CFR
65..... 770
66..... 770
70..... 771, 772
67..... 22
Proposed Rules:
205..... 827

45 CFR
680..... 193
681..... 193
682..... 193
683..... 193
684..... 193

46 CFR
Proposed Rules:
69..... 2131
510..... 215
536..... 655

47 CFR
0..... 1294
2..... 953, 1386
21..... 953
73..... 150, 1386, 2116
74..... 150, 953, 1392
83..... 2317
Proposed Rules:
2..... 983, 1308
15..... 216, 836
73..... 58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385
74..... 983
90..... 1310

48 CFR
Proposed Rules:
13..... 1400
17..... 1400

49 CFR
Ch. X..... 613
1..... 1122
830..... 773
1033..... 151, 152, 624, 773, 776
1056..... 777
1136..... 2117
1139..... 2317
Proposed Rules:
1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR
17..... 2317
23..... 1294, 2117
32..... 1122-1135
611..... 625, 1294, 1295
662..... 629
675..... 1295
Proposed Rules:
23..... 1242
611..... 2386
672..... 2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 10 J A 1 5 8 2

V 4 7 / 1 0 J A 1 5 8 2

V 47 / 10 JA 15 82 UMI

New Publication

List of CFR Sections Affected

(1964 through 1972)

A Research Guide

These two volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1964 through 1972. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 through 27) $15.00
Volume II (Titles 28 through 50) $14.00

ORDER FORM Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check,
☐ money order, or charge to my
Deposit Account No.
☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me___copies of the CODE OF FEDERAL REGULATIONS
Volume I $15.00 Stock No. 022-003-94233-5
Volume II $14.00 Stock No. 022-003-94234-3

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only

Quantity		Charges
_____	Enclosed	
_____	To be mailed	
	Subscriptions	
	Postage	
	Foreign handling	
	MMOB	
	OPNR	
_____	UPNS	
_____	Discount	
_____	Refund	

1-18-82
Vol. 47 No. 11
Pages 2475-2766

federal register

Monday
January 18, 1982

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Co

2475

2756

2507

2506

2544

2507

2477

2477
2479
2481

2485
2489
2488,
2490

2491

Contents

Federal Register
Vol. 47, No. 11
Monday, January 18, 1982

The President
EXECUTIVE ORDERS
2475 President's Commission on Housing (EO 12339)

Executive Agencies

Agriculture Department
See Animal and Plant Health Inspection Service; Commodity Credit Corporation.

Animal and Plant Health Inspection Service
NOTICES
2756 Stockyards; brucellosis prevention; specific approval; list

Army Department
NOTICES
Meetings:
2507 Science Board

Commerce Department
See International Trade Administration.

Commodity Credit Corporation
NOTICES
2506 Delinquent debts interest rate

Defense Department
See also Army Department.
NOTICES
2544 Privacy Act; systems of records; annual publication

Education Department
NOTICES
Meetings:
2507 Women's Educational Programs National Advisory Council; cancellation

Farm Credit Administration
RULES
Loan policies and operations:
2477 Financing institutions; Federal intermediate credit bank lending authority; effective date

Federal Aviation Administration
RULES
Airworthiness directives:
2477 Gates Learjet
2479 Mitsubishi
2481 VOR Federal airways
PROPOSED RULES
Airworthiness directives:
2485 Fokker
2489 Control areas
2488, 2490 Restricted areas (2 documents)

Federal Emergency Management Agency
PROPOSED RULES
2491 Grants and cooperative agreements

Federal Maritime Commission
NOTICES
Casualty and nonperformance, certificates:
2507 Chandris Lines/Chandris Cruises (2 documents)
2507 Lido Maritime Inc. et al.
2507 Maritime Enterprises (1981) Ltd. et al.

Fine Arts Commission
NOTICES
2506 Meetings

General Services Administration
RULES
Procurement:
2481 Reporting and recordkeeping requirements; revision of status report of orders and shipments (GSA Form 1678)

Health and Human Services Department
See Public Health Service.

Interior Department
See also Land Management Bureau; National Park Service.
NOTICES
Meetings:
2515 Alaska Land Use Council

International Trade Administration
NOTICES
Meetings:
2506 Semiconductor Technical Advisory Committee

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
2482 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
NOTICES
2515 Long and short haul applications for relief
Motor carriers:
2515–2518 Permanent authority applications (4 documents)
2518 Permanent authority applications; operating rights republication
2522 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
2529 Tradewater Railway Co.

Land Management Bureau
NOTICES
Classification of lands:
2515 Oregon; correction
Exchange of public lands for private lands:
2513 Idaho
Leasing of public lands:
2514 Idaho

Management and Budget Office
NOTICES
2530 Agency forms under review

National Highway Traffic Safety Administration
NOTICES
2538 Motor vehicle defect proceedings; petitions, etc.: Nader, Ralph; reopening of Ford automatic transmission investigation; petition denied

National Park Service
NOTICES
Environmental statements; availability, etc.:
2515 Great Smoky Mountains National Park, N.C. and Tenn.; general management plan

Public Health Service
NOTICES
2508, 2510 Privacy Act; systems of records (2 documents)

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials:
2538 Applications; exemptions, renewals, etc.

Transportation Department
See Federal Aviation Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration; Transportation Department.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12310 (Amended by EO 12339)..... 2475
12339..... 2475

12 CFR
614..... 2477

14 CFR
39 (2 documents)..... 2477, 2479
71..... 2481
Proposed Rules:
39..... 2485
71 (2 documents)..... 2488, 2489
73 (2 documents)..... 2488, 2490

41 CFR
5A-7..... 2481
5A-16..... 2481
5A-72..... 2481

44 CFR
Proposed Rules:
13..... 2491

49 CFR
1033..... 2482

Federal Register
Vol. 47, No. 11
Monday, January 18, 1982

Presidential Documents

Title 3—

The President

Executive Order 12339 of January 13, 1982

President's Commission on Housing

By the authority vested in me as President of the United States of America and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to increase the membership of the President's Commission on Housing by eight members Section 1(a) of Executive Order No. 12310 of June 16, 1981, is hereby amended to read as follows:

"Section 1. *Establishment.* (a) There is established the President's Commission on Housing. The Commission shall be composed of not more than thirty (30) members from private life and from State and local governments who shall be appointed by the President.".

THE WHITE HOUSE,
January 13, 1982.

Ronald Reagan

[FR Doc. 82-1254
Filed 1-15-82; 9:18 am]
Billing code 3195-01-M

V
4
7
/
1
1
J
A
1
8
8
2
UMI

R

This
cont
gene
of w
the
publ
U.S.
The
by t
Price
first
mon

FAR

12 C

Loa
Effe

AGE

ACT
date

SUM
Adm
regu
prov
Am
whi
inst
Sys
disc
cred
pub
518
599

T
Dec
Rea
97–
effe
prov
nee
mor
regu
ope
the
ame

In
sub
effe

EFF

FOR
Lar
of A
Adr
S.W
218

Rules and Regulations

Federal Register
Vol. 47, No. 11
Monday, January 18, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Final rule; notice of effective date.

SUMMARY: The Farm Credit Administration published final regulations implementing those provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96–592) which expand the authority of financing institutions, other than Farm Credit System institutions, to borrow from and discount with Federal intermediate credit banks. These regulations were published on October 22, 1981 (46 FR 51882) and December 8, 1981 (46 FR 59959).

The final regulations became effective December 28, 1981 when President Reagan signed into law S. 1948 (Pub. L. 97–111) which made such regulations effective notwithstanding any other provision of law. Legislative action was needed to avoid a delay of several months of the effective date of the regulations due to the otherwise operative provisions of section 5.18(c) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2252(c).

In accordance with Pub. L. 97–111, the subject final regulations became effective on December 28, 1981.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, as amended (12 U.S.C. 2243, 2246 and 2252))

Donald E. Wilkinson,
Governor.

[FR Doc. 82–1222 Filed 1–15–82; 8:45 am]
BILLING CODE 6705–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–CE–16–AD; Amendment 39–4295]

Airworthiness Directives; Gates Learjet Models 24E/F and 25D/F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive 81–16–08, Amendment 39–4184, applicable to Learjet Models 24E/F and 25D/F airplanes by revising Paragraph D) of the AD with provisions to increase the number of FAA certificated maintenance repair agencies which may perform modification, overhaul and test of the horizontal stabilizer trim actuator which are part of modification kits required by the AD. In addition, this amendment redesignates the acceptable Kit AMK 81–7 by deleting the "Change 1" designation and provides for deleting certain superseded paragraphs from the Airplane Flight Manual (AFM).

This amendment is required since the AD was unnecessarily restrictive on the number of FAA certificated repair agencies authorized to perform part of the AD which in turn was a burden to operators meeting the AD compliance date. This AD revision does not alter the requirements that are applicable to Model 24E/F airplanes, as set forth in AD 81–16–08.

DATE: Effective January 21, 1982.

FOR FURTHER INFORMATION CONTACT:
Larry Malir, ACE–213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7008.

SUPPLEMENTARY INFORMATION:
Amendment 39–4184, AD 81–16–08 published in the **Federal Register** (46 FR 39990, 39991) is applicable to Gates Learjet Models 24E/F and 25D/F airplanes. AD 81–16–08 required the installation of an improved pitch trim actuator, trim-in-motion warning, redesigned pitch axis master interrupt, autopilot roll monitor and several other associated alterations in the Learjet Model 25D/F airplanes. The AD also restricted Models 25D/F and 24E/F to 45,000-foot operating altitude and added Airplane Flight Manual (AFM) procedures for the above changes. Although this action was a final rule which involves requirements affecting immediate flight safety, interested persons have been afforded an opportunity to participate in the making of these amendments by comments on the contents of AD 81–16–08 and due consideration has been given to all matters presented.

Twenty-four commentators responded to AD 81–16–08, one of which was the airplane manufacturer. In addition, the manufacturer issued a letter dated August 14, 1981, to owners/operators of the affected airplanes. This letter contained Learjet's position with respect to the AD, offered alternatives in lieu of the requirements of the AD and set forth its reasons for being unable to accomplish the modifications required by the AD within the compliance time required therein. It is evident from some of the comments received that the commentators were influenced by the manufacturer's letter.

Two commentators stated that the AD was unnecessary and the FAA should investigate and strengthen the pilot training procedures for the Learjet airplanes. Both the manufacturer and FAA are addressing this issue.

Several commentators stated that they would not support the AD action because of the lack of detailed information which identifies an existing unsafe or hazardous condition for which the AD action was justified. The FAA recognizes the commentators' concerns; however, due to the magnitude of the problem, setting forth the specific unsafe conditions for justifying the AD would have made it unduly cumbersome.

Eleven commentators, one being a foreign operator, objected to the AD compliance date. Nine of these commentators referred to the February 28, 1982, compliance date as being unreasonable and requested that the compliance date be extended for the

purpose of scheduling the entire Model 25D/F fleet into the authorized service centers. Three of the nine commentators requested a 90-day extension with another commentator requesting a new compliance date of July 1, 1982. The FAA has reviewed the recommendations for extension and has found that none of the comments provided any information to substantiate that safety would not be adversely affected by such extensions. In point of fact, the extended operation of the aircraft in service would increase the probability of a system's failure occurrence before incorporation of the system's improvement modifications. The FAA has determined that the required modifications can be accomplished within the time prescribed. Since it has not been shown that the owner/operators will, in fact, be impacted by the present compliance date, extending the compliance date is not justified.

However, FAA has agreed to revise the modification procedure for the pitch axis actuator to allow the work to be accomplished at agencies not performing the actual installation and that provision is included in this AD revision. This action will provide the owners/operators with additional maintenance repair agencies who will be able to comply with the requirements of the AD. Therefore, the compliance time for the affected 25D/F airplanes will remain the same in this revision to the AD.

One commentator recommended the AD should be incorporated during the 6000 or 1200-hour maintenance inspection periods because of the lengthy airplane downtime and subsequent flight tests that are performed during these inspection periods. The FAA has no objection as to when the AD modification is performed as long as it is prior to the compliance date.

One commentator recommended the reduction of the pitch trim speed during high-speed flight. The FAA agrees with the pitch trim speed reduction recommendation and has required it as part of AD 81-16-08 and in this revision. Several commentators stated that the modification required by the AD would be a definite product improvement to the Learjet airplane but they recommended that only the pitch axis interrupt and trim-in-motion modification be required. The FAA disagrees since all modifications specified by the AD are necessary to accomplish the required level of safety.

Several commentators recommended that the required modifications be reduced to only the pitch axis interrupt and trim-in-motion warning portions as proposed by the manufacturer's August 14, 1981 letter. The commentators' recommendations were primarily based on the assumption that the pitch axis interrupt and trim-in-motion warning systems modifications would provide an equivalent level of safety to the AD and lessen the financial burden caused by the lengthy airplane downtime that the AD modifications require. While the FAA does agree that the pitch axis interrupt and trim-in-motion modifications recommended by the manufacturer would be beneficial, they alone would not provide the level of safety provided by the AD.

A foreign commentator requested that the AD be clarified to define if the modifications required by the AD are mandatory or optional as suggested by the manufacturer's cable received by him on August 18, 1981. He also stated that if the modifications required by the AD are mandatory for safety reasons, the manufacturer should be responsible for the cost. All AD actions are mandatory and must be complied with within the prescribed time on U.S. registered aircraft. While the FAA is concerned and does consider the financial impact on owners by the AD, it has no authority to require the manufacturer to cover the costs of AD compliance.

During the FAA's evaluation of comments received and reevaluation of AD 81-16-08 and its relation to AD 80-19-11, it was also noted that incorporating certain Airplane Flight Manual revisions in accordance with this AD action would conflict with, but would be relaxatory in nature to certain AFM revisions required by AD 80-19-11. Provisions to resolve this conflict will be included in this revision to the AD.

Also, the FAA has reviewed changes to Kit AMK 81-7 identified in AD 81-16-08 and found that those changes provide additional information on the modification procedures and correct minor errors in the preceding kit, but did not affect the airworthiness provisions required by the AD. Accordingly, the AD is also being revised to delete the call out of Change 1 to this kit. By identifying only the basic kit number in the AD, that kit and subsequent changes to it are accepted to meet the requirements of this AD.

Since this revision is relieving and clarifying in nature, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days following publication in the Federal Register.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Airworthiness Directive 81-16-08, Amendment 39-4184 (46 FR 39990-39991) as follows:

I. Revise Paragraph D) to read as follows:

D) On or before February 28, 1982, accomplish the following requirements of this paragraph at an FAA certificated maintenance repair agency. However, the modification and inspection of the horizontal stabilizer trim actuator as required in the airplane modification kits referenced in subparagraph 1 below may be performed by another FAA certificated repair agency utilizing qualified technicians who must have recent accessory overhaul experience performing the overhaul and test of the Gates Learjet Horizontal Stabilizer Trim Actuator with the necessary shop equipment (Attachment I hereto) as referenced in Learjet Repair Manual Number 1711-8, or the equivalent equipment.

1. Modify Learjet Model 25D and 25F flight control systems, stall warning system and control wheel in accordance with Gates Learjet Airplane Modification Kits AMK 81-7, AMK 81-8 and AMK 80-13, Change 3, respectively.

2. Insert in the appropriate sections of the existing Airplane Flight Manual (AFM), the FAA-approved temporary Airplane Flight Manual Change dated June 8, 1981, or equivalent permanent AFM revision pertaining to procedures required as a result of the modification of the flight control system in accordance with Airplane Modification Kit AMK 81-7 and delete superseded AFM revisions previously required by paragraphs A)2, A)5 and A)6 of AD 80-19-11.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on January 6, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-1163 Filed 1-15-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-64; Amdt. 39-4300]

Airworthiness Directives; Mitsubishi Aircraft International, Inc. (MAI) Model MU-2B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to MAI MU-2B series airplanes which required inspection and/or replacement of engine wiring harnesses. The AD is amended by revising inspection procedures and exempting certain wiring from the required replacement. The amendment is needed because additional test data have shown that "tight weave" brown (tan) wires will be satisfactory without replacement. Also, to eliminate possible confusion, the replacement wire supplied by MAI has been identified.

DATES: Effective January 21, 1982. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901. A copy of the service bulletin may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Al Backstrom, Propulsion Branch, Aircraft Certification Division, ASW-140, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4274, 46 FR 60417, AD 81-25-4, which currently requires inspection and/or replacement of engine wiring harnesses on MAI MU-2B series airplanes. After issuance of Amendment 39-4274, MAI conducted tests which show that replacement of "tight weave" brown (tan) wire is not necessary. Comments from the public indicated that the acceptable replacement wire should be identified. Therefore, Amendment 39-4274 is being amended by revising inspection procedures and exempting certain wiring from the required replacement on MAI MU-2B series airplanes.

Since this amendment provides a clarification, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Amendment 39-4274, 46 FR 60417, AD 81-25-4 to read as follows:

MITSUBISHI AIRCRAFT INTERNATIONAL, INC. (MAI): Applies to MAI Models MU-2B-25/-26/-26A/-40, serial numbers 313SA, 321SA, 346SA through 453SA, Models MU-2B-35/-36A/-60, serial numbers 652SA, 661SA, 697SA through 799SA, 1501SA through 1538SA, and 1540SA.

Compliance is required as indicated unless previously accomplished.

Within the next 25 hours' time in service from the effective date of this AD:

1. Visually inspect the engine's electrical wiring to determine if nonshielded and noncolor coded wiring is white or brown (tan). Inspection may be made at connectors P4001 and P4020. Remove spiral wrap as required for inspection.

2. If wires are brown (tan) inspect in accordance with Figure 1 (one) to determine if wires are "tight weave" or "loose weave."

a. If brown (tan) wires are "loose weave," inspect in accordance with paragraph 4.

b. If brown (tan) wires are "tight weave," no further inspection is necessary and the airplane may be returned to service.

3. If wires are white, open the harness as necessary and inspect wires for identification:

a. If white wires are marked MS 25471-XX (XX indicates wire gauge), inspect in accordance with paragraph 4.

b. If white wires are marked M 22759/5-XX, no further inspection is necessary and the airplane may be returned to service.

4. After each 25 hours' time in service, remove wiring harness which incorporates wires affected by paragraph 2a or 3a from the engines and visually inspect all brown (tan) "loose weave" or white insulated MS 25471-XX wires for tight loop, kinks, or bulged deformation. If these conditions are found, replace the wiring harness using one of the procedures in paragraph 5 before further flight. Inspections may be discontinued when wires are replaced using one of the procedures in paragraph 5.

5. Before 300 hours' time in service, after the effective date of this AD, replace all brown (tan) "loose weave" or white insulated MS 25471-XX wires with M 22759/8-XX wire using one of the procedures specified in Part 3 of MAI S/B SB036/71-003, Revision A, or alternate means approved by the Chief, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the airplane to a location where this AD can be accomplished.

This amendment becomes effective January 21, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 25, 1979) nor will it have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it only revises inspection procedures and exempts certain wiring from required replacement. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on January 5, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

BILLING CODE 4910-13-M

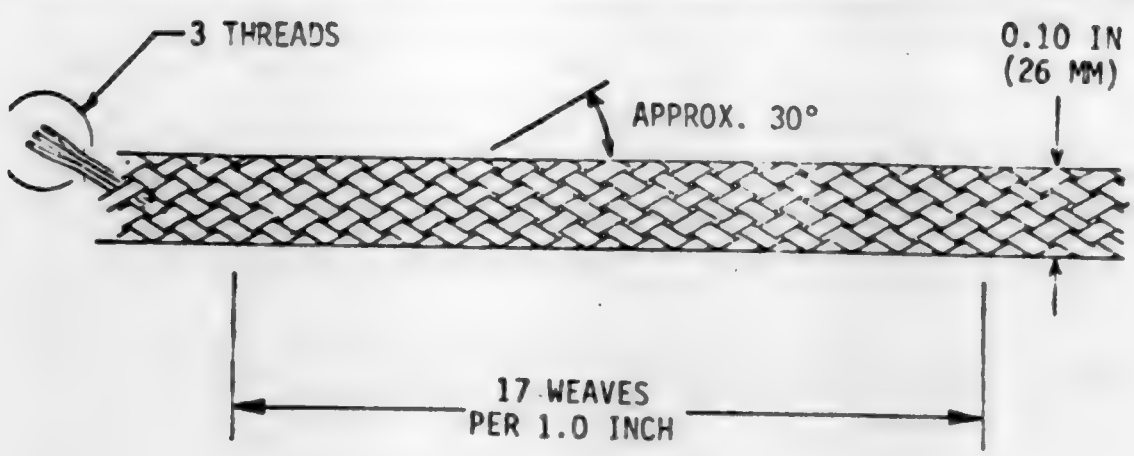

LOOSE WEAVE

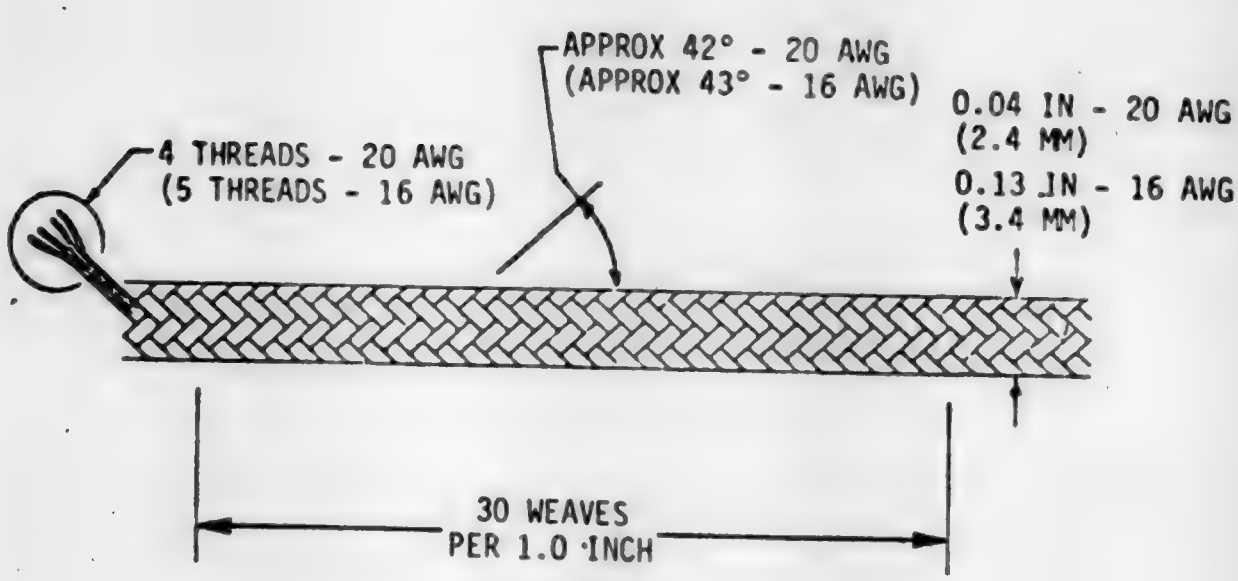

TIGHT WEAVE

Figure 1

[FR Doc. 82-1187 Filed 1-15-82; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 81-AWE-18]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns VOR Federal Airway V-363 between Pomona, CA, and Mission Bay, CA, via a west dogleg. This realignment enhances traffic flow by permitting additional air traffic control flexibility for maneuvering aircraft between these terminal areas. This action reduces en route and terminal delays thereby saving fuel.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8789.

SUPPLEMENTARY INFORMATION:

History

On July 9, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V-363 between Pomona, CA, and Mission Bay, CA (46 FR 35526). However, flight check data indicated the minimum en route altitude (MEA) would be above 9,000 feet which defeated anticipated benefits. Therefore, we have altered the route slightly in order to gain a lower MEA. This action increases air safety and improves air traffic control flexibility for maneuvering aircraft in the San Diego, CA, and Pomona, CA, terminal areas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for the change noted above, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns VOR Federal Airway V-363 between Pomona, CA, and Mission Bay, CA. The realignment expedites traffic flow in the area and increases air traffic control flexibility for maneuvering aircraft in the San Diego, CA, and Pomona, CA, terminal areas.

Adoption of the Amendment

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Accordingly, pursuant to the authority delegated to me, § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, March 18, 1982, by amending the description to read as follows:

V-363 [Amended].

V-363 From Mission Bay, CA, via INT Mission Bay 329° and Santa Ana, CA, 149° radials; INT Pomona, CA, 179° and Santa Ana 149° radials; to Pomona.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 12, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-1182 Filed 1-15-82; 8:45 am]

BILLING CODE 4910-13-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5A-7, 5A-16, and 5A-72

[APD 2800.3; CHGE 27]

GSA Form 1678, Status Report of Orders and Shipments

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5A, are amended by revising GSA Form 1678, Status Report of Orders and Shipments, OMB Approval Number 3090-0027. This revision deletes columns formerly completed by GSA personnel for record-keeping purposes, and inserts columns for the reporting by contractors of information needed by the Government for the administration of contracts relating to the GSA Stock Program. The purpose of this change to the form is to enable administrative contracting officers to more effectively monitor performance by the contractor pursuant to ensuring the availability of supplies warehoused in GSA supply distribution facilities.

EFFECTIVE DATE: January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

PART 5A-7—CONTRACT CLAUSES

1. The table of contents for Part 5A-7 is amended to change the title of § 5A-7.103-52, as follows:

Sec.

5A-7.103-52 Status report of orders and shipments.

Subpart 5A-7.1—Fixed-Price Supply Contracts

2. Section 5A-7.103-52 is revised as follows:

§ 5A-7.103-52 Status report of orders and shipments.

(a) The following clause shall be included in all requirements contracts for stock replenishment. The clause may also be included in definite quantity contracts for stock items when the contracting officer determines that close monitoring is necessary to ensure compliance with contract delivery requirements (for example, in connection with large procurements for export involving numerous shipments over an extended period of time).

Status Report of Orders and Shipments

(a) The contractor shall furnish to the Administrative Contracting Officer (ACO) a report covering orders received and shipments made during each calendar month this contract is in effect. The information required by the Government shall be reported on GSA Form 1678, Status Report of Orders and Shipments, in accordance with instructions on the form, and forwarded to the ACO not later than the 7th workday after the close of each reporting period.

(b) An initial supply of GSA Form 1678 will be forwarded to the Contractor with the contract. Additional copies of the form, if needed, may be obtained from the ACO, or the Contractor may reproduce the form.

(End of Clause)

(b) In accordance with the notification in the clause, the procurement contracting officer (PCO) shall furnish to the Contractor an initial supply of GSA Form 1678 with the mailing of the contract.

(c) The administrative contracting officer shall monitor incoming copies of GSA Form 1678 and take appropriate action in accordance with instructions issued by the Commissioner, Federal Supply Service, or his designee.

PART 5A-16—PROCUREMENT FORMS

3. The table of contents for Part 5A–16 is amended to remove §§ 5A–16.950–1448, 5A–16.950–1649, and 5A–16.950–1773, and to change the title of § 5A–16.950–1678, as follows:

Sec.
5A–16.950–1448 [Removed]
5A–16.950–1649 [Removed]
5A–16.950–1678 GSA Form 1678, Status Report of Orders and Shipments.
5A–16.950–1773 [Removed]

Subpart 5A–16.9—Illustrations of Forms

§§ 5A–16.950–1448, 5A–16.950–1649 and 5A–16.950–1773 [Removed]

4. Sections 5A–16.950–1448 and 5A–16.950–1773 are removed because the forms illustrated in these sections have been canceled, and § 5A–16.950–1649 is removed because instructions regarding the use of GSA Form 1649 and an illustration of this form are now included in the Supply Operations Handbook, FSS P 2901.2.

§ 5A–16.950–1678 [Amended]

5. Section 5A–16.950–1678 is amended to illustrate the October 1981 edition of GSA Form 1678, Status Report of Orders and Shipments.

Note.—The form illustrated in this § 5A–16.950–1678 is filed with the original document and does not appear in this issue.

PART 5A–72—PROCUREMENT OF STOCK ITEMS

Subpart 5A–72.2—Requirements Contracts for Stock Replenishment

6. Section 5A–72.209 is revised as follows:

§ 5A–72.209 Deliver, orders received and shipments made.

See § 5A–7.103–52.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 30, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 82–987 Filed 1–15–82; 8:45 am]

BILLING CODE 6820–61–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Thirty-first Revised Service Order No. 1473.

SUMMARY: Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., January 14, 1982, and continuing in effect until 11:59 p.m., January 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided: January 12, 1982.

Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 25., the additional authority for the North Central Oklahoma Railway (NCOR) to operate in Oklahoma between Richards Spur and Anadarko, between Chickasha and El Reno, and between El Reno and Yukon.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Thirty-first Revised Service Order No. 1473.

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), Debtor (William M. Gibbons, Trustee), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the

value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., January 14, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,
Secretary.

Appendix A—RI Lines Authorized to be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (CNW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 383) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9)

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska (between milepost 502 to milepost 504).

U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5)..

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company (LRWN):*

A. From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. From Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):*

A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. From Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

D. From Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Cadillac and Lake City Railway Company (CLK):*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3).

C. From Simla, Colorado (milepost 558.3) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

13. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

14. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

15. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.80) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois. Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

16. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma

17. *The Brandon Corporation (BRAN):*

A. From Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

18. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

19. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

20. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

21. *Chicago Short Line Railroad Company (CSL):*

A. From Pullman Junction easterly for approximately 1,000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

22. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 189.4) to Phillipsburg, Kansas (milepost 282.0), a distance of approximately 92.6 miles.

23. *North Central Texas Railway, Inc. (NCTR):*

A. From Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

24. *Enid Central Railway, Inc. (ENIC):*

A. From Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City Branch line from milepost 0.30 to milepost 0.02.

25. *North Central Oklahoma Railway, Inc. (NCOR):*

A. From Ponca City, Oklahoma (milepost 54.8) to North Enid, Oklahoma (milepost 0.30).

B. From Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).

+C. From Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).

+D. From Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).

+E. From El Reno, Oklahoma (milepost 513.3) to Yukon, Oklahoma (milepost 497.37).

+ Added.

[FR Doc. 82-1223 Filed 1-15-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 11
Monday, January 18, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NM-89-AD]

Airworthiness Directives: Fokker B. V. Model F-28 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes adoption of a new Airworthiness Directive (AD) which requires inspection, replacement, and modification of certain components on Fokker Model F-28 airplanes as necessary to detect and prevent unsafe conditions. These unsafe conditions were found earlier; however, no AD action was taken at the time because there was only one Fokker Model F-28 airplane on the U.S. Civil Aircraft Register, and corrections of the unsafe conditions were established on an individual airplane basis. The anticipated entry of additional Fokker Model F-28 aircraft onto the U.S. Register necessitates AD action at this time to ensure that such aircraft maintain an acceptable level of safety. This Notice pertains to unsafe conditions related to the flight controls and landing gear installations. Previous rulemaking actions were proposed for this model airplane with respect to systems and propulsion items. Further rulemaking action is contemplated with respect to airframe items.

DATES: Comments must be received on or before March 31, 1982. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletins may be obtained from: Service Manager, Fokker B. V., Box 7600, Schiphol Oost, The Netherlands.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Nelson, Foreign Aircraft Certification Branch, ANM-150S, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seatttle, Washington 98108, telephone (206) 767-2530,

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NM-89-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion:

The Netherlands Civil Aviation Department (RLD) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of inspections, replacements, and modifications which they have imposed to correct unsafe conditions on Fokker Model F-28 airplanes manufactured in The Netherlands and operated under registry of The Netherlands. Previously only one Fokker Model F-28 was on the U.S. Civil Aircraft Register. Corrections of these unsafe conditions were accomplished in each instance by the operator of this airplane and verified by the FAA, thereby obviating the need for AD action. There have recently been a number of additional Fokker Model F-28 airplanes entered on the U.S. Register. Although those entered thus far were new airplanes, it appears that used airplanes on which the RLD mandatory service bulletins may not have been accomplished and the unsafe conditions exist may be entered on the U.S. Register in the future. It is therefore necessary to consider the issuance of an AD at this time to preclude the entry of any additional aircraft without correction of the unsafe condition.

The requirements presented in this proposed AD are based on the notifications of the RLD in accordance with the bilateral agreement and are related to the following unsafe conditions:

A. Cases have been reported of cracks found in both left hand and right hand driving levers connected to the elevator torque tube and to the torque tube itself. The proposed AD is considered necessary to retard excessive crack propagation in this area and prevent possible elevator control failure. (Reference Fokker Service Bulletin (SB) F-28/27-140, Revision 1, dated February 2, 1981.)

B. Cases have been reported of interference between the aileron control rod and idler lever in the aileron nose section. The proposed AD is considered necessary to prevent possible jamming of the aileron. (Reference Fokker SB F-28/27-22 dated March 26, 1970.)

C. Cases have been reported of loose ball nuts in the wing flap actuator due to loss of balls from the ball circuit. The proposed AD is considered necessary to prevent possible separation of the inner flap from the airplane. (Reference Fokker SB F-28/27-27, Revision 5, dated April 2, 1979.)

D. Fatigue analysis has shown that cracks may develop in the roller contact area of the vane rails of the inboard flaps at 4,000 flights in service. In order to prevent fatigue failure of the vane rails and possible flap separation from the airplane, the proposed AD is considered necessary. (Reference Fokker SB F-28/27-29, Revision 2, dated February 10, 1972.)

E. Since the feedback link in the horizontal stabilizer control unit is not self aligning, misalignment and inflight

deflections will cause small bending movements in this part which may lead to failure. Failure of the link could, in turn, affect travel of the horizontal stabilizer; and the proposed AD is considered necessary to correct this deficiency. (Reference Fokker SB F–28/27–31 dated January 18, 1971.)

F. Cases have been reported of near jamming of the aileron control unit de-coupler. Incorrect installation of a cotterpin resulted in interference with the end cap on top of the de-coupler housing. The proposed AD is considered necessary to prevent possible jamming of the aileron control. (Reference Fokker SB F–28/27–32 dated September 21, 1970.)

G. Cases have been reported of flap system vane drive rods being broken at the fork-end. Also, in one case the rod appeared to be installed in the reversed manner. The proposed AD is considered necessary to ensure safe operation of the flap system. (Reference Fokker SB F–28/27–41 dated November 25, 1970.)

H. During production tests, it was found that one of the threaded spigots of the aileron trim/feel unit interferred with a hydraulic line which may cause jamming of the aileron control. This interference can only occur upon rotation of the trim/feel unit around its own axis during aileron activation. The proposed AD is considered necessary to prevent possible jamming of aileron control. (Reference Fokker SB F–28/27–47 dated March 23, 1971.)

I. Cases have been reported of failure of the light alloy extension rod in the aileron tab drive mechanism. Failure has occurred at the threaded end, and cause is attributed to interference and fatigue. Since rod failure can lead to failure of aileron control, replacement of the light alloy rod with a steel rod and adjustment for interference should be prescribed by AD action. (Reference Fokker SB F–28/27–55, Revision 2, dated September 15, 1972.)

J. Testing revealed that the stick switch connection rod in the elevator boost control unit can fail under reverse bending due to excessive friction between the spherical end of the rod and the mating cups. Rod failure will result in full fighting of left hand and right hand actuator (opposed pistons) and loss of elevator control until both systems are switched to manual control. Further, it is considered that serious damage may be sustained by the elevator boost control during the power mode which also may affect the manual mode. Therefore, it is considered that the proposed AD is necessary to correct this deficiency. (Reference Fokker SB F–28/27–A82 dated September 8, 1972.)

K. Cases of restricted aileron control have been reported which were probably attributed to the presence of ice inside the aileron feel/trim spring unit. The proposed AD is considered necessary to prevent restricted aileron control due to freeze up of the aileron feel/trim spring unit upon egress of water. (Reference Fokker SB F–28/27–92, Revision 1, dated March 1, 1976.)

L. An instance occurred where the horizontal stabilizer moved to the full nose up (aircraft nose down) position when both hydraulic systems were depressurized after engine shut-down following completion of a flight. In addition, loss of horizontal stabilizer operation was experienced. Upon removal of the horizontal stabilizer control unit, it was found that the clamps which secure the ball return tube to the ball nut failed, permitting the ball return tube to become disengaged from the ball nut. Subsequently the balls had escaped from the ball nut and damaged the actuator. An improved ball return tube was introduced and the sleeve deleted. The proposed AD is considered necessary to correct the deficiency. (Reference Fokker SB F–28/27/103 dated September 28, 1974.)

M. A batch of faulty wing flap mechanical actuator ball nut return tubes were replaced as far as possible because of cracks (note item L), to ensure all faulty return tubes were replaced and avoid an unsafe condition, the proposed AD is considered necessary. (Reference Fokker SB F–28/27–126 dated November 22, 1976.)

N. Two cases have been reported of a loose ball nut at wing station 1700 due to loss of balls from the ball circuit and completely worn out wipers and ice-scrapers (back-up mode). Both cases resulted in a jammed flap system. It is understood that if the system had not jammed, the inner flap probably would have departed the airplane. The proposed AD is considered necessary to correct this unsafe condition. (Reference Fokker SB F–28/27–136, Revision 1, dated May 14, 1979.)

O. A failure of a ball return tube in the wing flap mechanical actuator at wing station 1700 was reported. Failure of the tube will result in loss of the internal balls, and subsequently the ball nut will run only on the wipers and ice-scrapers (back-up mode). The AD is considered necessary to correct this unsafe condition. (Reference Fokker SB F–28/27–137 dated January 28, 1980.)

P. Inspection of a failed eye-bolt in the main gear actuator showed signs of the bearing not being properly retained in the eye-bolt. This had caused a sideways shift of the eye-bolt with respect to the retraction link, resulting in interference of the two parts with landing gear in retracted position and consequently undue loads on the eye-bolt. In order to detect and prevent imminent failure of main gear eye-bolts, the proposed AD is considered necessary. (Reference Fokker SB F–28/32–72, Revision 2, dated November 22, 1971.)

Q. It has been reported that an early type of main fitting of the nose gear strut was cracked from the central slot in the downlock beak. The proposed AD is considered necessary to ensure cracks, if present, do not exceed accepted growth limits. (Reference Fokker SB F–28/32–119 dated January 26, 1976.)

R. Failures of spoiler bellcranks Nos. 3 and 5 were reported at an average of 5,000 and 2,000 flights, respectively. In one case the wing skin was punctured by the detached control rod when the pilot recycled the spoilers in an attempt to obtain proper spoiler extension. The proposed AD will introduce strengthened bellcranks and is considered necessary. (Reference Fokker SB F–28/27–16, Revision 1, dated January 11, 1971.)

S. This action is a follow-up to AD action discussed in item B in which cases had been reported of interference between the aileron control rod and idler lever in the aileron nose section. This follow-up action concerns introduction of a modified idler lever with a new rigging block and modification of the control rod installation. The proposed AD is considered necessary to prevent possible jamming of the aileron. (Reference Fokker SB F–28/27–25 dated January 21, 1971.)

T. Cracks have been found in the main landing gear side-stay bracket. Further inspections on a limited number of airplanes revealed cracks in other adjoining areas such as the upper and lower attachment lugs for the support beam. The proposed AD calls for repetitive inspections and replacement, as necessary. An AD is considered essential to correct an unsafe condition. (Reference Fokker SB F–28/57–49, Revision 6, dated August 1, 1981.)

Other unsafe conditions are the subject of separate notices pertaining to Fokker Model F–28 airplanes.

Since these conditions are likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspections, replacements, and modifications, as necessary, on certain Fokker Model F–28 airplanes. Each lettered paragraph of this proposed AD identifies the serial numbers of the airplanes affected, the specific unsafe condition to which it is

directed, and the related corrective action that would be required for resolution of this unsafe condition.

It is estimated that no airplane will be immediately affected by this AD inasmuch as there is only one airplane of the specified serial numbers currently on the U.S. Register, and the operator of that airplane has previously performed the inspections, replacements, and modifications. Any other airplane of the specified serial numbers will be affected only if it is later entered on the U.S. Register, and if the inspections, replacements, and modifications have not been accomplished under the cognizance of the airworthiness authority of the country from which it is imported. For these reasons, the proposed rule is not considered to be a major rule under the criterion of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Fokker B.V.: Applies to Model F–28 Series 1000 and 4000 airplanes, certificated in all categories, serial numbers as indicated below. Note: Some serial numbers listed below may actually be Series 2000, 3000, 5000, or 6000 airplanes that are not presently eligible for U.S. certification. If so, those serial numbers may be disregarded insofar as this AD is concerned.

Unless already accomplished, accomplish the following within the time specified in each paragraph below after the effective date of this AD.

A. Applies to airplanes with S/N's 11003 through 11171, and 11991 through 11992 in pre Fokker Service Bulletin F28/27–143 configuration. Visually inspect the elevator torque tubes and driving levers for cracks per Accomplishment Instructions of Fokker Service Bulletin F28/27–140, Revision 1, dated February 2, 1981. Compliance required in accordance with the following schedule:

1. First inspection to be carried out at or before the airplane reaches a total lifetime of one year since first flight.

Note 1: Airplanes which have exceeded a total lifetime of six years since first flight at the effective date of this Airworthiness Directive (AD), have to be inspected within 30 days from the effective date of this AD.

Note 2: Airplanes which have exceeded a total lifetime of one year since first flight at the effective date of this AD have to be inpsected within 45 days from the effective date of this AD.

2. Subsequent inspections to be carried out at the following intervals:

a. One year or 2,000 flights, whichever comes first, as long as no cracks are found.

b. Six months or 1,000 flights, whichever comes first, if only one crack is found running from a bolt hole to the edge of the lever and the edge of the torque tube (crack A of figure 2 of Fokker SB F28/27–140, Revision 1, dated February 2, 1981).

c. Three months or 500 flights, whichever occurs first, if the total number and length of cracks are less or equal to those indicated in figure 2 of Fokker SB F28/27–140, Revision 1, dated February 2, 1981. This means that the maximum of one crack from a bolt hole to the edge of the lever and edge of the torque tube (crack type A) together with a crack running between both horizontal bolt holes (type B) is acceptable. Replace the lever(s) and/or torque tube(s) prior to further flight if the number and/or length of the cracks exceeds these limits.

B. Applies to airplanes with S/N's 11003 through 11016. Compliance required within the next 100 hours time in service. In order to prevent interference of control rod with idler lever and access panel in leading edge of aileron, inspect and rectify in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–22 dated March 26, 1970.

C. Applies to airplanes with S/N's 11003 through 11162, and 11991 through 11992, if one or more flap actuators are in pre Menasco Service Bulletin 27–63 configuration. Compliance required within the next 1,000 hours time in service or 500 flights, whichever occurs first. In order to detect possible wing flap mechanical actuator ball screw failures, accomplish inspections of ball nuts and screws of the actuators in accordance with Fokker Service Bulletin F28/27–27, Revision 5, dated April 2, 1979. Note reference to Fokker Service Bulletin F28/27–136 and Menasco Service Bulletin 27–63.

D. Applies to airplanes with S/N's 11003 through 11031, and 11991 through 11994. Compliance required as follows: Inspection—at 4,000 and 6,000 flights total time. Replacement—at 7,000 flights total time. In order to prevent failure of inner wing flap vane rails, inspect and replace in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–29, Revision 2, dated February 10, 1972.

E. Applies to airplanes with S/N's 11003 through 11024, and 11991 through 11992. Compliance required within 300 hours time in service. In order to eliminate failure of the feedback link (not self aligning) on the horizontal stabilizer control unit, replace with self aligning type in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–31 dated January 18, 1971. This SB covers Abex Service Bulletin 27–10.

F. Applies to airplanes with S/N's 11003 through 11029, and 11991 through 11994. Compliance required within 100 hours time in service. In order to detect and/or prevent possible jamming of the aileron de-coupler, inspect and modify the de-coupler in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–32 dated September 21, 1970.

G. Applies to airplanes with S/N's 11003 through 11026, and 11991. Compliance required within 100 hours time in service. In order to ensure that the vane drive mechanism inside the wing flaps are in good condition, inspect and modify same in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–41 dated November 25, 1970.

H. Applies to airplanes with S/N's 11003 through 11031, and 11991 through 11994. Compliance required within 100 hours time in service. In order to prevent possible jamming of the aileron control, install an anti-rotation device on the aileron trim/feel unit in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/24–27 dated March 23, 1971.

I. Applies to airplanes with S/N's 11003 thorugh 11035, and 11991 through 11994. Compliance required within 100 hours time in service. In order to prevent rod failure in the aileron tab drive mechanism, remove old extension rod and replace with new steel extension rod in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–55, Revision 2, dated September 15, 1972. Note: In case Fokker Service Bulletin F28/27–78 (to eliminate oscillation of sequence valve in aileron tab lock and actuator assembly) is not carried out within 3,000 flights after incorporation of the steel rod, the rod should be replaced again in consultation with Fokker—VFW.

J. Applies to airplanes with S/N's 11003 through 11056, and 11991 through 11994. Compliance required within 100 hours time in service. In order to prevent possible fatigue failure of the connection rod between the summing bar and servo valve of the elevator boost control unit, inspect same for friction and lubrication of the stick switch connection rod in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–A82 dated September 8, 1972.

K. Applies to airplanes with S/N's 11003 through 11077, and 11991 through 11993. Compliance required within 500 hours time in service. In order to prevent restricted aileron control due to freeze-up of the aileron feel/trim spring unit, modify same in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–92, Revision 1, dated March 1, 1976. Note that embodiment of this service bulletin relieves the operator from the inspection as described in F28 Service Bulletin 27–122.

L. Applies to airplanes with S/N's 11003 through 11090, and 11991 through 11993, as far as equipped with units Menasco P/N 11100–7 to –33 inclusive, S/N 1–214 inclusive. Compliance required within 3,000 hours time in service. In order to prevent the ball return tube from becoming disengaged from the ball nut of the horizontal stabilizer unit, install a sleeve over the ball return tube in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27–103 dated September 28, 1974. This Service Bulletin covers Menasco Service Bulletin 27–44. Note that training flights or test flights with simulated double hydraulic failure are prohibited until the change described in Fokker Service Bulletin F28/27–103, dated September 28, 1974, has been incorporated.

M. Applies to airplanes with S/N's 11091 through 11103, as far as equipped with wing flap mechanical actuator part numbers listed in Fokker Service Bulletin F28/27–126 dated November 22, 1976. Compliance required within 500 hours time in service. In order to avoid cracking of faulty ball return tubes of

the wing flap mechanical actuator, inspect and replace, if required, in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27-126 dated November 22, 1976. Note that this service bulletin covers Menasco Service Bulletin 27-66.

N. Applies to airplanes with S/N's 11003 through 11162, and 11991 through 11992. Compliance required within 1,000 hours time in service for Part I and 3,000 hours time in service for Part II. Part I concerns introduction of wing flap actuators with more reliable ball nuts at wing station 1700, and Part II concerns introduction of wing flap actuators with more reliable ball nuts at wing stations 5280 and 8200. In order to prevent loss of balls through the grease nipple hole and to provide for a jamming device after failure of the ball circuit, install new wing flap actuators with more reliable ball nuts in accordance with the Accomplishment Instructions and Material Information of Fokker Service Bulletin F28/27-136 dated May 14, 1979. As indicated in that service bulletin, modification instructions and part number specifications are contained in Menasco Service Bulletin 27-78.

O. Applies to airplanes with S/N's 11003 through 11162, and 11991 through 11992. Compliance required within the next 300 hours time in service and subsequently at every 500 flights. In order to detect escape of balls from worn ball return tube located in the ball nut of the wing flap actuator, inspect ball return tubes and replace actuators as necessary in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27-137 dated January 28, 1980.

P. Applies to airplanes with S/N's 11003 through 11037, 11040, and 11991 through 11994. Compliance required within 100 hours time in service. In order to detect and prevent imminent failure of the eye-bolt in the main landing gear actuator, inspect for proper location of bearing in eye-bolt in accordance with Accomplishment Instructions of Fokker Service Bulletin F28/32-72, Revision 2, dated November 22, 1971. Part I of this Service Bulletin concerns inspections of the eye-bolt bearing. Part II introduces spacers to ensure correct position of the bearing in the eye-bolt as a temporary measure pending the issue of a definitive modification by Dowty/Rotol.

Q. Applies to airplanes with S/N's 11003 through 11061, and 11991 through 11993 which are equipped with the following nose gear strut part numbers: 200429002, 200429003, 200429004, and 200429005. Compliance required within 100 hours time in service. In order to detect cracks from the central slot in the down lock beak of the nose gear strut, inspect in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/32-119 dated January 26, 1976. This service bulletin refers to Dowty Rotal Service Bulletin 32-94R for method of checking for evidence of cracking.

R. Applies to F-28 airplanes as follows: Part I—S/N 11003-11022 inclusive; S/N 11991, 11992; Part II—S/N 11003-11024 inclusive; S/N 11991, 11992. Compliance required as listed in paragraph D of Fokker Service Bulletin F-28/27-16, Revision 1, dated January 11, 1971. To prevent fatigue failure of bellcranks for lift dumper numbers 3 and 5, inspect in accordance with Fokker Service Bulletin F-28/27-16, Revision 1, dated January 11, 1971.

S. Applies to airplanes with S/N's 11003 through 11024, and 11991 through 11993. Compliance required within 100 hours time in service. This is a follow-up to Service Bulletin F28/27-22 which concerned the aileron tab drive mechanism and inspection and rectification of a control rod and idler lever (note paragraph B above). In conjunction with that proposed airworthiness directive, this follow-up action provides a modified idler lever complete with new rigging block as in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/27-25 dated January 21, 1971.

T. Applies to airplanes with S/N's 11003 through 11123, 11126, and 11991 through 11993 which have exceeded a total lifetime of one year since first flight and on which Service Bulletin F-28/57-53 has *not* been embodied. In order to timely detect suspected cracks in the main landing gear side-stay bracket and adjacent structure, accomplish repetitive inspections and replacement as necessary in accordance with Fokker Service Bulletin F-28/57-49, Revision 6, dated August 1, 1981.

Alternative means of compliance with this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Seattle Area Aircraft Certification Office, ANM-100S.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Fokker B. V., Box 7600, Schiphol Oost, The Netherlands. These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291, because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on January 7, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-1184 Filed 1-15-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 73

[Airspace Docket No. 81-ANW-6]

Proposed Designation of Restricted Area; Boise, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new Restricted Area R-3203 in the Boise, ID, area. Currently that area is the Orchard Range Controlled Firing Area (CFA). Based upon increased use of the area and higher angle of fire, this CFA is proposed to be redesignated as Restricted Area R-3203 located in the Boise area.

DATES: Comments must be received on or before February 17, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest/Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-6, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ANW–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering amendments to § 71.151 and § 73.32 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate new restricted areas as R–3203A/B/C. Currently, this area is the Orchard Range CFA. Since the military has increased training in the area to 210 continuous duty days, air safety will be enhanced by designating the Orchard Range CFA as Restricted Area R–3203. Sections 71.151 and 73.32 of Parts 71 and 73 were republished on January 2, 1981 (46 FR 446, 801).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.32 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446, 801) by adding the following:

§ 71.151 [Amended]

By adding:

R–3203A Boise, ID [New]
R–3203B Boise, ID [New]
R–3203C Boise, ID [New]

§ 73.32 [Amended]

R–3203A Boise, ID [New]

Boundaries. Beginning at lat. 43°17′00″N., long. 116°12′00″W.; to lat. 43°17′00″N., long. 116°05′00″W.; to lat. 43°15′00″N., long. 116°01′00″W.; to lat. 43°12′00″N., long. 116°00′30″W.; to lat. 43°06′00″N., long. 116°07′15″W.; to lat. 43°10′00″N., long. 116°16′30″W.; to lat. 43°14′00″N., long. 116°16′30″W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

R–3203B Boise, ID [New]

Boundaries. Beginning at at lat. 43°17′00″N., long. 116°12′00″W.; to lat. 43°17′00″N., long. 116°05′00″W.; to lat. 43°15′00″N., long. 116°01′00″W.; to lat. 43°12′00″N., long. 116°00′30″W.; to lat. 43°06′00″N., long. 116°07′15″W.; to lat. 43°10′00″N., long. 116°16′30″W.; to lat. 43°14′00″N., long. 116°16′30″W.; to point of beginning.

Designated altitudes. 15,000 feet MSL to and including 22,000 feet MSL.

Time of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

R–3203C Boise, ID [New]

Boundaries. Beginning at lat. 43°12′30″N., long. 116°00′30″W.; to lat. 43°09′15″N., long. 116°00′30″W.; to lat. 43°06′00″N., long. 116°07′15″W.; to point of beginning.

Designated altitudes. Surface to and including 6,000 feet MSL.

Time of designation. By NOTAM, 24 hours in advance.

Controlling agency. FAA, Salt Lake ARTC Center.

Using agency. Idaho Army National Guard.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that his proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 11, 1982.

John W. Baier,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–1190 Filed 1–15–82; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–ASO–67]

Alteration of Gulf of Mexico and South Florida Additional Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Gulf of Mexico Additional Control Area and the South Florida Additional Control Area by redefining the area boundaries. This action would provide for more efficient use of the airspace by reducing coordination and providing for maximum radar service to users.

DATES: Comments must be received on or before February 17, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 81–ASO–67, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASO–67." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Gulf of Mexico Additional Control Area and the South Florida Additional Control Area by redefining the boundaries. Traffic along J–58 and J–86 requesting either direct routing to Ft. Myers or deviations south of course due to weather now must be coordinated with nonradar sectors under Miami Oceanic Control. This airspace is within Jacksonville Center radar coverage, but is presently outside their control area. Realignment of these area boundaries would result in more efficient use of the airspace by reducing coordination and providing for maximum radar service to users. Section 71.163 of Part 71 was republished on January 2, 1981 (46 FR 449).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449) as follows:

§ 71.163
Gulf of Mexico and South Florida Additional Control Areas—[Amended]

Under Gulf of Mexico Additional Control Area, between "to lat. 27°35'00"N., long. 83°45'00"W.;" and the words "thence west . . .;" add "to lat. 27°30'00"N., long. 84°30'00"W.; to lat. 27°30'58"N., long. 85°02'51"W.; to lat. 27°33'46"N., long. 87°42'39"W.; to lat. 28°08'30"N., long. 88°00'00"W.;"

Under South Florida Additional Control Area, between "to lat. 24°00'00"N., long. 83°10'00"W.;" and "to lat. 27°35'00"N., long. 83°45'00"W.;" add "to lat. 24°38'38"N., long. 83°14'26"W.; to lat. 27°30'00"N., long. 84°30'00"W.; to lat. 27°35'00"N.; long. 83°45'00"W.;"

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1254(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 11, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–1168 Filed 1–15–82; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 73

[Airspace Docket No. 81-AWE-15]

Amendment to Restricted Areas R–4816N and R–4816S, Dixie Valley, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the times of designation of

Restricted Areas R–4816N and R–4816S, Dixie Valley, NV, by adding the period of 0700 to 2400 local time Sunday to the present times of designation. This change is needed to accommodate essential training requirements of fleet squadrons located at NAS Fallon.

DATES: Comments must be received on or before February 17, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWE–15, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (ATT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AWE–15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Section 73.48 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the times of designation for the use of Restricted Areas R–4816N and R–4816S from Monday through Saturday to 0700 to 2400 local time Monday through Sunday. Because of limited range space available to fleet squadrons for training and the great number of squadrons requiring range time on a constant basis, fleet squadrons located at NAS Fallon must work 7 days a week to meet training requirements during the alloted short deployment periods. Essential parts of these training scenarios require the use of airspace and equipment available only in the R–4816N and R–4816S Restricted Areas. Extension of the time of use to include Sunday will provide for maximum training by allowing use of this airspace for the entire training period. Unavailability of this airspace for any part of the training period seriously derogates essential readiness training.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.48 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 810) as follows:

Restricted Areas R–4816N and R–4816S, Dixie Valley, NV [Amended]

Under Times of designation, by deleting the words "0700 to 2400 local time, Monday through Saturday." and substituting for them the words "0700 to 2400 local time, Monday through Sunday."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 11, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–1189 Filed 1–15–82; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 13

[Docket No. FEMA–GEN–13]

Financial Assistance; Grants and Cooperative Agreements

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed regulations.

SUMMARY: These proposed rules apply to grants and cooperative agreements entered into by the Federal Emergency Management Agency. The regulation covers its applicability and scope and defines terms. It sets forth certain general policies applicable to discretionary grants, including standard clauses. It also covers payment procedures and closeouts. These regulations needed to parallel FEMA Procurement Regulation.

DATES: Comments on the proposed regulations must be received on or before March 15, 1982.

ADDRESS: Written comments regarding the proposed regulation should be submitted to the Rules Docket Clerk, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT:
D. Anne Martin, Acquisition Management Division, (202) 287-3827.

SUPPLEMENTARY INFORMATION:
Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The Plan was activated effective April 1, 1979 by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency," 44 FR 19367. The Plan, Executive Order, and subsequently, Executive Order 12148, effective July 15, 1979, 44 FR 43239, together transferred to the new Agency five existing agencies in four departments of parent agencies. This regulation is designed to cover requirements common to the financial assistance program which previously had been conducted by those agencies.

The regulation is primarily designed to cover what are called *discretionary grants*. These comprise only a limited number of assistance documents as most FEMA assistance in terms of recipients and dollar amounts falls in the category of *nondiscretionary assistance* which is covered by program regulations contained in other parts of *Title 44 such as Part 205* which relates to Disaster Assistance. This is particularly so if multi-program State Cooperative Agreements are treated separately. Other than State agreements, the number of discretionary grants would likely be less than 100 annually.

This being the case, pursuant to the provisions of 5 U.S.C. 605(b), it is hereby certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Further, as the total dollar value of the assistance is limited, and is only a small portion of total FEMA assistance, the regulation does not have overall significant economic impact and is not a major regulation under the terms of Executive Order 12291.

Interested parties may participate in the comment process by submitting their views, in writing, on this proposed regulation to the address noted above. The Docket Clerk is located at 500 C Street, SW., Washington, D.C., Room 835. Each comment should include the name and address of the person or organization submitting the comment and should make reference to the above cited docket number. All comments received on or before the date set out above will be considered in promulgating final regulations. All written comments received will be docketed and made available for public inspection at FEMA.

Accordingly, it is proposed to amend Subchapter A of Chapter I, Title 44, Code of Federal Regulations by adding a new Part 13 as follows:

PART 13—FINANCIAL ASSISTANCE

13.0 Scope of part.

Subpart A—General

13.1 Scope of subpart.
13.2 Purpose.
13.3 Applicability.
13.4 Exclusions.
13.5 Exceptions, deviations or waivers.
13.6 Definitions.

Subpart B—General Policies

13.20 Scope of subpart.
13.21 Selection of instrument.
13.22 Unsolicited applications for assistance awards.
13.23 Discretionary vs. non-discretionary assistance.
13.24 Request for services.
13.25 Determination for use of instrument.
13.26 Competition.
13.27 Solicitation.
13.28 Evaluation.
13.29 Negotiation.
13.30 Summary of action.
13.31 Award document.
13.32 General provisions.
13.33 Amendments.
13.34 Applications.
13.35 Profit.

Subpart C—Assistance Payment Procedures

13.50 Assistance payment procedures.
13.51 Definitions for this subpart.
13.52 Letter-of-credit.
13.53 Advance by treasury check.
13.54 Reimbursement by treasury check.
13.55 Consolidating payments.

Subpart D—Closeout

13.70 Closeout of assistance instruments.
13.71 Roles of the parties in the closeout process.
13.72 Payment of final reported cost.
13.73 Review of allowability and allocability of cost.
13.74 Final determination.
13.75 Retirement to Federal Records Center.

Subpart E—Non-Discretionary Grants

13.90 [Reserved]

Authority: Reorganization Plan No. 3 of 1978, and 3 CFR 1978 Comp. p329; 3 CFR 1979 Comp. p376; Executive Order 12127, Executive Order 12148, 3 CFR 1979 Comp. p412.

Subpart A—General

§ 13.1 Scope of subpart.

This subpart sets forth introductory information pertaining to the FEMA assistance regulations: their purpose, authority, applicability, exclusions, issuance, arrangement, publication and exceptions.

§ 13.2 Purpose.

This subpart establishes the FEMA assistance regulations which codify, implement and publish uniform discretionary assistance policies and selected procedures applicable to FEMA and recipients of FEMA assistance awards. The FEMA assistance regulations do not, in and of themselves, provide authority for the use of assistance instruments nor for the making of assistance awards where statutory authority has not otherwise been provided. Generic authority to award grants and cooperative agreements is provided in Pub. L. 95-224, the Federal Grant and Cooperative Agreement Act of 1977, and program authorities.

§ 13.3 Applicability.

The FEMA assistance regulations apply to all FEMA organizations, to all FEMA discretionary programs which will result in assistance awards, and to all recipients eligible for FEMA assistance awards such as state and local governments, institutions of higher education, hospitals, other nonprofit organizations, individuals and profit making organizations. The provisions of this chapter govern the award and administration of all assistance matters except:

(a) The issuance of insurance policies;

(b) As otherwise required by statute;

(c) As otherwise provided by specific program regulations; and

(d) Assistance instruments awarded by any Federal department, agency or official thereof in the performance of functions prior to their transfer to FEMA under Reorganization Plan No. 3 of 1978 as activated by Executive Order 12127 of March 31, 1979, and Executive Order 12148 of July 15, 1979, which shall continue in effect according to their terms.

§ 13.4 Exclusions.

Excluded from this chapter are requirements pertaining to procurement contracts subject to the Federal property and Administrative Services Act of 1949 and the Federal and FEMA procurement regulations, interagency agreements and memoranda of understanding.

§ 13.0 Scope of part.

This part sets forth information about the Federal Emergency Management Agency (FEMA) assistance regulations: their purpose, authority, applicability, issuance, arrangement, implementation and exception procedures; definitions of terms; and general FEMA assistance policies.

§ 13.5 Exceptions, deviations, or waivers.

(a) Requests for exceptions, deviations or waivers from the requirements of this chapter, unless exceptions are required by legislation or program regulations, shall be submitted to the Associate Director, Resource Management and Administration. Requests should contain the part from which the deviation is requested, a description of the deviation, circumstances necessitating the need for a deviation and reasons supporting the request.

(b) Exceptions may be approved by the Director, Acquisition Management Division on matters within the scope of his/her authority, or the Director may request such exceptions from the Office of Management and Budget, other Federal Agencies or other cognizant FEMA program offices.

§ 13.6 Definitions.

For the purposes of the FEMA assistance regulations and unless otherwise indicated the following terms have the meaning set forth in this subpart.

Assistance

Assistance is a general term which identifies a class of instruments used to award assistance. These instruments include grants, cooperative agreements, direct payments, loans, loan guarantees, scholarships, mortgage loans, insurance or subsidies.

Assistance Officer

Assistance Officer refers to the individual delegated the authority by FEMA to approve, execute and/or administer an assistance instrument.

Cooperative Agreement

Under a cooperative agreement the principal purpose of the relationship is the transfer of money, property, services, or anything of value to a recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute and substantial involvement between the Federal Government and recipient is anticipated.

Discretionary Assistance

Discretionary assistance includes but is not limited to those instruments (generally grants or cooperative agreements) which are awarded to a selected, limited or single recipient, deemed best qualified based upon criteria designed for the conduct of a specific project.

Grant

Under a grant the principal purpose of the relationship is the transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute and substantial involvement between the Federal Government and Recipient is not anticipated.

Non-Discretionary Assistance (Entitlement)

Non-discretionary assistance includes but is not limited to those instruments (generally grants or cooperative agreements) for which (a) the recipient or class of recipient (e.g. State or local government) is mandated by legislation or regulation; (b) the amount of the instrument or amount of the program is established by legislation and discretion in the award process is limited; and (c) there is no choice in the purpose of the award or whether to make the award, except for those actions or conditional grant approvals as provided by Pub. L. 93–288.

Non-discretionary assistance may include meeting published criteria, terms or conditions based upon a specific formula or designed to specifically aid a state or local government. Grants or loans approved under Pub. L 93–288 as implemented by 44 CFR Part 205 are considered non-discretionary assistance.

Procurement Contract

A procurement contract occurs when the principal purpose of the instrument is the acquisition, by purchase, lease or barter, or property or services for the direct benefit or use of the Federal Government.

Subpart B—General Policies

§ 13.20 Scope of subpart.

This subpart sets forth the regulations applicable to all discretionary grants and cooperative agreements as defined in § 13.6.

§ 13.21 Selection of instrument.

This section explains procurement contracts, grants and cooperative agreements and provides examples of each to allow for uniform selection of the proper instrument.

(a) *Procurement Contract.* Procurement contracts are to be used whenever the principal purpose of the instrument is the acquisition by purchase, lease or barter of property or services for the direct benefit or use of the Federal Government. Examples include:

(1) Evaluation (including research of an evaluative character) of the performance of Government program, projects or grantee activities initiated by FEMA;

(2) Projects funded by administrative funds;

(3) Technical assistance rendered on behalf of the Government to any third party, including those receiving grants or cooperative agreements;

(4) Surveys, studies and research which provide specific information desired by the Government for its direct activities or for dissemination to the public;

(5) Consulting or professional services of all kinds if provided to the Government or, on behalf of the Government, to any party;

(6) Planning for Government use;

(7) Conferences conducted on behalf of and for the benefit of the Government;

(8) Production of publications or audiovisual materials required primarily for the conduct of direct operations of the Government;

(9) Design or development of items for Government use or pursuant to agency definition or specifications;

(10) The generation of management information or other data for Government use.

(b) *Grant.* Grants are to be used whenever the principal purpose of the relationship is the transfer of money, property, services or anything of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute and substantial involvement between the parties is not anticipated. Examples of involvement that are not substantial include:

(1) Approval of recipient plans prior to award;

(2) Normal Federal stewardship such as site visits, performance reporting, financial reporting and audits to ensure that objectives, terms and conditions of the grant are met;

(3) Unanticipated involvement to correct deviations in project or financial performance from the terms of the grants;

(4) General statutory requirements understood in advance of the award such as civil rights, environmental protection and provision for the handicapped;

(5) Review of performance after completion;

(6) General administrative requirements, such as those included in the Office of Management and Budget (OMB) Circulars A–21, A–89, A–95, A–102, and A–110.

(c) *Cooperative Agreement.* Cooperative agreements are to be used whenever the principal purpose of the relationship is the transfer of money, property, services or anything of value to recipients to accomplish a public purpose of support or stimulation authorized by Federal statute and substantial involvement between the parties is anticipated. Examples of substantial involvement include:

(1) Agency review and approval of one stage before work can begin on a subsequent stage during the period covered by the cooperative agreement;

(2) Agency and recipient collaboration or joint participation in the performance of the assisted activities;

(3) Highly prescriptive agency requirements prior to award limiting recipient discretion with respect to scope of services offered, organizational structure, staffing, mode of operation, and other management processes, coupled with close agency monitoring or operational involvement during performance, over and above the normal exercise of Federal stewardship responsibilites, to ensure compliance with these requirements;

(4) General administrative requirements beyond those included in OMB Circulars A–102 and A–110.

§ 13.22 Unsolicited applications for assistance awards.

(a) *Policy.* Although it is FEMA policy to solicit applications for discretionary assistance awards where possible, FEMA also values obtaining innovative ideas, methods and approaches offered by the public through unsolicited applications.

(b) *Treatment of Unsolicited Applications.* 41 CFR 44–4.9 sets forth procedures for the treatment of unsolicited proposals. Unsolicited applications will be treated in an identical manner to unsolicited proposals up to the point that the program office determines a desire to fund the unsolicited project. At that point selection of the proper instrument, in accordance with § 13.21, shall occur. If a procurement contract is proper, the procedure outlined in 41 CFR 44–4.9 shall apply. If assistance is proper, the procedures for award set forth in this chapter shall apply.

§ 13.23 Discretionary vs. non-discretionary assistance.

Non-discretionary assistance shall be carried out in accordance with the procedures published in other parts of Title 44 concerning each non-discretionary program. Discretionary assistance shall be carried out in accordance with the balance of this subpart.

§ 13.24 Request for services.

Authority to enter into and administer discretionary awards has been delegated to the Regions for selected Regional actions and to the Director, Acquisition Management Division, through the Associate Director, Resource Management and Administration, for Headquarters actions. Requests for assistance should be processed on a FEMA Form 40–1 in accordance with the instructions contained thereon.

§ 13.25 Determination for use of instrument.

Upon receipt of a completed request for services the awarding official shall determine the appropriate award instrument in accordance with the criteria set forth in § 13.21. In the event a procurement contract is appropriate, the Federal Procurement Regulations and FEMA Procurement Regulations shall apply. If an assistance instrument is appropriate, the Assistance Officer shall sign a determination setting forth the reasons assistance is appropriate and the level of involvement anticipated, distinguishing the use of a grant from that of a cooperative agreement.

§ 13.26 Competition.

(a) Section 2(b)(3) of Pub. L. 95–224, "The Federal Grant and Cooperative Agreement Act of 1977," states that a purpose of the Act is to "encourage competition, where deemed appropriate, in the award of grants and cooperative agreements." FEMA policy is consistent with this purpose and further, competition should be extended to the broadest base practicable.

(b) If the program office believes that it is in the best interest of the Government, the request for services may include a determination either limiting competition to selected sources or specifying a single source. The Assistance Officer may question, but not overturn, the determination since source selection responsibility rests with the program office.

§ 13.27 Solicitation.

Formal solicitations shall be used to the maximum extent possible, and in all cases when open competition is involved. Solicitations shall consist of a cover letter setting forth general project requirements and response information, the project description setting forth project requirements and response information in the level of detail appropriate, evaluation factors (when competition is involved), including weights and an indication of the terms and conditions to be incorporated into any resultant grant or cooperative agreement. Solicitations shall be issued by the Assistance Officer. In certain cases, when it will result in increased dissemination, the solicitation may be published in the Federal Register.

§ 13.28 Evaluation.

All competitive or limited competitive solicitations shall contain a specific set of evaluation factors, including the importance assigned each factor. These factors shall be reviewed and approved by the Assistance Officer prior to solicitation. In most cases the evaluation panel (the individual or group who will review and rate applications) will prepare the factors; however, there may be instances wherein the program officer would prepare the factors and an independent panel would rate the applications against the factors. Upon receipt of applications, the evaluation panel shall review and rate each application based upon the factors. If additional information is required, the panel shall request that the Assistance Officer obtain it from all or certain applicants. After all data is assembled, the panel shall recommend selection(s) to the head of the program office (Associate or Regional Director level or his/her designee). The head of the program office shall then review the findings of the evaluation panel and make a selection(s). The selection(s) shall be in the form of a determination, stating reasons for the selection(s), to the Assistance Officer.

§ 13.29 Negotiation.

Upon receipt of the selection determination, either single source or after competition, the Assistance Officer shall initiate certain actions prior to award.

(a)(1) Pre-award audits shall be performed by the Office of Inspector General on all awards in excess of $500,000 on which adequate cost data is not available from other sources. If a pre-award audit is not performed, the A.O. shall document the file setting forth the sources used and their reliability.

(2) These audits shall examine the cost elements of the applicants' proposals to ascertain their reliability. This data shall be combined by the Assistance Officer with information supplied by the program office on other elements of the cost proposal such as the amount of effort proposed, number and destination of trips, use of subcontractors or consultants, etc. In the event award must be made prior to

completing the pre-award audit, the Assistance Officer shall prepare a determination setting forth the urgency of award and assurance that the recipient's accounting system is capable of segregating costs. The determination shall be approved at a level above the Assistance Officer. Awards made without a required pre-award audit shall contain an article as follows: "An audit of the recipient's cost proposal for the work set forth herein is currently being conducted. At such time as this audit is completed and the findings are made available to the Assistance Officer, the Assistance Officer hereby reserves the right to negotiate the rates, charges and total estimated amount, set forth in this instrument," and the instrument shall be modified accordingly.

(b) Pre-award audits on applications of $500,000 or less may be requested when the A.O. deems it appropriate or advisable.

(c) On applications of $500,000 or less, the individual preparing the award instrument shall do a cost analysis using data provided by the applicant and data collected from outside sources, as appropriate.

(d) After receipt of the audit report or review of the cost proposal and input from the program office, the Assistance Officer shall establish a negotiation position. This position shall be compared to the cost proposal, and negotiations shall be conducted with the applicant to resolve any differences.

§ 13.30 Summary of action.

Each award or amendment to an award shall contain a summary, approved by the Assistance Officer. The summary shall briefly discuss the request for services, determination for use of instrument, the reason for single source, solicitation particulars, and the evaluation process, if competitive. In all cases a detailed discussion of the cost elements and reasons they are considered appropriate for the effort contemplated shall be made a part of the summary of action. The summary shall conclude with a recommendation to award to the specific recipient and the amount of the award.

§ 13.31 Award document.

The award document shall consist of an award sheet, either a scope of work as prepared by the program office, or a statement of acceptance of the applicant's proposal, a set of articles individualized for each instrument covering at least: (a) A reference to the work to be performed; (b) period of the agreement; (c) method of payment; (d) amount of agreement; (e) approval of performance; and (f) the contents of the instruments, and a set of general provisions.

§ 13.32 General provisions.

The general provisions which are based upon the requirements of the Office of Management and Budget Circulars A–102 and A–110 are set forth in this section and shall be used verbatim in all discretionary awards.

(a) *Definitions.* (1) The term "Recipient" refers to the grantee if the legal instrument to which these General Provisions apply is a grant and to the cooperating party if they apply to a cooperative agreement.

(2) The term "Instrument" refers to either a grant or a cooperative agreement.

(3) The term "Assistance Officer" (AO) refers to the individual delegated the authority by FEMA to execute and/or administer this instrument.

(b) *Amendments.* This instrument may be amended at any time by a written modification. Amendments which reflect the rights and obligations of either party shall be executed by both the Government and the recipient. Administrative amendments that do not change the Project Description or impact cost or delivery may be issued unilaterally by the A.O.

(c) *Cash Depositories.* (1) Any money advanced to the recipient under the terms of this instrument must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

(2) Consistent with the national goal of expanding the opportunities for minority business enterprises, the recipient and its subrecipients are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230.

(d) *Retention and Custodial Requirements for Records.* (1) Financial records, supporting documents, statistical records and all other records pertinent to this instrument shall be retained for a period of three years, with the following exceptions:

(i) If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims or audit findings involving the records have been resolved.

(ii) Records for nonexpendable property, if any, acquired with Federal funds shall be retained for three years after its final disposition.

(iii) When records are transferred to or maintained by FEMA, the 3-year retention requirement is not applicable to the recipient.

(2) The retention period starts from the date of the submission of the final expenditure report.

(3) The recipient may be authorized by the AO to substitute microfilm copies for original records.

(4) FEMA will request transfer of certain records to its custody from the recipient when it determines that the records possess long-term retention value. The recipient shall make such transfers as requested. However, to avoid duplicate recordkeeping, FEMA may make arrangements with the recipient to retain records at the point of use, for those that are continuously needed during the progress of the work.

(5) The Director of FEMA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its subcontractors, to make audits, examinations, excerpts and textbook.

(e) *Allowable cost.* (1) For the performance of the work under this instrument, FEMA shall pay the recipient.

(2) The cost (hereafter referred to as "allowable cost") determined by the AO to be allowable, allocable and reasonable in accordance with the following and with the terms of this instrument:

(i) For colleges and universities: OMB Circular A–21 (FMC 73–8);

(ii) For State and local governments: OMB Circular A–87 (FMC 74–4);

(iii) For other nonprofit organizations: OMB Circular A–122 (Federal Procurement Regulations Part 15, Subpart 2.);

(iv) For all other recipients: Federal Procurement Regulations Part 15, Subpart 2.

(f) *Program Income.* (1) Program income is gross income earned by the recipient from Federally supported activities. Such earnings exclude interest earned on advances and may include, but will not be limited to, income from service fees, and royalties on patents and copyrights.

(2) Interest earned on advances under this instrument shall be remitted to FEMA except for interest earned on advances to recipients who are States or instrumentalities of a State as provided by the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577) or tribal organizations pursuant to Sections 102, 103, or 104 of the Indian Self-Determination Act (Pub. L. 93–638).

(3) The recipient shall account for all program income which results from this instrument.

(4) Proceeds from the sale of real or personal property either provided by the Federal Government or purchased in whole or in part with Federal funds shall be handled in accordance with the General Provision entitled, "Property Management Standards."

(5) Unless provided otherwise in this instrument, the recipient shall have no obligation to the Federal Government with respect to royalties received as a result of copyrights or patents produced under this instrument.

(6) All other program income earned during the project period shall be retained by the recipient and, unless stated otherwise in this instrument, shall be deducted from the total project costs in determining the net costs on which the Federal share of costs will be based.

(g) *Financial Management Systems.* The recipient shall maintain a financial management system that provides for the following:

(1) Accurate, current and complete disclosure of the financial results of this instrument in accordance with the General Provision entitled "Financial Reporting Requirements."

(2) Records that identify adequately the source and application of funds for Federally supported activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays and income.

(3) Effective control over and accountability for all funds, property and other assets.

(4) A comparison of actual outlays with budgeted amounts and the relationship of specific performance to costs incurred.

(5) Procedures to minimize the time elapsing between the transfer of funds to the recipient and disbursement by the recipient when advances or letters-of-credit are used.

(6) Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of the applicable Federal cost principles and the terms of this instrument.

(7) Accounting records that are supported by source documentation.

(8)(i) Examinations in the form of audits including internal audit. Such audits shall be made by qualified individuals who are sufficiently independent of those who authorize the expenditure of Federal funds to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria set forth in Chapter 3, Part 3, of the U.S. General Accounting Office publication, "Standards for Audit of Government Organizations, Programs, Activities and Functions." These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the instrument.

(ii) It is not intended that each Federal Agreement awarded to the recipient be separately examined. Generally examinations shall be conducted on an organization-wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of Federal Agreements. Such tests shall include an appropriate sampling of Federal Agreements. Examinations shall be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every two years. The frequency of these examinations shall depend upon the nature, size and the complexity of the activity. The examinations do not relieve Federal agencies of their audit responsibilities, but may affect the frequency and scope of such audits. (See General Provision entitled, "Audit Requirements" for more detailed requirements for A–102 recipients.)

(iii) The recipient shall make the results of such audits available to the Government upon request and/or with the final voucher submitted under grants or cooperative agreements.

(9)(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(ii) The recipient shall require its subrecipients to adopt the standards above except for the requirements in paragraph (g)(5) regarding the use of the letters-of-credit method and that part of paragraph (g)(1) regarding reporting forms and frequencies prescribed in the General Provision entitled, "Financial Reporting Requirements."

(h) *Financial Reporting Requirements.* (1) Recipients shall submit an original and two coipes of Financial Status Report (Standard Form 269) 30 days after the completion of each quarter of the project with the exception of a final Financial Status Report which shall be due 90 days after project completion. All reports should be prepared on an accrual basis; however, if the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert its accounting system, but shall develop such information through best estimates based on an analysis of the documentation on hand. Reports should be submitted to the AO.

(2) In the event this instrument provides for advances to the recipient the recipient shall submit an original and two copies of a Federal Cash Transactions Report (Standard Form 272) 15 working days following the end of each quarter.

(3) The recipient shall use the Request for Advance or Reimbursement (Standard Form 270) when a Letter of Credit is not authorized by this instrument. An original and two copies shall be submitted not more often than monthly to the designated office.

(i) *Monitoring and Reporting Program Performance.* (1) Recipients shall constantly monitor their performance under this grant or cooperative agreement to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity in accordance with the requirements set forth in the Schedule.

(2)(i) Recipients shall submit a quarterly report which includes a brief summary of progress to date, a description of any problem that may impede performance along with proposed corrective action, schedule status of work for subsequent months and the Financial Status Report (or request for advance or reimbursement if used in lieu of the Financial Status Report) required by the General Provision entitled "Financial Reporting Requirements."

(ii) The report is to be submitted by the 15th day after the end of each 3-month period. No report need be submitted for the final 3 months as they will be covered by the final progress review and/or report which will be submitted 3 months after project completion.

(3) Between the required performance reporting dates, events may occur that have significant impact upon the project or program. In such instances, the recipient shall inform the AO and program office as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events that enable time schedules to be met sooner than anticipated or more work

units to be produced than originally projected.

(4) If any performance review conducted by the recipient discloses the need for change in the budget estimates in accordance with the criteria established in the clause entitled "Budget Revision Procedures," the recipient shall submit a request for budget revision.

(j) *Budget Revision Procedures.* (1) The budget is the approved financial plan for both the Federal and non-Federal shares to carry out the purpose of the instrument. This plan is the financial expression of the project or program as approved during the application and award process. It should be related to performance for program evaluation purposes whenever appropriate and required.

(2) FEMA shall not be obligated to reimburse the recipient for outlays (costs) in excess of the Federally funded amount of the instrument unless and until the AO executes an amendment to the instrument which increases the Federally funded amount. The Federally funded amount is the amount obligated on the instrument which may be less than or equal to the budgeted Federal share of the instrument.

(3) This paragraph (j)(3) is applicable only if the recipient is a State, local, or Federally recognized Indian tribal government (as defined by OMB Circular A–102). Recipients shall request prior approvals promptly from the AO when there is reason to believe that a revision will be necessary for any of the following reasons:

(i) Changes in the scope or the objective of the project or program;

(ii) The need for additional Federal funding;

(iii) The revisions which pertain to the addition of items requiring approval in accordance with the provisions of OMB Circular A–87.

(iv) Recipients plan to transfer funds alloted for training allowances (direct payments to trainees) to other categories of expense.

(4) This paragraph (j)(4) is applicable only if the recipient is *not* a State, local, or Federally recognized Indian tribal government (as defined by OMB Circular A–102):

(i) Recipients shall request prior approvals promptly from the AO when there is reason to believe that a revision will be necessary for any of the following reasons:

(A) Changes in the scope of the objective of the project or program;

(B) The need for additional Federal funding.

(C) The Expenditures that require approval in accordance with applicable cost principles.

(D) Recipients plan to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

(ii) None of the substantive programmatic work under this instrument may be subcontracted or transferred without prior approval of the AO. This provision does not apply to the purchase of supplies, material, equipment, or general support services.

(5) This paragraph (j)(5) is applicable only if specifically required elsewhere in this instrument. The recipient shall not transfer, without the written approval of the AO, funds among cost categories when the cumulative amount of such transfers exceeds or is expected to exceed five percent of the total budget as last approved by the AO. The same criteria shall apply to the cumulative amount of transfers among programs, functions, and activities or "line items" when budgeted separately for an award, except that the Agency shall permit no transfer that would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

(6) Recipients shall notify the AO promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than $5,000 or five percent of the Federal award, whichever is greater.

(7) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless another format is authorized by the AO.

(8) Within 30 days from the date of receipt of the request for budget revisions, the AO shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 days, the AO shall inform the recipient in writing as to when the recipient may expect the decision.

(k) *Closeout Procedures.* (1) The following definitions shall apply:

(i) Closeout—The closeout of this instrument is the process by which FEMA determines that all applicable administrative actions and all required work of the instrument have been completed by the recipient and FEMA.

(ii) Date of completion—The date on which all work under the instrument is completed or the date in the award document, or any supplement or amendment thereto (including termination notices subject to the clause entitled Suspension and Termination procedures), on which Federal assistance ends.

(iii) Disallowed costs—Disallowed costs are those charges to the instrument that the AO determines to be unallowable in accordance with the applicable Federal cost principle or other conditions contained in the instrument.

(2) The parties shall closeout this instrument in accordance with the following procedures:

(i) Upon request FEMA shall make prompt payments to a recipient for allowable reimbursable costs under the instrument being closed out.

(ii) The recipient shall immediately refund any balance of unobligated (unencumbered) funds that FEMA has advanced or paid and that is not authorized by FEMA to be retained by the recipient for use in other instruments.

(iii) The recipient shall submit to AO within 90 days after completion of this instrument all financial and other data required by the AO to closeout the instrument. The AO may grant extensions when requested by the recipient.

(iv) The AO shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

(v) The recipient shall account for any property acquired with Federal funds or received from the Government, in accordance with the provisions of the clause entitled "Property Management Standards."

(vi) In the event a final audit has not been performed prior to the closeout of the instrument, FEMA shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(l) *Suspension and Termination Procedures.* (1) The following definitions shall apply:

(i) Termination—Termination of this instrument means the cancellation of Federal assistance, in whole or in part, under the instrument at any time prior to the date of completion.

(ii) Suspension—The suspension of this instrument is an action by the AO that temporarily suspends Federal assistance under the instrument pending corrective action by the recipient or pending a decision to terminate the instrument by FEMA.

(2) When the recipient has failed to comply with the terms, conditions, or standards of the instrument, the AO may, on reasonable notice to the recipient, suspend the instrument and withhold further payments, or prohibit the recipient from incurring additional obligations of funds, pending corrective

action by the recipient, or a decision to terminate in accordance with paragraph c. The AO shall allow all necessary and proper costs that the recipient could not reasonably avoid during the period of suspension provided that they meet the provisions of the applicable Federal cost principles.

(3) This instrument may be terminated for cause or convenience.

(i)(A) Termination for cause—The AO may terminate this instrument in whole or in part at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the conditions of the instrument.

(B) The AO shall promptly notify the recipient in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the recipient or recoveries by FEMA in the event this instrument is terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

(ii) Termination for convenience—This instrument may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations of the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The AO shall allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(4) The parties shall promptly settle the terminated instrument in accordance with the applicable requirements of the clause entitled "Closeout Procedures." In addition, the parties shall execute upon settlement a written amendment setting forth the terms and conditions of the settlement agreement.

(m) *Property Management Standards.* (1) The following definitions apply for the purpose of this clause.

(i) Real property—Real property means land, including land improvements, structures and appurtenances, thereto, but excluding movable machinery and equipment.

(ii) Personal property—Personal property of any kind except real property. It may be tangible—having existence, or intangible—having physical existence, such as patents, inventions and copyrights.

(iii) Nonexpendable personal property—Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit *except* that recipients subject to Cost Accounting Standards Boards regulations may use the CASB standard of $500 per unit and useful life of two years. A recipient may use its own definition of nonexpendable personal property provided that the definition would at least include all tangible personal property as defined above.

(iv) Expendable personal property—Expendable personal property refers to all tangilbe personal property other than nonexpendable property.

(v) Excess property—Excess property means property under the control of any Federal agency that, as determined by the head thereof, is no longer required for its needs or the discharge of its responsibilities.

(vi) Acquisition cost of purchased nonexpendable personal property—Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

(vii) Exempt property—Exempt property means tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in paragraph (m)(4)(i). Such unconditional vesting of title will be pursuant to any Federal legislation that provides FEMA with adequate authority.

(2) Real property—If real property is acquired as a requirement of this instrument, the following shall apply:

(i) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project, as long as it is needed.

(ii) The recipient shall obtain approval by FEMA for the use of real property in other projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under other federally sponsored projects (i.e., grants or other agreements) or programs that have purposes consistent with those authorized for support by FEMA.

(iii) When the real property is no longer needed as provided in subparagraphs (m)(2) (i) and (ii), the recipient shall request disposition instructions from FEMA or its successor Federal sponsoring agency.

(3) Federally-owned nonexpendable personal property—Title to federally owned property remains vested in the Federal Government. The recipient shall submit annually an inventory listing of federally-owned property in their custody to FEMA. Upon completion of the effort covered by the instrument or when the property is no longer needed, the recipient shall report the property to FEMA for further agency use.

(4)(i) Other nonexpendable property—When other nonexpendable tangible personal property is acquired by a recipient with project funds, title shall vest in the recipient subject to the following conditions.

(ii) Right to transfer title—For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, FEMA reserves the right to transfer the title to the Federal Government or a third party.

(5) Use of other tangible nonexpendable property for which the recipient has title.

(i) The recipient shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipient shall use the property in connection with its other federally sponsored activities if authorized by FEMA.

(ii) Shared use—During the time that nonexempt nonexpendable personal property is held for use on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on that project. First preference for such other use shall be given to other projects or programs sponsored by FEMA; or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use for other activities not sponsored by the Federal Government shall be permissible if authorized by FEMA.

(6) Disposition of other nonexpendable property—When the recipient no longer needs the property as provided in paragraph (m)(4)(ii), the property may be used for other activities in accordance with the following standards.

(i) Nonexpendable property with a unit acquisition cost of less than $1,000—The recipient may use the

property for other activities without reimbursement to FEMA or sell the property and retain the proceeds.

(ii) Nonexpendable personal property with a unit acquisition cost of $1,000 or more—The recipient may retain the property for other uses provided that compensation is made to FEMA. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the recipient has no need for the property and the property has further use value, the recipient shall request disposition instructions from FEMA.

(7) Property management standards for nonexpendable property—The recipient's property management standards for nonexpendable personal property shall include the following procedural requirements:

(i) Property records shall be maintained accurately and shall include:

(A) A description of the property;

(B) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number;

(C) Source of the property, including grant or other agreement number;

(D) Whether title vests in the recipient or the Federal Government;

(E) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost;

(F) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired; (Not applicable to property furnished by the Federal Government.)

(G) Location, use and condition of the property and the date the information was reported;

(H) Unit acquisition cost;

(I) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal sponsoring agency for its share.

(ii) Property owned by the Federal Government must be marked to indicate Federal ownership.

(iii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(iv) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify FEMA.

(v) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(vi) Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(8) Expendable personal property—Title to expendable personal property shall vest in the recipient upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the instrument and the property is not needed for any other federally sponsored project or program, the recipient shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case, compensate FEMA for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

(i) Intangible property:

(A) Inventions and patents—If any program produce patentable items, patent rights, processes, or inventions, in the course of work sponsored by the Federal Government, such fact shall be promptly and fully reported to FEMA. Unless there is a prior agreement, between the recipient and FEMA on disposition of such items, FEMA shall determine whether protection on the invention or discovery shall be sought. FEMA will also determine how the rights in the inventory or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with current Government Patent Policy.

(B) Copyrights—Except as otherwise provided in the terms and conditions of this instrument, the author or the recipient organization is free to copyright any books, publications, or other copyrightable materials developed in the course of or under the instrument, but FAMA hereby reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use and to authorize others to use, the work for Government purposes.

(n) *Procurement Standards.* (1) All recipients shall adhere to the following standards:

(i) The recipient shall maintain a code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using Federal funds. No employee, officer or agent shall participate in the selection, award or administration of a contract in which Federal funds are used, where, to his knowledge, he or his immediate family, partners, or organization in which he or his immediate family or partner has a financial interest, real or apparent, or other interest in the firm selected for award. The recipients' officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of substantial monetary value from contractors or potential contractors. To the extent permissible by State and local laws, rules and regulations, such standards shall provide for disciplinary actions to be applied for violations of such standards by the recipients' officers, employees or agents.

(ii) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals should be excluded from competing for such procurements. Awards shall be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations shall clearly set forth all requirements that the bidder/offeror must fulfill in order for his bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipient's interest to do so.

(iii) All recipients shall establish procurement procedures that provide for, at a minimum, the following procedural requirements.

(A) Proposed procurement actions shall follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(B) Solicitations for goods and services shall be based upon a clear and accurate description of the technical

requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the "Brand," performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(C) Positive efforts shall be made by the recipient to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing Federal funds.

(D) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the recipient but must be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(E) Contracts shall be made only with responsible contractors who posess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

(F) Review and approval by the AO of the recipient's proposed contracts and related procurement documents, when the procurement is expected to exceed $10,000 and is to be awarded without competition or only one bid or offer is received, the procurement is expected to exceed $10,000 and specifies a "brand name product" or the recipient's procedures or operation fails to comply with this § 13.32(n). The provisions of this paragraph (f) are waived in the event the recipient's procurment system has been certified in accordance with the Office of Federal Procurement Policy.

(G) Some form of price or cost analysis should be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evalution of each element of cost to determine reasonableness, allocability and allowability. Costs or prices based on estimated costs for contracts under this instrument shall be allowed only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

(H) Procurement records and files for purchases in excess of $10,000 shall include the following:

(*1*) Basis for contractor selection;

(*2*) Justification for lack of competition when competitive bids or offers are not obtained;

(*3*) Basis for award cost or price;

(*4*) Rationale for the method of procurement; and

(*5*) Selection of contract type.

(I) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract, and to ensure adequate and timely followup of all purchases.

(2) If the recipient of this instrument is a State or local government or other entity as defined in OMB Circular A-102, it shall adhere to the following standards:

(i) Contracting with Small and Minority Firms, Women-Owned Business Enterprises and Labor Surplus Area Firms.

(A) Affirmative steps must be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:

(*1*) Including qualified small and minority businesses on solicitation lists;

(*2*) Assuring that small and minority businesses are solicited whenever they are potential sources;

(*3*) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation but not to avoid requirements applicable to purchases in excess of $10,000;

(*4*) Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business;

(*5*) Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required;

(*6*) If any subcontracts are to be let, requiring the prime contractor to take the affirmative in paragraphs (n)(2)(i)(A) (*1*) through (*5*).

(B) Recipients shall take similar appropriate affirmative action in support of women's business enterprises.

(C) Recipients are encouraged to procure goods and services from labor surplus areas.

(ii) Procurement under this instrument shall be made by one of the following methods, as described herein: (A) small purchase procedures; (B) competitive sealed bid (formal advertising); (C) competitive negotiations; (D) noncompetitive negotiation.

(*1*) Small purchase procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than $10,000. Recipients shall comply with State or local small purchase dollar limits under $10,000. If small purchase procedures are used for a procurement under this instrument, price or rate quotations shall be obtained from an adequate number of qualified sources.

(*2*) In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(*i*) In order for formal advertising to be feasible, appropriate conditions must be present, including, as a minimum, the following:

(*A*) A complete, adequate and realistic specification or purchase description is available.

(*B*) Two or more responsible suppliers are willing and able to compete effectively for the grantee's business.

(*C*) The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.

(*ii*) If formal advertising is used for a procurement under this instrument, the following requirements shall apply:

(*A*) A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.

(*B*) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.

(*C*) All bids shall be opened publicly at the time and place stated in the invitation for bids.

(*D*) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life Cycle costs shall be considered in determining

which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the Recipient indicates that such discounts are generally taken.

(*E*) Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

(*3*) In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

(*i*) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.

(*ii*) The request for proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.

(*iii*) The recipient shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(*iv*) Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.

(*v*) Grantees may utilize competive negotiation procedures for procurement of Architectural/Engineering professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

(*4*) Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

(*i*) The item is available only from a single source;

(*ii*) Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation;

(*iii*) The FEMA authorizes noncompetitive negotiation; or

(*iv*) After solicitation of a number of sources, competition is determined inadequate.

(*5*) In order to foster greater economy and efficiency recipients are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(*6*) The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

(*i*) Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

(*ii*) All contracts in excess of $10,000 shall contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall descibe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(*iii*)(*A*) In all contracts for construction or facility improvement awarded for more than $100,000, recipients shall observe the bonding requirements provided in this instrument.

(*B*) FEMA may accept the bonding policy and requirements of the recipient provided it has made a determination that the Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows: A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified; a performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(*iv*) All contracts awarded by recipient and its contractors or subgrantees having a value of more than $10,000 ($5,000 Federal share of grants) shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(*v*) All contracts and subgrants in excess or $2,000 for construction or repair awarded by recipient and subrecipients shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair or public work, to give us any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FEMA.

(*vi*) When required by the Federal program legislation, all construction contracts awarded by the recipient and subrecipients of more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanices at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the AO.

(*vii*) Where applicable, all contracts awarded by recipient in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve

the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work-day of 8 hours and a standard work-week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies, materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(*viii*) Contracts or agreements, the principal purpose of which is to create, develop or improve products, processes or methods; or for exploration into fields that directly concern public health, safety or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, patents, copyrights, rights in data and materials generated under the contract or agreements are subject to the regulations issued by FEMA and the recipient.

(*ix*) All negotiated contracts (except those of $10,000 or less) awarded by recipients shall include a privision to the effect that the recipient, FEMA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions. Recipients shall require contractors to maintain all required records for three years after the recipient makes final payment and all pending matters are closed.

(*x*) Contracts and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issues pursuant to the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended. Violations shall be reported to FEMA and the Regional Office of the Environmental Protection Agency.

(*xi*) Contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163).

(o) *Audit Requirements.* (1) This provision #15 is applicable only if the recipient is a State, local, or Federally recognized Indian tribal government (as defined by OMB Circular A–102).

(2) Cognizant agency is defined as the Federal agency that is assigned audit responsibilities for a particular recipient organization by the Office of Management and Budget.

(3) Recipients shall use their own procedures to arrange for independent audits, and to prescribe the scope of audits, provided that the audits comply with the requirements set forth below. Where contracts are awarded for audit services, the contracts shall include a reference to this provision.

(4) The provisions of this article do not limit the authority of FEMA to make audits of recipient organizations. However, if independent audits arranged for by recipients meet the requirements prescribed below, FEMA shall rely on them, and any additional work shall build upon the work already done.

(5) Audits shall be made in accordance with the General Accounting Office, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," the Guidelines for Financial and Compliance Audits of Federally Assisted Programs, any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

(6) Audits will include, at a minimum, an examination of the systems of internal control, systems established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipient organizations. These examinations are to determine whether:

(i) There is effective control over and proper accounting for revenues, expenditures, assets, and liabilities.

(ii) The financial statements are presented fairly in accordance with generally accepted accounting principles.

(iii) The Federal financial reports (including Financial Status Reports, Cash Reports, and claims for advances and reimbursements) contain accurate and reliable financial data; and are presented in accordance with the terms of this instrument, and in accordance with the terms of this instrument, and in accordance with General Provision 8 "Financial Reporting Requirements," of this instrument.

(iv) Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

(7) In order to accomplish the purposes set forth above, a representative number of charges to Federal awards shall be tested. The test shall be representative of (1) the universe of Federal awards received, and (2) all cost categories that materially affect the award. The test is to determine whether the charges:

(i) Are necessary and reasonable for the proper administration of the program.

(ii) Conform to any limitations or exclusions in the award.

(iii) Were given consistent accounting treatment and applied uniformly to both federally assisted and other activities of the recipient.

(iv) Were net of applicable credits.

(v) Did not include costs properly chargeable to other federally assisted programs.

(vi) Were properly recorded (i.e., correct amount, date) and supported by source documentation.

(vii) Were approved in advance, if subject to prior approval in accordance with Circular A–78.

(viii) Were incurred in accordance with competitive purchasing procedures, as set forth in "Procurement Standards" (13.32(n)).

(ix) Were allocated equitable to benefiting activities, including non-Federal activities.

(8) Audits usually will be made annually, but not less frequently than every two years.

(9) If the auditor becomes aware of irregularities in the recipient organization, the auditor shall promptly notify the cognizant agency and recipient management officials above

the level of involvement. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

(10) The audit report shall include:

(i) Financial statements including footnotes of the recipient organization.

(ii) The Auditors' comments on the financial statements which should:

(A) Identify the statements examined and the period covered.

(B) Identify the various programs under which the organization received Federal funds, and the amount of the awards received.

(C) State that the audit was done in accordance with the standards in § 13.32(g)(8).

(D) Express an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.

(iii) The auditors' comments on compliance and internal control which should:

(A) Include comments on weaknesses in and noncompliance with the systems of internal control, separately identifying material weaknesses.

(B) Identify the nature and impact of any noted instances of noncompliance with the terms of agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements and reports.

(C) Contain an expression of positive assurance with respect to compliance with requirements for tested items, and negative assurance for untested items.

(iv) Comments on the accuracy and completeness of financial reports and claims for advances or reimbursement to Federal agencies.

(v) Comments on corrective action taken or planned by the recipient.

(11) Work papers and reports shall be retained for a minimum of three years from the date of the audit report unless the auditor is notified in writing by the cognizant agency of the need to extend the retention period. The audit workpapers shall be made available upon request to the cognizant agency or its designees and the General Accounting Office or its designees.

(12) Recipients shall require subrecipients that are State and local governments or Indian tribal governments to adopt the requirements of paragraphs (o)(1) through (11). The recipient shall ensure that the subrecipient audit reports are received as required and shall submit the reports to the cognizant agency.

(p) *Other Administrative provisions.* The recipient agrees that:

(1) It shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352), and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national orgin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement.

(2) It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (i) the primary purpose of an instrument is to provide employment or (ii) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

(3) It shall comply with the provisions of the Age Discrimination Act of 1975, and in accordance with that Act, shall prohibit discrimination on the basis of age.

(4) it shall comply, to the extent applicable, with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq., which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

(5) It shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, Pub. L. 93–112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR Parts 80, 81 and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.

(6) It shall establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motiviated by a desire for private gain for themselves or other particularly those with whom they have family, business, or other ties.

(7) It shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 13, 1975, which call for the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for constuction or acquisition purposes for use in any area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazard. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

(8) it will comply with the provisions of Executive Order 11288, relating to the prevention, control and abatement of water pollution.

(9) It shall assist FEMA in its compliance with Executive Order 11988, Flood Plain Management, which requires avoidance, to the extent possible, of the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid the direct or indirect support of floodplain development whenever there is a practicable alternative.

(10) It shall ensure, pursuant to Executive Order 11738, that the facilities under its ownership, lease, or supervision, which shall be utilized in the accomplishment of the instrument are not listed on the Environmental Protection Agency (EPA) list of violating facilities and that it shall notify FEMA of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(11) It shall comply with the provisions of the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order 11514, as amended by Executive Order 11991, which promotes efforts to prevent or eliminate damage to the environment and biosphere and requires an Environmental Impact Statement when plans and programs may effect the quality of the environment.

(12) It shall comply, to the extent applicable with all the requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq., as amended by Pub. L. 91–604) and Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., as amended by Pub. L. 92–500), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and the

Water Act, respectively, and all regulations and guidelines issued thereunder.

(13) It shall assist FEMA in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by FEMA to avoid or mitigate adverse effects upon such properties.

(14) It shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other nonprofit organizations.

(15) It shall comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquistions Act of 1970 (Pub. L. 91–646; 42 U.S.C. 4601 et seq.) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

The following assurances apply to State and Local Government recipients (A–102):

(16) It shall comply with the provisions of the Hatch Act which limits the political activity of employees.

(17) It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with A–102.

The following assurances are applicable when construction requirements are present:

(18) It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

(19) It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1–1961, as modified (41 CFR 101–17.703). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(20) It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

(21) It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

(22) It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

(23) It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

(24) It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

§ 13.33 Amendments.

Amendments to grants or cooperative agreements shall be processed in the manner similar to that set forth in §§ 13.24, 13.26, 13.29 and 13.30.

§ 13.34 Applications.

(a) *Discretionary Assistance.* Discretionary assistance will be solicited in accordance with § 13.27. Applications may be submitted in letter format, on SF–424, or other means suitable to both FEMA and applicants. Announcements of availability will be made in the manner most likely to achieve broad dissemination.

(b) *Applicants.* Unless limited by legislation or in the program announcement or solicitation, assistance awards shall be open to State and local governments, institutions of higher education, hospitals, other non-profit organizations, individuals or profit making organizations.

§ 13.35 Profit.

Profit/fee shall not be considered allowable with any type recipient on any form of assistance. Assistance will generally be cost reimbursable in nature. In the event that a lump sum assistance agreement is reached negotiations eliminate any element above estimated allowable costs. If it is otherwise impossible to reach an agreement with a recipient due to profit or fee, a procurement contract, under the authority of Section 4–2 of Pub. L. 95–224, may be used.

Subpart C—Assistance Payment Program

§ 13.50 Assistance payment procedures.

Payments are made to recipients of grants and cooperative agreements through a Letter of Credit, advance by Treasury check or reimbursement by Treasury check.

§ 13.51 Definitions for this subpart.

(a) Letter of Credit. A letter of credit is an instrument certified by an authorized official of FEMA which authorizes a recipient to draw funds needed for immediate disbursement in accordance with the provisions of Treasury Circular No. 1075.

(b) Advance by Treasury Check. An advance by Treasury check is a payment made to a recipient upon its request before cash outlays are made by the recipient or through the use of predetermined payment schedules before payments are made to the recipient.

(c) Reimbursement by Treasury Check. A reimbursement by Treasury check is a payment made to a recipient with a Treasury check upon request for reimbursement by the recipient.

§ 13.52 Letter of credit.

Except for Disaster Assistance under Pub. L. 93–228 or construction for which optional payment methods are authorized, the Letter of Credit funding method shall be used where all of the following conditions exist:

(a) When there is or will be a continuing relationship between a recipient and FEMA for at least a 12-month period and the total amount of advances to be received within that period exceeds $120,000.

(b) When the recipient has established or demonstrated the willingness and

ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the recipient.

(c) When the recipient's financial management system meets the standards for funds control and accountability prescribed in § 13.32(g).

§ 13.53 Advance by treasury check.

Advance by Treasury check shall be used when the requirements specified in § 13.52(b) and § 13.52(c) have been met but § 13.52(a) has not been met.

§ 13.54 Reimbursement by treasury check.

Reimbursement by Treasury check shall be used when the recipient does not meet the requirements of either § 13.52(b) or 13.52(c). In addition, it may be used when the work is to be financed primarily through means other than this reimbursement.

§ 13.55 Consolidating payments.

When the Letter of Credit procedure is used, the recipient shall be issued one consolidated Letter of Credit whenever possible for all grants and cooperative agreements awarded by FEMA. The same consolidation should apply for advance by Treasury check.

Subpart D—Closeout

§ 13.70 Closeout of assistance instruments.

The closeout process begins with the expiration of the instrument and continues through storage of the official files in the Federal Records Center. The procedures set forth below apply to Discretionary Assistance. For Non-discretionary Assistance, program regulations shall take precedence.

§ 13.71 Roles of the parties in the closeout process.

(a) The program office is responsible for determining that all technical work required by the grant or cooperative agreement has been completed, all deliverables have been received in a satisfactory fashion, and notifying the Assistance Officer that the above has occurred.

(b) The recipient is responsible for completing all requirements in a satisfactory manner, submitting final costs to the Assistance Officer, and complying with the General Provision entitled, "Closeout Procedures."

(c) The Assistance Officer upon receipt of the documentation required of the program office and recipient is responsible for those procedures set forth in § 13.72 thru § 13.75.

§ 13.72 Payment of final reported costs.

Upon receipt of the final costs the Assistance Officer shall complete a desk review of the costs claimed, verify with the program office that all items required by the instrument have been received, and authorize payment for costs claimed. Should the final billing contain items questionable on their face, such items shall be resolved prior to authorizing payment.

§ 13.73 Review of allowability and allocability of cost.

Prior to retirement of the file to the Federal Records Center, the Assistance Officer must carefully review all costs claimed by the recipient to determine their allowability and allocability based upon the cost principles set forth in the General Provision entitled "Allowable Costs." The first step in accomplishing this is to review the data provided by the recipient concerning their internal audit procedures. This is particularly true if the General Provision entitled "Audit Requirements" is applicable to the recipient. Upon review of this data, the Assistance Officer shall transmit the information, along with a recommendation concerning future actions, to the FEMA Office of Inspector General (OIG). Future actions recommended could range from acceptance of costs claimed by the recipient to a request that the OIG perform a separate audit for the individual instrument. The OIG, after review of the data available and the recommendation of the Assistance Officer, shall provide an audit report setting forth their analysis of costs allowed, costs questioned, and costs not allowed. On the basis of this audit report, the Assistance Officer shall enter into negotiations with the recipient to resolve any discrepancies.

§ 13.74 Final determination.

The Assistance Officer shall prepare a final determination to the file setting forth a short history of the closeout process involved for the individual instrument. The determination shall emphasize the resolution of questioned and unallowable costs set out by the auditor as well as the disposition of any other items not in accordance with the terms of the grant or cooperative agreement. A copy of this determination shall be provided to the OIG. If there are items requiring an amendment to the agreement (cost or other) the amendment shall be executed by both parties indicating the final resolutions.

§ 13.75 Retirement to Federal Records Center.

After completion of the final determination and any necessary amendments, the file shall be retired to the Federal Records Center in accordance with normal FEMA procedures.

Subpart E—Non-Discretionary Assistance

§ 13.90 [Reserved]

Louis O. Giuffrida,

Director.

[FR Doc. 82-1089 Filed 1-15-82; 8:45 am]

BILLING CODE 6718-01-M

Notices

Federal Register
Vol. 47, No. 11
Monday, January 18, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Rate of Interest on Delinquent Debts

ACTION: Notice of rate of interest on delinquent debts.

SUMMARY: This notice sets forth the rate of interest which the commodity Credit Corporation (CCC) is charging on delinquent debts. Publication of this interest rate in the **Federal Register** by CCC is in accordance with the regulations at 7 CFR Part 1403, Interest on Delinquent Debts. In the absence of a different rule prescribed by statute, contract or regulation, it has been determined that the applicable rate which is to be charged by CCC on delinquent debts is 14.39 percent.

DATE: The rate will be effective as of Janaury 1, 1982.

FOR FURTHER INFORMATION CONTACT: Sally Nunn, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6613.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformance with Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been classified as "not major." It has been determined that the provisions of this notice will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Attorney General and Comptroller General have jointly promulgated the Federal Claims Collection Standards (FCCS) in 4 CFR Parts 101-105 as mandated by the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 951-953). CCC is generally exempt from the provisions of the FCCS, since CCC has the authority under section 4(k) of the CCC Charter Act (15 U.S.C. 714b(k)) to make final and conclusive settlement and adjustment of all its claims. However, the Board of Diretors, CCC, has administratively determined that the FCCS shall be applicable to all claims by CCC regardless of the amount (CCC Claims Policy Docket CZ 161a, Revision 4).

The FCCS requires that interest be charged on delinquent debts. In accordance with the FCCS, CCC issued the regulations at 7 CFR Part 1403, Interest on Delinquent Debts, which were published at 46 FR 71442, on December 17, 1981, which provide that CCC will charge interest on delinquent debts. The regulations at 7 CFR 1403.5 require that CCC publish the rate of interest to be charged on delinquent debts as a notice in the **Federal Register,** therefore, in accordance with this provision, CCC announces that the applicable rate of interest is 14.39 percent.

Signed at Washington, D.C., on: January 11, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-1219 Filed 1-15-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

International Trade Administration

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: February 1, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(91) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to closed meetings or portions thereof is available for public inspection and copying the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: January 12, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-1221 Filed 1-15-82; 8:45 am]

BILLING CODE 3510-25-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts meeting scheduled for January 12, 1982 is cancelled. The next meeting will be held on Wednesday, February 17, 1982 at

10:00 a.m. in the Commission's offices at 708 Jackson Place, NW, Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., January 8, 1982.

Donald B. Myer,

Assistant Secretary.

[FR Doc. 82-1207 Filed 1-15-82; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: February 3, 1982. February 4, 1982.

Times: 0830-1700 hours on February 3, 1982 (Closed). 0830-1600 hours on February 4, 1982 (Closed).

Place: Pentagon 3E561 on February 3. Pentagon 3A486 on February 4.

Proposed Agenda

The Army Science Board Ad Hoc Subgroup conducting a study on Robotics and Artificial Intelligence will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-1206 Filed 1-15-82; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Cancelled Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Cancellation of meeting.

SUMMARY: This document is intended to notify the public of the cancellation of the January 21-22, 1982 meeting of the National Advisory Council on Women's Educational Programs as published in the **Federal Register** on January 4, 1982. The meeting has not yet been rescheduled.

FOR FURTHER INFORMATION CONTACT: Kathleen Dauito, Administrative Officer, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C., 20036, (202) 653-5846.

Signed at Washington, D.C. on January 11, 1982.

Joy R. Simonson,

Executive Director.

[FR Doc. 82-1195 Filed 1-15-82; 8:45 am]

BILLING CODE 4000-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate; Casualty

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons or Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Victoria Maritime Company M.C. Trading as Chandris Lines/Chandris Cruises, c/o Chandris Inc., 666 Fifth Avenue, New York, New York 10019.

Dated: January 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1196 Filed 1-15-82; 8:45 am]

BILLING CODE 6730-01-M

Financial Responsibility To Meet Liability Incurred For Death Or Injury To Passengers Or Other Persons On Voyages; Issuance of Certificate; Casualty

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Lido Maritime Inc. and Royal Cruise Line Ltd., c/o Royal Cruise Line Ltd., One Maritime Plaza, San Francisco, California 94111.

Dated: January 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1201 Filed 1-15-82; 8:45 am]

BILLING CODE 6730-01-M

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Maritime Enterprises (1981) Ltd., Artus Investment, Inc. and Paquet Cruises, Inc., c/o Paquet Cruises, Inc., 1370 Avenue of the Americas, New York, New York 10019.

Dated: January 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1200 Filed 1-15-82; 8:45 am]

BILLING CODE 6730-01-M

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Victoria Maritime Company M.C. Trading as Chandris LINES/ CHANDRIS CRUISES, c/o Chandris Inc., 666 Fifth Avenue, New York, New York 10019.

Dated: January 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1202 Filed 1-15-82; 8:45 am]

BILLING CODE 6730-67-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Privacy Act; Notification of a New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a New System of Records: 09–30–0039, "Drug Abuse Treatment Outcome Prospective Study (TOPS)," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records entitled "Drug Abuse Treatment Outcome Prospective Study (TOPS," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), National Institute on Drug Abuse (NIDA). We are also proposing routine uses for this system of records. The purpose of the system is to compile information (data base) for a long-term, large-scale followup study of clients entering drug abuse treatment programs. NIDA will analyze aggregate data to assess the effectiveness of drug abuse treatment programs and to obtain data on drug abusers' behavior and characteristics subsequent to their contacts with the programs. PHS invites interested parties to submit comments on the proposed routine uses on or before February 17, 1982.

DATES: PHS has sent a Report of New System to the Congress and the Office of Management and Budget (OMB) on January 7, 1982. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress. If this waiver is granted, PHS will publish a notice to that effect in the **Federal Register.**

ADDRESS: Please address comments to. Privacy Act Officer, Officer of Extramural Policy and Project Review, National Institute on Drug, Abuse, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, Maryland 20857.

Comments received will be available for inspection at the same address, from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harold M. Ginzburg, M.D., M.P.H., Project Officer, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9–21, Rockville, Maryland 20857, Telephone: 301–443–6420.

SUPPLEMENTARY INFORMATION: We are treating the records in this system as a "found" system. The Department of Health and Human Services is reexamining the applicability of the Privacy Act to records maintained by organizations under contract with the Department, and may find that the proposal to apply the provisions of the Privacy Act to these records provides broader coverage than is required by the Act.

The system of records will constitute a data base for use in determining the pattern of life events of drug abusers subsequent to their contact with federally-funded drug abuse treatment programs, including Treatment Alternatives to Street Crime (TASC) programs of the Department of Justice. The data in the system will also provide a basis for evaluating the effectiveness of various types of treatment afforded drug abusers in such programs.

Because much of the data collected in TOPS, such as data relating to drug use, income, and criminal behavior and activity, is sensitive and confidential, special safeguards have been established. Certificates of confidentiality have been issued under 42 CFR Part 2a. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Federal, State, or local civil, criminal, administrative, legislative, or other proceedings cannot compel persons so authorized to identify such individuals. In addition, these records are subject to 42 CFR Part 2 the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state:

"Where the content of patient records has been disclosed pursuant to [these regulations] for the purpose of conducting scientific research * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State."

Data concerning criminal activity and drug use are the most sensitive; therefore, clients respond in writing to self-administered questions that elicit reporting of any illegal activity. In this procedure, the contractor staff person conducting the interview does not know the response of the client. The response forms do not contain any apparent information that can link the data directly to a client. The contractor staff interviewer seals the forms in an envelope and mails them directly to the contractor (Research Triangle Institute). A computer-assigned special code number on each data collection form is the means for later joining, through the use of a computer program, the self-administered data and other data on the same client. Data collected during the early phases of this study indicate that respondents are willing to report in this manner their own illegal activities, including those for which they have not been arrested, and which they would probably not admit if their crimes could be traced to them as a consequence of some other, less protected, means of data collection.

The contractor will maintain records in this system in a secure manner described in the system notice, until termination of the contract. The contractor will use individually identified information only to locate clients or former clients to request their participation in the scheduled in-treatment and post-treatment interviews and to match data to the correct individual's previous data. No individually identified information will be provided to NIDA. Normally, only aggregate data will be provided; unidentified individual data will be provided for special time/trend analyses when aggregate data is not adequate. The data in the final reports will also be aggregated.

Another safeguard is that the forms containing subject identification information for client followup and data matching purposes do not include any reference to the purpose of the study. Identification and location information is kept separate from any information that would suggest that the respondent has been in a drug treatment program.

The contractor's Institutional Review Board has reviewed and approved the safeguards described above and in the system notice, in accordance with 45 CFR Part 46 on the protection of human subjects. We have designed the forms and procedures for the collection and maintenance of data to protect the privacy of research subjects and the confidentiality of the data. We believe that, with these safeguards, the potential benefits to the public in terms of improved drug abuse treatment programs and better understanding of the interrelationships among clients, clinic, and community, outweigh the minimal, if any, possibility of adverse effects to the privacy or other personal or property rights of any individual caused by record disclosure.

NIDA proposes routine uses for the system. One routine use provides for disclosure for specific research that is

compatible with the purpose of the system. Another routine use provides for disclosure to a congressional office at the written request of the individual, which is in accordance with the Privacy Act. Another routine use provides for possible disclosure to a subsequent ADAMHA contractor in order to conduct followup or continuation studies to accomplish the research purpose for which the records are collected. Use and/or disclosure under a routine use will be limited by, and permitted only in accordance with, the protections provided by the statutory and regulatory restrictions for the confidentiality of records of drug and alcohol patients an research subjects.

Dated: January 11, 1982.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

SYSTEM NAME:

Drug Abuse Treatment Outcome Prospective Study (TOPS), HHS/ADAMAHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Computer Applications Center, Research Triangle Institute, Box 12194, Research Triangle Park, North Carolina 27709.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally-funded treatment programs, including Treatment Alternative Street Crime (TASC) programs of the Department of Justice, who have requested to be included in TOPS. Data collection began in 1979 and will continue through 1984.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories are: demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended, section 503 (21 U.S.C. 1193); Public Health Service Act, section 301(a) (42 U.S.C. 241(a)).

PURPOSE(S):

The purpose of the system is to compile information on drug abusers who obtain treatment in federally-funded drug abuse treatment programs in order to derive information on the effectiveness of treatment environments and modalities, and on drug abusers' behavior and characteristics subsequent to treatment. Researchers and drug abuse service providers may use the aggreagate data to address issues and generate hypotheses to understand better the interactions among the client, clinic, and community.

The contract provides only aggregate information to NIDA. We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Nor does the contractor provide individually identifiable information to the Department of Justice, with which NIDA has a cooperative agreement for this study.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. We may disclose to a congressional office the records of an individual in response to a written inquiry from the congressional office made at the written request of the individual.

2. Within the restrictions set forth in HHS regulations concerning the confidentiality of drug abuse patient records (42 CFR 2.56), we may disclose a record for a research purpose, when the Department (a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) Has determined that the research purpose (1) cannot be reasonably accomplished unles the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use of disclosure of the record except: (A) In emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) Has secured a written statement attesting to the recipient's understanding of, and willingness to, abide by these provisions.

3. The Research Triangle Institute, an ADAMHA contractor, uses the records in this system to accomplish the research purpose for which the records are collected. In the event of the followup studies or continuation studies because the contract has been terminated for convenience by the Government, we may disclose records in this system to a subsequent ADAMHA contractor. We would require the new contractor to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interview forms, magnetic tapes, and discs.

RETRIEVABILITY:

Records are indexed and retrieved by name and unique numerical identifier. In order to relate the data collected to specific individuals, one must use the link file discussed under Safeguards.

SAFEGUARDS:

We used the National Bureau of Standards guidelines and the HHS Systems Manual, Part 6, ADP Systems Security in developing the computer safeguard procedures which follow. Safeguards for nonautomated records are in accordance with the HHS General Administration Manual, Chapters 45–13 and PHS.hf: 45–13. In addition, project staff complies with the contractor's (Research Triangle Institute) standard procedures for safeguarding data.

The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Individually identified forms are stored in a secure, vault-like room provided for this purpose. Authorized personnel have access to the room by one locked door with controlled entry, i.e., only on the written authority of the professional staff member in charge.

Another safeguard is that the forms containing subject identification information for client followup and data matching purposes do not include any reference to the purpose of the study. Identification and location information is kept separate from any information that would suggest that the respondent has been in a drug treatment program.

Information on completed forms is entered immediately on the computer. Computerized records are kept in a vault area with access limited as above. Completed forms and computerized data are released only to authorized persons. Only aggregate data are provided and used in the preparation of necessary and appropriate reports.

A link file system is used. This system has three components: (1) Personal informaiton, (2) data base information, and (3) the link file, which contains identifying number pairs which can be used to match data with individuals. The advantage of this system is that the data-base can be used directly for report generation, etc., without the use of decrypting subroutines or access to the personal information or matching link files.

In additon, the computer center being utilized has developed an extensive security system to protect computer account codes and data. This system is described in a publication that is available from the System Manager upon request.

RETENTION AND DISPOSAL:

The contractor destroys interview forms by shredding or burning immediately after contractor staff have completed and verified direct entry on magnetic tape or disc storage. The contractor will destroy individual identification and location data by shredding or burning, under the explicit written authorization of the System Manager, at the termination of the study. We will retain aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, these tapes will be retained for five years after completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER AND ADDRESS:

Project Officer, Treatment Outcome Prospective Study (TOPS), Clinical-Behavioral Branch, Division of Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9–21, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself/herself upon written request, with notarized signature. The request should include, if known, name of the researcher, location of the research site, approximate date of data collection, any alias used, and subject identification number.

An individual who quests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

Persons other than subject individuals, who request individually identifiable data from a record, must provide written consent from the subject individual permitting the requested disclosure. The only exception (if not in conflict with confidentiality regulations) would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(b), to obtain personally identifiable data.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Research subjects, patients, and staff in participating drug abuse treatment programs, written clinical evaluations, counselors, psychiatrists, psychotherapists, family members, research assistants, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–1210 Filed 1–15–82; 8:45 am]
BILLING CODE 4160–20–M

Privacy Act System of Records; Amendment of a Routine Use and Change in Locations

AGENCY: Public Health Service, HHS.

ACTION: Amendment of a routine use and change in locations for Privacy Act system of records 09–15–0007, "Patients Medical Record System PHS Hospitals/Clinics," HHS/HSA/BMS.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing this notice of a proposal to amend a routine use and change the listing of locations for the "Patients Medical record System PHS Hospitals/Clinics," HHS/HSA/BMS. We are taking these actions in order to comply with the provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) which requires that the PHS hopitals and clinics be closed by October 31, 1981, or converted to community use by September 30, 1982.

PHS invites interested persons to submit comments on the proposed amendments to the system notice on or before February 17, 1982. We will adopt the amendments without further notice 30 days after the date of publication, unless we receive comments which would result in a contrary determination.

ADDRESS: Comments may be addressed to the Acting Chief, Policy Coordination Branch, Bureau of Medical Services, 6525 Belcrest Road, Hyattsville, Maryland 20782. Comments received will be available for inspection weekdays at the same address, 8:30 a.m.–5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Rizalina Galicinao, Privacy Act Coordinator, Bureau of Medical Services, Room 1127, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone number: (301) 436–6261; or John E. Marshall, Director, Medical Facilities Conversion Staff, Office of the Assistant Secretary for Health, PHS, Room 14–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone number: (301) 443–2204.

SUPPLEMENTARY INFORMATION: The amended routine use will permit disclosure of medical records to: (1) Nonagency physicians providing continuing care to current and former PHS beneficiaries, (2) laboratories performing tests for the continuing care of these patients, and (3) successor organizations providing health care in former PHS hospitals and clinics. Medical records currently located at PHS facilities are being retired to Federal Records Centers, transferred to the PHS Health Data Center in Lanham, Maryland, or held at certain former PHS facilities. At the present time, (i.e., in the 1981 annual publication) the eleventh routine use in the Privacy Act system notice states that disclosure may be made to:

> Nonagency physicians acting as consultants and laboratories performing tests for the continued care of the patients; * * *

The Bureau of Medical Service proposes to amend the routine use to state that disclosure may be made to:

> Nonagency physicians providing continuing care to current and former PHS beneficiaries, laboratories performing tests for the continuing care of these patients, and

successor organizations providing health care in former PHS hospitals and clinics; * * *

In addition, we are updating Appendix 1 of the system notice to reflect all current locations of records, including successor organizations. For this reason we are deleting Appendix 2 because it is not obsolete, and are redesignating Appendix 3 as Appendix 2. In order to facilitate access to the medical records, we are revising the notification and access procedures sections of the system notice to indicate a single notification and access official for all records maintained by outpatient clinics and other medical facilities which are now closed, and which, therefore, are not listed in Appendix 1 as updated. Changes to this Privacy Act system of records could not be initiated until final decisions had been made regarding the disposition of PHS medical facilities. Ten PHS facilities were transferred to successor organizations which will use them to provide health care. A listing of these organizations and the current location of the PHS medical records of former PHS patients are shown in the chart below.

Location of PHS Medical Records

Former PHS facility	Successor organization	Medical records [1] remaining on site	PHS Health Data Center Lanham, MD	Federal Records Center
Baltimore, MD	Wyman Park Health System, Inc.	Fiscal year 78–82, X-rays; fiscal year 1960–82, pathology slides; fiscal year 1971–82.	None	Prior to fiscal year 1978.
Boston, MA	St. Elizabeth Hospital	Fiscal year 1979–82	None	Prior to and including fiscal year 1978.
Cleveland, OH	Lutheran Medical Center	Fiscal year 1980–82	None	Prior to and including fiscal year 1979.
Nassau Bay TX	St. Johns Hospital	Fiscal year 1980–82, X-rays; fiscal year 1961–82, Records include Galveston, Houston and Port Arthur Outpatient Clinics.	Pathology slides fiscal year 1977–82, X-rays fiscal year 1961–82.	Prior to and including fiscal year 1979, X-rays fiscal year 1977–80.
New Orleans, LA	New Orleans Adolescent Children's Hospital	Fiscal year 1980–82	X-rays fiscal year 1961–82, Pathology Slides fiscal year 1977–82.	Prior to and including fiscal year 1979 X-rays prior to and including fiscal year 1980.
Norfolk, VA	Lafayette River Branch Clinic	Jan. 1, 1976–fiscal year 1982—Only uniformed services patients.	Fiscal year 1980–82 non-uniformed service patients X-rays and pathology slides fiscal year 1980–82.	Prior to and including fiscal year 1979 except for uniformed services fiscal year 1977–82.
Portland ME	Coastal Health Services	Fiscal year 1980–82	None	Prior to and including fiscal year 1979.
St. Louis, MO	U.S. Army St. Louis Outpatient Clinic	Fiscal year 1980–82	None	Prior to and including fiscal year 1979.
Seattle WA	Seattle Public Health Hospital	Fiscal year 1980–82	None	Prior to fiscal year 1979.
Staten Island, NY	Bayley-Seton Hospital	Fiscal year 1976–82	None	Prior to and including fiscal year 1975.

[1] X-rays and pathology slides are considered part of the medical record and are located with the medical record file unless otherwise indicated.

The system notice was last published in the **Federal Register** on October 27, 1981 (46 FR 52905–7), and is republished in its entirety below to incorporate the proposed amended routine use and changes in location of records.

Dated: January 8, 1982.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09–15–0007

SYSTEM NAME:

Patients Medical Record System PHS Hospitals/Clinics. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See appendices 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined and/or treated at Pubic Health Service hospitals and clinics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical examination, diagnostic and treatment data, information for proof of eligibility, social data such as address and birthdate, disease registers such as tumor and surgical procedure registers, treatment logs, summaries and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, section 321 (42 U.S.C. 248).

PURPOSE(S):

The purposes of this system are: To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation, treatment and change in condition during the hospital stay, during an ambulatory care or emergency visit, or while being followed in a facility-based home care program; to document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment; to assist in protecting the legal interests of the patient, the hospital or clinic and responsible practitioners; and to provide data for use in facility management, continuing education, Department initiatives, quality assurance activities and research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Any community health organization, government agency, private physician and/or company which has requested or arranged for an examination; treatment or care of an individual by the Bureau of Medical Services.

(2) Army, Navy, Air Force to report results of examination/treatment of uniformed service personnel and their dependents.

(3) Department of Transportation to report results of examination/treatment of uniformed service personnel and their dependents; and American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship;

(4) Department of Commerce to report results of examination/treatment of uniformed service and other personnel of that agency;

(5) Immigration and Naturalization Service to report results of examination/treatment of aliens examined and treated for and in behalf of that agency;

(6) Bureau of prisons to report results of examination and treatment of patients examined and/or treated for and on behlaf of the BP;

(7) Federal, State or private health benefit plans for billing purposes;

(8) U.S. Department of Labor, Office of Workers' compensation Program for persons claiming compensation benefits due to personal injury while employed by the government;

(9) Organizations such as Joint Commission on Accreditation of Hospitals for accreditation of hospitals and clinics, and American Medical Association for accreditation of resident training programs. Medical records are used to document quality of service by health care providers.

(10) Health professions students serving an affiliation at the institution and their parent education program; students provide patient care and use medical records in performance of their duties.

(11) Nonagency physicians providing continuing care to current and former PHS beneficiaries, laboratories performing tests for the continuing care of these patients, and successor organizations providing health care in former PHS hospitals and clinics.

(12) Veterans Administration to assist uniformed service personnel, retirees and veterans to obtain medical care or benefits:

(13) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(14) Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system: The contractor is required to maintain Privacy Act safeguards with respect to such records.

(15) A record may be disclosed for a research purpose, when the department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained: (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring: (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

(16) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review;

(17) Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc. as may be required to be disclosed by health providers and facilities by State law or regulation of the Department of Health or other agency of the state or its subdivision in which the facility is located. Disclosures may be made to organizations as specified by the State law or regulation such as births and deaths to vital statistics agency and crimes to law enforcement agencies.

Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR Part 2 as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93–282. To the extent possible, identical restrictions are applied to the disclosure of the contents of records pertaining to individuals with other programs who are participating in employee assistance or employee counseling programs.

(18) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with purpose for which the records were collected.

(19) To organizations or individuals with agreements to provide services to our facilities for the purpose of photocopying or abstracting medical record data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

File folders, magnetic tape, punch cards, microfilm.

RETRIEVABILITY:

Indexed by name, register number, number control register, disease and operation, uniformed services service number which is the social security number. Those records indexed by SSN are retrieved in accordance with sec. 7(a)(2)(B) of the Privacy Act.

SAFEGUARDS:

1. Authorized Users: Health care practitioners, and other allied health personnel, medical and allied health students and administrative personnel for determination of eligibility for care and facility management; qualified research personnel with approved protocol; DHHS, Commissioned Personnel Operation Division; and PHS Claims Officer.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act

Implementation Guidelines; HHS Ch 45–13 and Ch PHS.hf:45–13 of the General Administration Manual; and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA (since 1970)—5 years after last activity. Number of years held at Federal Record Center (See Appendix 3) before disposal—50 years active duty uniformed service personnel, 25 years all others. How destroyed: The disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services Director, 6525 Belcrest Road, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment was rendered if listed in Appendix 1. If the facility is not listed, write to: Director, Public Health Service Health Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Director, USPHS Hospital, Carville, Louisiana 70721

Director, Public Health Service Health Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706

Director, Wyman Park Health System, Inc. 3100 Wyman Park Drive, Baltimore, Maryland 21211

Director, St. Elizabeth Hospital, 77 Warren Street, Boston (Brighton), Massachusetts 02135

Administrator, Lutheran Medical Center, 1313 Superior Avenue, Cleveland, Ohio 44114

Director, St. John Hospital, 2050 Space Park Drive, Nassau Bay, Texas 77058

Director, New Orleans Adolescent Children's Hospital, 210 State Street, New Orleans, Louisiana 70118

Commanding Officer, Lafayette River Branch Clinic, 6500 Hampton Boulevard, Larchmont, Norfolk, Virginia 23508

Medical Director, Coastal Health Services, 331 Veranda Street, Portland, Maine, 04103

Medical Officer in Charge, U.S. Army St. Louis Outpatient Clinic, 1520 Market Street, St. Louis, Missouri 63103

Director, Seattle Public Health Hospital, 1131 14th Avenue South, Seattle, Washington 98144

Director, Bayley-Seton Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York, 10304

Appendix 2—Federal Records Centers

Areas Served

Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Federal Archives & Records Center, GSA, 380 Trapelo Road, Waltham, MA 02154

New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone

Federal Archives & Records Center, GSA, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002

Delaware and Pennsylvania east of Lancaster

Federal Archives & Records Center, GSA, 5000 Wissahickon Avenue, Philadelphia, PA 19144

Pennsylvania except areas east of Lancaster

Federal Records Center, Defense Activities, Bldg. 306, Mechanicsburg, PA 17055

District of Columbia, Maryland, Virginia, and West Virginia

Washington National Records Center, GSA, Washington, DC 20409

North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky

Federal Archives & Records Center, GSA, 1557 St. Joseph Avenue, East Point, GA 30344

Illinois, Wisconsin, and Minnesota

Federal Archives and Records Center, GSA, 7358 South Pulaski Road, Chicago, IL 60629

Indiana, Michigan, and Ohio

Federal Records Center, GSA, 3150 Bertwynn Drive, Dayton, OH 45439

Kansas, Iowa, Nebraska, and Missouri (except greater St. Louis area)

Federal Archives and Records Center, 2306 East Banister Road, Kansas City, MO 64131

Greater St. Louis, Missouri area

National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118

Texas, Oklahoma, Arkansas, Louisiana, and New Mexico

Federal Archives & Records Center, GSA, 4900 Hemphill Street, Building 1, Dock 1 (Shipping address) P.O. Box 6216, (mailing only address) Fort Worth, TX 76115

Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota

Federal Archives and Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, Colorado 80225

Nevada (except Clark County), California (except Southern California), and American Samoa

Federal Archives & Records Center, GSA, 1000 Commodore Drive, San Burno, CA 94066

Clark County Nevada, Southern California (Counties of: San Luis Obispo, Kern, San Bernadino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), and Arizona

Federal Archives & Records Center, GSA, 2400 Avila Road, Laguna Niguel, CA 92677

Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean Area (except American Samoa)

Federal Archives & Records Center, GSA, 8125 Sand Point Way, Seattle, Wash. 98115.[FR Doc. 82–1208 Filed 1–15–82; 8:45 am]

BILLING CODE 4110–18–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Realty Action; Exchange of Public Lands; Bonner County, Idaho

The following described lands have been examined and determined through the public land use planning process to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Bonner County, Idaho

T.56N., R.2E., B.M., Sec. 20—Lots 4, 5, & 6 containing 85.32 acres.

These public lands are hereby segregated from all forms of appropriation under the public land laws including the mining laws for a period of two (2) years.

In exchange for these lands, the Federal Government will acquire a tract of private land as follows:

Bonner County, Idaho

T.56N., R.2E., B.M. Sec. 17—W½SE ¼ (80.00 acres).

Sec. 20—Part of patented Alamo No. 2 Lode Claim of mineral survey 3537 within the W½NE ¼ (7.07 acres) or a total of 87.07 acres more or less.

The purpose of this exchange is to allow the following actions:

1. To allow the exchange proponents to more efficiently carry out the management of their lands without requiring additional right-of-way grants from the United States.

2. To reduce the amount of property boundary survey required for both the public and Stearns lands.

3. To reduce the amount of property boundary maintenance required by both parties.

4. To allow for more intensive management of both the private and public lands.

5. To improve the manageability of these public lands.

6. To aid in the clarification of the existing water rights presently existing on the public land involved.

Examination of the public land records and the lands involved revealed there are water right filings of record and spring developments in Lot 5, Sec. 20, T.56N., R.2E., B.M. There are no mineral claimants of record holding claim to a mineral rights in the lands involved.

The public interest will be well served by making this exchange. The terms and conditions applicable to the exchange are:

1. The exchange will be for fee title transfer for all lands involved on an equal value basis with monetary equalization if necessary. Preliminary value estimates indicate the lands involved are near equal value.

2. The public lands selected and proposed to be patented will be subject to the following reservations:

A. A ditches and canals reservation common to all patents issued.

B. A right-of-way granted to the Burlington Northern Railroad under Serial No. I–1455.

C. A right-of-way constructed under the authorization of the repealed revised statute—R.S. 2477 as parts of U.S. Highway 10A.

D. A right-of-way or flowage easement for the use of the United States as a part of the Albeni Falls power project west of the railroad right-of-way granted under I–1455.

The lands the Stearns are proposing to deed to the United States would not be affected by any reservations other than the ditches and canals reservation originally reserved by the United States.

The publication of this notice in the **Federal Register** will segregate the public lands described above from appropriation under the public lands, and mining laws as provided by the regulations of 43 CFR 2201.1(b). Any subsequently tendered application, allowance of which is discretionary, shall not be accepted and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Coeur d'Alene District Office, P.O. Box 1869, 1808 North 3rd, Coeur d'Alene, Idaho 83814. For a period of 45 days interested parties may submit comments to the District Manager, Coeur d'Alene District Office, Bureau of Land Management, at the above address.

Any adverse comments will be evaluated by the authorized officer who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the department.

Wayne Zinne,

District Manager.

[FR Doc. 82–1209 Filed 1–15–82; 8:45 am]

BILLING CODE 4310–84–M

Realty Action; Life Occupancy Lease of Public Lands; Shoshone County, Idaho

The following described lands have been examined and determined through the public land use planning process to be suitable for a life occupancy lease under section 302 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1732, 43 CFR Part 2920—Leases, Permits and Easements:

In Sec. 15. T.48N., R.3E., B.M., Shoshone County, Idaho adjacent to Mineral Survey 2274; Beginning at Corner No. 1 of the Monmouth Lode, M.S. 2274; Thence S.0°32'W. 170 feet along line 1–2 of the Monmouth Lode; thence East 180 feet; Thence North 170 feet more or less to the South line of Section 10; Thence S.89°12'W. 180 feet more or less to the point of beginning and containing 0.75 acre more or less.

The purpose of this proposed life occupancy lease is to legalize the use of these lands by Pete and Enes Abruzzini because they developed and used these lands for about 60 years. The Bureau does not force elderly, retired, long-term land occupants from their homes which they placed partially or wholly upon public land in the belief they had proper authorization. In this case the Abruzzin's had been paying the United Mines rental of $30 per year for their surface use of the unpatented Elgin Lode mining claim. The United Mines was informed this was not a legal action under the mining laws and they should cease accepting rental payment or authorize surface occupancy of their claims. When the Abruzzini's were informed of their unanuthorized use of the surface they immediately made an attempt to enter into a life occupancy lease with the United States to authorize their use of the surface. Mr. Abruzzini is 84 years old and Mrs. Abruzzini is 75. The United Mines and the Sunshine Mining Company, the developer of the United Mines Claims, has indicated they have no objection to the United States granting a life occupancy lease to Pete and Enes Abruzzini.

Examination of the public land records and the land involved revealed that the area occupied and used by the Abruzzini's is within the Elgin Lode claim of the United Mines. The Sunshine Mining Company has entered into an agreement with United Mines, Inc. to develop their claims. The adjoining private land also occupied by the Abruzzini's was previously leased and acquired from Bunker Hill Mining Co. on February 13, 1960.

The public interest will be well served by making this life occupancy lease. The terms and conditions applicable to the lease are:

1. The lease will be nontransferable.

2. The lease will be terminated when both Pete and Enes Abruzzini are no longer physically able to occupy their home.

3. The lease will not prohibit development of the minerals by the mining claimants of record or their agents.

4. The lease rental will be based upon the appraised fair market rental and the ability of the Abruzzini's to pay such rental.

5. The lease terms shall be negotiated so the United States would not cause the public greater expense in caring of the Abruzzini's in their retirement years.

6. The lease will be subject to valid existing rights including any claims affecting the lands involved.

Detailing information concerning this proposed life occupancy lease, including the environmental assessment or categorical exclusion therefrom, and the record of public discussions, is available for review at the Coeur d'Alene District Office, P.O. Box 1869, 1808 North 3rd. Coeur d'Alene, Idaho 83814. For a period of 45 days interested parties may submit comments to the District Manager,

Coeur d'Alene District Office, Bureau of Land Management at the above address.

Any adverse comments will be evaluated by the authorized officer who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments this realty action will become the final determination of the department.

Wayne Zinne,

District Manager.

[FR Doc. 82-1204 Filed 1-15-82; 8:45 am]

BILLING CODE 4310-84-M

[DR 6108]

Oregon; Termination of Classification for Multiple Use Management

Correction

In FR Doc. 81-37256 appearing on page 63397 in the issue for Thursday, December 31, 1981, please make the following correction:

On page 63397 in the middle column, in paragraph "6.", in the third line, the land description should have read "NW¼NE¼".

BILLING CODE 1505-01-M

National Park Service

General Management Plan, Great Smoky Mountains National Park, North Carolina and Tennessee; Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Final Environmental Impact Statement for the General Management Plan, Great Smoky Mountains National Park, North Carolina and Tennessee. The Final Environmental Impact Statement includes proposals for constructing new facilities at 16 locations in the park; constructing 47 miles of new roads, 24 miles of hiking trails, and 58 miles of bicycle paths; and managing park lands, vegetation, wildlife, and cultural objects for visitor use and resource protection. The three alternatives considered are: a. maintain present levels of services and facilities for visitor use (no action alternative), b. provide easy access and greater public use of more of the park by expanding development, principally roads, and c. provide greater protection to park resources by controlling and/or reducing facilities and services for visitor use.

A limited number of copies are available upon request to:

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, Telephone: (404) 221-5835.

Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738, Telephone: (615) 436-5616.

Public reading copies will be available for review at the above two locations as well as the following location: Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone: (202) 343-6843.

Dated: January 6, 1982.

Neal G. Guse, Jr.,

Regional Director, Southeast Region.

[FR Doc. 82-1205 Filed 1-15-82; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Alaska Land Use Council; Meeting

As required by the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, dated December 2, 1980, section 1201, paragraph (h), the Alaska Land Use Council will meet February 9, 1982, at 9:00 a.m., in the Governor's Conference Room, Capitol Building, Juneau, Alaska. The agenda will include status reports on the following studies:

1. Chugach Region Land Study
2. Bristol Bay Region Study
3. Kantishna Hills/Dunkle Mine Study
4. Land Use Advisors Committee
5. Council's Annual Report
6. Hazardous Waste Materials
7. Denali Scenic Highway Study

William P. Horn,

Deputy Under Secretary.

January 13, 1982.

[FR Doc. 82-1220 Filed 1-15-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Long-and-short-haul Application for Relief (Formerly Fourth Section Application)

January 12, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43953, Southwestern Freight Bureau, Agent (No. B-148), reduced rates on asphalt (asphaltum), etc. from Machovec, TX to destinations in Illinois and Western Trunk Line Territories, in its tariff ICC SWFB 4682, Supplement 146, effective February 9, 1982. Grounds for relief: Market Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1213 Filed 1-15-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-4]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: January 12, 1982.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in

accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC–F–14759, filed December 18, 1981. WESTPOINT PEPPERELL, INC. (WPI) (P.O. Box 71, Westpoint, GA 31833)—CONTINUANCE IN CONTROL—WESTPOINT PEPPERELL TRANSPORTATION COMPANY (WPTC) (P.O. Box 71, Westpoint, GA 31833). Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000 Washington, DC 20036. WPI, a non-carrier seeks to continue in control of WPTC upon the institution by WPTC of operations in interstate or foreign commerce, as a motor contract carrier. WPI is a publicly held corporation that controls Chattahoochee Valley Railway Company, a rail carrier. Condition: WPI, a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subject to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carriers subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, WPI need only file such reports as the Commission may from time to time require. WPI is not made subject to the accounting requirements of 49 U.S.C. 11142.

Note.—WPTC has filed as a directly related application its initial contract carrier application, docketed MC–159781, published in this same **Federal Register** issue.

[FR Doc. 82-1214 Filed 1-15-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applicants may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or juridictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action signficiantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintaines appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI–2

Decided: January 7, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 117850 (Sub-7), filed December 30, 1981. Applicant: J. B. KENNEDY, Brookfield, MO 64628. Representative: J. B. Kennedy (same address as applicant), (816) 258–2120. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 128460 (Sub-9), filed December 29, 1981. Applicant: CENTRAL AIR FREIGHT SERVICES, INC., P.O. Box 99, Hazleton, PA 18201. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159881, filed December 28, 1981. Applicant: A M DELIVERY CORP., 120 W. 44th St., New York, NY 10036. Representative: Milton W. Flack, 8383 Wilshire Blvd, #900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which

no one package exceeds 100 pounds, between points in the U.S.

MC 159900, filed December 29, 1981. Applicant: ROBERT HENRY CARL RETZ, 6324 Newton Avenue South, Richfield, MN 55423. Representative: Robert Henry Carl Retz (Same address as applicant), (612) 866-6194. Transporting *food and other edible products and byproducts intended for human consumption* except alcoholic beverages and drugs), *Agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4-10

Decided: January 7, 1982.

By the Commission, Review Board Number 2, members Carleton, Fisher and Williams.

MC 144757 (Sub-18), filed December 8, 1981, and noticed in the FR issue of December 30, 1981, and republished this issue. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 E. St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036. Transporting (a) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (b) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (c) *general commodities,* between (1) Tea, Lennox, Naomi, Davis, Viborg, and Irene, SD; (2) Diggs, Fox Creek and Victor, ID, (3) Elsinore, Alberhill, Arcilla, Weisel and South Corona, CA; (4) Clarinda and Hepburn, IA; (5) Arm, Oakvale, Hathorn, Goss and Walton Spur, MS; (6) Glasgow Air Base, MT, (7) Fairman, Patoka, Vernon, Shobonier, Vera, Hanson, Oconee and Dunkel, IL; (8) Keystone, Matthews and Great Bend, ND; (9) Sherwood, Casselton, Bradford and Lombardville, IL; (10) Wayland, Kahoka, Granger, Arbela, Memphis, Downing and Lancaster, MO, (11) Mound City and Maitland, MO; (12) Shubert and Maitland, NE; (13) Allen's Spur and Brisbin, MT; (14) Port Gibson, Russum, Lorman, Harrison, McNair, Hamburg, White Apple, Franklin, Knoxville, Rosetta, Crosby and Fayette, MS; (15) Good Roads, Sentell Spur, Belcher, Gilliam and Hosston, LA; (16) Three Lakes, Clearwater Lake, Eagle River, Conover and Land of Lakes, WI; (17) Irwin and Harlan, IA; (18) Vesper, Opal, Stratford, Fenwood, Edgar, Marathon City, WI, (19) McNaughton, Lake Tomahawk, Woodruff, Lac du Flambeau, Powell, Manitowish, Mercer, Van Buskirk, Cedar, Odanah, Ashland Junction, Barksdale and Washburn, WI; (20) Nelson, NE; and (21) Rosedale, Beulah, Lobdell, Benoit, Lake Vista, Scott, Lamont, Winterville and Greenville, AFB, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application in part (C) is to substitute motor common carrier for abandoned rail service. This republication is to indicate that this is a "fitness related" proceeding in lieu of a regular OP-1 application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1216 Filed 1-15-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-3]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: January 12, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absene of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number members, Parker, Changler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 159781, filed December 16, 1981. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, Westpoint, GA 31833. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457-1124. Transporting: (1) *textile mill products,* between points in the U.S., under continuing contract(s) with Amoco Fabrics Company, Patchogue Plymouth Division of Hazlehurst, GA and Everest Textile Co., Inc., Household Industrial Trading Corp. and Janaco Textile Corporation of New York, NY; (2) *such commodities as are dealt in by department stores and drugstores,* between points in the U.S., under continuing contract(s) with Cambridge Distribution, Inc., of Compton, CA; (3) *new furniture,* between points in the U.S., under continuing contract(s) with CVS Warehouse Corp. of Elizabeth, NJ; (4) *rubber and plastic products, metal products and textile mill products,*

between points in the U.S., under continuing contract(s) with Dayco Corporation of Dayton, OH; (5) *rubber and plastic products and recreational and athletic equipment, games and supplies,* between points in the U.S., under continuing contract(s) with Diversified Products Corporation of Opelika, AL; (6) *food and related products,* between points in the U.S., under continuing contract(s) with Harris Teeter Supermarkets, Inc. of Charlotte, NC; (7) *curtain and drapery rods, shelving, bath and shower accessories,* between points in the U.S., under continuing contract(s) with Kirsch Company of Sturgis, MI; (8) *hospital supplies,* between points in the U.S., under continuing contract(s) with Medline Industries, Inc. of Northbrook, IL; and (9) *paper and related products,* between points in the U.S., under continuing contract(s) with Star Paper Tube, Inc. of Rock Hill, SC.

Note.—This is directly related to MC-F-14759, published in this same **Federal Register** issue.

[FR Doc. 82-1215 Filed 1-15-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 335]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall address specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 158270, (Republication), filed September 14, 1981, published in the FR October 14, 1981, and republished this issue. Applicant: JERRY JOHNSON, 1110 West 29th St., Plainveiw, TX 79072. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. A decision by the Commission, Review Board #2, decided December 28, 1981, served January 5, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general* commodities (except classes A and B explosives and commodities in bulk), between points in Lubbock and Hale Counties, TX, on the one hand, and, on the other, points in Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been authorized to transport general commodities other than trailers and containers.

[FR Doc. 82-1211 Filed 1-15-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00. .

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-1

Decided: January 7, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 29890 (Sub-41), filed December 21, 1981. Applicant: ROCKLAND COACHES, INC., 126 N. Washington Ave., Bergenfield, NJ 07621. Representative: W. C. Mitchell, 370 Lexington Ave., Suite 1201, New York, NY 10017, (212) 532-5100. Transporting *passengers and their baggage,* in the same vehicle with passengers, over regular routes, (1) between junction US Hwy 9-W and NY Hwy 303 at or near Congers, NY, and County Hwy 90 and NY Hwy 303 at or near Congers, NY, over NY Hwy 303, (2) between junction NY Hwy 303 and Rockland Lake Rd., at or near Valley Cottage and Orangeburg, NY, over NY Hwy 303, (3) between junction County Hwy 79 and US Hwy 9-W at or near Tomkins Cove, NY, and Stony Point, NY, over US Hwy 9-W, serving all intermediate points in Route (1) thru (3) above.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 48441 (Sub-74), filed December 30, 1981. Applicant: R.M.E. INC., 1820 N. Bloomington St., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC

20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives, household good as defined by the Commission and commodities in bulk), between points in MN, IA, MO, WI, IL, MI, IN, OH and KY.

MC 48501 (Sub-20), filed December 28, 1981. Applicant: INDIANA MOTOR BUS COMPANY, a Corporation, 715 South Michigan Street, South Bend, IN 46624. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, DC 20005, (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Echo Travel, Inc., of Carol Stream, IL.

MC 95490 (Sub-57), filed December 29, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worchester, MA 01604. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between Enfield, CT, Chicago, IL, Norfolk and Richmond, VA and Detroit, MI, and points in Fairfield and New Haven Counties, CT, Marion County, IN, Knox, Somerset, Oxford, York, Penobscot, Kennebec, Androscoggin and Cumberland Counties, ME, Fulton and Onondaga Counties, NY, Hunterdon County, NJ, and Bennington County, VT.

MC 121770 (Sub-1), filed December 14, 1981. Applicant: MACEY TRANSFER & STORAGE, INC., 701 W. 6th St., Jamestown, NY 14701. Representative: Kenneth T. Johnson, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701, (716) 664–5210. Transporting (1) *household goods*, between points in Chautauqua County, NY, and Crawford and Warren Counties, PA, on the one hand, and, on the other points, in MO, OH, IN, IL, WI, MN, MI, ME, NH, VT, RI, MA, CT, NY, NJ, PA, DE, MD, WV, VA, NC, SC, GA, AL, TN, KY, and DC, and (2) *general commodities* (except classes A and B explosives), between points in Chautauqua County, NY. *Condition.*—Issuance of a Certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC 121770, issued October 21, 1975.

Note.—The purpose of this application is to extend applicant's operating authority in part (1) and to convert applicant's Certificate of Registration in MC–121770 to a Certificate of Public Convenience and Necessity in part (2).

MC 124511 (Sub-75), filed December 28, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 233, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 29 South La Salle Street, Chicago, IL 60603, (312) 236–0375. Transporting *such commodities* as are dealt in by manufacturers of pipe and tubular products, between points in TX, OK, KS, NE, LA, AR, and IL.

MC 124511 (Sub-76), filed December 29, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 29 South La Salle St., Chicago, IL 60603, (312) 236–0375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with North American Refractories Company, of Cleveland, OH.

MC 126091 (Sub-20), filed December 29, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *agricultural machinery and equipment*, between points in New Castle County, DE, Cumberland County, PA, and Franklin County, OH, on the one hand, and, on the other, points in IN, OH, IL, IA, KY, TN, MI, and WV.

MC 126140 (Sub-11), filed December 28, 1981. Applicant: TRANS-PETRO, INC., Box 124, Wood River, IL 62905. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Riverside Oil, Inc., of Evansville, IN.

MC 135410 (Sub-129), filed December 28, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 286, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Avenue, Park Ridge, IL 60068 (312) 698–2235. Transporting (1) *petroleum, natural gas and their products*, between points in Erie and Niagara Counties, NY, Venango, McKean, Chester, Westmoreland, Warren and Crawford Counties, PA, and points in Pleasants County and Congo, WV, on the one hand, and, on the other, points in IA, KS, MN, MO, NE and WI, (2) *metal products and machinery*, between points in Kent County, RI, on the one hand, and, on the other, points in CA, IL, KS, MN, MO and WA, and (3) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between the facilities of Armour Dial, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144640 (Sub-4), filed December 17, 1981. Applicant: Agricultural Services Association, Inc., Box 472, Bells, TN 38006. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street, N.W., Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between points in the U.S. (except AK and HI).

MC 147570 (Sub-6), filed December 21, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254, (216) 948–2531. Transporting *machinery*, between the facilities of Reliance Electric Co., its subsidiaries, and divisions, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148141 (Sub-3), filed December 29, 1981. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs (same address as applicant), (201) 997–3000. Transporting *copper crystals*, between points in the U.S., under continuing contract(s) with Duval Sales Corporation, of Houston, TX.

MC 148490 (Sub-13), filed December 15, 1981. Applicant: C. & N. EVANS TRUCKING CO., INC., Route 2, Box 39E, Stoneville, NC 27048. Representative: Harry G. Grubbs (same address as applicant), (919) 573–3761. Transporting *containers, container closures, and machinery*, between points in the U.S., under continuing contract(s) with Crown Cork & Seal Company, Inc., of Philadelphia, PA.

MC 150301 (Sub-15), filed December 22, 1981. Applicant: EQUITY TRANSPORTATION CO., INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with U.S. Packing and Shipping Company, of Jersey City, NJ.

MC 153140, (PARTIAL REPUBLICATION), filed May 29, 1981, previously noticed in the FR notice of June 16, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany,

NJ 07981. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. B. Williams Co. of Cranford, NJ.

Note.—The purpose of this partial republication is to reflect the addition of J. B. Williams Co. as a contracting shipper in addition to those previously published.

MC 154881(Sub-1), filed December 29, 1981. Applicant: J.L. and V.A. HATFIELD, d.b.a. HATFIELD ENTERPRIZES, 9909 E. Jackson, P.O. Box 14853, Spokane, WA. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 288–3807. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kilkom, Inc., Thermoguard Insulation Co., both of Spokane, WA.

MC 155380 (Sub-1), filed December 29, 1981. Applicant: DIAMOND TRUCKING, INC., Route 2, Box 152, Rexburg, ID 83440. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *lumber and wood products and building materials,.* between points in MT, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, MT, ND, OR, SD, UT, WA and WY.

MC 156061 (Sub-3), filed December 29, 1981. Applicant: LAND & SEA, INC., Route 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *chemicals and related products,* between points in AZ, CA, DO, ID, MT, NM, OR, UT, WA and WY.

MC 157080, filed December 28, 1981. Applicant: RONEL CORPORATION, 1800 South Portland, Oklahoma City, OK 73108. Representative: Dean Williamson, Suite 615-East, The Oil Center 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *Mercer commodities,* between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CA, CO, ID, IA, KS, KY, LA, MO, MS, MT, NE, ND, NM, OK, SD, TX, UT, and WY.

MC 156221 (REPUBLICATION) filed July 20, 1981, previously noticed in the FR issue of August 18, 1981. Applicant: R & J SALVAGE, P.O. Box 125, Rathdrum, ID 83858. Representative: Timothy R. Stivers, 910 Main St., Suite 260, Boise, ID 83701 (208) 343–3071. Transporting *building materials,* and *machinery,* between points in ID, WA, OR, CA, MT, and UT.

Note.—The purpose of this republication is to indicate the change in the territorial description.

MC 157701 filed December 21, 1981. Applicant: HEARNEN BROS. TRUCKING, R.R. No. 1, Conde, SD 57434. Representative: John C. Wiles, P.O. Box 235, Watertown, SD 57201, (605) 886–5881. Transporting *such commodities* as are dealt in or used by distributors of non-alcoholic beverages and mineral water, between Minneapolis, MN, and Aberdeen, SD.

MC 159001, filed December 28, 1981. Applicant: BRYWIL, INC. (BRYY), P.O. Box 466, Experiment, GA 30212. Representative: George V. Evans (same address as applicant), 404–228–0930. Transporting *such commodities* as are dealt in by drug stores, between points in the U.S., under continuing contract(s) with McKesson Drug Company, of San Francisco, CA.

MC 159650, filed December 28, 1981. Applicant: GEYSER TRUCKING, INC., P.O. Box 295, Greenville, IN 47124. Representative: Jerry G. Tush, (same address as applicant), (812) 923–8470. Transporting *boilers, parts and accessories for boilers,* between points in the U.S., under continuing contract(s) with Ivan Ware & Son, Inc., of Louisville, KY.

MC 159680, filed December 11, 1981. Applicant: CAMP TRUCKING, INC., 1408 West Main St., Forest City, NC 28043. Representative: Lee Camp (same address as applicant), (704) 248–1921. Transporting *office furniture and fixtures,* between points in the U.S., under continuing contract(s) with G. F. Business Equipment, Incorporated, of Forest City, NC.

MC 159721, filed December 21, 1981. Applicant: PAPPY'S TRANSPORT, P.O. Box 674, Burleson, TX 76028. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. (817) 332–4718. Transporting *such commodities* as are dealth in or used by food business houses, between points in Los Angeles and San Francisco Counties, CA; Clay County, MO; and Wyandotte County, KS, on the one hand, and, on the other, points in AR, CA, KS, IL, IN, IA, MN, MO, NE, NV, ND, OH, OR, OK, SD, TN, TX, WA, and WI.

MC 159810, filed December 21, 1981. Applicant: WALCOR TRANSPORT, INC., 1650 Howard, Lincoln Park, MI 48146. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of building products, between points in the U.S., under continuing contract(s) with Wolverine Aluminum Corporation, of Lincoln Park, MI.

MC 159870, filed December 28, 1981. Applicant: WALLACE D. SMITH TRUCKING, 13670 S.W. 114th Ave., Tigard, OR 97223. Representative: David R. Benson, 3170 N.W. Parkview Drive, Beaverton, OR 97006, (503) 223–3996. Transporting *lumber and wood products,* between points in CA, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 159871, filed December 28, 1981. Applicant: MARY C. WILLIAMS and JOSEPH E. LANGFORD, d.b.a. TRAVEL TIMES LEASING, 3640 Nansemond Parkway, Suffolk, VA 23435. Representative: Joseph E. Langford (same address as applicant), (804) 934–0989. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at Suffolk, Portsmouth, Norfolk, and Chesapeake, VA, and points in Isle of Wight County, VA, and extending to points in the U.S. (except AK and HI).

MC 159881, filed December 28, 1981. Applicant: SUN COUNTRY TRANSPORTATION, INC., 2010 Rudkin Road, Union Gap, WA 98903. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *food and related products,* between points in WA, OR, CA, ID, MT, WY, NV, UT, CO, NM, AZ, and TX.

MC 159890, filed December 29, 1981. Applicant: EDWIN P. NALL and RICHARD K. NALL, d.b.a. WHEELER ENERGY, 406 South Main, P.O. Box 750, Wheeler, TX 79096. Representative: Edwin P. Nall (same address as applicant), (806) 826–3078. Transporting *oilfield equipment and supplies,* between points in OK and TX.

MC 159891, filed December 28, 1981. Applicant: JAMES R. MARZIALE, d.b.a. MARZIALE TRUCKING, 2295 W 600 S, Provo, UT 84601. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *building materials and metal products,* between points in WA, OR, CA, NV, UT, AZ, WY, CO, NM, and ID.

Volume No. OP2–8

Decided: January 11, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–583, filed December 29, 1981. Applicant: BWI INTERMODAL CORP., P.O. Box 24585, Seattle, WA 98124. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202–785–0024. *As*

a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in WA, OR, and CA, on the one hand, and, on the other, points in the U.S.

MC 35153 (Sub-4), filed December 31, 1981. Applicant: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, RT 211, Middletown, NY 10940. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ, (201) 836–1144. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Orange County, NY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant indicates intention to tack this authority with its existing authority.

MC 36832 (Sub-27), filed December 29, 1981. Applicant: AMERICAN TRANSIT LINES, INC., 221 North LaSalle St., Chicago, IL 60601. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603, 312–236–8375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, MI, MO, PA, NY, OH, KY, and NE.

MC 52793 (Sub-91), filed December 31, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Texas Instruments Incorporated, of Dallas, TX.

MC 75543 (Sub-10), filed December 31, 1981. Applicant: VALLERIE'S TRANSPORTATION SERVICE, INC., 465 Connecticut Ave., P.O. Box 880, Norwalk, CT 06852. Representative: Raymond R. Vallerie (same address as applicant), 203–838–4751. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, MA, RI, NY, and NJ, on the one hand, and, on the other, points in PA, DE, VT, and NH.

MC 86913 (Sub-44), filed December 31, 1981. Applicant: EASTERN MOTOR LINES, INC., P.O. Box 649, Warrenton, NC 27589. Representative: Sears Bugg (same address as applicant), 919–257–3145. Transporting *iron and steel articles,* between points in IA, IN, IL, MI, OH, PA, WV, MD, NJ, TN, KY, NY, CT, and GA, on the one hand, and, on the other, points in NC, SC, and VA.

MC 151183 (Sub-21), filed December 29, 1981. Applicant: PAULS TRUCKING CORP., 288 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant) (201) 499–3869. Transporting *hair care products, toilet preparations, soaps, and health and beauty aids,* between points in the U.S., under continuing contract(s) with Nature's Organics Plus, Inc., of Paramus, NJ.

MC 151703 (Sub-9), filed December 2, 1981. Applicant: NORSUB, INC., R.D. No. 1, Box 317, Evans City, PA 16003. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 412–471–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Seneca County, OH, Caldwell County, KY, Gulf County, FL, Nye and Mineral Counties, NV, Lake County, IN, Orange County, CA, Harris County, TX, and Jefferson County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153283, filed December 29, 1981. Applicant: REID WOODWARD CO., 3327 W. Hillsboro, El Dorado, AR 71730. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71753, (501)234–4728. Transporting *Mercer Commodities,* between points in AR, LA, and TX.

MC 154433 (Sub-1), filed December 29, 1981. Applicant: INDUSTRY ENTERPRISES, INC., 18465 Railroad Ave., City of Industry, CA 91748. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714)667–8107. Transporting *furniture and related products, data processing devices, and system component parts,* between points in CA, on the one hand, and, on the other, points in OR, WA, ID, NV, MT, WY, UT, AZ, CO, NM, and TX.

MC 157012 (Sub-1), filed December 31, 1981. Applicant: JAMES W. BUCKALEW d.b.a. BUCK'S TRANSPORT CO., Box 81, Bethany, MO 64424. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515)245–4300. Transporting *building materials* between points in Hamilton County, IA, on the one hand, and, on the other, points in DuPage County, IL.

MC 159623, filed December 9, 1981. Applicant: KLEIN PLASTIC PRODUCTS, INC., d.b.a. MAX KLEIN CO., 715 Lynn Ave., Baraboo, WI 53913. Representative: Bruce McConnell (same address as applicant), 608–356–8626. Transporting *nuts and bolts,* between points in the U.S., under continuing contract(s) with Darling Bolt Co., of Warren, MI.

MC 159912, filed December 31, 1981. Applicant: GENE HOLMAN TRUCKING, 1153 South 34th, Tacoma, WA 98408. Representative: Gene Holman (same as applicant), (206)475–0322. Transporting (1) *doors, lumber and wood products, and building materials,* between points in CA, OR, and WA, (2) *tires, wheels and such commodities* as are dealt in or used by wholesale and retail distributors of automobile supplies and tires, between points in CA, and OR, on the one hand, and, on the other, points in WA, and (3) *pipe, pipe fittings, and such commodities* as are used in the installation of pipe and pipe fittings, between points in Salt Lake County, UT, CA and OR, on the one hand, and, on the other, points in WA.

Volume No. OP4–9

Decided: January 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 60157 (Sub-33), filed December 24, 1981. Applicant: C. A. WHITE TRUCKING CO., 5327 N. Central Expressway, Suite 316, Dallas, TX 75205. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *metal products* between New Orleans, LA, and points in St. John The Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 119577 (Sub-31), filed December 28, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *plastic products,* between points in the U.S.

MC 119577 (Sub-32), filed December 28, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *food and related products,* between points in IL, KS and MO, on the one hand, and, on the other, points in AL, FL, GA, IL, KS, MS, LA and TX.

MC 119577 (Sub-33), filed December 28, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting (1) *containers, container closures, glassware, packaging products, container components, and scrap materials,* between points in the U.S., and (2) commodities in bulk, between points in the U.S.

MC 119577 (Sub-34), filed December 28, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL

60601, (312) 332–5106. Transporting *metal products and machinery,* between points in the U.S.

MC 151307 (Sub-1), filed December 31, 1981. Applicant: TREFFLE & REID LeCLERC, 246 Tobique Rd., Grand Falls, New Brunswick, Canada EOJ–1MO. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04111, (207) 773–5651. Transporting *passengers and their baggage* in round trip charter operation beginning and ending at points on the International Boundary line between the United States and Canada in Maine and points in Aroostook County, ME, and extending to points in the U.S.

MC 159837, filed December 23, 1981. Applicant: BOOKER & RICE ADVENTURE TOURS (a partnership), P.O. Box 259, Lisbon, ME 04250. Representative: Debra L. Booker, (same address as applicant), (207) 353–2633. As a *broker* at Lisbon, ME, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Androscoggin and Sagadahoc Counties, ME, and extending to points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1217 Filed 1–15–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–162

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159754 (Sub-1–1TA), filed December 31, 1981. Applicant: ALOHOA CARTING, INC., 800 Castle Road, Secaucus, NJ 07094. Representative: Harry L. Starrett, Esq., Starrett & Klinghoffer, 111 Northfield Avenue, West Orange, NJ 07052. *Hazardous waste and/or toxic material* between points in NJ and PA. Supporting shipper(s): American NuColor, Inc., 1501 Kennedy Blvd. Manville, NJ 08835; Summit Research Labs, Inc., 297 Davidson Avenue, Somerset, NJ 08873.

MC 134806 (Sub-1–23TA), filed December 30, 1981. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* Irregular routes: *Paper products, fiberwood and pulp board,* from Brattleboro, VT to points in CA, under continuing contract(s) with Boise Cascade, Brattleboro, VT. Supporting shipper: Boise Cascade, P.O. Box 498, Brattleboro, VT 05301.

MC 159878 (Sub-1–1TA), filed December 29, 1981. Applicant: J. B. TOWN CARS, INC., Sasqua Road, Norwalk, CT 06855. Representative: Warren D. Kealey, 71 East Avenue, Norwalk, CT 06851. *Passengers and their baggage in the same vehicles, by limousines, each of which would have a maximum passenger capacity of four passengers* between points in Farifield County, CT, on the one hand, and, on the other, Kennedy and LaGuardia Airports in Queens, NY, and Westerchester County Airport, Westchester County, NY. Supporting shipper(s): There are six statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159803 (sub-1–1TA), filed January 4, 1982. Applicant: K & L ASSOCIATES, 417 Washington Avenue, P.O. Box 192, North Haven, CT 06473. Representative: Jack L. Schiller, 123–60 83rd Avenue, Kew Gardens, NY 11415. *Contract carrier:* Irregular routes: *(1) Cartons and paperboard* between the facilities of Simkins Industries located at New Haven, CT, on the one hand, and, on the other, points in IL, Sunnyvale, CA, Miami, FL, Marietta, GA, Holland, MI, Millville, NJ, Fort Edward, NY, and Chester and Jeannette, PA, and (2) *Automotive parts* from the facilities of Nickson Industries located at Plainville, CT, on the one hand, and, on the other, to the facilities of Midas International, located at Chicago, IL, and the faiclities of Martin Sales, located at Houston, TX, restricted to traffic to be transported under countinuing contract(s) with Simkins Industries, New Haven, CT; Wickson Industries, Plainville, CT. Supporting shipper(s): Simkins Industries Inc., 259 East Street., New Haven, CT 06508; Nickson Industries, 335 Woodford Avenue, Plainville, CT 06063.

MC 159907 (sub-1–1TA), filed December 31, 1981. Applicant: M.A.K. FREIGHT, LTD., 5 Arapaho Drive, Brookfield Center, CT 06805. Representative: Gerald A. Joseloff, 410 Asylym Street, Hartford, CT 06103. *Contract carrier:* Irregular routes: *Lubricating oils* between Brookfield, CT, on the one hand, and, on the other, Bayonne and Linden, NJ and Pittsburgh, PA, under a continuing contract(s) with Intercontinental Lubricants Corp. of Brookfield, CT. Supporting shipper: Intercontinental Lubricants Corp., Route 7, Brookfield, CT 06804.

MC 138175 (sub-1–1TA), filed December 31, 1981. Applicant: JOSEPH E. McCARTNEY, P.O. Box 622, Portland, ME 04101. Representative: Beth Dobson, c/o Verrill & Dana, Two Canal Plaza, P.O. Box 586, Portland, ME 04112. *Contract carrier:* Irregular routes: *Canned fruits and vegetables; frozen fruits and vegetables, fruit juices; purees; pomaces and frozen concentrates, and materials and ingredients used in production and packaging of products of M.W. Graves & Company, Ltd.,* between all ports of entry on the International Boundary Line between the U.S. and CD and points in the states of AL, AR, CA, CT, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MN, MO, NH, NJ, NY, NV, NC, OH, PA, RI, SC, TN, VT, VA, WI, and WV under continuing

contract(s) with M. W., Graves & Company, Ltd., Nova Scotia, CD. Supporting shipper: M. W. Graves of Berwick, P.O. Box 340, Berwick, CD.

MC 150463 (Sub-1–3TA), filed January 4, 1982. Applicant: ROETHEL COACH LINES, INC., 515 Ford Street, Ogdensburg, NY 13669. Representative: Thomas G. Roethel (Same as applicant). *Passengers and their baggage in charter and special operations* between Ogdensburg, NY on the one hand, and, on the other, points in PA, DC, VA, WV, NC, SC, NJ, FL, GA, TN, KY, OH, NY, AL, ME, CT, NH, VT, RI, and MD. Supporting shipper(s): Roethel's Ogdensburg Business Institute, 515 Ford Street, Ogdensburg, NY 13669; Canton Agricultural & Technical College Student Group, Riverside Drive, Ogdensburg, NY 13669; United Paperworkers & Papermakers AFL–CIO Local 860, 508 King Street, Ogdensburg, NY 13669; Knights of Columbus, Council 258, Hasbrouck Street, Ogdensburg, NY 13669; R.O.B.I. Student Association, 918 Lafayette Street, Ogdensburg, NY 13699.

MC 108473 (Sub-1–1TA), filed December 22, 1981. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Harry J. Jordan, Esq., Macdonald, McInerny, Guandolo, & Jordan, Suite 502, Solar Building, 1000 Sixteenth Street, NW, Washington, DC 20036. *Contract carrier:* Irregular routes: *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and hazardous waste)* between all points in the U.S. under continuing contract(s) with J. C. Penney Company, Incorporated, New York, NY. Supporting shipper: J. C. Penney Company, Incorporated, 1301 Avenue of the Americas, New York, NY 10019.

MC 159924 (Sub-1–1TA), filed January 4, 1982. Applicant: D. G. SUIKER TRUCKING INC., 10 Tower Lane, Morristown, NJ 07960. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract Carrier:* Irregular routes: *Metal products* between points in the U.S. on traffic originating at or destined to the facilities or subsidiaries of Watson Metal Product Corp. and Trident Metal Products, Inc., under continuing contract(s) with Watson Metal Products Corp., Kenilworth, NJ; Trident Metal Products Inc., Kenilworth, NJ. Supporting shipper(s): Watson Metal Products Corp., 333 Monroe Avenue, Kenilworth, NJ 07033; Trident Metal Products, Inc., 1 Lafayette Place, Kenilworth, NJ 07033.

MC 159867 (Sub-1–1TA), filed December 28, 1981. Applicant: T. J. DELIVERY, INC., Building 504, Raritan Center, Edison, NJ 08837. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. *Contract carrier:* Irregular routes: *Merchandise, equipment and supplies used, sold, or distributed by a manufacturer of cosmetics,* between Edison, NJ, on the one hand, and, on the other, all points in NJ, under contracts(s) with Avon Products, Inc., Newark, DE. Supporting shipper: Avon Products, Inc., 2100 Ogletown, RD., Newark, DE 19711.

MC 159919 (Sub-1–1TA), filed December 31, 1981. Applicant: A TOUCH OF CLASS LIMOUSINES, INC., 5517 Roberts Avenue, Sea Isle City, NJ 08243. Representative: Frank J. Pacifico (same as applicant). *Passengers and their baggage in vehicles not exceeding 8 passengers including driver* between points in NJ on the one hand, and, on the other, points in VA, MD, DC, DE, PA, NJ, CT, MA and NY. Supporting shipper: The Sands Hotel and Casino, Indiana and Brighton Park, Atlantic City, NJ 08404.

MC 159929 (Sub-1–1TA), filed January 5, 1982. Applicant: UNIVERSITY TRANSPORT, INC., 200 Spring Hill Road, Trumbull, CT 06611. Representative: John M. Jacob, Jr., P.O. Box 764, Fairfield, CT 06430. *Passengers and their baggage in the same vehicle in special and charter operations,* from points in Fairfield, New Haven, Litchfield and Middlesex Counties, CT, on the one hand, and, on the other points in ME, MA, VT, NH, RI, CT, NY, NJ, PA, DC, MD, DE, VA, WV, NC, SC, GA and FL. Supporting shipper(s): Fairfield University, North Benson Road, Fairfield, CT 06430; Trumbull Public Schools, 6254 Main Street, Trumbull, CT 06611.

MC 143427 (Sub-1–1TA), filed January 5, 1982. Applicant: WINSTON LIMOUSINE SERVICE, INC., 1650 Sycamore Avenue, Drawer 507, Bohemia, NY 11716. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022. *Common carrier:* Regular routes: *Passengers and their baggage* (1) between Stamford, CT and Newark, NJ, serving all intermediate points: Commencing at the Marriott Hotel on Tressor Boulevard, Stamford, CT, continuing south on Tressor Boulevard to North State Street; west on North State Street to entrance Connecticut Turnpike (I–95); west on Connecticut Turnpike to Cross County Westchester Expressway (I–287) at Port Chester, NY; west on I–287 to Westchester Avenue exit White Plains, NY; west on Westchester Avenue to North Broadway; north on North Broadway to Hamilton Avenue; west on Hamilton Avenue to Bus Terminal at White Plains Railroad Station; continuing west on Hamilton Avenue to Central Avenue; continuing west on Central Avenue to Central Park Avenue; south on Central Park Avenue to Interchange 4 of Interstate 87 at Yonkers, NY; south on Interstate 87 to Interstate 95 in the Borough of Bronx, City of New York; west on Interstate 95 to 179th Street exit, Borough of Manhattan, City of New York; west on 179th Street to Port Authority Terminal at 179th Street and Washington Avenue; continuing west on 179th Street to George Washington Bridge; west across the George Washington Bridge to New Jersey Turnpike (Interstate 95); south on Interstate 95 to entrance of Newark Airport, Newark, NJ.; (2) between Danbury, CT and Newark, NJ, serving all intermediate points: Commencing at Transpo Terminal on Route 6, Danbury, CT; west on Route 6 to Interstate 84; west on Interstate 84 to Interstate 684 at Brewster, NY; south on Interstate 684 to Cross Westchester Expressway (I–287); west on I–287 to Westchester Avenue, White Plains, NY; west on Westchester Avenue to North Broadway; north on North Broadway to Hamilton Avenue; west on Hamilton Avenue to Bus Terminal at White Plains Railroad Station; continuing west on Hamilton Avenue to Central Avenue; continuing west on Central Avenue to Central Park Avenue; south on Central Park Avenue to Interchange 4 of Interstate 87 at Yonkers, NY; south on Interstate 87 to Interstate 95 in the Borough of Bronx, City of New York; west on Interstate 95 to 179th Street exit, Borough of Manhattan, City of New York, west on 179th Street to Port Authority Terminal at 179th Street and Washington Avenue; continuing west on 179th Street to George Washington Bridge; west across the George Washington Bridge to NJ Turnpike (Interstate 95); south on Interstate 95 to entrance of Newark Airport, Newark, NJ. Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 148893 (Sub-1–13TA), filed January 4, 1982. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Foodstuffs (except in bulk) and materials, supplies and equipment used in the manufacture or distribution of such commodities* between Buffalo, NY, on the one hand, on the other, Chattanooga, TN and

Dallas, TX, and between New Kingstown, PA, on the one hand, on the other, points in NY, restricted to traffic originating at or destined to the facilities of General Mills, Inc., Minneapolis, MN. Supporting shipper: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159964 (Sub-3–1TA), filed January 6, 1982. Applicant: VARRALLO FOODS, INC., d.b.a. BARALLO TRANSPORT, P.O. Box 40424, Melrose Station, Nashville, TN 37204. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *(1) Food and related products; (2) materials and supplies used in the manufacture, sale, and distribution of food and related products; and (3) glass, plastic, paper, and metal cans* (1) from Nashville, TN to points in GA, AL, OK, MS, SC, TX, KY, LA, and MO; (2) from points in GA, AL, OK, MS, SC, TX, KY, LA, and MO to Nashville, TN; and (3) between Nashville, TN on the one hand, on the other, Dallas, TX, Pittsburgh, PA, Atlanta, GA, and Alston, IL. Supporting shippers: Varallo Food, Inc., P.O. Box 40424, Nashville, TN 37024, Owens-Illinois, Inc., One Seagate, Toledo, OH 43666, American Recyclers, 237 Hermitage Avenue, Nashville, TN 37210.

MC 146402 (Sub-3–24TA), filed January 6, 1982. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract carrier:* Irregular routes: *Tile and equipment, materials and supplies used in the manufacture, installation and distribution thereof,* between points in the U.S. under continuing contract(s) with Structural Stoneware, Inc., Minerva, OH 44657. Supporting shipper: Structural Stoneware, Inc., P.O. Box 119, Minerva, OH 44657.

MC 159958 (Sub-3–1TA), filed January 6, 1982. Applicant: D & M TRUCKING CORPORATION, Route #13, P.O. Box 455, Cookeville, TN 38501. Representative: Michael Spurlock, Esquire, 275 East State Street, Columbus, OH 43215. *General commodities (except those of unusual value, classes A & B explosives, household goods, commodities in bulk, and those requiring special equipment)* between points in Cincinnati, Dayton, and Columbus, OH, Evansville and Indianapolis, IN, the KY counties of Adair, Allen, Anderson, Barren, Bell, Boone, Bourbon, Boyle, Bullitt, Campbell, Carroll, Casey, Clark, Clinton, Cumberland, Edmonson, Franklin, Gallatin, Garrard, Grant, Green, Hardin, Harrison, Hart, Henry, Jackson, Jefferson, Jessamine, Kenton, Knox, Larue, Laurel, Lincoln, Madison, Marion, McCreary, Mercer, Metcalfe, Monroe, Montgomery, Nelson, Oldham, Owen, Pendleton, Pulaski, Rockcastle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Trimble, Warren, Washington, Wayne, Witley, Woodford, and the TN counties of Anderson, Bedford, Bledsoe, Bradley, Campbell, Cannon, Clay, Coffee, Cumberland, Davidson, Fentress, Grundy, Hamblen, Hamilton, Jackson, Knox, Louden, Macon, Marion, McMinn, Meigs, Morgan, Overton, Pickett, Putnam, Rhea, Robertson, Rutherford, Scott, Sequatchie, Smith, Sumner, Trousdale, Van Buren, Warren, White, Williamson, Wilson, on the one hand, on the other, points in OH, KY, IN, GA, and TN. Supporting shippers: There are 20 supporting shippers. Their statements may be examined at the ICC Regional Office, Atlanta, Georgia.

Note.—Applicant requests interlining with other carriers at Cookeville and Nashville, TN; Louisville, and Lexington, KY and Cincinnati, OH and Chattanooga, TN.

MC 158381 (Sub-3–6TA), filed January 7, 1982. Applicant: YELLOW LAKE INC., P.O. Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701–1378. *Contract:* Irregular: *Steel and Poly Products manufactured and Distributed by Davidson Steel Div.* of Davidson Metals, Inc. from the facilities of Davidson Steel at or near Youngstown, OH to points in the states of AL, FL, GA, NC, SC, VA, MS, LA, and TX. Supporting shipper: Davidson Metals, Inc., 1630 Wilson Avenue, Youngstown, OH 44506.

MC 114848 (Sub-3–8TA), filed January 8, 1981. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13066, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Kaolin, feldspar, talc and silica* between points in Aachua County, FL; Mitchell County, NC and Lawrence County, NY, on the one hand, and, on the other points in Chesterfield County, SC. Supporting shipper: GTE Sylvania Wiring Devices, P.O. Box 38, Pageland, SC 29728.

MC 136123 (Sub-3–2TA), filed January 8, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, Florida 33561. Representative: David M. Kuehl (same as above). *Foodstuffs* between Ramsey, NJ and points in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: C&J Willenborg Inc., 565 E. Crescent Ave., Ramsey, NJ 07446.

MC 114107 (Sub-3–2TA), filed January 8, 1982. Applicant: RONALD ELLIOTT CLARK, d.b.a., CLARK'S TRUCKING AND EXCAVATING, 13612 Bohannon Lane, Valley Station, KY 40272. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract carrier:* Irregular: *Gypsum rock and gypsum fines,* between facilities of Kosmos Cement Company, Inc., at Kosmosdale, KY, on the one hand, and, on the other, points in Lawrence and Martin Counties, IN, under continuing contract(s) with Kosmos Cement Company, Inc., Louisville, KY. Supporting shipper: Kosmos Cement Company, Inc., 15301 Dixie Highway, Louisville, KY 40272.

MC 119917 (Sub-3–5TA), filed January 11, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE, Atlanta, GA 30316. Representative: Archie B. Culbreth, suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Containers, container closures, and material, equipment and supplies used in the manufacture or distribution of containers and container closures,* between points within the Commercial Zone of Atlanta, GA, on the one hand, and, on the other, points in AL, FL, GA (export and import only), IL, KY, LA, MS, NC, OH, SC, TN, VA and WV. Supporting shipper: Armstrong Container, Inc., 1166 Logan Circle, NW, Atlanta, GA 30318.

MC 147402 (Sub-3–2TA), filed January 11, 1982. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Avenue, Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Vitamins, cosmetics, nutritional products and cleaning compounds* between points in Atlanta, GA, on the one hand, and, on the other, points in NC, SC and TN. Supporting shipper: Shaklee Corporation, 456 22nd Street, Oakland, CA 94612.

MC 160011 (Sub-3–1TA), filed January 8, 1982. Applicant: WAYNE S. GODFREY, CARL A. DAVIS, MAG–29, HMS–29, MCAS, Jacksonville, N.C. 28545. Representative: Wayne S. Godfrey, Carl A. Davis (same as applicant). *Passengers and their bags,* between Jacksonville, N.C. and New York, N.Y. Supporting shipper: Sgdn Legal Officer, HMS–29, MAG–29, MCAS [H] NR. Jacksonville, N.C. 28545.

MC 158381 (Sub-3–7TA), filed January 8, 1982. Applicant: YELLOW LAKE, INC., Post Office Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., Post Office Box 1378, Altamonte Springs, FL 32701–1378. *Contract:* Irregular: *Juice, beverages, beverage*

preparations, citrus products, and other commodities manufactured or processed by citrus processing plants from the facilities of Lykes Pasco Packing Co., Dade City, FL to all points in the U.S. (except AK & HI). Supporting shipper: Lykes Pasco Packing Co., P.O. Box 97, Dade City, FL 33525.

MC 159894 (Sub-3–1TA), filed January 8, 1982. Applicant: SHOLAR TRANSPORT, INC., 406 "B" Street, Fayetteville, NC 28301. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Furniture and fixtures,* from the facilities of Kemp Furniture Industries, Inc. in Wayne and Wake Counties, NC, to points in WA, OR, ID, CA, UT, CO, NM, NV, AZ, and MT. Supporting shipper: Kemp Furniture Industries, Inc., P.O. Box 1678, Goldsboro, NC 27530.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 118838 (Sub-4–12TA), filed December 29, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *Salt and salt products,* from Little Mountain, UT, to IA, MN and WI, under continuing contract(s) with Great Salt Lake Mineral & Chemical Corporation, P.O. Box 1190, Ogden, UT 84402. An underlying ETA seeks 120 days authority. Supporting shipper: Great Salt Lake Mineral & Chemical Corp., P.O. Box 1190, Ogden, UT 84402

MC 119343 Sub-4–1TA), filed December 28, 1981. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main St., Sussex, WI 53089. Representative: Daniel R. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203. *Salt, in bulk, in dump vehicles,* from La Crosse, WI, to points in Fillmore, Houston and Winona Counties, MN. An underlying ETA seeks 120 days. Supporting shipper: Cargill, Inc.—Salt Div., P.O. Box 5621, Minneapolis, MN 55440.

MC 126717 (Sub-41TA), filed December 28, 1981. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 E. Franklin St., Evansville, IN 47711. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Self-propelled well drilling rigs and self-propelled well servicing rigs,* from Wichita and Clay Counties, TX and Vanderburgh County, IN to all points in the U.S. except AL and HI. Supporting shipper: Continental Emsco Co., P.O. Box 359, Dallas, TX 75221.

MC 129987 (Sub-4–3TA), filed December 29, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., Ill. Hwy. 31 at Ill. Hwy. 176, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract:* Irregular: *Petroleum products,* between points in the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in the states of IN, IA, KY, MI, MN, MO, OH, and WI, under continuing contract(s) with Torco Oil Co., Chicago, IL. Supporting shipper: Torco Oil Co., 624 S. Michigan Ave., Chicago, IL 60605.

MC 147943 (Sub-4–4TA), filed December 28, 1981. Applicant: E.W.K. CARTAGE, INC., 4855 So. Leamington, Chicago, IL 60638. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603. *Contract:* Irregular: *General commodities (except Classes A & B explosives, household goods as defined by the Commission, articles requiring special handling, and articles of unusual value),* from the facilities of Acme Fast Freight, Inc., located at or near Chicago, IL to Dallas, Fort Worth, Houston, San Antonio and Texarkana, TX; Miami, FL; Los Angeles, Oakland, Anaheim, Long Beach, Sacramento, Stockton, Fresno and San Diego, CA; under continuing contract(s) with Acme Fast Freight, Inc. Supporting shipper: Acme Fast Freight, Inc., 2641 So. Leavitt Ave., Chicago, IL 60608.

MC 147943 (Sub-4–5TA), filed December 28, 1981. Applicant: E.W.K. CARTAGE, INC., 4855 So. Leamington, Chicago, IL 60638. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603. *Contract:* Irregular: *General commodities (except Classes A & B explosives, household goods as defined by the Commission, articles requiring special handling, and articles of unusual value),* from the facilities of Clipper Exxpress, Inc., located at or near Chicago, IL, to Los Angeles, Oakland, Anaheim, Long Beach, Sacramento, Stockton, Fresno and San Diego, CA; Reno and Las Vegas, NV; Salt Lake City, UT; Phoenix and Tuscon, AZ; Boston and Springfield, MA; Jersey City, NJ; Philadelphia, PA; and New Haven, CT, under continuing contract(s) with Clipper Exxpress, Inc. Supporting shipper: Clipper Exxpress, Inc., 3401 W. Pershing Rd., Chicago, IL 60632.

MC 150788 (Sub-4–2TA), filed December 28, 1981. Applicant: SPECIAL SERVICE DELIVERY CO., OF MICHIGAN, INC., 10174 Highland Rd., Pontiac, MI 48054. Representative: David A. Turano, 100 E. Broad St., Columbia, OH 43215. *Such merchandise as is dealt in or used by manufacturers and distributors of photographic products* (except commodities in bulk) between points in Pontiac and Detroit, MI, including points in their respective Commercial Zone, on the one hand, and, on the other, points in IN and MI. An underlying ETA seeks 120 days authority. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester, N.Y. 14650.

MC 152439 (Sub-4–4TA), filed December 28, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 Ashland Ave., Chicago, IL 60607. Representative: Carl L. Steiner, 29 LaSalle St., Chicago, IL 60603. *Contract:* Irregular: *General Commodities* (Except Classes A & B Explosives, Household Goods as defined by the Commission, and Commodities in Bulk) (1) Between points in IL, IN IA, KY, MI, MN, MO, OH, WI, WV and Erie, Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Alleghany, Westmoreland, Washington, Fayette, Armstrong and Green Counties, PA; and (2) Between points in TX, under continuing contract(s) with Washington Oregon Shippers Cooperative Assoc., Inc.; Pacific Northwest Perishable Shippers Assoc.; and Pacific Northwest Shippers Cooperative Assoc., Inc., all of Seattle, WA. *Supporting Shippers:* Washington Oregon Shippers Cooperative Assoc., Inc.; Pacific Northwest Perishable Shippers Assoc. and Pacific Northwest Shippers Cooperative Assoc., Inc., all located at 200 West Thomas St., Seattle, WA 98119.

MC 154716 (Sub-4–4TA), filed December 28, 1981. Applicant: WALGREEN OSHKOSH, INC., 200 Wilmot Rd., Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525. *Contract:* Irregular: *Paper and Paper Products* between the parishes of Washington and West Feliciana, LA on the one hand, and, on the other, Memphis, TN. Restricted to traffic moving under continuing contract(s) with Crown Zellarbach Corp. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA.

MC 156000 (Sub-4–3TA), filed December 28, 1981. Applicant: FLOR-DRI SUPPLY CO., INC., 4629 West Fort St., Detroit, MI 48209. Representative: William R. Ralls, 116 W. Ottawa St., Suite B, Lansing, MI 48933. *Beer, ale, porter and stout, in bottles, cans, barrels and kegs,* from Wayne County, MI to Hamilton County, OH, points in KY and points in TN; and from Hamilton County, OH to point in KY and points in

TN. Supporting Shipper: Stroh Brewery Co., No. 1 Stroh Dr., Detroit, MI 48226.

MC 158300 (Sub-4–2TA), filed December 28, 1981. Applicant: GERALD COSSETTE d.b.a. GERALD COSSETTE TRUCKING, 2202 5th Avenue North, Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. *Contract:* Irregular: *frozen potatoes and frozen potatoe products,* from Park Rapids, MN and Clark, SD to points in the US (except AK and HI), under contract with Chef-Reddy Foods Corp. Supporting shippers: Chef-Reddy Foods, Park Rapids, MN and Chef-Reddy Foods Corp-Midwest, Clark, SD. Underlying ETA seeks 120-day authority.

MC 50935 (Sub-4–5TA), filed January 7, 1982. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084. *Contract:* Irregular: *Plastic containers and plastic articles* between points in the U.S. (except AK and HI) under a continuing contract or contracts with the Letica Corportion. Supporting shipper: Letica Corporation, 1600 Hamlin Rd., Rochester, MI 48063.

MC 60325 (Sub-4–3TA) filed Janaury 4, 1982. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Elvin S. Douglas, Jr., 117 S. Lexington, P.O. Box 280. Harrisonville, MO 64701. *Passengers and their baggage in the same vehicle with passengers, in charter operations utilizing buses equipped with sleeping accommodations,* from Topeka, Shawnee County, KS, to Grand, Eagle, and Routt Counties, CO, and return in round trip operations. Supporting shipper: TNT Ski Club, 2020 Clay, Topeka, KS., Topeka Ski Club, 909 Topeka Ave, Topeka, KS., and King Travel Service, Inc., P.O. Box 1494, Topeka, KS.

MC 143776 (Sub-4–22TA), filed Janaury 4, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave, S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, Traffic Manager (Same address as Applicant). *Meat, meat products, meat by-products, and articles and supplies used by meat packing houses* between points in the US under continuing contract(s) with Swift Independent Packing Company of Chicago, IL. An underlying ETA seeks 120-day authority. Supporting shipper: Swift Independent Packing Company; 115 West Jackson Boulevard; Chicago, IL 60604.

MC 144630 (Sub-4–21TA) filed December 31, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204. *Food and related products,* from the facilities of George A. Hormel & Co. at Austin, MN, Ft. Dodge and Ottumwa, IA to Los Angeles, CA. Supporting shipper: George A. Hormel & Co. Austin, MN 55912.

MC 150746 (Sub-4–32TA), filed January 4, 1982. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, Huntley, IL 60142. Representative: Joel H. Steiner, 29 South La Salle Street, Sutie 905, Chicago, IL 60603. *Contract carrier:* Irregular routes: transporting: *Alcoholic beverages* from points in CT, IN, KY, MD, ME, MI, NJ, NY, and TX to the facilities of Federated Industries, Inc. and/or its subsidiaries at or near Chicago, IL; Milwaukee, WI; Tampa, FL; North Hollywood, San Bernadino, and San Diego, CA; Plainfield, Il; Rockford, IL; and Waukegan, IL and points in their respective commercial zones, under continuing contract(s) with Federated Industries, Inc. of Chicago, IL and its subsidiaries. Supporting shipper: Federated Industries, Inc., 4130 South Morgan, Chicago, IL 60609, and its subsidiaries, Federated Distributors, Inc., Lake Shore Distributing Co., Illinois Wine and Spirits, Capitol Hustings, Tampa Crown Distributors, Inc., and Bohemian Distributing Company.

MC 152779 (Sub-4–4), filed January 4, 1982. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier:* Irregular routes: *New Furniture, supplies materials, and equipment used in the manufacture, sale and distribution* between the facilities of Kroehler Manufacturing Company of Binghamton, Inc. at Binghamton, NY on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, VT and Washington, D.C. An underlying ETA seeks 120 days authority. Supporting shipper: Kroehler Mfg. Co. of Binghamton, Inc., 75 Ely St. Binghamton, NY 13904.

MC 155118 (Sub-4–2TA), filed January 4, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Road, Des Plaines, IL 60018. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract:* Irregular: *Such commodities as are dealt in or utilized by manufacturers of artificial flowers and decorative products,* between Bolivar, MO on the one hand, and, on the other, Sacramento, CA; Dallas, TX; Atlanta, GA and New Albany, IN under a continuing contract(s) with Teters Floral Products Co., Inc. Supporting shippers: Teters Floral Products Co., Inc., 1425 S. Lillian, Bolivar, MO 65613.

MC 155118 (Sub-4–3TA), filed January 5, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Rd., Des Plaines, IL 60018. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract:* Irregular: *Electrical household kitchen appliances* between Alamogordo, NM on the one hand, and, on the other, Canton and Jackson, MS under a continuing contract with National Presto Industries, Inc. Supporting shipper: National Presto Industries, Inc., 3925 N. Hastings Way, Eau Claire, WI 54701.

MC 155344 (Sub-4–3TA), filed January 6, 1982. Applicant: B & M TRUCKING, INC., 103 3rd Street, Gwinner, ND 58040. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58103. *Contract:* Irregular: (1) *Fabricated metal products* and (2) *parts attachments and accessories* for fabricated metal products, from Fargo, ND to Tacoma and Seattle, WA, restricted to traffic having a subsequent movement by water, under contract(s) with D & B Fabricators, Inc. of Fargo, ND. An underlying ETA seeks 30 days authority. Supporting shipper: D & B Fabricators, Inc., Box 421, West Fargo, ND 58078.

MC 159810 (Sub-4–1TA), filed January 4, 1982. Applicant: WALCOR TRANSPORT, INC., 1650 Howard, Lincoln Park, MI 48146. Representative: Martin J. Leavitt, Sullivan & Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Contract:* Irregular. *Products of Wolverine Aluminum Corporation* between Lincoln Park and Jackson, MI; Waverly, OH; Lawrence, KS; Lancaster and Philadelphia, PA; Long Island, NY; Chicago, IL; Evansville, IN; and Newark, NJ under continuing contract with Wolverine Aluminum Corporation. Supporting shipper: Wolverine Aluminum Corporation, 1650 Howard, Lincoln Park, MI 48146.

MC 159828 (Sub-4–1TA), filed January 5, 1982. Applicant: PACELLA TRUCKING EXPRESS, 3521 S. Morgan St., Chicago, IL 60609. Representative: Gilbert J. Green, 5957 S. Rutherford Ave., Chicago, IL 60638. *General Commodities* (except household goods, commodities in bulk in tank vehicles, and Class A & B explosives) Between the railroad piggyback facilities located in Cook County, IL on the one hand, and, on the other, all points and places in the state of IL on shipments having prior or subsequent movement via

railroad piggyback. Supporting shipper: Fort Pitt Consolidators Inc. Ambassador West—1801 Penn Ave., Pittsburgh, PA 15221.

MC 159950 (Sub-4–1), filed January 4, 1982. Applicant: WALSH TRUCKING CO., INC., 346 W. Crawford Street, Elkhart, IN 46514. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract:* Irregular: *Lumber and wood products,* and *roofing and roofing materials,* between the facilities of Lumber Specialties and Great Lakes Treated Products, located at Granger, IN, on the one hand, and, on the other, points in IL, KY, MI, MO, OH, TN, WI, and Guin, AL; Auburndale, FL; Moultrie, GA; Newton, KS; Salisbury, NC; Gordon, PA; and Grandview, TX, under continuing contract(s) with Lumber Specialties and Great Lakes Treated Products, Operating Divisions of Universal Forest Products, Inc., of Grand Rapids, MI. Supporting shippers: Lumber Specialties and Great Lakes Treated Products, Operating Divisions of Universal Forest Products, Inc., P.O. Box 130, 50415 Herbert, Granger, IN 46530. Underlying ETA seeks 120 days authority.

MC 159951 (Sub-4–1TA), filed January 5, 1982. Applicant: MICHAEL TADIN d.b.a. MARINA CARTAGE CO., 4335 South Western, Chicago, IL 60608. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602. *Commodities general in containers having a prior or subsequent movement by water or rail* between the Chicago Commercial Zone and the ports of Kenosha and Milwaukee, WI. Underlying TA was filed. Supporting shipper: Morelli Overseas Export Service, P.O. Box 748, Kenosha, WI.

MC 159972 (Sub-4–1TA), filed January 6, 1982. Applicant: SONNENBURG HAULERS, INC., 112 Jefferson Street, Mt. Horeb, WI 53572. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract:* Irregular: *cheese and butter and materials, equipment and supplies* used in the manufacture and distribution of such commodities, in straight trucks equipped with mechanical refrigeration devices between Dane and Green Counties, WI, on the one hand, and on the other hand points in IA, IL and IN. Restriction: restricted to transportation performed under continuing contract(s) with Blue Mounds Cheese Co., Inc., Monroe Cheese Corporation, Ryser Bros. of Illinois, Inc., and Ryser Bros. of Wisconsin, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Blue Mounds Cheese Co., Inc., 10345 Highway 18–151 West, Blue Mounds, WI 53517; Monroe Cheese Corporation, 1616 12th Street, Monroe, WI 53566; Ryser Bros. of Illinois, Inc., 3525 West Potomac Avenue, Chicago, IL 60651; and Ryser Bros. of Wisconsin, Inc., 120 South 2nd Street, Mt. Horeb, WI 53572.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 26825 (Sub-5–21TA), filed January 4, 1982. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Tires and rubber products,* between pts in NE, on the one hand, and, on the other, pts in the U.S. Supporting shippers: 7.

MC 61396 (Sub-5–19TA), filed January 4, 1982. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement in bag and bulk* between the facilities of Independent Cement in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Independent Cement Company, P.O. Box 12–310, Albany, NY 12212.

MC 61396 (Sub-5–20TA), filed January 4, 1982. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Dry fertilizer, in bulk,* between points in Calcasieu and Ascension Parishes, LA, on the one hand, and, on the other, points in Angelina County, TX. Supporting shipper: Borden Chemical Division of Borden, Inc., 100 West Borden Drive, Diboll, Texas 75941.

MC 121589 (Sub-5–6TA), filed January 6, 1982. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawaka, NE 68413. Representative: James F. Crosby, James F. Crosby & Associates, 7365 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Such commodities as are used or dealt in by retail and discount stores and catalog showrooms (except household goods, commodities in bulk, and Classes A & B explosives),* between points in IL, IA, MO, SD, NE, and KS. Restricted to shipments originating or terminating at the facilities of Richman Gordman Stores, Inc. Supporting shipper: Richman Gordman Stores, Inc., 9202 "F" Street, Omaha, NE 68127.

MC 125535 (Sub-5–19TA), filed January 4, 1982. Applicant: NATIONAL SERVICE LINES INC., of NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141.Representative: Donald S. Helm (same as applicant). *Contract:* Irregular: (1) *Steel and steel articles and* (2) *commodities used in the manufacture and distribution of commodities in (1) above (except commodities in bulk in tank vehicles.* Between points in the U.S. Supporting shipper: Doolan Steel Corporation, 303 Harper Drive, Moorestown, NJ 08057.

MC 129784 (Sub-5–5TA), filed January 7, 1982. Applicant: Davison Transport, Inc., P.O. Drawer 846, Ruston, LA 71270. Representatives: Dennis W. Ledet (same as above). *Packaged petroleum products and materials used in the manufacture and distribution thereof;* between points in AR, LA, MS and TX, restricted to the transportation of traffic originating at or destined to the facilities of Specialty Oil Company, Inc. Supporting shipper: Speciality Oil Company, Inc., Shreveport, LA.

MC 144514 (Sub-5–1TA), filed January 4, 1982. Applicant: J & M ENTERPRISES, LTD., P.O. Box 3145, Des Moines, IA 50316. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* from Omaha and Madison, NE; Britt, Mason City and Sioux City, IA; Worthington, MN; Huron, SD; and St. Joseph, MO to TX, LA, AR, OK, TN and MS. Supporting shipper: Armour Food Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 144609 (Sub-5–3TA), filed January 4, 1982. Applicant: DOMINQUEZ BROS. TRUCKING CO., 1600 South Zarzamora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 1600 West 38th, Suite 410, Austin, TX 78731. *Foodstuffs and related products* from points in CA to points in TX. Supporting shipper: Texsun Corporation, Weslaco, TX 78956.

MC 144616 (Sub-5–6TA), filed January 6, 1982. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and related products,* from Laurens County and Clinton, SC to points in Parker County, TX. Supporting shipper: Kennedy Sausage Co., Holland Lake Rd., Weatherford, TX 76086.

MC 150577 (Sub-5–3TA), filed January 5, 1982. Applicant: S. B. CAMPBELL, Rt. 7, Box 1, Lubbock, TX 79401. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. *Iron and steel articles* between points in Harris County, TX, on the one hand, and, on the other, points in TX. Supporting shipper: Valmont Production Equipment,

Inc., Harvard & N Avenue T, Lubbock, TX 79401.

MC 150806 (Sub-5–6TA), filed January 8, 1982. Applicant: WECO, INC., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. *Flour* between Shawnee County, KS, on the one hand, and, on the other, points in Little Rock, AR; Atlanta & Morrow, GA; Jackson & Kosciusko, MS; Jackson & Memphis, TN, and Grand Prairie & Houston, TX. Supporting shipper: Seaboard Allied Milling Co., Shawnee Mission, KS.

MC 151179 (Sub-5–3TA), filed January 7, 1982. Applicant: G–M TRANSPORTS, INC., 12344 East Northwest Hwy., Dallas, TX 75228. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Contract:* Irregular: *General Commodities (except classes A and B explosives),* between Grand Prairie, TX, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, NM, OK and WY. Restricted to shipments originating at or destined to the facilities of Valu Rite of Grand Prairie, TX. Supporting shipper: Valu Rite, 814 Avenue R, Grand Prairie, TX 75050.

MC 151819 (Sub-5–23TA), filed January 7, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky, 2815 Gaston Ave., Dallas, TX 75226. *Malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages and empty used beverage containers for recyling* between Longview, TX, on the one hand, and, Greeley and Niwot, CO on the other. Supporting shipper(s): Twin City Distributing, Inc., P.O. Box 637, Greeley, CO 80632.

MC 152650 (Sub-5–5TA), filed January 4, 1982. Applicant: SHAVER TRUCKING, INC., P.O. Box 104, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *Furniture parts, metal products, and paper products, and materials, equipment, and supplies utilized in the manufacture, transportation, and installation thereof* between the facilities of Leggett & Platt, Inc., and its affiliates in Carthage, Springfield, Aurora, and St. Louis, MO; Winchester, Simpsonville, and Nicholasville, KY; Social Circle and Atlanta, GA; High Point, Maxton, and Linwood, NC; South Gate and Azusa, CA; Ennis and Dallas, TX; Phoenix, AZ; Mason, OH; Birmingham, AL; Ferndale, MI; Little Rock, AR; Grafton, WI; and Jacksonville, FL; on the one hand, and, on the other, all points and places in the U.S. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, Carthage, MO 64836.

MC 152959 (Sub-5–10TA), filed January 7, 1982. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75067. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Contract:* Irregular: *Trailer or trailer chassis, mobile or modular homes, recreational vehicles and/or parts thereof,* between points in the U.S. Under continuous contract with Kentucky Manufacturing Company of Louisville, KY; Sundowner Travel Homes, Division of Hairgrove Industries, Inc. of Longview, TX. Supporting shippers: Kentucky Manufacturing Company, P.O. Box 17185, Lousiville, KY 40217; Sundowner Travel Homes, Division of Hairgrove Industries, Inc., P.O. Box 6195, Longview, TX 75604.

MC 153840 (Sub-5–2TA), filed January 8, 1982. Applicant: H. L. McGEHEE, d.b.a. McGEHEE'S TRUCKING COMPANY, 3619 North Pan Am, San Antonio, TX 78219. Representative: Timothy J. Herman, 522 First Federal Plaza, Austin, TX 78701. *Cheese and cheese products,* from Marathon, Taylor, Grant, Green, Dunn, Lafayette, Brown and Wood Counties, WI; Stephenson County, IL; Clark County, MO; and Clayton County, IA to points in the U.S. (except AK and HI). Supporting shipper: Milkhouse Cheese Corporation, 9119 South Gessner, #200, Houston, TX 77074.

MC 159474 (Sub-1TA), filed January 4, 1982. Applicant: U.S. EXPRESS, INC., P.O. Box 9852, Little Rock, AR 72219. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* from points in IA, MN, NE, and MO to New Orleans, LA. Supporting shipper: Boston Sausage & Provision, Inc., 6 Foodmart Road, Boston, MA 02118.

MC 159784 (Sub-5–1TA), filed January 7, 1982. Applicant: ROCHESTER ARMORED CAR CO., 1441 North 11th Street, Omaha, NE 68101. Representative: Robert M. Cimino, 3035 South 72nd Street, Suite 200, Omaha, NE 68124. *Coin, currency, securities, bank related items and items of high and unusual value,* (1) between points in AR, IL, MO; (2) between points in Washington County, AR, on the one hand, and, on the other, points in OK north of I–40 and east of Highway 75 and points in MO west of Highway 65 and South of Highway I–60. Supporting shippers: State Bank of Noel, Post Office Box 388, Noel, MO 64854; First National Bank of Fayetteville, Post Office Box 1287, Fayetteville, AR 72701; Federal Reserve Bank of St. Louis, 441 Locust Street, St. Louis, MO 63102.

MC 159957 (Sub-5–1TA), filed January 6, 1982. Applicant: RODGER ROBBINS, d.b.a. P&J TRUCKING COMPANY, P.O. Box 388, Scottsville, TX 75688. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415. *Contract,* irregular: *Mercer commodities* between the facilities of S.O.S.-Hughes, Inc. located at or near Marshall, TX, on the one hand, and, on the other, points in AL, FL, LA, MS, and OK. Restricted to service to be performed under contract(s) with S.O.S.-Hughes, Inc. of Marshall, TX.

MC 159960 (Sub-5–1TA), filed January 6, 1982. Applicant: ARIES TRUCKING, INC., 4508 W. 59th Street, Tulsa, OK 74107. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Rubber, plastic and metal products and machinery and equipment, materials and supplies used in the manufacture and distribution of rubber, plastic and metal products,* between Tulsa County, OK on the one hand, and, on the other, points in CO, KS, LA, MS, NM, TX and WY. Supporting shipper: Latoka Engineering, 4900 South Lewis, Tulsa, OK 74105.

MC 159995 (Sub-5–1TA), filed January 7, 1982. Applicant: SILVER DOLLAR CORP., 916 Preston, Burkburnett, TX 76354. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Lumber, lumber mill products, wood, wood products, building and construction materials and supplies,* between points in Plumas, Humbolt, Placer, Lassen, Los Angeles, Mendicino and San Joaquin Counties, CA; Lane, Multnomah, Klamath, Wasco, Douglas, Tillamook, Deschutes, and Coos Counties, OR; Ada, Kootenai, Nez Perce, Gem and Bonneville Counties, ID; and Missoula, Flathead, Lewis and Clark and Cascade Counties, MT; on the one hand, and points in CO, OK, TX, AZ, MO, NM, UT, and WY, on the other. Supporting shipper(s): 7.

MC 159995 (Sub-5–2TA), filed January 7, 1982. Applicant: SILVER DOLLAR CORP., 916 Preston, Burkburnett, TX 76354. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Glass or stone products, clay, concrete and chemicals,* between points in Tarrant, Harris, Dallas, and Fort Ben Counties, TX; Natrona, Uintah, Carbon and Freemont Counties, WY; Uintah County, UT; Richland County, MT; and Moffat and Denver Counties, CO. Supporting shipper(s): The Western Company of North America, P.O. Box V, Vernal, UT 84078.

MC 160008 (Sub-5–1TA), filed January 8, 1982. Applicant: U. S. COACHWORKS, INC., 6115 Denton Drive, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Passengers and their baggage, in the same vehicle with passengers, in charter operations* beginning and ending at pts in TX, and extending to points in LA, TN, NM, CO, MI, AR, CA, FL, Washington, D.C., NV, GA and OK. Supporting shippers: 6.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 115931 (Sub-6–6TA), filed December 22, 1981. Applicant: BEE LINE TRANSPORTATION, INC., POB 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Prefabricated buildings*, from Concord, NC and Throckmorton, TX to Casper, WY, for 270 days. Supporting shipper: Energy Camps, Div. of Bost Industries, Inc., 3542 Partridge Lane, Casper, WY 82601. An underlying ETA seeks 120 days authority.

MC 159969 (Sub-6–1TA), filed January 5, 1982. Applicant: ARNIE BREY d.b.a. BREY TRUCKING COMPANY, 131 Moore Lane, Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Motorcycles, snowmobiles and power products sold by Yamaha, Honda, Suzuki and Kawasaki dealerships* from Seattle and Kent, WA to points in MT and WY, for 270 days. Supporting shippers: There are eight shippers. Their statements may be examined at the San Francisco Regional Office listed above.

MC 159970 (Sub-6–1TA), filed December 31, 1981. Applicant: CONTRACT SERVICE, INC., 10010 Beech, Fontana, CA 92335. Representative: Charlie Sanders (same as applicant). *Contract carrier:* Irregular routes: *Food and related products* between points in U.S. for the account of Best Western Foods, Inc., for 270 days. Supporting shipper: Best Western Foods, Inc., 2929 E. 44th St., Los Angeles, CA 90058.

MC 159975 (Sub-6–1TA), filed December 30, 1981. Applicant: DODSON TRUCKING, INC., 219 A Superior, Evanston, WY 82930. Representative: James E. Phillips, P.O.B. 123, Evanston, WY 82930. *Oil field equipment and supplies*, between Evanston, WY on the one hand and on the other, points in CO, UT, NV, MT, and ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are five (5) shippers. Their statements may be examined at the Regional Office listed above.

MC 153314 (Sub-6–5TA), filed December 31, 1981. Applicant: M & D TRANSPORTATION, INC., P.O. Box 775, Glendale, AZ 85311. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. *Such commodities as are dealt in by manufacturers and distributors of hydrotherapy spas and swimming pool products*, from Livonia, MI, to points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, for 270 days. Supporting shipper: Kern Products, Inc., 2802 Dow Ave., Tustin, CA 92680.

MC 159930 (Sub-6–1TA), filed January 5, 1982. Applicant: J. D. PHILLIPS, d.b.a. PHILLIPS TRANSPORTATION SERVICE, 22141 Boones Ferry Rd. NE, Aurora, OR 97002. Representative: John A. Anderson, 1515 SW. 5th Ave., Rm. 801, Portland, OR 97201. (1) *Food and related products*, from points in OR, WA and CA to points in King County, WA and the ports of entry on the international boundary line between the U.S. and CD in WA; and (2) *lumber and wood products*, from points in WA and OR to points in CA, for 270 days. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional Office listed.

MC 148083 (Sub-6–5TA), filed January 5, 1982. Applicant: SELLARS TRANSPORT SERVICE, INC., 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same as applicant). *Lumber and wood products* between points in OR and WA and points in AR, AZ, CA, CO, ID, IL, IA, KS, KY, LA, MS, MO, MN, MT, NV, NM, NY, OK, TN, TX, UT for 270 days. Supporting shipper: There are 6 supporting shippers, their statements may be examined at the Region Office listed above.

MC 159971 (Sub-6–1TA), filed December 31, 1981. Applicant: JOHN W. TRIPLETT, 1311 Birch, Lewiston, ID 83501. Representative: John W. Triplett (same as above). *Pet Food*, in bags from Spokane, WA to Cottonwood, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cottonwood Elevator Co., P.O. Box 125, Cottonwood, ID 83522.

MC 158930 (Sub-6–3TA), filed December 31, 1981. Applicant: U.S. TRANSPORTATION, INC., 585 Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Juice Concentrates*, from Fresno County, CA to points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Vie-Del Company, P.O. Box 2896, Fresno, CA 93745.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-1218 Filed 1-15-82; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29807]

Rail Carriers; Tradewater Railway Co.; Operation Over Illinois Central Gulf Railroad Co. in Union, Webster, Crittenden and Caldwell Counties, KY

Tradewater Railway Company, represented by Samuel H. Moerman, Investment Building, 1511 K Street, N.W., Washington, DC 20005, hereby gives notice that on the 18th day of December, 1981, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the operation of a line of railroad owned by the Illinois Central Gulf Railroad Company (ICG), a distance of 87.15 miles in Union, Webster, Crittenden and Caldwell Counties, KY, which application is assigned Finance Docket No. 29807.

Applicant proposes to operate between the cities of Waverly, KY, (milepost 28) to (milepost 97.25) near Princeton, KY, and from (milepost 0) at Blackford, KY, to (milepost 8.5) at Clay, KY, and from (milepost 0) at Wheatcroft to (milepost 9.5) at Providence, over existing rail properties of ICG.

The present and future public convenience and necessity require operation because ICG has, subject to final approval by the Commission, been permitted to abandon the subject rail properties in docket No. AB–43 (Sub-No. 74). In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 22), Revision of National Environmental Policy Act Guidelines, 363 I.C.C. 653 (1980) any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969*, at p. 487.

Pursuant to 49 U.S.C. 10901 the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary,

Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1212 Filed-1-15-82; 8:45 am]

BILLING CODE 7035-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

January 11, 1982.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) Codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed froms and supporting documents may be obtained form the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF-38), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the item on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to made the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Agricultural Marketing Service
Food Facility Survey
MRD-1, MRD-2
Nonrecurring
Businesses or other institutions
Food wholesalers, processors and distributors
SIC: 514
Agricultural research and services: 625 responses; 375 hours; $30,000 Federal cost; 2 forms; $6,900 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The data will be used to evaluate the present wholesale food marketing facilities and methods used and to plan any new facilities needed. Such new facilities will be designed to increase food marketing efficiency through improved handling and distribution methods.

• Agricultural Marketing Service
Regulations and Reports Under U.S. Warehouse Act
Recordkeeping
On occasion
Businesses or other institutions
Commercial warehouses storing agricultural products
SIC: 514 422
Small businesses or organizations
Agricultural research and services: 108,726 responses; 1,848 hours; $0 Federal cost; 1 form; $7,740 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Required for voluntary licensing under U.S. Warehouse Act. Information is needed for those issuing licenses to (1) determine if warehousemen making applications meet required standards, and (2) determine that the licensee continues to meet such standards.

• Agricultural Marketing Service
Grapes Grown in a Designated Area of Southeastern California—Marketing Order No. 925
On occasion weekly
Farms/businesses or other institutions
California desert grape producers and handlers under M.O. 925
SIC: 017 515
Small businesses or organizations
Agricultural research and services: 570 responses; 37 hours; $500 Federal cost; 4 forms; $343 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

California desert grape producers and handlers relating to the grapes shipped

by them, as well as make application to ship organically grown grapes exempt from certain size requirements, and to use experimental container.

• Agricultural Cooperative Service
Grower Payment Methods Used by Fresh Fruit, Vegetable, and Tree Nut Cooperatives
Nonrecurring
Businesses or other institutions
All fruit, vegetable and tree nut cooperatives marketing, etc.
SIC: 016 017 515
Small businesses or organizations
Agricultural research and services: 280 Responses; 190 hours; $78,048 Federal cost; 1 form; $3,303 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Provides information for appraising grower payment methods used by fresh fruit, vegetable, and tree nut cooperatives, for making recommendations to cooperatives modernizing their payment methods, or to growers selecting payment methods for newly organized associations. Information is needed to formulate effective grower payment policies.

Revisions

• Economics and Statistics Service
Livestock Slaughter
LS–149
Weekly/monthly
Businesses or other institutions
Livestock slaughter plants
SIC: 201
Small businesses or organizations
Agricultural research and services: 98,184 responses; 21,846 hours; $419,000 Federal cost; 2 forms $349,536 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Provides data from federally and non-federally inspected slaughter plants on number of head and live and dressed weights to estimate total red meat production. A coordinated program with FSIS, AMS and SRS provides weekly and monthly reports. Estimates used by farmers, meat packing industry and government to monitor red meat supplies.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Department of the Air Force
Statement of Financial Status
AFAFC 0–187
On occasion
Individuals or households
Retired or separated Air Force, Air Force Reserve, etc.
Department of Defense—Military: 3,700 responses; 3,700 hours; $65,105 Federal costs; 1 form; $53,650 public cost; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

A statement of financial status is required in order to properly assess the ability of an individual in debt to the government to repay. The report is routinely used to decide what course of action the government will take to collect a debt.

• Department of the Air Force
Civil Aircraft Landing Permit System
AF 180 181 203
Annually
Individuals or households/businesses or other institutions
Civil aircraft owners/operators
SIC: 372 451 452
Small businesses or organizations
Department of Defense—Military: 3,000 responses; 1,500 hours; $157,500 Federal cost; 3 forms; $26,250 public cost; not applicable under 3504(h)
Edward C. Springer, 202–395–7340

Required in regulating civil aircraft use of Air Force airfields.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

New

• Federal Energy Regulatory Commission
Well Category Determinations
FERC–568
Other-see SF83
Businesses or other institutions
Natural gas producers
SIC: 999
Small businesses or organizations
Energy information, policy, and regulation: 40,000 responses; 320,000 hours; $3,443,824 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Information collection is mandatory for jurisdictional agency determinations with regards to the following categories: (1) New natural gas, (2) new reservoirs on old OCS leases, (3) new, onshore production wells, (4) high cost natural gas, (5) stripper well natural gas

• Federal Energy Regulatory Commission
Louisiana First Use Tax: Refund Procedures for Primary and Secondary Pipelines
FERC–575
Other-see SF83
Businesses or other institutions
Natural gas pipeline companies
SIC: 999
Energy information, policy, and regulation: 120 responses; 960 hours; $32,000 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

The data collection will be used by the Commission in performing its regulatory function of overseeing the refund to the public of tax amounts

• Federal Energy Regulatory Commission
Report of Utility's twenty Largest Purchasers
FERC–586
Annually
Businesses or other institutions
Privately owned public utilities
SIC: 999
Energy information, policy, and regulation: 220 responses; 1,760 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

This information is required by Public Law 95–617 and will be used to monitor holding of interlocking directorate positions between public utilities and their largest customers

• Federal Energy Regulatory Commission
Application for Licenses for Water Projects
5 MW or less
FERC–505
On occasion—Other-see SF83
State or local governments/businesses or other institutions
Hydroelectric developers with 5 MW or less capacity
SIC: 491
Energy information, policy, and regulation: 230 responses; 28,750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Applies to any issuance of licensure, notice of exemption, or for any small prospective hydroelectric power developer with a proposed capacity of 5 MW or less for which approval must be granted by the Federal Energy Regulatory Commission.

• Federal Energy Regulatory Commission
Gas Pipeline Certificate Hinshaw Exemption
FERC–574
Nonrecurring
Businesses or other institutions
Natural gas pipeline companies
SIC: 999
Small businesses or organizations
Energy information, policy, and regulation: 6 responses; 2,880 hours; $45,200 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Application is mandatory for Commission review of companies requesting exemption from the provision of the Natural Gas Act pursuant to section C thereof.

• Economic Regulatory Administration
Information Requirements for Certification of Eligible Use of Natural Gas to Displace Fuel Use
ERA–626R
Nonrecurring
Businesses or other institutions
Any end-user who purchases gas directly from an elig. seller
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 700 responses; 350 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Data are used to authorize interstate transportation of natural gas purchased directly by end-users for fuel oil displacement in accordance with 10 CFR Part 595 and 18 CFR Part 284.

• Departmental and Others
Nondiscrimination in Federally Assisted Programs
MA–647R
On occasion
State or local governments-businesses or other institutions
Appl. for and recipients of Department of Energy finan. asst.
SIC: Multiple
Small businesses or organizations
Multiple functions: 1,000 responses; 20,500 hours; $48,100 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

MA –647R contains reporting requirements whereby DOE assistance applicants must provide information for DOE to evaluate their nondiscrimination practices. MA–647R also requires assistance recipients to maintain data on the race, national origin, sex, age, and handicap status of program participants.

• Departmental and Others
DOE Procurement and Financial Assistance Reports
PR–330A/C
Quarterly
Businesses or other institutions
DOE contractors
SIC: Multiple
Small businesses or organizations
Multiple functions: 1,200 responses; 600 hours; $102,475 Federal cost; 3 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

To collect data from DOE Government owned contractor-operated on-site contractors and other contractors who are required to report socioeconomic subcontracting data. Data will be used to report to the Department of Commerce, Small Business Administration and OMB's Federal Procurement Data System, which is administered by GSA in order to comply with public laws and Federal regulations. Collection will begin upon approval by OMB.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Departmental Management
Report of Capitalized Non-Expendable Equipment
OS–29–81
On occasion
Businesses or other institutions
Contractors doing business with the Department
SIC: Multiple
Small businesses or organizations
Other income security: 3,600 responses; 900 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This form is used by contractors to report all capital property acquired by them and billed to the Government. It may be used by contractors in the submission of their annual and final inventories.

• Social Security Administration
Quality Review Questionnaire—Recontact of Widowed Mother and Father Beneficiaries Regarding Reportable Events
SSA–4929 (11–81)
Nonrecurring
Individuals or households
Widowed mother and father beneficiaries receiving RSI
General retirement and disability insurance:
1,200 responses; 600 hours; $397,200 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This information will be used to verify the accuracy and completeness of the information submitted by the beneficiary as a result of the recontact and obtained by OAPQ folder reviews and to evaluate form 1588 (statement by social security beneficiary regarding reportable events) to determine is effectiveness in meeting the objectives for which it was designed.

• Human Development Services
Annual summary of child welfare services and annual budget request title IV–B funds
CWS–101
Annually
State or local governments
State agencies
SIC: 832
Social services: 110 responses; 1,760 hours; $5,000 Federal cost; 2 forms; $17,600 public cost; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

To project funding for child welfare services programs for the year and as a mechanism for awarding Federal funds to States for title IV–B of the Social Security Act.

• Human Development Services
Quarterly estimate of expenditures for foster care and adoption assistance IV–E (IV–A–FC)–1
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 220 responses; 1,760 hours; $20,000 Federal cost; 1 form; $17,600 public cost; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

Report is used for Federal monitoring of any State budget estimate payments and used to compute the maximum funding authorized. The form is also used to fulfill budget requirements for advancing Federal matching funds to States to meet their entitlement payments obligations.

• Human Development Services
Quarterly statement of expenditures for foster care and adoption assistance IV–E (IV–A–FC)–2
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 220 responses; 3,520 hours; $40,000 Federal cost; 1 form; $35,200 public cost; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

Information is used to determine amount of Federal share of program expenditures, amount of annual allotment as limited by Pub. L. 96–272, and to conduct program study for mandated report to Congress.

Extensions (Burden Change)

• Social Security Administration
Statement concerning banking and business transactions
SSA 4366
On occasion
Individuals or households
Aged, blind and disabled individuals or couples, etc.

Other income security: 770,000 responses; 89,833 hours; $2,517,686 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

Information is needed to identify financial institutions where applicants and beneficiaries transact business. Once identified, the financial institutions are contacted to determine the existence of undisclosed accounts.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Indian Affairs
Subchapter C 25 CFR probate [1]
5–5405, 5–5406, 5–5407
On occasion, annually
Individuals or households/State or local governments/Businesses or other institutions
Indians on or near reservations
SIC: 065 651 654
Area and regional development: 23,555 responses; 23,555 hours; $433,220 Federal cost; 5 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Most of these forms involve Indian lands—issuance of patents, sale or lease, rights-of-way, obtaining title information.

• Bureau of Indian Affairs
25 CFR Subchapter D social welfare [1]
On occasion
Individuals or households
Individuals and families in need of welfare assistance
Multiple functions: 203,119 responses; 203,119 hours; $3,597,119 Federal cost; 44 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Establish eligibility for, and to receive welfare grants.

• Bureau of Indian Affairs
Subchapter E—Education [1]
On Occasion, weekly, monthly, quarterly, semiannually, annually, biennially
Individuals or households/State or local governments
Indian children, parents, tribal councils, parent committees
Sic: 999
Multiple functions: 641,906 responses; 641,906 hours; $11,993,438 Federal cost; 131 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

The Office of Indian Education programs needs and uses these forms as tools for information gathering and accountability for program integrity while performing its mission of educating Indian and Alaskan children.

• Bureau of Indian Affairs
25 CFR Subchapter F enrollment [1]
On Occasion
Individuals or households/State or local governments
Person applying for tribal membership
Sic: Multiple
Multiple functions: 391,088 responses; 391,088 hours; $7,494,706 Federal cost; 78 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

To determine eligibility for tribal enrollment or to share in a judgement fund award.

• Bureau of Indian Affairs
25 CFR Subchapter G tribal government [1]
On Occasion
State or local governments
Tribal governments
Sic: Multiple
Multiple functions: 36,219 responses; 36,219 hours; $560,369 Federal cost; 29 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Tribal governments.

• Bureau of Indian Affairs
25 CFR Subchapter H—economic enterprises, Indian business development program 2 [1]
Annually
Individuals or households/Farms/Businesses or other institutions
Federally recognized Indian individuals and Indian tribes
Sic: 999
Small businesses or organizations
Area and regional development: 37,688 responses; 37,688 hours; $693,152 Federal cost; 1 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Each agency and area office with a credit program report annually and semi-annually, a monthly on the loan guaranty program. They also process forms for application, approval and monitoring purposes.

• Bureau of Indian Affairs
25 CFR credit activities—Subchapter I [1]
Monthly
Individuals or households/Farms/Businesses or other institutions
Federally recognized Indian tribes and individuals, etc.
Sic: 999
Small businesses or organizations
Area and regional development: 191,915 responses; 191,915 hours; $3,574,065 Federal cost; 45 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Each agency and area office with a credit program report annually and provide a monthly U.S. revolving fund report. They also process forms for application and approval purposes.

• Bureau of Indian Affairs
Subchapter J—Fiscal and financial affairs [1]
Annually
Businesses or other institutions
Primarily Indian tribal governments, Indian groups and Indian, etc.
Sic: Multiple
Small businesses or organizations
Multiple functions: 42,399 responses; 42,399 hours; $77,979 Federal cost; 9 forms; not applicable under 3504 (H)
Robert Shelton, 202–395–7340

See attchment Subchapter J for each form abstract.

• Bureau of Indian Affairs
Subchapter L, 25 CFR leasing and permitting [1]
On Occasion, monthly, annually
Individuals or households/State or local governments/businesses or other institutions
Indians on or near reservations, abstractors, pub
Sic: 065, 651, 654
Area and regional development: 84,798 responses; 84,798 hours; $1,559,592 Federal cost; 18 forms; not applicable under 3504(H)
Robert Shelton, 202–395–7340

Most of these forms involve Indian lands, issuance of patents, sale or lease, right-of-way, obtaining title information.

• Bureau of Indian Affairs
Lands: Surface and subsurface estates and resources
Records and title documents: acquisitions; patents: allotments and sales [1]
On Occasion, monthly, annually
Individuals or households
Indians on or near reservations, abstractors, etc.
Area and regional development: 131,908 responses; 131,908 hours; $2,426,032 Federal cost; 28 forms; not applicable under 3504(h)

[1] Section 3512 of the Paperwork Reduction Act precludes Federal agencies from penalizing any person failing to maintain or provide information to the agencies if the information collection request was made after December 31, 1981 and does not display a current OMB control number, or fails to state that the request is not subject to the Paperwork Reduction Act. Due to resource constraints, the Department of the Interior was unable to submit complete clearance packages for OMB review for many information collection requests before the December 31 deadline. OMB has agreed to approve the above information collection requests on a provisional basis. In exchange, Interior developed a schedule for submitting complete justification packages for these items. This schedule is available from the Agency Clearance Officer, Vivian A. Keado, at 202–343–6191.

Robert Shelton, 202–395–7340

Most of these forms involve Indian lands; issuance of patents, sale or lease, right-of-way, obtaining title information.

• National Park Service
Backcountry use permit
10–404 10–404A
On occasion
Individuals or households
Recreation visitors entering certain lands in approx., etc.
Recreational resources: 125,000 responses; 10,000 hours; $77,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The permit is used to implement a backcountry reservation system or provide access into backcountry zones where user limits are imposed in accordance with the regulations found at title 36 CFR S. 2.6(B)(3). Such permitting enhances hazard warnings, search and rescue efforts, and resource protection.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Annual State WIN plan (State WIN training plan), signature sheet, and work sheets
ETA 8480, 8479, 8484, 8482, 8485
Annually
State or local governments
State WIN programs (ES and welfare agencies)
SIC: 944
Training and employment: 27 responses; 6,201 hours; $50,260 Federal cost; 4 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The State WIN plan is the basic planning and management tool utilized by the national and regional offices to ensure compliance with legislation, regulations, and national office goals. It is also the vehicle for providing initial and final allocation levels to State agencies.

Revisions

• Labor-Management Services Administration
Simplified annual report format
LMSA–SAR–1
Annually
Businesses or other institutions
Labor organizations with no assets
SIC: 863
Small businesses or organizations
Other labor services: 5,000 responses; 417 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L 86–257 amended. The requirement is stated in 29 CFR Part 402.

• Labor-Management Services Administration
Trusteeship reports
LM–16, 16, 15, 15A
Nonrecurring
Businesses or other institutions
Labor organizations having assumed trusteeship
SIC: 863
Small businesses or organizations
Other labor services: 950 responses; 712 hours; $25,000 Federal cost; 4 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L 86–257 amended. The requirement is stated in 29 CFR Part 408.

• Labor-Management Services Administration
Surety company annual report
LMSAS–1
Nonrecurring
Businesses or other institutions
Surety companies issuing bonds under LMRDA
SIC: 635
Small businesses or organizations
Other labor services: 250 responses; 125 hours; $600 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L 86–257 amended. The requirement is stated in 29 CFR Part 409.

• Labor-Management Services Administration
Labor organization officer and employee report
LM–30
Annually
Businesses or other institutions
Labor organization and employees
SIC: 863
Small businesses or organizations
Other labor services: 200 responses; 50 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L. 86–257 amended. The requirement is stated in 29 CFR Part 404.

• Labor-Management Services Administration
Employer Activity Reports
LM–10, 20, 21
Annually
Businesses or other institutions
Employers involved financially with unions/labor consultants
SIC: 863
Small businesses or organizations
Other labor services: 390 responses; 170 hours; $900 Federal cost; 3 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L. 86–257 amended. The requirement is stated in 29 CFR Part 405.

• Labor-Management Services Administration
Labor Organization Reports
LM–1, 1A, 2, 3, & LMSA–20
Nonrecurring, on occasion, monthly, annually
Businesses or other institutions
Labor unions
SIC: 863
Small businesses or organizations
Other labor services: 81,200 responses; 67,891 hours; $600,000 Federal cost; 5 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This is to amend the OMB clearance to include the recordkeeping requirements of Pub. L. 86–257 amended. The requirement is stated in 29 CFR Part 402.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Southeast Region Qualified Appraiser's Checklist
500–5–808
Annually
Businesses or other institutions
Self-employed individuals and businesses (small-large)
SIC: 653 739
Small businesses or organizations
Central fiscal operations: 300 responses; 225 hours; $8,360 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3080

Form 500–5–808 is filled out by appraisers desiring to be on our qualified appraisers source list (QASL) for procurement of appraisal services. The information given on the form is used by the examination staff to certify appraisers for QASL.

Extensions (Burden Change)

• United States Customs Service

Consumption Entry
Consumption entry permit
CF 7501, CF 7501A, CF 7501B, CF 7501C
On occasion
Individuals or households/businesses or other institutions
Individuals, businesses, institutions
SIC: All
Small businesses or organizations
Federal law enforcement activitives: 5,940,000 responses; 1,485,000 hours; $20,453,675 Federal cost; 4 forms; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Document is needed to clear merchandise exported to the United States: Duty classification: Financial control, and statistical enumeration. It is a recordkeeping requirement pursuant to 19 CFR 162.LC with a retention period of 5 years from the date of entry of merchandise.

ACTION

Agency Clearance Officer—Don Romine—202–254–8523

New

- Senior Companion Program Impact Evaluation—(Demonstration Projects Component)

Annually
Individuals or households
SCP volunteers, SCP clients
Social services: 480 responses; 400 hours; $40,500 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

It is part and parcel of the previously approved three-year, longitudinal study of the impact of participation in the senior companion program (SCP), with special attention being given to the demonstration projects for SCP and RSVP for providing long-term health care. The purpose is to determine which of the functional levels of need for clients SCP can best serve.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Revisions

- Foreign Air Carrier Application for Statement of Authorization

433
On occasion
Businesses or other institutions
Foreign air carriers
SIC: 451
Small businesses or organizations
Air transportation: 227 responses; 90 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Liberalizes the Board's existing rules on wet leases (leases of aircraft with crew) between airlines. This revision is being made because the existing rules are unnecessary barriers to competitive opportunities.

- Terms, Conditions and Limitations of Certificates to Engage in Charter Transportation

On occasion
Businesses or other institutions
Certificated charter air carriers
SIC: 451
Small businesses or organizations
Air transportation: 2,669 responses; 745 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Liberalizes the Board's existing rules on wet leases (leases of aircraft with crew) between airlines. This revision is being made because the existing rules are necessary barriers to competitive opportunities.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance officer—Joseph G. Salazar—202–254–9735

New

- Practice by former members and employees of the Commission

17 CFR 140.735–10
On occasion
Individuals or households
Other advancement and regulation of commerce: 12 responses; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(H)
Robert Veeder 202–395–4814

None provided

- Gross margining of Omnibus accounts

On occasion
Businesses or other institutions
Futures commission merchants
SIC: 622
Other advancement and regulation of commerce: 2,500 responses; 500 hours; $2,500 Federal cost; 1 form; $1,000 public cost; not applicable under 3504(H)
Robert Veeder 202–395–4814

A carrying futures commission merchant would be required to maintain a written representation from the originating futures commission merchant if it allows a person trading through an Omnibus account to margin positions in such an account at a lower-than-normal level because a spread or hedge position is involved.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301–634–7770

New

- Non full size baby crib

16 CFR 1509.12
Nonrecurring
Businesses or other institutions
Crib manufacturers
SIC: 251
Small businesses or organizations
Consumer and occupational health and safety: 54 responses; 216 hours; $0 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

Requires the manufacturer or importer of non full size cribs to maintain sale, distribution and test records. (Testing not required.)

- Full size baby cribs

16 CFR 1508.10
On occasion
Businesses or other institutions
Crib manufacturers
SIC: 251

Small businesses or organizations
Consumer and occupational health and safety: 50 responses; 200 hours; $0 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

Requests the manufacturer or importer of cribs to maintain sale, distribution and test, if performed, records.

- Mattress standard

16 CFR 1632.31
On occasion
Businesses or other institutions
Mattress manufacturers
SIC: 251, 306
Small businesses or organizations
Consumer and occupational health and safety: 57,000 responses; 14,250 hours; $0 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

Requires certain records by maintained which trace the continuity of mattress prototypes and mattress production units.

- Electrically operated toys

16 CFR 1505.4(A) (3)
Nonrecurring
Businesses or other institutions
Importers/manufacturers of electrically operated toys.
SIC: 394
Small businesses or organizations
Consumer and occupational health and safety: 750 responses; 3,000 hours; $0 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

Requires manufacturers or importers to maintain a description of their quality assurance program, copy of tests performed, and sale and distribution records for electrically operated toys.

- Exemption for unlabeled containers

16 CFR 1500.84(A)
Nonrecurring
Businesses or other institutions
Manufacturers/repackers of hazardous substances
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 500 responses; 1,000 hours; $0 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

The regulation requires that manufacturers or repackers of hazardous substances in unlabeled containers have an agreement with the recipient of the unlabeled containers to provide for proper labeling.

• Guarantees on rugs and carpets
16 CFR 1630.31
Other—See SF83
Businesses or other institutions
Carpet and rug manufacturers
SIC: 227
Consumer and occupational health and safety: 15 responses; 300 hours; $4,000 Federal cost; 1 form; not applicable under 3504(H)
Mehesh Podar 202–395–7340

Provides for a firm to file a guarantee with the commission covering rugs and carpets. To file such a guarantee the firm must do specified testing and maintain those records. Currently only 50 out of 500 firms have guarantee of file. Reviewed every 3 years.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Standards of performance for new metallic mineral processing plants (proposed rule)
Annually
Businesses or other institutions
New metallic mineral processing plants
SIC: 101, 102, 103, 104, 105, 109
Small businesses or organizations
Pollution control and abatement: 25 responses; 50 hours; $7,720 Federal cost; 5 forms; NPRM under 3504(H)
Edward H. Clarke, 202–395–7340

See preamble summary.

• Questionnaire—Change orders under EPA construction
Grants
ICR 936
Nonrecurring
State or local governments
State or local gov. agncs. receiving EPA grants
SIC: 951
Pollution control and abatement: 211 responses; 1,266 hours; $41,172 Federal cost; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

This is a questionnaire to solicit grantee responses to be used to evaluate the impact of change orders on EPA construction grants. The questionnaires will be mailed upon OMB approval and will continue to receive responses for 30 days.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

• Representations and Certifications (Construction, etc.)
SF 19B
On occasion
Businesses or other institutions
Construction and architect-engineer firms
SIC: 999
Small businesses or organizations
General government: 57,000 responses; 7,125 hours; $40,000 Federal cost; 1 form; $57,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The SF 19–B used in the solicitation and award of contracts for construction and architect-engineer services. The information collected by the form is required by various statutes, executive orders, and regulations.

• Solicitation, Offer and Award and Solicitation Instructions and Conditions
SF 33, 33A
On occasion
Individuals or households/State or local governments/businesses or other institutions
Buss firms, non-profit instit, individuals and other government etc.
SIC: 999
Small businesses or organizations
General government: 765,000 responses; 153,000 hours; $2,068,000 Federal cost; 2 forms; $2,040,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

SF 33 and SF 33A are used in the solicitation and award of contracts for supplies, personal property, and nonpersonal services. The information collected by this form is required by various statutes, executive orders, and regulations. The information collected is used to determine a firm's eligibility for contract award.

• Request for quotations
SF 18
On occasion
Individuals or households/State or local governments/businesses or other institutions
Suppliers
SIC: 731, 361
Small businesses or organizations
General government: 6,000,000 responses; 1,500,000 hours; $10,000,000 Federal cost; 1 form; $18,000,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

SF 18, request for quotations, is used to obtain price, delivery, and related information from suppliers prior to placing orders or contracts.

• Solicitation Offer and Award (Contract for Building Service)
GSA 1467
Other-see SF83
Businesses or other institutions
Individuals, firms and other organizations bidding on GSA, etc.
SIC: 734 739 762
Small businesses or organizations
General property and records management: 12,500 responses; 3,125 hours; $31,656 Federal cost; 1 form; $21,312 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 1467 is used to solicit bids/offers and to contract for building services.

• Preinvitation Notice Construction Contract
GSA 2056
On occasion
Businesses or other institutions
Construction contractors interested in bidding on GSA contracts.
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management: 20,000 responses; 5,000 hours; $33,400 Federal cost; 1 form; $34,100 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

GSA form 2056 is required for projects where construction cost estimate is $100,000 or more (optional under $100,000). Notice is sent to firms or individuals that may be interested in submitting bids or offers on proposed procurements. Information received is used to determine (1) Number of specifications needed to market the project and (2) the interest in the names being kept on the bidders' mailing list.

• Solicitation Instructions and Conditions (Contract for Building Services)
GSA 1467A
Other-see SF83
Businesses or other institutions
Individs, firms and other organizations bidding on GSA, etc.
SIC: 734, 739, 762

Small businesses or organizations
General property and records management: 12,500 responses; 3,125 hours; $2,500 Federal cost; 1 form; $21,312 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 1467A is used to provide prospective bidders/offerors instructions on bidding on building service contracts.

• Return of Payroll Document for Correction
GSA 1995
On occasion
Businesses or other institutions
Individuals, firms and organizations performing on GSA construction contracts
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management: 2,000 responses; 500 hours; $3,340 Federal cost; 1 form; $3,410 Public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This form is used to return construction contractors' defective payroll submissions to them for correction.

• Release of claims
GSA 1142
Nonrecurring
Businesses or other institutions
Construction contractors having contracts with GSA
SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179
Small businesses or organizations
General property and records management: 2,000 responses; 200 hours; $1,336 Federal cost; 1 form; $1,364 Public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This form is a convenient form for securing a release of claims by the contractor against the Government. Such a release is required by regulation, and the form simplifies its submission by the contractor.

Revisions

• Summary Subcontract Report
SF 295
Semiannually
Businesses or other institutions
Large businesses which hold Government contracts in excess, etc.
SIC: All
General government: 4,000 reponses; 42,000 hours; $91,000 Federal cost; 1 form; $301,000 Public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This report is used by contracting agencies to monitor contractor's performance against subcontracting plans. Subcontracting plans are a material part of all contracts of $500,000 or more under Pub. L. 95–507.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0368

New

• Acceptance Form
Annually
Individuals or households
Scholars who receive NEH fellowships
Research and general education aids: 280 responses; 280 hours; $2,800 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

Form is required to determine amount of stipend, payment schedule and certification of regulations.

Revisions

• Summer Seminar Participant Report
Annually
Individuals or households
Individuals, college teachers
Research and general education aids: 700 responses; 700 hours; $3,500 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

This form is used to evaluate the summer seminar program by asking participants to comment on the effectiveness of the program. This allows the staff to make changes or eliminate minor problems that were encountered in the administration of the program.

Extensions (Burden Change)

• Fellowship Report Form
Annually
Individuals or households
Scholars who receive NEH fellowships
Research and general education aids: 280 responses; 280 hours; $2,800 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

The form is used for a final report in which fellows certify, for accounting purposes, that they have met the conditions of their fellowships and in which they describe their accomplishments under their fellowships, so that the endowment may evaluate the effectiveness of its fellowship programs.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Extensions (Burden Change)

• Class exemption for generic reports
On occasion
Individuals or households
NCR licensees
Energy information, policy, and regulation: 1 response; 2,000,000 hours; $800,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Provides blanket clearance approval for any information requirement deemed necessary for public health and safety in an emergency, incident-related situations.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Notice of proposed sale of securities form 237 relating to resales of restricted securities made pursuant to rule 237
Sec 1767
On occasion
Individuals or households/businesses or other institutions
Any individ or other person which elects to resell, et cetera.
SIC: Multiple
Small Businesses or organizations
Other advancement and regulation of commerce: 38 responses; 114 hours; $601 Federal cost; 1 form; $6,080 public cost: not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 237 exempts from the registration requirements of the securities Act restricted securities held by certain persons if, among other things, a notification on form 237 is filed. The commission uses the information on the form to monitor the use of the rule and ensure the rule is being complied with.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whit (004A2)—202–389–2146

New

• Certification of lessons completed
Quarterly
Individuals or households/State or local governments/businesses or other institutions
Schools offering correspondence courses approved for VA
SIC: 941
Veterans education, training, and rehabilitation: 116,000 responses;

19,333 hours; $105,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by students and schools to report on a quarterly basis the number of correspondence lessons completed by the student and serviced by the correspondence school. (38 U.S.C. 1780(B), 38 CFR 21.4203(E)).

- Quarterly certification of attendance for courses not leading to a standard college degree and farm cooperative courses

22–6553A
Quarterly
Individuals or households/State or local governments/businesses or other institutions
Schools offering courses not leading to college degree
SIC: 941
Veterans education, training, and rehabilitation: 360,000 responses; 60,000 hours; $171,400 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used by trainees to certify attendance for courses not leading to a standard college degree and farm cooperative courses under chapters 32, 34 and 35, title 38, U.S.C.

- Verification of Pursuit of course leading to a standard college degree

22–6553
On occasion
State or local governments/businesses or other institutions
Schools offering programs approved for VA training
SIC: 941
Veterans education, training, and rehabilitation: 700,000 responses; 116,666 hours; $563,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by schools to certify enrollment information previously submitted to the Veterans Administration. (38 U.S.C. 1780(A)(1) and 1780 (G), 38 CFR 21.4204(A).

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82–1030 Filed 1–15–82; 8:45 am]
BILLING CODE 3110–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Petition To Reopen Ford Automatic Transmission Investigation; Nader

This notice sets forth the reasons for denial of a petition by Ralph Nader, Center of Responsive Law, by which he sought the reopening of the National Highway Traffic Safety Administration (NHTSA) investigation of an alleged defect in Ford automatic transmissions and the issuance of an order that the vehicles encompassed by that investigation be recalled. The petition was filed on June 16, 1981 and denied on October 17, 1981. The agency considered the petiton both as one to commence a proceeding leading to a recall order (15 U.S.C. 1410a), and as one asking whether the manufacturer had reasonably met its obligation to notify purchasers of the existence of a safety-related defect (15 U.S.C. 1416).

In December 1980 the NHTSA agreed to close its investigation upon Ford's mailing of notification letters to owners of more than 20 million Ford vehicles advising these owners of an initial defect determination, made by NHTSA in June 1980. The notification letters also included a warning label for each owner to affix to the vehicle interior to remind operators of precautions to avoid inadvertent movement of their vehicles.

Agency review of the petition did not indicate the presence of significant new information that would warrant overturning the settlement reached by the Department of Transportation and Ford Motor Company. Nor does the agency have evidence upon which to base a determination that the Ford warning label and sticker program has failed to cover a substantial reduction in the possibility of an accident, death, or injury resulting from a failure of a Ford transmission to engage or hold "park." On the contrary, the evidence in the agency's possession tends to indicate that there has been a substantial decline in the rate of accidents since the conclusion of the Ford notification letter and sticker program on June 1, 1981. The agency also noted several errors in Mr. Nader's characterization of the evidence in the agency's investigative file.

The agency informed Mr. Nader that it will continue to monitor the program "and will not hesitate to act if it appears that further agency intervention is necessary."

(Sec. 124, 156, Pub. L. 93–492, 88 Stat 1470 (15 U.S.C. 1410a, 1416); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on January 11, 1982.

Lynn L. Bradford,
Associate Administrator for Enforcement.

[FR Doc. 82–1099 Filed 1–15–82; 8:45 am]
BILLING CODE 4910–59–M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in October 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aricraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3109–X	DOT–E 3109	U.S. Department of Defense, Washington, DC.	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
3121–X	DOT–E 3121	Vertac, Incorporated, Memphis, TN	49 CFR 173.338(a), 177.841(b)	To authorize the use of non-DOT specification cargo tanks for the transportation of a certain Class A poisonous liquid. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3216–X	DOT–E 3216	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.314(c)	To authorize use of a proposed DOT Specification tank car tank for shipment of certain flammable compressed gases. (Modes 1 and 3.)
3630–P	DOT–E 3630	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 177.839(a), 177.839(b)	To become a party to Exemption 3630. (Mode 1.)
5022–X	DOT–E 5022	National Aeronautics and Space Administration, Washington, DC.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize the shipment of certain Class A and B explosives in temperature controlled equipment. (Modes 1 and 2.)
5206–P	DOT–E 5206	Energy Sciences & Consultants, Inc., Biwabik, MN.	49 CFR 173.114a	To become a party to Exemption 5206. (Mode 1.)
5716–X	DOT–E 5716	Virginia Chemicals, Incorporated, Portsmouth, VA.	49 CFR 173.314, 179.3, 179.300–18(a)(1), 179.300–19(d).	To authorize use of non-DOT specification tank car tanks for shipment of a certain nonflammable gas. (Modes 1 and 2.)
6536–X	DOT–E 6536	SunOlin Chemical Company, Claymont, DE.	49 CFR 172.101, 173.315(a)	To authorize the use of a non-DOT specification cargo tanks for shipment of certain flammable and nonflammable gases. (Mode 1.)
6536–X	DOT–E 6536	South Jersey Gas Company, Folsom, NJ	49 CFR 172.101, 173.315(a)	To authorize the use of non-DOT specification cargo tank for shipment of certain flammable and nonflammable gases. (Mode 1.)
6806–P	DOT–E 6806	Transfresh Corporation, Salinas, CA	49 CFR 173.302(a), 175.3	To become a party to Exemption 6806. (Mode 5.)
6806–P	DOT–E 6806	Kaiser Aluminum Chemical Corporation, Pleasanton, CA.	49 CFR 173.302(a), 175.3	To become a party to Exemption 6806. (Mode 5.)
6974–X	DOT–E 6974	Tavco, Inc., Chatsworth, CA	49 CFR 173.302(a)(1), 175.3, 178.42	To authorize the use of of non-DOT specification steel cylinders for the transportation of certain nonliquefied compressed gases. (Modes 1, 2, and 4.)
6986–X	DOT–E 6986	K & M Plastics, Inc., Elk Grove Village, IL	49 CFR 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 178.19.	To authorize the use of non-DOT specification reusable blow-molded polyethylene containers for certain corrosive liquids and oxidizers. (Modes 1, 2, and 3.)
7023–X	DOT–E 7023	Allied Chemical Company, Morristown, NJ	49 CFR 173.245(a), 173.263(a), 173.264(a), 173.266, 173.268(i)(5), 173.272(g), 173.272(i)(24).	To authorize non-DOT specification steel portable tanks, for shipment of an oxidizer or corrosive material. (Mode 1.)
7035–X	DOT–E 7035	Owens-Illinois (Plastic Products Division), Toledo, OH.	49 CFR 173.119, 173.128(a), 173.245(a)(26), 173.245b(a)(3), 173.249(a)(1), 173.250a(a)(1), 173.256, 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.276(a)(10), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346, 173.348, 178.19.	To manufacture, mark and sell non-DOT specification reusable, molded polyethylene drums for shipment of corrosive liquids and solids, oxidizers, flammable liquids, and Class B poisonous liquids. (Modes 1, 2, and 3.)
7056–X	DOT–E 7056	Diamond Shamrock Corporation, Cleveland, OH.	49 CFR 173.204(a)(4), 173.28(m)	To authorize one time reuse of DOT Specification 37A steel drums for a flammable solid. (Modes 1, 2, and 3.)
7491–X	DOT–E 7491	Process Engineering, Incorporated, Plaistow, NH.	49 CFR 172.101, 173.314(c)	To manufacture, marking, and sell non-DOT specification tank cars for transportation of a flammable compressed gas (cryogenic liquid). (Mode 2.)
7607–P	DOT–E 7607	Engineering-Science, McLean, VA	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5.)
8137–X	DOT–E 8137	Ensign Bickford Company, Simsbury, CT	49 CFR 173.66(c)	To authorize the transport of blasting caps without the inside containers required in 173.66(c). (Mode 1.)
8196–X	DOT–E 8196	Eurotainer, Paris, France	49 CFR 173.315(a)	To authorize the use of a non-DOT specification portable tank for the shipment of certain compressed gases. (Modes 1, 2, and 3.)
8196–X	DOT–E 8196	Societe Auxiliarie de Transports et d Industries, Paris, France.	49 CFR 173.315(a)	To authorize the use of a non-DOT specification portable tank for the shipment of certain compressed gases. (Modes 1, 2, and 3.)
8196–X	DOT–E 8196	ANF Industrie, Paris, France	49 CFR 173.315(a)	To authorize the use of a non-DOT specification portable tank for the shipment of certain compressed gases. (Modes 1, 2, and 3.)
8199–X	DOT–E 8199	Dow Corning Corporation, Midland, MI	49 CFR 172.101, 173.315(a), 178.337–11(c).	To authorize shipment of liquefied anhydrous hydrogen chloride in a DOT Specification MC–331 cargo tank. (Mode 1.)
8209–X	DOT–E 8209	Coastal Planes Airways, Incorporated, Warner Robins, GA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8214–X	DOT–E 8214	Thiokol Corporation, Odgen, UT	49 CFR 173.153, 173.154, 175.3	To authorize the transportation of inflators and modules for passive restraint systems for use in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8230–X	DOT–E 8230	G. Fredrick Smith Chemical Company, Columbus, OH.	49 CFR 173.268(b)(6), 173.269(a)(4)	To authorize the authorize the shipment of certain oxidizers in non-DOT specification containers. (Modes 1, 2, 3, and 4)
8247–X	DOT–E 8247	Container Corporation of America, Wilmington, DE.	49 CFR 173.272(g)	To authorize the use of a 6-gallon capacity DOT Specification 34 container for the shipment of 95% to 98% sulfuric acid. (Modes 1, 2, and 3.)
8248–X	DOT–E 8248	Western Electric Company, Greensboro, NC.	49 CFR 173.245, 173.247, 173.271, 178.170.	To authorize the shipment of various corrosive liquids in a modified DOT Specification 15C wooden box containing four compartments with glass bottle in an aluminum shipping cannister in each compartment. (Mode 1.)
8269–X	DOT–E 8269	M–D Trailer Company, Fort Worth, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To manufacture, mark and sell certain non-DOT specification cargo tanks complying with DOT Specification MC–307/MC–312 except for bottom outlet valve variations for transportation of flammable, corrosives, poison waste liquid or semi solids. (Mode 1.)
8278–X	DOT–E 8278	Maintenance Mechanical Corporation, Houston, TX.	49 CFR 173.119, 173.304, 173.315	To manufacture, mark and sell non-DOT specification container (displacement meter process) for shipment of flammable gases and liquids. (Mode 1.)
8279–X	DOT–E 8279	Hamler Industries, Inc., Chicago Heights, IL.	49 CFR 178.337–17	To authorize the use of a DOT Specification MC–330 cargo tank with a reproduced identification plate for shipment of a nonflammable gas. (Mode 1.)
8286–X	DOT–E 8286	Union Carbide Corporation, Tarrytown, NY.	49 CFR 172.101, 173.315, 176.76(b)	To authorize the use of non-DOT specification vacuum insulated cargo tanks for shipment of certain nonflammable gases. (Mode 3.)
8314–X	DOT–E 8314	Barber Steamship Lines, Inc., New York, NY.	49 CFR 176.905(L)	To authorize stowage of refrigerator machinery containing a nonflammable compressed gas in the same hold or compartment with motor vehicles. (Mode 3.)
8336–X	DOT–E 8336	Cities Services Company, Tulsa, OK	49 CFR 173.315(a)(1), 173.315(c)(1)	To authorize shipment of certain compressed gases, n.o.s., (methane-ethane mixture) in DOT specification MC–331 tank motor vehicles. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8344-X	DOT-E 8344	All-Sports Supply, Inc., Portland, OR	49 CFR 173.197a	To authorize the transportation of fiberboard boxes containing different brands of smokeless powder without Bureau of Explosives approval of each box. (Mode 1.)
8369-X	DOT-E 8369	Container Corporation of America, Wilmington, DE.	49 CFR 173.119, 173.346	To authorize the use of a 15 gallon capacity DOT Specification 34 polyethylene container for shipment of certain poisonous liquids. (Modes 1, 2, and 3.)
8408-X	DOT-E 8408	Preevac Systems, Limited, Burlington, Ontario, Canada.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosives, poison waste liquid or semi solids. (Mode 1.)
8441-P	DOT-E 8441	Raytheon Company, Portsmouth, RI	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8451-P	DOT-E 8451	SRI International, Menlo Park, CA	49 CFR 173.65, 173.86(e), 175.3	To become a party to Exemption 8451. (Modes 1, 2, and 4.)
8465-P	DOT-E 8465	CIL Inc., Brampton, Ontario, Canada	49 CFR 173.182(6)(i), 178.241	To become a party to Exemption 8465. (Modes 1 and 2.)
8489-P	DOT-E 8489	Ciba-Geigy Corporation, Ardsley, NY	49 CFR 173.154, 173.182, 173.245b	To become a party to Exemption 8489. (Modes 1 and 3.)
8489-P	DOT-E 8489	Degussa Corporation, Teterboro, NJ	49 CFR 173.154, 173.182, 173.245b	To become a party to Exemption 8489. (Modes 1 and 3.)
8489-P	DOT-E 8489	E. I. du Pont de Nemours and Co., Inc., Wilmington, DE.	49 CFR 173.154, 173.182, 173.245b	To become a party to Exemption 8489. (Modes 1 and 3.)
8526-P	DOT-E 8526	Benjamin Moore & Co., Melrose Park, IL	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8531-X	DOT-E 8531	Monsanto Company, St. Louis, MO	49 CFR 172.101, 172.406, 172.504, 173.114(j).	To authorize shipment of nitro carbo nitrate in prescribed DOT Specification bags labeled oxidizer, after December 31, 1980, in order to utilize the existing inventory. (Mode 1.)
8554-P	DOT-E 8554	Bennett Explosives, Inc., Manchester, IA	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8569-P	DOT-E 8569	U.S. Department of Defense, Washington, DC.	49 CFR 172.101(8)(b), 173.276, 175.3	To become a party to Exemption 8569. (Modes 1, 3, and 4.)
8572-P	DOT-E 8572	Western States Energy, Inc., Salt Lake City, UT.	49 CFR 172.101, 172.406, 172.504, 173.114a.	To become a party to Exemption 8572. (Mode 1.)
8582-P	DOT-E 8582	The Chesapeake and Ohio Railway Company, Cleveland, OH.	49 CFR Part 100-177	To become a party to Exemption 8582. (Mode 1.)
8582-P	DOT-E 8582	The Baltimore and Ohio Railroad Company, Baltimore, MD.	49 CFR Part 100-177	To become a party to Exemption 8582. (Mode 1.)
8582-P	DOT-E 8582	The Western Maryland Railway Company, Baltimore, MD.	49 CFR Part 100-177	To become a party to Exemption 8582. (Mode 1.)
8606-P	DOT-E 8606	Makhteshim Darom, Beer Sheva, Israel	49 CFR 173.148	To become a party to Exemption 8606. (Modes 1 and 3.)
8613-P	DOT-E 8613	Greendyke Transport, Inc., Enid, OK	49 CFR 173.131(a)(2)	To become a party to Exemption 8613. (Mode 1.)
8623-P	DOT-E 8623	W. R. Grace & Co., Lexington, MA	49 CFR 173.352(a)(5)	To become a party to Exemption 8623. (Mode 1.)
8645-P	DOT-E 8645	Austin Powder Company, Cleveland, OH	49 CFR 173.154(a)(18)	To become a party to Exemption 8645. (Mode 1.)
8654-P	DOT-E 8654	Mayo Clinic, Rochester, MN	49 CFR 173.394(b)(1), 173.394(b)(5), 173.394(b)(6).	To become a party to Exemption 8654. (Modes 1 and 2.)
8681-X	DOT-E 8681	M-Chem Inc., Westwego, LA	49 CFR 173.119	To authorize the use of a DOT Specification 57 portable tanks for water transportation of flammable and combustible liquids. (Mode 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8514-N	DOT-E 7678	Gibson Cryogenics, Lakeside, CA	49 CFR 172.101	To manufacture, mark, and sell vacuum insulated non-DOT specification portable tanks for shipment of liquid nitrogen. (Mode 3.)
8548-N	DOT-E 8548	Solvent Service Company, San Jose, CA	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquid or semisolids. (Mode 1.)
8549-N	DOT-E 8549	Peters Manufacturing Company, South El Monte, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquids or semisolids. (Mode 1.)
8567-N	DOT-E 8567	Georgia Equipment Manufacturing, Inc., Newnan, GA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquids or semisolids. (Mode 1.)
8568-N	DOT-E 8568	Lely Tractor, Incorporated, Temple, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.340-7, 173.346(a), 178.342-5, 178.343.5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquids or semisolids. (Mode 1.)
8578-N	DOT-E 8578	Republic Tank and Supply Company, Temple, TX.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquids or semisolids. (Mode 1.)
8595-N	DOT-E 8595	American Pyrotechnics Corporation, Llano, CA.	49 CFR 172.101, 173.100	To authorize shipment of an explosive pest control device, consisting of 4 inside fiberboard cartons not to contain more than 72 devices overpacked in a Dot Specification 12B fiberboard box. (Modes 1, 2, and 3.)
8606-N	DOT-E 8606	Bleiwerk Goslar KG, Federal Republic of Germany.	49 CFR 173.148	To authorize shipment of monomethylamine in non-DOT specification IMCO Type 5 portable tanks. (Modes 1 and 3.)
8645-N	DOT-E 8645	Mining Services International, Salt Lake City, UT.	49 CFR 173.154(a)(18)	To authorize bulk shipment of a thickened solution of an oxidizing material commercially designated as "HEF", in DOT Specification MC-307 or MC-311 insulated cargo tanks at ambient temperature. (Mode 1.)
8667-N	DOT-E 8667	Federal Emergency Management Agency, Washington, DC.	49 CFR 173.395(b)	To authorize use of CDV-704 calibrators instead of DOT Specification or Nuclear Regulatory Commission certified packages for shipment of radioactive materials. (Modes 1, 3, and 4.)
8672-N	DOT-E 8672	Rheem Manufacturing Company, Jefferson, LA.	49 CFR 178.115-10(a)(1)	To mark and sell 583 30-gallon steel drums complying with DOT Specification 17C and so marked on metal plates attached to drums, though improperly embossed "DOT-17E", for shipment of organophosphorus pesticide, liquid, Class B poison. (Mode 1.)

New Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8682–N	DOT–E 8682	Beall Trans-Liner, Portland, OR	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To manufacture, mark, and sell certain non-DOT specification cargo tanks complying with DOT Specification MC–307/MC–312 except for bottom outlet valve variations for transportation of flammable, corrosive waste liquids or semisolids. (Mode 1.)
8684–N	DOT–E 8684	General American Transportation Corporation, Masury, OH.	49 CFR 173.315(a)(1), 178.337(1)(c)(2)(ii)	To manufacture, mark, and sell non-DOT specification cargo tanks constructed in accordance with DOT Specification MC–331 with certain exceptions for the shipment of nonflammable gases. (Mode 1.)
8688–N	DOT–E 8688	Sajen Air, Inc., Manchester, NH	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(i), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8690–N	DOT–E 8690	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.34(d)	To authorize a one-time shipment of 25 DOT Specification 3BN400 cylinders without pressure relief devices, for shipment of nitrosyl chloride. (Mode 1.)
8693–N	DOT–E 8693	Matheson Gas Products, Gloucester, MA	49 CFR 173.230	To authorize the shipment of sodium, metal dispersion in organic solvent in DOT Specification 4BW240 cylinders. (Mode 1.)
8703–N	DOT–E 8703	Union Carbide Corporation, New York, NY.	49 CFR 172.101	To authorize the shipment of a flammable liquid/poison using methyl isocyanate as the proper shipping name in packaging presently prescribed in the regulations. (Mode 1.)
8705–N	DOT–E 8705	General Electric Company, San Jose, CA	49 CFR 173.395(b)(2), Part 172, Subpart D, E.	To authorize exclusive use vehicle for transport of certain Type B quantities of radioactive materials in packages meeting Type A standards. (Mode 1.)
8710–N	DOT–E 8710	Noury Chemical Corporation, Burt, NY	49 CFR 173.119, 173.21	To authorize transportation of a flammable liquid which is also an organic peroxide in cargo tanks complying with DOT Specification MC–307 and MC–312. (Mode 1.)

Emergency Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8206–X	DOT–E 8206	Rexnord, Inc., Commerce City, CO	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s., in two one-quart tin cans, overpacked in a modified 26-gage, unlined DOT Specification 37A five-gallon drum, also containing a one-gallon tin can of non-hazardous resin mix. (Modes 1, 2, 3, and 4.)
EE 8207–X	DOT–E 8207	Rexnord, Inc., Commerce City, CO	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s., in one-quart tin can, placed in a molded polyethylene liner, overpacked in a modified 26-gage, unlined DOT Specification 37A two-gallon drum, also containing a non-hazardous resin mix. (Modes 1, 2, 3, and 4.)
EE 8308–P	DOT–E 8308	MHC Messengers, Inc., Avel, NJ	49 CFR 177.842(a), 177.842(b)	To become a party to Exemption 8308. (Mode 1.)
EE 8723–N	DOT–E 8723	IRECO Chemicals, Salt Lake City, UT	49 CFR 173.114a(h)(3)	To authorize the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Mode 1.)
EE 8727–N	DOT–E 8727	Department of the Army, Washington, DC	49 CFR 176.76(a), 176.83(b), 176.905(1), 176.905(c).	To authorize cylinders of oxygen and acetylene to be carried on vehicles with fuel tanks not over 3/4 full. (Mode 3.)

Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8334–X	Ford Aerospace & Communication Corporation, Newport Beach, CA.	49 CFR 172.101, 175.3, 175.30	To authorize a one-time shipment of Class A, B, and C explosives which are not presently authorized for shipment by air (mode 4).

Denials

8560–N Request by The Norac Company, Incorporated, Azusa, CA to authorize shipment of benzyl peroxide 40% slurry in water in a DOT Specification 21C fiber drum without the inside plastic bag denied October 26, 1981.

Issued in Washington, D.C. on December 14, 1981.

J. R. Grothe,

Chief, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82–1105 Filed 1–15–82; 8:45 am]

BILLING CODE 4910–60–M

V
4
7
/
1
1
J
A
1
8
8
2
UMI

federal register

Monday
January 18, 1982

Part II

Department of Defense

Privacy Act; Annual Recompilation of System Notices

DEPARTMENT OF DEFENSE

Privacy Act; Annual Recompilation of System Notices

AGENCY: Department of Defense (DoD).

SUMMARY: The Privacy Act of 1974 requires each Federal Agency to annually publish notice of the existence and character of certain records they maintain. The DoD notices were published last in the **Federal Register** on January 21, 1981 and reflected all system notices as of December 31, 1981. These were incorporated into "Privacy Act Issuances—1980 Compilation" by the Office of the Federal Register. The purpose of this document is to update the notices previously published and to publish in their entirety those system notices added or amended since December 31, 1981. The following DoD Components have opted to completely republish all of their system notices:

U.S. Navy
National Security Agency
Defense Advance Research Projects Agency.

All other Components are publishing complete notices only for new and amended systems. A list by Component reflecting those systems deleted since December 31, 1980 and those system notices which remain unchanged is set forth below followed by the new and amended systems as required.

DATES: This document fulfills the annual notice requirement of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)).

FOR FURTHER INFORMATION CONTACT: Lt. Col. William C. Goforth, USAF, Staff Executive (Attorney), Defense Privacy Board, Room 3A–948, The Pentagon, Washington, D.C. 20301, c/o OSD Mail Room, Telephone: (202) 694–3027.

SUPPLEMENTARY INFORMATION: The Department of Defense published its annual recompilation of system notices for 1980 as required by 5 U.S.C. 552a(e)(4) at FR Doc. 81–897 (46 FR 73702) January 21, 1981. Notices concerning system of records notices for the Department which were deleted from, added to or amended that inventory have been published in the **Federal Register** at:

FR Doc. 81–85 (46 FR 1002) January 5, 1981
FR Doc. 81–86 (46 FR 996) January 5, 1981
FR Doc. 81–3338 (46 FR 9693) January 29, 1981
FR Doc. 81–3374 (46 FR 9691) January 29, 1981
FR Doc. 81–4864 (46 FR 11857) February 11, 1981
FR Doc. 81–5508 (46 FR 12772) February 18, 1981
FR Doc. 81–6021 (46 FR 13544) February 23, 1981
FR Doc. 81–6246 (46 FR 14031) February 25, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7250 (46 FR 15531) March 6, 1981
FR Doc. 81–7597 (46 FR 16114) March 11, 1981
FR Doc. 81–7598 (46 FR 16110) March 11, 1981
FR Doc. 81–7621 (46 FR 16111) March 11, 1981
FR Doc. 81–7938 (46 FR 16926) March 16, 1961
FR Doc. 81–7939 (46 FR 16923) March 16, 1961
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8281 (46 FR 17243) March 18, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20260) April 3, 1981
FR Doc. 81–10722 (46 FR 21228) April 9, 1981
FR Doc. 81–10723 (46 FR 21225) April 9, 1981
FR Doc. 81–10725 (46 FR 21226) April 9, 1981
FR Doc. 81–10791 (46 FR 21220) April 9, 1981
FR Doc. 81–11474 (46 FR 22255) April 16, 1981
FR Doc. 81–12660 (46 FR 23523) April 27, 1981
FR Doc. 81–12892 (46 FR 23967) April 29, 1981
FR Doc. 81–13225 (46 FR 24620) May 1, 1981
FR Doc. 81–13603 (46 FR 25337) May 6, 1981
FR Doc. 81–14113 (46 FR 25904) May 11, 1981
FR Doc. 81–14226 (46 FR 26365) May 12, 1981
FR Doc. 81–14406 (46 FR 26676) May 14, 1981
FR Doc. 81–14973 (46 FR 27370) May 19, 1981
FR Doc. 81–14975 (46 FR 27373) May 19, 1981
FR Doc. 81–15109 (46 FR 27518) May 20, 1981
FR Doc. 81–15770 (46 FR 28470) May 27, 1981
FR Doc. 81–15762 (46 FR 28468) May 27, 1981
FR Doc. 81–16085 (46 FR 28893) May 29, 1981
FR Doc. 81–16495 (46 FR 29740) June 3, 1981
FR Doc. 81–24914 (46 FR 44494) September 4, 1981
FR Doc. 81–26458 (46 FR 45408) September 11, 1981
FR Doc. 81–26459 (46 FR 45407) September 11, 1981
FR Doc. 81–26729 (46 FR 45793) September 15, 1981
FR Doc. 81–28991 (46 FR 49171) October 6, 1981
FR Doc. 81–28992 (46 FR 49177) October 6, 1981
FR Doc. 81–28993 (46 FR 49173) October 6, 1981
FR Doc. 81–32109 (46 FR 45979) November 5, 1981
FR Doc. 81–32168 (46 FR 55139) November 6, 1981
FR Doc. 81–32240 (46 FR 55134) November 6, 1981
FR Doc. 81–32565 (46 FR 55555) November 10, 1981
FR Doc. 81–32870 (46 FR 56004) November 13, 1981
FR Doc. 81–33755 (46 FR 57337) November 23, 1981
FR Doc. 81–33754 (46 FR 57339) November 23, 1981
FR Doc. 81–34455 (46 FR 58546) December 2, 1981
FR Doc. 81–34859 (46 FR 59287) December 4, 1981
FR Doc. 81–34875 (46 FR 59291) December 4, 1981
FR Doc. 81–34886 (46 FR 59288) December 4, 1981
FR Doc. 81–35393 (46 FR 60491) December 10, 1981
FR Doc. 81–35491 (46 FR 60639) December 11, 1981

Availability of 1980 Compilation

"Privacy Act Issuances—1980 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1980 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 30 points around the country. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register or the Central headquarters of the Department of Defense Component concerned will furnish a copy of the full text of a particular system notice published. There may be a fee assessed for this service.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
January 5, 1982.
BILLING CODE 3810-01-M

DEPARTMENT OF THE ARMY

Deleted Systems

A0102.08aDAAG

Army Community Service (ACS) Volunteer Record

A0102.08bMTMC

Casualty Control Card

A0221.01aOSA

Committee Management Files

A0225.06bDACS

MISO Management (TWV)

A0225.06cDACS

Management of Army ADP

A0225.09bDARCOM

Visual Information System (VIS) Utilization

A0225.111DACS

Consultant Reference System

A0228.03DAMH

Historical Inquiry Files

A0228.04aDAMH

Historical Photographic Files

A0404.08aDAPE

USMA Legal Files on Military and Civilian Personnel

A0411.03bDAAG

Congressional Correspondence Files

A0603.05aDALO

Manpower Utilization Reporting System

A0701.07bAMC

Retirement Services Control Reference Paper Files

A0703.08aDAPE

Officer Personnel Information Files

A0704.09bDAPE

University of Hawaii Army ROTC Alumni

A0709.03bDAPE

United States Corps of Cadets Personnel Records

A0709.05aDAPE

Physical Profile

A0709.08aDAPE

Cadet Counseling File

A0709.09aDAPE

Biographical Card File

A0715.07bAMC

Computerized Time Accounting System

A0718.08DAAG

World War I Awards and Decorations Card File

A0725.01bDAAG

Financial Management Planning and Counseling

A0725.07aDAAG

Commercial Business Solicitation Files

A0726.04aDAAG

Casualty Case Files

A0726.04bDAAG

Report of Casualty, Department of Defense Form 1300

A0808.01aAMC

Hazardous Devices Course Graduates

A0905.03USAREUR

Claims Invt of Active Claims for Med Care Under CHAMPUS

A0905.04USAREUR

Cross Reference List Report of Claims for CHAMPUS

A0905.05DAAG

Active Claims for Med Care Provided Under CHAMPUS File

A0906.03DASG

Medical Classification Files

A0915.01aDASG

Nursing Service Schedule Files

A1010.07bAMC

AMC School Files

A1011.04aDAPE

USMA Institutional Research Survey File

A1012.03eTRADOC

TRADOC Educational Data System (TREDS–NRI)

A1014.06aDAAG

College Equivalency Evaluation

A1014.07aDAAG

Enrollment Application Files

A1014.08aDAAG

General Educational Development (GED) Individual Record

A1014.08bDAAG

GED Reference Papers/Participation Education Program

A1014.08cDAAG

College Transcript Registry System

A1014.10aDAAG

Army Apprenticeship Program Participation Files

A1107.20aDAMO

Photographic Caption Files

A1107.21aDAMO

Still Picture Files (Personalities/ Categories)

A1111.02DAMO

Flight Examination Files

A1111.14aUSACC

Flight Regulation Violation Files

A1201.02bMTMC

Discrepancy in Shipment Report (DISREP)

A1201.07bMTMC

Transportation Reference Paper Files

A1201.07cMTMC

Surface Cargo Export System (SURS)

A1201.07dMTMC

Surface Retrograde Cargo Accountability/Control Sys

A1201.07eMTMC

Terminal Management System—TOLS, CARDPAC, PRELODGE

A1201.07fMTMC

Mechanized Export Traffic System (METS)

A1202.15aUSAREUR

Statistical Files—Household Goods and Baggage System

A1203.12aMTMC

Bill of Lading Files

A1203.14aMTMC

Prepaid Inbound Bill of Lading Files

A1203.18aMTMC

Household Shipment Bill of Lading Files

A1203.19aAMC

Household Shipment Contract Files

A1203.19cMTMC

Household Shipment Contract Files

A1203.19dMTMC

Household Shipment Contract/ Nontemporary Storage Files

A1203.20aMTMC

Household Shipment Reimbursement Files

A1203.27aMTMC

Privately Owned Vehicle Shipment Files

A1205.19aDALO

Baggage Inspection and Clearance Files

A1207.09aUSAREUR
School Bus System (SBS)

DEPARTMENT OF THE ARMY

Unchanged Systems

AAFES0207.02
Customer Comments, Complaints, & Direct Line Files

AAFES0306.03
Debriefing Acknowledgment Files

AAFES0306.04
Classified Material Access Files

AAFES0306.12
Personnel Security Case Files

AAFES0306.13
Personnel Security Status Files

AAFES0307.01
Carpooling Program

AAFES0401.04
Official Personnel Folders (OPF)

AAFES0401.05
Employee Service Record Card Files

AAFES0401.11
Personnel Records Maintained at Supervisory Level

AAFES0403.01
Application for Employment Files

AAFES0403.04
College Recruitment Files

AAFES0403.05
Employee Examination Records

AAFES0403.08
Reference and Pre-Employment Credit Files

AAFES0403.11
Personnel Clearance Records

AAFES0403.12
Oversea Processing Records

AAFES0404.01
Incentive Awards Case Files

AAFES0404.03
Award Control Files

AAFES0404.04
Award Ceremony Files

AAFES0405.03
Personnel Appeals and Grievances

AAFES0405.05
Statement of Employment and Financial Interests

AAFES0405.07
Retirement Assistance Files

AAFES0405.11
Individual Health Records

AAFES0405.15
Retirement Extension Files

AAFES0406.12a
Skills Bank File (Employee Skills Survey)

AAFES0406.12b
Employee Career Development Plan Files

AAFES0408.05
Individual Trainee Files

AAFES0408.06
Trainee Card Index

AAFES0408.14
Tuition Assistance Case Files

AAFES0408.15
Correspondence Course Files

AAFES0409.01
AAFES Accident Report

AAFES0410.01
Employee Travel Files

AAFES0410.04
Passport Files

AAFES0501.01
AAFES No-Notice Evaluation Report File

AAFES0501.04
Universal Annual Photograph Files

AAFES0505.02
IO Biographical Files

AAFES0602.01
Claims v. AAFES

AAFES0602.04a
Litigation Initiated by AAFES

AAFES0602.04b
Litigation Against AAFES Employees and/or AAFES

AAFES0604.02
Unfair Labor Practice Claim/Charges File

AAFES0702.01
Paid Disbursement Files

AAFES0702.22
Check-Cashing Privilege Suspense Files

AAFES0702.23
Check-Cashing Privilege Files

AAFES0702.23b
Dishonored Check Files

AAFES0702.34
Accounts Receivable Files

AAFES0702.43
Travel Advance Register Files

AAFES0702.44
Travel Advance—Trial Balance Files

AAFES0703.01
AAFES Time Sheets

AAFES0703.02
Payroll Allotment Files

AAFES0703.03
United States Savings Bond Register Files

AAFES0703.05
Personnel Action/Discrepancy Notice Files

AAFES0703.07
Payroll Register Files

AAFES0703.09
Employer's Copy of Income Tax Withheld

AAFES0703.10
Employer's Quarterly Federal Tax Return Files

AAFES0703.11
Wage and Separation Information Report Files

AAFES0703.12
Payroll Adjustment Files

AAFES0703.13
Levy and Garnishment Files

AAFES0703.14
Payroll Report Files

AAFES0704.40
Group Insurance Card Files

AAFES0704.05
Retirement Card Files

AAFES0704.06
Group Insurance Printout Files

AAFES0704.07
Fidelity Bond Files

AAFES0704.08
Accidential Death & Dismemberment Administrative Files

AAFES0704.09
Personal Property Claim files

AAFES0704.10
Insurance Claims Files—Workmen's Compensation

AAFES0704.11
Short/Long Term Disability files

AAFES0704.12
Miscellaneous Employee Claim Files

AAFES0704.13
Annuity Eligibility Files

AAFES0704.14
Waiver of Premium Files

AAFES0704.15
Individual Retirement Files

AAFES0704.18
Paid Death Claim Files

AAFES0003.01
AAFES Incident Record

AAFES003.06a
Systems Magnetic Tape Files

AAFES0903.06c
Systems Magnetic Tape Files

AAFES0903.06d
Personal Property Transfer System

AAFES0903.06e
Personal Profile

AAFES0903.06f
Personnel Management Information System (PMIS)

AAFES1100.31
Personal Data Card

AAFES1203.03
Appointment of Contracting Officers

AAFES1204.07
Customers' Merchandise Returned for Repair or Replacement

AAFES1300.01
Progression Analysis Report (PAR)

AAFES1504.02
Personal Property Shipment Files

AAFES1504.03
Personal Property Storage Files

AAFES1504.04
Carrier/Contractor Management Files

AAFES1609.02
AAFES Customer Service

AAFES1609.03
AAFES Catalog System (ACS)

Unchanged Systems

A0101.20aAMC
Classified Matter Inventory Reporting Files

A0102.03aDAAG
Office Personel Locator/Organization Rosters

A0102.04aDAPE
Supervisor/Manager Employee Records Files

A0102.13DAPC
Office Military Personnel Files

A0124.06aUSAREC
Recruiter Assignment Report

A0201.08aDACS
Central Files, Office of the Chief of Staff

A0201.08cOSA
Central Files, Office, Secretary of the Army (SAAA)

A0224.04DAIG
Inspector General Investigative Files

A0224.05aDAIG
Inspector General Complaint Files

A0225.01aDAPE
MP Mgt Info Sys (MPMIS)—Correctional Rept Sys (CRS)

A0225.01bDAPE
Carpool Information/Registration System

A0225.07aDACS
Teleprocessing Customer Identification System

A0225.09aAMC
Computer Technology Files

A0225.11aDAAG
Master Index (NMI)

A0225.11bDAAG
Indiv Ready, Standby & Ret Reserve Pers Info Sys

A0225.11iDAPC
Enlisted Evaluation System

A0225.11kDACS
Computer Users Information System

A0225.12aDACS
Data Processing Installation Control System

A0228.11DAAG
Memorialization Board Files

A0239.01DAAG
Request for Information Files

A0240.01DAAG
Privacy Act Case Files

A0301.07aDAAG
Army Club Membership Registration System

A0301.08aDACA
Military and Civilian Waiver Files

A0301.08bDACA
Contractor Indebtedness Files

A0302.03aDACA
Subsidiary Ledger Files (Accounts Receivable)

A0302.06aDAIG
Travel Advance Accounting System (TAAS)

A0302.06bDACA
Absentee Apprehension/Reward/ Expenses Payment System

A0305.05aDACA
Travel Payment System

A0305.08aDACA
Military Pay System-Active Army (Manual)

A0305.10aDACA
Joint Uniform Mil Pay Sys-Active Army (JUMPS–AA)

A0305.10bDACA
Joint Uniform Mil Pay Sys-Reserve Components-Army

A0305.10cDACA
Joint Uniform Mil Pay Sys-Retired Pay

A0305.10dDACA
Health Program Pay and Reimbursement System

A0305.11aDAPE
USMA Cadet Pay and Accounts System

A0306.01aDACA
Civilian Employee Pay System

A0306.02aDACA
Nonappropriated Fund Employee Pay System

A0309.05aDAAG
Resource Management and Cost Accounting Files

A0314.09aDACA
Nonappropriated Fund Accounts Receivable System

A0314.24DAAG
Nonappropriated Fund Employee Insurance Files

A0314.30aDAAG
Nonappropriated Fund Instrumentality Membership Files

A0319.04DACA
Validation Files

A0319.06DACA
Household Goods Shipment Excess Cost Collection Files

A0319.07DACA
Federal Housing Admin (FHA) Mortgage Payment Ins Files

A0319.10DACA
Conversion Files

A0319.11DACA
Disbursing Office Establishment and Appointment Files

A0319.13DACA
Bankruptcy Processing Files

A0319.14DACA
Pecuniary Charge Appeal Files

A0320.01aDAEN
Corps of Engineers Mgt Info Sys Files

A0401.02bDAAG
Mailing List for Army Newspapers/ Periodicals

A0401.07aOSA
Media Contact Files

A0401.07bOSA
Medal of Honor Recipient Files (Vietnam Era)

A0401.08DAJA
Prosecutorial Files

A0402.01aDAJA
General Legal Files

A0402.05DAPE
Employment and Financial Interest Statement Files

A0402.06DAJA
Legal Assistance Case Files

A0402.07DAJA
Legal Assistance Interview Record Files

A0403.01aDAJA
U.S. Army Claims Svc Mgt Info Sys (USARCS MISO)

A0403.06DAJA
Tort Claim Files

A0403.16DAJA
Army Property Claim Files

A0403.17DAJA
Medical Expense Claim Files

A0403.18DAAG
Claims Back-up File

A0405.02DAJA
Foreign Jurisdiction Case Files

A0405.04DAJA
Foreign Jurisdiction Reporting Files

A0406.01aDAJA
Patent, Copyright, Trademark, and Proprietary Data Files

A0406.01bUSAREUR
Civil Process Case Files and Reference Files

A0407.01aDAJA
Patent, Copyright, and Trademark Soliciting Files

A0408.01aDAJA
Patent, Copyright, & Data License Proffers, Infringement Claims, & Litigation Files

A0410.01DAJA
Litigation Case Files

A0410.04DAJA
Judicial Information Release File

A0411.03cOSA
Congressional Inquiry File

A0411.08aOSA
Biographical Files of Members of Congress

A0412.01aDAAG
Funeral Plans

A0412.05aOSA
Press Interest Reference Files

A0412.07DAJA
Witness Appearance Files

A0412.14aOSA
Biography Files

A0412.18aOSA
Correspondence (Civ Aides to the Secretary of the Army)

A0501.02aDAMO
Security Issues Symposium

A0501.08aUSACIDC
Informant Register

A0501.10DAMI
Counterintelligence Research File System (CIRFS)

A0502.03aDAMI
Intelligence Collection Files

A0502.03bDAMI
Technical Surveillance Index

A0502.06aDAMI
Badge and Credential Files

A0502.10aDAMI
USAINSCOM Investigative Files System

A0503.03aDAMI
Department of Army Operational Spt Activities Files

A0503.06aDAMI
Counterintelligence Operations Files

A0506.01fDAMI
Personnel Security Clearance Information Files

A0506.01jUSAREUR
Employee Screening Program/ Installation Access Files

A0506.05DAAG
Diplomatic Immunity Roster

A0508.04USACIDC
US Army Criminal Investigation Fund Vouchers

A0508.07aUSACIDC
Criminal Investigation Accreditation Files

A0508.11aUSACIDC
Criminal Investigation and Crime Laboratory Files

A0508.11bUSACIDC
Criminal Information Reports and Cross Index Card Files

A0508.11cUSACIDC
Special Agent Evaluation Files

A0508.16aDAPE
Absentee Case Files

A0508.17aDAPE
Military Policy (MP) Reporting Files

A0508.17bUSARJ
Blackmarket Monitoring Files

A0508.17cUSARJ
Transfer of POV Files

A0508.24aDAPE
Serious Incident Reporting Files

A0508.25aUSACIDC
Index to Criminal Investigative Case Files

A0509.02aDAAG
Security Badge/Identification Card Files

A0509.03aDAPE
Trophy Firearm Registration

A0509.04aDAAG

Rod and Gun Clubs, Posts, Camps, and Stations

A0509.05aTRADOC

Camper Trailer Registration Card File

A0509.08aDAPE

Registration and Permit Files

A0509.09aDAPE

Traffic Law Enforcement Files

A0509.18aDAAG

Solicitation Ban List Files

A0509.18BDAPE

Expelled or Barred Person Files

A0509.19aDAPE

Military Police Investigator Certification Files

A0509.19bUSAREUR

US Army Europe (USAREUR) Motor Vehicle Registry Files

A0509.19cDAAG

Vehicle Registration File

A0509.20aDAAG

Ration Control/Commissary/Cosmetic Purchase File

A0509.20bDAAG

Alphabetical Roster (Thailand)

A0509.21aDAPE

Local Criminal Information Files

A0601.08aDAAG

Club Management Personnel Files

A0606.07aDAPE

Safety Award Files

A0607.01bDAPE

Accident/Incident Case Files: Army Safety Mgt Info System

A0608.04aSASG

Radiation Incident Case Files

A0609.01aDASG

Individual Radiation Protection Files

A0611.05aDAAG

Individual Gravesite Reservation Files

A0614.01aNGB

Equal Opportunity-Investigative Files

A0614.03aDAPE

Race Relations/Equal Opportunity & Complaint Files

A0701.01aDAPC

Clas, Reclas, Utilization of Soldiers

A0701.02aDAPC

Qualitative Management Program (GMP) Appeal File

A0701.02cDAPC

Separation Transaction Control/ Records Transfer Sys

A0701.02eDAPC

Military Personnel Management Reports

A0701.02fDAPC

Selective/variable Reenlistment Bonuses

A0701.02gDAPC

Dependents of Mil Pers/US Citizen Employees

A0701.07cDAPC

Enlisted Evaluation System/Report

A0701.07dUSAREC

High School Folder (Lead List)

A0701.08DAAC

Clemency Project

A0702.03aUSAREC

Enlistment Eligibility Files

A0702.04aDAAR

OCS Waiver Requests

A0702.04bDAPC

Eligibility Determination Files

A0702.08aDASG

Army Medical Procurement Applicant Files

A0703.01DAPC

Military Personnel Action File

A0703.02aDAPE

USMA Entrance Examination Result Files

A0703.04aDAPC

ROTC Member File

A0703.05aDAPC

ROTC Cadet Application Files

A0703.06bDAPC

Officer Candidate School (OCS) Application File

A0703.07aDAPE

Officer Availability and Civil School Mgt System

A0703.09aDAPE

Evaluation Files on Cadets and Potential Instructors

A0704.03aDAPE

Accelerated Promotion/Early Discharge Report

A0704.04DASG

Medical and Dental Registrant Case Files

A0704.06aUSAREC

Recruiting Prospect Card Files

A0704.06bTRADOC

ROTC LEADS Referral Card System

A0704.09aUSAREC

Center of Influence Card Files (USAREC Form 125)

A0704.10bMEPCOM

ASVAB Institutional Test Scoring & Reporting System

A0704.11aUSAREC

Recruiter Identification Report

A0706.02DAAG

Departure Clearance Files

A0706.06aUSAREC

Armed Forces Exam & Entrance Sta (AFEES) Reporting System

A0707.05DAAG

Privilege Card Application Files

A0708.01aDAPC

Military Personnel Records Jacket Files

A0708.01bNGB

Army National Guard Automated Pers Reporting System

A0708.01cNGB

Military Personnel Records Jacket (MPRJ) (NGB)

A0708.02aDAPC

Official Military Personnel File

A0708.02bNGB

Official Military Personnel File (Army National Guard)

A0708.02cDAPC

Officer Personnel Management Info Sys (OPMIS)

A0708.02dDAPC

Enlisted Personnel Management Info Sys (EPMIS)

A0708.03aDAPE

Special Review Board (SRB) Appeal Case Summary File

A0708.05DAAG

Emergency Data Files

A0708.06aDAPC

Project Managers Development Program (PMDP)

A0708.07DAPE
Unfavorable Information Files

A0708.08aDAPC
Career Management Individual Files

A0708.08bUSAREC
Rapid Electric Ad Coupon Transmission (REACT)

A0708.13aDAIG
Inspector General Management Information System

A0708.13cDAPC
Foreign Area Officer Training

A0708.16aUSREDCOM
Military Personnel Data File, USREDCOM

A0708.17bDASG
Contract Surgeon Personnel Files

A0708.18aDAAG
Line of Duty Investigations

A0708.19aOSA
Correction Case Folders

A0708.20DAAG
Philippine Army Files

A0708.21aTRADOC
TCATA Personnel Information System

A0709.01aDAPE
United States Military Academy Candidate Files

A0709.03cDAPE
Admission and Registrar Mailback Card

A0709.06aDAPE
Alumni Affairs & Gifts Program Div Donor Data Sys

A0709.07aDAPE
Cadet Academic Management Information System

A0709.10aDAPE
Athletic Pointer File

A0709.11aDAPE
United States Military Academy Cadet Record Card

A0709.12aDAPE
USMA Admissions Participant Roster and File

A0710.02DAJA
JAGC Reserve Components Officer Personnel Records

A0710.08DAAG
Career Management Files of Dual Component Personnel

A0710.09DAAG
Personnel Management/Action Working Files

A0710.10DAAG
Reserve Personnel Information Reporting System

A0713.09aTRADOC
Skill Qualification Test (SQT)

A0714.02aDAPC
Military Personnel Assignment Files

A0714.02dDAPC
Central Transient Account System

A0714.02fDAPC
Army Military Central Registry System

A0714.04aDAPC
Branch Transfer/Detail Files

A0714.06aHSC
Army Medical Department Pers Mgt & Manpower Control Sys

A0714.06cDASG
AMEDD Personnel Management System

A0715.01aDAPC
Personnel Data Card

A0715.06aDAPC
Field Military Personnel Information Sys—SIDPERS

A0716.04aDAAG
Military Personnel Register Files

A0718.01DAPC
Military Award Case File

A0718.01DAPC
Military Award Case File

A0720.04aDAPE
Individual Correctional Treatment Files

A0721.11aDAPE
Individual Correctional Treatment Files

A0722.02DACH
Baptism, Marriage, and Funeral Files

A0722.05aDACH
Chaplain Counseling/Interview Files

A0722.06aDACH
Religious Census, Education, & Registration Files

A0722.07aDACH
Religious Education Directors

A0723.01DAAG
Entertainment Case Files

A0723.09aDAPE
Civilian Season Ticket Holders File

A0723.08bDAPE
Army Athletic Association Membership File

A0723.08cDACS
Pentagon Officers' Athletic Center Membership File

A0723. 09aDAAG
Recreation Services Program Files

A0725.01aDAAG
Child Care Centers—Registration Files

A0725.01cDAPC
Personnel Actions—Personal Affairs

A0725.01dDAAG
Personnel Affairs Army Community Svc Assistance File

A0725.08aDAAG
Army Emergency Relief Transaction File

A0726.06DAAG
Casualty Information System (CIS)

A0727.01DAPC
Miscouduct/Unfitness/Unsuitability Discharge Board Proceedings File

A0727.05aOSA
Army Council of Review Boards Files

A0727.05bDAPE
DOD Discharge Review Program (Special)

A0727.08aDAPC
Temporary Disability Retirement Master List (TDRL)

A0728.01DAAG
Retired Personnel Data File

A0802.01aNGB
Technician Personnel Management Information System

A0807.01DAAG
MCT USAR Technician System

A0807.05aDAPE
NAF Personnel Records

A0807.14aDAPE
Department of the Army Civilian Personnel Systems

A0810.01aAMC
Educational Development/Contractor Personnel

A0810.09DAEN
Contract Training File

A0811.05aAMC
Civilian Attorney/Patent Adviser Career Files

A0811.05bDAEN
Occupational Inventory Files
A0811.06DAPE
Referral Program for NAF Employees
A0812.03DAPE
Grievance Records
A0814.02aDAPE
Labor Management Relations Records System
A0902.07aDASG
Medical Regulating Files
A0903.07DASG
Entrance Medical Examination Files
A0904.01aHSC
Medical Care Inquiry Files
A0906.01DASG
Medical Review Files
A0906.04aDASG
Medical Evaluation Files
A0907.02DASG
USA ROTC Medical Examination Files
A0907.04DASG
USMA Medical Qualification Files
A0909.01DASG
Patient Accountability Files
A0909.05DASG
Control Card Files
A0910.02DASG
Patient Trust Fund and Baggage Files
A0910.06DASG
Medical Services Account Files
A0911.05DASG
Individual Patient Diet Files (DA Form 2924)
A0912.01aDASG
Medical Staff Credentials Files
A0912.01bDASG
Professional Consultant Control Files
A0912.01cDASG
Professional Personnel Information File
A0913.02aDASG
Medical Prescription Files
A0914.02aDASG
Pathology Consultation Record Files
A0914.04aDASG
Clinical Investigation Record System
A0914.05DASG
Blood Donor Files
A0915.01bDASG
Nursing Service Personnel Data and Schedule Files
A0915.02DASG
Patient Condition Reporting File
A0915.07DASG
Medical Facility Individual Reporting Files
A0916.02aDASG
Medical Treatment Indices
A0917.05DASG
Spectacle Issue and Receipt Files
A0917.09aDASG
Alcohol and Drug Abuse Rehabilitation Files
A0917.10aDAAG
Child Protection Case Management Files
A0918.05DASG
Tuberculosis Registry
A0922.01aDASG
Occupational Health and Tuberculosis Control System
A0923.01aDASG
Individual Safety and Health System
A0924.01DASG
Health Nursing Case Files
A0924.02DASG
Family Index Files
A0924.04DASG
School Health Files
A0925.04aDASG
Prosthetic Case Files
A0929.03aDASG
Privately Owned Animal Record Files
A1001.02aTRADOC
MASSTER OSUT Individual Basic Training Survey
A1001.07aDAMO
Student Research Report Index
A1001.08aDAAG
Office Personnel Training
A1001.08bDAMO
Student Reference Files
A1002.02aTRADOC
Assessment of Tank Crew Training
A1004.06aTRADOC
ROTC Fin Assistance (Scholarship) Application File
A1010.03aDAMO
National Security Seminar (NSS) Guest Ref File
A1010.07aTRADOC
Army School Files
A1010.07cDAMO
Representatives of Carlisle and Vicinity
A1010.07dDAMO
Biographic Files
A1012.01bDAPE
USMAPS Admissions File
A1012.02aDAPC
Language School Files
A1012.03aTRADOC
Army School Student Files
A1012.03cDAPE
USMAPS Academic Files
A1012.03fDASG
Army School Student Files, Physical Therapy Program
A1012.03gDASG
Academy of Health Sciences, Student Affiliated Academic Records
A1012.03hDASG
Academy of Health Sciences-Nonresident Instruction Files
A1012.03iDLI
Standardized Student Records System
A1012.03jHSC
Army School Student Files
A1012.03kUSAREUR
Individual Academic Record Files
A1012.03lDAAG
Reserve Office Training Corps—Active Duty Tng
A1012.03mDAMO
US Army War College Graduate Directory File
A1012.03nTRADOC
Nonresident Instruction Automated System (NRIAS)
A1012.03oDAMO
US Army War College Cooperative Degree Program Files
A1012.03pDAMO
USAWC Individual Student Counseling Records
A1012.03qHSC
Resident Instruction & Support Files

A1012.04aDAPE

USMAPS Training Files

A1012.04hDAMO

NDU Student Data Files

A1012.04hTRADOC

Grade Calculator System

A1012.09aDASG

House Staff Evaluation Report File

A1012.11aDASG

Continuing Medical Education Course Attendance Files

A1013.01DAPC

Civilian School Files

A1013.02aDASG

Long Term Civilian Training Student Contract Files

A1013.04aDASG

Residency, Subspecialty and Fellowship Training

A1013.05aDASG

US Army Graduate Medical Education Trainee Card File

A1015.01aDAAG

Dependent Children School Program Files

A1015.06DAAG

School Employee File

A1019.03FORSCOM

US Army Marksmanship Unit Data System (AMUDS)

A1101.07aDAMO

Telephone Directories

A1101.08aUSACC

Operation of Private Radio Station/ Citizen Band Radio

A1106.04USACC

MARS Member Files

A1107.17DAMO

Photographer Identification Files

A1106.05aDAAG

Postal Personnel Designation Files

A1106.16aDAAG

Postal Directory Files

A1106.18DAAG

Standing Delivery Order Files

A1111.16aUSACC

Controller Training and Proficiency Record Files

A1201.07aUSAREUR

Passenger Reservation Reference Paper Files

1201.08aTRADOC

Marine Pers Qualifications/Record of Service Files

A1205.17aDALO

Passenger Warrant Files

A1205.26aDALO

Local Transportation Authorization Files

A1205.27aDALO

Bus Pass File

A1207.08aDAPE

Operator's Examination & Qualification Record Files

A1207.08bUSAREUR

Government Equipment Operator Permit Files

A1301.07aAMC

Alphabetical Listing of Scientists

A1301.07bAMC

Food Taste Test Panel Reference Files

A1301.07cAMC

Visiting Scientist Research Associates Ref Files

A1302.15aDAJA

Unsolicited Proposal Files

A1304.06aDASG

Immunity Booster Files

A1304.21aDASG

Sandfly Fever Files

A1306.01DAPE

Behavioral and Social Sciences Research Project Files

A1401.07aAMC

Résumés for Non-Government Technical Personnel

A1401.08aDAAG

Alphabetical Library Borrowers' File

A1402.18DAJA

Procurement Misconduct Files (Fraud Cases)

A1402.20aUSAREUR

Procurement Management Information System Europe

A1403.30aDAAG

Commercial Entertainment Transaction Records

A1405.01AMC

Contractor Personnel Files

A1416.05DALO

Property Officer Designation Files

A1416.20DALO

Personal Property Accounting Files

A1416.34DALO

Personal Clothing Record Files

A1420.08aAMC

Equipment Operator Permit Files

A1420.09AMC

Equipment Operator Permit Register Files

A1427.01aDALO

Laundry and Dry Cleaning Accounting Files

A1434.10AMC

Small Arms Sales Record Files

A1501.07aDAEN

Users' Profile System

A1503.08aDAEN

Resettlement Files

A1504.08aDAEN

Real Estate Outgrants

A1508.02aDAEN

Homeowners Assistance Case Files

A1509.11aDAEN

Integrated Facilities System (IFS)

A1511.01aDAEN

Army Housing Information Management System (HIMS)

A1522.10aDAEN

Reservoir Permit Files

A1522.15aDAEN

General Permit Files

A1524.11DAEN

Violation Warning Files

DEPARTMENT OF THE ARMY

New and Amended Systems

See System Notices below:

BILLING CODE 3710-08-M

DEFENSE MAPPING AGENCY

Deleted Systems

None.

DEFENSE MAPPING AGENCY

Unchanged Systems

B0102–01 HQHTASID

SYSTEM NAME:

102–01 Office General Personnel Files.

B0102–03 HQHTASID

SYSTEM NAME:

102–03 Office Personnel Locator Files.

B0102–08 HQHTASID

SYSTEM NAME:

102–08 Office Personnel Information Files.

B0210–06 HQHTASID

SYSTEM NAME:

210–06 Inspector General Investigative Files.

B0210–07 HQHTASI

SYSTEM NAME:

210–07 Inspector General Complaint Files.

B0228–04 HT

SYSTEM NAME:

AR 228–04 Historical Photographic Files.

B0228–10 HT

SYSTEM NAME:

AR 228–10 Installation Historical Files.

B0302–21 HTA

SYSTEM NAME:

302–21 Record of Travel Payments.

B0303–01 A

SYSTEM NAME:

303–01 Individual Pay Record Files.

B0303–02 HTA

SYSTEM NAME:

303–02 Compensation Data Request Files.

B0303–03 HTA

SYSTEM NAME:

303–03 Individual Retirement Record Control Files.

B0303–04 A

SYSTEM NAME:

303–04 Leave Record Files.

B0303–21 HTA

SYSTEM NAME:

303–21 Decedent Claim Files.

B0401–02 HQHTA

SYSTEM NAME:

401–02 Statements of Employment and Financial Interest and Ethics Act Files.

B0401–03 HQHTA

SYSTEM NAME:

401–03 Legal Assistance Case Files.

B0402–05 HQHTA

SYSTEM NAME:

402–05 Legal Claims File.

B0407–03 HQHTASID

SYSTEM NAME:

407–03 Congressional Correspondence Files (Civilian Personnel-Congressional Inquiries).

B0408–11 HQHTASI

SYSTEM NAME:

408–11 Biography Files.

B0502–03 HQHTA

SYSTEM NAME:

502–03 Master Billet/Access Record.

B0502–03–2 HQHTASI

SYSTEM NAME:

502–03 Classified Material Access Files.

B0502–15 HQHTASI

SYSTEM NAME:

502–15 Security Compromise Case Files.

B0503–02 HTASI

SYSTEM NAME:

503–02 Security Identification Accountability Files.

B0503–03 HTA

SYSTEM NAME:

503–03 Firearms Authorization Files.

B0503–04 HQHTASI

SYSTEM NAME:

503–04 Parking Permit Control Files.

B0503–05 HQHTASI

SYSTEM NAME:

503–05 Vehicle Registration and Driver Record File.

B0503–09 HQHTASI

SYSTEM NAME:

503–09 Key Accountability Files.

B0504–01 HQHTA

SYSTEM NAME:

504–01 Personnel Special Security Files.

B0504–01–2 HQHTASI

SYSTEM NAME:

504–01 Personnel Security Files.

B0504–01–3 HQHTA

SYSTEM NAME:

504–01 Personnel Security Investigative Files.

B0601–01 HQHTASI

SYSTEM NAME:

601–01 Civilian Personnel Program Reporting Files (Master File Printout).

B0601–01–2 HTA

SYSTEM NAME:

601–01 Civilian Personnel Program Reporting Files (Employee Retirement Record).

B0601–01–3 A

SYSTEM NAME:

601–01 Personnel Assistance Files.

B0601–03 HQHTASI

SYSTEM NAME:

601–03 Personnel Data System—Civilian (PDS–C).

B0602–06 A

SYSTEM NAME:

602–06 Differential and Allowance Files

B0604–03 HQHTASI

SYSTEM NAME:

604–03 Active Application Files (Applicant Supply Files)

B0604–04 HTA

SYSTEM NAME:

604–04 Pending Application Files

B0605–01 HQHTASID

SYSTEM NAME:

605–01 Equal Employment Opportunity Reporting Files

B0605–03 HQHTASID

SYSTEM NAME:

605–03 Equal Employment Complaint Case Files

B0606–01 HQHTASI

SYSTEM NAME:

606–01 Official Personnel Folder Files

B0606–02 HQHTASI

SYSTEM NAME:

606–02 Employee Service Record File

B0606–03 HQHTA

SYSTEM NAME:

606–03 Expert and Consultant Data Files

B0606–05 HQHTASI

SYSTEM NAME:

606–05 Adverse Action Files

B0607–01 HQHTASI

SYSTEM NAME:

607–01 Personnel Locator Files (Alpha Listing)

B0607-03 HQHTASI

SYSTEM NAME:

607-03 Chronological Journal Files

B0608-06 HQHTASI

SYSTEM NAME:

608-06 Civilian Training Files

B0609-01 HQHTASI

SYSTEM NAME:

609-01 Referral and Selection Files

B0609-05 A

SYSTEM NAME:

609-05 Occupational Inventory Files

B0609-07 HQHTAI

SYSTEM NAME:

609-07 Individual Overseas Employment Referral Files

B0609-09 A

SYSTEM NAME:

609-09 Occupational Qualification List Files

B0609-11 HQHTA

SYSTEM NAME:

609-11 Repromotion Eligibility Files

B0610-01 HQHTASI

SYSTEM NAME:

610-01 Hours of Work Files

B0610-03 HQHTASID

SYSTEM NAME:

610-03 Appeals Files

B0610-03-2 HQHTASID

SYSTEM NAME:

610-03 Grievance Files

B0611-01 HTAI

SYSTEM NAME:

611-01 Reduction in Force Card Files

B0611-03 HTAI

SYSTEM NAME:

611-03 Retention Register Files

B0612-01 HQHTASI

SYSTEM NAME:

612-01 Basic Labor Relations Files

B0613-05 HQHTASID

SYSTEM NAME:

613-05 Incentive Awards

B0614-01 HT

SYSTEM NAME:

614-01 Official Records (Military) Files and Extracts

B0614-02 HTA

SYSTEM NAME:

614-02 Military Services Administrative Record Files

B0615-07 HQHTASI

SYSTEM NAME:

615-07 Safety Awards Files

B0615-11 HQHTASID

SYSTEM NAME:

615-11 Accidential Injury/Death Reporting Records Files

B0901-04 HTA

SYSTEM NAME:

901-04 Civilian Employee Health Clinic Record

B0901-06 HTAS

SYSTEM NAME:

901-06 Blood Donors Files

B0901-07 HQHTAI

SYSTEM NAME:

901-07 Alcoholism and Drug Abuse Files

B1001-09 S

SYSTEM NAME:

1001-09 School Reporting Files

B1001-11 S

SYSTEM NAME:

1001-11 Faculty Development Program Files

B1002-02 S

SYSTEM NAME:

1002-02 School Faculty Board Review Files

B1002-06 S

SYSTEM NAME:

1002-06 Individual Academic Record Files

B1002-07 S

SYSTEM NAME:

1002-07 Collateral Individual Training Record Files

B1202-17 HTA

SYSTEM NAME:

1202-17 Contracting Officer Designation Files

B1205-05 HTA

SYSTEM NAME:

1205-05 Property Officer Designation Files

B1205-23 HTASID

SYSTEM NAME:

1205-23 Report of Survey Files

B1206-02 HTA

SYSTEM NAME:

1206-02 Self Service Store Authorization Card Files

B1208-06 HTA

SYSTEM NAME:

1208-06 Motor Vehicle Operator's Permits and Qualifications Files

B1211-03 HQHTAI

SYSTEM NAME:

1211-03 Passport Files

B1211-07 HQHTASDI

SYSTEM NAME:

1211-07 Individual Government Transportation Files

DEFENSE MAPPING AGENCY

New and Amended Systems

None.

OFFICE OF THE SECRETARY OF DEFENSE

Deleted Systems

DCOMP MS08

SYSTEM NAME:

List of Personnel and Security Clearances

DCOMP PB04

SYSTEM NAME:

Personnel Roster

DATSD 02

SYSTEM NAME:

Files of Periodic Management Assessment of Certain Key Management Personnel and in DoD

DWHS P29

SYSTEM NAME:

Employee Assistance Program Case Record Systems

DWHS P33

SYSTEM NAME:

Statement of Affiliation and Financial Interest Files

DCOMP 01

SYSTEM NAME:

Personnel Roster

DCOMP MS11

SYSTEM NAME:

List of Female Employees of OSD/OJCS

DCOMP PB01

SYSTEM NAME:

Personnel File/Biography

DCOMP PB02

SYSTEM NAME:

Personnel Roster

DCOMP PB03

SYSTEM NAME:

Personnel Roster

DWHS CD01

SYSTEM NAME:

OSD General Correspondence Files

DWHS CD02

SYSTEM NAME:

Cable Division Personnel Administration Files

DLA 01

SYSTEM NAME:

Security Clearance File

DWHS P17

SYSTEM NAME:

Assignment Folders

DWHS P19

SYSTEM NAME:

General/Flag Officer Files

DWHS P21

SYSTEM NAME:

Duty Status Cards

DWHS P22

SYSTEM NAME:

General/Flag Officer Roster

DWHS P23

SYSTEM NAME:

Roster of Military Personnel

DWHS P36

SYSTEM NAME:

Award Records for Military SecDef Personnel

DWHS P03

SYSTEM NAME:

DoD Program for Stability of Civilian Employment

DWHS P05

SYSTEM NAME:

Roster of When Actually Employed Employees

DWHS P06

SYSTEM NAME:

DoD-wide Civilian Career Program for Comptroller/Financial Management Personnel

DWHS P07

SYSTEM NAME:

Incentive Awards Records

DWHS P13

SYSTEM NAME:

Management Intern File

DWHS P34

SYSTEM NAME:

Non-Career Personnel Job Files

DWHS IO&R01

SYSTEM NAME:

Combat Area Casualties

DWHS IO&R02

SYSTEM NAME:

Noncombat Area Casualties

DWHS P10

SYSTEM NAME:

Long Term Training Program Files

DWHS P30

SYSTEM NAME:

Labor Management Relations Records System

DCOMP MS04

SYSTEM NAME:

Civilian Pay Time and Attendance Report

DGC 03

SYSTEM NAME:

General Administrative File

DHA 04

SYSTEM NAME:

Special Pay for Military Health Professionals—Data Management System

DMRA&L

SYSTEM NAME:

Administrative Files (MRA&L)

DUSDP 01

SYSTEM NAME:

Telephone Directory

DAE 01

SYSTEM NAME:

Office Social Roster and Locator Card

DAE 02

SYSTEM NAME:

03–3 and 03–4 Individual Personnel Files; 03–1b Consultant Files

DLA 02

SYSTEM NAME:

Biographic Data File

DUSDP 02

SYSTEM NAME:

Office of the Under Secretary of Defense for Policy (OUSDP) Location File

DUSDP 03

SYSTEM NAME:

Office of the Under Secretary of Defense (OUSDP) Organizational Files

DWHS BF01

SYSTEM NAME:

Travel File

OFFICE OF THE SECRETARY OF DEFENSE

Unchanged Systems

DAS 01

SYSTEM NAME:

Defense Audit Management Information System (DAS/MIS)

DATSD 03

SYSTEM NAME:

Files of Personnel Evaluated for Non-Career Employment in DoD

DCOMP MS02

SYSTEM NAME:

Personnel Leave Schedule

DCOMP MS05

SYSTEM NAME:

Request for Overtime Authorization

DCOMP MS07

SYSTEM NAME:

Classified Container Custodian Data, SD 411

DOCHA 09

SYSTEM NAME:

Grievance Records

DPA&E 02

SYSTEM NAME:

Administrative Files for Office of the Assistant Secretary of Defense for PA&E

DSMC 01

SYSTEM NAME:

Defense Systems Management College (DSMC) Personnel Information Files

DSMC 02

SYSTEM NAME:

Defense Systems Management College (DSMC) Student Files

DGC 02

SYSTEM NAME:

Private Relief Legislation File

DGC 04

SYSTEM NAME:

Industrial Personnel Security Clearance Case Files

DGC 05

SYSTEM NAME:

Administrative Files on Active Psychiatric Consultants to DoD

DMRA&L 01.0

SYSTEM NAME:

Overseas Education Correspondence Files

DMRA&L 03.0

SYSTEM NAME:

Employer Support File (PLEDGE)

DMRA&L 06.0

SYSTEM NAME:

Department of Defense Priority Placement Program (STOPPER LIST)

DMRA&L 07.0

SYSTEM NAME:

Department of Defense Overseas Employment Program

DMRA&L 10.0

SYSTEM NAME:

Equal Opportunity Complaint File

DMRA&L 17.0

SYSTEM NAME:

DoD Overseas Dependent School Teachers Retroactive Pay Project

DMRA&L 20.0

SYSTEM NAME:

DoD Centralized Applicant Supply System (CASS)

DMRA&L 21.0

SYSTEM NAME:

Department of Defense Dependents Schools (DoDDS) Grievance Records

DPA DCR.A 01

SYSTEM NAME:

Biography File

DPA DDI.A 02

SYSTEM NAME:

Biography File

DPA DDI.B 03

SYSTEM NAME:

Portrait-Photograph File

DPA DDI.C 04

SYSTEM NAME:

Case Files

DPA DFOI.A 05

SYSTEM NAME:

Freedom of Information Program Case Files

DPA DSR.A 06

SYSTEM NAME:

Security Review Index File

DPA DXA.C 09

SYSTEM NAME:

Public Correspondence Files

DPA DXA.D 10

SYSTEM NAME:

Privacy Act Request for Access Files

DPA DSR.B 11

SYSTEM NAME:

Mandatory Declassification Review Files

DUSDRE 02

SYSTEM NAME:

Office Director of Research and Development (ODDR&E), Personnel Administration Files

DUSDRE 03

SYSTEM NAME:

Office Director of Research and Development (ODDR&E), Inventor's File

DUSDRE 04

SYSTEM NAME:

Requests for Two-Year Foreign Residence Waiver Files

DWHS P01

SYSTEM NAME:

Supergrade Correspondence, Reports, and Case Files

DWHS P04

SYSTEM NAME:

Reduction-In-Force Case Files

DWHS P08

SYSTEM NAME:

Worker's Compensation-On-The-Job Injuries Report File

DWHS P09

SYSTEM NAME:

Computrer Data Base

DWHS P14

SYSTEM NAME:

Blood Donor File

DWHS P18

SYSTEM NAME:

The OSD Identification Badge Suspense Card System

DWHS P20

SYSTEM NAME:

Report of Personnel Assigned Outside of DoD

DWHS P25

SYSTEM NAME:

Overseas Staffing Files

DWHS P32

SYSTEM NAME:

Standards of Conduct Inquiry File

DWHS SPM001

SYSTEM NAME:

Application for Pentagon Parking Permit

DWHS SPM002

SYSTEM NAME:

Pentagon Carpool Locator

DUSDPR 01

SYSTEM NAME:

DoD Motions for Discovery of Electronic Surveillance Files

DUSDPR 02

SYSTEM:

Special Personnel Security Cases

OFFICE OF THE SECRETARY OF DEFENSE

New or Amended Systems

See system notices below:

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

All system notices for the Defense Advanced Research Project Agency are published below:

BILLING CODE 3810-01-M

DEPARTMENT OF THE AIR FORCE

Deletions

F01001 0J DP F

SYSTEM NAME:

Drug Abuse Ledger.

F01001 OJMPLSA

SYSTEM NAME:

Instructor of the Month Records.

F01001 AFA A

SYSTEM NAME:

Cadet Administrative Records.

F01001 OBXQPCF

SYSTEM NAME:

Planning and Resource Management Information System.

F01101 0KPNQSD

SYSTEM NAME:

Air Force Reserve Officer Training Corps (AFROTC) Guest Lecture Files.

F01102 DPXVH F

SYSTEM NAME:

Congressional Inquiries.

F02501 0IACYVA

SYSTEM NAME:

Manpower Standards Study Reports.

F02503 0J DP A

SYSTEM NAME:

Commander Selection File.

F02503 0OJ DP B

SYSTEM NAME:

Brigadier General Screening Board Results.

F03001X0IACYVB

SYSTEM NAME:

Inquiries on the Reserve Program.

F03004 0EACYVA

SYSTEM NAME:

Military Personnel Expense Distribution Listing.

F0300410HAJXFB

SYSTEM NAME:

Potential Program Managers Tracking System (PPMTS).

F0300410HAJXFC

SYSTEM NAME:

Air Force System Commander Personnel Data Retrieval System.

F03501 0CGBUZA

SYSTEM NAME:

Informational Personnel Training Records.

F03501 0TKWRDC

SYSTEM NAME:

Informational Personnel Records.

F03501 AFDPG O

SYSTEM NAME:

General Officer Personnel Data System.

F03501 SGPC M

SYSTEM NAME:

Physician Personnel File.

F03501 AOSSGBP

SYSTEM NAME:

Education and Training Fact Sheets.

F03501B0SBAEYA

SYSTEM NAME:

Request for Clinical Privilege at USAF Hosp Beale.

F03501X0IACYVA

SYSTEM NAME:

Reserve Supplement Officer (RSO) Case File.

F03501X0IACYVB

SYSTEM NAME:

Application for Separation from the Regular AF to AF Reserve/Air National Guard.

F03502 OBXQPCB

SYSTEM NAME:

Cadet Personnel Records System.

F03504 0JMPLSB

SYSTEM NAME:

Classification Screening Records.

F03504 0JMPLSC

SYSTEM NAME:

Assessments Screening Records.

F03504 0JMPLSD

SYSTEM NAME:

Redline Control Report.

F03504 0SPCZPA

SYSTEM NAME:

Bomber Mobilization Recovery Roster.

F03504 OYUEBLA

SYSTEM NAME:

Training Status Code.

F03505 OIACYVA

SYSTEM NAME:

Unfavorable Information Files (UIFs) on Officers and Airmen.

F04002 0MUHHZB

SYSTEM NAME:

Air Reserve Technician Data System.

F04501 0KPNQSB

SYSTEM NAME:

Air Force ROTC Field Training Administration System.

F04501 0KPNQSD

SYSTEM NAME:

Flight Instruction Program (FIP).

F04501 OI A

SYSTEM NAME:

Air National Guard Information Personnel Background File.

F04501XOIACYVA

SYSTEM NAME:

Air Force Service Data of Employees and Relatives.

F04501X0IACYVD

SYSTEM NAME:

Air Force Reserve Officer Training Corps (AFROTC) Contract Violators.

F04501X0IACYVE

SYSTEM NAME:

Involuntary Recall.

F05001 0SGHLNG

SYSTEM NAME:

Officers Electronic Warfare Officer (EWO) Training Record.

F05001 0SGHLNH

SYSTEM NAME:

Missile Procedures Training (MPT) Accomplishment.

F05001A0SGHLNB

SYSTEM NAME:

Upgrade Training Missile Procedures Training (MPT) Critique Form.

F05101 ADC A

SYSTEM NAME:

Aircrew Training Records, Aerospace Defense Command (ADCOM).

F06604 AFLC A

SYSTEM NAME:

Maintenance Labor Distribution and Cost System.

F08001 0HMASIS

SYSTEM NAME:

Research and Development Planning and Programming Records.

F09503 0JMPLSA

SYSTEM NAME:

Sound Recordings.

F14001 0SGHLNA

SYSTEM NAME:

Bachelor Airmen's Quarters (BAQ) Temporary Issue Receipt.

F16003 ASGH R

SYSTEM NAME:

Air Force Clinical Laboratory Automation System (AFCLAS).

F16003 0SPCZPA

SYSTEM NAME:

Laboratory Course Phase II.

F16101 0SSGBPA

SYSTEM NAME:

Aerospace Medicine Program Medical Recommendation Missile Duty.

F16805 SGHB A

SYSTEM NAME:

Inpatient Data System.

F17101 0OJUBJA

SYSTEM NAME:

Planning and Resources Management Information.

F17101 0UMCBVA

SYSTEM NAME:

Military Personnel Management System.

F17101 SGHB A

SYSTEM NAME:

Automated Inpatient Data System.

F17101 SGHB B

SYSTEM NAME:

Medical Recommendation for Flying Duty.

F1710100HAJXFA

SYSTEM NAME:

Personnel Data Used For Management Engineering (ME) Program Manning Purposes.

F20002 05HCHLC

SYSTEM NAME:

Events and Installation File.

F20002 05HCHLD

SYSTEM NAME:

Master Alpha Resource List (MARLA).

F20501 0UMCBVA

SYSTEM NAME:

Compartmented Intelligence Access Roster.

F20505 0UMCBVA

SYSTEM NAME:

Security Records Behavioral Data Reports.

F21301 0J DP C

SYSTEM NAME:

Education Services Test Control Officers.

F21401 0KPNQSA

SYSTEM NAME:

Pupil Registration and Cummulative Record Cards.

F21401 0RKNMDA

SYSTEM NAME:

Personnel Movement Program.

F90001 0RPNQSA

SYSTEM NAME:

Air University Outstanding Junior Officer of the Year.

DEPARTMENT OF THE AIR FORCE

Unchanged Systems

F00401 05HCHLA

SYSTEM NAME:

For Cause Separations of Personnel with Duty and Travel Restrictions (FCS/DTR).

F01001 05HCHLC

SYSTEM NAME:

Air Force Attache Record System.

F01001 05HCHLD

SYSTEM NAME:

USAF Prisoner of War (PW) Debriefing Files.

F01001 0CGBUZA

SYSTEM NAME:

Individual Weight Control File.

F01001 0JDJDBB

SYSTEM NAME:

Administrative Discharge Information Summary.

F01001 0KPNQSA

SYSTEM NAME:

Potential Faculty Rating System.

F01001 0QVDYDA

SYSTEM NAME:

Correspondence, Message and Project Files (Civil Reserve Air Fleet Personnel).

F01001 CVAE A

SYSTEM NAME:

Secretary of the Air Force Historical Records.

F01001 DAYYT A

SYSTEM NAME:

Unusual and Incoherent Translation Material.

F01001 REPX A

SYSTEM NAME:

Inquiries (Presidential, Congressional).

F01001 SAFPC A

SYSTEM NAME:

Air Force Discharge Review Board Retain Files.

F01002 0QVDYDA

SYSTEM NAME:

Military Airlift Command (MAC) Dishonored Check Program.

F01003 0IACYVA

SYSTEM NAME:

Background Material.

F01101 02 ALSB

SYSTEM NAME:

Complaints and Inquiries.

F01101 0J TTSB

SYSTEM NAME:

Graduate Evaluation Master File.

F01101 0KPNQSA

SYSTEM NAME:

Air Force Reserve Officer Training Corps (AFROTC) Membership System.

F01101 0KPNQSB

SYSTEM NAME:

Four Year Reserve Officer Training Corps (AFROTC) Scholarship Program Files.

F01101 0SAWUBB

SYSTEM NAME:

Source Support—Control Data.

F01101 DAYYT A

SYSTEM NAME:

Operational Reference File.

F01101 DPXJ B

SYSTEM NAME:

Record of Air Force Personnel Assigned Outside the Department of Defense.

F01101 DPXJC C

SYSTEM NAME:

USAF Reconstitution Requirements for Office of JCS and HQ USAF.

F01101 PRES A

SYSTEM NAME:

Check Cashing Privilege Files.

F01102 02 ALSB

SYSTEM NAME:

File Designation, Drug Abuse, Waiver Requests.

F01102 0MUHHZB

SYSTEM NAME:

General/Colonel Status Board.

F01102 0RKNMDA

SYSTEM NAME:

General Colonel Personnel Data Action Report.

F01102 AF A

SYSTEM NAME:

Congressional and Other High Level Inquiries.

F01102 ARPC A

SYSTEM NAME:

Locator or Personnel Data.

F01102 DAYX A

SYSTEM NAME:

Base, Unit, and Organizational Military and Civilian Personnel Locator Files.

F01102 LLI A

SYSTEM NAME:

Microfilm Records Congressional/ Executive Inquiries.

F01102 SAC A

SYSTEM NAME:

Logistic Personnel Management System.

F01102 SGA B

SYSTEM NAME:

Medical Service Corps Personnel Files.

F01102 SGPC C

SYSTEM NAME:

Professional Inquiry Records System.

F01102 SGPS D

SYSTEM NAME:

Files of Waiver From Flying Duty (WAVR FILE).

F01102 SGPS F

SYSTEM NAME:

High Level Inquiry File.

F01102 SGV A

SYSTEM NAME:

Veterinary Personnel Files.

F01103 OBXQPCC

SYSTEM NAME:

Faculty Biographical Sketch.

F01103XOBXQPCD

SYSTEM NAME:

Class Committee Products.

F01201 0QPTFLA

SYSTEM NAME:

Information Requests-Freedom of Information Act.

F01201 DAD A

SYSTEM NAME:

Privacy Act Request File.

F01201X0IACYVA

SYSTEM NAME:

Fee Case File.

F016301SGV A

SYSTEM NAME:

Veterinary Records.

F02503 DPCXP A

SYSTEM NAME:

Committee Management Records.

F02503 NB A

SYSTEM NAME:

Biographical Information File.

F03001 SAC A

SYSTEM NAME:

Drug Rehabilitation Action Management Information System.

F03001 0JMPLSC

SYSTEM NAME:

Drug Abuse Control Case Files.

F03001 AF A

SYSTEM NAME:

Drug/Alcohol Abuse Control Case files.

F03001 DPXVV A

SYSTEM NAME:

File Designation, Drug Abuse, Waiver Requests.

F03001 JALA A

SYSTEM NAME:

Confidential Statement of Employment and Financial Interest.

F03001 SPI A

SYSTEM NAME:

Duty and Travel Restriction Notification Letters.

F03001XOBXQPCB

SYSTEM NAME:

Military Performance Average (MPA).

F03002 0IACYVA

SYSTEM NAME:

Applications for Identification (ID) Cards.

F03002 SPO A

SYSTEM NAME:

Documentation for Identification and Entry Authority.

F03003 DPMSACB

SYSTEM NAME:

Deceased Service Member's Dependent File.

F03003 DPMSACC

SYSTEM NAME:

Indebtedness, Nonsupport, Paternity.

F03003 DPMSC A

SYSTEM NAME:

Casualty Files.

F03003 XOXXX

SYSTEM NAME:

Next of Kin Inquiries Civilian MIA/ PWs.

F03004 0J RSSA

SYSTEM NAME:

Processing and Classification of Enlistees (PACE).

F03004 0J RSSB

SYSTEM NAME:

Enlistee Quality Control Monitoring System E818.

F03004 0QVDYDA

SYSTEM NAME:

Military Airlift Command (MAC) Special Executive Development Program.

F03004 0TMUHJK

SYSTEM NAME:

Base Automated Mobility System (BAMS) Personnel Extract Tape.

F03004 AFDPMDA

SYSTEM NAME:

Contingency Planning Support Capability (CPSC)-Data Systems Designator (DSD) A349.

F03004 AFDPMDB

SYSTEM NAME:

Advanced Personnel Data System (APDS).

F03004 ARPC A

SYSTEM NAME:

Point Credit Accounting Record System (PCARS).

F03004 SGPA A

SYSTEM NAME:

USAF Aerospace Medicine Personnel Career Information System.

F03004 SGPA B

SYSTEM NAME:

Bioenvironmental Engineer Personnel Career Information System.

F03004 SGPA C

SYSTEM NAME:

Aerospace Physiology Personnel Career Information System.

F03004OBXQPCAB

SYSTEM NAME:

Military Personnel Administrative Records.

F0300410HAJXFA

SYSTEM NAME:

Air Force Systems Command (AFSC) Personnel Resource Management System.

F03005 02 ALSA

SYSTEM NAME:

On/Off-Base Housing Records.

F03005 DPXVH A

SYSTEM NAME:

Equal Opportunity in Off-Base Housing.

F03005 DPXVH B

SYSTEM NAME:

Off-Base Housing Referral Service.

F03005 DPXVH C

SYSTEM NAME:

Base Housing Management.

F03005 PRENC A

SYSTEM NAME:

Equal Opportunity in Off-Base Housing.

F03005 PRENC B

SYSTEM NAME:

Off-Base Housing Referral Service.

F03005 PRENC C

SYSTEM NAME:

Base Housing Management.

F03007 0QPTFLB

SYSTEM NAME:

Visiting Officer Quarters-Transient Airman Quarters Reservation.

F03404 DPMSP A

SYSTEM NAME:

Nonappropriated Fund (AF NAF) Employee Insurance and Benefits System File.

F03403 OJ SSFK

SYSTEM NAME:

Kindergarten Student File.

F03501 05HCHLH

SYSTEM NAME:

Intelligence Reserve Information System (IRIS).

F03501 06SCEYB

SYSTEM NAME:

Informal Airmen/Reserve Information Record.

F03501 06SCEYD

SYSTEM NAME:

Air Force Audit Agency Office Personnel File.

F03501 06SCEYE

SYSTEM NAME:

Air Force Audit Agency Office File.

F03501 07YLNGA

SYSTEM NAME:

Informational Personnel Records.

F03501 07YLNGB

SYSTEM NAME:

Internal Personnel Data System.

F03501 0IACYVG

SYSTEM NAME:

Correction of Military Records of Officers and Airmen.

F03501 0J DP B

SYSTEM NAME:

Status of Ineffective Recruiter.

F03501 0KPNQSC

SYSTEM NAME:

AFJROTC Instructor Records System.

F03501 0KPNQSD

SYSTEM NAME:

Air Force Junior ROTC (AFJROTC) Instructor/Applicant System.

F03501 0MUHHZA

SYSTEM NAME:

Personnel Interview Record.

F03501 0MUHHZB

SYSTEM NAME:

Curriculum Vitae.

F03501 0QAGGNA

SYSTEM NAME:

Informational Personnel Records.

F03501 0TMUHJA

SYSTEM NAME:

Informational Personnel Records (OI Personnel Background).

F03501 0UMCBVA

SYSTEM NAME:

Geographically Separated Unit Copy Officer Effectiveness & Airman Performance Report.

F03501 AFDPG Z

SYSTEM NAME:

General Officer Personnel Data System.

F03501 AFDPO U

SYSTEM NAME:

Office File.

F03501 AFREP T

SYSTEM NAME:

Personnel Files on General Officers and Colonels Assigned to General Officer Position.

F03501 ARPC A

SYSTEM NAME:

Informational Personnel Records.

F03501 ARPC B

SYSTEM NAME:

Biographical File.

F03501 ARPC C

SYSTEM NAME:

Personnel Management Records.

F03501 ASGPS R

SYSTEM NAME:

Medical Opinions on Board for Correction of Air Force Military Records Cases (BCMR).

F03501 DP 3

SYSTEM NAME:

Unit Assigned Personnel Information File.

F03501 DPMAK J

SYSTEM NAME:

Separation Case Files (Officer and Airman).

F03501 DPMAKEI

SYSTEM NAME:

Absentee and Deserter Information Files.

F03501 DPMAO K

SYSTEM NAME:

Officer Effectiveness Report (OER)/ Airman Performance Report (APR) Appeal Case Files.

F03501 DPMAR

SYSTEM NAME:

Disability/Non-disability Retirements Records.

F03501 DPMDQIA

SYSTEM NAME:

Military Personnel Records System.

F03501 DPMDRAB

SYSTEM NAME:

Correction of Military Record Card.

F03501 DPMHC L

SYSTEM NAME:

Chaplain Applicant Processing Folder.

F03501 DPMSG M

SYSTEM NAME:

Health Education Records.

F03501 DPMSG N

SYSTEM NAME:

Application for Appointment and Extended Active Duty Files.

F03501 DPMSG O

SYSTEM NAME:

Medical Officer Personnel Utilization Records.

F03501 DPMYR R

SYSTEM NAME:

Statutory Tour Program.

F03501 DPPPS S

SYSTEM NAME:

United States Air Force (USAF) Airman Retraining Program.

F03501 HC A

SYSTEM NAME:

Chaplain Personnel Record.

F03501 HC B

SYSTEM NAME:

Chaplain Information Sheet.

F03501 MPC A

SYSTEM NAME:

Civilian/Military Service Review Board Card.

F03501 MPC B

SYSTEM NAME:

Effectiveness/Performance Reporting Systems.

F03501 REP A

SYSTEM NAME:

Personnel Files on Statutory Tour Officers.

F03501 REP B

SYSTEM NAME:

Files on AF Reserve General Officers; Colonels Assigned to General Officer Position.

F03501 SAFCB A

SYSTEM NAME:

Military Records Processed by the Air Force Correction Board.

F03501 SAFOI B

SYSTEM NAME:

Mobilization Augmentee Training Folder.

F03501 SAM A

SYSTEM NAME:

AFSAM Personnel Information File.

F035010BXQPCAB

SYSTEM NAME:

Admissions and Registrar Records.

F0350120SSGBPA

SYSTEM NAME:

Information Officer Background Record.

F03501B0SPCZPB

SYSTEM NAME:

Navigator Background Information.

F03501FSFPC A

SYSTEM NAME:

Air Force Discharge Review Board Original Case Files.

F03501X0IACYVD

SYSTEM NAME:

Servicemen's Group Life Insurance (SGLI) Entitlement Case files.

F03501XDOTAYZA

SYSTEM NAME:

Management Control system (MCS).

F03501XOBXQPCB

SYSTEM NAME:

Prospective Instructor Files.

F03502 07YLNGA

SYSTEM NAME:

Career Development Folder.

F03502 0MUHHZA

SYSTEM NAME:

Manning Specialist Evaluation.

F03502 AFA A

SYSTEM NAME:

Cadet Management System.

F03502 DPMMB A

SYSTEM NAME:

Selective Reenlistment Consideration.

F03502 DPMMB B

SYSTEM NAME:

Request for Variable Reenlistment Bonus (VRB) and/or Advance Payment of VRB.

F03502 OBXQPCD

SYSTEM NAME:

Master Cadet Personnel Record (RR)/ Historical.

F03501 OBXQPCE

SYSTEM NAME:

Master Cadet Personnel Record (RR)/ Active, Directorate of Cadet Records.

F03503 0MUHHZA

SYSTEM NAME:

Reserve Manning Report.

F03503 ATC A

SYSTEM NAME:

Recruiting Research and Analysis System.

F03503 ATC RSL

SYSTEM NAME:

Basic Trainee Interview Record.

F03503 ATC RSM

SYSTEM NAME:

Recruiting Activities Management Support System (RAMSS).

F03503 DPMMP A

SYSTEM NAME:

Air Force Enlistment/Commissioning Records System.

F03504 0IACYVA

SYSTEM NAME:

Data Change/Suspense Notification.

F03504 0TMUHJD

SYSTEM NAME:

PCS Funds Control Log.

F03504 AA A

SYSTEM NAME:

Secretary of the Air Force Military Personnel Administration.

F03504 DPM A

SYSTEM NAME:

Relocation Preparation Project Folders.

F03504 DPMHC A

SYSTEM NAME:

Chaplain Personnel Action Folder.

F03504 DPMHC B

SYSTEM NAME:

Assignment Action File.

F03504 DPMRA C

SYSTEM NAME:

Airmen Utilization Records System.

F03504 DPMRO D

SYSTEM NAME:

Officer Utilization Records System.

F03504 DPMYCOF

SYSTEM NAME:

Incoming Clearance Record.

F03504 OYUEBLB

SYSTEM NAME:

Commander Identification.

F03504 XOXXE A

SYSTEM NAME:

Air Force Advisory Personnel in Latin America.

F03504AAFSS S

SYSTEM NAME:

Office Personnel Data Informational Files.

F03504X0XOXASA

SYSTEM NAME:

Officer Effectiveness Report Data Card.

F03505 DPMAO A

SYSTEM NAME:

Unfavorable Information files (UIFs).

F03505 DPMAO B

SYSTEM NAME:

Personnel Action File (Digest File).

F03506 0KPNQ5A

SYSTEM NAME:

Air Force Reserve Officer Training Corps Qualifying Test Scoring System.

F03506 DPMAW A

SYSTEM NAME:

Air Force Personnel Test 851, Test Answer Cards.

F03507 0IACYVA

SYSTEM NAME:

Flying Status Actions.

F03507 0J DP A

SYSTEM NAME:

Flying Evaluation Board (FEB) File.

F03507 DPMAJDA

SYSTEM NAME:

Flying Status Branch File.

F03507 SGPA A

SYSTEM NAME:

Application for Advanced Aeronautical Rating File (Senior and Chief Flight Surgeon).

F03508 0IACYVA

SYSTEM NAME:

Officer Promotions.

F03508 0IACYVB

SYSTEM NAME:

Air Force Reserve Airman Demotions.

F03508 DPMAJAA

SYSTEM NAME:

Officer Promotion and Appointment.

F03508 DPMAJBA

SYSTEM NAME:

Recorder's Roster.

F03508 DPMAW M

SYSTEM NAME:

Historical Airman Promotion Master Test File (MTF).

F03508 DPMAW

SYSTEM NAME:

Airman Promotion Historical Records.

F03509 0IACYVA

SYSTEM NAME:

Requests for Discharge From the Air Force Reserve.

F03509 0IACYVB

SYSTEM NAME:

Administrative Discharge for Cause on Reserve Personnel.

F03509A0SSQBPA

SYSTEM NAME:

Adminisatrative Discharge File.

F04001 06SCEYA

SYSTEM NAME:

Merit Promotion File.

F04001 1PTAYZC

SYSTEM NAME:

Civilian Pay Personnel Manpower (Paperman)—E205.

F04001 DPCX A

SYSTEM NAME:

Non-Appropriated Fund (NAF) Civilian Personnel Records

F04002 0MUHHZA

SYSTEM NAME:

Air Reserve Technician (ART) Officer Selection Folders.

F04002 DPCMS A

SYSTEM NAME:

Civilian Personnel Applicant Supply Files.

F04002 DPCMS B

SYSTEM NAME:

Civilian Personnel Test Score Record.

F04002 DPCMS C

SYSTEM NAME:

Job Element Questionnaires for Civilain Trades and Labor Occupations.

F04002 DPCMS D

SYSTEM NAME:

Civilian Personnel Occupational and Suitability Employment Examinations.

F04003 06SCEYB

SYSTEM NAME:

Long-Term Full-Time Training File.

F04003 DPCMT A

SYSTEM NAME:

Training and Employee Development Record Systems.

F04004 AF A

SYSTEM NAME:

Grievance Records.

F04004 DPCE B

SYSTEM NAME:

Civilian Personnel Performance Awards and Outstanding Performance Ratings.

F04004 DPCE C

SYSTEM NAME:

Labor Management Relations Records Systems.

F04004 DPCMS A

SYSTEM NAME:

Employee Assistance Program Case Record Systems.

F04008 AA A

SYSTEM NAME:

Civilian Personnel Files.

F04008 DPCE A

SYSTEM NAME:

Supervisor's Record of Civilian Employee.

F04501 0IACYVC

SYSTEM NAME:

Professional Officer Course (POC) and Financial Assistance Program Cadets.

F04501 0KPNQSA

SYSTEM NAME:

Cadet Records.

F04501 0KPNQSC

SYSTEM NAME:

AFROTC Field Training Assignment System.

F04501 ARPC A

SYSTEM NAME:

Air Force Reserve Application.

F04501 DPMMP A

SYSTEM NAME:

Educational Delay Board Findings.

F04501X0MUHHZA

SYSTEM NAME:

Reserve Medical Service Corps Officer Appointments.

F04502 0IACYVA

SYSTEM NAME:

Inactive Duty Training, Extension Course Institute (ECI) Training.

F05001 06SCEYA

SYSTEM NAME:

Advanced Degree File.

F05001 06SCEYB

SYSTEM NAME:

Air Force Audit Agency Office Training File.

F05001 0BXQPBB

SYSTEM NAME:

USAF Academy Cadet/Nominee/Applicants Athletic Records.

F05001 0IACYVA

SYSTEM NAME:

Professional Military Education (PME).

F05001 0J DP A

SYSTEM NAME:

Faculty Board Ledger.

F05001 0MUHHZA

SYSTEM NAME:

Undergraduate Pilot and Navigator Training.

F05001 0QKRSMA

SYSTEM NAME:

Training Instructors (Academic Instructor Improvement/Evaluation).

F05001 0SSZDTA

SYSTEM NAME:

Nursing Skill Inventory.

F05001 AFA A

SYSTEM NAME:

Faculty Academic Records.

F05001 SAFOI B

SYSTEM NAME:

Information Officer Short Course Eligibility File.

F05002 07YLNQA

SYSTEM NAME:

United States Air Force Special Investigations School Individual Academic Records.

F05002 0J DOZB

SYSTEM NAME:

Individual Academic Records—Survival Training Students.

F05002 0J TTPA

SYSTEM NAME:

Technical Training Course Management Information System.

F05002 0KPNQSA

SYSTEM NAME:

Air University Academic Records.

F05002 0KPNQSB

SYSTEM NAME:

Student Record Folder.

F05002 0OJUBJB

SYSTEM NAME:

Maintenance Management Information and Control System (MMICS).

F05002 0QSCEYA

SYSTEM NAME:

Training Progress (Permanent Student Record).

F05002 0QVDYDA

SYSTEM NAME:

Unit Training Program.

F05002 0TMUHJA

SYSTEM NAME:

Student Record File.

F05002 0UJCGJA

SYSTEM NAME:

Training Progress.

F05002 0UMCBVA

SYSTEM NAME:

Defense Language Institute Student History.

F05002 ATC A

SYSTEM NAME:

Maintenance Management Automated Training System.

F05002 ATC TTS

SYSTEM NAME:

Student Record of Training.

F05002 DPPE A

SYSTEM NAME:

Education Services Program Records (Individual).

F05002 OI A

SYSTEM NAME:

Graduates of Air Force Short Course in Communication (Oklahoma University).

F05002 OYUEBLA

SYSTEM NAME:

Air Traffic Control (ATC) Certification Documentation.

F05002 OYUEBLC

SYSTEM NAME:

Air Traffic Control Rating and Training Program Documentation.

F05002 OYUEBLD

SYSTEM NAME:

Student Record.

F05002 OYUEBLE

SYSTEM NAME:

Individual Academic Training Record.

F05002 SAC A

SYSTEM NAME:

SAC Operations Personnel Training Management System.

F05002X0J ED A

SYSTEM NAME:

Community College of the Air Force Student Record System.

F05004 0QKRSMA

SYSTEM NAME:

Training Systems Research and Development Materials.

F05101 0JMPLSA

SYSTEM NAME:

Flying Training Records.

F05101 0TMUHJA

SYSTEM NAME:

Tactical Air Command Automated Flying Training Management System.

F05101 MAC A

SYSTEM NAME:

Air Crew Instruction Records.

F05101 OJ DOTB

SYSTEM NAME:

Flying Training Records—Student.

F05101A0SSGBPA

SYSTEM NAME:

Aircrew Resource Management System (SACARMS)/Aircrew Qualification Report.

F05301 DPP A

SYSTEM NAME:

Air Force Academy Appointment and Separation Records.

F05301XOBXQPCB

SYSTEM NAME:

Educational Research Data Base.

F05302 OBXQPCB

SYSTEM NAME:

Air Force Academy Candidate System.

F053030BXQPCAB

SYSTEM NAME:

Preparatory School Records.

F06003 ANGBXOB

SYSTEM NAME:

Progress Report, Undergraduate Pilot Training.

F06005 XOOFF A

SYSTEM NAME:

Air Force Operations Resource Management Systems (AFORMS).

F06608 0OJUBJB

SYSTEM NAME:

Maintenance Management Information and Control System MMICS.

F06608 0OJUBJC

SYSTEM NAME:

Exception Time Accounting (ETA) System (G001A).

F06608 SAC A

SYSTEM NAME:

ICBM Maintenance Standardization and Evaluation Program.

F06711 0OJUBJA

SYSTEM NAME:

Tool Kit Control Card.

F06711 AFSC A

SYSTEM NAME:

Equipment Maintenance Management Program (EMMP).

F06711 LGYPS A

SYSTEM NAME:

Personal Clothing and Equipment Record.

F07001 0EACYVA

SYSTEM NAME:

Accounts Payable Records.

F07503 AA A

SYSTEM NAME:

Office, Secretary of Air Force Travel Files.

F0750310OJUBJH

SYSTEM NAME:

Household Goods Nontemporary Storage Accounts System (NOTEMPS).

F075031LGTT A

SYSTEM NAME:

Personal Property Movement Records.

F07601 MAC A

SYSTEM NAME:

Passenger Reservation and Movement System.

F07702 LGTN A

SYSTEM NAME:

Motor Vehicle Operators' Records.

F08002 0JMPLSA

SYSTEM NAME:

Research and Development (R&D) Projects Records.

F08003 0HCNBCA

SYSTEM NAME:

Aeromedical Research Data.

F08003 0HMPLSA

SYSTEM NAME:

Personnel Research Laboratory Historical Data Base File.

F08003 OBXQPCA

SYSTEM NAME:

Minnesota Multiphase Personality Inventory Research Program.

F10010 AFCS A

SYSTEM NAME:

Military Affiliate Radio System (MARS) Member Records.

F11001 0EACYVA

SYSTEM NAME:

Legal Administration Records of the Staff Judge Advocate.

F11001 AJA

SYSTEM NAME:

Judge Advocate Personnel Records.

F11001 IGQ A

SYSTEM NAME:

Inspector General Records Freedom of Information Act.

F11001 JACA H

SYSTEM NAME:

Legal Assistance Administration.

F11001 JACL F

SYSTEM NAME:

Freedom of Information Act Appeals.

F11001 JAG A

SYSTEM NAME:

Litigation Records (Except Patents).

F11001 SAFPC A

SYSTEM NAME:

Air Force Discharge Review Board Voting Cards.

F11001 SAFPC B

SYSTEM NAME:

Air Force Discharge Review Board Case Control/Locator Cards.

F11001AJACI A

SYSTEM NAME:

USAF Foreign Criminal Jurisdiction Cases.

F11001X0MUHHZA

SYSTEM NAME:

Reserve Judge Advocate Training Report.

F11002 AJACP

SYSTEM NAME:

Invention, Patent Application and Patent Application Security, and Patent Files.

F11002 JACP C

SYSTEM NAME:

Patent Infringement and Litigation Records.

F11101 0SPCZPA

SYSTEM NAME:

Military Justice Administration.

F11101 AJAJM

SYSTEM NAME:

Court-Martial and Article 15 Records.

F11101XJAJM C

SYSTEM NAME:

Automated Military Justice Analysis and Management System (AMJAMS).

F11201 JACC A

SYSTEM NAME:

Claims Administrative Management Program (CAMP)

F11201 JACC B

SYSTEM NAME:

Claims Records.

F12001 DPX B

SYSTEM NAME:

Investigation/Complaint Files.

F12001 IGQ A

SYSTEM NAME:

Inspector General Records.

F12301 02SCEYA

SYSTEM NAME:

United States Air Force (USAF) Inspection Scheduling System.

F12401 07YLNGA

SYSTEM NAME:

Badge and Credentials.

F12401 07YLNGB

SYSTEM NAME:

Investigative Applicant Processing Records.

F12404 07YLNGA

SYSTEM NAME:

Investigative Support Records.

F12406 07YLNGA

SYSTEM NAME:

Security and Related Investigative Records.

F12408 07YLNGA

SYSTEM NAME:

Counterintelligence Operations and Collection Records.

F12410 07YLNGA

SYSTEM NAME:

Criminal Records.

F12501 ASPP

SYSTEM NAME:

Firearms Authorization and Safety Records.

F12501 02 ALSB

SYSTEM NAME:

Temporary Private Vehicle Impoundment Record.

F12501 OQVDYDC

SYSTEM NAME:

Field Interview Card.

F12501 SPO D

SYSTEM NAME:

Provisional Pass.

F12501 SPO E

SYSTEM NAME:

Registration Records (Excluding Private Vehicle Records).

F12501 SPO F

SYSTEM NAME:

Notification Letters to Persons Barred From Entry to Air Force Installations.

F12501 SPO G

SYSTEM NAME:

Complaint/Incident Reports.

F12501 SPO H

SYSTEM NAME:

Serious Incident Reports.

F12501 SPO I

SYSTEM NAME:

Incident Investigation Files.

F12501 SPO J

SYSTEM NAME:

Traffic Accident and Violation Reports.

F12501XSPP B

SYSTEM NAME:

Pickup or Restriction Order.

F12502 SPP A

SYSTEM NAME:

Correction Records.

F12503 02 ALSB

SYSTEM NAME:

Bicycle Registration File.

F12503 02 ALSC

SYSTEM NAME:

Storage and Special Permits for Recreational and Utility Trailers.

F12503 SPO A

SYSTEM NAME:

Vehicle Administration Records.

F12701 02SCEYA

SYSTEM NAME:

Safety Education File.

F12701 OJ IGYA

SYSTEM NAME:

Air Training Command Aircraft Accident Board Resources List.

F12702 02SCEYA

SYSTEM NAME:

Aircraft Accidents and Incidents Computer File.

F12702 02SCEYB

SYSTEM NAME:

Human Factors in Aircraft Accident/ Incident Computer File.

F12702 02SCEYC

SYSTEM NAME:

United States Air Force (USAF) Ground Accident Fatality File.

F16001 AFA A

SYSTEM NAME:

Cadet Hospital/Clinic Records.

F16001 SGPC A

SYSTEM NAME:

Medical Professional Staffing Records.

F16001 SGPS A

SYSTEM NAME:

Aircrew Standards Case File.

F16002 OIACYVA

SYSTEM NAME:

Physical Examination Reports Suspense File.

F16002 SGPS A

SYSTEM NAME:

Department of Defense Medical Examination Review Board Medical Examination Files.

F16002 SGPS B

SYSTEM NAME:

Retirements/Separations Records System.

F16003 02 ALSA

SYSTEM NAME:

Chain of Custody Receipt.

F16006 ASGPA R

SYSTEM NAME:

USAF Hearing Conservation Record System.

F16006 SGPC A

SYSTEM NAME:

Medical Treatment Facility Tumor Registry.

F16007 SGPA A

SYSTEM NAME:

Drug Abuse Rehabilitation Report System.

F16101 SGPA A

SYSTEM NAME:

Medical Recommendation for Flying Duty.

F16102 SGPA A

SYSTEM NAME:

Air Force Aerospace Physiology Training Programs.

F16102 SGPA B

SYSTEM NAME:

USAF Compression Chamber Operation.

F16104 SGPA A

SYSTEM NAME:

USAF Master Radiation Exposure Registry.

F16201 SGD A

SYSTEM NAME:

Dental Health Records.

F16202 SGD A

SYSTEM NAME:

Dental Personnel Actions.

F16202 SGD B

SYSTEM NAME:

Dental Professional Activities.

F16401 GHXO S

SYSTEM NAME:

Patient Evacuation Manifest.

F16802 ORKNMDA

SYSTEM NAME:

Civilian Health/Medical Program of Uniformed Services (CHAMPUS) Case Claim Files.

F16802 CSGH R

SYSTEM NAME:

MAMS R (Medical Administrative Management System—Revision)

F16802 SGHB B

SYSTEM NAME:

Casualties in Southeast Asia

F16802 SGPC A

SYSTEM NAME:

Child Advocacy Case Files

F16803 ASGHB R

SYSTEM NAME:

Patient Index and Locator System

F16803 SGH A

SYSTEM NAME:

OASIS (Outpatient Appointment Scheduling Information System)

F16803 RSGHXO B

SYSTEM NAME:

Air force Blood Program

F16804 SGHB A

SYSTEM NAME:

Clinical Records and Related Documents

F16805 ASGHB R

SYSTEM NAME:

Health and Outpatient Records

F16808 SGHC A

SYSTEM NAME:

Medical Service Accounts

F16810 SGN A

SYSTEM NAME:

Nursing Service Records

F17101 OHZHTVA

SYSTEM NAME:

Manhour Accounting System (MAS)

F17101 OHZHTVD

SYSTEM NAME:

Management Oriented Personnel System (MOP)

F17101 OJNTMUA

SYSTEM NAME:

Behavioral Automated Research System (BARS) (B–3500)

F17101 SG A

SYSTEM NAME:

Automated Medical/Dental Record System

F17501 06SCEYA

SYSTEM NAME:

Air Force Audit Agency Management Information System—Report File

F17501 06SCEYB

SYSTEM NAME:

Internal Audit and Control Records

F17602 OEACYVA

SYSTEM NAME:

Nonappropriated Funds Standard Payroll System

F17603 AA A

SYSTEM NAME:

Accounts Receivable

F17603 HC

SYSTEM NAME:

Chaplain Fund Service Contract File

F17603 OYUEBLA

SYSTEM NAME:

Individual Earning Data

F17607 DPMS

SYSTEM NAME:

Nonappropriated Fund Instrumentalities (NAFIs) Financial System

F17701 NGBJA A

SYSTEM NAME:

Confidential Statement of Employment and Financial Interest

F17701 OBXQPCA

SYSTEM NAME:

Cadet Accounting and Finance System

F17705 OEACYVA

SYSTEM NAME:

Accounting and Finance Officer Accounts and Substantiating Documents

F17707 OEACYVA

SYSTEM NAME:

Loss of Funds Case Files

F17708 OEACYVA

SYSTEM NAME:

Claims Case File—Corrected Military Pay and Allowances

F17708 OEACYVB

SYSTEM NAME:

Claims Case File—Missing in Action Data

F17708 OEACYVC

SYSTEM NAME:

Claims Case File—Death Gratuity Records

F17708 OEACYVD

SYSTEM NAME:

Indebtedness and Claims

F17709 OEACYVA

SYSTEM NAME:

Reports of Survey

F17718 OEACYVA

SYSTEM NAME:

Account Receivable Records Maintained by Accounting & Finance

F17720 OCGBUAZ

SYSTEM NAME:

Control Log for Civilian Medical Care

F17720 OEACYVA

SYSTEM NAME:

Travel Records

F17720 SGHC A

SYSTEM NAME:

Control Logs

F17721 02 ALSA

SYSTEM NAME:

Civilian Pay—Control Data

F17721 OEACYVA

SYSTEM NAME:

Civilian Pay Records

F17721 ADPMSNA

SYSTEM NAME:

Employee Group Life and Health Insurance Plan

F17722 OEACYVA

SYSTEM NAME:

Accrued Military Pay System, Discontinued (AMPS 360/390)

F17722 OEACYVC

SYSTEM NAME:

Military Pay Records

F17722 OEACYVD

SYSTEM NAME:

Uniformed Services Savings Deposit Program (USSDP)

F17724 OKPNQSA

SYSTEM NAME:

Air Force ROTC Cadet Pay System

F17725 OEACYVA

SYSTEM NAME:

Air Reserve Pay and Allowance System (ARPAS)

F17726 OEACYVA

SYSTEM NAME:

Pay and Allotment Records

F17730 OEACYVA

SYSTEM NAME:

Joint Uniform Military Pay System (JUMPS)

F17734 OEACYVA

SYSTEM NAME:

United States Air Force Retired Pay System

F17734 OEACYVA

SYSTEM NAME:

USAF Retiree/Annuitant Pay System (RAPS)

F17801 OHFREZA

SYSTEM NAME:

Rome Air Development Center (RADC) Manpower Resources Expenditure System

F17801 OHZHTVA

SYSTEM NAME:

Integrated Management Information and Control System (IMICS)

F17801 OKPNQSA

SYSTEM NAME:

Student Questionnaire

F17801 OJ RS A

SYSTEM NAME:

Lead Management System (LMS)

F17802X0OTAYZM

SYSTEM NAME:

Personnel Cost Accounting System (PCAS)

F18201 DAC A

SYSTEM NAME:

Air Force Postal Directory File

F18202 HC A

SYSTEM NAME:

Current Official Active Duty Chaplains Mailing List

F19001 OSLWRCA

SYSTEM NAME:

Special Events Planning—Protocol Roster

F19001 AA AB

SYSTEM NAME:

19000 Public Affairs References

F19001 OI A

SYSTEM NAME:

Official Biographies

F19001 OI B

SYSTEM NAME:

Biographies of Officers and Key Civilians Assigned to SAF/OI

F19001 SAFOI

SYSTEM NAME:

Special Events Planning—Protocol

F20002 05HCHLA

SYSTEM NAME:

Operations Security File for Foreign Intelligence Collection Activities

F20002 05HCHLB

SYSTEM NAME:

DIA Source Administration Program for Foreign Intelligence Collection Activities

F20501 SIP A

SYSTEM NAME:

Requests for Access to Classified Information by Historical Researchers

F20503 DAI A

SYSTEM NAME:

Personnel Security Case Files

F20503 DAI C

SYSTEM NAME:

Presidential Support Files

F20505 0QVDYDA

SYSTEM NAME:

Clearance Certificate Records

F20505 AFIS A

SYSTEM NAME:

Sensitive Compartmented Information Personnel Security Records

F20505 SPI A

SYSTEM NAME:

Personnel Security Clearance Investigation Records

F20505 SPI B

SYSTEM NAME:

Personnel Security Access Records

F20505 SPI C

SYSTEM NAME:

Special Security Files

F21001 ESC A

SYSTEM NAME:

Historical Research and Retrieval System (HORRS)

F212010BXQPCAB

SYSTEM NAME:

Library/Special Collections Records

F21206XOBXQPCE

SYSTEM NAME:

Library Authorized Patron File

F21301 OJ DP A

SYSTEM NAME:

Completion of Courses/Degrees Under Operation Bootstrap

F21301 DPMSS A

SYSTEM NAME:

Air Force Educational Assistance Loans

F21306 0SPCZPA

SYSTEM NAME:

Individual Class Record Form

F26501 02 ALSA

SYSTEM NAME:

Religious Education Registration and Attendance Records

F26501 AFA A

SYSTEM NAME:

Cadet Chaplain Records

F26501 HC A

SYSTEM NAME:

Non-Chaplain Ecclesiastical Endorsement Files

F26501 HC B

SYSTEM NAME:

Chaplain Personnel Roster

F26501 HC C

SYSTEM NAME:

Directory of Active Duty and Retired Chaplains

F26501XHC A

SYSTEM NAME:

Records on Baptisms, Marriages and Funerals by Air Force Chaplains

F40 1 7 FZHTVA

SYSTEM NAME:

Air Force Logistics Command (AFLC) Supergrade Information File

F90001 OTMUHJA

SYSTEM NAME:

Special Awards File

F90001 0UMCBVA

SYSTEM NAME:

Outstanding Airman of Year

F90001 DAYY A

SYSTEM NAME:

Annual Outstanding Air Force Administration and Executive Support Awards

F90001 DPMSAAB

SYSTEM NAME:

Military Decorations

F90001XOBXQPCA

SYSTEM NAME:

Cadet Awards Files

F90001XRDE A

SYSTEM NAME:

Harold Brown Award

F90001XRDE B

SYSTEM NAME:

USAF Research and Development Award

F90002 MPC A

SYSTEM NAME:

Suggestions, Inventions, Scientific Achievements

DEPARTMENT OF THE AIR FORCE

New or Amended Systems

See system notices below:

BILLING CODE 3910-01-M

NATIONAL SECURITY AGENCY

All system notices for the National Security Agency are set forth below:

DEFENSE NUCLEAR AGENCY

Deleted Systems

None.

DEFENSE NUCLEAR AGENCY

Unchanged Systems

HDNA001

SYSTEM NAME:

Employee Assistance Program Case Record Systems.

HDNA002

SYSTEM NAME:

Employee Relations.

HDNA003

SYSTEM NAME:

Labor Management Relations Records System.

HDNA005

SYSTEM NAME:

Manpower/Personnel Management System.

HDNA006

SYSTEM NAME:

DNA Employees Occupational Health Program Records System.

HDNA007

SYSTEM NAME:

Security Operations System.

HDNA412-14

SYSTEM NAME:

Biography Files.

HDNA609-02

SYSTEM NAME:

Personnel Radiation Exposure Records.

HDNA609-03

SYSTEM NAME:

Personnel Exposed to Radiation from Atmospheric Nuclear Tests.

DEFENSE NUCLEAR AGENCY

New and Amended Systems

See system notice set forth below:

ORGANIZATION OF THE JOINT CHIEFS OF STAFF

Deleted Systems

None.

Unchanged Systems

JOJCS 001 MILPERS

SYSTEM NAME:

Military Personnel Files.

JOJCS 002 MILPERS

SYSTEM NAME:

OJCS Medals and Awards Files and Report System, Microfilmed Historical Awards.

JOJCS 003 SMP

SYSTEM NAME:

Directorate Administrative Services Management Information System (DASMIS).

JOJCS 004 SECDIV

SYSTEM NAME:

Personnel Security File, Security Division, DAS.

New and Amended Systems

None.

BILLING CODE 3810-01-M

DEFENSE COMMUNICATIONS AGENCY

Deleted Systems

KSPT.02

SYSTEM NAME:

Vehicle Parking Registration Card

K700.08

SYSTEM NAME:

USAF Career Motivation Program

K890.02

SYSTEM NAME:

Navy Officers Service Record

KDEC.01

SYSTEM NAME:

Vehicle Registration

DEFENSE COMMUNICATIONS AGENCY

Unchanged Systems

KCIV.01

SYSTEM NAME:

Records Relating to DCA Transactions under the Privacy Act of 1974

KDCE.01

SYSTEM NAME:

Visit Notification/Clearance Verification Records NR501-11

KDCE.02

SYSTEM NAME:

Parking Permit Control Files 501-07

KDCE.03

SYSTEM NAME:

DA Form 727: Classified Container Information—Files 503-02

KDEC.02

SYSTEM NAME:

Authorization to Sign for Classified Material List

KDEC.03

SYSTEM NAME:

Classified Material Receipt Authorization List

KDEC.04

SYSTEM NAME:

Authority to Review/Sign for Classified Messages at 1918 Communications Center

KDEC.05

SYSTEM NAME:

Access Listing to Classified Material (NATO)

KDEC.06

SYSTEM NAME:

Nominations/Enrollments for Training Courses

KDEC.07

SYSTEM NAME:

601-11: Duty Rosters

KDEC.00

SYSTEM NAME:

101-06: Request and Authorization for Temporary Duty Travel

KEUR.02

SYSTEM NAME:

DCA Form 605—Personnel Data Sheet

KEUR.03

SYSTEM NAME:

Incident Report File

KEUR.04

SYSTEM NAME:

Security Clearance File

KEUR.05

SYSTEM NAME:

Classified Container Information Forms

KEUR.08

SYSTEM NAME:

Travel Order and Voucher File

KEUR.09

SYSTEM NAME:

NONCOMBATANT Information Card—AEZ Form 6-106

KEUR.10

SYSTEM NAME:

Personnel File

KMIN.01

SYSTEM NAME:

Minority Identification File List

KNCS.01

SYSTEM NAME:

National Communications System Continuity of Operations Plan (NCS COOP)

KNCS.02

SYSTEM NAME:

National Communications System (NCS) Plan for Emergencies and Major Disasters

KNCS.03

SYSTEM NAME:

National Communications System Emergency Action Group (NEAG)

KPAC.01

SYSTEM NAME:

Classified Container Information Form—DA 727

KPAC.02

SYSTEM NAME:

Authorization to Sign for Classified Material Lists

KPAC.03

SYSTEM NAME:

420-20: Permanent Change of Station and Temporary Duty Travel Order File

KPAC.04

SYSTEM NAME:

Time and Attendance Cards and Labor Distribution Cards

KPAC.05

SYSTEM NAME:

403-03: Injury Records

KSPT.01

SYSTEM NAME:

Military Personnel Management/ Assignment Files

KWHC.01

SYSTEM NAME:

Agency Training File System

KWHC.02

SYSTEM NAME:

Military Personnel File Systems

KWHC.03

SYSTEM NAME:

Personnel Locator File System

KWHC.04

SYSTEM NAME:

Military Financial File System

KWHC.05

SYSTEM NAME:

Personnel Information System

KWHC.06

SYSTEM NAME:

Personnel Security Files

KWHC.07

SYSTEM NAME:

Agency Access/Pass File System

K105.01

SYSTEM NAME:

208–10: Confidential Statement of Employment and Financial Interest

K107.01

SYSTEM NAME:

Investigation of Complaint of Discrimination

K232.01

SYSTEM NAME:

Travel Orders Records System

K232.02

SYSTEM NAME:

Injury Record File

K240.01

SYSTEM NAME:

Personnel Security Investigative Dossier File (PSIDF)

K240.02

SYSTEM NAME:

Sensitive Compartmented Info (SCI) Posn/Pers Accountability System

K240.03

SYSTEM NAME:

Clearance Card File for Defense Communications Agency (DCA) Personnel

K240.04

SYSTEM NAME:

Identification Badge System

K240.05

SYSTEM NAME:

Visitor Clearance File

K240.06

SYSTEM NAME:

Classified Container Information on Form (DA 727)

K240.07

SYSTEM NAME:

Vehicle and Parking Registration Card.

K240.08

SYSTEM NAME:

Security Violation Case File.

K660.01

SYSTEM NAME:

303–41–42 Claims Files; Requests for Waiver of Pay and Allowances.

K700.01

SYSTEM NAME:

Employee-Management Relations and Services Files.

K700.02

SYSTEM NAME:

Civilian Awards Programs File.

K700.03

SYSTEM NAME:

Personnel Management Information System (PERMIS).

K700.035

SYSTEM NAME:

602–11: Active Application Files (Applicant Supply Files).

K700.04

SYSTEM NAME:

Priority Reassignment Eligibles Files.

K700.05

SYSTEM NAME:

Executive Level Position Files.

K700.06

SYSTEM NAME:

Report of Defense Related Employment.

K700.07

SYSTEM NAME:

Employee Record File.

K700.09

SYSTEM NAME:

603–02: Service Record Card Files.

K700.10

SYSTEM NAME:

603–08: Annual Classification Maintenance Review File.

K700.11

SYSTEM NAME:

602–18: Promotion Registration and Record Files.

K700.12

SYSTEM NAME:

602–10: Civil Service Certificate Files.

K700.13

SYSTEM NAME:

602–26: Retention Register Files (Reduction in Force).

K700.15

SYSTEM NAME:

603–05: Chronological Journal Files.

K700.16

SYSTEM NAME:

Classification Appeals Files.

K700.17

SYSTEM NAME:

603–01: Official Personnel Folder Files (Standard Form 66).

K890.01

SYSTEM NAME:

Freedom of Information Act File (FOIA).

K890.03

SYSTEM NAME:

Awards Case History File.

K890.04

SYSTEM NAME:

Military Personnel Management/ Assignment Files.

K890.05

SYSTEM NAME:

Overseas Rotation Program Files.

K890.06

SYSTEM NAME:

Card File for Forwarding Mail of Departed Personnel.

K890.07

SYSTEM NAME:

Education, Training, and Career Development Data System.

KEUR.07

SYSTEM NAME:

Postal Directory File.

New and Amended Systems

None.

BILLING CODE 3510-05-M

DEFENSE INTELLIGENCE AGENCY

Deleted Systems

LDIA 0330

SYSTEM NAME:

Civilian Payroll, Leave and Travel Disbursement.

LDIA 0801

SYSTEM NAME:

Defense Attaché System Personnel Information File.

Unchanged Systems

LDIA 0010

SYSTEM NAME:

Requests for Information.

LDIA 0011

SYSTEM NAME:

Student Information Files.

LDIA 0014

SYSTEM NAME:

Employee Grievance Files.

LDIA 0015

SYSTEM NAME:

Biographic Sketch.

LDIA 0140

SYSTEM NAME:

Passports and Visas.

LDIA 0209

SYSTEM NAME:

Litigation and Disposition Documents.

LDIA 0271

SYSTEM NAME:

Investigations and Complaints.

LDIA 0435

SYSTEM NAME:

DIA Award Files.

LDIA 0480

SYSTEM NAME:

Reserve Training Records.

LDIA 0590

SYSTEM NAME:

Defense Intelligence Special Career Automated System (DISCAS).

LDIA 0660

SYSTEM NAME:

Security Files.

LDIA 0800

SYSTEM NAME:

Operation Record System.

LDIA 0813

SYSTEM NAME:

Biographic Data Index System.

LDIA 1728

SYSTEM NAME:

DIA Prisoner of War Intelligence Analysis and Debriefing Files.

New and Amended Systems

See system notices below:

BILLING CODE 3810-01-M

U.S. MARINE CORPS

Deleted Systems

None.

U.S. MARINE CORPS

Unchanged Systems

MAA00001

SYSTEM NAME:

Flight Readiness Evaluation Data System (FREDS).

MAA00002

SYSTEM NAME:

Marine Corps Aircrew Performance/ Qualification Information.

MAA00003

SYSTEM NAME:

Naval Aviator/Naval Flight Officer Reporting Management System (NANFORMS).

MFD00001

SYSTEM NAME:

Automated Leave and Pay System (ALPS).

MFD00002

SYSTEM NAME:

Primary Management Efforts (PRIME/ Operations Subsystem.

MFD00003

SYSTEM NAME:

Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS).

MFD00004

SYSTEM NAME:

Bond and Allotment (B&A) System.

MFD00006

SYSTEM NAME:

Centralized Automated Reserve Pay System (CAREPAY).

MFD00007

SYSTEM NAME:

Examination Division Records System.

MFD00009

SYSTEM NAME:

Pay Vouchers for Marine Corps Junior Reserve Officer Training Course Instructors.

MFD00010

SYSTEM NAME:

Per Diem and Travel Payment System.

MHD00001

SYSTEM NAME:

Biographical Files.

MHD00006

SYSTEM NAME:

Register/Lineal Lists.

MIL00001

SYSTEM NAME:

Assignment and Occupancy of Family.

MIL00002

SYSTEM NAME:

Bachelor Housing Registration Records System.

MIL00003

SYSTEM NAME:

Laundry Charge Accounts Records.

MIL00004

SYSTEM NAME:

Personal Property Program.

MIL00005

SYSTEM NAME:

Passenger Transportation Program.

MIL00006

SYSTEM NAME:
Dealer's Record of Sale of Rifle or Pistol, State of California.

MIL00007

SYSTEM NAME:
Marine Corps Exchange Service Station Work Orders.

MIL00008

SYSTEM NAME:
Cigarette Sales Abuse File.

MIL00009

SYSTEM NAME:
Fire Arms Transaction Record.

MIL00010

SYSTEM NAME:
Customer Service Records/Special Accounts.

MIL00011

SYSTEM NAME:
MDSVEN Vendor Director.

MIL00012

SYSTEM NAME:
Standard Licensing Procedure for Operators of Military Motor Vehicles.

MIL00013

SYSTEM NAME:
Individual Uniform Clothing Records.

MIL00014

SYSTEM NAME:
Exchange Privilege Authorization Log.

MIL00015

SYSTEM NAME:
Housing Referral Services Records System.

MIL00016

SYSTEM NAME:
Depot Maintenance Management Subsystem (DMMS).

MIL00017

SYSTEM NAME:
Transportation Data Financial Management System (TDFMS).

MIL00018

SYSTEM NAME:
Organization Clothing Control File.

MIL00019

SYSTEM NAME:
Equipment and Weapons Receipt or Custody Files.

MIL00021

SYSTEM NAME:
Working Files, Division Supply Sections and Wing Supply Sections.

MIL00022

SYSTEM NAME:
Delinquent Clothing Alteration List.

MIN00001

SYSTEM NAME:
Personnel Security Eligibility and Access Information System.

MIN00002

SYSTEM NAME:
POW/MIA Intelligence Analysis and Debrief Files.

MIS00001

SYSTEM NAME:
Personnel Management Subsystem, Resource Control System (RCS).

MJA00001

SYSTEM NAME:
Business Complaint File.

MJA00002

SYSTEM NAME:
Staff Judge Advocate Working Papers.

MJA00003

SYSTEM NAME:
Magistrate Court Case Files.

MJA00004

SYSTEM NAME:
In Hands of Civil Authorities Case Files.

MJA00005

SYSTEM NAME:
Financial Assistance/Indebtedness Files.

MJA00006

SYSTEM NAME:
2d Marine Aircraft Wing General Correspondence Files for Legal.

MJA00007

SYSTEM NAME:
Delivery Agreement.

MJA00008

SYSTEM NAME:
Letters of Indebtedness/Credit Inquiry.

MJA00009

SYSTEM NAME:
Marine Corps Command Legal Files.

MJA00010

SYSTEM NAME:
Unit Punishment Book.

MJA00012

SYSTEM NAME:
Individual Accounts of Mail Order.

MIL00013

SYSTEM NAME:
Dishonored Personal Check Records and withdrawal of Check Cashing.

MJA00014

SYSTEM NAME:
File of Confidential Statements of Employment and Financial Interests.

MJA00015

SYSTEM NAME:
Indebtedness Correspondence Record.

MJA00016

SYSTEM NAME:
Judge Advocate Division "D" Files.

MJA00017

SYSTEM NAME:
Correspondence Branch, JA Division, HQMC Correspondence Control Files.

MJA00018

SYSTEM NAME:
Performance Files.

MMC00002

SYSTEM NAME:
Working Files, Inspection Division, HQMC.

MMC00003

SYSTEM NAME:
Activity Check In/Check Out.

MMC00004

SYSTEM NAME:
Adjutant Services Section Discharge Working Files.

MMC00005

SYSTEM NAME:
Insurance Files.

MMC00007

SYSTEM NAME:
Inspection of Government Property Assigned to Individual.

MMC00008

SYSTEM NAME:
Message Release/Pickup Authorization File.

MMC00005

SYSTEM NAME:

Narrative Biographical Data w/ Photos.

MMN00001

SYSTEM NAME:

Absentee Process and Deserter Inquiry File.

MMN00002

SYSTEM NAME:

Listing of Retired Marine Corps Personnel.

MMN00004

SYSTEM NAME:

Marine Corps Club and Mess Membership.

MMN00005

SYSTEM NAME:

Marine Corps Education Program Applicant/Participant Information File.

MMN00007

SYSTEM NAME:

Marine Corps Motion Picture/ Instructional Television (ITV) Archives.

MMN00008

SYSTEM NAME:

Marine Corps Still Photographic Archives.

MMN00009

SYSTEM NAME:

Military Police Information System (MILPINS).

MMN00010

SYSTEM NAME:

Personnel Service Working Files.

MMN00011

SYSTEM NAME:

Source Data Automated Fitness Report System (SDAFS).

MMN00013

SYSTEM NAME:

Personnel Management Working Files.

MMN00014

SYSTEM NAME:

Work Measurement Labor Distribution Cards.

MMN00016

SYSTEM NAME:

Accident and Injury Reporting System.

MMN00017

SYSTEM NAME:

Armory Access and Individual Weapons Assignments.

MMN00018

SYSTEM NAME:

Base Security Incident Reporting System.

MMN00019

SYSTEM NAME:

Drug/Alcohol Abuse Reporting System.

MMN00020

SYSTEM NAME:

Pet Registration.

MMN00021

SYSTEM NAME:

Weapons Registration.

MMN00022

SYSTEM NAME:

Vehicle Control System.

MMN00023

SYSTEM NAME:

Prisoner Records.

MMN00027

SYSTEM NAME:

Marine Corps Personnel Records Access File.

MMN00032

SYSTEM NAME:

Personal History Card File.

MMN00034

SYSTEM NAME:

Personnel Procurement Working Files.

MMN00035

SYSTEM NAME:

Truth Teller/Static Listing.

MMN00036

SYSTEM NAME:

Identification Card Control.

MMN00037

SYSTEM NAME:

Library Patron File.

MMN00038

SYSTEM NAME:

Amateur Radio Operator's File.

MMN00039

SYSTEM NAME:

Amateur/Citizen Band Radio Operation Request and Authorization File.

MMN00040

SYSTEM NAME:

Individual Training Records/Files for Training Related Matters.

MMN00041

SYSTEM NAME:

Nonappropriated Fund (NAF) Employee and Applicant Personnel Records.

MMN00042

SYSTEM NAME:

Marine Corps Locator Files.

MMN00043

SYSTEM NAME:

Marine Corps Recreation Property Records and Facilities.

MMN00044

SYSTEM NAME:

Equal Opportunity Information and Support System.

MMN00045

SYSTEM NAME:

Automated Systematic Recruiting Support.

MMN00046

SYSTEM NAME:

Recruit Incident System.

MMT00001

SYSTEM NAME:

Dependent (Title 6) Schools Record System.

MMT00002

SYSTEM NAME:

Marine Corps Institute Correspondence Training Records System.

MRS00001

SYSTEM NAME:

Reserve Personnel Management Information System (REPMIS).

MRS00003

SYSTEM NAME:

Employment Referral Questionnaire for Members of Reserve Units.

MRS00004

SYSTEM NAME:

Individual Drill Attendance and Retirement Transaction Card (IDART) File.

MTE00001

SYSTEM NAME:

Telephone Billing/Accounting File.

U.S. MARINE CORPS

New and Amended Systems

See system notices set forth below:

UNITED STATES NAVY

All systems notices for the United States Navy are set forth below:

The following is provided to assist in the transition of a new identification system for identifying Navy systems of records under the Privacy Act of 1974. The systems of records are now categorized by a Standard Subject Identification Code (SSIC) vice the Unit Identification Code (UIC).

How Systems of Records are Arranged

In the Department of the Navy, records are categorized by a Standard Subject Identification Code (SSIC). Each series of records has been assigned a major suject title, followed by a combined alpha-numeric identification number. The systems of records containing financial information would be found under the major subject title, Financial Management. The range of identification numbers of financial records will be from 7000 to 7999. For example, the system of records containing military pay is 7220. If there were multiple systems of records maintained under the NO7220 identification number, they would be identified as NO7220–1, NO7220–2, NO7220–3, etc. The NO stands for Navy, the four digits indicates that the records are related to military and the last digit indicates the first, second, third, etc., system or records within the category of military pay.

How To Use the Index Guide

The systems of records maintained by the Department of the Navy are contained within the major subject title and numerical series listed below. This list identifies each series in numeric order. Use the list to indentify major subject areas of interest.

Major subject title	System ID series
Military Personnel	1000–1999
*Telecommunications	2000–2999
Operations and Readiness	3000–3999
Logistics	4000–4999
General Administration and Management	5000–5999
Medicine and Dentistry	6000–6999
Financial Management	7000–7999
Ordnance Material	8000–8999
Ships Design and Material	9000–9999
General Material	10000–10999
Facilities and Activities	11000–11999
Civilian Personnel	12000–12999
*Aeronautical and Astronautical Material	13000–13999

*No systems or records currently maintained under these major subject titles.

BILLING CODE 3810-AE-M

DEFENSE CONTRACT AUDIT AGENCY

Deleted Systems

None.

Unchanged Systems

RDCAA 152.13

SYSTEM NAME:

Notifications of Visits.

RDCAA 152.17

SYSTEM NAME:

Security Status Master List.

RDCAA 152.2

SYSTEM NAME:

Personnel Security Data Files.

RDCAA 152.3

SYSTEM NAME:

Reports of Personnel Security Investigations.

RDCAA 152.4

SYSTEM NAME:

Personnel Security Adjudication File.

RDCAA 152.5

SYSTEM NAME:

Notification of Security Determinations.

RDCAA 152.6

SYSTEM NAME:

Regional Security Clearance Request Files.

RDCAA 152.7

SYSTEM NAME:

Clearance Certification.

RDCAA 160.5

SYSTEM NAME:

Travel Orders.

RDCAA 240.1

SYSTEM NAME:

Cross Reference Index to Legal Opinions.

RDCAA 240.2

SYSTEM NAME:

Statements of Employment and Financial Interest.

RDCAA 240.3

SYSTEM NAME:

Legal Opinions.

RDCAA 240.5

SYSTEM NAME:

Standards of Conduct, Conflict of Interest.

RDCAA 260.4

SYSTEM NAME:

White House Correspondence.

RDCAA 260.5

SYSTEM NAME:

Congressional Committee Correspondence.

RDCAA 260.6

SYSTEM NAME:

Congressional Correspondence.

RDCAA 311.3

SYSTEM NAME:

Applicant Supply File Index.

RDCAA 311.4

SYSTEM NAME:

Applicant correspondence.

RDCAA 315.10

SYSTEM NAME:

Executive Development Program.

RDCAA 315.11

SYSTEM NAME:

Career Files.

RDCAA 322.7

SYSTEM NAME:

Students and Instructors.

RDCAA 347.2

SYSTEM NAME:

Labor Management Relations Case Files.

RDCAA 358.1

SYSTEM NAME:

General EEO Files.

RDCAA 358.21

SYSTEM NAME:

EEO Complaints Resolved by DCAA.

RDCAA 358.22

SYSTEM NAME:

EEO Cases Resolved by CSC.

RDCAA 358.23

SYSTEM NAME:

Other copies of EEO Complaint Case Files.

RDCAA 358.24

SYSTEM NAME:

EEO Background Documents not included in case files.

RDCAA 358.3

SYSTEM NAME:

Grievance & Appeal Files.

RDCAA 371.1

SYSTEM NAME:

Name Files.

RDCAA 371.13

SYSTEM NAME:

Official Personnel Folders.

RDCAA 371.2

SYSTEM NAME:

Supervisor Personnel Records.

RDCAA 371.5

SYSTEM NAME:

Locator Records.

RDCAA 371.7

SYSTEM NAME:

Service Record File.

RDCAA 371.8

SYSTEM NAME:

Inactive Service Records.

RDCAA 440.2

SYSTEM NAME:

Time and Attendance Reports.

RDCAA 502.6

SYSTEM NAME:

Freedom of Information Administrative Appeals.

RDCAA 503.5

SYSTEM NAME:

Privacy Act Administrative Appeals.

RDCAA 575.4

SYSTEM NAME:

Postal Directory.

RDCAA 590.8

SYSTEM NAME:

DCAA Management Information System (MIS).

RDCAA 590.9

SYSTEM NAME:

DCAA Automated Personnel Inventory System (APIS).

DEFENSE CONTRACT AUDIT AGENCY

New and Amended Systems

None.

BILLING CODE 3810-01-M

DEFENSE LOGISTICS AGENCY

Deleted Systems

S111.11DESC-KER

SYSTEM NAME:

111.11 Civilian Personnel and Manpower Control System.

S434.20DLA-C

SYSTEM NAME:

434.20 Mechanization of Contract Administration Service—1B Payroll (MOCAS 1B).

Unchanged Systems

S111.11DCRA-AA

SYSTEM NAME:

111.11 Atlanta Personnel Data Bank System.

S111.11DCRT-E

SYSTEM NAME:

111.11 Defense Contract Administration Services Region (DCASR) Dallas Personnel Data Bank.

S111.11DDTC-R

SYSTEM NAME:

111.11 Civilian Personnel Data Bank.

S111.11DLA-K

SYSTEM NAME:

111.11 Rotation of Employees from Foreign Areas and the Canal Zone.

S111.11DLA-KP

SYSTEM NAME:

111.11 Bye-Bye Retirement System.

S111.11DLA-KS

SYSTEM NAME:

111.11 Official Records for Host Enrollee Programs.

S111.11DLA-XA

SYSTEM NAME:

111.11 Personnel Roster/Locator Files.

S120.05DLA-K

SYSTEM NAME:

120.05 Schedule and Record of Overtime Assignment and Request.

S120.05DLA-KP

SYSTEM NAME:

120.05 Supervisors' Records and Reports of Employee Attendance and Leave.

S150.20DLA-T

SYSTEM NAME:

150.20 Security Violations Files.

S153.01DLA-T

SYSTEM NAME:

153.01 Personnel Security Files.

S153.20DLA-T

SYSTEM NAME:

153.20 Personnel Security Clearance Status CAPSTONE.

S160.50DLA-T

SYSTEM NAME:

160.50 Criminal Incidents/ Investigations Files.

S161.20DLA-T

SYSTEM NAME:

161.20 Visitors and Vehicle Temporary Passes and Permits Files.

S161.25DLA-T

SYSTEM NAME:

161.25 Individual Access Files.

S161.30DLA-T

SYSTEM NAME:

161.30 Motor Vehicle Registration Files.

S161.40DLA-T

SYSTEM NAME:

161.40 Vehicle Accident Investigation Files.

S161.50DLA-T

SYSTEM NAME:

161.50 Traffic Violations File.

S161.60DLA-T

SYSTEM NAME:

161.60 Seizure and Disposition of Property Records.

S161.70DLA-T

SYSTEM NAME:

161.70 Firearms Registration Records.

S162.60DLA-T

SYSTEM NAME:

162.60 Police Force Records.

S214.10DCRN-MA

SYSTEM NAME:

214.10 Emergency Transportation of Essential Personnel.

S214.20DLA-L

SYSTEM NAME:

214.20 Emergency Assignment and Training Records.

S233.10DLA-K

SYSTEM NAME:

233.10 Work Assignment, Performance, and Productivity Records and Reporting Systems.

S233.20DLA-Z

SYSTEM NAME:

233.20 Data Processing Project Control Assignment.

S243.30DLA-K

SYSTEM NAME:

243.30 Complaints.

S252.50DLA-G

SYSTEM NAME:

252.50 Claims & Litigation, other than Contractual.

S253.10DLA-G

SYSTEM NAME:

253.10 Invention Disclosures.

S253.30DLA-G 1

SYSTEM NAME:

253.30 Royalties.

S253.30DLA-G 2

SYSTEM NAME:

253.30 Patent Licenses and Assignments.

S253.40DLA-G

SYSTEM NAME:

253.40 Patent Infringement.

S255.01DLA-G

SYSTEM NAME:

255.01 Fraud & Irregularities.

S257.10DLA-G

SYSTEM NAME:

257.10 Standards of Conduct.

S259.05DLA-G

SYSTEM NAME:

259.05 Legal Assistance.

S270.10DLA-K

SYSTEM NAME:

270.10 Request for Assistance and Information.

S270.30DLA-B

SYSTEM NAME:

270.30 Biography File.

S322.10DLA-LZ

SYSTEM NAME:

322.10 Defense Manpower Data Center Data Base.

S322.15DLA-M

SYSTEM NAME:

322.15 Information Military Personnel Records.

S322.20DLA-LZ

SYSTEM NAME:

322.20 Reenlistment Eligible File (RECRUIT).

S322.35DLA-LZ

SYSTEM NAME:

322.35 Survey Data Base.

S322.35DLA-M

SYSTEM NAME:

322.35 Officer/Enlisted Evaluation Report File and File Summary.

S322.45DLA-M

SYSTEM NAME:

322.45 Military Personnel Data Bank.

S322.50DLA-LZ

SYSTEM NAME:

322.50 DoD Health Services Enrollment/Eligibility System (DERRS).

S322.65DLA-LZ

SYSTEM NAME:

322.65 Retired Personnel Master File.

S322.70DLA-LZ

SYSTEM NAME:

322.70 Reserve Components Common Personnel Data System (RCCPDS).

S322.70DLA-M

SYSTEM NAME:

322.70 Reserve Affairs.

S330.15DPSC-G

SYSTEM NAME:

330.15 Authorization File.

S330.50DPSC

SYSTEM NAME:

330.50 Defense Personnel Support Center (DPSC) Civilian Personnel File.

S330.60DCRT-E-Z

SYSTEM NAME:

330.60 Dallas Internal Personnel Management Information System (DIPMIS).

S332.01DLA-KS

SYSTEM NAME:

332.01 Employment Inquiries.

S333.10DLA-G

SYSTEM NAME:

333.10 Attorney Personal Information and Applicant Files.

S335.01DLA-K

SYSTEM NAME:

335.01 Training and Employee Development Record System.

S335.80DLA-Q

SYSTEM NAME:

335.80 Quality Assurance Staff Development Program.

S336.10DCRS-F

SYSTEM NAME:

336.10 Personnel Cost Forecast System.

S336.60DLA-KM

SYSTEM NAME:

336.60 Position Classification Appeals.

S337.01DLA-K

SYSTEM NAME:

337.01 Labor Management Relations Records Systems.

S337.25DLA-K

SYSTEM NAME:

337.25 Employee Relations Under Negotiated Grievance Procedures.

S339.10DLA-K

SYSTEM NAME:

339.10 Headquarters Defense Logistics Agency (HQ DLA) Automated Civilian Personnel Data Bank System.

S339.50DLA-K

SYSTEM NAME:

339.50 Supervisors' Personnel Records.

S339.50DSAC

SYSTEM NAME:

339.50 DSAC Staff Information File.

S352.10DLA-K

SYSTEM NAME:

352.10 Nominations for Awards.

S370.20DLA-KH

SYSTEM NAME:

370.20 Individual Accident Case Files.

S380.01DLA-K

SYSTEM NAME:

380.01 Employee Assistance Program Case Record Systems.

S380.20DLA-K

SYSTEM NAME:

380.20 Civilian Medical Case Files.

S390.01DLA-KS

SYSTEM NAME:

390.01 Grievance Examiners and Equal Employment Opportunity Investigators Program.

S390.05DCRB-M

SYSTEM NAME:

390.05 Boston Equal Employment Opportunity (EEO) Skills Bank.

S431.15DLA-C

SYSTEM NAME:

431.15 Travel Record.

S434.15DLA-C

SYSTEM NAME:

434.15 Automated Payroll Cost and Personnel System (APCAPS).

S434.15DLA-KP

SYSTEM NAME:

434.15 Automated Payroll, Cost and Personnel System (APCAPS).

S434.87DLA-C

SYSTEM NAME:

434.87 Debt Records for Individuals.

S491.10DLA-M

SYSTEM NAME:

491.10 Nonappropriated Fund (NAF) Membership Records.

S493.10DLA-K

SYSTEM NAME:

493.10 Official Personnel Folders for Non-Appropriated Fund Employees.

S672.70DLA-X

SYSTEM NAME:

672.70 Dependents Travel.

S690.01DISC-W

SYSTEM NAME:

690.01 Car Pool Program Participants File.

S690.10DLA-W

SYSTEM NAME:

690.10 Individual Vehicle Operators File.

S810.50DLA-P-1

SYSTEM NAME:

810.50 Contracting Officer Files.

S850.10DLA-Q-1

SYSTEM NAME:

850.10 Quality Assurance Activity Certification Report.

S850.10DLA-Q-2

SYSTEM NAME:

850.10 Monthly Quality Assurance Activity Report by Person.

S866. 15DPSC

SYSTEM NAME:

866.15 Manufacturing Payroll System; Weekly Piece Work.

DEFENSE LOGISTICS AGENCY

New and Amended Systems

See system notices below:

BILLING CODE 3620-01-M

DEFENSE INVESTIGATIVE SERVICE

Deleted Systems

None.

DEFENSE INVESTIGATIVE SERVICE

Unchanged System

V1-01

SYSTEM NAME:

Privacy and Freedom of Information Request Records.

V1-02

SYSTEM NAME:

DIS Personnel Locator System.

V2-01

SYSTEM NAME:

Inspector General Complaints.

V4-01

SYSTEM NAME:

Civilian Employee Personnel Records.

V4-02

SYSTEM NAME:

Optional Personnel Management Records (OPMR).

V4-04

SYSTEM NAME:

Civilian Applicant Records.

V4-05

SYSTEM NAME:

Military Personnel Management Information System (MILPERS).

V4-07

SYSTEM NAME:

Adverse Actions, Grievance Files and Administrative Appeals.

V4-08

SYSTEM NAME:

EEO Complaints.

V4-09

SYSTEM NAME:

Merit Promotion Plan Records.

V4-10

SYSTEM NAME:

Incentive Awards.

V5-01

SYSTEM NAME:

Investigative File system.

V5-02

SYSTEM NAME:

Defense Central Index of Investigations (DCII).

V5-03

SYSTEM NAME:

National Agency Check (NAC) Case Control System (NCCS).

V5-04

SYSTEM NAME:

Defense Case Control System (DDCS).

V5-05

SYSTEM NAME:

Subject and Reference Locator Records.

V6-01

SYSTEM NAME:

Personnel Security Files.

V6-02

SYSTEM NAME:

Special Compartmented Intelligence (SCI) Access File.

V7-01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record.

V7-02

SYSTEM NAME:

Guest/Instructor Identification Records.

V8-01

SYSTEM NAME:

Industrial Personnel Security Clearance File.

Amended Systems

See system notice set forth below:

UNIFORM SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Deleted Systems

None.

Unchanged Systems

WUSU01

SYSTEM NAME:

USUHS Personnel files.

WUSU02

SYSTEM NAME:

USUHS Payroll System.

WUSU03

SYSTEM NAME:

USUHS Student Record System.

WUSU04

SYSTEM NAME:

USUHS Applicant Record System.

New and Altered Systems

None.

BILLING CODE 3810-01-M

UNITED STATES ARMY

A0102.02aDAAG

SYSTEM NAME: 102.02 Office Visitor/Commercial Solicitor Files

SYSTEM LOCATION: Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installations, and supporting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Visitors to Army installations/activities and/or commercial solicitors who represent an individual, firm, corporation, academic institution,or other enterprise involved in official or business transactions with the Department of the Army and/or its members.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain information which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C.,Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: By name of visitor/solicitor.

SAFEGUARDS: Records are maintained in file cabinets with access limited to officials having primary interest.

RETENTION AND DISPOSAL: Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army, (DAAG-PSI), Washington, D.C. 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the commander/supervisor maintaining the information.

RECORD ACCESS PROCEDURES: Requests should be addressed to appropriate commander. Official mailing addresses are in the Directory of Army addresses preceeding the annual compilation of Army system notices published in the Federal Register.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

A0228.01DAMH

SYSTEM NAME: 228.01 Army History Files

SYSTEM LOCATION: US Army Center of Military History, Department of the Army, Washington, DC 20310.

Decentralized segments exist at historical offices at HQDA and field operating agencies, major commands, and the USA Military Historical Research Collection, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and civilian personnel associated with the Army; individuals who seek information concerning U.S. Army activities.

CATEGORIES OF RECORDS IN THE SYSTEM: Biographical resumes and personal working files of U.S. Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding U.S. Army activities; and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012, Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide information of a general nature concerning U.S. Army history in response to inquiries; to assist in preparing official studies of the U.S. Army and events pertaining thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records, tapes, and photographs in file folders.

RETRIEVABILITY: By individual's name.

SAFEGUARDS: Records are maintained in secured areas accessible only to persons having need for the information in the performance of official duties.

RETENTION AND DISPOSAL: Historical material and photographs are retained in historical reference collections permanently. Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE: Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES: Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual, his/her Army record, photographs, official Army documents, public records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

A0314.08DACA

SYSTEM NAME: Check Cashing Privilege Files

SYSTEM LOCATION: Files are located at all installations/activities with facilities to cash checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons whose checks, written at these facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECORDS IN THE SYSTEM: Documents related to advancing, revoking, or suspending, restoring and general supervision of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence in issuing a bad check may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or restored for certain individuals, returned checks, lists of persons whose privileges have been suspended or withdrawn, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To determine which individuals will be denied check cashing privileges at installation check cashing facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual card file, paper records in file folders, and computer tape.

RETRIEVABILITY: Alphabetically by individual's name or social security number.

SAFEGUARDS: Files are located in areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL: Files are destroyed 3 years after individual has made restitution for dishonored check.

SYSTEM MANAGER(S) AND ADDRESS: Comptroller of the Army, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46246.

NOTIFICATION PROCEDURE: Information may be obtained from the installation. commander where check was cashed.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the installation commander. Written requests should contain individual's full name and social security number.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Dishonored check.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0501.02bDAAG

SYSTEM NAME: Vendor Misconduct/ Fraud/Mismanagement Information Exchange Program

SYSTEM LOCATION: Primary System is at Headquarters, Department of the Army, Office of The Adjutant General, Club and Community Activities Management Directorate, Washington, DC 20310.

Decentralized segments exist at other Army activities and nonappropriated fund instrumentalities' management and procurement offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals whose names are contained in reports of vendor misconduct, fraud, or mismanagement.

CATEGORIES OF RECORDS IN THE SYSTEM: Names of individuals; companies represented; and reports of misconduct, fraud or mismanagement in procurement efforts concerning military installations/ activities (see 'Record Source Categories').

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide management officials of nonappropriated fund activities and commissaries with timely and useful information regarding incidents of vendor misconduct, fraud, and/or mismanagement and of individuals involved in such incidents through the collection, exchange and dissemination of relevant information to the Army, Navy, Air Force, and Marine Corps so as to permit informed responsible procurement decisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Alphabetically by individual, vendor, or company name.

SAFEGUARDS: Records are retained in combination lock file safes when not under personal supervision of responsible officials.

RETENTION AND DISPOSAL: Destroyed two years after final determination is made on case.

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army (DAAG-CMP-S), Washington, DC 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES: Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain the full name of the individual or company, current address, including telephone number, and other information which will identify the record sought.

CONTESTING RECORD PROCEDURES: The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Copies of reports of audits, inspections, administrative investigations (e.g., Army Regulation 15-6 Board of Officers Proceedings); summaries of criminal reports issued pursuant to Defense Acquisition Regulation 1-608 received from the Inspector General, The Auditor General, The Judge Advocate General, The Deputy Chief of Staff for Personnel, The Deputy Chief of Staff for Logistics (TSA Commissary Operations), US Army Criminal Investigation Command, major Army commands, Army and Air Force Exchange Service, Departments of the Navy and Air Force, US Marine Corps, and Regional Offices and Central NAF Procurement Offices of the Adjutant General's Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0503.06aDAMI

SYSTEM NAME: Counterintelligence Operations Files

SYSTEM LOCATION: Primary System: US Army Intelligence and Security Command, Fort Meade, Maryland 20755.

Decentralized Segments: Locations of the US Army Intelligence and Security Command's decentralized segments may be obtained from the Appendix to the last Federal Register compilation of Army system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active and Retired Military Personnel, Department of Defense (DOD) affiliated civilians including contractor personnel employed by civilian firms having defense contracts, and individuals not affiliated with the Department of Defense only if there is a reasonable basis to believe that one or more of the following situations exist: Theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to DOD units or installations. Possible compromise of classified defense information by unauthorized disclosure or by espionage. Subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of laws, disobedience of lawful orders and regulations, or disruption of military activities. Demonstrations on active or reserve Army installations or

demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activites. (Armed Forces Induction Centers, US Army Recruiting Stations located offpost and facilities of Federalized National Guard Units are considered to be active DOD installations. For the purpose of the sub-paragraph, Reserve Officer Training Corps (ROTC) installations on campuses are not considered to be active or reserve Army installations and coverage of demonstrations at or adjacent to such installations is not authorized). Direct threats to DOD military or civilian personnel regarding their official duties or to other persons authorized protection by DOD resources. Activities or demonstrations endangering classified defense contract facilities or key defense facilities, including Panama Canal, approved by Headquarters, Department of the Army (HQDA), as key to the defense and operation of the Panama Canal.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain those documents used to conduct foreign counterintelligence operations and investigations pertaining to the US Army's responsibilities under the categories of counterintelligence, counterespionage, counter-sabotage, and counter-subversion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive Order 10450, Security Requirements for Government Employment, in particular Sections 2 and 9c thereof. Executive Order 12036, United States Intelligence Activities, in particular paragraphs 1-1104, 1-1112, 1-1113, 1-204(b) and 2-208. The National Security Act of 1947 as amended (Title 10 of the U.S. Code Sections 3012 (b)(c) and (g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Files are maintained: To detail results of investigations and operations, to facilitate guidance, control and effectiveness of the investigations and operations, to document for record purposes the results of investigations and operations, and to allow analysis of information on foreign intelligence agencies and personalities who are known or suspected of posing a threat to the security of the DOD.

To support authorized counterintelligence investigations and operations initiated to detect, identify and neutralize foreign counterintelligence threats to the DOD.

Information is provided to DOD Components, Federal Agencies, and other services and governmental agencies whose missions contain responsibility for foreign counterintelligence activites.

Information may be disclosed to foreign law enforcement, security, investigatory or administrative authorities in order to comply with requirements imposed by or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of DOD military and civilian personnel and other countries where there are routine reciprocal exchanges of information.

This distribution of operational and investigative information to Army activities or outside agencies is based on the evaluation by the U.S. Army Intelligence and Security Command of the other activity's needs and the relevance of the information to the use for which it is to be provided. Information collected is not automatically used for all the purposes or by all the other users listed in this description.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Reports generated in the documentation of agency investigations and operations are retained in original report format as paper records in file folders. Other records and reports are maintained as paper records in file folders and in microfiche. Extracted information is converted into appropriate language for storage on a computer diskpack.

RETRIEVABILITY: Paper records are retrieved by name or file number. Computerized data are retrieved by name, date of birth, place of birth, and aliases; by designation of the operation or investigations, or by identification of foreign intelligence agency.

SAFEGUARDS: Files are maintained in three-position combination, fire resistant steel security containers housed in security controlled areas accessible only to authorized persomnel. Computerized data are controlled by a codeword that is issued only to properly screened, cleared and trained personnel. System employs on-line, dial-up procedures, enhanced by shielding and other appropriate technical safeguards to protect data against potential compromising emanations and/or unauthorized access.

RETENTION AND DISPOSAL: Paper records documenting foreign counterintelligence operations and investigations are permanent. At the termination of the operation/investigation, files are retired to the US Army Intelligence and Security Command's Investigative Records Repository. Computerized information is updated periodically and all previous copies destroyed.

SYSTEM MANAGER(S) AND ADDRESS: The Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310.

RECORD ACCESS PROCEDURES: Requestor should contact the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310. For personal visits, the requestor should present such acceptable proof of identity as a drivers license, military identification card, Department of Defense (DOD) building pass, or other type of identification containing photograph and identity data.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Information is obtained from individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Portions of this system of records may be exempt under Title 5 of the U.S. Code Sections 552a(k)(l), (2) and (5) as applicable. The specific exemptions for this system may be found in Army Regulation 340-21 (32 CFR Part 505).

A0609.02DAAG

SYSTEM NAME: Army Nuclear Test Personnel Review Program (ANTPR)

SYSTEM LOCATION: Primary system exists at The Adjutant General's Office, Headquarters, Department of the Army, Washington, DC 20310.

Automated segments exist at the US Army Management Systems Support Agency, The Pentagon, Washington, DC 20310; US Army Reserve Components Personnel and Administration Center, St. Louis, MO 63132; and at Lexington-Blue Grass Depot, Lexington, KY 40507.

Extracts of individualized records reside at Headquarters, Defense Nuclear Agency (DNA), Washington, DC 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Army military and civilian personnel and/or contractor personnel in support of the Army who were exposed to radiation as the direct result of government-sponsored atmospheric nuclear detonation occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, rank/grade, service number, social security number (SSN), current or

last known address, dates of test participation, radiation exposure and dosage data, Army unit/office of assignment at time of exposure, current medical status, and next-of-kin data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012; Title 42 U.S.C., Section 2013c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By the Department of the Army to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment; and to answer inquiries.

By the Veterans Administration (VA) to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the National Research Council and similar government authorized agencies to conduct epidemiological studies of effects of ionizing radiation from atmospheric nuclear weapons tests.

By authorized contractors of the Department of Defense/Department of Energy to reconstruct individual dosimetry data based on research and application of mathematical factors and to write historical summaries of atmospheric nuclear testing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records on file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY: By individual's name and/or service number/SSN.

SAFEGUARDS: Access is limited to properly cleared personnel having need for the information in the performance of official duties. Paper records are maintained in locked containers. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL: Paper records are retained after data are transferred to magnetic tapes. Paper records will be retired to Washington National Records Center after completion of ANTPR effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-S), Washington, DC 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES: Individuals may access records pertaining to them by furnishing full name, SSN and/or service number, Army unit/office to which assigned at time of radiation exposure, and place and approximate date(s) of exposure.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual; Army organizational personnel, and medical records; the Veterans Administration, Department of Energy, Defense Nuclear Agency, and other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

A0704.10aUSAREC

SYSTEM NAME: Recruiter Malpractice Files

SYSTEM LOCATION: Commander, United States Army Recruiting Command (USAREC), Ft Sheridan, IL 60037

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals against whom recruiter malpractice or processing irregularities have been alleged.

CATEGORIES OF RECORDS IN THE SYSTEM: Reports of investigation pertaining to allegations of recruiter malpractice/processing irregularities. Such reports contain full identifying data of all persons involved, findings of the investigation, and disciplinary action taken, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Federal Property and Administrative Services Act of 1949 (64 Stat. 578, as amended by Act of 22 Oct 68); Title 44 U.S.C., Sections 3101-3103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Reports used for trend analysis in order to formulate recommendations for modifications of recruiting policies and practices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: In file cabinets.

RETRIEVABILITY: Alphabetically by surname of person against whom allegations have been made.

SAFEGUARDS: File cabinets and building are secured. Reports are maintained in an area accessible only to properly screened and trained personnel; information is released only to persons having a valid need-to-know.

RETENTION AND DISPOSAL: Files remain active for 1 year, inactive for 1 year, and are destroyed at the beginning of the third year.

SYSTEM MANAGER(S) AND ADDRESS: Commander, US Army Recruiting Command, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE: Information may be obtained from:

Director, Recruiting Force Management, USARCRFM-SS
USAREC
Ft Sheridan, IL 60037
Telephone: Area Code 312/926-3147

RECORD ACCESS PROCEDURES: Requests for information should be addressed to: Commander, US Army Recruiting Command, Ft Sheridan, IL 60037. Written requests should contain full name, address, telephone number and military status of requester. For personal visits, the requester must be able to provide acceptable identification such as a valid driver's license or military identification.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From US Army Criminal Investigation Command reports of investigation and similar reports generated within USAREC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0708.02dDAPC

SYSTEM NAME: 708.02 Enlisted Personnel Management Information System (EPMIS)

SYSTEM LOCATION: United States Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Army enlisted personnel on active duty; non-prior service and prior service personnel who have, or indicate, a desire to enlist in the US Army, US Army National Guard, or US Army Reserves; initial active duty training (IADT) personnel undergoing basic training or advanced individual training (BT/AIT); former military personnel who are applicants for enlistment in grades E1 - E9.

CATEGORIES OF RECORDS IN THE SYSTEM: Enlisted Master File (EMF) contains name, social security number (SSN), sex, race, citizenship, religion, marital status, dependents, date and place of birth, residence, assignments, physical profile, ethnic group, grade/date of rank, enlistment and service promotion qualifications, Military Occupational Skill code, education and training, aptitude, separation, retirement, and mailing address.

Recruit Quota System (REQUEST) contains selected information from EMF

and soldier's education level achieved and school subjects, driver's license color perception, aptitude battery scores, audio perception score, defense language aptitude battery (DLAB) score, motor vehicle battery test score; type of enlistment and date, term, and option; initial processing and training assignments, types, locations, and dates; unit of assignment identification, system identification of location that created accession record, recruiter identification and recruiting area credit code.

Enlisted Training Base (ACT) contains selected information from EMF and the soldier's enlistment and service, assignment, enlistment commitments by MOS and type, college subjects, civilian acquired skills, advanced or basic individual training start and graduation date, location and MOS, follow-on MOS, location training recommended versus preferred, aptitude area scores and categories.

Enlisted Year Group Management File (RETAIN) contains selected information from the EMF and control number, reclassification/enlistment action, type of enlistment, basic active service date, estimated termination of service (ETS), reenlistment date, civilian education, career management field (CMF), primary military occupational speciality code (PMOSC) and date of award, source of new PMOSC, personnel charged to school code, status of application, assignment code, date of last status change, current location, year group, security investigation status (SIS) and term reenlisted.

Enlisted Linguist Data Base (ELDB) contains selected information from the EMF and foreign language code, listening and reading proficiency, ratings and scores, dates of evaluation test or interview, how each language capability was acquired, with the principal type, highest level and date of recency for each foreign language in which proficient.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Department of the Army (DA): Records are used for personnel management, strength accounting and manpower management.

Department of Defense: Records are used for interdepartmental actions and personnel management.

Social Security Administration: Used to verify SSN.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored on computer magnetic tapes and disks.

RETRIEVABILITY: Normal access is by SSN, name, or other individually identifying characteristics.

SAFEGUARDS: Physical security devices, guards, computer hardware and software safeguard features, personnel clearances and passwords.

RETENTION AND DISPOSAL: Records are retained 5 years after separation except enlisted linguist data base (ELDB) records which are retained 6 months after separation.

SYSTEM MANAGER(S) AND ADDRESS: Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE: Information may be obtained from Commander, United States Army Military Personnel Center (DAPC-POO-S), 200 Stovall Street, Alexandria, VA 22332. (AC 202/325-9310).

RECORD ACCESS PROCEDURES: Written requests for information should contain the name of the individual, SSN, whether awaiting active duty, active, or separated, return address, and must identify the specific category of records involved. Blanket requests against this consolidated system will not be accepted. Visits are limited to United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. The individual must be able to provide acceptable identification and give verbal information that could be verified with his/her record.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual, from documents and computer readable output, other DA Staff Agencies and Commands, other Federal Agencies and Departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0709.03DAPE

SYSTEM NAME: U.S. Military Academy Personnel Cadet Records

SYSTEM LOCATION: U.S. Military Academy, West Point, NY 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Present and former cadets of the U.S. Military Academy (USMA).

CATEGORIES OF RECORDS IN THE SYSTEM: Application and evaluations of cadet for admission; letters of recommendation/endorsement; academic achievements, awards, honors, grades and transcripts; performance counseling; health, physical aptitude and abilities and athletic accomplishments, peer appraisals; supervisory assessments; suitability data, including honor code infractions and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Sections 3012 and 4334; Title 44 U.S.C., Section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: These documents are created and maintained to record the cadet's appointment to the Academy, his/her scholastic and athletic achievements, performance, motivation, discipline, final standing, and potential as a military career officer. School transcripts may be provided other educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual records in file folders and on microfilm.

RETRIEVABILITY: By surname or social security number (SSN).

SAFEGUARDS: All records are limited to persons whose official duties require access. Manual records are maintained in secure file cabinets in a locked room.

RETENTION AND DISPOSAL: Records are permanent; after 30 years, the cadet's personnel record is accessioned into the USMA Archives at West Point. Management reports are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS: Superintendent U.S. Military Academy, West Point, NY 10996.

NOTIFICATION PROCEDURE: Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES: Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, SSN or Cadet number, and signature.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual, his/her sponsors, peer evaluations, grades and reports of USMA academic and physical education department heads, transcripts from other educational institutions, medical examinations/assessments, supervisory counseling/performance reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system which fall within 5 U.S.C. 552a(k)(5) and (7) are exempt from subsection (d) of the act.

A0715.07cUSFK

SYSTEM NAME: Command Unique Personnel Information Data System (CUPIDS)

SYSTEM LOCATION: Primary System: Office of the Assistant Chief of Staff, Personnel Directorate (J1), Headquarters United Nations Command (UNC)/ United States (US) Forces, Korea (USFK)/Eighth US Army (EUSA), ATTN: AJ-PER-DM, APO San Francisco 96301.

Decentralized Segments: US Army Yongsan Data Processing Center Korea, APO SF 96301; HQ UNC/USFK/EUSA, ATTN: PMJ-O, APO SF 96301; HQ UNC/ USFK/EUSA, ATTN: DJ-SP, APO SF 96301; and HQ UNC/USFK/EUSA, ATTN: GCT, APO SF 96301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All members of UNC/ USFK/EUSA who are authorized duty-free privileges in the Republic of Korea (ROK) as well as US Embassy personnel, contract personnel, technical representatives, and authorized potential noncombatant evacuees living in ROK.

CATEGORIES OF RECORDS IN THE SYSTEM: Individual's name, social security number, date and place of birth, sex, rotation date, citizenship, passport number, date arrived in ROK, previous tours in ROK, service component, pay grade/position title, marital status, dependent status, and religion. The following dependent information is maintained: spouse's name, date and place of birth, date arrived in ROK, passport number, citizenship, sex, date and place of marriage, local address, and religion. Applicable information is extracted from this central data base to provide a noncombatant report, contractor and technical representative listing, religious preference listing, and dependent information roster.

An individual purchase record is maintained for those personnel authorized duty-free privileges. It consists of a record of exchange catalog sales and purchases made by authorized shoppers in the exchange system, Class VI stores, commissaries, and retail outlets located on US facilities and installations in ROK.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C., Section 301; Status of Forces Agreement, United States of America and the Republic of Korea.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To record the number and location of contractor and technical representatives in the ROK for reporting to the Korean Government in accordance with the USA-ROK Status of Forces Agreement.

To identify and locate noncombatant evacuees in case of emergency.

To provide Department of Defense information pertaining to the number of dependents in ROK.

To obtain a religious profile to determine a realistic distribution of Chaplain assets throughout the command.

To produce lists of (1) suspected violators of the ration control authorization set for retail facilities in ROK and (2) exchange catalog sales shipped into ROK. Information is provided the Provost Marshal, US Army Criminal Investigation Command, US Department of State, Office of Special Investigation, Customs Officials, law enforcement authorities of the ROK and commanders for investigative action where appropriate and/or administrative or judicial disposition.

To provide listing of dependents in Korea for verification of housing dollar authorizations.

To maintain file of selected controlled item purchases made in retail facilities.

To provide management data pertaining to expenditures by grade and family size for use in determining if authorizations are sufficient.

To provide a dependent profile throughout the command for management purposes.

To produce ration control plates for authorized individuals for use in recording purchases in retail facilities.

To produce medical cards which are used for identification in medical facilities.

To provide retail sales information to the USA-ROK Status of Forces Ad Hoc Committee on black marketing activities.

To provide list by date eligible for return from overseas for transportation forecasting requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tapes, microfiche, and paper printouts.

RETRIEVABILITY: Alphabetically by surname of noncombatants listed by area and geographical sub-area; all other records by SSN.

SAFEGUARDS: Records are accessible only to authorized personnel. During off duty hours, the facility is locked and secured by sound activated alarm.

RETENTION AND DISPOSAL: The command profile, sales profile, and individual sales file are retained for 1 year. Individual violations are retained until the end of the tour of the individual concerned.

Regular card sales are destroyed monthly unless retained for evidence.

Controlled item sales records are maintained for duration of individual's tour.

The data base account is retained for the duration of the individual's tour, plus one month.

All other information is destroyed at termination of tour or employment.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Chief of Staff, J1, HQ UNC/ USFK/EUSA, APO San Francisco 96301.

NOTIFICATION PROCEDURE: Information may be obtained from: HQ UNC/USFK/ EUSA (AJ-PER-DM) Yongsan/Seoul, Korea.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: HQ, UNC/USFK/EUSA (AJ-PER-DM), APO SF 96301. Written requests should contain full name of the individual, current address, telephone number, and SSN. For personal visits, the individual should provide a military identification card and ration control plate, if issued, or other acceptable identification such as a valid vehicle operator's license.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Application for ration control; recorded sales made with ration control plate at retail US military facilities throughout ROK; orders made through exchange catalog sales and retail outlets located on US facilities and installations in the ROK.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0725.01bDAAG

SYSTEM NAME: Family Life Communications Info and Referral Service.

SYSTEM LOCATION: Primary system exists at Headquarters, Department of the Army, Quality of Life Office, the Pentagon, Washington, D.C. 20310.

Decentralized segments exist within Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations Army-wide. Addresses are contained in the appendix to the Army inventory of system notices published at 44 FR 73729, December 17, 1979.

Statistical data will be maintained by the Office, Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Army service members, civilian employees, their families, social service organizations (Federal, state, local) acting on behalf of the member,

employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, mailing address and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle details, resolve problems, or provide responses, or to best answer the inquiry: pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment Opportunity program, etc., and related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records are used by the Department of the Army to provide family assistance to service members (active duty/reserve/retired), civilian employees and their families in programs that affect family life. Statistical data may be provided commanders or managers at all levels of the Army in support of their functions or programs.

Information may be disclosed to bonafide Federal, state, or local social service or welfare organizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: At the primary site, records are maintained in manual files. At major Army commands and installations, information and data may be stored on magnetic tape, disk, cassette, or dataphone message tapes in addition to manual folders and on computer printouts.

RETRIEVABILITY: By individual's surname.

SAFEGUARDS: Records are maintained in buildings guarded by security personnel and rooms are secured by locked doors when not in use. During duty hours, records are used only by authorized personnel, with disclosure limited to agency personnel whose official duties require handling. Automated records are protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL: Information will be retained for 2 years following resolution of the problem or provision of information, after which it will be destroyed. Automated records used to provide statistical data may be retained indefinitely; however, individually identifiable data are purged within 2 years following the resolution of the problem or provision of information.

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army, Quality of Life Office, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE: Individuals wishing to inquire whether this system of records contains information about them should contact either the SYSMANAGER or the major Army command or installation to which initial inquiry was directed.

Written requests for information should include the full name, social security number, current address and telephone number of the requester.

For personal visits, the individual should be able to provide some acceptable identification such as valid driver's license, student or employer identification card, building pass, social security account card, etc.

RECORD ACCESS PROCEDURES: Individuals seeking access should follow the procedures in 'Notification procedure' above.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual; his/her family; social or welfare organizations under Federal, state, or local jurisdiction; official military/civilian records; other Components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0726.06DAAG

SYSTEM NAME: 726.06 Casualty Information System (CIS).

SYSTEM LOCATION: The Adjutant General's Office, Headquarters, Department of the Army, Casualty and Memorial Affairs Directorate, Casualty Services Division Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Army personnel who are reported as casualties in accordance with casualty notification procedures specified in Army Regulation 600-10.

CATEGORIES OF RECORDS IN THE SYSTEM: Computer data base contains information on casualties since 1961, including name, social security number (SSN), date of birth, branch of service, organization, duty, Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tapes, computer printouts, punch cards.

RETRIEVABILITY: By name, SSN.

SAFEGUARDS: All information is restricted to a secure area in buildings which employ security guards. Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General's Office, Headquarters, Department of the Army (ATTN: DAAG-PEC), Washington, DC 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER at the address given, or by telephoning Area Code 703, 325-7990.

RECORD ACCESS PROCEDURES: Written requests should contain the individual's name, current address and telephone number and should identify the person who is the subject of the inquiry by name, rank and SSN. Personal visits may be made to the Casualty Services Division, Office of the Adjutant General at Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, VA 22331. For personal visits, individual should provide acceptable identification such as military identification card, valid driver's license, or social security card.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records, for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (CFR Part 505).

RECORD SOURCE CATEGORIES: From casualty reports received from Army field commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0914.04aDASG

SYSTEM NAME: Research and Experimental Case Files

SYSTEM LOCATION: US Army Medical Research Institute of Chemical Defense (USAMRICD), Aberdeen Proving Ground, MD 21010.

Individual research/test/medical documents (paper records) are contained in individual's health record which, for reserve and retired military members, is at the US Army Reserve Components Personnel and Administration Center, St. Loúis, MO; for other separated military members, is at the National Personnel Records Center (NPRC), St. Louis, MO; for military members on active duty, is at the servicing medical facility/center; for civilians (both Federal employees and prisoners) is in a special file at NPRC.

As paper records are converted to microfiche, the original (silver halide) and 1 copy of the microfiche will be located at the Washington National Records Center; 1 copy will be located at The Surgeon General's Office (DASG-PSA), Headquarters, Department of the Army, Washington, DC 20310; 1 copy will reside with the Army contractor - the National Academy of Sciences; and 1 copy retained at the US Army Medical Research Institute of Chemical Defense.

Historical 16mm film and audio visual tapes are at Norton Air Force Base, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Volunteers (military members, Federal civilian employees, state prisoners) who participated in Army tests of potential chemical agents and/or antidotes from the early 1950's until the program ended in 1975.

CATEGORIES OF RECORDS IN THE SYSTEM: Individual pre-test physical examination records and test records of performance and biomedical parameters measured during and after test exposure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Sections 3012e and 4503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By the Department of the Army: (1) to follow up on individuals who voluntarily participated in Army chemical/biological agent research projects for the purpose of assessing risks/hazards to them, and (2) for retrospective medical/scientific evaluation and future scientific and legal significance.

Disclosed to the Veterans Administration in connection with benefits determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in individual's medical file folders; see 'system location' above for storage of microfiche, computer magnetic tapes and paper printouts, video tapes and 16mm film.

RETRIEVABILITY: Paper records in individual's health record are retrieved by surname and/or service number/ social security account number. Microfiche are retrieved by individual's surname. Film/video tape is accessed by case number and/or volunteer's number. Automated records are accessed by volunteer's number or case number.

SAFEGUARDS: Paper records and microfiche are kept in locked rooms/ compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to authorized user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to USAMRICD personnel assigned to work on the data base. Data base output is available only to designated computer operators at USAMRICD. Computer facility has double barrier physical protection. The remote terminal is in a room which is locked when vacated and the building is secured when unoccupied. The contractor (National Academy of Sciences) employs equal safeguards which meet Army standards for Privacy Act data.

RETENTION AND DISPOSAL: Records stored in the computer and on microfiche are retained indefinitely at the sites identified under 'system location'. Paper medical records in an individual's health record are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS: The Surgeon General, Headquarters, Department of the Army (DASG-PSA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE: Individuals wishing to inquire whether this system of records contains information about them should contact the Commander, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010. Written requests should include the full name, social security account number, current address and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc.

RECORD ACCESS PROCEDURES: Individuals seeking access should follow the procedures in 'Notification proceudure' above.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: From the individual through test/questionnaire forms completed at test location; from medical authorities/sources by evaluation of data collected previous to, during, and following tests while individual was participating in this research program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A0917.01aDASG

SYSTEM NAME: 917.01 Health Care and Medical Treatment Record System

SYSTEM LOCATION: Army Medical Department facilities/activities at addresses listed in the Directory of United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the United States Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

CATEGORIES OF RECORDS IN THE SYSTEM: Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: health; clinical (inpatient); outpatient; dental; consultation; and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files, inquiries/complaints about medical treatment or services rendered by the medical treatment facility, and patient treatment x-ray and index files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 1071-1085; Title 44 U.S.C., Section 3101; and Title 50 U.S.C., Supplement IV, Appendix 454, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM; INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH

USES: Department of the Army: To provide health care and medical treatment of individuals identified in the Individual-Category of this system of records. Information may also be used for research studies; compilation of statistical data and management reports; implementing preventive medicine, dentistry, and communicable disease control programs; adjudicating claims and determining benefits; evaluating care rendered; determining professional certification and hospital accreditation; and determining suitability of persons for service or assignment.

Department of Defense: To provide medical care to those categories of individuals covered by this record system; and to conduct analyses and research studies.

Veterans Administration: To adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such reasearch organizations and an accounting disclosure of records released thereto.

Local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175 and Title 42 U.S.C., Section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; visible card files; microfiche; cassettes; punched cards; computer printouts and magnetic tapes and disks; and x-ray film preservers.

RETRIEVABILITY: By last name or social security number (SSN) of patient or sponsor.

SAFEGUARDS: Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protectd by controlled system passwords governing access to data.

RETENTION AND DISPOSAL: Medical records of a permanent nature (as defined in Record-Category) are retained as follows:

- Military Health/Dental and Procurement/Separation X-ray Records: Permanent; Clinical (inpatient), Outpatient, Dental, and Consultation Record Files - Military members: Destroyed after 50 years (Records pertaining to United States Military Academy (USMA) cadets are withdrawn and retired to the Surgeon, USMA, West Point, NY 10996.); Civilians and Foreign Nationals: Destroyed after 25 years; American Red Cross personnel: Withdrawn and forwaded to the American National Red Cross.

All medical records (except the Military Health/Dental Records which are active while individual is on active duty then retired with individual's Military Personnel Records Jacket and the Procurement/Separation X-ray Records which are forwarded to the National Personnel Records Center (NPRC) on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of one to five years following treatment before being retired to the NPRC.

Subsidiary medical records, of a temporary nature (as defined in Record-Category), are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

SYSTEM MANAGER(S) AND ADDRESS: The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE: Information may be obtained from the medical facility where treatment was provided (for military and civilian records); Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington, DC 20006 (for American National Red Cross employees).

RECORD ACCESS PROCEDURES: Written requests should contain requester's full name, SSN, and current address/telephone number. Requests for information concerning inpatient treatment, furnish the name of the hospital and year of treatment.

Personal visits may be made to the medical facility where treatment was provided or to the American National Red Cross (whichever is appropriate). Individuals must provide personal identification such as a valid driver's license or military/civilian identification card.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Personal interviews and history statements from the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1012.03bDARCOM

SYSTEM NAME: 1012.03 Student/Faculty Records-DARCOM Schools System

SYSTEM LOCATION: U.S. Army Logistics Management Center, Ft Lee, VA; U.S. Army Management Engineering Training Agency, Rock Island, IL; Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD; USAMC Ammunition Center/School, Savanna, IL; USAMC Field Safety Agency, Charlestown, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Students enrolled/attending schools identified under 'System location', faculty, instructors, and guest speakers.

CATEGORIES OF RECORDS IN THE SYSTEM: Student academic records, consisting of course completions and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, including biographical data; class historical/academic achievements; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C., Section 301.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records and cards, photographs, computer magnetic tapes and printouts.
RETRIEVABILITY: By name, social security number (SSN), military service number.
SAFEGUARDS: Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know.
RETENTION AND DISPOSAL: Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St Louis, MO 63132. Faculty/instructor qualifications records are retained until individual transfers from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed, at which time they are destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Commandant, US Army Logistics Management Center, Ft Lee, VA 23801; Director, US Army Management Engineering Training Agency, Rock Island, IL 61201; Director, Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD 21105; Director, USAMC Ammunition Center/School, Savanna, IL 61074; Director, USAMC Field Safety Agency, Charlestown, IN 47111.
NOTIFICATION PROCEDURE: Information may be obtained from the Commandant/Director of the appropriate School/Agency. Requests should contain individual's full name, rank/grade, SSN, course title/class number, and date of attendance or, if a faculty member: name, course(s) taught, and period in which instructed at named training facility.
RECORD ACCESS PROCEDURES: Written requests for information should be made to the Commandant/Director of the appropriate training facility, giving information listed under 'Notification procedure'.
CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).
RECORD SOURCE CATEGORIES: From the individual student, faculty, instructor, guest speaker, and management analyses of class performance.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1012.03dTRADOC

SYSTEM NAME: TRADOC Educational Data Systems
SYSTEM LOCATION: Central computer facility located at United States Army Management Systems Support Agency (USAMSSA), Headquarters, Department of the Army.

Input-output terminals located at US Army Armor School, Ft Knox, KY; US Army Quartermaster School, Ft Lee, VA; US Army Engineer School, Ft Belvoir, VA; US Army Transportation School, Ft Eustis, VA; US Army Air Defense School, Ft Bliss, TX; US Army Field Artillery School, Ft Sill, OK; US Army Intelligence Center and School, Ft Huachuca, AZ; US Army Ordnance Center and School, Aberdeen Proving Ground, MD; US Army Institute for Military Assistance, Ft Bragg, NC; US Army Missile and Munitions Center and School, Redstone Arsenal, AL: US Army Chaplain Center and School, Ft Monmouth, NJ; US Army Signal School, Ft Gordon, GA; US Army Military Police School, Ft McClellan, AL; US Army Infantry School, Ft Benning, GA; US Army Soldier Support Center, Ft Benjamin Harrison, IN.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a resident/non-resident course at a US Army service school.
CATEGORIES OF RECORDS IN THE SYSTEM: Files contain name, grade or rank, social security number (SSN), address, component, branch personnel classifications, military occupational specialty (MOS), credit hours accumulated, examination and lesson grades, student academic status, student curricula, course description.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012(B) and (G).
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Designated administrative and academic personnel at US Army Training and Doctrine Command (TRADOC) headquarters and service schools use student records to record lessons and/or exam grades, maintain student academic status, maintain course and subcourse descriptions, produce management summary reports. For non-resident applicants, records are used to produce course completion certificates and reflect credit hours earned.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Computer magnetic tapes or disks and computer paper printouts.
RETRIEVABILITY: Individual records may be retrieved by SSN.
SAFEGUARDS: Random number sign on authentication for each inquiry made to the system is required. SIGNON decks to enable such access are updated weekly, safeguarded under Army Regulation (AR) 380-5 due to their Confidential classification and are unique to one TREDS terminal only. Access is granted only designated personnel at Headquarters TRADOC and Army Service Schools responsible for the administration and processing of resident students.
RETENTION AND DISPOSAL: Machine records are retained during student's entire enrollment, which can vary from a few weeks to a year, depending on the course length. After a course has been completed, the student's records are transferred to the Academic Records System History File where student's records are maintained indefinitely. Non-resident students are assigned a 6 month enrollment period or, if in multiple subcourses, an enrollment period of one year. A hard copy transcript reflecting the student's personal and academic data is produced. The hard copy is retained by the service school for 4 years, then it is transferred to a records holding area on the installation housing the service school and retained for 2 years. It is then transferred to the National Personnel Records Center, St. Louis, MO, where it is retained for 34 years, then destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Deputy Chief of Staff for Individual Training, Headquarters, US Army Training and Doctrine Command, Ft Monroe, VA 2365l.
NOTIFICATION PROCEDURE: Information may be obtained from the Commandant of the US Army Service School where student is enrolled. Written requests must contain notarized signature for identification. Individual making request in person must provide acceptable identification (driver's license, military identification).
RECORD ACCESS PROCEDURES: Request from an individual for stored data

concerning himself/herself may be made in writing or in person to the Commandant of the school in which he/she is enrolled.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Information is collected from individuals upon enrollment, from class records and instructors, from student's personnel records, and from graded examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1014.01DAAG

SYSTEM NAME: Army Continuing Education System

SYSTEM LOCATION: Education Centers at Army installations; addresses are in the appendix to the Army's inventory of system notices.

Decentralized segment of the college transcript registry is being developed and will be maintained at a DOD Data Processing Installation (DPI).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty military personnel, including the Army reserves and National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM: Documents reflecting name, rank, social security number (SSN), MOS, and educational level of the individual, to include student transcripts, grade slips, course attendance records, tuition assistance and independent study enrollment applications, records of counseling, academic and diagnostic tests including results of Armed Forces Vocational Aptitude Battery and other tests designed to measure educational levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 4302; Pub. L. 96-154, 89-358, and 94-502.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used by the Army to (1) determine academic/vocational level of education and provide appropriate counseling and educational instruction to raise soldier's competency to a higher level of job performance, military skills, and career growth; (2) to accrue statistical data and produce related management reports.

Disclosed to the Department of Labor, Bureau of Apprenticeship and Training for individuals enrolled in an Army Apprenticeship Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records and computer printouts in file cabinets; disks and tapes. Computer stored data are erased after managerial reports are compiled and individually identifiable course data and scores are transferred to DA Form 669.

RETRIEVABILITY: By individual's surname or SSN.

SAFEGUARDS: Records are protected from unauthorized disclosure by their storage in areas accessible only to authorized personnel within buildings secured by locks. Automation is done in on-line equipment; physical safeguards of the computer site meet security classification requirements up to and including secret; a site risk analysis was performed. Terminals are supported by remote and dedicated lines. Each terminal has a physical key lock; each terminal is identified by its own physical profile containing user ID, user password; passwords are confidential. Software prohibits entry to files by other than authorized personnel. Remote sites have been appraised for physical security.

RETENTION AND DISPOSAL: Automated data are erased after selected information is captured for managerial reports and course/score data transferred to individual's DA Form 669 which becomes part of the Military Personnel Records Jacket (a permanent document).

SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army (Education Directorate), Alexandria, VA 22331.

NOTIFICATION PROCEDURE: Individuals desiring to know whether this system of records contains information about them may contact either the System Manager or the installation Education Services Officer/Counselor.

RECORD ACCESS PROCEDURES: Individuals may obtain their records by contacting the appropriate Education Services Officer or Counselor by presenting identification such as military ID card, official building pass, or current driver's license.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: School transcripts, Education Services Officer/Counselor, the individual, test results, SIDPERS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1111.01aDAPC

SYSTEM NAME: 1111.01 Individual Flight Record File

SYSTEM LOCATION: Primary System: United States Army Military Personnel Center (DARC-OPA-J), 200 Stovall Street, Alexandria, VA 22332.

Decentralized Seqments: Each command/organization/element of the United States Army in which an aviator pilot, aircraft observer, technical observer, flight engineer, crew chief, aircraft mechanic, flight surgeon, flight medical attendant, aerial photographer, gunner, student pilot, co-pilot, or instructor pilot is assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: US Army personnel in aviation service, who are prohibited by statute from participating in aerial flight; foreign students; flight crews; observers; technicians; flight medical personnel; photographers; gunners; mechanics; National Guard aviators; US Army Reserve Aviators; student pilots; other personnel authorized to take part in aerial flights and for whom the Army has responsibility for certifying and keeping flight record files.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains flight record and certificates, DA Forms 759 and 759-1; medical clearance for flying; physical examination; documentation of medical suspension/restrictions/waivers; orders relating to flying status, aeronautical designation, instructor, instructor standardization, suspension nonmedical records, forms, papers relating to the issue; renewal/invalidation of instrument qualification; documents relating to orientation, qualification, and proficiency to include annual examination results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by the Department of the Army to document qualifications, aviation service, medical condition of aviators, aircraft accidents, flight violations, aviation training, examination results, improvement of subsequent examinations; to provide recommendations for appropriate changes in US Army aviation training; to support courts-martial actions, claims against the government, or accident investigation reports.

Disclosed to Federal Aviation Agency to maintain file of violations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folder; on microfilm, microfiche, magnetic tape, and aperture cards.

RETRIEVABILITY: Records accessed by name, social security number (SSN), and/or branch of service.

SAFEGUARDS: Records maintained in areas accessible only to authorized flight operations personnel who are cleared, screened and trained.

RETENTION AND DISPOSAL: Documents relating to flight examinations will be destroyed after 2 years. Documents relating to flight regulation violations will be destroyed 1 year after the case is closed. All other documentation will be forwarded with individual personnel records to gaining installation or when individual is retired, discharged, resigned, inactive, deceased or suspended (for longer than 6 months), records will be forwarded to Commander, US Army Reserve Components Personnel and Administration Center (RCPAC), 9700 Page Boulevard, St Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS: Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE: Information may be obtained from:

Individual's command/organization/element of the United States Army for all active Army, National Guard, and Army Reserve flying status personnel.

US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd, St Louis, MO 63112 for all separated, retired, deceased flying status personnel.

RECORD ACCESS PROCEDURES: Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain full name, SSN, grade, branch of service, and current address.

For personal visits, persons should be able to provide acceptable official military/civilian identification.

CONTESTING RECORD PROCEDURES: The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Training and qualification records initiated by the individual or training agency. Certificates/documents/records/papers/forms originated by commands/organizations/Army elements relating to aviation activities. Examinations/statements/records/reports initiated by medical examining facilities; Instrument Flight Examiners; and investigative reports of alleged flight violations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1201.02MTMC

SYSTEM NAME: Personal Property Movement and Storage

SYSTEM LOCATION: Installation Transportation Offices and Joint Personal Property Shipping Offices, world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military members of the Army, Navy, Marine Corps and Air Force; civilian employees; dependents; personnel of other government agencies when sponsored by Department of Defense (DOD).

CATEGORIES OF RECORDS IN THE SYSTEM: Orders authorizing shipment/storage of personal property to include privately owned vehicles (POV) and house trailers/mobile homes; Department of Defense (DD) Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form 1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), Standard Form 1103 (Government Bill of Lading), Storage contracts, and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: DOD: To arrange for the movement, storage and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

Commercial carriers: To identify ownership, verify delivery of shipment, support billing for services rendered and justify claims for loss, damage, or theft.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, microfilm, magnetic tapes, and computer printouts.

RETRIEVABILITY: Last name of individual.

SAFEGUARDS: Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers/passwords.

RETENTION AND DISPOSAL: Documents relating to packing, shipping and/or storing of household goods within continental United States destroyed after 3 years; those relating to oversea areas destroyed after 6 years. Documents regarding shipment of POV/house trailers destroyed after 2 years. Shipment discrepancy reports destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Headquarters, Military Traffic Management Command, Washington, DC 20315.

NOTIFICATION PROCEDURE: Information may be obtained from the Installation Transportation Office which processed the shipping/storage documents.

RECORD ACCESS PROCEDURES: Written requests should contain requester's full name, social security number, current address/telephone number and any information which will be of assistance in locating the records requested (e.g., type of shipment, origin, destination, date of application, etc.).

Personal visits may be made to the Installation Transportation Office from which or to which personal property was shipped/stored. Individual must provide personal identification such as a valid driver's license or military/civilian identification card.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Provided by the individual whose personal property is shipped/stored; by the carrier/storage facility.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1205.16DAPC

SYSTEM NAME: 1205.16 Passport and Visa Files

SYSTEM LOCATION: United States (US) Army Service Center for the Armed Forces (USASCAF), ATTN: ANRDP-P, Washington, DC 20310; Installation passport offices, usually located in the installation transportation division, or activity passport agents.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: DOD military and civilian personnel and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains copy of Form DSP-11 (Passport Application), DD Form 1056 (Authorization to Apply for a 'No-Fee' Passport and/or Request for Visa), evidence of US citizenship, passports, photographs, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To the State Department and appropriate foreign embassy, as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Card file, paper records in file folders.
RETRIEVABILITY: Alphabetically, by individual's surname.
SAFEGUARDS: Only authorized persons have access to file areas. Official passports are stored in a secure area or container at installation when not in use for official travel.
RETENTION AND DISPOSAL: DD Form 1056 and DSP Form 11 are retained for 1 year after which they are destroyed; other documents are destroyed after 3 months.
SYSTEM MANAGER(S) AND ADDRESS: Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the office that processed the request for passport/visa.
CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).
RECORD SOURCE CATEGORIES: From the individual, official orders, and personnel records.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1205.30aDAAG

SYSTEM NAME: Individual Travel Files
SYSTEM LOCATION: Travel offices at installations, major commands, and Army Staff Agencies. Addresses are listed in the Appendix to the Army's Inventory of System Notices (44 FR 73702), December 17, 1979.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Army military (active and reserve) and civilian personnel, US Government personnel assigned to Army and other military installations, their dependents and bona fide members of individual's household, and US personnel traveling under Army sponsorship, including contractors.
CATEGORIES OF RECORDS IN THE SYSTEM: Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave enroute, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport on completion of authorized travel, security clearance and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/or Department of State authorization pursuant to DOD Directive 5000.7, AR 1-40, or other established military requirement applying in oversea commands for personal unofficial travel in certain foreign countries.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C., sections 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By the Department of the Army to process official travel requests (and personal travel to restricted areas if in oversea commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries. Information may be disclosed to attache' or law enforcement authorities of foreign countries; to US Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders.
RETRIEVABILITY: Alphabetically by surname of individual.
SAFEGUARDS: Records are maintained in areas accessible only to authorized persons who are properly screened, cleared, and trained. Buildings in which records are housed are either located on controlled access post or otherwise secured when offices are closed.
RETENTION AND DISPOSAL: Records are retained for 2 years after which they are destroyed.
SYSTEM MANAGER(S) AND ADDRESS: The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.
NOTIFICATION PROCEDURE: Information may be obtained from the Administrative or Personal Services Office of the installation/major command at which travel request/clearance was initiated.
RECORD ACCESS PROCEDURES: Individuals may submit written requests for information in this system to the appropriate decentralized record custodian, furnishing full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of records may require notarized statement of identity.
CONTESTING RECORD PROCEDURES: The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).
RECORD SOURCE CATEGORIES: From the individual requesting travel authorization/clearance and from existing records.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

A1416.16DALO

SYSTEM NAME: Hand Receipt Files
SYSTEM LOCATION: Property book offices and supply rooms at most Army activities throughout the world. Addresses for Department of the Army activities are available following the annual compilation of Army system notices published in the Federal Register.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual, citizen or non-citizen, military or civilian, who assumes temporary custody or responsibility for United States (US) Government or other property.
CATEGORIES OF RECORDS IN THE SYSTEM: File contains receipts reflecting acceptance of responsibility for items of property listed thereon. Included are individual receipts and listings.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10 U.S.C., Section 3012.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: File is maintained as a record of property in use or in custody of individuals.

Utilized by accountable officers as an audit trail for property responsibility.

Used in investigations to determine responsibility for lost, damaged, or stolen property.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape, disc and paper records in file folders.
RETRIEVABILITY: Filed alphabetically by last name of individual, SSN, menue number, line number, and size.
SAFEGUARDS: Records are maintained in locked cabinets or locked areas accessible only to limited authorized personnel. Computer magnetic tape and disc files used solely within data processing system and protected by the installations security measures and safeguards.

RETENTION AND DISPOSAL: File is maintained only while property is in use by or in the custody of an individual.

File is destroyed on turn-in or other complete accounting for the property, or when superseded by a new receipt or listing. Computerized listings are purged from the system upon turn-in of property.

SYSTEM MANAGER(S) AND ADDRESS: Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE: Information may be obtained from activities issuing hand receipts.

Written requests for information must contain the full name of the individual, social security number for a citizen, other identifying number for a non-citizen, and current address and phone number.

For personal visits, individuals may contact designated representatives of activities issuing hand receipts.

RECORD ACCESS PROCEDURES: Individual may review his/her record by visiting designated representatives of or writing to the activity issuing hand receipts.

CONTESTING RECORD PROCEDURES: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES: Hand receipt, either on printed form or on plain paper, signed by the individual accepting responsibility for US Government or other property.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

OFFICE OF THE SECRETARY OF DEFENSE

DATSDO1

SYSTEM NAME: Files of Personnel Evaluated for Presidential Support Duties.

SYSTEM LOCATION: Primary System-Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

Decentralized Segments-Designated security offices within OSD, OJCS, the Services, and service units having Presidential support duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty military personnel, DoD civilian employees, and DoD contractor personnel nominated for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM: Forwarding memorandum from the originating agency summarizing the case and making recommendations of the personnel nominated for assignment to Presidential support duties.

Quarterly reports of personnel within the Presidential support program submitted by each agency involved in the program. Reports contain two parts, an alphabetical listing of those persons currently approved for Presidential support and an alphabetical listing of those persons terminated during the current quarter.

Card file of all personnel (active and inactive) in the Presidential support program. Card includes name, grade, Social Security Number, organization, dates of investigations, and the dates of forwarding action from the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, to the Military Assistant to the President, and then back to the originating agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10, US Code, Section 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Nomination files are collected to evaluate the background, character, and qualifications of persons nominated for assignment to Presidential support duties. Files are reviewed within the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, forwarded to the Military Assistant to the President, returned to the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, and then returned to the originating agency.

Quarterly reports are required to insure that only those persons who have been properly cleared are utilized in the Presidential support program. Reports are received in two copies, one is retained in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, and one is forwarded to the Military Assistant to the President.

Card files provide a complete reference capability of all personnel involved in the Presidential support program. They are used to identify the unit of assignment of each individual and to provide a cross-reference to the dates that the corresponding nomination file was acted upon. From these dates, the appropriate forwarding memorandum can be located.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; cards in card files.

RETRIEVABILITY: Nomination folders are not filed by the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Quarterly reports are filed according to the originating agency.

Card files are filed alphabetically by last name of individual considered for Presidential support duties.

SAFEGUARDS: Nomination folders are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Quarterly reports are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Card files are stored in metal file cabinets in a locked room.

All records are accessible only to authorized personnel, who are properly trained and cleared on a strict need-to-know basis.

RETENTION AND DISPOSAL: Nomination files are returned to originator upon selection/non-selection.

Quarterly reports are retained for six months and then destroyed.

Card files are maintained during the entire period an individual is cleared in the program; inactive cards are maintained at least five years after termination.

SYSTEM MANAGER(S) AND ADDRESS: Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Requests from individuals should be addressed to the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Written requests for information should contain the full name of the individual, Social Security Number, and unit of assignment within the Presidential support program.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, military identification card, or civilian employee or building access identification card.

RECORD ACCESS PROCEDURES: Procedures for gaining access by an individual may be obtained from the following:

Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of
Defense
Room 3E941
Pentagon
Washington, D.C. 20301
Telephone: Area Code 202/695-0028

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents of records and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Nomination files are submitted by the agency at which the individual is nominated for assignment to Presidential support duties.

Quarterly reports are submitted by each agency with a Presidential support mission.

Card files are originated in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, extracting pertinent information from the nomination folders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DCOMP MS01

SYSTEM NAME: Training Records.

SYSTEM LOCATION: Primary System - Office of the Deputy Assistant Secretary of Defense (Management Systems)(ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D. C. 20301.

Decentralized Segments - Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM: File contains name, birthdate, service computation date, grade, training completed since 6-30-72, and training desired.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Information is used by the DASD(MS), his Principal Assistant, and Directors for planning, training of ODASD(MS) personnel.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in looseleaf folder.

RETRIEVABILITY: Filed by Directorate.

SAFEGUARDS: Records are kept in locked office with access available only to authorized personnel.

RETENTION AND DISPOSAL: Files are active and are kept current. Out-of-date material disposed of periodically.

SYSTEM MANAGER(S) AND ADDRESS: DASD (Management Systems), Room 3E831, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:
DASD(MS)
Room 3E831
Pentagon
Washington, D. C. 20301
Telephone: 202-695-3424

RECORD ACCESS PROCEDURES: Requests from personnel should be addressed to Office of the Assistant Secretary of Defense (Comptroller), ODASD(MS), Room 3E831, Pentagon, Washington, D. C. 20301, including personal identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Personnel questionnaire responses, individual development plans and OF Form 170.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DCOMP MS03

SYSTEM NAME: Personnel Records

SYSTEM LOCATION: Primary System - Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

Decentralized Segments - Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM: File contains name, birthdate, social security number, veteran's preference, tenure group, service computation date, retirement, FEGLI, education, previous employment, additional skills and awards, current employment record within MS, grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Information is used by the DASD(MS), his Principal Assistant, and Directors for personnel administration within the management responsibilities of ODASD(MS).

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Record card in KARDEX file; paper records in file folder.

RETRIEVABILITY: Filed alphabetically by last name of personnel.

SAFEGUARDS: Records are kept in safe files with access available to only authorized personnel.

RETENTION AND DISPOSAL: Files are active and are kept current to reflect current personnel situation. Out-of-date material is disposed of periodically.

SYSTEM MANAGER(S) AND ADDRESS: DASD (Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:
DASD(MS)
Room 3E831
Pentagon
Washington, D.C. 20301
Telephone: 202-695-3424

RECORD ACCESS PROCEDURES: Requests from personnel should be addressed to Office of the Secretary of Defense, ODASD(MS), Room 3E831, Pentagon, Washington, D.C. 20301, including personal identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: ODASD(MS) personal questionnaire responses; personnel action forms; form SF 7, 'Service Record'.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DCOMP MS06

SYSTEM NAME: Civilian Pay Time and Attendance Report.

SYSTEM LOCATION: Primary System - Office of the Deputy Assistant Secretary of Defense (Management Systems)(ODASD(MS)), Office of the Assistant Secretary of Defense

(Comptroller) (OASD(C)), Pentagon, Washington, D. C. 20301.

Decentralized Segments - Four Management Systems Directorates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel in ODASD(MS).

CATEGORIES OF RECORDS IN THE SYSTEM: Contains employee's name, organization code, employee's number, social security number, pay period, hours worked this pay period (regular, night differential and overtime, holiday and compensatory by day and pay period), leave taken this pay period (annual, sick, compensatory, AWOL, LWOP/SUSP and other by day and pay sick leave, employee initials for leave taken, supervisors' signature and extension for certification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 136, and Section 112A of Budget and Accounting Procedures Act of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Used as an office record of employees time and attendance. Also used by the Department of the Air Force, Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch, to prepare payrolls, employee checks, and earning and leave statements.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Maintained in a notebook. Also, cards maintained in envelopes/file folders are stored in timekeeper's official file cabinets.

RETRIEVABILITY: Filed by pay period in sequence by employee's last name. Employee card is selected to post hours of leave taken and hours worked each pay period.

SAFEGUARDS: Notebooks and cards are maintained and used by officially authorized personnel and are kept in secured filing facilities.

RETENTION AND DISPOSAL: Exception data is posted as it occurs and the complete posting and certification is accomplished at the end of the pay period. Completed certified cards are hand carried by each timekeeper to ODASD(MS) office. The cards are then forwarded to the Personnel Data Branch. Notebooks are maintained for the leave year. Disposition of the yearly records is made at the beginning of each new leave year.

SYSTEM MANAGER(S) AND ADDRESS: DASD(Management Systems), Room 3E831, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:

DASD(MS)
Room 3E831
Pentagon
Washington, D.C. 20301
Telephone: 202-695-3424

RECORD ACCESS PROCEDURES: Requests from personnel should include personal identification and be addressed to: Office of the Deputy Assistant Secretary of Defense (Management Systems)(ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller)(OASD(C)), Pentagon, Washington, D. C. 20301.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Employees' presence on the job; leave approval (verbal or documented); overtime approval memoranda; physician certificate; and official holidays. The Time and Attendance Report is posted from Civilian Pay Time and Attendance Report, AF Form 1278.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DMRA&L 02.0

SYSTEM NAME: Educator Application Files.

SYSTEM LOCATION: Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DoDDS), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia 22331 and manual records at the six DoDDS regional personnel offices. A terminal is located in the Hoffman Building complex. Automated records are maintained at the main computer site which is operated by the Service Bureau Company (SBC) located in Columbus, Ohio.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Prospective teachers applying for positions within the DoDDS system and current DoDDS teachers and educators applying for either interregional transfers or positions in the DoDDS Educator Career Program.

CATEGORIES OF RECORDS IN THE SYSTEM: Prospective Teachers: Files contain all papers and forms relating to the individual's application for employment to include Personal Qualification Statement (SF 171), Supplemental Application of Employment with DoDDS (DS Form 5010), Professional Evaluation, DoDDS (DS Form 5011), DoDDS-Application Index (DS Form 5012), interviewer's worksheets, official college transcripts, copy of teaching certificates, copy of birth certificate, and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individual's application. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material retained at the region). Also included are miscellaneous worksheets and correspondence relating to the application.

Educator Career Program Applicants: Files contain all papers and forms relating to the individual's application to include: DoDDS Educator Career Program Application (DS Form 5080), DoDDS Assessment of Potential (DS Form 5081), DoDDS Educator Career Program Rating Sheet (DS Form 5082), and miscellaneous worksheets and correspondence relating to the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Laws 86-91 and 95-561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within the DoDDS system (including new teachers, interregional transfers, and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, interviewers' ratings.

Department of the Army, Air Force, and Navy Staff Agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personnel Offices necessary documentation for placing individual on rolls.

Any individual's records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

The SBC which operates the automated system.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders are stored at the DoDDS personnel, office or regional offices; some files are supported by automated files which are maintained on disks and/or tapes at the central computer site.

RETRIEVABILITY: The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (assigned chronologically upon input). Also, any combination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user indentification numbers and passwords to access the system via terminal.

SAFEGUARDS: Paper records are maintained in files which are accessible only to authorized personnel.

a. Description of automated process. Current hardcopy records of information and disks are maintained in the DoDDS personnel office where access can be controlled. The office is locked after normal duty hours and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. Physical safeguards. A high-speed remote batch terminal, used for this system, is located in the DoDDS personnel office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records are controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and passwork system. The central computer site is owned and operated by the SBC which has a complex security system. The site is guarded 24 hours a day, year-round, and employs a system of electronic locks, alarm systems, closed-circuit television, and intercom devices to preclude access by unauthorized personnel. All visitors are registered, escorted, and accounted for at all times. SBC has a back-up power supply so that the system will remain on-line during power shortages. Back-up tapes are run daily, weekly, and monthly and stored in fireproof vaults. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

c. Remote terminal access. Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by SBC; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized SBC personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of employee which has knowledge of it.

d. Storage Media. Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained by SBC is on disks and magnetic tape.

e. Risk analysis. The main computer site is adequately secure for storage of personal information. SBC is bound to uphold all provisions of the Privacy Act in accordance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

RETENTION AND DISPOSAL: Prospective Teachers: Records are retained for recruitment period (no more than 1 year). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy are appropriate for processing.

Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Edcuator Program Applicants: Applications are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes at SBC are erased every 6 months via complete overwriting. Archive tapes after release by user are degaussed. When released by user, all bytes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e., never leave the office and are never used by another system).

SYSTEM MANAGER(S) AND ADDRESS: Ms. Marilee Sprenkle, Chief, Teacher Recruitment Section, Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone (202) 325-0885.

NOTIFICATION PROCEDURE: Information may be obtained from:

Chief, Teacher Recruitment
DoD Dependents Schools, Room 120
2461 Eisenhower Avenue
Alexandria, Virginia 22331
Telephone: (202) 325-0885

RECORD ACCESS PROCEDURES: Requests from individuals for their own files should be sent to the address indicated in 'Notification Procedure' section, above. Written requests for information should contain the full name and address of the individual and a notarized signature.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is obtained from the individuals concerned, current and past employers, and educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DMRA&L 09.0

SYSTEM NAME: Defense Equal Opportunity Management Institute.

SYSTEM LOCATION: Primary Location - Bldg. 559(MU811) Patrick AFB, Fla. 32925.

Hard copy backup file for students in active status, and for former students, the location is Deputy Director for Special Programs, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All current or former students at the Defense Equal Opportunity Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM: Life history summary, name, race, age, military organization, test and examination scores and forms, peer group and instructor ratings, advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH

USES: The purpose of the file is to evaluate the progress of students enrolled at the Defense Equal Opportunity Management Institute and to create a permanent record of academic accomplishment.

INTERNAL USERS, USES, AND PURPOSES

The Defense Equal Opportunity Management Institute - Used by advisors in counseling students, to verify attendance and grades to colleges and universities; to select instructors; to make decisions to release students from the program.

Used by students to evaluate their programs.

Any individual records in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

Records may be disclosed to law enforcement or investigatory authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Primary file is magnetic computer tape. Backup files are paper records in file folders.

RETRIEVABILITY: Files are sequenced alphabetically by last name by class.

SAFEGUARDS: Primary location is a controlled access area. Backup files - storage is in locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL: Permanent.

SYSTEM MANAGER(S) AND ADDRESS: Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

NOTIFICATION PROCEDURE: Information may be obtained from:

Director, Defense Equal Opportunity Management Institute
Patrick AFB, Fla. 32925
Telephone: 305-494-6976

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

Written requests for information should contain the full name, current address and telephone number, and class of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as military ID card or driver's license.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by the individual, student peers, instructors, counselors, and examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DMRA&L 15.0

SYSTEM NAME: Reports of Defense Related Employment.

SYSTEM LOCATION: Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Retired or former military officers in grades of major or lieutenant commander or above and former civilian officers and employees of the Department of Defense employed at or above the minimum salary of GS-13, who, during any of the first three years after termination of service or employment with the Department of Defense, are employed at fifteen thousand dollars or more per year by a Defense contractor who, during that year, was awarded contracts by the Department of Defense totaling ten million dollars. Also covered are current officers and employees of the Department of Defense employed at or above the minimum salary level of GS-13, who within the preceding three years were employed by such a Defense contractor.

CATEGORIES OF RECORDS IN THE SYSTEM: Copies of report DD Form 1787 completed by individuals covered by the system and forwarded to the Department of Defense describing their employment with the Department of Defense and with the Defense contractor and a listing showing the names of individuals who submitted completed DD Form 1787.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: The system was established and is maintained as required by Public Law 91-121, section 410, approved November 19, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The records are available for public inspection in accordance with the specific terms of section 410(f) of Public Law 91-121. There is no limitation or restriction on use by the public of the information contained in the report.

Section 410 (d) of Public Law 91-121 requires the submission to the President of the Senate and Speaker of the House of Representatives by December 31 of each year of information in the reports submitted by individuals during the preceding Fiscal Year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: In metal file cabinet.

RETRIEVABILITY: Alphabetical by name of individual.

SAFEGUARDS: Maintained in unlocked file cabinet when not in use.

RETENTION AND DISPOSAL: Retire to WNRC when three years old. Destroy when 10 years old.

SYSTEM MANAGER(S) AND ADDRESS: The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Any individual who desires to know whether a report DD Form 1787 submitted by him is on file may address a letter inquiry to the SYSMANAGER, Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Pentagon, Washington, D.C. 20301. Inasmuch as the reports are available for public inspection no proof of identity is required.

RECORD ACCESS PROCEDURES: On request of any individual the reports on file are made available for inspection in the office of the SYSMANAGER, Room 3C980, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: The individual submitting the DD Form 1787.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DMRA&L 19.0

SYSTEM NAME: Automated Career Management System (ACMS) DD-M(AR)1456.

SYSTEM LOCATION: Primary System--DoD Centralized Referral Activity, 1507 Wilmington Pike, Dayton, Ohio 45444.

Decentralized System--Defense ADP Resources Office, Cameron Station, Alexandria, Virginia 22314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Department of Defense civilian career program employees GS-5 or higher and former employees; and DoD Senior Executive Service Candidates.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, home and work addresses, Social Security Number (SSN), educational background, work experience, grade and salary, occupation, age, special

qualifications, awards, military reserve status, and supervisory appraisals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, United States Code, Sections 301 and 302, which authorize Agency Heads to: establish civilian personnel management programs; maintain files and records necessary to operate such programs; and delegate civilian personnel management authorities to subordinate officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: This system provides a list of eligible candidates qualified to fill position vacancies normally at GS-13 and higher grade levels and to provide information for program analyses and management.

INTERNAL USERS, USES, AND PURPOSES

All DoD Civilian Personnel Offices and the DoD Components serviced by these offices are required to submit job vacancies to designated occupation series against Automated Career Management System (ACMS), for the generation of a list with resumes of qualified candidates for consideration by a selection panel and others.

Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy)-Used for statistical analyses of civilian work force, and management and evaluation of specific employment programs within the Department of Defense.

Any individual records contained in the system may be transferred to any component of the Department of Defense having the need-to-know in the performance of official business.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defenae (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Disc packs.

RETRIEVABILITY: Retrievable by occupation, Social Security Number (SSN), name, specific skills, educational background, or training background.

SAFEGUARDS: The location is identified as a secure area; access is through electrically controlled doors and cypher locks; disc packs are stored in a vault when not in use.

RETENTION AND DISPOSAL: Active records are maintained up to one year after termination of the individual's employment with the Department of Defense, or upon notification that the individual no longer is employed in a position for which registration is required. Inactive records of personnel are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Director of Staffing and Career Management, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D264, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3402.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Written requests from individuals should be addressed to Director, Centralized Referral Activity, DoD-CRA-R, 1507 Wilmington Pike, Dayton, Ohio 45444.

For personal visits, the individual should be able to provide some acceptable form of identification, such as a driver's license.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Data are obtained from records subjects, from their official personnel folders, and from supervisory appraisals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DMRA&L 22.0

SYSTEM NAME: DoD Dependent Children's School Program Files.

SYSTEM LOCATION: Active Students - DoD operated overseas dependents schools, regional offices, and the Office of Dependents Schools (ODS), Alexandria, Virginia.

Former High School Students - Permanent records (high school transcripts) are retained at the school for 4 years subsequent to graduation, transfer, or termination, then forwarded to the regional office for 1 year where they are compiled and forwarded to the Washington National Records Center (WNRC) except Panama. Records for the Panama region are retired to the East Point, Georgia, Federal Archives Records Center (FARC).

Former Panama Canal College Students - Permanent records (college transcripts) are retained at the college for 10 years, then retired to East Point FARC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Students in the DoD operated overseas dependent schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Enrollment files:

Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preference, admission cards, drop cards, and similar or related documents.

B. Daily attendance register files:

Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers and similar or related documents.

C. Elementary school academic records:

Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student and the teachers' comments. Included are forms, notes, and similar or related documents.

D. Elementary school report card files:

Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

E. Elementary school teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

F. Elementary school student files:

Documents pertaining to individual elementary school students. Included in each folder are reading and health records; individual education plans; intelligence quotient; achievement, aptitude, and similar test results; notes related to pupil's progress and characteristics; and similar matters used by counselors and successive teachers.

G. Secondary school absentee files:

Documents reflecting absence of students. Included are homeroom teachers' registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change of classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

H. Secondary school academic record files:

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

I. Secondary school report card files:

Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

J. Secondary school teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness, and withdrawal data. Included are class

registers and similar or related documents.

K. Secondary school class reporting files:

Documents reflecting teacher reports to principals and used as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

L. Credit transfer certificate files:

Documents reflecting secondary school scholastic credits earned. Included are certificates and similar or related documents.

M. Secondary school student files:

Documents pertaining to individual secondary school students. Included in each folder are student health records; individual education plans; absence reports and correspondence with parents pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and miscellaneous memorandums used by student counselors.

N. College absence, withdrawal, and add files:

Student applications for permission to be absent from final exams. Student drop and add class records and administrative withdrawal letter.

O. College academic record files:

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

P. College report card files:

Documents reflecting scholastic grades and promotion or failure. Included are report cards and related documents.

Q. College teacher class register files:

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and withdrawal data. Included are class registers and similar or related documents.

R. College class reporting files:

Documents reflecting teacher reports to Registrar and used as source documents for preparing college transcripts. Included are forms, correspondence, and similar or related documents.

S. Credit transfer certificate files:

Documents reflecting college scholastic credits earned. Included are certificates and similar or related documents.

T. College students files:

Documents pertaining to individual college students. Included in each folder are absence reports, records of achievement, and aptitude tests.

U. Automated support files:

Automated data files are composed of records containing the following information (varies by regional system): student registration data-student identification number, student name, sex, grade level, bus number, date of enrollment, date of birth, course numbers and names, teacher, credit, grades received, dates of absences, and sponsor's name, status, rank, date of rotation, organization, location of unit, local address, emergency address and phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Recurring provisions of the DoD Appropriations Act and Department of Defense Directive 1342.6, 'Department of Defense Dependents' Schools,' dated October 17, 1978, with change 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

A. Dependent children's school program files (general):

1. Records of students attending DoD operated overseas dependent schools are used by school officials, including teachers, to: (a) Determine the eligibility of children to attend these schools; (b) Schedule children for transportation; (c) Record daily and/or class attendance of students and date(s) of withdrawal; (d) Determine tuition paying students and record status of payments; (e) Determine students located in areas not serviced by dependents schools so that alternative arrangements for education can be made and payment made, as required; (f) Monitor special education services required by and received by the student; and (g) Used to develop and maintain reading and health records, including school related medical needs.

2. Records may also be released to other officials of the Department of Defense requiring 9information for operation of the Department (including defense investigative agencies) on a case-by-case basis in accordance with established policies and procedures.

B. Dependent children's school program files (elementary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementary students by school personnel cited above.

2. Used in the following manner to record: (a) Teacher or standardized test data; (b) Attendance, absences, and/or tardiness of each student; (c) Recommendations for promotion or retention including teacher comments; (d) Daily, weekly, semester, or annual grades; and, (e) Notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

C. Dependent children's school program files (secondary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an education program for secondary students.

2. Documents are used by school personnel cited above in the following manner to: (a) Record teacher and/or standardized test data; (b) Record attendance, absences, and/or tardiness of each student; (c) Form the basis for a decision on a student request for permission to be absent from a class or classes; (d) Determine proper class or grade placement or graduation; (e) Determine scholastic grades and/or grade point average; (f) Form the basis for school recommendations for student financial aid for postsecondary education; (g) Form the basis for preparing the secondary school transcript; (h) Determine secondary school academic credits earned; and (i) Note special interest or hobbies of the student.

D. Dependent children's school program files (college):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for college students.

2. Documents are used by school personnel cited above in the following manner to: (a) Record teacher and/or standardized test data; (b) Record attendance and absences of each student; (c) Form the basis for a decision on a student request for permission to be absent from a class or classes; (d) Determine proper class or grade placement or graduation; (e) Determine scholastic grades and/or grade point average; (f) Form the basis for school recommendations for student financial aid for college education; (g) Form the basis for preparing the college transcript; and (h) Determine college academic credits earned.

E. Automated support. Automated support is used by school and regional officials (where applicable) to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, and provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Provide data within the Department of Defense on a need-to-know basis. 9

4. Provide data to other government agencies and Congress when a specific authorized need requires it.

EXTERNAL USERS, USES, AND PURPOSES

Documents of students attending the DoD overseas dependents schools may be used by authorized Federal representatives for employment purposes.

Academic data may be provided to other educational institutions and employers or prospective employers in accordance with current policies and procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Files are paper records in file folders.

RETRIEVABILITY: A. Elementary school academic records and secondary school and college academic records (transcripts) are filed alphabetically by school, school year, and last name of student.

B. Elementary, secondary, and college teacher class register files are filed by school, school year, and last name of teacher.

C. Remaining dependent school student files are filed by school, school year, and last name of student.

D. The automated files are indexed by a variety of data, depending upon the region and school involved (some have regionally assigned student identification numbers, others are by last name of student). Also, any combination of data in the file can be used to select individual records. Only authorized personnel have required information to access the systems or process jobs.

SAFEGUARDS: Paper records are maintained in files accessible only to authorized personnel.

Automated records:

A. Description of the automated process. Current hard copy records of all information are kept in locked file cabinets in limited access school offices. Computer-produced student records and reports become an integral part of the manual system and are retained in limited access school offices and/or locked cabinets. Computer disks, tapes, etc., are maintained in limited access areas within the various computer centers, regional offices, and/or schools. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

B. Physical safeguards. Computer facilities and remote terminals are located in schools and regional offices throughout the school system. Particular regional systems vary; however, the same basic safeguards are employed (in various combinations) in all the systems. Computer hardware disk cards and other materials are secured in locked facilities after normal duty hours or are maintained in secure military computer centers. During school hours, storage media is stored in areas where access can be monitored. On-line access is protected by combinations of the following various factors: (1) users must have file and/or disk names; (2) users must have possession or approval to gain possession of appropriate disk(s); and, (3) users must have specifically designed codes and/or keys to permit read/write operations.

C. Storage media. Hard copy files are stored in the school offices of each participating school and regional offices. Computer files are stored on magnetic tape and disks, as outlined above.

D. Risk Analysis. All personal information which is collected and/or maintained for this system is stored in locations adequately secure for such information. Administrative safeguards have been instituted to prevent access to information in the automated systems.

RETENTION AND DISPOSAL: A. Enrollment files:

Maintained at the respective school for 1 year after graduation, withdrawal, transfer, or death of the student, then destroyed.

B. Daily attendance register files:

Destroyed after reviewing attendance registers for the next school year.

C. Elementary school academic records files:

When a student transfers to another school, this file is forwarded by mail to officials of the receiving school on request in accordance with current regulations, or destroyed at the school 5 years after graduation, death, or withdrawal of the student.

D. Elementary school report card files:

Released to parents or student at the end of the school year or on transfer of the student.

E. Elementary school teacher class register files:

Destroyed at the school concerned after 5 years.

F. Elementary school student files: (1) When a student transfers to another school, the reading and health records are released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school; and (2) Remaining documents pertaining to the students are forwarded by mail to the officials of the receiving school or the parent/guardian on request in accordance with current regulations; if not requested, documents are destroyed at the school concerned 1 year after graduation, death, or withdrawal of the student.

G. Secondary school absentee files:

Destroyed at the school after 1 year.

H. Secondary school academic record files (high school transcripts): (1) Permanent file; (2) When a student transfers to another DoD dependents school, this file (transcript) is forwarded by mail to officials of the receiving school on request; (3) When a student transfers to a non-DoD school, a copy of the transcript is forwarded to the receiving school on request in accordance with current regulations; (4) Files not forwarded to another DoD school are retained at the school concerned for 4 years, the regional office for 1 year and then retired to the WNRC (or East Point FARC if in the Panama region) for an additional 60 years.

I. Secondary school report card files:

Released to parents of student or student (if over 18 years of age) at the end of the school year or on transfer of student.

J. Secondary school teacher class register files:

Retained at the school concerned for 5 years and then destroyed.

K. Secondary school class reporting files:

Destroyed at the school after 1 year.

L. Credit transfer certificate files:

Destroyed at the school after 1 year.

M. Secondary school student files: (1) Retained at the school concerned for 2 years after graduation, death, or withdrawal of the student; (2) When a student transfers to another school: (a) A copy of the record may be released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school; (b) An official copy of the record will be forwarded to the receiving school in accordance with current regulations upon request. (The original record is retained at the school.)

N. College absentee files:

Destroyed at the school after 1 year.

0. College academic record files (college transcripts): (1) Permanent file; (2) When a student transfers to another college or university, this file (transcript) is forwarded by mail to officials of the receiving school upon receipt of an authorized request; and (3) Original files (transcripts) are retained at the college for 10 years then retired to East Point FARC.

P. College report card files:

Released to student at the end of the semester or school year, or on transfer of student.

Q. College teacher class register files:

Retained at the school for 5 years and then destroyed.

R. College class reporting files: Destroyed at the school after 1 year.

S. Credit transfer certificate files: Destroyed at the school after 1 year.

T. College school student files: (1) Retained at the school for 2 years; (2) When a student transfers to another school: (a) A copy of the record may be released to the parents or student (if 18 years of age) for hand-carrying to the receiving school; and (b) An official copy of the record will be forwarded to the receiving school upon request pending receipt of authorized request. (The original record is retained at the school).

U. Automated files:

Automated files are normally retained for 1 year. However, this may vary as all information is documented in the manual files and the information in automated form may be destroyed earlier or later than 1 year for various internal purposes.

SYSTEM MANAGER(S) AND ADDRESS: Dr. Anthony Cardinale, Director, Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone: (202) 325-0188.

NOTIFICATION PROCEDURE: Information may be obtained from officials of the school concerned or from the System Manager.

RECORD ACCESS PROCEDURES: A. Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the school within 4 years after graduation, transfer, withdrawal, or death of student.

B. The fifth year, the principal should be contacted for elementary records or the System Manager for secondary records.

C. Subsequently, all requests for secondary records may be forwarded to the Department of the Army, HQ DA (DAAG-AMR), Washington, D.C. 20310, except for information from schools in Panama. These requests should be sent to: Director, DoDDS-Panama, APO Miami 34002.

D. All requests for college records should be sent to the college for the first 10 years, then to the Director, DoDDS-Panama, address above.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction 81.

RECORD SOURCE CATEGORIES: Information is obtained from the individuals concerned and their parents/guardians, teachers, and school administrators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 01

SYSTEM NAME: Health Benefits Files.

SYSTEM LOCATION: Primary System--Program Operations Division (O), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who seek health care under the Program for the Handicapped as CHAMPUS beneficiaries and/or extended hospitalization under the basic program as CHAMPUS/CHAMPVA beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM: Original correspondence with individuals, medical statements, Congressional inquiries, medical treatment records, authorizations for care, case status sheets, memo's for record, follow-up reports justifying extended care, correspondence with contractors and work-up sheets maintained by case workers, and appeals and hearings case files consisting of transcript and/or other documentation pertaining to reconsiderations or appeals of adverse determinations affecting an individual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to determine the eligibility of an individual for health care under CHAMPUS/CHAMPVA; to authorize payment of health care claims by CHAMPUS/CHAMPVA beneficiaries; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administration responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code and Section 613, Chapter 17, Title 38, United States Code.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Hard copy records in file folders.

RETRIEVABILITY: Retrievable numerically by case number (sponsor's Social Security Number), then alphabetically by letter assigned to each individual family member. Records are also retrievable by sponsor or beneficiary name. These records are also accessible through an automated index.

SAFEGUARDS: Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.

RETENTION AND DISPOSAL: Automated indexes are permanent. Hard copy records are maintained for four years after closure in active files, held an additional two years in inactive files and then permanently preserved or destroyed in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Program Operations Division (O), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303-341-8609.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, applicants and inquiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 02

SYSTEM NAME: Medical Care Inquiry Files.

SYSTEM LOCATION: Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who seek information concerning health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA).

CATEGORIES OF RECORDS IN THE SYSTEM: Documents reflecting inquiries received from private individuals and Congress for nonprivileged information on such matters as medical treatment received and eligibility for medical care under CHAMPUS/CHAMPVA. Included are notifications to individuals of approval or termination of treatment, and similar or related documents.

Records consist of individual inquiries from personnel concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; Congressional inquiries on behalf of constituents concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; files notifying personnel of eligibility or termination of benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) uses the information to establish eligibility for health care under CHAMPUS/CHAMPVA; to respond to an individual's inquiry concerning CHAMPUS/CHAMPVA; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or Administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Hard copy records in file folders.

RETRIEVABILITY: Filed alphabetically by the last name of inquirer. These records are also accessible through an automated index by case number, sponsor's name and Social Security Number.

SAFEGUARDS: Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army MDICAL Center (FAMC) security force.

RETENTION AND DISPOSAL: Automated indexes are permanent. Hard copy records are retained in active file until end of calendar year in which injury occurred, held 5 additional years in inactive files and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303-341-8005.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the individual, or his military sponsor, current address and telephone number, case number, if one has been assigned, and the office symbol on all correspondence received from this office.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical records and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: CHAMPUS Fiscal Intermediaries (FI), individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants, and all individuals who seek information concerning CHAMPUS/CHAMPVA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 03

SYSTEM NAME: Health Benefits Preapproval Files.

SYSTEM LOCATION: Primary System--Chief, Program Evaluation Division (E), Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), DoD, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings, OCHAMPUS, DoD, Aurora, Colorado 80045; Blue Shield of California, P.O. Box 95035, San Diego, California 92138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Eligible beneficiaries of the Civilian Health and Medical Program of the Uniformed Services who have been approved for medical care under the program for the handicapped and/or eligible beneficiaries of the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA)/ Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for extended hospital care.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains an assigned case number, sponsor's name, Social Security Number, current address, military grade or rank and pay status, military branch of service and status; beneficiaries name, address, date of birth, sex, relationship to sponsor; the medical diagnosis code and the approved medical treatment code, the approved

period of time, the number of units approved and the estimated unit of cost, providers of care codes and/or name and address of multi-providers, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations and appeals of adverse determinations affecting an individual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

OCHAMPUS Program Operations Division (O)--For approval of medical care under the provisions of the Program for the Handicapped of CHAMPUS and/or approval for extended hospitalization; to control and review health care management plans for CHAMPUS/CHAMPVA beneficiaries approved for medical care by providers of service.

OCHAMPUS Program Evaluation Division (E)--For control and accomplishment of reviews of approvals; to coordinate subject matter clearances for Congressional committees and auditors.

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information for approval of health care under the Program for the Handicapped; for approval of extended hospital care; to control and review health care management plans of providers of services for individuals approved for health care under CHAMPUS/CHAMPVA to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on magnetic tape and disc.

RETRIEVABILITY: Information is retrieved by assigned case number, sponsor's Social Security Number, sponsor's or beneficiary's name, classification of medical diagnosis or medical treatment codes or provider of service code or approval dates or geographical location.

SAFEGUARDS: Records are maintained in areas which are manned 24 hours daily and are accessible to authorized personnel who are properly screened, cleared and trained. Records are maintained on magnetic tape and are accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. Military policy provide 24-hour security.

RETENTION AND DISPOSAL: Records are permanent. They are maintained on magnetic tape as individual annual files.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Program Evaluation Division (E), OCHAMPUS, DoD, Building 611, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8088.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Sponsor's/beneficiary's application, provider of medical care documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 04

SYSTEM NAME: Legal Opinion Files.

SYSTEM LOCATION: Office of General Counsel, OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who are the subject of inquiries from the individual himself (herself), attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices OCHAMPUS and Congressional offices. Such inquiries involve such matters as medical treatment, eligibility for medical care under CHAMPUS/CHAMPVA, approval or termination of medical treatment, and similar or related matters.

CATEGORIES OF RECORDS IN THE SYSTEM: Inquiries received from private individuals, attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices of OCHAMPUS and Congress for nonprivileged information on such matters as medical treatment received, eligibility for medical care under CHAMPUS. Included are notifications to individuals for approval or termination of treatment and similar or related documents.

Files contain legal opinions; correspondence between (1) Fiscal Intermediaries, (2) CHAMPUS/CHAMPVA beneficiaries, (3) sponsors, (4) attorneys, (5) divisions and offices of OCHAMPUS, (6) other agencies, memoranda for the record and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Office of General Counsel maintains files of legal opinions rendered for use as precedent and for record purposes. These include responses to requests for legal opinion originating within the Office of General Counsel, other divisions and offices, OCHAMPUS, and other agencies of the Federal Government. Such records are maintained for research, precedent and historical purposes.

EXTERNAL USERS, USES AND PURPOSES

Referral to the Secretary of the Department of Health and Human

Services and/or the Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by subject matter.

SAFEGUARDS: Buildings are protected by military security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL: Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS: General Counsel (C), OCHAMPUS, DoD, Building 618, Room 205, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8506.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Correspondence from persons, agencies and sources listed in Categories of Records and oral and written requests initiated by Office of General Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 05

SYSTEM NAME: Health Facilities Files.

SYSTEM LOCATION: Primary System--Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings (H), OCHAMPUS, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All facilities who seek a provider number for payment for services or supplies provided to CHAMPUS beneficiaries. Beneficiaries who are the subject of policy or precedent decisions concerning administration of CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM: Original correspondence with an individual facility, state authorities and professional consultants; various evaluations, approvals and memos for the record, facility identification, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsideration or appeal of adverse determination of facility approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Part 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES AND PURPOSES

Program Operations Division to determine the eligibility of a facility as a source of care for CHAMPUS/CHAMPVA beneficiaries.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed numerically by state, then numerically by facility.

SAFEGUARDS: Buildings are protected by military police security force. Records are maintained in areas accessible only to authorized personnel who are properly cleared, screened and trained.

RETENTION AND DISPOSAL: Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8609.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, facilities and research concerning the replies to inquiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 06

SYSTEM NAME: Policy and Precedent Files.

SYSTEM LOCATION: Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who request CHAMPUS/CHAMPVA coverage resulting in the issuance of program policy or precedent decisions.

CATEGORIES OF RECORDS IN THE SYSTEM: Such records contain information

received from providers of care, medical facilities, professional medical organizations, and CHAMPUS contractors.

Files contain all types of medical benefit decisions on CHAMPUS/CHAMPVA beneficiaries and provider of care and may include a military sponsor's name and Social Security Number and the names of family members if relevant to the issue addressed in the record. File also contains audit documents and management reports relating to CHAMPUS Fiscal Intermediaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Information in files is used by OCHAMPUS personnel for management control and to coordinate questionable benefit areas throughout the program and with CHAMPUS contractors.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by subject or by contractor. No indices are required.

SAFEGUARDS: Buildings are protected by military security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL: Records are retained in active file until end of calendar year in which inquiry occurred, held 5 additional years in inactive files, and then permanently preserved or destroyed in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8609.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Private physicians, CHAMPUS Fiscal Intermediaries, individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants and individuals making inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DOCHA 07

SYSTEM NAME: Medical Claim History Files.

SYSTEM LOCATION: Primary System--Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment--Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045; Fiscal Intermediaries/Contractors under contract to OCHAMPUS. Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Mutual of Omaha Insurance Company, 3301 Dodge Street, Omaha, NB 68131

Blue Shield of California, P.O. Box 85020, San Diego, CA 92138

Blue Shield of California, P.O. Box 85035, San Diego, CA 92138 (Dental)

Hawaii Medical Service Association, P.O. Box 860, Honolulu, HI 96808

Blue Cross of Washington and Alaska, P.O. Box 77064, Seattle, WA 98111

Blue Shield of Pennsylvania, Blue Shield Building, Box 65, Camp Hill, PA 17011

Blue Cross of Rhode Island, One Weybosset Hill, Providence, RI 02901

Blue Cross/Blue Shield of Tennessee, Blue Cross Building, 801 Pine Street, Chattanooga, TN 37402

Blue Cross of Southwestern Virginia, P.O. Box 13828, Roanoke, VA 24001

Wisconsin Physicians Service, P.O. Box 7927, Madison, WI 53707

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Eligible beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (dependents of active duty members of the Uniformed Services, retired or deceased members of the Uniformed Services), eligible beneficiaries of the Civilian Health and Medical Program of the Veterans' Administration (spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability or surviving spouse or child of a veteran who has died as a result of a service-connected disability) who received benefits under the provisions of the program.

All individuals who seek health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA).

CATEGORIES OF RECORDS IN THE SYSTEM: File contains sponsor's Social Security Number, branch of service, status (active duty, retired or deceased), beneficiary's last name, initials, age, sex, relationship to sponsor, type of costs and date of medical care provided, provider of care identification, any record of claims, billings for medical, hospital or related services, application or approval forms which reflect diagnosis, treatment or medical conditions, family history files, or any other correspondence, memorandum or report reflecting these data with respect to any individual, which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations or appeals of adverse determinations of benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 44, United States Code,

Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 et. seq.; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

The Office of the Civilian Health and Medical Program of the Uniformed Services and CHAMPUS Fiscal Intermediaries use the information to control and process medical claims for payment; for control and approval of medical treatments and interface with providers of health care; to control and accomplish reviews of utilization; for review of claims related to possible third party liability cases and initiation of recovery actions; for referral to Peer Review Committees or similar professional review organizations to control and review providers of health care; for disclosure to third party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning the individual's entitlement to benefits under CHAMPUS/CHAMPVA, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal; for the issuance of deductible certificates, to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

EXTERNAL USERS, USES, AND PURPOSES

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613, and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and, referral to the Department of Justice for representation of the Secretary of Defense in civil actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated claim records are maintained on magnetic tape and disc. Manual claim support records (paper or microfiche) are maintained in family history files.

RETRIEVABILITY: Information is retrieved by sponsor's Social Security Number (SSN), beneficiary's last name, classification of medical diagnosis or procedure codes or geographical location of care provided and selected utilization limits.

SAFEGUARDS: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within Fiscal Intermediary operations are accessible on line to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. OCHAMPUS buildings are protected by military police security force.

RETENTION AND DISPOSAL: Records maintained on magnetic tape are individual annual files and are permanent. Paper or microfiche records comprising the decentralized segment of the files are maintained for a minimum of two calendar years after closure and then stored in designated federal record centers for an additional four years; and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Administrative Support Division (A), OCHAMPUS, DoD, Building 618, Room 202, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8005.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES: Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: CHAMPUS Medical Claims Forms, private physicians, hospitals, and other sources of care, individual beneficiaries, third party contacts verifying claims information, and consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DPA DXA.A 07

SYSTEM NAME: Personnel Files.

SYSTEM LOCATION: Office of the Executive Assistant to the Assistant Secretary of Defense (Public Affairs) with partial files in the Office of the American Forces Information Service and the offices of the directors for Defense Information, Community Relations, Freedom of Information and Security Review, and Audiovisual Management Policy.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and Civilian personnel assigned to the Office of the Assistant Secretary of Defense (Public Affairs).

CATEGORIES OF RECORDS IN THE SYSTEM: Partial file containing copies of material contained in each individual's master personnel record. This system contains name, address, telephone number, social security number, rank or grade, position held, temporary assignments, and other related papers pertaining to present assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Tilte 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Used by the Assistant Secretary of Defense (Public Affairs) and his immediate assistants to assign personnel to duties, to maintain manning levels in timely fashion, and to provide information to each individual as required.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: By name.

SAFEGUARDS: Records are maintained in locked file cabinet with access only to officials who are involved in personnel actions.

RETENTION AND DISPOSAL: Records are maintained while individual is assigned to Office, Assistant Secretary of Defense (Public Affairs), and for three years thereafter and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:

Executive Assistant
Office of Assistant Secretary of Defense (Public Affairs)
Room 2E813, Pentagon
Washington, D.C. 20301
Telephone: 202-697-0792

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to:

Office, Assistant Secretary of Defense (Public Affairs)
Pentagon
Washington, D.C. 20301

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Central personnel files of the Military Services or the United States Civil Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DPA DXA.B 08

SYSTEM NAME: Contact Files.

SYSTEM LOCATION: Decentralized files in the Office of the Assistant Secretary of Defense (Public Affairs) and the offices of the American Forces Information Service and the directors for Defense Information, Community Relations, Freedom of Information and Security Review, Management, and Audiovisual Management Policy.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons with whom the official business of the Assistant Secretary of Defense (Public Affairs) is conducted.

CATEGORIES OF RECORDS IN THE SYSTEM: Names, firms or agencies, addresses, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10, United States Code, Section 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Used by officials in the Office of the Assistant Secretary of Defense (Public Affairs) to communicate with persons involved in the business of that office.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Index cards and firm lists.

RETRIEVABILITY: By individual, or firm or agency name.

SAFEGUARDS: Files maintained in personal custody.

RETENTION AND DISPOSAL: Indefinite. Files are retained so long as individuals are directly involved in the business of the Office of the Assistant Secretary of Defense (Public Affairs), then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Secretary of Defense (Public Affairs), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:

Executive Assistant
Office of Assistant Secretary of Defense (Public Affairs)
Room 2E813, Pentagon
Washington, D.C. 20301
Telephone: 202-697-0792

RECORD ACCESS PROCEDURES: Requests should be addressed to:

Office of the Assistant Secretary of Defense (Public Affairs)
Pentagon
Washington, D.C. 20301

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Published telephone directories, letterheads, and other published material containing the information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DSMC-03

SYSTEM NAME: Defense Systems Management College (DSMC) Track Record System

SYSTEM LOCATION: Primary Location - Computer Sciences Corporation, Information Network Division, 650 North Sepulveda Bouvelard, El Segundo, Ca. 90245.

Hard copy back-up files and punched card back-up files located in Acquisition Management Laboratory, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All current and former students of the Defense Systems Management College (DSMC).

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain name, SSAN, marital status, sex, date of birth, nickname, professional society membership, spouse's name, children's names, accompanied status, years of service, promotion history, job or assignment history, current years of service, current assignment code, military or civilian occupational code, DSMC assignment status, security clearance, current business telephone numbers, retirement status, educational history, class at DSMC, Grade Point Average (GPA), functional course grades, graduation status, individual survey responses, awards and recognition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: l0 USC l36, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, l977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purposes of the system are to assemble career information on current and former students of DSMC in order to provide data to enable DSMC to monitor utilization of former students; to enable DSMC to perform research to assist in refinement of student selection criteria; to provide a data base to research for the improvement of program management; to provide a system for generating student transcripts; and to provide a data base for the DSMC Mailing List System, student and graduate registers.

INTERNAL USERS, USES, AND PURPOSES

The Defense Systems Management College - Used in assessing incoming student experience and educational levels; to produce student registers; to monitor utilization of former students by DoD Components; to verify and consolidate measures of student performance, to produce student transcripts which may be required by former students in her/his later educational process; to perform research into the success of former students; to provide input into the DSMC Mailing List System in order to mail surveys, newsletters and other items of interest to former students including graduate registers; to perform research to improve program management.

EXTERNAL USERS, USES, AND PURPOSES

Individual records in a system of records might be transferred to any component of the Department of Defense (except GPA, functional course

grades and individual survey responses).

Computer Sciences Corporation - mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

Individual records of civilian industry students or former students might be transferred to the corporation sponsoring the individual (except GPA, functional course grades and individual survey responses).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Primary file is magnetic disc.

Back-up files are magnetic computer tape and punched cards.

Hard copy back-up files are paper records in file folders.

RETRIEVABILITY: Files are sequenced by Social Security Account Number.

SAFEGUARDS: Primary location is a controlled access area.

Operator personnel are screened and cleared in accordance with Government Services Administration contract procedures.

Access to magnetic disc and computer tapes requires computer phone number, user ID, password and project code which are only accessible to personnel authorized by the System Manager.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Registrar, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER. Telephone: 703-664-3120.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component, and the Office of Personnel Management (OPM) (including their automated personnel systems

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DSMC-04

SYSTEM NAME: Defense Systems Management Collge (DSMC) Academic Analysis System

SYSTEM LOCATION: Primary Location-Office of the Commandant, Defense Systems Management College (DSMC), Ft. Belvoir, Va. 22060.

Back-up Data File-Acquisition Management Laboratory, Defense Systems Management College, Ft. Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All current and former Program Management Course (PMC) students and participants in DSMC Cooperative Graduate Programs.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains individual's name, SSAN, sex, date of birth, service affiliation, affiliation status, years of service, promotion history, job or assignment history, current assignment code, military or civilian occupation code, educational history, class at DSMC, DSMC class standing, DSMC grade point average, DSMC functional course grades, graduation status, pre-and post-test scores, Miller Analogies Test scores, Graduate Record Exam scores, individual survey responses, and course enrollment data and course grades in DSMC Cooperative Graduate Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purposes of this system are: To provide a research data base for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs, to provide a research data base for evaluating the quality and performance of current and former PMC students as well as DSMC Cooperative Graduate Program participants, and to facilitate administration of DSMC Cooperative Graduate Programs.

INTERNAL USERS, USES, AND PURPOSES

DSMC officials designated by the Commandant-Used to determine areas for improvement of the PMC academic program and its integration with DSMC Cooperative Graduate Programs; used to evaluate the quality and performance of current and former PMC students as well as participants in DSMC Cooperative Graduate Programs; used to administer DSMC Cooperative Graduate Programs; used for monitoring participation in DSMC Cooperative Graduate Programs and for counseling PMC students regarding participation; used to furnish DSMC Cooperative Graduate Program enrollment data for PMC student academic evaluation reports.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Primary file is paper records in file folders.

Back-up data file is punched cards.

RETRIEVABILITY: Filed by class alphabetically by last name of PMC student and participant in Cooperative Graduate Programs.

SAFEGUARDS: Primary file is in a locked cabinet.

Back-up data file is in a building which is locked during nonbusiness hours and is located on a military installation.

Only individuals designated as having a need for access to files by the System Manager are authorized access to information in the files.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Commandant, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER. Telephone: 703-664-3120.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration

Division, Building 202, Ft. Belvoir, Va. 22060, and provide some acceptable identification, such as military or other identification card, driver's license.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administration Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by the individual, staff and faculty of DSMC, each DOD Component and the Office of Personnel Management (OPM) (including their automated personnel systems), educational institutions and testing services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DSMC-05

SYSTEM NAME: Biographical Record System

SYSTEM LOCATION: Program Manager Biographies-Department of Research and Information, Defense Systems Management College.

Board of Visitor Biographies, Department of Administration, Defense Systems Management College.

Program Management Course Guest Lecturer Biographies-Department of Program Management, Defense Systems Management College.

Executive Course Guest Lecturer Biographies-Department of Executive Management, Defense Systems Management College.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Key governmental officials.

Guest Lecturers at the Defense Systems Management College.

Present and past members of the Board of Visitors and Policy Guidance Council.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain official biographic data, such as: individual's position, title, current business affiliation, record of past experience and education, awards and honors, memberships, addresses, phone numbers, photographs, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College, ' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose is to provide information for selection and introduction of guest lecturers and to perform research.

INTERNAL USERS, USES, AND PURPOSES

Department of Administration-To develop statistical data on Department of Defense Program Management Offices; to present data to Policy Guidance Council to determine worthiness of nominees to serve on Board of Visitors.

Department of Program Management-To provide the credentials of guest lecturer to the students prior to the presentation.

Department of Executive Management-To present the credentials of guest lecturer to the students prior to the presentation.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by last name, except program manager/ deputy program manager files which are filed by organization titles.

SAFEGUARDS: Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Dean, Department of Research and Information, Defense Systems Management College, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER. Telephone: 703-664-5783.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain full name of the individual, current position and affiliation.

Visits are limited to the departments at the school where the information is filed. For personal visits, the individual must provide acceptable identification.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Key official data from official Governmental files.

Board of Visitors nominee data from Policy Guidance Council members, present Board of Visitors members, DSMC Commandant and 'Who's Who.'

Guest Lecturer data from guest lecturers themselves, from their offices, or from Agency Public Affairs Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DSMC-06

SYSTEM NAME: Defense Systems Management College (DSMC) Mailing List

SYSTEM LOCATION: Primary location-Publications Division, Defense Systems Management College, Fort Belvoir, Va. 22060

Hard copy back-up files and punched card back-up files located in Publications Division, Defense Systems Management College, Building 202, Fort Belvoir, Va. 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All former students of the Defense Systems Management College (DSMC); members of the DSMC Policy Guidance Council and Board of Visitors; program managers associated with defense systems acquisition programs; key acquisition managers throughout Department of Defense; former staff and faculty members of the DSMC and individuals desiring to be included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains name, SSAN, Class at DSMC, job code, mailing address, rank or grade, position and professional title and affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 136, and Department of Defense Directive 5160.55, 'Defense Systems Management College,' January 5, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of the system is to provide a mailing list for distribution of newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals included in the system.

INTERNAL USERS, USES, AND PURPOSES

DSMC - Used to disseminate newsletters, surveys, graduate registers and other information relating to acquisition management which is of interest to individuals on the DSMC mailing list; to prepare registers of former graduates; to prepare lists of Department of Defense Program Managers.

Any individual records in a system of records might be transferred to any component of the Department of Defense or other Government agency.

EXTERNAL USERS, USES, AND PURPOSES

Computer Science Corporation - Mounts tapes and disc packs which contain files and operates the system; does not maintain the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Primary file is addressograph plates.

Hard copy back-up files are paper records in file folders.

RETRIEVABILITY: Files are retrievable by name, SSN, class, job code and zip code.

SAFEGUARDS: Primary location is a controlled access area.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

Only individuals designated as having a need for access to files by the Systems Manager are authorized access to information in the files.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Dean, Department of Research and Information, Defense Systems Management College, Building 202, Ft. Belvoir, Va. 22060.

NOTIFICATION PROCEDURE: Information may be obtained from the SYSMANAGER. Telephone: 703-664-5783.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: Commandant, Defense Systems Management College, ATTN: Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060.

Written requests for information should contain the full name of the individual, SSAN, current address and telephone number.

For personal visits, the individual must contact the Chief, Administration Division, Building 202, Ft. Belvoir, Va. 22060, and provide acceptable identification, such as, military or other ID card, driver's license.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by the individual, employer, staff and faculty of DSMC, each DoD Component and the Office of Personnel Management (OPM) (including their automated personnel systems).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DUSDRE 03

SYSTEM NAME: Inventor's File, Office Under Secretary of Defense (Research and Engineering).

SYSTEM LOCATION: Office of the Under Secretary of Defense for Research and Engineering (OUSDRE), Office, Secretary of Defense, Room 3E1006, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All persons who have submitted inventions, ideas, and proposals for consideration by Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM: These files contain correspondence with individuals concerning their inventions, ideas, and proposals submitted to the Department of Defense; evaluations by Government employees of those inventions, ideas, and proposals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

The information in this file is primarily collected to give consideration to the inventions, ideas, and proposals submitted by the public. These files are used to reply to correspondence and inquiries from the public and other Government agencies. The information contained in these files is used by the staff of OUSDRE.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by last name.

SAFEGUARDS: Building guards and locked file containers. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL: Retained in active files for a period of three years and then transferred to the Washington National Records Center, Suitland, Maryland 20409.

SYSTEM MANAGER(S) AND ADDRESS: Director, Program Control and Administration, Office of the Secretary of Defense, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from:

Director, Program Control and Administration
Room 3E1031, Pentagon
Washington, D.C. 20301
Telephone: 202-697-4994.

Written requests for information should contain the full name of the individual, current address and telephone number and any other information which would help in identifying the desired information.

For personal visits, the individual must be able to provide acceptable identification, that is, driver's license, employing office's identification card, and give verbal information that could be verified with his 'case folder'.

RECORD ACCESS PROCEDURES: Requests should be addressed to SYSMANAGER as shown above.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R. Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by individuals who send their inventions, ideas, and proposals to the Department of Defense and Government employees who evaluate the inventions, ideas, and proposals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DWHS P02

SYSTEM NAME: Job Opportunity Announcements.

SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Pentagon, Room 3B347, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any applicant for employment who applies for a specific vacancy.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcements original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of 'best qualified' and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES:

Personnel and Security Directorate - To advertise vacant positions and to solicit applications for employment from qualified individuals for organizations serviced. Armed Forces Information Service (AFIS), Court of Military

Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Documents filed in folders by Job Opportunity Announcement (JOA) number and title, series and grade of position.

STORAGE: Paper records in file folders and in a stand alone Word Processing Machine (IBM SYSTEM6) on floppy disks.

RETRIEVABILITY: Filed by Job Opportunity Announcement (JOA) number and title.

SAFEGUARDS: Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed. Computer files are stored on floppy disks in the same area.

RETENTION AND DISPOSAL: Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier. Then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DWHS P12

SYSTEM NAME: Executive Development Program and Training Files.

SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Employees applying for executive development and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM: Optional Form 69 individual development plans, optional forms 37 and 170, DD form 1556, SD forms 446 and 447, Training Record Card File, SF-171, SF-59, which contain name, social security number, date of birth, home address, annual salary, and office and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 4101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Personnel and Security Directorate - To determine eligibility for specialized development programs and training assignments.

EXTERNAL USERS, USES, AND PURPOSES

The Office of Personnel Management (OPM) for information necessary for OPM to carry out its Government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

To ensure that complete records are maintained for program evaluation purposes.

STORAGE: Metal five drawer legal size file cabinet without lock.

RETRIEVABILITY: Filed by training program name and employee name.

SAFEGUARDS: Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D. C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Employees submit application forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DWHS P26

SYSTEM NAME: Protective Services File.

SYSTEM LOCATION: Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3C345, Pentagon, Washington, D. C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual who initiates contact with the Secretary or Deputy Secretary of Defense in person, by United States mail, or telephonically who may possibly pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense or other United States Government officials.

CATEGORIES OF RECORDS IN THE SYSTEM: File cards containing only data provided by the individual, which normally includes individual's name, address, type of communication, and a brief description of the message the individual intended to relay to the official or officials noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Physical Security Branch, Security Division, Space Management and Services, WHS-To maintain a listing of those individuals who may pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of the Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by name and by residence of the sender, caller or visitor.

STORAGE: Vertical file cards.

RETRIEVABILITY: By name and by residence of the sender, caller or visitor.
SAFEGUARDS: Stored in metal file cabinets with locking devices and metal combination safes, depending on classification.
RETENTION AND DISPOSAL: Records are maintained permanently.
SYSTEM MANAGER(S) AND ADDRESS: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301.
NOTIFICATION PROCEDURE: See Exemption.
RECORD ACCESS PROCEDURES: See Exemption.
CONTESTING RECORD PROCEDURES: See Exemption.
RECORD SOURCE CATEGORIES: See Exemption.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 522a (j) or (k) as applicable. For additional information contact the System Manager.

DWHS P27

SYSTEM NAME: Pentagon Building Pass Application File.
SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3C345, Pentagon, Washington, D. C. 20301.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any Department of Defense military or civilian employee, any contractor sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.
CATEGORIES OF RECORDS IN THE SYSTEM: File cards containing name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date and place of birth are noted.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Physical Security Divsion, Directorate for Space Management and Services, WHS -To maintain a listing of personnel who are authorized a DoD Pentagon Building Pass.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by the individual's name.
STORAGE: Vertical file cards.
RETRIEVABILITY: By the individual's name.
SAFEGUARDS: Secure room. Building has military security guards.
RETENTION AND DISPOSAL: File cards are destroyed after termination of the individual's affiliation with the Department of Defense and activities serviced by WHS.
SYSTEM MANAGER(S) AND ADDRESS: Director, Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301.
NOTIFICATION PROCEDURE: Information may be obtained from: Physical Security Division, Directorate for Space Management and Services, Washington Headquarters Services (WHS), Department of Defense, Room 3C345, Pentagon, Washington, D. C. 20301. Telephone: 202-695-5052.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the above System Manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.
RECORD SOURCE CATEGORIES: All data maintained in the system is received voluntarily from individual DoD Pentagon Building Pass applicants.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DWHS P28

SYSTEM NAME: The Office of the Secretary of Defense Clearance File.
SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3B278, Pentagon, Washington, D.C. 20301.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and civilian employees of the Office of the Secretary of Defense, its components and support organizations including the United States Court of Military Appeals and the United States Mission to NATO; experts and consultants serving with or without compensation; staff members of Congressional committees requiring access to classified information or material, employees of other agencies detailed to the Office of the Secretary of Defense, very important people selected to attend orientation conferences, USO and Red Cross applicants for overseas posts.
CATEGORIES OF RECORDS IN THE SYSTEM: Background investigations, national agency checks, security clearance actions, security violations, and supporting documents, briefings and debriefings.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: In order to implement the Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the recordkeeping requirements needed to support the Departmental Personnel Security Program.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES AND PURPOSES

Security Division, Directorate for Personnel and Security, Washington Headquarters Services, to grant and maintain security clearances or access.

EXTERNAL USERS, USES AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk.
RETRIEVABILITY: Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.
SAFEGUARDS: Files are maintained under the direct control of DoD Personnel in the Security Office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.
RETENTION AND DISPOSAL: Records are permanent. Retained in active files until separation or end of requirement for security clearance. Held in waiting file for 10 years.

SYSTEM MANAGER(S) AND ADDRESS: Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: See Exemption.

RECORD ACCESS PROCEDURES: See Exemption.

CONTESTING RECORD PROCEDURES: See Exemption.

RECORD SOURCE CATEGORIES: See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). The Office of the Secretary of Defense rules are set forth at 32 CFR, Part 286b, and OSD Administrative Instruction No. 81.

DWHS P37

SYSTEM NAME: Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM: The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 2302, and 5 U.S.C. 7121, and E.O. 11491.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

d. To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judical proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

j. To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records maintained in file folders.

RETRIEVABILITY: These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS: These records are maintained in locked metal file cabinets, to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL: Case files are permanently maintained. Other records are normally destroyed after supersession.

SYSTEM MANAGER(S) AND ADDRESS: Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES: Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials, from related correspondence from

organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DWHS P39

SYSTEM NAME: Clerical Merit Promotion File.

SYSTEM LOCATION: Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Pentagon, Washington D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any applicant for employment who applies for a clerical position.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of 'best qualified' and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL USERS, USES, AND PURPOSES

Personnel and Security Directorate - To provide a file containing information on persons who have expressed interest in being considered for clerical positions for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

EXTERNAL USERS, USES, AND PURPOSES

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed in folders by name, alphabetically.

STORAGE: Paper records in file folders and on disks.

RETRIEVABILITY: Filed by name, alphabetically.

SAFEGUARDS: Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL: Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier. Then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DEFENSE ADVANCED RESEARCH PROJECT AGENCY

E DARPA 001

SYSTEM NAME: Travel File.

SYSTEM LOCATION: Administrative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current and former DARPA employees, civilian and military. Selected government employees who visit DARPA on official business at DARPA's expense and certain nongovernment personnel traveling on Invitational Travel Orders for DARPA.

CATEGORIES OF RECORDS IN THE SYSTEM: Traveler's last name, first name, middle initial, office, division, travel dates, days, ticket cost, other cost, travel order number, and status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Internal management administrative, and budgetary needs. Provides daily, weekly and monthly status reports to top management concerning status of travel funds.

INTERNAL USERS, USES, AND PURPOSES

Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA.

EXTERNAL USERS, USES, AND PURPOSES

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer paper printouts, paper records and correspondence in file folders, also, magnetic disc.

RETRIEVABILITY: Accessed by last name, by office, or by any of the data files listed in Record Category.

SAFEGUARDS: Paper copies are maintained in areas accessible only to authorized personnel. Building employs security guards. File access is available to authorized personnel who have been assigned system passwords.

RETENTION AND DISPOSAL: Paper files will be destroyed by burning or pulping immediately after they have served their purposes or after 2 years, whichever occurs first. There are no plans to retire or destroy ADP files.

SYSTEM MANAGER(S) AND ADDRESS: Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

NOTIFICATION PROCEDURE: Information may be obtained from Administrative Officer, DARPA, Room 607, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694-3032.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, the period for which the

information is required and specific categories of information required.

For personal visits, the individual should be able to provide DoD Identification Card.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: DARPA Special Orders (TDY, Invitational, PCS, etc.); Travel Vouchers as submitted by travelers and as returned by the local finance offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

E DARPA 004

SYSTEM NAME: DARPA Personnel.

SYSTEM LOCATION: Administative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current and former DARPA employees, civilian and military, and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel Database File: title, last name, first name, middle initial; date of birth, social security number, service computation; office, division, office phone number, room number; type of appointment, job title, position description number, job series number, grade type, grade, step, salary; due date for reassignment; date of last within grade increase, due date for next within grade increase; date promoted; type of award and date granted, previous award and date granted, date of last outstanding performance rating; level of security clearance; branch of military service, rank, date or rank; home address, home telephone number, spouse's first name; date entered on duty, date of departure; remarks, entered on duty remarks, and departure remarks. Training Database File: last name, first name, middle initial, office, grade, title of course, training cite location, cost, training period dates, sponsor, and status. Consultant Database File: last name, first name, middle initial, office, number of days allowed to be worked, salary type, salary, appointment date, expiration date of appointment, departure date, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, 'Defense Advanced Research Projects Agency (DARPA)', June 8, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information in different combinations is used for monthly manpower counts, staffing balance for civilian vs. military, professional vs. clerical; grade and salary count. Individual organizational configuration only is available to appropriate Office Directors for their managerial needs.

INTERNAL USERS, USES, AND PURPOSES

Agency Director and Deputies, Office Director and Deputies, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA.

EXTERNAL USERS, USES, AND PURPOSES

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic disk, computer paper printouts, paper records, and correspondence in file folders.

RETRIEVABILITY: Data is retrievable by last name as well as by any of the data fields listed in Record Category.

SAFEGUARDS: Access to total file limited by password, building employs security guards. Files are maintained in combination lock file cabinets and in areas accessible only to authorized personnel that are properly screened and trained.

RETENTION AND DISPOSAL: Files are permanent. There are no plans to retire or destroy ADP files. Paper files are destroyed immediately after serving the purpose for which prepared.

SYSTEM MANAGER(S) AND ADDRESS: Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

NOTIFICATION PROCEDURE: Information may be obtained from Manpower Officer, DARPA, Room 605, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694-3077.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain in full name of the individual, the DARPA office assigned to currently or previously and the period of employment with DARPA.

For personal visits, the individual should be able to provide some acceptable identification, such as DARPA pass, DoD pass, or verbal information that could be verified in his file.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES: Information is provided by individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

UNITED STATES AIR FORCE

F05002 SAC B

SYSTEM NAME: 05002 SAC B Space, Warning and Surveillance Operations Personnel Training Management System.

SYSTEM LOCATION: Director of Operations at Air Force installations within the Strategic Air Command (SAC) and Deputy Chief of Staff for Space, Warning and Surveillance at Strategic Air Command Headquarters. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Strategic Air Command military personnel assigned to operational duties with Space, Warning and Surveillance Systems equipment subsequent to 1 March 1981.

CATEGORIES OF RECORDS IN THE SYSTEM: Files related to qualifications, training/evaluation accomplishment, crew alphanumeric identifier, type training/evaluation, scores, name, grade, unit assigned, and dates of training or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To develop a record source of operations personnel qualifications, capabilities and historical data at unit level to determine individual overall job qualifications; and to develop historical data for analysis by unit and Strategic Air Command Headquarters personnel responsible for maintaining the space operational systems training program. The files will provide a source of data to help insure weapon system currency and adequacy of future training requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manually manipulated file folders.
RETRIEVABILITY: Retrieved by name.
SAFEGUARDS: Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms or drawers.
RETENTION AND DISPOSAL: Manual files are destroyed when superseded or upon reassignment from space, warning and surveillance operations duties. Destruction is by burning, shredding, tearing, pulping or macerating.
SYSTEM MANAGER(S) AND ADDRESS: Deputy Chief of Staff Space, Warning and Surveillance Systems, Directorate of System Management, Standardization/ Evaluation and Training Division, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases with a space, warning or surveillance mission.
NOTIFICATION PROCEDURE: Deputy Chief of Staff, Space, Warning and Surveillance Systems, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases. Requests to determine existence of record should include full name, grade and approximate dates individual was assigned to Strategic Air Command space, warning and surveillance duties after 1 March 1981.
RECORD ACCESS PROCEDURES: Access to manual files is controlled by Deputy Chief of Staff, Space, Warning and Surveillance Systems at Headquarters Strategic Air Command and by Director of Operations at each Strategic Air Command organization with a space, warning or surveillance mission.
CONTESTING RECORD PROCEDURES: The Air Force rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Information will be obtained from the individual and from instructors or Standardization Evaluators.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

F05002 SAC C

SYSTEM NAME: 05002 SAC C ADP Training Management System.
SYSTEM LOCATION: Headquarters Strategic Air Command, Deputy Chief of Staff, Data Systems (HQ SAC/AD), Offutt AFB, NE 68113.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Personnel assigned to HQ SAC/AD.
CATEGORIES OF RECORDS IN THE SYSTEM: Training Summary Files: Records are maintained for each student listing training courses completed and scheduled. Computer Based Training (CBT) Management: For students enrolled in Computer Assisted Instructions (CAI) courses, maintains record of student progress and responses to lesson material.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to validate prerequisites for projected training, track student progress in CAI courses, monitor enrollment processing actions, and generate statistical information on training trends within HQ SAC/AD.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Course material bearing personal information will be stored on a magnetic tape/disc and hard copy course material will be stored in an office that is locked when vacant.
RETRIEVABILITY: By name, course, date, or organization.
SAFEGUARDS: Records are accessed by personnel responsible for servicing the record system in performance of official duties. Students have access only to their own file by grant of specific 'permissions.' Hard copies of records are stored in locked rooms and cabinets.
RETENTION AND DISPOSAL: Retained until reassigned from HQ SAC/AD, then computer files are erased or overwritten and hard copies are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.
SYSTEM MANAGER(S) AND ADDRESS: Deputy Chief of Staff, Data Systems, Headquarters Strategic Air Command, Offutt AFB NE 68113.
NOTIFICATION PROCEDURE: Deputy Chief of Staff, Data Systems (HQ SAC/ ADXRT), Offutt AFB NE 68113. Requests to determine existence of record should include full name, grade and whether currently assigned to HQ SAC/AD.
RECORD ACCESS PROCEDURES: Access to all records is controlled by HQ SAC/ ADXRT, Offutt AFB, NE 68113.
CONTESTING RECORD PROCEDURES: The Air Force rules for access to records and for contesting and appealing initial determination by the individuals concerned may be obtained from the Systems Manager.
RECORD SOURCE CATEGORIES: Information obtained from individual and graduation certificates.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

F05004 SAC A

SYSTEM NAME: 05004 SAC A Instructional Systems Development (ISD) Evaluation Program.
SYSTEM LOCATION: 93 Bombardment Wing (93 BMW) Instructional Systems Development Division (DO5), Castle AFB CA 95342.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Strategic Air Command (SAC) aircrew members (B-52 G/H pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC-135 pilots, copilots, navigators, inflight refueling operators) who are attending, or have attended, a course of instruction conducted by the 93 BMW, Castle AFB CA after June 1, 1981.
CATEGORIES OF RECORDS IN THE SYSTEM: Computerized information file compiled from questionnaires about training accomplished while attending a course of instruction, the respondee's base of assignment and subjective assessment of the training conducted.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 8012.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to tabulate and compare data; and to identify strengths and weaknesses of the training programs. Will also be used to score trainee within-course test performances. Identification of specific respondees in the records will only be used by the custodian to evaluate and assess quality of Air Force Training Programs.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Questionnaire responses will be read on an optical mark sense reader connected to a stand-alone microcomputer, located in the ISD offices and the data stored on diskettes. Original questionnaire responses will be maintained as documentation in a locked metal filing cabinet until entries on diskettes are verified but not longer than 6 months.
RETRIEVABILITY: Filed and retrieved by Social Security Number (SSN). Information may also be retrieved by groupings of data from such elements as type airframe, course attended, crew position, or base of assignment.
SAFEGUARDS: Records are accessed by custodian of the record system and personnel responsible for servicing the record system in performance of their official duties. Records are stored on diskettes kept in a locked room whenever office is not manned. Original questionnaire responses will be

maintained in a locked container when the office is not manned.

RETENTION AND DISPOSAL: Paper records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping, and diskettes will be destroyed by degaussing, when superseded or when the individual is reassigned from SAC.

SYSTEM MANAGER(S) AND ADDRESS: Education Specialist or ISD Systems Manager, 93 BMW/DO5 Scientific Advisory Branch (DO5S), Castle AFB CA 95342.

NOTIFICATION PROCEDURE: Education Specialist or ISD Systems Manager, 93 BMW/DO5S, Castle AFB CA 95342. Requests to determine existence of record should include full name and grade and approximate dates individual attended a course of instruction conducted by 93 BMW, Castle AFB CA subsequent to 1 June 1981.

RECORD ACCESS PROCEDURES: Access to all records is controlled by 93 BMW/DO5S, Castle AFB CA 95342.

CONTESTING RECORD PROCEDURES: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Information is obtained from questionnaires completed by 93 BMW students, graduates or SAC Squadron Training Flight Instructors, and current combat crew training instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

F08003 SAM A

SYSTEM NAME: 08003 SAM A Ranch Hand II Date Management System

SYSTEM LOCATION: USAF School of Aerospace Medicine, Brooks Air Force Base, Texas 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Selected current and prior Air Force personnel who served in Southeast Asia during the period 1962 Current and former spouses, dependents and next-of-kin of these selected personnel will also be included as necessary.

CATEGORIES OF RECORDS IN THE SYSTEM: The file will contain the following information on each individual: (1) subject identifiers (name Security Number), (2) demographic history, (3) occupational history, (4) educational experience, (5) medical history, (6) marital history, (7) leisure time activities, (8) drug use, (9) drinking and smoking habits and history, (10) reproductive history, (11) physical examination reports, (12) radiographic images and reports, (13) electrocardiographic tracings and reports, (14) hospital records and reports, (15) laboratory test results, (16) vital statistics, (17) schedule and travel expense data, and (18) other personnel data contained on current military personnel records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 8012, Secretary of the Air Force; powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: This information will be used to initiate, coordinate and conduct the investigation of the potential adverse health effects following exposure to the complex chemical/physical environment of Southeast Asia during the Vietnam conflict. It will be used to compile statistical data, but information allowing identification of the individual volunteer will not be included. Data and results from this investigation may be used to supplement other approved research studies conducted at the USAF School of Aerospace Medicine or at other Federal agencies engaged in the conduct of similar studies. To protect public health and safety, it may be necessary to release information regarding serious medical deficiencies, especially when release is required by law, to federal, state and local medical authorities. Two examples of situations in which public health and safety would raise the questions of disclosure are: a participant has typhoid fever, a participant who directly impacts the safety of others either in his profession, or as a volunteer, is found to have a serious nerve, heart or mental disorder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Maintained in an on-line disk resident computer system with hardcopy backup of all source documents on microfiche.

RETRIEVABILITY: Standard reports and data analyses will be performed via remote terminals using a data base managemAdditionally, updates and record review may be accomplished through use of closely controlled passwords and individual Social Security Numbers.

SAFEGUARDS: All access to the data file is controlled through a segmented password system. Operators know the password only for that section of the data system that they have a valid need to The disk system is physically located in a controlled computer area. All actions relative to the data base (e.g., update transactions) are permanently stored on magneticlater retrieval and review. The hardcopy source documents are kept in locked storage cabinets in a locked office area.

RETENTION AND DISPOSAL: All records will be retained at the USAF School of Aerospace Medicine for the duration of the studyWhen no longer required, records will be destroyed by erasure, tearing in pieces, pulping, shredding, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS: The Surgeon General of the United States Air Force, Bolling Air Force Base, Washington, DC 20032.

NOTIFICATION PROCEDURE: Information may be obtained from Office of the Surgeon General, Department of the Air Force, ATTN: Bolling Air Force Base, Washington, DC 20032; telephone (202) 767-5078.

RECORD ACCESS PROCEDURES: Request for information should be addressed to the system manager. Written requests for information must include, Social Security Number, sponsor's name and category of record desired. Information of an individual nature will only be released after establishment of proof of and authorization of the individual concerned.

CONTESTING RECORD PROCEDURES: Air Force rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Data will be obtained from the individual concerned, from personnel records, medical records, other government agencies, medical institutions, patient interactions with physicians and from inter

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

F09003 SAC A

SYSTEM NAME: 09003 SAC A Unaccompanied Personnel Quarters Assignment/Termination.

SYSTEM LOCATION: All Strategic Air Command bases. Located in the Base Billeting Operations office and in the respective Squadron Orderly Room. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Unaccompanied military personnel who: (1) apply for or who are entitled to occupy unaccompanied quarters, (2) accept or decline unaccompanied on-base quarters, (3) reside off-base at their own expense, (4) accept inadequate quarters, and/or (5) are identified as authorized to reside off-base with prescribed quarters allowance.

CATEGORIES OF RECORDS IN THE SYSTEM: Records related to application, assignment, acceptance, declination, or termination of unaccompanied quarters; authorization for unaccompanied personnel to reside off-base at their own expense; voluntary acceptance of inadequate quarters; and/or authorization to reside off-base with prescribed quarters allowance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 8012, Secretary of the Air Force: power and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To effectively manage unaccompanied personnel quarters; establish and maintain a record of application for unaccompanied personnel quarters assignment; terminate assignment to unaccompanied quarters; and grant authorization to reside off-base with or without specified quarters allowance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Maintained in file folders.

RETRIEVABILITY: Retrieved by name.

SAFEGUARDS: Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms and drawers.

RETENTION AND DISPOSAL: Records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping when superseded or when individual is reassigned.

SYSTEM MANAGER(S) AND ADDRESS: Base Billeting Manager and Commanders of Strategic Air Command Squadron on SAC bases.

NOTIFICATION PROCEDURE: Individuals may contact the Base Billeting Manager or Commanders of Strategic Command Squadrons on SAC bases. Requests to determine existence of record should include full name and grade and approximate dates individual was assigned to or serviced by the Billeting Operation function on Strategic Air Command bases, subsequent to 1 July 1981.

RECORD ACCESS PROCEDURES: Access is controlled by Base Billeting Manager at base level or by Squadron Commanders at squadron level.

CONTESTING RECORD PROCEDURES: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES: Information is obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

F12407 OSI A

SYSTEM NAME: 12407 OSI A DOD Fraud Investigation Management Information System

SYSTEM LOCATION: Headquarters Air Force Office of Special Investigations, Bolling Air Force Base, Washington, D.C. 2

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Present and former military officers and enlisted personnel, Department of Defense civilian employecivilian contractors and other employees who conduct business or who have conducted business in the with the Department of Defense and its subordinate components resulting in the initiation of a substantive investigation which was subsequently referred outside of the DOD for further investigaand/or adjudication.

CATEGORIES OF RECORDS IN THE SYSTEM: Summary information pertaining to fraud, waste, and abuse matters conducted by investigative agencithe Department of Defense which have been referred to other federal agencies for further investigatiadjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 133, Secretary of Defense; powers and duties; delegation by. The Secretary is responsible for and has the authority to conduct all affairs of the Department of Defense including functions necessary or appropriate to provide more effective, efficient, and economical administration and operation, and to eliminate duplication in the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by authorized DOD and subordinate agency officials to monitor the investigative and adjudicatiactions regarding fraud, waste, and abuse matters which have been referred to other federal agenciesoutside the DOD (such as the Department of Justice, FBI, Department of Labor, Small Business Administration, Secret Service).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored on computer machine-readable devices under the control of AFOSI.

RETRIEVABILITY: Filed by name and component case file number.

SAFEGUARDS: Records are accessed by person(s) responsible for servicing the records system in the performance oofficial duties who are appropriately cleared and authorized, and need the information in the performance of their specific duties. Records are stored on a computer machine-readable media device and are only accessible by the recordcustodian and information monitor. When the media device is not in use, it is off-loaded and stored in an appropriately secured container to which access is strictly controlled by the information monitor.

RETENTION AND DISPOSAL: Department of Defense Fraud Investigation Management Information System summary records are retaineForce Office of Special Investigations for a period of 15 years at which time they are destroyed. Records are maintained on machine-readable media. Destruction is accomplished by degaussing or overwriting records.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Air Force Office of Special Investigations (HQ AFOSI), Bolling Air Force Base, Washingto

NOTIFICATION PROCEDURE: Requests for information from individuals should be addressed to HQ AFOSI/DADF, Bolling Air Force BWashington, D.C. 20332. Written requests for information should include the requester's full name, case file number (if knowdate and place of birth, current mailing address and any other personal data which would insure the positive identification of the concerned individual. The request should state whether the summary records contained in this system or the original investigative case files are desired. Requests for specific investigative files must be addressed to the responsible DOD agency.

RECORD ACCESS PROCEDURES: The Air Force rules for gaining access to the information in the system may be obtained from the Sy

CONTESTING RECORD PROCEDURES: The Air Force rules for contesting and appealing initial unfavorable determinations by the individuconcerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Information is received from investigative agencies of the Department of Defense having the responsibility for investigation of matters pertaining to fraud, waste, and abuse.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempted from certain provisions of the Act under 5 U.S.C. 552a(j)(2). See the Air Force rules at 32 CFR 806b (Air Force Regulation 12-35).

NATIONAL SECURITY AGENCY

GNSA01

SYSTEM NAME: NSA/CSS Access, Authority and Release of Information File

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian employees, personnel under contract or appointment and military assignees.

CATEGORIES OF RECORDS IN THE SYSTEM: File may consist of authorizations to obtain keys; authorizations for access to specific sensitive information or areas; delegation of responsibility to authorize or request specific action, work projects or access; notification to report for duty in event of hazardous weather or other emergency; authorizations to officially release various types of communications; assignments to special activities; assignments as Agency representatives to department or other government committees, boards, task groups; assignments to special tasks in event of technical or national emergencies; assignments to duties as fire, safety, security officers, Combined Federal Campaign and blood donation workers; and assignments to other special or volunteer duties or activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36, Public Law 88-290, 18 U.S.C. section 798, E.O. 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to provide a means to rapidly determine who may have access to information or keys; who is required to report for duty in special circumstances, who has been authorized to release official communications; who has been assigned additional special tasks, voluntary duties or other duties. The file and its segments are used by each authorized staff, line, contract and field officer, employee or assignee to make determinations as noted in the purposes above. Where required, specific information from this file may be made available to appropriate investigatory authorities engaged in national security or criminal investigations or to national defense and intelligence authorities or other governmental entities with respect to specific assignments or when emergency action is required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, paper cards in file boxes, magnetic tapes, disks and other computer storage media, computer listings, microfilm.

RETRIEVABILITY: By name.

SAFEGUARDS: For paper, computer listing, cards and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel Security File-remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL: Retained until individual is no longer authorized access or release authority or assigned to specific additional duties. Computer files are purged and updated to reflect current status.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individual for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Applications and related forms requesting access, appointment or authorization, notifications of same, personnel records, personnel security records, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA02

SYSTEM NAME: NSA/CSS Applicants

SYSTEM LOCATION: National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Applicants for employment with NSA/CSS.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains forms, documents and correspondence providing personal and qualifications information submitted by individual applicants, educational institutions, past employers, references. Records include processing items, status reports, test results, interview reports, reports of reviewing organizations and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36, Public Law 88-290, E.O. 10450, and 5 U.S.C. and appropriate implementing Office of Personnel Management directives in the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to support the recruitment, selection, hire and placement of applicants. The file is used to document applicant processing, as a basis for selection decisions by individual agency elements and the personnel organization, and such other related uses as required. The users of this file include those staff, line, contract and field officers and employees as authorized and appropriate. In addition, files may be made available to the Office of Personnel Management, Freedom of Information Act and Privacy Act authorities, Department of Defense and other governmental entities as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper in file folders, cards in containers, logs, computer listings, computer magnetic tape, disks and other computer storage media, microfilm.

RETRIEVABILITY: By name, social security number, and other appropriate data elements.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within

those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by the Deputy Director for Management Services. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only. Remote terminal inhibitions are in force with respect to access to computerized file or data relating to persons not assigned to the organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL: For applicants who are subsequently hired, records are transferred to Personnel File or destroyed as appropriate. For applicants not hired, record are retained for a period not to exceed one year unless employment requirements necessitate retention for a longer period.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Applicant, educational institutions, references, former employers including other governmental entities, interviewing and reviewing individuals-including possible gaining organization, security and medical authorities and other sources as relevant and appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA03

SYSTEM NAME: NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons calling or corresponding with NSA/CSS concerning congressional inquiries; job opportunities; Freedom of Information and Privacy Act requests; other information requests, suggestions or comments; registering complaints; requesting appropriate security clearance and permission to visit; requesting or requiring information relating to litigation or anticipated litigation; and employees or assignees registering complaints or requesting information with respect to Equal Employment Opportunities; requesting inquiry or investigation by the Inspector General; requesting advice, opinions, or assistance from the General Counsel or provided to the General Counsel with respect to conflict of interest issues.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains correspondence from and to individuals, documents and memoranda related to the response, written material developed during or in anticipation of litigation or investigation of inquiries, complaints or grievances, written material developed in response to a request for advice or opinion from an individual, written material required by law, executive order, and regulations with respect to Equal Employment Opportunity investigations, Inspector General investigations, judicial branch subpoenas, orders and related actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36, Public Law 88-290, 5 U.S.C. section 552, Public Law 92-261, Public Law 93-259, Executive Order 10450, Executive Order 11222, Executive Order 11478, and Executive Order 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to provide a record of the official responses and determinations of NSA/ CSS to various inquiries for information, complaints, official actions of other governmental agencies and branches. The users of these files are those staff, line, contract and field officers, employees and assignees delegated the responsibility to respond on behalf of the Director, NSA, to such inquiries and complaints. The files are used to carry out the purpose set forth above, to provide an information base to be used in responding to the various reporting requirements levied by the Public Laws and Executive Orders cited in the authorities section of this notice. Information in the file may be used to provide reports in summary or statistical form to the Department of Defense, Office of Personnel Management, Office of Equal Employment Opportunity, Congress and those committees or subcommittees of the Congress having jurisdiction over matters covered by individual reports. Certain files may be provided to the General Counsel, Department of Defense, the Department of Justice, other appropriate governmental agencies and the judical branch where litigation or anticipated civil or criminal litigation is involved or where sensitive national security investigations related to protection of intelligence sources or methods are involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: By name, case, or subject and within subject by name.

SAFEGUARDS: Secure limited access facilities and within those facilities individual limited access offices. Files are stored in lockable containers and are only made available to individuals specifically authorized access or required to respond and individuals affected by actions taken or complaints received. Files related to sensitive investigations by the Equal Employment Opportunity Office, the Inspector General and General Counsel are additionally protected pursuant to appropriate statutes, executive orders or regulations and attorney-client privilege. In some cases records are sealed pursuant to sensitivity of subject matter or specific court order.

RETENTION AND DISPOSAL: Records are retained on-site indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents

and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Individual correspondence, written materials developed in response to inquiries from executive branch departments and agencies, judicial branch elements, Congress, Congressional committees, individual Congressmen, other government and private entities as appropriate, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), (k) (4), and (k) (5). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA04

SYSTEM NAME: NSA/CSS Cryptologic Reserve Mobilization Designee List

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Appropriate staff and line elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Inactive duty military reservists assigned to NSA/CSS mobilization positions.

CATEGORIES OF RECORDS IN THE SYSTEM: Record consists of a computer listing of NSA/CSS reserve mobilization requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36 and Title 10, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To maintain Tables of Distribution on mobilization requirements by military service, military job code, billet title, number of billets, mobilization duty location, training sponsor, and any special clearance requirements of the billet, and to provide a system of identifying mobilization designees with billets for training assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer listings, computer magnetic tapes, disks and other computer storage media.

RETRIEVABILITY: By name and mobilization designee requirements.

SAFEGUARDS: Secure limited access facilities and within those facilities lockable containers. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL: Records are permanent. They are reviewed annually for changes in requirements. Superseded records are destroyed when no longer useful for reference purposes.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Individual's parent service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA05

SYSTEM NAME: NSA/CSS Equal Employment Opportunity Data

SYSTEM LOCATION: National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian personnel and personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains civilian personal data and Agency organizational data to include job title, grade, date of birth, training, date of last promotion, educational attainments, social security number, time of service, personnel codes, organization assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 92-261, Public Law 93-259, Public Law 86-36, Executive Order 11478, Chapter 713 of the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose of this file is to ensure compliance with cited authorities with respect to equal employment opportunities. Users of the file are those staff, line, contract and field officers and employees specifically authorized by law, regulation, delegation of responsibility, and grant of access by the NSA Equal Employment Opportunity Director. The file is used to compile those studies, research, statistics and reports necessary to insure compliance with cited authorities. Reports, summaries and statistics may be made available to the Department of Defense, Office of Equal Employment Opportunity, Congress, Office of Personnel Management, Department of Justice and judicial branch elements as required by cited authorities, requested pursuant to those authorities or ordered by specific judicial branch order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape, disk or other computer storage media, computer listings, paper in file folders.

RETRIEVABILITY: By name, social security number, and specific subject matter data elements.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by EEO Director. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secure, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL: File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS: Director of Equal Employment Opportunity, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/

Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade,Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Individuals themselves, organizational elements, personnel file, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2), and (k) (4). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA06

SYSTEM NAME: NSA/CSS Health, Medical and Safety Files

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian employees, military assignees, applicants, retirees, building concessionaires, assigned GSA employees, certain contract employees, visitors requiring emergency treatment, in certain cases members of employees' families with prior approval of the employee, blood donors, designated Health and Safety Officers.

CATEGORIES OF RECORDS IN THE SYSTEM: File may consist of completed medical questionnaires, results of physical examinations and laboratory tests, records of medical treatment and services, x-rays, notices of injury, forms and correspondence including exchanges with Department of Labor related to injury and subsequent claims, correspondence with personal physician, NSA/CSS Medical Center reports, safety reports, absence and attendance records, medical evaluations, fitness for duty reports, 'Log of Federal Occupational Injuries and Illnesses,' results of psychological assessment testing and interviews, psychiatric examination results and related reports, forms and notes, lists of blood donors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36, and Federal Employees Compensation Act of September 7, 1916, as amended, 5 U.S.C. and Office of Personnel Management implementation thereof as contained in Federal Personnel Manual. In addition, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. section 4582) and subchapter A of Chapter I, 42, CFR, Executive Order 11807, Executive Order 9397, 29 CFR 1960 and Department of Defense Instruction 1000.19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To determine fitness for hiring, continued employment or assignment and reassignment; to process accident and compensation claims; correct hazardous conditions; determine eligibility for disability retirement; record names of blood donors. When required, specific information from these files may be made available to the Department of Labor in those cases involving compensation claims and, with the permission of the individual, to other medical personnel or the American Red Cross for additional examination, treatment, counseling or other medical purpose; Freedom of Information and Privacy Act authorities as appropriate; and to other governmental entities as required and appropriate. Alcohol abuse patient records used in accordance with cited statute and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY: By name, social security number and specific subject matter data elements.

SAFEGUARDS: Secure, limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk or other computer storage within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized person only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL: Medical files and records on traumatic injury and occupational disease are transferred to official personnel folder upon separation; traumatic injury and occupational disease correspondence on civilian employees and retirees is retained indefinitely. Applicant medical files are retained for no more than one year or until date designated to individual; files on military assignees are forwarded to parent service upon reassignment from NSA/CSS; all other medical case files are destroyed upon termination of association with NSA/ CSS. Psychological files on applicants are retained for no more than one year or until date designated to individual; all other files are retained for four years after end of individual's association with NSA/CSS. Decentralized segments are either transferred with employee or assignee, or retained for a period after separation as appropriate but not to exceed three years and are then destroyed. Alcohol abuse patient records retained and disposed of pursuant to cited statute and regulations.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Fort George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Applicants, employees, assignees, official personnel folders, NSA Safety Officers and records, witnesses to accidents and injuries, medical and administrative personnel, blood donor personnel, members of employee's family with employee's permission and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5) and (k) (6) and may also be subject to certain special access procedures established pursuant to 5

U.S.C., section 552a, subsection (f) (3). For additional information, see agency rules contained in 32 CFR Part 299a.

GNSA07

SYSTEM NAME: NSA/CSS Motor Vehicles and Carpools

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each non-headquarters facility and field element as appropriate and required.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian employees, military assignees, other governmental employees or personnel under contract granted extended temporary or permanent access to an NSA/CSS facility.

CATEGORIES OF RECORDS IN THE SYSTEM: File may consist of machine-readable or regular paper cards, carpool or other transportation survey results, annotated machine listings, post motor vehicle violation reports, stolen vehicle reports, or other forms and correspondence related to parking privileges, transportation needs, local (parking lot) parking enforcement procedures, vehicle abuse and other related matters as appropriate and required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 40 U.S.C., section 318a-b; 50 U.S.C. section 797; Title 4 CFR Part 232, Appendix B; and Title 41 CFR Part 101-20.111 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to provide data necessary to enforce parking lot regulations, to assist employees with respect to vehicle abuse and stolen vehicles, provide carpool assistance, assure availability of adequate transportation and parking facilities and other related matters. The uses of the file are to verify vehicle ownership, determine allocation of parking privileges, ensure the maintenance of adequate and safe parking areas, develop statistics with respect to parking and transportation requirements, encourage formation of carpools or other multiple-user transportation arrangements, provide a directory of potential participants in carpools or other multiple-user transportation arrangements and other related uses as appropriate and required. The users of the file are those authorized line, staff, contract and field element officers and employees; any employee, assignee or other individual working at an NSA/CSS facility interested in forming or joining a carpool or other multiple-user transportation arrangement; local civil and military law enforcement personnel as required and appropriate. Statistical data or selected individual data limited to name, address and telephone number may be made available to commercial or private transportation entities where the individuals have indicated a desire to use or join a multiple-user transportation arrangement, supervisory and other reviewing authorities in cases of parking privilege abuses, and other related users as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, machine-readable and other cards in appropriate containers, magnetic tape, disk or appropriate containers, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY: By name, motor vehicle identifier.

SAFEGUARDS: For paper, cards and computer listings - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access is limited to authorized users. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only.

RETENTION AND DISPOSAL: File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G.Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Data provided by individuals, authorities in charge of parking facilities, local civil and military law enforcement entities and other related sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records and data elements in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA08

SYSTEM NAME: NSA/CSS Payroll and Claims

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian employees and applicants, military assignees, contractors, reemployed annuitants, personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM: File may consist of records on time and attendance; overtime; shift and holiday work; absent without leave reports; payroll deductions, allotments and allowances; requests for leave; payments for travel performed in connection with permanent change of station, temporary duty, invitations, interviews, pre-employment interviews and initial entry on duty. Also included are Pay Adjustment Authorizations (DD Form 139) and Case Collection Vouchers (DD Form 1131) and, in connection with pay claims, waivers, requests for waivers, documents, correspondence, background data, recommendations and decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36; 31 U.S.C., section 66a, 951-53; 50 U.S,C. App. section 2160; Titles 5 and 37 of the U.S.C.; Titles 2, 4, 5, and 6 GAO Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To maintain effective control over and accountability for all funds; to provide accounting data to support the NSA/CSS budget request and control the execution of the budget; provide financial information required by the Office of Management and Budget; provide financial information for NSA/ CSS management purposes; provide for the input of permanent change data and the output of such data as leave without pay, reconciliation of files, periodic step increases, mass pay changes and

changes in leave categories; investigate, review, discuss and recommend and implement decisions on pay claims waivers. When required, specific information from this file may be made available to other governmental entities in connection with Social Security deductions, unemployment compensation claims, job-related injury and death benefits, tax audit and collections, and other related claims or actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; file cards; computer paper printouts; machine-readable cards; computer magnetic tapes, disks and other computer storage media.

RETRIEVABILITY: By name, social security number.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL: Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Forms, cards, requests and other documentation submitted by individuals, supervisors, claims officers, Personnel File data, Time, Attendance and Access File data, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1) and (k) (2). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA09

SYSTEM NAME: NSA/CSS Personnel File

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element and supervisor as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian employees, personnel under contract, military assignees, dependents of NSA/CSS personnel assigned to field elements, individuals integrated into the cryptologic career development program, custodial and commercial services personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains personnel papers and forms including but not limited to applications, transcripts, correspondence, notices of personnel action, performance appraisals, personnel summaries, professionalization documentation and correspondence, training forms, temporary duty, letters of reprimand, employee record card, special assignment documentation, letters of commendation, promotion documentation, field assignment preference, requests for transfers, permanent change of station, passport, transportation, official orders, awards, suggestions, pictures, complaints, separation, retirement, time utilization, scholarship/fellowship or other school appointments, military service, reserve status, military check in/out sheets, military orders, security appraisal, career battery and other test results, language capability, military personnel utilization survey, work experience, notes and memoranda on individual aspects of performance, productivity and suitability, information on individual eligibility to serve on various boards and committees, emergency loan records, other information relevant to personnel management, housing information where required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36, 5 U.S.C. and certain implementing Office of Personnel Management regulations in the Federal Personnel Manual; 10 U.S.C., section 1124; 44 U.S.C., section 3101; 34 CFR 232, Appendix B; 41 CFR 101-20.111 and Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to support the personnel management program; personnel training and career development; personnel planning, staffing and counseling; administration and personnel supervision; workforce study and analysis; manpower requirements studies; emergency loan program; and training curricula planning and research. The uses of the file are to implement the purposes cited and provide management at all levels with the documentation and tools necessary for effective personnel management and supervision. Information may also be used to verify present or former NSA/ CSS employment to gaining employers or to financial institutions when individual has applied for credit. The users are those staff, line, contract and field officers, employees, and assignees authorized to maintain or have access to personnel data or some decentralized segment thereof. In addition, officers and employees of elements engaged in security and training, Freedom of Information or Privacy Act actions, Inspector General, General Counsel, Equal Employment Opportunity, audit or review, medical and psychological or other appropriate functions may be authorized access as required in the performance of their duties. Individual files or portions thereof may be made available to hearing examiners, the judicial branch, the Office of Personnel Management, the Department of Defense or other gaining government organization as required and appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY: By name, social security number and other items of relevant information.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited

access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals authorized and responsible for personnel management or supervision. For records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel File, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required.

RETENTION AND DISPOSAL: Primary System - Those forms, notices, reports and memoranda considered to be of permanent value or required by law or regulation to be preserved are retained for the period of employment or assignment and then forwarded to the gaining organization or retained indefinitely. If the action is separation or retirement, these items are forwarded to the Office of Personnel Management or retired to the Federal Records Center at St. Louis as appropriate. Those items considered to be relevant for a temporary period only are retained for that period and either transferred with the employee or assignee or destroyed either when they are no longer relevant or at time of separation or retirement. Computerized portion is purged and updated as appropriate. Personnel summary, training, testing and past activity segments retained permanently. All other portions deleted at end of tenure.

Decentralized System - Files are transferred to gaining organization or destroyed upon separation as appropriate. Computer listings of personnel assigned to an organization are destroyed upon receipt of updated listings.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Forms used to collect and process individual for employment, access or assignment, forms and memoranda used to request personnel actions, training awards, professionalization, transfers, promotion, organization and supervisor reports and requests, educational institutions, references, Office of Personnel Management and other governmental entities as appropriate, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (4), (k) (5), and (k) (6). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA10

SYSTEM NAME: NSA/CSS Personnel Security File

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Applicants for employment with NSA/CSS; civilian employees; personnel under contract; military assignees; members of advisory groups; consultants; experts; other military personnel; federal employees; employees of contractors, and employees of services and other individuals who require access to NSA/ CSS facilities or information.

CATEGORIES OF RECORDS IN THE SYSTEM: File Folder - Photograph, fingerprint data, statement of personal history, agreements with respect to specific security processing procedures, security processing forms and records, investigative reports, incident and complaint reports, unsolicited information when relevant, reports by domestic law enforcement agencies when relevant, clearance data, access authorization, foreign travel data, security secrecy agreements, separation and retirement data and other information as required and relevant. Computer File - contains data elements representing a summary and index of the file folder data to include personal identifying data, relevant security processing data, clearance and access data, separation and retirement data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 88-290; Public Law 86-36; 18 U.S.C., section 798; 50 U.S.C., section 403 (d)(3); Executive Orders 10450, 10865 and 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose of this file is to insure compliance with cited authorities. Users of this file and its segments are limited to properly authorized staff, line, contract and field element officers, employees or assignees. The file is used to carry out the purpose cited and in determinations with respect to employment, access, assignment and reassignment, assignment to a board of appraisal or management promotion, foreign official and unofficial travel, and other personnel actions where security represents a relevant and valid element of the determination. In addition, files or portions thereof may be made available to the Defense Investigative Service, military investigative services, other appropriate entities, Department of Justice, governmental elements involved in National Agency checks, members and staff of the Defense Investigative Review Council as appropriate with their inspection authorities, Department of Defense General Counsel and Director of Central Intelligence and his General Counsel in the event of litigation or anticipated litigation with respect to unauthorized disclosures of classified intelligence or intelligence sources and methods and related court actions, other government agencies and private contractors requiring clearance status information and authorized to receive same, judicial branch elements pursuant to specific court orders or with respect to litigation, elements of the Department of Defense involved in administration of the Industrial Security Program, the Office of Personnel Management as required, and public law enforcement authorities when a specific breach of criminal statutes is involved. In addition, other government agencies or private contractors may be informed of information developed by NSA which bears on an assignee's or affiliate's status at the NSA with respect to security considerations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape, disk or other computer storage media, computer paper

printouts, paper in file folders, microfilm.

RETRIEVABILITY: By name or unique number assigned individual.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL: Files on individuals assigned, employed, or granted access to NSA/CSS information or facilities - retained for a minimum of 30 years after last security action reflected in the file, then destroyed. Files initiated on individuals requesting employment, assignment or access but never completed due to non-employment, non-assignment or withdrawal or denial of grant of access are destroyed within one year. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Data provided by individual during employment and security processing; data provided by investigative service processing individual's background; data provided by references, educational institutions and other sources named by individual or developed during background investigation; unsolicited data from any source where relevant; data provided by the Office of Personnel Management and other agencies, departments, and governmental elements involved in the conduct of National Agency checks; the Federal Bureau of Investigation; data developed by appropriate governmental elements in the course of a national security investigation or investigation into alleged violations of criminal statutes related to unauthorized disclosures of intelligence or protection of intelligence sources and methods; documents furnished by agency element sponsoring individual for access to specific classified information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (2) and (k) (5). For additional information see agency rules contained in 32 CFR 299a.

GNSA11

SYSTEM NAME: NSA/CSS Time, Attendance and Absence

SYSTEM LOCATION: Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments - Each staff, line, contract, and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS civilian employees, personnel under contract and military assignees.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains request forms, time cards, authorization forms, notifications, locator cards and other correspondence or revisions thereof related to actions concerning time, attendance, absence, annual leave, sick leave, leave without pay, advance leave, administrative leave, exemplary use of leave, unauthorized leave and absences and other related matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 86-36; Public Law 88-290, section 113 of the Budget and Accounting Procedures Act of 1950, as amended; 31 U.S.C., section 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of these files is to provide a means of accounting for all time, attendances and absences of NSA/CSS civilian employees, contract employees and military assignees. The users of these files are those staff, line, contract and field officers, employees, and assignees authorized to account for or investigate employee time, attendance and absence. The files may be used to make performance, payroll, personnel and security determinations. Where required, specific information from these files may be made available to appropriate investigatory authorities engaged in national security or criminal investigations, hearing examiners and other authorized individuals with respect to grievances or adverse actions, and to those agencies identified in the NSA/CSS System of Records named 'Payroll and Claims' as necessary to document payroll actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY: May be retrieved by name and in some cases social security number.

SAFEGUARDS: For paper, cards, printouts and microfilm - Secure limited-access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access by authorized individuals only. Current time cards are not secured with respect to individual employees within immediate working element. For machine-readable cards, computer magnetic tapes and disks and other computer storage media within the computer processing area additional secure limited-access facilities, specific processing requests from authorized persons only, specific authority to access stored cards, tapes or disk files.

RETENTION AND DISPOSAL: Primary System - Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

Decentralized Segments - Records are temporary, are retained for the period the individual is assigned to an element, or disposed of as appropriate. Time cards and other appropriate forms for pay and leave purposes are forwarded each pay period to the payroll office.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade,Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Time cards, request forms and related correspondence from individual employees and assignees, authorizations and notifications from authorizing officers, correspondence from supervisory personnel and investigating officers with respect to abuses of leave and attendance or unauthorized leave and absences, other records or reports related to either exemplary use of leave or abusive use of leave, and other sources as appropriate and required.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1). For additional information see agency rules contained in 32 CFR Part 299a.

GNSA12

SYSTEM NAME: NSA/CSS Training

SYSTEM LOCATION: Primary System-National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NSA/CSS employees, personnel under contract, military assignees and other government employees, designees and military personnel as required and appropriate who attend courses or receive training by or under NSA/CSS sponsorship.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains forms, correspondence, memoranda, student and instructor surveys, requests and other information related to testing and training; tests and test results; test grades, course grades and other student and instructor evaluations; course and class rosters, rosters of individuals by specialty; attendance and time utilization reports for students and instructors; biographical sketches where required and appropriate; course and training histories; other course research and evaluation data; student disciplinary actions and complaints; waiver requests and responses; selected personal data including education level and scholastic achievements; course and training cost data where appropriate; reimbursement and service agreements where appropriate; and other records related to civilian and military training as required and appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C., Chapter 41, Executive Order 11348, Office of Personnel Management implementing directives as contained in the Federal Personnel Manual, Public Law 86-36.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of this file is to provide documentation concerning military cryptolinguist resources and individual training, develop training requirements, refine training methods and techniques, provide individual career and training counseling. The users of this file are those staff, line, contract and field officers, employees and assignees as authorized and appropriate. In addition, portions of these files are incorporated in the Personnel File, are made available to management and supervisory personnel and to other governmental entities as required and appropriate. The file is used to carry out the purposes cited above, perform certain statistical analyses related to training and reports concerning training, and may be used to assist in the evaluation of an individual's performance, readiness for promotion, potential for career development, assignments requiring special qualifications, and other actions as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, card files, binders, computer punch cards, computer listings, computer magnetic tapes, disks and other computer storage media, microfilm.

RETRIEVABILITY: By name or social security number.

SAFEGUARDS: For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL: Primary System - Records are reviewed annually and retained or destroyed as appropriate. Copies of items of significance with respect to the individual are included in the Personnel File and retention is in accordance with the retention policies for that system. Items used as the basis of statistical studies or other research efforts may be retained indefinitely. Computer listings and records are purged and updated as required and appropriate. Decentralized System - Records are reviewed annually and retained or destroyed as appropriate. Individual's file may be transferred to gaining organization if appropriate. Computer listings and records are purged and updated as required and appropriate.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Individual, supervisors, training counselors, instructors and other training personnel; other governmental entities nominating individuals for training; other training and educational institutions; Personnel File, and other sources as required and appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Individual records in this file may be exempt pursuant to 5 U.S.C., section 552a (k) (1), (k) (5) and (k) (6). For additional information see agency rules contained in 32 CFR 299a.

GNSA13

SYSTEM NAME: NSA/CSS Archival Records

SYSTEM LOCATION: Primary System-National Security Agency/Central Security Service, FT. George G. Meade, Md. 20755.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have contributed to the cryptologic archives and individuals who are significant to the history of signals intelligence.

CATEGORIES OF RECORDS IN THE SYSTEM: Records include organizational files, correspondence, tape recorded interviews, forms, documents, reports, films, magnetic tapes, microfiche and other related items of cryptologic archival interest, most of which are 20 or more years old and have been adjudged to be permanent U.S. Government records not yet declassified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 90-260, Public Law. 81-754, Public Law 86-36, 5 U.S.C. section 552, Executive Order 12065 and Executive Order 12036.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To enable the historian to locate source materials; to permit systematic review of classified records; to facilitate access to retired records; and to provide a source from which response to public queries for NSA/CSS records can be more expeditiously handled and, if possible, declassified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Hard copy, microforms, magnetic tape, magnetic disk and pictures.

RETRIEVABILITY: Generally by subject matter as to that material furnished by an individual or about an individual significant to the history of cryptology, by name, or other unique identifier significant to the subject matter and the individual.

SAFEGUARDS: Secure limited access facilities and within those facilities containers appropriate to the level of classification of particular records.

RETENTION AND DISPOSAL: Records are permanent, are reviewed periodically for declassification, and copies of records declassified are transferred to the National Archives and Records Service of the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS: Director, NSA.

NOTIFICATION PROCEDURE: Requests from individuals for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD ACCESS PROCEDURES: Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, Md. 20755.

CONTESTING RECORD PROCEDURES: The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, Md. 20755.

RECORD SOURCE CATEGORIES: Individual contributors and operational administrative files; other sources as appropriate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C., section 552a (k) (1) and (k) (4). For additional information, see agency rules contained in 32 CFR Part 299a.

DEFENSE NUCLEAR AGENCY

HDNA004

SYSTEM NAME: Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records System.

SYSTEM LOCATION: Field Command, Defense Nuclear Agency (FCDNA), Kirtland AFB, NM 87115.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and civilian employees of the Department of Defense, Department of Energy, other government agencies, including state and local, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

CATEGORIES OF RECORDS IN THE SYSTEM: System contains following information on individuals (not all information is appropriate to all categories of individuals covered by the system and the system also contains data of a nonpersonal nature):

Name; Social Security Account Number; Date of Birth; Service; Grade/ Rank; speciality code, job series or profession; experience with radioactive materials such as classification as 'radiation worker', use of film badge or other dosimetric device, respiratory protection equipment training and actual work in anticontamination clothing and respirators; awareness of radiation risks associated with exercise; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individual's radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 C.F.R. Parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1590 (Occupational Safety and Health Act of 1970) and 29 C.F.R. Subparts 1910.20 and 1910.96; Executive Order 12196, Feb 26, 1980, (Occupational Safety and Health Programs for Federal Employees).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

EXTERNAL

Officials and employees of other Department of Defense components; government contractors, other national, state, and local government organizations, and foreign governments, in the performance of their official duties related to evaluating and/or reporting and documenting radiation dosimetry data. Officials of government investigatory agencies in the performance of their official duties relating to enforcement of Federal rules and regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tapes, discs, computer printouts and/or punched cards. Manual records are stroed in paper file folders, card files and/or paper rosters.

RETRIEVABILITY: Records are normally retrieved by individual's last name or social security account number; records may also be retrieved by Service, organization/employee, dose results or other input data.

SAFEGUARDS: The computer facility and terminals are located in restricted areas accessible only to authorized personnel and computer access is password protected. Manual records and computer printouts are available only to authroized persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL: Computer memory is cleared at the end of each work day. Manual records will be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, ATTN: Radiological Safety Officer.

NOTIFICATION PROCEDURE: Information may be obtained from Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, Telephone: area code (505) 844-6487.

RECORD ACCESS PROCEDURES: Requests for information should be addressed to Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115. Written requests for information should contain the full name, home address, social security account number, and date of birth. For personal visits, the individual must be able to provide identification showing full name, date of birth and social security account number. Current employers may be furnished dosimetry data on employees. Upon request, future employers may be provided dosimetry data; however, the request must inclued signed authorization from the employee to release the information.

CONTESTING RECORD PROCEDURES: Rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by a contractor or government dosimetry service, or (4) developed by radiation measurements at the exercise site.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

DEFENSE INTELLIGENCE AGENCY

L DIA 0005

SYSTEM NAME: Personnel Management Information System (PMIS)

SYSTEM LOCATION: Defense Intelligence Agency, Washington, D.D. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current and former military and civilian employees of DIA. Military and civilian personnel and their dependents nominated for assignment to the Defense Attache System.

CATEGORIES OF RECORDS IN THE SYSTEM: This system consists of a variety of personnel and directory data, security, education, training, financial health information, location, telephone and employment related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records are used by staff, administrative and operating officials to prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agree to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained. Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for the Agency's day-to-day operation and emergency functions. At overseas locations information may be provided to host country, Department of State, Department of Justice, Department of Treasury and the Central Intelligence Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated, maintained on magnetic tape and manual in paper files and cards and microfilms.

RETRIEVABILITY: By name or social security account number.

SAFEGUARDS: Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL: Paper files are destroyed when employment with the Agency ceases. Temporary microfilm records are destroyed when replaced within an updated film and magnetic tape files are retained indefinitely as permanent record. Directory Service files are destroyed one year after the individual departs the agency. Defense Attache System records are maintained for one year beyond the individual's tour completion date and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES: All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligency Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES: An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to CAO (PA 1974), Defense Ingelligence Agency, Washington, D.C., or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES: Agency officials and Ambassadors, employees, educational institutions, parent service

of individuals and immediate supervisor on station and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

L DIA 0335

SYSTEM NAME: Alcohol and Drug Abuse Reporting Program

SYSTEM LOCATION: Defense Intelligence Agency, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual who is diagnosed as an alcohol/drug abuser by a physician and subsequently enrolled in a bonafide treatment program.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains employee intake and follow-up records, initial interview forms, counselor observations and impressions of employee's behavior and rehabilitation progress, copies of medical consultation and procedures performed, results of bio-chemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Pursuant to Section 413 of Public Law 92-255; Section 408 of Public Law 92-255 as amended by Section 303(a) of Public Law 93-282; and Section 333 of Public Law 616 as amended by Section 122(a) of Public Law 93-282.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Blanket 'routine uses' identified in 44 FR 73728 do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, The Department of State, Department of Justice, the Office of Personnel Management, and to other appropriate Government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records maintained in file folders. (manual).

RETRIEVABILITY: By name and social security number.

SAFEGUARDS: Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL: Records are maintained in the Personnel Office, and destroyed two years after termination of the case.

SYSTEM MANAGER(S) AND ADDRESS: Deputy Assistant Director for Personnel
Defense Intelligence Agency,
Washington, D.C. 20301

NOTIFICATION PROCEDURE: To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E233, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES: All requests for copies of records pertaining to yourself must be in writing. You must include in your request your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES: An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES: Interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers, and from counselor and/or clinical director.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

L DIA 0819

SYSTEM NAME: DIA Financial Management

SYSTEM LOCATION: Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current and former civilian and military employees of DIA.

CATEGORIES OF RECORDS IN THE SYSTEM: Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or indebtedness. Correspondence from civilian employees related to financial transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a Separate agency of the Department of Defense under his direction and therein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used to determine

eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. To process employee's claims of payroll problems. Information may be disclosed to the Departments of State, Treasury, and Justice; the General Accounting Office, the Office of Personnel Management and, in the case of former employees, to their current employers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual in paper files and cards.

RETRIEVABILITY: By name.

SAFEGUARDS: Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL: Records are cut off each fiscal year and held for 2 years and then retired to the Washington National Records Center. They are destroyed when 10 years old. Temporary records are destroyed in 4 years of 2 years after a General Accounting Office audit.

SYSTEM MANAGER(S) AND ADDRESS: Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE: To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number and date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES: All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number and date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES: An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disgreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to : CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Wahington, D.C.

RECORD SOURCE CATEGORIES: Data is supplied from a number of sources including the individual concerned, the U.S. Army and Air Force Finance Offices and Agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

UNITED STATES MARINE CORPS

MFD00005

SYSTEM NAME: Retired Pay/Personnel System (RPPS)

SYSTEM LOCATION: Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

CATEGORIES OF RECORDS IN THE SYSTEM: The RPPS automated system of records contains the following fields (data elements and data sets): Retired/ Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; SSN: Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/ SSN/Key; Rank Code; Race Code; Sex Code; Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/ Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collections; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Fiscal Year and Month; VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation - Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-Time Credit/ Checkage; Scheduled Collection; Veterans Admin stration Claim Number; Tower Amendment Code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, U. S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Headquarters, U.S. Marine Corps, Marine Corps Finance Center, Marine Corps Central Design and Programming Activity - Records are used by officials and employees of the Marine Corps for computation of retired pay, retainer pay, survivor annuity accounts, audit of accounts, and to reply to correspondence relating to retired pay. Information in the system is used to create printed reports, records, checks, microforms, and magnetic files. Under the Department of Treasury Direct Deposit Program, pay data compiled on magnetic tapes is delivered to the Federal Reserve Bank, Kansas City, Missouri. Pay data is then distributed to individual financial organizations through the Federal Reserve distribution system for direct deposit to the individual's bank account. Statistical data and reports, compiled from the system for management studies and statistical analyses, is used internally or as required by the Department of Defense or other government agencies. Some information is made available to authorized local, state, and Federal agencies.

The American Red Cross and Navy Relief Society - Records are used by officials and employees of the American Red Cross and the Navy Relief Society

in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Data is record on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY: The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

SAFEGUARDS: Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

RETENTION AND DISPOSAL: Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction. Magnetic tapes delivered to the Federal Reserve Bank are returned to the Marine Corps Finance Center for disposition after direct deposits have been made to the account of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS: Commandant of the Marine Corps (Code FD), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

NOTIFICATION PROCEDURE: Requests from individuals for information should be referred to the SYSMANAGER.

Requesting individual must supply full name and SSN.

The requested may visit the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES: Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. The request should be sent to the SYSMANAGER.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Documents and correspondence received from Headquarters, U.S. Marine Corps, the VA, the members, and changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

MMN00005

SYSTEM NAME: Marine Corps Military Personnel Records (OQR/SRB)

SYSTEM LOCATION: PRIMARY SYSTEM - The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

Decentralized Segments - Custody of the commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty or administration of official records (OQR/SRB).

Decentralized Segments - National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Headquarters, U.S. Marine Corps official military personnel records on Marine officers consist of a copy of the appointment acceptance and record and all supporting documents furnished by the officer and generated by Marine Corps procurement procedures necessary to evaluate the individual for a commission in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to a Marine officer's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial, martial and other disciplinary matters, and other data needed in managing the officer personnel of the Marine Corps and Marine Corps Reserve.

Headquarters, U.S. Marine Corps official military personnel records on enlisted Marines consist of a duplicate enlistment contract or induction record and all supporting documents furnished by the enlisted Marine or generated by the Marine Corps recruiting procedures necessary to evaluate and approve the Marine for enlistment in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to an enlisted Marine's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial and other disciplinary matters, and other data needed in managing the enlisted personnel of the Marine Corps and Marine Corps Reserve.

Officer Qualification Record (OQR) is a field record of a Marine Officer which accompanies the officer throughout the various assignments of service with the Marine Corps or Marine Corps Reserve. Maintenance and custody of the OQR rests with the commanding officer of the organization to which the Marine officer is assigned for duty or administration of records. This record consists of the original appointment acceptance and record and non-automated records reflecting information pertaining to the officer's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, military orders and memoranda, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), leave and earnings statements, periodic print-outs of automated record contents, records of courts-martial and other disciplinary matters and any local orders or memoranda necessary for utilization of the Marine officer's background and experience in accomplishing the mission of the command.

Enlisted Service Record Book (SRB) is a field record of an enlisted Marine which accompanies the enlisted Marine throughout the various assignments of service with the Marine Corps or Marine Corps Reserve, maintenance and custody of the SRB rests with the commanding officer of the organization to which the enlisted Marine is assigned for duty or administration of records. This record consists of the original enlistment contract or record of induction and non-automated records furnished by the enlisted Marine or the recruiting procedures in effecting the enlistment or induction of the Marine. This record reflects information pertaining to the Marine's identification,

marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, duty and conduct evaluations, seucrity clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), Leave and Earnings statements, periodic print-outs of automated record content, courts-martial and other disciplinary matters, any other local military orders or memoranda necessary for the utilization of the Marine's background and experience in accomplishing the mission of the command.

CATEGORIES OF RECORDS IN THE SYSTEM: Headquarters, U.S. Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U.S. Marine Corps, Washington, D.C. 20380 from acceptance/enlistment/ induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, U.S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of per sonnel resources; screening and Selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs, and, the providing of requested information from the records to the Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service (HEW), U.S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of records, administration of work programs, processing naturalization proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Office of Personnel Management in connection with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the perfor mance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and Office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organization under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents having a need for such access.

By state and county law enforcement bodies processing applications for employ ment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for Headquarters, U.S. Marine Corps in storage and processing of Marine Corps records maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentability of any governmental jurisdiction within or under the control of the United States which has been authroized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentability initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

By officials and employees of the Office of the Sergeant at Army of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored on paper in file folders and on microfiche.

RETRIEVABILITY: The records at Headquarters, U.S. Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps reserve enlisted records of personnel joined/transferred to these components subsequent to 30 June 1974, all former Commandants all living retired officers (who served in a General Officer grade, records of all personnel separated/retired four months or less) are retrieved by social security number (SSN) and name. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records center, St. Louis, Missouri. Those retired to St. Louis prior to 1 January 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and name. All other Marine Corps records retired to St. Louis are accessed by MSN and/or SSN, name and are assigned a Registry Number. These records are retrieved by Registry Number.

SAFEGUARDS: Buildings employs security guards, records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL: Records are permanent. Records maintained at Headquarters, U.S. Marine Corps are transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 four months after separation, place ment on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in a General Officer grade and former Marines no longer considered of newsworth status.

SYSTEM MANAGER(S) AND ADDRESS: Commandant of the Marine Corps, Headquarters, U. S. Marine Corps, Washington, D.C. 20380

NOTIFICATION PROCEDURE: Correspondence pertaining to records maintained by Headquarters, U.S. Marine Corps should be addressed to:

Commandant of the Marine Corps
(Code MS)
Headquarters, U.S. Marine Corps
Washington, D.C. 20380
Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:

Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132
Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part 1 (OPNAV P09B3-107)

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit any of the above activities for review of records. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES: Information may be obtained from:

Commandant of the Marine Corps
(Code MS)
Headquarters, U.S. Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone: Area Code 202/694-1043

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Staff agencies and subdivisions of Headquarters, U.S. Marine Corps

Marine Corps commands and organizations

Other agencies of federal, state, and local governments

Medical reports

Correspondence from financial and other commerical enterprises

Correspondence and records of educational institutions

Correspondence of private citizens addressed directly to the Marine Corps or via the U.S. Congress and other agencies

Investigations to determine suitability for enlistment, security clearances, and special assignments

Investigations related to disciplinary proceedings

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

MMN00047

SYSTEM NAME: Officer Slate System

SYSTEM LOCATION: Officer Assignment Branch, Personnel Management Division, Headquarters U.S. Marine Corps (Code MMOA), Washington, D.C. 20380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty officers and enlisted personnel selected for warrant officer whose active duty component code is ll thru l3, Cl thru C6; and CH.

CATEGORIES OF RECORDS IN THE SYSTEM: The Officer Slate File contains assignment data pertinent to each individual officer's future assignment and sufficient data relative to his present assignment to determine the billet to which the officer is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 5031, Secretary of the Navy; responsibilities

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Headquarters, U.S. Marine Corps - Used by the officer assignment monitors to record data relative to an individual officers' present billet and future assignments. Monitors record assignment data such as estimated dates of arrival to future commands, and other pertinent information which will affect an officers' next duty assignment. This file is used to produce internal reports necessary to ensure that Marine Corps commands will be properly staffed with the officer grades and skills in the quantity required to perform their missions. This file is also utilized to extract the data necessary to issue Permanent Change of Station Orders (PCS Orders) on individual officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored on magnetic discs and back-up generations are stored on magnetic tape. Back-up tapes are maintained for approximately one week and then erased.

RETRIEVABILITY: Records are accessed by social security number.

SAFEGUARDS: a. Hard-wired terminals which operate on an on-line interactive mode support this system. System information is protected by the following software features: user account number; user identification number; password, and the file is in a 'restricted' status for use by the Officer Assignment Branch only.

b. Access to the building in which the terminals and computer system is located is protected by a security agency and requires positive identification for admission. Access to the terminals is under the control of authorized personnel during working hours. Office spaces in which the terminals are located are locked after working hours, and checked in the evening by the designated staff duty officer at Headquarters Marine Corps.

RETENTION AND DISPOSAL: Records are retained for the period an officer is on active duty. Officers reporting to active duty are added to the file automatically and those officers being transferred to other than active duty status are deleted from the file automatically. This process occurs once each week to coincide with the updating of the Manpower Management System. Back-up generations are retained for approximately one week in the event a systems failure/error requires the file to be restored. After this time the back-up tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps
(Code MMOA)
Headquarters Marine Corps
Washington, D.C. 20380
Telephone: (202) 694-3078

NOTIFICATION PROCEDURE: Inquiries should be directed to the System Manager at the address indicated.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: The Commandant of the Marine Corps (Code MMOA) Headquarters U.S. Marine Corps, Federal Office Building 2, Washington, D.C. 20380.

Written requests for information should contain the full name of the individual, date and place of birth, social security number and signature.

For personal visits, the individual should be able to provide military

identification to ensure that the individual is the subject of the inquiry.

An active duty officer may obtain future assignment data on himself by telephone by contacting his assignment monitor and providing sufficient information to properly identify himself to his assignment monitor.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information in the system is obtained from the officer's command, the individual officer concerned, officer assignment monitor and the Manpower Management System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

UNITED STATES NAVY

N01001-1

SYSTEM NAME: Roster, Naval Reserve Law Companies

SYSTEM LOCATION: Office of the Judge Advocate General (Code 62) Department of the Navy, 200 Stovall St., Alexandria, Va 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Listing of law program officers in Naval districts having cognizance over Reserve affairs; listing of Naval Legal Service Offices; listing of the staff of the Director, Naval Reserve Law Programs; listing of Naval Reserve Law Company commanding officers; and listing of members of the law companies.

CATEGORIES OF RECORDS IN THE SYSTEM: Roster contains names and locations of personnel associated with Naval Reserve Law Programs; names of members of law companies, social security number, rank, home and office addresses, name of spouse, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The roster is issued for the purpose of facilitating and promoting liaison between Naval Reserve Law Companies, law program officers, the Director, Naval Reserve Law Programs, and his staff, and the Navy's legal assistance program. It is an essential publication for use by legal assistance officers throughout the Navy. It apprises Naval Reserve officers of the locations of Reserve units in order that they may participate in the reserve law programs. These rosters may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDE IN THE SYSTEM:

STORAGE: File folders

RETRIEVABILITY: By names of members and location of Reserve units.

SAFEGUARDS: Records are maintained under the control of authorized personnel during working hours; the office space in which the rosters are maintained is locked outside official working hours.

RETENTION AND DISPOSAL: Rosters are retained for approximately two years and destroyed when a new edition is published.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the System Manager. Personal visits may be made to: Reserve Personnel Division Office of the Judge Advocate Room 9s05 Hoffman Bldg II 200 Stovall St. Alexandria, Va. 22332

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES: Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01001-2

SYSTEM NAME: Naval Reserve Law Program Officer Personnel Information

SYSTEM LOCATION: Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Applicants applying for appointment or transfer to Judge Advocate General's Corps of the Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM: Furnishes information as to applicant's qualifications and intentions to affiliate in Naval Reserve Law Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Office use required for personnel management of Reserve Law Program. Use is required to assist in determining applicant's qualification for appointment in the Judge General's Corps. These files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, stored in a file cabinet

RETRIEVABILITY: By officer's name

SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the: Office of the Judge Advocate General (Code 62), Department of the Navy, Room 9s05, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Written requests must be signed by the requesting individual, and for personal visits, the individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: Requests should be addressed to: Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information is received from applicants who are applying for appointment in the Judge Advocate Generals' Corps or from reserve officers requesting transfer to the system manager.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01001-3

SYSTEM NAME: Reserve Personnel History File

SYSTEM LOCATION: Naval Intelligence Command 2461 Eisenhower Avenue Alexandria, Virginia 22331

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.
CATEGORIES OF RECORDS IN THE SYSTEM: File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training and background investigation information.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: National Security Act of 1947, as amended; 5 U.S.C. 301 Departmental Regulations; 10 U.S.C. 503 Department of the Navy 10 U.S.C. 6011 Departmental Regulations; 44 USC 3101, Records Management by Federal Agencies;
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The Reserve Personnel History File is maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the department of Defense and components therof for research, analysis, evaluation and utilization of the information and for such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components therof. By other appropriate federal agencies who may require the information to fulfil such agencies' legal responsibilities.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Computerized magnetic tapes; microform; some records may be maintained in file folders.
RETRIEVABILITY: The file can be accessed for each file element or any combination therof
SAFEGUARDS: GSA approved security containers located in controlled access spaces.
RETENTION AND DISPOSAL: Records Disposal Manual, Secretary of the Navy Instruction 5212.5B.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command 2461 Eisenhower Avenue Alexandria, Virginia 22331
NOTIFICATION PROCEDURE: Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.
RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Reserve Personnel History File data submitted by the individual; background investigation reports from the Naval Investigative Service.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01001-4

SYSTEM NAME: Intelligence Reserve Personnel Management File
SYSTEM LOCATION: Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Va. 22331
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All officers and enlisted personnel of the Naval Reserve Intelligence Program
CATEGORIES OF RECORDS IN THE SYSTEM: File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military reserve active duty training, background investigation information, qualifications for active military duty assignments and military promotions,
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies;
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: These files are maintained for the purposes of determining qualifications for members of the Naval Reserve Intelligence Program and providing a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program, and mobilization planning requirements. This information may be provided to the Department of Defense and components thereof for research, analysis, evaluation and utilization of the information and for such other matters as may be necessary to fulfill the responsibilities of the Department of Defense and the components thereof. By other appropriate federal agencies who may require the information to fulfill such agencies' legal responsibilities.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders
RETRIEVABILITY: Alphabetically by last name.
SAFEGUARDS: GSA approved security containers located in controlled access spaces.
RETENTION AND DISPOSAL: Records are retained indefinitely
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command 2461 Eisenhower Avenue, Alexandria, Virginia 22331
NOTIFICATION PROCEDURE: Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager
RECORD SOURCE CATEGORIES: Reserve Personnel History File data submitted by the individual; correspondence regarding individual's military and civilian qualifications; letters from the Department of the Navy regarding promotions.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01001-5

SYSTEM NAME: MSC/NCSORG Reserve Personnel Record
SYSTEM LOCATION: Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Naval Reserve personnel in the MSC/NCSORG Reserve Program
CATEGORIES OF RECORDS IN THE SYSTEM: Name, rank, social security number, designator, date of birth, home address and phone, active duty training, correspondence courses, education, active military service, civilian employment experience.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The information in the system provides pertinent biographical information and data to be used by the

program sponsor for the management, supervision and administration of the MSC/NCSORG program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Data cards or similar record.

RETRIEVABILITY: By name

SAFEGUARDS: Records are kept within COMSC Naval Reserve Division Office. No one authorized access outside of Naval Reserve Division personnel. Building employs security guards.

RETENTION AND DISPOSAL: Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Military Sealift Command. Department of the Navy. Washington, D.C. 20390

NOTIFICATION PROCEDURE: Information may be obtained from System Manager. Written requests for information should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES: Information is submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-1

SYSTEM NAME: JAG Corps Officer Personnel Information

SYSTEM LOCATION: Office of the Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active Duty Officers in the Judge Advocate General's Corps, Active Duty Officers in the Law Education and Excess Leave Programs

CATEGORIES OF RECORDS IN THE SYSTEM: Name, date of birth, social security account number, USN/USNR, designator, rank, state bar membership and year admitted, wife's name, no. of dependents, lineal listing by year group, duty assignment, arrival and rotation dates, release date if applicable

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Office use required for personnel management of Navy JAG Corps personnel as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers. Use is required to determine qualification of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel. Use is further required to determine the rotation dates and release from active duty dates of JAG Corps officers as well as the date new officers will be available for duty. This information is then utilized to prepare JAG Corps strength plans for submission to OPNAV. Use is also required to obtain an officer's preference for duty assignment as well as eligibility for consideration for post-graduate education and overseas assignments. Certain of this information is promulgated to all active-duty JAG Corps officers in a semi-annual publication known as the Directory of Navy Judge Advocates. The information is promulgated for informational purposes so that officers can determine what positions (billets) might be available should they desire rotation. Additionally, the information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer strips kept on a strip file (wheel) and paper records kept in a folder identified by the officer's name kept in file cabinets.

RETRIEVABILITY: By officer's name, folders are filed alphabetically.

SAFEGUARDS: Records are maintained in the Office of the Judge Advocate General personnel office under the control of authorized personnel during working hours; the office space in which the storage devices containing the records is locked outside official working hours.

RETENTION AND DISPOSAL: Upon release from active duty, records are kept three years and then destroyed. Upon retirement from active duty, records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from: Judge Advocate General (code 61), Department of the Navy, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332, Telephone: (202)325-9830

Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: Judge Advocate General (code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Personnel visits may be made to the JAG Personnel Office, Room 9s25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Information submitted by the officer upon his successful completion of law school and admission to the bar, orders to active duty and subsequent transfer orders, computer strips provided by the Bureau of Naval Personnel on all active duty officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01070-10

SYSTEM NAME: Aviation Training Jacket

SYSTEM LOCATION: The Aviation Training Jacket accompanies the individual student to each Naval Air Command as he progresses in the training program. Upon completion or termination of training, the Aviation Training Jacket is forwarded to the following command:

Chief of Naval Air Training
Naval Air Station
Corpus Christi, TX, 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All naval aviators, naval flight officers, naval flight surgeons, aviation warrant officers, and precommissioning training for aviation maintenance duty and aviation intelligence officers. This includes records in the above categories for individuals who do not complete prescribed training.

CATEGORIES OF RECORDS IN THE SYSTEM: Aviation flight training, practical and academic grade scores, including pre-training aviation test battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Evaluation of individual training progress and evaluation of training systems including studies and statistical analysis of training matters within the Naval Air Training Command. Summaries of training provided to other Naval commands where further training is required. Academic transcripts

provided to educational institutions upon individual request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders in metal filing cabinets.

RETRIEVABILITY: Name and date of designation, completion or termination of training.

SAFEGUARDS: Access is restricted to the individual or those who maintain training records and those who are directly involved with the individual's training or evaluation. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL: Retained at the Chief of Naval Air Training headquarters for six months, then transferred to the Federal Records Center, East Point, GA. Retained for 75 years (SECNAVINST 5212.5B).

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE: The individual is informed that the Aviation Training Jacket is being maintained and has ready access to it during training. After training, he can submit written request to the system manager listed above and must provide name, social security number or officer file number, and date of completion or termination of training. Personal visitors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Prior educational experience, flight grades, academic grades supporting flight training, physical fitness/survival/swimming proficiency, aviation physiology training and qualifications, and birth certificate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-11

SYSTEM NAME: Flight Instruction Standardization and Training (FIST) Jacket

SYSTEM LOCATION: The FIST jacket is located at the various Naval Air Training Commands where the individual may be assigned. The following command can be contacted to determine the location of any specific command. Chief of Naval Air Training Naval Air Station Corpus Christi, TX 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All naval aviators and naval flight officers assigned to duty as instructors within the Naval Air Training Command.

CATEGORIES OF RECORDS IN THE SYSTEM: A record of flight instruction standardization and training required of naval aviators and naval flight officers assigned duty as instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Scheduling of training flights. Qualification and designation as a flight instructor. Initial qualification and re-designation in type aircraft to instruct. Used by Commanding Officers and training personnel of the command to which the individual is assigned. Administration of the FIST Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders in metal file cabinets.

RETRIEVABILITY: Name, rank, and social security number.

SAFEGUARDS: Access is restricted to the individual, his commanding officer, or those involved in maintaining training records. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL: Jackets are retained in the individual's command until detachment, at which time it is given to the individual.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE: The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting content and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Academic tests Flight performance evaluation Check flight evaluation Instructor's evaluation Command determinations Personal input

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-12

SYSTEM NAME: Administrative Files System

SYSTEM LOCATION: Naval Investigative Service (NIS) Headquarters PO Box 16230, Suitland, Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain duplicate copies of certain segments of the administrative files. Addresses of these offices are included in the directory of Department of the Navy mailing list.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Past and present civilian, military and foreign national personnel assigned world-wide NIS.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel Management System - an automated management information and statistical system containing all needed items of personnel information.

Special Agent Career Development Files - a compendium of Civil Service Performance Evaluation and Ratings and all correspondence unique to the NIS Special Agent, including annual physical examinations, which has a bearing on world-wide assignability, promotion and general career assessment.

Weapons Inventory File - an automated file containing the credential number, badge, weapons and handcuffs assigned to each NIS criminal investigator.

Personnel Security Clearance File - an automated file containing the classified material access level and date of last security clearance for assigned civilian and military personnel of NIS.

Personnel Utilization Data File - an automated file designed to provide statistical information regarding the manner by which available NIS manhours are expended in the execution of its assigned investigative and counterintelligence mission. The file is formed by the submission (monthly) of individual manhour diaries. All assigned personnel input to this system; their manhours are categorized by function.

Freedom of Information and Privacy Requests File. Records relating to requests for information pursuant to the Freedom of Information Act and the Privacy Act of 1974, and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301; Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The Personnel Management System is used in preparation of virtually all personnel documents and

personnel statistical studies. It provides such information as the average grade, the total number and composition of personnel at each NIS component and the past assignments of personnel. It is used on a daily basis by personnel technicians and management level personnel in the formation and execution of staffing actions for the various NIS components, informal verification of employee's tenure and the compilation of necessary statistical studies.

Special Agent Career Development Files - The information in these files is used for within-agency decisions regarding reassignment, promotion, career training and long-range development. They form within-agency repository for both adverse and favorable documents regarding Special Agents. The files have a long-range fuction - that of forming the basis for law enforcement retirement service certification. Though part of the file is duplicated in the Official File maintained by the Civilian Personnel Office, the Special Agent Career Development file is considered priviledged information and its contents are not released outside NIS. Within NIS, the files are maintained and controlled exclusively within the Career Services Division, NIS Headquarters and by assigned personnel to that Division. The files are released for review only to senior management personnel of NIS.

Weapons Inventory File - used to identify and inventory credentials, weapons, badges and handcuffs issued to authorized NIS personnel.

Personnel Security Clearnace File - used to informally verify and authenticate security clearances issued to NIS personnel. The file has a daily working purpose of acting as a check sheet for the updating of security clearances. It further is the file referred to when the director, NIS, is required to certify th access level of certain assigned NIS personnel to other Navy commands as well as civilian contractors.

Personnel Utilization Data File - a statistical file from which an indepth analyses of manhour expenditures are surveyed. The file is highly automated and used exclusively within NIS. The various analyses drawn from the file are used to modify the staffing levels at various NIS components based on actual work level. It further provides a tool to NIS management to gauge the efficiency of all components by comparing their workload with the amount of manhours available.

The records in this system are referred, as appropriate to authorized governmental units, such as Office of Civilian Manpower Management and Civil Service Commission, making various personnel determinations, e.g., retirement, awards, disciplinary action; to law enforcement personnel conducting criminal or suitability investigations; to DoD components, other agencies or industrial firms requiring confirmation of security clearance level; to higher authority for statistical purposes; limited response to credit queries; and medical records to personal physicians.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The Personnel Management System, Weapons Inventory File, Personnel Security Clearance File and the Personnel Utilization Data File are stored on magnetic tape in an automated system. The Personnel Management System is composed of visible file cards and computer paper printouts; the Personnel Security Clearance File is composed of computer paper printouts and associated Department of Defense security certification documents, the latter being filed in individual file folders; the Weapons Inventory File and the Personnel Utilization Data File are composed of computer paper printouts only.

The Special Agent Career Development files are composed exclusively of paper records in file folders.

RETRIEVABILITY: Information is accessed and retrieved by name only in the Special Agent Career Development File. The Weapons Inventory File is queried by either name only or by item number (i.e., badge, credential, weapon, handcuff serial number).

The Personnel Management System is accessed by name and SSAN; retrieval is by individual data characteristic such as GS-grade level, duty-station, special qualifications, language qualifications or it my be retrieved by name only or in conjuction with the SSAN.

The Personnel Utilization Data File is normally accessed and retrieved by location and functional category of employment (i.e., Special Agent, clerical, etc.). The capability exists, however, to retrieve by SSAN. The Personnel Security Classificaton File is a subordinate file to the Personnel Management System. Accession is by name and SSAN. Retrieval is accomplished by computer paper printout in both alphabetical and duty-station format.

SAFEGUARDS: All files in this system are protected by limited, controlled access, safes, and locked cabinets and doors. Futher, visitor control and secure computer software measures (where applicable) are utilized.

RETENTION AND DISPOSAL: Personnel indexed in the Personnel Management System and the Personnel Security Clearance File are deleted from the magnetic tape data storage upon termination of employment. Residual paper records are retained from two to five years.

Personnel indexed in the Weapons Inventory File are deleted at such time as assigned equipment is returned and accounted for. Residual paper printouts are destroyed at least semi-annually.

The Special Agent Career Development Files are semi-permanent and are retained, at least in essential skeletal format, indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20746

NOTIFICATION PROCEDURE: Requests from individuals should be addressed to the System Manager, above. Individuals submitting requests should provide their full name, date of birth, SSAN and dates of employment or assignment with NIS.

In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a drivers' license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NIS.

RECORD ACCESS PROCEDURES: Access to files in this system may be gained by written notification or personal visit to the Naval Investigative Service Headquarters at the location specified above. Requests should be directed to the Information and Privacy Coordinator.

CONTESTING RECORD PROCEDURES: The agency's rule for access to records and for contesting contents and appealing initial determinations by the inividual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: In the case of Personnel Management System and the Personnel Utilization Data System, the individual employee is the prime source of information both for initial access to the files as well as periodic update. The Personnel Security Clearance File information is obtained as a sub-file to the Personnel Management System. The information for the Weapons Inventory File is obtained from personnel charged with the issuance of various items inventoried therein (with verification by

the personnel to whom the items are issued.)

Information for the Special Agent Career Development File is recieved from the individuals supervisors, from various Naval Commands and other Federal and State agencies with whom the Special Agent has had professional contact and from the individual himself. Also, this file contains copies of each physical examination required annually of assigned civilian Special Agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01070-13

SYSTEM NAME: Nuclear Program Interview and Screening

SYSTEM LOCATION: Naval Sea System Command (Code 08), Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Personnel interviewed or considered for assignment or retention in the Naval Nuclear Power Program

CATEGORIES OF RECORDS IN THE SYSTEM: Interview appropriation folder, interview chronology, interview index card, Navy Enlisted Nuclear Program Technical Screening Sheets, Nuclear Propulsion Officer Candidate Records

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Determine eligibility for Naval Nuclear Power Program, maintaining statistical and accounting records, and other administrative uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, loose leaf binders, and index card box

RETRIEVABILITY: Name, chronological, Navy rate (if applicable), Social Security Number, approximate date of screen

SAFEGUARDS: Located in restricted area

RETENTION AND DISPOSAL: Indefinitely

SYSTEM MANAGER(S) AND ADDRESS: Naval Sea Systems Command (Code 08), Washington, D.C. 20362

NOTIFICATION PROCEDURE: Contact System Manager; provide full name, Navy rate (if applicable), Social Security Number, Nuclear Power School Class or dates at attendance (if applicable) and proof thereof, dates of service or screening and proof thereof.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual; Bureau of Naval Personnel; U.S. Naval Academy; current and/or previous commands; Director, Division of Naval Reactors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-14

SYSTEM NAME: Next of Kin Information for Sea Trial Riders

SYSTEM LOCATION: Naval Sea Systems Command Code 08 Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals attending nuclear propulsion plant sea trials of Navy ships

CATEGORIES OF RECORDS IN THE SYSTEM: Names and addresses of next of kin; name, Social Security Number and security clearance of individual

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To maintain information necessary for individuals to attend nuclear propulsion plant sea trials; Associate Director for Surface Ships and staff

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: 3 x 5 index cards

RETRIEVABILITY: Alphabeticly by name

SAFEGUARDS: Locked in 3-way combination safe in a restricted area

RETENTION AND DISPOSAL: Indefinitely

SYSTEM MANAGER(S) AND ADDRESS: Naval Sea Systems Command Code 08 Washington, D.C. 20362

NOTIFICATION PROCEDURE: Contact System Manager; Provide name and social security number and identify sea trials attended

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: From the individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-2

SYSTEM NAME: Naval Attache Files

SYSTEM LOCATION: Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: U.S. Navy and Marine Corps Officers nominated and/or assigned to duty in the Defense Attache System (DAS)

CATEGORIES OF RECORDS IN THE SYSTEM: File contains records concerning the service and personal history of officers nominated and/or assigned to duty in the DAS and their dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: National Security Act of 1974, as amended; 5 USC 301, Departmental regulations; 10 USC 503, Department of the Navy; 10 USC 6011, Navy Regulations; 44 USC 3101, Records Management by federal agencies; United States Navy Regulations, 1973 Executive Order 11652, Classification and declassification of National Security Information and Material

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By offices of the Navy, DOD and State to determine suitability of personnel for security clearances and assignment to the DAS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper files in folders stored in standard GSA safes.

RETRIEVABILITY: By name of officer.

SAFEGUARDS: Records are stored in a controlled access area and are accessible only to a very limited number of authorized personnel with proper security clearance and demonstrated need for access.

RETENTION AND DISPOSAL: Records are opened on individuals when first nominated for attache duty, and retained until six months after completion of attache duty.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

NOTIFICATION PROCEDURE: Information may be obtained by written request to the system manager, giving full name, residence address, and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Data is gained from the subjects of the file, BUPERS and Headquarters Marine Corps files of subject's fitness reports, DIS/NIS background, investigations and

other sources who are familiar with the subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 USC 552a (K) (1), as applicable. For additional information consult the system manager.

N01070-3

SYSTEM NAME: Navy Personnel Records System

SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, LA 70159; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel Service Jackets and Service Records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Chief of Naval Personnel.

Officials and employees of the Department of Health and Human Services, Veterans' Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy. The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members and their dependents and relatives.

Duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

State and local agencies in performance of their official duties related to verification of status for determination of eligibility for Veterans' Bonuses and other benefits and entitlements.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary. Officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of official duties related to the verification of the active duty naval service of members of Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY: Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, enlisted service number, or officer file number.

SAFEGUARDS: Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5 , subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Washington, D.C. 20370; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities as listed in the Directory of the Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (ATTN: pRIVACY aCT cOORDINATOR), nAVY dEPARTMENT, wASHINGTON, d.c. 20370. or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or

enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB 2), Washington, D.C., for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552a (k) (1) and (5), as applicable. For additional information contact the System Manager.

N01070-4

SYSTEM NAME: NAVAL RESERVE SECURITY GROUP PERSONNEL RECORDS

SYSTEM LOCATION: Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Naval Reserve Security Group Personnel

CATEGORIES OF RECORDS IN THE SYSTEM: System comprises records reflecting information pertaining to reservist's ACDUTRA (Active Duty for Training); miscellaneous personnel actions, i.e., in-training status for change of rank/designator/rate; clearance certificate; congratulatory letters to officers upon promotion; history of past ACDUTRA performed; correspondance courses completed; old data cards and clearance eligibility letters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Reserve Personnel Support Branch - to verify: past active duty and ACDUTRA performed; currency of clearance status; mobilization assignment; civilian skills acquired

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper-records in file folders

RETRIEVABILITY: Filed alphabetically by last name of reservist

SAFEGUARDS: Buildings employ security guards; Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained

RETENTION AND DISPOSAL: Records are retained in active file until reservist has fulfilled drilling obligation or upon discharge or transfer to stand-by reserve

SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

NOTIFICATION PROCEDURE: a. Send request to SYSMANAGER

b. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number

c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington D.C., 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor

d. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES: District Officers for Naval Reserve Security Group Commanding Officers of Naval Reserve Security Group Divisions Commanding Officer, Naval Technical Training Center, Pensacola, FL

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01070-5

SYSTEM NAME: Personnel Resources Information System for Management (PRISM)

SYSTEM LOCATION: Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D. C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty Navy and Marine Corps personnel and Naval and Marine Corps Reserve personnel affiliated with the Naval Security Group. Also civilian personnel holding a NAVSECGRU clearance.

CATEGORIES OF RECORDS IN THE SYSTEM: System comprises automated records reflecting information pertaining to the pesonnel identification, location, current duties, professional qualifications and experiences, education, rotation data, personal information (marital status, dependents, home of record) and career information (dates of expiration of enlistment, release from active duty and security clearance data)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Military and civilian personnel of the Naval Security Group Headquarters in the performance of their official duties relating to the planning and management of NAVSECGRU personnel resources. Regularly produced management reports are used to determine: adequacy of the personnel manning posture (quantitatively and qualitatively) at NAVSECGRU field activities; trends concerning levels of various NAVSECGRU personnel skills; trends in enlistments, re-enlistments, training quotas, retirements; also, data base is often queried for one-time, non-routine information to satisfy priority requirements. Personnel of the Bureau of Naval Personnel use the system regularly to assist in meeting authorized NSG personnel requirements and identification of NSG training requirements. Civilian and Military officials of the National Security Agency use overall NAVSECGRU population distribution to assess adequacy of personnel levels and skills in meeting national cryptologic requirements. NAVSECGRU Area Directors in Atlantic, Pacific and European Commands in order to determine manning and skill posture within their respective theaters. Officials of NAVSECGRU field stations world-wide in order to determine numbers and skills

of personnel ordered to report for duty. Officials of Naval Technical Center Pensacola Florida for purpose of mailing advancement examinations and other training materials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored on magnetic tapes, discs, punched cards, microfiche and computer paper printouts.

RETRIEVABILITY: Records are retrieved by name, social security number, skill codes, duty stations, career information (dates of enlistment, expected release), education, rating and paygrade.

SAFEGUARDS: The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Computer magnetic tapes are erased three months after they are created. Punched cards are converted to magnetic tape and destroyed. Microfiche and paper printouts are retained 3 years or until superseded.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D.C. 20890

NOTIFICATION PROCEDURE: Send request to SYSMANAGER. Full name, DPOB, military status, SSAN (if you will voluntarily include it) or service number.

Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting content and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Chief of Naval Personnal MAPMIS (Manpower Management Information System) ADP file; Naval Security Group field sites; Naval Security Group Field Office Representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-6

SYSTEM NAME: Employee Explosives Certification Program

SYSTEM LOCATION: Organization elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel involved in the process or evolutions of explosives operations

CATEGORIES OF RECORDS IN THE SYSTEM: Individual certifying document and combined register of all employees certified

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To record the names of all employees and their qualifications to work in certain categories of explosives operations

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder, punched cards

RETRIEVABILITY: SSN, Name

SAFEGUARDS: Personnel escort required

RETENTION AND DISPOSAL: Permanent, unless employee terminates or is no longer involved in explosives processes. Document returned to employee's department for routine disposal after deletion from program

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer or head of the organization in question. See directory of Department of Navy mailing addresses.

NOTIFICATION PROCEDURE: Individuals may inspect personnel certifying documents at local activity to which individual assigned. Requesters must be escorted and provide identification for inspection of their personnel records.

RECORD ACCESS PROCEDURES: The agency rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES: Personnel files, previous supervisors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-7

SYSTEM NAME: Resale System Military Management Information System

SYSTEM LOCATION: Commander Navy Resale and Services Support Office 3rd Avenue and 29th Street Brooklyn, NY 11232

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Present and past military officer and key enlisted personnel assigned to the Navy Resale System.

CATEGORIES OF RECORDS IN THE SYSTEM: Management Information System (including: Name; rank or rate; social security number; designation date of rank; date reported; rotation date; educational level; lineal number; dependency status) Card file on officers assigned (including: dates in navy resale system; location of assignments) Correspondence folder with Officer and senior enlisted personnel (containing: preference of assignment; biographical information; and orders)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC301 and 10USC5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy Personnel in the performance of their official duties related to determining recommended replacements for key military personnel; recommending actions to the officer, personnel division, Navy Systems Command; and keeping a record of orders and pertinent correspondence with individual personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The media in which these records are maintained vary, but include: Magnetic tape; printed reports; card files and file folders.

RETRIEVABILITY: Name: rank or rating, social security number

SAFEGUARDS: Locked file cabinets; locked archives; supervised office spaces and supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL: Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II Chapters 4 and 5 and/or the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Office of Military Personnal (OMP) Navy Resale and Service Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

NOTIFICATION PROCEDURE: Written contact may be made by addressing

inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contestng contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: U.S. Navy Manpower Information System; the Bureau of Personnel Navy); the individual; the individual's superior officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01070-8

SYSTEM NAME: Correction Board Case Files System.

SYSTEM LOCATION: Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370; decentralized segments located in the Naval Military Personnel Command, Headquarters, U.S. Marine Corps, and the individual military personnel record of the service member concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

CATEGORIES OF RECORDS IN THE SYSTEM: Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: rank; social security number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Naval Military Personnel Command/Commandant of the Marine Corps; date officer case returned from Naval Military Personnel Command/ Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record order; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Section 1552, Title 10 United States Code; Part 723 Title 32 Code of Federal Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Internal:

Board for Correction of Naval Records-To review applicant's naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted-to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases-to respond to inquiries from applicants, their counsel and members of Congress.

Naval Military Personnel Command-To provide advisory opinions in case involving present and former Navy personnel, to correct records of present and former Navy personnel in accordance with approved Board decisions.

Bureau of Medicine and Surgery-To provide advisory opinions on medical matters.

Naval Council of Personnel Board/ Office of Naval Disability Evaluation-To provide advisory opinions on medical matters.

Headquarters, United States Marine Corps-To provide advisory opinions in cases involving present and former Marine Corps personnel, to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

Litigation Division, Office of the Judge Advocate General, Department of the Navy- To prepare legal briefs and answers to complaints against the Department of the Navy, etc.

External:

Department of Justice-to defend law suits instituted against the Department of the Navy in cases involving applications to the Board for Correction of Naval Records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained as paper and microfiche records in file folders, and manually retrieved file cards.

RETRIEVABILITY: Records are filed alphabetically, by the last name of the applicant and are cross filed by docket number, and service or social security account numbers.

SAFEGUARDS: Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL: All file cards are permanently retained by the agency. Case files are permanent. They are retained in the active files for three years and then retired to the Washington National Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS: Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE: Information should be obtained from the systems manager. Requesting individuals should specify a full name, and social security account numbers or service numbers. Visitors should be able to provide proper identity, such as a drivers license. Written requests must be signed by a requester or his/her legal representative.

RECORD ACCESS PROCEDURES: Information may be obtained from the Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370 by providing name, military status, branch of service and social security number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, Virginia. For personal visits, identification will be required.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES: All official Naval records, Veteran's ADMINISTRATION AND POLICE AND LAW enforcement records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01070-2

SYSTEM NAME: White House Support Program

SYSTEM LOCATION: White House Liaison Office, Office of the Secretary of the Navy, Department of the Navy, Washington, DC 20350.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy and Marine Corps military and civilian personnel and contractor employees who have been nominated by their employing activities for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel records, correspondence, and other documents and records in both automated and nonautomated form concerning classification, security clearances, assignment, training, and other qualifications relating to suitability for Presidential support duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy, other components of the Department of Defense, and Executive Office of the President in the performance of their official duties related to personnel administration and the evaluation and nomination of individuals for assignment to Presidential support duties; officials and employees of other federal agencies and offices, upon request, in the performance of their official duties related to the provision of Presidential support and protection; the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. General use and purpose: To insure that only those individuals most suitably qualified are assigned to duty in Presidential support activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc drums, and on punched cards. Manual records may be stored in file folders, or microform.

RETRIEVABILITY: Manual Records: By name if individual has been nominated and not yet approved. By OSD approval date if individual has been approved, and by employing activity removal date if an individual is removed from assignment for cause. Automated records may be retrieved by name, social security number, and control number.

SAFEGUARDS: Records are afforded appropriate protection at all times, stored in locked rooms and locked file cabinets, and are accessible only to authorized personnel who have a definite need to know and who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps records.

SYSTEM MANAGER(S) AND ADDRESS: Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350

NOTIFICATION PROCEDURE: Requests from individuals by correspondence should be addressed to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. Written requests should contain the full name of the individual and his social security number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy and other Department of Defense components; federal, state, and local court documents; civilian and military investigative reports; general correspondence concerning the individual; and federal and state agency records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (3) and (5), as applicable. For additional information, contact the System Manager.

N01080-1

SYSTEM NAME: Enlisted Master File Automated System

SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy Enlisted Personnel: Active and Inactive

CATEGORIES OF RECORDS IN THE SYSTEM: Computer file contains data concerning enlisted assignment, planning, programming, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and enlisted reserve drill data. The system also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer extracts, microform, and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the Navy's military management program, of Navy enlisted personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management, supervision, and administration of Navy enlisted personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and

administration of Navy enlisted personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof, on matters within their jurisdiction requiring disclosure of the files or records of Navy enlisted personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tapes, disks, drums and on punched cards.

Printed reports and other related documents supporting the system are stored in authorized areas only.

RETRIEVABILITY: Automated records are retrieved by Social Security Account Number.

SAFEGUARDS: Within the computer center, controls have been established to dessominate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertant or unauthorized disclosure will result in harm, embarrassment, inconvience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted managment, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL: Automated records are retained in accordance with MAPMIS manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence from active duty enlisted personnel shall be addressed to : Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D. C. 20370; requests by correspondence from inactive duty and reserve personnel shall be addressed to: Commanding Officer, Naval Reserve Personnel Center (Attn: Privacy Act Coordinator), New Orleans, La 70159; request shall contain full name, social security account number, rank, status, and signature of requestor.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy and Department of Defense and Components thereof in performance of their office duties and as specified by current instructions and regulations promulgated by competent authority; educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01060-2

SYSTEM NAME: Officer Master File Automated System

SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Naval Officers; commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Computer file contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy officer personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executvie Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee therof, on matters within their jurisdiction requiring disclosure of the files or records of Navy officer personnel.

Such Civilain Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

RETRIEVABILITY: Automated records are retrieved by Social Security Account number.

SAFEGUARDS: Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrasment, inconvenience or

unfairness to the indivíual, will be shredded. Computer files are kept in a secure, continuously manned area and are distributing personnel who are directed to respond to valid, official request for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL: Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE: Active duty Navy Officers/Officer Candidates shall request by correspondence addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. Naval Reserve and retired officers shall request by correspondence from commanding officer, Naval Reserve Personnel Center, New Orleans, LA 70159. Requests shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense and components therof, in performance of their official duties and as specified by current Instructions and Regulation promulgated by competent authority; official records of professional qualifications; Educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01130-1

SYSTEM NAME: Low Quality Recruiting Report

SYSTEM LOCATION: Commander, Naval Recruiting Command 4015 Wilson Blvd Arlington, Va 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Reports of enlisted performance

CATEGORIES OF RECORDS IN THE SYSTEM: Reports of performance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by the Navy Recruiting Command and the Chief of Naval Education and Training, Chief of Naval Technical Training, and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File Folder

RETRIEVABILITY: Random filing by submitting activity

SAFEGUARDS: Maintained in locked safe in controlled building

RETENTION AND DISPOSAL: Two years

SYSTEM MANAGER(S) AND ADDRESS: Commander Navy Recruiting Command

NOTIFICATION PROCEDURE: By individual request upon presentation of letter or identification. Must provide program and name.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Service Record entries, Commanding Officers performance evaluations

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01131-1

SYSTEM NAME: Officer Selection and Appointment System

SYSTEM LOCATION: Primary System - Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Decentralized segments - Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and examining Centers; Bureau of Naval Personnel; Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have made application for direct appointment to commissioned grade in the Regualr Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM: Records and correspondence in both automated and non-automated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10, United States Code, Sections governing authority to appoint officers. 10 USC Sections 591, 600, 716, 2107, 2122, 5579, 5600. Merchant Marine Act of 1939 (as amended); Executive Orders 9397, 10450, 11652; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in the performance of their official duties.

Officials and employees of the Department of Transportation in the performance of their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tape; paper records are stored in file folders.
RETRIEVABILITY: Name and social security number applicant
SAFEGUARDS: Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24-hour security guards.
RETENTION AND DISPOSAL: Application records maintained six months; after six months, summary sheets maintained for 5 years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203
NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, Va. 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Va. 22203. Proof of identification will consist of picture-bearing or other official identification.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Navy Recruiting personnel and employees processing application; Medical personnel conducting physical examination and private physicians providing consultations or patient history; character and employer references named by applicants; educational institutions, staff and faculty members; Selective Service Commission local state, and Federal law enforcement agencies; prior to current military service record; members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (k)(1), (5), (6) and (7), as applicable. For additional information, contact the System Manager.

N01133-1

SYSTEM NAME: NAME/LEAD Processing System
SYSTEM LOCATION: Primary System, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have responded to Navy advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U. S. Navy, veterans, enlisted discharged personnel.
CATEGORIES OF RECORDS IN THE SYSTEM: Automated and non-automated form containing personal records and correspondence on both education, service, and Navy program information on potential Navy applicants.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5531; Section 133, 503, 504, 508, 510; 5 USC Sections 301, 302; 44 USC Sections 3101, 3702
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Navy recruiting officials and employees in the performance of their official duties in managing the recruitment of men and women for officer and enlisted programs in the regular and reserve components of the Navy.

The Comptroller General or any of his authorized representatives, upon request, in the course of performance of the duties of the general accounting office.

Officials and employees of the Department of Defense in the performance of their official duties.

Civilian contractors and their employees who manage automated and

Officials and employees of the Department of Transportation in the performance of their official duties. manual categories of records in accordance with an approved, official contract with the U. S. Government.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Automated records are maintained on disks, magnetic tape or on punched cards in a limited access area.

Computer print outs are stored in locked filing cabinets or file folders
RETRIEVABILITY: Information can be accessed by name, program and social security account number.
SAFEGUARDS: Lists and files are handled with maximum security during processing and storage, and are accessible to routine users only and then only through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of the code and access to the files.
RETENTION AND DISPOSAL: A record is maintained of all outgoing automated responses, and disposed of in accordance with Departmental Regulations.

Compiled lists and commercial purchased lists are maintained for certain period of time depending on the usefulness and currentness of the information, and disposed of in accordance with Departmental Regulations.
SYSTEM MANAGER(S) AND ADDRESS: Director, Recruiting Adverstising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203
NOTIFICATION PROCEDURE: Requests should be addressed to: Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wildon Boulevard, Arlington, Virginia 22203.

Requester is required to provide a full name, address, and signature.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the SYSMANAGER
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER
RECORD SOURCE CATEGORIES: Parents, influentials, friends and associates of the subject of the records and officials and employees of the Department of the Navy, Department of Defense, and the Veterans Administration in the performance of their official duties and as specified by current Instructions and regulations promulgated by competent authority.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01133-2

SYSTEM NAME: Recruiting Enlisted Selection System
SYSTEM LOCATION: Primary System - Commander Navy Recruiting Command Decentralized Segments - Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, AFEES.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Records and corespondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: Records and correspondence in both automated and non-automated form concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC Sections 133, 275, 503, 504, 508, 510, 672, 1071 - 1087, 1168, 1169, 1475 - 1480, 1553, 5031; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for enlistment in the regular and reserve components of the Navy. The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

Officials and employees of the Department of Defense in the performance of official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY: Filed alphabetically by last name of subject

SAFEGUARDS: Records are accesible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents classified 'For Offical Use Only'

RETENTION AND DISPOSAL: Records are normally maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Navy Recruiting personnel and Administrative Staff; Medical Personnel conducting physical examinations and/or Private Physicians providing consultations or patient history; Character and Employer references; Educational institutions, Staff and Faculty members; Selective Service Commission; Local, State, and Federal Law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01136-1

SYSTEM NAME: Navy Recruiting Support System

SYSTEM LOCATION: Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Aarlington, Virginia 22203

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations: Navy Recruiting Branch Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM: Name; Social Security Number; Address; Pertinent family information; Pertinent military information; Professional and education affiliations and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC Sections 133, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations; 44 USC Sections 3101, 3702.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide field recruiters with various vehicles of recruiting support; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of their students through administration of the Armed Services Vocational Aptitude Battery; cultivate community awareness; to assign inactive Reserve officers to Recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business and social and education cultures in the community; obtain media support for the Navy Recruiting Command; Assist the local recruiter in anyway the recruiter feels necessary; to generate prospective applicants for the United States Navy. Enlisted/Officer Navy Recruiters; Navy Recruiting District Commanding Officers; Navy Recruiting Area

Commanders; Navy Recruiting Headquarters staff personnel; Naval Reserve Officers filling official recruiting support functions.

Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the recruitment of qualified men and women for officer programs in the regular and reserve components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Adminitration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File cabinets and magnetic tape

RETRIEVABILITY: Information can be accessed by name and social security number

SAFEGUARDS: Lists and files are handled with discretion and accessible only to those personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

SYSTEM MANAGER(S) AND ADDRESS: Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE: Information may be obtained from: Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202/692-4795

Requester is required to supply full name, rank/rate (if applicable), address and social security number.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Subject of the information; Field Recruiters; Area Commanders/ District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands and other officials and employees in the Department of the Navy and other components of the Department of Defense in the performance of their officials duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01211-1

SYSTEM NAME: Naval Research Reserve Program Personnel Accounting System

SYSTEM LOCATION: Office of Naval Research 800 North Quincy st. Arlington, VA 22217

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Research reserve personnel, officer and enlisted

CATEGORIES OF RECORDS IN THE SYSTEM: Military identification information, including Naval Officer Billet Codes, plus professional qualifications information, including education and occupation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Mobiliazation plannng, active duty for training order endorsements, preparation of Quarterly Reserve Status Report on Readiness of Reserve for the Chief of Naval Research (CNR), Research Reserve Annual Report for CNR

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Punched cards, printouts, printed forms (NAVSO 1080/2 and 1080/2A)

RETRIEVABILITY: Name, rank, designator, NOBC's, education, major subject, First Navy qualification, first job function, reserve unit affiliation

SAFEGUARDS: Records kept in controlled access building, controlled computer spaces, file cabinets in limited access offices

RETENTION AND DISPOSAL: Physically destroyed annualy when new questionnaire forms are received

SYSTEM MANAGER(S) AND ADDRESS: Research Reserve Coordinator, Code 723 Office of Naval Research Arlington, VA 22217

NOTIFICATION PROCEDURE: Write to SYSMANAGER, giving full name, rank, SSN. Visit Office at above address, showing Naval Research ID Card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Qualifications Questionnaire Naval Reserve Research Program, NAVSO form 1080/2

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01301-1

SYSTEM NAME: Office of the Judge Advocate General, Reporting Questionnaire

SYSTEM LOCATION: Office of the Judge Advocate General, (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officers reporting for duty in the Office of the Judge Advocate General.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, SSAN, designator, rank, date of rank, branch of service, place and date of birth, dependents, wife's name, height, weight, eye and hair color, home address and telephone number, date reported, date detached, previous duty station and mode of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To assist Judge Advocate General in assignment of officers within the Office of the Judge Advocate General

and, until recently, this information was also used to assist Officers in obtaining identification cards for themselves and their dependents. These records may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records kept in a folder alphabetically, stored in a file cabinet.

RETRIEVABILITY: By officer's name.

SAFEGUARDS: Records are maintained in a file cabinet under the control of authorized personnel during working hours; and the office space in which the cabinet is located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are destroyed when the officer is transferred from the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information submitted by the officer upon his reporting for duty in the Office of the Judge Advocate General.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01301-2

SYSTEM NAME: Naval Officer Development and Distribution Support System

SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Naval officers on active duty; all Naval Reserve officers requesting recall to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and personnel records in both automated and non-automated form concerning classification, qualifications, assignment, placement, career development, education, training, recall, release from active duty and management of Naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

10 USC 5504 Lineal List

10 USC 5708 Promotion Selection List

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the classification, qualifications, assignment, placement, career development, education, training, recall and release of officer personnel in order to meet manpower allocations and requirements.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representive of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Naval officer personnel in order to meet manpower allocations and requirements.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Naval officer personnel in order to meet manpower allocations and requirements.

The Senate or the House of Representatives of the United States or any Committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetice tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY: Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name or social security account number.

SAFEGUARDS: Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washingtonm, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. The letter should contain full name, rank, social security account number, designator, address and signature.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB 2) Rm. 1066 Washington, D.C. for assistance. Advance notification is requested for personal visits. Proof of identification will consist of military identification card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES: Personnel Service jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01306-1

SYSTEM NAME: Enlisted Development and Distribution Support System
SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370 Secondary System-Enlisted Personnel Management Center, New Orleans, Louisiana 70159 and Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy enlisted personnel: active, inactive, reserve, fleet reserve, and retired.
CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, advancement, performance, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, and administration of Navy military personnel.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and emloyees of the Department of the Navy in the performance of their official duties to initiate, develop, implement, and carry out policies pertaining to enlisted personnel assignment, placement, retention, career enhancement and motivation, and other career related matters, in order to meet manpower allocations and requirements.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Automated records may be stored on magnetic tapes, disc, drums, and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.
RETRIEVABILITY: Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, or enlisted service number.
SAFEGUARDS: Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.
RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.
SYSTEM MANAGER(S) AND ADDRESS: The Chief of Naval Personnel, Navy Department, Washington, D.C. 20370
NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, for Training and Administration of Reserve personnel only, to Commanding Officer, (Attn: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. The letter should contain full name, social security account number (and/or enlisted service number), rate, military status, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70159. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.
RECORD ACCESS PROCEDURES: The Agency's rules for access to ecords may be obtained from SYSMANAGER.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and components therof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status; Educational institutions.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01430-1

SYSTEM NAME: Officer Promotion System
SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington D.C. 20370; and Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All officers on active duty; all reserve officers on inactive duty.
CATEGORIES OF RECORDS IN THE SYSTEM: Fitness Report Jacket, Selection Board Jacket, Officer Summary Record. Promotion History Cards, and other records concerning fitness and qualifications of officers and related to promotion requirements.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
10 USC 543 Selection Boards
10 USC 33, 545, 549 Promotions
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the selection of officers for promotion in the U.S. Navy.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General

Accounting Office relating to the Navy's Officer Promotion System and records contained therin.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the Navy's Officer Promotion System and records contained therin.

Officials and employees of other Departments and Agencies of the Executive Branch of the Government, upon request, in the performance of their official duties related to the Navy's Officer Promotion System and the records contained therein.

The Senate or the House of Representatives of the United States or any committee or subcommittee therof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Naval Officers. Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tape, discs or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY: Automated records may be retrieved by social security account number. Manual records may be retrieved by social security account number and/or officer file number, and name.

SAFEGUARDS: Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or to Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses). The letter should contain full name, social security account number, (or officer file number), rank, military status, address and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex, (FOB#2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the Reporting Senior for records maintained by that individual. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, other Departments and Agencies of the Executive Branch of the Government, and components therof, in the performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state and local court documents; general correspondence concerning the individual;official records of professional qualifications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01500-1

SYSTEM NAME: Naval Educational Development Records.

SYSTEM LOCATION: Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Applications, participants, graduates and staff of officer acquisition, professional development, Navy Youth, dependents' education (Atlantic), and Non-Traditional Education Support programs.

CATEGORIES OF RECORDS IN THE SYSTEM: Applications, biographical information, student records and reports of performance, graduation, and disenrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Naval Educational Development staff members, selection boards, Bureau of Naval Personnel and Navy media for selection, student monitoring, and utilization of graduates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders and punched cards.

RETRIEVABILITY: Name and SSN

SAFEGUARDS: Locked buildings and access only to authorized personnel.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS: Director of Naval Educational Development (See location section)

NOTIFICATION PROCEDURE: By individual request upon presentation of letter of identification. Must provide program and name.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Individual applications, selection board proceedings, transcripts, and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01500-2

SYSTEM NAME: NAVSCOLS/TIS, USMC Training Supsys

SYSTEM LOCATION: Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus for Achievement and other training

programs; tutorial and tutorial volunteer programs; dependents' schooling.

CATEGORIES OF RECORDS IN THE SYSTEM: Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Schools and training programs administration and evaluation. Student performance, progression and prediction; instructors performance; organizational and administrative control. Internal Navy users are Chief of Naval Personnel, Naval Education and Training Command Activities Staff Personnel and the Commandant of the Marine Corps and his designated officials in the performance of their duties relating to training/assignments. Type commanders; Health/Science Education Training Center; Cheif, Bureau of Medicine and Surgery; Commander Naval Recruiting Command, and to other Department of the Navy officials in the performance of personnel training functions. Information may be used to determine course and training demands, requirement, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes. Internal users are staff and faculty. Information is provided to officials of the Department of Defense on 'need-to-know' basis in the performance of their official duties; and for reporting to other government agencies, such as HEW. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY: Social security number and name

SAFEGUARDS: Access is provided on a 'need-to-know' basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL: Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS: The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

NOTIFICATION PROCEDURE: Apply to system manager. Requestor should provide his full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Individuals, schools and educational institutions, Chief of Naval Personnel, staff of Naval Education and Training Command and other activities and the Commandant of the Marine corps; instructor personnel; and commander, Naval Recruiting Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01500-3

SYSTEM NAME: Students awaiting legal, medical action account

SYSTEM LOCATION: Naval Air Technical Training Center, Lakehurst, New Jersey 08733

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: A. The student locator card file contains specific data on all student personnel assigned to NATTCL, whether or not they successfully completed training. A dead file is maintained after the student is transferred.

B. The 'others' file is a list of all students on board that are not enrolled in class. Categories include: disciplinary, medical, and administrative (awaiting orders, port calls, passports, humanitarian requests, administrative discharge).

CATEGORIES OF RECORDS IN THE SYSTEM: A. The student locator card file is composed of 4' x 6' cards on which the following is recorded: name, previous command, rate, branch of service, date of transfer, new duty station and command, estimated date of arrival, standard transfer order number, and rate upon departure.

B. The following information is included on students listed in the 'others' file: date of hold, type of hold, estimated period of hold, work assignment, parent command notification, date re-enrolled, availability submission (used to notify Chief of Naval Personnel of member's availability for transfer), date orders or discharge authorization received, date transferred, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: A. The file is used routinely to verify date of departure; to determine, in conjunction with the next duty station, if member is an unauthorized absentee; to verify attendance and/or completion of training; to answer requests by parents who do not know the school or class which member is attending; for forwarding official correspondence.

B. This file is utilized to maintain accountability of all students not enrolled in class to ensure the appropriate administrative actions are completed in a timely manner ensuring minimum delay in the training pipeline. The file is utilized daily by the student control office and is routed periodically to the commanding officer via the

personnel officer, administrative officer, and executive officer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: A. Index card drawer

B. File folders

RETRIEVABILITY: A. Name

B. Name, rate, social security number

SAFEGUARDS: A. Locked room

B. Maintained in locked room-accessibility is limited to the student control office personnel, personnel officer, administrative officer, legal officer, executive officer, and commanding officer.

RETENTION AND DISPOSAL: A. Two years

B. Two years

SYSTEM MANAGER(S) AND ADDRESS: A. Personnel office supervisor

B. Personnel office supervisor

NOTIFICATION PROCEDURE: A. The file is available to members upon proper identiication.

B. The file does not contain information beneficial to the individual; however, with proper identification any student can review the form pertaining to himself. This may be accomplished by presentation of Military I.D. card to a responsible petty officer in the student control office.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: A. Official documents such as orders, assignment directives, and service records.

B. Sources of information are: NATTCL schools, medical authorities, legal officer, transfer section of personnel office, drug exemption officer, NATTCL duty office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01500-4

SYSTEM NAME: DODCI Student Record System

SYSTEM LOCATION: Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM: Alphabetized card file of students who have attended DODCI courses. Record consists of name, military rank or rate, civilian grade, branch of service, DOD agency or activity and title of course attended. Also associated file of consolidated listing of students for each course offering arranged by DOD agency or activity and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records maintained by DODCI registrar to respond to individuals requesting official verification of attendane to a specific course or response to students agency or activity requesting official record of training completed. Used to compile statistical data of student throughput, e.g., attendance by course, attendance by branch of service, composition of students by rank/rate/grade, branch of service, agency or activity. Statistical data is not compiled by name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Alphabetic card file and file folders in file cabinet.

RETRIEVABILITY: Name and course title.

SAFEGUARDS: Maintained in administrative office which is locked after normal working hours, accessible only to authorized office staff and director or delegate on demand.

RETENTION AND DISPOSAL: Individual cards by student name and consolidated listing of students are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Registrar, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE: By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concernd may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Enrollment and registration request for DOD management education and training program courses (DD Form 1556), and course listing of students review by course manager and individual students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01500-5

SYSTEM NAME: DODCI Student/Faculty/Senior Staff Biography System

SYSTEM LOCATION: Department of the Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All faculty members, senior staff members, and guest lecturers currently instructing or managing at the DODCI. All students who are attending or who have completed a course of instructions presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local governments agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM: Biographic summary forms individually submitted upon request by each DODCI faculty member, senior staff member, guest lecturer, or student. Students record consists of name, rank or rate, civilian grade, organization and division, office phone number, current and previous job titles and positions, number of months with present job title, major duties of present job, formal education completed, objectives for attending DODCI course, computer-related and other technical training and experience, information on usage of computers in present position, influence and authority student has over design of computer-based systems including security and privacy aspects, extent involved in planning and design of teleprocessing systems. Faculuty/senior staff record consists of name, rank or rate, current and previous job titles and positions, former major duties, formal education completed, computer-related and other technical training experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information contained in the student biographical summaries is restricted to internal use within DODCI. Used by course managers and functional department head to evaluate education level, computer related work experience.

and general computer background of DODCI students. Establishes student qualifications to attend a requested course and if course objectives have satisfied personal objectives of students for attending course. Statistical summarization of information contained therein provides basis for modification and revision to course content. Also serves as vehicle to place student into appropriate laboratory and seminar group in courses requiring such a breakout.

Information on faculty/senior staff members contained in the biographical summaries is provided to students as an attachment to their student notebooks. Records are used to identify faculty and senior staff members, areas of data processing and information management expertise for consultation purposes and as an expertise peamble to the next scheduled lecturer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders in file cabinet.

RETRIEVABILITY: By name for faculty/senior staff members. Course title and name for students.

SAFEGUARDS: Maintained in scheduling office (for students) and in the reproduction shop (for faculty/members) which is locked after normal working hours, access controlled by system manager and accessible only to authorized faculty members, director of administration, and director or delegate on demand..

RETENTION AND DISPOSAL: All completed individual student biographical summaries attending a specific course are retained in a file folder marked by course title and course date. Individual student biographical summaries are retained by course for two fiscal years preceeding the fiscal year in progress. All individual faculty and senior staff biographical summaries are retained in a master file folder until no longer providing services to DODCI. Master file is review periodically to maintain currency. Students receiving a course notebook can retain the included biographical records are well as the notebook.

SYSTEM MANAGER(S) AND ADDRESS: Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE: Students by individual request upon presentation of letter of identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Student biography forms are of DODCI origin and completed by each individual student. Forms are completed either the first day of the course or, in the case of certain specific courses, are mailed to the prospective student requesting return prior to commencement of the course.

Biographies are authorized by each faculty and senior staff member soon after arrival at DODCI. Guest lecturers are requested to voluntarily submit biographies for use in course notebooks. Contents is never changed, but in some cases selectively reduced in length so as not to exceed one page. Format and content are generated solely by DODCI member and are subjected only to editorial review.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01500-6

SYSTEM NAME: DODCI Course Evaluation System

SYSTEM LOCATION: Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM: Individual student evaluation of entire course and random sampling of specific lecture presentations. Includes objectives for attending course; statement concerning realization of personal objectives, numerical or qualitative rating of overall course, lab sessions and/or specific lectures; list of strengths and weaknesses of course; list of lecture subjects of particular benefit or of little use to student; list of lecture subjects which should be expanded or reduced in coverage; and list of topics not covered in course but should be included. Comments concerning course content, sequence, lecture presentation, teaching techniques, audio visual aids, physical facilities and administrative support are solicited and recorded. Categories are posed as questions with ample space to encourage written response of student opinion in a structured but non-restrictive format. These Course Evaluation Forms also contain hard core factual information, i.e., course title, course dates, student name, rank/rate/grade, branch of service, duty station or agency, and present job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Use of the student evaluation forms and the information contained therein is restricted to internal use within DODCI. Used to evaluate course, lecture, teaching techniques and individual instructor effectiveness. Provides basis for modification and revision to course content and sequence and lecture content. Provides input to long range plan for course update, additions and revisions. Copy is provided to unit education offices upon request. Student evaluations of all attendees to a particular course are reviewed as a composite group by DODCI faculty members to determine problem areas, trends, and provides a continuous evaluation of course effectiveness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders in file cabinet.

RETRIEVABILITY: Course Title and Student Name.

SAFEGUARDS: Maintained in Scheduling Office which is locked after normal working hours, access controlled by Systems Manager and accessible only to authorized faculty members. Director of Administration, and Director or delegate on demand.

RETENTION AND DISPOSAL: All completed individual evaluations of students attending a specific course are retained in a file folder marked by Course Title and Course Date. Individual student evaluation forms are retained by course for two fiscal years preceeding the fiscal year in progress.

SYSTEM MANAGER(S) AND ADDRESS: Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE: By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by

the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Student Course Evaluation Forms are of DODCI origin and distributed in class and completed by each individual student.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01500-7

SYSTEM NAME: DODCI Lecture-Instructor Inventory System.
SYSTEM LOCATION: Department of Defense Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current DODCI instructors.
CATEGORIES OF RECORDS IN THE SYSTEM: Two disk files comprise the system of records. First master file contains instructor's name, functional group assignment code, projected date of departure; list of lectures instructor gives. Second master file contains lecture I.D., title, lecture primary, instructors giving the lecture.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Provides the ability for functional managers to generate a list of instructors along with the associated lectures in which they are proficient or to specify a lecture title and determine which instructors are capable of presentation. This provides assistance in assigning instructors to course schedules, teams for on-site course presentations, determining lectures which are critical in flexibility of assignment, planning instructor assignments in the order of lecture priority.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Maintained on magnetic disks in a computer data base.
RETRIEVABILITY: Instructor's last name, lecture ID number, or functional group code.
SAFEGUARDS: This system of records is maintained on magnetic disks in the computer operations center which is kept locked. Only the manager and assistant manager of the Computer Support office have access to the center during normal working hours and the security watch has access after hours. The mode of access to the computer-based system is via remote terminal and special passwords are required. Appropriate data base language commands (available only to authorized DODCI staff members) must be invoked to gain access to information in the system. Portions of the system can only be accessed by functional managers via controlled key work commands. An accounting log is maintained of all accesses to the system which contains identification of the user, log-on and off, station number, and date/time of last access.
RETENTION AND DISPOSAL: The system data base is retained indefinitely. Revisions are in continuous process, e.g., instructors' names being added upon arrival and deleted on departure, lecture titles added or deleted as they are developed or discontinued, lecture presentation capability expanded or deleted as appropriate.
SYSTEM MANAGER(S) AND ADDRESS: Manager, Computer Support Office, DOD Computer Institute, Building 175, Washington, D.C. 20374.
NOTIFICATION PROCEDURE: DODCI faculty members are informed of existence and purpose of system. Individual instructors can request printout of information in system which pertains to them.
RECORD ACCESS PROCEDURES: The Institutes rules for access to records may be obtained from the Systems Manager.
CONTESTING RECORD PROCEDURES: The Institute's rules for contesting contents and appealing initial determinations by the individual concerned can be obtained from the Systems Manager.
RECORD SOURCE CATEGORIES: DODCI functional managers maintain system and periodically revise data base by entering new data and deleting discontinued information. Additionally, the Systems Manager can enter information affecting printout format and contents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01500-9

SYSTEM NAME: Personnal Data Base Application/Student Instructor Performance Module
SYSTEM LOCATION: Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Students under instruction at Naval Air Training Command Activities Instructors at Naval Air Training Command Activities Staff and Base Support Personnel at Naval Air Training Command and Naval Air Training Command Activities
CATEGORIES OF RECORDS IN THE SYSTEM: Basic Identification Records i.e., social security number, name, sex, date of birth. Personnel records i.e., rank/rate/grade, Branch of Service, Billet, Expiration of Active Obligated Service. Professional records i.e., Navy Enlisted Classification, Subspecialty Code, Test Scores. Educational Records i.e., Education Levels, Service and Civilian Schools attended, Degrees, majors. Location Records i.e., Duty Stations, Home addresses.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Student performance, progression and prediction Instructors Performance Organizational and Administrative Control Internal Navy Uses are Chief of Naval Personnel, Naval Air Training Command staff personnel, and NAVAIRTRACOM Activities staff personnel
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Punched cards, magnetic tape, direct access storage devices and flat paper.
RETRIEVABILITY: Social Security Number, Name
SAFEGUARDS: Data on file is protected as follows. On-line access is controlled by terminal identification and a password system. Terminal Identification is positive and maintained by a single control point. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Any output is controlled by the functional managers who also control the distribution of output.
RETENTION AND DISPOSAL: Individual personal data is retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data is deleted from the records. History records are not maintained.
SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Air Training Building ₹1 Naval Air Station Corpus Christi, TX 78319

Records Holder:
Commanding Officer
Naval Education and Training
Information Systems Activity
Naval Air Station
Pensacola, FL 32508

NOTIFICATION PROCEDURE: Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number, full

name and present status, i.e., Military or Civilian. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military or Civilian identification card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES: Chief of Naval Personnel, Naval Air Training Command Activities staff and Instructors personnel, Educational Institutions, Individuals

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01513-1

SYSTEM NAME: Navy Recruiting Command Attrition Tracking System

SYSTEM LOCATION: Primary System - Recruiting Data Systems,Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy Enlisted Personnel who attrite during Basic Recruit Training

CATEGORIES OF RECORDS IN THE SYSTEM: File consists of records and correspondence pertaining to individuals discharged at Navy Recruit Training Centers. Records include personal and service information, education, physical and mental qualifications and circumstances surrounding discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC Sections 133, 275, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their duties in managing and contributing to the components of the Navy.

Officials and employees of the Department of Defense in carrying out their official duties.

Officials and employees of the Department of Transportation in carrying out their official duties. carrying out their official duties.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management of quality military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

Officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual Records stored in file cabinets in a secure government building. Automated records are maintained on magnetic tape.

RETRIEVABILITY: Info can be retrieved by Social Security Account Number, Navy Recruiting Area or District Recruit Training Center, Age, Education, Discharge Reason or Date of Discharge.

SAFEGUARDS: Only authorized routine users are permitted access to the records. The Headquarters building in which the records are located has a 24-hour guard which prevents unauthorized access to the building.

RETENTION AND DISPOSAL: Records are maintained at Headquarters, Navy Recruiting Command for five years, and then destroyed. Records at Area and District Headquarters are retained for one year before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Director, Recruiting Data Systems, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202-692-4089

Written requests for information should contain the full name, social security account number and location where individual was recruited, and signature.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The Agency's for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Discharge Sections at Navy Recruit Training Commands Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01533-1

SYSTEM NAME: NROTC Educational Development Records

SYSTEM LOCATION: Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NROTC Scholarship Candidate Placement Records, NROTC Student Attrition Records, NROTC Student Jackets, Applications for NROTC Program, Commanding Officers and Executive Officers of NROTC units.

CATEGORIES OF RECORDS IN THE SYSTEM: Information concerning students selected as principal and alternate candidates for NROTC scholarship. Contains name, SSN, address, telephone number, academic scores, medical qualification, race, and sex.

Reports of disenrollment, appointment to commissioned status, and non-selection as an applicant for the NROTC program.

Student records containing enlistment cntract, service agreement, officer candidate training application, evidence of citizenship, birth certificate, reports of medical qualification, aptitude for naval service evaluations, academic records, personal history information, report of security clearances granted, special request, and action of boards concerning these special request.

Application file consisting of officer candidate training request, service agreement, report of medical qualification, evidence of citizenship, personal history, interviewers' appraisal sheets, and academic records.

Officer Biography Sheet (NAVPERS 979)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Assignment of scholarship selectees to various NROTC hosted institutions.

Provides reference to individuals's attrition from the NROTC program.

Provides program manager with information to determine students

eligibility for continuation in program and eventual commissioning as naval officer. Information also used by Chief of Naval Personnel, Commander Navy Recruiting Command and Commandant of the Marine Corps.

Determine applicants eligibility for enrollment in NROTC program.

Assistance in preparing Fitness Reports, award recommendations, TAD assignments in conjunction with summer training and preparing background information for Flag and high government official visits to the NROTC unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, index cards, and notebook

RETRIEVABILITY: Name, SSN, and NROTC unit.

SAFEGUARDS: Secured room and building. Access to information to authorized personnel only.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: NROTC, CNET, NAS, Pensacola, FL.

NOTIFICATION PROCEDURE: Call or write system manager listed above.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Individual concerned, CHNAVPERS, COMNAVCRUITCOM, and NROTC unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01572-1

SYSTEM NAME: Reservists reporting for active duty for training, background questionnaires

SYSTEM LOCATION: Office of the Judge Advocate General (code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officers reporting for duty in the Office of the Judge Advocate General

CATEGORIES OF RECORDS IN THE SYSTEM: Name, designator, rank, unit to which attached, law school attended, year admitted to practice and State or Territory where admitted, and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 806

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To assist the Judge Advocate General in the assignment of officers. The files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, stored in a file cabinet.

RETRIEVABILITY: By officer's name.

SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL: Records are retained for two months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: Requests should be addressed to the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01610-1

SYSTEM NAME: Navy Personnel Evaluation System

SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All members of the U.S. Navy including Regular, Reserve, Active Duty, Inactive Duty, Fleet Reserve and Retired.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and investigatory material containing information pertinent to member's retention, assignment or separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301. Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to personnel administration of Navy members; Officials and employees of the Department of Defense and its other components in the performance of their official duties related to personnel administration.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

The Secretary of Health, Education and Welfare, and the Director, Veterans Administration, and Director, Selective Service Administration and their officials and employees in connection with notification and assistance in obtaining benefits by members and former members;

Officials and employees of other Departments and agencies of the Executive Branch of government upon request, in the performance of their official duties related to personnel administration;

Such civilian contractors as are or may be operating in accordance with an approved, official contract with the U.S. Government; The Senate or the House of Representatives of the United States or any committees or subcommittees therof, requiring disclosure of the files or records of individuals covered by this system;

Officials and employees of the General Accounting Office upon request in the performance of their official duties relating to personnel administration. State and local government agencies in the performance of their official duties related to personnel administration. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders and index cards. Some information from the paper records is automated.

RETRIEVABILITY: Filed alphabetically by last name or by Social Security Account Number.

SAFEGUARDS: Stored in locked safes and cabinets in buildings that employ security guards. File areas are accessible only to authorized persons

who are properly screened, cleared and trained.

RETENTION AND DISPOSAL: Records are maintained as long as member has any affiliation with the Naval service and for five years thereafter and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, rank/ rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, Washington, D.C. (FOBi2) Rm. 1066, for assistance with records located in that building. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES: The agency's ruls for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Civilian and military investigative reports; reports of federal and state civilian court actions and criminal proceedings; general correspondence concerning and individual; officials and employees of the Department of the Navy, Department of Defense and Components therof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N01710-1

SYSTEM NAME: Special Membership Listing of the Organizational Recreation Association

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: This file records the name of all members who join the particular ship or activity recreation association. Also crossfiled by number of membership card.

CATEGORIES OF RECORDS IN THE SYSTEM: This record lists the names, internal codes, room and telephone numbers of each membership card and dates purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To indicate income from sale of membership cards; to provide an audit trial for the auditors; and to confirm membership, upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY: Name, SSAN, Case number, organization.

SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual concern, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01710-2

SYSTEM NAME: Youth Activities Association Membership Record

SYSTEM LOCATION: Commanding Officer Naval Air Station FPO San Francisco, CA 96611

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All eligible applicants for membership in non-appropriated fund recreational activities for youths

CATEGORIES OF RECORDS IN THE SYSTEM: Membership cards (5 in. x 7 in.) recording personal data provided by individual applicants

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information used exclusively by Military Services Department to record membership status in th youth association, to verify the youth's eligibility for participation in youth activities, to identify and aid in the location of a youth's sponsor in the event of emergencies, and to verify sponsor's agreement to provide volunteer assistance in furtherance of youth activities

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Card file

RETRIEVABILITY: By sponsor's name

SAFEGUARDS: Card file is in Military Services Office, marked for official use only, office is locked after normal working hours

RETENTION AND DISPOSAL: Kept until membership status terminates and then destroyed

SYSTEM MANAGER(S) AND ADDRESS: Military Services Officer Naval Air Station FPO San Francisco, CA 96611

NOTIFICATION PROCEDURE: Individual inquiries to be made in person at SYSMANAGER address above. Requstor to provide full name and military status; proof of identity to be made by presentation of military identification card or valid driver's license.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Individual applicants provide all information

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01740-1

SYSTEM NAME: Personal Services and Dependents Services Support System

SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199; local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, Naval Reserve Officer Training Corps personnel, and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM: Applications, forms, correspondence and supporting documents and other personnel records concerning entitlements, benefits, basic allowance for quarters, waiver of indebtedness, travel allowances, morale, and personal affairs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301. Departmental Regulations

10 USC 6161

10 USC 2774 as added by Public Law 92-453

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy and other components of the Department of Defense in the performance of their official duties related to the management, supervision, and administration of personal services, benefits and entitlements for Navy members and their dependents.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to management, supervision and administration of personal services, benefits and entitlements for Navy members and their dependents.

Officials and employees of the Veterans' Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel and their dependents.

Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members, their dependents and relatives.

State and local agencies in performance of their official duties related to assistance of the members and their dependents.

Non-government agencies only to assist members and their dependents. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders.

RETRIEVABILITY: Records may be retrieved by name, social security account number or enlisted service number/officer file number of member; or name of dependent.

SAFEGUARDS: Computer and punched cards processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, or name of the dependent, name of sponser, sponsor's social security account number, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Room 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy and the Department of Defense in performance of their official duties and as specified by current Instructions and Tegulations promulgated by competent authority; educational institutions; federal, state, and local court documents; general correspondence relative to individual; officials and employees of Navy Relief, the American Red Cross, Veterans Administration and other agencies in the performance of their official duties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01740-2

SYSTEM NAME: FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE SYSTEM

SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy members who have home mortgages through FHA.

CATEGORIES OF RECORDS IN THE SYSTEM: Payments made to FHA for insurance payments credited to members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records in this system are used within the Navy Finance Center to calculate payments for FHA and to reconcile any discrepancies in accounts. Data may be provided to Finance Centers of the other services, and to the Department of the Treasury when address is needed for issuance of check.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders

RETRIEVABILITY: Social security number and member's name

SAFEGUARDS: Guards, personnel screening and requestor codes

RETENTION AND DISPOSAL: Destroyed one year after death or discharge of member

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to members at above address. Information request must contain Navy member's full name and social security number. Requester may visit above address and must have military

identification card or valid state driver's license and social security card as proof of identity.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: FHA member, field disbursing officers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01746-1

SYSTEM NAME: Nonappropriated Fund Activity Information Support System

SYSTEM LOCATION: Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals authorized under current regulations to use Commissioned Officers Messes (open), Chief Petty Officer Messes, Petty Officer First and Second Class Messes, Enlisted Men's Clubs, Consolidated Package Stores, Special Services facilities, and other Non-Appropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence, records, membership applications, membership and user listings of Nonappropriated Fund Activity facilities, accounts receivable records, bad check listings, investigatory reports involving abuse of facilities, required for management of Nonappropriated Fund Activities under the cognizance Chief of Naval Personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel. The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office related to the management, supervision, and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representatives of the Executive Branch Agencies.

The Senate or the House of Representatives of the United States or any committees or sub committees thereof on matters within their jurisdiction requiring disclosure of the files or records of persons covered by this system.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE: Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY: Primarily by Name, and/or Social Security Number/ Membership Number.

SAFEGUARDS: Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Instructions.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned. The letter should contain full name, social security account number, status, address, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Washington, D. C. 20370 (Arlington Annex, FOB #2), Rm. 1066 for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officals and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01754-1

SYSTEM NAME: Navy Family Support Program

SYSTEM LOCATION: Navy Family Service Centers located at various Naval and Marine Corps activities. A list of the proposed 78 Family Service Center Sites and anticipated implementation year is attached.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps service members and their families/ dependents. In certain overseas locations civilian Navy and Marine Corps employees may be eligible for services. In certain CONUS locations, civilian Marine Corps employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM: File could contain personal information such as name, social security number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Family Service Centers in the performance of their duties related to

counseling/servicing the member and/or dependent.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by last name of member.

SAFEGUARDS: Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL: Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-152), Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE: Written requests may be addressed to the appropriate Naval/Marine Corps activity concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Form submitted by the individual applying for counseling/assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01770-1

SYSTEM NAME: Decedent Affairs Records System

SYSTEM LOCATION: Bureau of Medicine and Surgery (Code 73), 23d and E Sts, NW, Washington, D. C. 20372
Commandants of Naval Districts CO
Naval Medical Treatment Facilities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Deceased individuals for whom the Department of the Navy is responsible

CATEGORIES OF RECORDS IN THE SYSTEM: Reports concerning casualty, status, transportation of remains, requests for special escorts and our responses, disposition instructions, acknowledgements to next of kin; pertinent data, medals and awards, preparation and identification of remains reports, escort orders and debriefing forms, death certificates, some autopsy reports, DD Forms 1300 (Reports of Casualty); correspondence pertaining thereto; and adjudication copies and paid vouchers and statistical data excerpted from decedent affairs files

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, US Code 103a and b; Title 10, Sections 1481-1488, US Code; Executive Orders 8557, 30 Sep 40 and 10209 of 1 Feb 51; 44 US Code 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: PURPOSE

To facilitate and monitor return of remains and associated benefits

CATEGORIES OF USERS

Department of Navy and families of decedents

SPECIFIC USES

Verification of eligibility for benefits; provision of information to families of decedents concerning identification, care and return of remains, causes of death and payment of allowances

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders
Statistical data on magnetic tape

RETRIEVABILITY: Filed alphabetically according to name of decedent by fiscal year of date of death -- Name, social security (or serial) number, date of death

SAFEGUARDS: Locked building and guard during non-duty hours; personnel screening during duty hours

RETENTION AND DISPOSAL: Permanent - Records are accumulated chronologically and filed alphabetically by fiscal year; held three years and retired to the Federal Records Center for permanent retention under control of this Bureau

SYSTEM MANAGER(S) AND ADDRESS: Chief, Bureau of Medicine and Surgery
Commandants of Naval Districts
Commanding Officers, Medical Treatment Facilities

NOTIFICATION PROCEDURE: Address inquiries to the systems manager Inquiry must include name of decedent, military status at time of death, SSAN and/or service number, and date of death Requestor may visit Bureau of Medicine and Surgery (Code 73), 23d and E Streets, NW, Washington, D. C. 20372

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the systems manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES: Reports submitted by field commands and next of kin as required by regulations and directives pertaining to the decedent affairs program

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01770-2

SYSTEM NAME: Casualty Information Support System

SYSTEM LOCATION: Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370 and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); Washington National Records Center, Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy military personnel who are reported missing, missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence, reports, and records in both automated and non-automated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in performance of their official duties related to casualty program management and responding to inquiries from survivors of Navy military personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to Casualty Program Management.

Secretary of Health Education and Welfare and the Director of the Veterans Administration and their officials and employees in connection with eligibility, notification and assistance in obtaining benefits due.

The Senate or the House of Representatives of the United States or any committee or subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the casualty files of Navy members.

Nongovernment Agencies - To assist in settlement of member's affairs. The comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's Casualty and Survivor's Benefit Program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the department of justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of state and local government agencies in connection with eligibiliy, notification and assistance in obtaining benefits due. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper files, microfiche or microfilm.

RETRIEVABILITY: Records may be retrieved by name and/or social security account number.

SAFEGUARDS: Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained, and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), RM 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Veterans Administration, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, Hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01800-1

SYSTEM NAME: Naval Home Resident Information System

SYSTEM LOCATION: Primary System-Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia Pennsylvania 19146 Secondary System-National Personnel Records Center, St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Residents of the Naval Home (current, discharged and deceased).

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records concerning application for admission and supporting documents, personnel data, service data, personal affairs, administrative records covering period of residence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
24 USC 17

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy, generally, and the Naval Home, specifically, in the performance of their official duties related to the management, supervision, and administration of the Naval Home.

The Comptroller General or any his authorized representatives, upon request, in the performance of duties of the General Accounting Office related to the management, supervision, and administration of the Naval Home.

Officials and employees of the Veterans Administration in the performance of their duties related to eligibility, notification and assistance in obtaining benefits by residents of the Naval Home.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual records may be stored in paper file folders, and/or vertical card files.

RETRIEVABILITY: Records may be retrieved by name.

SAFEGUARDS: All file folders and cards of residents are locked in file cabinets and are available only to authorized persons having a need to know.

RETENTION AND DISPOSAL: Records are maintained at Naval Home for life of Resident and for 10 years after death or discharge or Resident; thereafter, records are retained at the National Personnel Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS: Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146.

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to : Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146. The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, and signature of requestor. The individual may visit the Governor, U.S. Naval Home for assistance with record located in that building. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and Veteran's Administration in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N01810-1

SYSTEM NAME: Directory of Retired Regular and Reserve Judge Advocates
SYSTEM LOCATION: Office of the Judge Advocate General (Code 61) Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Retired Officers of the Judge Advocate General's Corps
CATEGORIES OF RECORDS IN THE SYSTEM: Name, SSAN, Designator, address, rank, retirement date.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5806
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To utilize/assign retired Judge Advocate Generals' Corps Officers to Official Navy Selection Boards involving Judge Advocate Generals' Corps Personnel and to facilitate location of lawyers throughout the world with naval experience, which may be utilized by the Naval Service. These records may be furnished to other components of the Department of Defense.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Computer paper printouts
RETRIEVABILITY: Computer paper printouts requested from the Bureau of Naval Personnel. Retirees are shown alphabetically by rank.
SAFEGUARDS: Records are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.
RETENTION AND DISPOSAL: Records not kept after person is deceased.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Information received from records held by the Bureau of Naval Personnel.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N01850-1

SYSTEM NAME: Determinations on Origins of Disabilities For Which Military Members Have Retired
SYSTEM LOCATION: Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Retired or former members of the Navy or Marine Corps who have been placed on the Temporary Disability Retired List or Permanent Disability Retired List and who have subsequently obtained or applied for Federal civilian employment.
CATEGORIES OF RECORDS IN THE SYSTEM: Requests originated by individuals concerned or any federal agencies employing such individuals; Bureau of Medicine and Surgery historical narratives and opinions concerning the origins of disabilities of individuals on whom determinations have been requested; copies of Judge Advocate General determinations; and related correspondence.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 3502(a), 6303(a), 8332(c);
5 U.S.C. 301;
44 U.S.C. 3101.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used as the basis for determinations concerning the eligibility of individuals of the above-described category to certain benefits connected with Federal civilian employment available to those disabled in combat with enemies of the United States or having disabilities caused by instrumentalities of war during periods of war. Determinations are rendered, upon request, to any Federal agencies employing members who retired from the naval service for disability. The information may be furnished to other components of the Department of Defense.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Records are maintained in file folders.
RETRIEVABILITY: By name of individual.
SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.
RETENTION AND DISPOSAL: Records are permanent and are retained indefinitely in the Office of the Judge Advocate General.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained by written request to the System Manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12) Office of the Judge Advocate General Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332

Armed forces identification card or state driver's license is required for identification.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Employment information in the system is submitted by the individuals concerned or the Federal agencies employing them. Medical information in the system is obtained from the individuals' medical records, physical evaluation board records, and service records.
SYSTESS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01850-2

SYSTEM NAME: Physical disability evaluation proceedings
SYSTEM LOCATION: Director, Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).
CATEGORIES OF RECORDS IN THE SYSTEM: File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Veterans Administration and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions

taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the party; intra and interagency correspondence concerning the case; correspondence from and to the party, members of Congress, attorneys, and other interested parties; and documents concerning the appointment of trustees for mentally incompetent service members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 1216 and 10-U.S.C. 5148

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Department of the Navy - Used by personnel in the performance of their official duties to determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred.

Veterans Administration - To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

Office of the Judge Advocate General - Used by personnel in the performance of their official duties relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651-53); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay. In addition, the information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders and microfiche.

RETRIEVABILITY: Filed by year of initial disability processing, and alphabetically by name within that year. Veterans Administration To verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS: Director, Naval Council of Personnel Boards, 801 N. Randolph st., Arlington, Va. 22203.

NOTIFICATION PROCEDURE: Information may be obtained from the Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of birth. Written requests must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: The Naval Council of Personnel Boards, 801 N. Randolph St., Arlington, Va. 22203.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Military medical boards and medical facilities; Veterans administration and civilian medical facilities; physical evaluation boards and other activities of the disability evaluation system, Naval Council of Personnel Boards, the Bureau of Medicine and Surgery; the Fiduciary Affairs Section; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01900-1

SYSTEM NAME: Navy Discharge Review Board Proceedings.

SYSTEM LOCATION: Navy Discharge Review Board, Room 1132, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Former Navy and Marine Corps personnel who have submitted applications for review of discharge or dismissal pursuant to 10 USC 1553, or whose discharge or dismissal has been or is being reviewed by the Navy Discharge Review Board, on its own motion, or pursuant to an application by a deceased former member's next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM: The file contains the former member's application for review of discharge or separation, any supporting documents submitted therewith, copies of correspondence between the former member or his counsel and the Navy Discharge Review Board and other correspondence concerning the case, and a summarized record of proceedings before the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 1553

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The file is used in conjunction with the consideration of the former member's application for review of discharge or dismissal and any subsequent application by the member. The file is referred to in answering inquiries from the former member or counsel regarding the action taken in the former member's case. The file is referred to by the Board for Correction of Naval Records in conjunction with its review of any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal. The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Navy Discharge Review Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; plastic recording disks and recording cassettes.

RETRIEVABILITY: The records are filed by name, by social security number, and by service number.

SAFEGUARDS: Files are kept within the Navy Discharge Review Board's administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL: Files are permanent. They are retained in the Navy Discharge Review Board's administrative office for two years. After that time, they are sent to the Federal Records Center, Suitland, Maryland

SYSTEM MANAGER(S) AND ADDRESS: Director, Navy Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE: Information may be obtained from the Navy Discharge Review Board, Room 1132, 801 North Randolph Street, Arlington, Va. 22203. Telephone 202/692-4991
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Information contained in the files is obtained from the former member or those acting on the former member's behalf, from military personnel and medical records, and from records of law enforcement investigations.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N01900-2

SYSTEM NAME: Navy Individual Service Review Board PROCEEDINGS (isrb)
SYSTEM LOCATION: Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have applied for discharge from the United States Navy who claim membership in a group which has been determined to have performed active military service with the United States Navy.
CATEGORIES OF RECORDS IN THE SYSTEM: The file contains the individual's application for discharge, supporting documentation, copies of correspondence between the individual and the Navy ISRB and other correspondence concerning the case.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 95-202
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The file is used in conjunction with the consideration of the individual's application for discharge and any subsequent application by the individual. The file is used by the individual, the counsel for the individual, his/her designated representative, by those acting on behalf of the individual, and by the Navy ISRB.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders and cross-referenced index cards.
RETRIEVABILITY: The records are filed by name.
SAFEGUARDS: The files are kept within the Naval Military Personnel Command offices. Access during business hours is controlled by Command personnel. Records not in use are maintained in a room which is locked during non-duty hours. The Command is secured at the close of business and the building is which the command is located has limited access controlled by security guards.
RETENTION AND DISPOSAL: Applications which are approved will necessitate creation of a service record which is part of the Navy Personnel Records System. Remaining records are retained in the Naval Military Personnel Command for two years and then destroyed. Cross-referenced index cards are retained permanently in the Naval Military Personnel Command.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.
NOTIFICATION PROCEDURE: Information may be obtained from the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Information contained in the files is obtained from the individual or those acting on the individual's behalf, from other military records and from the Department of Defense Civilian/Military Service Review Board.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N03461-1

SYSTEM NAME: Summary debriefs of former Prisoners of War.
SYSTEM LOCATION: Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Former Prisoners of War in Southeast Asia.
CATEGORIES OF RECORDS IN THE SYSTEM: Synopsis of captivity experiences as summarized by debriefers.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Background information on captivity experiences, resistance techniques, and survival aspects including indoctrination, interrogation, PW organization, communications, medical/isolation conditions and facilities for use in training program. Users are school instructors/managers.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders.
RETRIEVABILITY: Name.
SAFEGUARDS: Need to know certification, locked room, limited access building with visitor control, GSA Approved Security Container.
RETENTION AND DISPOSAL: Held indefinitely in support of training.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command, Naval Intelligence Command Headquarters, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.
NOTIFICATION PROCEDURE: Commanding Officer of military personnel submit visit request (OPNAV Form 5521-27) to Commanding Officer, Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135. Civilian personnel submit request to System Manager.
RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Debriefing sessions with individual concerned.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N03461-2

SYSTEM NAME: pow/mia captivity studies
SYSTEM LOCATION: Naval Health Research Center, Center for Prisoner of War Studies, San Diego, California 92152
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Files are maintained by Code on all military and civilian returned prisoners of war, and on the families of military POW/MIAs, civilian POWs and military KIAs.
CATEGORIES OF RECORDS IN THE SYSTEM: Files consist of intelligence debriefing material, microfilm and microfiche copies of medical records, X-rays, dental and somatotype photographs, newspaper clippings, individual and family research questionnaires.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES

OF USERS AND THE PURPOSES OF SUCH USES: Files are converted to group statistics and are used for research into the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.

Professional Staff, Center for Prisoner of War Studies; Research Staff, Naval Aerospace Medical Institute, Pensacola, Florida; Research Staff, Brooke Army Medical Center, San Antonio, Texas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY: Files are retrieved by code number.

SAFEGUARDS: Files are maintained by code in locked file cabinets within a vault with 24-hour sensor security. There is personal screening of all visitors, and building is in a classified area. Only professional research personnel with security clearance are given access to file codes.

RETENTION AND DISPOSAL: The files will be maintained as long as there is an ongoing program of captivity research; with destruction of codes when files are closed.

SYSTEM MANAGER(S) AND ADDRESS: Head, Environment Stress Branch, CPWS

NOTIFICATION PROCEDURE: Write: Director, Center for Prisoner of War Studies, Naval Health Research Center, San Diego, Ca. 92152, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System's manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: All information contained in files was obtained through personal interviews with returned POWs, families of POW/MIA/KIA/civilian POWs, through intelligence debriefings at time of repatriation, newspapers and periodicals, and from materials supplied by the Department of the Army (Office of the Surgeon General and Army Intelligence); Department of the Navy (Bureau of Medicine and Surgery and Naval Intelligence); and Marine Corps Headquarters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N03501-1

SYSTEM NAME: Fleet Ballistic Missile Submarine Demo and Shakedown Operation Crew Evaluation

SYSTEM LOCATION: Director, Strategic Systems Projects (PM-1) Department of the Navy Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officer and enlisted personnel in responsible positions within the Weapons and Navigation Department of both crews of a fleet ballistic missile submarine undergoing Demonstration and Shakedown Operations

CATEGORIES OF RECORDS IN THE SYSTEM: Memorandum report to file

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Preparation of Certification for Deployment messages by Director, Strategic Systems Projects and Commander Submarine Group Six and development of follow-on training programs

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File holders

RETRIEVABILITY: Ship and crew designators

SAFEGUARDS: Access restricted to Assistant for Weapons System Operation and Evaluation staff, Strategic Systems Project Office and Commander Submarine Group Six staff. Vault storage.

RETENTION AND DISPOSAL: Maintained for at least two years then destroyed by shredding

SYSTEM MANAGER(S) AND ADDRESS: Director, Strategic Systems Projects Department of the Navy Washington, D.C. 20376

NOTIFICATION PROCEDURE: All inquires should be directed to the Privacy Act Coordinator:

Deputy Director, Strategic Systems Projects
Department of the Navy
Washington, D.C. 20376

and should indicate full name, military status, time period and ship undergoing Demonstration and Shakedown Operations, and billet held.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Observation of Demonstration and Shakedown Operation team and questionnaire filled out by ship's personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N03760-1

SYSTEM NAME: Individual Flight Activity Report

SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All aeronautically designated commissioned Navy and Marine Officers assigned as crew members in the operation of an aircraft in accordance with the direction of competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM: Reports of each flight submitted by the custodian of the aircraft. Total flight activity survey reports and annual flight activity reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Flight activity data for specific individuals or categories of aviators is correlated with aircraft mishap data. This information is analyzed in order to determine the relationship between various categories and combinations of flight experience and accident involvement. Results of these studies are provided to all echelons within the Navy and Marine Corps having responsibility for flight operations, pilot training and allocation of resources to and within the aviation program. An annual summary of flight activity by model aircraft is provided to each reporting individual for his verification and personnel records. Upon request, a detailed by flight report for a specified time frame is also provided. Records are also provided to Chief of Naval Personnel for promotional screening, detailing and compliance with minimum standards. Summaries of flight activity for Marine Corps personnel are provided to the Commandant of the Marine Corps. Records of specific pilots or categories of pilots are provided to contractors, if required, for projects either funded by or deemed potentially valuable to the Department of the Navy. When requested, records are provided to the General Accounting Office, to the Naval Audit Service and to offices or committees authorized by Congress to investigate certain phases of the Naval Aviation Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape.
RETRIEVABILITY: Any of the data elements such as pilot's social security number, model aircraft, squadron and specific flight experience may be used to retrieve individual records.
SAFEGUARDS: A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.
RETENTION AND DISPOSAL: Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.
SYSTEM MANAGER(S) AND ADDRESS: Director of Aviation Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511
NOTIFICATION PROCEDURE: Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Aircraft reporting custodian, Navy and Marine Corps pilots.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N03810-1

SYSTEM NAME: Naval Intelligence Management Information System (NIMIS)
SYSTEM LOCATION: Naval Intelligence Support Center, 4301 Suitland Road, Washington, D.C. 20390.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and federal employees of the Commander, Naval Intelligence Command and subordinate commands thereof.
CATEGORIES OF RECORDS IN THE SYSTEM: File contains a record of taskings to various components of the Office of Naval Intelligence and the Naval Intelligence Command, including a record of workhours expended on those tasks by each individual involved.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, USC 301.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information derived from this system is used by the Office of Naval Intelligence and its components, for research analysis, developing and evaluating plans, policies, procedures, and related matters. The information is also used for the purpose of measuring intelligence production against budgeted programs and goals; for purposes of maintaining a record of intelligencetaskings and projects assigned to the Office of Naval Intelligence and its components including the current status; for historical and statistical purposes; including use of summary data as the basis for various reports; and for such other matters as may be necessary to fulfill the responsibilities of ONI and components thereof; the Director of Central Intelligence; United States Foreign Intelligence Board; and other appropriate federal agencies requiring the information to fulfill legal responsibilities.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic disk with backup on magnetic tape. Maintained in controlled access areas.
RETRIEVABILITY: Files are accessed and retrieved by a project number and/or by social security number or a locally assigned number.
SAFEGUARDS: In compliance with the specified requirements for classified matter and are accessable to authorized personnel with proper security clearance and need for access.
RETENTION AND DISPOSAL: Records are maintained by fiscal year and are destroyed after 5 years.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command, Building 1, Federal Complex, Suitland, Maryland 20390.
NOTIFICATION PROCEDURE: A person can determine whether the system contains information pertaining to that individual by making a written request to the system manager. The written request should contain full name, social security number, current residence address and telephone number.
RECORD ACCESS PROCEDURES: Written requests to the system manager requesting rules for access to records.
CONTESTING RECORD PROCEDURES: The Office of Naval Intelligence rules for contesting contents and appealing determinations may be obtained from the systems manager.
RECORD SOURCE CATEGORIES: Workhour inputs are obtained from each individual on a weekly basis.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Some information contained in this system of records is classified and exempt from access pursuant to provisions of 5 USC 522a(k)(1). Access will be granted to those portions of the record which: (1) are determined to be unclassified at the time access is requested, and (2) are reasonably segregative from exempt portions.

N03834-1

SYSTEM NAME: Special Intelligence Personnel Access File
SYSTEM LOCATION: Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Va. 22331
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.
CATEGORIES OF RECORDS IN THE SYSTEM: Records pertaining to the eligibility of Department of the Navy personnel (civilian,military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies; Executive Order 11652, classification and declassification of National Security Information and Material.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The Special Intelligence Personnel Access File is maintained for the purpose of permitting a determination of an individual's eligibility for access to Special Intelligence information. This information may be provided to the Department of Defense and all its components, the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Energy Research and Development Administration, the United States Treasury Department, the Department of State, and to any other

Federal agency establishing a need to know for the performance of their assigned responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Active files consist of paper records in file folders and computerized tapes. Inactive files are retained on microfiche.

RETRIEVABILITY: Records are filed alphabetically by last name of the individual.

SAFEGUARDS: GSA approved containers located in controlled access spaces.

RETENTION AND DISPOSAL: Records are retained indefinitely. Inactive files are retained on microfiche.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Intelligence Command, 2461 Eisenhower Avenue, Alexandria, Virginia 22331

NOTIFICATION PROCEDURE: Information may be obtained by written request to the system manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N04050-1

SYSTEM NAME: Personal Property Program

SYSTEM LOCATION: All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD 619 Statement of Accessorial Services Performed; DD 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance- Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; 'personal Property Traffic Management Regulation;' JAG Manual; NAVSUP Publication 490; 'Transportation of Personal Property.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Navy Personal Property Shipping Offices applicable finance centers and the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by last name of member.

SAFEGUARDS: Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

RETENTION AND DISPOSAL: Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

NOTIFICATION PROCEDURE: Written requests may be addressed to the appropriate Navy personal property shipping office concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the Commander, Naval Supply Systems Commands (Code 05), Washington, D.C. 20376.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Application and related forms submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N04060-1

SYSTEM NAME: Navy and Marine Corps Exchange and Commissary Sales Control and Security Files

SYSTEM LOCATION: Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Customers, employees, and guests at Navy and Marine Corps Exchanges and Commissaries, including individuals making large dollar volume purchases and contract purchases; individuals having requested adjustments or made claims; individuals having previously passed bad checks or been apprehended for shoplifting.

CATEGORIES OF RECORDS IN THE SYSTEM: Sales and contract records; lists, logs, or card records of individuals; claims and adjustment records; large volume purchase records; mail orders, and customer special order records, customer list; correspondence. Records of complaints and investigations of regulatory and criminal violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Sales control and prevention and detection of abuse of privileges. Determine responsibility when there are violations of regulations or criminal statutes. Information may be: Provided to local, state, or federal organizations, including the Naval Investigative Service and to the Federal Bureau of Investigation or foriegn organizations for further investigation or prosecution; used by command legal personnel for prosecution of military offenses and other administrative action; provided to the Department of Justice in support of

civil litigation; provided to officials of other federal agencies in connection with the performance of their official duties related to personnel administration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tape, discs, drums, and punched cards. Manual records may be stored in file folders or microform, in file cabinets or other containers.

RETRIEVABILITY: Automated and manual records may be retrieved by social security account number and/or name.

SAFEGUARDS: Access is provided on a need-to-know basis, only. Automated records are located in restricted areas accessible only to authorized persons. Manual records and computer printouts are maintained in locked or controlled access areas.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST 5212.5B, Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to system manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individuals concerned, other records of the activity concerned, other records of activity investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the system manager.

N04060-2

SYSTEM NAME: Commissary/Exchange Control Program

SYSTEM LOCATION: Commander in Chief Pacific Representative, Guam and the Trust Territory of the Pacific Islands, FPO San Francisco 96630

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All authorized commissary and exchange patrons on Guam.

CATEGORIES OF RECORDS IN THE SYSTEM: Automated master tape, purchase amounts, abuser notification letters, and high value merchandise purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Quarterly review by authorized personnel to identify potential abusers

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Master tape, punched cards, readout lists, file folders on purchase entries and abuser letters

RETRIEVABILITY: Social security account number

SAFEGUARDS: Maintained in file cabinet in locked office spaces

RETENTION AND DISPOSAL: Names maintained on master tape and deleted three months after last purchase for commissary purchases; names maintained on master tape and deleted two years after initial purchase for exchange purchases.

SYSTEM MANAGER(S) AND ADDRESS: Commander in Chief Pacific Representative, Guam and the Trust Territory of the Pacific Islands

NOTIFICATION PROCEDURE: Apply to the system manager.

RECORD ACCESS PROCEDURES: The agency rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Individual to whom records pertain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04065-1

SYSTEM NAME: Bad Checks and Indebtedness Lists

SYSTEM LOCATION: Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissary Store operations as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Patrons of Navy exchanges and Commissary Stores who have passed checks which have proven bad; recruits who have open accounts wth Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name, social security number or service number.

CATEGORIES OF RECORDS IN THE SYSTEM: Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check or checks; correspondence relative to attempt by the Navy exchange or Commissary Store to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had two or more checks returned through their own fault or negligence) Accounts Receivable Ledger, detailed by patron; COD Sales Ledger;

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy's personnel in the performance of their official duties to record receipt of bad checks from patrons; to monitor and avoid undue losses because of continued passing of bad checks. This system also contains information regarding the correspondence issued in an effort to recover losses. A bad check list is locally and centrally. This information is issued to all cashiers, exchange and commissary officers. The Accounts Receivable ledgers are used to properly record credit sales and the payment of these accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards;

RETRIEVABILITY: Name and social security number

SAFEGUARDS: Locked file cabinets; supervised office spaces; supervised computer tape library which is accessable only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL: Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and/or the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Treasury Division (TD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requester must provide full name, social security number, activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide the following proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The individual; the bank involved and the activity sales records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04066-2

SYSTEM NAME: Commercial Fidelity Bond Insurance Claims

SYSTEM LOCATION: Commander, Navy Resale and Services Support Office, 3rd Ave. & 29th St. Brooklyn, NY 11232 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

CATEGORIES OF RECORDS IN THE SYSTEM: Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy personnel in the performance of their duties, to provide information, as required, to the insurance carrier (fidelity Bond Underwriter) for appropriate coverage, as well as to render appropriate assistance in processing insurance claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The media in which these records are maintained varies but includes file folders and ledgers.

RETRIEVABILITY: Name, payroll number, service number, activity.

SAFEGUARDS: Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

RETENTION AND DISPOSAL: Records are retained for three years after settlement and then retired to the Federal Records Center, St. Louis, Mo.

SYSTEM MANAGER(S) AND ADDRESS: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St., Brooklyn, NY 11232

NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requestor must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requestor may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requestors must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04066-3

SYSTEM NAME: Layaway Sales Records

SYSTEM LOCATION: Commands, Navy Resale and Services Support Office, 3rd ave. and 29th Street, Brooklyn, NY 11232 (for all Navy exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Patrons of Navy exchanges who buy goods on a layaway

CATEGORIES OF RECORDS IN THE SYSTEM: Layaway Tickets and layaway patron lists

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC301 and 10USC5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy personnel in the performance of their duties to record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders include layaway tickets and layaway patron lists.

RETRIEVABILITY: Name, address, service number or exchange permit number

SAFEGUARDS: Locked file cabinets, supervised records space

RETENTION AND DISPOSAL: Destroyed after two years per Navy Exchange Manual

SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Director, Controller Division (CD) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry, the requester must provide full name, social security number, activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04065-4

SYSTEM NAME: Navy Lodge Records

SYSTEM LOCATION: Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Patrons and guests authorized lodging at a Navy exchange Navy Lodge.

CATEGORIES OF RECORDS IN THE SYSTEM: Reservation request; guest registration card; navy lodge guest folio.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 and 10 USC 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by the Department of the

Navy personnel in the performance of their duties to: a record of reservations to insure orderly room assignment and avoid improper booking; record registration and payment of account; verify proper usage by eligible patrons; cash control; gathering of occupancy data; determine occupancy breakdown; rental and furnishings accountability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The media in which these records are maintained vary, but include: folio card; ledger; Guest Registration Cards; and local copies and reports of central system reports.

RETRIEVABILITY: Name; service number; social security number

SAFEGUARDS: Supervised offices; locked files

RETENTION AND DISPOSAL: Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, chapters 4 and 5 and the Navy Exchange Manual. Local reservation request forms are destroyed 1 month after the actual date of check-in.

SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Manager, Personalized Services (SMD4) Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In the initial inquiry the requester must provide full name, social security number, service number and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04350-1

SYSTEM NAME: Contract Field Service File

SYSTEM LOCATION: Commander Naval Electronic Systems Command Washington, D.C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Contractor representatives (engineers/technicians)

CATEGORIES OF RECORDS IN THE SYSTEM: NAVELEX 4603 maintains a contractor field engineer file system by name and company. The only personal information contained in these files are security clearance information (degree, date cleared, by whom), date and place of birth, and social security number. Contract services requests and authorizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulation

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The information in the system is used for notifying ships, shipyards, supships, other Navy activities and some contractor plants of reporting engineers security information for tech assists. Internal users other than 4603 are cognizant engineers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: The files are filed by company and name.

SAFEGUARDS: The files are located in a locked cabinet. When the cabinet is open, personnel is in the room at all times, Normally no other people have access to these files. The only ones that could have access based upon a need to know are the cognizant engineers and the contractor representatives may review their own personal jacket. ELEX 4603 personnel must remove records from cabinets.

RETENTION AND DISPOSAL: The records are retained as long as the engineer is employed by the company, then the records are transferred to Archives for the standard retention period.

SYSTEM MANAGER(S) AND ADDRESS: Contract Services Coordinator, ELEX 4603

NOTIFICATION PROCEDURE: Request must be made to system manager ELEX 4603. Requestor must provide full name, social security number and photo identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The source of information is from the contractor representatives (engineers/ technicians) employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04385-1

SYSTEM NAME: Investigatory (Fraud) System

SYSTEM LOCATION: Chief of Naval Material, Navy Department, Washington, D.C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals suspected of fraud, convicted of fraud in Navy procurement, individuals suspected of being involved in theft of Government property, conflict of interest in matters relative to Navy procurement.

Names of individuals involved in areas of possible criminal misconduct pertaining to procurement and related matters within the cognizance of CNM.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Administrative memoranda
2. Investigative report summaries
3. Report of disciplinary action taken
4. Card index file, containing only the name and file number. It is used for report retrieval purposes.
5. Pertinent public court records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, U.S. Code, Section 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Uses are to disseminate information on procurement fraud and related matters to the officials in the Department of the Navy to assure that they are notified in fraud cases. To request official investigations, audits, to respond to congressional inquiries and to request reports of final action taken. Internal users are subordinate officials to the CNM, CNO, SECNAV and ASN. Documents furnished to Department of Justice to be used in prosecutive actions. Reports are also used in connection with debarment/ suspension actions and require notification D/A, AF, DSA, GSA, Defense Nuclear Agency, MARCORPS and DCAA.

Referrals to NIS (law enforcement)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, index cards.

RETRIEVABILITY: By name and ssn; by case name, type of crime and command.

SAFEGUARDS: Access is limited to MAT 09G personnel. Files are stored in a

locked bar cabinet. The area is sight controlled during normal work hours and locked during non duty hours. Building access is controlled during security hours by a Security Force, which also conducts roving patrols of the building. There is no possibility that the computer can be accessed from outside the controlled area.

RETENTION AND DISPOSAL: Files are kept for three years after final action is taken.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Material Deputy Inspector General (Investigations) NAVMAT 09G1 Crystal Plaza Bldg. ±5, Rm 422 Washington D.C. 20360

NOTIFICATION PROCEDURE: Written request to:

Chief of Naval Material
ATTN: Deputy IG (Investigations)
MAT 09G1, CP ±5, Rm 422
Washington, D.C. 20360 giving full name, address, social security number and business affiliation.

Requester may visit, after written visit notification,

Chief of Naval Material
Deputy IG (Investigations)
MAT 09G1, CP ±5, Rm 422
Washington, D.C. 20360 between the hours of 0900-1500. Requestor must show proof of identity consisting of drivers license or ID containing photograph, Military ID card, etc.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The Agencies Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Law enforcement investigative reports, Audit Reports, Inspection reports, credit reports and complainants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552a (k) (1); (2) and (5), as applicable. For additional information contact the System Manager.

N04410-1

SYSTEM NAME: File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles

SYSTEM LOCATION: U.S. Naval Radio Station, FPO New York 09516

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: United States Navy personnel stationed at U.S. Naval Radio Station, FPO New York 09516 who own a concession vehicle in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM: Request for delivery of a motor vehicle without payment of duty, value added tax and car tax.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: For information on type of car, engine no., license no., year of car, make of car, base assigned, organization, soc. sec. no., and paygrade.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders

RETRIEVABILITY: Name

SAFEGUARDS: Locked safe in Admin Office with a 24 hour security watch.

RETENTION AND DISPOSAL: Records are maintaned as long as a person owns a concession vehicle in the United Kingdom. Records are burned as soon as vehicle is either shipped out of the U.K. or destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE: Inquiries should be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number. Visitors may come to the Administrative Office at the address given under SYSMANAGER and must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by theindividual concernd may be obtained from th system manager.

RECORD SOURCE CATEGORIES: Applicable U.S. Serviceman

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04410-2

SYSTEM NAME: Military and Civilian Employee Dependents Hurricane Shelter Assignment List

SYSTEM LOCATION: Commanding Officer Naval Communication Station Key West Key West Florida 33040

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military personnel and civilian employees and their dependents who apply for assignment to naval communication station shelter

CATEGORIES OF RECORDS IN THE SYSTEM: Record lists names, addresses, and phone numbers of military/ civilian station personnel applying for shelter assignments for their families, together with names of dependent spouses, names and ages of dependent children, and whether or not requirement exists for station transportation to shelter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Disaster Preparedness Officer in determining shelter logistics requirements and by Shelter Officer in mustering assigned dependents in shelter in case of hurricane.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder

RETRIEVABILITY: Name

SAFEGUARDS: File maintained in locked cabinet by Disaster Preparedness Officer.

RETENTION AND DISPOSAL: Maintained from May through April each year, disposed of by burning.

SYSTEM MANAGER(S) AND ADDRESS: Disaster Preparedness Officer Naval Communication Station Key West Key West Florida 33040

NOTIFICATION PROCEDURE: Individual record entries are filled out by hand by station military/civilian sponsors desiring to register their families in command hurricane shelter. System contains no info other than entries provided by sponsors. Certified station sponsors may review/remove entry by phoning/visiting the Disaster Preparedness Officer, Naval Communications Station Key West.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: All entries to file are hand written forms filled in by military/civilian command sponsors requesting hurricane shelter for their families.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N04410-3

SYSTEM NAME: Duty Free Vehicle Log

SYSTEM LOCATION: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

Customs Officer, HMS Customs and Excise, Campbeltown, Argyll, Scotland

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals stationed

aboard NAVAVNWPNSFAC Machrihanish who own vehicles purchased or imported into the United Kingdom duty free.

CATEGORIES OF RECORDS IN THE SYSTEM: Single line entry on loose leafe pages listing: Name and rank/rate of individual; make, year and registration of vehicle; status (bought new in UK or imported) of vehicle; and date of purchase or importing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To assist local customs officials to protect against the illegal transfer of duty-free vehicles to UK citizens.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder

RETRIEVABILITY: Name

SAFEGUARDS: The records are maintained in an office that is locked when not manned.

RETENTION AND DISPOSAL: Pen and ink changes are made to records until complete page must be retyped. Old pages are then destroyed by shredding or burning. Retention period dependent upon number of changes occuring. Method of disposal by local customs official unknown.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

NOTIFICATION PROCEDURE: Individuals wishing to learn if records concerning them are still retained may contact the System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Information is obtained from documents provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N04410-4

SYSTEM NAME: Record of Import and Export of Foreign Made Auto Vehicles into and out of Australia

SYSTEM LOCATION: U.S. Naval Communication Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Importers/exporters and purchasers of foreign made automobiles imported into Australia by U.S. personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Copies of shipping and customs documents for automobiles imported into and exported from Australia.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Agreement between Australia and the United States of America concerning the status of United States forces in Australia and protocol to that agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Supply Officer: to determine shipping and wharf handling requirements. Legal Officer: to monitor sale and/or export of foreign made vehicles imported into Australia by the U.S. personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder.

RETRIEVABILITY: Name.

SAFEGUARDS: File cabinet, Entry by legal/personal property office personnel only.

RETENTION AND DISPOSAL: Duration of customs to duty bond. Destruction through burning.

SYSTEM MANAGER(S) AND ADDRESS: Legal officer and personal propety supervisor.

NOTIFICATION PROCEDURE: Individual initates record and may request information. Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station. Information requested must provide: full name, official title, purpose of inquiry. Offices to be visited: Legal Office and Personal Property Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information supplied by individual, copy of purchase documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N04650-1

SYSTEM NAME: Personnel Transportation System

SYSTEM LOCATION: Military Traffic Office & East Coast Passenger Control Point, Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370.

District Passenger Transportation Office & West Coast Passenger Control Point, Headquarters, TWELFTH Naval District, Treasure Island, San Francisco, California 92132.

District Passenger Transportation Office & Alaskan Passenger Control Point, Naval Support Activity, Seattle, Washington 98115.

District Passenger Transportation Offices, all other Naval District Headquarters.

Overseas Area Travel Coordinators at U. S. Naval Activities, United Kingdom; U. S. Naval Activities, Spain; Headquarters, U. S. Fleet Air Mediterranean; U. S. Naval Support Activity, Naples, Italy; Headquarters, Middle East Force; U. S. Naval Station, Keflavik, Iceland; U. S. Naval Air Facility, Lajes, Azores; Naval Station, Argentina, Newfoundland; Naval Base, Guantanamo Bay, Cuba; Headquarters, TENTH Naval District; Headquarters, FIFTEENTH Naval District; Headquarters, U. S. Naval Forces, Mariannas; Headquarters, U. S. Naval Forces, Philippines; Headquarters, U. S. Naval Forces, Japan; and Naval Communication Station Harold E. Holt, Exmouth, Western Australia (See Directory of the Department of the Navy Mailing Addresses).

And local activities (See Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy military personnel, midshipmen, retired Navy members, civilian employees of the Navy, dependents of the foregoing, and other civilians authorized through Navy commands to travel at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM: Applications for travel and, where applicable, for passports and visas; requests for extension of 12-month limit on travel by retired member to home of record; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 37 USC 404 Travel & Transportation Allowances—General

5 USC 5701 et seq Travel, Transportation & Subsistence

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the determining of eligibility for transportation, the authorizing or denying of transportation, and otherwise managing the personnel transportation system.

Officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the provision of transportation; diplomatic, official, and other no-cost passports; and visas to subject individuals.

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the control of travel costs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

Commercial Carriers-providing transportation to individuals whose applications are processed through this system of records.

Such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U. S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc, drums, and on punched cards. Manual records in file folders or file-card boxes, microfiche or microfilm.

RETRIEVABILITY: Automated records may be retrieved by social security account number and/or name. Manual records are filed alphabetically by name of applicant; applications for dependents filed by name of sponsor.

SAFEGUARDS: Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Departmental regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to the local activity where the request for transportation was initiated (see Directory of the Department of the Navy Mailing Addresses), and/or to intermediate activities (if applicable) (see Directory of the Department of the Navy Mailing Addresses, or to the Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, State Department and other agencies of the Executive Branch and components thereof, in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; foreign embassies, legations, and consular offices reporting approval/disapproval of visas; and carriers reporting on provision of transportation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05100-1

SYSTEM NAME: Diving Log

SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy military and civilian employees of the Navy involved in diving or exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM: Diving Log Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Reports summarizing diving activity are furnished to the commanding officer for individuals attached to the unit and are used to monitor experience levels associated with types of dives, equipment usage and requalification requirements. Individual records are also used to evaluate the diving program at specific activities and to determine if manning level, experience and operational requirements are consistent with an effective safety program. Pertinent individual records or statistical summaries prepared by Naval Safety Center analysts are also provided to all echelons within the Navy having a responsibility for the diving program and to Chief of Naval Personnel, Comptroller of the Navy, General Accounting Office, Naval Audit Service or other activities having responsibility for the administration or control of personnel assignments and hazardous duty payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape.

RETRIEVABILITY: Records may be selected based on any of the data elements contained in the file such as diver's social security number, organization unit, type of dive and equipment used.

SAFEGUARDS: A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to the diving program must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL: Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS: Director of Submarine Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE: Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by

the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05100-2

SYSTEM NAME: Diving Accidents and Injuries
SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, VA. 23511
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy military and civilian employees of the Navy involved in an accident or who are injured while engaged in diving or exposed to a hyperbaric environment.
CATEGORIES OF RECORDS IN THE SYSTEM: Diving Accident/Injury Report. Personnel Casualty Report. JAG manual investigation.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records of diving accidents and injuries are evaluated by Naval Safety Center analysts to determine existence of problem areas and to detect trends. The records are correlated with the diving log reports and used as a basis for recommending changes in operating procedure, equipment, decompression schedules and training requirements. Individual reports and compilations of accidents and injuries are routinely furnished to activities within the Navy having responsibility for diving safety. Reports are also furnished to Government or private research institutions engaged in studies relating to the prevention or treatment of diving injuries or the design and usage of underwater equipment.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape.
RETRIEVABILITY: Any of the data elements such as diver's social security number, type of accident, depth and purpose of dive, degree of injury and treatment provided are used to retrieve individual records.
SAFEGUARDS: A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to diving safety must be approved by the Commander, Naval Safety Center or his designated representative.
RETENTION AND DISPOSAL: Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.
SYSTEM MANAGER(S) AND ADDRESS: Director of Submarine Safety, Naval Safety Center, NAS, Norfolk, Va. 23511
NOTIFICATION PROCEDURE: Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving. Office of the Judge Advocate General. Chief, Bureau of Medicine and Surgery.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05100-3

SYSTEM NAME: Occupational Injury and Illness
SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 (Central) Subordinate Type Commands/Ship/Naval Units
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy military personnel who sustain an injury or occupational illness and Navy civilian personnel who sustain an occupational illness or injury resulting in one or more days of lost time.
CATEGORIES OF RECORDS IN THE SYSTEM: Accidental Injury/Death Reports. Personnel Casualty Reports. Hospital Admission Reports. JAG manual investigations.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Accidental injury records are used to compile a variety of statistical reports which are routinely published or prepared at the request of Navy forces afloat and shore activities. Individual injury reports are selected and reviewed by Naval Safety Center analysts in order to detect problem areas relating to operating procedure, training and equipment usage and malfunction. Results of these studies which may include individual injury reports are provided to commanding officers and to all echelons within the Navy having responsibility for the allocation of resources or the implementation of the Safety Program. Individual injury records are correlated with data contained in other personnel files in order to detect unfavorable trends within an activity and to recommend appropriate corrective measures. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information. Individual records and summary data are provided to contractors and research activities in connection with projects either funded by or deemed potentially valuable to the Department of the Navy.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape. (Central location) File Folders/cardex (subordinate commands)
RETRIEVABILITY: Any of the data elements such as social security number, command or unit identification code, degree of injury, location, equipment malfunction and cause factors are used to select individual records.
SAFEGUARDS: A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not within the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.
RETENTION AND DISPOSAL: Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.
SYSTEM MANAGER(S) AND ADDRESS: Director of Occupational Safety, Health and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511
NOTIFICATION PROCEDURE: Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05100-4

SYSTEM NAME: Motor Vehicle Accidents and Injuries

SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 Subordinate/Type Commands/Levels

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy military personnel regardless of duty status who are injured as a result of a motor vehicle accident or are the operator of one of the vehicles involved in such an accident. Navy military and civilian personnel who are involved in a Government motor vehicle accident or a private motor vehicle accident on Navy property. Navy civilian employees who are injured in a motor vehicle accident during the course of their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM: Motor Vehicle Accident Report. Personnel Casualty and Death Report, Hospital Admission Reports and JAG manual investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Motor vehicle accident records are used to compile statistics which are given wide dissemination within the Navy. Compilations of motor vehicle accident records for particular commands, activities and units are furnished on request to assist in the development of an effective safety program at all levels within the Navy. Accident records of individuals assigned to specific units or records of individuals involved in multiple accidents are provided to commanding officers. Motor vehicle accident records are correlated with data contained in other accident/injury or training files. The significance of this data is evaluated by Naval Safety Center analysts and summary information, specific individual records or composite records provided to all echelons within the Navy having a responsibility for motor vehicle safety. Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape. (Central location) File folders/cardex (subordinate commands)

RETRIEVABILITY: Any of the data elements such as individual social security number, activity or unit identification, cause factors and degree of injury are used to retrieve individual records.

SAFEGUARDS: A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL: Magnetic tape files contain all available records and are never purged. Original documents are destroyed when no longer required. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS: Director of Occupational Safety, Health, and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE: Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Chief, Bureau of Medicine and Surgery.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05100-5

SYSTEM NAME: Aviation Mishap Report

SYSTEM LOCATION: Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All aeronautically designated individuals in a crew status who are involved in a naval avaiation mishap resulting in a cost of 50,000 or more.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, social security number, flight experience of involved individuals, and location, severity, cause factors and description of the accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: DOD Instruction 1000.19, dated 18 October 1979; subject: Mishap Investigative Reporting and Recordkeeping.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information contained in this file will be provided to all naval aviation activities and to the Department of Labor, Department of Commerce, Department of Transportation, and NASA, or contractors who request and have an official need for such information. Navy and other government activities will utilize these records in connection with safety, staffing, training, budgetary or administrative purposes associated with aviation. Contractors will be furnished information in connection with a federal contract. Uless required the identification of individuals will be deleted from reports provided to non-Navy activities. Although the identification of the individual will not be used to retrieve records in connection with Freedom of Information Act requests, reports may be compiled from this file using other search criteria and provided in response to such requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape, disk storage packs, file folders and microfilm.

RETRIEVABILITY: Name or social security number may be used for retrieval.

SAFEGUARDS: Files are maintained within the data processing facility and a limited number of Naval Safety Center personnel have free access to this area. When the computer facility is not occupied, physical security is provided by the Naval Safety Center duty section and by periodic checks made by the base security patrol. A knowledge of the computer operating system is required to process the mechanized files.

RETENTION AND DISPOSAL: Original source documents will normally be destroyed within 18 months after being processed. Microfilm copies of the source documents and the data files will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Head, Records and Data Processing Department, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

NOTIFICATION PROCEDURE: Individuals can determine the existence of records pertaining to them by contacting the System Manager. Full name and social security number must be provided.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: The source of data for the file is the Aviation Mishop Report.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05101-1

SYSTEM NAME: Safety Equipment Needs, Issues, Authorizations
SYSTEM LOCATION: Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Personnel whose work requires them to wear, or are issued, protective clothing or equipment, including prescription safety lenses.
CATEGORIES OF RECORDS IN THE SYSTEM: Listings, cards, and other records of individuals requiring, authorized, or issued prescription or other safety equipment.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, Departmental Regulations.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By safety department personnel to determine who needs, is eligible, or has been authorized or issued prescription or other safety equipment for protection.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Card index files, file folders in file drawers, or microform.
RETRIEVABILITY: By name or date of authorization or issue.
SAFEGUARDS: Controlled access space or locked rooms; personnel screening.
RETENTION AND DISPOSAL: Secretary of the Navy Instruction 5212.5B, Disposal of Navy and Marine Corps Records.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting access may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individuals to whom the records pertain.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05101-2

SYSTEM NAME: Sight Conservation Program
SYSTEM LOCATION: Director, Naval Research Laboratory, Washington, D.C. 20375
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Employees wearing glasses whose work requires the use of safety glasses.
CATEGORIES OF RECORDS IN THE SYSTEM: Eyewear prescriptions and pertinent information on special fitting requirements.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records of eyewear prescriptions used by contract optometrist in connection with periodic examinations and by Safety Office personnel.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders.
RETRIEVABILITY: Name.
SAFEGUARDS: Office door locked at night.
RETENTION AND DISPOSAL: Retained as long as employee is on program. When he leaves NRL or changes job and does not qualify for program, his file is destroyed by tearing it up.
SYSTEM MANAGER(S) AND ADDRESS: Head, Safety Office, Naval Research Laboratory, Building 222, Room 188.
NOTIFICATION PROCEDURE: Verbal request to system manager, with some proof of identity, such as driver's license or ID card.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Optometrist's measurements.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05120-1

SYSTEM NAME: Bond Accounting
SYSTEM LOCATION: Decentralized, maintained by Issuing Agents for Savings Bonds; a list is available from:
Commander
Navy Accounting and Finance Center (NCF-123)
Washington, D.C. 20376
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian and Military Personnel of the Department of the Navy including contract employees who meet the requirement for ownership of savings bonds as outlined in Treasury Department Circular No. 530 as amended.
CATEGORIES OF RECORDS IN THE SYSTEM: Files contain individual application and related records - The Bond Record File - Master Bond Record Card Control Account - The Master Control Account - Activity Subcontrol Accounts - Refund Subcontrol - Transfer Journal.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose: To issue U. S. Savings Bonds
User: Issuing Agents for Savings Bonds
Uses: Provide audit trail on Requisition, Control, and Issuing of Bonds -
Maintenance of accounts - Accounting for funds - Financial Reports and Returns - Miscellaneous provisions.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Metal file cabinets equipped with a locking device - Paper records in metal filing cabinets - Microfilm.
RETRIEVABILITY: Retrieved by name, social security number or payroll number. From the Federal Reserve Bank by numerical sequence by serial number shown on bond issued stub.
SAFEGUARDS: Locked cabinets, with building or military base security. Access authorized to personnel engaged in payroll processing, disbursing, supervisory or management personnel, and auditors. Bond subscribers are authorized to receive information on their own records.
RETENTION AND DISPOSAL: Records are maintained for one year. Records are then forwarded to a Federal Records Center.
SYSTEM MANAGER(S) AND ADDRESS: Commander Navy Accounting and Finance Center (NCF-123) Washington, D.C. 20376 Procedures are prescribed in Comptroller of the Navy Manual (NAVSO P-1000). For decentralized locations where individuals may deal directly, addresses are available from the SYSMANAGER.
NOTIFICATION PROCEDURE: Information may be obtained by contacting the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, D.C 20376. Requester should provide full name,

social security number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

RECORD ACCESS PROCEDURES: The Agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Request for Bonds are filed by individuals who provide information on themselves. Other records are generated from the original request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05210-1

SYSTEM NAME: Correspondence files

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: These are files kept by subject, name of correspondent (Congressman, contractor, other member of public, etc.,) or name of recipient.

CATEGORIES OF RECORDS IN THE SYSTEM: Incoming and outgoing correspondence and related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to 'follow-up' on previous correspondence, for reference purposes, to assure consistency of policy, and for other official Navy business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY: Name, SSAN, Case Number, organization.

SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05238-1

SYSTEM NAME: ADP Budget

SYSTEM LOCATION: Director Naval Research Laboratory Washington, D.C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Employees and former employees of the Naval Research Laboratory who by the definitions contained in SECNAVINST 5238.1A of 15 Feb 1973 are reportable for purposes of Resource Accounting in Data Processing related activities.

CATEGORIES OF RECORDS IN THE SYSTEM: Contains name, pay number, grade, step, salary related data, man-years of effort (either actual or projected) salary related data and changes in pay status (either actual or projected) which would affect salary costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Data is used by managers of computer oriented organizations to formulate Budgets for inclusion in the Automatic Data Processing Program Reporting System - Resource Accounting (Dept. of the Navy).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File Folders and magnetic disc

RETRIEVABILITY: Pay number.

SAFEGUARDS: Locked cabinets, personnel screening, (need to know) visitor controls, computer systems software including password protection.

RETENTION AND DISPOSAL: Routinely discarded after three years.

SYSTEM MANAGER(S) AND ADDRESS: ADP Coordinator, Code 4014 Director, Naval Research Laboratory, Washington, D. C. 20375

NOTIFICATION PROCEDURE: A written request to the SYSMANAGER at the above address providing the individual's full name, current address and telephone numbers, dates of employment, organization code(s) and pertinent occupational series code. Determination of record may be made in the Research Program Office, Computation Center, or Office of Comptroller. A drivers license or other recognized form of identification bearing the individuals signature and current address will be required of visitors.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Personnel records

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05300-1

SYSTEM NAME: Organization Locator and Social Roster

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and civilian personnel attached to the activity; also may include military and civilian personnel of the Department of Defense and other government agencies; may also include family members and guests of military and civilian personnel; other invitees.

CATEGORIES OF RECORDS IN THE SYSTEM: Manual or mechanized records. Includes information such as names, addresses, telephone numbers; official titles or positions and organizations; invitations, acceptances, regrets, protocol, and other information associated with attendents at functions. Locator records of personnel attached to the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: For locating individuals on routine and emergency matters. Often used for mail distribution, for forwarding addresses, and as a recall list. Also, may be used as a social roster for social reference for various official and non-official functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape, and similar record formats.

RETRIEVABILITY: Name, SSAN, number, organization, function.

SAFEGUARDS: Access provided on a need to know basis.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to record may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, correspondents, directories and official publications.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05300-2

SYSTEM NAME: Administrative Personnel Management System
SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities. Official mailing addresses are in the Navy's address directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All civilian, (including former members and applicants for civilian employment), military and contract employees.
CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence/records concerning identification, location, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, travel, retention group, vehicle parking, disaster control, community relations, (blood donor, etc), employee recreation programs, grade and series or rank/rate, retirement category, awards, property custody, personnel actions/dates, violations of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications, and other data needed for personnel, line and security management, as appropriate.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5031
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Official and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; determining clearance for access control; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar adminitrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals. Officials and employees of the Office of Personnel Management concerning information on civilian pay, leave, benefits, retirement deductions, and any other information necessary to carry out its legally authorized functions and studies.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape, magnetic disc.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigators, opm officials, and/or members of the American Red Cross.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05300-3

SYSTEM NAME: VGA Personnel and Manpower Information System (PERMIS).
SYSTEM LOCATION: Central Computer Facility - Naval Material Command Support Activity, Department of the Navy, Washington, D.C. 20360; Program Director - Civilian Personnel Group, Code SA-53B; ADP - Data Processing Group, Code SA-14.

Input-Ooutput Terminals - Naval Material Command, Washington, D.C. 20360; Naval Material Command Support Activity, Washington, D.C. 20360; Naval Air Systems Command, Washington, D.C. 20360; Naval Sea Systems Command, Washington, D.C. 20360; Naval Facilities Engineering Command, Arlington, Va. 22332; Naval Supply Systems Command, Washington, D.C. 20376; Naval Electronics Systems Command, Washington, D.C. 20360; Naval Ship. Engineering Center, Hyattsville, MD 20782.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All civilian employees of the activity or activities provided personnel service by the Civilian Personnel Office of a Naval Activity with a PERMIS terminal;

All military personnel on active duty stationed at or assigned to an activity provided personnel service by the Civilian Personnel Office of a Naval Activity with a PERMIS terminal.
CATEGORIES OF RECORDS IN THE SYSTEM: Individual military assignment-related automated records containing that data which is also used to produce the Officer Distribution Control Report (ODCR);

Individual civilian employee automated records, including personal job-related, military status, education, training, and related data; Computer outputs displaying information from PERMIS automated records; Microfiche of computer outputs displaying information from PERMIS automated records.

Punched cards containing PERMIS data; Optical scanning sheets containing leave data.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, U.S.C., section 302, 'Delegation of authority to subordinate officials of head of agency for employment, direction, and general administration of personnel';

Title 5, U.S.C., section 301, (records and reports-custody, use and preservation);

Executive Order 9397, 'Numbering System for Federal Accounts Relating to Individual Persons';

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: For the purposes of increased effectiveness and efficiency by automating certain processes within the operating civilian personnel offices and providing management information: Officials and employees of activities serviced by the Civilian Personnel Office in the performance of their official duties related to management and administration of civilian personnel programs; the providing of staff support in the area of management, manpower, budget, administrative services, military manpower, Equal Employment Opportunity, and any other staff and line operations requiring the management of civilian personnel; the design, development, maintenance, and operation of the (manual and) automated system of records; and administration of grievances, appeals, and litigation involving the disclosure of records of the PERMIS system. Officials and employees of other Naval activities in their request for pre-employment data, or in the processes involved in the transfer of an employee from a PERMIS-covered activity to one of those other activities; their performance of studies and tasks relative to leave held or taken by civilian employees; and their usage of data to manage Navy civilian manpower programs, and to provide civilian manpower reports and statistical data to the United States Civil Service Commission, Office of Management and Budget, etc.

Officials and employees of any component of the Department of Defense-Performance of their official duties.

Representatives of the Civil Service Commission - Matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs, or pesonnel actions, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives - Performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs.

The Attorney General of the United States or his authorized representatives - Litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other departments and agencies of the Executive branch of government - upon request, in the performance of their official duties.

Hearing Examiner or Arbitrator (duly appointed employee of another federal agency) - conduct a hearing in connection with an employee's appeal involving disclosure of records of the PERMIS system.

Arbitrator given a contract pursuant to a negotiated labor agreement - hear an employee's grievance involving disclosure of the records of the PERMIS system.

Senate or House of Representatives of the U.S. or any committee or sub-committee thereof, any joint committee of congress or sub-committee of joint connittee - matters within their jurisdiction requiring disclosure of files or records of the PERMIS system.

Law enforcement or investigatory authorities - investigation and possible criminal prosecution, civil court action or regulatory order.

Marine Corps - produce microfiche from documents.

Department of the Army - optical scanning of documents and recording of data on magnetic tape.

DESCOMP INC (a contractor) and its employees - punch cards and key-to-disc recording of data from documents.

Chesapeake and Potomac Telephone Co (a contractor) and its employees - Telecommunication transmission of data between the central computer facility and the remote terminals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer magnetic discs; computer magnetic tapes; computer magnetic cards; punched cards; computer paper printouts; microfiche; optical scanning sheets.

RETRIEVABILITY: Automated records are accessed and retrieved by social security account number, position number, military billet number, or by a combination of characteristics such as occupation code, grade, year of birth, and level of education.

Computerized indices are required to retrieve individual records from the automated system;

Microfiche are filed alphabetically by last name of employee; computer paper printouts are filed at random. Information can be retrieved from them by name, social security account number, or organization code.

Punched cards and optical scanning sheets are accessible by social security account number and name.

SAFEGUARDS: The computer facility is located in a restricted area accessible only to authorized persons that are properly screened, cleared and trained.

Computer fail-safe systems software is employed to insure that only authorized personnel are able to obtain data via the terminals.

Computer printouts, microfiche, punched cards, and optical scanning sheets are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: The records on punched paper cards, magnetic cards, and magnetic tapes are transferred to the magnetic discs, where they are maintained permanently;

The microfiche will be maintained as long as they provide useful information and will then be destroyed by mechanical or related means;

The computer paper printout and paper card output are maintained for relatively short periods of time, generally ranging from one day to three months, and are then recycled.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, Naval Material Command Support Activity. Department of the Navy, Washington, D.C. 20360; and Civilian Personnel Offices.

NOTIFICATION PROCEDURE: Request from individuals should be addressed to the above system manager (SYSMANAGER); written request for information should contain the full name, address, and signature of the individual; the individual requester may visit the civilian personnel office of one of the activities listed under LOCATION. The street address for the Naval Material Command Support Activity is 4040 N. Fairfax Drive, Arlington, Virginia (note that this is an address for personal visits only; it is not acceptable as a mailing address); for personal visits, the individual must present as proof of identity his or her Department of Defense or Navy building pass or identification badge, or driver's license or other type of identification bearing a picture or signature, or other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contestng contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Navy Civilian Personnel Offices; automated system interface (Navy military personnel); Navy manpower offices, Navy military personnel offices; supervisors, schools, and colleges.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05300-4

SYSTEM NAME: Personnel Management and Training Research Statistical Data System

SYSTEM LOCATION: Commanding Officer

U. S. Navy Personnel Research and Development Center
San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: U. S. Navy and Marine Corps Personnel and applicants thereto: Active duty, reserve, prior service, dependents, retired, and Department of the Navy civilians from 1951 to present. (Only samples of data from each category are on file, depending on research study.)

CATEGORIES OF RECORDS IN THE SYSTEM: Performance, attitudinal, biographical, aptitude, vocational interest, demographic, physiological. Data in any file are limited, depending on purpose of the research study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The data are used solely by Navy Personnel Research and Development Center researchers who analyze them statistically to arrive at recommendations to management on such topics as: Comparison of different training methods, selection tests, equipment designs, or policies relating to improving race relations and decreasing drug abuse. In no case are the data used for other than statistical purposes; that is, the data are not used in making decisions affecting specific individuals as individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tapes, magnetic disk, punched cards, and coding

RETRIEVABILITY: Records are retrievable by name, social security number, or service/file numbers, but such identifying information is used only to permit collation of data for statistical analysis, and is not used for retrieval of individual records.

SAFEGUARDS: Unauthorized access to records is controlled by: Security clearances for all Research Center and contractor personnel; physical security including a badge system for entry to the Center and a 24-hour guard maintained on a fenced compound; control of visitors; data bank users having special access codes; and, access limited to only designated personnel.

RETENTION AND DISPOSAL: Records are destroyed five years after termination of a research project. They are maintained within the confines of the Research Center. Destruction is accomplished by degaussing magnetic tapes and disks, and punched cards are recycled.

SYSTEM MANAGER(S) AND ADDRESS: Director of Programs (Code 03PA)
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

NOTIFICATION PROCEDURE: Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to which attached at the time, and descriptive information about the study so that appropriate data may be located. For further information, contact the System Manager.

Office to visit: Contact System Manager

Visitor Identification: System Manager will specify

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: The source depends on purpose and nature of study: From the subjects themselves, educational institutions, supervisors, peers, instructors, spouses, and job sample tests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5U.S.C. 552 a (j) or (k), as applicable. For additional information, contact the System Manager.

N05300-5

SYSTEM NAME: Sys Cmd Accting/ Monitoring of Projects (Scamp)

SYSTEM LOCATION: Navy Regional Data Automation Center (NARDAC), Washington Navy Yard, Building 196, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Current employees, assigned military personnel, contractor personnel and those separated within the current five fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM: Individual's social security number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at NARDAC; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, 42 U.S.C. 2000e et seq., 44 U.S.C. 3101, Federal Personnel Manuals 293, 294, 295, 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Internal uses: Officials and employees of the Naval Data Automation Command (NAVDAC) and NARDAC in the performance of their duties relating to personnel management, project monitoring, and financial management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on magnetic disk and on magnetic tape.

RETRIEVABILITY: SCAMP users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

SAFEGUARDS: Access to building is protected by uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cypher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL: An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The online personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files.

SYSTEM MANAGER(S) AND ADDRESS: Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE: Inquiries regarding the existence of records should be addressed to the system manager. Written requests should contain the full name and signature of the individual concerned and his/her social security number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05330-1

SYSTEM NAME: Manhour Accounting System
SYSTEM LOCATION: Naval Education and Training Information Systems Activity Naval Air Station Pensacola, FL 32508
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active military and civilian personnel assigned to maintenance activities in the Naval Education Training Command
CATEGORIES OF RECORDS IN THE SYSTEM: One type record which contains the following: Assigned organization code Work center code Name Grade code Pay rate Social Security Number NEC/MOS Labor Code Type Transaction Labor Code Hours assigned
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Master roster listing Work center labor code Work center labor utilization Grade code utilization Internal Navy Users are Naval Education Training Command Activities
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Punched cards, magnetic tape and flat paper
RETRIEVABILITY: Organization code Social Security number Work Center
SAFEGUARDS: Files are stored in a limited access area. Information provided via batch processing is of a predetermined and strictly formatted nature.
RETENTION AND DISPOSAL: Individual personal data are retained only for that period of time that an individual is assigned to or is supporting a training evolution or activity. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.
SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Air Training Building 1 Naval Air Station Corpus Christi, TX 78319
Records Holder:
Commanding Officer
Naval Education and Training Information Systems Activity
Naval Air Station
Pensacola, FL 32508
NOTIFICATION PROCEDURE: Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number and full name. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military identification card.
RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the systems manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing intitial determinations by the individual concerned may be obtained from the systems manager.
RECORD SOURCE CATEGORIES: Naval Air Training Command Activities and organizations
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05340-1

SYSTEM NAME: Combined Federal Campaign/Navy Relief Society
SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All assigned personnel.
CATEGORIES OF RECORDS IN THE SYSTEM: Extracts from payroll systems and administrative personnel management systems. Contributor cards.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive Order 10927
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Management of combined federal campaign fund drive of CFC records. Management of navy relief society fund drive of NRS records. Data released to respective campaign coordinators.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.
RETENTION AND DISPOSAL: Records are maintained for one year or completion of next equivalent campaign and then destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Payroll files, administrative personnel files, contributors.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05340-2

SYSTEM NAME: Personal Commercial Affairs Solicitation Privilege File System
SYSTEM LOCATION: Primary System-Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.
Secondary System-Local Navy Activities involved in the Personal Commercial Affairs Solicitation Privilege System (see Directory of the Department of the Navy Mailing Addresses).
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who are authorized Personal Commercial Affairs Solicitation Authorization concerning solicitation privileges on board military installations.
CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records concerning letter of application for solicitation privileges, letters of accreditation, violation incident data, denial data, appeal data, and other supporting documents.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to Commercial Affairs Solicitation matters.
Officials and employees of other components of the Department of Defense in the performance of their official duties related to Commercial Affairs Solicitation matters.
The Senate or the House of Representatives of the United States or any committee or subcommittees on

matters within their jurisdiction requiring disclosure of files of persons affected.

State and local agencies in performance of their official duties related to agent qualifications.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Private firms whose agents have been banned may request verification of the status of agents. When required by Federal statute, by Executive order , or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual records may be stored in paper file folders.

RETRIEVABILITY: Records are retrieved by name of agent or agency.

SAFEGUARDS: Records are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security number of the applicant, firm represented, and dates or time period in question, and signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB#2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerning may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; State and local agencies in the performance of their official duties related to agent qualifications; investigatory records; general correspondence concerning individual agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05350-1

SYSTEM NAME: Navy Personnel Rehabilitation Support System

SYSTEM LOCATION: Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370;

Decentralized segments-Navy Drug Rehabilitation Centers, Navy Alcohol and Drug Information System Processing Office, Navy Alcohol Rehabilitation Centers, Naval Regional Medical Centers, Navy Counseling and Assistance Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Corrections Centers; and local activities to which an individual is assigned (see Directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy personnel (officers and enlisted) who have been identified as drug or alcohol abusers, or who have undergone counseling and rehabilitation for drug or alcohol abuse in Navy Drug or Alcohol rehabilitation facilities; personnel who work part-time helping alcoholics; active duty navy recovered alcoholics who voluntarily help their commands develop alcoholism prevention programs; navy personnel convicted by court martial and sentenced to confinement; or who were in pre-trial confinement; spouses and significant others (this includes parents, live-togethers, and other non-spouses who play an important part in the alcoholic's/drug abuser's life) who have undergone counseling and rehabilitation in navy drug or alcohol rehabilitation centers, who themselves participate in counseling or treatment programs at such facilities and civilians authorized by the Secretary of the Navy for treatment at a military facility for rehablitation purposes.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records in both automated and non-automated form concerning Interview appraisals, personnel, service, biographical, educational, evaluation and testing, performance, and drug and alcohol rehabilitation program data. Correspondence and records in both automated and non-automated form concerning those in confinement containing offense, legal, service, health, personal, evaluation and classification, discipline and conduct, work and training data, interview appraisals, inventories of confinement personnel management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title V, Public Law 92-129; Section 413; Public Law 92-255

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Blanket 'routine uses' identified in the yearly recompilation do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury

to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records may be stored on magnetic tapes, disc, drums or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY: Manual records may be retrieved by name and social security number. Automated records may be retrieved by social security number. Computer programs associated with automated records maintained in this system allow for names and social security numbers to be removed while leaving other data elements intact. When the name and social security number is removed, data is aggregated for use in research, management information and planning.

SAFEGUARDS: Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Manual records are maintained for two years and automated records are maintained indefinely.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Written requests should be addressed to activity to which the individual received treatment or to the Chief of Naval Personnel, Navy Annex, Washington, D.C. 20370. Requests must contain full name, social security account number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at the time of the request.) The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB-2) for assistance with records located in the Naval Military Personnal Command; the individual may also visit local activities concerned (see Directory of Department of the Navy mailing addresses). Proof identification will consist of military identification card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; notes and documents from Service Jackets and Records; federal, state and local court documents; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05354-1

SYSTEM NAME: Equal Opportunity Information and Support System

SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Navy Department, Washington, D. C. 20370; and local activity to which individual is attached (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy personnel who are involved in formal or informal investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records concerning incident data, endorsements and recommedations, formal and informal investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 DEPARTMENTAL REGULATIONS

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to equal opportunity matters.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to equal opportunity matters.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to equal opportunity matters.

The Senate or the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Filed alphabetically by last name of individual concerned.

SAFEGUARDS: Records maintained in areas accessible only to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL: Records disposed of after two years in accordance with SECNAVINST P5212.5B, 'Disposal of Navy and Marine Corps Records'; or in accordance with Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator), Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate, military status, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FB#2), Rm. 1066 Washington D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from SYSMANAGER.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05370-1

SYSTEM NAME: Statements of Employment (Regular Retired Officers)
SYSTEM LOCATION: Commanding Officer, Navy Finance Center Anthony J Celebrezze, Federal Building, Cleveland, Ohio 44199 and Marine Corps Finance Center Kansas City, Missouri 64197
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy and Marine Corps Regular retired officers who have filed a Statement of Employment (DD Form 1357).
CATEGORIES OF RECORDS IN THE SYSTEM: The information is typically contained in the individual's pay account file and occasionally accompanied by correspondence from, to, or concerning individuals in the above-stated category.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, 3326; 18 U.S.C. 207, 281, 283; 37 U.S.C. 801; 44 U.S.C. 3101; U.S. Const., Art. I, 9, CL. 8.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The information is used to determine whether the retiree has or may have a conflict of interest or is engaging in proscribed post-retirement employment activities. In some cases, the information is provided to the Judge Advocate General to serve as bases for advisory opinions on the legality and possible penal and civil consequences of post-retirement employment activities and related conflicts-of-interests and standards-of-conduct questions. In addition, the information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, Department of the Treasury, the Civil Service Commission, the Department of Justice, and other law enforcement and investigatory agencies in instances of suspected violations of pertinent laws or regulations, and the Department of Labor.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Records are maintained in file folders.
RETRIEVABILITY: By name or social security number of the individual concerned.
SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside of official working hours.
RETENTION AND DISPOSAL: Records are maintained at the above-stated locations for up to two years after the death of the individual concerned, at which time they are transferred to the Federal Records Center, Mechanicsburg, Pennsylvania, in the case of Navy personnel, and to the Federal Records Center, Kansas City, Missouri in the case of Marine Corps personnel.
SYSTEM MANAGER(S) AND ADDRESS: For Navy Regular retired officers:
Comptroller of the Navy
Navy Department
Washington, D.C. 20350
For Marine Corps Regular retired officers:
Commanding Officer
Marine Corps Finance Center
1500 East Bannister Road
Kansas City, Missouri 64197
NOTIFICATION PROCEDURE: Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and social security number); the written request must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.
RECORD SOURCE CATEGORIES: The information is obtained from the individual to whom the record pertains.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05370-2

SYSTEM NAME: Statements of Employment and Financial Interest
SYSTEM LOCATION: Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy activities.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons filing DD 1555 or DD 1555-1
CATEGORIES OF RECORDS IN THE SYSTEM: DD 1555 or DD 1555-1 and supplemental lists or reports.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations and E.O. 11222.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: For supervisors and counselors to determine whether the employee has or may have a conflict of interest. For law enforcement and investigatory agencies, such as the Naval Investigative Service, Federal Bureau of Investigation, and Department of Justice, to handle violations.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders and card files.
RETRIEVABILITY: Name.
SAFEGUARDS: Safe or locked file cabinet accessible to authorized personnel only.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual concerned, his supervisor, and the counselor.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05371-1

SYSTEM NAME: Conflicts of interest and employment activities.
SYSTEM LOCATION: Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty, reserve, or retired military personnel and present and former civilian employees of the Navy or Marine Corps who, by reason of their own inquiries or inquiries or complaints of Department of the Navy

or other Federal officials or other appropriate persons, have been the subject of correspondence with the Judge Advocate General concerning the legality of outside Federal, State, or private employment or financial interests, dual Federal employment, post-retirement employment, defense related employment, or foreign employment; acceptance of gifts, gratuities. or benefits from Government cntractors, foreign governments, or other sources, or other possible violations of Federal conflicts-of-interest or standards-of-conduct laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence from, to, or concerning, individuals of the above stated category regarding thier current, past, or prospective outside Federal, State, or private employment; defense-related employment; post-retirement employment; foreign employment; dual Federal employment; acceptance of gifts, gratuities, or benefits from Government contractors, foreign governments, or other questionable sources; or other possible violations of conflicts-of-interest or standards-of-conduct laws or regulations. Additionally, such records sometimes include copies of statements of employment submitted by retired military personnel to the Navy Finance Center and referred to the Judge Advocate General for review and further action, and copies of investigative reports concerning suspected violations of pertinent laws or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 3326, 5532; 10 U.S.C. 973, 974, 1032, 6223;
18 U.S.C. 202, 203, 205, 207, 209, 219, 281, 283;
37 U.S.C. 801;
U.S. Const., Art. I, 9, cl 8;
5 U.S.C. 301;
44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used as the basis for advisory opinions on the legality of employment activities, financial interests, and the related conflicts-of-interest and standards-of-conduct questions described above. Information may be furnished to other components of the Department of Defense, the U.S. General Accounting Office, the Department of Justice, and the Civil Service Commission in instances of suspected violations of pertinent laws or regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained in file folders.

RETRIEVABILITY: By name of individual.

SAFEGUARDS: Files are maintained in file cabinets under the immediate control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after five years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332

NOTIFICATION PROCEDURE: Information may be obtained by written request to the system manager stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the sstem manager.

RECORD SOURCE CATEGORIES: Information in the system is furnished by the individual and is supplemented by correspondence from Federal officials; current, past, and prospective employers; other interested persons regarding possible conflicts of interest and employment activities; and by investigations pertaining to particular suspected violations. Additional information in the form of statements of employment is forwarded by officers of the Navy Finance Center to the Judge Advocate General for review and further action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.

N05512-1

SYSTEM NAME: Vehicle Control System

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals that have vehicles registered at a particular Navy installation; and all individuals who apply for Government Motor Vehicle Operator's License.

CATEGORIES OF RECORDS IN THE SYSTEM: Alphabetical file of each individual who have vehicles registered or who have applied for a Government Motor Vehiclé Operator's License. Files kept by month, individual's name, date of birth, SSN, height, weight, hair and eye color, place of employment, driving record, license number, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used as a car pool locator, vehicle registration, parking control system, insurance verification system to verify issue of license when individual has lost his or her operator's card, and may be referred to by security or safety officials to determine individual's previous driving record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY: Name, SSAN, Case number, organization.

SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, investigators witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05520-1

SYSTEM NAME: Personnel Security Eligibility information System

SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370

Secondary System-local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Members of the U.S. Navy and Naval Reserve, former members, and applicants for enlistment or commissioning.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain reports of personnel security investigations, criminal investigations, and counterintelligence investigations, usually brief excerpts only; correspondence, records and information pertinent to an individual's eligibility for acceptance and retention, personnel security clearance, assignment to the Nuclear Weapon Personnel Reliability Program or other 'high risk' program requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to personnel security eligibility;

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to personnel security eligibility.

Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

State and Local government agencies in the performance of their official duties related to personnel security eligibility;

Officials and employees of the Department of Defense in the performance of their duties related to personnel security eligibility;

Officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their duties related to personnel security eligibility;

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals covered by this system. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders and index cards. Some information from the paper records is contained in an automated file.

RETRIEVABILITY: Filed alphabetically by last name of individual. Automated files are by social security account number.

SAFEGUARDS: Stored in locked safes and cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL: Records and portions thereof vary in period of time retained; records are retained and disposed of in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Adresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, (FOB#2) Washington, D.C., Rm. 1066, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identify will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing inital determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy, Department of Defense, and other Departments and Agencies of the Executives Branch of government, and components thereof, in performance of their official duties and as specified by current instruction and regulations promulgated by competent authority; civilian and military investigative reports; federal state and local court doucments; fingerprint cards; official correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05520-2

SYSTEM NAME: Listing of Personnel - Sensitive Compartmented Information

SYSTEM LOCATION: Director, Naval Research Laboratory, Washington, D. C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals indoctrinated for access to compartmented information.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, affiliation, billet description, clearances authorized, clearances held, rank, Social Security Number, Background Investigation date, date of birth, place of birth, date of marriage, place of marriage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to determine authorization for access to compartmented information. Internal users are Branch Heads, Division Superintendents, Director and Associate Directors of Research and Special Security Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic Tape

RETRIEVABILITY: Name, Social Security Number, affiliation, assigned billet number

SAFEGUARDS: Three combination security container and/or vault.

RETENTION AND DISPOSAL: Records maintained as long as individual authorized access; changed as changes occur.

Magnetic tape erased as required.

SYSTEM MANAGER(S) AND ADDRESS: Special Security Officer, Naval Research Laboratory, Washington, D. C. 20375

NOTIFICATION PROCEDURE: Letter to System Manager at above address giving full name, Social Security Number, and affiliation, or visit to NRL Special Security Office with NRL pass as identification

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: All information obtained from individuals and indoctrination documents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05520-3

SYSTEM NAME: Civilian Personnel Security Files
SYSTEM LOCATION: Department of the Navy Staff, Headquarters and Field Activities employing civilians in sensitive and nonsensitive positions. Official mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Appropriated and nonappropriated fund employees, contractor employees and visitors requiring base or activity access, and applicants under consideration for employment within the employing activity.
CATEGORIES OF RECORDS IN THE SYSTEM: Files contain records and information appropriate to the activities civilian employee security program and may include certificates of personnel security clearances and source documents which identify the appropriate investigative basis for clearance eligibility, security access information, copies of requests for investigation, personal history and qualifications statements and other information provided by the employee, signed security briefing and debriefing statements, exception documents, copies of letters of reprimand or suspension, memorandums between the personnel officer or other officers and the security manager, final and interim reports of investigations completed, correspondence concerning personnel security matters, records of security orientation, education and training provided employees, internal security information, records of security violations, and information from law enforcement agencies, former employers and supervisors, references and schools attended.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive Order 10450 (as amended), 'Security Requirements for Government employment' Internal Security Act 1950, 18 USC 1382, and Title 18 U.S. code.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide an effective program to insure that the employment and retention in employment of any civilian officer or employee within the activity is clearly consistent with the interests of national security. To determine the investigative requirements for appointment and retention of civilian officers and employees. To provide information concerning the security clearance and degree of access granted each employee. To provide a basis by which an applicant or employee may be determined suitable for employment or retention in employment in sensitive or nonsensitive positions within the Federal civilain service. To provide a record of favorable security and suitability determinations made by the Navy Central Clearance Group, of favorable and unfavorable determinations made by the Secretary of the Navy and of suitability determinations made by the Office of Personnel Management and the activity. Users include officials and employees of the Department of the Navy in the performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders and on file cards.
RETRIEVABILITY: Name (last, first, middle), date of birth, and social security number.
SAFEGUARDS: Safekeeping and storage in accordance with the Department of the Navy Information Security Program Regulation. OPNAV 5510.1f.
RETENTION AND DISPOSAL: Records are retained during the employment of the employee at the activity, and during period applicants are being considered for employment, but may be disposed of at any time after serving their purpose. The records are disposed of upon separation (retirement, transfer, resignation, termination, etc.) of the employee. Disposal may be made by (1) return to the source from which received, if required, (2) forwarding to the Department of Defence activity to which an employee is transferred, or (3) destruction.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officers of Heads of Department of the Navy Staff, Headquarters and field activities employing civilians.
NOTIFICATION PROCEDURE: Request should be by correspondence addressed to the SYSMANAGER. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature. Official mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register. The employee may visit the Security Manger's Office of the activity at which she or he is employed.
RECORD ACCESS PROCEDURES: The agency's rules for access may be obtained from SYSMANAGER.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.
RECORD SOURCE CATEGORIES: Investigation results and information provided by appropriate investigative agencies and the Naval Civilian Personnel Command.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05520-4

SYSTEM NAME: NIS Investigative Files System
SYSTEM LOCATION: Primary System-NIS Records Management Division Administration Department, NIS Headquarters, P.O. Box 16230, Suitland Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain copies of certain segments of the investigative files, and related documentation for up to one year. Addresses of these offices are included in the directory of Department of the Navy mailing addresses. Naval Investigative Service Resident Agencies retain copies of investigative reports during pendency and for 90 days thereafter. They also retain evidence custody cards on persons from whom evidence was seized. The number and location of these Resident Agencies are subject to change in order to meet the requirements of the Department of the Navy. Current location may be obtained from Naval Investigative Service Headquarters.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons in the following categories who require access to classified defense information prior to August 1972: Active and inactive members of the naval service, civilian personnel employed by the Department of the Navy (DoN), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc., civilian personnel who worked or resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the DoN. Civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DoN installation, facility or ship. Civilian or military personnel involved in the loss,

compromise or unauthorized disclosure of classified material/information. Civilian and military personnel who were of counterintelligence interest to the DoN.

CATEGORIES OF RECORDS IN THE SYSTEM: Categories of records in the system: Official Reports of Investigation (ROI) prepared by NIS or other federal, state, local or foreign law enforcement or investigative body on either hard copy or microfilm. NIS operations reports (NORs) and their predecessor NIS information reports (NIRs). NORs and NIRs document information received by NIS which is of interest to the naval services or other law enforcement or investigative bodies. The information may be of criminal, counterintelligence or general investigative interest.

General Administration Reports (GEN). Although no longer used as such, the Investigative Purpose of the GEN was to report the results of pre-employment inquiries on applicants for positions as special agents with NIS. The official ROI (above) is now used for this purpose.

Action, Lead Sheets (ALS's), investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

Polygraph Data. A listing of persons who submitted to polygraph examination by NIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner.

Case Control and Management documents which serve as the basis for controlling and guiding the investigative activity.

Records identifying confidential sources and contacts with them.

Index to persons reported by 'Name Only'.

Wiretap Data Records. 'Automated listing of persons who were subjects of wiretapping or eavesdropping operations.

Case Control and Narcotics Data Records. Automated records used only for statistical purposes in accounting for productivity, manhours expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

Modus Operandi Files.

Screening Board Reports. These reports set forth the results of oral examination of applicants for a position as a Special Agent with the NIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301

44 U.S.C. 3101

47 U.S.C. 605

Executive Memorandum of 26 June 1939; Investigations of espionage, counterespionage and sabotage matters.

Executive Order 12036; United States Intelligence Activities; Secnavinst 5520.3, criminal and security investigations and related activities within the Dept of the Navy; DOD Dir 5210.8, policy on investigation and clearance of DOD Personnel for access to defense informatio.; DOD Dir 5200.26, defense investigative program: DOD Dir 5200.27, acquisition of information concerning persons and organizations not affiliated with the Dept of Defense; and DOD Dir 5200.24, telephone interception and eavesdropping, and SECNAVINST 3820.2D, investigative and counterintelligence collection and retention guidelines pertaining to the DON.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The information in this system is (was) collected to meet the investigative, counterintelligence and security responsibilites of the DoN. This includes personnel security, internal security, criminal and other law enforcement matters all of which are essential to the effective operation of the department.

The records in this system are used to make determinations of; suitability for access or continued access to classified information, suitability for employment or assignment, suitability for access to military installations or industrial firms engaged in government projects/ contracts, suitability for awards or similar benefits; referral to other law enforcement or investigatory authorities for law enforcement purposes; use in current law enforcement investigation of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; insurance claims including workmens compensation; provide protective services under the DoD Distinguished Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; Congressional interest including the General Accounting Office; respond to the Freedom of Information and Privacy Acts; use for public affairs or publicity purposes such as wanted persons, etc.; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; disclosure to federal intelligence/counterintelligence agencies of matters under their purview disclosure to foreign government organizations of criminal and counterintelligence information necessary for the prosecution of justice, or for mutual security and protection; advising higher authorities and naval commands of important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; disclosure to the National Archives; use by other investigative unit (federal, state or local) for whom the investigation was conducted; release to defense counsel, disclosure in course of acquiring the information, input into the Defense Central Index of Investigations; disclosure to victims of crimes to the extent necessary to pursue civil and criminal remedies.

Users of the records in this system include employees of the NIS who require access for operational, administrative or supervisory purposes; DoD criminal investigative, investigative and intelligence units; federal, state and local units engaged in criminal investigative, investigative and intelligence activities; federal regulatory agencies with investigative units, DOD components making suitability determinations; federal, state or local judicial or adjudicative bodies; Congressional bodies, including the General Accounting Office who require access within the scope of their jurisdiction for those authorized purposes enumerated above to the extent that those purposes are within the scope of their authority. Commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an unwarranted invasion of privacy is not involved. Victims of crimes to the extent necessary to pursue civil and criminal remedies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders, on cards and on microfilm. Automated records on magnetic tape.

RETRIEVABILITY: NIS permanent files are filed by terminal digit number. In order to locate the file it is necessary to query the Defense Central Index of Investigations (DCII) computer using the name of the subject and at least one other personnel identifier such as date of birth, place of birth, social security number or military service number. Files may also be retrieved by a case control number assigned at the time the investigation is initiated. Copies of the files in the NISROs and Resident Agencies are retrieved by name.

SAFEGUARDS: NIS investigative files (permanent and temporary) are maintained and stored in open shelves

and filing cabinets located in secured areas accessible only to authorized personnel. Dated files are retired to the Washington National Records Center where retrieval is restricted to NIS authorized personnel.

RETENTION AND DISPOSAL: Retention of completed NIS Investigative files on Personnel Security Investigations (PSI's) is authorized for 15 years unless adverse information is developed, in which case they may be retained for 25 years. PSI files on persons considered for affiliation with DOD will be destroyed within one year if the affiliation is not consummated. Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Criminal files are retained for 25 years. Major investigations of a counterintelligence/security nature, of espionage or sabotage, may be retained permanently. Certain of the above records, when found to have possible historical value, may be offered to the National Archives for continued retention. Counterintelligence records on persons not affiliated with DOD must be destroyed within 90 days or one year under criteria set forth in DOD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy. Files retained in the NISO's and resident agencies are temporary and are destroyed after 90 days or one year, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS: The Director, Naval Investigative Service has ultimate responsibility for all NIS file holdings. Management of NIS permanent files is the direct responsibility of the Head Administration Department. NISRO Commanding Officers are responsible for files retained in their NISRO subordinate Resident Agencies.

NOTIFICATION PROCEDURE: All requests relative to the retention and/or releasability of NIS investigative files should be addressed to the Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20764. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, social security number or military service number. Personal visits by requesters should be confined to the Naval Investigative Service headquarters at the above address. It should be borne in mind that the vagaries of the automated indexing system might preclude a same day response. Persons submitting written requests must properly establish their identity to the satisfaction of the NIS. Where a question exists a signed, notarized statement or other certified form of identification will be required. Individuals appearing in person may present proof of identification in the form of military ID card, valid driver's license, or other suitable form of identification bearing a photograph and signature. Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

RECORD ACCESS PROCEDURES: Individuals may make inquiries relative to NIS records maintained on them thru the NIS Information and Privacy Coordinator Naval Investigative Service Headquarters, at the address specified in the previous paragraph.

CONTESTING RECORD PROCEDURES: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: See EXEMPTION.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 A (J)(2) and (K)(1), (K)(3), (K)(4), (K)(5), and (K)(6) as applicable. For additional information, contact the System Manager.

N05521-1

SYSTEM NAME: Access control system

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals considered or seeking consideration for access to space under the control of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: Visit requests for permission to transact commercial business, barring lists and letters of exclusion, badge and pass issuance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Maintenance of all aspects of proper access control, replacement of lost badges, retrieval of passes upon separation, maintenance of visitor statistics and background information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY: Name, SSAN, Case number, organization.

SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05521-2

SYSTEM NAME: Commonwealth Pass Application Form

SYSTEM LOCATION: U.S. Naval Communciation Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel requiring access to the Commonwealth property on which the Naval Communication Station is located.

CATEGORIES OF RECORDS IN THE SYSTEM: Completed application forms for Commonwealth passes. Contains name, rank, organization, height, color of hair, color of eyes, date of birth and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Arrangements for the use and occupation by the United States Navy of Commonwealth land and for associated matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Issuance of passes for entry to Naval Communication Station.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Name.

SAFEGUARDS: Locked cabinet - limited access.

RETENTION AND DISPOSAL: Duration of individual's stay in area. Destruction by burning.

SYSTEM MANAGER(S) AND ADDRESS: Security Officer, U.S. Naval Communication Station.

NOTIFICATION PROCEDURE: Individual initiates record and may request information. Security Officer, U.S. Naval Communicaton Station, information requester must provide: full name, official title, purpose of inquiry. Office to be visted: Security Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Information supplied by individual.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05527-1

SYSTEM NAME: Security Incident System
SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.
CATEGORIES OF RECORDS IN THE SYSTEM: Incident/complaint report, investigator's report, military magistrate's records, confinement records, traffic accident and violation records, traffic court file, citations to appear before U. S. Magistrate.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Evidence in Uniform Court of Military Justice and Title 18 USC 1382 Proceedings; Criminal investigation; provided to state or federal law enforcement agencies including Naval Investigative Service, Defense Investigative Service, and Federal Bureau of Investigation for further criminal investigation or court action; used by command legal personnel for prosecution of military offenses and other administrative action; support of insurance claims and civil litigation, revocation of base, station, or activity driving privileges.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, investigators, witnesses, correspondents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05527-2

SYSTEM NAME: Security inspection and violation system
SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals involved in security violations.
CATEGORIES OF RECORDS IN THE SYSTEM: Security violation reports, security inspection reports.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to identify problem areas in security indoctrination, alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual concerned, other records of the activity, investigators, witnesses, correspondents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05527-3

SYSTEM NAME: Naval Educational Development
SYSTEM LOCATION: Chief of Naval Education and Training Naval Air Station Pensacola, FL 32508
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Formal/Informal investigations, inquiries conducted as directed by CNET and higher authority
CATEGORIES OF RECORDS IN THE SYSTEM: Reports of investigations, inquiries
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Results reported to requesting authority. Files are then stored until time for disposal in accordance with Records Disposal Instructions
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders
RETRIEVABILITY: Name, grade, title, position
SAFEGUARDS: Stowed in 3-tumbler safe; access to authorized personnel only
RETENTION AND DISPOSAL: Per Records Disposal Instructions
SYSTEM MANAGER(S) AND ADDRESS: Staff Inspector General and his immediate staff
NOTIFICATION PROCEDURE: Information is available to individuals but is restricted to the extent that the source of the information is not revealed.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by

the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Multitude of sources as determined by the scope of the investigation, inquiry.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05527-4

SYSTEM NAME: Naval Security Group Personnel Security/Access Files
SYSTEM LOCATION: The central record system is located at:
Commander, Naval Security Group Command
3801 Nebraska Ave., N.W.,
Washington, D.C. 20390

Duplicates of portions of records may be held by other Naval and Marine Corps activities served by a Naval Security Group Special Security Officer. Records pertaining to Naval and Marine Corps military personnel who were considered but not selected for assignment to the Naval Security Group while undergoing recruit training are located at one of the following locations:
Resident in Charge
Naval Security Group Field Office
Bldg 848
Marine Corp Recruit Depot
Parris Island, South Carolina 29905
Resident in Charge
Naval Security Group Field Office
Naval Administrative Command
Naval Training Center, Bldg 1411,
Room 112
Great Lakes, Illinois 60088
Resident in Charge
Naval Security Group Field Office
U.S. Naval Training Center
San Diego, California 92133
Resident in Charge
Naval Security Group Field Office
Naval Training Center
Orlando, Florida 32813
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Naval and Marine Corps military and civilian personnel assigned to or employed by the Naval Security Group, including the Reserve components thereof, or who have been considered for such assignment or employment.
CATEGORIES OF RECORDS IN THE SYSTEM: The file may contain personal history information, investigative reports, security suitability reports, incident reports, and other data pertinent to determination of eligibility for access to Special Intelligence (SI) information, including the decisions made in each case. The file also contains records of authorized access to classified information.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: E.O. 10450 Eisenhower Security Program
E.O. 11652 Classification and Declassification of National Security Information and Material
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is collected and used by SI security personnel for the purposes of determining the individual's eligibility for access to SI information, of maintaining a record of the degree(s) to which access to SI has been authorized, and of determining the extent, if any, to which controls must be exercised to prevent the compromise of SI through hostile foreign intelligence activity. Information may be disseminated outside the Department of the Navy to the National Security Agency, Defense Intelligence Agency, Army Security Agency, Air Force Security Service, Central Intelligence Agency, White House Communications Agency and/or the Defense Industrial Security Clearance Office for the purpose of determining the individual's eligibility for access to classified information under the user Agency's cognizance. Information may be disseminated to the Defense Investigative Service and Naval Investigative Service for the purpose of conducting investigations on which to base SI eligibility decisions. The access record portion of the system may be made available to the Director of Central Intelligence to maintain an index of personnel who have been granted access to certain sensitive intelligence programs.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders and magnetic tape.
RETRIEVABILITY: By name and date/place of birth.
SAFEGUARDS: Approved security areas with alarms and guards. Access is limited to assigned personnel who have been found eligible for access to SI and received specific instruction in the handling, security, and dissemination policy of information in the files.
RETENTION AND DISPOSAL: Central record system retained for thirty years after last action. Records held at Naval Security Group Field Offices forwarded to central system after two years. Records retained in central record system and destroyed by burning, shredding, degaussing or chemical destruction at end of retention period.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Security Group Command 3801 Nebraska Ave., N.W. Washington, D.C. 20390
NOTIFICATION PROCEDURE: a. Send request to SYSMANAGER

b. Full name, date and place of birth, military status, social security number (if voluntarily included) or service number.

c. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Ave., N.W., Washington, D.C. 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.

d. Scheduled visitors must be prepared to present adequate proof of identification-i.e.-combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.
RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the SYSMANAGER.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: In addition to information furnished by the individual himself, files contain information furnished by federal investigative agencies, other SI security organizations, and reports submitted by Naval Security Group Special Security Officer. Files also include administrative correspondence among associated personnel and security offices of the executive branch.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05527-5

SYSTEM NAME: Navy Central Clearance Group (NCCG) Records
SYSTEM LOCATION: Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N. Quincy St., Arlington, VA. 22302.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Incumbent and former civilian employees in and applicants for sensitive and nonsensitive postions at Department of the Navy appropriated fund activities.
CATEGORIES OF RECORDS IN THE SYSTEM: The records are comprised of (1) reports and other investigative material and information developed by investigations conducted by Federal investigative agencies pursuant to statute and executive order; (2) reports of arrest, criminal activity and theirdisposition, (3) results of the review of the reports by the NCCG, including the security or

suitability determination made on the case; (4) copies of correspondence regarding the case and/or reflecting the determination made by the NCCG; and (5) an index file card on each case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: (1) Executive Order 10450 (as amended), 'Security Requirements for Government Employment'. (2) 5 USC 7532, 'Suspension and Removal'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The records are maintained (1) to meet the statutory requirements of 5 USC 7532 and E.O. 10450 which require the establishment and maintenance of an effective program to insure that the employment and retention in employment of any civilian officer or employee within the Department is clearly consistent with the interest of the national security and which require adjudication and readjudication of the information as appropriate, and (2) to have the material furnished by the Office of Personnel Management, readily available for return to the OPM upon request. Upon receipt of investigative reports and security information on civilian employees and applicants, the NCCG reviews the material. The Naval Civilian Personnel Command, Personnel Security Branch then transmits the material to the employing activity with a letter or stamped endorsement apprising the command of the security determination made by the NCCG. During the period that the reports and documents are at an activity, the material is under the custody of the activity's Security Manager. Following the review of the material by the activity's commanding officer or his designee, the material is (1) returned to the source from which received, if required, (2) retained until the employee is separated, or (3) destroyed if it is of no further value. If the employing activity determines that an adverse action aganst the employee is warranted based on information in the report, appropriate action in accordance with Civil Service Commission suitability procedures is initiated by the activity. In some cases the NCCG will make a suitability determination. Other users of the records may include members of Security Hearing Boards and officials and employees of the Department of the Navy in performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored in file folders and on file cards

RETRIEVABILITY: Name (last, first, middle) and date of birth.

SAFEGUARDS: Records maintained in GSA approved security containers accessible only to authority employees of NCPC Security Branch who are properly screened and trained and who have proper security clearance.

RETENTION AND DISPOSAL: Records with the exception of the index file card are retained in active file until end of third calendar year following last entry and then retired to the National Personnel Records Center, Suitland, Md. Index cards are retained in active file until destroyed. Records are destroyed in accordance with DOD NCI-330-76-1 of 3 May 1976.

SYSTEM MANAGER(S) AND ADDRESS: The Director, Naval Civilian Personnel Command (NCPC), 800 N. Quincy St., Arlington, VA. 22203.

NOTIFICATION PROCEDURE: Written requests should be addressed to the Director, Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N Quincy St, Arlington, VA 22203. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES: Investigation results and information provided by appropriate investigative agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05800-1

SYSTEM NAME: Legal Office Litigation/ Correspondence Files

SYSTEM LOCATION: Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Criminal and civil plaintiffs/defendants involved in litigation against or involving Puget Sound Naval Shipyard

CATEGORIES OF RECORDS IN THE SYSTEM: Statements, affidavits, correspondence, briefs, petitions, court records involving litigation and related matters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 28, USC; Executive Order 10561; 5 USC 301; 10 USC 801-940

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Preparation of correspondence, litigation material

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File cabinets

RETRIEVABILITY: Case citation, name of individual

SAFEGUARDS: Locked in executive spaces

RETENTION AND DISPOSAL: Most are retained permanently, others disposed of in accordance with Defense Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS: Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314, or Legal Officer (Code 107), Puget Sound Naval Shipyard

NOTIFICATION PROCEDURE: Direct inquiry to SYSMANAGER, providing name, rank/rate/shop or badge number and social security number

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES: Court records, personal interviews and statements, departmental records, State and Federal records, police reports and complaints, general correspondence

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05800-2

SYSTEM NAME: Legal Records System

SYSTEM LOCATION: Commanding Officer Naval Regional Medical Center San Diego, CA 92134

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Patients, visitors, staff and employees of Naval Regional Medical Center, San Diego, CA 92134.

CATEGORIES OF RECORDS IN THE SYSTEM: Incident reports and in-house investigations; records of Commanding Officer's Nonjudicial Punishment and appeals thereof; files of litigation and potential litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, Departmental Regulations; Federal Tort Claims Act;

Medical Care Recovery Act; Article 15, UCMJ.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Some are protected by attorney-client relationship, and thus are not released without consent of client or used in any way other than original purpose. Incident reports used for internal administration of Medical Center (to correct errors and improve procedures) and to notify attorney of incidents having a potential for legal action. In-house investigations used to prepare for litigation. Records of NJP used in administering Article 15, UCMJ, punishment and for referral to Military Personnel System (for performance evaluation, administrative separation, etc.).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, forms, letters.

RETRIEVABILITY: Name.

SAFEGUARDS: Available to staff of Staff Judge Advocate (three persons) on a 'need to know' basis only. Otherwise, maintained in locked cabinets and/or in locked rooms.

RETENTION AND DISPOSAL: Retained as required; destroyed or moved to National Personnel Records Center, St. Louis, MO, as directed by Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:
Staff Judge Advocate
Naval Regional Medical Center
San Diego, CA 92134

NOTIFICATION PROCEDURE: Individuals can determine whether the system contains records pertaining to them by writing or visiting the System Manager and supplying full name, SSN, military status, approximate date of contact with system (if known).

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Investigative reports (as from JAG Manual investigations, Office of Naval Intelligence reports, Security System, etc.), Military Personnel System, medical records, personal interviews, personal observation, reported by persons witnessing or knowing of incidents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N05801-1

SYSTEM NAME: Legal Assistance Card Files

SYSTEM LOCATION: Typically maintained at Naval Legal Service Offices, the Naval Legal Service Branch Offices, and any command with a legal assistance office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Authorized military and civilian personnel and dependents who have sought legal assistance from a legal assistance office established within the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: Legal assistance card files typically contain client identification information, e.g., name, address, duty station, telephone numbers, etc., client description of legal problem, attorney classification of problem, and attorney time expended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301; Manual of the Judge Advocate General, 1914; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Time-accounting data is extracted from the card files for preparation of periodic legal assistance statistical reports; legal assistance attorneys refer to the card files to ascertain previous progress achieved toward disposition of the case. There are no other uses. Internal users are limited to legal assistance attorneys and assigned clerical personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Pre-printed cards stored in file cabinets.

RETRIEVABILITY: Filed alphabetically by name of client.

SAFEGUARDS: Cards are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL: Two years after disposition of the case or until the closing of the legal assistance office, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name, etc.); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Basic information contained in the card files is provided by the client; information concerning the ultimate disposition of the case and time expended by the attorney is provided by the attorney.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05802-1

SYSTEM NAME: Fiduciary Affairs Records

SYSTEM LOCATION: Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All active duty, fleet reserve, and retired members of the Navy and Marine Corps who have been medically determined to be mentally incapable of managing their financial affairs, their appointed or prospective trustees, and members' next-of-kin.

CATEGORIES OF RECORDS IN THE SYSTEM: The system contains proceedings of medical boards, documentation indicating the origin of the mental incapability, the name(s) and address(es) of the individual's next-of-kin, the disability retirement index, a copy of the interview(s) of prospective trustee(s), the appointment of the approved trustee, authority to pay the individual's retirement pay to the approved trustee, the instructions of duties and responsibilities to the trustee, annual trustee accounting reports, copy of the trustee's surety bond, a copy of the affidavit executed by the trustee to obtain the surety bond, miscellaneous correspondence relating to the trustee's duties and responsibilities, annual approvals of the trustee account, discharge(s) of trustee, release(s) of surety, periodic physical examinations, medical records, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301; 37 U.S.C. 601-604; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: This information is maintained for the purpose of providing non-judicial financial management of military pay and allowances payable to active duty, fleet reserve, and retired Navy and Marine Corps members for the period during which they are medically determined to be mentally incapable of managing their financial affairs. This information may be furnished to the Department of Justice when there is reason to suspect financial mismanagement and no satisfactory settlement with the surety can be reached, and may be furnished to the Veterans Administration in connection with programs administered by that agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Papers records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY: By name of the member or by name of the trustee.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Indefinitely; however, after the death of a member, his files are typically transferred to the Federal Records Center, Suitland, Maryland, 20409.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name); written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Components within the Department of the Navy, medical doctors, approved trustees, prospective trustees, surety companies, and Veterans Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05810-1

SYSTEM NAME: Article 138 Complaint of Wrongs

SYSTEM LOCATION: Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty Navy and Marine Corps personnel who have submitted complaints of wrong pursuant to Article 138, UCMJ, which have been forwarded to the Secretary of the Navy for final review of the complaint and the proceedings had thereon.

CATEGORIES OF RECORDS IN THE SYSTEM: The complaint and all proceedings had thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Article 138, Uniform Code of Military Justice, (10 U.S.C. 938).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: No routine use after complaint is resolved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Files are kept in alphabetical order according to last name of the individual concerned.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside office working hours.

RETENTION AND DISPOSAL: Complaints are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St, Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: The records are comprised of the following source materials: (1) complaint of wrongs; (2) results of examination into complaint of wrongs by the general court-martial authority; and (3) final review action by the Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05810-2

SYSTEM NAME: Military Justice correspondence file

SYSTEM LOCATION: Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty, retired, and discharged Navy and Marine Corps personnel who were the subject of military justice proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM: File contains copy of incoming correspondence, all background material necessary to answer the correspondence and copies of letters replying to the correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Correspondence is kept in alphabetical order according to the last name of the individual who is the subject of the correspondence.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are maintained in office for two years and

then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Records of trial and correspondence from commands and agencies involved in the matter which is the subject of the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.

N05813-1

SYSTEM NAME: Ethics file.

SYSTEM LOCATION: Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian and military lawyers authorized to practice before a court-martial or Navy Court of Military Review and who by their personal or professional conduct have demonstrated that they are so lacking in competency, integrity or ethical or moral character as to be unacceptable as counsel before a court-martial or Navy Court of Military Review.

CATEGORIES OF RECORDS IN THE SYSTEM: Reports of investigation, correspondence, and court papers relating to the complaint brought against attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Manual of the Judge Advocate General, section 0142, and 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: No routine use after file is closed. The information may be furnished to other Department of Defense components and State and Federal governmental organizations before they are closed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Files are kept in alphabetical order according to the last name of the attorney concerned.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of he Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Correspondence from military judges, staff judge advocates, judge advocates, and other military personnel; correspondence from the Judge Advocates General of other branches of the Armed Forces; investigative reports from Naval Investigative Service offices; correspondence and copies of court papers from civilian authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05813-2

SYSTEM NAME: Court-Martial Case Report

SYSTEM LOCATION: Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, D.C. 20374

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals having appeared before a special or general court-martial within the preceding two fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM: The recording of the Article violation of the UCMJ, the plea, the finding, the sentence and other related information concerning the trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to formulate status reports provided to JAG when directed by him to do so.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Stored in file folders by circuit and fiscal year

RETRIEVABILITY: By name or case number

SAFEGUARDS: Personnel screening, visitor control

RETENTION AND DISPOSAL: Two fiscal years. They are not moved to Record Centers but are disposed of after two fiscal years in the same manner as all other unclassified material, i.e., general destruction.

SYSTEM MANAGER(S) AND ADDRESS: Circuit Military Judge
ATLANTIC Judicial Circuit
Navy-Marine Corps Trial Judiciary
Washington Navy Yard
Washington, D.C. 20374

NOTIFICATION PROCEDURE: Write to address listed under SYSMANAGER. Provide full name, branch of service, military status, where stationed when tried, and when tried

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES: Military Judge of respective individual's court-martial

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05813-3

SYSTEM NAME: General Courts-martial Records of Trail.

SYSTEM LOCATION: Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Records, three years old or older, are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active duty Navy and Marine Corps personnel tried by general court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM: General court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 865 and 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Public Record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and date of trial of individual concerned). The written request must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Department of the Navy, Room 9s09, Hoffman Bldg, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Proceedings by a general court-martial.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05814-1

SYSTEM NAME: Summary courts-martial and non-bad conduct discharge courts-martial--navy and marine corps

SYSTEM LOCATION: Records are retained for two years after final action by appropriate officers having supervisory authority over shore activities. Records are retained for three months after final action by appropriate officers having supervisory authority over fleet activities, including Fleet Air Wings and Fleet Marine Forces. After the two years or three month retention period, as appropriate, the records are transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps enlisted personnel tried by summary courtmartial or by special court-martial which did not result in a bad conduct discharge.

CATEGORIES OF RECORDS IN THE SYSTEM: Summary court-martial and non-bad conduct discharge special court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 865, 5 U.S.C. 301, and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Type of court-martial, date, command which convened the court-martial, name of individual defendant, and command which completed the supervisory authority's action.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are retained for two years after final action by officers having supervisory authority over shore activities, and for three months by officers having supervisory authority over fleet activities. At the termination of the appropriate retention period, records are forwarded for storage to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132. Records are destroyed 15 years after final action has been taken.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332., by written request including the full name of the individual concerned, the type of court-martial (summary or special), the name of the command which held the court-martial, and the date of the court-martial proceedings. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va., 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification cards, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Proceedings of summary courts-martial and special courts-martial which did not result in a bad conduct discharge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05815-1

SYSTEM NAME: Special courts-martial resulting in bad conduct discharges or concerning commissioned officers.

SYSTEM LOCATION: Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall st., Alexandria, Va. 22332. Records, three years old or older, are stored at the

Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps personnel tried by special court-martial and awarded a bad conduct discharge, and all Navy and Marine Corps commissioned officers tried by special court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM: Special court-martial which resulted in a bad conduct discharge, or involving commissioned officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 865, 5 U.S.C. 301 and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Public Record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332, by written request stating full name, and date of trial of the individual concerned. Written requests must be signed by the requesting indivfdual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Special court-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.'

N05817-1

SYSTEM NAME: Courts-martial Statistics.

SYSTEM LOCATION: Magnetic tape held at Naval Command Systems Support Activity, Production Code 60.1, room 4002, building 196, Washington Navy Yard, Washington, D.C. 20360. Source document (NAVJAG 5813/1) held in Promulgation and Statistics Branch, Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps personnel tried by general courts-martial and by special courts-martial when the special court-martial sentence as finally approved includes a punitive discharge.

CATEGORIES OF RECORDS IN THE SYSTEM: Court-martial information on special courts-martial if sentence as finally approved includes a punitive discharge and all general courts-martial including name, social security number, pleas, convening authority action, supervisory authority action, and Court of Military Review action. Information available from 1970 to present only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Provide statistical information on general and bad conduct discharge special courts-martial to governmental, public, and private organizations and individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape and source documents (NAVJAG 5813/1) if file folders.

RETRIEVABILITY: Name and social security number or Navy court-martial number.

SAFEGUARDS: Tapes stored in secret vault. Without project code number, tape can neither be read nor added to. Only person who has code number is Project Code Officer. Source documents are filed in file cabinets which are located in an office which is under observation during working hours and is locked at night. The office is located in a secure building which is surrounded by a guarded fence. The building is guarded 24 hours a day, and admission is allowed only to personnel on official business and authorized visitors.

RETENTION AND DISPOSAL: Idefinite.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General. Department of the Navy, 200 Stovall St, Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name, date of trial (if known), date of discharge and type of discharge of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to: The Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals must be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Form NAVJAG (Navy Judge Advocate General) 5813/1.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05819-1

SYSTEM NAME: Article 69 Petitions

SYSTEM LOCATION: Office of the Judge Advocate General General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Petitions three years old or older are stored at the Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps personnel who were tried by courts-martial which were not reviewed by the Navy Court of Military Review and when such service member has petitioned the Judge Advocate General pursuant to Article 69, Uniform Code of Military Justice, for review.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain individual service member's petition together with all forwarding endorsements and copy of action taken by the Judge Advocate General with supporting memorandum.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Article 69, Uniform Code of Military Justice (10 USC 869).
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Public record.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders.
RETRIEVABILITY: Records are maintained in chronological calendar order with alphabetical cross-referencing system.
SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside official working hours.
RETENTION AND DISPOSAL: Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: The records comprise the following source materials: (1) petitions for relief, (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member), and (3) action of the Judge Advocate General on petition.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05819-2

SYSTEM NAME: Article 73 petitions for new trial.
SYSTEM LOCATION: Office of the Judge Advocate General (code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps personnel who submitted petitions for new trial to the Judge Advocate General within two years after approval of their court-martial sentence by the convening authority but after their case had been reviewed by the Navy Court of Military Review or Court of Military Appeals, if appropriate.
CATEGORIES OF RECORDS IN THE SYSTEM: The petition for new trial, the forwarding endorsements if the petition was submitted via the chain of command, and the action of the Judge Advocate General on the petition.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Article 73, Uniform Code of Military Justice, (10 U.S.C. 873).
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: No routine use after action taken on petition.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders.
RETRIEVABILITY: Files are kept in alphabetical order according to the last name of the individual concerned.
SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel durng working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.
RETENTION AND DISPOSAL: Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9s09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals should have the following items of identification: drivers license or military identification card.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The records are comprised of the following source materials: (1) petitions for new trial; (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member); and (3) action of the Judge Advocate General on petitions.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05819-3

SYSTEM NAME: Naval Clemency and Parole Board files
SYSTEM LOCATION: Naval Clemency and Parole Board, Room 729, Ballston Tower #2, 801 North Randolph Street, Arlington, Va. 22203
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.
CATEGORIES OF RECORDS IN THE SYSTEM: The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff Judge Advocate's review; and a summarized record of the proceedings of the Board.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 874(a), 952-954
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH

USES: The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsels. The file is referred to by the Navy Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders.

RETRIEVABILITY: Folders are filed by name and social security number or service number.

SAFEGUARDS: Files are kept within the Naval Clemency and Parole Board administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL: Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4025 Suitland Road, Suitland, MD. 20023

SYSTEM MANAGER(S) AND ADDRESS: Director, Navy Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE: Information may be obtained from the Naval Clemency and Parole Board, Room 905, 801 North Randolph Street, Arlington Va. 22203, Telephone 202/692-4592

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information contained in the file is obtained from the member or former member or from those acting in their behalf, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Portions of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information contact the system manager.

N05820-1

SYSTEM NAME: International Legal Hold Files

SYSTEM LOCATION: U.S. Naval Legal Offices in a foreign country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military personnel, members of civilian component and their dependents who have had criminal charges lodged against them in a foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM: Computerized summaries and card files containing copies of legal documents received and filed relative to the case, statements, affidavits, handwritten notes, and other miscellaneous data about the particular case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by foreign civilian attorneys in representing the accused, by the accused's military advisor in seeking an expeditious settlement of the case; by supervisory personnel in the performance of their official duties when monitoring the legal hold status of the individuals involved; and by authorized officials in the Department of Defense for required reports. reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on magnetic tape, file folders and file cards.

RETRIEVABILITY: Files are retrieved by name and ssn.

SAFEGUARDS: Only personnel in international law department are authorized access. Building is kept locked when not occupied.

RETENTION AND DISPOSAL: For computerized and manual records-retain on tape until the final outcome of each case, whether it be by final adjudication or out of court settlement and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Requester can write to the system manager giving name, rate and service number. Military ID or any standard ID showing applicant's photo shall be sufficient for personal visits.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Foreign judicial system, accused, attorneys representing accused, military legal advisor, Provost Marshal's office, subject's commanding officer, witnesses, and the complainant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05822-1

SYSTEM NAME: Otsu Prision health and comfort items

SYSTEM LOCATION: Commander Fleet Activities, FPO Seattle 98762

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have been imprisoned under Japanese Law and Jurisdiction for various offenses.

CATEGORIES OF RECORDS IN THE SYSTEM: Record of requests for, receipt of, and issues to of individuals imprisoned in Otsu Prison located in Yokosuka, Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used for billing armed services, other than Navy and Marine Corps for items of health and comfort issued to their personnel imprisoned. Billing is prepared in accordance with existing interservice support agreements (ISSAS). Additionally, file used to answer complaints in instances where prisoners contend they are not supported properly.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder.

RETRIEVABILITY: Alphabetically by surname. New individual files instituted with arrival of individual in prison. Previous files retrieved to semi-active for one year and thereafter destroyed without report.

SAFEGUARDS: Files maintained in locked file cabinet in locked office.

RETENTION AND DISPOSAL: Destroyed without report after two years.

SYSTEM MANAGER(S) AND ADDRESS: Commander Fleet Activities, FPO Seattle 98762

NOTIFICATION PROCEDURE: Requests from individuals should be addressed to the SYSMANAGER listed above and provide, as a minimum, the following information: rank/ rate, full name,

branch of service, social security number. Files maintained in logistics within command and requestors may visit this office for review of their files during normal working hours. Proof of identification limited to Armed Forces Identification Cards or Passports.

RECORD ACCESS PROCEDURES: The agency's rule for access to record may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Prison Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05830-1

SYSTEM NAME: JAG Manual Investigative Records

SYSTEM LOCATION: Office of the Judge Advocate General (Code 21) Department of the Navy 200 Stovall St, Alexandria, Va 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record. The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why investigation is not required, together with documents pertinent to this lack of requirement. Some records contain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Requirement that enlisted men make up time lost due to misconduct or abuse of alcohol or drugs (10 U.S.C. 972(5)); retirement or separation for physical disability (10 U.S.C. 1201-1221); Executive Order 11476, Manual for Court-Martial, par. 133b; Uniform Code of Military Justice, 10 U.S.C. 815, 832, 869, 873, 935, 936, and 938-940; Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 3724, 2734a, 2734b); Emergency payment of claims (10 U.S.C. 2736); Non-scope claims (10 U.S.C. 2737); Duties of Secretary of the Navy (10 U.S.C. 5031); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5081-5082, 5085-5088); Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General (10 U.S.C. 5131-5153); Duties of the Commandant of the Marine Corps (U.S.C. 5201); Reservist's disability and death benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of accident and occupational safety by Secretary of the Navy (10 U.S.C. 7205); Admiralty claims (10 U.S.C. 7622-23); Public Vessels Act (46 U.S.C. 781-790); Suits in Admiralty Act (46 U.S.C. 741-752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671-2680); Financial liability of accountable officers (31 U.S.C. 82, 89-92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240243); Federal Claim Collection Acts (31 U.S.C. 71-75, 951-953); Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use (37 U.S.C. 802); Eligibility for certain veterans benefits (38 U.S.C. 105); Postal claims (39 U.S.C. 712); Medical Care Recovery Act (42 U.S.C. 2651-2653); General authority to maintain records (5 U.S.C. 301); Records management by agency heads (44 U.S.C. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: JAG Manual Investigative Records are used internally within the Department of the Navy as bases for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the Government; and public information releases. Records of such investigations are routinely furnished to the Veterans Administration for use in determinations concerning entitlements to veterans and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; to the Department of Justice for use in litigation involving the Government; to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters; to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems; to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions. Additionally, these records may be furnished to other components of the Department of Defense in connection with the above-stated purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper documents stapled together (with real evidence, if any, attached) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

RETRIEVABILITY: Records are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles. Incidents are topically cross-referenced.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located are locked outside official working hours.

RETENTION AND DISPOSAL: The records are retained permanently. All naval activities which prepare JAG Manual Investigative Records, or which are intermediate addresses, typically retain duplicate copies in local files for a two-year period.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Aexandria, Va. 22332
NOTIFICATION PROCEDURE: Information may be obtained by written request to the system manager. The request must contain the following: (a) an adequate description of the individual about whom the record is retained (e.g., full name, date of birth, etc.); (b) the calendar year to be searched, and the approximate date of the incident which was the subject of the investigation; (c) a signed and notarized statement of the identity of the requester; (d) the present mailing address of the requester, including ZIP code; (e) the present day-time telephone number of the requester, including area code; (f) the request must be signed by the individual. No telephone inquiries will be processed.
RECORD ACCESS PROCEDURES: Requests from individuals for access should be addressed to the system manager. The request must include a signed and notarized statement of identity. Personal visits may be made to: Office of the Judge Advocate General (code 21) Investigations Division Room 8s23 Hoffman Bldg II 200 Stovall Street Alexandria, Va 22332
CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies for utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation. Records may contain: (1) testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, typically including records and reports of military or Federal, State, or foreign, civilian law-enforcement investigative, judicial, or corrections authorities; medical records and reports, investigations and accident and injury reports prepared by Federal, State, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence; personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05861-1

SYSTEM NAME: Private Relief Legislation
SYSTEM LOCATION: Office of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals concerning whom private legislation is introduced in the U.S. Congress.
CATEGORIES OF RECORDS IN THE SYSTEM: Letters to Congressional Committees, expressing the views of the department concerning the legislation and records necessary to prepare the letters.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: File maintained to prepare for Congress the position of the department concerning the legislation. Routine disclosures are made to Congress; interested Navy, Marine Corps and DOD Components; OMB; and other interested executive agencies.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders
RETRIEVABILITY: Name
SAFEGUARDS: Access generally limited to personnel of the Office of Legislative Affairs. Stored in a locked office.
RETENTION AND DISPOSAL: Retained for at least 6 years or as long as the legislation is active if more than 6 years and then moved to Federal Records Center, GSA Accession Section, Washington, D.C. 20409
SYSTEM MANAGER(S) AND ADDRESS: Chief of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350
NOTIFICATION PROCEDURE: System Manager; Full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy, Pentagon, Washington, D.C. Driver's license or similar substitute.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Member of Congress; individual about whom file is maintained and individuals from whom he solicits information; other Navy, Marine Corps, and DOD components; OMB; and other interested executive agencies.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05870-1

SYSTEM NAME: Patent, Invention, Trademark, Copyright and Royalty Files
SYSTEM LOCATION: Office of Naval Research, 800 North Quincy Street, Arlington, VA, 22217
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Inventors and patent owners of inventions in which Government has an interest or which Department of the Navy has evaluated; copyright owners of works in which Government has an interest; and claimants or parties in administrative proceedings or litigation with the Government involving patents, copyrights or trademarks.
CATEGORIES OF RECORDS IN THE SYSTEM: Invention disclosures; disposition of rights in inventions of Government employees; patent applications and patented files; patent licenses and assignments; patent secrecy orders; copyright licenses and assignments; patent and copyright royalty matters; administrative claims and litigation with the Government involving patents, copyrights and trademarks including private relief legislation involving these matters; and documents and correspondence relating to the foregoing.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5151
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Navy patent personnel to determine rights of the Government and employees in employee inventions; to file and prosecute patent applications; to publish invention disclosures for public information and defensive purposes; to provide evidence and record of Government interest in or under patents or applications for patents; to provide evidence and record of patent and copyright licensing and assignment; to determine action or recommended action regarding disposition of claims or litigation; and to recommend

Government employee incentive awards. Used by other Navy/Marine Corps commands to determine Government interest in inventions; to permit utilization of inventions; and to support employee incentive awards. Used by U.S. Patent and Trademark Office to determine respective rights of the Government and employee-inventors; by the Commissioner of Patents and Trademarks, as well as Navy patent personnel, to administer Patent Secrecy responsibilities; by Federal Council for Science and Technology as a source of statistical data for an annual report on Government patent policy; by the General Accounting Office to conduct audits and perform other statutory functions. Information is transmitted to the U.S. Patent and Trademark Office and appropriate foreign government offices for prosecution of patent applications; the U.S. Patent and Trademark Office and the U.S. Copyright Office to evidence legal interests in patent and copyright licenses and assignments; the National Technical Information Service for publication of inventions available for licensing; non-governmental personnel (including contractors and prospective contractors) having an identified interest in particular inventions and Government rights therein, in infringement of particular patents or copyrights, or in allowance of royalties on contracts; and the Congress in the form of reports on particular bills for private relief and reports of action on Congressional and constituent requests. Government agencies involved in claims or litigation, including the Department of Justice, have access to prosecute and defend cases. All Government agencies have access to license records. Parties involved in particular licensing arrangements have access to specific files involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders and card files.

RETRIEVABILITY: Subject matter; Navy patent case number; name of inventor, patentee, copyright owner, claimant or correspondent.

SAFEGUARDS: Maintained in safes and file cabinets in controlled spaces accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL: Maintained indefinitely but records are transferred to Federal Records Center two years after completed action on case to which record relates.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Chief for Patents, Code 300, Office of Naval Research, Arlington, VA, 22217

NOTIFICATION PROCEDURE: Direct information requests to system manager.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information obtained from individual inventor, patent or copyright owner, claimant, licensor or licensee, or from U.S. Patent and Trademark Office, or from U.S. Copyright Office. Information on Government employee-inventors or copyright owners may be obtained from Government personnel records and from Government supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05880-1

SYSTEM NAME: Federal Tort Claims Files

SYSTEM LOCATION: Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices, all overseas commands with a Navy Judge Advocate General Corps Officer or a Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Federal Tort Claims Act are initially filed typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individuals who have filed claims against the Navy under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 C.F.R. 750.30-750.49; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to evaluate claims for purposes of adjudication and litigation. The files are used by contractors in those cases in which they indemnify the United States. The files are provided to the Department of Justice to defend suits brought against the United States and may be furnished to other components of the Department of Defense. The files or portions thereof may be furnished to the claimant or his authorized representative, and for those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY: Filed alphabetically by name of claimant.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: The sources of information contained in the files include the following: x-rays and medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants and their attorneys and insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05880-2

SYSTEM NAME: Admiralty Claims Files
SYSTEM LOCATION: Office of the Judge Advocate General; Office of the Commander-in-Chief, United States Naval Forces, Europe; Office of the Commander, Sixth Fleet; and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Public Vessels Act and the Suits in Admiralty Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of the Navy directory of mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States.
CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy use these files in the performance of their official duties related to the administrative evaluation and settlement of admiralty claims asserted against the Navy. Additionally, these files are provided to the Department of Justice to defend civil maritime suits brought against the United States. Finally, these files may be furnished to other components of the Department of Defense.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders stored in file cabinets or other storage devices
RETRIEVABILITY: Filed alphabetically by name of claimant
SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.
RETENTION AND DISPOSAL: Records are retained in active files until each claim is settled or litigation resulting therefrom has been concluded. Thereafter, the files are maintained within the office for two years and then retired to the Federal Records Center, Suitland, Maryland.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports; witnesses; and correspondence from claimants and their representatives.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-1

SYSTEM NAME: Automated Claims Information System (ACIS)
SYSTEM LOCATION: Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, the Foreign Claims Act, Military Claims Act, the 'Nonscope' Claims Act, Legislative Reorganization Act, or Military and Civilian Employees' Claims Act. All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712. All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States. All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct. All common carriers against whom recovery has been sought by the Department of the Navy.
CATEGORIES OF RECORDS IN THE SYSTEM: Individual's name, social security number, office processing the claim, dollar amount of claim, dollar amount paid, type of claim, type of property damage, type of personal injury, date of incident that caused the claim, date the claim was presented to the Navy, date payment was made or claim was closed, amount claimed against individual, amount received from individual, location of incident, and government bill of lading (if applicable).
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 CFR 750.30-750.49; Medical Care Recovery Act(42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 CFR 757.1-757.21; Foreign Claims Act (10 U.S.C. 2734); 32 CFR 753.1-753.29; Military Claims Act (10 U.S.C. 2733); 32 CFR 750.50-750.59; 'Nonscope' Claims Act (10 U.S.C. 2737); 32CFR 750.60-750.69; mILITARY AND cIVILIAN

Employees Claims Act (31 U.S.C. 240-243); 32 CFR 751.0-751.3; Legislative Reorganization Act (10 U.S.C. 1552); Admiralty Claims Act (10 U.S.C. 7622); 39 U.S.C. 712; 5 U.S.C. 30; 5 U.S.C. 301; 44 U.S.C. 3101; and 31 U.S.C. 231.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of the Navy claims program. The officials and employees of the Military Traffic Management Command in the performance of their official duties related to the management of the Department of Defense personal property movement and storage program. The system will be used to report contingent liability to the government accounting office to satisfy requirements of the GAO Policy and Procedures Manual. The cognizant U.S. Attorney and/or officials and employees of the Department of Justice who are charged with responsibility for either initiating civil actions or defending civil actions arising under the aforementioned claims statutes, and for prosecuting civil or criminal cases under the False Claims Act (31 U.S.C. 231).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY: ACIS users obtain information by means of either a query or a request for a standard report. Data may be indexed by any data item although the primary search keys are the name or social security number.

SAFEGUARDS: Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features; user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL: An individual's record is retained on disk and will be available for on-line access for three years after the close of the individual's claim. The record will be transferred to magnetic tape after three years and will be utilized in a batch processing mode. After ten years, the record will be erased from the tape.

SYSTEM MANAGER(S) AND ADDRESS: Head, Claims Defense Program, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

NOTIFICATION PROCEDURE: Information should be obtained from the System MANAGER. rEQUESTING INDIVIDUALS SHOULD specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information in this system comes from the individual to whom it applies and from offices processing claims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N05890-2

SYSTEM NAME: Affirmative Claims Files

SYSTEM LOCATION: Office of the Judge Advocate General, Offices of the Commandants of the Naval districts; Naval Legal Service Offices, and Branch Offices of the Officers in Charge of U.S. Sending State Offices; overseas commands with a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, Maryland; and such other offices of officers as may be designated by the Judge Advocate General. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct.

CATEGORIES OF RECORDS IN THE SYSTEM: The files contain reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, x-rays, medical and dental records of treatment, and statements of charges therefor, military and municipal police and individual's reports of accidents, investigative reports, correspondence, legal research, and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 C.F.R. 757.1-757.21; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: These records are used to futher efforts to collect such claims without litigation, for preparing litigation reports to the Department of Justice, and for use in civil litigation by the Department of Justice. In addition, the files may be furnished to insurance companies to support claims by documenting injuries or diseases for which treatment was provided at Government expense and to civilian attorneys representing the injured parties and the Government's interests. Finally, the files may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folder stored in file cabinets or other storage device.

RETRIEVABILITY: Filed alphabetically by name of the individual.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATICN PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rule for contesting contents and appealing initial determinations

may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: The sources of information contained in these files includes: military and local police reports, line of duty investigations, commercial credit and asset reports, questionnaires completed by accident victims, x-rays, medical and dental records of treatment and statements of charges therefor from civilian and military doctors and medical facilities; correspondence; and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-3

SYSTEM NAME: Foreign Claim Files

SYSTEM LOCATION: Office of the Judge Advocate General; United States Sending State Office for Italy; United States Sending State Office for Australia; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Offices of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have filed claims against the Department of the Navy under the Foreign Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as foreign police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Foreign Claims Act (10 U.S.C. 2734); 32 C.F.R. 753.1-753.29; 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to adjudicate claims and to evaluate and decide reconsiderations of denials of claims. The files may be furnished to other components of the Department of Defense and the Department of Justice to defend unauthorized suits brought against the United States under the Foreign Claims Act. In addition, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY: Filed alphabetically by name of claimant.

SAFEGUARDS: Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: The sources of information contained in the files includes: x-rays, medical records, and dental records; investigative reports from military and foreign police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-4

SYSTEM NAME: Military Claims Files

SYSTEM LOCATION: Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Military Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have filed claims under the Military Claims Act against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Military Claims Act (10 U.S.C. 2733); 32 C.F.R. 750.50-750.59; 5 U.S.C. 301; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to evaluate claims for purposes of adjudication. The files are also used by contractors in those cases in which they indemnify the Government. The files may be furnished to other components of the Department of Defense, and to the Department of Justice to defend unauthorized suits brought against the United States under the military claims act. Additionally, the files or portions thereof may be furnished to the claimant or his authorized representative. For those claims for which payment is determined proper, the files or portions thereof may be provided to the Congress, the Department of Treasury, the Office of Management and Budget, and the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders stored in file cabinets or other storage devices
RETRIEVABILITY: Filed alphabetically by name of claimant
SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.
RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (civil law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.
CONTESTING RECORD PROCEDURES: The agency's rule for contesting contents and appealing initial determinations may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N05890-5

SYSTEM NAME: Nonscope Claims Files
SYSTEM LOCATION: Office of the Judge Advocate General, Naval Legal Service Offices, and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the 'Nonscope' Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Navy directory of mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have filed claims under the 'Nonscope' Claims Act against the Department of the Navy.
CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports, photographs, drawings, opinions of experts, legal memoranda, and court documents.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 'Nonscope' Claims Act (10 U.S.C. 2737); 32 C.F.R. 750.60-750.69; 5 U.S.C. 301; 44 U.S.C. 3101
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to evaluate claims for purposes of adjudication. The files are provided to the Department of Justice to defend unauthorized suits brought against the United States under the 'Nonscope' Claims Act. In addition, files or portions thereof may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders stored in file cabinets or other storage devices
RETRIEVABILITY: Filed alphabetically by name of claimant
SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.
RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles; witnesses; correspondence from claimants, their attorneys, insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim; commercial credit and asset reports; and questionnaires completed by accident victims.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-6

SYSTEM NAME: Military Personnel and Civilian Employees' Claims
SYSTEM LOCATION: Offices of the Judge Advocate General; Naval Legal Service Offices; offices of the Commandants of the Naval Districts; Naval Legal Service Branch Offices; the Federal Records Center, Suitland, Maryland; naval activities where there are officers specifically designated by the Judge Advocate General to adjudicate personnel claims. Official mailing

addresses of these locations are included in the Department of the Navy Directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All individuals who have filed claims against the Department of the Navy under the Military Personnel and Civilian Employees' Claims Act and all common carriers against whom recovery has been sought by the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: The files may contain claims filed, correspondence, investigative reports, copies of order, copies of insurance policies, Government bills of lading, copies of Powers of Attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, correspondence, and legal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 240-243); 32 C.F.R. 751.0-751.30; 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to evaluate claims for purposes of adjudication, reimbursement for the Department of the Navy from common carriers, warehousemen, contractors, or insurers who are responsible for loss or damage to personal property of individual claimants. Additionally, the files are provided to the Department of Justice to defend unauthorized suits against the United States under the Military Personnel and Civilian Employees' Claims Act. Finally, the files may be furnished to the claimant or his authorized representative and to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY: Filed alphabetically by name of claimant and name of common carrier, warehousemen, contractors, and insurers.

SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically Files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information contained in the file is initially provided by the claimant and witnesses, after which the personal property divisions contribute investigative reports. The carrier may contribute information, and in some cases an investigative report is furnished by a military member's command or by an investigative agency. Adjudicated amounts allowed for the claim are provided by the adjudicating authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-7

SYSTEM NAME: U.S. Postal Service Indemnity Claims Files

SYSTEM LOCATION: Office of the Judge Advocate General (code 15), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332 and the Federal Records Center, Suitland, Md. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All persons who have filed claims with the U. S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U. S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712.

CATEGORIES OF RECORDS IN THE SYSTEM: Files may contain claims, substantiating documents, Navy investigative reports (and allied reports such as U. S. Postal Service investigative reports, legal memoranda, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 39 U.S.C. 712; 5 U.S.C. 30; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The files are used to evaluate requests for reimbursement by the U. S. Postal Service for payment on claims for loss or damage to mailed matter. The files may be furnished to other components of the Department of Defense and the Department of Justice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY: Filed alphabetically by name of claimant.

SAFEGUARDS: Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL: Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify only their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address, and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations

may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The information in U. S. Postal Service Indemnity Claims Files may consist of claims filed, substantiating documents, Navy investigative reports, (and allied reports such as U. S. Postal Service investigative reports), legal memoranda, and correspondence.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05890-8

SYSTEM NAME: NAVSEA RADIATION INJURY CLAIM RECORDS
SYSTEM LOCATION: Naval Sea Systems Command Code 08 Washington, D.C. 20362
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals employed by the Navy and Navy contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion plants.
CATEGORIES OF RECORDS IN THE SYSTEM: Excerpts from personnel medical records, Navy field organization and Navy contractor work histories and Navy and Labor Department correspondence.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Technical evaluation of radiation injury compensation claims by NAVSEA RADIOLOGICAL CONTROL MANAGERS.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File Folders
RETRIEVABILITY: Alphabetical by name
SAFEGUARDS: Locked in safe and specific permission of custodian
RETENTION AND DISPOSAL: Indefinitely
SYSTEM MANAGER(S) AND ADDRESS: Naval Sea Systems Command Code 08 Washington, D.C. 20362
NOTIFICATION PROCEDURE: Contact System Manager; Provide name, organization where employed at time of alleged injury and supporting evidence.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Personnel medical records and Navy and contractor work histories.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N05891-1

SYSTEM NAME: Litigation Case File
SYSTEM LOCATION: Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All those individuals who have brought suit against, or have been involved in litigation with the United States or its offcers or employees concerning matters related to the Department of the Navy, in the Federal Civil Court System, excepting those cases arising, in admiralty, or patent, under the Federal Tort Claims Act, and all matters under the responsibility of the General Counsel's Office.
CATEGORIES OF RECORDS IN THE SYSTEM: All pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation and related materials involved in representing the United States Navy and Marine Corps in the Federal Court System.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, 10 U.S.C. 5148, and 44 U.S.C. 3101.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The collected information is used to defend the Department of the NAVY IN CIVIL suits filed against it in the Federal Court System. Routine users of the information, in addition to the Litigation Division, Office of the Judge Advocate General of the Navy, are the Department of Justice and the United States Attorneys offices assigned to the particular case.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Maintained in file folders.
RETRIEVABILITY: Retrievable by last name of the litigant.
SAFEGUARDS: Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.
RETENTION AND DISPOSAL: Retained in office files for two years, then retired to Washington National Records Center, Washington, D.C. 20409; detroy 10 years after final action, on the case.
SYSTEM MANAGER(S) AND ADDRESS: Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager.
RECORD ACCESS PROCEDURES: Access is not permitted to this system. See 5 U.S.C.C 552a (d) (5).
CONTESTING RECORD PROCEDURES: The Navy's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Navy Military Personnel Records Center, St. Louise; Department of Justice, opposing counsel.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N06150-1

SYSTEM NAME: Medical Department Professional/Technical Personnel Development
SYSTEM LOCATION: Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; individual's duty station or reserve unit (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); Military Sealift Command, Navy Department, Washington, D.C. 20390; National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132; National Personnel Records Center, 111 Winnebago St., St. Louis, Missouri 63118; Bureau of Medicine and Surgery managed education and training activities (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice); various colleges and universities affiliated with BUMED managed education and training activities.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/environmental hazards; distinguished/noted civilian physicians in capacity of lecturer/consultant.
CATEGORIES OF RECORDS IN THE SYSTEM: Personal and demographic data; education, training, professional, specialty, and technical accomplishments/qualifications; credentialing programs; surgical and surgical support team personnel listings; assignments history, projected rotation date, projected release from active duty date, active duty obligation, officer preference card, and variable incentive pay/continuation pay selection data; Hospital Corps education and training history and grades received, commanding officer's performance evaluation, and recommendations; periodic and total lifetime accumulated

exposure to occupational/environmental hazards; curricula vitae of civilian consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 10, U.S.C.; 5 U.S.C. 301; Title 10, CFR Part 20, Standards for Protection Against Radiation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Military and civilian employees of BUMED and BUMED managed education and training activities in the performance of their official duties related to procurement, assignments, professional/specialty/technical training, credentialing, promotion, and all other aspects of health care personnel management; career development; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verfication of reserve service; surgical team contingency planning; management of physical standards; maintenance of safe occupational/environmental protection standards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

RETRIEVABILITY: Manual records retrieved by full name, SSN, file numbers, program title or locator card. Automated records retrieved by key to any data field.

SAFEGUARDS: Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

RETENTION AND DISPOSAL: Medical Department personnel professional development and training records; Headquarters, BUMED records-retained at BUMED for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; BUMED field activities-retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits-retained at BUMED 50 years, then destroyed; all others-retained 5 years, then destroyed.

Surgical support team records; Headquarters, BUMED-destroyed upon termination of active duty service; BUMED field activities-destroyed upon termination of duty at the Medical Department facility.

Curricula vitae of lecturers/consultants-destroyed upon termination of status at the Medical Department facility.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132; Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; commanding officers of naval activities, ships and stations.

NOTIFICATION PROCEDURE: Offices where requester may visit to obtain information of records pertaining to the individual; Potomac Annex, 23rd and E Street, N.W., Washington, D.C.; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. card, drivers license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the commanding officer of the facility or ship where they are stationed or employed. Mailing addresses are in the Department of Defense directory in the appendix to the Component's Systems Notices.

Former members of the Navy should address requests to Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Former civilian employees of the navy should address requests to Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

All written requests should contain full name, rank, SSN, file number (if any), and designator.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES: Military Headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N06150-2

SYSTEM NAME: Health Care Treatment Record System

SYSTEM LOCATION: Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Personnel. Retained at the individual's duty station or reserve unit. (Mailing addresses are listed in the Navy Directory in the appendix in the component system notice.) Bureau of Naval Personnel, Navy Department Washington, DC; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Lousiana 70149; Headquarters Marine Corps, Navy Department, Washington, DC 20380; Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Inpatient treatment records for active duty military, dependents, retired military and dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Outpatient treatment records for dependents of active duty military, retired military and their dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals, and Clinics (Dispensaries); National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Subsidiary record files of the health care treatment record system are located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy, Marine Corps, other military personnel, dependents, retired military personnel and dependents, civilian employees, VA beneficiaries and humanitarian.

CATEGORIES OF RECORDS IN THE SYSTEM: Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: system is made up of records pertaining to the member or former member's medical history; physical, dental and mental examinations; consultation; innoculations; outpatient treatment,

including laboratory and x-ray reports; report of medical boards; summaries of periods of hospitalization, dental evaluation and treatment, reports of exposure to environmental and radiation hazards, results of special diagnostics and clinical studies; recommendations regarding requests for waivers of established physical standards.

Inpatient and outpatient treatment records: file contains a multiplicity of prescribed forms documenting health evaluations, medical/dental care and treatment for any health or medical condition or problem provided an eligible individual on an outpatient and/or inpatient status. The records contain history and physical examinations or health evaluation, reports of exposure to ionizing radiation, consultation reports and medical care and treatment provided, including procedures utilized such as surgery, drugs, dietary, x-ray laboratory, nursing notes, physical therapy and other specialty care applicable to the medical diagnosis or conditions found. The records also contain patients demographic data, family health history data, length of inpatient stay, disease nomenclature, discharge summary of inpatient care. Documentation of health history, diagnosis, care and treatment provided and the recording thereof conform with the standards prescribed by the joint commission on accreditation of hospital. In addition to, and based on individual medical record files, there are subsidiary records such as registers of patients; patient health care, medical board and death statistics; environmental health data; operating room schedules, tumor registers; appointment registers; sick call and treatment logs; x-ray files; laboratory files and logs; pharmacy records; EKG's; EEG's; neuropsychiatric evaluations; physical therapy records; other patient evaluation records, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC 5131 (as amended), 10 USC 5132, 44 USC 3101, 5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy (and members of the National Red Cross in Navy Health Care Facilities) in the performance of their official duties relating to the health and medical treatment of those categories of individuals covered by this record system; determining physical qualifications and suitability of candidates for various programs; personnel assignment; adjudicating claims and appeals before the council of personnel boards, and the Board for Correction of Naval Records; rendering opinions regarding members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals covered by this record system; performance of research studies and compilation of statistical data; implementing preventive medicine, dentistry, and communicable disease control programs. Officials and employees of other components of the Department of Defense in the performance of their official duties relating to determining the physical qualifications of applicants; in providing medical care to those categories of individual covered by this record system; and in the conduct of analyses and research studies.

Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Naval Service. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the executive branch agencies.

Officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. Private organizations (including education institution) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. Parent activities releasing such records shall maintain a list of all such research organizations and records released thereto.

Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Surgeon General of the Navy.

Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing and local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. Authorized surveying bodies for professional certification and accreditations.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary. Drug/Alcohol and Family Advocacy Information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with the applicable statues, 21 U.S.C. 1175, 42 U.S.C. 4582, and 5 U.S.C. 552.

Records will not be further released by routine users with prior approval of the SYSMANAGER.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps:

Records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

Inpatient and outpatient treament records. These records originate at any Navy Medical Treatment Facility where the individual comes for medical care and treatment. The inpatient treatment records are retained for 2 years from date of last treatment at the activity and then sent to the National Personnel Records Center, St. Louis, Missouri. Outpatient treatment records are transferred for continuity of care and treatment to other medical activities upon change of station by the service member. Outpatient files, upon 2 years from date of last treatment are transferred to the National Personnel Records Center.

Inpatient and outpatient treatment records are maintained in mechanized lists, file folders, microform, and on magnetic tape, discs, punched cards, and other computerized or machine readable media. Inpatient treatment records are filed numerically by hospital register numbers. The alphabetical patient register serves as the locator media. Outpatient treatment records are filed by the Military Member's SSN with an alphabetical card or mechanized list or other record as the locator media. Medical x-rays are filed by a sequential numbering system in manual or mechanized format with an alphabetical name locator.

RETRIEVABILITY: Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Members.

Records retired to the National Personnel Records Center, St. Louis, Missouri, prior to 1971 are retrieved by name and service or file number. After that date, records are retrieved by name and social security number. Records retired to the National Personnel Records Center, St. Louis, Missouri prior to 1971 are retrieved by name and service or file number, after that date records are retrieved by name and social security number.

Inpatient and outpatient treatment records.

Records are retrieved by manual or automated locator media (alpha name cards, logs, listings, tapes, etc.).

SAFEGUARDS: Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

RETENTION AND DISPOSAL: Health care treatment records are retained, retired, and disposed of in accordance with SECNAVINST 5212.5 series, disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS: Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officers, Naval Activities, Ships, and Stations, Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 64131.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officer, Naval Medical Centers and Hospitals or activities having Clinics; Director, National Personnel Records Center, St. Louis, Missouri 63118.

NOTIFICATION PROCEDURE: Service medical (health and dental) records for active duty and reserve; Navy and Marine Corps Members;

Requests for information from active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves should be addressed to the individual's commanding officer. Official mailing addresses are in the Department of Defense Directory in the appendix to the component's system notice. Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149. Marine Reservist's should address request for information to Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to director, National Personnel Records Center (Navy Reference Branch), 9700 Page Boulevard, St. Louis, Missouri 63132.

All written requests should contain the full name and social security, account number of the individual, his signature, and in those cases where his period of service ended before 1971, his service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service. Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans,Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature. Former members may provide drivers license or other types of identification bearing picture and signature.

Inpatient and outpatient treatment records:

(Care/treatment-within 2 years) Commanding Officer of the Naval Regional Medical Center or hospital where the individual was treated.

(More than 2 years) Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118 or Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Provide the following data: full name, service number, status, or SSN of sponsor, date(s) of treatment or period of hospitalization, address at time of medical treament, if known.

Office where requster may visit to obtain information of records pertaining to the individual.

Regional Medical Center or Hospital
Chief, Patient Affairs Service
Chief, Outpatient Service
Officer-in-charge other Navy Medical Facility

Full name, date and place of birth, ID card or drivers license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

RECORD ACCESS PROCEDURES: Sysmanager - service medical (health and dental) records for active duty and reserve, Navy and Marine Corps; requests from individuals should be addressed to Chief, Bureau of Medicine and Surgery, (Code 3111), Navy Department, Washington, DC 20372.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerning may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies conducted to provide health care to the individual or to determine the individuals physical and dental qualification.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N06150-3

SYSTEM NAME: Naval Health Research Center Date File

SYSTEM LOCATION: Naval Health Research Center, San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date.

CATEGORIES OF RECORDS IN THE SYSTEM: Extracts of information from official medical and personnel records as well as information dealing with biographical, attitudes, and questions relating to health patterns during active service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Users are military and civilian research personnel of this command. Inquiries are answered from the Bureau of Medicine and Surgery and The Naval Medical Research and Development Command, as well as other medical research activities in the Department of Navy relative to the types and frequency of illnesses in Navy and Marine Corps personnel.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Prinicpal medium is magnetic tape with file and punch card back-up as required.
RETRIEVABILITY: Retrievability is by Social Security number or service number as appropriate for military and former military personnel. Civilians are by name only.
SAFEGUARDS: Access to Information on magnetic tape is restricted to authorized personnel only by means of a password.
RETENTION AND DISPOSAL: Since the information in this file is used to study longitudinal health patterns, and as a basis for comparison of changes in health patterns over long periods of time, they are most carefully maintained. As information is transferred from research forms to magnetic tape, those forms and the punch cards resulting from them are destroyed as the need for maintenance of a back-up capability no longer exists. The spaces occupied by this command are in military compounds with limited access and established security patrols.
SYSTEM MANAGER(S) AND ADDRESS: Head, Programming Branch, Naval Health Research Center, San Diego, California 92152.
NOTIFICATION PROCEDURE: Navy and Marine Corps personnel and former serving members must provide a social security number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.
RECORD ACCESS PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Information is derived from (a) Medical Treatment Record Systems, including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnairs and forms, and (e) information provided by the members' peers and superiors.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N06310-1

SYSTEM NAME: Personal injury and illness reports on civilian and govt-service seaman employed on MSC ships
SYSTEM LOCATION: Office of the Judge Advocate General (code 11), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Injured civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators for service on board MSC ships.
CATEGORIES OF RECORDS IN THE SYSTEM: System consists of preliminary personal injury and illness reports on civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in their performance of their official duties related to the administrative evaluation and settlement of subsequently submitted admiralty claims asserted against the Navy. Additionally, these reports may later be provided to the Department of Justice for defense of civil maritime Suits brought against the United States. Finally, these reports may be furnished to other components of the Department of Defense.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders stored in file cabinets
RETRIEVABILITY: Filed by name of injured seaman listed under each particular MSC ship by date of injury.
SAFEGUARDS: Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.
RETENTION AND DISPOSAL: Reports are maintained in personal injury report file folders for a period of two years from the date of particular injury or illness and are, thereafter, destroyed at the local office level.
SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.
NOTIFICATION PROCEDURE: Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing determinations may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Masters of Military Sealift Command ships; witnesses; medical and dental forms; and investigative reports.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N06320-1

SYSTEM NAME: Uncollectible Accounts
SYSTEM LOCATION: Primary System - Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Decentralized Segments - Naval Hospitals and Medical Centers which provide services or perform work giving rise to such accounts receivable. (Mailing addresses are listed in the directory of Department of the Navy mailing addressesin the Appendix to the Component System Notice.)
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual incurring indebtedness to the United States by receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons.
CATEGORIES OF RECORDS IN THE SYSTEM: The types of records in the system include Request for Recovery of

CHAMPUS Funds (CHAMPUS Form 11); letter reports of uncollectible accounts receivable; substantiating documents such as Supplies and/or Services provided by Civilian Hospitals (DA Form 1863-1), Services and/or Supplies provided by Civilian Sources (except Hospitals) (DA Form 1863-2), Explanation of Benefits forms, physicians' and hospitals' statements of services and charges, payment receipts, admission documents, and correspondence relating to collection attempts or attempts to ascertain elligibility status or patient category; records of payments received; records of transmittal of accounts to investigative organizations, the Department of Justice, and/or the General Accounting Office; and records suspending or terminating collection action or effecting compromise settlement agreements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 31 USC 191-195, 227, and 952 (also known as the Federal Claims Collection Act of 1966); 10 USC 1078-179; and 37 USC 702, 705, and 1007.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information in the system is collected to facilitate the recovery of amounts owed the United States. Users of the information includes field and bureau collection agents. The information is used to determine amounts owed, methods to be employed to effect recovery, and whether or not the claim can be compromised or collection action thereon terminated or suspended. In rare and exceptional cases an account file is referred to the Navy Investigative Service Office, the Department of Justice, or the General Accounting Office. Any individual records in the system might be transferred to any component of the DOD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders and reading files. Index cards (3'x5').

RETRIEVABILITY: Filed alphabetically by last name of debtor within the fiscal year in which indebtedness was incurred. Summary records filed by medical treatment facility.

SAFEGUARDS: Records are maintained in areas accessible only to authorized personnel that are properly screened and trained.

RETENTION AND DISPOSAL: Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D. C. 20372 and Commanding Officers of Medical Treatment Facilities under the Command of the Chief, Bureau of Medicine and Surgery.

NOTIFICATION PROCEDURE: Information may be obtained from the Chief, Bureau of Medicine and Surgery. Requests should provide the full name of the debtor, the military or dependency status of the debtor, and the location and approximate dates of treatment or examination. The requestor may visit the Comptroller, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N. W., Washington, D. C. to obtain information on whether or not the system contains records pertaining to him or her. A valid driver's license and/or military ID card will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appearling initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Medical Treatment Facilities providing services which resulted in indebtedness to the United States, OCHAMPUS Denver, U. S. Postal Service, Military Locator Services, State Departments of Motor Vehicles, any component of the DOD, the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health, Education, and Welfare, the Internal Revenue Service, and the Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N06320-2

SYSTEM NAME: Family Advocacy Program System

SYSTEM LOCATION: Central Registry – Chief, Burau of Medicine and Surgery, Navy Department, Washington, D. C. 20372. Individual Case Files – Naval Regional Medical Centers, naval hospitals and clinics (formerly dispensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM: Medical records of suspected and confirmed cases of family member abuse or neglect, also, investigative reports, correspondence, family advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual family advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies of compilation of statistical data.

Officials and employees of other components of the Department of Defense and other Departments and agencies and the Executive Branch of government, in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and researchconcerning family member abuse and neglect.

The Attorney General of the United States or his authorized representatives, in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation. government and the public; and authorized surveying bodies

for professional certification and accreditation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY: Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, social security numbers, and types of incidents.

SAFEGUARDS: Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL: Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

SYSTEM MANAGER(S) AND ADDRESS: Central Registery -- Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372, -- and commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

NOTIFICATION PROCEDURE: Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treament, and alleged reporting of incident. The requester may visit the office of the Chief, Bureau of Medicine and Surgery, 23rd and 'E' Streets, N.W., Washington, D.C. and the commading officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to hime or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requested will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Reports from physicians and othe medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

N06320-3

SYSTEM NAME: BUMED Risk Management

SYSTEM LOCATION: Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372; health care treatment facilities. (Mailing address are listed in the DOD directory in the Appendix to the Component System Notice.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Patients, staff, visitors, contractors, and other personnel who may have suffered injury or mishap in a naval medical treatment facility.

CATEGORIES OF RECORDS IN THE SYSTEM: Incident reports; follow-up reports; letters, memos, and other correspondence or supportive statements; statistical reports; and committee minutes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301, Department Regulations; 10 U.S.C. 5132.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Military and civilian employees of BUMED command activities, and Headquarters, BUMED in the performance of their official duties related to the Navy Medical Department risk management program. Records in the system will be used to investigate, analyze, and report accidents, injuries, and other incidents that occur in Navy health care treatment facilities in order to improve patient care.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on hard copy forms in filing cabinets.

RETRIEVABILITY: Records are retrieved by full name of patient, SSN of sponsor, date of incident, or other alpha/numeric identifier.

SAFEGUARDS: Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

RETENTION AND DISPOSAL: Records are retained for 3 years after the year in which created and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372. Commanding Officers or officers in charge of Navy Medical Department health care treatment facilities. (Mailing addresses are listed in the DOD directory in the appendix to the Component System Notice.)

NOTIFICATION PROCEDURE: Requests should be addressed to Chief, Bureau of Medicine and Surgery or commanding officers or officers in charge at the addresses indicated, above. Requests should contain the full name, SSN, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as ID card, drivers license, or other identification showing name and a recent photograph of the individual.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive correspondence and statements including statistical displays and summaries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N06470-1

SYSTEM NAME: USN/USMC Nuclear Test Personnel Review Program.

SYSTEM LOCATION: Primary Navy System exists at the Project Manager's Office, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA. 22209. Automated segments exist at Navy Regional Data Automation Center, Washington Navy Yard, Washington, D.C. 20374 and J. A. Young corporation, 205 South Whiting Street, Alexandria, VA 22304. The entire Marine Corps systems exists at the Project Coordinator's Office, Marine Corps Nuclear Test Personnel Review, Records Branch, Personnel Services Division, Headquarters Marine Corps, Washington, D.C. 20380. Extracts of individualized records of both Navy and

Marine Corps reside at Headquarters, Defense Nuclear Agency, Washington, D.C. 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps military and civilian personnel and/or contractor personnel in support of the Navy and Marine Corps who may have been exposed to radiation as the direct result of government sponsored atmospheric nuclear detonations occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, rank/grade, service number, social secuity account number, current or last know address, dates of test partcipation, radiation exposure (if any) & dose data, Navy and Marine Corps unit/office of assignment at time of exposure, current medical status, next-of-kin data, and extracts of service medical data such as CBC's, bioassay dta and radiation sickness sequellae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U. S. C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By the Department of the Navy to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment, and to answer inquires.

By the Veterans Administration to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the Department of Defense components-For the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

By the Defense Nuclear Agency Contractors-For the purpose of assisting DOD components in preparation of histories of atmospheric nuclear test participation, to reconstruct individual dosimetry data based on research and application of mathematical factors and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

By the National Research Council and the Center for Disease Control-For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DOD participants in those test.

By the Department of Energy-For the limited purpose of identifying AEC and AEC-contractor personnel exposed to ionizing radiation during nuclear testing and for conducting epidemiological studies of radiation effects of individuals so identified; and for use in litigation between the DOD and any of the individuals so identified.

By the Department of Transportation-For the limited purpose of identifying DOT and DOT-affilicated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY: By individual's name and/or service number/SSAN, or listed in conjunction with a unit (ship, air squadron, etc.) associated with atmospheric nuclear testing.

SAFEGUARDS: Access is limited to properly clear personnel having need for the information in the performance of official duties. Paper records are maintained in an office which is locked during non-working hours. The building in which both offices are located maintains continuous security guard surveillance during non-working hours. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL: Paper records are retained after data is transferred to magnetic tapes. Personnel and health records are retained by the National Personnel Records Center, St. Louis, Missouri. Other paper records will be retired to Naval and Marine Corps Historical Offices after completion of Nuclear Test Personnel Review effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Program Manager, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209 and Project Coordinator, Marine Corps Nuclear Test Personnel Review, Commandant of the Marine Corps, (MSRB-60), Washington, D.C. 20380.

NOTIFICATION PROCEDURE: Individuals seeking to determine whether this system contains information pertinent to them shall either write or visit the system manager. Signed letters or proper identification are required.

RECORD ACCESS PROCEDURES: Individuals may access records pertaining to them by furnishing full name and SSAN and/or service number. Additional information such as unit to which assigned at time or radiation exposure as well as place and approximate dates of exposure expedite recovery of desired records.

CONTESTING RECORD PROCEDURES: The agencies' rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the respective system manager.

RECORD SOURCE CATEGORIES: From the individual; Navy and Marine Corps organizational, personnel, and medical records; the Veterans Administration, Department of Enery, Defense Nuclear Agency & other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N06530-1

SYSTEM NAME: Blood Donor Program Files

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Personnel donating blood or seeking replacement of blood.

CATEGORIES OF RECORDS IN THE SYSTEM: Blood donation records. Blood replacement requirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Emergency blood request by blood type, recognition and identification of donors, and replacement of blood provided to cover individuals. Records are available to American Red Cross.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY: Name, SSAN, Case number, organization.

SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: American Red Cross, blood donors, hospitals, persons seeking replacement of blood.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07210-1

SYSTEM NAME: Losses of Public Funds File
SYSTEM LOCATION: Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.
CATEGORIES OF RECORDS IN THE SYSTEM: Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 31 USC 95a, 82a-1, and 82a-2
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Maintaining documentation relative to losses of public funds by accountable disbursing personnel. Used by the following individuals for the purpose of processing documentation relative to losses of public funds: Commanding Officer, Executive Director; Director, Functional Systems Department; Director, General Systems Division and other specified individuals within the General Systems Division. Inform individuals of their rights to repay losses or to submit requests for relief of liability; maintain records of investigations conducted; approval of requests for relief of liability for losses of less than

500;recommendations to the Secretary of the Navy on all denials and all losses of

500 or more; and control over liquidation of losses by relief or by collection action.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders and control log
RETRIEVABILITY: Name of accountable disbursing individual in whose custody the public funds were entrusted when the losses occured.
SAFEGUARDS: Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination lock accessible only to authorized individuals.
RETENTION AND DISPOSAL: Transferred to Federal Records one year following liquidation of the loss.
SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376
NOTIFICATION PROCEDURE: Correspondence only
RECORD ACCESS PROCEDURES: The agency's rule for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rule for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Messages, letters, and reports of investigations into losses of public funds received from: accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Commanding Officer, Naval Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07220-1

SYSTEM NAME: Armed Forces Health Professional Scholarship System
SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: AFHSP students until graduation
CATEGORIES OF RECORDS IN THE SYSTEM: Personnel and entitlement data necessary for pay computation
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 92-426
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Preparation of checks, leave and earnings statements, and financial reports. Data may be released to various government agencies such as to the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member. To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape and file folders
RETRIEVABILITY: Social security account number and member name
SAFEGUARDS: Guards, personnel screening, and requestor codes
RETENTION AND DISPOSAL: Destroyed ten years after member's graduation
SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Office Building Cleveland, Ohio 44199
NOTIFICATION PROCEDURE: Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Disbursing Officer, Reserve members, BUPERS, and BUMED
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07220-2

SYSTEM NAME: Retired Pay System
SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Individuals eligible for National Oceanic and Atmospheric Administration retirement payments.
CATEGORIES OF RECORDS IN THE SYSTEM: Individual retired pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, w-4 and w-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the member or annuitant or third parties relating to an individual account, documentation of mass change, e.g., cost of living increase, due to legislative change.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 USC Subtitle C
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate

and reconcile any underpayments, overpayments or claims.

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use internally or externally required by Department of Defense, Department of Labor, Department of Commerce or by other government agencies. Records may be released to the Comptroller General of any of this authorized representatives in the course of the performance of duties of the Comptroller General; the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay; the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accouunts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies. To designated beneficiaries of deceased member. To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape, and disc files, microfilm and file folders.

RETRIEVABILITY: Social security number and member's name

SAFEGUARDS: The on-line system contains the following safeguards: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor individuals accessing the system. Access to microfiche and microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

RETENTION AND DISPOSAL: Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retiree's death.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Veterans Administration, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state, and local courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07220-3

SYSTEM NAME: Reserve Pay System

SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Active reservists drilling in pay units

CATEGORIES OF RECORDS IN THE SYSTEM: Performance entitlements, monthly and yearly pay, and personnel data needed for pay computation and issuance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S. Code Chapter 11

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: These records are used within the Navy Finance Center by military pay adjudicators for the purposes of issuing checks and earning statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities, and other Department of Defense activities to assist these activities to update, verify, or correct their records; the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; the Social Security Administration to determine member's coverage under that program; the Department of the Treasury for issuance of checks; the Veterans' Administration or to the Navy Family Allowance Activity, when needed to process cases in the courts upon court order; the designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape and file folders

RETRIEVABILITY: Social security number and name

SAFEGUARDS: Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL: Microfilm record kept indefinitely in safekeeping

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Disbursing Officers, individual members, BUPERS, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07220-4

SYSTEM NAME: Naval Reserve Officer Training Corps Pay System

SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: NROTC students until time of commissioning

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel and entitlement data necessary for computation of pay entitlements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U. S. Code, Chapter 103 and Public Law 88-647.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The records are used within the Navy Finance Center by military pay

adjudicators for the purposes of issuing checks and earnings statements, investigating claims and overpayments, and for preparation of financial reports. Data contained in records may be released to BUPERS, various field activities and other Department of Defense activities to assist these activities to update, verify, or correct their records, or process cases; to the Internal Revenue Service and state or local tax authorities for their use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury when needed for issuance of check; to the Veteran's Administration or to the Navy Family Allowance Activity, to process cases; to the courts upon court order; to the designated beneficiaries of deceased members, etc. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape and file folders

RETRIEVABILITY: Social Security account number and member name

SAFEGUARDS: Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL: Original shipped to safekeeping for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security account number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Disbursing Officer, Member, BUPERS, CNETO, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07220-5

SYSTEM NAME: Joint Uniform Military Pay System (JUMPS)

SYSTEM LOCATION: (Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, Disbursing Officers Afloat, and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Navy Personnel on active duty and individual recipients of allotments of Navy Personnel (active duty and retired)

CATEGORIES OF RECORDS IN THE SYSTEM: Individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorized credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form w-2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Office Leave Lists and microfilm and microfiche records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Titles 10 and 37 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the maintenance and distribution of Leave and Earnings Statements and the determination and audit of pay entitlements or deductions, computing, paying, and reporting payments, determining budgets and appropriation requirements, commencing and terminating allotments, determining amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts martial and distribution of payments.

Data from this system may also be provided to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General or the General Accounting Office in the audit and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check of Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay and Educational benefits; the Social Security Administration for FICA Wage reporting; Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget. To the American Red Cross, Navy Relief Society, or U.S.O. for personal service to the member or allotment recipient.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Personal Financial Records containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of Leave and Earnings Statements and supporting documents are stored in file folders and cabinets or on micro-film or microfiche. Automated records are stored on magnetic tapes, discs and punched cards.

RETRIEVABILITY: Automated records are retrieved by Social Security Number and name. Documents are retrieved by ssn or by an assigned internal document control number.

SAFEGUARDS: Outside of normal working hours Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated system include the following controls: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer main frame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor

the system to determine individuals who are accessing data.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

RETENTION AND DISPOSAL: Personal financial records containing the twelve most recent leave and earning statements are retained by the Personnel Support Detachment or disbursing office servicing the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destroyed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site-Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central cite for one year and then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS: Comptroller of the Navy, Chief of Naval Personnel, Commander Navy Accounting and Finance Center, Commanding Officer Navy Finance Center.

NOTIFICATION PROCEDURE: Individuals can be informed of any records maintained within the system by identifying themselves to the Personnel Support Detachment servicing that Command. The member may identify himself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

RECORD ACCESS PROCEDURES: Individuals, properly identified, may request any information pertaining to their pay from their Personnel Support Detachment. If the requested information is not avilable locally, the disbursing officer will obtain the information from other sources, i.e. member's previous duty stations or the Navy Finance Center, Cleveland.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the SYSMANGER.

RECORD SOURCE CATEGORIES: Local Personnel Support Detachments and other disbursing and personnel offices, the Veterans Administration, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07220-6

SYSTEM NAME: Midshipman Pay System

SYSTEM LOCATION: Primary - Superintendent, Naval Academy, Annapolis, MD 21402; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C. 20371, Commanding Officer, Navy Finance Center, Cleveland, OH 44199, and Chief of Naval Personnel (Code H-13), Navy Department, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Midshipmen of the U.S. Naval Academy, Annapolis, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM: The system contains automatic data processing pay accounts of all Naval Academy Midshipmen. Document flow is controlled by use of a Midshipmen Payroll Change form. Controls over the system are maintained by use of a Midshipmen Payroll Control Register. Input source documents include (1) letter authority from the Superintendent to the Midshipmen Pay Offices to open the pay (2) documents to substantiate credits of advances for initial clothing and equipment issues, commuted rations, refunds for clothing turn-in, and discharge payments (3) letters from the Commandant of Midshipmen to the Midshipmen Pay Officer containing listings of names and amounts to the checked for personnel services (4) documents to substantiate checkages for liquidation of clothing and equipment advances, store bills of midshipmen subscriptions to magazines, musical concerts, etc., and (5) required deductions for Federal Tax and FICA Tax. Output documents include printouts of (1) Midshipmen Monthly Pay Accounts (2) Midshipmen Debit and Credit Explanation Register and (3) Midshipmen Yearly Pay Account. Payroll money lists which substantiate payments made and travel payment vouchers are also in files. Monthly financial returns are submitted to the Navy Regional Finance Center, Washington, D.C. for consolidation with the accounts of that office and are then forwarded to the Navy Finance Center Cleveland, Ohio in accordance with procedures prescribed in NAVCOMPT Manual, par. 048090. Copies, of the financial returns are therefore, on file in these offices. In addition, copies of documents supporting Federal Income and FICA Taxes withheld are forwarded to the Chief of Naval Personnel (Code H-13).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: National Security Act Amendments of 1949 (10 U.S.C. 5060).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose - To accurately and efficiently maintain the pay accounts of Naval Academy Midshipmen. Category of users - Midshipmen Pay Officers Navy Regional Finance Center, Washington, D.C., Navy Finance Center, Cleveland, Ohio, Chief of Naval Personnel, Internal Revenue Service, and Social Security Administration. Specific uses - To pay and account for payments and collections of Naval Academy Midshipmen which are charged to the annual appropriation Military Personnel, Navy and administered by the chief of naval personnel. To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Midshipmen Pay Office - Computer print-outs. ADP Office - Computer magnetic tapes.

RETRIEVABILITY: Retrieved by Alfa Codes assigned to each midshipmen.

SAFEGUARDS: Only Midshipmen Disbursing Office personnel are authorized access to records of that office. Only the computer operations are authorized access to the computer tapes. The computer area is restricted and computer tapes are locked in fireproof safes when not in use.

RETENTION AND DISPOSAL: Pay information on the computer tapes is retained for 30 days and the tapes are then reused. Tapes containing Federal Income Tax and FICA Tax information are retained for 1 year until the required reports are rendered. The tapes are then reused. Retained copies of Midshipmen Pay Office forms are disposed of as follows: 1. Midshipmen Payroll Control Register - retain for 2 years and destroy. 2. Midshipmen Payroll Change - retain for 6 months and destroy. 3. Midshipmen Monthly Pay Account - retain for 4 years, from admission of each class through month following its graduation and destroy. 4. Midshipmen Debit and Credit Explanation Register - same as 3, above. 5. Midshipmen Yearly Pay Account - same as 3, above. Other disbursing records and financial returns are retained 4 years follow period

covered by the account and transferred to the Federal Records Center in accordance with SECNAV Instruction P5212.5b.

SYSTEM MANAGER(S) AND ADDRESS: Overall policy and procedurs - Comptroller of the Navy; primary - Superintendent, Naval Academy; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C., Commanding Officer, Navy Finance Center, Cleveland, Ohio and Chief of Naval Personnel (Code H-13) Washington, D.C.

NOTIFICATION PROCEDURE: Individuals can be informed of any records maintained in the system by identifying themselves to Midshipmen Pay Office. Members must present his identification card to obtain requested information.

RECORD ACCESS PROCEDURES: Midshipmen are issued a monthly earnings statement. All information concerning credits and checkages of pay and allowances are contained in the statement. Additional required information relative to miscellaneous changes reflected on the statement may be obtained from the individual Academy activity which reported the changes to the Midshipmen Pay Office upon presentation of his identification card.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Members service record on file in the Midshipmen Personnel Office and those documents contained in RECORD-CATEGORY, above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07220-7

SYSTEM NAME: Travel Pay System

SYSTEM LOCATION: Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-3)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any person, government or private, who submits a request for payment of a travel advance or travel claim to a Navy disbursing office.

CATEGORIES OF RECORDS IN THE SYSTEM: Public vouchers; substantiating documents such as travel orders and expense receipts; card file or log book utilized to control receipt and disposition of travel claims; suspense files, pay adjustment authorizations, and payroll checkages utilized for control and follow-up on travel advances; and correspondence relating thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose: To reimburse travelers for travel expenses and to record, account, and report for government funds. User: Navy disbursing offices. Uses: Provide an historic file and audit trail for travel payments made by the Navy; provide a means to respond to inquiries from travelers on status of claims; control travel advances to insure liquidation; provide a means to record, account, and report travel expenditures; provide a means for collection in cases of overadvances; provide disclosure to law enforcement or investigatory authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; index cards or log books.

RETRIEVABILITY: Retrieved by disbursing office voucher number for paid advances and claims; retrieved by name for card index file or log book. Information in disbursing office voucher file can be retrieved by name through search process if travel dates and/or travel claim submission date is known.

SAFEGUARDS: Locked cabinets or rooms, with building or military base security. Access authorized to personnel engaged in travel claim processing, supervisory or management personnel, and inspectors, auditors, investigators. Travelers are authorized access to their own travel records; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL: Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS: Department of Defense Per Diem, Travel, and Transportation Allowance Committee prescribes regulations in the Joint Travel Regulations; records maintained are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices is maintained by the Commander, Navy Accounting and Finance Center (NCF-3), Washington, D.C. 20376.

NOTIFICATION PROCEDURE: If the individual is a traveler and knows the location of the Navy disbursing office processing his/her travel claim, direct contact with that office is sufficient. If unknown, or the inquirer is not a traveler, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, whether military or civilian, and, if possible, disbursing office voucher number, dates of travel, and date and location of travel claim or travel advance submission. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an advance or claim. Military identification card or civilian identification such as driver's license is sufficient.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Travel advances and travel claims are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing commands, service providers (e.g., taxis for receipts), and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07230-1

SYSTEM NAME: Civilian Pay System

SYSTEM LOCATION: Decentralized, maintained by 125 Navy and Marine Corps civilian payroll offices; a list is available from:

Commander
Navy Accounting and Finance Center (NAFC-42)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All civilian employees who are employed by Navy and Marine Corps Activities and are paid from appropriated funds

CATEGORIES OF RECORDS IN THE SYSTEM: Individual civilian pay records, retirement records and leave records, applications for leave; overtime authorizations; substantiating documents such as personnel action forms effecting new appointments, separations, promotions, demotions, and deduction changes; Internal Revenue Service Form W-4; State and City tax information; authorizations for deductions, i.e., savings bonds, group life insurance, health benefits, overpayments, indebtedness to the Government; court orders for garnishment of wages for child support and alimony payments; allotments, i.e., union dues, charity contributions,

savings allotments, special allotments for overseas employees; tax levies; claims; award payments; special pay; allowances and differentials, and case files which contain requests for waiver of erroneous payment of pay for civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose: To pay all Navy and Marine Corps civilian employees, maintain leave and retirement records and to record, report and account for government expenditures for personal services.

User: Navy and Marine Corps civilian payroll offices

Uses: Provides a means of paying, recording and accounting for government expenditures for personal services of Navy and Marine Corps civilian employees; provides time and attendance information to individual employees and management; provides audit trails for GAO, Navy Area Audit, and internal audit procedures; provides federal, state, and city tax information to appropriate authorities; provides retirement information and monies to CSC for computation fo annunities; provides other data to CSC as required for special studies. To the Treasury Department in connection with check issuance, the Veterans Administration in regard to Disability or Severance Pay Entitlement, the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local tax authorities for computing or resolving tax liability. To state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees.

To provide to financial organizations lists of those employees who make deposits and the amount of the deposit to each financial organization. To provide officials of labor organizations recognized under Executive Order 11491, as amended, with information as to the identity of employees contributing dues each pay period and the amount of dues withheld from each contributor. To provide information to the General Accounting Office on those requests for waiver of overpayments of pay which are forwarded to them for adjudication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tapes, disc, microfilm/microfiche and punched cards. Manual records on manual card files and in file folders.

RETRIEVABILITY: By name, social security number, or locally assigned identification number.

SAFEGUARDS: Locked fireproof cabinets for retirement records. Metal cabinets for manual payroll and leave records within locked rooms. The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to personnel engaged in payroll processing, auditors, investigative officials and management personnel.

RETENTION AND DISPOSAL: Payroll records are maintained on-site for 2 years after completion of on-site audits by GAO; if no on-site audit is performed, retain records on-site for 4 years, then shipped to Federal Record Center where they are retained for 56 years.

Leave Records - same as above, except held by Federal Record Center for 10 years.

Retirement Registers - same as above, except are destroyed rather than sent to Federal Record Center. Retirement records are maintained until employee separates; if he goes to another Navy or Marine Corps activity, retirement records are sent to that activity; if he goes to another agency or separates, sent to CSC.

SYSTEM MANAGER(S) AND ADDRESS: Overall policy and procedure for the Civilian Payroll System are established by the Commander, Navy Accounting and Finance Center, Washington, D.C. 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

NOTIFICATION PROCEDURE: Civilian employees can directly contact the system manager of his payroll activity. If unknown, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, identification number, if applicable, activity where employed and information desired. An individual can visit his payroll office on any matter concerning his pay.

RECORD ACCESS PROCEDURES: Employees have access to their individual pay, leave and retirement records. The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Standard Form 50's (Personnel actions), time and attendance records, applications for leave and overtime authorizations, retirement records, federal state and tax forms, deduction authorizations, allotment authorizations, court orders for garnishment of wages for child support and alimony payments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07240-1

SYSTEM NAME: Commercial Invoice Payments History System

SYSTEM LOCATION: Decentralized, maintained by Navy disbursing offices; a list is available from:

Commander
Navy Accounting and Finance Center (NCF-5)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any individual, government or private, who submits a request for payment to Navy disbursing offices for goods and/or services rendered.

CATEGORIES OF RECORDS IN THE SYSTEM: Public vouchers; substantiating documents such as invoices, receipt documents, inspection reports, procurement instruments, contract index files, assignment documents, machine listings, government bills of lading, transportation requests, meal tickets; magnetic tape, disk files, roll microfilm, microfiche; and related correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Department Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Purpose: To provide a record of all disbursements made on commercial invoices by Navy disbursing offices. User: Navy disbursing offices. Uses: Provides an audit trail of commercial invoice payments made by the Navy; provides a means to respond to inquiries from individuals on status of invoices and contracts; provides a means of detecting and precluding duplicate payments; provides disclosure to law enforcement and investigatory authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders; computer magnetic tapes; roll microfilm, microfiche.

RETRIEVABILITY: Retrieved by disbursing office voucher number for paid invoices;

retrieved by procurement instrument identification number for contractors by contract index cards; retrieved by name of individual from machine listings. Information in disbursing office voucher file and microfilm/microfiche can be retrieved by name through search process if billing/submission date is known.

SAFEGUARDS: Locked cabinets or rooms, with building or military base security. Access authorized to designated personnel engaged in commercial invoice processing, supervisory or management personnel, and inspectors, auditors, investigators. Individuals are authorized access to their own payment history file; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL: Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS: Commercial invoice payment history requirements are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices authorized to pay invoices can be obtained from the Commander, Navy Accounting and Finance Center (NCF-5), Washington D.C. 20376.

NOTIFICATION PROCEDURE: If the individual knows the location of the Navy disbursing office holding his/her invoice payment history, direct contact with that office is sufficient. If location is unknown, the inquiry should be directed to the Commander, Navy Accounting and Finance Center, address above. Inquirer should provide full name, social security number, whether military or civilain, contract or purchase order number and, if possible, disbursing office voucher number, invoice date, number and amount. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an invoice for payment. Identification should include military identification card, civilian identtfication such as driver's license and company or agency affiliation. Access to classified contracts requires confirmation of security clearance and need to know.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Commercial invoices are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing company, material/service providers and receivers and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07300-1

SYSTEM NAME: Relief of Accountable Personnel From Liability For Losses of Public Funds

SYSTEM LOCATION: Office of the Judge Advocate General (code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Accountable Navy and Marine Corps military and civilian disbursing personnel and collection agents who request relief from liability for losses of public funds in their custody.

CATEGORIES OF RECORDS IN THE SYSTEM: Copies of requests submitted by individuals of the above-stated category for grant of relief from liability, together with information voluntarily furnished by the affected individuals concerning the circumstances of losses of funds in their custody, and additional information derived from investigatory and audit reports and comments of forwarding endorsers concerning circumstances of losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 31 U.S.C. 95a., 82a-1, 82a-2;
5 U.S.C. 301
44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used as the basis for determinations within the Department of the Navy and the U.S. General Accounting Office as to whether the circumstances of particular losses of public funds warrant granting accountable individuals' requests for relief from liability. This information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained in file folders.

RETRIEVABILITY: By name of individual requesting relief.

SAFEGUARDS: Files are maintained in file cabinets under the control of personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL: Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after three years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE: Information may be obtained by written request to the system manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. visits may be made to: Civil Affairs Division (code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information in the system is furnished partly by the individual requesting relief, and is supplemented by reports of Department of the Navy audits and investigations pertaining to the particular losses of funds involved. Additional amplifying information is typically furnished by officers forwarding requests to the Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE.

N07300-2

SYSTEM NAME: Resource Accounting and Project Tracking System (RAPTS)

SYSTEM LOCATION: Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All currently employed civilian and military personnel of the Navy Fleet Material Support Office. May include private contractors who work on Navy Fleet Material Support Office projects.

CATEGORIES OF RECORDS IN THE SYSTEM: Individual's name, social security number, pay number, grade, step, job title, job series, military or civilian designator, organizational code, leave

schedule, hourly rate of pay, civilian position description number, pay plan, veteran preference, service computation date, supervisory designator, tenure group, exemption code, target grade.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of projects under development at the Navy Fleet Material Support Office. The system will be used to report project status and labor charges against functional cost accounts.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Records are maintained on magnetic disk, magnetic tape and hard copy forms.
RETRIEVABILITY: RAPTS users obtain information by means of query or standard batch reports. Data may be indexed by any data items with entry keys using employee organization, sort key and employee initials.
SAFEGUARDS: Access to computer room after hours is controlled by card key and pass number locking device. The system is protected by the following software feature: password sign-on.
RETENTION AND DISPOSAL: All active records are stored on random access files. Once a project is complete, all data for that project is moved to a history file which is maintained on magnetic tape. Project record data is maintained for three years in the history file. After three years the project record will be erased.
SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.
NOTIFICATION PROCEDURE: Information should be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Information in this system comes from the civilian personnel files of the Consolidated Civilian Personnel Office, Mechanicsburg, Pennsylvania and from the individual to whom it applies.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N07320-1

SYSTEM NAME: Property Accountability Records
SYSTEM LOCATION: At all activities
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any Department of the Navy employee (military or civilian) receiving government property for which he must sign a receipt.
CATEGORIES OF RECORDS IN THE SYSTEM: The receipts maintained are any of the following: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge cards, or any other statement of individual accountability for receipt of government property.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The receipts will be used normally and properly to identify individuals to whom government property has been issued. Internal use of the receipts will generally be by the local official accountable for control of government property. Receipts so maintained may be referred to law enforcement authorities as appropriate.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: The receipts may be maintained in any of the following formats: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge out cards or any other statement of individual accountability for receipt of government property.
RETRIEVABILITY: Retrievability may be by any of the following: name, badge number, tool number, property serial number, or any other locally determined method of property receipt accountability.
SAFEGUARDS: The receipts are unclassified.
RETENTION AND DISPOSAL: Retention of receipts for property is at the discretion of the local activity responsible for the property being issued.
SYSTEM MANAGER(S) AND ADDRESS: Overall policy official: no designated official The system manager is the commanding officer or officer in charge of the activity where the property accountability records are maintained.
NOTIFICATION PROCEDURE: Individuals seeking to determine whether system records contain information pertaining to them may do so by making application to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Information is collected directly from the subject individual.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07401-1

SYSTEM NAME: Slot Machine Winnings
SYSTEM LOCATION: Decentralized, maintained at Navy and Marine Corps overseas bases, where slot machines are not in violation of U.S. laws, status of forces or local agreements. A list is available from:
NAVY
Chief of Naval Personnel (Pers-7)
Bureau of Naval Personnel
Washington, D.C. 20370
MARINE CORPS
Commandant of the Marine Corps (MSMS)
Washington, D.C. 22214
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individual U.S. citizens 18 years of age and older who are paid monies for winnings associated with slot machine jackpots.
CATEGORIES OF RECORDS IN THE SYSTEM: Jackpot payout control sheet indicating individual name, grade, SSAN, duty station, dates and amounts of jackpot monies paid are maintained at each location.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To account for and control monies paid to individual winners of slot machines jackpots and as a basis for IRS Form 1099 reporting on individuals whose winnings are six hundred dollars or more during a calendar year.
USER: Navy and Marine Corps shore activities where slot machines have been approved by the Chief of Naval Personnel or the Commandant of the Marine Corps.
USES: Provides a means of paying, recording, accounting for, reporting, and

controlling expenditures associated with slot machine jackpots.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records maintained in file cabinets located in a secure area.

RETRIEVABILITY: Individual control sheets. Individual IRS Form 1099 by name and SSAN.

SAFEGUARDS: Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL: Records are maintained on site for 3 years and then shipped to the Federal Records Center in accordance with SECNAVINST 5212.5 series.

SYSTEM MANAGER(S) AND ADDRESS: Overall policy and procedures for the slot machine operation are contained in NAVSO P-3518, 3519, 3520, 3521, BUPERINST 10150.2B and MCO P-174613B. A list of system managers by activity is available from the Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

NOTIFICATION PROCEDURE: Individuals are notified via IRS Form 1099 if their jackpot winnings are six hundred dollars or more in a calendar year. An individual can contact the applicable systems manager on matters concerning their jackpot winnings.

RECORD ACCESS PROCEDURES: Individuals have access to information applicable to their individual jackpot winnings. Officials such as IRS, Auditor and etc. have access to information applicable to all jackpot winners. Access is through the system manager..

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Daily jackpot payout sheets.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07401-2

SYSTEM NAME: Bingo Winners

SYSTEM LOCATION: Decentralized, maintained at individual Navy or Marine Corps bases where bingo is authorized and played. A list is available from:

NAVY
Chief of Naval Personnel (Pers-7)
Bureau of Naval Personnel
Washington, D.C. 20370

MARINE CORPS
Commandant of the Marine Corps
(MSMS)
Washington, D.C. 22214

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who are paid monies or prizes for winnings associated with bingo.

CATEGORIES OF RECORDS IN THE SYSTEM: Bingo payout control sheet indicating individual name, SSAN, duty station, dates and amounts or items won are maintained at each location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To account for and control monies and items of merchandise paid to individual winners of bingo games and as a basis for IRS Form 1099 reporting on individuals whose winnings are six hundred dollars or more during a calender year.

USES: Provides a means of paying, recording, accounting for reporting and controlling expenditures and merchandise inventories associated with bingo games.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records maintained in file cabinets located in a secure area

RETRIEVABILITY: Individual control sheets. Individual IRS Form 1099 by name and SSAN.

SAFEGUARDS: Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL: Records are maintained on site for 3 years and then shipped to Federal Records Center in accordance with SECNAVINST 5212.5 series.

SYSTEM MANAGER(S) AND ADDRESS: Overall policy and procedures for the bingo operation are contained in NAVSO P-3518, 3519, 3520, 3521, BUPERSINST 1710.11 and MCO P-174613B. A list of systems managers is available from Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

NOTIFICATION PROCEDURE: Individuals are notified via IRS Form 1099 if their bingo winnings are six hundred dollars (monetary value) or more in a calendar year. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

RECORD ACCESS PROCEDURES: Individuals have access to information applicable to their individual bingo winnings. Officials such as IRS, Auditor and etc. have access to information applicable to all bingo winners. Access is through the systems managers.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Bingo payout control sheet.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07430-1

SYSTEM NAME: Accounts Receivable System

SYSTEM LOCATION: Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

CATEGORIES OF RECORDS IN THE SYSTEM: Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (P.L. 89-508)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records will be used to determine and record payment plan and to determine whether debt should be compromised, suspended or collection action terminated. If payment is not made and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit bureaus in accordance with the General Accounting Office regulations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, magnetic tape, disc, microfiche

RETRIEVABILITY: Social security number and individual's name

SAFEGUARDS: Personnel screening, requester codes

RETENTION AND DISPOSAL: Files of accounts which are paid in full will be maintained for 3 years after final payment. Other files will be maintained for 6 years after termination of collection action.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to the system manager at the

above address. Information request must contain individual's full name and should include the Social Security number.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N07431-1

SYSTEM NAME: Savings Deposit

SYSTEM LOCATION: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy members still declared missing in action in the Vietnam conflict.

CATEGORIES OF RECORDS IN THE SYSTEM: Members records reflecting account balances

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 89-538

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Records in this system are used for crediting of interest and clearing of account upon termination. Records will be furnished to Navy Family Allowance Activity and other Department of Defense agencies servicing families of persons still having active accounts; to the Internal Revenue Service upon termination of account.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape and file folders

RETRIEVABILITY: Social security number and member name

SAFEGUARDS: Guards, personnel screening, and specific requestor codes

RETENTION AND DISPOSAL: Upon closing of account, records are shipped to FRC and destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

NOTIFICATION PROCEDURE: Individuals may write to system manager at above address. Only the member or executor or benificiary of estate will be provided information. Individual's name and social security number are required. Persons wishing to view records in person must report to the Navy Family Allowance Activity, Room 967, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Member's initial request, adjudicators in Central Accounts Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N07600-1

SYSTEM NAME: NIF RDT&E Standard Automated Financial Systems (STAFS)

SYSTEM LOCATION: Naval Industrial Fund Research, Development, Test and Evaluation Activities (NIF RDT&E): (1) Naval Air Development Center (NADC), Warminster, Pennsylvania; (2) Naval Coastal Center (NCSC), Panama City, Florida; (3) Naval Surface Weapons Center (NSWC), Dahlgren, Virginia; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, Maryland; (5) Naval Ocean Systems Center (NOSC), San Diego, California; (6) Naval Underwater Systems Center (NUSC), Newport, Rhode Island; (7) Naval Weapons Center (NWC), China Lake, California; (8) Naval Air Engineering Center (NAEC), Lakehurst, New Jersey; (9) Naval Air Propulsion Center (NAPC), Trenton, New Jersey; (10) Naval Air Test Center (NATC), Patuxent River, Maryland; (11) Pacific Missile Test Center (PMTC), Pt. Mugu, California; (12) Civil Engineering Laboratory (CEL), Pt. Hueneme, California; and (13) Naval Research Laboratory (NRL), Washington, DC. Offical mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Records of present, former, and prospective military personnel assigned to, and civilian personnel employed by the 13 activities listed above.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel, payroll, travel and locator records, and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C 2208, Title IV

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Employees of the Department of the Navy in the performance of their duties relating to the preparation of rosters and locators, contact with appropriate personnel in emergencies, continuity of operations planning and execution, determination of clearance for access control, budget and manpower control, minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information, reimbuse travelers for travel expenses, historic files and audit trail for payments made by the Navy, respond to inquiries from travels on status of claims, control travel advances, pay, record and account for government expenditures for personal services of Navy employees, time and attendance information, federal, state and city tax information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders, magnetic tape, magnetic disc.

RETRIEVABILITY: By name, SSN, organization, job order, values and ranges of values, other relationships defined by the system manager.

SAFEGUARDS: Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL: Records are retained locally for two years, shipped to remote storage for four years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE: Apply to system manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N08370-1

SYSTEM NAME: Weapons Registration

SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals registering firearms or other weapons with station security officers.
CATEGORIES OF RECORDS IN THE SYSTEM: Weapon registration records, weapon permit records.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To assure proper control of weapons on Naval installations and to monitor and control purchase and disposition of weapons.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Individual concerned, other records of activity, investigators, witnesses, correspondents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N09593-1

SYSTEM NAME: Naval Environmental Training System (NETS)
SYSTEM LOCATION: Naval Energy and Environmental Support Activity/ Facilities Support Office (NEESA/ FACSO), Naval Construction Battalion Center, Port Hueneme, California 93043.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy sewage treatment operators, and water treatment operators.
CATEGORIES OF RECORDS IN THE SYSTEM: The NETS contains both data on treatment plants and treatment plant operations. Data includes social security number, name, treatment plant number and location, operators grade/rank, certification level, level of education, job experience (past and present), job title and number of years in direct responsible charge for the treatment plant(s). Additional data covers operator training, such as course number, title, content, location, total course hours, and date completed.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive Order 12088 of 13 October 1978
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of Navy water/wastewater treatment plants and its operators. The system will only be used within the Department of the Navy.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Records are maintained on magnetic disks, tapes and hard copy forms.
RETRIEVABILITY: Users obtain information by means of a request via the NEESA Office, Port Hueneme, California.
SAFEGUARDS: Access to the Construction Battalion Center is restricted at all times. The system is protected by the following software features: password sign-on, set and item authority for list, add, delete and update.
RETENTION AND DISPOSAL: All data on a particular individual is maintained until he/she retires, dies or changes career. Data is updated every year. Records are retained on magnetic tapes. Records are erased from the tape during system updates if applicable.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Facilities Engineering Command, (Code 112), 200 Stovall Street, Alexandria, Virginia 22332.
NOTIFICATION PROCEDURE: Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Data collected from each individual.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N10140-1

SYSTEM NAME: Ration Card, Luxury Permit Record Cards.
SYSTEM LOCATION: Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officer, Enlisted and civilian component personnel
CATEGORIES OF RECORDS IN THE SYSTEM: Ration Card/Luxury Permit holders are entered on a 5'X8' color coded cards, which are contained in boxes and maintained alphabetically. Ration Cards/Luxury Permit are registered in log, showing name of individual and number of Ration Card/Luxury Permit issued.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free ration items; (2) to ensure entitled personnel do not obtain more than one ration card/luxury permit, and (3) for the purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom Ration Card and Luxury Permits program was originally negotiated by the U.S. military authorities. Access to records is available to accredited members of the Naval Investigative Service Office upon request.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: All Ration Card/Luxury Permit records maintained on 5'X8' cards filed and listed in numerical order in logs.
RETRIEVABILITY: Name
SAFEGUARDS: Records held in file cabinets in space maintained by Enlisted Personnel Office during working hours and locked after working hours.
RETENTION AND DISPOSAL: All records maintained for duration of tour of personnel concerned. Thereafter destroyed when ration card/luxury card destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

NOTIFICATION PROCEDURE: Personnel presenting a valid military identification card or Department of Defense identification card at this office, can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Not applicable
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N10140-2

SYSTEM NAME: Privately-owned Tax-free Vehicle Record Cards. Tax-free Gasoline Record Cards.
SYSTEM LOCATION: Commander, U. S. Naval Activities, UK, FPO NEW YORK 09510
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officers, enlisted and civilian component personnel.
CATEGORIES OF RECORDS IN THE SYSTEM: Privately-owned tax/free vehicles and owners are entered on type-written 8' x 5' white cards, which are contained in boxes and maintained alphabetically. Gasoline coupon records are maintained on individually-completed green 8' x 5' cards (3AF fORM 43) AND FILED ALPHABETICALLY. i.d. windscreen stickers registered in log, showing name of individual and sticker number allocated.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purposes of the maintenance of records are (1) to establish strict control over persons entitled to acquire tax-free vehicles; (2) to ensure entitled personnel do not obtain gasoline coupons in excess of their entitlement, and (3) for purposes of inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdon, with whom the tax free vehicle and gasoline program was originally negotiated by the U. S. military authorities. Access to records is available to accredited members of the Naval Investigative Services Office upon request.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: All vehicle and gasoline records maintained on 8' by 5' cards. I. D. Stickers listed numerically in register.
RETRIEVABILITY: Name.
SAFEGUARDS: Records held in file cabinets in space maintained by Law Center personnel when unsecured and locked when not so monitored.
RETENTION AND DISPOSAL: All records maintained for duration of tour of personnel concerned. Thereafter destroyed when vehicle shipped out of the country or scrapped. Gas coupon records destroyed upon turn-in of unused coupons on departure of personnel.
SYSTEM MANAGER(S) AND ADDRESS: Commander, U. S. Naval Activities, UK (Staff Judge Advocate)
NOTIFICATION PROCEDURE: Individuals presenting a valid military identification card or Department of Defense identification at the Office of the Staff Judge Advocate, U. S. Naval Activities, U. K., can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Application by member.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N10140-3

SYSTEM NAME: Individual Merchandise Control Record
SYSTEM LOCATION: Merchandise Control Offices:
U. S.Naval Station, Subic Bay, RP
U. S.Naval Air Station, Cubi Point, RP
U. S. Naval Communications Station Philippines, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individual records are maintained on each person issued a ration card for purchasing purposes at the various bases in the Philippines.
CATEGORIES OF RECORDS IN THE SYSTEM: Purchases of individuals while attached for duty and authorized to buy items during their tenure in the Philippines.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Military Bases Agreement and subsequent exchange of notes between the Governments of the United States of America and the Republic of the Phllippines.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy personnel in their duties related to: monitoring the purchases of individuals to insure they are not over expending their purchase limitations or abusing their tax-free privileges afforded them, plus, identify any possible blackmarketeering.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders
RETRIEVABILITY: Name
SAFEGUARDS: Only authorized employees allowed access to files, locked cabinets.
RETENTION AND DISPOSAL: If no violations during tour - destroyed immediately upon detachment; if minor violations - destroyed after three months of detachment; if permanent revocation of privileges invoked - record kept indefinitely.
SYSTEM MANAGER(S) AND ADDRESS: Merchandise Control Officers, U.S.Naval Station, Subic Bay; U.S.Naval Air Station, Cubi Point; U.S. Naval Communcations Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.
NOTIFICATION PROCEDURE: Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers. Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Phillipines, social security number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military ID card required.
RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Personal data of individual and dependents
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N10140-4

SYSTEM NAME: USAREUR/USAFE Ration Card
SYSTEM LOCATION: U.S. Naval Radio Station, FPO New York 09516.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: USN personnel and

their dependent wives and children over 18 years of age, who are stationed at U.S. Naval Radio Station, FPO New York 09516.

CATEGORIES OF RECORDS IN THE SYSTEM: File sheet with members name, rate, serial no., and organization assigned. Also if member is single or married.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Reference as to who is holding a ration card.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders.

RETRIEVABILITY: Name.

SAFEGUARDS: Locked safe in Admin Office and a 24 hour security watch.

RETENTION AND DISPOSAL: Records are maintained as long as member retains ration card. After transfer records are burned.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE: Inquiries sould be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number, and personal visitors must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license. Visitors may come to the Administrative Office at the address given under SYSMANAGER.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Applicable U.S. Serviceman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N10140-5

SYSTEM NAME: Large purchases in Navy Exchange.

SYSTEM LOCATION: U.S. Naval Communication Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All authorized patrons of the Navy Exchange at this station.

CATEGORIES OF RECORDS IN THE SYSTEM: Record copies of all receipts for articles valued at over ten U.S. dollars. lists purchaser, base pass number, noun name of article, value and intended use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Technical Arrangement between United States Dept of the Navy and the Commonwealth of Australia Dept of Defence relating to commissaries at Northwest Cape in the State of Western Australia.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Legal Officer - control of disposal of articles purchased in station Navy Exchange. Security Officer - investigation into possible violation of govt to govt arrangements relating to commissaries in Australia. Criminal investigation in cases of wrongful appropriation and larceny.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folder.

RETRIEVABILITY: Name.

SAFEGUARDS: Locked cabinet - limited access.

RETENTION AND DISPOSAL: For duration of member's tour at this station. Destruction through shredding and burning.

SYSTEM MANAGER(S) AND ADDRESS: Security Officer, U.S. Naval Communication Station

NOTIFICATION PROCEDURE: Printed information on form - copy retained by individual. Security Officer, U.S. Naval Communication Station. Information requester must present: full name, official title and purpose of inquiry. Office to be visited: Security Office, U.S. Naval communication Station. Proof of idenity: visual recognition.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Information supplied by purchaser and Navy Exchange.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N10140-6

SYSTEM NAME: Gasoline Ration System

SYSTEM LOCATION: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel stationed aboard NAVAVNWPNSFAC Machrihanish who own private vehicles and wish to purchase Navy Exchange Gasoline.

CATEGORIES OF RECORDS IN THE SYSTEM: Record on each individual contains information on: vehicle description; dates of vehicle insurance, inspection and tax; United Kingdom address of individual and amount of gasoline allowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used by Transportation Officer to allocate ration coupons to authorized pesonnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Index cards in holder.

RETRIEVABILITY: Name

SAFEGUARDS: Locked in combination safe in an office which is locked when unmanned. Only Transportation Officer knows combination to safe.

RETENTION AND DISPOSAL: Records are destroyed by shredding or burning approximately one year after transfer of individual.

SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

NOTIFICATION PROCEDURE: Individuals wishing to ascertain if records concerning them are still retained may contact the System Manager.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Information concerning vehicles, insurance, inspection and tax is copied from the appropriate document as provided by the individual. Other information is received from the individual directly.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N10140-7

SYSTEM NAME: Application for U.S. Navy Ration Permit

SYSTEM LOCATION: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel stationed at NAVAVNWPNSFAC Machrihanish desiring to utilize U.S. Navy Exchanges in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM: Record includes: Name, rank/rate, SSN, date of birth (if under 18), and marital

status of serviceman; location, name, relationship, date of birth (if under 18) and ID card number of dependents.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5USC301
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used to prepare ration cards used in U.S. Military Exchanges in the U.K. and to maintain a record in case of loss of those cards.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Index cards in file box.
RETRIEVABILITY: Name
SAFEGUARDS: Maintained in an office that is locked when unmanned.
RETENTION AND DISPOSAL: Cards are destroyed by shredding or burning upon transfer of serviceman.
SYSTEM MANAGER(S) AND ADDRESS: Commanding Officer, U.S. Naval Aviation Weapons Facility, FPO New York 09515
NOTIFICATION PROCEDURE: Records are held only on persnnel currently stationed at NAVAVNWPNSFAC Machrihanish who can enquire at the Administrative Office concerning the records.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: The information is provided by the serviceman.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N10570-1

SYSTEM NAME: Pet Registration
SYSTEM LOCATION: Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Owners of pets residing on Naval property.
CATEGORIES OF RECORDS IN THE SYSTEM: Owner's name and pet tag.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: To provide for registration of pets to ensure appropriate innoculations and assist in the identification of rightful owners.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files, punched cards, magnetic tape.
RETRIEVABILITY: Name, SSAN, Case number, organization.
SAFEGUARDS: Access provided on a need to know basis only. Locked and/or guarded office.
RETENTION AND DISPOSAL: Per SECNAV Records Disposal Manual.
SYSTEM MANAGER(S) AND ADDRESS: Commanding officer of the activity in question. See directory of Department of the Navy mailing addressee.
NOTIFICATION PROCEDURE: Apply to System Manager.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Veterinary records and statements provided by pet owners.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N11012-1

SYSTEM NAME: Navy Personnel Billeting System (NPBS)
SYSTEM LOCATION: Navy Regional Data Automation Center, San Diego (NARDAC), Naval Air, Station, North Island, San Diego, California 92135.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.
CATEGORIES OF RECORDS IN THE SYSTEM: Individual's social security number, name, duty station, forwarding address and home address.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 5031
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy responsible for the management of a BEQ/BOQ complex. The system is used for reporting status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Records are maintained on magnetic disk, magnetic tape, and hard copy reports.
RETRIEVABILITY: Name and/or SSN.
SAFEGUARDS: Access to computer room, software and storage media requires special positive identification clear through security department. System access from remote terminals is controlled by codes used site ID's.
RETENTION AND DISPOSAL: An individual's reservation record is maintained on disk for six months and is then system deleted.
SYSTEM MANAGER(S) AND ADDRESS: Naval Regional Data Automation Center, Requirements Analysis and Design Division, Code 41, Building 334, Naval Air Station, North Island, San Diego, California 92135.
NOTIFICATION PROCEDURE: Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.
RECORD SOURCE CATEGORIES: Information in this system comes from the individual to whom it applies in the form of navy messages and/or travel orders.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N11101-1

SYSTEM NAME: Family Housing Assignment Application System
SYSTEM LOCATION: All Navy activities with family housing assets.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All military and civilian personnel eligible for or interested in occupying Navy family housing.
CATEGORIES OF RECORDS IN THE SYSTEM: All applicants for family housing provide information to housing office at next duty assignment pertaining to personal data, e.g., name, address, rank/rate, social security number/service number, length of service, time remaining on active duty, data of rank, etc.; dependency data, e.g., total number in family, spouse, age and sex of dependents, etc.; and other pertinent housing information, e.g., last assignment, months involuntarily separated, special health problems, etc.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES

OF USERS AND THE PURPOSES OF SUCH USES: All Navy family housing offices use data to determine individual's eligibility for family housing and notification for subsequent assignment to family housing or granting a waiver to allow occupancy of private housing. Data is used to determine and list individual's name on appropriate housing waiting list.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File Folders

RETRIEVABILITY: By individual's name.

SAFEGUARDS: Housing files within the housing office, used solely within the housing organization and protected by military installation's security measures. Individual may, upon request, have access to housing application form.

RETENTION AND DISPOSAL: Data is retained until termination of housing occupancy and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS: Bureau of Naval Personnel, PERS-71, 1000 North Glebe Road, Arlington, Virginia 20370

NOTIFICATION PROCEDURE: Records are maintained by housing office at the Navy activity responsible for management of assets from data specifically provided by individual on DD Form 1646, Application for and Assignment to Military Family Housing. Individual may request access to such data upon proof of identity (ID card).

RECORD ACCESS PROCEDURES: The agency's rules for access t records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES: Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N11101-2

SYSTEM NAME: Family Housing Requirements Survey Record System

SYSTEM LOCATION: Military installations with family housing offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Officer and enlisted personnel and only key and essential civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Department Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used to determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic tape and file folders

RETRIEVABILITY: Social Security Number.

SAFEGUARDS: Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures.

RETENTION AND DISPOSAL: Held three years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS: Overall policy official: Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia 22332. Subordinate record holders of questionnaires: family housing office at military installation.

NOTIFICATION PROCEDURE: Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the installaton family housing office.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES: Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N11101-3

SYSTEM NAME: Family Housing Mock Utility Billing System

SYSTEM LOCATION: Ten test sites: Pacific Missile Test Center, Point Mugu, California; Construction Battalions Center, Port Huememe, California; Public Works Center, Great Lakes, Illinois; Marine Corps Development and Education Command, Quantico, Virginia; Fort Eustis, Virginia; Fort Gordon, Georgia; Marine Corps Air Station, Beaufort, South Carolina; Little Rock Air Force Base, Arkansas; Cannon Air Force Base, New Mexico; Yuma Proving Grounds, Arizona; Central Processing Site: Harry Diamond Laboratories, White Oak, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Military and Civilian personnel occupying housing units selected at the ten test sites.

CATEGORIES OF RECORDS IN THE SYSTEM: This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. Information as to name, address, rank/rate, number of dependents, house phone number, account number and utility consumption will be maintained for a 15 month period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Public Law 95-82 (Military Construction Authorization Act, 1978); 5 U. S. C. 301 Department Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used to determine the feasibility of metering utility consumption in military family housing. Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the measuring of energy consumption in military family housing units. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Magnetic tape, disk, punched card, and file folders.

STORAGE: Account number

RETRIEVABILITY: Housing files are used solely within housing office; magnetic tape, punched card, and disk files used solely within the security measures.

SAFEGUARDS: Held 5 years and destroyed by authority SECNAVINST P5212.5B, para. 11300.

RETENTION AND DISPOSAL: Naval Facilities Engineering Command 200 Stovall Street Alexandria, Va 22332

SYSTEM MANAGER(S) AND ADDRESS: Records are maintained by the housing office at the service activities participating in the test. Individual may request access to such data upon presenting proof of identity (ID) card.

NOTIFICATION PROCEDURE: The agency's rules for access to records may be obtained from the installation family housing office.
RECORD ACCESS PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: Data collected from each individual and utility consumption data obtained from monthly meter readings.
RECORD SOURCE CATEGORIES: None
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N11101-4

SYSTEM NAME: Station Housing Records
SYSTEM LOCATION: All Navy installations with housing inventories and/or housing management responsibilities.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All military personnel desiring housing or temporary lodging, and eligible DOD civilian employees.
CATEGORIES OF RECORDS IN THE SYSTEM: All records and data collected and maintained regarding individual housing or lodging needs; occupancy; furnishings inventory; housing condition reports; assignment and termination of housing; damage assessment; occupant and landlord relations and complaints; maintenance and repairs; waiting lists; inspections; quarters cost data; Congressional and Inspector General inquiries and responses; Servicemen's Mortgage Insurance Premiums payments; individual cost data for establishing and maintaining housing allowances; eligibility for homeowners' assistance; and entitlement for basic allowances for quarters (BAQ).
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information secured, maintained, and essential for over-all operation and maintenance of the Navy housing program and servicing of personnel eligible for Navy family housing, temporary lodging, or services.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders, card files; microform; or, if automated, on punched cards, magnetic tape, etc.
RETRIEVABILITY: By individual's name or building and unit number.
SAFEGUARDS: Housing files within the housing office, used solely with the housing organization and offices providing support to housing office, and protected by military installation's security measures. Individual may, upon request, have access to such data.
RETENTION AND DISPOSAL: Retained in office files until termination of occupancy, obsolete, no longer needed for reference, or disposal of associated housing unit(s).
SYSTEM MANAGER(S) AND ADDRESS: Appropriate Navy installation responsible for Navy housing inventory or housing support.
NOTIFICATION PROCEDURE: Records are maintained by housing office at Navy installation responsible for management of assets or providing housing support. Individual may request access to such data upon proof of identity (ID card).
RECORD ACCESS PROCEDURES: Installation rules for access to records may be obtained from installation housing office.
CONTESTING RECORD PROCEDURES: The installation rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation system manager.
RECORD SOURCE CATEGORIES: Data reported by or collected from occupants of housing or personnel provided housing support.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N11103-1

SYSTEM NAME: Housing Referral Services Record System
SYSTEM LOCATION: All Navy installations with housing referral offices
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All military personnel reporting to an installation who will be residing off-base desirous of seeking off-base housing.
CATEGORIES OF RECORDS IN THE SYSTEM: Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address; housing need, e.g., rental/sale, number of bedrooms, furnished/unfurnished, price range, etc.; number of dependents, male or female, and age; a list of housing referral services provided; and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms; media through which housing was found, e.g., housing referral, realtor, newspaper, etc.; and satisfaction with selection, e.g., too small, too far; discrimination encountered; and satisfaction with housing referral services provided.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Department Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Referral offices use data to assist and counsel individuals in locating suitable housing off-base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing; used for purposes of reporting statistics on field activity housing referral services; used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders; and follow-up regarding tenant/landlord complaints.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File Folders
RETRIEVABILITY: By individual's name
SAFEGUARDS: Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.
RETENTION AND DISPOSAL: Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.
SYSTEM MANAGER(S) AND ADDRESS: Naval Facilities Engineering Command (Code 08), 200 Stovall Street, Alexandria, Virginia 22332
NOTIFICATION PROCEDURE: Records are maintained by housing referral offices at the Navy activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identify (ID card).
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from installation family housing office.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.
RECORD SOURCE CATEGORIES: Data collected from each applicable individual.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12290-1

SYSTEM NAME: Record System for Civilian Employees of Nonappropriated Fund (NAF) Activities

SYSTEM LOCATION: Primary System-Bureau of Naval Personnel, Washington, D.C. 20370; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); National Personnel Records Center, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian employees of Nonappropriated Fund Activities under the cognizance of the Chief of Naval Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM: Correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment compensation, employee profile, education, benefits, discipline and administration of nonappropriated fund civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301. Department Regulations

Public Law 92-392

Fair Labor Standards Act, as amended

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of nonappropriated fund civilian personnel.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch Agencies.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to management, supervision and administration of Nonappropriated Fund civilian personnel.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of Nonappropriated Fund civilian personnel. Such civilian contractors and their employees are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE: Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, mirofiche, or microfilm.

RETRIEVABILITY: Records may be retrieved by name, social security account number and/or activity number.

SAFEGUARDS: Computer and punched card progessing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained or disposed of in accordance with SECNAVINST P5212.5b, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370

NOTIFICATION PROCEDURE: Requests by correspondence should be addressed to: Chief of Naval Personnel, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name, social security number, activity at which employed, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Officials and employees of the Department of the Navy and Department of Defense in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; previous employers; educational institutions; employment agencies; civilian and military investigative reports; general correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12290-2

SYSTEM NAME: Models for Organizational Design and Staffing (MODS)

SYSTEM LOCATION: Chief of Naval Operations (OP-16), and Navy Department Staff, Headquarters, and field activities employing civilians; also at contractor facilities; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM: Automated and manual files contain information on individual's proficiencies and knowledges as reported in self-evaluation questionnaires vouchered by the supervisor, as well as data on the requirements of specific jobs submitted by the supervisor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to testing the operational usefulness of a staffing. Officials and employees of the Office of Personnel Management in the performance of staffing. Officials and employees of the Civil Service Commission in the performance of their official duties related to evaluation of civilian manpower programs. University of Texas faculty and students working under a contract relating to MODS to monitor progress of research study. Carnegie-Mellon University faculty and students working under Navy contract relating to MODS to assist in research project.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE: Computer magnetic tape and drum, and optical scanner forms and computer printouts.

RETRIEVABILITY: Accessed by social security number.
SAFEGUARDS: Records are maintained in areas accessible only to authorized personnel.
RETENTION AND DISPOSAL: Records are retained so long as personnel continue to work at same activity.
SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350.
NOTIFICATION PROCEDURE: Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350 or Manpower Management, Department of the Navy, Washington, D.C. 20390 or to the head of the Navy activity at which the individual is or was employed. Written requests for information must contain full name of individual, current verbal information that could be verified
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: First-line supervisors and personnel automated data system (PADS).
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12300-1

SYSTEM NAME: Employee Assistance Program Case Record System
SYSTEM LOCATION: Chief of Naval OPERATIONS (cODE 14), dEPARTMENT OF THE nAVY AND dESIGNATED Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.
CATEGORIES OF RECORDS IN THE SYSTEM: System is comprised of case records on employees who are patients (counselees) which are maintained by individual counselors and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other personal problems.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by the Navy counselor in the execution of his counseling function as it applies to the individual patient (counselee). With specific, written authority of the patient, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, patient representatives such as legal counsel, and to other agencies or individuals when disclosure is to the patient's benefit, such as for processing retirement applications.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Case records are stored in paper file folders.
RETRIEVABILITY: By employee name or by locally assigned identifying number.
SAFEGUARDS: All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.
RETENTION AND DISPOSAL: Records are purged of patient identifying information within five years after termination of counseling.
SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), and employee assistance program Administrators at Department of the Navy Staff, headquarters and field activity levels.
NOTIFICATION PROCEDURE: Request by correspondence should be addressed to the Chief of Naval Operations (OP-14) or to the appropriate employee assistance program administrator. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the SYSMANAGER.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: Counselors; other officials, individuals or practitioners; and other agencies both in and outside of Government.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12593-1

SYSTEM NAME: Living Quarters and Lodging Allowance
SYSTEM LOCATION: Overseas organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Appropriated and non-appropriated fund U.S. civilian employees eligible for allowance.
CATEGORIES OF RECORDS IN THE SYSTEM: Employee's name, grade, address, rent and utility expenses, living quarters and lodging allowance, and name of family and/or members.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive order number 10903 of 9 January 1961, executive order number 10970 of 27 October 1961, executive order number 10853 of 27 November 1959, and executive order number 10982 of 25 December 1961, as implemented by State Department regulation.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by civilian personnel office to record employee's living quarters or temporary lodging allowance entitlement. Other users include Naval Supply Depot Payroll Office, the employing office, disbursing office; Commander, Fleet Activities FPO Seattle 98762; and the U.S. Department of State.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: File folders.
RETRIEVABILITY: File folders maintained by surname.
SAFEGUARDS: Personnel screening and visitor control.
RETENTION AND DISPOSAL: Files retained for a period of two years and then destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Overseas commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.
NOTIFICATION PROCEDURE: A copy of living quarters allowance is provided to each employee.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: Official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

N12711-1

SYSTEM NAME: Labor Management Relations Records System

SYSTEM LOCATION: Chief of Naval Operations (Code 14), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, headquarters and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; Navy civilian employees involved in the filing of an Unfair Labor practice complaint which has been referred to the Federal Labor Relations Authority; union officials; union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM: Records comprise: Manual files, maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor Practice with whom Navy has dealings; field activities maintain manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 7101-7135

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the Labor-Management Relations Program, e.g.: administration/implementations of arbitration awards; interpretation of P.L. 95-454 through 3rd party case decisions; national consultation and other dealings with recognized unions, representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy Civilian Personnel Management Programs. The Comptroller General or any of his authorized representatives, in the course of the peformace of duties of the General Accounting Office relating to the Navy's Labor Management Relations Program. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor- Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual records are stored in paper folders.

RETRIEVABILITY: Manual records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS: All manual files are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390.

NOTIFICATION PROCEDURE: Request by corresponent should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390; field activities.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appeaing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Navy civilian personnel offices; arbitrator's office; office of the Assistant Secretary of Labor for Labor-Management Relations; union headquarters offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12771-1

SYSTEM NAME: Employee Grievances, Complaints, and Adverse Action Appeals.

SYSTEM LOCATION: Chairman Department of the Navy Employee Appeals Review Board Washington, D. C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM: The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; Official Personnel Folders; transcripts of hearings held; Examiners' reports of findings and recommended actions; advisory memoranda from OCMM, NAVCOMPT, CNO, BUPERS, CSC, DOD, SYSCOMS; SECNAV decisions; reports of actions taken by local activities; comments by EARB or local activities on appeals made to CSC; CSC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. Sections 1301, 3301, 3302, 7151-7154, 7301, and 7701

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: This information is used by the EARB to adjudicate cases. SYSCOMS, OCMM, CAPSO-N and ROCMM-S are internal users for informational/implementational purposes. CSC is the other Government agency using this information. Pursuant to s 552a(b)(9) of Public Law 93-579, committees or subcommittees of either House of Congress are furnished the above information upon request. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished SECNAV decisions, with copies to their representatives. EEO complainants are furnished SECNAV decisions, with copies of the hearing transcripts and Examiners' reports; complainants' representatives are provided copies of SECNAV decisions. Activities involved are provided with copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and Examiners' reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: File folders and index cards.

RETRIEVABILITY: Name

SAFEGUARDS: Official Personnel Folders and classified material kept in locked safe. Other materials are kept in file cabinets in a secured building.

RETENTION AND DISPOSAL: Case files maintained for one year and sent to the GSA Federal Records Center and maintained for four years. Official Personnel Folders returned to activities after disposition of cases. CSC decisions and index cards are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Chairman, Department of the Navy Employee Appeals Review Board

NOTIFICATION PROCEDURE: Department of the Navy Employee Appeals Review

Board, Washington, D. C. 20360. Must provide full name, employing office, and appropriate indentification card.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Employing activities, Civil Service Commission, OCMM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12771-2

SYSTEM NAME: Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION: Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Fields Divisions, Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy and Marine Corps civilian employees, paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. discrimination complaints of Navy and Marine Corps civilian employees, paid from approrpriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employee appeal case files ('Filipinos who are lawfully admitted residents.') Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM: Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Executive Order 9830, Amending the Civil Service Rules and Providing for federal personnel administration, amended by Executor Order 10577 and Executive Order 12106; Executive Order 12107; 5 USC 1205,1206,1206,1302,3301,3302,7105,7512, relevant portions of the Civil Service Reform Act, P.L. 95-454; 42 U.S.C. Sec 2000e-116 et. seq.; Equal Employment Opportunity Act of 1972, P.L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec 633a; the Rehabilitation Act of 1978 as amended, 29 USC 791,794a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy and Marine Corps civilian personnel management programs or personnel actions, or such other matters under the Jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatves in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to it's request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Manual records are stored in paper folders.

RETRIEVABILITY: Manual records are filed by last name.

SAFEGUARDS: All records are stored under strict control, and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. For the Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380

NOTIFICATION PROCEDURE: Request of correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350, or the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380, commanding officers or heads of navy staff hqs and field activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP-14), of the Navy or

USMC activity at which he or she is employed.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from SYSMANAGER.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.
RECORD SOURCE CATEGORIES: Supervisors or other appointed officials designated for this purpose.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12930-1

SYSTEM NAME: Industrial Relations Personnel Records
SYSTEM LOCATION: Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissary Stores operations as listed in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian Employees, former civilian employees and applicants for employment with the Navy Resale and Services Support Office and Navy Exchanges located worldwide.
CATEGORIES OF RECORDS IN THE SYSTEM: Personnel jackets (including: Personnel Information Questionnaire; Personnel Action; Certificate of Medical Examination; Indoctrination Checklist; Designation of beneficiary; death benefit; completed leave records; report of accident; cash register overage/shortage records; notice of excessive absence and tardiness, and warnings; report of hearings and recommendations relative to employee grievances; report of all disciplinary action; Certified record of court attendance; Certified copy of completed military orders for any annual duty tours with recognized reserve organizations; Employee job description; Examination papers and tests, if any; Evidence of date of birth, where required; Security Investigation Data, where required; Official work performance rating; Official letters of recommendations; Designation of Beneficiary for Unpaid Compensation; Reference check records; applicant files; tuition assistance records; grievance/appeal records; employee profiles; personnel security information (including: National Agency Checks and Naval Investigative Service reports); Travel requests, travel allowance and claims record; Transportation Agreements; employee affidavit; Priviledge Card Application and listing;
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 and 10 USC 5031.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy personnel in the performance of their duties as follows: retention of forms necessary to properly record the employment history of each employee, reflecting performance of employees which may be used by selecting officials in choosing employees for promotion or transfer; for verification of employment; to provide a record of travel performed and verification that the employee received proper remuneration for the travel performeded; to insure employees receive timely consideration in the processing of work appraisals and salary increases;
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: The media in which these records are maintained vary, but include: file folders; magnetic tapes; punch cards; rolodex files; cardex files; ledgers; and printed reports.
RETRIEVABILITY: Name and/or social security number; employee job number; employee payroll number.
SAFEGUARDS: Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; supervised computer tape library which is accessible only through the Computer Center (entry to computer center is controlled by a combination lock known by authorized personnel only); security guards.
RETENTION AND DISPOSAL: Current employee records remain on file at the appropriate personnel offices; records on former employees are retained for one year and then forwarded to the Federal Records Center, St. Louis, Mo. for retention of permanent papers and destruction of temporary papers, applicant files are retained for one year, except that applications from those over 40 years old are retained for two years.
SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Manager, Recruitment and Employment (IRD3) Navy Resale and Services Support Office 3rd Ave and 29th St. Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.
NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

In initial inquiry, the requester must provide full name, social security number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The employee; former employers; educational institutions; supevisors of employees; applicants; applicants previous employers; Naval Investigative Service; Federal Bureau of Investigation.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Parts of this system may be exempt under 5 U.S.C. 552 a (j) or (k), as applicable. For additional information contact the System Manager.

N12930-2

SYSTEM NAME: Area Coordinator Information and Operation Files
SYSTEM LOCATION: Chief of Naval Operations (Code 16), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian employees, paid from appropriated and non-appropriated funds, military personnel or private citizens affected by or involved in action of area coordination significance, and speakers, specialists and other interested participants.
CATEGORIES OF RECORDS IN THE SYSTEM: System is composed of but not limited to records compiled in accordance with regulations, correspondence regarding status of EEO investigations, index file of program administration and interested participants including ad hocs, summaries compiled for budget administration, biographies of speakers or of key officials obtained from individual.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, U.S.C. 301, Departmental Regulations.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH

USES: Officials and employees of the Department of the Navy in the performance of their official duties related to the management of civilian employees or of special programs. Representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian pesonnel management programs, or personnel actions, or such other matters under the jurisdiction of OPM. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management of special programs or subject. Officials and employees of other Departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the special programs or subject. A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance. The Senate or the House of Representatives of the United States or any member, Committee or sub-committee thereof, any joint committee to Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored in paper file folders, list finders, index cards, or logs or other indexing systems.

RETRIEVABILITY: Records are retrieved by subject matter, or by name.

SAFEGUARDS: Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL: Records are retained for varying lengths of time as required by local regulations; some records may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), and the heads of Navy Staff, Headquarters, and field activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

NOTIFICATION PROCEDURE: Requests by correspondence or in person should be made to the Chief of Naval Operations (OP-14), or to the head of the nearest Navy activity or to the Navy activity with which the individual is employed or serves as a contact point or participates with in matters relating to the program of his interest. Correspondence should contain the full name, social security number and signature of the requestor. For personal visits, proof of identification will consist of a Department of Defense or Navy building pass or identification badge or drivers license or other types of identification bearing his signature or picture or by providing information which may be verified against the record. Addresses of these activities are in the directory of Department of the Navy mailing addresses.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Navy Civilian Personnel Offices and their representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12950-1

SYSTEM NAME: Career Development Program for Communicators

SYSTEM LOCATION: Commander Naval Telecommunications Command Naval Telecommunications Command (NAVTELCOM) Headquarters 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy civilian employees of NAVTELCOM in GS-393 series

CATEGORIES OF RECORDS IN THE SYSTEM: Questionnaire completed by employees giving name, duty, work and education experience, birth date, grade level, telephone number (work)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301, Departmental regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: By system managers of NAVTELCOM for implementing and managing the Career Development Program, Navy Office of Civilian Manpower Management similarly; Defense Department similarly; Civil Service Commission similarly;

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Paper records in file folders

RETRIEVABILITY: Name

SAFEGUARDS: Safes and vaults

RETENTION AND DISPOSAL: Records destroyed by burning upon separation of employee

SYSTEM MANAGER(S) AND ADDRESS: Commander Naval Telecommunications Command 4401 Massachusetts Avenue, N.W. Washington, D.C. 20390 Civilian Manpower Coordinator, NAVTELCOM; same address

NOTIFICATION PROCEDURE: Provide name to Civilian Manpower Coordinator, address above, Room 138, with routine ID card, driver's license, etc.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Questionnaire completed by employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12950-2

SYSTEM NAME: Professional Qualifications Records (PQR's)

SYSTEM LOCATION: Commander, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Any civilian or military employee of the Naval cryptologic community who applies for Professionalization

CATEGORIES OF RECORDS IN THE SYSTEM: File contains individual's Professional Qualifications Record, which is a summary of the individual's education, training, experience, and awards. It also contains evaluations of the PQR made by the appropriate Career Panel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Civilian Personnel Office - To determine whether individual is a suitable aspirant for Professionalization and whether revisions and/or updates are necessary. National Security Agency - To determine whether the PQR shows that the individual meets all the necessary requirements for Professionalization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders
RETRIEVABILITY: Filed alphabetically by last name of individual aspirant
SAFEGUARDS: Building employs security guards. Access to Civilian Personnel Office limited to personnel with proper clearances. Files kept in combination safe.
RETENTION AND DISPOSAL: Records are permanent. The authority provides a continuing requirement for the records.
SYSTEM MANAGER(S) AND ADDRESS: Commander, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390
NOTIFICATION PROCEDURE: Send request to SYSMANAGER. Request should include full name, DPOB, military status, SSAN (if you voluntarily include it) or service number. Visits for the purpose of obtaining information must be submitted in writing to Command, Naval Security Group Command, 3801 Nebraska Avenue, N.W., Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester. Scheduled visitors must be prepared to present adequate proof of identification - i.e. - combination of full name, DPOB, parent(s) name, drivers license, medicare card, military I.D. card if applicable.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the SYSMANAGER
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER
RECORD SOURCE CATEGORIES: Information is provided by individual aspirant. PQR may include transcripts provided to individual by educational institutions.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12950-3

SYSTEM NAME: Payroll and Employee Benefits Records
SYSTEM LOCATION: Commander, Navy Resale and Services Support Office, 3rd Ave. and 29th St., Brooklyn, NY 11232 (for all Navy Exchanges) Commissory Store Operations as listed in the directory of Department of the Navy mailing addresses.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian employees and former civilian employees with the Navy Resale and Services Support Office and Navy Exchanges located world-wide. (Payroll and benefits information) Civilian employees and former civilian employees of Coast Guard exchanges, clubs and messes and US Navy civilian employees.
CATEGORIES OF RECORDS IN THE SYSTEM: Distribution reports; tax reports; leave accrual reports; earnings records cards, payroll registers; insurance records and reports regarding property damage, personal injury or death, group life, disability, medical and retirement plan; payroll savings authorization; record of payroll savings; overtime authorization; Treasury Department tax withholding exemption certificate.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 and 10 USC 5031
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Used by Department of the Navy personnel in the performance of their duties as follows: to calculate pay; prepare checks for distrubition; prepare deducation registers; leave records; to submit federal and state tax reports; to record contributions to benefit plans; to process all insurance claims; to provide information as required to the insurance carriers and U.S. Department of Labor, Bureau of Employees Compensation; to calculate retirement benefits upon request of employees;
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: The media in which these records are maintained vary, but include: Magnetic tape files; card files; file folders; ledgers; and printed reports.
RETRIEVABILITY: Name and/or social security number; employee job number; employee payroll number.
SAFEGUARDS: Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; security guards; supervised computer tape library which is accessable only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).
RETENTION AND DISPOSAL: Navy exchange records retention standards are contained in the 'Disposal of Navy and Marine Corps Records, Part II, Chapters 4 and 5.' and/or the Navy Exchange Manual.
SYSTEM MANAGER(S) AND ADDRESS: Policy Official Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny. 11232

Record Holder Risk Manager Navy Resale and Services Support Office 3rd Ave and 29th St Brooklyn, Ny. 11232

Individual record holders within the central system may be contacted through the central system record holder.
NOTIFICATION PROCEDURE: Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office 3rd Ave. and 29th St. Brooklyn, Ny 11232

In the initial inquiry the requester must provide full name, social security number, activity where last employed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.
RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.
RECORD SOURCE CATEGORIES: The employee of former employee; payroll department; the employee's supervisor and the employee's physician or insurance carrier's physician.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: NONE

N12950-4

SYSTEM NAME: Naval Audit Personnel Development System
SYSTEM LOCATION: Naval Audit Service Headquarters, P.O. Box 1206, Falls Church, Virginia, 22041
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All personnel employed by the Naval Audit Service.
CATEGORIES OF RECORDS IN THE SYSTEM: Employee audit experience and historical career development data.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 301 Departmental Regulations
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Audit task assignment and future career development; forecasting talent requirements.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic tape
RETRIEVABILITY: Name, SSN
SAFEGUARDS: Computer System Software; code word access.
RETENTION AND DISPOSAL: Records retained until employee retires, is deceased, or leaves Audit Service for other employment; record is then destroyed.
SYSTEM MANAGER(S) AND ADDRESS: Director, Naval Audit Service is overall policy official; Director, Education and Training Division has direct control;

Naval Audit Service HQ, Falls Church, Va 22041

NOTIFICATION PROCEDURE: Apply to System Manager

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES: Individual concerned. Standard civilian personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12950-5

SYSTEM NAME: Navy Automated Civilian Manpower Information System (NACMIS)

SYSTEM LOCATION: Chief of Naval Operations (Code 16), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Divisions; and the Navy Regional Data Automation Center (NARDAC) and its designated contractors. The addresses of the activities are furnished in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Department of the Navy civilian employees paid from appropriated funds and Navy military personnel included in the automated training record segment of NACMIS.

CATEGORIES OF RECORDS IN THE SYSTEM: The system comprises automated and non-automated records describing and identifying the employee (e.g., name, social security account number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee. The records are those found in the three modules of NACMIS which are: Training Information Management System (TIMS), Personnel Automated Data System (PADS); and Local Automated Personnel Information System (LAPIS).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 USC 2951, Reports; 5 USC 301, Departmental Regulations; 5 USC 4103, Establishment of Training Programs; 5 USC 4118, Training; 5 USC 4115, Collection of Training Information; Executive Order 9397, Numbering System for Federal Accounts Relating to Individual Persons; Public Law 92-261, The Equal Employment Opportunity Act of 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy in performance of their official duties related to the management and administration of the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records; employees and officials of the Department of Defense where there exists a need-to-know in the performance of their official duties; employees and officials of the Office of Personnel Management (OPM) in the performance of their official duties. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies. Officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for vacant positions. Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department. Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program. The Computer Systems Group Contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee personnel actions and training documents, or data collection forms and other documents. Employees and officials of the Naval Command Systems Support Activity and their designated contractors for the purpose of systems support. A duly appointed hearing examiner or arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records. The Senate or the House of Representatives of the United States or any committee or sub-committee thereof, any joint committee of Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Department's civilian personnel and manpower management program. An appointed complaints examiner for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint. Officials and employees of schools and other institutions engaged to provide training. Employee unions when unions are authorized to canvas employees or at the time of a union election. Designated contractors of the Department of the Navy in performance of their duties with respect to equipment and system design, development, test and maintenance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

RETRIEVABILITY: Information is retrieved by Social Security Account Number (SSAN), name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates; a combination of data elements contained in the Training Information Management System (TIMS), on apprentice program master files; academic specialty or education level. Specific sub-groups of employees may be identified through the use of computerized indices. Manual records are retrieved by name.

SAFEGUARDS: The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know. In the case of EEO data, output from the Chief of Naval Operations (OP-16) is authorized only by the Department of the Navy Director of Equal Employment Opportunity or his Deputy. Output from the activity minority census files must be authorized in writing by either the head of the activity or the activity's deputy EEO officer.

RETENTION AND DISPOSAL: For TIMS and the apprentice programs the computer

magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years. For the Department of the Navy's centrally-administered programs, files on selected candidates are maintained for 5 years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). For PADS, computer magnetic tapes are retained permanently. Magnetic discs are erased after use. Computer printouts are destroyed after 3 months. Input documents (NAVSO12280/11) are destroyed after data is converted to machine readable form. Input punch cards are retained for 2 weeks. For career management computer magnetic tapes and discs are erased 5 years after they are created; manual records are destroyed 2 years after the employee has been dropped from the career inventory. Manual records are destroyed upon separation of the employee from the activity. For LAPIS, records are maintained in an active status until a separation action on an employee is completed. Historical records for LAPIS are maintained for a maximum of 5 years.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), Department of the Navy and the commanding officers of the employee's activity.

NOTIFICATION PROCEDURE: Requests from individuals should be addressed to the SYSMANAGER or to the civilian personnel officer under his cognizance. Requests must be accompanied by the individual's full name, social security number and name of employing activity. Requesters may visit the civilian personnel office of the naval activity covered by the system to obtain information. In such case proof of identity will consist of full name, social security account number and a third positive identification such as driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc. Address of the activity is furnished in the Department of the Navy directory of mailing addresses published in the Federal Register.

RECORD ACCESS PROCEDURES: The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Categories of sources of records in the system are: the civilian personnel office of the employing activity; the payroll office; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

N12950-5

SYSTEM NAME: Computer Assisted Manpower Analyses System (CAMAS)

SYSTEM LOCATION: Chief of Naval Operations (op-14), AND nAVY dEPARTMENT sTAFF, headquarters, and field activities employing civilians; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM: Files contain records from the Personnel Automated Data System (PADS) which contain job related data including individual identification, location informatibn, and salary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 U.S.C. 301 Departmental Regulations

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Officials and employees of the Department of the Navy and contractor personnel in the performance of their official duties related to aggregate manpower planning, including calculating transition rates, forecasting number of retirements, and running models to determine the extent to which projected manpower requirements can be met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer magnetic tape and disc.

RETRIEVABILITY: Accessed by social security number.

SAFEGUARDS: Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL: Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20390.

NOTIFICATION PROCEDURE: Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. Written requests for information must contain full name of the individual, current address and telephone number, and birth date and social security number.

RECORD ACCESS PROCEDURES: The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES: Personnel Automated Data System (PADS)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

Assistance in obtaining any Navy mailing address not included in the following directory may be obtained from:

Chief of Naval Operations
(Op-09B1)
Navy Department
Washington DC 20350

Such assistance concerning any Marine Corps address may be obtained from:

Commandant of The Marine Corps
(Code M)
Washington DC 20380

ALASKA

Commanding Officer
Naval Arctic Research Laboratory
Barrow AK 99723

ARIZONA

Commanding Officer
Marine Corps Air Station
Yuma Arizona 85364

CALIFORNIA

Director
Navy Office of Information
Los Angeles Branch
11000 Wilshire Blvd Rm 10201
Los Angeles CA 90024

Commanding Officer
Naval Regional Medical Center
7500 Carson Street
Long Beach CA 90822

Commanding Officer
Naval Regional Dental Center
Long Beach CA 90822

Commanding Officer
Naval Legal Service Office
Naval Station
Long Beach CA 90822

Commanding Officer
Office of Naval Research
Branch Office
1030 East Green St
Pasadena CA 91106
Officer in Charge
Marine Corps Reserve Center
2727 Paloma St
Pasadena CA 91107
Commanding General
I Marine Amphibious Force FMF
Camp Pendleton CA 92055
Commanding General
Marine Corps Base
Camp Pendleton CA 92055
Commanding Officer
Naval Regional Dental Center
Camp Pendleton CA 92055
Commanding Officer
Naval Regional Medical Center
Camp Pendleton CA 92055
Commanding General
1st Marine Division FMF
Camp Pendleton CA 92055
Commanding General
4th Marine Division FMF
US Marine Corps Reserve
Camp Pendleton CA 92055
Director
Naval Audit Service
Western Region
1220 Pacific Highway
San Diego CA 92132
Commander
Naval Base
San Diego CA 92132
Commander
Naval Base San Francisco
Naval Base
San Diego CA 92132
Commander
Fleet Accounting And Disbursing Center
U.S. Pacific Fleet
San Diego CA 92132
Commanding Officer
Naval Education and
Training Support Center Pacific
Fleet Station Post Office Bldg
San Diego CA 92132
Commander
Naval Reserve Readiness Command
Region Nineteen
960 North Harbor Drive
San Diego CA 92132
Commanding Officer
Navy Manpower and Material
Analysis Center
Pacific
San Diego CA 92132
Commanding Officer
Human Resource Management Center, San Diego
Naval Training Center
San Diego, CA 92133
Commanding Officer
Naval Regional Medical Center
San Diego CA 92134
Commanding Officer
Naval Air Station
North Island
San Diego CA 92135
Commanding Officer
Navy Regional Data Automation Center
Naval Air Station
North Island
San Diego CA 92135
Commander Naval Air Force
US Pacific Fleet
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Station
San Diego CA 92136
Commanding Officer
Naval Legal Service Office
Naval Station
San Diego CA 92136
Commanding Officer
Naval Regional Dental Center
San Diego CA 92136
Commanding Officer
Naval Station
San Diego Calif 92136
Director
Navy Public Affairs Center
San Diego
Box 125 Naval Station
San Diego CA 92136
Commanding General
Marine Corps Recruit Depot
San Diego CA 92140
Commanding Officer
Naval Air Station
Miramar
San Diego CA 92145
Commanding Officer
Naval Drug Rehabilitation Center
Naval Air Station, Miramar
San Diego CA 92145
Commander Training Command
US Pacific Fleet
San Diego CA 92147
Commander
Naval Ocean Systems Center
San Diego CA 92152
Commanding Officer
Navy Personnel Research and Development Center
San Diego CA 92152
Commander Amphibious Group
Eastern Pacific
Naval Amphibious Base Coronado
San Diego CA 92155
Commanding Officer
Naval Amphibious Base Coronado
San Diego CA 92155
Commander
Naval Surface Force
US Pacific Fleet
San Diego CA 92155
Director, Western Field Division
Naval Civilian Personnel Command
Western Field Division
880 Front St
San Diego CA 92188
Commanding General
Force Troops
Fleet Marine Force Pacific
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Logistics Base
Barstow CA 92311
Commander
Marine Corps Air Bases Western Area
Marine Corps Air Station
El Toro, Santa Ana CA 92709
Commanding General
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding General
Marine Aircraft Wing 46
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding Officer
Marine Corps Air Station
(Helicopter)
Santa Ana CA 92710
Commanding Officer
Naval Air Station
Point Mugu CA 93042
Commander
Naval Weapons Center
China Lake CA 93555
Director
Defense Resources Management Education Center
Naval Postgraduate School
Monterey, CA 93940
Commanding Officer
Fleet Numerical Oceanography Center
Monterey CA 93940
Director
Manpower Research and Data Analysis
Center
Naval Postgraduate School
Monterey, CA 93940
Superintendent
Naval Postgraduate School
Monterey CA 93940
Commanding Officer
Naval Air Station
Moffett Field CA 94035
Director
Navy Office of Information
San Francisco Branch
San Francisco CA 94130
Director
12th Marine Corps District
Naval Support Activity, Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Legal Service Office
Naval Support Activity Treasure Is
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Regional Dental Center

San Francisco CA 94130
Commander
Naval Reserve Readiness Command
Region Twenty Bldg 1 NAVSUPPACT
Treasure Island
San Francisco CA 94130
Commanding Offier
Naval Air Station
Alameda Calif 94501
Commanding Officer
Navy Regional Data Automation
Center
San Francisco
Naval Air Station
Alameda CA 94501
Commanding Officer
Naval Support Activity Mare Island
Vallejo CA 94592
Officer in Charge
Naval Biosciences Laboratory
Naval Supply Center
Oakland CA 94625
Commanding Officer
Naval Regional Medical Center
Oakland CA 94627
Officer in Charge
Marine Corps Reserve Training Center
Naval Communications Station
Rough and Ready Island
Stockton CA 95203

CONNECTICUT

Commanding Officer
Regional Accounting and Disbursing
Center
Groton CT 06340
Commanding Officer
Naval Security Group Activity
Box 99
Naval Submarine Base New London
Groton CT 06340
Commanding Officer
Naval Submarine Medical Center
Naval Submarine Base New London
Groton CT 06340

DISTRICT OF COLUMBIA

Director
Marine Corps Institute
Marine Barracks
Washington DC 20003
Comptroller of the Navy
Navy Department
Washington DC 20350
Chief of Information
Navy Department
Washington DC 20350
Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Legislative Affairs
Navy Department
Washington DC 20350
Under Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Naval Operations
Department of the Navy
Washington DC 20350
Asst Secretary of the Navy
(Financial Management)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Manpower & Reserve Affairs)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Research, Engineering and Systems)
Navy Department
Washington DC 20350
Commander
Opnav Support Activity
Washington DC 20350
Commander
Naval Electronic Systems Command
Naval Electronic Systems Command
Headquarters
Washington DC 20360
General Counsel
Navy Department
Washington DC 20360
Chief of Naval Material
Navy Department
Washington DC 20360
Director
National Capital Region Facilities and
Services Staff
Room 516 Crystal Plaza #6
Washington DC 20360
Commander
Naval Air Systems Command
Naval Air Systems Command
Headquarters
Washington DC 20361
Commander
Naval Sea Systems Command
Naval Sea Systems Command
Headquarters
Washington DC 20362
Commander
Naval Supply Systems Command
Naval Supply Systems Command
Headquarters
Washington DC 20376
Recorder
Board for Corrections of Naval
Records
Navy Department
Washington DC 20370
Senior Member
Board of Decorations and Medals
Arlington Annex Room 3028
Navy Department
Washington DC 20370
Chief of Naval Personnel
Navy Department
Washington DC 20370
Commander
Naval Military Personnel Command
Navy Department
Washington DC 20370
Chief
Bureau of Medicine and Surgery
Navy Department
Washington DC 20372
President
Board of Inspection
and Survey
Navy Department
Washington DC 20372
Director Consolidated
Civilian Personnel Office
Bldg 200 Washington Navy Yard
Washington DC 20374
Director
Department of Defense Computer
Institute
Washington Navy Yard
Washinton DC 20374
Director
Field Support Activity
Washington Navy Yard
Washington, DC 20374
Commandant
Naval District Washington
Washington Navy Yard
Washington DC 20374
Director
Naval Historical Center
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Legal Service Office
Washington Navy Yard
Washington DC 20374
Commander
Naval Reserve Readiness Command
Region Six
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy-Marine Corps Appellate Review
Activity
Office of Judge Advocate General
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy Band
Washington Navy Yard
Washington DC 20374
Commander
Naval Data Automation Command
Washington Navy Yard
Washington DC 20374
Director
Navy Automatic Data Processing
Selection Office
Washington Navy Yard
Washington DC 20374
Commanding Officer
Navy Regional Data Automation
Center Washington
Washington Navy Yard
Washington DC 20374
Chief
Navy-Marine Corps Trail Judicary
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Research Laboratory
Washington DC 20375

Commander
Navy Accounting and Finance Center
Navy Department
Washington DC 20376
Commandant of the Marine Corps
Navy Department
Washington DC 20380
Commander
Naval Intelligence Command
4600 Silver Hill Road
Washington DC 20389
Commanding Officer
Naval Air Facility
Washington D C 20390
Superintendent
Naval Observatory
34th and Massachusetts Ave NW
Washington DC 20390
Commanding Officer
Naval Security Station
3801 Nebraska Ave NW
Washington DC 20390
Commander
Naval Telecommunications Command
4401 Massachusetts Ave N W
Washington DC 20390

FLORIDA

Commanding Officer
Regional Accounting and Disbursing Center
Jacksonville FL 32212
Commanding Officer
Navy Regional Data Automation Center Jacksonville
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Alcohol Rehabilitation Center
Naval Air Station
Jacksonville, FL 32212
Commander
Naval Base
Jacksonville FL 32212
Commanding Officer
Naval Legal Service Office
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Regional Dental Center
Jacksonville, FL 32212
Commander
Naval Reserve Readiness Command Region Eight
Bldg 90 Naval AR Station
Jacksonville FL 32212
Commanding Officer
Naval Regional Medical Center
Jacksonville FL 32214
Commanding Officer
Naval Coastal Systems Laboratory
Panama City FL 32407
Chief of Naval Education and Training
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aerospace Medical Institute
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Education and Training Financial Information Processing Center
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Management Information and Instructional Systems Activity
Pensacola FL 32508
Commanding Officer
Personnel Support Activity
Pensacola FL 32508
Commanding Officer
Navy Regional Data Automation Center
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Legal Service Office
Naval Air Station
Pensacola, FL 32508
Commanding Officer
Naval Regional Dental Center
Pensacola, FL 32508
Director
Defense Activity for Non-Tradition Education Support
Pensacola FL 32509
Commanding Officer
Naval Education and Training Program Development Center
Pensacola FL 32509
Commanding Officer
Naval Aerospace and Regional Medical Center
Pensacola FL 32512
Commanding Officer
Naval Regional Dental Center
Orlando FL 32813
Commanding Officer
Naval Regional Medical Center
Orlando FL 32813
Commanding Officer
Naval Training Equipment Center
Orlando FL 32813
Commanding Officer
Naval Security Group Activity
Homestead FL 33039
Commanding Officer
Naval Regional Medical Clinic
Key West FL 33040

GEORGIA

Commanding Officer
Naval Air Station Atlanta
Marietta GA 30060
Director
6th Marine Corps District
75 Piedmont Ave NE
Atlanta GA 30303
Director
Navy Office of Information
Atlanta Branch
1459 Peachtree St Suite 300
Atlanta GA 30309
Commanding General
Marine Corps Logistics Base Atlantic
Albany GA 31704

HAWAII

Commander in Chief
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Third Fleet
Pearl Harbor HI 96860
Commander
Naval Base Hawaii
Pearl Harbor HI 96860
Commander
Fleet Intelligence Center Pacific
Pearl Harbor HI 96860
Commanding Officer
Human Resources Management Center
Pearl Harbor
Pearl Harbor HI 96860
Commander Submarine Force
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Naval Logistics Command
US Pacific Fleet
Pearl Harbor HI 96860
Commanding Officer
Naval Regional Dental Center
Pearl Harbor HI 96860
Commanding Officer
Navy Regional Medical Center
Pearl Harbor HI 96860
Commanding Officer
Naval Western Oceanography Center
Box 113
Pearl Harbor HI 96860
Commanding Officer
Navy Data Automation Facility
Pearl Harbor HI 96860
Director, Pacific Field Div
Naval Civilian Personnel Command
Pacific Field Division
Box 119
Pearl Harbor HI 96860
Commanding Officer
Naval Legal Service Office
Pearl Harbor HI 96860
Commanding General
Fleet Marine Force, Pacific
Camp H.M.Smith, HI 96861
Commanding Officer
Marine Corps Air Station
Kaneohe Bay HI 96863

ILLINOIS

Commanding Officer
Naval Air Station
Glenview IL 60026

Commander
Naval Base
Building 1
Great Lakes IL 60088
Commanding Officer
Naval Legal Service Office
Naval Training Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Dental Center
Great Lakes IL 60088
Commanding Officer
Naval Regional Medical Center
Great Lakes IL 60088
Commander
Naval Reserve Readiness Command
Region Thirteen
Bldg 1 Naval Training Center
Great Lakes IL 60088
Commander
Navy Regional Finance Center
Great Lakes IL 60088
Director
Navy Office of Information
Chicago Branch
536 South Clark St Room 252
Chicago IL 60605
Commanding Officer
Office of Naval Research
Branch Office
536 S Clark St
Chicago IL 60605

KANSAS

Director
9th Marine Corps District
10000 West 25th Street
Shawnee Mission KS 66204
Commander
Naval Reserve Readiness Command
Region 18
Industrial Airport KS 66031

LOUISIANA

Commanding Officer
Naval Air Station
New Orleans LA 70146
Commanding Officer
Naval Regional Medical Center
New Orleans LA 70146
Commander
Naval Reserve Readiness Command
Region Ten
Bldg 11 Naval Support Activity
New Orleans LA 70146
Director
8th Marine Corps District
New Orleans LA 70146
Commanding Officer
Personnel Support Activity
Bldg 123
New Orleans LA 70146
Director
Naval Air Logistics Office
4400 Dauphne Street
New Orleans LA 70146
Commanding Officer
Navy Regional Data Automation
Center
New Orleans
New Orleans LA 70146
Commanding Officer
Naval Support Activity
New Orleans LA 70146
Chief of Naval Reserve
New Orleans LA 70146
Commanding Officer
Naval Reserve Personnel Center
New Orleans LA 70149
Commanding Officer
Enlisted Personnel
Management Center
New Orleans LA 70159

MARYLAND

Commanding Officer
National Naval Dental Center
Bethesda MD 20014
Commanding Officer
National Naval Medical Center
Bethesda MD 20014
Commanding Officer
Naval Health Sciences Education and
Training Command
National Naval Medical Center
Bethesda, MD 20014
Commanding Officer
Naval Medical Data Service Center
National Naval Medical Center
Bethesda MD 20014
Director
Naval Investigative Service
P.O. Box 16230
Suitland MD 20023
Commander
David W. Taylor Naval Ship Research
and Development Center
Bethesda, MD 20084
Commander
Naval Polar Oceonography Center
Suitland MD 20390
Officer in Charge
Navy Special Services
Administrative Activity
Patuxent River MD 20670
Commanding Officer
Naval Security Group Activity
Fort George G Meade MD 20755
Superintendent
Naval Academy
Annapolis MD 21402
Commanding Officer
Naval Station
Annapolis MD 21402

MASSACHUSETTS

Director
Navy Office of Information
Boston Branch
575 Technology Square 8th Floor
Cambridge MA 02139
Commanding Officer
Naval Air Station
South Weymouth MA 02190
Commanding Officer
Office of Naval Research
Eastern/Central Regional Office
Boston MA 02210

MICHIGAN

Commanding Officer
Naval Air Facility Detroit
MT Clemens MI 48043

MINNESOTA

Commander Naval Reserve
Readiness Command Region Sixteen
Bldg 715
Minn-St Paul International Airport
Minneapolis MN 55450

MISSISSIPPI

Commanding Officer
Naval Air Station
Meridian MS 39301
Governor
Naval Home
01800 East Beach Blvd
Gulfport MS 39501
Commander
Naval Oceonography Command
NSTL Station
Bay St Louis MS 39520
Commanding Officer
Naval Ocean Research and
Development Activity
National Space Technology Labs
Bay St Louis MS 39520
Commanding Officer
Naval Oceonographic Office
NTSL Station
Bay St Louis MS 39520

MISSOURI

Director
Marine Corps Automated
Services Center
1500 E Bannister Rd
Kansas City MO 64131
Director
Marine Corps Reserve Forces
Administrative Center
1500 East Bannister Road
Kansas City MO 64131
Commanding Officer
Marine Corps Finance Center
Kansas City MO 64197

NEVADA

Commanding Officer
Naval Air Station
Fallon NV 89406

NEW JERSEY

Director
Naval Audit Service Northeast Region
Central Camden Parkade Bldg 215
30 North 5th Street
Camden NJ 08102

NEW YORK

Director
Navy Office of Information
New York Branch
663 Fifth Ave 3rd Floor
New York NY 10022
Counsel New York Branch
Office of the General Counsel
Department of the Navy
3rd Ave and 29th St
Brooklyn NY 11232
Officer in Charge
Navy Motion Picture Service
Bldg 311 Flushing Ave
Brooklyn NY 11251
Director
1st Marine Corps District
605 Stewart Ave
Garden City
Long Island NY 11533
Commander
Naval Reserve Readiness Command
Region Two Bldg 1
Scotia NY 12302

NORTH CAROLINA

Commander
Marine Corps Air Bases Eastern Area
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
2nd Marine Aircraft Wing
Marine Corps Air Station
Cherry Point NC 28533
Commanding Officer
Marine Corps Air Station
(Helicopter)
New River
Jacksonville N C 28540
Commanding General
Force Troops Atlantic
2D Force Service Support Group FMF
Camp Lejeune NC 28542
Commanding General
Marine Corps Base
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Dental Center
Camp Lejeune NC 28542
Commanding Officer
Naval Regional Medical Center
Camp Lejeune NC 28542
Commanding General
2nd Marine Division FMF
Camp Lejeune NC 28542

OHIO

Director
Navy Family Allowance Activity
Anthony J. Celebrezze Federal Bldg.
1240 East 9th Street
Cleveland OH 44199
Commanding Officer
Navy Finance Center
Anthony J Celebrezze Federal Bldg
Cleveland OH 44199
Commander
Naval Reserve Readiness Command
Region Five Bldg 1033 USAAP
Ravenna OH 44266

PENNSYLVANIA

Commander
Naval Air Development Center
Warminster PA 18974
Commanding Officer
Naval Air Station
Willow Grove PA 19090
Commanding Officer
Naval Air Reserve Anti-Submarine
Warfare Training Center
Naval Air Station
Willow Grove PA 19090
Commander
Naval Base
Philadelphia PA 19112
Commander
Naval Base Boston
Philadelphia PA 19112
Commander
Naval Base New York
Philadelphia PA 19112
Commanding Officer
Naval Legal Service Office
Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Regional Dental Center
Philadelphia, PA 19112
Commander
Naval Reserve Readiness Command
Region Four Bldg 662 Naval Base
Philadelphia PA 19112
Director Northern Field Div
Naval Civilian Personnel Command
Northern Field Division
Bldg 75-3 Naval Base
Philadelphia PA 19112
Director
4th Marine Corps District
Bldg 75 Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Medical Material Support
Command
3500 South Broad St
Philadelphia PA 19145
Commanding Officer
Naval Regional Medical Center
17th St and Pattison Ave
Philadephia PA 19145

PUERTO RICO AND VIRGIN ISLANDS

Commanding Officer
Camp Garcia
Fleet Marine Force Atlantic
Vieques PR 00765

RHODE ISLAND

Commander
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Data Automation Facility,
Newport
Bldg 11 Naval Education and Training
Center
Newport RI 02840
Commanding Officer
Naval Legal Service Office
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Regional Dental Center
Newport RI 02840
Commanding Officer
Naval Regional Medical Center
Newport RI 02840
Commander
Naval Reserve Readiness Command
Region One Bldg 344
Naval Education and Training Center
Newport RI 02840
Commanding Officer
Naval Underwater Systems Center
Newport RI 02840
President
Naval War College
Newport RI 02840

SOUTH CAROLINA

Commander
Naval Base
Charleston SC 29408
Commanding Officer
Naval Legal Service Office
Naval Base
Charleston SC 29408
Commanding Officer
Naval Regional Dental Center
Charleston SC 29408
Commanding Officer
Naval Regional Medical Center
Charleston SC 29408
Commander

Naval Reserve Readiness Commdnd
Region Seven
Naval Base
Charleston SC 29408
Commanding Officer
Naval Security Group Activity
Naval Base
Charleston SC 29408
Commanding Officer
Polaris Missile Facility
Atlantic
Charleston SC 29408
Commanding Officer
Marine Corps Air Station
Beaufort SC 29902
Commanding General
Marine Corps Recruit Depot
Parris Island SC 29905
Commanding Officer
Naval Regional Dental Center
Parris Island SC 29905

TENNESSEE

Commander
Naval Reserve Readiness Command
Region Nine
Bldg E34 Naval Air Station Memphis
Millington TN 38045
Commanding Officer
Naval Legal Service Office
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Regional Medical Center
Memphis
Millington TN 38054
Chief of Naval
Technical Training
Naval Air Station
Memphis
Millington TN 38054

TEXAS

Director
Navy Office of Information
Dallas Branch Main Tower Bldg
1200 Main St Suite 230
Dallas TX 75202
Commanding Officer
Naval Air Station
Dallas TX 75211
Commander
Naval Reserve Readiness Command
Region Eleven
Bldg 11 Naval Air Station
Dallas TX 75211
Commanding Officer
Naval Air Station
Chase Field
Beeville TX 78102
Commanding Officer
Naval Air Station
Corpus Christi TX 78419
Chief of Naval Air Training
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Naval Legal Service Office
Naval Air Station
Corpus Christi TX 78419

VIRGINIA

Auditor General of the Navy P.O. Box
1206 Falls Church VA 22041
Director
Naval Audit Service Capital Region
PO Box 1206
Falls Church VA 22041
Director
Naval Audit Service Headquarters
PO Box 1206
Falls Church VA 22041
Commanding General
Marine Corp Development
and Education Command
Quantico VA 22134
Commanding Officer
Marine Security Guard Battalion
State Department
Quantico VA 22134
Commanding Officer
Human Resource Management Center
Washington
1000 North Glebe Road
Arlington VA 22201
Director
Naval Civilian Personnel Command
Department of the Navy
800 N. Quincy St
Arlington VA 22203
Director
Naval Council of Personnel Boards
801 N. Randolph St
Arlington VA 22203
Commander
Navy Recruiting Command
4015 Wilson Boulevard
Arlington VA 22203
Commanding Officer
Headquarters Battalion
Headquarters US Marine Corps
Henderson Hall
Arlington VA 22214
Commanding Officer
Marine Security Guard Battalion
Headquarters (State Department)
US Marine Corps Henderson Hall
Arlington VA 22214
Chief of Naval Research
800 North Quincy St
Arlington VA 22217
Commander
Naval Legal Service
Department of the Navy
200 Stovall Street
Alexandria VA 22332
Judge Advocate General
Navy Department
200 Stovall Street
Alexandria VA 22332
Commander
Naval Facilities Engineering
Command NAVFACENGCOM Hdqtrs
200 Stovall Street
Alexandria VA 22332
Commander
Naval Surface Weapons Center
Dahlgren VA 22448
Commanding Officer
Naval Security Group Activity
Northwest
Chesapeake VA 23322
Director
Naval Audit Service Southeast Region
5701 Thurston Ave
Virginia Beach VA 23455
Commanding Officer
Human Resource Management Center,
Norfolk
5621-23 Tidewater Drive
Norfolk, VA 23509
Commanding Officer
Atlantic Command Operations Support
Facility
Naval Station
Norfolk VA 23511
Commanding Officer
Camp Elmore
Marine Corps
Norfolk VA 23511
Commanding Officer
Naval Eastern Oceanography Center
Mcadie Bldg
Naval Air Station
Norfolk VA 23511
Commanding Officer
Fleet Accounting and Disbursing
Center U S Atlantic Fleet
Building 132 Naval Station
Norfolk VA 23511
Director
Fleet Home Town News Center
Norfolk VA 23511
Commanding Officer
Fleet Intellience Center
Europe and Atlantic
Norfolk VA 23511
Commanding General
Fleet Marine Force Atlantic/
Commanding General Fleet Marine
Force Europe (Designate)
Norfolk VA 23511
Commanding Officer
Naval Administrative Command
Armed Forces Staff College
Norfolk VA 23511
Commanding Officer
Naval Air Station
Norfolk VA 23511
Commanding Officer
Naval Alcohol Rehabilitation Center
Building J-50
Naval Station
Norfolk VA 23511
Commander
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Education and Training
Support Center, Atlantic

Bldg Z-86, Naval Station
Norfolk VA 23511
Commanding Officer
Naval Legal Service Office
Naval Base
Norfolk VA 23511
Commanding Officer
Naval Regional Dental Center
Norfolk VA 23511
Commander
Naval Safety Center
Naval Air Station
Norfolk VA 23511
Commander
Naval Surface Force
US Atlantic Fleet
Norfolk VA 23511
Commanding Officer
Navy Manpower and Material
Analysis Center
Atlantic
Commander
Oceanographic System Atlantic
Box 100
Norfolk VA 23511
Director Southern Field Division
Naval Civilian Personnel Command
Southern Field Division
Norfolk VA 23511
Commanding Officer
Navy Regional Data Automation
Center
Norfolk
Norfolk VA 23511
Commander
Submarine Force
US Atlantic Fleet
Norfolk VA 23511
Commander in Chief
US Atlantic Fleet
Norfolk VA 23511
Commander Naval Air Force
US Atlantic Fleet
Norfolk VA 23511
Commander Training Command
US Atlantic Fleet
Norfolk VA 23511
Commanding Officer
Naval Ophthalmic Support and
Training Activity
Yorktown, VA 23690

WASHINGTON

Officer in Charge
Marine Corps Reserve Training Center
Naval Air Station
Seattle WA 98115
Commanding Officer
Naval Legal Service Office
Seattle WA 98115
Commander
Naval Reserve Readiness Command
Region Twenty-Two Bldg 9
Naval Support Activity
Seattle WA 98115
Commanding Officer
Naval Support Activity
Seattle WA 98115
Commanding Officer
Naval Regional Dental Center
Bremerton, WA 98314
Commanding Officer
Naval Regional Medical Center
Bremerton WA 98314
Commanding Officer
Strategic Weapons Facility, Pacific
Silverdale, WA 98383
Officer in Charge
Marine Corps Reserve Training Center
1702 Tahoma Avenue
Yakima WA 98920

APO/FPO ADDRESSES

Commanding Officer
US Naval Air Facility
Chief
Navy Technical Assistance Field
Team Box 2501
APO New York 09205
Commanding Officer
US Naval Security Group Activity
APO New York 09240
Commanding Officer
TUSLOG Detachment 28
APO New York 09324
Commander
US Naval Forces Azores
APO New York 09406
Commanding Officer
US Naval Air Facility
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09406
Commanding Officer
US Naval Security Group Activity
APO New York 09458
Commander
Amphibious Group 2
FPO New York 09501
Commander
Antisubmarine Warfare Force
US Sixth Fleet
FPO New York 09501
Commander
Attack Carrier Striking Force
Sixth Fleet
FPO New York 09501
Commander
Middle East Force
FPO New York 09501
Commander
Second Fleet
FPO New York 09501
Commander
Sixth Fleet
FPO New York 09501
Commander
South Atlantic Force
US Atlantic Fleet
FPO New York 09501
Commander in Chief
US Naval Forces Europe
FPO New York 09510
US Commander
Eastern Atlantic
FPO New York 09510
Counsel
European Branch
Office of the General Counsel
Department of the Navy
FPO New York 09510
Commanding Officer
Fleet Operations Control Center
US Naval Forces Europe/US
Eastern Atlantic Box 12
FPO New York 09510
Commanding Officer
Human Resource Management Center
Box 23
FPO New York 09510
Commanding Officer
Marine Barracks
US Naval Activities
FPO New York 09510
Commanding Officer
Office of Naval Research
Branch Office Box 39
FPO New York 09510
Commander
US Naval Activities United Kingdom
FPO New York 09510
Commanding Officer
US Naval Aviation
Weapons Facility
FPO New York 09511
Commanding Officer
US Communication Station
FPO New York 09512
Commanding Officer
US Naval Security Group
Activity
FPO New York 09518
Commanding Officer
U S Naval Facility
FPO New York 09519
Commander
Fleet Air Mediterranean
FPO New York 09521
Commanding Officer
US Naval Legal Service Office
US Naval Support Activity
FPO New York 09521
Commanding Officer
US Naval Regional Medical Center
PO Box 19
FPO New York 09521
Commanding Officer
US Naval Support Activity
FPO New York 09521
Commanding Officer
U.S. Naval Regional Dental Center
FPO New York 09521
Commanding Officer
US Naval Air Facility
FPO New York 09523
Commanding Officer
U S Naval Communication
Station
FPO New York 09525
Commander
US Naval Activities Spain

FPO New York 09540
Commanding Officer
US Naval Communication
Station
FPO New York 09540
Commanding Officer
US Naval Hospital
FPO New York 09540
Commanding Officer
US Naval Station
FPO New York 09540
Commanding Officer
U S Naval Communication
Station
FPO New York 09542
Commander
Antilles Defense Command
FPO New York 09551
Commanding Officer
Atlantic Fleet Weapons
Training Facility
FPO New York 09551
Commander
Fleet Air Caribbean
FPO New York 09551
Commander
US Naval Base
FPO New York 09551
Commanding Officer
US Naval Hospital
FPO New York 09551
Commanding Officer
US Naval Station
FPO New York 09551
Commanding Officer
U.S. Naval Regional Dental Center
FPO New York 09551
Commanding Officer
U S Naval Communication
Station
FPO New York 09554
Commanding Officer
US Naval Security Group Activity
FPO New York 09555
Commanding Officer
US Naval Air Station
FPO New York 09560
Commander
Fleet Air Keflavik
FPO New York 09571
Commander
Iceland Defense Force
Box 1
FPO New York 09571
Commanding Officer
Naval Security Group Activity
FPO New York 09571
Commanding Officer
US Naval Communication
Station Box
FPO New York 09571
Commander
US Naval Forces Iceland
FPO New York 09571
Commanding Officer
US Naval Station
FPO New York 09571
Commanding Officer
US Naval Communication Station
FPO New York 09580
Commanding Officer
US Naval Security Group
Activity
Box 5028
FPO New York 09584
Commanding Officer
U S Naval Station
FPO New York 09585
Commanding Officer
U S Naval Station
FPO New York 09593
Commanding Officer
US Naval Air Station
FPO New York 09593
Commander
US Naval Base
Box 34
FPO New York 09593
Commanding Officer
US Naval Hospital
FPO New York 09593
Commanding Officer
US Naval Security Group Activity
US Naval Base Box 41
FPO New York 09593
Commanding Officer
US Naval Security Group Activity
APO San Francisco 96210
Commanding Officer
Headquarters Support Activity
Box 25
APO San Francisco 96263
Commanding Officer
US Naval Hospital
Box 4
APO San Francisco 96263
Commander
US Taiwan Defense Command
APO San Francisco 96263
Commanding Officer
U S Naval Security Group Activity
APO San Francisco 96274
Commander
U S Forces Korea
APO San Francisco 96301
Commander
US Naval Forces Korea
APO San Francisco 96301
Commander
US Forces Japan
APO San Francisco 96328
Commanding Officer
US Naval Security Group
Activity
Torii Station
APO San Francisco 96331
Commander
Amphibious Group 1
FPO San Francisco 96601
Commander
Carrier Striking Force
Seventh Fleet
FPO San Francisco 96601
Commander
Cruiser Destroyer Force
Seventh Fleet
FPO San Francisco 96601
Commander
Seventh Fleet
FPO San Francisco 96601
Commander Amphibious Force
Seventh Fleet
FPO San Francisco 96601
Commander
US Naval Support Force Antarctica
FPO San Francisco 96601
Commanding General
III Marine Amphibious Force FMF
FPO San Francisco 96602
Commanding General
1st Marine Aircraft Wing
FPO San Francisco 96602
Commanding General
3D Marine Division FMF
FPO San Francisco 96602
Commanding Officer
Camp H M Smith US Marine Corps
FPO San Francisco CA 96610
Commanding Officer
Fleet Intelligence Center
Pacific
FPO San Francisco 96610
Commanding General
Fleet Marine Force Pacific
FPO San Francisco 96610
Commanding Officer
Human Resource Management Center
FPO San Francisco 96610
Commander
Marine Corps Base Pacific
FPO San Francisco 96610
Officer in Charge
Naval Air Logistic Control Office
Pacific CINCPACFLT Box 3
FPO San Francisco 96610
Commander
Naval Base
Box 110
FPO San Francisco 96610
Commanding Officer
Naval Investigative Service Office
Pacific Box 76
FPO San Francisco 96610
Commanding Officer
Naval Legal Service Office
Box 124
FPO San Francisco 96610
Commander
Naval Logistics Command
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer
Naval Regional Dental Center
Box 111
FPO San Francisco 96610
Commanding Officer
Naval Regional Medical Clinic
Hawaii, Box 121
FPO San Francisco 96610
Commanding Officer
Naval Station
FPO San Francisco 96610
Commanding Officer
Naval Submarine Base
FPO San Francisco 96610
Commanding Officer

Naval Submarine Training
Center Pacific
FPO San Francisco 96610
Officer in Charge
Navy Finance Office
FPO San Francisco 96610
Commander
Submarine Force
US Pacific Fleet
FPO San Francisco 96610
Commander
Third Fleet
FPO San Francisco 96610
Commander in Chief
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer
Naval Air Station
Barbers Point
FPO San Francisco 96611
Commanding Officer
Marine Corps Air Station
FPO San Francisco 96615
Commander
US Naval Base
FPO San Francisco 96630
Commander
US Naval Forces Marianas
FPO San Francisco 96660
Commanding Officer
US Naval Legal Service Office
COMNAVMARIANAS
FPO San Francisco 96660
Commanding Officer
US Naval Regional Medical Center
FPO San Francisco 96630
Commanding Officer
US Naval Station
FPO San Francisco 96630
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96630
Commanding Officer
US Naval Air Station
FPO San Francisco 96637
Commanding Officer
U S Naval Regional Medical Center
FPO San Francisco 96651
Commander
US Naval Forces Philippines
Box 30
FPO San Francisco 96651
Commanding Officer
US Naval Legal Service Office
US Naval Base
FPO San Francisco 96651
Commanding Officer
US Naval Station
FPO San Francisco 96651
Commanding Officer
U.S. Naval Regional Dental Center
FPO San Francisco 96651
Commanding Officer
US Naval Air Station
FPO San Francisco 96664
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96658
Commanding Officer
US Naval Communication
Station
FPO San Francisco 96660
Commanding Officer
US Naval Communication Station
FPO San Francisco 96665
Commanding Officer
Naval Security Group Activity
APO Seattle 98742
Commander
Fleet Activities
FPO Seattle 98762
Commanding Officer
US Naval Communication
Station Box 3
FPO Seattle 98762
Commander
US Naval Forces Japan
FPO Seattle 98762
Commanding Officer
US Naval Legal Service Office
COMNAVFORJAPAN
FPO Seattle 98762
Commanding Officer
Marine Corps Air Station
FPO Seattle 98764
Commanding Officer
US Naval Regional Dental Center
FPO Seattle 98765
Commanding Officer
US Naval Regional Medical Center
FPO Seattle 98765
Commander Fleet Air
Western Pacific
FPO Seattle 98767
Commander
Fleet Activities/US Naval Air
Facility
FPO Seattle 98770
Commanding Officer
US Marine Corps Air Station
(Helicopter)
FPO Seattle 98772
Commanding General
Marine Corps Base
Camp Smedley D Butler
FPO Seattle 98773
Commanding Officer
Naval Security Group Activity
FPO Seattle 98777
Commanding Officer
U S Naval Regional Medical Center
FPO Seattle 98778
Commanding Officer
USNaval Station
FPO Seattle 98791

DEFENSE LOGISTICS AGENCY

S233.20DLA-Z

SYSTEM NAME: 233.20 Data Processing Project Control Assignment

SYSTEM LOCATION: System may exist at all Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: This system may contain information pertaining to all civilian personnel assigned to or performing duties in a DLA data processing organization.

CATEGORIES OF RECORDS IN THE SYSTEM: The basic records within the system contain information on the work performed by personnel. This may include total number of hours worked on a project with an expected completion date. On operational projects, personnel time may be accumulated to show the amount of time spent on a particular project. This information can be for a specific incident, week or month. Also data on equipment usage and volume of production.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Pursuant to the authority contained in TITLE 10, United States Operation, and Utilization of Automatic Data Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under his direction and therein has charged the Director DLA, with the responsibility for the maintenance of necessary and appropriate records. Processing Equipment

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: These reports are used for the internal management of the Automated Data Processing (ADP) Divisions' resources, both for personnel and equipment usage. They are used to evaluate progress on uncompleted projects, work accomplished on an accumulated basis and may be used in forecasting the capability for acceptance for additional work projects, and in evaluating individual job performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: The basic updated data is contained on computer reading-storage media and printouts.

RETRIEVABILITY: Information may be retrieved by employee number, name, day and work project.

SAFEGUARDS: Records are filed in an area accessible only by DLA personnel.

RETENTION AND DISPOSAL: Retain five years or when obsolete.

SYSTEM MANAGER(S) AND ADDRESS: Chief of Data Processing, DLA PLFAs; Commander, DLA Systems AUTOMATION Center.

NOTIFICATION PROCEDURE: Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and the month or months in which the individual engaged in data processing work. Official mailing addresses are

contained in the Department of Defense directory in the appendix to the DLA systems notice.

RECORD ACCESS PROCEDURES: Individual may contact SYSMANAGER for access procedure.

CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: Individuals assigned to the data processing organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

S322.10DLA-LZ

SYSTEM NAME: 322.10 Defense Manpower Data Center Data Base.

SYSTEM LOCATION: Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. 20330.

U. S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D. C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D. C. 20331.

Back-up files maintained at two offices of the Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D. C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments - military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examinating Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U. S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey. INDIVIDUALS RESPONDING TO Recruiting Advertisements since January 1976. survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100

disabled veterans and their survivors.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs, military hospitalization records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 10 U.S.C. 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service.

Defense Manpower Data Center - used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services - uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller - used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration - used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors - used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies, having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Office Personnel Management (OPM) concerning pay, benefits, retirement deductions; and other information necessary for the OPM to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U. S. Army Recruiting Command; U. S. Army Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U. S. Air Force Recruiting Service; U. S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U. S. Marine Corps; District Directors, U. S. Marine Corps; Commanding General 4th Marine

Division; Commanding General, 4th Marine Air Wing; Commandant, U. S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Dpartment of Education (DoE). THE PURPOSE OF IDENTIFYING individuals who appear to be in default on their guaranteed student loans so as to permit the DoE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children program.

To the Office of Child Support Enforcement Department of Health and Hman Services, pursuant to PL93-647, for the purpose of assisting state child support enforcement officers in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

To the Department of Labor, Veterans' Employment Service, Names and addresses of disabled veterans and disabled military retirees may be provided to the Department of Labor for conducting outreach programs having the purpose of providing employment and training assistance to disabled individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Magnetic computer tape.

RETRIEVABILITY: Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

SAFEGUARDS: Primary location - at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U. S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

RETENTION AND DISPOSAL: Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS: Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE: Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to Deputy Chief. Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES: The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Civil Service Commission.

EXEMPTED None.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

S339.50DSAO-S

SYSTEM NAME: S339.50 DSAC, Staff Information File

SYSTEM LOCATION: DLA, Data Systems Automation Office, P.O. Box 1605, Columbus, Ohio 43216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All DSAC employees.

CATEGORIES OF RECORDS IN THE SYSTEM: Personnel type information concerning each staff member, including name, home address, grade, sex, job class, position title, home and office telephone numbers, birth date, service computation date, subsidiary cost code, office symbol, position code, supervisory code, employee account number, Minority Group Designator War Emergency Support Plan assignment, and AUTOVON approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency as a separate agency of the Department of Defense under his direction and therein has charged the agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is maintained to provide readily accessible data about staff which are required for day-to-day operations and which would be impractical to organize and use on a manual basis or from other records. Information is used by officials of the DSAC and the Defense Construction Supply Center (DCSC): As a reference report to determine or verify data concerning each staff member in the process of day-to-day operations; to provide the Operations Control Center the capability to contact individuals during non-duty hours for providing assistance to system users; to determine staff members eligible for retirement in the next five years and develop plans as necessary for replacement of personnel who could retire; to provide a complete list by organization assignment and to identify location of each staff member, account for vacancies and encumbered positions and determine progress toward average grade level goal(s); for accounting purposes in submitting jobs to the computer center; to provide a list of the identifying numbers assigned to each staff position for use in various personnel actions; to provide a list of subsidiary cost codes assigned to each individual, to determine that correct code is assigned, for use on various personnel actions; to assign parking spaces; to identify individuals assigned responsibility under the War Emergency Support Plan (WESP); to identify individuals eligible to authorize AUTOVON calls during non-duty hours; to verify and/or modify the Profile Data Analysis Report concerning minority and female employees; and to produce a telephone list for DSAO staff use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Magnetic disk storage media and hard copy printouts.
RETRIEVABILITY: Individual information is retrievable by Individual information is retrieved by Employee Account Number.
SAFEGUARDS: Information is disclosed only to agency officials on a need-to-know basis.
RETENTION AND DISPOSAL: Reports are destroyed when superseded by new reports.
SYSTEM MANAGER(S) AND ADDRESS: Commander, DLA Systems Automation Center, P.O. Box P1605; Columbus, Ohio 43216.
NOTIFICATION PROCEDURE: Requests should be addressed to the SYSMANAGER. Individual must provide full name and Employee Account number. Personal visits may be made to the Office of Planning & Management. DSAC. Individual must provide identification card/badge or other Federal Government-issued identification.
RECORD ACCESS PROCEDURES: Procedures same as for notification.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: Individual personnel actions, DCSC Name and Address Change Notice, and other similar documents.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

S434.87DLA-C

SYSTEM NAME: 434.87 Debt Records for Individuals
SYSTEM LOCATION: Primary System: - Accounting and Finance Division, Finance Systems Branch, Headquarters, Defense Logistics Agency (HQ DLA). Secondary System: DLA Primary Level Field Activies (PLFAs)
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals, including members of the general public, current and former civilian and military personnel who are indebted to the U.S. Government.
CATEGORIES OF RECORDS IN THE SYSTEM: Administrative reports with supporting documentation; employee's financial condition; personnel actions, and requests for waiver.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 31 U.S.C. 951-953 (Federal Claims Collection Act of 1966); Public Law 90-616; Public Law 92-453.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CTAEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information is used to collect monies owed the U. S. Government. Information is maintained to support case files; financial statements provide an understanding of individuals' financial condition with respect to request for deferment of payments. If debtors do not enter into satisfactory payment arrangements or demonstrate a legitimate dispute within a specific period, the debt will be reported to a commerical credit bureau. When debts are uncollectable, case files are forwarded to the U. S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE: Paper records in file folders.
RETRIEVABILITY: Filed alphabetically by name.
SAFEGUARDS: Records are maintained in areas accessible only to office personnel.
RETENTION AND DISPOSAL: Records are destroyed ten years after all aspects of the case are closed. Collected in full claims are retained for six months and then destroyed. Claims terminated, compromised or waived are retained for three years and subsequently retired to Federal Records Center, held for remaining years and destroyed. Claims settled by U. S. General Accounting Office, retained one year after settlement and retired to Federal Records Center, held for remaining years and retired.
SYSTEM MANAGER(S) AND ADDRESS: Chief, Finance Systems Branch, Accounting and Finance Division, Office of Comptroller, HQ DLA.
NOTIFICATION PROCEDURE: Written or personal requests for information may be directed to the SYSMANAGER.
RECORD ACCESS PROCEDURES: Official mailing address is in the DoD Directory in the appendix to the DLA systems notice. Written requests from individuals should contain their full name, current address and telephone number. For personal visits, the individual should be able to provide acceptable identification, such as an employee badge or driver's license, etc.
CONTESTING RECORD PROCEDURES: The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.
RECORD SOURCE CATEGORIES: Primary Level Field Activities, civilian and military personnel offices, other Federal agencies, financial institutions, and members of the general public.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None

DEFENSE INVESTIGATIVE SERVICE

V4-06

SYSTEM NAME: V4-06 Civilian Personnel Management Information System (CPMIS)
SYSTEM LOCATION: Primary System-Information Services Division, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 21203
Decentralized Segments-Civilian Personnel Division and various DIS Headquarters elements.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Civilian employees of the DIS.
CATEGORIES OF RECORDS IN THE SYSTEM: Records consisting of identification and employment data, special qualifications, racial and ethnic identification and other information found in the Official Personnel Record.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5, United States Code
Section 301 (Agency Regulations)
Section 1302 (regulations)
Section 2951 (reports to the commission)
Section 4118 (training)
Section 4308 (performance rating)
Section 4506 (incentive awards)
Section 5113, 5115, and 5338 (classification)
Section 6311 (leave)
Section 8334(f), 8342(b), 8343(a), and 8347 (retirement)
Section 8716 (life insurance)
Section 8913 (health insurance)
Civil Service Rules, sections 7.2, 5.1, 5.2 and 5.3
Executive Order 10561, September 13, 1954
Executive Order 9830, section 01.2(e) and (f), February 24, 1947 as amended
Executive Order 10800, section 2(d), January 15, 1959
Executive Order 10988, section 14, January 17, 1962
Executive Order 11222, section 405, May 8, 1965
Executive Order 11246, section 104, September 24, 1965 as amended
DOD Directive 5105.42, Charter for the Defense Investigative Service
Federal Personnel Manual (Chapter 713)
Federal Personnel Manual Letter 298-10
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES

OF USERS AND THE PURPOSES OF SUCH USES: INTERNAL

Uses

OPM, DOD and internal reports on employment characteristics of civilian employees. For statistical computations submitted to OPM.

The identification of personnel with selected characteristics or special qualifications.

Users

Personnel Specialists, Clerks and EEO Program Officials.

DIS OPM Managers and Supervisors with a need to know.

EXTERNAL

NONE

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Computer magnetic tape and paper output in folders or binders.

RETRIEVABILITY: Filed by date of listing, organization of assignment, name or Social Security Number (SSN), or race/ethnic background.

SAFEGUARDS: Magnetic tape storage is within a secured area accessible only to authorized personnel.

Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents. personnel with access are properly screened, cleared and trained.

RETENTION AND DISPOSAL: Magnetic tape records and paper products of this system are retained until individual's departure from DIS and then on historical file for 1 year

SYSTEM MANAGER(S) AND ADDRESS: Civilian Personnel Officer, Defense Investigative Service, 1900 Half St., S. W., Washington, D. C. 20324.

NOTIFICATION PROCEDURE: Information may be obtained from: SYSMANAGER

RECORD ACCESS PROCEDURES: Requests from individuals should be addressed to: sysmanager

Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired listing. Visits are limited to SYSMANAGER or Civilian Personnel Branch, Bldg. 320, Fort Holabird, Baltimore Maryland

For personal visits, a check of personal identification will be required

CONTESTING RECORD PROCEDURES: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service,

Notifications of Personnel Action, SF-50 and 50a, Payroll Change 1900 Half St., S. W., Washington, D. C. 20324.

RECORD SOURCE CATEGORIES: Notices, SF1126, Personnel Qualifications Statements, SF-171, certificates of training, and the individual concerned

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

[FR Doc. 82-674 Filed 1-15-82; 8:45 am]

BILLING CODE 3810-01-T

federal register

Monday
January 18, 1982

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Specific Approval of Stockyards

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Specific Approval of Stockyards

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document lists certain stockyards as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations. Therefore, notice is hereby given that the following stockyards are specifically approved under said regulations as indicated below:

The following stockyards preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.15, 78.8, 78.16, and 78.12a, Title 9, Code of Federal Regulations, concerning brucellosis reactor cattle and bison, brucellosis exposed cattle and bison, and cattle from quarantined areas, and for the purposes of §§ 78.9, 78.17, 78.10, and 78.11 of said Title 9, concerning cattle and bison from herds not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status. The following stockyards not preceded by an asterisk are specifically approved for the purposes of §§ 78.9, 78.17, 78.10, and 78.11 concerning cattle and bison from herds not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status, because these stockyards entered into a Memorandum of Understanding with the States in which such stockyards are located and Veterinary Services containing standards which prohibit the stockyards from handling of brucellosis reactor cattle and bison, brucellosis exposed cattle and bison, and cattle from quarantined areas. The approved stockyards not preceded by an asterisk are prohibited from handling brucellosis reactor cattle and bison, brucellosis exposed cattle and bison, and cattle from quarantined areas because of a restriction imposed by the States in which the stockyards are located or because the approved stockyards do not have adequate facilities to assure that the various classes of cattle and bison can be kept adequately segregated to prevent the spread of brucellosis.

Alabama

*Alabama Livestock Auction, Inc.	Uniontown
*Agricultural Marketing Association of Alabama, Inc.	Louisville
*Arab Stockyards	Arab
*Atmore Trucker's Association, Inc.	Atmore
*Barrett Livestock Market, Inc.	Wetumpka
*W. M. Brown Cattle Company	Atmore
*Capital Stockyard	Montgomery
*Casey's Stockyard, Inc.	Montgomery
*C.B.S. Cattle Company, Inc.	Montgomery
*C. L. Chambers & Son	Brundidge
*Chatom Livestock Auction Cooperative	Chatom
*Cherokee County Stockyard, Inc.	Centre
*Cleburne County Livestock Sales, Inc.	Ranburne
*Conecuh Stock	Evergreen
*Cullman Stockyard	Cullman
*Dadeville Stockyards, Inc.	Dadeville
*Dothan Livestock Co. (Div. of Chipley Livestock, Inc.)	Dothan
*Enterprise Livestock Company	Enterprise
*Escambia County Cooperative, Inc.	Brewton
*Farmers Cooperative Market, Inc.	Frisco City
*Farmers Cooperative Market, Inc.	Opp
*Farmers Livestock Auction	Russellville
*Farmers Livestock Coop.	Ellis
*Fayette Stockyards, Inc.	Fayette
*Florence Trading Post	Florence
*Fort Payne Stockyard, Inc.	Fort Payne
*Geneva Stockyards, Inc.	Geneva
*Gray & Sons Stockyard	Clanton
*Hamilton Stockyard, Inc.	Hamilton
*Henry County Livestock Association, Inc.	Abbeville
*Hooper Stockyard, Inc.	Montgomery
*Jackson County Stockyard	Larkinsville
*Kennamer Livestock Commission Co.	Guntersville
*Kennett-Murray Company	Montgomery
*Limestone County Stockyard, Inc.	Athens
*Linden Stockyard	Linden
*Livingston Stockyard	Livingston
*Louisville Livestock Company	Louisville
*Madison County Livestock Company	Huntsville
*Marion Stockyard, Inc.	Marion
*McLane-Garret Cattle Company, Inc.	Montgomery
*W. G. Mercer Livestock Company	Chancellor
*Moulton Stockyard, Inc.	Moulton
*North Alabama Livestock	Anniston
*Northwest Alabama Livestock Association	Russellville
*Parkman Cattle Company, Inc.	Hope Hull
*Pickens County Livestock Commission Co.	Aliceville
*Roanoke Stockyard, Inc.	Roanoke
*Robertsdale Livestock Auction, Inc.	Robertsdale
*L. A. Roll & Son Cattle Co.	Montgomery
*Sand Mountain Livestock Market, Inc.	Crossville
*Stokes & Brogden Stockyard, Inc.	Andalusia
*Triple S Stockyards, Inc.	Montgomery
*Valley Stockyard	Decatur
*Wallace Livestock Auction, Inc.	Ashville
*Jerry Welsh Livestock	Montgomery
*West Alabama Stockyard	Eutaw
*White's Livestock Auction	Minn
*Winfield Livestock Commission Company	Winfield

Arizona

*Arizona Livestock Auction, Inc.	Phoenix

Arkansas

*Arkansas National Stockyards, Inc.	Little Rock
*Ash Flat Livestock Auction, Inc.	Ash Flat
*Atkins Livestock	Atkins
*Batesville Livestock Auction, Inc.	Batesville
*Beebe Auction Company	Beebe
*Bentonville Livestock Auction	Bentonville
*Carroll County Livestock Auction	Berryville
*Cattlemen's Livestock Market	Glenwood
*Central Arkansas Auction	Morrilton
*Clark County Livestock Auction Co.	Arkadelphia
*Cleburne County Livestock Auction	Heber Springs
*Corning Livestock Auction, Inc.	Corning
*County Line Sale Barn, Inc.	Ratcliff
*Decatur L. S. Auction	Decatur
*Drew County Auction Sale	Monticello
*Eudora Livestock Auction Company	Eudora
*Farmers Livestock Auction	Springdale
*Farmers and Ranchers Livestock Auction, Inc.	Charlotte
*Farmers and Ranchers Livestock Auction	Mountain View
*Farmers and Ranchers Livestock Auction, Inc.	Batesville
*Fulton County Auction	Salem
*Glover Livestock Commission Company	Pine Bluff
*Bob Gorden Livestock Auction	Mena
*Harrison Livestock Auction	Harrison
*Harrison Stockyard Auction, Inc.	Harrison
*Hope Livestock Auction, Inc.	Hope
*Jonesboro Stockyard	Jonesboro
*Lewis Livestock Auction	Conway
*London Livestock Auction	London
*Magnolia Livestock Auction	Magnolia
*Malvern Livestock	Malvern
*Meredith Livestock Auction, Inc.	Pocahontas
*Montgomery County Auction	Mt. Ida
*Mountain Home Livestock Auction	Mountain Home
*North Arkansas Livestock Auction	Green Forest
*Nuel Hill Livestock Auction	Batesville
*Ola Livestock Auction	Ola
*Paragould Stockyards, Inc.	Paragould
*Purcell Livestock	Purcell
*Rector Auction Barn, Inc.	Rector
*Richardson Livestock Commission Company	North Little Rock
*Saline-Ouachita Valley Commission Company	Warren
*Scott County Livestock Auction	Waldron
*Searcy County Auction Company	Marshall
*Siloam Springs Sale Barn	Siloam Springs
*Van Buren County Auction	Clinton

*Washington County Sales Company	Fayetteville
*Rex White Livestock Auction	Russelville
*White County Livestock Auction	Searcy

Colorado

*Alamosa Auction	Alamosa
*Basin Livestock Commission Co., Inc.	Durango
*Brush Livestock of Colorado, Inc.	Brush
*Calhan-Cash Auction Market	Calhan
*Centennial Livestock Auction Co.	Fort Collins
*Cortez Livestock Auction, Inc.	Cortez
*Delta Sales Yard	Delta
*Demmler Livestock Auction	Pueblo
*Denver Stockman's Market Company	Denver
*Fowler Auction Co.	Fowler
*Greeley Producers Livestock Marketing Association	Greeley
*Hotchkiss Sale Yard	Hotchkiss
*Kay National Western Livestock Market, Inc.	Denver
*La Junta Livestock Commission Co.	La Junta
*Lamar Livestock Commission Co.	Lamar
*Limon Livestock Exchange	Limon
*Livestock Exchange, Inc.	Brush
*Longmont Sale Yard	Longmont
*Monte Vista Livestock Commission Company, Inc.	Monte Vista
*National Western Livestock Center	Denver
*HiCountry Cattle Company, Fair Field Farms, Inc.	Ignacio
*Ranchers and Farmers Livestock Auction	Burlington
*Ranchland Livestock Commission Co., Inc.	Wray
*Salida Livestock Sales, Inc.	Salida
*Sterling Livestock Commission Co., Inc.	Sterling
*Stratton Livestock Market Center	Stratton
*Tri-County Livestock Commission Company	Broomfield
*Valley Livestock Auction Company	Fruita
*Winter Livestock Commission Company	La Junta
*Zavislan Livestock Auction	Pueblo

Connecticut

Middlesex Livestock Auction	Durham
Southern New England Livestock Company	North Franklin

Delaware

*Carroll's Sales, Inc.	Felton

Florida

*Arcadia State Livestock Market	Arcadia
Cattleman's Livestock Auction of Tampa, Inc.	Tampa
*Chipley Livestock Company	Chipley
Columbia Livestock Market of Lake City, Inc.	Lake City
*Cow Palace, Inc.	Lakeland
*Gerald Darroh, Inc.	Zolfo Springs
*Gainesville Livestock Market, Inc.	Gainesville
*Hardee Livestock Market, Inc.	Wauchula
*Interstate Livestock Auction Market, Inc.	Seffner
*Jacksonville Livestock Auction, Inc.	Whitehouse
*Jay Livestock Auction Market	Jay
*Kissimmee Livestock Market, Inc.	Kissimmee
*Madison Livestock Auction Market, Inc.	Madison
*Mills Auction Market, Inc.	Ocala
*Monticello Stockyard, Inc.	Monticello
Monticello Livestock Market, Inc.	Monticello
*Neel & Edwards Livestock Company	Quincy
*North Florida Farmers Co-op, Inc.	Ellisville
*Sumter County Famers Market	Webster
*Suwannee Valley Livestock Market	Live Oak
*Tindel Livestock Auction Market, Inc.	Graceville
*Trenton Livestock Market	Trenton
*West Florida Livestock Market, Inc.	Marianna

Georgia

*Bainbridge Auction Market, Inc.	Bainbridge
*Carroll County Livestock Sales Barn	Carrollton
*Columbus-Muscogee Livestock Auction, Inc.	Columbus
*Coosa Valley Livestock Company	Rome
*Franklin County Livestock Market	Carnesville
*Gainesville Livestock Market	Gainesville
*Georgia Farmers Livestock	Cumming
*Georgia Farm Products Sales Corp.	Thomaston
*La Grange Stockyards	La Grange
*Moseley Livestock Company	Blakely
*Peoples Livestock Market, Inc.	Cartersville
*Pierce County Stock Yard, Inc.	Blackshear
*Seaboard Stock Yard, Inc.	Colquitt
*Seminole Livestock, Inc.	Donalsonville
*Southeast Georgia Stockyard, Inc.	Statesboro
*Sumter County Livestock Association	Americus
*Tri-County Livestock Auction Co.	Social Circle
*Valdosta Livestock Company	Valdosta
*Wayne County Stockyard	Jesup
*Wheeler Brothers Livestock Market	Eastonolle

Idaho

*Blackfoot Livestock Commission Company	Blackfoot
*Boise Valley Livestock Commission Company	Caldwell
*Bonners Ferry Livestock, Inc.	Bonners Ferry
*Cache Valley Auction	Preston
*Coeur d'Alene Livestock, Inc.	Coeur d'Alene
*Cottonwood Sales Yard	Cottonwood
Custer County Livestock Marketing Association	Mackay
*Emmett Livestock Commission Company	Emmett
*Gooding Livestock Commission Co., Inc.	Gooding
*Idaho Livestock Auction	Idaho Falls
*Jerome Producer's Livestock	Jerome
*Nampa Livestock Market, Inc.	Nampa
*Ranchers Auction Company, Inc.	Twin Falls
*Rexburg Livestock Market, Inc.	Rexburg
*Salmon River Livestock Market	Salmon
*Shoshone Salesyard, Inc.	Shoshone
*Spencer Livestock Commission Company	Lewiston
*Treasure Valley Livestock Auction, Inc.	Caldwell
*Twin City Sales Yard, Inc.	Lewiston
*Twin Falls Livestock Commission Company	Twin Falls
*Valley Livestock Commission Company	Rupert
*Weiser Livestock Commission Company	Weiser

Illinois

*Barnard Livestock Auction Market	Wayne City
*Barry Livestock Marketing Center	Pacatonia
*Bloomington Livestock Commission Company	Bloomington
*Breed's Livestock Sales	Elizabeth
*Chicago-Joliet Marketing Center, Inc.	Joliet
*Carthage Livestock Auction	Carthage
*Dameron Livestock Auction, Inc.	Vienna
*Danville Livestock Commission Co.	Danville
*Decker's Livestock, Inc.	Milford
*DeWane Livestock Exchange	Belvidere
*Farmers Choice Marketing Center, Inc.	Winslow
*Greenville Livestock, Inc.	Greenville
*Hammond Livestock Marketing Co.	Salem
*Heinold Cattle Market	Brookport
*Heinold Livestock Sales	El Paso
*Illinois Auction Commission Company	Paris
*Interstate Producers Livestock Association	Shelbyville
*Jennings Sale Company	Macomb
*Kankakee Livestock Company	Burbonnais
*Kewanee Sale Barn	Kewanee
*Mercer County Livestock Auction	Viola
*Olney Livestock Commission Co.	Olney
*Peoria Union Stockyards Company	Peoria
*Rock Island Auction Sales, Inc.	Rock Island
*Harry Schrader Marketing Center	Dakota
*St. Louis National Stockyards Co.	National Stockyards
*United Market Center, Inc.	Goreville

Indiana

*Boswell Salebarn	Boswell
*Claypool Sales, Inc.	Silver Lake
*Evansville Union Stockyards Company, Inc.	Evansville
*Henry County Livestock Auction	New Castle
*Hilltop Auction	Hanover
*Indianapolis Livestock Market	Indianapolis
*Lowell Livestock Auction	Lowell
*Producers Livestock Association	Vincennes

*Producers Livestock Association of Ohio	Fort Wayne
*Producers Marketing Association, Inc.	Centerville
*Producers Marketing Association	Columbia City
*Producers Marketing Association	W. Lafayette
*Producers Marketing Association	Terre Haute
*Reynolds Salebarn	Reynolds
*Rochester Sale Barn	Rochester
*Shipshewana Auction, Inc.	Shipshewana
*Star Sale Barn	Greensburg
*Stoney Pike Salebarn	Logansport
*Topeka Livestock Auction, Inc.	Topeka
*White's Livestock Auction	Brookville
Iowa	
Ackley Sale Pavilion	Ackley
Adams Country Livestock Auction	Corning
Adel Sales Pavilion	Adel
Albia Sales Company, Inc.	Alibia
Algona Livestock Auction and Exchange	Algona
Anamosa Livestock Auction	Anamosa
Anita Livestock Auction Company	Anita
Aplington Livestock Auction	Aplington
Audubon County Livestock Exchange	Audubon
Avoca Auction Company	Avoca
Baxter Sale Company	Baxter
Bedford Sales Compnay	Bedford
*Belle Plaine Livestock Auction Inc.	Belle Plaine
*Bingley Sale Co., Inc.	Knoxville
Bleil & Chapman Livestock Auction	Moville
Bloomfield Livestock Market, Inc.	Bloomfield
Bradley Livestock Auction	Red Oak
Carroll Livestock Sales	Carroll
Centerville Sales Company	Centerville
*Central Iowa Stockyards	Webster City
Clarinda Auction Company	Clarinda
Phil Clark & Sons Sales Company	Knoxville
Clear View Cattle Company, Inc.	Blairsburg
Colfax Livestock Sales Company	Colfax
Coggon Lives stock Sales Company	Coggon
Cresco Livestock Auction	Cresco
*Creston Livestock Auction, Inc.	Creston
Decorah Sales Commission	Decorah
Denison Livestock Auction	Denison
DeVries Auction	Buffalo Center
Darwin Dralle Livestock	Greene
*Dunlap Livestock Auction	Dunlap
Dyersville Sales Barn	Dyersville
Eastern Iowa Livestock Commission	Mechanicsville
*Edgewood Livestock Auction, Inc.	Edgewood
*Elkader Sales Barn	Elkader
Fairfield Livestock Commission	Fairfield
Farmers Auction Market	Eldora
Farmers Livestock Auction	Carroll
Forest City Cow Palace/Jennings Bros., Inc.	Forest City
Greenfield Community Sale, Inc.	Greenfield
Grinnell Livestock Exchange	Grinnell
*Guthrie Stock Pavilion Company, Inc.	Guthrie Center
Hampton Auction Sales	Hampton
Hawkeye Livestock Auction	Fairfax
The Hayes Cattle Company	Ada Grove
*Humeston Livestock Auction	Humeston
Independence Sales Company, Inc.	Independence
Interstate Producers Livestock Association	Waukon
Iowa County Livestock Auction Company, Inc.	Marengo
Iowa Falls Livestock Sales	Iowa Falls
K Four Feedlot, Inc.	Orange City
Kalona Sales Barn, Inc.	Kalona
Keoco Auction Company	Sigourney
*Keosauqua Sale Co., Inc.	Keosauqua
*Kimballton Auction Company	Kimballton
Krommendyk Dairy Cattle	Hull
*Lamoni Livestock Sales Co.	Lamoni
James Lahr	Hopkinton
Le Mars Livestock Sales Company	Le Mars
Lenox Livestock Auction, Inc.	Lenox
Leon Sales	Leon
Livestock Auction	Denison
Lizer Livestock Auction, Inc.	Gowrie
Madison County Auction	Winterset
Manning Livestock Sales, Inc.	Manning
Mapleton Livestock Sales Company	Mapleton
*Maquoketa Livestock Corp.	Maquoketa
Messena Livestock Auction	Messena
Marengo Livestock Auction	Marengo
Millinkamp Cattle, Inc.	Dyersville
Monticello Sales Barn	Monticello
Montezuma Sales Company, Inc.	Montezuma
Moorhead Livestock Auction	Moorhead
Mount Ayr Livestock Market	Mount Ayr
Northeast Iowa Sales Commission	Waukon
North Iowa Livestock Exchange	Garner
Nesvik Livestock Market	Spirit Lake
*New Liberty Livestock Auction	New Liberty
Northside Sales Company	Sibley
Oelwein Dairy Sales	Oelwein
Oelwein Livestock Exchange	Oelwein
Orient Sales Company, Inc.	Orient
Osceola Sales Company, Inc.	Osceola
Oskaloosa Livestock, Inc.	Oskaloosa
Perry Sales Pavilion	Perry
Petersen Sheep & Cattle Company, Inc.	Spencer
Riceville Sale Pavillion, Inc.	Riceville
Rock Valley Sales Company	Rock Valley
Rubey Auction Company	Red Oak
Russell Sales Company, Inc.	Russell
Sales Company of Hawarden	Hawarden
Sheldon Livestock Sales Company	Sheldon
Shenandoah Livestock Auction, Inc.	Shenandoah
*Sioux City Stockyards	Sioux City
Spencer Dairy Cattle Exchange	Spencer
Spencer Livestock Sales, Inc.	Spencer
Steele-Simon-Wood Brothers Market	Sioux City
Stanton Livestock Auction Company	Stanton
Storm Lake Auction Company	Storm Lake
Story City Auction Sales, Inc.	Story City
Stuart Sales Company	Stuart
*Tama Livestock Auction, Inc.	Tama
Thompson Livestock Commission Co., Inc.	Davis City
Tri-State Livestock Auction Company, Inc.	Sioux Center
Traer Livestock Market	Traer
United Livestock Commission Company	Maquoketa
Van Kley Feeder Cattle, Inc.	Sioux Center
Van's Calf Farm	Hospers
Waitt Cattle Company	Sioux City
Walker Sales Company	Walker
*Wapello Livestock Sales, Inc.	Wapello
Waverly Sale Company	Waverly
Wayland Livestock Auction Market	Wayland
West Union Auction Exchange	West Union
Winneshiek Co-op Sales Commission	Decorah
Jake Zoet Livestock Company	Sheldon
Kansas	
*Allen County Livestock Auction	Gas City
*Anderson County Sale Company	Garnett
*Anthony Livestock Company	Anthony
*Atchison County Auction Co., Inc.	Atchison
*Atwood Sale Barn, Inc.	Atwood
*Beloit Livestock Auction, Inc.	Beloit
*Caldwell Community Sale	Caldwell
*Cedar Vale Sales Company	Cedar Vale
*Central Livestock Corporation	South Hutchinson
*Chandler Livestock Auction	Smith Center
*Chanute Livestock Auction	Chanute
*Circle "L" Livestock Sale	Liberal
*Clay Center Livestock Company, Inc.	Clay Center
*Coffey County Livestock Market	Burlington
*Coffeyville Livestock Sales Co., Inc.	Coffeyville
*Coffeyville Stockyards, Inc.	Coffeyville
*Colby Livestock Auction, Inc.	Colby
*Coldwater Livestock Sale Company, Inc.	Coldwater
*Council Grove Livestock Commission Company	Council Grove
*Dighton Livestock Auction	Dighton
*Douglass Livestock Commission Co.	Douglass
*El Dorado Livestock Auction	El Dorado
*Emmett Livestock Sales	Emmett
*Emporia Livestock Sales Co., Inc.	Emporia
*Eureka Auction Sale	Eureka
*Farmers and Ranchers Commission Company	Salina
*Farmers Livestock Exchange, Inc.	Wakarusa
*Fort Scott Sale Company, Inc.	Fort Scott
*Franklin County Sale Company, Inc.	Ottawa
*Fredonia Livestock Sales Company, Inc.	Fredonia
*Garden City Livestock Market, Inc.	Garden City
*Glasco Livestock Exchange	Glasco
*Great Bend Livestock Commission, Inc.	Great Bend
*G & V Cattle Company	Elkhart
*Hansen Livestock Auction	Concordia

*Hays Livestock Market Center	Hays
*Herington Livestock Commission Co.	Herington
*Hiawatha Auction Co.	Hiawatha
*Hill City Sale Barn	Hill City
*Hoxie Livestock Sales Co.	Hoxie
*Hutchinson Livestock Commission Co.	Hutchinson
*Holton Community Sale	Holton
*Holton Livestock Exchange, Inc.	Holton
*Iola Community Sale	Iola
*J & J Commission Company	Effingham
*Junction City Livestock Sales	Junction City
*Kingman Livestock & Sales Company	Kingman
*Kingman Community Sale	Kingman
*Kiowa Sales Company, Inc.	Kiowa
*Larned Livestock Market Center	Larned
*Lawrence Livestock Sale Co., Inc.	Lawrence
*Manhattan Commission Company, Inc.	Manhattan
*Mankato Livestock, Inc.	Mankato
*Marysville Livestock Commission Co.	Marysville
*McKinley-Winter Livestock Commission Co., Inc.	Dodge City
*Medicine Lodge Sale Co., Inc.	Medicine Lodge
*Miami County Livestock Co., Inc.	Paola
*Moline Auction Co., Inc.	Moline
*Norton Livestock Auction, Inc.	Norton
*Oakley Livestock Commission Co., Inc	Oakley
*Oberlin Livestock Commission Co., Inc.	Oberlin
*Onaga Livestock Commission Company	Onaga
*Osborne Livestock Commission Co., Inc.	Osborne
*Overbrook Livestock Auction	Overbrook
*Parsons Livestock Auction, Inc.	Parsons
*Phillipsburg Sales Co., Inc.	Phillipsburg
*Plainville Livestock Commission Co., Inc.	Plainville
*Pratt Livestock Commission Co.	Pratt
*Quinter Livestock Commission Co.	Quinter
*Reynolds Livestock Sales	Abilene
*Rezac Livestock Commission Company	St. Mary's
*Ruch Coutny Livestock Sale	La Crosse
*Russell Livestock Commission, Inc.	Russell
*Sabetha Livestock Auction	Sabetha
*St. Francis Livestock Sales Co.	St. Francis
*Southwestern Livestock, Inc.	Dodge City
*The Stockmans Livestock Exchange	Belleville
*Sylvan Sales Company, Inc.	Sylvan Grove
*Syracuse Sale Company, Inc.	Syracuse
*Turon Sale Company	Turon
*Wakeeney Livestock Commission Co., Inc.	Wakeeney
*Wichita Union Stockyards	Wichita
*Winfield Livestock Auction Co., Inc.	Winfield

Kentucky

*Albany Stockyard, Inc.	Albany
*R. B. Berry and Son Livestock Company, Inc.	Clinton
*Blue Grass Stockyards Co., Inc.	Lexington
*Bowling Green Livestock Market, Inc.	Bowling Green
*Bourbon Stockyards Company, Inc.	Louisville
*Boyle County Stockyards	Danville
*Breckinridge County Livestock Center	Irvington
*Brown Livestock Company	Clinton
*Bullitt County Stockyards	Shepherdsville
*Catlettsburg Livestock Sales Co.	Catlettsburg
*Central Kentucky Livestock Market	Stanford
*Christian County Livestock Market, Inc.	Hopkinsville
*Clark County Stockyard	Winchester
*Clay-Wachs Stockyard, Inc.	Lexington
*Cross-Walton Livestock Market Center	Walton
*Edmonton Livestock Market, Inc.	Edmonton
*Elizabethtown NFO Reload	Elizabethtown
*Faire Stockyard	Bardwell
*Farmers Commission Company	Tompkinsville
*Farmers Livestock Market	London
*Farmers Livestock Market	Mayfield
*Farmers Livestock Market of Glasgow, Inc.	Glasgow
*Farmers Stockyard, Inc.	Flemingsburg
*Franklin-Simpson Livestock Company	Franklin
*Garrard Stockyards Company	Lancaster
*Glasgow Livestock Auction, Inc.	Glasgow
*Graves County Livestock, Inc.	Mayfield
*Grayson County Stockyard Market, Inc.	Leitchfield
*Green County Stockyards	Greensburg
*Green River Livestock Market, Inc.	Munfordville
*Hart County Livestock Market	Munfordville
*Henry County Stockyard, Inc.	Pendleton
*Holmes Livestock Company, Inc.	Scottsville
*Hopkinsville NFO Collection Point	Hopkinsville
*Horse Cave Stockyard	Horse Cave
*Kentuckiana Livestock Market	Owensboro
*Kentucky Livestock Market, Inc.	Bowling Green
*Kentucky-Tennessee Livestock Market, Inc.	Guthrie
*King Livestock Company, Inc.	Hopkinsville
*Laurel Sales Company	London
*Madison Sales Company	Richmond
*Mammoth Cave Marketing Corporation	Smiths Grove
*Mantle Stockyards	Bardwell
*Morganfield Stockyard	Morganfield
*Maysville Stockyards	Maysville
*NFO Freedom Collection Point	Mt. Herman
*New Farmers Stockyard, Inc.	Mt. Sterling
*New Farmers Livestock Market	Somerset
*Owens County Stockyards	Owenton
*Owsley County Stockyard	Booneville
*Paducah Livestock Auction	Ledbetter
*Paintsville Livestock Market	Paintsville
*Paris Stockyards, Inc.	Paris
*Pennyrile Stockyards	Hopkinsville
*Ratliff Stockyard	Mt. Sterling
*John M. Riley Livestock	Mayfield
*Russell County Stockyards	Russell Springs
*Russellville Livestock Market	Russellville
*Lee Schneider Sales Barn	Walton
*Somerset and Pulaski County Livestock Market, Inc.	Somerset
*Taylor County Stockyards	Campbellsville
*Tri-County Stockyard	Smithfield
*W K 259 Livestock Market	Leitchfield
*Walton NFO Sales, New Walton Stockyard	Walton
*Washington County Livestock Center	Springfield
*Wayne County Livestock Market	Monticello
*West Kentucky Land & Cattle Company, Inc.	Marion
*Williamstown Stockyards, Inc.	Williamstown

Louisiana

*Abbeville Commission Company	Abbeville
*Amite Livestock Company, Inc.	Amite
*Bastrop Livestock Auction	Bastrop
*Clark Livestock Commission Company	Benton
*Delhi Livestock Auction, Inc.	Delhi
*DeQuincy Livestock Commission Co.	DeQuincy
*DeRidder Livestock Commission Co.	DeRidder
*A. Dominique's Cow Palace, Inc.	Marksville
*Dominique's Stockyards, Inc.	Baton Rouge
*Dominique's, Inc.	Opelousas
*Eunice Stockyards, Inc.	Eunice
*Fairchild Livestock Sales, Inc., d.b.a. North Tangipohoa Stockyard	Kentwood
*Farmer and Stockman	Clarence
*Franklin Livestock Auction	Winnsboro
*Franklinton Stockyards, Inc.	Franklinton
*Guilbeau-Kennedy Stockyards, Inc.	Baton Rouge
*Heck Livestock Sales Company	Baton Rouge
*W. H. Hodges & Company, Inc.	Alexandria
*W. H. Hodges & Company, Inc.	New Roads
*Home Livestock Sales, Inc.	Homer
*Kentwood Livestock Sales	Kentwood
*Livestock Producers, Inc.	Bossier City
*Bill Lyles Auction	Grand Cane
*Lum Brothers Stockyards, Inc.	Vidalia
*Mansfield Livestock Auction	Mansfield
*Micelle's Commission Yard, Inc.	Lake Charles
*Raceland Stockyards	Raceland
*Red River Livestock Auction Company	Coushatta
*Vermilion Livestock Co., Inc.	Abbeville
*Voiron's Stockyard	Thibodaux
*West Monroe Livestock Auction, Inc.	West Monroe

Maine

Massow's Livestock Sales	Corinna
Ben Tilton & Sons	Corinth

Maryland

*Aberdeen Sales Company, Inc.	Aberdeen
*Baltimore Livestock Market, Inc.	West Friendship
*Cumberland Stockyards, Inc.	Cumberland
*Farmers Livestock Exchange, Inc.	Hanmboro
Farmers Market and Auction	Charlotte Hall
*Four States Livestock Auction, Inc.	Hagerstown
*Frederick Livestock Auction, Inc.	Frederick
*Friend's Stockyards, Inc.	Accident

*Grantsville Community Auction, Inc.	Grantsville
*Grantsville Livestock Auction, Inc.	Grantsville
*Hunters Sale Barn, Inc.	Rising Sun
*Harry Rudnick and Sons, Inc.	Galena
*Western Maryland Stock Yards, Inc.	Westminster
Woodsboro Livestock Sales	Woodsboro

Massachusetts

Farmers Live Animal Market Exchange, Inc. (FLAME)	Littleton
*Michelson's Livestock Commission Auction, Inc.	South Easton
Northampton Coop. Auction Association, Inc.	Whately

Michigan

Andy Adams Sale Barn	Hillsdale
Coldwater Livestock Auction	Coldwater
Michigan Livestock Exchange	Manchester
Napoleon Livestock Auction	Napoleon
Ravenna Livestock Sales	Ravenna

Minnesota

Arends Sale Yard, Inc.	Blue Earth
B L D Livestock, Inc.	Ivanhoe
Benson Livestock Exchange	Benson
Canby Livestock Sales Company	Canby
East Central Livestock Auction, Inc.	Mora
Farmers Livestock Auction Market	Caledonia
Harmony Livestock Sales	Harmony
Kasson Livestock Exchange	Kasson
Lanesboro Sales Commission, Inc.	Lanesboro
Lee and John's Livestock Market	Harmony
Lewiston Livestock Market	Lewiston
Long Prairie Livestock Auction Market	Long Prairie
Luverne Livestock Auction	Luverne
*Pipestone Livestock Auction	Pipestone
Rush City Livestock Auction	Rush City
Schmidt Livestock, Inc., d.b.a. Truman Livestock Sales	Truman
*St Paul Union Stockyards	St. Paul
Spring Grove Livestock Exchange, Inc.	Spring Grove
Spring Valley Sales Company	Spring Valley
Top Livestock Auction	Edgerton
Zumbrota Livestock Auction Market, Inc.	Zumbrota

Mississippi

*Alcorn County Stockyards	Corinth
*Askew's Buying Station	Edwards
*Batesville Livestock Commission, Inc.	Batesville
*Billingsley's Auction Sale, Inc.	Senatobia
*Black Cattle Company	Purvis
*Booneville Commission Company	Booneville
*C & R Farms, Inc.	Meridian
*Carl's Commission Company	Pontotoc
*Cattle Incorporated	Hattiesburg
*Central Livestock Company	Brandon
*The Central Mississippi Livestock Exchange, Inc.	Bay Springs
*Central Mississippi Livestock Commission Company	Carthage
*Chickasaw Livestock Auction, Inc.	Houston
*Corinth Stockyard, Inc.	Corinth
*Cow Palace, Inc.	McComb
*Delta Stockyard, Inc.	Greenville
*Dixie Stockyards, Inc.	Meridian
*East Mississippi Farmers Livestock Company	Philadelphia
*Ed Eaton Farms	Okolona
*Fairchild Livestock Sales, Inc.	Hazlehurst
*Georgia County Stockyard, Inc.	Lucedale
*Glenwild Ranch	Grenada
*Glynn Robinson Stockyard, Inc.	West Point
*Grenada Livestock Exchange	Grenada
*Harrell Stockyard, Inc.	Morton
*Jack D's Commission Company	Pontotoc
*Kosciusko Stockyard	Kosciusko
*Laurel Stockyard	Laurel
*Lexington Sales Company, Inc.	Lexington
*Lincoln County Livestock Commission, Inc.	Brookhaven
*Lipscomb Commission Company	Como
*Livestock Producers Association	Tylertown
*Lucedale Auction, Inc.	Lucedale
*Lum Commission Company	Vicksburg
*Magnolia Cattle Company	Tupelo
*Meridian Order Buyers	Meridian
*Meridian Stockyards, Inc.	Meridian
*Mid-Mississippi Livestock Company	Canton
*Mid-South Order Buyers	Jackson
*Mississippi Livestock Producers Association	Jackson
*Mississippi Order Buyers, Inc.	Jackson
*M and W Cattle Company	Hattiesburg
*M and W Cattle Company	Starkville
*Natchez Stockyards, Inc.	Natchez
*New Albany Sales Company	New Albany
*Oxford Livestock Market, Inc.	Oxford
*Clayton Partridge	Winona
*Pontotoc Stockyards	Pontotoc
Prairie Livestock, Inc.	West Point
*Quinn Cattle Company	Jackson
*Quinn & Son Stockyard	Jackson
*Percy Quinn Stockyard, Inc.	Jackson
*Ramsey Stockyard, Inc.	Summit
*Ranchers and Farmers Livestock Commission Co.	Macon
*Ripley Sales Company	Guntown
*Ross Cattle Co., Inc.	Terry
*S & A Livestock, Inc.	Tupleo
*Smith Brothers Stockyard, Inc.	Poplarville
*Southeast Mississippi Livestock Farmers Assn.	Hattiesburg
*Southwest Stockyard	Port Gibson
*Starkville Livestock Auction Market	Starkville
*Stockyard Beef Sales, Inc.	Tupelo
*Stockyard Dairy Sales, Inc.	Tupelo
*Stringer Sale Barn	Columbia
*Tadlock Stockyards	Forest
*Tri-County Stockyards, Inc.	Tupelo
*Madison Vine Cattle Company	Centreville
*Walnut Sales Company	Walnut
*Wilbanks Stockyard	Carthage
*Winona Stockyard	Winona
*Winston County Community Sale	Louisville

Missouri

*Adair County Livestock Market, Inc.	Kirksville
Alton Sale Company	Alton
*Beck and McCord Auction Company	Sikeston
Benton County Producers Association	Warsaw
*Blansit Dairy & Stock Cattle Company, Inc.	Ozark
Bollinger County Livestock Producers Association	Marble Hill
*Brookfield Livestock Auction, Inc.	Brookfield
*Brunswick Sale Company	Brunswick
*Cabool Livestock Market, Inc.	Cabool
Callao NFO Collection Point	Callao
*Callaway Stock Sales Co.	Fulton
*W. R. Cantrell & Sons Sale Co.	Archie
*Carrollton Livestock Auction	Carrollton
*Cassville Livestock Market, Inc.	Cassville
*Central Livestock Market of Poplar Bluff	Poplar Bluff
*Central Missouri Livestock Auction, Inc.	Mexico
*Central Missouri Sales Company	Sedalia
*Central Ozarks Livestock Market, Inc.	West Plains
*Charleston Auction Company	Charleston
*Chillicothe Livestock Market	Chillicothe
Edina NFO Collection Point	Edina
Circle S Livestock Market	Stanberry
*City Sales	West Plains
*Clark County Sale Company, Inc.	Kahoka
*Columbia Livestock Auction Market, Inc.	Columbia
*Concordia Livestock Auction	Concordia
Dent County Livestock Improvement Association	Salem
*Diamond Market Center, Inc.	Diamond
*Downing Stockyards	Downing
*Douglas County Livestock Auction, Inc.	Ava
*Edina Auction Market, Inc.	Edina
*El Dorado Sales Company, Inc.	El Dorado Springs
Fair Play Livestock Auction	Fair Play
*Farmers Auction Company	Mountain View
*Farmers & Traders Commission Co., Inc.	Palmyra
*Farmers Livestock Auction, Inc.	Boonville
*Farmington Livestock Market, Inc.	Farmington
4 Corners Collection Point (NFO)	Hunnewell
Fortuna NFO Collection Point	Fortuna
Four Rivers Collection Point	Labadie
*Franklin County Livestock Association	Sullivan
*Fredricktown Auction Company, Inc.	Fredericktown
*Fruitland Livestock, Inc.	Jackson
*Gallatin Livestock Auction, Inc.	Gallatin
Gasconade County Livestock Improvement Association	Owensville
*Donald Ghere Marketing Facility	Butler
Gingerich Horse Auction	Jameson
*Grant City Livestock Market, Inc.	Grant City
*Green City Livestock Market	Green City
*H.R.H. Auction Company	Hamilton
Howard County NFO Collection Point	Armstrong

*Interstate Livestock Market, Inc.	Bethany
Interstate Producers Livestock Association	Cuba
Interstate Producers Livestock Association	Perryville
Interstate Producers Livestock Association	Silva
*Ireland Brothers Livestock Market, Inc.	Trenton
*Johnson County Livestock Market	Warrensburg
*Joplin Stockyards, Inc.	Joplin
*Kahoka Sale Company, Inc.	Kahoka
*Kansas City Stockyards Company	Kansas City
*Kennett Sales Company, Inc.	Kennett
*Kingsville Livestock Auction	Kingsville
Kingsville NFO Collection Point	Kingsville
*Kirksville Community Sale, Inc.	Kingsville
Laclede County Livestock Association	Lebanon
*Lakeland Livestock, Inc.	Lowry City
LaMonte NFO Livestock	LaMonte
*Lebanon Livestock Auction	Lebanon
*Lexington Livestock Auction	Lexington
*Licking Livestock Sales, Inc.	Licking
*Lockwood Livestock Auction	Lockwood
*Lolli Sale Pavilion	Macon
*Mansfield Livestock Auction, Inc.	Mansfield
Maries County Livestock Producers Association	Vienna
*Marshall Livestock Auction	Marshall
Maysville NFO Collection Point	Amity
Mercer County Producers Association	Princeton
*Mercer County Sale Company	Princeton
Meta Collection Point, Inc.	Meta
*MFA Cattlmen Auction Company	Humansville
Midstates Livestock Market, Inc.	Maryville
*Mid-West Livestock Market, Inc.	Nevada
*Milan Livestock Auction	Milan
*Moberly Auction Company	Moberly
*Mo Cow Company	Lancaster
*Montgomery County Livestock Auction Co.	Montgomery City
C. H. Moore & Son Livestock Yards	Memphis
Morgan County-Intercounty Livestock Producers Assn.	Versailles
*Mountain Grove Livestock Market	Mountain Grove
*Nevada Livestock Auction Company, Inc.	Nevada
*New Cambria Livestock Auction Market	New Cambria
*Nixa Livestock Auction	Nixa
*Odessa Community Sale	Odessa
*Olean Livestock Market, Inc.	Eldon
Osage County Livestock Producers Association	Linn
Ozark County Cattle Company	Gainesville
*Palmyra Livestock Auction Market, Inc.	Palmyra
*Pasley Auction Company	Osceola
Patton Junction N.F.O. Collection Point	Patton
Phelps County Livestock Improvement Association	St. James
Bob Pierce Sale Barn	Buffalo
*Pike County Livestock Market	Bowling Green
*Popular Bluff Sales Company, Inc.	Poplar Bluff
*Potosi Livestock Market	Potosi
Charles Reed Livestock	Mountain Grove
Putnam County Livestock Marketing Association	Unionville
Puxico Stockyards & Auction Co.	Puxico
Reynolds County Livestock Producers Association	Ellington
*Rich Hill Sales Company	Rich Hill
Ripley County Livestock Producers Association, Inc.	Doniphan
Roberts Bros. Livestock Commission Co.	Bolivar
Rock Port Sales Pavilion, Inc.	Rock Port
Rolla Livestock Market	Rolla
*Saint Joseph Stockyards	St. Joseph
*Salem Auction	Salem
Savannah Sales Company	Savannah
*St. Clair Livestock Auction	St. Clair
*Scotland County Livestock Auction, Inc.	Memphis
*Sedgewickville Auction Market, Inc.	Sedgewickville
*Shelbina Auction Company	Shelbina
Sho-Me Feeder Pigs, Inc., Thayer Division	Thayer
*South Central Livestock Market, Inc.	Vienna
*Stewart Sale Pavilion	Cameron
St. James Auction Company	St. James
Ste. Genevieve Livestock Producers Association	Ste. Genevieve
Ste. Genevieve Livestock Collection Point	Ste. Genevieve
*Summersville Livestock Market	Summersville
Tina Livestock Auction	Tina
*Union Stockyards Company, Inc.	Springfield
*Unionville Sale Company	Unionville
*Versailles Auction Company	Versailles
*Warsaw Auction Company	Warsaw
Washington County Producers Association	Potosi
Wayne County Livestock Producers Association	Greenville
Western Missouri Feeder Calf Association	Appleton City
Wheaton Livestock Auction	Wheaton
*Windsor Auction Company	Windsor

Montana

*Beaverhead Livestock Auction	Dillon
*Billings Livestock Commission Company, Inc.	Billings
*Bitterroot Livestock Market	Hamilton
*Glendive Livestock Sales Company	Glendive
*Kalispell Livestock Auction	Kalispell
*Livestock Auction, Inc.	Baker
*Miles City Livestock Center	Miles City
*Missoula Livestock Auction Company	Missoula
*Montana Livestock Auction, Inc.	Butte
*Public Auction Yards	Billings
*Sidney Livestock Market Center	Sidney

Nebraska

*Ainsworth Livestock Market	Ainsworth
*Alma Livestock Commission Company	Alma
*Atkinson Livestock Market	Atkinson
*Bassett Livestock Auction	Bassett
*Beatrice 77 Livestock Sales Company	Beatrice
*Beatrice Sales Pavilion	Beatrice
*Blue Hill Livestock	Blue Hill
*Butte Livestock Market	Butte
*Chadron Sales Company, Inc.	Chadron
*Chappell Livestock Auction	Chappell
*Columbus Sales Pavilion, Inc.	Columbus
*Crawford Livestock Auction Market	Crawford
*Crete Livestock Market	Crete
*Fairbury Livestock Company	Fairbury
*Falls City Auction Company, Inc.	Falls City
*Franklin Livestock Market	Franklin
*Gordon Livestock Auction Company	Gordon
*Grand Island Livestock Auction, Inc.	Grand Island
*Hebron Livestock Commission Company	Hebron
*Holdrege Livestock Auction Market	Holdrege
*Humboldt Sale Barn	Humboldt
*Huss Platte Valley Auction, Inc.	Kearney
*Imperial Auction Market	Imperial
*Kearney Livestock Commission Company, Inc.	Kearney
*Kimball Livestock Auction Company	Kimball
*Laurel Livestock Sales Company	Laurel
*Lexington Livestock Market	Lexington
*Midwest Livestock Commission Company, Inc.	McCook
*Nebraska City Salebarn, Inc.	Nebraska City
*Norfolk Livestock Market	Norfolk
*Ogallala Livestock Auction Market	Ogallala
*Omaha Livestock Market, Inc.	Omaha
*O'Neill Livestock, Inc.	O'Neill
*Oxford Livestock Commission Company	Oxford
*Pawnee Livestock, Inc.	Pawnee City
*Pender Livestock, Inc.	Pender
Platte Valley Livestock Auction, Inc.	Gering
*Red Cloud Livestock Commission Co., Inc.	Red Cloud
*Sheridan Livestock Commission Company	Rushville
*Sioux County Livestock Auction	Harrison
*Southeast Nebraska Livestock Market	Palmyra
*Superior Livestock Commission Company, Inc.	Superior
*Sutton Livestock Commission Company	Sutton
*Tecumseh Livestock Market, Inc.	Tecumseh
*Tri-State Livestock Commission Company	McCook
*Verdigre Livestock Market	Verdigre
*Wahoo Livestock Auction Company	Wahoo
*Wells Commission Company	Fremont
*Western Livestock Auction Company	North Platte
*West Point Sales Company	West Point
*York Livestock Sales Company	York

New Jersey	
*Community Livestock Auction	Woodstown
*Jaeger's Livestock Auction Market	Sussex
*Livestock Cooperative Auction Market Assn. of North Jersey, Inc.	Hackettstown
New Mexico	
*Artesia Livestock Commission Company	Artesia
*Clovis Livestock Market	Clovis
*Five States Livestock Auction	Clayton
Las Vegas Livestock Commission Company, Inc.	Las Vegas
*Lea County Livestock Market	Lovington
Portales Livestock Commission Company	Portales
*Ranchers and Farmers Livestock Auction	Clovis
Roswell Livestock Auction Company	Roswell
*Socorro Livestock Market, Inc.	Lemitar
North Carolina	
Ashe Stockyards Company, Inc.	Jefferson
Benson Hog and Livestock Market	Benson
Brite-Tatum Livestock Co., Inc.	Elizabeth City
Carolina Stockyard Company	Siler City
Carolina-Virginia Stockyard	Windsor
Cattleman's Livestock Market	Canton
Coastal Livestock, Inc.	Richlands
Dedmon's Livestock Market and Dedmon's Livestock Market Feeder Pig Sale	Shelby
FCX Livestock Market	Hillsborough
Farmers Cooperative Livestock Market	Lexington
Farmers Livestock Barn	Harrisburg
Farmers Livestock Exchange	Marshville
D. F. Foust Livestock Auction Market	Greensboro
Hickory Livestock Market	Hickory
W. H. Horney Livestock, Dealer	Siler City
Iredell Livestock Company	Turnersburg
Kinston Stockyard	Kinston
Lancaster Stockyard	Rocky Mount
Lumberton Auction Company	Lumberton
Mount Airy Livestock Market	Mount Airy
Mountain Livestock Auction	Murphy
New River Livestock Market	Boone
Norwood Stockyard	Norwood
Mount Olive Livestock Market	Mount Olive
Oxford Livestock Market, Inc.	Oxford
Pates Stockyards, Inc.	Pembroke
Pates Stockyard, Inc. of Whiteville	Whiteville
Powell Livestock Company	Smithfield
Reaves Livestock, Inc.	Rowland
Riley's Livestock Market	North Wilesboro
Shelby Livestock, Inc.	Shelby
Tommi Turner Livestock Market	Pink Hill
Union County Livestock Auction, Inc.	Mineral Springs
Western Carolina Livestock Market & Feeder Pig Sale	Asheville
Wells Livestock Market, Inc.	Wallace
North Dakota	
*Ashley Livestock Sales, Company	Ashley
*Carrington Livestock Sales, Inc.	Carrington
*Edgeley Livestock, Inc.	Edgeley
*Farmer's Livestock Exchange of Bismarck, Inc.	Bismarck
*Glick Livestock Auction	Minot
*Harvey Livestock Auction	Harvey
*Homebase Auction, Inc.	Bowman
*Jamestown Livestock Sales	Jamestown
*Kist Livestock Auction Company	Mandan
*Lake Region Auction and Livestock Market, Inc.	Devil's Lake
*Linton Livestock Sales, Inc.	Linton
*McQuade Livestock	Wahpeton
*Minot Livestock Auction Sales, Inc.	Minot
*Napoleon Livestock Auction	Napoleon
*Rugby Livestock Auction Market, Inc.	Rugby
*Stockmen's Livestock Exchange, Inc.	Beulah
*Stockmen's Livestock Exchange, Inc.	Dickinson
*Sitting Bull Auction Company	Williston
*Tri-State Auction Market, Inc.	Hettinger
*Triple S Cattle Company, Inc.	Valley City
*Turtle Lake Livestock Sales, Inc.	Turtle Lake
*Uecker Livestock Yards, Inc.	Hettinger
*Union Stockyards Company of Fargo	West Fargo
*Watford City Livestock Auction, Inc.	Watford City
*Western Livestock Company	Dickinson
*Wishek Livestock Market, Inc.	Wishek
Ohio	
Barnesville Livestock	Barnesville
Glenn Bircher d.b.a. Carrollton Livestock	Carrollton
Earl R. & Diane E. Carpenter, d.b.a. Bloomfield Livestock Auction	North Bloomfield
Creston Livestock Sales, Inc.	Creston
DeGraff Livestock	DeGraff
Delta Livestock Auction & Commission Company	Delta
Farmers Livestock Auction Co., Inc.	Marietta
Farmerstown Sale, Inc.	Baltic
Geauga Livestock Commission, Inc.	Middlefield
Granville Producers Livestock Sales, Inc.	Granville
Heinold Hog Market	Eldorado
Rodney A. Howery, d.b.a. Athens Livestock Sales	Albany
Interstate Livestock, Inc.	Oxford
Kidron Auction, Inc.	Kidron
Lugbill Brothers, Inc.	Archbold
Lugbill Brothers, Inc.	Columbus Grove
Middendorf, Inc., d.b.a. Western Ohio Livestock	Celina
Middendorf Stockyard Company, d.b.a. Kenton Farmers Market Company	Kenton
Mt. Hope Auction Company	Mt. Hope
Muskingum Livestock Sales Company	Zanesville
Ohio Valley Livestock Company	Gallipolis
William W. Osborne, d.b.a. Sugarcreek Livestock Auction	Sugarcreek
Producers Livestock Association	Bucyrus
Producers Livestock Association	Coshocton
Producers Livestock Association	Eaton
Producers Livestock Association	Findlay
Producers Livestock Association	Hillsboro
Producers Livestock Association	Lancaster
Producers Livestock Association	Marysville
Producers Livestock Association	Mount Vernon
Producers Livestock Association	Springfield
Producers Livestock Association	Wapakoneta
Producers Livestock Association	Washington Court House
Producers Livestock Association	Wilmington
Scio Livestock Auction	Scio
Glenn Shreve and Larry C. Shreve, d.b.a. Damascus Livestock Auction	Damascus
Stockyards, Inc., d.b.a. Champaign Livestock Sales	Urbana
The Union Stockyards Company	Hillsboro
James H. Wilson & Thomas H. Wilson, d.b.a. Peoples Livestock Exchange	Greenville
Oklahoma	
*Ada Livestock Auction, Inc.	Ada
*Adair County Livestock Auction	Stilwell
*Antlers Livestock Commission	Antlers
*Apache Livestock Sales Company	Apache
*Ardmore Livestock Auction	Ardmore
*Atoka Livestock	Atoka
*Beaver Livestock Auction	Beaver
*Blackwell Livestock Auction	Blackwell
*Chandler Auction Co., Inc.	Chandler
*Cherokee Sales Company	Cherokee
*Collinsville Livestock Exchange	Collinsville
*Covington Commission Sales Company	Covington
*Delaware County Livestock Auction, Inc.	Grove
*Dewey Stockyards, Inc.	Dewey
*Durant Livestock Market	Durant
*Enid Livestock Sales, Inc.	Enid
*Fairfax Livestock Auction	Fairfax
*Fairview Sale Barn	Fairview
*Farmers and Ranchers Livestock Auction	Vinita
*Fort Smith Stockyards	West Fort Smith
*Freeman Livestock Auction	Sulphur
*Geary Livestock Auction	Geary
*Grandfield Livestock Auction	Grandfield
*Hennessey Sale	Hennessey
*Hobart Stockyards	Hobart
*Holdenville Livestock	Holdenville
*Hollis Livestock Commission Company	Hollis
*Hormel Packing Company	Miami
*Hugo Sales Commission, Inc.	Hugo
*Idabel Livestock Auction	Idabel
*Lawton Stockyards	Lawton
*LeFlore County Livestock Auction	Wister
*Mangum Livestock Auction, Inc.	Mangum
*Marietta Livestock Auction	Marietta
*Marlow Livestock Auction	Marlow
*McAlester Union Livestock	McAlester
*Meeker Livestock Market	Meeker
*Mid-America Stockyards	Bristow
*Muskogee Stockyard	Muskogee
*New Tulsa Stockyards	Tulsa
*Newkirk Sales Company	Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Auction	Leach
*Oklahoma Auction Center	Chickasha

*Oklahoma Auction Yards	Hominy
Oklahoma National Stockyards Company	Oklahoma City
*Okmulgee Stockyards, Inc.	Okmulgee
*Panhandle Livestock Commission	Guymon
*Pauls Valley Livestock	Pauls Valley
*Pawnee Livestock Market Center, Inc.	Pawnee
*Perkins Y Livestock Auction, Inc.	Perkins
*Perry Livestock Center, Inc.	Perry
*Poor Boy Livestock Auction	Wister
*Pryor Stockman's Auction	Pryor
*Purcell Livestock	Purcell
*Ringling Livestock Auction	Ringling
*Sallisaw Sale Barn	Sallisaw
*Sayre Livestock Auction	Sayre
*Seiling Sales Association, Inc.	Seiling
*Snyder Stockyards	Snyder
*South Coffeyville Livestock Market, Inc.	South Coffeyville
Stigler Sale Barn	Stigler
*Tahlequah Sale Barn	Tahlequah
*Stockyards Industries, Inc.	Comanche
*Texhoma Livestock Commission Company	Texhoma
*Tillman County Stockyards, Inc.	Frederick
*Triangle Livestock Company	Alva
*Watonga Livestock Sale	Watonga
*Waurika Livestock Market	Waurika
*Welch Livestock Auction	Welch
*Western Livestock Auction	Elk City
*Woodward Livestock Auction Market, Inc.	Woodward

Pennsylvania

Belknap Livestock and Equipment Auction	Dayton
Belleville Livestock Market, Inc.	Belleville
Edgar K. Black	Skippack
K. M. Border	Dover
Carlisle Livestock Market, Inc.	Carlisle
Cattle Sales, Inc., d.b.a. Scenery Hill Stockyards	Scenery Hill
Chambersburg Livestock Sales, Inc.	Chambersburg
Chesley's Sales, Inc.	Northeast
Cowanesque Valley Livestock Auction	Knoxville
Wayne F. Craig and Sons	Skippensburg
Danville Cattle Company, Inc.	Danville
Dewart Livestock Market	Dewart
Eighty-Four Auction Sales, Inc.	Eighty-Four
Enon Valley Community Sales	Enon Valley
Fayette Stockyard, Inc.	Uniontown
G & M Livestock Market, Inc.	Duncansville
Greencastle Livestock Market, Inc.	Greencastle
Green Dragon Livestock Sales	Ephrata
Hickory Auction and Sales, Inc.	Hickory
Indiana Livestock Market, Inc.	Indiana
Jersey Shore Livestock, Inc.	Jersey Shore
Keister's Middleburg Auction Sales, Inc.	Middleburg
Lancaster Stockyards, Inc.	Lancaster
Lebanon Valley Livestock Market, Inc.	Fredericksburg
Leesport Market & Auction, Inc.	Leesport
Meadville Livestock Auction	Saegertown
Mercer Livestock Auction	Mercer
C. Robert Miller	Watsontown
Morrison Cove Livestock Market	Martinsburg
New Holland Sales Stables, Inc.	New Holland
New Wilmington Livestock Auction Inc.	New Wilmington
Nicholson Sales Company	Nicholson
Penns Valley Livestock Auction, Inc.	Centre Hall
Pennsylvania Livestock Auction, Inc.	Waynesburg
Perkiomenville Livestock and Sales, Inc.	Perkiomenville
Quakertown Livestock Sale	Quakertown
Sechrist Sales Company	Fawn Grove
W. R. Sellers Livestock	Greencastle
Thomasville Livestock Market, Inc.	York
Tri-County Livestock Auction, Inc.	Brockway
Troy Sales Cooperative	Troy
Union City Livestock Auction	Union City
Valley Stock Yards, Inc.	Athens
Vintage Sales Stables, Inc.	Paradise
Wayne County Auction Barn, Inc.	Honesdale
Weikert's Livestock	Fairfield
Wyalusing Livestock Market	Wyalusing

South Carolina

Central Carolina Livestock Market, Inc.	Lugoff
Chesnee Livestock Company	Chesnee
Darlington Auction Market	Darlington
Farmers County Line Stockyard	Andrews
Farmers Livestock Market, Inc.	Leesville
Farmers Market	Estill
Greenwood Livestock Market, Inc.	Greenwood
Herndon Stockyards, Inc.	Ehrhardt
Hutto Stockyards, Inc.	Holly Hill
Neeses Stockyards	Neeses
Orangeburg Stockyards, Inc.	Orangeburg
Piedmont Livestock Center	Laurens
Saluda County Stockyards, Inc.	Saluda
Spartanburg Livestock Yards	Spartanburg
Springfield Stockyards, Inc.	Springfield
John C. Taylor Stockyards	Anderson
Walterboro Stockyards Co., Inc.	Walterboro
York County Stockyards Sales, Inc.	York
Burke Livestock Auction	Burke
Canton Livestock Sales Company	Canton
Chamberlain Livestock Auction, Inc.	Chamberlain
Corsica Livestock Sales Company	Corsica
Gregory Livestock Auction Market	Gregory
Kimball Livestock Exchange	Kimball
Magness-Huron Livestock Exchange, Inc.	Huron
Martin Auction Company, Inc.	Martin
Mitchell Livestock Auction Company	Mitchell
Mobridge Livestock Auction, Inc.	Mobridge
Philip Livestock Auction	Philip
Sioux Falls Stockyards Company	Sioux Falls
Stockman's Livestock Auction Company	Yankton
Thompson Livestock	Whitewood
Winner Livestock Auction Company	Winner
Yankton Livestock Auction Market	Yankton

Tennessee

*American Farmers Marketing Co-op	Clarksville
*Anderson County Livestock Yards, Inc.	Clinton
*Athens Livestock Auction	Athens
*Botts & Evans Livestock Company	Union City
*Chattanooga Union	Chattanooga
*Clarksville Livestock Company	St. Bethlehem
*C & M Livestock Market	Jamestown
*Coffee County Livestock Market	Manchester
*Collierville Livestock Auction Company	Collierville
*Collins Cattle Company	Obion
*Covington Sale Company	Covington
*Crockett County Sales Company	Maury City
*Cumberland City Stockyard	Cumberland City
*DeKalb County Livestock Company	Alexandria
*Dickson Livestock Center	Dickson
*Dixie National Stockyards, Inc., d.b.a. Abraham Cattle Company	Memphis
*East Tennessee Livestock Center	Sweetwater
*Farmers Auction	Fayetteville
*Farmers Livestock Exchange	Union City
*Farmers Livestock Market, Inc.	Greeneville
*Gamaliel Kentucky Livestock Auction, Inc.	Gamaliel, Kentucky
*Giles County Stockyard	Pulaski
*Greeneville Livestock Market, Inc.	Greeneville
*Hardin County Stockyard	Savannah
*Hardin County Livestock Company	Savannah
*Jackson County Commission	Gainesboro
*Jonesboro Livestock Yards, Inc.	Telford
*Kingsport Livestock Auction Corp.	Kingsport
*Lawrence County Stockyard	Lawrenceburg
*Lexington Sales Company	Lexington
*Macon County Livestock Market	Lafayette
*Middleton Sale Company	Middleton
*Mid-South Livestock Commission Company	Columbia
*Mid-State Producers, Inc.	Woodbury
*Moody Livestock	Newbern
*Morristown Stockyard, Inc.	Morristown
*Murfreesboro Livestock Center	Murfreesboro
*Newbern Sales Company, Inc.	Newbern
*New Tazewell Livestock	New Tazewell
*North Central Livestock Center	Cross Plains
*Northwest Tennessee Livestock, Inc.	Newbern
*Oliver Livestock Company	Union City
*Paris Livestock Commission Company	Paris
*Peoples Livestock Market	Cookesville
*Peoples Stockyard	Fayetteville
*Plateau Livestock Exchange	Crossville
*Pulaski Stockyards	Pulaski
*Rogersville Livestock Market	Rogersville
*Sampson & Maxewell Livestock Auction	Lewisburg
*Scotts Hill Auction Company	Scotts Hill
*Sevier County Livestock Auction Market	Seymour

*Shelbyville Livestock Market	Shelbyville
*Smith County Commission Company	Carthage
*Smithville Stockyards	Smithville
*Southern Livestock Auction Company	Columbia
*South Memphis Stock Yards Co.	Memphis
*Southwestern Stockyards	Huntingdon
*Sparta Livestock Company	Sparta
*Tennessee Livestock Producers	Thompson Station
*Tennessee Producers	Fayetteville
*Thompson Livestock	Obion
*Trenton Sales Company	Trenton
*Tri-County Stockyards	McKenzie
*Trousdale County Livestock Market	Hartsville
*Troy Livestock Exchange	Troy
*Unionville Livestock Auction Company	Unionville
*Union Stockyards, Inc.	Knoxville
*Warren County Livestock	McMinnville
*West Tennessee Auction Co., Inc.	Martin
*West Tennessee Stockyard	Selmer
*Wilson County Livestock Market	Lebanon
*Wilson Livestock Market	Newport
*Abilene Auction	Abilene
*Amarillo Livestock Auction	Amarillo
*Athens Livestock Market	Athens
*Belton Livestock Auction	Belton
*Bonham Livestock Market	Bonham
*Bowie Livestock Commission, Inc.	Bowie
*Breckenridge Stockyards	Breckenridge
*Brownwood Cattle Auction	Brownwood
*Caldwell Livestock Commission Company	Caldwell
*Canyon Livestock Commission	Canyon
*Cattleman's Livestock Commission Company	Dalhart
*Cattleman's	Palestine
*Cattleman's Livestock Commission Company	Paris
*Center Auction Company, Inc.	Center
*Central Texas Livestock Market	Brownwood
*Coleman Livestock Auction	Coleman
*Clarksville Livestock Exchange, Inc.	Clarksville
*O.L. Colley Livestock Market	Mt. Pleasant
*Decatur Auction Sale	Decatur
*El Paso Livestock Auction Company, Inc.	El Paso
*Ennis Auction	Ennis
*Floyada Livestock Sales, Inc.	Floyada
*Fort Worth Stockyards Corp.	Fort Worth
*Gainesville Livestock Market, Inc.	Gainesville
*Graham Livestock Commission Company	Graham
*Greenville Livestock Commission Company	Greenville
*Haskell Livestock Auction	Haskell
*Huntsville Auction Barn	Huntsville
*Jacksonville Livestock Market, Inc.	Jacksonville
*J & J Livestock Commission Company	Texarkana
*Johnson County Dairy Sale	Cleburne
*Junction Stockyard, Inc.	Junction
*Kirbyville Auction Barn	Kirbyville
*Lampasas Auction, Inc.	Lampasas
Livingston Livestock Auction Sale (No. 169)	Livingston
*Llano Livestock Auction	Llano
*Longview Livestock Commission Company	Longview
*Lubbock Livestock Commission Company	Lubbock
*Lufkin Livestock Exchange	Lufkin
*Madison County Livestock Commission	Madisonville
*Mansfield Dairy Cattle Auction	Mansfield
*Marshall Livestock Commission Company	Marshall
*McDougal Commission Auction Barn	Comanche
*Meridian Livestock Auction	Meridian
Milano Livestock Market, Inc.	Milano
*Mineral Wells Stockyard Company	Mineral Wells
*Moore's Livestock Commission Company, Inc.	McKinney
*Morris County Livestock Commission Company	Omaha
*Muenster Livestock Auction Commission Company	Muenster
*Muleshoe Livestock Commission Auction, Inc.	Muleshoe
*Nacogdoches County Livestock Arena, Inc.	Nacogdoches
*Olney Livestock Auction	Olney
*Panola Livestock Commission Company	Carthage
*Paris Livestock Commission Company	Paris
*Patton Livestock, Inc.	Nacogdoches
*Pilot Point Livestock Commission Co., Inc.	Pilot Point
*Pittsburg Livestock Commission Company	Pittsburg
*Port City Stockyards Company	Sealy
*Producer's Livestock Auction Company	San Angelo
*Rains County Livestock Market	Emory
*Southwestern Livestock Market	Midland
*Sulphur Springs Stocker & Dairy Commission	Sulphur Springs
*Terrell Livestock Market, Inc.	Terrell
*Texarkana Livestock Commission Co., Inc.	Texarkana
*Tulia Livestock Auction	Tulia
*Tyler Livestock Commission Company	Tyler
Vann-Roach Cattle Company, Inc.	Fort Worth
*Vernon Stockyards Company	Vernon
Waldrup Livestock Auction Company	Weatherford
Waxahachie Livestock Commission Co., Inc.	Waxahachie
*Wellington Livestock Auction	Wellington
*Wichita Livestock Auction	Wichita Falls
*Wills Point Livestock Market	Wills Point
*Winnsboro Livestock Market	Winnsboro
*Winnie Livestock Exchange	Winnie
*Wood County Livestock Commission Company	Mineola
*Woodville Livestock Commission Company	Woodville

Utah

*Cedar City Livestock Auction Company	Cedar City
*Dalta Livestock Auction Company	Delta
*Producers Livestock Auction	North Salt Lake
*Producers Livestock Marketing Association	North Salt Lake
*Producers Salina Auction	Salina
*Richfield Auction Company	Monroe
*Smithfield Livestock Auction	Smithfield
*Vernal Livestock Auction	Vernal
*Uintah Livestock Commission Company	Roosevelt
*Weber Livestock Auction Company	Ogden

Vermont

*Addison County Commission Sales	East Middlebury
*E. S. Crosby, Inc. d.b.a. Vergennes Commission Sales	Vergennes
C. W. Gray and Sons, Inc., d.b.a. East Thetford Commission Sale	East Thetford
E. M. Hayes	Enosberg
Morrisville Commission Sale, Inc.	Morrisville
Orleans Commission Sales	Orleans
St. Albans Commission Sale	St. Albans

Virginia

*Abingdon Livestock Exchange, Inc., T/A Tri-State Livestock Market	Abingdon
*Abingdon Livestock Market	Abingdon
*Amherst County Livestock Market, Inc.	Amherst
*Blackstone Livestock Market	Blackstone
*Charlottesville Livestock Market	Charlottesville
*Christiansburg Livestock Market, Inc.	Christiansburg
*Ewing Livestock Market	Ewing
*Farmers Livestock Exchange	Winchester
*Farmers Livestock Market	Ewing
*Farmers Livestock Market	Gate City
*Farmers Livestock Market, Inc	Tazewell
*Lee Farmers Livestock Market, Inc.	Jonesville
*Farmers Livestock Market	Rose Hill
Farmville Livestock Market, Inc.	Farmville
*Fauquier Livestock Exchange, Inc.	Marshall
*Fredericksburg Livestock Exchange, Inc.	Fredericksburg
*Fredericksburg Stockyards Company	Fredericksburg
*Front Royal Livestock Exchange, Inc.	Front Royal
*Galax Livestock Market, Inc	Galax
*Jonesville Livestock Market	Jonesville
Leesburg Livestock Market, Inc.	Leesburg
*Lynchburg Livestock Market, Inc.	Lynchburg
*Madison Livestock Market, Inc.	Madison Mills
*Monterey Livestock Sales, Inc	Monterey
*Narrows Livestock Auction Market, Inc.	Narrows
*Nokesville Livestock Auction, Inc.	Nokesville
*Orange Livestock Market	Orange
Pearce's Livestock Market	Suffolk
*Petersburg Livestock Market	Petersburg
*Phenix Livestock Market	Phenix
*Pulaski Livestock Market	Dublin
*Richmond Union Stockyards	Richmond
*Roanoke-Hollins Stockyard	Hollins

*Roanoke Livestock Market	Roanoke
*Rockingham Livestock Sales	Harrisonburg
Saluda Livestock Buying Station	Glenns
*Shenandoah Valley Livestock Sales	Harrisonburg
*Shen-Valley Buying Station	Dillwyn
*Shen-Valley Buying Station	Madison Mills
*Smithfield Livestock, Inc.	Smithfield
*Southampton Stockyards, Inc.	Courtland
*South Boston Livestock Market, Inc.	South Boston
*South Hill Stockyard	South Hill
*Southside Stockyards, Inc.	Blackstone
*Southside Stockyards, Inc.	Petersburg
*Staunton Union Stockyards, Inc.	Staunton
*Staunton Livestock Market	Staunton
*Tappahannock Livestock Market, Inc.	Tappahannock
*Victoria Stockyard	Victoria
*Virginia-Carolina Livestock and Agricultural Market, Inc.	Danville
*Woodstock Livestock Market, Inc.	Woodstock
*Wytheville Livestock Market, Inc.	Wytheville

Washington

*Chehalis Livestock Market	Chehalis
*Davenport Livestock Marketing Center	Davenport
*Prosser Commission Company	Prosser
*Stockland Livestock Exchange, Inc.	Spokane
Twin City Sale	Centralia
*Vancouver Livestock Market, Inc.	Camas
Walla Walla Livestock Auction	Walla Walla

West Virginia

*Bluegrass Market, Inc.	North Caldwell
*Blueridge Livestock Sales, Inc.	Charles Town
*Bridgeport Stockyards, Inc.	Bridgeport
*Buckhannon Stockyards	Buckhannon
*Jackson County Livestock Market, Inc.	Ripley
*Livestock Exchange, Inc., d.b.a. Alderson Livestock Market	Alderson
*Mannington Livestock Sales, Inc.	Mannington
*Moundsville Livestock Auction Company	Moundsville
*New River Livestock Market, Inc.	Beckley
*Ohio County Livestock Auction, Inc.	Wheeling
*Pocahontas Producers Cooperative Association	Marlinton
*Randolph County Livestock Marketing Association	Elkins
*South Branch Stockyard, Inc.	Moorefield
*Spencer Livestock Exchange Company	Spencer
*Terra Alta Livestock Market, Inc.	Terra Alta
*Terra Alta Stockyard, Inc.	Terra Alta
*United Livestock Sales	Parkersburg
*Weston Livestock Sales Company, Inc.	Weston

Wisconsin

H-Bar Arena	Plum City
Barron Livestock Sales Barn	Barron
*Beetown Livestock Exchange	Beetown
*Belmont Livestock Market, Inc.	Belmont
Benoit NFO Livestock Collection Point	Benoit
*Clear Lake NFO Collection Point	Clear Lake
Coon Valley Sale Barn	Coon Valley
*Ellsworth NFO Collection Point	Ellsworth
*Equity Co-op Livestock Sales Association	Altoona
*Equity Co-op Livestock Sales Association	Bonduel
*Equity Co-op Livestock Sales Association	Johnson Creek
Equity Co-op Livestock Sales Association	Monroe
*Equity Co-op Livestock Sales Association	Richland Center
*Equity Co-op Livestock Sales Association	Ripon
*Equity Co-op Livestock Sales Association	Sparta
*Kuehne Livestock Auction Market	Seymour
Mattes Livestock Auction Market, Inc.	Thorp
*Mathes Farms	Viola
*Midwest Livestock Producers Coop.	Dodgeville
Midwest Livestock Producers Coop.	Ettrick
*Midwest Livestock Producers Co-op	Fennimore
*Midwest Livestock Producers Co-op	Lomira
*Midwest Livestock Producers Co-op	Marion
Midwest Livestock Producers Co-op	Monticello
*Midwest Livestock Producers Co-op	Shullsburg
*Milwaukee Stockyards	Milwaukee
*Peshtigo Livestock Market	Peshtigo

Wyoming

*Sheridan Livestock, Inc.	Sheridan
*Douglas Livestock Exchange	Douglas
*Greybull Livestock Auction, Inc.	Greybull
*Lusk Livestock Exchange	Lusk
*Nield Market	Afton
*Powell Auction Market	Powell
*Riverton Livestock Auction Company	Riverton
*Stockgrowers Livestock Auction Company	Worland
*Stockman's Livestock Auction	Torrington
*Torrington Livestock Commission Company	Torrington

Effective Date: The foregoing notice shall become effective January 18, 1982.

Done at Washington, D.C., this 12th day of January, 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-1178 Filed 1-15-82; 8:45 am]

BILLING CODE 3410-21-M

V
4
7
/
1
1
J
A
1
8
8
2

Re

INFO

PUBL

Code
CFR

Gener
Incorp
Printi

Feder
Corre
Daily
Gener
Privac
Public

Sched

Laws
Index
Law

Slip l

Presi
Execu
Public
Week

United

SERV
Agenc
Autom
Dial-a
Chi
Los
Wa
Librar
Magne
volu
Public
Regula
Specia
Subscr
Subscr
TTY f

FEDE

1–128
129–5
589–7
745–9
935–1
1109–
1257–
1387–
2073–
2283–
2475–

Reader Aids

Federal Register

Vol. 47, No. 11

Monday, January 18, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15
2475-2768	18

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12310 (Amended by EO 12339)	2475
12337	1367
12338	1369
12339	2475

5 CFR

410	935
1201	936
359	2283
832	2284
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
282	532
301	1257
425	6
631	130
701	937
800	131, 2254
905	589
906	1265
907	746, 2074
910	939
944	747, 1265
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1004	2118
1006	814
1007	962, 2122
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules	
3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

2	2268
40	6
50	2286
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
Ch. XVI	1138
317	1137
378	817
440	1299
457	1301
500	161
501	161
503	161
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9
226	755
327	943
614	2477
Proposed Rules:	
701	963
702	633, 2122

13 CFR

101.....2074, 2305
120.....9
124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113, 2477, 2479
71.....15–18, 759, 760, 1113–1115, 2079, 2481
73.....18
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:

Ch. I.....817
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489
73.....1146, 2488, 2490
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079

Proposed Rules:

1.....2325
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329
271.....39, 638
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146, 2312
522.....146
558.....1289, 2312
561.....1375, 1376

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
51.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147

Proposed Rules:

1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:

5.....1148
9.....1149–1153

28 CFR

2.....2312

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

Proposed Rules:

Ch. I.....402
Ch. VII.....620, 2338
100.....2335
211.....819
700.....41
701.....41
716.....928, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115
123.....618, 1248, 2314
180.....619–623, 1378–1384
193.....1385
262.....1248
264.....953
265.....1254, 2316
762.....148, 149

Proposed Rules:

50.....2127, 2341
52.....191, 1304, 1398, 2129
58.....2127
65.....969
81.....2131
86.....972, 1306, 1642
123.....1155, 2378
180.....651–654
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385
5A–7.....2481
5A–16.....2481
5A–72.....2481

Proposed Rules:

Ch. 60.....402

42 CFR

405.....1386

441 1386

43 CFR

20 2316
428 624
Public Land Orders:
6100 21
6101 769
Proposed Rules:
Subtitle A 2381
4100 1155

44 CFR

65 770
66 770
70 ..... 771, 772
67 22
Proposed Rules:
13 2491
205 827

45 CFR

680 193
681 193
682 193
683 193
684 193

46 CFR

Proposed Rules:
69 2131
510 215
536 655

47 CFR

0 1294
2 ..... 953, 1386
21 953
73 ..... 150, 1386, 2116
74 ..... 150, 953, 1392
83 2317
Proposed Rules:
2 ..... 983, 1308
15 ..... 216, 836
73 ..... 58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385
74 983
90 1310

48 CFR

Proposed Rules:
13 1400
17 1400

49 CFR

Ch. X 613
1 1122
830 773
1033 ..... 151, 152, 624, 773, 776, 2482
1056 777
1136 2117
1139 2317
Proposed Rules:
1031 1155
1039 220
1300 220
1310 59

50 CFR

17 2317
23 ..... 1294, 2117
32 1122–1135
611 ..... 625, 1294, 1295
662 629
675 1295
Proposed Rules:
23 1242
611 2386
672 2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982

V 47 / 11
JA 18 82
UMI

V
4
7
/
1
1
J
A
1
8
8
2
UMI

The Federal Register

Regulations appear as agency documents which are published daily in the **Federal Register** and codified annually in the **Code of Federal Regulations**

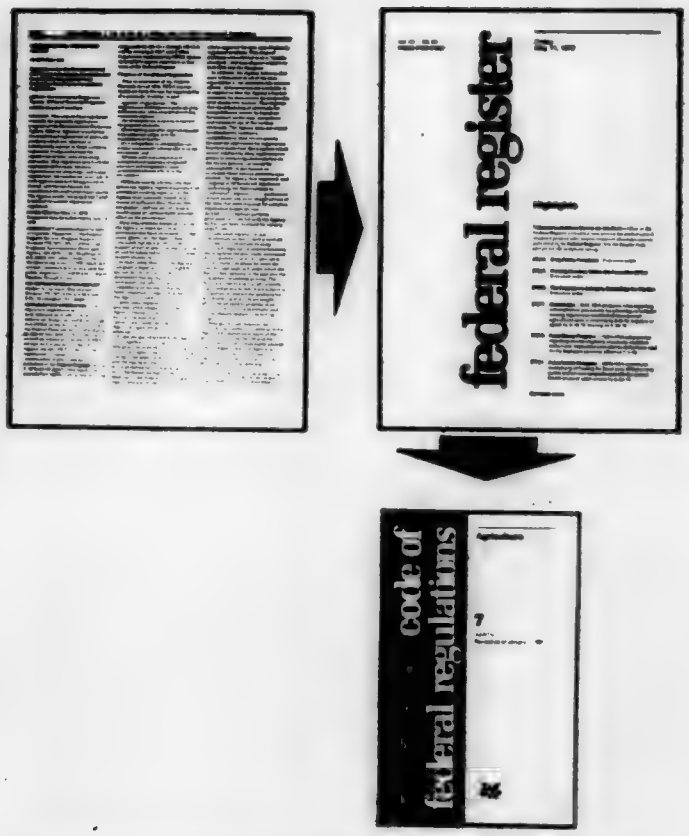

The **Federal Register**, published daily, is the official publication for notifying the public of proposed and final regulations. It is the tool to use to participate in the rulemaking process by commenting on the proposed regulations. And it keeps people up to date on the Federal regulations currently in effect.

The **Federal Register** contains many reader's aids—Highlights, Grant information, list of hearings and Sunshine meetings—which simplify the user's job.

The **Code of Federal Regulations** (CFR) contains the annual codification of the final regulations printed in the **Federal Register**. Each of the 50 titles is updated annually.

Subscription Prices:

Federal Register
One year: $75 domestic; $145 foreign
Six months: $45 domestic; $90 foreign

Code of Federal Regulations
One year: $525 domestic; $656.25 foreign
Single volumes: Individually priced.

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check,
☐ money order, or charge to my
Deposit Account No.
☐☐☐☐☐☐–☐

Order No. ☐☐☐☐☐☐

VISA MasterCard

Credit Card Orders Only
Total charges $ _____ Fill in the boxes below.
Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
Expiration Date Month / Year ☐☐☐☐

Please send me

. . . . . **Federal Register:** $75 per year domestic; $145 foreign
$45 per six-month domestic; $90 foreign

. . . . . **Code of Federal Regulations:** $525 per year domestic; $656.25 foreign

Name—First, Last
Company name or additional address line
Street address or additional address line
City State ZIP Code
(or Country)
PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY	
Quantity	Charges
..... Enclosed	
..... To be mailed	
..... Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
..... UPNS	
..... Discount	
..... Refund	

1-19-82
Vol. 47 No. 12
Pages 2767-2854

federal register

Tuesday
January 19, 1982

Highlights

2810 **Medical Devices** HHS/FDA proposes rules on classification of all general and plastic surgery devices. (Part II of this issue)

2796 **Occupational Safety and Health** Labor/OSHA requests comments on voluntary programs to supplement enforcement and to provide safe and healthful working conditions.

2774 **Rural Areas—Loan and Grant Programs** USDA/FmHA proposes to adjust funding priorities for community facility loans and domestic water and waste disposal system loans and grants.

2790 **Banking** FRS proposes 1982 fee schedules for wire transfer and net settlement services.

2776 **Securities—Reporting Requirements** SEC proposes to revise financial statement requirements for registered investment companies.

2771 **Environmental Protection** EPA adopts procedures for serving notices of intent to file citizen suits against alleged violators of the Toxic Substances Control Act.

2789 **Countervailing Duty** Commerce/ITA postpones preliminary determination on prestressed concrete steel wire strand from South Africa.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

2791 **Privacy Act Document** HHS

2805 **Sunshine Act Meetings**

Separate Parts of This Issue

2809 **Part II, HHS/FDA**

V 47 / 12 / JAN 19 1982 UMI

Contents

Federal Register

Vol. 47, No. 12

Tuesday, January 19, 1982

Agricultural Marketing Service
RULES
2767 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Farmers Home Administration.

Civil Aeronautics Board
NOTICES
2805 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
2788 Alabama
2788 Georgia
2788 Illinois
2788 Maryland
2788 Mississippi
2789 New Mexico
2789 North Carolina
2789 Tennessee

Commerce Department
See International Trade Administration.

Consumer Product Safety Commission
NOTICES
2806 Meetings; Sunshine Act

Education Department
See National Institute of Education.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
2768 Virginia
Toxic substances:
2771 Citizen suits, prior notice; procedures
NOTICES
Water pollution control; safe drinking water; public water systems designations:
2789 Wisconsin; extension of time

Farmers Home Administration
PROPOSED RULES
2774 Community facility loans and domestic water and waste disposal system loans and grants; funding priorities

Federal Communications Commission
NOTICES
2805 Meetings; Sunshine Act (3 documents)

Federal Home Loan Bank Board
NOTICES
2805 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Federal Reserve Bank services; fee schedules and pricing principles:
2790 Wire transfer of funds and net settlement services

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
2767 Lemon Co.; sponsor name change from D-M Pharmaceuticals
PROPOSED RULES
Medical devices:
2810 General and plastic surgery (including dermatological devices); general classification
NOTICES
Food additives, petitions filed or withdrawn:
2791 Abbott Laboratories

Health and Human Services Department
See also Food and Drug Administration.
NOTICES
2791 Privacy Act; systems of records

Interior Department
See National Park Service.

International Trade Administration
NOTICES
Countervailing duties:
2789 Prestressed concrete steel wire strand from South Africa

International Trade Commission
NOTICES
2805 Meetings; Sunshine Act

Labor Department
See Mine Safety and Health Administration; Occupational Safety and Health Administration.

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
2793 Carbon County Coal Corp. et al.

National Institute of Education
NOTICES
2806 Meetings; Sunshine Act

National Park Service
NOTICES
Historic Places National Register; pending nominations:
2792 Alabama et al.

National Railroad Passenger Corporation
NOTICES
2806 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
2802 Babcock & Wilcox Co.
2803 Consolidated Edison Co. of New York, Inc.
2803 Consumers Power Co.
2803 Duke Power Co.
2804 Wisconsin Electric Power Co.
Environmental statements; availability, etc.:
2802 Babcock & Wilcox Co.; Lynchburg pool reactor
Reports; availability, etc.:
2803 Control room design review, detailed; evaluation criteria; inquiry; extension of time
2804 Human factors acceptance criteria for safety parameter display system; extension of time
Meetings:
2801, 2802 Reactor Safeguards Advisory Committee (2 documents)

Occupational Safety and Health Administration
NOTICES
2796 Health and safety standards; voluntary programs, inquiry

Occupational Safety and Health Review Commission
NOTICES
2806 Meetings; Sunshine Act

Securities and Exchange Commission
PROPOSED RULES
Financial statements (Regulation S-X):
2776 Registered investment companies; requirements

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
2788 Alabama Advisory Committee, Montgomery, Ala. (open), 2-25-82
2788 Georgia Advisory Committee, Atlanta, Ga. (open), 2-25-82
2788 Illinois Advisory Committee, Chicago, Ill. (open), 2-8-82
2788 Mississippi Advisory Committee, Jackson, Miss. (open), 2-25-82
2789 New Mexico Advisory Committee, Santa Fe, N. Mex. (open), 2-6-82
2789 North Carolina Advisory Committee, Greensboro, N.C. (open), 2-18-82

NUCLEAR REGULATORY COMMISSION
2801 Reactor Safeguards Advisory Committee, Clinch River Breeder Reactor Subcommittee, Washington, D.C. (partially open), 2-2 and 2-3-82

CHANGED MEETINGS

CIVIL RIGHTS COMMISSION
2788 Maryland Advisory Committee, Silver Spring, Md. (open), 1-19-82 changed to 1-27-82
2789 Tennessee Advisory Committee, Knoxville, Tenn. (open), 1-29-82 changed to 1-22-82

NUCLEAR REGULATORY COMMISSION
2802 Reactor Safeguards Advisory Committee, Waste Management Subcommittee, Washington, D.C. (closed), 1-18-82 (status changed from open to closed)

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
910..... 2767
Proposed Rules:
1942..... 2774
17 CFR
Proposed Rules:
210..... 2776
21 CFR
510..... 2767
Proposed Rules:
878..... 2810
40 CFR
52..... 2768
702..... 2771

Rules and Regulations

Federal Register
Vol. 47, No. 12
Tuesday, January 19, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 342]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 17–23, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 17, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on January 12, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easy.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.642 is added as follows:

§ 910.642 Lemon Regulation 342.

The quantity of lemons grown in California and Arizona which may be handled during the period January 17, 1982, through January 23, 1982, is established at 210,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–1306 Filed 1–15–82; 11:56 am]
BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor of three new animal drug applications (NADA's) from D–M Pharmaceuticals, Rockville, MD to Lemmon Co., Sellersville, PA.

EFFECTIVE DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV–104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: Lemmon Co., Sellersville, PA 18960, filed supplemental NADA's 48–391, 49–183, and 95–017 providing for the change of sponsor from D–M Pharmaceuticals, Rockville, MD 20850.

The change of sponsor for these NADA's is the result of a corporate merger which does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I supplemental approval which does not require reevaluation of the safety and effectiveness data in the original applications.

The animal drug regulations are amended in 21 CFR 510.600(c) to reflect this change.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 510—NEW ANIMAL DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the

Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by removing the entry for "D–M Pharmaceuticals, Inc.," and by alphabetically adding a new sponsor entry for "Lemmon Co.", and in paragraph (c)(2) in the entry for "00693" by removing the sponsor name "D–M Pharmaceuticals, Inc.," and inserting alphabetically the name "Lemmon Co.", to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Lemmon Co., Sellersville, PA 18960	000693

(2) * * *

Drug labeler code	Firm name and address
000693	Lemmon Co., Sellersville, PA 18960

Effective date. This amendment is effective January 19, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 12, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-1191 Filed 1-18-82; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket Nos. AH024/025 VA; A-3-FRL-1955-1]

Approval of Revisions of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Virginia has submitted to the Environmental Protection Agency amendments to its air pollution control regulations and requested that they be reviewed and processed as revisions of the Virginia State Implementation Plan (SIP). The amendments consist of changes to Parts I (Definitions), II (General Provisions), III (Air Quality Standards), IV (Existing and Certain Other Sources), VII (Air Pollution Episode), and Appendices C and M.

This notice also approves amendments previously submitted by the Commonwealth between August 14, 1975 and September 6, 1979. This notice will act on the most recent revisions submitted by the Commonwealth and withdraws the earlier revisions which are now obsolete in light of the later submittals.

EFFECTIVE DATE: This action is effective February 18, 1982.

ADDRESSES: Copies of the SIP revisions, as well as accompanying support documentation submitted by Virginia, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, VA 23219, ATTN: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC 20408

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Glen, at the EPA, Region III address cited above or by phone at (215) 597–8187.

SUPPLEMENTARY INFORMATION: Between August 14, 1975 and September 21, 1979, the Commonwealth of Virginia submitted to the Environmental Protection Agency amendments to its Regulations for Control and Abatement of Air Pollution and requested that they be reviewed and processed as revisions of the Virginia State Implementation Plan (SIP) for the attainment and maintenance of National Ambient Air Quality Standards. The amendments consist of changes to Parts I (Definitions), II (General Provisions), III (Air Quality Standards), IV (Existing and Certain Other Sources), VII (Air Pollution Episode), and Appendices C and M.

The Commonwealth provided proof that after adequate public notice, public hearings were held with regard to these amendments. The submittal dates of these amendments, as well as the date and locations of the public hearings, are summarized below.

Submittal date	Public hearing date	Location
Aug. 14, 1975	May 12, 1975	Abingdon, Radford, Lynchburg, Fredericksburg, Richmond, Virginia Beach, and Fairfax.
Oct. 20, 1976	July 23, 1976	Richmond, Roanoke, Lynchburg , and Fairfax.
	July 26, 1976	Abingdon, Fredericksburg, and Virginia Beach.
	Sept. 20, 1976	Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach, and Fairfax.
Sept. 20, 1978	July 14, 1978	Richmond.
	July 17, 1978	Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach, and Fairfax.
Sept. 6, 1979	Feb. 12, 1979	Abingdon, Radford, Lynchburg, Richmond, Virginia Beach, and Falls Church.
	May 14, 1979	Same as above.
Sept. 21, 1979	July 16, 1979	Same as above.
	May 14, 1979	Same as above.
Some of the submittals have previously been proposed as indicated below:		
Aug. 14, 1975	Nov. 11, 1975	40 FR 53595.
	Mar. 28, 1977	42 FR 16446.
Oct. 20, 1976	Mar. 28, 1977	42 FR 16446.
Sept. 20, 1978	May 21, 1980	45 FR 34016.

As a result of EPA's preliminary review, EPA published a proposed rulemaking in the **Federal Register** on September 29, 1980 (45 FR 64214) proposing approval of and requesting comments on the revisions listed below. Furthermore, because the Commonwealth has submitted amendments to the same regulations at different times over the past years, only the most recent version is being considered by EPA.

The date of the appropriate submission is indicated in parenthesis.

Part I—Definitions

A. Additions

1. Allowable Emissions (9–6–79)
2. Fugitive Emissions (9–6–79)
3. Nonattainment Pollutant (9–6–79)
4. State Implementation Plan (9–21–79)

5. Qualifying Pollutant (9–6–79)
B. Modifications
1. Criteria Pollutant (9–6–79)
2. Combustion Installation (9–20–78)
3. Commence (9–6–79)
4. Emission Standard (9–6–79)
5. Fugitive Dust (9–6–79)
6. Major Stationary Source (9–6–79)
7. Malfunction (8–14–75)
8. Modification (Stationary Source) (9–6–79)
9. Public Comment Period (9–6–79)
10. Standard of Performance (9–6–79)
C. Deletions
1. Beehive Coke Oven (9–6–79)
2. Best Available Control Technology (9–6–79)
3. By-Product Coke Plant (9–6–79)
4. Capital Expenditure (9–6–79)
5. Modification (Major Stationary Source) (9–6–79)
6. Vapor Tight (9–21–79)

Regulation No. and Brief Description

Part II—General Provisions

2.03—*Enforcement of Regulations and Orders*
2.03(c) (9–21–79)—Delayed Compliance Orders are added and are now considered among the administrative means available to the Board.
2.03(e) (9–21–79)—Revisions would delete the Board's ability to assess penalties in an enforcement proceeding.
2.09—*Appeals*
2.09(d) (9–21–79)—Time limit given for filing a petition for appeal of a final decision.
2.09(f) (9–21–79)—"Any petition for a formal hearing or for an appeal by itself shall not constitute a stay of decision on action"—added.
2.33—*Permits—Stationary Sources and Indirect Sources*
2.33(a) (9–6–79)—An exemption, from public comment period and public hearing is added, for sources with allowable emissions of less than one ton per year.
2.33(c) (9–6–79)—Minor administrative changes and additional information requirements for major stationary sources.
2.33(d) (9–6–79)—Several administrative changes, addition of various phrases to protect the ambient air quality standards, deletion of requirements for using best available control technology and complying with lowest achievable emission rate.
2.33(e) (9–6–79)—Several administrative changes, time limit set on completeness determination on an application or additional information submitted, and the availability of public comments received and actions taken by the Board on the permit application.
2.33(h) (9–6–79)—Changes in the length of time allowed for construction or modification to begin or be discontinued before the permit becomes invalid.
2.33(j) (9–6–79)—Relates to Indirect Sources which is not part of the SIP.
2.33(k) (9–6–79)—Several wording changes for clarification purposes.
2.33(l) (9–6–79)—Relates to Indirect Sources and is not part of the SIP.
2.33(m) (9–6–79)—Addition of provisions relative to Interstate Pollution Abatement as required by section 126 of CAA.
2.34—*Facility and Control Equipment Maintenance or Malfunction.* (formally § 2.09)
2.34(a) (10–20–76)—Maintenance of monitoring equipment added to regulation.
2.34(b) (10–20–76)—Minor wording change.
2.34(c) (9–21–79)—Minor wording change.
2.34(d) (9–21–79)—Minor wording change.
2.34(e) (9–21–79)—Changes in length of time that this section shall be applicable.
2.34(f) (9–21–79)—Minor wording change.
2.34(g) (9–21–79)—Addition of phrasing such that the owner would not be in violation if an acceptable application for a variance has been submitted by the owner.

Part III—Ambient Air Quality Standards

2.34(h) (10–20–76)—Wording added to prevent circumvention of monitoring equipment.
3.05—Title change to *Ozone*
3.05(a) (9–6–79)—Change in ambient air quality standard to reflect EPA's relaxation to 0.12 ppm.
3.05(b) (9–6–79)—Wording change—Photochemical oxidants to ozone.
3.05(c) (9–6–79)—Addition that shows what constitutes attainment of the standard.

Part IV—Special Provisions

4.02—*Compliance*—old regulations deleted and new regulations submitted October 20, 1976.
4.02(a) (9–20–78)—Addition of soot blowing exemption to the opacity standard.
4.02(e) (9–20–78)—Regulations added that maintenance and operation of an affected facility will be consistent with good air pollution control practices for minimizing emissions and determination of acceptability of those procedures.
4.02(f) (6) thru (10) (9–21–79)—Addition of regulations for alternate compliance schedules.
4.02(g) (9–6–79)—Addition of regulations for *Stack Heights*

Rule EX–2—Emission Standards for Visible Emissions and Fugitive Dust/ Emissions

4.21 (9–20–78)—Deletion of regulations and this section is now reserved.
4.23 (9–6–79)—*Standard and Fugitive Dust*—"Emissions" is added to title.

Rule EX–4—Emission standards for Particulate Emissions from Manufacturing Operations

4.40 (9–6–79)—*General*—Minor word revisions and renumbering of the Section.
4.41 (9–6–79)—*Specific Industries (AQCR 1 thru 6)*—Minor word revisions and renumbering of the section.

Rule EX–5—Emission Standards for Gaseous Pollutants

4.54—*Volatile Organic Compound Emissions—General*
4.54(a) (9–21–79)—*General*—Minor administrative changes were made to (a)(2) and (a)(4).
4.54(b) (9–21–79)—*Reserved*—deletion of former § 4.54(b) (Petition for Alternative Control Methods).
4.54(c)—*Solvent Metal Cleaning*
4.54(f)—*Filling of Storage Tanks*
4.54(g) (9–21–79)—*Volatile Organic Compound Storage—Fixed Roof Tanks*—These sections contain minor administrative changes.
4.54(e) (9–21–79)—*Incinerators/ Afterburners*—The months that the exemption is valid have been changed to November thru March.
4.55—*Volatile Organic Compound Emissions—Coating Industry*
4.55(a) (9–21–79)—*General*—Minor administrative changes were made to § 4.55(a)(2) and (a)(4).
4.56—*Volatile Organic Compound Emissions—Petroleum Industry*
4.56(a)—*General*
(c)—*Miscellaneous Petroleum Refinery Sources*
(d) (9–21–79)—*Transfer of Gasoline—Gasoline Dispensing Facilities—Stage I*
(f)—*Tank Trucks*
(g)—*Petroleum Liquid Storage—Fixed Roof Tanks*—Administrative and minor wording changes were made to §§ 4.56(a)(2), (a)(5), (c)(1), (c)(2), (c)(3), (d)(1), (d)(3), (f)(2), and (g)(1).
4.57—*Volatile Organic Compounds Emissions—Miscellaneous Industry*
4.57(a) (9–21–79)—*General*—Administrative changes were made to paragraphs (a)(2) and (a)(4).

4.57(b) (9–21–79)—*Asphalt Paving Operations*—Minor wording changes were made to paragraphs (b)(2)(iii) and (b)(2)(iv).

Rule EX–9—Emission Standards for Coke Ovens

4.90 (9–6–79)—*Applicability and Designation of Affected Facility*—deleted former § 4.90 (Beehive Coke Ovens). New provisions added to designate applicable affected facilities in coke plants.

4.91 (9–6–79)—*Definitions*—deleted former § 4.91 (Other By-Products Coke Ovens). New definitions given to "Charging", "Coking", "Pushing", and "Quenching."

4.92 (9–6–79)—*Standard for Horizontal Slot Sole—Flue Non-Recovery Ovens*—deleted former § 4.92 (Charcoal Kilns). New provisions (§ 4.92(a) (1) thru (4) and (b)) added to regulate emissions from this type of operation.

4.93 (9–6–79)—*Standard for Horizontal Slot Non-Recovery Ovens*—New provisions (§ 4.93(a) (1) thru (4) and (b)) added to regulate emissions from this type of operation.

Part VII—Air Pollution Episodes

7.01(b) (9–6–79)—Deletion of "Health Advisory" stage.

7.02(a) (9–6–79)—Deletion of "Health Advisory" stage.

7.02(b) (9–6–79)—Deletion of "Health Advisory Stage" regulations and renumbering of section.

7.02(d) (9–6–79)—Deletion of "Health Advisory" stage and administrative changes.

Appendices

C (9–6–79)—*Reserved*—deleting former Appendix C (Major Pollutant Sources).

M (9–21–79)—Minor wording and administrative changes.

A summary of the history of each of these revisions and EPA's preliminary findings can be found in the proposed rulemaking published on September 29, 1980 (45 FR 64214). As a result of the above-mentioned **Federal Register** notice, we received comments from the Commonwealth of Virginia, VEPCO, Union Camp Corporation and Philip Morris, Inc.

EPA has reviewed these comments and held further discussions with the Commonwealth. As a result, except for the sections listed below, all of the above-listed revisions are approved. Several revisions are discussed below because EPA believes it is necessary to explain fully why they are being approved even though the revisions were originially proposed for disapproval.

§ 1.02—Malfunction—The Commonwealth has agreed to revise this definition to clearly state that a malfunction cannot be caused by intentional misconduct or negligent conduct on the part of the source. Because this definition will be revised shortly, EPA will take no action on the existing definition at this time.

§ 1.02—Capital Expenditure—EPA had originally proposed to disapprove deletion of this definition because it is necessary for the Commonwealth's NSPS program. The Commonwealth is correct in its comment that EPA should not disapprove a SIP revision because it does not satisfy the requirements of the NSPS program. Therefore, EPA is approving the proposed deletion but will review the NSPS Delegation of Authority to the Commonwealth to determine if such deletion adversely affects the NSPS program thus requiring modification or revocation of the Delegation.

§ 2.03(e)—Because the proposed revision would delete the Board's ability to assess penalties in an enforcement proceeding, EPA had originally proposed disapproval. The Commonwealth has now advised us that the Legislature withdrew the Board's authority to assess penalties and placed said authority with the courts. Because the authority no longer exists, EPA is approving this deletion.

§ 2.33(d)(6)(v)—EPA had originally proposed to disapprove deletion of this requirement relating to compliance with the lowest achievable emission rate by sources constructing in nonattainment areas. The Commonwealth has advised us that the requirement has not been deleted but merely moved to Section 5.43, which is the subject of a separate rulemaking. Therefore, EPA is now approving deletion of this section.

§ 2.34(a)—EPA originally proposed disapproval of this revision in error. Therefore, EPA is now approving the change.

§ 2.34(b)—EPA has reviewed its preliminary findings and, based on comments from the Commonwealth, now agrees that this section can be approved.

§ 2.34(d)—EPA had proposed disapproval of this section. However, on February 19, 1981, the Commonwealth submitted a SIP revision adding § 2.34(i). This revision alleviates EPA's concern and is the subject of a separate rulemaking. Therefore, we are now approving § 2.34(d).

§ 2.34(g)—EPA proposed disapproval of this section because an ambiguity exists in that this section uses the phrase "acceptable application for a variance." A source could submit a completed application for a variance which is subsequently denied. In such a case, a question could arise as to whether such a source is considered to have violated the applicable emission standard or monitoring requirement caused by a malfunction. The Commonwealth has agreed to modify the language to reflect that the variance must have been granted. Because this section is now being revised, EPA will not take any further action at this time.

§ 4.02(a)(3)—EPA originally proposed to disapprove this section because the proposed amendment to Section 4.02(a)(3) does not correct the previously noted deficiencies in this section. Furthermore, this amendment is also unacceptable in that it would exempt "soot blowing" from applicability under the visible emission regulation. This exemption is unacceptable from an enforceability viewpoint. Most large power plants blow soot automatically and semi-continuously. Also, large industrial boilers blow soot quite frequently. The net effect of the proposed change would be to virtually exempt large power plants from visible emission limitations, and make enforcement at industrial boilers so cumbersome as to effectively exempt them from visible emission regulations also. Visible emission observations are the primary means by which we evaluate continuing compliance of particulate sources. The Commonwealth has agreed to delete the soot blowing exemption for major sources. The section will be revised to allow soot blowing by small boilers only. Therefore, pending submittal of these revisions, EPA will not take any further action.

§§ 4.02(f) (6) thru (10)—EPA had originally proposed disapproval of these sections because they allow compliance schedules to differ from those contained in Appendix N. Any such alternative schedule must be Federally enforceable and, therefore, would have to be submitted to EPA as a DCO in accordance with Section 113(d) of the Clean Air Act or as a SIP revision pursuant to Section 110 and would not become effective until EPA had acted upon the request. In light of the Commonwealth's comments and their agreement to delete "economic infeasibility" from § 4.02(f)(6), EPA is now approving §§ 4.02(f) (7) thru (10). We will take no further action on § 4.02(f)(6) until the new revision is submitted.

§ 4.02(g)(1)—This section differs from Section 123 of the Clean Air Act in that the Act relates to the *setting* of an emission limit while the

Commonwealth's regulation deals with *compliance* with the emission limit. Any stack height, not just that in excess of good engineering practices, can have no effect on compliance with an emission standard. The Commonwealth has agreed to revise this section and therefore, EPA will take no further action until the revised SIP is submitted. Furthermore, correction of this section alleviates our concerns regarding § 4.02(g)(4) and, therefore, we are now approving it.

§§ 4.92(a) (1) thru (4) and § 4.93(a) (1) thru (4)—The Commonwealth has agreed to modify these sections as recommended in the proposed rulemaking and to include the appropriate test method as part of the SIP. Therefore, EPA will take no further action until the SIP revision is submitted.

Conclusion

The Administrator's decision to approve the proposed revision was based on the comments received and on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–7642)

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. Section 52.2420, Identification of Plan, is amended by adding paragraphs (c)(52), (53), (54), and (55) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(52) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of amendments to §§ 2.34(a), 2.34(b), and 2.34(h) of the Virginia Air Pollution Control Board Regulations.

(53) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Part I, Definitions, modification of "Combustion Installation"; and §§ 4.02(a)(2), 4.02(e), and 4.21 of the Virginia Air Pollution Control Board Regulations.

(54) A revision submitted by the Commonwealth of Virginia on September 6, 1979 consisting of amendments to Part I, Definitions; §§ 2.33(a), 2.33(c), 2.33(d), 2.33(e), 2.33(h), 2.33(k), 2.33(m), 3.05(a), 3.05(b), 3.05(c), 4.02(g) (2), (3), (4), (5), and (6), 4.23, 4.40, 4.41, 4.90, 4.91, 4.92(b), 4.93(b), 7.01(b), 7.02(a), 7.02(b), 7.02(d); and, Appendix C of the Virginia Air Pollution Control Board Regulations.

(55) A revision submitted by the Commonwealth of Virginia on September 21, 1979 consisting of amendments to Part I, Definitions; §§ 2.03(c), 2.03(e), 2.09(d), 2.09(f), 2.34(c), 2.34(d), 2.34(e), 2.34(f), 2.34(g), 4.02(f) (7) thru (10), 4.54(a), 4.54(b), 4.54(c), 4.54(e), 4.54(f), 4.54(g), 4.55(a), 4.56(a), 4.56(c), 4.56(d), 4.56(f), 4.56(g), 4.57(a), 4.57(b); and Appendix M of the Virginia Air Pollution Control Board Regulations.

[FR Doc. 82-1347 Filed 1-18-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 702

[OPTS-200000A; TSH-FRL 1724-3]

General Practices and Procedures; Prior Notice of Citizen Suit; Procedural Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule promulgates the procedural rule proposed in the **Federal Register** of June 25, 1980 (45 FR 43148). This rule is promulgated under the authority of section 20 of the Toxic Substances Control Act (TSCA). Section 20 authorizes persons to initiate citizens' suits to restrain certain violations of TSCA or to compel implementation by the EPA of TSCA non-discretionary authorities. Prior to filing suit, persons must give notice both to the Administrator and to the person alleged to have violated the Act. Section 20 requires that this notice be given 60 days prior to beginning a civil suit, except in the case of the alleged failure of the Administrator to file an action under section 7(a)(2) (imminent hazards) in which case the notice must be given 10 days before the action may be commenced. This rule prescribes procedures for giving the notice.

EFFECTIVE DATE: This rule is effective February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistant Office (TS–799), Office of Pesticides and Toxic Substances (OPTS), Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), Local: (554–1404).

SUPPLEMENTARY INFORMATION: Section 20 of TSCA authorizes any person to file a civil action against (1) any person or persons alleged to be in violation of TSCA or of any rule promulgated under sections 4, 5, or 6, or order issued under section 5 of the Act, or (2) the Administrator, to compel performance of any TSCA non-discretionary acts or duties. The purpose of this section is to provide citizen enforcement of the act and of certain regulations and orders issued under TSCA and enforcement of any act or duty that is not discretionary with the Administrator.

The statute requires that the citizen give notice to the Administrator, and to the person alleged to have violated the Act, 60 days prior to commencing any such action. In the event the citizen alleges that the Administrator has failed to file an action under section 7(a)(2) (imminent hazards), the statute requires

only a 10-day notice period. This required waiting period between the notice and actual filing of the civil action enables the Administrator to take action against the alleged violators, if appropriate, and enables the Administrator to perform any act or duty that is not discretionary, prior to litigation.

Section 20 directs the Administrator to prescribe by rule the manner in which such notices shall be given. This rule describes the procedures to be followed; it is essentially the same as rules promulgated by the EPA under other acts it administers that authorize citizens' suits.

Minor changes in the language of the rule have been made to clarify the provisions. In addition, a new paragraph (a) has been added to § 702.61 to set forth the notice periods in the regulation. This preamble addresses comments received on the proposed rule and discusses other changes made in response to those comments.

Contents of Notice

The notice must specify the location of the alleged violation and the date or dates on which the alleged violation occurred. The notice must also specify the activity alleged to constitute a violation and must include sufficient information to permit the recipient to identify the section of TSCA, or the rule or order alleged to have been violated. In a notice regarding an alleged failure of the Administrator to perform a non-discretionary duty, the notice must identify with reasonable specificity the action taken, or not taken, by the Administrator.

A comment stated concern that the requirement of the proposed rule that the notice must specify "the date or dates of such violation" could not always be met because persons might be unable to exactly specify the date. Moreover, since the notice must also include information relating to the provisions of TSCA being violated, the activity constituting the violation, and the location of the violation, it seemed likely to the commentor that such information would provide sufficient information for later determination of the exact date or dates of any violations. Thus, it should not be necessary for the party giving notice to specifically state the dates on which TSCA was violated. The commentor feared that the date requirement would serve only as a stumbling block in the way of fulfilling the legitimate purpose behind citizens' suits.

The date requirement has been changed to read: "* * * the date or dates of such a violation as closely as the citizen is able to specify them". Identification of the date of the alleged violation, as closely as possible, will constitute compliance.

Another comment on the proposed rule recommended that the citizen be required to specify the harm alleged to have been caused by the violation of TSCA or the failure of the Administrator to perform a non-discretionary act or duty. This recommendation has not been adopted. The purpose of the notice is to apprise the Administrator or potential defendant of the basis of the intended suit and enable him to investigate further. Allegations of harm and other matters that may appear in the plaintiff's complaint can be investigated after the notice is received.

A comment suggested that a recitation of the harm would allow the potential defendant to know whether a justiciable question exists. EPA believes that questions of justiciability, and the question whether proof of harm is necessary in the case, are related more to the development of plaintiff's complaint and defendant's answer in court. These questions would be premature in the notice provided for in this rule.

Manner of Service and Persons to Be Served

If a notice is served by mail, the date on the return receipt card is the effective date of service. If the notice is personally served, the effective date of service is the date it is served. This rule also describes the person or persons to be served, according to the nature of the suit and the defendant.

A recommendation was made by one commentor that, in addition to serving the registered agent of a corporate defendant with a copy of the notice, the citizen should serve a copy of the notice on the head of the corporation at its principal place of business. The language in this section of the final rule has been changed. The rule now requires that a copy of the notice be sent to, not served on, the registered agent of the corporation. If the alleged violator is a private individual or corporation, the rule requires that notice of intent to file suit shall be served on the individual or the owner or managing agent of the plant, facility, or activity alleged to be in violation. EPA has not accepted the recommendation to also serve the head of the corporation at its principal place of business. The citizen can readily identify the individual or the owner or the managing agent of the specific plant or facility alleged to be in violation. It then becomes the responsibility of the organization at that plant or facility to distribute the notice to the appropriate persons within the corporation. Companies can also ensure receipt of such notice by instructing their agents to promptly forward such notices to Headquarters.

Another comment suggested that EPA publish notices in the **Federal Register** of citizens' suits under section 20(a)(2) to compel action by the Administrator and that the publication date of the notice would begin the notice period. The purpose of a **Federal Register** notice would be to allow interested persons to comment. EPA will keep section 20 notices in a file available to the public. However, EPA will not routinely publish such notices in the **Federal Register**. If the result of the citizens' notice or suit is that the Agency begins a regulatory proceeding, then the appropriate time for public comment will be the Agency's publication of a **Federal Register** notice of the proceeding itself. If the action the citizen seeks to compel is not a general Agency proceeding, public comment may not be appropriate. Moreover, the statute states that the notice period under section 20(a)(2) begins upon giving of the notice to the Administrator. The rule reflects this. Delaying the start of the notice period until publication of a **Federal Register** notice would extend the period beyond that specified in section 20.

Public Record

EPA has established a public record for this rulemaking (document number [OPTS–200000A]) which is available for inspection in the OPTS Reading Room E–106, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the address above. This record includes basic information considered by the Agency in developing this rule. The record includes the following categories of information:

1. This final rule.
2. Microfiche of comments on **Federal Register** notices of similar EPA rules.
3. The proposed rule.
4. All comments on the proposed rule.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a regulatory impact analysis. This regulation is procedural in nature and not major because it simply prescribes the manner in which a citizen must give notice of intent to file suit prior to actually filing as directed by section 20 of TSCA. The regulation has no economic impact and its implementation will not result in any increase in costs or prices. Competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-

based enterprises will not be hindered by this regulation.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA, and any EPA response to those comments are available for public inspection in the record for this rulemaking (document number OPTS–200000A) which is located in the OPTS Reading Room, E–106, from 8:00 a.m. to 4:00 p.m., Monday through Friday except holidays.

Therefore, under section 20 of the TSCA (Sec. 20, 90 Stat. 2041, (15 U.S.C. 2619)), Chapter I of Title 40 is amended by adding a new Part 702, consisting at this time of Subpart C, as set out below.

Dated: December 28, 1981.

Anne M. Gorsuch,

Administrator.

Part 702 is added as follows:

PART 702—GENERAL PRACTICES AND PROCEDURES

Subpart A–B—[Reserved]

Subpart C—Citizen Suit

Sec.
702.60 Purpose.
702.61 Service of Notice.
702.62 Contents of Notice.

Authority: Sec. 20, TSCA, 90 Stat. 2041, (15 U.S.C. 2619).

Subpart A–B—[Reserved]

Subpart C—Citizen Suit

§ 702.60 Purpose.

Section 20 of the Toxic Substances Control Act (TSCA) authorizes any person to begin a civil action to compel performance by the Environmental Protection Agency (EPA) of TSCA non-discretionary acts or duties (section 20(a)(2)) or to restrain any violation of TSCA, or of any rule promulgated under sections 4, 5, or 6, or of any order issued under section 5 of TSCA (section 20(a)(1)). The purpose of this regulation is to prescribe procedures governing the giving of a notice of intent to file suit required by section 20(b) of TSCA as a prerequisite to beginning such civil actions.

§ 702.61 Service of Notice of Intent to File Suit.

(a) *Notice as a prerequisite to suit.* Under section 20 of TSCA, no civil action may be commenced by a citizen to restrain a violation of TSCA, or a rule or order thereunder, unless at least 60 days in advance the citizen has given notice of the intent to file suit to the Administrator and to the person who is alleged to have committed the violation. No civil action may be commenced by a citizen to compel the Administrator to perform any non-discretionary act or duty under TSCA, unless at least 60 days in advance the citizen has given notice of the intent to file suit to the Administrator. However, in the case of an alleged failure by the Administrator to file an action under section 7 of TSCA, the citizen must give notice to the Administrator only 10 days in advance of filing the civil action.

(b) *Method of service.* Notice of intent to file suit can be either personally served or served by certified mail—return receipt requested—to persons identified in paragraph (d) of this section.

(c) *Date of service.* The effective date of service of a notice given in accordance with this rule shall be the date of the return receipt, if served by mail, or the date of receipt if personally served.

(d) *Persons to be served.*—(1) *Violations of TSCA rules or TSCA order.* (i) If the alleged violator is a private individual or a corporation, notice of intent to file suit shall be served on the individual or the owner or managing agent of the plant, facility, or activity alleged to be in violation. If the alleged violator is a corporation, a copy of the notice shall also be sent to the registered agent, if any, of such corporation in the State in which such violation is alleged to have occurred. Notice shall also be served on the Administrator of the EPA.

(ii) If the alleged violator is a State or local government entity, notice of intent to file suit shall be served on the head of the agency. Notice shall also be served on the Administrator of the EPA, and a copy shall be sent to the Attorney General of the United States.

(iii) If the alleged violator is a Federal agency, notice of intent to file suit shall be served on the head of the agency. Notice shall also be served on the Administrator of the EPA, and a copy shall be sent to the Attorney General of the United States.

(2) *Performance of non-discretionary TSCA acts or duties.* Notice of intent to file suit shall be served on the Administrator of the EPA and a copy shall be sent to the Attorney General of the United States.

(3) *Address of persons to be served.* (A) EPA Administrator: 401 M St., SW., Washington, DC 20460. (B) Attorney General of the United States: 10th and Constitution Ave., NW., Washington, DC 20530.

§ 702.62 Contents of notice.

(a) *Violation of TSCA rule or TSCA order.* Notice of intent to file suit regarding an alleged violation of TSCA or any rule promulgated under sections 4, 5, or 6, or an order issued under section 5, shall include sufficient information to permit the recipient to identify:

(1) The specific provision of TSCA or of the rule or order under TSCA alleged to have been violated.

(2) The activity alleged to constitute a violation.

(3) The person or persons responsible for the alleged violation.

(4) The location of the alleged violation.

(5) The date or dates of the alleged violation as closely as the citizen is able to specify them.

(6) The full name, address, and telephone number of the citizen giving notice.

(b) *Failure to act.* Notice regarding an alleged failure of the Administrator to perform any act or duty which is not discretionary shall:

(1) Identify the specific provision of TSCA which requires an act or creates a duty.

(2) Describe with reasonable specificity the action taken or not taken by the Administrator which is alleged to constitute a failure to perform the act or duty.

(3) State the full name, address, and telephone number of the citizen giving the notice.

(c) *Identification of Counsel.* The notice shall state the name, address, and telephone number of the Legal Counsel, if any, representing the citizen giving the notice.

[FR Doc. 82–1248 Filed 1–18–82; 8:45 am]

BILLING CODE 6560–31–M

Proposed Rules

Federal Register
Vol. 47, No. 12
Tuesday, January 19, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1942

Community Facility Loans and Domestic Water and Waste Disposal System Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations to—

(1) Reduce priority for community program assistance to areas or communities outside, but adjacent to or closely associated with, urban areas;

(2) Eliminate community program assistance for recreation facilities that will be used primarily for recreational purposes; and

(3) Make other editorial changes regarding funding priorities.

This is the result of an administrative decision to adjust funding priorities. The intended effects of this action are to help direct FmHA Community Program assistance to areas and communities that are clearly rural in character and to reduce funding for recreation facilities.

DATES: Comments must be received on or before March 22, 1982.

ADDRESSES: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, Room 6346, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Loan Division, Farmers Home Administration, Room 6328, South Agriculture Building, 14th and Independence Avenue SW,. Washington, DC 20250, Telephone: (202) 382–0589.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as nonmajor. The proposed rule will not have—

(a) An annual effect on the economy of $100 million or more; or

(b) Any increased costs or prices to consumers, individual industries, Federal, State/or local government agencies, or geographic regions; or

(c) A significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives that would allow the agency to direct its funding priorities to truly rural areas and rural communities and reduce program assistance for recreation facilities have been considered. An alternative considered regarding directing community program assistance to truly rural areas and rural communities is to make no change. Under existing regulations and policy, rural areas and rural communities adjacent to or closely associated with non-rural areas receive the same consideration for FmHA program assistance as truly rural areas. This has resulted in some projects being financed by FmHA in areas that are not clearly rural in character.

Another alternative considered was to delineate eligible areas on a map. This alternative was rejected because it did not allow any flexibility in administering community programs. It would be better to review each loan and grant on its merits rather than be restricted by boundaries on a map. Being locked into boundaries on a map could cause such problems as: higher user costs for rural residents, services not being provided in certain areas, and poorly designed water and sewer systems.

The proposed action will give priority for FmHA community program assistance to truly rural areas and rural communities. This alternative will allow FmHA to establish priorities in funding a project and not totally eliminate any rural area. The proposed action will allow a rural area that is located near a non-rural area to receive program assistance. Some of the benefits of the proposed action will be: improved project feasibility, less conflict with local and State ordinances, and better service to rural areas that are adjacent to or closely associated with a non-rural area.

The establishment of priorities in lieu of mapping would be the most cost-effective method of directing FmHA program assistance to truly rural areas and rural communities. The use of a map to define eligible areas for FmHA program assistance would require a detailed review of each non-rural area to establish a line that would separate rural and non-rural areas. This line would have to be continuously updated as population changes occurred in a non-rural area and this would increase the cost to the public. Rural areas and rural communities that are adjacent to or closely associated with a non-rural area would benefit by establishing priorities rather than mapping. If mapping were used, an area that needs FmHA program assistance could be denied this assistance; however, by using priorities, the area could be provided such assistance.

One alternative regarding recreation loans is to make no change. Under existing regulations and policy, loans for recreation facilities are given lower priority for funding than loans for public safety, health care, or public service facilities. Recreational facility loans are normally approved only to public bodies. FmHA has occasionally received public criticism for financing recreational facilities on the grounds that the facilities are less important and the loans higher risk than other types of community facilities.

Another alternative would be to allow no funds to be used to finance recreational facilities. FmHA desires to further restrict the use of limited program funds to the most necessary types of facilities. There may, however, be situations where the most efficient use of resources would be to develop recreational potential in conjunction with other high priority facilities.

The proposed action makes projects that are primarily for recreational facilities ineligible for community facility loans. This meets the goal of directing limited funds to higher priority facilities and maintains the option to finance multi-purpose facilities where the primary purpose is not recreational but some recreational development is

included. The proposed action will not result in an increased net cost to the public; however, it will maximize benefits to that part of the public the Agency is designated by law to serve.

Charles W. Shuman, Administrator, Farmers Home Administration, has determined that changing priorities to direct FmHA community program assistance to truly rural areas and rural communities and reducing assistance for recreation facilities will not have a significant economic impact on a substantial number of small entities. The proposed rule will direct FmHA community program assistance to rural areas and rural communities that need FmHA's assistance the most. Reducing FmHA program assistance for recreation facilities will result in additional funds being available to small entities in rural areas for other essential community facilities. There is not a significant need for FmHA program assistance in the areas that will be affected by the proposed rule.

The FmHA programs and projects affected by this instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

CFDA Nos. 10.418 Water and Waste Disposal Systems for Rural Communities and 10.423 Community Facilities Loans.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart C, "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Facilities financed by loans and grants for water and waste disposal facilities and loans for essential community facilities must primarily serve rural residents. Under current regulations, water and waste disposal assistance cannot be provided in cities or towns with populations exceeding 10,000; and essential community facility assistance cannot be provided in towns or cities with populations exceeding 20,000. Assistance may be provided in areas outside, but adjacent to or closely associated with these cities or towns. FmHA regulations provide that priority for available program funds should be given to eligible projects and applicants that meet certain conditions. FmHA desires to amend its regulations regarding priorities to clarify the application of priority consideration and to direct program assistance to areas that are clearly rural in character. FmHA also desires to establish a rule that essential community facilities funds will not be used to finance recreation facilities.

PART 1942—ASSOCIATIONS

Accordingly, FmHA proposes to amend § 1942.17 of Subpart A of Part 1942, Chapter XVIII of Title 7, Code of Federal Regulations, by revising the introductory text of paragraph (b), paragraphs (c) and (d)(2), and the introductory text of paragraphs (g)(1)(iii) and (g)(2)(iii) to read as follows:

§ 1942.17 Appendix A—community facilities.

* * * * *

(b) *Applicant eligibility.* Facilities financed by FmHA must primarily serve rural residents. For water or waste disposal facilities the terms "rural" and "rural area" will not include any area in any city or town with a population in excess of 10,000 inhabitants according to the latest decennial census of the United States. For essential community facilities the terms "rural" and "rural area" will not include any area in any city or town with a population in excess of 20,000 inhabitants according to the latest decennial census of the United States. Facilities must be located in rural areas except for utility-type services, such as water, sewer, natural gas, or hydroelectric, serving both rural and non-rural areas. In such cases FmHA funds may be used to finance only that portion serving rural users, regardless of facility location. Loans for water or waste disposal facilities will not be made to any city or town with a population in excess of 10,000. Loans for essential community facilities will not be made to any city or town with a population in excess of 20,000. Assistance to areas or communities adjacent to, or closely associated with, non-rural areas is limited by section 1942.17(c).

* * * * *

(c) *Priorities.* FmHA program assistance will be directed toward truly rural areas and rural communities. Normally, priority will not be given to applications for projects that will serve densly settled areas or communities adjacent to or closely associated with a city or town with a population exceeding 10,000 residents for water or waste disposal assistance or 20,000 residents for essential community facility assistance. When determining whether a rural area or rual community is adjacent to or closely associated with a city or town with a population exceeding 10,000 residents for water and waste disposal or 20,000 residents for essential community facility assistance, minor open spaces such as those created by physical or legal barriers, commercial or industrial development, parks, areas reserved for convenience or appearance, or narrow strips of cultivated land, will be disregarded. An area or community shall be considered adjacent to or closely related with a non-rural area when it constitutes for general, social and economic purposes a single community having a contiguous boundary. Outer boundaries of an incorporated community will extend at least to its legal boundaries. The following paragraphs indicate items and conditions which must be considered in selecting applications for funding. When ranking eligible applications for consideration for limited funds, FmHA officials must consider the priority items met by each application and the degree to which those priorities are met, and apply good judgment.

(1) *Applicant priority.* (i) Priority for available funds will normally be given to public bodies. When this is not practicable:

(A) Loans for facilities providing utility-type service such as water and sewer systems, and natural gas distribution systems may be made to other than public-body-type organizations, when operated on a not-for-profit basis.

(B) Loans for eligible essential community facilities other than utility-type may be made to other than public-body-type organizations when such facilities will be fully available to the public and it is not practicable for a public body to finance them.

(ii) In determining priorities, FmHA officials must keep in mind that applicants which will provide service to communities having a large portion of its population with low income have a greater financial need.

(2) *Project priority.* In determining project priorities, FmHA must give due consideration to State development strategies, projects needing improvements to comply with the Safe Drinking Water Act (See Guide 25, Joint Policy Statement Between the Environmental Protective Agency (EPA) and FmHA), and clearinghouse comments and priority recommendations. FmHA will assign priorities in accordance with the following:

(i) *Utility type.* (A) Water and waste disposal system applications from any municipality or other public agency (including an Indian Tribe on a Federal or State reservation or other Federally recognized Indian tribal group) in a rural community having a population not in

excess of 5,500 having an inadequate water or waste disposal system. Highest priority shall be given to such applications in which:

(*1*) An existing community water supply system requires immediate action as the result of unanticipated diminution or deterioration of its water supply; or

(*2*) An existing waste disposal system is not adequate to meet the needs of the community as a result of unexpected occurrences.

(B) Those projects which will enlarge, extend, or otherwise modify existing facilities to provide service to additional rural residents.

(C) Those projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and economical service to more rural commnities and residents and more orderly development of the rural area in which the facilities are located.

(ii) *Other essential community facilities.* Each application should be carefully evaluated and full consideration be given to funding those applications having the highest priority and which will serve the largest number of rural residents. The following order of preference should be used in selecting applications for funding:

(A) Public safety facilities—fire, police, rescue, and ambulance services.

(B) Health care facilites—clinics, nursing homes, convalescent facilities, and hospital projects designed to make the facility conform with life/safety codes, medicare and medicaid requirements, and minor expansions needed to meet the immediate requirements of the community.

(C) Public service facilities—courthouse and community buildings.

(D) New hospitals and major expansions of existing hospitals.

(E) Other.

(d) *Eligible loan purposes.* * * *

(2) To construct, enlarge, extend or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, and cultural benefits. Funds may not be used to finance projects to be used primarily for recreational purposes. Hydroelectric generating facilities and related connecting systems and appurtenances, and supplemental and supporting structures for other rural electrification or telephone systems (including facilities such as headquarters and office building, storage facilities, and maintenance shops), may be considered when they are not eligible for Rural Electrication Administration financing. Funds may be used for development of industrial park sites, consisting of land and land improvements (e.g. clearing, grading, drainage), necessary access ways and utility extensions to and throughout the site when the park is determined to be an integral part of community development. Funds may not be used in connection with industrial parks to finance on-site utility systems, or business and industrial buildings.

* * * * *

(g) *Security.* * * *

(1) *Public bodies.* * * *

(iii) *Other essential community facilities* other than utility type, such as those for public health and safety, social, and cultural needs and the like will meet the following security requirements.

* * * * *

(2) *Other than public bodies.* * * *

(iii) *Essential community facilities* other than utility type such as those for public health and safety, social, and cultural needs and the like will meet the following security requirements.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: December 28, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-1224 Filed 1-18-82 8:45 am]

BILLING CODE 3410-07-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6374; 34-18402; IC-12153; File No. S7-918]

Financial Statement Requirements for Registered Investment Companies; Proposed Revision of Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing a revision of Article 6 of Regulation S-X which is appplicable to financial statements filed by registered investment companies. The revisions to Article 6 are being proposed to (1) eliminate rules which are duplicative of generally accepted accounting principles ("GAAP"), (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting. In addition, financial statement requirements for employee stock purchase, savings and similar plans would be similarly amended and transferred to a separate Article 6A. These proposed changes are part of the Commission's comprehensive reexamination of its requirements for financial statements in connection with its efforts to simplify and improve the current disclosure system.

DATE: Comments should be received by the Commission on or before April 30, 1982.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters should refer to File No. S7-918. All comments will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Clarence M. Staubs, or John W. Albert, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is proposing a revision of Article 6 of Regulation S-X (17 CFR Part 210) which prescribes the form and content of financial statements filed for registered investment companies and employee stock purchase, savings and similar plans. The revisions to Article 6 are being proposed to (1) eliminate rules which are duplicative of GAAP, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting. The proposed rules would integrate certain common reporting requirements of management investment companies, unit investment trusts, and face-amount certificate companies (collectively referred to as registered investment companies) in a revised Article 6. Financial statement requirements for employee stock purchase, savings and similar plans would be amended to change valuation requirements for certain assets and transferred to a separate Article 6A.

Under the proposed rules, management investment companies would be required to present a statement of operations rather than the separate statements of income and expense, realized gain or loss on investments, and unrealized appreciation or depreciation of investments currenlty furnished. In addition, the proposed rules would prescribe a reporting format for the

presentation of a statement of net assets and establish criteria for its use. Finally, the proposed rules would amend the requirements regarding the basis used to value certain assets in the balance sheets of closed-end management investment companies.

Background

In January 1980, the Commission issued four separate but related rule proposals[1] which, among other things, initiated a broad project to reexamine its registration and reporting requirements. The project was designed to make major changes in the Commission's disclosure system, and to effect integration of the registration and reporting requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934. A general revision of Articles 3 and 5 of Regulation S–X, included in the January rule proposals, has been accomplished and new uniform requirements governing the periods to be covered by financial statements, including special provisions for management investment companies, have been adopted. In addition, the industry-specific requirements related to property and liability insurance and life insurance companies were recently integrated within a revised Article 7.

In connection with its comprehensive review of Regulations S–X, the Commission has undertaken a review of the requirements for financial statements filed by registered investment companies contained in Article 6 of Regulation S–X. The existing requirements of Article 6 are comprised of a series of special rules applicable to: (1) management investment companies (§§ 210.6–01 to 210.6–10); (2) unit investment trusts (§§ 210.6–10a to 210.6–13); (3) face-amount certificate companies (§§ 210.6–20 to 210.6–24); and (4) employee stock purchase, savings and similar plans (§§ 210.6–30 to 210.6–34), respectively. This segregation of special rules for each type of registered investment company provides preparers of financial statements with a convenient reference; however, it also results in the repetition of many requirements applicable to more than one type of registered investment company. The proposed rules would simplify the requirements under Article 6 by integrating those rules which apply to more than one type of investment company and segregating others which are unique to a specific type of registered investment company.

[1] Proposed under Securities Act Release Nos. 6176 (45 FR 5972), 6177 (45 FR 5934), 6178 (45 FR 5943), and 6179 (45 FR 5963), respectively.

In this connection, the Commission believes that the operations of unit investment trusts are not sufficiently different from those of management investment companies that separate requirements are necessary. Consequently, requirements for statements of condition and income and distributable funds of unit investment trusts have been integrated within the requirements for balance sheets and statements of operations applicable generally to registered investment companies. Where additional information is relevant to an understanding of the operations of a unit investment trust, it would be provided within the schedules specifically applicable to this type of investment company.

The existing requirements for face-amount certificate companies are set forth in a separate section of Article 6 which includes the special provisions unique to face-amount certificate companies and repeats the general provisions applicable to other types of investment companies. The proposed rules would integrate the requirements applicable to all investment companies, thereby eliminating many repetitious rules. Separate reporting formats for balance sheets and statements of operations would be retained for these companies due to the unique nature of this type of investment company.

In addition to simplifying the rules by integrating common provisions, the proposed rules would revise the existing requirements of Article 6 to eliminate or modify those rules which are duplicative of GAAP, no longer pertinent due to changes in current industry practices, or are made unnecessary by these proposals. A discussion of the more significant of these proposed revisions follows.

Statement of Operations

Under the proposed rules, management investment companies would be required to present a statement of operations rather than the separate statements of income and expense, realized gain or loss on investments, and unrealized appreciation or depreciation of investments furnished pursuant to the existing rules. Since an open-end management investment company continuously trades its shares on the basis of its underlying net assets stated at value,[2] the Commission believes that it would be consistent for such investment companies to report changes in net assets resulting from all investment activities in the determination of operating results. Although a closed-end management investment company does not stand ready to redeem its shares on a continuous basis, the market price at which such shares are traded correlates with the company's net asset value. Furthermore, the proposal to report all changes in net assets resulting from investment activities in a basic statement of operations is consistent with the notion of comprehensive income set forth in Statement of Fianncial Accounting Concepts ("Concepts Statement") No. 3.[3] Under Concepts Statement No. 3, comprehensive income is defined as the change in equity (net assets) of an entity during a period from transactions and other events and circumstances from nonowner sources. It includes all changes in equity during a period except those resulting from investments by owners and distributions to owners.

While the proposed rules would require that the results of all investment activities be combined and reported within a statement of operations, the format prescribed by these rules would clearly distinguish amounts attributable to each of the basic investment activities for which separate statements are currently presented. This reporting format would provide financial statement users with the information necessary to assess the contribution of each element of investment activity. Commentators are requested to specifically address the appropriateness of substituting a statement of operations for the separate statements currently required, as well as the propriety of incuding both realized and unrealized gains and losses in the determination of net income.

Statement of Net Assets

Because of the significance of the investment portfolio and the amount of net assets, both in total and on a pershare basis, to investors and shareholders, management investment

[2] Management investment companies are classified as either "open-end" or "closed-end" companies. An open-end management investment company stands ready to redeem its outstanding shares at current net asset value, and generally offers its shares to the public on a continuous basis. A closed-end management investment company, however, does not stand ready to redeem its outstanding shares; its shares are traded in a manner similar to those of other public companies.

[3] Concepts statements, such as Statement No. 3, "Elements of Financial Statements of Business Enterprise", issued in December 1980, do not establish accounting procedures or disclosure practices. Rather, these statements describe concepts and relationships that will underlie future financial accounting standards and practices and in due course serve as a basis for evaluating existing standards and practices.

companies often substitute a statement of net assets for the conventional balance sheet. The proposed rules would prescribe a reporting format for the presentation of a statement of net assets and establish criteria for its use. Since the major asset of any management investment company is its investment portfolio, the statement of net assets is comprised basically of a detailed listing of its securities portfolio similar to the schedule requirements for investment companies prescribed in Regulation S–X (§ 210.12–12). All other assets and total liabilities are netted for presentation in the statement, and a balance captioned as net assets is presented, together with the number of outstanding shares and value per share.

Since the statement of net assets is fully informative only in situations in which an investment company's securities portfolio represents virtually all of its net assets, the proposed rules would establish conditions to restrict the use of this statement to these circumstances. These proposed conditions are (1) that the amount of investment in securities (excluding investments in affiliated issuers) represent at least 95 percent of total assets, (2) that liabilities not be significant (defined as not exceeding 5 percent of total assets), and (3) that only one class of equity securities be outstanding. In addition, investment companies would not be permitted to use a statement of net assets if at the balance sheet date there are outstanding balances with related parties representing other than amounts arising from the conduct of regular investment advisory or management services or they have balances in respect to securities transactions involving short sales, open option contracts, or deposits on securities loaned. Where an investment company has unsettled balances of such nature, the Commission believes that the statement of net assets does not provide adequate disclosure, and that, in such circumstances, diclosure provided by a more conventional balance sheet and related footnotes is appropriate. Commentators are encouraged to specifically address the appropriateness of the criteria proposed by the Commission for the use of the statement of net assets.

Valuation of Assets

Under the existing rules, closed-end management investment companies are permitted to state all assets at either cost or market. In recognition of the significance of asset value to management investment companies, virtually all closed-end companies currently reflect their investment securities at value. The proposed rules would eliminate the option of cost or value and require that closed-end companies state investments in securities at value consistent with current industry practice.

Section 28(b) of the Investment Company Act of 1940 requires investment companies which issue face-amount certificates to value their "qualified assets" in accordance with certain provisions of the Code of the District of Columbia. Unlike management investment companies whose assets are largely comprised of investments in marketable securities, issuers of face-amount certificates often hold more diverse investments, such as real estate. Issuers of face-amount certificates will continue to value all investments pursuant to the statutory requirements.

Other Proposed Changes

The Commission has often been urged to reexamine its existing requirements for the content of the statement of changes in net assets presented by management investment companies. In the view of some, the statement is overly detailed and results in confusion to its users. The proposed rules are intended to simplify the content of this statement by eliminating the presentation of certain information already reported in other statements and by restricting the presentation of other information to supplemental, or footnote, status. For example, net gain or loss on investments as reflected in the statement of operations would be presented in the statement of changes in net assets rather than showing separate captions for the net realized and unrealized components. In addition, changes in net assets resulting from capital share transactions would be presented net on the face of the statement, with details as to sales and redemptions shown in a footnote.

The proposed rules would also eliminate existing requirements for statements of surplus and sources of net assets. Requirements for a statement of surplus would be eliminated since general requirements for its content are already provided in Article 11 of Regulation S–X.[4] The statement of sources of net assets would also be deleted since this statement is not generally presented in practice and much of the information is already provided under other provisions of Article 6.

Under the proposed rules, the nature of the items to be presented as cash on the balance sheets (or statements of assets and liabilities) of registered investment companies would be restricted to cash on hand and demand deposits. This proposed treatment would differ from the reporting practices in other indistries in which time and similar deposits may be included as cash items. The Commission believes that a different presentation is appropriate due to the unique nature of an investment company's operations, in which the investment of discretionary funds in time and similar deposits is considered to be an element of investment activity. Specific comments are encouraged on the distinction afforded to the balance sheet presentation of cash for registered investment companies.

The existing rules include specific instructions as to the appropriate method of accounting for certain transactions, such as those involving dividends and interest on investments. For example, the existing rules specify the conditions under which dividends in arrears on preferred stock or interest received on bonds in default may be recognized as income. Since the method of accounting for these transactions is set forth under GAAP, these specific instructions have been deleted from the proposed rules.

Schedules

In a July 1981 release the Commission eliminated the requirements to disclose cost of individual securities in prospectuses and annual reports of management investment companies.[5] In order to conform to this action, the proposed rules would amend certain schedule requirements to eliminate disclosure of the cost of individual securities. However, much of the schedule information required under the existing rules has been carried forward under the proposed rules for purposes of evoking commentator response. Since a major objective of the Commission's reexamination of its requirements for financial statements is to ease reporting burdens in general while providing for meaningful information where necessary, the Commission solicits the views of both preparers and users of schedule information as to the

[4] Under Securities Act Release No. 6350, "Instructions for the Presentation and Preparation of Pro Forma Financial Information and Financial Statements of Companies Acquired or to be Acquired", the content of existing Article 11 was proposed to be relocated, with certain minor modifications, to a new Rule 3–04 (§ 210.3–04).

[5] Accounting Series Release No. 294, "Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders" (46 FR 36120).

usefulness of the proposed schedule requirements. Commentators are specifically encouraged to address the appropriateness of any of the existing and proposed schedule requirements, evaluating the cost burden of preparing the detailed information in relation to the usefulness of the information presented.

Detailed schedules required to be filed for registered investment companies and for which specific comment is encouraged include the following:

For Management Investment Companies

210.12–12	Investment in Securities of Unaffiliated Issuers
210.12–13	Investment—Other than Securities
210.12–14	Investments in Affiliates

For Unit Investment Trusts, and for Those Unincorporated Management Investment Companies Which Are Issuers of Periodic Payment Plan Certificates

210.12–19	Investments in Securities
210.12–20	Trust Shares

For Face-Amount Certificate Investment Companies

210.12–21	Investments in Securities of Unaffiliated Issuers
210.12–22	Investments in and Advances to Affiliates and Income Thereon
210.12–23	Mortgage Loans on Real Estate and Interest Earned on Mortgages
210.12–24	Real Estate Owned and Rental Income
210.12–25	Supplementary Profit and Loss Information
210.12–26	Certificate Reserves
210.12–27	Qualified Assets on Deposit

FASB Extraction Project

Much of the authoritative literature concerning investment companies is provided in the industry audit guide, "Audits of Investment Companies", issued by the American Institute of Certified Public Accountants ("AICPA"). This audit guide was issued in 1973 and generally has been adhered to in practice. In order to recognize subsequent changes in the industry, however, the investment company guide is scheduled for revision by the AICPA during the early part of 1982.

In 1979, the Financial Accounting Standards Board ("FASB") announced its project to extract the specialized accounting and reporting principles and practices from the AICPA Guides and Statements of Position.[6] The audit guide for investment companies will be included as part of this project. Presently, the principles and practices embodied in the AICPA guides are considered preferable accounting, but are not enforceable standards to be adhered to under Rule 2–03 of the AICPA's Code of Professional Ethics.[7] Should the extraction project be completed prior to the adoption of final Commission rules, duplicative Commission rules will be deleted.

Stock Purchase, Savings and Similar Plans

Plans Affected

A portion of Article 6 of Regulation S–X (§ 210.6–30 through § 210.6–34) applies to employee stock purchase savings and similar plans, interests in which constitute securities which are required to be registered with this Commission.[8] Such plans may include, among others, those referred to as stock purchase, savings, option, bonus, appreciation, profit-sharing, thrift, incentive and certain pension plans.

Valuation of Assets

Under the existing rules, these employee plans are permitted to reflect assets in statements of financial condition at either cost or market. It appears inappropriate to permit assets which are held by these plans to be reported on a basis different from that used to derive amounts which may be realized by the participating employees at a given point in time. The proposed rules would require that these plans reflect their investment assets at a value which (i) with respect to securities for which market quotations are readily available is market value and (ii) with respect to other securities and assets is fair value as determined in good faith by the trustee(s) (or the person or persons who exercise similar responsibilities) for the plan.

Rule 6–31.4 (§ 210.6–31.4) already requires plans which value investments at cost to disclose the market value of each type of investment. Therefore, it appears that there should be little or no incremental cost involved in reporting such investments at market. Since the Commission is concerned with the cost burden associated with its rules, specific comments are invited as to the circumstances, if any, under which the incremental costs of reporting these assets at market or fair value would be other than insubstantial.

Other Matters

Adoption of the amended rules proposed in this release would impact the references to specific provisions of Article 6, including provisions for financial statements, contained in other Articles of Regulation S–X. Appropriate changes to these references will be made in any final rules resulting from this proposal.

Text of Proposed Rules

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Part 210 of 17 CFR Chapter II is proposed to be amended as follows:

§§ 210.6–01 through 210.6–24 [Removed]

1. By removing §§ 210.6–01 to 210.6–24 and adding new §§ 210.6–01 to 210.6–10 as follows:

Registered Investment Companies

§ 210.6–01 Application of §§ 210.6–01 to 210.6–10.

Sections 210.6–01 to 210.6–10 shall be applicable to financial statements filed for registered investment companies.

§ 210.6–02 Definition of certain terms.

The following terms shall have the meaning indicated in this rule unless the context otherwise requires. (Also see § 210.1–02 of this part.)

(a) *Affiliate.* The term "affiliate" means an "affiliated person" as defined in section 2(a)(3) of the Investment Company Act of 1940 unless otherwise indicated. The term "control" has the meaning in section 2(a)(9) of that Act.

(b) *Value.* As used in §§ 210.6–01 to 210.6–10, the term "value" shall have the meaning given in section 2(a)(41)(B) of the Investment Company Act of 1940.

(c) *Balance sheets; statements of net assets.* As used in §§ 210.6–01 to 210.6–10, the term "balance sheets" shall include statements of assets and liabilities as well as statements of net assets unless the context clearly indicates the contrary.

(d) *Qualified assets.* (1) For companies issuing face-amount certificates subsequent to December 31, 1940 under the provisions of section 28 of the Investment Company Act of 1940, the term "qualified assets" means qualified investments as that term is defined in section 28(b) of the Act. A

[6] Statement of Financial Accounting Standards No. 32, "Specialized Accounting and Reporting Principles and Practices in AICPA Statements of Position and Guides on Accounting and Auditing Matters" (September, 1979).

[7] As a result, accountants are not presently required to justify departure from financial accounting and reporting practices sanctioned by an AICPA guide or Statement of Position.

[8] Releases 33–6188 and 33–6281 dated February 1, 1980 and January 15, 1981 discuss application of the Securities Act of 1933 to employee benefit plans.

statement to that effect shall be made in the balance sheet.

(2) For other companies, the term "qualified assets" means cash and investments which such companies do maintain or are required, by applicable governing legal instruments, to maintain in respect of outstanding face-amount certificates.

(3) Loans to security holders may be included as qualified assets in an amount not in excess of certificate reserves carried on the books of account in respect of each individual certificate upon which the loans were made.

§ 210.6–03 Special rules of general application to registered investment companies.

The financial statements filed for persons to which §§ 210.6–01 to 210.6–10 are applicable shall be prepared in accordance with the following special rules in addition to the general rules in §§ 210.1–01 to 210.4–10 (Articles 1, 2, 3, and 4). Where the requirements of a special rule differ from those prescribed in a general rule, the requirements of the special rule shall be met.

(a) *Content of financial statements.* The financial statements shall be prepared in accordance with the requirements of this part (Regulation S–X) notwithstanding any provision of the articles of incorporation, trust indenture or other governing legal instruments specifying certain accounting procedures inconsistent with those required in §§ 210.6–01 to 210.6–10.

(b) *Audited financial statements.* Where, under Article 3 of this part, financial statements are required to be certified, the independent accountant shall have been selected and ratified in accordance with section 32 of the Investment Company Act of 1940, 54 Stat. 838, 15 U.S.C. 1140, and the applicable rules thereunder.

(c) *Consolidated and combined statements.*

(1) Consolidated and combined statements filed for registered investment companies shall be prepared in accordance with §§ 210.3A–01 to 210.3A–05 (Article 3A) except that (i) statements of the registrant may be consolidated only with the statements of subsidiaries which are investment companies; (ii) a consolidated statement of the registrant and any of its investment company subsidiaries shall not be filed unless accompanied by a consolidating statement which sets forth the individual statements of each significant subsidiary included in the consolidated statement: *Provided, however,* That a consolidating statement need not be filed if all included subsidiaries are totally held; and (iii) consolidated or combined statements filed for subsidiaries not consolidated with the registrant shall not include any investment companies unless accompanied by consolidating or combining statements which set forth the individual statements of each included investment company which is a significant subsidiary.

(2) If consolidating or combining statements are filed, the amounts included under each caption in which financial data pertaining to affiliates is required to be furnished shall be subdivided to show separately the amounts (i) eliminated in consolidation and (ii) not eliminated in consolidation.

(d) *Valuation of assets.* The balance sheets of registered investment companies, other than issuers of face-amount certificates, shall reflect all investments at value, with the aggregate cost of each class of investment reported under §§ 210.6–04.1, 6–04.2 and 6–04.3 and of the total investments reported under § 210.6–04.4 or § 210.6–05(b)(1) shown parenthetically. As required by section 28(b) of the Investment Company Act of 1940, "qualified" assets of face-amount certificate companies shall be valued in accordance with certain provisions of the Code of the District of Columbia. For guidance as to valuation of securities, see Accounting Series Release Nos. 113, 116, 118 and 219.

(e) *Qualified assets.* State in a note the nature of any investments and other assets maintained or required to be maintained, by applicable legal instruments, in respect of outstanding face-amount certificates. If the nature of the qualifying assets and amount thereof are not subject to the provisions of section 28 of the Investment Company Act of 1940, a statement to that effect shall be made.

(f) *Restricted securities.* State in a note the following information as to investment securities which cannot be offered for public sale without first being registered under the Securities Act of 1933 (restricted securities):

(1) The policy of the person with regard to acquisition of restricted securities.

(2) The policy of the person with regard to valuation of restricted securities. Specific comments shall be given as to the valuation of an investment in one or more issues of securities of a company or group of affiliated companies if any part of such investment is restricted and the aggregate value of the investment in all issues of such company or affiliated group exceeds five percent of the value of total assets. (As used in this paragraph, the term "affiliated" shall have the meaning given in § 210.6–02(a) of this part.)

(3) A description of the person's rights with regard to demanding registration of any restricted securities held at the date of the latest balance sheet.

(g) *Income recognition.* Dividends shall be included in income on the ex-dividend date; interest shall be accrued on a daily basis. Neither dividends nor interest shall be included unless payment is reasonably assured by past experience, guaranty or otherwise. Dividends declared on short positions existing on the record date shall be recorded on the ex-dividend date and included as an expense of the period.

(h) *Federal income taxes.* Appropriate provision shall be made on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (1) investment income, (2) realized gain on investments and (3) unrealized appreciation on investments. The company's status as a "regulated investment company" as defined in Subtitle A, Chapter 1, Subchapter M of the Internal Revenue Code, as amended, shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal assumptions on which the company relied in making or not making provisions for income taxes. However, a company which retains realized capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Internal Revenue Code shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year.

(i) *Issuance and repurchase by a registered investment company of its own securities.* In a footnote or separate statement referred to in the balance sheet, show for each class of the company's securities:

(1) The number of shares, units, or principal amount of bonds sold during the period of report, the amount received therefor, and, in the case of shares sold by closed-end management investment companies, the difference, if any, between the amount received and the net asset value or preference in involuntary liquidation (whichever is appropriate) of securities of the same class prior to such sale; and

(2) The number of shares, units, or principal amount of bonds repurchased during the period of report and the total or average cost thereof. Closed-end management investment companies shall furnish the following additional

information as to securities repurchased during the period of report:

(i) As to bonds and preferred shares, the aggregate difference between cost and the face amount or preference in involuntary liquidation and, if applicable net assets taken at value as of the date of repurchase were less than such face amount or preference, the aggregate difference between cost and such net asset value;

(ii) As to common shares, the weighted average discount per share, expressed as a percentage, between cost of repurchase and the net asset value applicable to such shares at the date of repurchases.

The information required by paragraph (i)(2)(i) and (ii) may be based on reasonable estimates if it is impracticable to determine the exact amounts involved.

(j) *Series companies.* A person which in essence is comprised of more than one separate investment company shall include the information required by this part (Regulation S–X) on a comparative basis, except as to footnotes which need not be comparative.

(k) *Certificate reserves.* (1) For companies issuing face-amount certificates subsequent to December 31, 1940 under the provisions of section 28 of the Investment Company Act of 1940, balance sheets shall reflect reserves for outstanding certificates computed in accordance with the provisions of section 28(a) of the Act.

(2) For other companies, balance sheets shall reflect reserves for outstanding certificates determined as follows:

(i) For certificates of the installment type, such amount which, together with the lesser of future payments by certificate holders as and when accumulated at a rate not to exceed 3½ per centum per annum (or such other rate as may be appropriate under the circumstances of a particular case) compounded annually, shall provide the minimum maturity or face amount of the certificate when due.

(ii) For certificates of the fully-paid type, such amount which, as and when accumulated at a rate not to exceed 3½ per centum per annum (or such other rate as may be appropriate under the circumstances of a particular case) compounded annually, shall provide the amount or amounts payable when due.

(iii) Such amount or accrual therefor, as shall have been credited to the account of any certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity or face amount specified in the certificate, plus any accumulations on any amount so credited or accrued at rates required under the terms of the certificate.

(iv) An amount equal to all advance payments made by certificate holders, plus any accumulations thereon at rates required under the terms of the certificate.

(v) Amounts for other appropriate contingency reserves, for death and disability benefits or for reinstatment rights on any certificate providing for such benefits or rights.

(l) *Inapplicable captions.* Attention is directed to the provisions of § 210.4–03 which permit the omission of separate captions in financial statements as to which the items and conditions are not present, or the amounts involved not significant. However, amounts involving directors, officers, and affiliates shall nevertheless be separately set forth except as otherwise specifically permitted under a particular caption.

§ 210.6–04 Balance sheets.

This rule is applicable to balance sheets filed by registered investment companies except for persons who substitute a statement of net assets in accordance with the requirements specified in § 210.6–05(a), and issuers of face-amount certificates which are subject to the special provisions of § 210.6–06 of this part. Balance sheets filed under this rule shall comply with the following provisions:

Assets

1. *Investments in securities of unaffiliated issuers.* State in a note to the financial statements the amount of the aggregate gross unrealized appreciation for all securities in which there is an excess of value over cost and the aggregate gross unrealized depreciation for all securities in which there is an excess of cost over value.

2. *Investment in and advances to affiliates.* State separately investments in and advances to (a) controlled companies and (b) other affiliates.

3. *Investments—other than securities.* State separately each major class.

4. *Total investments.*

5. *Cash.* Include under this caption cash on hand and demand deposits. Provide in a note to the financial statements the information required under § 210.5–02.1 regarding restrictions and compensating balances.

6. *Accounts and notes receivable.* State separately amounts receivable from (a) sales of investments; (b) subscriptions to capital shares; (c) dividends and interest; (d) directors and officers; and (e) others, showing any other category of receivables which is in excess of five percent of total assets.

7. *Deposits for securities sold short and open option contracts.* State separately amounts held by brokers and custodians in connection with (a) short sales and (b) open option contracts.

8. *Other assets.* State separately (a) prepaid and deferred expenses; (b) pension and other special funds; (c) organization expenses; and (d) any other item not properly classified in another asset caption the amount of which is in excess of five percent of total assets.

9. *Total assets.*

Liabilities

10. *Accounts payable and accrued liabilities.* State separately amounts payable for (a) securities sold short; (b) open option contracts written; (c) other purchases of securities; (d) capital shares redeemed; (e) dividends or other distributions on capital shares; and (f) others. State separately the amount of any other liabilities which is in excess of five percent of total liabilities. Securities sold short and open option contracts written shall be stated at the market value of the related security.

11. *Deposits for securities loaned.* State the market value of securities loaned and indicate the nature of the collateral held as security for the loan.

12. *Other liabilities.* State separately (a) amounts payable for investment advisory, management and service fees; and (b) the total amount payable to (1) officers and directors; (2) controlled companies; and (3) other affiliates, excluding any amounts owing to noncontrolled affiliates which arose in the ordinary course of business and which are subject to usual trade terms.

13. *Notes payable, bonds and similar debt.* (a) State separately amounts payable to (1) banks or other financial institutions for borrowings; (2) controlled companies; (3) other affiliates; and (4) others, showing for each category amounts payable within one year and amounts payable after one year.

(b) Provide in a note the information required under § 210.5–02.19(b) regarding unused lines of credit for short-term financing and §§ 210.5–02.22(a) and (b) regarding unused commitments for long-term financing arrangements.

14. *Total liabilities.*

15. *Commitments and contingent liabilities.*

Net Assets

16. *Units of capital.* (a) State on the face of the balance sheet, or if voluminous in a note, the title of each class of capital shares or other capital units, the number authorized, the number outstanding, and the dollar amount thereof.

(b) Unit investment trusts, including those which are issuers of periodic payment plan certificates, also shall state in a note to the financial statements (a) the total cost to the investors of each class of units or shares; (b) the adjustment for market depreciation or appreciation; (c) other deductions from the total cost to the investors for fees, loads and other charges, including an explanation of such deductions; and (d) the net amount applicable to the investors.

17. *Accumulated undistributed income (loss).* State on the face of the balance sheet (a) the accumulated undistributed investment income-net, (b) accumulated undistributed net realized gains (losses) on investment transactions, and (c) net unrealized appreciation (depreciation) in value of investments at the balance sheet date.

18. *Other elements of capital.* State separately any other elements of capital or residual interests appropriate to the capital structure of the reporting entity.

19. *Net assets applicable to outstanding units of capital.*

§ 210.6–05 Statements of net assets.

(a) Persons having ony one class of equity securities outstanding may substitute a statement of net assets, as prescribed in § 210.6–05(b) below, for the balance sheet otherwise required by § 210.6–04 of this part: *Provided,* That

(1) There are no amounts due from or to officers, directors, controlled persons, or affiliates other than for regular investment advisory, management, and service fees covering a period of less than 60 days prior to the end of the latest period.

(2) At the close of the latest period, there were no amounts, conditions, or transactions related to (i) securities sold short, (ii) open option contracts written, (iii) deposits for securities loaned, or (iv) agreements to repurchase portfolio securities.

(3) Neither the total of all assets other than investments in securities of unaffiliated issuers nor the total of all liabilities exceeds five percent of the amount of total assets.

(b) Statements of net assets filed for persons meeting the requirements under § 210.6–05(a) shall consist of the following:

(1) A schedule of investments in securities of unaffiliated issuers as prescribed in §§ 210.12–12 or 210.12–19, as appropriate.

(2) The excess (or deficiency) of other assets over (under) total liabilities stated in one amount.

(3) The balance of the amounts captioned as *net assets.* The number of outstanding shares and net asset value per share shall be shown parenthetically.

(4) The information required by (i) § 210.6–04.16, (ii) § 210.6–04.17 and (iii) § 210.6–04.18 shall be furnished in a note to the financial statements.

§ 210.6–06 Special provisions applicable to the balance sheets of issuers of face-amount certificates.

Balance sheets filed by issuers of face-amount certificates shall comply with the following provisions:

Assets

1. *Investments.* State separately each major class: such as, real estate owned, first mortgage loans on real estate, other mortgage loans on real estate, investments in securities of unaffiliated issuers, and investments in and advances to affiliates.

2. *Cash.* Include under this caption cash on hand and demand deposits. Provide in a note to the financial statements the information required under § 210.5–02.1 regarding restrictions and compensating balances.

3. *Accounts and notes receivable.* State separately amounts receivable from (a) sales of investments; (b) dividends and interest; (c) directors and officers; and (d) others, showing any other category of receivables which is in excess of five percent of total assets.

4. *Total qualified assets.* State in a note to the financial statements the amount of qualified assets on deposit classified as to general classes of assets and as to general types of depositories, such as banks and states, together with a statement as to the purpose of the deposits.

5. *Other assets.* State separately (a) investments in securities of unaffiliated issuers not included in qualifying assets in item 1 above; (b) investments in and advances to affiliates not included in qualifying assets in item 1 above; and (c) any other item not properly classified in another asset caption the amount of which is in excess of five percent of total assets.

6. *Total assets.*

Liabilities

7. *Certificate reserves.* Issuers of face-amount certificates shall state separately reserves for (a) certificates of the installment type; (b) certificates of the fully-paid type; (c) advance payments; (d) additional amounts accrued for or credited to the account of certificate holders in the form of any credit, dividend, or interest in addition to the minimum amount specified in the certificate; and (e) other certificate reserves. State in an appropriate manner the basis used in determining the reserves, including the rates of interest of accumulation.

8. *Notes payable, bonds and similar debt.* (a) State separately amounts payable to (1) banks or other financial institutions for borrowings; (2) controlled companies; (3) other affiliates; and (4) others, showing for each category amounts payable within one year and amounts payable after one year.

(b) Provide in a note the information required under §§ 210.5–02.19(b) regarding unused lines of credit for short-term financing and §§ 210.5–02.22 (a) and (b) regarding unused commitments for long-term financing arrangements.

9. *Accounts payable and accrued liabilities.* State separately (a) amounts payable for investment advisory, management and service fees; and (b) the total amount payable to (1) officers and directors; (2) controlled companies; and (3) other affiliates, excluding any amounts owing to noncontrolled affiliates which arose in the ordinary course of business and which are subject to usual trade terms. State separately the amount of any other liabilities which is in excess of five percent of total liabilities.

10. *Total liabilities.*

11. *Commitments and contingent liabilities.*

Stockholders' Equity

12. *Capital shares.* State on the face of the balance sheet, or if voluminous in note, the title of each class of captial shares or other capital units, the number authorized, the number outstanding and the dollar amount thereof. Show also the dollar amount of any capital shares subscribed but unissued, and show the deduction for subscriptions receivable therefrom.

13. *Other elements of capital.* (a) State separately any other elements of capital or residual interests appropriate to the capital structure of the reporting entity.

(b) A summary of each account under this caption setting forth the information prescribed in § 210.11–02 shall be given in a note or separate statement for each period in which a statement of operations is presented.

14. *Total liabilities and stockholders' equity.*

§ 210.6–07 Statements of operations.

Statements of operations filed by registered investment companies, other than issuers of face-amount certificates subject to the special provisions of § 210.6–06 of this part, shall comply with the following provisions:

1. *Investment income.* State separately income from (a) dividends; (b) interest on securities; and (c) other income. If income from investments in or indebtedness of affiliates is included hereunder, such income shall be segregated under an appropriate caption subdivided to show separately income from (1) controlled companies; and (2) other affiliates. If non-cash dividends are included in income, the bases of recognition and measurement used in respect to such amounts shall be disclosed. Any other category of income which exceeds five percent of the total shown under this caption shall be stated separately.

2. *Expenses.* (a) State separately the total amount of investment advisory, management and service fees, and expenses in connection with research, selection, supervision, and custody of investments. Amounts of expenses incurred from transactions with affiliated persons shall be disclosed together with the identity of and related amount applicable to each such person accounting for five percent or more of the total expenses shown under this caption together with a description of the nature of the affiliation. Expenses incurred within the person's own organization in connection with research, selection and supervision of investments shall be stated separately. Reductions or reimbursements of management or service fees shall be shown as a negative amount or as a reduction of total expenses shown under this caption.

(b) State separately any other expense item the amount of which exceeds five percent of the total expenses shown under this caption.

(c) A note to the financial statements shall include information concerning management and service fees, the rate of fee, and the base and method of computation. State separately the amount and a description of any fee reductions or reimbursements representing (1) expense limitation agreements or commitments; and (2) offsets received from broker-dealers showing separately for each amount received or due from (i) unaffiliated persons; and (ii) affiliated persons. If no management or service fees were incurred for a period, state the reason therefor.

(d) A note to the financial statements shall describe the basis and method of

compensating directors and other persons included in the definition in section 2(a)(12) of the Investment Company Act of 1940.

(e) If any expenses were paid otherwise than in cash, state in the details in a note.

(f) State in a note to the financial statements the amount of brokerage commissions (including dealer markups) paid to affiliated broker-dealers in connection with purchase and sale of investment securities. Open-end management companies shall state in a note the gross amount of sales charges deducted from the proceeds of sale of capital shares by the principal underwriter and the net amounts retained by any affiliated principal underwriter or other affiliated broker-dealer.

3. *Interest and amortization of debt discount and expense.*

4. *Investment income before income tax expense.*

5. *Income tax expense.* State separately (a) Federal income taxes and (b) other taxes on income applicable to investment income, distinguishing taxes payable currently from deferred income taxes.

6. *Investment income-net.*

7. *Realized and unrealized gain (loss) on investments.*

(a) State separately the net realized gain or loss on transactions in (1) investment securities of unaffiliated issuers, (2) investment securities of affiliated issuers, and (3) investments other than securities.

(b) Distributions of realized gains by other investment companies shall be shown separately under this caption.

(c) State separately (1) the gain or loss from expiration or closing of option contracts written, (2) the gain or loss on closed short positions in securities, and (3) other realized gain or loss. Disclose in a note to the financial statements the number and associated dollar amounts as to option contracts written: (a) at the beginning of the period; (b) during the period; (c) expired during the period; (d) closed during the period; (e) exercised during the period; (f) balance at end of the period.

(d) State separately the amount of the net increase or decrease during the period in the unrealized appreciation or depreciation in the value of investment securities and other investments held at the end of the period.

(e) State separately any (1) Federal income taxes and (2) other income taxes applicable to realized and unrealized gain (loss) on investments, distinguishing taxes payable currently from deferred income taxes.

8. *Net gain (loss) on investments.*

9. *Net income (loss).*

§ 210.6–08 Special provisions applicable to the statements of operations of issuers of face-amount certificates.

Statements of operations filed by issuers of face-amount certificates shall comply with the following provisions:

1. *Investment income.* State separately income from (a) interest on mortgages; (b) interest on securities; (c) dividends; (d) rental income; and (e) other investment income. If income from investments in or indebtedness of affiliates is included hereunder, such income shall be segregated under an appropriate caption subdivided to show separately income from (1) controlled companies; and (2) other affiliates. If non-cash dividends are included in income, the bases of recognition and measurement used in respect to such amounts shall be disclosed. Any other category of income which exceeds five percent of the total shown under this caption shall be stated separately.

2. *Investment expenses.* (a) State separately the total amount of investment advisory, management and service fees, and expenses in connection with research, selection, supervision, and custody of investments. Amounts of expenses incurred from transactions with affiliated persons shall be disclosed together with the identity of and related amount applicable to each such person accounting for five percent or more of the total expenses shown under this caption together with a description of the nature of the affiliation. Expenses incurred within the person's own organization in connection with research, selection and supervision of investments shall be stated separately. Reductions or reimbursements of management or service fees shall be shown as a negative amount or as a reduction of total expenses shown under this caption.

(b) State separately any other expense item the amount of which exceeds five percent of the total expenses shown under this caption.

(c) A note to the financial statements shall include information concerning management and service fees, the rate of fee, and the base and method of computation. State separately the amount and a description of any fee reductions or reimbursements representing (1) expense limitation agreements or commitments; and (2) offsets received from broker-dealers showing separately for each amount received or due from (i) unaffiliated persons; and (ii) affiliated persons. If no management or service fees were incurred for a period, state the reason therefor.

(d) A note to the financial statements shall describe the basis and method of compensating directors and other persons included in the definition in section 2(a)(12) of the Investment Company Act of 1940.

(e) If any expenses were paid otherwise than in cash, state the details in a note.

(f) State in a note to the financial statements the amount of brokerage commissions (including dealer markups) paid to affiliated broker-dealers in connection with purchase and sale of investment securities.

3. *Interest and amortization of debt discount and expense.*

4. *Investment income before income tax expense.*

5. *Income tax expense.* State separately (a) Federal income taxes and (b) other taxes on income applicable to investment income, distinguishing taxes payable currently from deferred income taxes.

6. *Provision for certificate reserves.* State separately any provision for additional credits, or dividends, or interests, in addition to the minimum maturity or face amount specified in the certificates. State also in an appropriate manner reserve recoveries from surrenders or other causes.

7. *Net investment income or loss.*

8. *Realized gain or loss on investments.*

(a) State separately the net realized gain or loss on transactions in (1) investment securities of unaffiliated issuers, (2) investment securities of affiliated issuers, and (3) other investments.

(b) Distributions of capital gains by other investment companies shall be shown separately under this caption.

(c) State separately any (1) Federal income taxes and (2) other income taxes applicable to realized gain (loss) on investments, distinguishing taxes payable currently from deferred income taxes.

9. *Net income or loss.*

§ 210.6–09 Statements of changes in net assets.

Statements of changes in net assets filed for persons to whom this article is applicable shall comply with the following provisions:

1. *From investment activities.* State separately (a) investment income-net as shown by § 210.6–07.6; (b) distributions from investment income-net; (c) balance; (d) net gain (loss) on investments as shown by § 210.6–07.8; (e) distributions from net gain on investments; and (f) balance.

2. *Net equalization charges and credits.* State the net amount of accured undivided earnings separately identified in the price of capital shares issued and repurchased.

3. *Increase or decrease in accumulated net income.*

4. *From capital share transactions.* (a) State the increase or decrease in net assets derived from the net change in the number of outstanding shares or units. The number of shares or units representing the net change shall be disclosed.

(b) Disclose in a note to the financial statements for each class of the person's shares the value of shares issued in reinvestment of dividends and distributions of net gains on investments.

5. Net assets at the beginning of the period.

6. Net assets at the end of the period.

§ 210.6–10 What schedules are to be filed.

(a) When information is required in schedules for both the person and the person and its subsidiaries consolidated, it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) is shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(b) The schedules shall be examined by an independent accountant if the related financial statements are so examined.

(c) *Management investment companies.* Except as otherwise provided in the applicable form:

(1) The schedules specified below in this rule shall be filed for management investment companies as of the dates of the most recent audited balance sheet and any subsequent unaudited statement being filed for each person or group.

Schedule I—Investments in securities of unaffiliated issuers. The schedule prescribed by § 210.12–12 shall be filed in support of caption 1 of each balance sheet.

Schedule II—Investments—other than securities. The schedule prescribed by § 210.12–13 shall be filed in support of caption 3 of each balance sheet. This schedule may be omitted if the investments, other than securities, at both the beginning and end of the period amount to less than one percent of the value of total investments (§ 210.6–04.4).

Schedule III—Investments in and advances to affiliates. The schedule prescribed by § 210.12–14 shall be filed in support of caption 2 of each balance sheet.

Schedule IV—Amounts due from directors and officers. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the directors and officers from whom any amount was owed at any time during the period for which related statements of changes in net assets are required to be filed.

Schedule V—Investments—securities sold short. The schedule prescribed by § 210.12–12A shall be filed in support of caption 10(a) of each balance sheet.

Schedule VI—Open option contracts written. The schedule prescribed by § 210.12–12B shall be filed in support of caption 10(b) of each balance sheet.

Schedule VII—Short-term borrowings. The schedule prescribed by § 210.12–10 shall be filed in support of any amounts included in caption 13 of each balance sheet, which are payable within one year to banks for borrowings; factors and other financial institutions for borrowings; and holders of any short-term notes.

(d) *Unit investment trusts.* Except as otherwise provided in the applicable form:

(1) Scheduled I, II, and IV, specified below in this section, shall be filed for unit investment trusts as of the dates of the most recent auditied balance sheet and any subsequent unaudited statement being filed for each person or group.

(2) Schedules III and V, specified below in this section, shall be filed for unit investment trusts for each period for which a statement of operations is required to be filed for each person or group.

Schedule I—Investment in securities. The schedule prescribed by § 210.12–19 shall be filed in support of caption 1 of each balance sheet (§ 210.6–04) or caption (b)(1) of each statement of net assets (§ 210.6–05), as appropriate, and of captions 1(a), and 1(b), and 7(b) of each statement of operations.

Schedule II—Trust shares. The schedule prescribed by § 210.12–20 shall be filed in support of caption 10 of each balance sheet (§ 210.6–04) or caption 4(i) of each statement of net assets (210.6–05).

Schedule III—Gain or loss from transactions in trust property. A schedule shall be filed showing for each investment set forth in Schedule I in which there were any sales or redemptions during the period: (a) the aggregate amount received from sale; (b) the aggregate cost of the investment sold; and (c) the realized gain or loss thereon.

Schedule IV—Allocation of trust assets to series of trust shares. If the trust assets are specifically allocated to different series of trust shares, and if such allocation is not shown in the balance sheet in columnar form or by the filing of separate statements for each series of trust shares, a schedule shall be filed showing the amount of trust assets, indicated by each balance sheet condition filed, which is applicable to each series of trust shares.

Schedule V—Allocation of trust income and distributable funds to series of trust shares. If the trust income and distributable funds are specifically allocated to different series of trust shares and if such allocation is not shown in the statement of income and distributable funds in columnar form or by the filing of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of income and distributable funds, indicated by each statement of operations filed, which is applicable to each series of trust shares.

(e) *Face-amount certificate investment companies.* Except as otherwise provided in the applicable form:

(1) Schedules I, V and X, specified below, shall be filed for face-amount certificate investment companies as of the dates of the most recent audited balance sheet and any subsequent unaudited statement being filed for each person or group.

(2) All other schedules specified below in this section shall be filed for face-amount certificate investment companies for each period for which a statement of operations is filed, except as indicated for Schedules III and IV.

Schedule I—Investment in securities of unaffiliated issuers.—The schedule prescribed by § 210.12–21 shall be filed in support of caption 1 and, if applicable, caption 5(a) of each balance sheet. Separate schedules shall be furnished in support of each caption, if applicable.

Schedule II—Investments in and advances to affiliates and income thereon. The schedule prescribed by § 210.12—22 shall be filed in support of captions 1 and 5(b) of each balance sheet and caption 1 of each statement of operations. Separate schedules shall be furnished in support of each caption, if applicable.

Schedule III—Mortgage loans on real estate and interest earned on mortages. The schedule prescribed by § 210.12—23 shall be filed in support of captions 1 and 5(c) of each balance sheet and caption 1 of each statement of operations, except that only the information required by column G and note 8 of the schedule need be furnished in support of statements of operations for years for which related balance sheets are not required.

Schedule IV—Real estate owned and rental income. The schedule prescribed by § 210.12—24 shall be filed in support of captions 1 and 5(a) of each balance sheet and caption 1 of each statement of operations for rental income included therein, except that only the information required by columns H, I and J, and item "Rent from properties sold during the period" and note 4 of the schedule need be furnished in support of statements of operations for years for which related balance sheets are not required.

Schedule V—Qualified assets on deposit. The schedule prescribed by § 210.12—27 shall be filed in support of the information required by caption 4 of § 210.6–06 as to total amount of qualified assets on deposit.

Schedule VI—Amounts due from officers and directors. The schedule prescribed by § 210.12—03 shall be filed with respect to each director, officer, or employee from whom any amount was owned at any time during the period for which related statements of operation are filed. State if an exemption has been granted by the Commission with respect to amounts included in this schedule.

Schedule VII—Short-term borrowings. The schedule prescribed by § 210.12—10 shall be filed in support of any amounts included in caption 8 of each balance sheet which are payable within one year to banks for borrowings; factors and other financial institutions for borrowings; and holders of any short-term notes.

Schedule VIII—Indebtedness to affiliates—not current. The schedule prescribed by § 210.12—05 shall be filed in support of any amounts included in caption 9 of each balance sheet. This schedule and Schedule II may be combined if desired.

Schedule IX—Supplementary profit and loss information. The schedule prescribed by § 210.12—25 shall be filed in support of each statement of operations.

Schedule X—Guarantees of securities of other issuers. The schedule prescribed by § 210.12—08 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is filed.

Schedule XI—Certificate reserves. The schedule prescribed by § 210.12—26 shall be filed in support of caption 7 of each balance sheet.

Schedule XII—Valuation and qualifying accounts. The schedule prescribed by § 210.12—09 shall be filed in support of all other reserves included in the balance sheet.

Employee Stock Purchase, Savings and Similar Plans

2. By removing § 210.6–30 and adding a new § 210.6A–01 as follows:

§§ 210.6A–01 Application of §§ 210.6A–01 to 210.6A–05.

(a) Sections §§ 210.6A–01 to 210.6A–05 shall be applicable to financial

statements filed for employee stock purchase, savings and similar plans.

3. By removing § 210.6–31 and adding a new § 210.6A–02 as follows:

§ 210.6–31 [Removed]

§ 210.6A–02 Special rules applicable to employee stock purchase, savings and similar plans.

The financial statements filed for persons to which this article is applicable shall be prepared in accordance with the following special rules in addition to the general rules in §§ 210.1–01 to 210.4–10. Where the requirements of a special rule differ from those prescribed in a general rule, the requirements of the special rule shall be met.

(a) *Investment programs.* If the participating employees have an option as to the manner in which their deposits and contributions may be invested, a description of each investment program shall be given in a footnote or otherwise. The number of employees under each investment program shall be stated.

(b) *Net asset value per unit.* Where appropriate, the number of units and the net asset value per unit shall be given by footnote or otherwise.

(c) *Federal income taxes.* (1) Appropriate provision shall be made, on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (i) current net income, (ii) realized net gain on investments, and (iii) unrealized appreciation on investments. If the plan is not subject to Federal income taxes, a note shall so state indicating briefly the principal assumptions on which the plan relied in not making provision for such taxes.

(2) State the Federal income tax status of the employee with respect to the plan.

(d) *Valuation of assets.* The statement of financial condition shall reflect all investments at value, showing cost parenthetically. For purposes of this rule, the term "value" shall mean (1) market value for those securities having readily available market quotations and (2) fair value as determined in good faith by the trustee(s) for the plan (or by the person or persons who exercise similar responsibilities) with respect to other securities and assets.

§§ 210.6–32, 210.6–33, 210.6–34 as §§ 210.6A–03, 210.6A–04 and 210.6A–05 [Redesignated]

4. By redesignating §§ 210.6–32, 210.6–33, and 210.6–34, as §§ 210.6A–03, 210.6A–04, and 210.6A–05, respectively.

5. By revising § 210.12–12 and adding new §§ 210.12–12A and 210.12–12B to read as follows:

§ 210.12–12 Investments in securities of unaffiliated issuers.

[For management investment companies only]

Column A	Column B	Column C
Name of issuer and title of issue [1] and [5].	Balance held at close of period. Number of shares principal amount of bonds and notes.	Value of each item at close of period. [5] [6] [7] [8]

[1] Each issue shall be listed separately: *Provided*, however, that an amount not exceeding five percent of the total of Column C may be listed in one amount as "Miscellaneous securities," provided the securities so listed are not restricted, have been held for not more than one year prior to the date of the related balance sheet, and have not previously been reported by name to the shareholders of the person for which the statement is filed or to any exchange, or set forth in any registration statement, application, or annual report or otherwise made available to the public.

[2] List separately (a) common shares; (b) preferred shares; (c) bonds and notes; (d) time deposits; and (e) put and call options purchased. Within each of these subdivisions, classify in an appropriate manner according to type of business; e.g., aerospace, banking, chemicals, machinery and machine tools, petroleum, utilities, etc.; or according to type of instrument; e.g., commercial paper, bankers' acceptances, certificates of deposit. Restricted securities shall not be combined with unrestricted securities of the same issuer. Repurchase agreements shall be stated separately showing for each the name of bank or broker-dealer from whom purchased, stipulated interest rate, repurchase date and description of collateral securities. The totals for each class of investments, subdivided by business grouping or instrument type, shall be shown together with their percentage value compared to net assets (§§ 210.6–04(19) or 210.6–05(b)(3)).

[3] Column C shall be totaled. The total of column C shall agree with the correlative amounts shown on the related balance sheet.

[4] Indicate by an appropriate symbol each issue of securities which is non-income producing. Evidences of indebtedness and preferred shares may be deemed to be income producing if, on the respective last interest payment date or date for the declaration of dividends prior to the date of the related balance sheet, there was only a partial payment of interest or a declaration of only a partial amount of the dividends payable; in such case, however, each such issue shall be indicated by an appropriate symbol referring to a note to the effect that, on the last interest or dividend date, only partial interest was paid or partial dividends declared. If, on such respective last interest or dividend date, no interest was paid or no cash or in kind dividends declared, the issue shall not be deemed to be income producing. Common shares shall not be deemed to be income producing unless, during the last year preceding the date of the related balance sheet, there was at least one dividend paid upon such common shares.

[5] Indicate by an appropriate symbol each issue of restricted securities. State the following in a footnote: (a) as to each such issue (1) acquisition date, (2) carrying value per unit of investment at date of related balance sheet, e.g., a percentage of current market value of unrestricted securities of the same issuer, etc., and (3) the cost of such securities; (b) as to each issue acquired during the year preceding the date of the related balance sheet, the carrying value per unit of investment of unrestricted securities of the same issuer at (1) the day the purchase price was agreed to and (2) the day on which an enforceable right to acquire such securities was obtained; and (c) the aggregate value of all restricted securities and the percentage which the aggregate value bears to net assets.

[6] Indicate by an appropriate symbol each issue of securities subject to option.

[7] Where value is determined on any basis other than closing prices reported on a national securities exchange, explain such other basis in a footnote.

[8] State in a footnote the aggregate cost for Federal tax purposes.

§ 210.12–12A Investments—securities sold short.

[For management investment companies only]

Column A	Column B	Column C
Name of issuer and title issue [1].	Balance short position at close of period. (Number of shares).	Value of each open short position. [2] [3]

[1] Each issue shall be listed separately.

[2] Column C shall be totaled. The total of column C shall agree with the correlative amounts shown on the related balance sheet.

[3] Where value is determined on any basis other than closing prices reported on a national securities exchange, explain such other basis in a footnote.

§ 210.12–12B Open option contracts written.

[For management investment companies only]

Column A	Column B	Column C	Column D	Column E
Name of issuer [2].	Number of contracts [3].	Exercise price.	Expiration date.	Value. [4]

[1] Information as to put options shall be shown separately from information as to call options.

[2] Options of an issuer where exercise prices or expiration dates differ shall be listed separately.

[3] If the number of shares subject to option is substituted for number of contracts, the column name shall reflect that change.

[4] Column E shall be totaled and shall agree with the correlative amount shown on the related balance sheet.

6. By revising § 210.12–13 as follows:

§ 210.12–13 Investments other than securities.

[For management investment companies only]

Column A	Column B	Column C	Column D	Column E	Column F
Description [1]	Value of each item at beginning of period—quantity. [2]	Value of gross purchases and additions made during period—quantity. [3]	Gross sales and reductions during period—quantity. [3]	Balance held at close of period—quantity. [3] [4] [5]	Value of each item at close of period. [6] [7] [8]

[1] The required information is to be given as to all investments which were held at any time during the period. List each major class of investments by descriptive title.

[2] If practicable, indicate the quantity or measure in appropriate units.

[3] Indicate by an appropriate symbol each investment which is non-income producing.

[4] Indicate by an appropriate symbol each investment not readily marketable. The term "investment not readily marketable" shall include investments for which there is no independent publicly quoted market and investments which cannot be sold because of restrictions or conditions applicable to the investment or the company.

[5] Indicate by an appropriate symbol each investment subject to option. State in a footnote (a) the quantity subject to option, (b) nature of option contract, (c) option price, and (d) dates within which options may be exercised.

[6] Column F shall be totaled and shall agree with the correlative amount shown on the related balance sheet.

[7] State the basis of determining value.

[8] State in a footnote the aggregate cost for Federal income tax purposes.

7. By revising § 210.12–14 as follows:

§ 210.12–14 Investments in and advances to affiliates.

[For management investment companies only]

Column A	Column B	Column C	Column D	Column E
Name of issuer and title of issue or nature of indebtedness [1].	Number of shares—principal amount of bonds, notes and other indebtedness held at close of period.	Amount of equity in net profit and loss for the period [2] [6].	Amount of dividends or interest [2] [5]..... (1) Credited to income..... (2) Other.....	Value of each item at close of period [3] [4].

[1] (a) List each issue separately and group (1) investments in majority-owned subsidiaries, segregating subsidiaries consolidated; (2) other controlled companies; and (3) other affiliates. Give totals for each group. If operations of any controlled companies are different in character from those of the company, group such affiliates (1) within divisions and (2) by type of activities.
(b) If during the period there has been any increase or decrease in the amount of investment in and advance to any affiliate, state in a footnote (or if there have been changes to numerous affiliates, in a supplementary schedule) (1) name of each issuer and title of issue or nature of indebtedness; (2) balance at beginning of period; (3) gross additions; (4) gross reductions; (5) balance at close of period as shown in Column E. Include in the footnote or schedule comparable information as to affiliates in which there was an investment at any time during the period even though there was no investment at the close of the period of report.
[2] Columns C, D and E shall be totaled. The totals of Column E shall agree with the correlative amount shown on the related balance sheet.
[3] State the basis of determining the value of each item in Column E.
[4] (a) Indicate by an appropriate symbol each issue of restricted securities. The information required by instruction 5 of § 210.12–12 shall be given in a footnote.
(b) Indicate by an appropriate symbol each issue of securities subject to option. The information required by instruction 5 of § 210.12–13 shall be given in a footnote.
[5] (a) Include in Column d (1) as to each issue held at the close of the period, the dividends or interest included in caption 1 of the statement of operations. In addition, show as the final item in Column D (1) the aggregate of dividends and interest included in the statement of operations in respect of investments in affiliates not held at the close of the period. The total of this column shall agree with the correlative amount shown on the related statement of operations.
(b) Include in Column D (2) all other dividends and interest. Explain in an appropriate footnote the treatment accorded each item.
(c) Indicate by an appropriate symbol all non-cash dividends and explain the circumstances in a footnote.
(d) Indicate by an appropriate symbol each issue of securities which is non-income producing.
[6] The information required by Column C shall be furnished only as to controlled companies.

8. By revising § 210.12–19 as follows:

§ 210.12–19 Investments in securities. [1]

[For issuers of periodic payment plan certificates and unit investment trusts]

Part 1					Part 2			
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I
Name of issuer and title of issue [2].	Market value at beginning of period. Number of shares—principal amount of bonds and notes.	Gross purchases and additions as to each issue during period. Number of shares—principal amount of bonds and notes [3].	Gross sales and reductions as to each issue during period. Number of shares—principal amounts of bonds and notes.	Balance held at close of period. Number of shares—principal amount of bonds and notes.	Market value of each issue at close of period [4] [5] [7].	Distribution received on trust shares.	Dividends on other shares [6].	Interest.

[1] The required information is to be given as to each issue of securities held at any time during the period.
[2] Group separately (a) shares of investment companies, and (b) other securities. As to securities set forth in group (a), list separately (1) trust shares in trusts created or serviced by the depositor or sponsor of this trust; (2) trust shares in other trusts; and (3) securities of other investment companies. As to securities set forth in group (b), list (1) evidences of indebtedness; (2) preferred shares; (3) common shares; and (4) other securities. Within each of these subdivisions classify according to type of business insofar as possible, e.g., railroads, utilities, banks, insurance companies, industrials. Give totals of each group, subdivision, and class.
[3] Describe briefly the nature of any additions otherwise than through cash purchases.
[4] Column F shall be totaled. The total of Column F at the close of the most recent period shall agree with the related caption in the balance sheet.
[5] If market value is determined on any basis other than closing prices reported on any national securities exchange, explain such other basis in a note.
[6] Identify all dividends other than cash taken up in income, and state the basis on which so taken up.
[7] State in a footnote the aggregate cost for purposes of the Federal income tax.

9. By revising § 210.12–20 as follows:

§ 210.12–20 Trust shares.

For all Issuers of Periodic Payment Plan Certificates and unit investment trusts:

1. Amount at which ——— trust shares were carried at beginning of period (Notes 1, 2)..... $
2. Additions during period resulting from:
   (a) Creation of ——— trust shares (Note 1).....
   (b) Allocations of investment income-net and realized gains.....
   (c) Unrealized appreciation (depreciation) in underlying trust property (Note 2).....
   (d) Other additions (Note 3).....
3. Total additions.....
4. Deductions during period resulting from:
   (a) Surrender and cancellation of ——— trust shares (Note 1).....
   (b) Other distributions (or transfers to distributable funds) of amounts credited to trust shares.....
   (c) Other deductions (note 4).....
5. Total deductions.....
6. Amount at which ——— trust shares were carried at end of period (Notes 1, 5)..

NOTES

1. Insert the applicable number of trust shares.
2. State the basis of determining the amount.
3. State separately each significant item.
4. State separately all significant items. If market depreciation of underlying trust property is included, the amount thereof shall be shown separately. Expenses required to be set forth in the statement of operations shall not be set forth here.
5. The balance at the close of the most recent period shall agree with caption 16 of the related balance sheet.

These amendments are proposed to be effective for fiscal periods ending after June 30, 1982.

(Secs. 7, 8, and 19(a) of the Securities Act of 1933 (15 U.S.C. 77g, 77h, and 77s(a)); sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 781, 78m, 78o(d), 78w); and sections 8, 30(d), 31(c), and 38(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–8, 80a–29(d), 80a–30(c), and 80a–37(a)))

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs of registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

January 11, 1982.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the proposed amendments contained in Securities Act Release No. 33–6374 which revise the financial statement requirements for registered investment companies will not have a significant economic impact on any entity subject to its provisions and, therefore, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed amendments will not be significant for any class of registrants because the compliance burden is not being increased and the required information is generally available from existing accounting records or otherwise available to the affected companies.

John S.R. Shad,

Chairman.

January 11, 1982.

[FR Doc. 82-1225 Filed 1-18-82; 8:45 am]

BILLING CODE 8010-01-M

Notices

Federal Register
Vol. 47, No. 12
Tuesday, January 19, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 1:30 p.m., and will end at 2:30 p.m., on February 25, 1982, at the Holiday Inn-State Capitol, 924 Madison Avenue, in the Banquet A Room, Montgomery, Alabama, 36104. The purpose of this meeting is to conduct a press conference to release a report on the Voting Rights involving the Southern Region of the United States.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marie Jamison, 3328 Dell Road, Birmingham, Alabama, 35223, (205) 872–0283 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1228 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

Georgia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 2:00 p.m., and will end at 6:00 p.m., on February 25, 1982, at the Peachtree Plaza Hotel, Peachtree and International Boulevard, Tower Meeting Room Number 7, Atlanta, Georgia, 30343. The purpose of this meeting is to have a press conference to release the Voting Rights Report, and to discuss program planning for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clayton Sinclair, 5095 Dublin Drive, N.W., Atlanta, Georgia 30305, (404) 349–3861 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia 30303.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1229 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 3:00 p.m., on February 8, 1982, at the John C. Kluczynski Federal Building, 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604. The purpose of this meeting is to discuss the draft report on the Housing Consultation, and the impact of budget cuts on civil rights issues.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604, (309) 686–3121 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1230 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

Maryland Advisory Committee; Amendment to Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Maryland Advisory Committee of the Commission originally scheduled for January 19, 1982, at Silver Spring, Maryland, (FR Doc. 81–36078, page 61495) has been changed.

The meeting now will be held on January 27, 1982, beginning at 6:00 p.m., and will end at 10:00 p.m., at the Maryland National Capital Parks and Planning Commission, in the Auditorium, 8787 Georgia Avenue, Silver Spring, Maryland, 20907.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1231 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

Mississippi Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 2:00 p.m., and will end at 6:00 p.m., on February 25, 1982, at the Holiday Inn, Downtown, 200 East Amite, in the Willow Room, Jackson, Mississippi, 39205. The purpose of this meeting is to have a press conference to release the Voting Rights Report from the Southern Region, and to discuss program planning for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mary Ramberg, 1514 Gay Street, Jackson, Mississippi, 39211, (601) 355–1175 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1232 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

New Mexico Advisory Committee; The Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Mexico Advisory Committee to the Commission will convene at 10:0 a.m., and will end at 4:00 p.m., on February 6, 1982, at the Sheraton Inn, I–25, 750 North Street, Francis Drive, in the Board Room, Santa Fe, New Mexico, 87501. The purpose of this meeting is to conduct orientation for the new members of the Committee, and to discuss program planning for FY'82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Honorable Roberto A. Mondragon, Lieutenant Governor's Office, State Capitol, Room 425, Santa Fe, New Mexico, 87503, (505) 827–2513 or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas, 78204, (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1233 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

North Carolina Advisory Committee: Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 4:00 p.m., on February 18, 1982, at the Holiday Inn—Four Seasons, in the Board Room, 2131 High Point Road, Greensboro, North Carolina, 27402. The purpose of this meeting is to discuss program planning for FY'82, and to report on the Greensboro Race Relations study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Tommie Young, 4303 King Arthur Place, Greensboro, North Carolina, 27405, (919) 379–7783 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.W., Room 362, Atlanta, Georgia, 30303, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1234 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

Tennessee Advisory Committee; Amendment to Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Tennessee Advisory Committee of the Commission originally scheduled for January 29, 1982, at Knoxville, Tennessee, (FR Doc. 82–743, on page 1316) has been changed.

The meeting now will be held on January 22, 1982, beginning at 2:30 p.m., and will end at 6:30 p.m., at the Hyatt Regency Knoxville, 500 Hill Avenue, in the James Polk Room, Knoxville, Tennessee 37915.

Dated at Washington, D.C., January 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1235 Filed 1–18–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Prestressed Concrete Steel Wire Strand From South Africa; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination on prestressed concrete steel wire strand (PC strand) from South Africa is being postponed. We intend to issue the determination not later than April 8, 1982.

EFFECTIVE DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, U.S. Department of Commerde, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377–1276.

SUPPLEMENTARY INFORMATION: On December 4, 1981, we announced our initiation of a countervailing duty investigation to determine whether the government of South Africa is giving its producers and exporters of PC strand certain benefits that are bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"). The notice stated that we would issue a preliminary determination by February 2, 1982.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges that numerous subsidy programs are provided by the government of South Africa to producers and exporters of PC strand. The alleged subsidy programs are numerous and raise complex issues. Moreover, it is difficult to determine the extent of utilization of these programs. We have determined that the South African government and the other parties concerned are cooperating and that additional time is necessary to make the preliminary determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Act and we intend to issue a preliminary determination not later than April 8, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Leonard M. Shambon,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–1228 Filed 1–18–82; 8:45 am]

BILLING CODE 3510–25–M

ENVIRONMENTAL PROTECTION AGENCY

[WH–5–FRL–2032–3]

Aquifer System in Eastern Wisconsin: Request for EPA Determination Regarding Aquifer System

AGENCY: Environmental Protection Agency.

ACTION: Notice of comment period extension.

SUMMARY: The Environmental Protection Agency, Region V, announces the extension of the public comment period for the Wisconsin sole or principal drinking water source petition (**Federal Register**; November 13, 1981, page 56039). Comments should be directed toward technical information in support or against the petitioned area.

DATES: Comments will be accepted until January 22, 1982. At least 45 days notice will be given before any public hearing that may be held.

ADDRESS: Written comments, requests for public hearing, and data should be sent to Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, ATTN: 5WWS, Wisconsin Aquifer Petition.

FOR FURTHER INFORMATION CONTACT: Karen Theisen, Water Supply Branch, at

the above address or telephone (312) 886–6190. Copies of the petition are available upon request.

Dated: December 31, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82–1253 Filed 1–18–82; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0382]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed 1982 fee schedules for wire transfer and net settlement services.

SUMMARY: The Monetary Control Act of 1980 (Title I of Public Law 96–221) requires that schedules of fees be established for Federal Reserve Bank services. The Board adopted a fee schedule for 1981 for wire transfer and net settlement services effective January 29, 1981. The Board now seeks comment on a new fee structure and new prices for these services to be implemented in 1982.

DATE: Interested parties are invited to submit relevant data, views and other comments by February 10, 1982. Comments should be addressed to: William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C., 20551 and should refer to Docket No. R–0382. Comments received may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452–2738); Earl G. Hamilton, Assistant Director for Federal Reserve Bank Operations (202/452–3879); Elliott C. McEntee, Assistant Director for Federal Reserve Bank Operations (202/452–2231); Paul P. Burik, Economist (202/452–2687); Gilbert T. Schwartz, Associate General Counsel (202/452–3625); Daniel L. Rhoads, Attorney (202/452–3711).

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 requires that fee schedules be developed for Federal Reserve Bank services based on pricing principles established by the Board. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). On December 30, 1980, after considering the comments received from the public, the Board adopted revised pricing principles and fee schedules for wire transfer and net settlement services (46 FR 1338). The wire transfer and net settlement fee schedules were effective January 29, 1981. The 1981 fee schedule for the wire transfer service provided for a basic origination charge of $0.80 per origination plus a $2.70 surcharge for off-line origination and a $1.80 surcharge for telephone advice, when requested. A basic charge of $1.80 for telephone advice to off-line receivers became effective March 26, 1981. The net settlement fee schedule paralleled the fee schedule for wire transfers with a basic settlement charge of $0.80 per settlement and a surcharge of $2.70 when the settlement is originated off-line. A surcharge of $1.80 was established where telephone advice was requested.

The Act requires that "[o]ver the long run fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced . . . except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF). In establishing 1981 prices for Federal Reserve Bank services, the Board used a private sector adjustment factor of 16 percent based on methodology explained in the Board's announcement of December 31, 1980. At that time, the Board stated that it would review the PSAF annually and would adjust it as appropriate. Using a methodology substantially similar to that used to device the 1981 PSAF, the Board has adopted a private sector adjustment factor of 16 percent to be used in developing 1982 fee schedules for price Federal Reserve Bank services. This PSAF of 16 percent was used to develop the proposed 1982 fee structure for wire transfer and net settlement services.

The proposed fees for the wire transfer service reflect estimated 1982 costs of providing the service plus a 16 percent PSAF. In general, 1982 wire transfer fees will increase from 1981 fees. Additionally, the proposed fee schedule reflects structural changes from the 1981 fee schedule. The Board proposed to charge both the sender and the receiver for each wire transfer of funds. The Board believes that imposition of a charge on receivers is appropriate since receivers benefit from the Federal Reserve's wire transfer service in the form of immediate availability and irrevocability of funds transferred by wire. Additionally, many receivers request that senders use the Federal Reserve wire to transfer funds. The proposed charge for receivers is based on an even sharing between receivers and senders of the Reserve Banks' costs plus PSAF for basic wire transactions.

The Board also proposes to impose a surcharge for interdistrict wire transfers. Interdistrict wire transfers are generally more costly than intradistrict transfers and imposing the surcharge would permit the System to recover the additional costs (labor, lines, computer, accounting and adjustment costs) generally incurred by such transfers. This price differential would also be more equitable to local users.

The proposed fee structure for the wire transfer service for 1982 is as follows:

(1) Originator pays $0.65 per transfer.

(2) Receiver pays $0.65 per transfer.

(3) Originator pays a $0.15 surcharge per interdistrict transfer.

(4) Surcharges for off-line origination and telephone advice will be increased to $3.50 and $2.25, respectively.

The 1981 fee schedule for the net settlement service paralleled the 1981 fee schedule for the wire transfer service. The Board proposes to separate the fee schedules for these two services in recognition of the different costs involved and the fact that these services create different rights and responsibilities for the System and its customers. Therefore, the Board proposes the following 1982 fee schedule for the net settlement service:

(1) $1.30 per intradistrict settlement entry *or* $1.45 per interdistrict entry, plus

(2) $5.00 per off-line settlement, plus

(3) $2.25 per telephone advice (if requested).

The fee for on-line settlement will be determined by whether the entry is intradistrict or interdistrict with the fee being $1.30 or $1.45, respectively. This fee structure is based on estimated 1982 costs of providing the service plus a 16 percent PSAF. The Board also proposes to permit Reserve Banks to negotiate higher fees for those net settlement arrangements that create unique or unusual expenses, subject to review.

By order of the Board of Governors of the Federal Reserve System, January 7, 1982.

William W. Wiles,

Secretary of the Board.

FR Doc. 82-1227 Filed 1-18-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0387]

Abbott Laboratories: Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Abbott Laboratories has filed a petition proposing that the food additive regulations be amended to provide for the safe use of cyclohexylsulfamic acid in resinous and polymeric coatings.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3593) has been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that the food additive regulations be amended to provide for the safe use of cyclohexylsulfamic acid as a catalyst in resinous and polymeric coatings.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 8, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-1193 Filed 1-18-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Privacy Act of 1974; Report of New System of Records

AGENCY: Office of the Secretary/ ASPER/OPSI and OCAM, HHS.

ACTION: Notification of New System of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e) (4), we are issuing public notice of our intent to establish a new system of records—the Office of Personnel Systems Integrity Management Information System Efficiency Report, HHS/OS/ASPER/OPSI and OCAM. The system will collect and store caseload information in order to prepare reports which will reflect caseload statistics, staff receipts, production, processing times, case location and status which OPSI and OCAM uses for case management, control, and manpower planning (to identify backlogs, case processing problems, staff utilization, budget estimations, appraise employee performance and productivity, formulate or renegotiate perfermane objectives).

DATES: We invite public comment on the proposed routine use disclosures on or before February 18, 1982. We filed a report of a new system of records with the President of the Senate, The Speaker of the House of Representatives, and the Director, Office of Management and Budget on January 11, 1982. This proposed system will become effective, without further notice, 60 days after the new system filing date, unless we receive comments on the proposed routine use disclosures, which would result in a contrary determination.

ADDRESS: Address comments to: Dr. Howard Harrison, Health and Human Services, Room 2046, Switzer Building, 330 Independence Avenue, S.W., Washington, D.C., 20201.

FOR FURTHER INFORMATION CONTACT: Betty Colton in Room 2054 at the above address.

SUPPLEMENTARY INFORMATION: We are proposing to establish the Management Information System Efficiency Report as an automated and manual case tracking system. We will use the system to develop caseload information as a data base for internal reporting; to provide more detailed information on cases during the examining or investigative process; to increase productivity; to decrease case turnaround time; and, to coordinate OPSI investigative and examining efforts.

We will maintain system security for this system in accordance with the National Bureau of Standards Guidelines and the Department's ADP Systems Manual, Part 6, ADP Systems Security. We will limit access and use of records in the manual and automated system to persons whose official duties require such access.

We will govern terminal access to the system by use of changing passwords. We will secure terminal equipment and manual system files in appropriate locked areas.

The fourth through sixth proposed routine use disclosure provisions are compatible with the purpose for which records are maintained in this system. Disclosures would enable: (1) the Equal Employment Opportunity Commission to refine the complaints processing procedure and to provide technical assistance to Federal Agencies and Departments as it relates to the efficiency and effectiveness of their complaint systems; (2) the Office of Management and Budget to make a detail and accurate assessment of the complaint's program cost effectiveness; or, (3) the Merit System Protection Board (including its Office of the Special Counsel) to investigate alleged violations of merit system principles.

We have prepared this notice in accordance with the principles and requirements of the Privacy Act.

Therefore, we anticipate no untoward effect on the privacy or other personal or property rights of individuals.

Dated: January 5, 1982.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

System Notice:

09-90-0095

SYSTEM NAME:

Management Information System Efficiency Report (Miser), HHS/ASPER/ OPSI and OCAM.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Office of Personnel Systems Integrity (OPSI), Room 2411, 330 Independence Avenue, S.W., Switzer Building, Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment, current, or former employees, who have a formal grievance, reconsideration, merit systems complaint, or EEO complaint against the agency or agency official. Names of investigator, examiner, contractor, and/or clerical support person, who are involved in case processing.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated and manual records contain: grievant or complainant's name, grade, series, organizational unit, city, state, race, sex, type of case, issue, basis; action on case/ dates filed,

received, assigned, referred to EEO or contractor, investigated, adjudicated, hearing held, report written and typed, closed; type of finding; weekly monthly, and yearly production and processing times; names of investigator, examiner, contractor, and/or clerical support staff assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 42 USC 2000e, 29 USC 633a, 5 USC 1302, 3301, 3302, Executive Order 10577; Executive Order 11787.

PURPOSE(S):

Information in this system of records is used for case management, control, and manpower planning (to prepare processing time reports, identify backlogs and case processing problems, staff utilization, budget estimations, appraise employee performance and productivity, formulate or renegotiate performance objectives).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. To the Department of Justice for the purposes of obtaining its advice, when desirable or necessary, to determine whether particular records are required to be disclosed under the Freedom of Information Act.

3. In the event of litigation where the defendant is (a) the Department of Health and Human Services (DHHS), any component of DHHS or any employee of DHHS in his or her official capacity; (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS of any of its components; or (c) any DHHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee. DHHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. The Equal Employment Oppurtunity Commission to refine the complaints processing procedure and to provide technical assistance to Federal agencies and Departments as it relates to the efficiency and effectiveness of their complaints systems.

5. The Office of Management and Budget to make a detailed and accurate assessment of the complaint's program cost effectiveness.

6. The Merit System Protection Board (including its Office of the Special Counsel) to investigate alleged violations of merit system principles.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, disks, cassette tapes, bond notebooks, paper forms, and index cards in locked file cabinets.

RETRIEVABILITY:

Information is retrieved by names, docket numbers, or any other data elements (e.g., type of case, organizational unit, dates).

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Records are kept in locked files or a locked room. Data stored in the automated system is accessed through the use of keywords known only to authorized personnel.

RENTENTION AND DISPOSAL:

Manual and automated records are destroyed by shredding or erasing after periods varying from 1 to 5 years after resolution or final disposition of the complaint or grievance.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Personnel Systems Integrity, Room 2046, 330 Independence Avenue, S.W., Switzer Building, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the System Manager and by providing name and information necessary to identify the record being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager, and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Investigator, examiner, support staff, and contractor completed status reports; records completed by supervisory staff, intake or control personnel; and, from information on incoming complaint, grievance, or reconsideration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-1255 Filed 1-18-82; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 8, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 1, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALABAMA

PLANTERSVILLE MULTIPLE RESOURCE AREA. This area includes: Chilton County, Riderville, vicinity, *Old Stage Coach Inn,* Old Plantersville Rd.; Dallas County, Plantersville, *Antique Shop,* Old Plantersville Rd.; *Christian Church and Parsonage,* Old Plantersville Rd.; *Dallas County High School,* 5th Ave.; *Doctor's Office,* Old Plantersville Rd.; *Driskell-Martin House,* Old Plantersville Rd.; and *Todd-Biscoe House,* Oak St.

Calhoun County

Jacksonville, *First Presbyterian Church,* 200 E. Clinton St.
Oxford, *Snow, Dudley, House,* 704 Snow St.

Colbert County

Tuscumbia, *Christian, John and Archibald, House,* Off U.S. 72

Dallas County

Selma, *Brown Chapel African Methodist Episcopal Church,* 410 Martin Luther King, Jr. St.
Selma vicinity, *Marshall's Grove,* AL 22

Escambia County

Brewton, *Brewton Historic Commercial District,* AL 3 and U.S. 31

Lauderdale County

Florence, *Coffee High School (Appleby School)* 319 Hermitage Dr.

Madison County

Huntsville, *Robinson, Mrs. William, House,* 401 Quietdale Dr.

Mobile County

Mobile, *Common Street District,* 950—1002 Dauphin St. and 7—19 Common St.

Mobile, *Dauphin Street District*, Dauphin St. From Water to Dearborn Ave.

St. Clair County

Ashville, *Bothwell, Dr. James J., House*, Hartford Ave.

CALIFORNIA

Alameda County

Berkeley, *Fox Court*, 1472–1478 University Ave.
Oakland, *Trinity Church*, 525 29th St.

Humboldt County

Ferndale, *Rectory, Catholic Church of the Assumption*, 583 Ocean Ave.

Napa County

Yountville, *Groezinger Wine Cellars*, 6525 Washington St.

Orange County

San Juan Capistrano, *Yorba, Domingo, Adobe, and Casa Manuel Garcia.*

San Francisco County

San Francisco, *St. Joseph's Church and Complex*, 1401—1415 Howard St.

Tehama County

Red Bluff, *St. Mary's Parish*, 515 Main St.

CONNECTICUT

Hartford County

Hartford, *Pomeroy, Arthur G., House*, 490 Ann St.

DELAWARE

New Castle County

New Castle vicinity, *New Castle Ice Piers.*

INDIANA

Bartholomew County

Columbus, *Columbus Historic District*, Roughly bounded by Pennsylvania RR tracks, Chestnut, 3rd, Washington and Franklin Sts.

St. Joseph County

South Bend, *Chapin Park Historic District*, Roughly bounded by St. Joseph River, Main, Madison, Rex, Lindsey and William Sts., Leland and Portage Aves.

IOWA

Iowa County

Millersburg, *Baird, E. J., House*, Jackson and Fremont Sts.

Johnson County

Iowa City, *Billingsley-Hills House*, 629 Melrose Ave.

Lee County

Fort Madison, *Schlapp, George E., House*, 630 Ave. C.

Pottawattamie County

Council Bluffs, *Reverend Little's Young Ladies Seminary*, 541 6th Ave.

Scott County

Davenport, *Hillside*, 1 Prospect Dr.

KENTUCKY

Woodford County

Nonesuch vicinity, *Archeological Site 15–Wd–61.*

MAINE

Hancock County

Bar Harbor, *Sproul's Cafe*, 128 Main St.

Lincoln County

Wiscasset vicinity, *Parsons, Josiah K., Homestead*, Greenleaf Cove Rd.

Oxford County

Paris, *Robinson-Parsons Farm*, Town Farm Brook Rd.

Somerset County

Salon, *Evergreens, The.*

Washington County

Calais, *Hamilton, Thomas, House*, 78 South St.
Cherryfield, *Campbell, Col. Samuel, House*, U.S. 1.

York County

Kennebunk, *Smith, James, Homestead*, ME 35.
Saco, *Deering, J. G., House*, 371 Main St.

MINNESOTA

Freeborn County

Albert Lea, *Chicago, Milwaukee, St. Paul, and Pacific Railroad Depot*, 606 S. Broadway.

Nobles County

Worthington, *Citizens' National Bank*, 326 10th St.

Ramsey County

St. Paul, *Minnesota Boat Club Boathouse on Raspberry Island*, 1 S. Wabasha St.

St. Louis County

Virginia, *Shirt Factory*, 305 S. 1st St.

Sibley County

Henderson, *Poehler, August F., House*, 700 Main St.

Wabasha County

Wabasha, *First Congregational Parsonage*, 305 W. 2nd St.
Wabasha, *Grace Memorial Episcopal Church*, 205 E. 3rd St.

NEVADA

Carson City (independent city).
St. Charles Hotel-Muller's Hotel, 302, 304 and 310 S. Carson St.

NEW MEXICO

Curry County

Clovis, *Clovis Baptist Hospital*, 515 Prince St.

Lincoln County

Ruidoso vicinity, *New Mexico Military Institute Summer Camp, Main Building*, Carrizo Canyon.

TENNESSEE

Montgomery County

New Providence vicinity, *Fort Defiance (CSA) (Fort Bruce (USA)).*

UTAH

Davis County

Bountiful, *Green, James, House*, 206 N. 100 East St.

Millard County

Hinckley, *Millard Academy*, Off U.S. 6/50.
Scipio, *Quarnberg, Peter, House*, Off UT 63.

Salt Lake County

Salt Lake City, *Casto, Santa Anna, House*, 2731 Casto Lane

San Juan County

Bluff, *Adams, Fred, House*, Off UT 47.
Bluff, *Allen, Jane and John, House*, Off UT 47.
Bluff, *Old Fort Cabins*, Off UT 47.

Summit County

Coalville, *Boyden, John, House*, 47 W. Center St.

Utah County

Goshen, *Morgan, David, House*, Off U.S. 6.

Washington County

Toquerville, *Forsyth, Thomas, House*, Off UT 15.

Weber County

Ogden, *Madison Elementary School*, 2418 Madison Ave.
Ogden, *Patton, Augustus B., House*, 1506 24th St.
Ogden, *Smyth, Dennis A., House*, 635 25th St.

[FR Doc. 82–1308 Filed 1–18–82; 8:45 am]
BILLING CODE 4310–70–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting In Whole or In Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: That an alternative method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by

the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register.** Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stiplations stated in the decision. [2]

FOR FURTHER INFORMATION CONTACT: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION

Docket No.	FR notice	Petitioner	Regulations affected	Summary of findings
M-79-20-C	44 FR 18294	Carbon County Coal Corp	30 CFR 75.326	Installation of a fire detection system using carbon monoxide and methane monitoring devices considered acceptable alternate method. Granted with conditions.
M-80-67-C	45 FR 35035	National Mines Corp	30 CFR 75.1710	Use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety in specified low mining heights. Granted with conditions.
M-80-76-C	45 FR 42426	Consolidation Coal Co	30 CFR 75.1105	Enclosing rectifier in a fireproof structure with an automatic fire suppression device considered acceptable alternate method. Granted with conditions.
M-80-102-C	45 FR 68080	Mullin Creek Coal Co., Inc	30 CFR 75.1710	Use of cabs or canopies on petitioner's cutting machine in specified low mining heights would result in a diminution of safety. Granted with conditions.
M-80-105-C	45 FR 53612	Eastern Associated Coal Corp	30 CFR 75.305	Due to flooding and roof falls, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method. Granted with conditions.
M-80-112-C	45 FR 57794	Everidge and Nease Coal Company, Inc	30 CFR 75.1710	Use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety in specified low mining heights. Granted in part with conditions.
M-80-115-C	45 FR 61397	Consolidated Coal Co	30 CFR 75.1700	Proposed plan to plug and mine through abandoned oil and gas wells considered acceptable alternate method to leaving coal barriers around the wells. Granted with conditions.
M-80-117-C	45 FR 61398	Consolidated Coal Co	30 CFR 75.1403-8(b)	Removing supplemental roof supports and roof materials to gain additional clearance to comply wih standard would result in a diminution of safety for the miners affected. Granted with conditions.
M-80-118-C	45 FR 61396	Little "T" Coal, Inc	30 CFR 77.1605(k)	Proposed maintenance, traffic control system and safeguards considered acceptable alternative to berms or guards for road control. Granted with conditions.
M-80-123-C	45 FR 70601	Regina Fuel Coal Co	30 CFR 75.1710	Use of cabs or canopies on petitioner's scoops in specified low mining heights would result in a diminution of safety. Granted in part with conditions.
M-80-126-C	45 FR 69061	Sewell Coal Co	30 CFR 75.1105	Proposed housing of pump station in a fireproof building equipped with an automatic fire suppression system considered acceptable alternate method of compliance. Granted with conditions.
M-80-136-C	45 FR 59580	Consolidation Coal Co	30 CFR 75.1105	Enclosing rectifier in a fireproof structure with an automatic fire suppression system considered acceptable alternate method of compliance. Granted with conditions.
M-80-149-C	46 FR 31542	G & A Coal Comapny	30 CFR 75.1710	Use of cabs or canopies on the mine's shuttle cars would result in a diminution of safety in current low mining heights. Granted in part with conditions.
M-80-150-C	45 FR 82782	Beckley Lick Run Co	30 CFR 75.1100-2(b)	Proposed use of a dry pipe fire fighting system activated electrically or manually by a valve on the surface considered acceptable alternate method. Granted with conditions.
M-80-151-C	46 FR 10586	Lester & Simpson Coals, Inc	30 CFR 75.1100-2(b)	Petitioner's proposed fire fighting equipment and controls considered acceptable alternative method of compliance. Granted wih conditions.
M-80-153-C	46 FR 8802	Emerald Mines Corp	30 CFR 75.1700	Proposed plan to plug and mine through abandoned oil and gas wells considered acceptable alternate method to leaving coal barriers around the wells. Granted with conditions.
M-80-155-C	46 FR 10568	Peabody Coal Company	30 CFR 75.1710	Use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety in specified mining heights. Granted in part with conditions.
M-80-157-C	46 FR 10566	Webster County Coal Corp	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method. Granted with conditions.
M-80-158-C	46 FR 10565	Eastern Associated Coal Corp	30 CFR 75.1700	Proposed plan to plug and mine through abandoned oil and gas wells considered acceptable alternative to leaving coal barriers around the wells. Granted with conditions.
M-80-161-C	46 FR 15610	Peabody Coal Company	30 CFR 77.213	Increasing the diameter of existing escapeways would result in a diminution of safety. Granted with conditions.
M-80-165-C	46 FR 13861	P.S. & R. Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-80-174-C	46 FR 13859	Mine Hill Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine, which would maintain a safe and healthful atmosphere, considered acceptable alternative method of compliance. Granted with conditions.
M-80-175-C	46 FR 13861	Peabody Coal Co	30 CFR 75.1403-5(g)	Maintenance of 18-inch clearance on one side of specified belt conveyor with additional safeguards considered acceptable alternative method. Granted with conditions.
M-80-177-C	46 FR 11728	Sheridan Enterprises, Inc	30 CFR 75.1100-2(b)	Proposed use of a dry-type fire fighting system during the months of October through April considered acceptable alternative method of compliance. Granted with conditions.
M-80-178-C	46 FR 11727	Island Creek Coal Co	30 CFR 75.507-1(a)	Use of nonpermissible submergible pump with specified installation instructions and control systems considered acceptable alternative method. Granted with conditions.
M-80-179-C	46 FR 13858	Leeco, Inc	30 CFR 75.806	Petitioner's junction box, cable requirements and location considered acceptable alternative method of compliance. Granted with conditions.
M-80-180-C	46 FR 13424	Peacock Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine, which would maintain a safe and healthful atmosphere, considered acceptable alternative method of compliance. Granted with conditions.
M-80-183-C	46 FR 10567	Shamrock Mining Co	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR notice	Petitioner	Regulations affected	Summary of findings
M-81-1-C	46 FR 11727	Consolidation Coal Company	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-3-C	46 FR 11728	United States Steel Corporation	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-7-C	46 FR 11467	Olga Coal Co	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-9-C	46 FR 20320	Black Creek Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-81-13-C	46 FR 14488	Peacock Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-81-14-C	46 FR 16005	Cross Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-81-17-C	46 FR 17165	Fraily Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-81-53-C	46 FR 20321	Jewell Smokeless Coal Corporation	30 CFR 77.214(a)	Petitioner's proposal to construct bulkheads and backfill each opening with a minimum of four feet of relatively impermeable noncombustible and compacted soil with a six-inch diameter water drainage pipe installed considered acceptable alternative method. Granted with conditions.
M-81-54-C	46 FR 21494	Potter & Dotson Coal Company, Inc	30 CFR 75.1710	Use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety in specified mining heights. Granted in part with conditions.
M-81-69-C	46 FR 23339	Saginaw Mining Co	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-78-C	46 FR 31099	Mine Hill Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternate method of compliance. Granted with conditions.
M-81-79-C	46 FR 21494	Jones & Laughlin Steel Corp	30 CFR 75.1700	Proposed plan to plug and mine through abandoned oil and gas well considered acceptable alternative method to leaving coal barriers around the wells. Granted with conditions.
M-81-100-C	46 FR 23339	United States Steel Corporation	30 CFR 75.1700	Proposed plan to plug and mine through abandoned oil and gas well considered acceptable alternative to leaving coal barriers around the wells. Granted with conditions.
M-81-102-C	46 FR 25728	Peabody Coal Company	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-103-C	46 FR 25162	Dominion Coal Corporation	30 CFR 75.326	Petitioner's proposal to install audio and visual alarm carbon monoxide devices at specific locations along longwall belt conveyor entries considered acceptable alternative method. Granted with conditions.
M-81-104-C	46 FR 25726	Permac, Inc	30 CFR 77.214(a)	Covering abandoned mine opening with refuse with rock drains and gas vents installed before refuse is placed considered acceptable alternative method of compliance. Granted with conditions.
M-81-110-C	46 FR 31099	Metzinger Coal Company	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method. Granted with conditions.
M-81-111-C	46 FR 30216	Jeddo-Highland Coal Co	30 CFR 77.216-4	No changes or modifications to existing physical conditions coupled with new inspection and maintenance procedures considered acceptable alternative method. Granted with conditions.
M-81-118-C	46 FR 31542	Mary Lou Coal Corp	30 CFR 75.305	Due to poor roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternative method of compliance. Granted with conditions.
M-81-120-C	46 FR 36166	Ray Lucas and Partner's Coal Company	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method of compliance. Granted with conditions.
M-81-122-C	46 FR 33679	M.S.W. Coal Company	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method of compliance. Granted with conditions.
M-81-127-C	46 FR 35816	K. & L. Coal Company	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternative method of compliance. Granted with conditions.
M-81-130-C	46 FR 38612	Energy Resources, Inc	30 CFR 75.805	Petitioner's junction box, capable requirements and location considered acceptable alternative method of compliance. Granted with conditions.
M-81-168-C	46 FR 43911	Neuweister Coal Co	30 CFR 75.301	Proposed airflow reduction in petitioner's mine, which would maintain a safe and healthful atmosphere considered acceptable alternative method of compliance. Granted with conditions.
M-79-16-M	44 FR 49601	Cotter Corporation	30 CFR 57.11-55	Petitioner's proposal to maintain a portable, truck-mounted emergency hoisting unit considered acceptable alternative method. Granted with conditions.
M-79-38-M	45 FR 8756	Morton Salt Division of Morton-Norwich Products, Inc.	30 CFR 57.21-24(a)	Allowing persons to remain underground and not deenergize the power until methane concentrations exceed one percent considered acceptable alternate method. Granted upon full compliance with conditions.
M-79-39-M	45 FR 8753	Morton Salt Division of Morton-Norwich Products, Inc.	30 CFR 57.21-25	Allowing persons to remain underground and not deenergize the power until methane concentrations exceed one percent considered acceptable alternate method. Granted upon full compliance with conditions.
M-79-45-M	45 FR 8758	Morton-Norwich Products, Inc	30 CFR 57.21-46	Petitioner's proposal to drive crosscuts on centerline distances of 170 feet and with crosscut widths of 70 feet and with specified safety precautions considered acceptable alternate method of compliance. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR notice	Petitioner	Regulations affected	Summary of findings
M-80-30-M	45 FR 32441	Rio Blanco Oil Shale Co	30 CFR 57.21-97	Proposed blasting machine and applicable procedures considered acceptable alternate method of compliance. Granted in part with conditions.
M-80-31-M	45 FR 18513	Potash Company of America	30 CFR 57.11-52(d)	Petitioner's proposal to equip refuge chambers with specified safeguards and equipment considered acceptable alternative method. Granted with conditions.
M-80-42-M	45 FR 32441	Kennecott Minerals Company	30 CFR 55.16-2	Proposal to allow the discharge roller in the primary screen surge bin to operate during cleaning process considered acceptable alternate method of compliance. Granted with conditions.
M-80-73-M	45 FR 54477	Homestake Mining Co	30 CFR 57.11-4	Use of special steel hook ladders considered acceptable alternative method of compliance. Granted with conditions.
M-80-97-M	45 FR 66533	Amax Chemical Corp	30 CFR 57.11-50	Use of refuge area near No. 1 shaft in lieu of second escapeway considered acceptable alternate method. Granted with conditions.
M-80-104-M	46 FR 1372	Tenneco Oil	30 CFR 57.21-46	Petitioner's proposal to drive two decline entries in shaft areas for access to the lower bed and shaft bottom for cleanup and maintenance and to develop the new mine by having crosscuts at up to 200 foot intervals on the main entries and shaft pillar areas considered acceptable alternative method of compliance. Granted with conditions.
M-80-106-M	46 FR 13424	Multi Mineral Corp	30 CFR 57.21-46	Petitioner's proposal to develop single entry access drifts with two crosscuts at specified levels at various distances from the shaft considered acceptable alternate method. Granted with conditions.
M-81-10-M	46 FR 18402	Multi Mineral Corp	30 CFR 57.21-22	Proposal to exhaust return air by means of vent tubing located in the shaft with specified safety precautions considered acceptable alternative method. Granted with conditions.
M-81-24-M	46 FR 29010	Occidental Oil Shale Company	30 CFR 57.4-58	Petitioner's proposed safeguards associated with building fires underground considered acceptable alternative method of compliance. Granted with conditions.

[FR Doc. 82-1117 Filed 1-18-82; 8:45 am]
BILLING CODE 4510-43-M

Occupational Safety And Health Administration

[Docket No. P-100]

Voluntary Programs to Supplement Enforcement and to Provide Safe and Healthful Working Conditions; Request for Comment and Information

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment and information.

SUMMARY: OSHA seeks comment on several possible initiatives designed to encourage improvements in the safety and health of American workers. These initiatives would provide incentives for voluntary protection efforts by employers and employees, based upon the belief that labor and management can improve workplace safety and health in ways simply not available to OSHA. Under these initiatives, OSHA would take steps to identify and accord formal recognition to new or existing systems for safety and health protection in establishments which can demonstrate that they are effectively addressing employee safety and health. This will permit OSHA to focus its enforcement resources more effectively on establishments where the most serious hazards exist. Comments are requested at this early stage in order to assure maximum input from all interested parties and the public at large.

DATES: Comments must be submitted by March 15, 1982.

ADDRESSES: Materials should be submitted in quadruplicate to: docket Officer, Room S6212, Docket #P-100, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Frank Frodyma, Office of Policy Analysis, Integration and Evaluation, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-8021.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA has long recognized that workplace compliance with OSHA standards cannot by itself accomplish the goals spelled out in the Act. The standards, no matter how carefully conceived and properly developed, will probably never cover all unsafe conditions. Furthermore, because of limited resources, the agency will never be able to inspect all of the Nation's workplaces regularly or exhaustively. In addition, employers and employees, because of their day-to-day experience in the workplace, acquire a thorough knowledge of the processes, materials and hazards involved with the job. This knowledge, combined with the ability to set rules and regulations quickly and to provide rewards for positive action, can be used by employers to improve workplace safety and health in ways simply not available to OSHA.

This notice suggests three overall approaches that OSHA hopes to use to encourage voluntary protection efforts in establishments which effectively address employee safety and health, thereby allowing the agency to focus its limited enforcement resources on establishments where the most serious hazards exist. The agency has drafted and included in the docket several program examples that could be used to implement these approaches.

A. *Employee Participation Programs* are designed to encourage employers to comply voluntarily with OSHA standards and to involve employees intimately in their own safety and health protection.

1. *The STAR (Sharing the Accountability for Regulation) Workplace Program* would be aimed at general industry firms with experienced labor-management committees, complete safety and health programs, good safety records, and good OSHA inspection history (if previously inspected).

2. *Project Build,* based on concepts similar to STAR, would be geared to the construction industry, and focused on individual worksites.

3. *Operation Try* would be a cooperative experiments program designed to explore other ways, besides the employee-management committee, of utilizing employee participation to create and maintain safe workplaces and to provide an opportunity for closely monitored experiments with employers who do not meet the more rigorous requirements of STAR or "Build" but have demonstrated good faith efforts to improve safety and health conditions and reduce injuries and illnesses.

B. *Management Initiative Programs* would be designed to recognize employers who have demonstrated success in their efforts to provide improved safety and health protection and to stimulate interest in achieving

such positive results through management initiative and action.

1. *The PRIME (Positive Results through Intensive Management Efforts) Initiative* would be useful for employers with sophisticated health and safety systems who have low injury incidence rates compared to their industry, but do not utilize labor-management committees.

2. *The PRAISE (Positive Results Achieved in Safe Employment) Program* would recognize small to mid-sized employers in low-hazard industries who have good safety records and active safety programs. PRAISE would cover only safety.

C. *Private Sector Support for Small Businesses* would be explored to provide a comprehensive approach to safety and health protection. Trade or professional associations appear to be likely sources of private sector support, but little is known about the availability of resources in this area. The agency asks questions about the feasibility of this approach.

The availability of a variety of tools, such as these six programs, would enable OSHA, along with employers and employees, to select the most effective approach for each particular situation.

PARTICIPATION IN ANY OF THESE PROGRAMS WOULD NOT IN ANY WAY DIMINISH EXISTING EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.

Although conceptually each of these approaches could constitute a large program with extensive industry participation, OSHA expects to conduct a number of pilot projects to verify the validity of each design for a period of one first year. In addition, any new project, after the pilot phase, would undergo a probationary period before final authorization would be granted for unrestricted participation. In addition, OSHA would use a staff person to advise, facilitate, and monitor each project's operations.

Examples of how these programs could be developed are available for inspection and copying at the Docket Office in Docket #P–100. In areas where OSHA is flexible, details will be added after the public has had an opportunity to comment. Requests for copies of these examples should be submitted in writing to the Docket Office, Room S–6212, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. The requestor will be billed for any copying charges associated with the request.

OSHA is particularly interested in information and comment from business, labor and the professional safety and health community concerning these approaches and suggestions for additional alternatives which would achieve the objective of encouraging comprehensive private sector efforts to provide worker safety and health protection. Based on the responses received, OSHA may flesh out those programs that appear feasible and announce the implementation of program(s) on an experimental basis or advance new proposals.

II. Approaches on Which Comment Is Requested

We request comment and supporting documentation, wherever available, addressing each of the following three major approaches. We are particularly interested in your response to the group of questions that follows each topic of discussion. We have numbered the questions consecutively through the text. Responses which are keyed to the question numbers will facilitate our review. Since the questions concerning the involvement of States that operate their own occupational safety and health programs pursuant to Section 18 of the Act are applicable to all of these voluntary programs, they follow the program discussions.

A. Employee Participation Programs

OSHA is considering three experimental programs which could serve to obviate the need for scheduled OSHA inspections at participating workplaces: these are the STAR Workplace Program, Project Build, and Operation Try.

The keystone of these three proposed programs is employee participation in helping make the workplace safe. Employee-management committees with safety and health responsibility have, in some circumstances, been shown to be an effective mechanism for encouraging employees to become more active in their own safety and health protection in the workplace, particularly if the committee has equal representation, has regular and documented meetings, conducts periodic inspections and is well-established at the worksite. When coupled with senior management commitment to safety and health, workplace safety and health is enhanced. To confirm mutual interest, an agreement between the employer and the employees which details agreed-upon procedures and mechanisms for accomplishing the goals of the program would be necessary to apply for participation in any of these programs.

OSHA's effort is designed to encourage the development of workplace mechanisms that improve safety and health conditions through cooperative means, or build on already existing structures which achieve this goal. Additionally, we would insist that these programs maintain or achieve a high level of safety and health protection; to encourage participation of employees in safety and health decisions; and to provide safe and healthful workplaces through voluntary means. "Try" also seeks detailed answers about the ability of cooperative efforts, other than joint committees, to provide worker safety and health protection.

1. *OSHA Inspection and Authorization Responsibilities*

As currently envisioned, OSHA may choose not to conduct general schedule inspections in firms which are authorized to participate in one of these pilot projects. At least during the first year, OSHA would, however, assign a Resource Liaison to support each project. At a minimum, this individual would be available as needed to answer questions, attend and facilitiate joint committee meetings, and perhaps accompany walk-arounds. The Resource Liaison would be present during the walkaround to assist in hazard recognition and abatement planning. It is anticipated that the Resource Liaison likely would be required on-site more often at the initiation of a project. Comment is specifically requested on the appropriate scope of responsibility and authority of the Resource Liaison in each of the proposed programs.

OSHA would, of course, retain the responsibility for handling complaints alleging imminent danger, but OSHA would encourage other safety and health complaints be handled through some type of internal complaint system by the worksite committee. For example, when complaints of unsafe or unhealthful workplace conditions are addressed to OSHA, the agency would inform the worker of the approved program and encourage use of the internal complaint system. If the worker still wished to file a formal complaint, OSHA would revert to routine procedures. If the worker wished to have the complaint referred to the firm, he or she would be given the right to remain anonymous pursuant to Section 8(f)(1) of the Act and receive notification of the disposition of the complaint. Also, a complainant dissatisfied with the disposition of a referred complaint could use the OSHA appeal procedures currently in effect.

In addition to complaints, fatalities and serious accidents would continue to be subject to OSHA inspection and OSHA would retain the discretiionary

right of citation whenever inspections were made. If hazards were cited, OSHA would give consideration to the "good faith" demonstrated by participation in these programs when calculating penalties. Detailed field staff procedures will be developed for handling any program that is undertaken.

Participation in any of these suggested programs would be authorized by the Assistant Secretary. Detailed qualifications, including an establishment's safety record, would be specified, and OSHA would audit the firm's qualifications prior to acceptance.

Your comments regarding OSHA's role in these programs to encourage voluntary protection efforts are requested, particularly in response to the following questions:

(1) What should OSHA require of a firm prior to considering the possibility of eliminating the firm from OSHA's general schedule inspection list? Should participation only be authorized for individual plant sites, or should multi-site companies be allowed to qualify as one applicant?

(2) Should the qualifications for an individual firm's or plant's injury/illness record be based on the last recorded year or an average over several years? Should it be based on lost workday cases or a combination of lost workday cases and incidence rates?

(3) Should individual firms or plants be audited against the national average for specific industries, the national average for large industry groupings, or the state average for the industry?

(4) In certain high-hazard industries, there are employers who have worked hard to make their workplaces safer and to reduce the injury/illness rate. When the high-hazard nature of the industry is considered, some have been relatively successful; however, they still have higher rates than the average for general industry. What injury/illness rate, if any, would justify participation of such a firm which met the other qualifications of one of these programs?

(5) Should the Resource Liaison (RL) have responsibilities other than those mentioned? Should there be minimum requirements for the RL's presence during the first year (such as, attend four committee meetings, accompany two walk-arounds)?

(6) What time period, if any, should be required for response to complaints referred to the committee?

(7) Should the starting time and duration of a construction project be relevant to whether a company is accepted into Project Build?

(8) Should approval or acceptance in these programs be conditional on performance during a probationary period? If so, how long should the probation be?

2. *Projected Approval Criteria*

a. *Employee Participation*

As previously stated, some degree of employee participation is a prerequisite for all three of these suggested programs. OSHA would expect, but not necessarily require, the participation to be on employer-paid time. The agency would, however, require participation to be free from disciplinary actions related to appropriate committee activities.

Both the STAR Workplace Program and Project Build would require the use of an employee-management committee based on the previously stated concepts of equal representation, regular and documented meetings, and periodic inspections.

For purposes of participation in either STAR or "Build", as currently envisioned, the committee would need authority to oversee the disposition of any complaints brought to its attention, initiate independent accident investigations (if the committee so desires), oversee abatement of hazards, review relevant firm records or surveys (if applicable), and have access to all relevant information.

Your comments are requested concerning employee participation, particularly in response to the following questions:

(9) Should there be committee requirements or responsibilities for STAR and "Build" other than those listed?

(10) Are the committee responsibilities realistic?

(11) Should committees be granted the right to consult outside experts? If so, who should bear the cost?

(12) It has been suggested that a committee might be liable for failure to assure abatement, whether or not they were aware of the hazard, if employees were hurt. Some have recommended that the addition of a "hold harmless" clause to the agreement would absolve the committee of legal responsibility. Would a "hold harmless" clause be useful in protecting committee members from liability?

(13) How often should employee-management committees meet? Should the frequency of meetings depend on the severity of the hazards faced? What should the determining factor(s) be? Should a general range of acceptable periods for meetings be set or a minimum frequency such as "at least monthly"?

(14) How ofter should committee inspections occur at the worksite? Should the number and frequency of inspections be tied to the number and frequency of meetings in any way?

(15) Construction worksites typically have a large number of subcontractors. How can they best be integrated into the mechanics of Project Build?

b. *Management Commitment*

Since management commitment to such a program is crucial to its success, a firm would need a written administrative policy that would include a statement of support for the specific program, identify resource commitments, specify the program's authority and identify the scope of the program.

Employee participation and management commitment would be the two basic requirements for "Try". Beyond these basic requirements, each "Try" experiment would be tailored to meet the needs of the employees and management of the participating firm, and OSHA would gear the evaluation of each project to the specific needs of that experiment. The remaining criteria for STAR and "Build" which follow in c, d, and e are virtually the same.

c. *Requirements for Safety and Health Program*

A firm wishing to participate in either program would need a written safety program which covers all aspects of the workplace, addresses hazards specific to the workplace, and includes personal protective equipment requirements and an employee training program in safe work practices. The safety program should clearly assign responsibility for workplace safety and be actively pursued at the worksite. The health program (which may be a part of the written safety program) should include company procedures for industrial hygiene sampling and surveying, personal protective equipment rules, employee training program for utilizinng personal protective devices and handling hazardous substances, and retention of medical records. A complete health program requires both medical and industrial hygiene services which might be provided in a variety of ways, depending on the company's resources and the hazards involved. While a large company with ample resources might have complete in-plant medical and industrial hygiene services, other firms could provide the same services by contracting for assistance. In all cases, OSHA would expect testing, sampling, or surveys to be conducted in accord with standardized procedures as established by the National Institute for

Occupational Safety and Health, OSHA, or by a national consensus organization.

An applicant for the STAR Workplace Program would be generally expected to cover both safety and health, although a small firm with few potential health hazards could apply for a partial STAR program covering only safety. Project Build would be structured along similar lines.

Your comments concerning the requirements for a safety and health program are requested.

(16) Are there items which should be required in the health or safety program in addition to those listed?

(17) Should the OSHA-supported consultation service be used as a resource for businesses that wish to set up health programs? If so, what should that role be? Should there be limitations on the activities of the consultation service?

d. *Training in Support of Employee Participation Programs*

Some type of formal training program for all employees (including new hires) on the existence, purpose, and use of the employee-management committee would be necessary to ensure that the program and committee would be utilized effectively. Committee members likely would need other kinds of training to function effectively. OSHA would, where feasible and appropriate, either assist in such training, or assist the committee in identifying alternatives.

Your comments concerning training conducted in support of the employee participation programs are requested, particularly in response to the following questions:

(18) What is a reasonable amount of time to allow for training new hires in the use of the committee, e.g., before starting work; up to two weeks?

(19) Should there be minimum training requirements for committee members? Should this training take place before acceptance?

(20) Is special continuing training for committee members necessary? If so, what kind would be needed? Is this a role for the Resource Liaison?

(21) What mechanisms should be used to provide training? Should employers be held accountable for funding committee training? Should participants be permitted to negotiate a mutually-acceptable means of funding the training?

e. *Data Requirements*

OSHA would expect a firm participating in either STAR of "Build" to retain and make available to OSHA copies of the injuries and illnesses log and/or workers' compensation injury reports, and committee records. Because it would be difficult to base approval and evaluation of a program solely on a firm's written records, consideration is being given to having recordkeepers certify the validity of records.

Your comments concerning recordkeeping requirements are requested.

(22) Should both the log and workers' compensation reports be kept for OSHA review?

(23) Should other records be required? If so, what?

(24) How can records be verified?

3. *Evaluation*

During a program's pilot project phase, OSHA would evaluate each project periodically to ensure that the project was functioning as agreed and to identify problem and/or success areas that could be dealt with on a program-wide basis. Since the Resource Liaison would have first-hand knowledge of each project's operations, his/her preliminary assessment would be an invaluable first step in the evaluation of each project.

As now projected, measures of program effectiveness would include at least the following indicators:

(a) A comparison of injury incidence rates and lost workday cases to a specific rate;

(b) The effectiveness of the committee based on reliability and timeliness in carrying out responsibilities, the nature of the problems addressed and actions taken, and the accessibility of the committee to employees;

(c) The satisfaction of the signatories; and

(d) The satisfaction of non-committee employees based on random interviews.

As previously stated, OSHA would evaluate each cooperative experiment based on the objectives of the project and measures of achievement which would be agreed to in advance by all parties.

Should there be more than on project in an employee participation program, the program would be evaluated as a whole to ensure that the objectives were met and that necessary adjustments were made in the overall program for improvement. After the pilot project phase, program evaluation would be required periodically.

OSHA requests you comments regarding evaluation requirements, particularly in response to the following questions:

(25) Are the proposed evaluation requirements realistic? What other effectiveness measures should be used? Are there other evaluation indicators that should be considered for any of the programs? In construction projects, incidence rates may be misleading because of the changes in employment levels and phases of construction. How can use of these rates be reconciled with need for valid data?

(26) Should participants be required to meet the acceptance qualifications for experience rates at all times during the acceptance period? If not, what range of performance should be allowed? Should participation be terminated if participating employers exceed the limit?

(27) Should requirements for participants to provide evaluation data be specified?

(28) Are there trade secret or privacy questions that would arise from OSHA's public use of collected information?

4. *Termination*

With advance notice, any party would be able to terminate participation in any of these programs.

Your comments concerning termination are invited.

(29) What advantages or disadvantages would there be to allow immediate termination for any of the parties? Should there be a minimum time period for advance notice of termination? If so, how much?

B. *Management Initiative Programs*

OSHA is considering two experimental programs, PRIME and PRAISE, to recognize employers who do not use labor-management committees, but have demonstrated success in their efforts to provide voluntary safety and health protection. The distinguishing features of these programs are management initiative and action to provide that voluntary protection. PRIME would have much in common with STAR. The probation period, the firm's general qualifications and recordkeeping requirements, and OSHA's responsibilities for auditing, liaison, inspection, citation, and evaluation would be virtually the same. The requirements for the safety and health system would be more detailed and include on-site safety and health staff, on-going training for all employees, an internal audit system, and a performance evaluation system for managers that includes health and safety factors.

There would be no requirements for direct employee participation like STAR or "Build" so that management could involve employees in a variety of ways to fit the needs of different health and safety systems. To counterbalance the lack of "active" employee participation, OSHA would require a feedback system

for reporting results to employees, would pool employees during audit and evaluation, and could conduct an inspection during the pre-approval audit. In addition, if an employer wished to have OSHA complaints referred to it for informal resolution, the firm would have to have a suitable mechanism for handling and responding to such complaints. As with the STAR program, an employee would retain the right to file a formal complaint under Section 8(f) of the Act.

In order to develop a program that would increase the utilization of comprehensive employer protection systems, OSHA is seeking answers to the following questions:

(30) Should OSHA remove participating companies or plants under this program from general schedule inspection lists? If so, are there additional qualifications that should be required? Should participation be conditional on performance during a probationary period?

(31) Should participation be authorized for individual plant sites, or should multi-site companies and/or multi-subsidiary corporations be allowed to qualify together? Why?

(32) Should the requirement concerning the firm's safety record be based on the last recorded year or an average over several years? On lost workday cases or combination of lost workday cases and incidence rates? The national average for the specific industry, the national average for large industry groupings or the state average for the industry?

(33) Should employee complaints made about participating companies or plants be handled in the same way as those envisioned for qualified companies with employee-management committees for safety and health (i.e., complainants would be encouraged to use internal systems with the right to have OSHA refer complaints anonymously, would receive notification of the disposition of the complaint and OSHA would have the discretion to inspect if the complaint disposition is appealed by the complainant)?

(34) What should be involved in the pre-approval audit for OSHA to make the determination that the qualifications for such a program exist within the applicant organization, e.g., inspections, employee interviews or questionnaires?

(35) Should there be minimum requirements for the Resource Liaison's presence during the first year?

(36) Should both the injuries/illnesses log and worker's compensation reports be kept for OSHA review? Should other records be required? How can records be verified?

(37) Should the measures of effectiveness be different from those in STAR? Should random interviews of workers be a part of an evaluation? Should requirements for participants to provide evaluation data be specified? Should a requirement for the participant to conduct an annual self-evaluation be included?

(38) Should participants be required to meet the acceptance qualifications for experience rates at all times during the acceptance period or be allowed a range of performance? Should participation be terminated if the limit is exceeded?

(39) Are there trade secret or privacy questions that would arise from OSHA's public use of collected information?

(40) Should there be a minimum time period required for advance notice of termination? What advantages or disadvantages would there be to allowing immediate termination by either party?

PRAISE would be primarily an effort to recognize past achievement in the field of workplace safety. It would be aimed at the small to mid-sized employer in a low-hazard industry who likely would not be a top priority for OSHA inspection.

OSHA would also identify a local Resource Liaison for each of these projects to answer questions, provide assistance and assure abatement of any complaint-identified hazard and notify complainants of the disposition. A complainant who was dissatified with the disposition could use OSHA's appeal procedures currently in effect. There would be no change in the handling of health problems, complaints alleging imminent danger, and fatality or catastrophe investigations.

OSHA would reserve the right to audit the applicant's qualifications prior to acceptance into PRAISE. Such an audit could include an on-site visit to review records and conduct a general assessment of safety conditions and facilities. This type of audit could be used for evaluation, as well.

Before initiating a recognition program of this nature OSHA would like your comments, particularly in response to the following questions:

(41) Since these firms would not likely be inspected in any case, are there other qualifications that OSHA should require for participation in PRAISE?

(42) Should some type of employee involvement be demonstrable before acceptance?

(43) Could a recognition program of this nature apply to firms in more hazardous industries?

(44) Should health coverage be included in PRAISE? If so, what additional qualifications should be added, if any?

C. *Support for Small Businesses*

Most of the programs that have been described are primarily suited to relatively large employers. Small businesses are not likely to have the resources to provide for safety and health professionals either through hiring or contract assistance. The use of employee-management committees may not be practical for the smaller employers because of the difficulty in sparing workers to spend time on safety and health matters. While PRAISE is geared to the smaller employer who has been successful in making the workplace safe, OSHA recognizes that there are other small employers who need and want help. At this time OSHA offers assistance to small employers through the consultation program, but we are interested in expanding upon that assistance through private sector support which could provide a more comprehensive approach to safety and health protection.

Trade association and/or professional associations are possible sources that could provide safety and health support systems similar to those utilized by large corporations and even some medium-sized businesses. Professional safety and health staffs, either working directly for trade associations, professional associations or under contract, could draw up safety and health practices for an entire industry, provide constructive audits of individual businesses and serve as a resource to help address new safety and health problems as they arise.

We would like your comments, particlarly in response to the following questions:

(45) Do trade associations or professional associations have the resources to provide such services? If not, what mechanism might be used to provide such resources? Would large corporations of the same or related industries or the larger corporate suppliers of the industry be willing to donate expertise or other resources on a short or long-term basis?

(46) Do trade associations and professional associations consider that such a role is consistent with their charters and with their members' expectations?

(47) Have any trade or professional associations attempted to provide intensive safety and health systems to small businesses? If so, with what results? Have any trade or professional associations been requested to provide extensive services for small businesses?

(48) Should unions involved in the industry accept part of the responsibility for such programs—decision-making, resources, expertise, audit assistance? Have any trade associations, professional associations or unions attempted to supply safety and health protection systems to small businesses in any specific industry? If so, with what results?

(49) If such systems are established in an industry either by trade or professional associations alone or with the relevant unions, what should OSHA's role be? Should OSHA give some sort of approval or certification to the program? If so, what criteria should be used? Should OSHA discontinue general schedule inspections under certain circumstances? If so, what should the criteria be? Should OSHA encourage internal resolution of workplace complaints? If so, how should it be done? Who would oversee the resolution of complaints internally?

(50) Should such a system include occupational health support for toxic substances? What resources would be required to do so? Should OSHA play a stronger role in oversight if occupational health is to be covered? If so, what should that role be, given the shortage of OSHA resources?

(51) Should individual businesses be given the right to join such a program? Should they meet specific qualifications to join the program? Should they apply for membership? What role would the trade or professional association play in the approval? What role would OSHA play? Under what conditions, if any, would a company lose the right to participate?

(52) Are there other types of programs that would support small employers' safety and health efforts?

(53) What criteria should be used to define small business, e.g., employment, gross sales, or some combination of criteria?

D. *Alternative Approaches*

In addition to commenting on these specified approaches, OSHA would be interested in any suggestions for alternative programs to encourage voluntary protection in the workplace.

E. *Participation of States with 18(b) Plans*

As provided by Section 18 of the Occupational Safety and Health Act, 23 States, including Puerto Rico and the Virgin Islands, operate their own occupational safety and health programs which must be at least as effective as the Federal program. These States are required in 29 CFR Part 1953 to submit a plan change supplement for administrative policy changes which would impact on the effectiveness of the State program. Since participation in these voluntary protection efforts would necessitate policy changes, States would be required to submit plan changes for approval by the Assistant Secretary. Your comments regarding 18(b) State participation in voluntary protection programs are requested, particularly in response to the following questions:

(54) Should States with OSHA 18(b) plans be encouraged to participate in all or part of the Federal voluntary protection programs? If not all, which, if any, parts are more appropriate for State participation?

(55) Should the 18(b) States be permitted or required to develop completely separate voluntary protection programs? If not, why not? Should this action be dependent on the outcome of OSHA's pilot projects?

(56) Are there changes that need to be made in the overall voluntary protection approach or in any specific program to facilitate State involvement?

(57) Are there other alternatives for State involvement which should be considered?

Respondents are asked to submit comments by March 15, 1982 in quadruplicate, to: Docket Officer, Room S6212, Docket #P–100, U.S. Department of Labor—OSHA, 200 Constitution Avenue, NW., Washington, D.C. 20210.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, United States Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec., 8(g), Pub. L. 91–596, 84 Stat. 1600 (29 U.S.C. 657(g)))

Signed at Washington, D.C. this 12th day of January, 1982.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 82–1206 Filed 1–18–82; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor will hold a meeting on February 2 and 3, 1982, Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss with the NRC Staff and the applicant, Project Management Corporation, the Clinch River Breeder Reactor program status including matters concerning licensing, siting and schedules. Notice of this meeting was published December 22.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, February 2, 1982—1:00 p.m. until the conclusion of business.

Wednesday, February 3, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Project Management Corporation, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption

(4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 12, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1245 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Waste Management; Changed Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on January 18, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review the technical assistance program in waste management research and will discuss the NRC Safety Research Program budget for FY 1983. Disregard the notice published December 29, 1981 (FR 46 62987).

The entire meeting will be closed to discuss the NRC FY 1983 Safety Research Program Budget as required (Sunshine Act Exemptions (2), (6), and (9)b.) For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, in accordance with Subsection 10(d) Pub. L. 92-463 that it may be necessary to close sessions of the meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authorities for such closure are Exemptions (2), (6) and (9)b to the Sunshine Act, 5 U.S.C. 552b(c)(2)(6)(9)b.

Dated: January 12, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1244 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-99]

Babcock & Wilcox Co.; Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application dated July 23, 1981, as revised by letters dated September 23, October 16 and November 23, 1981, Babcock and Wilcox Company (the licensee) requested authorization to dismantle the Lynchburg Pool Reactor (the facility), a pool-type nuclear reactor located in Lynchburg, Virginia, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility" Disposition of Components Parts, and Termination of Facility License" was published in the **Federal Register** on October 30, 1981 (46 FR 53821). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (NRC) has reviewed the application in accordance with the provisions of the NRC's Rules and Regulations and has found that the dismantling and disposal of component parts under the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The NRC staff has prepared an environmental impact appraisal for this action. Based on that appraisal, the staff has determined that this action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, Babcock and Wilcox Company is hereby authorized to dismantle the facility covered by Facility Operating License No. R-47, and dispose of the component parts in accordance with their dismantling plan and the NRC's Rules and Regulations.

After completion of the dismantling and decontamination and the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and an inspection by representatives of NRC, consideration will be given to whether a further order should be issued terminating Facility Operating License No. R-47. Alternatively, after dismantling the facility the licensee may apply to the NRC for inclusion of the residual activity in Special Nuclear Materials License No. SNM-778. Following an inspection by representatives of the NRC and authorization to include this residual activity under SNM-778, consideration will be given to whether a further order should be issued terminating Facility Operating License No. R-47.

For further details with respect to this action see (1) the application for authorization to dismantle facility and dispose of components parts dated July 23, 1981, as revised by letters dated September 23, October 16, and November 23, 1981, (2) the related Safety Evaluation, (3) the Environmental Impact Appraisal, and (4) the Negative Declaration dated January 11, 1982 (which is also being published in the **Federal Register**). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of January 1982.

For the Nuclear Regulatory Commission.

Robert L. Tedesco,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 82-1236 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-99]

Babcock & Wilcox Co., Lynchburg Pool Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has considered the order authorizing dismantling of facility and disposition of component parts for the Babcock and Wilcox Company (the Licensee) Lynchburg Pool Reactor which operated under Facility Operating License No. R-47. The order authorizes the licensee to dissassemble the reactor, which operated at power levels up to 1.0 MW (thermal), and to dispose of its component parts.

The Commission's Office of Nuclear Reactor Regulation has prepared an environmental impact appraisal for this pool-type nuclear reactor. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C.

Dated at Bethesda, Md., this 11th day of January 1982.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-1237 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment and Negative Declaration to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to authorize an increase in the capacity of the spent fuel storage pool at the facility. It also places restrictions on load handling in the spent fuel building.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on May 28, 1980 (45 FR 35948). No request for a hearing or petition for leave to intervene was filed within the prescribed limit following notice of the proposed action.

The Commission has prepared an Environmental Impact Appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated September 1972.

For further details with respect to this action, see (1) the application for amendment dated September 7, 1979, as supplemented May 6, 1980, (2) Amendment No. 75 to License No. DPR-26, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regualtory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of January 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-1238 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155-OLA]

Consumers Power Co., (Big Rock Point, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR § 2.721 (1980), the Atomic Safety and Licensing Board for *Consumers Power Company*, Big Rock Point, Unit 1, Docket No. 50-155-OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Peter B. Bloch. Herbert Grossman was chairman of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: Peter B. Bloch, Chairman, Dr. Oscar H. Paris, Frederick J. Shon.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR § 2.701 (1980). The address of the new Board Chairman is: Judge Peter B. Bloch, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 11th day of January 1982.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-1239 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mechlenburg County, North Carolina. The amendment is effective as of its date of issuance.

This amendment permits operation above 90% rated thermal power for no more than 48 hours in order to verify the full power capability of the unit and the performance of the model D steam generator.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated January 4, 1982, (2) Amendment No. 11 to Facility Operating License No. NPF-9 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of January 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

FR Doc. 82-1240 Filed 1-18-82; 8:45 am]

BILLING CODE 7590-01-M

Evaluation Criteria for Detailed Control Room Design Review; Extension of Comment Period

January 12, 1982.

Notice is given that the Commission's Office of Nuclear Reactor Regulation is extending the period for comments on NUREG-0801, Evaluation Criteria for Detailed Control Room Design Review.

This draft report contains guidance to the user (licensee/applicant and NRC staff) to assist: in assessing the significance of identified human

engineering discrepancies; in determining the acceptability of the Detailed Control Room Design Review, and the resulting control room design improvements. These criteria were developed in response to Item I.D.1 "Control Room Design Review," of NUREG–0660, NRC Action Plan developed as a result of the TMI accident.

This draft report was issued for public and industry comment. Notice of issuance was announced on page 560870 of the November 13, 1981 **Federal Register**, Vol. 46, No. 219. Comments were due by December 28, 1981. Because of numerous public and industry requests the due date for comments has been extended to February 12, 1982. All comments should be forwarded to: Mr. Mark Greenberg, Human Factors Engineering Branch, Division of Human Factors Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further information, contact Mark Greenberg, Division of Human Factors Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 492–8344.

Dated at Bethesda, Maryland, this 12th day of January, 1982.

Joel J. Kramer,

Acting Director, Division of Human Factors Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1242 Filed 1–18–82; 8:45 am]

BILLING CODE 7590–01–M

Human Factors Acceptance Criteria for the Safety Parameter Display System; Extension of Comment Period

January 12, 1982.

Notice is given that the Commission's Office of Nuclear Reactor Regulation is extending the period for comments on NUREG–0835, Human Factors Acceptance Criteria for the Safety Parameter Display System (SPDS).

This draft report contains guidance to the user (licensee/applicant and NRC staff) to assist: in assessing conformance of SPDS designs to the functional criteria stated in NUREG–0696. These functional criteria and acceptance criteria were developed in response to Item I.D.2 "Plant Safety Parameter Display Console" of NUREG–0660, NRC Action Plan developed as a result of the TMI accident.

This draft report was issued for public and industry comment. Notice of issuance was announced on page 55024 of the November 5, 1981 **Federal Register**, Vol. 46, No. 214. Comments were due by December 21, 1981. Because of numerous public and industry requests the due date for comments has been extended to February 12, 1982. All comments should be forwarded to: Mr. Leo Beltracchi, Human Factors Engineering Branch, Division of Human Factors Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further information, contact Leo Beltracchi, Division of Human Factors Safety, Office of Nuclear Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 492–8355.

Dated at Bethesda, Maryland, this 12th day of January, 1982.

Joel J. Kramer,

Acting Director, Division of Human Factors Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1243 Filed 1–18–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR–24, and Amendment No. 62 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective five days from the date of issuance for Unit 1 and upon return to power from the Spring 1982 refueling outage for Unit 2.

The amendments revised the degraded grid undervoltage relay setpoint and associated time delay.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any signficiant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 3, 1981 as modified by letter dated December 30, 1981, (2) Amendment Nos. 58 and 62 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 6th day of January 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 82–1241 Filed 1–18–82; 8:45 am]

BILLING CODE 7590–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 12
Tuesday, January 19, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	10
Federal Communications Commission	2, 3, 4
Federal Home Loan Bank Board	5
International Trade Commission	6
National Institute of Education	7
National Railroad Passenger Corporation	8
Occupational Safety and Health Review Commission	9

1

CIVIL AERONAUTICS BOARD

[M-340 Amdt. 3, January 8, 1982]

Notice of Deletion of item from the January 7, 1982 Board meeting

TIME AND DATE: 10 a.m. (closed meeting), 2 p.m. (open meeting), January 7, 1982.

PLACE: Room 1012 (closed meeting), room 1027 (open meeting), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

6. Dockets 20051 and 20700, Petition for Reconsideration of Order 81-10-152 to the extent that it disapproves the Washington National Commuter Airline Association scheduling committee agreement and withdraws antitrust immunity. (Memo 100-D, BDA, OGC, OEA)

STATUS: 1-4c (closed), 5-24 (open).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-73-82 Filed 1-15-82; 3:55 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Rescheduling of an item considered at the January 5th, 6th and 7th briefings

The Federal Communications Commission will hold a closed briefing on the matter listed below on Tuesday, January 12, 1982 to commence following the scheduled closed meeting in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda and Subject

General: Continuation of FY 83 Budget Proposals.

This briefing is closed to the public because it concerns internal personnel rules (See 47 CFR 0.603(b)).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this briefing may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-66-82 Filed 1-15-82; 10:53 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From January 13th Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the January 13, 1982, Open Meeting and previously listed in the Commission's Notice of January 6, 1982.

Agenda, Item No., and Subject

Broadcast—2—*Title:* Reregulation and Rules Oversight of Radio and TV Broadcasting. Summary: Modification and clarification of rules pertaining to:

—Classes of AM broadcast channels.
—Designation of new class of AM broadcast station as Class II-C.

Issued: January 12, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-68-82 Filed 1-15-82; 10:53 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

Rescheduling of an Item Considered at the January 5th, 6th, and 7th Briefings

The Federal Communications Commission announced on January 11, 1982 its intention to hold a Closed Briefing on Tuesday, January 12, 1982 to consider the item listed below. This briefing has been rescheduled to follow the Closed Meeting scheduled for January 13, 1982 in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, and Subject

General: Continuation of FY 83 Budget Proposals.

This briefing is closed to the public because it concerns internal personnel rules (See 47 CFR 0.603(b)).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This briefing may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this briefing may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 12, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-67-82 Filed 1-15-82; 10:53 am]

BILLING CODE 6712-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 1238, Monday, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. January 14, 1982.

PLACE: 1700 G. Street, NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING:
The meeting previously scheduled for 10 a.m. has been rescheduled for 5 p.m., January 14, 1982.

[No. 82-5, January 14, 1982]

[S-65-82 Filed 1-15-82; 8:50 am]

BILLING CODE 6720-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-1A/2A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 721, January 6, 1982, and 47 FR 1238, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, January 14, 1982.

CHANGES IN THE MEETING: Emergency notice rescheduling item No. 4(a) (Certain multipurpose power woodworking tools (Docket No. 783)) from the meeting of Thursday, January 14, 1982, to item No. 6 (Any items left over from previous agenda) on Tuesday, January 19, 1982.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–69–82 Filed 1–15–82; 10:55 am]

BILLING CODE 7020–02–M

7

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH (NIE)

DATE AND TIME: February 2, 1982, 9 a.m.–2:30 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street, N.W., Washington, D.C.

STATUS: Certification is being sought from the Department of Education Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on February 2, 1982, under 5 U.S.C. 522b(c)(9)(B) and 34 CFR 705.2(a)(9) for the purposes of reviewing and discussing with the Director of NIE options for the NIE fiscal year 1983 budget and procurement planning and budget for fiscal year 1982." Agenda item *#5* will be closed, the rest of the agenda will be open to the public. The public should call to verify the *closing* of this portion of the meeting.

MATTERS TO BE CONSIDERED:

1. Report of the Director (9:10–10:15 a.m.).
2. Educational Technology (10:15 a.m.–10:45 a.m.).
3. Atlanta Meeting Review: Research and School District Improvement (10:45–11:30 a.m.)
4. National Commission on Excellence in Education (11:30 a.m.–12 noon) lunch (12 noon–1 p.m.)
5. Closed session—Report on FY '82 Procurement Plans and FY '83 Budget and Program Planning (1 p.m.–2:30 p.m.).

Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Martha H. Catto, Telephone: (202) 254–7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S–72–82 Filed 1–15–82; 3:10 pm]

BILLING CODE 4000–05–M

8

NATIONAL RAILROAD PASSENGER CORPORATION

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on January 27, 1982.

A. The meeting will be held on Wednesday, January 27, 1982, in the Pierre Suite, 11th Floor, at Loews L'Enfant Plazza Hotel, Washington, D.C., at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation—Meeting of the Board of Directors—January 27, 1982

(9:30 a.m.) *Closed Session:*

1. Internal Personnel Matters
2. Litigation Matters

(10:30 a.m.) *Open Session:*

3. Approval of Minutes of Regular Meeting of December 9, 1982
4. Approval of Amendment to Retirement Income Plan
5. Approval of a Consulting Contract for an Analysis of the Reservation System
6. Resolution Authorizing the Execution of a Cooperative Agreement—Providence, Rhode Island
7. Resolution Authorizing General Partnership Agreement for Development of 30th Street Station, Philadelphia, PA
8. Designation of Representatives to the Amtrak Commuter Services Corporation Board of Directors
9. Commitment Approval Requests

82–13 Phase II of FY 82 Northeast Corridor Track Program—Harrisburg Main Line

82–21 Northeast Corridor Track Program—Springfield Main Line

82–22 Sunnyside Yard Turnout Rehabilitation Northeast Corridor Spine

82–23 New York State Track Improvements

82–25 Disk Storage Equipment Replacement

78–76–S4 Phase IV Funding for Grade Crossing Improvements—State of Florida

10. Approval of Fiscal Year 1982 Capital Plan
11. Fiscal Year 1982 Operating Plan to Satisfy Loan Guarantee Requirement
12. President's Report
13. Date and Place of Next Meeting
14. New Business
15. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3754.

January 15, 1982.

Sandra Spence,

Corporate Secretary.

[S–70–82 Filed 1–15–82; 2:06 pm]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 1238, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING 10 a.m., January 14, 1982.

CHANGES IN THE MEETING: This meeting has been rescheduled for 9:30 a.m. on January 18, 1982.

Dated: January 15, 1982.

[S–71–82 Filed 1–15–82; 2:12 pm]

BILLING CODE 7600–05–M

10

CONSUMER PRODUCT SAFETY COMMISSION.

LOCATION: Third Floor Hearing Room, 1111–18th St., NW., Washington, D.C.

DATE AND TIME: Wednesday, January 20, 1982, 9:30 a.m.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. NEISS Report to Congress

The Staff will brief the Commission, and

the Commissioners will then consider a drafter report to the House Appropriation Committee concerning the National Electronic Inury Surveillance System (NEISS).

2. Prednisone Exemption

The Commission will consider a request to exempt Prednisone from the packaging requirements of the Poison Prevention Packaging Act.

3. Briefing on Amendment to Regulation Implementing Flammability Standards for Clothing Textiles and Vinyl Plastic Film

The staff will brief the Commission on: a) Exemption for Outer Layer Testing of Disposable Diapers. b) Extention of Comment Period on Other Provisions.

4. Request to Convene Advisory Panel on Asbestos

The staff will brief the Commission on a request to convene an Advisory Panel on asbestos.

STATUS: Partially open to the public/ partially closed.

MATTERS TO BE CONSIDERED:

5. General Order on Asbestos

The staff will brief the Commission on activities relating to the Asbestos General Order

Agenda approved January 15, 1982.

FOR ADDITIONAL INFORMATION CONTACT:

Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, Telephone (301) 492–6800.

[S–74–82 Filed 1–18–82; 9:13 am]

BILLING CODE 6355–01–M

V
4
7
/
1
2
J
A
1
9
8
2

federal register

Tuesday
January 19, 1982

Part II

Department of Health and Human Services

Food and Drug Administration

General and Plastic Surgery Devices: General Provisions and Classification of 54 Devices; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. 78N-2646]

General and Plastic Surgery Devices; General Provisions and Classification of 54 Devices

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing general rules applicable to the classification of all general and plastic surgery devices. In addition, the agency is proposing general rules applicable to the classification of several medical devices used in dermatology, including dermatological ultraviolet lamps. The Medical Device Amendments of 1976 require the agency to classify all medical devices intended for human use into three categories: Class I, general controls; class II, performance standards; and class III, premarket approval. In the preamble to this proposal, FDA describes the development of the proposed regulation classifying 55 general and plastic surgery devices. The preamble also describes the activities of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel (formerly the General and Plastic Surgery Device Classification Panel), an FDA advisory committee that makes recommendations to FDA concerning the classification of general and plastic surgery devices. Because there is no dermatology device panel, the agency assigned several dermatological devices to the Genaral and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel for review.

DATES: Comments by March 22, 1982. FDA proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Mark F. Parrish, Bureau of Medical Devices (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

SUPPLEMENTARY INFORMATION:

Device Classification System

The Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295) establish a comprehensive system for the regulation of medical devices intended for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c) establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories are as follows: Class I, general controls; class II, performance standards; and class III, premarket approval.

Most devices are not classified under section 513 of the act until after FDA has (1) received a recommendation from a device panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. These steps must precede the classification of any device that was in commercial distribution before May 28, 1976 (the date of enactment of the amendments) and that was not previously regarded by FDA as a new drug under section 505 of the act (21 U.S.C. 355). A device that is first offered for commercial distribution after May 28, 1976, and that is substantially equivalent to a device classified under this scheme, is classified in the same class as the device to which it is substantially equivalent.

A device that FDA previously regarded as a new drug, or a newly offered device that is not substantially equivalent to a device that was in commercial distribution before the amendments, is classified by statute into class III. (A later section in this preamble discusses general and plastic surgery devices formerly considered new drugs.) These two types of devices are classified into class III without any FDA rulemaking proceedings. The agency determines whether new devices are substantially equivalent to previously offered devices by means of the premarket notification procedure in section 510(k) of the act (21 U.S.C. 360(k)) and Part 807 of the regulations (21 CFR Part 807).

Related Regulations

In the **Federal Register** of July 28, 1978 (43 FR 32988), FDA issued final regulations describing the procedures for classifying devices intended for human use. These regulations, which were proposed in the **Federal Register** of September 13, 1977 (42 FR 46028), supplement the agency's regulations in Part 14 (21 CFR Part 14) governing the use of advisory committees. The agency also issued interim device classification procedures in a notice published in the **Federal Register** of May 19, 1975 (40 FR 21848).

Activities of Panel

Anticipating enactment of the amendments, FDA established several advisory committees to make preliminary recommendations on device classification. The General and Plastic Surgery Device Classification Panel (the Panel) was originally chartered on October 15, 1973, as the Panel on Review of General and Plastic Surgery Devices. FDA placed a report of the Panel's tentative classification recommendations on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, and announced the availability of the report to the public by notice published in the **Federal Register** of July 30, 1976 (41 FR 31925). On August 9, 1976, the Panel and other preamendments device classification panels were rechartered to reflect their new responsibilities under the amendments. The agency directed each panel to reconsider its preamendments classification recommendations in light of the new requirements. In 1976 and 1977, the Panel reviewed all devices that FDA had referred to it to make certain that its recommendations were in accord with the amendments.

Throughout the Panel's deliberations, interested persons were given an opportuinty to present their views, data, and other information concerning the classification of general and plastic surgery devices. The Panel also invited experts to testify and sought information on many devices from the published literature.

On November 1, 1977, the Panel submitted to FDA a preliminary report of its recommendations. The report included a roster of current and former Panel members and consultants and listed all meeting dates. The agency placed a copy of the report in the Dockets Management Branch (HFA-305), Food and Drug Administration, and announced its availability to the public by notice published in the **Federal Register** of November 29, 1977 (42 FR 60792). The Panel changed its previous recommendations concerning the classification of several devices after completion of the "General and Plastic Surgery Device Classification Panel Report." These recommendations are contained in Summary Minutes of the July 21, 1977, October 6, 1977, and

following meetings. Summary minutes of these meetings have been placed in the Dockets Management Branch, Food and Drug Administration. Also available in the Dockets Management Branch are summary minutes from all other Panel meetings, verbatim transcripts of meetings held after May 28, 1976 (the date of enactment of the amendments), and all references cited in this proposal.

On April 28, 1978, the agency terminated all of the device classification panels and reestablished them with the same functions, but with new names and a new structure. FDA published notices of these changes in the **Federal Register** of May 19, 1978 (43 FR 21666, 21667, and 21668) and May 26, 1978 (43 FR 22672 and 22673). The General and Plastic Surgery Device Classification Panel was terminated, and its functions are now conducted by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel.

Relationship Between the Device Names in the Device Registration and Listing Codes and the Device Names in Classification Regulations

Some manufacturers have become accustomed to identifying a device by its registration and listing name and three letter code used for purposes of device listing under section 510 of the act (21 U.S.C. 360). However, FDA is still making changes in the names and identifications of generic types of devices in the classification regulations for all devices for which final regulations have not been published. Because FDA has not used the present device registration and listing names in the proposed and final classification regulations, FDA has prepared an index of names of generic types of medical devices used in classification regulations to aid a manufacturer in matching its device with the proper classification regulation. The index shows the device registration and listing product code for each device reviewed by a classification panel and the corresponding name of the generic type of device and classification panel in which the device classification will be published in the **Federal Register**. The agency announced the availability of this index in the **Federal Register** of March 6, 1979 (44 FR 12269). If necessary, this index will be updated and the availability of the revised index will be re-announced in the **Federal Register**. FDA believes that, because that index is available, it is unnecessary to include or cross-reference the present device registration and listing name and product code in the classification regulations. In the future, following publication of most of the device classification regulations, the agency will revise and re-issue the device registration and listing product code, so the device names to be used for registration and listing correspond to the device names in the final device classification regulations.

List of General and Plastic Surgery Devices

In 1972, FDA surveyed device manufacturers to identify the devices for which classification regulations would be needed. Following this survey, FDA developed a list of general and plastic surgery devices. The Panel supplemented the list using its members' knowledge of general and plastic surgery devices in use. Devices that were solely for experimental or investigational use or that were not generally available were not included. Additional general and plastic surgery devices, which are not included in this list and which were commercially available before May 28, 1976, will be added to the list as necessary.

FDA is proposing to establish a new Part 878 in Title 21 of the Code of Federal Regulations. Part 878 will consist of sections identifying each general and plastic surgery device with a brief narrative description and stating the classification of that device. A list of the general and plastic surgery devices appears elsewhere in this preamble.

General and Plastic Surgery Device Classifications

The agency is proposing to classify 54 general and plastic surgery devices. The agency is proposing to classify 23 general and plastic surgery devices into class I (general controls), 25 general and plastic surgery devices into class II (performance standards), and 5 general and plastic surgery devices into class III (premarket approval). One proposed section, concerning the cryosurgical unit and accessories, would classify certain devices into class II others into class III. The agency also is publishing the recommendations of the Panel regarding these devices, as required by section 513 (c)(2) and (d)(1) of the act (21 U.S.C. 360c (c)(2) and (d)(1)).

Panel Recommendations

The Panel recommendation concerning a general and plastic surgery device includes the information described below.

1. *Identification.* Both the Panel recommendation and the proposed FDA classification include a brief narrative identification of the device. The identification statement is necessarily broad because it applies to a category or type of device rather than to a specific device. As explained in proposed § 878.1 (21 CFR 878.1), any manufacturer of a newly offered device who files a premarket notification submission under section 510(k) of the act and Part 807 of the regulations (21 CFR Part 807) cannot show merely that the device is accurately described by the section title and identification provisions of a classification regulation. Although a new device may be described accurately by the title and identification in a classification regulation, it is nevertheless in class III under section 513(f) of the act if it is not substantially equivalent to a preamendments device (or to a postamendments device that has already been reclassified from class III into class I or class II). It is not practical for FDA to publish an identification of each type of device that is so detailed as to anticipate every product feature that may be relevant in determining whether a new device is substantially equivalent to previous devices classified by the regulation. The agency believes that this problem was recognized in, and addressed by, the premarket notification procedures in section 510(k) of the act. Accordingly, any manufacturer who submits a premarket notification submission should state why the manufacturer believes the device is substantially equivalent to other devices in commercial distribution, as required by § 807.87 (21 CFR 807.87), and whether the device is described in a classification regulation.

Some products have both medical and nonmedical uses. FDA will regulate a multipurpose product as a medical device if it is intended for a medical purpose, i.e., for "use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease," or "to affect the structure or any function of the body." (Section 201(h) of the act (21 U.S.C. 321(h)).) FDA will determine the intended use of a product based upon the expressions of the person legally responsible for its labeling and by the circumstances surrounding its distribution. The most important factors the agency will consider in determining the intended use of a particular product are the labeling, advertising, and other representations accompanying the product. Products that have medical uses only are clearly intended for medical purposes and, therefore, will be regulated as medical devices whether or not medical claims are made for them.

2. *Recommended classification.* Each Panel's recommendation describes whether the device is recommended for classification into class I (general

controls), class II (performance standards), or class III (premarket approval).

For each device recommended for classification into class I, the Panel considered whether the device should be exempt from any requirements under certain sections of the act: section 510 (21 U.S.C. 360, registration), section 519 (21 U.S.C. 360i, records and reports), and section 520(f) (21 U.S.C. 360j(f), good manufacturing practice requirements). The agency's policy on these exemption recommendations is discussed below in the section of this proposal concerning "Exemptions for Class I Devices."

A Panel recommendation that a device be classified into class II includes the Panel's recommended priority ("high," "medium," or "low") for establishing a performance standard for the device. Similarly, each Panel recommendation that a device be classified into class III includes the Panel's recommended priority ("high," "medium," or "low") for application of premarket approval requirements to that device. As explained below in the section of this notice concerning "Priorities for Class II and Class III Devices," the agency is not, however, proposing the establishment of FDA priorities at this time.

3. *Summary of reasons for recommendation.* The summary of reasons for the Panel's recommendation explains why the Panel believes that a particular device meets the statutory criteria for classification into class I, II, or III.

Except in those instances in which FDA's proposed classification differs from the Panel's recommendation, FDA is adopting the Panel's summary of reasons as the agency's statement of the reasons for issuing the regulation, as required by section 517(f) of the act (21 U.S.C. 360g(f)).

In the "Panel Recommendations and FDA's Proposed Classifications" section, the summary of the Panel's reasons for a recommendation identifies any device that is an implant or a life-supporting or life-sustaining device. The summary of reasons for any implant or life-supporting or life-sustaining device that is not recommended for classification into class III also explains why the Panel determined that classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. Also, FDA's proposed classifications provide a similar explanation for an implant or a life-supporting or life-sustaining device that is proposed to be classified into a class other than class III.

4. *Summary of data on which the recommendation is based.* In many cases, the Panel based its recommendations on Panel members' personal knowledge of, and clinical experience with, the devices under review. The Panel particularly relied upon clinical experience and judgment when considering a simple device that had been used extensively and was accepted widely before the amendments were enacted. The legislative history of the amendments makes clear that the term "data" has a special meaning in section 513(c)(2)(A) of the act, which requires that a Panel recommendation summarize the data upon which a recommendation is based. As used in that section, "data" refers not only to the results of scientific experiments, but also to less formal evidence, other scientific information, or judgments of experts (House Committee on Interstate and Foreign Commerce, Medical Device Amendments of 1976, H. R. Rept. No. 94853, 94th Congress, 2d Session 40 (1976)). The agency has determined that clinical experience and judgment constitute valid scientific evidence for classifying certain devices.

In several cases, FDA sought more data and information concerning the classification of a device than were cited by the Panel. References to these data and information are found in the section for each general and plastic surgery device under the heading "Panel Recommendations and FDA's Proposed Classifications." The agency is adopting as its statement of the basis for issuing the regulation under section 517(f) of the act the Panel's summary of the data on which a recommendation to classify a device is based, together with any additional data and information cited in the preamble to the proposed classification regulation.

5. *Risks to health.* In identifying the risks to health presented by general and plastic surgery devices, the Panel recognized that few devices are completely free of risk. The Panel listed the risks it considered most significant, especially those that are unique to an individual device. The Panel listed infection, allergic reaction, foreign body reaction, migration of implant, tissue necrosis, and discomfort for implanted devices. All surgical devices that come into direct or indirect contact with tissue have the potential of causing infection and foreign body reactions due to contamination of wounds. All surgical devices that come in direct contact with the blood have the potential of causing embolisms, hemolysis, obstruction, or occlusion of a blood vessel by an air bubble (gas embolism), detached blood clot (thromboembolism) or other foreign body (particulate embolism). Many electrically powered devices may cause electrical shock and burns to both patients and operators. The Panel has indicated that some radiation emitting devices, such as electrosurgical devices, may heat the lens of the eye and lead to cataract formation. In some cases, FDA has identified risks to health presented by a device in addition to those listed by the Panel. These additional risks are set out in the preamble under the heading "Panel Recommendations and FDA's Proposed Classifications."

Because the classification recommendation and the FDA regulation may not identify all risks to health presented by a general and plastic surgery device, future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) or requiring premarket approval under section 515(b) of the act (21 U.S.C. 360e(b)) may identify additional risks to health to be addressed by FDA requirements.

Proposed Classification

Each section for a general and plastic surgery device under the heading "Panel Recommendations and FDA's Proposed Classifications" states whether FDA agrees with the Panel's recommendation and describes the agency's proposed classification of the device.

FDA cautions that the final classification of a device may differ from the proposal. Factors that may cause such a change include comments, the agency's reconsideration of existing data and information, and the agency's consideration of new data and information.

Priorities for Class II and Class III Devices

For a device that the Panel recommends classification into class II or class III, section 513(c)(2)(A) of the act requires that the Panel recommendation include, to the extent practicable, a recommendation for the assignment of a priority for application to the device of performance standards or premarket approval requirements. In developing its advice concerning priorities ("high," "medium," or "low") of devices recommended for classification into class II or class III, the Panel compared the device with other general and plastic surgery devices, based on information available to the Panel members concerning the relative importance of use of the device and the relative risks presented by the device. The Panel recommended assignment of a "high priority" only to those class II or class III devices that the

Panel believed should receive the agency's immediate attention.

FDA is not proposing at this time to establish priorities for development of performance standards for all class II devices. Section 513(d)(3) of the act authorizes, but does not require, establishment of these priorities. In the **Federal Register** of February 1, 1980 (45 FR 7489 and 45 FR 7493), FDA published notices identifying which class II devices the agency found to warrant a high priority for the development of performance standards. At a later date, the agency will establish priorities for the development of standards for the remaining class II devices. All priorities established by the agency are based on the classification panels' recommendations, available resources, and other relevant factors. The agency's priorities will be reflected in the agency's annual budget request and other publicly available documents and may be published in the **Federal Register**.

The agency intends to proceed as quickly as the agency and panel resources permit to require premarket approval of devices classified into class III. There are two factors affecting the length of time necessary before FDA requires submission of premarket approval applications for any particular device that is classified by an FDA regulation into class III—the number of devices reviewed by a panel and the priority of a particular device in relation to other class III devices considered by a classification panel. For example, where FDA classifies into class III only a few devices within a Panel's specialty area, FDA may at the same time also publish regulations under section 515(b) of the act requiring premarket approval for many of the class III devices considered by the Panel, regardless of whether they are a high, medium, or a low priority. Where practical, FDA will publish these section 515(b) regulations during the grace period (30 months) following classification during which a device classified into class III by FDA regulation may lawfully remain on the market without a premarket approval application. The grace period is provided in section 501(f) of the act (21 U.S.C. 351(f)).

Exemptions for Class I Devices

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that FDA may exempt a device recommended for classification into class I from a requirement under the following sections of the act: section 510 (21 U.S.C. 360), registration; section 519 (21 U.S.C. 360i), records and reports; and section 520(f) (21 U.S.C. 360j(f), good manufacturing practice.

Under section 510 of the act, a person "engaged in the manufacture, preparation, propagation, compounding, or processing of * * * a device or devices" must register with FDA (section 510(b) through (i)), file a list of devices (section 510(j)), and notify FDA at least 90 days before beginning commercial distribution of a device (section 510(k)). (See Part 807 (21 CFR Part 807).) Section 510(g)(4) authorizes the agency to exempt a device from section 510 if it finds that compliance with that section is not necessary for the protection of the public health. In § 807.65 (21 CFR 807.65), FDA has exempted certain classes of persons from section 510 of the act. Several device classification panels have recommended that manufacturers of certain class I devices also be exempted from all or some of the requirements of section 510. The agency has determined that protection of the public health requires that manufacturers of medical devices, other than those already exempt under § 807.65, register and list their products with FDA to ensure that the agency can identify these manufactuers and their products and conduct necessary inspections.

The agency has determined, however, that it is not necessary for the protection of the public health that FDA receive premarket notification submissions for certain devices. Thus, the agency has proposed to exempt manufacturers of certain devices from Subpart E of Part 807 of the regulations, which implements section 510(k) of the act. The agency does not, at this time, anticipate that premarket approval will be required for these devices. The agency believes that the semiannual updating of device listing under section 510(j)(2) of the act will provide FDA with adequate notice of new products within these generic types of devices.

Section 519 of the act authorizes FDA to issue regulations requiring device manufacturers, importers, and distributors to establish and maintain such records, make such reports, and provide such information as the agency may reasonably require to assure that devices are not adulterated or misbranded and to otherwise assure their safety and effectiveness. The records and reports requirements in several of FDA's present device regulations are authorized, wholly or in part, by section 519. The most extensive of these requirements are found in the device good manufacturing practice (GMP) regulation under Part 820 (21 CFR Part 820), published in the **Federal Register** of July 21, 1978 (43 FR 31508). In the future, FDA may publish other regulations in accordance with section 519 of the act, including regulations requiring reports to FDA of experience with medical devices. Until these regulations are issued, FDA believes that it cannot properly issue exemptions from them. Whenever the agency proposes device regulations that include records and reports requirements, interested persons may submit comments requesting that certain classes of manufacturers or other persons be exempted from the requirements, and FDA will issue exemptions that are appropriate.

The only type of exemption from records and reports requirements that FDA is proposing now, in device classification regulations, is an exemption of certain manufacturers from most requirements of the device GMP regulation. As explained below, the exemption will not extend to two device GMP records requirements.

The device GMP regulation was published in final form in the **Federal Register** of July 21, 1978 (43 FR 31508). At the time of the Panel's recommendations, the GMP regulation had not yet been promulgated, and the agency had not yet developed criteria for exempting manufactuers of a class I device from GMP requirements. The agency has now decided that, if any one of the following criteria is met, FDA will consider exempting from the GMP regulation manufacturers of a class I device that is not labeled or otherwise represented as sterile. The agency will not, however, exempt manufacturers of a device from general requirements concerning records or complaint files. The criteria are:

1. FDA has determined, based on adequate information about current practices in the manufacture of the device and about user experience with the device, that application of the GMP regulation is unlikely to improve the safety and effectiveness of the device.

2. FDA has determined that all possible defects relating to the safety and effectiveness of the device are readily detectable before use, either through visual examination by the user or routine testing before use, e.g., testing a clinical laboratory reagent with positive and negative controls.

3. FDA has determined that any defect in the device that is not readily detectable will not result in a device failure that could have an adverse effect on the patient or other user.

FDA has determined that no device that is labeled or otherwise represented as sterile will be exempted from the

device GMP regulation. A sterile device must be subject to the entire GMP regulation to ensure that manufacturers adequately reduce the bioburden (number of microorganisms) on the device and its components during the manufacturing process. This reduction is accomplished through adherence to a comprehensive quality assurance program as is required by the GMP regulation, with adequate environmental controls, trained personnel, appropriate maintenance and calibration of sterilization equipment, recordkeeping concerning lot sterility, strict packaging and labeling controls, and other quality assurance measures.

The agency also has determined that no exemption from the device GMP regulation will extend to § 820.180, with respect to general requirements concerning records, or § 820.198, with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. To ensure that device manufacturers have adequate systems for complaint investigation and followup, all manufacturers are required to comply with the complaint file requirements. All device manufacturers also are required to comply with the general requirements concerning records to ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, may determine whether the manufacturer's corrective actions are adequate, and may determine whether the exemption from other sections of the GMP regulation is still appropriate.

In general, FDA has not initiated proposals to exempt manufacturers of devices from requirements under sections 510 or 520(f) of the act, but has acted on the basis of exemption recommendations of the device classification panels. However, FDA has proposed occasionally to exempt manufacturers of certain devices classified into class I or class II from the requirements of certain sections of the GMP regulation, according to the above exemption criteria. Manufacturers and other interested persons may submit comments on the appropriateness of the proposed exemptions of manufacturers of devices, whether the exemptions are proposed in response to recommendations of the panels or on the agency's initiative. Comments requesting additional exemptions should be supported by information showing that the exemption of manufacturers of a device from the premarket notification requirement or the GMP regulation is consistent with the criteria discussed above.

The agency is proposing that one general and plastic surgery device, the external aesthetic restoration prosthesis (Docket No. 78N-2661), be exempt from the GMP regulation, except for the requirements concerning records and complaint files.

Guidelines for Preparing Petitions Requesting Exemption or Variance from the Device GMP Regulation for Devices Classified into Class I or Class II

FDA has prepared guidelines on the procedures that should be followed by persons who wish to submit petitions for exemption or variance from the device GMP regulation. These petitions may be submitted in accordance with provisions of section 520(f)(2) of the act (21 U.S.C. 360j(f)(2)). The agency announced the availability of the guidelines in a notice published in the Federal Register of January 18, 1980 (45 FR 3671).

List of General and Plastic Surgery Devices

The following is a list of the general and plastic surgery devices that FDA is proposing to classify, the section and the Subpart of Part 878 in Title 21 of the Code of Federal Regulations under which the regulation classifying the device will be codified, the docket number of the proposed classification regulation, and the proposed classification of each device.

Section	Device	Docket No.	Class
	Subpart B—General and Plastic Surgery Diagnostic Devices		
878.1600	Speculum and accessories	78N-2647	I.
	Subpart C—[Reserved]		
	Subpart D—General and Plastic Surgery Prosthetic Devices		
878.3250	External facial fracture fixation appliance	78N-2649	I.
878.3300	Surgical mesh	78N-2650	II.
878.3500	Polytetrafluoroethylene with carbon fibers composite implant material	78N-2651	II.
878.3530	Inflatable breast prosthesis	78N-2653	III.
878.3540	Silicone gel-filled breast prosthesis	78N-2654	III.
878.3550	Chin prosthesis	78N-2655	II.
878.3560	Ear prosthesis	78N-2656	II.
878.3610	Esophageal prosthesis	78N-2657	III.
878.3680	Nose prosthesis	78N-2658	II.
878.3720	Tracheal prosthesis	78N-2659	III.
878.3750	External prosthesis adhesive	78N-2660	I.
878.3800	External aesthetic restoration prosthesis	78N-2661	I.
878.3900	Inflatable extremity splint	78N-2662	I.
878.3910	Noninflatable extremity splint	78N-2663	I.
878.3925	Plastic surgery kit and accessories	78N-2664	I.
	Subpart E—General and Plastic Surgery Surgical Devices		
878.4040	Surgical apparel	78N-2665	II.
878.4060	Nonabsorbable gauze, surgical sponge, and wound dressing for external use	78N-2666	I.
878.4100	Intestine bag	78N-2667	I.
878.4120	Hydrophilic beads for wound exudate absorption	78N-2669	I.
878.4140	Porcine burn dressing	78N-2670	I.
878.4150	Surgical camera and accessories	78N-2671	I.
878.4200	Introduction/drainage catheter and accessories	78N-2672	II.
878.4300	Implantable clip	78N-2674	II.
878.4320	Removable skin clip	78N-2675	I.
878.4350	Cryosurgical unit and accessories	78N-2676	II, III.
878.4370	Surgical drape and drape accessories	78N-2677	II.
878.4380	Aerosol drape adhesive	78N-2678	I.
878.4400	Electrosurgical cutting and coagulation device and accessories	78N-2679	II.
878.4450	Nonabsorbable gauze for internal use	78N-2681	II.

Section	Device	Docket No.	Class
878.4460	Surgeon's gloves	78N-2682	II.
878.4470	Surgeon's gloving cream	78N-2683	I.
878.4580	Surgical lamp	78N-2686	II.
878.4630	Dermatologic ultraviolet lamp	78N-2687	II.
878.4650	Aorto-saphenous vein ostia marker	78N-2688	II.
878.4680	Skin marker	78N-2689	I.
878.4680	Nonpowered, single patient, portable suction apparatus	78N-2690	I.
878.4700	Surgical microscope and accessories	78N-2691	II.
878.4730	Surgical skin degreaser or adhesive tape solvent	78N-2692	I.
878.4750	Implantable staple	78N-2693	II.
878.4760	Removable skin staple	78N-2694	I.
878.4780	Powered suction pump	78N-2695	II.
878.4800	Manual surgical instrument for general use	78N-2696	I.
878.4810	Laser surgical instrument for use in general and plastic surgery and in dermatology	78N-2697	II.
878.4820	AC-powered, battery-powered, and pneumatically powered surgical instrument motors and accessories/attachments	78N-2698	II.
878.4830	Suture retention device	78N-2703	I.
878.4950	Manual operating table and accessories and manual operating chair and accessories	78N-2704	I.
878.4960	Air or AC-powered operating table and accessories and air or AC-powered operating chair and accessories	78N-2705	II.
	Subpart F—General and Plastic Surgery Therapeutic Devices		
878.5070	Air-handling apparatus for a surgical operating room	78N-2709	II.
878.5350	High-frequency needle-type epilator	78N-2711	II.
878.5360	High-frequency tweezer-type epilator	78N-2712	III.
878.5650	Topical oxygen chamber for extremities	78N-2714	II.
878.5900	Nonpneumatic tourniquet	78N-2716	I.
878.5910	Pneumatic tourniquet	78N-2717	II.

The General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel has recently recommended classification of additional preamendments marketed devices for which classification regulations have not yet been written.

The devices listed below thus are not included in the list of general and plastic surgery devices that are the subject of this proposal rulemaking. The devices listed below will be the subject of proposed regulations codifying their statutory classification to be published at a later date. These devices are:

1. Subcutaneous tissue expander (inflatable implant with attached implanted reservoir).

2. Implanted mammary prostheses of composite saline and gel-filled design.

3. Silicone rubber and gel-type implanted augmentation and reconstruction materials:

Silicone elastomer block.
Silicone gel block.
Small encapsulated silicone gel implant ("gel pillow").
Pectoralis muscle implant.

4. Sunlamp tanning enclosures (beds, couches, booths, etc.).

5. Cargile membrane.

6. Silicone adhesives (for fixation of prostheses components before implantation).

General and Plastic Surgery Devices Formerly Considered New Drugs

Before the passage of the Medical Device Amendments of 1976, certain general and plastic surgery devices were considered by FDA to be new drugs subject to 21 U.S.C. 355. Section 520(1) of the 1976 amendments (21 U.S.C. 360j(1)), contains transitional provisions to ensure that articles previously considered as new drugs continue to be subject to regulatory control until the amendments are implemented. The transitional provisions are applicable to any product that is a device (under a revised definition in 21 U.S.C. 321(h)) anf that satisfies one or more of six criteria. These criteria are that the device is a product (1) for which an approved New Drug Application (NDA) was in effect on May 28, 1976 (the enactment date of the amendments); (2) for which an NDA was filed and no order of approval or refusal to approve had been issued by May 28, 1976; (3) for which a notice of claimed investigational exemption for a new drug (IND) was in effect on May 28, 1976; (4) which is substantially equivalent to a product described in item (1), (2), or (3), above; (5) which had been declared to be a new drug by a **Federal Register** notice before May 28, 1976; or (6) which was the subject of a legal action pending on May 28, 1976, for alleged violation of new drug requirements. Under section 520(1), these devices are classified into class III.

Several generic types of general and plastic surgery devices were regarded by FDA as new drugs before enactment of the amendments and are subject to the transitional provisions under one or more of the criteria listed above. In a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), FDA identified these devices as:

1. Surgical cones and dressings, other than absorbable hemostatic devices and dressings.

2. Silicone, injectable (including tissue adhesives for use in general surgery).

3. Absorbable surgical sutures.

4. Nonabsorbable surgical sutures.

5. Absorbable hemostatic devices and dressings.

6. Absorbable powders for lubricating surgical gloves.

7. Polytetrafluoroethylene (Teflon™), injectable.

The statute has classified these devices into class III without need for regulations or other action on the part of the agency. See 21 U.S.C. 360j(1). In this proposed regulation, FDA has divided item 1, above, into three generic types of devices and is proposing to reclassify these three transitional devices from class III into either class I or class II. See the discussion under the heading "Panel Recommendations and FDA's Proposed Classifications" for the following three devices: § 878.4060, Docket No. 78N–2666, Nonabsorbable gauze, surgical sponge, and wound dressing for external use; § 878.4140, Docket No. 78N–2670, Porcine burn dressing; and § 878.4450, Docket No. 78N–2681, Nonabsorbable gauze for internal use.

The remaining six categories of devices listed above are not being proposed for reclassification. These devices will, however, be the subject of final regulations codifying their statutory classification into class III. These final regulations will be published on the same date as the final regulations on general and plastic surgery devices that are based on this proposal.

Devices Considered by Two or More Panels

Many devices were reviewed by two or more device panels. For these devices, FDA has been publishing the panel's recommendations in a single proposed classification regulation for each generic device.

The Surgical and Rehabilitation Devices Panel and other panels listed below made classification recommendations concerning the following devices:

Device	Other panels
Balloon-type cardiovascular catheter.	Circulatory systems.
Blood pressure measuring apparatus and monitor.	Circulatory systems.
	General medical.
	Respiratory and nervous system.
Cardiac output monitor	Circulatory systems.
	Respiratory and nervous system.
Cardiovascular catheter	Circulatory systems.
	Respiratory and nervous system.
Electrocardiograph	Circulatory systems.
	Respiratory and nervous system.
Stethoscope (direct-acoustic and electronic.	Circulatory systems.
Adhesive tape and bandage.	General medical.
Autoclave sterilizer	General medical.
	Ophthalmic; ear, nose, and throat; and dental.
Cotton/dye applicator	General medical.
	Ophthalmic; ear, nose, and throat; and dental.
Ethylene oxide sterilizer	General medical.
Fluid column thermometer	Do.
Liquid crystal thermometer	Do.
Portable single patient use suction apparatus.	Do.
Temperature monitor	General medical.
	Respiratory and nervous system.
Tongue blade	General medical.
Wall vacuum O.R. suction apparatus.	General medical.
	Respiratory and nervous system.
AC-powered endoscope and accessories.	General medical.
Biliary catheter	Do.
Colonic irrigation system	Do.
Incandescent endoscope lamp.	Do.
Inflatable penile prosthesis	Do.
Irrigation and aspiration catheter.	Do.
Rectal catheter	Do.
Rigid rod penile prosthesis	Do.
Stomal bag	Do.
Testicle prosthesis	Do.
Ureteral catheter	Do.
Urethral catheter	Do.
Artificial eye	Opthalmic; ear, nose, and throat; and dental.
Internal eye prosthesis	Do.
Magnetic locator	Do.
Surgical headband light	Do.
Battery powered headlamp	Ophthalmic; ear, nose, and throat; and dental.
	General medical.
External nasal splint prosthesis.	Ophthalmic; ear, nose, and throat; and dental.
Mandible prosthesis	Do.
Maxilla prosthesis	Do.
Nerve stimulator	Do.
Vascular graft cardiovascular.	Do.
Respiratory monitor	Respiratory and nervous system.
Electroencephalograph	Do.
Continuous PO_2 monitor	Respiratory and nervous system.
	General medical.
Stretcher	Surgical and rehabilitation.
	Respiratory and nervous system.
Tendon prosthesis	Surgical and rehabilitation.

The agency is not at this time publishing the recommendations of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel to classify the devices listed above. The agency has published, or will publish, these recommendations and proposed classification regulations along with the recommendations of the other Panels or Sections that reviewed the devices. Some of these other Panels' or Sections' recommendations have already been published in the **Federal Register.** The following table shows the current structure of the advisory committees involved with classification of medical devices and a list of all proposed and final classification regulations published to date:

Panel/Section Name and Publication Date in Federal Register

Circulatory Systems Devices Panel: March 9, 1979, 44 FR 13284–13434 (proposals); February 5, 1980, 45 FR 7904–7971 (final regulations).

Clinical Chemistry and Hematology Devices Panel

Clinical Chemistry Device Section
Clinical Toxicology Device Section
Hematology and Pathology Device Section—September 11, 1979, 44 FR 52950–53063 (proposals); September 12, 1980, 45 FR 60576–60651 (final regulations).

General Medical Devices Panel

General Hospital and Personal Use Device Section—August 24, 1979, 44 FR 49844–49954 (proposals); October 21, 1980, 45 FR 69678–69737 (final regulations).
Gastroenterology-Urology Device Section—January 23, 1981, 46 FR 7562–7641 (proposals).

Immunology and Microbiology Devices Panel

Immunology Device Section—April 22, 1980, 45 FR 27204–27359 (proposals).
Microbiology Device Section—April 22, 1980, 45 FR 27204–27359 (proposals).

Obstetrics-Gynecology and Radiologic Devices Panel

Obstetrics-Gynecology Device Section; Radiology Device Section—April 3, 1979, 44 FR 19894–19971 (proposals); February 26, 1980, 45 FR 12682–12720 (final regulations).

Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Ophthalmic Device Section
Ear, Nose, and Throat Device Section
Dental Device Section—December 30, 1980, 45 FR 85962–86166 (proposals).

Respiratory and Nervous System Devices Panel

Anesthesiology Device Section—November 2, 1979, 44 FR 63292–63426 (proposals).
Neurological Device Section—November 28, 1978, 43 FR 54640–55732 (proposals); September 4, 1979, 44 FR 51726–51778 (final regulations).

Surgical and Rehabilitation Devices Panel

Physical Medicine Device Section—August 28, 1979, 44 FR 50458–50537 (proposals).
Orthopedic Device Section
General and Plastic Surgery Device Section—(Insert date of publication in the **Federal Register**) (proposals).

Panel Recommendations and FDA's Proposed Classifications

Section 878.1800; Docket No. 78N–2647; Speculum and accessories.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of specula and accessories:

1. Identification: A speculum is a device that is intended for insertion into a body cavity to facilitate observation. It is either non-illuminated or illuminated and may have various accessories.
2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).
3. Summary of reasons for recommendation: The Panel recommends that specula and accessories be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports are not necessary for the device because specula and accessories have been used in clinical practice for many years with no apparent problems.
4. Summary of data on which the recommendation is based: The panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.
5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that specula and accessories be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA disagrees with the Panel's recommendation that manufacturers of specula and accessories be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.3250; Docket No. 78N–2649; External facial fracture fixation appliance.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the

classification of external facial fracture fixation appliances:

1. Identification: An external facial fracture fixation appliance is a metal apparatus used during surgery to immobolize maxillofacial bone fragments in their proper facial relationship for surgical reconstruction and repair.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that external facial fracture fixation appliances be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel does not believe that this device requires performance standards to control the identified risks to health. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports requirements are not necessary for the device because external facial fracture fixation devices have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result.

FDA agrees with the Panel's recommendation and is proposing that external facial fracture fixation appliances be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA disagrees with the Panel's recommendation that manufacturers of external facial fracture fixation appliances be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.3300; Docket No. 78N–2650; Surgical mesh.

The General and Plastic Surgery Device Classification Panel, the Orthopedic Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical meshes:

1. Identification: A surgical mesh is an implanted metallic or polymeric screen intended for use in reinforcing soft tissue or bone where weakness exists. Examples of surgical mesh are metallic and polymeric mesh for hernia repair, and acetabular and cement restrictor mesh used in orthopedic surgery.

2. Recommended classification: Class II (performance standards). The Panels recommend that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panels recommend that surgical meshes be classified into class II (performance standards) because the Panels beleive that the device has an established history of safe and effective use. The Panels believe that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Orthopedic Device Classification Panel also recommends that labeling for acetabular mesh used in hip joint repair and femoral cement restictor mesh used in thigh bone repair be required to contain information in the dimensions and strength of the mesh. The Panels believe that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panels believe that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device and on a review of the literature. The Orthopedic Device Classification Panel cited the work of Harris and Jones (Ref. *1*) who evaluated acetabular mesh, femoral cement restrictor mesh, and metallic wire mesh in total hip replacement surgery. According to Harris and Jones, the device was implanted in 13 patients with satisfactory results from 6 months to 2 years after implantation. The Gastroenterology and Urology Device Classification Panel reviewed a publication by Mitchell-Heggs (Ref. *2*) which described 41 cases of mesh implantations with a very low rate of complications. The General and Plastic Surgery Device Classification Panel frequently cited the established use of metallic and polymeric mesh in hernia repair.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (b) Implant rejection: The mesh may induce a foreigh body reaction which may result in rejection.

FDA agrees with the Panels' recommendations and is proposing that surgical meshes be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical usage of surgical mesh over a long period of time and because there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed pertinent clincial literature on surgical meshes (Refs. *1* through *8*). The agency notes that the recurrence rate for the repair of incisional hernias before using meshes was approximately 30 percent and operations were long and had a mortality rate of 2 to 3 percent (Ref. *5*). In addition, a number of patients were considered inoperable because of the severity of associated medical conditions. Subsequently, a number of surgical meshes have been used for the last 20 years: Tantalum (Ref. *2*), chrome cobalt (Ref. *1*), stainless steel (Ref. *3*), polypropylene (Refs. *4*, *5*, and *6*), and polyester (Refs. *6*, *7*, and *8*). Mitchell-Heggs (Ref. *2*) reported a good clincial result was obtained in 30 (73 percent) of 41 cases for tantalum herniaplasty during a period of 9 years. Recurrence was observed in three cases (7 percent) and sinus formation in four cases (10 percent). There were no postoperative deaths due to tantalum mesh. Harris et al. (Ref. *1*) used chrome cobalt wire mesh to reinforce the bone cement in the acetabulum for total hip replacement surgery with followup on 13 patients ranging from 6 months to 2 years. No loosening or mechanical failure of the mesh had occurred. Preston et al. (Ref. *3*) employed stainless steel mesh in the treatment of hernia. In more than 2,000 repairs and 24 years experience, the incidence of infection is 0.1 percent and the recurrence is zero. Larsen et al. (Ref. *5*) reported on 53 patients for the repair of incisional hernias with polypropylene mesh. During 8 years (1970–1978), there was no operative mortality and the mesh had been uniformly well tolerated. The recurrence rate was found to be 11 percent, a distinct improvement over the era before mesh was used.

The successful clincial use of surgical mesh is consistent with the results of animal studies (Ref. *4*). Caine (Ref. *7*) reported 1 infection and 7 recurrences in 35 patients for repair of bilaterial hernia with polyester mesh. Most of the recurrences were found to be small and asymptomatic. Cerise et al. (Ref. *8*) reported 100 cases where polyester mesh was used in repair of abdominal wall hernias. Only one serious complication, recurrent abscess with

sinus formation, occurred 20 months postoperatively. Casebolt (Ref. *6*) used polypropylene and polyester mesh for repair of abdominal wall defects. There were no mortalities reported in 33 cases over a 9-year experience. Two recurrences (6 percent) due to failure of sutures, five minor complications, and three seromas which responded to aspiration, were reported. Wound infection remains a serious potential complication, but is minimized by good surgical practice.

FDA has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel, the Orthopedic Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel for surgical mesh and has concluded that classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.3500; Docket No. 78N-2851; Polytetrafluoroethylene with carbon fibers composite implant material.

The General and Plastic Surgery Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of polytetrafluoroethylene with carbon fibers composite implant material:

1. Identification: A polytetrafluoroethylene with carbon fibers composite implant material is an implanted, porous device material that is intended for use as a space-occupying substance in surgery of the chin, jaw, nose, and bones and tissue near the eye and ear. The device material is shaped and formed by the surgeon to conform to the patient's need.

2. Recommended classification: Class II (performance standards). Both Panels recommend that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: Both Panels recommend that polytetrafluoroethylene with carbon fibers composite implant material be classified into class II (performance standards) because the Panels believe that the safety and effectiveness of the material has been established through long-term clinical trials. The Panels believe that the material should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panels also believe that the sterilization of the material needs to be controlled to prevent infection. The Panels believe that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panels believe that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The General and Plastic Surgery Device Classification Panel based its recommendation on the Panel member's personal knowledge of, and clinical experience with, the device and on a review of research articles and clinical and laboratory studies submitted by Vitek, Inc., and Dow Corning Corp., manufacturers of the device. On July 23, 1976, Charles Homsy, Ph. D., Chief Executive Officer, Vitek, Inc., and Joseph Radzius, attorney for Dow Corning Corp., presented to the General and Plastic Surgery Device Classification Panel research data and studies on the device compiled by Vitek, Inc., and Dow Corning Corp. Dr. Homsy submitted to the Panel 13 articles from the scientific and clinical literature (Refs. *9* through *21*), 8 product brochures describing the material (Refs. *22* through *29*), an animal study of the safety of the material (Ref. *30*), and a supplementary bibliography of research and clinical articles published on the material (Ref. *31*). On October 28, 1976, the Panel concluded that it should review these data and the use of the device for maxillofacial reconstructive surgery. Also, the Panel requested additional supporting data from Bromley Freeman, M.D., and John Madden, M.D., who were reported to have evaluated the material. On December 16, 1976, following Panel review of the data and information supplied by Dr. Madden, the Panel recommended that the material be classified into class III (premarket approval), with premarket approval a high priority, because of the lack of convincing data on the safety of the material for human implantation. On February 24, 1977, Dr. Homsy made a second presentation to the Panel and submitted further data from the clinical literature (Refs. *32* through *37*), and additional product information on the device (Refs. *38* and *39*). Dr. Homsy presented toxicity data on the device material and a 2-year followup study of its clinical use. Following the presentation, the Panel decided not to change its recommendation that the device be classified into class III, because of the lack of longer term clinical data. However, the Panel noted that the pre-clinical laboratory and animal data presented by Dr. Homsy supported the safety of the material for further clinical evaluation. On March 24, 1978, there was a third presentation to the Panel by Dr. Homsy, Dr. Kent, and others (Ref. *40*). Dr. Kent, who is the Chairman of the Department of Oral Surgery at Louisiana State University and the project monitor for the multicenter clinical trials, presented additional, long-term clinical followup data on the material. William Boley of Dow Corning Corp. described a tissue cell culture test used for evaluation and routine screening of the material for tissue compatibility. Following the presentation, the Panel voted unanimously to change its recommendation to class II, basing its recommendation on the long-term clinical followup data presented by Dr. Kent supporting the clinical safety and effectiveness of the material.

The Ear, Nose, and Throat Device Classification Panel based its recommendation on a presentation at its January 27, 1978 meeting by Dr. Homsy and by an associate, M. Sidney Anderson, M.D., clinical associate professor, Department of Pathology, Baylor College of Medicine. Medical and scientific data, animal studies, clinical evaluations, and summaries of experience were presented to the panel to justify the safety and effectiveness of polytetrafluoroethylene material with carbon fibers.

Dr. Homsy noted that in vitro biocompatibility screening protocols were developed to guide in the selection of the material's ingredients. Both the polymer polytetrafluoroethylene and graphite fibers were found to be extremely biocompatible. Dr. Homsy stated that 2-year animal studies of both porous and nonporous forms of the material that had been implanted in the femurs of beagle dogs produced no findings of toxicological reactions.

Dr. Homsy brought to the attention of the Panel abstracts from 41 articles in the literature which dealt with animal and clinical studies. Dr. Homsy noted that there has never been a reported failure with this material due to cytotoxicity, tissue incompatibility, or system toxicity.

Dr. Homsy stated that polytetrafluoroethylene with carbon fibers was clinically introduced for use in humans in 1970. He reported precommercial clinical studies were performed in more than 499 patients with a success rate in excess of 97 percent. In cases that failed, Dr. Homsy stated that evidence indicated that failures were associated with inexperience with the operative technique and operative sepsis.

Dr. Anderson reviewed his histopathological experience with this material when used as an implant. He indicated that of 10,000 sections he has viewed, most have come from animal studies, with a limited number from human studies, primarily from the femoral medullary canal, facial skeleton, and alveolar ridge. Summarizing different tissue reactions observed, he stated: (a) Neovascularity is seen early and is enhanced by preimpregnation with blood; (b) multinucleated foreign body giant cells are related to mobility at implantation site; they decrease with time and are replaced by connective tissue; (c) collagen may be seen as early as one week with good fixation with adjacent connective tissue; (d) osteoid formation is usually preceded by bone formation and is typically followed by more dense collagenization; (e) bone ingrowth is usually in older implants, especially those in immobile locations; continuity is developed with normal bone; (f) visceral organs and regional lymph nodes are found to be normal after 6 years.

5. Risks to health identified by the General and Plastic Surgery Device Classification Panel: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (b) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue

destruction and may result in extrusion of the prosthesis. (c) Displacement of implant: Migration of the device below the skin may result in cosmetic deformity. (d) Bone resorption (loss): Deterioration or loss of bone near implanted prostheses such as chin prostheses, has been reported in the medical literature. The Ear, Nose, and Throat Device Classification Panel identified risks to health from use of this device similar to those above.

FDA agrees with the recommendations of both Panels and is proposing that polytetrafluoroethylene with carbon fibers composite implant material be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. FDA considered the following information regarding the development, in vitro evaluation, and clinical evaluation of the material: (1) The components of the device implant material, polytetrafluoroethylene and carbon fibers, are generally accepted as safe materials for human implantation. (2) the material is designed to allow tissue ingrowth into the implant. (3) The material has been studied extensively in animals. (4) The material has been accepted as safe and effective by the Ear, Nose, and Throat Device Classification Panel (Refs. *16, 41,* and *42*) for uses appropriate to the medical specialty areas covered by that Panel. (5) The material has been reviewed extensively in the clinical literature and there have been substantive followup clinical trials of the material extending to 6 years. (6) No evidence has been found that the material is toxic. (7) No substantive clinical malfunction of the device material has occurred in maxillofacial reconstructive surgery, and it has been used successfully in 97 percent of 394 cases (Ref. *40*). The agency believes that the clinical evidence of the material's safety, as well as the reported absence of toxicological problems in a 2-year dog study (Ref. *30*), support classification into class II.

Section 878.3530; Docket No. 78N–2653; Inflatable breast prosthesis.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of inflatable breast prostheses:

1. Identification: An inflatable breast prosthesis is a silicone rubber shell made of polydimethylsiloxane and polydiphenylsiloxane that is inflated after implantation with a fluid other than injectable silicone, such as sterile isotonic saline, that is intended to augment or reconstruct the female breast.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that inflatable breast prostheses be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and on the existence of several clinical reports supporting the safety and effectiveness of inflatable breast prostheses in many implant cases (Ref. 43). On March 24, 1978, Dr. Henry Jenny, M.D., presented several studies to the Panel members and stated that he believed that inflatable breast prostheses are superior to gel-filled prostheses because they do not use gel. Dr. Jenny's beliefs are based on research studies that tend to show leakage of silicone gel from the silicone shell, and on the possibility of unknown hazards from the leaking gel such as foreign body reaction and long-term toxic effects.

A recent study by the Department of Health and Human Services' Center for Disease Control, Atlanta, GA, reported mycobacterium infection in a significant number of recipients of breast prostheses. Although the significance of this observation has not yet been fully assessed, it may represent a hitherto undetected hazard associated with this device (Ref. 53).

5. Risks to health: (a) Leakage: Rupture of the device, or a faulty valve, may result in deflation of the prosthesis and may require surgical intervention to correct the resulting deformity. (b) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (c) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in extrusion of the prosthesis. (d) Hematoma (a localized collection of blood, usually clotted, in an organ, space, or tissue, due to a break in the wall of a blood vessel): Hematoma due to a small vesel rupture may require reoperation. (e) Fibrous capsule contracture: Contracture of the fibrous tissue surrounding the implant may result in disfigurement, physical and psychological trauma, migration of the implant, or gross leakage of the contents from the silicone shell under the skin, and may necessitate further surgery. Several claims have been made that the absence of silicone gel in this device reduces the incidence of capsular contracture. However, this claim is not well documented. (f) Displacement of implant: Migration of the prosthesis below the skin may result in cosmetic deformity.

FDA disagrees with the Panel's recommendation and is proposing that inflatable breast prostheses be classified into class III (premarket approval). This device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls would provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance. The agency believes that premarket approval is necessary for this device because it presents a potential unreasonable risk of injury due to the possibility of fluid leakage from the prosthesis or contraction of the fibrous tissue capsule around the implanted prostheses, which can lead to marked asymmetry in breast contour and other potentially painful and disfiguring complications. The agency has reviewed the Panel's recommendation and additional information on inflatable breast prostheses and has concluded that the primary health hazard associated specifically with this type of breast prosthesis is leakage of the contents of the silicone shell and subsequent collapse or deformity of the breast. The agency has evaluated the frequency of leakage of inflatable breast prostheses (Refs. *44* through *48*). It is apparent that there was substantial reduction in the incidence of valve leakage during the period 1969 to 1974. This reduction in incidence is consistent with comments of the General and Plastic Surgery

Device Classification Panel during its July 23, 1976, Panel meeting. The Panel concluded that "the valves have been improved to the point where the incidence of complications is remarkably low." The agency has also reviewed the report by Dr. Snyder (Ref. *49*) regarding the reduced likelihood of valve leakage with the newer prostheses. However, the agency notes a number of cautions raised by the early evaluators and the presence of similar cautions in recent clinical literature. One evaluator warned that the mechanism of fluid loss in saline filled prostheses is unknown (Ref. *44*). This view is shared by other authors who believe that nonleakage is an absolute criterion for this device that has not yet been achieved (Refs. *50* and *51*). The agency has not seen any recent data confirming the reduced incidence of inflatable breast prosthesis leakage as reported in the March 1974, 7-month followup study (Ref. *48*). Also, the agency notes that the 1977 case report (Ref. *52*) which described the rupture of two inflatable breast prostheses during a closed compression capsulotomy (a procedure performed to release the fibrous capsule around the implant by manually squeezing the breast externally, without reoperation), with associated migration of the contents of the prosthesis. Although a considerable advance has been made in the design of the valves of these devices, the agency believes that the improvements have not been sufficiently evaluated to allay concerns about the risk of device failure and attendant complications.

Section 878.3540; Docket No. 78N–2654; Silicone gel-filled breast prosthesis.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of silicone gel-filled breast prostheses:

1. Identification: A silicone gel-filled breast prosthesis is a silicone rubber shell made of polydimethylsiloxane and polydiphenylsiloxane. The shell either contains cross-linked polymerized silicone gel, fillers, and stabilizers or is filled with injectable silicone gel at time of implantation. The device is intended for implantation to augment or reconstruct the female breast. The device does not include injectable silicone (including tissue adhesives for use in general surgery) for injection directly into the patient's body rather than into a shell; direct injection use of silicone is investigational only.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that silicone gel-filled breast prostheses be classified into class II (performance standards) because the Panel believes that this device has demonstrated a reasonably satisfactory level of performance over a long period of time. The Panel believes that the materials used in this device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel believes that the standard for breast prostheses being developed by the American Society for Testing Materials (ASTM) could be used as the basis for further development of a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and on a review of the scientific literature. The Panel believes that several postoperative complications associated with the use of the device, such as infection and implant migration, are due primarily to errors in surgical technique. The Panel also noted that implanted prostheses become encapsulated by fibrous tissue and patients may experience contracture of the fibrous capsule. Closed compression capsulotomy (a procedure performed to release the fibrous capsule around an implant by manually squeezing the breast externally, without reoperation), can be used to overcome the effects of fibrous capsule contracture.

At a Panel meeting on March 24, 1976, Henry Jenny, M.D., presented histopathologic evidence of leakage of silicone gel through the silicone outer shell and into the body (Ref. *54*). At a Panel meeting on July 6, 1976, Jerrold Abraham, M.D., presented data demonstrating the presence of silicone in the tissue adjacent to, and distant from, an intact silicone gel-filled breast prosthesis implant (Ref. *55*). Dr. Abraham noted that the metabolic fate and long-term effects of silicone in the human body are unknown. Also at the meeting, James L. Baker, M.D., Thomas M. Biggs, M.D., and Robert R. LeVier, Ph.D., of Dow Corning Corp., presented clinical and laboratory data to the Panel on the performance and toxicology of silicone gel-filled breast prostheses and component materials. These data included several animal studies, clinical studies that indicated a low rate of post-operative complications, and information on the effectiveness of various implantation techniques (Ref. *56*).

A recent study by the Department of Health and Human Services' Center for Disease Control in Atlanta, GA, reported mycobacterium infection in a large number of recipients of breast prostheses. Although the significance of this observation has not yet been assessed, it may represent a hitherto undetected hazard associated with this device (Ref. *53*).

5. Risks to health: (a) Leakage: Leakage of silicone gel due to rupture or degradation of the implant, leaching of gel through an intact implant, or leakage as a consequence of performance of a closed compression capsulotomy may result in deposition and migration of silicone gel in the body, with pain and possible toxic effects. (b) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (c) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in extrusion of the device. (d) Hematoma (a localized collection of blood, usually clotted, in an organ, space, or tissue, due to a break in the wall of a small blood vessel): Hematoma due to small vessel rupture may require reoperation. (e) Fibrous capsule contracture: Contracture of the fibrous tissue capsule surrounding the implant may result in disfigurement, physical and psychological trauma, migration of the implant, or gross leakage of the gel under the skin, and may necessitate further surgery. (f) Calcification of the fibrous capsule: Calcification of the fibrous tissue capsule surrounding the implant may result in cosmetic deformity and may necessitate further surgical intervention or removal of the implant (Ref. *63*). (g) Displacement of implant: Migration of the prosthesis below the skin may result in cosmetic deformity. (h) Interference with tumor detection: The implantation of gel-filled prostheses in the breast may interfere with standard cancer diagnostic techniques. (i) Postoperative lactation: Some evidence suggests that after surgical implantation of the device, a small percentage of patients taking oral contraceptives may experience lactation (Ref. *64*).

FDA disagrees with the Panel's recommendation and is proposing that silicone gel-filled breast prostheses, some of which include the transitional device, silicone, injectable (including tissue adhesive for use in general surgery), be classified into class III (premarket approval). This device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls would provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance. The agency believes that premarket approval is necessary for this device because it

presents a potential unreasonable risk of injury due to (1) possible migration of silicone gel from the interior of the prosthesis to adjacent tissue (with or without rupture of the silicone rubber shell), (2) contraction of the fibrous tissue capsule which forms around the implanted prostheses and which also can lead to marked asymmetry in breast contour, hardness, and pain, and (3) possible long-term toxic effects of the silicone polymers from which the prostheses are fabricated. The agency has reviewed the Panel's recommendation and has sought additional information on silicone gel-filled mammary prostheses for both breast augmentation and reconstruction. Some of the medical literature indicates that a significant portion of patients experience complications directly associated with implantation of these devices (Refs. *61* and *63* through *67*). The silicone within the prosthesis may migrate into the body of the patient even without rupture of the solid silicone rubber shell and can be transported to distant sites by scavenger cells (Ref. *68*). Furthermore, during closed compression capsulotomy, rupture of prostheses have occurred with associated migration of silicone (Ref. *62*). Contraction of the fibrous tissue capsule that forms around implanted breast prostheses may lead to pain, hardness of the breast, and asymmetry in breast contour. One systematic study of various mammaplasty procedures reported that 9 to 40 percent of patients developed capsular contracture (Ref. *58*). Another publication documented an incidence of capsular contracture as high as 74 percent (Ref. *57*). Once contracture develops, the rate of recurrence is high, and several cases have been documented in which the fibrous capsule has become calcified, necessitating further surgical intervention (Ref. *62*). The agency notes that neither the chemical forms of silicones which leach into breast tissue nor their metabolic fates are known (Ref. *80*). Furthermore, no satisfactory independent study has thoroughly evaluated the chronic long-term toxicology of cross-linked silicone polymers of different molecular sizes. Although studies have been published on the toxicology of liquid silicone (Refs. *59*, *60*, and *61*), the agency believes these studies are limited in scope and require further experimental confirmation. Because young women are the recipients of a significant percentage of these implants, information regarding silicone's chronic toxic effects or possible teratogenetic effects (production of defects in offspring) is desirable and could be of substantial importance in determining the risk to these patients. Epidemiological studies on silicone are limited to several user surveys (Refs. *69* and *71*) which attempted to document the incidence of cancer after mammaplasty with silicone gel-filled prostheses. These studies are based upon questionnaires submitted to performing surgeons, with variable followup. Although the evidence of carcinogenesis in humans is inconclusive in reference to silicone (Refs. *73*, *74*, and *75*), extensive research involving laboratory animals has confirmed the "Oppenheimer effect", or solid state carcinogenesis, produced by foreign materials in the body (Ref. *72*). The agency believes that insufficient time has elapsed to permit a direct evaluation of the risk of cancer posed by the presence of silicone in the human body and that there does not exist sufficient epidemiologic data or experimental information in animals to make an inferential judgment. In this context, the agency has reviewed with concern letters from two physicians (Refs. *76* and *77*) discussing complications of "breast" plasty procedures. The agency has also received letters from physicians and legal representatives of patients describing severe untoward effects as a result of implant rupture and associated complications (Refs. *78* and *79*). These ongoing scientific debates on the safety of breast prostheses support the agency's proposal to strengthen regulatory surveillance of this device.

For clarity, FDA has included in the identification of the device a statement that, "[t]he device does not include injectable silicone (including tissue adhesives for use in general surgery) for injection directly into the patient's body rather than into a shell; direct injection use of silicone is investigational only." This language is to distinguish the device that is subject to the proposed regulation from the injectable silicone that has been classified into class III by section 520(l)(1) of the Federal Food, Drug, and Cosmetic Act, which sets forth the transitional provisions of the Medical Device Amendments of 1976 (21 U.S.C. 360j(l)(1)). See the **Federal Register** of December 8, 1977 (42 FR 63472–63473) and the discussion in this preamble under the heading "General and Plastic Surgery Devices Formerly Considered New Drugs." Injectable silicone (including tissue adhesives for use in general surgery) has been investigated for several years, first as a new drug and now as a class III medical device. This product may not be marketed without premarket approval. The 30-month or longer grace period applicable to devices on the market before the amendments (see section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)) applies to the premarket approval of silicone gel-filled breast prostheses subject to this proposed regulation, but not to injectable silicone (including tissue adhesives for use in general surgery) for injection directly into the patient's body rather than into a shell.

Section 878.3550; Docket No. 78N–2855; Chin prosthesis.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of chin prostheses:

1. Identification: A chin prosthesis is an implanted solid silicone rubber prosthesis intended for use in chin augmentation or reconstruction.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that chin prostheses be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatability to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, infection may result. (b) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in extrusion of the prosthesis. (c) Displacement of implant: Migration of the prosthesis under the skin may result in cosmetic deformity. (d) Hematoma (a localized collection of blood, usually clotted, in an organ, space, or tissue, due to a break in the wall of a blood vessel): Hematoma due to small vessel rupture may require reoperation. (e) Fibrous capsule contracture: Complications may result from contracture of the fibrous capsule which normally forms around an implanted

prosthesis. (f) Bone resorption (loss): Deterioration or loss of bone near implanted prostheses such as chin prostheses, has been reported in the medical literature.

FDA agrees with the Panel's recommendation and is proposing that chin prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because solid silicone implants have an established history of safe and effective use for restoration of deficient contour of the chin and because there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency has reviewed the Panel's recommendation and has reviewed pertinent clinical literature of the use of solid silicone rubber implants in mentoplasty (Refs. *81* through *84*), and notes that complications associated with silicone chin implants were reported in less than 2 percent of the cases (Refs. *81* and *82*). The clinical literature (Refs. *81, 82,* and *83*) indicates that these complications can usually be avoided by good surgical technique.

Section 878.3590; Docket No. 78N–2656; Ear prosthesis.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committeee, made the following recommendation regarding the classification of ear prostheses:

1. Identification: An ear prosthesis is an implanted solid silicone rubber prosthesis intended for use in the reconstruction of the external ear.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that ear prostheses be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on a review of the literature.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection to the patient may result. (b) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in extrusion of the prosthesis. (c) Displacement of implant: Migration of the prosthesis under the skin may result in a cosmetic deformity. (d) Fistulae: Small fistulae may develop along the suture line.

FDA agrees with the Panel's recommendation and is proposing that ear prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical acceptance of the device over a long period of time and because there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. FDA has reviewed the Panel's recommendation and some of the available literature. The agency believes that although the earlier versions of ear prostheses were relatively unsafe because of the high frequency of extrusion, the extrusion rate has been significantly reduced. Two followup studies (Refs. *85* and *86*) reveal improvements in the quality of ear prostheses and in surgical technique. The first study by Monroe (Ref. *85*) concerned 17 case histories extending 1 to 5 years, and the second study by Ohmori (Ref. *86*) involved 116 patients. Both studies involved use of improved techniques for prosthesis anchorage. Also, special precautions were taken, and in the second study the rate of rejection was reduced to 9.5 percent. The agency believes that considering the benefits from the use of this device compared with the benefits from other available procedures, such as the use of autogenous cartilage, the risks presented by the devices are acceptable.

Section 878.3610; Docket No. 78N–2657; Esophageal prosthesis.

The General and Plastic Surgery Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of esophageal prostheses:

1. Identification: An esophageal prosthesis is a plastic tube or tube-like device (that may have mesh reinforcement) and accessories that is implanted in, or affixed externally to, the chest and throat for restoration of the esophagus or for pharyngoesophageal continuity.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that esophageal prostheses be classified into class III (premarket approval) and that premarket approval of this device be a low priority. The Ear, Nose, and Throat Device Classification Panel recommends that the device be classified into class II (performance standards) and that establishing performance standards for this device be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that esophageal prostheses be classified into class III because the device is life-sustaining and life-supporting and is implanted or has components that are implanted in the human body. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over the performance characteristics of this device. The Panel also believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that sufficient information does not exist to establish a standard to provide such assurance. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness. The Ear, Nose, and Throat Device Classification Panel recommends that the device be classified into class II because the Panel believes that the device has an established history of safety and effectiveness. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility. The Panel believes that general controls would not provide sufficient control over the performance characteristics of this device. Although the device is an implant, the Panel believes that premarket approval is not necessary because a performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Panel also believes that there is sufficient information available to establish a performance standard to provide such assurance.

4. Summary of,date on which the recommendation is based: Both Panels based their recommendation on their personal knowledge of, and clincial experience with, the device, on a review of the literature. The General and Plastic Surgery Device Classification Panel noted esophageal prostheses were discussed in an article by

Fryfogle et al. (Ref. *92*) who evaluated various suture techniques employed for the placement of nonrigid silicone rubber-dacron esophageal grafts in dogs; and "found that all suture techniques resulted in the narrowing or stricture of the prosthesis." From this study it was determined that all suture techniques employed caused narrowing or stricture of the prostheses which in time leads to complications and possible failure of the prostheses. Plastic multitoothed rings, used for secured implant anchoring, did not interrupt the esophageal wall blood supply. A successful six-week followup on a single clincial case was reported (Ref. *92*).

5. Risks to health: Both Panels identified the following risks to health: (a) Infection. If the materials used in the device or its construction prevent proper sterilization of the device, infection to the patient may result. The General and Plastic Surgery Device Classification Panel identified the following additional risks to health: (b) Tissue or skin necrosis (destruction). Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in the extrusion of the prosthesis. (c) Leakage. Rupture of the prosthesis may lead to leakage of food into body cavities.

FDA agrees with the General and Plastic Surgery Device Classification Panel's recommendation and is proposing that esophageal prostheses be classified into class III (premarket approval). FDA disagrees with the Ear, Nose, and Throat Device Classification Panel's recommendation that esophageal prostheses be classified into class II (performance standards). The device is life-supporting and life-sustaining and is implanted or has implanted components. Also, the device presents a potential unreasonable risk of injury from food leakage that may lead to infection and failure of the device. Furthermore, local tissue necrosis due to pressure may occur, and tissue damage may result from toxicity of materials used in the device. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the device's safety and effectiveness. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls would provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance. The agency has reviewed the Panels' recommendations and additional information on esophagus prostheses. The agency notes numerous reports of attempts to restore the esophagus by temporarily inserting a plastic tube (Refs. *87* and *88*) or bypass tubes into the esophagus (Ref. *89*), or by permanently implanting a synthetic prosthesis (Refs. *90*, *91*, and *92*). Complications associated with the insertion of a plastic tube or bypass tubes are perforation of the esophagus, formation of tracheal/esophageal fistula (an abnormal passage or communication), dysphagia (difficulty in swallowing), pain, regurgitation (a backward flow of undigested food), stridor (a harsh high-pitched sound in inhalation or exhalation), and ulceration. Complications associated with permanent esophageal tubes are leakage at the site of the prosthesis or esophagus anastomosis (point of surgical connection), migration of the prosthesis, and contraction of the fibrous capsule which forms around the prosthesis. The agency also notes that, in general, the authors of these reports consider the use of permanent esophageal tubes experimental. FDA has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and of the Ear, Nose, and Throat Device Classification Panal for esophageal prostheses and has concluded that classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.3680; Docket No. 78N-2658; Nose prosthesis.

The General and Plastic Surgery Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of nose prostheses:

1. Identification: A nose prosthesis is an implanted solid silicone rubber prosthesis intended for use in the augmentation or reconstruction of the nasal dorsum.

2. Recommended classification: Class II (performance standards). The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a medium priority. The Ear, Nose and Throat Device Classification Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panels recommend that nose prostheses be classified into class II (performance standards) because the Panels believe that the device has an established history of safe and effective use. The Panels believe that the materials used in the device should meet a generally accepted satisfactory level of tissue compatability to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panels believe that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panels believe that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information availabale to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device, and on its long history of safe and effective clinical use.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (b) Tissue or skin necrosis (destruction): Excessive pressure from the device may cause overlying skin or adjacent tissue destruction and may result in extrusion of the prosthesis. (c) Displacement of implant: Migration of the prosthesis under this skin may result in cosmetic deformity. (d) Hematoma (a localized collection of blood, usually clotted, in an organ, space, or tissue, due to a break in the wall of a blood vessel): Hematoma due to small vessel rupture may require reoperation. (e) Fibrous capsule contracture: Complications may result from contracture of the fibrous capsule which normally forms around an implanted prosthesis.

FDA agrees with the Panels' recommendations and is proposing that nose prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical acceptance of the device over a long period of time and because there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed the Panels' recommendations and some of the available literature (Refs. *93* through *102*). Although some investigators (Refs. *95* and *97* through *100*) reported high extrusion rates, 20 to 50 percent, they noted that there were no significant safety problems associated with the device itself, and that the failures were largely dependent on the surgical technique or the omission of certain necessary precautions. Milward (Ref. *99*) and Chapnik (Ref. *100*) list several precautions that are necessary to minimize the problems of extrusion, migration, and infection: (1) The implants need to be buried as deeply as possible under minimum tissue tension; (2) the incision must not be in the direct line of thrust; (3) the implants should not be too large to cause undue tension in

the overlying tissues; and (4) the implant should be correctly sterilized and aseptic principles observed. Davis and Jones (Ref. *98*) noted that the position of the implant relative to the skin is a more important factor in the rejection of the implant than the grade of silastic used in its construction. Lipshutz (Ref. *97*) found that errors of judgment on the size of the prosthesis selected for insertion are the most common cause of implant problems. Anita, et al. (Ref. *101*), who used 49 implants to treat nasal depressions concluded that the extrusion rate is very low if the implantation is accompanied by proper precautions. Rees, et al. (Ref. *102*), noted that silicone rubber is widely used in surgery as an implant material because of its low tissue reaction, lack of toxicity, and nonallergenic properties. In view of the long use and established safety of the medical grade silicone rubber implants, FDA believes that performance standards and proper surgical techinques are sufficient to ensure the safety and effectiveness of the device.

The agency has reviewed the Panels' recommendations for nose prostheses and has concluded that the classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.3720; Docket No. 78N–2659; Tracheal prosthesis.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of tracheal prostheses:

1. Identification: A tracheal prosthesis is a tubular implant intended for use in the reconstruction of the trachea.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that tracheal prostheses be classified into class III because the device is implanted and life-supporting and life-sustaining, and it presents a potential unreasonable risk of illness or injury. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over the performance characteristics of the device. The Panel also believes that insufficient information exists to determine that general controls or performance standards would be adequate to provide reasonable assurance of the safety and effectiveness of the device. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and, thus, assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, implanted prosthetic devices.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (b) Tissue necrosis (destruction): Excessive pressure from the device may cause tissue destruction. (c) Airway leakage: Airway leakage of tracheal prostheses would compromise respiratory function and may cause severe additional complications, including infection and death. (d) Erosion of the innominate artery (a branch of the aorta): Rubbing of the prosthesis against the innominate artery may lead to hemmorrhage and death.

FDA agrees with the Panel's recommendation and is proposing that tracheal prostheses be classified into class III (premarket approval). The agency believes that the device is life-supporting and life-sustaining, and is implanted or has implanted components. Also, the device presents a potential unreasonable risk of illness or injury from leakage or from erosion of the artery adjacent to the implant, which can result in hemorrhage and death. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant or a life-supporting or life-sustaining device into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls or performance standards will provide reasonable assurance of the safety and effectiveness of the device.

The agency has reviewed the Panel's recommendation and additional information on tracheal prostheses and notes numerous reports of postoperative complications due to tracheal implants (Refs. *103* through *108*). A number of approaches have been attempted to reconstruct the human trachea (Refs. *103* and *104*). Attendant complications are granuloma of the suture (a foreign body reaction of the tissue to the suture material in which tumorlike masses or nodules of granulation tissue are formed), dislocation of the prosthesis (Ref. *103*), and a death rate of 15 to 37.5 percent (Refs. *103* and *104*). Also, tracheal implants have been tested in dogs (Refs. *105*, *106*, and 107), and sheep (Ref. *108*); and complications of granuloma, stenosis (narrowing of the trachea), homorrhage, dislocation of the prosthesis, and pulmonary edema (the presence of abnormally large amounts of fluid in lung tissue) have been reported (Refs. *105* and *108*). The agency also notes that existing tracheal implants cannot be considered as an effective substitute for physiological mucocilliary escalators (microscopic tracheal hairs which by interacting with mucous remove inhaled particulate matter from the bronchotracheal mucosa).

Section 878.3750; Docket No. 78N–2660; External prosthesis adhesive.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of external prosthesis adhesives:

1. Identification: An external prosthesis adhesive is a silicone-type adhesive intended for use in affixing an external prosthesis, such as an artificial nose or ear.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that external prosthesis adhesives be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports are not necessary for the device because external prosthesis adhesives have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that external prosthesis adhesives be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA disagrees with the Panel's recommendation that manufacturers of external prosthesis adhesives be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.3900; Docket No. 78N–2661; External aesthetic restoration prosthesis.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of external aesthetic restoration prostheses:

1. Identification: An external aesthetic restoration prosthesis is a device intended to construct an external artificial body structure, such as an ear, breast, or nose. The device usually is made of silicone rubber and attached to, but not implanted into, the deficient anatomy with a biocompatible adhesive.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that external aesthetic restoration prostheses be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need no additional control requirements. The Panel believes that records and reports are not necessary for the device because external aesthetic restoration prostheses have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clincial experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that external aesthetic restoration prostheses be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel recommendation that manufacturers of external aesthetic restoration prostheses be exempt from the records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

There are two procedures by which FDA may exempt a manufacturer of a device from complying with any or all of the requirements of the GMP regulation. First, a manufacturer of a device subject to any requirement under the GMP regulation may petition the agency pursuant to section 520(f)(2)(A) of the act (21 U.S.C. 360j(f)(2)(A)) for a variance or an exemption from the requirement. A variance or exemption granted in response to such a petition applies only to the manufacturer who submitted the petition. However, FDA may conclude that an exemption granted in response to a petition may be applied to all manufacturers of the device; in this case, if the device has been classified in a final regulation, FDA will publish in the **Federal Register** a notice of its discussion and its intention to change the codified classification of the device to grant the exemption to all manufacturers of the device. Second, in classifying a medical device into class I under section 513 of the act (21 U.S.C. 360c), the agency may determine that certain of the requirements of the GMP regulation shall not apply to the device. In that instance, the exemption applies to all manufacturers of the generic type of device that is the subject of the classification regulation. The agency may grant an exemption under either procedure only if it determines that compliance with the requirement is not necessary to assure that the device will be safe and effective and otherwise in compliance with the act. Based on the second of the above procedures, the agency is proposing that a manufacturer of external aesthetic restoration prostheses be granted an exemption from the GMP regulation, except for § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

The agency previously denied without prejudice for a future filing a manufacturer's petition (80P–0328) for exemption from the requirements of the GMP regulation of its "external breast prosthesis" that is included in the generic device, the external aesthetic restoration prosthesis. The agency decided that the decision on the requested exemption should be made as an industry-wide basis through the device classification rulemaking.

Section 878.3900; Docket No. 78N–2662; Inflatable extremity splint.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of inflatable extremity splints:

1. Identification: An inflatable extremity splint is an inflatable device intended to prevent motion of a joint or of the ends of a fractured bone.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that inflatable extremity splints be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports are not necessary for the device because inflatable extremity splints have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that inflatable extremity splints be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of inflatable extremity splints be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.3910; Docket No. 78N–2663; Noninflatable extremity splint.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of noninflatable extremity splints:

1. Identification: A noninflatable extremity splint is a noninflatable device intended to prevent motion of a joint or of the ends of a fractured bone.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that noninflatable extremity splints be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports are not necessary for this device because noninflatable extremity splints have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based

its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and its history of safe and effective clinical use.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that noninflatable extremity splints be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of noninflatable extremity splints be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.3925; Docket No. 78N–2864; Plastic surgery kit and accessories.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of plastic surgery kits and accessories:

1. Identification: A plastic surgery kit and accessories is a device that is used in the reconstruction of maxillofacial deficiencies. It consists of a kit containing surgical instruments and materials intended for use in making maxillofacial impressions before molding an external prosthesis.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that plastic surgery kits and accessories be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel believes that records and reports requirements are not necessary for the device because plastic surgery kits and accessories have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and its history of safe and effective clinical use.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that plastic surgery kits and accessories be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of plastic surgery kits and accessories be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.4040; Docket No. 78N–2865; Surgical apparel.

The General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical apparel:

1. Identification: Surgical apparel are devices that are intended to be worn by operating room personnel during surgical procedures to protect both the surgical patient and the operating room personnel from transfer of microorganisms, body fluids, and particulate material. Examples include surgical caps, hoods, masks, gowns, operating room shoes and shoe covers, and isolation masks and gowns.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that surgical masks and gowns, isolation masks, and operating room shoe covers be classified into class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority except for surgical gowns which the Panel recommends be a high priority. The Panel also recommends that surgical caps, hoods, aprons, suits and dresses, operating room shoes, and isolation gowns be classified into class I (general controls). The Panel recommends that there be no exemptions. The Anesthesiology Device Classification Panel recommends that operating room shoe covers be classified into class II. The Panel recommends that establishing a performance standard for operating room shoe covers be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that surgical caps, hoods, aprons, suits and dresses, operating room shoes, and isolation gowns be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The materials used in the devices are generally acceptable and need be subject only to general controls. The General and Plastic Surgery Device Classification Panel recommends that surgical masks and gowns and isolation masks be classified into class II because the Panel believes that the materials used in these devices must be controlled to prevent transfer of bacteria, shedding, and to reduce flammability. The General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel recommend that operating room shoe covers be classified into class II because the Panels believe that the materials used in the device must be controlled to prevent transfer of bacteria and to ensure electrical conductivity. For the devices that the Panels recommended be placed in class II, the Panels believe that general controls would not provide sufficient control over the characteristics stated above. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of these devices and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the devices and on their long history of safe and effective clinical use.

5. Risks to health: (a) Slipping (operating room shoes and shoe covers): If operating room shoes and shoe covers are not made from slip resistant materials, hazardous slips or falls may occur. (b) Infection (surgical caps, hoods, masks and gowns, operating room shoes and shoe covers, and isolation masks and gowns): Infection of the surgical wound may result from a failure of the device to provide an adequate barrier to microbal contamination. If the materials used in the device do not allow proper sterilization, an infection may result. (c) Failure of electrical conductivity (shoe covers): If flammable gases are present, accumulation of static electricity, due to failure of electrical conductivity, may result in spark injury to the patient or in an explosion. (d) Foreign body reaction (surgical caps, hoods, masks and gowns): Particles of the material may be deposited in the surgical wound and elicit a granulomatous foreign body reaction. (e) Burns and other fire injuries: Flammable materials in the device may ignite, causing burns and other fire injuries.

FDA agrees with the recommendation of the General and Plastic Surgery Device Classification Panel that surgical masks and gowns, and isolation masks be classified into class II (performance standards) and with the recommendations of the General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel that operating room shoe covers be classified into class II. However, the agency disagrees with the recommendation of the General and Plastic Surgery Device Classification Panel that surgical caps, hoods, suits and dresses, operating room shoes, and isolation gowns be classified into class I (general controls) and is proposing that these devices be classified into class II. The agency believes that a performance standard is necessary for surgical apparel because general controls alone are insufficient to control the risks to

health presented by the devices, such as microbial contamination, shedding, and flammability. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Because the agency has been unable to substantiate that surgical aprons are commonly used, no classification is proposed for this device. The agency regards surgical dresses and suits as types of surgical gowns.

FDA has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel and concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4060; Docket No. 78N–2668; Nonabsorbable gauze, surgical sponge, and wound dressings for external use.

The General and Plastic Surgery Device Classification Panel, and the Dental Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Neurological Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of nonabsorbable gauze, surgical sponges, and wound dressings for external use:

1. Identification: Nonabsorbable gauze, a surgical sponge, or a wound dressing for external use are devices made of an open mesh fabric of cotton or synthetic materials that are intended to control bleeding, absorb body fluids, or protect wounds from contamination.

2. Recommended classification: Class I (general controls). The General and Plastic Surgery Device Classification Panel, the Dental Device Classification Panel, and the Neurological Device Classification Panel recommend that these devices be classified into class I (general controls). These three Panels recommend that there be no exemptions. The General Hospital and Personal Use Device Classification Panel recommends that these devices be classified into class I and that they be exempt from good manufacturing practice (GMP) requirements under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)), except those requirements relating to sterility and traceability.

3. Summary of reasons for recommendation: The Panels recommend that nonabsorbable gauze, surgical sponges, and wound dressings for external use be classified into class I (general controls) because general controls are sufficient to provide reasonble assurance of the safety and effectiveness of the devices. The materials used in the devices are generally acceptable and need be subject only to general controls. The General Hospital and Personal Use Device Classification Panel recommends that the manufacturer be exempt from the GMP requirements because adherence to the GMP regulation would not improve the safety and effectiveness of these devices. That Panel also recommends that the devices be sterile.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the devices.

5. Risks to health: None identified.

FDA agrees with the Panels' recommendations and is proposing that nonabsorbable gauze, surgical sponges, and wound dressings for external use be reclassified from class III (premarket approval) into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices.

Section 520(l)(1) of the Federal Food, Drug, and Cosmetic Act, which sets forth the transitional provisions of the Medical Device Amendments of 1976 (21 U.S.C. 360j(l)(1)), classified surgical cones and dressings, other than absorbable hemostatic devices and dressings, into class III (premarket approval). In a notice published in the Federal Register of December 16, 1977 (42 FR 63472), however, FDA announced that it would not require such surgical cones and dressings to comply with, or continue to comply with, premarket approval. See the Federal Register of December 16, 1977 (42 FR 63472–63473) and the discussion in this preamble under the heading "General and Plastic Surgery Devices Formerly Considered New Drugs." Devices first intended for marketing since the amendments that are not substantially equivalent to any preamendments device, or to a postamendments device that has been reclassified, are in class III under section 513(f) of the act (21 U.S.C. 360c(f)). Because the device category surgical cones and dressings, other than absorbable hemostatic devices and dressings, includes nonabsorbable gauze, surgical sponges, and wound dressings for external use, these devices have been classified by statute into class III, although FDA has not since the December 16, 1977 notice required compliance with premarket approval requirements. This proposed regulation would reclassify nonabsorbable gauze, surgical sponges, and wound dressings for external use from class III into class I (general controls) because FDA believes that premarket approval of these devices is unnecessary. FDA specifically invites comments on the adequacy of the identification of the devices that would be reclassified.

FDA disagrees with the General Hospital and Personal Use Device Classification Panel recommendation that manufacturers of nonabsorbable gauze, surgical sponges, and wound dressings for external use be exempt from the GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)). The agency believes that compliance with this regulation is necessary to assure the quality of this device and thus its safety, effectiveness, and compliance with the adulteration and misbranding provisions of the act. Compliance with the GMP regulations will help prevent the production of nonabsorbable gauze, surgical sponges, and wound dressings for external use that have defects that could harm users. The agency has reviewed the recommendations of the Panels for nonabsorbable gauze, surgical sponges, and wound dressings for external use and has concluded that the classification of these devices should be published in a single section and in the part of the Code of Federal Regualtions for general and plastic surgery devices.

Section 878.4100; Docket No. 78N–2667; Intestine bag.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of intestine bags:

1. Identification: An intestine bag is a device that consists of a flexible plastic bag and that is intended for use as a temporary receptacle for the intestine to prevent moisture loss during surgical procedures.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that intestine bags be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel does not believe that this device requires performance standards to control the identified risks to health. The materials used in the device are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on a presentation made by Parke, Davis and Co. at the December 16, 1976, meeting of the General and Plastic Surgery Device Classification Panel (Ref. *109*). This presentation included a description of the materials used in the device, how the device is used, the advantages of this product over conventional methods of intestine isolation,

and data from a rabbit peritoneal implant study to demonstrate the safety of the material used in the device.

5. Risks to health: Allergic or toxic reaction: The materials used in the construction of the device may cause an allergic or toxic reaction.

FDA agrees with the Panel's recommendation and is proposing that intestine bags be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectivness of the device.

Section 878.4120; Docket No. 78N–2669; Hydrophilic beads for wound exudate absorption.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of hydrophilic beads for wound exudate absorption:

1. Identification: Hydrophilic beads for wound exudate absorption are small spherical beads made of dextran polymer that are intended to remove particulate and fluid secretion from wounds by absorption and capillary action.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that hydrophilic beads for wound exudate absorption be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that hydrophilic beads for wound exudate absorption be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of hydrophilic beads for wound exudate absorption be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Pursuant to section 520(l)(1) of the transitional provisions of the Medical Device Amendments of 1976 (21 U.S.C. 360j(l)(1)), surgical cones and dressings, other than absorable hemostatic devices and dressings,were classified into class III (premarket approval). See the **Federal Register** of December 16, 1977 (42 FR 63472–63473) and the discussion in this preamble under the heading "General and Plastic Surgery Devices Formerly Considered New Drugs." Because the device category surgical cones and dressings, other than absorbable hemostatic devices and dressings, includes hydrophilic beads for wound exudate aborption, these devices were therefore classified by statute into class III. This proposed regulation thus proposes to reclassify hydrophilic beads for wound exudate absorption from class III into class I (general controls). All other devices in this transitional category remain in class III unless specifically reclassified by a final regulation based on this proposal.

Section 878.4140; Docket No. 78N–2670; Porcine burn dressing.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of porcine burn dressings:

1. Identification: A porcine burn dressing is a device made from pigskin that is intended for use as a temporary dressing in the treatment of burns.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that procine burn dressings be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable when used as dressings in contact with the body and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that porcine burn dressings be reclassified from class III into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. the agency has reviewed the Panel's recommendation and the medical literature or porcine skin xenografts and notes the general clinical acceptance of these temporary burn dressings for alleviating pain, providing a physical barrier against infection and contamination, and improving pliability of burn eschar with consequent reduction in the period of immobilization of burn patients (Refs. *110* through *114*).

Section 520(l)(1) of the Federal Food, Drug, and Cosmetic Act, which sets forth the transitional provisions of the Medical Device Amendments of 1976 (21 U.S.C. 360j(l)(1)), classified surgical cones and dressings other than absorbable hemostatic devices and dressings into class III (premarket approval). In a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), however, FDA announced that it would not require such surgical cones and dressings to comply with, or continue to comply with, premarket approval. See the **Federal Register** of December 16, 1977 (42 FR 63472–63473) and the discussion in this preamble under the heading "General and Plastic Surgery Devices Formerly Considered New Drugs." Devices first intended for marketing since the amendments that are not substantially equivalent to any preamendments device, or to a postamendments device that has been reclassified, are in class III under section 513(f) of the act (21 U.S.C. 360c(f)). Because the device category, surgical cones and dressings other than absorbable hemostatic devices and dressings, includes porcine burn dressings, this device has been classified by statute into class III, although FDA has not since the December 16, 1977 notice required compliance with premarket approval requirements. This proposed regulation would reclassify porcine burn dressing from class III into class I (general controls) because FDA believes that premarket approval of the device is unnecessary. FDA specifically invites comments on the adequacy of the identification of the device that would be reclassified and on whether porcine burn dressings, like other burn dressings, ought to be classified into class II (performance standards) rather than class I.

Section 878.4160; Docket No. 78N–2671; Surgical cameras and accessories.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of surgical camera and accessories:

1. Identification: A surgical camera and accessories is a device that is intended to record operative procedures and that consists

of a camera and associated equipment, which may include a sound track.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from records and reports requirements under section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that surgical cameras and accessories be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that records and reports requirements are not necessary for the device because surgical cameras and accessories have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and its history of safe and effective clinical use.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that surgical cameras and accessories be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA disagrees with the Panel recommendation that manufacturers of surgical cameras and accessories be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.4200; Docket No. 78N–2672; Introduction/drainage catheter and accessories.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of introduction/drainage catheters and accessories:

1. Identification: An introduction/drainage catheter is a device that consists of a flexible single lumen or multilumen tube intended for use in the introduction of fluids, medications, or contrast material into body cavities; the evaluation of physiological parameters, such as venous pressure; or the drainage of fluids from body cavities. Examples include irrigation and drainage catheters, pediatric catheters, peritoneal catheters, and other general surgical catheters. A catheter accessory is a component of this device intended to facilitate the manipulation of, or to assist in the insertion of, an introduction/drainage catheter into various parts of the body. Examples include adaptors, connectors, and catheter needles.

2. Recommended classification: The Panel recommends that introduction/drainage catheters be classified into class II (performance standards). The Panel recommends that establishing a performance standard for introduction/drainage catheters be a low priority. The Panel recommends that catheter accessories be classified into class I (general controls) with no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that introduction/drainage catheters be classified into class II (performance standards) because the Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls could not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that catheter accessories be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in catheter accessories are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the devices.

5. Risks to health: The Panel identified the following risks to health for introduction/drainage catheters: (a) Infection: If the materials used in the device or its construction prevent sterilization, an infection may result. (b) Introduction of foreign substances: A catheter may transfer particulate matter from the interior of the catheter into the patient. (c) Adulteration of medication: Decomposition or adulteration of medication may occur if the medication interacts chemically with the catheter materials. The Panel did not identify any risks to health for catheter accessories.

FDA agrees with the Panel's recommendation for introduction/drainage catheters and is proposing that these devices be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by the devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information to establish a performance standard for these devices.

FDA disagrees with the Panel's recommendation for catheter accessories and is proposing that these devices be classified into class II. The agency believes that catheter accessories can present the same risks to health as the catheters themselves: infection, introduction of foreign substances, and adulteration of medication. The agency believes that a performance standard is necessary for catheter accessories because general controls alone are insufficient to control the risks to health presented by the devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 878.4300; Docket No. 78N–2674; Implantable clip.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of implantable clips:

1. Identification: An implantable clip is a stainless steel or tantalum device intended to connect internal tissues to aid healing.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that implantable clips be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommentation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Tissue necrosis (destruction): Excessive pressure from the device on the skin may cause overlying or adjacent tissue destruction. (b) Leakage: Leakage, due to a failure of the device to maintain the connection between tissues, may cause complications, such as infection or hemorrhage. (c) Allergic or toxic reactions: Materials used in the device may cause an allergic or toxic reaction.

FDA agrees with the Panel's recommendation and is proposing that implantable clips be classified into class

II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because implantable clips have an established history of safe and effective use and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device, such as adverse tissue reactions and faulty clip strength due to variations in the material composition of the device.

Section 878.4320; Docket No. 78N–2875; Removable skin clip.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of removable skin clips:

1. Identification: A removable skin clip is a device intended to temporarily connect external tissues to aid healing.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that removable skin clips be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel does not believe that this device requires performance standards to control the identified risks to health. The Panel believes that the materials used in the device are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and on its history of safe and effective clinical use.

5. Risks to health: None identified.

Proposed Classification

FDA agrees with the Panel's recommendation and is proposing that removable skin clips be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4350; Docket No. 78N–2878; Cryosurgical unit and accessories.

The General and Plastic Surgery Device Classification Panel, the Obstetrical and Gynecological Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of cryosurgical units and accessories:

1. Identification:

(a) Cryosurgical unit with a liquid nitrogen cooled cryoprobe and accessories:

Identification: A cryosurgical unit with a liquid nitrogen cooled cryoprobe and accessories is a device intended to destroy tissues during surgical procedures by applying extreme cold.

(b) Cryosurgical unit with a nitrous oxide cooled cryoprobe and accessories:

Identification: A cryosurgical unit with a nitrous oxide cooled cryoprobe and accessories is a device intended to destroy tissue during surgical procedures, including urological applications, by applying extreme cold.

(c) Cryosurgical unit with a carbon dioxide cooled cryoprobe or a carbon dioxide dry ice applicator, and accessories:

Identification: A cryosurgical unit with a carbon dioxide cooled cryoprobe or a carbon dioxide dry ice applicator, and accessories, is a device intended to destroy tissue during surgical procedures by applying extreme cold. The device is intended to treat disease conditions such as tumors, skin cancers, acne scars, and hemangiomas (benign tumors consisting of newly-formed blood vessels), and to treat various benign or malignant gynecological conditions affecting vulvar, vaginal, or cervical tissue. The device is not used for urological applications.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that the devices be classified into class II (performance standards), and that establishing a performance standard be a high priority. The Obstetrical and Gynecological Device Classification Panel recommends that the devices be classified into class II and that establishing a performance standard be a low priority. The Gastroenterology and Urology Device Classification Panel recommends that liquid nitrogen cryosurgery devices for urological applications, such as liquid nitrogen cryoprobe treatment of advanced prostate carcinoma and benign prostate hypertrophy be classified into class III (premarket approval) and that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel and the Obstetrical and Gynecological Device Classification Panel recommend that cryosurgical units and accessories be classified into class II because the devices are complex in design and have critical performance requirements. The General and Plastic Surgery Device Classification Panel made the following additional recommendations: (a) Explosion-proof electrical circuits should be incorporated in cryosurgical devices used in the operating room.

(b) Cryoprobes and their attachments should be able to withstand repeated sterilization. (c) Temperature monitors in the device should be accurate. (d) The thermocouple location in cryoprobe tips should be stated in the product labeling. The Panels believe that general controls alone would not provide sufficient control over the performance characteristics of these devices. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a standard. The Gastroenterology and Urology Device Classification Panel recommends that liquid nitrogen cryosurgical devices and accessories for urological applications be classified into class III (premarket approval) because the Panel believes that satisfactory performance has not been demonstrated for urological applications, such as treatment of advanced prostate carcinoma with or without metastasis, benign prostatic hypertrophy with obstruction and for high-risk individuals not suited for surgery by other methods. The Panel also believes that a significant problem exists with these liquid nitrogen cryosurgical devices in regard to accurate temperature monitoring and control. The Panel does not believe that there is sufficient information available to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of liquid nitrogen cryosurgical devices for urological applications. Therefore, these devices should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the devices and, thus, assure their safety and effectiveness.

4. Summary of data on which the recommendation is based: The General and Plastic Surgery Device Classification Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the devices, and on a presentation December 16, 1976, by Andrew Gage, M.D., Veterans Administration Hospital, Buffalo, NY (Ref. *115*). The General and Plastic Surgery Device Classification Panel noted that it was unable to identify a documented instance of malfunction of a cryosurgical device which resulted in harm to a patient or user. The Panel stressed that user knowledge of the devices is the most important factor in their safe and effective use. The Obstetrical and Gynecological Device Classification Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the devices. The Panel reviewed the clinical literature on the devices and cited representative data from the literature (Ref. *116*). The Obstetrical and Gynecological Device Classification Panel believes that sufficient data have been accumulated on gynecological cryosurgery (for example, treatment of vulvar, vaginal, and cervical tissue for various benign, premalignant, and malignant conditions) to demonstrate the effectiveness of this therapy. The Gastroenterology and Urology Device Classification Panel based its class III recommendation for liquid nitrogen cooled cryosurgical units and accessories used in urological applications on the Panel members' personal knowledge of, and clinical experience with the devices and their knowledge of the medical literature (Refs. *117* through *122*).

5. Risks to health: The General and Plastic Surgery Device Classification Panel identified the following risks to health: (a) Explosion: Improper design of nitrous oxide or liquid nitrogen containers and cylinders may lead to explosion in the presence of flammable gases. (b) Freezing "burns:" Improper insulation of cryoprobes and accessory tubing may lead to freezing "burns" of the user's or operator's hands or other tissues. (c) Electrical shock: Improper electrical design of the devices may lead to electrical shock. The Obstetrical and Gynecological Device Classification Panel identified the following risks to health: (d) Excessive tissue damage: Poor design of the device could cause unnecessary cryosurgical tissue "burns" when the device comes in contact with the patient's vulva, vagina, or cervix. (e) Electrical shock: Malfunction of the device could result in electrical shock.

(f) Adverse tissue reaction: Cryoprobe tip materials could cause a local tissue or systemic reaction when the tip comes in contact with the patient. The Gastroenterology and Urology Device Classification Panel identified the following risks to health in urological applications of liquid nitrogen cooled cryosurgical devices: (g) Excessive tissue damage: Difficulty in controlling the rate of tissue freezing, due to the low boiling point (−196° C) of liquid nitrogen and the difficulty in measuring tissue temperature, may cause unnecessary tissue destruction and sloughing. (h) Fistula formation: Inaccurate temperature regulation in the device may cause unintended freezing of tissue and lead to fistula formation and urinary tract infection. (i) Failure to freeze: Inaccurate temperature measurement by the device may prevent effective freezing of tissue. (j) Incontinence: Freezing injury to the external sphincter muscle may lead to urinary incontinence. (k) Immunity factor: The inadequacy of the patient's immune system to react may lead to spread of cancer. Overreaction of the immune system may result in destruction of other tissue.

FDA agrees with the recommendations of the General and Plastic Surgery Device Classification Panel, the Obstetrical and Gynecological Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel and is proposing that liquid nitrogen cryosurgical units and accessories intended for use in urological applications be classified into class III (premarket approval) and that all other cryosurgical units and accessories intended for other uses be classified into class II (performance standards).

The agency is proposing that liquid nitrogen cooled cryosurgical devices intended for use in urological applications be classified into class III because of the potential for these devices to cause excessive tissue damage due to difficulty in controlling the rate of tissue freezing. The agency believes that liquid nitrogen cooled cryosurgical units and accessories intended for use in urological applications present a potentially unreasonable risk of injury. The agency believes that insufficient information exists to determine that general controls would provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard for urological applications using a liquid nitrogen cooled cryosurgical unit.

The agency believes that a performance standard is necessary for all cryosurgical units, other than liquid nitrogen cryosurgical units intended for use in urological applications, because general controls alone are insufficient to control the risks to health presented by the devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices, other than a liquid nitrogen cooled cryosurgical unit intended for use in urological applications. The agency recognizes that cryosurgical probes are surgical tools and as such, rely heavily on the training and experience of the user. Standardization of temperature monitoring capabilities, such as the location of thermocouple in the probe and the response time, is necessary to estimate the desired temperature, to compare various results, and to serve as a quality control check of the instrument. The agency has not proposed classifications for a cryosurgical unit with a carbon dioxide cooled cryoprobe or a carbon dioxide dry ice applicator, and accessories intended for use in urological applications because there is no known use of these devices for that purpose. The agency has reviewed the Panels' recommendations for cryosurgical units and accessories and has concluded that the classification of the devices should be published in the part of the Code of the Federal Regulations for general and plastic surgery devices.

Section 878.4370; Docket No. 78N–2677; Surgical drapes and drape accessories.

The General and Plastic Surgery Device Classification Panel, the Gastroenterology and Urology Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, the Ophthalmic Device Classification Panel, and the General Hospital and Personal Use Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical drapes and drape accessories:

1. Identification: Surgical drapes and drape accessories are devices made of natural or synthetic materials intended for use as protective patient coverings, such as to isolate a site of surgical incision from microbial and other contamination. Examples of surgical drapes and drape accessories are plastic wound protectors that usually adhere to the skin around a surgical incision or that are placed in the wound to cover its exposed edges, Kelly pads that are placed beneath a patient or limb to absorb drainage from a surgical wound, and latex drapes with self-retaining finger cots that are used during transurethral prostatectomy for repeated insertion of the surgeon's finger into the rectum.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel, the Gastroenterology and Urology Device Classification Panel, and the Ophthalmic Device Classification Panel recommended that surgical drapes and drape accessories be classified into class II (performance standards). The Panels recommended that establishing a performance standard for these devices be a high priority. The Gastroenterology and Urology Device Classification Panel recommends that plastic wound protectors be classified into class II (performance standards) and that establishing a standard for these devices be a low priority. The General Hospital and Personal Use Device Classification Panel recommends that Kelly pads be classified into class I (general controls) and that this device be exempt from premarket notification procedures under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) and from the good manufacturing practice regulation under section 520(f) of the act (21 U.S.C. 360j(f)). The Gastroenterology and Urology Device Classification Panel recommends that latex drapes with self-retaining finger cots be classified into class I with no exemptions. The Ear, Nose, and Throat Device Classification Panel recommends that surgical drapes for ear, nose, and throat use be classified into class I and that the devices be exempt from premarket notification under section 510(k) of the act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that surgical drapes and drape accessories be classified into class II (performance standards) because the Panel believes that a performance standard is necessary to control the materials used in the devices to ensure their effectiveness as a contamination barrier. The Panel believes that surgical drapes and drape accessories should be constructed of materials that are nonflammable and that shed as little particulate matter (lint) as possible. The Gastroenterology and Urology Device Classification Panel recommends that surgical drapes, drape accessories and plastic wound protectors be classified into class II because the Panel also believes that performance standards are necessary to ensure that they are effective as a

contamination barrier, adequately cover the surgical field, are impermeable to water, and are nonflammable, and to ensure that the materials used in the devices meet a generally acceptable satisfactory level of tissue compatibility. The Ophthalmic Device Classification Panel recommends that surgical drapes and drape accessories be classified into class II because the Panel believes that performance standards are necessary to control the flammability, sterility, and antistatic action associated with these devices. All three Panels believe the general controls alone would not provide sufficient control over the performance characteristics of these devices. The Panels believe that a performance standard will provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information available to establish a standard. The General Hospital and Personal Use Device Classification Panel recommends that Kelly pads be classified into class I with the exemptions described above, the Gastroenterology and Urology Device Classification Panel recommends that latex drapes with self-retaining finger cots be classified into class I with no exemptions, and the Ear, Nose, and Throat Device Classification Panel recommends that surgical drapes for ear, nose, and throat use be classified into class I with an exemption from premarket notification because these Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of these devices. The General Hospital and Personal Use Device Classification Panel also recommends that Kelly pads be sterile. The recommended exemptions from premarket notification procedures and the good manufacturing practice regulation are based on the belief that the materials used in the devices are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendations are based: The Panels based their recommendations on their members' personal knowledge of, and clinical experience with, the device. In addition, the General and Plastic Surgery Device Classification Panel reviewed two articles that described the possible hazard of peritonitis (inflammation of the membrane lining the abdomino-pelvic walls) as a result of granuloma (tumorlike masses of fibrous tissue) formed around lint particles shed from surgical drapes (Refs. *123* and *124*). That Panel also reviewed an article which described the flammability of disposable surgical drapes (Ref. *125*).

5. Risks to health: The General and Plastic Surgery Device Classification Panel identified the follwing risk to health: (a) Foreign body reaction: Particles of the materials used in the devices may be deposited in the surgical wound and may elicit a granulomatous foreign body reaction. The Gastroenterology and Urology Device Classification Panel identified the following risk to health: (b) Infection: Infection of the surgical wound may result from the failure of the device to provide an adequate barrier to microbial contamination. The Ophthalmic Device Classification Panel identified the following risks to health: (c) Infection: If the materials used in the device or its construction prevent sterilization, an infection may result. (d) Allergic or toxic reaction: Materials used in the devices may cause an allergic or toxic reaction in the patient. All three Panels identified the following risk to health: (e) Burns and other fire injuries: Flammable materials used in the device may ignite, causing burns and other fire injuries. The General Hospital and Personal Use Device Classification Panel identified no risks to health for Kelly pads. The Ear, Nose, and Throat Device Classification Panel identified no risks to health for surgical drapes for ear, nose, and throat use.

FDA has considered the Panels' recommendations described above and is proposing that surgical drapes and drape accessories be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by the devices. A performance standard would provide reasonable assurance of the safety and effectiveness of these devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Because the agency has determined that surgical drapes and drape accessories should be classified into class II rather than class I, the agency is not required to publish a regulation adopting or rejecting the General Hospital and Personal Use Device Classification Panel's recommendation that Kelly pads be exempt from the premarket notification procedures under section 510(k) and the good manufacturing practice regulation under section 520(f) of the act or the Ear, Nose, and Throat Device Classification Panel's recommendation that surgical drapes for ear, nose, and throat use be exempt from premarket notification.

The agency has reviewed the Panels' recommendations for surgical drapes and drape accessories and has concluded that the classification of these devices should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4380; Docket No. 78N–2678; Aerosol drape adhesive.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of aerosol drape adhesives:

1. Identification: An aerosol drape adhesive is a device that is a substance intended to be sprayed on the skin to keep surgical drapes in place.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that aerosol drape adhesives be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel does not believe that this device requires performance standards to control the identified risks to health.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on a presentation by Dr. Robert Buchanan and Mrs. Janet Turner of Parke, Davis and Co., at the December 16, 1976, meeting of the General and Plastic Surgery Device Classification Panel (Ref. *126*). Dr. Buchanan described three safety studies in rabbits that were designed to demonstrate the noninterference of aerosol drape adhesives in the healing process and the absence of acute, systemic, and local toxicity. Dr. Buchanan also described studies involving human volunteers that showed that the device performed acceptably under operating room conditions without sensitizing the skin. Although allergic or toxic skin reaction to materials in aerosol drape adhesives is always a potential complication, the Panel believes that the probability of occurrence is low.

5. Risks to health: Allergic or toxic reaction: Materials in aerosol drape adhesives may cause an allergic or toxic reaction.

FDA agrees with the Panel's recommendation and is proposing that aerosol drape adhesives be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4400; Docket No. 78N–2679; Electrosurgical cutting and coagulation device and accessories.

The General and Plastic Surgery Device Classification Panel, the Anesthesiology Device Classification Panel, the Neurological Device Classification Panel, and the Cardiovascular Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of electrosurgical cutting and coagulation devices and accessories:

1. Identification: An electrosurgical cutting and coagulation device and accessories is a device that uses high-frequency electrical current and that is intended for the surgical removal of tissue and for the control of bleeding.

2. Recommended classification: Class II (performance standards). The Panels recommend that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panels recommend that electrosurgical cutting and coagulation devices and accessories be classified into class II (performance standards) because the Panels believe that performance standards would help reduce the frequency and seriousness of burns and electrical shock to patients and operators. The Anesthesiology Device Classification Panel also believes that radiofrequency leakage should be controlled to minimize possible adverse biological effects and interference with other equipment. The Cardiovascular Device Classification Panel notes that there are three devices included in this generic type of device, electrosurgical electrodes, the electrosurgical device, and electrosurgical electrode gels, and recommends that all three be classified into class II because the Panel believes that performance characteristics, such as those involving the design and output energy levels, must be controlled by standards to prevent electrical shock and burn injury. All of the Panels believe that the materials used in the device should meet a generally accepted level of tissue compatibility. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock and burns: Improper electrical design or grounding of the devices and excessive leakage current may result in severe electrical shock and associated burns. (b) Fire and explosion: The possibility of a fire or explosion exists when the device is used in the presence of flammable articles such as flammable skin preparations or surgical drapes. An explosion may result from the ignition of accumulated bowel or bladder gases during surgery. (c) Cataract formation: There is the possibility of cataract formation when the device is used near the eye. (d) Pacemaker interference: The device may cause electronic interference with cardiac function in patients fitted with pacemakers. (e) Radiofrequency interference: Improper electromagnetic shielding, resulting in radiofrequency interference to or from other equipment, may lead to erroneous readings. These inaccurate readings could result in hazardous or inappropriate therapy. (f) Radiofrequency irradiation: The possibilty exists of adverse biological effects as a result of radiofrequency irradiation produced by the device. (g) Allergic or toxic reaction: Materials used in the electrodes or electrode gel may cause an allergic or toxic reaction. (h) Burns: Inadequate design of patient electrode return plates and conductive gels could cause burns to the patient. (i) Cardiac arrhythmias: Excessive electrical leakage current from the device may result in cardiac arrhythmias. (j) Inadequate cutting or coagulation: Improper electrical design of the device may result in inadequate cutting or coagulation.

FDA agrees with the Panels' recommendations and is proposing that electrosurgical cutting and coagulation devices and accessories be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

The agency has reviewed the recommendations of the Panels for electrosurgical cutting and coagulation devices and accessories and has concluded that the classification of the devices should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4450; Docket No. 78N-2681; Nonabsorbable gauze for internal use.

The General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of nonabsorbable gauze for internal use:

1. Identification: Nonabsorbable gauze for internal use is a device made of an open mesh fabric of cotton or synthetic material intended to control bleeding, absorb body fluids, and protect wounds from contamination.

2. Recommended classification: Class II (performance standards). The Panels recommend that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that nonabsorbable gauze for internal use be classified into class II (performance standards) because the Panel believes that the materials used in the device must be controlled to ensure that the devices shed as little particulate matter (lint) as possible and that x-ray detectable gauzes be of sufficient size and radiopacity. The Panel noted the existence of United States Pharmacopoeia (USP) performance standards for gauzes. The Neurological Device Classification Panel recommends that nonabsorbable gauze for internal use be classified into class II because it comes into direct contact with, and may contaminate, the surgical wound or produce an adverse tissue reaction. The Panels believe the materials should meet a generally accepted satisfactory level of tissue compatibility and thus minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls would not provide sufficient control over these characteristics.The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device. Additionally, the General and Plastic Surgery Device Classification Panel reviewed literature compiled by a Panel member (Refs. *127* through *130*).

5. Risks to health: (a) Foreign body reaction: Particles of the materials used in the device may be deposited in the surgical wound and cause a granulomatous foreign body reaction. (b) Allergic or toxic reaction: The material in the gauze may cause an allergic or toxic reaction.

FDA agrees with the Panels' recommendations and is proposing that nonabsorbable gauze for internal use be reclassified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health, such as particulate matter contamination and inadequate radiopacity, presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 520(l)(1) of the Federal Food, Drug, and Cosmetic Act, which sets forth the transitional provisions of the Medical Device Amendments of 1976 (21 U.S.C. 360j(l)(1)), classified surgical cones and dressings other than absorbable hemostatic devices and dressings, into class III (premarket approval). In a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), however, FDA announced that it would not require such surgical cones and dressings to comply with, or continue to comply with, premarket approval. See the **Federal Register** of December 16, 1977 (42 FR 63472–63473) and the discussion in this preamble under the heading "General and Plastic Surgery Devices Formerly Considered New Drugs." Devices first intended for marketing since the amendments that are not substantially equivalent to any preamendments device, or to a postamendments device that has been reclassified, are in class III under section 513(f) of the act (21 U.S.C. 360c(f)). Because the device category, surgical cones and dressings other than absorbable hemostatic devices and dressings, includes nonabsorbable gauze for internal use, this device has been classified by statute into class III, although FDA has not since the

December 16, 1977 notice required compliance with premarket approval requirements. This proposed regulation would reclassify nonabsorbable gauze for internal use from class III into class II (performance standards) because FDA believes that premarket approval of the device is unneccessary. FDA specifically invites comments on the adequacy of the identification of the device that would be reclassified.

The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel for nonabsorbable gauze for internal use and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4460; Docket No. 78N–2682; Surgeon's glove.

The General and Plastic Surgery Device Classification Panel and the General Hospital and Personal Use Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgeon's gloves:

1. Identification: A surgeon's glove is a device made of a rubber polymer compound that is intended to be worn by operating room personnel and is used to protect the surgical wound from contamination and cross-infection.

2. Recommended classification: Class II (performance standards). The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a medium priority. The General Hospital and Personal Use Device Classification Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panels recommend that surgeon's gloves be classified into class II (performance standards) because the Panels believe that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The General and Plastic Surgery Device Classification Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and on an article by Dr. William C. Beck (Ref. *131*), which refers to the standards for surgical gloves developed by the American Society for Testing and Materials (Ref. *132*). Both Panels emphasized the need for a flexible standard that recognizes the variety of glove types and, at the same time, establishes basic levels of glove safety and efficacy.

5. Risks to health: Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result.

FDA agrees with the recommendations of both Panels and is proposing that surgeon's gloves be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and of the General Hospital and Personal Use Device Classification Panel for surgeon's gloves, and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery.

Section 878.4470; Docket No. 78N–2683; Surgeon's gloving cream.

The General and Plastic Surgery Device Classification Panel an FDA advisory committee, made the following recommendation regarding the classification of surgeon's gloving cream:

1. Identification: Surgeon's gloving cream is an ointment intended to lubricate the user's hands before putting on surgeon's gloves.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that surgeon's gloving cream be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that surgeon's gloving cream be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4580; Docket No. 78N–2686; Surgical lamp.

The General and Plastic Surgery Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Neurological Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical lamps:

1. Identification: A surgical lamp (including a fixture) is a device that is intended to provide visible illumination for the surgical field or for examination of the patient.

2. Recommended classification: Both the General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel recommend that the device be classified into class I (general controls) and that there be no exemptions. The General Hospital and Personal Use Device Classification Panel recommends that the device be classified into class II and that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel recommend that surgical lamps and lamp fixtures be classified into class I because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The General Hospital and Personal Use Device Classification Panel recommends that surgical lamps and lamp fixtures be classified into class II (performance standards) because the Panel believes the electrical properties of the device must be controlled through an electrical safety standard and that a standard is needed to control the spectrum emitted by the device to reduce the risk of tissue dessication (drying). The Panel also believes a standard is necessary to assure that the mounting mechanism for the device is of sufficient strength to prevent the device from falling, and that the lenses and diffusers are made of nonbreakable materials or are protected by a safety system. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The General Hospital and Personal Use Device Classification Panel identified the following risks to health: (a) Electrical shock: Improper device design and construction or device malfunction could result in electrical shock. (b) Tissue dessication (drying): If the operating room lamp contains a high concentration of light in the infrared region of the spectrum, patient tissue dessication may result. (c) Traumatic injury: The supporting and mounting mechanisms for this device should be of sufficient strength to prevent the device from falling and injuring the patient or operating room personnel. (d) Cuts due to falling glass: Bulbs, lenses, and diffusers could break and

cause cuts to patients and operating room personnel. The General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel identified no risks to health.

FDA agrees with the recommendation of the General Hospital and Personal Use Device Classification Panel and is proposing that surgical lamps and lamp fixtures be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device to limit potentially hazardous ultraviolet radiation (types A, B, and C), particularly from xenon lamps, xenon-mercury lamps, and high-intensity discharge (HID) mercury lamps, and from more intense sources where such radiation is unnecessary for illumination and is potentially hazardous. The agency also believes that a performance standard is necessary to ensure electrical safety. The agency disagrees with the recommendations of the General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel recommendations that surgical lamps be classified into class I (general controls) because the agency believes that general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel, the Neurological Device Classification Panel, and the General Hospital and Personal Use Device Classification Panel for surgical lamps and has concluded that classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4630; Docket No. 78N–2687; Dermatologic ultraviolet lamp.

The General and Plastic Surgery Device Classification Panel and the Physical Medicine Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of dermatologic ultraviolet lamps:

1. Identification: A dermatologic ultraviolet lamp is a device (including a fixture) that provides ultraviolet radiation that is intended primarily for the treatment of dermatologic disorders or for tanning.

2. Recommended classification: Class II (performance standards). The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a low priority. The Physical Medicine Device Classification Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panels recommend that dermatologic ultraviolet lamps be classified into class II (performance standards) because the Panels believe that the electrical and optical properties of the device must be controlled to prevent electrical shock, overexposure because of timer malfunction and burns to eyes and skin. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. In addition, the Physical Medicine Device Classification Panel recommends that the device should be sold only by prescription.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Burns to skin and eyes: Improper shielding of eyes or overexposure of ultraviolet radiation to skin may result in burns. Also, excessive ultraviolet and infrared radiation from this device can be harmful to the eyes and skin. (b) Aging of skin: Excessive exposure to ultraviolet radiation may result in accelerated aging of the skin. (c) Skin cancer: Excessive irradiation of the skin with ultraviolet lamps is correlated with increased incidence of skin cancer. (d) Photosensitivity: Exposure of patients with photosensitive skin to ultraviolet light may induce photosensitivity reactions.

FDA agrees with the Panels' recommendations and is proposing that dermatologic ultraviolet lamps be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Under the Radiation Control for Health and Safety Act (42 U.S.C. 263b–n), FDA has issued a performance standard for sunlamp products in § 1040.20 (21 CFR 1040.20). This standard addresses certain of the risks to health described above.

The agency notes that this device is occasionally used in the treatment of conditions for which the value of ultraviolet irradiation is unsubstantiated. These uses, such as for treatment of bronchial asthma or tuberculosis, are probably rooted deeply in the evolution and history of medicine rather than in experimental and objective demonstration of the effectiveness of ultraviolet irradiation for these conditions. In this context, the agency urges caution and believes that proper labeling of this device should be required.

FDA has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Physical Medicine Device Classification Panel for dermatologic ultraviolet lamps and has concluded that the classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4650; Docket No. 78N–2688; Aorto-saphenous vein ostia marker.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of aorto-saphenous vein ostia markers:

1. Identification: An aorto-saphenous vein ostia marker is an implanted stainless steel ring that is intended to mark the anastomosis (point of surgical connection) of the aorta and the coronary bypass saphenous vein graft to allow radiologic identifcation of or catheterization of the bypass vein graft.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that aorta-saphenous vein ostia markers be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on an article describing the use of radiographic markers in 100 patients with no complications (Ref. *133*).

5. Risks to health: Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result.

FDA agrees with the Panel's recommendation and is proposing that aorta-saphenous vein ostia markers be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the historical acceptance of surgical stainless steel as a safe implant material in a wide range of surgical procedures, especially orthopedic procedures. In support of this view, the agency notes the article by Harth (Ref. *134*), which cites the common use of type 316 stainless steel and other stainless steel alloys in orthopedic devices. The agency believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 878.4660; Docket No. 78N–2689; Skin marker.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of skin markers:

1. Identification: A skin marker is a pen-like device intended to write on the patient's skin for the purpose of outlining surgical incision sites or marking anatomical sites for accurate blood pressure measurement.
2. Recommended classification Class I (general controls). The Panel recommends that there be no exemptions.
3. Summary of reasons for recommendation: The Panel recommends that skin markers be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls.
4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.
5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that skin markers be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4680; Docket No. 78N–2690; Nonpowered, single patient, portable suction apparatus.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of nonpowered, single patient, portable suction apparatus:

1. Identification: A nonpowered, single patient, portable suction apparatus is a device that consists of a manually operated plastic, disposable evacuation system that is intended to provide a vaccum used for suction drainage of surgical wounds.
2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.
3. Summary of reasons for recommendation: The Panel recommends that nonpowered, single patient, portable suction apparatus be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls.
4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.
5. Risks to health: None identified.

FDA agrees with the Panel's recommendation and is proposing that nonpowered, single patient, portable suction apparatus be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4700; Docket No. 78N–2691; Surgical Micropscope and accessories.

The General and Plastic Surgery Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, the Neurological Device Classification Panel, and the Ophthalmic Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical microscopes and accessories:

1. Identification: A surgical miscroscope and accessories is an AC-powered device intended for use during surgery to provide a magnified view of the surgical field.
2. Recommeded classification: The General and Plastic Surgery Device Classification Panel recommends that surgical misroscopes be classified into class I (general controls). The Panel recommends that there be no exemptions. The Neurological Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, and the Ophthalmic Device Classification Panel recommend that surgical microscopes be classified into class II (performance standards). The Panels recommend that establishing a performance standard for this device be a low priority.
3. Summary of reasons for recommendation: The Neurological Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, and the Ophthalmic Device Classification Panel recommend that surgical microscopes and accessories be classified into class II (performance standards) because the Panels believe that standards must be applied to the electrical and mechanical design and operating performance of this device to ensure patient and operator safety. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The General and Plastic Surgery Device Classification Panel recommends that surgical microscopes and accessories be classified into class I (general controls) because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.
4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.
5. Risks to health: The General and Plastic Surgery Device Classification Panel identified no risks to health. The Neurological Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, and the Ophthalmic Device Classification Panel identified the following risk to health: (a) Electrical shock: Excessive leakage current or a malfunction of the device could result in electrical shock to the operator. The Neurological Device Classification Panel identified the following additional risk to health: (b) Burns: Excessively heated areas on the device may result in operator injury. Also, excessive heating of the operating field may result in tissue destruction by dehydration. The Ophthalmic Device Classification Panel identified the folllowing additional risk to health: (c) Traumatic injury: If the device accidentally falls, the patient could be injured.

FDA agrees with the recommendations of the Neurological Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, and the Ophthalmic Device Classification Panel and is proposing that surgical microscopes and accessories be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device to control the hazard of electrical shock. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. FDA disagrees with the General and Plastic Surgery Device Classification Panel's

recommendation that surgical microscopes and accessories be classified into class I (general controls). The agency believes that general controls are insufficient to control the risks to health presented by the device. The agency has reviewed the Panels' recommendations for surgical microscopes and accessories and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4730; Docket No. 78N–2692; Surgical skin degreaser or adhesive tape solvent.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of surgical skin degreasers and adhesive tape solvents:

1. Identification: A surgical skin degreaser or an adhesive tape solvent is a device that consists of 1,1,2-trichloro-1,2,2-trifluoroethane and that is intended for use as a solvent for surface skin oil or as a solvent for adhesive tape.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that surgical skin degreasers and adhesive tape solvents be classified into class II (performance standards) because the Panel believes that actue and chronic toxicity may result from excessive inhalation of high concentrations of the chemical. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel believes that proper labeling should note the hazards of chronic skin contact, of acute or chronic toxicity when used in large amounts, and of use in improperly ventilated rooms.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and on a review of the literature submitted by the Miller-Stephenson Chemical Company, Inc. (Refs. *135*, *136*, and *137*).

5. Risks to health: (a) Allergic or toxic reaction: Materials used in the device may cause an allergic or toxic reaction. (b) Ventricular fibrillation (rapid arrhythmic contractions of the heart muscle): Taken internally, this device may cause ventricular fibrillation. (c) Eye irritation: If this device contacts the eye, eye irritation may result. (d) Tissue damage: Prolonged exposure at high concentration levels may damage some internal organs such as the liver and kidneys.

FDA disagrees with the Panel's recommendation and is proposing that surgical skin degreasers or adhesive tape solvents be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency agrees with the Panel that proper labeling of this device should be required.

Section 878.4750; Docket No. 78N–2693; Implantable staple.

The General and Plastic Surgery Device Classification Panel and the Gastroenterology and Urology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of implantable staples:

1. Identification: An implantable staple is an implanted stainless steel or tantalum staple-like device intended to connect internal tissues to aid healing.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that this device be classified into class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority. The Gastroenterology and Urology Device Classification Panel recommends that the device be classified into class III (premarket approval) if intended for urological applications. The Panel recommends that premarket approval be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that implantable staples be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device should meet a generally accepted satisfactory level of tissue compatibility to reduce the risk of rejection by the body and to minimize any potential for long-term adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information available to establish a performance standard. The Panel believes that complications of tissue necrosis (destruction) and failure to maintain the connection between tissues are usually due to errors in surgical technique (staples improperly spaced or improperly applied).

The Gastroenterology and Urology Device Classification Panel recommends that implantable staples for urological uses be classified into class III because of the known undesirable effects of the device in certain of these uses. The Panel was concerned that when used in making ileal conduits, the staples may cause the formation of urinary calculi. The Panel believes that premarket approval is necessary to assure the safety and effectiveness of this device. The Panel also believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that sufficient information does not exist to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The General and Plastic Surgery Device Classification Panel identified the following risks to health: (a) Tissue necrosis (destruction): Excessive pressure from the device may cause tissue destruction. (b) Leakage: Leakage of body fluids, due to failure of the device to maintain the connection between tissues, may result in complications, such as infection or hemorrhage. The Gastroenterology and Urology Device Classification Panel identified the following risk to health: (c) Formation of calculi (abnormal deposits in the body, usually composed of mineral salts): Calculi may form when the staples are exposed to urine as may occur in certain urinary diversion surgical techniques.

FDA agrees with the recommendation of the General and Plastic Surgery Device Classification Panel and is proposing that implantable staples be classified into class II (performance standards). The agency disagrees with the recommendation of the Gastroenterology and Urology Device Classification Panel that the device be classified into class III (premarket approval) for urological applications. Although the agency understands the concern of the Gastroenterology and Urology Device Classification Panel over potential complications when implanted staples are exposed to urine in certain urological surgical uses, the agency concludes that the risks of implantable staples for these uses can be reduced adequately by appropriate warning labeling against use of the device where it may be exposed to urine. Although the device is an implant, the agency believes that premarket approval is not necessary because the agency believes that standards for the device materials would be sufficient to assure the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency also believes that there is sufficient information available to establish a performance standard for this device. The agency has reviewed articles in the literature in which Kahn (Ref. *138*) and Mallina et al. (Ref. *139*)

cite the generally recognized safe use of stainless steel and tantalum surgical staples. Albert indicates that stapling devices marketed in the United States have been sufficiently perfected so as to substantially assist surgery of the gastrointestinal tract (Ref. *140*). Albert also describes two generally well-recognized advantages of surgical stapling devices, reduced operating time and reduced blood flow from the surgical site as compared with suturing by hand. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and of the Gastroenterology and Urology Device Classification Panel for implantable staples, and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4760; Docket No. 78N-2694; Removable skin staple.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of removable skin staples:

1. Identification: A removable skin staple is a device intended to temporarily connect external tissues to aid healing.
2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.
3. Summary of reasons for recommendation: The Panel recommends that removable skin staples be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel does not believe that this device requires performance standards to control the identified risks to health. The materials used in the device are generally acceptable and need be subject only to general controls.
4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and its history of safe and effective clinical use.
5. Risks to health: (a) Tissue necrosis (destruction): Excessive pressure from the device may cause tissue destruction. (b) Leakage: Leakage of body fluids, due to failure of the device to maintain the connection between tissues, may result in complications, such as infection. (c) Migration of tissue: Failure of the staples to hold the tissue adequately may lead to migration of tissue.

FDA agrees with the Panel's recommendation and is proposing that removable skin staples be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 878.4780; Docket No. 78N-2695; Powered suction pump.

The General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of powered suction pumps:

1. Identification: A powered suction pump is a portable, AC-powered device that includes a bacterial filter to remove contaminants from the discharged air and that is intended to remove infectious material or fluids from the body either at the patient's bedside, as a wound drainage suction pump, or in the operating room, as a breathing system suction pump.
2. Recommended classification: Class II (performance standards). The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a high priority. The Anesthesiology Device Classification Panel recommends that establishing a performance standard for this device be a low priority.
3. Summary of reasons for recommendation: The Panels recommend that powered suction pumps be classified into class II (performance standards) because the Panels believe that the bacterial filters used in the device are frequently ineffective. The Panels emphasized that instructions on the use of the filters, especially the frequency of their replacement, should be included in the device's labeling. The Anesthesiology Device Classification Panel believes that the amount of negative pressure generated by the device must be controlled to make sure that excessive negative pressure does not cause trauma to the patient's tissues, yet sufficient negative pressure be generated to be effective. That Panel noted the development of standards for this device by both the Z-79 committee of the American National Standard institute and by the British Standard Institute (BS 4199). Both Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.
4. Summary of data on which the recommendation is based: The Panels based their recommendation on the members' personal knowledge of, and clinical experience with, the device. The General and Plastic Surgery Device Classification Panel also based its recommendation on unpublished data from hospital tests in an intensive care unit; these data showed that inefficient or overused filters can result in the escape of bacteria into the air from the pump during the suctioning of fluids from the site of infection. The members of that Panel were particularly concerned about this hazard of airborne bacterial contamination caused by inefficient or overused filters.
5. Risks to health: (a) Airborne bacterial contamination: Inefficient or overused bacterial filters may result in contamination of other patients and hospital personnel by airborne bacteria. (b) Trauma to tissues: Excessive negative pressure caused by vacuum regulator malfunction, or lack of a regulator, may cause trauma to the patient's tissues.

FDA agrees with the recommendations of both Panels and is proposing that powered suction pumps be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

FDA has reviewed the recommendations of both the General and Plastic Surgery Device Classification Panel and the Anesthesiology Device Classification Panel for powered suction pumps and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4800; Docket No. 78N-2696; Manual surgical intrument for general use.

The General and Plastic Surgery Device Classification Panel, the Cardiovascular Device Classification Panel, the Dental Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, the Gastroenterology and Urology Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, the Neurology Device Classification Panel, the Obstetrical-Gynecological Device Classification Panel, and the Orthopedic Device Classification Panel, made the following recommendations regarding the classification of manual surgical instruments for general use:

1. Identification: A manual surgical instrument for general use is a nonpowered, hand-held, or hand-manipulated device, either reusable or disposable, intended for use in various geneal surgical procedures. Surgical intruments that have specialized uses in specific medical specialty areas are classified in separate regulations published in the part of this subchapter for devices used by that medical specialty. Manual surgical instruments for general use may include: An applicator, a clip applier, a biopsy brush, a manual dermabrasion brush, a scrub brush, a cannula, a ligature carrier, a chisel, a clamp, a contractor, a curette, a cutter, a dissector, an elevator, a skin graft expander, a file, forceps, a gouge, an instrument guide, a needle guide, a hammer, a hemostat, an amputation hook, a ligature passing and knot-

tying instrument, a knife, a blood lancet, a mallet, a disposable or reusable aspiration and injection needle, a disposable or reusable suturing needle, an osteotome, pliers, a rasp, a retainer, a retractor, a saw, a scalpel, a blade, a scapel handle, a one-piece scapel, a snare, a spatula, a stapler, a disposable or reusable stripper, a stylet, measuring tape, and calipers.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel and the Orthopedic Device Classification Panel recommend that manual surgical instruments for general use be classified into class I (general controls). The Panels recommend that there be no exemptions. The Gastroenterology and Urology Device Classification Panel recommends that the cannula be classified into class I and that the needle be classified into class II. The Obstetrical-Gynecological Device Classification Panel recommends that the cerclage needle be classified into class II. The Cardiovascular Device Classification Panel recommends that the biopsy needle be classified into class II with low priority. The Dental Device Classification Panel recommends that the surgical knife be classified into class I. The Neurology Device Classification Panel recommends that the manual saw, the ligature passing and knot-tying instrument, the retractor, and the hemostatic clip applier be classified into class I. The General Hospital and Personal Use Device Classification Panel recommends that the blood lancet be classified into class I. The Ear, Nose, and Throat Device Classification Panel recommends that the ear, nose and throat speculum be classified into class I and that the mastoid chisel, the ear cannula, the ear speculum holder, the elevator retractor, the cannula, the tonsil dissector, the tonsil suturing needle, the nasal chisel, and the nasal gouge be classified into class II with low priority.

3. Summary of reasons for recommendation: In those cases in which the Panels recommend that manual surgical instruments for general use be classified into class I, the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of those devices. These devices have been in common use in medical practice for many years in a variety of surgical procedures. Several Panels (listed above) recommend that certain manual surgical instruments which are identified above be classified into class II because the Panels believe that the design of these devices must be controlled to prevent tissue trauma, and that the materials used in these devices should meet a generally accepted satisfactory level of tissue compatibility. The Panels believe that general controls alone would not provide sufficient control over the performance characteristics of these devices. The Panels believe that a performance standard will provide reasonable assurance of the safety and effectiveness of these devices and that there is sufficient information available to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, these devices and their history of safe and effective clinical use.

5. Risks to health: (a) Tissue trauma: Poor manufacturing resulting in dullness, snags, burs, brittleness, or breakage of the devices may cause trauma to tissue. (b) Adverse tissue reaction: The materials used in the device, or particles or fragments falling off of the device, may cause an adverse tissue reaction in the patient.

FDA agrees with the recommendations of the General and Plastic Surgery Device Classification Panel and the Orthopedic Device Classification Panel and is proposing that manual surgical instruments for general use by classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The agency disagrees with the recommendations of the other Panels listed above that certain manual surgical instruments for general use be classified into class II (performance standards). The agency has noted that the Panels' concerns regarding these devices fall into three categories: Manufacturing quality control (which is addressed by FDA's good manufacturing practice regulation for medical devices), design deficiencies, and the safety (inertness) of the materials used in the devices. However, the agency believes that the skill of the user is, by far, the initial factor in the safe and effective use of these devices and that a performance standard governing design and materials would not significantly increase their safety and effectiveness.

The agency has reviewed the Panels' recommendations for manual surgical instruments for general use and has concluded that the classification of these devices should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4810; Docket No. 78N–2697; Laser surgical instrument for use in general and plastic surgery and in dermatology.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of laser surgical instruments for use in general and plastic surgery and in dermatology:

1. Identification: A laser surgical instrument for use in general and plastic surgery and in dermatology is a carbon dioxide or argon gas laser device that is intended to cut, destroy, or remove tissue by light energy.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that laser surgical instruments for use in general and plastic surgery and dermatology be classified into class II (performance standards) because these devices are complex in design and the Panel believes that a performance standard is necessary to control the hazards accompanying the use of these devices, including retinal burns to the operator. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the devices, and on a presentation by Leon Goldman, M.D., Director, Laser laboratory, University of Cincinnati Medical Center, on the medical uses of lasers (Ref. 141). Dr. Goldman indicated that there has been no evidence of carcinogenicity in humans associated with the use of lasers in over 10 years of experience. This conclusion is further supported experimentally by in vitro tests and in vivo tests in animals.

5. Risks to health: Retinal burns: Unintentional exposure of the human eye to laser radiation may cause the retina of the patient or operator to be burned and the damage to be irreversible.

FDA agrees with the Panel's recommendation and is proposing that laser surgical instruments for use in general and plastic surgery and in dermatology be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by the devices. The agency notes that the Bureau of Radiological Health of the Food and Drug Administration has developed a safety performance standard under authority of the Radiation Control for Health and Safety Act of 1968 (21 CFR Part 1040) and that this performance standard is applicable to medical laser (Ref. 142). Although the retinal burn hazard from laser radiations being contolled by this performance standard, retinal burns can occur if the device is not used properly. Electrical safety standards are needed to control the hazard of electrical shock to the patient or operator. The present performance standard, supplemented by an electrical safety standard, would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish the latter standard for this device.

The agency notes that clinical literature describing the use of lasers raises the concern that tumor cells may be spread to adjacent tissues by the force of impact of a pulsed laser beam. This effect was described by Hoye, Ketcham, and Riggle (Ref. *143*). Airborne tumor cells, recovered from laser treated mice, were placed in the open axilla of the tested mice, resulting in a 65 percent increase of new tumor growth. These researchers believe that tumor cells may be forced into blood vessels and lymphatics by the laser treatment of such lesions, thereby increasing the probability of metastasis. The agency invites comment on this aspect of laser safety.

Section 878.4820; Docket No. 78N–2698; AC-powered, battery-powered, and pneumatically-powered surgical instrument motors and accessories/attachments.

The General and Plastic Surgery Device Classification Panel, the Cardiovascular Device Classification Panel, the Ophthalmic Device Classification Panel, the Orthopedic Device Classification Panel, and the Neurological Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of AC-powered, battery-powered, and pneumatically-powered surgical instrument motors and their accessories/attachments:

1. Identification: AC-powered, battery-powered, and pneumatically-powered surgical instrument motors are devices intended for use in surgical procedures to provide power to operate the devices' various accessories or attachments to cut hard or soft tissue or bone. The accessories and attachments may include the bur, chisel (osteotome), dermabrasion brush, dermatome, drill bit, hammerhead, pin driver, and saw blade.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel, the Cardiovascular Device Classification Panel, the Ophthalmic Device Classification Panel and the Orthopedic Device Classification Panel recommend that the AC-powered surgical instrument motor be classified into class II (performance standards). The General and Plastic Surgery Device Classification Panel and the Cardiovascular Device Classification Panel recommend that establishing a performance standard for the AC-powered surgical instrument motor be a medium priority. The Orthopedic Device Classification Panel recommends that establishing a performance standard for this device be a low priority. The Ophthalmic Device Classification Panel recommends that the battery-powered surgical instrument motor be classified into class I (general controls) and that there be no exemptions.

The General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel recommend that the pneumatically-powered surgical instrument motor be classified into class II. The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a medium priority, and the Neurological Device Classification Panel recommends that establishing a performance standard for this device be a low priority. The Ophthalmic Device Classification Panel, the Cardiovascular Device Classification Panel, and the Orthopedic Device Classification Panel recommend that this device be classified into class I (general controls) with no exemptions.

The General and Plastic Surgery Device Classification Panel recommends that the following accessories/attachments for powered surgical instrument motors be classified into class I (general controls): Chisels (osteotomes), hammerheads, pin drivers, and saw blades. The Panel recommends that there be no exemptions. The General and Plastic Surgery Device Classification Panel also recommends that the following accessories/attachments for powered surgical instrument motors be classified into class II: burs, dermabrasion brushes, dermatomes, and drill bits. The Panel recommends that establishing a performance standard for these devices be a low priority. The Cardiovascular Device Classification Panel recommends that saw blade accessories/attachments for powered surgical instrument motors be classified into class II. The Panel recommends that establishing a performance standard for these devices be a low priority. The Orthopedic Device Classification Panel recommends that pneumatic-powered orthopedic surgical instrument accessories/attachments be classified into class I (general controls) and that there be no exemptions. The Neurological Device Classification Panel recommends that powered surgical saws and accessories be classified into class II and that establishing a performance standard for these devices be a low priority.

3. Summary reasons for recommendation: The General and Plastic Surgery Device Classification Panel, the Cardiovascular Device Classification Panel, the Ophthalmic Device Classification Panel, and the Orthopedic Device Classification Panel recommend that AC-powered surgical instrument motors be classified into class II (performance standards) because the Panels believe that a performance standard is necessary to control the electrical properties of the device to ensure electrical safety. The Panels believe that general controls would not provide sufficient control over these characteristics. The four Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Ophthalmic Device Classification Panel recommends that battery-powered surgical instrument motors be classified into class I (general controls) because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

The General and Plastic Surgery Device Classification Panel and the Neurological Device Classification Panel recommend that pneumatically-powered surgical instrument motors be classified into class II because the Panels believe that the design and performance characteristics of the device must be controlled by a standard to prevent explosion, thermal injury, or gas embolism. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

The Ophthalmic Device Classification Panel and the Cardiovascular Device Classification Panel recommend that pneumatically-powered surgical instrument motors be classified into class I because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

The Orthopedic Device Classification Panel recommends that pneumatically-powered orthopedic surgical instrument motors and accessories/attachments be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and the effectiveness of the device. The Orthopedic Device Classification Panel also recommends that the device's labeling specify the torque produced by the devices at various gas pressures.

The General and Plastic Surgery Device Classification Panel recommends that chisels (osteotomes), hammerheads, pin drivers, and saw blades used as accessories/attachments for powered surgical instrument motors be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of these devices. The materials used in the devices are generally acceptable and need be subject only to general controls.

The General and Plastic Surgery Device Classification Panel recommends that burs, dermabrasion brushes, dermatomes, and drill bits used as accessories/attachments for powered surgical instrument motors be classified into class II because the Panel believes that the physical and material properties of these devices must be controlled to ensure that a malfunction, such as loss of sharpness or strength, intolerance to torque, or overheating, does not occur. The Panel believes that general controls alone would not provide sufficient control over the performance characteristics of these devices. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information available to establish a performance standard. The Cardiovascular Device Classification Panel recommends that saw blades used as accessories/attachments for powered surgical instrument motors be classified into class II because the Panel believes that the materials used in the device must have the mechanical strength to withstand the forces applied to the device during use. The Neurological Device Classification Panel recommends that

accessories for pneumatically-powered instruments be classified into class II in order to control the hazard to health of exhaust gas exiting near the operating site, which could result in gas embolism. The Neurological Device Classification Panel believes that general controls alone would not provide sufficient control over the performance characteristics of the accessories to the devices. The Panel believes that a performance standard would provide reasonable assurance of their safety and effectiveness and that there is sufficient information available to establish a performance standard.

4. Summary of data on which the recommendation is based: The five Panels based their recommendations on their members' personal knowledge of, and clinical experience with, the devices.

5. Risks to health: The General and Plastic Surgery Device Classification Panel, the Cardiovascular Device Classification Panel, the Ophthalmic Device Classification Panel, and the Orthopedic Device Classification Panel identified the following risk to health for AC-powered surgical instrument motors: (a) Electrical injury: Improper electrical design of the device may cause electrical injury to the patient or user. The Cardiovascular Device Classification Panel identified the following additional risk to health: (b) Cardiac arrhythmia: Cardiac arrhythmia may result from patient exposure to electrical leakage current from the device. The Ophthalmic Device Classification Panel identified no risks to health for battery-powered surgical instrument motors. The Orthopedic Device Classification Panel identified the following additional risk to health for AC-powered surgical instrument motors: (c) Explosion: Electrical arcing from the AC-powered devices in an atmosphere containing explosive anesthesia gases could result in an explosion. The General and Plastic Surgery Device Classification Panel and the Orthopedic Device Classification Panel identified the following risk to health for pneumatically-powered surgical instrument motors: (d) Explosion: Inadequate stress tolerance of tubing, gauges, and connectors, deficiencies in pressurized gas tanks and valves, or inaccurate pressure gauges and regulators may result in hazardous operation or explosion. The General and Plastic Surgery Device Classification Panel identified the following additional risk to health for pneumatically-powered surgical instrument motors: (e) Thermal injury: Excessive heat generated in the tissue-cutting process from improperly designed or constructed devices may cause injury to adjacent tissues. The Neurological Device Classification Panel and the Orthopedic Device Classification Panel identified the following additional risk to health for pneumatically-powered surgical instrument motors: (f) Gas embolism: Exit of exhaust gas near the operating site may result in gas embolism. The Ophthalmic Device Classification Panel and the Cardiovascular Device Classification Panel identified no risks to health for the pneumatically-powered surgical instrument motor.

The General and Plastic Surgery Device Classification Panel identified no risks to health for the following accessories/attachments for powered surgical instrument motors: Chisels (osteotomes), hammerheads, pin drivers, and saw blades. The General and Plastic Surgery Device Classification Panel identified the following risks to health for the following accessories/attachments for powered surgical instrument motors: Burs, dermabrasion brushes, dermatomes, and drill bits; and the Cardiovascular Device Classification Panel identified the same risks to health for saw blades used as accessories/attachments for powered surgical instrument motors: (f) Tissue damage: Distintegration of these powered device attachments during an operation may increase the zone of tissue destruction in the patient. (g) Injury to patient or operator: Breakage or fragmentation of these powered device accessories during use in surgery could cause injury to the patient or the operator.

FDA has considered the recommendations of the five Panels and is proposing that the generic type of device, the AC-powered, battery-powered, and pneumatically-powered surgical instrument motors and their accessories/attachments, be classified into class II (performance standards). The agency believes that the various powered surgical instrument motors and their accessories/attachments that are subject to various recommendations by the five Panels are essentially included in the same generic type of device and present essentially the same risks to health. FDA believes that performance standards are necessary for these devices and their accessories/attachments because general controls alone are insufficient to control the risks to health presented by the devices. FDA believes that the risks to health from use of a powered device and its accessories/attachments, such as tissue damage from disintegration of an accessory or attachment during surgery, may increase the zone of tissue destruction in the patient and that the breakage of the accessory or attachment could cause injury to the patient or the operator. FDA believes that electrical, structural, and performance standards would provide reasonable assurance of the safety and effectiveness of the devices and their accessories/attachments. The agency also believes that there is sufficient information to establish performance standards for these devices and their accessories/attachments.

FDA disagrees with the recommendation of the Ophthalmic Device Classification Panel that battery-powered surgical instrument motors be classified into class I (general controls) and is proposing that the battery-powered device be classified into class II. The agency also disagrees with the recommendations of the Ophthalmic Device Classification Panel, the Cardiovascular Device Classification Panel, and the Orthopedic Device Classification Panel that pneumatically-powered surgical instrument motors be classified into class I (general controls) and is proposing that the pneumatically-powered device be classified into class II. The agency also disagrees with the recommendation of the General and Plastic Surgery Device Classification Panel that chisels (osteotomes), hammerheads, pin drivers, and saw blades be classified into class I, and the recommendation of the Orthopedic Device Classification Panel that pneumatic-powered orthopedic surgical instrument accessories/attachments be classified into class I. For the reasons stated above, the agency believes that a performance standard is necessary for all three types of powered surgical instrument motors and their accessories/attachments because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

The agency has reviewed the recommendations of the five Panels and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4930; Docket No. 78N-2703; Suture retention device.

The General and Plastic Surgery Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of suture retention devices:

1. Identification: A suture retention device is a device, such as a retention bridge, a surgical button, or a suture bolster, that is intended to aid the wound healing process by distributing suture tension over a larger area in the patient.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from registration, device listing, and premarket notification under section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and exempt from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that suture retention devices be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The materials used in the device are generally acceptable and need be subject only to general controls. The Panel

recommends that the manufacturer be exempt from registration, device listing, premarket notification, and records and reports requirements because adherence to these regulations would not improve the safety and effectiveness of the device and because suture retention devices have been used in clinical practice for many years with no apparent problems.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device and its history of safe and effective clinical use.

5. Risks to health: None identified.

Proposed Classification

FDA agrees with the Panel's recommendation and is proposing that suture retention devices be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA disagrees with the Panel's recommendation that manufacturers of suture retention devices be exempt from all requirements under section 510 of the act (21 U.S.C. 360). Under section 510(g)(4), the agency may exempt a manufacturer from section 510 only upon a finding that compliance with this section is not necessary for the protection of the public health. In the case of suture retention devices, the agency cannot make the required finding. FDA also disagrees with the Panel's recommendation that manufacturers of suture retention devices be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i.). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 878.4950; Docket No. 78N–2704; Manual operating table and accessories and manual operating chair and accessories.

The General and Plastic Surgery Device Classification Panel, the Orthopedic Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Anesthesiology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of manual operating tables and accessories and manual operating chairs and accessories:

1. Identification: A manual operating table and accessories and a manual operating chair and accessories are nonpowered devices, usually with movable components, intended for use in diagnostic examinations or surgical procedures in order to support the patient.

2. Recommended classification: The Panels recommend that the device be classified into class I (general controls). The Panels recommend no exemptions. The Anesthesiology Device Classification Panel recommends that conductive patient restraints, an accessory of the table or chair, be classified into class II (performance standards). That Panel recommends that establishing a performance standard for the conductive patient restraints be a low priority.

3. Summary of reasons for recommendation: The Panels recommend that manual operating tables and accessories and manual operating chairs and accessories be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The materials used in the devices are generally acceptable and need be subject only to general controls. The Anesthesiology Device Classification Panel recommends that conductive patient restraints, an accessory of the table or chair, be classified into class II because that Panel believes that the design of the device and materials used in the restraints must be controlled to assure adequate restraint capability to prevent patient injury resulting from falling or from hitting extremities on the operating table. When the restraints are used in the presence of flammable anesthetic gases, the Panel recommends that conductive material should be used in their construction to prevent fire or explosion from a build-up of static electricity. The Panel believes that general controls alone would not provide sufficient control over the performance characteristics of the restraints. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the restraints and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the devices.

5. Risks to health: The General and Plastic Surgery Device Classification Panel, the Orthopedic Device Classification Panel, and the General Hospital and Personal Use Device Classification Panel identified no risks to health presented by these devices. The Anesthesiology Device Classification Panel identified the following risks to health with respect to conductive patient restraints, an accessory to the table or chair: (a) Patient injury: If the restraint capabilities of the device are inadequate, the patient may fall or injure extremities on the operating table. (b) Failure of electrical conductivity: An accumulation of static electricity, due to a failure of electrical conductivity of the device, may result in injury to the patient or in an explosion in the presence of flammable gases.

FDA agrees with the recommendations of the General and Plastic Surgery Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Orthopedic Device Classification Panel and is proposing that manual operating tables and accessories and manual operating chairs and accessories be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. FDA disagrees with the Anesthesiology Device Classification Panel's recommendation and is proposing that conductive patient restraints, an accessory of the table or chair, be classified into class I, with no exemptions. Because users are familiar with these simple devices and have used them successfully for many years without significant problems, the agency believes that a performance standard is unnecessary. The agency believes that general controls, including appropriate labeling regarding the conductivity or nonconductivity of the device and warnings against use of the nonconductive device in the presence of flammable anesthetic agents, are sufficient to control the risks to health presented by the device. The agency has reviewed the Panels' recommendations for manual operating tables and accessories and manual operating chairs and accessories and has concluded that the classification of these devicese should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.4960; Docket No. 78N–2705; Air or AC-powered operating table and accessories and air or AC-powered operating chair and accessories.

The General and Plastic Surgery Device Classification Panel, the Anesthesiology Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Orthopedic Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of air or AC-powered operating tables and accessories and air or AC-powered operating chairs and accessories:

1. Identification: An air or AC-powered operating table and accessories and an air or AC-powered operating chair and accessories are air or electrically-powered devices, usually with movable components, intended for use in supporting the patient during diagnostic examinations or surgical procedures.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that these devices be classified into class I (general controls). The panel recommends that there be no exemptions. The Anesthesiology

Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Orthopedic Device Classification Panel recommend that these devices be classified into class II (performance standards). The Anesthesiology Device Classification Panel recommends that establishing a performance standard for these devices be a high priority. The General Hospital and Personal Use Device Classification Panel and the Orthopedic Device Classification Panel recommend that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that air or AC-powered operating tables and accessories and air or AC-powered operating chairs and accessories be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of these devices. The materials used in the devices are generally acceptable and need no additional requirements. The Anesthesiology Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Orthopedic Device Classification Panel recommend that air or AC-powered operating tables and accessories and air or AC-powered operating chairs and accessories be classified into class II (performance standards) because the Panels believe that the electrical properties of the devices must be controlled through an electrical safety standard. The Panels recommend that AC-powered operating tables and AC-powered operating chairs have proper padding and are designed so that it is possible to operate the devices manually in the event of a power failure. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the devices.

5. Risks to health: The General and Plastic Surgery Device Classification Panel identified no risks to health. The General Hospital and Personal Use Device Classification Panel, the Orthopedic Device Classification Panel, and the Anesthesiology Device Classification Panel identified the following risk to health: (a) Electrical shock: If the devices malfunction or are not properly grounded, the patient may receive an electrical shock. The Anesthesiology Device Classification Panel identified these additional risks to health: (b) Soft tissue or joint trauma: Hyper-extension or improper kidney bar design may cause soft tissue or joint trauma: (c) Peripheral nerve injury: Open table joints, protrusions, failure of the controls, or inadequate padding may cause peripheral nerve injury in unconscious, anesthetized patients: (d) Injury to the extremities: Improper design of the devices may cause injury to the extremities.

FDA agrees with the recommendations of the Anesthesiology Device Classification Panel, the General Hospital and Personal Use Device Classification Panel, and the Orthopedic Device Classification Panel and is proposing that air or AC-powered operating tables and accessories and air or AC-powered operating chairs and accessories be classified into class II (performance standards). The agency disagrees with the General and Plastic Surgery Device Classification Panel's recommendation that these devices be classified into class I (general controls). The agency has reviewed clinical literature (Refs. *144* through *147*) that describe a wide variety of hazards associated with AC-powered medical devices used in hospitals and operating rooms. The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by the devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices. The agency has reviewed the Panels' recommendations for air or AC-powered operating chairs and accessories and air or AC-powered operating tables and accessories and has concluded that the classification of these devices should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.5070; Docket No. 78N–2709; Air-handling apparatus for a surgical operating room.

The General and Plastic Surgery Device Classification Panel and the General Hospital and Personal Use Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of air-handling apparatus for surgical operating rooms:

1. Identification: Air-handling apparatus for a surgical operating room is a device that is intended to reduce the possibility of infection in the patient by producing a directed, non-turbulent flow of air that has been filtered to remove particulate matter and microorganisms and thereby providing an area free of contaminants.

2. Recommended classification: Class II (performance standards). Both the General Hospital and Personal Use Device Classification Panel and the General and Plastic Surgery Device Classification Panel recommend that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: Both Panels recommend that air-handling apparatus for surgical operating rooms be classified into class II (performance standards) because the Panels believe that a performance standard is necessary to assure that the filters in the device are effective in preventing the passage of microorganisms. Performance characteristics, including the accuracy and reliability of, and any limitations on, the device's functions, should be described in the labeling. Hospital personnel should take precautions to ensure that dust and other particulates do not plug the device's filters and thus reduce air flow or change the air flow pattern. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations upon the Panel members' personal knowledge of, and clinical experience with, the device. Alexander Irons, consultant to the General Hospital and Personal Use Device Classification Panel, mentioned several publications that evaluate clean room technology. An article by Wardle, Irons, and Green (Ref. *148*) discusses an investigation of the use of ultra-clean operating rooms to control infection. A comparison of an ultra-clean operating room with a conventional operating room showed that portable, unidirectional air flow enclosures reduced microbial contamination 100-fold. In another study (Ref. *149*), a vertical downflow room consisting of an integrated clean air operating room system was evaluated by comparing the room's microbiological and particulate contamination levels with the levels observed in an earlier evaluation of a horizontal air flow system. The comparison showed that the vertical downflow room had significantly lower microbiological and particulate contamination levels than the horizontal flow room. A third study evaluated the microbiological aspects of clean room technology as applied to surgery (Ref. *150*). The Panel also considered an article evaluating particulate air filters prepared by the Wilmot Castle Co. under a contract with the Jet Propulsion Laboratory (Ref. *151*). The article concludes that: (a) Areas of particulate penetration may be related to increased velocity of particles through holes in the filter media or frames; (b) the efficiency level of a filter should be tested before each use; and (c) high efficiency particulate air filters having an efficiency exceeding 99.99 percent can remove from a gas stream all particles of a size greater than 0.5 micrometer.

5. Risks to health: Both the General and Plastic Surgery Device Classification Panel and the General Hospital and Personal Use Device Classification Panel identified the following risk to health: (a) Infection: If the device's filter is not effective in preventing the passage of microorganisms, microorganisms may come into contact with the patient and cause infection. Also, if the air flow pattern is interrupted by dust or other particulates plugging the filters or by a power failure, organisms transmitted from the

hospital staff could cause infection in the patient. The General Hospital and Personel Use Device Classification Panel identified an additional risk to health: (b) Electrical injury: Improper design of the device or a device malfunction could result in an electrical injury to the patient or operating room personnel.

FDA agrees with both Panels' recommendations and is proposing that air-handling apparatus for surgical operating rooms be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency has reviewed the Panels' recommendations for air-handling apparatus for surgical operating rooms and has concluded that classification of this device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.5350; Docket No. 78N-2711; High-frequency needle-type epilator.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of high-frequency needle-type epilators:

1. Identification: A high-frequency needle-type epilator is a device intended to destroy a hair follicle by applying DC current blended with high-frequency AC current at the tip of a fine needle that has been inserted close to the hair shaft, under the skin, and into the hair follicle.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommeds that high-frequency needle-type epilators be classified into class II (performance standards) because the Panel believes that standards are necessary to control the electrical properties of the device. High-frequency needle-type epilators are potentially harmful if not designed and used properly. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation by Ervin Epstein, M.D., a dermatologist consultant to the Panel (Ref. *154*). Dr. Epstein explained that during electrolysis using a high-frequency needle-type epilator an electrified needle is inserted into the hair follicle and current is applied for 20 seconds or more. An observable tissue reaction occurs in the form of minute liberation or "bubbling" of gas from the tissue. The hair is then removed with a tweezer. Dr. Epstein described two potential hazards involved in this technique: (a) Improper positioning of the needle in the follicle or cutting of the hair with the needle, both of which result in improper treatment, and (b) incorrect polarity, which results in the deposit of metal from the needle in the tissue. He described the procedure as uncomfortable and lengthy, and stated that swelling in the area being treated would be likely. He also stated that the technique is permanent, in that individual hair follicles are destroyed, but that the stimulus for hair growth in an area is never permanently removed.

5. Risks to health: (a) Electrical injury: Because the device applies electrical energy to the body, electrical injury may result. (b) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (c) Scarring: Scarring may result from the tendency of the patient's body to produce keloid scars or from the use of improper depilating techniques by the operator.

FDA agrees with the Panel recommendation and is proposing that high-frequency needle-type epilators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 878.5360; Docket No. 78N-2712; High-frequency tweezer-type epilator.

The General and Plastic Surgery Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of high-frequency tweezer-type epilators:

1. Identification: A high-frequency tweezer-type epilator is an electrical device intended for hair removal. The device provides a high-frequency electric current at the tip of a tweezer used for removing hair.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that high-frequency tweezer-type epilators be classified into class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that high-frequency tweezer-type epilators be classified into class III (premarket approval) to assure that manufacturers demonstrate satisfactory performance of the device and, thus, assure its safety and effectiveness. No substantial data now exist to provide this assurance. The Panel believes that general controls alone would not provide sufficient control over the performance characteristics of this device. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of the device, and on the absence of convincing clincial and scientific data demonstrating a specific action of the device on the process of hair removal. The Panel reviewed a number of journal articles (Ref. *155*), clincial evaluations (Refs. *156*, *157*, *162*, and *163*), an affidavit (Ref. *161*), and reports (Refs. *158*, *159*, and *160*) which evaluate the claimed effectiveness of the device as a hair removal instrument. Also, the Panel heard presentations by a manufacturer of the device (Ref. *165*). In the Panel's judgment, the information presented in support of the device has not provided reasonable assurance of its safety and effectiveness.

5. Risks to health: (a) Cataracts: Non-ionizing radiation emitted from the device may cause heating of the lens of the eye and lead to cataract formation (opacity of the lens of the eye). (b) Pacemaker interference: Patients with pacemakers may experience arrhythmias from the use of the device. (c) Non-ionizing radiation exposure: The 27 megahertz electromagnetic radiation emitted at the tip of the tweezer may be potentially hazardous.

FDA agrees with the General and Plastic Surgery Device Classification Panel recommendation and is proposing that high-frequency tweezer-type epilators be classified into class III (premarket approval). The agency believes that the device presents a potential unreasonable risk of illness or injury to the patient because the device may expose the patient to unnecessary radiation which may result in cataract formation or other adverse biological effects. In this regard, the high-frequency tweezer-type epilators may have high risks compared with the benefits to be achieved. The agency believes that insufficient information exists to determine that general controls or performance standards will provide reasonable assurance of the safety and effectiveness of the device. In reviewing the reports listed in the reference section, the agency notes numerous discrepancies among Dr. Morowitz's arguments (Refs. *159* and *160*), Dr. Pierce's findings in support of the instrument (Ref. *161*), and the work of Dr. Sternberg and Dr. Klein (Refs. *162* and *163*). Dr. Sternberg's and Dr. Klein's

histological analyses do not support Dr. Morowitz's prediction of "extensive cell damage" upon application of the device (Ref. *164*). No experimental evidence has been presented to support Dr. Pierce's statement (Ref. *161*) that "numerous pathologists" and "eminent dermatologists" have obtained research data showing "destructive changes in dermal papilla" caused by high-frequency tweezer-type epilators.

The agency notes numerous inconsistencies in the arguments of proponents of the high-frequency tweezer epilator. For example, the hair "release" phenomenon described by Dr. Pierce (REf. *161*) is allegedly caused by the action of the device when current is conducted via the hair filament to the hair root which is supposedly destroyed. However, Dr. Klein and Dr. Sternberg indicated that the hairs are merely plucked out with the instrument (Refs. *162* and *163*). The agency also concludes that the evidence provided by Dr. Hershberger (Ref. *158*) on the properties of hair does not justify the inference that following tweezer contact with the filament of hair, the hair root is permanently destroyed.

Section 878.5650; Docket No. 78N–2714; Topical oxygen chamber for extremities.

The General and Plastic Surgery Device Classification Panel and the Physical Medicine Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of topical oxygen chambers for extremities:

1. Identification: A topical oxygen chamber for extremities is a chamber that hermetically surrounds a chronic skin ulceration on a patient's arm or leg and that aids healing by allowing the topical application of humidified oxygen at a pressure slightly greater than atmospheric pressure.

2. Recommended classification: Class II (performance standards). The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a medium priority. The Physical Medicine Device Classification Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panels recommend that topical oxygen chambers for extremities be classified into class II because the Panels believe that the hazards associated with this device, including fire and explosion, infection transmitted from one patient to another, and injury resulting from improper pressure levels within the sleeves, must be controlled. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the members' personal knowledge of, and clinical experience with, the device and upon a review of the literature (Refs. *166* through *169*). The results of Dr. Fisher's clinical studies (Refs. *167* and *168*) demonstrated that topical hyperbaric oxygen therapy considerably shortened the healing time for vascular lesions. In controlled experiments where the efficacy of this mode of treatment was compared with conventional treatment, a superior result was achieved with oxygen therapy. The healing response depended on the degree of vascularization of the tissues; negative results were obtained with chronic ulcers of the avascular type (those not supplied with blood vessels), such as ulcers resulting from osteomyelitis. Torelli (Ref. *169*) indicated that the treatment of decubitus ulcers (bed sores) with the hyperbaric oxygen chamber is effective, practical, and safe.

5. Risks to health: (a) Infection: If the materials used in the device or its construction prevent proper sterilization, an infection may result. (b) Fire: Pure oxygen used in this device is highly combustible and hazardous when an open flame is present. (c) Decrease of local tissue circulation: Greater than 22 millimeters of mercury oxygen pressure in the chamber occludes arterial circulation, which leads to a decrease in local tissue circulation.

FDA agrees with the Panels' recommendations and is proposing that topical oxygen chambers for extremities be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Physical Medicine Device Classification Panel for topical oxygen chambers for extremities and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.5900; Docket No. 78N–2716; Nonpneumatic tourniquet.

The General and Plastic Surgery Device Classification Panel and the Gastroenterology and Urology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of nonpneumatic tourniquets:

1. Identification: A nonpneumatic tourniquet is a device consisting of a strap or tubing that is intended to be wrapped around a patient's arm or leg and tightened to reduce circulation in the limb.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel and the Gastroenterology and Urology Device Classification Panel recommend that this device be classified into class I (general controls). The Panels recommend that there be no exemptions.

3. Summary of reasons for recommendation: The Panels recommend that nonpneumatic tourniquets be classified into class I (general controls) because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panels do not believe that this device requires performance standards to control the identified risks to health. The materials used in the device are generally acceptable and need be subject only to general controls.

4. Summary of data on which the recommendation is based: The Panels based their recommendation on the members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue necrosis (destruction); If nonpneumatic tourniquets are applied too tightly, excessive pressure on the limb may result in tissue destruction.

FDA agrees with the Panels' recommendations and is proposing that nonpneumatic tourniquets be classified into class I (general controls) with no exceptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Gastroenterology and Urology Devices Classification Panel for nonpneumatic tourniquets, and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

Section 878.5910; Docket No. 78N–2717; Pneumatic tourniquet.

The General and Plastic Surgery Device Classification Panel and the Orthopedic Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of pneumatic tourniquets:

1. Identification: A pneumatic tourniquet is an air-powered device consisting of a pressure-regulating unit and an inflatable cuff that is intended to be wrapped around a patient's arm or leg and inflated to reduce circulation in a limb.

2. Recommended classification: The General and Plastic Surgery Device Classification Panel recommends that this device be classified into class II (performance standards) and that establishing a performance standard for this device be a high priority. The Orthopedic Device Classification Panel recommends that this

device be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The General and Plastic Surgery Device Classification Panel recommends that pneumatic tourniquets be classified into class II (performance standards) because the Panel believes that inadequate control of the presssure applied to the patient's body by the device may result in tissue destruction. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Orthopedic Device Classification Panel recommends that pneumatic tourniquets be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device because they reported no knowledge of specific hazards to health presented by the device.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The General and Plastic Surgery Device Classification Panel identified the following risk to health: Tissue destruction: Excessive pressure applied to the patient's body, due to unstable pressure setting, may cause tissue destruction. The Orthopedic Device Classification Panel identified no risks to health.

FDA agrees with the recommendation of the General and Plastic Surgery Device Classification Panel and is proposing that pneumatic tourniquets be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency disagrees with the recommendation of the Orthopedic Device Classification Panel that pneumatic tourniquets be classified into class I (general controls). This device is known to exert excess pressure on the tissue if there are faulty or improper pressure control mechanisms. The accurate functioning of this device is critical in some surgical procedures. Therefore, the agency believes that a malfunction could cause a potential health hazard that introduces unnecessary risk to the patient and that could be reduced by a performance standard. The agency has reviewed the recommendations of the General and Plastic Surgery Device Classification Panel and the Orthopedic Device Classification Panel for pneumatic tourniquets and has concluded that the classification of the device should be published in the part of the Code of Federal Regulations for general and plastic surgery devices.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

(1) Harris, W. B. and W. N. Jones, "The Use of Wire Mesh in Total Hip Replacement Surgery," *Clinical Orthopedics and Related Research*, 106:117–121, 1975.

(2) Mitchell-Heggs, F., "Tantalum Gauze: A 10-Year Survey. A Tantalum Wallet Operation," *British Journal of Surgery, 50:907–923, 1963.*

(3) Preston, D. J. and C. F. Richards, "Use of Wire Mesh Prosthesis in the Treatment of Hernia—24 Years' Experience," *Surgical*, 53:549–554, 1973.

(4) Usher, F. C., "Hernia Repair with Knitted Polypropylene Mesh," *Surgery Gynecology and Obstetrics*, 117:239–240, 1963.

(5) Larson, G. M. and H. W. Harrower, "Plastic Mesh Repair of Incisional Hernias," *American Journal of Surgery*, 135:559–563.

(6) Casebolt, B. T., "Use of Fabric Mesh in Abdominal Wall Defects," *Missouri Medicine*, 72:71–86, 1975.

(7) Calne, R. Y., "Repair of Bilaterial Hernia with Mersilene Mesh Behind Rectus Abdominus," *Archives of Surgery*, 109:532–536, 1974.

(8) Cerise, E. J., R. W. Busuttil, C. C. Craighead, and W. W. Ogden, "The Use of Mersilene Mesh in Repair of Abdominal Wall Hernias: A Clinical and Experimental Study," *Annals of Surgery*, 181:728–734, 1975.

(9) Kent, J. N., C. A. Homsy, B. D. Gross, and E. C. Hinds, "Pilot Studies of a Porous Implant In Dentistry and Oral Surgery," *Journal of Oral Surgery*, 30:608, 1972.

(10) Kent, J. N., W. Lavelle, and K. D. Doland, "Condylar Reconstruction: Treatment Planning," (Oral Surgery, Oral Medicine, and Oral Pathology, 37:489, 1974.

(11) Kent, J. N., C. A. Homsy, and E. C. Hinds, "Proplast® in Dental Facial Reconstruction," *Oral Surgery, Oral Medicine, and Oral Pathology*, 39:347, 1975.

(12) Hinds, E. C., C. A. Homsy, and J. N. Kent, "Use of a Biocompatible Interface for Binding Tissues and Protheses in Temporomandibular Joint Surgery," *Oral Surgery, Oral Medicine, and Oral Pathology*, 38:512, 1974.

(13) Homsey, C. A., "Implant Stabilization—Chemical and Biomechanical Considerations," *Orthopedic Clinics of North America*, 4:295, 1973.

(14) Janeke, J. B. and J. J. Shea, "Self-Stabilizing Proplast® Total Ossicular Replacement Prostheses in Tympanoplasty," *Laryngoscope*, 85(9): 1550, 1975.

(15) Shea, J. J. and C. A. Homsy, "The Use of Proplast® in Otologic Surgery," *Laryngoscope*, 84(10):1835, 1974.

(16) Janeke, J. B., R. M. Komorn, and A. M. Cohn, "Proplast® in Cavity Obliteration and Soft Tissue Augmentation," *Archives of Otolaryngology*, 100:24, 1974.

(17) Homsy, C. A., T. E. Cain, F. B. Kessler, M. S. Anderson, and J. W. King, "Porous Implant Systems for Prosthesis Stabilization," *Clinical Orthopedics*, 89:220, 1972.

(18) Homsy, C. A., J. N. Kent, and E. C. Hinds, "Materials for Oral Implantation-Biological and Functional Criteria," *Journal of the American Dentistry Association*, 86:817, 1973.

(19) Kent, J. N., C. A. Homsy, P. Delong, and E. C. Hinds, "Intraosseous Dental Implants: Nature of the Interface," *Journal of American Dentistry Association*, 89:1142, 1974.

(20) Homsy, C. A., "Biocompatibility in Selection of Materials for Implantation," *Journal of Biomedical Materials Research*, 4:341, 1970.

(21) McNamara, D. M., "Surgical Technique for Ear Reconstruction and Mastoid Obliteration After Radical Mastoidectomy," Narration accompanying a film lecture for the American Academy of Otolaryngology, presented to the General and Plastic Surgery Device Classification Panel, July 23, 1976.

(22) Product Brochure, "The Structure of Proplast®: A Surgical Implant Material for Bone Augmentation," Vitek, Inc., July 1976.

(23) Product Brochure, "Proplast® Implant Material: Total Ridge, Posterior Ridge," Vitak, Inc., July 1976.

(24) Product Brochure, "Proplast® Implant Material," Vitek, Inc., July 1976.

(25) Product Brochure, "Proplast® Implant Material: Temporomandibular Joint, Condylar Prostheses," Vitek, Inc., July 1976.

(26) Product Brochure, "Proplast® Ridge: For Alveolar Ridge Augmentation (Product Information)," Vitek, Inc., July 1976.

(27) Product Brochure, "Proplast® T.O.R.P. (Total Ossicular Replacement Prostheses) (Product Information)," Vitek, Inc., July 1976.

(28) Product Brochure, "Proplast® Sheets Implant Material (Product Information)," Vitek, Inc., July 1976.

(29) Product Brochure, "Proplast® Surgical Implant Material," Vitek, Inc., July 1976.

(30) Bio/Dynamics, Inc., Project No. 72R-806, "A Chronic Toxicity Evaluation in Dogs of Materials to be Used in Bone Prosthesis," A study presented to the General and Plastic Surgery Device Classification Panel, July 23, 1976.

(31) Supplementary Bibliography, A study presented to the General and Plastic Surgery Device Classification Panel, July 23, 1976.

(32) Radzius, J. R. and C. A. Homsy, "Proplast® Presentation," Presented to the General and Plastic Surgery Device Classification Panel, Washington, DC, February 24, 1977.

(33) Whitehead, E., "Atrophic Rhinitis: Proplast® as an Implant Material in Surgical Treatment," *Canadian Journal of Otolaryngology*, 4:3, p. 503, 1975.

(34) Bell, W. H., "Augmentation of the Nasomaxillary and Nasolabial Regions," *Oral Surgery, Oral Medicine, and Oral Pathology*, 41(6):691, 1976.

(35) Janeke, J. B. and J. J. Shea, "Proplast® Implants Used in Otology and in Facial Reconstructive Surgery," *South African Medical Journal*, 50:781, 1976.

(36) Lyall, M. G., "Proplast® Implant in Tenon's Capsule After Excision of the Eye," *Transactions of Ophthalmology Society of United Kingdom*, 96:79, 1976.

(37) Walter, C. and M. Justen, "Proplast® for Surgical Implantation," Presented at the Annual Meeting of the German Society for Ear, Nose, and Throat Surgery, Wiesbaden, May 11–15, 1975.

(38) Product Brochure, "Proplast® Block," Vitek, Inc., July 1976.

(39) Product Brochure, "Proplast® Sheeting," Vitek, Inc., July 1976.

(40) Kent, J. N., C. A. Homsy, and W. Boley, "Proplast® Implant Devices," Presented to the General and Plastic Surgery Device Classification Panel, Washington, DC, March 24, 1978.

(41) Freeman, B. S., M.D., F.A.C.S., "Proplast®, A Porous Implant For Contour Restoration," *British Journal of Plastic Surgery*, 29:158–164, 1976.

(42) Mischke, R. E., M.D., et al., "Proplast® in the Middle Ear and Oval Window of Cats," *Arch Otolaryngol*, Vol. 103, August 1977.

(43) Mladick, R. A., "Treatment of the Firm Augmented Breast by Capsular Stripping and Inflatable Implant Exchange," *Plastic and Reconstructive Surgery*, 60:720, 1977.

(44) Tabari, K., "Augmentation Mammaplasty with Simplast Implant," *Plastic and Reconstructive Surgery*, 44(5):468–470, November 1969.

(45) Williams, J. E., "Experiences with a Large Series of Silastic Breast Implants," *Plastic and Reconstructive Surgery*, 49(3):253–258, March 1972.

(46) Grossman, A. R., "The Current Status of Augmentation Mammaplasty," *Plastic and Reconstructive Surgery*, 52(1):1–7, July 1973.

(47) Rees, T. D., C. I. Guy, and R. J. Coburn, "The Use of Inflatable Breast Implants," *Plastic and Reconstructive Surgery*, 52(6):609–615, 213, December 1973.

(48) Wise, R. J., "A New Inflatable Implant for Breast Augmentation," *Plastic and Reconstructive Surgery*, 53(3):360–363, March 1974.

(49) Snyder, G. B., "Planning an Augmentation Mammaplasty," *Plastic and Reconstructive Surgery*, 54(2):132–141, August 1974.

(50) Regnault, P., T. J. Baker, M. C. Gleason, et al., "Clinical Trial and Evaluation of a Proposed New Inflatable Mammary Prosthesis," *Plastic and Reconstructive Surgery*, 50(3):220–226, September 1972.

(51) McDowell, F., "Pop Goes the Breast: Capsule or Implant? Beginning or End?," *Plastic and Reconstructive Surgery*, 59(6):836–837, June 1977.

(52) Feliberti, M. C., A. Arrillaga, and G. A. Colon, "Rupture of Inflated Breast Implants in Closed Compression Capsulotomy," *Plastic and Reconstructive Surgery*, 59(6):848, June 1977.

(53) Department of Health, Education, and Welfare, Center for Disease Control, *Morbidity and Mortality Weekly Report*, Vol. 27, No. 51, p. 513, December 22, 1978.

(54) Jenny, H., Presentation to the General and Plastic Surgery Device Classification Panel, March 24, 1978.

(55) Abrahams, G., Presentation to the General and Plastic Surgery Device Classification Panel, July 6, 1978.

(56) Baker, J. L., T. M. Biggs, and R. R. LeVier, Presentation to the General and Plastic Surgery Device Classification Panel, July 6, 1978.

(57) Vinnik, C. A., "Spherical Contracture of Fibrous Capsules Around Breast Implants," *Plastic and Reconstructive Surgery*, 58:555–560, 1976.

(58) Hippo, C. J., D. R. Raju, and R. Straith, "Influence of Some Operative and Postoperative Factors on Capsular Contracture Around Breast Prostheses," *Plastic and Reconstructive Surgery*, 61:384–389, 1978.

(59) Kennedy, G. L., M. L. Keplinger, J. C. Calandra, and E. J. Hobbs, "Reproductive, Teratologic, and Mutagenic Studies with Some Polydimethylsiloxanes," *Journal of Toxicology and Environmental Health*, 1:909–920, 1976.

(60) Ben-Hur, N., D. L. Ballantyne, T. D. Rees, and I. Seidman, "Local and Systemic Effects of Dimethylpolysiloxane Fluid in Mice," *Plastic and Reconstructive Surgery*, 39:423–427, 1967.

(61) Pearl, R. M., "Complication Following Silicone Injections for Augmentation of the Contour of the Face," *Plastic and Reconstructive Surgery*, 61:888–891, 1978.

(62) Hung, T. T., S. J. Blackwell, and S. R. Lewis, "Migration of Silicone Gel After the 'Squeeze Technique' to Rupture a Contracted Breast Capsule," *Plastic and Reconstructive Surgery*, 61:277–280, 1978.

(63) Redfern, A., J. Ryan, and C. Su, "Calcification of the Fibrous Capsule about Mammary Implants," *Plastic and Reconstructive Surgery*, 47:150–153, 1971.

(64) Hartley, J. H., and W. E. Schatten, "Postoperative Complication of Lactation after Augmentation Mammaplasty," *Plastic and Reconstructive Surgery*, 47:150–153, 1971.

(65) Wilfringseder, P., A. Propst, and G. Kikuz, "Constrictive Fibrosis Following Silicone Implants in Mammary Augmentations," *Chir. Plastica* (Berl.), 2:215–229, 1975.

(66) Gurdin, M. and G. Carlin, "Complications of Breast Implantation," *Plastic and Reconstructive Surgery*, 40:530–533, 1967.

(67) Freeman, B. S., "Successful Treatment of Some Fibrous Envelope Contractures Around Breast Implants," *Plastic and Reconstructive Surgery*, 50:107–113, 1972.

(68) Wickham, M., R. Rudolph, and J. Abraham, "Silicone Identification in Prosthesis-Associated Fibrous Capsule," *Science*, 199:437–439, 1978.

(69) deCholnoky, R., "Augmentation Mammaplastry: Survey of Complication in 10,941 Patients by 285 Surgeons," *Plastic and Reconstructive Surgery*, 45:573–577, 1970.

(70) Snyderman, R. K. and J. G. Lizardo, "Statistical Study of Malignancies Found Before, During of After Routine Breast Plastic Operation," *Plastic and Reconstructive Surgery*, 25:253–256, 1960.

(71) Harris, K. L., "Survey of Breast Implants from the Point of View of Carcinogenesis," *Plastic and Reconstructive Surgery*, 28:81–83, 1961.

(72) Brand, G., "Foreign Body Induced Sarcomas in Cancer: A Comprehensive Treatise," Vol. 1, F. Beeker, ed., Plenum Press, New York, 1975.

(73) Johnson, M. and H. Lloyd, "Bilateral Breast Cancer 10 Years After an Augmentation Mammaplasty," *Plastic and Reconstructive Surgery*, 53:88–90, 1974.

(74) Frantz, P. and C. A. Herbst, "Augmentation Mammaplasty, Irradiation and Breast Cancer," *Cancer*, 36:1147–1150, 1975.

(75) Perras, C. and J. Papillon, "The Value of Mammography in Cosmetic Surgery of the Breasts," *Plastic and Reconstructive Surgery*, 52:132–137, 1973.

(76) Marchant, J., "Breast Prostheses," *The Lancet*, pp. 187–188, July 26, 1976, and p. 300, February 14, 1976.

(77) Burns, P., "Breast Prostheses," *The Lancet*, pp. 1259–1260, December 20, 1975.

(78) Letter to Commissioner of FDA by Troy F. Long, M.D., January 19, 1976, with reprints from eight journal articles enclosed.

(79) Letter from Janice E. Gervase to the Executive Secretary, General and Plastic Surgery Device Classification Panel on June 20, 1978, with attached California State Food and Drug Inspection Report.

(80) Hausner, R. J., et al., "Foreign Body Reaction to Silicone Gel Axillary Lymph Nodes After Augmentation Mammaplasty," *Plastic and Reconstructive Surgery*, 62 (2):318–383, 1978.

(81) Safian, J., "Progress in Nasal and Chin Augmentation," *Plastic and Reconstructive Surgery*, 42(5):446–452, May 1968.

(82) Pitanguy, I., "Augmentation Mentoplasty," *Plastic and Reconstructive Surgery*, 42(5):460–464, November 1968.

(83) Serson, D., "A New Technique of Chin Augmentation," *Plastic and Reconstructive Surgery*, 46(4):406–407, 1970.

(84) Jobe, R., R. Iverson, and L. Vistnes, "Bone Deformation Beneath Alloplastic Implants," *Plastic and Reconstructive Surgery*, 52(2):169–173, February 1973.

(85) Monroe, C., "Our Experience with Silicone Ear Framework. A Report of 17 Ears in 15 Patients," *Plastic and Reconstructive Surgery*, 49:428, 1972.

(86) Ohmori, S. et al., "Followup Study on Reconstruction of Microtia with a Silicone Framework," *Plastic and Reconstructive Surgery*, 53:555, 1974.

(87) Schechter, F. G., L. R. Bryant, and D. A. Tice, "Fell Tube Insertion After Orthograde Dilatation of Malignant Esophageal Obstruction: Palliation and Morbidity," *Southern Medical Journal*, 70:414, 1977.

(88) Chu, W., G. Ries, V. G. Jaurigue, and J. G. Strawitz, "Restoration of Pharyngoesophageal Continuity with a Replaceable Prosthetic Conduit: A New Method," *American Journal of Surgery*, 135:269, 1978.

(89) Skinner, D. B. and T. R. DeMeester, "Permanent Extracorporeal Esophagogastric Tube for Esophageal Replacement," *Annals of Thoracic Surgery*, 22:107, 1976.

(90) Klopp, C. T., C. Alfort, and H. Pierpont, "The Use of Polyethylene Film and Split-Thickness Skin Graft in Reconstruction of Cervical Esophageal and Pharyngeal Defects," *Surgery*, 29:231, 1951.

(91) Sheena, K. S., A. J. Ballantyne, and J. E. Healey, Jr., "Replacement of the Cervical Esophagus with Marlex Mesh," *Surgery*, 51:646, 1962.

(*92*) Fryfogle, J. D. and G. A. Cyrowski, "Replacement of the Middle Third of the Esophagus with a Silicone Rubber Prosthesis: An Experiment and Clinical Study," *Diseases of the Chest*, 43:464, 1963.

(*93*) Safian, J., "Progress in Nasal and Chin Augmentation," *Plastic and Reconstructive Surgery*, 37(5):446–452, May 1966.

(*94*) Aufricht, G., "Rhinoplasty and the Face," *Plastic and Reconstructive Surgery*, 43(3):219–230, March 1969.

(*95*) Beekhuis, G. J., "Use of Silicone-Rubber in Nasal Reconstructive Surgery," *Archives of Otolaryngology*, 86:88–91, July 1967.

(*96*) Flowers, R. S., "Nasal Augmentation by the Intraoral Route," *Plastic and Reconstructive Surgery*, 54(5):570–578, November 1974.

(*97*) Lipshutz, H., "A Clinical Evaluation of Subdermal and Subcutaneous Silicone Implants," *Plastic and Reconstructive Surgery*, 37(3):249–250, March 1966.

(*98*) Davis, P. K. B. and S. M. Jones, "The Complications of Silastic Implants," *British Journal of Plastic Surgery*, 24:405–411, 1971.

(*99*) Milward, T. M., "The Fate of Silastic and Vitrathene Nasal Implants," *British Journal of Plastic Surgery*, 25:278–278, 1972.

(*100*) Chapnik, J. S., "Current Thoughts on Implants in Rhinoplasty," *The Journal of Otolaryngology*, 7(1):67–74, 1978.

(*101*) Anita, N. H., B. M. Daver, M. H. Keswani, and V. I. Buch, "Prefabricated Silicone Nasal Implants," *Plastic and Reconstructive Surgery*, 52(3):264–270, September 1973.

(*102*) Rees, T. D., R. P. Jobe, and D. L. Ballantyne, "Reconstructive Plastic Surgery," Volume 1, Edited by T. M. Converse, W. B. Saunders Co., p. 392, 1977.

(*103*) Neville, W. E., P. J. P. Bolanowski, and H. Soltanzadeh, "Prosthetic Reconstruction of the Trachea and Carina," *Journal of Thoracic and Cardiovascular Surgery*, 72(4):521–536, 1976.

(*104*) Moghissi, K., "Tracheal Reconstruction With a Prosthesis of Marlex Mesh and Periocardium," *Journal of Thoracic and Cardiovascular Surgery*, 69(4):499–506, 1975.

(*105*) Wykoff, T. W., "A Preliminary Report on Segmental Tracheal Prosthetic Replacement in Dogs," *Laryngoscope*, 83:1072–1077, 1973.

(*106*) Kosoy, J., A. Homsy, D. S. Greenberg, and J. M. Prewitt III, "Proplast® Tracheal Prosthesis," *Annals of Otology, Rhinology and Laryngology*, 86:392–395, 1977.

(*107*) Demos, N. J., H. Mitnick, D. McCally, F. Feinberg, J. McKeon, and J. J. Timmes, "Tracheal Regeneration in Long-Term Survivors with Silicone Prosthesis," *Annals of Thoracic Surgery*, 16(3):293–300, 1973.

(*108*) Borrie, J., N. R. Radshaw, and T. L. Doddinson, "Silastic Tracheal Bifurcation Prosthesis With Subterminal Dacron Suture Cuff," *Journal of Thoracic and Cardiovascular Surgery*, 65(6):956–962, 1973.

(*109*) Transcript of the General and Plastic Surgery Device Classification Panel, Open Meeting, December 16, 1976, pp. 29–33.

(*110*) Nathan, P. and B. G. MacMillian, "Burn Wounds: Selection and Preservation of Skin, Natural Products, Blood, and Blood Products for Burn Therapy," CRC Critical Reviews of Clinical Laboratory Science, 7(1):1–31, 1976.

(*111*) Elliott, R. A., Jr. and J. G. Hoehn, "Use of Commercial Porcine Skin for Wound Dressings," *Plastic and Reconstructive Surgery*, 52(4):401–5, 1973.

(*112*) Rappaport, I., A. T. Pepino, and W. Dietrick, "Early Use of Xenografts as a Biological Dressing in Burn Trauma," *American Journal of Surgery*, 120(2):144–148, 1970.

(*113*) Wood, M. and H. W. Hale, Jr., "The Use of Pigskin in the Treatment of Thermal Burns," *American Journal of Surgery*, 124(6):720–3, 1972.

(*114*) Levine, N. S., R. A. Lindberg, R. E. Salisbury, A. D. Mason, Jr., and B. A. Pruitt, Jr., "Comparison of Coarse Mesh Gauze with Biologic Dressings on Granulating Wounds," *American Journal of Surgery*, 131(6):727–9, 1976.

(*115*) Transcript of the Fourteenth Meeting of the General and Plastic Surgery Device Classification Panel, Open Session, December 16, 1976.

(*116*) Von Leden, H. and W. G. Cahan, *Cryogenics in Surgery*, Medical Examination Publishing Co., Inc., Flushing, NY, 1971.

(*117*) Rand, R. W., A. P. Rinfret, and H. von Leden, *Cryosurgery*, Charles C. Thomas, Springfield, IL, 1968.

(*118*) "Cryosurgery and Immunity in Prostate Cancer Patients," International Society of Cryosurgery, *Urology Times*, Vol. 3, 1975.

(*119*) Jones, L. W., "Cryosurgery for Prostatic Carcinoma," *Urology*, Vol. IV(5):499–503, 1974.

(*120*) Soanes, W. A. and M. J. Gander, "Use of Cryosurgery in Prostatic Cancer," *Journal of Urology*, 99:793–796, 1968.

(*121*) Crylie, D. M., et al., "Immunologic Consequence of Cryosurgery," *Investigative Urology*, 5(6):619–625, 1968.

(*122*) Flocks, R. H., et al., "Perineal Cryosurgery for Prostatic Carcinoma," *Journal of Urology*, 108:933–935, 1972.

(*123*) Tinker, M. A., et al., "Granulomatous Peritonitis Due to Cellulose Fibers from Disposable Surgical Fabrics: Laboratory Investigation and Clinical Implications," *Annals of Surgery*, 180:831–835, 1974.

(*124*) Tinker, M. A., et al., "Cellulose Granulomas and Their Relationship to Intestinal Obstruction," *American Journal of Surgery*, 133:134–139, 1977.

(*125*) Johnson, R., et al., "Flammability of Disposable Surgical Drapes," *Archives of Ophthalmology*, 94:1327–1329, August 1976.

(*126*) Transcript of the General and Plastic Surgery Device Classification Panel, Open Meeting, December 16, 1976, pp. 34–41.

(*127*) Ellis, H., "The Cause and Prevention of Postoperative Intraperitoneal Adhesions," *Surgery, Gynecology and Obstetrics*, 133:497–511, 1971.

(*128*) Sturdy, J. H., R. M. Baird, and A. N. Gerein, "Surgical Sponges: A Cause of Granuloma and Adhesion Formation," *Annals of Surgery*, 165:128–134, 1967.

(*129*) Dimmick, J. E., K. E. Bove, A. J. McAdams, and G. Genzing, "Fiber Embolization—A Hazard of Cardiac Surgery and Catheterization," *New England Journal of Medicine*, 292(13):685–687, 1975.

(*130*) Myllarniemi, H., "Foreign Material in Adhesion Formation After Abdominal Surgery," *Acta Chirurgica Scandinavica*, 377:6–46, 1967.

(*131*) Beck, William C., Paul F. Nora, "ASTM Standard for Surgical Gloves," *AORN Journal*, 25(5):869–872, 1977.

(*132*) "Standard Specification for Rubber Surgical Gloves," reprinted from "Annual Book of ASTM Standards," ANSI/ASTM, (D 3577):1–4, 1977.

(*133*) Cheanvechai, C. and D. B. Effler, "A Metal Ring Marker for the Proximal End of an Aorto-to-Coronary Artery Graft," *Annals of Thoracic Surgery*, 15:210, 1973.

(*134*) Harth, G. H., "Metal Implants for Orthopedic and Dental Surgery," MCIC Report, Battelle Columbus Laboratories, Columbus, Ohio, February 1974.

(*135*) "Freon Compounds and Safety," Freon Product Information Bulletin S–16 of the DuPont Co., March 1976.

(*136*) "Toxicity Studies with 1,1,2-trichloro-1,2,2-trifluoroethane," Freon Product Information Bulletin S–24 of the DuPont Co., May 1976.

(*137*) "'Freon' TF Solvent," Bulletin No. FST–1 of the DuPont Co., September 1977.

(*138*) Kahn, E., "Instrument and Method: Auto-Suture in Abdominal Hysterectomy," *Obstetrics and Gynecology*, 31(6): 852–854, 1968.

(*139*) Mallina, R. F., T. R. Miller, P. Cooper, and S. G. Christie, "Surgical Stapling," *Scientific American*, 207:48–56, October 1962.

(*140*) Albert, R. G., "Instrument and Method: Automatic Staplers for Vaginal Hysterectomy and Colpoplasties," *Obstetrics and Gynecology*, 37(2):297–307, 1971.

(*141*) Summary Minutes of the General and Plastic Surgery Device Classification Panel Meeting, Open Session, June 24, 1976, pp. 4–7.

(*142*) 21 CFR Part 1040: Performance Standards for Light Emitting Products.

(*143*) Hoye, R. C., A. S. Ketcham, and G. Riggle, "The Airborn Dissemination of Viable Tumor by High Energy Neodymium Laser," *Life Science*, 6:119, 1967.

(*144*) Arbeit, S. R., B. Parker, and I. L. Rubin, "Controlling the Electrocution Hazard in the Hospital," *Journal of the American Medical Association*, 2210(12):1581–1584, 1972.

(*145*) Bruner, J. M. R., S. Aronow, and R. Cavicchi, "Electrical Incidents in a Large Hospital: A 42-Month Register," *Journal of the Association for the Advancement of Medical Instrumentation, 6(3):222–230, 1972.*

(*146*) Dronette, W. H., "An Electrically Safe Surgical Environment," *The Archives of Surgery*, 107:567–573, 1973.

(*147*) Pocock, S. N., "Faults Found in Electro-medical Instruments," *Bio-Medical Engineering*, 7(11):533–537, 1972.

(*148*) Wardle, M., A. Irons, and R. Green, "Planetary Quarantine Goes to Work in the Hospital," *Astronautics and Aeronautics*, pp. 32–38, June 1973.

(*149*) "Microbiological and Particulate Monitoring of a Vertical Downflow Clean Air Operating Room," Report of the Jet Propulsion Laboratories, No. 1200–111, National Academy of Sciences, October 1973.

(*150*) "Microbiological Aspects of Clean Room Technology as Applied to Surgery—With Special References to Unidirectional Airflow Systems," Report of the Jet

Propulsion Laboratories, SP–43–7, National Academy of Sciences, July 1974.

(*151*) Irons, A. S., "Microbiological Evaluation of High Efficiency Particulate Air (HEPA) Filters," Jet Propulsion Laboratories, Space Programs Summary No. 37–43, IV:53–58, February 28, 1967.

(*152–153*) [Reserved]

(*154*) Transcript of the General and Plastic Surgery Device Classification Panel, Eighteenth Meeting, pp. 34–36, January 13, 1978.

(*155*) Blackwell, Gordon, "Physicians and Engineers Test Depilatron," Electrolysis Digest, 22(5):87–94, December 1975.

(*156*) Letter dated July 8, 1976 from Eugene J. Van Scott, M.D., Professor of Dermatology, Dept. of Dermatology, Temple University School of Medicine, Philadelphia, PA, to Harold E. Pierce, M.D.

(*157*) Letter dated August 9, 1976, from Eugene J. Van Scott, M.D., to Harold E. Pierce, M.D., with Dr. Van Scott's "Study Comparing Effects of Manual Epilation versus Removal by Depilatron on Regrowth of Hair" (unpublished).

(*158*) "Report of Investigation" by W. Delmar Hershberger, Emeritus Professor, Electrical Sciences and Engineering Dept., School of Engineering and Applied Science, University of California at Los Angeles, December 3, 1976 (unpublished).

(*159*) "Report of High Frequency Electrical Heating of Hair in the Neighborhood of the Skin," (unpublished Study) by Harold J. Morowitz, Biochemistry, Yale University (undated). This report was reviewed by the General and Plastic Surgery Panel on March 24, 1978.

(*160*) "Report on Thermal Inactivation of Growing Cells," (unpublished study) by Harold J. Morowitz. This report was reviewed by the General and Plastic Surgery Panel on March 24, 1978.

(*161*) "Affidavit Concerning Depilatron Study Conducted at the West Park Clinic, Philadelphia, Pennsylvania," Harold E. Pierce, M.D., January 28, 1976.

(*162*) "Microscopic Study of Effects of Depilatron Epilation on the Hair Structure" (unpublished), James H. Sternberg, M.D., Asst. Clinical Professor of Medicine (Dermatology), School of Medicine, UCLA, and Arnold W. Klein, M.D., Asst. Clinical Professor of Medicine (Dermatology), School of Medicine, UCLA, undated. This report was reviewed by the General and Plastic Surgery Panel on March 24, 1978.

(*163*) "A Study Using Human Volunteers to Determine if Depilatron Epilation is Painful" (unpublished), by James H. Sternberg, M.D., and Arnold W. Klein, M.D. This report was reviewed by the General and Plastic Surgery Panel on March 24, 1978.

(*164*) "Preliminary Report on Power Transfer with a Depilatron DP–206" (unpublished), by Harold J. Morowitz, undated. This report was reviewed by the General and Plastic Surgery Panel on March 24, 1978.

(*165*) Presentation by Depilatron Inc., General and Plastic Surgery Device Classification Panel, March 24, 1978, Open Session transcript pp. 3–54.

(*166*) Transcript Proceedings of the General and Plastic Surgery Device Classification Panel Meeting, pp. 159–194, July 21, 1977.

(*167*) Fischer, B. H., "Topical Hyperbaric Oxygen Treatment of Pressure Sores and Skin Ulcers," *The Lancet*, (2):405–409, August 1969.

(*168*) Fischer, B. H., "Treatment of Ulcers on the Legs with Hyperbaric Oxygen," *The Journal of Dermatologic Surgery*, Vol. 1, pp. 55–59, 1975.

(*169*) Torelli, M., "Topical Hyperbaric Oxygen for Decubitus Ulcers," *American Journal of Nursing*, 73(3):494–496, 1973.

Environmental Impact

The agency has determined under 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 878, to read as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

Subpart A—General Provisions

Sec.
878.1 Scope.

Subpart B—General and Plastic Surgery Diagnostic Devices

878.1800 Speculum and accessories.

Subpart C—[Reserved]

Subpart D—General and Plastic Surgery Prosthetic Devices

878.3250 External facial fracture fixation appliance.
878.3300 Surgical mesh.
878.3500 Polytetrafluoroethylene with carbon fibers composite implant material.
878.3530 Inflatable breast prosthesis.
878.3540 Silicone gel-filled breast prosthesis.
878.3550 Chin prosthesis.
878.3590 Ear prosthesis.
878.3610 Esophageal prosthesis.
878.3680 Nose prosthesis.
878.3720 Tracheal prosthesis.
878.3750 External prosthesis adhesive.
878.3800 External aesthetic restoration prosthesis.
878.3900 Inflatable extremity splint.
878.3910 Noninflatable extremity splint.
878.3925 Plastic surgery kit and accessories.

Subpart E—General and Plastic Surgery Surgical Devices

878.4040 Surgical apparel.
878.4060 Nonabsorbable gauze, surgical sponge, and wound dressing for external use.
878.4100 Intestine bag.
878.4120 Hydrophilic beads for wound exudate absorption.
878.4140 Porcine burn dressing.
878.4160 Surgical camera and accessories.
878.4200 Introduction/drainage catheter and accessories.
878.4300 Implantable clip.
878.4320 Removable skin clip.
878.4350 Cryosurgical unit and accessories.
878.4370 Surgical drapes and drape accessories.
878.4380 Aerosol drape adhesives.
878.4400 Electrosurgical cutting and coagulation device and accessories.
878.4450 Nonabsorbable gauze for internal use.
878.4460 Surgeon's glove.
878.4470 Surgeon's gloving cream.
878.4580 Surgical lamp.
878.4630 Dermatological ultraviolet lamp.
878.4650 Aorto-saphenous vein ostia marker.
878.4680 Skin marker.
878.4680 Nonpowered, single patient, portable suction apparatus.
878.4700 Surgical microscope and accessories.
878.4730 Surgical skin degreaser or adhesive tape solvent.
878.4750 Implantable staple.
878.4760 Removable skin staple.
878.4780 Powered suction pump.
878.4800 Manual surgical instrument for general use.
878.4810 Laser surgical instrument for use in general and plastic surgery and in dermatology.
878.4820 AC-powered, battery-powered, and pneumatically-powered surgical instrument motors and accessories/attachments.
878.4390 Suture retention device.
878.4950 Manual operating table and accessories and manual operating chair and accessories.
878.4960 Air or AC-powered operating table and accessories and air or AC-powered operating chair and accessories.

Subpart F—General and Plastic Surgery Therapeutic Devices

878.5070 Air-handling apparatus for a surgical operating room.
878.5350 High-frequency needle-type epilator.
878.5360 High-frequency tweezer-type epilator.
878.5650 Topical oxygen chamber for extremities.
878.5900 Nonpneumatic tourniquet.
878.5910 Pneumatic tourniquet.

Authority: Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))

Subpart A—General Provisions

§ 878.1 Scope.

(a) This part sets forth the classification of general and plastic surgery devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 may not show merely that the device is accurately described by the section title and identification provision of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, a general and plastic surgery device that has two or more types of uses (e.g., used both as a diagnostic device and as a therapeutic device), is listed in one subpart only.

(d) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

Subpart B—General and Plastic Surgery Diagnostic Devices

§ 878.1800 Speculum and accessories.

(a) *Identification.* A speculum is a device that is intended for insertion into a body cavity to facilitate observation. It is either non-illuminated or illuminated and may have various accessories.

(b) *Classification.* Class I (general controls).

Subpart C—[Reserved]

Subpart D—General and Plastic Surgery Prosthetic Devices

§ 878.3250 External facial fracture fixation appliance.

(a) *Identification.* An external facial fracture fixation appliance is a metal apparatus used during surgery to immobilize maxillofacial bone fragments in their proper facial relationship for surgical reconstruction and repair.

(b) *Classification.* Class I (general controls).

§ 878.3300 Surgical mesh.

(a) *Identification.* A surgical mesh is an implanted metallic or polymeric screen intended for use in reinforcing soft tissue or bone where weakness exists. Examples of surgical mesh are metallic and polymeric mesh for hernia repair, and acetabular and cement restrictor mesh used in orthopedic surgery.

(b) *Classification.* Class II (performance standards).

§ 878.3500 Polytetrafluoroethylene with carbon fibers composite implant material.

(a) *Identification.* A polytetrafluoroethylene with carbon fibers composite implant material is an implanted, porous device material that is intended for use as a space-occupying substance in surgery of the chin, jaw, nose, and bones and tissue near the eye and ear. The device material is shaped and formed by the surgeon to conform to the patient's need.

(b) *Classification.* Class II (performance standards).

§ 878.3530 Inflatable breast prosthesis.

(a) *Identification.* An inflatable breast prosthesis is a silicone rubber shell made of polydimethylsiloxane and polydiphenylsiloxane that is inflated after implantation with a fluid other than injectable silicone, such as sterile isotonic saline, that is intended to augment or reconstruct the female breast.

(b) *Classification.* Class III (premarket approval).

§ 878.3540 Silicone gel-filled breast prosthesis.

(a) *Identification.* A silicone gel-filled breast prosthesis is a silicone rubber shell made of polydimethylsiloxane and polydiphenylsiloxane. The shell either contains cross-linked polymerized silicone gel, fillers, and stabilizers or is filled with injectable silicone gel at time of implantation. The device is intended for implantation to augment or reconstruct the female breast. The device does not include injectable silicone (including tissue adhesives for use in general surgery) for injection directly into the patient's body rather than into a shell; direct injection use of silicone is investigational only.

(b) *Classification.* Class III (premarket approval).

§ 878.3550 Chin prosthesis.

(a) *Identification.* A chin prosthesis is an implanted solid silicone rubber prosthesis intended for use in chin augmentation or reconstruction.

(b) *Classification.* Class II (performance standards).

§ 878.3590 Ear prosthesis.

(a) *Identification.* An ear prosthesis is an implanted solid silicone rubber prosthesis intended for use in the reconstruction of the external ear.

(b) *Classification.* Class II (performance standards).

§ 878.3610 Esophageal prosthesis.

(a) *Identification.* An esophageal prosthesis is a plastic tube or tube-like device (that may have mesh reinforcement) and accessories that is implanted in, or affixed externally to, the chest and throat for restoration of the esophagus or for pharyngoesophageal continuity.

(b) *Classification.* Class III (premarket approval).

§ 878.3680 Nose prosthesis.

(a) *Identification.* A nose prosthesis is an implanted solid silicone rubber prosthesis intended for use in the augmentation or reconstruction of the nasal dorsum.

(b) *Classification.* Class II (performance standards).

§ 878.3720 Tracheal prosthesis.

(a) *Identification.* A tracheal prosthesis is a tubular implant intended for use in the reconstruction of the trachea.

(b) *Classification.* Class III (premarket approval).

§ 878.3750 External prosthesis adhesive.

(a) *Identification.* An external prosthesis adhesive is a silicone-type adhesive intended for use in affixing an external prosthesis, such as an artificial nose or ear.

(b) *Classification.* Class I (general controls).

§ 878.3800 External aesthetic restoration prosthesis.

(a) *Identification.* An external aesthetic restoration prosthesis is a device intended to construct an external artificial body structure, such as an ear, breast, or nose. The device usually is made of silicone rubber and attached to, but not implanted into, the deficient anatomy with a biocompatible adhesive.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 878.3900 Inflatable extremity splint.

(a) *Identification.* An inflatable extremity splint is an inflatable device intended to prevent motion of a joint or of the ends of a fractured bone.

(b) *Classification.* Class I (general controls).

§ 878.3910 Noninflatable extremity splint.

(a) *Identification.* A noninflatable extremity splint is a noninflatable device intended to prevent motion of a joint or of the ends of a fractured bone.

(b) *Classification.* Class I (general controls).

§ 878.3925 Plastic surgery kit and accessories.

(a) *Identification.* A plastic surgery kit and accessories is a device that is used in the reconstruction of maxillofacial

deficiencies. It consists of a kit containing surgical instruments and materials intended for use in making maxillofacial impressions before molding an external prosthesis.

(b) *Classification.* Class I (general controls).

Subpart E—General and Plastic Surgery Surgical Devices

§ 878.4040 Surgical apparel.

(a) *Identification.* Surgical apparel are devices that are intended to be worn by operating room personnel during surgical procedures to protect both the surgical patient and the operating room personnel from transfer of microorganisms, body fluids, and particulate material. Examples include surgical caps, hoods, masks, gowns, operating room shoes and shoe covers, and isolation masks and gowns.

(b) *Classification.* Class II (performance standards).

§ 878.4060 Nonabsorbable gauze, surgical sponge, and wound dressing for external use.

(a) *Identification.* Nonabsorbable gauze, a surgical sponge, or a wound dressing for external use are devices made of an open mesh fabric of cotton or synthetic materials that are intended to control bleeding, absorb body fluids, or protect wounds from contamination.

(b) *Classification.* Class I (general controls).

§ 878.4100 Intestine bag.

(a) *Identification.* An intestine bag is a device that consists of a flexible plastic bag and that is intended for use as a temporary receptacle for the intestine to prevent moisture loss during surgical procedures.

(b) *Classification.* Class I (general controls).

§ 878.4120 Hydrophilic beads for wound exudate absorption.

(a) *Identification.* Hydrophilic beads for wound exudate absorption are small spherical beads made of dextran polymer that are intended to remove particulate and fluid secretion from wounds by absorption and capillary action.

(b) *Classification.* Class I (general controls).

§ 868.4140 Porcine burn dressing.

(a) *Identification.* A porcine burn dressing is a device made from pigskin that is intended for use as a temporary dressing in the treatment of burns.

(b) *Classification.* Class I (general controls).

§ 878.4160 Surgical camera and accessories.

(a) *Identification.* A surgical camera and accessories of a device that is intended to record operative procedures and that consists of a camera and associated equipment, which may include a sound track.

(b) *Classification.* Class I (general controls).

§ 878.4200 Introduction/drainage catheter and accessories.

(a) *Identification.* An introduction/drainage catherer is a device that consists of a flexible single lumen or multilumen tube intended for use in the introduction of fluids, medications, or contrast material into body cavities; the evaluation of physiological parameters, such as venous pressure; or the drainage of fluids from body cavities. Examples include irrigation and drainage catheters, pediatric catheters, perionteal catheters, and other general surgical catheters. A catheter accessory is a component of this device intended to facilitate the manipulation of, or to assist in the insertion of, an introduction/drainage catheter into various parts of the body. Examples include adaptors, connectors, and catheter needles.

(b) *Classification.* Class II (performance standards).

§ 878.4300 Implantable clip.

(a) *Identification.* An implantable clip is a stainless steel or tantalum device intended to connect internal tissues to aid healing.

(b) *Classification.* Class II (performance standards).

§ 878.4320 Removable skin clip.

(a) *Identification.* A removal skin clip is a device intended to temporarily connect external tissues to aid healing.

(b) *Classification.* Class I (general controls).

§ 878.4350 Cryosurgical unit and accessories.

(a) Cryosurgical unit with a liquid nitrogen cooled cryoprobe and accessories:

(1) *Identification.* A cryosurgical unit with a liquid nitrogen cooled cryoprobe and accessories is a device intended to destroy tissue during surgical procedures by applying extreme cold.

(2) *Classification.* (i) Class III (premarket approval) when intended for use in various urological applications, such as treatment of prostate carcinoma.

(ii) Class II (performance standards) when intended for other surgical procedures.

(b) Cryosurgical unit with a nitrous oxide cooled cryoprobe and accessories:

(1) *Identification.* A cryosurgical unit with a nitrous oxide cooled cryoprobe and accessories is a device intended to destroy tissue during surgical procedures, including urological applications, by applying extreme cold.

(2) *Classification.* Class II (performance standards).

(c) Cryosurgical unit with a carbon dioxide cooled cryoprobe or a carbon dioxide dry ice applicator, and accessories:

(1) *Identification.* A cryosurgical unit with a carbon dioxide cooled cryoprobe or a carbon dioxide dry ice applicator, and accessories, is a device intended to destroy tissue during surgical procedures by applying extreme cold. The device is intended to treat disease conditions other than urological applications such as tumors, skin cancers, acne scars, and hemangiomas (benign tumors consisting of newly-formed blood vessels), and to treat various benign or malignant gynecological conditions affecting vulvar, vaginal, or cervical tissue. The device is not used for urological applications.

(2) *Classification.* Class II (performance standards).

§ 878.4370 Surgical drapes and drape accessories.

(a) *Identification.* Surgical drapes and drape accessories are devices made of natural or synthetic materials intended for use as protective patient coverings, such as to isolate a site of surgical incision from microbial and other contamination. Examples of surgical drapes and drape accessories are plastic wound protectors that usually adhere to the skin around a surgical incision or that are placed in the wound to cover its exposed edges, Kelly pads that are placed beneath a patient or limb to absorb drainage from a surgical wound, and latex drapes with self-retaining finger cots that are used during transurethral prostatectomy for repeated insertion of the surgeon's finger into the rectum.

(b) *Classification.* Class II (Performance standards).

§ 878.4380 Aerosol drape adhesive.

(a) *Identification.* An aerosol drape adhesive is a device that is a substance intended to be sprayed on the skin to keep surgical drapes in place.

(b) *Classification.* Class I (general controls).

§ 878.4400 Electrosurgical cutting and coagulation device and accessories.

(a) *Identification.* An electrosurgical cutting and coagulation device and accessories is a device that uses high-

frequency electrical current and that is intended for the surgical removal of tissue and for the control of bleeding.

(b) *Classification.* Class II (performance standards).

§ 878.4450 Nonabsorbable gauze for internal use.

(a) *Identification.* Nonabsorbable gauze for internal use is a device made of an open mesh fabric of cotton or synthetic material intended to control bleeding, absorb body fluids, and protect wounds from contamination.

(b) *Classification.* Class II (performance standards).

§ 878.4460 Surgeon's glove.

(a) *Identification.* A surgeon's glove is a device made of a rubber polymer compound that is intended to be worn by operating room personnel and is used to protect the surgical wound from contamination and cross-infection.

(b) *Classification.* Class II (performance standards).

§ 878.4470 Surgeon's gloving cream.

(a) *Identification.* Surgeon's gloving cream is an ointment intended to lubricate the user's hands before putting on surgeon's gloves.

(b) *Classification.* Class I (general controls).

§ 878.4580 Surgical lamp.

(a) *Identification.* A surgical lamp (including a fixture) is a device that is intended to provide visible illumination for the surgical field or for examination of the patient.

(b) *Classification.* Class II (performance standards).

§ 878.4630 Dermatologic ultraviolet lamp.

(a) *Identification.* A dermatologic ultraviolet lamp is a device (including a fixture) that provides ultraviolet radiation that is intended primarily for the treatment of dermatologic disorders or for tanning.

(b) *Classification.* Class II (performance standards). See § 1040.20.

§ 878.4650 Aorto-saphenous vien ostia marker.

(a) *Identification.* An aorto-saphenous vien ostia marker is an implanted stainless steel ring that is intended to mark the anastomosis (point of surgical connection) of the aorta and the coronary bypass saphenous vien graft to allow radiologic identification of or catheterization of the bypass vien graft.

(b) *Classification.* Class II (performance standards).

§ 878.4660 Skin marker.

(a) *Identification.* A skin marker is a pen-like device intended to write on the patient's skin for the purpose of outlining surgical incision sites or marking anatomical sites for accurate blood pressure measurement.

(b) *Classification.* Class I (general controls).

§ 878.4680 Nonpowered, single patient, portable suction apparatus.

(a) *Identification.* A nonpowered, single patient, portable suction apparatus is a device that consists of a manually operated plastic, disposable evacuation system that is intended to provide a vacuum used for suction drainage of surgical wounds.

(b) *Classification.* Class I (general controls).

§ 878.4700 Surgical microscope and accessories.

(a) *Identification.* A surgical microscope and accessories is an AC-powered device intended for use during surgery to provide a magnified view of the surgical field.

(b) *Classification.* Class II (performance standards).

§ 878.4730 Surgical skin degreaser or adhesive tape solvent.

(a) *Identification.* A surgical skin degreaser or an adhesive tape solvent is a device that consists of 1,1,2-trichloro-1,2,2-trifluoroethane and that is intended for use as a solvent for surface skin oil or as a solvent for adhesive tape.

(b) *Classification.* Class I (general controls).

§ 878.4750 Implantable staple.

(a) *Identification.* An implantable staple is an implanted stainless steel or tantalum staple-like device intended to connect internal tissues to aid healing.

(b) *Classification.* Class II (performance standards).

§ 878.4760 Removable skin staple.

(a) *Identification.* A removable skin staple is a device intended to temporarily connect external tissues to aid healing.

(b) *Classification.* Class I (general controls).

§ 878.4780 Powered suction pump.

(a) *Identification.* A powered suction pump is a portable, AC-powered device that includes a bacterial filter to remove contaminants from the discharged air and that is intended to remove infectious material or fluids from the body either at the patient's bedside, as a wound drainage suction pump, or in the operating room, as a breathing system suction pump.

(b) *Classification.* Class II (performance standards).

§ 878.4800 Manual surgical instrument for general use.

(a) *Identification.* A manual surgical instrument for general use is a nonpowered, hand-held, or hand-manipulated device, either reusable or disposable, intended for use in various general surgical procedures. Surgical instruments that have specialized uses in specific medical specialty areas are classified in separate regulations published in the part of this subchapter for devices used by that medical specialty. Manual surgical instruments for general use may include: An applicator, a clip applier, a biopsy brush, a manual dermabrasion brush, a scrub brush, a cannula, a ligature carrier, a chisel, a clamp, a contractor, a curette, a cutter, a dissector, an elevator, a skin graft expander, a file, forceps, a gouge, an instrument guide, a needle guide, a hammer, a hemostat, an amputation hook, a ligature passing and knot-tying instrument, a knife, a blood lancet, a mallet, a disposable or reusable aspiration and injection needle, a disposable or reusable suturing needle, an osteotome, pliers, a rasp, a retainer, a retractor, a saw, a scalpel, a blade, a scalpel handle, a one-piece scalpel, a snare, a spatula, a stapler, a disposable or reusable stripper, a stylet, measuring tape, and calipers.

(b) *Classification.* Class I (general controls).

§ 878.4810 Laser surgical instrument for use in general and plastic surgery and in dermatology.

(a) *Identification.* A laser surgical instrument for use in general and plastic surgery and in dermatology is a carbon dioxide or argon gas laser device that is intended to cut, destroy, or remove tissue by light energy.

(b) *Classification.* Class II (performance standards).

§ 878.4820 AC-powered, battery-powered, and pneumatically-powered surgical instrument motors and accessories/attachments.

(a) *Identification.* AC-powered, battery-powered, and pneumatically-powered surgical instrument motors are devices intended for use in surgical procedures to provide power to operate the devices' various accessories or attachments to cut hard or soft tissue and bone. The accessories and attachments may include the bur, chisel (osteotome), dermabrasion brush, dermatome, drill bit, hammerhead, pin driver, and saw blade.

(b) *Classification.* Class II (performance standards).

§ 878.4930 Suture retention device.

(a) *Identification.* A suture retention device is a device, such as a retention bridge, a surgical button, or a suture bolster, that is intended to aid the wound healing process by distributing suture tension over a larger area in the patient.

(b) *Classification.* Class I (general controls).

§ 878.4950 Manual operating table and accessories and manual operating chair and accessories.

(a) *Identification.* A manual operating table and accessories and a manual operating chair and accessories are nonpowered devices, usually with movable components, intended for use during diagnostic examinations or surgical procedures in order to support the patient.

(b) *Classification.* Class I (general controls).

§ 878.4960 Air or AC-powered operating table and accessories and air or AC-powered operating chair and accessories.

(a) *Identification.* An air or AC-powered operating table and accessories and an air or AC-powered operating chair and accessories are air or electrically-powered devices, usually with movable components, intended for use during diagnostic examinations or surgical procedures to support the patient.

(b) *Classification.* Class II (performance standards).

Subpart F—General and Plastic Surgery Therapeutic Devices

§ 878.5070 Air-handling apparatus for a surgical operating room.

(a) *Identification.* Air-handling apparatus for a surgical operating room is a device that is intended to reduce the possibility of infection in the patient by producing a directed, non-turbulent flow of air that has been filtered to remove particulate matter and microorganisms and thereby providing an area free of contaminants.

(b) *Classification.* Class II (performance standards).

§ 878.5350 High-frequency needle-type epilator.

(a) *Identification.* A high-frequency needle-type epilator is a device intended to destroy a hair follicle by applying DC current blended with high-frequency AC current at the tip of a fine needle that has been inserted close to the hair shaft, under the skin, and into the hair follicle.

(b) *Classification.* Class II (performance standards).

§ 878.5360 High-frequency tweezer-type epilator.

(a) *Identification.* A high-frequency tweezer-type epilator is an electrical device intended for hair removal. The device provides a high-frequency electric current at the tip of a tweezer used for removing hair.

(b) *Classification.* Class III (premarket approval).

§ 878.5650 Topical oxygen chamber for extremities.

(a) *Identification.* A topical oxygen chamber for extremities is a chamber that hermetically surrounds a chronic skin ulceration on a patient's arm or leg and that aids healing by allowing the topical application of humidified oxygen at a pressure slightly greater than atmospheric pressure.

(b) *Classification.* Class II (performance standards).

§ 878.5900 Nonpneumatic tourniquet.

(a) *Identification.* A nonpneumatic tourniquet is a device consisting of a strap or tubing that is intended to be wrapped around a patient's arm or leg and tightened to reduce circulation in the limb.

(b) *Classification.* Class I (general controls).

§ 878.5910 Pneumatic tourniquet.

(a) *Identification.* A pneumatic tourniquet is an air-powered device consisting of a pressure-regulating unit and an inflatable cuff that is intended to be wrapped around a patient's arm or leg and inflated to reduce circulation in a limb.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before March 22, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments regarding the general provisions are to be identified with the docket number found in brackets in the heading of this document. Comments regarding a particular device are to be indentified with the docket number for that device found in the "Panel Recommendation" section. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this proposed rule and has determined that, if promulgated, the rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this proposed rule has been carefully analyzed, and it has been determined that this proposal does not constitute a major rule as defined in section 1(b) of the Executive Order. Rules proposing classification of devices into class I generally maintain the status quo: These devices are now subject to only the general controls provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360, 360f, 360h, 360i, and 360j) and, under the proposed rules, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II would also remain subject only to the general controls provisions of the act unless and until an applicable performance standard were established. Similiarly, devices classified into class III remain subject only to the general controls provisions of the act until an additional regulation is promulgated pursuant to section 515(b) of the act (21 U.S.C. 360e(b)) requiring that such devices have in effect approved applications for premarket approval. In accordance with section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)), devices classified by regulation into class III may remain in commercial distribution without an approved premarket approval application for 30 months following the effective date of classification of the device into class III, or for 90 days following the promulgation of a regulation under section 515(b) of the act (21 U.S.C. 360e(b)), whichever occurs later. In sum, device classification rules do not have a significant impact on a substantial number of small entities and are not major rules.

Dated: December 16, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82–1192 Filed 1–18–82; 8:45 am]

BILLING CODE 4160–01–M

V
4
7
1
2
J
A
1
9
8
2

Reader Aids

Federal Register

Vol. 47, No. 12

Tuesday, January 19, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15
2475-2766	18
2767-2854	19

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12310 (Amended by EO 12339)	2475
12337	1367
12338	1369
12339	2475

5 CFR

359	2283
410	935
832	2284
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
282	532
301	1257
425	6
631	130
701	937
800	131, 2254
905	589
906	1265
907	746, 2074
910	939, 2767
944	747, 1285
1924	590
1942	590
Proposed Rules:	
102	631
979	631
1004	2118
1006	814
1007	962, 2122
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1942	2774
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules	
3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

2	2286
40	8
50	2286
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
Ch. XVI	1138
317	1137
378	817
440	1299
457	1301
500	161
501	161
503	161
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9
226	755
327	943
614	2477
Proposed Rules:	
701	963

702.....633, 2122

13 CFR

101.....2074, 2305
120.....9
124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113, 2477, 2479
71.....15–18, 759, 760, 1113–1115, 2079, 2481
73.....18
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:

Ch. I.....817
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489
73.....1146, 2488, 2490
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079

Proposed Rules:

1.....2325
210.....2776
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329
271.....39, 638
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522
878.....2810

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147

Proposed Rules:

1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:

5.....1148
9.....1149–1153

28 CFR

2.....2312

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

Proposed Rules:

Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41
701.....41
716.....928, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

36 CFR

Ch. II.....745

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115
123.....618, 1248, 2314
180.....619–623, 1378–1384
193.....1385
262.....1248
264.....953
265.....1254, 2316
702.....2771
762.....148, 149

Proposed Rules:

50.....2127, 2341
52.....191, 1304, 1398, 2129
58.....2127
65.....969
81.....2131
86.....972, 1306, 1642
123.....1155, 2378
180.....651–654
244.....1307
245.....1307
248.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385
5A–7.....2481
5A–16.....2481
5A–72.....2481

Proposed Rules:
Ch. 60..... 402

42 CFR

405..... 1386
441..... 1386

43 CFR

20..... 2316
428..... 624

Public Land Orders:
6100..... 21
6101..... 769

Proposed Rules:
Subtitle A..... 2381
4100..... 1155

44 CFR

65..... 770
66..... 770
70..... 771, 772
67..... 22

Proposed Rules:
13..... 2491
205..... 827

45 CFR

680..... 193
681..... 193
682..... 193
683..... 193
684..... 193

46 CFR

Proposed Rules:
69..... 2131
510..... 215
536..... 655

47 CFR

0..... 1294
2..... 953, 1386
21..... 953
73..... 150, 1386, 2116
74..... 150, 953, 1392
83..... 2317

Proposed Rules:
2..... 983, 1308
15..... 216, 836
73..... 56, 837, 983, 985, 1308, 2135, 2136, 2384, 2385
74..... 983
90..... 1310

48 CFR

Proposed Rules:
13..... 1400
17..... 1400

49 CFR

Ch. X..... 613
1..... 1122
830..... 773
1033..... 151, 152, 624, 773, 776, 2482
1056..... 777
1136..... 2117
1139..... 2317

Proposed Rules:
1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR

17..... 2317
23..... 1294, 2117
32..... 1122–1135
611..... 625, 1294, 1295
662..... 629
675..... 1295

Proposed Rules:
23..... 1242
611..... 2386
672..... 2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982

V 47 / 12 / J A 19 82 UMI

1-20-82
Vol. 47 No. 13
Pages 2855-2976

federal register

Wednesday
January 20, 1982

Highlights

2855 **National Jaycee Week** Presidential proclamation.

2857 **Disaster Assistance—Federal Reserve System** FRS temporarily suspends Regulation Q penalty for early withdrawal of time deposits in California counties designated as major disaster areas.

2857 **Savings and Loan Associations** FHLBB issues rule on amortization of certain discounts and matching losses.

2880 **Grant Programs—Energy Conservation** DOE/CRE proposes to include current statistical data in allocation formula for schools, hospitals, local government-owned buildings and public care institutions.

2886 **Forests and Forest Products** USDA/FS proposes to revise procedures for new timber sales.

2864 **Oil and Gas Leasing** Interior/BLM increases filing fees for noncompetitive applications and rental for simultaneous leases.

2928 **Continental Shelf—Environmental Protection** Interior/GS announces availability of documents on Atlantic mineral exploration proposals.

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

2876 **Nuclear Power Plants and Reactors** NRC proposes to amend criteria for environmental qualification of electric equipment.

2874 **Classified Information—Nuclear Material** DOE proposes changes in criteria for determining eligibility for access to classified matter or significant quantities of special nuclear material.

2861 **Classified Information** Justice amends national security information regulations.

2859 **Small Businesses—Motion Pictures** SBA terminates pilot program to permit investment companies to specialize in financing movie production and distribution.

2910 **Consumer Protection** Commerce/NBS announces current status of certain voluntary product standards.

2971 **Government Securities** Treasury invites tenders for notes of Series N–1984.

Imports ITC issues notices on the following:
2946 Airtight cast-iron stoves;
2950 Certain steel rod treating apparatus;
2957 Certain surface grinding machines;
2947 Sheet piling from Canada;
2956 Sugar;
2957 Unrefined montan wax from East Germany

Countervailing Duties ITC issues notices on the following:
2960 Barley from France;
2951 Cold-formed alloy steel bar;
2951 Cold-formed carbon steel bar;
2949 Compressors from Italy;
2953 Hot-rolled alloy steel bar;
2954 Hot-rolled carbon steel bar

Antidumping ITC issues notices on the following:
2948 Certain amplifier assemblies from Japan;
2949 Truck trailer axle-and-brake assemblies from Hungary

Countervailing Duties and Antidumping ITC issues notices on the following:
2950 Carbon steel structural shapes;
2952 Cold-rolled carbon steel sheet and strip;
2953 Galvanized carbon steel sheet;
2955 Hot-rolled carbon steel plate;
2955 Hot-rolled carbon steel sheet and strip

2974 **Sunshine Act Meetings**

Contents

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

The President
PROCLAMATIONS
2855 Jaycee Week, National (Proc. 4890)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
2944 East Africa Regional Economic Development Services Office, Director; contracting functions
2945 Egypt, Mission Director; contracting functions
2945 Egypt, Mission director, et al.; authority to approve negotiation with a single source for host country contracts
2945 Indonesia, Mission Director; contracting functions; redelegation
2944 Potocki, Raymond J.; contracting authority
2944 Stuart, John; contracting authority
2944 West Africa Regional Economic Development Services Office, Director; contracting functions

Agriculture Department
See also Animal and Plant Health Inspection Service; Forest Service.
NOTICES
2896 Soil and water conservation program, national; report and environmental statement, drafts; availability; extension of time

Air Force Department
NOTICES
Meetings:
2911 Scientific Advisory Board

Animal and Plant Health Inspection Service
PROPOSED RULES
2874 Noxious weeds; list revision; hearing and comment period reopened

Civil Aeronautics Board
NOTICES
2896 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
2896 Harold's Air Service
2897 Southeast Alaska Airlines, Inc.; mail rates
2897 Trenton Hub Express Airline; fitness investigation

Commerce Department
See Foreign-Trade Zones Board; Minority Business Development Agency; National Bureau of Standards.

Commodity Futures Trading Commission
NOTICES
2974 Meetings; Sunshine Act (2 documents)

Conservation and Renewable Energy Office
PROPOSED RULES
Schools, hospitals, and buildings owned by local government, etc.:
2880 Grant programs, administration; hearing

Consumer Product Safety Commission
NOTICES
2974 Meetings; Sunshine Act

Defense Department
See Air Force Department.

Energy Department
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission.
PROPOSED RULES
2874 Classified matter or special nuclear material, access; criteria and procedures for determining eligibility
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
2911 Australia

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2862 Bromoxynil
2863 Carbofuran
Pesticides; tolerances in animal feeds:
2860 Carbofuran
PROPOSED RULES
Air quality implementation plans; delayed compliance orders:
2889 Hawaii; hearing
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2889 Corn syrup
NOTICES
Environmental statements; availability, etc.:
2919 Rainbow Valley, Ariz.; proposed sale of Federal land to State for siting of hazardous waste management facility
Pesticides; temporary tolerances:
2918 Chlorpyrifos

Equal Employment Opportunity Commission
NOTICES
2974 Meetings; Sunshine Act

Federal Communications Commission
RULES
Radio broadcasting:
2864 Interference jeopardizing safety of life or protection of property; correction
Radio services, special:
2872 Amateur radio services; facsimile and television transmissions in additional frequency bands
Radio stations; table of assignments:
2865 California and Nevada

2868 Georgia
2868 Indiana
2870 Kansas
2867 Vermont
2870 Virginia
2871 West Virginia

PROPOSED RULES

Radio services, special:
2894 Maritime services; Vessel Traffic Service (VTS) communications; exclusive availability of frequency band in Seattle (Puget Sound) VTS radio protected area

Radio stations; table of assignments:
2890 Colorado
2891 Montana
2893 Oklahoma

NOTICES

Hearings, etc.:
2920 Owens, Dale A., et al.
2921 Radio Station WSIB et al.
2922 Sixty-One Corp. et al.
2924 WFLI, Inc.

Meetings:
2921 Communications policy issues; en banc meetings
2919 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee

Federal Deposit Insurance Corporation

NOTICES

2974, 2975 Meetings: Sunshine Act (3 documents)

Federal Energy Regulatory Commission

PROPOSED RULES

Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations:
2883, 2884 Texas (2 documents)

NOTICES

Hearings, etc.:
2912 ANR Storage Co.
2912 Columbia Gas Transmission Corp. et al.
2913 Consolidated Gas Supply Corp.
2913 Consumers Power Co.
2913 Distrigas of Massachusetts Corp.
2914 Duquesne Light Co.
2914 Groveton Papers Co.
2915 Lassen Research
2915 Maine Yankee Atomic Power Co.
2916 National Fuel Gas Distribution Corp.
2916 Platte River Power Authority
2917 Small Scale Hydropower
2917 Transcontinental Gas Pipe Line Corp.
2918 Utah Power & Light Co. (2 documents)
2918 Western Gas Interstate Co.

Federal Home Loan Bank Board

RULES

Federal Savings and Loan Insurance Corporation:
2857 Mortgage assets, etc.; amortization of discounts and matching losses

NOTICES

2975 Meetings; Sunshine Act

Federal Maritime Commission

NOTICES

Complaints filed:
2925 Belco Petroleum Corp. (2 documents)

Investigations and hearings, etc.:
2926 South Atlantic-North Europe Rate Agreement and Gulf European Freight Association
2976 Meetings; Sunshine Act

Federal Mediation and Conciliation Service

NOTICES

Senior Executive Service:
2927 Performance awards scheduled
2927 Performance Review Board; membership

Federal Mine Safety and Health Review Commission

NOTICES

2976 Meetings; Sunshine Act

Federal Reserve System

RULES

Interest on deposits (Regulation Q):
2857 Early withdrawal penalty; temporary suspension in California

NOTICES

2976 Meetings; Sunshine Act

Foreign-Trade Zones Board

NOTICES

Applications, etc.:
2897 Florida
2898 New Jersey
2898 New York

Forest Service

PROPOSED RULES

2886 Timber sales, national forest; new procedures

Geological Survey

NOTICES

Environmental statements; availability, etc.:
2928 Outer Continental Shelf; Atlantic oil and gas operations; exploration proposals

Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
2927 Mobil Oil Exploration & Producing Southeast Inc.
2928 Transco Exploration Co.

Interior Department

See Geological Survey; Land Management Bureau; Reclamation Bureau.

International Development Cooperation Agency

See Agency for International Development.

International Trade Commission

NOTICES

Import investigations:
2946 Airtight cast-iron stoves
2946 Amplifier assemblies and parts from Japan
2960 Barley from France
2950 Carbon steel structural shapes
2951 Cold-formed alloy steel bar
2951 Cold-formed carbon steel bar
2952 Cold-rolled carbon steel sheet and strip
2949 Compressors and parts from Italy
2953 Galvanized carbon steel sheet
2953 Hot-rolled alloy steel bar
2954 Hot-rolled carbon steel bar
2955 Hot-rolled carbon steel plate

2955 Hot-rolled carbon steel sheet and strip
2947 Sheet piling from Canada
2950 Steel rod treating apparatus and components
2956 Sugar
2957 Surface grinding machines and promotional literature
2949 Truck trailer axle-and-brake assemblies and parts from Hungary
2957 Unrefined montan wax from East Germany

Interstate Commerce Commission
NOTICES
Motor carriers:
2933, 2935 Finance applications (2 documents)
2934 Fuel cost recovery, expedited procedures
2938-2940 Permanent authority applications (3 documents)
2933 Permanent authority applications; correction
2933 Permanent authority applications; operating rights republication; correction
2935 Permanent authority applications; restriction removals
2932 Press release summary publication procedures; press box service and advise-of-all proceedings participation restricted; extension of time

Justice Department
See also Parole Commission.
RULES
2961 National security information program; implementation
NOTICES
Pollution control; consent judgments:
2961 Hamilton, Ohio

Land Management Bureau
RULES
Oil and gas leasing:
2864 Noncompetitive applications filing fees increase; and simultaneous leases rental increase
NOTICES
Coal unsuitability assessment reports, etc.:
2928 Garfield, Prairie, Custer, and Fallon Counties, Mont.; inquiry
Exchange of public lands for private land:
2930 California
Opening of public lands:
2929 Oregon (2 documents)
2929 Washington
2930 Wilderness study procedures; incorporation into planning amendments within individual Utah districts

Mexico and United States, International Boundary and Water Commission
NOTICES
Environmental statements; availability, etc.:
2931 Hidalgo County Drainage District No. 1; construction of structure through Main Floodway Divisor Dike near Mercedes, Tex.

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
2906, 2908 Illinois (2 documents)
2901 Minnesota
2899, 2900, 2907 Ohio (3 documents)
2904 Pennsylvania
2903 Virginia

Motor Carrier Ratemaking Study Commission
NOTICES
2962 Hearings

National Bureau of Standards
NOTICES
Meetings:
2911 Visiting Committee
2911 Weights and Measures National Conference
Voluntary product standards:
2910 Status report

National Science Foundation
NOTICES
Meetings:
2962 Equal Opportunities in Science and Technology Committee (2 documents)
2962 Physiology, Cellular, and Molecular Biology Advisory Committee

Nuclear Regulatory Commission
PROPOSED RULES
Production and utilization facilities, domestic licensing:
2879 Emergency planning exercises; clarification; extension of time
2879 Emergency planning and preparedness for fuel loading and low power operations; elimination of certain requirements; extension of time
2876 Environmental qualifications of electric equipment for nuclear power plants
NOTICES
Applications, etc.:
2964 Consolidated Edison Co. of New York, Inc., et al.
2965 Pacific Gas & Electric Co.
2965 Rochester Gas & Electric Corp.
Meetings:
2964 Reactor Safeguards Advisory Committee
2963 Reactor Safeguards Advisory Committee; proposed schedule

Parole Commission
NOTICES
2976 Meetings; Sunshine Act (2 documents)

Reclamation Bureau
PROPOSED RULES
2890 Acreage limitation; reclamation rules and regulations; extension of comment time on environmental impact statement and hearings; correction
NOTICES
Environmental statements; availability, etc.:
2931 McGee Creek Project, Atoka County, Okla.

Securities and Exchange Commission
NOTICES
2976 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
2965, 2966 American Stock Exchange, Inc. (2 documents)

2967 Cincinnati Stock Exchange, Inc.
2968 Pacific Stock Exchange, Inc.
2970 Philadelphia Stock Exchange, Inc. (2 documents)

Small Business Administration
RULES
Small business investment companies:
2859 Movie production and distribution; termination of specialized financing pilot program

Treasury Department
NOTICES
Notes, Treasury:
2971 N-1984 series

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
2973 Hawaii; new National Cemetery; notice of intent

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Bureau of Standards—
2911 Visiting Committee, Boulder, Colo. (open), 2–25–82
2911 Weights and Measures National Conference, Gaithersburg, Md. (open), 1–25 through 1–29–82

DEFENSE DEPARTMENT
Air Force Department—
2911 Scientific Advisory Board, Command, Control and Communications Countermeasures (C^3CM) Data Base Ad Hoc Committee, Kelly Air Force Base, Tex. (closed), 2–18 and 2–19–82

ENVIRONMENTAL PROTECTION AGENCY
2919 Rainbow Valley hazardous waste management facility, Mobile, Ariz., 2–18–82; Phoenix, Ariz., 2–19–82 (both sessions open)

FEDERAL COMMUNICATIONS COMMISSION
2921 *En banc* meeting, Washington, D.C. (open), 1–19–82
2919 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee, Inter-Service Sharing Subgroup, Washington, D.C., 1–27–82

INTERIOR DEPARTMENT
Land Management Bureau—
2928 Jordan-North Rosebud and New Prairie management framework plans, Forsyth, Mont., 3–1–82; Terry, Mont., 3–2–82; Baker, Mont., 3–3–82 (all sessions open)

INTERNATIONAL TRADE COMMISSION
Various investigations, Washington, D.C., 2–3–82:
2950 Carbon steel structural shapes;
2951 Cold-formed alloy steel bar;
2951 Cold-formed carbon steel bar;
2952 Cold-rolled carbon steel sheet and strip;
2953 Galvanized carbon steel sheet;
2953 Hot-rolled alloy steel bar;
2954 Hot-rolled carbon steel bar;
2955 Hot-rolled carbon steel plate;
2955 Hot-rolled carbon steel sheet and strip

NATIONAL SCIENCE FOUNDATION
Equal Opportunities in Science and Technology Committee, Washington, D.C. (open), 2–4 and 2–5–82:
2962 Minorities in Science and Technology Subcommittee;
2962 Women in Science and Technology Subcommittee
2962 Physiology, Cellular and Molecular Biology Advisory Committee, Regulatory Biology Subcommittee, Washington, D.C. (closed), 2–4 and 2–5–82

NUCLEAR REGULATORY COMMISSION
2964 Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (open), 2–3–82

HEARINGS

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
2874 Noxious weeds, Miami, Fla., 2–4–82

ENERGY DEPARTMENT
Conservation and Renewable Energy Office—
2880 Grant program for schools, hospitals, local government-owned buildings and public care institutions, Washington, D.C., 2–2–82

INTERIOR DEPARTMENT
Reclamation Bureau—
2890 Acreage limitation, Denver, Colo., 2–24–82

INTERNATIONAL TRADE COMMISSION
2946 Certain amplifier assemblies from Japan, Washington, D.C., 3–16–82
2956 Sugar investigation, Washington, D.C., 4–6–82

MOTOR CARRIER RATEMAKING STUDY COMMISSION
2962 Collective ratemaking, Akron, Ohio, 1–29–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4890 2855

7 CFR
Proposed Rules:
360 2874

10 CFR
Proposed Rules:
50 (3 documents) 2876, 2879
455 2880
710 2874

12 CFR
217 2857
563c 2857

13 CFR
107 2859

18 CFR
Proposed Rules:
271 (2 documents) 2883, 2884

21 CFR
561 2860

28 CFR
17 2861

36 CFR
Proposed Rules:
Ch. II 2886

40 CFR
180 (2 documents) 2862, 2863
Proposed Rules:
65 2889
180 2889

43 CFR
3100 2864
3110 2864
Proposed Rules:
426 2890

47 CFR
0 2864
73 (7 documents) 2865–2871
74 2864
97 2872
Proposed Rules:
73 (3 documents) 2890–2893
81 2894
83 2894

V 4 7 / 1 3 J A 2 0 8 2

Feder
Vol. 4
Wedn

Title

The

[FR Doc
Filed 1-
Billing c

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

Presidential Documents

Title 3—

The President

Proclamation 4890 of January 18, 1982

National Jaycee Week, 1982

By the President of the United States of America

A Proclamation

More than sixty years ago, the Jaycee idea began in St. Louis, Missouri. Today there are more than three hundred thousand members in 8,318 chapters across the country.

Over the years, the Jaycees have worked to meet the vital needs of our ever-changing and increasingly complex society. Motivated by their creed, "Service to humanity is the best work of life," hundreds of thousands of Jaycees have reached out to their fellow citizens in need and, in the process, have enriched their own lives.

In recognition of the accomplishments of this unique organization, the Congress of the United States has, by Senate Joint Resolution 117 (P.L. 97-144), authorized and requested the President to issue a proclamation designating the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning January 17, 1982, as National Jaycee Week, and I call upon the people of the United States to observe that period with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-1464
Filed 1-18-82; 2:56 pm]
Billing code 3195-01-M

V
4
7
/
1
3
J
A
2
0
8
2
UMI

This
conti
gene
of w
the
publi
U.S.C
The
by t
Price
first
mont

FED

12 C

[Doc

Inte
Susp
Pena

AGE
Fede

ACTI
Regu
upon
depo

SUMI
actin
deleg
temp
the v
matu
depo
mud
the C
Mari
Sono

EFFE

FOR
Dani
3711)

SUPP
Janu
of th
U.S.C
of Ju
throu
Emer
desig
Cont
Cruz,
The
actio
gover
propo
Presi
of the
emer

Rules and Regulations

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0383; Regulation Q]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, mud slides, high tides, and flooding in the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION: On January 7, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma, major disaster areas. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of severe storms, mud slides, high tides, and flooding beginning on or about December 19, 1981. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to January 7, 1982 for the designated counties and will remain in effect until 12 midnight July 7, 1982.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has determined it to be in the public interest to suspend the penalty provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within the designated counties of California, which have been officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of California directly affected by the severe storms, mud slides, high tides, and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(13)), January 8, 1982.

William W. Wiles,
Secretary of the Board.

PART 217—INTEREST ON DEPOSITS

§ 217.4 [Amended]

The application of § 217.4(d) is temporarily suspended for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, mud slides, high tides, and flooding in the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma.

[FR Doc. 82-1270 Filed 1-19-82; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563c

[No. 82-12]

Amortization of Certain Discounts and Matching Losses

January 8, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations to clarify that an institution that has elected to defer gains and losses pursuant to 12 CFR 563c.14 and that purchases or otherwise acquires a long-term, deep-discount mortgage loan, mortgage-related security or qualifying debt security within six months prior or subsequent to the sale at a loss of a mortgage loan or qualifying security, must amortize the discount using the same amortization method and period used to amortize the matching loss resulting from the sale. The amendments make clear that the authority to defer and amortize gains and losses may not be used as an accounting mechanism to artificially inflate an institution's earnings.

DATES: Effective date: September 30, 1981. Comments on these amendments will be accepted for sixty days, through March 5, 1982.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank

Board, 1700 G Street, NW, Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:
Michael S. Joseph, Office of Examinations and Supervision (202–377–6994), or David J. Bristol (202–377–6461) or Kenneth F. Hall (202–377–6466), Office of General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: On September 30, 1981, the Board adopted regulations permitting institutions, for purposes of reporting to the Board, to defer and amortize gains and losses resulting from the sale of mortgage loans, mortgage-related securities, and debt securities that do not qualify as liquid assets (FHLBB Res. No. 81–581; 46 FR 50048 (1981) (to be codified in 12 CFR 563c.14)). Such gains and losses are to be amortized over a period not in excess of the remaining term to maturity of the disposed assets, using the level-yield or straight-line methods of amortization. The regulations apply to institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC").

Accounting Distortions

Section 563.23–1 (12 CFR 563.23–1, as amended effective December 31, 1981) of the Board's regulations requires that discounts arising from the purchase of a mortgage loan be amortized over a period not shorter than the remaining term to maturity of the loan or ten years, whichever is less. An institution may use the straight-line, level-yield, or sum-of-years-digits methods of amortization. Amortization of such discounts is required because they are considered to be adjustments to the interest rate of the purchased loan. Similar accounting generally has been prescribed for purchases of mortgage-related securities. This accounting treatment is not significantly different from that prescribed by generally accepted accounting principles (GAAP).

Distortions of reported operating results can occur, however, when the proceeds of asset dispositions are used to purchase assets that have par values and maturities similar to those disposed of but that are significantly discounted from their stated par values when the institution purchases them. Amortizing discounts from such a purchase to income over a shorter period or by a more accelerated method than the related deferred losses are amortized to expense can result in a significant increase in reported earnings during the early years following disposition and reinvestment.

The Board authorized the deferral and amortization of gains and losses because of its view that deferral accounting accurately reflects the actual financial impact on an institution of the sale of mortgages and securities and the subsequent use of the sale proceeds. Deferral accounting recognizes the benefits an asset disposition and reinvestment program can have on the long-term profitability and the resulting increase in intrinsic value of an institution. These benefits result from a better matching of the rate and maturity structures of an institution's assets and liabilities. They also result from short-term improvements to profitability from the reinvestment of federal income tax benefits and from arbitrage profits (the reinvestment of sale proceeds at rates higher than those provided the purchaser of the disposed assets).

As the preamble to the regulation authorizing deferral accounting reflects, the Board did not envision the creation of extensive short-term profits for an institution solely as a result of mismatching the amortization methods and periods applied to deferred losses and purchase discounts. Rather, the Board envisioned the application of deferral accounting for dispositions of assets that would result in a change of economic substance in an institution's asset and liability structure (*see* 46 FR 50048–49 (1981)). The regulation was meant to provide institution management with the accounting flexibility necessary to sell low-yielding mortgage loans and qualifying securities and to "use the proceeds so as to increase future profitability and reduce future interest-rate risk" (46 FR 50049 (1981)).

The amendment adopted today clarifies that institutions should use the same amortization method and period for discounts resulting from the purchase of long-term, deep-discount mortgage loans, mortgage-related securities (as defined in 12 CFR 563.17–4(a)(4)), or qualifying debt securities as are used to amortize matching losses from sales of mortgage loans or qualifying securities occurring within six months of the purchase. This requirement will continue to permit the current recognition of income that has resulted from reinvestment of income tax benefits as well as any arbitrage profits realized, but will eliminate the recognition of income that is not a result of an improvement in the underlying economic value of the institution.

The amendment reflects the assumption that all discounts resulting from the purchase of long-term, deep-discount loans or securities within six months of dispositions from which losses are deferred can be matched with those losses, since it would be impractical to trace the actual use of sale proceeds. Thus, it makes no difference whether the sale proceeds actually were used to make the purchase. Accordingly, the statement defines the term "matching loss" as the amount that has the same proportional relationship to the total amount of loss deferred during the period as the amount paid for long-term, deep-discount loans or securities bears to the total proceeds of dispositions that gave rise to the deferred losses.

The Board notes that the amortization period for discounts provided by § 563.23–1 is a minimum amortization period and that, under § 563c.14, "remaining-term-to-maturity" is a maximum amortization period for deferred losses. Thus, the deferral accounting regulation, even as amended today, continues to provide institutions with considerable flexibility in matching amortization periods for both discounts and losses within these broad regulatory guidelines.

Clarification of Section 563c.14

The amendments also clarify paragraph (b)(3)(ii) of § 563c.14, which prescribes the maximum period over which gains and losses may be amortized. Since it prescribes only a *maximum* period, this subparagraph could be interpreted to permit institutions to amortize gains realized in a particular year over a much shorter period than it amortizes losses incurred in that year.

Section 563c.14 was not intended to authorize use of disparate amortization periods. Such accounting would cause the same distortions to earnings as the use of different amortization methods and periods for discounts from purchases of long-term, deep-discount loans or securities. Therefore, the amendment adopted today makes clear that amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

Effective Date

The Board finds that notice and public procedure with respect to the amendments pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary because (1) immediate adoption will prevent future abuse of the § 563c.14 accounting authority and will require institutions to correct past abuses that have resulted in mis-statements of their earnings, and (2) it is in the public interest to adopt the amendments without delay since they clarify the

Board's intended application of 12 CFR 563c.14. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons, and that it is necessary to make these amendments effective September 30, 1981, which is the date FHLBB Res. No. 81–581 became effective.

However, the Board invites the public to submit comments on these amendments through March 5, 1982. The Board will review all comments received by the end of the comment period and will determine, at that time, whether further action by the Board is appropriate.

Accordingly, the Board hereby amends Part 563c, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, to read as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Amend § 563c.14 by revising the title of the section and paragraph (b)(3)(ii), redesignating existing paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and adding a new paragraph (c), to read as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, mortgage-related securities and certain debt securities; matching the amortization of discounts and losses.

* * * * *

(b) *Amortization.* * * *

(3) Account for such gains and losses as follows:

* * * * *

(ii) Such gains or losses shall be amortized by the straight-line method, as described in § 563.23–1(g)(10)(i) of this Subchapter, or by the level-yield method, as described in § 563.23–1(g)(10)(iii), over a period not to exceed the average of the remaining terms to maturity of the disposed mortgage loans or debt securities, with the yield calculated to reflect the length of the amortization period. Amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

(c) *Matching the amortization of discounts and losses.*

(1) For purposes of this paragraph (c) only:

(i) The term "long-term, deep-discount security" means any mortgage loan, mortgage-related security (as defined in § 563.17–4(A)(4)) or debt security if the loan or security has a remaining term to maturity, at the time of purchase, of ten years or more, and is purchased at a price of less than 90% of its stated (par) value or principal balance.

(ii) The term "matching loss" is an amount determined by multiplying (*a*) the net amount of loss deferred in accordance with an election made pursuant to paragraph (a) of this section during a period beginning six months prior to the purchase of a long-term, deep-discount security, and ending six months after the date of such purchase, by (*b*) a fraction (not to exceed one), the numerator of which is the total of amounts paid or other consideration given for long-term, deep-discount securities during the twelve-month period described in paragraph (a) of this section, and the denominator of which is the total proceeds (in cash or any other consideration) from dispositions during the same period for which the election under paragraph (a) of this section is in effect.

(2) When long-term, deep-discount securities are purchased or otherwise acquired within six months preceding or subsequent to the disposition of a mortgage loan, mortgage-related security or debt security with respect to which an election to defer and amortize any loss or gain has been made pursuant to paragraph (a) of this section, the resulting discount shall be amortized, in accordance with § 563.23–1, over the same period and by the same method used to amortize any matching loss. However, if the average of the remaining terms to maturity of the security purchased is shorter than the period over which the matching loss is being amortized, then the average of the remaining terms to maturity of the securities purchased may be used as the amortization period.

(3) An institution may meet the requirement of paragraph (c)(2) of this section by changing the amortization method and period previously assigned to the matching loss to coincide with the amortization method and period the institution desires to establish for the discount. When making such a change, the amount of the matching loss shall be that portion of the loss that remains to be amortized as of the date of the change.

(d) For purposes of this section, * * *

(e) The accounting treatment authorized by this section * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1389 Filed 1-19-82; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Statement of General Policy Concerning Termination of a Pilot Program To Permit Licensees to Specialize in Financing of Movie Production and Distribution

AGENCY: Small Business Administration.

ACTION: Statement of general policy.

SUMMARY: SBA has decided to terminate a Pilot Program to permit small business investment companies (SBICs) to specialize in financing movie production and distribution, effective immediately.

EFFECTIVE DATE: January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Lawrence F. Friess, Director, Office of SBIC Operations, Investment Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6848.

SUPPLEMENTARY INFORMATION: SBA published a Statement of General Policy on November 29, 1977, (42 FR 60729), revised May 18, 1978 (43 FR 21439) to undertake a three year pilot program to test the feasibility of licensing SBICs to specialize in the financing of production and distribution of motion pictures. (Classified respectively under the Standard Industrial Classification Manual prepared by the Office of Management and Budget as Industry Nos. 7813, 7814, 7823 and 7824.)

The Agency's experience with the Pilot Program for the three year period from November 22, 1978 (the date the first license was issued under the Pilot Program), to November 22, 1981 has been as follows:

A. Six (6) applicants were selected from twenty-nine (29) applications to participate in the pilot, on the basis of experience, management capability, financial soundness, economic feasibility, probability of success, and similar factors.

B. Of the six applicants selected, two fulfilled the licensing requirements and were licensed.

C. Of the two licensed companies, one license has been revoked for cause, while one license remains outstanding and the company is operational.

D. Of the remaining four applicants, two were never able to raise their

capital, and two have recently advised the SBA that they have raised or can raise their capital.

Therefore, SBA has concluded (1) That there is a lack of interest in the Pilot Program by potential investors, (2) That the Pilot Program has not demonstrated a significant impact on the growth and development of independent small business participation in the field of movie production and distribution, and (3) That the continuation of the Pilot Program would result in material and unwarranted diversion of SBA's limited funding resources. For these reasons, SBA has determined to terminate the Pilot Program for special purpose SBICs concentrating their investments in motion picture production and distribution.

The Statement of General Policy published on November 29, 1977, stated if SBA should decide, in its discretion, to terminate the Pilot Program as a whole, or the participation of any single Pilot SBIC, such termination may be accomplished by:

(a) Settlement Agreement under which the SBIC would acknowledge SBA's nonliability for alleged damages due to termination, would cease to make new investments and would place existing assets in liquidation, as a condition precedent to repayment of SBA leverage and license surrender; or

(b) Agreement under which the Pilot SBIC would continue to operate as non-specialist SBIC, and would transfer its film assets to a wholly-owned liquidating subsidiary.

This Notice is published in accordance with Section 3 of the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)) requiring Federal agencies to publish in the **Federal Register** "* * * statements of general policy * * * formulated and adopted by the agency." As a statement of general policy, it is exempted by 5 U.S.C. 553(b)(A), and 5 U.S.C. 553(d)(2) from public participation-comment procedure and the 30-day postponed effective date requirements of 5 U.S.C. 553 (c) and (d) respectively.

Statement of General Policy: Termination of Pilot Program to Test the Feasibility of Licensees Specializing in the Financing of Movie Production and Distribution

On November 29, 1977, SBA approved a pilot program to test the feasibility of Licensees (SBICs) to specialize in the financing of movie production and distribution (42 FR 60729), revised on May 18, 1978 (43 FR 21438). SBA has determined that continuation of the movie pilot program would not be in the public interest. Therefore, effective January 20, 1982, the Statement of General Policy issued November 28, 1977, revised May 18, 1978, is hereby revoked and the Pilot Program is terminated.

(Catalog of Federal Assistance Program 59.011, Small Business Investment Companies)

Dated: January 8, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82-1369 Filed 1-19-82; 8:45 am]

BILLING CODE 8025-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5132/R90; PH-FRL-2031-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the insecticide carbofuran and its metabolites in or on fatty acids of peanut soapstock. This regulation to establish the maximum permissible level for the combined residues of the pesticide in or on fatty acids of peanut soapstock was requested by FMC Corp.

EFFECTIVE DATE: Effective on: January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 12, 1976 (41 FR 44735) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a feed additive petition (FAP 6H5132) proposing that 21 CFR 561.67 be amended by the establishment of a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the feed commodity fatty acids of peanut soapstock at 24.0 parts per million (ppm), of which not more than 3 ppm are carbamates, reflecting residues of 8 ppm phenolic metabolite and 1 ppm in alkaline soapstock.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 parts per million (ppm) for cholinesterase inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year rat chronic feeding/oncogenicity study with a systemic effects and cholinesterase inhibition NOEL of 20 ppm and using a 200 fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove peanuts from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the regulation permitting the combined residues of carbofuran and the metabolites in or on the commodity fatty acids of peanut soapstock will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before Februrary 19, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement of this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: January 20, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.67 is amended by adding the feed commodity fatty acids of peanut soapstock alphabetically to table to read as follows:

§ 561.67 Carbofuran.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Fatty acids of peanut soapstock (of which not more than 3 ppm are carbamates, reflecting residues of 6 ppm phenolic metabolite and 1 ppm in alkaline soapstock)	24.0
* * * * *	

[FR Doc. 82-1251 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 17

[Order No. 966–82]

Department of Justice Responsibilities for National Security Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This Order makes four amendments to Part 17 of Title 28, Code of Federal Regulations. First, to permit flexibility, the Order eliminates the requirement that the Attorney General's representative on the Interagency Information Security Committee be the Deputy Assistant Attorney General, Office of Legal Counsel. Second, the Order eliminates the requirements in current Department of Justice Regulations that the Chairman of the Department Review Committee be the member of that committee from the Department's Office of Legal Counsel. To permit flexibility, the Order provides that the Chairman shall be designated by the Attorney General from the voting membership of the committee. Third, a senior representative from the Office of Intelligence Policy and Review has been added to the membership of the Department Review Committee. Fourth, the Order provides that the Office of Intelligence Policy and Review shall be responsibile for providing advice to the Department Security Officer with regard to questions of law and policy that pertain to safeguarding National Security Information.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: A. R. Cinquegrana, Deputy Counsel for Intelligence Policy, Office of Intelligence Policy and Review, U.S. Department of Justice, Washington, D.C. 20530. (202–633–5598).

SUPPLEMENTARY INFORMATION: This Order is not a rule within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

PART 17—REGULATIONS IMPLEMENTING EO 12065 "NATIONAL SECURITY INFORMATION"

By the authority vested in me as Attorney General by 5 U.S.C 301 and 28 U.S.C. 509, 510, Part 17 of Title 28, Code of Federal Regulations is hereby revised as follows:

1. Section 17.144 is revised to read as follows:

§ 17.144 Interagency Information Security Committee.

Pursuant to Executive Order No. 12065, an Interagency Information Security Committee has been established. It is chaired by the Director of the Information Security Oversight Office and is comprised of representatives of the Secretaries of State, Defense, Treasury, and Energy, the Attorney General, the Director of Central Intelligence, the National Security Council, the Domestic Policy Staff, and the Archivist of the United States. Representatives of other agencies may be invited to meet with the Committee on matters of particular interest to those agencies. The Committee shall meet at the call of the Chairperson or at the request of a member agency and shall advise the Chairperson on implementation of Executive Order No. 12065.

2. Section 17.148 paragraphs (b) and (c) are revised to read as follows:

§ 17.148 Department Review Committee.

* * * * *

(b) The voting members of the Department Review Committee shall consist of a senior representative from each of the following elements within the Department:

(1) Office of the Deputy Attorney General.

(2) Office of Legal Counsel.

(3) Criminal Division.

(4) Justice Management Division.

(5) Federal Bureau of Investigation.

(6) Office of Intelligence Policy and Review.

(c) The head of each component listed will designate a voting member and an alternate in writing to the Chairman of the Department Review Committee, who shall be designated by the Attorney General from among the voting members.

* * * * *

3. Section 17.150 is amended by adding paragraph (c) to read as follows:

§ 17.150 The Department Security Officer.

* * * * *

(c) With respect to questions of law and policy that pertain to safeguarding National Security Information, the

Department of Justice Security Officer shall seek advice from the Office of Intelligence Policy and Review.

Dated: January 7, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-1280 Filed 1-19-82; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0F2346/R393; PH-FRL-2031-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Bromoxynil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide bromoxynil resulting from the application of its octanoic acid ester and/or butyric acid ester in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for bromoxynil in or on these raw agricultural commodities was requested by Union Carbide Agricultural Products Co., Inc.

EFFECTIVE DATE: Effective on January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of October 8, 1980 (45 FR 66883), that Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, TW Alexander Dr., Research Triangle Park, NC 27709, had filed pesticide petition of 0F2346 with the EPA. This petition proposed the establishment of tolerances for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from the application of its octanoic acid ester in or on the raw agricultural commodities: flax seed; flax straw; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; oat grain; oat forage (green); oat straw; rye grain; rye forage (green); rye straw; wheat grain, wheat forage (green); and wheat straw at 0.1 part per million (ppm). The petition was corrected in the Federal Register of December 16, 1980 (45 FR 82705) to include barley forage (green), barley grain, and barley straw at 0.1 ppm and butyric acid ester. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included several acute studies; a 13-week feeding study (dog) with a no-observed-effect level (NOEL) of 5 milligrams (mg)/kilogram (kg)/day; a 13-week feeding study (rat) with a NOEL of 312 ppm/day; a 3-generation reproduction study (rat) with a NOEL of 300 ppm for reproductive effects; a teratogenicity study (rat) negative for terata at 15 mg/kg/day; and an Ames *Salmonella*/Mutagen Assay (negative).

Data considered desirable, but currently lacking, are chronic/oncogenicity studies. The company has been notified of these deficiencies and has agreed to perform the studies.

The provisional acceptable daily intake (PADI) is calculated to be 0.0025 mg/kg/day based on a NOEL of 5 mg/kg/day (13-week dog feeding study) and using a safety factor of 2,000. For a 60-kg person, the maximum permissible intake (MPI) is 0.15 mg/day. Tolerances have previously been established for residues of the herbicide resulting from the application of its octanoic acid ester on the crops listed above for a theoretical maximum permissible residue contribution (TMRC) of 0.0026 mg/day for a 1.5 kg diet or 21.71 percent of the PADI. No change in the PADI or TMRC results from this action because only the addition of the butyric acid ester is requested. There are no new crop tolerances requested.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues is adequately understood. An adequate analytical method (gas chromatography with a Ni electron capture detector) is available for enforcement purposes. The existing tolerance of 0.1 ppm in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep will cover any secondary residues which may occur. There is no reasonable expectation of finite residues occurring in milk, poultry, or eggs; therefore, § 180.6(a)(3) applies.

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established in 40 CFR 180.324 as set forth below.

Any person adversely affected by this regulation may on or before February 19, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 20, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.324 is revised by removing the reference to negligible residues and adding butyric acid ester to read as follows:

§ 180.324 Bromoxynil; tolerances for residues.

Tolerances are established for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from application of its octanoic acid ester and/or butyric acid ester in or on the following commodities:

Commodities	Part per million
Barley, forage, green	0.1
Barley, grain	0.1
Barley, straw	0.1
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Flaxseed	0.1
Flax straw	0.1
Garlic	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mbyp	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Oats, forage, green	0.1
Oats, grain	0.1
Oats, straw	0.1
Rye, forage, green	0.1
Rye, grain	0.1
Rye, straw	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1
Wheat, forage, green	0.1
Wheat, grain	0.1
Wheat, straw	0.1

[FR Doc. 82-1252 Filed 1-19-82; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 6F1701/R375; PH-FRL—2031-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the insecticide in or on the commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm 3708, 401 M St., SW., Washington, DC. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 12, 1976 (41 FR 44735) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1701) proposing that 40 CFR 180.254 be amended by increasing the established tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the Raw agricultural commodities peanuts from 0.2 parts per million (ppm), of which not more than 0.1 ppm is carbamates, to 4.0 ppm, of which not more than 1.5 ppm are carbamates and peanut hulls from 5.0 ppm, of which not more than 1.0 ppm is carbamates, to 10.0 ppm, of which not more than 8.0 ppm are carbamates.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a 2-year chronic feeding/oncogenicity study in the rat and mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two-rat teratology studies which were negative up to 160 ppm and 1.2 milligrms (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL of 20 ppm and 1.2 mg/kg bw/day; a rabbit teratology study which was negative for terata and fetotoxicity at 20 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove peanuts from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromotography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerances. The existing meat and milk tolerances are adequate to cover any residue resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 19, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 20, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by increasing the established tolerances for the commodities peanuts and peanut hulls to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Part(s) per million (ppm)
* * * * *	
Peanuts (of which not more than 1.5 ppm are carbamates)	4.0
Peanut hulls (of which not more than 8.0 ppm are carbamates)	10.0
* * * * *	

[FR Doc. 82-1249 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100 and 3110

[Circular No. 2494]

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications and Rental Increase for Simultaneous Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will increase the filing fee that accompanies noncompetitive oil and gas lease applications from $25 to $75. It will also raise the rental for simultaneous oil and gas leases issued after the effective date of this rulemaking from the present $1 per acre per year for the life of the lease. The new rental will be $1 per acre per year for the first five years of the lease and $3 per acre per year thereafter.

EFFECTIVE DATE: February 19, 1982.

ADDRESS: Any suggestions or inquiries should be sent to: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Weller, (202) 343-7753, or Rob Cervantes, (202) 343-7722.

SUPPLEMENTARY INFORMATION: The proposed rulemaking amending the regulations on the filing fee that accompanies noncompetitive oil and gas lease applications and the rental for simultaneous oil and gas leases was published in the **Federal Register** on October 29, 1981 (46 FR 53645), with a 30-day comment period ending on November 30, 1981. The comment period was extended for an additional 15 days, to December 15, 1981, by a notice published in the **Federal Register** on November 30, 1981 (46 FR 58109). A total of 1854 comments were received on the proposed rulemaking, with the vast majority of the comments coming from individuals. Most of the comments were directed at the increase in the filing fee, with a fairly sizable number, less than half, commenting on both the filing fee and the rental. The increase in rental only was the subject of a much smaller number of comments.

A breakdown of the comments on the filing fee increase shows that 1689 were opposed to the increase, with 21 favoring. The comments on the rental increase showed 486 favoring the increase with 785 opposing it.

A careful review of the comments showed that there were no substantive views presented on the increases in the filing fee or rentals. Most of the comments were simply a statement of opposition or support for the increase. In view of the fact that the Department of the Interior has received no compelling argument for not instituting the proposed increases in the filing fee and rental, the final rulemaking restates the provisions of the proposed rulemaking without change.

The principal author of this final rulemaking is Charles Weller, Division of Oil and Gas, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291 but will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

The final regulatory impact analysis; including an analysis of the public comments, on this rulemaking has been prepared and copies are available to the public at the following address: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Under the authority of the Omnibus Budget Reconciliation Act of 1981, and the Mineral Lands Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*, Parts 3100 and 3110, Group C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

January 8, 1982.

PART 3100—OIL AND GAS LEASING

§ 3103.1-3 [Amended]

1. Section 3103.1-3 is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3103.2-1 [Amended]

2. Section 3103.2-1(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

3. Section 3103.3-2 is amended by adding a new paragraph (f) as follows:

§ 3103.3-2 [Amended]

* * * * *

(f) An annual rental of $1 per acre or fraction thereof for each of the first 5 years and $3 per acre or fraction thereof thereafter shall be paid on all leases issued under Subpart 3112 of this title after the effective date of this rulemaking. During the first 5 years of the lease the rental is subject to increase under paragraph (b)(1) of this section. However, paragraph (b)(1) is not applicable to leases for which the annual rental is $3.

PART 3110—NONCOMPETITIVE LEASES

§ 3111.1-3 [Amended]

1. Section 3111.1-3(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3111.2-2 [Amended]

2. Section 3112.2-2(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

[FR Doc. 82-1436 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 74

[BC Docket No. 81-394]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Rules To Provide for the Elimination of Harmful Interference to Radio Communications Involving Safety to Life and Protection of Property; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an erroneous statement regarding the adoption date of the Report and Order in BC Docket No. 81-394 concerning the amendment of Part 74 with regard to the elimination of harmful interference to radio communications involving safety to life and protection of property.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 74 of the Commission's Rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property, BC Docket No. 81–394.

Released: January 11, 1982.

1. The *Report and Order* in the above-captioned matter, released December 29, 1981, (47 FR 1392; January 13, 1982) stated an adoption date of October 1, 1981. The correct adoption date is December 12, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1333 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 80–522; RM–3582]

FM Broadcast Stations in Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes three Class B FM channels for three Class A channels, one at Carnelian Bay, California, and two at South Lake Tahoe, California. Also, one Class A channel was substituted for another such channel at Incline Village, Nevada. This action was taken in response to a petition filed by Emerald Broadcasting Company and comments filed by Entertainment Enterprises, Inc., and Tahoe Wireless Company. The modified licenses will enable the respective stations to better serve their service areas which have shown significant population growth since the 1970 Census.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau (202) 632–7792

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada): Report and order (proceeding terminated).

Adopted: January 6, 1982.

Released: January 15, 1982.

By the Acting Chief, Policy and Rules Division:

1. The Commission has before it the *Further Notice of Proposed Rule Making*, 46 FR 39627, published August 4, 1981, proposing the substitution of Class B Channel 279 for Channel 269A at Carnelian Bay, California; the substitution of Class B Channels 230 and 275 for Channels 261A and 276A at South Lake Tahoe, California, and the substitution of Channel 261A for 228A at Incline Village, Nevada.[1] Comments were filed by Tahoe Wireless Co., Inc. ("Wireless"), Entertainment Enterprises, Inc. ("EEI"), and Emerald Broadcasting Co. ("Emerald"). Reply comments were also submitted by Wireless and EEI.

2. In its comments, Wireless supports the proposal to upgrade the facilities of its Station KEZC, Carnelian Bay, California. The *Further Notice* proposed to modify KEZC's license to specify operation on Class B Channel 279 instead of Channel 269A. Although Carnelian Bay is a small community, it is situated on the shores of Lake Tahoe. Thus, from its base, KEZC seeks to provide a program service to the entire Lake Tahoe community in California. EEI, licensee of FM Station KRLT, South Lake Tahoe, California, also supports a plan proposed in the *Further Notice*, i.e., modification of station licenses to authorize Class A Station KZFR (formerly KTHO–FM) and KRLT, South Lake Tahoe, California, to operate on Class B channels. EEI notes with approval the Commission's proposal to delete Channel 261A from South Lake Tahoe and substitute it for Channel 228A at Incline Village, Nevada. Removing Channel 228A at Incline Village would eliminate the site restriction on the use of Channel 230 at South Lake Tahoe and allow EEI to utilize Channel 230 from is present transmitter site.

3. A submission was also filed by Emerald, licensee of FM Station KZFR, South Lake Tahoe, California, commenting on the Commission's proposal to upgrade the two Class A channels allocated to South Lake Tahoe, instead of just upgrading the petitioner's (Emerald) facility, in order to avoid intermixing classes of FM channels in the same community. Although supporting the Commission's proposal to modify its license to specify Channel 275, in lieu of its presently authorized frequency, Channel 276A, Emerald objects to any requirement that it pay for the modification of any other station in the community to change its frequency. According to Emerald, it filed the petition for rule making in this proceeding in order to deliver enhanced service to the citizens of the Lake Tahoe area, as well as to counteract the detrimental competitive effect of the Commission's action in dropping a Class B channel into the Lake Tahoe area (Tahoe City, California). Emerald argues that the Commission's proposal that it pay the conversion expenses to Class B status for another station, when Emerald is merely trying to avert the financial harm flowing from the Commission's action in dropping in a Class B channel in the area, flies in the face of the competitive parity which the Commission espouses as the purpose for its policy against intermixture of classes of stations. Emerald further asserts that there is no logical basis for the current Commission policy against intermixing classes of stations in a community. By proposing to upgrade Wireless' station in Carnelian Bay because of the proposed upgrading of the two South Lake Tahoe stations, contends Emerald, the Commission is recognizing the necessity of viewing proposed changes in a licensee's license from a market perspective. Therefore, Emerald submits, it is wrong of the Commission to maintain that an upgrading of Emerald's station requires an upgrading of EEI's license with the costs of the resultant change in frequency to be borne by the former party.

4. Emerald further argues that even if the Commission's policy against intermixture is justifiable, it should not apply in this case. Petitioner contends that the catalyst for this proceeding was its attempt to achieve greater technical parity for KZFR which competes with KRLT, and to which KZFR is currently considerably inferior. It submits the Commission's proposal to upgrade KRLT would not only serve to continue this competitive disparity but would further exacerbate the situation. Since KRLT's transmitter is located in Stateline, Nevada, Emerald argues, if upgraded, it will become a Class C station, able to

[1] The Commission also issued an *Errata*, 46 FR 41182, published August 18, 1981, correcting the reference in the *Further Notice* to Channel 269A being located at Carnelian Bay. In fact, although Channel 269A is used at Carnelian Bay, California, by Station KEZC, the channel is listed in the Table of Assignments as being assigned to Truckee, California. Therefore, Channel 269A was proposed for deletion from Truckee and Channel 279 was proposed for assignment to Carnelian Bay. In the event that the Commission determined not to substitute the Class B channel for the Class A channel, Channel 269A was to be reassigned to Carnelian Bay in acknowledgement of its actual use.

transmit at a higher power than KZFR, thus increasing KRLT's present competitive advantage. Not only would this create an unjust result, states Emerald, but as a further injustice, Emerald would be forced to pay directly for KRLT's frequency change. In the final analysis, Emerald contends that it is not the party which receives the ultimate benefit from the proposed license modification. Finally, petitioner asserts that there are no hard and fast rules on applying the reimbursement policy. Instead, it is left to the discretion of the Commission to determine what is fair and just in each particular case. Given the circumstances of this case, submits Emerald, an equitable result would not be reached if Emerald were required to pay for the conversion of KRLT to a Class C station.

5. Reply comments were filed by both Wireless and EEI. The former submitted that it would be unfortunate if the disagreement between the other two parties concerning the matter of reimbursement should impede or prevent the upgrading of all three Lake Tahoe area stations. Wireless contends that a situation in which the Lake Tahoe stations continue to operate with Class A facilities deprives the public of the benefits of full and effective competitive service.

6. In its response to Emerald's comments, EEI argues that the intermixture policy refers to a community of license, not to a region. Therefore, this FM allocation proceeding was not initiated by the Commission's drop-in action (at Tahoe City), but rather by Emerald's petition for rule making. Further, EEI asserts that, in view of Emerald's arguments in favor of upgrading its own facilities, which are premised on the Commission's intermixture policy, it is disingenuous for Emerald to argue that the policy should not likewise be invoked for the benefit of EEI. According to EEI, Emerald has failed to suggest any FCC policy which might be advanced by permitting a deviation from the intermixture policy. In regard to the alleged inferior position of KZFR, EEI argues that it is KRLT which is in the inferior position in the market because KZFR enjoys the advantage of having a commonly-owned AM station in the same market in addition to its fifteen year dominance of FM broadcast service in South Lake Tahoe. KRLT has been further disadvantaged, states EEI, by the fact that it incurred substantial expenditures for the replacement of essential equipment following the August 28, 1980, bomb blast which caused unexpected and massive disruption of service. Although Emerald argues that KRLT would be considered a Class C station because of its transmitter location, EEI asserts that Emerald has not indicated that it would be precluded from Class C status by changing its transmitter location. Finally, EEI notes that unlike the uncompensated party in *Lake Havasu City, Arizona*, 49 R.R. 2d 1517 (1981), who independently expressed a willingness to pursue a Class C assignment making it clear that it would convert without reimbursement, EEI has never indicated a willingness to convert without reimbursement.[2]

7. In view of the first and second FM service [3] which can be provided to the area of South Lake Tahoe by a Class B facility, the assignment of two Class B channels is warranted. Thus, we are modifying Emerald's license for FM Station KZFR from Channel 276A to Channel 275 and EEI's license for Station KRLT from Channel 261A to Channel 230. We note that the city of South Lake Tahoe has a present population of 20,681,[4] indicating a substantial growth during the last decade. In view of the general Commission policy to avoid an intermixture of classes of FM in the same community unless it is shown that the intermixture would not be harmful or that the Class A licensee is willing to compete under unfavorable circumstances, we generally upgrade each Class A station.[5] Since there were no objections to removing Channel 228A at Incline Village and substituting Channel 261A, we are taking that action in order to avoid any site restriction on KRLT's use of Channel 230 at South Lake Tahoe. The two applicants for Channel 228A at Incline Village retain their "cut off" status and may amend their applications. Also to be modified is Station KEZC's license to indicate operation on Channel 279 instead of Channel 269A. Although Carnelian Bay is a small community, it warrants an upgrading of its facilities in that it services the larger area of Lake Tahoe. We note that no objections to this channel change have been made by any of the parties.

8. The one modification that we wish to discuss at greater length is that of Station KRLT. In regard to Emerald's argument concerning the validity of the intermixture policy, we note this is not the appropriate forum for a discussion of the policy's merit. A general rule making proceeding is the proper procedure for any changes in our policy against intermixing classes of FM channels. Underway at this time is a proceeding initiated by a *Notice of Inquiry and Notice of Proposed Rule Making* in Docket 80-130, 45 FR 26390, published April 18, 1980, evaluating various Commission policies, such as the intermixture, which do not have the status of rules but are regularly employed in the rule-making process. As for whether an exception to the policy should be made here, we have found that in view of the substantial public benefit in the provision of service to the generally underserved areas nearby, intermixture would not be desirable. See footnote 4, *supra*.

9. In regard to the reimbursement question, the major subject in dispute, our general policy is to order the party benefitting to reimburse where the Commission finds it equitable to do so. The proper figure is normally left to the good faith determination of the parties, subject to Commission approval in the event of disagreement. In a case such as this one, the amount reimbursed would include only the cost of converting the operating frequency. The cost of increasing the power and antenna height to conform to the minimum requirements of a Class B or C operation would not be reimbursed since that benefit accrues to the existing station. See, *Mitchell, S.D.* 62 F.C.C. 2d 70 (1976). In the present case, as in *McCook, Nebraska, supra*, the petitioner, as the licensee of Station KZFR is the benefitting party. The reason we are mandating reimbursement in this case, and it is a limited form of reimbursement, is the unfairness of putting the existing station in a position of being compelled to upgrade its station in order to remain competitive. We note that there is no evidence that EEI would have sought to upgrade its facilities if Emerald had not wished a Class B facility. It is reasonable to assume that EEI is interested in doing so only to compete on an equal basis. Further, since it was the Commission's desire to avoid an intermixture result, we took the initiative in proposing the modification of the second Class A license as well as Emerald's Class A license located in South Lake Tahoe. In view of the above

[2] The substantive issues raised in response to the *Further Notice* outlined above are essentially the same as those raised in comments responding to the *Notice* and will be analyzed and resolved in this *Order* as previously indicated.

[3] As set forth in the *Notice*, a first FM service could be provided to 1177 sq. kilometers (460 sq. miles) serving 6,079 persons and a second FM service to 632 sq. kilometers (247 sq. miles) serving 416 persons.

[4] Population figures are taken from the 1980 U.S. Census.

[5] See also *McCook, Nebraska*, 46 FR 4004, published August 6, 1981, and *Ogallala, Nebraska*, 46 FR 40699, published August 11, 1981.

points, we do not believe that an exception to our reimbursement policy is warranted here. See also *Ogallala, Nebraska, supra.*

10. Since there has been no other interest expressed in Channels 230 and 275 at South Lake Tahoe and 279 at Carnelian Bay or Truckee, we shall modify the licenses of Stations KRLT, KZFR and KEZC, accordingly. See *Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976).

11. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada, as follows:

City	Channel No.
Carnelian Bay, Calif.	279
South Lake Tahoe, Calif.	230, 275
Truckee, Calif.	
Incline Village, Nev.	281A

12. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934 as amended, that the license of Station KEZC is modified to specify operation on Channel 279, Carnelian Bay, California, subject to the following:

(a) At least 30 days before operating on Channel 279, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 279, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

13. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the license of Station KRLT, South Lake Tahoe, California, is modified, to specify operation on Channel 230, subject to the following:

(a) At least 30 days before operating on Channel 230, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 230, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

14. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, that the license of Station KZFR, South Lake Tahoe, California, is modified, to specify operation on Channel 275, subject to the following:

(a) At least 30 days before operating on Channel 275, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 275, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

15. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to Incline Broadcasting Services, Inc., c/o One East First Street, Reno, Nevada 89501; to North Lake Tahoe Broadcasting Co., P.O. Box 3549, Incline Village, Nevada 89450, the applicants for Channel 228A at Incline Village.

16. It is further ordered, that this proceeding is terminated.

17. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1378 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 80-667; RM-3354]

FM Broadcast Stations, St. Johnsbury, Vermont; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 288A to St. Johnsbury, Vermont, as that community's first FM assignment, in response to a petition for reconsideration filed by North Country Communications, Inc.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Johnsbury, Vermont); Memorandum opinion and order (proceeding terminated).

Adopted: January 6, 1982.

Released: January 13, 1982.

By the Acting Chief, Policy and Rules Division.

1. The Commission herein reconsiders a *Report and Order* adopted May 1, 1981 (Docket No. 80-667, RM-3354), denying the request of Twin State Broadcasters, Inc. ("petitioner") to assign Channel 288A to St. Johnsbury, Vermont, as its first FM assignment. Reconsideration of the petition is sought by North Country Communications, Inc., licensee of Station WNCS-FM (Channel 244A), Montpelier, Vermont.

2. The Commission issued a *Notice of Proposed Rule Making* (45 FR 73980; November 7, 1980), seeking comments on the proposal to assign Channel 288A to St. Johnsbury, Vermont. The Commisssion did not receive comments from the petitioner (or any other interested persons), and consistent with our policy and procedures set forth in the Appendix to the *Notice*, we refrained from making the assignment. North Country, in its petition for reconsideration, states its intent to apply for authority to construct and operate a station on Channel 288A, if assigned.

3. We believe that the public interest would be served by the assignment of Channel 288A to St. Johnsbury, Vermont, since it would provide the community with an opportunity for a first FM broadcast service. Inasmuch as the channel would have been assigned earlier had it not been for a lack of expression of interest, we believe that a reversal of our earlier denial of the petition is warranted.

4. Canadian concurrence in the assignment of Channel 288A to St. Johnsbury, Vermont, has been obtained.

5. Accordingly, it is ordered, That the petition for reconsideration filed by

North Country Communications, Inc., is granted.

6. It is further ordered, that effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to St. Johnsbury, Vermont, as follows:

City	Channel No.
St. Johnsbury, Vt	288A

7. Authority for the action taken herein is found in Sections 4(i), 5(d)(1) and 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1377 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-561; RM-3857]

Radio Broadcast Services; FM Broadcast Station Ellijay, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 228A to Ellijay, Georgia, in response to a petition filed by Gilmer County FM Broadcasters. The assignment could provide for a first local FM broadcast service to Ellijay.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ellijay, Georgia), BC Docket No. 81-561, RM-3857.

Report and Order

(Proceeding Terminated)

Adopted: January 6, 1982.

Released: January 13, 1982.

1. The Commission herein considers a Notice of Proposed Rule Making, 46 FR 43201, published August 27, 1981, proposing the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment, at the request of Gilmer County FM Broadcasters ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Ellijay (population 1,507),[1] the seat of Gilmer County (population 11,110), is located approximately 104 kilometers (65 miles) north of Atlanta, Georgia. It is served locally by AM Station WLEJ.

3. Petitioner has submitted information with respect to Ellijay which is persuasive as to its need for a first local FM assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 228A to Ellijay, Georgia. A demand has been shown for its use and it would provide the community with a first local FM service.

5. In the Notice, the Commission stated that a site restriction on a Channel 228A assignment to Ellijay would be necessary unless a pending CP to move Station WQXI in Smyrna, Georgia, were granted. Since the release of the Notice, the CP for Station WQXI has been granted. Therefore, no site restriction is required.

6. Accordingly, it is ordered, That effective March 15, 1982, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below as follows:

City	Channel No.
Ellijay, Georgia	228A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population figures are taken from the 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1339 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-61; RM-3559 and RM-3662]

Radio Broadcast Services; FM Broadcast Stations in Avilla, Auburn, Albion, Garrett and Lagrange, Ind.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns FM Channel 288A from Auburn, Ind., to Lagrange, Indiana, at the request of Paul D. Mowery. A conflicting proposal to use the channel at either Albion, Indiana, or at Garrett, Indiana, by James E. Price, was denied. Another conflicting proposal to assign a channel to Avilla, Ind., by the Harts Corp., was also denied.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Avilla, Auburn, Albion, Garrett and Lagrange, Indiana); BC Docket No. 81-61, RM-3559, RM-3662.

Report and Order

(Proceeding Terminated)

Adopted: January 6, 1982.

Released: January 14, 1982.

1. Before the Commission is a Notice of Proposed Rule Making, 46 FR 14359, published February 27, 1981, proposing four options for changes in northeastern Indiana:

Option I—Assign Channel 272A to Avilla, Indiana.

Option II—Substitute Channel 272A for Channel 288A at Auburn, Indiana, and reassign Channel 288A to Lagrange, Indiana.

Option III—Assign Channel 272A to Garrett, Indiana.

Option IV—Assign Channel 272A to Albion, Indiana.

This proposal was made in response to petitions filed by the Harts

Corporation ("Harts"), by Mr. Paul Mowery ("Mowery"), and by James E. Price ("Price"). Harts, proponent of assigning Channel 272A to Avilla, filed comments supporting Option I. Price, proponent of assigning Channel 272A to Albion or Garrett, filed comments supporting the assignment to Garrett and reaffirming his intention to apply (Option III). C.P. Broadcasters, Inc., licensee of Station WIFF and WDKB–FM in Auburn and Paul D. Mowery, proponent of the Lagrange assignment, filed comments in favor of Option II. Harts, Mowery and C.P. Broadcasters all filed reply comments.

2. *Community Data:*

(a) Avilla (population 1,272),[1] located in Noble County (population 35,443), is approximately 192 kilometers (120 miles) north of Indianapolis, Ind.

(b) Albion (population 1,637) is located in Noble County, approximately 190 kilometers (118 miles) north of Indianapolis.

(c) Garrett (population 4,874), is located in DeKalb County (population 33,606) approximately 194 kilometers (121 miles) north of Indianapolis.

(d) Lagrange (population 2,164), seat of Lagrange County (population 25,550), is located approximately 216 kilometers (135 miles) north of Indianapolis.

(e) None of these four communities presently has local aural service.

3. As stated in the notice, Channel 272A is available for assignment at only one of the four cities (Avilla, Albion, Auburn (as a substitute) or Garrett) due to mileage separation requirements. The assignment to Avilla would also make the channel available at Albion or Garrett under the 10-mile rule (§ 73.203(b)). A Garrett assignment could also be used at Avilla but not at Albion. An Albion assignment could also be used at Avilla but not at Garrett. The chart below depicts these options:

Assignment	Application can specify
(1) Avilla	Avilla, Albion or Garrett.
(2) Garrett	Avilla or Garrett.
(3) Albion	Avilla or Albion.

4. Harts asserts that the Price counterproposal for an assignment to either Garrett or Albion should not have been accepted because Price failed to state he would apply for either city. Harts prefers Option I (Avilla) noting that it provides the most flexibility in that the application of the 10-mile rule would permit a comparative hearing to consider the section 307(b) issue in light of the specific application proposals before it. Harts argues that the only mutually exclusive proposal, therefore, is the request for a Lagrange assignment. In comparing the communities, Harts indicates that Avilla has grown 50 percent in population since the 1970 U.S. Census to 1,352 (the preliminary 1980 U.S. Census lists Avilla at 1,272 population). Lagrange, we are told by Harts, is already well served by Stations WSTR (AM and FM), Sturgis, Michigan, as well as by stations in Elkhart and Angola, Indiana. Finally, the possibility of fourth adjacent channel interference to Station WFDT (Channel 292A), Columbia City, Indiana, would be avoided.

5. Price argues in favor of a Garrett assignment that it is the largest community of those under consideration and has shown the best growth pattern.

6. Mowery reaffirmed his interest in the Lagrange proposal and incorporated by reference his earlier comments on the need for a first local service at Lagrange. Mowery adds that Lagrange is a larger community than Avilla or Albion.

7. C.P. Broadcasters also states that it favors the Lagrange proposal assuming it would be reimbursed for the necessary change in frequency for its Auburn station. It contends that Avilla, Albion and Garrett are located in the same general area and already receive service from nearby stations in Auburn, Kendallville and Fort Wayne. Thus, these cities would have a difficult time supporting a station in the competitive climate. On the other hand, Lagrange, located 40 miles from Fort Wayne, is a county seat and independent from larger communities.

8. No interest in Option IV, assignment of Channel 272A to Albion, was submitted. Therefore, we have dismissed that alternative from consideration herein.

9. In reply, Harts asserts that Avilla deserves local service and is not adequately served by nearby stations. Mowery also argues that nearby stations (particularly Sturgis, Michigan) do not provide adequate local service to Lagrange. C.P. Broadcasters agrees with Mowery that the stations closer to Avilla, in the same county, provide better service to its local needs than do the stations closest to Lagrange (in another state).

10. The Commission has found that sufficient information has been submitted to suggest that each of these communities could support a first FM broadcast station. The assignment of Channel 272A to Garrett (Option III), under the 10-mile rule (§ 73.203(b) of the Commission's Rules), would allow for its use in either Garrett or Avilla and conversely, assignment of the channel to Avilla (Option I) would permit its use at Garrett. Therefore, we shall consider Options I and III in combination in comparing the need for the assignment at either place to the needs of Lagrange (Option II). We are guided in our deliberations by the priorities first set forth in the *Further Notice of Proposed Rule Making* (Docket No. 14185), FCC 62–687 (1962). See also *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974). The two applicable factors here are the provision of a first FM broadcast service and the "catch-all" provision in which we consider the relative sizes, locations and reception services. Each of the communities would receive a first broadcast service under the three options. Garrett is the largest of the three communities but is also located closest to the major population center of Ft. Wayne.

Garrett—19 miles from Ft. Wayne.
Avilla—21 miles from Ft. Wayne.
Lagrange—41 miles from Ft. Wayne.

As for reception services, the following chart indicates the number of FM stations providing a 60 dBu signal to the respective communities:

Avilla and Garrett receives:
WDKB–FM (Auburn, Ind.); WAWK–FM (Kendallville, Ind.); WMEE (Ft. Wayne); WPTH (Ft. Wayne)
Lagrange receives:
WAWK–FM (Kendallville, Ind.);
WSTR–FM (Sturgis, Michigan)

In addition, Fort Wayne has 5 AM stations, Kendallville has 1 AM station, Auburn has 1 AM station, and Sturgis has 1 AM station. As can be seen, although Garrett is the larger community, Lagrange is more isolated and receives less broadcast services from nearby stations. In addition, Langrange, unlike Avilla and Garrett, is a county seat and, as such, is the most important community in its county. These factors, in our option, justify adoption of the Lagrange proposal despite Garrett's larger population. In a similar case, recently decided, Loogootee, Ind. was chosen for the assignment of Channel 232A despite a conflicting proposal to assign the channel to the larger community of Marshall, Ill. The choice was made on the basis of the greater number of broadcast stations received in Marshall. *Marshall and Robinson, Illinois, and Loogootee, Indiana*, 46 FR 15707, published March 9, 1981. While this case is somewhat closer in that there is not the same difference in the number of signals received, Lagrange rates the preference on two of the three catch-all factors—being more isolated and receiving less broadcast service.

11. Accordingly, it is ordered, that effective March 15, 1982, § 73.202(b) of

[1] Population figures are taken from the 1980 U.S. Census.

the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Auburn, Indiana	272A.
Lagrange, Indiana	288A.

12. Authority for the adoption of the amendments herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Station WDKB–FM, Auburn, Indiana, is modified, effective March 15, 1982, to specify operation on Channel 272A in lieu of Channel 288A with the condition that it will be reimbursed for the reasonable costs of switching frequencies from the ultimate permittee of Channel 288A, Lagrange. The licensee of Station WDKB–FM shall:

(a) At least 30 days before operating on the newly specified channel, file with the Commission a minor change application for a construction permit (Form 301);

(b) Within 10 days after commencing operation on the newly specified channel, submit a license application (Form 302) for the new channel;

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

14. It is further ordered, that the Secretary shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to C.P. Broadcasters, P.O. Box 551, Auburn, Indiana 46706.

15. It is further ordered, that this proceeding is terminated.

16. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–1336 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–562; RM–3837]

Radio Broadcast Services; FM Broadcast Stations in Leoti, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 260 to Leoti, Kansas, in response to a petition filed by KIUL, Inc. The assignment could provide for a first local FM broadcast service to Leoti.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 13, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Leoti, Kansas), BC Docket No. 81–562, RM–3837. Report and Order (Proceeding Terminated)

1. The Commission herein considers a proposal for the assignment of Class C Channel 260 to Leoti, Kansas, as that community's first FM assignment. The Notice of Proposed Rule Making, 46 FR 43216, published August 27, 1981, was issued in response to a petition filed by KIUL, Inc. ("petitioner"). Supporting comments were filed by petitioner affirming its intention to file an application for the channel, if assigned. No oppositions to the proposal were received.

2. Leoti (population 1,869),[1] seat of Wichita County (population 3,041), is located approximately 360 kilometers (225 miles) northwest of Wichita, Kansas. It has no local aural broadcast service.

3. In the Notice, petitioner was asked to submit a listing of alternative channels available to the communities precluded by the Class C assignment and has done so. From this showing, it is apparent that no community will be deprived of the opportunity to have an FM assignment. Further, as stated in the Notice, the proposed assignment will provide a first FM and nighttime aural service to 8,053 square kilometers (3,146 square miles) for 7,381 persons and a second FM and nighttime aural service to 7,116 square kilometers (2,780 square miles) for 13,027 persons.

[1] Population figures are taken from the 1980 U.S. Census.

4. We have given careful consideration to the proposal and believe that Channel 260 should be assigned to Leoti, Kansas. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second FM and nighttime aural service to persons in sparsely populated areas. And, since alternative channels are available for the precluded areas, we believe the preclusion impact to be insignificant.

5. Accordingly, it is ordered, That effective March 15, 1982, pursuant to the provisions of sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below as follows:

City	Channel No.
Leoti, Kansas	260

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–1340 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–574; RM–3884]

Radio Broadcast Services; FM Broadcast Station in Woodstock, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 240A to Woodstock, Virginia, as its first commercial FM channel, in response to a request from Arthur D. Stamler and Virginia I. Stamler, d.b.a. Ruarch Associates.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 14, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodstock, Virginia); BC Docket No. 81-574, RM-3884; Report and Order, (Proceeding Terminated).

1. The Commission has before it for consideration a notice of proposed rule making, 46 FR 43210, published August 27, 1981, proposing the assignment of FM Channel 240A to Woodstock, Virginia, as the community's first FM station. The notice was issued in response to a petition filed by Arthur D. Stamler and Virginia I. Stamler, d.b.a. Ruarch Associates ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. An opposition was filed by the manager of Station WFFV-FM, Front Royal, Virginia.

2. Woodstock (population 2,627), in Shenandoah County (27,559),[1] is located in the extreme northwestern portion of Virginia's Shenandoah Valley, approximately 128 kilometers (80 miles) west of Washington, D.C. Channel 240A may be assigned to Woodstock with a site restriction of 1.6 miles southwest of the city to comply with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, the petitioner submitted information with respect to Woodstock which is persuasive as to its need for a first FM channel assignment. Petitioner indicates that it intends to locate its transmitter approximately 3.5 miles south-southeast to avoid the radio quiet zone. This site complies with spacing requirements.

4. In the opposition of WFFV-FM, Front Royal, Virginia (28 kilometers; 18 miles from Woodstock), it is contended that Woodstock is already well served; that additional competition may force an area station into a distress sale; that Woodstock merchants generally oppose proliferation of stations in the area which would decrease the impact of their advertising dollars; and that addition of another station would mean that all stations serving the area would be able to offer less and less to the people. The showing and arguments made in the opposition are not persuasive to deter the assignment of an FM channel providing a first FM service to Woodstock. Rather, allegations of ecomomic impact should be raised at the application stage where the issues can be more fully developed.

5. We conclude that the public interest would be served by the assignment of Channel 240A to Woodstock, Virginia.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934; as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, IT IS ORDERED, That effective March 15, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Woodstock, Virginia	240A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82-1135 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population data are taken from the 1980 U.S. Census.

---

47 CFR Part 73

[BC Docket No. 81-566; RM-3868]

Radio Broadcast Services; FM Broadcast Station in Fairmont, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 232A to Fairmont, West Virginia, in response to a petition filed by J. Robert Hanway. The assignment could provide Fairmont with a second FM service.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 13, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairmont, West Virginia); BC Docket No. 81-566, RM-3868; Report and Order (Proceeding Terminated).

1. The Commission has before it for consideration the notice of proposed rule making herein 46 FR 43717, published August 31, 1981, in response to a petition filed by J. Robert Hanway ("petitioner"), proposing the assignment of FM Channel 232A to Fairmont, West Virginia, as that community's second FM assignment. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for the channel, if assigned as proposed. The assignment is made with a site restriction, as noted *infra*, in conformity with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules. An opposition to the proposal was filed by WMOA, Inc. ("WMOA"), licensee of WMOA-FM, Marietta, Ohio, to which the petitioner did not respond.

2. Fairmont (population 26,003),[1] in Marion County (population 61,358), is located approximately 24 kilometers (15 miles) southwest of Morgantown, West Virginia. It is served locally by two full-time AM stations (WMMN and WTCS), and one FM station (WFGM, Channel 250).

3. In his comments, petitioner incorporated by reference the information contained in the notice, which demonstrated the need for a second FM assignment to Fairmont, West Virginia.

4. As requested in the notice, petitioner submitted a study which indicates that preclusion would occur as a result of the proposed assignment of Channel 232A only on the co-channel and on Channel 235. The communities of Bridgeport, Monongah and Farmington, W. Va., which have a population in excess of 1,000, and are presently without any FM assignments, will sustain preclusion as a result of the proposed assignment. Petitioner neglected to provide a list of alternate channels available thereto. However, since there have been no counterproposals from any of the precluded communities and the potential impact has not been shown to be sufficient enough to warrant denial of the proposal, we will waive the requirement to supply the additional preclusion information.

5. In its opposition comments, WMOA asserts that the proposed assignment of Channel 232A will cause co-channel interference to its operation in Marietta, Ohio. Pursuant to § 73.207(a) of the

[1] Population figures are derived from the 1970 U.S. Census.

Commission's Rules, a minimum distance separation of 65 miles is required for co-channel Class A facilities. The distance between Marietta, Ohio, and Fairmont, West Virginia, is approximately 71 miles. Therefore, the proposal herein is in compliance with our rules and any interference which will result is beyond the afforded protection.

6. As expounded in the notice, the assignment herein will create intermixture of a Class A channel with a Class B facility. Although the Commission has been concerned with intermixture at Fairmont in the past, the primary basis for previously deleting two Class A channels there was the lack of interest, particularly when the channels could be used elsewhere. Here, we have an expressed intent to operate a Class A station in competition with an existing Class B, in spite of any unfavorable competitive situation which may result. Therefore, intermixture is not an obstacle to the assignment. See *Yakima, Washington*, 42 FCC 2d 548, 550 (1973); *Key West, Florida*, 45 FCC 2d 142, 145 (1974).

7. In view of the above, we believe that the public interest would be served by the assignment of FM Channel 232A to Fairmont, West Virginia. A site restriction of approximately 2.0 kilometers (1.2 miles) west of the community is required to avoid short-spacing to Station WKLP (Channel 231), in Keyser, West Virginia. Canadian concurrance in the proposal has been obtained.

8. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
Fairmont, West Virginia	232A, 250.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1331 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 97

[PR Docket No. 80-252; RM-3239; RM-2861; FCC 81-548]

Amateur Radio Service; Amendment of the Commission's Rules To Permit Facsimile and Television Transmissions in Additional Frequency Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: The Commission is adopting rules which will permit facsimile and television operations (emission types A4, A5, F4 and F5) by amateur radio stations on most frequencies in the HF (high frequency) amateur bands where voice operations (emission types A3 and F3) are permitted. Amateur operators desire to expand their experimentation and use of the facsimile and television modes. The revised rules authorize these modes on additional frequencies to allow their use by more operators in additional amateur bands with different propagation characteristics.

DATES: Effective February 22, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: January 14, 1982.

In the matter of an amendment of the Amateur Radio Service Rules to permit facsimile and television transmissions in additional frequency bands, PR Docket No. 80-252, RM-3239, RM-2861; Report and Order (Proceeding Terminated).

1. On June 3, 1980 the Commission adopted a Notice of Proposed Rule Making [1] in the above-entitled matter proposing to permit facsimile transmissions (emission types A4 and F4) and television transmissions (emission types A5 and F5) on certain amateur radio frequencies where they are not currently authorized. That Notice was in response to two petitions for rule making. RM-2861, submitted by Henry B. Ruh, requests that "slow-scan" television emissions be permitted on all HF (high frequency) amateur frequencies (those amateur frequencies between 3 and 30 MHz) where voice emissions (types A3 and F3) are allowed. RM-3239, submitted by Robert J. Roehrig, requests that facsimile transmissions be permitted on all amateur frequencies where television is allowed. The comment period for the Notice ended September 22, 1980 and the reply comment period ended October 22, 1980.

2. In its Notice of Proposed Rule Making, the Commission specifically proposed to allow the use of facsimile and television transmissions on all portions of the Amateur Radio Service bands where voice transmissions are allowed. The frequencies between 1800 and 2000 kHz were not included in the proposed revision in order to protect LORAN-A radio navigation operations. It was also proposed that the bandwidth of facsimile transmissions below 225 MHz be limited to that of a single sideband voice emission with the exception that amplitude modulated double sideband facsimile transmissions between 50 and 225 MHz would be limited to the bandwidth of an amplitude modulated double sideband voice emission. These bandwidth limitations already apply to television transmissions. Provisions to permit the simultaneous transmission of voice and facsimile on the same carrier frequency were proposed which parallel existing provisions for simultaneous transmission of voice and television.

3. Ten comments and a statement with 9 signatures were received in the docket. The statement supports the Commission proposal. Only one comment opposes the proposal. That comment, submitted by R. P. Haviland, contends that slow-scan television signals have a greater interference potential than voice transmissions due to a greater energy content. The comment also claims that, "Because of the adverse interference potential of SSTV (slow-scan television) as compared to SSB (voice), unrestricted sharing of these two modes would be detrimental." The Commission finds no reason to conclude that additional energy content resulting from a television operation will cause any significant harmful interference since it is expected that informal amateur coordination methods will segregate the incompatible modes.

4. Comments filed by Robert J. Roehrig, petitioner in RM-3239, and the American Radio Relay League (ARRL) request that during the promulgation of final rules, bandwidth limitations on F4 and F5 operations between 50 and 225 MHz be relaxed from those proposed in

[1] 45 FR 40192, June 13, 1980.

the Commission Notice. They recommend a bandwidth limitation of approximately 16 kHz as a means of allowing amateurs to utilize equipment in the transmission of facsimile and television that they already own for the transmission of voice. Since it is unlikely that this relaxed bandwidth limitation would result in any additional interference, and since it clearly would be in the best interest of amateurs wishing to use the F4 and F5 modes of emission, this request has been incorporated into the final rules. A provision to have amateur stations limit their peak deviation and modulating frequency during F4 and F5 operations in lieu of limiting their bandwidth has also been added to relieve operators of the need to calculate or measure their occupied bandwidth.

5. The remaining comments (including Mr. Roehrig's and the ARRL's) support the presumptions made in the Commission's Notice. Allowing facsimile transmissions on all frequencies where television is permitted will provide amateurs with an opportunity to use an additional, useful operating mode in bands where such use is currently prohibited. Expansion of the use of television to most telephony portions of the amateur bands will provide an opportunity for use of this mode (along with the facsimile mode) by General Class operators who, until now, have been prohibited from using it in the high frequency bands below 28 MHz. Since use of the television mode has apparently not been a significant incentive for amateurs to upgrade their licenses and since technical skill necessary for such operation is not as great as it has been in the past, there is justification for extending to General Class operators television (and facsimile) privileges in additional high frequency bands.

6. This relaxation of the rules affecting television and facsimile operation will permit experimentation and operation with those modes by a larger base of amateur operators, thus contributing to the advancement of their technical skills. Furthermore, no harmful impact on the Amateur Radio Service is anticipated as a result of these revisions. Consequently, the Commission is adopting final rules in this proceeding which reflect those set forth in the Notice of Proposed Rule Making with the revisions described in paragraph 4 above.

7. Accordingly, it is ordered, that effective February 22, 1982, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as set forth in the attached Appendix. It is further ordered that to the extent specified herein, RM-2861 and RM-3239 are granted, and in all other respects they are denied. It is further ordered that this proceeding is terminated. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett, (202) 632-7597, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

PART 97—AMATEUR RADIO SERVICE

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.61, paragraph (a) is revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater and auxiliary operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations [1]
(kHz)		
1800–1900	A1, A3	
1900–2000	A1, A3	1, 2
3500–4000	A1	
3500–3775	F1	
3775–4000	A3, A4, A5, F3, F4, F5	4
4363.6	A3A, A3J	13
7000–7300	A1	3, 4
7000–7150	F1	3, 4
7075–7100	A3, F3	11
7150–7300	A3, A4, A5, F3, F4, F5	3, 4
14000–14350	A1	
14000–14200	F1	
14200–14350	A3, A4, A5, F3, F4, F5	
21000–21450	A1	
21000–21250	F1	
21250–21450	A3, A4, A5, F3, F4, F5	
28000–29700	A1	
28000–28500	F1	
28500–29700	A3, A4, A5, F3, F4, F5	
(MHz)		
50.0–54.0	A1	
50.1–54.0	A2, A3, A4, A5, F1, F2, F3, F4, F5.	
51.0–54.0	A0	
144.0–148.0	A1	
144.1–148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
220–225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
420–450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215–1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300–2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 8
(GHz)		
3.300–3.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 12
5.650–5.925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
10.000–10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
24.000–24.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 10
48.000–50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
71.000–76.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
165.000–170.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
240.000–250.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 300.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

[1] See paragraph (b).

* * * * *

2. § 97.65, paragraph (d), (e) and (f) are revised to read as follows:

§ 97.65 Emission limitations.

* * * * *

(d) On frequencies below 50 MHz, the bandwidth of A4, A5, F4 and F5 emissions shall not exceed that of an A3 single sideband emission.

(e) On frequencies between 50 MHz and 225 MHz:

(1) The bandwidth of A4 and A5 single sideband emissions shall not exceed the bandwidth of an A3 single sideband emission.

(2) The bandwidth of A4 and A5 double sideband emissions shall not exceed the bandwidth of an A3 double sideband emission.

(3) F4 and F5 emissions shall utilize a peak carrier deviation no greater than 5 kHz and a maximum modulating frequency no greater than 3 kHz or, alternatively, shall occupy a bandwidth no greater than 20 kHz. (For this purpose the bandwidth is defined as the width of the frequency band, outside of which the mean power of any emission is attenuated by at least 26 decibels below the mean power level of the total emission. A 3 kHz sampling bandwidth is used by FCC in making this determination.)

(f) Below 225 MHz, an A3 emission may be used simultaneously with an A4 or A5 emission on the same carrier frequency, provided that the total bandwidth does not exceed that of an A3 double sideband emission.

[FR Doc. 82-1332 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 360

Noxious Weeds; Extension of Comment Period and Public Hearing

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of public hearing and reopening of comment period concerning proposed rule.

SUMMARY: This document announces a public hearing and reopening of the comment period on the proposal of October 2, 1981 (46 FR 48688–48692), to amend the noxious weed regulations by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds.

DATES: Written comments must be received on or before February 18, 1982. A public hearing will be held on February 4, 1982.

ADDRESSES: Written comments should be submitted to Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning the proposed rule will be held in the Main Conference Room, Atlantic Oceanographic Meteorological Laboratories, 4301 Rickenbacker Causeway (Virginia Key), Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

Public Hearing

Pursuant to the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), a document was published in the **Federal Register** on October 2, 1981 (46 FR 48688–48692), proposing to amend the noxious weed regulations in 7 CFR Part 360 by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. Section 10 of the Act (7 U.S.C. 2809) provides that a public hearing will be held concerning such a proposal if requested by any interested person. The document of October 2, 1981, provided that a hearing would be held if a request were received on or before November 2, 1981. Such a timely request was received and a hearing concerning the proposed rule has been scheduled for February 4, 1982, in the Main Conference Room, Atlantic Oceanographic Meteorological Laboratories, 4301 Rickenbacker Causeway (Virginia Key), Miami, Florida.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Any interested person may appear and be heard in person, by attorney, or by other representative.

The hearing will begin at 10 a.m. and is scheduled to end at 5 p.m., local time. However, the hearing may be terminated at any time after it begins if all of those persons desiring an opportunity to speak have been heard. Persons who wish to speak are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Reopening of Comment Period

The document of October 2, 1981, also provided that written comments had to be received on or before December 1, 1981. Since no determination concerning a final rule will be made until after the public hearing, it has been decided to reopen the comment period effective immediately. Further, it has been determined that the comment period should be extended for a period sufficient to allow responses to any statements that may be presented at the public hearing. Accordingly, interested persons are invited to submit written comments on or before February 18, 1982.

Done at Washington, D.C. this 15th day of January 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82–1320 Filed 1–19–82; 8:45 am]
BILLING CODE 3410–34–M

DEPARTMENT OF ENERGY

10 CFR Part 710

Proposed Changes in Criteria for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend 10 CFR Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." This Regulation was previously revised as of March 23, 1981, to correct nomenclature, to change the scope of its applicability, and to change the administrative review procedures. DOE is now proposing to amend Part 710 to simplify the criteria and to consolidate the two categories of the existing criteria into a single set of criteria.

DATES: Comments must be received on or before February 19, 1982.

ADDRESS: Written comments should be directed to Director, Office of Safeguards and Security, U.S. Department of Energy, Washington, D.C. 20545, ATTN: Mr. Martin J. Dowd.

FOR FURTHER INFORMATION CONTACT:
Martin J. Dowd, Director, Division of Security, Office of Safeguards and Security, U.S. Department of Energy, Washington, D.C. 20545 (301/353–3852).
Christine Krithades, Office of General Counsel, U.S. Department of Energy, Room 6A–211, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202/252–6618).

SUPPLEMENTARY INFORMATION: The current criteria set forth specific types of derogatory information that create a question as to an individual's eligibility for DOE access authorization. These criteria are divided into two categories. Category "A" derogatory information is such that if there are sufficient grounds to establish a reasonable belief as to the truth of one or more of the items in this Category, these grounds shall be the basis for a recommendation by the DOE hearing officer for denying or revoking an individual's access authorization. Category "B" derogatory information is such that if there are sufficient grounds to establish a reasonable belief as to the truth of one or more of the items, the extent of activities falling within this category, the period in which such activities occurred, the length of time which has since elapsed, and the individual's attitudes and convictions shall be considered in determining whether the recommendation for denying or revoking an individual's access authorization will be adverse or favorable. Under the proposed rule, DOE is establishing a single set of criteria by which the DOE hearing officer will base his/her recommendation for an adverse or favorable determination of an individual's eligibility for DOE access authorization. The DOE hearing officer, under the proposed revision, will consider all the factors presently considered under Category "B."

Procedural Requirements

A. Section 501 of the DOE Organization Act

Under section 501(c) of the Department of Energy Organization Act, the Department is not bound by the prior hearing requirements of subsections (b), (c) and (d) with respect to a proposed Regulation upon our determination that no substantial issue of fact or law exists and that the proposed Regulation is unlikely to have substantial impact on the Nation's economy or large numbers of individuals and businesses. Where it is determined that no substantial issue or impact exists, the proposed Regulation may be promulgated in accordance with section 553 of Title 5 U.S.C. The revision of the criteria at 10 CFR Part 710 raises no substantial issues of fact or law, and will not have a substantial impact on the Nation's economy or large numbers of individuals and businesses.

B. Executive Order No. 12291.

It has been determined that this proposed amendment is not a proposed major rule subject to the requirements of the Executive Order No. 12291 (46 FR 13193, February 19, 1981) because it is not likely to result in an annual effect on the economy of more than $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601–612, DOE finds that sections 603 and 604 of the Act do not apply to the proposed amendment because promulgation of the rule will not have a significant economic impact on a substantial number of small entities.

Written Comments Procedure

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the matters contained in this proposed Regulation. Comments should be submitted by 4:30 p.m. est., on the date set forth in the "Dates" section of this proposed amendment, to the addressee indicated in the "Address" section of this proposed amendment and should be identified on the outside envelope and on the document with the docket number and designation: "10 CFR Part 710." It is requested that 15 copies of any written comment be provided, where possible in order to ensure expeditious consideration of the comments within DOE.

Any information or data submitted which you consider to be confidential and exempt from mandatory public disclosure under the Freedom of Information Act (5 U.S.C., as amended), must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and so treat it according to our determination.

Written comments will be available for public inspection and copying in the DOE's Division of Freedom of Information and Privacy Acts Activites, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585. The DOE will consider all timely comments before acting on the matter proposed in this Notice.

Dated at Washington, D.C., this 29th day of December 1981.

Herman E. Roser,

Assistant Secretary for Defense Programs.

In consideration of the foregoing, it is proposed to amend 10 CFR Part 710 as follows:

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

1. Section 710.10 is amended by revising paragraph (d) to read as follows:

§ 710.10 Application of the criteria.

* * * * *

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for access authorization, the DOE Hearing Officer shall consider the extent of activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual in determining whether the recommendation will be adverse or favorable.

2. Section 710.11 is revised to read as follows:

§ 710.11 Criteria.

Derogatory information included, but not limited to, those cases in which the individual has:

(a) Committeed, prepared or attempted to commit, or aided, abetted or conspired with another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(b) Knowingly established or continued a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, espionage agent or representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person advocating the use of force or violence to overthrow the Government of the United States by unconstitutional means.

(c) Knowingly held membership in or had a knowing affiliation with, or has taken action which evidences a sympathetic association with the intent of furthering the aims of, or adherence to, and active particiaption in any foreign or domestic organization, association, movement, group, or

combination of persons which advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or Laws of the United States or any State or subdivision thereof by unlawful means.

(d) Publicly or privately advocates, or participates in the activities of a group or organization, which has as its goal, revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means with the knowledge that it will further those goals.

(e) Parent(s), brother(s), sister(s), spouse, or offspring residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas thereof (to be evaluated in the light of the risk that pressure applied through such relatives could force the individual to act contrary to national security).

(f) Has deliberately misrepresented, falsified or omitted significant information from a Personnel Security Questionnaire, a personnel qualifications statement, or a personnel security interview.

(g) Has failed to protect classified information, or safeguard special nuclear material; or has willfully violated or disregarded security or safeguards regulations to a degree which would endanger the common defense and security or has intentionally disclosed classified information to a person unauthorized to receive such information.

(h) Has any illness or mental condition of a nature which in the opinion of competent medical authority causes, or may cause, significant defect in the judgment or reliability of the individual, or has refused to be examined by a psychiatrist.

(i) Has refused to testify before a Congressional Committee, Federal or State court, or Federal administrative body, regarding charges relevant to eligibility for DOE access authorization.

(j) Is a user of alcohol habitually to excess, or has been such without adequate evidence of rehabilitation or reformation.

(k) Has used, trafficked in, sold, transferred or possessed a drug or other substance listed in the schedule of Controlled Substances established pursuant to Section 202 of the Controlled Substances Act of 1970 (such as amphetamines, barbiturates, narcotics, etc.) except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine, without adequate evidence of rehabilitation or reformation.

(l) Has engaged in any unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy, and there is no adequate evidence of rehabilitation or reformation; or which furnishes reason to believe that the individual may be subject to coercion, influence, or pressure which may cause the individual to act contrary to the best interests of the nationl security. Such conduct or circumstances include but are not limited to sexual activity, demonstrated financial irresponsibility or notoriously disgraceful conduct.

[FR Doc. 82-1307 Filed 1-19-82; 8:45 am]
BILLING CODE 6450-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Environmental Qualification of Electric Equipment for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations applicable to nuclear power plants to clarify and strengthen the criteria for environmental qualification of electric equipment. Specific qualification methods currently contained in national standards, regulatory guides, and certain NRC publications for equipment qualification have been given different interpretations and have not had the legal force of an agency regulation. The proposed rule would codify these environmental qualification methods and clarify the Commission's requirements in this area.

DATES: Comment period expires March 22, 1982. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments and suggestions may be mailed to the Secretary of the Commission, Attention: Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or hand-delivered to the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., between the hours of 8:30 am. and 4:45 p.m. on normal work days.

FOR FURTHER INFORMATION CONTACT: Satish K. Aggarwal, Office of Nuclear Regulatory Research, Electrical Engineering Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5946.

SUPPLEMENTARY INFORMATION: Nuclear power plant equipment important to safety must be able to perform the safety functions throughout its installed life. This requirement is embodied in General Design Criteria 1, 2, 4, and 23 of Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities"; in Criterion III, "Design Contol," and Criterion XI, "Test Control," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50; and in 10 CFR 50.55a(h), which incorporates by reference IEEE 279-1971,[1][2] "Criteria for Protection Systems for Nuclear Power Generating Stations." This requirement is applicable to equipment located inside as well as outside the containment.

The NRC has used a variety of methods to ensure that these general requirements are met for electric equipment important to safety. Prior to 1971, qualification was based on the fact that the electric components were of high industrial quality. For nuclear plants licensed to operate after 1971, qualification was judged on the basis of IEEE 323-1971. For plants whose Safety Evaluation Reports were issued since July 1, 1974, the Commission has used Regulatory Guide 1.89, "Qualification of Class IE Equipment for Light-Water-Cooled Nuclear Power Plants," which endorses IEEE 323-1974,[3] "IEEE Standard for Qualifying Class 1E Equipment for Nuclear Power Generating Stations," subject to supplementary provisions.

Currently, the Commission has underway a program to reevaluate the qualification of electric equipment important to safety in all operating nuclear power plants. As a part of this program, more definitive criteria for environmental qualification of electric equipment have been developed by the NRC. A document entitled "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOR Guidelines) was issued in November 1979. In addition, the NRC has issued NUREG-0588, "Interim Staff Position on

[1] Incorporation by reference approved by the Director of the Office of Federal Register on January 1, 1981.

[3] Copies may be obtained form the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

Environmental Qualification of Safety-Related Electrical Equipment," which contains two sets of criteria: the first for plants originally reviewed in accordance with IEEE 323–1971 and the second for plants reviewed in accordance with IEEE 323–1974.

By its Memorandum and Order CLI–80–21 dated May 23, 1980, the Commission directed the staff to proceed with a rulemaking on environmental qualification of safety-grade equipment and to address the question of backfit. The Commission also directed that the DOR Guidelines and NUREG–0588 form the basis for the requirements licensees and applicants must meet until the rulemaking has been completed. This proposed rule is generally based on the requirements of the Division of Operating Reactors (DOR) Guidelines and NUREG–0588.

The Commission's Memorandum and Order CLI–80–21 directed that the environmental qualification of electric equipment in operating nuclear power plants be completed by June 30, 1982. However, on September 23, 1981, the Commission considered the petition (SECY–81–486) to extend this deadline. The proposed rule covers the same electric equipment as CLI–80–21 and implements SECY–81–486 by incorporating the extension dates recommended by the Chairman in his memorandum dated September 30, 1981. Included in the proposed rule is a requirement that each holder of or each applicant for a license to operate a nuclear power plant identify and qualify the electric equipment needed to complete one path of achieving and maintaining a cold shutdown condition. The Commission specifically requests comment on this proposed additional requirement.

The scope of the proposed rule does not include all electric equipment important to safety in its various gradations of importance. It includes that portion of equipment important to safety commonly referred to as "Class 1E" equipment in IEEE national standards and some additional non-Class 1E equipment and systems whose failure under extreme environmental conditions could prevent the satisfactory accomplishment of safety functions by accident-mitigating equipment.

Included in the proposed rule are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. Qualification parameters include temperature, pressure, humidity, radiation, chemicals, and submergence. Qualification methods include (a) testing as the principal means of qualification and (b) anaylsis and operating experience in lieu of testing. The proposed rule would require that the qualification program include synergistic effects, aging, margins, radiation, and environmental conditions. Also, a record of qualification must be maintained. Regulatory Guide 1.89 is being revised to describe methods acceptable to the NRC for meeting the provisions of this proposed rule and to include a list of typical equipment covered by it; a draft of the proposed revision is being published for public comment concurrently with the proposed rule.

Also included in the proposed rule is a requirement, which is consistent with Commission Memorandum and Order, CLI–80–21, for submission of an analysis by licensees to ensure that the plant can be safely operated pending completion of the environmental qualification of electric equipment. The Commission expects that, for each of the currently operating power plants, this analysis and its evaluation by the NRC staff will be completed well in advance of the effective date of this rule. If the licensees of operating power plants fail to provide these analyses in a timely manner, the Commission expects the NRC staff to take the appropriate steps to require that the information be provided and to enforce compliance with this requirement. This requirement has been included in this proposed rule to provide a regulatory basis for enforcement.

NRC will generally not accept analysis in lieu of testing. Experience has shown that qualification of equipment without test data may not be adequate to demonstrate functional operability during design basis event conditions. Analysis may be acceptable if testing of the equipment is impractical because of size, or limitation due to the state of the art. The proposed rule takes into consideration the prior qualification history of the operating power plants. For example, the proposed rule recognizes that for those plants which are not committed to either IEEE 323–1971 or IEEE 323–1974 for equipment qualification, and have been tested only for high temperature pressure, and steam, some equipment may not need to be tested again to include other service conditions such as radiation and chemical sprays. The qualification of equipment for these service conditions may be established by analysis.

The proposed rule would require that each holder of an operating license provide a list of electric equipment previously qualified based on testing or analysis, or a combination thereof, and a list of equipment that has not been qualified. These lists and the schedule for completion of equipment qualification would have to be submitted written 90 days after the effective date of this rule. However, this time period will be adjusted during the final rule making process to allow reasonable time for licensees to evaluate NRC's safety reviews that are currently underway.

The proposed rule will codify the Commission's current requirements for the environmental qualification of electric equipment. Upon publication of a final rule, the DOR guidelines and NUREG–0588 will be withdrawn.

The general requirements for seismic and dynamic qualification for electric equipment are contained in the General Design Criteria. Pending development of specific requirements in this area, the general requirements will continue to apply. NRC is considering expansion of the scope of this proposed rule to include additional electric equipment important to safety. This matter will be the subject of a future rulemaking.

Additional views of Commissioner Bradford: Commissioner Bradford believes that the proposed deadline (second refueling outage after March 31, 1982) for qualification is much too relaxed, given the fact that licensees and the NRC have been aware of the problems in this area since 1978. The proposed deadline extends as much as two and one-half years beyond the June 30, 1983 date by which the Atomic Industrial Forum concluded that nearly all electrical equipment could be qualified. Given the more generous deadline, he also believes that the rule should have contained requirements for seismic and dynamic qualification. While the general design criteria contain requirements in this area, clarification now would ensure that equipment to be replaced in the near term will not have to be ripped out in a few years because it was not properly seismically qualified.

Commissioner Gilinsky has agreed with these views.

Paperwork Reduction Act

The proposed rule contains recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB). As required by Pub. L. 96–511, this proposed rule will be submitted to OMB for clearance of the recordkeeping requirements.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, will not have a

significant economic impact on a substantial number of small entities. This proposed rule affects the method of qualification of electric equipment by utilities. Utilities do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632. In addition, utilities are required by Commission's Memorandum and Order CLI–80–21, dated May 23, 1980, to meet the requirements contained in the DOR "Guidelines for Evaluating Environmental Qualification of Class 1E Electric Equipment in Operating Reactors," (November 1979) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," which form the basis of this proposed rule. Consequently, this rule codifies existing requirements and imposes no new costs or obligations on utilities.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for 10 CFR Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under Sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under Sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For Purposes of Sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under Sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under Sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. A new § 50.49 is added to read as follows:

§ 50.49 Environmental qualification of electric equipment for nuclear power plants.

(a) Requirements for seismic and dynamic qualification of electric equipment are not included in this section.

(b) Each holder of or each applicant for a license to operate a nuclear power plant shall establish a program for qualifying the electric equipment as defined in paragraph (c) of this section.

(c) Electric equipment and systems covered by this section include electric equipment and systems that are essential to emergency reactor shutdown, containment isolation, reactor core cooling, and containment and reactor heat removal or that are otherwise essential in preventing significant release of radioactive material to the environment. Included is equipment (1) that performs the above functions automatically, (2) that is used by the operator to perform these functions manually, and (3) whose failure can prevent the satisfactory accomplishment of one or more of the above safety functions. Also included is equipment needed to complete one path of achieving and maintaining a cold shutdown condition.

(d) The applicant or licensee shall prepare a list of all electric equipment covered by this section and maintain it in an auditable form. This list of equipment must, as a minimum, include:

(1) The performance characteristics and structural integrity requirements under conditions existing during normal and abnormal operation and during design basis events and afterwards and the lengths of the periods during which the integrity must be maintained.

(2) The range of voltage, frequency, load, and other electrical characteristics for which the performance specified in accordance with paragraph (d)(1) of this section can be ensured.

(3) The environmental conditions, including temperature, pressure, humidity; radiation, chemicals, and submergence, and the predicted variations of these environmental conditions with time at the location where the equipment must perform as specified in accordance with paragraphs (d)(1) and (2) of this section.

(e) The electrical equipment qualification program must include the following:

(1) *Temperature and pressure.* The time-dependent temperature and pressure at the location of the equipment must be established for the most limiting of the applicable postulated accidents and must be used as the basis for the environmental qualification of electric equipment.

(2) *Humidity.* Time-dependent variations of relative humidity during normal operation and design basis events must be considered.

(3) *Chemical effects.* The composition of chemical used must be at least as severe as that resulting from the most limiting mode of plant operation (e.g., containment spray, emergency core cooling, or recirculation from containment sump). If the composition of the chemical spray can be affected by equipment malfunctions, the most severe chemical spray environment that results from a single failure in the spray system must be assumed.

(4) *Radiation.* The radiation environment must be based on the type of radiation and the dose and dose rate of the radiation environment expected during normal operation over the installed life of the equipment plus the radiation environment associated with the most severe design basis event during or following which the equipment is required to remain functional, including the radiation resulting from recirculating fluids for equipment located near the recirculating lines.

(5) *Aging.* Equipment qualified by test must, where practicable, be preconditioned by natural or artificial (accelerated) aging to its installed end-of-life condition. Electromechanical equipment must be operated to simulate the mechanical wear and electrical degradation expected during its installed life. Where preconditioning to a qualified life equal to the installed life is not possible, the equipment may be preconditioned to a shorter qualified life. The equipment must be replaced at the end of its qualified life unless ongoing qualification of prototype equipment naturally aged in plant service shows, by artificial aging and type testing, that the item has additional qualified life.

(6) *Submergence* (if subject to being submerged).

(7) *Synergistic effects.* The preconditioning and testing of equipment must consider known synergistic effects when these effects are known to have a significant effect on equipment performance.

(8) *Margins.* Margins must be applied to account for production variations and inaccuracies in test instruments. These margins are in addition to margins applied during the derivation of the environmental conditions.

(f) Each item of electric equipment must be qualified by one of the following methods:

(1) Testing an identical item of equipment.

(2) Testing a similar item of equipment with a supporting analysis to show that the equipment to be qualified is acceptable.

(3) Experience with identical or similar equipment under similar conditions with a supporting analysis to show that the equipment to be qualified is acceptable.

(4) Analysis in lieu of testing in the following cases:

(i) If type testing is precluded by the physical size of the equipment or by the state of the art.

(ii) By analysis in combination with partial type test data which adequately supports the analytical assumptions and conclusions, if the equipment purchase order was executed prior to May 23, 1980.

(g) If an item of electric equipment is to be qualified by test—

(1) The acceptance criteria must be established prior to testing.

(2) The tests must be designed and conducted to demonstrate that the equipment can perform its required function as specified in accordance with paragraph (d)(1) of this section for all conditions as specified in accordance with paragraphs (d) (2) and (3) of this section. The test profile (e.g., pressure, temperature, radiation vs. time) must include margins as set forth in paragraph (e)(8) of this section.

(3) The test profile must be either (i) a single profile that envelops the environmental conditions resulting from any design basis event during any mode of plant operation (e.g., a profile that envelops the conditions produced by the postulated spectrum of main steamline break (MSLB) and loss-of-coolant accidents (LOCA)) or (ii) separate profiles for each type of event (e.g., separate profiles for the MSLB accidents and for LOCAs).

(4) The same piece of equipment must be used through out the complete test sequence under any given profile.

(h) Each holder of an operating license issued prior to (insert the effective date of this amendment) must, by (insert a date 90 days after the effective date of this amendment), identify the electric equipment already qualified to the provisions of this rule and submit a schedule for the testing or replacement of the remaining electric equipment. This schedule must establish a goal of final environmental qualification by the end of the second refueling outage after March 31, 1982. The Director of Nuclear Reactor Regulation may grant requests for extensions of this deadline to a date no later than November 30, 1985, for specific pieces of equipment if such requests are filed on a timely basis and demonstrate good cause for the extension, such as procurement lead time, test complications, and installation problems. In exceptional cases, the Commission itself may consider and grant extensions beyond November 30, 1985 for completion of environmental qualification.

(i) Each licensee shall notify the Commission of any significant equipment qualification problem that may require extension of the completion date within 30 days of its discovery.

(j) For the continued operation of a nuclear plant, each holder of an operating license issued prior to the effective date of this amendment shall perform an analysis to ensure that the plant can be safely operated pending completion of the environmental qualification. The detailed analysis for each equipment type with appropriate justification must be submitted to Director of Nuclear Reaction Regulation by (insert the effective date of the amendment) and must include, where appropriate, consideration of:

(1) Accomplishing the safety function by some designated alternative equipment that has been adequately qualified and satisfies the single-failure criterion if the principal equipment has not been demonstrated to be fully qualified.

(2) The validity of partial test data in support of the original qualification.

(3) Limited use of administrative controls over equipment that has not been demonstrated to be fully qualified.

(4) Completion of the safety function prior to exposure to the ensuing accident environment and the subsequent failure of the equipment does not degrade any safety function or mislead the operator.

(5) No significant degradation of any safety function or misleading of the operator as a result of failure of equipment under the accident environment.

(k) The applicant for an operating license that is granted on or after the effective date of this amendment, but prior to November 30, 1985, must perform an analysis to ensure that the plant can be safely operated pending completion of the environmental qualification in accordance with paragraph (j) of this section except that this analysis must be submitted to the Director of Nuclear Reactor Regulation for consideration prior to the granting of an operating license.

(l) A record of the qualification must be maintained in a central file to permit verification that each item of electric equipment covered by this section (1) is qualified for its application and (2) meets its specified performance requirements when it is subjected to the conditions predicted to be present when it must perform its safety function up to the end of its qualified life.

Dated at Washington, D.C. this 15th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-1380 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 50

Emergency Planning and Preparedness; Exercises

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period regarding clarification of the exercise requirements under the Commission's Emergency Planning and Preparedness regulations. Notice of this rulemaking was published in the **Federal Register** on December 15, 1981 (46 FR 61134) with a comment period closing date of January 14, 1982. The comment period is being extended in response to requests.

DATES: Comments must be received before January 28, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received before this date.

ADDRESSES: Comments on the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:15 p.m. Copies of comments received may be examined and copied at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301–443–5942).

Dated at Washington, D.C., this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-1371 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period regarding the degree of emergency preparedness for production and utilization facilities. Notice of this rulemaking was published in the **Federal Register** on December 15, 1981 (46 FR 61132) with a comment period closing date of January 29, 1982. The comment period is being extended in response to requests.

DATES: Comments must be received before February 12, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received before this date.

ADDRESSES: Comments on the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:15 p.m. Copies of comments received may be examined and copied at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301–443–5942).

Dated at Washington, D.C., this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[ER Doc. 82-1370 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Program for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy proposes to amend the regulations for administration of the grant program providing financial assistance for technical assistance and energy conservation measures for schools, hospitals, buildings owned by units of local government, and public care institutions. The amendments would allow the Department to include current statistical data, such as census and heating and cooling degree days information, in the formula allocating funds to the States. The present regulations permit the inclusion of data only from certain specified publications which no longer contain the most up-to-date information available.

DATES: Written comments must be received no later than February 19, 1982. A hearing will be held on February 2, 1982, in Washington, D.C. Requests to speak at the hearing must be received no later than 4:30 p.m., e.s.t. January 26, 1982.

ADDRESSES: Send all written comments and requests to speak at the hearing to Docket #CAS–RM–80–509, Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F085, Mail Stop 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319. The hearing will be held at 9:00 a.m. Department of Energy, 1000 Independence Avenue SW., Room GE086, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Nicholas Fedoruk, Office of Institutional Conservation Programs, Office of Conservation and Renewable Energy, Department of Energy, Mail Stop GA–045, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2339.

Edward H. Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6G–094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comment Procedures
III. Additional Information

I. Background

Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371), established a program administered by the Department of Energy to fund technical assistance programs and energy conservation measure installations for certain types of public and private, nonprofit institutions. Regulations governing this program appear in the Code of Federal Regulations at 10 CFR 450 and 10 CFR 455. The most recent amendments of these regulations, which went into effect on October 1, 1981, were published at 46 FR 27862.

The Department of Energy (DOE) proposes in this notice to amend section 455.101 of the program regulations to allow DOE to include the latest available statistical data in the formula determining the amount of funds allocated to each State. The types of data concerned are census data, the average retail cost per million BTU's of energy consumed within the region in which a State is located, and the number of heating and cooling degree days in a State. Presently, the regulations are too inflexible because they require use of particular editions of government publication which are regularly updated. The amendment provides for use of the most recent data provided by the governmental publishers who are specified in the existing rule.

For example, the census data will be obtained from the most recent official data published by the Bureau of the Census of the United States Department of Commerce, which once every ten years publishes results of the decinnial census, and which in other years publishes annual census estimates in "Current Population Reports:

Annual Estimates of the Population of States". Occasionally, the Bureau of the Census may revise its annual estimates. For example, it recently supplied revised estimates pursuant to Executive Order 12256 to take account of immigrants from Cuba and Haiti. The amendment proposed today is broadly worded so that DOE can use the latest available official census estimates.

It should be noted that this amendment will neither change the elements of the allocation formula, nor will it alter the relative weight given to each element in the formula.

The probable effect of these amendments will be to shift a small percentage of the program's funds from those States which lose population to those which gain population. The size of the shift could also be affected by other elements of the formula because the formula allocates more funds to those States with higher retail energy costs and to those with a greater number of heating and cooling degree days. Tables showing current data relevant to the funding formula are set forth below. Updated data to be used in the formula for future cycles will be published in the **Federal Register** with allocation notices for those funding cycles.

TABLE 1—OIL IMPORT PRICE: 37.00

Sector (fuel)	Demand region average price summary in 1979 dollar/million Btu's										
	New Eng.	NY/NJ	Mid-Atl	S.-Atl	Mid-west	S. West	Central	N. Cntrl	West	N. West	Total
Residential	10.94	9.57	8.70	9.76	7.54	10.43	7.12	7.35	10.05	7.24	8.83
(Elect.)	24.39	25.10	16.93	13.80	16.37	20.32	17.70	16.78	18.63	7.26	16.95
(Dist.)	8.85	7.96	7.70	7.76	7.63	7.89	7.50	7.72	7.51	7.47	7.85
(LG)	7.48	7.90	7.95	7.95	7.51	7.50	7.46	7.64	7.52	7.52	7.52
(Coal)	2.70	2.26	1.92	2.75	1.99	2.73	1.71	1.33	2.87	1.87	1.83
(NG)	6.51	6.25	5.13	4.06	4.91	5.95	4.57	4.76	5.95	7.47	5.24
Commercial	10.01	10.36	9.90	8.88	7.88	9.47	8.04	6.99	11.17	6.58	8.94
(Elect.)	24.07	24.03	16.53	14.16	15.94	19.26	16.78	15.51	19.69	7.06	17.30
(Dist.)	7.38	7.47	7.51	7.53	7.24	7.39	7.18	7.22	6.97	6.97	7.37
(Resid.)	6.47	6.57	6.91	6.50	6.51	6.52	6.55	6.37	6.17	5.99	6.53
(LG)	7.48	7.60	7.95	7.95	7.51	7.50	7.46	7.64	7.52	7.52	7.52
(Coal)	2.70	2.26	1.92	2.75	1.99	2.73	1.71	1.33	2.87	1.87	1.83
(Asphalt)	6.76	6.75	6.75	6.73	6.66	6.69	6.64	6.69	6.28	6.28	6.63
(NG)	5.77	5.58	4.61	4.09	4.54	4.45	4.11	4.53	5.36	6.81	4.73
Raw Material[1]	7.23	7.01	6.71	6.32	6.89	6.88	6.21	6.78	6.58	6.88	6.70
(LG)	8.05	8.03	8.02	8.00	7.93	7.95	7.90	7.88	7.56	7.56	7.93
(Oil)	6.76	6.75	6.75	6.73	6.66	6.68	6.64	6.60	6.28	6.28	6.65
(NG)	5.13	4.82	4.14	3.60	4.18	4.12	3.72	4.00	4.94	6.06	4.15
Industrial[2]	9.41	7.02	5.49	5.98	5.28	5.47	6.02	5.12	7.92	4.41	5.78
(Elect.)	19.89	16.64	12.26	10.75	11.69	15.92	13.56	11.00	15.67	3.66	12.47
(Steam)	3.45	3.28	3.49	4.44	4.05	4.62	4.17	2.64	5.16	4.36	4.25
(Dist.)	7.39	7.45	7.62	7.62	7.23	7.37	7.17	7.27	6.97	6.97	7.40
(Resid.)	6.53	6.69	6.83	6.46	6.46	6.50	6.52	6.31	6.17	5.12	6.01
(LG)	7.21	7.31	7.53	7.55	7.32	7.26	7.29	7.41	7.25	7.25	7.30
(Coal)	2.70	2.26	1.92	2.75	1.99	2.73	1.71	1.33	2.87	1.87	2.32
(Met Coal[3])	3.43	5.04	2.75	5.19	3.07	3.76	3.21	4.22	5.33	5.69	3.98
(Feedstocks)	8.05	8.03	8.02	8.00	7.93	7.95	7.90	7.88	7.56	7.56	7.97
(Substitute Fuel Cap)	6.08	6.24	6.37	6.01	6.03	6.05	6.06	6.05	5.72	5.67	6.03
(Industrial Surcharge)	.92	1.39	2.20	2.36	1.83		2.32		.76		.87
Transportation	11.34	11.83	11.80	10.93	11.09	10.12	10.87	10.82	8.84	10.00	10.65
(Elect.)	28.08	22.54	14.76	12.68	14.03	17.97	15.89	14.13	17.87	5.55	16.88
(Dist.)	8.85	8.72	8.89	8.89	8.60	8.64	8.44	8.68	8.38	8.25	8.60
(Resid.)	6.53	6.69	6.83	6.46	6.46	6.50	6.52	6.31	6.17	6.12	6.42
(LG)	6.78	6.79	6.78	6.78	6.96	6.78	6.80	6.96	6.78	6.78	6.83
(Gasoline)	12.23	12.48	12.21	12.13	12.17	11.89	11.97	11.93	11.88	11.89	12.07
(Jet Fuel)	8.31	8.41	8.69	8.75	8.10	8.33	8.02	8.18	7.82	7.82	8.27
Average price	10.54	9.74	8.31	8.88	7.73	7.83	7.94	7.78	9.57	7.26	8.58

[1] Liquid gas in the raw material sector includes liquid gas feedstock.
[2] Met coal includes 70 percent premium Bituminous coal and 30 percent other bituminous low sulfur coal.
[3] Industrial sector here does not include refineries.
Source: Energy Information Administration, Administrator's annual report to Congress—1980.

TABLE 2

State	Population (in thousands)
Alabama	3,870
Alaska	400
Arizona	2,719
Arkansas	2,284
California	23,550
Colorado	2,882
Connecticut	3,097
Delaware	595
District of Columbia	636
Florida	9,675
Georgia	5,495
Hawaii	865
Idaho	944
Illinois	11,357
Indiana	5,451
Iowa	2,909
Kansas	2,356
Kentucky	3,643
Louisiana	4,200
Maine	1,124
Maryland	4,196
Massachusetts	5,725
Michigan	9,236
Minnesota	4,070
Mississippi	2,511
Missouri	4,907
Montana	784
Nebraska	1,565
Nevada	801
New Hampshire	919
New Jersey	7,350
New Mexico	1,296
New York	17,516
North Carolina	5,648
North Dakota	652
Ohio	10,772
Oklahoma	3,002
Oregon	2,618

TABLE 2—Continued

State	Population (in thousands)
Pennsylvania	11,829
Rhode Island	946
South Carolina	3,070
South Dakota	695
Tennessee	4,546
Texas	14,175
Utah	1,409
Vermont	511
Virginia	5,324
Washington	4,115
West Virginia	1,831
Wisconsin	4,705
Wyoming	469
American Samoa	31
Guam	114
Puerto Rico	3,186
Virgin Islands	96

Note 1: 1980 Population census, revised per Executive Order No. 12256, dated December 16, 1980.

TABLE 3

State	Heating degree days	Cooling degree days
Alabama	2,681	2,100
Alaska	12,012	8
Arizona	2,209	2,829
Arkansas	3,215	1,915
California	2,701	696
Colorado	7,033	341
Connecticut	6,117	524
Delaware	4,754	1,027
District of Columbia	4,779	1,015
Florida	700	3,364

TABLE 3—Continued

State	Heating degree days	Cooling degree days
Georgia	2,961	1,572
Hawaii	0	3,528
Idaho	6,901	430
Illinois	6,095	872
Indiana	5,706	983
Iowa	6,851	919
Kansas	4,901	1,596
Kentucky	4,405	1,274
Louisiana	1,700	2,644
Maine	8,053	328
Maryland	4,779	1,015
Massachusetts	6,295	466
Michigan	8,776	656
Minnesota	8,758	903
Mississippi	2,297	2,257
Missouri	5,053	1,366
Montana	8,235	259
Nebraska	6,343	1,150
Nevada	4,232	1,526
New Hampshire	7,350	304
New Jersey	5,404	793
New Mexico	4,712	943
New York	6,826	666
North Carolina	3,361	1,456
North Dakota	8,452	459
Ohio	5,809	813
Oklahoma	3,518	2,096
Oregon	5,224	200
Pennsylvania	5,757	729
Rhode Island	6,909	452
South Carolina	2,660	1,890
South Dakota	7,661	662
Tennessee	3,804	1,473
Texas	2,026	2,690
Utah	6,572	843
Vermont	7,900	300
Virginia	4,290	1,106
Washington	5,732	172
West Virginia	5,102	860

TABLE 3—Continued

State	Heating degree days	Cooling degree days
Wisconsin	7,578	560
Wyoming	7,917	331
American Samoa	0	5,325
Guam	0	5,011
Puerto Rico	0	4,907
Virgin Islands	5,427	

Note 1: Heating degree days determined from National Oceanic and Atmospheric Administration data from "State, Regional, and National Monthly and Seasonal Heating Degree Days, Weighted by Population" for the period July 1931 through June 1980.

Note 2: Cooling degree days determined from National Oceanic and Atmospheric Administration data from"State, Regional, and National Monthly and Seasonal Cooling Degree Days, Weighted by Population" for the period January 1931 through December 1979.

Note 3: Updated data for Alaska, American Samoa, Guam, Puerto Rico and the Virgin Islands is not available. Input to the funding formula remains the same as published in the April 17, 1979 FEDERAL REGISTER.

Note: 4 District of Columbia data is the same as that used for Maryland, per NOAA.

TABLE 4

State	0.07/n+0.1(Sfc)/ Nfc+0.83(SP)(SC)/ (NPC) = Allocation Factor			
Alabama	0.0013	0.0019	0.0113	0.0146
Alaska	.0013	.0016	.0030	.0058
Arizona	.0013	.0020	.0083	.0116
Arkansas	.0013	.0016	.0073	.0102
California	.0013	.0020	.0496	.0531
Colorado	.0013	.0016	.0132	.0161
Connecticut	.0013	.0022	.0128	.0163
Delaware	.0013	.0016	.0021	.0052
District of Columbia	.0013	.0016	.0023	.0053
Florida	.0013	.0019	.0245	.0278
Georgia	.0013	.0019	.0153	.0184
Hawaii	.0013	.0020	.0321	.0354
Idaho	.0013	.0016	.0043	.0071
Illinois	.0013	.0016	.0500	.0529
Indiana	.0013	.0016	.0228	.0258
Iowa	.0013	.0017	.0141	.0170
Kansas	.0013	.0017	.0095	.0125
Kentucky	.0013	.0016	.0129	.0160
Louisiana	.0013	.0016	.0114	.0142
Maine	.0013	.0022	.0058	.0093
Maryland	.0013	.0016	.0151	.0182
Massachusetts	.0013	.0022	.0240	.0275
Michigan	.0013	.0016	.0425	.0454
Minnesota	.0013	.0016	.0235	.0264
Mississippi	.0013	.0019	.0072	.0104
Missouri	.0013	.0017	.0196	.0226
Montana	.0013	.0016	.0041	.0071
Nebraska	.0013	.0017	.0073	.0103
Nevada	.0013	.0020	.0029	.0062
New Hampshire	.0013	.0022	.0045	.0080
New Jersey	.0013	.0021	.0284	.0317
New Mexico	.0013	.0016	.0046	.0074
New York	.0013	.0021	.0719	.0752
North Carolina	.0013	.0019	.0175	.0297
North Dakota	.0013	.0016	.0040	.0070
Ohio	.0013	.0016	.0444	.0473
Oklahoma	.0013	.0016	.0104	.0133
Oregon	.0013	.0016	.0088	.0117
Pennsylvania	.0013	.0016	.0476	.0506
Rhode Island	.0013	.0022	.0037	.0072
South Carolina	.0013	.0019	.0087	.0118
South Dakota	.0013	.0016	.0037	.0066
Tennessee	.0013	.0019	.0149	.0181
Texas	.0013	.0016	.0418	.0444
Utah	.0013	.0016	.0066	.0095
Vermont	.0013	.0022	.0026	.0061
Virginia	.0013	.0016	.0179	.0209
Washington	.0013	.0016	.0151	.0180
West Virginia	.0013	.0016	.0072	.0102
Wisconsin	.0013	.0016	.0238	.0267
Wyoming	.0013	.0016	.0024	.0053
American Samoa	.0013	.0020	.0001	.0034
Guam	.0013	.0020	.0004	.0037
Puerto Rico	.0013	.0021	.0097	.0131
Virgin Islands	.0013	.0021	.0003	.0037
U.S. total	.0715	1.000	.9299	1.0002

II. Comment Procedures

A. Written Comments. Interested persons are invited to submit written comments with respect to the proposed regulation to Docket #CAS–RM–80–509, Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments and related information must be received on or before February 19, 1982 to ensure consideration.

All information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, or it will not be treated as confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing. A public hearing will be held at 9:00 a.m. est., on February 2, 1982, at Washington, D.C. to receive oral presentations. Any person who has an interest in the proposed regulations or who is a representative of a group or class or persons which has an interest in it may make a written request for an opportunity to make an oral presentation. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentation and a phone number where he or she may be reached. Each person who, in DOE's judgment, proposes to present relevant material and information shall be selected to be heard and shall be notified by DOE of their participation before 4:30 p.m., local time on January 26, 1982 for the hearing and shall bring 15 copies of their proposed statement to the hearing.

C. Conduct of Hearing. DOE reserves the right to arrange the schedule of presentations to be heard and to establish the procedures governing the conduct of the hearing. The length of presentations may be limited, based on the number of persons requesting to be heard. A DOE official will be designated as presiding officer of the hearing, and questions may be asked only by those conducting the hearing. There will be no cross-examination of persons presenting statements. Any participant who wishes to ask a question at the hearing may submit the question in writing to the presiding officer, who will determine whether the questions are relevant and material and whether time limitations permit a response.

Any further procedureal rules needed for the proper conduct of the hearing will be announced by the presiding officer.

D. Transcript of Hearing. A transcript of each hearing will be made, retained by DOE, and available for inspection at the DOE Freedom of Information Reading Room, 1E, 190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 between 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

III. Additional Information

Executive Order 12291

The Department of Energy has determined that this rule is not a major rule under Executive Order 12291 because it will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of Unites States-based enterprises to compete with foreign-based enterprises in domestic or expert markets.

The rule was submitted to the Director of the Office of Management and Budget pursuant to Executive Order 12291. The Director has concluded his review under that executive order.

Regulator Flexibility Act Analysis

The probable effect of these amendments will be to shift a small percentage of the program's funds from those States which lose population to those which gain population. The size of the shift could also be affected by other elements of the formula because the formula allocates more funds to those States with higher retail energy costs and to those with greater number of heating and cooling degree days. This shift will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 (5 U.S.C. 601).

As the program is designed, funds are not distributed primarily to small institutions but are distributed to institutions regardless of size in a competition among eligible institutions throughout a State. A shift of a small percentage of the program funds from one State to another does not mean that

small entities are more or less likely to gain or to lose funds since their chances of being funded should not be significantly different in one State rather than another.

Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321), DOE published a Notice of Availability of an environmental assessment (EA) of the entire Title III of NECPA on March 12, 1979, in the **Federal Register** (44 FR 13554). Based on this EA, DOE determined that the NECPA Title III program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and that an environmental impact statement (EIS) was not needed to support the action.

DOE has reviewed the environmental impacts of the amendments proposed herein. It is DOE's judgment that no new or additional environmental impacts are associated with the new amendments and that they do not require the addition of any mitigating measures beyond those already contained in the program.

It is thus DOE's determination that the environmental impacts of the amendments have been adequately analyzed in the March, 1979 EA and that these impacts are not significant. Hence no additional EA or EIS is required.

Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance program number and title is "81.052, Energy Conservation Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions."

In consideration of the foregoing, DOE proposes to amend § 455.101, Part 455, Chapter II, Title 10 of the Code of Federal Regulations as set forth below:

Issued in Washington, D.C., January 12, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

(Title III, National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3236 (42 U.S.C. 6371) and Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101).

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

For the reasons set forth in the preamble, Subpart I, of Part 455, of Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below:

Section 455.101(c) is revised to read as follows:

§ 455.101 Allocation formulas.

* * * * *

(c) The allocation factor (K) shall be determined by the formula

$$K = \frac{0.07}{n} + 0.1\,\frac{(Sfc)}{(Nfc)} + 0.83\,\frac{(SP)\,(SC)}{(NPC)}$$

where, as determined by DOE—

(1) Sfc is the projected average retail cost per million BTU's of energy consumed within the region in which the State is located, as published in the current edition of Volume 3 of the Energy Information Administration's Annual Report to Congress.

(2) Nfc is the summation of the Sfc numerators for all States;

(3) n is the total number of eligible States;

(4) SP is the population of the State, as contained in the most recent Bureau of the Census, Department of Commerce, official census documents;

(5) SC is the sum of the State's heating and cooling degree days, as contained in the National Oceanic and Atmospheric Administration's most recent editions of "State, Regional and National Monthly and Seasonal Heating Degree Days, Weighted by Population" and "State, Regional, and National and Seasonal Cooling Degree Days, Weighted by Population";

(6) NPC is the summation of the (SP) (SC) numerators for all States.

[FR Doc. 82–1256 Filed 1–19–82; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Texas–18)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Cleveland Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on February 12, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 28, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: January 13, 1982.

I. Background

On December 7, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cleveland Formation located in the northeast Texas Panhandle (Railroad Commission District 10) be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Cleveland Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Cleveland Formation encountered in all of Lipscomb, Ochiltree and Hansford Counties, virtually all of Hemphill County, approximately the northern halves of Hutchinson and Roberts Counties, and approximately the northeast quarter of Wheeler County, be designated as a tight formation.

The Cleveland Formation is a continuous geologic formation within the study area and is a fine grained, well

sorted and tightly packed, quiet water marine shelf sandstone. It is the basal formation in the Kansas City Group and overlies the Marmaton Group. Structurally, the Cleveland Formation is an east to southeast dipping homocline, with tops near 2,500 feet subsea to the west in Hansford County and near 9,700 feet subsea in Wheeler County to the southeast. A thickness of 154 feet is attained by the Cleveland Formation in a type log from the Diamond Shamrock Corporation No. 1 J.A. Little well in Lipscomb County, Texas.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the Cleveland Formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Cleveland Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 12, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas-18), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be availalbe for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 28, 1982.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(83) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendations.

* * * * *

(64) Through (82) [Reserved].

(83) *Cleveland Formation in Texas.* RM79-76 (Texas-18).

(i) *Delineation of formation.* The Cleveland Formation is found in the northeast Texas Panhandle and consists of all of Lipscomb, Ochiltree and Hansford Counties, virtually all of Hemphill County, approximately the northern halves of Hutchinson and Roberts Counties, and approximately the northeast quarter of Wheeler County, Texas.

(ii) *Depth.* The top of the Cleveland Formation is located near 2500 feet, subsea, to the west in Hansford County, Texas, and near 9700 feet, subsea, in Wheeler County, Texas, to the southeast. The Cleveland Formation is approximately 154 feet thick as demonstrated in a type log from the Diamond Shamrock Corporation No. 1 J.A. Little Well in Lipscomb County, Texas.

[FR Doc. 82-1261 Filed 1-19-82; 8:45 am]
BILLING CODE 6717-01-M

---

18 CFR Part 271

[Docket No. RM79-76 (Texas—10 Addition)]

High-Cost Gas Produced from Tight Formations; Edwards Limestone Formation; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on February 12, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 28, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: January 13, 1982.

I. Background

On December 1, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Edwards Limestone Formation located in the Giddings (Edwards Gas) Field in Fayette County, Texas be designated as a tight formation. The Commission previously adopted a recommendation that the Edwards Limestone Formation in De Witt, Karnes, and Lavaca Counties, Texas be designated as a tight formation (Docket No. RM79-76 (Texas—10), Order No. 161 issued June 23, 1981). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby isssued to determine whether Texas' recommendation that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field encountered in east central Texas in a portion of Fayette County, Texas, in Railroad Commission District 3, be designated as a tight formation.

The area recommended for designation is located immediately noth to northeast of La Grange, Texas and contains approximately 35,700 acres. It includes all of the following 21 surveys: A. E. Baker A–8, R. G. Baugh A–12, S. P. Brown A–22, Wm. Burnham A–142, W. H. Carson A–28, J. H. Cartwright A–29, S. Darling A–161, N. W. Eastland A–173, W. M. Eastland A–172, Fayette Co. Sch. Land A–183, Jas. Green A–189, Jas. Green A–190, Franklin Lewis A–64, J. P. Longley A–230, Wm. Nabors A–251, J. R. Phillips A–83, W. J. Russell A–89, John Vanderworth A–312, Ben White A–325, J. G. Wilkinson A–108 and W. J. Williamson A–113.

The Edwards Limestone Formation is a limestone formation that was deposited as part of the Comanchean Series during Lower Cretaceous time. It underlies formations of the Washita Group and overlies formations of the Trinity Group.

The Edwards Limestone Formation outcrops over much of the Edwards Plateau in the Texas Hill Country and is found in the subsurface from southern Mexico near Tampico through most of the U.S. Gulf coastal states. In the area of this recommendation, the formation is an east to southeast dipping homocline with the top varying from −10,000 feet subsea in the west to −11,600 feet subsea in the east.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production for the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the Edwards Limestone Formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 12, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas—10 Addition) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public heairng. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 28, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H. Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d)(48) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(48) *Edwards Limestone Formation in Texas. RM79–76 (Texas–10)*—(i) *Six Fields in De Witt, Karnes and Lavaca Counties*—(A) *Delineation of Formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the gulf coast in the southeastern part of Texas in De Witt, Karnes, and Lavaca Counties, Railroad Commission District 2.

De Witt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(B) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is at 14,500 feet resulting in a thickness of approximately 1,350 feet.

(ii) *Giddings (Edwards Gas) Field*—(A) *Delineation of Formation.* Edwards Limestone Formation in the Giddings (Edwards Gas) Field is found in a portion of Fayette County, Texas, Railroad Commission District 3. It is

located immediately north to northeast of La Grange, Texas, and contains approximately 35,700 acres. It includes all of the following 21 surveys: A. E. Baker A–8, R. G. Baugh A–12, S. P. Brown A–22, Wm. Burnham A–142, W. H. Carson A–28, J. H. Cartwright A–29, S. Darling A–161, N. W. Eastland A–173, W. M. Eastland A–172, Fayette Co. Sch. Land A–183, Jas. Green A–189, Jas. Green A–190, Franklin Lewis A–64, J. P. Longley, A–230, Wm. Nabors A–251, J. R. Phillips A–83, W. J. Russell A–89, John Vanderworth A–312, Ben White A–325, J. G. Wilkinson A–108 and W. J. Williamson A–113.

(B) *Depth.* The top of the Edwards Limestone Formation is present at depths ranging from −10,100 feet subsea in the west to −11,600 feet subsea in the east.

[FR Doc. 82–1382 Filed 1–19–82; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Ch. II

National Forest Timber Sales; New Timber Sale Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: This proposal would revise agency procedures relating to new timber sales. The primary purposes of the new procedures are to encourage a regular flow into the market place of products manufactured from National Forest timber, to provide a corresponding flow of timber sale receipts to the United States and local governments, to help ensure financial responsibility of bidders, to encourage purchasers of Forest Service timber sales to harvest timber early in the contract term, and to reduce the need for future extensions of timber contracts.

Federal Regulations at 36 CFR Part 223 set forth rules and regulations for sale and disposal of timber from National Forests. Timber sale policies and procedures stated in Forest Service Manual 2400 implement those rules and regulations. The revised procedures here proposed will not impact on nor affect the quality of the human environment, do not involve environmental amenities and values, nor do they involve alternative uses of available resources. Therefore, the proposed revisions to timber sale contract procedures here described are outside the requirements of the National Environmental Policy Act (Forest Service Manual 1951.2 (46 FR 58098, November 19, 1981)).

DATES: Comments must be received by March 8, 1982.

ADDRESSES: Send written comments to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Emil M. Sabol, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447–4051.

All written submissions made pursuant to this notice will be available for public inspection during regular business hours in: Director, Timber Management Staff, South Agriculture Building, Room 3207, 12th and Independence Avenue, SW., Washington, DC.

SUPPLEMENTARY INFORMATION:

America's housing market serves as the source of the primary demand for softwood products—chiefly lumber and plywood. Major producing areas in this country are the Pacific Coast, the Intermountain West, and the Southeastern United States. Canada is also a major producer of wood products for American housing. In the last 20 years annual housing starts have varied between 1.1 million and 2.4 million. Softwood lumber and plywood prices have declined during each low point of the market. Producers have reduced output or shutdown operations. Past cycles were of short duration and the marginal producers were usually able to recover and resume production.

The current downturn in housing starts has been much deeper and of longer duration. Hundreds of mills are closed or are on reduced production schedules. Many western producers are dependent in whole or in part on National Forests as their source of timber supply. For many years the Forest Service has been selling timber to individuals or companies who convert the standing timber to logs and then into lumber or plywood. Each sale transaction begins with an advertised timber offering at an appraised fair market value. Prospective purchasers may bid with the high bid being the winner. Timber sales vary in value from a few thousand dollars to several million dollars. Each sale is formalized by execution of a contract between the purchaser and the Forest Service. The contract details the explicit terms and provisions of the sale including volume, price, period of removal, and requirements for road construction (if required), logging, and environmental protection measures to be taken. The average contract period is about 3 years. Many sales are 1 or 2 year contracts, and a few are for as long as 7 or 8 years duration. Average sale length in the West is about 3 and ½ years.

Intense competition in some geographic areas for Forest Service sales in recent years has caused bid prices to exceed by two or three times the advertised stumpage rates. For example, there is currently 11.286 billion board feet of timber under contract on National Forests in western Oregon and Washington at an average price of $295 per thousand board feet log scale.

In the face of low demand, decreased product prices and severe competition from Canadian lumber, many purchasers have been unable to operate the sale contracts. In a normal situation an uncompleted sale contract would go into default. The purchaser would be liable for the difference between the contract price and the resale price of the defaulted timber. The spectre of a large number of potential defaults followed by bankruptcies with all of the consequent disruptive effects to employment and the economy in forested regions of the country caused the Forest Service in October 1981 to permit, upon request, extensions of existing timber sale contracts even though specified conditions for extension had not been met.

Many purchasers on the Pacific Coast would be more competitive in the domestic lumber and plywood market if their stumpage costs were closer to the originally appraised price of sales now under contract. There are a number of reasons why prices bid for public timber, especially on the Pacific Coast, are high. Two principal causes have been a combination of the purchaser's expectations of a high level of housing starts (strong demand) and an expectation of continued high inflation rates (high price). These expectations caused some purchasers to bid extremely high rates for longer term sales of 4, 5, or 6 years. This timber is not economical for harvest now. The consequences have been numerous: mill closings, high unemployment, potential bankruptcies and a significant reduction in stumpage receipts to the Federal and County Governments. Many western counties depend heavily on their 25 percent payment of receipts for operation of schools and roads.

Current Forest Service bidding and contracting procedures have been geared to former modest levels of bidding competition. They do not offer the necessary economic incentives for prompt and orderly harvest of timber under market conditions that have existed during the past few years. Current and expected conditions make it necessary to alter these procedures. In

October, the Forest Service developed objectives, criteria, and a list of possible changes to contract procedures. This information has been made available to timber purchasers, County and State officials, and other interested individuals. Meetings and work sessions have been held. In December, Forest Service Chief Peterson sent three of his timber staff West personally to confer with timber purchasers, County and State officials, and others in four States. Approximately 450 producers plus State and County officials were contacted.

Criteria used to judge the effectiveness of the changes now being proposed are: Will the changes tend to temper extreme bid levels for future sales? Is the change consistent with practices already being used by other sellers of timber? Will the new practice help to provide a more even flow of receipts to the Federal Treasury and to County Governments? Is the action reasonably equitable to a wide spectrum of National Forest timber purchasers? Will the actions aid the orderly production of forest products to the benefit of American consumers?

It is anticipated that the changes will result in a reduction in prices bid for National Forest timber in highly competitive areas, principally along the Pacific Coast. At the same time, however, actual revenues from the harvest of this timber are expected both to stabilize and to be received earlier because timber will be economical for operation over more of the business cycle. The ability to compete with imported wood products will be enhanced.

Numerous suggestions for modifying timber sale policies other than those here being formally proposed have been considered, among them being (1) not to award slaes to purchasers who already have excessive timber volume under contract, (2) requiring that bidding be on a present net worth value on timber sales in highly competitive areas, (3) discontinuing the sometime use of performance bonds as payment guarantees, (4) imposing rigid harvest or payment schedules through the term of the contract, (5) requiring advance cash payments in considerably larger amounts, (6) the development of a market related contract term adjustment provision, (7) discontinuing the use of stumpage rate adjustment sales, (8) disqualifying defaulters, whose obligation is not being contested and who have not paid their obligation, from bidding on National Forest timber sales, and (9) maintaining the present policies without change.

In addition to the proposed changes in timber sale procedures, positive measures to reduce the averge length of contract terms by reducing the average amount of volume subject to individual sales will be taken by Regional Foresters. Efforts will be made to offer sales of varying volumes and length of term, however. Regional Foresters will issue guidelines to accomplish these objectives, including monitoring sale size and length.

We believe that the policy changes here being proposed for new sales will accomplish the necessary objectives, and that other measures and requirements are not necessary at this time. The Forest Service will continue to monitor the timber sale program to determine the effects of whatever new procedures ultimately are implemented. Conditions will be evaluated as of April 1, 1983, and April 1, 1984, to determine the effectiveness of such new procedures. If additional policy changes are needed in the future to meet the objectives stated in the summary of this notice, other procedures will be developed and announced for public comment. Future consideration will be given to (1) increasing the cash deposit required at time of contract award, (2) increasing the percentage of payment required at contract midpoint, (3) holding some cash until final harvest, and (4) adoption of a market related contract term adjustment provision.

The following numbered items describe the specific changes now being proposed:

1. The basis for calculating the amount of the bid guarantee required of prospective bidders on a Forest Service timber sale contract shall be 5 percent of the advertised value of the contract.

Explanation

Current policy is for the bid guarantee to equal the advertised value of 1 month's cut. Thus, the total advertised value is divided by the total number of normal operating months in the sale contract. The current method of calculating the bid guarantee, therefore, requires a greater proportionate share of the advertised value as a bid guarantee for shorter term sales than for longer term sales.

The proposal will make the percentage of bid guarantee to advertised value equal for all sales (FSM 2431.5).

2. The high bidder will be required, as a condition of being awarded the sale, to replace the bid guarantee with cash in the amount of 5 percent of the bid price within 10 business days after bid date. A performenace bond must still be provided before the contract is consummated. The cash deposit may be used in payment for the first timber removed from the sale after all purchaser credit to be earned on the sale has been earned and utilized or, if no purchaser credit is provided for, after 25 percent of the advertised volume is presented for scaling. Purchaser credit earned on the sale may be transferred to and utilized on another sale or sales on the same National Forest held by the purchaser. Purchaser credit earned on another sale may not, however, be used in lieu of the cash deposit.

Explanation

Currently, the bid guarantee is replaced by a performance bond at time of contract signing with no cash deposit being required. During the summer of 1980, the policy of replacing the bid guarantee with cash or securities was dropped. Consideration has now been given to suggestions for cash deposits in varying percentages of appraised or bid rates, and to the time and manner in which cash deposits could be used for payment of timber. The proposal here presented is the result of that consideration (FSM 2431.7)

3. The maximum performance bond to be required on a Forest Service timber sale contract will be $500,000.

Explanation

The present maximum performance bond is $200,000. The increased maximum is needed to protect the Government from possible damages arising from nonperformance. Higher timber prices make the increase desirable. Review of this issue included consideration of a range of different maximum bond amounts, including retaining the present maximum amount (FSM 2432.4).

4. To qualify as a bidder of National Forest timber sales, proof of ability to furnish a performance bond or other performance guarantee will be required for sales of more than $10,000 of advertised value. Regional Foresters may include this requirement for sales less than $10,000, if they deem it to be necessary for adequate protection of the Government's interests.

Explanation

Present policy requires the successful bidder to furnish a performance bond or other performance instrument at time of signing the contract, rather than at time of bidding. This practice has allowed bidders who may not be able to furnish a performance guarantee to participate in the bidding process, and to influence the final price. It also has delayed operations of sales when the high bidder cannot meet the contract requirements for performance guarantee, and has

sometimes resulted in readvertising of the timber sale, all to the expense and inconvenience of the Government and other bidders (FSM 2432.5).

5. Purchasers who have defaulted a National Forest timber sale must reestablish financial and performance qualifications prior to bidding on National Forest timber sales. The bidder will have to submit a satisfactory showing of financial ability and a showing that the bidder has, or can obtain, equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract.

Explanation

Currently, a firm or individual who defaults on a timber sale may immediately bid on subsequent sales. A substantial risk occurs in such instances of a disruption of the orderly marketing of timber. Such action may put other bidders at a disadvantage.

This procedure will require purchasers who have defaulted contract requirements on prior National Forest timber sales to demonstrate that they are able to fulfill the terms of the contract being bid upon (FSM 2431.5).

6. By the end of the normal operating season following the midpoint of any sale term of more than 3 years duration, the purchaser shall have paid the greater of either (1) 50 percent of the bid premium, calculated as of the date the sale was awarded, or (2) 25 percent of the anticipated contract price, calculated as of the date the sale was awarded. Purchaser credit from the sale, or from another sale or other sales on the same National Forest, may be used to meet this obligation.

Explanation

Various methods of payment schedules or other incentive systems were considered to provide orderly harvest while providing flexibility for the purchaser to meet market demands. Proposals considered were: Charging interest on the unpaid balance, present net worth bidding with payment schedule submitted by the purchaser at time of bid, and other fixed payment schedules during the life of sale (FSM 2451.4).

7. Timber sales for a term of more than 2 years will require monthly deposits during the final operating season. Each monthly deposit will be equal to the value of timber not paid for at the beginning of the final normal operating season divided by the number of months in the normal operating season. Only if all purchaser credit to be earned on the sale has been earned and utilized may purchase credit from another or other sales on the same National Forest be used to meet this obligation. Regional Foresters will have discretion to apply the requirement for monthly deposits to sales of 2 years or less, if, in their judgment, extreme levels of bidding are being experienced on a particular Forest.

Explanation

This proposal would provide incentive to the purchaser for diligent performance of the sale's requirements (FSM 2451.4).

8. For timber presented for scaling prior to the last year of the sale term, payment rates will be reduced by a factor based on the average rate being paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20). This rate will be specified in the sale advertisement and will remain constant throughout the sale term. For timber presented for scaling during the last 12 months prior to sale termination date, no discount would be earned. For timber presented for scaling in the period 12 to 24 months prior to termination date the rate of payment will be reduced by a factor that is 50 percent of the annual interest rate for U.S. borrowings specified as described above; for timber presented for scaling in the period 24 to 36 months prior to termination date, the price will be reduced by a factor that is 150 percent of the annual interest of U.S. borrowings specified as described above; for timber presented for scaling in the period 36 to 48 months prior to the termination date, the rate of payment will be reduced by a factor that is 250 percent of the annual interest rate paid on U.S. borrowings specified as described above; a progressing schedule of reductions would be established for sales of longer term. However, in no case shall the rate of payment for flat rate sales be reduced below the advertised rates. In no case shall the rate of payment for stumpage rate adjustment sales be reduced below the advertised rates as adjusted to the current quarter by the market indices specified in the timber sale contract.

Explanation

Use of an incentive for early timber removal will encourage purchasers to harvest a sale as soon as possible and not delay for possible improvements in market conditions. The incentive will be equitable to the United States because it will be equivalent to the amount the Government would have had to pay to borrow the money (FSM 2451.4).

9. Stumpage rate adjustment shall be provided for in all National Forest timber sale contracts in western Oregon and Washington awarded after March 31, 1983.

Explanation

Stumpage rate adjustment is in effect in all areas in the western United States except for western Oregon and western Washington. Stumpage rate adjustment permits the price paid for National Forest timber to fluctuate, within stated limits, in response to established market indices. Stumpage rate adjustment allows prices paid for timber to be partially responsive to market conditions and promotes stability of production and employment by encouraging operation during the down portion of cycles in the market.

The delay in implementation will permit a suitable index to be developed and tested, and will presumably avoid imposing stumpage rate adjustment provisions at the bottom of the market (FSM 2451.3).

10. Contract term extensions obtainable under timber sale contracts hereafter awarded shall, in addition to prerequisites now provided for, require agreement by the purchaser (1) to pay in cash an amount equal to any costs caused by delay of harvest, including interest at the current rate being paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20) on the value of timber remaining on the sale until such timber is paid for at contract rates, and (2) under contracts providing for stumpage rate adjustment, to pay for timber removed from the sale area during the period of extension at rates not subject to downward adjustment nor subject to any ceilings on upward rate adjustment. The procedure for establishing payment rates following a rate redetermination for contract term extensions shall be revised to preclude an increase in purchaser credit as part of the rate redetermination.

Explanation

The National Forest Management Act requires as prerequisites for the granting of extensions on sales longer than 2 years that the purchaser have diligently performed in accordance with an approved plan of operation, or that the substantial overriding public interest justifies the extension. Costs caused by delay of harvest will vary by individual timber sale; they may include items such as the cost of keeping planting stock an additional time, higher costs for planting the area due to delays, and

consequences to other natural resources caused by prolonging timber sale operations (FSM 2433.1). The provision for payment of interest will reimburse for delay in receipt of stumpage payments and for delay in establishing growth on the regenerated stand.

The timber sale appraisal includes an estimate for costs of constructing specified roads. During inflationary periods, the costs of constructing roads often are higher at the time of extension than they were at the time of the original appraisal and sale. Under present practice, an increase in specified road costs and purchaser credit at time of extension results in a decrease in receipts to the Government. This proposal will eliminate that loss to the Government (FSM 2433.1).

11. Purchasers who default a timber sale contract will, in addition to liability for other damages currently specified in provision B9.4 of the timber sale contract, be liable (1) for any increase in costs attributable to originally specified roads at resale of the defaulted contract, and (2) for the Government's loss caused by delay in receipt of stumpage payments, measured by interest from the date the contract would have terminated had it not been defaulted, to the midpoint of the term of the resold contract. Such interest will be at the rate paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20) during the period of delay.

Explanation

Presently, defaulting purchasers are assessed the cost of reselling the remaining timber plus the difference between the resale receipts and the receipts the Government would have received if the original purchaser had harvested the timber in a timely manner. Now, the defaulter will also be assessed interest on the value of the remaining timber. The cost of resale and the interest assessment will be specified as liquidated damages.

The timber sale appraisal includes an allowance for construction of specified roads. During inflationary periods, the costs of constructing the same roads would be higher at the time of default than they were at the time of the original appraisal and sale. Under present practice, an increase in specified costs and purchaser credit for the same roads at time of resale results in a decrease in receipts to the Government. This proposal requires the defaulting purchaser to be liable for this loss (FSM 2433.5).

Douglas R. Leisz,

Associate Chief.

December 31, 1981

[FR Doc. 82–1285 Filed 1–19–82; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A–9–FRL 2033–8]

Compliance Order; Hawaiian Electric Co.; Public Hearing

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Notice of public hearing on proposed delayed compliance order.

SUMMARY: A public hearing will be held to consider public comments on a proposed delayed compliance order for Hawaiian Electric Company, Inc. (HECO) power plant at Kahe, Hawaii. Notice of the proposed order was given by publication in the **Federal Register,** Vol. 47, No. 5, at pages 969–972, on Friday, January 8, 1982. For supplementary information and the text of the proposed order please see that entry. The Regional Administrator, Region 9, has found that there is a significant public interest in the proposed order.

DATES: The hearing is scheduled to commence on Thursday, February 11, 1982. Written comments on the proposed order must be received on or before the close of business on February 11, 1982, or they may be submitted to the Presiding Officer at the hearing on February 11, 1982.

ADDRESSES: The hearing is scheduled to commence on Thursday, February 11, 1982, at 9:30 a.m. local time, at the State Capitol Auditorium, Honolulu, Hawaii, and, after a recess, to continue on the same date at 7:30 p.m. local time at the Waipahu High School Cafetorium, 94–1211 Farrington Highway, Waipahu, Hawaii.

Send written comments on the proposed order to the Offices of EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:

Proposed order: David P. Howekamp, Acting Director, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 974–8250.

Public hearing: Lorraine Pearson, Regional Hearing Clerk, EPA, Region 9, (415) 974–8042, or the Pacific Islands Contact Office, (808) 546–8910.

SUPPLEMENTARY INFORMATION: The hearing may be continued from time to time or from place to place to accommodate the needs of EPA or the public.

The comment period may be extended by the President Officer by an announcement at the public hearing. After the comment period has closed, all comments, both oral and written, will be considered and final Agency action will be published in the Federal Register pursuant to 40 CFR Part 65.

The proposed order and supporting materials, including the research, monitoring, and contingency plans may be inspected and copied Monday through Friday, from 9:00 a.m. to 12:00 M. and from 1:00 p.m. to 4:00 p.m., at the Pacific Islands Contact Office, EPA, Region 9, Room 1302, Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, Phone: 546–8910.

(Sec. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: January 14, 1982.

Frank M. Covington,

Acting Regional Administrator, Environmental Protection Agency, Region 9.

[FR Doc. 82–1472 Filed 1–19–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[OPP–300058; PH–FRL–2031–6]

Corn Syrup; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert ingredient corn syrup presently listed as exempted from the requirement of a tolerance under 40 CFR 180.1001(e) also be included under 40 CFR 180.1001(c). This exemption was requested by Tuco Products Co., Division of the UpJohn Co.

DATE: Written comments must be received on or before February 19, 1982.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703–557–1830).

SUPPLEMENTARY INFORMATION: At the request of Tuco Products Co., Division of Upjohn Co., the Administrator proposes

to amend 40 CFR 180.1001(c)(by establishing an exemption from the requirement of a tolerance for the inert ingredient corn syrup.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and included, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredient. Corn Syrup.

Name and Address of Requestor. Tuco Products Co., Division of the Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

Basis for Consideration. This inert ingredient is toxicologically similar to "Molasses" and "Corn dextrin" cleared under § 180.1001(c). "Corn syrup" is also cleared on animals under § 180.1001(e).

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request, on or before February 19, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[OPP-300058]". All written comments filed in response to this petition will be available in the office of Richard F. Mountfort, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated January 7, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by adding and alphabetically inserting corn syrup to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
*	*	*
Corn syrup	Pre- and post-harvest application.	Rehydrating agent.
*	*	*

[FR Doc. 82-1250 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations and Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Public hearings notice; corrections.

SUMMARY: This document contains corrections to a **Federal Register** Notice (46 FR 63331) published on December 31, 1981. The original notice announced the extension of the comment period on the Department's published proposed rules and regulations on acreage limitation and draft environmental impact statement from December 31, 1981 to March 5, 1982 and listed dates and locations for public hearings. This document adds one hearing location and specifies the time limitation for oral presentations as 15 minutes.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper (202) 343-2148.

SUPPLEMENTARY INFORMATION: The following corrections are made to the Federal Register Document Vol. 46, No. 251, appearing on page 63331 in the issue of December 31, 1981:

1. A public hearing scheduled to be held in Denver, Colorado was omitted from the list of public hearings. The notice is amended to read as follows: February 24—Holiday Inn West, Denver, Colorado.

2. The first statement following the list of hearings failed to cite the time limitation on oral testimony. This statement is corrected to read as follows: Oral statements will be limited to 15 minutes.

Dated: January 15, 1982.

Darrell D. Mach,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 82-1367 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-872; RM-4009]

FM Broadcast Station Pagosa Springs, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 292A to Pagosa Springs, Colorado, as its first FM channel, in response to a petition filed by Don Davis.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 11, 1981.

Released: December 17, 1981.

By the Acting Chief, Policy and Rules Divisions.

1. The Commission herein considers a petition for rule making filed by Don Davis ("petitioner"), which seeks the assignment of FM Channel 292A to Pagosa Springs, Colorado, as that community's first FM assignment. Petitioner stated his intent to apply for the channel, if assigned.

2. Pagosa Springs (population 1,331),[1] seat of Archuleta County (population 3,664), is located approximately 320 kilometers (200 miles) southwest of Denver, Colorado. It is served locally by fulltime AM Station KPAG.

3. According to the petitioner, tourism is the primary source of Pagosa Springs' economy, and mining, ranching and lumbering are secondary industries. Petitioner claims that the proposed assignment would benefit the community by providing a new and independent source of information and entertainment.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Pagosa Springs, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Pagosa Springs, Colorado, as follows:

City	Channel No.	
	Present	Proposed
Pagosa Springs, Colorado	.....	292A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-1334 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

---

47 CFR Part 73

[BC Docket No. 82-2; RM-3991]

FM Broadcast Stations in Cut Bank, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C Channel 274 to Cut Bank, Montana, in response to a petition filed by Glacier Communications, Inc. The assignment could provide Cut Bank with a first local FM service and outlying areas with a first FM service.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cut Bank, Montana), BC Docket No. 82–2, RM–3991.

Notice of Proposed Rule Making

Adopted: January 6, 1982.

Released: January 14, 1982.

1. Glacier Communications, Inc. ("petitioner"), has filed a petition for rule making [1] seeking assignment of Class C FM Channel 274 to Cut Bank, Montana, as that community's first FM assignment. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules, and petitioner states that it will apply for the channel, if assigned.

2. Cut Bank (population 3,668),[2] the seat of Glacier County (population 10,628), is located approximately 144 kilometers (90 miles) northwest of Great Falls, Montana. It currently has no local aural service.

3. Beyond asserting that Cut Bank is the largest community in Glacier County, petitioner has failed to set forth in its proposal adequate demographic and economic information with respect to Cut Bank to demonstrate the need for the proposed assignment, and is required to do so by the date established herein for filing comments.

4. Petitioner acknowledges that high-powered wide-coverage area, Class C channels are not normally assigned to communities as small as Cut Bank. However, exceptions to this policy are made where a Class C channel could provide a significant amount of first or second FM or aural service to surrounding areas and populations. Petitioner states that its proposal will provide a first FM service to 3,977 persons residing in an area of 3,942 square kilometers (1,552 square miles), and a second FM service to 10,761 persons in a area of 3,726 square kilometers (1,467 square miles). Without supplying specifics, petitioner adds that since AM service in the area is minimal, most of the persons that will benefit from the FM proposal will also receive first and second nighttime aural service as well. Further, petitioner advises that the proposed assignment will have an adverse preclusive effect only on Conrad, Montana, but indicates that Channels 229 and 278 are available for assignment thereto.

5. Since the proposed assignment of Channel 274 to Cut Bank, Montana, is within 402 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

Channel No.	City	
	Present	Proposed
Cut Bank, Montana		274

7. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

---

[1] *Public Notice* of the petition was given October 22, 1981, Report No. 1314.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

6. *Public Inspection of Filings.* Allfilings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-1337 Filed 1-19-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-3; RM-3970]

FM Broadcast Station in Mangum, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Mangum, Oklahoma, in response to a petition filed by Mangum Broadcasting, Inc.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mangum, Oklahoma), BC Docket No. 82-3; RM-3970.

Notice of Proposed Rule Making

Adopted: January 6, 1982.

Released: January 14, 1982.

1. The Commission herein considers a petition for rule making,[1] filed by Mangum Broadcasting, Inc. ("petitioner"), proposing the assignment of Channel 221A to Mangum, Oklahoma, as its first FM assignment. Petitioner stated that it will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Mangum (population 4,066) seat of Greer County (population 7,979),[2] is located approximately 192 kilometers (120 miles) southwest of Oklahoma City. It is without local broadcast service.

3. According to the petitioner, Mangum has a city manager form of government, and a comprehensive city plan underway. Its three major highways provide access to the city with eight motor freight carriers serving Mangum. Petitioner also claims that Greer County, as of 1977 had 79 retail establishments, employing 225 persons, and annual retail sales of $13,233,000. Petitioner further states that Station KWHW-FM, Altus, Oklahoma, the nearest station to Mangum (approximately 26 miles) is not responsive to the needs of Mangum.

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Mangum, the Commission proposes to amend the FM Table of Assignments, with regard to Mangum, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Mangum, Oklahoma		221A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066; 1082; 47 U.S.C. 154,303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Proceedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions

[1] Public Notice of the petition was given on September 9, 1981, Report No. 1308.

[2] Population figures are taken from the 1980 U.S. Census.

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-1858 Filed 1-19-82; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Parts 81 and 83

[Docket No. 81 744; FCC 81-510]

Reservation of Channel 5 Exclusively for Vessel Traffic Service (VTS) Communications in the Seattle (Puget Sound) VTS Radio Protected Area

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes the reservation of Channel 5 exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area. This rule making was initiated in response to an informal request by the Commandant, United States Coast Guard (USCG). These rules will enable the USCG to service the increased vessel traffic in this area.

DATES: Comments must be received by February 18, 1982.Comments must be received by March 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueron, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 81 and 83 of the Rules to make the frequency 156.25 MHz available exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area; Notice of proposed rule making.

Adopted: October 22, 1981.

Released: November 3, 1981.

By the Commission

1. In this Notice, we proposed to amend Parts 81 and 83 of the Commission's rules to make VHF Channel 5 (156.25 MHz) available exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area.

Background

2. The United States Coast Guard (USCG) has established a VTS system for a number of the largest and busiest port areas in the United States. This program was initiated in order to implement the provisions of the "Ports and Waterways Safety Act of 1972".[1] A VTS is a vessel movement reporting system which is designed to prevent damage to or loss of vessels, bridges or other structures in United States navigable waters, and to protect these waters and associated natural resources from environmental harm resulting from such damage or loss. At the request of the Commandant, USCG the Commission amended the rules so as to designate up to three frequencies exclusively for VTS communications within the designated VTS radio protected areas.[2] The frequencies available for VTS communications, under specified conditions, are specified in §§ 81.357 and 83.361 of the rules. These frequencies are 156.550 MHz (previously a commercial frequency), 156.600 MHz and 156.700 MHz (previously port operations frequencies). Sections 81.357(b)(3) and 83.361(b)(3) presently designate 156.700 MHz exclusively for USCG VTS communications in the Puget Sound VTS radio protected area.

Discussion

3. We have been requested by the Commandant, USCG to amend the rules to make Channel 5 available exclusively for VTS communications within the Puget Sound VTS radio protected area described in the rules.[3] The USCG's request for an additional VTS frequency arises from the extensive area of coverage and increased movements of large oil tankers which make it operationally necessary to divide the system into sectors. This division necessitates an additional operating frequency.

4. The frequency 156.250 MHz is available for assignment only in particular areas because of its band edge location and the resultant potential for harmful interference with land mobile assignments on the adjacent highway maintenance service frequency 156.240 MHz. However, 156.250 MHz in the Puget Sound VTS area was carefully coordinated with existing land mobile assignments as well as with Canada, in order to avoid potential interference problems. At present, although 156.250 MHz is available for use in Puget Sound there are no licensees operating on it.

Proposal

5. Accordingly, we propose to amend §§ 81.357 and 83.361 of the Commission's rules in order to make Channel 5 (156.25 MHz) available exclusively for VTS communications in the Puget Sound radio protected area.

6. The proposed amendments to the Commission's rules as set forth in the attached Appendix, are issued under the authority contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

Comments

7. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before February 18, 1982, and reply comments on or before March 5, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are

---

[1] Pub. L. 92-340, 86 Stat. 424, 46 U.S.C. 1561.

[2] *Report and Order*, Docket No. 20444 adopted December 2, 1975, 40 FR 57672, 56 FCC 2d 1088.

[3] Sections 81.357(b)(3) and 83.361(b)(3) of the Commission's rules state: "Seattle (Puget Sound): From 48° North 121° West on the U.S.-Canadian Border, south to 46° 30' North 121° West, then west to 46° 30' North 125° West, then north to 46° 30' North 125° West, then east to the U.S.-Canadian Border, and thence along the U.S.-Canadian Border to 49° North 121° West; * * *"

given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 [1] do not apply to this rule making proceeding. The USCG VTS system is operated as part of a Congressional mandate in the "Ports and Waterways Safety Act of 1972". Further, although Channel 5 is available for operation in the Puget Sound VTS area it is not in use. Therefore, making Channel 5 available for VTS communications in the Puget Sound VTS radio protected area would not have a significant impact on a substantial number of small entities.

11. Regarding questions on matters covered in this document contact, Linda R. Figueroa (202) 632–7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 305, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment: Appendix

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. Section 81.357(b)(4) is amended by adding frequency 156.25 MHz.

§ 81.357 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) Seattle (Puget Sound): From 40° North 121° West on the U.S.—Canadian Border South to 46° 30′ North 121° West then west to 46° 30° North 125° West, then north to 48° 30′ North 125° West, then east to the U.S.—Canadian Border and thence along the U.S.—Canadian Border to 49° North 121° West; frequencies 156.7 MHz, 156.25 MHz.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE.

2. Section 83.361(b)(4) is amended by adding frequency 156.25 MHz.

§ 83.361 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) Seattle (Puget Sound): From 49° North 121° West on the U.S.—Canadian Border South to 46° 30′ North 121° West then west to 46° 30° North 125° West, then north to 48° 30′ North 125° West, then east to the U.S.—Canadian Border and thence along the U.S.—Canadian Border to 49° North 121° West; frequencies 156.7 MHz, 156.25 MHz.

* * * * *

[FR Doc. 82–1376 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Pub. L. 96–354

Notices

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Soil and Water Resources Conservation Act of 1977 (RCA); 1981 Program Report and Environmental Impact Statement, Revised Draft

AGENCY: Office of the Secretary, USDA.

ACTION: Extension of public review period.

SUMMARY: On December 2, 1981, the U.S. Department of Agriculture (USDA) released the 1981 Program Report and Environmental Impact Statement, Revised Draft. This notice extends the review period on that document from January 15, 1982, to January 29, 1982. Comments should be sent to the appropriate Soil Conservation Service (SCS) state conservationists as listed in the Monday, November 2, 1981, **Federal Register**, Volume 46, No. 211, pp. 54393–54394. Comments originating in the Washington, D.C. metropolitan area should be sent to the RCA Response Center at the address listed below.

DATE: Comments must be postmarked no later than January 29, 1982, to be considered in RCA decisions.

FOR FURTHER INFORMATION CONTACT: RCA Response Office, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, Telephone (202) 382–8059.

(Public Law 95–192 Stat. 1407, 16 U.S.C. 2001 et. seq. November 16, 1977)

Dated: January 13, 1982.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 82-1315 Filed 1-19-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Application of Harold's Air Service for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82–1–32).

SUMMARY: The Board is proposing to award a certificate of public convenience and necessity to Harold's Air Service authorizing it to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii; and all-cargo air transportation in Alaska between and among the points listed in its application. The Board is also tentatively determining that Harold's is fit, willing, and able to provide service.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate or to its tentative finding of fitness shall file, and serve upon all persons listed below no later than February 3, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 40191, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Harold's Air Service; Hank Myers; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

FOR FURTHER INFORMATION: Anne W. Stockvis, Bureau Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5335.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–1–32 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–1–32 to that address.

By the Civil Aeronautics Board: January 7, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-1383 Filed 1-19-82; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended January 8, 1982

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (see 14 CFR 302.1701 et. seq.).

Date filed	Docket No.	Description
Jan. 5, 1982	40360	Two Americas Trading Company, Inc. d/b/a ICB International Airlines, Suite 104, 1020 Manhattan Beach Blvd., Manhattan Beach, California 90266. Application of Two Americas Trading Company, Inc. d/b/a ICB International Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in scheduled foreign air transportation of property and mail as follows:

Date filed	Docket No.	Description
		Between a point or points in the United States, on the one hand, and a point or points in the United Kingdom, Belgium, the Netherlands, Luxembourg, Portugal, Israel, Iran, Iraq, Saudi Arabia, Ivory Coast, Gabon, Ghana, Zaire, Nigeria, Zimbabwe, and the Republic of South Africa, on the other.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 2, 1982.
Jan. 5, 1982	40361	Alaska International Air, Inc., c/o Leonard M. Bebchick, Martin, Whitfield, Smith & Bebchick, Suite 1102, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of Alaska International Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to renew on a permanent basis AIA's permissive, mail-only certificate authority for segment 2 of its Route 208:
		The alternate terminal points Nome and Kotzebue, Alaska; the intermediate points Shishmaref, Wales, Tin City, Brevig, Teller, Gambell, Savoonga, Solomon, Golovin, Council, White Mountain, Elim, Koyuk, Shaktoolik, Cape Lisburne, Point Hope, Kivalina, Noatak, Ambler, Kobuk, Shungnak, Noorvik, Selawik, Kiana, Buckland and Candle, Alaska; and the terminal point Deering, Alaska.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 2, 1982.
Jan. 6, 1982	40363	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 137 to authorize it to engage in foreign all-cargo air transportation between the United States on the one hand, and Colombia and Peru, on the other hand.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 3, 1982.
Jan. 7, 1982	40365	Delta Development Corp. d/b/a Western4ary 4, 1982.
Jan. 7, 1982	40367	Houston Airlines, Inc., P.O. Box 12917, Houston, Texas 77017. Application of Houston Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate air transportation of persons, property, and mail as follows:
		(a) Applicant desires service between Houston/Newark and Houston/Washington (IAD) only; applicant may request additional routes at later date; and
		(b) in interstate air transportation pursuant to contracts with the Department of Defense.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 4, 1982.
Jan. 8, 1982	40370	Finnair Oy, c/o John L. Richardson, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Application of Finnair Oy requests renewal of its foreign air carrier permit, last issued pursuant to Order 77-1-69, which allows it to conduct charters on behalf of Kar-Air oy, in accordance with the wet lease agreement between the two carriers. Specifically, Finnair seeks renewal of its authority to engage in charter foreign air transportation as follows:
		By and only by charter agreement with Kar-Air oy for the carriage of charter traffic in which Kar-Air is authorized to engage by foreign air carrier permits issued by the Board by order approved by the President.
		Answers may be filed by February 5, 1982.
Jan. 8, 1982	40371	Kar-Air Oy, c/o John L. Richardson, Verner, Liipfert, Bernhard and McPherson, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036.
		Application of Kar-Air Oy pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its foreign air carrier permit, last issued pursuant to Order 77-1-69, which allows it to conduct charter foreign air transportation, including charters on behalf of Finnair in accordance with wet lease agreement between the two carriers.
		Answers may be filed by February 5, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-1384 Filed 1-19-82; 8:45 am]
BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 82-1-18, January 7, 1982, Docket 40048, fixes temporary intra-Alaska service mail rates for Southeast Alaska Airlines, Inc., at the rates established for Alaska Airlines, Inc., by Orders 80-12-152 and 80-12-153.

Copies of the order are available from the Civil Aeronautics Board Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-1385 Filed 1-19-82; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39975]

Trenton Hub Express Airline Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed Judge Kane.

Dated at Washington, D.C., January 11, 1982.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 82-1386 Filed 1-19-82; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5-82]

Foreign-Trade Zone 64, Jacksonville, Florida; Application for Temporary Site

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Jacksonville Port Authority, grantee of Foreign-Trade Zone 64, requesting authority to establish a temporary zone site in Jacksonville, Florida, within the Jacksonville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 12, 1982. The applicant is authorized to make this proposal under Chapter 288.36 of the Florida Statutes (1979).

On December 29, 1980, the Port Authority received authority from the Board to establish a foreign-trade zone project in the Jacksonville area (Board Order 170, 46 FR 1330, 1/6/81). The project covers 143 acres of undeveloped land within a 7000-acre tract adjacent to the Jacksonville International Airport planned for distribution/light industrial activity.

Because of the expected time lag in development of the permanent site, the applicant requests a 3-year temporary sites at an existing warehouse so that zone services can be provided as soon as possible. The 200,000 square foot facility is located at 2001 North Ellis Road in Jacksonville, some 15 miles from the Airport and 8 miles from the Talleyrand Docks and Terminals. It is owned and operated by Unit Distribution, Inc., which presently operates public and bonded warehouse facilities and has been designated as the operator of FTZ 64.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zone Staff, U.S. Department of Commerce,

Washington, D.C. 20230; Charles W. Winwood, Director (Inspection and Control), U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel Alfred B. Devereaux, District Engineer, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, Florida 32232.

Comments concerning the proposed temporary site are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 2831 Talleyrand Avenue, Jacksonville, Florida 32206

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1360 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 3-82]

Foreign-Trade Zone 49; Newark/ Elizabeth, New Jersey; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port Authority of New York and New Jersey (the Port Authority), grantee of Foreign-Trade Zone 49, Newark/ Ellizabeth, New Jersey, requesting authority to expand the zone to include the entire Port Newark/Elizabeth Port Authority Marine Terminal on Newark Bay, within the New York City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 11, 1982. The applicant is authorized to make this proposal under Section 12:13–1 of the New Jersey Statutes Annotated.

On April 6, 1979, the Port Authority received from the Board authority to establish a foreign-trade zone facility within the 2,200-acre marine terminal complex, consisting of two general-purpose buildings totaling 200,000 square feet (Board Order 146, 44 FR 22502, 4–16–79). The zone became operational in April 1981 and is expected to be fully occupied in the near future. This application requests the designation of the entire complex as a zone so that the Port Authority has additional space and flexibility in meeting the growing demand for zone services.

The application indicates a need for two million square feet of additional zone space for a variety of operations which cannot presently be accommodated. Prospective uses include storage, distribution, processing and assembly of industrial machinery, automobiles, motorcycles, electrical equipment, electronic components, household goods, luggage, and apparel. The Port Authority has not been able to plan the location of the new prospects within one section of the complex because of their individual needs. This proposal is based uon the fact that the clustering of users is not feasible and that the terminal complex is operated as an integrated and secured facility. Sites would be activated as needed after necessary improvements are made and Customs approval obtained.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of John J. Da Ponte, Jr., (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Benjamin C. Jefferson, Newark Area Director, U.S. Customs Service, Region II, Airport International Plaza, Room 210A, Newark, New Jersey 07114; and Colonel Walter M. Smith, Jr., District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, New York 10278.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, Gateway Building, 4th Floor, Market Street and Penn Plaza, Newark, New Jersey 07102

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executivve Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1361 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 4-82]

Foreign-Trade Zone 34, Niagara County, New York; Application for Relocation

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Niagara, New York (the County), grantee of Foreign-Trade Zone 34, requesting authority to relocate the project within the County to a site at the Niagara Falls International Airport, within the Buffalo/Niagara Falls Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 12, 1982. The applicant is authorized to make this proposal under Chapter 190 of the 1977 Session Laws of New York (approved June 1, 1977).

On November 29, 1977, the County received authority from the Board to establish a foreign-trade zone project within the Lew-Port Industrial Park, Township of Porter (Board Order 125, 42 FR 33379, 6/3/77). For various reasons the County has decided to reorganize and relocate the project.

The applicant now requests authority to relocate the zone to a 19-acre site within a multi-purpose industrial development project at the Niagara Falls International Airport in the Town of Wheatfield. A 30,000 square foot multi-user building will be constructed by the County for initial zone activity. The zone project will continue to be a part of the Niagara County Overall Economic Development Program Committee's efforts to diversify the area's economy and reduce unemployment.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel George P. Johnson, District Engineer, U.S. Army Engineer District Buffalo,

1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed relocation are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 1312 Federal Building, 111 West Huron Street, Buffalo, New York 14202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230.

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1370] Filed 1-19-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Columbus, Ohio; Applications for Pilot Project Grant.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Columbus, Ohio SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82011-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 20, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Amendment.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities,

voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution* means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services* are charges to the client for assistance provided by BDC.

C. *In-Kind contribution* represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs invloved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Date: January 12, 1982

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1360 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Cincinnati, Ohio, Applications for Pilot Project Grant

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Cincinnati, Ohio SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82009-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of

minority business individuals and firms. Provide information that demonstrated the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possible enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution* means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services* are charges to the client for assistance provided by BDC.

C. *In-Kind contribution* represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plant of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82–1801 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–21–M

Minneapolis-St. Paul, Minnesota, Applications for Pilot Project Grants

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to

operate a pilot project for a 12 month period beginning May 3, 1982 in the Minneapolis-St. Paul SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05–10–82012–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353–0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will execise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/ Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credientials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibily enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level or performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the

minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A&B—Chicago Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82–1362 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Richmond, Virginia SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 03–10–82006–01. Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street NW., Suite 420, Washington, D.C. 20006, Phone (202) 634–7883.

For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634–7883.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and

previous experiences. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and adminstrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Aplication.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of:
—Clear explanations of all expenditures proposed; and
—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construes as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. Pre-Application Conference

Will be held to assist all interested applicants at the following address on Monday, February 8, 1982 at 10:00 a.m.: U.S. Department of Commerce, 14th and Constitution Ave. NW., Room 6802, Washington, D.C. 20230.

Dated: January 15, 1982.

Luis G. Encinias.

Regional Director.

[FR Doc. 82–1319 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Philadelphia, Pennsylvania SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 03–10–82001–01. Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982. Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., Suite 420, Washington, D.C. 20006, Phone (202) 634–7883. For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634–7883.

SUPPLEMENTARY INFORMATION:

A. *Scope and purpose of this announcement.*

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In

order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible applicants.*

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation process.*

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation criteria for business development center application.*

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. **Capability and Experience of Firm/Staff**—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MGE business persons and firms. (references from clients assisted are pertinent.)
—background credentials and references for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.
—demonstrate competence among stall to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—if any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A–110 or A–102.

II. **Techniques and Methodology**—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. **Resources**—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms will gross sales of over $500.000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that willbe considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not considered as the recipient's in-kind contribution.

IV. **Costs**—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective programs possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—clear explanations of all expenditures proposed, and
—the extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan to operation ahd will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of proposals.*

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal instructions and forms.*

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Monday, February 8, 1982 at 10:00 a.m.: U.S. Department of Commerce, 14th and Constitution Ave., NW., Room 6802, Washington, D.C. 20230.

Dated: January 15, 1982.

Luis G. Encinias,

Regional Director.

[FR Doc. 82-1318 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center (Chicago BDC North); Cooperative Agreement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (Chicago BDC North) beginning May 3, 1982 in McHenry, Lake and Kane Counties, Illinois; and all areas in Cook County Illinois North of the Eisenhower Expressway. The cost of the project is estimated to be $336,000. The maximum federal participation amount is $302,400. The minimum amount required for non-federal participation is $33,600. The project number is 05-10-82000-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John G. Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts of cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job description sand qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Notice.—All contracting proposed should be in accordance with procurement standards in Attachment O to OMB Circulars A-110 or A-102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources.—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in

terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency..

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of Proposals.* Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal Instructions and Forms.* Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building, 536 South Clark Street, Room 638 A & B, Chicago, Illinois on February 8, 1982 at 10:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1343 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center (BDC); Cooperative Agreement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Cleveland, Ohio SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 05-10-62004-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate the broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and

firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumés for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of Proposals.* Notification of awards will be made by the Grant Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal Instructions and Forms.* Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building, 536 South Clark Street, Room 838 A & B, Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance)).

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1344 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-23-M

Solicitation of Applications for a Cooperative Agreement Under the Business Development Center (Chicago BDC South)

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (Chicago BDC South) program to operate a pilot project for a 12 month period beginning May 3, 1982 in Dupage and Will Counties, Illinois; and all areas in Cook County Illinois South of the Eisenhower Expressway. The cost of the project is

estimated to be $784,000. The maximum federal participation amount is $705,600. The minimum amount required for non-federal participation is $78,400. The project number is 05–10–82001–01.

Applicants shall be required to contribute at least 10 percent the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353–0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of the competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: Inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities-that can possibly enhance the BDC program effort-i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieveing the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to inlcude a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions: 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program

possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago Illinois on February 8, 1982 at 10:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1942 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

Status Report on Voluntary Product Standards

AGENCY: National Bureau of Standards; Commerce.

ACTION: Maintenance, retention, replacement, and withdrawal of certain voluntary product standards

On August 19, 1980, the Department of Commerce (Department) announced in the **Federal Register** (45 FR 55250–2) the status of 80 documents classified as Voluntary Product Standards. The announcement was made in accordance with the revised Procedures for the Development of Voluntary Product Standards (15 CFR Part 10). Section 10.0(b) of the Procedures specifies six criteria that must be met for the Department to sponsor the development or maintenance of a Voluntary Product Standard.

Numerous requests to retain or maintain various standards were received in response to the August 19, 1980, notice. A number of the requests specified retention of standards for fixed periods of time that have now elapsed. The current status of all such standards is indicated below.

Based on proposals from the proponent organizations identified after the following titles, the following product standards will continue to be sponsored by the Department:

PS 1–74, Construction and Industrial Plywood; American Plywood Association
PS 20–70, American Softwood Lumber Standard; American Lumber Standards Committee
PS 72–78, Toy Safety; Toy Manufacturers of America
PS 73–77, Carbonated Soft Drink Bottles; Glass Packaging Institute
TS 231, Proposed Voluntary Product Standard, Production of Carbonated Soft Drinks In Glass Bottles; National Soft Drink Association

Based on documented activity within a private standards-writing organization, the following standards will be retained by the National Bureau of Standards for the periods of time stated below to permit the orderly transfer of sponsorship of such standards from the Department to the identified organizations. The periods of time stated below shall commence from the date this notice is published in the **Federal Register** and supersede the periods of time stated for those standards in the August 19, 1980 notice.

PS 30–70, School Chalk; the Crayon, Water Color and Craft Institute, Inc.; 6 months
PS 36–70, Body Measurements for the Sizing of Boys' Apparel; Mail Order Association of America; 12 months
PS 42–70, Body Measurements for the Sizing of Women's Patterns and Apparel; Mail Order Association of America; 12 months
PS 45–71, Body Measurements for the Sizing of Apparel for Young Men (Students); Mail Order Association of America; 12 months
PS 46–71, Flame-Resistant Paper and Paperboard; American Society for Testing and Materials; 6 months
PS 51–71, Hardwood and Decorative Plywood; Hardwood Plywood Manufacturers Association; 12 months
PS 54–72, Body Measurements for the Sizing of Girls' Apparel; Mail Order Association of America; 12 months
PS 63–75, Latex Foam Mattresses for Hospitals; American Society for Testing and Materials; 12 months
PS 64–75, School Paste; The Crayon Water Color and Craft Institute, Inc.; 6 months
PS 65–75, Paints and Inks for Art Education in Schools; The Crayon, Water Color and Craft Institute, Inc.; 6 months
PS 67–76, Marking of Gold Filled and Rolled Gold Plate Articles Other Than Watchcases; Jewelers Vigilance Committee; 24 months
PS 68–76, Marking of Articles Made of Silver in Combination with Gold; Jewelers Vigilance Committee; 24 months
PS 69–76, Marking of Articles Made Wholly or in Part of Platinum; Jewelers Vigilance Committee; 2 months
PS 70–76, Marking of Articles Made of Karat Gold; Jewelers Vigilance Committee; 24 months
PS 71–76, Marking of Jewelry and Novelties of Silver; Jewelers Vigilance Committee; 24 months
CS 98–62, Artists Oil Paints; Artists Equity Association, Inc.; 6 months
CS 130–60, Color Materials for Art Education in Schools; the Crayon, Water Color and Craft Insitute, Inc.; 6 months
CS 151–50, Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers and Children (for the Knit Underwear Industry); Mail Order Association of America; 12 months
R 192–63, Crayons and Related Art Materials for School Use (Types, Sizes, Packages and Colors); The Crayon, Water Color and Craft Institute, Inc.; 6 months

The following standard has been replaced by a standard being developed or published by a private standards-writing organization and, therefore, Department of Commerce sponsorship is no longer need for it:

PS 17–69, Polyethylene-sheeting (construction, industrial and agricultural applications); Society of the Plastics Industry

In the absence of any request for retention or maintenance, the following standards are withdrawn:

PS 13–69, Uncorded Slab Urethane Foam for Bedding and Furniture Cushioning
PS 15–69, Custom Contact-Molded Reinforced Polyestyer Chemical-Resistant Process Equipment
PS 23–70, Horticultural Grade Perlite

PS 24–70, Melamine Dinnerware (Alpha-Cellulose Filled) for Household Use
PS 25–70, Heavy-Duty Alpha-Cellulose-Filled Melamine Tableware
PS 27–70, Mosaic-Parquet Harwood Slat Flooring
PS 29–70, Plastic Heat-Shrinkable Film
PS 31–70, Polstyrene Plastic Sheet
PS 34–70, Fluorinated Ethylene-Propylene (FEP) Plastic-Lined Steel Pipe and Fittings
PS 52–71, Polytetrafluorethylene (PTFE)
PS 53–72, Glass-Fiber Reinforced Polyester Structural Plastic Panels
PS 56–73, Structural Glued Laminated Timber
PS 57–73, Cellulosic Fiber Insulation Board
PS 58–73, Basic Hardboard
PS 59–73, Prefinished Hardboard Paneling
PS 60–73, Hardboard Siding
PS 62–74, Grading of Diamond Powder in Sub-Sieve Sizes
CS 138–55, Insect Wire Screening
CS 192–53, General Purpose Vinyl Plastic Film
CS 201–55, Rigid Polyvinyl Chloride Sheets
CS 227–59, Polyethylene Film
CS 245–62, Vinyl-Metal Laminates
CS 257–63, TFE–Fluorocarbon (Polytetrafluorethylene) Resin Molded Basic Shapes
CS 268–65, Hide-Trim Pattern for Domestic Cattlehides
CS 274–66, TFE-Fluorocarbon Resin Sintered Thin Coatings for Dry Film Lubrication
R2–62, Bedding Products and Components

In accordance with § 10.1(e) of the revised Procedures for the Development of Voluntary Product Standards and by agreement with the Consumer Product Safety Commission, the Department will retain sponsorship of the following Voluntary Product Standard for the period of time stated below to allow for arrangements to be made for its sponsorship by a private standards writing organization.

PS 66–75, Safety Requirements for Home Playground Equipment; 12 months

For further information contact Eric A. Vadelund, Office of Engineering Standards, National Bureau of Standards, Washington, D.C. 20234. Telephone: (301) 921–3272.

Dated: January 13, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1316 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Thursday, February 25, 1982, from 9:00 a.m. to 1:50 p.m. in Lecture Room 1107, Radio Building, National Bureau of Standards, 325 Broadway, Boulder, Colorado, after which time the Visiting Committee members will meet with a number of NBS scientists in their various offices and laboratories until 4:30 p.m.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Any person wishing to attend the meeting should inform Mrs. Carolyn Goodfellow, Office of the Director, National Bureau of Standards, Washington, DC 20234, telephone (301) 921–2226.

Dated: January 15, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1382 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

National Conference on Weights and Measures; Meeting

Notice is hereby given that the interim meetings of the National Conference on Weights and Measures will be held January 25–29, 1982, at the National Bureau of Standards, Gaithersburg, Maryland.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States. The interim meetings of the Conference, as well as the annual meeting to be held next July (a notice will be published in the **Federal Register** prior to such meeting), brings together the enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations for the purpose of hearing and discussing subjects that relate to the fields of weights and measures technology and administration.

Pursuant to authority in its Organic Act (15 U.S.C. 272(5)), the National Bureau of Standards acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

The public is invited to attend. Additional information concerning the Conference program and arrangements may be obtained from Mr. Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, National Bureau of Standards, Washington, DC 20234; telephone: (301) 921–2401.

Dated: January 15, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1428 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee on Command, Control and Communications Countermeasures (C³CM) Data Base will hold meetings on February 18, 1982, from 8:00 a.m., to 5:00 p.m., and February 19, 1982, from 8:00 a.m., to 12:00 noon, in the Electronic Security Command Conference Room, Building 2000, Kelly Air Force Base, Texas.

The ad hoc committee will hold classified discussions on (1) the overall systems analysis which is the keystone of the C³CM data base problem; (2) the design and sizing of the data processing resources, and (3) the interface with existing source data bases maintained by the intelligence and operational communities and with user systems for target applications.

The meetings concern matters listed in section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings are closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–1387 Filed 1–19–82; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Office of Assistance Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S–AU–111, to the Australian Atomic Energy Commission, 20 milligrams of thorium-230 for use in the investigation of nuclear fission.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 4, 1982.

Dated: January 13, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82–1257 Filed 1–19–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP81–98–001]

ANR Storage Co.; Proposed Change in Gas Tariff

January 13, 1982.

Take notice that on December 30, 1981, ANR Storage Company (ANR) tendered for filing the following revised tariff sheets to reflect a general rate increase:

Original Volume No. 2

Third Revised Sheet No. 8
Fourth Revised Sheet No. 9
Fifth Revised Sheet No. 31
First Revised Sheet No. 31D
Fifth Revised Sheet No. 52
Fourth Revised Sheet No. 53
Fifth Revised Sheet No. 74
First Revised Sheet No. 74D
Fourth Revised Sheet No. 96
First Revised Sheet No. 96D
Fourth Revised Sheet No. 117
First Revised Sheet No. 117C
Third Revised Sheet No. 186
First Revised Sheet No. 186C
Third Revised Sheet No. 187
Third Revised Sheet No. 212
First Revised Sheet No. 212C
Third Revised Sheet No. 213
Third Revised Sheet No. 236
Third Revised Sheet No. 237

Tariff sheets similar to the above noted tariff sheets were included in ANR's rate increase application at Docket No. RP81–98–000, filed with the Commission on July 31, 1981. Pursuant to Ordering Paragraph (B) of the Commission's Order issued August 28, 1981, the tariff sheets proferred were accepted for filing and suspended for the full statutory period of five months until February 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1290 Filed 1–19–82; 8:45 am]

BILLING CODE 6717–01–M

[CP82–118–000]

Columbia Gas Transmission Corp.; Columbia LNG Corp.; Application

January 13, 1982.

Take notice that on December 16, 1981, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia LNG Corporation (Columbia LNG), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP82–118–000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of an interconnecting tap facility in Charles County, Maryland, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by agreement dated December 2, 1974, Washington Gas Light Company (Washington) assigned certain easements and rights-of-way to Columbia LNG in connection with the construction of Columbia LNG's and Consolidated System LNG Company's (Consolidated LNG) jointly-owned pipeline extending from Cove Point, Maryland, to Loudoun, Virginia. It is stated that the agreement provided Columbia LNG with the option of requiring Washington to provide natural gas service to the right-of-way grantors if so requested. It is further stated that such gas service has been requested for the property of John M. Oren located in Charles County, Maryland.

Specifically, Columbia LNG requests authorization herein for the construction and operation of interconnecting tap facilities to provide a new point of delivery to Columbia, an existing wholesale customer, at which point deliveries would be made to Washington for Columbia's account.

It is asserted that the pipeline tap and interconnection facilities would be constructed by Columbia on the Cove Point to Loudoun pipeline and that Columbia LNG and Consolidated LNG would jointly reimburse Columbia for the cost of the construction. The cost of the construction is estimated at $3,000 to be financed from internally generated funds.

It is stated that the gas delivered by Columbia LNG would be treated as a part of its entitlement from the Cove Point terminal and that the receipts by Columbia and Washington would be within their currently authorized entitlements. It is further stated that if the Cove Point LNG facility is not in operation deliveries to Washington would be accomplished by Columbia delivering the necessary quantities of natural gas to Columbia LNG at Loudoun in exchange for which Columbia LNG would deliver equivalent quantities to Washington for Columbia's account at the point of delivery requested herein.

Any person desiring to be heard or to make any protest with reference to said application should on of before February 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on is own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1291 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-30-000]

Consolidated Gas Supply Corp.; Proposed Change in Gas Tariff

January 13, 1982.

Take notice that on December 18, 1981, Consolidated Gas Supply Corporation (Consolidated) tendered for filing the following gas tariff sheets to its FERC Gas Tariff:

(1) First Revised Sheet Nos. 91 and 92 and Original Sheet Nos. 92-A through 92-G; and

(2) First Revised Sheet No. 121 and Original Sheet Nos. 121-A through 121-E.

Consolidated states that the tariff sheet identified in (1) reflect amendments in subsections 11.1(e) and 11.1(f) of, and the addition of new subsections 11.1(g) through 11.1(j) to, the September 18, 1958, agreement which is embodied in Consolidated's Rate Schedule LTS, FERC Gas Tariff, Original Volume No. 2. The tariff sheets specified in (2) set forth a new Article XXII to that agreement.

Consolidated requests waiver of the notice requirements of § 154.22 of the Commission's Regulations so that the tariff sheets identified in (1) and (2) above may be allowed to become effective as of January 1 and April 1, 1979, respectively, the dates as of which the contractual provisions embodied therein are effective.

Copies of this filing were served upon Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation; moreover, a copy was made available for inspection at Consolidated's offices.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commisssion in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1292 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-208-000]

Consumers Power Co.; Proposed Tariff Change

January 13, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on January 7, 1982 tendered for filing proposed changes in its FERC Electric Service Tariff, First Revised Volume No. 1. Consumers Power states that the following wholesale customers in the State of Michigan would be affected by the changes: City of Eaton Rapids, City of Charlevoix, Village of Union City, Edison Sault Electric Company, City of Harbor Springs, City of Marshall, City of Petoskey, Village of Chelsea, City of Portland, City of St. Louis, City of Coldwater, Wolverine Electric Cooperative, Inc., City of Bay City, Southeastern Michigan Rural Electric Cooperative, Inc., Alpena Power Company, City of Lowell, Northern Michigan Rural Electric Cooperative, Inc., City of Hart and City of Hillsdale.

Consumers Power states that the proposed changes would increase annual revenues from jurisdictional sales and service by approximately $4,215,000 or 11.03%, based on the 12-month test period ending December 31, 1982. The filing also provides: 1) A revision of the portion of Electric Facilities Policy (Rule 4) concerning customer deposits, and 2) language changes to clarify provisions governing the application of the Minimum Charge, Maximum Demand, On-Peak Billing Demand, and Transmission Charge for Service from the Delivery Point to Additional Metering Points.

Consumers Power states that, following a period of negotiation with its wholesale customers, all customers assented to the rate increase and other changes to the terms and conditions of service contained in the filing, and join Consumers Power in requesting Commission approval of the Settlement Agreement. Consumers Power states that the requested effective date for the rate increase is June 1, 1982.

Consumers Power states that the increase in rates is necessary because of continuing increases experienced in all elements of cost in the two years subsequent to its last rate filing, and by the need to provide earnings adequate to attract capital to finance Consumers Power's ongoing construction program.

Copies of the filing were served upon Consumers Power's jurisdictional customers and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1293 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-136-000]

Distrigas of Massachusetts Corp.; Application

January 12, 1982.

Take notice that on December 24, 1981, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP82-136-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of approximately 4 trillion Btu of additional volumes of liquefied natural gas (LNG) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant purchases LNG from its affiliate Distrigas Corporation (Distrigas) which in turn purchases LNG from SONATRACH. Applicant now proposes to resell on a limited-term basis during the months of February and March of 1982 all the volumes of LNG which may be sold to it by Distrigas.

Applicant avers that the volumes of LNG proposed to be sold in the instant application are in excess of the approximately 37.4 trillion Btu which are certificated for sale to Applicant's customers. Applicant further asserts that these volumes would be sold to certain of Applicant's customers and to new customers pursuant to Applicant's new Rate Schedules GS–1A and TS–1A.

Applicant explains that it has offered these volumes contingent on their availability to its current customers and to other purchasers. It is submitted that Applicant has received commitments for a portion of the volumes as follows:

ALLOCATION OF ADDITIONAL LNG VOLUMES

Customer	Nominations [percent]	Presently estimated quantity (million Btu)
1ST CARGO		
Brooklyn Union	36.4059	436,871
Bay State	25.7213	308,656
South Jersey	4.6476	55,771
Connecticut	6.9735	83,682
Fall River	1.1618	13,942
Valley	.9295	11,154
Haverhill	.7746	9,295
New Jersey Natural	1.2500	15,000
Middleboro	.1450	1,740
Uncommitted	21.9908	263,889
Total	100.0000	1,200,000
2D CARGO		
Bay State	14.7300	427,169
South Jersey	4.6476	134,779
Fall River	1.1619	33,685
Valley	.9295	26,956
Haverhill	.7746	22,463
New Jersey Natural	1.7241	50,000
Middleboro	.0600	1,740
Uncommitted	75.9723	2,203,198
Total	100.0000	2,900,000

Applicant avers that the additional LNG would be received at the Everett, Massachusetts, terminal in early February and March. It is stated that the first cargo in early February is considered a partial cargo of additional LNG in that a portion of that cargo is needed to satisfy previously contracted for requirements. Applicant asserts that the portion of the February cargo which is considered "additional" is estimated to be 1.2 trillion Btu. Applicant further explains that the entire March cargo is considered additional LNG.

Such limited term sale, it is asserted, would enable Applicant to avoid take-or-pay problems it might otherwise encounter.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1294 Filed 1–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–249–000]

Duquesne Light Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 7, 1982, Duquesne Light Company filed a compliance report pursuant to the Commission's letter dated November 30, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 2, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1295 Filed 1–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5691–000]

Groveton Papers Co.; Application for Preliminary Permit

January 13, 1982.

Take notice that Groveton Papers Company (Applicant) filed on November 25, 1981, an application for preliminary permit pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r)) for Project No. 5691 to be known as the Red Dam Project located on the Upper Ammonoosuc River near the Town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: (1) The Applicant's existing rock crib dam, 275 feet long, creating no storage or pondage but providing 8 feet of head when topped by 6-foot flashboards; (2) a new powerhouse to be constructed on the west bank adjacent to the dam and housing three 87-kW turbine/generator units; (3) a new 1.0-mile long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 1.26 million kWh would probably be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant

estimates the cost of studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 14, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 16, 1982 and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1296 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5697-000]

Lassen Research; Application for Exemption of Small Conduit Hydroelectric Facility

January 13, 1982.

Take notice that on November 27, 1981, Lassen Research (Applicant) filed an application under section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Nikola I Powerhouse Project (FERC Project No. 5697) would be located on Lower Boole Ditch Pipeline, a diversion of Diggar Creek in Tehama County, California. Correspondence with the Applicant should be directed to: Mr. Robert W. Lee, Route 1, Box 181, Manton, California 96059.

Purpose of Project—The project would generate electricity from energy currently being dissipated at a pressure-reducing valve in the conduit.

Project Description—The proposed project would consist of: (1) An existing conduit known as the Lower Boole Ditch Pipeline, (2) a powerhouse containing a turbine generator with 30 kW capacity and 175,000 kWh annual energy output; (3) facilities to discharge water back into the pipeline; and (4) appurtenant facilities. The power plant would be operated manually, for base load operation.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before March 22, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1297 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-15-000]

Maine Yankee Atomic Power Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 6, 1982, Maine Yankee Atomic Power Company filed a rate schedule supplement in compliance with the Commission's order of December 7, 1981. The supplement specifically provides for the segregation of decommissioning funds and incorporates Maine Yankee's proposed $1.8 milion annual charge.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 2, 1982. Comments will be considered by the Commission in determining the appropriate action to be

taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1296 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-35]

National Fuel Gas Distribution Corp.; Proceeding

January 13, 1982.

Take notice that on December 10, 1981, National Fuel Gas Distribution Corporation (National Fuel) filed a letter in response to a letter order of the Commission issued November 13, 1981. In its November 13 letter order, the Commission noted National Fuel's disagreement with Adjusting Entry No. 2 of the Commission Staff's audit of the company's books and records, which concerned National Fuel's failure to record on its books of accounts two previously ordered entries, and requested National Fuel to advise the Commission as to whether it consented to the disposition of the disagreement under the shortened procedures provided for in Part 158 of the Commission's regulations. In its December 10 filing, National Fuel stated its continued disagreement with the Staff's Adjusting Entry No. 2, and consented to the disposition of this matter in accordance with these shortened procedures.

Accordingly, pursuant to § 158.3 of the Commission's regulations, National Fuel, the Commission Staff, and any other interested party shall submit within 30 days of the date of this notice a memorandum of the facts, and separately stated, of the argument relied upon to sustain their positions concerning the matter addressed in Staff's Adjusting Entry No. 2. Responses to these memoranda may be filed within 20 days of the expiration of this 30 day period.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1299 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5367-000]

Platte River Power Authority; Application for Preliminary Permit

January 13, 1982.

Take notice that Platte River Power Authority (Applicant) filed on September 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act; (16 U.S.C. 791(a)–825(r))) for Project No. 5367 known as the Button Rock Water Power Project to be located on North St. Vrain Creek near Lyons, in Boulder County, Colorado, with protions of the project lands to be located within Roosevelt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John Allum, Executive Engineer, Platte River Power Authority, Timberline and Horsetooth Roads, Fort Collins, Colorado 80525.

Project Description—The proposed project would consist of existing facilities to include: (1) Button Rock Dam, an earthfill structure 210 feet high and 925 feet long with an uncontrolled overflow spillway with crest elevation 6,400 feet m.s.l. located at the north (left) abutment of the dam; (2) Price Reservoir with a storage capacity of about 16,000 acre-feet and a surface area of 220 acres at surface elevation 6,400 feet m.s.l.; (3) intake works and outlet structure; and new project works consisting of (4) a 54-inch diameter penstock about 200 feet long leading from the outlet works to (5) a powerhouse with an installed capacity of 3,380 kW; (6) a short tailrace; (7) a transmission line about 5 miles long (upgrading an existing 7.2 kV line); and (8) other appurtenances. The existing dam is owned by the City of Longmont, Colorado. Applicant estimates annual generation would be 9,500,000 kWh. Project energy would be utilized within the Applicant's own distribution line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 11, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The commission will accept application for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice to intent to file an application for license or exemption must be submitted to the Commission on or before March 11, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 11, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before March 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to : Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1300 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5561-000]

Small Scale Hydropower; Application for Preliminary Permit

January 13, 1982.

Take notice that Small Scale Hydropower (Applicant) filed on October 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r))) for Project No. 5561 to be known as the Horse Creek Water Power Project located on Horse Creek in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. M. Baker, Small Scale Hydropower, Suite 1211, Oregon Bank Building, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 60-foot long, 6-foot high diversion structure on Horse Creek; (2) a 16,000-foot long, 6-foot diameter diversion conduit; (3) a 900-foot long, 6-foot diameter penstock; (4) a powerhouse with a total installed capacity of 5,000-kw; and (5) a 0.5-mile long transmission line from the powerhouse to an existing 12-kV Lane Electric Cooperative transmission line. The Applicant estimates that the average annual energy production would be 35 million kWh. The project is located within the boundaries of Willamette National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The applicant estimates that the cost of undertaking these studies would be $180,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 17, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 17, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981, as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 17, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commisison's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1301 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-126-000]

Transcontinental Gas Pipe Line Corp.; Application

January 13, 1982.

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82–126–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Clinton-Newberry Natural Gas Authority (Clinton Newberry), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 9,419 dekatherms (dt) equivalent of natural gas per day on behalf of Clinton-Newberry which Clinton-Newberry would make available to Applicant at the existing points of interconnection between Applicant and Clinton-Newberry by reducing its takes from Applicant. Applicant would transport and redeliver equivalent quantities, less gas retained for compressor fuel and line loss make-up, to Carolina Pipeline Company (Carolina) for the account of Clinton-Newberry at either the Moore or Grover points of delivery between Carolina and Applicant. It is stated that Carolina would, in turn, transport the subject gas on behalf of Clinton-Newberry to the City of Whitmire, South Carolina (Whitmire), a customer of Clinton-Newberry, until such time as Clinton-Newberry completes construction of its own line to Whitmire.

It is stated that the proposed transportation service would be for a term of up to two years beginning on the date of initial deliveries and that the transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to its deliveries to Carolina under its Rate Schedules CD, AQC, LGA, GSS and WSS.

Applicant states that Clinton-Newberry would initially pay 7.0 cents per dt equivalent for such transportation service and that Applicant would initially retain 0.7 percent per dt equivalent for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1302 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-121-005]

Utah Power & Light Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Utah Power & Light Company filed a compliance report pursuant to the Commission's letter order dated December 4, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1304 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-211-000]

Utah Power & Light Co.; Proposed Tariff Change

January 13, 1982.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah Power) on January 8, 1982, tendered for filing proposed changes in its FERC Electric Tariff, which would increase rates and charges to firm interstate resale customers in Utah, Idaho and Wyoming by approximately $23,620,000 per year, based on estimated sales for the calendar year 1982.

Utah Power proposes that the higher rates go into effect March 11, 1982. The impact on each of the four rate schedule classifications is shown below:

Rate schedule and voltage	Percentage increase
RS-1 (2.3 kV to 33 kV)	33.64
RS-2 (44 kV to 69 kV)	25.46
RS-3 (138 kV and above)	54.57
RS-4 (138 kV and above) (extra high load-factor)	43.30
Total firm tariff resale	40.22

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1303 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-52-001 (PGA82-1)]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment (Revised)

January 13, 1982.

Take notice that on December 15, 1981, Western Gas Interstate Company ("Western") filed herein Substitute Eighteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on November 1, 1981.

Western states that the filing is in compliance with Ordering Paragraphs (B) and (C) of the Commission's October 30, 1981 Order issued in Docket No. TA82-1-52-000 (PGA82-1, IRP82-1) and that Substitute Eighteenth Revised Sheet No. 3A reflects a reduction of 4.27 cents to Rate Schedule G-N and a reduction of 6.06 cents to Rate Schedule G-S.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1305 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2438/T340; PH-FRL-2031-2]

Chlorpyrifos; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for the combined residues of the insecticide chlorpyrifos, [*O,O*-]-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities

wheat, wheat straw, and the fat, meat, and meat byproducts of poultry. A temporary food additive regulation is also being established in or on milling fractions (except flour) of wheat. These temporary tolerances were requested by Dow Chemical Company.

DATE: These temporary tolerances expire October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2386).

SUPPLEMENTARY INFORMATION: Dow Chemical Co., PO Box 1706, Midland, MI 48640, has requested the establishment of temporary tolerances for the combined residues of the insecticide chlorpyrifos, and its metabolite in or on the raw agricultural commodities wheat at 1.0 part per million (ppm); wheat straw at 3.0 ppm; in fat, meat, and meat byproducts of poultry (except turkeys) at 0.1 ppm; and in fat, meat, and meat byproducts of turkeys at 0.3 ppm. A temporary food additive regulation is also being established at a level of 3.0 ppm in or on milling fractions (except flour) of wheat.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 464–EUP–64 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Dow Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire October 27, 1982. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that these temporary tolerances are not a "Major" rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: January 6, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–1248 Filed 1–19–82; 8:45 am]

BILLING CODE 6560–32–M

[FRL–2033–4]

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Sale of Federal land in Rainbow Valley, Arizona, to the State of Arizona for siting a hazardous waste management facility.

SUMMARY: The U.S. Environmental Protection Agency has agreed to voluntarily serve as lead agency to prepare an environmental impact statement on the proposed sale of Bureau of Land Management land to the State of Arizona for a hazardous waste management facility. While the Bureau of Land Management is the agency responsible for the Federal action to be addressed in the EIS, BLM requested that the EPA voluntarily assume the role of lead agency in preparing the EIS because of EPA's expertise in assessing the impacts of hazardous waste facilities.

The hazardous waste management facility proposed by the State of Arizona would be located on Federal land in Section 32, Township 4 South, Range 1 West, Gila and Salt River Base and Meridian in Rainbow Valley, Arizona. The proposed facility may include storage, treatment, processing reclamation, and land disposal of hazardous wastes. The proposed facility will be required to obtain a permit under the Resource Conservation and Recovery Act (RCRA).

Public scoping meetings will be held to identify significant issues to be addressed in the EIS. The meetings will be held at the following times and locations:

Thursday, February 18, 1982, 7:30 p.m., Mobile Elementary School, 14 miles west of Maricopa on the Maricopa/Mobile Road, Mobile, Arizona.

Friday, February 19, 1982, 9 a.m., Arizona Department of Health Services, Conference Room A and B, 4th Floor, 1740 West Adams, Phoenix, Arizona.

Written comments on the significant issues to be addressed in the EIS will be accepted for 45 days from the date of publication of this notice. Send written comments to the address given below. Further information may be obtained by contacting the person specified below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Flippo, Hazardous Materials Branch, U.S. EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, telephone: (commercial) (415) 974–8241, (FTS) 454–8241.

Dated: January 15, 1982.

Paul C. Cahill,

Director, Office of Federal Acitivities.

[FR Doc. 82–1359 Filed 1–19–82; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup Meeting

January 11, 1982.

Subgroup 3—Inter-Service Sharing.

Meeting: January 27, 1982, 9:30 A.M.–4:30 P.M. Federal Communications Commission, 1229 20th Street N.W., Room A–106, Washington, D.C.

Agenda: Review drafts of reports from Working Groups 3A, B, C and D in preparation for full Committee Meeting on January 28, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1284 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-919, File No. BP-800418AI; BC Docket No. 81-920, File No. BP-810330AH]

Dale A. Owens and Grant and Spillane; Construction Permit; Hearing Designation Order

In re application of Dale A. Owens, Beaverton, Oregon, Req: 1010 kHz, 250 W, Day; BC Docket No. 81-919, File No. BP-800418AI; John E. Grant and Lester W. Spillane, d/b/a Grant & Spillane, Milwaukee, Oregon, Req: 1010 kHz, 250 W, Day; BC Docket No. 81-920, File No. BP-810330AH; Designating applications for consolidated hearing on stated issues.

Adopted: December 17, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.

2. *Dale A. Owens.* We are unable to determine whether the proposal of Dale A. Owens would provide 25 mV/m coverage of the central business district of Beaverton, Oregon, as required by § 73.24(j) of the Commission's Rules, and if not whether circumstances exist which warrant a waiver of that section. An issue will be specified.

3. *Grant & Spillane.* Analysis of the financial data Grant & Spillane submitted reveals that $96,130 will be required to construct and operate for three months, itemized as follows:

Equipment	$41,630
Building	1,000
Construction-period leases	3,500
Other construction costs	5,000
Operating costs	45,000
Total	96,130

The applicant proposes to finance the station with $100,000 of the partners' personal funds, according to the partnership agreement to be contributed equally. However, the personal balance sheets submitted do not show sufficient net liquid assets to meet these commitments. In addition, no partnership balance sheet has been submitted. A limited financial issue will be specified.

4. *Other matters.* Both applicants propose service to relatively small suburbs of Portland, Oregon (1980 population 366,383). Owens' proposal for Beaverton (1980 population 30,582) may also provide 5 mV/m service to part of Portland; his technical exhibits do not answer this question. Grant & Spillane's proposal for Milwaukee (1980 population 17,931) clearly would provide such service to most of Portland. Under a policy announced in *Policy Statement on Section 307(b),* 2 FCC 2d 190 (1965), and affirmed in *AM Station Assignment Standards,* 54 FCC 2d 1, 21-22 (1975), a presumption therefore arises that Grant & Spillane, and perhaps Owens, realistically propose to serve Portland rather than Milwaukee and Beaverton. Appropriate issues will be specified.

5. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposal of Dale A. Owens would provide 25 mV/m coverage of the central business district of Beaverton, Oregon, as required by § 73.24(j) of the Commission's Rules, and if not whether circumstances exist which warrant waiver of that rule.

2. To determine whether the proposal of Dale A. Owens would provide 5 mV/m service to any part of Portland, Oregon, and if so whether the proposal would realistically provide a local transmission service for Beaverton, Oregon, or for Portland, Oregon.

3. To determine, in the event it be concluded pursuant to Issue 2 that the proposal would not realistically provide a local transmission service for Beaverton, Oregon, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Portland, Oregon.

4. To determine with respect to Grant & Spillane:

(a) The source and availability of sufficient funds to meet anticipated costs; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine whether the proposal of Grant & Spillane would realistically provide a local transmission service for Milwaukie, Oregon, or for Portland, Oregon.

6. To determine, in the event it be concluded pursuant to Issue 5 that the proposal would not realistically provide a local transmission service for Milwaukie, Oregon, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Portland, Oregon.

7. To determine the areas and populations which would receive primary service from each proposal and the availability of other primary aural service to such areas and populations.

8. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

10. To determine in light of the evidence adduced pursuant to the foregoing issues, which application, if either, should be granted.

7. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a writtten appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-1281 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

En Banc Meeting Participants Announced

January 11, 1982.

Eleven organizations will participate in the Commission's second *en banc* meeting on January 19. The meeting will be held from 9 a.m. to noon in the Commission meeting room (856), 1919 M St. NW., Washington, D.C.

Participants and the times and topics of their presentations are:

9:00–9:15 A.M.

RURAL TELEPHONE COALITION

Origin and operation of rural telephone industry; unique qualities of rural telephone companies; effect of deregulation on rural telephone companies.

9:15–9:30 A.M.

CONSUMERS UNION

Consumer attitudes toward information technology revolution and principles for managing the transition.

9:30–9:45 A.M.

BROWN, BERNSTEIN AND LONGEST

History, status, benefits and difficulties of private and commercial earth station industry.

9:45–10:00 A.M.

CONVID

Information and perspectives of the public interest aspects of television stations use of satellite and terrestrial common carrier video transmission services.

10:00–10:15 A.M.

ACTION FOR CHILDREN'S TELEVISION

Children's television programming needs, diversity, commercial abuses and new technologies.

10:15–10:30 A.M.

BREAK

10:30–10:45 A.M.

NATIONAL EDUCATION ASSOCIATION

Communications activities and interests of the 12,000 local affiliates of the NEA.

10:45–11:00 A.M.

MULTI-CULTURAL TELEVISION COUNCIL

The effects of television on Black and Brown children.

11:00–11:15 A.M.

COUNCIL FOR UHF BROADCASTING

Technical comparability between UHF and VHF television broadcasting.

11:15–11:30 A.M.

REACT

Enforcement, regulation, administration and licensing of citizen band radio operators.

11:30–11:45 A.M.

AMERICAN ASSOCIATION OF MESBICS

FCC Minority Ownership Policy.

11:45–12:00 Noon

HOWARD UNIVERSITY—SCHOOL OF COMMUNICATION

Minority ownership of radio stations and EEO practices of stations in top four job categories.

This meeting, which is open to the public, is the second in a series to be held under a reinstituted FCC policy. The *en banc* meetings are intended to enable interested persons to directly address the Commission on a variety of communications policy issues and to contribute to FCC decision-making. Dates for future meetings will be announced.

Issued: January 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-1279 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-921, File No. BP-801202AH, et al.]

Radio Station WSIB, et al.; Construction Permit, Hearing Designating Order

In re applications of Ronald J. Prohaska and Patricia P. Prohaska, d.b.a. Radio Station WSIB, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W–LS, U; BC Docket No. 81–921, File No. BP–801202AH; Bobby S. Merritt, Mildred L. Merritt, Emil H. Klatt, Jr. and Alice Klatt, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W–LS, U; BC Docket No. 81–922, File No. BP–810206AD; and Vivian Broadcasting Company, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W–LS, U; BC Docket No. 81–923, File No. BP–810209AO; Designating Applications for consolidated hearing on stated issues.

Adopted: December 18, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications of Prohaska, Merritt-Klatt, and Vivian for regular authority to operate the facilities of former station WSIB;[1] (b) petitions to deny the Prohaska and Merritt-Klatt applications, filed by Vivian; and (c) Merritt-Klatt's opposition.

2. *Vivian's petitions to deny.* Vivian alleges that the Merritt-Klatt application is a strike application, parts of which suggest that the applicant's real purpose is to collect a business debt from Sea Island Broadcasting Corporation of S.C., the disqualified licensee. Vivian claims that Sea Island owes approximately $120,000 to Meritt and Klatt, who are former stockholders of Sea Island. In addition, Vivian states that parts of Merritt-Klatt's application are verbatim copies of Vivian's interim application, thus further evidencing Merritt-Klatt's lack of interest in prosecuting its application. Merritt-Klatt denies the allegation, stating that one of its major purposes is in fact to operate the station once again.

3. In order to promote competition in broadcasting, applicants should feel free to file with the Commission proposals to operate radio stations. Therefore, applications are presumed to have been filed in good faith for the purpose of obtaining construction permits. This presumption may be rebutted by a strong showing that the primary and substantial purpose of the application is to obstruct or delay another proposal or to obtain financial benefit from the prosecution and later dismissal of the application, if the showing is supported by extrinsic evidence of improper motive. See generally *Radio Carrollton*, 69 FCC 2d 1139, 1148–52 (1978). Vivian provides, however, no affidavits or other extrinsic evidence to show that Merritt-Klatt will not construct and operate the station should it receive a construction permit, or that Merritt-Klatt plans to withdraw its proposal upon collecting the business debt.

4. Furthermore, we consider Merritt-Klatt's application to be substantially complete and acceptable for filing, notwithstanding its similarity to parts of Vivian's previously-filed interim application. The allegedly duplicated portions consist only of general programming proposals in Section IV–A of Form 301 (the ascertainment portion is not involved), and of Section V–A, which consists simply of statements that Merritt-Klatt will use the deleted facilities of former station WSIB. Moreover, Vivian has shown no Commission rule prohibiting duplication of another application. While we do not condone such a practice, the appropriate remedy lies in a civil court action.

[1] The Commission revoked the license to operate WSIB because of fraudulent billing of advertisers and the licensee's related misrepresentations to the Commission. *Sea Island Broadcasting Corp. of S.C.*, 60 FCC 2d 146 (1976), *reconsid. denied*, 64 FCC 2d 721 (1977), *aff'd sub nom. Sea Island Broadcasting Corp. of S.C.* v. *FCC*, 627 F. 2d 240 (D.C. Cir. 1980), *cert. denied*, 101 S. Ct. 105 (1980). Since January 21, 1981 Vivian, who is also an applicant for interim operating authority (BPI–801120AK), has provided service under special temporary operating authority. The station's call letters are now WVGB.

Roanoke Christian Broadcasting, Inc., FCC 80–541, Mimeo No. 28080, 47 RR 2d 1067 (Broadcast Bureau, released June 18, 1980). Thus, Vivian has failed to raise sufficient questions to warrant specification of a strike application issue.

5. Regarding its other petition, Vivian complains that Prohaska's refusal to join in the special temporary operation of the station indicates that "[it is] not serious and committed to * * * processing the application for regular authority * * *," and that the applicant is not financially qualified. Vivian's reasoning on the first point is baseless. There is no obligation to propose interim operation in such situations, and thus Prohaska's non-participation in the station's current operation is clearly irrelevant in determining whether Prohaska is qualified for regular operation.[2] Further, Prohaska amended its financial showing, and as discussed below, has satisfactorily demonstrated its financial qualifications.

6. *Initial financial matters.* The last financial report filed by the former licensee of WSIB shows that the station was operating profitably, with 1979 monthly revenues of about $8,000. Continuity of station operations has been provided by Vivian on the basis of special temporary interim authority, and would be maintained by the winning applicant in this proceeding. In these circumstances it is reasonable to expect that the new regular operator would enjoy comparable revenues. Even where the applicants have not done so, therefore, we have taken such monthly revenues into account in assessing their financial qualifications.

7. *Prohaska's proposal.* This applicant estimates costs of $27,000, and would rely on $5,000 existing capital, a $25,000 bank loan, and station revenues. It has not submitted a partnership balance sheet and must do so by amendment. However, we find the bank loan and revenues available and sufficient to cover these costs, so no hearing issue appears warranted. We have no evidence that Prohaska gave public notice of its application, as required by Section 73.3580 of the Rules. It will be required to show its compliance with this rule.

8. *Merritt-Klatt's proposal.* Merritt-Klatt is a partnership of four persons, which indicated in its application that it planned to incorporate "when time permits." If incorporation has occurred, an appropriate updating amendment is required. Otherwise, the terms of the partnership agreement must be filed. Likewise, the birthplaces of the principals must be reported (required by Table I, Section II of Form 301), and the business interests of principal Emil Klatt must be specified (required by Table II).

9. This applicant has failed to indicate what costs it expects to incur during the first three months of operation, and states only that it intends to rely on station revenues for financing. Therefore, a general financial issue must be specified. Also, Merritt-Klatt has not indicated whether it published local notice of its application, and must therefore give evidence that it has.

10. *Vivian's proposal.* Vivian has also not demonstrated its financial ability to operate the station on a permanent basis. Aside from $4,500 in rent due for the first three months of operation, this applicant has not indicated what expenses it will incur during this period. Vivian plans to finance whatever costs are involved with station revenues and $4,000 in existing capital. Without a projection of costs for three months, however, a general financial issues must be specified.

11. Also, this applicant amended its proposal to show its incorporation, but has not filed the corporate documents required by Question 3, Section II of Form 301. Further, we have no indication that it published local notice of its application. Appropriate amendments are therefore required.

12. *Other matters.* Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

13. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Merritt-Klatt is financially qualified to construct and operate the proposed station.

2. To determine whether Vivian Broadcasting Company is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, that the petitions to deny that Vivian filed against the Prohaska and Merritt-Klatt applications are denied.

15. It is further ordered, that all three applicants shall file the amendments specified in paragraphs 7, 8, and 11, above, within 30 days after this order is published in the **Federal Register**.

16. It is further ordered, that all three applicants shall publish notice of their applications in accordance with § 73.3580 of the Commission's Rules (if they have not already done so), and shall file statements of publication with the presiding Administrating Law Judge within 40 days after this order is published in the **Federal Register** (on or before March 1, 1982).

17. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

18. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of designation for hearing as prescribed in the rule, and shall advise the Commission of the publication of their notices as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Henry L. Baumann,

Deputy Chief, Broadcast Bureau.

[FR Doc. 82–1282 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81–904, File No. BPCT–800724KF, et al.]

Sixty-One Corp., et al., Construction Permit; Hearing Designation Order

In re applications of Sixty-One Corp., Wilmington, Delaware, BC Docket No. 81–904, File No. BPCT–800724KF; HHL Broadcasting, Inc., Wilmington, Delaware, BC Docket No. 81–905, File No. BPCT–800818KF; Delaware Valley Broadcasters, Inc., Wilmington, Delaware, BC Docket No. 81–906, File No. BPCT–800826KE; Wilmington Channel 61, Inc., Wilmington, Delaware, BC Docket No. 81–907, File No. BPCT–801001KI; Ebony Broadcasting Corporation, Wilmington, Delaware, BC Docket No. 81–908, File No. BPCT–801001KX; Wilmington Communications,

[2] Prohaska elected not to prosecute its application for interim operating authority (BPI–801211AH), and that application was dismissed by Commission letter dated October 27, 1981. Merritt-Klatt did not apply for interim operating authority.

Inc., Wilmington, Delaware, BC Docket No. 81-909, File No. BPCT-801001LE; and Wilmington Broadcasting Company, Wilmington, Delaware, BC Docket No. 81-910, File No. BPCT-801001LF; Designating applications for consolidated hearings on stated issues.

Adopted: December 23, 1981.
Released: January 5, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Sixty-One Corp. (SOC), HHL Broadcasting, Inc. (HHL), Delaware Valley Broadcasters, Inc. (Delaware Valley), Wilmington Channel 61, Inc. (Wilmington Channel),[1] Ebony Broadcasting Corporation (Ebony), Wilmington Communications, Inc. (Wilmington Communications) and Wilmington Broadcasting Company (Wilmington Broadcasting) for authority to construct a new commercial television broadcast station on Channel 61, Wilmington, Delaware.[2]

Sixty-One Corp.

2. On December 11, 1980, SOC filed an Errata to correct and embellish upon its November 24 amendment. In their oppositions to SOC's Errata, Wilmington Communications, Delaware Valley, and Wilmington Broadcasting argue that SOC has not shown good cause for the filing of the Errata and that several of the changes are not mere typographical errors, but rather, an enhancement of SOC's comparative position filed after the time for amendment as of right passed on November 24. We agree with SOC that the Errata merely corrects typographical and clerical errors or omissions, and will accept its Errata; however, SOC will not be allowed to accrue any comparative advantage it might have incidentally received from the above-specified corrections.

Wilmington Channel 61, Inc.

3. On June 3, 1981, more than seven months after the time for amendment as of right passed on November 24, Wilmington Channel filed a petition for leave to amend its application by specifying lower overall antenna height, a higher gain antenna, and a combination of electrical and mechanical antenna beam tilt. No change in transmitter location or in effective radiated power is proposed. The effect of the amendment would be the directionalization of the applicant's signal away from Baltimore, Maryland, thereby avoiding contour overlap with WBFF(TV) in Baltimore and a one-to-a-market problem. The same principals have interests in both WBFF(TV) and the applicant. Delaware Valley, in its opposition to Wilmington Channel's petition, argues that the amendment was foreseeable and should have been filed earlier and that it would frustrate the Commission's orderly processing procedures to accept it. Although it appears likely that the amendment could have been filed earlier, acceptance of the amendment did not interfere with our pre-designation processing procedures and would eliminate the one-to-a-market problem. Consequently, Delaware Valley's opposition will be denied and Wilmington Channel's petition for leave to amend will be granted.

HHL Broadcasting, Inc.

4. Applicant estimates that it will require $1,495,552 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (lease, down payment)	$615,500
(3 months payment)	156,952
Land	77,000
Building	150,000
Other costs	138,000
Operating costs (3 months)	358,100
Total	1,495,552

To meet these expenses, applicant relies upon $12,000 in existing capital and a net bank loan of $2,887,500 from Chemical Bank. A condition of the loan is that acceptable loan guarantees be obtained from Harvey Seslowsky or other principals of HHL. No statements showing the willingness of Mr. Seslowsky or any of the other principals to guarantee the loan are on file. Therefore, HHL may not rely on the loan to meet its expenses. Accordingly, a financial issue will be specified to determine if applicant will have an additional $1,483,552 available.

Ebony Broadcasting Corp.

5. Applicant estimates that it will require at least $321,264 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (4 months payment)	$122,514
Land (included in operating costs)	
Building	40,000
Legal costs	5,000
Engineering and installation costs	15,000
Operating costs (3 months)	133,750
Total	321,264

6. Ebony estimates its legal costs at $5,000. This amount seems unreasonably low since this application must be prosecuted in a comparative hearing. Accordingly, an issue will be specified inquiring into whether Ebony's estimate of its legal fees is reasonable.

7. To meet these expenses, Ebony intends to rely on $100,000 in stock subscriptions and $225,000 in receipts from a proposed subscription television (STV) operation. Two individuals, Messrs. Whitehead and Marshall, have subscribed to $25,000 each in stocks. Neither of their balance sheets shows sufficient net liquid assets to meet their commitments. Ebony may only rely on the $50,000 in stocks subscribed by Broadcast Management Corp. Further, the present television financial standard requires an applicant to demonstrate an ability to construct its proposed station and operate it for three months without reliance upon advertising or other broadcast revenues (See footnote 2). *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 FCC 2d 784 (1979). Therefore, Ebony's reliance on $225,000 in STV revenues is misplaced. Accordingly, a financial issue will be specified to determine if Ebony has additional funds, over and above the $50,000 mentioned, to construct its proposed facility.

Wilmington Communications, Inc.

8. Applicant estimates that it will require $1,481,103 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (down payment)	$695,000
(3 months payment)	177,353
Land (lease, payment deferred for one year)	
Building	60,000
Other costs	275,000
Operating costs (3 months)	273,750
Total	1,481,103

---

[1] Wilmington Channel is 49.9 percent owned by Julian S. Smith and 39.1 percent owned by Commercial Radio Institute, Inc. (CRI). Julian Smith also owns stock in CRI as do his brother Henry and sons Fred, Robert, Duncan and David. CRI has ownership interests in:

WPTT-TV, Pittsburgh, Pennsylvania
WBFF-TV, Baltimore, Maryland
Channel 23, Columbus, Ohio (construction permit granted)
Channel 38, St. Petersburg, Florida (application)
Channel 41, Hartford, Connecticut (application)

In addition, David Smith owns 33 percent of Comark Television, Inc., the applicant for television stations on:

Channel 26, Daytona Beach, Florida
Channel 38, New Orleans, Louisiana
Channel 18, San Juan, Puerto Rico
Channel 51, Portland, Maine
Channel 62, Syracuse, New York

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[2] The applications of SOC and Ebony contemplate operating subscription television (STV) over their proposed facilities. Their applications for STV authorization will not be consolidated for hearing in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new television station where some contemplate STV operation and others a conventional facility. *Second Report and Order in Docket 21502*, FCC 81-13 (released March 25, 1981).

To meet these expenses, Wilmington Communications will rely upon existing capital of $2,800, a net loan of $1,540,000 and leases for its technical equipment and its transmitter and tower site.

9. Wilmington Communications has entered into an STV franchise agreement with Wilmdel, Inc. (Wilmdel). As part of this agreement, Wilmdel will loan the applicant $1,540,000 and lease to it technical equipment and a site for its tower and transmitter. However, Wilmdel conditioned the availability of the loan and leases on the grant of both the construction permit and the STV authorization. Applicant has not submitted an application for STV and even if it had, an STV authorization is granted independently of the grant of the construction permit. (See footnote 2). Further, Wilmdel failed to submit its balance sheet, as required by FCC Form 301, Section III item 4(b). Since applicant may not rely on Wilmdel as a source of funds, we must assume that it will pay cash for the equipment and land.[3] Therefore, Wilmington Communications will require an additional $2,712,000 plus the cost of the land. Wilmington Communications has shown the availability of $2,800. Accordingly, a financial issue will be specified to determine if applicant has an additional $3,317,950 available, plus the cost of the land.

10. The overall height above ground of the tower specified on FCC Form 301, Section V does not agree with the data filled with the FAA. Therefore, no determination has been reached that the tower height and location proposed would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to HHL Broadcasting, Inc.:

(a) Whether it has an additional $1,483,552 available;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

2. To determine with respect to Ebony Broadcasting Corporation:

(a) Whether the estimate of legal costs is reasonable;

(b) Whether it has sufficient additional funds, over and above $50,000, available to construct and operate as proposed;

(c) Whether, in light of the evidence adduced pursuant to issues (a) and (b), applicant is financially qualified.

3. To determine with respect to Wilmington Communications, Inc.:

(a) The cost of leasing land for 5 months;

(b) Whether applicant has available $3,317,950, plus the cost of leasing the land;

(c) Whether, in light of the evidence adduced pursuant to issue (a) and (b) applicant is financially qualified;

(d) Whether there is a a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation; and

(e) Whether, in light of the evidence adduced pursuant to issue (d), applicant is qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, that SOC's errata to its amendment of November 24, 1980 is accepted.

14. It is further ordered, that Wilmington Channel's Petition for Leave to Amend is granted.

15. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 3(d).

16. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-1283 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-924, File No. BP-19,871]

WFLI, Inc., WFLI, Lookout Mountain, Tennessee; Has: 1070 kHz, 1kW, 50 kW-LS, DA-2, U, Req: 1070 kHz, 5 kW, 50 kW-LS, DA-2, U; Construction Permit; Designating Application for Hearing on Stated Issues

Adopted: December 7, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, now considers (i) the above-captioned application of WFLI, Inc. for an increase in nighttime power, (ii) a petition to deny the application filed by Newhouse Broadcasting Corporation, licensee of co-channel station WAPI, Birmingham, Alabama, and (iii) related pleadings.[1]

2. With its petition, Newhouse submitted a computerized stability study which it says shows that WFLI's proposed array would be highly unstable, in that radiation would exceed standard-pattern values with only minor operating-parameter deviations, resulting in objectionable interference to WAPI.[2] Further, petitioner argues, other factors (such as nearby high-voltage transmission lines supported by steel towers, and a high RSS/RMS ratio) indicate instability of the proposed array. WFLI opposes the petition by stating that its nighttime array, as amended, will provide protection to all co-channel stations, and that the utility companies involved have indicated their willingness to relocate nearby utility lines at WFLI's expense. WFLI promises to underwrite such changes if instability or objectionable interference arises after construction.

3. Our own computer studies show that the proposed nighttime array is

[3] The cost of the lease for the land has not been specified.

[1] The related pleadings include WFLI's opposition to the petition, Newhouse's reply, Newhouse's statement regarding a WFLI amendment, and both parties' requests for extension of time to file pleadings. The requests are hereby granted and the pleadings accepted.

[2] As Newhouse alleges that WFLI's proposal would cause objectionable interference to WAPI's service area, we find that petition has standing as a party in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended. *FCC* v. *National Broadcasting Co., Inc.*, 319 U.S. 239 (1943).

inherently sensitive to minor parameter variations. For example, we find that with variations as small as 0.5-percent current ratio deviation and 0.5° phase deviation, radiation in the direction of WAPI would exceed the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis. See *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978).)

4. However, a determination of stability involves consideration of factors both internal and external to an array. Other indications of instability here include an RSS/RMS ratio of 2.28, mountainous terrain near the site, a public road through the array, and remaining uncertainty as to the location and proximity of power lines near the array. We are therefore unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern. Consequently, exploration of the proposed operation at hearing is required.[1]

5. Applicant's local notice of its application did not describe the towers that will be required for its proposal. To remedy this deficiency, WFLI will be required to broadcast a corrected local notice and to file the required statement with the Commission.

6. Except as indicated by the issue specified below, WFLI, Inc. is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to determine that grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing.

7. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system proposed by WFLI, Inc. can be adjusted and maintained within the proposed limits of radiation.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

8. It is further ordered, that the petition to deny Newhouse Broadcasting Corporation filed against the application is granted to the extent indicated above, and is denied in all other respects, and that Newhouse Broadcasting Corporation is made a party to this proceeding.

9. It is further ordered, that WFLI, Inc. shall file the amendment indicated in footnote 3, above, within 30 days after this order is published in the Federal Register.

10. It is further ordered, that WFLI, Inc. shall rebroadcast a corrected local notice of its application as required by § 73.3580 of the Rules, and shall file a statement of broadcast with the presiding Administrative Law Judge within 30 days after this order is published in the Federal Register.

11. It is further ordered, that in the event of a grant of the application, the construction permit shall contain the following conditions:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample-current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample current of each element in the array, to insure maintenance of the radiated fields within the authorized values of radiation.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample-current deviations for each element of the array, along with the final amplifier plate voltage and current, the common-point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days, to demonstrate that the array will be maintanied within the specified tolerences.

12. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) and (e) of the Commission's Rules, the parties shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

13. It is further ordered, that pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicant shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of its notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-1280 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Applicant's June 4, 1980 amendment modifying the antenna system neglected to include a vertical sketch of the towers as required by Section V-A of FCC Form 301. The application must be amended to include this information.

FEDERAL MARITIME COMMISSION

[Docket No. 82-5]

Belco Petroleum Corp. v. Compania Peruana de Vapores (Peruvian State Line); Filing of Complaint and Assignment

Notice is given that a complaint filed by Belco Petroleum Corporation against Compania Peruana de Vapores (Peruvian State Line) was served January 12, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William B. Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1388 Filed 1-19-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-4]

Belco Petroleum Corp. v. Lykes Bros. Steamship Co., Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Belco Petroleum Corporation against Lykes Bros. Steamship Co., Inc., was served January 12, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William B. Harris. Hearing in this matter, if any is

held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1372 Filed 1-19-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-3; (Agreement Nos. 9984-23 and 10270-2)]

South Atlantic-North Europe Rate Agreement and Gulf European Freight Association; Order of Investigation

The ocean carriers participating in the South Atlantic-North Europe Rate Agreement (SANE) and the Gulf Europe Freight Association (GEFA) have requested approval of amendments which would extend the expiration dates of their organic agreements for 18 months (SANE) and for an indefinite period (GEFA).[1] By separate order, the Commission has granted temporary approval to these amendments pending an investigation into the intermodal ratemaking activities which would be conducted thereunder.

The Commission has reason to believe that continuation of intermodal ratemaking authority within the United States would be inconsistent with the standards for approval under section 15 of the Shipping Act, 1916 (46 U.S.C. 814) in the case of both SANE and GEFA. Specifically, the materials submitted by the Proponents in conjunction with the instant amendments do not demonstrate whether the Proponents presently offer intermodal service within the United States or are otherwise likely to conduct intermodal ratemaking in a manner which satisfies the criteria set forth in *Australia-New Zealand Conference (Agreement No. 6200-20—Intermodal ratemaking)*, 21 S.R.R. 89 (1981). *See also Japan/Korea Atlantic & Gulf Freight Conference (Agreement No. 3103-67)*, 20 S.R.R. 1173 (1981).

Analysis of the Agreements is hindered by a lack of information from Proponents revealing the nature and scope of the intermodal activities contemplated in Europe and in the United States. The GEFA Agreement does not include all-water service from U.S. South Atlantic ports and therefore may not appropriately encompass intermodal service from U.S. Gulf Coast points via U.S. South Atlantic ports. The SANE Agreement, which does cover all-water service from U.S. South Atlantic ports, appears to be seeking intermodal ratemaking authority limited to "interior point" service and therefore would exclude intermodal service to U.S. "coastal points." [2]

Control of minilandbridge rates by a conference offering all-water service at the cost of origin (*e.g.*, GEFA) has a greater anticompetitive potential than control by the conference serving the coast of transshipment and requires an extra measure of justification. *Mediterranean/North Pacific Coast Freight Conference (Agreement No. 8090-18—Intermodal Ratemaking)*, 21 S.R.R. 86 (1981). *See also Pacific Westbound Conference (Agreement No. 57-96—Intermodal Ratemaking)*, 19 F.M.C. 291, 296-297 (1976). On the other hand, if minilandbridge service is not being offered under the SANE Agreement, some explanation for this failure to serve a significant segment of the intermodal market (*see Board of Commissioners v. Seatrain International, S.A.*, 18 S.R.R. 763 (1978)) should be forthcoming. The overlap between the geographic scope of Agreements Nos. 9984-23 and 10270-2 makes it particularly important for the Commission to ascertain the intended interrelationship between the two Agreements and evaluate their *combined* competitive effect, as well as the competitive effect of each separate Agreement.

At a minimum, modifications in the Agreements appear necessary in order to describe with specificity the types of intermodal transportation services that will be involved.[3] *See Drayage Service Under Agreement No. 2846*, 19 S.R.R. 1441 (1980). Vague and ambiguous agreements are subject to disapproval. *E.g., Pacific Coast European Conference—Rules 10 and 12*, 14 F.M.C. 266 (1971); *North Atlantic Outbound-European Trade (Agreement No. 9448)*, 10 F.M.C. 299, 306-308 (1967); *Mediterranean Pools Investigation*, 9 F.M.C. 264, 294-296 (1966).

Accordingly, an investigation is necessary to: (1) Determine exactly what types of intermodal services Proponents have offered to date, both in Europe and in the United States; (2) determine what additional intermodal activities would be engaged in if the Agreements were approved; and (3) develop other factual information relevant to a full and informed assessment of the Agreements' competitive impact and their continued approvability under the *Svenska* doctrine, as applied to intermodal ratemaking in *Agreement No. 6200-20, supra.*[4] In light of this evidence, the investigation will consider whether the amendments extending the GEFA and SANE Agreements should be approved, disapproved or modified.

Therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation is instituted to examine the factual and legal issues described above; and

It is further ordered, that this matter is assigned for hearing and decision to the Commission's Office of Administrative Law Judges, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a

---

[1] The participants in Agreement No. 9984-17 through 23 are: Sea-Land Service, Inc., and United States Lines, Inc. The participants in Agreement No. 10270-2 are: Gulf Europe Express; Hapag-Lloyd, A.G.; Lykes Bros. Steamship Co., Inc.; and Sea-Land Service, Inc. These ocean carriers will be collectively referred to as the "Proponents." The SANE Agreement covers the trade between: U.S. South Atlantic ports and interior points via such ports; and ports in the United Kingdom, Northern Ireland, Eire, Continental Europe (Bordeaux/Hamburg range), Poland, and Scandinavia, except that the United Kingdom, Northern Ireland and Eire are excluded from the westbound trade. The GEFA Agreement covers the trade from U.S. Gulf ports and interior points via such ports to Continental European (Bordeaux/Hamburg range), Scandinavian, and Baltic Sea ports and interior points via such ports.

[2] The term "point" may encompass both "interior" and "coastal" points (*i.e.*, port communities). The term "interior" or "inland" point usually excludes "coastal" points. Intermodal service involving overland transportation from coastal points located along one U.S. port range with transshipment to an ocean vessel at a second U.S. port range is commonly called "miniland-bridge" service. Intermodal service involving overland transportation from coastal points located along one U.S. port range with transshipment to an ocean vessel at the same U.S. port range is known as "alternate port" service.

[3] *E.g.*, A definition of "interior point" is absent from both Agreements.

[4] The *Svenska* doctrine is the proposition affirmed in *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968), whereby section 15 agreements which interfere with the policies of the antitrust laws will be disapproved as "contrary to the public interest" unless justified by evidence establishing that the agreement, if approved, will meet a serious transportation need, secure an important public benefit or further a valid regulatory purpose of the Shipping Act, 1916. The burden is on the proponents of such agreements to come forward with the necessary evidence.

showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, that the Commission's Bureau of Hearings and Field Operations is a party to this proceeding and the ocean carriers participating in Agreement Nos. 9984–23 and 10270–3 are designated as Respondents herein; and

It is further ordered, that persons other than those named herein having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to § 502.72 of the Commission's Rules (46 U.S.C. 502.72); and

It is further ordered, that this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, that all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record.

By the Commission.[1]

Francis C. Hurney,

Secretary.

South Atlantic-North Europe Rate Agreement (Agreement No. 9984–23) Gulf European Freight Association (Agreement No. 10270–2)—Order of Investigation

Commissioner Richard J. Daschbach, dissenting.

In the instant Order, the Commission continues its retreat from its earlier position of strong support for collective intermodal authority at a time when the need for continued technological innovation and intermodal development in the liner shipping industry is increasing.

The Commission has approved over 40 conference intermodal agreements in the past, but the unduly rigorous and speculative criteria for approval espoused in *Australia-New Zealand Conference (Agreement No. 6200–20—Intermodal Ratemaking)* 21 S.R.R. 89 (1981) and applied in subsequent Commission decisions indicate a diminishing willingness to approve concerted intermodal ratemaking, a clear repudiation of earlier Commission pronouncements.

The criteria enunciated in *Agreement No. 6200–20, supra,* are an exercise in interventionist regulation, reflecting an effort by the Commission to substitute its judgment for that of regulated parties on such clearly commercial matters as selection of appropriate routes for intermodal traffic and assessment of "commercially attractive" rates, two issues over which the Commission has no statutory authority.

Rather than telling private industry how to conduct its operations under unduly restrictive constraints, the Commission should be listening to the liner shipping industry's requests for more flexible regulatory approaches to modern transportation strategies. With this Order of Investigation, the Commission has now gone beyond denial of applications for new intermodal authority and begun contemplating rescission of intermodal authority it granted in the past, even for unprotested agreements such as the ones here.

I again urge the Commission to give credibility to its avowed support for intermodalism by establishing fair, reasonable, and relevant criteria for evaluating applications for intermodal authority. The Order of Investigation here is a further impediment rather than a stimulus to achieving this objective.

[FR Doc. 82–1373 Filed 1–19–82; 8:45 am]

BILLING CODE 6730–01–M

[1] Commissioner Richard J. Daschbach dissents and issues a separate opinion.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of a revision in the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1982. The revision consists of the appointment of a new Alternate member. The Performance Review Board accordingly consists of the following persons:

Bernard M. O'Keefe, Director, Central Region, Chicago, Illinois, Chair—one year.

John C. Zancanaro, Director, Office of Policy and Resource Management, Washington, D.C., Three years.

Richard D. Williams, Director, Western Region, San Francisco, California, Two years.

Tally R. Livingston, Director, Southern Region, Atlanta, Georgia, Alternate.

Kenneth E. Moffett,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 82–1390 Filed 1–19–82; 8:45 am]

BILLING CODE 6732–01–M

Senior Executive Service; Scheduled Date for Performance Awards

The Office of Personnel Management requires that each agency publish a notice in the **Federal Register,** at least 14 days in advance, stating the date scheduled for payment of Senior Executive Service performance awards. The Federal Mediation and Conciliation Service intends to issue its performance awards on or about February 5, 1982.

Kenneth E. Moffett,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 82–1391 Filed 1–19–82; 8:45 am]

BILLING CODE 6732–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mobil Oil Exploration and Producing Southeast Inc.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3973 and 4411, Blocks 645 and 646, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 12, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1374 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Transco Exploration Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3546, Block 58, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Developments and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 12, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1375 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS); Availability

AGENCY: Geological Survey, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The USGS in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/Activity, Location and FONSI Date

Gulf/Exploration Plan, OCS Block 145 and 188 (143 miles southeast of Nantucket Island, North Atlantic); Nov. 25, 1981.

Superior/Exploration Plan, OCS Blocks 142 and 274 (135 miles southeast of Nantucket Island, North Atlantic); Jan. 15, 1982.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street NW., Suite 213, Washington, D.C. 20006, (202) 254–7870, FTS 8–254–7870.

District Supervisor, North Atlantic District, Atlantic OCS Region, U.S. Geological Survey, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis, Massachusetts 02601, (617) 771–8506.

FOR COPIES CONTACT: Records Management Section, U.S. Geological Survey, 1725 K Street NW., Suite 213, Washington, D.C. 20006, (202) 634–6615, FTS 8–634–6615.

There will be a charge for the reproduction of these documents.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Paul E. Martin,

Acting Regional Conservation Manager Atlantic OCS Region.

[FR Doc. 82-1345 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Coal Management; Miles City District, Montana; Unsuitability Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public comment period.

SUMMARY: Notice is hereby provided to announce a public comment period on the application of unsuitability criteria on approximately 252,000 acres of federal coal in Garfield, Prairie, Custer, and Fallon Counties, Montana. This notice is in accordance with 43 CFR 3461.3–1(a) (2), Coal Management, Federally Owned Coal.

DATES: The comment period is open until April 7, 1982, and will include public meetings in Forsyth, Terry and Baker, Montana, at 8 p.m., March 1, 2 and 3, respectively.

ADDRESS: Written comments may be addressed to the District Manager, Miles City District, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: Management framework plans covering the public land in the Jordan-North Rosebud and New Prairie planning areas have been released by the Miles City District to make six federal coal areas available for further lease consideration. The plans include the application of unsuitability and small scale maps displaying those areas:

a. To which a criterion would apply;

b. To which a criterion or criteria cannot be applied pending collection of data prior to any lease sale EIS or during activity planning.

Large-scale maps and overlays depicting the same information in more detail are available for public inspection at the Miles City District Office and will be available for public inspection at the Miles City District Office and will be

available in Forsyth, Terry and Baker during the public meetings. Copies of the Management Framework Plans are also available at the Miles City District Office. The plans also contain multiple use analysis, and surface owner consultation sections and the overall document is open to public comment through the period.

Ray Brubaker,

District Manager.

[FR Doc. 82-1368 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 16034, OR 18083, OR 19861]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 14, S., R. 11 E.,
Sec. 36, S½.
T. 17, S., R. 14 E.,
Sec. 15, SW¼SW¼ and W½W½ SE¼SW¼;
Sec. 16, N½, N½S½, and WS¼SW½;
Sec. 17, E½ ;
T. 19, S., R. 14 E.,
Sec. 25, S½SW¼SW¼ and SE¼SW¼.
T. 19, S., R. 16 E.,
Sec. 14, S½SW¼ and SW¼SE¼;
Sec. 15, S½SE¼;
Sec. 22, SE¼;
Sec. 23, W½NE¼ and SE¼NE¼.
T. 20, S., R. 18 E.,
Sec. 5, N½.
T. 24, S., R. 15 E.,
Sec. 16;
Sec. 20, SE¼NE¼;
Sec. 21, N½N½, SW¼NE¼, and S½NW¼.
T. 31, S., R. 18 E.,
Sec. 36, W½.
T. 20, S., R. 16 E.,
Sec. 16, NE¼, NE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregates 3,790 acres in Deschutes and Lake Counties, Oregon.

2. At 10 a.m., on February 22, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1982, will be considered as simultaneously filed at that time. Those receives thereafter will be considered in the order of filing.

3. All minerals in the following land were and continue to be in the United States ownership. The land has been and continues to be open to operation of the United States mining laws and the mineral leasing laws.

Willamette Meridian

T. 19, S., R. 16 E.,
Sec. 14, S½SW¼ and SW¼SE¼;
Sec. 15, S½SE¼;
Sec. 23, W½NE¼ and SE¼NE¼.

4. All minerals in the following land were reserved and are not under the United States jurisdiction. The land has not been and will not be open to operation of the United States mining laws and the mineral leasing laws.

Willamette Meridian

T. 31, S., R. 18 E.,
Sec. 36, W½.

5. At 10 a.m., on February 22, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 8, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1363 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 19462]

Oregon; Order Providing for Opening of Public Lands

1. In an exchange the lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 9 S., R. 13 E.,
Sec. 17, Lot 1 East;
Sec. 20, Lots 1, 3, 4, and 5 East, except those portions of said Lot 4 East conveyed to Will H. See by instruments recorded September 2, 1914 in Crook County Deed Book 34, Page 166 and in Jefferson County Deed Book 3, Page 128, recorded November 18, 1917;
Sec. 29, Lot 1 East and NE¼NW¼;
Sec. 30, Portions of lots 2, 3, 4, and 5 East, as described in deed recorded May 12, 1980, in Book 65, Page 136, Records of Jefferson County, Oregon.
T. 7 S., R. 14 E.,
Sec. 29, Lots 2, 3, 4, 5, and SE¼SE¼, except those portions as described in deed recorded May 13, 1980, under Micro Film No. 801355, Records of Wasco County, Oregon.
T. 9 S., R. 14 E.,
Sec. 5, Lot 4, SW¼NE¼, and SE¼NW¼, except those portions as described in deed recorded May 12, 1980, in Book 65, Page 136, Records of Jefferson County, Oregon;
Sec. 6, Lot 1, except those portions conveyed to Deschutes Home Owners' Association by instruments recorded April 29, 1964, in Book 37, Page 305, and recorded February 24, 1965, Book 38, Page 246, Records of Jefferson County, Oregon.

The areas described aggregate approximately 476.13 acres in Jefferson and Wasco Counties, Oregon.

2. At 10 a.m., on February 26, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 26, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All minerals in the lands are not owned by the United States.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 12, 1982.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1364 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 15446(WASH), OR 17299(WASH)]

Washington; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 15 N., R. 25 E.,
Sec. 1.
T. 16 N., R. 25 E.,
Sec. 33, S½SW¼, SE¼, and that portion of the N½SW¼ lying southerly of a line beginning at the northeast corner of the SW¼ of Sec. 33, thence southwesterly in a straight line to the southwest corner of the NW¼SW¼ beign the terminus of said line;
Sec. 35, S½N½ and S½.
T. 15 N., R. 26 E.,
Sec 1, Lots 2, 3, and 4, S½N½, and S½ Except those strips of land in Lots 2 and 3 and the SE¼NE¼ conveyed to the Chicago, Milwaukee, and St. Paul Railway Company of Washington by deed recorded April 1, 1907, at Book 32, Page 413, Records of Douglas County, Washington and by deed recorded

October 16, 1907, at Book 34, Page 161, Records of Douglas County, Washington:
Sec. 3, S½;
Sec. 5, S½N½ and S½.
T. 10 N., R. 32 E.,
Sec. 5, S½NE¼, N½SE¼NW¼, SE¼SE¼NW¼,SW¼NE¼SW¼, S½NW¼SW¼, S½SW¼, and SE¼.

The area described aggregate approximately 3,168.96 acres in Grant and Franklin Counties, Washington.

2. At 10 a.m., on February 22, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. All minerals in T. 15 N., R. 25E., and T. 15 N., R. 26 E., were reserved and are not under the jurisdiction of the United States

4. One-half interest in all minerals in T. 16 N., R. 25 E., was reserved and is not under the jurisdiction of the United States.

5. At 10 a.m., on February 22, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 8, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1366 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

Intent To Amend Existing Management Framework Plans To Include Wilderness Studies

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to complete planning amendments.

SUMMARY: In accordance with 43 CFR 1601.3, notice is given that the Bureau of Land Management in the State of Utah intends to incorporate wilderness study procedures into a series of planning amendments within individual districts.

The amendments will constitute the first phase of a two-phase process to determine which wilderness study areas within the State of Utah should be recommended to Congress for wilderness designation. During the planning amendment process, each WSA will be analyzed on a site specific or individual basis to determine impacts or ramifications of wilderness designation or non-designation.

The second phase will be a statewide environmental impact statement which will examine the cumulative impacts of designation or non-designation of various combinations of wilderness/non-wilderness proposals.

Planning amendments will be conducted in the following districts and resource areas:

Cedar City District

Escalante R.A.
Kanab R.A.
Dixie R.A.
Beaver River R.A.

Richfield District

House Range R.A.
Warm Springs R.A.

Moab District

San Juan R.A.
Grand R.A.
Price River R.A.
San Rafael R.A.

Vernal District

Book Cliffs R.A.

The general issues related to the wilderness study which have been identified at this time include: 1) Impacts to the social and economic structures of local communities, 2) impacts to natural resource values and uses with designation or non-designation, 3) the quality of an area's wilderness values, 4) consistency with state and local land use plans and policies, and 5) manageability of the area as wilderness.

The following wilderness planning criteria and quality standards, as outlined in the BLM's wilderness study policy, have been tentatively identified as decision factors to resolve issues in the planning amendments. These decision factors will be used by BLM to analyze alternatives and recommend wilderness study areas as suitable, partially suitable, or unsuitable for wilderness designation.

Decision Factors

1. wilderness quality values
2. Manageability of individual units as wilderness
3. Energy and critical mineral resource values
4. Impacts on other resources
5. Impact of non-designation on wilderness values
6. Public comment
7. Local social and economic effects
8. Consistency with other plans

Disciplines to be represented on the interdisciplinary teams preparing the planning amendments may be: range, minerals, wildlife, archaeology, land use planning, socioeconomics, hydrology, recreation, and wilderness.

Public inut is invited to identify additional issues related to the wilderness study areas and/or the planning criteria. Comments will be accepted until February 26, 1981. Other public participation activities will be conducted in accordance with the Wilderness Act (Pub. L. 88-577) and with 43 CFR Part 1601. Other public participation activities will be conducted in accordance with the Wilderness Act (Pub. L. 88-577) and with 43 CFR Part 1601. Dates, times, and locations will be announced through local media and mailings to interested parties.

The following individuals may be contacted for further information regarding this amendment process:

Utah State Office

Kent Biddulph, Wilderness Coordinator, 136 E. South Temple, Salt Lake City, Utah 84111, Phone (801) 524-5326

Cedar City District

Dave Everett, Planning Team Leader, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720, Phone (801) 586-2401

Richfield District

Ed Bovy, Outdoor Recreation Planner, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701, Phone (801) 896-8221

Moab District

Daryl Trotter, Chief, Planning and Environmental Staff, 125 West 2nd South Main, P.O. Box 970, Moab, Utah 84532, Phone (801) 259-6111

Vernal District

Dave Moore, Chief, Planning & Environmental Staff, 170 South 500 East, Vernal, Utah 84078, Phone (801) 709-1362

Documents relative to the planning amendment process and wilderness study may be reviewed at any of the district offices listed above during regular office hours.

Dated: January 11, 1982.

Roland Robison,

State Director.

[FR Doc. 82-1286 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[Exchange CA 12119]

Public Lands in Humboldt County California; Realty Action

The following described public land has been determined to be suitable for

disposal under the provisions of Pub. L. 91–476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Humboldt Meridian

T. 1 S., R. 3 E.,
Sec. 4, SE¼NW¼:
Containing 40 acres.

The Pacific Lumber Company, Scotia, California 95565, has filed an application to acquire the above described land in exchange for the following described privately owned lands.

Humboldt Meridian

1. Parcel 37, as shown on the Record of Survey for Shelter Cove Ranchos for Saltair Land Company, filed August 11, 1969, in Book 25 of Surveys, Pages 5 through 11 inclusive Humboldt County Records.

Excepting and Reserving Therefrom 50 percent of all oil, gas and other mineral and hydrocarbon substances below a plane 500 feet beneath the surface thereof, but without the right of surface entry thereto.

Containing 40 acres.

2. Lot 13, Block 151 of Tract 42, Shelter Cove Subdivision, as per Map thereof filed in Book 14 of Maps, Pages 73 through 136 inclusive, Humboldt County Records, which Map was corrected by Correction Map filed in Book 15 of Maps, Pages 64 through 116 inclusive, Humboldt County Records.

Containing 0.15 acres.

3. The Northwest Quarter of the Northeast Quarter of Section 13, Township 5 South, Range 1 East, Humboldt Meridian.

Containing 40 acres.

4. Those portions of Lot 5 and the Northwest Quarter of the Southeast Quarter of Section 4, Township 5 South, Range 1 East, Humboldt Base and Meridian, described as follows:

Lot 18, as shown on the Record of Survey of Shelter Cove Ranchos on file in Book 25 of Surveys, Pages 5 through 11, Humboldt County Records.

Containing 40 acres.

5. The Northeast Quarter of the Northwest Quarter of Section 27, Township 4 South, Range 1 East, Humboldt Meridian.

Containing 40 acres.

The mineral estate of the public land will be conveyed with the surface. Tracts 1, 2, and 4 of the private lands are subject to a previously reserved 50% interest in all oil, gas and other hydrocarbons. The remaining 50% mineral interest in Tracts 1, 2, and 4 will be conveyed with the surface, as will the minerals in Tracts 3 and 5.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of the exchange is to acquire non-Federal land within the King Range National Conservation Area, is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Ukiah District Office, BLM, 555 Leslie Street, Ukiah, California 95482.

For a period of 45 days from the first publication of this notice (through March 8, 1982), interested parties may submit comments to the California State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification, this realty action will become the final determination of the Bureau.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

January 11, 1982.

[FR Doc. 82–1284 Filed 1–19–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

McGee Creek Project, Oklahoma; Intent To Prepare Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a supplement to the Final Environmental Statement for the McGee Creek Project, Oklahoma (INT FES 78–32, November 8, 1978). The McGee Creek Project, Atoka County, Oklahoma, is a surface water resource development planned to meet expanding municipal and industrial water needs of Oklahoma City and part of south-central Oklahoma. The purpose of the supplement is to address the impact of changes in the land acquisition concepts related to project development.

The original concept included acquisition of about 29,940 acres of land in fee title for development of McGee Creek reservoir including 18,900 acres for natural scenic recreation and wildlife management areas. However, the Fiscal Year 1982 Appropriation Act (Pub. L. 97–88) "provided that mineral and subsurface interests shall be acquired by subordination in the conservation pool area of the reservoir, natural scenic recreation area, and the wildlife management area in such a manner as to allow the present mineral owners, their successors, and assignees the right to explore for and extract minerals under restrictions required to protect the project."

The supplement will address plan changes necessary to protect the integrity of the project and allow mineral resource development in the wildlife and scenic areas. The degree of potential mineral development is not yet known.

The Bureau of Reclamation plans to meet with interested individuals, organizations, and agencies to identify significant environmental issues that should be included in the supplement. Reclamation expects to have the supplement complete and available for review and comment late this year (1982). Additional public meetings will be held at that time.

Information may be obtained and input to the draft supplement provided by contacting Mr. Al Hill, Regional Environmental Affairs Officer, Bureau of Reclamation, Commerce Building, 714 South Tyler Street, Amarillo, Texas 79101, telephone 806–378–5463 or FTS 735–5463.

Dated: January 12, 1982.

Jed D. Christensen,

Acting Commissioner.

[FR Doc. 82–1272 Filed 1–19–82; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Main Floodway Divisor Dike, Mercedes, Tex.; Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council of Environmental Quality Regulations, and the Agency's "Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969," dated September 2, 1981, the Agency hereby gives notice that an environmental impact statement is not found necessary and none will be prepared for the proposed granting of a license to the Hidalgo County Drainage

District No. 1 to construct a structure through the existing Main Floodway Divisor Dike near Mercedes, Texas in order to increase the diversion of first flows in the Main Floodway to the Arroyo Colorado Floodway from 1,500 cfs to 2,000 cfs before flows begin down the North Floodway. The proposed work would enlarge an existing facility which is part of the Lower Rio Grande Flood Control Project.

An environmental assessment was prepared; the findings conclude that the proposed action does not constitute a major federal action which would cause significant local, regional or national impact on the environment.

Proposed Action

The proposed diversion structure through the Divisor Dike would be located adjacent to an existing diversion structure near the upper end of the dike and would consist of two ungated reinforced concrete openings, each five feet by five feet. The existing 410-foot long intake channel from Llano Grande Lake to the existing and proposed structure will be widened; discharge will be into the existing low flow channel on the Arroyo Colorado side of the divisor dike. The first 400 feet of the downstream channel will be widened and rock riprap will be placed on it and on the channel bank immediately upstream of the structure. The low flow channel downstream from the riprapped area will be widened an average of 39 feet for a distance of 12,200 feet. The channel excavation totals about 141,400 cubic yards and involves about 10.5 acres of farmland being taken out of production. Excavated material will be placed along the outside of the Arroyo Colorado levees and in low areas which are not wetlands within the floodway so as to assure there will not be a loss of floodway capacity.

Environmental Assessment

An environmental assessment has been made. Extensive coordination, including public meetings participated in by the United States Section, was conducted by the Corps of Engineers during their preparation of environmental impact statements on the Hidalgo County Drainage District application for a permit on the County Flood Control and Major Drainage Improvements and the Corps' Lower Rio Grande Basin, Texas, Flood Control and Major Drainage Project. Use was made of this extensive current information in preparing this environmental assessment. Importantly, these documents showed no significant adverse impacts in Arroyo Colorado for increasing first flows from 1,500 to 2,000 cfs.

Findings of Assessment

The findings of the assessment are that the proposed action would not have a significant environmental impact for the following reasons:

1. Construction of the proposed facility will require about 10.5 acres of farmland to be taken out of production but other lands are available for irrigation, and this proposed land use will not adversely impact wildlife.
2. No historical or archeological sites will be impacted.
3. No wetland or riparian habitat areas will be impacted.
4. No endangered faunal and no endangered floral species are present that would be impacted by the proposed action, nor will any habitat critical for the continued existance of an endangered species be impacted.
5. No refuges, parks or recreation areas will be affected.
6. Lands draining to the Arroyo Colorado will not be impacted by the small increased diversion to Arroyo Colorado which will occur about once every 1.5 years.
7. Additional flow will not adversely affect the Arroyo Colorado banks through Harlingen.
8. Aquatic life resources will not be adversely impacted by the diversion.
9. Lands along Arroyo Colorado will not be flooded, but flooding of lands adjacent to the North Floodway in Hidalgo, Cameron and Willacy Counties would occur if the additional 500 cfs were not diverted to Arroyo Colorado. Cities which drain to Main Floodway will have a portion of their local flooding problem alleviated with the proposed action.
10. The Corps of Engineers Navigation Project, Channel to Harlingen, would not be perceptibly affected.

Alternatives Considered

Alternatives considered in the assessment were: (1) Granting the license as applied for, i.e., the proposed action; (2) Grant the license with conditions; and (3) Denial of the license application. With Alternative 2 it was determined that there were no appropriate viable conditions available to modify the license. Alternative 3 would prohibit the constuction as proposed and most of the 500 cfs added to the Main Floodway would flow down North Floodway. This alternative would remedy a flooding problem in cities along Main Floodway, but would result in increased flooding to urban and agricultural areas which drain to North Floodway, and would be unacceptable to persons in those areas.

Conclusion and Determination

The finding of the environmental assessment of this action is that the proposed action does not constitute a major federal action which would cause significant local, regional or national impact on the environment. As a result of this finding, Mr. J. F. Friedkin, United States Commissioner, Head of the Agency, has determined that the preparation and review of an environmental impact statement are not needed for this action. An environmental impact statement will not be prepared unless additonal information which may affect this decision is brought to our attention within thirty (30) days of the date of this notice.

FOR FURTHER INFORMATION CONTACT:
Frank P. Fullerton, Legal Adviser, International Boundary and Water Commission, United States Section, 4110 Rio Bravo, El Paso, Texas 79902, 915–543–7393 FTS 572–7393.

Signed at El Paso, Texas this eleventh day of January 1982.

Frank P. Fullerton,

Legal Adviser.

[FR Doc. 82–1273 Filed 1–19–82; 8:45 am]
BILLING CODE 4710–03–M

INTERSTATE COMMERCE COMMISSION

Commission Press Release Summary; Extension of Time for Submission of Comments

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed procedural change; extension of time for submission of comments.

SUMMARY: On December 28, 1981, at 46 FR 62717, the Commission published a notice proposing to cut agency costs by restricting press box service and advise-of-all-proceedings participation. A daily Press Release Summary would be available, by subscription, to anyone desiring the service. In response to comments, the comment period is extended.

DATES: Proposed effective date March 1, 1982. Comments Due January 28, 1982. Comments must be in writing.

ADDRESS: Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956; Edward Fernandez, 202–275–7591.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: January 15, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1496 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–141 appearing on page 354 in the issue for Tuesday, January 5, 1982, make the following correction:

On page 354, in the third column, the paragraph for Totem Transit Co. now beginning "MC 13703 (Sub-4)" should have read "MC 113703 (Sub-4)".

BILLING CODE 1505-01-M

[Volume No. OP2–076]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

[Editorial Note—An incorrect version of this document, FR Doc. 82–492, appears in issue of January 8, 1982 at 47 FR 1047. The correct text is reprinted in full below.]

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 145203 (Sub-12) (republication), filed May 22, 1981, published in the FR of June 10, 1981, and republished this issue. Applicant: REITZEL TRUCKING CO., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. A decision of the Commission, *Division 2*, decided December 11, 1981, and served December 18, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *food and related products*, between points in Ohio, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, and *auto ports*, between those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (3) *buildings and building materials*, between points in Scotland County, NC, and Knox County, IL, on the one hand, and, on the other, points in Ohio, (4) *scrap metals* between points in Ohio, Indiana, Tennessee, and New Jersey, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (5) *chemicals and related products*, betwen points in Henry County, KY, Essex County, NJ, and Lucas County, OH, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (6) *lumber and wood products*, between points in Alpena County, MI, Lucas County, OH, Elkhart County, IN, and Wilkes County, NC, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

MC 109633 (Sub–53) (republication) filed May 21, 1981, published in the **Federal Register** of June 10, 1981, and republished this issue: Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. A decision of the Commission, *Division 1*, decided November 23, 1981, and served November 30, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *household appliances*, between points in Calhoun County, AL, Los Angeles County, CA, Knox and Williamson Counties, IL, Fayette County, IN, and Bradley County, TN, on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

[FR Doc. 82-492 Filed 1-7-82; 8:45 am]

BILLING CODE 1505-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating

authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 12, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14521, filed December 5, 1980. Transferee: BOND TRANSPORTATION, INC. (Bond), 155 Smith St., Keasbey, NJ 08832. Transferor: Tar Asphalt Trucking Co., Inc. (TAT) (same address). Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Authority sought, as amended, to merge TAT (MC–123801) into Bond (MC–141843), and for Cramer Management Corp. (CMC) and in turn, John Cramer, John R. Cramer, and Wendy Cramer, who control CMC, to acquire control of TAT's rights and properties through the transaction. CMC also controls AC Berwick Transporters, Inc. (MC–113041). See prior FR notice of December 24, 1980. Condition: Joinder in the application by John R. Cramer and Wendy Cramer.

MC F–14775, filed January 4, 1982. PARIS MOTOR FREIGHT, INC. (Paris) (P.O. Box 1787, Ft. Smith, AR 72902)—Purchase—Prentice Truck Line, Inc. (Prentice) (3701 Spradling, Ft. Smith, AR 72914). Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. Paris seeks authority to purchase the interstate operating rights of Prentice. Bill Pointer, the majority stockholder of Paris, seeks authority to acquire control of said rights through this transaction. Authority sought for the purchase by Paris of all of the operating rights of Prentice set forth in Certificate Nos. MC–30059 and MC–30059 (Sub-Nos. 5, 9, and 10), authorizing the transportation of *general commodities* (with usual exceptions), over specified regular routes as follows: (1) Between Stigler, OK, and Ft. Smith, AR, (2) between Spiro, OK, and Ft. Smith, AR, (3) between Muskogee and Stigler, OK, (4) between Muskogee and Tulsa, OK, (5) between Ft. Smith, AR, and Tulsa, OK, (6) between junction U.S. Hwy 59 and OK Hwy 51, and junction OK Hwy 51 and U.S. Hwy 62, (7) between junction OK Hwy 9 and U.S. Hwy 59 and Muskogee, OK, (8) between junction U.S. Hwy 64 and OK Hwy 82 and Muskogee, OK (9) between junction U.S. Hwy 64 and OK Hwy 100 and junction OK Hwys 10A and 82, (10) between junction OK Hwys 100 and 10A and junction OK Hwys 10A and 10, (11) between Ft. Smith, AR, and Jackson, MS, (12) between Ft. Smith, AR, and Houston, TX, (13) between Houston, TX, and New Orleans, LA, (14) between Shreveport and Baton Rouge, LA, (15) between Ft. Smith, AR, and Dallas, TX, (16) between Shreveport, LA, and Dallas, TX, and (17) between Shreveport, LA, and Lake Charles, LA. And, authorizing the transportation of named commodities over irregular routes as follows: (1) *cotton,* from points in Sequoyah, Muskogee, Haskell, Pittsburg, Latimer, and Le Floure Counties, OK, to Ft. Smith, AR; (2) *cottongin machinery, parts, accessories, tool boxes, cotton bagging and ties,* from Ft. Smith, AR, to the above listed counties in OK, (3) *cottonseed meal and cake,* from McAlester, Shawnee, Durant, Ada, Ardmore, OK, and Ft. Smith, AR, to points in that part of KS on and east of a line beginning at the OK–KS State line and extending along U.S. Hwy 81 to Newton, KS and on and south of a line beginning at Newton, KS, and extending along U.S. Hwy 50–S to junction U.S. Hwy 50 near Baldwin City, KS, then along U.S. Hwy 50 to Kansas City, KS, and (4) lumber, from points in Saline County, AR, to points in that part of OK on and east of U.S. Hwy 77, those in that part of KS on and east of U.S. Hwy 75 and on and south of U.S. Hwy 50.

Notes.—(1) TA has been filed. (2) Paris holds authority from this Commission under MC–128709. (3) Paris proposed to tack its authority and transferor's regular-route authority at Ft. Smith, AR, and Dallas, TX.

MC F–14761, filed December 21, 1981. FAST FREIGHT, INC. (Fast) (9651 S. Ewing Avenue, Chicago, IL 60617)—Control—Cole Freight Company (Cole) (12805 Seneca Road, Palos Heights, IL 60463). Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Fast seeks authority to acquire control of Cole through the purchase of Fast of all the issued and outstanding capital stock of Cole. Charles Peterlin, Raymond Peterlin, Jr. and Robert Peterlin, the individuals in control of Fast, seek authority to acquire control of the operating rights and property of Cole through the transaction. Fast is a motor common carrier pursuant to authority issued in MC–123272 and Sub number thereunder, is under common control with Peterlin Cartage Co., a motor common carrier under Docket MC–67450 and Subs thereto. Cole is a motor common carrier under Docket MC–145223 and Sub 1, authorized to transport specified commodities over irregular routes between specified points and places in an area of the United States generally east of the Mississippi River and in and north of the States of Tennessee, West Virginia, Pennsylvania and New Jersey and Delaware. No TA application has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1324 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: January 13, 1982.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All

owner-operators are to receive compensation at this level.

No change is authorized in the 6.7 percent surcharge for bus carriers, the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. January 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

January 11, 1982.

APPENDIX—FUEL SURCHARGE

Base Date and Price for Per Gallon (Including Tax)

January 11, 1979..... 63.5¢

Date of current price measurement and price per gallon (including tax)

January 11, 1982..... 131.3¢

	Transportation preformed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Average percent: fuel expenses (including taxes) of total revenue	16.5	2.5	6.3	3.3
Percent surcharge developed	18.1	3.1	6.7	[3]2.9
Percent surcharge allowed	18.0	3.1	6.7	[4]2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 87 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 11, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 82-1327 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP2-11A]

Motor Carriers Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC F-14778, filed January 4, 1982. ENTERPRISE TRUCK LINE, Inc., (Applicant) of 7336 W. 15th Ave., Gary, IN 46406—Continuance in control—Detroit Refrigerated Express, Inc. (Detroit), (same address as above). Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603, (312) 263-1600. Applicant, sole shareholder of Detroit, seeks authority to continue in control of Detroit upon institution by Detroit of operations, in interstate and foreign commerce, as a motor common carrier. Harold E. Antonson and Michael E. Kibler, persons in control of applicant, seek approval to acquire control of said rights and property through the transaction. Applicant is a motor common carrier pursuant to authority issued in MC-123194 and Subs thereto. Antonson and Kibler also control Southern Refrigerated Transportation Co., (control approved in MC-F-13676) which holds authority in Docket No. MC-119792 and Subs thereto, and MC-145454 and Subs thereto, and Eastern Refrigerated Express, Inc. (approval of control pending in MC-F-14733), which seeks authority in Docket No. MC-153703.

Note.—Detroit has filed as a directly related application, its initial common carrier application, docketed MC-155772, published in the same **Federal Register** issue.

[FR Doc. 82-1328 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 220]

Motor Carriers; Permanent Authority Decisions Restriction Removals Decision-Notice

Decided: January 13, 1982.

The following restriction removal

applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed with 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 72465 (Sub-12)X, filed November 16, 1981, and previously noticed in the **Federal Register** of December 7, 1981, republished as corrected this issue. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic Street, Lebanon, NH 03766. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Lead, subs 7, 8, 9 and Sub E–1 as previously published and as follows: Broaden: lead and Subs 7, 8 and E1, household goods to "household goods, furniture and fixtures"; lead, to radial authority; Sub E–1, Lebanon, NH and points in NH and VT within 25 miles of Lebanon to Grafton, Sullivan and Merrimick Counties, NH and Windsor, Rutland and Orange Counties, VT. The purpose of this republication is to correct omissions.

MC 102567 (Sub-258)X, filed December 23, 1981. Applicant: MCNAIR TRANSPORT, INC., 13403 Northwest Freeway, #130, Houston, TX 77040. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Lead and Subs 105, 109, 114, 117, 119, 121, 124, 125, 127, 128, 130, 131, 133, 136, 137, 139, 140, 142, 143, 145, 146, 147, 148, 149, 151, 152, 155, 160, 163, 169, 173, 174, 175G, 176, 177, 185, 190, 193, 194, 196, 197, 198, 201, 202, 204, 209, 212, 213, 215, 218, 221, 222, 228, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 250, 251, 252, and 253. (I) broaden (1) to "chemicals and related products" from (a) chemicals, except those sold for use as fertilizers, in Sub 105, (b) ammonium nitrate, urea, fertilizer, fertilizer ingredients, anhydrous ammonia and acids in Sub 109, (c) chemicals (except liquid oxygen, liquid hydrogen, etc.) in Sub 114, (d) ammonium nitrate, urea, fertilizer, fertilizer materials and fertilizer ingredients in Sub 117, (e) chemicals and anhydrous ammonia in Sub 119, (f) liquid synthetic resins in Sub 121, (g) dry urea in Sub 125, (h) sulfuric acid and phosphatic fertilizer solution in Sub 127, (i) dry fertilizer and dry fertilizer ingredients in Sub 128, (j) dry chemicals in Sub 130, (k) chemicals in Subs 133, 198, 212, 213, 236, 240, and 243, (l) sulfuric acid in Sub 136, (m) liquid chemicals, except naval stores, and naval store products in Sub 137, (n) liquid acids and chemicals in Sub 139, (o) liquid bromine in Sub 140, (p) liquid chemicals in Subs 142, 151, 176, 248, and 250, (q) liquid weed killing compounds in Sub 148, (r) antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel anti-knock compounds in Sub 147, (s) spent hydrofluoric acid in Sub 168, (t) muriatic acid in Sub 169, (u) rosin sizing in Sub 173, (v) liquid chemicals (except cryogenic liquids, liquid bromine, etc) in Sub 190, (w) liquid ferric sulfate and liquid oranic floculants in Sub 193, (x) sodium salt solutions in Subs 196 and 215, (y) muriatic acid in Sub 197, (z) liquid hydrochloric acid in Subs 202 and 204, (aa) ethyl chloride and methyl chloride in Sub 218, (bb) liquid hydrobromic acid in Sub 221, (cc) liquid plastic resins and glycols in Sub 222, (dd) calcium bromide in Sub 244, (ee) crude tall oil, anhydrous ammonia, dry urea, phosphatic fertilizer solutions and fertilizer compounds, in lead, (2) "petroleum, natural gas and their products" from (a) propane, butane and propane/butane mixes in Sub 124, (b) petroleum and/or petroleum products in Subs 143, 174, 228, 234, 238, 239, and 252, (c) petroleum lubricating oil in Sub 152, (d) petroleum wax in Subs 155 and 160, (e) petroleum products (except liquefied petroleum gases), petroleum and petroleum products, liquefied petroleum gases, lubricating oils and aviation fuels, and liquid petroleum wax in lead and Sub 175G, (3) to "food and related products" from (a) molasses in Sub 122, (b) brominated vegetable oil in Sub 149, (c) black strap molasses and black strap molasses mixtures in Sub 209, (d) molasses based liquid animal feed in Sub 242; (4) to "pulp, paper and related products" from (a) liquid paper and pulp mill products, by-products and derivatives in Sub 131, (b) pulp mill liquid in Sub 251, (c) sulfate black liquor skimmings, in lead; (5) to "ores and minerals" from (a) bauxite in Sub 148; (b) potable water, in lead; (6) to "waste or scrap materials" from (a) spent hardwood cooking liquor in lead, (b) waste petroleum sulfide in Sub 201, (c) waste water in Sub 233; (7) to "chemicals and related products, petroleum, natural gas and their products" from chemicals and petroleum products in Sub 177, (8) to "chemicals and related products," "food and related products" and "petroleum, natural gas and their products" from paint, stains and varnishes, black strap molasses and mixtures thereof, and petroleum products, respectively, in Sub 185; (9) to "petroleum, natural gas and their products" and "chemicals and related products" from various petroleum products and liquid petrochemical descriptions, respectively, in Sub 194; (II) broaden facility, point or imaginary line geographic authorizations to county-wide authorizations: (1) lead and Sub 175G from points in TX within 150 miles of Henderson, TX to Grayson, Fannin, Lamar, Red River, Bowie, Denton, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Camp, Cass, Tarrant, Dallas, Rockwall, Kaufman, Van Zandt, Rains, Wood, Upshur, Marion, Harrison, Johnson, Ellis, Bosque, Hill, Navarro, Henderson, Smith, Gregg, Rusk, Panola, Limestone, McLennan, Freestone, Anderson, Cherokee, Nacogdoches, Shelby, Falls, Milam, Robertson, Leon, Houston, Angelina, San Augustine, Sabine, Brazos, Burleson, Madison, Trinity, Grimes, Walker, Polk, Tyler, Jasper, Newton, Washington, Montgomery, San Jacinto, Waller, Harris, Liberty, Jefferson, Orange and Hardin Counties, TX; from points in LA within 150 miles of Henderson, TX to Caddo, Bossier, Webster, Clairborne, Union, Bienville, Lincoln, Ouachita, Jackson, De Soto, Red River, Caldwell, Sabine, Natchitoches, Winn, La Salle, Vernon, Rapides, Beauregard, Allen and Calcasieu Parishes, LA; from points in AR within 150 miles of Henderson, TX to Union, Columbia, Lafayette, Miller, Ouachita, Nevada, Hempstead, Howard, Little River and Sevier Counties, AR; (2) lead, (a) from points in LA beyond 150 miles of Henderson and South of U.S. Hwy 84 to La Salle, Catahoula, Concordia, Rapides, Avoyelles, Allen, Calcasieu, Cameron, Jefferson Davis, Evangeline,

Arcadia, St. Landry, Vermilion, Lafayette, St. Martin, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, West Baton Rouge, East Baton Rouge, Livingston, Iberville, Ascension, Iberia, Assumption, St. James, St. John the Baptist, St. Charles, Lafourche, Terrebonne, Jefferson, Orleans, St. Bernard, and Plaquemines Parishes, LA; (b) Calcasieu and St. Charles Parishes, LA (Lake Charles and Desterhan); Caddo, Bossier and Webster Parishes, LA (Shreveport, Bossier City and Cotton Valley) and points in and south of Milam, Burleson, Washington, Waller, and Harris Counties, TX (points in TX which are south of and more than 150 miles from Henderson, TX); Crittenden County, AR and Shelby County, TN (West Memphis, AR); Faulkner and Perry Counties, AR (Conway); Laclede, Wright, Douglas, Ozark, Pulaski, Texas, Howell, Phelps, Dent, Iron, Madison, Stoddard, New Madrid, Pemiscot, Dunklin, Butler, Ripley, Oregon, Shannon, Carter, Reynolds, and Wayne Counties, MO (points in MO within 200 miles of Conway, except points on and west of MO Hwy 5); Bossier and Webster Parishes, LA (Cotton Valley and 10 miles of Cotton Valley); Shelby, Fayette and Tipton Counties, TN and Desoto, and Marshall Counties, MS and Crittenden County, AR (Memphis, TN and points in TN within 10 miles of Memphis); Calcasieu, Jefferson Davis and Cameron Parishes, LA (Lake Charles and 10 miles thereof); and remove the restriction against service from West Charles, LA to Benton, Carlisle, Dermott, DeWitt, Dumas, Fourdache, Gardin, Hamburg, Lake Village, Little Rock, Malvern, Monticello, Norman, Pine Bluff, Sheridan, Star City, Stuttgart and Warren, AR; points in Calcasieu Parish, LA (West Lake Charles); points in Saline, Ouachita, Lonoke, Faulkner, Perry, Johnson, Chicot, Arkansas, Desha, Union, Dallas, Crawford, Sebastian, Clark, Ashley, Pulaski, Hot Spring, Montgomery, Drew, Conway, Logan, Jefferson, Pope, White, Grant, Lincoln, and Bradley Counties, AR (Benton, Camden, Carlisle, Conway, Clarksville, Dermott, DeWitt, Dumas, El Dorado, Fourdyce, Fort Smith, Gurdin, Hamburg, Junction City, Lake Village, Little Rock, Malvern, Norman, Monticello, Morriltion, Paris, Pine Bluff, Russellville, Searcy, Sheridan, Smackover, Star City, Stuttgart, and Warren, AR); Calcasieu, Jefferson Davis, and Cameron Parishes, LA (Lake Charles and points within 10 miles thereof); points in TX in and south of Milam, Burleson, Washington, Waller, and Harris Counties, TX, and east of a line beginning at the U.S.-Mexico boundary and extending along U.S. Hwy 77 to the Oklahoma state line (points in TX more than 150 miles from Henderson, TX and east U.S. Hwy 77); Webster Parish, LA (Springhill) Forrest and Lamar Counties, MS (Hattiesburg); Ouachita County, AR (Camden); Morehouse Parish, LA (Bastrop); Adams County, MS (plantsite approximately 3 miles south of Natchez); Morehouse Parish, LA (Bastrop); Ouachita County, AR (Camden); Harrison County, TX (Waskom); Sebastian County, AR (Camp Chaffee); Jefferson, Orange and Hardin Counties, TX.
(Chaison); Ashley and Hot Springs Counties, AR (pumping station within 7 miles of Malvern and within 5 miles of Wilmot); and points in AR (except points south and west of points in Union, Ouachita, Nevada, Hempstead, Howard, and Sevier Counties, AR) (points in AR except those located within 150 miles of Henderson, TX; remove restrictions against service from Dubach and Hilly, LA to Conway and Batesville, AR and from Dubach, Hilly, Cotton Valley, Benton, Hosston and Superior, LA to Batesville, Conway, Paragould, Jonesboro, Blytheville, Monticello, West Memphis, Pocahontas and Reyno, AR; broaden to Union County, AR, Webster Parish, LA, Harrison County, TX, Caddo Parish, LA, and Franklin and Titus Counties, TX, (El Dorado, AR, Cotton Valley, LA, Waskom and Mt. Plesant, TX); Ouachita County, AR (Camden); Jefferson County, AR (Pine Bluff); Webster Parish, LA and Adams County, MS (Springhill, LA and 3 miles south of Natchez, MS); Webster Parish, LA (Cotton Valley); Union County, AR (Norphlet); Ashley County, AR (Crossett); Webster Parish, LA (Springhill); Jefferson County, TX (Port Arthur); Orange, Jefferson and Hardin Counties, TX (Chaison); Jefferson Parish, LA (Avondale); St. Charles Parish, LA (plantsite 4 miles north of Hahnville); Morehouse Parish, LA (Bastrop); Union County, AR (Newell); Hardin, Jefferson, and Orange Counties, TX (Beaumont); Calcasieu, Allen, Jefferson Davis and Cameron Parishes, LA (Lake Charles and points within 10 miles thereof); Jefferson and Ouachita Counties, AR (Pine Bluff and Camden); (3) Subs 105 and 243, St. Charles Parish, LA (Taft); (4) Sub 109, Phillips County, AR (Phillips County); (5) Sub 114, Ascension, St. James, Assumption, Iberville, West Baton Rouge and East Baton Rouge Parishes, LA (Geismar, LA and points within 15 miles thereof except Baton Rouge and Plaquemines, LA and their commerical zones as defined by the Commission); (6) Sub 117, Craighead County, AR (Jonesboro); Chico County, AR (Dermott); (7) Sub 119, St. Charles Parish, LA (Luling); (8) Sub 121, Jefferson Parish, LA (Avondale); Jefferson, Ouachita, Ashley, and Conway Counties, AR and Morehouse, Webster and Jackson Parishes, LA (Pine Bluff, Camden, Crossett, and Morrilton, AR, and Bastrop, Springhill, and Hodge, LS); (9) Sub 124, St. Bernard, Plaquemines, Jefferson and Orleans Parishes, LA (Chalmettee); (10) Subs 125 and 139, Jefferson Parish, LA (Avondale); (11) Sub 127, St. James Parish, LA (Union Sam); (12) Subs 128 and 149, Union County, AR (El Dorado); (13) Subs 130, 143, 176, 218, and 234, West Baton Rouge, East Baton Rouge, Iberville, Ascension, and Livingston Parishes, LA (Baton Rouge); (14) Sub 131, Washington Parish, LA and Pearl River County, MS (Bogalusa, LA); (15) Sub 133, St. John The Baptist Parish, LA (Garyville); (16) Sub 136, Caddo Parish, LA (Gayles); (17) Sub 137, Beauregard and Vernon Parishes, LA (De Ridder); (18) Subs 140 and 151, Columbia County, AR (plantsite in Columbia County); (19) Sub 142, Iberville Parish, LA (Plaquemines); (20) Sub 145, Caddo and Bossier Parishes, LA (Shreveport); (21) Sub 146, Terrebonne and Lafourche Parishes, LA (Schriever); Kleberg County, TX (Kingsville); (22) Sub 147, Jefferson, Orange, and Hardin Counties, TX (plantsite at Beaumont); (23) Sub 148, Jefferson and Orleans Parishes, LA (Marrero), Jefferson County, AR (Pine Bluff), Gulf County, FL (Port St. Joe) and Warren County, MS (Redwood); (24) Sub 152, Union County, AR (Norphlet); (25) Subs 155, 160 and 244, Hardin, Orange and Jefferson Counties, TX (Beaumont); (26) Sub 163, Muskogee and Sequoyah Counties, OK (Gore); (27) Sub 169, Iberia Parish, LA (Weeks); (28) Sub 173, Webster Parish, LA (Springhill) and Warren County, MS and Madison Parish, LA (Vicksburg, MS); (29) Sub 174, St. James Parish, LA (St. James); (30) Sub 185, Jefferson and Orleans Parishes, LA (Marrero and Gretna), Union County, AR (Norphlet), and Erie County, NY (Bowmansville); (31) Sub 190, Columbia County, AR (Magnolia); (32) Sub 193, St. Tammany Parish, LA (Pearl River); (33) Subs 198 and 204, Brazoria, Fort Bend, Waller, Harris, Montgomery, and Chambers Counties, TX (Houston); (34) Sub 197, Harris County, TX (Deer Park); (35) Sub 198, Independence County, AR (Magness); (36) Sub 202, St. Charles Parish, LA (Norco); (37) Sub 209, Jefferson and Orleans Parishes, LA (Westwego); (38) Sub 212, Ouachita Parish, LA (Rilla); (39) Sub 213,

Galveston County, TX (Texas City); (40) Sub 215, Adams County, MS and Concordia Parish, LA (Natchez, MS); (41) Sub 221, Union County, AR (El Dorado) and Jefferson County, TX and Harrision County, MS (Viterbo, TX and Gulfport, MS); (42) Sub 222, Drew County, AR (Monticello); (43) Sub 233, Phillips County, AR and Tunica County, MS (West Helena, AR) and Tulsa, Creek, Osage, Rogers and Wagoner Counties, OK (Tulsa); (44) Subs 236 and 252, Calcasieu Parish, LA (Lake Charles); (45) Sub 238, Shelby, Fayette and Tipton Counties, TN, DeSoto County, MS, and Crittenden County, AR (Memphis, TN); (46) Sub 239, Phillips and Union Counties, AR and Tunica County, MS (Helena and El Dorado, AR); (47) Sub 240, Harrison County, TX (Marshall); (48) Sub 242, Jefferson and Orleans Parished, LA (Gretna); (49) Sub 248, Brazoria and Galveston Counties, TX (Chocolate Bayou and Texas City); (50) Sub 250, Orange and Victoria Counties, TX (Orange and Victoria); III, change all one-way to radial authority; remove: (1) in bulk, in tank vehicles restriction wherever they appear; (2) originating at and destined to restrictions in Subs 105, 109, 114, 119, 124, 128, 133, 136, 137, 142, 143, 145, 176, and 213; (3) restriction against the transportation of commodities in bags to points in the St. Louis commercial zone in Sub 117; (4) restriction against the transportation of petrochemicals to points in named states in Sub 119, (5) ex-rail restriction in Sub 143, (6) restriction against the transportation of petrochemicals to points in PA in sub 145, (7) restriction against the transportation of liquefied petroleum gases to points in MS and points in Baldwin and Mobile Counties, AL and dry chemicals to points in seven Texas counties in Sub 174.

MC 117589 (Sub-77)X, filed December 28, 1981. Applicant: PROVISIONERS BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Sub 76: (1) broaden (a) mobile kitchens, food and foodstuffs, cooking utensils and food preparation and serving equipment to "machinery and food preparation and serving equipment", part 13, and (b) frozen human blood and blood plasma and materials, equipment and supplies to "chemicals and related products and pharmaceutical supplies and materials, equipment, and supplies." parts 14(a) and 26(a); (2) remove the facilities limitations, parts 13 and 17(a) and (b), and the originating at and destined to restriction, part 17; (3) eliminate the ex-water restriction, part 29, the vehicle restriction, parts 14(a) and 17, and except commodities in bulk, in tank vehicles, part 17; (4) change one-way to radial authority, part 17; and (5) replace cities with counties: Seattle, WA (King, Pierce, Kitsap, and Snohomish Counties), parts 13, 26, and 29; and Pocatello, ID (Bannock County), part 17.

MC 134029 (Sub-9)X, filed January 4, 1982. Applicant: SIGEL'S HAULING, INCORPORATED, Road No. 5, P.O. Box 286, Madiz, OH 43907. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. Lead Subs 1, 2, 3G, 4, 5, 6, 7 and 8; broaden (1) to "machinery and those commodities which because of size or weight require the use of special handling or equipment" from mining machinery, equipment and supplies, contractors' equipment, construction machinery and heavy machinery, which because of its size or weight, require the use of special equipment, used machinery and equipment, and materials and supplies incidental to, or used in the construction, development, * * * and quarry and used quarry equipment (with exceptions), in production of coal (with exceptions), in lead and Subs 3G, 4, 5, 6, 7 and 8; "those commodities which because of their size or weight require the use of special handling or equipment" from contractor's equipment and heavy machinery and construction machinery, in Sub 1; "machinery" from machinery materials, supplies and equipment incidental to, or used in the construction, development, * * * of natural gas and petroleum; and "building materials" from construction materials and supplies, in Sub 2; (2) to radial authority, Sub 2; (3) remove restrictions: to transportation of machinery and equipment that require dismantling or erection for purposes of transportation, in Subs 4, 5 and 7; to transportation of shipments from or to coal mine construction, stripping, and storage locations, in Sub 4; and originating at or destined to named facilities in Sub 5.

MC 149133 (Sub-8)X, filed January 4, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, 1333 Nevada Blvd., Charlotte, NC 28217. Representative: Wyatt E. Smith (address same as applicant's). MC-144082 Sub 4F permit, broaden to between points in the U.S. under continuing contract(s) with named shipper.

[FR Doc. 82-1823 Filed 1-19-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP2-11]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted

problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 155772, filed January 4, 1982. Applicant: DETROIT REFRIGERATED EXPRESS, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of foodstuffs, between points in MI and OH, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC–F–14778, published in the same **Federal Register** issue.

[FR Doc. 82–1325 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

Motors Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's represetative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants or operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where the service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–6

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 159920, filed Janauary 4, 1982. Applicant: EDWARD R. TATRO, 17 Griffin Street, Pascoag, RI 02859. Representative: Edward R. Tatro (same address as applicant), (401) 568–4006. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159961, filed January 5, 1982. Applicant: BILLY W. RICHARDSON, d.b.a. RICHARDSON MOVING AND STORAGE, 2579 Ashcraft Road, Dayton, OH 45414. Representative: Billy W. Richardson (same address as applicant) (513) 275–4286. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159980, filed January 5, 1982. Applicant: J. WHITE & ASSOCIATES, INC., West 222 Mission Avenue, Suite 15, P.O. Box 2647, Spokane, WA 99220. Representative: Jim Wallingford (same address as applicant), (509) 328–1252. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159981, filed January 6, 1982. Applicant: CLIFFORD REES, 21694 East Floral Ave., Reedley, CA 93654. Representative: Clifford Rees (same address as applicant), (209) 591–3048. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2–9

Decided: January 11, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 24583 (Sub-48), filed December 31, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, Suite 411, 221 W. 2nd, Little Rock, AR 72201, 501–375–3022. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159892, filed December 21, 1981. Applicant: JOHN M. KIRK, 5218 Denison, Muskogee, OK 74401. Representative: John M. Kirk (same address as applicant), 918–682–9369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1322 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquires to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–5

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

FF 451 (Sub-2), filed December 31, 1981. Applicant: BURLINGTON NORTHERN AIR FREIGHT, INC., P.O. Box 7420, 4350 Von Karman Ave., Newport Beach, CA 92660. Representative: Stephen A. Alterman, 1730 Rhode Island Ave., N.W., Washington, DC 20036, (202) 293–1030. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size and weight require special equipment, and motor vehicles) between points in the U.S.

MC 39491 (Sub-19), filed December 28, 1981. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021, (516) 482–0881. *Over regular routes*, (A) transporting *passengers and their baggage*, in the same vehicle with passengers, (1) between Newark, New Castle County, DE, and Atlantic City, NJ, from Newark, DE, over DE Hwy 273 to junction DE Hwy 7, then over DE Hwy 7 to junction DE Hwy 4, then over DE Hwy 4 to junction DE Hwy 41 at or near Newport, DE, Then over DE Hwy 41 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to and across the Delaware Memorial Bridge to the New Jersey turnpike, then over the New Jersey Turnpike to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction NJ Spur Hwy 536 near Williamston, NJ, then over NJ Spur Hwy 536 to the Atlantic city Expressway, then over Atlantic City Expressway to Atlantic City, NJ, and return over the same route (also over Interstate Hwy 95 between junction DE Hwys 273 and 41), (2) between junction DE Hwys 273 and 2 in Newark, New Castle County, DE, and junction DE Hwys 7 and 4 near Stanton, New Castle County, DE, over DE Hwy 7, and (3) between junction DE Hwys 41 and 4 near Belvedere, New Castle County, DE, and junction U.S. Hwy 322 and the New Jersey Turnpike near Swedesboro, NJ, from junction DE Hwys 41 and 4 near Belvedere, DE, over DE Hwy 4 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction DE Hwy 3, then over DE Hwy 3 to junction DE Hwy 92 near Hamby's Corner, New Castle County, DE, then over DE Hwy 92 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 322 near Chester, PA, then over U.S. Hwy 322 to and over the Com. Barry Bridge to U.S. Hwy 322 in NJ, then over U.S. Hwy 322 to the New Jersey Turnpike near Swedesboro, NJ, and return over the same route, serving all intermediate points and those in New Castle County, DE, as off-route points in connection with routes (1) to (3) above; and *over irregular routes*, (B) transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in New Castle County, DE, and extending to Atlantic City, NJ.

Note.—Applicant intends to tack the rights sought in (A) above to its existing authority.

MC 46200 (Sub-5), filed January 5, 1982. Applicant: NEEDLES MOVING & STORAGE COMPANY, P.O. Box 7855, St. Louis, MO 63106. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods, furniture and fixtures*, between points in AL, AR, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, TN, TX, WI, CT, RI, VA, WV, and DC.

MC 87451 (Sub-18), filed January 6, 1982. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr., (same Address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Fisons Corporation, of Bedford, MA.

MC 87451 (Sub-19), filed January 6, 1982. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr., (same address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) System Distributors, Inc., of Malden, MA, (b) Uptite Co., Inc., of Lawrence, MA, (c) Sturtevant Warehouse Co., of Somerville, MA, (d) Alpha Environmental Services, Inc., of Boston, MA, and (e) United States Mineral Products, of Stanhope, NJ.

MC 111611 (Sub-56), filed January 5, 1982. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewiston, PA 17044. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. Transporting *such commodities* as are dealt in by shoe stores, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119700 (Sub-80), filed January 4, 1982. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, MO 64125. Representative: Lloyd Schottel (same address as applicant), (816) 241–3965. Transporting *clay, concrete, glass or stone products*, between points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX and WI.

MC 119791 (Sub-4), filed January 7, 1982. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. Transporting *pulp, paper and related products, plastic products, and lumber and lumber products*, between points in the U.S.

MC 123061 (Sub-40), filed December 29, 1981. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, OR 97203. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201, (503) 226–0491. Transporting *commodities in bulk*, between points in the U.S.

MC 124151 (Sub-15), filed December 23, 1981. Applicant: VANGUARD TRANSPORTATION, INC., Foot of Lafayette St., Carteret, NJ 07008. Representative: E. Stephen Heisley, 805 McLachen Bank Building, 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *commodities in bulk*, between points in GA, SC, NC, VA, WV, MD, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME and DC, on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 133841 (Sub-31), filed January 4, 1982. Applicant: DAN BARCLAY, INC., P.O. Box 426, 302 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *commodities which because of size or weight require the use of special equipment*, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 140561 (Sub-1), filed December 29, 1981. Applicant: G & W TRANSPORT, INC., 26380 Van Born Road, Dearborn Hts., MI 48125. Representative: Howard P. Walker (same address as applicant), (313) 292–2300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 141590 (Sub-5), filed December 31, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. Box 7586, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *chemicals and related products, and machinery*, between Covington and Clifton Forge, VA, and point in Alleghany County, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142920 (Sub-29), filed December 31, 1981. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Avenue, Indianapolis, IN 46217. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220.Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Tel International, Inc., of Minnetonka, MN.

MC 143730 (Sub-8), filed December 29, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Drive, New Castle, DE 19270. Representative: Richard M. Ochroch, 316 South 16th Street, Philadelphia, PA 19102, (215) 735–2707. Transporting *rocket motors, rocket fuel, class B explosives, chemicals and related products, and aerospace craft and equipment*, between points in the U.S., under continuing contract(s) with Thiokol Corporation, of Elkton, MD.

Note.—To the extent that any permit issued in this proceeding authorizes the transportation of class B explosives, it shall expire 5 years from its date of issuance.

MC 145481 (Sub-32), filed January 4, 1982. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 717 17th Street, Suite 2800, Denver, CO 80202, (202) 892–6700. Transporting *such commodities* as are dealt in by home furnishing and appliance stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Hitachi Consumer Products of America, Inc., of Compton, CA.

MC 146091 (Sub-4), filed December 28, 1981. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W. I. EXPRESS, Box 17, Colesburg, IA 52035. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 146401 (Sub-4), filed December 31, 1981. Applicant: NEU–WAY TRANSPORT, INC., 23720 72nd Ave., Langley, B.C. Canada V3A 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *iron and steel articles*, between points in the U.S., under continuing contract(s) with Davis Wire Industries Ltd., of Annacis Island, B.C., Great West Steel Industries Ltd., of Burnaby, B.C., and B.C. Forwarding Co. Ltd., of Richmond, B.C., Canada; and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Neu-Way Distributing, of Langley, B.C.

MC 149070 (Sub-4), filed January 5, 1982. Applicant: LESCO TRUCKING COMPANY, INC., 7540 L.B.J. Freeway, Suite 224, Dallas, TX 75251. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006, (202) 337–0500. Transporting *Mercer commodities, machinery, commodities which because of size or weight require the use of special equipment, and metal*

products, (a) between points in AR, CO, LA, OK, and TX, and (b) between points in AR, CO, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149081 (Sub-2), filed December 17, 1981. Applicant: SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901. Representative: Edward F. Bowes, Seven Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Over regular routes, transporting *passengers and their baggage* and *express* and *newspapers,* in the same vehicle with passengers, (1) between South Brunswick and West Windsor, NJ, from junction Forsgate Drive and access roads to NJ Turnpike at Interchange 8A near the South Brunswick-Monroe Township boundary line, over Forsgate Drive (NJ Hwy 32) to junction Applegarth Rd. in Monroe Township, NJ, then over Applegarth Rd. to junction NJ Hwy 33, then over NJ Hwy 33 to junction Rogers Avenue, in Hightstown, NJ, then over Rogers Avenue to junction County Hwy 571, then over County Hwy 571 to junction US Hwy 1 in West Windsor, NJ, and return over the same route, (2) between points in Monroe Township, from junction Prospect Plains Applegarth Rd. and Cranbury Half Acre Rd., over Cranbury Half Acre Rd. to junction Union Valley Half Acre Rd, then over Union Valley Half Acre Rd. to junction Cranbury Station Union Valley Rd., then over Cranbury Station Union Valley Rd. to junction Prospect Plains Applegarth Rd., and return over the same route, (3) between points in East Windsor, NJ, (a) from junction NJ Hwy 33 and Twin Rivers Drive North in East Windsor, NJ, over Twins Rivers Drive North to junction Probasco Rd., then over Probasco Rd. to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, (b) from junction NJ Hwy 33 and Lake Drive in East Windsor, NJ, over Lake Drive to junction Twin Rivers Drive, then over Twin Rivers Drive to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, and (c) from junction Lake Drive and Abbington Drive in East Windsor, NJ, over Abbington Drive to junction Twin Rivers Drive in East Windsor, NJ, and return over the same route, (4) between Cranbury and East Windsor, NJ, from junction US Hwy 130 and Plainsboro Cranbury Rd. in Cranbury, NJ, over US Hwy 130 to junction County Hwy 571 in East Windsor, NJ, and return over the same route, and (5) between Monroe Township and East Windsor, NJ, from junction NJ Turnpike and Turnpike access roads at Interchange 8A in Monroe Township, NJ, over NJ Turnpike to Interchange 8 in East Windsor, NJ, then over NJ Turnpike access roads to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, serving all intermediate points in (1) through (5) above.

Note.—Applicant intends to tack the above service sought with its existing regular-route operations.

MC 150341 (Sub-3), filed January 5, 1982. Applicant: HOOVESTOL, INC., 3110 Mike Collins Dr., St. Paul, MN 55121. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by wholesale and retail grocery stores, between points in the U.S.

MC 152270 (Sub-2), filed December 31, 1981. Applicant: CARSON CARRIERS OF DALLAS, INC., 3422 Gilbert Road, Grand Prairie, TX 75050. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin National Bank Tower, Austin, TX 78701, (512) 472–8355. Transporting *machinery and machine tools,* between points in AR, LA, NM, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153140 (Sub-2), filed December 28, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *containers, container closures, packaging and packaging materials, building materials, plastic and plastic products, pulp, paper, and related products,* between points in the U.S., under continuing contract(s) with The Continental Group, Inc., Plastic Beverage Bottle Division, of Stamford, CT.

MC 156940 (Sub-2), filed December 29, 1981. Applicant: LAKE HEBRON TRUCKING CO., Chapin Ave., Monson, ME 04464. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting *such commodities* as are dealt in or used by a manufacturer of furniture, between points in Piscataquis County, ME, on the one hand, and, on the other, points in the U.S.

MC 159691, filed December 15, 1981. Applicant: DELUXE TRAVEL CLUB, 412 W. Chestnut, Yakima, WA 98902. Representative: Wilbur C. Wright, Sr. (same address as applicant), (509) 575–8484. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at Yakima, WA, and extending to points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Deluxe Travel Club Members, of Yakima, WA.

MC 159910, filed December 31, 1981. Applicant: AMERICA FROM MADISON MOTORCOACH TOURS, 105 West Main Street, Madison, WI 53703. Representative: Michael W. McCormick (same address as applicant), (608) 251–4711. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Dane County, WI, and extending to points in the U.S. (except HI).

MC 159911, filed December 31, 1981. Applicant: JAMES B. PHILLIPS, d.b.a., JIM PHILLIPS HORSE TRANSPORTATION, 2737 N. Hayes, Fresno, CA 93711. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *horses,* between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, NJ, NM, NY, NC, OH, OK, PA, TN, TX, UT, and WV.

MC 159930, filed January 4, 1982. Applicant: J. D. PHILLIPS, d.b.a. PHILLIPS TRANSPORTATION SERVICE, 22141 Boones Ferry Rd. N.E., Aurora, OR 97002. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW. 5th Avenue, Portland, OR 97201, (503) 227–4586. Transporting (1) *food and related products,* between points in WA, OR and CA, and (2) *lumber and wood products,* between points in WA and OR, on the one hand, and, on the other, points in CA, NV, AZ, and CO.

MC 159931, filed January 5, 1982. Applicant: WILLARD M. SCHLITTER, d.b.a. SCHLITTER TRUCKING, R.R. #1, Mount Auburn, IA 52313. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *fertilizer,* between points in Whiteside County, IL, on the one hand, and, on the other, points in Black Hawk and Benton Counties, IA.

Volume No. OP2–10

Decided: January 11, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 16502 (Sub-24), filed December 7, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), OVER REGULAR ROUTES, (1) Between Starkville and

Jackson, MS: from Starkville over MS Hwy 12 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Jackson, and return over the same route, serving all intermediate points, (2) Between Starkville and Jackson, MS: from junction U.S. Hwy 51 and MS Hwy 12 over MS Hwy 12 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Jackson, and return over the same route, serving all intermediate points.

MC 45893 (Sub-16), filed December 29, 1981. Applicant: ROSS TRUCK LINES, INC., 1010 North Pearl; Paola, KS 66071. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting (1) *petro chemical construction equipment and materials, crane parts, trailers, and trailer parts,* between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.; (2) *filters and filter parts,* between points in Montgomery County, TX, on the one hand, and, on the other, points in the U.S.; (3) *pipe, pipe valves, and pipe fittings,* between points in Jefferson County, TX, on the one hand, and, on the other, points in the U.S.; (4) *fabricated structural steel items,* between points in Galveston County, TX, on the one hand, and, on the other, points in the U.S.; (5) *rack and pinion material and personnel hoists, and such commodities* used in construction, maintenance and servicing of hoists, between points in Douglas County, KS, on the one hand, and, on the other, points in the U.S.; and (6) *universal joints,* between points in Johnson County, KS, on the one hand, and, on the other, points in the U.S.

MC 104832 (Sub-15), filed December 28, 1981. Applicant: HOLMAN TRANSFER COMPANY, 49 S E Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave, Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA, on the one hand, and, on the other, points in OR, WA, ID, Storey and Washoe Counties, NV and in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, Amador, and El Dorado Counties, CA.

MC 130483 (Sub-1), filed December 31, 1981. Applicant: BLUE & WHITE TRAVEL AGENCY, INC., 516 West Plank RD, Altoona, PA 16602. Representative: Charles A. Webb, 1828 L St., N.W., Suite 1111, Washington, DC 20036, 202–822–6200. As a broker at points in the U.S., in arranging for the transportation, by motor vehicle of *passengers and their baggage* in the same vehicle with passenger, in special and charter operations, between points in the U.S.

MC 135753 (Sub-4), filed December 30, 1981. Applicant: WILLIAMS TRANSPORT CO., INC., 938 E. Fourth St., Richmond, VA 22044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St, NW, Washington, DC 20004, 202–737–1030. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, machinery, and metal products, between points in the U.S., under continuing contract(s) with Williams Crane & Rigging, Inc., of Richmond, VA.

MC 136713 (Sub-29), filed December 31, 1981. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Rd, NE, Grand Rapids, MI 49505. Representative: Willaim H. Shawn, 1730 M. St, N.W., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *chemicals, fertilizers, and allied products,* between points in the U.S. (except AK and HI).

MC 140242 (Sub-1), filed January 4, 1982. Applicant: MODERN TRUCKING SERVICE, INC., 2939 Sunol Dr., Los Angeles, CA 90023. Representative: Jack M. Talsky (same address as applicant), 213–269–0771. Transporting *plumbing goods, metal and metal articles, building materials, plastic and plastic articles and electrical equipment,* between points in CA, AZ, NV and UT.

MC 140553 (Sub-21), filed January 4, 1982. Applicant: ROGERS TRUCK LINE, INC., 3325 Hwy 24 East, Logansport, Inc. 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products,* between those points in the U.S. and east of ND, SD, NE, KS, OK and TX.

MC 144293 (Sub-25), filed January 4, 1982. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between points in IA, MN, NE, and WI, on the one hand, and, on the other, points in OK and TX.

MC 144792 (Sub-4), filed December 28, 1981. Applicant: CONTRACT TRANSPORTER, INC., Route 12, Box 169, Salisbury, NC 28144. Representative: Noah H. Huffsteller III, P.O. Box 2058, Raleigh, NC 27602, 919–828–4481. Transporting *containers and metal products,* between points in the U.S., under continuing contract(s) with Jos. Schlitz Brewing Company, of Milwaukee, WI.

MC 151962, filed January 4, 1982. Applicant: INTERNATIONAL CHEMICALS TRANSPORTATION, INC., P.O. Box 270, Mt. Pleasant, TX 75455. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *chemicals or allied products,* between points in the U.S., under continuing contract(s) with International Chemicals, Inc., of Mt. Pleasant, TX.

MC 153323 (Sub-6), filed January 4, 1982. Applicant: IOWA–TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–8164. Transporting *food and related products,* between points in Crawford, Hardin, Carroll, Cherokee, Polk, Webster, and Woodbury Counties, IA, and Saline, Douglas, and Lancaster Counties, NE, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN, and MS.

MC 155833 (Sub-1), filed December 7, 1981. Applicant: RICHARD E. GRISWOLD d.b.a. B & G TRUCKING, 324 Elm St., P.O. Box 123, Avoca, IA 51521. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *meat, meat products, meat by-products, and articles distributed by meat-packing houses,* between points in Pottawattamie County, IA, and Minnehaha and Lincoln Counties, SD, on the one hand, and, on the other, points in St. Lawrence County, NY.

MC 158982 (Sub-1), filed December 14, 1981. Applicant: RUSS WILSON TRAVEL AGENCY, 3703 Taylorsville Rd, Room 104, Louisville, KY 40220. Representative: Russ Wilson Sr. (same address as applicant), 502–456–2622. As a broker at Louisville, KY, in arranging for the transportation by motor vehicle of *passenger and their baggage* in the same vehicle with passengers, (1) between Louisville, KY, and points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) between points in Clark, Floyd, Harrison and Jefferson Counties IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159853,filed December 28, 1981. Applicant: BRADEN KARBER d.b.a. KA-CO OILFIELD SERVICE, P.O. Box 100, Perryton, TX 79070. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405–848–7946. Transporting *oilfield commodities,* between points in Ochiltree and Lipscomb Counties, TX, on the one hand, and, on the other, points in CO, KS, NM, OK and TX.

MC 159863, filed December 28, 1981. Applicant: DAVIDSON TRANSPORTATION AGENCY, INC., P.O. Box 716, Beverly Shores, IN 46301. Representative: Themis N. Anastos, 120 West Madison St, Chicago, IL 60602, 312–782–8668. Transporting *metal products,* between points in IN, IL, WI, OH, MI, MO, AL, MS, GA, OK and TX.

MC 159893, filed December 29, 1981. Applicant: MIKES LINES, INC., 501 West Main St., Fredericksburg, IA 50630. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting (1) *food and related products,* between points in Clayton, Delaware, and Jackson Counties, IA, on the one hand, and, on the other, points in IL, MN, and WI; and (2) *general commodities* (except classes A and B explosives and household goods); between points in Chickasaw County, IA, on the one hand, and, on the other, points in IL, MN, and WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1328 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.81, Amdt. 3]

Director, East Africa Regional Economic Development Services Office; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.81, dated October 13, 1976 (41 FR 48171 and 48172), as amended as follows:

The first paragraph is hereby amended to reflect the following changes:

a. Substitute "$5,000,000" for "$1,000,000."

b. Subhead (3) is hereby renumbered Subhead (4).

c. Add the following as subhead (3);

"(3) Inter-agency service agreements (IASAs) between A.I.D. and other U.S. Government agencies."

d. Paragraph regarding advance payments is revised as follows and numbered as subhead (5). "(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letter of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1258 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.5, Amdt. 3]

Director, West Africa Regional Economic Development Services Office; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.5, dated July 30, 1973 (38 FR 21947) as amended, as follows:

A. The first paragraph is hereby amended to reflect the following changes:

1. Substitute "$5,000,000" for "$1,000,000" wherever it appears.

2. Subhead (3) is hereby renumbered subhead (4).

3. Add the following as subhead (3);

"(3) Inter-agency service agreements (IASAs) between A.I.D. and other U.S. Government agencies."

4. Subhead (4) is revised as follows and renumbered subhead (5);

"(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letter of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

B. The second paragraph is hereby amended to reflect the following change:

Substitute "$100,000" for "$50,000" whereever it appears.

Except as provided herein the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1259 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.87, Amdt. 3]

Delegation of Contracting Officer Authority to Raymond J. Potocki

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.87, dated July 25, 1977 (42 FR 39286), as amended as follows:

A. The first paragraph is hereby amended to reflect the following changes:

(1) Substitute "$5,000,000" for "$1,000,000."

(2) Add subpart (5):

(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letters of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments.

B. In paragraph regarding Assistant Area Contracting Officer authority, substitute "$1,000,000" for "$500,000".

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1260 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.114, Amdt. 1]

Delegation of Contracting Officer Authority to John Stuart

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836), as amended, from the Assistant Administrator for Program and Management Services of the

Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.114, dated August 8, 1980, (45 FR 57,604), as follows:

A. In the first paragraph, substitute "$5,000,000" for "$1,000,000".

B. The first paragraph, subhead (5), is revised to read:

(5) With respect to these contracts and grants above, to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1282 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.83, Amdt. No. 4]

Mission Director, USAID/Egypt; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.83 dated January 26, 1977 (38 FR 27,628), as amended, as follows:

The first paragraph is deleted in its entirety and the following is substituted in lieu thereof:

"Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to the Mission Director, USAID/Egypt, the authority to sign the following instruments, up to an amount of $5,000,000 (or local currency equivalent) per transaction:

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign government or agencies thereof;

(3) Inter-agency service agreements (IASAs) between AID and other U.S. Government agencies; and

(4) Amendments to the instruments specified above.

(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve Letters of Credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

The second paragraph is hereby amended to reflect the following change: Substitute "$100,000" for "$50,000" wherever it appears.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1281 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.105, Amdt. No. 3]

Mission Director, USAID/Indonesia, Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836), as amended, from the Assistance Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.105, dated December 18, 1978 (44 FR 2,051), as amended, as follows:

A. In the first paragraph substitute "$5,000,000" for "$1,000,000."

B. The paragraph regarding advance payments is revised as follows and numbered as subhead (5) to the first paragraph:

"(5) with respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve Letters of Credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

C. The second paragraph is hereby amended to reflect the following change: Substitute "$100,000" for "$50,000" wherever it appears.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1263 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 38.24]

Waiver of Competition—Negotiation With a Single Source for Host Country Countracts

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5 dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grant Agreements; and No. 113, dated October 15, 1975, I hereby redelegate to the Directors of A.I.D. Missions in Egypt, Jordan, Morocco, Syria, and Tunisia and the A.I.D. Representative in Portugal, retaining for myself concurrent authority, the authority, with regard to cooperating country contracts, (1) to approve negotiation of contracts with a single source for the procurement of (a) technical and professional services and (b) construction services when the total value of the procurement does not exceed $100,000; and (2) to approve negotiation of contracts with a single source for the procurement of commodities and equipment when the total value of the procurement does not exceed $25,000 (exclusive of transportation).

The authorities redelegated above may not be redelegated further and may be exercised only after consultation with the appropriate Mission or Office technical personnel and the Regional Legal Advisor.

The authorities herein redelegated are subject to guidance by the Office in AID/Washington (Office of Project Development or Office of Technical Support) having responsibility for supporting implementation of the activity.

The Redelegation of Authority shall be effective immediately.

Dated: January 6, 1982.

W. Antoinette Ford,

Assistant Administrator, Bureau for Near East.

[FR Doc. 82-1341 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[603-TA-7]

Airtight Cast-Iron stoves; Preliminary Investigation

AGENCY: International Trade Commission.

ACTION: Institution of preliminary investigation pursuant to 19 U.S.C. 2482.

SUMMARY: Notice is hereby given that on January 4, 1982, the United States International Trade Commission voted to institute a preliminary investigation under section 603 of the Trade Act of 1974 (19 U.S.C. 2482) to investigate the possible existence of unfair methods of competition and unfair acts with respect to the importation into the United States and sale of certain airtight cast-iron stoves and, the effects, if any, of such methods and acts.

AUTHORITY: The authority for institution of this preliminary investigation is contained in section 603 of the Trade Act of 1974 (19 U.S.C. 2482).

SCOPE OF THE INVESTIGATION: The unfair methods of competition and unfair acts to be investigated are as follows:

1. Passing off imported copies of domestic airtight cast-iron stoves and causing the consumer to believe that such imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

2. Engaging in false and deceptive advertising for the purpose of furthering the belief on the part of the consumer that the imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

3. Infringing the common law trademark protection provided to various airtight cast-iron stove companies because respondents' stoves are virtually identical copies, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

The Commission staff has been directed to submit its report and recommendations regarding the above matters to the Commission no later than April 20, 1982.

By order of the Commission.

Issued: January 13, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1318 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-48 (Final)]

Certain Amplifier Assemblies and Parts Thereof From Japan

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: As a result of a preliminary determination by the United States Department of Commerce that there is a reasonable basis to believe or suspect that exports of high power microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-48 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of such merchandise. For purposes of this investigation, high power microwave amplifiers are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X, and Ku bands from fixed earth stations to communication satellites and having a power output of one kilowatt or more. These articles are currently classified under item 685.29 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of part 207, subpart C, of the Commission's Rules of Practice and Procedure (19 CFR, Part 207, 44 F.R. 76458).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission, Room 337, 701 E Street NW., Washington, DC 20436, telephone 202-523-0305.

SUPPLEMENTARY INFORMATION: On September 16, 1981, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 731-TA-48 (Preliminary), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Japan of certain amplifier assemblies and parts thereof, which are alleged to be sold in the United States at LTFV. As a result of the Commission's affirmative preliminary determination, the Department of Commerce continued its investigation into the question of LTFV sales. Unless the investigation is extended, the final LTFV determination will be made by the Department of Commerce on or before March 9, 1982.

Staff report. A staff report containing preliminary findings of fact will be available to all interested parties on February 22, 1982.

Written submissions. Any person may submit to the Commission on or before March 26, 1982, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such a statement must be filed at the office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, DC 20436.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Public hearing. The Commission will hold a public hearing in connection with this investigation on March 16, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) March 10, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 11:00 a.m., e.s.t., March 1, 1982, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before March 10, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (CFR 207), and Parts 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of

Practice and Procedure (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: January 13, 1982.

[FR Doc. 82-1311 Filed 1-19-82; 8:45 am]
BILLING CODE 7020-02-M

Investigation No. 731-TA-52 (Preliminary)

Sheet Piling From Canada

Determination

On the basis of the record [1] developed in investigation No. 731-TA-52 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,[2] by reason of imports from Canada of sheet piling, provided for in items 609.96 and 609.98 of the Tariff Schedules of the United States (TSUS) which are possibly being sold in the United States at less than fair value (LTFV).[3]

Background

On November 24, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating an antidumping investigation on its own accord concerning imports of sheet piling from Canada which it found to be sold in the United States below trigger prices and, therefore, possibly at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishmen of an industry in the United States is materially retarded by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days after its receipt of such advice, or in this case by January 8, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 2, 1981 (46 FR 58618). The public conference was held in Washington, D.C., on December 16, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

We determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [4] by reason of imports from Canada of sheet piling allegedly sold at less than fair value. [5] Our determination is based on the following considerations.

Domestic Industry

Our analysis begins with the definition of the domestic industry against which the impact of the allegedly dumped imports is to be assessed. Section 771(4)(A) of the Tariff Act of 1930 defines "industry" as "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [6] "Like product" is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation . . . ." [7]

This investigation concerns imports from Canada of sheet piling fabricated of either carbon steel or alloy steel.[8] Sheet piling is a structural steel product consisting of rolled sections that can be joined so that the individual pieces form a continuous wall when driven side by side.[9] The sections have interlocks that allow the sections to be swung laterally, allowing flexibility in their alignment. The interlocks are also designed so that when they are subjected to lateral pressure, such as that caused by the weight of a volume of water, the wall will be watertight. Sheet piling is primarily used in applications calling for a tight steel enclosure to prevent leakage and resist pressure, such as walls for docks, wharves piers, dams, excavations, and cofferdams.

Steel sheet piling is produced in three basic types, which are designed for differing applications. Those types are straight (or flat) web, arch web and z web piling.[10] The domestic industry produces all three types. Imports from the principal Canadian importer, Acier Casteel, Inc., are of only the arch web and z web types. No information as to type is available with regard to imports from the remaining Canadian importer, Brockhouse Canada, Ltd.[11] Furthermore, both domestic and imported steel sheet piling comes in a range of gages, widths, and lengths and with varying types of interlocks to satisfy a number of different applications.

The imported article consists of the z web, arch web, and perhaps straight web types of steel sheet piling.[12] Thus, we find the like product to be all such domestically produced steel sheet piling. Since there are no clear dividing lines between the characteristics and uses of different sizes and shapes of steel sheet piling, our like product finding is without regard to width, length, and gage.[13] For the purposes of this preliminary

---

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[3] Reasonable indication that the establishment of an industry in the United States is materially retarded is not an issue in this investigation.

[4] Chairman Alberger and Commission Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[5] Commissioner Frank notes that the statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could possibly be suffering injury, threat thereof, or material retardation. H.R. Rep. No. 96-317, 96th Cong., 1st Sess. 52 (1979).

[6] 19 U.S.C. 1677(4)(A).

[7] 19 U.S.C. 1677(10).

[8] The notice of initiation of its investigation issued by the Department of Commerce defines "sheet piling" as covering piling of iron or steel, provided for in items 609.96 (other than alloy iron or steel) and 609.98 (alloy iron or steel) of the Tariff Schedules of the United States. 46 FR 57566 (Nov. 24, 1981). There are no known imports of iron sheet piling. Commissioner Frank would include any imports of iron sheet piling if a final investigation is conducted. The Report does not indicate any known imports of iron sheet pilings in material reviewed in this preliminary investigation.

[9] The descriptions of the product are derived from information in the Report at A-1 to A-7.

[10] The three types are pictured in the Report at A-3.

[11] In addition, certain other sheet piling pieces produced by the domestic industry, such as Y's, T's, corners, and filler pieces, may be imported. Should a final investigation be conducted, the Commission will seek information regarding importation of these pieces. Commissioner Frank notes that these other pieces are related to sheet piling.

[12] The Commission has no information at this point to confirm whether straight web piling is imported into the United States from Canada. While it is known that imports from Acier Casteel do not include straight web piling, the composition of imports from Brockhouse Canada is not known. Additionaly, available information does not clarify whether other types of piling are substitutable for, and compete with, straight web piling for use in certain applications. Commissioner Frank notes that speculating on the inclusion of straight web types in imports is not appropriate at this time and does not believe the word "perhaps" is necessary.

[13] *See* Stainless Clad Steel Plate from Japan, Inv. No. 731-TA-50 (Preliminary), USITC Pub. 1196 (1981); Hot-Rolled Carbon Steel Plate from Romania, Belgium, and Brazil, Inv. Nos. 701-TA-83 (Preliminary) and 84 (Preliminary), and 731-TA-51 (Preliminary), USITC Pub. 1208 (1982); Hot-Rolled Carbon Steel Sheet From France, Inv. No. 701-TA-85 (Preliminary), USITC Pub. 1209 (1982).

investigation, therefore, we find that the domestic industry consists of the domestic producers of the steel sheet piling described.

Condition of the Domestic Industry

We have examined the health of the U.S. industry producing sheet piling over the period from 1978 to September 1981. The industry's condition fluctuated in 1978, 1979 and 1980, then made a sharp downturn in the first three quarters of 1981.[14] At the present time the industry is experiencing serious difficulties.[15]

U.S. production of sheet piling decreased significantly from 1978 to 1979, then increased in 1980 to a level higher than that attained in 1978.[16] Production then dropped dramatically in the first three quarters of 1981 to the lowest level during the period surveyed.[17] Industry capacity to produce sheet piling increased slightly between 1978 and 1980, then remained stable for the first three quarters of 1981.[18] Utilization of productive capacity fluctuated between 1978 and 1980, then fell drastically in the first three quarters of 1981.[19]

The trend in shipments by domestic producers paralleled the trend in production. Total shipments decreased from 1978 to 1979, but increased in 1980 to a level greater than in 1978. During January–September 1981 shipments decreased dramatically by approximately the same percentage as production did.[20] While inventories held by domestic producers in January–September 1981 decreased as compared to the comparable period in 1980, the ratio of inventories to shipments increased substantially.[21]

Consistent with the trend in production, employment of production and related workers in the sheet piling sector decreased from 1978 to 1979, increased in 1980, then fell sharply in the first three quarters of 1981 compared to the same period in 1980. The number of hours worked also declined drastically in 1981.[22]

The most significant factor regarding the condition of the industry is its unfavorable financial performance since 1978. Net sales were up substantially in 1980 over 1978 and 1979, but plummeted in 1981 as shipments fell. Despite the fluctuating levels of net sales throughout the period, the industry reported net losses in every year since 1978.[23]

Reasonable Indication of Material Injury by Reason of Alleged LTFV Imports

The record demonstrates a reasonable indication that imports of allegedly dumped Canadian sheet piling have been a factor contributing to the decline recently experienced by the domestic industry.[24] Prior to 1981 imports from Canada accounted for only 1.6 percent of total imports and a much smaller percentage of overall U.S. consumption. Canada's import share changed radically in the first three quarters of 1981, as Canadian imports increased ninefold over the corresponding period in 1980, from 1,196 tons to 12,154 tons. Imports from Canada were 16 percent of total imports during the January–September 1981 period and accounted for 71 percent of the increase in total imports over the corresponding period in 1980. As a result of the rapid rise in Canadian imports, the Canadian products captured a greatly increased share of U.S. consumption as well.[25] This increase in the Canadian share of the market coincided with the sharp decline the U.S. industry experienced in 1981.

Information gathered by the Commission indicates that the Canadian imports have undersold domestically produced sheet piling in the U.S. market by substantial margins throughout the first nine months of 1981.[26] In addition, the Commission has confirmed instances in which domestic producers lost sales to Canadian imports on the basis of price. In other instances a domestic producer made the sale, but was forced to reduce its price in order to do so, indicating possible price depression or suppression.[27]

Threat of material Injury [28]

We also find a reasonable indication that imports of sheet pilling from Canada pose a threat of material injury. As noted above, Canadian producers have prove to be aggressive entrants into the U.S. market, and their share of the overall market grew rapidly in 1981 as compared to previous years. Moreover, Canadian producers have substantial capacity for the production of additional sheet piling that could be

---

[14] Report at A–16 to A–22.

[15] Commissioner Frank notes that it is his preliminary finding that the serious difficulties being experienced by this industry are caused by the recent increases in imports of steel sheet piling from Canada.

[16] Because of the small number of firms comprising the domestic industry all specific data are treated as confidential, and the state of the industry is discussed only in terms of generalized trends.

[17] Report at A–16 to A–17.

[18] *Id.* Information regarding capacity is based upon allocations made by the reporting firms, since sheet piling is rolled in mills on which other structural steel products are made and capacity for any single product can be increased or decreased in response to demand. *Id.* at A–16.

[19] *Id.* at A–17.

[20] *Id.* at A–17 to A–18. "Total shipments," as used here, include intracompany shipments and exports as well as domestic shipments.

[21] *Id.* at A–18 to A–19.

[22] *Id.* at A–19 to A–20.

[23] *Id.* at A–20 to A–22.

[24] Vice Chairman Calhoun is of the view that to say a less-than-value import is a "factor contributing to the decline" experienced by the domestic industry does not fully satisfy the material injury standard. In his view, an LTFV import can contribute to the difficulties suffered by a domestic industry, but still have an impact on the industry which, while harmful, is inconsequential, immaterial, or unimportant.

For the reasons discussed, Vice Chairman Calhourn concludes that there is a reasonable indication that the effect of Canadian sheet piling on the domestic industry, at this point in the investigation, can be characterized as a level of harm that is "not inconsequential, immaterial, or unimportant".

[25] *Id.* at A–23 to A–25. Respondent argued that the increase in imports from Canada came primarily at the expense of imports from West Germany and did not affect the market share of the domestic producers. Mississippi Valley Equipment Company (MVE) is presently the exclusive U.S. distributor for Acier Casteel. MVE formely had a similar arrangement with Hoesch Huttenwerke AG, a West German producer of sheet piling. Respondent claims that MVE's purchases from Acier Casteel simply displaced purchases from Hoesch. Transcript at 85. However, the data assembled by the Commission make amply clear that despite termination of its sole distribution agreement with MVE, Hoesch remains an important supplier to the domestic market and has not been supplanted by the Canadians. Even if it could be shown that canadian imports had merely replaced German imports, it would not necessarily follow that this replacement is noninjurious to the domestic industry. Commissioner Frank does not agree that it is necessary to review the substitution arguments presented by respondent in this preliminary determination. Commissioner Frank points out that in this preliminary determination the substitution argument presented by respondent is not corroborated by the fact Hoesch terminated it sole distribution agreement with MVE. Hoesch continues to supply the domestic market according to the information obtained by the Commission and irrespective of this, there is a reasonable indication that the imports from Canada have caused material injury to the domestic producers. Vice Chairman Calhoun and Commissioner Eckes do not join in this footnote.

[26] *Id.* at A–26 to A–27.

[27] *Id.* at A–27 to A–29. Respondent contended that European imports, particularly imports from Belgium, are the low-price leaders in the sheet piling market, frequently underselling Canadian imports as well as domestic products. Transcript at 86–90. Consequently, it is argued that additional domestic piling would not be sold even if Candian imports were unavaiable. Thus, imports from Canada are arguably not a cause of any material injury experienced by the domestic industry. The record in this preliminary investigation does not contain sufficient data to address this argument, and it will have to be further investigated if a final investigation is conducted. Vice Chairman Calhoun notes, in this regard, that even if low priced Belgian imports eventually replaced Canadian imports, one for one it would not negate the reasonable indication that LTFV Canadian imports are causing present material injury. In the view of Commissioner Frank, there is ample evidence indicating price depression or suppression caused by Canadian exports to the U.S. of steel sheet piling. Report at A–25 to A–29. Commissioner Eckes does not join in this footnote.

[28] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

turned to producing exports to the United States. Acier Casteel's cold-forming mill produces various types of products, including steel sheet piling.[29] The total capacity of this mill is between 50,000 and 75,000 tons, depending on the product mix.[30] This is substantially in excess of the tonnage of sheet piling exported by Acier Casteel to the United States in the first nine months of 1981. An additional factor supporting a reasonable indication of threat of material injury is the sizeable inventory of Canadian sheet piling currently held by Acier Casteel's U.S. distributor.[31]

Conclusion

On the basis of the record before us, we conclude that there is a reasonable indication of material injury or the threat of material injury [32] to the domestic industry producing sheet piling by reason of imports of sheets piling from Canada. The principal grounds for our determination are the rapidly increasing penetration of the U.S. market by Canadian imports, information confirming lost sales caused by underselling, and information regarding possible price depression or suppression.[33]

By Order of the Commission.

Issued: January 8, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1313 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-38 (Final)]

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Suspension of Investigation

AGENCY: International Trade Commission.

ACTION: Suspension of investigation.

EFFECTIVE DATE: January 4, 1982.

SUMMARY: On January 4, 1982, the U.S. Department of Commerce published a notice in the **Federal Register** (47 FR 66) suspending its antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from Hungary, provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States. The basis for the suspension by Commerce is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise its prices to eliminate sales of this merchandise to the United States at less than fair value.

Accordingly, the Commission hereby gives notice of the suspension of its investigation No. 731-TA-38 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

If, on or before January 25, 1982, the U.S. Department of Commerce receives a request from an interested party to continue this investigation in accordance with section 734(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c), Commerce and the Commission will do so, notwithstanding the suspension agreement. A final determination will not be made in this investigation unless there is such a request for continuation of the investigation.

FOR FURTHER INFORMATION CONTACT: Ms. Abigail Eltzroth, U.S. International Trade Commission, Room 337, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0289.

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: January 13, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1314 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

Termination of Countervailing Duty Investigation Concerning Compressors and Parts Thereof From Italy

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreement Act of 1979, with regard to compressors and parts thereof from Italy.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, telephone number (202) 523-0296.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation ot determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on compressors and parts thereof from Italy (T.D. 72-122).

On November 16, 1981, the Commission received a letter from counsel for Tecumseh Products Company, the original petitioner for the countervailing duty order, stating that it was withdrawing its request for the imposition of countervailing duties under the above referenced countervailing duty order.

While there is no provision in the Trade Agreement Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders. Before terminating a section 104 investigation the Commission solicits public comment, then approves the termination only if it is in the public interest.

On December 2, 1981, (45 FR 58616) the Commission published a notice in the **Federal Register** requesting public comment by January 4, 1982, on the proposed termination of the Commission investigation on compressors and parts thereof from Italy. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on compressors and parts thereof from Italy (T.D. 72-122). The termination of this investigation has the same effect as a determination that an industry in the

---

[29] Transcript at 58.

[30] *Id.* at 59.

[31] Report at A-29.

[32] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[33] On the basis of the record before him, Commissioner Frank concludes that there is a causal link between imports of steel sheet piling from Canada with material injury experienced by the domestic industry. The principal bases for his affirmative determination are the significant volume of Canadian imports and information regarding lost sales, as well as a reasonable indication that these Canadian imports through their impact on domestic prices, have had a material adverse effect on the condition of the domestic industry.

United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, if the countervailing duty order were to be revoked.

In addition to publishing this Federal Register notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this investigation and is also notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: January 15, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1312 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-117 through 124 (Preliminary) and investigations Nos. 731-TA-82 through 86 (Preliminary)]

Carbon Steel Structural Shapes

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-117 through 124 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of carbon steel structural shapes, provided for in items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-82 through 86 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Luxembourg, the United Kingdom, and West Germany of carbon steel structural shapes, provided for in items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, U.S. International Trade Commission; telephone 202-523-1369.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidental business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 116 and 125 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 82 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR Part 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1313 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Revocation of Exclusion Order, Reopening of Investigation as to Remedy, Bonding, and the Public Interest, Issuance of Order Permitting Entry Under Bond, and of Suspension of Investigation Pending Judicial Proceedings

AGENCY: International Trade Commission.

ACTION: Revocation of exclusion order, reopening of investigation No. 337-TA-97 as to remedy, bonding, and the public interest, issuance of order permitting entry under bond, and of suspension of investigation pending judicial proceedings.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain steel rod treating apparatus and components thereof. Notice of the institution of the investigation was published in the Federal Register of January 28, 1981 (46 FR 9262).

On December 1, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized sale for importation of certain steel rod treating apparatus and components thereof which infringe U.S. Letters Patent 3,390,871. The Commission further determined that the appropriate remedy is an exclusion order pursuant to section 337(d) excluding from entry into the United States certain steel rod treating

apparatus which are manufactured by or on behalf of Korf Industrie und Handel, GmbH, Korf Engineering, GmbH, Korf Industries, Inc., Ashlow Ltd., Ashlow Corp., Mr. Willy Korf and/or Mr. Johann Heinrich Rohde, or any successor, assignee, parent company, affiliated person, subsidiary, or related business entity of the above-named parties respondent, or which are sought to be imported by Gorgetown Steel Corporation.

On December 30, 1981, the U.S. District Court for the District of South Carolina indicated that in a forthcoming final order to be issued on or about February 1, 1982, the court would hold U.S. Letters Patent 3,390,871 invalid and unenforceable. *Ashlow Ltd. et al v. Morgan Construction Co.* (D.S.C., Civ. No. 81-936-5). The Court further indicated that it was prepared to grant Morgan's motion for an expedited appeal to the U.S. Court of Appeals for the Fourth Circuit.

On December 31, 1981, respondents Ashlow Ltd., Ashlow Corp., Korf Industries, Inc., Georgetown Steel Corp., Korf Industrie und Handel, Korf Engineering, Mr. Willy Korf and Mr. Johann Heinrich Rohde, moved that the Commission stay or suspend its exclusion order and for an expedited decision thereon (Motion No. 97-64). The Commission has granted Motion No. 97-64, subject to certain measures designed to protect the *status quo* pending Morgan's exhaustion of its appeal rights. Specifically, the Commission has issued an order permitting entry of the subject apparatus under bond pursuant to section 337(e).

Copies of the Commission's Action and Order, the Commission's opinion, and all other public documents on the record of the investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1402 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-140 through 144 (Preliminary)]

Cold-Formed Alloy Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-140 through 144 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, the United Kingdom, and West Germany of cold-formed alloy steel bar, provided for in item 606.9900 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0305.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 139 (Preliminary) and antidumping investigations Nos. 731-TA-53 thrugh 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1394 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-134 through 139 (Preliminary)]

Cold-Formed Carbon Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-134 through 139 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with

material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, the United Kingdom, and West Germany of cold-formed carbon steel bar, provided for in items 606.8805 and 606.8815 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 133 and 140 through 144 (Preliminary) and antidumping investigations Nos. 731–TA–53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–1395 Filed 1–19–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–102 through 109 (Preliminary) and Investigations Nos. 731–TA–68 through 74 (Preliminary)]

Cold-Rolled Carbon Steel Sheet and Strip

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–102 through 109 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of cold-rolled carbon steel sheet, provided for in items 607.8320 and 607.8344 of the Tariff Schedules of the United States Annotated (1982) (TSUSA), upon which bounties or grants are alleged to be paid. The Commission also gives notice of the investigation of imports of cold-rolled carbon steel strip, provided for in TSUSA items 608.1940, 608.2140, and 608.2340, from all of these countries except Brazil (investigation No. 701–TA–103 (Preliminary).

The Commission also gives notice of the institution of investigations Nos. 731–TA–68 through 74 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of cold-rolled carbon steel sheet and strip, provided for in items 607.8320, 607.8344, 608.1940, 608.2140, and 608.2340 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William Schechter, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0300.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission

Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 101 and 110 through 144 (Preliminary) and antidumping investigations Nos. 731–TA–53 through 67 and 75 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1390 Filed 1-18-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701–TA–110 through 116 (Preliminary) and Investigations Nos. 731–TA–75 through 81 (Preliminary)

Galvanized Carbon Steel Sheet

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connecton with the investigatons.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–110 through 116 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of galvanized carbon steel sheet, provided for in items 608.0730 and 608.1300 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731–TA–75 through 81 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of galvanized carbon steel sheet, provided for in items 608.0730 and 608.1300 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William Schechter, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0300.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by Februarty 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigatons will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 109 and 117 through 144 (Priliminary) and antidumping investigations Nos. 731–TA–53 through 74 and 82 through 86 (Preliminary).

For further information concerning the conduct of the investigatons and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1387 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701–TA–130 through 133 (Preliminary)]

Hot-Rolled Alloy Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–130 through 133 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France, Italy, the United Kingdom, and West Germany of hot-rolled alloy steel bar, provided for in item 608.9700 of the Tariff Schedules of

the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0305.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 129 and 134 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to section 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1398 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-125 through 129 (Preliminary)]

Hot-Rolled Carbon Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-125 through 129 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, the United Kingdom, and West Germany of hot-rolled carbon steel bar, provided for in items 606.8310, 606.8330, and 606.8350 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 124 and 130 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1399 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-86 Through 93 (Preliminary) and Investigations Nos. 731-TA-53 Through 60 (Preliminary)]

Hot-Rolled Carbon Steel Plate

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-86 through 93 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-53 through 60 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, Romania, the United Kingdom, and West Germany of hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-94 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-61 through 86 (Preliminary).

Record.—The records of Commission investigations Nos. 701-TA-83 (Preliminary), Hot-Rolled Carbon Steel Plate from Belgium, 701-TA-84 (Preliminary), Hot-Rolled Carbon Steel Plate from Brazil, and 731-TA-51 (Preliminary), Hot-Rolled Carbon Steel Plate from Romania will be incorporated in the records of investigations Nos. 701-TA-86 through 93 (Preliminary) and investigations Nos. 731-TA-53 through 60 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1400 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-94 Through 101 (Preliminary), 731-TA-61 Through 67 (Preliminary)]

Hot-Rolled Carbon Steel Sheet and Strip

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-94 through 101 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kindom, and West Germany of hot-rolled carbon steel sheet, provided for in items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 of the Tariff Schedules of the United States Annotated (1982) (TSUSA), upon which bounties or grants are alleged to be paid. The Commission also gives notice of the investigation of imports of hot-rolled carbon steel strip, provided for in TSUSA items 608.1920, 608.2120, and 608.2320, from all of these countries except Brazil (investigation No. 701-TA-95 (Preliminary)).

The Commission also gives notice of the institution of investigations Nos. 731-TA-61 through 67 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the

United Kingdom, and West Germany of hot-rolled carbon steel sheet and strip, provided for in items 607.6610, 607.6700, 607.8320, 607.8342, 607.9400, 608.1920, 608.2120, and 608.2320 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, U.S. International Trade Commission; telephone 202–523–1369.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 93 and 102 through 144 (Preliminary) and antidumping investigations Nos. 731–TA–53 through 60 and 68 through 86 (Preliminary).

Record.—The record of Commission investigation No. 701–TA–85 (Preliminary), Hot-Rolled Carbon Steel Sheet from France will be incorporated in the records of investigations Nos. 701–TA–94 through 101 (Preliminary) and investigations Nos. 731–TA–61 through 67 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and procedure (19 CFR 207.12).

Issued: January 15, 1982.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–1401 Filed 1–19–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 22–45]

Sugar; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether sugars, sirups, and molasses, derived from sugar cane or sugar beets, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS), are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program for sugar cane and sugar beets of the U.S. Department of Agriculture.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. T. Vernon Greer, 202–724–0074.

SUPPLEMENTARY INFORMATION:

Background: The investigation (No. 22–45) was instituted following receipt of a letter dated December 23, 1981, from the President directing the Commission to conduct it. The letter stated that the President agreed with advice from the Secretary of Agriculture that there is reason to believe that sugars, sirups, and molasses, provided for in TSUS items 155.20 and 155.30, are being imported or are practically certain to be imported under such conditions and in such quantities as to materially interfere with the price-support program for sugar cane and sugar beets undertaken by the Department of Agriculture.

The President's letter also stated that he was that day taking emergency action under section 22(b) of the Agricultural Adjustment Act and issuing a proclamation imposing import fees on the above-mentioned sugars, sirups, and molasses, with such fees to continue in effect pending the report and recommendation of the Commission and action that he may take thereon.

Public hearing: The Commission will hold a public hearing in connection with this investigation beginning at 10:00 a.m., on Tuesday, April 6, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 18, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 204 (19 CFR Part 204) and Part 201 (19 CFR Part 201).

Prehearing procedures: A prehearing conference will be held on Monday, March 22, 1982, at 10:00 a.m., in Room 117 of the U.S. International Trade Commission Building.

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on March 31, 1982. Copies of any prehearing briefs submitted will be available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's Rules of Practice and Procedure (19 CFR 201.12(d)), statements are unnecessary if briefs are submitted. Oral presentation should, to the extent possible, be limited to issues raised in the prehearing briefs.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined in this notice.

Written submissions: In addition to or in lieu of an appearance at the hearing, interested persons may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Written statements should be addressed to the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, and must be received not later than April 14, 1982. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential must be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Issued: January 15, 1982.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1403 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Termination of Respondents

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents Jones and Henry Tool Co., Cactus State Machinery, Kabaco Tools, Inc. dba KBC Machinery, Equipment Importers Inc. dba Jet Equipment and Tool and Select Machine Tool and Supply Co.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondents Kabaco Tools, Inc. dba KBC Machinery, and Equipment Importers Inc. dba Jet Equipment and Tool based on consent order agreements, and as to respondents Jones and Henry Tool Co. and Cactus State Machinery based on settlement agreements, and as to Select Machine Tool & Supply Co. because the continued presence of that respondent is unnecessary for purposes of obtaining an appropriate resolution to the investigation.

Termination of these five respondents terminates this investigation as they are the only respondents remaining.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain surface grinding machines and literature for the promotion thereof. The complainant, Brown and Sharpe Mfg. Co., and respondents Kabaco Tools, Inc. dba KBC Machinery, and Equipment Importers Inc. dba Jet Equipment and Tool jointly moved to terminate the investigation as to aforementioned respondents on the basis of consent order agreements. The complainant and respondents Jones and Henry Tool Co. and Cactus State Machinery jointly moved to terminate the investigation as to the aforementioned respondents on the basis of written settlement agreements. Select Machine Tool & Supply Co. is being terminated from this investigation because its continued presence as a respondent is unnecessary to an appropriate resolution of the investigation.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone 202-523-0148.

Issued: January 15, 1982.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1404 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-406-7]

Unrefined Montan Wax From East Germany; Report to the President

January 13, 1982.

Determination

On the basis of information developed in the course of investigation No. TA-406-7, the Commission (Commissioner Frank dissenting) has determined, with respect to imports of unrefined montan wax from East Germany, provided for in item 494.20 of the Tariff Schedules of the United States, that market disruption does not exist with respect to an article produced by a domestic industry.

Background

This report is being furnished pursuant to section 406(a)(3) of the Trade Act of 1974 (19 U.S.C. 2436(a)(3)) and is based on an investigation conducted under section 406(a)(1) of the Trade Act. The Commission instituted the investigation on October 28, 1981, following receipt of a petition filed on October 13, 1981, by the American Lignite Products Co. (ALPCO), Ione, California.

A public hearing in this proceeding was held in the Hearing Room of the U.S. International Trade Commission Building in Washington, D.C., on December 2, 1981. All interested parties were given an opportunity to be present, to present evidence, and to be heard.

Notice of institution of the investigation and of the public hearing was given by posting copies of the notice in the Office of the Secretary to the Commission in Washington, D.C., and by publishing the notice in Federal Register of November 3, 1981 (46 FR 54659).

The information in this report was obtained from field work, questionnaires sent to the domestic producer and importer, the Commission's files, other Government agencies, testimony presented at the hearing, briefs filed by interested parties, and other sources.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun and Commissioners Paula Stern and Alfred E. Eckes

On the basis of the information developed during the course of this investigation, we determine that market disruption as defined in section 406 of the Trade Act of 1974 (Trade Act) does not exist with respect to imports of unrefined montan wax. Our determination in this case rests on an assessment of the recent and historical levels of imports of unrefined montan wax from East Germany in the U.S. market. The recent role of imports is not abnormal in the historical context. Thus, the threshold requirement for a finding of market disruption—a showing of rapidly increasing imports—has not been met in this investigation.

Section 406(a)(1) of the Trade Act directs that upon the filing of a petition the Commission "shall promptly make an investigation to determine with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry." Section 406(e)(2) defines market disruption as follows:

Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury or threat thereof, to such domestic industry.

Domestic Industry

In this case unrefined montan wax from East Germany is the imported article. The primary use for both domestic and imported unrefined montan wax in the United States is as a flow agent in the manufacture of onetime carbon paper.[1] Imports are like or directly competitive with unrefined montan wax produced in the United States by American Lignite Products Co. (Alpco). As the only domestic producer of this substance, Alpco constitutes the domestic industry.

The Question of Market Distruption

To make an affirmative determination of market disruption, the Commission first must find that imports are increasing rapidly, either absolutely or relatively. The legislative history indicates that Congress was concerned that a situation may exist where exports of a Communist country could be "directed so as to flood domestic markets within a shorter time period than could occur under free market conditions."[2] The shorter time period is not defined in the statute; however, the Senate Finance Committee Report provides some guidlines for the Commission, as to its meaning:

The increase in imports required by the market disruption criteria must have occurred during a recent period of time, as determined by the Commission, taking into account any historical trade levels which may have existed.

In the most recent time period for which data are available, January–September 1981, imports of unrefined montan wax from East Germany were 1.1 million pounds or 27 percent lower than in the corresponding period of 1980. This decline in imports during a period of steady consumption led to a 28 percent decline in the ratio of imports to consumption in the first nine months of 1981 compared with the corresponding period of 1980. Available data for 1981 show clearly that imports have not increased either absolutely or relatively.

The petitioner argues that due to the antidumping investigation which was being conducted in 1981[3] recent import figures "are likely distorted" because of "manipulation" by the importer to avoid possible dumping duties.[4] The domestic firm suggests that we look instead at 1980 figures and compare them to the prior five year average to establish a pattern of rapidly rising imports. This calculation does show that imports in 1980 were higher than the yearly average for the prior five years. The flaw in this analysis is that 1980 imports were likely influenced by a threatened dock strike and the possibility of an adverse dumping finding in early 1981. For these reasons imports and the import to consumption ratio in all likelihood were higher in late 1980 than they might otherwise have been. Without these factors, imports and the import to consumption ratio would probably have increased by less in 1980 and declined by less in 1981.

Even if we look at 1980–81 as the most recent period, imports, although increasing over 1979, still could not be said to be increasing rapidly, taking into account historical levels. An examination of official import statistics on montan wax from 1925 to the present time indicates a number of years in which imports exceeded the 1980 and 1981 levels.[5] For instance in 1974, imports were 6.7 million pounds, considerably higher than in the most recent years. Moreover, a review of the decade 1971 to 1980 shows imports averaging 5.1 million pounds in 1971–75 and only 4.3 million pounds yearly in 1976–1980, indicating a clear drop in the second half of the decade.

Historical trade levels show that not only were imports higher in the past than at present but also that there were periodic fluctuations in import levels. When viewed in the historical context, 1977-September 1980 import levels again indicate such a fluctuation. Imports increased from a decade low of 3.3. million pounds in 1977 to 5.8 million pounds in 1980, and then substantially declined in the first nine months of 1981. These data do not demonstrate rapidly increasing imports, but rather are another instance of import fluctuation.

The Senate Report on section 406 indicates that Congress was concerned about a non-market economy's ability to mobilize resources, control distribution and prices, and quickly direct exports to a targeted market. Such surges could disrupt the free market and harm domestic industries. In our opinion, imports of unrefined montan wax do not correspond to the type of situation envisioned by Congress. Exports of unrefined montan wax have been coming from the Roeblingen Region[6] to the United States since 1907 except during World Wars I and II, long before domestic production of this article began. As discussed above, imports have fluctuated markedly during this time, and there is no indication of a redirection of exports by East Germany so as to flood the United States market. In fact, only a small percentage of East German production of montan wax has been and is presently exported to the United States. Regardless of how we examine the figures, we find no evidence of "rapidly increasing imports".

Since we do not find rapidly increasing imports, a threshold test under this statute, we have not addressed the further issue of material injury to the domestic industry by rapidly increasing imports of unrefined montan wax. We note that our finding in this case is based on different legal standards[7] than the recent affirmative antidumping determination[8] under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d).[9] In the present investigation, the petitioner failed to meet the basic criterion under section 406 of showing rapidly increasing imports of unrefined montan wax. Therefore, we find that market disruption does not exist.

Views of Commissioner Eugene J. Frank

Based on the information before me in this investigation, I have concluded that imports of unrefined montan wax from East Germany *are* rapidly increasing so as to be a significant cause of material injury to the domestic montan wax industry and that market disruption therefore exists.

The term "market disruption" is defined in section 406(e) of the Trade Act of 1974. The statute in essence sets forth the following three tests or criteria and requires that all three be satisfied in

[1] Staff report pp. A–3 to A–10.

[2] Report of the Committee on Finance, U.S. Senate Report No. 93–1298 93rd Congress, 2nd session, 1974 p. 210.

[3] Unrefined montan wax from East Germany USITC Pub. No. 1103, inv. No. 731–TA–30 (Preliminary) and USITC pub. No. 1180, inv. No. 731–TA–30 (Final). The preliminary investigation was initiated on September 8, 1980.

[4] Posthearing brief submitted by Alpco p. 1.

[5] The only data available prior to 1977 are on imports. Therefore an import to consumption ratio is not available on an historic basis. Montan wax has been exported to the United States from the Roeblingen area of Germany (now in East Germany) since 1907. Domestic production of unrefined montan wax began on a commercial basis in the United States in 1947.

[6] Staff report p. A–4.

[7] For example, an affirmative determination under Section 735 of the Tariff Act of 1930 does not require a showing of rapidly increasing imports.

[8] Commissioner Eokes did not participate in the antidumping determination.

[9] Under section 735 we found that the domestic montan wax industry was being materially injured by imports of unrefined montan wax from East Germany which were being sold at less than fair value (Inv. No. 731–TA–30 (Final) USITC Pub. No. 1180, August 1981).

order for there to be a finding of market disruption—

(1) Imports of an article the product of a Communist country are increasing rapidly, either absolutely or relatively;

(2) The domestic industry producing an article like or directly competitive with the imported article is materially injured or threatened with material injury; and

(3) Such rapidly increasing imports are a significant cause of the material injury or threat thereof.

I have found that all three criteria are satisfied.

Rapidly Increasing Imports

The first criterion requires a finding that imports are "increasing rapidly, either absolutely or relatively." This requirement reflects the concern of Congress regarding the ability of communist countries, through their control of the distribution process and the price at which articles are sold, "to flood domestic markets within a shorter time period then could occur under free market conditions."[10] While Congress did not expressly define the "increasing rapidly" test, the Senate Committee on Finance stated in its report on the bill that became the Trade Act that the increase would be one that had occurred "during a recent period of time, as determined by the Commission taking into account any historical trade levels which may have existed."[11]

Data in the present case clearly show that imports have increased rapidly both absolutely and relatively in recent years. Imports in 1980–81 (1980 is the latest full year for which import data were available; data were available only for the first 9 months of 1981) were running at an annualized level of 4.8 million pounds, almost 50 percent above the 1977 level, about 35 percent above the 1978 level, and 10 percent above the 1979 level. Imports in 1980–81 were running at an annualized level of about 30 percent above the average 1977–79 level.[12] The ratio of imports to U.S. consumption in 1980–81 was significantly higher than the 1977–79 ratio, and imports exceeded domestic production by a considerable extent in five of the most recent seven calendar quarters (January 1980–September 1981), especially in the last quarter of 1980.[13]

The importer of the East German wax suggested that the Commission should consider only imports in the first 9 months of 1981 as constituting the appropriate "recent" imports and to conclude that imports are not increasing rapidly because average quarterly imports were higher in 1980.[14] To do so would too narrowly focus our inquiry and would be akin to reviewing the situation with blinders on. Exogenous factors, such as the date of arrival of a ship or the threat of a dock strike, can distort the statistics for one or several quarters. Counsel for the importer in fact conceded that the threat of a dock strike as well as the prospect of retroactive application of possible dumping duties caused imports to increase in the last quarter of 1980.[15]

While it is true that import levels in the first 3 quarters of 1981 averaged below import levels in the 4 quarters of 1980, it is also true that imports in the fourth quarter of 1980 exceeded 50 percent of total 1977 imports and were almost 50 percent of 1978 imports, and that imports in the second quarter of 1981 exceeded import levels for 3 of the 4 quarters of 1979. Some of this increase in late 1980 went into importer inventories, which at the close of 1980 were about twice the year-end 1979 level. However, importer inventories declined to almost the year-end 1979 level by September 30, 1981, indicating a substantial reduction in inventory levels.[16] One must therefore examine imports over more than just a few quarters in order to factor out aberrations. Having done this in the present case, it is clear that imports are rapidly increasing.[17]

Material Injury

The second criterion requires a finding that the domestic industry is materially injured or is threatened with material injury. The criterion is expressed in the disjunctive, and the test is satisfied if either material injury or the threat of such injury is found to exist. The term "material injury, or threat thereof," is not expressly defined in the statute, but the legislative history of section 406 indicates that the term is intended to represent "a lesser degree of injury" than the term "serious injury" employed in the import relief provisions of section 201 of the Trade Act.[18] Further, the legislative history makes clear that the section 406 concept is formulated along lines similar to the section 201 criteria,[19] indicating that the Commission should consider economic factors such as capacity utilization, profits, and employment levels used in section 201 determinations.

The facts in the present case show that the U.S. producer of unrefined montan wax is materially injured. Alpco's utilization of capacity declined substantially between 1977–79 and 1980–81. Shipments delined during the period, reflecting the decline in capacity utilization levels.[20] Employment in the industry likewise declined significantly from 1978 to 1981.[21]

Alpco's ratio of net profit (before taxes) to net sales, which was satisfactory in the accounting years ending May 31, 1978, May 31, 1979, and May 31, 1980, respectively, was a negative ratio, i.e., a loss, in the accounting year ending May 31, 1981. Balance sheet data also reflect the deteriorated condition of the domestic producer as a result of the declines in shipments and profits, notwithstanding its expansion program, as well as the effects increased imports have had on prices, including pricing distortions likely manifesting at a minimum suppressive effects, adversely impacting the only domestic producer.[22]

Significant Cause of Material Injury

The third criterion requires a finding that the rapidly increasing imports are a significant cause of the material injury, or threat thereof, to the domestic industry. As in the case of the "material injury" test, the "significant cause" test is formulated along lines similar to the "substantial cause" test of section 201, and "significant cause" is intended to be an "easier" standard to satisfy than that of "substantial cause."[23] As in a section 201 determination, it is appropriate to consider the relationship between the increase in imports and the injury found to exist.

---

[10] Trade Reform Act of 1974: Report of the Committee on Finance * * *, S. Rept. No. 93–1298 (93rd Cong. 2d sess.), 1974, p. 210.

[11] Id., p. 212.

[12] Report, p. A–15.

[13] The year 1977 was the earliest year for which data on production, consumption, and domestic shipments were obtained by Commission questionnaires. The discussion here focuses on generalized trends in view of the confidentiality of certain data from the sole domestic producer.

[14] Strohmeyer & Arpe Co. posthearing brief, p. 4.

[15] Hearing transcript, pp. 105, 129.

[16] Report, p. A–30.

[17] If any imports should be discounted in determining whether imports are increasing rapidly, it should be 1981 imports, not 1980 imports as the importer suggests in view of what I feel to be atypical trade levels occurring in the 9-month period for which information was available. Proceeding on this basis and taking the 1976–79 period as historically representative of imports which I have done in this case as set forth in my section on remedy, imports in the 1980 recent period registered a 47 percent increase over the average annual levels for the years 1976–79. Examining import trends in such manner coupled with the previous trends cited in my opinion makes it clear that imports are rapidly increasing.

[18] Senate Finance Report, p. 212.

[19] Id.

[20] Report, p. A–19.

[21] Report, p. A–25.

[22] Report, p. A–30. This was the earliest year for which domestic and importer selling prices were obtained by Commission questionnaires.

[23] Senate Finance Report, p. 212.

In the present case, there is a direct relationship between the rapid increase in imports in 1980–81 and the decline in capacity utilization, employment, shipments, and profits of the U.S. producer. Imports were highest in both absolute and relative terms at the time domestic shipments, employment, capacity utilization, financial position, and profits were declining. Furthermore, during the 1980 period, which is clearly reflective of market disruption, the importer's margins of underselling reached their highest levels on a quarterly basis since January 1978.[34]

Considerable attention was devoted by both the domestic producer and importer to certain alleged operating cost advantages which the East German producer has over Alpco. I believe that the Commission's views expressed in investigation No. 731–TA–30 (Final) issued September 4, 1981, Unrefined Montan Wax from East Germany, adequately explain why the importer's contentions in this respect are not persuasive. In this respect, it should also be noted that Alpco is currently working with the State of California to develop a cogeneration capability which should significantly improve its operating efficiencies if capacity utilization returns to reasonable levels. Furthermore, any cost comparisons on a BTU equivalent basis between Alpco and the East German producer should take into consideration ground reclamation cost inputs and lignite process by-product utilization (as a credit), among other things, in ascertaining the true costs incurred in producing unrefined montan wax. From the information developed in this investigation in this respect, I am not persuaded that there is adequate support for the importer's contention, stated repeatedly, that the East German producer enjoys a true comparative operating cost advantage which the domestic producer cannot even approach. I would observe, additionally, that further scrutiny of transportation cost inputs from the East German producer to importer's ports of entry along with the domestic transportation cost differential data that was requested in the questionnaires sent to the importer and domestic producer (and absorbed by the end-user) might have been helpful in ascertaining the true constructed cost differentials between the East German products and domestic products.

Remedy

Since the Commission majority has made a negative determination, there will not be a Commission remedy recommendation to the President. However, had the Commission determination been in the affirmative, I would have recommended that the President impose a 3-year quota of 3.9 million pounds per year[35] on imports of unrefined montan wax from East Germany, with such restrictions to be in effect during the period January 1, 1982–December 31, 1984, and with such quotas to be upwardly adjusted by 3 percent in each of the second and third years provided that U.S. consumption of unrefined montan wax had increased by 5 percent or more in the preceding calendar year. The "recent" period "representative" of imports for the purpose of establishing such a quota would be 1976–79.

I would not have supported a recommendation for the imposition of a tariff since it would not have provided an adequate remedy in this case, and its effect would have been most likely absorbed by the consumer public unnecessarily. I would not have recommended adjustment assistance in this case because I do not believe that this kind of assistance should be a remedy in a section 406 case.

Other Considerations

The domestic producer's posthearing statement included a letter dated October 8, 1980, from Assistant Secretary of the Army for Research, Development and Acquisition Percy A. Pierre to Congressman Norman D. Shumway.[36]

In that letter, Assistant Secretary Pierre states that Honeywell, Inc., responsible for developing ammunition production capability for the German 120MM tank gun system which the U.S. Army has a license agreement with the West German Government to adapt and produce in the United States, has expressed an interest in the domestic producer's potential ability to satisfy future requirements of montan wax. The foreign specification, according to this letter, includes the use of montan wax as a desensitizer of the main charge.

In this regard, the report of the Senate Finance Committee on the bill which became the Trade Act of 1974 states the following with respect to section 406:

> The Committee is also particularly concerned that the U.S. could become dependent upon Communist countries for vital raw materials such as oil, gas, nickel, chromium, manganese and others. If traditional, dependable suppliers of such materials, whether they are domestic or foreign, are suddenly forced out of business by substantial imports of such materials from Communist countries, it could result in market disruption, or the threat thereof, for the domestic industry either producing or utilizing such articles * * * The Committee expects the Commission and the President to monitor carefully import trends and to view each case with the goal of preventing imprudent dependence on a nonmarket economy for a vital material.[37]

Issued: January 15, 1982.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1466 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

---

[34] Report, p. A–39.

[35] This level is equal to average annual imports for the period 1976–79, which period I have determined to be the recent representative period in this investigation within the meaning of section 203(d)(2) of the Trade Act.

[36] Posthearing statement dated Dec. 7, 1981. Exhibit A.

[37] Senate Finance Report, pp. 210–11. Although this consideration was not a significant relevant factor of those factors upon which I based my determination in this investigation, I believe the legislative intent stated here in this respect is explicit. Therefore, I feel it is appropriate to cite this for the President's consideration at this time.

[Investigation No. 104–TAA–6]

Barley From France

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: The Commission is hereby instituting an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note) to determine whether an industry in the United States would be materially injured, threatened with material injury, or whether the establishment of an industry in the United States would be materially retarded, by reason of imports of barley from France if countervailing duties provided by T.D. 71–117 were to be revoked.

The Commission does not plan to hold a public hearing or to solicit information by questionnaire. Requests for a hearing or for the issuance of questionnaires will be considered by the Commission.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0439).

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1971 in T.D. 71–117, the Department of the Treasury (Treasury) imposed countervailing duties, under section 303 of the Tariff Act of 1930, on

barley imported from France. Imports of barley from France, currently provided for under items 130.08 and 130.11 of the Tariff Schedules of the United States are presently subject to countervailing duties of $0.04 per bushel in those months when the world market price for barley is lower than the European Communities "threshold" price.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144) became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the Department of Commerce (Commerce).

On March 28, 1980, the U.S. International Trade Commission received a request from the Delegation of the Commission of the European Communities for an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 (the Act), with respect to barley from France. In accordance with section 104(b)(3) of the Act, the Commission notified the Department of Commerce of its receipt of the request for this investigation. On May 13, 1980, Commerce published a notice in the **Federal Register** (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has now conducted its first annual administrative review of the countervailing duty order on barley from France. As a result, on October 27, 1981, Commerce published in the **Federal Register** its preliminary determination that the net subsidy conferred was $0.04 per bushel in those months in which the world market price for barley fell below the European Communities "threshold" price (46 FR 52406). Of the 18-month period, January 1, 1980 through June 30, 1981, studied in the Commerce review, restitution payments occurred only during the months of May and June 1981. On the basis of that preliminary determination, the U.S. International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of barley from France provided for under items 130.08 and 130.11 of the Tariff Schedules of the United States covered by the countervailing duty if the order were to be revoked.

Public Hearing

Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be received by the Commission on or before February 3, 1982. Such request should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

Questionnaires

No questionnaires soliciting information from U.S. producers, importers, or purchasers of the articles under investigation will be prepared or mailed unless an interested party, as defined in section 771(a) of the Tariff Act of 1930 (19 U.S.C. 1677(a)) requests that the Commission prepare and mail such questionnaires and the Commission approves the request. Any such request must be received by the Commission on or before February 3, 1982. Such requests should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street N.W., Washington, D.C. 20436.

Written Submissions

Any person may submit to the Commission on or before February 10, 1982, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure. 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure 19 CFR 201.6.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and part 201, subarts A through E 19 CFR 201.

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure, 19 CFR 207.20.

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–1382 Filed 1–19–82; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Attorney General

City of Hamilton, Ohio v. Gardebring, et al. and United States of America; Notice of Consent Decree in Action To Require Compliance With Requirements of Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 7, 1981, a proposed consent decree in *City of Hamilton, Ohio* v. *Gardebring, et al. and United States of America*, Civil Action No. C–1–79–552, was lodged with the United States District Court for the Southern District of Ohio. The decree requires the City of Hamilton, Ohio to achieve compliance with the sulfur dioxide New Source Performance Standard, promulgated pursuant to Section 111 of the Clean Air Act, 42 U.S.C. 7411, and codified at 40 CFR 60.43(a)(2), by May 15, 1982, demonstrate compliance with said standard by means of a stack test in conformance with 40 CFR 60.8, 60.46 and Reference Method 6 by July 15, 1982, continuously maintain compliance with said standard, and submit sulfur dioxide continuous emission monitoring reports. The decree was signed by the Honorable Carl B. Rubin on December 9, 1981.

The consent decree may be examined at (1) the office of the United States Attorney, Southern District of Ohio, 220 U.S. Post Office & Courthouse, 5th & Walnut Sts., Cincinnati, Ohio 45202, (2) the office of the Environmental Protection Agency, Region V, Air Enforcement Branch, 230 S. Dearborn St., Chicago, Illinois 60604, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1254, Ninth St. and Pennsylvania Ave. NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. There is a copying charge of $1.30, based on a per page charge of $0.10 for 13 pages, and a check for this amount must be enclosed with the request for a copy. The Department of Justice will receive comments relating to the consent decree through February 19, 1982. Comments

should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *City of Hamilton, Ohio* v. *Gardebring, et al. and United States of America,* DOJ Reference #90–5–2–1–95.

Carol E. Dinkins,

Assistant Attorney General, Land & Natural Resources.

[FR Doc. 82–1274 Filed 1–19–82; 8:45 am]

BILLING CODE 4410–01–M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Collective Ratemaking; Public Hearing

Date: January 29, 1982
Place: Moot Court Room (1st Floor), C. Blake McDowell Law Center, University of Akron, 302 East Buchtel Avenue, Akron, Ohio 44325
Time: 9:00 a.m.
Purpose: To receive testimony from various parties on collective ratemaking

The Motor Carrier Act of 1980, Public Law 96–296, directs the Motor Carrier Ratemaking Study Commission (Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

The Commission, through its Hearings Committee, calls for this regional hearing for the purpose of receiving testimony from representatives of key communities of interest which shall focus on the collective ratemaking process as it relates to the general freight sector.

Anyone who is interested in submitting written testimony for the record of the Commission may do so by sending same to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking Study Commission, 214 Massachusetts Avenue, NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT:
Name: J. Kent Jarrell
Title: General Counsel
Phone No. (202) 724–9600.

Submitted this, the 15th day of January 1982.

Larry F. Darby,

Executive Director.

[FR Doc. 82–1309 Filed 1–19–82; 8:45 am]

BILLING CODE 6820–SD–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463) as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 4, 5, 1982 (8:30 a.m. to 5:00 p.m.).

Place: Conference Room 338, National Science Foundation; 1800 G Street NW.; Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, D.C. 20550, Telephone 202/357–7975.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82–1278 Filed 1–19–82; 8:45 am]

BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Technology; Subcommittee on Minorities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463) the National Science Foundation announces the following meeting:

Name: Subcommittee on Minorities in Science & Technology.

Place: Rm. 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date: Thursday and Friday, February 4 and 5, 1982.

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street NW., Washington, D.C. 20550. Telephone: 202/357–9571.

Purpose of subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for minorities in science and technology, and the impact of science and technology on minorities.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase participation of minorities in Foundation programs, on research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to minority appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82–1279 Filed 1–19–82; 8:45 am]

BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Technology; Subcommittee on Women in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the National Science Foundation announces the following meeting:

Name: Subcommittee on Women in Science & Technology.

Place: Rm. 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date: Thursday and Friday, February 4 and 5, 1982.

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street NW., Washington, D.C. 202/357–9571.

Purpose of subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for women in science and technology, and the impact of science and technology on women.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase prticipation of women in Foundation programs and research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to women appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82–1227 Filed 1–19–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published December 22, 1981 (46 FR 62206). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the February 1982 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Advanced Reactors,* January 21 and 22, 1982, Argonne, IL. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and will continue its preparation of a report to submit to the full Committee. Notice of this meeting was published December 28.

**Fluid Dynamics,* January 22, 1982, Los Angeles, CA. The Subcommittee will continue to review the Mark III containment modifications and discuss the status of Unresolved Safety Issues (USI) on Mark I and II containments. Notice of this meeting was published December 28.

**Joint Electrical Systems and Emergency Core Cooling Systems,* January 23, 1982, Los Angeles, CA—Cancelled.

**Extreme External Phenomena,* January 28 and 29, 1982, Reston, VA. The Subcommittee will review the status of NRC's research program on geology and seismology and the status of research being performed outside of the NRC programs. The discussions are intended to examine the uncertainties associated with the determination of a design basis earthquake for a nuclear power plant at a site in the Eastern United States. The agenda for the meeting will be structured to encourage open discussion on this issue from the audience.

**Clinch River Breeder Reactor,* February 2 and 3, 1982, Washington, DC. The Subcommittee will discuss with the NRC Staff and the applicant, Project Management Corporation, the Clinch River Breeder Reactor project status including matters concerning licensing, siting and schedules.

**Nuclear Safety Research Program,* February 3, 1982, Washington, DC. The Subcommittee will discuss the proposed NRC long range research plan for FY 1984 through FY 1988.

**Safety Philosophy Technology and Criteria/Class 9 Accidents,* February 3, 1982, Washington, DC. The Subcommittees will discuss the proposed NRC statement: Licensing Policy for New Power Plant Construction Permit Applications, and other issues related to the severe accident rulemaking and the proposed NRC safety goals. Notice of this meeting was published December 22.

**Qualification Program for Safety Related Equipment,* February 10, 1982, Washington, DC. The Subcommittee will review the NRC Equipment Qualification Program Plan as outlined in SECY–81–504. Notice of this meeting was published December 22.

**Reactor Radiological Effects,* February 11, 1982, Washington, DC. The Subcommittee will discuss the source of and means to reduce the occupational radiation exposure at BWR facilities. Notice of this meeting was published December 22.

**Metal Components and Waste Management,* February 12, 1982, Washington DC. The Subcommittees will review the contractor technical capability and objectives of the requests for proposals on long-term performance of materials used for high-level radioactive waste packaging. Notice of this meeting was published December 22.

**Zimmer Nuclear Power Station,* February 18, 1982, Cincinnati, OH. The Subcommittee will review the safety significance of quality assurance problems associated with plant construction which resulted in a $200,000 fine by NRC/Inspection and Enforcement (I&E). Notice of this meeting was published December 22.

**Watts Bar Units 1 and 2,* February 22 and 23, 1982, Knoxville, TN—Postponed.

**Byron Station Units 1 and 2,* February 24 and 25, 1982, Byron, IL. The Subcommittee will review the application of the Commonwealth Edison Company for an operating license for Units 1 and 2. Notice of this meeting was published December 22.

**Clinton Power Station Units 1 and 2,* February 25 and 26, 1982, Champagne, IL. The Subcommittee will review the application of the Illinois Power Company for an operating license for Units 1 and 2. Notice of this meeting was published December 22.

**Babcock and Wilcox,* March 3, 1982, Washington, DC—Cancelled.

**Waterford Steam Electric Station,* March 3, 1982, Washington, DC. The Subcommittee will review the Waterford organization, staffing, and training.

**Regulatory Activities,* March 3, 1982, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations. Notice of this meeting was published December 22.

**Electrical Systems and Emergency Core Cooling Systems,* Location and

*Open to public or portion open to public.

date to be determined. The Subcommittee will continue to review the NRC- and Industry-sponsored research on core water level indicator instruments and the implementation of core water level indicator installation requirements.

**Decay Heat Removal Systems*, Date to be determined, Washington, DC. The Subcommittee will review the status of the Task Action Plan A–45, "Shutdown Decay Heat Removal Requirements" and the effectiveness of PWR Decay Heat Removal Systems with the emphasis on the CESSAR System 80 standard design.

**AC/DC Power Systems Reliability*, Date to be determined, Washington, DC. The Subcommittee will review the status of the Task Action Plan A–44, "Station Blackout" and the implementation of the recommendations of NUREG–0666, "A Probabilistic Safety Analysis of DC Power Supply Requirements for Nuclear Power Plants".

**Transportation of Radioactive Materials*, Date to be determined, Washington, DC. The Subcommittee will continue the review of the adequacy of the NRC procedures for certifying packages for transporting radioactive materials.

**Human Factors*, Date to be determined, Washington, DC. The Subcommittee will review the various vendor safety parameter display system designs, and the status of plant diagnostic systems; it will also discuss ACRS concerns related to management, organization, staffing and technical resources for utilities that operate nuclear power plants and NUREG–0799, "Draft Criteria for Preparation of Emergency Operating Procedures".

**Reliability and Probabilistic Assessment*, Date to be determined, Washington, DC. The Subcommittee will review the draft Commission Policy Statement on Safety Goals.

**Clinch River Breeder Reactor and Site Suitability*, Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for the Clinch River Breeder Reactor.

**Safeguards and Security*, Date to be determined, Albuquerque, NM. The Subcommittee will discuss various design features that could be included in future nuclear power plant designs in order to make sabotage more difficult.

ACRS Full Committee Meetings

February 4–6, 1982: Items are *Tentatively* scheduled.

*A. *Quantitative Safety Goals*—Discuss proposed NRC quantitative safety goals.

*B. *Severe Accident Rulemaking*—Discuss proposed NRC statement regarding proposed policy changes with respect to the severe accident rulemaking.

*C. *Nuclear Regulatory Reform*—Discuss activities of NRC Regulatory Reform Task Force.

*D. *Meeting with NRC Commissioners*—Discuss proposed changes in NRC regulatory policies and procedures.

*E. *NRC Policy and Program Guidance*—Briefing regarding proposed NRC Policy and Program Guide for conduct of NRC activities.

*F. *ACRS Subcommittee Reports on Safety Related Matters*—Hear and discuss reports of ACRS Subcommittees on safety related matters including deficiencies in the quality assurance program at the Zimmer Nuclear Power Station.

*G. *NRC Safety Research Program Budget*—Complete ACRS report to the U.S. Congress on the proposed NRC safety research program budget for FY 1983 and discuss proposed NRC long range safety research program plan.

*H. *ACRS Activities*—Discuss anticipated ACRS future activities and miscellaneous matters related to ACRS activities.

March 4–6, 1982: Agenda to be announced.

April 1–3, 1982: Agenda to be announced.

Dated: January 15, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1355 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on the Nuclear Safety Research Program will hold a meeting on February 3, 1982, in Room 1046 at 1717 H Street, NW., Washington, D.C. the Subcommittee will discuss the proposed NRC long range research plan for FY 1984 through FY 1988.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (45 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 3, 1982—8:30 a.m.–1:00 p.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this matter.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 13, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1354 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-247 SP; 50-286 SP]

Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2), and Power Authority of the State of New York, Inc. (Indian Point, Unit No. 3); Order (Scheduling Hearings for Limited Appearances)

January 13, 1982.

Notice is hereby given that the hearing sessions for limited appearances previously scheduled for January 14, 15, and 16, 1982, have been rescheduled for one week later. The new schedule is this:

Thursday, January 21, 1982, 2 p.m. to 5 p.m.; 7 p.m. to 10 p.m. at Civic Center, Westbrook Drive, Peekskill, New York;

Friday, January 22, 1982, 2 p.m. to 5 p.m. and Saturday, January 23, 1982, 9 a.m. to 12 noon at Clarkstown Town Hall, Main Auditorium, 10 Maple Avenue, New City, New York.

It is this 13th day of January, 1982,

Ordered; that procedures for the sessions will be as previously announced in our Order of December 10, 1981.

Atomic Safety and Licensing Board.

Frederick J. Shon,

Acting Chairman, Administrative Judge.

[FR Doc. 82-1359 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275, 50-276, P-564-A]

Pacific Gas and Electric Co., (Diablo Canyon Nuclear Power Plant, Units 1 and 2; Stanislaus Nuclear Project, Unit 1); Receipt of Petition

Notice is hereby given that the Northern California Power Agency has requested pursuant to 10 CFR 2.206 that the Director of Nuclear Reactor Regulation find Pacific Gas and Electric Company in violation of certain antitrust license conditions and issue an order enforcing, through license modification if necessary, these conditions. As provided in 10 CFR 2.206(b), appropriate action will be taken on the request within a reasonable time.

Copies of Northern California Power Agency's "Petition to Enforce and Modify License Conditions" are available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. 20555, and in the local public document rooms for the Diablo Canyon plant at the California Polytechnic State University Library, Document and Maps Department, San Luis Obispo, CA 93407, and for the Stanislaus project at the Stanislaus County Free Library, 1500 I Street, Modesto, CA 95345.

Dated at Bethesda, Maryland, this 7th day of January, 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1357 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment changes the technical specifications regarding the minimum containment pressure setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment transmitted by letter dated December 11, 1981, (2) Amendment No. 47 to License No. DPR-18, including the letter to the licensee transmitting the amendment dated January 13, 1982, and (3) the Commission's related Safety Evaluation dated July 15, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-1358 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18406; File No. SR-Amex 81-24]

Self-Regulatory Organizations; Proposed Rule change by American Stock Exchange, Inc.

Proposed rule change by American Stock Exchange, Inc. relating to shareholder approval requirements for certain acquisitions and executive compensation arrangements.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Sections 711, 712, 713, 714 and 302 of the Amex Company Guide to discontinue the requirement for shareholder approval as a prerequisite for listing shares to be issued: (a) as full or partial consideration for business or assets of another company, so long as corporate affiliates do not have a material interest in the transaction; and (b) in connection with minimal executive stock compensation arrangements.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

(a) *Purpose.* The purpose of amending the rules is to update the requirements for shareholder approval. The Exchange re-examined its shareholder approval rules in light of the changes in the quality and timeliness of corporate disclosure and in the composition and standards of corporate boards of directors which taken place in the two decades since they were adopted.

An exception for the issuance of a non-Material percentage of stock pursuant to a plan for key employees was found to be reasonable in view of current executive compensation practice. This exemption is justified by the same rationale as the exemption for options to induce qualified excutives to

accept employment presently found in the rule.

The requirement for shareholder approval as a condition to listing shares to be used in acquisitions involving the issuance of 20% of outstanding common stock was found to be for more restrictive than necessary except in the case where an officer, director or principal shareholder has least a 5% interest in the company or assets to be acquired, or in the consideration to be paid, in a material acquistion transaction.

The purpose of the amendment of the rules affecting other 20% issuances of stock is to clarify the broad implied discretion and, in accordance with Exchange practice, to limit the shareholder approval requirements to material transactions involving the issuance of stock at less than market or book value or the listing of a formerly unlisted company without the safeguards inherent in the listing process.

(b) *Basis.* The Proposed amendments are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b) (5) of the Act in particular in that they are designed to protect investors and the public interest and are not designed to regulate matters not related to the purposes of Section 6(b) or the administration of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule changes will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 1, 1982.

Shirley F. Hollis.

Assistant Secretary.

[FR Doc. 82-1348 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18415; File No. SR-Amex-81-25]

Self-Regulatory Organizations, Proposed Rule Change by American Stock Exchange

In the proposed rule change by American Stock Exchange, Inc. relating to offering of 50 fixed income security options trading permits.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 7, 1982, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III blow, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to offer 50 fixed income security options trading permits ("FIPs") pursuant to an Offering Plan (the "Plan"), in connection with its proposed program to trade options on fixed income securities.[1]

The following are the salient points of the Plan:

1. 50 FIPs will be authorized; 25 will be offered in connection with the commencement of Treasury options trading. However, if this initial offering is oversubscribed, the Exchange may issue some or all of the additional permits, up to the entire 50 at that time. The remainder of the FIPs, if any, will be offered in connection with the introduction of trading in other fixed income options at the Exchange's discretion.

2. A FIP entitles the holder to execute *principal transactions only* in fixed income options, including Treasury options, CD options, and possibly others to be developed, for a fee of $10,000 per annum. The FIPs are renewable for a maximum period of three years. If not renewed, the Exchange may reissue the permits to other qualified applicants.

3. With Exchange approval, for an additional cost of $15,000, FIP holders may act as specialists in fixed income options, in addition to conducting a principal business, during the initial year of the FIP.

4. FIP holders must meet qualifications and financial requirements similar to Amex options traders and must make active use of the FIP.

5. If the offering is oversubscribed, a screening committee may be appointed to select the best qualified applicants based on demonstrated knowledge and experience in the securities and related industries, adequacy of financial resources and successful completion of a proficiency examination.

6. A FIP holder may not transfer the FIP (other than a transfer within a firm) and has no voting or equity interest in the Exchange.

7. Existing regular and options principal members will have access to the Exchange's fixed income options market in the same manner as they now have with respect to stock options, and will not be required to obtain a FIP.

---

[1] SR-Amex-81-1 (Treasury options) approved by the Commission on December 23, 1981, and SR-Amex-81-20 (options on certificates of deposit) currently awaiting approval by the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

A. Purpose

The proposed Offering is intended to attract bond market professionals and others to our fixed income options trading program. It is needed for competitive reasons, to obtain added expertise, capital and manpower to assure strong, liquid markets in the Exchange's fixed income options.

B. Basis

The proposed Offering Plan and Constitutional amendment are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Sections 6(b)(2) and 6(b)(5) in particular in that they broaden access to the Exchange's fixed income options market and improve the quality thereof.

III. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that no burden on competition will be imposed by its proposed Offering. On the contrary, the Exchange's proposal to allow bond market professionals and others access to the Exchange's fixed income options trading program will increase competition, as well as provide for a stronger, more liquid market.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed Offering.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

January 12 1982.

Shirley E. Bollis,

Assistant Secretary.

[FR Doc. 82-1346 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18409; File No. SR-CSE-81-4]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange, Inc.

In the matter of proposed rule change by the Cincinnati Stock Exchange, Inc. Relating to National Securities Trading System minimum monthly fees based on overhead costs.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1981, the Cincinnati Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends the Exchange's National Securities Trading System ("NSTS") User Fee Schedule. The NSTS User Fee Schedule is based, for the most part, on the number of shares of stock traded through NSTS by a User on a monthly basis. The proposed rule change would impose a minimum monthly fee on each NSTS User the amount of which would be dependent upon the particular equipment and communication overhead costs associated with installation and operation of NSTS terminals and printers by the NSTS User.[1] The minimum monthly fee will only be charged an NSTS User if the User's monthly trading fees do not equal or exceed the minimum monthly charge for overhead costs. In order for those brokers-dealers which become NSTS Users on or after January 1, 1982, to gain experience and familiarity with NSTS trading, no minimum monthly fee will be charged such Users during their first three months of NSTS trading.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Fees charged NSTS Users for trading through NSTS is one of the Exchange's revenue sources. The purpose of the proposed rule change is to offset in part the increased overhead costs incurred by the Exchange for the installation and operation of NSTS equipment by NSTS Users. The average annual rate of growth of expenses in recent years has been in excess of 10 percent.

The statutory basis for the proposed rule change is Section 6(b)(4) of the Securities Exchange Act of 1934 (the "Act") which explicitly permits the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its section.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NSTS Fee Schedule as amended will apply uniformly to all NSTS Users.

---

[1] The lowest minimum monthly fee is $821 which reflects the costs for one NSTS terminal and one NSTS printer.

The amount of the fee charged will be directly related to the use of NSTS by each User as measured by the User's level of trading through NSTS and the amount of equipment operated by the User to effect such trading. The fees charged reflect the NSTS trading services afforded Users by the Exchange. The Exchange does not believe that the proposed rule change will impose or create any burden on competition not necessary or appropriate to further the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1350 Filed 1–19–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18413; File No. SR–PSE–81–23]

Self-Regulatory Organizations; Proposed Rule Change by Pacific Stock Exchange Inc.

In the matter of proposed rule change by the Pacific Stock Exchange Incorporated relating to proposed amendments to the Exchange Constitution. Comments requested on or before February 10, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 21, 1981, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange proposes to amend its Constitution to revise the structure and function of certain Standing Committees and to remove unnecessary restrictions on the ability of persons to become members or to become associated with member organizations of the Exchange. The most important terms of the proposed changes to the constitution are summarized below.

Article II, Section 6

Executive Committee

The number of members on the Executive Committee would be increased from four to five. The additional member will be one of the three public governors then serving on the Board.

Article IV, Section 1

Standing Committees

The Options Floor Trading Committee, the Options Listing Committee and the Options Appointment Committee presently designated as Special Committees, will be redesignated as Standing Committees of the Exchange.

Article IV, Section 2(a)

Appointment

There will no longer be a requirement that each Standing Committee shall have a Governor as the Chairman or a member thereof.

Article IV, Section 3

Beginning February 1, 1982, and for a period not to exceed one year, the Equity Listing and Allocation Committee shall have an additional two members who shall be associated with a specialist firm but who shall not be registered as specialists with the Exchange.

Article IV, Section 8

Organization Review Committee

The Organization Review Committee will be a newly formed Standing Committee which will consider matters pertaining to the organizational structure of the Board of Governors and any Standing Committee of the Exchange, and where appropriate to make recommendations concerning the same to the Board. At least one member of this Committee will be a Public Governor.

Article IV, Sections 9, 10 and 11

These sections describe the composition and duties of the special option committees which will now be designated as Standing Committees.

Article V, Section 6

Definition of Allied Member

The definition of "allied member" will be changed to remove the requirement that persons who are employed by corporate member organizations must be holders of voting stock of their corporations in order to fall within the definition. Any employee who holds a position of principal executive officer or corporate director with a member organization, but does not own stock therein, may still be presumed to exercise control and, therefore, should fall within the definition of the term "allied member."

Article VIII, Sections 1(e) and 1(f)

Partnership Corporate Member Firms

At its meetings on September 22 and November 24, 1980, the Board approved proposals submitted by the Exchange Staff to delete the above-referenced sections in their entirety. Both sections of the Constitution referred to above discourage the development of capital on the Floor of the Exchange by

corporations and partnerships who have expressed a desire to place a nominee member on the trading floor but who are unwilling or unable to comply with the requirement that such nominees be either a voting stockholder of the member firm or a general partner of the partnership.

Article VIII, Section 5

Association With One Firm Only

The present prohibition against a person being associated with more than one member organization will be eliminated; however, a member would not be permitted to use his membership to qualify more than one member organization.

Article VIII, Section 6(a) and 6(b)

Disapproval or Discontinuance of Business Connections

These provisions, which now permit the Exchange to require members to sever business connections which may be detrimental to the Exchange, or which may result in domination of a member or member organization by a non-member, will be deleted in their entirety so as to eliminate Exchange rules not related to the purpose of the Act or the administration of the Exchange.

Article VIII, Section 6(c)

Compliance With Constitution and Rules

This section of the Constitution will be amended by deleting the word "shareholder" and substituting the words "associated person" in its place.

Article VIII, Sections 8(b) and 8(c)

Voting and Non-Voting Stock; Disposal of Stock

Each of these sections of the Exchange Constitution attempts to limit a member organization's issuance and disposal of its stock by requiring review and approval of the Exchange. These provisions were originally enacted during a period in which member organizations did not issue publicly held securities. Therefore, provisions such as those contained in Sections 8(b), and 8(c), were meaningful and could be enforced. Presently, however, it would be unrealistic to assume that the Exchange could restrict or condition the issuance of stock by a member organization whose securities are publicly traded.

Article VIII, Section 8(f)

Acts of the Corporation

This section will be amended to add the words "or associated person" after the word "directors."

Article VIII, Section 8(g)

Claims of Corporate Principals Subordinated

This section will be amended to delete words "stockholder associates and approved persons" and substitute the words "associated persons."

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for the Proposed Rule Change*

The purpose of the proposed amendments to the Pacific Stock Exchange Constitution is to revise the structure and function of certain Standing Exchange Committees, remove unnecessary restrictions on the ability of persons to become members or to become associated with member organizations of the Exchange, and to eliminate or liberalize certain restrictions on the efforts of member organizations to raise capital.

The proposed amendments to the Pacific Stock Exchange Constitution are consistent with Section 6(b), of the Securities Exchange Act of 1934, in general, and further the objectives of Section 6(b)(2), and 6(b)(3), of the Act in particular, in that they provide for registered brokers and dealers or natural persons associated with registered brokers and dealers to become members of the Exchange or to become associated with members of the Exchange and assure fair representation of members in the administration of the affairs of the Exchange.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The proposed Constitutional amendments impose no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

The full membership of the Pacific Stock Exchange will vote on the proposed constitutional amendments at the Exchange's Annual meeting scheduled for January 1982.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Pacific Stock Exchange consents to an extension of the period of time specified for Securities Exchange Commission action in Section 19(b)(2) of the Securities Exchange Act of 1934, pending approval by its membership of the proposed constitutional amendments and the filing by the Exchange of an appropriate amendment setting forth the taking of such action. Within 35 days of the date of filing of such amendment or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 12, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1353 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18407; File No. SR PHLX 81-19]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

In the matter of proposed rule change by Philadelphia Stock Exchange, Inc., relating to revised charges and fees.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 21, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), the Philadelphia Stock Exchange, Inc. ("PHLX") hereby revises, effective January 1, 1982, certain of its charges and fees as described below.

Charge or fee	Old	New
1. Transaction Value (equity and option).	$.11/$1000 1st $10,000,000 of business per month. $.09/$1000 $10,000,000-$50,000,000 of business per month. $.07/$1000 above $50,000,000 of business per month.	$.12/$1000 1st $10,000,000 of business per month. $.10/$1000 $10,000,000-$50,000,000 of business per month. $.08/$1000 above $50,000,000 of business per month.
2. Option Data Transmission.	$75 per month	$200 per month (N.Y. firms) $300 per month (Chicago firms).
3. Quotron terminal.		$100 per month per terminal $500 one installation $50 new service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the revised charges and fees is to offset in part the increased costs of supplying certain services associated with providing market place facilities for the trading of securities and regulatory operation. These services generally include manpower, automation and trade information. In this connection, the PHLX has recently moved to more costly premises and its budget for 1982 reflects substantially increased costs in providing the aforementioned services.

The basis under the Act for the revisions is Section 6(b)(4), which requires that reasonable charges and fees be allocated equitably. The revisions are consistent with this requirement because they are fair and equitable charges to members for exchange services that members and others make use of and benefit from.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1349 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18405; File No. SR PHLX 81-20]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Revised Listing Fee Schedule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1981. Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"),

proposes to revise its Listing Fee Schedule as described below:

Listing fee	Old	New
1. Stocks and warrants:		
Original listing	$5,000 per issue	$7,500 per issue
Substitute original listing	$1,000 per issue	No change.
Supplemental listing (additional shares or warrants).	$250 for less than 100,000 shares or warrants; $1,000 for 100,000 or more shares or warrants.	$500 for less than 100,000 shares or warrants; $1,250 for 100,000 or more shares or warrants
2. Bonds and similar securities:		
Original listing	$5,000 per issue	$7,500 per issue
Substitute original listing	$2,500	$3,750
3. General:		
Change in name and/or par value.	$100	No change
Annual maintenance fee (payable each January following year of listing).	$1,000 per issue; $250 for each additional issue.	$1,250 for one issue; $250 for each additional issue.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of revising the listing fee schedule is to reflect and offset the increased costs of providing necessary surveillance and other services to listed companies and to provide the funds necessary to carry out planned programs. Over the past four years since the listing fee schedule was, with the exception of the annual maintenance fee, last revised, the costs associated with maintaining the PHLX's regulatory and oversight programs and listed company liaison areas have risen dramatically due to inflationary factors and the upgrading of personnel and equipment. These costs are expected to rise again substantially in the next year.

The proposed amendments are consistent with Section 6(b) of the Act in general, and further the objectives of Section 6(b)(4) of the Act in particular, in that they provide for the equitable allocation of reasonable fees among issuers using the facilities and services of the PHLX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this proposal rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1347 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 1-82]

Treasury Notes of January 31, 1984; Series N-1984

January 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Notes of January 31, 1984, Series N-1984 (CUSIP No. 912827 MU 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated February 1, 1982, and will bear interest from that date, payable on a semiannual basis on July 31, 1982, and each subsequent 6 months on January 31, and July 31 until the principal becomes payable. They will mature January 31, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed

under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 20, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 19, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible chekcs), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations.

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, February 1, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash, in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, January 28, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-1497 Filed 1-18-82; 4:15 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

New National Cemetery, Hawaii; Intent To Prepare An Environmental Impact Statement

AGENCY: Veterans Administration.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Veterans Administration (VA) has identified a need to prepare an Environmental Impact Statement (EIS). To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, this Notice of Intent is being issued under Title 40, Code of Federal Regulations, Section 1501.7

FOR FURTHER INFORMATION CONTACT: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 389-2526.

SUPPLEMENTARY INFORMATION:

1. **Description of Proposed Action**—The VA intends to study potential sites for locating a new National Cemetery in Hawaii. The existing National Memorial Cemetery of the Pacific, Hawaii, which will close to in-ground interments in late 1982, necessitates consideration of a new cemetery. To provide for interments to the year 2030, 150 to 180 acres are required.

2. **Alternatives**—The VA investigated seventeen sites and identified two sites that best meet the desired requirements. The sites are as follows: (1) the Waiawa Military Reservation, and (2) a portion of the Waipo Peninsula. Both located on the island of Oahu. The final alternative to be discussed in the EIS will be the NO ACTION alternative.

3. **Scoping**—The VA will initiate the scoping process and conduct a public meeting(s) (date and location unscheduled at this time) for the purpose of identifying issues for consideration in the preparation of the EIS.

4. **Public and Private Participation in EIS Process**—The issues and concerns identified during the scoping process will help determine the nature and extent of the impact analysis in the EIS. Participation of individuals, public and private organizations and local, State and Federal agencies is invited. Persons wishing to participate in the scoping process should contact the VA Office of Environmental Affairs at the above address.

5. **Timing**—Tentative time limits have been set for completion of the environmental process at the following milestones:

- Complete Scoping Process—February 1982
- Availability of draft EIS—November 1982
- Availability of final EIS—February 1983
- Completion of the Record of Decision—April 1983

6. **Request for Copies of Draft EIS**—For a copy of the Draft Environmental Impact Statement, placement on the mailing list, or for other NEPA related information, please contact the Office of Environmental Affairs at the above address.

Dated: January 13, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-1317 Filed 1-18-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1, 2
Consumer Product Safety Commission	3
Equal Employment Opportunity Commission	4
Federal Deposit Insurance Corporation	5–7
Federal Home Loan Bank Board	8
Federal Maritime Commission	9
Federal Mine Safety and Health Review Commission	10
Federal Reserve System (Board of Governors)	11
Parole Commission	12, 13
Securities and Exchange Commission	14

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2 p.m., Tuesday, Wednesday, Thursday, January 26, 27, 28, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Reauthorization Discussion.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–76–82 Filed 1–18–82; 10:17 am]

BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, January 29, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–77–82 Filed 1–18–82; 10:18 am]

BILLING CODE 6351–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 1466, January 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., January 14, 1982.

CHANGES IN THE MEETING: The meeting for January 14, 1982 was cancelled. The briefing on the NEISS Report to the Senate Appropriation Committee has been rescheduled for January 20, 1982. The enforcement matter (OS #1085) has not been rescheduled.

Dated: January 18, 1982.

[S–83–82 Filed 1–18–82; 1:21 pm]

BILLING CODE 6355–01–M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 19, 1982.

PLACE: Commission conference room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the Public:

1. Freedom of Information Act Appeal No. 81–11–FOIA–052–NYDO, concerning records contained in a closed ADEA file.
2. Freedom of Information Act Appeal No. 81–11–FOIA–061–MK, concerning materials contained in an investigative file.
3. Section 624 of the Compliance Manual: Reproductive and Fetal Hazards.
4. Proposed EEOC Compliance Manual § 625, Bona Fide Occupational Qualifications.
5. Report on Commission Operations by the Acting Executive Director.

Closed to the public:

1. Litigation Authorization; GC Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

FOR MORE INFORMATION CONTACT: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

Issued: January 12, 1982.

[S–87–82 Filed 1–18–82; 3:30 pm]

BILLING CODE 6750–06–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:50 a.m. on Friday, January 15, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to (1) approve the application of The Buffalo Savings Bank, Buffalo, New York, for consent to merge, under its charter and title, with The Western New York Savings Bank, Buffalo, New York, and to establish the main office and fifteen branches of The Western New York Saving Bank as branches of the resultant bank, and (2) provide financial assistance to the resulting bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to prevent the probable failure of The Western New York Saving Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Executive Division Conference Room, Room 6020, on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: January 15, 1982.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[S–82–82 Filed 1–18–82; 12:30 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on

Monday, January 25, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish branches:

The Pendleton Banking Company, Pendleton, Oregon, for consent to merge, under its charter and with the title "First American Banking Company," with The Pendleton Interim Banking Company (In Organization), Pendleton, Oregon, United Transition Bank, Pendleton, Oregon (successor to United Savings and Loan Association), and First American Transition Bank, Hermiston, Oregon (successor to First American Savings and Loan Association), and to establish the Milton-Freewater branch of United Transition Bank and the sole office of First American Transition Bank as branches of the resultant bank.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

Orange Savings Bank, Livingston, New Jersey, for consent to transfer assets to Security Savings and Loan Association, Vineland, New Jersey, in consideration of the assumption of liabilities for the deposits made in the Vineland Branch of Orange Savings Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,009-L—State Bank of Clearing, Chicago, Illinois
Case No. 45,029-L—Northern Ohio Bank, Cleveland, Ohio
Case No. 45,066-NR—United States National Bank, San Diego, California
Case No. 45,072-SR—The Des Plaines Bank, Des Plaines, Illinois
Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania
Memorandum and Resolution re: City and County Bank of Campbell County, Jellico, Tennessee

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Report of the Director, Office of Fiscal Management, re: 1982 Administrative Budget.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 18, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-81-82 Filed 1-18-82; 12:26 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 25, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 18, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-80-82 Filed 1-18-82; 12:26 pm]

BILLING CODE 6714-01-M

8

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Monday, January 25, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Authority to Incur Debt—First Charter Financial Corporation, Beverly Hills, California
Recommendation for Designation of—Sue Ann Blessing as a Supervisory Agent—Federal Home Loan Bank of Indianapolis
Request for Extension of Time to Open a Branch Office—First Federal Savings and Loan Association, Augusta, Georgia
Application for Merger—First Federal Savings and Loan Association of Jamestown, Jamestown, North Dakota *into* Metropolitan Federal Savings and Loan Association of Fargo, Fargo, North Dakota
Merger; Increase of Accounts of an Insurable Type—Auburn Federal Savings and Loan Association, Auburn, Indiana *into* Peoples Federal Savings and Loan Association of DeKalb County, Auburn, Indiana
Application for Extension of Time to Change

Office Location—Herndon Federal Savings and Loan Association, Herndon, Virginia

[No. 6, January 18, 1982]

[S-84-82 Filed 1-18-82; 3:03 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 2232, January 14, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 20, 1982.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

1. Reduced incentive loading rates of South East Alaska Barge Lines, Inc.

Addition of the following item to the closed session:

1. Agreement No. 10422—A Space Charter Agreement among Korea Shipping Corporation, Neptune Orient Lines, Ltd., and Orient Overseas Container Lines.

[S-88-82 Filed 1-18-82; 3:45 pm]

BILLING CODE 6730-01-M

10

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 13, 1982.

TIME AND DATE: 10 a.m., Wednesday, January 20, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Homestake Mining Company, Docket Nos. CENT 79-27-M, etc. (Issues include interpretation and application of 30 CFR 57.12-82)
2. White Pine Copper Division, Copper Range Company, LAKE 79-202-M (Issues same as above)
3. Climax Molybdenum Company, Docket Nos. DENV 78-553-M, etc. (Issues same as above)

CONTACT PERSON FROM MORE INFORMATION:
Jean Ellen (202) 653-5632.

[S-85-82 Filed 1-18-82; 3:04 pm]

BILLING CODE 6820-12-M

11

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10 a.m., Monday, January 25, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Report to Congress on interagency study of credit needs of small businesses.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 15, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-75-82 Filed 1-18-82; 9:58 am]

BILLING CODE 6210-01-M

12

PAROLE COMMISSION

[0P0401]

The Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters.

TIME AND DATE: 9:30 a.m., Thursday, January 14, 1982.

PLACE: Room 432; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On January 14, 1982, the Commission determined that the above meeting be continued to 10:00 a.m. on Friday, January 15, 1982, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (301) 492-5926.

[S-76-82 Filed 1-18-82; 11:30 am]

BILLING CODE 4410-01-M

13

PAROLE COMMISSION

[2P0401]

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Tuesday, January 19, 1982.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 9 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-79-82 Filed 1-18-82; 11:30 am]

BILLING CODE 4410-01-M

14

SECURITIES AND EXCHANGE COMMISSION

DATE AND TIME: January 18, 1982, 4:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

The Commission will hold a closed meeting on Monday, January 18, 1982, at 4:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, and Longstreth voted to consider the item listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, January 18, 1982, at 4:30 p.m., will be:

Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

January 18, 1982.

[S-86-82 Filed 1-18-82; 3:30 pm]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

Vol. 47, No. 13

Wednesday, January 20, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5256
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15
2475-2766	18
2767-2854	19
2855-2976	20

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
4890	2855
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
12171 (Amended by EO 12338)	1369
12310 (Amended by EO 12339)	2475
12337	1367
12338	1369
12339	2475

5 CFR

359	2283
410	935
832	2284
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
282	532
301	1257
425	6
631	130
701	937
800	131, 2254
905	589
906	1265
907	746, 2074
910	939, 2767
944	747, 1265
1924	590
1942	590
Proposed Rules:	
102	631
360	2874
979	631
1004	2118
1006	814
1007	962, 2122
1012	814
1013	814
1033	814
1036	814
1040	814
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814
1250	1105
1865	33
1942	2774
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules	
3	1396

9 CFR

Ch. I	745
Ch. II	745
Ch. III	745
82	1109
92	591

10 CFR

2	2286
40	8
50	2286
70	8
71	596
73	600
150	8
504	749
508	749
Proposed Rules:	
Ch. XVI	1138
50	2876, 2879
317	1137
378	817
440	1299
455	2880
457	1301
500	161
501	161
503	161
710	2874
790	1302

12 CFR

Ch. VII	1371
5	132
203	750
213	755
217	9, 2857

226.....755
327.....943
563c.....2857
614.....2477
Proposed Rules:
701.....963
702.....633, 2122

13 CFR

101.....2074, 2305
107.....2859
120.....9
124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113, 2477, 2479
71.....15–18, 759, 760, 1113–1115, 2079, 2481
73.....18
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140
Proposed Rules:
Ch. I.....817
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489
73.....1146, 2488, 2490
91.....818
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609
Proposed Rules:
30.....2122
369.....2320

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079
Proposed Rules:
1.....2325
210.....2776
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20
Proposed Rules:
141.....39, 2329
271.....39, 638, 2883, 2884
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088
Proposed Rules:
10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145
Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376, 2860
Proposed Rules:
7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522
878.....2810

22 CFR

42.....2089

23 CFR

Proposed Rules:
635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147
Proposed Rules:
1.....163, 164, 988
15A.....164

27 CFR

Proposed Rules:
5.....1148
9.....1149–1153

28 CFR

2.....2312
17.....2861

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313
Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

Proposed Rules:
Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41
701.....41
716.....928, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112
Proposed Rules:
543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118
Proposed Rules:
88.....826
89.....826

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736
Proposed Rules:
674.....908
675.....908
676.....908

35 CFR

Ch. II.....745
Proposed Rules:
Ch. II.....2886

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115
123.....618, 1248, 2314
180.....619–623, 1378–1384, 2862, 2863
193.....1385
262.....1248
264.....953
265.....1254, 2316
702.....2771
762.....148, 149
Proposed Rules:
50.....2127, 2341
52.....191, 1304, 1398, 2129
58.....2127
65.....969, 2889
81.....2131
86.....972, 1306, 1642
123.....1155, 2378

180.....651–654, 2889
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385
5A–7.....2481
5A–16.....2481
5A–72.....2481

Proposed Rules:

Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

20.....2316
428.....624
3100.....2864
3110.....2864

Public Land Orders:

6100.....21
6101.....769

Proposed Rules:

Subtitle A.....2381
426.....2890
4100.....1155

44 CFR

65.....770
66.....770
67.....22
70.....771, 772

Proposed Rules:

13.....2491
205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:

69.....2131
510.....215
536.....655

47 CFR

0.....1294, 2864
2.....953, 1386
21.....953
73.....150, 1386, 2116, 2865–2871
74.....150, 953, 1392, 2864
83.....2317
97.....2872

Proposed Rules:

2.....983, 1308
15.....216, 836
73.....58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385 2890–2893
74.....983
81.....2894
83.....2894
90.....1310

48 CFR

Proposed Rules:

13.....1400
17.....1400

49 CFR

Ch. X.....613
1.....1122
830.....773
1033.....151, 152, 624, 773, 776, 2482
1056.....777
1136.....2117
1139.....2317

Proposed Rules:

1031.....1155
1039.....220
1300.....220
1310.....59

50 CFR

17.....2317
23.....1294, 2117
32.....1122–1135
611.....625, 1294, 1295
662.....629
675.....1295

Proposed Rules:

23.....1242
611.....2386
672.....2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 13 JAN 20 82 UMI

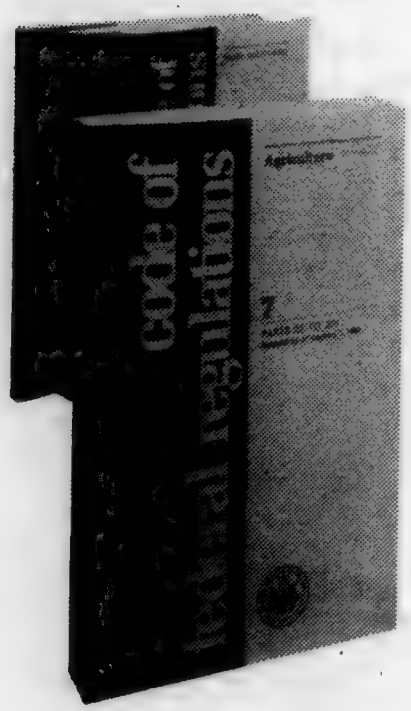

Just Released

Code of Federal Regulations

Revised as of July 1, 1981

Quantity	Volume	Price	Amount
_____	Title 41—Public Contracts and Property Management (Chapter 9)	$8.00	$ _____
_____	Title 41—Public Contracts and Property Management (Chapters 19 to 100)	8.00	_____

Total Order $_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

1-21-82
Vol. 47 No. 14
Pages 2977-3070

Federal Register

Thursday
January 21, 1982

Highlights

2977 **Solidarity Day** Presidential proclamation

3028 **Grant Programs—Education** ED proposes FY '82 funding priorities for research activities supported by National Institute of Handicapped Research.

2981 **Securities** FRS revises margin regulations for credit transactions.

3011 **Air Pollution Control** EPA proposes regulations on designation of areas for air quality planning purposes.

3068 **Air Transportation** DOT/FAA reduces by one-half the number of flight attendants required on board during intermediate stops. (Part II of the issue)

2986, 3006 **Income Tax—Members of Congress** Treasury/IRS issues temporary rule and seeks comments on deduction of travel expenses while living in Washington, D.C. area. (2 documents)

2996 **Highway Safety** DOT/NHTSA amends standard for headlamp high beam indication light.

2979 **Grain Inspection** USDA/FGIS changes methods of applying tolerances for certain equipment.

CONTINUED INSIDE

V 47 / 14 JA 21 82 UMI

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

3007 **Taxes—Statistics** Treasury/IRS proposes to amend rules on disclosures of return information for certain statistical purposes.

2981 **Peanuts** USDA/SRS removes rules for monthly reporting of quantities of peanuts and peanut oil.

3029 **Natural Gas—High Cost** DOE/EIA publishes alternative fuel price ceilings and incremental price threshold.

3035 **Privacy Act** HUD

3061 **Sunshine Act Meetings**

Separate Parts of This Issue

3068 **Part II, DOT/FAA**

Con

2977

2980

2999

3047
3047

3015
3016

3016

3016

3010

3025

3026

3027

3027

Contents

Federal Register

Vol. 47, No. 14

Thursday, January 21, 1982

The President

PROCLAMATIONS

2977 Solidarity Day (Proc. 4891)

Executive Agencies

Agricultural Marketing Service

RULES

2980 Oranges (Navel) grown in Ariz. and Calif.

PROPOSED RULES

Milk marketing orders:

2999 Tennessee Valley, etc.

Agriculture Department

See Agricultural Marketing Service; Federal Grain Inspection Service; Forest Service; Statistical Reporting Service.

Arts and Humanities, National Foundation

NOTICES

Meetings:

3047 Music Panel

3047 State Programs Panel

Civil Aeronautics Board

NOTICES

3015 Commuter fitness determinations

3016 Mail rates; temporary intra-Alaska service

Civil Rights Commission

NOTICES

Meetings, State advisory committees:

3016 Colorado

Coast Guard

PROPOSED RULES

Drawbridge operations:

3010 Oregon; hearing

Commerce Department

See also Minority Business Development Agency; National Technical Information Service.

NOTICES

Laboratory Accreditation Program, National Voluntary:

3025 Windows and doors; inquiry

Commodity Futures Trading Commission

NOTICES

Meetings:

3026 State Jurisdiction and Responsibilities Advisory Committee

Defense Department

See also Engineers Corps.

NOTICES

Meetings:

3027 Women in Services Advisory Committee

Delaware River Basin Commission

NOTICES

3027 Hearings

Education Department

NOTICES

3028 Handicapped Research National Institute; proposed funding priorities, 1982 fiscal year

Energy Department

See also Energy Information Administration; Federal Energy Regulatory Commission.

NOTICES

Meetings:

3029 National Petroleum Council

Energy Information Administration

NOTICES

3029 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

3026 Clear Lakes Hydropower study, Idaho

Environmental Protection Agency

RULES

Pesticides; tolerances in food:

2986 (±)Cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate; correction

PROPOSED RULES

3011 Air quality planning purposes; designation of areas; attainment designations by county for establishing baseline air quality data

NOTICES

Meetings:

3031 Interagency Toxic Substances Data Committee

Toxic and hazardous substances control:

3031 Premanufacture notices receipts

Federal Aviation Administration

RULES

2984, 2985 Control zones and transition areas (3 documents)

2986 Restricted areas

PROPOSED RULES

Air carriers certification and operation:

3068 Flight attendants; number required during intermediate stops

3002–3005 Transition areas (6 documents)

NOTICES

3057 Exemption petitions; summary and disposition

Meetings:

3057 Spring airline schedules

Federal Deposit Insurance Corporation

NOTICES

3061 Meetings; Sunshine Act

Federal Election Commission

NOTICES

3061 Meetings; Sunshine Act

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
3012 Minnesota; correction

Federal Energy Regulatory Commission
NOTICES
3061 Meetings; Sunshine Act

Federal Grain Inspection Service
RULES
2979 Grain inspection equipment tolerances

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
3059 Lehigh County, Pa.; intent to prepare

Federal Maritime Commission
NOTICES
Investigations and hearings, etc.:
3032 Trans-Pacific Freight Conference of Japan/Korea; authorization of minority rate initiative
3034 Western Pioneer, Inc.; tariff filing
3062 Meetings; Sunshine Act

Federal Reserve System
RULES
Credit by brokers and dealers (Regulation T), etc.:
2981 Margin rules simplification; securities credit transactions

Forest Service
NOTICES
Environmental statements; availability, etc.:
3013 Nicolet National Forest, land and resource management plan, Wisconsin
3013 Pacific Crest National Scenic Trail relocation; Cleveland National Forest, Calif.
Meetings:
3013 Black Hills National Forest Grazing Advisory Board
3013 Prescott National Forest Grazing Advisory Board

Geological Survey
NOTICES
3044 Digital cartographic and geographic data tapes; price list, etc.
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
3044 Chevron U.S.A. Inc.
3045 CNG Producing Co.
3045 SONAT Exploration Co.
3045 Texoma Production Co.

Health and Human Services Department
See National Institutes of Health.

Housing and Urban Development Department
NOTICES
3035 Privacy Act; systems of records

Interior Department
See also Geological Survey; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.
RULES
2995 Conduct standards; correction

Internal Revenue Service
RULES
Income taxes:
2986 Travel expenses of Members of Congress; temporary
PROPOSED RULES
Income taxes:
3006 Travel expenses of Members of Congress; cross reference
Procedure and administration:
3007 Disclosures of return information
NOTICES
3060 Art Advisory Panel; 1981 closed meetings; availability of report
3060 Art Print Panel; 1981 closed meetings; availability of report

International Trade Commission
NOTICES
3062 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
Motor carriers:
3047 Permanent authority applications; operating rights authority; republications
Rail carriers:
3046 Baltimore & Ohio Railroad Co.; contract tariff exemption

Land Management Bureau
NOTICES
Classification of public lands:
3036, 3042 Arizona (2 documents)
Coal leases, exploration licenses, etc.:
3040 Montana and Wyoming
3041 Utah
Environmental statements; availability, etc.:
3039 Eastside Salem, Clackamas-Molalla and Santiam Sustained Yield Units, Oreg.; draft timber management plan
3043 Frontier Pipeline Project, Anschutz Ranch Field, Uinta County, to Casper, Wyo.; scoping meetings
Exchange of public lands for private land:
3038 Utah
3041 Utah; correction
Leasing of public lands:
3043 Arizona
Meetings:
3037 Craig District Grazing Advisory Board
3039 Lewistown District Grazing Advisory Board
3039 Richfield District Multiple Use Advisory Council; cancellation
3038 Roswell District Grazing Advisory Board
3042 Susanville District Grazing Advisory Board
Protraction diagrams:
3044 Idaho
Sale of public lands:
3041, 3043 California (2 documents)
3037 Nevada
Withdrawal and reservation of lands, proposed, etc.:
3044 Oregon correction

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
3016 California
3021, 3023 Florida (3 documents)
3018, 3019 South Carolina (2 documents)

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
2996 Controls and displays; headlamp high beam actuation light color
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
3059 General Motors Corp.

National Institutes of Health
NOTICES
Meetings:
3034 Cancer National Advisory Board

National Park Service
NOTICES
Historic Places National Register; pending nominations:
3046 New York et al.; correction
Meetings:
3046 Cape Cod National Seashore Advisory Commission

National Technical Information Service
NOTICES
Patent licenses, exclusive:
3025 Stauffer Chemical Co.

National Transportation Safety Board
NOTICES
3048 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
3048 Florida Power Corp. et al.
3049 Maine Yankee Atomic Power Co.
Environmental statements; availability, etc.:
3048 Washington Public Power Supply System Nuclear Project No. 2; Benton County, Wash.
3062 Meetings; Sunshine Act (2 documents)

Panama Canal Commission
RULES
Shipping and navigation:
2991 Passage of vessels through Panama Canal; transit booking system; interim rule and request for comments, and revocation of expired interim rule

Securities and Exchange Commission
NOTICES
Hearings, etc.:
3050 Security Benefit Life Insurance Co. et al.
3053 Shearson FMA Municipal Fund
3062 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
3049 Municipal Securities Rulemaking Board (2 documents)

Small Business Administration
NOTICES
Applications, etc.:
3055 AFL Business Funding, Inc.
3054 AID America, Inc.
3056 Detroit Metropolitan Small Business Investment Co.
3055 Foothill Venture Corp.
3056 PCIB Development Corp.

Statistical Reporting Service
RULES
2981 Peanut statistics; CFR Part removed

Surface Mining Reclamation and Enforcement Office
RULES
Abandoned mine land reclamation program; plan submissions:
2989 Oklahoma
PROPOSED RULES
Abandoned mine land reclamation program; plan submissions:
3008 Indiana

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Treasury Department
See Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
3013 Black Hills National Forest Grazing Advisory Board, Spearfish, S. Dak. (open), 2–12–82
3013 Prescott National Forest Grazing Advisory Board, Prescott, Ariz. (open), 2–26–82

ARTS AND HUMANITIES, NATIONAL FOUNDATION
3047 Music Panel (Opera-Musical Theater Section), Washington, D.C. (partially open), 1–27 through 1–29–82
3047 State Programs Panel, Washington, D.C. (open), 2–11 and 2–12–82

CIVIL RIGHTS COMMISSION
3016 Colorado Advisory Committee, Denver, Colo. (open), 2–13–82

COMMODITY FUTURES TRADING COMMISSION
3026 State Jurisdiction and Responsibilities Advisory Committee, Washington, D.C. (open), 2–5–82

DEFENSE DEPARTMENT
Office of Secretary—
3027 Defense Advisory Committee on Women in the Services, Washington, D.C. (open), 2–16 and 2–17–82

DELAWARE RIVER BASIN COMMISSION

3027 Business meeting, Wilmington, Del. (open), 1–27–82

ENERGY DEPARTMENT

3029 National Petroleum Council, Committee on Environmental Conservation, Coordinating Subcommittee, Fort Lauderdale, Fla. (open), 1–26 through 1–28–82

ENVIRONMENTAL PROTECTION AGENCY

3031 Interagency Toxic Substances Data Committee, Washington, D.C. (open), 2–2–82

HEALTH AND HUMAN SERVICES DEPARTMENT

National Institutes of Health—

3034 National Cancer Advisory Board; Bethesda, Md. (partially open), 2–1 through 2–3–82; National Organ Site Programs Subcommittee, Bethesda, Md. (closed), 1–31–82; Special Actions for Grants Subcommittee, Bethesda, Md. (closed), 2–1–82; Planning and Budget Subcommittee, Bethesda, Md. (open), 2–1–82

INTERIOR DEPARTMENT

Land Management Bureau—

3037 Craig District Grazing Advisory Board, Craig, Colo. (open), 2–25–82;

3043 Frontier Pipeline Project, Wyoming, Evanston, Wyo., 2–8–82; Rock Springs, Wyo.; 2–9–82; Rawlins, Wyo., 2–10–82; Casper, Wyo., 2–11–82 (all sessions open)

3039 Lewistown District Grazing Advisory Board, Lewistown, Mont. (open), 2–11 and 2–12–82;

3038 Roswell District Grazing Advisory Board, Roswell, N. Mex. (open), 2–23–82;

3042 Susanville District Grazing Advisory Board, Susanville, Calif. (open), 2–24–82

National Park Service—

3046 Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 2–5–82

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

3057 Spring Airline Schedules, Washington, D.C. (open), 2–1–82

CANCELLED MEETING

INTERIOR DEPARTMENT

Land Management Bureau—

3039 Richfield District Multiple Use Advisory Council, Richfield, Utah; 2–2–82

HEARINGS

DELAWARE RIVER BASIN COMMISSION

3027 Wilmington, Del., 1–27–82

TRANSPORTATION DEPARTMENT

Coast Guard—

3010 Multnomah County Drawbridges, Portland, Oregon; proposed change to operating regulations; Portland, Oreg., 2–25–82

V 47 / 14 / J A 21 82 LIMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamation:
4891 2977

7 CFR
Ch. XII 2981
801 2979
907 2980
1300 2981
Proposed Rules:
1011 2999
1046 2999
1098 2999

12 CFR
207 2981
220 2981
221 2981

14 CFR
71 (3 documents) 2984, 2985
73 2986
Proposed Rules:
71 (6 documents) 3002–3005
121 3068

21 CFR
193 2986

26 CFR
1 2986
Proposed Rules:
1 3006
301 3007

30 CFR
936 2989
Proposed Rules:
914 3008

33 CFR
Proposed Rules:
117 3010

35 CFR
103 2991

40 CFR
Proposed Rules:
81 3011

43 CFR
20 2995

44 CFR
Proposed Rules:
67 3012

49 CFR
571 2996

V
4
7
/
1
4
J
A
2
1
8
2

Federal
Vol. 47,
Thursday

Title 3-

The P

Federal Register
Vol. 47, No. 14
Thursday, January 21, 1982

Presidential Documents

Title 3—

The President

Proclamation 4891 of January 20, 1982

Solidarity Day

By the President of the United States of America

A Proclamation

Solidarnosc, the Polish free trade union Solidarity Movement, was born not only of the failure of the Polish Government to meet the needs of its people but also from a tradition of freedom preserved and nourished by the proud Polish people through two centuries of foreign and domestic tyranny.

Solidarity symbolizes the battle of real workers in a so-called workers' state to sustain the fundamental human and economic rights they began to win in Gdansk in 1980—the right to work and reap the fruits of one's labor, the right to assemble, the right to strike, and the right to freedom of expression. Solidarity sought to address and to resolve Poland's deep-rooted economic ills; it acted in good faith and pursued a path of constructive dialogue with the Polish Government.

Despite these peaceful efforts on the part of Solidarity, a brutal wave of repression has descended on Poland. The imposition of martial law has stripped away all vestiges of newborn freedom. Authorities have resorted to arbitrary detentions, and the use of force, resulting in violence and loss of life; the free flow of people, ideas and information has been suppressed; the human rights clock in Poland has been turned back more than 30 years. The target of this repression is the Solidarity Movement but in attacking Solidarity its enemies attack an entire people. Ten million of Poland's thirty-six million citizens are members of Solidarity. Taken together with their families, they account for the overwhelming majority of the Polish nation. By persecuting Solidarity, the Polish military government wages war against its own people.

History shows us that stability in Europe is threatened when Poland is suppressed. The hearts and minds of free people everywhere stand in Solidarity with the people of Poland in the hour of their suffering.

We hold in high esteem the leadership and objectives of Lech Walesa, the head of Solidarity, and we express our grave concern for his present well-being. As Americans we feel a special affinity with Solidarity and the basic human values it seeks to uphold, in keeping with the long tradition of Polish-American friendship and freedom. President Wilson's advocacy of self-determination for the Polish people helped to bring about a rebirth of the Polish nation earlier in this century. America stands ready today to provide generous support and assistance to a Poland which has returned to a path of genuine internal reconciliation.

There is a spirit of Solidarity abroad in the world today that no physical force can crush. It crosses national boundaries and enters into the hearts of men and women everywhere. In factories, farms and schools, in cities and towns around the globe, we the people of the Free World stand as one with our Polish brothers and sisters. Their cause is ours.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate January 30, 1982, as Solidarity Day. I urge the people of the United States, and free peoples everywhere, to observe this day in meetings, demonstrations, rallies, worship services and all other appropriate expressions of support. We will show our Solidarity with the courageous people of Poland and call for an end to their repression, the release of all those

arbitrarily detained, the restoration of the internationally recognized rights of the Polish people, and the resumption of internal dialogue and reconciliation in keeping with fundamental human rights.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-1666
Filed 1-20-82; 11:42 am]
Billing code 3195-01-M

V 47 / 14
JA 21 82

Rule

This sect
contains
general a
of which
the Code
published
U.S.C. 15
The Code
by the S
Prices of
first FEDE
month.

DEPART

Federal

7 CFR Pa

Grain Ins
Toleranc

AGENCY:
Service,U

ACTION:

SUMMARY
Service (
rule chan
relaxing
certain m
for the fo
equipmen
sieves (ac
test weig
The Servi
certain re
inspectio
regulatio
current c
certain ki
equipmen
published
Register

EFFECTIV

FOR FURT
Lewis Le
Directive
Managem
Room 163
Independ
Washingt
447-9172.

SUPPLEME
final actio
with Exec
Secretary
has been
because t
regulation
current co
certain ki

Rules and Regulations

Federal Register
Vol. 47, No. 14
Thursday, January 21, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 801

Grain Inspection Equipment Tolerances

AGENCY: Federal Grain Inspection Service,USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is by this final rule changing certain nomenclature, relaxing tolerances, and changing certain methods of applying tolerances for the following official grain inspection equipment: Balances, barley pearlers, sieves (accuracy of perforation only), test weight apparatuses, and dividers. The Service is taking this action to relax certain requirements relating to inspection equipment and to bring the regulations more closely in line with current commercial standards for certain kinds of grain inspection equipment. An interim final rule was published in the August 11, 1981, **Federal Register** at 46 FR 40676.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management Staff, Resources Management Division, FGIS, USDA, Room 1636–A South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447–9172.

SUPPLEMENTARY INFORMATION: This final action is issued in conformance with Executive Order 12291 and Secretary's memorandum 1512–1, and has been determined to be "nonmajor" because this action will bring the regulations more closely in line with current commercial standards for certain kinds of inspection equipment, and it will impose no new requirements on the grain industry in that it clarifies certain nomenclature, relaxes tolerances, and changes certain methods of applying tolerances.

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C., 601 et seq.), because this action applies only to FGIS and to the limited number of private and State grain inspection and weighing agencies which are delegated or designated under the United States Grain Standards Act, as amended.

An interim final rule was published in the **Federal Register** of August 11, 1981, at 46 FR 40676 which invited written comments for 60 days ending October 13, 1981. The interim final rule was promulgated to relax certain requirements relating to inspection equipment and to bring the regulations more closely in line with current commercial standards for certain kinds of grain inspection equipment. Two written comments and several oral comments were received. One commentor noted several typographical errors in the text. These errors were inadvertently caused in printing. Correction of the errors was announced in the **Federal Register** of August 21, 1981, at 46 FR 42440. An analysis of the other comments and the decision regarding the specific provisions of the regulations are discussed below.

1. Section 801.2 Meaning of Terms

A comment was received concerning the definitions of "Deviation from Standard" and "Mean Deviation from Standard" that indicated that these definitions should include mention of variations between individual or average test unit results and a reference standard.

The accuracy of balances, sieves (thickness of metal and accuracy of perforation), and dividers is determined by the variation between individual or average test unit results and a reference standard. Therefore, the definitions have been written accordingly.

2. Section 801.3 Tolerances For Balances

A comment was received concerning the usage criteria for classifying balances that noted that moisture balances must weigh samples as small as 150 grams. Since all presently approved moisture balances are accurate at the 150 gram level, the usage criteria for moisture balances has been revised accordingly.

3. Section 801.7 Tolerances For Moisture Meters

Several comments were received that recommended that the manner in which tolerances for moisture meters are classified be changed. The present system of classifying tolerances by dial settings does not clearly indicate the true nature of the tolerances. The tolerances are actually applied to a range of moistures, not to specific dial settings. In order to clarify these classifications, this provision has been changed to reflect the actual ranges of moistures.

4. Section 801.8 Tolerances For Near-infrared Reflectance (NIR) Analyzers and Kjeldahl Analyses

A comment was received that suggested the tolerances established for near-infrared reflectance analyzers be changed to bring these tolerances into closer alignment with those tolerances established for Kjeldahl analyses. FGIS is presently studying the tolerances for near-infrared reflectance analyzers and will consider the suggested change as part of this study. At this time, however, sufficient data is not available on which to justify any amendment to the present tolerances.

5. Section 801.10 Tolerances For Test Weight Apparatuses

A comment was received that noted that the tolerances for both beam and weighing accuracy of test weight per bushel apparatuses should be expressed as pounds per bushel because they are actually measurements of mass, not weight. Since pounds per bushel is correct, this section has been changed to accurately reflect this.

PART 801—OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT

Accordingly, the interim final rule as published in the **Federal Register** on August 11, 1981, at 46 FR 40676 and corrected on August 21, 1981, at 46 FR 42440 is deemed to be final subject to the amendments indicated below.

1. Section 801.2 is amended by revising paragraphs (b)(4) and (b)(12) to read as follows:

§ 801.2 Meaning of Terms.

* * * * *

(b) * * *

(4) *Deviation from standard.* In testing inspection equipment for accuracy, the variation between (i) the individual test result from the equipment that is being tested and (ii) the reference standard or the individual test result from the standard (or master) equipment, as applicable.

* * * * *

(12) *Mean deviation from standard.* In testing inspection equipment for accuracy, the variation between (i) the average of the test results from the equipment that is being tested and (ii) the reference standard or the average of the test results from the standard (or master) equipment, as applicable.

* * * * *

2. Section 801.3 is revised to read as follows:

§ 801.3 Tolerances for balances.

The maintenance tolerances for balances used in performing official inspection services shall be.

Kind of balance	Tolerance [1] (gram)
(a) Precision (for weighing samples of 120 grams or less)	±0.02
(b) Moisture (for weighing moisture samples of 150–300 grams)	±0.20
(c) General (for weighing samples, other than moisture samples, of more than 120 grams)	±1.0

[1] Deviation from standard—weight.

3. Section 801.7 is revised to read as follows:

§ 801.7 Tolerances for moisture meters.

The maintenance tolerances for moisture meters used in performing official inspection services shall be:

(a) Federal Grain Inspection Service—Master/Standard meters.

Moisture range	Tolerance [1]	
	Direct comparison	Sample exchange
Low	±0.05	
Mid	±0.05	
High	±0.05	

(b) All other than FGIS Master/Standard meters.

Low	±0.15	±0.20
Mid	±0.10	±0.15
High	±0.15	±0.20

[1] Mean deviation from standard—percent moisture.

9. Section 801.10 is revised to read as follows:

§ 801.10 Tolerances for test weight apparatuses.

The maintenance tolerances for test weight per bushel apparatuses shall be:

Item	Tolerance [1]
(a) Beam accuracy	[2] ±0.10
(b) Weighing accuracy	[3] ±0.15

[1] Deviation from standard—mass.
[2] Pound per bushel at any reading.
[3] Pound per bushel (mean deviation from standard).

(Sec. 8 and 18, Pub. L. 95–582, 90 Stat. 2870 and 2884 (7 U.S.C. 79b and 87e))

Done in Washington, D.C., on: January 7, 1982

K. A. Gilles,

Administrator.

[FR Doc. 82-1477 Filed 1-20-82; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 536, Amdt. 1; Navel Orange Reg. 537]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 22-January 28, 1982, and increases the quantity of such oranges that may be so shipped during the period January 15-January 21, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 22, 1982, and the amendment is effective for the period January 15–21, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on January 19, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.837 is added as follows:

§ 907.837 Navel orange regulation 537.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 22, 1982, through January 28, 1982, are established as follows:

(1) District 1: 1,147,000 cartons;

(2) District 2: 203,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

2 Section 907.836 *Navel Orange Regulation 536* (47 FR 2074), is hereby amended to read:

§ 907.836 Navel orange regulation 536.

* * * * *

(1) District 1: 1,720,000 cartons;
(2) District 2: 130,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 20, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-1686 Filed 1-20-82; 11:41 am]

BILLING CODE 3410-02-M

Statistical Reporting Service

7 CFR Ch. XII, Part 1300

Peanut Statistics

AGENCY: Statistical Reporting Service, USDA.

ACTION: Final rule.

SUMMARY: The Statistical Reporting Service (SRS) is removing regulations for the monthly reporting of quantities of peanuts and peanut oil received, processed, shipped, and owned by or in the possession of various persons. The Agency has determined that these specific regulations are unnecessary, since the rules and procedures for the collection and publication of peanut statistics are covered under the general USDA administrative regulations for the preparation of agricultural data estimates. This action will not affect the authority of SRS for the collection and publication of peanut statistics, nor will it affect the methods and procedures by which this information is gathered. This action also does not alter the categories of persons who are required by statute to furnish monthly reports.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Donald W. Barrowman, Director, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C. 20250; Telephone (202) 447–2122.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "nonmajor" rule. The Department has determined that this rule will not have any effect on the economy; will not cause any increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William G. Lesher, Assistant Secretary for Economics, USDA, has determined that this action will not have a significant economic impact on a substantial number of small entities because it will not change any aspect of the present information collection and publication procedures for peanut statistics.

The Office of Management and Budget (OMB) has previously cleared the reporting and recordkeeping requirements for peanut statistics published by SRS in the Peanut Stocks and Processing Report. The OMB clearance number for this report is 0535–0018.

Under the act of June 24, 1936, as amended (49 Stat. 1898; 7 U.S.C. 951–957), the Secretary of Agriculture is authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, received, processed, shipped, and owned by or in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers' cooperative associations, crushers, salters, manufacturers of peanut products, and owners other than the original producers of peanuts. The act also authorizes the Secretary to make implementing rules and regulations. These rules are presently codified in 7 CFR Part 1300. In a recent review of the existing peanut statistics regulations, SRS found that they overlap and are subsumed within the general USDA administrative regulations for the preparation of agricultural data estimates (Departmental Regulation 1042–42). The Agency has determined that the most cost-effective option is to eliminate these unnecessary and redundant regulations. Since this amendment imposes no additional burden on any person, it has been determined that preliminary notice and public procedure hereon are impracticable.

CHAPTER XII—STATISTICAL REPORTING SERVICE (AGRICULTURAL STATISTICS), DEPARTMENT OF AGRICULTURE [RESERVED]

PART 1300—PEANUT STATISTICS [REMOVED]

Accordingly, 7 CFR is amended by removing Part 1300 and reserving Chapter XII.

Signed at Washington, D.C., on January 15, 1982.

John R. Block,

Secretary.

[FR Doc. 82-1448 Filed 1-20-82; 8:45 am]

BILLING CODE 3410-25-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, and 221

[Docket No. R-0362]

Securities Credit Transactions; Regulations G, T, and U; Revision and Simplification of the Margin Regulations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Comments have been received on a major revision of the Board's margin rules published in the Federal Register on June 24, 1981 and July 21, 1981 (46 FR 32592 and 46 FR 37516). Although the complete rewriting of the regulations in simplified language cannot be completed for some months, the Board has decided to amend the existing rules at this time to grant relief and flexibility in areas where the comments disclosed no substantial disagreement with the Board's proposals and the amendments can be adopted without substantial modification of the wording of the existing regulations. The Board is therefore: (1) Amending Regulation G to permit G-lenders to extend both regulated and nonregulated credit to the same borrower and to permit mixed collateral loans. These changes parallel existing rules in Regulation U. In addition, the definition of "indirectly secured" in Regulation G will be changed to provide a narrower and more explicit definition than the one in the present rule; (2) amending Regulation T to permit brokers and dealers to arrange credits that they cannot presently extend when those arrangements are part of investment banking functions; (3) amending Regulation U to exclude from quantitative limitation bank credit which is not secured by margin stock and to define the term "indirectly secured" in a more objective manner than in the present regulation. This definition will be the same as that in Regulation G; (4) removing the equity building devices in Regulations G, T and U.

EFFECTIVE DATE: February 15, 1982 except for the amendment to Regulation U to exempt from quantitative limitation bank credit which is not secured by

margin stock. The effective date of that amendment is March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–2781, or Mindy Silverman, Assistant Counsel, Federal Reserve Bank of New York, (212) 791–5032.

SUPPLEMENTARY INFORMATION:

Indirect Security in Regulations G and U

The Board is amending Regulations G and U to narrow the definition of "indirectly secured." The present definition has caused undue regulatory burden since it is premised on a subjective standard that is difficult to interpret and administer. It is expected that many of the interpretive problems that now exist under Regulation U will be mooted as the Board is also adopting its proposal to eliminate nonmargin stock from the collateral test in Regulation U. However, to further reduce the complexity of interpretation engendered by the "indirect security" concept, the Board is adopting a more objective definition under both regulations.

In response to comments that were received, two changes were made in the definition that was published for comment. First, subsection (1) was revised to refer to "value of the assets * * * as determined by any reasonable method" rather than "fair market value"; second, subsection (2) was amended to make clear that cross default provisions relating to agreements between the borrower and an unaffiliated lender would not be construed as creating indirect security.

Restrictions on Regulation G-Lenders

Lenders subject to Regulation G are currently prohibited from extending regulated loans and non-purpose loans to the same borrower if the non-purpose loan is over $5,000 and both loans are secured by the same margin securities. In addition, G-lenders are prohibited from extending purpose credit on assets other than margin equity securities concurrently with or subsequent to an extension of purpose credit secured by margin equity securities to the same borrower. The Board is amending Regulation G to permit G-lenders to extend both non-purpose and purpose credit secured by assets other than margin equity securities concurrently with the extension of regulated purpose credit. This will provide a regulatory structure comparable to that presently applicable to banks under Regulation U.

The Collateral Test in Regulation U

The Board is amending Regulation U so that only purpose loans secured by any margin stock will be subject to the margin restrictions and only loans secured by any margin stock will require the execution of a Form U–1. The Form U–1 has been changed to reflect this amendment and to reduce compliance burdens. A copy of the new form is being filed with the Office of the Federal Register as part of this document and copies of the new form will be available from the Federal Reserve Banks prior to the effective date of the amendment.

The Arranging of Credit by a Broker or Dealer in Regulation T

Section 220.7(a) of Regulation T presently restricts a broker or dealer in arranging credit. The Board is amending the section to permit investment banking services which involve the arranging of credit. In response to comments on the original proposal, the language proposed in June, 1981 has been modified to make it clear that the types of permissible investment banking services listed are illustrative only and are not intended to be the only permissible investment banking services which may be undertaken.

Equity-Building Features

The equity-building features in Regulations G, T and U serve to force investors to retire indebtedness faster than they might otherwise choose as the price of effecting reallocation of assets in their portfolios. The retention requirement is presently 70 per cent while the initial margin is 50 per cent. When a security is sold, 70 per cent of the proceeds must be retained. The 20 per cent differential is one equity-building feature. The other equity-building feature prohibits the daily netting out of all transactions in highly-leveraged accounts. Because sales and purchases on a given day cannot be netted out before the margin is computed, the margin required for accounts with less than 30 per cent equity is presently greater than for other accounts, thereby building up the customers' equity. The substance of this proposal will be put into effect by lowering the retention requirement from 70 to 50 per cent and by changing the minimum equity ratio to zero. When the three regulations are completely rewritten at a later date the needed language changes throughout the regulations will be made.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w) the Board amends Regulations G, T and U (Parts 207, 220 and 221, respectively) as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

A. Section 207.1 of Regulation G is amended by revising paragraphs (h) and (i).

Existing paragraphs (h) and (i) are removed and the following new paragraphs (h) and (i) are added:

§ 207.1 General rule.

* * * * *

(h) *Purpose and nonpurpose credit extended to the same customer.* (1) The lender shall identify all the collateral used to meet the requirements of § 207.1(c) (the entire credit being considered a single credit and collateral being similarly considered) and shall not cancel the identification of any portion thereof except in circumstances that would permit the withdrawal of that portion. Such identification may be made by any reasonable method.

(2) For any credit extended to the same customer that is not subject to § 207.1(c) the lender shall in good faith require as much collateral not so identified as would be required (if any) if the lender held neither the indebtedness subject to § 207.1(c) nor the identified collateral.

(i) *Purpose credit secured by margin securities and other collateral.* A lender may extend credit for the purpose of purchasing or carrying margin securities secured by collateral other than margin securities, and, in the case of such credit, the maximum loan value of the collateral shall be as determined by the lender in good faith.

* * * * *

B. Section 207.2 of Regulation G is amended by revising § 207.2(i) to read as follows:

§ 207.2 Definitions.

* * * * *

(i) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than 25 percent of the value of the assets subject to the arrangement, as determined by

any reasonable method, are margin securities;

(2) To a lending arrangement that permits acceleration of the maturity of the credit as a result of a default under, or the renegotiation of the terms of, another credit to the same customer by another lender that is not an affiliate* of the G-lender; or

(3) If the margin securities are held by the lender only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the lender in good faith has not relied upon such margin securities as collateral in the extension or maintenance of the particular credit.

* * * * *

§ 207.5 [Amended]

C. Section 207.5—*Supplement,* is amended by changing the existing 70 per cent retention requirement to 50 per cent in § 207.5(c) and changing the existing 30 per cent minimum equity ratio to zero per cent in § 207.5(f).

PART 220—CREDIT BY BROKERS AND DEALERS

D. Section 220.7 of Regulation T is amended by revising § 220.7(a) to read as follows:

§ 220.7 Miscellaneous provisions.

(a) *Arranging for loans by others.* A creditor may not arrange for the extension or maintenance of credit to or for any customer by any person upon terms and conditions other than those upon which the creditor may himself extend or maintain under the provisions of this Part, except that this limitation shall not apply to credit arranged for a customer which does not violate Parts 207 and 221 of this chapter and results solely from:

(1) Investment banking services, provided by the creditor to the customer, including, but not limited to underwritings, private placements, and advice and other sevices in connection with exchange offers, mergers and acquisitions, except for underwritings that involve the public distribution of an equity security with installment or other deferred payment provisions; or

(2) The sale of non-margin securities with installment or other deferred payment provisions if the sale is exempted from the registration requirements of the Securities Act of 1933 under section 4(2) or section 4(6) of the Act (15 U.S.C. 77(d) (2) and (6)).

* * * * *

*For this purpose the term "affiliate" shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with the lender.

§ 220.8 [Amended]

E. Section 220.8—*Supplement* is amended by changing the existing 70 per cent retention requirement to 50 per cent in § 220.8(e) (1), (3) and (4) and by changing the existing 70 per cent maximum loan value to 100 per cent in § 220.08(g)(1) and the existing 30 per cent margin to zero per cent margin in § 220.8(g)(2)

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

§§ 221.1, 221.3 and 221.4 [Amended]

F. Sections 221.1, 221.3 and 221.4 are amended by adding the word "margin" before the word "stock" in the following paragraphs:

Sections 221.1(a), (b) and (c); 221.3(a), (m), (p), (q), (r)(2), (s) and (t)(4); 221.4(a) and (c) of Regulation U are amended by adding the word "margin" before the word "stock" in every place that it appears.

G. Section 221.3 of Regulation U is amended by revising § 221.3(c) to read as follows:

§ 221.3 Miscellaneous Provisions.

* * * * *

(c) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin stock owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than 25 percent of the value of the assets subject to the arrangement, as determined by any reasonable method, are margin stock;

(2) To a lending arrangement that permits acceleration of the maturity of the credit as a result of a default under, or the renegotiation of the terms of, another credit to the same customer by another lender that is not an affiliate [1] of the bank; or

(3) If the margin stock is held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the bank in good faith has not relied upon such margin stock as collateral in the extension or maintenance of the particular credit.

[1] For this purpose the term "affiliate" shall mean a bank holding company of which the bank is a subsidiary within the meaning of the Bank Holding Company Act of 1956, as amended, or any other subsidiary of such bank holding company, or any other corporation, business trust, association or other similar organization which is an affiliate as defined in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a).

§ 221.4 [Amended]

H. Section 221.4—*Supplement* is amended by changing the existing 70 per cent retention requirement to 50 per cent in § 221.4(c) and changing the existing 30 per cent minimum equity ration to zero per cent in § 221.4(f).

Regulatory Flexibility Anlaysis

The Board of Governors of the Federal Reserve System has received comments on the two sets of proposed changes to its margin regulations that were published for comment in June and July of 1981. Because some of these proposed changes received overwhelmingly favorable comments from the public and can be put into effect without substantial modification in the wording of the existing Regulations, implementation of these changes need not await completion of the thorough rewrite of the Regulations.

Although the proposals selected for immediate implementation require only minimal regulatory language changes, they offer substantial regulatory relief. As discussed in the "Initial Regulatory Flexibility Analysis" of the June and July **Federal Register** notices, these changes will relax regulatory treatment of individual and business borrowers, enchance the financing capabilities of small as well as large businesses, and increase the consistency of treatment across all lenders.

By order of the Board of Governors of the Federal Reserve System, January 13, 1982.

William W. Wiles,

Secretary of the Board.

This form is required by law (15 U.S.C. 78g and 78w; 12 CFR (Part 221).

F.R. U–1, O.M.B. No. 7100–0115, Approval expires ———

Board of Governors of the Federal Reserve System

Statement of Purpose for an Extension of Credit Secured by Margin Stock

———————————

(Name of Bank)

(Federal Reserve Form U–1)

Instructions

(1) This form must be completed when a bank extends credit secured directly or indirectly, in whole or in part, by any margin stock.

(2) The term "margin stock" is defined in Regulation U (12 CFR Part 221) and includes, principally: (1) stocks that are registered on a national securities

exchange or that are on the Federal Reserve Board's List of OTC Margin Stocks; (2) debt securities (bonds) that are convertible into margin stocks; and (3) shares of mutual funds, unless 95 per cent of the assets of the fund are continuously invested in U.S. government, agency, State, or municipal obligations.

(3) Please print or type (if space is inadequate, attach separate sheet).

Part I To be Completed by Borrower(s)

(1) What is the amount of the credit being extended?

(2) Will any part of this credit be used to purchase or carry margin stock?

——— *yes* *no*

If the answer is "no," describe the specific purpose of the credit ———

I (we have read this form and certify that to the best of my (our) knowledge and belief the information given is true, accurate, and complete, and that the margin stock and any other securities collateralizing this credit are authentic, genuine, unaltered, and not stolen, forged, or counterfeit.

Signed ———
(Borrower's signature) (Date)

(Print or type name)
Signed ———
(Borrower's signature) (Date)

(Print or type name)

This form should not be signed in blank.

A borrower who falsely certifies the purpose of a credit on this form or otherwise willfully or intentionally evades the provisions of Regulation U will also violate Federal Reserve Regulation X, "Rules Governing Borrowers Who Obtain Securities Credit."

Part II To be completed by bank only if the purpose of the credit is to purchase or carry margin stock (Part I(2) answered "yes").

(1) List the margin stock securing this credit; do not include debt securities convertible into margin stock. The maximum loan value of margin stock is ——— percent of its current market value under the current Supplement to Regulation U.

No. of shares	Issue	Market price per share	Date and source of valuation (see note below)	Total market value per issue

(2) List the debt securities convertible into margin stock securing this credit. The maximum loan value of such debt securities is ——— percent of the current market value under the current Supplement to Regulation U.

Principal amount	Issue	Market price	Date and source of valuation (see note below)	Total market value per issue

(3) List other collateral including non-margin stock securing this credit.

Describe briefly	Market price	Date and source of valuation (see note below)	Good faith loan value

Note.—Bank need not complete "Date and source of valuation" if the market value was obtained from regularly published information in a journal of general circulation.

Part III To be signed by a bank officer in all instances.

I am a duly authorized officer of the bank and understand that this credit secured by margin stock may be subject to the credit restrictions of Regulation U. I have read this form and any attachments, and I have accepted the customer's statement in Part I in good faith as required by Regulation U,[2] and I certify that to the best of my knowledge and belief, all the information given is true, accurate, and complete. I also certify that if any securities that directly secure the credit are not or will not be registered in the name of the borrower or its nominee, I have or will cause to have examined the written consent of the registered owner to pledge such securities. *I further certify that any securities that have been or will be physically delivered to the bank in connection with this credit* have been or will be examined, that all validation procedures required by bank policy and the Securities Exchange Act of 1934 (section 17(f), as amended) have been or will be performed, and that I am satisfied to the best of my knowledge and belief that such securities are genuine and not stolen or forged and their faces have not been altered.

Date ———

(Title)
Signed ———
(Bank officer's signature)

(Print or type name)

This form must be retained by the bank for at least three years after the credit is extinguished.

[FR Doc. 82-1410 Filed 1-20-82; 8:45 am]
BILLING CODE 6210-01-M

[2] To accept the customer's statement in good faith, the officer of the bank must be alert to the circumstances surrounding the credit and, if in possession of any information that would cause a prudent person not to accept the statement without inquiry, must have investigated and be satisfied that the statement is truthful. Among the facts which would require such investigation are receipt of the statement through the mail or from a third party.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AEA-69]

Alteration of Control Zone and Transition Area; Calverton, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Calverton, New York, Control Zone and Transition Area for Peconic River Plant (Grumman) Airport by changing the name of the airport to Calverton Naval Weapons Industrial Reserve Plant (Peconic Field).

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982 as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Calverton, New York, Control Zone by removing, "of Peconic River Plant (Grumman) Airport," and by substituting, "of Calverton Naval Weapons Industrial Reserve Plant (Peconic Field)," therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Calverton, New York, 700-foot floor transition area by removing, "of Peconic River Plant (Grumman) Airport," and by substituting, "of Calverton Naval Weapons Industrial Reserve Plant (Peconic Field)," therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 31, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1413 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-EA-64]

Alteration of Control Zone and Transition Area: Martinsburg, West Virginia; Lehighton, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Martinsburg, W.Va., Control Zone and Transition Area, and Lehighton, Pa., Transition Area over Eastern West Virginia Regional Airport (now Eastern West Virginia Regional/ Shepherd Field Airport) and Carbon County Airport (now Jake Arner Memorial Airport), respectively. The description of both airspaces must be amended to describe the name change at both airports.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule is editorial in nature. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Martinsburg, West Virginia, Control Zone by removing "Eastern West Virginia Regional Airport," and by substituting, "Eastern West Virginia Regional Airport/ Shepherd Field Airport," therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Martinsburg, West Virginia, 700-foot floor transition area description by removing, "Eastern West Virginia Regional Airport," and by substituting, "Eastern West Virginia Regional Airport/Shepherd Field Airport," therefor.

3. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Lehighton, Pennsylvania, 700-foot floor transition area by removing, "Carbon County Airport," and by substituting, "Jake Arner Memorial Airport," therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The Federal Aviation Administration has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regualtory Flexibility Act.

Issued in Jamaica, New York, on December 31, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1416 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-59]

Alteration of Control Zone and Transition Area: Huntington, West Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Huntington, West Virginia, Control Zone and Transition Area for Tri-State Airport by deleting the present eastern extensions at the area and zone. This results from an implementation of a new ILS RWY 30 instrument procedure and cancellation of the old.

EFFECTIVE DATE: 0901 G.m.t., January 21, 1982.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule deletes controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., January 21, 1982, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Huntington, West Virginia, Control Zone by removing, ", and within 3.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 4.5 miles east of the Shoals, West Virginia, FM.".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Huntington, West Virginia, 700-foot floor transition area by removing, "within 4.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 11-mile radius area to 6 miles east of the Shoals, W. Va., FM;".

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 31, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1418 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 73

[Airspace Docket No. 81-AGL-40]

Revocation of Restricted Area, R-6905—Lake Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes Restricted Areas R-6905 A and B in the Lake Michigan area. The University of Wisconsin has completed its meteorological studies of the lower atmosphere over Lake Michigan and request that Restricted Areas R-6905 A and B be withdrawn.

This action revokes Restricted Area R-6905 A and B.

DATES: Effective Date—March 18, 1982.

Comments must be received on or before February 22, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-40, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the revocation of Restricted Areas R-6905 A and B and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental and land use aspects to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-40, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The Rule

The purpose of this amendment to § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to revoke Restricted Areas R-6905 A and B. The University of Wisconsin has completed meteorological studies of the lower atmosphere over Lake Michigan and has requested that the Restricted Area be withdrawn. This action revokes R-6905 A and B. Section 73.69 of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 829). Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to revoke Restricted Areas R-6905 A and B and return that airspace for public use. Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 829), is amended, effective 0901 G.m.t., March 18, 1982, as follows:

R-6905A Lake Michigan [Removed]
"R-6905A Title and text is removed."
R-6905B Lake Michigan [Removed]
"R-6905B Title and text is removed."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 15, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-1420 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5257/R94; PH-FRL-2022-2]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; (±) Cyano (3-Phenoxyphenyl) Methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methyl-ethyl) Benzeneacetate

Correction

In FR Doc. 82-319 appearing on page 616 in the issue of Wednesday, January 6, 1982, make the following correction:

On page 616, in § 193.99, at the top of the third column, the part per million now reading "0.02" should have read "0.2".

BILLING CODE 1505-01-M

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7802]

Travel Expenses of Members of Congress; Deductions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to deductions for Members of Congress for travel expenses in Washington, D.C. allowed without substantiation. Changes to the applicable law were made by the Black Lung Benefits Amendments of 1981. The regulations would provide Members of Congress with guidance as to the amount they may deduct without substantiation for amounts relating to travel away from home in Washington, D.C.

DATE: The regulations are effective for taxable years beginning after December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Jason R. Felton of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 Attention: CC:LR:T, (202)566–3318, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 162 allows a taxpayer a deduction for all ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business including traveling expenses while away from home. For this purpose, the residence of a Member of Congress within the District or State which he represents is to be considered his home. Therefore, most Members will be entitled to deduct all their living expenses including meals and lodging while discharging their Congressional duties in Washington, D.C. Under section 274, traveling expenses while away from home must be substantiated.

Until recently, a Member's deduction for these expenses was limited to $3,000. Section 139(a) of Pub. L. 97–51 as amended by section 133(a) of Pub. L. 97–92 eliminated this $3,000 limitation for taxable years beginning December 31, 1980. Section 113(b) of the Black Lung Benefits Revenue Act of 1981 amended subsection (f) of section 280A to require the Secretary or his delegate to prescribe amounts that would be deductible by Members of Congress in Washington, D.C. as travel expenses without substantiation.

The regulations provide that Members of Congress may deduct a designated amount for each Congressional day in the year. The designated amount is determined by reference to the maximum amount of reimbursement available to a government employee traveling in Washington, D.C. Congressional days are determined by reducing the number of days in the year by periods in which Congress is not in session for 5 or more consecutive days. The number of Congressional days may be different for the House of Representatives and the Senate.

A Member of Congress may elect to deduct the amounts prescribed by this section without substantiating such amounts. In such a case, no other deductions will be allowed for meals, lodging, or other incidental travel expenses. However, travel expenses incurred away from the Washington, D.C. area will continue to be deductible in addition to the amounts prescribed by the new regulation.

Drafting Information

The principal author of these temporary regulations is Jason R. Felton of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new Part 5e Temporary Income Tax Regulations Travel Expenses of Members of Congress is added to Title 26 of the Code of Federal Regulations. Part 5e reads as follows:

PART 5e—TEMPORARY INCOME TAX REGULATIONS, TRAVEL EXPENSES OF MEMBERS OF CONGRESS

Sec.

5e.274–8 Travel Expenses of Members of Congress.

Authority: Secs. 28CA(f) (4) (B) and 7805 Internal Revenue Code of 1954 (95 Stat. 1641, 26 U.S.C. 280A(f) (4) (B); 68A Stat. 917, 26 U.S.C. 7805).

§ 5e.274–8 Travel Expenses of Members of Congress.

(a) *In general.* Members of Congress (including any Delegate and Resident Commissioner) who are away from home within the meaning of section 162 (a), in the Washington, D.C. area, may elect in accordance with paragraph (f) of this section to deduct an amount described in paragraph (c) of this section as living expenses, without substantiation. A Member who elects under this section may not deduct any amount for the living expenses described in paragraph (b). A Member who does not make an election under this section must substantiate his expenses for living in Washington, D.C. in accordance with section 274 and § 1.274–5.

(b) *Living expenses covered.* The amount allowed to be deducted without substantiation, pursuant to this section, for costs incurred for living in the Washington, D.C. area represents amounts expended for meals, lodging, and other incidental expenses. Meals include the actual cost of the food and expenses incident to the preparation and serving thereof. Lodging includes amounts paid for rent, care of premises, utilities, insurance and depreciation of household furnishings owned by the Member. In the case of a Member who lives in a residence owned by him in the Washington, D.C. area, the cost of lodging also includes depreciation on such residence. Other incidental expenses include laundry, cleaning, and local transportation. Local transportation includes travel within a 50 mile radius of Washington, D.C., whether by private automobile, taxicab or other transportation for hire. Interest and taxes on personal property will not be considered expenses to be included within this paragraph.

(c)(1) *Amounts allowed without substantiation.* The amount that may be deducted pursuant to section 162 and these regulations is an amount equal to the product of the number of Congressional days in the taxable year, multiplied by the designated amount. The designated amount is—

(i) In the case of a Member who deducts interest and taxes attributable to the ownership of a personal residence in the Washington, D.C. area, two-thirds of the maximum amount of actual subsistence for Washington, D.C. payable pursuant to 5 U.S.C. 5707(c), or

(ii) In the case of a Member not described in paragraph (c)(1)(i), the maximum amount of actual subsistence for Washington, D.C. Payable pursuant to 5 U.S.C. 5707(c).

A Member who incurs interest and taxes on his residence in the Washington, D.C. area may forego the deduction of such amounts and use the designated amount prescribed by paragraph (c)(1)(ii).

(2) If a Member, who lives in a residence owned by him in the Washington, D.C. area, chooses to deduct amounts prescribed in paragraph (c)(1) of this section, the Member must treat as an adjustment to the basis of

such residence an amount equal to 20 percent of the maximum amount of actual subsistence multiplied by the number of Congressional days. Such adjustments will be considered a proper adjustment for exhaustion, wear, and tear under this subtitle.

(d) *Congressional days.* The number of Congressional days with respect to a Member is the number of days in the taxable year less the number of days in periods in which the Member's Congressional chamber was not in session for 5 consecutive days or more (including Saturday and Sunday). The number of days with respect to a Member is determined without regard to whether or not the Member was in the Washington, D.C. area on such days.

(e) *Other deductible amounts.* This section does not preclude the deduction of otherwise allowable expenses for travel fares (other than local travel in the Washington, D.C.), long distance telephone and telegraph, and travel expenses incurred other than in the Washington, D.C. area. However, such expenses are subject to the substantiation requirements of section 274.

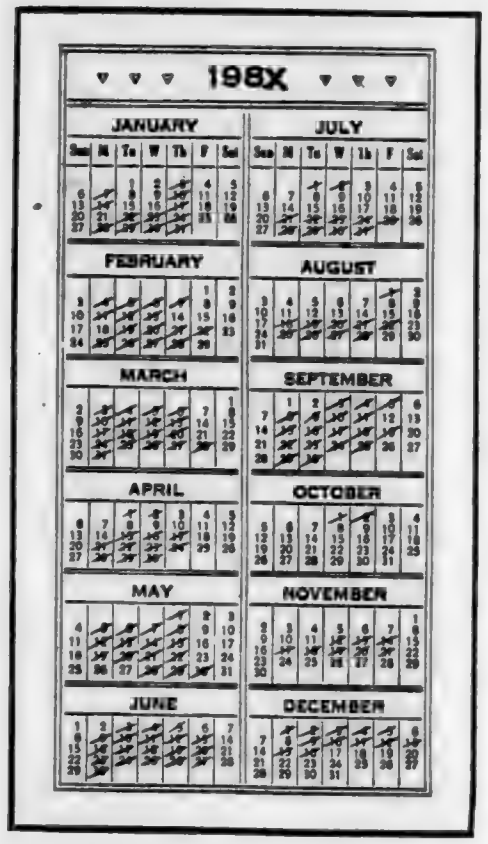

(f) *Election.* To elect to deduct the amounts prescribed by this section, a Member must attach to his return for the taxable year a statement indicating, (1) that the deduction for travel expenses while living in the Washington, D.C. area are computed pursuant to § 5e.274–8, and (2) whether a separate deduction is being taken for interest and taxes paid or incurred with respect to the personal residence of the Member if in the Washington, D.C. area.

(g) *Effective date.* This section is effective for taxable year beginning after December 31, 1980.

(h) *Examples.* The following examples are based on a calendar from a Final Edition of the Calendar of the United States, House of Representatives and History of Legislation. The marked days indicate days the House of Representatives was in session.

Example (1). In determining the number of Congressional days for 198X for which the designated amount may be computed, the number of days in such year is reduced by 125 days determined as follows:

	Days
Feb. 14–18	5
Apr. 3–14	12
May 23–27	5
July 3–20	18
Aug. 2–17	16
Aug. 29–Sept. 2	5
Oct. 3–Nov. 11	40
Nov. 22–Nov. 30	9
Dec. 17–Dec. 31	15
Total	125

Thus for 198X (a leap year) a typical Member of the House of Representatives will have 241 (366−125) Congressional days.

Example (2). On August 1, Z a calendar year taxpayer is elected to the Congress to fill the unexpired term of Member Y. In determining the number of Congressional days, Z may only consider the number of days during the year for which he was a Member of Congress. For Z the number of Congressional days is 68.

Example (3). Member X, a calendar year taxpayer, owns his own home in Washington, D.C., where he lives with his family. While in Washington, D.C., Member X is away from home within the meaning of section 162(a). X maintains no records attributable to his expenses in Washington, D.C. X has been a Member of Congress for the entire year. The maximum amount of subsistence for Washington, D.C. for 198X is $75. X may deduct for 198X $18,075 (241 days×$75) attributable to expenses while away from home in Washington, D.C. Even if X maintained records as to living expenses in Washington, D.C., X may choose to deduct $18,075 as the total amount attributable to living expenses in Washington, D.C. If X deducts $18,075 X may not deduct any interest and taxes under section 163 or 164 attributable to the residence in Washington, D.C.

Example (4). Member C, a calendar year taxpayer owns his own home in Washington, D.C., where he lives with his family. While in Washington, D.C. Member C is away from home within the meaning of section 162(a). C can establish that he paid $12,000 as interest on a mortgage and $3,000 in local real estate taxes. C has been a Member of Congress for the entire year. C may choose to deduct $12,050 (241 days×[⅔×$75]) attributable to expenses in Washington, D.C. Further, C may deduct under sections 163 and 164 $12,000 of interest and $3,000 of taxes respectively.

Example (5). Assume the same facts as in Example (4). In addition, on March 15, 16, and 17, Member C travels to New York City to deliver a speech for which he receives an honorarium which he includes in income. C receives no additional amounts for travel reimbursement. While in New York City C incurs $350 for 3 nights lodging at a hotel and $150 for meals. In addition to the amounts deductible pursuant to this section, C may deduct the $500 as a travel expenses. Such deduction is subject to the substantiation rules of section 274.

Example (6). Assume the same facts as example (5). Member C receives, in addition to the honorarium, $600 reimbursement for travel expenses. C must include the $600 in income and may deduct the travel expenses he incurred.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation to subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 280A(f)(4)(B) and 7805 of the Internal Revenue Code of 1954 (95 Stat. 1641; 26 U.S.C. 7805, 68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 13, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-1267 Filed 1-15-82; 10:48 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Approval of the Abandoned Mine Land Reclamation Plan for the State of Oklahoma Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On July 30, 1981, the State of Oklahoma submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R., 43 FR 49932–49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Oklahoma Abandoned Mine Land Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Oklahoma Plan.

DATE: This rule is effective January 21, 1982. The good cause for making this rule effective upon date of publication is: (1) the Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and Title IV State reclamation programs; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

ADDRESSES: Copies of the full text of the Oklahoma Plan are available for review during regular business hours at the following locations:

Oklahoma Conservation Commission, 10 State Capitol Building, Okahoma City, Oklahoma 73105

Office of Surface Mining Reclamation and Enforcement, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 74103

Office of Surface Mining Reclamation and Enforcement, 1100 L St., N.W., Room 5315, Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240 Telephone (202) 343–7951.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Secretary may approve the plan once the State has an approved regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 43 FR 49932–49947, October 25, 1978). Under those regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Office on an annual basis a grant application for funds to be expended in that State on specific reclamation projects. These funds are necessary to implement the State reclamation plan as approved. The annual grant requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T to 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 950. Provisions relating to Oklahoma are found in 30 CFR Part 936.

Background on the Oklahoma Abandoned Mine Plan Submission

On March 9, 1979, a cooperative agreement between the Oklahoma Conservation Commission and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the Oklahoma Abandoned Mine Land Reclamation Plan would be assembled.

On October 16, 17, and 18, 1979, the Oklahoma Conservation Commission held public meetings in Vinita, Tulsa, Muskogee, Wilburton, and Coalgate, Oklahoma to get comments on the Plan.

On July 30, 1981, the State of Oklahoma submitted its proposed Abandoned Mine Land Reclamation Plan to the Office of Surface Mining.

Notice of receipt of the submission initiating the Plan review was published October 6, 1981 (45 FR 49143–49145). The announcement requested public comments. On December 3, 1981, OSM's State Director and on December 15, 1981, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Oklahoma Reclamation Plan.

The administrative record on the Oklahoma Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement, at the Tulsa, Oklahoma address listed above in "Addresses."

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA the Assistant Secretary finds that Oklahoma has submitted a Plan for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV of SMCRA.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.13, that:

(a) The Oklahoma Conservation Commission has the legal authority, policies and administrative structure necessary to carry out the proposed

Plan. However, it is recognized that the Governor's order adopting the Oklahoma abandoned mine land regulations under his emergency powers can be rescinded by the Oklahoma legislature at its next session;

(b) The Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) The State has an approved regulatory program; and

(d) The Plan is in compliance with all applicable State and Federal laws and regulations.

3. The Assistant Secretary has solicited and considered the views of Federal agencies having an interest in the Plan as required by 30 CFR 884.14(a)(2). These agencies include: United States Corps of Engineers (COE), the U.S. Forest Service (USFS), Bureau of Land Management (BLM), and the Bureau of Mines (BOM).

Disposition of Comments

The following comments received on the Oklahoma Abandoned Mine Land Reclamation Plan during the public comment period were considered in the Assistant Secretary's evaluation of the Oklahoma Plan as indicated.

1. The BOM commented that the Plan does not appear to meet the criterion of 30 CFR 884.13(f)(1) of having "one map at a scale of 1:250,000 or larger" showing the general location of known or suspected eligible lands and water within the State which require reclamation. Oklahoma has substantially met the requirements of 30 CFR 884.13(f)(1) through its submission of maps which identify the general location of eligible lands and water which require reclamation. Since the intent of 30 CFR 884.13(f)(1) has been met, OSM does not consider that the cost of reproducing a single map is justified.

2. The COE commented that reclamation of some of the abandoned mine pits will require a discharge permit before impounded water is discharged. OSM's response is that Oklahoma has already agreed on page xviii of its Plan to comply with all State and Federal laws.

3. The COE commented that the guidelines developed by OSM (45 FR 14810–14818, March 6, 1980) should be utilized when reclaiming waste piles and retention dams. OSM's response is that these guidelines are discretionary and Oklahoma intends to use them as appropriate.

4. The BLM commented that the sociological implications of dangers to human life and property, public health and safety, and environmental improvements and beneficial uses should be specifically addressed in the Plan. OSM's response is that these sociologic implications need not be discussed specifically in the Plan. The specific sociologic implication of each proposed reclamation project will be addressed by Oklahoma during the public participation process required prior to submission of the annual reclamation grant request.

5. The BLM commented that 1980 Census data and other recent data should be used in the Plan. OSM's response is that 30 CFR 884 requires that "available data" be used. The 1980 Census was not available at the time the Oklahoma Plan was developed. Oklahoma can incorporate the most recent data in its next reclamation plan or in any future amendment to the present Plan. OSM has concluded that Oklahoma's submission on demographic characteristics satisfies the requirements of 30 CFR 884.13.

6. The BLM commented that the section on "Water quality problems associated with abandoned coal mine area" should be expanded to include interpretations of other hydrologic and climatic characteristics and how these affect the severity of problems associated with reclamation of abandoned coal mines, and that a summary section should be added. OSM's response is that the Plan does not need to be amended because the hydrologic and climatic information submitted meets the requirements of 30 CFR 884.13 and a summary is not needed.

7. The BLM commented that in the Plan's discussion of cultural resources, the State Historic Preservation Officer (SHPO) should be referred to instead of the Oklahoma Historical Society and that documentation of the consultation process with the SHPO is necessary to comply with 30 CFR Subchapter R. OSM's response is that the SHPO is part of the Oklahoma Historical Society and will be consulted. As for the process of consultation, OSM finds that the Plan's section on coordination of reclamation work with other agencies (pp. 27–29) is sufficient to accomplish consultation.

8. The BLM commented that the procedure for considering archaeologic resources discussed on page 133 will not discharge agency responsibility for archaeological resources if there is a new surface disturbance caused by any element of the project or when a partially disturbed site exists in an area already disturbed by a mine. OSM's response is that the State has agreed in its Plan to protect archeological resources through review and comment on archeological issues with the State Archeological Survey. The general procedure is sufficient to consider archeological problems as they arise.

9. The BLM commented that the Plan should include a provision to consult with a recognized person or agency to help determine the significance of any paleontologic resource and the salvage of fossils prior to or during the reclamation phase. OSM's response is that, although not specifically required in its Plan, OSM agrees that such contacts could be beneficial and has forwarded the suggestion to the State.

10. The BLM commented that there should be more specific objectives for reclamation as well as minimum standards to determine when reclamation is complete. OSM's response is that Oklahoma has agreed in its Plan to follow OSM's national guidelines on reclamation (45 FR 14810–14818, March 6, 1980) as appropriate.

11. The BLM commented that on page 25 (project selection matrix) the water quality parameter does not adequately address the hydrologic environmental considerations or problems because it is concerned with water quality as it relates to human life, health and safety alone. OSM's response is that environmental considerations and problems are included in the Plan in evaluating the impacts which a potential project has on water quality as indicated in the second column of the project selection matrix (p. 25).

12. The BLM commented that the Plan seems to indicate that Federal coal lands will be given a lower priority than State lands due to the possibility of future re-mining. OSM's response is that the project selection matrix of the Plan (p. 25) has entitled one of its parameters "Probability Project Site will be Affected by Future Mining." This parameter will be used to evaluate all projects without priority distinction as to the ownership of the land on which the AML problems are found.

13. The USFS commented that the Oklahoma Plan is unclear about funding for reclamation on Federal lands under the State Program. OSM's response is that Oklahoma has discussed Federal lands in the Plan and indicated that reclamation projects on Federal lands will be done as part of the State Program following the priorities of the SMCRA and the State Plan.

14. The USFS commented that the Plan should contain a provision that allows for the demonstration of reclamation research technology. OSM's response is that the Plan does not need to be modified because Oklahoma could undertake research and demonstration projects under Subsection 403(4) of the Surface Mining Act.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On November 12, 1981, the Office of Management and Budget granted OSM exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 all actions taken to approve State Reclamation Plans or amendments. Therefore this plan is exempt from preparing a Regulatory Impact Analysis and regulatory review by OMB.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Oklahoma Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual, DM 516.2.3(A)(1), the Assistant Secretary's decision on the Oklahoma Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also an environmental analysis or an EIS will be prepared for the approval of grants for abandoned mine land reclamation projects under 30 CFR Part 886.

Dated: January 7, 1982.

J. R. Harris,

Director, Office of Surface Mining.

Dated: January 11, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

Therefore, Part 936 is amended by adding § 936.20 to read as follows:

PART 936—OKLAHOMA

§ 936.20 Approval of Oklahoma Abandoned Mine Land Reclamation Plan.

The Oklahoma Abandoned Mine Land Reclamation Plan, as submitted on July 30, 1981, is approved. Copies of the approved Plan are available at:

The Office of Surface Mining Reclamation and Enforcement, 1100 L St., NW., Room 5315, Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 74103

Oklahoma Conservation Commission, 10 State Capitol Building, Oklahoma City, Oklahoma 73105

[FR Doc. 82-1465 Filed 1-20-82; 8:45 am]

BILLING CODE 4310-05-M

PANAMA CANAL COMMISSION

35 CFR Part 103

Panama Canal Transit Booking System

AGENCY: Panama Canal Commission.

ACTION: Interim rule; revocation of expired interim rule.

SUMMARY: On January 30, 1981 (46 FR 9942) the Panama Canal Commission published an interim rule concerning the order of passage of vessels through the Panama Canal. The purpose of that rule was to establish the terms under which there was to be conducted a test of a plan for scheduling vessels passing through the Canal. That test was conducted until May 11, 1981, when it was suspended. On December 8, 1981 (46 FR 60013) the Commission published a notice proposing a new rule that takes into account the agency's experience with the reservation system that was tested under the January 30 interim rule. The purpose of this document is to conduct a new test of 120 days in duration. This document also revokes the interim rule of January 30, 1981, as the system contained therein will not be retested.

DATES: Interim Rule effective January 22, 1982; comments may be submitted during the course of the test, but not later than 30 days after the conclusion of the test.

ADDRESSES: Comments may be mailed to the Secretary, Panama Canal Commission, 425 Thirteenth Street, NW., Washington, D.C. 20004, or delivered to Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m.

Comments may also be submitted to the Marine Director, Panama Canal Commission, Balboa, Republic of Panama, or delivered to Room 310, Administration Building, Balboa Heights, between 7:15 a.m. and 4:15 p.m.

Comments may also be mailed to Marine Director, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT:

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW., Washington, D.C. 20004 (202) 724-0104;

Captain George T. Hull, Marine Director, Panama Canal Commission, (telephone Republic of Panama 52-7917).

SUPPLEMENTARY INFORMATION: This document temporarily changes the rules and practice governing the scheduling of vessels passing through the Panama Canal. The purpose of the interim rule is to conduct a test of 120 days duration in order to determine the feasibility of a reservation system for booking vessels that transit the waterway. The test will begin on January 25, 1982. The practice under the existing regulation (i.e., prior to the procedure that was followed under the interim rule of January 30, 1981) was to use the time of arrival of a vessel at either terminus of the Canal as the basis for fixing the order in which the vessel would be placed in the daily transit schedule. Deviations from that sequence were due generally to considerations of safety, the capacity of the locks and channel, and the availability of equipment and personnel. The longstanding rule that preference be given to passenger vessels was also applied under the January 30 interim rule, as was the policy to grant preference to warships of all nations. It is believed that the proposed plan for scheduling vessel transits based upon reservations may result in a traffic pattern in which there is less variation from day to day in the number of arrivals. Such uniformity, if attained, should increase Canal efficiency by making possible a more nearly continuous flow of vessel traffic. This stems from the fact that transits must be scheduled to take into account vessel size, handling characteristics, and the need for tugboat assistance or special procedures. With respect to the vessel

operators, the change in the scheduling system is expected to reduce the waiting time of vessels at the Canal. In the case of those that use the reservation system, it should obviate the need for steaming at higher speed merely to arrive before other ships and, thus, obtain a place in the transit schedule. It seems clear that fuel consumption could be reduced in such cases. The plan includes the assessment of a fee for each reservation, a cancellation charge that would become progressively higher as the reservation date draws nearer and a fee forfeiture penalty for booked vessels that do not transit as scheduled. Under the plan, there are two periods during which reservations can be made for any given day. The preference for passenger vessels and warships is not altered.

The Commission has determined that this rule does not constitute a major rule within the meaning of the Executive Order 12291 (46 FR 13193). The bases for that determination are, first, that the rule, when implemented, would not have an effect on the economy of $100 million or more per year. In times of heavy demand for transits, it is anticipated that the vessel operator using the reservation system would save more than the booking fee he had paid, since the vessel's daily operating expense could be expected usually to exceed it. Secondly, there would be savings due to lower fuel consumption, as described above. Finally, the agency has concluded that implementation of the reservation system is unlikely to have any significant, adverse effect upon competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete in the domestic or export markets with those that are foreign based. The Office of Management and Budget approved the proposed rule prior to its publication on December 8, 1981. Further, the information collection requirement contained in this rule (i.e., the form which will have to be completed to request a booking under § 103.8(c) or a cancellation under § 103.8(g)) has been reviewed by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and has been assigned OMB control number 3207–0001.

The Commission has determined that this proposed rule is not subject to the requirements of Chapter 6 of Title 5, United States Code, dealing with the analysis of regulatory functions. The basis for that determination is that this rule concerns a Commission service and the rates to be charged for such service; therefore it falls within the exception prescribed by 5 U.S.C. 601(2).

During the comment period (December 8, 1981 through January 7, 1982) numerous comments were received from various segments of the shipping industry. Many made general comments indicating that they either favored or opposed the implementation of a booking system; however, several made suggestions for changes in the proposed system. All these suggestions have been given careful consideration by the Commission, and many of them have been adopted in whole or in part.

The subject of charges generated the most comments. Many said the fee was too high, others said the cancellation charges and the forfeiture penalty were too high, some suggested there should be no fee or penalty.

While the Commission recognizes that the charges are substantial, it considers them to be fair and reasonable. The benefits to be derived from the system are substantial, e.g., lower operating costs resulting from reduced fuel consumption and expeditious transit, and the assurance that the vessel will transit on a given day. It would be unfair to the non-users of the system to provide those benefits for a nominal charge, or no charge at all. Moreover, properly used, the system could result in net savings for the operators of booked vessels. Importantly, the charges are considered to be necessary to provide a degree of control over the system and prevent abuses. In view of the number of comments stating that the fee was too high, however, the Commission has decided to lower the fee to $0.26 per Panama Canal Gross Ton.

Other comments concerning the fees asserted that (a) the fee is actually a toll, and is intended to raise revenues, (b) since it is a toll, there should be a public hearing, and (c) regular customers should be afforded a discount.

Although it might be arguable that there is some similarity in the booking fee and the basic toll, in that both relate to transit of the Canal, the Commission does not agree that the fee amounts to a toll. Rather, the booking fee is a charge for an additional service. A transit can be made without incurring the booking fee; participation in the system is voluntary. Further, if a vessel transits the Canal, the toll charge is never waived or refunded. In certain situations, however, the booking fee may be waived or refunded. Finally, the Commission is not using the test of the system as a means of raising additional revenues; the charges are imposed for the reasons stated above. While some additional revenues will undoubtedly be realized, it would be far too speculative to estimate the amounts for budgetary purposes at this time. Thus, the Commission does not consider the booking fee to be a toll, and, accordingly, does not consider toll-type public hearings to be required.

The Commission does not concur that regular customers should be given a discount, as that would tend to defeat the purposes of the fees. Moreover, regular customers are given a preference over most other users of the system whenever requests exceed the number of bookings remaining available.

It was also suggested in some comments received that where the user derived no benefit from the system (e.g., because of its arrival time the vessel would have transited as soon, if not sooner, than its booked transit) the fee should be refunded. In this connection, another suggestion offered was that booked vessels should be allowed to transit either as regular or booked vessels, whichever provided the most prompt transit. Neither of these suggestions is considered to be workable, as each would promote speculative bookings and would result in saturation of the system, as evidenced in the previous test. Further, providing refunds for some vessels on the basis that they did not benefit from the system would result in numerous additional claims that no benefits were realized.

One comment suggested that, when a booked vessel was not transited as scheduled due to a Canal decision, the fee should be refunded and the vessel given priority transit on the following day. The rule provides that in such cases the operator can elect either a refund or a transit on a preferred basis. While the Commission envisions transiting a vessel on the following day, if feasible, when the operator elects a preferred transit, it would be unwise to promise that in advance. The situation requiring the delayed transit could require a delay of more than one day. To grant a priority transit *and* a waiver of the fee would be unfair to non-users of the system.

Another suggestion was that the fee should be waived anytime that a vessel did not arrive on time due to unanticipated delay. That too could result in numerous, unverifiable claims that the delay was unanticipated.

There were suggestions that the fee should be applied to the regular transit costs if the vessel arrived on time, and that it should be refunded if the vessel's transit began on the booked date, but was interrupted. The application of the booking fee to regular transit costs of vessels that arrive and transit on time

would result in the vessel's receiving the additional (reservation) service at no cost. As stated above, that would be unfair to the non-users. Further, the fee is not a toll and, therefore, will not be applied as such.

The Commission has decided to adopt a suggestion that a refund should be allowed when a booked vessel, through no fault of its own, does not make a continuous transit. Section 103.8(f) of the rule has been amended to provide that if, through no fault of its own, a booked vessel's in-transit time (ITT) exceeds 18 hours, the booking fee will be refunded.

In addition to comments to the effect that the charge was too high, there were other comments received concerning the cancellation procedure. One was to allow cancellation without charge where there were still slots available for the date in question and the operator rebooked for another date. Such a procedure would invite speculation on the part of users and, if the system were implemented on a permanent basis, could be used as a means of avoiding the penalty by cancelling and rebooking indefinitely.

Another suggestion was to allow cancellation without complete forfeiture in the second period. The Commission has decided to adopt this suggestion. Accordingly, § 103.8(g) of the rule has been amended to provide that the charge for cancellation six to two days prior to the transit date will be the greater of 80 percent of the fee or $1,250. The proposed rule provided for cancellation, at the latest, four days prior to transit.

On the question of penalties, one suggestion was that there should be no penalty where the failure to arrive on time was due to a delay in transiting the Canal within 21 days prior to the booked transit. The Commission has decided to adopt this suggestion. Section 103.8(f) has been amended to provide that, where delay caused by the Canal on one booked transit could result in failure to arrive on time for a subsequent transit that was booked before the delay was encountered, the agent may within 24 hours request a change of the booking, or cancellation without charge.

Another suggestion was that the penalty should be 24 hours added to the vessel's arrival time and that it be placed in the regular schedule. During periods of high backlog, however, that could result in an even greater financial loss than the forfeiture of the fee. Accordingly, it will not be adopted.

Several comments addressed the question of preferences. Some said the preference should be given to operators having the most number of vessel transits rather than to the vessel. One suggested giving breakbulk container vessels the same preference given to passenger vessels. Another suggested eliminating the preference given to passenger vessels. Still another said that the 700 ton cut-off for the perishable cargo preference was unfair to small vessels.

The Commission believes that it would be impractical to grant preference by operator rather than by vessel. Information on the number of transits a vessel has made is readily available and easily verifiable. That is not the case with respect to vessel operators. Operator/vessel relationships change frequently. Further, assuming such information was readily available and verifiable, granting the preference to the operator could result in a few operators monopolizing the system.

With respect to the suggestions concerning the preference given to passenger vessels, that preference has long been supported by the rationale that considerations of human need, convenience and comfort should have priority over the movement of cargo. The Commission considers that rationale to have continuing validity. Accordingly, the preference will not be eliminated, nor should it be granted to other classes of vessels.

The Commission does not agree that the 700 ton requirement to qualify for the perishable cargo preference is unfair to small vessels. Our records indicate that most small vessels that carry such cargo are capable of carrying 1,000 tons or more. Further, the 700 ton requirement is not used to determine eligibility for participation in the system; rather, it is only used to determine which vessels have preference when requests exceed the number of bookings available.

Several comments pertained to the number of bookings which are allowed. One said there were too many bookings allowed for each day, another said there should be more allowed in the first period, still another said more should be allowed in the second period. These comments seemed to be based on assumptions that the system discriminated against non-users, or long-haulers, or short-haulers. The number of bookings provided for in the rule is based on the Commission's experience in the previous test. The splitting up of the reservation period was done to make the system more readily available to short-haulers while also providing opportunities to long-haulers. The Commission has decided, however, to shift one booking from the first period to the second period, in order to balance out the effect on the second period when there may be a need to reduce bookings available due to a loss in capacity. The test should determine if any further modification is required.

One suggestion was that the first period bookings should be phased in, two at a time. The difficulty with this suggestion is that it would almost insure that the preference procedure in § 103.8(d) would have to be relied on for each booking granted during the first period. If the test indicates that some phasing in of slots is necessary, however, the suggestion will be reconsidered. The shifting of bookings indicated above will partially satisfy this suggestion.

Another suggestion was to give booked vessels priority in the order of transit, rather than simply guaranteeing transit on a given day. This cannot be done. The traffic schedulers must have the flexibility to arrange the daily transit schedule so as to insure that the Canal operates at maximum capacity. This requires transiting certain types of vessels at certain times.

Several comments suggested that the requirement to arrive by midnight of the day prior to the transit should not be applied to unrestricted vessels, since they normally begin their transit in the afternoon. The Commission has decided to adopt this suggestion. Accordingly, § 103.8(f) of the rule has been amended to provide that unrestricted vessels will not be penalized if they arrive prior to 1200 hours of the day of transit.

One comment suggested that the second period bookings should be reserved for those vessels arriving from a port within a stated radius, e.g., 1,500 miles. The Commission considers that to be unworkable since it would be difficult to verify, until after the vessel arrives, the location of its last port of call. Further, it would result in the arbitrary exclusion of some ports that may fall just outside the radius established.

Another comment suggested that substitution by an operator of similar vessels should be allowed. The Commission will permit such substitution, where both vessels meet the following criteria:

(a) Both vessels must have bookings for transit on consecutive days;

(b) Both vessels must be transiting in the same direction;

(c) Both vessels must be similar in size and be subject to the same transit restrictions and arrival requirements;

(d) Both must be operated by the same operator;

(e) The request for substitution must be received not later than 24 hours prior to the day of first transit; and

(f) A vessel may participate in only one substitution per booking.

There were three suggestions concerning the test itself. The first was that it should be postponed, the second that the Commission should provide daily booking information and more accurate forecasts of congestion and the third, that there should be a 45-day comment period after the test.

The Commission does not believe that any purpose will be served by putting the test off any longer. Interested parties have been given ample time to submit comments. The Commission believes that the system can prove to be beneficial to all classes of operators if it is properly utilized. The best way to determine whether that will be the case is to conduct the test.

The Commission will publish a daily list of the vessels booked during the 21-day period. It will be available at the Marine Traffic Control (MTC) Center, La Boca, Republic of Panama, and the Commission's Port Captain's Office in Cristobal, Republic of Panama. The list will also be available on MTC's Dial-up Management Information System.

Traffic forecasting is carried on continuously by the Commission. The Commission does not, however, attempt to project short-range traffic congestion at the Canal beyond 48 hours. This is so because it is influenced by so many variables, e.g., number, size, handling characteristics, and class of cargo carried by vessels arriving at the Canal, natural phenomena, accidents, mechanical failure, etc. Thus, the Commission considers it inadvisable for it to give, short range forecasts, beyond the 48-hour projection which is normally available on a daily basis.

The Commission will accept comments during the test and for a period of 30 days after the last day of the test.

Finally, other clarifying changes have been made to the rule.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

For the reasons set out above, the interim rule of January 30, 1981 (46 FR 9942) concerning the order of passage of vessels through the Panama Canal is revoked and Part 103 of Title 35, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 103 would be revised to read as follows:

Authority: Sec. 1801, Pub. L. 96-70, 93 Stat. 492; 45 FR 69271; E.O. 12215, 45 FR 36043.

2. Section 103.8 would be revised to read as follows:

§ 103.8 Preference in the transit schedule; order of transiting vessels.

(a) *General.* Except as provided in section 103.9, and subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty between the United States and the Republic of Panama concerning the Permanent Neutrality and Operation of the Panama Canal, vessels arriving for transit of the Canal will be placed in the transit schedule in accordance with the rules in this section.

(b) *Definitions.* As used in this section:

(1) "Booked for transit" means that a vessel has been assigned a date on which it will be moved through the Panama Canal.

(2) "Regular transit" means the movement through the Canal of a vessel that has not been booked for transit.

(c) *Transit bookings.* There will be two periods during which bookings may be made for a given date. In the first period, a limited number of bookings (not to exceed seven) will be available between 21 days and 4 days prior to the date of intended transit. In the second period, an additional number of bookings (not to exceed nine), plus any first-period bookings not taken or any bookings which have been canceled, will be available on the third and second days prior to the date of transit. The Canal authorities may cease accepting requests for bookings during times of high traffic congestion at the Canal. If there is a loss in Canal capacity, the number of bookings available may be reduced. The specific order of transit will be determined by the Canal authorities. Except as provided herein, a vessel may not transit prior to the date for which it has been booked, unless the Canal authorities determine that an early transit would promote efficiency of the Canal and would not result in delay for any regular transits. In the event that a vessel transits prior to the date for which it is booked, the fee will be retained by the Commission. Substitution of booked transits will be permitted under conditions specified by the Canal authorities.

(d) *Preference.* If, on any day during the first period, or on the day of the second period, requests exceed the number of bookings remaining available, preference for the remaining bookings will be given in the following order:

(1) First, vessels carrying primarily perishable cargoes, in the order of frequency of transit during a specified period;

(2) Second, all other vessels in the order of frequency of transit during a specified period;

(3) If, under the procedure in the preceding two paragraphs, two or more vessels are found to have an equal number of transits, then preference will be given to the vessel having transited most recently.

(e) *Fees.* The fee for booking shall be $0.26 per Panama Canal Gross Ton. The minimum fee for any vessel is $1,500.

(f) *Penalties.* (1) When a vessel that is subject to transit restrictions (e.g., clear-cut; clear-cut daylight), has been booked for transit and does not arrive at a terminus of the Canal by midnight (2400 hours) of the day prior to the intended transit, the booking fee will be forfeited. Similarly, the fee will be forfeited if the booked vessel is not subject to such transit restrictions and it does not arrive prior to noon (1200 hours) of the day of intended transit. In either case, upon arrival, the vessel will be placed in the regular transit schedule. This forfeiture will not occur if late arrival is due to *force majeure* or delay for humanitarian purposes. The booking fee will also be forfeited if the vessel arrives on time but cannot or, at the operator's election, does not, transit as scheduled when the agency is ready to proceed. In these latter cases, the Canal authorities shall have discretion to waive the forfeiture where it is established that the delay was due to external causes that the vessel operator could not reasonably have anticipated.

(2) Failure to provide complete and accurate information on the request form may result in rejection of the booking and forfeiture of the fee.

(3) If a vessel does not begin its transit on the day for which it has been booked due to a decision by the Canal authorities, its operator thereafter, at any time prior to the day that the vessel has subsequently been scheduled to make a delayed transit, may elect to receive a refund of the fee, in which case the vessel will be listed on the regular transit schedule. In the alternative, the operator may elect to have the Commission retain the fee, in which case the vessel will be transited on a preferred basis.

(4) When a vessel booked for transit is delayed by a decision of the Canal authorities, and that delay could result in the vessel's failure to arrive on time for a subsequent transit which was

booked before the delay was encountered, the vessel's agent may, within 24 hours of completion of the delayed transit, request:

(i) Change of the second booking to another date, (if bookings are available on the requested date); *or*

(ii) Cancellation of the second booking, without charge, and inclusion in the regular schedule.

(5) A vessel will be deemed to have transited the Canal on the day for which it has been booked if it arrives at the first set of locks prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. In-transit time begins when the vessel enters the first set of locks at either terminus of the Canal, and ends when the vessel departs the last set of locks at the opposite terminus. The booking fee will be refunded whenever ITT, through no fault of the vessel, exceeds 18 hours.

(g) *Cancellation.* A transit that is booked may be canceled if notice of cancellation is received by the Canal authorities at least two days prior to the day of intended transit. A charge will be assessed for such cancellations, however, in accordance with the following schedule:

Date of cancellation	Cancellation charge (the greater of)
Over 15 days prior to transit	20 percent of booking fee or $500.
15 to 11 days prior to transit	40 percent of booking fee or $750.
10 to 7 days prior to transit	60 percent of booking fee or $1,000.
6 to 2 days prior to transit	80 percent of booking fee or $1,250.

Cancellation of bookings later than two days prior to the date of intended transit will be subject to the forfeiture rule stated in paragraph (f)(1) of this section.

(h) *Regular transits.* Vessels which are not booked for transit will be dispatched through the Canal in the order determined by the Canal authorities. Priority of arrival at a terminal port does not give a vessel the right to pass through the Canal ahead of another that may arrive later; however, the time of arrival will be a consideration in fixing the order of passage. Generally, regular transits will equal or exceed one-half of the total number of vessels moved through the Canal on any given day.

(i) *Suspension.* The Canal authorities may suspend or discontinue, in whole or in part, the transit booking system established by this section if they determine that its continuation may adversely affect the safe or efficient operation of the Canal.

Michael Rhode, Jr.,
Secretary.
January 18, 1982.

[FR Doc. 82-1500 Filed 1-20-82; 8:45 am]
BILLING CODE 3410-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Corrections

AGENCY: Interior.

ACTION: Final rule; correction.

SUMMARY: This document contains a listing of corrections to the final regulations governing Employee Responsibilities and Conduct which were published December 1, 1981 (46 FR 58420–58461).

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Department Ethics Office, U.S. Department of the Interior, (202) 343–3932.

Dated: January 15, 1982.
James G. Watt,
Secretary of the Interior.

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Accordingly, the following corrections are made to 43 CFR 20.735:

§ 20.735–1 [Corrected]

1. On page 58427, the middle of column one (in § 20.735–1(a)(14)), "Dependent child is corrected to read "Dependent child".

§ 20.735–7 [Corrected]

2. On page 58429, near the bottom of column two, the correction is to delete "(ii) Loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans,"

3. On page 58429, at the bottom of column two, "(iii)" is corrected to read "(ii)."

4. On page 58429, at the top of column three, "(iv)" is corrected to read "(iii)". In addition, "(v)" is corrected to read "(iv)".

§ 20.735–8 [Corrected]

5. On page 58430, near the top of column one, § 20.735–8(b)(5) is corrected to read: "Minimal Value" means a retail value in the United States at the time of acceptance of $140.00 or less. Refer to Federal Property Management Regulations Amendment H–130 dated September 29, 1981.

§ 20.735–9 [Corrected]

6. On page 58430, in the middle of column three, the correction is to delete the word "training" from the sixth line in § 20.735–9(b)(1).

§ 20.735–22 [Corrected]

7. On page 58436, at the bottom of column two, § 20.735–22(a)(3) is corrected to read: (3) Participate in his or her government capacity in any matter in which he or she, his or her spouse, minor child, outside business associate, organization in which he or she serves as an officer or employee, or person with whom he or she is negotiating for employment, has a financial interest (18 U.S.C. 208).

§ 20.735–24 [Corrected]

8. On page 58439, in the middle of column two, § 20.735–24(b)(2) is corrected to read "The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS–16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1), are prohibited from: (i) Voluntarily acquiring a direct or indirect interest in federal lands,"

9. On page 58439, column two (in § 20.735–24(b)(2)(ii)), the citation *"20735–20(c)"* is corrected to read *"§ 20.735–20(c)"*.

10. On page 58439, column three (in § 20.735–24(d)(4)), the words "minor child" are corrected to read "dependent child."

11. On page 58439, column three (in § 20.735–24(e)(1)(i)), the words "minor child" are corrected to read "dependent child."

12. On page 58439, column three (in § 20.735–24(e)(1)(ii)), the words "minor child" are corrected to read "dependent child."

13. On page 58439, at the bottom of column three, § 20.735–24(e)(3)(i) is corrected to read "A written request submitted to the Designated Agency Ethics Official within 90 days from the effective date of these regulations, within 60 days of employment by the Department or within 60 days of being notified that the holding in federal lands is a prohibited holding."

§ 20.735–27 [Corrected]

14. On page 58441, column one, § 20.735–27(b)(3) is corrected to read "The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay

grades equivalent to GS–16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1), are prohibited from: (i) Having any personal or private interest in any mine or the products of any mine under investigation by Bureau of Mines employees;"

15. On page 58441, in the middle of column two, § 20.735–27(e)(2)(i) is corrected to read "A written request submitted to the Designated Agency Ethics Official within 90 days from the effective date of these regulations, within 60 days of employment by the Department or within 60 days of being notified that the holding in mining activities is a prohibited holding."

§ 20.735–28 [Corrected]

16. On page 58441, column three, § 20.735–28(c)(1) is corrected to read "The prohibitions in § 20.735–28(b) shall apply to the Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS–16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1). *See § 20.735–20(c) for the definition of Office of the Secretary and other Departmental Offices."*

§ 20.735–30 [Corrected]

17. On page 58443, column one in 20.735–30(a), the words, "civil service" are corrected to read "Office of Personnel Management".

§ 20.735–31 [Corrected]

18. On page 58444, the bottom of column three, "§ 20.735–1(14)" is corrected to read "§ 20.735–1(a)(14)."

19. On page 58445, column one, in 20.735–31(a)(9), "§ 20.735–1(15)" is corrected to read "§ 20.735–1(a)(15)."

§ 20.735–36 [Corrected]

20. On page 58451, in the middle of column two, § 20.735–36(a) is corrected to read "The following statutory restrictions apply specifically to the heads and members of the bureaus and offices identified and are extended to the Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS–16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1): (1) 43 U.S.C. 31(a)—Geological Survey; (2) 18 U.S.C. 437—Indian Affairs; (3) 43 U.S.C. 11—Bureau of Land Management; (4) 30 U.S.C. 6—Bureau of Mines. *See § 20.735–20(c) for the definition of Office of the Secretary and other Departmental Offices."*

[FR Doc. 82–1456 Filed 1–20–82; 8:45 am]
BILLING CODE 4310–03–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1–18, Notice 20]

Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 101–80, *Controls and Displays.* The standard currently requires the light indicating the actuation of the headlamp high beam to be blue. (Blue is defined by the standard to include blue-green.) This amendment permits manufacturers to use the color green as an alternative to blue. The purpose of the change is to allow the use of light emitting diode technology, which at the present time cannot produce the color blue or blue-green.

DATE: This rule is effective on January 21, 1982.

ADDRESS: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590 (202–426–2720).

SUPPLEMENTARY INFORMATION: Standard No. 101–80, *Controls and Displays,* specifies requirements for the identification and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks and buses. The purpose of the standard is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their quick and proper identification and selection by a driver in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

Among its requirements, Standard No. 101–80 specifies colors for various vehicle displays. Blue is specified for the headlamp high beam telltale (i.e., the light indicating that the high beams of the headlamps have been activated). A footnote to the standard's color requirements (contained in Table 2 of the standard) states that blue can be blue-green.

This final rule amends the standard by adding green as an alternative to blue and blue-green for the headlamp high beam telltale. This final rule was preceded by a notice proposing the amendment of Standard No. 101–80 in October 1980 (45 FR 71832). Several comments were received that supported the proposal, including those submitted by General Motors, Ford and Chrysler. Only one comment opposed the proposal. The NHTSA has considered all of the comments and the most significant ones are discussed below.

The agency proposed to allow the use of green as an alternative to blue in response to a petition for rulemaking from Volkswagen (VW). Blue had been selected by the agency for the headlamp high beam telltale primarily to promote international harmonization of standards regulating vehicle controls and displays. That color requirement was the same as that adopted by the International Standards Organization, the Economic Commission for Europe and the European Economic Community. VW petitioned for green as an alternative to blue in order to enable it to use light emitting diodes (LED's) for its telltales. VW stated that its testing has demonstrated that LED's are more reliable than incandescent bulbs when used for telltales and are, thus, very desirable. At present, however, LED's cannot be produced in either blue or white (which could be used with a blue filter to produce blue). VW stated that green is the only color akin to blue or blue-green which LED technology is capable of producing.

Ford stated that it supports the proposed amendment since it recognizes current technological limitations and would allow manufacturers to introduce new designs at these limits. Ford did express concern, however, that the proposed relaxation of the color requirement is in conflict with international harmonization of U.S. and European motor vehicle standards. That company recommended that the proposed amendment by issued for an interim period only—until LED technology can provide commercially acceptable blue LED's. Ford's comment stated that it believes that blue LED's will become commercially feasible for automotive application within the next year.

A comment submitted by General Motors (GM), also supporting the proposed amendment, stated that it believes that the allowance of a green high beam telltale will effectively

present the message of that telltale, particularly since it must also be identified by a symbol. According to GM, the amendment will allow incorporation of the current electronic technology involving light emitting diodes into automotive panel displays. GM stated that the allowance of green as a high beam telltale color will not affect international harmonization since blue will remain an alternative. That company noted that any manufacturer desiring to market a product worldwide can still choose to use a blue telltale and thereby meet the international requirements.

The issue of conflict with international harmonization was the basis for the only comment received in opposition to the proposed amendment. The U.S. Technical Research Company (U.S. Technical Representatives of Peugeot) stated that under the present state of technology, LED's can only display yellow, green or red. That company stated that it believes that in the near future an amendment of European regulations will require that the high beam telltale shall be either blue or yellow. Accordingly to that commenter, if NHTSA chooses to adopt green for the high beam telltale, harmonization in this field will no longer exist and domestic and foreign manufacturers will be equally affected. The U.S. Technical Research Company therefore requested that NHTSA retain the blue requirement because it is identical to the current European requirement. Alternatively, that company asked the agency to require that either blue or yellow telltales be used in anticipation of the possible change in the European requirements.

In the interest of international harmonization of standards, Renault also supported permitting the use of yellow. However, it also supported allowing the use of green as an alternative to blue.

The purpose of requiring telltales to be of a particular color is to promote standardization and thereby improve driver performance. As noted above, the agency adopted blue for the high beam telltale primarily to promote international harmonization. The International Standards Organization, the Economic Commission for Europe and the European Economic Community all maintain that color requirement.

The agency does not believe that permitting the use of green as an alternative to blue is in conflict with international harmonization. As noted by GM, any manufacturer desiring to market a product worldwide can still choose to use a blue telltale and thereby meet the international requirements. While the agency is aware that some manufacturers and some countries in Europe have sought to have international standards amended to permit use of yellow as an alternative to blue, it is by no means certain that those efforts will succeed. Indeed, the International Standards Organization rejected such a proposal in April 1980.

In light of the uncertainty of the direction in which international requirements will move on this matter, the agency determined that yellow should not be adopted as an alternative to blue. The agency agrees with VW's petition that green is the closest color akin to blue or blue-green that LED's can produce and thus, in the agency's judgment, is the best alternative color to permit. To permit use of yellow as well would defeat the purpose of having a color requirement in the first place, that of promoting standardization and thereby improving driver performance. Therefore, that alternative was rejected.

The agency recognizes that the cause of international harmonization may make amendment of Standard No. 101–80 appropriate if international organizations adopt yellow as an alternative to blue. The agency will monitor developments in this area.

In the interest of both standardization and international harmonization, the agency believes that use of green as an alternative to blue should only be permitted until LED technology develops to the point that it is possible to produce commercially acceptable blue LED's. Tha agency considered amending the standard to permit use of green for a specified period of time, such as three years. However, without more definite information indicating when commercially acceptable blue LED's will be available, the agency determined that it would be more appropriate to issue the amendment for an indefinite period of time. The agency will consider limiting high beam telltales to blue after blue LED technology has been developed.

The agency does not believe that this amendment will have any adverse effect on safety. Even if it did, the effect would be more than outweighted by the advantages offered by permitting industry the flexibility to use LED technology for telltales. As VW pointed out, there is evidence that LED's are more reliable than incandescent bulbs.

Comments submitted by Ford and VDO–ARGO stated that they see no adverse effect on safety as a result of this amendment. Further, as noted above, GM stated that it believes that a green high beam telltale will effectively present the message of that telltale, particularly since it must also be identified by symbol. No comments were received that suggested any adverse effect.

Also, there may be cost savings and other advantages associated with permitting LED's to be used for telltales. Standard No. 101–80 already permits LED's to be used for other displays. The standard defines displays that use LED's to give one or more than one type of information or message (i.e., using words or symbols) as informational readout displays. Recently the agency granted a petition for rulemaking from GM that requested modification in Standard No. 101–80's light intensity requirements to permit informational readout displays to be used for telltales. According to GM, such an amendment would permit integration of telltales with other instrument displays in a single electronic display panel. This step would alleviate instrument panel design problems caused by reduced space available due to vehicle downsizing and increasing amounts and types of information to be presented to the driver, offer potential for weight and cost reduction, and facilitate placing telltales adjacent to displays often consulted by the driver, making the telltales more readily noticeable. These same types of advantages are offered by permitting displays which use LED's but are not informational readout displays (since they consist only of a colored light and do not display words or symbols), as telltales.

The agency has assessed the economic and other impacts of this final rule and determined that it is neither a major rule within the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of this final rule are so minimal as not to require preparation of a regulatory evaluation. The impact is minimal because the amendment does not impose any new requirements and does not affect compliance costs. Rather, it merely permits manufacturers to use an alternate color for the high beam telltale. For the same reasons, the agency finds that the amendment will have no significant environmental impact.

Although NHTSA has considered the effects of this amendment on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to rules for which an NPRM was issued on or after January 1, 1981.

The NPRM for this final rule was published in October 1980.

The effective date of this amendment is January 21, 1982. An immediate effective date is being provided since the amendment relieves a restriction and to permit manufacturers to commence utilizing light emitting diode technology as soon as possible.

The principal authors of this notice are John Carson, Office of Vehicle Safety Standards, and J. Edward Glancy, Office of Chief Counsel.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.101-80 [Amended]

In consideration of the foregoing, § 571.101–80, Chapter V of Title 49, Code of Federal Regulations, is amended as follows:

Table 2 is amended by revising the telltale color designation for the High Beam Telltale Display, contained in Column 2, to read:

Blue or Green.[4]

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on January 12, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–1427 Filed 1–20–82; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 47, No. 14
Thursday, January 21, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1011, 1046, and 1098

[Docket Nos. AO-251-A23, AO-123-A48, and AO-184-A43]

Milk in Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, Marketing Areas; Partial Decision on Proposed Amendments to Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision adopts on an emergency basis a change in the pooling standard for distributing plants regulated under the Nashville, Tennessee, order. The order now provides that a distributing plant must dispose of at least 50 percent of its milk receipts as Class I milk in order to qualify as a pool plant. Presently, such disposition must be in the form of packaged fluid milk products distributed on routes. Under the change, such disposition could also include bulk sales of Class I milk to other milk plants.

This change was considered at a public hearing held October 21–23, 1981. The change is necessary to reflect current marketing conditions and to insure orderly marketing in the regulated area. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and an opportunity to file exceptions thereto have been omitted. A separate recommended decision will deal with the remaining issues in this proceeding.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5443.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

This action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued September 4, 1981; published September 11, 1981 (46 FR 45354).

Correction: Published September 22, 1981 (46 FR 46813).

Notice of Rescheduled Hearing: Issued September 24, 1981, published September 29, 1981 (46 FR 47588).

Suspension of Rule: Issued November 24, 1981; published November 30, 1981 (46 FR 58064).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Louisville, Kentucky, on October 21–23, 1981, pursuant to the notice thereof issued on September 4, 1981 (46 FR 45354), the correction published September 22, 1981 (46 FR 46813), and the notice of rescheduled hearing issued on September 24, 1981 (46 FR 47588). Interested parties were given until November 13, 1981, to file post-hearing briefs on proposal No. 10 as published in the notice of hearing and on whether this proposal should be considered on an expedited basis.

The material issues on the record relate to:

1. Diversion of limited amounts of Class I milk from the Nashville and Tennessee Valley markets to the Louisville market. A corollary issue involves changing the out-of-area location adjustments of the Nashville order.

2. Location adjustments applicable to producer milk under the Nashville and Louisville orders.

3. Touch-base and diversion limits of the Nashville and Louisville orders.

4. Pooling standards for "country" plants under the Louisville order.

5. The provisions of the Nashville order relating to the mechanism for paying producers.

6. Diversions between pool plants under the Nashville order.

7. Pooling standards for distributing plants under the Nashville order.

8. Whether an emergency exists to warrant the omission of a recommended decision on issue No. 7.

This decision deals only with issues Nos. 7 and 8. The remaining issues of the hearing will be considered in a later decision on this record.

Findings And Conclusions

The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

7. Pooling standards for distributing plants under the Nashville order. The pool plant definition of the Nashville order should be amended to change the qualification requirement for distributing plants from *route* disposition of not less than 50 percent of receipts to *Class I* disposition of not less than 50 percent of receipts. The order now provides that a distributing plant must dispose of at least 50 percent of its milk receipts as Class I milk in order to qualify as a pool plant. Presently, such disposition must be in the form of packaged fluid milk products distributed on routes. Under the change, such disposition could also include bulk sales of Class I milk to other plants.

This action was proposed by Kraft, Inc., which operates a distributing plant in Nashville (Kraft's fluid milk operations also are known by the name Sealtest). A Kraft spokesman indicated that the change was proposed so that the order would reflect marketing changes that have occurred in the Nashville market and to protect its fluid milk operations and its independent producers from market disorderliness stemming from these changes. Kraft's witness testified that the Nashville market and its own plant has experienced a significant increase in receipts of producer milk during a period of relatively flat Class I sales. Also, Kraft asserted that under current market conditions, the 50 percent route disposition standard is not a realistic test of a plant's commitment to fluid milk sales. Accordingly, Kraft proposed that distributing plants be pooled on the basis of their total Class I dispositions.

including bulk sales that are classified as Class I.

The manager of the Sealtest operation in Nashville testified that the plant's route dispositions have declined to the point that it has had difficulty maintaining pool plant status. The witness testified that the plant's in-area route disposition averaged 54 percent of the plant's receipts during September 1980 through February 1981 but dropped to an average of 46 percent for March through August 1981. While the record does not indicate the plant's total route sales, it does indicate that most of the route sales are in the marketing area. The witness also provided information showing that the Class I dispositions of the Nashville operation declined from almost 79 percent of receipts in September 1979 to 49 percent in August 1981.

Kraft's witness stated that adoption of the proposal would be helpful to the Nashville Sealtest operation because the plant now has substantial bulk sales to other plants. To demonstrate this, the witness noted that the Nashville plant currently transfers almost one million pounds of milk per month to a distributing plant in Murfreesboro, Tennessee, that is pooled under the Georgia Federal order. Evidence also was presented that in September 1981, almost one million pounds of milk were transferred from Nashville to the Sealtest bottling plant in Louisville, Kentucky, which is regulated under the Louisville-Lexington-Evansville (Louisville) Federal order. During the first 16 days of October 1981, the Nashville to Louisville transfers were over 700,000 pounds. Also, during the first 16 days of October, the Nashville Sealtest plant transferred 214,000 pounds of milk to a Georgia order pool distributing plant in Atlanta, Georgia, and 250,000 pounds to a distributing plant in Birmingham, Alabama. A large proportion of the milk transferred to the above-mentioned plants was classified as Class I. According to the Kraft spokesman, the Nashville Sealtest plant must account to the marketwide pool at the Class I price for most of this milk being moved as bulk transfers but, under the present order language, none of the milk so transferred and classified as Class I counts toward qualifying the plant as a pool plant. He also indicated that the plant will continue to transfer bulk milk to other plants for Class I use.

At the hearing, Dairymen, Inc., a major cooperative association in the market, opposed the change from a route disposition standard to a Class I disposition standard. DI's witness stated that the cooperative did not oppose the change in principle, but objected to its adoption under current market conditions because it would allow Kraft to associate additional milk supplies with the Nashville pool. DI contended that the Sealtest Nashville operation does not need more milk and that such additional milk ultimately would be diverted to Kraft's cheese plants in the region. DI's witness asserted that events occurring in the market would cause the Nashville market to change from a low Class I utilization market to a high Class I market and thus there would be a need to insure that milk is available for fluid use. DI contended that, under these circumstances, the order should not be amended to accommodate additional supplies of milk that would be used for cheese production and would not be available for the fluid market if needed.

In its post-hearing brief, DI, in response to Kraft's request for a renewed suspension of the pooling standard, stated that it did not oppose the requested suspension provided that the Department adopt on an expedited basis Kraft's proposal to amend the pooling standards. DI indicated that its concerns regarding this proposed change would be reduced under other changes that it has proposed and which are to be considered later.

The National Farmers' Organization, another cooperative in the market, also opposed in its post-hearing brief the adoption of this change. Its opposition was based on reasoning similar to that presented at the hearing by DI.

The record shows that over the past several months the Sealtest bottling plant in Nashville has had difficulty meeting the 50 percent route disposition standard. This situation has developed primarily because of changes in the operations of the Sealtest plant in Nashville.

In the past two years, the plant has had a significant increase in receipts of producer milk. Some of this increase has resulted from an increase in the number of producers associated with the plant, but it appears that most of the increase has come from increased deliveries per farm. In addition, the plant lost a major route customer for its packaged fluid milk products when a grocery chain closed its operations in the Nashville area. Also, the plant has become a substantial supplier of bulk milk to other plants for Class I use. These bulk sales represent a continuing commitment to the fluid milk business and have helped the plant maintain its Class I utilization in the face of declining route sales of packaged products. The net effect of these changes has been a significant reduction in the percent of receipts accounted for by route dispositions while the plant's total Class I utilization has remained at or above the marketwide average, generally above 50 percent of receipts.

Marketing conditions throughout the market also have changed over the past two years. Receipts of producer milk on the Nashville market for the first seven months of 1981 averaged 14 percent above the comparable period in 1979. During the same time period, Class I dispositions were only five percent higher. Class I sales in more recent months have been adversely affected by a drop in school milk sales brought about by changes in the school lunch program.

The combined effects of these changes in Sealtest's operations and for the market in general have caused some regulatory uncertainty for the Sealtest plant. Because the route dispositions of the Sealtest plant have declined to an average of about 50 percent of receipts over the past year, small shifts in route sales and/or producer milk receipts may cause the plant's regulatory status to vary on a month-to-month basis. As a result, approximately 250 producers who ship to the Sealtest plant may not know from month to month whether they will participate in the Nashville pool.This uncertainty is not consistent with the goal of orderly marketing.

Regulation of fluid milk plants is one of the mechanisms which Federal orders use to help establish orderly marketing. The pooling standard for distributing plants is designed to identify for regulation those plants that are engaged primarily in the fluid milk business. Generally, the percent of a plant's receipts disposed of in the form of Class I products serves as the pooling standard. Historically, most Class I sales have been in the form of packaged products sold on routes. Therefore, pooling standards traditionally have been defined in terms of route disposition. However, there is no apparent reason to differentiate between bulk Class I sales and sales of Class I packaged products on routes. Sales of bulk milk for use in products ultimately classified as Class I also represent an association with the fluid market. The change provided for in this decision is not intended to change the basic concept that pooling standards are designed to measure a plant's association with the fluid market. Rather, the change simply recognizes that Class I sales other than those of packaged products on routes should be considered when a plant's pool status is determined.

Recognition of bulk Class I sales for pooling purposes should provide the Sealtest plant in Nashville with a more stable regulatory environment because its overall Class I utilization generally has remained above 50 percent of receipts even when its route dispositions would not have met the current standard. Under the revised standards, small shifts in receipts or route sales should not affect the plant's regulatory status. The plant should be able to remain a pool plant without relying on periodic emergency suspensions of the pooling standard. The change should benefit the producers associated with the Sealtest plant by eliminating some of the uncertainty about their continued participation in the Nashville marketwide pool. Moreover, there is no reason to believe that this change will have any adverse impact on the pool status of any other plants.

Therefore, the pool plant definition should be changed to include any distributing plant that maintains in-area route dispositions equal to 15 percent of receipts and disposes of 50 percent of receipts for Class I use. Such dispositions would include route sales and transfers and diversions of milk to other plants for Class I use.

8. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and the opportunity to file exceptions thereto with respect to Issue No. 7. The continued orderly marketing of milk requires that producers supplying distributing plants in the market be reasonably assured of the regulatory status of the plants they supply.

On the basis of the evidence presented at the hearing, the Department suspended the 50 percent route disposition standard for November 1981 through January 1982 to assure that producers shipping to the Nashville Sealtest plant, and who have historically been associated with the market, would continue to have their milk pooled and priced under the order. The record indicates that the conditions that warranted the suspension will probably continue beyond January 31, 1982, when the suspension expires. Although the suspension could be extended, amendment of the pooling standard is the more appropriate method of dealing with the marketing problems at hand.

Moreover, the suspension of the current 50 percent route disposition standard creates a situation where any distributing plant with route disposition as low as 15 percent of its receipts in the Nashville marketing area would be regulated as a pool plant. Prompt amendment of the order is desirable to avoid the possibility of regulating plants that are not basically engaged in the fluid milk business. Both under the present order provisions and those adopted herein, it is intended that only those distributing plants that are primarily Class I operations be pooled under the order.

The omission of a recommended decision was discussed at the hearing. Two cooperative associations, DI and NFO, expressed opposition to such a procedure. However, in its post-hearing brief, DI urged that the issue be resolved promptly so that the order would not, during any suspension of the present rule, regulate plants that have only a minimum association with the fluid market. NFO continues to oppose the expedited proceeding. However, the record contains substantial evidence that an emergency situation exists and that both handlers and producers will benefit from the more stable regulatory environment that adoption of this change will bring.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of Kraft, Inc., Dairymen, Inc., and National Farmers' Organization. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Nashville, Tennessee, order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement [1] and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tennessee, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in

[1] Agreement filed as part of the original document.

the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on January 15, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order [2] amending the order, regulating the handling of milk in the Nashville, Tennessee, marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Nashville, Tennessee, order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1098—MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Section 1098.7(a) is revised to read as follows:

§ 1098.7 Pool plant.

* * * * *

(a) A distributing plant that has Class I disposition during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

* * * * *

[FR Doc. 82-1450 Filed 1-20-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AEA-53]

Proposed Alteration of Transition Area; Westminster, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Westminster, Maryland, Transition Area over Clearview Airpark, Westminster, Maryland. The VOR-A instrument approach procedure has been changed from part-time to full-time availability. This requires that the transition area be changed from a part-time to a full-time area to protect the aircraft utilizing the instrument procedure.

DATE: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Chief Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Westminster, Maryland, Transition Area. The transition area will be altered from a part-time (sunrise to sunset) area, to a full-time (24 hours) area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by amending the description of the Westminster, Maryland, (Clearview Airport) 700-foot floor Transition Area by removing, "This Transition Area is effective from sunrise to sunset, daily.".

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, N.Y., on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1419 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-68]

Proposed Designation of Transition Area; Montauk, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to designate a Montauk, New York, Transition Area over Montauk Airport, Montauk, New York. A new VOR instrument procedure for runway 6 has been developed for Montauk Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Adminstration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate Montauk, New York, Transition Area. The 700-foot transition area will be designated within a 5 mile radius of the airport and with an extension to the southwest 6 miles wide and 3 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by adding, Montauk, New York, 700-foot floor transition area as follows:

Montauk, New York

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montauk Airport (41°04'36" N., 71°55'16" W.) and within 3 miles each side of the Hampton, N.Y., VORTAC 062° radial extending from the 5-mile radius area to 15 miles NE of the VORTAC.

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, N.Y., on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1414 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-50]

Proposed Designation of Transition Area: Bedford, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to designate a Bedford, Pennsylvania, Transition Area over Bedford Airport, Bedford, Pennsylvania. A new instrument approach procedure has been developed for Bedford Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Bedford, Pennsylvania, Transition Area. The 700-foot transition area will be designated within a 13.5 mile radius of the airport, and with an extension to the east approximately 8 miles wide and 2 miles long, but including only an 8 mile radius from the southwest to the north.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding a 700 foot floor transition area as follows:

Bedford, Pennsylvania

That airspace extending upward from 700 feet above the surface within a 13.5 mile radius of the center of Bedford Airport, 40°03'45" N., 78°30'35" W., extending clockwise from a 002° bearing to a 073° bearing from the airport; within a 7-mile radius of the center of the airport extending clockwise from a 073° bearing to a 132° bearing from the airport; within 13.5 mile radius of the center of the airport extending clockwise from a 132° bearing to a 225° bearing from the airport; within an 8.5 mile radius of the center of the airport extending clockwise from 225° bearing to a 002° bearing from the airport; and within 4.5 miles each side of the St. Thomas, Pennsylvania VORTAC 287° radial extending from 14 to 25 miles west of the VORTAC.

Note.—the FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, N.Y., on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1411 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-63]

Proposed Alteration of Transition Area; Meadville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Meadville, Pennsylvania, Transition Area over Port Meadville Airport, Meadville, Pennsylvania. A new LOC Runway 25 instrument procedure has been developed for Port Meadville Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Meadville, Pennsylvania, Transition Area. The 700-foot transition area will be altered by adding an extension to the northeast 3 miles long and 4 miles wide.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Meadville,

Pennsylvania, 700-foot floor transition area by adding, "; and within 1.5 miles each side of the Port Meadville, localizer course extending from the 8-mile radius area to 2.5 miles northeast of the outer marker." following, "Pa."

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, N.Y., on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1417 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-66]

Proposed Alteration of Transition Area; St. Marys, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to alter the St. Marys, Pennsylvania, Transition Area over St. Marys Airport, St. Marys, Pennsylvania. A new LOC/DME instrument approach procedure to runway 28 has been developed for St. Marys Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the St. Marys, Pennsylvania, Transition Area. The area will be altered to increase the area of the eastern extension by approximately 4 miles in width and 4 miles in length.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows):

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the St. Mary's, Pennsylvania, 700-foot floor transition area by adding, "within 4.5 miles each side of the St. Mary's Airport Runway 28 localizer course extending from the 5.5-mile radius area to 13 miles east of the localizer;" following the phrase, "21.5 miles west of the VORTAC;".

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, N.Y., on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1415 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-70]

Proposed Alteration of Transition Area; Grundy, Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Grundy, Virginia, Transition Area over Grundy Municipal Airport, Grundy, Virginia. A VOR/DME instrument procedure has been developed for the airport and will require protection for aircraft executing the instrument procedure. An instrument procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 12, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited.

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before March 12, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Grundy, Virginia, Transition Area. The alteration will add an extension to the east approximately 6 miles wide and 5 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the description of the Grundy, Virginia 700-foot floor transition area by removing, "to 21.5 miles northeast of the Lonesome Pine, Va., VOR." and by substituting, "to 21.5 miles NE of the Lonesome Pine, Va., VOR; and within 3 miles each side of the Glade Spring, Virginia VORTAC 355° radial extending from the 6-mile radius area to 18.5 miles N of the VORTAC." therefor.

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promise safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on January 4, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1412 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Travel Expenses of Members of Congress

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing amendments to temporary income tax regulations that relate to Travel Expenses of Members of Congress. The text of those amendments also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 22, 1982. The regulations are proposed to be effective for taxable years beginning after December 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-4-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Jason R. Felton of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3318).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend the Temporary Regulations under Title 5e Travel Expenses of Members of Congress. The final regulations, which this document proposes to be based on those amendments to the temporary regulations, would be added to Part 1 of Title 26 of the Code of Federal Regulations. For the text of the amendments to the temporary regulations, see FR Doc. (T.D. 7802) published in the Rules and Regulations portion of this issue of the **Federal Register.** The preamble to the temporary regulations explains the amendments to the regulations.

The temporary regulations provide rules under section 274 to allow deductions for traveling expenses for Members of Congress that may be claimed without substantiation.

These regulations are proposed to be issued under the authority contained in section 280A (f) (4) (B) and 7805 of the Internal Revenue Code (26 U.S.C. 7805; 26 U.S.C. 280A (f) (4) (B) 95 Stat. 1641, 68A Stat. 917).

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-1286 Filed 1-15-82; 10:48 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[LR-111-81]

Disclosures of Return Information to Officers and Employees of Bureaus of the Census and Economic Analysis and to Designee of Taxpayer

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to regulations relating to disclosures of return information to officers and employees of the Bureaus of the Census and Economic Analysis of the Department of Commerce for certain statistical purposes. These regulations affect disclosures of return information under section 6103(j)(1) of the Internal Revenue Code of 1954 and provide Internal Revenue Service and Social Security Administration personnel and other persons with the guidance needed to comply with the law. In addition, an amendment to the regulations is proposed to permit the Service to authorize other Federal agencies to which returns and return information have been disclosed by the Internal Revenue Service to further disclose such returns and return information to the taxpayer's designee.

DATE: Written comments and requests for a public hearing must be delivered or mailed by March 8, 1982. The amendments are proposed to be effective with respect to disclosures of return information made after the date of publication of these amendments as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–111–81), Washington, D.C., 20224.

FOR FURTHER INFORMATION CONTACT: David E. Dickinson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3373, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103 (j)(1) and (p)(2)(B) and are issued under the authority of sections 6103 (j)(1) and (q) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1678 and 1685, 68A Stat. 917; 26 U.S.C. 6103 (j)(1) and (q), 7805).

Provisions of the Regulations

The Internal Revenue Service has been requested to amend § 301.6103(j)(1)–1(b) of the Regulations on Procedure and Administration to provide for the disclosure to the Census Bureau of additional items of return information for purposes of conducting the 1982 economic and agricultural censuses. These additional items relate principally to cost of goods sold, royalty and farm income, and receipts of exempt organizations reported on Form 990. Also § 301.6103 (j)(1)–1(b)(4) would be amended to permit the additional disclosure of business related employment codes and service center, district and area office codes.

Further, the Census Bureau has reviewed the various items of return information presently disclosable under § 301.6103(j)(1)–1(b) to determine which, if any, of these items are no longer needed for authorized statistical purposes. As a result of this review, this proposed amendment would delete present disclosure authority with respect to several items, principally having to do with labor hired, number of employees, and taxable wages paid under the Federal Insurance Contribution Act.

Also, the regulations under § 301.6103(j)(1)–1(c) are proposed to be amended to permit the Social Security Administration to disclose to the Bureau of Economic Analysis for authorized statistical purposes certain described return information from employment tax returns of corporations.

Finally, in certain instances, returns and return information which the Internal Revenue Service has disclosed to another Federal agency for an authorized purpose may be more readily available from that agency than the Service when yet another person requests the Service to disclose the returns and return information for an authorized purpose. An example would be employment tax returns and return information filed directly with the Social Security Administration for processing purposes as authorized by section 6103(l)(5). When another person requests this data for a purpose authorized by section 6103, it may be more feasible for the Social Security Administration to make the dislcosure rather than the Service. For this reason, § 301.6103(p)(2)(B)–1(a) of present regulations authorizes the use of this mechanism with the Service's consent. The proposed amendment to this regulation would specifically authorize the use of the mechanism where disclosure is to be made to the taxpayer's designee under section 6103(c).

Drafting Information

The principal author of these regulations was David E. Dickinson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) are as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. Paragraphs (b)(2) (i), (ii), (iii), and (iv), (b)(3), (b)(5)(ii), and (c) of § 301.6103(j)(1)–1 are revised to read as follows:

§ 301.6103(j)(1)–1 Disclosures of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.

* * * * *

(b) *Disclosure of return information to officers and employees of the Bureau of the Census.*

* * * * *

(2) * * *

(i) From the business master files of the Service, the taxpayer name directory and entity records consisting of taxpayer identity information (as defined in section 6103(b)(6)) with respect to taxpayers engaged in a trade or business, the principal industrial activity code, the filing requirement code, the employment code, the service center and district and area office codes, and monthly corrections of, and additions to, such entity records;

(ii) From Form SS–4, all return information reflected on such return;

(iii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total compensation reported,

(C) Total number of employees reflected on such return,

(D) Master file tax account number,

(E) Taxable period covered by such return,

(F) Employment code,

(G) Document locator number,

(H) Record code,

(I) Total number of individuals employed in the taxable period covered by the return,

(J) Taxable wages paid for purposes of chapter 21 to each such employee,

(K) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(L) Total taxable wages paid for purposes of chapter 21, and

(M) Total taxable tip income reported for purposes of chapter 21; and

(iv) From Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(3) Officers or employees of the Service will disclose the following business related return information reflected on the return of a taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of Title 13, United States Code, demographic, economic, and agricultural statistics programs and censuses—

(i) From Form 1040, Schedule C, taxpayer identity information (as defined in section 6103(b)(6)), the principal industrial activity code, reported gross receipts, returns and allowances, cost of labor, and salaries and wages;

(ii) From Form 1120F, Section II, and Forms 1065, 1120, 1120S, 990C, and 990T, the taxpayer identifying number (as described in section 6109), the principal industrial activity code, the consolidated return indicator (if any), and reported gross receipts less returns and allowances;

(iii) From Forms 1120, 1120S, and 1065, cost of goods sold, and royalty income;

(iv) From Form 990C, cost of goods sold;

(v) From Form 1040 Schedule F, taxpayer identity information and reported gross profits;

(vi) From Form 1040, Schedule C, and Forms 1065 and 1120S, answers to the business activity questions;

(vii) From Forms 1040, Schedule C, business address, answer to the question relating to Form 941, and cost of goods sold and, or, operations;

(viii) From Form 990—

(A) Taxpayer identifying number;

(B) Reported gross receipts;

(C) Cost of goods sold;

(D) Membership dues and assessments; and

(E) Total contributions, gifts, grants, and similar amounts received;

(ix) From Form 990PF, the taxpayer identifying number, the principal industrial activity code, and reported total receipts;

(x) From Form 1065, the names and taxpayer identifying numbers of no more than 10 members of the partnership;

(xi) From Form 1065, including Schedule F, if any, total sales of livestock and produce raised and other farm income and gross and net profits from farming; and

(xii) From Form 1120S, the names and taxpayer identifying numbers of, and the number os shares of stock owned by, no more than 10 shareholders of the corporation.

* * * * *

(5) * * *

(ii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total compensation reported,

(C) Taxable wages paid for purposes of chapter 21 to each such employee,

(D) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(E) Employee code; and

* * * * *

(c) *Disclosure of return information to officers and employees of the Bureau of Economic Analysis.* Officers or employees of the Service will disclose to officers and employees of the Bureau of Economic Analysis for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by law, statistical analyses return information consisting of Statistics of Income transcript-edit sheets containing return information reflected on returns of designated classes or categories of corporations with respect to the tax imposed by chapter 1 and microfilmed records of return information reflected on such returns where needed for further use in connection with such conduct or preparation.

(2) Subject to the requirements of paragraph (d) of this section and § 301.6103(p)(2)(B)–1, officers and employees of the Social Security Administration to whom the following return information reflected on returns of designated classes or categories of corporations of designated classes or categories of corporations has been disclosed as provided by section 6103(l)(1)(A)(5) may disclose such return information to officers and employees of the Bureau of Economic Analysis for necessary purposes described in paragraph (c)(1) of this section—

(i) From Form SS–4, principal industrial activity and geographic codes; and

(ii) From an employment tax return—

(A) Total compensation reported, and

(B) Taxable wages paid for purposes of chapter 21 to each employee.

* * * * *

§ 301.6103(p)(2)(B)–1 [Amended]

Par. 2. Paragraph (a) of § 301.6103(p)(2)(B)–1 is amended by removing the words "a person described in section 6103(e)" in the first sentence and inseting in lieu thereof the words "to a person described in section 6103 (c) or (e)".

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–1516 Filed 1–20–82; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On December 7, 1981, the State of Indiana submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State Plan.

DATE: Written comments on the Plan must be received on or before 5 p.m., February 22, 1982.

ADDRESSES: Copies of the full text of the proposed Indiana Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region III, Administrative Records Center, Rm. 511, U.S. Court House and Federal Building, 46 East Ohio Street, Indianapolis, Indiana 46207.

State of Indiana, Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204.

Office of Surface Mining Reclamation and Enforcement, Administrative Records, Rm. 5315, 1100 L Street, NW., Washington, D.C. 20240.

Written comments must be mailed or hand carried to: Regional Director, Region III at the first address listed above. Comments received after 5 p.m., February 22, 1982 will not be considered or included in the administrative record for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Richard D. McNabb, Assistant Regional Director/AML, Office of Surface Mining, U.S. Court House and Federal Building, 46 East Ohio Street, Rm. 524, Indianapolis, Indiana 46207. Telephone: (317) 269–2646.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the approved program.

On December 7, 1981, OSM received a proposed Abandoned Mine Land Reclamation Plan from the State of Indiana. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Land Reclamation (AMLR) Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (FR) on October 25, 1978, 43 FR 49932–49952.

This notice describes the proposed program and sets forth information concerning public participation in the Assistant Secretary's determination of whether or not the submitted Plan may be approved. The public participation requirements for the consideration of a State Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AMLR Program Final Rules (43 FR 49932–49940 (1978)).

The receipt of the Indiana Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Indiana.

By submitting a proposed Plan, Indiana has indicated that it wishes to be primarily responsible for the reclamation of abandoned mine lands in Indiana. If the program is disapproved and the State does not choose to revise the Plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the Plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of the Regional Director's Office will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's office at the request of members of the public to receive their advice and recommendations concerning the proposed Indiana Reclamation Plan and Program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Russel Miller, telephone 317/269–2649, at the Regional Director's office.

The Department intends to continue to discuss the State's Plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Indiana Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Indiana Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The Indiana Reclamation Plan for Abandoned Mine Land Reclamation can be approved if:

1. The Assistant Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the Plan.

4. The Plan meets all requirements of the OSM, AMLR Program Provisions.

5. The State has an approved Regulatory Program.

6. It is determined that the Plan is in compliance with all applicable State and Federal laws and regulations.

The Indiana Department of Natural Resources has been designated by the Governor of the State of Indiana to implement and enforce the Abandoned Mine Land Reclamation Program in accordance with SMCRA. The Department has developed State regulations to carry out the State

mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program;

(b) State's chief legal officer's opinion on the authority of the designated agency to conduct the program in accordance with Title IV of the SMCRA;

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives;

(2) Project ranking and selection procedures;

(3) Coordination with other reclamation projects;

(4) Land acquisition, management and disposal;

(5) Reclamation on private land;

(6) Rights of entry; and

(7) Public participation in the program.

(d) Description of the administrative and management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program;

(2) Personnel staffing policies;

(3) Purchasing and procurement systems and policies; and

(4) Description of the accounting system including specific procedures for operation of the reclamation fund;

(e) Description of the public's participation in the preparation of the Plan;

(f) A general description of activities to be conducted under the Plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map;

(2) General description of the problems identified and how the Plan proposes to deal with them;

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses;

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the Plan;

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base;

(ii) Sociologic and demographic characteristics;

(iii) Significant aesthetic, historic or cultural, and recreational values;

(iv) Hydrology, including water quality and quantity problems associated with past mining;

(v) Flora and fauna, including endangered and threatened species and their habitat;

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction; and

(vii) Anticipated benefits from reclamation.

Dated: December 16, 1981.

Steven Griles,

Director, Office of Surface Mining.

Dated: December 22, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary Energy and Minerals.

[FR Doc. 82-1473 Filed 1-20-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-062]

Proposed Change To Operating Regulations for Multnomah County Drawbridges Across the Willamette River at Portland, Oregon; Public Hearing.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; public hearing on proposed drawbridge regulation.

SUMMARY: Multnomah County, Oregon has requested that the Coast Guard amend the operating regulations for the Broadway, Burnside, and Morrison Bridges across the Willamette River at Portland, Oregon. If amended, the regulations would require that one-hour advance notice be given for bridge openings between the hours of 8:00 a.m. and 4:30 p.m., and two-hours advance notice at all other times. During Rose Festival Week and when the water elevation reaches and remains above +12 feet, the bridges would open on signal without advance notice. The change is being considered in the interest of increased operating efficiency for the county while providing for the reasonable needs of navigation. In view of the comments received, the Commandant has authorized a public hearing be held.

DATES: The hearing will be held On February 11, 1982. Comments will be received through February 25, 1982.

ADDRESSES: The hearing will be held in the Bonneville Power Administration Auditorium, 1002 N.E. Holloday Street, Portland, Oregon. Send copies of oral statements to the Commandant (CAN), 13th Coast Guard District, at the above address.

FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, District Bridge Administrator, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174 (206) 442-5864.

SUPPLEMENTARY INFORMATION: Notice of the proposed change was published in the **Federal Register** on October 8, 1981 (46 FR 49910). A public notice of the proposed change (81-N-15) was issued by the Commander, Thirteenth Coast Guard District, on 23 October 1981.

In view of comments received on the proposal, the Commandant has authorized a public hearing to be held by the Commander, Thirteenth Coast Guard District. The hearing will be held in the Bonneville Power Administration Auditorium, 1002 N.E. Holloday Street, Portland, Oregon, on Thursday, February 11, 1982, from 2:00 p.m. until all comments have been received (or 5:00 p.m.), and from 7:00 p.m. until all comments have been received.

Any person who wishes to appear and be heard at this public hearing may do so. Persons planning to appear and be heard are requested to notify the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174, any time prior to the hearing indicating the amount of time required. Written comments previously submitted are a matter of record and need not be resubmitted at the hearing.

Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing. Those wishing to provide written comments only may submit such comments at the hearing or to the Commander (oan), Thirteenth Coast Guard District, through February 25, 1982. All comments received will be considered. A transcript of the hearing, as well as written comments received will be available for public review in the offices of the Commander (oan), Thirteenth Coast Guard District, Federal Building, 915 Second Avenue, Seattle, Washington.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: December 30, 1981.

R. I. Copin,

Captain, U.S. Coast Guard Commander, 13th Coast Guard District, Acting.

[FR Doc. 82-1522 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[AD-FRL-1945-7]

Attainment Designations by County for the Purpose of Establishing Baseline Air Quality Data

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act, EPA has determined the air quality of States or portions of States. Some broad areas have been designated as attainment or unclassifiable. Normally, prevention of Significant Deterioration (PSD) construction permit will be used by EPA to determine the baseline ambient air quality for areas previously designated attainment or unclassifiable. In this document, EPA proposes to define the boundaries of air quality areas for purposes of PSD baseline, and other actions concerning air quality.

DATE: Comments must be submitted on or before February 22, 1982.

ADDRESS: Comments should be mailed to: Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Catherine Cotter, Office of General Counsel (A-133), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-7806.

SUPPLEMENTARY INFORMATION: Part C of Title I of the Clean Air Act, which focuses on the prevention of significant deterioration (PSD) of air quality, applies to areas designated as attainment or unclassifiable pursuant to section 107(d) of the Act. Part C requires that prior to construction major new sources or major modifications of sources in an area subject to Part C must submit a permit application demonstrating that the facility will not cause or contribute to air pollution in excess of any maximum allowable increase above the baseline air quality, or in excess of any national ambient air quality standard (NAAQS). See sections 163 and 165. The baseline ambient air quality is defined in Section 169(4) as the ambient concentration of a pollutant prevailing at the time that the first permit application is filed "in an area." The Act, however, does not specify what constitutes "an area."

EPA originally interpreted section 169 as allowing the Agency to set a uniform baseline date for all areas in the Country. *See* 40 CFR 51.24(b)(11), 52.21(b)(11) (1979). Consequently, neither EPA nor the States thought that the designation of an area was relevent to the establishment of baseline ambient air quality data when the attainment designations were first promulgated, pursuant to section 107(d). 43 FR 8962 (March 3, 1978). Many States designated specific areas as nonattainment but submitted attainment and unclassifiable designations encompassing large areas, in some cases entire States, using phrases such as "entire States," "rest of State," etc.

Since that time the United States Court of Appeals for the District of Columbia Circuit has held that a uniform baseline date is not authorized by Section 169, and that the Act requires the baseline date to be established separately for each area to which Part C applies at the time of the first permit application within the area. *Alabama Power Co. v. Costle,* 636 F.2d 323 (1979). EPA has determined that the term "area" means the attainment or unclassifiable area within which the permit application is filed. 45 FR 52715 (August 7, 1980). As a result, in many States where attainment designations have been made that encompass an entire State or large portions of a State, the first permit application filed within these areas could now trigger a baseline air quality determination for the entire area. These areas are typically much larger than the actual area of significant air quality impacts of a proposed source; triggering the baseline date for the entire area could therefore unnecessarily restrict growth in an area.

In the interest of administrative convenience and to afford the States more flexibility in air quality planning, EPA is proposing that such blanket attainment designations be interpreted as establishing individual designations for each country in the area. As a result, a permit application for construction within a previously undifferentiated attainment area will establish the baseline air quality only for the county in which the proposed source will have a significant impact as defined in EPA's regulations.[1]

EPA has chosen to differentiate these blanket attainment and unclassifiable areas on a county-by-county basis because counties were the geographic units most frequently adopted by States that originally submitted specific attainment designations. EPA recognizes that some states, *e.g.,* Louisiana, may not have counties at all, or may be organized so that the use of counties for the purposes of the regulation would be inappropriate. At any time States may request EPA to redesignate their attainment or unclassifiable areas using Air Quality Control Regions or other appropriate geographic units. EPA explicitly requests that States submit alternative attainment designations as comments to this rulemaking, and EPA will revise the final rule as necessary to deal with these concerns. States may request redesignations using areas smaller than counties so long as the redesignated area is no smaller than the area in which the baseline date has been set due to the filing of a permit application by a source subject to PSD requirements that would have a significant air quality impact on the area. *See* 40 CFR 51.24(b)(15)(ii). If a permit application has already established a baseline date for a large area within which the redesignated area lies, that baseline date will no longer be applicable upon approval of the redesignation.[2]

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule, if promulgated, is not major because it is only a redefinition of attainment areas and imposes no new regulatory requirements. Furthermore, this rule is intended to alleviate economic burdens and will not impose increased costs on consumers, industries, or government agencies.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that for the above-stated reasons this proposed rule will not have a significant economic impact on a substantial number of small entities.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

It is proposed that Part 81 of Chapter I of Title 40 of the Code of Federal

[1] A source is considered to impact an area if it changes the air quality by 1 $\mu g/m^3$ or more of sulfur dioxide or particulate matter on an annual basis. 45 FR 52716 (August 7, 1980).

[2] However, the boundaries of a redesignated area may not encroach upon the area of impact of any major stationary source or major modification that has already established the baseline date for the area or part of the area proposed for redesignation. *See* 45 FR 52716 (August 7, 1980).

Regulations be amended by adding the following paragraph (b) to § 81.300. The existing paragraph is designated as paragraph (a).

§ 81.300 Scope

* * * * *

(b) Wherever the air quality status of a State or a portion of a State has been designated attainment or unclassifiable by a generally inclusive term such as "remainder of State," "rest of State," "rest of Air Quality Control Region," "Statewide," "entire State," "whole State," or other similar phrase, that State or portion thereof shall be deemed to be designated attainment or unclassifiable on a county-by-county basis, unless a State chooses to redesignate on some other appropriate basis. A redesignation may not alter the baseline date for an area in which the date has been established as prescribed in 40 CFR 51.24(b)(15)(ii).

[FR Doc. 82-1513 Filed 1-20-82; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6181]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 81-31708 appearing at page 54599 in the issue for Tuesday, November 3, 1981, please make the following correction:

On page 54602, in the last entry for Minnesota, in the location column, "Speltz Creek" should be moved to the source of flooding column. The location items "About 150 feet upstream of Main Street" and "At upstream corporate limits" are associated with Speltz Creek. In the last column please remove "About 150".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 47, No. 14
Thursday, January 21, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Grazing Advisory Board; Meeting

The Black Hills National Forest Grazing Advisory Board will meet at 10:00 a.m., February 12, 1982 in the Conference Room of the District Ranger's Office, Spearfish, South Dakota. The purpose of this meeting is to acquaint new Board members with the range management plans and expenditure of range betterment funds as well as to obtain their views on the Board's functions for the year and to firm up plans for the annual field trip.

The meeting will be open to the public. Persons who wish to attend should notify Leon Fager, Black Hills National Forest, 605/673–2251.

Dated: January 12, 1982.

James R. Mathers,

Forest Supervisor.

[FR Doc. 82–1423 Filed 1–20–82; 8:45 am]

BILLING CODE 3410–11–M

Prescott National Forest Grazing Advisory Board; Meeting

The Prescott National Forest Grazing Advisory Board will meet at 10:00 a.m. on February 26, 1982, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service. Discussion will be limited to use of range betterment funds and management planning.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602–445–1762. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

Donald H. Bolander,

Forest Supervisor.

January 12, 1982.

[FR Doc. 82–1424 Filed 1–20–82; 8:45 am]

BILLING CODE 3410–11–M

Nicolet National Forest Land and Resource Management Plan, State of Wisconsin; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 the Forest Service, Department of Agriculture will prepare an Environmental Impact Statement on the proposed Land Resource Management Plan for the Nicolet National Forest in Wisconsin.

The plan is being prepared in accordance with requirements of the Secretary of Agriculture's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the National Forest System Lands within the proclamation boundaries of the Nicolet National Forest.

The planning process began with the identification of public issues, management concerns, resource use, and development opportunities. Public participation has been an integral part of the planning process. Response forms, meetings, and other public involvement tools were used to identify and verify issues early in the planning process. Major new issues will be considered as they are identified during the planning process.

The planning criteria will be developed and data will be collected and analyzed to determine how the identified issues and concerns can best be resolved. An assessment of the capability of the land resource outputs and the determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulated alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objective for the alternative. In addition, each identified major public issue will be addressed, each alterative will specify methods to maintain or enhance renewable resources, and a no change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for continuous monitoring and evaluation process.

A Draft Environmental Impact Statement (DEIS) and Draft Plan will be released early in 1983. The Final Environmental Impact Statement (FEIS) and Land and Resource Management Plan will be released approximately ten months later.

Steve Yurich, Regional Forester, Eastern Region, is responsible for approval of the Forest plan. Jim Berlin, Forest Supervisor of the Nicolet National Forest is the responsible official in charge of preparation and implementation of the plan. Further information about the planning process can be obtained by calling Terry Moore, Planning Staff Officer on the Nicolet National Forest at 715 362–3415. Written comments on this Notice of Intent should be directed to: Forest Supervisor, Nicolet National Forest, Federal Building, Rhinelander, WI 54501.

Dated: January 8, 1982.

James H. Freeman,

Director of Planning, Programming and Budgeting.

[FR Doc. 82–1422 Filed 1–20–82; 8:45 am]

BILLING CODE 3410–11–M

Pacific Crest National Scenic Trail Location; Decision Notice and Finding of No Significant Impact

In the matter of Pacific Crest National Scenic Trail Relocation, "Warner Springs to Banner Canyon," Palomar Ranger District, Cleveland National Forest, San Diego County, California.

Background

The 1968 National Trails System Act designated the Pacific Crest National Scenic Trail (PCNST) between Mexico and Canada for hikers and equestrians. The Act assigned primary responsibility for administration of the trail to the

Secretary of Agriculture, and he delegated this responsibility to the Chief of the Forest Service. The original route for the PCNST (Published Route) was published in the Tuesday, January 30, 1973, **Federal Register** (38 FR 2832).

A 22-mile segment of the PCNST between Warner Springs and Banner Canyon is the responsibility of the Cleveland National Forest and has not been constructed. Ninety-six percent of this segment is located on private property. Many landowners affected by the trail oppose the Published Route and are unwilling to grant a trail easement; therefore, the Forest Service is faced with condemning an easement.

Section 7(b) of the National Trails System Act provides that the trail may be relocated "* * * upon a determination that (i) such a relocation is necessary to preserve the purpose for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles." Based on this provision, the staff of the Cleveland National Forest worked with landowners and recreationists to identify acceptable alternative trail routes. Subsequently, an environmental assessment of the Published Route and seven alternative routes was completed.

Decision

Based on the environmental assessment entitled "Pacific Crest Trail Route Analysis—Warner Springs to Banner Canyon", it is my decision to adopt Alternative "F–2" (San Felipe Hills/Scissors Crossing route). The appendix to this Decision Notice provides a detailed description of the proposed relocation route.

My decision to select Alternative F–2 is based on the following:

1. The Published Route would require condemnation for an easement across seven private properties, whereas route F–2 takes maximum advantage of public property and minimizes impacts on private property.

2. Since route F–2 makes it unnecessary to condemn easements across private property, the potential for conflicts between trail users and property owners is significantly reduced. There is a corresponding reduction in management problems and costs.

3. All major conflicts, with the exception of livestock encounters, are removed.

4. While the Published Route provides a high quality recreation experience in a forested environment, route F–2 provides a good recreation experience along a crest in the desert and is the best route across Vista Irrigation District and the San Felipe Ranch. It takes advantage of excellent trailhead opportunities at Barrel Springs and Scissors Crossing, and highway crossings are relatively safe.

5. Route F–2 minimizes impacts on resources. It avoids high quality farm and rangeland and is in the safest vegetation type with regard to wildfire hazard. Sensitive wildlife habitat and plant species in the Volcan Mountains are avoided, as are sensitive cultural resource areas.

6. Construction of the trail along route F–2 will cost approximately $100,000 more than on the Published Route; however, this is more than offset by reduced costs of acquiring easements across private property and by lower costs per mile for annual maintenance.

7. Route F–2 is compatible with the Bureau of Land Management's plan for locating the trail south to Cuyamaca.

Finding of No Significant Impact

A number of issues and concerns from landowners, recreationists, and the Forest Service were developed to guide the environmental analysis of the alternative trail routes. The major issues and concerns were consolidated into ten topics:

1. *PCNST recreation experience:* This concern involves aspects of the experience considered important in *The Pacific Crest Trail: Guide for Location, Design and Management.* Shade, viewing opportunities, water access, campsites, and conflicts with land uses were essential components of this concern.

2. *Infringement on private property and landowners:* This concern includes trespass, vandalism, and disturbance of solitude and existing lifestyles by trail users.

3. *Indian Reservation:* The Bureau of Indian Affairs and Santa Ysabel Band of Indians oppose a trail across the reservation. A right-of-way by condemnation is not an option since one Federal Agency cannot condemn property administered by another.

4. *Land use:* Possible mining and residential development and growth on the Volcan Mountains and near San Felipe may eventually degrade the trail environment and associated recreation opportunities. Effects of off-road vehicle use were another land use concern.

5. *Threatened, endangered, and sensitive plant and animal species:* Southern bald eagle and golden eagle habitat and one sensitive plant, a Mariposa lily, occur in the Volcan Mountains.

6. *Safety of trail users:* Fire, mining activity, steep and unstable terrain, and livestock and highway crossings are potential hazards.

7. *Prime rangeland and farmland:* The expansive San Jose Valley, the top of the Volcan Mountains, and the San Felipe Valley areas could be impacted by a trail and the associated use.

8. *Fire:* Introducing more recreationists into high risk forest and range-land fuels may increase the chance of wildfire.

9. *Cultural resources:* Concerns include potential impacts to archaeological and historical resources by trail construction and use.

10. *Other biophysical:* This topic includes impacts upon wildlife, vegetation, flood plains and soils.

Originally, six routes for the PCNST were analyzed and compared. Three routes were located over the Volcan Mountains (Westerly Route—Alternative A; Published Route or No-Action—Alternative B; and Volcan Mountain—Alternative C), one route on the east slope of the Volcan Mountains (Mid-slope Route—Alternative D), one route in the San Felipe Valley foothills to the Volcan Mountains (Foothill Route—Alternative E), and one route in the San Felipe Hills (San Felipe Hills Route—Alternative F).

On February 24, 1981, Forest Supervisor Ralph Cisco announced to the public his intent to recommend Alternative F. There was general support from most landowners, the Bureau of Land Management (BLM), concerned recreationists, and the PCNST Advisory Committee. However, unexpected opposition to the route was voiced by the owners of San Felipe Ranch. Field meetings with these property owners and PCNST advocates resulted in two modifications of Alternative F where it crosses the San Felipe Ranch. These routes were labeled the San Felipe Hills/Middle Ranch Crossing—Alternative F–1 and San Felipe Hills/Scissors Crossing—Alternative F–2. On May 1, 1980, the previous six PCNST routes were again analyzed and compared with the two modifications of Alternative F. This analysis examined alternatives to the Published Route within Forest Service responsibility and routes extending into BLM responsibility that logically connect to the Published Route. The analysis was performed jointly with BLM to ensure coordinated planning and to preserve the trail's integrity.

In the final analysis, the decision for a change from the Published Route was narrowed to two basic routes, Alternative C and Alternative F. Alternative C is a minor refinement of the Published Route to mitigate many

shortcomings and conflicts, while retaining a quality trail environment. Alternative F includes the two San Felipe Ranch crossing modifications, F–1 and F–2.

The other alternatives were rejected for the following reasons:

1. Alternative A is similar to Alternative C with respect to mitigating conflicts of the Published Route and offering a high quality trail environment; however, it crosses the Santa Ysabel Indian Reservation. As previously noted, the Santa Ysabel Band is opposed to the trail and will not agree to a trail easement.

2. Alternatives D and E were screened from the final analysis because they offer relatively poor recreation opportunities without significantly mitigating private property conflicts.

To compare the best recreation route over the Volcan Mountains (Alternative C) with the routes that best minimize private property impacts, (Alternatives F, F–1, and F–2) it is useful to examine their similarities. These routes use the same location across Vista Irrigation District avoiding prime rangeland, minimizing private property conflicts, and offering a quality recreation environment. They also cross Highway 78 east of the mouth of Banner Canyon, a location necessary to avoid poor crossings farther to the west and to tie-in with BLM's plans for continuing the trail south. Otherwise, Alternative Routes C, F, F–1, F–2 are quite different.

Alternative C provides a quality, ridgeline recreation opportunity in a wooded setting consistent with objectives for the PCNST. However, it causes a greater impact on private lands with a resulting potential for conflicts between landowners and trail users. It also would introduce more people into the habitat of the golden eagle, bald eagle, and the sensitive Mariposa lily in the Volcan Mountains. The risk of forest and rangeland fires would also be increased.

Alternative F avoids some landowner conflicts, but has a major conflict with San Felipe Ranch as described earlier. Alternatives F–1 and F–2 both avoid the landowner conflicts and potential adverse environmental effects of Alternative C. Alternative F–2 further reduces impacts on private lands by taking advantage of a location on public lands. While Alternative F–1 and F–2 do not provide as high a quality of year-round recreation experience as Alternative C, they do provide a good recreation experience in a desert crest setting. This adds some interesting diversity to the trail as a whole, especially in spring and fall.

Considerable public involvement took place in the development and assessment of alternative trail routes. The California Sub Group of the PCNST Advisory Council has also been consulted and their recommendations were considered in relocating the trail routes.

All practical means have been taken to avoid or minimize adverse effects on the environment in selecting Alternative F–2. Potential adverse effects are identified in the criteria established to guide the analysis, and mitigation was a strong consideration in the alternative selected. The relocation does not involve wetlands or flood plains.

Based on the environmental analysis, which is summarized above, it is determined there are no irreversible resource commitments and no irretrievable loss of habitat. Critical concerns of the public have been mitigated, and no adverse cumulative or secondary effects were found. The environmental assessment indicates there will be no significant adverse effects upon the quality of the environment: therefore, an environmental impact statement is not needed.

The environmental assessment is available for review during regular working hours in the following Forest Service offices:

USDA, Forest Service, 880 Front Street, San Diego, CA 92188

USDA, Forest Service, Recreation Management, Room 4240, 12th and Independence Avenue SW., P.O. Box 2417, Washington, DC 20013.

For further information about the proposed relocation, contact William W. Braumlette, District Resource Officer, Palomar Ranger District, 332 South Juniper ST., Suite 100, Escondido, CA 92025, (714)745–2421.

Implementation of this trail relocation may take place immediately.

This decision is subject to administrative review pursuant to 36 CFR 211.19.

Dated: December 30, 1981.

Douglas R. Leisz,

Associate Chief.

Appendix—Pacific Crest National Scenic Trail Relocation

Warner Springs—Banner Canyon Segment, Palomar Ranger District, Cleveland National Forest, San Diego County, California

This minor relocation is proposed under the provisions of Setion 7(b) of the National Trails System Act (82 stat. 919: U.S.C. 1241–1249). The following wording changes to the Tuesday, January 30, 1973 Federal Register, (Vol. 38, No. 19, Part II) are recommended:

Page 2837, Column 1, Paragraph 2, Lines 7–17

Delete: "* * * Continuing, it crosses San Ysidro Creek and Buena Vista Creek, climbs Volcan Mountain, passes Catfish Springs, Furguson Flat and enters a Bureau of Land Management Unit as it descends into Banner Canyon, where it crosses State Highway 78. As it passes through this unit, the trail stays on the ridge west of Chariot Canyon, then for several miles zigzags * * *"

Add: "Continuing, it follows Canada Verde Creek east for 1.5 miles, then turns south crossing San Ysidro Creek and Buena Vista Creek to Barrel Springs. The Trail then enters Bureau of Land Management and Anza Borrego Desert State Park units where it remains along the crest of the San Felipe Hills until it descends into San Felipe Valley at Scissors Crossing. It then enters back into Anza Borrego Desert State Park, ascending the north side of Granite Mountain to 3,000 feet before continuing west, crossing Rodriguez Canyon and then south through Bureau of Land Management land. Then, for several miles it zigzags * * *".

The above route relocation proposal also requires changes of the map base shown on pages 2941 and 2942 or the original Federal Register publication as shown on the attached maps.[1]

Page 2837, Column 3

Delete the following described private lands:

Township	Range	Section
11 South	3 East	36
11 South	4 East	10, 19, 30, 31
12 South	4 East	6, 7, 8, 16, 17, 20, 21, 28, 32, 33
13 South	4 East	4, 15, 23, 25, 35

Santa Ysabel Indian Reservation.

Add the following described private lands:

Rancho Valle de San Felipe

[FR Doc. 82–1519 Filed 1–20–82; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82–1–48	Aviation Methods, Inc	Feb. 1, 1982.
82–1–49	Mail Airways, Inc	Feb. 1, 1982.
82–1–58	Air Lincoln, Inc	Feb. 2, 1982.

[1] Maps filed as a part of original document.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 82–1–48, –49, and –59 with the Special Authorities Division, Room 915, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Orders 82–1–48 and 49: Ms. Patti Szrom, (202) 673–5088, and for Order 82–1–59: Mr. John McCamant, (202) 673–5082.

By the Civil Aeronautics Board, January 13, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–1504 Filed 1–20–82; 8:45 am]

BILLING CODE 6320–01–M

Order Concerning Mail Rates

Order 82–1–61, 1982, Docket 40150, fixes temporary intra-Alaska service mail rates for Evergreen Helicopters of Alaska, Inc., at the rates established for Wien Air Alaska in Order 80–12–152.

Copies of the order are available from the Civil Aeronautics Board Distribution Section; Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–1503 Filed 1–20–82; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Colorado Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 12:00 p.m., on February 13, 1982, at the Central Classroom Building, 1006 Eleventh Street, Room 301, Denver, Colorado, 80202. The purpose of this meeting is to conduct orientation for the new members of the Committee, and to discuss program plans for Fiscal Year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Minoru Yasui, 1150 South Williams, Denver, Colorado, 80210, (303) 575–2621 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 18, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–1451 Filed 1–20–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate four San Francisco Region projects for twelve month period beginning June 1, 1982. The aggregate total costs of the projects is $2,754,000.

Funding Instrument: It is anticipated that the funding instruments as defined by the Federal Grant Cooperative Agreement Act of 1977 will be Cooperative Agreements.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible minority clients in areas related to the establishment and operation of businesses. These proposed projects are specifically designed to provide business information counseling, financial packaging assistance, and assistance in identifying and exploiting business opportunities and new/or expanding markets.

Applicants are invited for the following four Cooperative Agreements:

1. One Cooperative Agreement for a management and technical assistance project: Business Development Center (BDC) beginning June 1, 1982, in the Los Angeles, California SMSA and its environs. The cost of the project is estimated to be $1,120,000. The maximum federal participation amount is $1,008,000. The minimum amount required for non-federal participation is $112,000. The project number is 09–10–82001–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions. Also see the final paragraph of this series.

2. One Cooperative Agreement for a management and technical assistance project: Business Development Center (BDC) beginning June 1, 1982, in the Los Angeles, California SMSA and its environs. The cost of the project is estimated to be $1,120,000. The maximum federal participation amount is $1,008,000. The minimum amount required for non-federal participation is $112,000. The project number is 09–10–82002–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions. Also see the final paragraph of this series.

3. One Cooperative Agreement for a management and technical assistance project: Business Development Center (BDC) beginning June 1, 1982, in the San Diego, Calif. SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 09–10–82004–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions. Also see the final paragraph of this series.

4. One Cooperative Agreement for a management and technical assistance project: Business Development Center (BDC) beginning July 1, 1982, in the Phoenix, Arizona SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 09–10–82009–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions. Also see the final paragraph of this series.

The same applicant shall not receive the Cooperative Agreement award for both the Los Angeles, California SMSA requests. MBDA requires that non-affiliated business organizations service the Southern California area. However,

applicants may submit proposals for both requests covering the Los Angeles, California SMSA and its environs.

Closing Date: February 25, 1982.

Proposals are to be mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

For further information contact: Mr. Mikel R. Cook, Program Analyst, Phone Number 415/556–6733

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

(This program is subject to the requirements of OMB Circular A–95)

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (Preferences from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities-that can possibly enhance the BDC program effort-i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under

Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *ecomomy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Dispostion of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsucessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothihg in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants who will be held at the above address on February 1, 1982, at the above address, Room 2007 at 10:00 A.M.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 15, ;1982.

Powell Mc Daniel,

Deputy Regional Director.

[FR Doc. 82–1496 Filed 1–20–82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Charleston, S.C. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Charleston/N. Charleston, SC SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–82008–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilties and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e,, business contacts in the public and private sector; leadership responsibilities; and exprience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous exeriences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services willbe 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—A fee will be charged to clients for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal propety donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-resposive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 5, 1982 at 1:00 PM.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82–1494 Filed 1–20–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement; Columbia, S.C.

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Columbia, S.C. SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–82014–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which

information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.*

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, State, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Cash that is contributed or donated by the recipient, by other non-Federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—A fee will be charged to clients for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-Federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and effeciency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 5, 1982 at 1:00 p.m.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-1493 Filed 1-20-82; 8:45 am]

BILLING CODE 3510-12-M

Financial Assistance Application Announcement; Jacksonville, Fla., SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Jacksonville, Florida SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–82004–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, State, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Technidques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of

meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution* —Cash that is contributed or donated by the recipient, by other non-Federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—A fee will be charged to clients for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-Federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principle costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MEDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 5, 1982 at 1:00 PM.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development

Dated: January 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-1490 Filed 1-20-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Orlando, Fla. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Orlando, Florida SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-Federal participation is $17,000. The project number is 04-10-82011-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION: Mr. Charles F. McMillan, Regional Director (404) 881-4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority business are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide

information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventory resources and opportunities; the brokering therereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—A fee will be charged to clients for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 5, 1982 at 1:00 PM.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82–1492 Filed 1–20–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement; Tampa/St. Petersburg, Fla. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Tampa/St. Petersburg, FL SMSA. The

cost of the project is estimated to be $250,000.The maximum federal participation amount is $225,000. The minimum amount required for non-federal participation is $25,000. The project number is 04–10–82003–01. Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/. Staff.*

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—A fee will be charged to clients for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business clients and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 5, 1982, at 1:00 p.m.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 11, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-1491 Filed 1-20-82; 8:45 am]

BILLING CODE 3510-21-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), Department of Commerce, intends to grant to Stauffer Chemical Company, having a place of business at Westport, Connecticut 06887, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Insect Maturation Inhibitors," U.S. Patent No. 4,002,769 (issued January 11, 1977) and in Reissue Application, Serial No. 2,083 filed January 9, 1979. The availability of this invention for licensing was announced in the **Federal Register** (42 FR 54323, October 5, 1977). Copies of the Patent may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: January 15, 1982.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 82-1489 Filed 1-20-82; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP)

AGENCY: Assistant Secretary for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of the request of the Department of Housing and Urban Development for a laboratory accreditation program (LAP) under NVLAP for windows and doors, and call for public comment.

SUMMARY: In a letter dated December 16, 1981, the Department of Housing and Urban Development (HUD) requested the Department of Commerce (DOC) to develop a laboratory accreditation program (LAP) to accredit laboratories that test windows and doors. In accordance with NVLAP Procedures, that request is published for public comment.

DATE: Comments on this requested LAP should be submitted by March 22, 1982.

ADDRESS: Comments on the need for the requested LAP should be directed to Mr. Leslie Bredén, U.S. Department of Housing and Urban Development, Washington, DC 20410 (202–755–5929). A copy of such comments should be sent to Mr. John W. Locke at the address below. Comment on matters other than the need for the requested LAP, including the standards and test methods proposed for the LAP, should be addressed to John W. Locke, NVLAP Coordinator.

FOR FURTHER INFORMATION CONTACT: John W. Locke, NVLAP Coordinator, National Bureau of Standards, Technology Building, Room B06, Washington, DC 20234; (301) 921–2368.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with § 7b.4 of the NVLAP Procedures (15 CFR Part 7b). Section 7b.4 permits another Federal agency: (1) To determine that there is a need to accredit laboratories within the context of a program authorized by statute, and (2) to request that DOC establish a LAP to accredit laboratories that want to participate in the agency's program. Under § 7b.4 any such request must be published in the **Federal Register** for public comment. Thereafter, DOC will determine the appropriate response to the other agency's request. If it appears that establishment of the requested LAP is appropriate, one or more public workshops will first be held, after announcement in the **Federal Register**, to consider the technical details of the requested LAP.

Accordingly, DOC hereby publishes the request from HUD dated December 16, 1981, to develop a LAP to accredit laboratories that test windows and doors in accordance with "Use of Materials Bulletins (UM's) 39, 59, and Materials Release (MR) 1010." UM's 39 and 59 and MR 1010 were issued under Subpart S of Part 200 of Title 24, Code of Federal Regulations. Subpart S

implements section 521 of the National Housing Act (12 U.S.C. 1735e).

The specific standards and test methods proposed to be included in the requested LAP are:

ANSI/AAMA 302.9–1977: Specifications for Aluminum Prime Windows.

ANSI/AAMA 402.9–1977: Specifications for Aluminum Sliding Glass Doors.

ANSI/AAMA 1002.9–1977: Specifications for Aluminum Combination Vertically Sliding or Horizontally-Operating Storm Windows for External Applications.

ANSI/AAMA 1102.7–1977: Specifications for Aluminum Storm Doors.

ANSI/NWMA I.S. 2–73: Specifications for Wood Windows.

ANSI/NWMA I.S. 3–80: Specifications for Wood Sliding Patio Doors.

ASTM E283–73: Standard Test Method for Rate of Air Leakage through Windows, Curtain Walls, and Doors.

ASTM E339–79: Standard Test Method for Structural Performance of Exterior Windows, Curtain Walls and Doors by Uniform Static Air Pressure Differences.

ASTM E331–70: Standard Test Method for Water Penetration of Exterior Windows, Curtain Walls and Doors by Uniform Static Air Pressure Differences.

NWMA I.S. 4–70: Standard for Water-Repellent Preservative Non-Pressure Treatment for Wood Mill Work.

ASTM E547–75 Standard Test Method for Water Penetration of Exterior Windows, Curtain Walls and Doors by Cyclic Static Air Pressure Differential.

Dated: January 10, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Text of the HUD letter to DOC is presented verbatim below:

December 16, 1981.

Mr. Robert Ellert,
Acting Assistant Secretary for Productivity, Technology and Innovation.

Dear Mr. Ellert: The Department of Housing and Urban Development requests, in accordance with Section 7(b)(4) of Title 15 of the Code of Federal Regulations, that the Departments of Commerce (DOC) and Housing and Urban Development (HUD) work together to establish a laboratory accreditation program for windows and doors (aluminum, plastic, steel and wood) in accordance with Use of Materials Bulletins (UM's) 39, 59 and Materials Release (MR) 1010. Enclosed is a list of test methods, administrators and testing laboratories.

The HUD Certification Program presently uses several administrators, each of whom is responsible for the approval of the laboratories they use. This National Voluntary Laboratory Accreditation Program (NVLAP) effort will eliminate the duplication of approvals by administrators and minimize the cost to both industry and government.

We recommend the general and specific criteria, as published in the Federal Register announcement of January 23, 1980 (45 FR 5572–5600), to be used in accrediting window and door testing laboratories. This will include consideration of the existing program procedures now being used by HUD and HUD-accepted administrators and the NVLAP criteria. We reserve the right to review and determine acceptablility of the final criteria prior to publication in the Federal Register.

Although this particular program is directed toward testing windows and doors in accordance with UM's 39, 59 and MR 1010, the testing laboratories may also benefit relative to the testing of other related products. This could encourage participation and funding from a variety of both government and private sector sources.

It should be noted that with regard to the collaborative reference testing, once a year would appear to be adequate. It is our suggestion that Mr. Lee Donahue and/or one of the HUD administrators be on your peer evaluation team.

If there are any further questions or points of interest we can clarify, please feel free to call M. Leslie Breden of my staff at 755–5929.

Sincerely,

Donald K. Baxter,

Director, Construction Standards Division, Office of Manufactured Housing and Construction Standards.

[FR Doc. 82-1452 Filed 1-20-82; 8:45 am]

BILLING CODE 3515-13-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on State Jurisdiction and Responsibilities Under the Commodity Exchange Act; Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a), that the Commodity Futures Trading Commission's Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act ("Advisory Committee") will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, D.C., headquarters located at Room 532, 2033 K Street, NW., Washington, D.C. 20581, on February 5, 1982, beginning at 10:00 a.m. and lasting until 4:00 p.m. The agenda will consist of discussion of:

(1) A proposed joint enforcement seminar to be conducted for state officials by Commission staff;

(2) Enforcement cases of interest to the Commission and the states;

(3) North American Securities Administrators Association activities; and

(4) Possible amendments to the Commodity Exchange Act of interest to the states.

The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on such matters as state enforcement of the Commodity Exchange Act and enforcement of general state criminal and civil antifraud laws. The purposes and objectives of the Advisory Committee are more fully set forth at 45 FR 27972 (April 25, 1980).

The meeting is open to the public. The Co-Chairman of the Advisory Committee, Dennis A. Dutterer, the General Counsel of the Commission, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the Advisory Committee c/o Mr. Dutterer, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should inform Mr. Dutterer, telephone number (202) 254–9880, at least five days before the meeting. Reasonable provision will be made for their appearance, if time permits, to present oral statements of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C., on January 18, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-1502 Filed 1-20-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS); Proposed Clear Lakes Hydropower Study, River Mile 594 Near Buhl, Idaho

AGENCY: Army Corps of Engineers, Defense.

ACTION: Notice of Intent to prepare a DEIS.

SUMMARY:

1. The proposed action is the production of electricity by constructing a new hydroelectric dam on the Snake River. We are considering alternative projects with dam heights between 25 feet and 75 feet. Preliminary studies indicate that the most economical option

would produce 138,000,000 kilowatt-hours of energy.

2. Possible alternatives to this project are: No action; other nonthermal electrical generation systems; thermal electrical generation systems; load management options; and conservation.

3. Coordination with appropriate Federal, State, and local agencies began in March 1980. Correspondence on the action will continue and public notices, news releases, and a 1982 public meeting are planned as part of the planning process. Some significant issues are considered to be: wildlife habitat changes and recreational value changes.

The Fish and Wildlife Service has been asked to evaluate the impact on the wildlife habitat.

4. The scoping process will be discussed at the 1982 public meeting but prior communications should have already given direction to the scope of the statement. To insure citizen participation, the time, date, and location of this public meeting will be announced by press release to the news media and mailing of notice to known interested parties.

5. It is estimated that the DEIS would be available to the public in December 1982.

ADDRESS: Major comments and/or your questions about the proposed action and draft environmental impact statement can be answered by: Mr. William E. McDonald, Walla Walla District, Corps of Engineers, Bldg. 603, City-County Airport, Walla Walla, Washington 99362.

H. J. Thayer,

Colonel, CE, Commanding.

[FR Doc. 82-1425 Filed 1-20-82; 8:45 am]

BILLING CODE 3710-GC-M

Defense Advisory Committee on Women in the Services (DACOWITS) Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DOCOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m. February 16, 1982 in MRA&L Conference Room #3E794, The Pentagon, and from 9:30 a.m. to approximately 12:00 noon, February 17, 1982 in MRA&L Coonference Room #3E794, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review the responses to the recommendations/requests for information/continuing concerns made at the 1981 Fall Meeting, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next Semiannual Meeting scheduled for April 25-29, 1982 in San Diego, California.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Room 3D322, The Pentagon, Washington, D.C. 20301, telephone (202) 697-5655 no later than February 10, 1982.

Dated: January 15, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-1442 Filed 1-20-82; 8:45 am]

BILLING CODE 3810-01-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 27, 1982, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular January business meeting, which is open to the public. Both the hearing and the meeting will be held in the Newport Suite at the Radisson Wilmington Hotel, 700 King Street, Customs House Plaza, Wilmington, Delaware. The subjects of the hearing will be as follows:

A. A Proposal To Amend Water Quality Interpretive Guideline No. 1 Relating to Effluent Concentration Limits of Toxic Metals

Effluent concentration limits applying to arsenic, barium, cadmium, chromium (hexavalent), copper, lead, mercury, selenium and zinc were established in section B(3)c.(ii) of Interpretive Guideline Number 1 adopted by the Commission in 1972. Since that time Commission staff has used the guideline as a basis for administering a Commission water quality standard requiring that discharges to rivers and streams "shall not contain more than negligible amounts of toxic substances." The United States Environmental Protection Agency has national standards for point-source industrial discharges, including metals limitations, that did not exist when the Commission adopted its interpretive guideline in 1972. In order to avoid duplication and inconsistencies in the implementations of standards, the Commission now proposes to repeal section B(3)c.(ii) of Interpretive Guideline Number 1.

B. Applications for Approval of The Following Projects Pursuant to Article 11 of the Compact and/or Section 3.8 of the Compact

1. *Artesian Water Company (D-79-58 CP).* A well water supply project to augment public water supplies in New Castle County, Delaware and allocations for existing well fields. Designated as well number 4R, the new facility is a replacement well and is expected to provide about 144,000 gallons per day.

2. *Hazleton City Authority (D-79-87 CP) (Supplement).* An allocation of surface water from sources supplying the Authority's water supply distribution system in Carbon and Luzerne Counties, Pennsylvania. The system is currently supplied by three surface sources within the Delaware River Basin and five surface and 12 well sources within the Susquehanna River Basin. The Authority has requested approval to increase its allocation presently limited to six million gallons per day from all sources. The docket allocates diversion from Quakake Creek, Dreck Creek and Buck Creek, each of which is a tributary of the Lehigh River and requires minimum flows downstream of each taking point.

3. *North Penn Water Authority (D-80-71 CP).* A well water supply project in the Township of Skippack, Montgomery County, Pennsylvania. Designated as Well No. 54, the new facility is expected to yield up to 290,000 gallons per day to initially supplement a satellite single well system. Within five years, the Authority plans to interconnect the satellite system with the main distribution system serving all or portions of Lansdale and Souderton Boroughs; Franconia, Hatfield, Lower Salford, Towamencin, Worcester, Skippack, Upper Gwynedd Townships in Montgomery County; and Hilltown Township in Bucks County.

4. *Upper Merion Township Authority—Matsunk Plant (D-81-69 CP).* A project to increase the capacity of the Authority's existing Matsunk sewage treatment plant in Upper Merion Township, Montgomery County, Pennsylvania. The project would provide for removal of 85 percent of BOD and 92 percent of suspended solids from a wastewater flow of up to 2.5 million gallons per day. Treated effluent will continue to discharge to Frog Run, a tributary of the Schuylkill River.

5. *Olde Lafayette Village (D-80-64).* A surface water withdrawal in Lafayette Township, Sussex County, New Jersey. The applicant proposes to withdraw

980,000 gallons of water per day from the Paulinskill River, circulate it in ponds which will also function as storm water detention basins, then discharge the water to the river. The ponds would be used for aesthetic purposes at the proposed Olde Lafayette Village shopping area.

6. *Heritage Farms, Inc. (D–81–64).* A sewage treatment plant to serve the Heritage Farms-Brookfield Village development in Bedminster Township, Bucks County, Pennsylvania. Treatment facilities will provide for removal of 85 percent of BOD from a sewage flow of approximately 58,000 gallons per day. Treated effluent will be dispersed on a 75-acre spray irrigation field in Hilltown Township.

7. *Village of Neshaminy Falls (D–81–68).* A project to upgrade sewage treatment at the Village of Neshaminy Falls Mobile Home Park in Montgomery Township, Montgomery County, Pennsylvania. Additions will be made to the existing waste treatment facilities to provide for removal of 94 percent of BOD and suspended solids from a sewage flow of up to 62,000 gallons per day. Treated effluent will discharge to the Little Neshaminy Creek.

Documents relating to the above-listed projects may be examined at the Commission's offices. Contact Mr. David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

January 12, 1982.

[FR Doc. 82-1428 Filed 1-20-82; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Proposed Funding Priorities for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of proposed funding priorities for fiscal year 1982.

The Secretary of Education proposes funding priorities for research activities to be supported by the National Institute of Handicapped Research (NIHR) in fiscal year 1982. NIHR is required under the Rehabilitation Act of 1973, as amended, to develop a long-range research plan which identifies rehabilitation research that needs to be conducted and to determine funding priorities to facilitate the support of these activities. The recently published NIHR final regulations (46 FR 45300, September 10, 1981) authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 351.32). The Secretary intends to annually propose priorities for public comment and to finalize the priorities through an Application Notice that invites grant proposals addressing these prioritized research areas.

Authority for the research program of NIHR is contained in section 204 of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602.

Under this program, awards are issued to public and private agencies and organizations, including institutions of higher education.

The purpose of the awards is for planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before February 22, 1982.

ADDRESS: All written comments and suggestions should be sent to Betty Jo Berland, National Institute of Handicapped Research, Department of Education, Room 3511, Switzer Office Building, Washington, D.C. 20202.

For further information contact: Betty Jo Berland, National Institute of Handicapped Research, Department of Education, Room 3511, Switzer Office Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: 202/472–6551 or 202/245–0591.

SUPPLEMENTARY INFORMATION: NIHR regulations provide that the Secretary will solicit grant proposals by specifying in an Application Notice in the Federal Register national needs in rehabilitation research, which applicants must address in their grant proposals. National needs will be identified by the Secretary on an annual basis and are derived from the long-range rehabilitation research planning process required by section 202(g) of the Act.

The following proposed priorities address national rehabilitation research needs and are derived from the goals, objectives, and proposed activities articulated in the Long-Range Plan.

These proposed priorities represent only a fraction of all the goals, priorities, and activities of the Institute. They include only priorities for new and additional projects which would be funded through grants in fiscal year 1982, assuming sufficient funds are available. The publication of these proposed priorities does not bind the U.S. Department of Education to fund projects in all or any of these areas, which depends on both the availability of funds and public response to this announcement.

The proposed priorities are:

1. Research on job assessment, job site modification, and improved placement, advancement, and retention of handicapped persons in employment, including the special employment needs of Social Security Disability Insurance claimants. This need encompasses the development of objective measures of work potential for severely handicapped individuals and the development of easily replicated methods and technological devices for modifying job sites and equipment for severely handicapped workers, which may include homebound workers.

2. Identification of the most appropriate strategies and incentives that will promote public and private sector collaboration and bring improved technology to handicapped persons through more effective use of Federal funds, including the establishment of a product evaluation capability to assess the safety and effectiveness of products developed for use by handicapped individuals and the development of minimum performance specifications for these products.

3. Research on methods to improve the rehabilitation of individuals who have a catastrophic disability (such as spinal cord dysfunction, arthritis, multiple sclerosis, cerebral palsy, severe burns, or coronary heart disease) through the development, use, and evaluation of new quantitative measures of human functions and performance.

4. Analysis of the growing field of private rehabilitation to identify its research needs, its exemplary service practices, and its impact upon public rehabilitation programs, including the implications for future governmental policy decisions regarding the use of private sector programs to meet public rehabilitation needs.

5. Identification of the vocational rehabilitation needs of learning disabled individuals and existing and potential barriers to the provision of services to this population, and development of strategies for delivering appropriate rehabilitation services to learning disabled individuals.

6. Clinical evaluation of various rehabilitation modalities for arthritis to determine their effectiveness for treatment and/or maintenance of symptom-free states.

7. Research to determine problems with the current system for producing

orthopedic footware required by persons with neuromuscular, skeletal and circulatory problems of the feet and lower extremities.

8. Development of effective technological communication aids to be used by persons who are unable to speak or communicate orally due to birth defects, cancer, stroke, or other neuromyopathies.

9. Development and implementation of a model for the collection, organization, and dissemination of exemplary rehabilitation practices and research findings to rehabilitation practitioners, researchers, policymakers, and disabled consumers.

10. Development and testing of innovative models for utilizing existing outreach networks such as Home Demonstration Agents for the delivery of independent living services to deinstitutionalized and other severely handicapped persons in rural areas.

11. Development of new medical methods, techniques, and knowledge for the improved restoration and rehabilitation of burn-injured individuals.

12. Development of innovative methods and techniques for the restoration and rehabilitation of persons who have suffered a severe head trauma, and development and evaluation of an effective system of care for this population.

13. Development of portable devices which will enable deaf-blind persons to communicate effectively with others.

14. Research to identify the environmental factors and exemplary service practices which facilitate and maintain the functional gains accomplished as a result of the provisions of rehabilitation services to deinstitutionalized handicapped persons.

15. A Rehabilitation Research and Training Center on the unique rehabilitation needs and service delivery problems of handicapped residents of the Pacific Basin.

16. A Rehabilitation Research and Training Center on methods to meet the unique rehabilitation needs of Native Americans, taking into consideration cultural aspirations and the unique service delivery problems of this population.

17. Research on the unique handicapping problems of minority populations, such as blacks, hispanics, or other minority populations, their special rehabilitation needs, and the special problems in service delivery for these populations.

Applicable Regulations

Regulations applicable to this program include:

(1) The Department of Education General Administrative Regulations (EDGAR) (34 CFR Part 75 and 77, formerly 45 CFR Parts 100a and 100c); and

(2) Regulations governing the National Institute of Handicapped Research (34 CFR Part 350–356).

Dated: January 18, 1982.

T. H. Bell,

Secretary, Department of Education.

[FR Doc. 82-1474 Filed 1-20-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Environmental Conservation will meet in January 1982. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its eighth meeting on Tuesday, Wednesday and Thursday, January 26, 27 and 28, 1982, starting at 9:00 a.m. each day, in the Chart Room of the Pier 66 Hotel and Marina, 2301 Southeast Seventeenth Street, Fort Lauderdale, Florida.

The tentative agenda for the meeting follows:

1. Review of the draft report of the Coordinating Subcommittee.
2. Review of the schedule for completion of the study effort.
3. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Oil, Gas and Shale Resources Development Division, Fossil Energy, 301/353–2710, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 6, 1982.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

January 6, 1982.

[FR Doc. 82-1483 Filed 1-20-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and high cost gas incremental pricing threshold which are to be effective February 1, 1982. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pennsylvania Ave., NW., Rm. 4121, Washington, DC 20461 (202) 633–9710.

Supplementary Information:

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determined the price ceilings is described in Section III.

[Dollars per million]

State	British thermal units
Alabama	3.06
Arizona [1]	3.73
Arkansas [1]	3.40
California	3.70
Colorado [1]	4.06
Connecticut [1]	4.06
Delaware [1]	3.80
Florida	4.01
Georgia [1]	4.06
Idaho [1]	4.06
Illinois	3.76
Indiana [1]	3.90
Iowa [1]	3.71
Kansas [1]	3.71
Kentucky [1]	3.90
Louisiana [1]	3.40
Maine	3.93
Maryland [1]	3.90
Massachusetts [1]	4.06
Michigan [1]	3.90
Minnesota [1]	3.71
Mississippi	4.00
Missouri	3.53
Montana [1]	4.06
Nebraska [1]	3.71
Nevada [1]	3.73
New Hampshire [1]	4.06
New Jersey	3.87
New Mexico	3.06
New York	3.86
North Carolina [1]	4.06
North Dakota [1]	3.71
Ohio	3.80
Oklahoma [1]	3.40
Oregon [1]	3.73
Pennsylvania [1]	3.90
Rhode Island [1]	4.06
South Carolina [1]	4.06
South Dakota [1]	3.71
Tennessee	3.87
Texas	3.53
Utah [1]	4.06
Vermont [1]	4.06
Virginia [1]	4.06
Washington [1]	3.73
West Virginia	3.80
Wisconsin [1]	3.90
Wyoming	3.80

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79–21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during November 1981 was $41.66 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective February 1, 1982, is $9.34 per million BTU's

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanment the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to lare industrial users in the months of September 1981, October 1981, and November 1981.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective February 1, 1982, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, September 1981, October 1981, November 1981. Reported prices for sales in September 1981 were adjusted by the percent change in the nationwide volume-weighted average price from September 1981 to November 1981. Prices for October 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from October 1981 to November 1981. The volume-weighted 3-month average of the adjusted September 1981 and October 1981, and the reported November 1981 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volumn for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)] was compared to this average low price, and the higher of the values was selected as the base of determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

State (expressed in dollars per million Btu's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending January 14, 1982, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of November 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A: Connecticut; Maine; Massachusetts; New Hampshire; Rhode Island; Vermont.
Region B: Delaware; Maryland; New Jersey; New York; Pennsylvania.
Region C: Alabama; Florida; Georgia; Mississippi; North Carolina; South Carolina; Tennessee; Virginia.
Region D: Illinois; Indiana; Kentucky; Michigan; Ohio; West Virginia; Wisconsin.
Region E: Iowa; Kansas; Missouri; Minnesota; Nebraska; North Dakota; South Dakota.
Region F: Arkansas; Louisiana; New Mexico; Oklahoma; Texas.
Region G: Colorado; Idaho; Montana; Utah; Wyoming.
Region H: Arizona; California; Nevada; Oregon; Washington.

Issued in Washington, D.C. January 18, 1982.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 82-1982 Filed 1-20-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00030; TSH-FRL-2032-7]

Interagency Toxic Substances Data Committee, Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The next meeting of the Interagency Toxic Substances Data Committee will be held in February.

DATE: The February meeting will take place on February 2, 1982, at 9:30 a.m.

ADDRESS: The meeting will be held in: Rm. 5104, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Sidney Siegel, (TS-777), Acting Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-317, 401 M St., SW., Washington, D.C. 20460, (202)-382-2256).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public.

The next meeting of the Interagency Toxic Substances Data Committee after the February meeting will take place on April 6, 1982.

Dated: January 8, 1982.

Sidney Siegel,

Acting Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 82-1330 Filed 1-20-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51383, TSH-FRL-2032-8]

Polyester Diol; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 82-13, March 12, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51383]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 82-13

Close of Review Period. April 11, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Polyester diol.

Use. The manufacturer states that the PMN substance will be used as a polymer intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	30,000	150,000
3d year	50,000	150,000

Physical/Chemical Properties

Boiling point—325°C
Flash point, closed cup—> 132°C
Viscosity, @ 60°C—200 cps
Solubility: water, @ 30°C—.9 mg/ml
Density, @ 60°C—1.076
Vapor pressure, @ 25°C—0.15 mm/Hg

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5.0 ml/kg
Acute dermal toxicity LD_{50} (rabbit)—> 2.0 ml/kg
Skin irritation (rabbit)—Not a primary irritant
Eye irritation (rabbit)—Nor an irritant
Inhalation—Not lethal after 8 hrs @ 80°C

Exposure. The manufacturer states that during manufacture, processing and use 24 workers may experience dermal, inhalation, and ingestion exposure up to 24 hrs/day, up to 50 days/yr during drumming, sampling, and transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land and water. Disposal is by incineration and hazardous waste management facility.

Dated: January 12, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1329 Filed 1-20-82; 8:45 am]

BILLING CODE 6550-31-M

FEDERAL MARITIME COMMISSION

[Docket No. 82-7; Agreement No. 150-70]

Trans-Pacific Freight Conference of Japan/Korea Minority Rate Initiative; Order of Investigation and Hearing

Agreement No. 150-70, an amendment to Agreement No. 150,[1] the conference agreement of the Trans-Pacific Freight Conference of Japan/Korea (Conference), has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Agreement No. 150-70 would modify the basic Conference agreement to allow for minority rate initiative. Minority rate initiative is a procedure by which a Conference rate for the carriage of a given commodity could be lowered upon the affirmative vote of three Conference members. Pursuant to Agreement No. 150-70, minority rate initiative procedures could be utilized to reduce a commodity rate only when total Conference carryings of that commodity fell below seventy (70) percent of the total market for that commodity.

If approved, Agreement No. 150-70 would remain in effect for fifteen (15) months. Thereafter, minority rate initiative could be activated for periods of six (6) months upon the affirmative vote of a majority of the Conference members.

Notice of the filing of Agreement No. 150-70 was published in the **Federal Register** on May 27, 1981. A protest was filed by the United States Department of Justice (DOJ). Subsequent filings were submitted by the Conference and DOJ.

Position of the Parties

Proponents' Initial Submission: In support of Agreement No. 150-70, the Conference submitted the affidavit of its Chairman, Robert D. Grey. In his affidavit, Mr. Grey outlines in detail the provisions of the proposed agreement, noting that its basic purpose is to "facilitate adjustments in the level of rates of particular commodities when it is determined there is a need to meet substantial nonconference competition." Mr. Grey asserts that the additional flexibility thereby introduced into Conference rate-making procedures would strengthen the Conference and induce independent carriers to become members.

It is asserted in the affidavit that approval of Agreement No. 150-70 is necessitated by depressed market conditions and instability in the Japan/Korea—United States Pacific Coast Trade (Trade). The declining market share of the Conference and the continued decline in rates and carrier revenues in the Trade are emphasized as further justification for approval of the Agreement.

Protest: DOJ urges the Commission to either conditionally approve Agreement No. 150-70 or to make it the subject of an evidentiary hearing. If the Agreement is to be approved, DOJ urges the Commission to eliminate the market-share threshold for the exercise of minority rate initiative and to remove the proposed fifteen-month automatic expiration date and six-month reactivation provision.

Although DOJ does not assert that minority rate initiative is *per se* violative of the antitrust laws, it believes that the market-share threshold for exercising minority rate initiative may have serious anticompetitive effects. Specifically, DOJ asserts that the market-share "triggering" mechanism raises concerns of predatory pricing and constitutes an undesirable market allocation signal from the Conference to its independent competitors. As such, inclusion of the market-share threshold provision, according to DOJ, renders Agreement No. 150-70 an unnecessarily anticompetitive solution to the problems cited by the Conference.

DOJ also objects to the fifteen-month automatic expiration and six-month reactivation provision "because it preempts the regulatory supervision of the Commission over a fundamental and competitively significant change in the manner in which the Conference fixes rates and rate policy." DOJ believes that the ultimate determination of the continued value of minority rate initiative should be made by the Commission, not the Conference.

Response of Proponents: The Conference asserts that DOJ's concerns regarding the market-share threshold for the exercise of minority rate initiative are "extremely speculative and devoid of any substantial factual basis." DOJ's objections, the Conference asserts, assume without foundation an intent on the part of the Conference to engage in unlawful ratemaking. Further, the Conference argues that DOJ's market allocation arguments fail to take into account the inability of the Conference's independent competitors to ascertain the percent of a given commodity carried by Conference members or the ratemaking procedures utilized by the Conference to adjust a commodity rate in a given instance.

The Conference further argues that the seventy percent market-share threshold was designed to insure that minority rate initiative would not be used as a substitute for the Conference's existing ratemaking procedures, not to carve out a particular share of the market. DOJ's attempt to eliminate this "triggering" mechanism would allegedly undermine the concept of collective decision-making that is the basis of the conference system.

Finally, the Conference asserts that the automatic expiration provision and the Conference's authority to reactivate minority rate initiative upon the affirmative vote of a majority of the Conference members would not divest the Commission of its oversight over Conference ratemaking procedures. The Commission, the Conference notes, always retains the authority to scrutinize section 15 agreements. Further, the Conference argues that the Commission has previously granted similar discretionary authority in analogous situations.

Further Comments of Protestant: DOJ asserts that the Conference's responses to its objections are little more than conclusory remarks. DOJ argues that it has demonstrated the potential unreasonable restraint of trade that might be occasioned by Agreement No. 150-70's market-share "trigger" mechanism and that the Conference has failed to refute the possible anticompetitive consequences so established. Additional proceedings are allegedly necessary to explore how Agreement No. 150-70 came to be proposed, how the market-share threshold would be perceived by Conference members and independent lines alike, the potential impact of Agreement No. 150-70 on the Trade, and

[1] Current members of the Trans-Pacific Freight Conference of Japan/Korea are: American President Lines, Ltd.; Barber Blue Sea Line; Hapag-Lloyd AG; Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Knutsen Line A/S; Korea Marine Transport Co., Ltd.; Korea Shipping Corporation; Lykes Bros. Steamship Company, Inc.; Mitsui O.S.K. Lines, Ltd.; A. P. Moller-Maersk Line; Nippon Yusen Kaisha; Showa Line, Ltd.; The East Asiatic Company Limited, operating as EAC—Knutsen Line, United States Lines, Inc.; and Yamashita-Shinnihon Steamship Co., Ltd.

the availability of data regarding Conference carryings and ratemaking procedures.

DOJ further notes that the Conference's justification for the "trigger" mechanism is limited to a conclusory prediction that it is necessary to assure "trade stability." According to DOJ, the Conference's submissions fail to show any instability in the Trade or to establish that the market-share threshold device is necessary to remedy any such instability.

DOJ also reiterates its objections to the "on/off provision." It adds that the Commission in the past has not authorized comparable discretionary authority in such a potentially anticompetitive context. Such delegated powers, according to DOJ, have been linked previously to "unambiguously pro-competitive" devices.

Further Response of Proponents: In its final reply to the objections raised by DOJ, the Conference asserts that DOJ's speculations do not warrant the invocation of the Commission's formal hearing processes. It is the Conference's position that DOJ has offered nothing to detract from the Conference's justification and that, therefore, the Commission has a sufficient record before it upon which to approve Agreement No. 150–70.

Discussion

Agreement No. 150–70 introduces a novel element into the Conference's ratemaking procedures. Utilizing minority rate initiative, three Conference members would be able to compel reductions in individual Conference commodity rates. Such an approach appears to represent a middle ground between traditional collective ratemaking and independent action.

Although minority rate intiative appears to have certain pro-competitive aspects, DOJ has identified certain possible anticompetitive effects that could be occasioned by Agreement No. 150–70's market-share "triggering" mechanism. Specifically, DOJ has cited the possibility of predatory pricing and tacit market allocation agreements.

In order to determine the approvability of Agreement No. 150–70, the Commission believes that it will be necessary to resolve these issues by determining the probable impact of the proposed Agreement on Trade stability and the level of competition and service in the Trade as well as by exploring in greater detail the operational mechanics of minority rate initiative. The Commission will, therefore, provide the parties to the investigation an opportunity for further hearing to submit affidavits and other evidence addressing the following matters:

1. The degree of instability in the Trade as demonstrated by, among other things, rate levels, carrier profitability, levels of utilization, rate actions, Conference membership, and level of services;

2. The probable impact of the Conference's implementaton of minority rate initiative on overall commodity rate levels, Conference membership, Conference and independent line revenues and the adequacy of service in the Trade;

3. The probable impact of the market-share threshold for the exercise of minority rate initiative upon the market share of the Conference and independent lines;

4. The inhibiting effect, if any, of the market-share "triggering" device upon the level of competitive in the Trade; and

5. The economic and transportation purposes to be served by Agreement No. 150–70's market-share "triggering" mechanism.

A further matter of concern to the Commission is the fifteen-month automatic expiration provision in Agreement No. 150–70. All parties should address the issue of the propriety of the delegation to the Conference of the discretionary authority to cancel and subsequently reactivate minority rate initiative. In discussing this issue, the parties should comment upon any precedent for such a delegation.

Accordingly, the Commission believes that Agreement No. 150–70 should be set down for investigation and further hearing. However, given the nature of the issues to be addressed during the course of this further hearing, the Commission does not now believe that a trial type hearing is necessary. Therefore, the instant proceeding will be limited to the submission of affidavits of fact and memoranda of law and oral argument before the Commission.

Now, therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 & 821), a proceeding is hereby instituted to determine whether Agreement No. 150–70 shall be approved, disapproved, or modified in accordance with the provisions of section 15;

It is further ordered, that the carriers listed in the Appendix attached hereto are designated Proponents;

It is further ordered, that the United States Department of Justice is designated a Protestant;

It is further ordered, that pursuant to Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearings and Field Operations, as Hearing Counsel, shall be a party to this proceeding;

It is further ordered, that any person(s), other than Proponents, Protestant, and the Bureau of Hearings and Field Operations, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72). In order to expedite the proceeding, such person(s) desiring to intervene shall submit their affidavits and/or memoranda simultaneously with the petition to intervene;

It is further ordered, that this proceeding shall be limited to the simultaneous submission to the Commission of affidavits of fact and memoranda of law and replies thereto and oral argument before the Commission pursuant to the following schedule:

(1) Opening submissions shall be filed by all parties of record and served on all other parties of record no later than close of business February 16, 1982;

(2) Reply submissions shall be filed by all parties of record and served upon all other parties of record no later than close of business on March 5, 1982; and

(3) Oral argument shall be held on March 17, 1982;

It is further ordered, that this order be published in the **Federal Register** and a copy thereof be served upon Proponents, Protestant and the Bureau of Hearings and Field Operations;

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of oral argument, shall be mailed directly to all parties of record; and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612
Barber-Blue Sea Line, 17 Battery Place, New York, New York 10004
Japan Line, Ltd., One Wilshire Building, Suite 2701, Los Angeles, California 90017
The East Asiatic Company, Ltd. (EAC–Knutsen Line), c/o Bakke Steamship Corp.,

650 California Street, San Francisco, California 94108
Hapag Lloyd AG, 1 Maritime Plaza, San Francisco, California 94111
Kawasaki Kisen Kaisha, Ltd., 2 World Trade Center, Suite 9910, New York, New York 10048
Korea Marine Transport Co., Ltd., c/o Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048
Korea Shipping Corporation, 1 Market Plaza, San Francisco, California 94105
Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048
A.P. Moller–Maersk Line, One World Trade Center, Suite 3547, New York, New York 10048
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048
Showa Line, Ltd., c/o Norton Lilly & Co., Inc., 90 West Street, New York, New York 10006
United Stated Lines, Inc., 27 Commerce Drive, Cranford, New Jersey 07016
Yamashita–Shinnihon Steamship Co., Ltd., 71 Broadway, New York, New York 10006

[FR Doc. 82-1446 Filed 1-20-82; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 82-6]

Western Pioneer, Inc.—Possible Violation of Section 2, Intercoastal Shipping Act, 1933; Order of Investigation and Hearing

Western Pioneer, Inc. (Western) provides transportation by water between the Ports of Bellingham and Seattle in the State of Washington, and Ports in the State of Alaska. Western publishes a tariff entitled Western Pioneer, Inc. Memorandum Freight Tariff No. 1, but has not filed that tariff with the Commission pursuant to section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844). Western's tariff establishes commodity rates for more than four hundred commodities.

Western cancelled the tariff it had on file with the Commission, Tariff FMC–F No. 2, effective June 30, 1978, and it has subsequently operated without a tariff on file with the Commission.

Western contends that it is not a "common carrier by water in interstate commerce," as that term is defined in section 1, Shipping Act, 1916, as amended, (46 U.S.C. 801.)

The Commission has determined that an investigation and hearing should be instituted to determine the carrier status of Western; whether Western is in violation of the tariff filing requirements of the Intercoastal Shipping Act, 1933; whether civil penalties should be assessed against Western if it is found to be in violation of the Intercoastal Shipping Act, 1933, and, if so, the amount of such penalties.

It is therefore ordered, that pursuant to sections 22 and 32, Shipping Act, 1916 (46 U.S.C. 821 and 831) and section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844), a proceeding is hereby instituted to determine:

1. Whether Western Pioneer, Inc. is a "common carrier by water in interstate commerce" as that term is defined in section 1, Shipping Act, 1916, as amended, (46 U.S.C. 801);

2. Whether Western Pioneer, Inc. is in violation of section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844) for failure to have its tariff on file with the Federal Martime Commission; and

3. Whether civil penalties should be assessed against Western Pioneer, Inc. pursuant to 46 U.S.C. 831(e) if found to be in violation of section 2, Intercoastal Shipping Act, 1933, and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible mitigation of such a penalty.

It is further ordered, that Western Pioneer, Inc., be named Respondent in this proceeding;

It is further ordered, that a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Presiding Administrative Law Judge in accordance with Rule 61 of the Commission's Rules of Practice and Procedure (46 CFR 502.61);

It is further ordered, that pursuant to Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42) the Commission's Bureau of Hearings and Field Operations, as Hearing Counsel, shall be a party to this proceeding;

It is further ordered, that any person(s) other than Respondent and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, that the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, that this order be published in the **Federal Register**, and a copy thereof be served upon Respondent;

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties or counsel;

It is further ordered, that all documents submitted by any party of record in this proceeding shall be so filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118).

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1447 Filed 1-20-82; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on National Organ Site Programs, Special Actions for Grants, and Planning and Budget, January 31–February 3, 1982, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting and the Subcommittee on Planning and Budget will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Office, NCI, Building 31, Room 10A06, National

Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

This notice was not published within the customary scheduled period because of the time frame involved in setting up the subcommittee meetings and agenda. It would have reached the **Federal Register** by January 15, however, there was a further delay due to the government administrative leave granted as a result of inclement weather.

Name of committee: National Cancer Advisory Board
Dates of meeting: February 1–3, 1982
Place of meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health
Open: February 1, 8:30 a.m.—adjournment. February 3, 8:30 a.m.—adjournment
Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Human Hybridoma Research; Foreign Awards and opportunities for U.S. Scientists to receive foreign support; Cancer and Minorities; Minority Training—M.D. Anderson Experience; and reports on the NCAB Subcommittees
Closed session: February 2, 8:30 a.m.—adjournment
Closure reason: To review cancer grant applications
Name of committee: Subcommittee on National Organ Site Programs
Date of Meeting: January 31, 1982
Place of meeting: Building 31, A Wing, Conference room 4, National Institutes of Health
Closed: January 31, 7:30 p.m.—adjournment
Closure reason: To review four National Organ Site Cancer Projects
Name of committee: Subcommittee on Special Actions for Grants
Date of meeting: February 1, 1982
Place of meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health
Closed: February 1, 3:30 p.m.—adjournment
Closure reason: Review of individual grant applications
Name of committee: Subcommittee on Planning and Budget
Date of meeting: February 1, 1982
Place of meeting: Building 31, A Wing, Conference Room 11A10, National Institutes of Health
Open: February 1, 7:30 p.m.—adjournment
Agenda: Review of FY 1982 and 1983 Budgets

(Catalog of Federal domestic assistance program numbers: 13.392, project grants in cancer construction; 13.393, project grants in cancer cause and prevention; 13.394, project grants in cancer detection and diagnosis; 13.395, project grants in cancer treatment; 13.396, project grants in cancer biology; 13.397, project grants in cancer centers support; 13.398, project grants in cancer research manpower; 13.399, project grants and contracts in cancer control)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: January 18, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1439 Filed 1-20-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1106]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective February 20, 1982, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5336. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Employee Identification File. It contains information identifying the employee such as employee photograph, name and signature, and other identifying data. The file is used to verify employee identity, in the issuance of HUD identification cards, and in the issuance of licenses or other benefits to employees. Appendix A, which lists the addresses of HUD offices, was published at 46 FR 54914 (November 4, 1981). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on November 25, 1981.

HUD/DEPT-71

SYSTEM NAME:

Employee Identification File.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Departmental employees and former employees who have been separated from the Department for six months or less.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system include emloyee photograph, name and signature, Social Security Number, identification card issuance date, type of appointment, date of birth, sex, height, weight, color of hair, and color of eyes, and may include requisition for employee identification card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To Federal, State, local, and foreign authorities for use in conducting criminal, civil, or regulatory investigations, to verify the identity of an employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders or card files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

The records are kept in locked metal file cabinets.

RETENTION AND DISPOSAL:

These records are retained and disposed of in accordance with approved schedules contained in HUD Handbook 2228.2, General Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Personnel Systems and Payroll Division, Office of Personnel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records of the individual concerned appear in 24 CFR Part 16. If additional information or assistance is

required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Individuals on whom the file is maintained.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., January 11, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-1436 Filed 1-20-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 17000-P]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A-17000-P.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified March 22, 1982. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register** (March 22, 1982), all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Mohave County, Arizona and are described as follows: (Footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A-17000-P

Gila and Salt River Meridian, Arizona

T. 28 N., R. 21 W.,
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½; [1, 2, 6, 7]
Sec. 5, Lots 1, 2, S½NE¼, SE¼; [1, 2, 3, 6, 7]
Sec. 8, E½, S½SW¼; [4, 5, 6, 7]
Sec. 9, All; [6, 7]
Sec. 16, All; [6, 7]
Sec. 17, All. [4, 5, 6, 7]
Total: Approximately 3,280.12 acres.

T. 19 N., R. 20 W.,
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼; [1, 2, 3]
Sec. 7, Lots 1, 2, 3, 4, E½, E½W½; [1, 2, 3]
Sec. 18, Lots 1, 2, 3, 4, E½, E½W½; [1, 2, 3]
Sec. 19, Lots 1, 2, 3, 4, E½, E½W½; [1, 2, 3]
Sec. 30, Lots 1, 2, 3, 4, E½, E½W½; [1, 2, 3]
Sec. 31, Lots 1, 2, 3, 4, E½, E½W½. [1, 2, 3]
Total: Approximately 3,828.51 acres.

T. 29 N., R. 21 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½; [2, 6]
Sec. 2 Lots 1, 2, 3, 4, S½N½, S½; [2, 3, 6]
Sec. 3, Lots 1, 2, S½NE¼, SE¼; [2, 6]
Sec. 10, E½; [2, 6]
Sec. 11, All; [2, 6]
Sec. 12, All; [2, 6]
Sec. 13, All; [2, 6]
Sec. 14, All; [2, 4, 6]
Sec. 15, E½; [2, 6]
Sec. 22, E½; [2, 7]
Sec. 23, All; [2, 7]
Sec. 24, All; [2, 7]
Sec. 25, All; [2, 7]
Sec. 26, All; [2, 7]
Sec. 27, All; [1, 2, 7]
Sec. 33, E½; [1, 2, 6]
Sec. 34, All; [1, 2, 7]
Sec. 35, All; [2, 5, 7]
Sec. 36, All. [2, 6]
Total: Approximately 10,556.27 acres.

T. 30 N., R. 19 W.,
Sec. 29, All; [1, 2, 3, 4]
Sec. 30, All; [1, 2, 3, 5]
Sec. 31, All; [1, 2, 3, 4]
Sec. 32, All. [1, 2, 5]
Total: Approximately 2,560.00 acres.

T. 30 N., R. 20 W.,
Sec. 24, All; [1, 2, 5]
Sec. 25, All; [1, 2, 5]
Sec. 35, All; [2, 5]
Sec. 36; All. [2, 3, 4, 5]
Total: Approximately 2,560.00 acres.

The total acreage described above for Application A-17000-P is approximately 22,798.90 acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

T. 28 N., R. 21 W.,

Rights-of-way

1. U.S. Bureau of Reclamation, P.O. Box 427, Boulder City, NV 89005, AR 035584.

2. Department of Energy, West Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, A 12037 (Apln).

3. Goldfield Corporation, Box 1899, Melbourne, FL 32901, A 7724.

4. Arizona Department of Transportation, 205 S. 17th Avenue, Phoenix, AZ 85007, AR 033124.

5. Citizen's Utilities Company, P.O. Box 111, Kingman, AZ 86401, AR 035212.

Grazing Lessee

6. Dale D. Smith, c/o Harry Slone, 928 Las Vegas Star Route, Kingman, AZ 86601.

Oil and Gas Lease

7. North American Energy Resources Inc., 1670 Broadway, Suite 3300, Denver, CO 80202. *and* Vince Allen and Associates, 3400 East Bayaud, Suite 200, Denver, CO 80209, A 16745.

T. 29 N., R. 20 W.,

Withdrawal

1. U.S. Bureau of Reclamation, P.O. Box 427, Boulder City, NV 89005, SO 5/8/1919.

Grazing Lessee

2. Dale D. Smith, c/o Harry Sloan, 928 Las Vegas Star Route, Kingman AZ 86401.

Oil and Gas Lease

3. North American Energy Resources Inc., 1670 Broadway, Suite 3300, Denver, CO 80202. *and* Vince Allen and Associates, 3400 Bayaud, Suite 200, Denver, CO 80209, A 16723, A16724.

T. 29 N., R. 21 W.,

Right-of-Way

1. Goldfield Corporation, Box 1899, Melbourne, FL 32901, A 7724.

Grazing Lessee

2. Dale D. Smith, c/o Harry Sloan, 928 Las Vegas Star Route, Kingman, AZ 86401.

Range Improvements

3. Dale D. Smith, Storage Tank and Trough, A2-4-132.

4. Dale D. Smith, Storage Tank and Trough, A2-4-133.

5. Dale D. Smith, Well, Windmill, Storage Tank, A2–4–209.

Oil and Gas Leases and Applications

6. Nareco Corporation, 500 Denver Club Bldg., Denver, CO 80202, A 10358, A 10359, A 10606.

7. Tipperary Oil and Gas Corporation, P.O. Box 3179, Midland, TX 79702, A 11134, A 11135.

8. John R. Shaw, 3435 Ramona Drive, Riverside, CA 92506, A 16394.

9. North American Energy Resources, Inc., 1670 Broadway, Suite 3300, Denver, CO 80202, *and* Vince Allen and Associates, 3400 East Bayaud, Suite 200, Denver, CO 80209, A 16738.

T. 30 N., R. 19 W.,

Withdrawal

1. U.S. Bureau of Reclamation, P.O. Box 427, Boulder City, NV 89005, SO 1/31/1903, Temp WDL.

Right-of-Way

2. Citizen's Utilities, P.O. Box 111, Kingman, AZ 86401, A 8087.

Grazing Lessee

3. Dale D. Smith, c/o Harry Sloan, 928 Las Vegas Star Route, Kingman, AZ 86401.

Oil and Gas Leases and Applications

4. North American Energy Resources, Inc., 1670 Broadway, Suite 3300, Denver, CO 80202, *and* Vince Allen and Associates, 3400 East Bayaud, Suite 200, Denver, CO 80209, A16732.

5. Patrick Petroleum Corp. of Michigan, 950 17th Street, Suite 1655, Denver, CO 80202, A 15599.

T. 30 N., R. 20 W.,

Withdrawals

1. U.S. Bureau of Reclamation, P.O. Box 427, Boulder City, NV 89005, SO 1/31/1903, Temp WDL.

Right-of-Way

2. Citizen's Utilities, P.O. Box 111, Kingman, AZ 86401, AR 035294.

Grazing Lessee

3. Dale D. Smith, c/o Harry Sloan, 928 Las Vegas Star Route, Kingman, AZ 86401.

Range Improvement

4. Dale D. Smith, Storage Tank and Trough, A 2–4–120.

Oil and Gas Lease Application

5. North American Energy Resources, Inc., 1670 Broadway, Suite 3300, Denver, CO 80202, *and* Vince Allen and Associates, 3400 East Bayaud, Suite 200, Denver, CO 80209, A 16722.

7. Rights-of-way granted by BLM will transer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: January 12, 1982.

W. K. Barker,

Acting State Director.

[FR Doc. 82–1429 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Craig District Grazing Advisory Board will be held on February 25, 1982, at the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81626. The meeting will convene at 10:00 a.m.

The agenda for the meeting will include: (1) The election of officers; (2) "Crime Stoppers" a rangeland law enforcement program; (3) the new maintenance and 8100 policy; (4).status of range improvement projects being constructed in FY '82; (5) the forage allocation and decision process in the White River Resource Area; (6) the expenditures of advisory board funds for range improvements; (7) a review and discussion of allotment management plans that have been written in accordance with the White River Grazing Environmental Impact Statement; and (9) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:30 and 11:30 a.m. on February 25, 1982, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by February 22, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary of minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: January 7, 1982.

Francis E. Noll,

Acting District Manager.

[FR Doc. 82–1049 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

[N–28229]

Nevada; Realty Action Sale of Public Lands in Eureka County, Nevada

January 14, 1982.

The following described lands have been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than the fair market value shown:

Parcel No.	T. 19 N., R. 53 E., MDM., Sec. 11	Acreage	Value
1	NE¼NE¼	40.0	$66,500
2	NE¼NW¼NE¼	10.0	22,000
3	NW¼NW¼NE¼	10.0	25,000
4	S½NW¼NE¼	20.0	40,000
5	N½SW¼NE¼	20.0	36,300
6	S½SW¼NE¼	20.0	36,200
7	NE¼SE¼	40.0	66,500
8	N½NW¼SE¼	20.0	32,000
9	S½NW¼SE¼	20.0	30,800
10	NE¼SW¼SE¼	10.0	16,700
11	NW¼SW¼SE¼	10.0	16,500
12	SW¼SW¼SE¼	10.0	16,500
13	SE¼SW¼SE¼	10.0	23,300
14	E½E½SE¼SE¼	10.0	24,000
15	W½E½SE¼SE¼	10.0	17,500
16	NE¼SE¼SE¼	10.0	21,500
17	SW¼SE¼SE¼	10.0	15,500

The Eureka County Commissioners will be given the opportunity to purchase any parcels for the county at the appraised fair market price prior to the sale. At the request of the County Commissioners, Mr. Ed Melka will be given the opportunity to purchase Parcel 14 to solve a long-standing land-use trespass case. Offers to purchase lands by Eureka County and Mr. Melka must be received at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820 prior to 4:30 p.m. on March 30, 1982.

The offer must be in a sealed envelope accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the fair market value.

Those parcels which are not sold to Eureka County or Mr. Melka will be sold by public auction on March 31, 1982, at the Eureka County Courthouse, Eureka, Nevada. Registration of bidders will begin at 1:00 p.m. and the sale will start at 2:00 p.m. and continue until 5:00 p.m., if necessary. The lands are being sold for the community expansion of Eureka, Nevada. This is consistent with the Bureau's planning system which recommends that lands identified for disposal adjacent to Eureka be used to satisfy the community's growth needs. The public interest would be served by offering the land for sale.

The terms and conditions applicable to the sale are:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights, including:

a. N–26211, an oil and gas lease on the E½ of section 11 effective 1/1/81.

b. Nev–04979, a 200' R/W for U.S. Highway 50.

c. N–5638, a 12.5'R/W for a powerline.

d. Nev–067106, a 10' R/W for a telephone and telegraph line.

e. Nev–065179, a 20' R/W for a pipeline.

f. N–19823, a 25' R/W for a pipeline.

g. A 33' easement to the county around 40-acre parcels for roads and public utilities.

h. A 66' RS 2477 R/W, measured to the west of the boundary between sections 11 and 12, for state Route 46.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of the public discussions, is available for review at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820. No bid will be accepted for less than the appraised price and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of corporations, subject to the laws of any state or the United States.

Bids must be made by a principal or his agent, either by sealed bid mailed or delivered to the Bureau of Land Management, Battle Mountain District Office, or by oral bidding at the sale. Bids delivered or sent by mail will be considered only if received at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820 prior to 4:30 p.m. on March 30, 1982. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. : Sale to be Held March 31, 1982". The highest sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. If two or more envelopes are received containing valid bids of the same amount for the same parcel, the determination of which is to be considered the highest bid will be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale and oral bids will be invited. After oral bids, if any, are received, the highest qualifying bid will be declared by the authorized officer. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price within 30 days shall of the sale. Failure to submit the full bid price within 30 days result in cancellation of the sale of the specific parcel and the deposit shall be forfeited and disposed of as other receipts of sale. All bids will be either returned, accepted, or rejected in writing within 30 days of the sale date.

Any parcels not sold on the day of the sale will be offered for sale from 10:00 a.m. to 11:00 a.m. each Monday after the sale. This will continue until all parcels are sold or until the appraisals are no longer valid. The place of the sale is the Battle Mountain District Office, Second and Scott Streets, Battle Mountain, Nevada.

For a period of 45 days from the date of this notice, interested parties may submit comments to the BLM Nevada State Director, 300 Booth Street, Reno, NV 89520. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of the Interior.

Wm. J. Aalencik,

Chief, Division of Technical Services.

[FR Doc. 82–1432 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Roswell District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 94–579, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: February 23, 1982, beginning at 10 a.m. A public comment period will begin at 2 p.m.

LOCATION: This meeting will be held in the conference room of the Roswell District Office, 1717 W. Second Street, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: John L. Gregg, District Manager, or Tim Kreager, Chief, Planning and Environmental Assistance Staff, U.S. Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201, (505–622–7670).

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) Discussion on proposed Grazing Regulation Changes, (2) Criteria for Allotment Categories (M–I–C), (3) Status of West Side Inventory and Planning, (4) Status of Range Betterment Fund and FY 82 program, (5) Election of Officers for 1982 Grazing Advisory Board. This meeting is open to the public. Interested persons may make oral statements to the board during the public comment period, or may file written statements. Anyone wishing to make an oral statement must notify the District Manager by February 16, 1982. Minutes will be maintained in the district office and will be available for public inspection and reproduction during regular business hours, within 30 days following the meeting.

John L. Gregg,

District Manager.

[FR Doc. 82–1431 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

[U–48538]

Salt Lake District, Utah; Realty Action-Private Exchange

January 11, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

SELECTED (PUBLIC LANDS)

Township	Range	Section	Subdivision	Acres
12N	13W	22	W½	320

In exchange for these lands the Federal Government will acquire the following privately-owned land from James R. Keaton.

OFFERED (PRIVATELY-OWNED LAND)

Township	Range	Section	Subdivision	Acres
12N	14W	24	N½	320

The exchange will involve the surface estates only of the above described lands.

DATE: For a period of 45 days (March 8, 1982) interested parties may submit comments to the District Manager, Salt Lake District Office, 2370 South 2300 West, Salt Lake City, UT 84119. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any adverse action by the District Manager, this realty action will become the final determination of the BLM.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the exchange including the environmental assessment is available for review at the Salt Lake District, Bureau of Land Management Office, 2370 South 2300 West, Salt Lake City, UT 84119 or call 524–5348 for W. Marie Morris.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to enhance public land management by the consolidation of public and private land. The exchange has been discussed with Box Elder County officials and is consistent with planning. The value and acreage of the lands are equal. The public interest will be well served by making this exchange.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions: All minerals will be reserved to the United States with the right of ingress and egress.

Lands to be acquired by the United States are subject to the following reservations, terms and conditions: The exchange is for the surface estate only and does not include the mineral estate. All gas, oil and mineral rights are vested in third parties.

Frank W. Snell,

District Manager.

[FR Doc. 82–1430 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS 82–1]

Draft Eastside Salem Timber Management Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental impact statement for the Eastside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Clackamas-Molalla and Santiam Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW, Washington, D.C. 20240.
Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, OR 97208.
Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, OR 97302.
Oregon State Library, State Library Building, Salem, OR 97310.
Oregon State University Library, Government Document Section, Corvallis, OR 97331.
Portland State University Library, 724 S.W. Morrison, Portland, Oregon 97201.
Mt. Hood Community College Library, 26000 S.E. Stark, Gresham, Oregon 97030.
University of Oregon Library, Government Document Section, Eugene, OR 97403.
Clackamas Community College Library, 19600 S. Molalla, Oregon City, Oregon 97045.
Linn-Benton, Community College Library, Albany, OR 97321.
Chemeketa Community College Library, 4000 Lancaster Dr. NE, Salem, Oregon 97303.
Public Library, 626 2nd, Lebanon, Oregon 97355.
Public Library, 7th & John Adams, Oregon City, Oregon 97045.
Public Library, 1390 SE. Waverly Drive, Albany, Oregon 97321.
Multnomah County Library, 801 SE. 10th, Portland, OR 97205.
Salem Public Library, 585 Liberty SE, Salem, OR 97302.

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses. Informal discussion sessions intended to assist you in reviewing and commenting on the DEIS will be held at 1:00 p.m. and 7:00 p.m., March 2, 1982, at the Bureau of Land Management District Office, 1717 Fabry Road SE, in Salem, Oregon.

Written comments on the DEIS will be accepted by the Salem District Manager until March 23, 1982.

Dated: January 12, 1982.

Philip C. Hamelton,

Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 82–1449 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Lewistown District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Grazing Advisory Board will meet February 11 and 12, 1982. The agenda will be:

February 11
- 1:00 p.m. Call to order and adoption of previous meeting minutes.
- 1:15 p.m. Allotment Categorization in Lewistown District
- 4:00 p.m. Recess.

February 12
- 8:00 a.m. Allotment Categorization.
- 8:30 a.m. Election Procedures.
- 8:45 a.m. Range Improvement Maintenance.
- 9:45 a.m. Break.
- 10:00 Rangeland Monitoring during 1982.
- 10:30a.m. 1982 Final Range Improvement Budget.
- 11:00 a.m. Memorandum of Understanding with Bureau of Reclamation.
- 11:15 a.m. Rangeland Program Summary: Prairie Potholes EIS.
- 12:00 noon Adjournment.

Public comment will be sought at the end of each agenda item.

DATES: February 11, 1982, 1:00 p.m. to 4:00 p.m.; February 12, 1982, 8:00 a.m. to 12:00 noon.

ADDRESS: Yogo Inn, 211 E. Main, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Grazing Advisory Board is authorized under Section 403 of the Federal Land policy and Management Act of 1976 (43 U.S.C. 1753). The Board advises the Lewistown District Manager concerning the development of allotment management plans and the utilization of range betterment funds.

Dated: January 13, 1982.

Glenn W. Freeman,

District Manager.

[FR Doc. 82–1458 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Richfield District Multiple Use Advisory Council; Cancellation of Meeting

January 14, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of cancellation of meeting.

SUMMARY: Notice is hereby given that the previously scheduled February 2, 1982 meeting of the Richfield District Multiple Use Advisory Council has been cancelled until further notice. The meeting was scheduled to convene at 10:00 a.m. in the Richfield District Office Conference Room. The meeting will be re-scheduled following Departmental approval of the council member nominations.

FOR FURTHER INFORMATION CONTACT: Public Affairs Officer, Bureau of land Management, 150 East 900 North, Richfield, Utah 84701.

D. Thomas,

Acting District Manager.

[FR Doc. 82-1462 Filed 1-20-82; 8:45 am]

BILLING CODE 4310-84-M

[4112]

Montana and Wyoming; Call for Expression of Leasing Interest in Federal Coal Powder River Production Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This call for expression of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the federal coal management program in the Powder River Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until March 15, 1982.

ADDRESS: Responses to this call should be sent to each of the following addresses:

State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001
and
District Conservation Management for Resource Evaluation, U.S. Geological Survey, P.O. Box 2373, Casper, WY 82602.

FOR FURTHER INFORMATION CONTACT:

J. Stan McKee, Bureaau of Land Management (930), P.O. Box 1828, Cheyenne, WY 82001, (307) 778-2220, extension 2413
and
Paul Arrasmith, District Manager, Casper District, Bureau of Land Management, 951 Rancho Road, Casper, WY 82601 (307) 265-5550, extension 5101.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in federal coal leasing, Phase I, is now in effect for the second round of coal leasing activity in the Powder River Coal Region for possible lease sales beginning in March 1984. Additional calls for expressions will be made in phases extending through October 1982. The call for Phase II (Recluse Review Area) is anticipated in April-May 1982; Phase III (Thunder Basin National Grasslands) in May-June 1982; Phase IV (Powder River Area, Montana) in September-October 1982. Three of the four areas are BLM planning areas; the fourth (Thunder Basin Grasslands) in U.S. Forest Service planning area. While the total situation and needs of the region should be considered, the responses submitted by March 15, 1982, should be for the Phase I portion only. Areas covered by the call are as follows:

Phase I (February 1982-March 1982), Western Powder River Review Area, Casper District, Wyoming;
Phase II (April-May 1982), Recluse Review Area, Casper District, Wyoming;
Phase III (May-June 1982), Thunder Basin Ranger District, Wyoming;
Phase IV (September-October 1982), Powder River Planning Area, Miles City District, Montana

This call for expressions of interest is the first step in activity planning under the federal coal management program. It is being made before any tract boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1-4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tracts is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, state preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Coal reserve or drilling data that the company may have pertaining to the expression of interest area should be submitted to the U.S. Geological Survey. This request is made based on lack of total coal reserve data by the USGS at this time. Lack of reserve data may eliminate areas for tract delineation.

4. Location:

a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

5. Type of mine:

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

6. Proposed uses of coal:

a. By mining companies.

b. By public and private industries.

7. Where coal is consumed (include extra-regional markets).

8. Transportation needs (i.e., railroads, pipelines, etc.):
a. Existing facilities.
b. Proposed facilities and development timing.
9. Available sources of coal:
a. Presently operative.
b. Contingency of other sources.
10. Information relating to mineral ownership:
a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.
b. Commitments from fee coal owners or for associated nonfederal coal.
11. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3471.1–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Leslie A. Oliver,
Acting District Manager.

[FR Doc. 82–1457 Filed 1–20–82; 8:45 am]
BILLING CODE 4310–84–M

[CA 10493]

Realty Action; Sale of Public Lands in Tuolumne County, Calif.

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown. Legal description: NW¼SW¼NW¼ sec. 2, T. 2 N., R. 14 E., Mount Diablo Meridian, California, containing 10 acres; appraised value: $28,000. The public land sale will be held at 10 a.m. on March 31, 1982, at the California State Office of the Bureau of Land Management, in Room E–2811, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. The land is being offered for sale through competitive bidding. Bids may be made by a principal or a duly qualified agent either by sealed bid mailed or delivered to the California State Office, Bureau of Land Management, at the above address, or by oral bidding at the sale. Federal law requires that individuals be United States citizens and that corporations be subject to the laws of any state or of the United States. Sealed bids shall be considered only if received prior to 10 a.m. on March 31, 1982, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public sale bid, serial number CA 10493, sale held March 31, 1982." No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the highest bid shall be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale, and oral bids will then be invited. After oral bids, if any are received, the highest qualifying bid will be declard by the authorized officer. The person declared to have entered the highest qualifying bid shall submit payment by cash, personal check, bank draft, money order, or any combination, for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price within 30 days of the sale. Failure to submit the full bid price within 30 days shall result in cancellation of the sale, and the deposit shall be forfeited and disposed of as other receipts of the sale. The acceptance or rejection of any offer to purchase shall be in writing within 30 days of the sale date. The sale is consistent with Bureau planning and is compatible with Bureau plans. The land is an isolated parcel completely surrounded by private land, and because of its location is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency. The public interest would be served by offering this land for sale. The patent, when issued, will contain the following reservations to the United States: (1) A right-of-way for ditches and canals constructed by the authority of the United States (43 U.S.C. 945); and (2) All minerals in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe. Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the California State Office at the above address. On or before March 8, 1982, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: January 8, 1982.

Joan B. Russell,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82–1459 Filed 1–20–82; 8:45 am]
BILLING CODE 4310–84–M

[U–45942]

Realty Action; Land Exchange; Utah; Modification of Notice; Corrections

January 13, 1982.

In the **Federal Register** for Thursday, December 3, 1981, Vol. 46, No. 232, Book 1, on page 58747 make the following additions and corrections:

On page 58747 the following land description was omitted from the Selected (Public) Land.

T. 6 N., R. 18 W., S.L.M.,
Sec. 22, All—640.0 acres.

To the offered (Privately-Owned) Land should be added the following:

T. 4 N., R. 19 W., S.L.M.,
Sec. 15, E½, E½W½—480.0 acres.
Sec. 23, E½NW¼, NE¼SW¼—120.0 acres.

The total selected should read—4,880.00 acres; and the total offered should read—4,869.65 acres.

Frank W. Snell,
District Manager.

[FR Doc. 82–1463 Filed 1–20–82; 8:45 am]
BILLING CODE 4310–84–M

Utah; Invitation To Participate in Coal Exploration Program; Royal Land Co.

Royal Land Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Cowboy Creek near Emery, Utah. The lands are located in Sevier and Sanpete Counties, Utah, and are described as follows:

Township 20 South—Range 4 East, SLM.
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 36, All.
Township 21 South—Range 4 East, SLM.
Sec. 1, All;
Sec. 2, E½;
Sec. 11, E½;
Sec. 12, All;

Sec. 13, All;
Sec. 14, E½;
Sec. 23, E½;
Sec. 24, All.
Township 20 South—Range 5 East, SLM.
Sec. 19, All;
Sec. 20, All;
Sec. 27, S½;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All.
Township 21 South—Range 5 East, SLM.
Sec. 3, All;
Sec. 4, All;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 17, N½;
Sec. 18, All;
Sec. 19, All;
Sec. 30, N½N½.

Containing 16,491.62 Acres, more or less.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. James D. Copen, Staff Geologist, Royal Land Company, 925 S. Niagara, Suite 600, Denver, Colorado 80224. Such written notice must be received on or before February 22, 1982.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company, is available for public review during normal business hours, in the following office, under Serial No. U–50069: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

January 13, 1982.

[FR Doc. 82–1480 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Susanville District Grazing Advisory Board Susanville, California; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Grazing Advisory Board will be held on February 24, 1982.

The meeting will begin at 10:00 a.m. in the Susanville District Office of the Bureau of Land Manageent, 705 Hall Street, Susanville, California.

The agenda for the meeting will include project maintenance, predator control, sub-committee report for FY 83 projects, FY 84 planning priorities, streamlining AMPs, trespass policy, status of the wild horse program, public comments and other items as appropriate.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 and 4:30 p.m. or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, February 9, 1982. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Ben F. Collins,

Acting District Manager.

[FR Doc. 82–1480 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial Number: A 17000–G]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a letter of intent to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1919 (38 Stat. 557), as amended, in Lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000–G.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified on March 22, 1982. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602–241–2854).

4. For a period of 60 days from the date of pblication of this notice in the **Federal Register**, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, § 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

[Application A 17000–G]

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
Section 4, Lots 1, 2, S½NW¼, SW¼;[1, 2, 3, 10]
Section 5, Lots 1, 2, W½ of Lot 3, Lot 4, S½NE¼, N½SW¼NW¼, SW¼SW¼NW¼, E½SE¼NW¼, E½NW¼SE¼NW¼, N½NE¼NE¼, SW¼, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, S½SE¼NE¼, SW¼, W½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼, E½SE¼SW¼, W½SW¼SE¼SW¼, SE¼;[2, 3, 4, 10]
Section 8, NE¼, NE¼NE¼NW¼, W½W½NE¼NW¼, E½SE¼NE¼, NW¼, W½NW¼, E½NE¼SE¼NW¼, W½SE¼NW¼, W½E½SW¼, W½SW¼, SE¼;[2, 3, 4, 10]
Section 9, W½;[10]
Section 16, W½;[9]
Section 17, NE¼, E½E½NE¼NW¼, W½NE¼NW¼, W½NW¼, W½SE¼NW¼, E½NE¼SE¼NW¼, NW¼NE¼SW¼, W½SW¼, W½SE¼SW¼, E½SE¼, E½NW¼SE¼, E½W½NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼, S½SW¼SE¼;[4, 9, 11]
Section 20, E½NE¼, E½W½NE¼, NW¼NW¼NE¼, E½SW¼NW¼NE¼, E½NW¼SW¼NE¼, W½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, E½SE¼, NE¼NW¼SE¼, W½W½NW¼SE¼, E½SE¼NW¼SE¼, W½SW¼SE¼, W½SE¼SW¼SE¼;[4, 9, 12]
Section 21, W½;[9, 12]
Section 29, E½NE¼NE¼, E½W½NE¼, NE¼, W½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, E½SE¼NE¼, E½NW¼SE¼, NE¼, W½, E½NE¼SE¼, W½W½NE¼, SE¼, W½SE¼, NE¼SE¼SE¼, W½W½SE¼SE¼, W½E½SW¼, SE¼SE¼, E½W½SE¼SE¼SE¼, E½SE¼SE¼SE¼;[4, 5, 6, 9, 12, 14]
Section 32, Lots 1, 2, 3, the west ¾ of Lot 4, E½E½E½NE¼, W½E½NE¼, W½NE¼, NW¼, N½SW¼, W½NE¼SE¼, W½SE¼NE¼SE¼, NW¼SE¼.[4, 9, 15]
Total: Approximately 4,750.56 acres.
T. 7 N., R. 2 E.,
Section 28, E½, W½NE¼NW¼, W½NW¼, E½NE¼SE¼NW¼, W½NW¼SE¼NW¼, SE¼SE¼NW¼, E½NE¼SW¼, E½W½NE¼SW¼, N½NW¼SW¼, N½S½NW¼SW¼, S½SW¼;[3, 6, 10]

Section 29, N½, SW¼, N½NE¼SE¼, N½S½NE¼SE¼, NW¼SE¼, SE¼NE¼SW¼SE¼, N½NW¼SW¼, SE¼, SW¼NW¼SW¼SE¼, NW¼SW¼SW¼SE¼, SE¼SW¼SE¼, NE¼SE¼SE¼, NE¼NW¼SE¼SE¼, S½NW¼SE¼SE¼, S½SE¼SE¼; [10, 16]
Section 32, NE¼NE¼, NE¼NW¼NE¼, E½NW¼NW¼NE¼, S½NW¼NE¼, S¼NE¼, W½NE¼NE¼NW¼, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, W½NW¼SE¼, NW¼, E½E½SW¼, E½W½E½SW¼, W½NE¼NW¼SW¼, W½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼, SE¼; [4, 10, 16]
Section 33, All; [1, 2, 3, 4, 10, 17]
Section 34, NW¼NE¼, N½NW¼, SW¼NW¼. [1, 2, 7, 8, 10]
Total Approximately 2,545.00 acres.

The total acreage described above for Application A 17000–G is approximately 7,295.56 acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above.

Gila and Salt River Meridian

All the lands described above are under Stock Driveway Withdrawal, AR 56, SO 2/4/1919 and SO 11/3/1933 issued in the name of the Bureau of Land Management. All of the lands are also under SO Black Canyon Trails Designation A 2936, 1/3/1969.

TpS. 6 and 7 N., R. 2 E

Rights-of-Way

1. Maricopa County Highway Departmnent, 3325 West Durango Street, Phoenix, AZ 85009; AR 034977, AR 035360A
2. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007; PHX 083209, AR 031351, AR 035360, A 4484, A 6749, A 9792
3. El Paso Gas Company, P.O. Box 1492, El Paso, TX 79978; AR 010913, AR 035321
4. Mountain States Telephone, Right-of-Way Department, 3033 N. 3rd Street, Room 806–A, Phoenix, AZ 85012; PHX 088718, AR 034537, A 13912
5. U.S. Department of Justice, Federal Bureau of Investigation, 2721 N. Central Avenue, Phoenix, AZ 85004; A 366
6. Arizona Public Service, P.O. Box 21666, Phoenix, AZ 85036; AR 035158, A 998
7. Elwood C. Evans, 2720 W. Redfield, Phoenix, AZ 85023; A 15011
8. Charles Aumiller, 1833 Black Canyon Stage, Phoenix, AZ 85029; A 16126

Grazing Lessees

9. Lockett Ranches, c/o Joe Lockett, 7744 N. 21st Avenue, Phoenix, AZ 85021
10. Vanderwey Ranches, c/o John Vanderwey, 2241 E. Colton Street, Phoneix, AZ 85016

Range Improvements—Cooperative Agreements

11. Joe Lockett: Well, pump, tank; No. 2436
12. Joe Lockett: Fence; No. 0143
13. Joe Lockett: Corral, drinker; No. 2439
14. Joe Lockett: Pipeline; No. 4144
15. Joe Lockett: Pipeline; No. 4143
16. John Vanderwey: Fence; No. 0498
17. John Vanderwey: Storage tank, drinker; No. 4055

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: January 14, 1982.

W. R. Barker,

For the State Director.

[FR Doc. 82–1470 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Geothermal Resources Lease Sale, Clifton, Greenlee County, Arizona Area

Notice is hereby given that approximately 780.00 acres, a single leasing unit in Greenlee County, Arizona, will be offered competitively for lease through sealed bids to the qualified responsible bidder of the highest case amount for the unit. Bids will be received until 10:00 a.m., m.s.t., on March 17, 1982, time and date of sale.

For further information contact the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261–4774.

Dated: January 11, 1982.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–1471 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Realty Action—Sale CA 6829 Public Lands in Contra Costa County, Calif.

The following described land has been identified as suitable for disposal by sale under Secs. 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713, 1719), at no less than the fair market value shown. Legal description: Lots 9 and 10 in sec. 17, T. 2 N., R. 1 W., Mount Diablo Meridian, California, containing 0.24 acre; value, $11,205. The sale will not be held until March 22, 1982. The above described lots are within the perimeter of private land the Pacific Gas and Electric Company (PG&E) has acquired for use as an underground natural gas storage reservoir. The Bureau proposes to sell both the surface and mineral estates directly to the Pacific Gas and Electric Company. The size and shape of the subject parcels of public land make it valuable only for whatever use is proposed by PG&E, the owner of all the adjoining land. Because of the size, shape, and location of these lots, the land is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The sale is consistent with the Bureau's planning system for the subject land. The public interest would be served by offering this land for sale. The land will be sold subject to a right-of-way for ditches and canals constructed by the authority of the United States (43 U.S.C. 945). Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Scramento, California 95825. For a period of 45 days from the date of this notice (March 8, 1982), interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: January 13, 1982.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82–1469 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Frontier Pipeline Project; Announcement of Locations and Times of Public Scoping Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Announce locations and times of public scoping meetings for the Frontier Pipeline Project, a 20-inch crude oil pipeline from the Anschutz Ranch Field, Uinta County, Wyoming to Casper, Wyoming.

SUPPLEMENTARY INFORMATION: On January 7, 1982, the BLM announced in the **Federal Register** its intention to prepare an environmental impact statement (EIS) and hold public scoping

meetings for the purpose of identifying issues and concerns for the EIS. This notice provides the locations and times of the public scoping meetings.

DATES: All public scoping meetings will begin at 7:00 p.m. The meetings will be held:

—February 8, 1982, Best Western Dunmar Inn, Highway 30, West Evanston, Wyoming
—February 9, 1982, Holiday Inn, 1675 Sunset, Rock Springs, Wyoming
—February 10, 1982, Jeffrey Memorial Community Center, Third and Spruce Streets, Rawlins, Wyoming
—February 11, 1982, Natrona County Library, Crawford Room, 307 E. Second Street, Casper Wyoming

FOR FURTHER INFORMATION CONTACT:

David J. Walter, District Manager, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324–7171.

F. William Eikenberry,

Associate State Director.

[FR Doc. 82–1468 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Idaho; Filing of Idaho Revised Protraction Diagrams

January 15, 1982.

Notice is hereby given that effective at and after 10 a.m. on March 2, 1982, the following revised protraction diagrams are officially filed of record in the Idaho State Office, Room 390, Federal Building, Boise, Idaho 83724. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

Idaho Protraction Diagrams

Nos. 81 and 86

No. 81

T. 10 N., Rs. 14, 15, and 16 E.
T. 11 N., R. 15 E.

No. 86

Ts. 8 and 9 N., Rs. 15 and 16 E.

Copies of these diagrams are for sale at two dollars ($2.00) each by the Branch of Records, Bureau of Land Management, Federal Building Box 042, 550 W. Fort Street, Boise, Idaho, 83724.

Sharron Deroin,

Chief, Branch of Records.

[FR Doc. 82–1469 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

[OR 20183]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment; Correction

In FR Doc. 81–35998 appearing on page 61513, in the issue of Thursday, December 17, 1981, change the acreage for the proposed withdrawal to read 6,198.60 acres.

Dated: January 14, 1982.

Champ C. Vaughan, Jr.,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–1467 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Digital Cartographic and Geographic Data Tape Prices; Product Prices

Notice is hereby given that the prices of digital cartographic and geographic data tapes made by the U.S. Geological Survey are set as follows:

Series by scale	Data type	Price
1:24,000	A. Digital Elevation Model (DEM).	$250
	B. Digital Line Graph–3 (DLG–3).	
	Land Net	50
	Boundaries	50
	Transportation	100
	Hydrography	100
	Contours	250
	Other (Cultural)	50

	Land use/land cover	Polygon	Grid cell
1:250,000	Land use/land cover.	250	
	Census tracts	75	
	Political boundaries.	50	
	Hydrologic units	50	
	Composite		425

Series by scale	Data type	
NA	Geographic Names By State.	100.
1:250,000	Defense Mapping Agency Digital Terrain Data.	$35 per 1° by 1° block.
1:2,000,000	National Data Base I:	Sectional.
	Boundaries	100.
	Transportation	100.
	Hydrography	100.

In addition, a service charge of $25 will be added for each tape ordered. This service charge covers the cost of the tape, postage and handling. Prices do not include charges for priority handling or custom reformatting. Information on availability and products may be obtained from the following U.S. Geological Survey offices.

National Headquarters

National Cartographic Information Center, U.S. Geological Survey, 507 National Center, Reston, VA 22092, 703–860–6045, FTS 928–6045.

Eastern Mapping Center

National Cartographic Information Center, U.S. Geological Survey, 536 National Center, Reston, VA 22092, 703–860–6336, FTS 928–6636.

Mid-Continent Mapping Center

National Cartographic Information Center, U.S. Geological Survey, 1400 Independence Road, Rolla, MO 65401, 324–342–0851, ext. 107, FTS 277–0851.

Rocky Mountain Mapping Center

National Cartographic Information Center, U.S. Geological Survey, Box 25046, Stop 504–Federal Center, Denver, CO 80225, 303–234–2326, FTS 234–2326.

Western Mapping Center

National Cartographic Information Center, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, CA 94025, 415–328–8111, ext. 2427, FTS 287–2427.

National Space Technology Laboratories

National Cartographic Information Center, U.S. Geological Survey, Building 3101, NSTL Station, Mississippi 39529, 601–688–3544, FTS 494–3544.

Date: January 13, 1982.

R. B. Southard,

Chief, National Mapping Division U.S. Geological Survey.

[FR Doc. 82–1484 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4410, Block 553, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and

that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 13, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–1486 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; CNG Producing Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that CNG Producing Company, Unit Operator of the Ship Shoal Block 271 Federal Unit Agreement No. 14–08–0001–8784, submitted on January 8, 1982, a proposed annual plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 271 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 14, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–1485 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; SONAT Exploration Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3545 and 4100, Blocks 232 and 239, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 13, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–1486 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texoma Production Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texoma Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2626, Block 38, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 13, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–1487 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

National Register of Historic Places; Pending Nominations

Correction

In FR Doc. 82–466, appearing at page 1340, in the issue of Tuesday, January 12, 1982, make the following changes:

On page 1340, in the third column, before the entry reading "OLMSTED PARK AND PARKWAY SYSTEM" add the State heading "NEW YORK".

On page 1341, in the first column, before the entry "Gillespie County" add the State heading "TEXAS".

On page 1341, in the first column, before the entry "Box Elder County" add the State heading "UTAH".

On page 1341, in the first column, before the entry "Door County" add the State heading "WISCONSIN".

BILLING CODE 1505–01–M

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in acordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. 1 10)), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 5, 1982, at the Headquarters Building, Cape Cod National Seashore.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

At the meeting at 1:30 pm the Commission will consider the following: "Analysis of Water Resource Management Alternatives (With Environmental Assessment)".

The meeting is open to the public. It is expected that 50 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusette.

January 4, 1982.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 82–1479 Filed 1–20–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-No. 83); ICC–BO–C–0013 and ICC–BO–C–0014]

The Baltimore & Ohio Railroad Co., Exemption for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Baltimore and Ohio Railroad Company (B&O) on its own behalf, and on behalf of the Pittsburgh and Lake Erie Railroad Company (PLE) filed a petition on December 30, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariffs–ICC–BO–C–0013 and ICC–BO–C–0014 to become effective on one day's notice. The tariffs were filed to become effective on January 29, 1982. The contracts involve the movements of carload shipments of semi-finished iron and steel articles between the shipper and points on the B&O, on the one hand, and points on PLE, on the other.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. In a supporting statement filed December 31, 1981, the shipper indicates the temporary closing of one of its mills which supplies raw materials to its production facilities. To maintain production and employment, shipper requires immediate transportation of raw materials by petitioner. B&O emphasizes that since the shipper and both contracting carriers are experiencing a significant surplus of rail cars suitable for transporting the involved commodities, advancement of the effective date will maximize equipment utilization. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

B&O's contract tariffs may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contracts to become effective on one day's notice, this fact neither shall be construed to mean that these are Commission approved contracts for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to disapprove them.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10105(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: January 15, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1482 Filed 1–20–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3-011]

Republications of Grants of Operating Rights Authority Prior to Certification; Permanent Decision

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 109294 (Sub-28) (republication), filed August 13, 1981, published in the **Federal Register** issue of September 1, 1981. Applicant: COMMERCIAL TRUCK CO., LTD., 2120 United Blvd., Coquitlam, British Columbia, CD. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101, (206) 623-7580. A Decision of the Commission, Review Board Number 1, decided November 30, 1981, and served December 21, 1981, finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in Oregon and Washington and ports of entry on the International Boundary line between the United States and Canada located in ID and MT, on the one hand, and, on the other, points in AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NV, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TX, UT, WA, WI, and WY; (2) *pipe and fittings,* between points in Sacramento County, CA, and Adams County, CO, on the one hand, and, on the other, points in the United States in and west of MT, WY, CO and NM; that applicant is fit, willing, and able properly to perform the granted Service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 140615 (Sub-67) (republication), filed July 7, 1981, published in the **Federal Register** issue July 22, 1981 and September 21, 1981, respectively, and republished this issue. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54496. Representative: Dennis C. Brown (same address as applicant), (715) 421-0888. A Decision of the Commission, Review Board Number 3, decided November 23, 1981, and served Decemberr 15, 1981, finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation products and plastic and rubber products,* between points in the U.S.; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 148785 (Sub-4) (republication), filed May 29, 1981, published in the **Federal Register** issue of June 15, 1981, and republished this issue. Applicant: SUDDEN MOVING & STORAGE, INC., d.b.a. SUDDEN TRUCKING COMPANY, 5154 Kennedy Ave., Cincinnati, OH 45213. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided December 16, 1981 and served December 22, 1981, find on reconsideration that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of household care products and personal care products between points in Kent County, MI, Middlesex County, NJ, Gwinnett County, GA, Orange County, CA, King County, WA, Arapahoe County, CO, Polk, Dallas, and Warren Counties, IA, and Arlington County, TX, on the one hand, and, on the other, points in the United States (except AK and HI); that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1461 Filed 1-20-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended notice is hereby given that a meeting of the Music Panel (Opera-Musical Theater Section) to the National Endowment for the Arts will be held on January 27-29, 1982, from 9:00 a.m.-6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on Thursday, January 28, from 9:00 a.m.-6:00 p.m. and on Friday, January 29, from 9:00 a.m.-6:00 p.m. to discuss general policy and touring.

The remaining sessions of this meeting on January 27, 1982 from 9:00 a.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the detemination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 18, 1982.

[FR Doc. 82-1460 Filed 1-20-82; 8:45 am]

BILLING CODE 7537-01-M

State Programs Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the State Programs Panel to the National Endowment for the Arts will be held February 11-12, 1982, from 8:30 a.m.-5:00 p.m. in room 1422 of the

Columbia Plaza Office Complex at 2401 E Street NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy discussions and guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 18, 1982.

[FR Doc. 82–1441 Filed 1–20–82; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Report, Recommendations, Responses; Availability

• **Safety Report:** *Status of Department of Transportation's Hazardous Materials Regulatory Program (NRSB–SR–81–2).*

• **Safety Recommendations to—**

Federal Aviation Administration (Jan. 12) A–81–157 through –160: Re Piper Models PA–24–400, PA–30, and PA–39, issue Airworthiness Directives to inspect fuel selector drain valves for contamination and to install improved-design fuel drain bowls and stiffer drain valve plunger springs, and supplement aircraft flight manuals re fuel drainage procedures to avoid accumulation of water or sediment.

• **Responses from Federal Aviation Administration—**

A–71–68 through –70 (Dec. 30): Considers Beech 55 control locking device safe, modification not warranted; in lieu of rule change to FAR 23.679, has issued Order 8110.24 re certification policy. *A–79–48 and –49* (Dec. 30): Has issued AD 79–02–03 requiring placard to specify correct operational sequence; plans no further AD action to require removal of propeller crossfeed system or replacement with accumulator system. *A–79–79 (Dec. 30):* Finds maintenance alert bulletin on flap separation of Boeing 707's not warranted. *A–80–106 (Dec. 30):* Aerospatiale Corporation Service Letter 341–67–80 advises Gazelle helicopters SA–341 and SA–342 operators of proper installation procedures for tail rotor control pedals.

A–80–123 (Dec. 30): Rotorcraft Flight Manual (RFM) for Bell Helicopter Textron Models 206A revised to include procedure to drain engine inlet casting drain valve; RFM's for remaining Models 206 being revised to provide for positive expulsion of fluid from drain. *A–81–128 through –131 (Dec. 22):* Finds installation of independently powered evacuation alarm system in passenger-carrying aircraft is not cost beneficial; will withdraw proposed rulemaking 81–1 re operation of PA systems from independent power source; may add to master minimum equipment lists other system repair requirements. *A–81–153 (Dec. 31):* FAA has no authority to direct mandatory revision of Swearingen SA–226 maintenance manual re inadvertent gear collapse when aircraft is being lifted.

Note.—Single copies of reports, recommendation letters and responses are free on written request, identified by number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Margaret L. Fisher,

Federal Register Liaison Officer.

January 18, 1982.

[FR Doc. 82–1478 Filed 1–20–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–397]

Availability of the Final Environmental Statement for the WPPSS Nuclear Project No. 2

Notice is hereby given that the Final Environmental Statement (NUREG–0812) related to the operation of the WPPSS Nuclear Project No. 2 by the Washington Public Power Supply System, has been prepared by the Commission's Office of Nuclear Reactor Regulation. The WPPSS Nuclear Project No. 2 is located in Benton County, Washington.

The Final Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and at the Richland Library, Swift and Northgate Streets, Richland, Washington 99352. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the Governor, Office of the Financial Management, House Office Building, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352

The notice of availability of the Draft Environmental Statement for the WPPSS Nuclear Project No. 2 which requested comments from interested persons was published in the **Federal Register** on August 13, 1981 (46 FR 40956).

The comments received from Federal, State and local agencies, and interested members of the public have been included as appendices in the final Environmental Statement.

This report is available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be purchased for $7.50 directly from NRC by sending check or money order, payable to Superintendent of Documents to Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492–9530. Copies are also available for purchase through the National Technical Information Service, Springfield, VA 22161.

Dated at Bethesda, Maryland, this 13th day of January 1982.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82–1455 Filed 1–20–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–382]

Florida Power Corporation, et al.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment revises the inspection interval for hydraulic snubbers inside the reactor building to 12 months ± 25% for the first inspection following the 1981 refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 17, 1981, (2) Amendment No. 49 to License No. DPR–72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of January 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 82–1453 Filed 1–20–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine.

The amendment was authorized by telephone on December 24, 1981 and was confirmed by letter dated December 28, 1981. The amendment authorizes the isolation of the minimum flow recirculation line for safeguards pumps for a period of not more than six hours on December 24, 1981 only. The amendment was issued on an expedited basis to permit the licensee to repair a leaking isolation valve.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to the action, see (1) the application for amendment dated December 24, 1981, (2) the Commission's letter to the licensee dated December 28, 1981, (3) Amendment No. 60 to License No. DPR–36 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of January 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 82–1434 Filed 1–20–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18422; (SR-MSRB-81-16)]

Municipal Securities Rulemaking Board; Application

January 13, 1982.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036, order approving amended proposed rule change.

The Municipal Securities Rulemaking Board (the "MSRB"), submitted on October 23, 1981, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 there under, copies of a proposed rule change to amend MSRB rule G–12 concerning uniform practice and rule G–15 concerning customer confirmations. The proposed rule change would provide that an inter-dealer or customer confirmation with respect to a transaction in municipal securities traded on a discounted basis would not be required to include certain information with respect to yield or accrued interest, but instead must contain the rate of discount and resulting dollar price.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18230 (November 2, 1981)) and by publicatin in the **Federal Register**, 46 FR 55581 (November 10, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Municipal Securities Rulemaking Board, and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1507 Filed 1–20–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18421; (SR-MSRB-81-17)]

Municipal Securities Rulemaking Board; Application

January 13, 1982.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036; order approving proposed rule change.

The Municipal Securities Rulemaking Board ("MSRB"), submitted on October 23, 1981, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend MSRB rule G–12 concerning uniform practice. Among other matters, rule G–12 specifies that a delivery of securities must be accepted when there is a difference between the contract moneys shown by the selling dealer and those known by the purchasing dealer, if such difference does not exceed the applicable amount set forth in the schedule contained therein. Rule G–12 stipulates that the calculations of the seller are to be used in determining the maximum permissible difference and amount of payment to be made on delivery. Parties to the transaction must

then reconcile any money difference within ten business days following the settlement date. Under the proposed rule change, the calculations of the party using the "direct pricing" method established under MSRB rule G–33 would be deemed accurate to reconcile a minor money difference, if such difference were due to the use of different computational methods by the two parties.[1]

Many of the minor money differences on municipal securities transactions are the result of use by the two parties to the transaction of different computational methods, particularly use by one party of the direct pricing method and use by the other party of the "interpolation" method to compute the dollar price of municipal securities. MSRB rule G–33 prescribes direct pricing for computing the dollar price of certain municipal securities but permits use of interpolation until January 1, 1984. Accordingly, because direct pricing is considered the more accurate computational method, the proposed rule change will facilitate transactions in municipal securities by ensuring equitable resolution of minor money differences.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18233, (November 3, 1981)) and by publication in the **Federal Register**, 46 FR 55583 (November 10, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1506 Filed 1–20–82; 8:45 am]

BILLING CODE 8010–01–M

[1] MSRB rule G–33 was approved by the Commission in Securities Exchange Act Release No. 18313 (December 7, 1981).

[Release No. 12160; 812–4895]

Security Benefit Life Insurance Co. et al.; Application

January 12, 1982.

In the matter of Security Benefit Life Insurance Company, SBL Variable Annuity Account III, and SBL Planning, Inc., 700 Harrison Avenue, Topeka, Kansas 66636 (812–4895).

Notice is hereby given that Security Benefit Life Insurance Company ("SBL"), SBL Variable Annuity Account III ("Account III"), and SBL Planning, Inc. ("Planning") (together, "Applicants"), filed an application on June 15, 1981, and amendments thereto on September 14, 1981, October 21, 1981, December 30, 1981 and January 11, 1982, for an order of the Commission pursuant to Section 6(c)of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2), 27(c)(1), 27(c)(2), and 27(d) of the Act, and Rule 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. SBL is a mutual life insurance company organized under the laws of Kansas. Account III, a segregated account of SML which is registered under the Act as a unit investment trust, was established to act as a funding entity for individual variable annuity contracts ("Contracts") to be issued by SBL. SBL is the depositor of Account II and Planning, the distributor and principal underwriter of the Contracts. All interested persons are referred to the application, as amended, on file with the Commission, for a statement of the representations made therein which are summarized below.

The Contracts include single payment Contracts with annuity payments commencing immediately or commencing at a future date and flexible installment payment Contracts with annuity payments commencing at a future date. At the time purchase payments are received, SBL deducts any applicable premium tax and, in the case of single payment immediate Contracts, an administrative fee of $100. The net amount will be allocated to one or more of three series of Account III, each of which will be invested in one series of SBL Fund, Inc., a registered open-end diversified investment company of the series type ("Fund"), as designated by the contractowner. There is a minimum allocation to any one series within Account III of $25. A contractowner may change such allocation instructions; however, an allocation fee of $10 will be imposed for each change made in excess of one per contract year. A contractowner will also be permitted to transfer his account within Account III to other series within Account III. Not more than one transfer will be permitted in a 30-day period. The first transfer in each Contract year may be made without charge. Each additional transfer is assessed a $10 transfer fee. SBL may suspend the right of transfer. The Contracts will be offered without the imposition of a sales charge deduction at the time of sale. However, the Contracts contain a provision which imposes a contingent deferred sales charge in the event there is a partial or complete redemption during the first eight years of the Contract. The contingent deferred sales charge is imposed as follows: the adjusted withdrawal amount is determined as the requested withdrawal amount less any free withdrawal right; the unassessed payments is determined as the sum of all stipulated payments which have not had a contingent deferred sales charge assessed against them; if (a) the adjusted withdrawal amount is equal to or greater than the unassessed payments, the contingent deferred sales charge is equal to the unassessed payments times the applicable following tabular withdrawal percentage on the withdrawal date; if (b) the adjusted withdrawal amount is less than the unassessed payments, the contingent deferred sales charge is equal to the adjusted withdrawal amount times the applicable following tabular withdrawal percentage on the withdrawal date.

Contract year of withdrawal	Tabular withdrawal percent
1	8
2	7
3	6
4	5
5	4
6	3
7	2
8	1
9 and after	0

The contractowner receives one free withdrawal per contract year after the first contract year, which is equal to 8% of the account value at the date of the first withdrawal in that year. Any portion of the free withdrawal right which is not applied to the first withdrawal in the contract year is forfeited. The contingent deferred sales charge will not be deducted (a) from the value of the Contract paid as a death benefit, (b) against annuity payments under annuity options that have life contingency payments, (c) against early annuitization or (d) against transfers of account values to one or more series

within Account III. Applicants state that the contingent deferred sales load will not exceed 9% of payments made by a contractowner.

Single payment deferred and installment payment Contracts are subject to an annual administrative fee of $30 per contract year which is deducted from the contract value at the end of each year and a pro rata portion of that fee at the time of full withdrawal. Single payment immediate Contracts provide for a $100 administrative fee as noted above. Under the Contracts, SBL has assumed the risks that actual expenses incurred by SBL in connection with the Contracts may exceed the expense charges provided for in the Contracts and that persons receiving annuity payments may live longer than expected. SBL also assumes the risk that the death benefit paid in the event a contractholder dies prior to the maturity of his Contract will exceed the account value. In exchange for assuming these risks, the Contracts provide for a deduction of an actuarial risk fee assessed daily and deducted at calendar year end. The actuarial risk fee is deducted from the contractowner's account upon (a) annuitization, (b) each total withdrawal from a variable account, (c) each calendar year end and (d) transfer from one variable account to another. The actuarial risk fee is as follows:

Where asset value is		Actuarial risk fee (percent)	Risk components		
At least	But less than		Mortality (percent)	Death benefit (percent)	Expense (percent)
.....	$20,000	1.20	.6	.1	.5
$20,000	$50,000	1.0	.6	.1	.3
$50,000 or more	.....	.85	.6	.1	.15

Applicants state that to the extent SBL realizes a gain from actuarial risk fees, such gain will inure to the benefit of SBL's general account and will be used by SBL to pay its general costs and expenses. Applicants further state that sales expenses actually incurred by SBL may not be covered by the contingent deferred sales charges. If not so covered, then such sales expenses will be paid from the general funds of SBL. Applicants acknowledge, therefore, that the actuarial risk fee might be used indirectly for sales and distribution expenses.

The actuarial risk fee, annual administrative fee, transfer fee and allocation fee will be deducted from portions of the contractowner's account value sequentially, from the account value represented by Series C first, next from Series B, and next from Series A. SBL also deducts premium taxes where applicable.

Approval Under Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

As described above, the purchaser of a Contract will have the right to exchange that part of the value of his Contract which represents an interest in shares of one series of the Fund for an interest in shares of either of the other Fund series at net asset value. A transfer fee of $10 may be imposed and the actuarial risk fee that has accrued daily against the contractowner's account will be charged at the time a transfer is made. In order to avoid any question, Applicants request that the Commission issue a Section 11 order—to the extent one is deemed necessary—in order that a contractorowner may exchange all or part of his contract value allocated to shares of one or more series of the Fund for shares of one or more other series of the Fund without any deductions being made, other than the transfer and actuarial risk fees described above, if applicable.

Relief for Contingent Deferred Sales Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sale or promotional activities. On the grounds stated in the application, Applicants request an exemption from Section 2(a)(35) to permit the transactions described therein.

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to expedite this matter, Applicants request an exemption from Section 22(c) and Rule 22c-1, to the extent deemed necessary, to permit the transactions described in the application.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor or underwriter for such an issuer are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the contingent deferred sales charge as described above.

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security. On the grounds stated in the application, Applicants request an exemption from Section 27(c)(1).

Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Section 2(a)(32) of the Act, in substance, defines a redeemable

security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Applicants request an exemption from Sections 27(d) and 2(a)(32), to the extent deemed necessary, to permit imposition of the contingent deferred sales charge.

Relief for Performance of Custodial Functions

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust and places certain restrictions on charges which may be made against the trust income and corpus. Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act in order that SBL may act as custodian of the assets of Account III performing the functions normally performed by a custodian; that the share certificates of the Fund may be issued an open account arrangement without the use of stock certificates; and that the property and assets of Account III while segregated do not have to be held in trust.

Relief for Payment of Contract Fees and Charges

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian. Section 26(a)(2)(D) provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. As pertinent here, Section 26(a)(2)(C), provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

SBL requests that the Commission enter an order exempting SBL from the provisions of Sections 26(a)(2) and 27(c)(2) of the Act to the extent necessary to permit the deductions of (1) the annual administrative fee on single payment deferred and installment Contracts, (2) the $100 administrative fee on single payment immediate Contracts, (3) the fee for providing mortality, death benefit and expense risk undertakings, (4) the allocation and transfer fees, and (5) depending on the requirements of the particular state, either (a) to permit the deduction from purchase payments when made and payment of applicable annuity premium taxes to such state by SBL or (b) to permit the deduction of such taxes by SBL from the contract values and the payment of such taxes to such state at the time when an annuity is effected. Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) That the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of VAA III shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Relief for Annual Administrative Fee and Actuarial Risk Fee Deductions

As noted above, the annual administrative fee and actuarial risk fee may be deducted at the time of a complete withdrawal. Thus, the contractowner may be deemed not to have received his proportionate share of the net asset value of his account. In order to expedite the transactions contemplated in connection with Account III, Applicants request that the Commission enter an order exempting Applicants, to the extent necessary, from Sections 2(a)(32), 22(c), 27(c)(1) and 27(d) and Rule 22c–1 to permit the charging of the annual administrative fee and actuarial risk fee upon complete withdrawal of a contract in the manner described.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 5, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following February 5, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–1800 Filed 1–20–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12158; 812-4941]

Shearson FMA Municipal Fund; Application

January 12, 1982.

In the matter of Shearson FMA Municipal Fund, Two World Trade Center, New York, New York 10048 (812-4941).

Notice is hereby given that Shearson FMA Municipal Fund ("Applicant"), an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on August 11, 1981, an amendment thereto on January 6, 1982, and a supplementary letter thereto on January 7, 1982, which will be submitted as an amendment during the notice period, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Massachusetts business trust on July 24, 1981, and registered under the Act on July 31, 1981. Applicant further states that its investment adviser is Shearson/American Express Asset Management Inc. ("Adviser"), a wholly-owned subsidiary of Shearson/American Express Inc. ("Shearson"), and that The Boston Company Advisors, Inc. ("Boston"), an indirect wholly-owned subsidiary of Shearson, will act as subadviser and administrator for Applicant. According to the application, shares of the Applicant will be offered only in connection with a financial Management Account Program ("Mangement Account"). Applicant states that a Management Account will be a financial services account linking (1) a conventional securities margin account ("Securities Account"); (2) participation in one of three "money market" funds, one of which is the Applicant; (3) an American Express Gold Card ("Gold Card") provided by American Express Company; and (4) a checking privilege on an account maintained by Provident National Bank. According to the application, any cash in a Management Account participant's Securities Account not arising from a loan and thus transferable without giving rise to interest charges will be automatically invested in whichever "money market" fund the participant selects pending utilization of such monies in the Securities Account, through the Gold Card, or through the checking privilege.

Applicant represents that its investment objective is to maximize current income to the extent consistent with preservation of capital and the maintenance of liquidity by investing primarily, but not exclusively, in securities the income from which is exempt from federal income taxation. Applicant states that it will invest in various municipal obligations having a maturity of one year or less at the date of purchase, are of "high quality" as determined by a major rating service or, if not rated, are of comparable quality as determined by its board of trustees. Applicant further states that it may invest more than 20 percent of its total assets in taxable obligations during periods of abnormal market conditions, when it might be advantageous to its shareholders because market conditions dictate a defensive posture in taxable obligations. Among the taxable securities in which Applicant may invest are: (1) Obligations of the United States Government, its agencies, instrumentalities or authorities; (2) prime commercial paper; and (3) certificates of deposit of, or time deposits of seven days or less in, banks with assets of $1 billion or more including domestic banks, foreign banks, foreign branches of domestic banks, domestic branches of foreign banks and savings and loan and similar associations. Applicant may also enter into repurchase agreements with respect to its portfolio securities, but that any repurchase agreements maturing in more that seven days including any other illiquid assets are limited to 10% of Applicant's total assets. Applicant further states that it may purchase securities together with the right to resell them back to the seller at an agreed-upon price or yield prior to the maturity date of such securities ("Stand-by Commitments"). Applicant intends to enter into Stand-by Commitments solely with commercial banks and for the purpose of maintaining flexibility and liquidity to meet unanticipated redemptions. Applicant represents that the duration of the Stand-by Commitments will not exceed 60 days, will not be a factor in determining the dollar-weighted average portfolio maturity, will not affect the maturity of any specific portfolio security and will be valued at zero.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of trustees has determined that, absent unusual or extraordinary circumstances, amortized cost value represents fair value of its portfolio securities and that the amortized cost method of valuation is preferable and appropriate for the Applicant. Applicant states that valuation of its assets on the amortized cost basis enables the maintenance of a stable price per share while at the same time allowing a steady flow of

investment income demanded by investors. In addition, Applicant states that given the nature of its policies and expected operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of securities held in the Applicant's portfolio.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceed ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) if the Act, as of such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "highly quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than February 4, 1982, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1506 Filed 1–20–82: 8:45 am]

BILLING CODE 8010–01–M

[1]To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2]In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

[SBLC No. 09/B–0028]

AID America, Inc.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by AID America, Inc., (Applicant), 19782 MacArthur Boulevard, Irvine, California 92715, with the Small Business

Administration pursuant to § 120.4(b) of the SBA Regulations (13 CFR 120.4(b)), promulgated under the Small Business Act. As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of California and will commence operation with minimum capitalization of $1,000,000. The Applicant intends to initially concentrate its operations in the State of California and the western portion of the United States. It intends to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name	Title
Robert Gordon Wolff, 2311 Poinsetta Court, Pembroke Pines, Florida 33866.	Director, President.
Rose Pannullo, 266 Lexington Avenue, New York, New York 12452.	Director.
John Lawrence Reilly, 12 Princeton Drive, Englishtown, New Jersey 07726.	Director, Secretary and Chief, Financial Officer.

AID America, Inc. is wholly owned by American Investors Diversified Corporation, Two Penn Plaza, New York, New York, which is a subsidiary of American Savings Bank, 333 Broadway, New York, New York.

Matters involved in SBA's consideration of the Application include the general business reputation and character of management, and the probability of successful operation of the corporation under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than February 5, 1982, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations and Certification, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Irvine, California, as well as in the four (4) regional additions of the Wall Street Journal.

(Catalogue of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: January 8, 1982.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 82-1511 Filed 1-20-82; 8:45 am]

BILLING CODE 8025-01-M

[SBLC No. 02/B-0015]

AFL Business Funding, Inc.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by AFL Business Funding, Inc. (Applicant), 160 Summit Avenue, Montvale, New Jersey 07645, with the Small Business Administration pursuant to § 120.4(b) of SBA Regulations (13 CFR 120.4(b)), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns in participation with SBA, and in accordance with applicable SBA Regulations. The Applicant will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of New Jersey, and will commence operations with an initial capitalization of $500,000. The Applicant intends to initially conduct its operations in the State of New York, California, Florida and New Jersey and eventually operate on a nationwide basis.

American Funding Limited, a Limited Partnership of the State of New Jersey, will own 100 percent of the issued stock of the Applicant. The sole General Partner of American Funding Limited is Southern California Funding, Inc., a California Corporation authorized to do business in the State of New Jersey. The sole Limited Partner of American Funding Limited is Genstar Pacific Financial Corporation. Genstar Pacific Financial Corporation is wholly owned by Genstar Mortgage Corporation which in turn is wholly owned by Genstar Limited, a publicly held corporation listed on the New York Stock Exchange.

The persons owning 10 percent (10%) or more of the outstanding shares of Southern California Funding, Inc., the General Partner of the Applicant, are as follows:

Jay Botchman, 640 Riversville Road, Greenwich, Connecticut 06830

William F. Dacey, 20 Nottingham Court, Montvale, New Jersey 07645

The Officers and Directors of the Applicant are:

Name and Title

Jay Botchman, 640 Riversville Road, Greenwich, Connecticut 06830; Chairman of the Board of Directors, Treasurer and Asst. Secretary

William F. Dacey, 20 Nottingham Court, Montvale, New Jersey 07645; President, Asst. Secretary and Director

Thomas P. Dacey, 4111 Blackfin Avenue, Irvine, California 92715; Executive Vice President, Secretary and Director

Robert Germano, 130 Ridge Avenue, Park Ridge, New Jersey 07656; Vice President and Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than February 5, 1982, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S., Foren, Director, Office of Lender Relations & Certification, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Montvale, New Jersey, as well as in the four (4) regional editions of *The Wall Street Journal.*

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: January 8, 1982.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 82-1510 Filed 1-20-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0161]

Foothill Venture Corp.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701(1981)), to

transfer control of Foothill Venture Corporation (Venture), 2049 Century Park East, Los Angeles, California 90067, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

Venture was licensed on September 28, 1972, and has private capital of $655,000. The proposed transfer of control will be from The Foothill Group, Inc. (Foothill) sole stockholder of Venture, to Frederick K. Bae and Won Hoe Kim who will purchase the licensee's stock.

The proposed officers, directors and stockholders will be:

Frederick K. Bae, 9827 Canby Avenue, North Ridge, California 91325; President and Director; 50%

Won Hoe Kim, 33785 Shackleton Isle, Laguna Niguel, California 92677; Vice President and Director; 50%

Ruth Bae, 9827 Canby Avenue, North Ridge, California 91325; Secretary and Director

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may not later than February 5, 1982, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 15, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1512 Filed 1-20-82; 8:45 am]

BILLING CODE 8025-01-M

[SBLC NO. 09/B-0032]

PCIB Development Corp.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by PCIB Development Corporation, (Applicant), Suite 400, 500 Airport Boulevard, Burlingame, California 94010 with the Small Business Administration pursuant to § 120.4(b) of the SBA Regulations (13 CFR 120.4(b) (1981), promulgated under the Small Business Act. As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of Delaware and will commence operation with minimum capitalization of $500,000. The Applicant intends to initially conduct its operations in the State of California and intends to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers, Directors and Stockholders of the Applicant are:

Name, Title and Ownership

Benedicto V. Yujuico, 69 Santiago Avenue, Atherton, California; Chairman, President and Director; 20%

Miguel Guerrero, 3550 Carter Drive, #102, San Francisco, California; Treasurer, Director; 0%

Jose Louis Cervero, 482 Fathom Court, Redwood City, California; Secretary, Director; 0%

PCIB Holding Company (HK) Inc., Suite 400, 500 Airport Boulevard, Burlingame, California 94010; 80%

PCIB Holding Company(HK) Inc. is a subsidiary of the Philippine Commercial and Industrial Bank (PCIB), Manila, Philippine Islands. PCIB is a major international bank with three offices in the United States and its President is a member of the International Monetary Fund Advisory Group.

Matters involved in SBA's consideration of the Application include the general business reputation and character of management, and the probability of successful operation of the corporation under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than February 5, 1982, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations and Certification, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Burlingame, California (one time only), as well as in the Western Regional Edition of *The Wall Street Journal*.

(Catalogue of Federal Domestic Assistance Programs No. 59.012 Small Business Loans)

Dated: January 8, 1982.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 82-1509 Filed 1-20-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0162]

Detroit Metropolitan Small Business Investment Co.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Detroit Metropolitan Small Business Investment Corporation, 150 Michigan Avenue, Detroit, Michigan 48226, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.) and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Frank E. Smith, 150 Michigan Ave., Detroit, Michigan 48226.	President	0
John R. Steiner, 150 Michigan Ave., Detroit, Michigan 48226.	Secretary and treasurer	0
Ruby Jones, 150 Michigan Ave., Detroit, Michigan 48226.	General manager	0
Romeo Sancricca, 411 West Lafayette, Detroit, Michigan 48226.	Director	0
Karl D. Gregory, Ph.D., 18495 Adrian Road, Southfield, Michigan 48075.	Director	0
James Kobus, 3044 West Grand Blvd., 13-15 G.M. Building, Detroit, Michigan 48202.	Director	0
Frank J. Sellinger, 611 Woodward Ave., Detroit, Michigan 48232.	Director	0
Detroit Metropolitan Industrial Development Corporation, 150 Michigan Ave., Detroit, Michigan 48226.	Parent company	100

The Applicant will begin operations with $500,000 of private capital derived from the sale of 50,000 shares to Detroit Metropolitan Industrial Development Corporation.

The parent company (Detroit Metropolitan Industrial Development Corporation) is a non-profit organization formed for the purpose of aiding and promoting area redevelopment within the State of Michigan, in the counties of Wayne, Monroe, Oakland, Macomb and St. Clair.

The Applicant will conduct its operations in the five-county region in and around Detroit.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may on or before February 5, 1982 submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Detroit, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 12, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1433 Filed 1-20-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Federal Aviation Administration Meeting; Spring Airline Schedules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

PURPOSE OF MEETING: The Federal Aviation Administration will hold a public meeting to receive views and comments from interested persons with respect to the options for transitioning to the Spring airline schedules.

DATE: February 1, 1982, 8:30 a.m. to 4:30 p.m.

PLACE: FAA Auditorium, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey B. Safeer, Director, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, (202) 426-3331.

SUPPLEMENTARY INFORMATION:

Background

The FAA is considering options for transitioning to the Spring airline schedules. In October, 1981, FAA transitioned to the Fall/Winter schedules by zero basing all scheduled carriers at the affected airports based on their pre-strike schedule of operations for the day of September 1, 1981. Starting with the December 1981 schedule, monthly changes have been made on an incremental basis. Some airlines have indicated that a continuation of this process will not be adequate for the transition to the Spring schedule while others are satisfied with the process and would like it to continue as is until full service levels can be restored.

In order to properly consider the views and problems associated with any specific scheme for making the transition, the FAA is soliciting comments from affected airlines, airports, communities and other interested persons. Commentors should consider, but not necessarily limit, their comments to the following areas of concern. Comments may be presented in writing on or before February 1 or may be made orally.

A. Should the April 25 (shift to daylight savings time) schedule be zero based or incremental?

1. Zero base:
   a. September 1, 1981 schedule day.
   b. April 25, 1981 schedule day.
   c. Some other unique day.
2. Incremental:
   a. Increase all allocations by a proportionate increase in capacity, if any.
   b. Allow for seasonal adjustments based on 1981 pre-strike adjustments.
   c. Distribute available capacity at each airport to in-place carriers providing scheduled air service based on pre-strike proportion of total operations at each airport. Other users will receive a pro rata share of any increased capacity.

B. How should new entrants attain access to capacity controlled airports for scheduled operations?

1. Minimal service levels in non-congested hours.
2. Set aside "X" arrivals per hour to be allocated to carriers never serving the affected airport.
3. Allocate arrivals of new entrants only if there is an increase in capacity.
4. Allocate arrivals to new entrants only after carriers who cut back on arrivals are restored to pre-strike service levels.

Meeting Procedures

Persons who plan to attend the meeting on February 1 in the FAA Auditorium, 800 Independence Avenue SW., beginning at 8:30 a.m., should be aware of the following procedures which are established to facilitate the workings of the meeting:

1. The meeting will be open on a space available basis.
2. Persons who wish to present oral views and comments at the meeting should notify Mr. Safeer as soon as possible. If necessary to provide persons who contact Mr. Safeer prior to February 1, 1982, an opportunity to address the meeting, the meeting may be extended to the evening or additional days.
3. All meetings will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. In addition, the meeting may be tape recorded.
4. The FAA will consider all material presented at the meeting by participants. Position papers or other handout material may be accepted at the discretion of the chairperson. Copies should be provided for distribution to all participants.
5. Statements made by FAA participants at the meeting will be made to facilitate discussion and thus should not be taken as expressing a final FAA position.

(Secs. 307, 313(a), 601, and 608, 902, 1110, and 1202, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C. on January 18, 1982.

D. R. Segner,

Associate Administrator for Policy and International Aviation.

[FR Doc. 82-1532 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-1]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the

application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: February 10, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on January 15, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21792	Aeronaves de Mexico, S.A. (AM)	14 CFR Portions of Parts 21 and 91	Amendment to Exemption No. 3266A to permit petitioner to operate four new DC–9–80 U.S.-registered aircraft using an FAA-approved master minimum equipment list and an FAA-approved continuous airworthiness maintenance program.
22525	Mr. Michael A. Goble	14 CFR 65.57	To permit petitioner to apply for an aircraft dispatcher certificate without having been in a position with a scheduled air carrier, scheduled military operations, or other similar experience for 2 of the last 3 years.
22463	Ann Arbor Aero Service, Inc	14 CFR Part 141	To extend petitioner's Provisional Pilot School permit for 1 year even though it did not complete the training of ten students in the previous year.
22446	Texas International Airlines, Inc	14 CFR 121.311(f)	To permit petitioner to operate its DC–9 aircraft after March 6, 1982, compliance date although each flight attendant will not have a seat for takeoff and landing in the passenger compartment with a combined safety belt and shoulder harness.
22508	Mr. Philip M. Stiffler	14 CFR 21.27(f)	To permit petitioner to obtain a standard type certificate for the Fairchild C–119 airplane without strict compliance with the requirements of Civil Air Regulations, Part 4b.
18243	Scenic Airlines, Inc	14 CFR 135.113	Reconsideration of a Denial of Petition to permit petitioner to carry a tenth passenger in its Cessna Model 404 aircraft by allowing such passengers to occupy the copilots seat.
20044	Air Transport Association of America	14 CFR 61.63(b) and 121.437(c)	Extension of Exemption No. 2965 which permits petitioner's member pilots employed by Part 121 certificate holders to be issued additional category and class ratings based on normal upgrade training to second in command.
17397	Delta Air Lines, Inc	14 CFR 121.291(a)(2)	Reconsideration of a Denial of Petition to permit petitioner to reconfigure its DC–8–61 airplanes with 212 seats and use 5 required flight attendants without conducting a demonstration in which line flight attendants open 50 percent of the exits and deploy 50 percent of the evacuation slides within 15 seconds.
22536	Air Methods, Inc	14 CFR 135.223(a)(3)	To permit petitioner to operate helicopters in instrument flight rule conditions with a fuel reserve of not less than 30 minutes, rather than 45 minutes.
22146	Transamerica Airlines	14 CFR 121.318(b)(2)	Extension of Exemption No. 3422 which permits petitioner to operate its DC–8 airplanes until December 31, 1982, without having the required public address system microphone installed for each flight attendant seated near a floor-level exit.
22533	Compania Mexicana de Aviacion, S.A. de C.V.	14 CFR 61.77(e)(4) and 63.23(e)(3)	To permit petitioner's present and future Mexicana-Mexican licensed airmen who also hold U.S. special-purpose airmen certificates, to continue to operate U.S.-registered leased aircraft, listed in the petition, beyond the 24-month expiration period which would otherwise apply.
22531	Pyramid Airlines	14 CFR Various Sections	To permit petitioner to use appropriate Minimum Equipment Lists in connection with its operation of two F–27 and six DC–3 aircraft.
22536	Mr. Robert R. Durych	14 CFR 61.161(b)	To permit petitioner ot obtain an airline transport pilot certificate in the rotorcraft category without meeting the requirement of having 1,200 hours of flight time within the preceding 8 years.
22537	ERA Helicopters, Inc	14 CFR 43.3(a)(d)(h), and 135.443(b)(3)	To permit petitioner's appropriately trained certificated pilots to change flat tires on Model 24 Learjets in special circumstances.
22539	Air Methods, Inc	14 CFR 43.3(h)	To permit petitioner's appropriately trained and certified pilots to remove, check, and reinstall the magnetic chip detector plugs on Bell 206 helicopter engines, transmissions, and tail rotor gear boxes.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22500	Guyana Airways Corp.	14 CFR Portions of Parts 21 & 91	To permit petitioner to operate and maintain a U.S.-registered B–707–321B advanced aircraft N880PA leased from ATASCO USA, Inc., using a FAA-approved minimum equipment list (MEL) and a FAA-approved maintenance and inspection program. *Granted 12/18/81.*
21709	Cessna Aircraft Co.	14 CFR 25.1305(d)(3)	To permit type certification of the Cessna Model 650 Twin Turbofan Airplane without meeting the Rotor System Unbalance Indicator requirement. *Granted 12/23/81.*
22281	Dana Corporation, Flight Operations	14CFR 91.169 & 91.181(a)	To permit petitioner to operate a helicopter which it presently owns in the same manner as large and turbojet powered multiengine civil airplanes. *Granted 12/24/81.*
22270	Executive Air Fleet Corporation	14 CFR 135.25	To provide for multioperation of aircraft by petitioner and the owners without having exclusive use for at least 6 months of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications. *Denied.12/31/81.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No	Petitioner	Regulations affected	Description of relief sought disposition
22431	Montex Drilling Co.	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC–1–11: N114M. *Granted 12/30/81.*
12464	Compagnie Nationale Air France.	14 CFR Portions of Parts 21, 61, 63, & 91	Amendment to Exemption No. 1690AA to delete two B–747–128 aircraft from the appendix and change them from U.S. registry to registration under the applicable statutes of the Republic of France. *Granted 12/31/81.*
[illegible]	Lockheed-California Company	14 CFR 25.1303(c)(1) & 25.1581	Extension of Exemption No. 3084 to permit the amended type certification of specified Lockheed Model L–1011–385–1–15 airplanes with an overspeed warning tolerance 6 knots greater than allowed and a flight manual whose performance criteria are computed from British Civil Air Regulations criteria rather than FAR criteria. *Granted 12/23/81.*

[FR Doc. 82–1421 Filed 1–20–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Supplemental Environmental Impact Statement: Lehigh County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement will be prepared for a proposed highway project in Lehigh County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P. O. Box 1086, Harrisburg, Pennsylvania 17108–1086, Telephone: (717) 782–2276, or Matthew F. Mazza, District Engineer, Pennsylvania Department of Transportation, Engineering District 5–0, 1713 Lehigh Street, Allentown, Pennsylvania 18103.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will prepare a Supplemental Environmental Impact Statement (SEIS) on a proposal to construct Interstate 78 (I–78) in Lehigh County. The proposal would involve the construction of Interstate 78, a new limited access highway, between the Village of Haafsville on existing I–78 and Traffic Route 22 in Lehigh County, and run in a generally southeasterly direction to its eastern terminus, near Stones Throw Road just west of the Lehigh-Northampton County Line, where it connects with the eastern portion of Interstate 78.

Two alternative corridors will be reanalyzed in the SEIS. The Southern Corridor which is the corridor in the approved EIS begins on existing I–78 in the vicinity of the village of Haafsville in Lehigh County. The alignment diverges from existing Interstate 78 and proceeds southeasterly passing through Upper Macungie Township, Lower Macungie Township, Upper Milford Township and Upper Saucon Township. The length of this alignment is 17.64 miles. The 309 Corridor begins at the same location on existing I–78 as the Southern Corridor. Continuing eastwardly along the existing roadway to Ruppsville, it then diverges and proceeds in a southeasterly direction on new location to Traffic Route 309 near the interchange of T. R. 309 and T. R. 222. It then proceeds along a reconstructed Traffic Route 309 to Lanark where the alignment turns in a northeasterly direction to its eastern terminus near Stones Throw Road. The length of this alignment is 14.4 miles.

Only two interchanges will be considered for the Southern Corridor route:

1. A simple "fly-over" type with eastbound U.S. Route 22 traffic underpassing the main line roadway.
2. A partial "cloverleaf" where the route overpasses Pennsylvania Route 309.

There are six areas of traffic interchanges for the 309 Corridor:

1. U.S. Route 22
2. Pennsylvania Route 309
3. U.S. Route 222
4. Cedar Crest Boulevard, Traffic Route 29
5. Lehigh Street and Emmaus Avenue Interchange Complex
6. Pennsylvania Route 309

This SEIS is being initiated as a result of on-going public involvement processes which have resulted in a consensus of local Government bodies expressing a desire to restudy the 309 Corridor. The SEIS process will include detailed studies of Air Quality, Noise, Social-Economical and land use, Ecology, Water Quality, Cultural Resources, Farmland, and Traffic and Transportation.

A letter describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies. A series of public meetings will be held in Lehigh County between February and May 1982. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearings. The draft SEIS will be available for public and agency review and comment. No formal scoping is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA or Pennsylvania Department of Transportation at the address provided above.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 82–1275 Filed 1–20–82; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. IP82–2; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other

exercise of judgment concerning the merits of the petition.

Paragraph S5.2(a) of Standard No. 120 requires that each rim be marked with a designation indicating the source of the rim's published nominal dimensions, the usual source for American vehicles being the Tire and Rim Association (T&RA) handbook. GM has manufactured almost 2300 1980–81 Chevrolet and GMC K10 Suburban, Blazer, and Jimmy vehicles on which the P 215/75R15 tire and 8 inch rim used is not listed as an approved tire/rim combination by the T&RA.

GM argues that this noncompliance is inconsequential as the ratio of the rim width to tire section width of the tire and rim is 86.1%, "slightly" in excess of the 85% normal maximum ratio of T&RA approved combinations (in fact, one combination, DR 78–13 tire and 7 inch rim has a ratio of 85.9%). GM's ratio results in "slightly less than normal curb scuff clearance," but the tire has "successfully passed a curb scruff evaluation test" conducted by GM. Petitioner argues that the performance is equivalent to that of approved combinations and states that it is aware of no in-service problems or complaints about the noncompliance.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above. Comments should refer to the docket number and be submitted: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below. The engineer and lawyer primarily responsible for this notice are Art Neill and Taylor Vinson respectively.

Comment closing date: February 17, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 13, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-1485 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue Availability of Report of Closed Meetings

AGENCY: Internal Revenue Service, Treasury

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The Report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A–63 (3–27–74), as supplemented; and section 12b of the Department of Treasury Directive 10–06.E (9–2–77): A report summarizing the closed meeting activities of the Art Advisory Panel during 1981, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the **Federal Register** for Wednesday, May 24, 1978 (43 FR 22321).

FOR FURTHER INFORMATION CONTACT: Tom Hartnett, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20024, Telephone (202) 56–44217—(Not a toll free telephone number).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 82-1486 Filed 1-20-82; 8:45 am]

BILLING CODE 4830-01-M

Art Print Panel of the Commissioner of Internal Revenue Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Availability of Report on Closed Meetings of the Art Print Panel.

SUMMARY: The Report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A–63 (3–27–74), as supplemented; and section 12b of the Department of Treasury Directive 10–06.E (9–2–77): A report summarizing the closed meeting activities of the Art Print Panel during 1981, has been prepared. A copy of this report has been filed with the Assistant Secretary of Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the **Federal Register** for Wednesday, May 24, 1978 (43 FR 22321).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5431, Washington, D.C. 20224, Telephone (202) 566–4196—(Not a toll free telephone number).

Roscoe L. Egger, Jr.

Commissioner.

[FR Doc. 82-1499 Filed 1-20-82; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 14
Thursday, January 21, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1
Federal Election Commission	2
Federal Energy Regulatory Commission	3
Federal Maritime Commission	4
International Trade Commission	5
Nuclear Regulatory Commission	6, 7
Securities and Exchange Commission	8

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 18, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Charles E. Lord, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding mileage rates paid to Corporation employees.

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding the purchase of space to house the Corporation's San Francisco Regional Office.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: January 18, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S–91–82 Filed 1–19–82; 12:00]
BILLING CODE 6714–01–M

2

FEDERAL ELECTION COMMISSION

[FR–5–82–56]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, January 21, 1982 at 10 a.m.

CHANGES IN MEETING: The following items have been added to the agenda:

Draft AO 1981–51: Continued from January 14, 1982
Draft AO 1981–52: Continued from January 14, 1982
Draft AO 1981–57: Continued from January 14, 1982
Revised Non-Filer Policy and Procedure: Continued from January 14, 1982

The following items have been withdrawn from the agenda:

Draft AO 1981–54
Budget Execution Report
Revision of Regulations, 11 CFR 114.3 and 114.4

* * * * *

DATE AND TIME: Tuesday, January 26, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Tuesday, January 26, 1982 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Revision of proposed regulations, communications by corporations and labor organizations 11 CFR 114.3 and 114.4

* * * * *

DATE AND TIME: Wednesday, January 27, 1982 at 10 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Continuation of executive session of January 26, 1982.

* * * * *

DATE AND TIME: Thursday, January 28, 1982 at 10 p.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1981–54: David H. Stoughton, Fairchild Industries
Draft AO 1981–49: Wm. J. Marschalk for Great Western Financial Corp.
Draft AO 1981–56: John J. Duffy, Satellite Business Systems
Response to the (second) request for reconsideration of matching funds from the Kennedy for President Committee
Revision of proposed regulations, communications by corporations and labor organization, 11 CFR 114.3 and 114.4 if not concluded on January 26
Notice of proposed rulemaking, disclaimer notices, 11 CFR 110.11, if not concluded on January 21, 1982
Revision of proposed regulations, collecting agents and joint fundraising, 11 CFR 102.6 and 102.7, if not concluded on January 21, 1982
Appropriations and Budget:
Budget execution report. Continued from January 14, 1982
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.
[S–96–82 1–19–82; 3:53 pm]
BILLING CODE 6715–01–M

3

FEDERAL ENERGY REGULATIORY COMMISSION

Notice of meeting
January 19, 1981.

TIME AND DATE: 10 a.m., January 22, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. E–9565, Town of Massena v. Niagara Mohawk Power Corporation and the Power Authority of the State of New York.

(2) *The Process Gas Consumers Group, et at., v. U.S. Department of Agriculture, et al.*, D.C. Cir No. 79–1336.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary; Telephone (202) 357–8400.

[S–85–82 Filed 1–19–82; 3:32 pm]

BILLING CODE 6717–01–M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., January 27, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during December 1981.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during December 1981.
3. Report of the Secretary on Applications for Admission to Practice approved during December 1981, pursuant to delegated authority.
4. Agreements Nos. 7100–26, 7670–22, 7770–22 and 9214–28: Modifications of four North Atlantic/European Conferences' Agreements to include rate-making authority for the consolidation of cargo.
5. Agreement No. 9925–3: Petition of PACE Line Service for reconsideration of order of conditional approval.
6. Informal Docket No. 728(I): PPG Industries, Inc. v. Atlanttrafik Express Service—Petition of respondent for reconsideration.

Portions closed to the public:

1. Docket No. 80–77: Failure of Vessel Operating Common Carriers Operating in the Foreign Commerce of the United States to Comply with the Certification Filing Requirements of Section 21(b) of the Shipping Act, 1916—Consideration of the record.
2. Docket No. 81–47: Lease Agreement No. T–3753 Between Maryland Port Administration and Atlantic & Gulf Stevedores, Inc.—Petition of Maryland Port Authority for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–89–82 Filed 1–19–82; 11:28 am]

BILLING CODE 6730–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–82–3]

TIME AND DATE: 10 a.m., Thursday, January 28, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessay: a. Auto visors (Docket No. 785).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–90–82 Filed 1–19–82; 11:34 am]

BILLING CODE 7020–02–M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 18, 1982 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, January 20:

2:00 p.m.:
Discussion of TMI–1 Restart Court Litigation (closed meeting)

Thursday, January 21:

10:00 a.m.:
Discussion of Region V Report on Diablo Canyon (closed meeting) (as announced)

2:00 p.m.:
Discussion of Waste Confidence Proceeding (closed meeting) (approximately 1¾ hours, postponed from January 20)

3:45 p.m.:
Affirmation/Discussion Session (public meeting, items revised)
Items to be affirmed and/or discussed:
a. Revised General Statement of Policy and Procedure for Enforcement Actions (postponed from January 14)
b. Amendment to 10 CFR Part 110: Export of IAEA Safeguards Samples (postponed from January 14)
c. Reconsideration of 10 CFR 2.700a (Exception from Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs Functions) and Application to Pending Proceedings (postponed from January 14)
e. Commission Response to FOIA Appeal (81–A–15C) Regarding Transcripts of Zimmer Meetings (postponed from January 14)
f. Petition for Reconsideration and Request for Immediate Suspension of New Safeguards Information Regulations Implementing Section 147

ADDITIONAL INFORMATION: The Affirmation/Discussion Session scheduled for January 14 was cancelled. Discussion of Region V Report on Diablo Canyon, scheduled for January 20, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should verify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634–1410.

January 19, 1982.

Gary Gilbert,

Office of the secretary.

[S–93–82 Filed 1–19–82; 3:32 pm]

BILLING CODE 7590–01–M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 25, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Monday, January 25:*

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (tentative)

Wednesday, January 27:

2:00 p.m.:
Discussion of Contested Issues in TMI–1 Restart Proceeding (closed meeting) (approximately 1½ hours)

3:30 p.m.:
Discussion of Export Licensing Policy (closed meeting) (tentative)

Thursday, January 28:

10:00 a.m.:
Discussion of Revised Licensing Procedures (closed meeting)

3:00 p.m.:
Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Dr. George V. Taplin's Petition (PRM 35–1) Regarding 10 CFR Part 35, "Human Uses of Byproduct Material"
b. Proposed Changes to Part 2: Management of Discovery
c. FOIA Appeal (81-A-18C) Regarding Military Functions Rule
d. General License for Mill Tailings in Agreement States

Friday, January 29:

10:00 a.m.:
Discussion of Quality Assurance/Quality Control (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:
Gary Gilbert (202) 634–1410.

January 18, 1982.

Gary Gilbert,

Office of the Secretary.

[S–94–82 Filed 1–19–82; 3:23 pm]

BILLING CODE 7590–01–M

8

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 25, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, January 26, 1982, at 10:00 a.m. and on Thursday, January 28, 1982, following the 10:00 a.m. open meeting. Open meetings will be held on Tuesday, January 26, 1982, at 3:00 p.m. and on Thursday, January 28, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Lonstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 26, 1982, at 10:00 a.m., will be:

Formal order of investigation.
Amend formal order of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Freedom of Information Act appeals.
Institution of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Thursday, January 28, 1982, following the 10:00 a.m. open meeting, will be:

Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Tuesday, January 26, 1982, at 3:00 p.m., will be:

Meeting with the American Society of Corporate Secretaries.

The subject matter of the open meeting scheduled for Thursday, January 28, 1982, at 10:00 a.m., will be:

1. Consideration of whether to propose for public comment rule 2a–7 under the Investment Company Act of 1940, which would permit money market funds, subject to certain conditions, to use the amortized cost method of valuation of their portfolio securities or the penny-rounding method to calculate their current price per share. For further information, please contact Arthur J. Brown at (202) 272–3048.

2. Consideration of whether to grant the request of Debevoise & Plimpton for a waiver of imputed disqualification pursuant to 17 CFR 200.735–8(d). For further information, please contact Myrna Siegel at (202) 272–2430.

3. Consideration of Freedom of Information Act ("FOIA") appeal of Joseph A. Kutch. Mr Kutch requsted for access to staff memoranda or reports which discuss the manner in which Covington-Knox, Inc. and certain affiliated persons may have violated certain provisions of the securities laws. The FOIA Officer denied the request pursuant to Exemption 5 under the FOIA, which exempts inter and intra-agency documents which would not be available by law to a party other than an agency, in litigation with the agency. For further information, please contact Anne H. Sullivan at (202) 272–3068.

4. Consideration of whether to adopt final definitions of the terms "small business" and "small organization" for purposes of the Regulatory Flexibility Act. For further information, please contact Alan Rosenblat at (202) 272–2428.

5. Consideration of whether to issue a release adopting technical amendments to rules promulgated technical amendments to rules promulgated under the 1935 Act which identify the correct forms for filing reports pursuant to Section 17(a) thereunder and eliminate certain duplicate text and obsolete references. For further information, please contact James E. Lurie at (202) 523–5683.

6. Consideration of whether to issue a release that announces rescission of Item 8(g) of the proxy rules requiring disclosure in proxy statements about nonaudit services performed by independent accountants for their audit clients. Consideration will also be given to the recommendations of some commentators and a petition filed with the Commission that it reinstate Accounting Series Release No. 264 and hold hearings on or sponsor an investigation of the nonaudit service activity of independent accountants. For further information, please contact Linda Griggs or Ed Coulson at (202) 272–2130.

7. Consideration of whether to issue a release announcing that the Commission is no longer considering further action to require disclosure of a statement of management on internal accounting control in annual reports to security holders or filings with the Commission. For further information, please contact David F. Martin at (202) 272–2130.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2178.

January 19, 1982.

[S–92–82 Filed 1–19–82; 1:01 pm]

BILLING CODE 8010–01–M

V
4
7
/
1
4
J
A
2
1
8
2

federal register

Thursday
January 21, 1982

Part II

Department of Transportation

Federal Aviation Administration

Number of Flight Attendants Required During Intermediate Stops; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20843; Notice No. 82-1]

Number of Flight Attendants Required During Intermediate Stops

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to change the regulations by reducing by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. Current regulations are interpreted as providing that the required number of flight attendants must remain on board during these stops. This proposal arose as a result of a petition for rulemaking submitted by the Air Transport Association of America (ATA) on October 9, 1980, and is consistent with Executive Order 12291.

DATE: Comments must be received on or before March 22, 1982.

ADDRESS: Send comments on this proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 20843, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: Room 916, 800 Independence Ave., SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20843." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, "Notice of Proposed Rulemaking Distribution System," which describes the application procedure.

Background Information

On October 9, 1980, ATA submitted a petition for rulemaking in accordance with the provisions of § 11.25 of the Federal Aviation Regulations (FAR). A summary of this petition was published in the **Federal Register** on February 19, 1981 (46 FR 12981). No comments were received. This petition requested clarification of § 121.391(a) in regard to the number of flight attendants required to be on board airline passenger-carrying aircraft other than during flight time.

The current regulation states that each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

1. For airplanes having a seating capacity of more than 9 but fewer than 51 passengers—1 flight attendant.
2. For airplanes having a seating capacity of more than 50 but fewer than 101 passengers—2 flight attendants.
3. For airplanes having a seating capacity of more than 100 passengers—2 flight attendants plus 1 additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

ATA states in its petition that by memorandum of June 2, 1980, from the FAA's Acting Chief, Air Transportation Division, FAA regions were advised of a new interpretation from the Office of the Chief Counsel in regard to § 121.391. This interpretation states that the minimum complement of flight attendants required by § 121.391 must be on the aircraft whenever passengers are on the aircraft. This includes the periods of time during the boarding process and during intermediate stops. The interpretation also states that if an individual (e.g., a gate agent) replaced a flight attendant and that flight attendant was part of the minimum crew complement, then the individual replacing the flight attendant would have to receive crewmember emergency training on that aircraft in accordance with § 121.417.

ATA further states in its petition that its member airlines strongly disagree with this interpretation and "difficulties associated with the application of the June 2 FAA interpretation would adversely affect the airlines operationally, economically, and could well create unnecessary hardship to the traveling public."

After review and analysis of the ATA petition, the FAA concurs with the ATA that the current regulations contain unnecessary requirements. As already noted, the current regulation provides that all required flight attendants not only must be on the aircraft during flight time but must also remain on board during intermediate stops. Analysis of the safety issues involved reveals that this is not necessary and precludes such personnel from performing other related duties. Such duties include aiding elderly or handicapped passengers, accompanying minors, and coordinating with ground personnel.

Sections 25.803 and 121.291 and Appendix D to Part 121 of the FAR require that during a demonstration of emergency evacuation procedures, not more than 50 percent of the emergency exits in the sides of the fuselage of an airplane may be used for the demonstration. Similarly, in exemptions granted from § 121.291 of the FAR, the FAA requires the flight attendants to open 50 percent of the required emergency floor-level exits and 50 percent of the required emergency nonfloor-level exits and to deploy 50 percent of the emergency exit slides within 15 seconds. The 50 percent figure reflects the probability that one-half of the emergency exits may be rendered

inoperative in a crash situation due to fuselage damage or fire. At an intermediate stop, however, at least one floor-level exit will remain open and time will not be lost in preparing that exit for evacuation during an emergency situation. In addition, most other exits should normally be operable.

Therefore, the FAA proposes to reduce the number of required flight attendants who must remain on board during intermediate stops. Intermediate stops are stops where passengers remain on board and proceed on that aircraft to another destination. They are usually of short duration. During such stops, the aircraft is in a static mode, in a level attitude with the engines stopped. This is in contrast with a crash situation in which the aircraft often comes to rest in an unusual attitude with cabin contents dislodged and with exits blocked or inoperable because of impact damage. The FAA proposes that during such stops each certificate holder shall provide and maintain on board the aircraft at least one-half (rounded to the next higher figure) the required number of flight attendants.

Additionally, the FAA proposes that the certificate holder must ensure that at least one floor-level exit on that aircraft remains open during that stop and that such exit provides for the rapid deplaning of passengers. One or more additional exits may be open for servicing the galleys and lavatories. As part of their emergency evacuation duties, the required flight attendants on board are required by the certificate holder, to open, if necessary, additional emergency exits to provide for the rapid deplaning of passengers. Also, at most intermediate stops, flight crewmembers, mechanics, baggage handlers, security personnel, and other ground personnel are nearby to assist in the event of an emergency. Furthermore, the aircraft's engines are shut down while the aircraft is at the gate. This factor should mitigate the chances of an emergency that may arise from engine torching or overheating.

Additionally, this proposal would allow the substitution for required flight attendants of other personnel qualified in the emergency evacuation procedures for that aircraft required in § 121.417 of the FAR as long as they are identified to the passengers. Personnel such as passenger agents, customer service representatives, and ticket agents who have been trained in accordance with § 121.417 of the FAR would be allowed to perform safety-related flight attendant duties in the absence of the required flight attendants at intermediate stops. These normally required flight attendants may be performing other related duties such as aiding unaccompanied children or ill passengers.

Finally, it has been determined that during many intermediate stops only a small number of passengers remain on board the aircraft. In most cases, passengers have the opportunity to proceed to a lounge or to other appropriate places instead of remaining on board the aircraft during any prolonged intermediate stop. Therefore, if the airplace is stationary, the engines are not operating, and one or more exits are open, then allowing one-half of those flight attendants required by § 121.391 to remain on board the airplane at an intermediate stop would provide a necessary level of safety for all passengers and crewmembers.

Cost Impact

This rulemaking responds to an industry petition for relief from the current regulation. No formal cost/benefit analysis was completed with respect to this proposal for regulatory relief. A regulatory evaluation was conducted for this action to preliminarily assess the cost and economic impact. While the ATA petition did not summarize current staffing practices for periods when occupied aircraft are at intermediate stops, the FAA concludes that there are no apparent direct or indirect (nonindustry) costs associated with granting the requested relief. The ATA petition indicates that the cost of literal compliance with present § 121.391(a) could involve millions of dollars yearly in added cost per carrier. The FAA agrees with the general estimates provided by ATA. It is therefore expected that the benefits of granting the relief far outweigh any direct costs associated with changing the present regulation. We invite further comment on this matter.

The Proposed Amendment

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Accordingly, the FAA proposes to amend § 121.391 of the Federal Aviation Regulations (14 CFR 121.391) by adding a new paragraph (e) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(e) At stops where passengers remain on board and proceed on that aircraft to another destination, each certificate holder shall provide and maintain on board the aircraft during that stop at least one-half (rounded to the next higher figure) of the flight attendants as provided in paragraph (a) of this section or the same number of other personnel qualified in the emergency evacuation procedures for that aircraft as required in § 121.417 and provided those personnel are identified to the passengers. Additionally, the certificate holder must ensure that the aircraft engines are shut down and at least one floor-level exit on that aircraft remains open during that stop and that such exit provides for the deplaning of passengers.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421 through 1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—The FAA has determined that this proposal relaxes requirements and allows more flexibility to affected Part 121 operators as it will reduce by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. There are no apparent direct or indirect (nonindustry) costs associated with granting the requested relief, and the benefits far outweigh any direct costs associated with changing the present regulation. Therefore, it has been determined that this is not a major regulation under Executive Order 12291. I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposal applies to certificated air carriers, few of which are considered to be small entities. It would allow all carriers to reduce the number of employees which must be on aircraft during certain parts of the operations, thus reducing overall costs. In addition, the FAA has determined that this proposed revision is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contracting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on December 18, 1981.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82-1321 Filed 1-20-82; 8:45 am]

BILLING CODE 4910-13-M

V
4
7
/
1
4
J
A
2
1
8
2
UME

Rea

INFOR
PUBLI
Code
CFR U
Genera
Incorpo
Printing
Federa
Correct
Daily I
Genera
Privacy
Public
Schedu
Laws
Indexes
Law nu
Slip law
Preside
Executi
Public
Weekly
United
SERVIC
Agency
Automa
Dial-a-R
Chica
Los A
Wash
Library
Magneti
volum
Public
Special
Subscrip
Subscrip
TTY for

FEDER
1-128....
129-588
589-744
745-934
935-110
1109-12
1257-13
1367-20
2073-22
2283-24
2475-27
2767-28
2855-29
2977-30

Reader Aids

Federal Register

Vol. 47, No. 14

Thursday, January 21, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5
589-744.....6
745-934.....7
935-1108.....8
1109-1256.....11
1257-1366.....12
1367-2072.....13
2073-2282.....14
2283-2474.....15
2475-2766.....18
2767-2854.....19
2855-2976.....20
2977-3070.....21

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1
4890.....2855
4891.....2977

Executive Orders:
1643 (Revoked by PLO 6101).....769
11157 (Amended by EO 12337).....1367
12171 (Amended by EO 12338).....1369
12310 (Amended by EO 12339).....2475
12337.....1367
12338.....1369
12339.....2475

5 CFR

359.....2283
410.....935
832.....2284
1201.....936

Proposed Rules:
Ch. I.....154
352.....956
550.....958
610.....958
890.....961

6 CFR

Ch. VI.....2285
Ch. VII.....2285

7 CFR

Ch. XII.....2981
Subtitle B.....745
1a.....2073
2.....5, 6
68.....129, 2074
282.....532
301.....1257
425.....6
631.....130
701.....937
800.....131, 2254
801.....2979
905.....589
906.....1265
907.....746, 2074, 2980
910.....939, 2767
944.....747, 1265
1300.....2981
1924.....590
1942.....590

Proposed Rules:
102.....631
360.....2874
979.....631
1004.....2118
1006.....814
1007.....962, 2122
1011.....2999
1012.....814
1013.....814
1033.....814
1036.....814
1040.....814
1046.....2999
1098.....2999
1124.....814
1125.....814
1133.....814
1134.....778, 814
1135.....814
1136.....778, 814
1137.....778, 814
1139.....814
1250.....1105
1865.....33
1942.....2774
1951.....33

8 CFR

101.....940
204.....942
238.....131
264.....940
316a.....132

Proposed Rules
3.....1396

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
82.....1109
92.....591

10 CFR

2.....2286
40.....8
50.....2286
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:
Ch. XVI.....1138
50.....2876, 2879
317.....1137
378.....817
440.....1299
455.....2880
457.....1301
500.....161
501.....161
503.....161
710.....2874
790.....1302

12 CFR

Ch. VII.....1371
5.....132
203.....750
207.....2981
213.....755
217.....9, 2857
220.....2981
221.....2981
226.....755
327.....943
563c.....2857
614.....2477

Proposed Rules:

701.....963
702.....633, 2122

13 CFR

101.....2074, 2305
107.....2859
120.....9
124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113, 2477, 2479
71.....15–18, 759, 760, 1113–1115, 2079, 2481, 2984, 2985
73.....18, 2986
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140

Proposed Rules:

Ch. I.....817
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489, 3002–3005
73.....1146, 2488, 2490
91.....818
121.....3068
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

13.....1372
305.....18, 19

17 CFR

201.....609
211.....1266
240.....1372, 1373, 2079

Proposed Rules:

1.....2325
210.....2776
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329
271.....39, 638, 2883, 2884
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374, 2986
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376, 2860

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522
878.....2810

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147, 2986

Proposed Rules:

1.....163, 164, 988, 3006
15A.....164
301.....3007

27 CFR

Proposed Rules:

5.....1148
9.....1149–1153

28 CFR

2.....2312
17.....2861

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

936.....2989

Proposed Rules:

Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41
701.....41
716.....928, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....928, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
914.....3008
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826
117.....3010

34 CFR

624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

35 CFR

103.....2991

36 CFR

Ch. II.....745

Proposed Rules:

Ch. II.....2886

39 CFR

601.....1377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115

123.....618, 1248, 2314
180.....619-623, 1378-1384, 2862, 2863
193.....1385
262.....1248
264.....953
265.....1254, 2316
702.....2771
762.....148, 149

Proposed Rules:
50.....2127, 2341
52.....191, 1304, 1398, 2129
58.....2127
65.....969, 2889
81.....2131, 3011
86.....972, 1306, 1642
123.....1155, 2378
180.....651-654, 2889
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5-12.....1385
5A-7.....2481
5A-16.....2481
5A-72.....2481

Proposed Rules:
Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

7.....2995
20.....2316, 2995
428.....624
3100.....2864
3110.....2864

Public Land Orders:
6100.....21
6101.....769

Proposed Rules:
Subtitle A.....2381
426.....2890
4100.....1155

44 CFR

65.....770
66.....770
67.....22
70.....771, 772

Proposed Rules:
13.....2491
67.....3012
205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

Proposed Rules:
69.....2131
510.....215
536.....655

47 CFR

0.....1294, 2864
2.....953, 1386
21.....953
73.....150, 1386, 2116, 2865-2871
74.....150, 953, 1392, 2864
83.....2317
97.....2872

Proposed Rules:
2.....983, 1308
15.....216, 836
73.....58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385, 2890-2893
74.....983
81.....2894
83.....2894
90.....1310

48 CFR

Proposed Rules:
13.....1400
17.....1400

49 CFR

Ch. X.....613
1.....1122
571.....2996
830.....773
1033.....151, 152, 624, 773, 776, 2482
1056.....777
1136.....2117
1139.....2317

Proposed Rules:
1031.....1155
1039.....220
1300.....220
1310.....59

50 CFR

17.....2317
23.....1294, 2117
32.....1122-1135
611.....625, 1294, 1295
662.....629
675.....1295

Proposed Rules:
23.....1242
611.....2386
672.....2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 14 JA 21 82

1-22-82
Vol. 47 No. 15
Pages 3071-3338

federal register

Friday
January 22, 1982

Highlights

3071 **Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)** Executive order.

3091 **Banking** FHLBB issues regulations on amortization periods for premiums, discounts and credits, and treatment of gains and losses on sale of real estate.

3128 **Truth in Lending** FTC proposes enforcement policy statement.

3328 **Education** ED issues regulations on disaster assistance to local educational agencies. (Part IV of this issue)

3099 **Supplemental Security Income** HHS/SSA revises eligibility rules.

3280 **Medical Devices** HHS/FDA proposes rules on classification of all ear, nose, and throat devices. (Part III of this issue)

3130 **Securities** SEC proposes to amend procedures on processing post-effective amendments filed by separate accounts of insurance companies.

3098 SEC amends regulations on automatic effectiveness of post-effective amendments filed by investment companies.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

3127 **Energy** DOE/CRE withdraws proposal on municipal waste reprocessing demonstration facilities program.

3126 **Food Grades and Standards** USDA/AMS terminates rulemaking proceeding on food grading policy.

3126 **Loan Programs—Agriculture** USDA/REA reviews supplemental financing criteria for loans under Section 4 of the Rural Electrification Act.

3230 **Medical Research** NRC proposes to revise training and experience criteria for physicians practicing nuclear medicine.

3153 **Antidumping** Commerce/ITA announces preliminary determination on fireplace mesh panels from Taiwan.

3082 **Imports—Pests** USDA/APHIS adopts regulations to prevent introduction of khapra beetle.

3207 **Nuts** HHS/FDA announces uniform sampling procedures for in-shell domestic and imported pistachio nuts.

3127 **Regulatory Flexibility** FDIC announces regulations selected for review.

3270 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

3233 **Privacy Act Document** OPM

3253 **Sunshine Act Meetings**

Separate Parts of This Issue

3270 **Part II, Labor/ESA/W&H**
3280 **Part III, HHS/FDA**
3328 **Part IV, ED**

Contents

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

The President
EXECUTIVE ORDERS
3071 Courts-Martial Manual, United States; amendments (EO 12340)

Executive Agencies

Agricultural Marketing Service
RULES
3082 Lemons grown in Ariz. and Calif.
PROPOSED RULES
3126 Food grading policy; options under consideration for major food commodities; termination of rulemaking

Agricultural Stabilization and Conservation Service
NOTICES
Marketing quotas and acreage allotments:
3149 Peanuts; 1982 national poundage quota and 1982–1985 national poundage quota referendum period, etc.

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food Safety and Inspection Service; Rural Electrification Administration; Soil Conservation Service.

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
3089 Exotic Newcastle disease
Plant quarantine, foreign:
3086 Hyacinth; nursery stock, plants, roots, bulbs, seeds, etc.; importation regulations
3082 Khapra beetle; restriction on importation of certain articles; interim rule affirmed

Arts and Humanities, National Foundation
NOTICES
Meetings:
3229 Humanities Panel

Bonneville Power Administration
NOTICES
3158 Environmental costs and benefits; proposed methodology for determining quantifications; procedure to estimate resource cost-effectiveness; inquiry

Civil Aeronautics Board
NOTICES
Hearings, etc.:
3152 American Airlines, Inc.
3153 Star Airlines, Inc.
3152 Transportes Aeros Kantuta, LTDA, Trak Airlines; show cause order
3153 Trenton Hub Express Airline fitness investigation

Commerce Department
See Foreign-trade Zones Board; International Trade Administration; Minority Business Development Agency.

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
3157 Chicago Board of Trade; prime-rate futures contract
3253 Meetings; Sunshine Act

Conservation and Renewable Energy Office
PROPOSED RULES
3127 Municipal waste reprocessing demonstration facilities program; evaluation, assessment, and reporting guidelines; withdrawn

Defense Department
NOTICES
Meetings:
3157 Wage Committee

Economic Regulatory Administration
NOTICES
Consent orders:
3160 Bayou State Oil Corp. et al.
3160 Capco Pipe Co., Inc.
3161 Pioneer Corp.
Natural gas; fuel oil displacement certification applications:
3159 American Cyanamid Co.

Education Department
RULES
Elementary and secondary education:
3328 School expenditures and construction assistance in cases of certain disasters

Employment and Training Administration
NOTICES
Adjustment assistance:
3221 Breckenridge et al.
3222 Scranton Foods, Inc., et al.

Employment Standards Administration
NOTICES
3328 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Calif., Pa., Vt., and Wash.)

Energy Department
See also Bonneville Power Administration; Conservation and Renewable Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
3205 European Atomic Energy Community and Norway

3204 European Atomic Energy Community and Sweden
3204 International Atomic Energy Agency
3204 Korea
3204 Mexico

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
3110 California and Hawaii
3111 Florida
3112 Kansas
3115 Louisiana
3113 Nebraska
3114 Ohio
PROPOSED RULES
3138 Air quality implementation plans; approval and promulgation; various States, etc.:
NOTICES
Environmental statements; availability, etc.:
3205 Agency statements; weekly receipts

Federal Communications Commission
NOTICES
3253 Meetings; Sunshine Act (2 documents)

Federal Deposit Insurance Corporation
PROPOSED RULES
3127 Regulatory flexibility; review of rules

Federal Emergency Management Agency
RULES
Flood elevation determinations:
3123 Texas
Flood insurance; communities eligible for sale:
3116, 3119 Alabama et al. (2 documents)
Flood insurance; special hazard areas:
3121 California et al.
3122 Pennsylvania et al.
Flood insurance; special hazard areas; map corrections:
3124 Colorado
3124 Iowa
3125 Vermont
PROPOSED RULES
Flood elevation determinations:
3140 Colorado
3141 Georgia
3146 Illinois
3142 Illinois; correction
3146 Indiana
3140 Iowa
3143 Louisiana
3142 Massachusetts; correction
3147 Minnesota
3144, 3145 Pennsylvania (2 documents)
3143 Pennsylvania; correction
3145 South Dakota
NOTICES
Disaster and emergency areas:
3205 California

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
3191 Alabama-Tennessee Natural Gas Co.
3191 Distrigas of Massachusetts Corp.
3192 Florida Gas Transmission Co.
3193 Foresthill Public Utility District
3192 Ft. Miller Pulp & Paper Co., Inc.
3194 Groveton Papers Co.
3194 Hollingsworth & Vose Co.
3195 Loup River Public Power District
3196 McMurtrey, Lawrence J.
3196 Merrill, Dr. Daniel C.
3197 Montana-Dakota Utilities Co.
3197 Paradise Irrigation District
3198 Public Service Co. of Colorado
3199 South Georgia Natural Gas Co. et al.
3200 Texas Eastern Transmission Corp.
3200 Woods Creek, Inc.
Natural Gas Policy Act of 1978:
3162, 3170, 3177, 3184 Jurisdiction agency determinations (4 documents)

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
3091 Real estate sale; treatment of gains and losses; amortization periods for premiums, discounts, and credits
NOTICES
3253 Meetings; Sunshine Act
Receiver, appointment:
3205 Buffalo Savings & Loan Association, Houston, Tex.

Federal Prevailing Rate Advisory Committee
NOTICES
3206 Meetings

Federal Reserve System
NOTICES
3254 Meetings; Sunshine Act

Federal Trade Commission
RULES
3095 National Environmental Policy Act; implementation
PROPOSED RULES
3128 Truth-in-lending; enforcement policy statement; interpretation

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
3252 Allendale Mutual Insurance Co.

Food and Drug Administration
RULES
Food for human consumption:
3108 Margarine labeling; extension and confirmation of effective date
PROPOSED RULES
Medical devices:
3280 Ear, nose, and throat devices; general provisions and classification
NOTICES
3207 Drug Experience Report (Form FDA 1639); availability

Environmental statements; availability, etc.:
3206 Federal Building No. 8, Washington, D.C.; determination of ambient level concentrations of chemical compounds related to emissions from various laboratory sources; report availability
Food for human consumption:
3207 Pistachio nuts, in-shell domestic and imported; uniform sampling procedures; availability of guide

Food Safety and Inspection Service
RULES
Meat and poultry inspection, mandatory; special provisions for designated States:
3089 South Carolina

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
3153 Illinois

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; Public Health Service; Social Security Administration.

Health Care Financing Administration
NOTICES
Medicaid:
3208 Alabama State plan; copayments for drugs for categorically needy groups; hearing on reconsideration of disapproval

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
3201, 3202 Decisions and orders (2 documents)

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Broadcasting Board
NOTICES
3253 Meetings; Sunshine Act

International Trade Administration
NOTICES
Antidumping:
3153 Fireplace mesh panels from Taiwan

Interstate Commerce Commission
NOTICES
Motor carriers:
3210 Compensated intercorporate hauling operations; intent to engage in
3211 Permanent authority applications
3216 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
3219 Cisco Cooperative Grain Co.
Railroad services abandonment:
3219, 3220 Consolidated Rail Corp. (6 documents)
3220 Illinois Central Gulf Railroad Co.
3220 Seaboard Coast Line Railroad Co.

Justice Department
See Parole Commission.

Labor Department
See Employment and Training Administration; Employment Standards Administration; Labor Statistics Bureau; Pension and Welfare Benefit Programs Office.

Labor Statistics Bureau
NOTICES
Meetings:
3221 Business Research Advisory Council Committees

Land Management Bureau
NOTICES
Meetings:
3209 San Juan River Regional Coal Team

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
3155 Texas, Ark., Colo., La., N. Mex., Okla.

National Aeronautics and Space Administration
RULES
Space transportation system:
3095 STS Commander, authority; chain of command
NOTICES
Meetings:
3228 Advisory Council

National Park Service
RULES
3109 Historic Places National Register; nomination and listing procedures; interim rule extension of comment period
PROPOSED RULES
3138 Historic Places National Register; nomination procedures; extension of time
NOTICES
Management and development plans:
3210 Rio Grande Wild and Scenic River, Tex.
3210 Reservation system, nationwide, for overnight accommodations in National Park System; proposals

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
3229 Cincinnati Gas & Electric Co.
3230 University of California Regents
3230 U.S. Energy Department et al.
3230 Nuclear medicine physicians; training and experience criteria; proposed revision

Parole Commission
NOTICES
3254 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
3225 First Federal Savings & Loan Association of Phoenix, Ariz.
3222 Heifetz Pension Plan
3223 Heifetz Profit Sharing and Retirement and Pension Plan et al.

3227 Mingledorff's, Inc.
3224 Oppenheimer Funds Self-Employed Individual Retirement Plan et al.
3224 Palmetto Spinning Corp.
3228 Robert V. Bain, M.D., P.C., Defined Benefit Pension Plan and Trust

Personnel Management Office
See also Federal Prevailing Rate Advisory Committee
RULES
3077 Personnel records, establishment of Employee Performance File (EPF) system
NOTICES
3233 Privacy Act; systems of records

Public Health Service
NOTICES
Organization, functions, and authority delegations:
3208 Food and Drug Administration

Rural Electrification Administration
RULES
Electric borrowers:
3088 Architectural services contract; Form 220 revision (Bulletin 42–1)
PROPOSED RULES
Electric borrowers:
3126 Loan distribution criteria; supplemental financing for loans (Bulletin 20–14); advance notice
NOTICES
Environmental statements; availability, etc.:
3150 Alabama Electric Cooperative, Inc., et al.
3150 Central Electric Power Cooperative, Inc.
3151 Oglethorpe Power Corp.
3151 Plains Electric Generation & Transmission Cooperative, Inc.

Securities and Exchange Commission
RULES
Investment companies:
3098 Registration statements; automatic effectiveness of post-effective amendments
PROPOSED RULES
Insurance companies:
3130 Registration statements; processing post-effective amendments
NOTICES
Hearings, etc.:
3244 Bancomer, S.A.
3245 Security Benefit Life Insurance Co. et al.
Self-regulatory organizations; proposed rule changes:
3248 Boston Stock Exchange, Inc.
3249 Midwest Clearing Corp.
3250 Options Clearing Corp.
3251 Stock Clearing Corp. of Philadelphia
Senior Executive Service:
3244 Bonus awards schedule

Small Business Administration
NOTICES
Disaster loan areas:
3252 Northern Mariana Islands

Social Security Administration
RULES
Supplemental security income:
3099 Eligibility, benefits, residence and citizenship

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
3152 Lower Bogue Phalia-Murphy Bayou Watershed, Miss.; notice of intent
3152 Washington Mountain Brook Watershed, Mass.

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
3108 Arkansas; conditions of approval removed

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
3237 Imports information (January through October, 1981)

Treasury Department
See also Fiscal Service.
NOTICES
Meetings:
3252 National Productivity Advisory Committee

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
3229 Humanities Panel, Washington, D.C. (closed), 2–3 through 2–5, 3–3 and 3–4, and 3–10 through 3–12–82

DEFENSE DEPARTMENT
Office of the Secretary—
3157 Wage Committee, Washington, D.C. (closed), 3–2, 3–9, 3–16, 3–23, and 3–30–82
3206 Federal Prevailing Rate Advisory Committee Meetings, Washington, D.C. (open), 2–4, 2–11, 2–18, and 2–25–82

LABOR DEPARTMENT
Labor Statistics Bureau—
3221 Business Research Advisory Council, Productivity-Foreign Labor and Economic Growth Committees, Washington, D.C. (open), 2–10–82

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
3228 NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee, Tucson, Ariz. (open), 2–8, 2–9, and 2–10–82

TREASURY DEPARTMENT
Office of the Secretary—
3252 National Productivity Advisory Committee, Capital Investment Subcommittee, New York, N.Y., 2–5–82

HEARINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration—
3208 Medicaid Program, Reconsideration of Disapproval of Alabama State Plan, Atlanta, Ga., 3–9–82

INTERIOR DEPARTMENT
Land Management Bureau—
3209 San Juan River Regional Coal Team, Albuquerque, N. Mex., 2–23–82; Farmington, N. Mex., 2–24–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders
11476 (See EO 12340)....3071
11835 (See EO 12340)....3071
12018 (See EO 12340)....3071
12198 (See EO 12340)....3071
12233 (See EO 12340)....3071
12306 (See EO 12340)....3071
12315 (See EO 12340)....3071
12340....3071

5 CFR
293....3077

7 CFR
319 (2 documents)....3082, 3086
910....3082
1701....3088
Proposed Rules:
Ch. I....3126
1701....3126

9 CFR
82....3089
331....3089
381....3089

10 CFR
Proposed Rules:
486....3127

12 CFR
563....3091
563c....3091
Proposed Rules:
309....3127
311....3127
332....3127
335....3127
338....3127
345....3127
349....3127

14 CFR
1214....3095

16 CFR
1....3095
Proposed Rules:
14....3198

17 CFR
230....3098
Proposed Rules:
230....3130
239....3130
274....3130

20 CFR
416....3099

21 CFR
166....3108
Proposed Rules:
874....3280

30 CFR
904....3108

34 CFR
219....3328
220....3328

38 CFR
60....3109

Proposed Rules:
60....3138

40 CFR
52 (6 documents)....3110–3115
Proposed Rules:
52....3138

44 CFR
64 (2 documents)....3116, 3119
65 (2 documents)....3121, 3122
67....3123
70 (3 documents)....3124, 3125
Proposed Rules:
67 (13 documents)....3140, 3147

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

Presidential Documents

Title 3—

The President

Executive Order 12340 of January 20, 1982

Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By the authority vested in me as President by the Constitution of the United States and by Chapter 47 of Title 10 of the United States Code (the Uniform Code of Military Justice), in order to prescribe amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order No. 11835, Executive Order No. 12018, Executive Order No. 12198, Executive Order No. 12233, Executive Order No. 12306, and Executive Order No. 12315, it is hereby ordered as follows:

Section 1. The fourth sentence of the second paragraph of paragraph 6*b* of the Manual for Courts-Martial, United States, 1969 (Revised edition) is amended by inserting the word "duty" before the word "list".

Sec. 2. Paragraph 18*b*(3) of the said Manual for Courts-Martial is amended to read as follows:

"(3) No person while being held for trial may be subjected to punishment or penalty other than restraint upon the charges pending against him, nor shall the restraint imposed upon him be any more rigorous than the circumstances require to ensure his presence, but he may be subjected to minor punishment during that period for infractions of discipline (*see* Article 13). Minor punishment for violation of the disciplinary rules of the place of confinement may be imposed under regulations prescribed by the Secretary concerned. *See* 68*g* concerning the effect of punishments for minor offenses upon subsequent courts-martial. Prisoners being held for trial shall not be required to undergo punitive duty hours or training, perform punitive labor, or wear special uniforms prescribed only for post-trial prisoners. Prisoners shall be afforded facilities, treatment, and training under regulations prescribed by the Secretary concerned.".

Sec. 3. Paragraph 34*c* of the said Manual for Courts-Martial is amended to read as follows:

"*c. Counsel.* (1) *For the accused.* Counsel certified under Article 27(b) will be detailed to represent the accused at the investigation. The accused has the right to be represented at an Article 32 investigation by civilian counsel if provided by him, and either by the military counsel detailed under Article 32(b) or military counsel of his own selection if that counsel is reasonably available. *See* paragraphs 46*d* and 48*b* concerning availability of persons requested as individual military counsel, the effect of such request on the duties of the detailed defense counsel, and the procedures for acting on such requests. The investigating officer will not review any denial of a request for individual military counsel.

"The investigation should be conducted promptly (*see* Art. 33 and paragraph 30*i*), while the events are fresh in the minds of witnesses. The investigation will not proceed in the absence of counsel unless the accused expressly waives counsel's presence. An investigation will not be delayed if the accused is unable to obtain civilian counsel provided by him within a reasonable time after having been given an opportunity to obtain that counsel.

"(2) *For the government.* The government may be represented at the investigation by counsel designated by the officer who directed the investigation.".

Sec. 4. The second paragraph of paragraph 46*d* of the said Manual for Courts-Martial is amended to read as follows:

"When charges are referred to a court for trial, the defense counsel will inform the accused immediately that he has been detailed to defend him at the trial, explain his general duties, and advise him of his right to select individual counsel, civilian or military, of his own choice pursuant to Article 38(b) and the effect of such a request. If the accused expresses a desire to be represented by individual military counsel, the defense counsel will immediately report the fact to the convening authority, through the trial counsel. Unless the accused otherwise desires, the defense counsel will undertake the immediate preparation of the defense without waiting for the detail or retention of any individual counsel. If the accused is represented by military counsel of his own selection, detailed defense counsel normally shall be excused. The convening authority, in his sole discretion, may approve a request from the accused that detailed defense counsel act as associate counsel. Such requests shall be considered in light of the general statutory policy that the accused is not entitled to be represented by more than one military counsel. Article 38(b)(6). Among the factors that may be considered in the exercise of discretion are the seriousness of the case, retention of civilian defense counsel, complexity of legal or factual issues, and the detail of additional trial counsel. The action of the convening authority on such a request is subject to review only for abuse of discretion. The military judge may not dismiss the charges or otherwise effectively prevent further proceedings based on this issue. However, the military judge may grant reasonable continuances pending action on the request for associate counsel. If the request for assignment of detailed defense counsel as associate counsel is denied, and if the accused so requests, the military judge shall ensure that a record of that matter is included in the record of trial, and may make findings as to any disputed facts. The trial counsel may request a continuance to inform the convening authority of these findings.".

Sec. 5. The first paragraph of paragraph 48*a* of the said Manual for Courts-Martial is amended to read as follows:

"**See** Article 38(b). The accused has the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, and either by the military counsel detailed under Article 27 or military counsel of his own selection if reasonably available. The accused is not entitled to be represented by more than one military counsel. The convening authority, in his sole discretion, may detail associate defense counsel. *See* paragraphs 46*d* and 47. If the accused is represented by civilian counsel, military counsel provided under Article 38(b) shall act as associate counsel unless excused at the request of the accused. Civilian counsel will not be provided at the expense of the United States.".

Sec. 6. Paragraph 48*b* of the said Manual for Courts-Martial is amended to read as follows:

"48*b.* Individual Military Counsel

"(1) *General. See* Article 38(b). The accused may request individual military counsel of his own selection and be represented by such counsel if reasonably available. Subject to the limitations in subparagraph (2), the Secretary concerned will define "reasonably available." Subject to the general guidance in subparagraph (3), the Secretary concerned will establish the procedure for determining whether a requested person is "reasonably available" to act as individual military counsel.

"(2) *Persons not "reasonably available."* While so assigned, the following persons are unavailable to serve as individual military counsel because of the nature of their duties or positions: a flag or general officer; a trial or appellate military judge; a trial counsel; an appellate defense or government counsel; a principal legal advisor to a command, organization, or agency and his principal assistant; an instructor or student at a service school or academy; a

student at a college or university; or a member of the staff of the Judge Advocate General of the Army, Navy, or Air Force, the Chief Counsel of the Coast Guard, or the Director, Judge Advocate Division, Headquarters, Marine Corps. These are in addition to any persons the Secretary concerned may determine to be unavailable to act as individual military counsel because of the nature or responsibilities of their assignments, geographic considerations, exigent circumstances, or military necessity. Further, persons from an armed force different from that of the accused are unavailable to serve as individual military counsel unless they are located within 100 miles of where the general or special court-martial or Article 32 investigation is to be held and they are not otherwise unavailable. Under circumstances prescribed by the Secretary concerned, exceptions may be made to the foregoing prohibitions when merited by the existence of an attorney-client relationship between the accused and the requested counsel regarding matters relating to a charge in question. However, if the attorney-client relationship arose solely because the counsel represented the accused on review under Article 70, this exception does not apply.

"(3) *Procedure.* The request for an individual military counsel should be made by the accused or his detailed defense counsel to the convening authority, through the trial counsel. If the person is among those listed as unavailable under subparagraph (2) or under regulations of the Secretary concerned, the convening authority shall notify the accused that the request is denied, unless the request asserts that there is an existing attorney-client relationship regarding a charge in question or that the person requested will not, at the time of trial, be among those so listed as unavailable. If the accused's request makes such a claim, or if the person requested is not among those listed as unavailable under subparagraph (2) or under regulations of the Secretary concerned, the convening authority shall forward the request to the commanding officer or head of the organization, activity, or agency to which the person requested is assigned. That authority will make an administrative determination as to the availability of the requested person in accordance with the procedure established by the Secretary concerned. This determination is a matter within the sole discretion of that authority. An adverse determination may be appealed by the accused through that authority to the next higher commanding officer or level of supervision, but appeals may not be made which require action at the departmental or higher level.

"(4) *Judicial review of a denial of request.* If a request for a person to act as individual military counsel is denied, which denial is upheld upon administrative appeal (if available under paragraph 48*b*(3)) in command channels, and if the accused so requests, the military judge shall ensure that a record of that matter is included in the record of trial, and may make findings as to any disputed facts. The trial counsel may request a continuance to inform the convening authority of those findings. The military judge may not dismiss the charges or otherwise effectively prevent further proceedings based on this issue. However, the military judge may grant reasonable continuances until the requested military counsel can be made available if the unavailability results form temporary conditions or if the decision of nonavailability is in the process of review in command channels.".

Sec. 7. Paragraph 61*f*(3) of the said Manual for Courts-Martial is amended by deleting the last sentence thereof.

Sec. 8. Paragraph 100*c*(1)(a) of the said Manual for Courts-Martial is amended to read as follows:

"(a) If the sentence, as affirmed by the Court of Military Review, extends to dismissal, dishonorable or bad-conduct discharge, or confinement for one year of more, the Judge Advocate General, in his discretion, may take the action prescribed in 100*b*(2) above. Otherwise, he will transmit a copy of the initial court-martial order (90*b*(1)) and any supplementary orders (90*b*(2)) and two copies of the decision of the Court of Military Review, with such instructions as to future action as may be appropriate (Art. 66(e)) and with instructions to

cause a copy of the decision to be served upon the accused, to the officer immediately exercising general court-martial jurisdiction over the accused. If the officer who exercises immediate general court-martial jurisdiction over the accused is not the officer who convened the court, or his successor in command, the Judge Advocate General shall also transmit a copy of the decision of the Court of Military Review to the convening authority who convened the court for his information.

"The accused may be notified personally of the decision of the Court of Military Review, or a copy of the decision of the Court of Military Review may be sent, after service on appellate counsel of record of the accused (if any), by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record. The copy of the decision of the Court of Military Review which is provided the accused will bear an indorsement notifying the accused of the right to petition the Court of Military Appeals for review with respect to any matter of law within 60 days from the time the accused was in fact notified or the mailed copy of the decision was postmarked, whichever is earlier. This indorsement will also inform the accused that any petition for review may be forwarded through the officer immediately exercising general court-martial jurisdiction over the accused and through the appropriate Judge Advocate General or filed directly with the Court of Military Appeals. The receipt of the accused for the copy of the decision of the Court of Military Review, a certificate of service upon him, or the postal receipt for certified mail will be transmitted in duplicate by expeditious means to the appropriate Judge Advocate General. If the accused is personally served the receipt or certificate of service will show the date of service. The Judge Advocate General will forward one copy of the receipt, certificate, or postal receipt to the Clerk of the Court of Military Appeals when required by the court.

"The accused has 60 days from the earlier of the date on which the accused is notified of the decision of the Court of Military Review or the date on which a copy of that decision, after being served on appellate counsel of record (if any), is deposited in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record to petition the Court of Military Appeals for review. The placing of a petition for review in proper military channels divests the Court of Military Review of jurisdiction over the case, and jurisdiction is thereby conferred on the Court of Military Appeals. If the accused does not so petition, the convening authority, or the officer immediately exercising general court-martial jurisdiction over the accused, or the Secretary concerned (Art. 60) may order any sentence which, as affirmed by the Court of Military Review, extends to dishonorable or bad-conduct discharge or confinement for one year or more into execution or take other authorized appropriate action (Art. 74(a)) as the circumstances may warrant.".

Sec. 9. The last sentence of the third paragraph of paragraph 102*b* of the said Manual for Courts-Martial is amended by striking the "*j*" in "48*j*(3)" and inserting "*k*" in place thereof.

Sec. 10. Paragraph 110A of the said Manual for Courts-Martial is amended by inserting the following paragraph after the caption and before the existing first paragraph:

"An accused who elects to file for review by The Judge Advocate General under Article 69 must do so before October 1, 1983, or before the last day within the two-year period beginning on the date the sentence is approved by the convening authority or, in a special court-martial case which requires action under Article 65(b) by the officer exercising general court-martial jurisdiction, whichever is later, unless the accused establishes good cause for failure to file within that time."

Sec. 11. The second paragraph of paragraph 125 of the said Manual for Courts-Martial is amended to read as follows:

"No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces (Article 12). No person while being held for trial may be subjected to punishment or penalty other than restraint upon the charges pending against him. *See* 18*b*(3).".

Sec. 12. These amendments should take effect on January 20, 1982. These amendments apply to all courts-martial processes taken on or after that date, except that the amendment of paragraph 34*c* shall apply only to investigations begun on or after January 20, 1982; the amendments of paragraphs 46*d*, 48, and 61*f* shall apply only to courts-martial in which all charges are referred to trial on or after January 20, 1982; and the amendment of paragraph 100 shall apply only to cases in which the opinion of the Court of Military Review is dated on or after January 20, 1982.

Sec. 13. The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

Ronald Reagan

THE WHITE HOUSE,
January 20, 1982.

[FR Doc. 82-1755
Filed 1-20-82; 4:05 pm]
Billing code 3195-01-M

V
4
7
/
1
5
J
A
2
2
8
2

Ru

This
cont
gene
of w
the
publi
U.S.
The
by t
Price
first
mon

OFF
MAI

5 CI

Per
an E
Syst

AGE
Man

ACT

SUM
to a
conc
Emp
syst
perf
by a
othe
man
Exec
Revi
ther

EFFE

FOR
Will
Bran
Divi

SUPI
Offi
publ
rule
on J
noti
peri
the
com
orga
com
reco
eith
sche
regu
Amo
seve
diffi
The

Rules and Regulations

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 293

Personnel Records; Establishment of an Employee Performance File (EPF) System

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce adoption of final rules concerning the establishment of an Employee Performance File (EPF) system. This system will encompass performance-related records maintained by agencies in servicing personnel or other designated offices, by supervisors/managers in work folders, and by Senior Executive Service (SES) Performance Review Boards or administrative offices thereof.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Records Management Branch, Work Force Information Division, (202) 254-9790/9793.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published a notice of proposed rulemaking concerning the EPF system on January 27, 1981 (46 FR 8529). That notice provided for a 60 day comment period ending on March 30, 1981. During the comment period, the Office received comments from 25 agencies, 3 labor organizations, and 4 individuals. Some comments made specific recommendations for changes, and some either commented that only the retention schedule needed changing or that the regulations were acceptable as written. Among those suggesting changes, several also commented on common difficulties with the original proposal. The Office believes, therefore, that an analysis of these common, general issues (rather than each specific comment or recommendation) is appropriate and, in most cases, has modified the regulations to include the specific recommendations. These areas of concern can be identified as: (1) the need for regulations governing performance records; (2) resource burden on agencies; (3) how Privacy Act concerns are better met under these regulations; (4) the contents of the system; (5) the retention schedule of records; (6) the location of records; and (7) implementation by agencies.

It is the Office's opinion that queries as to the need for regulations were closely related to the other concerns—so closely that, if the other concerns are dealt with, the Office believes that those commenting, along with the many Departments and agencies that did not comment, would recognize the need for regulations. Further, the Office's role as a central oversight agency has long been exercised by use of regulations and, since the passage of the Privacy Act, the Office, with Office of Management and Budget endorsement, has issued Privacy Act regulations for those Government-wide personnel records which agencies maintain. Thus, issuing these regulations (as revised based on comments received) is fully appropriate and consistent with Office procedures. As noted below, the Office believes that the revised final rules successfully address those agency concerns expressed in items (2) through (7) above.

With regard to the recordkeeping burden issues that agencies raised, it is important to recognize that the regulations *do not* require the creation of any additional records beyond those in existence or required to successfully implement an agency's Office-approved performance appraisal plan. The Office's position regarding the changes in performance appraisal required by the Civil Service Reform Act (CSRA) has been one of consistent support and belief that proper implementation will result in successful implementation. It is the Office's position that proper implementation requires a commitment by supervisors/managers (particularly first line supervisor/managers) to these new procedures. Further, by providing supervisors/managers (rating officials) with clear guidance (through training sessions and in written internal agency issuances) the chances of getting this required commitment are enhanced. It is the Office's position that rating officials will be better able to successfully implement an agency's performance appraisal procedures (both under the CSRA and under plans established by agencies not subject to the CSRA) if they have the records they need readily available to them, if they have written guidance on what records they need to support actions, and if they know that these instructions have been also provided to employees and employee representatives as well as adopted by higher level management. Thus, while the final regulations greatly diminish the resource burden agencies commented on, development of internal agency guidance will require some resources. However, any additional resources required by these regulations will be minimal and consolidated into an agency's developmental process regarding implementation of its overall performance appraisal plan. The Office believes that sound recordkeeping procedures are an important part of successfully implemented performance appraisal systems.

Examples of how the final regulations address the question of burden include: (1) minimize or eliminate the cost of folders by permitting the use of envelopes and, where an agency's automated or microform capabilities are such that agency needs are met using these media, eliminating any requirement for maintenance of a paper EPF; (2) removing performance-related material from Official Personnel Folders (OPF) will make them narrower, freeing up some filing space which, along with permitting agencies to retain as little as only the annual summary appraisal form in the EPF folder or envelope should result in agencies being able to implement this program without undue need for additional cabinet space—most rating officials maintain work files now and would continue to do so without these regulations in order to implement agency plans; (3) training of rating and reviewing officials is already required and few additional resources would be needed to include training in the EPF system. Further, agencies not maintaining a paper EPF will need very minimal training of filing clerks, while those maintaining a paper EPF (including those where all performance-related records are maintained in the EPF) will need only to train filing clerks

to recognize performance-related records to be filed in the EPF (generally only once a year) which can be done when training filing clerks to recognize the forms that will undoubtedly be created to implement agency performance appraisal plans; and (4) by linking the development of the required agency internal written guidance regarding this system to development of the agency performance appraisal plan and the already mandated (5 CFR 430) periodic review of those plans, the burden of writing and revising the guidelines is greatly minimized.

The comments concerning Privacy Act issues centered on: (1) duplicating records, i.e., in the EPF and in work folders, does not enhance protection of personal privacy; (2) that these records already are maintained in the OPF so as to protect personal privacy; and (3) permitting these records to be maintained anywhere except in the personnel office increases the risk of violations of the Act and of individual privacy rights. The Office disagrees with all of these statements for the following reasons.

First, an agency may elect to keep only the summary appraisal form in the EPF and all other documents in work folders, thus keeping duplication to a minimum. Further, the Office believes that the Privacy Act requirement to keep only relevent and necessary records does not preclude their retention at two or even three places (as is now the case with manual and automated personnel record systems); in fact, these records in many cases are already being retained in more than one location.

Second, the OPF has long been used to retain (generally on the left hand or temporary side) documents that are not needed to protect Governmental interests or to protect employee rights, privileges, or benefits, but are necessary to an agency's effective personnel management practices and policies or to provide an "audit trail" for Office or other oversight agency review. However, with the passage of the Privacy Act and its restrictions on retention, use, and disclosure of records along with the necessity for the Office to give serious attention to the feasibility of putting the OPFs on microfiche that exists with today's technology, comes the responsibility for the Office to carefully examine the maintenance procedures concerning the OPF. The Office has determined that as an initial step in bringing the OPF into more precise compliance with the letter and spirit of the Privacy Act, while at the same time eliminating one impediment to an economical and feasible move to the OPF on microfiche, removal of performance-related records from the OPF is appropriate.

Third, removal of such documents from the OPF necessitates placing them somewhere—in another paper file, in an agency automated system, or, if an agency chooses, microfilming them. The revised regulations accompanied by Federal Personnel Manual (FPM) guidance and the inclusion of these records into an Office-controlled Government-wide Privacy Act system of records should eliminate concerns that keeping these records in offices other than personnel offices will result in greater violations of personal privacy. These regulations require written agency descriptions of the maintenance of such records for all parties to see and comment on, while requiring the Personnel Director or other designated agency official to be responsible for implementation. The FPM instructions will provide the necessary guidance for agency staff working with such records that will also provide for protection of individual privacy concerns. The placing of such records under one Government-wide Privacy Act system of records, an approach consistently endorsed by the Office of Management and Budget in its Privacy Act oversight role, ensures Privacy Act coverage of work folders that already exist or will properly come into existence as agencies implement performance appraisal plans. The Office, in FPM Supplement 293–31, Subchapter 8, has given agencies blanket approval to maintain such folders at sites "geographically remote" from the OPF and has never refused an agency request to have such folders in the same location (even the same building) as where the OPF is maintained. To forbid work folders entirely would hamper effective supervision and management; thus, it is necessary to recognize their worth and necessity, as these regulations do, while at the same time, protecting individual privacy by making them part of a Privacy Act system of records accompanied by agency written descriptions of the contents. As part of a Government-wide system of records, employees, their representatives, and agency officials who have a need for the information in these files are guaranteed access to all relevant information.

With regard to the contents of the EPF and work folders, some of those commenting thought that the proposed regulations mandated a specific list of records for filing in the EPF. This was not the Office's intention and the final regulations reflect this. It is the Office's intention, however, that to the greatest extent possible an agency will describe for its EPF system all the records likely to be needed by the agency and maintained so as to be retrieved by the employee's name or unique identifier (in both an EPF or work folder), where and for how long such records are to be retained, and other intructions (e.g., regarding Freedom of Information/ Privacy Act matters) which the agency deems appropriate.

Regarding the retention schedule proposed, those commenting almost unanimously requested something less than five years for retention of non-SES performance records. The Office agrees with these comments and in the final regulation has reduced the retention schedule to three years for summary appraisals and provides for agencies to determine the retention schedule for supporting documentation. Records superseded sooner than three years, e.g., through an administrative or judicial proceeding, or pertaining to a former employee, need not be retained for the three years; rather, the record shall be destroyed in the former case and in the latter case the agencies shall determine the retention schedule. Retention of records beyond an agency-prescribed retention schedule for use by agencies in making statistical analysis of performance plans is permitted provided the records are not used in decisions affecting the employee after the prescribed destruction date. Records required to be destroyed (no matter the form of the record) by the Civil Service Reform Act must be destroyed.

Many comments questioned the need for retaining any performance-related records in the servicing personnel office and that requiring an EPF to be so retained was unnecessary. In short, these comments indicated that such records are used primarily by rating officials and, in many cases, are not needed by the personnel office. The Office concurs and, therefore, the final regulation provides greater flexibility as to where the EPF is filed. Further, several comments indicated that agency needs for such records, beyond those of the rating official, can be met by automating performance-related records. The Office has no reason to question these comments and has revised the final regulations further by eliminating any need to have a paper EPF for each employee. This means that any agency having the capability to do so may allow for a manual file maintained by the rating official (or other designated office) while retaining some or all of these records in computers or on microfiches.

Another comment made by several agencies was that they lacked resources to immediately implement the regulations, i.e., to develop written internal agency guidance. The final regulation links implementation to the development (including periodic reviews) of performance plans otherwise required by the Civil Service Reform Act. This allows agencies to implement and revise their written instructions required by these regulations over time. Additionally, the Office intends to issue FPM instructions that will provide for removal of these documents from existing OPFs when that folder is needed for some other purpose. Thus, there is no necessity to expend resources in any immediate purge of performance-related material from OPFs.

Several specific comments concerned the list of performance-related records in the proposed regulations (5 CFR 293.403) and expressed concern that the list was either too broad, too narrow, unclear, or unnecessary. The Office's intention was not to provide a definitive list but to exemplify those documents that could be included in an agency identification of performance-related records in its system. While the final regulation makes it clear that the agency shall decide what records are part of the system, the Office believes that most agencies utilize these exemplified records in performance-related matters and this belief is confirmed in that most comments received raised no concern regarding the list. The Office will issue a more definitive list of types of performance records after consultation with agencies. Retaining this list in the final regulations also works toward encompassing in the system all the documents agencies retain in individual employee files concerning performance-related matters. Of course, if an agency were to retain any of these documents in such a manner that they are not a system of records within the meaning of the Privacy Act, then they would not be considered part of the OPM Government-wide system.

The inclusion in this list of those documents used to recommend/request a personnel action, when the action was not finally effected, also caused some concern. The Office did not intend that a Standard Form 52 now being filed in the OPF, when the requested action is effected, no longer be filed in the OPF. Rather, our intent was that, where the action was not effected, or where memorandums are used to request a higher level authority to initiate requests for personnel actions and the action sought is or is not effected, such documents could be included in this system (as they probably are since it is common practice for the initiator of the request, i.e., the rating official, to retain a copy). The same intent exists with regard to training: requests for training are likely to be retained by the requester in the work folder. The regulations merely identify that the OPF shall continue to contain documentation of appropriate completed training. Requests for or documents about completed training that are not appropriate for inclusion in an OPF (e.g., completion of or attendance at a training course of less than 8 hours) could be retained in the EPF system (as they probably are since rating officials would likely retain copies in the work folder).

Several comments expressed a concern that the EPF itself was a "second" OPF. This is not the intention of these regulations and except for any Outstanding or Unsatisfactory evaluations that may have previously been filed there, the right or permanent side of the OPF is not being affected by this regulation. It is the Office's intention to remove from the left or temporary side of the OPF all documents that pertain to performance (except for an SF–52 or equivalent document that supports a personnel action that is based on performance when the action has been effected). Further, since copies of these removed documents are generally also kept by rating officials in work folders and/or in administrative offices, in most cases they need not also be retained in the office maintaining the OPF. However, in order to accommodate agencies where all employee records are retained in one or just a few offices, in the OPF, the regulation provides for the EPF folder or envelope. Where there is widespread use of administrative office files and work folders in an agency, the Office sees little need for the EPF being retained in the same office as the OPF and, if the agency so wishes, an automated or microfiche EPF along with the work folder may be all that is necessary in meeting agency needs. In short, in removing this material from the OPF, an agency will then retain the material in an EPF in the same office, in another designated office, in computers or on microfiche, along with work folders (if the agency permits or requires their use) and will provide for a written description of the agency system and its contents.

Some comments objected to permitting inclusion of some duplicate OPF right side data in the EPF system, e.g., a copy of an employee's application or of one or more personnel action forms. The Office sees no problem with permitting this under this EPF system because only agency officials can best judge what information a rating official or administrative officer needs to have readily available. The Office believes this to be a common practice, especially among the larger agencies and departments, and is convinced that requiring agencies to identify when and to what extent they are doing this, thus making the records part of the EPF Government-wide Privacy Act system of records, will help to ensure protection of individual privacy.

Agencies now utilizing work folders under provisions of FPM Supplement 293–31, i.e., with written authorization from the Office (or from the previous Civil Service Commission) to have them in the same geographic location as the OPF, or geographically remote from the OPF, may continue to do so under these regulations. However, the agency is required to describe the contents of such folders as they implement the agency's performance appraisal plan and, since these folders now come under the umbrella of an Office Government-wide Privacy Act system of records, agencies shall discontinue or modify any internal agency system covering only these folders or including them among other records. This latter action is required by Office Privacy Act regulations at 5 CFR 297.403(b).

The Office believes that these rules are appropriate and necessary to the successful implementation of agency performance appraisal procedures and to thus meet the intent of the Civil Service Reform Act while at the same time ensuring full compliance with the Privacy Act throughout agencies and departments in the easiest manner, i.e., by establishing one Government-wide system of EPF records. Further, the revisions made in the final regulations have addressed the major concerns expressed in comments received.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 293—PERSONNEL RECORDS

Accordingly, 5 CFR Part 293 is amended by adding Subpart D, Employee Performance File System Records, to read as follows:

Subpart D—Employee Performance File System Records

Sec.

293.401 Applicability of regulations.
293.402 Establishment of separate employee performance record system.
293.403 Contents of employee performance files.
293.404 Retention schedule.
293.405 Disposition of records.
293.406 Disclosure of records.

Authority: 5 U.S.C. 552a and 5 U.S.C. 4305 and 4315; E.O. 12107 (December 28, 1978); 5 U.S.C. 1103, 1104, and 1302; 3 CFR 1954–1958 Compilation; 5 CFR 7.2; E.O. 9830, 3 CFR 1943–1948 Compilation.

Subpart D—Employee Performance File System Records

§ 293.401 Applicability of regulations.

This subpart applies to Executive agencies as defined in sections 105, 3132(a)(1) and 4301(1) of title 5, U.S. Code, including Military Departments (but not non-appropriated fund employees) as defined in section 102 of title 5, U.S. Code, and independent establishments as defined in section 104 of title 5, U.S. Code. Within those agencies, the requirements of this subpart apply to all employees occupying positions subject to civil service rules and regulations, including Senior Executive Service positions as defined in 5 U.S.C. 3132(a)(2).

§ 293.402 Establishment of separate employee performance record system.

(a) Performance appraisals and related documents may be retained in the Official Personnel Folder (OPF) only when the agency prescribes the use of a separate envelope, temporarily located in the OPF and removed whenever the OPF (except as required in § 293.404(b)) is transferred to another agency or to records storage. No duplicate copy of any such document shall be retained on the left (temporary) or right (permanent) side of the OPF.

(b)(1) Each agency having employees occupying a position described in § 293.401, and for each such employee, shall provide for maintenance of performance-related records in this Employee Performance File system. It may elect to retain records in a separate file that is located in the same office with the Offical Personnel Folder, or in an envelope kept in the Official Personnel Folder itself; if the agency determines that a separate Employee Performance File (EPF) is cost-effective, such a file may be located in another designated agency office (as specified in the agency's written performance appraisal plan documentation) including with supervisors/managers (hereinafter referred to as rating officials) or with Performance Review Boards. In these files shall be kept the copy of record pertaining to employee performance and any other supporting documents that the agency may prescribe as necessary for agency officials in performance of their duties.

(2) Agencies may also prescribe retention of such records in an automated or microform mode as well as maintaining them as paper records in offices where they are needed. All such records described by the agency as being performance-related and necessary to official performance of duty, whether located in only one office or in several offices (e.g., with the rating official and also with the administrative office or in the agency's automated personnel record system) are considered to be part of the Employee Performance File system.

(3) The records maintained in this file system are part of a Privacy Act system of records the Office has established, and it is the agency's responsibility to ensure that such documents are retained in accordance with the Office's Privacy Act regulations in Part 297 of this chapter and the agency's instructions implementing those regulations and in accordance with the retention schedule for performance documents stipulated in § 293.404. The agency performance appraisal plan or implementing instructions shall explicitly include this agency responsibility.

(c)(1) Agencies shall provide their employees access to their performance files (automated and manual). Such a request for access shall be processed in accordance with established agency procedures, consistent with Office of Personnel Management regulations regarding access to records contained in Part 297 of this chapter. Such access shall be provided to the employee or to the employee's designated representative, and such records may also be disclosed to other officials of the agency who have a need for the documents in the performance of their duties.

(2) All other requests for performance documents made to agency officials (e.g., Freedom of Information Act requests or requests made under the "routine use" provisions of the Privacy Act) shall be processed by the responsible agency official in accordance with agency procedures consistent with Office of Personnel Management regulations regarding disclosures of such records contained in Parts 293 and 297 of this chapter.

(3) Privacy Act requests for amendment of records maintained in this system shall be processed by the responsible agency official in accordance with agency procedures consistent with Office of Personnel Management regulations regarding amendment of records contained in Part 297 of this chapter.

(d) Agencies maintaining the EPF in an automated or microform system shall issue instructions that contain necessary procedures to ensure that the same requirements as in paragraph (c) of this section, relating to all manual records, are met.

§ 293.403 Contents of employee performance files.

(a) A decision on what constitutes a performance-related document within the meaning of this subpart rests with the agency. Agency implementing instructions, for both incumbents of the Senior Executive Service and other positions, shall provide specific written guidance of the description of what constitutes the agency's official performance-related forms and documents.

(b) Agency implementing instructions describing such records shall indicate where and for how long they are retained and how and when they are to be destroyed. Such instructions shall also describe what records are considered to be performance-related (as specifically as is feasible) and shall include all performance-related records maintained as a system of records within the meaning of the Privacy Act. Such records would generally include:

(1) Any form or other document which records the performance appraisal, including appraisals leading to merit pay determinations.

(2) Any form or other document used by rating officials to recommend a personnel action affecting an employee (including a request for personnel action document, but only when the action is

not effected) when the basis for the action (e.g., removal, reassignment, demotion, promotion, or merit pay or other performance award) is performance-related.

(3) Recommendations for training that are performance-related. (Documentation of completion of or attendance at training in excess of 8 hours is to continue to be filed in the OPF.)

(4) Any form or other document furnished in support of recommended actions such as those listed in paragraph (b)(2) of this section and the agency's final decision on the matter (e.g., a recommendation for merit pay or an agency decision to grant only one-half the comparability pay adjustment).

(5) Any form or other document which the rating official is required by the agency to keep during an appraisal period (e.g., quality control records, production records, or similar records used to track employee performance during the appraisal period.)

(6) Any form or other document regarding Performance Review Board decisions, including supporting documentation and any transcript of hearings or testimony from witnesses.

(7) Any form or other document regarding decisions or recommendations of agency Executive Resources Boards related to performance appraisal or actions resulting from performance appraisals.

(8) Appraisals of potential (e.g., in connection with an agency's merit promotion procedures) if agency implementing instructions specifically require or permit retention of a copy.

(9) Individual development plans.

(10) Copies of licenses, certificates of proficiency, or similar documents required of the position.

(c) General information about the employee, i.e., identification data, information concerning Federal and non-Federal employment experience, and information about any training programs the employee participated in may, if an agency deems it appropriate, be retained in this system.

§ 293.404 Retention schedule.

(a)(1) No performance appraisal or document supporting it is a permanent record and performance records, except for appointees to the SES and including incumbents of executive positions not covered by the SES, are to be retained as prescribed below:

(i) Summary performance appraisals records (including identification of elements and standards) shall be retained for three years;

(ii) Supporting documents shall be retained for as long (up to three years) as the agency deems appropriate;

(iii) Performance records superseded, e.g., through an administrative or judicial procedure, and performance-related records pertaining to a former employee need not be retained for a minimum of three years. Rather, in the former case they are to be destroyed and in the latter case agencies shall determine the retention schedule; and

(iv) Except where prohibited by law, retention of automated records longer than the maximum prescribed here is permitted for purposes of statistical analysis so long as the data are not used in any action affecting the employee when the manual record has been or should have been destroyed.

(2) When an employee is reassigned within the employing agency, disposition of records in this system, including transfer with the employee, shall be as agencies prescribe.

(3) Appraisals of unacceptable performance, where a notice of proposed demotion or removal is issued but not effected, and all documents related thereto, manual and automated, pursuant to 5 U.S.C. 4303(d) must be destroyed after the employee completes one year of acceptable performance from the date of the written advance notice of the proposed removal or reduction in grade notice. Under conditions specified by an agency, and earlier destruction date is permitted and destruction must be no later than 30 days after the year is up.

(b) Performance records for Senior Executive Service appointees, including those serving under a Presidential appointment under 5 U.S.C. 3392(c), are to be retained as follows:

(1) Pursuant to 5 U.S.C. 4314(b) (3) and (4), Senior Executive Service appointees shall have their performance-related records maintained for five consecutive years (from the date the appraisal is issued) beginning with the effective date of appointment, including individuals receiving appointments pursuant to 5 U.S.C. 3593(b).

(2) When an appointee of the Senior Executive Service moves to another position in the Service, either with the same or a different agency, all appropriate performance-related documents five years old or less shall be forwarded in the Employee Performance File along with the individual's OPF.

(3) When an employee in the Senior Executive Service accepts a Presidential appointment pursuant to 5 U.S.C. 3392(c), the employee's performance file shall be retained as long as the employee remains employed under that Presidential appointment. When the appointment ends, and the individual does not return to the Senior Executive Service, the employee's performance file shall be destroyed in accordance with agency procedures

(c) Where any performance-related document is needed in connection with an ongoing administrative, negotiated, quasi-judicial, or judicial proceeding, and it continues to be retained in this system rather than another system, it may be retained for as long as necessary beyond the retention schedules identified in paragraphs (a) and (b) of this section.

(d) Screening and purging of folders/envelopes and rating official's work files for the purpose of compliance with these retention schedules shall be through any agency process insuring consistency with the requirements.

§ 293.405 Disposition of records.

(a) Because performance-related records filed in the Employee Performance File are not considered permanent in nature, such records shall not, except when maintained in a separate envelope in the OPF of an active employee or as provided for in § 293.404(b) of this part, be placed in the OPF or otherwise sent to another agency or to the National Personnel Records Center for filing in an OPF. Envelopes stored in an employee's OPF shall be removed before forwarding the OPF to another agency or to the National Personnel Records Center for storage.

(b) Consistent with transfer instructions pertaining to SES positions contained in this part, employee performance files shall be forwarded to gaining agencies at the same time as the OPF (5 CFR 293.207).

(c) Consistent with retention schedules promulgated in § 293.404, destruction of performance-related records shall be in accordance with agency procedures (e.g., by shredding or burning).

(d) If a former employee returns to an agency, a new employee performance file will be created unless the prior file for this employee is still available. The original file may be reactivated provided that, consistent with the retention schedules and destruction requirements promulgated in this subpart, the contents are properly disposed of.

(e)(1) It is the responsibility of the agency Personnel Director to insure the maintenance of employee performance files in accordance with this subpart and subparts A and B of this part, Part 297 of this title, and with Office of Personnel Management guidance.

(2) This responsibility may be delegated in writing to other agency

officials as appropriate. Implementing guidelines for agency performance appraisal systems shall provide written instructions for compliance with Office rules and procedures as well as descriptions of the documents and where they are retained, and shall ensure that records are retained in accordance with the provisions of § 293.402.

§ 293.406 Disclosure of records.

Disclosure as used here means the furnishing of the record to someone other than the individual to whom the record pertains, his/her designated representative, or to an agency official who needs the information in the performance of official duties. Disclosure of information from this file system shall be made only as permitted by the Privacy Act (5 U.S.C. 552a(b)) and, with regard to the routine use provisions of that section, only under a routine use published by the Office for the system of records covering these records. However, to the extent that this system contains the data identified as being available to the public in § 293.311, for most Federal employees and under the same restrictions listed in that section, that information shall also be made available to the public from this system.

[FR Doc. 82-1535 Filed 1-21-82; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 343]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 24–30, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 24, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of this act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on January 19, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues easy.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5. U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.643 is added as follows:

§ 910.643 Lemon Regulation 343.

The quantity of lemons grown in California and Arizona which may be handled during the period January 24, 1982, through January 30, 1982, is established at 210,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 21, 1982

D. S. Kuryloski

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-1619 Filed 1-21-82; 10:07 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

Khapra Beetle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of Interim Rule.

SUMMARY: This document, with certain changes, affirms interim regulations imposing restrictions on the importation into the United States (defined as the States, the District of Columbia, and certain Territories of the United States) of the following articles from the specified localities or countries:

(1) Brassware and wooden screens from Bombay, India;

(2) Whole chilies (*Capsicum* spp.) and whole red peppers (*Capsicum* spp.) in jute or burlap bags from Pakistan;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(4) Used burlap bagging not containing cargo and used jute bagging not containing cargo from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

This is necessary in order to prevent the introduction of khapra beetle into the United States.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and Regulatory Flexibility Act.

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an

annual effect on the economy of approximately $275,000; that this rule would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule imposes restrictions on the importation of the following articles which are designated as restricted articles:

(1) Brassware and wooden screens from Bombay, India;

(2) Whole chilies (*Capsicum* spp.) and whole red peppers (*Capsicum* spp.) in jute or burlap bags from Pakistan;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(4) Used burlap bagging not containing cargo and used jute bagging not containing cargo from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

These articles are imported for retail sale or for manufacturing purposes. Under the rule they are required to be fumigated at the time of importation. Also, they are subject to additional requirements concerning permits, marking and identity, arrival notification, and ports of entry. In addition, new provisions are added to provide that restricted whole chiles and whole red peppers are required to be accompanied by phytosanitary certificates of inspection.

The Department relies on inspection of articles not designated as restricted articles for determinations as to whether they are infested with khapra beetle, and requires fumigation of those found to be infested.

The brassware and wooden screens imported from Bombay, India, are imported for retail sale. They represent an insignificant portion of the brassware and wooden screens sold in the United States.

It appears that a substantial portion of the whole chilies and red peppers from Pakistan will be eligible for importation without restrictions under the rule since, according to a representative of a spice trade association, the industry is currently changing the bagging from jute or burlap to other bagging such as polypropylene. It is estimated that the alternative bagging would not represent a significant increase in costs for bagging.

The restricted goatskins, lambskins, and sheepskins are essentially imported to be used as materials for gloves. Based on information submitted by industry, it appears that the amount of restricted skins imported for this purpose represents an insignificant percentage of the total number of skins used as materials for gloves.

The used burlap and used jute bagging which are designated as restricted articles are imported for bagging or manufacturing purposes. They compete with new and used burlap and jute bagging and other bagging. The restricted burlap and jute bagging represent an insignificant amount of the bagging used in the United States.

Further, it appears that the importation or sale of any of the restricted articles is not the primary activity of any business in the United States.

Alternatives were considered in connection with the rule. Alternatives considered were (1) to rely merely on inspection of articles upon importation for determination as to whether they are infested with khapra beetle and to treat those found to be infested with khapra beetle, (2) to prohibit the importation of the articles listed as restricted articles and to rely on the inspection system for other articles or (3) to allow the importation of the articles listed as restricted articles only in accordance with the provisions in the rule and to rely on the inspection system for other articles.

Alternative (1) is not adopted. High percentages of shipments of restricted articles are found to be infested with khapra beetle, and it appears necessary to take action against all shipments of restricted articles to help prevent the introduction of khapra beetle that might not be detected upon inspection.

Alternative (2) is not adopted because it is unnecessarily restrictive.

Alternative (3) is adopted. It appears that this is adequate to prevent a significant risk of introducing khapra beetle into the United States and consequently of infesting and causing severe damage to cereal products, seeds, cottonseed meal, nut meals, dried fruits or other products. The benefits of restricting the importation of certain articles under the conditions imposed by the rule far outweigh any costs of compliance and it appears that the rule maximizes net benefits to society at the lowest net cost.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR 319.75–3) have been approved by the Office of the Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0579–0049.

Background

In a document published in the **Federal Register** on July 27, 1981 (46 FR 38331–38336), the Department established, on an emergency basis, interim regulations (7 CFR 319.75 through 319.75–8) imposing restrictions on the importation from specified countries or localities of certain articles likely to cause infestations of the khapra beetle. Under the interim regulations the following articles from the specified countries or localities are allowed to be imported into the United States only if treated in accordance with specified criteria, or if imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions:

(1) Brassware and wooden screens from Bombay, India;

(2) Whole chilies (*Capsicum* spp.) and whole red peppers (*Capsicum* spp.) in jute or burlap bags from Pakistan;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(4) Used burlap bagging not containing cargo and used jute bagging not containing cargo from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.

The document of July 27, 1981, provided that written comments were to be received on or before September 25, 1981. Also, in accordance with the notice given in the document of July 27, 1981, a public hearing to consider the rule was held on September 2, 1981, in Hyattsville, Maryland.

Written comments were received from a State Department of Agriculture and a spice trade association. No comments were presented at the public hearing. Based on the reasons set forth in this

document and in the document of July 27, 1981, the provisions in the interim rule have been adopted except as otherwise explained below.

The interim regulations provide that articles designated as restricted articles are required to be treated in accordance with § 319.75–4 at the time of importation because of possible infestations of khapra beetle. The list of restricted articles includes whole chilies and whole red peppers in jute or burlap bags from Pakistan. The representative of the State Department of Agriculture asserted that recent shipments of spices shipped in burlap or jute bags from India and Ceylon (Sri Lanka) have been found to be infested with khapra beetle and that any spices in burlap or jute bags from any infested countries should be included as restricted articles. No changes are made based on this comment. As stated in the document of July 27, 1981 (46 FR 38332), the list of restricted articles consists of those articles found to be likely to carry the khapra beetle. Almost any article could be the means of carrying khapra beetle. The list of restricted articles represents all of those articles found, based on a review of interception records, to present a high risk of carrying the khapra beetle. There is authority to inspect any articles at the port of entry for khapra beetle and those articles which appear to present a risk of carrying the khapra beetle are being inspected to determine whether they are infested. However, since high percentages of shipments of articles listed as restricted articles are found to be infested with the khapra beetle, all shipments of these articles are required to be treated at the time of importation.

The other written comments, offered by a spice trade association, deal with the effect of the restrictions on whole chilies and red peppers in jute or burlap bags from Pakistan.

Section 319.75–3(b)(2) of the interim rule provides that an application for a written permit for importation of a restricted article shall include a statement of the approximate quantity and kinds of articles intended to be imported. It was asserted that the import figures of the prior crop year should be submitted rather than estimates for those articles intended to be imported pursuant to a permit. No changes are made based on this comment. One of the major purposes of the permit requirement is for the Department to obtain advance notice of the approximate quantity and kinds of articles intended to be imported in order to help determine personnel needs for each port. This must be based on projected needs rather than merely on past activities. However, past import figures could be a relevant consideration for projecting the quantity and kinds of articles intended to be imported.

Section 319.75–3(b) (3), (4) and (5) of the interim rule provides that the application for a written permit state the country or locality of origin, the country(ies) or locality(ies) where the article is intended to be offloaded prior to arrival in the United States, and the intended U.S. port of entry. With respect to the chilies and red peppers, it was asserted that the information concerning offloading and ports of entry may not have been finally determined at the time of the filing of the application, and further that there is no need for any of the information referred to in paragraphs (b) (3), (4), and (5). No changes are made based on these comments. Since there may be instances when information concerning any place of unloading or port of entry may not have been fully determined at the time of filing of the application, these provisions only require information concerning any country(ies) or locality(ies) where the article is "intended" to be offloaded prior to arrival in the United States and information concerning the "intended" port of entry. Further, it appears that it is necessary to obtain this information. Based on departmental expertise, it has been determined that the restricted chilies and red peppers are likely to become infested with khapra beetle if they originate from or are offloaded in Pakistan. Consequently, the regulations were designed to impose restrictions on the importation of such chilies and red peppers originating from or offloaded in Pakistan to prevent the movement into the United States of the khapra beetle. Pursuant to sections 1 and 5 of the Plant Quarantine Act (7 U.S.C. 154,159) the restricted chilies and red peppers may be imported only if a permit has been issued for the importation of such articles. Accordingly, it is necessary to know whether the articles originated in Pakistan or were offloaded in Pakistan in order to determine whether a permit is needed for the importation of the article. Also, even if the chilies or peppers originated in Pakistan it would be helpful to know the countries or localities in which they are intended to be offloaded prior to arrival in the United States. This would help assure that the listing on accompanying documentation of a country or locality in which an article was offloaded would not be mistaken for the country of origin at the port of arrival in the U.S. Further, statements of intended ports of entry are helpful in determining personnel needs at ports of entry.

Section 319.75–3(b)(6) of the interim rule provides that the application for a written permit include the name of the intended fumigator at the U.S. port of entry. It was asserted that the request for this information should be deleted from the application form since determinations concerning which commercial fumigator is to be used are usually not known at the time the application for a permit is submitted. It was further stated that the availability of a fumigator is often not known prior to arrival, and that often at the time of arrival lots from various shipments can be consolidated for reduced costs of treatment both for the importer and for USDA personnel supervising such treatments. The Department agrees with these reasons which appear to be applicable for all restricted articles. Under these circumstances, it appears that it would not serve a useful purpose to require that the application contain the name of a fumigator. Accordingly, the provisions in the application concerning the name of the intended fumigator are deleted for all restricted articles.

Section 319.75–3(b)(8) of the interim rule provides that the application for a written permit for restricted articles contain the expected date of arrival. It was asserted that the exact date of arrival often could not be determined at the time of the application and that only approximate dates would be known at that time. No changes are made based on this comment. This provision only requires that the "expected" date of arrival be stated and approximate dates would be sufficient for compliance with such provisions.

It was suggested that each importer be assigned a permanent registry number for the importation of restricted articles to assure ready identification of a firm at any port of entry for any present or future importations of restricted articles. No changes are made based on this comment. It does not appear that this would provide any useful information not already required to be available under the current system.

Section 319.75–5 of the interim rule provides, among other things, that at the time of importation any restricted article shall plainly and correctly bear on the outer container (if in a container) or on the restricted article (if not in a container) the name and address of shipper, owner, or person shipping or forwarding the article; and the name and address of consignee. It was asserted that these provisions should not be applicable to whole chilies and

whole red peppers in jute or burlap bags from Pakistan. No changes are made based on this comment. These provisions reflect statutory requirements set forth in sections 3 and 5 of the Plant Quarantine Act (7 U.S.C. 157 and 159) for the chilies and red peppers.

Section 319.75–5(a)(6) of the interim rule provides that the marking on the outer container (if in a container) or on the restricted article (if not in a container) at the time of importation shall include the number of the written permit authorizing the importation. It was asserted that this provision is not necessary and should be deleted. The Department agrees with the comment and this provision is deleted for all restricted articles. This provision was intended to help inspectors to determine whether a valid permit had been issued. Based on experience at the ports, it appears that this is not necessary since the determination as to whether a permit has been issued for any restricted article is generally made based on reference to the name of the importer and name of the permit holder rather than on the basis of the permit number.

It was further indicated that consideration should be given to the establishment of safeguards because of the possibility of contamination of khapra beetle from infested holds in a vessel. In this connection, it should be noted that routine inspections of vessels and cargo for the presence of khapra beetle are made in accordance with 7 CFR Part 330. If infestations are found, appropriate fumigations are required to be performed.

As explained in the document of July 27, 1981, this rule includes a new provision (§ 319.75–9) to require whole chilies and whole red peppers designated as restricted articles to be accompanied by a phytosanitary certificate of inspection. This is to comply with the provisions of sections 1 and 5 of the Plant Quarantine Act (7 U.S.C. 154, 159) which state that nursery stock, and restricted plants, fruits, vegetables, roots, bulbs, seeds, or plant products from a country maintaining an official system of inspection for such articles are to be accompanied at the time of importation by a certificate of inspection from an official of the country from which the importation is made, certifying that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests. Whole chilies and whole red peppers are vegetables and Pakistan maintains such an official system of inspection.

Pursuant to §§ 319.75–4 and 319.75–9, the chilies and red peppers are required to be accompanied by such a certificate at the time of importation and are also required to be treated at the port of entry. It was asserted that the requirement for the phytosanitary certificate of inspection ". . . might lead some to assume that such a certificate was acceptable even though it is clear that fumigation is [also] required. . . ." However, § 319.75(a) of the rule clearly provides that all restrictions in the subpart are required to be met, including restrictions concerning certificates and treatment.

As noted above, the final rule includes the Plant Quarantine Act as authority. There is authority in section 10 of that Act for seizure, destruction, or other disposition of certain restricted articles, and § 319.75(a) is amended to state that such authority is available.

As explained above, the rule imposes restrictions on the importation of certain whole chilies and red peppers, and on certain used burlap and jute bagging. Under provisions in 7 CFR 319.56 *et seq.* fresh whole chilies and fresh red peppers from Pakistan are prohibited from being imported into the United States. Also, such bagging may be subject to additional restrictions under the provisions in 7 CFR 319.8 *et seq.* Appropriate footnotes are added to indicate that these provisions are in effect.

Also, certain minor changes have been made to reflect that the regulations are no longer interim or emergency regulations.

PART 319—FOREIGN QUARANTINE NOTICES

Under the circumstances referred to above "Subpart—Khapra Beetle Emergency Regulations" in 7 CFR Part 319 (7 CFR 319.75 *et seq.*) is amended as follows:

1. The authority citation for the subpart is revised to read as follows:

Authority: Secs. 5 and 9; 37 Stat. 316, 318; 7 U.S.C. 159, 162; secs. 105, 106, and 107; 71 Stat. 32–34; 7 U.S.C. 150dd, 150ee, 150ff; 37 FR 28464, 28477, as amended; 38 FR 19141.

2. The words "Emergency Regulations" are removed from the subpart heading.

3. Section 319.75(a) is revised to read as follows:

§ 319.75 Restrictions on importation of restricted articles; disposal of articles refused importation.

(a) "The Secretary has determined that in order to prevent the entry into the United States of khapra beetle (*Trogoderma granarium* Everts) it is necessary to restrict the importation of certain articles from foreign countries and localities. Accordingly, no person shall import any restricted article unless in conformity with all of the applicable restrictions in this subpart.

* * * * *

§ 319.75 [Amended]

4. Section 319.75(b) is amended by adding "section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and" immediately after the words "in accordance with".

5. Section 319.75–2 is revised to read as follows:

§ 319.75–2 Restricted articles.

The following articles from the specified localities or countries are restricted articles:

(a) Brassware and wooden screens from Bombay, India;

(b) Whole chilies (*Capsicum* spp.) and whole red peppers (*Capsicum* spp.) in jute or burlap bags from Pakistan;[1]

(c) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted) from Sudan or India; and

(d) Used burlap bagging not containing cargo and used jute bagging not containing cargo if from Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sri Lanka, Sudan, Tunisia, Turkey, or Upper Volta.[2]

§ 319.75–3 [Amended]

6. Footnotes 1 and 2 in § 319.75–3 are redesignated as footnotes 3 and 4.

7. Section 319.75–3(b) is amended by removing subparagraph (6) and by redesignating subparagraphs (7) and (8) as subparagraphs (6) and (7).

§ 319.75–5 [Amended]

8. Section 319.75–5(a) is amended by removing subparagraph (6).

9. A new section 319.75–9 is added to read as follows:

§ 319.75–9 Phytosanitary certificates of inspection.

Any whole chilies (*Capsicum* spp.) and whole red peppers (*Capsicum* spp.) in jute or burlap bags originating in Pakistan shall be accompanied at the time of importation into the United States by a phytosanitary certificate of inspection from the plant protection service of Pakistan. The certificate shall

---

[1] Fresh whole chilies (*Capsicum* spp.) and fresh whole red peppers (*Capsicum* spp.) from Pakistan are prohibited from being imported into the United States under the provisions of 7 CFR 319.56 *et seq.*

[2] Such bagging may be subject to additional restrictions under the provisions in 7 CFR 319.8 *et seq.*

be addressed to the plant protection service of the United States (Plant Protection and Quarantine), shall contain a description of the restricted article intended to be imported into the United States, and shall certify that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests. Such certificate may cover more than one article and more then one container kept together during shipment and offer for importation.

Done at Washington, D.C., this 19th day of January 1982.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspection Service.

[FR Doc. 82-1671 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-34-M

---

7 CFR Part 319

Importation of Certain Articles of Hyacinthus spp.

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the "Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" regulations to allow the importation into the United States of articles of *Hyacinthus* spp. (hyacinth) established in certain growing media if imported in accordance with specified criteria designed to prevent the introduction into the United States of injurious plant diseases, injurious insect pests, and other plant pests. This is warranted in order to delete unnecessary requirements concerning the importation of such articles.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

The final rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of less than $100,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Articles of *Hyacinthus* spp. (hyacinth) have not been allowed to be imported in growing media unless they were from Canada (except certain areas in Canada), were established in a translucent or transparent tissue culture medium, or were imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions. The final rule allows the importation of articles of *Hyacinthus* spp. (hyacinth) established in unused peat, sphagnum moss, vermiculite, or in certain synthetic material if imported in accordance with specified criteria designed to prevent the introduction into the United States of injurious plant diseases, injurious insect pests, and other plant pests.

Plants grown from bulbs of *Hyacinthus* spp. compete on the market with established flowering plants that may be purchased at retail stores. There are many hundreds of millions of such flowering plants offered for sale in the United States annually. However, based on information submitted by an industry representative, it is estimated that not more than 20,000 bulbs of *Hyacinthus* spp. will be imported the first year in growing media in accordance with the provisions in the final rule, and that in future years the number could rise or decrease depending on market conditions.

Bulbs of *Hyacinthus* spp. are currently imported free of growing media and grown into plants in the United States by approximately 1,000 businesses. Many thousands of businesses sell such plants at retail. The final rule will not preclude these businesses from continuing to sell such plants. Further, it appears that growing or selling plants of *Hyacinthus* spp. is not the primary activity of any business in the United States.

Alternatives were considered in connection with the final rule. Consideration was given concerning whether (1) To allow the importation of articles of *Hyacinthus* spp. in the growing media specified in the final rule without the imposition of restrictions set forth in the final rule, (2) to make no changes in the regulations concerning the importation of articles of *Hyacinthus* spp. established in growing media, or (3) to allow the importation of articles of *Hyacinthus* spp. established in growing media in accordance with restrictions set forth in the final rule.

Alternative (1) is not adopted because it appears that articles of *Hyacinthus* spp. imported in such growing media without meeting the requirements set forth in the proposal would present a significant risk of introducing any of a large number of injurious plant diseases, injurious insect pests, and other plant pests. Alternative (2) is not adopted because it appears that it is unnecessarily restrictive. Alternative (3) is adopted because it appears that articles of *Hyacinthus* spp. can be imported under the proposed provisions without a significant risk of introducing such diseases or pests. Further, it appears that there is no feasible alternative to consider in compliance with the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the final rule will not have a significant economic impact on a substantial number of small entities.

Background

In a document published in the Federal Register on October 28, 1981 (46 FR 53185-53188), the Department proposed to amend the "Nursery Stock, Plants Roots, Bulbs, Seeds, and Other Plant Products" regulations (set forth in 7 CFR 319.37 *et seq.* and referred to below as the regulations) to allow the importation into the United States of articles of *Hyacinthus* spp. (hyacinth) established in certain growing media if imported in accordance with specified criteria designed to prevent the introduction into the United States of injurious plant diseases, injurious insect pests, and other plant pests.

The document of October 28, 1981, invited the submission of written comments on or before November 27, 1981. Also, pursuant to notification in the document of October 28, 1981, a public hearing was held in College Park, Maryland on November 12, 1981. Three written comments were received in response to the proposal, and one comment was presented at the public hearing. The comments were from a wholesale grower of plants of *Hyacinthus* spp., a representative of a seed company which imports bulbs of *Hyacinthus* spp., a representative of a nurserymen's association, and a representative of bulb exporter's group.

Based on the reasons set forth in the proposal, the provisions in the proposal have been adopted in the final rule as proposed except as otherwise explained below. Further, all of the comments submitted pursuant to the proposal have been carefully considered and are discussed below.

The wholesale grower asserted that he was opposed to the adoption of the proposed rule because he felt that it could have an adverse effect on his business, but that he would not oppose the adoption of the proposal if tariffs or duties were imposed. No changes are made based on this comment. As indicated above in the "Executive Order 12291 and Regulatory Flexibility Act" portion of this document, it has been determined that the adoption of the final rule will not cause significant adverse effects on competition, and will not have a significant economic impact on a substantial number of small entities. Also, it should be noted that this Department does not set tariffs and duties.

The representative of the seed company did not raise any particular objection to the proposal. However, he indicated that the adoption of the proposal would not appear to create an advantage to his business, which apparently involves growing hyacinth plants from bulbs. No changes were requested and none are made on the basis of this comment.

As noted above, it was proposed to amend the regulations to allow the importation of articles of *hyacinthus* spp. established in certain growing media if imported in accordance with specified criteria. The criteria include the provision that the articles are to be grown throughout the growing period only in coldroom with temperatures not exceeding 6° C (43° F). The representatives of the nurserymen's association and the bulb exporter's group asserted that the term "with temperatures not exceeding 6° C (43° F)" was incorrect and should be changed to "with temperatures not exceeding 9° C (48° F)." The Department agrees that the temperature should be changed in accordance with these comments. As explained in the proposal (see 46 FR 53187) the temperature was based on the maximum temperature allowed in the coldroom under an experimental program conducted in 1974 and found adequate to protect against diseases and pests. The maximum temperature allowed in the 1974 experiment was 9° C (48° F) and not 6° C (43° F). Therefore, the maximum temperature is changed in the final rule to reflect the maximum temperature allowed under the experimental program.

No other changes are made from the language set forth in the proposal other than certain nonsubstantive changes made for purposes of clarity.

In accordance with the provisions in §§ 319.37–3 and 319.37–14 of the regulations, lots of 13 or more articles designated as restricted articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada are allowed to be imported only at the 14 ports of entry designated by an asterisk in § 319.37–14(b) of the regulations. Accordingly, lots of 13 or more articles of *Hyacinthus* spp. established in growing media are allowed to be imported only at these ports of entry. The provisions in §§ 319.37–3 and 319.37–14 were intended to require restricted articles presenting a substantial risk of carrying injurious plant diseases, insect pests, or other plant pests to be imported only at ports of entry with special inspection and treatment facilities. The representative of the bulb exporter's group asserted that articles of *Hyacinthus* spp. should be allowed to be imported at any of the ports listed in § 319.37–14(b). It was contended that under the conditions in the proposal articles of *Hyacinthus* spp. would be inspected and precleared in the country of origin and, consequently, would not present a significant risk of carrying such diseases or pests at the time of importation.

This issue concerning whether such articles of *Hyacinthus* spp. should be allowed to be imported at any of the ports listed in § 319.37–14(b) appears to be broader than the issues raised by the proposal concerning articles of *Hyacinthus* spp. Under § 319.37–8(e) articles of Polypodiophyta (=Filicales)(ferns), *Saintpaulia* spp. (African violet), *Gloxinia* spp. (Gloxinia), *Begonia* spp. (begonia), or *Peperomia* spp. (peperomia) are allowed to be imported under conditions similar to those set forth in this document for articles of *Hyacinthus* spp. In this connection it should be noted that consideration is being given concerning whether a proposal should be published to allow articles of *Hyacinthus* spp. and articles of the other five categories to be imported in growing media under such a preclearance program at any of the ports listed in § 319.37–14(b). However, if proposed, this would be the subject of a separate rulemaking document.

In addition to requirements discussed above concerning ports, it should also be noted that articles of *Hyacinthus* spp. are subject to additional general requirements in the regulations concerning permits, inspection, phytosanitary certificates of inspection, growing media, approved packing material, marking and identity, arrival notification, prohibited articles accompanying restricted articles, and treatment and costs and charges for inspection and treatment (see 7 CFR 319.37 through 319.37–14).

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective upon publication (January 22, 1982).

PART 319—FOREIGN QUARANTINE NOTICES

Under the circumstances referred to above, § 319.37–8 of the "Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" regulations (7 CFR 319.37–8) is amended by adding a new paragraph (f) to read as follows:

§ 319.37–8 Growing media.

* * * * *

(f) A restricted article of *Hyacinthus* spp. (hyacinth) may be imported established in unused peat, sphagnum moss, or vermiculite growing media, or in synthetic growing media or synthetic horticultural foams, i.e., plastic particles, glass wool, organic and inorganic fibers, polyurethane, polystyrene, polyethylene, phenol formaldehyde, or ureaformaldehyde:

(1) If there is a written agreement between Plant Protection and Quarantine and the plant protection service of the country where the article is grown in which the plant protection service of the country where the article is grown agrees to implement a program in compliance with the provisions of this section;

(2) If there is a written agreement between the grower of the article and the plant protection service of the country in which the article is grown wherein the grower agrees to comply with the provisions of this section, wherein the grower agrees to allow an inspector access to the growing facility as necessary to monitor compliance with the provisions of this section, and wherein the grower agrees to allow representatives of the plant protection service of the country in which the article is grown access to the growing facility as necessary to make determinations concerning compliance with the provisions of this section;

(3) If: (i) Inspected immediately prior to the growing period by the plant protection service of the country in which the article is to be grown and found to be free of injurious plant diseases, injurious insect pests, and other plant pests;

(ii) Grown throughout its growing period only in a coldroom (with temperatures not exceeding 9° C (48° F)) within an enclosed building;

(iii) Grown only in a coldroom unit solely used for articles grown under all the criteria specified in this paragraph (f);

(iv) Grown only in unused peat, sphagnum moss, or vermiculite growing media; or grown only in synthetic growing media or synthetic horticultural foams, i.e., plastic particles, glass wool, organic and inorganic fibers, polyurethane, polystyrene, polyethylene, phenol formaldehyde, ureaformaldehyde;

(v) Watered only with clean rainwater that has been pasteurized, with clean well water, or with potable water;

(vi) Grown in a coldroom free of sand, soil, or earth;

(vii) Grown only in a coldroom where strict sanitary procedures are always practiced, i.e., cleaning and disinfection of floors and tools and the application of measures to protect against any injurious plant diseases, injurious insect pests, and other plant pests; and

(viii) Stored only in areas found free of sand, soil, earth, injurious plant diseases, injurious insect pests, and other plant pests;

(4) If appropriate measures have been taken to assure that the article is to be stored, packaged, and shipped free of injurious plant diseases, injurious insect pests, and other plant pests;

(5) If accompanied by a phytosanitary certificate of inspection containing an accurate additional declaration from the plant protection service of the country in which grown that the article meets conditions of growing, storing, and shipping in compliance with 7 CFR 319.37–8(f); and

(6) If the accompanying phytosanitary certificate of inspection is endorsed by a Plant Protection and Quarantine inspector in the country of origin or at the time of offer for importation, representing a finding based on monitoring inspections that the conditions listed above are being met.

(Secs. 1, 5 and 9, 37 Stat. 315, 316, and 318, as amended; Sec. 105, 71 Stat. 32 (7 U.S.C. 154, 159, 162, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 18th day of January 1982.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-1653 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-34-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby revises REA Form 220, "Architectural Services Contract," which is attached to REA Bulletin 42–1, "Architectural Services for Electric Borrowers." The revision is intended to update the form with regard to the typical contract provisions for architectural services throughout the country. While some borrowers are obtaining architectural services using the existing version of REA Form 220, many borrowers are having to modify this form in order to obtain the services. Several large architectural firms have indicated that they would refuse to enter into a contract on the existing contract form unmodified.

Of primary concern to the architects is liability, inherent in the existing versions of the form, for supervision of contractors and verification that proper construction practices were followed during periods when the architect was not on the site. The revised form continues to require frequent inspection of the project by the architect, however.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 382–0096. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A—REA Bulletins to announce revised REA Form 220, "Architectural Services Contract," which is attached to REA Bulletin 42–1, "Architectural Services for Electric Borrowers." This final action has been issued in conformance with Executive Order 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in cost for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major".

The Regulatory Flexibility Act (Pub. L. 96–354) is not applicable to this action, therefore a Regulatory Flexibility Analysis has not been prepared.

The last revision of REA Form 220 was dated August 1969. Changes in the typical contracts for architectural services throughout the country since that date have resulted in difficulty for some REA borrowers in obtaining architectural services under the 1969 version of the form. Thus, there is a need to incorporate those changes into the architectural services contract so that REA borrowers will continue to be able to obtain quality architectural services at a reasonable cost.

The two options considered were (1) leave the form unchanged, or (2) revise the form to better conform to standard practices in this field. The second option was chosen since it is necessary for REA borrowers to obtain quality architectural services.

Interested parties were given sixty (60) days in which to express their views on the proposed rule, however, comments received after the sixty-day period were also considered by REA. The October 7, 1980, notice in the **Federal Register** elicited the following major comments on the proposed rule:

(a) *Comment:* The architect's duties and responsibilities should be reduced to further eliminate liability for any failure of the contractor to perform properly under the construction contract.

Response: The architect is expected to have certain construction site duties and responsibilities as enumerated in the architectural services contract. Inspection of construction is one of these responsibilities. REA feels that the architect's responsibilities to the owner as a result of these construction site duties are not unreasonable.

(b) *Comment:* The compensation calculation schedule should be revised or eliminated to make possible negotiated contracts at reduced cost levels for certain types of projects.

Response: This comment has been accepted. The compensation table has been replaced by a blank table which is to be filled in by the borrower and architect. A sample compensation table to be used as a guide has been included in the appendix to the form.

This program is listed in the Catalog of Federal Domestic Assistance as

10.850, Rural Electrification Loans and Loan Guarantees.

Copies of the revised contract form are being mailed to REA electric borrowers and to architects. Others interested in obtaining a copy of the revised form should contact the Director, Office of Information and Public Affairs, Rural Electrification Administration, South Agriculture Building, Washington, D.C. 20250.

Dated: January 12, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-1583 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 82-006]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Dade County in Florida because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Dade County in Florida on January 14, 1982. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected area.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only one premise, and that premise is not owned by a small entity.

This amendment quarantines a portion of Dade County in Florida because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, new paragraph (c)(2) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *Florida.* The premises of Mr. Robert Wiener, Fernwood Gardens, 7800 SW 117th Avenue, Miami, Dade County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 15th day of January 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-1518 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 331 and 381

[Docket No. 82-001F]

Designation of the State of South Carolina Under Federal Meat Inspection Act and Poultry Products Inspection Act

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of South Carolina under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. A representative of the Governor of the State of South Carolina has advised this Department that the State of South Carolina will no longer be in a position to continue administering State meat and poultry inspection programs after February 21, 1982. Accordingly, effective February 22, 1982, all establishments operating under the South Carolina meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. Additionally, effective February 22, 1982, all establishments operating under the South Carolina poultry inspection program shall be subject to sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is merely assuming the responsibility, previously held by the State of South Carolina, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State. The provisions of the regulations concerning designated States are set

forth in Parts 331 and 381, Subchapters A and C, Chapter III, Title 9 of the Code of Federal Regulations.

DATES: This notice of designation is effective on January 22, 1982. The effective date of this amendment is February 22, 1982. As a result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act will apply to the State of South Carolina on and after February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. J. Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of South Carolina, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because a representative of the State of South Carolina indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of South Carolina, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action will affect approximately 119 heretofore State inspected plants in South Carolina, most, if not all, of which may be presumed to be small business. However, this is not a substantial number of establishments given the approximately 10,000 small meat facilities and small poultry facilities nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each establishment will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these South Carolina establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Since the State of South Carolina has advised the United States Department of Agriculture that the State-operated meat and poultry inspection program will be discontinued due to budget reductions, the Federal Government is mandated by law to assume the responsibilities for the meat and poultry inspection programs with respect to intrastate operations and transactions wholly within the State. Therefore, no alternative actions under the law are available to the Department.

Background

A representative of the Governor of South Carolina has advised this Department that the State of South Carolina will no longer be in a position to continue administering the State meat inspection program after February 21, 1982, and has requested the Department to assume responsibility for carrying out the provisions of title I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to operations and transactions wholly within the State concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, a representative of the Governor of South Carolina has advised this Department that South Carolina will no longer be in a position to continue administering a State poultry inspection program after February 21, 1982, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the State of South Carolina at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to operations and transactions wholly within the State concerning products or other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of South Carolina had developed an activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act, and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the South Carolina meat inspection and poultry inspection programs, it is hereby determined that South Carolina is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On and after February 22, 1982, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on and after February 22, 1982, the provisions of sections 1–4, 6–10 and 12–22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to

persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Poultry Products Inspection Act, and any establishment in the State of South Carolina which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 15(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after February 21, 1982, should immediately communicate with the Regional Director for Meat and Poultry Inspection Operations as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment: Dr. J. D. Willis, Director, Meat and Poultry Inspection Operations, Southeastern Regional Office, U.S. Department of Agriculture, Room 216, 1718 Peachtree Street NW., Atlanta, GA 30309 (404) 881–3911.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 of the Federal meat inspection regulations (9 CFR 331) is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595 (21 U.S.C. 621, 661).

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "South Carolina" is added immediately below "Rhode Island."

In the "Effective date of application of Federal provisions" column, "February 22, 1982," is added on the line with "South Carolina."

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Further, Part 381 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. The authority citation for Part 381 reads as follows:

Authority: Sec. 5(c) and 14, 71 Stat. 441, as amended (21 U.S.C. 454(c), 463.

§ 381.221 [Amended]

2. The table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

In the "State" column, "South Carolina" is added immediately below "Rhode Island."

In the "Effective date of application of Federal provisions" column, "February 22, 1982" is added on the line with "South Carolina."

Dr. Donald L. Houston, Administrator, FSIS, has determined that it is necessary to designate the State of South Carolina immediately in accordance with section 301(c) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

Done at Washington, D.C., on January 15, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82–1582 Filed 1–21–82; 8:45 am]

BILLING CODE 3410–DM–M

FEDERAL HOME LOAN BANK BOARD

[No. 82–11]

12 CFR Parts 563, 563c

Amortization Periods for Premiums, Discounts and Credits, and Treatment of Gains and Losses on the Sale of Real Estate, for Fiscal Years Ending on or After December 31, 1981

Dated: January 8, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has authorized institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") to amortize premiums, discounts, and deferred acquisition credits relating to certain loans over a period not shorter than the lesser of the loans' contractual lives or ten years, and to recognize currently any profit on certain sales of real estate financed by loans by such institutions. The Board also has prescribed identical accounting treatment for sales of real estate by an insured institution's subsidiary service corporation(s). Finally, the Board has eliminated the regulatory provisions pertaining to amortization of discounts, charges, and credits recorded prior to January 1, 1972, since such regulatory provisions no longer have any application. The amendments will enable insured institutions and their subsidiary service corporations to reflect in their financial statements the results of real estate sales activities on a more realistic basis and on an equal footing with other entities engaging in similar activities.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Michael S. Joseph (202–377–6994) or Robert J. Pomeranz (202–377–6537), Office of Examinations and Supervision, or David J. Bristol (202–377–6461) or Kenneth F. Hall (202–377–6466), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On October 20, 1981, the Board proposed to amend § 563.23–1 of its regulations (12 CFR 563.23–1) to permit the amortization of premiums, discounts and credits on certain loans over a period not shorter than the loans' contractual lives or ten years, whichever is less, and to permit greater recognition of profit from the sale of real estate (FHLBB Res. No. 81–641; 46 FR 54567 (November 3, 1981)). The proposed amendments would have prescribed this accounting treatment for institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") ("insured institutions") and for their service corporations. Comments were accepted from the public through November 27, 1981.

The Board received thirty-two comments on the proposed rule. Of these, fourteen were from federally-chartered savings and loan associations, ten were from state-chartered savings and loans, six were from savings and loan trade associations, and the remaining two were from an accounting firm and a law firm. All of the commenters favored the proposal as being less restrictive, but approximately two-thirds of the commenters expressed concern with certain provisions. These expressions of concern are discussed below.

Amortization Periods for Premiums, Discounts and Credits

As proposed, the Board has amended paragraphs (a), (b) and (d) of § 563.23–1

to provide that discounts resulting from the purchase of a loan or acquisition credits subject to deferral (defined in subparagraph (g)(3) as certain consideration, other than the average interest provided by the loan contract, received by an insured institution for making a commitment or acquiring, making, refinancing or modifying a loan) shall be deferred and amortized to income over a period of not less than the remaining term to maturity of the loan or ten years, whichever is less. Previously, paragraphs (a), (b) and (d) provided for a minimum amortization period of ten years.

Deferral of these amounts is required because the Board views them as adjustments to the amount of interest directly provided for in the loan contract. Accordingly, the amounts are required to be amortized to income over a period that approximates the estimated actual average life of the mortgage loan portfolio, which, in the Board's view, is ten years.

However, because the Board has adopted regulations permitting federal institutions to increase substantially their investments in real estate loans secured by other than first mortgages and their investments in other types of loans, including balloon-payment loans, the contractual terms of these loans in many cases are or will be less than the ten-year minimum amortization period. Therefore, although the Board continues to view these deferred amounts as additional interest to be earned by the institution, the Board has reduced the minimum amortization period for premiums, credits and discounts on such loans to reflect its view that the actual lives of these loans will approximate their contractual lives. This approach was supported by the great majority of commenters.

The proposed regulation also would have prohibited the use of an amortization period of less than ten years if an institution, within six months of the date of a loan, made or acquired any additional loan to the same borrower with a remaining term to maturity exceeding ten years. The Board has retained this provision with one change—the six-month rule will apply only to loans secured by the same property. This change generally was supported by the commenters. The provision reflects the Board's view that loans secured by the same property made within six months of each other should be considered one loan for purposes of determining the appropriate amortization period for discounts and credits.

Finally, the proposed regulation would have provided that any premiums, credits and discounts should be included in the computation of a gain or loss upon the sale or payoff of a loan, provided that the institution had not made or acquired an additional loan(s) to the same borrower within six months of the origination date of the loan sold or paid off. The Board has adopted this provision, but has applied it only where the additional loan(s) is secured by the same property as is the loan sold or paid off. In this manner, the regulation excludes from consideration loans that clearly are not related to the loan sold or paid off by virtue of being secured by separate properties.

Simplification

When the accounting rules establishing the minimum amortization period were modified in 1972, the amendments retained the minimum amortization period applicable to loans originated, purchased, or sold prior to January 1, 1972. All amounts originated prior to January 1, 1972, were required to be amortized over a period of not less than seven years. Since all amounts deferred prior to 1972 have now been fully credited to income, the Board has eliminated the pre-1972 amortization provisions from the regulation.

Sale of Real Estate

The Board has amended § 563.23–1(f) to permit the recognition of profit from the sale of real estate owned by an insured institution, where the institution finances acquisition of the real estate, if the sole purpose of the loan is to finance the acquisition, the loan is secured by a first lien and conforms to the Board's lending regulations, and the institution has not made or acquired any other loan to the purchaser that is unsecured or secured by the real estate sold. Where the loan contains preferential terms, the regulation requires that the sales price be reduced to reflect the present value of the preferential terms. Section 563c.13 (12 CFR 563c.13) is also amended to prescribe similar accounting treatment for sales by a service corporation of an insured institution where such sales are financed either by the insured institution or by the subsidiary service corporation.

The proposed regulation would have differentiated between "permanent" and "non-permanent" investors. A "permanent" investor was characterized as someone who purchases real estate in anticipation of holding the real estate for an indefinite period of time either for personal use, in anticipation of realizing a profit from its operations, or for long-term tax benefits and appreciation of the real estate's value. On the other hand, a "non-permanent" investor was characterized as someone who purchases real estate in anticipation of a profit from its resale in a relatively short period of time. This profit could be derived from the construction of a building on the real estate or from substantial renovation of an existing structure.

The rationale for this distinction was that purchases of real estate by "non-permanent" investors inherently possess an element of speculation. Therefore, the likelihood of an institution reacquiring a property sold to a "non-permanent" investor was felt to be greater because of the possibility that the real estate would prove to be unsalable in the short term or that costs of carrying the property might be overly-burdensome for the investor. Many commenters, however, felt that establishing such a distinction would not provide a clear-cut standard for institutions to use in determining whether full recognition of profits was permissible, thus resulting in second-guessing by the Board's examination and supervisory staff. In addition, they felt the distinction would be unnecessary because lenders generally impose stricter underwriting standards for higher-risk loans and because generally accepted methods exist for accounting for such loans.

Although the Board does not believe that the distinction between "permanent" and "non-permanent" investors would require institutions to engage in analysis of a purchaser's intent, the Board has determined to replace the distinction with the conforming-loan standard described above. While this standard is somewhat more liberal than existing authoritative accounting literature, specifically the American Institute of Certified Public Accountants' Statement of Position #75–6 ("Questions Concerning Profit Recognition on Sales of Real Estate"), the Board notes that these principles are not consistently applied in accounting for profits from the sale of real estate by financial institutions. The Board also notes that the Financial Accounting Standards Board ("FASB") currently is reviewing the Statements of Position relating to real estate. The Board will review its regulation governing the appropriate treatment of profit from the sale of real estate when the FASB publishes its conclusions.

The final amendment eliminates the provisions of § 563.23–1(f) which provided that an insured institution may recognize profit from the sale of real estate only to the extent cash is received from the purchaser. These accounting rules have effectively prevented the full recognition of profit in any sale that is

financed by the insured institution. The rules were adopted at a time when the only typical real estate sales by an institution or its service corporation(s) were of real estate acquired as a result of foreclosure or otherwise in settlement of loans. They were based on the concept that it is unlikely that the sale of distressed properties can result in a profit and, therefore, to preclude artificial inflation of an institution's income, any profit realized should not be recognized until collected in cash.

However, many state-chartered institutions possess the power to purchase, develop and sell real estate in anticipation of profit. In addition, federal associations have been granted expanded authority to invest in service corporations that purchase, develop and sell real estate for profit (FHLBB Res. No. 80–488; 45 Fed. Reg. 56029 (1980)). Finally, it is not impossible to realize a profit on the sale of real estate acquired through foreclosure or other settlement of a loan. Since an institution's principal business activity is providing financing for the purchase and sale of real estate, the Board believes it is inconsistent to prevent an institution or its service corporation from recognizing the profit earned from the sale of real estate merely because the institution provides the financing for the sale.

Preferential Loan Terms

The final regulation, as proposed, also provides that, if loan terms more favorable than those available under an institution's established lending policies at the time of sale are granted in connection with the sale of real estate by either an institution or its subsidiary service corporation, the sale price must be reduced by the present value of such favorable terms in determining the amount of profit or loss resulting from the sale. The reduction must then be treated as a discount on the financing provided in connection with the sale and accounted for as such. In this manner, the regulation, while recognizing that financing provided by the seller of real estate plays an important role in consummating a sale and in establishing the resulting sales price, nevertheless distinguishes between an institution's real estate and financing activities. This codifies accounting treatment currently required by Memorandum R 23, published by the Board's Office of Examinations and Supervision.

Accounting for Profits on Past Sales of Real Estate

The final regulation expressly permits insured institutions to take into income, in the current accounting period, profits that previously had been deferred pursuant to § 563.23–1(f). Although the preamble to the proposed regulation noted this would be permitted, several commenters suggested this fact be stated in the body of the regulation. The Board notes that generally accepted accounting principles provide an adequate framework for institutions to follow in changing from one method of accounting for a particular type of transaction to another that is considered more appropriate. Thus, institutions will be permitted to show in current income the cumulative effect of applying the proposed rules to past transactions on which income is deferred pursuant to the former rules.

Final Regulatory Flexibility Analysis

The Board's objective in amending its accounting regulations is to enable FSLIC-insured institutions and their subsidiary service corporations to reflect the results of real estate sales activities in their financial statements on a more realistic basis and on an equal footing with other entities engaging in similar activities. The amendments also substantially reduce an existing difference between regulatory accounting principles and generally accepted accounting principles and the related duplicate bookkeeping burden currently imposed on these institutions.

These amendments are promulgated pursuant to the Board's authority under 402, 403 and 407 of the National Housing Act (12 U.S.C. 1725, 1726, 1730). The regulations apply to all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, regardless of size, and impose no new reporting, recordkeeping or other compliance requirements. The amendments do not duplicate, overlap or conflict with any existing federal regulations.

Retroactive Application

The Board has determined to make the amendments effective as of December 31, 1981. This will permit institutions that have fiscal years ending on or after December 31, 1981, to use the new rules in accounting for sales of real estate that occurred or that will occur in those fiscal years. The Board believes that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecesary and against the public interest because (1) this action relieves restriction, and (2) institutions should be permitted at the earliest possible time to obtain the benefits of accounting for sales of real estate in a manner that conforms more closely to generally accepted accounting principles.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 563 and 563c, Subchapter D, Chapter V of Title XII, *Code of Federal Regulations*, as set forth below

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Revise § 563.23–1 to read as follows:

§ 563.23–1 Premiums, discounts charges, and credits with respect to loans; sale of real estate; and related items.

(a) *Purchase at a premium.* A premium paid by an insured institution in connection with acquisition of a loan may be charged off when paid or may be capitalized. If the premium is capitalized, it shall be amortized by charges to expense, at least semiannually and using any approved method of amortization, over a period not in excess of the remaining term of the loan or ten years, whichever is less, in the case of a single loan, or over a period not in excess of the weighted average of the remaining terms to maturity of the loans or ten years, whichever is less, in the case of a group of loans.

(b) *Purchase at a discount.* If an insured institution purchases a loan at a discount, the discount shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited to income, at least semiannually and using any approved method, over a period of not less than ten years. However, if an insured institution purchases a loan and has not within six months of the date of purchase of the loan made or acquired any other loan to the same borrower secured by the same property and with a remaining term to maturity in excess of ten years, the discount may be credited to income, at least semiannually and using any approved method, over a period not shorter than the remaining term to maturity of the loan or ten years, whichever is less. In applying the provisions of this paragraph to the purchase of a group of loans, the amortization period shall not be shorter than the weighted average of the remaining terms to maturity of the loans or ten years, whichever is less. For purposes of this section, a loan shall be deemed to have been purchased at a discount if the price paid by the institution for the loan is less than the amount of the loan balance. Any charges by the purchaser in connection with the purchase of a loan shall be

deducted from the purchase price to determine the amount of the discount.

(c) *Charges.* All acquisition charges, as defined in paragraph (g) of this section, in connection with the making or acquisition of a loan by an insured institution, shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period.

(d) *Credits deferred.* Each acquisition credit subject to deferral, as defined in paragraph (g) of this section, shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited to income, at least semiannually and using any approved method, over a period of not less than ten years. However, if the remaining term to maturity of the loan is less than ten years and the institution has not within six months of the date of purchase of the loan made or acquired any other loan to the same borrower secured by the same property and with a remaining term to maturity in excess of ten years, the acquisition credit may be credited to income, at least semiannually and using any approved method, over a period not shorter than the remaining term of the loan. In applying the provisions of this paragraph to a group of loans, the amortization period shall not be shorter than the weighted average of the remaining terms to maturity of the loans.

(e) *Sale or payoff of loans.* If a loan has been sold or paid in full, the remaining balance of any capitalized premium, deferred acquisition credit or discount applicable to the loan and may be added to or deducted from (as appropriate) the book value of the loan and the profit or loss thereon shall be computed based on such adjusted amount, provided that the institution did not make or acquire any other loan secured by the same property to the borrower within six months of the date of origination of the loan sold or paid off. The resulting profit or loss shall then be accounted for in accordance with the applicable accounting principles.

(f) *Sale of real estate owned.* When an insured institution sells real estate, the institution's records shall disclose the book value of the real estate at the time of the sale and the price at which it was sold.

(1) If the sale results in a loss, the loss shall be charged to expense, or to an allowance account previously established for the loss, during the accounting period in which the loss was sustained.

(2) If the sale results in a profit and the institution has not made, acquired, or committed to make or acquire a loan for any purpose, to the purchaser, the profit may be recognized as income during the accounting period in which the sale occurs.

(3) If the sale results in a profit and the institution has made, acquired, or committed to make or acquire a loan the sole purpose of which is to finance the purchase of the real estate, the profit may be recognized during the accounting period in which the sale occurs only if (i) the loan is secured by a first lien on the real estate and conforms to the Board's regulations as to maturity, loan-to-value ratios, and other restrictions (12 CFR 545.6–2, 545.6–6) or to the regulations as to loans insured for guaranteed by a federal, state or local public entity (*e.g.*, 12 CFR 545.6–1, 545.6–11), and (ii) the institution has not made, acquired, or committed to make or acquire any other loan to the purchaser of the real estate that is unsecured or that is secured by that real estate. If the sale is financed with a loan and the institution has not met the requirements of this paragraph (f)(3), then the profit shall be deferred and credited to an account descriptive of unearned profit on the sale of real estate until the requirements are met.

(4) When preferential loan terms are granted in connection with the sale of real estate, the sales price shall be reduced to reflect the present value of such preferential terms, and the profit or loss shall be computed based on the reduced amount.

(5) An institution may take into income, in any fiscal year ending on or after December 31, 1981, profits that previously were deferred pursuant to the provisions of this paragraph as they existed prior to December 31, 1981.

(g) *Definitions.* For purposes of this section:

(1) The term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a loan, except that with respect to a loan acquired by an insured institution such term means the principal balance of such loan at the time of its acquisition by such institution.

(2) The term "acquisition credit" means any consideration, other than the average interest provided by the loan contract, received by an insured institution for or in connection with the acquisition, making, refinancing, or modification of a loan plus any consideration received for making a loan commitment, whether or not an actual loan follows such commitment; the term does not include any amounts received and paid out by an insured institution to a third party (not an affiliate) for itemized initial charges in connection with the loan transaction, or any escrow fee received by an insured institution in connection with a sale which involves a related loan made by it, if the following requirements are met:

(i) The fee is based on the escrow services actually performed and is comparable in amount to the fee charged by other escrow agents located in the institution's normal lending territory for performing similar escrow services;

(ii) The borrower is informed of his freedom of choice in selecting a competent escrow agent to perform the escrow services; and

(iii) The related loan is not a refinancing or modification of an existing loan held by the institution and made to the same borrower or to an affiliate of such borrower.

(3) The term "acquisition credit subject to deferral" means, for loans closed on or after January 1, 1979, the amount of an acquisition credit in excess of

(i) The greater of: (A) fifty dollars, or

(B) Two and one-half percent of the amount of the loan, if the loan or commitment is for the purpose of construction, or

(C) Two percent of the amount of the loan, if the loan or commitment is for any other purpose; plus

(ii) Four hundred dollars, if, with respect to the loan, the insured institution uses its own employees to perform appraisal services or to perform attorney or closing functions, for which no escrow fee is received. In addition to the amounts which may be taken into current income under the foregoing provisions of this paragraph (g)(3), a nonrefundable fee received in cash in consideration for and at the time of execution of a bona fide forward loan commitment contract may be taken into current income, at the time of its receipt, in the following amount: one percent of such a loan commitment that will be outstanding for a six- to twelve-month term prior to the closing of the loan; one and one-half percent of a loan commitment that will be oustanding for a twelve- to eighteen-month term prior to the closing of the loan; or two percent of a loan commitment that will be oustanding for a term exceeding eighteen months prior to the closing of the loan. If a loan upon which there is such a loan commitment contract is closed prior to the expiration of the contract term, the institution by appropriate accounting entries shall remove from current income and credit to an account descriptive of deferred income an appropriate amount (based on the foregoing formula) of the fee

previously received and recorded as provided in the preceding sentence. Insured institutions shall keep records of forward loan commitment contracts and fees for such commitments that are received by it and are taken into current income or credited to deferred income.

(4) The term "acquisition charges" includes finders' fees, buying commissions, attorneys' fees, and brokerage fees paid by an insured institution in connection with the making or acquisition of a loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a loan.

(5) The term "affiliate" means any person or company which controls, is controlled by, or is under common control with an insured institution within the meaning of subsection (a)(3) of section 408 of the National Housing Act, as amended.

(6) The term "book value" means the total amount invested in real estate less any related depreciation allowances or valuation reserves.

(7) The term "loss" means the amount by which the unpaid principal balance of the loan (net of unamortized premiums, discounts, or deferred acquisition credits) or the book value of the real estate exceeds, at the time such loan or real estate is sold, the sales price of such loan or real estate.

(8) The term "profit" means the amount by which the sales price of the loan or real estate exceeds, at the time such loan or real estate is sold, the unpaid principal balance of such loan (net of unamortized premiums, discounts, or deferred acquisition credits) or the book value of such real estate.

(9) The term "approved method" means any one of the following methods for computing amortization of a capitalized premium or for recognizing deferred income:

(i) "Straight-line" method, as described in § 1.167(b)–1 of the Federal income tax regulations (26 CFR 1.167(b)–1);

(ii) "Sum-of-the-years-digits" method, as described in § 1.167(b)–3 of the Federal income tax regulations (26 CFR 1.167(b)–3); and

(iii) "Level-yield" or "interest" method, by which income is debited or credited so as to yield, throughout the amortization period, a uniform rate of return on the investment after discount or premium.

PART 563c—ACCOUNTING REQUIREMENTS

2. Revise paragraph (b) of § 563c.13, to read as follows:

§ 563c.13 Accounting for investment in service corporation.

* * * * *

(b) For purposes of this section, when applying the provisions of § 563.23–1 of this Chapter, any loans made or committed to be made to the purchaser of the real estate, or any such loan acquired or committed to be acquired by the insured institution or any affiliate, as defined in § 563.23–1(g)(5), shall be considered as if they were made directly by the service corporation: *Provided,* that this paragraph shall not apply if not more than ten percent of the stock of the service corporation is owned by the insured institution that is providing the financing or that has subsequently acquired the mortgage or security property.

(Secs. 402, 403, 407 (12 U.S.C. 1725, 1726, 1730; 48 Stat. 1256, 1257, 1260), as amended. Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1087 Filed 1-21-82; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; the Authority of the Space Transportation System (STS) Commander

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: National Aeronautics and Space Administration (NASA) is revising its final rule, 14 CFR Part 1214, Subpart 7, "Space Transportation System; The Authority of the Space Transportation System (STS) Commander," by adding a new paragraph (d) to § 1214.703 which states that if the Director of the Johnson Space Center determines that the Commander is unable to carry out command responsibilities, the Director shall relieve the Commander from command, and designate the pilot or another flight crew member as Commander.

DATES: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. O'Neil, 202–755–2424.

SUPPLEMENTARY INFORMATION: On March 7, 1980, NASA published its final rule 14 CFR Part 1214, Subpart 7 (45 FR 14845–14846), setting forth the Authority of the Space Transportation System (STS) Commander. At a hearing of the Committee on Science and Technology (which was held after the final rule was published), Congressman Fuqua expressed his concern about who would make the determination to relieve the Commander if the Commander was found to be psychologically or physically unable to make reentry or to complete the assigned mission. As a result of this hearing, NASA decided to amend the rules and make the Director of the Johnson Space Center responsible for relieving the Commander. Since this action is administrative and editorial in nature, notice and comment procedures are not required.

PART 1214—SPACE TRANSPORTATION SYSTEM

14 CFR Part 1214, Subpart 7, is amended by adding a new paragraph (d) to § 1214.703 reading as follows:

§ 1214.703 Chain of command.

* * * * *

(d) The determinations, if any, that a crew member in the chain of command is not able to carry out his or her command duties and is therefore to be relieved of command, and that another crew member in the chain of command is to succeed to the responsibilities and authority of the Commander, will be made by the Director of the Johnson Space Center.

(Pub. L. 85–568; 72 Stat. 426; 42 U.S.C. 2473, 2455; 18 U.S.C. 799; Art. VIII, TIAS 6347 (18 U.S.T. 2410)

Dated: December 24, 1981.

James M. Beggs,

Administrator.

[FR Doc. 82-1812 Filed 1-21-82; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 1

Procedures for Implementation of the National Environmental Policy Act of 1969

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is adopting new rules for implementing the procedural provisions of the National Environmental Policy Act. The rules provide that it is the Commission's policy to comply with the Council on Environmental Quality regulations (40 CFR Parts 1500–1508). The rules set forth supplementary definitions and procedures to be applied in conjunction with the Council's regulations.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Jerold D. Cummins, Deputy Assistant General Counsel, Office of the General Counsel, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 (202–523–1928).

SUPPLEMENTARY INFORMATION: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, requires all federal agencies to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on proposals for legislation significantly affecting the quality of the human environment and on other major federal actions significantly affecting the quality of the human environment. The Council on Environmental Quality (CEQ) issued regulations to implement the procedural provisions of NEPA (codified at 40 CFR Part 1500–1508) under the direction of Executive Order No. 11991. These regulations require all agencies to prepare supplemental procedures as necessary to implement the regulations (§ 1507.3). Although it is the Commission's position that these regulations are not binding on it, the Commission's policy is to comply fully with the CEQ regulations unless it determines in a particular instance or for a category of actions that compliance would not be consistent with the requirements of law.

In the **Federal Register** of July 20, 1979 (45 FR 42712–14), the Commission proposed procedures to implement and supplement CEQ's regulations. Only one substantive comment was received. The commenter challenged that part of proposed rule § 1.82(a) which, like its counterpart in existing 16 CFR 1.82(d), construes the environmental impact provision of NEPA (42 U.S.C. 102(2)(C)) as not applying to law enforcement proceedings. The Commission in the past has rejected arguments that the impact statement requirements are applicable at any stage of a law enforcement proceeding. *Coca-Cola Co.*, 91 F.T.C. 517, 666–67 (1978), *order vacated and case remanded on other grounds*, 642 F.2d 1387 (D.C. Cir. 1981); *Jim Walter Corp.*, 91 F.T.C. 514, 516 (1970), *order vacated and case remanded on other grounds*, 625 F.2d 676 (5th Cir. 1980). The issue has been raised but not decided in other court proceedings. See, *e.g.*, *Gifford-Hill & Co.* v. *FTC*, 523 F.2d 730 (D.C. Cir. 1975); *Mobil Oil Corp.* v. *FTC*, 562 F. 2d 170 (2d Cir. 1977). As provided in the rules issued today, the Commission adheres to its view that Congress did not intend that the environmental impact statement requirement of section 102(2)(C) of NEPA be applicable to the bringing of law enforcement proceedings. This position is also set forth in CEQ Regulation § 1508.18(a). Ordinarily, final disposition of such matters, whether by adjudication or consent order proceedings, will not significantly affect the quality of the human environment. In the rare event that the Commission in such proceedings might actively contemplate final relief, or the promulgation of standards, which may have a significant environmental effect, the rules provide (§ 1.82(a)) that the Commission will, when consistent with the requirements of law, provide for the preparation of an environmental assessment or an environmental impact statement or such other action as will permit the Commission to assess alternatives with a view toward avoiding or minimizing any adverse effect upon the environment.

Text of the Rules: Part 1 of 16 CFR Chapter I, Subpart I, is revised to read in its entirety as follows:

PART 1—GENERAL PROCEDURES

* * * * *

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Sec.

1.81 Authority and incorporation of CEQ regulations.
1.82 Declaration of policy.
1.83 Whether to commence the process for an Environmental Impact Statement.
1.84 Draft Environmental Impact Statements: Availability and comment.
1.85 Final Environmental Impact Statements.
1.86 Supplemental statements.
1.87 NEPA and agency decisionmaking.
1.88 Implementation procedures.
1.89 Effect on prior actions.

* * * * *

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Authority: 15 U.S.C. 46(g), 42 U.S.C. 4371 *et seq.*

§ 1.81 Authority and incorporation of CEQ Regulations.

This subpart is issued pursuant to 102(2) of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4371 *et seq.*). Pursuant to Executive Order 11514 (March 5, 1970, as amended by Executive Order 11991, May 24, 1977) the Council on Environmental Quality (CEQ) has issued comprehensive regulations for implementing the procedural provisions of NEPA (43 FR 55978–56007) ("CEQ Regulations"). Although it is the Commission's position that these regulations are not binding on it, the Commission's policy is to comply fully with the CEQ Regulations unless it determines in a particular instance or for a category of actions that compliance would not be consistent with the requirements of law. With this caveat, the Commission incorporates into this subpart the CEQ Regulations. The following are supplementary definitions and procedures to be applied in conjunction with the CEQ Regulations.

§ 1.82 Declaration of policy.

(a) Except for actions which are not subject to the requirements of section 102(2)(C) of NEPA, no Commission proposal for a major action significantly affecting the quality of the human environment will be instituted unless an environmental impact statement has been prepared for consideration in the decisionmaking. All relevant environmental documents, comments, and responses as provided in this subpart shall accompany such proposal through all review processes. "Major actions, significantly affecting the quality of the human environment" referred to in this subpart "do not include bringing judicial or administrative civil or criminal enforcement actions" CEQ Regulation (40 CFR 1508.18(a)). In the event that the Commission in an administrative enforcement proceeding actively contemplates the adoption of standards or a form of relief which it determines may have a significant effect on the environment, the Commission will, when consistent with the requirements of law, provide for the preparation of an environmental assessment or an environmental impact statement or such other action as will permit the Commission to assess alternatives with a view toward avoiding or minimizing any adverse effect upon the environment.

(b) No Commission proposal for legislation significantly affecting the quality of the human environment and concerning a subject matter in which the Commission has primary responsibility will be submitted to Congress without an accompanying environmental impact statement.

(c) When the Commission finds that emergency action is necessary and an environmental impact statement cannot be prepared in conformance with the CEQ Regulations, the Commission will consult with CEQ about alternative arrangements in accordance with CEQ Regulation (40 CFR 1506.11).

§ 1.83 Whether to commence the process for an Environmental Impact Statement.

(a) The Bureau responsible for submitting a proposed rule, guide, or proposal for legislation to the Commission for agency action shall, after consultation with the Office of the General Counsel, initially determine whether or not the proposal is one which requires an environmental impact statement. Except for matters where the environmental effects, if any, would appear to be either (1) clearly significant and therefore the decision is made to prepare an environmental impact statement, or (2) so uncertain that environmental analysis would be based on speculation, the Bureau should normally prepare an "environmental assessment" CEQ Regulation (40 CFR 1508.9) for purposes of providing sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. The Bureau should involve environmental agencies to the extent practicable in preparing an assessment. An environmental assessment shall be made available to the public when the proposed action is made public along with any ensuing environmental impact statement or finding of no significant impact.

(b) If the Bureau determines that the proposal is one which requires an environmental impact statement, it shall commence the "scoping process" CEQ Regulation (40 CFR 1501.7) except that the impact statement which is part of a proposal for legislation need not go through a scoping process but shall conform to CEQ Regulation (40 CFR 1506.8). As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process, the Bureau shall publish a notice of intent as provided in CEQ Regulations (40 CFR 1501.7 and 1508.22).

(c) If, on the basis of an environmental assessment, the determination is made not to prepare a statement, a finding of "no significant impact" shall be made in accordance with CEQ Regulation (40 CFR 1508.3) and shall be made available to the public as specified in CEQ Regulation (40 CFR 1506.6).

§ 1.84 Draft environmental impact statements: Availability and comment.

Except for proposals for legislation, environmental impact statements shall be prepared in two stages: Draft statement and final statement.

(a) *Proposed rules or guides.* (1) An environmental impact statement, if deemed necessary, shall be in draft form at the time a proposed rule or guide is published in the **Federal Register** and shall accompany the proposal throughout the decisionmaking process.

(2) The major decision points with respect to rules and guides are:

(i) Preliminary formulation of a staff proposal;

(ii) The time the proposal is initially published in the **Federal Register** as a Commission proposal;

(iii) Presiding officer's report (in trade regulation rule proceedings);

(iv) Submission to the Commission of the staff report or recommendation for final action on the proposed guide or rule;

(v) Final decision by the Commission. The decision on whether or not to prepare an environmental impact statement should occur at point (i). The publication of any draft impact statement should occur at point (ii). The publication of the final environmental impact statement should occur at point (iv).

(b) *Legislative proposals.* In legislative matters, a legislative environmental impact statement shall be prepared in accordance with CEQ Regulation (40 CFR 1506.8).

(c) In rule or guide proceedings the draft environmental impact statement shall be prepared in accordance with CEQ Regulation (40 CFR 1502.9) and shall be placed in the public record to which it pertains; in legislative matters, the legislative impact statement shall be placed in a public record to be established, containing the legislative report to which it pertains; these will be available to the public through the Office of the Secretary and will be published in full with the appropriate proposed rule, guide, or legislative report; such statements shall also be filed with the Environmental Protection Agency's (EPA) Office of Environmental Review (CEQ Regulation (40 CFR 1506.9) for listing in the weekly **Federal Register** Notice of draft environmental impact statements, and shall be circulated, in accordance with CEQ Regulations (40 CFR 1502.19, 1506.6) to appropriate federal, state and local agencies.

(d) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of draft environmental impact statements. The Commission may in its discretion grant such longer period as the complexity of the issues may warrant.

§ 1.85 Final environmental impact statements.

(a) After the close of the comment period, the Bureau responsible for the matter will consider the comments received on the draft environmental impact statement and will put the draft statement into final form in accordance with the requirements of CEQ Regulation (40 CFR 1502.9(b)), attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Bureau approval of the final environmental impact statement the final statement will be

(1) Filed with the EPA;

(2) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(3) Placed in the public record of the proposed rule or guide proceeding or legislative matter to which it pertains;

(4) Distributed in any other way which the Bureau in consultation with CEQ deems appropriate.

(c) In rule and guide proceedings, at least thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergency action makes such time period impossible.

§ 1.86 Supplemental statements.

Except for proposals for legislation, as provided in CEQ Regulation (40 CFR 1502.9(c)), the Commission shall publish supplements to either draft or final environmental statements if: (a) The Commission makes substantial changes in the proposed action that are relevant to environmental concerns; or (b) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts. In the course of a trade regulation rule proceeding, the supplement will be placed in the rulemaking record.

§ 1.87 NEPA and agency decisionmaking.

In its final decision on the proposed action or, if appropriate, in its recommendation to Congress, the Commission shall consider all the alternatives in the environmental impact statement and other relevant environmental documents and shall prepare a concise statement which, in accordance with CEQ Regulation § 1505.2, shall

(a) Identify all alternatives considered by the Commission in reaching its decision or recommendation, specifying the alternatives which were considered to be environmentally preferable;

(b) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not.

§ 1.88 Implementing procedures.

(a) The General Counsel is designated the official responsible for coordinating the Commission's efforts to improve environmental quality. He will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will supplement these procedures for their Bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed to assure timely consideration of environmental factors.

(d) The General Counsel will establish procedures to assure that every legislative proposal on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, and environmental impact statement is developed to assure timely consideration of environmental factors.

(e) Parties seeking information or status reports on environmental impact statements and other elements of the NEPA process, should contact the Assistant General Counsel for Litigation and Environmental Policy.

§ 1.89 Effect on prior actions.

It is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

By direction of the Commission dated January 5, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1540 Filed 1-21-82; 8:45 am].

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6375, File No. S7-890]

Automatic Effectiveness of Post-Effective Amendments Filed by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to rule.

SUMMARY: The Securities and Exchange Commission is adopting today amendments to the rule governing automatic effectiveness of post-effective amendments to registration statements filed by registered open-end management investment companies and unit investment trusts, other than insurance company separate accounts. The amendments provide that, under certain conditions, the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not prevent the prior amendment from becoming effective automatically. The Commission is adopting these amendments primarily to facilitate the process by which an open-end investment company updates its prospectus in order to use the prospectus as the equivalent of an annual report to shareholders.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Jackson, Special Counsel, (202) 272-2115 or Susan P. Hart, Attorney, (202) 272-2098, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On July 14, 1981 the Commission published for comment amendments to paragraphs (b) and (d) of rule 485 [17 CFR 230.485] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.].[1] The Commission received two comment letters relating to the proposal. Both commentators supported the proposed amendments, however, each suggested additional changes to the rule. The additional revisions suggested by the commentators have been addressed by the Commission in a release proposing a new rule, 486, under the 1933 Act and additional amendments to rule 485.[2] The Commission today is adopting the proposed amendments without change.

The amendments to rule 485(d) provide that the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not suspend the sixty-day waiting period initiated by the filing of the prior amendment, provided that the subsequent amendment is filed pursuant to paragraph (b) of rule 485 and that it designates as its effective date the same day as the anticipated effective date of the prior filing. Paragraph (b) of rule 485, as amended, makes the subsequent amendment eligible for filing under that provision.

The amendments to rule 485 permit an investment company to file a post-effective amendment under paragraph (a) which contains an updated narrative portion of its prospectus but no updated financial statements, and then, before such amendment has become effective, to file a subsequent post-effective amendment pursuant to paragraph (b) containing updated financial statements in addition to the updated narrative. The two amendments would become effective simultaneously, the same day as the anticipated effective date of the amendment filed under paragraph (a). These changes are intended to facilitate the process by which an investment company brings its prospectus up to date when it has experienced a material event requiring disclosure under paragraph (a) but does not have complete or updated financial statements sixty days prior to the desired date of effectiveness.

Any subsequent amendment filed pursuant to paragraph (b) of rule 485, of course, must meet the criteria set forth in the amended rule for filing pursuant to that section. When a post-effective amendment is filed under paragraph (a) and the registrant intends to file an amendment under paragraph (b) to update the financial statements in the prospectus while the filing under paragraph (a) is still pending, the registrant should state in a cover letter that a post-effective amendment to update the financial statements will be filed pursuant to paragraph (b) and on what approximate date the registrant anticipates that such amendment will be filed. In addition, to facilitate the review process, the registrant should state in a cover letter accompanying the subsequent filing under paragraph (b) that it is filed for the purpose of updating the financial statements of a prospectus for which a post-effective amendment is pending under paragraph (a), and the date on which the post-

[1] Securities Act Release No. 6327 (July 8, 1981) [46 FR 36195, July 14, 1981]

[2] Securities Act Release No. 6370 published under rules and regulations in this issue.

effective amendment pursuant to paragraph (a) was filed.

The text of the proposed amendments has not been changed and the Commission hereby adopts them as set forth below:

By the Commission.

January 11, 1982.

George A. Fitzsimmons,

Secretary.

Text of Amendments to Rule 465

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising the introductory text of paragraphs (b), (b) (2) and (3), and paragraph (d) of § 230.465 to read as follows:

§ 230.465 Effective date of post-effective amendments filed by certain registered investment companies.

* * * * *

(b) Except as otherwise provided in this section, a post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the date upon which it is filed with the Commission, or such later date designated by the registrant on the facing sheet of the amendment, which date shall be not later than 20 days after the date on which the amendment is filed, provided that the following conditions are met:

* * * * *

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to the extent that such events have occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later, unless such events are disclosed in a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective:

* * * * *

(3) The registrant represents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the latest of the following three dates: (i) the effective date of the registrant's registration statement; (ii) the effective date of its most recent post-effective amendment to its registration statement which included a prospectus; or (iii) the filing date of a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective; and

* * * * *

(d)(1) Except as provided in paragraph (d)(2) of this section, a post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(2) A post-effective amendment which includes a prospectus shall become effective pursuant to paragraph (a) of this section notwithstanding the filing of a subsequent post-effective amendment relating to such prospectus, *Provided,* That such subsequent amendment is filed pursuant to paragraph (b) of this section, *And provided further,* That such subsequent amendment designates as its effective date the date on which the prior post-effective amendment shall become effective pursuant to paragraph (a). If another post-effective amendment relating to the same prospectus is filed pursuant to paragraph (a) of this section before the prior amendments filed pursuant to paragraphs (a) and (b) of this section have become effective, neither the prior amendment filed pursuant to paragraph (a) nor the amendment filed pursuant to paragraph (b) shall become effective pursuant to this section.

* * * * *

Statutory Authority

The Commission hereby adopts amendments to rule 465 pursuant to the provisions of sections 7, 8 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h and 77s(a)].

[FR Doc. 82–1585 Filed 1–21–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility; Amount of Benefits; Residence and Citizenship

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: We are revising and reorganizing our general rules on eligibility (Subpart B) under the Supplemental Security Income (SSI) program. These rules describe who may get SSI benefits, how long a person's eligibility lasts, and the reasons why a person who would otherwise be eligible for SSI benefits might not get them. We have also established a new Subpart P in which we state our rules on residence and citizenship.

We have determined that these regulations do not meet the criteria for a major regulation specified in Executive Order 12291.

EFFECTIVE DATE: These regulations are effective January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7112.

SUPPLEMENTARY INFORMATION: We published the notice of proposed rulemaking (NPRM) covering the recodification of Subpart B, the addition to Subpart D, and the new Subpart P on September 4, 1980 (45 FR 58563). A correction of a typographical error was published on September 16, 1980 (45 FR 61315). These final regulations also include the rules on redeterminations of eligibility published with interim effect on November 7, 1979 (44 FR 64402). Comments received on these publications are discussed later in this preamble.

We have retitled, rearranged, and rewritten the rules in Subpart B to simplify, and clarify the rules that have been in effect. In addition, we moved rules on benefit amounts which were in Subpart B to Subpart D where similar rules are covered and we created a new Subpart P for the specific rules on residence and citizenship. On October 29, 1981, we published an NPRM at 46 FR 53449 which proposes to change sections of prior regulations to reflect that, in April 1982, determinations of eligibility will be on a monthly basis rather than a quarterly basis. The change is required by section 2341 of Pub. L. 97–35 which establishes retrospective monthly accounting. The final regulations to implement retrospective monthly accounting will include technical changes to make it conform with the rearranged sections in this final rule on eligibility.

Definitions

We have added a new § 416.201 to define terms that are used throughout Subpart B. We use the term "resident" rather than "inmate" to identify

individuals who live in public institutions. We have clarified the definition of "resident of a public institution" to make it clear that an individual need not receive the treatment and services provided by an institution in order to be a resident. The definition also states that an individual is a resident regardless of whether the institution receives payment for whatever it provides. These definitions have been long standing policy but were not clearly stated in previous regulations.

The Federal Court of Appeals in *Levings* v. *Califano* held that the beneficiary did not meet the definition of an inmate of a public institution and was therefore eligible for SSI benefits because she resided there voluntarily and paid for any services the institution provided. SSA complied with the decision of the court for this particular case but has not changed existing policy for other beneficiaries in public institutions. We do not believe that Congress intended such a restrictive definition of "inmate". We believe that Congress intended that SSI benefits not be paid to individuals in public institutions whose needs were already being met by other public funds or by some other source. We, therefore, published a ruling of non-acquiescence in April 1980 (SSR 80–11c (Cumulative Edition 1980)). We further discuss our use of the term "resident" and non-payment of benefits to individuals who live in public institutions later in this preamble in our response to comments received following publication of the NPRM.

Initial Determinations and Redeterminations of SSI Eligibility

Section 416.203 explains what happens when a person applies for SSI benefits and when eligibility begins. Section 416.204 explains how and when we conduct redeterminations to make sure that a person is still eligible for benefits. This section includes the changes made by the interim rules published November 7, 1979 (44 FR 64402).

Reasons Why Persons May Not Get SSI Benefits for Which They Are Otherwise Eligible

Sections 416.210 through 416.214 explain that persons may not receive SSI benefits if: (1) They do not apply for all other benefits for which they may be eligible, (2) they are residents of a public institution, (3) they do not accept vocational rehabilitation services, (4) they (the disabled only) are medically determined drug addicts or alcoholics and do not accept or follow treatment, or (5) they leave the United States for a calendar month or 30 consecutive days. All of these rules are consistent with the purpose of the Supplemental Security Income program—to establish a national program to provide income to aged, blind, or disabled residents of the United States who have limited income and resources. Persons having a right to another kind of income are expected to do whatever is necessary to get it. Beneficiaries are also expected to do what they can to overcome the handicaps of disability, alcoholism, or drug addiction.

Individuals who are residents of public institutions throughout a month are not eligible for SSI benefits because of a specific provision in the statute. In defining "throughout a month" previous regulations provided that a resident had to remain in an institution continuously for 24 hours a day. We omitted the "24 hours a day" in these regulations to make the rule conform to the current practice of encouraging residents to engage in recreational and therapeutic activities outside the institution.

Qualified Individuals and Essential Persons

The rules in §§ 416.220 through 416.224 apply only to individuals who received State assistance payments for the aged, blind, or disabled for December 1973. Some of these individuals had received an increased amount of State assistance to provide for someone to live with them and give them needed care and attention. These persons may continue to receive an additional amount along with their SSI benefits. We call a person to whom we are paying SSI benefits under these circumstances a "qualified individual" and we call the one providing the necessary care an "essential person". The rules describe how both are affected under the SSI Program and what happens if a person no longer has an essential person.

Rate of SSI Benefit Payment for Certain Eligible Persons in Medical Care Facilities

Persons in medical care facilities (hospitals, skilled nursing facilities, intermediate care facilities) where Medicaid pays over 50 percent of their costs may be eligible for SSI benefits at a reduced rate. These rules were formerly located in Subpart B but are being moved to Subpart D, "Amount of Benefits" so that all information on benefit rates is in a single location.

Residence and Citizenship

We made a new Subpart P for the rules relating to residence and citizenship for SSI purposes. We have relocated these rules to give them equal emphasis with other eligibility requirements. We have retitled, rearranged, and rewritten them for greater clarity. We have also expanded the rules to include information that has been part of operating instructions. Since publication of the NPRM we have renumbered sections in this subpart to separate the subjects discussed and to provide for any future insertions that may be required by legislation or other policy changes.

To be eligible for SSI, individuals must reside in the United States (the 50 States, the District of Columbia, and the Northern Mariana Islands). In § 416.1603 we list kinds of evidence that prove residence in the United States. In response to a comment, we explain that an address in the United States may be sufficient to establish residence but that evidence will be required if a question arises. In response to another comment received following publication of the NPRM we have added § 416.1605 to explain that an individual must reside in the United States for at least 30 days in a row to establish or reestablish eligibility for SSI benefits. This rule was only in Subpart B in the NPRM and the rules in Subpart P were incomplete.

The statute also requires that an individual must be a citizen or national of the United States or have been admitted for permanent residence or be permanently residing in the United States under color of law to be eligible for SSI benefits. Section 416.1610 lists the kinds of evidence that prove citizenship and explains how residents of the Northern Mariana Islands establish that they are citizens of the United States. Section 416.1615 lists the kinds of evidence necessary to prove admission for permanent residence in the United States.

Section 416.1618 lists the kinds of evidence that prove permanent residence in the United States under color of law. These are principally documents issued by the Immigration and Nationalization Service (INS). In addition, permanent residence under color of law is established by proof of an individual's presence in the United States both before and continuously after June 30, 1948. These guidelines have been used by personnel in social security offices but all were not included in regulations.

Comments Received Following Publication of the Notice of Proposed Rulemaking (Published September 4, 1980 (45 FR 58583))

We received comments from four legal services, three State offices, two social service agencies, and one university department of gerontology. The commenters approved the clear language and the reorganization of the regulations. Each questioned one or more provisions of the regulations or suggested improvements. We have arranged the comments and our responses in the same order as the sections of the regulations and have cited the appropriate sections in the remarks or following the comment.

Comment. Five commenters, legal services and social service agencies, object to the rules on non-payment of SSI benefits to individuals who live in public institutions. Several cited *Levings* v. *Califano* in which the court ruled that an individual was not an "inmate" of a public institution because she paid for her stay in the institution. Most of the commenters also objected to the substitution of "resident" for "inmate" as they believed it to be an attempt to circumvent the court decision. Some suggested that publication of the revised rules should be deferred pending the Supreme Court decision on *Wilson* v. *Harris* (now *Schweiker* v. *Wilson*). One commenter said that these rules constitute a policy change and, therefore, should not be included in a recodification of regulations. (§§ 416.201 and 416.211)

Response. The Social Security Administration has applied the rules as stated in these regulations since the SSI program began in 1974. On August 9, 1973, the Commissioner of Social Security issued a decision which stated the policy and explained its basis as follows:

> * * * strong consideration was given to modifying the definition somewhat to allow an exception from "inmate" status for individuals who are in public institutions but paying for the cost of their care with title XVIII (Medicare) benefits, private insurance benefits, personal or family funds * * *. This would place the individual on par with one paying his own way in a private institution. However, we are not proposing this modification because of the general concern * * * that making supplemental security income payments to a person who is in a public institution for a full calendar month or longer would not aid the recipient but would in fact aid only the public institution which would use the benefits to offset its costs in maintaining the individual. Such an institution often establishes its charges for a needy individual based on the income available to that individual. Consequently, should the individual be eligible for a supplemental security income payment, the institutional charge would be greater than if such payment was not available and the program benefits would accrue to the institution and not the recipient. * * *

SSA continues to believe that this policy properly implements the statute. American Heritage Dictionary defines "inmate" as: "1. a resident in a building or dwelling. 2. A person confined to an institution such as a prison, hospital, or asylum." Webster's unabridged dictionary gives similar definitions with the third, and last, relating to confinement. Thus, "inmate" and "resident" can have the same meaning. Use of one or the other does not change the impact of the rules but "resident" imparts more dignity to the individual. It should also be noted that while section 1611(e)(1)(A) of the Act refers to "inmates," the exception to the definition of public institution in section 1611(e)(1)(C) refers to those persons as "residents". Thus, Congress has used "inmate" and "resident" interchangeably in the same section.

Since publication of the NPRM the Supreme Court has rendered its decision on *Schweiker* v. *Wilson* (101 S. Ct. 1074 (1981)). This case concerned Medicaid eligibility and payment of reduced benefits ($25 per month) to certain individuals in public mental institutions. The court held that sections 1611(e)(1)(A) and (B) of the Social Security Act are constitutional, that payment of the $25 reduced benefit can properly be limited to individuals who are in public mental institutions and are supported by Medicaid. The opinon of the court does not affect these regulations.

While not applicable to these particular rules, a recodification of regulations is a proper vehicle for changes in policy. SSA publishes recodifications of regulations as notices of proposed rulemaking so that interested persons can comment before the final rules are drafted and published.

Comment. A legal service objects to the filing of an application as a requirement for eligibility. They suggest that the need to file be located with the applications rules. (§ 416.202)

Response. An individual cannot become eligible for SSI benefits unless an application is filed with the Social Security Administration. The previous omission of this as a requirement for eligibility has raised questions. Under the law benefits are paid on the basis of an application.

Comment. A legal service asks that the regulation be expanded to include a statement that income received prior to application is not to be considered in determining eligibility. (§ 416.203)

Response. We explain in § 416.203 what periods are considered when individuals apply for SSI. If they apply in the first month of a calendar quarter eligibility is determined for the quarter. If they apply in the second or third month of a quarter, eligibility is determined on a monthly basis in that quarter beginning with the month of application. Thus, income received prior to the month of application is not income as of the month of application. Income received in or after the month of application is counted as income. The rules on income are explained in detail in Subpart K of Part 416 of the Code of Federal Regulations. If income was received prior to the month or quarter of application and is still available to the individual, it is a resource and may affect eligibility. Rules on resources are in Subpart L of these regulations.

Comment. A State suggested that redetermination plans and schedules should be a mutual effort between SSA and the States. (§ 416.204)

Response. We recognize that SSA and States share interest in preventing payment errors but a mutual effort would be impractical. As we explain in our response to comments in the next section of this preamble, the selection of redeterminations is a computer process and is on both a regional and national basis. The experiences of the States within a region are considered and the selection is pinpointed to an area even though not to individual States. In any event, annual redeterminations remain the standard with only those beneficiaries likely to have little payment error scheduled less frequently (at three-year intervals).

Comment. A State questions the rule in § 416.210 which states that individuals need not reapply for other benefits if they applied in the past and the reasons they were turned down have not changed. The State believes that individuals should always be required to reapply for other benefits since the rules for the other benefits may change. They suggest a time limit, for example, that indivdiuals who have been denied benefits within a year need not reapply.

Response. If there is any possibility of a change in eligibility rules for other benefits, individuals are required to reapply. The exception to having to reapply is limited to the kinds of situations that do not change.

Social Security office employees are informed about changes in Federal programs such as railroad retirement

and veterans' programs and know whether reapplication could be productive.

We believe a time limit would be impractical. Some eligibility requirements may have changed recently and others may never change.

Comment. A State believes that there is a conflict between the rules on essential persons and those on a temporary absence for medical treatment. They ask how an essential person's increment is paid if the qualified individual is temporarily, but throughout a month, receiving treatment in an institution and supported by Medicaid. (§§ 416.221–416.223, and 416.414)

Response. If a qualified individual is in an institution throughout a month and is supported by Medicaid, he or she is eligible to receive only the reduced benefit of $25 for that month. The individual does not need the services of the essential person and the increment is not added to the $25. The qualified person can again receive the essential person increment on returning from the institution to the former living arrangement. The essential person does not receive a payment directly.

Comment. The institute of gerontology and a legal service question the need for an applicant to prove residence in the United States. Both point out that many individuals live with others and cannot supply any of the kinds of evidence listed in § 416.1603.

Response. We have revised this section to state that an address in the United States may be sufficient to establish residence in the United States. This has been the existing policy and we did not intend to change it. We wanted to spell out what kinds of evidence will establish residence if a question arises. Residence in the United States is a statutory requirement for eligibility so it must be established. The information some individuals give us raises questions as to where they actually live.

Comments. A State Department of Social Services suggests that the 30-day rule for residence in the United States be stated in Subpart P (Residence and Citizenship) in addition to Subpart B (Eligibility). (§ 416.1602)

Response. We agree that the rules on residence and presence in the United States should be covered in Subpart P so we have added § 416.1605. This section states that an individual must live in the United States for at least 30 days in a row to be considered a resident. It also explains the effects of absence from and return to the United States.

Comments Received Following Publication of Interim Regulations on Redeterminations of Eligibility (Published November 7, 1979 (44 FR 64403))

We received comments from four State offices and a legal service. All approved of extending the period between redeterminations but raised questions or suggested some changes. We do not cite sections of regulations in this section since the comments are general.

Comment. Several States and a legal aid service suggested that the criteria for scheduling redeterminations be made available to States and the public. Some also suggested that beneficiaries be advised as to when to expect a redetermination.

Response. The scheduling of redeterminations is a highly sophisticated computer process similar to quality control programs set up by a number of States. Error profiles are developed each year for each region. Redeterminations are scheduled depending on the error profiles and releases are staggered over the year. After an initial application, redeterminations will be scheduled within three to eleven months. Thereafter, the general rule is that redeterminations will be conducted annually, not necessarily in the anniversary month because of the computer process selections. A small percentage of beneficiaries now have redeterminations less frequently because they are in situations already identified by the profile process as having low payment errors. Even some of these are scheduled annually if the individual record includes a complicating factor.

More experience with error profiles is necessary before other low error profiles can be determined to justify less frequent redeterminations.

The complex process makes it impossible to foretell when an individual redetermination will be scheduled. Interviewers in social security offices explain the general rules so that beneficiaries know what to expect.

Comment. A State Department of Administration suggested that annual redeterminations be eliminated, that all be scheduled on the basis of the likelihood of error or on receipt of information that suggests a change in eligibility.

Response. SSA does schedule redeterminations on the basis of the likelihood of error. Those records likely to be subject to error are scheduled annually; those less likely to produce errors are scheduled every three years. Annual contacts have been very productive in revealing changes in circumstances that affect benefit payments. Many beneficiaries do not understand or remember what changes in their circumstances affect their benefits. The annual contacts may also be helpful to beneficiaries who do not keep up with various other programs that provide needed services.

Comment. A State suggested that exchange of information between SSA and States should be timely and accurate. This State also suggested that eligibility redeterminations for title XIX (Medicaid) and tile XX (social services) be revised to reduce State administrative costs.

Response. SSA exchanges information with States as timely and accurately as possible. There is a continuing effort to improve this exchange, to make it more valuable to Federal and State offices. SSA does not administer title XIX or title XX eligibility redeterminations. Any problem areas with SSA should be brought to our attention and those in other program areas should be brought to the attention of the appropriate program offices. We need to know of problems to be able to correct them.

Comment. A State recommends that SSA appraise its functions in regard to initial determinations and redeterminations to reduce errors. It also recommends the development of "error prone" criteria.

Response. SSA maintains on-going appraisal programs in all its operations with particular attention to SSI cases. Gathering data takes time and experience and we are accumulating it. The development of the error profiles and the adoption of the computer process for scheduling redeterminations are major steps in our efforts and should reduce errors.

Comments. A State Department of Public Health asks that SSA collect more complete medical resource information at initial filing or on redeterminations.

Response. Review of medical data is not part of the redetermination process described in these regulations. When an applicant is found to be disabled and eligible for SSI benefits the nature and extent of the disability determines when a review of the disabling condition will be scheduled. We call this a continuing disability investigation. Redeterminations as they apply to Subpart B regulations are reviews of eligibility other than the disabling condition. It is possible for a redetermination and a continuing disability investigation to coincide and

the necessary information for both will be obtained at the same time but subsequent actions differ. A redetermination may be completely processed in a social security office but a continuing disability investigation requires expert medical review not available in the Social Security office. We have added a statement to § 416.204 to clarify that continuation of disability reviews are not part of the usual redetermination process.

While not related to these regulations, we are conducting studies to try to make the data on medical evidence more helpful to those who must decide whether an individual is disabled.

Comment. A legal aid service proposes that SSA verify information received from a third party before scheduling a redetermination.

Response. When SSA receives a third-party report that affects the eligibility of an SSI beneficiary, we talk with the beneficiary. We do not automatically conduct a redetermination but will if the circumstances so indicate. Our first contact is with the beneficiary and we seek verification from others if the beneficiary's information is incomplete.

There are no specific reporting or recordkeeping requirements requiring OMB approval in these regulations. All descriptions are general in nature and are treated individually, and in depth, in related existing regulations.

We certify that these regulations do not have a significant impact on small entities because these regulations affect only individuals. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

The proposed regulations with these changes are adopted as shown below.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: October 29, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: January 4, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. Subpart B of Part 416 is revised to read as follows:

Subpart B—Eligibility

General

Sec.
416.200 Introduction.
416.201 General definitions and terms used in this subpart.
416.202 Who may get SSI benefits.
416.203 Initial determinations of SSI eligibility.
416.204 Redeterminations of SSI eligibility.

Reasons Why You May Not Get SSI Benefits for Which You Are Otherwise Eligible

416.210 You do not apply for other benefits.
416.211 You are a resident of a public institution.
416.212 You do not accept vocational rehabilitation services.
416.213 You are a disabled and medically determined drug addict or alcoholic and you do not accept or follow treatment.
416.214 You leave the United States.

Eligibility for Increased Benefits Because of Essential Persons

416.220 General.
416.221 Who is a qualified individual.
416.222 Who is an essential person.
416.223 What happens if you are a qualified individual.

Authority.—Secs. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended, Secs. 211 and 212 of Pub. L. 93-66, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1466, 86 Stat. 1471, and 86 Stat. 1475, 42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383.

Subpart B—Eligibility

General

§ 416.200 Introduction.

You are eligible for SSI benefits if you meet all the basic requirements listed in § 416.202. You must give us any information we request and show us necessary documents or other evidence to prove that you meet these requirements. We determine your eligibility and benefit amount for each calendar quarter on the basis of the income you receive within that quarter. You continue to be eligible and receive benefits unless you lose your eligibility because you no longer meet the basic requirements or because of one of the reasons given in §§ 416.210 through 416.214.

§ 416.201 General definitions and terms used in this subpart.

"Calendar quarter" means a period of three full calendar months beginning with January, April, July, or October.

"Institution" means an establishment that makes available some treatment or services in addition to food and shelter to four or more persons who are not related to the proprietor.

"Medical care facility" means a hospital (defined in section 1861(e) of the Act), a skilled nursing facility (defined in section 1861(j) of the Act), or an intermediate care facility (defined in section 1905(c) of the Act).

"Public institution" means an institution that is operated by or controlled by the Federal government, a State, or a political subdivision of a State such as a city or county. The term "public institution" does not include a publicly operated community residence which serves 16 or fewer residents.

"Resident of a public institution" means a person who can receive substantially all of his or her food and shelter while living in a public institution. The person need not be receiving treatment and services available in the institution and is a resident regardless of whether the resident or anyone else pays for all food, shelter, and other services in the institution. A person is not a resident of a public institution if he or she is living in a public educational institution (as defined in § 404.367(a)) and is enrolled in or registered for the education or vocational training provided by the institution. A "resident" of a public institution means the same thing as an "inmate" of a public institution as used in section 1611(e)(1)(A) of the Social Security Act.

"SSI" means supplemental security income.

"State assistance" means payments made by a State to an aged, blind, or disabled person under a State plan approved under title I, X, XIV, or XVI (AABD) of the Social Security Act which was in effect before the SSI Program.

"We" or "Us" means the Social Security Administration.

"You" or "Your" means the person who applies for or receives SSI benefits or the person for whom an application is filed.

§ 416.202 Who may get SSI benefits.

You are eligible for SSI benefits if you meet all of the following requirements:

(a) You are—

(1) Aged 65 or older (Subpart H);

(2) Blind (Subpart I); or

(3) Disabled (Subpart I).

(b) You are a resident of the United States (§ 416.1602), and—

(1) A citizen or a national of the United States (§ 416.1603);

(2) An alien lawfully admitted for permanent residence in the United States (§ 416.1604); or

(3) An alien permanently residing in the United States under color of law (§ 416.1605).

(c) You do not have more income than is permitted (Subparts K and D).

(d) You do not have more resources than are permitted (Subpart L).

(e) You file an application for SSI benefits (Subpart C).

§ 416.203 Initial determinations of SSI eligibility.

(a) *What happens when you apply for SSI benefits.* When you apply for SSI benefits we will ask you for documents and any other information we need to make sure you meet all the requirements. We will ask for information about your income and resources and about other eligibility requirements and you must answer completely. We will help you get any documents you need but do not have.

(b) *How we determine your eligibility for SSI benefits.* If you apply for SSI benefits in the first month of a calendar quarter, we determine your eligibility for the whole calendar quarter. If you apply for benefits in the second or third month of the calendar quarter, we determine your eligibility for SSI benefits separately for each month in that calendar quarter. After the first quarter, we determine your eligibility for whole calendar quarters.

§ 416.204 Redeterminations of SSI eligibility.

(a) *Redeterminations defined.* A redetermination is a review of your eligibility to make sure that you are still eligible and that you are receiving the right amount of SSI benefits. This review deals with the requirements for eligibility other than whether you are still disabled or blind. Continuation of disability or blindness reviews are discussed in §§ 416.989 and 416.990.

(b) *When we make redeterminations.* (1) We redetermine your eligibility on a scheduled basis at periodic intervals. The length of time between scheduled redeterminations varies depending on the likelihood that your situation may change in a way that affects your benefits.

(2) We may also redetermine your eligibility when you tell us (or we otherwise learn) of a change in your situation which affects your eligibility or the amount of your benefit.

(c) *The period for which a redetermination applies.* (1) The first redetermination applies to—

(i) The calendar quarter in which we make the redetermination;

(ii) All the calendar quarters after the calendar quarter of first eligibility; and

(iii) Future calendar quarters until the second redetermination.

(2) All other redeterminations apply to—

(i) The calendar quarter in which we make the redetermination;

(ii) All the calendar quarters that came after the last time we made a redetermination; and

(iii) Future calendar quarters until the next redetermination.

(3) If we made two redeterminations which cover the same calendar quarter, the later redetermination is the one we apply to that quarter.

Reasons Why You May Not Get SSI Benefits for Which You Are Otherwise Eligible

§ 416.210 You do not apply for other benefits.

(a) *General rule.* You are not eligible for SSI benefits if you do not apply for all other benefits for which you may be eligible.

(b) *What "other benefits" includes.* "Other benefits" includes annuities, pensions, retirement benefits, and disability benefits. For example, veterans' compensation and pensions; worker's compensation payments; retirement, survivors, and disability insurance benefits; and unemployment insurance benefits are all "other benefits".

(c) *Our notice to you.* We will give you a dated, written notice that will tell you about any other benefits that we think you are likely to be eligible for. In addition, the notice will explain that your eligibility for SSI benefits will be affected if you do not apply for those other benefits.

(d) *What you must do to apply for other benefits.* In order to apply for other benefits, you must file any required applications and do whatever else is needed so that your eligibility for the other benefits can be determined. For example, if any documents (such as a copy of a birth certificate) are required in addition to the application, you must submit them.

(e) *What happens if you do not apply for the other benefits.* (1) If you do not apply for the other benefits within 30 days from the day that you receive our written notice, you are not eligible for SSI benefits. This means that if you are applying for SSI benefits, you cannot receive them. If you are receiving SSI benefits, your SSI benefits will stop. In addition, you will have to repay us for any SSI benefits that you received beginning with the month that you received our written notice. We assume (unless you prove otherwise) that you received our written notice 5 days after the date shown on the notice. We will also find that you are not eligible for SSI benefits if you file the required application for other benefits but do not take other necessary steps to obtain them.

(2) We will not find you ineligible for SSI benefits if you have a good reason for not applying for the other benefits within the 30-day period or taking other necessary steps to obtain them. You may have a good reason if, for example—

(i) You are incapacitated (because of illness you were not able to apply); or

(ii) It would be useless for you to apply (you once applied for the benefits and the reasons why you were turned down have not changed).

§ 416.211 You are a resident of a public institution.

(a) *General rule.* You are not eligible for SSI benefits for any month throughout which you are a resident of a public institution (defined in § 416.201). By "throughout" a month we mean that you reside in an institution as of the beginning of a month and stay the entire month. If you have been a resident of an institution, you remain a resident if you are transferred from one public institution to another or if you are temporarily absent for a period of not more than 14 consecutive days. A person also is a resident of an institution throughout a month if he or she is born in the institution during the month and resides in the institution the rest of the month or resides in the institution as of the beginning of a month and dies in the institution during the month.

(b) *Exception for medical care facilities.* You may be eligible for SSI benefits at the reduced rate described in § 416.414 if—

(1) The public institution in which you reside throughout a month—

(i) Is a medical care facility; and

(ii) Medicaid (title XIX of the Act) pays a substantial part (more than 50 percent) of the cost of your care; or

(2) You reside for part of a month in a public institution and for the rest of the month are in a public or private medical care facility where Medicaid pays more than 50 percent of the cost of your care.

(c) *Exception for publicly operated community residences which serve no more than 16 residents.* (1) *General rule.* If you are a resident of a publicly operated community residence which serves no more than 16 residents, you may be eligible for SSI benefits.

(2) *Services that a facility must provide in order to be a community residence.* To be a community residence, a facility must provide food and shelter. In addition, it must make available some other services. For example, the other services could be—

(i) Social services;

(ii) Help with personal living activities;

(iii) Training in socialization and life skills; or

(iv) Providing occasional or incidental medical or remedial care.

(3) *"Serving no more than 16 residents".* A community residence serves no more than 16 residents if—

(i) It is designed and planned to serve no more than 16 residents, or the design and plan were changed to serve no more than 16 residents; and

(ii) It is in fact serving 16 or fewer residents.

(4) *"Publicly operated".* A community residence is publicly operated if it is operated or controlled by the Federal government, a State, or a political subdivision of a State such as a city or county.

(5) *Facilities which are not a "publicly operated community residence".* If you live in any of the following facilities, you are not a resident of a publicly operated community residence:

(i) A residential facility which is on the grounds of or next to a large institution or multipurpose complex;

(ii) An educational or vocational training institution whose main function is to provide an approved, accredited, or recognized program to some or all of those who live there;

(iii) A jail or other facility in which your personal freedom is restricted because you are a prisoner, are being held under court order, or are being held until charges against you are disposed of; or

(iv) A medical care facility (defined in § 416.201).

§ 416.212 You do not accept vocational rehabilitation services.

If you are disabled or blind, you must accept any appropriate vocational rehabilitation services offered to you by the State agency to which we refer you. If you refuse these services, you are not eligible for benefits unless you have a good reason for not accepting them. The rules on vocational rehabilitation services are in Subpart Q.

§ 416.213 You are disabled and a medically determined drug addict or alcoholic and you do not accept or follow treatment.

If you receive benefits because you are disabled and you are a medically determined drug addict or alcoholic, you must accept any appropriate treatment for your drug addiction or alcoholism that we make available to you. So long as you refuse the treatment, you are not eligible to receive SSI benefits. The rules regarding treatment for drug addiction and alcoholism are in Subpart I.

§ 416.214 You leave the United States.

You lose your eligibility for SSI benefits for any month during all of which you are outside of the United States. If you are outside of the United States for 30 days or more in a row, you are not considered to be back in the United States until you are back for 30 days in a row. You may again be eligible for SSI benefits in the month in which the 30 days end if you continue to meet all other eligibility requirements. By "United States" we mean the 50 States the District of Columbia, and the Northern Mariana Islands.

Eligibility for Increased Benefits Because of Essential Persons

§ 416.220 General.

If you are a "qualified" individual and have an essential person you may be eligible for increased benefits. You may be a qualified individual and have an essential person only if you received benefits under a State assistance plan approved under title I, X, XIV, or XVI (AABD) of the Act for December 1973. Definitions and rules that apply to qualified individuals and essential persons are discussed in §§ 416.221 through 416.223.

§ 416.221 Who is a qualified individual.

You are a qualified individual if—

(a) You received aid or assistance for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI (AABD) of the Act;

(b) The State took into account the needs of another person in deciding your need for the State assistance for December 1973;

(c) That other person was living in your home in December 1973; and

(d) That other person was not eligible for State assistance for December 1973.

§ 416.222 Who is an essential person.

(a) *General rule.* A person is an essential person if—

(1) That person has continuously lived in the home of the same qualified individual since December 1973;

(2) That person was not eligible for State assistance for December 1973;

(3) That person was never eligible for SSI benefits in his or her own right or as an eligible spouse; and

(4) There are State records which show that under a State plan in effect for June 1973, the State took that person's needs into account in determining the qualified individual's need for State assistance for December 1973.

Any person who meets these requirements is an essential person. This means that the qualified individual can have more than one essential person.

(b) *Absence of an essential person from the home of a qualified individual.* An essential person may be temporarily absent from the house of a qualified individual and still be an essential person. For example, the essential person could be hospitalized. We consider an absence to temporary if—

(1) The essential person intends to return;

(2) The facts support this intention;

(3) It is likely that he or she will return; and

(4) The absence is not longer than 90 days.

(c) *Absence of a qualified individual from his or her home.* You may be temporarily absent from your home and still have an essential person. For example, you could be hospitalized. We consider an absence to be temporary if—

(1) You intend to return;

(2) The facts support your intention;

(3) It is likely that you will return; and

(4) Your absence does not exceed six months.

(d) *Essential person becomes eligible for SSI benefits.* If an essential person becomes eligible for SSI benefits, he or she will no longer be an essential person beginning with the month that he or she becomes eligible for the SSI benefits.

§ 416.223 What happens if you are a qualified individual.

(a) *Increased SSI benefits.* We may increase the amount of your SSI benefits if—

(1) You are a qualified individual; and

(2) You have one or more essential persons in your home.

In Subpart D, we explain how these increased benefits are calculated.

(b) *Income and resource limits.* If you are a qualified individual, we consider the income and resources of an essential person in your home to be yours. You are eligible for increased SSI benefits if—

(1) Your resources which are counted do not exceed the limit for SSI eligibility purposes (see Subpart L); and

(2) Your income which is counted for SSI eligibility purposes (see Subpart K) does not exceed the sum of—

(i) The SSI Federal benefit rate (see Subpart D); and

(ii) The proper number of essential person increments (for the value of an essential person increment see Subpart D). One essential person increment is added to the SSI Federal benefit rate for each essential person in your home.

(c) *Excluding the income and resources of an essential person.* (1)

While an essential person increment increases your SSI Federal benefit rate, that person's income which we consider to be yours may actually result in a lower monthly payment to you. We will discuss this with you and explain how an essential person affects your benefit. If you choose to do so, you may ask us in writing to determine your eligibility without your essential person or, if you have more than one essential person, without one or more of your essential persons. We will then figure the amount of your SSI benefits without counting as your own income and resources of the essential persons that you specify and we will end the essential person increment for those essential persons. You should consider this carefully because once you make the request, you cannot withdraw it. We will make the change beginning with the month following the month that you make the request.

(2) We will not include the income and resources of the essential person if the person's income or resources would cause you to lose your eligibility. The loss of the essential person increment will be permanent.

2. The authority citation for Subpart D of Part 416 reads as follows:

Authority: Sections 1102, 1611, 1612, and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1475; 42 U.S.C. 1302, 1382, 1382a, and 1383.

3. In Subpart D a new § 416.414 is added to read as follows:

§ 416.414 Amount of benefits; eligible individual or eligible couple in a medical care facility.

(a) *General rule.* There is a reduced SSI benefit rate for persons who are in medical care facilities where more than 50 percent of the cost of their care is paid by a State plan approved under title XIX of the Social Security Act (Medicaid). Persons to whom this benefit rate applies are—

(1) Those who are otherwise eligible and who are in the medical care facility throughout a month (By "throughout a month" we mean that you are in the medical care facility as of the beginning of the month and stay the entire month. If you are in a medical care facility you will be considered to have continuously been staying there if you are transferred from one medical care facility to another or if you are temporarily absent for a period of not more than 14 consecutive days.); and

(2) Those who reside for part of a month in a public institution and for the rest of the month are in a public or private medical care facility where Medicaid pays more than 50 percent of the cost of their care.

(b) *The benefit rates are—*

(1) *Eligible individual.* The benefit rate for an eligible individual with no eligible spouse is $300 per year. The benefit payment is figured by subtracting the eligible individual's countable income (see Subpart K) from the benefit rate.

(2) *Eligible couple both in medical care facilities.* The benefit rate for a couple is $600 a year. The benefit payment is figured by subtracting the couple's countable income (see Subpart K) from the benefit rate.

(3) *Eligible couple with one spouse in a medical care facility.* The couple's benefit rate equals:

(i) $300 per year for the spouse in the medical care facility; plus

(ii) The benefit rate for an eligible individual (see § 416.410) for the spouse who is not in the medical care facility. The benefit payment for each spouse is figured by subtracting each individual's own countable income from his or her portion of the benefit rate shown in subparagraphs (i) and (ii) of paragraph (b)(3).

(c) *Definition.* For purposes of this section a "medical care facility" means a hospital (see section 1861(e) of the Act), a skilled nursing facility (see section 1861(j) of the Act) or an intermediate care facility (see section 1905(c) of the Act).

(Secs. 1102, 1611, and 1631 of the Social Security Act as amended, 49 Stat. 647, as amended, 86 Stat. 1466 as amended, 86 Stat. 1475, 42 U.S.C. 1302, 1382, and 1383)

4. A new Subpart P is added to Part 416 to read as follows:

Subpart P—Residence and Citizenship

Sec.

416.1600 Introduction.
416.1601 Definitions and terms used in this subpart.
416.1603 How to prove you are a resident of the United States.
416.1605 How long you must be present in the United States.
416.1610 How to prove you are a citizen or a national of the United States.
416.1615 How to prove you are lawfully admitted for permanent residence in the United States.
416.1618 How to prove you are permanently residing in the United States under color of law.

Authority: Secs. 1102, 1614, and 1631 of the Social Security Act as amended, 49 Stat. 647 as amended, 86 Stat. 1471, and 86 Stat. 1475, 42 U.S.C. 1302, 1382c, and 1383.

Subpart P—Residence and Citizenship

§ 416.1600 Introduction.

You are eligible for supplemental security income (SSI) benefits if you meet the requirements in Subpart B. Among these are requirements that you must be a resident of the United States and either a citizen, a national, or an alien with a lawful right to reside permanently in the United States. In this subpart, we tell you what kinds of evidence show that you are a resident of the United States (see § 416.1603) and—

(a) A citizen or a national of the United States (see § 416.1610);

(b) An alien lawfully admitted for permanent residence in the United States (see § 416.1615); or

(c) An alien permanently residing in the United States under color of law (see § 416.1618).

§ 416.1601 Definitions and terms used in this subpart.

"We" or "Us" means the Social Security Administration.

"You" or "Your" means the person who applies for or receives SSI benefits or the person for whom an application is filed.

§ 416.1603 How to prove you are a resident of the United States.

(a) *What you should give us.* Your home address in the United States may be sufficient to establish that you are a resident. However, if we have any reason to question that you are a resident of the United States we will ask for evidence. You can prove you are a resident of the United States by giving us papers or documents showing that you live in the United States such as—

(1) Property, income, or other tax forms or receipts;

(2) Utility bills, leases or rent payment records;

(3) Documents that show you participate in a social services program in the United States; or

(4) Other records or documents that show you live in the United States.

(b) *What "resident of the United States" means.* We use the term "resident of the United States" to mean a person who is living within the geographical limits of the United States.

(c) *What "United States" means.* We use the term "United States" in this section to mean the 50 States, the District of Columbia, and the Northern Mariana Islands.

§ 416.1605 How long you must be present in the United States.

You must be present in the United States for 30 days in a row for us to consider you a resident. You lose your

eligibility for any month all of which you are outside the United States. If you are outside the United States for 30 days in a row, you are not considered to be back in the United States until you are back for 30 days in a row. You may again be eligible for SSI benefits in the month in which the 30 days ends.

§ 416.1610 How to prove you are a citizen or a national of the United States.

(a) *What you should give us.* You can prove that you are a citizen or a national of the United States by giving us—

(1) A certified copy of your birth certificate which shows that you were born in the United States;

(2) A certified copy of a religious record of your birth or baptism which shows you were born in the United States;

(3) Your naturalization certificate;

(4) Your United States passport;

(5) Your certificate of citizenship;

(6) An identification card for use of resident citizens in the United States (Immigration and Naturalization Service Form I–197); or

(7) An identification card for use of resident citizens of the United States by both or naturalization of parents (INS Form I–179).

(b) *How to prove you are an interim citizen of the United States if you live in the Northern Mariana Islands.* As a resident of the Northern Mariana Islands you must meet certain conditions to prove you are an interim citizen of the United States. You must prove that you were domiciled in the Northern Mariana Islands as required by section 8 of the Schedule of Transitional Matters of the Constitution of the Northern Mariana Islands, or that you were born there after March 6, 1977. By "domiciled" we mean that you maintained a residence with the intention of continuing that residence for an unlimited or indefinite period, and that you intended to return to that residence whenever absent, even for an extended period. You must also give us proof of your citizenship if you are a citizen of the Trust Territory of the Pacific Islands of which the Marianas are a part.

(1) You can prove you were domiciled in the Northern Mariana Islands by giving us—

(i) Statements of civil authorities; or

(ii) Receipts or other evidence that show you were domiciled there.

(2) You can prove that you are a citizen of the Trust Territory of the Pacific Islands by giving us—

(i) Your identification card issued by the Trust Territory of the Pacific Islands and a public or religious record of age which shows you were born in this territory;

(ii) Your voter's registration card;

(iii) A Chammoro Family Record showing your birth in the Trust Territory of the Pacific Islands; or

(iv) Your naturalization certificate.

(c) *What to do if you cannot give us the information listed in paragraph (a) or (b).* If you cannot give us any of the documents listed in paragraph (a) or (b), we may find you to be a citizen or a national of the United States if you—

(1) Explain why you cannot give us any of the documents; and

(2) Give us any information you have which shows or results in proof that you are a citizen or a national of the United States. The kind of information we are most concerned about shows—

(i) The date and place of your birth in the United States;

(ii) That you have voted or are otherwise known to be a citizen or national of the United States; or

(iii) The relationship to you and the citizenship of any person through whom you obtain citizenship.

(d) *What "United States" means.* We use the term "United States" in this section to mean the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, Swain's Island, and the Northern Mariana Islands.

§ 416.1615 How to prove you are lawfully admitted for permanent residence in the United States.

(a) *What you should give us.* You can prove that you are lawfully admitted for permanent residence in the United States by giving us—

(1) An Alien Registration Receipt Card (Immigration and Naturalization Service (INS) Form I–151 or I–551);

(2) A reentry permit; or

(3) An alien identification card issued by the government of the Northern Mariana Islands showing that you are admitted to the Northern Mariana Islands for permanent residence.

(b) *What to do if you cannot give us the information listed in paragraph (a).* If you cannot give us any of the documents listed in paragraph (a), we may find you to be lawfully admitted for permanent residence in the United States if you—

(1) Explain why you cannot give us any of the documents; and

(2) Give us any information you have which shows or results in proof that you are lawfully admitted for permanent residence in the United States.

(c) *What "United States" means.* We use the term "United States" in this section to mean the 50 States, the District of Columbia, and the Northern Mariana Islands.

§ 416.1618 How to prove you are permanently residing in the United States under color of law.

(a) *What you should give us.* You can prove you are permanently residing in the United States under color of law by giving us—

(1) An Arrival-Departure Record (Immigration and Naturalization Service (INS) Form I–94) endorsed "Refugee Conditional Entry" and showing the section of the Immigration and Nationality Act under which you were admitted.

(2) An Arrival-Departure Record (INS Form I–94) endorsed to show that you are paroled for an indefinite period under section 212(d)(5) of the Immigration and Nationality Act;

(3) An Arrival-Departure Record (INS Form I–94) endorsed "Voluntary Departure Granted—Employment Authorized" (this form and an INS letter are given to persons affected by a United States District Court order issued March 10, 1977);

(4) An Arrival-Departure Record (INS Form I–94) endorsed "Admitted as a refugee pursuant to section 207 of the Immigration and Naturalization Act";

(5) An Order of Supervision (INS Form I–220B) which shows you have been granted an indefinite stay of deportation.

(6) Any other letter or document from the Immigration and Naturalization Service showing that you have been granted either an indefinite voluntary departure or an indefinite stay of deportation; or

(7) Proof of your presence in the United States before June 30, 1948, and proof of your continuous residence thereafter.

(b) *What to do if you cannot give us the information listed in paragraph (a).* If you cannot give us any of the documents listed in paragraph (a), we may find you to be permanently residing in the United States under color of law if you—

(1) Explain why you cannot give us any of the documents; and

(2) Give us any information you have which shows or results in proof that you are permanently residing in the United States under color of law. We will contact the Immigration and Naturalization Service to help establish that you meet this color of law rule.

(c) *What "United States" means.* We use the term "United States" in this section to mean the 50 States, the

District of Columbia, and the Northern Mariana Islands.

[FR Doc. 82-1622 Filed 1-21-82; 8:45 am]
BILLING CODE 4110-87-M

Food and Drug Administration

21 CFR Part 166

[Docket No. 78P-0254]

Margarine Labeling; Extension and Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; extension and confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is extending and confirming the effective date for compliance with the amendment of the margarine labeling regulation which removed those provisions that set forth the names by which certain ingredients in oleomargarine or margarine should be declared. That amendment was published in the **Federal Register** of June 12, 1981.

DATE: The effective date for compliance with the amendment of the margarine standard is July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: A final regulation was published in the **Federal Register** of June 12, 1981 (46 FR 31004) to amend the margarine labeling regulation by removing those provisions, § 166.40(b)(1) through (10) (21 CFR 166.40(b)(1) through (10)), which set forth the names by which certain ingredients in oleomargarine or margarine should be declared. Any person who would be adversely affected could, on or before July 13, 1981, submit written objections to the amendment and, if desired, request a hearing on the specific provisions to which there were objections. Two letters, containing objections but no requests for a hearing, were received in response to the final regulation. The objections and the agency's responses are as follows:

1. One objection asserted that the new labeling requirements would require costly and frequent changes of the inner wrappers to make them conform with the outer package.

This objection is outside the scope of this rule because the removal of § 166.40(b)(1) through (10) will not require changes in any of the information currently required to be placed on the inner wrappers of margarine or oleomargarine. Further, because these inner wrappers are exempt from the declaration of ingredients as set forth in § 166.40(i), this amendment does not affect that exemption.

2. Two objections asserted that FDA was in error not to continue to permit the listing of fat/oil ingredients separately as a group at the beginning of the ingredient statement without a grouping phrase (e.g., vegetable oil blend) as required by the labeling regulations set forth in § 101.4(b)(14) (21 CFR 101.4(b)(14)).

This objection, too, is outside the scope of the issues presented by the proposal and is based on a misunderstanding of the effect of the amendment. The agency advises that, since 1976 (see 41 FR 1156; January 6, 1976 and subsequent issues 41 FR 5632; February 9, 1976 and 41 FR 14178; April 2, 1976) when § 101.4(b)(14) was promulgated, the standard of identity for margarine (21 CFR 166.110), by cross reference to 21 CFR Part 101, requires a grouping phrase (e.g., vegetable oil blend) before a parenthetical listing of the fat and/or oil ingredients to be placed in the ingredient statement of margarine. As stated in the earlier stages of this proceeding, the sole purpose of the amendment of § 166.40(b) is to make it consistent with the margarine standard of identity's labeling requirements.

The agency will, however, give due consideration to any petition, supported by adequate data, which demonstrates that an identifying phrase before the list of fat and/or oil ingredients is not in the best interests of consumers.

3. One objection requested an extension of the effective date to July 1, 1985, to allow margarine manufacturers to exhaust their existing label inventories.

FDA is granting the requested extension and confirming July 1, 1985, as the effective date for compliance with this regulation. Voluntary compliance was permitted to begin August 11, 1981.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) notice is given that the effective date for compliance with § 166.40(b) as amended in the **Federal Register** of June 12, 1981 (46 FR 31004) is confirmed and extended to July 1, 1985.

Dated: January 15, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-1536 Filed 1-21-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Removal of the Conditions of Approval of the Arkansas Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 904 by removing the conditions of approval of the Arkansas permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Arkansas has submitted provisions to the Office of Surface Mining (OSM) which satisfy all the conditions of the Secretary's approval of November 21, 1980 (45 FR 77003-77017).

EFFECTIVE DATE: The removal of the condition of the approval is effective January 22, 1982.

FOR FURTHER INFORMATION CONTACT: William Schmidt, Assistant Director, Program Operations and Inspection, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW, Washington, D.C. 20240, telephone (202) 343-4225.

SUPPLEMENTARY INFORMATION:

Background on the Arkansas Program Submission

On February 19, 1980, OSM received a proposed regulatory program from the State of Arkansas. On November 14, 1980, following a review of that proposed program as outlined in 30 CFR 732, the Secretary approved the program subject to the correction of four minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 21, 1980, **Federal Register** (45 FR 77003-77017).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Arkansas program can

be found in the November 21, 1980, Federal Register (45 FR 77003–77017).

Background on the Secretary's Conditional Approval

The Secretary of the Interior determined that the Arkansas program contained four minor deficiencies.

1. The penalties for a person convicted of interfering with Arkansas Department of Pollution Control and Ecology (DPCE) employees in the performance of their duties, as provided in Arkansas Stat. Ann. 41–2801, 41–901 and 41–1101, were less stringent than the penalties of section 704 of SMCRA.

2. Arkansas regulation § 786.19(h) referenced State law rather than Federal law regarding proof of payment of all reclamation fees before permit approval, contrary to 30 CFR 786.19(h).

3. Arkansas did not place a limit on the time within which adjudicatory hearings on proposed civil penalties will be held.

4. Arkansas regulation § 940.1(a) did not incorporate the criteria for granting temporary relief during administrative review required by section 525(c) of SMCRA.

In accepting the Secretary's conditional approval, Arkansas agreed to correct deficiency number 1 by April 15, 1981, and deficiencies 2, 3, and 4 by January 1, 1981.

Submission of Revisions and Public Comment

On September 2, 1980, OSM received from the Arkansas DPCE a revision to the State regulations intended to satisfy condition number 4 (See Arkansas Administrative Record AR–192).

On January 19, 1981, the Arkansas DPCE submitted to OSM additional amendments to the State regulations to meet conditions 2 and 3 (Administrative Record AR–223).

On March 12, 1981, OSM received from the Arkansas DPCE an amendment to the State Act to satisfy condition 1 (Arkansas Administrative Record AR–224).

OSM published a notice in the **Federal Register** on August 25, 1981, announcing receipt of these provisions and inviting public comment on whether the proposed program amendments corrected the deficiencies (46 FR 42873). The public comment period ended September 25, 1981. A public hearing scheduled for September 21, 1981, was not held because no one expressed a desire to present testimony. One comment was received. The Environmental Policy Institute indicated that it had found no substantive problems with the proposed modifications to Arkansas' program and, therefore, it recommended that the Secretary remove the conditions of approval.

Secretary's Findings

The Secretary finds the amendments submitted by Arkansas on September 2, 1980, January 19, 1981, and March 12, 1981, correct the deficiencies in the Arkansas program as follows:

(1) Section 19 of Act 134, as amended by Senate Bill 191, making it a crime to resist, prevent, impede, or interfere with the Director of the Arkansas DPCE or his agents and specifying a penalty of not more than $5,000 or imprisonment for not more than one year or both, upon conviction, is consistent with section 704 of SMCRA, and corrects deficiency 1.

(2) Arkansas regulation 786.19(h), as amended, requires proof of payment of all reclamation fees, as required by section 402 of Pub. L. 95–87, and corrects deficiency.

(3) Arkansas regulation 845.19(a) places a 60-day limit on the time within which adjudicatory hearings on proposed civil penalties will be held and corrects deficiency 3.

(4) Arkansas regulation 940.1(a) providing criteria for temporary relief during administrative proceedings is consistent with section 525(c) of SMCRA and corrects deficiency 4.

Approval Without Condition

Accordingly, the Arkansas permanent program is hereby fully approved. 30 CFR 904.10 is amended to indicate approval of the September 2, 1980, January 19, 1981, and March 12, 1981, program amendments. 30 CFR 904.11 which established the conditions of the initial approval is hereby repealed.

The removal of the conditions of the approval of the Arkansas permanent program is effective upon publication of this notice.

Additional Findings

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. This document is not a major rule under E.O. 12291; therefore no Regulatory Impact Analysis is being prepared on this approval.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On August 26, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Arkansas permanent program. The amended regulatory provisions approved in this document are not aspects of the Arkansas permanent program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1847 *et seq.*).

Dated: January 6, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Accordingly, the Arkansas permanent program is hereby fully approved. 30 CFR 904.10 is amended to indicate approval of the September 2, 1980, January 19, 1981, and March 12, 1981, program amendments. 30 CFR 904.11 which established the conditions of the initial approval is hereby repealed.

PART 904—ARKANSAS

Part 904 of Title 30 is amended as follows:

1. 30 CFR 904.10 is amended by revising (a) to read as follows:

§ 904.10 State regulatory program approval.

(a) The Arkansas permanent program submitted February 18, 1980, as amended May 29, 1980, July 2, 1980 (with clarifications submitted July 29, August 6, August 14 and August 29, 1980), and as further amended September 2, 1980, January 19, 1981, and March 12, 1981, is approved effective upon publication of this notice. Copies of the approved program, as amended, are available at:

(1) Arkansas Department of Pollution Control and Ecology, Mining Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72219, telephone: (501) 371–2130.

(2) Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, 5th Floor, Kansas, City, Missouri 64106, telephone (816) 374–3920.

(3) Office of Surface Mining Reclamation and Enforcement, Administrative Record Office, 1100 L Street NW., Washington, D.C., telephone (202) 343–4728.

* * * * *

§ 904.11 [Removed]

30 CFR 904.11 is hereby removed.

[FR Doc. 82-1838 Filed 1-21-82; 8:45 am]
BILLING CODE 4310-05-M

---

36 CFR Part 60

National Register of Historic Places; Extension of Comment

AGENCY: National Park Service, Interior.

ACTION: Extending comment period for interim rule.

SUMMARY: In order to provide greater opportunity for public comment, the National Park Service is extending the period for comment. These interim rules that appeared in the **Federal Register**, Vol. 46, No. 220, November 16, 1981, pp. 56183–56195, (FR Doc. 81–32873), incorporate revisions required by the National Historic Preservation Act Amendments of 1980, Pub. L. 96–515, ("Amendments"), and update and revise in minor respects the procedures for nomination to National Register of Historic Places by States and Federal agencies as set forth in 36 CFR Part 60.

DATE: The comment period has been extended from January 15, 1982 to February 1, 1982.

ADDRESS: Send comments to: Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202/272–3504).

FOR FURTHER INFORMATION CONTACT: Carol D. Shull, Acting Keeper of the National Register.

Jerry L. Rogers,

Acting, Associate Director, Archeology and Historic Preservation.

[FR Doc. 82–1646 Filed 1–21–82; 8:45 am]

BILLING CODE 4310–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL 2019–7]

Approval and Promulgation of Implementation Plans; California and Hawaii State Implementation Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA announces its approval of a State Implementation Plan (SIP) revision which the California Air Resources Board has submitted pursuant to the requirements of Section 127 of the Clean Air Act. The revision consists of commitments on the part of nine local districts to carry out public notification programs in accordance with EPA guidance. This notice also announces EPA's approval of a variance granted by the State of Hawaii regarding opacity requirements for a stationary source, the Davies Hamakua Sugar Company.

EFFECTIVE DATE: March 23, 1982.

ADDRESSES: Copies of the revisions and supporting information are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460

Library, Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20408

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Hawaii Department of Health, Environmental Programs Division, 1250 Punchbowl, Honolulu, HI 96801.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105, telephone: (415) 974–8222.

SUPPLEMENTARY INFORMATION: On January 22, 1981, the California Air Resources Board submitted as a SIP revision commitments from nine local districts to carry out public notification programs as described in EPA's October, 1979 revision to the *Public Notification Guidelines*. The commitments to notify the public of local exceedances of any air quality standard are for the following Air Pollution Control Districts: Bay Area Air Quality Management District (AQMD), Fresno County Air Pollution Control District (APCD), Kern County APCD, Monterey Bay Unified APCD, Sacramento County APCD, San Diego County APCD, Santa Barbara APCD, South Coast AQMD, and Ventura County APCD. EPA has evaluated the public notification and public participation procedures developed by each district and has found that they adequately address the requirements of section 127 of the Clean Air Act, 40 CFR 51.285, and EPA's October 1979 revision to the *Public Notification Guideline*. EPA, therefore, approves the Districts' commitments for incorporation into the SIP.

On November 25, 1980, the Governor of Hawaii submitted as a SIP revision a variance from Hawaii Public Health Regulations Chapter 43, Air Pollution Control. The variance issued by the Hawaii Department of Health (HDOH) is in response to a request by Davies Hamakua Sugar Company for its Haina Mill. The variance allows the source to cause visible emissions of 39% opacity until August 1985 instead of the 20% opacity required by Section 8(b)(1) of Chapter 43. EPA has evaluated the HDOH's SIP revision and has determined that the variance will not cause a violation of any national ambient air quality standard or any prevention of significant deterioration increment. EPA, therefore, approves the HDOH's opacity variance as part of the Hawaii SIP.

EPA's approval of the above revisions to the California and Hawaii SIPs is being done without prior proposal because the revisions are not controversial. The public should be advised that this approval action will be effective March 23, 1982. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plans for the States of California and Hawaii was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410 and 7601(a)])

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subparts F and M of Part 52 of Chapter I, Title 40 of the *Code of Federal Regulations* are amended as follows:

1. Section 52.220 is amended by adding paragraph (c)(99) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(99) Commitments by the Bay Area AQMD, Fresno County APCD, Kern County APCD, Monterey Bay Unified APCD, Sacramento County APCD, San Diego County APCD, Santa Barbara County APCD, South Coast AQMD, and Ventura County APCD to carry out public notification programs as required by Section 127 of the Clean Air Act and in accordance with EPA guidance. These

commitments were submitted by the Air Resources Board on January 22, 1981.

* * * * *

2. Section 52.620 is amended by adding paragraph (c)(13) as follows:

§ 52.260 Identification of plan.

* * * * *

(c) * * *

(13) A variance to the Hawaii Public Health Regulations, Chapter 43, section 8 (b)(1) submitted on November 25, 1980 by the Governor.

* * * * * *

[FR Doc. 82-1021 Filed 1-21-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-4-FRL-2011-5]

Approval and Promulgation of Implementation Plans; Florida: Startup, Upset, and Malfunction Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On August 12, 1976, Florida submitted additions to Chapter 17-2 and 17-4 of its administrative code to EPA for approval as implementation plan revisions. The revisions require that the Department of Environmental Regulation be notified prior to the startup of a source that has been shut down for more than a year. The notification shall take place 60 days prior to startup unless an emergency requires an earlier startup. Changes have been made in the definitions of existing and new sources, startup, shutdown, malfunction, and excess emissions. Additional changes allow excess emissions during startup, shutdown, or malfunction under specified conditions. Excess emissions caused by poor maintenance, operation or preventable equipment failure are prohibited. Notification of excess emissions must be made to the Department of Environmental Regulation. On October 19, 1979, and September 24, 1980, Florida submitted revisions to FAC 17-2 and Table II, E which change the visible emission limiting standards for existing fossil fuel steam generators and provide a particulate emission cap for soot blowing and load changing. EPA is today approving all these revisions. This action will be effective March 23, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATES: This action is effective March 23, 1982.

ADDRESSES: Written comments should be addressed to Douglas Cook of the EPA Region IV Air Programs Branch (see address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT: Douglas Cook, EPA Region IV, Air Programs Branch, at the above listed address and phone 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: The State's August 6, 1976, submittal revises FAC 17-4 (Permits) and FAC 17-2 (Definitions and General Restrictions). In effect, the upset and startup rule revision recognizes the occurrence of unavoidable malfunctions and provides a definite control rule to deal with them. The change in the definition of "new source" and "existing source" deletes the requirement that new source emission limitations be complied with by sources which have been shut down for one year or more. However, the reporting required by the regulation will provide the data to determine if additional controls are needed to protect ambient air quality.

On August 22, 1979, the Florida Environmental Regulation Commission adopted an amendment to Chapter 17-2, FAC, which contains three important revisions in the regulation. The general impact of these revisions is to modify excess emission limitations and visible emission limits. Specifically:

1. The visible emission limitation for existing fossil fuel steam generators during steady state operation is increased from 20 percent to 40 percent opacity for units which elect to perform a quarterly particulate source test. The quarterly particulate source test must demonstrate compliance with the current particulate mass emission limit of 0.1 pounds per million BTU (#/MM BTU) input. If such quarterly testing shows the units to be in compliance, the owner or operator may petition the Secretary to reduce the required frequency of sampling. Verification of compliance with the appropriate opacity limit will be accomplished during periodic field inspections in accordance with the proposed state test methods in the September 8, 1981, **Federal Register** (46 FR 44783).

2. Owners of new fossil fuel steam generators may petition the Secretary of the Department of Environmental Regulation for an increase in the 20 percent visible emission limit on a case-by-case basis. This can be granted only if all mass emission limits are being complied with. The Secretary has the authority to limit these units to the corresponding opacity observed during compliance tests, if it is greater than 20 percent. The limiting opacity determined by the Secretary will be incorporated into permit or site certification conditions for the specific unit. Compliance with the visible emission limits will be enforced during periodic field inspections and subsequent compliance tests in accordance with the proposed state test methods in the September 8, 1981, **Federal Register** (46 FR 44783).

3. Section 17-2.05(14), FAC, has been amended to allow excess emissions from fossil fuel steam generators during periods of boiler cleaning and load changing. This revision of the rule permits fossil fuel steam generators to have visible emissions as high as 60 percent for a period aggregating as long as 3 hours per day. In addition, the units which have installed or committed to install continuous opacity monitors are allowed to exceed 60 percent opacity for up to 4 six-minute periods during the allowed 3 hours per day. A particulate mass emission limiting cap of 0.3 #/MM BTU applies to the affected sources during periods of soot blowing and load changing. Compliance with the opacity limiting standards of section 17-2.05(14), FAC, will be monitored during random field inspections and quarterly compliance tests in accordance with the proposed state test methods in the September 8, 1981, **Federal Register** (46 FR 44783). The Department will monitor compliance with the 0.3 #/MM BTU emission cap by requiring that three runs of the test be conducted during soot blowing and load changing modes. The runs will be arithmetically averaged and the average compared to the 0.3 #/MM BTU standard. The average of the three runs taken during steady state operation will be used for determining compliance with the 0.1 #/MM BTU standard.

Since Chapter 17-2, FAC, previously contained no definition of "load change", one was developed and added. This definition was necessary so that only significant load changes would

exempt fossil fuel steam generators from the 0.1 #/MM BTU standard. Analysis of actual load data enabled the Department and the power industry to concur on a definition. A load change is defined as occurring when a fossil fuel steam generator, operating in the 10 to 100 percent capacity range makes a load change equal to or greater than 10 percent of capacity at a rate of 0.5 percent per minute or more.

Action. EPA is today approving the revisions submitted on August 12, 1976, October 19, 1979, and September 24, 1980, with regard to upset, startup, malfunction, reporting, visible emissions, and total suspended particulate cap for soot blowing and load changing. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn, and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and estblishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 23, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) that the proposed rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new burden on sources.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

In § 52.520, paragraph (c) is amended by adding subparagraph (40) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(40) Amendments to upset, startup and malfunction rule, submitted on August 12, 1976; revisions to section 17–2.05(14) FAC (excess emissions) and 17–2.05(6) Table II, E., FAC, fossil fuel steam generators-visible emissions, submitted on October 19, 1979; revision describing compliance testing for amendments in section 17–2.05 (14) and (6), submitted on September 24, 1980, by the Department of Environmental Regulation.

[FR Doc. 82–1661 Filed 1–21–82; 8:45 am]

BILLING CODE 6560–38–M

---

40 CFR Part 52

[A–7–FRL 2024–8]

Ambient Air Quality Monitoring: State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Rulemaking.

SUMMARY: On October 16, 1981, the Kansas Department of Health and Environment submitted a revision to the State Implementation Plan (SIP) for Kansas to comply with the requirements of Title 40 of the Code of Federal Regulations (CFR) Part 58. The submission makes modifications to the existing Kansas air quality surveillance network as required by 40 CFR 58.20. The purpose of today's notice is to take final action to approve the submission as a revision to the Kansas SIP.

EFFECTIVE DATE: This action is effective March 23, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comment.

ADDRESSES: Comments should be addressed to Mary C. Carter, Air and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submission are available for inspection during normal business hours at the above address and at the following locations: Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791; FTS 758–3791.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(C) of the Clean Air Act (Act) requires SIPs to contain provisions for ambient air quality monitoring and data reporting. The Act also requires, in section 319, that EPA establish monitoring criteria to be followed uniformly across the nation and establish a national monitoring network. EPA promulgated regulations to implement section 319 in the May 10, 1979, **Federal Register** (44 FR 27558). The May 10 rulemaking established Part 58 of Title 40 of the Code of Federal Regulations, entitled "Ambient Air Quality Surveillance." For a discussion of the requirements for state implementation plan content the reader is referred to the May 10 rulemaking, page 27572.

On October 16, 1981, the Kansas Department of Health and Environment submitted a SIP revision for an air quality monitoring surveillance network to comply with 40 CFR 58.20. The submission makes modifications to the existing Kansas air quality surveillance network which was approved by the EPA Administrator on May 31, 1972.

EPA has determined that the SIP submission meets the requirements of 40 CFR 58.20 as described below. As required by 40 CFR 58.20(a), each station in the air quality monitoring surveillance network provided for in the SIP has been designated by the state as a State and Local Air Monitoring Station (SLAMS) and measures ambient air quality levels of criteria pollutants for which National Ambient Air Quality Standards have been established. To satisfy 40 CFR 58.20(b), the state has committed to meet the requirements of Appendices A, C, D, and E to Part 58 relating to quality assurance procedures, methodology, network design, and siting parameters. Further, the SIP provides that all stations in the state SLAMS network will be operated in accordance with the criteria established by Subpart B of 40 CFR Part 58. The state has committed to operate at least one monitoring station per pollutant for carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter, and ozone during any stage of an air

pollution episode. This satisfies the requirements of 40 CFR 58.20(c). The SIP provides for an annual review by the state of the air quality surveillance network by October 1 of each year to determine if there are any stations in the SLAMS network that should be terminated or relocated or whether any new stations should be established, as required by 40 CFR 58.20(d). A report of the findings will be submitted to the EPA Region VII office by January 1 of each year along with a schedule for making any necessary modifications to the network. As required by 40 CFR 58.20(e), a full description of the monitoring network has been developed and will be maintained on file for public inspection during normal business hours, at the Kansas Department of Health and Environment and at the EPA Region VII offices.

Action

EPA approves the SIP revision for the Kansas Air Quality Surveillance Network and incorporates it into the existing plan. EPA believes this action is noncontroversial and is taking final action to approve this submission without prior proposal. The public should be advised that this action will be effective March 23, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it imposes no additional burden on sources.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves state actions and imposes no additional substantive requirements which are not currently applicable under state law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act as amended.

Dated: January 18, 1982.

Note.—Incorporation by reference of the State Implementation Plan for the State of Kansas was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS.

1. Section 52.870 is amended by adding a new paragraph (c)(12) to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(12) A plan revision which makes modifications to the existing Kansas air quality surveillance network was submitted by the Kansas Department of Health and Environment on October 16, 1981.

[FR Doc. 82-1611 Filed 1-21-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-7-FRL-2016-6]

Approval and Promulgation of State Implementation Plans: Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is taking final action in this notice to approve State Implementation Plan (SIP) revisions in Nebraska to raise the visible emission limitation from 20 percent to 40 percent opacity for existing teepee waste wood burners, and from 20 percent to 30 percent opacity for existing alfalfa dehydration plants. EPA's proposed approval of these SIP revisions appeared in the April 10, 1978, Federal Register (43 FR 14972). No comments were received. This action will be effective on March 23, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action is effective March 23, 1982.

ADDRESSES: Comments should be directed to Eloise Reed, Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revision is available for review during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Room 2922, 401 M Street, SW., Washington, D.C. 20460

Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106

Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Eloise Reed, Air Planning and Development Section, Air, Noise and Radiation Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-3791, FTS: 758-3791.

SUPPLEMENTARY INFORMATION: Rule 13, "Visible Emissions: Prohibited," of the Nebraska Rules and Regulations was amended by the Nebraska Environmental Control Council (NDEC) on November 18, 1977, to exempt existing teepee waste wood burners and existing alfalfa dehydration plants from the visible emission limitation of 20 percent opacity established for existing sources. The regulation became effective statewide on December 7, 1977.

The amendment to Rule 13 concerning existing teepee waste wood burners was requested by the Table Rock Lumber Company of Table Rock, Nebraska, which determined that it was economically infeasible to modify its facility in order to meet the 20 percent opacity limitation. A special ad hoc committee of the NDEC studied this request and proposed that existing teepee waste wood burners be allowed a visible emission limitation of 40 percent opacity.

There are only two existing teepee waste wood burners in Nebraska, therefore, EPA believes the provision will have no significant impact on ambient air quality. The two teepee waste wood burners emit less than 100 tons per year each of total suspended

particulates (TSP), and are located in areas which are currently attaining the National Ambient Air Quality Standard for TSP (Chadron in Dawes County and Table Rock in Pawnee County).

The committee also recommended the proposed revision to Rule 13 which allows existing alfalfa dehydrators a visible emission limitation of 30 percent opacity. This recommendation was partially based on a study of alfalfa dehydrators in Nebraska conducted for EPA which found the 20 percent opacity limitation to be more restrictive than the particulate emission limitations calculated using the process rate weight equation in Rule 5 of the Nebraska Rules and Regulations, "Process Operations; Particulate Emission Limitations for Existing Sources." The study also stated that some periods with opacity greater than 20 percent are unavoidable due to variations in feed and high dryer temperatures necessary in the dehydration plants.

All of the approximately 80 existing alfalfa dehydrators emit less than 40 tons per year of TSP each, and are located in the central and eastern portions of the state. The heaviest concentration is in Dawson County. All are located in either attainment or unclassifiable areas of the state, and are not significantly impacting the TSP nonattainment areas in Douglas, Sarpy and Cass Counties. There are no alfalfa dehydrators in the state located within 20 miles of the contiguous three-county TSP nonattainment area.

EPA's notice of proposed rulemaking was published at 43 FR 14972 on April 10, 1978. Nothing has occurred since to alter the information contained in that notice of proposed rulemaking. No comments were received.

The SIP revision has been reviewed in accordance with 40 CFR 51.24(a)(2), relating to Prevention of Significant Deterioration increment consumption, and EPA policy on SIP relaxations. EPA has determined that no increase in actual emissions over emissions on the baseline date would result from the SIP revision. The revision for alfalfa dehydrators would increase allowable emissions slightly, however the new opacity standard correlates more closely with emissions allowable from the state's process weight equation. The revision for the two existing teepee waste wood burners would result in an insignificant increase in allowable emissions. Neither relaxation of the opacity limitation would interfere with either the attainment or maintenance of any applicable ambient air quality standard.

Action

EPA approves the Nebraska SIP revision granting increases to the opacity emission limitations, as described above, for existing teepee waste wood burners and existing alfalfa dehydration plants.

Because considerable time has elapsed between the notice of proposed rulemaking and final action, EPA is taking final action but providing a mechanism for additional public comment. The public should be advised that this action will be effective (March 23, 1982). However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the subject SIP approval will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it imposes no additional regulatory burden on sources.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not "major" because it imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 18, 1982.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the **Federal Register** on July 1, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR Part 52 is amended by adding § 52.1420(c)(22) to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.1420 Identification of Plan

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(22) Revised Rule 13, granting an increase in the visible emission limitations for existing teepee waste wood burners and alfalfa dehydrators, was submitted by the Governor on December 29, 1977.

[FR Doc. 82-1610 Filed 1-21-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-5-FRL-2020-7]

Ohio: Revision: Arco Pipeline Company Variance: for Pipeline Working Tank, Toledo, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On August 27, 1981, the State of Ohio submitted a revision of its ozone State Implementation Plan (SIP) to the Environmental Protection Agency (EPA). The SIP revision is a variance for the Pipeline Working (SLOP) Tank, a fixed roof storage tank, located at the ARCO Pipeline Refinery in Lucas County, Ohio, a primary nonattainment area for ozone. EPA has reviewed this variance and has determined that the affected county will attain the national ambient air quality standard (NAAQS) for ozone by December 31, 1982 and that reasonable further progress (RFP) is also demonstrated. Therefore, EPA approves this variance and announces final rulemaking today on this revision. This action is effective March 23, 1982, unless notice is received by February 22, 1982 that someone wishes to submit adverse or critical comments.

DATE: March 23, 1982.

ADDRESSES: Copies of additional information are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

State of Ohio, Environmental Protection Agency, Box 1049, 361 East Broad Street, Columbus, Ohio 43216

Request for comments on this final proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: On August 27, 1981, the State of Ohio submitted a revision to its ozone SIP. The SIP revision is for the Pipeline Working (SLOP) Tank, a fixed roof storage tank, located at the ARCO Pipeline Company in Lucas County (Toledo Urban Area), Ohio, a primary nonattainment area for ozone. The variance is to operate the fixed roof storage tank without controls. Ohio's ozone SIP for this county was approved on October 31, 1980 (45 FR 72122). According to the ozone SIP, Lucas County will attain the ozone NAAQS by December 31, 1982.

The August 27, 1981 SIP revision is in the form of a variance from Ohio Rule 3745–17–09(L) Storage of Petroleum Liquids in Fixed Roof Tanks. This rule requires the installation of an internal floating roof or equivalent control.

However, ARCO requests this variance to operate at status quo emission levels, without controls, on the basis that compliance with the control requirements is economically unreasonable. ARCO estimates that the annual uncontrolled rate of emissions from this source is 1.29 tons per year and a controlled rate of 0.42 tons/year with the use of an internal floating roof. As a result, the cost-effectiveness of installing reasonably available control technology (RACT) would be $1860/ton of VOC removed.

The State believes that the installation of an internal floating roof is economically unreasonable, since the emission rates are relatively small, and the control costs are relatively high. Because of this, the State has concluded that for this specific source, RACT is no controls.

EPA has reviewed this variance and the State's documentation concerning RACT for this source and concurs with the States conclusion. In addition, EPA has reviewed the existing ozone SIP for Lucas County and determined that it contains a growth margin of over 1,740 tons and that reasonably further progress towards attainment by December 31, 1982 is presented. Based on this information, EPA approve this variance.

This is being done without prior proposal because the revision affects only one source and will not affect attainment of the standard. The public should be advised that this action will be effective March 23, 1982. However, if EPA is notified within 30 days, that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of the (5 U.S.C. 605(b)), I hereby certify that this action which is being taken under sections 110 and 172 of the Act will not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action only proposes to approve a State action, and therefore imposes no new requirements under section 110 of the Act.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation will not be "major" as defined by Executive Order 12291, because this action only approves a State action. This regulation is exempted from review by the Office of Management and Budget (OMB) under Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Act the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502))

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1870(c) is amended by adding paragraph 39 as follows:

§ 52.1870 Identification of the plan.

* * * * *

(c) * * *

(39) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Lucas County, Ohio.

* * * * *

[FR Doc. 82–1620 Filed 1–21–82; 8:45 am]

BILLING CODE 6560–38–M

---

40 CFR Part 52

[A–6–FRL–2023–1]

Approval and Promulgation of Implementation Plans; Approval of Louisiana Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves Louisiana's request to revise its State Implementation Plan (SIP) to include Shell Oil's compliance plan for the Kenner bulk terminal and for 128 gasoline service stations located throughout 19 parishes. The compliance schedules will allow Shell Oil to install vapor control equipment to come into compliance with Regulation 22 for the control of hydrocarbon emissions. Final compliance is required on September 1, 1982. These schedules are approved on the basis that Shell's compliance plan meets the requirements of Louisiana's SIP for hyrdocarbon controls at the affected facilities. This action will be effective on March 23, 1982 unless notice is received on or before February 22, 1982, that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 23, 1982.

ADDRESSES: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Louisiana may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270

Air Quality Division, Louisiana Air Control Commission, P.O. Box 44066, Baton Rouge, Louisiana 70804

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth at the EPA Region VI address above or call 214/767–1518 (FTS 729–1518).

SUPPLEMENTARY INFORMATION: Section 110(a)(3)(A) of the Clean Air Act, amended 1977, directs the Adminstrator to approve revision of an implementation plan applicable to an air quality control region, if she determines the plan has been adopted by the State after reasonable notice and public hearing, and that it includes emission limitations, schedules, and timetables for compliance with such limitations and such other measures as may be necessary to insure attainment and maintenance of the applicable air quality standard. The regulation which EPA promulgated to implement this portion of the Air Act are set forth at 40 CFR 51.

The compliance schedules being approved today apply to Shell Oil's Kenner bulk gasoline terminal at Kenner, Louisiana and to 128 service stations located throughout the following parishes: Jefferson, Orleans, St. Tammany, St. John the Baptist, St. Charles, St. Bernard, Plaquemines, East Baton Rouge, West Baton Rouge, Calcasieu, Lafayette, St. Martin, Bossier, and Caddo. On July 22, 1980 the Louisiana Air Control Commission adopted, after adequate notice and public hearing, compliance schedules which will allow Shell Oil from June 1, 1981 to September 1, 1982 to come into compliance with Louisiana Regulation 22 for the control of hydrocarbons. Regulation 22 was approved by EPA on February 14, 1980 (at 45 FR 9903) as part of Louisiana's SIP to demonstrate attainment of the ozone National Ambient Air Quality Standard (NAAQS) by December 31, 1982. Shell Oil Company will install vapor control equipment for their Kenner Marketing Bulk Gasoline Terminal and Stage 1 Equipment (Vapor Balance) for their 128 Service Stations located in the 19 parishes.

The compliance schedules were submitted to EPA on September 12, 1980 and additional information was submitted on September 17, 1981. EPA reviewed [1] the schedules and supporting documentation, and finds that the State's submittal of compliance schedules has legally enforceable increments of progress, certification of a public hearing and requires a determination of final compliance by facility inspection. Based upon these findings, EPA is today approving the compliance schedules as a revision to the Louisiana State Implementation Plan.

EPA's review of the materials submitted has shown that it is a noncontroversial, nonmajor SIP revision. Because EPA does not anticipate that this rulemaking will generate adverse public comments, the compliance schedules for Shell Oil Company is being approved today without a prior proposed rulemaking. The public should be advised that this action will be effective March 23, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves a State action; it will impose no new regulatory requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely approves a State action. It imposes no regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 7410)

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart T of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding (c) to § 52.980 as follows.

§ 52.980 Compliance schedules.

* * * * *

(c) The compliance schedules below for Shell Oil Company is approved as a revision to the plan pursuant to §§ 51.6 and 51.15 of this chapter. The regulation cited is an approved regulation of the State.

Source	Location	Regulation	Final compliance date
(1) Bulk gasoline terminal	Kenner	22.15	Sept. 1, 1982.
(2) 128 gasoline service stations	Parishes: Jefferson, Orleans, St. Tammany, St. John the Baptist, St. Charles, St. Bernard, Plaquemines, East Baton Rouge, West Baton Rouge, Calcasieu, Lafayette, St. Martin, Bossier, Caddo.	22.14	Sept. 1, 1982.

[FR Doc. 82–1618 Filed 1–21–82; 8:45 am]

BILLING CODE 6560-38-M

[1] EPA Evaluation Report of Louisiana's request for variance for Shell Oil Company, dated September, 1981. This report is available for public inspection during normal business hours at the EPA libraries listed in the address section of the notice.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–6226]

Suspension of Community Eligibility Under the National Flood Insurance Program; Florence, Alabama, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In

return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the Nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama:					
Lauderdale	Florence, city of	010140C	May 24, 1973, emergency, May 2, 1977, regular, Jan. 20, 1982, suspended.	May 17, 1974, Mar. 26, 1976, May 2, 1977.	Jan. 20, 1982.
Montgomery	Montgomery, city of	010174D	Feb. 12, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	June 28, 1974, Jan. 9, 1976, Mar. 9, 1979, May 10, 1977.	Do.
Arkansas: Pulaski	Alexander, city of	050377A	Sept. 26, 1980, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Apr. 18, 1975	Do.
California: Imperial	Holtville, city of	060070B	July 10, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Apr. 5, 1974, Dec. 5, 1975	Do.
Florida: Hendry	Labelle, city of	120109B	July 30, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Jan. 16, 1974, Feb. 13, 1976	Do.
Idaho:					
Nez Perce	Culdesac, city of	160102B	Nov. 14, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Oct. 18, 1974, Dec. 12, 1975	Do.
Do	Lewiston, city of	160104B	July 26, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Aug. 16, 1974, May 28, 1976	Do.
Do	Peck, city of	160105B	June 11, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Aug. 16, 1974, Jan. 16, 1976	Do.
Illinois: Rock Island	Andalusia, village of	170583B	Feb. 18, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Mar. 15, 1974, June 18, 1976	Do.
New Jersey:					
Monmouth	Millstone, township of	340314B	July 23, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Mar. 29, 1974, May 14, 1976	Do.
Gloucester	Monroe, township of	340208B	Aug. 12, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Sept. 20, 1974, Jun. 25, 1976	Do.
Bergen	Northvale, borough of	340056B	Jan. 15, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Aug. 31, 1973, July 30, 1976	Do.
Camden	Winslow, township of	340148B	July 31, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	July 26, 1974, July 30, 1976	Do.
Burlington	Woodland, township of	340551A	Feb. 19, 1976, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Apr. 25, 1975	Do.
New York:					
Erie	Hamburg, village of	360243B	Oct. 29, 1976, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Oct. 29, 1976, Feb. 17, 1977	Do.
Livingston	Leicester, town of	361295B	Mar. 24, 1976, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Oct. 18, 1974, Aug. 20, 1976	Do.
Oswego	West Monroe, town of	360664B	Oct. 3, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Sept. 20, 1974, Aug. 6, 1976	Do.
Livingston	York, town of	361239A	July 7, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Nov. 29, 1974	Do.
North Carolina:					
Henderson	Hendersonville, city of	370128B	Apr. 2, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	July 29, 1977	Do.
Nash	Unincorporated areas	370276B	Jan. 10, 1974, emergency, June 1, 1976, regular, Jan. 20, 1982, suspended.	June 1, 1976	Do.
Nash	Rocky Mount, city of	370092C	Jan. 17, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Mar. 1, 1974, May 21, 1976	Do.
Greene	Snow Hill, town of	370110B	Dec. 24, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Dec. 26, 1973, Oct. 10, 1975	Do.
Oklahoma:					
Oklahoma	Nichols Hills, city of	400423A	Dec. 19, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Dec. 20, 1974	Do.
Leflore	Poteau, city of	400093A	Nov. 24, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Nov. 1, 1974	Do.
Pennsylvania:					
Montgomery	Upper Hanover, township of	421917A	Nov. 22, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Nov. 22, 1974	Do.
Fayette	Washington, township of	421641A	Feb. 21, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Dec. 20, 1974	Do.
Tennessee: Shelby	Germantown, city of	470358B	Oct. 1, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	Sept. 15, 1976	Do.
Texas: Bee	Beeville, city of	480027B	Jan. 14, 1974, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	May 10, 1974, Jan. 23, 1976	Do.
Vermont: Franklin	Fairfax, town of	500052B	July 7, 1975, emergency, Jan. 20, 1982, regular, Jan. 20, 1982, suspended.	May 17, 1974, May 22, 1976	Do.

[1] Date certain Federal assistance is no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1855 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6229]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Attala, Alabama, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama:				
Etowah	Attalla, city of	010079B	Dec. 1, 1981, suspension withdrawn	Dec. 28, 1973 and Dec. 26, 1975.
Do	Glencoe, city of	010081C	do	May 17, 1974 and Dec. 19, 1975.
Baldwin	Bay Minette, city of	010004A	do	Oct. 24, 1975.
Do	Loxley, town of	010009B	do	June 28, 1974 and Dec. 19, 1975.
Do	Robertsdale, city of	010222B	do	Jan. 28, 1977.
Connecticut:				
Windham	Ashford, town of	090166C	do	Nov. 8, 1974, Nov. 19, 1976 and May 30, 1978.
New London	Franklin, town of	090154B	do	Nov. 1, 1974 and Nov. 26, 1976.
Florida: Orange	Unincorporated areas	120179B	do	Jan. 30, 1976 and Apr. 15, 1977.
Illinois:				
Winnebago	Pecatonica, village of	170797B	do	Apr. 5, 1974 and Apr. 2, 1976.
St. Clair	Swansea, village of	170637B	do	Apr. 5, 1974 and June 4, 1976.
Lake	Wauconda, village of	170358B	do	Apr. 5, 1974 and Mar. 19, 1976.
Kane	West Dundee, village of	170335B	do	Apr. 5, 1974 and Mar. 19, 1976.
Indiana: Vigo	Terre Haute, city of	180264B	do	Jan. 9, 1974 and June 11, 1976.
Kansas: Shawnee	Topeka, city of	205187C	do	Dec. 23, 1971, July 1, 1974, Oct. 10, 1975 and Dec. 16, 1977.
Massachusetts: Worcester	Warren, town of	250243B	do	May 17, 1974 and Aug. 27, 1976.
Michigan:				
Wayne	Flat Rock, city of	260224B	do	May 17, 1974 and June 18, 1976.
Oakland	Franklin, village of	260325A	do	Apr. 11, 1975.
Missouri: Boone	Columbia, city of	290030B	do	Aug. 26, 1971, July 1, 1974, and Jan. 16, 1976.
New Jersey: Hunterdon	Bloomsbury, borough of	340221B	do	June 14, 1974, and Aug. 6, 1976.

[1] Date certain Federal assistance is no longer available in special flood hazard area.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
New York:				
Orange	Monroe, town of	360621B	...do...	June 28, 1974, and Aug. 6, 1976.
Cayuga	Union Springs, village of	360129C	...do...	Apr. 11, 1975, Oct. 17, 1975, and Feb. 13, 1976.
North Carolina:				
Alamance	Unincorporated areas	370001B	...do...	Jan. 3, 1975, and Dec. 23, 1977.
Stanly	Albermarle, city of	370146B	...do...	Dec. 26, 1973, Apr. 23, 1976, and June 3, 1977.
Stanly	...do...	370361A	...do...	June 9, 1979.
Oregon: Yamhill	Amity, city of	410250A	...do...	July 30, 1976.
Pennsylvania:				
York	Manchester, township of	420931B	...do...	Feb. 1, 1974, and June 17, 1977.
Adams	Mt. Pleasant, township of	421258A	...do...	Feb. 7, 1975.
Do.	Oxford, township of	420003B	...do...	Dec. 26, 1973, and Dec. 3, 1976.
Lebannon	Swatara, township of	420582B	...do...	Feb. 1, 1974, and Aug. 19, 1977.
South Carolina: Florence	Florence, city of	450078B	...do...	May 31, 1974, Oct. 31, 1975, and Oct. 6, 1978.
South Dakota: Lawrence	Spearfish, city of	460046B	Dec. 2, 1981, suspension withdrawn	Mar. 29, 1974, and Sept. 2, 1981.
Virginia: Prince William	Unincorporated areas	510119B	Dec. 1, 1981, suspension withdrawn	Jan. 10, 1976, and Dec. 17, 1976.
Washington: Island	Unincorporated areas	530112B	...do...	Oct. 25, 1977.
Wisconsin: Columbus	Columbus, city of	550056B	...do...	Dec. 17, 1973, and June 25, 1976.
Michigan: Baraga	Baraga, village of	260551	Dec. 3, 1981, emergency	Oct. 31, 1975.
Minnesota: Olmsted	Eyota, city of	270329A	...do...	Apr. 12, 1974.
Pennsylvania:				
Allegheny	Marshall, township of	421050B	Apr. 22, 1975, emergency, Nov. 4, 1981, regular, Nov. 4, 1981, suspended, Dec. 3, 1981, reinstated.	Sept. 20, 1974, and Sept. 24, 1976.
Lackawanna	Moscow, borough of	420534B	Dec. 10, 1974, emergency, Dec. 1, 1981, regular, Dec. 1, 1981, suspended, Dec. 11, 1981, reinstated.	Jan. 16, 1974, and May 14, 1976.
Michigan: Oakland	Huntington Woods, city of	260723 New	Dec. 22, 1981, emergency	Do.
Pennsylvania: Indiana	Washington, township of	421722	...do...	Dec. 22, 1974.
Vermont: Orleans	Newport, town of	500256B	...do...	Nov. 1, 1974, Dec. 17, 1976, and Sept. 6, 1977.
Idaho: Cassia	Albion, city of	160042	Dec. 23, 1981, emergency	Jan. 10, 1975.
Texas:				
Tarrant, Parker, and Wise	Briar, town of	480588	Dec. 18, 1981, emergency	July 23, 1976.
Tarrant	Haslet, city of	480600	...do...	Nov. 1, 1974.
Grayson	Whitewright, city of	480839	...do...	Nov. 5, 1976.
Indiana: Hancock	Greenfield, city of	180084C	July 25, 1975, emergency, Nov. 4, 1981, regular, Nov. 4, 1981, suspended, Dec. 9, 1981, reinstated.	Nov. 29, 1973, Sept. 24, 1976, and Feb. 3, 1978.
Kentucky: Lawrence	Louisa, city of	210241A	Aug. 8, 1975, emergency, Nov. 19, 1980, regular, Nov. 19, 1980, suspended, Dec. 23, 1981, reinstated.	Feb. 8, 1974, and Oct. 29, 1976.
Wisconsin: Winnebago	Winneconne, village of	550512B	Aug. 15, 1975, emergency, Aug. 1, 1980, regular, Aug. 1, 1980, suspended, Dec. 23, 1981, reinstated.	Jan. 6, 1974, and Oct. 1, 1976.
Ohio: Montgomery	Germantown, village of	390411B	Jan. 16, 1975, emergency, Jul. 2, 1981, regular, Jul. 2 1981, suspended, Dec. 28, 1981, reinstated.	June 28, 1974, and May 28, 1976.
Pennsylvania:				
Delaware	Millbornne, borough of	422406C	Aug. 7, 1975, emergency, Dec. 15, 1981, regular, Dec. 15, 1981, Suspended, Dec. 28, 1981, reinstated.	Jan. 24, 1975 and Sept. 22, 1978.
Columbia	Beaver, township of	421547A	Dec. 29, 1981, emergency	Nov. 1, 1974, and July 9, 1976.
Texas:				
Fort Bend	Burlington Colony municipal utility district.	481575 New	...do...	Do.
Do.	Cherry Hill municipal utility district	481573 New	...do...	Do.
Do.	Chimney Rock municipal utility district.	481574 New	...do...	Do.
Do.	Court Road municipal utility district	481576 New	...do...	Do.
New Hampshire: Coos	Whitefield, town of	330040B	Dec. 31, 1981, emergency	Jul. 26, 1974, Nov., 26, 1976, and Sept. 21, 1979.
Alabama: Mobile	Creola, town of	010409D	Dec. 31, 1981, emergency, Apr. 1, 1981	Dec. 31, 1981, Regular.
New Jersey:				
Monmouth	Englishtown, borough of	340294A	Aug. 18, 1975, emergency, Mar. 16, 1981, regular, Mar. 16, 1981, suspended, Dec. 31, 1981, reinstated.	Nov. 5, 1976.
Bergen	Fairlewn, borough of	340033B	Apr. 4, 1974, emergency, Jul. 2, 1981, regular, Dec. 28, 1973 Feb. 6, 1976. Jul. 2, 1981, suspended, Dec. 31, 1981, reinstated..	
Warren	Harmony, township of	340405C	Aug. 6, 1974, emergency, Nov. 4, 1981, regular, Nov. 4, 1981, suspended, Dec. 31, 1981, reinstated.	Aug. 16, 1974, July 30, 1976, and Jan. 14, 1977.
Camden	Woodlynne, borough of	340149B	June 24, 1975, emergency, Dec. 1, 1981, regular, Dec. 1, 1981, suspended, Dec. 31, 1981, reinstated.	June 28, 1974 and April 16, 1976.
North Carolina: Lincoln	Unincorporated areas	370148B	Jan. 27, 1976, emergency, Dec. 1, 1981, regular, Dec. 1, 1981, suspended, Dec. 31, 1981, reinstated.	Dec. 27, 1974 and May 28, 1976.
Illinois: St. Clair	...do...	170616A	Dec. 15, 1981, suspension withdrawn	May 21, 1976.
Indiana: Boone	Zionsville, town of	180016B	...do...	Apr. 12, 1974 and Aug. 6, 1976.
Louisiana: Tangipahoa	Hammond, city of	220208B	...do...	Mar. 8, 1974 and June 4, 1976.
New Jersey:				
Hunterdon	Bethlehem, township of	340554B	...do...	Nov. 22, 1974, and Oct. 31, 1975.
Bergen	Hillsdale, borough of	340049B	...do...	Jan. 16, 1974, and Sept. 24, 1976.
Somerset	Raritan, borough of	340442B	...do...	May 3, 1974, and Mar. 19, 1976.
Burlington	Washington, township of	340117B	...do...	July 26, 1974, and June 25, 1976.
Bergen	West Paterson, borough of	340412B	...do...	June 28, 1974, and June 18, 1976.
Ohio:				
Montgomery	Unincorporated areas	390776B	...do...	June 2, 1978.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Do	Riverside, village of	390416B	do	Feb. 15, 1974, and Nov. 21, 1975.
Oregon: Linn	Lyons, city of	410142C	do	Mar. 8, 1974, Apr. 21, 1975, and Apr. 8, 1977.
Pennsylvania:				
Northampton	Lehigh, township of	421931A	do	Nov. 15, 1974.
Westmoreland	New Stanton, borough of	420892B	do	Aug. 2, 1974, and Oct 31, 1975.
Lebanon	South Lebanon, township of	420581B	do	Dec. 28, 1973, and Feb. 11, 1977.
Westmoreland	Upper Burrell, township of	422195B	do	Sept. 28, 1974, and May 28, 1976.
Erie	Waterford, borough of	420454B	do	May 10, 1974, and May 28, 1976.
Vermont: Lamoille	Hyde Park, village of	500231B	do	Dec. 6, 1974, and May 24, 1977.
Washington: Pierce	South Prairie, town of	530145A	do	Nov. 19, 1976.
Minnesota: Isanti	Unincorporated areas	270197A	do	May 19, 1981.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1550 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6226]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program; Auburn, California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATE: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) for acquisition and construction of buildings, and

(2) for buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter I of title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 16485
44 FR 25630
44 FR 34120
44 FR 52835
44 FR 57094
45 FR 12421
45 FR 26051
45 FR 31318
45 FR 34120
45 FR 49570
45 FR 52385
46 FR 13695
46 FR 20178
46 FR 26778

46 FR 46810
47 FR 3121

(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:
40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
45 FR 12421
45 FR 49570
46 FR 20176
46 FR 46810
47 FR 3121

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name and No.	County	Hazard identification date	Rescission date	Reason
California	City of Auburn, 060240B C (R)	Placer	June 30, 1976	Dec. 23, 1981	2
Do.	City of Upland, 065087A C (R)	San Bernardino	July 19, 1977	do.	2
Florida	Town of Painter-Hills, 120571 A	Flagler	Aug. 5, 1977	do.	1
Michigan	Village of Barryton, 260583A	Mecosta	May 20, 1977	do.	1
Do.	Township of Casco, 260506A	St. Clair	Mar. 4, 1977	do.	1
Do.	Township of Evergreen, 260516	Sanilac	Oct. 22, 1976	do.	1
Do.	Township of Gilead, 260360	Branch	Nov. 26, 1976	do.	1
Do.	Township of Heath, 260347	Allegan	Aug. 22, 1975	do.	1
Do.	Village of Jonesville, 260406	Hillsdale	Sept. 26, 1975	do.	1
Do.	Township of Mayfield, 260436A	Lapeer	May 19, 1978	do.	1
Do.	Township of Moore, 260517A	Sanilac	May 27, 1977	do.	1
Do.	Township of Pine Grove, 260534	Van Buren	July 25, 1975	do.	1
Do.	Township of Richfield, 260402	Genesee	July 11, 1975	do.	1
Do.	Township of Thetford, 260683A	[illegible]	Feb. 10, 1978	do.	1
Do.	Township of Van Buren, 260546A	Wayne	Apr. 8, 1977	do.	1

Key to Symbols:
E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
R The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The Community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.) A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (38 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 31, 1981.

Lee Thomas,

Associate Director, State and Local Programs, and Support.

[FR Doc. 82-1557 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 65

[Docket No. FEMA-6230]

Communities with Minimal Flood Hazard Areas for the National Flood Insurance Program; Franklin Park, Pennsylvania, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

Effective date: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the

specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community	Date of conversion to regular program
Pennsylvania	Allegheny	Borough of Franklin Park.	Jan. 1, 1982.
Pennsylvania	Bradford	Borough of Troy.	Jan. 1, 1982.
Pennsylvania	Westmoreland	Borough of Avonmore.	Jan. 20, 1982.
Pennsylvania	Luzerne	Borough of Courtdale.	Jan. 20, 1982.
Pennsylvania	Luzerne	Township of Fairview.	Jan. 20, 1982.
Pennsylvania	Lebanon	Township of Halifax.	Jan. 20, 1982.
Pennsylvania	Westmoreland	Township of Loyalhanna.	Jan. 20, 1982.
Pennsylvania	Blair	Borough of Martinsburg.	Jan. 20, 1982.
Pennsylvania	Delaware	Borough of Media.	Jan. 20, 1982.
Pennsylvania	York	Borough of New Freedom.	Jan. 20, 1982.
Pennsylvania	Luzerne	Borough of Nuangola.	Jan. 20, 1982.
Pennsylvania	Lycoming	Borough of Salladasburg.	Jan. 20, 1982.
Pennsylvania	Lackawanna	Township of Springbrook.	Jan. 20, 1982.
Pennsylvania	Lackawanna	Township of West Abington.	Jan. 20, 1982.
Pennsylvania	Westmoreland	Borough of Youngstown.	Jan. 20, 1982.
Maryland	Caroline	Town of Hillsboro.	Feb. 12, 1982.
Pennsylvania	Northhampton	Borough of East Bangor.	Feb. 12, 1982.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1550 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations; Lufkin, Texas

AGENCY: FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Lufkin, Angelina County (FEMA-5911)	Hurricane Creek	Just downstream of State Highway Loop 287	*249
			Just downstream of Tulane Drive	*266
			Just downstream of U.S. Highway 59 (Timberland Drive)	*280
		Hurricane Creek East Tributary North.	Just downstream of Chestnut Street	*280
			Just downstream of U.S. Highway 69 (Denman Avenue)	*286
		Hurricane Creek East Tributary (E)	Just downstream of State Highway 35	*244
		Hurricane Creek East Tributary (S)	Just downstream of U.S. Highway 59	*254

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Hurricane Creek West Branch	Just upstream of Temple Drive	*256
		Cedar Creek	At Hank Street	*240
		.....	Just upstream of State Highway Loop 287	*255
		.....	Just upstream of Franklin Street	*276
		Cedar Creek North Tributary	Just downstream of Texas Southern Railroad	*278
		Cedar Creek South Tributary	Just downstream of F.M. 271	*260
		.....	Just upstream of Texas Southern Railroad	*273
		Paper Mill Creek Tributary	Just upstream of State Highway 287	*259
		Tributary to Paper Mill Creek Tributary.	Just upstream of State Highway 103 (Atkinson Drive)	*273
		Mill Creek Tributary	Just downstream of Angelina and Neches River Railroad.	*274
		Tributary to Mill Creek Tributary	Just upstream of Sayers Street	*282

Maps available for inspection at City Hall, 300 East Shepard Street, Lufkin, Texas 75901.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1551 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Larimer County, Colorado, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Larimer County, Colorado. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Larimer County, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080101 Panel 0179B, published on October 6, 1980, in 45 FR 66109, indicates that Lots 176, 179, 244, and 245, Plat of Countryside Park, Phase III, Larimer County, Colorado, as recorded in Book 1871, Page 255, in the Office of the Clerk and Recorder, Larimer County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080101 Panel 0179B is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on April 2, 1979. These structures are in Zone C.

Pursuant to provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1553 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5997]

Letter of Map Amendment for the City of Story City, Iowa, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Story City. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Story City, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 190259 Panel 0001B, published on February 24, 1981, in 46 FR 13694, indicates that Lots 1 through 3, Munsen Subdivision No. 1, Story City, Iowa, recorded as Instrument Number 01877, Book 6, Page 122, in the Office of the Recorder, Story County, Iowa, are within the Special Flood Hazard Area.

Map No. H & I 190259 Panel 0001B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 16, 1981. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1552 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Town of Bridgewater, Vermont Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Bridgewater, Vermont. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Bridgewater, Vermont, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The Map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 500144, Panel 0015 B, published on October 6, 1980, in 45 FR 66025, indicates that Hattie Rowe's property, as recorded in Land Records Book 40, Page 324 in the Bridgewater Town Clerk's Office is within the Special Flood Hazard Area.

Map Number H & I 500144, Panel 0015 B, is hereby corrected to reflect that the existing house on the above-mentioned property is not located within the Special Flood Hazard Area identified on July 2, 1980. The house is located in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 21, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1554 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. I

Food Grading Policy

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rulemaking proceeding.

SUMMARY: This document terminates a rulemaking proceeding initiated through an advance notice of proposed rulemaking published May 30, 1980, (45 FR 36417), which contained options for possible changes in the Department's food grading policy. This action is taken because after careful review and study of the issue, the benefits to be derived from any of the possible options would not offset associated costs, disruptions, and inconveniences. Present grade terminology has been used since the inception of the grading programs in the early 1900's. A change in these grade terms for uniformity would require reeducation of users, complete labeling changes for some commodities, and other costly and disruptive situations. Therefore, the Agency decided to make no change in the present system of grade terms. The Agency wishes to make available an Option Paper: Uniform Grade Nomenclature, November 1981, which is the basis for this decision and includes the history and status of grading and grade labeling, the proposed options for change, the public response to those options, and potential impacts of the proposals on Government and industry.

ADDRESS: The Option Paper: Uniform Grade Nomenclature, November 1981, is available upon request from the Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: H. Connor Kennett, Jr., Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3932, South Agriculture Building, Washington, D.C. 20250, (202) 447–4476.

Accordingly, the rulemaking proceeding initiated through the advance notice of proposed rulemaking, FR Doc. 80–16429, published May 30, 1980, (45 FR 36417), is terminated.

Done at Washington, D.C., on: January 19, 1982.

Mildred Thymian,

Administrator, Agricultural Marketing Service.

[FR Doc. 82–1686 Filed 1–21–82; 8:45 am]

BILLING CODE 3410–02–M

Rural Electrification Administration

7 CFR Part 1701

Supplemental Financing for Loans

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance Notice of Possible Rulemaking.

SUMMARY: REA is reviewing Bulletin 20–14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act, to consider revised criteria for distributing REA insured loans. If revised, the criteria would be consistent with the Administration's objectives and REA's long-standing policy of reducing direct assistance as borrowers develop adequate internal and financial strength. Any change will allow REA to establish criteria and priorities which better respond to the need for insured loans.

DATE: Public comments must be received by REA no later than February 22, 1982.

ADDRESS: Submit written comments to Charles R. Weaver, Director, Electric Loans and Management Division, Rural Electrification Administration, Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Milton E. Wright, Chief, Borrowers Management Branch—Electric Loans and Management Division, Room 3338, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 382–1930.

SUPPLEMENTARY INFORMATION:

History: In 1971, REA began requiring its borrowers to obtain a portion of their long-term financing needs from supplemental (non-REA) sources. This action was necessitated because the demand for REA loans was increasing faster than REA's available loan resources. The maximum proportion of supplemental financing that any borrower is presently required to obtain is 30 percent.

In May of 1973, the RE Act was amended. REA was required by statute to provide 100 percent of the financing needs at a special (2 percent) interest rate for borrowers in either of the following categories: a density of two or fewer per mile of line; or an average revenue per mile of line more than $450 below the national average. In October 1976, an amendment to the RE Act replaced the revenue per mile category with an average adjusted plant revenue ratio (APRR), which relates plant investment to revenue, of over 9.0. On August 13, 1981, the RE Act was amended so that all isured loans are at a 5 percent interest rate, unless in the sole judgment of the Administrator special circumstances warrant an interest rate of between 5 percent and 2 percent.

It should be noted that a proposed rule is being published in connection with those borrowers that prior to the August 13, 1981, amendment qualified for loans at the special statutory 2 percent interest rate. It is planned that this proposed rule will be reconsidered in the review of Bulletin 20–14.

Scope: REA is requestig public comment on the following: cost to the consumer, consumers per mile of line, MWh sales per mile of line, financing priorities, revenue ratios, other financial and operating ratios, or other criteria that could be used for distributing insured loans. The desired result is to distribute the insured loans to borrowers most in need.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees. All written submissions made pursuant to this action will be made available for public inspection at the above address.

Dated: January 18, 1982

Jack Van Mark,

Acting Administrator.

[FR Doc. 82–1684 Filed 1–21–82; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 486

Municipal Waste Reprocessing Demonstration Facilities Program; Evaluation, Assessment and Reporting Guidelines

AGENCY: Department of Energy.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Department of Energy today gives notice of the withdrawal of its May 16, 1980, notice of proposed rulemaking (45 FR 32560) which set forth proposed guidelines for record retention, data collection and analysis, and reporting requirements for the assessment and evaluation of municipal waste reprocessing demonstration facilities built with Federal financial assistance under section 20 of the Federal Nonnuclear Energy Research and Development Act, as amended. The proposed guidelines are being withdrawn because the focus of the municipal waste reprocessing program has shifted from commercial demonstrations to long range and development.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Donald K. Walter, Supervisory Engineer, Office of Conservation and Renewable Energy, Department of Energy, Room 5G-086, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1697. Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, Department of Energy, Room 6B-158, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9513.

SUPPLEMENTARY INFORMATION: Section 20(b) (1) of the Federal Nonnuclear Energy Research and Development Act, as amended (the Act), 42 U.S.C. 5920(b)(1), (the Act) authorizes the Secretary of Energy (Secretary) to provide financial assistance to selected municipalities for the establishment of municipal waste reprocessing demonstration facilities. Under section 20(d)(1) of the Act, the Secretary may establish such guidelines as he deems necessary for obtaining pertinent information from and for evaluating and assessing federally supported facilities. On May 6, 1980, the Department of Energy (DOE) published a notice of proposed rulemaking and invited public comment on DOE's proposed guidelines (45 FR 32560). Five comments were received in response to the notice.

DOE has decided that direct Federal financial support of municipal waste reprocessing demonstration facilitates is inappropriate. DOE is of the view that market conditions brought about by realistic energy pricing policies will provide the necessary incentives for private financing of municipal waste reprocessing demonstration facilities when they are technically and economically justifiable.

DOE has shifted the focus of the muncipal waste reprocessing program to long range research and development, and accordingly there is no longer any need for evaluation, assessment, and reporting guidelines.

In consideration of the foregoing, the May 16, 1980, notice of proposed rulemaking under section 20(d)(1) of the Act is hereby withdrawn.

Issued in Washington, D.C., January 13, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82–1665 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 309, 311, 332, 335, 338, 345 and 349

Review of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of regulations selected for review.

SUMMARY: This notice is made pursuant to a requirement of the Regulatory Flexibility Act to publish a list of regulations selected for review during the coming year. The regulations of FDIC are set forth in the several Parts which constitute Chapter III of Title 12 of the Code of Federal Regulations. Each Part not selected for review during 1982 will be selected for a subsequent year before the end of 1986.

ADDRESS: Comments may be mailed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Willian P. Carley, Project Specialist, Office of the Executive Secretary, (202) 389–4351.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601–612) requires FDIC to review, by September 1990, each of its existing rules which has a significant economic impact upon a substantial number of small entities. FDIC will satisfy this requirement by following the more stringent requirements of its "Statement of Policy for the Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979). The statement of policy requires that each rule (whether or not it has a significant economic impact on a substantial number of small entities) be reviewed at least every five years.

Reviews will address all relevant issues, including whether the regulations should be continued, revised, or eliminated. For particular regulations, reviews may include surveys directed to banks, banking associations, consumers, consumer representatives, or regulatory bodies or any combination thereof. When a review indicates an apparent need for modification or deletion of a regulation, the change will be published in the **Federal Register** in accordance with the requirements of the Administrative Procedure Act, as either a proposed rulemaking action subject to public comment or as a final rulemaking action. Each review will evaluate:

(a) The continued need for the regulation;

(b) Alternative methods of accomplishing the purpose of the regulation;

(c) The type and number of complaints or suggestions received;

(d) The need to minimize the burden imposed on those affected by the regulation, especially small banks;

(e) Possible simplification or clarification of the regulation;

(f) The need to eliminate overlapping and duplicative regulations; and

(g) The length of time since the regulation was last evaluated and the extent to which technology, economic conditions, and other factors have changed in the area affected by the regulation

In connection with the publication of its plan for the periodic review of regulations in the **Federal Register** on July 20, 1981 (46 FR 37328), the FDIC invited public comment about which FDIC regulations warrant most immediate review. The twenty-one comments received as a result of that invitation were too few to indicate if there is a prevalent opinion. Two commentators restricted their remarks to other agencies' regulations, while eight expressed a general request, without identifying particular regulations, to review all requirements that result in an excess of cost over benefits. The specific FDIC regulations singled out by the commentators for

review were: Part 338, Fair Housing (3 comments); Part 345, Community Reinvestment (4 comments); and Part 349, Reports of Indebtedness of Executive Officers and Principal Shareholders to Correspondent Banks (6 comments).

FDIC has decided to include the three regulations specifically requested by the few commentators in its 1982 review. Other selections were made with the intention of avoiding regulations which have recently undergone extensive revisions, because such revisions have already involved substantive staff analyses and opportunities for public comments and, therefore, preclude the possibility of needing significant changes at this time.

Accordingly, during 1982 FDIC will make reviews of the following:

PART 309—DISCLOSURE OF INFORMATION

Legal basis: Sec. 2(9) "Seventh" and "Tenth," Pub. L. No. 797, 64 Stat. 881, as amended by Title III; sec. 309, Pub. L. No. 95–630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth"); sec. 309.5, also issued under 5 U.S.C. 552.

Description and need: This Part sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information.

PART 311—RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal basis: 5 U.S.C. 552b and 12 U.S.C. 1819.

Description and need: This Part implements the policy of the "Government in the Sunshine Act," Section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the Federal Deposit Insurance Corporation, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal basis: Secs. 6, 9, 64 Stat. 876, 881; 12 U.S.C. 1816, 1819.

Description and need: This Part identifies certain activities which banks may not engage in, because they are contrary to the Federal Deposit Insurance Act.

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

Legal basis: Sec. 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 781(i)).

Description and need: This Part Implements requirements of the Securities Exchange Act of 1934 as they apply to securities of nonmember banks.

PART 338—FAIR HOUSING

Legal basis: Sec. 2, Pub. L. No. 86–671, 74 Stat. 547 (12 U.S.C. 1817); sec. 8, Pub. L. No. 797, 64 Stat. 879, as amended by sec. 202, 204, Pub. L. 89–695, 80 Stat. 1046, 1054, and sec. 110, Pub. L. No. 93–495, 88 Stat. 1506 (12 U.S.C. 1818); sec. 9, Pub. L. No. 797, 64 Stat. 881, as amended by sec. 205, Pub. L. No. 89–695, 80 Stat. 1055 (12 U.S.C. 1819); sec. 203, Pub. L. No. 89–695, 80 Stat. 1053 (12 U.S.C. 1920(b)); sec. 805, Pub. L. No. 90–284, 82 Stat. 83, 84, as amended by sec. 808, Pub. L. No. 93–383, 88 Stat. 729 (42 U.S.C. 3605, 3608); section 501, Pub. L. No. 93–495, 88 Stat. 1521, as amended by sec. 2, Pub. L. No. 94–239, 90 Stat. 251 (15 U.S.C. 1691, et seq.); 40 FR 49306, October 22, 1975, 12 C.F.R. Part 202; 37 FR 3429, February 16, 1972, 24 C.F.R. Part 110.

Description and need: This Part establishes requirements applicable to advertisements and records of banks as a means of implementing Federal statutes concerned with fair housing.

PART 345—COMMUNITY REINVESTMENT

Legal basis: Community Reinvestment Act of 1977 (Title VIII of the Housing and Community Development Act of 1977, Pub L. No. 95–128; 91 Stat. 1147, et seq. (12 U.S.C. 2901, note)).

Description and need: This Part provides guidance to banks as to how the FDIC will assess the records of insured State nonmember banks in satisfying their continuing and affirmative obligations to help meet the credit needs of the local communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations of those banks, and provides for taking into account those records in connection with certain applications.

PART 349—REPORTS OF INDEBTEDNESS OF EXECUTIVE OFFICERS AND PRINCIPAL SHAREHOLDERS TO CORRESPONDENT BANKS

Legal basis: Title VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRIRCA," Pub. L. No. 95–630, 12 U.S.C. 1972(2)), and under authority of Sections 7(a) and 9 (Tenth) of the Federal deposit Insurance Act, 12 U.S.C. 1817(a), 1819 (Tenth).

Description and need: This Part implements the reporting requirements of Title VIII of FIRIRCA as they apply to insured State Nonmember banks. Title VIII prohibits (1) preferential lending by a bank to executive officers, directors and principal shareholders of another bank when there is a correspondent account relationship between the banks, or (2) the opening of a correspondent account relationship between banks when there is a preferential extension of credit by one of the banks to an executive officer, director or principal shareholder of the other bank. Title VIII imposes requirements on executive officers and principal shareholders to submit reports on their indebtedness to correspondent banks.

By order of the Board of Directors, January 18, 1982.

Federal Deposit Insurance Corporation,

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-1881 Filed 1-21-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 14

Proposed Statement of Enforcement Policy Regarding Truth-in-Lending

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed statement of enforcement policy—Regulation Z.

SUMMARY: The Commission proposed a statement of enforcement policy which provides that Truth-in-Lending provisions of final cease and desist orders issued prior to April 1, 1981, will be interpreted and enforced in a manner consistent with the amendments to the law incorporated by the Truth-in-Lending Simplification and Reform Act and Revised Regulation Z. Clarification is needed because the Simplification Act and the revised regulation significantly relax current Truth-in-Lending disclosure requirements on which provisions of more than 300 outstanding FTC orders are based. However, the revised regulation does impose certain additional requirements on creditors. Under the proposed policy statement, Truth-in-Lending provisions of outstanding FTC orders will be interpreted and enforced so as to impose no greater or different disclosure obligations on creditors under order, than are required generally of creditors under the new law. From April 1, 1981, until October 1, 1982, creditors under

order, will have the option of complying with either the order as written, or the regulation as revised by the Simplification Act.

DATES: To ensure consideration, comment must be received on or before: February 22, 1982. Proposed effective date: March 23, 1982.

ADDRESSES: Comments should be mailed to William S. Sanger, Assistant Director for Compliance, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, or delivered to Suite 1100, 1726 M Street NW., Washington, D.C. between 8:30 a.m. and 5:00 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: James W. Rudasill, Jr. (202/254–9492) or George T. O'Brien (202/254–6134), Attorneys, Division of Compliance, Federal Trade Commission (BCP/PC), Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Background

The Federal Trade Commission (FTC) has determined that there is a need to clarify the compliance responsibilities under the Truth-in-Lending Simplification and Reform Act (Simplification Act) and revised Regulation Z, of those creditors subject to FTC order which require compliance with provisions of the original statute and current regulation. Pursuant to section 108(c) of the Truth-in-Lending Act (Act), as amended (15 U.S.C. 1601), the FTC has issued more than 300 orders which enjoin various creditors from failing to comply with disclosure requirements of the Act and Regulation Z (12 CFR Part 226).

To address its perceptions of inadequacies in the current law, the Congress adopted the Truth-in-Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221, 94 Stat. 168) on March 31, 1980. The Simplification Act is the first statutory amendment to significantly reduce the disclosure requirements placed on creditors under the Truth-in-Lending Act. Although the Simplification Act amendments are not fully effective until October 1, 1982, the Act provides that an implementing revision of Regulation Z be promulgated by the Board of Governors of the Federal Reserve System ("the Board") by April 1, 1981. The Simplification Act further provides that creditors have the option of complying with either the current or the revised regulation until the current regulation expires on October 1, 1982. On that date, compliance with the revised regulation becomes mandatory.

The Board issued its revised Regulation Z (46 FR 20848) on April 1, 1981. In implementing the Simplification Act, the Board has incorporated several regulatory options into its revision of Regulation Z and has added some new disclosure requirements which must be followed. Included among the changes was the Board's decision to completely restructure the current regulation by grouping together all substantive rules for closed-end and open-end credit in separate subparts. Since it has been a standard practice of the Commission staff, during the twelve-year period in which the Act has been in effect, to incorporate specific sectional references to the current regulation in drafting provisions of FTC complaints and orders, nearly all of the sectional references to Regulation Z contained in existing FTC orders have been rendered inaccurate.

Creditors are advised to consult revised Regulation Z, itself, and the supplemental information fully explaining these changes in 46 FR 20848 (April 7, 1981). Copies of the revised regulation may be obtained from the Distribution Branch, Services Division, FTC, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, or from Publications, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or from any Federal Reserve Bank. Moreover, the Federal Reserve Board (FRB) has published an interpretative staff commentary to revised Regulation Z which is intended as a substitute for individual interpretations of the regulation. Copies of the staff commentary may be obtained on request from the FRB, at the above address, and it is published at 46 FR 50288 (October 9, 1981).

The proposed statement of enforcement policy has two purposes: First, it provides guidance to creditors subject to outstanding FTC orders as to how they may, consistent with their compliance obligations, take advantage of the changes in the federal consumer credit disclosure requirements. And second, it functions as a cost-effective procedural means by which outstanding FTC Truth-in-Lending orders can be updated to reflect the changes in the current law.

Public Comment

Under the Administrative Procedures Act interpretative rules and statements of policy may be made effective upon publication and do not require public comment. 5 U.S.C. 535(b)(3)(A). In view of the number of orders, creditors, and other interests potentially affected by the proposed enforcement policy statement the Commission has determined that it is appropriate to allow public comment on this action. Thus, all interested parties are requested to submit their views in writing within the specified time-period.

Explanation of Policy Statement

The proposed enforcement policy statement articulates four principles and addresses the compliance obligations of affected creditors within two timeframes. In order to provide creditors an adequate transition period, the current and the revised regulations are concurrently effective from April 1, 1981, until October 1, 1982. During this period, creditors may elect to comply with either the current or the revised regulation. Creditors may begin to comply with revised Regulation Z at any time during the transition period, but they must be in compliance by October 1, 1983. The policy statement sets forth the compliance alternatives of creditors subject to Truth-in-Lending orders during the transition period and after October 1, 1982.

Briefly explained, the enforcement policy statement recognizes that many disclosure requirements imposed by existing FTC Truth-in-Lending orders have been deleted under revised Regulation Z. It clarifies that creditors under order no longer have to make disclosures required by the prior regulation which have been deleted by revised Regulation Z. However, creditors under order cannot take advantage of the simplified regulation's less burdensome disclosure requirements without also complying with the disclosure requirements which it imposes. Accordingly, the policy statement provides that once a creditor elects to comply with the revised regulation, a failure to comply with any new disclosure requirement not within the scope of the order will be considered a *de novo* violation of Sec. 5 of the Federal Trade Commission Act (15 U.S.C. 45, as amended). Creditors under order must continue to comply with any non-Truth-in-Lending requirements of the order which have not been affected by the Simplification Act, or revised Regulation Z.

Because creditors have until October 1, 1982 to commence compliance with revised Regulation Z, the interpretation of Commission orders will depend on whether the creditors elect to continue in compliance with the current order or elect to comply with the revised regulation. During the transition year, if a creditor elects to continue in compliance with the order, the order will be interpreted and enforced as written, and the creditor must continue

to comply with the order even though it may include provisions which have been eliminated under revised Regulation Z. Effective October 1, 1982, all creditors must be in compliance with revised Regulation Z, and at that time all Commission orders will be interpreted consistent with revised Regulation Z.

Staff Clarifications

Although the Commission views the principles articulated in the proposed enforcement policy statement as self-explanatory, the enforcement policy statement provides that any creditor under order may request an informal staff opinion clarifying its obligations thereunder. It indicates, however, that such requests for clarification should not take the form of formal petitions to modify the order. Requests for clarification should be made in writing and addressed to William S. Sanger, Assistant Director for Compliance, Bureau of Consumer Protection, Federal Trade Commission, 6th & Pennsylvania Avenue NW., Washington, D.C. 20580.

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

For the reasons set forth above, 16 CFR Part 14, Chapter I, is proposed to be amended by adding a new § 14.16 as follows:

§ 14.16 Interpretation of Truth-in-Lending Orders consistent with the Truth-in-Lending Simplification and Reform Act and Revised Regulation Z.

Introduction. The Federal Trade Commission (FTC) has determined that there is a need to clarify the compliance responsibilities under the Truth-in-Lending Simplification and Reform Act of 1980 (Pub. L. 96–221, 94 Stat. 168) and revised Regulation Z (12 CFR Part 226, 46 FR 20848) of those creditors subject to final cease and desist orders issued prior to April 1, 1981, which require compliance with provisions of the original Truth-in-Lending statute and prior Regulation Z. Clarification is necessary because the Truth-in-Lending Simplification and Reform Act and revised regulation significantly relax prior Truth-in-Lending requirements on which provisions of more than 300 outstanding orders are based. The policy statement provides that the Commission will interpret and enforce Truth-in-Lending provisions of all orders issued prior to April 1, 1981, so as to impose no greater or different disclosure obligations on creditors under order, than are required generally of creditors under the new law.

Policy statement. (a) All cease and desist orders issued by the Federal Trade Commission prior to April 1, 1981, which require compliance with provisions of the Truth-in-Lending Act (Title I, Consumer Credit Protection Act, 15 U.S.C. 1601) and Regulation Z (12 CFR Part 226) will be interpreted and enforced consistent with the amendments to Truth-in-Lending incorporated by the Truth-in-Lending Simplification and Reform Act of 1980, and the revision of Regulation Z implementing the same, promulgated on April 1, 1981 (46 FR 20848) by the Board of Governors of the Federal Reserve System. Likewise, the Federal Reserve Board staff commentary to revised Regulation Z will be read into interpretation of requirements of existing orders, when published in final form.

(b) During the period April 1, 1981, to October 1, 1982, revised Regulation Z and the prior regulation are concurrently effective. Creditors under order may begin complying with the revised regulation at any time during the transition year, but they must be in compliance by October 1, 1982. The compliance alternatives of creditors subject to Commission orders during the transition year and after October 1, 1982, are as follows:

(1) During the transition year, Truth-in-Lending provisions of existing orders will be interpreted as written until such time as the creditor elects to comply with revised Regulation Z.

(2) Any creditor which elects to comply with revised Regulation Z prior to October 1, 1982, must comply with all applicable requirements of the revised regulation. Thus, in any single credit transaction creditors under order cannot take advantage of the simplified regulations' less burdensome disclosure requirements without also complying with the new disclosure requirements.

(3) Effective October 1, 1982, or at any earlier time that a creditor elects to comply with revised Regulation Z, compliance with the simplified credit disclosure requirements will be considered compliance with the existing order; and,

(i) To the extent that revised Regulation Z deletes disclosure requirements imposed by the order, compliance with these requirements may be eliminated; however

(ii) To the extent that revised Regulation Z imposes additional disclosure or format requirements, a failure to comply with the added requirements will be considered a violation of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(4) A creditor must continue to comply with all provisions of the order which do not relate to Truth-in-Lending requirements or are unaffected by revised Regulation Z. These provisions are not affected by this policy statement and will remain in full force and effect.

Staff clarifications. The Commission intends that this Enforcement Policy Statement obviate the need for any creditor to file a petition to reopen and modify any affected order under § 2.51 of the Commission rules of practice. However, the Commission recognizes that the policy statement may not provide clear guidance to every creditor under order. The staff of the Division of Compliance, Bureau of Consumer Protection, will respond to written requests for clarification of any order affected by this policy statement.

(Secs. 5, 18, 23; 38 Stat. 719–721, as amended by Pub. L. 96–252, 94 Stat. 374, 376, 390; 15 U.S.C. 45, 57a, 57b–4; Sec. 108(d), 82 Stat. 146, 150, as amended by Pub. L. 96–221, 94 Stat. 168, 15 U.S.C. 1601, 1607d)

Issued: January 7, 1982.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1547 Filed 1-21-82; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 239, and 274

[Release Nos. 33-6376, IC-12157; File No. S7-919]

Revised Procedures for Processing Post-Effective Amendments Filed by Separate Accounts of Insurance Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking and amendments to rule and forms.

SUMMARY: The Commission is proposing for public comment a rule permitting most post-effective amendments to registration statements filed by insurance company separate accounts to become effective automatically, without affirmative action on the part of the Commission or its staff. The Commission is taking this action to eliminate staff review of certain routine filings by insurance company separate accounts, and to permit such registrants to assume greater responsibility for their compliance with the disclosure requirements of the Federal securities laws.

Concurrently, the Commission is publishing for comment a proposed amendment to the rule governing automatic effectiveness of post-effective amendments to registration statements filed by registered open-end management investment companies and unit investment trusts, other than

insurance company separate accounts. The Commission is also proposing amendments to the registration statement forms for securities of open-end management investment companies and unit investment trusts to require such registrants to specify the rule pursuant to which their amendments would become effective automatically, and to permit such registrants at their option to designate an effective date. Finally, the Commission is requesting comment on questions related to the inclusion of policyholder ratings assigned to insurance companies by nationally recognized rating organizations in the registration statements and post-effective amendments filed by insurance company separate accounts.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7–919. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Mark J. Mackey, Special Counsel, (202) 272–2060, Melville B. Cox, Jr., Branch Chief, (202) 272–2060, or Susan P. Hart, Attorney, (202) 272–2098, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today publishing for comment proposed rule 466 [17 CFR 230.466] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.]. The Commission is also proposing for public comment amendments to paragraph (a) of rule 465 [17 CFR 230.465] under the 1933 Act, and related amendments to Form S–6 [17 CFR 239.16], the registration statement form for unit investment trusts under the 1933 Act, and Form N–1 [17 CFR 239.15, 17 CFR 274.11], the registration statement form for open-end management investment companies under the 1933 Act and the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a–1 et seq.].

Proposed rule 466 would permit most post-effective amendments of registered separate accounts of insurance companies as defined in section 2(a)(37) of the 1940 Act [15 U.S.C. 80a-2(a)(37)] to become effective automatically. The substantive provisions of the proposed rule are in many respects identical to those of rule 465 under the 1933 Act, which provides for automatic effectiveness of post-effective amendments to 1933 Act registration statements filed by open-end management investment companies and unit investment trusts, other than registered separate accounts. Under paragraph (b) of the proposed rule, if certain conditions were satisfied, post-effective amendments filed by insurance company separate accounts on Form S–6 or Form N–1 would become effective either immediately upon filing with the Commission or on a date within 20 days from the date of filing as designated by the registrant. The staff would not review or comment on these post-effective amendments prior to their effectiveness. All other post-effective amendments filed by insurance company separate accounts would still be subject to staff review, but, pursuant to paragraph (a) of the proposed rule, would normally become effective automatically either 60 days after filing, or on a subsequent date no later than 80 days after filing as designated by the registrant. Generally, this latter provision of the proposed rule would apply to post-effective amendments that contained disclosure relating to material events occurring since the latest of three dates—the effective date of the separate account's registration statement, the effective date of its most recent post-effective amendment which included a prospectus, or the filing date of a post-effective amendment that had been filed but had not yet become effective.

Some of the events that the Commission believes would be material if disclosed in an amendment filed by an insurance company separate account are listed in the rule. Most of these events are substantially similar to those that trigger staff review of post-effective amendments filed by other types of open-end investment companies pursuant to rule 465, with some variations that take into account the special circumstances of separate accounts. Proposed rule 466 lists an additional event that the Commission would deem material for insurance company separate accounts. This event is any change, including, but not limited to, a change in the operations of the separate account or the rights of security holders, that would require the registrant to apply for exemptive relief under the 1940 Act, or an event for which approval by the Commission is required under section 11 [15 U.S.C. 80a-11] or section 26(b) [15 U.S.C. 80a-26(b)] of the 1940 Act (paragraph (b)(2)(vii) of the proposed rule).[1]

Accordingly, a post-effective amendment that contained disclosure of any of the events listed in the rule would have to be filed pursuant to paragraph (a) of the rule and would normally be subject to staff review and comment. However, the list set forth in the rule is not intended to be exhaustive, and a post-effective amendment would have to be filed under paragraph (a) of the rule if it disclosed any other event that in the judgment of the registrant was material.

The proposed rule provides that the operation of the automatic effectiveness provision may be suspended upon written notice to the registrant, if it appears to the Commission that the amendment may be incomplete or inaccurate in any material respect. Should the automatic effectiveness provision of the rule be suspended with respect to a particular post-effective amendment, the amendment would not become effective until it was so declared by the Commission in accordance with section 8(c) of the 1933 Act [15 U.S.C. 77h(c)]. A hearing would be held if the registrant so requested. The proposed rule also provides that the Commission can declare an amendment effective before the sixty-day period has elapsed. However, as under rule 465, it is contemplated that this power would be exercised only in the most unusual circumstances.

The Commission is also proposing to amend paragraph (a) of rule 465 [17 CFR 230.465] under the 1933 Act, the rule governing the automatic effectiveness of post-effective amendments filed by registered open-end management investment companies and unit investment trusts, other than insurance company separate accounts. Post-effective amendments filed pursuant to paragraph (a) of rule 465 now become effective auitomatically on the sixtieth day after filing. The proposed amendment to paragraph (a) would permit registrants to designate an effective date for such amendments later than the sixtieth day after filing, so long as such date was no later than eighty days after filing, to facilitate implementation of these changes, the Commission is proposing related amendments to Form S–6 under the 1933 Act and to Form N–1 under the 1933 Act and the 1940 Act to require registrants filing post-effective amendments on those forms to specify whether their amendments would become effective pursuant to rule 465 or 466, and, at their

[1] A similar event with respect to a company other than a separate account normally would also be material under the rule applicable to those companies, rule 465. Such events are specifically listed in proposed rule 466, and were not in rule 465, only because they are likely to occur more frequently with respect to separate accounts.

option, to designate an effective date as permitted by those rules. Concurrently, the Commission is requesting comment on issues related to its consideration of whether to permit the inclusion of policyholder ratings assigned to insurance companies by nationally recognized rating organizations in the registration statements and post-effective amendments file by insurance company separate accounts. Specific comment is invited on whether the disclosure of policyholder ratings in registration statements should be treated similarly to the disclosure of security ratings in registration statements.

Background

Variable annuities and variable life insurance contracts are funded by insurance company separate accounts that meet the definition of investment company set forth in sections 3(a)(1) [15 U.S.C. 80a–(a)(1)] and 3(a)(3) [15 U.S.C. 80a–3(a)(3)] of the 1940 Act.[2] As defined in section 2(a)(37) of the 1940 Act [15 U.S.C. 80a–2(a)(37)], a separate account is

> * * * an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

Separate accounts may be organized either as open-end management companies or unit investment trusts, and generally offer redeemable securities for sale to the public. As with other types of investment companies, these securities are required to be registered under the 1933 Act, and a registration statement for such securities must have become efffective before they can be sold. Insurance company separate accounts file post-effective amendments to their 1933 Act registration statements for a variety of reasons. Separate accounts may file a post-effective amendment to increase the amount of their securities registered under the 1933 Act [3] or to register an indefinite number or amount of securities.[4] Those separate accounts that continuously offer and sell their securities to the public are required to maintain a current prospectus. Such companies file post-effective amendments to bring the information contained in their prospectuses up to date at approximately yearly intervals ("annual updating amendments").[5] Accordingly, separate acounts may file annual post-effective amendments with the Commission in order to update the financial and narrative disclosures contained in their prospectuses, to register additional securities, or both. Post-effective amendments might also be filed by such registrants to correct deficiencies in their registration statements discovered after the statements have become effective, or to incorporate into the prospectus disclosure of any important changes or developments in the business, operations or services of the account, or in the terms of the insurance or annuity contract being offered.

On August 25, 1980, the Commission adopted rule 465 under the 1933 Act to permit most post-effective amendments to registration statements filed by open-end management investment companies and unit investment trusts that were not insurance company separate accounts to become effective automatically, without affirmative action by the Commission or its staff.[6] At the time rule 465 was proposed, the Commission excluded insurance company separate accounts from the coverage of the rule because of its determination that post-effective amendments filed by such registrants were likely to contain disclosure about material changes in their products or other aspects of their operations that would require exemptive relief under the 1940 Act before such filings could become effective. The release stated the Commission's belief that such disclosure requried close scrutiny in the review process, which might not be susceptible of completion within the sixty-day period provided for in paragraph (a) of the rule.[7]

The exclusion of separate accounts from the coverage of proposed rule 465 was criticized by several commentators on that proposal who argued that separate accounts, like other open-end investment companies, make routine filings which should be eligible for immediate effectiveness pursuant to rule 465(b) and that the Commission's staff and registrants should be able to resolve disclosure problems on nonroutine filings within the sixty-day waiting period of rule 465(a). In addition, some commentators suggested retention of the two-part filing procedure for separate accounts if they were included within the purview of rule 465, given the difficulty of obtaining insurance company financial statements soon enough after the end of the fiscal year to permit the timely filing of a post-effective amendment pursuant to rule 465(a).[8]

At the time it proposed rule 465 and again when the rule was adopted, the Commission stated that it would consider extending automatic effectiveness to separate accounts at a later date. The Commission now believes that automatic effectiveness procedures similar to those contained in rule 465 should be extended to separate accounts, under the procedures described below. As proposed rule 466 is in many respects identical to rule 465, readers are referred to the releases proposing[9] and adopting[10] rule 465 and proposing[11] and adopting[12] amendments thereto for further discussions of automatic effectiveness of investment company post-effective amendments.

If the proposed rule is adopted, the Commission will adopt an amendment to its Rules of Organization and Program Management [17 CFR 200.1 et seq.] delegating to the staff the authority to suspend the operation of the automatic effectiveness provisions of the rule and declare amendments effective under the circumstances described below.

---

[3] Securities Act Release No. 5360, January 31, 1973 [38 FR 4315, February 13, 1973].

[4] Pursuant to section 24(e)(1) of the 1940 Act [15 U.S.C. 80a–24(e)(1)].

[5] Pursuant to section 24(f) of the 1940 Act [15 U.S.C. 80a–24(f)] and rule 24f–2 thereunder [17 CFR 270.24f–2].

[6] The necessity of updating prospectuses at intervals of approximately one year results from the requirement of section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)], that "when a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein shall be as of a date not more than sixteen months prior to such use." Pursuant to section 24(e)(3) of the 1940 Act [15 U.S.C. 80a–24(e)(3)], any prospectus relating to a redeemable security issued by an investment company that is updated to meet the requirements of section 10(a)(3) must be filed as a post-effective amendment to the issuer's registration statement.

[7] Securities Act Release No. 6229, August 25, 1980 [45 FR 57702, Aug. 29, 1980].

[8] Securities Act Release No. 6205, April 3, 1980 [45 FR 24500, April 10, 1980].

[9] These comments are available in File No. S7–829. Briefly, prospectuses of investment companies engaged in a continuous offering become stale approximately four months after the end of the registrant's fiscal year. Therefore, separate accounts must file their annual updating post-effective amendments early enough that they can become effective before the old prospectus becomes stale. Since post-effective amendments filed pursuant to paragraph (a) become effective sixty days, or approximately two months, after filing, separate accounts would, if subject to paragraph (a) of rule 465, have to file their annual updating amendments approximately two months after the end of their fiscal year. Insurance company financial statements are generally not available, however, until three months after the fiscal year end, too late to permit the timely filing of a post-effective amendment pursuant to paragraph (a) of rule 465.

[10] Securities Act Release No. 6205, April 3, 1980 [45 FR 24500, April 10, 1980].

[11] Securities Act Release No. 6229, August 25, 1980 [45 FR 57702, Aug. 29, 1980].

[12] Securities Act Release No. 6327, July 8, 1981 [46 FR 36195, July 14, 1981].

[13] Securities Act Release No. 6375 published under rules and regulations in this issue.

The proposed rule has been designated 466 for purposes of this release. However, it is contemplated that Regulation C under the 1933 Act [17 CFR 230.400 et seq.], of which the proposed rule would be a part, may be revised during the interim between the new rule's proposal and adoption. Should this revision be effected, the designation of the proposed rule may be changed if and when it is adopted.

Proposed Rule and Related Amendments

The proposed rule provides that three types of post-effective amendments, specified in paragraph (b) of the rule, will become effective immediately upon filing with the Commission or on any date within twenty days thereafter that the registrant designates. The post-effective amendments that would become effective in this manner are those which are filed for no purpose other than one or more of the following: (1) registering additional securities pursuant to section 24(e)(1) of the 1940 Act; (2) registering an indefinite number or amount of securities pursuant to section 24(f) of the 1940 Act and rule 24f–2 thereunder; and (3) if certain conditions are met, updating the financial and other disclosure contained in the registrant's prospectus in accordance with section 10(a)(3) of the 1933 Act and, in conjunction therewith, making such non-material changes as the registrant deemed appropriate. Under paragraph (b)(3) of the rule, when a registrant proposed that its annual updating amendment was to become effective pursuant to paragaph (b), the amendment would have to be accompanied by the registrant's representation that none of the events specified in paragraph (b)(2) of the rule and discussed below, and no other material events requiring disclosure in the prospectus, had occurred since the latest of three dates: the effective date of the registrant's most recently effective registration statement; the effective date of its most recently post-effective amendment containing a prospectus; or the filing date of a post-effective amendment filed pursuant to paragraph (a) of the rule that had not yet become effective. Pursuant to paragraph (e) of the rule, if the post-effective amendment had been prepared or reviewed by counsel, these representations would have to be supported by a written representation of registrant's counsel that the amendment did not contain disclosures that would render it ineligible to become effective pursuant to paragraph (b).

Paragraph (b)(2) of the rule lists seven events, the disclosure of any of which would cause an amendment to become subject to staff review during the sixty days after filing pursuant to paragraph (a) of the proposed rule, rather than becoming effective pursuant to paragraph (b). As part of its normal procedures, the staff would review post-effective amendments in this category, as it does now with respect to all types of post-effective amendments filed by separate accounts. As indicated above, the list set forth in paragraph (b)(2) is not intended to be exhaustive. A post-effective amendment containing disclosure about any other event that the registrant represented was material would be subject to staff review pursuant to paragraph (a) of the rule. The events listed in paragraph (b)(2) are those that the Commission views as clearly material to the investing public, or likely to present complex legal or factual problems requiring close scrutiny, and possibly comments, as a matter of course. The Commission believes that in such cases the review process is necessary even though disclosure regarding some of these events may have been reviewed in the context of proxy solicitation material. The events are as follows: (1) a termination of the registrant's investment advisory contract; (2) a change in the registrant's investment objective, in any of the policies listed in section 8(b)(1) of the 1940 Act [15 U.S.C. 80a–8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the 1940 Act [15 U.S.C. 80a–13], is changeable only by shareholder vote; (3) a suspension of sales or redemptions of securities issued by the separate account; (4) the registration of any of the separate account's or insurance company's directors, unless the registrant represents that the resignation was not due to disagreement with the registrant on any matter relating to the separate account's operation, policies or practices; (5) a change in the separate account's or insurance company's independent public accountant, unless the registrant represents that there were no disagreements with the former accountant on any matter of accounting principles, practices or financial statement disclosures pertaining to the separate account; (6) if the registered separate account is organized as a unit investment trust, any substitution of securities held by the trust; and (7) any change, including, but not limited to, a change in the operations of the separate account or in the rights of security holders, that would require the registrant to apply for exemptive relief under the 1940 Act, or any event for which approval by the Commission would be required under sections 11 or 26(b) of the 1940 Act.

The first six events listed in the proposed rule are substantially similar to those contained in rule 465, with several minor variations relating to the special circumstances of separate accounts. The last event listed in proposed rule 466, however, relating to changes that would require the registrant to seek exemptive relief or approval under the 1940 Act, is not listed in rule 465. This item is included in the proposed rule because, in the Commission's experience, registered separate accounts frequently disclose in their post-effective amendments material changes in their products or their operations that require exemptive relief under the 1940 Act, and the Commission believes that it is important to review such filings before they become effective, both to ensure adequate disclosure and to ensure that separate accounts apply for needed exemptive relief or approval. Under proposed rule 466(b)(2)(vii), a post-effective amendment containing a prospectus that discloses such a change, whether or not the separate account has obtained an exemptive order from the Commission relating to such change, would have to be filed pursuant to paragraph (a) of the rule and be subject to review. If the required exemptive order had not been issued by the desired effective date of the post-effective amendment, however, and the prospectus filed as part of the amendment continued to disclose the material change, the Commission would employ its authority under proposed rule 466(c) to suspend the effective date of the amendment. The Commission would take this action because the disclosure in a post-effective amendment of a change that would require the separate account to obtain exemptive relief, when such exemptive relief had not been granted at the time of effectiveness, would render the amendment materially incomplete or inaccurate within the meaning of paragraph (c). If the application had been filed but the order could not be obtained in time, and the post-effective amendment disclosing the change was pending, the registrant would have to file another amendment pursuant to paragraph (a) before the first one was due to become effective. The second amendment would supersede the first amendment pursuant to the operation of paragraph (d)(1) of proposed rule 466, and the staff would advance the effective date of the subsequent

amendment to the date of the exemptive order. Accordingly, it would be advisable for separate accounts that are aware they will be making changes requiring exemptive relief to apply for the required exemptive relief far enough in advance of the desired effective date to obtain such relief before that date.

Paragraph (b)(2)(vi) of the proposed rule specifies that *any* substitution of securities held by a separate account organized as a unit investment trust is a material event, while paragraph (b)(2)(vi) of rule 485 states that only a substitution of 5% or more is a material event for unit investment trusts the assets of which do not consist solely of securities issued by a management investment company. The reason for this difference is that insurance company separate accounts organized as unit investment trusts hold the securities of a single issuer (or single issuers in sub-accounts) and, therefore, do not substitute less than their entire portfolios comprised of securities of each issuer. Thus, if any substitution were to occur, it would be considered a material event requiring disclosure in a prospectus.

Paragraph (b)(2)(iv) of the proposed rule states that the resignation of any of the separate account's or insuance company's directors would be a material event, unless the registrant represented that such director did not resign due to disagreement with the registrant on any matter relating to the separate account's operations, policies or practices. Similarly, paragraph (b)(2)(v) of the proposed rule states that a change in the separate account's or insurance company's independent public accountant would be a material change, unless the registrant represented that there were no disagreements with the former accountant on any matter of accounting principles or practices or financial statement disclosures relating to the separate account. The Commission has included the directors and independent public accountant of the insurance company offering the separate account contract in proposed rule 466 in recognition of the significant role those persons have in the operation of the separate account.

As stated above, the staff would review those amendments that are within the purview of paragraph (a). Consequently, a registrant might file additional amendments to reflect changes in disclosure suggested by the staff before the original amendment became effective. It is anticipated that such refiling normally would occur before the sixty-day period specified in paragraph (a) had elapsed. Paragraph (d)(1) of the proposed rule provides that, if a post-effective amendment was filed before a previously filed amendment had become effective, only the most recently filed post-effective amendment would become effective. Pursuant to paragraph (a), if the effective date were not advanced, the effective date of the latest amendment would be the sixtieth day after its filing. Therefore, when a registrant filed an additional amendment solely to make changes in disclosure suggested by the staff, the staff would normally employ the provisions of paragraph (a) of the rule to advance the effective date of the modified amendment so as to enable it to become effective on the sixtieth day after the original amendment was filed. In addition, the power to set an earlier effective date would be employed for filings (other than annual updating amendments) that were necessitated by changes in the registrant's business, operations or services, where the changes were such that it would be inappropriate for the registrant to continue to sell shares pending effectiveness of the amendment containing the revised prospectus. In order to ensure fair and orderly processing, the power to set an earlier effective date would not be used for any other purpose, except in the most unusual circumstances. Thus, the fact that a registrant's prospectus was, or was about to become, stale would not be considered sufficient reason for the commission or staff to exercise its power to set an effective date earlier than 60 days after filing. Therefore, it would be imperative that registrants file post-effective amendments pursuant to paragraph (a) of the proposed rule at least sixty days before their prospectuses were due to become stale.

Proposed rule 466 incorporates amendments to paragraphs (b) and (d) of rule 465 that were proposed for comment in July 1981 [13] and adopted by the Commission on this date.[14] Accordingly, paragraph (d)(2) of the proposed rule specifies that, under certain conditions, the filing under paragraph (b) of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment filed under paragraph (a) relating to the same prospectus would not prevent the prior amendment from becoming effective automatically as designated by the registrant. The subsequent amendment would have to designate as its effective date the same day as the effective date of the prior amendment. Proposed rule 466(b) permits such a subsequent amendment to be filed under that paragraph, despite the pendency of a filing under paragraph (a).

As applied to a registrant that did not have updated financial statements available sixty days in advance of the desired effective date, this paragraph of the proposal would permit the registrant to file updated financial statements in an amendment pursuant to rule 466(b) when they became available, even if a prior amendment filed under rule 466(a) relating to the same prospectus was pending. If the registrant had experienced a material event requiring a filing under paragraph (a), the registrant would file the updated narrative portion of its prospectus under paragraph (a) sixty days (or more) in advance of the desired effective date. During the sixty-day waiting period, the registrant would then file a post-effective amendment under paragraph (b) containing the updated financial statements, such amendment designating as its effective date the same day as the anticipated effective date of the prior amendment pending under paragraph (a). It should be noted that the updated financial statements that could be filed as part of the subsequent amendment under rule 466(b) would include both those of the insurance company that offered the separate account and those of the separate account itself. The subsequent filing made pursuant to paragraph (b) could contain any non-material changes in disclosure that the registrant deemed appropriate, in addition to the financial statements being brought up to date for purposes of section 10(a)(3) of the 1933 Act.

Paragraph (c) of the proposed rule provides that where a post-effective amendment was filed in accordance with the terms of paragraph (a) of the rule, and it appeared to the Commission that the amendment might be incomplete or inaccurate in any material respect, the operation of paragraph (a) of the rule might be suspended. Automatic effectiveness of an amendment would not be suspended except on written notice furnished to the registrant before the amendment had become effective under that section.

Paragraph (c) of the proposed rule also provides that, should the operation of paragraph (a) be suspended with respect to a post-effective filing, the registrant would be entitled to file at any time a petition for review of the suspension of automatic effectiveness. Such petition could be in the form of a letter or other statement, but would

[13] Securities Act Release No. 6327, July 8, 1981 [46 FR 36195, July 14, 1981].

[14] Securities Act Release No. 6375, published under Rules and Regulations in this issue.

have to set forth with particularity the facts upon which the petitioner relied. If the registrant so requested in the petition, the opportunity would be provided for presentation of all material facts at a hearing on the matter. The purpose of the hearing would be to determine whether suspension of the operation of paragraph (a) was in the public interest and required for the protection of investors, and whether the amendment should be declared effective pursuant to section 8(c) of the 1933 Act. Once automatic effectiveness had been suspended with respect to a post-effective amendment, the amendment would thereafter become effective only when declared effective on a date determined by the Commission or the staff in accordance with section 8(c) of the 1933 Act. This power to delay effectiveness beyond sixty days would usually be exercised only in two circumstances: (1) where the Commission had authorized injunctive action or administrative proceedings against the registrant or persons associated with it, or (2) if the prospectus disclosed a change for which the registrant required exemptive relief under the 1940 Act, and such relief was not to be granted by the desired effective date. If a post-effective amendment appeared to raise the possibility of being materially incomplete or inaccurate, but the Commission was not yet prepared to take action against the registrant of the type described above, the amendment would normally be allowed to become effective, and the registrant would assume the risk that the Commission might later determine to take action on the ground that the filing was misleading or otherwise deficient. All registrants filing under paragraph (b) would assume this risk, because those filings generally would not be reviewed before becoming effective. For this reason, if proposed rule 466 is adopted, registrants that certify that their amendments can become effective pursuant to paragraph (b) should take special care in determining that no material event has occurred that would make the amendments ineligible for effectiveness under paragraph (b). For example, registrants that are aware that they are subject to a formal order of investigation by the Commission should consider the materiality of the matters being investigated in determining whether to file under paragraph (b). Similarly, as discussed above, registrants that are aware they will be making changes requiring exemptive relief should apply for such relief far enough in advance of the desired effective date to obtain such relief before that date.

Paragraph (e) of the proposed rule requires the registrant to make the representations required in conjunction with the filing of an amendment pursuant to paragraph (b) by certification on the signature page of the post-effective amendment. The required certification would be to the effect that the registrant met all of the requirements for effectiveness of the amendment pursuant to paragraph (b) of the rule.

Under the proposed rule, the staff would prepare notifications of effectiveness only for those amendments as to which the effective date had been advanced and for those amendments which were made effective following suspension of effectiveness. Thus, no notifications of effectiveness would be prepared for amendments becoming effective automatically on the sixtieth day after filing or on a date chosen by the registrant pursuant to paragraph (a), or immediately upon filing or on a date chosen by the registrant pursuant to paragraph (b), of the proposed rule. Rule 474 under the 1933 Act [17 CFR 230.474] states that the date on which amendments are actually received by the Commission shall be the filing date.

Effective Date of Amendments

To avoid any confusion regarding the date of effectiveness, registrants filing under proposed rule 466 would be permitted to designate an effective date. Registrants filing pursuant to paragraph (a) of the proposed rule could choose the sixtieth day after filing as the effective date, or a date later than the sixtieth day after filing up to and including the eightieth day after filing. If no date was specified, the amendment would become effective on the sixtieth day after filing. Similarly, registrants filing pursuant to paragraph (b) would be permitted to choose an effective date, provided the effective date chosen was no later than twenty days after the amendment was filed. Registrants filing pursuant to paragraph (b) could also choose effectiveness immediately upon filing, and, if no date was specified, the amendment would become effective immediately. The Commission also proposes to amend rule 465 so that open-end management companies and unit investment trusts other than insurance company separate accounts may also designate an effective date under paragraph (a) of that rule.

When rule 465 was adopted, the Commission determined that the sixty-day waiting period under paragraph (a) was sufficient time for registrants to receive confirmation of the filing date so they could know well in advance the date of automatic effectiveness of the amendment. However, a number of registrants have stated that it would facilitate their planning if they had some flexibility to designate the date of effectiveness of a filing pursuant to rule 465(a). Accordingly, contemporaneously with the proposal of rule 466 containing similar provisions, the Commission proposes to amend rule 465(a) to permit registrants filing under the provision to designate an effective date later than the sixtieth day after filing up to and including the eightieth day after filing. If no date was specified, the amendments would become effective on the sixtieth day after filing, and, of course, registrants would be able to designate the sixtieth day as the effective date. The amendment, if adopted, should provide registrants with greater flexibiity to set an effective date in accordance with their needs.

To facilitate implementation of the proposed rule and changes to rule 465, it is proposed to amend the facing pages of Forms S–6 and N–1 to include a statement by the registrant as to the rule (465 or 466) under which the amendment was being filed. In addition, the registrant would be required to state, by checking the appropriate box, whether the amendment was intended to become effective immediately or on a specified date pursuant to paragraph (b), or sixty days after filing or on a specified date pursuant to paragraph (a). Finally, it is proposed to amend the signature pages of Forms N–1 and S–6 to include the representations made by registered separate accounts under rule 466(b).

Because the proposed rule, if adopted, would provide the exclusive procedure for the processing of all post-effective amendments filed by insurance company separate accounts, amendments within the purview of the rule that did not recite on the facing sheet that they were filed pursuant to paragraph (a) or paragraph (b) would be presumed to have been filed pursuant to paragraph (a), and would become effective in accordance with that paragraph, *i.e.*, on the sixtieth day after filing.

Registrants are reminded that, regardless of whether the proposed rule is adopted, the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter, the accountants and others responsible for the filing. As a matter of law, this burden cannot be shifted to the Commission or its staff.

Disclosure of Policyholder Ratings

The Commission recently issued a statement of its policy and two rule

proposals to permit the voluntary disclosure of security ratings assigned by nationally recognized statistical rating organizations to classes or debt securities, convertible debt securities and preferred stock in registration statements filed under the 1933 Act.[15] The first rule proposal would amend Rule 134 under the 1933 Act [17 CFR 250.134] to permit the disclosure of security ratings of debt securities, convertible debt securities or preferred stock assigned by a rating organization in certain communications deemed not to be a prospectus (commonly known as "tombstone ads"). The second proposal would add a new subparagraph (g) to rule 436 under the 1933 Act [17 CFR 230.436(g)] to provide that a security rating is not part of a registration statement prepared or certified by a person or a report or valuation prepared or certified by a person within the meaning of sections 7 and 11 of the 1933 Act [15 U.S.C. 77 (g) and (k)]. In light of the general usefulness to investors of this type of information, the Commission is considering questions concerning the inclusion of policyholder ratings [16] assigned to insurance companies by nationally recognized statistical rating organizations [17] in the registration statements and post-effective amendments filed by insurance company separate accounts, and accordingly, the Commission requests comments on this issue. Comment is specifically invited on whether the disclosure of policyholder ratings in registration statements should be treated similarly to the disclosure of security ratings in registration statements, so that, for example, rating organizations that assign policyholder ratings to insurance companies would not be required to consent under section 7 of the 1933 act and would be exempted from liability as an expert under section 11 of the 1933 Act, as under proposed rule 436(g) under the 1933 Act.[18] In addition, commentators are requested to address the standards for determining what is a nationally recognized statistical rating organization in the context of policyholder ratings.[19]

[15] Securities Act Release No. 6336 (August 6, 1981) [46 FR 42024, August 18, 1981].

[16] A policyholder rating typically is an alphabetical designation that attempts to quantify the stability of a company and its long-term ability to discharge its obligations to policyholders.

[17] *See Best's Insurance Reports Life/Health* (1981).

[18] *See* Securities Act Release No. 6336.

[19] There is a distinction between policyholder ratings and security rating: a security rating is assigned to a particular class of securities, not to an issuer, while a policyholder rating is assigned to an insurance company. However, these ratings are similar in that security ratings typically quantify the likelihood that an issuer will be able to comply with the terms of a particular obligation, and policyholder ratings typically quantify the long-term ability of a company to discharge its obligations to policyholders. In the context of disclosure in a registration statement of an insurance company separate account, the policyholder rating of the insurance company sponsoring the separate account would only have bearing on the ability of the insurance company to meet its obligations to the contract holders, and not on the investment performance of the separate account.

Text of Proposed Rule 466 and Proposed Amendments to Rule 485 and to Form N–1 and Form S–6

I. It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By adding new § 230.466 as follows:

§ 230.466 Effective date of post-effective amendments filed by registered separate accounts of insurance companies.

(a) Except as otherwise provided in this section, a post-effective amendment to a registration statement for an offering of securities by a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)] shall become effective on the sixtieth day after the filing thereof, or such later date designated by the registrant on the facing sheet of the amendment which date shall not be later than eighty days after the date on which the amendment is filed, *Provided,* That the Commission, having due regard to the public enterest and the protection of investors, may declare an amendment filed pursuant to this paragraph effective on an earlier date.

(b) Except as otherwise provided in this section, a post-effective amendment to a registration statement for an offering of securities by a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)] shall become effective on the date upon which it is filed with the Commission, or such later date designated by the registrant on the facing sheet of the amendment, which date shall not be later than twenty days after the date on which the amendment is filed, *Provided,* That the following conditions are met:

(1) It is filed for no purpose other than one or more of the following:

(i) Increasing the number or amount of securities proposed to be offered pursuant to section 24(e)(1) of the Investment Company Act of 1940 [15 U.S.C. 80–24(e)(1)];

(ii) Registering an indefinite number or amount of securities pursuant to section 24(f) of the Investment Company Act of 1940 [15 U.S.C. 80a–24(f)] and Rule 24f–2 thereunder [17 CFR 270.24f–2]; and

(iii) Bringing the financial statements and other information up to date pursuant to section 10(a)(3) of the Act [15 U.S.C. 77j(a)(3)] and, in conjunction therewith, making such other non-material changes as the registrant deems appropriate;

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to the extent that such events have occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later, unless such events are disclosed in a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective:

(i) Termination of an investment advisory contract;

(ii) A change the registrant's investment objectives, in any of its policies listed in section 8(b)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the Investment Company Act of 1940 [15 U.S.C. 80a–13], is changeable only by shareholder vote;

(iii) Suspension of sales or redemptions of securities issued by the registered separate account;

(iv) Resignation of any of the registered separate account's or insurance company's directors, unless the registrant represents that such director did not resign due to disagreement with the registrant on any matter relating to the separate account's operations, policies or practices;

(v) A change in the registered separate account's or insurance company's independent public accountant, unless the registrant represents that there were no disagreements with the former accountant on any matter of accounting principles or practices or financial statement disclosures pertaining to the separate account;

(vi) If the separate account is organized as a unit investment trust, any substitution of securities held by the trust; or

(vii) Any change, including, but not limited to, a change in the operations of the separate account or in the rights of security holders, that requires the

registrant to apply for exemptive relief under the Investment Company Act of 1940, or an event for which approval by the Commission is required under sections 11 or 26(b) of the Investment Company Act of 1940 [15 U.S.C. 80a–11, 26(b)];

(3) The registrant represents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the latest of three dates: (i) the effective date of the separate account's registration statement, (ii) the effective date of its most recent post-effective amendment to its registration statement which included a prospectus; or (iii) the filing date of a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective; and

(4) Such amendment recites on the facing sheet thereof that the registrant proposes that the amendment will become effective pursuant to paragraph (b) of this section.

(c) No amendment shall become effective pursuant to paragraph (a) of this section if, prior to the effective date of such amendment, it should appear to the Commission that the amendment may be incomplete or inaccurate in any material respect, and the Commission furnishes to the registrant written notice that the effective date of the amendment is to be suspended. Following such action by the Commission, the registrant may file with the Commission at any time a petition for review of the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition. If the Commission has suspended the effective date of an amendment, the amendment shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(d)(1) Except as provided in paragraph (d)(2) of this section, a post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(2) A post-effective amendment which includes a prospectus shall become effective pursuant to paragraph (a) of this section notwithstanding the filing of a subsequent post-effective amendment relating to such prospectus, *Provided,* That such subsequent amendment is filed pursuant to paragraph (b) of this section, *And further provided,* That such subsequent amendment designates as its effective date the date on which the prior post-effective amendment shall become effective pursuant to paragraph (a) of this section. If another post-effective amendment relating to the same prospectus is filed pursuant to paragraph (a) of this section before the prior amendments filed pursuant to paragraphs (a) and (b) of this section have become effective, neither the prior amendment filed pursuant to paragraph (a) of this section nor the amendment filed pursuant to paragraph (b) of this section shall become effective pursuant to this section.

(e) The representations of the registrant referred to in paragraphs (b)(2)(iv), (b)(2)(v) and (b)(3) of this section shall be made by certification on the signature page of the post-effective amendment that such amendment meets all of the requirements for effectiveness pursuant to paragraph (b) of this section. If counsel prepared or reviewed the post-effective amendment filed pursuant to paragraph (b) of this section, such counsel shall furnish to the Commission at the time the amendment is filed a written representation that the amendment does not contain disclosures which would render it ineligible to become effective pursuant to paragraph (b).

2. By revising paragraph (a) of § 230.465 to read as follows:

§ 230.465 Effective date of post-effective amendments filed by certain registered investment companies.

(a) Except as otherwise provided in this section, a post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the sixtieth day after the filing thereof, or such later date designated by the registrant on the facing sheet of the amendment, which date shall not be later than eighty days after the date on which the amendment is filed, *Provided,* That the Commission, having due regard to the public interest and the protection of investors, may declare an amendment filed pursuant to this paragraph effective on an earlier date.

* * * * *

II. It is proposed to amend Parts 239 and 274 of Chapter II of Title 17 of the Code of Federal Regulations by:

1. Amending the facing sheet of Form N–1, and 2. amending the signature page of Form N–1 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

§ 274.11 Form N–1, registration statement of open-end management investment companies.

1. Amendment to facing sheet. After "Approximate Date of Proposed Public Offering" remove the following language:

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 465.

and add:

It is proposed that this filing will become effective (check appropriate box)

☐ immediately upon filing pursuant to paragraph (b)
☐ on (date) pursuant to paragraph (b)
☐ 60 days after filing pursuant to paragraph (a)
☐ on (date) pursuant to paragraph (a) of rule (465 or 466).

2. Amendment to signature page. The first textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940 the Registrant (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule (465(b) or 466(b)) under the Securities Act of 1933 and) has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ————, and State of ————, on the —— day of ——, 19—.

3. Amending the facing sheet of Form S–6 and 4. amending the signature page of Form S–6 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.16 Form S–6, for unit investment trusts registered on Form N–8B–2.

3. Amendment to facing sheet. After "Name and address of agent for service" remove:

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 465.

and add:

It is proposed that this filing will become effective (check appropriate box)

☐ immediately upon filing pursuant to paragraph (b)
☐ on (date) pursuant to paragraph (b)
☐ 60 days after filing pursuant to paragraph (a)
☐ on (date) pursuant to paragraph (a) of rule (465 or 466).

2. Amendment to signature page. The first textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933, the registrant, * * *, (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule (465(b) or 466(b)) under the Securities Act of 1933 and) has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the City of ————, and State of ————, on the —— day of ——, 19—.

Statutory Authority

The Commission hereby publishes for comment proposed rule 466, amendments to rule 465, and amendments to Form S–6 and Form N–1 pursuant to the provisions of Sections 7, 8 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h and 77s(a)], and sections 8 and 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–8 and 80a–37(a)].

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that rule 466 and the amendments to rule 465, Form N–1 and Form S–6 proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the release.

By the Commission.

January 11, 1981.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 466 [17 CFR 230.466] and the proposed amendments to rule 465(a) [17 CFR 230.465] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.], and related amendments to Form N–1 under the 1933 Act and the 1940 Act [17 CFR 239.15, 17 CFR 274.11] and From S–6 under the 1933 Act [17 CFR 239.16], set forth in Securities Act Release No. 6376, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the new rule and the amendments propose changes in filing procedures for post-effective amendments which will reduce or have no effect on the costs involved in preparing and filing documents with the Commission.

Dated: January 11, 1982.

John S.R. Shad,

Chairman.

[FR Doc. 82–1588 Filed 1–21–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 60

National Register of Historic Places; Extension of Comment

AGENCY: National Park Service, Interior.

ACTION: Extending comment period for proposed rules.

SUMMARY: In order to provide greater opportunity for public comment, the National Park Service is extending the period for comments on the proposed rules published in the **Federal Register**, Vol. 46, No. 220, November 16, 1981, pp. 56209–56213 (FR Doc. 81–32874). These proposed rules incorporate certain revisions required by the National Historic Preservation Act Amendments of 1980, Pub. L. 96–515, ("Amendments"), and update and revise in other respects certain procedures for nominations to the National Register of Historic Places as set forth in 36 CFR Part 60.

DATE: The comment period has been extended from January 16, 1982 to February 1, 1982.

ADDRESS: Send comments to: Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, (202/272–3504).

FOR FURTHER INFORMATION CONTACT:

Carol D. Shull, Acting Keeper of the National Register.

Jerry L. Rogers,

Acting, Associate Director, Archeology and Historic Preservation.

[FR Doc. 82–1649 Filed 1–21–82; 8:45 am]

BILLING CODE 4310–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL 2022–6]

Approval and Promulgation of State Implementation Plans; PSD Redesignation—Flathead Reservation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of the action is to propose approval and seek public comment on the October 27, 1981 request of the Confederated Salish and Kootenai Tribal Council to redesignate the Flathead Reservation in the State of Montana to Class I under EPA's regulations for prevention of significant air quality deterioration (PSD). Class I applies to areas where only small increases in ambient levels of particulates and sulfur dioxide are allowed.

DATES: Comments due February 22, 1982.

ADDRESSES: Written comments should be addressed to: Max H. Dodson, Director, Montana Office, Environmental Protection Agency, Federal Building, Drawer 10096, 301 S. Park, Helena, Montana 59626.

Copies of the Tribes' analysis are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Montana Office, Federal Building, Drawer 10096, 301 S. Park, Helena, Montana 59626

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Chief, Air, Pesticidies and Hazardous Wastes, Environmental Protection Agency, Federal Building, Drawer 10096, 301 S. Park, Helena, Montana 59626, Telephone: 406–449–5414.

SUPPLEMENTAL INFORMATION: Part C of the Clean Air Act provides for the prevention of significant air quality deterioration (PSD). The intent of this part is to prevent deterioration of existing air quality, particularly in areas currently considered to be pristine. The Act provides for three basic classifications applicable to all lands of

the United States. Associated with each classification are increments which represent the increase in air pollutant concentrations that would be considered significant. Class I applies to areas in which practically any change in air quality would be considered significant; Class II applies to areas in which deterioration normally accompanying moderate well-controlled growth would be considered insignificant; and Class III applies to those areas in which considerably more deterioration would be considered insignificant. Under the 1977 Amendments to the Clean Air Act all areas of the country that met the national ambient air quality standards were initially designated Class II, except for certain international parks, national wilderness areas, national memorial parks, national parks, and any other area previously designated Class I. The Act allows States and Indian Governing Bodies to reclassify areas under their jurisdiction to accommodate the social, economic, and environmental needs and the desires of the local population.

On October 27, 1981, the Confederated Salish and Kootenai Tribal Council submitted to EPA an official proposal to redesignate the Flathead Reservation from Class II to Class I. The Flathead Reservation is located entirely within the state of Montana and includes the National Bison Range and the Nine pipe and Pablo National Wildlife Refuges. With their request the Tribal Council submitted an analysis of the impacts of redesignation both in and outside the proposed Class I area, documentation of the delivery and publication of appropriate notices, a record of the public hearing held January 15, 1981, and a discussion of the comments received by the Tribal Council on the proposed designation. Following, is a discussion of the requirements for redesignation and how the Tribal Council complied with those requirements.

Statutory and Regulatory Requirements for Redesignation

Section 164 of the Clean Air Act and 40 CFR 52.21(g) outlines the requirements for redesignation of areas under the PSD program. Section 164(c) provides that lands within the exterior boundaries of reservations of Federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body. Under section 164(b)(2), EPA may disapprove a redesignation only if it finds, after notice and opportunity for hearing, that the redesignation does not meet the procedural requirements of section 164 or is inconsistent with section 162(a) or 164(a). Section 162(a) establishes mandatory Class I areas and section 164(a) identifies areas that may not be redesignated to Class III. Because of the nature of the area proposed for redesignation to Class I, neither of these sections prohibit the proposed redesignation.

The statutory and regulatory procedural requirements for a Class I redesignation by an Indian governing body (1) Notice must be afforded and public hearing conducted in areas proposed to be redesignated and in areas which may be affected; (2) at least 30 days prior to the public hearing, a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation must be prepared and made available for public inspection and announced in the public hearing notice; (3) prior to any redesignation, the document identified above must be reviewed and examined by the redesignating authorities; (4) if any Federal lands are included in the redesignation, the redesignating authorities must provide written notice to the appropriate Federal land managers and an opportunity to confer and submit written comments and recommendations with respect to the intended notice of redesignation prior to issuance of such notice. A list shall be published of any inconsistency between the redesignation and such written comments and recommendations from any Federal land managers (together with the reasons for making the redesignation against the recommendation of the Federal land manager).

Tribal Council Submittal

The October 27, 1981, request for redesignation includes evidence that all of the statutory and regulatory requirements for redesignation of an Indian Reservation from Class II to Class I have been met by the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. The Tribal Council is the Indian governing body for the Flathead Reservation and only lands within the exterior boundaries of the reservation are proposed for redesignation.

The Tribal Council conducted a public hearing in St. Ignatius, Montana on January 15, 1981. Notice of the hearing appeared in area newspapers at least 30 days prior to the hearing. A description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation entitled, "Flathead Reservation: Class I Air Quality Redesignation," was completed in October 1980 and its availability was announced in the public hearing notices. In addition, the submittal included evidence that copies of the analysis document were sent to appropriate State, local and Federal officials at least 30 days prior to the hearing. Evidence that the Tribal Council consulted with the State prior to proposing the redesignation is also included in the submittal. Furthermore, the submittal shows that notice of the Tribal Council's intention to redesignate was sent to appropriate Federal, State and local officials as well as relevant organizations, businesses, etc., in August 1979. The appropriate Federal land managers have not submitted written comments or recommendations that conflict with the redesignation to the Tribal Council or EPA. Therefore the documentation submitted by the Tribal Council shows that all the statutory and regulatory procedural requirements for redesignation have been met.

EPA Proposed Action

Since EPA's review has not revealed any procedural deficiencies, the redesignation is proposed for approval. The public is invited to comment whether the tribes have met all of the procedural requirements of Section 164. If there is enough expressed interest, EPA will conduct a public hearing on the matter.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that the proposed action will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only redesignates an area for PSD purposes. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only proposes to redesignate an area for PSD purposes.

This notice of proposed rulemaking is issued under the authority of section 164 of the Clean Air Act (42 U.S.C. 7464).

Dated: December 21, 1981.

Steven J. Durham,

Regional Administrator.

[FR Doc. 82-1619 Filed 1-21-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6240]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation Determinations for the City of Sioux City, Woodbury County, Iowa

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the City Planning and Zoning Office, City Hall, Sioux City, Iowa.

Send comments to: Mr. Jerry L. Hanson, Flood Insurance Coordinator, Sioux City Community Development Department, P.O. Box 447, Sioux City, Iowa 51102.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0216.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Sioux City, Iowa in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Big Sioux River:		
At the limit of detailed study	1,090	A12.
Just south of Interstate 29	1,094	A12.
Just north of Interstate 29	1,096	A22.
At Beck St. extended	1,099	A22.
Approximately 150 ft downstream of Military Rd.	1,103	A22.
At the northernmost corporate limits	1,111	A22.

The area protected from the 100-year flood by the levee, which is subject to failure or overtopping during larger floods, is identified as Zone B. The floodway has been modified along the Big Sioux River.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support))

Issued: January 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1574 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6231]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation Determinations for Weld County, Colorado

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below. The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the County Planning Department, 915 Tenth Street, Greeley, Colorado. Send comments to: Mr. Brad Otis, County Commissioner, Weld County Courthouse, P.O. Box 758, Greeley, Colorado 80631.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0216.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Weld County in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood

plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designations
Big Thompson River:		
Just upstream of County Road 27½.	4,690	A4.
Just downstream of County Road 25.	4,713	A4.
Just upstream of Route 257.....	4,744	A4.
Just upstream of County Road 17.	4,776	A4.
Just downstream of County Road 54.	4,797	A4.
At the westernmost corporate limits.	4,806	A4.

Also, along the Big Thompson River, in the vicinity of County Road 54, the proposed zone designation is Zone A0 (depth 2). Along Coal Creek, in the southwesternmost portion of the County, the special flood hazard area, identified as Zone A, has been annexed into the Town of Erie, Colorado.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued: January 4, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–1569 Filed 1–21–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 6132]

National Flood Insurance Program; Proposed Base Flood Elevations, Zone Designations, and Regulatory Floodway Boundaries for Walker County, Georgia

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations, and regulatory floodway boundaries described below. The proposed base flood elevations, zone designations, and regulatory floodway boundaries will be the basis for the flood plain management measures that the County is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the propoosed base flood elevations, zone designations and regulatory floodway boundaries are available for review at the County Commissioner's office. Send comments to: The Honorable Roy Parrish, Jr., Walker County Commissioner, Walker County Courthouse, Post Office Box 445, Lafayette, Georgia 30728.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, 500 C Street, Donohoe Building, Room 514, Washington, D.C. 20472, (202)287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations, zone designations, and regulatory floodway boundaries (100-year flood) for Walker County, Georgia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The proposed base flood elevations, zone designations, and regulatory floodway boundaries together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone designations, and regulatory floodway boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents

The proposed 100-year flood elevations, zone designations, and regulatory floodway boundaries for selected locations are:

Source of flooding	Location	Elevation in feet
West Chickamauga Creek.	At southern railway bridge.	732.0
West Chickamauga Creek.	Confluence of Coke Oven Branch.	728.0
West Chickamauga Creek.	Approximately 400' upstream of U.S. Route 27.	722.0
West Chickamauga Creek.	Approximately 600' upstream of Lee and Gordon Mill Dam.	717.0
Unnamed tributary to Coke Oven Branch.	At upstream side of Wilder Road.	734.0

Pursuant to the provisions of 5 U.S.C. 605 (b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: December 30, 1981.

Lee M. Thomas

Associate Director, State and Local Programs and Support.

[FR Doc. 82–1570 Filed 1–21–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA-6218]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 62103 on December 22, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Harvard, Worcester County, Massachusetts.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Harvard, Worcester County, Massachusetts, previously published at 46 FR 62103 on December 22, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local commmunity, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Under the Source of Flooding Bowers Brook in the Town of Harvard, Worcester County, Massachusetts, the elevation corresponding to the location "upstream crossing of Ayer Road (upstream)" should be amended to read 275.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: January 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1578 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6155]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Mount Prospect, Cook County, Illinois, previously published at 45 FR 48956 on October 5, 1981.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Mount Prospect, Cook County, Illinois previously published at 45 FR 48956 on October 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

Distances on Des Plaines River changed to correct a prior error in distance calculation and thereby be in agreement with the profile panel. The description change on Weller Creek was made to provide better correlation with the profile panel included with the study.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Mt. Prospect, Cook County	Weller Creek	Just downstream of Lincoln Street	*665
		Des Plaines River	About 1.0 mile upstream of Euclid Avenue	*637
			About 1.2 miles upstream of Euclid Avenue	*637

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director.)

Issued: December 24, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–1566 Filed 1–21–82; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 67

[Docket No. FEMA–6181]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 54604 on November 3, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Rostraver, Westmoreland County, Pennsylvania.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Rostraver, Westmoreland County, Pennsylvania, previously published at 46 FR 54604 on November 3, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Source of flooding	Location	Elevation in feet (NGVD)
Youghiogheny River	Approximately 6,600' upstream of State Route 981.	*788
Tributary No. 1	Approximately 1,150' upstream of Golf Course Access Road.	*1,008

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: January 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–1579 Filed 1–21–82; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 67

[Docket No. FEMA–6233]

National Flood Insurance Program; Proposed Special Flood Hazard Areas for the City of Crowley, Acadia Parish, Louisiana

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed special flood hazard areas as described below.

The proposed special flood hazard areas are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed special flood hazard are available for review at the Office of the City Inspector, City Hall, 5th Street and Avenue F, Crowley, Louisiana.

Send comments to: The Honorable Robert L. Istre, Mayor of Crowley, P.O. Box 1463, Crowley, Louisiana 70526.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed special flood hazard areas for the City of Crowley, Louisiana in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These special flood hazard areas, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed special flood hazard areas will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed special flood hazard areas are being increased along Drainage Ditch North, City Ditch, Bayou

Blanc, and the Tributary to City Ditch, due to more recent topographical information and to reflect the latest corporate limits. Along Drainage Ditch North, the proposed Special Flood Hazard Area, identified as Zone A1 (el 20), is extended to include the area generally bounded between Stutes Street and Seventeenth Street and between Avenue I and Texas Street. Along City Ditch, the proposed Special Flood Hazard Area is extended to include portions of those streets located between Fourteenth Street and Fourth Street and between the westernmost and easternmost corporate limits. The proposed zone designation along City Ditch is Zone A4 and the proposed base flood elevations range from 19 feet National Geodetic Vertical Datum (NGVD) to 21 feet NGVD.

Along Bayou Blanc, the proposed Special Flood Hazard Area, identified as Zone A5 (el 21), is extended to include the area generally bounded between Mead Street and Elm Street and between South Eastern Avenue and the easternmost corporate limits. Along the Tributary to City Ditch, the proposed special flood hazard area generally bounded between West Hutchinson Avenue and the Missouri Pacific Railroad and between Bowling Alley Road and the Missouri Pacific Railroad has been redesignated as Zone A.

In the recently annexed area, located between Fairway Drive and Seventeenth Street and west of Avenue I, the proposed special flood hazard area has been identified as Zone A1 (el 20). In the recently annexed area, located between Route 13 and Cherokee Road and north of Route 1111, the proposed special flood hazard area has been identified as Zone A.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 29, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1571 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA 6241]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Township of West Hempfield, Lancaster County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed based flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the West Hempfield Township Building, 3401 Marietta Avenue, Lancaster, Pennsylvania.

Send comments to: Joseph J. Neley, Chairman of Supervisors, Township of West Hempfield, 3401 Marietta Avenue, Lancaster, Pennsylvania 17601.

FOR FURTHER INFORMATION: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Township of West Hempfield, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

The zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation national geodetic vertical datum	Zone designation
Susquehanna River:		
Upstream corporate limits	250	A9, B.
Immediately upstream of U.S. Route 30.	244	A9.
Immediately downstream of U.S. Route 30.	243	A9.
Columbia-Wrightsville Bridge	242	A9.
Downstream corporate limits	219	A9, B, C.
Bricker Run:		
Within area bounded on the east by Blue Lane Road and on the north, south, and west by the corporate limits.	255	A3.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 11, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1575 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6236]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation Determinations for the City of North Sioux City, Union County, South Dakota

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floor-prone areas and the proposed base flood elevations and zone designations, are available for review at the Office of the Mayor, City Hall, North Sioux City, South Dakota.

Send comments to: The Honorable Larry Mahacek, Mayor, City of North Sioux City, P.O. Box 339, North Sioux City, South Dakota 57049.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of North Sioux City, South Dakota in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Big Sioux River:		
At the southernmost extraterritorial limits.	1100	A22.
Just downstream of Military Road.	1103	A22.
Approximately 500 feet upstream of Verna Street extended.	1106	A22.
At the northernmost corporate limits.	1111	A22.

In addition, special flood hazard areas, identified as Zone A, are being added around McCook Lake. The Zone A area north of County Road is a result of the overflow of Interstate 29 from the Big Sioux River upstream of the City of North Sioux City. The area protected from the 100-year flood by the levee, which is subject to failure or overtopping during larger floods, is identified as Zone B. The floodway has been modified along the aforementioned reach of the Big Sioux River.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 29, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1577 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6235]

National Flood Insurance Program; Proposed Zone Designation Determinations for the Borough of Myerstown, Lebanon County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 515 South College Street, Myerstown, Pennsylvania.

Send comments to: Edward Treat, Borough Manager, Borough of Myerstown, 515 South College Street, Myerstown, Pennsylvania 17067.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the Borough of Myerstown, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Source of flooding	Location	Zone designation
Tulpehocken Creek	Between South Railroad Street and South Broad Street.	A5.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1576 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6239]

National Flood Insurance Program; Proposed Zone Designation Determinations for the City of Noblesville, Hamilton County, Indiana

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at City Hall, 50 South Eighth Street, Noblesville, Indiana.

Send comments to: The Honorable Patricia A. Logan, City of Noblesville, City Hall, 50 South Eighth Street, Noblesville, Indiana 46060.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E. Chief Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the City of Noblesville, Indiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows: Zone A and C along Morse Reservoir.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1573 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6238]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the City of West Chicago, DuPage County, Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 475 Main Street, West Chicago, Illinois.

Send comments to: The Honorable A. Eugene Rennels, City of West Chicago, 475 Main Street, West Chicago, Illinois 60185.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the City of West Chicago, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Unnamed Tributary of Kress Creek:		
In portions of the area bounded by Geneva Road, Burlington Northern Railroad, Town Road, and the corporate limits.	750	A3.
In portions of the area bounded by the State Highway 38 right-of-way extending east from Town Road to the corporate limits.	733	A5, B, C.
Kress Creek:		
In portions of the area bounded by the State Highway 38 right-of-way extending from Kress Road east to the corporate limits.	745	A3, B, C.
Indian Boundary Road	750	A1, C.
Industrial Drive	752	A1, C.
In an area east of the confluence of Kress Creek and the Unnamed Tributary of Kress Creek bounded by Kress Creek and the corporate limits.	724	A4.
Shallow Flooding:		
In portions of the area bounded by State Highway 64, State Highway 59, the Chicago and Northwestern Railroad Spur, and the corporate limits.	Not applicable	B, C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1567 Filed 1-21-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA–6234]

National Flood Insurance Program; Proposed Zone Designation Determinations for Dodge County, Unincorporated Areas, Minnesota

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at the Dodge County Court House, Office of County Zoning Administration, Mantorville, Minnesota.

Send comments to: Cec Samuelson, Administrator, Office of County Zoning Administration, County of Dodge, Court House, Mantorville, Minnesota 55955.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for Dodge County, Minnesota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A along the Middle Fork Zumbro River and its tributaries, Milliken Creek and

its tributaries, the North Branch Middle Fork Zumbro River, Harkcom Creek, the South Branch Middle Fork Zumbro River and its tributaries, Judicial Ditch No. 1, County Ditch No. 5, Dodge Center Creek, Henslin Creek and its tributaries, Salem Creek and its tributaries, Green Valley Ditch, Westfield-Ripley Ditch, the Little Cedar River and its tributaries, the Cedar River and its tributaries, the South Fork Zumbro River and its tributaries, Rice Lake, and a tributary of the North Branch Root River.

Zone C in those areas of the community not included in the above listing.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 22, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–1572 Filed 1–21–82; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1982-Crop Peanuts; National Poundage Quota and Poundage Quota Referendum Period for 1982-Crop Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice of determination is to: (a) establish and proclaim the national poundage quota for 1982-crop peanuts; (b) establish the date and period for holding the national referendum of peanut farmers for the crops of peanuts produced in the calendar years 1982, 1983, 1984 and 1985; and (c) withdraw the national acreage allotment and marketing quota proclaimed for 1982-crop peanuts.

This determination is necessary to satisfy the statutory requirements of the Agricultural Adjustment Act of 1938, as amended, including amendments contained in the Agriculture and Food Act of 1981 (hereinafter referred to as "the Act").

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Kenny Robison, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3734-South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5188. The final regulatory impact analysis describing the impact of implementing this determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established to implement Executive Order 12291 and Secretary's memorandum No. 1512-1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, industries, Federal, State, or local governments or geographical regions, or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this notice of determination applies to are: Title—Commodity Loans and Purchases: Number 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this determination since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this determination.

The Agriculture and Food Act of 1981, effective December 22, 1981 changes for the 1982 through 1985 crops of peanuts the provisions governing national acreage allotments and national poundage quotas for peanuts by further amending section 358 of the Agricultural Adjustment Act of 1938, as amended, as follows:

(1) The acreage allotment and marketing quota provisions in section 358 (a) through (j) shall not be applicable to the 1982 through 1985 crops of peanuts.

(2) A new subsection (k) is added which established a national poundage quota for each of the 1982 through 1985 crops of peanuts. The national poundage quota for the 1982 crop of peanuts is 1,200,000 tons.

(3) A new subsection (o) is added which provides that not later than December 15 of each calendar year (or in the case of the 1982 crop, as soon as practicable after enactment of the Agriculture and Food Act of 1981), the Secretary shall conduct a referendum of farmers engaged in the production of quota peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to poundage quotas with respect to the crops of peanuts produced in the four calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of poundage quotas, no referendum shall be held with respect to quotas for the second, third, and fourth years of the period. The Secretary shall proclaim the result of the referendum within 30 days after the date on which it is held, and, if more than one-third of the farmers voting in the referendum vote against quotas, the Secretary also shall proclaim that poundage quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held. For purposes of this subsection, if the referendum for the 1982 crop is held after December 31, 1981, it shall be deemed to have been held in calendar year 1981.

Because of the absence of new legislation by December 1, 1981, the legislative authority for the 1982 peanut crop reverted to the permanent provisions in the Agricultural Adjustment Act of 1938, as amended. These provisions required the proclamation of the national acreage allotment and the national marketing quota for 1982 crop peanuts by December 1. A notice proclaiming these determinations was published in the **Federal Register** on December 8, 1981 (46 FR 60039). This notice withdraws these determinations and announces a national poundage quota for 1982-crop peanuts as required by the Agriculture and Food Act of 1981.

The following determinations are made with respect to 1982-crop peanuts. The material previously appearing in §§ 729.100 through 729.104 under the heading "1981 Crop of Peanuts; Acreage Allotments and Poundage Quotas" remains in full force and effect for the 1981 crop.

Determinations

1. *National Poundage Quota for 1982-Crop Peanuts.* The national poundage quota for 1982-crop peanuts is hereby determined and proclaimed to be 1,200,000 tons, as prescribed under

section 358(k) of the Agricultural Adjustment Act of 1938, as amended.

2. *Period of Poundage Quota Referendum for the 1982, 1983, 1984, and 1985 Crops of Peanuts.* Section 358(o) of the Act, as amended, requires that a referendum of farmers who were engaged in the production of the 1981 crop of quota peanuts be held as soon as possible after enactment of the Agriculture and Food Act of 1981 to determine whether such farmers are in favor of or opposed to poundage quotas for the crops of peanuts produced in the calendar years 1982, 1983, 1984, and 1985. The referendum will be held during the period January 25–29, 1982, inclusive, by mail ballot. This referendum will be conducted under the procedures for conducting producers referenda set forth in 7 CFR Part 717.

3. *Withdrawal of Proclamation of National Acreage Allotment and National Marketing Quota for 1982-Crop Peanuts.* The notice of determination proclaiming the national acreage allotment and national marketing quota for 1982-crop peanuts, which was published in the **Federal Register** on December 8, 1981 (46 FR 60039), is hereby withdrawn. This determination was made in accordance with section 358(a) of the Act. The Agriculture and Food Act of 1981 amends Section 358 of the Agricultural Adjustment Act of 1938 by, among other things, suspending subsection (a) and adding a new subsection (k) which provides for a national poundage quota. The announcement of the 1982-crop national poundage quota, contained in this notice, supersedes the previous determination.

(Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375))

Signed at Washington, D.C. on January 12, 1982.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 82-1501 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration Alabama Electric Cooperative, Inc., and South Mississippi Electric Power Association; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration as lead agency has prepared a Final Environmental Impact Statement (FEIS) in accordance with section 102(2)(C) of the National Environmental Policy act of 1969 (NEPA) (42 U.S.C. 4321(2)(C)), in connection with an anticipated application for financing assistance for Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420, and South Mississippi Electric Power Association, P.O. Box 1589, Hattiesburg, Mississippi 39401. The U.S. Fish and Wildlife Service has acted as a cooperating agency during the NEPA process.

The financing assistance would allow Alabama Electric Cooperative, Inc., and South Mississippi Electric Power Association to construct a proposed 51.5 km (32 mi) 230 kV transmission intertie connecting substations at Chatom, Washington County, Alabama, and Waynesboro, Wayne County, Mississippi, and to perform modifications at the substations. The project will enable Alabama Electric Cooperative, Inc., to deliver additional power and provide necessary voltage support to South Mississippi Electric Power Association's system, as well as improve the reliability of the total interconnected power system and provide for future purchase power agreements.

The proposed transmission right-of-way will cross approximately 3.2 km (2.0 mi) of 100-year floodplain and approximately 4.5 hectares (11 acres) of wetlands. REA has determined that there is no practicable alternative which avoids either floodplains or wetlands. Floodplain and wetland impacts are described in detail in §§ 6.3 and 6.4 of the FEIS.

Additional information on the proposed project may be secured from Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250; telephone: (202) 382–1400.

Copies of the Federal FEIS have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality regulations. A limited supply of the FEIS is available upon request to Mr. Bennett at the address given above. Copies of the FEIS may be examined during regular business hours at the Alabama Electric Cooperative, Inc., and South Mississippi Electric Power Association headquarters' buildings and at the following locations:

Rural Electrification Administration, 14th and Independence Avenue SW., Room 0230, Washington, D.C. 20250.

Waynesboro Memorial Library, 710 Wayne St., Waynesboro, Mississippi 39367.

Chatom Public Library, Chatom, Alabama 36518.

Persons, organizations and agencies wishing to comment should do so in writing within 30 days of this notice and address their correspondence to Mr. Bennett of REA at the address given above.

Final REA action pursuant to this proposed project (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to the environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

This federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 13th day of January, 1928.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-1564 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-15-M

Central Electric Power Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) for the proposed financing assistance by REA for Central Electric Power Cooperative, Inc., (Central) Columbia, South Carolina, to construct 28.8 km (18 mi) of 115 kV transmission line, 3.2 km (2 mi) of 46 kV submarine cable from John's Island to Kiawah Island, a 115 kV switching station, and three 115/46 kV substations on John's Island, Charleston County, South Carolina. This finding, in accordance with REA Bulletin 20–21:320–21, Part I, was based on REA's independent evaluation, REA's Environmental Assessment (EA) and Central's Borrower's Environmental Report (BER).

Threatened and endangered species, important farmland, floodplains, wetlands, cultural resources and other potential impacts of the proposed project have been investigated adequately in te BER and EA. The transmission lines will cross aproximately 13.8 km (8.6 mi) of 500-year floodplain and 3.9 km (2.4 mi) of wetlands. Impacts to cultural resources and threatened and endangered species will be avoided or minimized during right-of-way selection and construction. Overall, the construction and operation of the proposed project will have no unacceptable impacts to the environment.

Several alternatives were evaluated including no action, conservation, new generation, increased capacity and alternative methods of delivery. After

consideration of these alternatives, REA has determined that the proposed project is an acceptable alternative for meeting Central's needs with a minimum of adverse environmental impact.

Copies of the FONSI, the EA and the BER may be obtained from or review in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed in the offices of Central Electric Power Cooperative, Inc. (Mr. Patrick Allen, Manager), 121 Greystone Boulevard, P.O. Box 1455, Columbia, South Carolina 29202.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 12th day of January 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-1565 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-15-M

Oglethorpe Power Corp.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to the proposed use of general funds by Oglethorpe Power Corporation (Oglethorpe) of Atlanta, Georgia, to construct 11.7 km (7.3 mi) of 115 kV transmission line in Cobb and Cherokee Counties, Georgia. The proposed 115 kV line will extend from the existing Woodstock Substation to the new Mountain Park Substation. The line is needed to provide for the increasing power requirements and also improve transmission service reliability in that area. The 7.0 km (4.3 mi) of line near Woodstock willl be built on steel poles that can accommodate an anticipated 230 kV transmission line.

REA determined that the Borrower's Environmental Report (BER) submitted by Oglethorpe is an accurate assessment of the environmental aspects of the project. Based upon the BER and public response to the project, REA prepared an EA addressing the impacts of the proposed project. REA concluded that the proposed project would not be a major Federal action significantly affecting the quality of the human environment.

The proposed project will not affect floodplains, threatened or endangered species or known cultural resources. The transmission line will span a small tract of wetlands, but no structures will be placed in the wetlands. Any impacts to the wetlands will be limited to the construction period and will not be significant. The line will cross areas of prime forest and farmland. There is no practicable alternative to meeting power needs without crossing these lands. Structures will be sited in order to minimize the amount of productive land affected. In REA's judgment, construction, operation and maintenance of the project will not result in any unacceptable environmental impacts.

Oglethorpe and REA considered various alternatives to the proposed project, including no action and alternate routes. Based on the information in the BER and consideration of public comments, REA concluded that the proposed project is an acceptable alternative because it meets power needs with minimal adverse impact. In November 1981, Oglethorpe published the final set of public notices in newspapers local to Cobb and Cherokee Counties soliciting comments on the project. Several letters or phone calls were received which requested copies of the Borrower's Environmental Report. One comment addressed health effects of the line and line routing. These comments have been addressed.

The FONSI, EA and BER may be reviewed at or requested from the office of the Director, Power Supply Division, Room 0230, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone: (202) 382-1400; or the General Manager, Oglethorpe Power Corporation, 288 Woodcock Blvd., Tulane Building, P.O. Box 105033, Atlanta, Georgia 30348, telephone: (404) 455-1121.

This Program is listed in the Catalog of Federal Domestic Asistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 13th day of January 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-1563 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation and Transmission Cooperative, Inc.; Supplemental Draft Environmental Impact Statement

The Rural Electrification Administration (REA) has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) in connection with proposed changes to the water sources for the Plains Electric Generation and Transmission Cooperative, Inc., (Plains)—Escalante Generating Station, located in McKinley County, New Mexico.

The SDEIS addresses the need for, alternatives to, and environmental impact of proposed changes from the plans detailed in the Final Environmental Impact Statement (FEIS) completed for the Plains-Escalante Generating Station and issued in January 1980. Proposed changes would include the drilling of wells in the State Well Field instead of the Cooper Well Field, and an extension of the previously approved 22 km (14 mi) pipeline corridor by approximately 10 km (6 mi) to connect the State Well Field.

Alternatives considered in this SDEIS are: no action which would mean development of the Cooper Well Field, development of the State Well Field and development of a combination of the Cooper and State Well Fields.

Copies of the SDEIS have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality regulations. Limited supplies of the SDEIS are available upon request to: Mr. Frank Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St., and Independence Ave. SW, Washington, D.C. 20250.

The SDEIS may also be examined during regular business hours at the following locations:

Rural Electrification Administration, USDA, 14th and Independence Avenue SW., Room 0230, Washington, D.C. 20250.

Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road NE., Albuquerque, New Mexico 87107.

Albuquerque Public Library, 501 Copper Avenue NW., Albuquerque, New Mexico 87102.

Gallup Public Library, 115 Hill Avenue, Gallup, New Mexico 87301.

Grants Public Library, 524 West High Street, Grants, New Mexico 87020.

Persons, organizations and agencies wishing to comment on the environmental aspects of the project should do so in writing by addressing their comments to Mr. Bennett of REA at the address given above. All comments received within the 45-day comment period will be considered in the formulation of final determinations regarding the Supplemental Final Environmental Impact Statement (SFEIS). Responses to all substantive comments will be published in the SFEIS.

Final REA action, concerning this project, including any release of funds

for water source construction, will be taken only after REA has reached a satisfactory conclusion with respect to the project's environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 12th day of January, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-1562 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Washington Mountain Brook Watershed, Massachusetts

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT:

Sherman L. Lewis, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, telephone 413–256–0441.

Notice: Sherman L. Lewis, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Massachusetts, is hereby providing notification that a record of decision to proceed with the installation of the Washington Mountain Brook Watershed project is available. Single copies of this record of decision may be obtained from Sherman L. Lewis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 11, 1982.

Sherman L. Lewis,

State Conservationist.

[FR Doc. 82-1520 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-16-M

Lower Bogue Phalia-Murphy Bayou Watershed, Miss.

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:

Billy C. Griffin, State Conservationist, Soil Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone 601–960–5205.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Lower Bogue Phalia-Murphy Bayou Watershed, Washington and Bolivar Counties, Mississippi.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy C. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention and drainage. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures and channel improvement.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Meetings will be held as needed to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the scoping meetings may be obtained from Billy C. Griffin, State Conservationist, at the above address or telephone 601–960–5205.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Pub. L. 78–534, 58 Stat. 905)

Dated: January 11, 1982.

Billy C. Griffin,

State Conservationist.

[FR Doc. 82-1434 Filed 1-21-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 40139]

American Airlines, Inc.; Assignment of Enforcement Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., January 18, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-1646 Filed 1-21-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-1-77]

Application of Transportes Aereos Kantuta, LTDA, Trak Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to show cause: order 82–1–77.

SUMMARY: The Board proposes to approve the following application:

Applicant: Transportes Aereos Kantuta, LTDA., Trak Airlines.

Application Date: August 14, 1981 as supplemented November 9, 1981.

Docket: 39926.

Authority Sought: Foreign air carrier permit to engage in nonscheduled foreign air transportation of property and mail between Bolivia and Miami via Panama.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN February 12, 1982, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Republic of Bolivia. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 39926, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Transportes Aereos Kantuta, LTDA., Trak Airlines, c/o Mr. Robert M. Hausman, Hausman and Rosenthal,

P.C., 1747 Pennsylvania Ave., NW., Washington, D.C. 20036

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Gerald Caolo, Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5371.

By the Civil Aeronautics Board, January 18, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–1644 Filed 1–21–82; 8:45 am]

BILLING CODE 6320–01–M

[Docket 33363]

Former Large Irregular Air Service Investigation; Applications of Star Airlines, Inc. Dockets 40357, 40358; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Star Airlines, Inc., Dockets 40357 and 40358, has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., January 18, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82–1645 Filed 1–21–82; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39675]

Trenton Hub Express Airline Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on January 28, 1982, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

The issues in the proceeding will be those prescribed by the Board in Order 81–12–146. Parties will present at the conference requests for any evidence in addition to that submitted with the application and be prepared to propose further procedural dates.

Dated at Washington, D.C., January 18, 1982.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 82–1647 Filed 1–21–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5–81; Foreign-Trade Zone No. 22]

Application for a Special-Purpose Subzone-Industry Impact Study; Chicago

This notice concerns the application of the Chicago Regional Port District, grantee of Zone 22, filed by the Foreign-Trade Zones Board on May 11, 1981, requesting authority to establish a foreign-trade subzone at the UNR-Levitt steel tube plant in Chicago (46 FR 27364, 5/19/81). A public hearing was held on the matter on June 18, 1981, and the open record period for comments was extended to September 1, 1981 (46 FR 38736, 7/29/81). During the open record period a number of comments in opposition were received from the domestic steel industry.

In order to assist the examiners committee in its evaluation of the proposal, the Board's Executive Secretary requested from the Bureau of Industrial Economics, U.S. Department of Commerce (BIE), an economic analysis as to the impact on the national economy and competing domestic industry of allowing the steel tube plant to operate under foreign-trade zone procedures. The analysis was completed on January 4, 1982.

Notice is hereby given that the application record has been reopened to parties of record for comments on the BIE economic impact report. Comments should be submitted with 12 copies and must be received or postmarked by February 26, 1982.

The report is available for inspection at the Reading Room of the Office of Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Room 2804, Washington, D.C. 20230 (202–377–1248).

Dated: January 19, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82–1600 Filed 1–21–82; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Fireplace Mesh Panels From Taiwan; Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Preliminary affirmative determination of sales at less than fair value: Fireplace mesh panels from Taiwan.

SUMMARY: We have preliminary determined that fireplace mesh panels from Taiwan are being sold in the United states at less than fair value. We have notified the U.S. International Trade Commission of our determination and are directing the U.S. Customs Service to suspend liquidation of all entries or warehouse withdrawals of this merchandise for consumption in the United States. We are also directing the Customs Service to require a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 2.31 percent of the f.o.b. value of the fireplace mesh panels, except for such merchandise manufactured by Fuan Da Industrial Co., Ltd, for which we found no estimated dumping margins. Unless we extend the investigation, we will make our final determination by April 2, 1981.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Office of Investigations, Import Administration International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1756.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation, we have preliminarily determined that there is reason to believe or suspect that fireplace mesh panels from Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended ("the Act"). We have preliminarily determined that, with the exception of fireplace mesh panels produced by Fuan Da Industrial Co., Ltd., the U.S. price of the merchandise is less than its foreign market value. The estimated range of margins for Yeh Seng Wire Mesh & Screen Co., Ltd. is 1.88–44.16 percent, with a weighted-averaged margin of 2.31 percent. We did not find margins with respect to sales made by the Fuan Da Industrial Co., Ltd. We are not, however, excluding Fuan Da from this affirmative preliminary determination, because we have not yet

received, analyzed, and verified sufficient information to satisfy ourselves that there have been no sales at less than fair value.

Therefore, for the purposes of this preliminary determination, we are suspending liquidation as to this manufacturer, but we are not requiring a cash deposit, the posting of a bond or other security. Before making our final determination, we will request and verify additional information from both companies.

Case History

On August 11, 1981 we received a petition in proper form from International Management Service Associates, Inc. of Sinking Spring, Pennsylvania. The petition alleged that fireplace mesh panels from Taiwan were being sold in the United States at less than fair value, and that such sales were materially injuring a U.S. industry. The petitioner found evidence of sales at less than fair value by comparing the purchase price of the goods in question with their constructed value.

After reviewing the petition, we decided it contained sufficient grounds to initiate an antidumping investigation. Therefore, we notified the U.S. International Trade Commission ("ITC") of our determination, and on September 8, 1981, we announced the initiation (46 FR 44805). On September 24, 1981, the ITC preliminarily found that there is reasonable indication that these imports are materially injuring or are threatening to materially injure a U.S. industry (46 FR 49679–83).

Scope of the Investigation

For purposes of this investigation, fireplace mesh panels are defined as pre-cut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and zero-clearance fireplaces. Zero-clearance fireplaces are defined as prefabricated fireplaces which are constructed in such a way that they can be placed into the structure of a house with zero-clearance, i.e., they can be in direct contact with the floors and walls and do not require insulation such as brick or stone. Fireplace mesh panels are currently classifiable under items numbers 642.8700 or 654.0045 of the Tariff Schedules of the United States Annotated, depending on their stage of processing.

Our investigation covered the Fuan Da Industrial Co., Ltd. and the Yeh Seng Wire Mesh & Screen Co., Ltd., the only known manufacturers of fireplace mesh panels in Taiwan during the period of investigation.

This investigation covers the period of March 1, 1981—August 31, 1981.

Methodology for Fair Value Comparison

In making a fair value comparison, we compared United States price with the foreign market value.

U.S. Price

To determine the United States price of the merchandise, we used purchase price, as defined in section 772(b) of the Act, because the merchandise was sold to an unrelated U.S. customer at a price agreed upon before it was imported into the United States.

We calculated the purchase price on the basis of the f.o.b. Taiwan price with deductions, where appropriate, for inland freight, bank service charges, commissions, and Customs brokerage fees.

Foreign Market Value

To arrive at the foreign market value of fireplace mesh panels, we used constructed value, as defined in section 773(e) of the Act, because there were no sales of mesh fireplace panels in the home market or to third countries.

We constructed the foreign market value of the fireplace mesh panels on a company-by-company basis. We calculated the constructed value on the basis of the cost of materials, cost of fabrication, general, selling and administrative expenses, profit, and the cost of packing. Where actual costs or expenses were not available, we used the best information available in accordance with section 776(b) of the Act. For general expenses, selling expenses, and administrative expenses ("G.S. & A.") and profit, we applied statutory minimums of 10 percent and 8 percent, respectively.

Since Yeh Seng Wire Mesh & Screen Co., Ltd. did not supply sufficient documentation for labor costs and factory overhead, we used the labor rates of Fuan Da Industrial Co., Ltd. in computing Yeh Seng's labor cost. For factory overhead, we applied the per unit factory overhead cost used in the Fuan Da calculations. In the absence of 1981 factory overhead cost data for Fuan Da, we used 1980 figures with an adjustment for inflation. Where Yeh Seng could not document an element of its packing costs, we applied Fuan Da's actual packing costs.

Verification

In accordance with section 776(a) of the Act, we attempted to verify all information submitted and relied on in this determination. We used standard verification procedures, including on-site inspection of the operations and examination of accounting records and randomly selected documents containing relevant information. We will ask for and verifty additional information before making a final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we direct the U.S. Customs Service ("Customs") to suspend, upon this notice's publication, the liquidation of merchandise subject to this investigation that is entered into the United States for consumption or withdrawn from warehouses for consumption. Customs will require a cash deposit, bond, or other security in the amount of 2.31 percent of the f.o.b. value of such merchandise, except that no cash deposit, bond, or other security will be required for fireplace mesh panels manufactured by the Fuan Da Industrial Co., Ltd. This suspension will remain in effect until further notice.

ITC Notification

We are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

If requested, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. This hearing is scheduled for 10:00 a.m. on February 12, 1981, U.S. Department of Commerce, Room 3080, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

All requests for hearings must be submitted within ten days of the publication of this notice to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the same address. They should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by February 5, 1981. Oral presentations will be limited to the issues raised in the briefs.

Any written views should be filed in accordance with 19 CFR 353.46 at the

above address, in at least ten copies, and on or before February 24, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-1599 Filed 1-21-82; 8:45 am]
BILLING CODE 3510-25-M

Minority Business Development Agency

Business Development Pilot Projects; Applications Solicited

January 13, 1982.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority business Development Agency (MBDA) announces that it is soliciting applications for cooperative agreements under its Business Development Center (BDC) program to operate pilot projects for a twelve (12) month period. Applicants will be required to contribute at least 10% to the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fees for services or in-kind contributions. The estimated cost of each project including the maximum federal participation and the minimum amount required for non-federal participation is included in the following description of each project.

CLOSING DATE: February 25, 1982.

ADDRESS: Dallas Regional Office, Minority Business Development Agency, 1100 Commerce Street, room 7B19, Dallas, Texas 75242. For further information contact Ms. Kathy Bowman, Minority Business Program Technician, at (214) 767-8001.

(1) A cooperative agreement for BDC services to operate in Houston, Texas (SMSA) counties of Brazoria, Fort Bend, Harris, Liberty, Montgomery and Waller. The total cost will not exceed $700,000 including a maximum of $630,000 in federal funds and a minimum of non-federal participation of $70,000. The anticipated start date for the project is May 16, 1982 and the Project I.D. Number is 06-10-82000-01.

(2) A cooperative agreement for BDC services to operate in Oklahoma City, Oklahoma (SMSA) counties of Canadian, Cleveland, McClain, Oklahoma and Pottawatomie. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is May 16, 1982 and the Project I.D. Number is 06-10-82010-01.

(3) A cooperative agreement for BDC services to operate in Corpus Christi, Texas (SMSA) counties of Nueces and San Patricio. The total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is May 16, 1982 and the Project I.D. Number is 06-10-82013-01.

(4) A cooperative agreement for BDC services to operate in Dallas/Fort Worth, Texas (SMSA) counties of Dallas, Collin, Ellis, Kaufman, Rockwall, Tarrant, Denton, Johnson and Wise. The total cost will not exceed $410,000 including a maximum of $369,000 in federal funds and a minimum of non-federal participation of $41,000. The anticipated start date for the project is June 16, 1982 and the Project I.D. Number is 06-10-82001-01.

(5) A cooperative agreement for BDC services to operate in El Paso, Texas (SMSA) county of El Paso. the total cost will not exceed $410,000 including a maximum of $369,000 in federal funds and a minimum of non-federal participation of $41,000. The anticipated start date for the project is June 16, 1982 and the Project I.D. Number is 06-10-82003-01.

(6) A cooperative agreement for BDC services to operate in Little Rock, Arkansas (SMSA) county of Pulaski. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is June 16, 1982 and the Project I.D. Number is 06-10-82012-01.

(7) A cooperative agreement for BDC services to operate in Austin, Texas (SMSA) counties of Hays and Travis. the total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is June 16, 1982 and the Project I.D. Number is 06-10-82014-01.

(8) A cooperative agreement for BDC services to operate in McAllen, Texas (SMSA) county of Hidalgo. The total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is July 1, 1982 and the Project I.D. Number is 06-10-82006-01.

(9) A cooperative agreement for BDC services to operate in Brownsville, Texas (SMSA) county of Cameron. The total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is July 1, 1982 and the Project I.D. Number is 06-10-82008-01.

(10) A cooperative agreement for BDC services to operate in Shreveport, Louisiana (SMSA) parishes of Bossier, Caddo, and Webster. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is July 1, 1982 and the Project I.D. Number is 06-10-82011-01.

(11) A cooperative agreement for BDC services to operate in San Antonio, Texas (SMSA) counties of Bexar, Comal, and Guadalupe. The total cost will not exceed $410,000 including a maximum of $369,000 in federal funds and a minimum of non-federal participation of $41,000. The anticipated start date for the project is July 1, 1982 and the Project I.D. Number is 06-10-82002-01.

(12) A cooperative agreement for BDC services to operate in New Orleans, Louisiana (SMSA) parishes of Jefferson, Orleans, St. Bernard, and St. Tammany. The total cost will not exceed $410,000 including a maximum of $369,000 in federal funds and a minimum of non-federal participation of $41,000. The anticipated start date for the project is July 16, 1982 and the Project I.D. Number is 06-10-82004-01.

(13) A cooperative agreement for BDC services to operate in Baton Rouge, Louisiana (SMSA) parishes of Ascension, East Baton Rouge, Livingston, and West Baton Rouge. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is July 16, 1982 and the Project I.D. Number is 06-10-82009-01.

(14) A cooperative agreement for BDC services to operate in Albuquerque, New Mexico (SMSA) counties of Bernalillo and Sandoval. The total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is July 16, 1982 and the Project I.D. Number is 06-10-82007-01.

(15) A cooperative agreement for BDC services to operate in Denver, Colorado (SMSA) counites of Adams, Arapahoe, Boulder, Denver, Douglas, Gilpin and Jefferson. The total cost will not exceed $250,000 including a maximum of $225,000 in federal funds and a minimum of non-federal participation of $25,000. The anticipated start date for the project is July 16, 1982 and the Project I.D. Number is 06-10-82005-01.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled. Legal services are excluded.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort, i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contribution are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into ther Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. Pre-Application Conferences

Pre-Application conferences to assist all interested applicants will be held at 1100 Commerce Street, Room 7A23, Dallas, Texas on February 8, 1982 at 1:00 p.m. and at 1961 Stout Street, Room 239, Denver, Colorado on February 10, 1982 at 1:00 p.m.

(Catalog of Federal Domestic Assistance No. 11.800 Minority Business Development)

Richard H. Sewing,

Regional Director.

[FR Doc. 82-1530 Filed 1-21-82; 8:45 am]

BILLING CODE 3510-21-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Prime-Rate Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBOT") has applied for designation as a contract market in prime-rate futures. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making the proposed contract available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 23, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CBOT prime-rate futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254-7303.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of the CBOT proposed prime-rate futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions, subject to claims of copyright, can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBOT in support of its application for contract market designation, also subject to claims of copyright, may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for inspection of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBOT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by March 23, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on January 19, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-1601 Filed 1-21-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, March 2, 1982; Tuesday, March 9, 1982; Tuesday, March 16, 1982; Tuesday, March 23, 1982; and Tuesday, March 30, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involved "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b (c)(4)).

However, members of the public who may wish to do so are invited to submit

material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 19, 1982.

[FR Doc. 82-1461 Filed 1-21-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Develop a Procedure To Estimate Resource Cost-Effectiveness; Request for Comments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to develop a procedure to estimate resource cost-effectiveness; request for comments.

SUMMARY: In order to effectively implement the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), BPA intends to develop a procedure for estimating resource cost-effectiveness. This procedure would be used to reach an estimate of the cost-effectiveness of conservation, direct-application renewable, and electric generating resources. This notice is in response to public comment requesting that the proposed methodology for estimating quantifiable environmental costs and benefits be presented in the context of the entire resource cost-effectiveness estimation. At this time, BPA is requesting that interested persons submit suggestions, advice, and recommendations that will assist BPA in developing a proposed procedure for the estimation of resource cost-effectiveness.

This procedure will be developed in accordance with BPA's Procedure for Public Participation in Major Regional Power Policy Formulation. Following consideration of the public recommendations received in response to this notice, BPA expects to publish a proposal for the estimation of resource cost-effectiveness including a proposed methodology for quantifying environmental costs and benefits. Notice of a proposed procedure for estimating resource cost-effectiveness should be available during February 1982. Public comments forums will be scheduled at that time with opportunity for both oral and written comments. Following receipt and consideration of comments, BPA will publish a final procedure for estimating resource cost-effectiveness.

DATES: Suggestions and recommendations concerning the development of BPA's proposed procedure for estimating resource cost-effectiveness will be accepted through February 22, 1982. In addition, BPA will endeavor to meet with interested persons who may have questions regarding cost-effectiveness under the Regional Act. To request such a meeting, interested persons should contact the Area or District Manager in their locality or the office of the Public Involvement Coordinator.

Additionally, interested individuals are invited to attend a discussion of issues on estimating resource cost-effectiveness scheduled for February 9, 1982, at the BPA Headquarters, Room 464, 1002 NE. Holladay, Portland, Oregon, from 9 a.m. to 12 noon.

SUPPLEMENTARY INFORMATION:

Introduction. Section 6 of the Regional Act (Pub. L. 96-501) requries that the Administrator, with a narrow exception in Section 6(c), acquire resources which are cost-effectiveness. Section 3(4) states that a cost-effectiveness resource must be forecast:

(A) * * *

(i) To be reliable and available within the time it is needed, and

(ii) To meet or reduce the electric power demand, as determined by the Regional Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(B) For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer, and, among other factors, waste disposal costs, end-of-cyle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Regional Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

(C) In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

(D) For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure or resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.

II. *Action.* Neither the Regional Act nor the accompanying legislative history specifies in detail how BPA is to estimate resource cost-effectiveness. BPA has, therefore, formed internal work groups to address issues such as a methodology to estimate quantifiable environmental costs and benefits, the selection of a discount rate, procedures to assure uniform treatment of cost across resource types, sensitivity analyses, and others.

Through previous notices in the **Federal Register**, BPA has solicited public comment on a methodology to estimate quantifiable environmental costs and benefits. Comments from these notices and during the Congressional Subcommittee on Energy Conservation and Power oversight hearing of November 10, 1981, indicate that there is significant interest in many additional issues related to how BPA will estimate resource cost-effectiveness. Therefore, to provide potential sponsors and the interested public with a clearer understanding of the procedure to be used to reach an estimation of cost-effectiveness, BPA intends to develop and publish the procedure in accord with its Procedure for Public Participation in Major Regional Power Policy Formulation (46 FR 26268). The proposed methodology to estimate quantifiable environmental costs and benefits will be incorporated in the proposed procedure to estimate resource cost-effectiveness.

III. *Issues Identified to Date.* The Regional Act clearly states that all direct costs of a resource including transmission and distribution, waste disposal, end-of-cycle, fuel and quantifiable environmental costs and benefits are to be considered. Other direct costs include the cost of constructiion, operation and maintenance, and administrative and general expenses. The regional power system also will incur costs (support costs), both positive and negative, as new resources are added. These support costs include costs associated with

operational changes, the provision of reserves, incremental power and energy losses due to specific locations, and the necessity of peak support.

After the appropriate cost elements have been identified, the estimation and treatment of the costs and benefits must be addressed. The costs and benefits of resources occur over time, but it is necessary to evaluate the stream of costs and benefits in the present. Several issues related to this have been identified including:

(a) The particular method by which all costs and benefits, including a determination of the present worth of energy streams, are to be brought forward in time (a mills per kilowatthour figure);

(b) The selection of a discount rate;

(c) Whether the analysis of capital and variable costs should be performed in real or nominal terms; and

(d) The appropriate source for any required cost inflators or deflators.

While there is considerable expertise available to estimate most costs, the estimation of environmental costs and benefits is not well developed. BPA is continuing to study all issues identified through the two **Federal Register** notices (46 FR 22925 and 46 FR 50096) concerning a methodology for estimating quantifiable environmental costs and benefits. More information and analysis is also needed for the estimation of end-of-cycle costs.

Once estimates are determined for the costs and benefits of a resource, their use in the decisionmaking process requires knowledge of the assumptions underlying the estimates. Estimates can be particularly sensitive to the choice of discount rates, financing costs, expected output or savings, date of commercial operation, and environmental costs and benefits. To assure that the decisionmaker is aware of the validity of the cost estimates, critical assumptions underlying the estimates of costs and benefits may need to be subjected to sensitivity analysis. There may be areas other than those identified above which also require sensitivity analysis, depending on the resource or specific technology.

Another issue arises from the fact that the concept of resource cost-effectiveness is not strictly monetary. As explained in the proposed methodology for estimating quantifiable environmental costs and benefits, BPA does not believe it is currently possible to produce an accurate dollar estimate for all environmental costs and benefits. Those costs and benefits that cannot be assigned a dollar value, however, must be considered by the decisionmaker. Other nonmonetary information that may be important includes the requirements placed upon BPA by its power sales contracts with its customers including the time in which the power is needed, the quality of power being offered to meet such needs, and resource and load location; the potential for conservation in the region and the related net requirements on BPA; and considerations of optimal system planning.

A cost-effective resource, therefore, is not just the resource with the lowest dollar cost. Rather, it is the resource which meets or reduces electric power demand with the least incremental system cost, within the terms of the Regional Act, including all environmental costs and benefits and support costs, that is reliable and available when needed to help meet the Administrator's obligations.

IV. *Public Involvement.* Through this notice, BPA seeks to involve the public in the development of a proposed procedure for the estimation of resource cost-effectiveness. Interested persons are invited to submit recommendations and suggestions through February 22, 1982, to the Public Involvement Coordinator.

A special discussion session of issues germane to the estimation of resource cost-effectiveness is also scheduled. This is to be held February 9, 1982, at the BPA Headquarters, Room 464, 1002 NE. Holladay, Portland, Oregon 97232, from 9 a.m. to 12 noon.

During February 1982, after receiving and evaluating public suggestions, advice, and recommendations, BPA will publish, for formal review, a proposed procedure to estimate resource cost-effectiveness.

V. *Definitions.* As used in this notice, the term—

(a) "Administrator" means the Administrator of the Bonneville Power Administration.

(b) "Council" or "Regional Council" means the members appointed to the Pacific Northwest Electric Power and Conservation Planning Council.

(c) "Regional Plan" means the Regional Electric Power and Conservation plan, including any amendments thereto, adopted pursuant to Pub. L. 96–501 (Regional Act).

(d) "Resource" means—(1) electric power, including the actual or planned electric power capability of generating facilities, or (2) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

FOR FURTHER INFORMATION CONTACT:
Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–230–4261. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington, 98801, 509–662–4377, extension 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–422–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Issued in Portland, Oregon, January 15, 1982.

Earl E. Gjelde,

Acting Administrator.

[FR Doc. 82–1800 Filed 1–21–82; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 81–CERT–028]

American Cyanamid Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On February 5, 1981, American Cyanamid Company (American Cyanamid, One Cyanamid Plaza, Wayne, New Jersey 07470), was granted a recertification of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 81–CERT–002). The certification involved the purchase of natural gas from Conecuh-Monroe Counties Gas District for use by American Cyanamid at its acrylic fiber plant located in Pensacola, Florida. The ERA certificate expires on February 4, 1982.

On December 15, 1981, American Cyanamid filed an application for

recertification of an eligible use of natural gas to displace fuel oil at its Pensacola plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6013, 2000 M Street, N.W., Washington, D.C., from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, American Cyanamid states that the volume of natural gas for which it requests recertification is up to 3,000 Mcf per day. The use of this gas is estimated to displace the use of up to 20,000 gallons (476 barrels) of No. 6 fuel oil (2.5 percent sulfur) per day at the Pensacola plant. The eligible seller of the natural gas is Conecuh-Monroe Counties Gas District, P.O. Box 310, Evergreen, Alabama 36401. The gas will be transported by United Gas Pipe Line Company, 700 Milam, P.O. Box 1478, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6304, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to American Cyanamid and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on January 8, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82–1654 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

Bayou State Oil Corp. and Ida Gasoline Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, (214) 767–7745.

SUPPLEMENTARY INFORMATION: On November 17, 1981, Volume 46 FR 56496, the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Bayou State and Ida on October 20, 1981 which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on the date of this participation.

Issued in Dallas, TX on the 29th day of December 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 82–1655 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 81–CERT–027]

Capco Pipe Company, Inc.; Recertification of Eligible Use of Natural Gas to Displace Fuel Oil

On December 7, 1981, Capco Pipe Company, Inc. (Capco), formerly Cement Asbestos Products Company, 1400 Twentieth Street, South, P.O. Box 3435, Birmingham, Alabama 35255, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for recertification of an eligible use of up to 575 Mcf of natural gas per day to displace approximately 4,164 gallons (99 barrels) of No. 2 fuel oil (0.12 percent sulfur) per day at its production facility located in Ragland, Alabama. The eligible seller of the natural gas is Alabama Gas Corporation, 1918 First Avenue, Birmingham, Alabama 35295. The gas will be transported by Southern Natural Gas Company, P.O. Box 2563, Birmingham, Alabama 35202. Notice of that application was published in the **Federal Register** (46 FR 62492, December 24, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. The public comment period has expired and no comments were received.

On December 28, 1980, Capco received a one-year recertification (ERA Docket No. 80–CERT–041) of an eligible use of natural gas at the Ragland facility purchased from Alabama Gas Corporation, which expired on December 27, 1981.

The ERA has carefully reviewed Capco's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Capco's application satisfies the criteria enumerated in 10 CFR Part 595, and therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6013, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

This recertification was issued prior to the expiration of the 10-day public comment period and made effective on December 28, 1981, to provide continuity with the previous certificate's December 27, 1981, expiration date. The recertification involves the displacement of fuel oil and it is in the public interest to maximize the displacement of fuel oil. This purchase and use of gas has qualified as an "eligible use" for the past two years.

Issued in Washington, D.C., on January 8, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82–1656 filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

Pioneer Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P. O. Box 35228, Dallas, Texas 75235 (214) 767–7745.

SUPPLEMENTARY INFORMATION: On December 3, 1982, 46 FR 58733 1981, the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Pioneer Corporation on November 19, 1981, which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on Janury 22, 1982.

Issued in Dallas, Texas on the 5th day of January 1982.

Herbert F. Buchanan,

Deputy District Manager, Southwest District, Economic Regulatory Administration.

[FR Doc. 82–1657 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Volume 577]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1982.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
********** TEXAS RAILROAD COMMISSION **********									
-ADDISON ENERGY INC			RECEIVED: 12/17/81 JA: TX						
8211094	F-7B-043113	4208932320		102-4		BRANDT #4	(WEENEDA)	12.0	ODESSA NATURAL CO
-AMERADA HESS CORPORATION			RECEIVED: 12/17/81 JA: TX						
8211241	F-8A-043434	4216532029		103		SEMINOLE SAN ANDRES UNIT #1015	SEMINOLE SAN ANDRES	0.1	PHILLIPS PETROLEU
8211239	F-8A-043432	4216532028		103		SEMINOLE SAN ANDRES UNIT #1309	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211240	F-8A-043433	4216532021		103		SEMINOLE SAN ANDRES UNIT #1409	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211243	F-8A-043436	4216537022		103		SEMINOLE SAN ANDRES UNIT #1410	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211237	F-8A-043430	4216532036		103		SEMINOLE SAN ANDRES UNIT #1614	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211242	F-8A-043435	4216532095		103		SEMINOLE SAN ANDRES UNIT #4125	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211238	F-8A-043431	4216531993		103		SEMINOLE SAN ANDRES UNIT #4126	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211245	F-8A-043438	4216531932		103		SEMINOLE SAN ANDRES UNIT #4319	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8211244	F-8A-043437	4216532010		103		SEMINOLE SAN ANDRES UNIT #4321	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
-AMMEX PETROLEUM INC			RECEIVED: 12/17/81 JA: TX						
8211034	F-03-042806	4205131729		102-2		SHERRY UNIT #1	GIDDINGS (AUSTIN CHALK-3	316.8	CLAJON GAS CO
8211034	F-03-042806	4205131729		103		SHERRY UNIT #1	GIDDINGS (AUSTIN CHALK-3	316.8	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 12/17/81 JA: TX						
8211091	F-06-043101	4220330862		103		CHARLOTTE MORRIS HYNSON GAS UNIT #1	WOODLAWN/COTTON VALLEY/	50.0	EAST TEXAS INDUST
8211091	F-06-043101	4220330862		107-TF		CHARLOTTE MORRIS HYNSON GAS UNIT #1	WOODLAWN/COTTON VALLEY/	50.0	EAST TEXAS INDUST
8211120	F-8A-043170	4221931981		102-4		J M DAVIS #2	LEVELLAND(ABO)	1.6	AMOCO PRODUCTION
8211092	F-06-043102	4220330835		102-4		MCGEE GAS UNIT /B/ #1	WOODLAWN S W /COTTON VAL	130.0	EAST TEXAS INDUST
8211092	F-06-043102	4220330835		107-TF		MCGEE GAS UNIT /B/ #1	WOODLAWN S W /COTTON VAL	130.0	EAST TEXAS INDUST
8211119	F-6E-043169	4240131086		103		R F RUSSELL B #8	EAST TEXAS	3.7	EXXON CO U S A
-ARCO OIL AND GAS COMPANY			RECEIVED: 12/17/81 JA: TX						
8211213	F-7C-043350	4223531706		103		J R SCOTT EST "50" #2	SPRABERRY TREND AREA	21.6	J L DAVIS
8211214	F-7C-043351	4223531803		103		J R SCOTT ESTATE "54" #7	SPRABERRY TREND AREA	25.2	J L DAVIS
-B & B FARM INDUSTRIES INC			RECEIVED: 12/17/81 JA: TX						
8211089	F-10-043097	4217930806		102-4		BATES #1-54 L	NORTH LAKETON (ELLENBURG	360.0	PIONEER CORP
8211090	F-10-043098	4217930806		102-4		BATES 1-54 U	NORTH LAKETON (LWR PENN)	140.0	PIONEER CORP
-BAR M PETROLEUM CO INC			RECEIVED: 12/17/81 JA: TX						
8211047	F-03-042948	4205131603		103		SISTERS #1	GIDDINGS (AUSTIN CHALK)	72.0	FERGUSON CROSSING
-CA-TEX PETROLEUM INC			RECEIVED: 12/17/81 JA: TX						
8211265	F-09-043487	4250335316		102-2		C K GARVEY C #2	YOUNG COUNTY REGULAR	0.0	MID STATES GAS CO
-CARTER ENERGY CORP			RECEIVED: 12/17/81 JA: TX						
8211040	F-09-042865	4249700000		103		ROSIE BOAZ #2	BOONSVILLE (CADDO LIME)	20.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC			RECEIVED: 12/17/81 JA: TX						
8211233	F-03-043408	4214930622		103		HULDA KARISCH #1 (RRC# 13479)	GIDDINGS (AUSTIN CHALK)	8.6	PHILLIPS PETROLEU
8211236	F-03-043414	4214930808		103		RIGHTMER B-1 (RRC ID# 13835)	GIDDINGS (AUSTIN CHALK)	6.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY			RECEIVED: 12/17/81 JA: TX						
8211152	F-04-043262	4242700000		108		MARTINEZ B #6 (02349)	RINCON NORTH	3.5	TENNESSEE GAS PIP
8211151	F-04-043261	4242700000		108		MARTINEZ C #2 (09400)	RINCON NORTH 5900	2.5	TENNESSEE GAS PIP
8211046	F-7C-042938	4246131748		103		NEAL B #3	BENEDUM (FUSSELMAN)	173.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CLOUDBERRY CO				RECEIVED: 12/17/81 JA: TX					
8211122	F-09-043174	4250333373			103	TYSON #1	YOUNG COUNTY REGULAR	15.0	SOUTHWESTERN GAS
8211116	F-09-043164	4250333382			103	TYSON #2	YOUNG COUNTY REGULAR	15.0	SOUTHWESTERN GAS
8211123	F-09-043175	4250333827			103	TYSON #4	YOUNG COUNTY REGULAR	15.0	SOUTHWESTERN GAS
8211121	F-09-043172	4250333821			103	TYSON #5	YOUNG COUNTY REGULAR	15.0	SOUTHWESTERN GAS
8211099	F-09-043123	4250333852			103	TYSON #6	YOUNG COUNTY REGULAR	15.0	SOUTHWESTERN GAS
-CLYDE MELTON				RECEIVED: 12/17/81 JA: TX					
8211030	F-78-042773	4204931665			103	HARDY #1 (14581)	BROWN COUNTY REGULAR	4.0	ODESSA NATURAL CO
-COASTAL OIL & GAS CORP				RECEIVED: 12/17/81 JA: TX					
8211073	F-10-043062	4237530850			103	MASTERSON "B" 8358P	PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTA
-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED: 12/17/81 JA: TX					
8211290	F-03-043631	4285151846			102-2	M J FILIPPONE #5	GIDDINGS (AUSTIN CHALK-3	38.0	FERGUSON CROSSING
-CONOCO INC				RECEIVED: 12/17/81 JA: TX					
8211283	F-78-043568	4215100000			108	LUCIE MAE WILSON #21 ID #01915	ROUND TOP	4.3	LONE STAR GAS CO
8211284	F-08-043569	4200300000			108	UNIVERSITY-12-#4 ID #25466	HUTEX	0.5	PHILLIPS PETROLEU
8211282	F-08-043564	4213500000			108	WIGHT UNIT #122 ID #20661	COWDEN N	2.4	AMOCO PRODUCTION
8211281	F-08-043563	4213500000			108	WIGHT UNIT #77 ID #20661	COWDEN N	13.4	AMOCO PRODUCTION
-CORDOVA RESOURCES INC				RECEIVED: 12/17/81 JA: TX					
8211048	F-78-042961	4213300000			108	SCOTT #2-A	EASTLAND COUNTY REGULAR	0.0	ODESSA NATURAL CO
-CPC EXPLORATION INC				RECEIVED: 12/17/81 JA: TX					
8211064	F-03-043015	4214930911			102-2	ATLANTA HATFIELD LEASE NO 14599	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
-DALLAS PRODUCTION INC				RECEIVED: 12/17/81 JA: TX					
8211246	F-78-043443	4236731616			108	BROWDER #1 ID #84800	MUIR (STRAWN 4400)	14.4	SOUTHWESTERN GAS
8211247	F-78-043444	4236731709			108	FOSTER ESTATE #1 ID #88488	MUIR (STRAWN 4400)	7.5	SOUTHWESTERN GAS
8211248	F-78-043445	4236731632			108	KIRK #1 ID #84561	MUIR (STRAWN 4400)	5.3	SOUTHWESTERN GAS
8211215	F-78-043371	4236731551			108	MOORE "A" #1 RRC ID #84799	MUIR (STRAWN 4400)	18.3	SOUTHWESTERN GAS
8211249	F-78-043446	4236731644			108	SCOTT "B" #1 ID #88242	WEATHERFORD SW (STRAWN)	9.5	SOUTHWESTERN GAS
-DALLAS SUNBELT OIL & GAS INC				RECEIVED: 12/17/81 JA: TX					
8211077	F-78-043072	4213332789			102-4	KIRK #1 (17497)	RANGER N W (MARBLE FALLS	36.0	LONE STAR GAS CO
8211076	F-78-043071	4213300000			102-4	KIRK #2 (17497)	RANGER N W (MARBLE FALLS	71.0	LONE STAR GAS CO
-DALPORT OIL CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211078	F-04-043076	4240931451			102-4	CAMPBELL ESTATE #2	MIDWAY (5680)	18.0	ARCO OIL & GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211134	F-10-043202	4229500000			108	ANITA B ANTHONY #1-372	LIPSCOMB SW	13.0	SOUTHWESTERN PUBL
8211133	F-10-043201	4234100000			108	POWELL C #2	PANHANDLE WEST	13.0	NORTHERN NATURAL
-DINERO OIL CO				RECEIVED: 12/17/81 JA: TX					
8211285	F-01-043570	4250731260			103	R B WILLOUGHBY #2	LEONA (ELAINE)	58.0	VALERO TRANSMISSI
8211286	F-01-043572	4240731529			103	R B WILLOUGHBY #7	LEONA (ELAINE)	58.0	VALERO TRANSMISSI
-DUNIGAN OPERATING CO INC				RECEIVED: 12/17/81 JA: TX					
8211075	F-10-043066	4239300000			108	MARTHA KELLEY (22578) #1	QUINDUNO (LOWER ALBANY D	11.0	NATURAL GAS PIPEL
-DYCO PETROLEUM CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211043	F-10-042884	4241131221			103	MARDIN #1-12	CAMPBELL RANCH (UPPER MO	70.0	NORTHERN NATURAL
-ENERGY RESERVES GROUP INC				RECEIVED: 12/17/81 JA: TX					
8211062	F-09-043005	4249732222			103	ISRAEL ESTATE GAS UNIT #2	BOONSVILLE (BEND CONGLOM	121.0	NATURAL GAS PIPEL
-ENRICH OIL CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211129	F-78-043186	4235331158			102-4	DOUBLE M RANCH-F&U #3-83 ID15877	DOUBLE M RANCH (COOK SD)	120.8	SUN GAS CO
8211130	F-78-043187	4235331170			102-4	J M MCLAUGHLIN #6-12 ID-95380	JMM SOUTH (COOK)	232.1	SUN GAS CO
-ENSOURCE INC				RECEIVED: 12/17/81 JA: TX					
8211079	F-7C-043077	4246131695			103	ARACKER HALFF #47-4	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8211085	F-7C-043089	4238331736			103	FRED BALL #2	SPRABERRY (TREND AREA)	12.0	EL PASO NATURAL G
8211086	F-7C-043090	4238331737			103	FRED BALL #3	SPRABERRY (TREND AREA)	16.4	EL PASO NATURAL G
8211082	F-7C-043083	4238331738			103	FRED BALL #4	SPRABERRY (TREND AREA)	12.8	EL PASO NATURAL G
8211083	F-7C-043084	4246100000			103	HALAMICEK "43" #1	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211084	F-7C-043086	4246131692			103	HALFF 47 #1	SPRABERRY (TREND AREA)	15.6	PHILLIPS PETROLEU
8211080	F-7C-043079	4246131693			103	HALFF 47 #2	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8211081	F-7C-043082	4246131631			103	LONG #1	SPRABERRY (TREND AREA)	22.0	PHILLIPS PETROLEU
8211088	F-7C-043096	4238300000			103	PALO-BOOTHE #1	SPRABERRY (TREND AREA)	13.9	
8211087	F-7C-043091	4238331843			103	PALO-BOOTHE G #18	N E BARNHART (GRAYBURG)	5.5	
-EXXON CORPORATION						RECEIVED: 12/17/81 JA: TX			
8211266	F-08-043494	4249531391			103	BROWN-ALTMAN "B" #20	EMPEROR EAST (CLEAR FORK	160.0	PIONEER NATURAL G
8211267	F-08-043495	4247531820			103	EDGAR J MARSTON JR TRUSTEE B #1	RHODA WALKER (CANYON 590	59.0	UNITED TEXAS TRAN
8211096	F-08-043116	4237133445			103	FORT STOCKTON UNIT #1010	FORT STOCKTON (YATES LOW	21.0	NUECES CO
*8211287	F-04-043574	4235531498			102-4	K R CHILTIPIN 79 (87838)	ARNOLD-DAVID (10,400,W)	2000.0	ARMCO STEEL CORP
*8211156	F-04-043273	4227331435			102-4	K R CHILTIPIN 84 (87949)	ARNOLD-DAVID (10,400W)	2000.0	ARMCO STEEL CORP
*8211154	F-04-043271	4227331321			102-4	K R STATE 10,400 SD UNIT 4 (86808)	ARNOLD-DAVID (10,400)	475.0	ARMCO STEEL CORP
*8211158	F-04-043275	4238331289			102-4	K R STATE 10,400' SD UNIT 1 (80099)	ARNOLD-DAVID (10,400'C)	1500.0	ARMCO STEEL CORP
*8211155	F-04-043272	4235531388			102-4	K R STATE 10,400' SD UNIT 2 (83097)	ARNOLD-DAVID (10,400')	1250.0	ARMCO STEEL CORP
*8211157	F-04-043274	4235531556			102-4	K R STATE 9400' SAND UNIT 2 (89712)	ARNOLD-DAVID (9400 CENTR	1095.0	ARMCO STEEL CORP
*8211148	F-04-043238	4227330591			103	KING RAN SEELIGSON C-190-D (87899)	SEELIGSON (ZONE 21-E)	36.0	ARMCO STEEL CORP
-F L LIVINGSTON						RECEIVED: 12/17/81 JA: TX			
8211029	F-08-042768	4249500000			108	J B WALTON #9 (03258)	KERMIT	10.0	CABOT CORP
-FRAC INC						RECEIVED: 12/17/81 JA: TX			
8211110	F-08-043151	4200332858			103	THORNBERRY 13 #2 #26820	FUHRMAN-MASCHO	14.2	PHILLIPS PETROLEU
8211109	F-08-043150	4200332886			103	THORNBERRY 13 #3 #26820	FUHRMAN-MASCHO	13.1	PHILLIPS PETROLEU
-G C HERRMANN CO						RECEIVED: 12/17/81 JA: TX			
8211042	F-10-042877	4217930257			103	JACKSON 02497 #15	PANHANDLE	20.8	PHILLIPS PETROLEU
-GABE & CO						RECEIVED: 12/17/81 JA: TX			
8211136	F-7B-043233	4235331161			102-4	ARLEDGE A #1 (17640)	YELLOW WOLF NW (CANYON)	788.4	SUN OIL CO
8211095	F-09-043114	4223732774			102-4	BETTY SMITH HARRIS #1 (86198)	JACKSBORO NW (CONGL)	8.0	SOUTHWESTERN GAS
8211139	F-7C-043236	4208131021			102-4	J S WALKER A #1 09075	SILVER (CANYON)	162.4	SUN OIL CO
8211051	F-08-042975	4235331070			103	JAMES JAMESON A #2 26764	JAMESON NORTH (ODOM)	43.8	SUN OIL CO
8211137	F-7C-043234	4235331075			102-4	JAMESON G #1 09083	SILVER (CANYON)	323.8	SUN OIL CO
8211138	F-7C-043235	4235331074			102-4	JAMESON H #1 09084	SILVER (CANYON)	353.3	SUN OIL CO
-GETTY OIL COMPANY						RECEIVED: 12/17/81 JA: TX			
8211072	F-10-043051	4225331112			103	HERRING A TRACT 2 #115	PANHANDLE HUTCHISON	67.5	PANHANDLE EASTERN
8211262	F-04-043483	4247900000			108	J C MARTIN #7	AGUILARES (ZONE 3-A)	39.0	VALERO TRANSMISSI
8211260	F-02-043480	4212300000			108	JIMMIE SPEED #1 77771	HENZE (WILCOX 10,850)	5.4	VALERO TRANSMISSI
8211127	F-08-043184	4210332500			103	N MCELROY UNIT #2116 RRC #310377	MCELROY	4.0	PHILLIPS PETROLEU
8211125	F-08-043182	4210332503			103	N MCELROY UNIT #2703 RRC #20337	MCELROY	4.0	PHILLIPS PETROLEU
8211126	F-08-043183	4210332522			103	N MCELROY UNIT #2815 RRC #20377	MCELROY	2.0	PHILLIPS PETROLEU
8211128	F-08-043185	4210332524			103	N MCELROY UNIT #2816 RRC #20377	MCELROY	2.0	PHILLIPS PETROLEU
8211261	F-02-043481	4202500000			108	V KUBALA #2 RRC #04840	YOUGEEN (VICKSBURG 3800)	9.0	UNITED GAS PIPELI
8211259	F-04-043479	4247900000			108	WALKER C #3	GLEN MARTIN (WILCOX 6450	11.0	VALERO TRANSMISSI
-GRAND BANKS ENERGY CO						RECEIVED: 12/17/81 JA: TX			
8211289	F-8A-043614	4211531564			103	DYER "A" #1	ACKERLY (DEAN SAND)	51.0	TEXACO INC
-GRAND PETROLEUM CO						RECEIVED: 12/17/81 JA: TX			
8211168	F-10-043288	4217900000			108	URBANCZYK (02720) #1	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211159	F-10-043279	4217900000			108	URBANCZYK (02720) #10	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211167	F-10-043287	4217900000			108	URBANCZYK (02720) #2	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211166	F-10-043286	4217900000			108	URBANCZYK (02720) #3	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211165	F-10-043285	4217900000			108	URBANCZYK (02720) #4	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211164	F-10-043284	4217900000			108	URBANCZYK (02720) #5	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211163	F-10-043283	4217900000			108	URBANCZYK (02720) #6	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211162	F-10-043282	4217900000			108	URBANCZYK (02720) #7	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211161	F-10-043281	4217900000			108	URBANCZYK (02720) #8	PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
8211160	F-10-043280	4217900000			108	URBANCZYK (02720) #9	PANHANDLE GRAY COUNTY	2.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211097	F-08-043118	4238900365		108		BARBER W T -A- #5	WAHA NORTH (DELAWARE SAN	1.0	TRANSWESTERN PIPE
8211141	F-10-043240	4206500000		108		COOPER B #1	PANHANDLE CARSON	0.0	GETTY OIL CO
8211147	F-10-043246	4206500000		108		COOPER B #2	PANHANDLE CARSON	0.0	GETTY OIL CO
8211146	F-10-043245	4206500000		108		COOPER B #3	PANHANDLE CARSON	0.0	GETTY OIL CO
8211142	F-10-043241	4206500000		108		COOPER B #4	PANHANDLE CARSON	0.0	GETTY OIL CO
8211143	F-10-043242	4206500000		108		COOPER B #5	PANHANDLE CARSON	0.0	GETTY OIL CO
8211145	F-10-043244	4206500000		108		COOPER B #6	PANHANDLE CARSON	0.0	GETTY OIL CO
8211098	F-08-043121	4247501272		108		ESTES W A #52	WARD-ESTES NORTH	1.0	CABOT CORP
8211118	F-08-043167	4249530400		108		KEYSTONE CATTLE CO #111	KEYSTONE (SAN ANDRES)	2.0	CABOT CORP
8211111	F-08-043152	4249530421		108		KEYSTONE CATTLE CO #320	KEYSTONE (SAN ANDRES)	2.0	CABOT CORP
8211117	F-08-043165	4249501232		108		KEYSTONE CATTLE CO #8	KEYSTONE (SAN ANDRES)	1.0	CABOT CORP
8211093	F-08-043109	4238910235		108		LIGON S E #6	WAHA WEST (DELAWARE)	1.0	TRANSWESTERN PIPE
8211061	F-08-043003	4222723466		103		LILLIAN SPALDING #1	KNOTT WEST (PENN REEF)	56.2	GETTY OIL CO
-MANLEY COMPANY				RECEIVED: 12/17/81 JA: TX					
8211101	F-7C-043126	4238331923		103		UNIVERSITY 2-35A (09010) #1	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8211100	F-7C-043125	4238331924		103		UNIVERSITY 2-35B (09040) #1	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL
-MNG OIL COMPANY				RECEIVED: 12/17/81 JA: TX					
8211071	F-04-043040	4235500000		108		DRISCOLL-SEVIER #3	BRAYTON (SIMMONDS)	47.4	HOUSTON PIPE LINE
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211033	F-8A-042799	4216500000		103		WATERS #3	WESTCOTT (STRAWN)	9.5	
-HUGHES & HUGHES				RECEIVED: 12/17/81 JA: TX					
8211066	F-04-043023	4235531708		102-4		ALTON H KOENNING #1	AGUA DULCE (7850)	50.0	HOUSTON PIPE LINE
8211831	F-04-042782	4235531632		102-4		J T KIRCHER #2	COTTON (8400')	100.0	FERGUSON CROSSING
8211065	F-04-043022	4235531525		102-4		R PHILIP SCHULZE #2	AGUA DULCE (7850)	22.0	HOUSTON PIPE LINE
-HUNT OIL COMPANY				RECEIVED: 12/17/81 JA: TX					
8211836	F-03-042841	4235100000		102-4		J E FREEMAN #1	WEIRGATE (AUSTIN CHALK)	180.0	NATIONAL GATHERIN
-HURLEY PETROLEUM CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211049	F-06-042965	4236500000		108		ALLIE M HOGG 2-C	BETHANY (PETTIT) FIELD	18.0	TENNESSEE GAS PIP
8211144	F-06-043243	4236500000		108		SCOTT MCGEE #1-C	BETHANY (PETTIT)	18.0	TENNESSEE GAS PIP
-INDIAN WELLS OIL CO				RECEIVED: 12/17/81 JA: TX					
8211131	F-7C-043190	4223531763		103		PROBANDT #70-3	PROBANDT (CANYON)	140.0	CRA INC
8211132	F-7C-043192	4223531716		103		RICHEY 42A-4	PROBANDT (CANYON)	91.3	NORTHERN NATURAL
8211045	F-7C-042919	4210532934		107-TF		ROBERTSON 5A-1	OZONA (CANYON SAND)	0.0	DELHI PIPELINE CO
8211035	F-7C-042833	4210532933		103		ROBERTSON 5B-2	OZONA (CANYON SAND)	146.0	DELHI PIPELINE CO
8211035	F-7C-042833	4210532933		107-TF		ROBERTSON 5B-2	OZONA (CANYON SAND)	146.0	DELHI PIPELINE CO
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED: 12/17/81 JA: TX					
8211059	F-08-042999	4200332737		103		WEST MEANS UNIT 19-6	MEANS	23.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211232	F-10-043399	4223331079		103		PERKY #16	PANHANDLE	18.0	COLORADO INTERSTA
8211231	F-10-043398	4223331081		103		SOUTH HERRING #158	PANHANDLE	40.0	COLORADO INTERSTA
8211217	F-10-043374	4223331070		103		SOUTH HERRING #159	PANHANDLE	42.7	COLORADO INTERSTA
8211216	F-10-043373	4223331080		103		SOUTH HERRING #160	PANHANDLE	42.7	COLORADO INTERSTA
-JACKSON EXPLORATION INC				RECEIVED: 12/17/81 JA: TX					
8211050	F-04-042973	4247932557		107-TF		BARRERA #1	BARRERA (LOBO 6)	365.0	VALERO TRANSMISSI
-JIM BIRGE OIL & GAS				RECEIVED: 12/17/81 JA: TX					
8211055	F-7B-042983	4213332834		103		A J BECK #2 (17360)	EASTLAND COUNTY REGULAR	26.0	LONE STAR GAS CO
8211056	F-7B-042984	4213333067		103		A J BECK #3 (17360)	EASTLAND COUNTY REGULAR	12.0	LONE STAR GAS CO
-K-B EXPLORATION CO				RECEIVED: 12/17/81 JA: TX					
8211944	F-08-042891	4248931450		102-4		HELEN M TORIAN WELL NO 1	TORIAN	200.0	UNITED GAS PIPE L
-KODIAK ENERGY GROUP				RECEIVED: 12/17/81 JA: TX					
8211037	F-06-042848	4228330861		103		O R MEEK #1	L C G (PAGE)	328.0	UNITED GAS PIPELI
-LULING OIL AND GAS CO INC				RECEIVED: 12/17/81 JA: TX					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211038	F-02-042860	4202500000			103	ASHLAND #2	CAESAR	35.0	VALERO TRANSMISSI
-MCCANN CORP						RECEIVED: 12/17/81 JA: TX			
8211235	F-08-043412	4222732127			102-2	POWELL #2-18	COAHOMA N (FUSSEL)	28.8	GETTY OIL CO
8211235	F-08-043412	4222732127			103	POWELL #2-18	COAHOMA N (FUSSEL)	28.8	GETTY OIL CO
8211234	F-08-043411	4222732067			102-2	WILD HORSE #1-34	COAHOMA N (FUSSEL)	82.4	GETTY OIL CO
8211234	F-08-043411	4222732067			103	WILD HORSE #1-34	COAHOMA N (FUSSEL)	82.4	GETTY OIL CO
-MCCOMMONS OIL COMPANY						RECEIVED: 12/17/81 JA: TX			
8211170	F-09-043296	4249700000			108	A R CARTER #2	BOONSVILLE BEND (CONG GA	10.8	CITIES SERVICE CO
-MCMAHON-BULLINGTON DRLG CO						RECEIVED: 12/17/81 JA: TX			
8211069	F-09-043031	4223730983			108	FERGUSON #2-B 17210	JERRYE-JAN (CONGL)	10.0	TEXAS UTILITIES F
8211068	F-09-043030	4223730495			108	WARREN #1 17211	JERRYE-JAN (CONGL)	13.0	TEXAS UTILITIES F
-MCZ INC						RECEIVED: 12/17/81 JA: TX			
8211135	F-03-043229	4204100000			102-2	HARRISON OIL UNIT 1 #1	KURTEN	90.0	FERGUSON CROSSING
-MELBOURNE OIL COMPANY						RECEIVED: 12/17/81 JA: TX			
8211230	F-10-043393	4235730790			108	SHANNON #1 RRC ID #75155	NORTHRUP (CLEVELAND)	28.8	EL PASO NATURAL G
-MITCHELL ENERGY CORPORATION						RECEIVED: 12/17/81 JA: TX			
8211280	F-09-043533	4223700000			108	L A WORTHINGTON #6 32397	BOONSVILLE (BEND CONGL G	8.1	NATURAL GAS PIPEL
-MOBIL PROD TEXAS & NEW MEXICO INC						RECEIVED: 12/17/81 JA: TX			
8211153	F-10-043270	4225331615			103	ELIZABETH HERRING #3	PANHANDLE HUTCHINSON COU	6.2	PHILLIPS PETROLEU
8211253	F-8A-043466	4221933427			103	NORTH CENTRAL LEVELLAND UNIT #346	LEVELLAND	5.5	AMOCO PRODUCTION
8211254	F-8A-043467	4221933244			103	NORTH CENTRAL LEVELLAND UNIT #347	LEVELLAND	3.1	AMOCO PRODUCTION
8211060	F-08-043002	4247532292			103	STATE AK #6	CAPRITO (DELAWARE MIDDLE	71.5	LONE STAR GAS CO
-MONSANTO COMPANY						RECEIVED: 12/17/81 JA: TX			
8211104	F-8A-043143	4207931442			103	CALVIN #39-118	LEVELLAND	11.0	CITIES SERVICE CO
8211103	F-08-043142	4208332542			103	FISHER #8	SHAFTER LAKE (SAN ANDRES	11.0	PHILLIPS PETROLEU
8211102	F-08-043141	4208332543			103	FISHER #9	SHAFTER LAKE (SAN ANDRES	11.0	PHILLIPS PETROLEU
8211106	F-8A-043145	4207931382			103	MASTEN #63	LEVELLAND	11.0	CITIES SERVICE CO
8211105	F-8A-043144	4207931383			103	MASTEN #65	LEVELLAND	11.0	CITIES SERVICE CO
8211107	F-8A-043146	4207931381			103	STARNES #41-47	LEVELLAND	11.0	CITIES SERVICE CO
8211108	F-8A-043147	4207931386			103	STARNES #41-48	LEVELLAND	11.0	CITIES SERVICE CO
8211150	F-08-043256	4208332741			103	UNIVERSITY 14-18 #1	SHAFTER LAKE (SAN ANDRES	11.0	PHILLIPS PETROLEU
8211148	F-08-043254	4208332743			103	UNIVERSITY 14-18 #7	SHAFTER LAKE (SAN ANDRES	11.0	PHILLIPS PETROLEU
8211149	F-08-043255	4208332758			103	UNIVERSITY 14-25 #5	SHAFTER LAKE (SAN ANDRES	11.0	PHILLIPS PETROLEU
-MURPHY M BAXTER						RECEIVED: 12/17/81 JA: TX			
8211032	F-03-042786	4203931658			102-4	WILLIAMSON #3	SOUTH ANGLETON (FRIO FB-	365.0	UNITED TEXAS TRAN
-NATOMAS NORTH AMERICA INC						RECEIVED: 12/17/81 JA: TX			
8211054	F-7C-042981	4245130697			103	JONES #1	STRAWN	483.0	NORTHERN NATURAL
-NICHOLS & BRADY PRODUCTION CO						RECEIVED: 12/17/81 JA: TX			
8211223	F-8A-043383	4216531205			103	BINGHAM #1 #62039	HOMANN (SAN ANDRES)	0.7	PHILLIPS PETROLEU
8211224	F-8A-043386	4216531763			103	BINGHAM "A" #2 ID #62566	HOMANN (SAN ANDRES)	0.6	PHILLIPS PETROLEU
8211225	F-8A-043387	4216531203			103	CUNNINGHAM #1 #61982	HOMANN (SAN ANDRES)	1.9	PHILLIPS PETROLEU
8211226	F-8A-043388	4216500000			103	CUNNINGHAM #2 #61982	HOMANN (SAN ANDRES)	1.4	PHILLIPS PETROLEU
8211227	F-8A-043389	4216531645			103	DORA "B" CUNNINGHAM #1	HOMANN (SAN ANDRES)	0.5	PHILLIPS PETROLEU
8211228	F-8A-043390	4216531349			103	HOMANN #1 #62191	HOMANN (SAN ANDRES)	0.4	PHILLIPS PETROLEU
8211229	F-8A-043391	4216531481			103	HOMANN #2	HOMANN (SAN ANDRES)	0.5	PHILLIPS PETROLEU
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 12/17/81 JA: TX			
8211169	F-08043289	4222731786			102-4	I W WILLIAMS EST #1 (26811)	ISAAC (WOLFCAMP)	58.0	GETTY OIL CO
-PENN-TEX ENGINEERING						RECEIVED: 12/17/81 JA: TX			
8211057	F-7B-042986	4213333170			102-4	ERNEST REICH #2 (17419)	MANGUM SOUTH (U MARBLE F	8.0	ODESSA NATURAL CO
-PHILCON DEVELOPMENT CO						RECEIVED: 12/17/81 JA: TX			
8211218	F-10-043576	4221130362			103	NIX #2 RRC #04711	GLAZIER NW (MORROW UPPER	146.0	DIAMOND SHAMROCK
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 12/17/81 JA: TX			
8211041	F-08-042873	4222732351			103	REEF A #5 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211042	F-08-042874	4222732352			103	REEF A #6 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211043	F-08-042875	4222732353			103	REEF A #7 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211044	F-08-042876	4222732354			103	REEF A #8 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211045	F-08-042877	4222732355			103	REEF A #9 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211046	F-08-042878	4222732356			103	REEF A #10 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211047	F-08-042879	4222732357			103	REEF A #11 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211048	F-08-042880	4222732358			103	REEF A #12 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211049	F-08-042881	4222732359			103	REEF A #13 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211050	F-08-042882	4222732360			103	REEF A #14 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211051	F-08-042883	4222732361			103	REEF A #15 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211052	F-08-042884	4222732362			103	REEF A #16 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
8211053	F-08-042885	4222732363			103	REEF A #17 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 12/17/81 JA: TX			
8211040	F-08-042872	4222732350			103	REEF A #4 (04552)	OCEANIC (PENNSYLVANIAN)	18.2	GETTY OIL CO
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211137	F-03-043231	4204100000			102-2	HARRISON OIL UNIT 1 #3	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211136	F-03-043230	4204100000			102-2	HARRISON OIL UNIT 1 #2	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211138	F-03-043232	4204100000			102-2	HARRISON OIL UNIT 1 #4	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211139	F-03-043233	4204100000			102-2	HARRISON OIL UNIT 1 #5	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211140	F-03-043234	4204100000			102-2	HARRISON OIL UNIT 1 #6	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211141	F-03-043235	4204100000			102-2	HARRISON OIL UNIT 1 #7	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211142	F-03-043236	4204100000			102-2	HARRISON OIL UNIT 1 #8	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211143	F-03-043237	4204100000			102-2	HARRISON OIL UNIT 1 #9	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211144	F-03-043238	4204100000			102-2	HARRISON OIL UNIT 1 #10	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211145	F-03-043239	4204100000			102-2	HARRISON OIL UNIT 1 #11	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211146	F-03-043240	4204100000			102-2	HARRISON OIL UNIT 1 #12	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211147	F-03-043241	4204100000			102-2	HARRISON OIL UNIT 1 #13	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211152	F-03-043242	4204100000			102-2	HARRISON OIL UNIT 1 #14	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211151	F-03-043243	4204100000			102-2	HARRISON OIL UNIT 1 #15	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211154	F-03-043244	4204100000			102-2	HARRISON OIL UNIT 1 #16	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211155	F-03-043245	4204100000			102-2	HARRISON OIL UNIT 1 #17	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211156	F-03-043246	4204100000			102-2	HARRISON OIL UNIT 1 #18	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211157	F-03-043247	4204100000			102-2	HARRISON OIL UNIT 1 #19	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211158	F-03-043248	4204100000			102-2	HARRISON OIL UNIT 1 #20	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211159	F-03-043249	4204100000			102-2	HARRISON OIL UNIT 1 #21	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211160	F-03-043250	4204100000			102-2	HARRISON OIL UNIT 1 #22	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211161	F-03-043251	4204100000			102-2	HARRISON OIL UNIT 1 #23	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211162	F-03-043252	4204100000			102-2	HARRISON OIL UNIT 1 #24	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211163	F-03-043253	4204100000			102-2	HARRISON OIL UNIT 1 #25	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211164	F-03-043254	4204100000			102-2	HARRISON OIL UNIT 1 #26	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211165	F-03-043255	4204100000			102-2	HARRISON OIL UNIT 1 #27	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211166	F-03-043256	4204100000			102-2	HARRISON OIL UNIT 1 #28	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211167	F-03-043257	4204100000			102-2	HARRISON OIL UNIT 1 #29	KURTEN	90.0	FERGUSON CROSSING
-PRIDE OIL & GAS PROPERTY MGMT						RECEIVED: 12/17/81 JA: TX			
8211168	F-03-043258	4204100000			102-2	HARRISON OIL UNIT 1 #30	KURTEN	90.0	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-RALPH L WAY INC				RECEIVED: 12/17/81 JA: TX					
8211863	F-7C-043014	4238332842		103		UNIVERSITY 10 #10	FARMER (SAN ANDRES)	20.9	NORTHERN NATURAL
-SAMEDAN OIL CORPORATION				RECEIVED: 12/17/81 JA: TX					
8211291	F-8A-043637	4216532069		103		SOUTH CENTRAL ROBERTSON UNIT #52	ROBERTSON NORTH/CLEARFOR	35.0	PHILLIPS PETROLEU
-SAXON OIL COMPANY				RECEIVED: 12/17/81 JA: TX					
8211256	F-7C-043472	4246131757		103		HANKS "A" #3	SPRABERRY (TREND AREA)	32.9	MOBIL PRODUCING T
8211255	F-7C-043471	4246131755		103		HANKS A #4	SPRABERRY (TREND AREA)	38.7	MOBIL PRODUCING T
8211257	F-7C-043474	4246131702		103		SKAGGS #1	SPRABERRY (TREND AREA)	19.3	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED: 12/17/81 JA: TX					
8211275	F-8A-043520	4216500000		108		BAUMGART GEORGE-D- #20	WASSON 72	2.0	SHELL OIL CO & CO
8211271	F-08-043516	4213500000		108		E HARPER UNIT #111	HARPER	1.4	PHILLIPS PETROLEU
8211270	F-08-043515	4213500000		108		E HARPER UNIT #208	HARPER	8.6	PHILLIPS PETROLEU
8211269	F-09-043514	4218100000		108		EMBRY J UNIT #1	BMC (V SDSTN)	10.5	UNION TEXAS PETRO
8211276	F-7C-043521	4210500000		108		FORRESTALL-B- #2	TIPPETT (LEONARD LO)	8.5	HELEN GAS & OIL C
8211273	F-09-043518	4218100000		108		GREEN T D #13	BMC (V SDSTN)	2.2	UNION TEXAS PETRO
8211113	F-04-043156	4242731311		102-4		J J HOWELL #3	LACOPITA (VICKSBURG Z NW	350.0	VALERO TRANSMISSI
8211112	F-04-043155	4242731469		103		J J HOWELL #4	LACOPITA (VICKSBURG X)	500.0	VALERO TRANSMISSI
8211114	F-04-043157	4242731521		103		J J HOWELL #5	LACOPITA (VICKSBURG W)	500.0	VALERO TRANSMISSI
8211278	F-08-043523	4213500000		108		JORDAN UNIVERSITY UNIT #611	JORDAN	8.4	PHILLIPS PETROLEU
8211279	F-08-043524	4200300000		108		LOGSDON C W-E- #1	UNION	8.8	PHILLIPS PETROLEU
8211272	F-08-043517	4213500000		108		TXL NORTH UNIT #581-L	TXL (TUBB)	3.1	SHELL
8211277	F-08-043522	4213500000		108		TXL-E- #8	TXL (SAN ANDRES)	5.3	SHELL OIL CO
8211274	F-08-043519	4213500000		108		UNIVERSITY-D- #9	JORDAN (DEVONIAN)	8.5	PHILLIPS PETROLEU
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED: 12/17/81 JA: TX					
8211058	F-78-042992	4236332639		102-4		DAUGHERTY UNIT #1 (ID NO 95162)	DIMPKIN (MARBLE FALLS)	8.8	INTRASTATE GATHER
-SUE-ANN OPERATING COMPANY				RECEIVED: 12/17/81 JA: TX					
8211039	F-03-042864	4208931241		103		WARSCHAK #1	FRELSBURG (Z-15-D)	200.0	CHANNEL INDUSTRIE
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 12/17/81 JA: TX					
8211252	F-03-04345	4214930895		102-2		JAMES A MOORE #1	GIDDINGS (AUSTIN CHALK)	97.0	SOUTH CEN-TEX GAS
8211251	F-08-043456	4213500000		108		TXL #6	TXL (SAN ANDRES)	13.0	SHELL OIL CO
-TAYLOR OPERATING COMPANY				RECEIVED: 12/17/81 JA: TX					
8211250	F-05-045447	4249700000		103		T R JACKSON #1 (73165)	BOONSVILLE (BEND CONGL G	160.6	LONE STAR GAS CO
-TEXACO INC				RECEIVED: 12/17/81 JA: TX					
8211258	F-8A-043475	4221933103		103		MONTGOMERY ESTATE DAVIES NCT-2 #80	LEVELLAND	29.2	AMOCO PRODUCTION
-TEXAS CRUDE OIL INC				RECEIVED: 12/17/81 JA: TX					
8211211	F-06-043340	4200100000		107-TF		LEROY DUITCH #1	ELKHART (PETTIT)	365.0	TEXAS UTILITIES F
-TOM D HORN				RECEIVED: 12/17/81 JA: TX					
8211124	F-10-043177	4206500000		108		EDITH S HORN #1 (ID#46569)	PANHANDLE WEST	11.6	NATURAL GAS PIPEL
-TOM F MARSH INC				RECEIVED: 12/17/81 JA: TX					
8211212	F-10-043342	4248300000		102-4		ZYBACH #1-14	ZYBACH (15,000)	335.0	COLORADO INTERSTA
-TUTOR HYDROCARBONS INC				RECEIVED: 12/17/81 JA: TX					
8211221	F-7B-043381	4244131708		103		BOYD CRAYTON #1 (16930)	SHEP (CADDO)	39.0	UNION TEXAS PETRO
8211220	F-7B-043380	4244131629		103		EUGENE CRAYTON #1 (17001)	SHEP (CADDO)	23.0	UNION TEXAS PETRO
8211222	F-7B-043382	4244131658		103		J R CRAYTON #1 (16952)	SHEP (GRAY SAND)	25.0	UNION TEXAS PETRO
8211219	F-7B-043379	4244131528		103		TONY REGAN UNIT #1 (16732)	SHEP (CADDO)	14.0	UNION TEXAS PETRO
-TXO PRODUCTION CORP				RECEIVED: 12/17/81 JA: TX					
8211070	F-10-043039	4242130220		108		DUNBEY A #1	CATOR (KATHRYN)	15.0	PHILLIPS PETROLEU
-VANGUARD EXPLORATION CO INC				RECEIVED: 12/17/81 JA: TX					
8211115	F-09-043163	4249732014		103		MOSER #1 I D #92446	CHICO(CONGLOMERATE)5850	42.0	TEXAS UTILITIES F
-WAGNER & BROWN				RECEIVED: 12/17/81 JA: TX					
8211171	F-08-043297	4243130616		103		ALLEIN #1-22	CONGER (PENN)	149.0	VALERO TRANSMISSI
8211183	F-08-043311	4243130788		103		ALLEIN #4-27	CONGER (PENN)	52.0	VALERO TRANSMISSI
8211181	F-08-043309	4217338997		103		ALLEIN #5-27	CONGER (PENN)	256.0	VALERO TRANSMISSI

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211180	F-08-043307	42173311001		103		ALLEIN #6-27	CONGER (PENN)	66.0	VALERO TRANSMISSI
8211185	F-08-043313	42173311142		103		ALLEIN "A" #7-28	CONGER (PENN)	140.0	VALERO TRANSMISSI
8211187	F-08-043315	42433130716		103		ALLEIN "A" 1-27	CONGER (PENN)	273.0	VALERO TRANSMISSI
8211182	F-08-043310	42173309601		103		ALLEIN "A" 2-28	CONGER (PENN)	73.0	VALERO TRANSMISSI
8211184	F-08-043312	42433130751		103		ALLEIN "A" 3-34	CONGER (PENN)	40.0	VALERO TRANSMISSI
8211173	F-08-043299	42173310381		103		ALLEIN 2-22	CONGER (PENN)	106.9	VALERO TRANSMISSI
8211186	F-08-043314	42433130725		103		BADE #2-15	CONGER (PENN)	59.0	VALERO TRANSMISSI
8211179	F-08-043306	42433130863		103		BADE #3-15	CONGER (PENN)	0.0	VALERO TRANSMISSI
8211178	F-08-043305	42433130885		103		BADE "A" #1-21	CONGER (PENN)	259.0	VALERO TRANSMISSI
8211175	F-08-043301	42433130872		103		BADE "A" #2-21	CONGER (PENN)	252.0	VALERO TRANSMISSI
8211176	F-08-043303	42433130761		103		CAMPBELL #1-15	CONGER (PENN)	141.0	VALERO TRANSMISSI
8211177	F-08-043304	42433130902		103		CAMPBELL #2-15	CONGER (PENN)	73.0	VALERO TRANSMISSI
8211174	F-08-043300	42433130738		103		CONGER #1-36	CONGER (PENN)	497.0	VALERO TRANSMISSI
8211172	F-08-043298	42433130779		103		CONGER #2-36	CONGER (PENN)	405.0	VALERO TRANSMISSI
8211188	F-08-043316	42433130836		103		CONGER #3-36	CONGER (PENN)	883.0	VALERO TRANSMISSI
8211190	F-08-043318	42433130836		103		CONGER #4-36	CONGER (PENN)	245.0	VALERO TRANSMISSI
8211191	F-08-043319	42433130875		103		CONGER #5-36	CONGER (PENN)	332.0	VALERO TRANSMISSI
8211210	F-08-043339	42173309271		103		EDMUNDSON #1-29	CONGER (PENN)	86.0	VALERO TRANSMISSI
8211189	F-08-043317	42433130638		103		FLINT #2-24	CONGER (PENN)	329.0	VALERO TRANSMISSI
8211209	F-08-043338	42433130707		103		FLINT "A" #1-30	CONGER (PENN)	336.0	VALERO TRANSMISSI
8211200	F-08-043328	42433130781		103		FLINT "A" #2-30	CONGER (PENN)	297.0	VALERO TRANSMISSI
8211201	F-08-043329	42433130857		103		FLINT "B" #1-1	CONGER (PENN)	38.0	VALERO TRANSMISSI
8211206	F-08-043334	42433130897		103		FLINT "B" #2-1	CONGER (PENN)	131.0	VALERO TRANSMISSI
8211205	F-08-043333	42433130914		103		FLINT "B" #3-1	CONGER (PENN)	770.0	VALERO TRANSMISSI
8211204	F-08-043332	42433130918		103		FLINT "B" #4-1	CONGER (PENN)	218.0	VALERO TRANSMISSI
8211203	F-08-043331	42433130926		103		FLINT "B" #5-2	CONGER (PENN)	700.0	VALERO TRANSMISSI
8211202	F-08-043330	42433130943		103		FLINT "B" #6-2	CONGER (PENN)	201.0	VALERO TRANSMISSI
8211207	F-08-043335	42433130601		103		GLASS #3-24	CONGER (PENN)	178.0	VALERO TRANSMISSI
8211196	F-08-043324	42433130735		103		GLASS #4-24	CONGER (PENN)	234.0	VALERO TRANSMISSI
8211193	F-08-043321	42433130718		103		GLASS "A" #3-13	CONGER (PENN)	203.0	VALERO TRANSMISSI
8211194	F-08-043322	42433130745		103		GLASS "A" #4-13	CONGER (PENN)	271.0	VALERO TRANSMISSI
8211197	F-08-043325	42433130782		103		GLASS "B" #3-22	CONGER (PENN)	245.0	VALERO TRANSMISSI
8211192	F-08-043320	42433130798		103		GLASS "B" #4-22	CONGER (PENN)	182.0	VALERO TRANSMISSI
8211195	F-08-043323	42433130743		103		GLASS "C" #2-4	CONGER (PENN)	376.0	VALERO TRANSMISSI
8211198	F-08-043326	42433130845		103		GLASS "C" #3-4	CONGER (PENN)	176.0	VALERO TRANSMISSI
8211199	F-08-043327	42433130864		103		GLASS "C" #4-4	CONGER (PENN)	178.0	VALERO TRANSMISSI
8211208	F-08-043336	42433130791		103		GLASS "D" #4-25	CONGER (PENN)	75.0	VALERO TRANSMISSI
-WAINOCO OIL & GAS CO				RECEIVED: 12/17/81 JA: TX					
8211067	F-10-043028	42211312301		107-DP		STICKLEY A #2	WASHITA CREEK (MORROW LO	400.0	KANSAS NEBRASKA N
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 12/17/81 JA: TX					
8211248	F-08-043577	42103325931		103		W N WADDELL 1196	SAND HILLS (TUBB)	88.0	EL PASO NATURAL G
8211249	F-08-043505	42103326391		103		W N WADDELL 1205	SAND HILLS (MCKNIGHT)	18.0	EL PASO NATURAL G
-WES-TEX DRILLING COMPANY				RECEIVED: 12/17/81 JA: TX					
8211292	F-78-043648	42353309201		103		COMPTON #3	JHN (CANYON)	0.0	SUN GAS CO
-WHEELER OIL COMPANY				RECEIVED: 12/17/81 JA: TX					
8211074	F-10-043064	42483308841		108		H N ROACH (269421) #2	EAST PANHANDLE	10.0	HIGH PLAINS NATUR
-WINDSOR PRODUCING CO				RECEIVED: 12/17/81 JA: TX					
8211051	F-03-042980	42287310881		103		BALTIMORE UNIT #1	GIDDINGS (AUSTIN CHALK-3	36.5	PGP GAS PRODUCTS
8211052	F-03-042979	42287309971		103		KURIO UNIT #2	GIDDINGS (AUSTIN CHALK-3	36.5	PGP GAS PRODUCTS
-WY-VEL CORP				RECEIVED: 12/17/81 JA: TX					
8211263	F-10-043485	42065309611		103		ARNOLD (04894) #1	PANHANDLE CARSON COUNTY	44.0	GETTY OIL CO
8211264	F-10-043486	42065309921		103		RUBY MAE FROST ETUX (02510) #7	PANHANDLE CARSON COUNTY	4.0	GETTY OIL CO

OTHER PURCHASERS VOLUME NO :577

8211140 E I DUPONT DENEMOURS & CO INC
8211154 E I DUPONT DE*NEMOURS & CO INC
8211155 E I DUPONT DE*NEMOURS & CO INC
8211156 E I DUPONT DE*NEMOURS & CO INC
8211157 E I DUPONT DE*NEMOURS & CO INC
8211158 E I DUPONT DE*NEMOURS & CO INC
8211287 E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6717-01-C

The
were
jurisd
Energ
to the
and 1
deter
before
annue
cubic
Contr
purch
notice

The
availa
exten

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1639 Filed 1–21–82; 8:45 am]

BILLING CODE 6717–01–M

8211154 E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6717-01-C

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-CONOCO INC				RECEIVED: 12/21/81 JA: CA					
8211508	81-2-0003	0411120963		103		GRUBB #108	SAN MIGUELITO	4.7	PACIFIC LIGHTING
8211509	81-2-0004	0411120939		103		GRUBB #205	SAN MIGUELITO	11.6	PACIFIC LIGHTING
8211506	81-2-0005	0411120787		103		GRUBB #371	SAN MIGUELITO	8.8	PACIFIC LIGHTING
8211507	81-2-0006	0411120788		103		GRUBB #372	SAN MIGUELITO	29.0	PACIFIC LIGHTING
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED: 12/17/81 JA: CO					
8211453	81-80	0512310050		103		ANDERSON FAMILY TRUST #2	WATTENBERG	230.0	PANHANDLE EASTERN
8211454	81-115	0512310031		103		ANDERSON FAMILY TRUST C #2	WATTENBERG	100.0	PANHANDLE EASTERN
8211472	81-116	0512309984		103		BENJAMIN TRUNZO GAS UNIT #2	WATTENBERG	466.0	PANHANDLE EASTERN
8211460	81-22	0512309922		103		EDWARD RADEMACHER UNIT #2	WATTENBERG	251.0	PANHANDLE EASTERN
8211458	81-483	0512309990		103		ELTON N MILLER B #2	WATTENBERG	315.0	PANHANDLE EASTERN
8211459	81-482	0512309991		103		ELTON N MILLER C #2	WATTENBERG	500.0	PANHANDLE EASTERN
8211470	81-536	0512309964		103		FLOYD SHAW #2	WATTENBERG	150.0	PANHANDLE EASTERN
8211456	81-21	0512310014		103		GLEN S DOUTHIT #2	WATTENBERG	242.0	PANHANDLE EASTERN
8211463	81-141	0512309929		103		J WALTER RANKIN UNIT #2	WATTENBERG	75.0	PANHANDLE EASTERN
8211455	81-487	0512310039		103		JACK BERGER GAS UNIT C #2	WATTENBERG	300.0	PANHANDLE EASTERN
8211461	81-50	0512310004		103		LOUIS J RADEMACHER G U #2	WATTENBERG	161.0	PANHANDLE EASTERN
8211473	81-263	0512309979		103		MARGARET TWOMBLY #2	WATTENBERG	270.0	PANHANDLE EASTERN
8211469	81-25	0512309937		103		NICK SEKICH UNIT B #2	WATTENBERG	174.0	PANHANDLE EASTERN
8211467	81-118	0512309989		103		ROBERT SAKATA UNIT #2	WATTENBERG	290.0	PANHANDLE EASTERN
8211466	81-486	0512310062		103		ROCKY MOUNTAIN FUEL CO UNIT G #2	WATTENBERG	300.0	PANHANDLE EASTERN
8211465	81-537	0512309958		103		ROCKY MOUNTAIN FUEL F #3	WATTENBERG	150.0	PANHANDLE EASTERN
8211464	81-114	0512309941		103		ROCKY MTN COORS SPRING WATER G U #2	WATTENBERG	268.0	PANHANDLE EASTERN
8211483	81-81	0512309976		103		ROLLIE J VINCENT UNIT #2	WATTENBERG	537.0	PANHANDLE EASTERN
8211468	81-265	0512310043		103		SARCHET UNIT #2	WATTENBERG	215.0	PANHANDLE EASTERN
8211471	81-538	0512309898		103		STATE OF COLO AM #1	WATTENBERG	150.0	PANHANDLE EASTERN
8211462	81-49	0512309993		103		THEO J RADEMACHER UNIT #2	WATTENBERG	388.0	PANHANDLE EASTERN
8211477	81-24	0512309895		103		UPRR 38 PAN AM G U K #1	WATTENBERG	292.0	PANHANDLE EASTERN
8211475	81-117	0512310055		103		UPRR 38 PAN AM GU H #2	WATTENBERG	252.0	PANHANDLE EASTERN
8211476	81-20	0512309938		103		UPRR 38 PAN AM I #2	WATTENBERG	223.0	PANHANDLE EASTERN
8211478	81-264	0512310053		103		UPRR 38 PAN AM M #1	WATTENBERG	143.0	PANHANDLE EASTERN
8211474	81-71	0512309962		103		UPRR 38 PAN AM G #2	WATTENBERG	209.0	PANHANDLE EASTERN
8211479	81-485	0512310046		103		UPRR 42 PAN AM AD #2	WATTENBERG	500.0	PANHANDLE EASTERN
8211480	81-23	0512309999		103		UPRR 42 PAN AM AO #2	WATTENBERG	279.0	PANHANDLE EASTERN
8211481	81-535	0512309743		103		UPRR 43 PAN AM T #1	WATTENBERG	150.0	PANHANDLE EASTERN
8211482	81-142	0512310032		103		VALLEY UNIT 66 #2	WATTENBERG	115.0	PANHANDLE EASTERN
8211457	81-484	0512310040		103		WILLARD HEIN GAS UNIT #2	WATTENBERG	355.0	PANHANDLE EASTERN
-BACA GAS GATHERING SYSTEM INC				RECEIVED: 12/17/81 JA: CO					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211484	81-27	0500906178		103		PETROWSKY #1	WALSH	182.5	COLORADO INTERSTA
-BRUCE F EVERTSON				RECEIVED: 12/17/81 JA: CO					
8211444	81-18	0512357720		102-4		KEISER-NELSON #A-1	WILDCAT	70.0	
-ENERGY MINERALS CORPORATION				RECEIVED: 12/17/81 JA: CO					
8211499	80-634	0512309677		108		BUCHHOLZ #1	ROGGEN	19.5	PHILLIPS PETROLEU
8211500	80-635	0512309456		108		PROSPECT #1	ROGGEN	20.3	PHILLIPS PETROLEU
-GRIFFIN PETROLEUM CORP				RECEIVED: 12/17/81 JA: CO					
8211445	81-19	0512398030		102-2		WHITTENBURG #6	WAITE LAKE	273.8	CRYSTAL GAS RESOU
-NIELSON ENTERPRISES INC				RECEIVED: 12/17/81 JA: CO					
8211501	81-393	0512307932		108		KERBS #1	WATTENBERG	20.8	PANHANDLE EASTERN
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 12/17/81 JA: CO					
8211486	81-44-B	0504506256		103		CLOUGH #103	RULISON WASATCH	211.0	NORTHWEST PIPELIN
8211488	81-36	0504506230		103		CLOUGH #113	RULISON WASATCH	365.0	NORTHWEST PIPELIN
8211489	81-42	0504506266		103		CLOUGH #114	RULISON WASATCH	252.0	NORTHWEST PIPELIN
8211449	81-45	0504506241		102-2		CLOUGH #126	RULISON WASATCH	28.8	NORTHWEST PIPELIN
8211450	81-38	0504506270		102-2		CLOUGH #134	RULISON WASATCH	475.8	NORTHWEST PIPELIN
8211448	81-44	0504506256		102-2		CLOUGH 103	RULISON WASATCH	211.0	NORTHWEST PIPELIN
8211487	81-43	0504506271		103		CLOUGH 111	RULISON WASATCH	17.3	NORTHWEST PIPELIN
8211490	81-45-B	0504506241		103		CLOUGH 126	RULISON WASATCH	28.8	NORTHWEST PIPELIN
8211447	81-39	0504506233		102-2		CLOUGH 13	RULISON MESAVERDE	75.0	NORTHWEST PIPELIN
8211485	81-39-B	0504506233		103		CLOUGH 13	RULISON MESAVERDE	75.0	NORTHWEST PIPELIN
8211491	81-38-B	0504506270		103		CLOUGH 134	RULISON WASATCH	475.0	NORTHWEST PIPELIN
8211451	81-40	0504506206		102-2		GOLDING #138	RULISON WASATCH	1.8	NORTHWEST PIPELIN
8211492	81-40-B	0504506206		103		GOLDING #138	RULISON WASATCH	1.8	NORTHWEST PIPELIN
8211452	81-41	0504506222		102-2		LANGSTAFF #109	RULISON WASATCH	356.0	NORTHWEST PIPELIN
8211494	81-41-B	0504506222		103		LANGSTAFF 109	RULISON WASATCH	356.0	NORTHWEST PIPELIN
8211493	81-37	0504506228		103		VASSAR HEATH #130	RULISON WASATCH	42.0	NORTHWEST PIPELIN
-PATRICK A DOMENY				RECEIVED: 12/17/81 JA: CO					
8211498	81-340	0512109444		108		O'NEIL #1	SIOUX	14.5	KANSAS-NEBRASKA N
-SAGE DRILLING CO INC				RECEIVED: 12/17/81 JA: CO					
8211495	81-35	0506106284		103		SAGE WEAR 1-34	CAVALRY	172.2	
-SUPERIOR OIL CO				RECEIVED: 12/17/81 JA: CO					
8211502	81-733	0504505859		108		GROSS-HAHNEWALD #1	RULISON	0.0	WESTERN SLOPE GAS
8211503	81-729	0504506057		108		JUHAN #2	RULISON	0.0	WESTERN SLOPE GAS
-TENNECO OIL COMPANY				RECEIVED: 12/17/81 JA: CO					
8211505	81-592	0510307964		108		STEELE #9-35	FOUNDATION CREEK	20.0	NORTHWEST PIPELIN
-TXO PRODUCTION CORP				RECEIVED: 12/17/81 JA: CO					
8211504	81-724	0506700000		108		SCHALLES #1	IGNACIO BLANCO	20.0	EL PASO NATURAL G
-VESSELS OIL & GAS CO				RECEIVED: 12/17/81 JA: CO					
8211496	81-33	0500107649		103		GRANT PROPERTIES I LTD #1	WILDCAT	146.0	KOCH OIL CO
8211497	81-34	0501306035		103		VOAKE #1	WATTENBERG	258.0	PANHANDLE EASTERN
-W R MURFIN D/B/A MURFIN DRILLING CO				RECEIVED: 12/17/81 JA: CO					
8211446	81-68	0509906132		102-2		BERINGER #1-30	MCCLAVE	365.0	NUECES CO
**********									
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
**********									
-CRYSTAL OIL COMPANY				RECEIVED: 12/17/81 JA: MI					
8211427		2108734143		102-4		FULLER #2-16	MARATHON	18.5	CONSUMERS POWER C
8211428		2108734144		102-4		FULLER #3-16	MARATHON	204.4	CONSUMERS POWER C
8211431		2108734213		102-4		FULLER #5-16	MARATHON	109.5	CONSUMERS POWER C
8211429		2108734150		102-4		FULLER #6-16	MARATHON	13.5	CONSUMERS POWER C
8211430		2108734244		102-4		FULLER MCLAIN #1-16	MARATHON	109.5	CONSUMERS POWER C
8211432		2108734088		102-4		ROSS #1-18	MARATHON	18.3	CONSUMERS POWER C

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED: 12/17/81 JA: NM					
8211439		3004508203		108		VALENCIA GAS COM B #1 (2ND FILING)	BASIN DAKOTA	21.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED: 12/17/81 JA: NM					
8211437		3003908808		108-PB		SAN JUAN 27-5 UNIT #134	TOPOCITO PICTURED CLIFFS	0.0	NORTHWEST PIPELIN
-ENSERCH EXPLORATION INC				RECEIVED: 12/17/81 JA: NM					
8211443		3004120595		103		LA GRONE #1	PETERSON	58.0	TRANSWESTERN PIPE
-HNG OIL COMPANY				RECEIVED: 12/17/81 JA: NM					
8211438		3001500000		108		GOLDEN LANE 36 FEDERAL #1	GOLDEN LANE (ATOKA)	51.4	EL PASO NATURAL G
-RALPH NIX				RECEIVED: 12/17/81 JA: NM					
8211436		3000500000		102-2		O'BRIEN #1	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8211433		3000500000		102-2		SEANNA #1	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8211435		3000500000		102-2		UNION HAPPY #1	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8211434		3000500000		102-2		UNION HAPPY #2	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
-TENNECO OIL COMPANY				RECEIVED: 12/17/81 JA: NM					
8211440		3004524437		103		MARQUIS G EATON A 1-E	BLANCO MESAVERDE	500.0	EL PASO NATURAL G
8211441		3004524432		103		SULLIVAN FRAME A 1E	UND/MESAVERDE	500.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED: 12/17/81 JA: NM					
8211442		3002500000		103		CENTRAL VACUUM UNIT #152	VACUUM GRAYBURG - SAN AN	55.1	PHILLIPS PETROLEU
OKLAHOMA CORPORATION COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED: 12/14/81 JA: OK					
8211297	11687	3515135240		108		ROBERT MORGAN UNIT #1	OAKDALE NW	9.7	MICHIGAN WISCONSI
-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 12/14/81 JA: OK					
8211358	09545	3509520179		102-4		BEARD #1	SEC 3 T8S R4E	1825.0	TEXACO INC
8211418	14237	3509520256		102-4		KEETON #1-10	SEC 10 T8S R4E	8.0	TEXACO INC
-ANADARKO PRODUCTION COMPANY				RECEIVED: 12/14/81 JA: OK					
8211379	15114	3508722015		102-4		BLAKEMORE L #1	FLORIS	91.0	PANHANDLE EASTERN
8211377	15112	3508722185		102-2		PENNER B #1	FLORIS	110.0	PANHANDLE EASTERN
8211378	15113	3510722104		102-2		PLETT B #1	FLORIS	120.0	PANHANDLE EASTERN
8211399	11684	3502520453		103		S E BURTON #5-1A	S E BURTON	8.2	PHILLIPS PETROLEU
8211400	11685	3502520419		103		S E BURTON #5-4A	S E BURTON	53.0	PHILLIPS PETROLEU
-ANDOVER OIL COMPANY				RECEIVED: 12/14/81 JA: OK					
8211420	15218	3504321525		102-4		VANDERWORK #6-1		200.0	DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/14/81 JA: OK					
8211382	8093	3501300000		108-ER		CRAWFORD UNIT #1-35	DURANT EAST	36.5	LONE STAR GAS CO
8211408	11642	3512120749		103		QUAID UNIT #2	ASHLAND SOUTH	365.0	ARKANSAS LOUISIAN
-BETA OIL CO				RECEIVED: 12/14/81 JA: OK					
8211410	11651	3507300000		103		PERDUE #1-13	OMEGA WEST	100.0	WARREN PETROLEUM
-BOBERT OIL CO				RECEIVED: 12/14/81 JA: OK					
8211319	11755	3501121577		103		BERNIECE #1-35	SOONER TREND	150.0	PHILLIPS PETROLEU
-BROWN & BORELLI INC				RECEIVED: 12/14/81 JA: OK					
8211362	11259	3507322866		103		FORMAN #1	WEST CASHION	36.5	CONOCO INC
-BUD OIL CO				RECEIVED: 12/14/81 JA: OK					
8211394	11650	3513772262		103		SNOW #1		100.0	LONE STAR GAS CO
-BUNKER EXPLORATION CO				RECEIVED: 12/14/81 JA: OK					
8211376	15071	3515722733		102-2		LOVETT #1-31	SOUTHWEST MARLOW MARCHAN	500.0	ARKANSAS LOUISIAN
-BURKHART PETROLEUM CORP				RECEIVED: 12/14/81 JA: OK					
8211417	11697	3508722084		103		BOCKELMAN-STATE 1-32	MOCANE LAVERNE	400.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/14/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8211364	11584	3510900000			108	C TEUSCHER #10
8211365	11585	3505100000			108	I H KIEPE #2
8211366	11588	3513700000			108	IRL NICHOLS #3
8211409	11576	3505100000			108	STILL-PETTIGREW UNIT #1
-CHRISTIE-STEWART DRILLING CO						RECEIVED: 12/14/81 JA: OK
8211373	11706	3504921491			103	HAMNER #1
-CITIES SERVICE COMPANY						RECEIVED: 12/14/81 JA: OK
8211350	11817	3508700000			108	HARRISON A #2
8211351	11818	3504900000			108	HIGH B #1
8211315	11433	3513921424			102-4	INTERSTATE A #15 (CHEROKEE)
8211339	15251	3513921492			102-4	INTERSTATE A #16
-CLARK RESOURCES INC						RECEIVED: 12/14/81 JA: OK
8211384	11727	3507322607			103	GLAZIER 12-1
8211385	11728	3507322816			103	L SNOWDEN 5-1
8211342	11694	3507323025			103	ZETA 20-1
-CLEMENTS ENERGY INC						RECEIVED: 12/14/81 JA: OK
8211343	11787	3511921579			103	WESTFALL #1
-CLIFFORD RESOURCES INC						RECEIVED: 12/14/81 JA: OK
8211386	11743	3509300000			103	MARGARITE #1-34
-COBRA OIL AND GAS CORPORATION						RECEIVED: 12/14/81 JA: OK
8211375	13547	3515321212			102-4	CLARK 14 #1
8211376	13547	3515321212			103	CLARK 14 #1
-CUMMINGS OIL CO						RECEIVED: 12/14/81 JA: OK
8211314	11422	3507322771			103	SCHIMMELS #1-14
8211313	11421	3507322553			103	YOST #1-14
-DARSON OIL CORPORATION						RECEIVED: 12/14/81 JA: OK
8211426	11188	3504721191			108	COLLMAN #1-28
-DYCO PETROLEUM CORPORATION						RECEIVED: 12/14/81 JA: OK
8211352	11831	3508720891			108	JONES #1
8211383	11695	3500920367			103	MERRICK #1-22
8211353	11833	3512120490			108	SANDERS #1-27
8211396	11668	3500920370			103	SIMMONS #1-29
-ECC OIL CO						RECEIVED: 12/14/81 JA: OK
8211298	11718	3514720936			108	REYNOLDS #1 SE/4 NE/4 20-25N-14E
-EL PASO NATURAL GAS COMPANY						RECEIVED: 12/14/81 JA: OK
8211330	11753	3508920137			108	BINGHAM #3
-ENNEX PRODUCTION COMPANY						RECEIVED: 12/14/81 JA: OK
8211341		3509322871			103	E-D #1
-EXXON CORPORATION						RECEIVED: 12/14/81 JA: OK
8211422	15359	3512920521			107-DP	A B WITT #1
-F C D LTD						RECEIVED: 12/14/81 JA: OK
8211407	11641	3504722425			103	SIMPSON #1
-F C D OIL CORP						RECEIVED: 12/14/81 JA: OK
8211412	11662	3507323089			103	FLYNN 1-1
8211416	11696	3507322702			103	NEWERR 2-22
-FARMERS INVESTMENTS INC						RECEIVED: 12/14/81 JA: OK
8211321	10767	3502720484			103	BATES #1
8211389	15131	3502720485			103	DAVID PRICE 7-17
-FLINT & ASSOCIATES						RECEIVED: 12/14/81 JA: OK
8211387	11825	3512321111			103	BLAKE #3
8211386	11826	3512321117			103	BLAKE #4
8211309	11821	3512321001			103	LOMAN #1
8211310	11822	3512321153			103	LOMAN #2

FIELD NAME	PROD	PURCHASER
PEAVINE	4.0	CITIES SERVICE GA
WEST CHITWOOD	18.0	MOBIL OIL CORP
MILROY	1.0	AMINOIL USA INC
WEST CHITWOOD	10.0	MOBIL OIL CORP
ELMORE CITY EAST	0.0	WARREN PETROLEUM
N LINDSAY	8.0	WARREN PETROLEUM
S MAYSVILLE	7.0	WARREN PETROLEUM
S RICHLAND CENTER AREA	756.0	NORTHERN NATURAL
S RICHLAND CENTER AREA	82.5	NORTHERN NATURAL
SOONER TREND	159.0	CITIES SERVICE GA
SOONER TREND	58.0	CITIES SERVICE GA
SOONER TREND	28.0	PHILLIPS PETROLEU
S W PERKINS	180.0	CITIES SERVICE GA
RENO	55.0	PANHANDLE EASTERN
	146.0	NORTHERN NATURAL
	146.0	NORTHERN NATURAL
SOONER TREND	0.0	CITIES SERVICE GA
SOONER TREND	0.0	CITIES SERVICE GA
W DOUGLAS - SOONER TREND	0.0	ONG WESTERN INC
ROCANE NE	6.0	NORTHERN NATURAL
CARPENTER WEST	750.0	EL PASO NATURAL G
ULAN SOUTH	6.0	ARKANSAS LOUISIAN
BERLIN NE	750.0	EL PASO NATURAL G
OGLESBY GAS FIELD	3.0	OKAN GAS CO
ERICK SOUTH - BROWN DOLO	23.0	EL PASO NATURAL G
FAIRVIEW	73.0	PHILLIPS PETROLEU
N SWEETWATER	296.0	EL PASO NATURAL G
N W GREEN VALLEY	1825.0	AMINOIL USA INC
N W LOVELL	127.0	EASON OIL CO
SOONER TREND	182.5	DALCO PETROLEUM I
N W NORMAN	250.0	SUN GAS CO
NORTHWEST NORMAN	50.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN OIL CO
WEST ALLEN	365.0	SUN GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211334	11823	3512321054		103		MAYBE #1	WEST ALLEN	365.0	SUN GAS CO
8211335	11824	3512321158		103		MAYBE #2	WEST ALLEN	365.0	SUN GAS CO
-GULF OIL CORPORATION				RECEIVED: 12/14/81 JA: OK					
8211381	15169	3507323156		102-2		BERNHARDT #1-19	OMEGA SOUTH	150.0	
8211391	15178	3501121643		102-2		DEAK ROHLING #2-26	OMEGA SOUTH	100.0	
8211296	10611	3501900000		108-ER		K & J MOORE #1	SPRINGER	0.0	UNION OIL CO OF C
-HANOVER MANAGEMENT CO				RECEIVED: 12/14/81 JA: OK					
8211355	14566	3503900000		107-DP		GADSCO INC-FLOYD JONES "C" #1		1460.0	NATURAL GAS PIPEL
-HOLD OIL CORP				RECEIVED: 12/14/81 JA: OK					
8211348	15234	3506120424		102-2		AUBREY PRINCE #1-12	BROOKEN	400.0	ARKANSAS LOUISIAN
-HOLDEN ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211415	11670	3501922223		103		DAMRON #1	JOINER CITY	65.0	AMINOIL USA INC
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED: 12/14/81 JA: OK					
8211392	15171	3512920606		102-2		LACKEY-ALLEN #1-35		730.0	MICHIGAN WISCONSI
-JAMES W WISE				RECEIVED: 12/14/81 JA: OK					
8211316	11747	3510720936		103		CLINE #1	KEATON	36.0	PHILLIPS PETROLEU
8211295	11712	3510720420		108		FULSOM #1	KEATON	15.0	PHILLIPS PETROLEU
8211317	11748	3510720935		103		FULSOM #2	KEATON	36.0	PHILLIPS PETROLEU
8211294	11711	3510700000		108		FULSOM #3	KEATON	15.0	PHILLIPS PETROLEU
8211318	11749	3510720686		103		HENKE #1	KEATON	36.0	PHILLIPS PETROLEU
-JONES & PELLOW OIL CO				RECEIVED: 12/14/81 JA: OK					
8211308	11815	3501900000		103		DUDLEY 27-1	N ORR	36.5	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 12/14/81 JA: OK					
8211424	10917	3505935188		108		BARNETT #1	CLARK CREEK EAST	25.0	NATURAL GAS COMPR
-KWB OIL PROPERTY MANAGEMENT INC				RECEIVED: 12/14/81 JA: OK					
8211329	11746	3512120674		103		CHARITY #1	S ULAN	21.0	ARKANSAS LOUISIAN
8211327	11744	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211356	15215	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211328	11745	3512120526		103		STUBBLEFIELD #1	S ULAN	65.0	TRANSOK PIPELINE
-L & T OIL & GAS INC				RECEIVED: 12/14/81 JA: OK					
8211411	11659	3507323080		103		PATRICIA #1	SOONER TREND	288.0	
-LADD PETROLEUM CORPORATION				RECEIVED: 12/14/81 JA: OK					
8211395	11668	3504722443		103		LEMKE #3	ENID NORTH EAST	65.7	CITIES SERVICE GA
-LEAR PETROLEUM EXPLORATION INC				RECEIVED: 12/14/81 JA: OK					
8211397	11666	3504921431		103		HENSEN 1-27	TANNER	300.0	WARREN PETROLEUM
-MACK OIL CO				RECEIVED: 12/14/81 JA: OK					
8211311	11335	3502700000		103		PREBLE #2		15.0	SUN GAS CO
-MAGIC CIRCLE ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211345	11771	3515121148		103		VERETA #1	WEST ALINE	0.0	
8211346	11772	3515121139		103		VERLIN #1	WEST ALINE	200.0	OKLAHOMA NATURAL
-MAPCO PRODUCTION COMPANY				RECEIVED: 12/14/81 JA: OK					
8211388	14921	3501922352		102-A		JONES 2-18	WEST HEWITT	2.0	AMINOIL USA INC
8211388	14921	3501922352		103		JONES 2-18	WEST HEWITT	2.0	AMINOIL USA INC
-MOBIL OIL CORP				RECEIVED: 12/14/81 JA: OK					
8211367	11610	3504900000		108		EMMA B WILSON #4	GOLDEN TREND	11.7	WARREN PETROLEUM
-MONSANTO COMPANY				RECEIVED: 12/14/81 JA: OK					
8211425	10941	3504320449		108-ER		BASKETT #1	SOUTH VICI	29.0	TRANSWESTERN PIPE
-MORGAN & STEINERT INC				RECEIVED: 12/14/81 JA: OK					
8211302	11724	3507323113		103		PACULA #1	SOONER TREND	120.0	ONG WESTERN INC
8211301	11723	3510321342		103		STANLEY #1	N PERRY	120.0	AMINOIL USA INC
8211303	11725	3507300000		103		WANDA #1	SOONER TREND	120.0	ONG WESTERN INC
-MRT EXPLORATION COMPANY				RECEIVED: 12/14/81 JA: OK					
8211419	14977	3508920343		102-A		BOYD L ZEECK #1	SOUTHWEST NEW LIBERTY	73.0	MISSISSIPPI RIVER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MUSTANG FUEL CORPORATION				RECEIVED: 12/14/81 JA: OK					
8211322	11739	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211323	11740	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211324	11741	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211325	11742	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
8211326	11743	3512120795		103		ROSS #1	S ULAN	100.0	ARKANSAS LOUISIAN
-NEARBURG EXPLORATION COMPANY				RECEIVED: 12/14/81 JA: OK					
8211405	11660	3501922222		103		DAMRON #1	JOINER CITY	65.0	AMINOIL USA INC
-NEW ENGLAND PETROLEUM CORP				RECEIVED: 12/14/81 JA: OK					
8211358	11697	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-NEWMONT OIL COMPANY				RECEIVED: 12/14/81 JA: OK					
8211357	11696	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-NORTHWEST EXPLORATION CO				RECEIVED: 12/14/81 JA: OK					
8211359	11698	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211360	11699	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211361	11700	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211362	11701	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211363	11702	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211364	11703	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211365	11704	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211366	11705	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211367	11706	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211368	11707	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211369	11708	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211370	11709	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211371	11710	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211372	11711	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211373	11712	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211374	11713	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211375	11714	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211376	11715	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211377	11716	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211378	11717	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211379	11718	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211380	11719	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211381	11720	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211382	11721	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211383	11722	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211384	11723	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211385	11724	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211386	11725	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211387	11726	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211388	11727	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211389	11728	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211390	11729	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211391	11730	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211392	11731	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211393	11732	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211394	11733	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211395	11734	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211396	11735	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211397	11736	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211398	11737	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211399	11738	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211400	11739	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211401	11740	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211402	11741	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211403	11742	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211404	11743	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211405	11744	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211406	11745	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211407	11746	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211408	11747	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211409	11748	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211410	11749	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211411	11750	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211412	11751	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211413	11752	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211414	11753	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211415	11754	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211416	11755	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211417	11756	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211418	11757	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211419	11758	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211420	11759	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211421	11760	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211422	11761	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211423	11762	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211424	11763	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211425	11764	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211426	11765	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211427	11766	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211428	11767	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211429	11768	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211430	11769	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211431	11770	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211432	11771	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211433	11772	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211434	11773	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211435	11774	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211436	11775	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211437	11776	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211438	11777	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211439	11778	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211440	11779	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211441	11780	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211442	11781	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211443	11782	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211444	11783	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211445	11784	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211446	11785	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211447	11786	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211448	11787	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211449	11788	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211450	11789	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211451	11790	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211452	11791	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211453	11792	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211454	11793	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211455	11794	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211456	11795	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211457	11796	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211458	11797	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211459	11798	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211460	11799	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211461	11800	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211462	11801	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211463	11802	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211464	11803	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211465	11804	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211466	11805	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211467	11806	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211468	11807	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211469	11808	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211470	11809	3512321157		103		MAYBE #3	WEST ALLEN	365.0	SUN GAS CO
-OKLAHOMA ENERGY CORP				RECEIVED: 12/14/81 JA: OK					
8211471	11810	3512321157		103

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-NATIONAL OIL COMPANY						RECEIVED: 12/14/81 JA: OK			
8211347	11784	3509321688		103		WAHL #893-59219	RINGWOOD	365.0	DELHI GAS PIPELIN
-NFC PETROLEUM CORP						RECEIVED: 12/14/81 JA: OK			
8211331	11760	3515120868		103		DIETZ #6-30	OAKDALE	54.0	AMINOIL USA INC
8211344	11763	3515120766		103		DIETZ 3-30	OAKDALE	37.4	AMINOIL USA INC
8211333	11762	3515120888		103		DIETZ 4-30	OAKDALE	58.3	AMINOIL USA INC
8211332	11761	3515120867		103		DIETZ 5-30	OAKDALE	37.4	AMINOIL USA INC
-NRM PETROLEUM CORPORATION						RECEIVED: 12/14/81 JA: OK			
8211423	09751	3500721799		103		GIFT #1	UNDESIGNATED	275.0	NATURAL GAS PIPEL
-OLEUM INC						RECEIVED: 12/14/81 JA: OK			
8211371	11654	3501922138		103		AUDRY WILLIAMS #2	JOINER CITY	25.0	
8211378	11653	3501922235		103		MAUDE ROLAND #3	JOINER CITY	28.0	
8211372	11655	3501922254		103		W W WOODWORTH #2	JOINER CITY	15.0	
-P-T LTD 88						RECEIVED: 12/14/81 JA: OK			
8211361	11165	3504722396		103		HAHE 14-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8211414	11669	3504722397		103		HERRIN 30-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8211413	11668	3504722392		103		LAMERTON 28-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8211368	11158	3504722397		103		PETERMAN 22-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PATRICK PETROLEUM CORP (MI)						RECEIVED: 12/14/81 JA: OK			
8211388	15141	3512920583		102-2		TAYLOR #1-34	W REYDON	0.0	
-PETROLEUM CORP OF DELAWARE						RECEIVED: 12/14/81 JA: OK			
8211300	11716	3507322864		103		STARKEY #9-3 WELL	SOONER TREND	18.5	CITIES SERVICE GA
-PETROLEUM INC						RECEIVED: 12/14/81 JA: OK			
8211405	11638	3513960000		108		GRAY UNIT #1	GOOCH	13.0	KANSAS NEBRASKA N
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 12/14/81 JA: OK			
8211369	11648	3501721877		103		KREMEIER B #1	NORTH CONCHO	0.0	ONG
8211393	11647	3501721284		108		ZUM MALLEN C #1	WEST PIEDMONT	9.0	PANHANDLE EASTERN
-RAMBLER OIL CO						RECEIVED: 12/14/81 JA: OK			
8211359	10777	3501121009		103		HILDA HOUSTON #1	ELM GROVE	0.0	TRANSOK PIPELINE
-S K TUTHILL & B J BARBEE						RECEIVED: 12/14/81 JA: OK			
8211401	11688	3515121143		103		BARNES 1-8	NORTH CAMPBELL	228.0	PANHANDLE EASTERN
8211403	11693	3515321195		103		BOOTH HEMENWAY #1-18	SOUTH FREEDOM	110.0	PANHANDLE EASTERN
8211363	11570	3515120747		108		MILLER #1-16	EAST BRACE	6.9	PANHANDLE EASTERN
8211402	11690	3515321188		103		SIMPSON WALKER #1-12	SOUTH FREEDOM	17.0	PANHANDLE EASTERN
8211404	11626	3515320926		108		WALKER #1-22	SW FREEDOM	19.6	PANHANDLE EASTERN
8211368	11623	3515320898		108		WALKER #1-23	SW FREEDOM	6.2	PANHANDLE EASTERN
-SAMSON RESOURCES COMPANY						RECEIVED: 12/14/81 JA: OK			
8211338	13277	3504921517		103		A C WADE UNIT #1	SOUTHEAST ELMORE CITY	9.1	AMINOIL USA INC
8211374	11793	3507300000		108		VIETH #1	OKARCHE	18.3	DELMI GAS PIPELIN
-SILAS RICHARDSON						RECEIVED: 12/14/81 JA: OK			
8211312	11346	3511123026		103		RICHARDSON #3	HECTOR	250.0	
-SOUTHWEST PETROCHEM INC						RECEIVED: 12/14/81 JA: OK			
8211421	15219	3503920516		102-2		G KLEMME 2-18	FOSS RESERVOIR SECTION 1	365.0	ONG WESTERN INC
-ST JOE PETROLEUM (US) CORP						RECEIVED: 12/14/81 JA: OK			
8211328	11758	3510332063		103		LOEFFELHOLZ #1	UNDESIGNATED	32.0	ARCO OIL & GAS CO
8211349	11788	3510300000		103		VCULEK #1		31.0	ARCO OIL & GAS CO
-TENNECO OIL COMPANY						RECEIVED: 12/14/81 JA: OK			
8211357	5244	3500721696		103		CARLISLE #16-22 (CHESTER)	MOCANE-LAVERNE	0.0	COLORADO INTERSTA
-TEXACO INC						RECEIVED: 12/14/81 JA: OK			
8211299	11713	3504700000		108		O TAGGERT #1	SOONER TREND	8.4	EXXON
8211398	11678	3507323006		103		S W TITLE & TRUST B #1	OKARCHE N E	50.0	CONOCO INC
-THE WIL-MC OIL CORP						RECEIVED: 12/14/81 JA: OK			
8211390	15147	3508321860		102-4		TAYLOR #1	SOUTH MULHALL	63.0	AMINOIL USA INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-W B WILSON				RECEIVED: 12/14/81 JA: OK					
8211325	11777	3507122183		103		STATE 13 #2	UNDESIGNATED	219.0	CHASE GATHERING S
8211307	11782	3507122180		103		STATE 13 #3	UNDESIGNATED	273.7	CHASE GATHERING S
8211306	11781	3507122196		103		STATE 13 #4	UNDESIGNATED	7.3	CHASE GATHERING S
8211305	11780	3507122182		103		STATE 13 #5	UNDESIGNATED	182.5	CHASE GATHERING S
8211304	11779	3507122197		103		STATE 13 #6	UNDESIGNATED	27.4	CHASE GATHERING S
8211326	11778	3507122181		103		STATE 13 #7	UNDESIGNATED	7.3	CHASE GATHERING S
8211324	11776	3507122316		103		STATE 36 #1	UNDESIGNATED	18.2	CHASE GATHERING S
8211323	11775	3507122258		103		STATE 36 #2	UNDESIGNATED	36.5	CHASE GATHERING S
8211322	11774	3507122284		103		STATE 36 #6	UNDESIGNATED	9.2	CHASE GATHERING S
-WESLEY WEBBER				RECEIVED: 12/14/81 JA: OK					
8211348	11785	3513722712		103		SPEARS B #16	SHO-VEL-TUM	18.0	GETTY OIL CO
-WHEATLAND OIL CO				RECEIVED: 12/14/81 JA: OK					
8211387	14913	3507300000		102-4		LANE #1	W LACY	84.7	PHILLIPS PETROLEU
-WILLIS EXPLORATION INC				RECEIVED: 12/14/81 JA: OK					
8211406	11633	3501721887		103		PATIENCE #1	NORTHEAST MUSTANG	540.0	MOBIL OIL CORP
-WOOD ENTERPRISES INC				RECEIVED: 12/04/81 JA: OK					
8211293	14853	3511900000		102-4		MITTIE ELLIOTT #1 (119-62002)	MARKHAM	13.0	PARKS ENERGY INVE
8211293	14853	3511900000		103		MITTIE ELLIOTT #1 (119-62002)	MARKHAM	13.0	PARKS ENERGY INVE
-WOODS PETROLEUM CORP				RECEIVED: 12/14/81 JA: OK					
8211354	13850	3504921536		103		MCDANIEL #15-1	E ANTDICH	73.0	
**********									
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
**********									
-CAULKINS OIL COMPANY				RECEIVED: 12/21/81 JA: NM 4					
8211513	NM1737-80-A	3003906556	D	103		BREECH A 136 E	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8211514	NM1737-80-B	3003906556	D	103		BREECH A 136 E	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
8211515	NM1737-80-C	3003906556	D	103		BREECH A 136 E	BASIN DAKOTA	30.0	GAS CO OF NEW MEX
8211519	NM1740-80-A	3003906631	D	103		BREECH A 175 E	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8211520	NM1740-80-B	3003906631	D	103		BREECH A 175 E	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
8211521	NM1740-80-C	3003906631	D	103		BREECH A 175 E	BASIN DAKOTA	30.0	GAS CO OF NEW MEX
8211510	NM1736-80-A	3003906582	D	103		BREECH A 204 E	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8211511	NM1736-80-B	3003906582	D	103		BREECH A 204 E	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
8211512	NM1736-80-C	3003906582	D	103		BREECH A 204 E	BASIN DAKOTA	30.0	GAS CO OF NEW MEX
8211522	NM1742-80-A	3003906697	D	103		BREECH E 583 M	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8211523	NM1742-80-B	3003906697	D	103		BREECH E 583 M	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
8211524	NM1742-80-C	3003906697	D	103		BREECH E 583 M	BASIN DAKOTA	30.0	GAS CO OF NEW MEX
8211516	NM1738-80-A	3003906694	D	103		BREECH E 68 E	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8211517	NM1738-80-B	3003906694	D	103		BREECH E 68 E	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
8211518	NM1738-80-C	3003906694	D	103		BREECH E 68 E	BASIN DAKOTA	30.0	GAS CO OF NEW MEX

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1040 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-C

[Volume 579]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1982.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-I R D CORP				RECEIVED: 09/11/81 JA: OH					
8211686		3415521711		103		SULEK #1		200.0	
8211606		3415521711		107-TF		SULEK #1		200.0	
-JOHN C MASON				RECEIVED: 09/11/81 JA: OH					
8211686		3407523131		107-TF		JOHN HIPP 2A		15.0	COLUMBIA GAS TRAN
-L & M OPERATING INC				RECEIVED: 09/11/81 JA: OH					
8211602		3416725276		107-DV		WILLIAM CISLER #1-A		12.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 09/11/81 JA: OH					
8211604		3412725095		103		ESSINGTON/LEWIS-PEABODY/CHRISTY #2		9.5	FORAKER GAS CO IN
8211604		3412725095		107-TF		ESSINGTON/LEWIS-PEABODY/CHRISTY #2		9.5	FORAKER GAS CO IN
8211605		3412725095		103		ESSINGTON/LEWIS-PEABODY/CHRISTY #2		9.5	FORAKER GAS CO IN
8211605		3412725095		107-TF		ESSINGTON/LEWIS-PEABODY/CHRISTY #2		9.5	FORAKER GAS CO IN
8211603		3412725096		103		ESSINGTON/LEWIS-PEABODY/CHRISTY #3		9.0	FORAKER GAS CO IN
8211603		3412725096		107-TF		ESSINGTON/LEWIS-PEABODY/CHRISTY #3		9.0	FORAKER GAS CO IN
-NATIONAL PETROLEUM CORP				RECEIVED: 09/11/81 JA: OH					
8211592		3411122149		107-DV		E ACKERMAN #1		15.0	TEXAS EASTERN TRA
-NOBLE OIL CORP				RECEIVED: 09/11/81 JA: OH					
8211588		3413322564		107-TF		SMITH #1		20.0	GENERAL ELECTRIC
8211589		3413322563		107-TF		SMITH #2		20.0	GENERAL ELECTRIC
8211591		3413322489		107-TF		STEGH-BROWN #1		20.0	GENERAL ELECTRIC
8211590		3413322490		107-TF		STEGH-BROWN #2		20.0	GENERAL ELECTRIC
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 09/11/81 JA: OH					
8211596		3411122385		107-DV		C BURKHART #2-M		35.0	COLUMBIA GAS TRAN
8211599		3411122192		107-DV		C & BAKER #2-M		15.0	COLUMBIA GAS TRAN
8211598		3411122196		107-DV		J MALLETT #1-M		10.0	COLUMBIA GAS TRAN
8211597		3411122382		107-DV		J MALLETT #2-M		10.0	COLUMBIA GAS TRAN
8211594		3413322451		107-TF		PAUL #1		10.0	
8211595		3411122467		107-DV		R MALLETT #1-M-A		10.0	COLUMBIA GAS TRAN
8211593		3413322452		107-TF		TOMKO #1		10.0	
-W J LYDIC INC				RECEIVED: 09/11/81 JA: OH					
8211601		3411122009		107-DV		CONLEY #1		108.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED: 12/17/81 JA: OK					
8211681	11443	3509300018		108		A M HARRIS #1	CEDARDALE NE	20.0	MICHIGAN-WISCONSI
-ANDOVER OIL COMPANY				RECEIVED: 12/17/81 JA: OK					
8211652	15342	3501121579		102-2		ROTHER #2-3		180.0	DELMI GAS PIPELIN
-ARBOR PETROLEUM CORP				RECEIVED: 12/17/81 JA: OK					
8211629	11847	3505920901		103		ADKINS #1	NORTH LOVEDALE	36.5	DELMI GAS PIPELIN
8211628	11846	3505920990		103		ADKINS #2	NORTH LOVEDALE	36.5	DELMI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-BARUCH-FOSTER CORP						
						RECEIVED: 12/17/81 JA: OK
8211685	11863	3508120767		108		B F COOK "B" #1
						RECEIVED: 12/17/81 JA: OK
-BLAIK OIL COMPANY						
8211705	11811	3504722450		103		ANTON #2
						RECEIVED: 12/17/81 JA: OK
-BONANZA PETROLEUM INC						
8211619	11814	3500721921		103		TERREL #1
						RECEIVED: 12/17/81 JA: OK
-CAYMAN EXPLORATION CORP						
8211647	11871	3500320789		103		WALLACE #1
						RECEIVED: 12/17/81 JA: OK
-CHAMPLIN PETROLEUM COMPANY						
8211684	11877	3507300000		108		BAYLEN JONES #1
						RECEIVED: 12/17/81 JA: OK
-CLARK RESOURCES INC						
8211698	11726	3507323098		103		CVA 20-1
						RECEIVED: 12/17/81 JA: OK
-CONTINENTAL RESOURCES CORP						
8211694	11767	3509300000		103		SOULD #1
						RECEIVED: 12/17/81 JA: OK
-CUMMINGS OIL CO						
8211691	11423	3507322913		103		WENDT "A" #1-15
						RECEIVED: 12/17/81 JA: OK
-DIAMOND SHAMROCK CORPORATION						
8211608	14690	3512920617		102-2		H C QUATTLEBAUM #1
						RECEIVED: 12/17/81 JA: OK
-EL PASO NATURAL GAS COMPANY						
8211687	15461	3500920412		107-OP		KENT #2
8211688	15536	3512920591		107-OP		SANDUSKY #1
						RECEIVED: 12/17/81 JA: OK
-FLINT & ASSOCIATES						
8211659	11721	3512321087		103		BLAKE #2 WELL
						RECEIVED: 12/17/81 JA: OK
-FOSSIL OIL & GAS INC						
8211621	11834	3507322821		103		SMITH #2-23
						RECEIVED: 12/17/81 JA: OK
-GEC PRODUCTION CO						
8211682	11389	3511122660		103		MILLER #2
						RECEIVED: 12/17/81 JA: OK
-GEODYNE RESOURCES INC						
8211637	11812	3507322029		103		FOREMAN #1
						RECEIVED: 12/17/81 JA: OK
-GEORGE E FEARS						
8211690	09951	3508321249		103		ACTON B-1
8211689	09948	3508321151		103		CLARK #1
8211631	09905	3508321083		103		COMBEST #1
-GIANT PETROLEUM CORPORATION						
8211654	11481	3511960000		103		WEBB #1
						RECEIVED: 12/17/81 JA: OK
-GULFSTREAM PETROLEUM CORP						
8211657	11705	3509322121		103		GLADYS MARIE CRAIG #1-14
8211640	11836	3510321278		103		ROSA SEEGERS #1-11
						RECEIVED: 12/17/81 JA: OK
-HELMERICH & PAYNE INC						
8211664	15207	3512920622		102-2		LOVELACE #1-11
						RECEIVED: 12/17/81 JA: OK
-HENRY H GUNDOLL ASSOCIATES						
8211641	11857	3504722332		103		CROCKER 1-23
						RECEIVED: 12/17/81 JA: OK
-HOOVER & BRACKEN ENERGIES						
8211651	15252	3503920470		102-2		IRENE JONES #1-31
						RECEIVED: 12/17/81 JA: OK
-IMPERIAL OIL COMPANY						
8211662	15154	3515120816		102-4		BOUZIDEN #1-23
8211663	15155	3515121067		102-4		WIMMER #1-15
						RECEIVED: 12/17/81 JA: OK
-INDIAN WELLS OIL CO						
8211617	15327	3505320718		102-4		BRAMLETT 1-19
8211615	15325	3505300000		102-4		BRAMLETT 19-2
8211614	15324	3505300000		102-4		HAJEK #2
8211613	15323	3505300000		102-4		HAJEK #3
8211616	15326	3505300000		102-4		HAJEK #4

FIELD NAME	PROD	PURCHASER
RAVENDALE	2.0	CITIES SERVICE GA
SOONER TREND	27.0	PHILLIPS PETROLEU
UNALLOCATED	365.0	NORTHERN NATURAL
SOONER TREND	88.0	PANHANDLE EASTERN
SOONER TREND	11.0	PHILLIPS PETROLEU
SOONER TREND	25.9	EASON OIL CO
CHEYENNE VALLEY	0.0	PHILLIPS PETROLEU
SOONER TREND	0.0	CITIES SERVICE GA
LEEDY SW	1085.0	TRANSWESTERN PIPE
BERLIN E ATOKA	124.0	EL PASO NATURAL G
UNDESIGNATED MORROW UPPE	275.0	EL PASO NATURAL G
WEST ALLEN	3.7	SUN GAS CO
SOUTH LOYAL	140.0	CITIES SERVICE GA
BEGGS DIST	0.0	PHILLIPS PETROLEU
CASHION NORTH	36.0	CONOCO INC
	0.0	EASON OIL CO
	0.0	EASON OIL CO
	0.0	AMINOIL USA INC
STILLWATER	156.0	SUN GAS CO
UNALLOCATED POOL	0.0	PIONEER GAS PRODU
UNALLOCATED POOL	0.0	ARCO OIL & GAS CO
WILDCAT	365.0	MICHIGAN WISCONSI
SOONER TREND	0.5	
EAST BUTLER	18.3	
N E FALKNER	34.0	PANHANDLE EASTERN
N E FALKNER	50.0	PANHANDLE EASTERN
SOUTHWEST RENFROW	100.0	CRA INC
SOUTHWEST RENFROW	100.0	CRA INC
SOUTHWEST RENFROW	200.0	CRA INC
SOUTHWEST RENFROW	200.0	CRA INC
SOUTHWEST RENFROW	200.0	CRA INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211618	15328	3505320725		102-4		PETRIK #2	SOUTHWEST RENFROW	100.0	CRA INC
-JONES EXPLORATION CO				RECEIVED: 12/17/81 JA: OK					
8211642	11856	3508320395		103		PEERY #1		36.5	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 12/17/81 JA: OK					
8211676	11540	3504700000		108		ALBERT #1	SPRING VALLEY	1.5	GRACE PETROLEUM C
8211678	11551	3504700000		108		ELSIE #1	SPRING VALLEY	18.2	GRACE PETROLEUM C
8211680	11553	3504700000		108		FISCHABER #2	SPRING VALLEY	10.1	GRACE PETROLEUM C
8211679	11552	3504720863		108		SELIX #1-5	SOUTH HUNTER	7.7	GRACE PETROLEUM C
8211677	11550	3504720878		108		SEMRAD #1-24	FAIRMONT	8.5	GRACE PETROLEUM C
8211630	13363	3505121017		103		SPURLIN #1	N CHICKASHA	500.0	
-L O WARD				RECEIVED: 12/17/81 JA: OK					
8211660	11750	3501121548		103		WEBER FREED #1	N E OKEENE	340.0	TRANSOK PIPELINE
-LEBEN OIL CORP				RECEIVED: 11/02/81 JA: OK					
8211607	01837	3515320185		108		PHILLIPS #1-7	N W SHARON	19.0	NORTHERN NATURAL
-LEWIS EXPLORATION INC				RECEIVED: 12/17/81 JA: OK					
8211643	11867	3507100000		103		CHRISTENSEN #1-8	UNNAMED	11.0	CITIES SERVICE GA
8211644	11868	3507122807		103		CHRISTENSEN #2	UNNAMED	30.0	CITIES SERVICE GA
8211645	11869	3507100000		103		CHRISTENSEN #3	UNNAMED	11.0	CITIES SERVICE GA
-LINCOLN ROCK CORP				RECEIVED: 12/17/81 JA: OK					
8211704	11807	3508320436		103		WESTHEIMER #2	NORTHEAST MARIETTA	20.0	CIMARRON TRANSMIS
-M M RESOURCES INC				RECEIVED: 12/17/81 JA: OK					
8211646	11870	3510321181		103		WILSON #1		0.0	AMINOIL USA INC
-MACK OIL CO				RECEIVED: 12/17/81 JA: OK					
8211666	11334	3502700000		103		MUCKABEE #1		8.0	SUN GAS CO
-MAGIC CIRCLE ENERGY CORP				RECEIVED: 12/17/81 JA: OK					
8211702	11770	3515121084		103		IRA CURRY #1	WEST ALINE	160.0	
8211701	11769	3501121533		103		MCCLUNG #1	STAR FIELD	160.0	
8211648	11876	3515121123		103		ZACHER #1	WEST ALINE	160.0	OKLAHOMA NATURAL
-MAPCO PRODUCTION COMPANY				RECEIVED: 12/17/81 JA: OK					
8211689	14920	3501922220		102-4		BRAY #1-17	WEST HEWITT	3.0	AMINOIL USA INC
8211610	15119	3501922309		102-4		WARD #1-19	WEST HEWITT	0.0	AMINOIL USA INC
8211611	15189	3501922354		102-4		WESTHEIMER-NEUSTADT D 1-17	WEST HEWITT	1.0	AMINOIL USA INC
-MARLIN OIL CORPORATION				RECEIVED: 12/17/81 JA: OK					
8211661	13782	3505921002		102-4		ROBERTSON #1	MOCANE-LAVERNE	365.0	TRANSWESTERN PIPE
8211661	13782	3505921002		103		ROBERTSON #1	MOCANE-LAVERNE	365.0	TRANSWESTERN PIPE
-MIN-TEX OIL CORP				RECEIVED: 12/17/81 JA: OK					
8211696	11702	3508321468		103		FUKSA #2	SOONER TREND	37.0	EASON OIL CO
8211695	11810	3508320896		103		GOODVIN #1	SOONER TREND	1.0	EASON OIL CO
-NATOMAS NORTH AMERICA INC				RECEIVED: 12/17/81 JA: OK					
8211612	15312	3512920598		102-2		SIMMONS #2	CARPENTER WEST	694.0	MICHIGAN-WISCONSI
-P-T LTD 80				RECEIVED: 12/17/81 JA: OK					
8211692	11466	3504722178		103		MARKES 2-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
-P-T LTD 81				RECEIVED: 12/17/81 JA: OK					
8211634	11464	3504722522		103		ESTILL 31-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8211633	11461	3504722578		103		FUKSA-STUTZ 25-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PCX CORP				RECEIVED: 12/17/81 JA: OK					
8211693	11542	3505320697		103		LE FORCE #1	N E VINING	678.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/17/81 JA: OK					
8211703	11787	3507322928		103		ERNEST A #1	SOUTH EAST ALTONA	8.0	
-POST PETROLEUM COMPANY INC				RECEIVED: 12/17/81 JA: OK					
8211655	11604	3513921418		103		THRASHER #1	GUYMON-HUGOTON	0.0	
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 12/17/81 JA: OK					
8211622	11835	3501721907		103		ALICE SUE #1-11	YUKON	150.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME		
-RAMBLER OIL CO				RECEIVED: 12/17/81			JA: OK	
8211685	13192	3509321328		102-2		ANNA DURST #1-15		
8211686	13184	3504921609		102-4		GREEN #1		
-RATLIFF EXPLORATION CO				RECEIVED: 12/17/81			JA: OK	
8211653	11440	3509322083		103		HALL #1		
-RED EAGLE OIL CO				RECEIVED: 12/17/81			JA: OK	
8211699	11756	3509322112		103		THOMAS #1		
8211700	11757	3509322218		103		THOMAS #2		
-S K YUTHILL & B J BARBEE				RECEIVED: 12/17/81			JA: OK	
8211658	11720	3515120888		108		TATRO #1-21		
-SAMEDAN OIL CORPORATION				RECEIVED: 12/17/81			JA: OK	
8211650	15249	3508520435		102-2		MOXLEY #1		
8211649	15247	3508520535		102-2		MOXLEY #2-9		
-SAMSON RESOURCES COMPANY				RECEIVED: 12/17/81			JA: OK	
8211635	11751	3500722027		103		RIGG #1-CHESTER		
8211636	11752	3500722027		103		RIGG #1-MORROW		
-SCHICK OIL & GAS INC				RECEIVED: 12/17/81			JA: OK	
*8211656	11701	3509322074		103		MONTGOMERY 6-1		
-SENECA OIL COMPANY				RECEIVED: 12/17/81			JA: OK	
8211665	15223	3509322234		102-2		CUBANK #1-19		
-SOUTHLAND ROYALTY CO				RECEIVED: 12/17/81			JA: OK	
8211624	11840	3501721854		103		JELINEK #1-27		
8211625	11841	3501721855		103		JELINEK #2-27		
8211623	11839	3501721894		103		PHILLIPS #1-27		
8211626	11842	3509322062		103		WOODRING #2-31		
8211627	11843	3509322136		103		WOODRING #3-31		
-SWAN OIL CO				RECEIVED: 12/17/81			JA: OK	
8211672	11415	3501900000		108		BROOKS 1		
8211673	11416	3501900000		108		BROOKS 1A		
8211668	11411	3501900000		108		BROOKS 10		
8211675	11418	3501900000		108		BROOKS 12		
8211674	11417	3501900000		108		BROOKS 2		
8211669	11412	3501900000		108		BROOKS 2A		
8211670	11413	3501900000		108		BROOKS 3		
8211671	11414	3501900000		108		BROOKS 3A		
8211667	11410	3501900000		108		BROOKS 9		
-TEXAS OIL & GAS CORP				RECEIVED: 12/17/81			JA: OK	
8211632	10146	3513921189		108		RANDLES #1		
8211697	11704	3500722091		103		TRETBAR #1		
-TEXOMA RESOURCES INC				RECEIVED: 12/17/81			JA: OK	
8211706	11829	3508321657		103		EMMERICH #1-31		
8211639	11830	3507323061		103		HENLEY #1-12		
8211638	11828	3508321658		103		POLLARD #1-31		
-WALLACE OIL & GAS INC				RECEIVED: 12/17/81			JA: OK	
8211628	11816	3502520411		103		WELLS #2		
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-AMERICAN QUASAR PETROLEUM CO OF NEW				RECEIVED: 12/17/81			JA: NM	4
8211551	NM-1438-81	3003525530		108		BRINNINSTOOL #2		
-BCO INC				RECEIVED: 12/17/81			JA: NM	4
8211578	NM 1508-81	3003922349		103		DUNN #3		
-BLACKWOOD & NICHOLS CO LTD				RECEIVED: 12/17/81			JA: NM	4

FIELD NAME	PROD	PURCHASER
N W TRIVOLI	0.0	DELHI GAS PIPELIN
S PAOLI	0.0	
SOUTH HALL	20.0	AMINOIL USA INC
CHEYENNE VALLEY	110.0	AMINOIL USA INC
CHEYENNE VALLEY	110.0	AMINOIL USA INC
LOOKOUT PROSP	131.0	NORTHERN NATURAL
	30.0	AMINOIL USA INC
	30.0	AMINOIL USA INC
MOCANE-LAVERNE	164.3	NORTHERN NATURAL
MOCANE-LAVERNE	54.8	NORTHERN NATURAL
RINGWOOD	520.0	PIONEER GAS PRODU
DANE	730.0	PANHANDLE EASTERN
S YUKON	55.0	CONOCO INC
YUKON	73.0	CONOCO INC
YUKON	55.0	CONOCO INC
ORION	75.0	PHILLIPS PETROLEU
ORION	30.0	PHILLIPS PETROLEU
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
GRAHAM	1.8	MOBIL OIL CORP
N W DOMBEY	12.0	PANHANDLE EASTERN
E LORENA	170.0	
SOONER TREND	100.0	CONOCO INC
SOONER TREND	75.0	CONOCO INC
SOONER TREND	100.0	CONOCO INC
SOUTHEAST GRIGGS	200.6	TRANSWESTERN PIPE
BRINNINSTOOL (MORROW)	27.7	EL PASO NATURAL G
LYBROOK GALLUP AND UND G	40.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211586	NM1521-81	3004525007		103		NORTHEAST BLANCO UNIT #68	BLANCO MESAVERDE A-35-31	110.0	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION		RECEIVED: 12/17/81 JA: NM 4							
8211552	NM-1441-81	3003921271		108		APACHE #17	SOUTH BLANCO	16.0	NORTHWEST PIPELIN
8211541	NM-1411-81	3003920181		108		CINCO DIABLOS #12	BALLARD PICTURED CLIFFS	10.0	NORTHWEST PIPELIN
8211540	NM-1410-81	3003900000		108		CINCO DIABLOS #13	SOUTH BLANCO	4.0	NORTHWEST PIPELIN
8211542	NM-1412-81	3003920202		108		CINCO DIABLOS #14	BALLARD PICTURED CLIFFS	2.0	NORTHWEST PIPELIN
-DAVID FASKEN		RECEIVED: 12/17/81 JA: NM 4							
8211525	NM0020-81-ER	3001526692		108-ER		ARCO 10 FEDERAL #2	BOYD MORROW	0.0	TRANSWESTERN P L
-EL PASO NATURAL GAS COMPANY		RECEIVED: 12/17/81 JA: NM 4							
8211565	NM-1493-81	3004500000		108		BLANCO #15 MV & PC	BLANCO - MESA VERDE & SO	19.0	EL PASO NATURAL G
8211554	NM-1447-81	3003920232		108		CANYON LARGO UNIT NP #146	BALLARD - PICTURED CLIFF	18.0	EL PASO NATURAL G
8211536	NM-1309-81	3004521809		108		HUEREANO UNIT #265 GL & DK	ANGELS PEAK GAL GAS - BA	21.0	EL PASO NATURAL G
8211559	NM-1435-81	3004506400		108		HUERFANITO UNIT #56	BLANCO SOUTH - PICTURED	16.0	EL PASO NATURAL G
8211567	NM-1495-81	3004521227		108		HUERFANO UNIT #239	ANGELS PEAK - GALLUP GAS	18.0	EL PASO NATURAL G
8211568	NM-1497-81	3004521411		108		HUERFANO UNIT #259	BASIN - DAKOTA	10.0	EL PASO NATURAL G
8211569	NM-1498-81	3004521139		108		HUGHES A #8	BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL G
8211556	NM-1450-81	3004505816		108		MCCONNELL #2	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL G
8211555	NM-1448-81	3003906332		108		QUANTIUS #3	BLANCO SOUTH PICTURED CL	20.0	EL PASO NATURAL G
8211566	NM-1494-81	3003920961		108		SAN JUAN 28-7 UNIT #201 CH & PC	LARGO - CHACRA & SOUTH B	23.0	EL PASO NATURAL G
8211526	NM0023-81-ER	3003920404		108-ER		SAN JUAN 28-7 UNIT NP #151	BASIN DAKOTA GAS	0.0	EL PASO NATURAL G
8211553	NM-1446-81	3004509161		108		SELLERS #6	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G
8211570	NM-1500-81	3004520854		108		SELLERS #7	AZTEC - PICTURED CLIFFS	18.0	EL PASO NATURAL G
8211558	NM-1453-81	3004512079		108		STOREY #5	BLANCO SOUTH PICTURED CL	28.0	EL PASO NATURAL G
8211527	NM0024-81-ER	3004521047		108-ER		SUNRAY F #5	BLANCO-PICTURED CLIFFS G	0.0	EL PASO NATURAL G
8211557	NM 1452-81	3004505660		108		WHAN JONES #1	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL G
-ELLIOTT OIL CO		RECEIVED: 12/17/81 JA: NM 4							
8211534	NM1171-81-B	3003922575		103		ORA #1	BLANCO MESA VERDE/BASIN	100.0	EL PASO NATURAL G
8211535	NM1171-81-C	3003922575		103		ORA #1	BLANCO MESA VERDE/BASIN	100.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC		RECEIVED: 12/17/81 JA: NM 4							
8211587	NM1596-81	3004507466		104		GALLEGOS CANYON UNIT P C #5	KUTZ WEST PICTURED CLIFF	6.2	EL PASO NATURAL G
-FRED POOL JR		RECEIVED: 12/17/81 JA: NM 4							
8211550	NM-1437-81	3000560702		107-TF		GRYNBERG COMM FED #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY		RECEIVED: 12/17/81 JA: NM 4							
8211582	NM 1519-81-A	3003922720		103		JICARILLA C #14E	BASIN DAKOTA	70.0	EL PASO NATURAL G
8211583	NM 1519-81-B	3003922720		103		JICARILLA C #14E	OTERO GALLUP	185.0	EL PASO NATURAL G
8211584	NM 1520-81-A	3003922723		103		JICARILLA C #28	BASIN DAKOTA	175.0	EL PASO NATURAL G
8211585	NM1520-81-B	3003922723		103		JICARILLA C #28	OTERO GALLUP	70.0	EL PASO NATURAL G
8211537	NM1365-81	3003922722		103		JICARILLA C #31	BLANCO PICTURED CLIFFS S	200.0	EL PASO NATURAL G
-JACK A COLE		RECEIVED: 12/17/81 JA: NM 4							
8211544	NM-1423-81	3003921908		108		APACHE HILLS #4	BALLARD PICTURED CLIFFS	14.9	EL PASO NATURAL G
-JEROME P MCHUGH		RECEIVED: 12/17/81 JA: NM 4							
8211571	NM 1501-81	3004524983		103		HARDIE #1E	BASIN DAKOTA	302.0	EL PASO NATURAL G
8211572	NM 1502-81	3004524939		103		HARDIE #2E	BASIN DAKOTA	700.0	EL PASO NATURAL G
8211573	NM 1503-81	3004524938		103		HARDIE #4E	BASIN DAKOTA	900.0	EL PASO NATURAL G
8211574	NM 1504-81	3004524935		103		HARDIE #5E	BASIN DAKOTA	287.0	EL PASO NATURAL G
8211575	NM 1505-81	3004524961		103		NASSAU #3E	BASIN DAKOTA	298.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC		RECEIVED: 12/17/81 JA: NM 4							
8211563	NM-1489-81	3004524820		102-2		FEDERAL #9-31	NADEEZI	0.0	GAS CO OF NEW MEX
8211564	NM-1490-81	3004524439		102-2		JEFFERS FEDERAL #2-23	WILDCAT	0.0	GAS CO OF NEW MEX
-MOBIL PROD TEXAS & NEW MEXICO INC		RECEIVED: 12/17/81 JA: NM 4							
8211539	NM-1409-81	3003900000		108		JICARILLA E #2A	BLANCO MESA VERDE	9.0	NORTHWEST PIPELIN
8211538	NM-1406-81	3003900000		108		JICARILLA F #2A	BLANCO MESA VERDE GAS	17.0	NORTHWEST PIPELIN
-MTS LTD PARTNERSHIP		RECEIVED: 12/17/81 JA: NM 4							

VOLUME 579 PAGE 006

JD NO	JA OKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211543	NM-1422-81	3000561002		102-2		DORIS FEDERAL #1	UNDESIGNATED ABO	960.0	TRANSWESTERN PIPE
8211543	NM-1422-81	3000561002		107-TF		DORIS FEDERAL #1	UNDESIGNATED ABO	960.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 12/17/81 JA: NM 4					
8211549	NM-1435-81	3004506912		108		BLANCO #1	BLANCO MESAVERDE	24.0	NORTHWEST PIPELIN
8211547	NM-1426-81	3003922468		103		SAN JUAN 29-5 #102	GOBERNADOR PICTURED CLIF	59.0	NORTHWEST PIPELIN
8211546	NM-1425-81-B	3004524541		103		SAN JUAN 32-8 #12A DK	BASIN DAKOTA	45.0	NORTHWEST PIPELIN
8211545	NM-1425-81-A	3004524541		103		SAN JUAN 32-8 #12A MV	BLANCO MESAVERDE	47.6	EL PASO NATURAL G
8211548	NM-1427-81	3004524510		103		SAN JUAN 32-8 #41	UNDESIGNATED FRUITLAND	17.8	EL PASO NATURAL G
-PETRO-LEWIS CORPORATION				RECEIVED: 12/17/81 JA: NM 4					
8211581	NM 1518-81	3003906180		108		FLORANCE #1	TAPACITO	15.8	EL PASO NATURAL G
8211580	NM-1517-81	3003906170		108		FLORANCE #3	TAPACITO	16.3	EL PASO NATURAL G
8211579	NM-1516-81	3003906175		108		RUDDOCK #2	TAPACITO	19.3	EL PASO NATURAL G
8211562	NM 1480-81	3003921634		103		RUDDOCK #9	TAPACITO	331.4	EL PASO NATURAL G
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 12/17/81 JA: NM 4					
8211528	NM-1327-80	3001523095		102-4		CHARLOTTE MCKAY FEDERAL #1	CEMETERY	83.0	TRANSWESTERN PIPE
-SUPERIOR OIL CO				RECEIVED: 12/17/81 JA: NM 4					
8211530	NM0359-81	3004320499		103		JICARILLA 55 #1	CHACON DAKOTA	0.0	
8211529	NM0358-81	3004320496		103		JICARILLA 55 #2	CHACON DAKOTA	0.0	
8211531	NM-0713-81	3004500000		103		MCELMO CREEK UNIT T-16	GREATER ANETH	0.0	EL PASO NATURAL G
8211532	NM-0720-81	3001523459		103		SOTOL FEDERAL #1	WILDCAT	0.0	
-TENNECO OIL COMPANY				RECEIVED: 12/17/81 JA: NM 4					
8211560	NM 1463-81	3004524951		103		DAY #3E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8211561	NM 1464-81	3004524032		103		HUGHES #3E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED: 12/17/81 JA: NM 4					
8211577	NM150781102	3000561018		102-2		MCCLELLAN MB FEDERAL #3	UNDESIGNATED	0.0	TRANSWESTERN PIPE
8211577	NM150781102	3000561018		107-TF		MCCLELLAN MB FEDERAL #3	UNDESIGNATED	0.0	TRANSWESTERN PIPE
8211576	NM150681102	3000561013		102-2		SOUTH ALKALI LK FEDERAL #2	UND ABO	0.0	TRANSWESTERN PIPE
8211576	NM150681102	3000561013		107-TF		SOUTH ALKALI LK FEDERAL #2	UND ABO	0.0	TRANSWESTERN PIPE
-SUPERIOR OIL CO				RECEIVED: 12/17/81 JA: UT 4					
8211533	NM1128-81	4303730652		103		MCELMO CREEK UNIT 0-19	GREATER ANETH	0.0	EL PASO NATURAL G

OTHER PURCHASERS VOLUME NC 1579

8211656 RINGWOOD GATHERING CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1641 Filed 1–21–82; 8:45 am]
BILLING CODE 6717–01–M

[Volume 580]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1982.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD								
-ANDERMAN OPERATING COMPANY			RECEIVED: 12/21/81 JA: AL					
8211722	10-9-813PD	0107520349		102-4	MCGEE WEYERHAUSER #13-9	STAR	186.0	
8211726	12-11-812PD	0107520349		102-4	MCGEE WEYERHAUSER #13-9	STAR	186.0	
-GRACE PETROLEUM CORPORATION			RECEIVED: 12/21/81 JA: AL					
8211721	6-3-8112PD-R	0107520332		102-4	SIZEMORE 3-10	BLOWHORN CREEK	0.0	SOUTHERN NATURAL
-MORROW OIL & GAS CO			RECEIVED: 12/21/81 JA: AL					
8211723	10-9-8112-PD	0105720183		102-4	WATKINS UNIT #1	SOUTHWEST FAYETTE	389.7	CORONADO TRANSMIS
-SOUTHLAND ROYALTY CO			RECEIVED: 12/21/81 JA: AL					
8211725	12-11-811PD	0107520353		102-2	R E WILLIAMSON 34-16 #1	STAR	250.0	TENNESSEE GAS PIP
-TERRA RESOURCES INC			RECEIVED: 12/21/81 JA: AL					
8211724	11-13-8111PD	0105720234		102-4	YARBROUGH 34-3	MCCRACKEN MOUNTAIN	0.0	WARRIOR DRILLING
-UNITED STATES STEEL CORP			RECEIVED: 12/21/81 JA: AL					
8211720	12-11-8113PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-10-15	OAK GROVE COAL DEGASIFIC	3.0	SOUTHERN NATURAL
8211712	12-11-8120PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-10-6	OAK GROVE COAL DEGASIFIC	9.0	SOUTHERN NATURAL
8211735	12-118111PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-11-16	OAK GROVE COAL DEGASIFIC	30.0	SOUTHERN NATURAL
8211727	12-11-813PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-12-25	OAK GROVE COAL DEGASIFIC	10.0	SOUTHERN NATURAL
8211728	12-11-814PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-13-24	OAK GROVE COAL DEGASIFIC	12.0	SOUTHERN NATURAL
8211734	12-11-8110PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-14-17	OAK GROVE COAL DEGASIFIC	18.0	SOUTHERN NATURAL
8211718	12-11-8114PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-15-13	OAK GROVE COAL DEGASIFIC	29.0	SOUTHERN NATURAL
8211719	12-11-8112PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-15-14	OAK GROVE COAL DEGASIFIC	3.0	SOUTHERN NATURAL
8211714	12-11-8118PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-15-8	OAK GROVE COAL DEGASIFIC	12.0	SOUTHERN NATURAL
8211709	12-11-8124PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-16-3	OAK GROVE COAL DEGASIFIC	28.0	SOUTHERN NATURAL
8211710	12-11-8123PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-16-4	OAK GROVE COAL DEGASIFIC	17.0	SOUTHERN NATURAL
8211711	12-11-8121PD	0107300000		107-TF	OAK GROVE COAL DEGAS #19-9-5	OAK GROVE COAL DEGASIFIC	17.0	SOUTHERN NATURAL
8211708	12-11-8124PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-1-2	OAK GROVE COAL DEGASIFIC	42.0	SOUTHERN NATURAL
8211717	12-11-8118PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-2-12	OAK GROVE COAL DEGASIFIC	24.0	SOUTHERN NATURAL
8211715	12-11-8116PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-2-9	OAK GROVE COAL DEGASIFIC	24.0	SOUTHERN NATURAL
8211733	12-11-819PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-3-18	OAK GROVE COAL DEGASIFIC	12.0	SOUTHERN NATURAL
8211732	12-11-818PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-3-19	OAK GROVE COAL DEGASIFIC	7.0	SOUTHERN NATURAL
8211730	12-11-816PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-4-22	OAK GROVE COAL DEGASIFIC	7.0	SOUTHERN NATURAL
8211729	12-11-815PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-4-23	OAK GROVE COAL DEGASIFIC	5.0	SOUTHERN NATURAL
8211731	12-11-817PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-5-21	OAK GROVE COAL DEGASIFIC	5.0	SOUTHERN NATURAL
8211716	12-11-8117PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-7-11	OAK GROVE COAL DEGASIFIC	6.0	SOUTHERN NATURAL
8211707	12-11-8126PD	0107300000		107-TF	OAK GROVE COAL DEGAS #30-8-1	OAK GROVE COAL DEGASIFIC	14.0	SOUTHERN NATURAL
8211713	12-11-8119PD	0107300000		107-TF	OAK GROVE COAL DEGASIFICATION #19-*	OAK GROVE COAL DEGASIFIC	25.0	SOUTHERN NATURAL
CALIFORNIA DEPARTMENT OF CONSERVATION								
-HUSKY OIL COMPANY			RECEIVED: 12/21/81 JA: CA					
8211736	81-6-0031	0410320116		102-4	HUSKY-TENNECO FOX 1-34	RANCHO CAPAY GAS FIELD	253.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY			RECEIVED: 12/21/81 JA: CA					

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211739	81-4-0072	0402959568		102-4		CHEVRON FEE SOUTH 36X-33	RIO VIEJO	1.0	ARCO OIL & GAS CO
8211738	81-4-0071	0402958785		102-4		CHEVRON FEE SOUTH 66X-33	RIO VIEJO	37.0	ARCO OIL & GAS CO
8211737	81-4-0070	0402955342		102-4		CHEVRON FEE SOUTH 86X-33	RIO VIEJO	24.0	ARCO OIL & GAS CO
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-ADOLPH ROVSEK				RECEIVED: 12/21/81 JA: MI					
8211740		2105900000	D	103		J & S BRADFORD #1A-10	W/2 SE/4 NW/4 SEC 10 ADA	46.7	MARATHON OIL CO
-AMOCO PRODUCTION CO				RECEIVED: 12/21/81 JA: MI					
8211741		2107934862		102-4		WILBUR #3-20	COLDSPRINGS 20A-28N-6W	595.0	MICHIGAN CONSOLID
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AL-AQUITAINE EXPLORATION LTD				RECEIVED: 12/21/81 JA: ND					
8211748	409	3305301245		102-2		THURLOW 1-13	SOUTH SIOUX	186.0	
8211742	410	3300700657		102-3		WHISKEY JOE 3-15	WHISKEY JOE	110.0	WESTERN GAS PROCE
-BWAB INC				RECEIVED: 12/21/81 JA: ND					
8211745	413	3305301189		102-2		ECKERT FOUNDATION #22-14X	WILDCAT	0.0	
-DOME PETROLEUM CORP				RECEIVED: 12/21/81 JA: ND					
8211743	411	3305301250		102-2		STATE #1-36	MON DAK	11.1	SHELL OIL CO
-HUNT OIL COMPANY				RECEIVED: 12/21/81 JA: ND					
8211744	412	3305301175		102-2		FAULCONBRIDGE EST #1	MONDAK	40.0	MONTANA-DAKOTA UT
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 12/21/81 JA: ND					
8211746	414	3310500000		102-2		BENDIXSON 1-17	WILDCAT	0.0	PHILLIPS PETROLEU
8211747	415	3310500000		102-2		BREVIK 1-8	WILDCAT	0.0	PHILLIPS PETROLEU
OKLAHOMA CORPORATION COMMISSION									
-APOLLO PRODUCTION LTD				RECEIVED: 12/21/81 JA: OK					
8211785	14851	3507323303		102-4		COFFEY #35-15	N E OKARCHE	110.0	SID RICHARDSON CA
8211786	14918	3507323155		102-4		WITTROCK #35-11	SOONER TREND	75.0	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/21/81 JA: OK					
8211814	15424	3507920423		102-4		R W REED #1	UNNAMED	365.0	
-ATLAS OIL INC				RECEIVED: 12/21/81 JA: OK					
8211820	11667	3508321707		102-4		BROSS 1-4	WEST GUTHRIE FIELD	365.0	EASON OIL CO
-BEARD OIL COMPANY				RECEIVED: 12/21/81 JA: OK					
8211813	15350	3510920470		102-4		GRAHAM #1-A	CHOCTAW	350.0	CHAMPLIN PETROLEU
-CAYMAN EXPLORATION CORP				RECEIVED: 12/18/81 JA: OK					
8211830	11872	3500320735		103		SCHALLNER #1	SOONER TREND	47.0	PANHANDLE EASTERN
-CHAMPLIN EXPLORATION INC				RECEIVED: 12/18/81 JA: OK					
8211827	11854	3509322222		103		BIERIG #4	RINGWOOD	150.0	PIONEER GAS PRODU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/18/81 JA: OK					
8211841	11676	3509322233		103		P J WHITENECK A #2	E CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CRAIN & DEISENROTH				RECEIVED: 12/21/81 JA: OK					
8211817	01040	3511900000		102-4		KOLB #3	N GARR NW NW SE OF SEC 5	7.3	
8211816	01039	3511900000		102-4		MORRIS #1	N GARR NE NW SW OF SEC 5	5.5	
-D & M OIL INC				RECEIVED: 12/21/81 JA: OK					
8211810	11922	3510321105		103		JEWELL #2	EAST POLO	21.9	ARCO OIL & GAS CO
-DAVIS BROS OIL PRODUCERS INC				RECEIVED: 12/21/81 JA: OK					
8211808	11908	3501922137		103		MCCRORY #1	TATUM	0.0	MOBIL OIL CORP
8211809	11939	3501922161		103		MCCRORY #2	TATUM	0.0	MOBIL OIL CORP
8211807	11907	3501922175		103		MCCRORY #3	TATUM	0.0	MOBIL OIL CORP
-DYCO PETROLEUM CORPORATION				RECEIVED: 12/21/81 JA: OK					

JD NO	JA OKT	API NO	D SEC CAT WELL NAME
8211811	11926	3515320449	108 STATE "A" #2
-ENSERCH EXPLORATION INC			RECEIVED: 12/18/81 JA: OK
8211844	11609	3514920121	103 MULLINS-BEARDSLEY #1
-FLINT & ASSOCIATES			RECEIVED: 12/18/81 JA: OK
8211845	11722	3512321079	103 BLAKE #1
8211846	11848	3512321128	103 HILLTOP #1
8211824	11849	3512321140	103 HILLTOP #2
8211826	11851	3512321151	103 HILLTOP #3
8211823	11850	3512321152	103 HILLTOP #4
-GEORGE RODMAN INC			RECEIVED: 12/18/81 JA: OK
8211829	11864	3508720558	103 SHOBERT #2-23
-HENRY H GUNGOLL ASSOCIATES			RECEIVED: 12/18/81 JA: OK
8211832	11874	3509322103	103 CRAMER 1-24
-HPC INC			RECEIVED: 12/18/81 JA: OK
8211831	11873	3503920363	103 RYMER #1
-KENNEDY & MITCHELL INC			RECEIVED: 12/21/81 JA: OK
8211799	11887	3515121046	103 CASE #29-368
8211798	11886	3500721801	103 PULIS #17-A
8211802	11790	3505920904	103 WAUGH #28-451
-L O WARD			RECEIVED: 12/21/81 JA: OK
8211781	11944	3507322645	103 MARSHALL #2
-MOBIL OIL CORP			RECEIVED: 12/21/81 JA: OK
8211819	11637	3500700000	108 RAY I GUSTIN #1
-MONSANTO COMPANY			RECEIVED: 12/18/81 JA: OK
8211825	11677	3508720682	108 LAND #1
-MORAN EXPLORATION INC			RECEIVED: 12/21/81 JA: OK
8211797	11861	3501721803	103 SULLIVAN #1
-NFC PETROLEUM CORP			RECEIVED: 12/21/81 JA: OK
8211822	11759	3515120833	103 MCBRIDE #1-19
-OXLEY PETROLEUM CO			RECEIVED: 12/18/81 JA: OK
8211838	11340	3512120835	103 WHITE ESTATE NO 1
-P-T LTD II			RECEIVED: 12/18/81 JA: OK
8211835	09916	3504721697	103 VALTR #17-1
-P-T LTD 80			RECEIVED: 12/18/81 JA: OK
8211839	11465	3504722395	103 GOFF 14-1
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 12/18/81 JA: OK
8211842	10899	3513900000	108 LUMAN #1
8211836	9696	3513921375	103 NORTON C #2
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 12/21/81 JA: OK
8211784	11963	3501720659	108 NIEMANN "B" #1
8211783	11962	3513720414	108 RABB #2
8211782	11961	3504721087	108 TOEWS "A" #1-36
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 12/18/81 JA: OK
8211840	11619	3507321918	103 ENIX-STATE #1
-RICHARD W THOMPSON INC			RECEIVED: 12/21/81 JA: OK
8211815	15428	3508321812	102-4 PARKER #1
-S K TUTHILL & B J BARBEE			RECEIVED: 12/21/81 JA: OK
8211821	11719	3515120817	108 MASSMAN #2-24
8211818	11625	3515320905	108 WALKER #1-7
-SAMSON RESOURCES COMPANY			RECEIVED: 12/18/81 JA: OK
8211834	09831	3506120372	103 JONES #36-1
-SHENEN PRODUCTION INC			RECEIVED: 12/21/81 JA: OK
8211788	15430	3514300000	102-2 AGAPE #3

VOLUME 580 PAGE 003

FIELD NAME	PROD	PURCHASER
CEDARDALE N W	6.0	NORTHERN NATURAL
BURNS FLAT	8.0	NATURAL GAS PIPEL
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
WEST ALLEN	365.0	SUN GAS CO
PAYNE	23.2	SUN GAS CO
SOONER TREND	164.0	
EAST CUSTER CITY	18.0	MICHIGAN-WISCONSI
UNDESIGNATED (SW SW SEC	150.0	NORTHERN NATURAL
UNDESIGNATED (C SW SEC	100.0	NORTHERN NATURAL
UNDESIGNATED (C SW SEC 9	450.0	NORTHERN NATURAL
SOONER TREND	36.0	PANHANDLE EASTERN
LOGAN SW	2.9	PHILLIPS PETROLEU
MOCANE-LAVERNE	18.0	NORTHERN NATURAL
YUKON AREA	0.0	PHILLIPS PETROLEU
OAKDALE	27.0	AMINOIL USA INC
	1888.8	ARKANSAS LOUISIAN
SOONER TREND	50.8	ONG WESTERN INC
SOONER TREND	35.0	WELLHEAD ENTERPRI
GUYMON HUGOTON	0.0	PANHANDLE EASTERN
GUYMON HUGOTON	105.0	MICHIGAN WISCONSI
N W RICHLAND	0.0	OKLAHOMA GAS & EL
S E DOYLE	12.7	AMINOIL USA INC
SOONER TREND	18.3	TRANSOK PIPELINE
N W DUNLAP	0.0	PHILLIPS PETROLEU
LAKE GUTHRIE SOUTH	200.0	WESTERN STATES GA
N WOODS EXT	109.0	PRODUCERS GAS CO
SOUTH EAST FAIRVALLEY	76.9	PANHANDLE EASTERN
BOKOSHE FIELD	50.0	ARKANSAS LOUISIAN
N COLLINSVILLE	0.0	DIAMOND S GAS SYS

VOLUME 580 PAGE 004

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8211787	15429	3514300000	102-2	AGAPE #6		0.0	DIAMOND S GAS SYS
-SPELLER OIL CORP			RECEIVED: 12/21/81 JA: OK				
8211801	11773	3507322775	103	DAN "36" #1	SOONER TREND	16.8	EASON OIL CO
-STATEX PETROLEUM INC			RECEIVED: 12/21/81 JA: OK				
8211812	14617	3510321455	102-4	HONEYWELL #2-15	POLO	7.0	AMINOIL USA INC
-TENNECO OIL COMPANY			RECEIVED: 12/18/81 JA: OK				
8211843	11006	3507321938	103	STATE OF OKLAHOMA #1-16A	SOONER TREND	42.0	EXXON CORP
-UNIVERSAL RESOURCES CORPORATION			RECEIVED: 12/18/81 JA: OK				
8211837	10035	3507222643	103	SHAFENBERG #1-31	SOONER TREND (HTN SIMP M	146.0	PHILLIPS PETROLEU
-VIERSEN & COCHRAN			RECEIVED: 12/18/81 JA: OK				
8211833	15320	3501721983	102-2	SPURLIN #2-14	EAST EL RENO	150.0	DELHI GAS PIPELIN
-VULCAN ENERGY CORP			RECEIVED: 12/18/81 JA: OK				
8211828	11862	3507322667	103	BURNETT #1	SOONER TREND	109.0	PHILLIPS PETROLEU
-VULCAN ENERGY CORP			RECEIVED: 12/21/81 JA: OK				
8211780	11943	3507322989	103	KRITTENBRINK #1	SOONER TREND	365.0	PHILLIPS PETROLEU
8211806	11861	3507323034	103	SIMPSON #1	SOONER TREND	25.5	PHILLIPS PETROLEU
-WESTERN OIL RESOURCES LTD			RECEIVED: 12/21/81 JA: OK				
8211803	11795	3511720867	103	FRITCHMAN #1	WEST JENNINGS	4.4	MID-AMERICA GAS L
8211804	11796	3511720909	103	FRITCHMAN #2	WEST JENNINGS	3.7	MID-AMERICA GAS L
8211794	11804	3511720774	103	NEJ 1-TJ-2	NORTHEAST JENNINGS	7.3	MID-AMERICA GAS L
8211791	11801	3511720766	103	NEJ 1-01	NORTHEAST JENNINGS	3.7	MID-AMERICA GAS L
8211792	11802	3511720767	103	NEJ 1-02	NORTHEAST JENNINGS	7.3	MID-AMERICA GAS L
8211793	11803	3511720776	103	NEJ 1-03	NORTHEAST JENNINGS	20.1	MID-AMERICA GAS L
8211795	11805	3511720822	103	NEJ 2-02	NORTHEAST JENNINGS	182.2	MID-AMERICA GAS L
8211796	11806	3511720854	103	NEJ 2-04	NORTHEAST JENNINGS	29.2	MID-AMERICA GAS L
8211805	11797	3511720762	103	WJ 1-01	WEST JENNINGS	29.2	MID-AMERICA GAS L
8211800	11798	3511720773	103	WJ 1-02	WEST JENNINGS	38.3	MID-AMERICA GAS L
8211789	11799	3511720938	103	WJ 1-02A	WEST JENNINGS	14.6	
8211790	11800	3511720988	103	WJ 1-06	WEST JENNINGS	14.6	MID-AMERICA GAS L
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
-BELCO PETROLEUM CORPORATION			RECEIVED: 12/21/81 JA: UT 1				
8211778	UD0145-81	4304730627	102-4	DUCK CREEK 10-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211777	UD0139-81	4304730626	102-4	DUCK CREEK 11-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211776	UD0039-81	4304730652	102-4	DUCK CREEK 14-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211773	UD0141-81	4304730649	102-4	DUCK CREEK 15-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211772	UD0037-81	4304730653	102-4	DUCK CREEK 16-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211766	UD0031-81	4304730655	102-4	DUCK CREEK 18-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211771	UD0140-81	4304730658	102-4	DUCK CREEK 20-9	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211774	UD0143-81	4304730775	102-4	DUCK CREEK 24-17 GR	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211760		4304730810	103	DUCK CREEK 32-17BR	UNDESIGNATED	8.8	NORTHWEST PIPELIN
8211761	UD0144-81	4304730628	102-4	DUCK CREEK 8-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8211764	UD0034-81	4304730393	102-4	NATURAL DUCK 1-15	NATURAL DUCK	0.0	COLORADO INTERSTA
8211779	UD0317-81	4304730769	102-4	NATURAL DUCK 10-21	NATURAL DUCK	0.0	COLORADO INTERSTA
8211770	UD0318-81	4304730770	102-4	NATURAL DUCK 11-21	NATURAL DUCK	8.8	NORTHWEST PIPELIN
8211769	UD0319-81	4304730771	102-4	NATURAL DUCK 12-21GR	NATURAL DUCK	0.0	NORTHWEST PIPELIN
8211767	UD0035-81	4304730646	102-4	NATURAL DUCK 5-15	NATURAL DUCK	0.0	NORTHWEST PIPELIN
8211763	UD0033-81	4304730647	102-4	NATURAL DUCK 6-15	NATURAL DUCK	0.0	COLORADO INTERSTA
8211762	UD0032-81	4304730679	102-4	NATURAL DUCK 8-15GR	NATURAL DUCK	0.0	COASTAL OIL & GAS
8211765	UD0036-81	4304730680	102-4	NATURAL DUCK 9-15	NATURAL DUCK	0.0	COLORADO INTERSTA
8211768	UD0038-81	4304730523	102-4	NBU-34Y	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP			RECEIVED: 12/21/81 JA: UT 1				

```
                                                    VOLUME  580          PAGE  005

JD NO    JA DKT          API NO      D SEC CAT WELL NAME                FIELD NAME                PROD      PURCHASER
-----    ------          ------      - --- --- ---------                ----------                ----      ---------
 8211754   UD 0385-81    4304730468    107-TF  NATURAL BUTTES UNIT 41-34B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211749                 4304730450    107-TF  NATURAL BUTTES UNIT 46-26B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211757                 4304730453    107-TF  NATURAL BUTTES UNIT 50-19B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211756                 4304730431    107-TF  NATURAL BUTTES UNIT 52-1B   NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211750                 4304730477    107-TF  NATURAL BUTTES UNIT 62-35B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211758                 4304730466    107-TF  NATURAL BUTTES UNIT 63-12B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
 8211752                 4304730577    107-TF  NATURAL BUTTES UNIT 70-34B  NATURAL BUTTES UNIT      0.0  COLORADO INTERSTA
-CONOCO INC                             RECEIVED:  12/21/81  JA: UT  1
 8211759                 4304740667    103     CONOCO UTE TRIBAL 6 #1      OURAY                  150.0  MOUNTAIN FUEL SUP
-MCCULLOCH OIL & GAS CORP                RECEIVED:  12/21/81  JA: UT  1
 8211755                 4303730485    102-4   FEDERAL 1-19                SQUAW CANYON           146.0  EL PASO NATURAL G
-PAGE PETROLEUM INC                      RECEIVED:  12/21/81  JA: UT  1
 8211753                 4304700000    103     UTE TRIBAL 1-11-B1E                                 18.0  GARY ENERGY CORP
 8211751                 4304730774    103     UTE TRIBAL 1-14-B1E         ALTAMONT-BLUEBELL       15.0  GARY ENERGY CORP
-PETROLEUM CORPORATION OF TEXAS          RECEIVED:  12/21/81  JA: UT  1
 8211775   UD0142-81     4304730541    102-4   DUCK CREEK 17-16            DUCK CREEK               0.0  NORTHWEST PIPELIN
```

BILLING CODE 6717-01-C

Alabama-Tennessee Interconnection; Application

[Docket No. CP82-146-000]

January 15, 1982.

Take notice that on December 31, 1981, Alabama-Tennessee Interconnection (Applicant), P.O. Box 1642, Florence, Alabama 35630, filed in Docket No. CP82-146-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 1.5 mile 30-inch pipeline lateral and a 1,000 horsepower compressor station in Lauderdale County, Alabama, to transport natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Applicant states that the proposed facilities would enable Tennessee to transport up to 100,000 Mcf of natural gas per day for Florida Gas Transmission Company (Florida Gas) for delivery to Florida Gas' existing Docket No. CP82-146-000 pipeline system in Mississippi. Applicant states that the gas would be purchased by Florida Gas from Sea Robin Pipeline Company (Sea Robin) in offshore Louisiana. Applicant states that Sea Robin has agreed to sell the gas to Florida Gas pursuant to a gas purchase contract dated December 1, 1981, as amended December 15, 1981, between Sea Robin and Florida Gas.

Applicant states that the total cost of the proposed facilities would be $3,000,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 8, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–1642 Filed 1–21–82; 8:45 am]

BILLING CODE 6717–01–M

Alabama-Tennessee Natural Gas Co.; Application

[Docket No. CP82–122–000]

January 19, 1982.

Take notice that on December 17, 1981, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama, 35631, filed in Docket No. CP82–122–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities on its interstate natural gas transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate pipeline facilities consisting of 1.20 miles of 16-inch O.D. pipeline and 0.85 mile of 10¾ inch O.D. pipeline extending from a point on Applicant's main pipeline system near Barton, Alabama, to a gas turbine power plant owned and operated by Tennessee Valley Authority (TVA) on the Tennessee River in Colbert County, Alabama, together with the necessary metering and regulating facilities.

It is stated that by agreement between Applicant and TVA dated December 15, 1981, TVA would receive interruptible natural gas service when available from Applicant and would provide Applicant a facilities' payment to offset Applicant's expense for construction of the facilities required to provide this service. It is stated that the construction proposed is required in order to permit Applicant to deliver TVA's requirements of up to 6,000 Mcf per hour of interruptible gas.

Applicant states that the service herein proposed would allow it to maintain minimum monthly purchases from its primary supplier thereby relieving Applicant of the minimum take or pay obligations associated therewith. Applicant further states that the proposed service would allow TVA to realize an estimated annual monetary savings of at least $4,000,000 in fuel costs by being able to displace #2 oil with natural gas in TVA's turbine power plant.

Applicant estimates the cost of the proposed construction at approximately $1,400,000 which would be financed from cash on hand and reimbursed to Applicant by TVA.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–1623 Filed 1–21–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–136–000]

Distrigas of Massachusetts Corp.; Supplement to Application

January 18, 1982.

Take notice that on January 15, 1981, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP82–136–000 a supplement to its application filed December 24, 1981, pursuant to Section 7(c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of approximately 4.1 million MMBtu of additional volumes of liquefied natural gas (LNG) for a limited term, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

In its application of December 24, 1981, Applicant proposes to revise Exhibit I, page 2 of 2 and Exhibit N, Schedule 2 to reflect changes in nominated quantities for the February and March, 1982 shipments and to state that it has added a new customer, the Southern Connecticut Gas Company.

It is submitted in its supplement that Applicant has received revised commitments for a portion of the volumes as follows:

ALLOCATION OF ADDITIONAL LNG VOLUMES

Customer	Nominations (percent)	Presently estimated quantity (MMBTU)
1st Cargo		
Brooklyn Union	36.4059	435,671
Bay State	44.7954	537,545
South Jersey	18.8478	56,771

ALLOCATION OF ADDITIONAL LNG VOLUMES—Continued

Customer	Nominations (percent)	Presently estimated quantity (MMBTU)
Connecticut	5.9735	83,662
Fall River	1.1618	13,942
Valley	.9296	11,154
Haverhill	.7746	9,295
New Jersey Natural	4.1667	50,000
Middleboro	.1450	1,740
Total	100.0000	1,200,000
2nd Cargo		
Bay State	5.8372	196,280
Fall River	1.1619	33,695
Valley	.9296	26,956
Haverhill	.7746	22,469
New Jersey Natural	1.7241	50,000
Middleboro	.0600	1,740
Southern Connecticut	6.8966	200,000
Uncommitted	81.8161	2,900,000
Total	100.0000	2,900,000

Applicant also explicitly requests in its supplement the authorization to operate DOMAC's LNG terminal at Everett, Massachusetts, as may be necessary in order to render the service involved.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before January 25, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1624 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-298-001]

Florida Gas Transmission Co.; Application

January 19, 1982.

Take notice that on December 21, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79-298-001 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the restoration of 29.2 miles of 8-inch pipeline to jurisdictional service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by Commission order of June 26, 1980, in the instant docket, Applicant was authorized to abandon the Inglis Lateral which had therefore been used to deliver natural gas to Applicant's Inglis electric generating plant. Applicant explains that the facilities abandoned were 29.2 miles of 8-inch pepeline extending from the City of Williston, Florida, to Applicant's Inglis electric generating plant, a measuring station and miscellaneous facilities appurtenant thereto.

Applicant now proposes to restore the Inglis Lateral to jurisdictional service. It is stated that use of the lateral would enhance the reliability of Applicant's system since it would increase the volume that is available for line pack by approximately 2,000 Mcf. Applicant further submits that this line pack could be used to continue to supply gas to the cities of Gainesville, Williston and Ocala, Florida, in the event certain parts of Applicant's system were damaged.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commisson's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Coimmission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public conveninence and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1625 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4226-002]

Ft. Miller Pulp & Paper Company, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 14, 1982.

Take notice that on December 11, 1981, Ft. Miller Pulp and Paper Company, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4226, would be located on the Hudson River in the towns of Ft. Edward and Northumberland in Washington and Saratoga Counties, New York. Correspondence with the Applicant should be directed to: William J. Kenney, Esquire, Perito, Duerk, Carlson, & Pinco, P.C., 1140 Connecticut Avenue, NW., Suite 400, Washington, D.C. 20036.

Project Description—The proposed run-of-the-river development would consist of: (1) the existing 700-foot long wood crib dam, and the existing 50-foot reinforced concrete wing dam, varying in height from two feet to nine feet; (2) the existing 115,000 acre-feet reservoir at elevation 114.90 feet (USGS datum); (3) the existing trash rack and intake gates; (4) an existing powerhouse which houses eight 275-hp vertical Francis hydromechanical grinders and two turbine-generators with a total electrical capacity of approximately 280 kW to be retired; (5) draft tubes which discharge into an existing tailrace; (6) a new powerhouse containing; (7) two horizontal, fully regulated 4,000-MM turbine generator units with a combined capacity of 4,600 kW; (8) two new draft tubes discharging directly to the river at tailwater elevation 103.89 feet (USGS datum); (9) new switchyard equipment; (10) a new transmission line; and (11) appurtenant works. The Applicant estimates average annual energy generated to be 27,600,000 kWh. Project energy would be utiliized by the

Applicant to serve the power needs of its existing paper mill operated at the project site, with surplus power sold to the local public utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Servie, The National Marine Fisheries Service, and the New York Division of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing applicaiton must submit to the Commission, on or before March 2, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1626 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5755-000]

Foresthill Public Utility District; Application for Preliminary Permit

January 18, 1982.

Take notice that Foresthill Public Utility District (Applicant) filed on December 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5755 to be known as the Sugar Pine Dam Power Project located on North Shirttail Creek in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William J. Martinsen, Manager, Foresthill Public Utility District, P.O. Box 266, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) a 250-foot long, 14-inch diameter penstock; (2) a powerhouse with a total installed capacity of 80 kW; and (3) a 12-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 0.44 million kWh. The project is located on U.S. Forest Service lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—This application was filed as a competing application to Auslam & Associates Incorporated's application for Project No. 5344 filed on September 8, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1627 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5689-000]

Groveton Papers Co.; Application for Preliminary Permit

January 18, 1982.

Take notice that Groveton Papers Company (Applicant) filed on November 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5689 to be known as the Northumberland Project located on the Connecticut River in Coos County, New Hampshire and in Essex County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, vice-president, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: 1) The Applicant existing rock crib dam, approximately 140 feet long and creating no storage or pondage but providing 12 feet of net head when topped by 2-foot flashboards; 2) an existing powerhouse on the east bank housing one 700-kW unit; 3) a reconstructed powerhouse on the west bank housing three 600-kW units; 4) a 6.1-mile long, 34.5-kV transmission line; and 5) appurtenant facilities.

The average annual generation of 14.3 million kWh would probably be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 22, 1982, the competing application itself [see: 18 CFR § 4.30 et seq. (1981)]. A notice of intent to file a competing application for prelimnary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 23, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 23, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1628 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4668-001]

Hollingsworth & Vose Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 NW Capacity

January 14, 1982.

Take notice that on December 7, 1981, Hollingsworth & Vose Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Center Falls small hydroelectric project (FERC Project No. 4668) would be located on the Batten Kill River in Washington County, New York. Correspondence with the Applicant should be directed to: William J. Kenny, Esquire, Perito, Duerk, Carlson & Pinco, P.C., 1140 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

Project Description—The proposed run-of-river development consists of: (1) the existing Dam, a concrete gravity structure approximately 226 feet long and 25 feet high, with 3-foot high wooden flashboards and including an 87-foot long reinforced concrete stanchion section with wooden stoplogs; (2) the existing 400 acre-foot reservoir at an elevation 364.0 feet (U.S.G.S.); (3) an existing forebay canal; (4) the existing inlet gate; (5) an existing powerhouse containing two new turbine generators with a total rated capacity of 1,200 kW; discharging into (6) an existing tailrace; and (7) appurtenant works. The Applicant estimates average annual

energy generated at the project to be 5,800,000 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 3, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no latter than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1629 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1256-000]

Loup River Public Power District; Application for License (Over 5 MW)

January 18, 1982.

Take notice that Loup River Public Power District (Applicant) filed on April 7, 1981, and supplemented on October 5, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for continued operation of the Loup River Hydroelectric Project No. 1256. The project would be located on the Loup River in Platte and Nance Counties, near Columbus, Nebraska. Correspondence with the Applicant should be directed to: Mr. Max E. Kiburz, General manager, Loup River Public Power District, P.O. Box 988, 2404—15th Street, Columbus, NE 68601.

Project Description—The existing project works consists of: (1) a diversion dam and canal headworks located in the Loup River approximately 6 miles southwest of Genoa, Nebraska; (2) a canal with an overall length of appoximately 28 miles; (3) a regulating reservoir; (4) a wasteway or tailrace canal approximately 5.5 miles long; (5) two powerhouses, one located at the Monroe Powerhouse which has an installed capacity of 7,200 kW, and the other located approximately 1.5 miles downstream from the reservoir at the Columbus Powerhouse with an installed capacity of 40,500 kW; and (6) appurtenant facilities. The total installed capacity for the Monroe and Columbus Powerhouses is 47,700 kW with an annual total energy output of 132,830 MWh.

Purpose of Project—Energy produced at Project No. 1256 is used by the Applicant for sale to its wholesale and retail customers.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, or before March 15, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETENCE APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1630 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5439-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

January 18, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5439 to be known as the Upper West Fork Miller Hydro Power Development located on Miller River within the Snoqualmie-Mt. Baker National Forest in King County, Washington, The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122—196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) 4 inlets placed in the streambeds of Miller River and tributary creeks; (2) a 54-inch diameter, 15,000-foot long diversion pipeline; (3) a powerhouse containing a turbine generator with a 1.5 NW capacity and 6.22 GWh estimated annual average energy production; (4) transmission lines; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time he will conduct studies to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of activities during the preliminary permit period is $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 15, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 15, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. [A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1631 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5776-000]

Dr. Daniel C. Merrill; Application for Preliminary Permit

January 18, 1982.

Take notice that Dr. Daniel C. Merrill (Applicant) filed on December 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5776 to be known as the Mawah Creek Hydroelectric Project located on Mawah Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Daniel C. Merrill, 2127 Danville Boulevard, Walnut Creek, California 94596.

Project Description—The proposed project would consist of: (1) a 6-foot high, 30-foot wide low concrete diversion dam; (2) a 30-inch diameter, 1,000-foot long pipeline; (3) an 18-inch diameter, 500-foot long penstock; (4) a power plant to house a single generating unit with an installed capacity of 350 kW; and (5) a transmission line extending from the power plant to an existing line which is to be upgraded. The average annual energy production is 700,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months, during which it shall conduct technical, economic and environmental feasibility studies and prepare an application for an FERC license. The estimated cost for conducting these studies and preparing an application for an FERC license is $50,000. No new roads would be needed.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 15, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response

to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 15, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1632 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket NO. TC82-9-000]

Montana-Dakota Utilities Co.; Gas Tariff Filing

January 18, 1982.

Take notice that on December 22, 1981, pursuant to the Commission's Order issued August 27, 1981, in Docket No. RM79-15, 16 FERC ¶ 61,148, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, submitted for filing and inclusion in its FERC Gas Tariff First Revised Volume No. 1, the following tariff sheets:

Fourth Revised Sheet No. 100
Fourth Revised Sheet No. 101
Substitute Fourth Revised Sheet No. 102
Substitute Fourth Revised Sheet No. 103
Fourth Revised Sheet No. 104
Fourth Revised Sheet No. 105
Fourth Revised Sheet No. 106
Fourth Revised Sheet No. 110

The sheets are proposed to be effective 30 days from the date of filing or January 14, 1982. The volume changes on the tariff sheets reflect reclassification of natural gas used in boilers for the production of animal feed or food.

MDU states that it has contacted all of its agricultural industrial customers with a Priority 2 allocation who utilize natural gas in boilers. The following are agricultural industrial customer allocations which are reclassified:

Customer	Current	Reclassified	
	Priority 2(a) (Mcf)	Priority 2(a) (Mcf)	Priority 3 (Mcf)
Big Sky Feed & Supply	15,000	450	14,550
Farr Better Feeds	5,179	218	4,961
GTA-Feed Division	25,000	0	25,000
Peavey Co. (Sidney)	9,000	2,000	7,000
Saco Dehi	30,000	28,000	2,000
Peavey Co. (Valley City)	9,000	2,000	7,000
Hubbard Milling Co	16,000	8,756	7,244
Sheridan Commercial Co	4,173	1,640	2,533
Sheridan Meat Co	21,000	14,700	6,300

In addition to the above, MDU states that Hardy Salt Company's Priority 2(c) allocation of 80,746 Mcf is reclassified to 37,143 Mcf in Priority 2(c) and 43,603 Mcf are added to Priority 4. Pierce Packing Company's Priority 2(c) allocation of 176,640 Mcf is reclassified to 91,853 Mcf in Priority 2(c) and 84,878 Mcf in Priority 4. Black Hills Packing Company's Priority 2(a) allocation of 87,065 Mcf is reclassified to 72,840 Mcf in Priority 2(a) and 14,225 Mcf in Priority 4. MDU also submits on Substitute Fourth Revised Sheet No. 103 a volume change for Dickinson Cheese of 12,482 Mcf in Priority 2(a) to 16,302 Mcf in Priority 2(a). The increase reflects the transfer of 3,820 Mcf in priority 2(a) from Lefor Cheese to Dickinson Cheese and the removal of Lefor Cheese from the tariff sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10), on or before January 20, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1633 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5695-000]

Paradise Irrigation District; Application for Exemption for Small Hydroelectric Power Project Under 5 Mw Capacity

January 18, 1982.

Take notice that on November 25, 1981, Paradise Irrigation District (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5695 would be located on Little Butte Creek, within Lassen National Forest, in Butte County, California. Correspondence with the Applicant should be directed to: Mr. C. Phillip Kelly, Jr., Manager, Paradise Irrigation District, P.O. Box 128, Paradise, California 95969.

Project Description—The proposed project would consist of: (1) the existing 163-foot high Paradise Dam, 11,500 acre-foot capacity reservoir, and 36-inch outlet pipe; (2) a proposed powerhouse containing a turbine generator with 500 kW capacity and 1.43 GWh annual energy output; and (3) a transmission line.

Purpose of Exemption—An exemption, if issued, gives the Exemptee

priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments on or before March 22, 1982, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 3, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1634 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-104-000]

Public Service Co. of Colorado; Order Accepting for Filing and Suspending Proposed Rates, Denying Motion for Summary Disposition, Granting Interventions, and Initiating Hearing Procedures

Issued: January 15, 1982.

On November 18, 1981,[1] Public Service Company of Colorado (PSCC) tendered for filing revised rates for service to nine wholesale customers.[2] These rates would provide for an increase in jurisdictional revenues of approximately $18,500,000 for the twelve-month period ending December 31, 1982. PSCC proposes an effective date of January 17, 1982.

PSCC,in its proposed rates, reflects the inclusion of construction work in progress (CWIP) on pollution control facilities and requests that the Commission permit PSCC to use the Accelerated Cost Recovery System (ACRS) created by the Economic Recovery Tax Act of 1981 for property placed into service after 1980.[3] In addition, the Intermountain Rural Electric Association has assigned its Power Purchase Agreement with PSCC to the Colorado-Ute Electric Association, Inc. Upon the Effective date of the proposed rates, PSCC's obligations to Intermountain will cease and will instead be included in its obligation to Colorado-Ute.

Notice of the filing was issued on November 27, 1981, with responses due on or before December 14, 1981. On December 11, 1981, the Colorado-Ute Electric Association, Inc. (Colorado-Ute) filed a petition to intervene. Colorado-Ute complains of an inadequate opportunity to review the proposed rate increase, contends that the proposed rates will not be just and reasonable, and asks that intervention be granted and that a hearing be ordered.

On December 14, 1981, the cities of Aspen, Burlington, Center, Glenwood Springs, Julesberg, and Lyons, Colorado (Cities) filed a protest and petition to intervene. The Cities also state that they have had an inadequate opportunity to review the proposed rates but briefly note a number of cost of service issues. The Cities request that intervention be granted and that the rates be suspended for the maximum five months and a hearing be held to determine whether the proposed rates are just and reasonable. Alternatively, the Cities seek a lesser suspension to be followed by a hearing.

On December 14, 1981, as supplemented on December 21, 1981, the Central Telephone & Utilities Corporation, Southern Colorado Power Division (Centel) filed a protest and petition to intervene. Centel asks that intervention be granted and seeks suspension for the maximum five months with a hearing to determine whether the filing may be unjust and unreasonable. Centel also raises a variety of cost of service issues.

Discussion

Initially, the Commission finds that participation in this proceeding by each of the intervenors is in the public interest. Therefore the petitions to intervene will be granted. In addition, Centel's request for an extension of time will be granted and its supplemental

---

[1] An "Affidavit Adopting Testimony" of J.N. Bumpers was filed on November 23, 1981 with a request that it be entered into this docket. Mr. Bumpers was out of town when the original filing was made and so was unavailable to adopt his testimony.

[2] *See* Attachment A for customers and rate schedule designations.

[3] PSCC indicates that this filing was prepared in large part before the anticipated benefits of using the ACRS were known. Subsequently, estimates of the benefits to PSCC for 1982 were made and these estimates were enclosed in the filing.

memorandum in support of its protest and petition to intervene will be accepted for filing.

PSCC has requested Commission authorization to use the newly-created ACRS for property placed into service after 1980. The extent to which the ACRS will affect the cost of service study and so PSCC's rates should be determined during the course of the hearing to be held in this docket, with any necessary adjustments to the cost of service to be made at the time PSCC files its compliance rates in accordance with the Commission's final order in this proceeding.

Our analysis indicates that PSCC's revised rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,[1] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months to become effective, subject to refund, on June 18, 1982.

The Commission orders:

(A) PSCC's revised rates including the supplemental "Affidavit Adopting Testimony" of J.N. Bumpers are hereby accepted for filing and are suspended for five months from sixty days after filing, to become effective, subject to refund, on June 18, 1982.

(B) PSCC's request for prior authorization with respect to use of ACRS, as noted in the body of this order, is hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of PSCC's rates.

(D) Centel's supplemental memorandum in support of its protests and petition to intervene is hereby accepted for filing.

(E) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before January 18, 1982.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's rules of practice and procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[1] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

PUBLIC SERVICE COMPANY OF COLORADO
RATE SCHEDULE DESIGNATIONS

[Docket No. ER82-104-000]

Filing Date: November 18, 1981.

Other Parties: Wholesale Customers, as shown below.

Designation	Description
City of Aspen, Colorado	
(1) Supplement No. 12 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 10).	Schedule of Rates for Service.
(2) Supplement No. 13 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 11).	Fuel Cost Adjustment Clause.
Town of Lyons, Colorado	
(3) Supplement No. 12 to Rate Schedule FPC No. 6 (Supersedes Supplement No. 10).	Schedule of Rates for Service.

PUBLIC SERVICE COMPANY OF COLORADO
RATE SCHEDULE DESIGNATIONS—Continued

[Docket No. ER82-104-000]

Filing Date: November 18, 1981.

Other Parties: Wholesale Customers, as shown below.

Designation	Description
(4) Supplement No. 13 to Rate Schedule FPC No. 6 (Supersedes Supplement No. 11).	Fuel Cost Adjustment Clause.
Home Light and Power Company	
(5) Supplement No. 16 to Rate Schedule FPC No. 9 (Supersedes Supplement No. 14).	Schedule of Rates for Service.
(6) Supplement No. 17 to Rate Schedule FPC No. 9 (Supersedes Supplement No. 15).	Fuel Cost Adjustment Clause.
City of Glenwood Springs, Colorado	
(7) Supplement No. 11 to Rate Schedule FPC No. 11 (Supersedes Supplement No. 9).	Schedule of Rates for Service.
(8) Supplement No. 12 to Rate Schedule FPC No. 11 (Supersedes Supplement No. 10).	Fuel Cost Adjustment Clause.
Colorado-Ute Electric Association, Inc.	
(9) Supplement No. 18 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 16).	Schedule of Rates for Service (Including Transmission Agreement).
(10) Supplement No. 19 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 17).	Fuel Cost Adjustment Clause.
(11) Supplement No. 20 to Rate Schedule FPC No. 12 (Supersedes Rate Schedule FERC No. 21, as supplemented).	Letter dated May 11, 1981.
City of Burlington, Colorado	
(12) Supplement No. 12 to Rate Schedule FPC No. 15 (Supersedes Supplement No. 9).	Schedule of Rates for Service.
(13) Supplement No. 13 to Rate Schedule FPC No. 15 (Supersedes Supplement No. 10).	Fuel Cost Adjustment Clause.
Central Telephone & Utilities Corporation (Southern Colorado Power Division)	
(14) Supplement No. 12 to Rate Schedule FPC No. 13 (Supersedes Supplement No. 10).	Schedule of Rates for Service.
(15) Supplement No. 13 to Rate Schedule FPC No. 13 (Supersedes Supplement No. 11).	Fuel Cost Adjustment Clause.
Town of Center, Colorado	
(16) Supplement No. 7 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 5).	Schedule of Rates for Service.
(17) Supplement No. 8 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 6).	Fuel Cost Adjustment Clause.
Town of Julesburg, Colorado	
(18) Supplement No. 4 to Rate Schedule FERC No. 20 (Supersedes Supplement No. 3).	Schedule of Rates for Service.
(19) Supplement No. 5 to Rate Schedule FERC No. 20.	Fuel Cost Adjustment Clause.

[FR Doc. 82-1636 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TC81-63-000 and TC81-64-000]

South Georgia Natural Gas Co., Southern Natural Gas Co.; Settlement Agreements

January 18, 1982.

Take notice that on January 6, 1982, South Georgia Nautral Gas Company (South Georgia), P.O. Box 2563, Birmingham, Alabama 35202 and on January 5, 1982, Southern Nautral Gas

Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket Nos. TC81-63-000 and TC81-64-000, respectively, proposed settlement agreements that if approved would effect a termination of both the instant proceedings.

On September 15, 1981, Southern filed revised tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1 with the Commission in order to make changes in the Priority 2.1 gas requirements for the essential agricultural uses (EAU) of its gas purchasers. Such revised tariff sheets were filed to be effective on November 1, 1981, as provided in Section 281.204(b)(2) of the Commission's Regulations. Following due notice in the **Federal Register** on October 1, 1981, protests of Southern's tariff sheets were filed by Atlanta Gas Light Company, Columbia Nitrogen Corporation, and NIPRO, Inc.

On September 15, 1981, South Georgia filed revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, with the Commission in order to make changes in the EAU requirements of its gas purchasers. Such revised tariff sheets were filed to be effective on November 1, 1981, as provided in Section 281.204(b)(2) of the Commission's Regulations. Following due notice in the **Federal Register** on October 1, 1981, protests of South Georgia's tariff sheets were filed by Atlanta Gas Light Company, Columbia Nitrogen Corporation, and NIPRO, Inc.

By order issued October 30, 1981, in *South Georgia Natural Gas Company* and *Southern Natural Gas Company*, Docket Nos. TC81-63-000 and TC81-64-000, the Commission, *inter alia*, accepted South Georgia's and Southern's revised tariff sheets for an interim period commencing November 1, 1981, pending a Commission decision on the protests and directed the parties and the Commission staff to enter into informal settlement negotiations seeking to resolve the matters in these dockets.

Pursuant to the Commission's directive, representatives of South Georgia, Southern, the Commission staff, intervenors and interested parties met at the offices of the Commission on December 3, 1981, in order to resolve the matters in these dockets. These Stipulations and Agreements are a product of those settlement negotiations and when approved by the Commission would resove all of the matters set forth therein in the manner so provided.

Settlement agreements in both dockets are essentially identical. The principal provisions proposed are (1) the EAU requirements reflected in the tariff sheets filed on September 15, 1981, shall remain in effect pending the update of EAU requirements in 1982 in accordance with the procedures prescribed; (2) any direct or resale customer of the pipelines may update its EAU requirements by submitting a resurvey of revised requirements to the data verification committee (DVC) using specified procedures; (3) a review of all EAU requirements will be conducted every 3 years beginning in 1982, subject to the stipulations and agreements remaining in effect; and (4) the DVC shall review all requirements data, as specified for a term thru 1985 and triennially thereafter unless terminated.

Any person desiring to be heard or to make protest with reference to the said settlement proposals should, on or before February 4, 1982, file with the Federal Energy Regulatory Commision, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protests in acordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The settlement proposals are on file with the Commission and are available for public inspection.

Comments on these proposals are to be filed by February 4, 1982 and reply comments are to be filed by February 16, 1982.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1636 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-417-001]

Texas Eastern Transmission Corp; Amendment to Application

January 19, 1982.

Take notice that on December 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77002 filed in Docket No. CP81-417-001 an amendment to its application filed July 16, 1981, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to extend the term of the transportation service to be provided Public Service Electric and Gas Company (Public Service), all as more fully set forth in the amendment which is on file with Commission and open to public inspection.

It is stated that there is a currently effective transportation agreement between Applicant and Public Service dated July 14, 1981, which provides for the transportation of up to 51,394 dekatherms equivalent of natural gas per day which Public Service has purchased from Equitable Gas Company. Transportation under this agreement commenced pursuant to temporary authorization issued August 31, 1981, which is due to terminate on December 31, 1981.

Applicant proposes herein to extend the transportation service through October 31, 1982.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 8, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1637 Filed 1-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5819-000]

Woods Creek, Inc.; Application for Preliminary Permit

January 18, 1982.

Take notice that Woods Creek, Incorporated (Applicant) filed on December 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5819 to be known as the Johnson Creek Hydroelectric Project located on Johnson Creek, within the Snoqualmie National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Neil H. MacDonald, Project Manager, Woods Creek Incorporated, 14 South Idaho Street, Seattle, Washington 98134.

Project Description—The proposed project would consist of: (1) a concrete diversion weir 6 feet high located at elevation 2595 feet with negligible storage; (2) a diversion pipeline 36-inch diameter and 13,500 feet long; (3) a powerhouse containing two turbine generators with 4.5 MW capacity and 18.0 GWh annual energy production; and (4) transmission line 33,000 feet long. The anticipated market for project generation power is a Pacific Northwest utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 31, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 31, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 1, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–1638 Filed 1–21–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of November 23 through November 27, 1981

During the week of November 23 through November 27, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Exxon Company, U.S.A., November 24, 1981, HFA–0011

Exxon Company, U.S.A. filed an Appeal from a dential by the Acting Director of the Office of Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the documents which were withheld under Exemption 7(A) were properly withheld and that the Director did not adequately justify his conclusion that certain documents should be withheld under Exemtion 4. The important issue that was considered in the Decision and Order was that the justification for withholding documents under Exemption 4 may not be conclusory and generalized.

Hideca Petroleum Corporation, November 24, 1981, HFA–0009

Hideca Petroleum Corporation filed an Appeal from a partial denial by the Director of the Office of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act. The DOE determined that the Director properly withheld portions of three documents pursuant to Exemption 5. In considering the Appeal, the DOE rejected Hideca's argument that decontrol of petroleum prices removed these documents from the scope of Exemtpion 5. The DOE also found, however, that the Director's search for responsive documents was inadequate since the search was confined to the Office of Enforcement and was not referred to other offices having responsive documents. Accordingly, the Appeal was granted inpart and the matter was remanded for an additional search for responsive documents.

Hilo Coast Processing Company, BEA–0716; Ka'U Sugar Company, Inc., BEA–0717; Mauna Loa Macadamia Nut Corporation, BEA–0718; Olokele Sugar Company, BEA–0719; Davies Hamakua Sugar Company, BEA–0722; Alexander & Baldwin, Inc., BEA–0723; Alexander & Baldwin, Inc., BES–0723; Waialua Sugar Company, Inc., BEA–0724; Waialua Sugar Company, Inc., BES–0724; Amfac, Inc., BEA–0725; Amfac, Inc., BES–0725; The Nestle Company, Inc., BEA–0726; The Nestle Company, Inc., BEA–0726; The Nestle Company, Inc., BES–0726; November 24, 1981

The petitioners in this proceeding filed Appeals from the constructive denial by the ERA of their applications for designation as producers of petroleum substitutes under the case-by-case provisions of 10 CFR 211.67(a)(5). The DOE held that the July 13, 1981 final rule promulgated by the ERA, which limited participation in the Petroleum Substitutes Entitlements Program to only those applicants which had received designation orders from the ERA prior to January 28, 1981, was not an invalid retroactive rule since it did not divest petitioners of any previously accrued right to entitlements benefits. Accordingly, the Appeals were denied.

Each of the petitioners filed an Application for Stay of a final rule promulgated by the ERA on July 13, 1981 which effectively terminated the Petroleum Substitutes Entitlements Program. In considering the Applications, the DOE determined that petitioners had not demonstrated that they would suffer irreparable injury if the stay were not granted or that there was a strong likelihood of success on the merits. Accordingly, the stay request were denied.

Request for Exception

Golden Gate Petroleum Company, November 25,1981, BEE–1396

Golden Gate Petroleum Company filed an Application for Exception from certain provisions of 10 CFR Part 212, Subpart F, seeking retroactive permission to have passed through all the increased transportation costs it incurred in delivering residual fuel oil to certain purchasers' facilities. In considering Golden Gate's request, the DOE found that the firm had failed to make the threshhold showing necessary for the firm to qualify for prospective exception relief. Accordingly, exception relief was denied.

Motion for Discovery

Pacific Valley Center, November 24, 1981, BRH–1449, BRD–1449

Pacific Valley Center filed Motions for Discovery and Evidentiary Hearing pursuant to 10 CFR 205.199 and 205.198. In its Motions the firm requested that the DOE be required to respond to interrogatories and to produce various documents and to depose witnesses. In considering these requests, the DOE found that the firm's request for discovery did not seek any evidence relevant or material to the disposition of the underlying PRO proceeding, and that the firm's request for an evidentiary hearing did not raise issues which could be best resolved through an evidentiary hearing. Accordingly, the Motions were denied. (The important issues discussed in the Decision and Order are (i) Oral advice and (ii) estoppel.)

Interlocutory Order

Office of Special Counsel, 11/25/81, BRZ–0110

The Office of Special Counsel filed a motion to strike from the record two affidavits filed by Texaco Inc. in connection with a compliance proceeding pending before the Office of Hearings and Appeals. The OHA found that the bulk of the OSC's objections to the affidavits did not disclose prejudice to the OSC resulting from Texaco's submission of those affidavits. The motion was denied in substantial part.

Supplemental Order

Gulf Oil Corporation, 11/24/81, BEX–0180

Gulf filed a petition with the Office of Hearings and Appeals of the Department of Energy in which it requested that a Decision and Order that had been issued to the 341 Tract Unit of the Citronelle Field on March 6, 1981 be modified to provide for an alternate method of refunding the tertiary incentive revenues previously received by the Unit.

After a review of the matter, the DOE determined that there was merit to Gulf's claim. The refund method was therefore restructured to ensure that Gulf would not incur a disproportionate burden. However, in analyzing Gulf's petition, the DOE found that based on the material presented by Gulf in its modification request, the method of implementing interim exception relief to the Citronelle Unit should also be modified. As a result, the method of approving interim relief to the Citronelle Unit was amended. The net effect of the two offsetting adjustments was to increase Gulf's entitlements purchase obligation on a subsequent Entitlements Notice.

In a separate petition, Gulf requested that the Office of Hearings and Appeals recuse itself from further participation in the Citronelle case. The firm claimed that the Office of Hearings and Appeals was biased and no longer could effectively adjudicate the proceeding in a neutral manner.

After a review of the record in the matter, the DOE found that neither the Office of Hearings and Appeals, nor any individual within the office, was biased in this matter. Moreover, a review of the record indicates that the officials involved in the resolution of this case have properly discharged their responsibilities. Accordingly, Gulf's Motion for Recusal was denied.

Dismissals

The following submissions were dismissed without prejudice:

COMPANY NAME AND CASE NO.

Ashland Oil Company, DRO–0084.
Boswell Oil Company, BRD–007, BRR–0013.
Rodriguez Standard, BRW–0088.
Texaco Inc., DEA–0611.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management; Federal Energy Guidelines*, a commmercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 13, 1982.

[FR Doc. 82–1658 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of December 14 Through December 18, 1981

During the week of December 14 through December 18, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Phibro Corporation, 12/14/81, HRA–0018

Phibro Corporation filed a Freedom of Information Act (FOIA) Appeal from a determination issued to it by the Acting Director of the Economic Regulatory Administration (Acting Director). In that determination, the Acting Director denied Phibro's request for a copy of a document which contained a series of questions and answers designed to explain certain FEA regulatory policies. The Acting Director determined that the requested document no longer existed and he therefore denied the request pursuant to 10 CFR 1004.7(b)(1)(ii). The Office of Hearings and Appeals conducted an independent search for the document and located a copy in the offices of the Southwest Enforcement District. Accordingly, the matter was remanded to the Acting Director with instructions for him to either release the document or withhold it pursuant to the appropriate statutory and regulatory criteria.

Mapco, Inc., 12/16/81, HFA–0015

Mapco, Inc., filed an Appeal from a partial denial by the Southwest District Manager of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE upheld the determination that the documents which were withheld pursuant to Exemptions 2 and 5 should not be released to the public. Specifically, pursuant to Exemption 5, the DOE found that drafts of NOPVs and PROs were properly withheld because they are part of the deliberative process. The DOE further held that internal worksheets should be withheld because they contain auditors' opinions which are part of the deliberative process and therefore exempt from mandatory disclosure pursuant to Exemption 5. The DOE also found that certain worksheets and forms should be withheld pursuant to Exemption 2 because their release would assist regulated firms in circumventing the law.

Planning Research Corporation, 12/18/81, HFA–0016

Planning Research Corporation (PRC) filed an Appeal from a partial denial by the Director of Contract Operations Division "A" (Director) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that portions of one document sought by PRC, the Source Evaluation Board report for a contract solicitation, were properly withheld pursuant to Exemptions 4 and 5. In reaching this conclusion, the DOE determined that the portions withheld under Exemption 5 were predecisional and recommendatory and contained no reasonably segregable factual material. The DOE further determined that the portions of the document that were withheld under Exemption 4 contained information whose release might result in competitive harm to some of the firms which had submitted proposals pursuant to the contract solicitation. In addition, the DOE determined that the Source Selection Official's Selection Statement for the contract solicitation, a document which the Director failed to identify or release in his initial determination, was responsive to PRC's initial FOIA request. Accordingly, the DOE remanded the matter to the Director for a specific determination concerning that document.

Simons & Simons, 12/15/81, BFA–0490

The law firm of Simons & Simons filed an Appeal from a denial by the Director of the DOE Office of Classification of a request for information which the firm had submitted under the Freedom of Information Act. In responding to the request, the Director withheld three documents involving discussions between officials of the DOE and officials of the Government of Algeria, Sonatrach, and other firms, concerning the renegotiation of certain contracts for the importation of liquid natural gas into United States. In considering the Appeal, the DOE found that the documents contain information concerning sensitive negotiations between the United States and a foreign country, the release of which could adversely affect the relationship between those countries, and that the documents are properly classified pursuant to Executive Order No. 12065 and therefore exempt from mandatory public disclosure under Exemption 5 of the FOIA. The Appeal was accordingly denied.

Remedial Orders

Aptos Shell, BRO–1518; Bubble Machine, BRO–1548; Bud Exxon Service, BRO–1482; C. J. King Chevron, BRO–1483; Charlie's Exxon Service, BRO–1484; Crossroad Texaco, BRO–1507; Dimitri' Arco, BRO–1485; Eugene's Chevron Service, BRO–1514; Hughes Burlingame Shell, BRO–1487; Jerry's Shell Service, BRO–1488; Kim's Mobil, BRO–1503; Mowry Chevron Service, BRO–1509; Pacifica Shell Service, BRO–1489; Paul Provost Chevron, BRO–1502; Sandusky's Service, BRO–1516; Shelter Creek Chevron, BRO–1510; Skycrest Shell, BRO–1511; Suds Machine Chevron, BRO–1517; Union Park Service, BRO–1504; William Laraway Shell, BRO–1513, 12/14/81

Aptos Shell, *et al.* objected to Proposed Remedial Orders that were issued to the firms by the DOE office of Enforcement. In the Proposed Remedial Orders, the Office of Enforcement found that the objecting firms had charged prices higher than those permitted by 10 CFR 212.93(a)(2). After considering the firms' objections, the DOE determined that the Proposed Remedial Orders should be issued as final Remedial Orders. The DOE also determined that the Proposed Remedial Orders should be modified to require that payment of the overcharges be deposited into the U.S. Treasury. The important issues discussed in the Decision include: (i) whether charging a combined cents-per-gallon price for gasoline and service in excess of the maximum lawful selling price permitted by DOE regulations violates 10 CFR 212.93(a)(2), and (ii) the procedural and substantive validity of 10 CFR 210.62(d)(1).

Requests for Exception

The Crude Company, 12/16/81, BEE–1015

The Crude Company (TCC) filed an Application for Exception in which the firm sought a stay of its obligation to file Forms FEA–P–124–M–O and FEA–P–124–M–1 for the period February 1976 to August 1979 until pending criminal proceedings against the firm and its president are concluded. The forms require reporting firms to report their crude oil transactions by regulatory category and price. In considering the request, the DOE found that the certification requirement of the reports infringed TCC's employees' fifth amendment privileges against self incrimination. The DOE further found, that a stay of the reporting requirement was not warranted since the potential infringement on the fifth amendment privileges of TCC's employees could be remedied by approving exception relief that would permit the firm to appoint an outside agent to prepare and file the reports on TCC's behalf. In addition, the DOE determined that there was nothing improper in requiring a firm to submit regularly required reports while a criminal proceeding is pending against it. Accordingly, TCC was granted exception relief which modified the terms of the certification and permitted someone other than an executive officer to submit the reports on the firm's behalf.

Gulf States Oil & Refining Co., 12/17/81, BEE–1616

On January 28, 1981, Gulf States Oil & Refining Company (Gulf) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm requested that it be issued entitlements for the crude oil which it purchased to establish a starting inventory for its new refinery. In considering the request, the DOE found that the operation of the Entitlements Program with respect to Gulf's initial receipts of inventory crude oil produces a grossly inequitable result by inordinately increasing the firm's crude oil acquisition costs. The DOE therefore determined that Gulf should be issued additional entitlements with a value of $426,957.11 to compensate the firm for the value of entitlements it would have been issued had it claimed as runs to stills for purposes of 10 CFR 211.67(a)(1) the crude oil used to establish a necessary, permanent inventory. Accordingly, exception relief was granted in part.

Michek Oil Company, 12/14/81, HEE–0001

On October 14, 1981, Michek Oil Company filed an Application for Exception from the reporting requirements set forth in Form EIA–9A. Michek claimed that it should not be required to file Form EIA–9A because the information it would provide is of no use to the DOE. The DOE rejected this claim and pointed out that the information supplied in Form EIA–9A enables it to monitor the supply and price of No. 2 heating oil. The DOE further stated that a request for exception may only be granted to prevent a serious hardship or gross inequity. Since Michek did not even claim that it satisfied that standard, the DOE determined that the firm's exception request should be denied.

Transcontinental Oil Corporation, 12/9/81, BEE–1675

Transcontinental Oil Corporation (TOC) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which the firm sought permission to sell the crude oil produced during 1975 for the benefit of the working interest owners from the Knoxo Field Unit at prices in excess of the applicable ceiling price levels. The approval of TOC's request would have the effect of relieving the firm of the obligation to refund overcharges pursuant to the provisions of a Remedial Order issued to the firm by the DOE. In considering the firm's request, the DOE found that the overall financial position of TOC was excellent. The DOE therefore concluded that requiring TOC to repay the overcharges would not result in an irreparable injury to the firm. According, the DOE determined that exception relief should be denied.

Motion for Modification and/or Rescission

Hillcrest Automotive Service, 12/14/81, HRR–0013, HRW–0001

The Office of General Counsel submitted motions to modify the refund and interest provisions of a Proposed Remedial Order which the Western District of Enforcement issued to Hillcrest Automotive Service on October 30, 1981. In the Proposed Remedial Order, the Western District found that Hillcrest Automotive Service had overcharged its purchasers of motor gasoline by a total of $636.56. Since Hillcrest did not object either to the Proposed Remedial Order or to the request for modification, the DOE concluded that the Proposed Remedial Order should be issued as a final Order with the modifications proposed by the Office of General Council.

Supplemental Orders

K. R. "Ken" Rearick, d/b/a Clearview Gulf Service Center, 12/14/81, HRX–0005

The Economic Regulatory Administration (ERA) filed an Application for Rescission of a Remedial Order issued to K. R. "Ken" Rearick d/b/a Clearview Gulf Center on November 5, 1981. *See K. R.* "Ken" Rearick d/b/a Clearview Gulf Service Center, 9 DOE ——, No. BRO–0327 (November 5, 1981). In the Remedial Order, OHA denied the Statement of Objections filed by the firm on the grounds that Rearick had overcharged his gasoline customers, thereby violating the provisions of 10 CFR 212.93(a). In considering the Application for Rescission, the DOE determined that since Rearick had signed a Consent Order with the ERA prior to the issuance of the Remedial Order, the matter had been settled between the two parties, making the Decision and Order moot. The OHA pointed out., however, that the failure of both parties to notify OHA of the change of status in the case while it was still pending before the Office resulted in the waste of administrative resources and undermined the integrity of the adjudicatory process. Nevertheless, ERA's Application for Recission was granted.

San Ann Service, Inc., 12/14/81, BCX–0215

On April 8, 1981, the Federal Energy Regulatory Commission (FERC) issued an Order affirming in part and remanding in part a decision which the DOE issued to San Ann Service, Inc., on December 5, 1979. In the December 5 Decision, the DOE denied an Application for Exception which San Ann had filed, and ordered Kerr-McGee Corporation to make restitution to Marathon Oil Company and to Chevron U.S.A., Inc. for motor gasoline which those firms had

supplied to San Ann pursuant to a July 13, 1979 Interim Order. The April 8, 1981 FERC Order upheld the DOE determination denying San Ann exception relief, but remanded the case to the DOE for consideration of two issues: (1) does Kerr-McGee "control" San Ann within the meaning of 10 CFR 211.51; and (2) does the balance of the equities favor requiring Kerr-McGee and/or San Ann to return to Marathon and Chevron the gasoline they sold to San Ann under the July 13, 1979 Interim Order at the prices at which it was sold to San Ann or at some other prices. In considering the issues which were remanded by the April 8, 1981 FERC Order, the DOE determined that San Ann and Kerr-McGee should be treated as a single "firm" under 10 CFR 211.51. The DOE also determined, however, that restitution should not be made to Chevron and Marathon for the gasoline which San Ann received pursuant to the July 13, 1979 DOE Interim Order.

Dismissals

The following submissions were dismissed without prejudice:

Company name	Case No
Gulf States Oil & Refining Company	BEN-0085
Mid-America Refining Co., Inc.	BER-0063

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 13, 1982.

[FR Doc. 82-1659 Filed 1-21-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve supply of the following materials:

Contract Number S-IA-115, 0.003 grams of plutonium-244 as oxide, for use as standard reference material, and 54.1 grams of plutonium, 78.8 grams of natural uranium, 6.5 grams of uranium containing approximately 0.046 grams of U^{235}, and 87.3 grams of thorium, in the form of mixed oxide.

Contract Number S-IA-123, 0.003 grams of plutonium-244 as oxide, for use as standard reference material, and a mixed oxide containing 54.1 grams of plutonium, 78.8 grams of natural uranium, 6.5 grams of uranium containing 0.046 grams of U^{235}, and 87.3 grams of thorium.

These materials are to be utilized by the IAEA in connection with international safeguards efforts.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than February 8, 1982.

For the Department of Energy.

Dated: January 18, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-1540 Filed 1-21-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Korea Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of the following materials:

Contract Number S-KO-12, for the Korea Advanced Energy Research Institute, for use as standard reference material, 1 gram of uranium, enriched to 1.53% in U-235, 1 gram of uranium, enriched to 5.01% in U-235, 1 gram of uranium, enriched to 10.19% in U-235, 1 gram of uranium, enriched to 20.01% in U-235, 1 gram of uranium, enriched to 49.7% in U-235, 1 gram of uranium, enriched to 85.14% in U-235, and 1 gram of uranium, enriched to 97.66% in U^{235}.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 8, 1982.

For the Department of Energy

Dated: January 18, 1982.

Harold D. Bengeldorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-1541 Filed 1-21-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer:

RTD/EU (SW)-64, from Sweden to the Federal Republic of Germany, two irradiated fuel particles containing 2.887 grams of uranium, enriched to 1.14% in U-235, and two unirradiated fuel particles containing 3.616 grams of uranium, enriched to 19.61% in U-235. These fuel particles are to be transferred for post-irradiation examination and comparison.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 8, 1982.

For the Department of Energy.

Dated: January 18, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-1542 Filed 1-21-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under export license XU08535, granted

by the U.S. Nuclear Regulatory Commission on December 30, 1981.

The subsequent arrangement under the above mentioned license involves supply of 2.222 kilograms of depleted uranium (0.2% U–235) to the Universidad Nacional Autonoma de Mexico, Mexico City, under Contract Number S–IA–116, for use by the Department of Physics in the study of the physical and chemical properties of uranium hexafluoride.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 8, 1982.

For the Department of Energy.

Dated: January 18, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82–1546 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer:

RTD/EU(NO)–35, from Norway to Denmark, one irradiated fuel element containing 10.429 kilograms of uranium, enriched to 1.21% percent in U–235, and 103 grams of produced plutonium, for post irradiation examination. It is planned to subsequently transfer the material to the United Kingdom for final disposal in accordance with arrangements between the United States and the Euratom Supply Agency.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 8, 1982.

For the Department of Energy.

Dated: January 18, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82–1544 Filed 1–21–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2034–4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities, EPA.

INFORMATION CONTACT: Ms. Kathi Wilson (202) 245–3006.

ACTION: Notice.

EISs Filed: January 11–15, 1982.

Comment Due Dates: Drafts—March 8, 1982; Finals—February 22, 1982.

Corps of Engineers: Report—Pamlico Sound/Beaufort Harbor, Gallant Channel Maintenance, Carteret County, North Carolina (EPA EIS #820013)

DOC: National Oceanic and Atmospheric Administration (NOAA): Draft—Bering Sea/Aleutian Islands King Crab, FMP, Alaska (EPA EIS #820019)

DOC: NOAA: Draft—New Hampshire Coastal Program, Ocean/Harbor Segment, Rockingham County, New Hampshire (EPA EIS #820018)

EPA: Region 3: Draft: Rehoboth Beach WWT Management Facilities Grant, Sussex County, Delaware; Extended Review 3–15–82 (EPA EIS #820014)

Department of Housing and Urban Development: 104H: Final—Phoenix Hill Development, CDBG, Jefferson County, Kentucky (EPA EIS #820021)

Nuclear Regulatory Commission: Final—Washington Nuclear Project Number 2, License, Benton County, Washington (EPA EIS #820015)

USDA: Forest Service (FS): Draft—Arapaho and Roosevelt National Forests Management Plan, Colorado; Extended Review 4–26–82 (EPA EIS #820017)

USDA: FS: Final—Blue Gouge Mine Operating Plan, Eldorado National Forest, El Dorado County, California (EPA EIS #820016)

USDA: Rural Electrification Administration: Final—Elm Mott/Whitney 345 kV Transmission Line, McLennan, Bosque and Hill Counties, Texas (EPA EIS #820020)

Extended Review: USDA: Revised Draft—Soil and Water Resources Conservation Act, 1981 Program—published FR 11–6–81; DUE 1–29–82 (EPA EIS #810909)

Mr. Louis Cordia,

Acting Director, Office of Federal Activities.

Dated: January 19, 1982.

[FR Doc. 82–1666 Filed 1–21–82; 8:45 am]

BILLING CODE 6560–37–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–651–DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–651–DR), dated January 7, 1982, and related determinations.

DATED: January 12, 1982

FOR FURTHER INFORMATION CONTACT: Sewell H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. (202) 287–0501 *Notice:* The Notice of a major disaster for the State of California dated January 7, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 7, 1982.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance.)

Humboldt County for Public Assistance only.

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–1561 Filed 1–21–82; 8:45 am]

BILLING CODE 5718–02–M

FEDERAL HOME LOAN BANK BOARD

Buffalo Savings and Loan Association, Houston, Texas; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver of Buffalo Savings and Loan Association, Chicago, Illinois, effective January 15, 1982.

Dated: January 18, 1982.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1643 Filed 1-21-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, February 4, 1982
Thursday, February 11, 1982
Thursday, February 18, 1982
Thursday, February 25, 1982

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

January 18, 1982.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 82-1533 Filed 1-21-82; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0241]

Determination of Ambient Level Concentrations of Chemical Compounds Related to Emissions From Various Laboratory Sources, Federal Building No. 8; Availability of Report

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a report entitled "The Sampling Quantification of Emissions from Various Laboratory Sources and the Determinations of Ambient Level Concentations," dated June 1981. The report addresses the types of chemicals used in Federal Building No. 8 and describes methods used to sample fume hood exhaust stack emissions, and the samplings at several ambient receptor sites nearby. Based on the information contained in the report, emissions from Federal Building No. 8 do not appear to have an adverse impact upon ambient air quality in the area around the building and therefore do not have a significant effect on the air supply of adjacent buildings.

ADDRESS: A copy of the report is available for review at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John T. Snell, Division of Management Services (HFA-246), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4440.

SUPPLEMENTARY INFORMATION: In the fall of 1980, FDA tested stack emissions from fume hoods at the (FDA laboratory (Federal Building No. 8) at 200 C St. SW., Washington, DC. The emissions were tested for 10 hazardous compounds (acetonitrile, benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, methylene chloride, pyridine, toluene, vinyl chloride, and xylene) to determine the concentration of the compounds in fume hood exhausts. In addition to specific emission discharge measurements, nearby ambient receptor stations were monitored in an attempt to quantify the impact of the emissions on the ambient receptors. Because Federal Building No. 8 is located close to the Capitol and is adjacent to several major office buildings, concern had been expressed that compounds being exhausted from the FDA laboratory might be adversely affecting the ambient air drawn into the ventilating systems of nearby buildings. Ambient receptors were positioned at street level in several locations and at the roof level of the House Annex No. 2 building which is immediately south of Federal Building No. 8. Sampling continued for 10 days, 10 hours per day during daylight hours. Samples collected each day were analyzed the following day on a gas chromatograph. Chemical compound usage was also continuously monitored at each fume hood. Although fume hood exhaust emissions were detectable at ambient receptors, under some conditions, both the fume hood exhaust stack emission concentrations and the ambient receptor concentrations remained below 10 percent of the threshold limit values even under worst case conditions. From an air quality standpoint, the FDA laboratory facility did not appear to have an adverse impact on adjacent buildings.

A copy of the report is available for review at the Dockets Management Branch (HFA-305) (address above), between 9 a.m. and 4 p.m., Monday through Friday. Copies may be purchased from that office for $27.60 for each copy. Payment shall be made by check or money order payable to "Food and Drug Administration".

Dated: January 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-1545 Filed 1-21-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0335]

Drug Experience Report, Form FDA 1639; Availability of Revised Form

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the revised Drug Experience Report, Form FDA 1639, and instructions for completion of the form. This form is used by manufacturers and by health care professionals to report adverse drug experiences to FDA.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857; requests for single copies of the revised form to Judith Jones, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: The revised Form FDA 1639 should be used immediately. The previous Form FDA 1639a is obsolete.

FOR FURTHER INFORMATION CONTACT: Judith K. Jones, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4580.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of the revised Drug Experience Report, Form FDA 1639. This form is submitted by drug manufacturers to the agency, as required by 21 CFR 310.300, 310.301, and 431.60, and voluntarily by others, as necessary.

Revised Form FDA 1639, Drug Experience Report, differs from Form FDA 1639a, which previously has been used. The revised form is intended to make reports of adverse drug reactions more useful for analytic purposes. Because the format and content of the form is substantially changed, the revised form renders previous editions obsolete and includes a notation to that effect.

The revised form contains additional data elements necessary for both clarifying the seriousness of a drug experience and determining if a causal relationship between drug use and reaction exists. Instructions printed on the back of the revised form will further increase its usefulness.

Comments regarding the format or content of revised Form FDA 1639 should be addressed to the Dockets Management Branch (HFA-305) (address above) where a copy of the form has been placed on file for public display. Such comments will be considered in determining whether further revisions in the form are necessary. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. Comments should be identified by the docket number found in brackets in the heading of his document. Comments received by the agency may be seen in the office of the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Requests for single copies of the revised form should be addressed to Judith K. Jones (address above).

Supplies of the form are available on written request from the Public Health Service Forms and Publications Distribution Center (HFA-268), 12100 Parklawn Dr., Rockville, MD 20857.

This revised form has been approved and cleared for use by the Office of Management and Budget.

Dated: January 15, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-1549 Filed 1-21-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81D-0342]

Uniform Sampling Procedures for In-Shell Domestic and Imported Pistachio Nuts; Availability of Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of FDA Compliance Policy Guide 7112.08, which establishes (1) revised uniform sampling procedures for both domestic and imported in-shell pistachio nuts based on results of kernel crackout/discard analysis and (2) sampling as well as assay criteria for both domestic and imported shelled pistachio nuts.

ADDRESS: Written comments on the revised uniform sampling procedures for in-shell pistachio nuts and on the sampling and assay criteria for shelled pistachio nuts and requests for single copies of FDA Compliance Policy Guide 7112.08 should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The current action level for aflatoxin-contaminated pistachio nuts specifies a crackout/discard procedure for the examination of imported in-shell pistachio nuts. FDA published the compliance guide for pistachio nuts before the establishment of a significant domestic industry, and as a result, the crackout/discard procedure of kernel analysis of lots of in-shell nuts has not been used for domestic pistachio nuts.

Because there is now a significant domestic pistachio nut industry, FDA is revising Compliance Policy Guide 7112.08 to include a crackout/discard analysis of the kernels for lots of domestic in-shell pistachio nuts. The agency has also amended Compliance Policy Guide 7112.08 to provide sampling and assay criteria for both domestic and imported lots of shelled pistachio nuts. Accordingly, the following analyses apply for in-shell lots of pistachio nuts: (1) Analysis of entire sample consisting of shells and kernels for aflatoxin, with aflatoxin being calculated on a kernel weight basis in accordance with applicable methods outlined in the current edition of the Official Methods of Analysis of the American Association of Analytical Chemists, and (2) analysis of a second sample consisting of moldy and nonmoldy kernels remaining after crackout and discard of the obviously inedible nuts when the in-shell analysis reveals aflatoxin in excess of 20 micrograms per kilogram (μg/kg). The agency will base regulatory action against in-shell lots of pistachio nuts on the results of the kernel crackout/discard analysis when original and check analysis show aflatoxin above 20 μg/kg.

For lots of shelled pistachio nuts, the analysis will consist of the entire sample, including those kernels that have an obviously inedible appearance. FDA will take regulatory action against shelled lots of pistachio nuts when original and check analysis show aflatoxin above 20 μg/kg.

Requests for single copies of revised Compliance Policy Guide 7112.08 should reference the docket number found in brackets in the heading of this document and should be submitted in writing to the Dockets Management Branch (address above).

Interested persons may submit to the Dockets Management Branch written comments (preferably two copies and

identified with the docket number found in brackets in the heading of this document) regarding the revised compliance policy guide. Received comments are available for examination in the office above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 15, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-1548 Filed 1-21-82; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Alabama State Plan Amendments Requiring Copayments for Drugs for Certain Categorically Needy Groups

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on March 9, 1982 in Atlanta, Georgia to reconsider our decision to disapprove Alabama State plan amendments requiring copayments for drugs for certain categorically needy groups.

CLOSING DATE: Requests to participate in the hearing as a party must be received by February 8, 1982.

FOR FURTHER INFORMATION, CONTACT: Stanley Krostar, Hearing Officer, Bureau of Program Policy, 1-G-5 East Low Rise, 62325 Security Boulevard, Baltimore, Maryland 21207; Telephone: (301) 594-8511.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to deny two Alabama State plan amendments.

Section 1116(a) of the Social Security Act and 45 CFR Parts 201 and 213 establish Departmental procedures that provide an administrative hearing for reconsideration of a denial of a State plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The notice to Alabama announcing an administrative hearing to reconsider our denial of two State plan amendments reads as follows:

January 20, 1982.

Mr. Henry C. Vaughn, Jr.,
Acting Commissioner, Alabama Medicaid Agency, 2500 Fairlane Drive, Montgomery, Alabama 36130.

Dear Mr. Vaughn: This to advise you that your letter of December 17, 1981 requesting a reconsideration of the decision to disapprove Alabama State plan amendments 80-13 and 80-18 was received on December 21, 1981. You have requested a reconsideration of the issue of whether the provisions in these plan amendments with respect to the application of drug copayment requirements to patients in nursing homes conform to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on March 9, 1982 at 10:00 a.m. in the 7th floor conference room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia. If this date is not satisfactory, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Stanley Krostar to serve as the presiding official. Please let him know if these arrangements present any problems. He can be reached on 301-594-8511.

Sincerely yours,

Carolyne K. Davis, Ph.D.,

Administrator.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 20, 1982.

Carolyne K. Davis

Administrator, Health Care Financing Administration.

[FR Doc. 82-1754 Filed 1-21-82; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Statement of Organizations, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685-92, February 25, 1970, as amended most recently at 45 FR 76518, November 19, 1980), is amended to reflect a realignment of functions between and retitling of two divisions in the Bureau of Drugs. The Division of Drug Product Quality is retitled the Division of Drug Quality Evaluation. The Division of Drug Manufacturing is retitled the Division of Drug Quality Compliance.

These changes reflect a centralization of drug quality surveillance functions into the Division of Drug Quality Evaluation while drug quality compliance functions are centralized into the Division of Drug Quality Compliance. This action will highlight and separate the surveillance functions which evaluate and monitor drug quality, from the compliance functions which involve case development and other regulatory actions based on data and trends from surveillance activities. Functional statements for these divisions have been revised to reflect their new responsibilities.

The realignment is necessary to strengthen the Bureau's capability to handle regulatory actions and to improve drug quality surveillance programs. This realignment also reflects deemphasis on mandatory certification programs and increased emphasis on voluntary certification programs.

Section HF-B, Organization and Functions, is amended as follows:

1. Delete subparagraph (1-4-ii) Division of Drug Product Quality in its entirety and substitute a new paragraph reading as follows:

(1-4-ii) *Division of Drug Quality Evaluation (HFGA).* Develops and directs drug quality evaluation programs, including surveillance and mandatory and voluntary drug certification; coordinates with other compliance divisions as necessary.

Monitors and evaluates nationwide drug product quality through the development and maintenance, in coordination with Bureau systems design specialists, of information systems containing data about drug products and manufacturers and problems that occur with both.

Evaluates drug product quality data for trends and other uses and identifies new areas for potential FDA responsibility or action.

Directs such field actions as investigations and inspections in response to problems identified by drug quality evaluation programs; recommends, directs, or coordinates case development and compliance activities resulting from these actions.

Coordinates with other Bureau components to exchange drug quality data and advise them on drug quality evaluation programs.

2. Delete subparagraph (1-4-iv) Division of Drug Manufacturing in its entirety, and substitute a new paragraph reading as follows:

(1–4–iv) *Division of Drug Quality Compliance (HFGC).* Develops the basic strategy for and approves, directs, and monitors drug quality compliance; coordinates drug quality compliance program strategy with other compliance divisions as necessary.

Develops and coordinates Agency compliance policy for enforcement of the law with regard to drug quality assurance.

Evaluates field report submissions; recommends, directs, and/or coordinates case development and contested case assistance in the handling of compliance actions regarding drug quality assurance.

Develops, coordinates, reviews, and revises Current Good Manufacturing Practice (CGMP) regulations and other regulations concerning drug product quality and provides for their uniform interpretation.

Acts as Bureau focal point for information on compliance with CGMP for New Drug Application (NDA's), Abbreviated New Drug Applications (ANDA's), supplements, and drug certification evaluations.

Provides expertise on requirements for compliance with CGMP's including education and information activities in conjunction with other Agency units, trade associations, and academic groups to promote a better understanding of the requirements and objectives of the laws and regulations regarding CGMP and to encourage compliance on a voluntary basis.

Dated: January 12, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82–1521 Filed 1–21–82; 8:45 am]

BILLING CODE 4110–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

New Mexico & Colorado, San Juan River Regional; Coal Team Meeting

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Public Hearing and Opening of a Comment Period.

SUMMARY: The New Mexico State Office of the Bureau of Land Management advises the public that hearings will be held to receive oral and written comments in review of both the Department of Energy Regional Coal Production Goals adopted by the Department of Interior on November 18, 1981 and the preliminary regional leasing targets established by the Department of Interior on January 13, 1982. The hearings will be held in Albuquerque and Farmington, New Mexico. Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks if possible. Oral and written comments will be accepted at the public hearings. Written comments should be addressed to the New Mexico State Director at the address given below. This **Federal Register** notice is in accordance with 43 CFR 3420.3–2(f)(2).

DATE: Written comments will be accepted until close of business, February 26, 1982. Public hearings will be held in Albuquerque, New Mexico on February 23, 1982 and in Farmington, New Mexico on February 24, 1982. The hearings will start at 9:30 a.m.

ADDRESS: Written comments should be addressed to Bureau of Land Management, New Mexico State Director, P.O. Box 1449, Santa Fe, New Mexico 87501. The public hearing will be held in Albuquerque, New Mexico, at the Holiday Inn-Midtown, 2020 Menaul, NE and in Farmington, New Mexico, at the Farmington Civic Center, 212 W. Arrington.

FOR FURTHER INFORMATION CONTACT: Gene Day, San Juan River Project Manager, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988–6226.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) issued updated national and regional coal production goals on January 26, 1981. These coal production goals are intended to guide the Department of the Interior (DOI) and the Regional Coal Team (RCT) in setting a Federal leasing target for the San Juan River Federal Coal Production Region.

DOE Final Production Goals San Juan River Region

[Million tons annually]

	1985	1990	1995
Low	31.9	54.5	57.5
Medium	35.4	57.6	61.2
High	40.7	58.9	63.7

The coal production goals developed by DOE are provided at three levels of energy consumption growth rate—low, medium and high. Due to the uncertainties regarding coal consumption over the next 10–15 years, especially for electric utilities and synthetic fuels, the range in the goals is substantial.

The Federal Coal Management Regulations (43 CFR 3420.3–2(d)) require that the RCT consider the regional situation and recommend adjustments to the regional production goals as needed.

In accordance with 43 CFR 3420.3–2(d) on September 2, 1981, the San Juan River Regional Coal Team unanimously recommended that the Department of Energy Regional Coal Production Goal for 1985, 1990, and 1995 contained in the 1980 Biennial Update be adopted without modification. On November 18, 1981 the Department of the Interior adopted the Department of Energy's production goals as they pertain to the San Juan River Coal Production Region.

During the December 2, 1981 meeting, the San Juan River Regional Coal Team recommended that targets in the range of 0.8 to 1.5 billion tons are feasible based on the information available to the RCT. Garrey Carruthers, Assistant Secretary of the Interior for Land and Water Resources has considered this recommendation and has established as a preliminary leasing target 1.2 to 1.5 billion tons. This preliminary leasing target is based on the following information:

The formal expressions of interest total 1.6 billion tons after accounting for overlaps and withdrawn nominations.

A target of 500 to 700 million tons would satisfy a one-to-one relationship of leasing to production.

There are 26 preference right lease applications (PRLA's) within the region encompassing about two billion tons of reserves. A relatively small fraction of production from these PRLA's is included in the baseline used to calculate the 500–700 million ton one-to-one target. The RCT has indicated that tracts containing 800 million tons of PRLA reserves may be capable of being in production status after 1990.

The State of New Mexico has concerns over a higher leasing level.

In order to respons to the demand for reserves and to ensure competition, it is necessary to lease at a level greater than that indicated by a one-to-one relationship. Therefore, to provide for entry by possible new producers and to provide for sufficient Federal leasing to allow the market to operate efficiently, a preliminary leasing target of 1.2 to 1.5 billion tons is established.

The purpose of this notice is to call for public comment on the adoption by Department of Interior of the Deparment of Energy coal production goals for the San Juan River Coal Production Region and on the Department of Interior established preliminary leasing target of 1.2 to 1.5 billion tons of coal for the San Juan River Coal Production Region. Comments received will be provided to the Department of Interior to assist in adopting a final regional leasing target for the San Juan River Coal Production Region.

Charles W. Luscher,

State Director.

[FR Doc. 82–1566 Filed 1–21–82; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Draft General Management Plan/ Development Concept Plan for Rio Grande Wild and Scenic River; Brewster and Terrell Counties; Texas

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Draft General Management Plan/Development Concept Plan for Rio Grande Wild and Scenic River, Brewster and Terrell Counties, Texas.

An Environmental Assessment/ General Management Plan and a Draft Land Acquisition Plan for Rio Grande Wild and Scenic River were distributed and made available by publication in the **Federal Register** of February 19, 1981, and a News Release in local news media sources. Based on public review input received and on management objectives, a Finding of No Significant Impact was completed and an alternative selected. Alternative III was selected as the primary alternative which would best provide a management strategy to insure all reasonable ways of achieving the intent of Congress and the management objectives of Rio Grande Wild and Scenic River, providing for a balance of visitor opportunities and resource protection. The Finding of No Significant Impact was distributed and made available by publication in the **Federal Register** of August 18, 1981, and a News Release in local news media sources.

Copies of the Draft General Management Plan/Development Concept Plan are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

Big Bend National Park, Big Bend National Park, Texas 79834.

Anyone wishing to provide comments on the Draft General Management Plan/ Development Concept Plan should provide them to the Superintendent, Big Bend National Park, at the address provided above, by February 26, 1982.

Following public review of the Draft General Management Plan/ Development Concept Plan, the Final General Management Plan/ Development Concept Plan will be prepared and implemented.

Dated: January 15, 1982.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 82-1650 Filed 1-21-82; 8:45 am]

BILLING CODE 4310-70-M

Reservations System Nationwide; Solicitation of Proposals

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that the Department of the Interior through the Director, National Park Service is soliciting proposals for the development of a financially self sufficient reservations system by which visitors to various units of the National Park System will be able to arrange overnight accommodations of any and all types by advance reservations.

The National Park Service proposes to use either applicable clauses set forth in Part 1-7, Contract Clauses, of the Federal Procurement Regulations (41 CFR Part 1-7), or a concessions contract format for the operation of a nationwide accommodations reservations system. The type of contract awarded will be determined after evaluation of the proposals. Offerors are encouraged to submit alternate proposals incorporating FPR provisions or concession contract provisions. A number of the desired performance criteria will be identified in the Request for Proposals. The National Park Service desires that any initial system be capable of being developed within twelve (12) months and that a nationwide program be finalized within (04) years. Proposals will be due on 4 June 1982.

For information as to the requirements, parties should contact the National Park Service, Pension Building, 440 G Street, NW., Room 314, Contracting and General Services Division, Washington, D.C. 20243. Inquiries should identify RFP number 82-16.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 82-1651 Filed 1-21-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: American Western Corporation, 355 Boyce-Greeley Bldg., Sioux Falls, South Dakota 57102.

2. Wholly-owned subsidiary which will participate in the operations and address: AWC Transportation Corporation, 355 Boyce-Greeley Bldg., Sioux Falls, SD 57102.

1. Parent corporation and address of principal office: Babcock Lumber Company, 2220 Palmer St., Pittsburgh, PA 15218.

2. Wholly-owned subsidiary which will participate in the operations and State of incorporation: Forest Products Trucking, Inc., Pennsylvania.

1. My name is Vernon Bingham, and I own 45% of the outstanding common capital stock of Bingham Sand and Gravel, Inc., my wife Lucille E. Bingham owns 45% of the outstanding common capital stock of Bingham Sand and Gravel, Inc., and my son, Larry L. Bingham, owns 10% of the outstanding common capital stock of Bingham Sand and Gravel, Inc.

Further, I own 20% of the outstanding common capital stock of Bingham Transportation, Inc., my wife Lucille E. Bingham owns 20% of the outstanding common capital stock of Bingham Transportation, Inc., and my son, Larry L. Bingham, owns 60% of the outstanding common capital stock of Bingham Transportation, Inc.

2. The wholly-owned subsidiaries that will participate in the operations and their states of incorporation are as follows:

(a) Bingham Sand and Gravel, Inc., 2005 East Avenue, Baxter Springs, Kansas 66713, a Kansas Corporation.

(b) Bingham Transportation, Inc., 2005 East Avenue, Baxter Springs, Kansas 66713, a Kansas Corporation.

1. Parent Corporation and address of principal office: Borg-Warner Corporation, 200 South Michigan Avenue, Chicago, IL 60604.

2. Wholly-owned subsidiaries which will participate in the operations:

Baker Industries, 1633 Littleton Road, Parsippany, NJ 07054.

Borg-Warner Acceptance Corp., One IBM Plaza, Chicago, IL 60611.

Borg-Warner Chemicals, Inc., International Center, Parkersburg, WV 26101.

Borg-Warner Central Environmental Systems Inc., 301 Filbert Street, Elyria, OH 44036.

Borg-Warner Health Products, Inc., 2429 Schuetz Road, Maryland Heights, MO 28226.

Borg-Warner International, 200 South Michigan Avenue, Chicago, IL 60604.

Borg-Warner Investment Corporation, 200 South Michigan Avenue, Chicago, IL 60604.

Borg-Warner Central Environmental Systems Inc., 5005 Interstate Drive, No., Norman, OK 73069.

1. Parent Company, Carnation Company, 5045 Wilshire Blvd., Los

Angeles, CA 90036 (Incorporated State of Delaware).

Carnation Corp. includes operating divisions who operate under the name of Trenton Foods, Seaboard Container, Herff-Jones.

2. Carnation Company wholly-owned subsidiaries are as follows (all incorporated in the State of Delaware):

(i) Dayton Reliable Tool, Inc., 5045 Wilshire Blvd., Los Angeles, CA 90036.

(ii) McGraw Colorgraph, Inc., 5045 Wilshire Blvd., Los Angeles CA 90036.

(iii) Contadina Foods, Inc., 5045 Wilshire Blvd., Los Angeles CA 90036.

(iv) Carnaco Transport, Inc., 5045 Wilshire Blvd., Los Angeles CA 90036.

1. Parent corporation and address of principal office: Z. Ellis Roofing Co., Inc., 2201 Richland St., Kenner, LA 70062.

2. Wholly-owned subsidiaries (all incorporated in State of Louisiana): (i) Ellis Enterprises, (ii) Ellis Leasing Co., (iii) 2201 Supply, Inc.

1. Parent corporation and principal place of business: Manville Corporation, Ken-Caryl Ranch, Denver, Colorado 80217.

2. Wholly-owned subsidiaries which will participate in the operations:

(i) Manville Service Corporation, Ken-Caryl Ranch, Denver, Colorado 80217. Incorporated in State of Delaware.

(ii) Manville Forest Products Corporation, P.O. Box 488, West Monroe, Louisiana 71291. Incorporated in State of Delaware.

(iii) Manville Building Materials Corporation, Ken-Caryl Ranch, Denver, Colorado 80217. Incorporated in State of Delaware.

(iv) Manville Products Corporation, Ken-Caryl Ranch, Denver, Colorado 80217. Incorporated in State of Delaware.

(v) Johns-Manville Sales Corporation, Ken-Caryl Ranch, Denver, Colorado 80217. Incorporated in State of Delaware.

1. Parent Corporation and address of principal office: City Investing Company, 59 Maiden Lane, New York, New York 10038.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(I) Alma Plastics Company (Michigan).

(II) Hayes International Corporation (Delaware).

(III) Rheem Manufacturing Company (Delaware).

(IV) City Investing International, Inc. (Delaware).

(V) Rheem International, Inc. (Delaware).

(VI) Rafim Industries Inc. (Delaware).

(VII) Rheem Canada Limited (Canada).

(VIII) Rheem Textile Systems, Inc. (New York).

(IX) Southern California Financial Corporation (California).

(X) Southern California Savings and Loan Association (California).

(XI) The Home Group, Inc. (Delaware).

(XII) The Home Insurance Company (New Hampshire).

(XIII) City Insurance Company (New Jersey).

(XIV) Scott Wetzel Service, Inc. (Washington).

(XV) Federal Home Life Insurance Company (Indiana).

(XVI) Home Capital Services, Inc. (Delaware).

(XVII) PHF Life Insurance Company (Michigan).

(XVIII) Sterling Forest Corporation (New York).

(XIX) The Home Indemnity Company (New Hampshire).

(XX) The Home Insurance Company of Illinois (Illinois).

(XXI) The Home Insurance Company of Indiana (Indiana).

(XXII) The Home Reinsurance Company (New Hampshire).

(XXIII) Thico Plan, Inc. (Delaware).

(XXIV) Uarco Incorporated (Delaware).

(XXV) Drummond Business Forms, Limited (Canada).

(XXVI) World Color Press, Inc. (Delaware).

1. My name is John J. McQueeney, and my business address is 409 Sixth, Osawatomie, Kansas 66064.

Myself and my wife, Deborah A. McQueeney, own 100% of the stock of the subsidiaries named below as joint tenants with right of survivorship and not as tenants in common.

2. The wholly-owned subsidiaries that will participate in the operations and their states of incorporation are as follows:

(a) Kenneth R. Johnson, Inc., 409 Sixth Street, Osawatomie Kansas 66064, a Kansas Corporation.

(b) Premier Trucking Company, Inc., with business address of 409 Sixth Street, Osawatomie, Kansas 66064, a Kansas Corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1587 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–13

Decided: January 12, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 145552, (Sub-2), filed January 5, 1982. Applicant: HEDGE & HERBERG, INC., Lyon & Washington, P.O. Box 98, Big Stone City, SD 57216. Representative: Gayle E. Hedge (same address as applicant), (605) 862–8143. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Big Stone Cheese, of Big Stone City, SD.

MC 150702, filed December 29, 1981. Applicant: HERITAGE EXPRESS COMPANY, 5300 Richmond Rd., Bedford Hts., OH 44146. Representative: James E. Luther (same address as applicant), (216) 292–7000. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 153592 (Sub-2), filed January 4, 1982. Applicant: CONTAINER CARRIERS, INC., 7123 Capitol, Houston, TX 77011. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068 (713) 537–8156. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, hardware, discount, drug, variety, and department stores, between points in AL, AR, FL, GA, IL, IN, KY, KS, LA, MS, MO, NM, OK, TN, and TX.

MC 157203, filed December 29, 1981. Applicant: WILLIAM S. HUGGHINS AND KEN CHESSER d.b.a. CUSTOM SERVICES, P.O. Box 131, Highway 31 South, Georgiana, AL 36033. Representative: Calvin Poole III, P.O. Box 308, Greenville, AL 36037, (205) 382–3123. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under a continuing contract(s) with Union Camp Corporation, of Wayne, NJ.

MC 159683, filed January 5, 1982. Applicant: CLINTON R. DEAN, Route 1 Box 402, Rowlesburg, WV 26425. Representative: Clinton R. Dean, (same address as applicant), 304–454–9481. Transporting *lumber products*, between points in the U.S., under continuing contract(s) with Coastal Lumber Company, of Dailey, WV.

MC 159933, filed January 4, 1982. Applicant: CACTUS TRANSPORT, INC., P.O. Box 245, Borger, TX 79007. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *petroleum and petroleum products*, between points in TX, NM, OK, AR, CO, and KS.

MC 159943, filed January 4, 1982. Applicant: GREEN LINES TRANSPORTATION, INC., 7089 Alliance Rd., NW., Malvern, OH 44644. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting (1) *clay, concrete, glass and stone products*, between points in Carroll County, OH, on the one hand, and, on the other, points in CT, DE, IN, KY, ME, MD, MA, MI, MN, NH, NJ, NY, NC, PA, RI, TN, VT, VA, WV and WI, and (2) *metal products*, (a) between points in Ingham County, MI, on the one hand, and, on the other, points in OH, PA, IN and WV and (b) between points in OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, WY, CO and NM.

Volume No. OP3–08

Decided: January 13, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 585, filed December 31, 1981. Applicant: DOUG LAVERY, LIMITED, 12200 Shirley Lane, Alsip, IL 60658. Representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, IL 60603. As a freight forwarder of *general commodities* (except classes A and B explosives), between Chicago and Harvard, IL, on the one hand, and, on the other, Atlanta, GA, Boston, MA, Baltimore, MD, Dallas, TX, Denver, CO, Houston, TX, Los Angeles, CA, Miami, FL, Newark, NJ, New Orleans, LA, New York, NY, Oakland, CA, Philadelphia, PA, Phoenix, AZ, Portland, OR, San Francisco, CA and Seattle, WA, and points in IA, IL, IN, KY, MI, MO, OH, and WI.

MC 12874 (Sub-1), filed December 31, 1981. Applicant: TRANS-WORLD TRAVEL, INC., 1338 Old Skokie Rd., Highland Park, IL 60035. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *passengers and their baggage*, in charter operations, between points in the U.S., under continuing contract(s) with Trans-World Travel, Inc., of Highland Park, IL.

MC 50935 (Sub-40), filed January 6, 1982. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084, (313) 649–6650. Transporting *plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Letica Corporation of Rochester, MI.

MC 115654 (Sub-199), filed January 7, 1982. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 347–8862. Transporting *food and related products*, between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 119894 (Sub-25), filed January 4, 1982. Applicant: BOWARD TRUCK LINE, INC., 100 Roesier Rd., Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant), (301) 761–2580. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Southern Bonded Warehouse of Morrow, GA.

MC 125335 (Sub-126), filed January 6, 1982. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501, (402) 474–6763. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S.

MC 138505 (Sub-19), filed January 4, 1982. Applicant: METROPOLITAN CONTRACTS SERVICES, INC., 6000 S. Ulster St., Suite 206, Englewood, CO 80111. Representative: K. R. Cunningham, Jr. (same address as applicant), (303) 773–8883. Transporting *such commodities* as are dealt in by department stores, between points in the U.S., under continuing contract(s) with Sears, Roebuck & Company, of Chicago, IL.

MC 138624 (Sub-4), filed January 6, 1982. Applicant: CLIFF REED, INC., Route 1, Box 510, Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *chemicals and related products*, between points in UT on the one hand, and, on the other, points in ID, MT, ND, OR, SD and WA.

MC 141094 (Sub-10), filed January 5, 1982. Applicant: ACME TRUCKING, INC., 109A East Main St., Newark, OH 43055. Representative: John F. Duttera, Jr., 109A East Main St., Newark, OH 43055, (614) 345–3462. Transporting *clay, concrete, glass or stone products*, between points in Muskingum County, OH, on the one hand, and, on the other, points in the U.S.

MC 148265 (Sub-1), filed January 4, 1982. Applicant: L & F LEASING, INC., 3050 Gale Ave., Hubbard, OH 44425. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal products,* between Chicago and Alton, IL, Detroit, MI, Trenton and Englewood, NJ, Buffalo, NY, points in IN, OH, and PA, and those in Marysville County, MI, on the one hand, and, on the other, points in MI, IN, OH, WV, MD, DE, PA, NJ, CT, RI, MA, VA, NH, ME, IL, VA, NC, and the DC.

MC 148275 (Sub-7), filed January 6, 1982. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 149145 (Sub-4), filed January 4, 1982. Applicant: NATIONAL TRANSPORTATION SYSTEMS, INC., 1315 Directors Row, Suite 10A, Fort Wayne, IN 46808. Representative: Diane R. Knoll, P.O. Box 2298, Green Bay, WI 54306, (414) 497–5355. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 151384 (Sub-4), filed January 4, 1982. Applicant: G & J TRUCKING, INC., 415 South 11th, Fort Smith, AR 72901. Representative: Charles H. Schmidly, P.O. Box 1787, Fort Smith, AR 72902, (501) 785–2943. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contracts with (a) Colt Industries Inc., Colt Industries Operating Corporation, Central Moloney, Inc., Crucible, Inc., and Garlock, Inc., all of New York, NY, (b) Menasco, Inc., of Burbank, CA, and (c) Stemco, Inc., of Longview, TX.

MC 151585 (Sub-3), filed January 4, 1982. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk in tank vehicles), between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC.

MC 153664, filed January 5, 1982. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1445 5th Avenue North, P.O. Box 1828, Fargo, ND 58102. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108, (701) 235–3300. Transporting (1) *paper and paper products,* between points in the U.S., under continuing contract(s) with Butler Paper Company of Fargo, ND, and (2) *such commodities* as are dealt in or used by agricultural equipment, construction equipment, and lawn and leisure products dealers and manufacturers, between points in the U.S., under continuing contract(s) with International Harvester Company of Chicago, IL.

MC 153885 (Sub-3), filed January 6, 1982. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., 21 Northlake Dr., Peachtree City, GA 30269. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133–0924, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives), between points in Clayton, Cobb, DeKalb, Fayette, Fulton, and Gwinnett Counties, GA, on the one hand, and, on the other, those points in the U.S. in and west of KS, NE, ND, OK, and SD.

MC 154434, filed January 4, 1982. Applicant: JAMES H. STEVENS, d.b.a. NEVADA TIRE WAREHOUSE, 2545 Westview, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with B. F. Goodrich Co., of Akron, OH.

MC 157575 (Sub-1), filed January 4, 1982. Applicant: SANDAROSA TRUCKING, 412 W. 10th N., Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY.

MC 158955, filed January 6, 1982. Applicant: MERIT TRUCKING, INC., 1901 Yardley Rd., P.O. Box 36, Morrisville, PA 19061. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Warehouse Co., of Trenton, NJ.

MC 159744, filed January 4, 1982. Applicant: W. J. WHITE, d.b.a. W. J. WHITE TRUCKING, 133 E. Parker, Houston, TX 77076. Representative: James M. Doherty, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Gulf Forge Company of Houston, TX.

MC 159934, filed January 4, 1982. Applicant: LAMPERT TOURS, INC., 200 E. Delaware Pl., Chicago, IL 60611. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd., W., Bradenton, FL 33507, (813) 758–4153. As a *broker,* at Chicago, IL, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 159935, filed January 4, 1982. Applicant: NORMALENE TOURS, INC., 563 Prospect Ave., Bronx, NY 10455. Representative: Robert N. Swetnick, 217 Broadway, New York, NY 10007, (212) 349–2800. As a *broker* at New York, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* between points in NY, on the one hand, and, on the other, points in the U.S.

MC 159944, filed January 4, 1982. Applicant: RODNEY & DOROTHY M. WHITE, d.b.a. WHITE TRUCKING, 811 Grant, Wray, CO 80758. Representative: Rodney White (same address as applicant), (303) 332–5235. Transporting *cement,* (a) between points in Boulder and Larimer Counties, CO, on the one hand, and, on the other, points in Dundy County, NE, and (b) between points in Nuckolls County, NE, on the one hand, and, on the other, points in Yuma County, CO.

MC 159945, filed January 4, 1982. Applicant: G. C. FOX, d.b.a. G. C. FOX TRUCKING, P.O. Box 251, Columbia, TN 38401. Representative: G. C. Fox (same address as applicant), (615) 388–8190. Transporting *limestone, sand, gravel,* and *lime,* between points in Maury, Marshall, Lawrence, and Giles Counties, TN, on the one hand, and, on the other, points in Lauderdale, Limestone, Morgan, Lawrence, Madison, Colbert, and Franklin Counties, AL.

MC 159954, filed January 4, 1982. Applicant: T & T TRUCKING, INC., 11396 N. Hwy. 99, Lodi, CA 95240. Representative: Milton W. Flack, 8383 Wilshire Blvd., #900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *cullet, crushed limestone, dolomite, soda ash,* and *such commodities* as are used in the manufacture of glass and glass products and silica sand, between points in CA, OR and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, TX, UT, and WY.

MC 159965, filed January 6, 1982. Applicant: FM CUSTOM SKI TOURS, INC., 659 Blackwood-Clementon Rd., Lindenwold, NJ 08021. Representative: Barry R. Diamond, 805 King St.,

Alexandria, VA 22314, (703) 549–8010. As a *broker*, at Lindenwold, NJ, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in MD, DE, PA, and NJ, and extending to points in the U.S. (except AK and HI).

MC 159974, filed January 5, 1982. Applicant: OL WAYS TOURS, 3057 So. Higuera, #74, San Luis Obispo, CA 93401. Representative: Olive M. Vincent (same address as applicant), (705) 543–8701. As a *broker*, at San Luis Obispo, CA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in CA, and extending to points in the U.S.

MC 159984, filed January 5, 1982. Applicant: THOMAS McGUIGAN, d.b.a. TRACK LIMO, 2077 E. Atlantic St., Philadelphia, PA 19134. Representative: Herbert E. Squires, 106 S. 16th St., Philadelphia, PA 19102, (215) 561–6060. Transporting *passengers*, in special operations, limited to transportation of not more than 14 passengers (excluding the driver), in one vehicle at one time, between Philadephia, PA, on the one hand, and, on the other, East Rutherford and Atlantic City, NJ, and Stanton and Wilmington, DE.

Volume No. OP3–10

Decided: January 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 61264 (Sub-41), filed January 5, 1982. Applicant: PILOT FREIGHT CARRIERS, INC., 4103 Cherry Street, NW., P.O. Box 615, Winston-Salem, NC 27102. Representative: William F. King, Suite 304, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except household goods, commodities in bulk, hazardous waste and classes A and B explosives), (1) between points in IL, IN, MI, NH and WI, and (2) between points in IL, IN, MI, NH and WI, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, MA, MD, NJ, NY, NC, OH, PA, RI, SC, TN, VA and DC.

Note.—Applicant intends to tack this authority to its regular-route authority in MC–61264 in order to provide service to and from its regular-route points in AR, KY, MS and WV.

MC 119765 (Sub-101), filed January 8, 1982. Applicant: EIGHT WAY XPRESS, INC., P.O. Box 7356, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *such commodities* as are dealt in by furniture and appliance stores, between Omaha, NE, on the one hand, and, on the other, points in the U.S.

MC 120675 (Sub-17), filed January 7, 1982. Applicant: ACME TRUCK LINE, INC., 2855 Lapalco Blvd., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in LA, MS, OK and TX, on the one hand, and, on the other, points in AL, AR, CA, CO, CT, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MN, MS, MT, NC, ND, NE, NH, NJ, NM, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, WV and WY.

MC 141914 (Sub-105), filed January 7, 1982. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant), (918) 783–5180. Transporting *paper and plastic products*, between points in Sebastian County, AR, on the one hand, and, on the other, points in CA, OR and WA.

MC 152444 (Sub-6), filed January 7, 1982. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy #36 & 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *chemicals and related products*, between points in IL, IA, KS, MO, and NE.

MC 153005 (Sub-1), filed December 8, 1981. Applicant: MILES LANE LTD., 4822 S. Shenandoah Way, Aurora, CO 80015. Representative: Miles Lane (same address as applicant), (303) 693–2440. Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in UT, NV and CA.

MC 157744, filed January 8, 1982. Applicant: JAMES GANNON d.b.a. GANNON & SONS TRANSPORT, 95 Highland Ave., Pennsville, NJ 08070. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ganes Chemicals, Inc. of Pennsville, NJ.

MC 158234 (Sub-3), filed January 7, 1982. Applicant: PACIFIC MOTOR TRANSPORT, INC., 13120 Tilly Rd., So., Olympia, WA 98502. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. In foreign commerce only, transporting *lime*, in bulk, between Portland, OR, and ports of entry on the international boundary line between the U.S. and Canada at points in WA, on the one hand, and, on the other, points in WA and OR.

MC 141175 (Sub-8), filed October 8, 1981, and previously noticed in the **Federal Register** issue of October 23, 1981. Applicant: GARLEPIED TRANSFER, INC., 319 Butterworth St., Jefferson, LA 70181–0624. Representative: G. H. Knapp, Jr. (same address as applicant), (504) 733–2091. Transporting *bananas, pineapples, and coconuts*, between Galveston, TX and Gulfport, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Volume No. OP4–11

Decided: January 11, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3116 (Sub-2), filed January 4, 1982. Applicant: YERGES VAN LINERS, INC., 1230 Whitewater Ave., Hwy 12, Fort Atkinson, WI 53538. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with J. G. Van Holten & Son, Inc., of Waterloo, WI.

MC 61396 (Sub-396), filed January 4, 1982. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *cement*, between the facilities of Independent Cement Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 61396 (Sub-397), filed January 4, 1982. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *dry fertilizer*, between points in Calcasieu and Ascension Parishes, LA, on the one hand, and, on the other, points in Angelina County, TX.

MC 159946, filed January 4, 1982. Applicant: DARWIN D. COOK and JACK KIDD, JR. d.b.a. KIDD COOK CARRIERS, 1814 E Mead, Union Gap, WA 98903. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Seneca Foods, of Prosser, WA.

MC 159966, filed January 6, 1982. Applicant: JAMES A. RPIVE and LOUIS J. GREPPI d.b.a. P & L TRUCKING, 60 W. Barham Ave., Santa Rosa, CA 95401.

Representative: James H. Gulseth, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 986–5778. Transporting *vehicle parts, accessories and supplies,* between points in Del Norte, Humboldt, Trinity, Mendocino, Lake, Sonoma, Napa, Yolo, Sacramento, Solano, Marin, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, and San Francisco Counties, CA.

Volume No. OP4–16

Decided: January 15, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 82007 (Sub-9), filed January 8, 1982. Applicant: GREGG BUS SERVICE, INC., P.O. Box 125, Yorklyn, DE 19736. Representative: Thomas N. Willess, 1000 Sixteenth St., NW, Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in New Castle County, DE, Cecil County, MD, and Chester County, PA, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 119917 (Sub-70), filed January 5, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE, Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1785. Transporting *general commodities* (except classes A and B explosives, used household goods and commodities in bulk), between the facilities of Union Camp Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 126327 (Sub-20), filed January 8, 1982. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: John W. White Jr. (same address as applicant), (408) 727–9000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with G. D. Searle & Co., of Phoenix, AZ.

MC 128007 (Sub-172), filed January 8, 1982. Applicant: HOFER, INC. 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *metal products, machinery and construction equipment,* between points in the U.S., under continuing contract(s) with McNally Pittsburg, Inc., of Pittsburg, KS.

MC 128117 (Sub-47), filed January 7, 1982. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting *new furniture and furniture parts,* between points in Travis County, TX and Bienville Parish, LA, on the one hand, and, on the other, points in DE, IN, MD, NJ, OH, PA, WV, and DC.

MC 129537 (Sub-64), filed January 8, 1982. Applicant: REEVES TRANSPORTATION CO., Rt. 5—Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229–6165. Transporting (1) *textile mill products,* between points in Caddo County, OK, on the one hand, and, on the other, points in TX, LA, and NM, and (2) *portable toilets and accessories,* between points in Los Angeles County, CA and Tarrant County, TX, on the one hand, and, on the other, points in NV, AZ, CO, NM, KS, OK, MO, AR, LA, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, and VA.

MC 159687, filed January 6, 1982. Applicant: ROBERT PIPPERT d.b.a. PIPPERT TRUCKING, Box B, Gladbrook, IA 50635. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Union-Marshall Packing Co., of Marshalltown, IA.

MC 159987, filed January 5, 1982. Applicant: THE 7 BROTHERS INTERNATIONAL, INC., 1405 Jerome Ave., New York, NY 10452. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036, (202) 785–0024. To operate as a *broker,* to arrange for the transportation of *household goods,* between points in the U.S.

MC 159997, filed January 6, 1982. Applicant: DOUG YOUNG, d.b.a. CENTURY COACH SERVICE, 1922 Vanderbilt Circle, Huntsville, AL 35801. Representative: Doug Young (same address as applicant), (205) 534–6529. Transporting *passengers and their baggage,* in charter operations, between points in Madison County, AL, on the one hand, and, on the other, points in the U.S.

Volume No. OP5–06

Decided: January 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 148859 (Sub-3), filed December 28, 1981. Applicant: MID STATE TRADING COMPANY, P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Representative: Sander M. Bieber, Suite 800, 888 17th St., NW., Washington, DC 20006 (202) 872–8600. Transporting *industrial chemical wastes* between points in DE, MD, NJ, NY, OH, and PA.

MC 149588 (Sub-1), filed December 28, 1981. Applicant: HIEL TRUCKING, INC., R.R. #2, Prairie City, IL 61470. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Moorman Mfg. Company, of Quincy, IL.

MC 151819 (Sub-9), filed December 24, 1981. Applicant: CARGO-MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Jackson Salasky (same address as applicant), (214) 731–6185. Transporting *such commodities* as are dealt in or used by tanners, between points in the U.S.

MC 151899 (Sub-6), filed December 28, 1981. Applicant: BLACKHAWK EXPRESS, INC., 235 Hake St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle, St., Suite 350, Chicago, IL 60603 312–782–8880. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Aunt Nellie's Foods, Inc. a Division of Beatrice Foods, Inc. of Clyman, WI; Badger Liquor Company, Inc. of Fond Du Lac, WI; Birchwood Meat & Provision Company and Kenosha Beef International, Ltd. both of Kenosha, WI; Deltown Chemurgic Corporation of Belleville, WI; and Sanna, Inc., a subsidiary of Beatrice Foods, Inc. of Madison, WI.

MC 152439 (Sub-4), filed December 29, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 South Ashland, Ave., Chicago, IL 60607. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603 312–236–9375. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. under continuing contract(s) with Washington Oregon Shippers Cooperative Association, Inc., Pacific Northwest Perishable Shippers Association, and Pacific Northwest Shippers Cooperative Association, Inc. all of Seattle WA.

MC 152448, filed December 22, 1981. Applicant: M & T CARTAGE, INC., 4951 Simonton Rd., Dallas, TX 75234. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030 703–691–0900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in

bulk), between Dallas, San Antonio and Lorado, TX on the one hand, and, on the other, points in TX.

MC 155178 filed December 18, 1981. Applicant: SPECIALIZED SERVICE EXPRESS, INC., 15 Court St., Fort Smith, AR 72901. Representative: Troy R. Douglas, 400 North 6th St., Fort Smith, AR 72901. (501) 783–8080 Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in AR, OK, CO, KS, MS, MO, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 155218 (Sub-1), filed December 21, 1981. Applicant: TRANS TRUCK, INC., 7401 Bunkam Rd., Box 1100, East St. Louis, IL 62204. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 156069 (Sub-3), filed December 29, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 158289, filed December 21, 1981. Applicant: GENERAL EXPRESS, INC., 4698 Lake Mirror Place, Forest Park, GA 30050. Representative: Bill R. Davis, Suite 101–Emerson Center, 2814 New Spring Road, Atlanta, GA 30339 (404) 434–3381.Transporting (1) *varnishes and packaging materials,* between points in Cobb, Fulton, Gwinnett and Clayton Counties, GA, on the one hand, and, on the other, points in CA, WA, and OR, and (2) *alcoholic beverages,* between points in CA on the one hand, and, on the other, points in Fulton County, GA.

MC 158589 (Sub-1), filed December 21, 1981. Applicant: RAINBOW MOTOR LINES, INC., 220 River Drive, Lake Hiawatha, NJ 07034. Representative: Peter R. Scrivani (same address as applicant), (201) 334–1939. Transporting *machinery, machinery parts* and *paper,* between points in the U.S., under continuing contract(s) with Bobst Champlain, Inc., of Roseland, NJ.

MC 159808, filed December 21, 1981. Applicant: PROVISO CARTAGE CO., INC., 8000 South New England, Burbank, IL 60459. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602 (312) 782–6937. Transporting *packaging materials, plastic and plastic products,* and *paper products,* between points in IL on the one hand, and, on the other, points in WI.

MC 159838, filed December 23, 1981. Applicant: MALCOLM H. HILL, d.b.a. HILL'S MOTOR COACH TOURS, Rt. 10, Box 264, Kinston, NC 28501. Representative: Malcolm H. Hill (same address as applicant), (919) 522–0766. To operate as a *broker* at Kinston, NC, in arranging for the transportation of *passengers and their baggage* in same vehicle with passengers, between points in Lenoir, Pitt, Greene, Craven and Wayne Counties, NC, on the one hand, and, on the other, points in the U.S. (except HI).

MC 159839, filed December 23, 1981. Applicant: HARVEY BROWN, d.b.a. BROWN'S BUS COMPANY, 5504 Chandler Ave., Baltimore, MD 21207. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Springs, MD 20910 301–587–8656. Transporting *passengers and their baggage* in the same vehicle with passengers in charter operations beginning and ending at points in the Baltimore, MD commercial zone and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1598 Filed 1–21–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 221]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 19, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 44737 (Sub-2)X, filed January 6, 1982. Applicant: THE ANDREWS MOVING AND STORAGE COMPANY, 4811 Van Epps, Cleveland, OH 44131. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Lead certificate, broaden to "household goods, and furniture and fixtures" from household goods.

MC 56383 (Sub-13)X, filed November 24, 1981, previously published in the **Federal Register** of December 9, 1981, republished as follows: Applicant: KESSELL TRANSFER & STORAGE CO., INC., 2105 Wall Ave., Ogden, UT 84409. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. In addition to the territorial broadenings as published 12–9–81, applicant seeks to broaden the commodities in its lead and subs 7, 10, 11, and 12G from household goods, as defined by the Commission to "household goods, as defined, furniture and fixtures, and materials, equipment and supplies used in the manufacture, sale, and distribution of furniture and fixtures". This request previously was denied. Republication is necessary because of the Commission's decision in No. MC–8575 (Sub-No. 8)X, *Fergeson Van Lines, Inc.* (not printed) served January 12, 1982.

MC 63837 (Sub-8)X, filed December 7, 1981, and previously noticed in the **Federal Register** of December 28, 1981, republished as corrected this issue. Applicant: DIGGINS & ROSE, INC., 3 Sagamore Park Road, Hudson, NH 03051. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its lead and Sub 6, as previously published, and also broaden lead and Sub 6, from household goods to "household goods, furniture and fixtures." The purpose of this republication is to correct omissions.

MC 78075 (Sub-1)X, filed January 6, 1982. Applicant: BERMAN MOVING & STORAGE, INC., 7255 Free Avenue, Bedford, OH 44146. Representative: Earl

N. Merwin, 85 East Gay St., Columbus, OH 43215. Lead certificate: Broaden to "household goods and furniture and fixtures" from household goods.

MC 93078 (Sub-2)X, filed January 7, 1982. Applicant: FITCH TRUCKING, INC., 4242 "E" Street, Lincoln, NE 68510. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Sub 1, broaden (1) general commodities with usual exceptions to "general commodities (except Class A and B explosives)" (2) in regular route portion, (a) off-route points in NE within 20 miles of Ponca, NE to Cedar, Dixon and Dakota Counties and (b) to service at all intermediate points, (3) Allen, NE to Dixon County and (4) to radial authority.

MC 108676 (Sub-177)X, filed December 29, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: H. E. Miller, Jr., Fifth Fl., 501 Union St., Nashville, TN 37219. Lead and Subs 15, 19, 20, 21, 24, 28, 29, 34, 36, 38, 44, 46, 47, 48, 51, 54, 55, 57, 65, 66G, 68, 69, 76, 82, 88, 89 91, 94, 95, 98, 99, 100, 103, 107, 108, 109, 113, 114, 118, 119F, 120F, 123F, 126F, 127F, 131F, 132F, 141F, 142F, 143F, 144 150F, 155F, 156F, 158F, 159F, and 161F certificates: (A) Broaden from (1) Subs 34, 44, 48, 51, 55, 57, 68, 69, 82, 91, 95, 103, 107, 120, 142, 143, 155, 158, and 159, flat glass, uncreated flat glass, glass and glass products, crated flat glass, glass and glass glazing unit to "clay, concrete, glass, or stone products"; (2) Subs 15, 20, 21, 24, 28, 29, 47, 54, 65, 76, 98, 108, 114, 119, 123, 131, 141, 156, and 161, iron and steel articles, steel decking, steel containers, storage devices, signs and sign poles, iron and steel buildings, steel colbert pipe, steel sheet and guard rails, metal buildings, metal articles, tanks, fabricated steel, alloys, aluminum products, aluminum extrusions, zinc, zinc alloy, zinc products and various other metal articles to "metal products"; (3) Subs 99, 126 and 144, rock crusher equipment, electric motors, grinders, buffers, dental lathes; dust collectors and pedestals, road construction machinery, equipment parts and accessories, to "machinery"; (4) Subs 19, 94, 127 and 150, limestone products, precast and prestressed concrete products and fired clay cat litter to "clay, concrete, glass or stone products"; (5) Subs 36, 89, 109 and 118, refuse containers, refuse containers systems, and carago container systems to "containers"; (6) Subs 88 and 132, sewage disposal units, water treatment units, tertiary filters, flow splitter boxes, sewage treatment plants, and sewage lift stations to "such commodities as are dealt in by manufacturers of ecological and environmental control systems"; (7) Sub 113, racks and shelving to "building materials"; (8) Sub 38, paper and paper articles to "pulp, paper and related products"; (9) Sub 46, modular ovens to "furniture and fixtures"; (10) Sub 100, trailers and trailer chassis, trailer converter dollies, motor vehicle bodies, packer bodies, lift gate, containers, and hoist to "transportation equipment and machinery"; (11) lead, contractor's machinery and equipment and coal and coke mining machinery and equipment, mine cars and iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips to "machinery", iron and steel articles to "metal products", and marble to clay, "concrete, glass or stone products"; (12) Sub 66G, iron and steel articles to "metal products", contractor's and coal and coke mining equipment to "machinery", iron and steel conveying, dredging, dumping, and hoisting buckets, dipers, and skips and iron and steel articles that consist of signs, sign poles, and parts and accessories thereof to "metal products"; and, (13) Sub 54, trailer chassis and self propelled motor vehicles to "transportation equipment"; (B) Remove• (1) all exceptions from the general commodities authority, except classes A and B explosives), Sub 20; (2) "size or weight", and/or "mixed shipments" restriction, lead and Subs 44, 98 and 100; (3) "foreign commerce" restriction, Subs 103 and 119; (4) "immediate subsequent or prior movement by rail," restriction, Sub 20; (5) restriction prohibiting the transportation of specified commodities from and to designated points, Sub 66G (parts 1 and 2) (6) "originating at or destined to" restriction, Subs 15, 24, 36, 38, 47, 65, 76, 103, 119 and 123; and (7) facilities restriction, Subs 15, 20, 24, 28, 29, 46, 47, 48, 54, 57, 65, 66G, 88, 89, 95, 99, 108, 109, 113, 114, 118, 119, 120, 126, 132, 141, 142, 144, 150, 155, 156, 158, and 161; (C) Broaden to county-wide authority: (1) Kingsport (Sullivan County, TN), Sub 34; (2) CLinton and Laurinburg (Sampson and Scotland Counties, NC), Sub 51; (3) Cinnaminson, NJ, Floreffe, PA and Erwin, TN (Burlington County, NJ, Allegheny County, PA, and Unicoi County, TN), Sub 55; (4) Mount Holly Springs, PA, Kebert Park, PA, Crystal City, MO, and Cumberland, MD (Cumberland County, PA, Jefferson County, MO, and Allegany County, MD), Sub 57; (5) Kingsport (Sullivan County, TN), Sub 68; (6) Selma (Dallas County, AL), Sub 82; (7) Webster (Worcester County, MA) Sub 91; (8) Kingsburg (Fresno County, CA), Sub 107; (9) Fresno (Fresno County, CA), Sub 120; (10) Reedley (Fresno County, CA), Sub 142, (11) Truesdail (Warren County, MO), Sub 143; (12) Corsicano (Navarro County, TX), Sub 155; (13) Decatur (Macon County, IL), Sub 158; (14) Harriman (Roane County, TN), Sub 15; (15) Ebenezer and Clinton (Marion and Anderson Counties, TN), Sub 20; (16) Clinton (Anderson County, TN Sub 24; (17) Macedonia (Summit County, OH), Sub 28; (18) Elk Grove Village (Cook County, IL), Sub 29; (19) Girard (Trumbull County, OH), Sub 54; (20) Portland (Sumner County, TN), Sub 65; (21) Trenton (Dade County, GA), Sub 108; (22) Elizabethton (Carter County, TN), Sub 114; (23) Beaver Falls and Alleport (Beaver and Washington Counties, PA) and Canton (Stark County, OH) Sub 141; (24) Goose Creek (Berkeley County, SC) Sub 161; (25) Luttrell (Union County, TN), Sub 94; (26) Stroud (Lincoln County, OK), Sub 150; (27) Lexington (Henderson County, TN), Subs 89 and 118; (28) Danville (Montour County, PA), Sub 109; (29) Belzoni (Humphreys County, MS), Sub 88; (30) Richwood (Boone County, KY), Sub 132; (31) Springfield (Robertson County, TN), Sub 113; and (32) Athens (McMinn County, TN), Sub 100; and (D) Broaden to radial authority; all Subs, except lead and Subs 38, 66G, 126 and 144.

MC 110585 (Sub-19)X, filed January 7, 1982. Applicant: REPUBLIC VAN & STORAGE CO., INC., 9219 Hartford Avenue, Baltimore, MD 21234. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Sub 2: broaden (1) household goods to include "furniture and fixtures"; (2) to radial authority (3) delete restrictions to shipments moving to territories or possessions of the U.S.

MC 116325 (Sub-93)X, filed January 4, 1982. Applicant: JENNINGS BOND d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Subs 3, 4, 7F, 8, 10, 11, 13, 16, 19, 20, 21, 24, 25, 26, 34, 39, 41, 42, 44, 46, 47, 49, 54, 55, 56, 58, 62, 64, 65, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78F, 79F, 80F, 81F, 82F, 83F, and 90, Broaden: to radial authority; remove restrictions: Subs 7F, 8, 19, 24, 25, 39, 41, 42, 47, 64 and 71, against the transportation of commodities, because of size/weight require special equipment; Subs 44, 55, 70, 74, 75, 76, 78F, 79F, 80F, 81F and 82F, concerning commodities in bulk, in tank vehicles; Subs 21, 34, 39, 44, 56, 64, 68, 71, 74, 77, 78 and 82, against traffic originating/destined to named facilities/points; Subs 10 and 11, against "transportation of hardwood flooring . . ."; Sub 13, except handle blanks, barrel staves, sawdust, or furniture stock; Sub 68, against the transportation of pre-fabricated buildings; Broaden:

Sub 4, East St. Louis to St. Clair County, IL and Advance to Stoddard County, MO; Sub 13, "that part of Madison County, MO on and east of U.S. Highway 67" to Madison County, MO, and from "points in Wayne County, MO, on and east of U.S. Highway 67" to Wayne County, MO; (Sub 16) Olathe and points within five miles thereof to Johnson County, KS; Lawrence to Douglas County, KS; East St. Louis, IL, and Olathe, KS, facilities to Saint Clair County, IL and Johnson County, KS; Sub 20, Kansas City, Poplar Bluff, and St. Louis to Jackson, Butler, and St. Louis Counties, MO, and St. Louis, MO, Chesterfield to St. Louis County, MO; Sub 21, Burns Harbor facility to Porter County, IN; Sub 24, Fairbury and Forrest to Livingston County, IL; Sub 26, Sterling and Rock Falls to Whiteside County, IL; Sub 34, remove "(except Perryville)" from points in Perry County, MO; and remove "on and east of U.S. Highway 67" from points in Butler County, MO; Sub 39, Harriman, TN facility to Roane County, TN; Subs 41, 42 and 47, Springfield, IL to Sangamon County, IL; Sub 44, facility in Putnam County to Putnam County, IL; Sub 46, that part of Butler County, MO, east of U.S. Highway 67 to Butler County, MO; Sub 54, McLeansboro to Hamilton County, IL, and Chesterfield, MO to St. Louis County, MO; Sub 55, Wickliffe facility to Ballard County, KY; Sub 56, Belvidere facility to Boone County, IL; Sub 62, Lima to Allen County, OH; Sub 65, Rock Falls to Whiteside County, IL; Sub 68, Alexander facility to Morgan County, IL; Sub 71, Webb City and Farmington to Jasper and St. Francois Counties, MO; Sub 72, Milwaukee to Milwaukee County, WI; Peoria to Peoria County, IL, and Dubuque to Dubuque County, IA; (Sub 75, Oran and Bloomfield, MO to Scott and Stoddard Counties, MO; Sub 77F, Sterling and Rock Falls, IL to Whiteside County, IL; Sub 81F, Henry County facility to Henry County, TN; Sub 83F, Detroit, MI to Wayne County, MI and St. Paul, MN to Ramsey County, MN; and Sub 90, Mt. Pleasant facility to Titus County, TX; Broaden: Sub 3, crating, lumber, pallet bins, poles, posts, skids, squares, and wooden pallets to "lumber and wood products"; Sub 4, fertilizer and feed, in bags to "chemicals and related products"; Sub 7F from "brick, concrete blocks, prestressed and pre-cast concrete products, concrete tile, and products of concrete to "clay, concrete, glass or stone products"; Sub 8, quarry blocks, building stone, polished stone, cut stone, flagging, slabs, sills, coping, veneering, polished marble, polished articles of stone, stone blocks and products of stone" to "clay, concrete, glass, or stone products and lumber and wood products"; Sub 10, wooden poles, posts, piling, blocking, skids, squares, crating, wooden pallets, pallet bins, boxes and pallet materials and lumber and wood products to "lumber and wood products"; Sub 11, wooden poles, posts, piling, blocking, skids, squares, crating, lumber and wood products, wooden pallets, pallet bins, boxes and pallet materials to "lumber and wood products"; Sub 13, wooden crating pallets, pallet bins, boxes, pallet materials, poles, posts, piling, blocking, skids and squares, lumber and lumber products (except handle blanks, barrel staves, sawdust or furniture stock), to "poles, piling, lumber and wood products"; Sub 16, fertilizer and fertilizer compounds, dry, in bulk and in bags, damaged, defective or returned shipments of those commodities to "chemicals and related products"; Sub 19, from iron and steel articles and related steel products to "metal products"; Sub 20, posts and poles, pallets, and lumber and lumber products to "lumber and wood products"; Sub 21, from iron and steel mill products, and equipment and supplies used or useful in the production and distribution of such commodities to "iron and steel mill products and metal products"; Sub 24, from steel tubing conduit, pipe, and sheet steel to "metal products, conduit and pipe"; Sub 25, pallets, pallet dividers, pallet racks, pallet bins, pallet materials, boxes, crates, crating, lumber, skids, squares, posts, timbers, logs, and cants to "lumber and wood products"; Subs 26, 39, 44, 58, 64, 68, 71, 77, "iron and steel, iron and steel articles, fabricated iron and steel, materials, equipment and supplies used in the manufacture and processing of those commodities, to "metal products"; Sub 34, wooden pallets, pallet bins, pallet materials, blocking, skids, squares, mats, crates, and boxes to "lumber and wood products"; Subs 41 and 42, pipe and pipe fittings, couplings, connections, and accessories, except iron and steel pipe, to "metal products and pipe"; Sub 46, pallets, lumber, blockings, skids, crates and pallet bins to "lumber and wood products"; Sub 47, pipe and pipe fittings, couplings, connections, and accessories" to read "metal products and pipe"; Sub 49, wooden pallets, pallet bins, skids, mats, pallet materials, blocking, crates, and boxes to "lumber and wood products"; Sub 54, wooden skids, pallets, boxes, crating, and blocking and lumber to "lumber and wood products"; Sub 55, paper and paper products and materials and supplies used in the manufacture and processing of those commodities to "pulp, paper and related products"; Sub 56, expanded plastic insulation material to "rubber and plastic products"; Sub 62, steel highway guard rails and guard rail posts to "metal products"; Sub 65, tractor cabs and related parts and accessories to "machinery"; Sub 70, from clay and clay products to "clay, concrete, glass or stone products"; Sub 72, from malt beverages to "food and related products"; Sub 73, from "salvaged automobiles and trucks and parts thereof, crushed, to "salvaged automobiles and trucks and parts thereof"; Sub 74, laminated beams, lumber and lumber products and materials and supplies used in the production of those commodities to "laminated beams, lumber and wood products"; Sub 75, clay and clay products to "clay, concrete, glass or stone products"; Sub 78f, from clay and clay products to "clay, concrete, glass or stone products"; Sub 80F, parts (1) and (3), lumber, lumber products, poles and posts and (2) materials and supplies used in the manufacture and distribution of those commodities, to "poles, posts, lumber and wood products"; Sub 82F, part (1) foodstuffs" to "food and related products" and part (2) materials, equipment and supplies sued in the manufacture and distribution of foodstuffs to "materials, equipment and supplies used in the manufacture and distribution of those commodities"; Sub 83F, malt beverages to "food and related products"; and Sub 90, sulphur, in bags to "chemicals and related products".

MC 128529 (Sub-1)X, filed December 8, 1981, previously noticed in the **Federal Register** of January 12, 1982, republished as corrected this issue. Applicant: BUF-AIR EXPRESS, INC., 495 Aero Dr., Cheektowaga, NY 14225. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. Lead certificate: Broaden to county-wide authority: (1) Erie and Niagara Counties, NY (Greater Buffalo Airport); (2) Livingston, Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, MI (Detroit Airport); (3) Bristol, Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties, MA (Logan Airport); and (4) Allegheny, Beaver, Butler, Washington and Westmoreland Counties, PA (Pittsburgh Airport). The purpose of this republication is to correct the scope of the territorial authority sought to more closely represent that requested by applicant.

MC 143275 (Sub-2)X, filed December 28, 1981. Applicant: HILTON K. RAWLINS, P.O. Box 84, McRae, GA 31055. Representative: Richard M.

Tettelbaum, P.O. Box 720434, Atlanta, GA 30328. Sub 1 Permit. Broaden: lawn mower sub-assemblies and lawn mower parts, roto-tiller parts, and shredder-bagger machine parts, and material and supplies used in the manufacture of lawn mowers, roto-tillers and shredder-bagger machines (except in bulk), to "such commodities as are dealt in or used by manufacturers of lawn care equipment"; and to between points in the U.S. (except AK and HI) under continuing contract(s) with named shipper.

MC 149604 (Sub-2)X, filed December 31, 1981. Applicant: ACTION TRANSIT COMPANY, Rt. 21 South, P.O. Box 884, Mooresville, NC 28115. Representative: M. Diane Neal, 2230 Shepler Church Avenue SW., P.O. Box 6270, Canton, OH 44706. Lead certificate: Remove the "metal containers" and "commodities in bulk" restrictions from its authority to transport metals, metal products, machinery and machinery parts, materials, equipment and supplies used in the manufacture and distribution of the commodities above; and contractors and builders materials, equipment and supplies.

MC 153938 (Sub-7)X, filed January 4, 1982. Applicant: ENERGY EXPRESS, INC., 2125 N. Redwood St., Salt Lake City, UT 84116. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. Sub 5X: (A) Broaden to (1) "petroleum, natural gas and their products" from (a) petroleum products, except asphalt and heavy oils, (part 1), (b) petroleum and petroleum products, (parts 2, 7 and 11), (c) petroleum products, (parts 3, 14 and 16), (d) liquified petroleum chemicals, (parts 10), and (e) contaminated petroleum and contaminated petroleum products (parts 12 and 15); (2) "chemicals and related products" from (a) anhydrous ammonia, liquid ammonium nitrate solution and nitric acid, (part 4), (b) liquid hydrogen, liquid oxygen and liquid nitrogen, (part 5), (c) liquid oxygen, liquid nitrogen, liquid hydrogen, liquid argon and liquid helium, (part 6), (d) liquid petroleum chemicals (part 9), and (e) liquid ammonium nitrate solution and nitric acid, (part 13); and (3) "coal and coal products" from naptha, (part 8); (B) Remove the "in bulk, in tank vehicle" restriction, (part 8); (C) Broaden to county-wide authority; (1) (parts 1, 2 (a,c,e and g), 9, 11 and 12), Salt Lake City and Woods Cross, and points within 10 miles thereof (Salt Lake and Davis Counties, UT); (2) (part 2b), Ogden (Weber County, UT; (3) (part 2d), Boise, Twin Falls and Pocatello, and points within 5 miles of each (Ada, Twin Falls, Jerome, Bannock and Power Counties, ID); (4) (part 2f), Pocatello (Bannock County, ID); (5) (part 3), Las Vegas and points within 10 miles thereof (Clark County, NV); (6) (part 4), Geneva (Utah County, UT); (7) (part 6), Garfield and Salt Lake City (Tooele and Salt Lake Counties, UT), Boise and Pocatello (Ada and Bannock Counties, ID), and Butte and Billings (Silver Bow and Yellowstone Counties, MT); (8) (part 7), facilities at Pocatello, (Bannock County, ID); (9) (part 8), Fredonia (Coconino County, AZ) and Salt Lake City (Salt Lake County, UT); (10) (part 10), Boise, Twin Falls, Evans and Pocatello, and points within 10 miles thereof (Ada, Twin Falls, Jerome, Bannock, Power and Cassia Counties, ID); (11) (part 12), points in TX on or west of U.S. Hwy 277 (points in TX in and west of Wichita, Archer, Baylor, Knox, Haskell, Jones, Taylor, Runnels, Coke, Tom Green, Schleicher, Sutton, Edwards, Val Verde, Kinney and Maverick Counties, TX); (12) (part 13), Geneva (Utah County, UT); (13) (parts 14a and 15a), Sparks and Fallon (Washoe and Churchill Counties, NV); and (14) (parts 14b and 16), Las Vegas, Nellis Air Force Base, Indian Springs and Indian Springs Air Force Base, and points within 10 miles of each (Clark County, NV); and (D) Broaden to radial authority, (part 15b).

[FR Doc. 82-1507 Filed 1-21-82; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29813]

Rail Carriers, Cisco Cooperative Grain Company—Purchase—Illinois Central Gulf Railroad Company Between Cisco and Green Switch, IL; Intent To Purchase

On December 31, 1981, the Cisco Cooperative Grain Company (Cisco) filed a notice of its intent to request the Commission to require the sale of trackage. Cisco seeks to require the track of the Illinois Central Gulf Railroad Company (ICG) between Cisco (milepost No. 14.22) and Green Switch (milepost No. 27.63), a distance of 13.41 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

Cisco's application may be filed after March 31, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29813 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Thomas F. McFarland, Jr., and Stephen C. Herman, Belnap, McCarthy, Spencer, Sweeney & Harkaway, 20 North Wacker Drive, Chicago, IL 60606, (312) 236-0204.

For further information contact Wayne A. Michel (202) 275-7657 or Richard A. Kelly (202) 275-7564 at the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1591 Filed 1-21-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 29N)]

Rail Carrier; Conrail Abandonment Between Bedford and Napier, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Bedford and Napier in the County of Bedford, PA, a total distance of 4.5 miles effective on December 23, 1981.

The net liquidation value of this line is $63,303. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1590 Filed 1-21-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 26N)]

Rail Carriers; Conrail Abandonment Between Clarksville and New Albany, IN; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Clarksville and New Albany in the Counties of Clark and Floyd, IN, a total distance of 3.0 miles effective on December 23, 1981.

The net liquidation value of this line is $104,272. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties

otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1595 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 32N)]

Rail Carriers; Conrail Abandonment Between Hubbard and Bentley, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Hubbard and Bentley in the County of Trumbull, OH, a total distance of 3.6 miles effective on December 23, 1981.

The net liquidation value of this line is $169,305. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1593 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 28N)]

Rail Carriers; Conrail Abandonment Between Pembroke and Grassland, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Pembroke and Grassland in the County of Chester, PA, a total distance of 3.8 miles effective on December 23, 1981.

The net liquidation value of this line is $508,757. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1594 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 33N)]

Rail Carriers; Conrail Abandonment Between Sharon and Sharpsville, Pa.; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Sharon and Sharpsville in the County of Mercer, PA, a total distance of 1.3 miles effective on December 23, 1981.

The net liquidation value of this line is -0-. If, within 120 days from the date of this publication, Conrail receives a bonafide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1596 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 30N)]

Rail Carriers; Conrail Abandonment Between Sharon and Wheatland, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Sharon and Wheatland in the County of Mercer, PA, a total distance of 4.3 miles effective on December 23, 1981.

The net liquidation value of this line is $397,978. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish division of joint rates for through-routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1592 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 82)B]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment—Between Milepost 251.9 at Godfrey, IL and Milepost 256.88 in Madison County, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon a 4.98 mile line of railroad (and 1.26 miles of sidetrack) extending from railroad milepost 251.9 at Godfrey, IL, to milepost 256.88 in Madison County, IL, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard A. Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1589 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 56)]

Rail Carrier; Seaboard Coast Line Railroad Company—Abandonment—in Chesterfield County and City of Petersburg, VA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Seaboard Coast Line Railroad Company to abandon its rail line between milepost S-21.98 to milepost S-22.98, a distance of 0.98 mile, in Chesterfield County and

the City of Petersburg, VA, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard A. Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1588 Filed 1-21-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council Committees; Meetings and Agenda

The winter meetings of the Committees on Productivity-Foreign Labor and Economic Growth will be held on Wednesday, February 10, 1982, in room S4215, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Wednesday, February 10

9:30 a.m.—Committee on Productivity-Foreign Labor

1. Results of the survey of committee members response on productivity program priorities.
2. Status reports on: (a) Construction industry studies; (b) Industry productivity studies; (c) Federal Government Productivity Measurement Program; (d) Hours worked survey.
3. Other Business.

Wednesday, February 10

1:30 p.m.—Committee on Economic Growth

1. Program cuts for Fiscal Year 1982
2. Status of procurment for macro model
3. Review of work in progress: (a) Analysis of employment implications of defense buildup; (b) Analysis of machinist occupations and supply-demand prospects
4. Scheduling of other work in Office: (a) Publications; (b) Next round of projections.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 18th day of January 1982.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 82-1673 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Investigations Regarding Certifications Of Eligibility To Apply for Worker Adjustment Assistance; Breckenridge (Workers), et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 20 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 1, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 1, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 11th day of January 1982.

Marvin M. Fooks

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No	Articles produced
Breckenridge (workers)	Boston, Mass	1/4/82	12/4/82	TA-W-13,168	Sportswear—ladies'
Canal Sportswear, Inc. (ILGWU)	New York, N.Y	12/18/81	8/13/81	TA-W-13,169	Slacks—ladies'.
Courtney Garment Apparel (ILGWU)	Kansas City, Kansas	1/5/82	12/30/81	TA-W-13,170	Coats—ladies.
Crocker Technical Papers, Inc. (Paper Workers Union).	Fitchburg, Mass	12/28/81	12/15/81	TA-W-13,171	Paper, tissue—capacitor.
Holden Manufacturing Co. (workers)	Holden, Mo	1/5/82	12/16/81	TA-W-13,172	Sportswear, dresses—ladies
Keye Coat Co. (workers)	Passaic, N.J	12/29/81	12/23/81	TA-W-13,173	Coats and jackets—Jr's and childrens'
May Knitting Company (workers)	New York, N.Y	1/4/82	12/22/81	TA-W-13,174	Sweaters—childrens'

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Rice Coat & Suits Co. (ILGWU)	Kansas City, Mo	1/5/82	12/16/81	TA-W-13,175	Coats—ladies'.
Sandler of Boston, Inc. (workers)	Norwood, Ma	12/29/81	12/22/81	TA-W-13,176	Warehouse, shipping, executive office.
United Togs, Inc. (ILGWU)	Long Island City, N.Y	1/4/82	12/14/81	TA-W-13,177	Sportswear—ladies'
U.S. Steel Corp., Gary Works (workers)	Gary, Indiana	1/4/82	1/4/82	TA-W-13,178	Steel and tin.

[FR Doc. 82-1669 Filed 1-21-82; 8:45 am]

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Scranton Foods Inc. et al.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,548: Scranton Foods, Inc., Dunmore, PA

TA-W-11,699: Mighty-Mac, Inc., Gloucester, MA

Affirmative Determinations

TA-W-12,263; Powermatic Div. of Houdaille Industries, Inc., McMinnville, Tenn

A certification was issued in response to a petition received on February 6, 1981 covering all workers employed in the assembly of Logan Lathes separated on or after February 4, 1980.

With regard to all workers engaged in employment related to the production of wood and metal working tools other than workers employed in the assembly of Logan Lathes, the investigation revealed that criterion (3) has not been met.

I hereby certify that the aforementioned deteminations were issued during the period January 4–8, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 12, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1670 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-13; Exemption Application No. D-2511]

Exemption From the Prohibitions for Certain Transactions Involving the Heifetz Pension Plan Located in Wood-Ridge, New Jersey

AGENCY: Pension and Welfare Benefit Programs Office (P&WBP), Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the past sale of a U.S. Treasury Note by the Heifetz Pension Plan (the Plan) to Claire I. Heifetz, a trustee of the Plan (the Trustee).

EFFECTIVE DATE: July 28, 1978.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57163) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of

section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Futhermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of a $5,000 U.S. Treasury Note, bearing interest at 7¾%, by the Plan to the Trustee on July 26, 1978 for $4,977.60 cash, provided the amount received by the Plan was not less than the fair market value of the note at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 13th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1288 Filed 1–21–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–14; Exemption Application No. D–2512]

Exemption From the Prohibitions for Certain Transactions Involving the Heifetz Profit Sharing and Retirement Plan and the Heifetz Pension Plan Located in Wood-Ridge, New Jersey

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the past sale of a U.S. Treasury Note by the Heifetz Profit Sharing and Retirement Plan (the Profit Sharing Plan) to the Heifetz Pension Plan (the Pension Plan) on October 27, 1976. The Pension Plan and the Profit Sharing Plan had the same trustees at the time of the sale.

EFFECTIVE DATE: October 7, 1976.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57161) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for the transaction described in an application filed on behalf of the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of a exemption affect the requirement of section 401(a) of the Internal Revenue Code (the Code) that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a) and 406(b) (1) and (3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or admininstrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(b)(2) of the Act shall not apply to the past sale of a $5,000 U.S. Treasury Note, bearing interest at 7¾%, by the Profit Sharing Plan to the Pension Plan for the amount of $5,263.30, paid in cash, provided this amount was the fair market value of the note at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 13th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1287 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-16; Exemption Application Nos. D-2843 and D-2844]

Exemption From the Prohibitions for a Certain Transaction Involving Oppenheimer Funds Self-Employed Individual Retirement Plan and the Master Profit Sharing Retirement Plan for Self-Employed Individuals With the Home Savings Bank—Boston, of Edwin T. Nadeau Located in Winchester, Massachusetts

AGENCY: Pension and Welfare Benefit Programs (P&WBP) Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the loan of $26,800 by the Oppenheimer Funds Self-Employed Individual Retirement Plan (the Oppenheimer Plan) and the Master Profit Sharing Retirement Plan for Self-Employed Individuals with the Home Savings Bank—Boston (the Home Bank Plan) of Edwin T. Nadeau (Nadeau) to Mr. Nadeau and Patricia E. Nadeau, his wife and participant in the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57167) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in the application filed on behalf of Mr. Nadeau. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $26,800 by the Oppenheimer Plan and the Home Bank Plan to the Nadeaus provided the terms of the loan are not less favorable to the Plans than those obtainable in an arms-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 13th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1286 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-15; Exemption Application Nos. D-2605, D-2606, and D-2607]

Exemption From the Prohibitions for a Certain Transaction Involving the Palmetto Spinning Corporation Salaried and Clerical Employee Profit Sharing Plan, the Palmetto Spinning Corporation Hourly Employee Profit Sharing Plan, and the Palmetto Spinning Corporation Salaried and Clerical Employee Pension Plan Located in Laurens, South Carolina

AGENCY: Pension and Welfare Benefit Programs (P&WBP), Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the purchase by the Palmetto Spinning Corporation Salaried and Clerical Employee Profit Sharing Plan, the Palmetto Spinning Corporation Hourly Employee Profit Sharing Plan, and the Palmetto Spinning Corporation Salaried and Clerical Employee Pension Plan (the Plans) of a portion of a loan (the Loan) to be made to the Palmetto Spinning Corporation and its wholly-owned subsidiary, Bulkspun Mills, Inc. (collectively, the Employer) by Citizens and Southern Financial Corporation (C&S), an unrelated party.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57169) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase by the Plans of an interest in the Loan to be made to the Employer by C&S in an amount not to exceed 40% of the total assets of the Plans, provided the terms of the Loan are as favorable to the Plans as those obtainable in an arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 13th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1289 Filed 1–21–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–19; Exemption Application No. D–2700]

Exemption From the Prohibitions for Certain Transactions Involving First Federal Savings and Loan Association Located in Phoenix, Ariz.

AGENCY: Pension and Welfare Benefit Program Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits: (1) The past and proposed sale, exchange or transfer between First Federal Savings and Loan Association of Arizona (First Federal) and certain pension plans (the Plans) of pools of mortgage loans (Pools) or participation interests (Participation Interests) in the Pools, which are packaged by First Federal and the holding of such Pools or Participation Interests by the Plans. This exemption would apply solely to First Federal and the Plans; and (2) certain past and proposed transactions related to the servicing and operation of the Pools or Participation Interests by First Federal.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57158) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (2) and 407 of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for

exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed in accordance with the provisions set forth in the proposed exemption. No requests for a hearing were received by the Department, however, the Department did receive one public comment. The commentator expressed his support and approval of the proposed exemption. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transaction prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

(I) Effective January 1, 1975, the restrictions of sections 406(a) and 407 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code, shall not apply to the sale, exchange or transfer of the Pools or Participation Interests only between the Plans and First Federal and the holding of such Pools or Participation Interests by the Plans provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of First Federal who has authority to manage or control those Plan assets being invested in the Pools or Participation Interests;

B. The Plan pays no more for the Pools or Participation Interests than would be paid in an arm's length transaction with an unrelated party;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to First Federal with regard to such sale, exchange or transfer; and

D. The following record-keeping requirements are satisfied:

(1) First Federal shall maintain for the duration of any Pool or Participation Interest therein which is sold to a Plan pursuant to this exemption, records necessary to enable the persons described in paragraph (2) of this section to determine whether the conditions of this exemption have been met, except that:

(a) A prohibited transaction will not be deemed to have occurred, if, due to circumstances beyond the control of First Federal, records are lost or destroyed prior to the termination of a Plan's holding of a Pool or Participation Interest,

(b) No party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by paragraph (2) below; and

(2) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (1) of this section must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan, or any duly authorized employee or representative of such person or of the Department or the Internal Revenue Service.

(II) Effective January 1, 1975, the restrictions of section 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply to transactions in connection with the servicing and operation of the Pools or Participation Interests by First Federal provided that:

A. Such transactions are carried out in accordance with the terms contained in the Loan Agreement;

B. The Loan Agreement is made available to Plan fiduciaries before they purchase Pools or Participation Interests; and

C. The sum of all payments made to, retained by, or inuring to the benefit of First Federal as a result of the administration of the Pools and Participation Interests represents not more than adequate consideration for such sale, exchange or transfer.

(III) Effective January 1, 1975, the restrictions of sections 406(a) and 407 of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c) (1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest

(including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14) (F), (G), (H) or (I) of the Act solely because of the ownership of a Pool or Participation Interest by such Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 15th day of January 1982.

Alan D. Lebowitz

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1407 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-17; Exemption Application No. D-2546]

Exemption From the Prohibitions for Certain Transactions Involving the Mingledorff's, Inc. Profit Sharing Plan Located in Atlanta, Ga.

AGENCY: Pension and Welfare Benefits Program Office, Labor

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the leasing of real property located in Atlanta, Georgia (the Property) by the Mingledorff's, Inc. Profit Sharing Plan (the Plan) to Mingledorff's, Inc. (the Employer), and the guarantee by the Employer of the payment of the Plan's loan from the Life Insurance Company of Georgia (LICG), the proceeds of which were used to purchase the Property. The transactions were entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

EFFECTIVE DATES: This exemption is effective from January 1, 1975 to January 31, 1982.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216 (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57189) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer, the Plan and Trust Company Bank (the Trustee). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional statutory or adminmistrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the leasing by the Plan to the Employer of the Property, located at 170 Ottley Drive, NE., Atlanta, Georgia, and to the guarantee by the Employer of the payment of the Plan's loan from LICG, for the period from January 1, 1975 until January 31, 1982, provided the rental payments were not less than fair rental value, and that the Property is sold to an unrelated third party no later than January 31, 1982, for a price which is no less than its fair market value on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 15th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1408 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-18; Exemption Application No. D-2554]

Exemption From the Prohibitions for Certain Transactions Involving the Robert V. Bain, M.D., P.C., Defined Benefit Pension Plan and Trust Located in Salem, Oreg.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the contribution on December 31, 1980, by Robert V. Bain, M.D., P.C. (the Employer) to the Robert V. Bain, M.D., P.C., Defined Benefit Pension Plan and Trust (the Plan) of an option to purchase certain real property.

Since Dr. Bain is the sole shareholder and employee of the Employer and the only participant in the Plan, the Plan is not subject to Title I of the Employee Retirement Income Security Act of 1974 (the Act), including section 406, pursuant to 29 CFR 2510.3-3(c)(1). However, the Plan is subject to Title II of the Act, which includes section 4975 of the Internal Revenue Code of 1954 (the Code).

EFFECTIVE DATE: This exemption is effective on December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 11, 1981, notice was published in the **Federal Register** (46 FR 60670) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction mentioned above. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the contribution on December 31, 1980, by the Employer to the Plan of an option to purchase certain real property, provided the option was valued at its fair market value on such date.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 15th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1409 Filed 1-21-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-1)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: February 8-9, 1982, 8:30 a.m. to 5 p.m. and February 10, 1982, 8:30 a.m. to 12 noon.

ADDRESS: Student Union Building, Room 102, University of Arizona, Tucson, AZ 85721.

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Code EL-4, Washington, DC 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to be available for solar system exploration.

The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. Noel W. Hinners and is composed of four other

members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel.

The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

Type of Meeting:

Open

Agenda

February 8, 1982
8:30 a.m.—Organization and Budget of Office of Space Science and Applications
1:30 p.m.—Inner Planets Working Groups
5 p.m.—Adjourn

February 9, 1982
8:30 a.m.—Outer Planets and Small Bodies Working Groups
1:30 p.m.—Mariner Pioneer Plans and Viking Class Missions 4 p.m.—Space Operations Center
5 p.m.—Adjourn

February 10, 1982
8:30 a.m.—Discussion and Planning for Solar System Exploration Committee Report and Remaining Meetings
12:00 noon—Adjourn

Dated: January 15, 1982.

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

[FR Doc. 82-1531 Filed 1-21-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: February 3-5, 1982
Time: February 3, 7:00 p.m. to 9:30 p.m., February 4, 8:30 a.m. to 6:00 p.m.; February 5, 8:30 a.m. to 5:00 p.m.
Room: 807
Program: This meeting will review applications submitted for the Humanities Projects in Media Program, Division of Public Programs, for projects beginning after July 1, 1982.
2. Date: March 3-4, 1982
Time: 8:30 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations Program, Division of Public Programs, for projects beginning after July 1, 1982.
3. Date: March 10, 11, and 12, 1982
Time: 8:30 a.m. to 5:30 p.m. on March 10 and 11, 1982; 8:30 to 12:00 noon to March 12, 1982
Room: 807
Program: This meeting will review applications submitted for the Humanities Projects in Museums and Historical Organizations Program, Division of Public Programs, for projects beginning after July 1, 1982.

The proposed meetings are for the purpose of panel review, discussion evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (B) of section 552d of Title 5 United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McClearly, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 82-1675 Filed 1-21-82; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-358-OL]

Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Power Station, Unit No. 1); Amended Notice of Hearing

January 18, 1982.

In a Notice of Hearing of January 7, 1982, the evidentiary hearing in this matter was scheduled to reconvene January 25 through 29, February 1 through 5, and February 22 through 26, 1982.

There is no change in the schedule or location for the week of January 25 through 29. The hearing will reconvene at 1:00 p.m. in Courtroom 805 in the U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio. On subsequent days that week, the hearing will begin at 9:00 a.m. and run until approximately 5:00 p.m.

The second week of the reconvened hearing will begin on Tuesday, February 2, 1982, rather than Monday, February 1, as originally announced. The hearing will begin at 9:00 a.m. and run until approximately 5:00 p.m. each day that week. The location remains the same as the first week.

The third week of the reconvened hearing is postponed from the week of February 22 through 26, 1982, to the week of March 1 through 5, 1982, at a location to be announced subsequently.

As previously announced, these hearing sessions will be concerned with emergency planning and monitoring with respect to the application to operates the Zimmer Nuclear Power Station. The Board will entertain oral limited appearance statements from members of the public the afternoon of January 25. In the event that there are a large number of individuals who desire to make such statements, the Board will limit each statement to approximately five minutes. Written statements may be filed with the Board at any time.

Dated at Bethesda, Maryland, the 18th day of January, 1982.

It is so ordered.

For the Atomic Safety and Licensing Board.

John H. Frye, III,

Chairman, Administrative Judge.

[FR Doc. 82-1613 Filed 1-21-82; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-537]

Department of Energy et al.; Prehearing Conference

January 18, 1982.

In the matter of United States Department of Energy; Project Management Corp.; Tennessee Valley Authority (Clinch River Breeder Reactor Plant).

The Applicants filed a motion of January 11, 1982 to lift the suspension of hearings in this proceeding and to set a prehearing conference. No objections to this motion have been received.

In light of the President's statement on nuclear power issued on October 8, 1981, and the Commission's Order of December 24, 1981 establishing procedures for its decision on the Applicants' Section 50.12 request for authorization to commence site preparation activities, there is no reason for this proceeding to remain suspended. Accordingly, the Board's suspension order dated April 25, 1977 is hereby terminated.

A prehearing conference will be held on Tuesday, February 2, 1982 commencing at 9:00 a.m., local time, at the Oak Ridge School Administration Building in the Conference Seminar Room, located at New York and Newcomb Avenues, Oak Ridge, Tennessee. This prehearing conference will consider status reports on all aspects of this proceeding, as well as suggestions by the parties for a schedule to govern further activities.

Dated at Bethesda, Maryland this 18th day of January 1982.

It is so ordered.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 82-1614 Filed 1-21-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142-OL]

The Regents of the University of California (UCLA Argonaut-Type Research Reactor); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *The Regents of the University of California*, UCLA Argonaut-Type Research Reactor, Docket No. 50-142-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: John H. Frye, III. Elizabeth S. Bowers was chairman of this Board, but, because of her imminent retirement, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: John H. Frye, III, Chairman; Dr. Emmeth A. Luebke; Dr. Oscar H. Paris.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board Chairman is: Judge John H. Frye, III, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 18th day of January 1982.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-1615 Filed 1-21-82; 8:45 am]

BILLING CODE 7590-01-M

Revised Training and Experience Criteria for Nuclear Medicine Physicians

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed training and experience criteria for nuclear medicine physicians, including nuclear cardiologists.

SUMMARY: The Nuclear Regulatory Commission is publishing, for public comment, a draft revision of its training and experience criteria for physicians who request authorization to use reactor produced radioactive isotopes (byproduct material) for nuclear medicine procedures, including nuclear cardiology. This revision increases the minimum time appropriate for a physician to obtain acceptable training and experience for authorization to perform diagnostic nuclear medicine studies, including nuclear cardiology studies.

EFFECTIVE DATE: Comment period expires March 8, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on this notice to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service branch. Copies of comments received by the Commission may be examined at the Commission's Public Document room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joseph DelMedico, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, 301-427-4232. Copies of the criteria currently in use may also be obtained at this address.

SUPPLEMENTARY INFORMATION: NRC is publishing in draft form, for public comment, a proposed revision to Appendix A of Regulatory Guide 10.8. Appendix A concerns training and experience criteria for physicians who apply for authorization to use byproduct material in medical diagnosis and therapy.

By way of background, NRC's objective is to ensure that authorized physician-users have sufficient training and experience to handle safely the byproduct material used in nuclear medicine. The current criteria are stated in Appendix A of Regulatory Guide 10.8.

The proposed revision to Appendix A has been recommended by the NRC's Advisory Committee on the Medical Uses of Isotopes (ACMUI), and by various professional groups including the Federated Council of Nuclear Medicine Organizations. The ACMUI discussed this topic at public meetings held on January 18, 1980, August 18, 1980 and August 31, 1981. Information concerning these meetings is available in 44 FR 73170, 45 FR 42904 and 46 FR 32354. Copies of the meeting transcripts are available from NRC's Public Document Room.

Essentially, the revised criteria indicate that physicians who apply for authorization to use byproduct material for diagnostic nuclear medicine studies, including nuclear cardiology studies, should normally have a minimum of six months of special education, training and experience in these uses. The present criteria is three months training.

The proposed revised criteria would not affect physicians who are presently authorized to perform these studies, but would apply to physicians who seek to enter the field for the first time. At the time that the revision is published in final form, an effective date will be established to ensure that physicians who are currently enrolled in nuclear medicine training programs will not be affected and to allow the various training programs sufficient time to restructure their curricula. Written comments or suggestions from the public may address an appropriate effective date as well as the proposed revision itself.

The proposed Appendix A is printed in its entirety below:

Appendix A

Acceptable Training and Experience for Medical Uses of Byproduct Material

I. General Criteria

Any human use [1] of byproduct material must be carried out by or under the supervision of a physician.[1] This appendix outlines training and experience criteria that the Commission, with the assistance of the physician and health physics specialists of NRC's Advisory Committee on the Medical Uses of Isotopes (ACMUI), has found acceptable for physicians who wish to use byproduct material for human use. We recommend that this training and experience be obtained in a formal, accredited training program for resident physicians.

Physician training and experience can be examined on a case-by-case basis. A physician wishing to use radioactive materials but not having the training and experience described, may submit an application listing specific qualifications; and these will be reviewed by the Commission with the assistance of the ACMUI.

II. Acceptance of Medical Specialty Board Certification

Certification by the medical specialty boards listed in Table 1 will be accepted as evidence that a physician has had adequate training and experience for the corresponding procedures listed in the table.

III. Documenting Training and Experience

Supplements A and B of Form NRC 313M are used to document training and experience. Physicians who wish to qualify on the basis of board certification need only complete Items 1., 2. and 3. on Supplement A. Other applicants should submit Supplements A and B with all items completed. A separate Supplement B form should be completed and signed by each preceptor who provided training or supervised experience. The remaining sections of this appendix specify training and experience criteria for specific procedures or groups of procedures.

IV. Time Limitation on Acceptable Training and Experience

Training and experience must have been obtained within five years of the date of the application, or else the applicant must demonstrate continuing involvement in the procedures since the time of training.

[1] As defined in 10 CFR 35.3

V. Training for Routine Diagnostic Procedures (Groups I–III, Including Nuclear Cardiology Procedures)

To qualify as adequately trained to use or directly supervise the use of byproduct material listed in Groups I, II, and III in § 35.100 of 10 CFR Part 35, a physician should have the training and experience listed in Table 2.

VI. Training for Specific Diagnostic Procedures

A physician who wishes to be authorized for only one or two specific diagnostic procedures should have training in basis radioisotope handling techniques and clinical experience commensurate with the quantities and uses of byproduct material being requested. Such requests will be examined case-by-case by the Commission with the assistance of the ACMUI.

VII. Training for Therapy Procedures Involving Radiopharmaceuticals (Groups IV and V)

A. Physicians who meet the criteria for Groups I–III may qualify to perform specific therapy procedures with the following clinical experience:

1. *For Group IV*

(a) I–131 for treatment of hyperthyroidism and/or cardiac conditions: Clinical experience in the diagnosis of thyroid function and active participation in the treatment of ten patients.

(b) Soluble P–32 for treatment of polycythemia vera, leukemia, and/or bone metastases:

Active participation in the treatment of three patients with any combination of these three conditions.

(c) Colloidal P–32 for itracavitary treatment:

Active participation in the treatment of three patients.

2. *For Group V*

(a) I–131 for treatment of thyroid carcinoma: Clinical experience in diagnosis of thyroid function, personal participation in the treatment of ten patients with hyperthyroidism and/or cardiac dysfunction, and active participation in the treatment of three patients with thyroid carcinoma.

(b) Colloidal Au–198 for intracavitary treatment: Active participation in the treatment of three patients.

B. To perform *only* Groups IV and V therapy procedures, physicians who do *not* meet the criteria for Groups I–III must obtain the specific clinical experience listed in VII. A. above and, as a minimum:

Training in basic radioisotope handling techniques applicable to the use of unsealed sources for therapy procedures (80 hours), including:

1. Radiation physics and instrumentation (25 hours)

2. Radiation protection (25 hours)

3. Mathematics pertaining to the use and measurement of radioactivity (10 hours)

4. Radiation biology (20 hours)

VIII. Training for Therapy Procedures Involving Sealed Sources (Group VI)

When a physician is not board certified in one of the radiation therapy specialties listed in Table 1., his or her training will be reviewed with the assistance of the ACMUI. In addition to Supplements A and B as described in Section III. above, the applicant should submit letters of evaluation from each physician who served as preceptor. These letters of evaluation should describe the scope and extent of the applicant's training and experience and should state whether, in the opinion of the preceptor, the applicant is fully qualified to independently perform Group VI therapy procedures.

To qualify as adequately trained to use or directly supervise the use of byproduct material listed in Group VI of § 35.100, 10 CFR Part 35, a physician should have the training and experience listed in Table 3.

IX. Training for Physicians Wishing To Use SR–90 Eye Applicators Only

To qualify as adequately trained to use or supervise the use of a SR–90 eye applicator only, a physician should submit:

A. Evidence of certification by the American Board of Radiology in Radiology or Therapeutic Radiology, or

B. Evidence of:

1. Active practice in therapeutic radiology or ophthalmology, and

2. Training in basic radioisotope handling techniques (24 hours), including:

a. Radiation physics and instrumentation (6 hours)

b. Radiation protection (6 hours)

c. Mathematics pertaining to the use and measurement of radioactivity (4 hours)

d. Radiation biology (8 hours)

This information should be submitted on Supplement A of Form NRC–313M. The hours listed next to each of the four subjects are suggested minimum values and should not be interpreted as specific requirements.

3. Evidence of active participation in the treatment of five patients (to be submitted on Preceptor Statement, Form NRC 313M, Supplement B).

"Active participation" should include supervised examination of patients, collaboration and calculations concerning the dose to be administered, administration of the dose to the patient, followup and study of patient case histories.

Table 1

Acceptance of Medical Specialty Board Certification

A. The following medical specialty boards will be accepted as evidence that a physician has had adequate training and experience for the procedures listed below:

Board	Specialty	Procedures (Groups)
American Board of Nuclear Medicine.	Nuclear Medicine	I–V.
American Board of Radiology.	Diagnostic Radiology with Special Competence in Nuclear Radiology	I–III.
	Radiology	VI.
	Therapeutic Radiology	VI.
American Osteopathic Board of Radiology.	Radiation Oncology	V & VI.
British Faculty of Radiology *.	Radiology	VI.
British Royal College of Radiology *.	Radiology	VI.
Canadian Royal College of Physicians and Surgeons.	Therapeutic Radiology	VI.

B. The following Medical Specialty Boards will be accepted as evidence that a physician has had adequate training and experience for the corresponding list of procedures; however, the board examination must have been passed within five years prior to the date of the application, or else the physician must demonstrate continuing involvement in the procedures since the time of the board certification:

Board	Specialty	Procedures (Groups)
American Osteopathic Board of Radiology.	Diagnostic Radiology.	I–III.
	Radiology	I–III.

*Applicants must also submit evidence of specialization in radiotherapy.

Table 2.—Training for Routine Diagnostic Procedures (Groups I–III, Including Nuclear Cardiology Procedures)

Concurrent Training in Six Month Programs

The criteria specified below may be satisfied concurrently in a formal, integrated six month training program for resident physicians in an accredited nuclear medicine (or nuclear cardiology) curriculum. Note, however, that *all* of the requirements in Sections A., B., and C. must be fully integrated into the program. Physicians who do not receive their training in such a program should obtain the specified number of hours in each area:

A. Training in the basic radioisotope handling techniques *specifically applicable to the use of unsealed sources.* This training should consist of lectures, laboratory sessions, discussion groups, and supervised experience in a nuclear medicine laboratory in the following areas: (200 hours).

1. Radiation physics and instrumentation (100 hours).
2. Radiation protection (30 hours).
3. Mathematics pertaining to the use and measurement of radioactivity (20 hours).
4. Radiation biology (20 hours).
5. Radiopharmaceutical chemistry (30 hours).

(The hours listed next to each of the five subjects above are suggested values and should not be interpreted as specific requirements)

B. Experience handling unsealed radioactive materials under the supervision of a qualified instructor (500 hours). This experience should cover the types and quantities of byproduct material requested in the application and should include:

1. Ordering, receiving, and unpackaging radioactive materials safely, including performance of the related radiation surveys.
2. Calibration of dose calibrators and diagnostic instrumentation, and performance of operational checks on survey meters.
3. Calculation, preparation and calibration of patient doses, including radiation safety considerations.
4. Administration of doses to patients, including proper use of syringe shields.
5. Appropriate internal control procedures to prevent the misadministration of materials to patients.
6. Emergency procedures to handle and contain spilled materials safely, including related decontamination procedures.
7. Elution of Tc–99m from generator systems, assay and testing of the eluate for Mo–99 and alumina contamination, and processing the eluate with reagent kits to prepare Tc–99m labeled radiopharmaceuticals. (Required when physicians apply for Group III authorization. Group III includes generators and reagent kits.)

C. Supervised clinical training in an institutional nuclear medicine (or nuclear cardiology) program (500 hours). The clinical training should cover all appropriate types of diagnostic procedures and should include:

1. Supervised examination of patients to determine the suitability for radioisotope diagnosis and recommendation on dosage to be prescribed.
2. Selection of the proper radipharmaceutical and dosage, calculation of the related radiation dose and collaboration in the interpretation of the radioisotope test results.
3. Followup of patients when required.
4. Study and discussion with preceptor of case histories to establish the most appropriate diagnostic procedures, limitations, contraindications, etc.

Table 3.—Training for Therapy Procedures Involving Sealed Sources (Group VI)

To qualify as adequately trained to use or directly supervise the use of byproduct material listed in Group VI of § 35.100, 10 CFR Part 35, a physician should have:

A. Training in basic radioisotope handling techniques *specifically applicable to the use of sealed sources for therapy procedures,* consisting of lectures, laboratory sessions, discussion groups, and supervised experience in the following areas: (200 hours).

1. Radiation physics and instrumentation (110 hours).
2. Radiation protection (40 hours).
3. Mathematics pertaining to the use and measurement of radioactivity (25 hours).
4. Radiation biology (25 hours).

(The hours listed next to each of the four subjects above are suggested values and should not be interpreted as specific requirements)

B. Experience handling sealed radionuclide therapy sources under the supervision of a qualified instructor (500 hours). This experience should cover the types and quantities of byproduct material requested in the application and should include:

1. Ordering, receiving, and unpackaging sealed sources safely, including performance of the related radiation surveys.
2. Performance of operational checks on ion chambers and survey meters.
3. Safe handling of sealed sources during preparation, insertion and removal.
4. Quality control and emergency procedures.

C. Clinical training in Group VI procedures: Active practice in therapeutic radiology with a minimum of 3 years experience of which at least 1 year should have been in a formal training program approved by the Residency Review Committee for

Radiology of the Accreditation Council for Graduate Medical Education.

Dated at Silver Spring, MD this 11th day of January 1982.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 82-1616 Filed 1-21-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Proposed New System and Amendment of an Existing System

AGENCY: Office of Personnel Management.

ACTION: Notice; Proposed new system and amendment of an existing system.

SUMMARY: The purpose of this notice is to propose the establishment of a new Government-wide system of records for performance-related records maintained in an Employee Performance File (EPF) system, including supervisor/manager's work folders where they exist. Because the records maintained in this EPF system are now covered by the Office's General Personnel Records system, it is also necessary to amend that system notice to reflect coverage of such records under the system being proposed.

COMMENT DATE: Comments must be received on or before February 22, 1982.

ADDRESS: Send or deliver written comments to: Deputy Assistant Director for Work Force Information (ACE), Office of Personnel Management (Room 6429), 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Records Management Branch, Work Force Information Division, (202) 254-9790/9793.

SUPPLEMENTARY INFORMATION: Under the provisions of the Civil Service Reform Act of 1978, Pub. L. 95-454, as codified in Chapter 43, Subchapters I and II, title 5, U.S. Code the Office of Personnel Management is required to prescribe regulations to implement the establishment of agency performance appraisal systems. Under this authority, the Office has issued regulations at 5 CFR 293, requiring the establishment of an official Employee Performance File (EPF) system which pemits maintenance of performance-related data in several locations (including work folders maintained by supervisors/managers, i.e., rating officials) on employees. Records in the EPF system are considered companion records to, but separate from, the Official Personnel Folder (OPF). These regulations also apply to employees of instrumentalities that are not subject to the provisions of Chapter 43 of title 5, but whose OPFs are under the control of the Office. Performance-related records for those agencies are also part of this new system.

Up to this time, the Office has considered records/files maintained by agencies to implement an Office-approved performance appraisal plan as being part of the Office's Government-wide Privacy Act system of records identified as OMP/GOVT-1, General Personnel Records (45 FR 78415). Performance appraisal records of employees not subject to Chapter 43 provisions, maintained in an Office-controlled OPF, were also covered by this system of records. The Office believes that agencies, employees, and other interested parties will be better served by placing such records in this proposed new Government-wide system of records. This action facilitates accuracy in the decription of the categories of records in the folders, the identification of the purposes for which the records are maintained, and appropriately narrows the scope of the routine uses permitted of the information.

Although the Office's regulations permit agencies to opt for use of an envelope (with retention of the envelope in the OPF) in lieu of a separate file or for automated or microform versions for these records, records in such an envelope or other form are still considered to be part of this new system and may be disclosed only pursuant to routine uses promulgated in the system notice, to be identified as OPM/GOVT-2, Employee Performance File System Records. Therefore, this proposal calls for the modification of the notice for the OPM/GOVT-1 system and the establishment of the new OPM/GOVT-2 system. This action is considered subject to the provisions of the Privacy Act (5 U.S.C. 552a(o)) requiring advance notice to Congress and the Office of Management and Budget. A Report on New Systems has been filed, concurrent with this publication, with Congress and the Office of Management and Budget. No waiver of the 60 day advance notice period has been requested. The complete text of the changed sections of OPM/GOVT-1 and the entire notice for the new OPM/GOVT-2 system appear below.

Office of Personnel Management.

Donald J. Devine,

Director.

OPM gives notice of changes to the OPM/GOVT-1, General Personnel Records system and proposed a new OPM/GOVT-2, Employee Performance File System Records as follows:

OPM/GOVT-1

SYSTEM NAME:

General Personnel Records.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records may include identifying information such as name(s), date of birth, home residence, mailing address, Social Security Number, and home telephone. This system includes contents of the Official Personnel Folder as specified in Federal Personnel Manual Supplement 293-31. Records in this system are:

a. Records reflecting work experience, educational level achieved, and specialized education or training occurring outside of Federal service.

b. Records reflecting Federal service and documenting work experience and specialized education or training received while employed. Such records contain information about: past and present positions held; grades, salaries, and duty station locations; and notices of all personnel actions such as: appointments, transfers, reassignments, details, promotions, demotions, reductions in force, resignations, separations, suspensions, Office approval of disability retirement applications, retirement, and removals.

c. Records relating to enrollment or declination of enrollment in the Federal Employees Group Life Insurance Program and Federally sponsored health benefit programs, as well as forms showing designation of beneficiary.

d. Records of a medical nature including records compiled during an agency initiated fitness for duty examination or request for approval of disability retirement. Such medical records are to be retained in separate envelopes from the Official Personnel Folder (OPF) and include records of medical examinations that are to remain as a permanent record in the OPF (see "Retention and disposal" section below).

Note.—This system does not cover agency dispensary records or records of drug or alcohol abuse counseling or other such counseling records. Nor does it include performance appraisal related documents maintained in an envelope in the OPF. These latter records are considered covered by the

OPM/GOVT–2, Employee Performance File System Records.

e. Records relating to an Intergovernmental Personnel Act assignment or Federal-private sector exchange program. (Note: Some of these records may also become part of the OPM/CENTRAL–7 Intergovernmental Personnel Act Assignment Records system.)

f. Records relating to participation in an agency Federal Executive or SES Candiate Development Program. (Note: Some of these records may also become part of the OPM/CENTRAL–3 Federal Executive Development Program records or OPM/CENTRAL–13 Senior Executive Service records systems.)

g. Records relating to Government-sponsored training or participation in an agency's Upward Mobility Program or other personnel programs designed to broaden an employee's work experiences and for purposes of advancement (e.g., an administrative intern program).

h. Records contained in the Central Personnel Data File (CPDF) maintained by the Office and exact substantive representations thereof in agency manual or automated personnel information systems. These data elements include many of the above records along with handicap and minority group designator codes. A definitive list of CPDF data elements is contained in Federal Personnel Manual Supplement 292–1.

i. Records connected with the Senior Executive Service, maintained by agencies for use in making decisions affecting incumbents of these positions, e.g., relating to sabbatical leave programs, training, reassignments, and details, that are perhaps unique to the SES and which may or may not be filed in the employee's Official Personnel Folder. These records may also serve as the basis for reports submitted to OPM's Executive Personnel and Management Development Group for purposes of implementing the Office's oversight responsibilities concerning the SES.

j. Records concerning an employee's activities on behalf of the labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses. (Note: Alternatively, such records may be retained by an agency payroll office and thus subject to the agency's internal Privacy Act system for payroll records.)

k. To the extent that the records listed here are also maintained in an agency automated personnel or microform records system, those versions of the above records are considered to be covered by this system notice. Any additional copies of these records (including performance appraisal and conduct related documents maintained by first line supervisors and managers) maintained by agencies at field/administrative offices remote from where the original records exist are considered part of this system. Note: It is not the intent of the Office to limit this system of records to the OPF only. Records may be filed in other folders, located in offices other than where the OPF is located. Further, as indicated in the records location section, some of these records may be duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or supervisors work folder) and still be covered by this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347, and Executive Orders 9397, 9830, and 12107.

* * * * *

RETENTION AND DISPOSAL:

a. *Quasi-Permanent Records.* The Official Personnel Folder (OPF) is retained by the employing agency as long as the individual is employed with that agency. Medical records are kept separate from the OPF while the individual is employed by an agency. When the individual transfers to another Federal agency or to another appointing office, the OPF, with permanent medical records inserted therein in a separate envelope, is sent to the agency or office. Other medical records covered by this system, i.e., fitness for duty examinations, are considered temporary in nature. Such records, when not submitted to the Office for retention in a disability retirement file (or submitted, but the Office does not approve retirement), shall be destroyed no later than six months after closing action on the case or sooner at the discretion of the agency.

Within 90 days after the individual separates from the Federal service, the OPF is sent to the National Personnel Records Center for quasi-permanent storage. In the case of a retired employee or one who dies in service, the OPF is sent to the Records Center within 120 days.

b. *Other Records.* These records are retained for varying periods of time (from one to five years). Generally these records are maintained for a minimum of one year, or until the employee transfers or separates from Federal Service.

c. Records contained on computer processible media within the Central Personnel Data File (and in agency automated personnel records), may be retained indefinitely as a basis for longitudinal work history statistical studies.

* * * * *

OPM/GOVT–2

SYSTEM NAME:

Employee Performance File System Records.

SYSTEM LOCATION:

Records maintained in this system may be located as follows:

a. In an Employee Performance File (EPF) maintained in the agency office responsible for maintenance of the employee's Official Personnel Folder (OPF) or other agency-designated office. This includes those instances where the agency uses an envelope within the OPF in lieu of a separate EPF folder.

b. In the EPF of Senior Executive Service appointees where the agency elects to have the file maintained by the Performance Review Boards required by 5 U.S.C. 4314(c)(1), or administrative office supporting the Board.

c. In any supervisor/manager's work folder maintained in the office by the employee's immediate supervisor/manager or, where agencies have determined that records management is better served, in such folders maintained for supervisors/managers in a central administrative office.

d. In an agency's automated personnel records system.

e. In any agency's microformed EPF.

Note.—Originals or copies of records covered by this system may be located in more than one location, but if they become part of an agency internal system, e.g., administrative or negotiated grievance file, those copies then would be subject to the agency's internal Privacy Act implementation guidance insofar as they are used within the agency's system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees (including Senior Executive Service appointees). Records on former employees will generally be retained no longer than one year after the employee leaves his/her employing agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system, wherever they are maintained, may, but are not required to, include any or all of the following:

a. Annual summary performance appraisals issued under employee

(including Senior Executive Service and Merit Pay) appraisal systems and any document which indicates that the appraisal is being challenged under administrative procedures (e.g., where the employee files a grievance over the appraisal received).

b. A document (either the summary appraisal form itself or a form affixed thereto) which identifies the job elements and the standards for those elements upon which the appraisal is based.

c. Supporting documentation for employee appraisals, as required by agency appraisal systems or implementing instructions, and which may or may not actually be filed with the appraisal of record, e.g., productivity and quality control records, records of employee counseling, individual development plans, or other such records as specified in agency issuances and maintained, e.g., in a work folder by supervisors/managers at the work site.

d. Records pertaining to Senior Executive Service (SES) appraisals generated by Performance Review Boards, including statements of witnesses and transcripts of hearings.

e. Written recommendations for awards, removals, demotions, denials of within grade increases, reassignments, training, pay increases, cash bonuses, or other performance-based actions (e.g., nominations of individuals for Meritorious or Distinguished Executive) including supporting documentation.

f. Statements made (either on or appended to the performance appraisal document) by the employee (e.g., a statement of disagreement with the appraisal or recommendation), in accordance with agency performance appraisal plans and implementing instructions, regarding an appraisal given and any recommendations made based on them.

Note.—Where a recommendation by a supervisor/manager or a statement made by the employee regarding the appraisal issued (or copy thereof) becomes part of another Government-wide or internal agency file (e.g., an SF 52 filed in an OPF when the action is effected or documents or statements of disagreement placed in a grievance file), that document then becomes subject to that system's notice and appropriate Office or agency Privacy Act requirements, respectively, for the system of records covering that file.

g. Records created by Executive Resource Boards regarding performance of an individual in an executive development program.

h. Records needed to support removal for unsatisfactory performance during the supervisory or managerial probationary period, during the SES appointment probationary period, or during the employee's initial period of probation after appointment.

i. Notices of commendations (which are not considered a permanent OPF document), recommendations for training such as an Individual Development Plan, and advice and counseling records that are based on work performance.

j. Copies of supervisory appraisals used in considering employees for promotion or other position changes originated in conjunction with agency merit promotion programs when specifically authorized for retention in the EPF or work folder.

k. Performance-related material that may be maintained in the work folder to assist the supervisor/manager in accurately assessing employee performance. Such material may include transcripts of employment and training history, documentation of special licenses, certificates, or authorizations necessary in the performance of the employee's duties, employee locator information, information regarding specific employee problems, and other such records that agencies determine to be appropriate for retention in the work folder.

l. Standard Form 7B cards.

Note.—To the extent that performance records covered by this system are maintained in either an EPF, supervisor/manager work folder, or an agency's automated or microform record system, they are considered covered under this system of records.

This notice does not cover these records (or copies thereof) when they become part of a grievance file or a 5 CFR Part 432, 752, or 754 file (documents maintained in these files are covered by the OPM/GOVT–3 system of records, while grievance records are covered under an agency-specific system), or when they become part of an appeal or discrimination complaint file as such documents are considered to be part of either the system of appeal records under the control of the Merit Systems Protection Board or discrimination complaints files under the control of the Equal Employment Opportunity Commission.

Where an agency retains copies of records from this system in another system of records, not covered by this or another OPM, MSPB, or EEOC government-wide system notice, the agency is solely responsible for responding to any Privacy Act issues raised concerning those documents.

The Office has adopted a position that when supervisors/managers retain personal "supervisory" notes, i.e., information on employees over which the agency exercises no control and does not require or specifically describe in its performance appraisal system, which remain solely for the personal use of the author and are not provided to any other person, and which are retained or discarded at the author's sole discretion, such notes are not subject to the Privacy Act and are, therefore, not considered part of this system. Should an agency choose to adopt a position that such notes are subject to the Act, that agency is solely responsible for dealing with Privacy Act matters, including the requisite system notice, concerning them.

Authority for maintenance of the system:

Sections 1104, 3321, 4305, and 5405 of title 5, U.S.C. Code, and Executive Order 12107.

PURPOSE:

These records are maintained to ensure that all appropriate records relating to an employee's performance are retained and are available: (1) To agency officials having a need for the information; (2) to employees; (3) to support actions based on the records; (4) for use by the Office of Personnel Management in connection with its personnel management evaluation role in the Executive Branch; and (5) to identify individuals for personnel research. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and other functions as promulgated in 5 U.S.C. 1205, 1206, and 1209 or for such other functions as may be authorized by law.

b. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal Affirmative Action programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

c. To disclose information to the Federal Labor Relations Authority (including its General Counsel) when

requested in connection with the investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel.

d. To consider and select employees for incentive awards, quality step increases, merit pay or other pay bonuses, and other honors and to publicize those granted. This may include disclosure to public and private organizations, including news media, which grant or publicize employee awards or honors.

e. To disclose information to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 USC Chapter 71 when relevant and necessary to their duties of exclusive representation.

f. To disclose to an agency in the executive, legislative, or judicial branch, or to the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with: the hiring or retention of an employee the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purposes of the agency to the extent that the information is relevant and necessary to the decision on the matter.

g. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

h. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

i. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

j. By the National Archives and Records Service (General Service Administration) in records management inspection conducted under authority of 44 U.S.C. 2904 and 2906.

k. By the Office of Personnel Management or employing agency to locate individuals for personnel research or survey response and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

l. To disclose pertinent information to the apppropriate Federal (including offices of Inspectors General), State, or local government agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the agency maintaining the record becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

m. To disclose information to any member of an agency's Performance Review Board or other board or panel (e.g., one convened to select or review nominees for awards of merit pay increases), when the member is not an official of the employing agency; information would then be used for the purposes of approving or recommending performance awards, nominating for Meritorious and Distinguished Executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, envelopes, and on magnetic tapes, disks, microfilm, or microfiche.

RETRIEVABILITY:

Records are retrieved by the name and Social Security Number of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in file folders or envelopes, on magnetic tape, disks, or microforms and are stored in lockable desks, metal filing cabinets or in a secured room with access limited to those whose official duties require access. Additional safeguarding procedures include the use of sign-out sheets and restrictions on the number of employees able to access automated records through use of access codes and logs.

RETENTION AND DISPOSAL:

a. Summary performance appraisals (and related records as the agency prescribes) pertaining to SES appointees are retained for five years and on other employees for three years, except as shown in b. below, and are disposed of by shredding, burning, erasure of disks or in accordance with agency procedures regarding destruction of personnel records, including giving them to the data subject.

b. Appraisals of unacceptable performance and related documents, pursuant to 5 U.S.C. 4303(d), are destroyed after the employee completes one year of acceptable performance from the date of the proposed removal or reduction in grade notice. (Destruction to be no later than 30 days after the year is up).

c. When a career appointee in the Senior Executive Service accepts a Presidential appointment pursuant to 5 U.S.C. 3392(c), the employee's performance folder remains active so long as the employee remains employed under that Presidential appointment and elects to have certain provisions of title 5 relating to the Service apply.

d. When an incumbent of the Senior Executive Service transfers to another position in the Service, either with the same or a different agency, all performance documents five years old or less are transferred in the performance folder or envelope along with the individual's Official Personnel Folder.

e. Some performance-related records (e.g., documents maintained to assist rating officials in appraising performance or recommending remedial actions or to show that the employee is currently licensed or certified) may be destroyed after one year.

f. Where any of these documents are needed in connection with administrative or negotiated grievance procedures, or quasi-judicial or judicial proceedings, they may be retained as needed beyond the retention schedules identified above.

g. Generally, agencies retain records on former employees for no longer than one year after the employee leaves.

Note

Where an agency retains an automated or microform version of any of the above documents, retention of such records longer than shown is permitted (except for those records subject to 5 U.S.C. 4303(d)) is for agency use for historical or statistical analysis, but only so long as the record is not used in a determination directly affecting the individual about whom the record pertains (after the manual record has been or should have been destroyed).

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Work Force Information, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact their servicing personnel office, supervisor/manager, Performance Review Board office, or other agency-designated office maintaining their performance-related records where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Social Security Number.

c. Position occupied and unit where employed.

RECORDS ACCESS PROCEDURES:

Individuals wishing access to their records should contact the appropriate office indicated in the Notification procedure section where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Social Security Number.

c. Position occupied and unit where employed.

Individuals requesting access to records must also comply with the Office's Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records should contact the appropriate office indicated in the Notification procedure section where they are or were employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Social Security Number.

c. Position occupied and unit where employed.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations regarding verification of identity and amendment or records (5 CFR 297.201 and 297.208).

RECORDS SOURCE CATEGORIES:

Records in this system are obtained from:

a. Supervisors/Managers.

b. Performance Review Boards.

c. Executive Resource Boards.

d. Other individuals or agency officials.

e. Other agency records.

f. The individual about whom the records pertain.

[FR Doc. 82-1534 Filed 1-21-82; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences; Information on Imports During First 10 Months of 1981

AGENCY: Office of the United States Trade Representative.

This notice is for information only and has no legal effect. It is provided in order to inform the public of certain import statistics covering the period of January through October 1981. These statistics are relevant to the "competitive need" limits set forth in section 504(c) of the Trade Act of 1974 (19 U.S.C. 2464(c)), pertaining to the Generalized System of Preferences (GSP). Those limits provide, in effect, that any GSP eligible beneficiary country that exported to the United States during the most recent calendar year a quantity of any one GSP eligible article in excess of (1) a specified dollar limit adjusted annually to reflect changes in the U.S. Gross National Product, or (2) 50 percent of total U.S. imports of the article, is to be removed from GSP eligibility for such product not later than 90 days after the close of that calendar year. Based on preliminary data and subject to revision, the aforementioned dollar limit is expected to be approximately $48 million for calendar year 1981.

Section 1111 of the Trade Agreements Act of 1979 amends section 504(c)(1)(B) of the Trade Act of 1974 so that the President may disregard the 50 percent "competivive need" limit with respect to any eligible article if the value of total imports of the article during the most recent calendar year did not exceed $1 million, adjusted annually to reflect changes in the U.S. Gross National Product. This "de minimis" level is expected to be slightly over one million dollars for calenday year 1981.

An Executive Order will be issued to be effective March 31, 1982, making the adjustments that are required by section 504(c) of the Trade Act, on the basis of official data covering all of calendar year 1981. It should be emphasized that the information set forth below covers only the first 10 months of 1981. While this is not complete information, it is being published now in order to provide the maximum possible advance indication as to adjustment that may be made to meet requirements of section 504(c) of the Trade Act.

List I below shows countries which, on the basis of 10 month statistics, have exceeded competitive need limitations.

List II below shows countries which supplied 47 percent or more of total U.S. imports of specified GSP eligible articles, based on data from January–October 1981.

List III below shows countries which exceeded 50 percent of total U.S. imports of specified GSP eligible articles but where total trade was less than $1.09 million during January–October.

The column headed "TSUS" in the lists below sets forth item mumbers of the Tariff Schedules of the United States (19 U.S.C. 1202), representing categories of imported articles.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

UMI 2 8 2 2 A C 5 1 7 4 A

LIST I

GSP eligible articles for which a beneficiary country supplied--

a) 50 percent or more of U.S. imports in January-October 1981, and the total value of U.S. imports during this period exceeded $1.17 million, or

b) imports valued at $47 million or more during that period.

TSUS Item No.	Country	Percent	Value
107.48	Brazil	65	$51,254,006
107.80	Argentina	75	3,522,648
112.21	Peru	57	3,116,320 Est.
113.01	Thailand	58	1,571,491
114.04	Thailand	82	3,312,397
114.06	Republic of Korea	59	1,169,240
121.35	India	58	3,275,174
121.55	India	65	3,526,595
130.37	Argentina	61	1,132,584
135.90	Mexico	97	26,625,424
136.00	Dominican Republic	85	4,873,940
136.30	Mexico	74	6,578,554
136.80	Mexico	78	1,874,629
137.71	Mexico	91	2,753,098
137.79	Mexico	99	1,912,897
138.05	Mexico	68	10,892,035
138.35	Costa Rica	80	1,368,447
140.11	Chile	71	2,179,407
140.14	Thailand	78	4,536,634
140.21	Mexico	80	6,284,675
141.77	Mexico	59	14,236,677
146.22	Turkey	75	3,631,706
146.44	Philippines	83	3,205,757
147.98	Haiti	69	1,105,434
148.12	Mexico	89	3,130,159
148.25	Mexico	96	3,280,734 Est.
148.30	Mexico	65	5,088,913
148.72	Chile	90	2,017,477
149.50	Mexico	75	1,185,658
155.20	Argentina	10	178,281,494
	Brazil	14	245,392,704
	Colombia	4	79,587,921
	Dominican Republic	17	301,773,303
	Guatemala	4	81,505,865
	Panama	3	54,091,727
	Philippines	7	121,199,516
	Thailand	3	58,459,786
155.35	Barbados	72	3,390,781

LIST I--continued

TSUS Item No.	Country	Percent	Value
168.98	Mexico	52	$11,344,302
182.90	Panama	57	676,932
192.21	Colombia	80	58,785,469
192.85	Mexico	75	2,790,868
200.91	Honduras	67	3,434,692
202.62	Mexico	99	21,943,250
206.47	Taiwan	71	2,390,661
206.60	Mexico	69	22,388,191
206.98	Taiwan	56	30,993,467
220.20	Portugal	85	1,780,024
220.25	Portugal	77	1,848,027
220.48	Portugal	67	3,659,267
222.10	Hong Kong	64	8,499,695
240.19	Taiwan	81	1,066,339
240.21	Philippines	67	3,104,200
245.30	Brazil	75	3,481,743
256.60	Republic of Korea	56	11,134,657
256.87	Mexico	88	63,955,284
305.28	Thailand	90	1,252,108
315.80	Thailand	96	1,567,231
319.01	India	99	1,722,154
319.03	India	98	1,893,191
319.05	India	99	1,348,836
360.35	India	85	1,344,409
365.84	Philippines	57	2,928,262
386.09	Taiwan	55	10,115,630
389.61	Taiwan	46	49,780,405
407.09	Argentina	59	3,199,056
407.15	Argentina	70	2,058,329
413.20	Mexico	59	1,160,532
413.24	Republic of Korea	50	3,138,116
417.22	Mexico	99	2,702,548
418.80	Argentina	97	18,789,183
425.84	Netherlands Antilles	70	2,337,927
428.30	Brazil	82	5,604,848
428.86	Brazil	55	12,137,397
429.34	Brazil	50	2,045,165
437.60	Argentina	87	2,954,242
437.64	Brazil	61	10,696,247
473.52	Mexico	99	7,607,241
532.22	Republic of Korea	72	5,613,229
534.94	Taiwan	39	52,055,250
535.31	Mexico	51	6,418,821
603.40	Chile	85	6,629,356

LIST I--continued

LIST I--continued

LIST I--continued

TSUS Item No.	Country	Percent	Value
612.06	Chile	35	$182,477,927
	Peru	10	55,913,777
	Zambia	13	70,334,767
618.02	Ghana	21	100,318,747
618.15	Venezuela	85	43,676,846
632.02	Bolivia	77	4,472,094
642.09	Peru	52	1,641,081
642.16	Republic of Korea	58	40,380,264
646.32	Republic of Korea	58	998,188
648.97	Taiwan	52	67,817,450
650.89	Taiwan	50	650,888
651.21	Taiwan	63	3,633,047
651.33	Hong Kong	59	3,599,750
651.37	Taiwan	50	5,408,891
651.49	Taiwan	58	1,113,969
651.53	Taiwan	57	1,565,067
652.60	Taiwan	51	2,384,520
653.85	Taiwan	87	3,171,559
653.93	Taiwan	58	2,336,057
653.94	Republic of Korea	55	26,885,835
653.99	Taiwan	52	1,056,487
654.12	Taiwan	90	4,400,367
657.24	Taiwan	68	3,696,916
661.06	Hong Kong	46	175,785,332
	Taiwan	24	90,754,140
662.35	Mexico	53	2,789,543
676.52	Hong Kong	15	164,985,065
	Mexico	7	80,322,865
678.50	Republic of Korea	5	55,766,533
	Taiwan	7	80,919,473
682.35	Mexico	53	42,032,469
682.60	Mexico	18	83,419,517
683.80	Hong Kong	79	4,211,839
684.10	Taiwan	55	742,783
684.15	Singapore	98	19,517,139
684.50	Hong Kong	52	85,570,410
684.70	Taiwan	19	82,179,332
685.24	Hong Kong	25	125,171,756
	Singapore	10	51,829,274
685.29	Singapore	19	75,525,904
695.90	Mexico	17	160,468,107
686.30	Taiwan	61	10,839,740
687.30	Malaysia	50	13,023,033
688.10	Taiwan	83	45,138,611
688.12	Mexico	83	107,902,051

LIST I--continued

TSUS Item No.	Country	Percent	Value
688.15	Mexico	52	$84,197,237
690.15	Romania	88	12,649,233
692.32	Mexico	9	129,635,537
696.35	Taiwan	56	3,849,009
702.32	Mexico	76	2,196,206
702.47	Mexico	78	3,067,300
703.55	Portugal	50	730,288
706.27	Taiwan	55	9,258,493
706.40	Hong Kong	53	807,805
709.15	Israel	71	4,360,302
709.40	Hong Kong	56	3,094,939
713.15	Mexico	75	5,845,301
725.32	Taiwan	50	2,285,811
727.06	Mexico	62	30,696,623
727.12	Philippines	65	19,768,668
727.23	Taiwan	56	1,880,908
727.35	Taiwan	18	53,498,097
727.55	Taiwan	26	49,130,068
734.10	Taiwan	83	5,874,365
734.15	Taiwan	57	16,523,372
734.20	Hong Kong	26	110,008,137
	Taiwan	31	131,608,496
734.25	Hong Kong	55	1,633,126
734.51	Taiwan	79	2,902,407
734.56	Haiti	69	26,497,415
734.70	Republic of Korea	50	6,266,335
734.86	Taiwan	53	7,579,697
734.87	Taiwan	62	4,668,378
734.90	Taiwan	81	11,111,581
735.12	Taiwan	54	1,360,144
735.20	Taiwan	45	51,073,255
737.07	Hong Kong	54	14,123,388
737.15	Hong Kong	60	47,767,229
737.50	Hong Kong	68	1,241,974
737.60	Hong Kong	51	2,079,495
737.95	Hong Kong	42	107,264,854
740.30	Hong Kong	59	1,055,181
740.34	Hong Kong	85	3,623,605
741.25	Hong Kong	64	1,219,377
750.25	Hong Kong	61	3,225,452
750.35	Taiwan	66	791,989
750.50	Republic of Korea	62	965,964
751.05	Taiwan	74	27,476,385
771.45	Taiwan	58	1,086,189

UMI 2 8 2 2 A C 5 1 2 4 7

LIST I--continued

TSUS Item No.	Country	Percent	Value
772.03	Hong Kong	66	$860,649
772.35	Taiwan	85	31,852,532
772.51	Republic of Korea	6	70,420,422
774.45	Hong Kong	62	16,904,417
790.03	Taiwan	51	4,661,773
790.39	Taiwan	83	26,720,034
790.62	Taiwan	72	979,968
790.70	Republic of Korea	85	29,939,035
792.50	Philippines	65	4,405,039
792.60	Hong Kong	82	5,822,279
792.75	Hong Kong	79	1,379,935
	TOTAL		5,519,457,696

LIST II

GSP eligible articles for which a beneficiary country supplied--

a) 47 percent or more, but less than 50 percent, of U.S. imports in January-October 1981 and the total value of U.S. imports during this period exceeded $1.17 million, or

b) imports valued at $45 million or more, but less than $48.9 million, during that period.

TSUS Item No.	Country	Percent	Value
121.62	India	48	$12,021,662
137.88	Columbia	49.5	1,547,665
155.20	Honduras	2	46,317,395
	Swaziland	2	47,254,754
245.20	Brazil	49.9	15,730,414
315.25	Mexico	49.3	2,611,174
385.45	Bangladesh	49.3	607,237
407.16	Argentina	49.1	18,393,998
445.42	Taiwan	47	8,684,994
520.39	Brazil	47	34,935,915
522.21	Mexico	48	30,933,230
544.51	Hong Kong	47	17,324,404
545.53	Mexico	49.5	8,011,505
652.84	Mexico	49.6	15,359,945
654.13	Hong Kong	49.3	3,613,499
660.48	Mexico	24	47,075,194
676.20	Taiwan	17	46,154,072
682.60	Hong Kong	10	47,874,957
683.15	Mexico	48	24,952,634
684.70	Republic of Korea	11	47,685,358
687.42	Taiwan	47	2,362,039
696.10	Taiwan	43	48,141,372
700.54	Hong Kong	48	3,142,665
711.38	Mexico	47	2,614,338
722.50	Hong Kong	47	1,750,071
725.52	Hong Kong	49.3	709,058
732.52	Taiwan	47	594,589
734.34	Hong Kong	47	583,924
734.54	Taiwan	48	17,858,149
737.25	Republic of Korea	47	2,340,129
737.30	Republic of Korea	47	27,986,436
741.15	Taiwan	47	1,482,863
745.58	Hong Kong	48	1,009,749
748.55	Taiwan	48	5,860,473
755.25	Hong Kong	48	9,677,959
772.95	Hong Kong	48	8,522,371
	TOTAL		611,726,191

LIST III

GSP eligible articles for which a beneficiary country supplied 47

LIST III--continued

LIST III

GSP eligible articles for which a beneficiary country supplied 47 percent or more of U.S. imports in January-October 1981 and the total value of U.S. imports during this period did not exceed $1.17 million--

TSUS Item No.	Country	Percent	Country Value	Total value of item
107.45	Haiti	49	$262,411	$529,643
121.52	India	89	257,697	288,247
130.32	Brazil	70	716,100	1,013,003
130.40	Guatemala	75	11,440	15,236
135.51	Mexico	96	659,159	683,390
135.80	Nicaragua	99	265,797	266,104
136.95	Guatemala	80	39,050	48,709
137.02	Dominican Republic	96	843,512	870,737
137.40	Mexico	80	544,855	674,307
137.75	Costa Rica	94	998,752	1,053,922
140.35	Turkey	66	215,361	321,438
141.35	Turkey	64	197,280	307,601
145.53	Turkey	84	492,926	582,431
146.42	Ecuador	91	929,280	1,010,685
147.85	Brazil	74	269,535	363,518
148.19	Nicaragua	61	14,388	23,436
148.35	Guatemala	83	92,223	110,010
148.77	Republic of Korea	49	4,950	9,973
152.00	Ecuador	100	300	300
152.43	Dominican Republic	92	230,915	250,480
154.40	Taiwan	64	264,002	408,132
154.43	Taiwan	49	3,964	8,090
161.53	India	84	9,852	11,708
161.69	Mexico	85	55,970	65,820
161.96	Yugoslavia	85	48,338	56,310
168.13	Trinidad	99	607,086	607,487
168.36	Peru	78	936	1,188
168.37	Peru	100	5,869	5,869
168.39	Argentina	100	24,050	24,050
168.42	Yugoslavia	60	23,038	38,184
168.54	Yugoslavia	58	81,562	140,469
168.59	Yugoslavia	47	48,500	102,370
169.39	Brazil	74	629,085	842,748
169.46	Mexico	66	719,281	1,089,619
170.13	Honduras	85	288,455 Est.	336,022 Est.
176.15	Ecuador	99	475,260	477,504
177.12	Portugal	98	54,825	55,737
177.69	Mexico	56	92,089	163,698
182.10	Mexico	61	1,010	1,650
184.65	Taiwan	59	139,636	236,596
206.45	Haiti	100	14,352	14,352
220.10	Portugal	97	634,211	649,800

LIST III--continued

TSUS Item No.	Country	Percent	Country Value	Total value of item
220.15	Portugal	89	$162,304	$180,884
220.35	Portugal	100	31,003	31,003
220.37	Portugal	100	14,374	14,374
220.41	Portugal	100	17,280	17,280
222.36	Taiwan	47	82,103	173,582
240.10	Brazil	93	118,471	126,706
240.12	Brazil	92	64,596	69,929
245.10	Romania	68	61,269	88,832
245.45	Costa Rica	80	43,678	54,472
304.40	Thailand	81	14,138	17,454
304.44	Brazil	96	66,342	69,100
304.58	Kenya	53	354	667
305.20	Thailand	55	242,441	439,108
305.30	Bangladesh	65	155,216	235,294
306.52	Bolivia	100	52,001	52,001
306.71	Turkey	56	215,563	383,141
306.72	Argentina	100	444,596	444,596
308.30	Brazil	93	65,873	70,575
315.30	Portugal	59	74,168	123,812
315.85	Thailand	86	57,680	66,806
315.90	Thailand	97	109,434	112,225
316.50	Taiwan	100	1,214	1,214
319.07	India	84	151,164	178,087
335.50	India	87	338,354	386,515
339.10	Mexico	47	170,638	362,751
347.30	India	79	488,885	618,165
347.72	India	54	565	1,036
356.25	Israel	74	776,025	1,043,547
360.36	Bangladesh	99	82,987	83,362
360.77	Portugal	53	3,380	6,298
364.18	Portugal	50	109,855	218,945
370.17	Portugal	48	91,258	188,445
402.12	Brazil	71	826,967	1,150,026
406.20	Israel	91	361,301	396,181
406.96	Republic of Korea	75	821,071	1,090,359
410.60	Venezuela	100	316	316
412.76	Israel	72	321,065	444,338
412.80	Mexico	61	480,486	778,662
413.36	Romania	93	75,431	81,016
417.38	Mexico	48	17,315	35,656
417.54	Bolivia	91	205,566	225,476
418.24	India	95	342,516	358,923
419.00	Peru	100	180,085	180,085
419.54	Mexico	52	139,260	265,863
420.02	Israel	83	63,481	76,322
420.24	Israel	64	200,122	308,708

UMI 2 8 2 2 A C 5 1 7 4 7

LIST III--continued

TSUS Item No.	Country	Percent	Country Value	Total value of item
421.90	Hong Kong	68	$41,771	$61,278
422.20	Mexico	57	26,474	45,812
422.74	Mexico	99	244,800	245,215
422.76	Mexico	86	903,213	1,045,133
425.00	Taiwan	98	70,950	71,757
425.02	Thailand	100	6,098	6,098
425.12	Brazil	54	452,503	837,469
426.98	Chile	98	54,003	54,591
427.25	Mexico	86	484,023	560,826
428.58	Brazil	95	555,500	580,269
437.13	India	67	20,733	30,818
437.16	India	100	384,904	384,904
437.50	Hong Kong	65	4,516	6,944
446.10	Malaysia	92	782,662	848,656
450.10	Honduras	57	25,679	44,383
455.16	Brazil	64	6,717	10,433
455.46	Brazil	83	203,070	242,578
461.15	Bermuda	58	67,035	114,951
473.32	Brazil	82	66,262	79,877
473.36	Cyprus	100	40,150	40,150
473.38	Cyprus	57	92,113	160,826
473.48	Cyprus	100	7,536	7,536
473.56	Mexico	93	697,966	743,215
473.82	Republic of Korea	96	530,877	548,997
474.02	Hong Kong	56	2,210	3,902
490.30	Taiwan	96	13,730	14,275
494.04	Mexico	90	33,056	36,589
511.31	Mexico	91	857,790	939,139
511.51	Mexico	100	1,725	1,725
513.51	Peru	49	325,468	662,701
514.54	Mexico	62	102,247	162,950
514.57	Portugal	100	265	265
516.71	India	84	662,973	787,094
516.73	India	100	21,290	21,290
516.74	India	80	186,899	232,316
516.76	India	47	315,679	659,015
516.94	India	77	288,489	372,592
518.41	Mexico	84	321,623	382,768
533.11	Taiwan	52	202,119	383,680
533.15	Taiwan	56	414,217	730,116
534.74	Taiwan	67	14,749	21,724
545.37	Taiwan	87	14,999	17,156
545.65	Mexico	71	781,106	1,087,374
545.85	Taiwan	77	722,507	927,119
546.23	Taiwan	59	24,469	40,793
547.41	Hong Kong	48	43,097	89,648

LIST III--continued

TSUS Item No.	Country	Percent	Country Value	Total value of item
605.05	Mexico	100	$577	$577
610.71	Israel	100	43,853	43,853
612.02	Chile	91	363,606	399,006
612.15	Mexico	66	264,150	397,188
612.30	Yugoslavia	90	165,721	183,294
612.50	Taiwan	59	14,523	24,496
622.20	Bolivia	48	36,731	75,708
622.40	Brazil	92	135,700	146,451
624.02	Peru	85	278,076	324,499
624.42	Mexico	91	131,611	143,141
624.54	Taiwan	100	25,552	25,552
626.42	Mexico	55	304,377	550,272
628.15	Taiwan	59	10,440	17,602
628.50	Peru	52	60,043	114,642
632.60	Bolivia	83	423,189	505,488
642.45	Mexico	47	198,458	416,501
644.08	Taiwan	100	3,589	3,589
646.04	Taiwan	77	4,827	6,260
646.82	Taiwan	47	69,944	146,039
646.86	Hong Kong	51	148,116	287,430
646.88	Taiwan	88	2,401	2,719
646.98	Mexico	96	897,339	930,715
648.57	Taiwan	54	125,151	230,305
648.80	Republic of Korea	49	97,507	196,318
649.75	Pakistan	50	24,796	49,204
650.47	Taiwan	81	204,578	250,273
650.79	Taiwan	84	75,000	88,852
650.83	Hong Kong	100	3,721	3,721
650.87	Hong Kong	83	54,675	65,414
651.01	India	58	15,400	26,401
651.15	Taiwan	57	121,288	209,149
651.30	Hong Kong	47	67,095	140,849
651.45	Taiwan	71	34,614	48,743
653.47	Taiwan	63	633,551	996,705
653.70	Hong Kong	72	29,283	40,365
660.80	Taiwan	50	442,685	872,934
672.10	Hong Kong	79	735,912	929,682
676.23	Hong Kong	59	94,493	158,869
694.63	Mexico	64	110,052	171,657
702.08	Mexico	68	27,747	40,305
702.20	Republic of Korea	56	194,647	346,770
702.28	Taiwan	77	271,456	351,525
702.35	Indonesia	72	161,305	222,231
702.45	Brazil	77	44,751	57,746
703.40	Taiwan	80	24,150	29,857
703.65	Mexico	92	528,417	571,040

LIST III--continued

LIST III--continued

TSUS Item No.	Country	Percent	Country Value	Total value of item
703.80	Mexico	53	$163,400	$306,173
704.95	Taiwan	64	225,005	349,790
705.30	Philippines	48	43,862	91,209
705.82	Brazil	47	421,841	885,849
706.25	Taiwan	51	143,112	279,160
706.31	Republic of Korea	47	140,791	298,406
706.50	Hong Kong	62	147,802	235,510
708.41	Hong Kong	56	2,520	4,456
709.07	Hong Kong	61	54,333	87,867
710.67	India	85	35,249	41,175
711.30	Taiwan	63	252,687	398,625
711.45	Taiwan	53	24,766	46,041
711.77	Mexico	47	394,248	836,548
713.07	Israel	94	33,742	35,659
713.17	Taiwan	75	731,817	972,608
713.19	Mexico	82	215,448	260,566
725.20	India	59	45,229	75,394
728.20	Portugal	63	37,035	58,083
730.29	Philippines	71	510,484	718,061
730.91	Mexico	52	595,260	1,136,305
731.10	Taiwan	66	615,313	923,113
734.30	Hong Kong	70	298,762	423,961
734.40	Taiwan	60	653,619	1,088,927
734.60	Taiwan	62	58,844	94,087
734.72	Taiwan	47	424,855	889,939
734.85	Republic of Korea	76	732,299	953,591
735.11	Taiwan	81	174,661	213,265
741.20	Hong Kong	100	145,584	145,584
748.12	Haiti	90	76,298	84,433
748.15	Taiwan	62	288,529	463,604
750.05	Hong Kong	63	198,079	314,259
751.15	Taiwan	95	24,396	25,563
751.20	Taiwan	74	390,065	526,330
755.30	Malta	75	348,082	464,010
756.23	India	57	46,662	81,307
756.30	Turkey	51	37,088	71,801
756.40	Hong Kong	50	10,196	20,387
760.34	Mexico	66	14,089	21,053
760.38	Mexico	73	145,700	197,813
771.05	Portugal	72	11,316	15,615
773.20	Hong Kong	57	2,694	4,674
790.07	Hong Kong	82	7,663	9,251
791.17	Haiti	97	44,444	45,698
791.20	Mexico	54	52,321	96,282
791.80	Republic of Korea	67	675,569	1,005,066
	TOTAL		48,130,611	65,500,692

[FR Doc. 82-1830 Filed 1-21-82; 8:45 am]
BILLING CODE 3190-01-C

SECURITIES AND EXCHANGE COMMISSION

Senior Executive Service Performance Review Board; List of Members; Schedule of Bonus Awards

AGENCY: Securities and Exchange Commission.

ACTION: Listing of personnel service as members of this agency's senior executive service performance review board and announcement of schedule for awarding bonuses.

SUMMARY: Pub. L. 95–454 dated October 13, 1978 (Civil Service Reform Act of 1978) requries that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). This notice announces the PRB membership and the schedule for awarding SES bonuses in the Commission. The Securities and Exchange Commission has established a Performance Review Board consisting of:

1. George Kundahl, Executive Director, PRB Chairman
2. Edward Greene, General Counsel
3. Daniel Goelzer, Executive Assistant to the Chairman
4. Donald Malawsky, Administrator, New York Regional Office (alternate)
5. Lee B. Spencer, Director, Division of Corporation Finance (alternate)

The Securities and Exchange Commission plans to award bonuses to Senior Executive Service members on or about January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Kellermann, Office of the Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washingon, D.C. 20549 (202–272–2706).

George A. Fitzsimmons,

Secretary.

January 18, 1982.

[FR Doc. 82–1608 Filed 1–21–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12162; 812–5000]

Bancomer, S.A.; Application

January 15, 1982.

In the matter of Bancomer, S.A., c/o Jonathan M. Weld, Esq., Shearman & Sterling, Citicorp Center, 153 East 53rd Street, New York, New York 10022 (812–5000).

Notice is hereby given that Bancomer, S.A. ("Applicant"), filed an application on October 23, 1981, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it offers a broad range of banking and financial services to the general public in its capacity as a "full-service bank." Applicant further states that it was first incorporated as a private banking institution in 1932 under the name Banco de Comercio, S.A. Applicant's principal office is at Bancomer Center, Av. Universidad 1200 Mexico City, Mexico 12 D.F. Applicant states that it assumed its present name in November, 1977 following a corporate restructuring involving the merger of 37 subsidiaries, consisting of 35 commercial banks, a mortgage bank and a financial company. Applicant represents that it is the largest private bank in Mexico and the largest commercial bank in Latin America.

Applicant states that it has 672 branches, wholly-owned subsidiaries and other equity investments in Mexico and that it has agencies in Los Angeles and New York. Applicant further states it has branches in London and in the Cayman Islands and representative offices in Madrid, Sao Paulo, Buenos Aires and Tokyo. In addition, Applicant states it is in the process of acquiring a majority of the outstanding shares of the Grossmont Bank of San Diego County, California. According to the application, Applicant had outstanding as of July 31, 1981, 525,000,000 shares and that Mr. Manuel Espinosa Yglesias, Chairman of the Board and President of Applicant, and members of his family held approximately 34% of the outstanding shares of Applicant as of the above date.

Applicant represents that it is subject to extensive supervision and regulation by Mexican banking authorities. Specifically, Applicant states it is subject to regulation by the Mexican Ministry of Finance and Public Credit, the Mexican National Banking and Insurance Commission and the Mexican National Securities Commission. Applicant states that there are legal requirements prescribing minimum paid-in capital, characteristics of the Board of Directors, rules relating to shareholders' meetings and net worth and liabilities ratios. In addition, Applicant states there are specific regulations governing (i) the manner in which funds may be invested; (ii) the issuance and characteristics of bank securities; and (iii) interest rates. Applicant further represents that because it maintains agencies in the United States, it is subject to United States regulation pursuant to the Bank Holding Company Act of 1956 and the International Banking Act of 1978. Applicant states that its pending acquisition of Grossmont Bank will require prior approval of the Federal Reserve Board and will subject it to the full scope of the Bank Holding Company Act of 1956.

Applicant proposes to issue and sell commercial paper, ("Notes") in bearer form, denominated in United States dollars and issued in minimum denominations of $100,000. They will rank *pari passu* among themselves and equally with all other unsecured indebtedness, including deposits (except in the case of the bankruptcy of Bancomer, savings deposits in an amount not to exceed 15,000 Mexican pesos per depositor) and superior to the rights of shareholders of Applicant. Applicant states that the Notes will not be payable on demand or include any provision for extension, renewal or automatic "roll-over" at the option of either the holders thereof or Bancomer. Applicant states that it believes that the aggregate principal amount of Notes to be outstanding at any time will not exceed $250 million.

Applicant states that the characteristics of the Notes, the manner of offering, and the use of the proceeds of the Notes to finance current transactions will qualify the Notes for the exemption from registration under the Securities Act of 1933 ("1933 Act") provided by Section 3(a)(3) of the 1933 Act. Applicant will not issue and sell the Notes until it has received an opinion of its legal counsel in the United States to the effect that the proposed offering is entitled to the exemption provided by Section 3(a)(3) of the 1933 Act. Applicant does not request review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of Notes, and any future issue of debt securities in the United States will have received, prior to issuance, one of the three highest investment grades from at least one nationally recognized statistical rating organization and that its United States counsel will have certified that such rating has been received.

Applicant undertakes to ensure that the Notes will be sold through one or more commercial paper dealers to traditional types of commercial paper purchasers, and will not be advertised or otherwise offered to the general public. Applicant also undertakes to

ensure that each dealer in the Notes will provide each offeree of the Notes, prior to any sale of Notes to such offeree, with a memorandum that describes the business of Applicant and that contains the most recent publicly available fiscal year-end balance sheet and income statement of Applicant, which have been audited in such manner as is customarily done for Applicant by its auditors. Such memorandum will be updated periodically to reflect material changes in Applicant's business and financial condition. The memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States. Such memorandum will describe the material differences between the accounting principles applied by Applicant in the preparation of the financial statements and generally accepted accouting principles applicable to similar financial institutions in the United States. Applicant consents to any order granting the relief requested pursuant to Section 6(c) of the Act being expressly conditioned upon Applicant's compliance with all undertakings regarding disclosure documents.

The application states that Applicant will appoint a bank in the United States as its authorized agent to issue the Notes from time to time and to accept any service of process in any action based on the Notes and instituted in any state or federal court by the holder of any Note. Applicant consents to the jurisdiction of any state or federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the Notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. Applicant states that the authorized agent will not be a trustee for the holders of the Notes or otherwise obligated to act for them. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any future offer of debt securities that it may make in the United States.

Applicant states that in the future it might offer other securities for sale in the United States and that any such offering will be made in compliance with all applicable federal securities statutes and regulations promulgated thereunder. In connection with any such offering, Applicant undertakes to insure that any offeree will be provided, prior to any sale, with disclosure documents at least as comprehensive in their description of Applicant and its business and financial condition as the dealer's memorandum referred to above. In no event will such disclosure be less comprehensive than is customary for United States offerings of similar debt securities. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, or any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states it is applying to the Commission because of uncertainty whether or not it would be defined as an "investment company" under the Act.

Applicant contends that approval of its application is both necessary and appropriate in the public interest. According to Applicant, if it were deemed an "investment company" and its application denied, it would be precluded from publicly offering securities in the United States and, thus, denied access to a major financing source. Applicant asserts that the public interest would be served since the ability of it to offer securities in the United States would contribute to the stability of the international financial market.

Applicant further asserts that the requested exemption would be consistent with the protection of investors. Applicant states that the extensive regulation by the Government of Mexico affords substantial protection to investors. In addition, Applicant is regulated, to a lesser extent, by the California Superintendent of Banks, the New York State Banking Department and the Federal Reserve Board. In addition, Applicant states that certain anti-fraud provisions of the federal securities laws will apply to the offering of any debt security by it. Finally, Applicant contends that it is different from the type of institution that Congress intended the Act to regulate.

Notice is further given that any interested person may, not later than February 9, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such reuqest, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1602 Filed 1–21–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12159; 812–4903]

Security Benefit Life Insurance Co., et al.; Application

January 12, 1982.

In the matter of Security Benefit Life Insurance Company, SBL Variable Annuity Account IV, and SBL Planning, Inc., 700 Harrison Avenue, Topeka, Kansas 66636 (812–4903).

Notice is hereby given that Security Benefit Life Insurance Company ("SBL"), SBL Variable Annuity Account IV

("Account IV"), and SBL Planning, Inc. ("Planning") (together, "Applicants"), filed an application on June 22, 1981, and amendments thereto on September 14, 1981, October 21, 1981, December 30, 1981 and January 11, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2), 27(c)(1), 27(c)(2), and 27(d) of the Act, and Rule 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. SBL is a mutual life insurance company organized under the laws of Kansas. Account IV, a segregated account of SBL which is registered under the Act as a unit investment trust, was established to act as a funding entity for individual and group variable annuity contracts ("Contracts") to be issued by SBL in connection with certain tax qualified pension, profit sharing and other retirement plans. SBL is the depositor of Account IV, and Planning, the distributor and principal underwriter of the Contracts. All interested persons are referred to the application, as amended, on file with the Commission, for a statement of the representations made therein which are summarized below.

The Contracts include single stipulated payment Contracts with annuity payments commencing immediately and flexible installment stipulated payment Contracts with annuity payments commencing at a future date. At the time purchase payments are received, SBL deducts any applicable premium tax and, in the case of single payment immediate Contracts, an administrative fee of $100. The net amount will be allocated to one or more of three series of Account IV, each of which will be invested in series of SBL Fund, Inc., a registered open-end diversified investment company of the series type ("Fund") or to the purchase of a guaranteed annuity, as designated by the contractowner. There is a minimum allocation to any one series within Account IV of $25. A contractowner may change such allocation instructions; however, an allocation fee of $10 will be imposed for each change made in excess of one per contract year. A contractowner will also be permitted to transfer his account within Account IV to other series within Account IV or to SBL's guaranteed account. Not more than one transfer will be permitted in a 30-day period (except that a contractowner will have the right to make a final transfer within 30 days prior to the contract maturity date). The first transfer in each contract year and the final transfer are made without charge. Each additional transfer is assessed a $10 transfer fee. SBL may suspend the right of transfer. The Contracts will be offered without the imposition of a sales charge deduction at the time of sale. However, the Contracts contain a provision which imposes a contingent deferred sales charge in the event there is a partial or complete redemption during the first ten years of the Contract. The contingent deferred sales charge is imposed as follows: The adjusted withdrawal amount is determined as the requested withdrawal amount less any free withdrawal right; the unassessed payments is determined as the sum of stipulated payments which have not had a contingent deferred sales charge assessed against them; if (a) the adjusted withdrawal amount is equal to or greater than the unassessed payments, the contingent deferred sales charge is equal to the unassessed payments times the applicable following tabular withdrawal percentage on the withdrawal date; if (b) the adjusted withdrawal amount is less than the unassessed payments, the contingent deferred sales charge is equal to the adjusted withdrawal amount times the applicable following tabular withdrawal percentage on the withdrawal date.

Contract year of withdrawal	Tabular withdrawal percent
1	9
2	9
3	8
4	7
5	6
6	[illegible]
7	[illegible]
8	3
9	[illegible]
10	1
11 and after	0

The contractowner receives one free withdrawal per contract year for each individual Contract and each participant's individual account after the first contract year, which is equal to 8% of the account value at the date of the first withdrawal in that year. Any portion of the free withdrawal right which is not applied to the first withdrawal in the contract year is forfeited. The contingent deferred sales charge will not be deducted (a) from the value of the Contract paid as a death benefit, (b) against annuity payments under annuity options that have life contingency payments, (c) against early annuitization, or (d) against transfers of account values to one or more series within Account IV or to the guaranteed account. Applicants state that the contingent deferred sales charge will not exceed 9% of payments made by the contractowners.

Single payment deferred and installment payment Contracts are subject to an annual administrative fee of $30 per contract year which is deducted from the contract value at the end of each year and a pro rata portion of that fee at the time of full withdrawal. Single payment immediate Contracts provide for a $100 administrative fee as noted above. Under the Contracts, SBL has assumed the risks that actual expenses incurred by SBL in connection with the Contracts may exceed the expense charges provided for in the Contracts and that persons receiving annuity payments may live longer than expected. SBL also assumes the risk that the death benefit paid in the event a contractowner dies prior to the maturity of his Contract will exceed the account value. In exchange for assuming these risk, the Contracts provide for a deduction of an actuarial risk fee assessed daily and deducted at calendar year end. The actuarial risk fee is allocated to the contract-owner's variable series and guaranteed account based upon their respective values. The fee is deducted from the contractowner's account upon (a) annuitization of variable account funds, (b) each total withdrawal of a variable account, (c) each calendar year end and (d) transfer from one variable account to another variable account or the guaranteed account. The actuarial risk fee is as follows:

Where asset value is		Actuarial Risk Fee (percent)	Risk components [illegible]		
At least	But less than		Mortality (percent)	Benefits (percent)	Expense (percent)
	$20,000	1.10	.5	.1	.4
$20,000	$50,000	.95	.5	.1	.25
$50,000 or more		.85	.6	1	.15

Applicants state that to the extent SBL realizes a gain from actuarial risk fees, such gain will inure to the benefit of SBL's general account and will be used by SBL to pay its general costs and expenses. Applicants further state that sales expenses actually incurred by SBL may not be covered by the contingent deferred sales charges. If not so covered, then such sales expenses will be paid from the general funds of SBL. Applicants acknowledge, therefore, that the actuarial risk fee might be used indirectly for sales and distribution expenses.

The annual administrative fee, transfer fee and allocation fee will be

deducted from that portion of the contractowner's account value sequentially, from account value represented by Series C first, next from Series B, next from Series A, and finally from the value allocated to the guaranteed annuity. SBL also deducts premium taxes where applicable.

Approval Under Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of (a) shall be applicable to any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

As described above, the purchaser of a Contract will have the right to exchange that part of the value of his Contract which represents an interest in shares of one series of the Fund for an interest in shares of either of the other Fund series at net asset value or for SBL's obligation to provide the contractowner with guaranteed annuity benefits. A transfer fee of $10 may be imposed and the actuarial risk fee that has accrued daily against the contractowner's account will be charged at the time a transfer is made. In order to avoid any question, Applicants request that the Commisson issue a Section 11 order—to the extent one is deemed necessary—in order that a contractowner may exchange all or part of his contract value allocated to shares of one or more series of the Fund for shares of one or more other series of the Fund or a guaranteed annuity without any deductions being made, other than the transfer and actuarial risk fees described above, if applicable.

Relief for Contingent Deferred Sales Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. On the grounds stated in the application, Applicants request an exemption from Section 2(a)(35) to permit the transactions described therein.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to avoid any question regarding complete compliance with the act, Applicants request an exemption from Section 22(c) and Rule 22c–1, to the extent deemed necessary or appropriate to permit the transactions described in the application.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor or underwriter for such an issuer are prohibited from selling any such certificates unless the proceeds of all payments, other than the sales load, on the Certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the contingent deferred sales charge as described above.

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security. On the grounds stated in the application, Applicants request an exemption from Section 27(c)(1), to the extent deemed necessary, to permit the imposition of contingent deferred sales charge.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Applicants request an exemption from Sections 2(a)(32) and 27(d), to the extent deemed necessary, to permit imposition of the contingent deferred sales charge.

Relief for Performance of Custodial Functions

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust and places certain restrictions on charges which may be made against the trust income and corpus. Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act in order that SBL may act as custodian of the assets of Account IV performing the functions normally performed by a custodian; that the share certificates of the Fund may be issued under an open account arrangement without the use of stock certificates; and that the property and assets of Account IV while segregated do not have to be held in trust.

Relief for Payment of Contract Fees and Charges

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian. Section 26(a)(2)(D)

provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. As pertinent here, Section 26(a)(2)(C), provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation of performing bookkeeping and other administrative services normally performed by the custodian.

SBL requests that the Commission enter an order exempting SBL from the provisions of Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit the deductions of (1) the annual administrative fee on installment contracts, (2) the $100 administrative fee on single payment contracts, (3) the fee for providing mortality, death benefit and expense risk undertakings, (4) the allocation and transfer fees, and (5) depending on the requirements of the particular state, either (a) to permit the deduction from purchase payments when made and payment of applicable annuity premium taxes to such state by SBL or (b) to permit the deduction of such taxes by SBL from the account value and the payment of such taxes to such state at the time when an annuity is effected. Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions; (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of VAA IV shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Relief for Annual Administrative Fee and Actuarial Risk Fee Deductions

As noted above, the annual administrative fee and actuarial risk fee may be deducted at the time of a complete withdrawal. Thus, the contractowner may be deemed not to have received his proportionate share of the net asset value of his account. In order to expedite the transactions contemplated in connection with Account IV, Applicants request that the Commission enter an order exempting Applicants, to the extent necessary, from Sections 2(a)(32), 22(c), 27(c)(1), and 27(d) and Rule 22c–1 to permit the charging of the annual administrative fee and actuarial risk fee upon complete withdrawal of a contract in the matter described.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of person, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is Further given that any interested person may, no later than February 5, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issue, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following February 5, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1603 Filed 1–21–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18414; File No. SR–BSE–81–14]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc.; Relating To Usuage Charge on ITS Trades

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1981, the Boston Stock Exchange filed with the Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

To impose a usage charge of $.005 per share on all trades executed through ITS in market centers other than Boston, effective for the period January 4, 1982 through December 31, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) On December 23, 1981, the Board of Governors of the Exchange voted to impose a usage charge of $.005 per share on all trades executed through ITS in market centers other than Boston. This

charge was necessitated by the costs associated with the ITS System which includes lines, hardware and financing of ITS transactions. The charge, while temporary in nature would assist the Exchange to cover a portion of the expenses associated with the system.

(b) The basis under the Act for the proposed rule change is Section 6(b)(4) permitting the rules of an Exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed charge is not expected to create a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change received from Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing Rule change will become effective January 4, 1982 pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such Rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 12, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 12, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1604 Filed 1-21-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18426; File No. SR-MCC-81-9]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp. Relating to 1981 Rebate Program

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 18, 1981, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the memorandum to MCC Participants dated November 2, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the memorandum to MCC Participants dated November 2, 1981, is to reaffirm MCC's policy adopted in 1980 to rebate to participants revenues in excess of those needed to maintain the financial integrity of the Corporation. The rebate program, however, will be affected this year by an unusual and significant event which served to highlight potential risk to the clearing corporations and ultimately their participants, even when their systems perform as designed.

The MCC Board of Directors thoroughly reviewed the circumstances which caused exposure and a sizable financial loss to the Corporation and determined that MCC will cover this specific loss by a charge to the 1981 operating results. The alternative was to cover the loss out of the Participants Fund pursuant to MCC Rules. The decision by the Board, although consistent with that of other clearing corporations in the recent past, should not be considered a precedent and does not eliminate the possibility in similar situations that participants would be assessed amounts pro rata to their individual contribution to the Participants' Fund at the time of the loss such that the loss would be fully covered.

The impact of this action will be to reduce the amount of the rebate that would have been made to the Participants this year. It will also require some future revenues to be used to rebuild retained earnings to prudent levels.

The stated policy is consistent with Section 17A of the Act in that it is concerned with the safeguarding of funds related to securities transactions and is necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 12, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 18, 1982.

George A. Fitzsimmons

Secretary.

[FR Doc. 82-1005 Filed 1-21-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18425; File No. SR-OCC-82-1]

Self-Regulatory Organizations; Proposed Rule Change By Options Clearing Corp. Relating To Increase In Minimum Required Contribution to Debt Securities Clearing Fund

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 7, 1982, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would increase the required minimum contribution to OCC's Debt Securities Clearing Fund from $10,000 to $100,000 (or such greater amount as OCC's Board of Directors may from time to time prescribe by resolution applicable to all Debt Securities Clearing Members). The proposed rule change would also make various drafting changes of a non-substantive nature in Article VIII, Section 2 of OCC's By-Laws and in Rule 1001.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to increase the required minimum contribution to OCC's Debt Securities Clearing Fund to a level that more closely reflects anticipated dollar premium levels for debt securities options.

Excluding initial contributions, which are fixed by the Board of Directors, a Clearing Member's required contribution to the Debt Securities Clearing Fund is determined by a formula prescribed in OCC Rule 1001. Under that formula, a Debt Securities Clearing Member is required to contribute the greater of $10,000 or the Clearing Member's proportionate share of a fund equal to 7% of the average daily value of the open interest in debt securities options over the three preceding months.

As a practical matter, open interest in debt securities options is expected to be relatively low during the first few months of trading. Accordingly, once the initial contributions prescribed by OCC's Board of Directors expire, it seems likely that the required contributions of many Debt Securities Clearing Members will drop to the minimum, or to levels not greatly in excess of that amount.

OCC believes that the present minimum contribution of $10,000 is seriously inadequate in the context of debt securities options. One of the functions of a Clearing Member's Clearing Fund deposit is to provide the funds necessary to pay the premiums on uncleared opening purchase transactions if the Clearing Member is suspended. In the case of stock options, where the average premium per contract is approximately $400, a $10,000 minimum deposit would cover the average premiums for 25 uncleared contracts. However, because of the substantially higher value of a single unit of trading for debt securities options, OCC estimates that the average premium per contract for the latter will be in the neighborhood of $4,500. If that estimate is even approximately accurate, a minimum Debt Securities Clearing Fund contribution of $10,000 would at best cover the average premiums for two or three uncleared contracts.

The proposed rule change is intended to increase the required minimum contribution to the Debt Securities Clearing Fund to a level that bears roughly the same relationship to anticipated average premiums for debt securities options as the minimum contribution to the Stock Clearing Fund bears to average premiums for stock options. In addition, because of the possibility that OCC's assumptions may prove to be inaccurate in the light of actual experience with debt securities options trading, the proposed rule change would authorize OCC's Board of Directors to increase the required minimum contribution to a level above $100,000 if it considered such action to be necessary.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the "Act") because it promotes the protection of investors and the public interest by strengthening OCC's system of safeguards in the context of debt securities options.

(B) Burden on Competition

OCC does not believe that the proposed rule change will have a significant adverse effect on competition. Any increase in Clearing Fund requirements imposes an additional burden on Clearing Members, insofar as it requires the commitment of liquid assets that might otherwise be employed elsewhere. However, unless and until an assessment is made against the Clearing Fund, the committed assets can still be counted as capital for the purposes of applicable net capital rules. Accordingly, increased Clearing Fund requirements do not impair a Clearing Member's capital position, which tends

to be the most critical determinant of its ability to compete.

Moreover, unlike requirements imposed by other self-regulatory organizations, requirements imposed by clearing agencies do not affect a firm's ability to engage in the securities business generally. They bear only on a firm's ability to engage in a narrow segment of that business—the clearing of transactions. Here, the proposed rule change applies even more narrowly. It applies only to those firms that may wish to clear transactions in debt securities options.

As a practical matter, OCC's Board of Directors has already received and approved applications by 48 Clearing Members to clear debt securities options transactions, notwithstanding the $100,000 initial contribution requirement to the Debt Securities Clearing Fund. This constitutes almost one-third of OCC's entire membership. OCC knows of no Clearing Member that would be unable to meet a $100,000 contribution requirement.

To the extent that the proposed rule change may be considered to impose an incidental burden on competition, OCC believes that the burden is necessary and appropriate in the interest of maintaining the integrity of OCC's system of safeguards, and for the protection of investors and the public interest.

(C) Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 12, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 18, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1606 Filed 1-21-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18381; File No. SR-SCCP-81-5]

Filing of Proposed Rule Change by Stock Clearing Corporation of Philadelphia

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 3, 1981, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would permit SCCP participants to use irrevocable letters of credit, issued by banks or trust companies approved by SCCP, for non-cash contributions to the participants' fund and for mark to market obligations. The proposal is intended to afford SCCP participants greater flexibility on meeting these obligations. The proposal includes standards by which banks and trust companies will be approved by SCCP, policies to be used in limiting the use of letters of credit, and a sample letter of credit. In its filing SCCP states that the proposal is based on Section 17A(b)(3)(F) of Securities Exchange Act of 1934, which provides that a clearing agency shall not be registered unless, among other things, its rules promote the prompt and accurate settlement of securities transactions and asure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. Because the proposed rule change will regulate the use of letters of credit by SCCP participants in satisfying their obligations to SCCP, the proposal will affect SCCP participants and banks and trust companies that wish to offer letters of credit to SCCP participants.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission by Fegruary 12, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-SCCP-81-5.

Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1607 Filed 1-21-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2021]

Commonwealth of The Northern Mariana Islands; Declaration of Disaster Loan Area

The Island of Saipan in the Commonwealth of the Northern Mariana Islands constitutes a disaster area as a result of wind and rain damage caused by Tropical Storm Hazen which occurred on November 15, 1981. Eligible persons, firms and organizations may file applications for physical damage until March 18, 1982 and for economic injury until the close of business on October 15, 1982 at the address below: SBA Branch Office, Pacific Daily News Bldg., Room 506, Agana, Guam 96910 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 16 percent.
Homeowners without credit available elsewhere, 8 percent.
Businesses with credit available elsewhere, 16 percent.
Businesses without credit available elsewhere, 8 percent.
Businesses (EIDL) without credit available elsewhere, 8 percent.

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: January 15, 1982

Michael Cardenas,

Administrator.

[FR Doc. 82-1674 Filed 1-21-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 14]

Surety Companies Acceptable on Federal Bonds; Allendale Mutual Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $17,134,000 has been established for the company.

Name of Company: Allendale Mutual Insurance Company
Business Address: Post Office Box 7500, Johnston, Rhode Island 02919
State of Incorporation: Rhode Island

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitation, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1981 Revision, at page 33962 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: January 18, 1982.

W. E. Douglas,

Commissioner.

[FR Doc. 82-1617 Filed 1-21-82; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

National Productivity Advisory Committee; Meeting

January 19, 1982.

The Subcommittee on Capital Investment of the National Productivity Advisory Committee will hold a breakfast meeting at 9:00 a.m. on February 5 in the Conference Room on the 48th floor of the W. R. Grace Building, 43 West 42nd Street, New York, New York.

The purpose of the meeting will be to discuss ways of increasing productivity growth through capital investment.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 82-1672 Filed 1-21-82; 8:45 am]

BILLING CODE 4910-62-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 15
Friday, January 22, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

Board for International Broadcasting.... 1
Commodity Futures Trading Commission 2
Federal Communications Commission. 3, 4
Federal Home Loan Bank Board 5
Federal Reserve System..... 6
Parole Commission..... 7

1

BOARD FOR INTERNATIONAL BROADCASTING

TIME AND DATE: 9:30 a.m., January 29, 1982.

PLACE: Board for International Broadcasting, Conference Room, Suite 430, 1030 15th Street NW., Washington, D.C. 20005.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street NW., Washington, D.C. 20005, 202–254–8040.

[S–103–82 Filed 1–20–82; 3:58 pm]

BILLING CODE 6155–02–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, January 26, 1982.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: User Fees.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–98–82 Filed 1–20–82; 11:17 am]

BILLING CODE 6351–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

Emergency Closed Briefing, Tuesday, January 12, 1982.

The Federal Communications Commission held an Emergency Closed Briefing on Tuesday, January 12, 1982, following the Closed Meeting for instructions after oral argument in Room 856, 1919 M Street, N.W., Washington, D.C. on the following matter:

Department of Justice Briefing on *U.S. v. Western Electric.*

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this matter.

This briefing is closed to the public because it concerns premature disclosure and adjudication—participation in civil action matters (See 47 CFR 0.603 (i).and (j)).

Additional information concerning this briefing may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 13, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–99–82 Filed 1–20–82; 2:54 pm]

BILLING CODE 6712–01–M

4

FEDERAL COMMUNICATIONS COMMISSION

Hold Special Open Commission Meeting, Thursday, January 21, 1982

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Thursday, January 21, 1982, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., Subject

Common Carrier—1—*Title:* Petition of Heritage Village Church and Missionary Fellowship, Inc. for emergency relief with respect to PBX interconnection to telephone service of Southern Bell Telephone and Telegraph Co. *Summary:* A subscriber's single tract of land straddles the boundary between two telephone companies' service areas. The subscriber chose to locate its FCC-registered PBX in the portion of the tract served by one company, and the South Carolina Public Service Commission ordered that service be provided by the other company. Before the Commission is a Petition for Declaratory Ruling which claims that the existing interconnection is proper, and which requests that the South Carolina P.S.C. order be preempted.

Common Carrier—2—*Title:* Prescription of Revised Depreciation Rates (AT&T). *Summary:* The Commission will consider revised whole-life and remaining-life depreciation rates for all or portions of the plant for long lines department and the operating companies of the American Telephone & Telegraph Co.

Common Carrier—3—*Title:* Prescription of Revised Depreciation Rates (GTE). *Summary:* The Commission will consider revised remaining-life depreciation rates for all or portions of the plant of the companies of the GTE Service Corporation for which the Commission prescribes depreciation rates.

Common Carrier—4—*Title:* Prescription of Revised Depreciation Rates (Continental Telephone Co. of Virginia). *Summary:* The Commission will consider revised remaining-life depreciation rates for all of the plant of the Continental Telephone Co. of Virginia.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this matter.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 15, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–100–82 Filed 1–20–82; 2:55 pm]

BILLING CODE 6712–01–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2975, Wednesday, January 20, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Monday, January 25, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Monday, January 25, 1982 has been cancelled.

[No. 7, January 20, 1982.]

[S-101-82 Filed 1-20-82; 3:48 pm]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, January 27, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests than an item be moved to the discussion agenda.

1. Proposed extension of the Demand Deposit Ownership Survey (FR 2591).
2. Proposed revisions to the Board's "Rules Regarding Delegation of Authority" in the areas of consumer protection regulation and compliance examination.

Discussion Agenda:

3. Proposed guidelines with respect to potential competition.
4. Proposed money market mutual fund survey.
5. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Date: January 19, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-97-82 Filed 1-20-82; 10:50 am]

BILLING CODE 6210-01-M

7

PAROLE COMMISSION

TIME AND DATE: 9:30 a.m., Friday, January 29, 1982.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S 102-82 Filed 1-20-82; 3:48 pm]

BILLING CODE 4410-01-M

Friday
January 22, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81–5119	May 15, 1981.
CA81–5132	July 7, 1981.
Pennsylvania:	
PA80–3055	Oct. 2, 1980.
PA81–3043	July 17, 1981.
PA81–3044	Aug. 7, 1981.
PA81–3090	Dec. 18, 1981.
Washington: WA81–5163	Dec. 4, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Vermont: VT81–3007 (VT82–3003)	Jan. 16, 1981.

Signed at Washington, D.C., this 15th day of January 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510–27–M

MODIFICATIONS P. 2
MODIFICATIONS P. 1

DECISION NO. CA81-5119 - Mod. #3
(46 FR 27017 - May 15, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Santa Clara, Solano, Sonoma, Sutter, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Laborers					
Group 1	$13.53	1.30	2.00	1.55	.10
Group 1(a)	13.755	1.30	2.00	1.55	.10
Group 1(b)	14.03	1.30	2.00	1.55	.10
Group 1(c)	13.58	1.30	2.00	1.55	.10
Group 1(d)	13.78	1.30	2.00	1.55	.10
Group 1(e)	14.08	1.30	2.00	1.55	.10
Group 1(f)	14.115	1.30	2.00	1.55	.10
Group 1(g)	13.73	1.30	2.00	1.55	.10
Group 2	13.38	1.30	2.00	1.55	.10
Group 3	13.28	1.30	2.00	1.55	.10
GUNNITE					
Group 1	13.99	1.30	2.00	1.55	.10
Group 2	13.40	1.30	2.00	1.55	.10
Group 3	13.28	1.30	2.00	1.55	.10

DECISION NO. CA81-5132 - Mod. #4
(46 FR 35860 - July 7, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California					
Change:					
ELECTRICIANS:					
AREA 6					
Electricians	$22.01	1.50	3%+3.00		.10
Cable Splicers	24.01	1.50	3%+3.00		.10
LABORERS					
POWER EQUIPMENT OPERATORS					
DREDGING					

DECISION NO. CA81-5132 - MOD. #4 CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 13.53	1.30	2.00	1.55	.10
Group 1(a)	13.755	1.30	2.00	1.55	.10
Group 1(b)	14.03	1.30	2.00	1.55	.10
Group 1(c)	13.58	1.30	2.00	1.55	.10
Group 1(d)	13.78	1.30	2.00	1.55	.10
Group 1(e)	14.08	1.30	2.00	1.55	.10
Group 1(f)	14.115	1.30	2.00	1.55	.10
Group 1(g)	13.73	1.30	2.00	1.55	.10
Group 2	13.38	1.30	2.00	1.55	.10
Group 3	13.28	1.30	2.00	1.55	.10
(GUNNITE)					
Group 1	13.99	1.30	2.00	1.55	.10
Group 2	13.40	1.30	2.00	1.55	.10
Group 3	13.28	1.30	2.00	1.55	.10
(TUNNEL and SHAFT WORK)					
Group 1	16.24	1.30	2.00	1.55	.10
Group 2	15.84	1.30	2.00	1.55	.10
Group 3	15.60	1.30	2.00	1.55	.10
Group 4	15.45	1.30	2.00	1.55	.10
(WRECKING WORK)					
Group 1	13.53	1.30	2.00	1.55	.10
Group 2	13.38	1.30	2.00	1.55	.10
Group 3	13.28	1.30	2.00	1.55	.10
(HOUSEMOVING)					
Group 1	13.53	1.30	2.00	1.55	.10

DECISION NO. CA81-5132 - MOD. #4 CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I					
CLAMSHELL & DIPPER DREDGING (New Construction)					
Group 1: Bargeman; Deckhand; Fireman; Oiler:					
Area 1	$13.15	1.70 *	3.50	2.12	.19
Area 2	14.32	1.70 *	3.50	2.12	.19
Area 3	14.67	1.70 *	3.50	2.12	.19
Area 4	15.01	1.70 *	3.50	2.12	.19
Group 2: Deck Engineers; Deck Mate:					
Area 1	15.27	1.70 *	3.50	2.12	.19
Area 2	16.54	1.70 *	3.50	2.12	.19
Area 3	16.89	1.70 *	3.50	2.12	.19
Area 4	17.26	1.70 *	3.50	2.12	.19
Group 3: Welder; Mechanic Welder; Watch Engineer:					
Area 1	15.85	1.70 *	3.50	2.12	.19
Area 2	17.11	1.70 *	3.50	2.12	.19
Area 3	17.47	1.70 *	3.50	2.12	.19
Area 4	17.83	1.70 *	3.50	2.12	.19
Group 4: Clamshell Operator (up to and including 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	16.83	1.70*	3.50	2.12	.19
Area 2	18.10	1.70*	3.50	2.12	.19
Area 3	18.45	1.70*	3.50	2.12	.19
Area 4	18.81	1.70*	3.50	2.12	.19

DECISION NO. CA81-5132 - MOD. #4 CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
DREDGING -- SCHEDULE I (CONT'D)					
Group 4-A:					
Clamshell Operator (over cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	$18.33	1.70*	3.50	2.12	.19
Area 2	19.62	1.70*	3.50	2.12	.19
Area 3	20.02	1.70*	3.50	2.12	.19
Area 4					
SCHEDULE II					
HYDRUALIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1:					
Bargeman; Deckhand; Leverhand; Fireman; Oiler:					
Area 1	13.13	1.70*	3.50	2.12	.19
Area 2	14.30	1.70*	3.50	2.12	.19
Area 3	14.64	1.70*	3.50	2.12	.19
Area 4	14.99	1.70*	3.50	2.12	.19
Group A-2:					
Winchman (stern winch on Dredge); Deck Engineer:					
Area 1	14.40	1.70*	3.50	2.12	.19
Area 2	15.62	1.70*	3.50	2.12	.19
Area 3	15.99	1.70*	3.50	2.12	.19
Area 4	16.34	1.70*	3.50	2.12	.19
Group A-3:					
Watch Engineer; Welder; Welder Mechanic; Deckmate; Booster Pump Operator (Mud Cat):					
Area 1	15.24	1.70*	3.50	2.12	.19
Area 2	16.51	1.70*	3.50	2.12	.19
Area 3	16.88	1.70*	3.50	2.12	.19
Area 4	17.24	1.70*	3.50	2.12	.19

DECISION NO. CA81-5132 - MOD. #4 CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
SCHEDULE II - (CONT'D)					
Group A-4:					
Leverman; Clamshell Operator:					
Area 1	$16.40	1.70 *	3.50	2.12	.19
Area 2	17.68	1.70 *	3.50	2.12	.19
Area 3	18.03	1.70 *	3.50	2.12	.19
Area 4	18.39	1.70 *	3.50	2.12	.19

AREA DEFINITIONS FOR DREGING, SCHEDULES I and II

*Employer contributes $.44 per hour to a Pensioned H&W Fund
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California

Area 1: Up to 20 road miles from said Centers
Area 2: More than 20 road miles to and including 30 road miles from said Centers
Area 3: Outside of 30 road miles from said Centers
Area 4: An area extending 25 road miles from shoreline of Lake Tahoe.

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3055 MOD. NO. 13 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
CHANGE:					
Ironworkers:					
Rigger, Machinery Mover	$14.78	1.49	1.46		
Sheet Metal Workers					
Zone 1 (Commercial)	15.74	1.17	2.24		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3043 MOD. NO. 4 (46 FR 37212 - July 17, 1981) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania					
CHANGE:					
Carpenters					
Zone 1	$12.65	6½%	8%	10%	
Line Construction					
Zone 1					
Lineman	16.93	.60	3%		3/8%
Winch truck operator	11.85	.60	3%		3/8%
Groundman	10.15	.60	3%		3/8%
ADD:					
Lathers:					
Allegheny County in its entirety; Armstrong County Twps. of Red Bank, Wayne, Cowanshinock, Plumbcreek, Butler County; Twps. of Donegal, Summit, Clearfield, Penn, Jefferson, Winfield, Adams, Middlesex, Clinton, Buffalo; Washington County Twps. of Hanover, Robinson, Smith, Cecil, Mt. Pleasant, Chartiers, Peters, N. Strabane, Canton, Union Westmoreland County; Twps of Allegheny, Lower Burrell, Upper Burrell, Washington, Franklin, Bell, Salem, Loyalhanna & Hempfield	12.52	.80	1.45		.01

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3044 MOD. NO. 7 (46 FR 40477 - August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania					
CHANGE:					
Carpenters & Soft Floor Layers					
Zone 1	$12.65	6½%	8%	10%	
Lathers					
Zone 3	12.92	.90	1.45		.01
Line Construction					
Zone 1					
Class 1	16.93	.60	3%		3/8%
Class 2	10.15	.60	3%		3/8%
Class 3	11.85	.60	3%		3/8%
Sheet Metal Workers					
Zone 2	13.51	1.17	2.17		.23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3090 MOD. NO. 1 (46 FR 61813 - December 18, 1981) Lycoming County, Pennsylvania					
ADD:					
To Description of Work:					
Excluding Sewage and Water Treatment Plant Projects.					

MODIFICATIONS P. 9

SUPERSEDEAS DECISION

STATE: VERMONT COUNTIES: STATEWIDE
DECISION NO.: VT82-3003 DATE: DATE OF PUBLICATION
Supersedes Decision No. VT81-3007 dated January 16, 1981 in 46

DECISION NO. WA81-5163 - Mod #3
(46 FR 59457 - December 4, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
Area 1	$19.99	.81	1.49		.08
CARPENTERS:					
Area 2:					
Fringe Benefits					
(all classifications)		1.00	1.28		.06
ELECTRICIANS:					
Area 3:					
Electricians	18.70	.95	3% + 2.30		.05
Cable Splicers	20.57	.95	3% + 2.30		.05
Area 5:					
Electricians	20.80	1.25	3% + 2.25		.13
Cable Splicers	21.60	1.25	3% + 2.25		.13
Area 6:					
Electricians	19.50	1.25	3% + 2.00	5%	.02
Cable Splicers	21.45	1.25	3% + 2.00	5%	.02
INSULATION APPLICATORS	13.22	1.00	1.28		.06
PLUMBERS:					
Area 1	18.87	.99	2.18	2.30	.14
TRUCK DRIVERS (AREA 2)					
Group 1	16.41	1.24	1.54		.14
Group 2	16.46	1.24	1.54		.14
Group 3	16.51	1.24	1.54		.14
Group 4	16.62	1.24	1.54		.14
Group 5	16.68	1.24	1.54		.14
Group 6	16.72	1.24	1.54		.14
Group 7	16.73	1.24	1.54		.14
Group 8	16.79	1.24	1.54		.14
Group 9	16.84	1.24	1.54		.14
Group 10	16.86	1.24	1.54		.14
Group 11	16.89	1.24	1.54		.14
Group 12	16.99	1.24	1.54		.14
Group 13	17.01	1.24	1.54		.14
Group 14	17.05	1.24	1.54		.14
Group 15	17.17	1.24	1.54		.14
Group 16	17.21	1.24	1.54		.14
Group 17	17.33	1.24	1.54		.14
Group 18	17.38	1.24	1.54		.14
Group 19	17.54	1.24	1.54		.14
Group 20	17.70	1.24	1.54		.14
Group 21	17.86	1.24	1.54		.14

SUPERSEDES DECISION

STATE: VERMONT COUNTIES: STATEWIDE
DECISION NO.: VT82-3003 DATE: DATE OF PUBLICATION
Supersedes Decision No.: VT81-3007, dated January 16, 1981 in 46 FR 4265
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Windham County	7.00				
Windsor County	6.73				
Remainder of Counties	7.30				
CEMENT MASONS:					
Windham County	6.58				
Windsor County	6.17				
Remainder of Counties	7.30				
ELECTRICIANS:					
Bennington County	8.25				
Chittenden County	8.80				
Franklin County	8.33				
Rutland County	5.50				
Windham County	7.16				
Remainder of Counties	7.58				
IRONWORKERS:					
Structural:					
Statewide	8.45				
Reinforcing:					
Bennington, Caledonia, Chittenden, Grand Isle & Washington Counties	6.46	.24			.05
Franklin County	6.65				
Windham County	7.21				
Remainder of Counties	6.75				
LABORERS:					
Addison County	5.11				a
Caledonia County	5.04				a
Franklin County	4.89				a
Lamoille County	5.28				a
Orange County	5.18				a
Orleans County	4.78				a
Washington County	5.16				a
Windham & Windsor County	5.20				a
Remainder of Counties	4.50				a
BLASTERS:					
Statewide	7.25				a
DRILLERS:					
Chittenden & Franklin Counties	6.00				a
Orange & Washington Counties	5.33				a
Rutland County	5.00				a
Remainder of Counties	5 70				a

DECISION NO. VT82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPELAYERS:					
Addison County	5.36			a	
Caledonia County	5.29			a	
Franklin County	5.14			a	
Lamoille County	5.53			a	
Orange County	5.43			a	
Orleans County	5.03			a	
Washington County	5.41			a	
Windham & Windsor County	5.45			a	
Remainder of Counties	4.75			a	
PAINTERS:					
Statewide	6.00				
TRUCK DRIVERS:					
Truck Drivers - 2 Axle:					
Franklin County	5.43				
Rutland County	5.27				
Remainder of Counties	5.35				
Truck Drivers - 3 Axle:					
Rutland County	5.80				
Windham County	6.00				
Remainder of Counties	5.50				
Earth Auger/Post Driver:					
All Counties	5.50				
POWER EQUIPMENT OPERATORS:					
Backhoe:					
Addison County	8.73			b	
Bennington County	9.42			b	
Caledonia & Essex Counties	8.65	.35	.50	b	.05
Rutland County	8.30				
Remainder of Counties	8.20	.35	.50	b	.05
Backend/Screedman					
Bennington County	7.93			b	
Caledonia County	8.20	.35	.50	b	.05
Chittenden, Essex, Franklin, Grand Isle, Lamoille Orange, Orleans & Windsor Counties	7.75	.35	.50	b	.05

DECISION NO. VT82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Broom:					
Addison & Caledonia Cos.	7.20	.35	.50	b	.05
Essex, Rutland & Windham Counties	5.50			b	
Orleans County	5.95			b	
Windsor County	6.89				
Bennington, Chittenden, Franklin, Lamoille, Orange & Washington Counties	6.35	.35	.50	b	.05
Bulldozer:					
Bennington County	8.30	.85	1.00	b	.05
Caledonia & Orange Cos.	8.20	.35	.50	b	.05
Washington County	8.83			b	
Windham County	8.60			b	
Windsor County	8.37				
Remainder of Counties	7.75	.35	.50	b	.05
Compactor:					
Addison & Windsor Counties	7.59			b	
Bennington County	8.70				
Essex, Franklin & Orleans Counties	7.75	.35	.50	b	.05
Orange County	7.20	.35	.50	b	.05
Rutland County	5.25				
Windham County	8.65	.55	.70	b	.05
Remainder of Counties	8.65				
POWER EQUIPMENT OPERATORS:					
Compressor:					
Bennington COunty	8.57				
Orange County	7.17	.35	.50	b	.05
Windsor County	7.20				
Remainder of Counties	7.95			b	.05
Crane:					
Addison, Caledonia, Lamoille & Washington Counties	9.05			b	.05
Franklin County	8.35	.45	.60	b	.05
Rutland County	7.51				
Remainder of Counties	8.20	.35	.50	b	.05

DECISION NO. VT82-3003

DECISION NO. VT82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Gradall:					
Caledonia, Lamoille & Orleans Counties	9.05			b	.05
Orange County	7.75	.35	.50	b	.05
Rutland County	7.00				
Washington County	8.57				
Windsor County	7.98				
Remainder of Counties	8.20	.35	.50	b	.05
Grader:					
Addison County	7.52			b	
Bennington County	9.52	.95	1.00	b	.05
Caledonia County	8.40			b	
Essex County	8.51			b	
Orange County	8.11			b	
Rutland County	7.44				
Windsor County	8.27				
Remainder of Counties	7.95	.35	.50	b	.05
Loader:					
Bennington County	9.52	.95	1.00	b	.05
Caledonia County	8.65	.55	.70	b	.05
Windsor County	7.76				
Remainder of County	7.75	.35	.50	b	.05
Mechanic:					
Bennington County	9.52	.95	1.00	b	.05
Caledonia & Orange Cos	8.20	55	.70	b	.05
Rutland County	7.53				
Windsor County	7.76		.50		
Remainder of Counties	7.75	.35		b	.05
Oilers:					
Bennington County	7.10				
Chittenden County	7.81				
Pavers:					
Bennington County	8.70				
Caledonia County	8.20	.55	.70	b	.05
Rutland County	5.80				
Windham County	8.55			b	
Windsor County	7.76				
Remainder of Counties	7.75	.35	.50	b	.05

[FR Doc. 82-1406 Filed 1-21-82; 8:45 am]
BILLING CODE 4510-27-C

DECICION NO. VT82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rollers:					
Bennington County	9.82				
Caledonia & Orange Cos.	8.20	.55	.70	b	.05
Franklin & Windsor Cos.	7.76				
Rutland County	6.05				
Windham County	8.00				
Remainder of Counties	7.75	.35	.50	b	.05
Shovel:					
Bennington County	8.73				
Chittenden & Franklin Cos.	9.79	.95	1.00	b	.05
Essex, Grand Isle & Washington Counties	9.15	.85	1.00	b	.05
Chainsaw:					
Statewide	5.00				
Line Striper:					
Caledonia & Orange Cos.	8.50				
Remainder of Counties	7.50				
Backhoe/Loader Combination:					
(Farm Type):					
Statewide	7.00			b	
Specialized Earth/Rock Haulers:					
All Counties	6 50				

FOOTNOTE:

a. Two (2) paid holidays: Memorial Day & Independence Day providing the employee has been employed the schedule workday prior to the holiday and the schedule workday after the holiday.

b. Nine (9) paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day and Veteran's Day, provided the employee has been employed at least 7 days or more prior to the holiday and has worked the scheduled day before and after the holiday.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

V
4
7
/
1
5
J
A
2
2
8
2

federal register

Friday
January 22, 1982

Part III

Department of Health and Human Services

Food and Drug Administration

Ear, Nose, and Throat Devices; Proposed General Provisions and Classification of 67 Devices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 874

[Docket No. 78N-1549]

Ear, Nose, and Throat Devices; General Provisions and Classification of 67 Devices

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing general rules applicable to the classification of all ear, nose, and throat devices. The Medical Device Amendments of 1976 require FDA to classify all medical devices intended for human use into three categories: class I, general controls; class II, performance standards; and class III, premarket approval. In the preamble, FDA describes the development of the proposed regulation classifying ear, nose, and throat devices. The preamble also describes the activities of the Ear, Nose, and Throat Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel (formerly the Ear, Nose, and Throat Device Classification Panel), and FDA advisory committee that makes recommendation to FDA concerning the classification of ear, nose, and throat devices.

DATES: Comments by March 23, 1982. FDA proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register**.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Harry R. Sauberman, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

SUPPLEMENTARY INFORMATION:

Device Classification System

The Medical Device Amendments of 1976 (Pub. L. 94-295, hereinafter called the amendments) establish a comprehensive system for the regulation of medical devices intended for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c) establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories are as follows: class I, general controls; class II, performance standards; and class III, premarket approval.

Most devices are not classified under section 513 of the act until after FDA has (1) received a recommendation from a device panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. These steps must precede the classification of any device that was in commercial distribution before May 28, 1976 (the date of enactment of the amendments) and that was not previously regarded by FDA as a new drug under section 505 of the act (21 U.S.C. 355). A device that is first offered for commercial distribution after May 28, 1976, and is substantially equivalent to a device classified under this scheme, is also classified in the same class as the device to which it is substantially equivalent.

A device that FDA previously regarded as a new drug, or a newly offered device that is not substantially equivalent to a device that was in commercial distribution before the amendments, is classified by statute into class III. These two types of devices are classified into class III without any FDA rulemaking proceedings. The agency determines whether new devices are substantially equivalent to previously offered devices by means of the premarket notification procedure in section 510(k) of the act (21 U.S.C. 360(k)) and Part 807 of the regulations (21 CFR Part 807).

Related Regulations

In the **Federal Register** of July 28, 1978 (43 FR 32988), FDA issued final regulations describing the procedures for classifying devices intended for human use. These regulations, which were proposed in the **Federal Register** of September 13, 1977 (42 FR 46028), supplement the agency's regulations in Part 14 (21 CFR Part 14) governing the use of advisory committees. The agency also issued interim device classification procedures in a notice published in the **Federal Register** of May 19, 1975 (40 FR 21848).

Activities of Panel

Anticipating enactment of the amendments, FDA established several advisory committees to make preliminary recommendations on device classification. The Ear, Nose, and Throat Device Classification Panel (the Panel) was originally chartered on October 15, 1974, as the Panel on Review of Ear, Nose, and Throat Devices.

On August 9, 1976, the Panel and other preamendments device classification panels were rechartered to reflect their new responsibilities under the amendments.

Throughout the Panel's deliberations, interested persons were given an opportunity to present their views, data, and other information concerning the classification of ear, nose, and throat devices. The Panel also invited experts to testify and sought information on many devices from the published literature.

In November 1977, the Panel submitted to FDA a preliminary report of its recommendations. The report included a roster of current and former Panel members and consultants and listed all meeting dates. The agency placed a copy of the report in the Dockets Management Branch (HFA-305), Food and Drug Administration, and announced its availability to the public by notice published in the **Federal Register** of November 29, 1977 (42 FR 60792). Also available in the Dockets Management Branch are summary minutes from all Panel meetings, verbatim transcripts of meetings held after May 28, 1976 (the date of enactment of the amendments), and all references cited in individual ear, nose, and throat device proposed classification regulations.

On April 28, 1978, the agency terminated all of the device classification panels, and then reestablished them with new names and with a new structure. FDA published notices of these changes in the **Federal Register** of May 19, 1978 (43 FR 21666, 21667, and 21668) and May 26, 1978 (43 FR 22672 and 22673). The Ear, Nose, and Throat Device Classification Panel was terminated, and its functions are not conducted by the Ear, Nose, and Throat Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.

Relationship Between the Device Names in the Device Registration and Listing Codes and the Device Names in Classification Regulations

Some manufacturers have become accustomed to identifying a device by its registration and listing name and three-letter code used for purposes of device listing under section 510 of the act (21 U.S.C. 360). However, FDA is still making changes in the names and identifications of generic types of devices in the classification regulations for all devices for which final regulations have not been published.

Because FDA has not used the present device registration and listing names in the proposed and final classification regulations, FDA has prepared an index of names of generic types of medical devices used in classification regulations to aid a manufacturer in matching its device with the proper classification regulation. The index shows the device registration and listing product code for each device reviewed by a classification panel and the corresponding name of the generic type of device and classification panel in which the device classification will be published in the **Federal Register**. The agency announced the availability of this index in the **Federal Register** of March 6, 1979 (44 FR 12269). If necessary, this index will be updated and the availability of the revised index will be reannounced in the **Federal Register**. FDA believes that, because this index is available, it is unnecessary to include or cross reference the present device registration and listing name and product code in the classification regulations. In the future, following publication of most of the device classification regulations, the agency will revise and reissue the device registration and listing product code, so the device names to be used for registration and listing correspond to the device names in the final device classification regulations.

List of Ear, Nose, and Throat Devices

In 1972, FDA surveyed device manufacturers to identify the devices for which classification regulations would be needed. After this survey, FDA developed a list of ear, nose, and throat devices. The Panel supplemented the list using its members' knowledge of ear, nose, and throat devices in use. Devices that were solely for experimental or investigational use or that were not generally available were not included.

FDA is proposing to establish a new Part 874 in Title 21 of the Code of Federal Regulations. Part 874 will consist of sections identifying, with a brief narrative description, each ear, nose, and throat device being classified and stating the classification of that device. A list of the ear, nose, and throat devices that FDA is proposing to classify appears elsewhere in this preamble.

Ear, Nose, and Throat Device Classification Regulations

FDA is proposing to classify 67 ear, nose, and throat devices. The agency is proposing to classify 10 ear, nose, and throat devices into class I (general controls), 47 ear, nose, and throat devices into class II (performance standards), and 10 ear, nose and throat devices into class III (premarket approval). FDA also is publishing the recommendations of the Panel regarding these devices, as required by section 513(c)(2) and (d)(1) of the act (21 U.S.C. 360c(c)(2) and (d)(1)).

Panel Recommendations

Each Panel recommendation concerning an ear, nose, and throat device includes the information described below.

1. *Identification.* Both the Panel recommendation and the proposed FDA classification include a brief narrative identification of the device. The identification statement is necessarily broad because it applies to a category or type of device rather than to a specific device. As explained in proposed § 874.1 (21 CFR 874.1), manufacturers who submit premarket notification submissions under section 510(k) of the act and Part 807 of the regulations cannot show merely that a newly offered device is accurately described by the section title and identification provisions of a classification regulation. Although a new device may be described accurately by the title and identification in a classification regulation, it is nevertheless in class III under section 513(f) of the act if it is not substantially equivalent to a preamendments device (or to a postamendments device that has already been reclassified from class III into class I or class II). It is not practical for FDA to publish an identification of each type of device that is so detailed as to anticipate every product feature that may be relevant in determining whether a new device is substantially equivalent to previous devices classified by the regulation. FDA believes that this problem was recognized in, and addressed by, the premarket notification procedures in section 510(k) of the act. Accordingly, any manufacturer who submits a premarket notification submission should state why the manufacturer believes that the device is substantially equivalent to other devices in commercial distribution, as required by § 807.87 (21 CFR 807.87), and whether the device is described in a classification regulation.

Some products have both medical and nonmedical uses. FDA will regulate a multipurpose product as a medical device if it is intended for a medical purpose, i.e., for "use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease," or "to affect the structure or any function of the body."; (Section 201(h) of the act (21 U.S.C. 321(h)).) FDA will determine the intended use of a product based upon the expressions of the person legally responsible for its labeling and by the circumstances surrounding its distribution. The most important factors the agency will consider in determining the intended use of a paticular product are the labeling, advertising, and other representations accompanying the product. Products that have medical uses only are clearly intended for medical purposes, and therefore, will be regulated as medical devices whether or not medical claims are made for them.

2. *Recommended classification.* Each Panel's recommendation deacribes whether the device is recommended for classification into class I (general controls), class II (performance standards), or class III (premarket approval).

For each device recommended for classification into class I, the Panel considered whether the device should be exempt from any requirements under certain sections of the act: Section 510 (21 U.S.C. 360, registration), section 519 (21 U.S.C. 360i, records and reports), and section 520(f) (21 U.S.C. 360j(f), good manufacturing practice requirements). The Panel recommended that all class I devices be exempt from the requirements of section 510(k) (21 U.S.C. 360(k)) premarket notification. FDA's policy concerning these exemption recommendations is discussed below in the section of this proposal concerning "Exemptions for Class I Devices."

A Panel recommendation that a device be classified into class II includes the Panel's recommended priority ("high," "medium," or "low") for establishing a performance standard for the device. Similarly, each Panel recommendation that a device be classified into class III includes the Panel's recommended priority ("high," "medium," or "low") for application of premarket approval requirements to that device. As explained below in the section of this notice concerning "Priorities for Class II and III Devices," FDA is not, however, proposing the establishment of FDA priorities at this time.

3. *Summary of reasons for recommendation.* The summary of reasons for the Panel's recommendtion explains why the Panel believes a particular device meets the statutory criteria for classification into Class I, II, or III.

Except in those instances in which FDA's classification proposal differs from the Panel's recommendation, FDA is adopting the Panel's summary of reasons as the agency's statement of the reasons for issuing the regulations, as

required by section 517(f) of the act (21 U.S.C. 360g(f)).

In the "Panel Recommendations and FDA's Proposed Classifications" section, the summary of reasons for a recommendation identifies any device that is an implant or a life-supporting or life-sustaining device. The summary of reasons for any implant or life-supporting or life-sustaining device that is not recommended for classification into class III also explains why the Panel determined that classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. Also, FDA's proposed classifications provide a similar explanation for classifying an implant or a life-supporting or life-sustaining device into a class other than class III.

4. Summary of data on which the recommendation is based. In many cases, the Panel based its recommendations on Panel members' personal knowledge of, and familiarity with, the devices under review. The Panel particularly relied upon clinical experience and judgment when considering a simple device that had been used extensively and was accepted widely before the amendments were enacted. The legislative history of the amendments makes clear that the term "data" has a special meaning in section 513(c)(2)(A) of the act, which requires that a Panel recommendation summarize the data upon which a recommendation is based. As used in this section, "data" refers not only to the results of scientific experiments, but also to less formal evidence, other scientific information, or judgments of experts (House Committee on Interstate and Foreign Commerce, Medical Device Amendments of 1976, H.R. Rep. 94–853, 94th Congress, 2d Session 40 (1976)). FDA has determined that personal knowledge of, and clinical experience with, a device constitute valid scientific evidence for classifying certain devices.

In several cases, FDA sought more data and information concerning the classification of a device then were cited by the Panel. References to additional data and information obtained by FDA are found in the section for each ear, nose, and throat device under the heading "Panel Recommendations and FDA's Proposed Classifications." FDA is adopting, as the agency's statement of the basis for issuing the regulation under section 517(f) of the act, the Panel's summary of the data on which a recommendation to classify a device is based, together with any additional data and information cited in the preamble to the proposed classification regulation.

5. *Risks to health.* In identifying the risks to health presented by ear, nose, and throat devices, the Panel recognized that few devices are completely free of risk. The Panel listed the risks it considered most significant, expecially those that are unique to the individual device. In some cases, FDA has identified additional risks to health presented by a device. These additional risks of a device are set out in the preamble under the heading "Panel Recommendations and FDA's Proposed Classifications".

Because the classification recommendations and FDA's proposed classifications do not identify all risks to health presented by ear, nose, and throat devices, future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) or requiring premarket approval under section 515(b) of the act (21 U.S.C. 360e(b)) may identify additional risks to health to be addressed by FDA requirements.

Proposed Classifications

Each section for an ear, nose, and throat device under the heading "Proposed Recommendations and FDA's Proposed Classifications," states whether FDA agrees with the Panel's recommendation, and describes the agency's proposed classification of the device.

FDA cautions that the final classification of a device may differ from the proposal. Factors that may cause a change include comments, the agency's reconsideration of existing data and information, and the agency's consideration of new data and information.

Implanted Ear, Nose, and Throat Devices Proposed For Classification into Class II

The Panel recommended that 9 generic types of ear, nose, and throat implanted prosthetic devices be classified into class II. Although the 9 devices are implants intended to remain in the body continously for 30 days or more, the Panel believes that classification into class III (premarket approval) is unnecessary to provide reasonable assurance of the safety and effectiveness of these devices. All 9 devices have been implanted successfully for a number of years. Under the heading "Panel Recommendations and FDA's Proposed Classifications," are statements of the reasons and supporting data used by the Panel and by FDA to determine that classification into class III is not necessary for these 9 devices, as required by sections 513(c)(2)(C) and 513(d)(2)(B).

Priorities for Class II and Class III Devices

For a device that the Panel recommends to be classified into class II or class III, section 513(c)(2)(A) of the act requires that the Panel recommendation include, to the extent practicable, a recommendation for the assignment of a priority for application to the device of a performance standard or premarket approval requirements. In developing its advice concerning priorities ("high," "medium," or "low") of devices recommended for classification into class II or class III, the Panel compared the device with other ear, nose, and throat devices, based on information available to the Panel members concerning the relative importance of use of the device and the relative risks presented by the device. The Panel recommended assignment of a "high priority" only to those class II or class III devices that the Panel believed should receive the agency's immediate attention.

FDA is not proposing at this time to establish priorities for development of performance standards for all class II devices. Section 513(d)(3) of the act authorizes, but does not require, establishment of these priorities. In the **Federal Register** of February 1, 1980 (45 FR 7489 and 45 FR 7493), FDA published notices identifying which class II devices the agency found to warrant a high priority for the development of performance standards. At a later date, the agency will establish priorities for the development of standards for the remaining class II devices. All priorities established by the agency are based on the classification panels' recommendations, available resources, and other relevant factors. The agency's priorities will be reflected in the agency's annual budget request and other publicly available documents and may be published in the **Federal Register**.

The agency intends to proceed as quickly as the agency and classification panel resources permit to require premarket approval of devices classified into class III. There are two factors affecting the length of time necessary before FDA requires submission of premarket approval applications for any particular device that is classified by an FDA regulation into class III: the number of devices reviewed by a panel and the priority of a particular device in relation to other class III devices considered by a classification panel. For example,

where FDA classifies into class III only a few devices within a Panel's specialty area, FDA may at the same time also publish regulations under section 515(b) of the act requiring premarket approval for many of the class III devices considered by the Panel, regardless of whether of a high, medium, or a low priority. Where practical, FDA will publish these section 515(b) regulations during the grace period (30 months) following classification during which a device classified into class III by FDA regulation may lawfully remain on the market without a premarket approval application. The grace period is provided for in section 501(f) of the act (21 U.S.C. 351(f)).

Exemptions for Class I Devices

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that FDA may exempt a device recommended for classification into class I from a requirement under the following sections of the act: section 510 (21 U.S.C. 360), registration; section 519 (21 U.S.C. 360i), records and reports; and section 520(f) (21 U.S.C. 360j(f)), good manufacturing practices.

Under section 510 of the Act, a person "engaged in the manufacture, preparation, propagation, compounding or processing of * * * a device or devices" must register with FDA (section 510(b) through (i)), file a list of devices (section 510 (j)), and notify FDA at least 90 days before beginning commercial distribution of a device (section 510(k)). (See Part 807 (21 CFR Part 807).) Section 510(g)(4) authorizes the agency to exempt a device from section 510 if it finds that compliance with that section is not necessary for the protection of the public health. In § 807.65 (21 CFR 807.65), FDA has exempted certain classes of persons from section 510 of the act. Several device classification panels have recommended that manufacturers of certain class I devices also be exempted from all or some of the requirements of section 510. The agency has determined that protection of the public health requires that manufacturers of medical devices, other than those already exempt under § 807.65, register and list their products with FDA to ensure that the agency can identify these manufacturers and their products and conduct necessary inspections.

The agency has determined, however, that it is not necessary for the protection of the public health that FDA receive premarket notification submissions for certain devices. Thus, the agency has proposed to exempt manufacturers of certain devices from Subpart E of Part 807 of the regulations, which implements section 510(k) of the act. The agency does not, at this time, anticipate that premarket approval will be required for these devices. The agency believes that the semiannual updating of device listing under section 510(j)(2) of the act will provide FDA with adequate notice of new products within these generic types of devices.

Section 519 of the act authorizes FDA to issue regulations requiring device manufacturers, importers, and distributors to establish and maintain such records, make such reports, and provide such information as the agency may reasonably require to assure that devices are not adulterated or misbranded and to otherwise assure their safety and effectiveness. The records and reports requirements in several of FDA's present device regulations are authorized, wholly or in part, by section 519. The most extensive of these requirements are found in the device good manufacturing practice (GMP) regulation under Part 820 (21 CFR Part 820), published in the **Federal Register** of July 21, 1978 (43 FR 31508). In the future, FDA may publish other regulations under section 519 of the act, including regulations requiring reports to FDA of experience with medical devices. Until these regulations are issued, FDA believes that it cannot properly issue exemptions from them. Whenever the agency proposes device regulations that include records and reports requirements, interested persons may submit comments requesting that certain classes of manufacturers or other persons be exempted from the requirements, and FDA will issue exemptions that are appropriate.

The only type of exemption from records and reports requirements that FDA is proposing now, in device classification regulations, is an exemption of certain manufacturers from most requirements of the device GMP regulation. As explained below, the exemption will not extend to two device GMP records requirements.

The device GMP regulation was published in final form in the **Federal Register** of July 21, 1978. At the time of the Panel's recommendations, the GMP regulation had not yet been promulgated, and the agency had not yet developed criteria for exempting manufacturers of a class I device from GMP requirements. The agency has now decided that, if any one of the following criteria is met, FDA will consider exempting from the GMP regulation manufacturers of a class I device that is not labeled or otherwise represented as sterile. The agency will not, however, exempt manufacturers of a device from general requirements concerning records or complaint files. The criteria are:

1. FDA has determined, based on adequate information about current practices in the manufacture of the device and about user experience with the device, that application of the GMP regulation is unlikely to improve the safety and effectiveness of the device.

2. FDA has determined that all possible defects relating to the safety and effectiveness of the device are readily detectable before use, either through visual examination by the user or routine testing before use, e.g., testing a clinical laboratory reagent with positive and negative controls.

3. FDA has determined that any defect in the device that is not readily detectable will not result in a device failure that could have an adverse effect on the patient or other user.

FDA has determined that no device that is labeled or otherwise represented as sterile will be exempted from the device GMP regulation. A sterile device must be subject to the entire GMP regulation to ensure that manufacturers adequately reduce the bioburden (number of microorganisms) on the device and its components during the manufacturing process. This reduction is accomplished through adherence to a comprehensive quality assurance program as is required by the GMP regulation, with adequate environmental controls, trained personnel, appropriate maintenance and calibration of sterilization equipment, recordkeeping concerning lot sterility, strict packaging and labeling controls, and other quality assurance measures.

The agency also has determined that no exemption from the device GMP regulation will extend to § 820.180, with respect to general requirements concerning records, or § 820.198, with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. To ensure that device manufacturers have adequate systems for complaint investigation and followup, all manufacturers are required to comply with the complaint file requirements. All device manufacturers also are required to comply with the general requirements concerning records to ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, may determine whether the manufacturer's corrective actions are adequate, and may determine whether the exemption from

other sections of the GMP regulation is still appropriate.

In general, FDA has not initiated proposals to exempt manufacturers of devices from requirements under section 510 or 520(f) of the act, but has acted on the basis of exemption recommendations of the device classification panels. However, FDA has proposed occasionally to exempt manufacturers of certain devices classified into class I or class II from the requirements of certain sections of the GMP regulation, according to the above exemption criteria. Manufacturers and other interested persons may submit comments on the appropriateness of the proposed exemptions of manufacturers of devices, whether the exemptions are proposed in response to recommendations of the panels or on the agency's initiative. Comments requesting additional exemptions should be supported by information showing that the exemption of manufacturers of a device from the premarket notification requirement or the GMP regulation is consistent with the criteria discussed above.

Guidelines for Preparing Petitions Requesting Exemption or Variance From the Device GMP Regulation for Devices Classified Into Class I or Class II

FDA has prepared guidelines on the procedures that should be followed by persons who wish to submit petitions for exemption or variance from the device GMP regulation. These petitions may be submitted in accordance with provisions of section 520(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)(2)). The agency announced the availability of the guidelines in a notice published in the **Federal Register** of January 18, 1980 (45 FR 3671).

List of Ear, Nose, and Throat Devices

The following is a list of ear, nose, and throat devices that FDA is proposing to classify, the section in the Code of Federal Regulations under which the regulation classifying the device will be codified, the docket number of the proposed classification regulation, and the proposed classification of each device.

Section	Device	Docket No.	Class
	Subpart B—Ear, Nose, and Throat Diagnostic Devices		
874.1050	Audiometer	78N-1550	II.
874.1090	Acoustic chamber for audiometric testing	78N-1551	II.
874.1070	Short increment sensitivity index (SISI) adapter	78N-1552	II.
874.1080	Audiometer calibration set	78N-1553	II.
874.1090	Auditory impedance tester	78N-1554	II.
874.1100	Earphone cushion for audiometric testing	78N-1555	II.
874.1120	Electronic noise generator for audiometric testing	78N-1556	II.
874.1325	Electroglottograph	78N-1558	II.
874.1500	Gustometer	78N-1561	I.
874.1800	Air caloric stimulator	78N-1565	II.
874.1810	Water caloric stimulator	78N-1566	II.
874.1820	Surgical nerve stimulator/locator	78N-1567	II.
874.1925	Toynbee diagnostic tube	78N-1568	I.
	Subpart C [Reserved]		
	Subpart D—Ear, Nose, and Throat Prosthetic Devices		
874.3300	Hearing aid	78N-1569	II.
874.3310	Hearing aid calibrator and analysis system	78N-1570	II.
874.3320	Group hearing aid or group auditory trainer	78N-1571	II.
874.3330	Master hearing aid	78N-1572	II.
874.3375	Battery-powered artificial larynx	78N-1573	I.
874.3400	Tinnitus masker	78N-1574	III.
874.3430	Middle ear mold	78N-1576	II.
874.3450	Partial ossicular replacement prosthesis	78N-1577	II.
874.3465	Porous polyethylene partial ossicular replacement prosthesis	78N-1637	III.
874.3495	Total ossicular replacement prosthesis	78N-1578	II.
874.3510	Porous polyethylene total ossicular replacement prosthesis	78N-1639	III.
874.3540	Prosthesis modification instrument for ossicular replacement surgery	78N-1579	I.
874.3620	Ear, nose, and throat polyamide mesh or foil synthetic polymer material	78N-1583	II.
874.3630	Ear, nose, and throat porous polyethylene synthetic polymer material	78N-1584	III.
874.3695	Mandibular implant facial prosthesis	78N-1588	II.
874.3730	Laryngeal prosthesis (Taub design)	78N-1589	II.
874.3760	Sacculotomy tack (Cody tack)	78N-1591	II.
874.3820	Endolymphatic shunt tube	78N-1593	II.
874.3850	Endolymphatic shunt tube with valve	78N-1594	III.
874.3880	Tympanostomy tube	78N-1595	II.
874.3910	Porous polyethylene tympanostomy tube	78N-1641	III.
874.3930	Tympanostomy tube with semipermeable membrane	78N-1596	III.
	Subpart E—Ear, Nose, and Throat Surgical Devices		
874.4100	Epistaxis balloon	78N-1599	I.
874.4140	Ear, nose, and throat bur	78N-1601	II.
874.4175	Nasopharyngeal catheter	78N-1602	I.
874.4250	Ear, nose, and throat electric or pneumatic surgical drill	78N-1604	II.
874.4350	Ear, nose, and throat fiberoptic light source and carrier	78N-1606	II.
874.4400	Bronchial, tracheal, or esophageal surgical instrument	78N-1607	II.
874.4410	Surgical instrument for the ear	78N-1608	II.
874.4420	Ear, nose, and throat multiple-use surgical instrument	78N-1609	II.
874.4430	Laryngeal surgical instrument	78N-1610	II.
874.4440	Pharyngeal surgical instrument	78N-1611	II.
874.4450	Nasal and paranasal sinus surgical instrument	78N-1612	II.
874.4500	Ear, nose, and throat microsurgical carbon dioxide laser product	78N-1613	II.
874.4600	Bronchoscope (flexible or rigid)	78N-1616	II.
874.4685	Ear, nose, and throat endoscopic accessory	78N-1617	II.
874.4710	Esophagoscope (flexible or rigid)	78N-1619	II.
874.4720	Mediastinoscope	78N-1620	II.
874.4750	External laryngostroboscope	78N-1622	I.
874.4765	Laryngostroboscope (patient-contacting)	78N-1643	II.
874.4780	Nasopharyngoscope (flexible or rigid)	78N-1623	II.
874.4770	Otoscope	78N-1624	II.

Section	Device	Docket No.	Class
874.4770	Otoscope	78N-1624	II.
874.4780	Laryngeal-bronchial telescope	78N-1625	II.
874.4900	Tracheostomy tube	78N-1626	II.
874.4910	Tracheal tube cleaning brush	78N-1627	I.
874.4920	Tracheostomy tube cuff	78N-1628	II.
	SUBPART F—EAR, NOSE, AND THROAT THERAPEUTIC DEVICES		
874.5220	Ear, nose, and throat drug administration device	78N-1629	I.
874.5300	Ear, nose, and throat examination and treatment unit	78N-1630	II.
874.5350	Suction antichoke device	78N-1587	III.
874.5370	Tongs antichoke device	78N-1588	III.
874.5550	Powered nasal irrigator	78N-1631	II.
874.5600	External nasal splint	78N-1634	I.
874.5840	Antistammering device	78N-1635	II.
874.5850	Transdermal stimulator	78N-1636	III.

Devices Considered by Two or More Panels or Sections

Many devices were reviewed by two or more device panels or sections. For these devices, FDA will publish each panel's or section's recommendations and a single proposed classification regulation.

6. The Opthalmic; Ear, Nose, and Throat; and Dental Devices Panel and the other panels' or sections' listed below made classification recommendations concerning the following devices:

Device	Other panels or sections
Ear cannula	Surgical and Rehabilitation.
Sinus cannula	General Medical.
Bronchial cannula	Do.
Mastoid chisel	Surgical and Rehabilitation.
Nasal chisel	Do.
Tonsil dissector	Do.
Ear, nose, and throat elevator.	Do.
Ear, nose, and throat forceps	Do.
Ear, nose, and throat headlight.	Do.
Surgical microscope	Do.
Tonsil suturing needle	Do.
Esophageal prosthesis	Do.
Otoplasty prosthesis	Do.
Rhinoplasty prosthesis/nasal dorsal implant.	Surgical and Rehabilitation.
Ear, nose, and throat retractor.	Do.
Nasal gouge	Do.
Ear speculum holder	Do.
Ear, nose, and throat speculum holder.	Do.
Ear, nose, and throat surgical drape.	Do.
Ear, nose, and throat surgical saw (electrical or pneumatic).	Do.
Ear, nose, and throat polytetra-fluoroethylene synthetic polymer with carbon fibers composite material.	Do.
Transilluminator (AS-powered).	Ophthalmic Device Section.
Wood tongue depresser	General Medical.
Atomizer	Respiratory and Nervous System.
Electrically powered nebulizer pump.	Do.
Laryngoscope	Do.
Nasal flowmeter	Do.
Surgical head support	Do.
Craniofacial prosthesis	Respiratory and Nervous System.
Bulb type syringe	General Medical.
Ear, nose, and throat applicator.	Do.

The agency is not at this time publishing the recommendations of the Ear, Nose, and Throat Device section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel to classify the devices listed above. The agency has published, or will publish, these recommendations and proposed classification regulations along with the recommendations of the other panels or sections reviewed the devices. Some of the other panels' recommendations have already been published in the **Federal Register**. The following table shows the current structure of the advisory committees involved with classification of medical devices and a list of all proposed and final classification regulations published to date:

Panel/section name	Publication date in the Federal Register
Circulatory Systems Devices Panel.	March 9, 1979, 44 FR 13284–13434 (proposals); February 5, 1980, 45 FR 7904–7971 (final regulations).
Clinical Chemistry and Hematology Devices Panel:	
Clinical Chemistry Device Section.	
Clinical Toxicology Device Section.	
Hematology and Pathology Device Section.	September 11, 1979, 44 FR 52950–53063 (proposals); September 12, 1980, 45 FR 60576–60651 (final regulations).
General Medical Devices Panel:	
General Hospital and Personal Use Device Section.	August 24, 1979, 44 FR 49844–49854 (proposals); October 21, 1980, 45 FR 69678–69737 (final regulations).
Gastroenterology-Urology Device Section.	January 23, 1981, 46 FR 7562–7641 (proposals).
Immunology and Microbiology Devices Panel:	
Immunology Device Section.	April 22, 1980, 45 FR 27204–27359 (proposals).
Microbiology Device Section.	April 22, 1980, 45 FR 27204–27359 (proposals).
Obstetrics-Gynecology and Radiologic Device Panel:	
Obstetrics-Gynecology Device Section.	April 3, 1979, 44 FR 19694–19971 (proposals); February 26, 1980, 45 FR 12682–12720 (final regulations).
Radiology Device Section.	
Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel:	
Ophthalmic Device Section.	January 22, 1982 (proposals).
Dental Device Section.	December 30, 1980, 45 FR 85982–86168 (proposals).
Respiratory and Nervous System Devices Panel:	
Anesthesiology Device Section.	November 2, 1979, 44 FR 63292–63426 (proposals).
Neurological Device Section.	November 28, 1978, 43 FR 54640–55732 (proposals); September 4, 1979, 44 FR 51726–51778 (final regulations).
Surgical and Rehabilitation Devices Panel:	
Physical Medicine Device Section.	August 28, 1979, 44 FR 50458–50537 (proposals).
Orthopedic Device Section.	
General and Plastic Surgery Device Section.	

Ear, Nose, and Throat Bite Block

The Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel recommended that ear, nose, and throat bite blocks be classified into class I and be exempt from premarket notification regulations under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device and identified no risk to health with the use of the device. The Respiratory and Nervous System Device Panel recommended that bit blocks be classified into class II. FDA has determined that these devices are essentially the same, and that the risks to health identified by the Respiratory and Nervous System Devices Panel also are presented by the ear, nose, and throat bite block. FDA agrees with the Respiratory and Nervous System Devices Panel's reommendations, but disagrees with the Ophthalmic; Ear, Nose, and Throat; and Dental Panel's recommendations. FDA has published in the **Federal Register** of September 4, 1979 (43 FR 51726) a final regulation classifying bite blocks into class II. The

agency is, therefore, not publishing a separate proposed regulation for the ear, nose, and throat bite block.

Tuning Fork

The Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel recommended that ear, nose, and throat tuning forks be classified into class I with no exemptions because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this divice and identified no risk to health with the use of the device. The Respiratory and Nervous System Devices Panel also recommended that tuning forks be classified into class I. Additionally, this panel recommended that manufacturers of the device not be required to comply with the good manufacturing practice regulation in manufacturing the device because tuning forks require no special qualities for medical use. FDA agrees with both Panel's recommendations regarding the classification of the device. FDA has published in the **Federal Register** of September 4, 1979 (43 FR 51726) a final regulation classifying tuning forks into class I and FDA also exempted manufacturers of the tuning fork from the good manufacturing practice regulation under section 520(f) of the act, with the exception of §§ 820.180 and 820.198, because all defects related to safety and effectiveness of the device are readily detectable prior to use. The agency is, therefore, not publishing a separate proposed regulation for the ear, nose, and throat tuning fork.

Auditory Evoked Measuring Equipment

The Ophthalmic' Ear, Nose, and Throat; and Dental Devices Panel recommended that auditory evoked measuring equipment be classified into class II because the calibration characteristics of the device need to be controlled to prevent misdiagnosis resulting from incorrect data obtained from a miscalibrated device; the electrical properties of the device need to be controlled to prevent electrical shock; and the acoustic output levels from the device need to be controlled to prevent hearing damage due to excessive levels. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide a reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard for this device. The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, this device. The Respiratory and Nervous System Devices Panel recommended that the two major components of this device, the evoked response auditory stimulator and the physiological signal conditioner, be classified into class II. FDA agrees with both Panel's recommendations. FDA has published in the **Federal Register** of September 4, 1979 (43 FR 51726) a final regulation classifying the evoked response auditory stimulator and the physiological signal conditioner into class II. FDA has determined that the auditory evoked measuring equipment recommended for classification by the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel is identical to the combination of the evoked response auditory stimulator and the physiological signal conditioner, which were considered by the Respiratory and Nervous System Device Panel. The agency, therefore, is not publishing a separate proposed regulation for the auditory evoked measuring equipment.

Injectable Teflon Paste and Absorbable Gelatin Sponge

At a future date, FDA will publish in the **Federal Register** a final regulation stating that two ear, nose, and throat devices (injectable teflon paste and absorbable gelatin sponge) are classified into class III (premarket approval) by the transitional provisions of the act in section 520(1) (21 U.S.C. 360j(1)). The Transitional provisions classify into class III any device previously regarded by FDA as a new drug.

Panel Recommendations and FDA's Proposed Classifications

Section 874.1050; Docket No. 78N–1550; Audiometer.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of audiometers:

1. Identification: An audiometer or automated audiometer is an electroacustic device that produces controlled levels of test tones and signals intended for use in conducting diagnostic hearing evaluations and assisting in the diagnosis of hearing loss and possible otologic disorders.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that audiometer be classified into class II (performance standards) because the calibration characteristics of the device need to be controlled to prevent erroneous measurement of hearing thresholds which could result in misdiagnosis and inappropriate treatment; the electrical properties of the device need to be controlled to prevent electrical shock; and the volume of sound produced by the device needs to be controlled to prevent excessive acoustic output levels from causing hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that audiometer manufacturers comply with the American National Standards Institute (ANSI) voluntary standard for audiometers, ANSI S3.6–1969 (Ref. 1) and indicate conformance in the labeling for the device. The Panel further recommends that audiometer be calibrated at regular intervals in accordance with a systematic maintenance program.

4. Summary of data on which the recommendation is based: The Panel reviewed a 1975 survey of audiometers conducted by the Texas State Department of Health which reported that the majority of the surveyed audometers did not meet minimum standards (Ref. 2). Rufus L. Grason, chairman of Working Group No. 35 of the ANSI Committee on Bioacoustics, discussed the current ANSI standard for audiometer (Ref. 1) and the activites of that working group in developing a new ANSI standard for audiometers at the May 19, 1976, Panel meeting. The Panel based its recommendation on its review of the above reference, the information provided by Mr. Grason and on the Panel member's personal knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Misdiagnosis: Defective calibration of this device may result in incorrect measurement of hearing thresholds which could result in misdiagnosis and inappropriate treatment. (b) Electrical shock: Excessive voltage or current levels may cause electrical shock. (c) Hearing damage: Failure of the device to adequately control the volume of sound produced could result in damage to hearing.

FDA agrees with the Panel recommendation and its proposing that audiometers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1060; Docket No. 78N–1551; Acoustic chamber for audiometric testing.

The Ear, Nose and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of acoustic chambers for audiometric testing:

1. Identification: An acoustic chamber for audiometric testing is a room that is intended for use in conducting diagnostic hearing evaluations and that eliminates sound reflections and provides isolation from outside sounds.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that acoustic chambers for audiometric testing be classified into class II (performance standards) because of the need to prevent inadequate oxygen supply to the patient by assuring proper ventilation and properly operating door latches. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommended that labeling for the device should specify its acoustic attenuation characteristics.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Asphyxiation: Insufficient ventilation or improperly operating door latches can result in an inadequate oxygen supply to the patient.

FDA agrees with the Panel recommendation and is proposing that acoustic chambers for audiometric testing be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1070; Docket No. 78N–1552; Short increment sensitivity index (SISI) adapter.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of short increment sensitivity index (SISI) adapters:

1. Identification: A short increment sensitivity index (SISI) adapter is a device that is intended for use with an audiometer in diagnostic hearing evaluations. A SISI adapter provides short periodic sound pulses in specific small decibel increments that are superimposed on the audiometer's output tone frequency.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that short increment sensitivity index (SISI) adapters be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that short increment sensitivity index (SISI) adapters be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1080; Docket No. 78N–1553; Audiometer calibration set.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of audiometer calibration sets:

1. Identification: An audiometer calibration set is an electronic reference device that is used to calibrate an audiometer. It measures the sound frequency and intensity characteristics that emanate from an audiometer earphone. The device consists of an acoustic cavity of known volume, a sound level meter, a microphone with calibration traceable to the National Bureau of Standards, oscillators, frequency counters, microphone amplifiers, and a recorder. The device can measure selectable audiometer test frequencies at a given intensity level, and selectable audiometer attenuation settings at a given test frequency.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that audiometer calibration sets be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, the calibration characteristics need to be controlled to prevent erroneous measurement of hearing thresholds by the audiometer which could result in misdiagnosis and inappropriate treatment, and excessive output sound levels from the audiometer which may produce hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive voltage or current levels may cause electrical shock. (b) Hearing damage: Incorrect data from this device may result in excessive output sound

pressure levels from the audiometer causing hearing damage. (c) Misdiagnosis: Defective calibration of this device may result in incorrect measurement of hearing thresholds by the audiometer which could result in misdiagnosis and inappropriate treatment.

FDA agrees with the Panel recommendation and is proposing the audiometer calibration sets be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1090; Docket No. 78N–1554; Auditory impedance tester.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of auditory impedance testers:

1. Identification: An auditory impedence tester is a device that is intended to change the air pressure in the external auditory canal and measure and graph the mobility characteristics of the tympanic membrane to evaluate the functional condition of the middle ear. The device is used to determine abnormalities in the mobility of the tympanic membrane due to stiffness, flaccidity, or the presence of fluid in the middle ear cavity. The device is also used to measure the acoustic reflex threshold from contractions of the stapedial muscle, to monitor healing of tympanic membrane grafts or stapedectomies, or to monitor followup treatment for inflammation of the middle ear.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that auditory impedance testers be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, the static pressure emitted by the device needs to be controlled to prevent damage to the tympanic membrane, and the acoustic output levels from the device need to be controlled to prevent hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: Rufus L. Grason, chairman of Working Group No. 35 of the American National Standards Institute (ANSI) Committee on Bioacoustics, discussed clinical auditory impedance testers at the May 19, 1976, meeting of the Panel. He noted that although the device is used in most audiology clinics, there has been no standard procedure for its calibration. Mr. Grason stated that ANSI Working Group No. 35 is preparing standards for auditory impedance testing devices. The Panel based its recommendation on Mr. Grason's testimony and the Panel members' personal knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels may cause electrical shock. (b) Damage to tympanic membrane: Insufficiently controlled static pressure may cause damage to the tympanic membrane. (c) Hearing damage: Excessive sound levels from this device may cause hearing damage.

FDA agrees with the Panel recommendation and is proposing that auditory impedance testers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1100; Docket No. 78N–1555; Earphone cushion for audiometric testing.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of earphone cushions for audiometric testing:

1. Identification: An earphone cushion for audiometric testing is a device that is intended to cover an audiometer earphone during audiometric testing to provide and acoustic coupling (sound connection path) between the audiometer earphone and the patient's ear.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that earphone cushions for audiometric testing be classified into class II (performance standards) because of the need to ensure the biocompatibility of the materials used in the device to prevent contact dermatitis. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Contact dermatitis: Use of a material which is not biocompatible in this device may cause contact dermatitis.

FDA agrees with the Panel recommendation and is proposing that earphone cushions for audiometric testing be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1120; Docket No. 78N–1556; Electronic noise generator for audiometric testing.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of electronic noise generators for audiometric testing:

1. Identification: An electronic noise generator for audiometric testing is a device that consists of a swept frequency generator, an amplifier, and an earphone and that is intended to introduce a masking noise into the ear that is not being tested during an audiometric evaluation so as to minimize that ear's ability to sense test tones and signals being generated for the ear being tested.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that electronic noise generators for audiometric testing be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the panel recommendation and is proposing that electronic noise generators for audiometric testing be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency notes that in addition to the risks to health discussed in the Panel recommendation, there is a risk of hearing damage to the patient resulting from excessive sound levels from the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1325; Docket No. 78N–1558; Electroglottograph.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of electroglottographs:

1. Identification: An electroglottograph is an AC-powered device that employs a pair of electrodes that are placed in contact with the skin on both sides of the larynx and held in place by a collar. It is intended to measure the electrical impedance of the larynx to aid in assessing the degree of closure of the vocal cords, confirm laryngeal diagnosis, aid behavioral treatment of voice disorders, and aid research concerning the laryngeal mechanism.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that electroglottographs be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation by William Berry, Ph.D., Veterans Administration Medical Center, Memphis, Tennessee, at its March 19, 1979 meeting. Dr. Berry described his personal experience with this device and attested its effectiveness with minimal risks to health.

5. Risks to health: Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that electroglottographs be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency notes that in addition to the risks to health discussed in the Panel recommendation, there is a risk to the patient of misdiagnosis caused by inaccurate functioning of the device and subsequent inappropriate therapy. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1500; Docket No. 78N–1561; Gustometer.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of gustometers:

1. Identification: A gustometer is a battery-powered device that consists of two electrodes that are intended to be placed on both sides of the tongue at different taste centers and that provides a galvanic stimulus resulting in taste sensation. It is used for assessing the sense of taste.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification regulations under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that this is a simple device which presents no hazards to health and can be adequately regulated by general controls. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there is reasonable assurance that any substantially equivalent device or modification of the device would be safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that gustometers be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel's recommendation that manufacturers of gustometers be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of gustometers, the agency cannot make the required finding. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

However, FDA is proposing that manufacturers of these devices who do not label or otherwise represent them as sterile be exempt, in the manufacture of the devices, from all requirements of the GMP regulation except § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, and § 820.198 (21 CFR 820.198), with respect to complaint files. See the discussion under the heading "Exemptions for Class I Devices" for a complete explanation of the agency's policies concerning exemptions.

Section 874.1800; Docket No. 78N–1565; Air caloric stimulator.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of air caloric stimulators:

1. Identification: An air caloric stimulator is an AC-powered device that delivers a stream of air to the ear canal at controlled rates of flow and temperature and that is intended for vestibular function testing of a patient's body balance system. The vestibular stimulation of the semicircular canals produces involuntary eye movements that are measured and recorded by a nystagmograph.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that air caloric stimulators be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The calibration characteristics of the device need to be controlled to prevent excessive output air pressure and temperature levels, which may cause increased stress and possibly precipitate a heart attack or seizure. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends the following restrictions: (1) Irrigation should be performed under the supervision of a physician. (2) A medical history and otoscopic examination should precede use of this device. (3) Caution should be exercised when using this device with patients with histories of heart disease or epileptic seizures.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels from this device may cause electrical shock. (b) Coronary attack or seizure: If a sufficiently high temperature reaches the patient's inner ear, it may cause stresses leading to coronary attacks or seizures in patients with a history of coronary disease or epilepsy. The hazard is more likely in patients with a perforated tympanic membrane. Because the air caloric stimulator does not introduce water into the ear and because the presence of water increases the rate of heat exchange, the Panel believes that the risk of coronary attack or seizure is much less using the air caloric stimulator than when using the water caloric stimulator for the same uses.

FDA agrees with the Panel recommendation and is proposing that air caloric stimulators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1810; Docket No. 78N–1566; Water caloric stimulator.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of water caloric stimulators:

1. Identification: A water caloric stimulator is an AC-powered device that delivers a stream of water to the ear canal at controlled rates of flow and temperature and that is intended for vestibular function testing of a patient's body balance system. The vestibular stimulation of the semicircular canals produces involuntary eye movements that are measured and recorded by a nystagmograph.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that water caloric stimulators be classified into class II because the electrical properties of the device need to be controlled to prevent electrical shock; the calibration characteristics of the device need to be controlled to prevent excessive output water pressure and temperature levels causing eardrum perforation, water in the middle ear, or increased stress which may precipitate a heart attack or seizure; and the sterility of the water delivered by this device needs to be controlled to prevent infection. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel recommends the following restrictions: (1) Irrigation should be performed under the general supervision of a physician. (2) A medical history and otoscopic examination should precede use of this device. (3) Caution should be exercised when using this device with patients with histories of heart disease or epileptic seizures.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device..

5. Risks to health: (a) Ear infection: Contaminants in the water may cause infection in the ear. (b) Perforated eardrum: High water pressure from this device may cause a perforation of the tympanic membrane. (c) Water in the middle ear: Use of this device with individuals with a perforated eardrum may cause the accumulation of water in the middle ear space. (d) Coronary attack or seizure: If a sufficiently high temperature reaches the patient's inner ear, it may cause stresses leading to coronary attacks or seizures in patients with a history of coronary disease or epilepsy. The hazard is more likely in patients with a perforated tympanic membrane. Because of the increased rate of heat exchange in the ear when water is present, the Panel believes that the risk of coronary attack or seizure is much greater using the water caloric stimulator than when using the air caloric stimulator for the same uses. (e) Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that water caloric stimulators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.1820; Docket No. 78N–1567; Surgical nerve stimulator/locator.

The Ear, Nose, and Throat Device Classification Panel and the General and Plastic Surgery Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of surgical nerve stimulator/locators:

1. Identification: A surgical nerve stimulator/locator is a device that is intended to provide electrical stimulation to the body to locate and

identify nerves and to test their excitability.

2. Recommended classification: Class II (performance standards). The Ear, Nose, and Throat Device Classification Panel recommends that establishing a performance standard for this device be a high priority. The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panels recommend that surgical nerve stimulator/locators be classified into class II because the device applies an electrical current to the patient's body, and the Panels believe that this current should be controlled to prevent electrical shock to the patient. The Ear, Nose, and Throat Device Classification Panel recommends that the device should only be used under the supervision of medically trained personnel and that standards for surgical nerve stimulator/locators should be developed as soon as possible by a multidisciplinary neuroscience group. The Panels believe that general controls alone would not provide sufficient control over the hazards associated with this device. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: Both Panels based their recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Both Panels identified the following risks to health: Electrical shock: Excessive current or voltage levels, or improper grounding of this device, may cause electrical shock or nerve damage to the patient or electrical shock to the operator.

FDA agrees with the Panels' recommendations and is proposing that surgical nerve stimulator/locators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency notes that in addition to the risks to health identified by the Panels, there are hazards to the patient from inaccurate functioning of this device causing misdiagnosis and subsequent inappropriate therapy.

FDA has reviewed the recommendation of the Ear, Nose, and Throat Device Classification Panel and of the General and Plastic Surgery Device Classification Panel for surgical nerve stimulator/locators and has concluded that the classification of this device should be published in the part of the Code Federal Regulations for ear, nose, and throat devices.

Section 874.1925; Docket No. 78N-1568; Toynbee diagnostic tube.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of toynbee diagnostic tubes:

1. Identification: A toynbee diagnostic tube is a listening device intended to determine the degree of openness of the eustachian tube.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device which presents no hazards to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification of the device would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that toynbee diagnostic tubes be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel recommendation that manufacturers of toynbee diagnostic tubes be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) of the act only upon a finding that compliance with this section is not necessary for the protection of the public health. In the case of the toynbee diagnostic tubes, the agency cannot make the required finding. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

Section 874.3300; Docket No. 78N-1589; Hearing aid.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of hearing aids:

1. Identification: A hearing aid is a wearable electronic sound-amplifying device intended to compensate for impaired hearing. This generic type of device excludes tinnitus maskers, master hearing aids, and group hearing aids or group auditory trainers.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that hearing aids be classified into class II (performance standards) because the acoustic output levels of this device need to be controlled to prevent hearing damage. The Panel recommended that manufacturers comply with a recently developed initial standard that specifies hearing aid test methods (Ref. *3*). The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The volume of sound produced by the device needs to be controlled to prevent excessive acoustic output levels from causing hearing damage.

FDA agrees with the Panel recommendation and is proposing that hearing aids be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by

this device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to estalbish a performance standard for this device. FDA has already issued professional and patient labeling requirements for, and conditions for sale of, these devices. These requirements are contained in 21 CFR 801.420 and 801.421. The identification of hearing aids in this regulation differs from the identification provided in the professional and patient labeling regulations for hearing aids in that the identification provided here specifically excludes several devices (tinnitus maskers, master hearing aids, and group hearing aids or group auditory trainers) that are subject to separate proposed classification regulations.

FDA recently published final regulations regarding to applications for exemption from Federal preemption of State hearing aid requirements. These regulations were published in the **Federal Register** of October 10, 1980 (45 FR 67321, 67325, and 67326).

Section 874.3310; Docket No. 78N-1570; hearing aid calibrator and analysis system.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of hearing aid calibrator and analysis systems:

1. Identification: A hearing aid calibrator and analysis system is an electronic reference device intended to calibrate and assess the electroacoustic frequency and sound intensity characteristics emanating from hearing aids, master hearing aids, group hearing aids or group auditory trainers. The device consists of an acoustic complex of known cavity volume, a sound level meter, a microphone, oscillators, frequency counters, microphone amplifers, a distortion analyzer, a chart recorder, and a hearing aid test box.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that hearing aid calibrator and analysis systems be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock and the calibration characteristics of the device need to be controlled to prevent erroneous calibration of hearing aids and excessive output levels from hearing aids that may cause hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels may cause electrical shock. (b) Hearing damage: Defective components in this device may result in erroneous calibration of a hearing aid, possibly resulting in excessive output levels from the hearing aid which could cause hearing damage.

FDA agrees with the Panel recommendation and is proposing that hearing aid calibrator and analysis systems be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.3320; Docket No. 78N-1571; Group hearing aid or group auditory trainer.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of group hearing aids or group auditory trainers:

1. Identification: A group hearing aid or group auditory trainer is a hearing aid that is intended for use in communicating simultaneously with one or more listeners having hearing impairment. The device is used with an associated transmitter microphone. It may be either monaural or binaural, and it provides coupling to the ear through either earphones or earmolds. The generic types of applications: hardwire systems, inductance loop systems, and wireless systems.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that group hearing aids or group auditory trainers be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock and the acoustic output levels of the device need to be controlled to prevent hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Hearing damage: Excessive output sound pressure levels may cause hearing damage. (b) Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that group hearing aids or group auditory trainers be classified into class II (performance standards). The group auditory trainers identified in this regulation are exempted from the regulation concerning labeling and conditions for sale of hearing aids, as stated in 21 CFR 801.421(e). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.3330; Docket No. 78N-1572; Master hearing aid.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of master hearing aids:

1. Identification: A master hearing aid is an electronic device intended to simulate a hearing aid during audiometric testing. It has adjustable acoustic output levels, such as those for gain, output, and frequency response. The device is used to select and adjust a person's wearable hering aid.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that master hearing aids be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock and the calibration characteristics of the device need to be controlled to prevent excessive acoustic output levels which may cause hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient informatin to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation by Harry Levitt, Ph. D., City University of New York, at the January 24–25, 1978 Panel meeting and on the Panel members' personal knowledge of, and clinical experience with, this device. In his presentation, Dr. Levitt discussed the use of a master hearing aid to select, fit, and adjust hearing aids. Dr. Levitt also discussed the hazards master hearing aids pose, and he recommended that standards specifying minimum performance characteristics be developed.

5. Risks to health: (a) Electrical shock: Excessive voltage or current levels from this device may cause electrical shock. (b) Hearing damage: Inaccurate calibration of this device may result in excessive acoustic output levels which may cause hearing damage.

FDA agrees with the Panel recommendation and is proposing that master hearing aids be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. The agency notes that in addition to the risks to health identified by the Panel, there is hazard to the patient from inaccurate functioning of this device causing misdiagnosis and subsequent inappropriate therapy. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.3375; Docket No. 78N–1573; Battery-powered artificial larynx.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of battery-powered artificial larynxes:

1. Identification: A battery-powered artificial larynx is an externally applied device intended for use in the absence of the larynx to excite the vocal cords. When held against the skin in the area of the voicebox, the device generates mechanical vibrations and thereby excites the vocal cords to produce sound.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device which presents no hazards to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes there would be reasonable assurance that any substantially equivalent device, or modification of the device, would be safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that battery-powered artificial larynxes be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel recommendation that manufacturers of battery-powered artificial larynxes be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of battery-powered artificial larynxes, the agency cannot make the required finding. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

However, FDA is proposing that manufacturers of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, and § 820.198 (21 CFR 820.198), with respect to complaint files. See the discussion under the heading "Exemptions for Class I Devices" for a complete explanation of the agency's policies concerning exemptions.

Section 874.3400; Docket No. 78N–1574; Tinnitus masker.

The Ear, Nose, and Throat Device Classification Panel, an advisory committee, made the following recommendations regarding the classification of tinnitus maskers:

1. Identification: A tinnitus masker is an electronic device intended to generate noise of sufficient intensity and bandwidth to mask ringing in the ears or internal head noise. Because the device is able to mask internal noises, it is also used as an aid in hearing external noises and speech.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that tinnitus maskers be classified into class III because the Panel believes that the device presents a potential unreasonable risk of illness or injury because long-term use may result in progressive hearing loss from overrstimulation. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation made to the Panel on January 16, 1978, by J. Vernon, Ph.D., American Tinnitus Association, and on the Panel's review of two papers addressing the question of the safety and effectiveness of tinnitus maskers (Refs. *4* and *5*).

5. Risks to health: Hearing damage: High acoustic output levels from this device over long-term periods may result in progressive hearing loss.

FDA agrees with the Panel recommendation and is proposing that tinnitus maskers be classified into class III (premarket approval). The agency believes that the device presents a potential unreasonable risk of illness or injury because use of the device at high acoustic output levels over long periods of time may result in progressive hearing loss. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.3430; Docket No. 78N–1576; Middle ear mold.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of middle ear molds:

1. Identification: A middle ear mold is a preformed device that is surgically implanted and intended to reconstruct the middle ear cavity during repair of the tympanic membrane. The device permits an ample air-filled cavity to be maintained in the middle ear and promotes regeneration of the mucous membrane lining of the middle ear cavity. A middle ear mold is made of materials such as polyamide, polytetrafluoroethylene, silicone elastomer, or polyethylene, but does not contain porous polyethylene.

2. Recommended classification Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that middle ear molds be classified into class II (performance standards) because the properties of the devices material and its sterlization need to be controlled to prevent an adverse tissue reaction or injury to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that labeling include a sketch that would indicate geometric specifications as determined by the manufacturer.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on the Panel's review of the medical literature. There has been extensive clinical use of middle ear molds with minimal risks, and the medical literature attests their safety and effectiveness (Refs. *1, 2,* and *3*).

5. Risks to health: (a) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with the possible migration and extrusion of the implant. (b) Infection: If the device materials are not properly sterilized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result.

FDA agrees with the Panel recommendation and is proposing that middle ear molds be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical usage of middle ear molds over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risk to health presented by the device.

FDA has reviewed representative clinical literature on use of middle ear molds (Refs. *6, 7,* and *8*). Sheehy, J. L. and J. A. Crabtree (Ref. *6*) reported on the use in 303 cases of middle ear molds made of either polyamide or silicone elastomer in staged tympanostomy. Thin silicone elastomer (0.005 inch) was preferred by the authors for routine use, but thick silicone elastomer (0.04 inch) or polyamide sheeting (0.3 millimeter) was preferred in cases of extensive mucous membrane destruction in the middle ear. After followup periods that ranged from 6 months to 6 years, the patients' hearing test results in these staged tympanostomies showed 33 percent within 10 decibels and 85 percent within 30 decibels of the preoperative bone conduction levels. No complications were reported from the use of these middle ear molds. Palve et al. (Ref. *7*) reported patients' hearing test results after 545 ear operations after a median followup period of 3 years. In the group that had the middle ear mucosa excised, hearing results were poorest in those cases in which the promontory was left bare as compared to those cases in which methods were used to prevent adhesions, such as the use of middle ear molds made of silicone elastomer sheeting. House and Sheehy (Ref. *8*) reported that the use of polyethylene or polytetrafluoroethylene film to cover the surfaces of the middle ear during ear surgery to avoid formation of adhesions was effective. The authors reported that the patients' hearing test results showed only slight hearing loss following ear surgery during which middle ear mucosa was removed and these middle ear molds were inserted, compared to patient's hearing loss following ear surgery in cases in which the middle ear mucosa was not removed and middle ear molds not used.

Section 874.3450; Docket No. 78N–1577; Partial ossicular replacement prosthesis.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of partial ossicular replacement prostheses:

1. Identification: A partial ossicular replacement prosthesis is an implanted device that is intended for use in the reconstruction of segments of the ossicular chain and that facilitates the conduction of sound waves to the inner ear. The device is made of materials such as stainless steel, tantalum, polytetraflouroethylene, polyethylene, polytetrafluoroethylene with carbon fibers composite, absorbable gelatin material, or from a combination of these materials, but it does not contain porous polyethylene.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that partial ossicular replacement prostheses be classified into class II (performance standards) because the properties of the materials used in the device and the sterilization of the device need to be controlled to prevent an adverse tissue reaction or injury to the patient. The Panel recommended that the labeling of partial ossicular replacement prostheses that contain absorbable gelatin material contain a warning statement that there may be an increased risk to the inner ear with the use of an absorbable gelatin wire prosthesis if it is placed in direct contact with the perilymph (the fluid contained in the space separating the membranes from the long labyrinth of the ear). To reduce this risk, the Panel recommended use of a tissue covering of

fat, fascia, or vein graft between the absorbable gelatin component of the prosthesis and the oval window. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation by Beverly Armstrong, M.D., at the September 28, 1976 Panel meeting and on the Panel member's personal knowledge of, and clinical experience with, this device. Dr. Armstrong reviewed the medical literature on the use of this device (Ref. *9*).

5. Risks to health: (a) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant. (b) Infection: If the device materials are not properly sterilized or are contaminated by microoganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result.

FDA agrees with the Panel recommendations and is proposing that partial ossicular replacement prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the clinical usage of partial ossicular replacement prostheses over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are sufficient to control the risks to health presented by the device.

FDA has reviewed pertinent clinical literature on partial ossicular replacement protheses (Refs. *9* through *18*). The presentation delivered to the Panel on September 28, 1976 by Dr. Armstrong (Ref. *9*) summarized the results of 46,470 stapedectomy procedures performed by 26 otolaryngologists between 1959 and 1976. Data indicated that the success rate for this operation was over 95 percent when using a prosthetic device. The data further indicated that of the 46,470 procedures performed only 1.9 percent of the patients receiving the prosthesis showed no improvement in their condition. About 1.5 percent of the patients showed a deterioration from their original condition, in that 0.41 percent showed further hearing loss with some tinnitus, 0.16 percent indicated disturbance of their equilibrium, 0.26 percent had an unjury to their facial or chorda tympani nerve, 0.26 percent exhibited perilymph leakage and some fistulas, 0.032 percent had severe otitis media, labyrinthitis, or meningitis, and 0.0086 percent died as a result of their complications.

Sheehy (Ref. *10*) reported on the results of 50 cases involving stapes surgery with a stainless steel incus replacement prosthesis. Followup data at 6 months or longer indicated that in 36 of of 46 patients (78 percent) the air-bone gap was closed to within 15 decibels of the preoperative bone conduction level. Satisfactory results were observed in another 10 percent of the cases. One case was observed as having failed due to displacement of the prosthesis out of the oval window. Schuknecht and oleksuik (Ref. *11*) reported on the use of metal prostheses in stapes surgery. Between October 1956 and January 1959, 166 prostheses were implanted, or which 30 were tantalum and 136 were stainless steel. At three months post-operative followup a hearing level of 30 decibels or better was recorded for the three speech frequencies by 142 (86 percent) of the patients. Twenty-two patients showed no change, and two had hearing losses of 6 decibels or more. The air-bone gap was closed 50 percent or more in 68 percent of the patients.

Schuknecht, McGee, and Colman (Ref. *12*) reported that of 287 stapedectomies in which a tissue-metal implant was used, an air-bone gap of 10 decibels or less was acquired in 74.9 percent of the cases. Delayed cochlear degeneration occurred in 2.4 percent of the cases.

Section 874.3465; Docket No. 78N-1637; Porous polyethylene partial ossicular replacement prosthesis.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of porous polyethylene partial ossicular replacement prostheses:

1. Identification: A porous polyethylene partial ossicular replacement prosthesis is an implanted device intended for the functional reconstruction of segments of the ossicular chain and facilitates the conduction of sound waves from the tympanic membrane to the inner ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be medium priority.

3. Summary of reasons for recommendation: The Panel recommends that porous polyethylene partial ossicular replacement prostheses by classified into class III because this device is implanted in the human body and the Panel believes that premarket approval is necessary to provide reasonable assurance of its safety and effectiveness. The Panel notes that the literature on the clinical use of porous polyethylene partial ossicular replacement prostheses (Refs. *19* and *20*) does not identify the polyethylene material used in terms of its physical and chemical characteristics such as molecular weight range, additives, catalysts, mechanical properties, morphology, etc. Since the generic polyethylene polymer can have a wide range of physical and chemical characteristics and some of the combinations of characteristics may not be suitable for ossicular replacement applications, the Panel believes that long-term safety and effectiveness data on clearly defined physical and chemical characterized porous polyethylene material(s) in ossicular replacement applications are needed to justify a recommendation less stringent than class III (premarket approval). The Panel recommends that porous polyethylene partial ossicular replacement prostheses be classified into class III because the Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard. The device, therefore, should be subject to premarket approval to ensure that manufacturers demonstrate satisfactory performance of the device and thus ensure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on six presentations made before the panel on this device, its review of the medical literature, and on the Panel members' personal knowledge of, and clinical experience with, this device. The Panel received two presentations on porous polyethylene at its June 22, 1978 Panel

meeting. The first presentation by J. Shea, M.D., Shea Clinic, G. D. L. Smyth, M.D., Belfast University Medical School, and B. Sauer, D.V.M., University of Mississippi Medical School, discussed the safety and effectiveness of porous polyethylene when used as an implant in the ear, nose, and throat area (Refs. *24* and *25*). The second presentation by E. B. Kern, M.D. and H. G. Neel III, M.D., Mayo Clinic, discussed research conducted at the Mayo Clinic involving implantation of materials, which included porous polyethylene, in rabbits. The Panel received two presentations on this device at its November 6, 1978 Panel meeting. The first presentation by R. Deanin, Sc.D., Lowell University, reviewed the chemistry of porous polyethylene, noting the different manufacturing processes. The second presentation by R. Rose, Sc.D., Massachusetts Institute of Technology, discussed the physical characteristics of different types of polyethylene implants. The Panel received two presentations on this device at its March 19, 1979 meeting. The first presentation by L. Ziemlak, Ph.D., American Hoechst Corp., presented data on the characterization of ultra-high molecular weight polyethylene and related manufacturing controls. The second presentation by J. Ferri, President, General Polymeric Corp., reviewed the manufacturing controls that are placed upon ultra-high molecular weight polyethylene resin after his company receives the material in powder form for further processing into a molded form.

5. Risks to health: (a) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant. (b) Infection: If the device materials are not properly sterilized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result.

FDA agrees with the Panel recommendation and is proposing that porous polyethylene partial ossicular replacement prostheses be classified into class III (premarket approval). The porous polyethylene partial ossicular replacement prosthesis is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary. In addition, FDA believes that the device is purported or represented to be for a use (reconstructive surgery) that is of substantial importance in preventing impairment of human health and that the device presents a potential unreasonable risk of illness or injury to the patient. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.3495; Docket No. 78N–1578; Total ossicular replacement prosthesis.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of total ossicular replacement prostheses:

1. Identification: A total ossicular replacement prosthesis is an implanted device that is intended for use in the total reconstruction of the ossicular chain and that facilitates the conduction of sound waves to the inner ear. The device is made of materials such as polytetrafluoroethylene or polytetrafluoroethylene with vitreous carbon fibers composite. Porous polyethylene is not used in the device.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that total ossicular replacement prosthesis be classified into class II (performance standards) because the properties of the materials used in the device need to be controlled to prevent an adverse tissue reaction or injury to the patient. The Panel recommends that labeling of the device include a sketch that indicates geometric specifications as determined by the manufacturer. Because these devices are manufactured from porous materials, the labeling should indicate that these devices should be handled aseptically to avoid contamination. The Panel believes that general controls would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device, and on reports in the medical literature of studies of John Shea, M.D., et al. (Refs. *21* and *22*). These reports describe the use of a total ossicular replacement prosthesis that consisted of two round discs made of polytetrafluoroethylene with vitreous carbon fibers composite fixed to a polytetrafluoroethylene columella. The studies reported on the use of 23 of these prostheses and found that none were extruded. The reports further noted that there was an average hearing acuity increase of 20 decibels for the three speech frequencies with closure of the airborne gap to within 17 decibels with the total ossicular replacement prosthesis.

5. Risks to health: (a) Infection: If the device materials are not properly sterlized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant.

FDA agrees with Panel recommendation and is proposing that total ossicular replacement prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the well-documented clinical usage of total ossicular replacement prostheses and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed the pertinent clinical literature on total ossicular replacement prostheses (Refs. *21* through *23*). Shea et al. reported that, while there have been problems involving the contact point between the prosthesis and the tympanic membrane due to displacement of the device or protrusion of the device through the tympanic membrane, the device made of polyetrafluoroethylene and

polytetrafluoroethylene with vitreous carbon fibers composite worked quite well. The authors cited a series of 23 operations wherein a polytetrafluoroethylene columella was fabricated with discs of polytetrafluoroethylene/vitreous carbon fibers composite located at each end of the prosthesis. Postoperative evaluation after 12 months revealed no extrusion of the prosthesis and no complications with the total ossicular replacement used in this manner. An overall average increase in patients' hearing acuity of 20 decibels was reported for the three speech frequencies. The increase in patients hearing acuity following implantation of the device demonstrates the efficacy of the device.

Tabor (Ref. *23*) evaluated 23 cases treated with the implantation of a polytetrafluoroethylene prosthesis for reconstruction of the ossicular chain. After 2 to 12 months of followup, air-conduction levels for the speed frequencies were 11 decibels higher than the preoperative levels in 85–95 percent of the cases. Post-operative physical findings revealed no patient with a postoperative perforation, and no serious complications were reported.

Section 874.3510; Docket No. 78N–1639; Porous polyethylene total ossicular replacement prosthesis.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of porous polyethylene total ossicular replacement prostheses:

1. Identification: A porous polyethylene total ossicular replacement prosthesis is an implanted device intended for the functional reconstruction of the ossicular chain including the malleus and that facilitates the conduction of sound waves from the tympanic membrane to the inner ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that porous polyethylene total ossicular replacement prostheses be classified into class III because this device is implanted in the human body and the Panel believes that premarket approval is necessary to provide reasonable assurance of its safety and effectiveness. The Panel noted that literature on the clinical use of porous polyethylene total ossicular replacement prostheses (Refs. *24* and *25*) does not identify the polyethylene material used in terms of its physical and chemical characteristics such as molecular weight range, additives, catalysts, mechanical properties, morphology, etc. Because the generic polyethylene polymer can have a wide range of physical and chemical characteristics and some of the combinations of characteristics may not be suitable for total ossicular replacement prosthesis applications, the Panel believes that long-term safety and effectiveness data on clearly defined porous polyethylene material(s) in total ossicular replacement prosthesis applications are needed to justify a recommendation less stringent than class III (premarket approval. The Panel recommends that porous polyethylene total ossicular replacement prostheses be classified into class III because the Panel believes that general controls will not provide sufficient control over these characteristics. The Panel believes that a performance standard will not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on six presentations made before the Panel on this device, their review of the medical literature, and on the Panel members' personal knowledge of, and clinical experience with, this device. The Panel received two presentations on this device at its June 22, 1978 Panel meeting. The first presentation by J. Shea, M.D., Shea Clinic, G. D. L. Smyth, M.D., Belfast University Medical School, and B. Sauer, D.V.M., University of Mississippi Medical School, discussed the safety and effectiveness of porous polyethylene when used as an implant in the ear, nose, and throat area (Refs. *24* and *25*). The second presentation by E. B. Kern, M.D., and H. G. Nell III, M.D., Mayo Clinic, discussed research conducted at the Mayo Clinic involving implantation of materials, which included porous polyethylene, in rabbits. The Panel received two presentations on this device at its November 6, 1978 Panel meeting. The first presentation by R. Deanin, Sc.D., Lowell University, reviewed the chemistry of porous polyethylene, noting the different manufacturing processes. The second presentation by R. Rose, Sc.D., Massachusetts Institute of Technology, discussed the physical characteristics of different types of polyethylene implants. The Panel received two presentations on this device at its March 19, 1979 Panel meeting. The first presentation by L. Ziemlak, Ph.D., American Hoechst Corp., presented data on the characterization of ultra-high molecular weight polyethylene and related manufacturing controls. The second presentation, by J. Ferri, President, General Polymeric Corp., reviewed the manufacturing controls that are placed upon ultra-high molecular weight polyethylene resin after his company receives the material in powder form for further processing into a molded form.

5. Risks to health: (a) Infection: If the device materials are not properly sterilized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant.

FDA agrees with the Panel recommendation and is proposing that porous polyethylene total ossicular replacement prostheses be classified into class III (premarket approval). The porous polyethylene total ossicular replacement prosthesis is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case, the agency has determined that premarket approval is necessary for this device. The agency believes that the device is purported or represented to be for a use (reconstructive surgery) that is of substantial importance in preventing impairment of human health and that the device presents a potential unreasonable risk of illness or injury to the patient. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

§ 874.3540; Docket No. 78N–1579; Prosthesis modification instrument for ossicular replacement surgery.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of prosthesis modification

instruments for ossicular replacement surgery:

1. Identification: A prosthesis modification instrument for ossicular replacement surgery is a device intended for use by a surgeon to construct ossicular replacements. This generic type of device includes the ear, nose, and throat cutting block; wire crimper; wire bending die; wire closure forceps; piston cutting jib; gelfoam punch; wire cutting scissors; and ossicular finger vise.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that these devices be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The Panel believes that they are simple devices that present no unreasonable risks to health. The Panel recommends that these devices be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification of the device would be safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that prosthesis modification instruments for ossicular replacement surgery be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The agency disagrees with the Panel recommendation that manufacturers of prosthesis modification instruments for ossicular replacement surgery be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of prosthesis modification instruments for ossicular replacement surgery, the agency cannot make the required finding. Premarket notification by manufacturers of these devices assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

However, FDA is proposing that manufacturers of these devices who do not label or otherwise represent them as sterile be exempt, in the manufacture of the devices, from all requirements in the GMP regulation except § 820.180 (21 820.180), with respect to general requirements concerning records, and § 820.198 (21 CFR 820.198), with respect to complaint files. Based on available information about current practices used in the manufacture of the devices and user experience with the devices, the agency has determined that application of the GMP regulation, other than §§ 820.180 and 820.198, is unlikely to improve the safety and effectiveness of the devices. The agency believes, however, that manufacturers of prosthesis modification instruments for ossicular replacement surgery, even when they are not labeled or otherwise represented as sterile, must still be required to comply with the complaint file requirements to ensure that these manufacturers have adequate systems for complaint investigation and followup. The agency also believes that manufacturers of prosthesis modification instruments for ossicular replacement surgery must still be required to comply with the general requirement concerning records to ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, may determine whether the manufacturer's corrective actions are adequate, and may determine whether the exemption from other sections of the GMP regulation is still appropriate. A manufacturer of a prosthesis modification instrument for ossicular replacement surgery that is labeled or otherwise represented as sterile is, in the manufacture of this device, subject to the GMP regulation in its entirety.

Section 874.3620; Docket No. 78N-1583; Ear, nose, and throat polyamide mesh or foil synthetic polymer material.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat polyamide mesh or foil synthetic polymer materials:

1. Identification: Ear, nose, and throat polyamide mesh or foil synthetic polymer material is an implanted material that is intended for use as a space-occupying substance in the reconstructive surgery of the head and neck. The device is used, for example, in augmentation rhinoplasty and in tissue defect closures in the esophagus. The device is shaped and formed by the surgeon to conform to the patient's needs. This generic type of device does not contain porous polyethylene material.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat polyamide mesh or foil synthetic polymer material be classified into class II (performance standards) because the properties of the material, including its ability to be sterilized, need to be controlled to prevent injury to the patient and the biocompatibility properties need to be controlled to prevent an adverse tissue reaction. The Panel believes that general controls would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel received a presentation at its January 27, 1978 Panel meeting by Lee Dreps, S. Jackson Company which addressed the safety and effectiveness of ear, nose, and throat polyamide mesh and foil synthetic polymer material. Dr. Dreps reviewed a study of 30 patients conducted by G. J. Beekhuis, M.D. The study concluded that polyamide implants have been well-tolerated by the human hosts and that polyamide is a valuable augmenting material in the treatment of saddle nose deformity (Ref. *26*). The Panel based its recommendation on its review of Dr. Beekhuis' report (Ref. *26*), the presentation by Mr. Dreps, and the Panel members' personal knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant. (b) Infection: If the device materials are not properly sterilized, an infection could result.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat polyamide mesh or foil synthetic polymer materials be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical usage of this device over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by this device.

FDA has reviewed representative clinical literature on ear, nose, and throat polyamide mesh or foil synthetic polymer materials (Refs. *26* through *29*). The agency notes that these materials have been widely used for over a decade in nasal and facial cosmetic surgery and have been well-tolerated in the human body, displaying little or no foreign body reaction or rejection. Beekhuis (Ref. *26*) in 1974 reported favorable results in the use of polyamide mesh in 30 patients over a four-year period. In all cases, the polyamide mesh implants were well-tolerated, with no foreign body reaction and no rejections, although three of the implants had underlying infections which necessitated the removal of two of them. Beekhuis (Ref. *27*), in another paper published in 1974, reported on the use of polyamide mesh in conjunction with polyamide foil to create an increase in nasal tip projection in 70 patients with saddle-nose deformity. In 67 (96 percent) of these patients, the implants were well-tolerated with no long-term or delayed complications and very good cosmetic results. Three patients suffered complications from postoperative infections not related to the actual implant. Stucker (Ref. *28*) reported on 164 cases over a period of four years in which he used polyamide mesh to augment the nasal dorsum, for mentoplasty augmentation, and for implantation of under-developed maxilla. Of these patients, only three experienced rejection (2 percent). The cosmetic results in this series of implantations were excellent. Beekhuis (Ref. *29*) reported on the use of rolled implants of polyamide mesh for augmentation mentoplasty in 100 patients. No clinical signs of host rejection or postoperative displacement or extrusion occurred in any of the patients.

Section 874.3630; Docket No. 78N-1584; Ear, nose, and throat porous polyethylene synthetic polymer material.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat porous polyethylene synthetic polymer material:

1. Identification: Ear, nose, and throat porous polyethylene synthetic polymer material is a porous polyethylene material that is intended to be formed by a surgeon into an implant used as a space-occupying substance and as a tissue-inviting replacement for diseased bone or tissue voids in areas of the ear, nose, and throat.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat porous polyethylene synthetic polymer material be classified into class III because this material is implanted in the human body and the Panel believes that insufficient data currently exist to provide reasonable assurance of its safety and effectiveness. The Panel notes that literature on clinical use of porous polyethylene material (Refs. *30* and *31*) does not identify the material used in terms of its physical and chemical characteristics such as molecular weight range, additives, catalysts, mechanical properties, morphology, etc. Since the generic polyethylene polymer can have a wide range of physical and chemical characteristics and some of the combinations of characteristics may not be suitable for ear, nose, and throat applications, the Panel believes that long-term safety and effectiveness data on well-characterized porous polyethylene materials in ear, nose, and throat applications are needed to justify a recommendation less stringent than class III (premarket approval). The Panel also notes that the porous nature of this material may allow for the communication of infection from one body cavity to the next. The Panel notes that if this material does not have sufficient biological or mechanical compatibility, it may cause an adverse tissue reaction. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel also believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on six presentations made before the panel on porous polyethylene, its review of the medical literature, and on the Panel members' personal knowledge of, and clinical experience with, this device. The Panel received two presentations on this device at its June 22, 1978 Panel meeting. The first presentation by J. Shea, M.D., Shea Clinic, G. D. L. Smyth, M.D., Belfast University Medical School, and B. Sauer, D.V.M., University of Mississippi Medical School, discussed the safety and effectiveness of porous polyethylene when used as an implant in the ear, nose, and throat area (Refs. *30* and *31*). The second presentation by E. B. Kern, M.D., and H. G. Neel III, M.D., Mayo Clinic, discussed research conducted at the Mayo Clinic involving implantation of materials, which included porous polyethylene, in rabbits. The Panel received two presentations on this device at its November 6, 1978 Panel meeting. The first presentation by R. Deanin, Sc.D., Lowell University, reviewed the chemistry of porous polyethylene, noting the different manufacturing processes. The second presentation by R. Rose, Sc.D., Massachusetts Institute of Technology, discussed the physical characteristics of different types of polyethylene implants. The Panel received two presentations on this device at its March 19, 1979 Panel meeting. The first presentation by L. Ziemlak, Ph.D., American Hoechst Corp., presented data on the characterization of ultra-high molecular weight polyethylene and related manufacturing controls. The second presentation by J. Ferri, President, General Polymeric Corp., reviewed the manufacturing controls that are placed upon ultra-high molecular weight polyethylene resin after his company receives the material in powder form for further processing into a molded form.

5. Risks to health: (a) Infection: If the device materials are not properly sterilized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse reaction and

possible migration and extrusion of the implant.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat porous polyethylene synthetic polymer material be classified into class III (premarket approval). The device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless the agency determines that premarket approval is not necessary to provide reasonable assurance of the device's safety and effectiveness. The agency has determined that premarket approval is necessary for ear, nose, and throat porous polyethylene synthetic polymer material. The agency believes that the device is purported or represented to be for a use (reconstructive surgery) that is of substantial importance in preventing impairment of human health and that the device presents a potential unreasonable risk of illness or injury to the patient. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 876.3695; Docket No. 78N-1568; Mandibular implant facial prosthesis.

The Ear, Nose, and Throat Device Classification Panel and the General and Plastic Surgery Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of mandibular implant facial prostheses:

1. Identification: A mandibular implant facial prosthesis is an implanted device that is intended for use in the functional reconstruction of mandibular deficits. The device is made of materials such as stainless steel, tantalum, titanium, cobalt-chromium based alloy, polytetrafluoroethylene, silicone elastomer, polyethylene, polyurethane, or polytetrafluoroethylene with carbon fibers composite, but not porous polyethylene.

2. Recommended classification: Class II (performance standards). The Ear, Nose, and Throat Device Classification Panel recommends that establishing a performance standard for this device be a high priority. The General and Plastic Surgery Device Classification Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendations: The Panels recommend that mandibular implant facial prostheses be classified into class II (performance standards) because the Panel believes the device has an established history of safe and effective use. The Panels believe that use of materials in this device that are not biologically or mechanically compatible with the body, or that are contaminated by microorganisms, may cause an adverse tissue reaction or injury or illness in the patient. The Ear, Nose, and Throat Device Classification Panel also recommends that labeling of the device include a sketch that indicates geometric specifications as determined by the manufacturer (e.g., tube length, diameter, thickness of wall, thickness of flange, etc.). Both Panels believe that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panels do not believe that premarket approval is necessary to assure its safety and effectiveness. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, this device. The Ear, Nose, and Throat Device Classification Panel based its recommendation on a presentation at its December 14, 1976 meeting by S. Weisman (Howmedica, Inc.) and D. A. Corgill, M.D., who discussed the safety and efficacy of the facial prostheses including the mandibular implant facial prosthesis. Mr. Weisman reviewed the medical literature concerning facial prostheses over the past 20 years and provided evidence that the medical literature attests the biocompatibility and effective performance of this device. Dr. Corgill discussed the clinical data he had obtained over the past 10 years on facial prostheses.

5. Risks to health: The Ear, Nose, and Throat Device Classification Panel identified the following risks to health: (a) Infection: If the device materials are not properly sterilized or are contaminated by microoganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant, The General and Plastic Surgery Device Classification Panel identified the floowing risks to health: (a) Infection: The introduction of microbes associated with a nonsterile device may cause infection. (b) Skin necrosis, hematoma, capsule formation, displacement of the implant: If the implant is of improper size or shape, these complications may result.

FDA agrees with the recommendations of both the Ear, Nose, and Throat Device Classification Panel and the General and Plastic Surgery Device Classification Panel and is proposing that mandibular facial prostheses be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the clinical usage of mandibular facial prostheses over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of safety and efficacy of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed pertinent scientific and clinical literature on mandibular facial prostheses (Refs. *32* through *36*). Hahn and Corgill (Ref. *32*) reported on the safety and efficacy of cobalt-chrome mesh mandibular prostheses. It was noted that this implant design was first introduced in 1960. In their study, 45 prostheses were implanted between 1960 and 1967. Forty of these implants 89 percent) were successful and provided functional results in patients ranging in age from 26 to 79. It was noted that the movement of tissue over a prosthesis constitutes a chief cause of extrusion. The authors reported that with mesh construction of the prosthesis, this problem was eliminated because surrounding tissues invade the interstices of the prosthesis and hold the prosthesis in place.

Byrd and Holton (Ref. *34*) reported on a case involving replacement of the mandible on a 53-year-old woman in which a stainless steel mesh prosthesis was used. The prosthesis proved successful, providing esthetic and functional reconstruction.

Brown, et al. (Ref. *34*) reported on the use of silicone elastomer and polytetrafluoroethylene prostheses for mandibular replacement. Substitution for a totally absent jaw was made with a bar of polytetrafluoroethylene annealed into the proper curve and implanted through the front of the neck. After four years, the implant remained

in place with the addition of a functioning dental prosthesis. Silicone elastomer was used to provide reconstruction of contour resulting from trauma to the face. It has been used successfully to rebuild the chin while preserving both motor and sensory nerves. Postoperative followup after 2½ years indicated good restoration.

Habal and Chalian (Ref. *35*) reported successful results in 30 patients with pre-fabricated silicone elastomer mandibular implants. Success was defined in terms of: (a) return of the patient to his or her preoperative functional activity; (b) cessation of incapacitating effects; (c) stabilization of the mandibular segment; and (d) restoration of the normal contour of the face. The success rate under these criteria was determined to be approximately 85 percent. Implants that were found to be the most successful were ones placed in patients who exhibited the presence of adequate soft tissue coverage.

Homsy and Kent (Ref. *36*) reported on the use of polytetrafluoroethylene with vitreous carbon for application in mandibular surgery. Good results were obtained when this composite implant was used for ridge augmentation, temporomandibular joint repair, and as a segmental prosthesis.

Section 874.3730; Docket No. 78N–1589; Laryngeal prosthesis (Taub design).

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of laryngeal prostheses (Taub design):

1. Identification: A laryngeal prosthesis (Taub design) is a device orally inserted and removed each day and intended to direct pulmonary air flow to the pharynx in the absense of the larynx. The device is interposed between openings in the trachea and the esophagus. During phonation, air from the lungs is directed to flow through the device and over the esophageal mucosa to provide a sound source that is articulated as speech.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that laryngeal prostheses (Taub design) be classified into class II (performance standards) because the use of materials in this device that are not biologically or mechanically compatible with the body, or an improper design, may cause an adverse tissue reaction or injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body, or an improper design of the device which causes pressure to be exerted against body tissue, may cause an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that laryngeal prostheses (Taub design) be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.3760; Docket No. 78N–1591; Sacculotomy tack (Cody tack).

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of sacculotomy tacks (Cody tacks):

1. Identification: A sacculotomy tack (Cody tack) is an implanted device that consists of a pointed metal tack which repetitively ruptures the utricular membrane as the membrane expands under increased endolymphatic pressure and is intended to relieve the symptoms of vertigo. The device is made of stainless steel.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that sacculotomy tacks (Cody tacks) be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the materials used in the device need to be controlled to prevent injury to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, this device. The Panel also cited the medical literature concerning this device by D. Thane R. Cody, M.D., (Refs. *37* and *38*) and a presentation by G. D. L. Smyth, M.D., at the January 22, 1977, Panel meeting. In his presentation, Dr. Smyth summarized his clinical experience with the sacculotomy tack (Cody tack).

5. Risks to health: (a) Hearing loss: Inner ear trauma caused by the puncture of the endolymphatic system may cause hearing loss. (b) Tissue trauma: If the device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of body tissue and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that sacculotomy tacks (Cody tacks) be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical usage of sacculotomy tacks over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed representative clinical literature on sacculotomy tacks. The agency notes that the literature reviewed concerned 321 patients with Meniere's disease in which vertigo was relieved in approximately 85 percent of the cases, hearing was either improved or conserved in approximately 70 percent of the cases, and tinnitus was relieved in approximately 47 percent of the cases by the implantation of the sacculotomy tack. It should be noted that these results were obtained on

medical failure patients. Complications associated with the implantation of the sacculotomy tack include: further loss of hearing, reported in approximately 22 percent of the cases; and, worsening of tinnitus, reported in approximately 2 percent of the cases (Refs. 39 through 43).

Cody (Ref. *39*) implanted sacculotomy tacks in 140 patients who had endolymphatic hydrops. After 52 to 67 months of followup, vertigo was reported to be controlled in 82 percent of the patients. Significant hearing improvement (at least 20 decibels (dB) or 20 percent), as indicated by air- and bone-conduction pure-tone audiograms, speech-reception thresholds, and speech-discrimination scores, was reported in 16 percent of the cases, with tinnitus relieved in 47 percent. A further loss of hearing was the most frequent complaint, occurring in 24 percent of patients, with 2 percent of patients having a worsening of tinnitus after surgery.

Cody (Ref. *40*) reported the results of the sacculotomy tack operation in 91 patients after a followup of 1 and ½ years to 3 years 8 months. Vertigo was controlled in 88 percent of the patients, and, after a revision tack operation, was controlled in an additional 5 percent. The speech-discrimination score was improved by 20 percent or more in 20 percent of the patients, and was made worse by the same magnitude in 21 percent of the patients. Pure-tone threshold or speech-reception threshold or both were improved by 20 dB or more in 18 percent of the patients and were made worse by 20 dB or more in 12 percent of the patients. Shea et al. (Ref. *41*) implanted sacculotomy tacks in 20 patients who had endolymphatic hydrops. Vertigo was controlled in 80 percent of the patients, and remained unchanged in the rest. Hearing improved significantly in 10 percent of the patients and hearing was significantly decreased in 20 percent. Tinnitus was relieved in 50 percent of the patients and worsened in 10 percent. Cody (Ref. *42*) presented the results of the sacculotomy tack operation in 57 patients with endolymphatic hydrops. Hearing was improved by 20 dB or more in 18 percent of the patients and made worse by the same magnitude in 13 percent. Vertigo was relieved in 54 patients (95 percent), with tinnitus relieved in 23 patients (42 percent). Burgert et al. (Ref. *43*) reported on 13 patients with severe unilateral Meniere's disease which were treated with the sacculotomy tack procedure and followed for 1 to 3 years postoperatively. Vertigo was significantly relieved in 12 patients (92 percent), hearing was unchanged in 50 percent and made worse by 20 dB or more in 50 percent. Tinnitus was relieved in 62 percent of the patients.

Section 874.3820; Docket No. 78N–1593; Endolymphatic shunt tube.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of endolymphatic shunt tubes:

1. Identification: An endolymphatic shunt tube is an implanted device that consists of a tube which permits excess endolymph from the distended end of the endolymphatic system to flow into the mastoid cavity where resorption occurs and is intended to relieve the symptoms of vertigo. The device is made of polytetrafluoroethylene or silicone elastomer.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that endolymphatic shunt tubes be classified into class II (performance standards) because the Panel believes the device has an established history of safe and effective use. The Panel believes that the use of materials in this device that are not biologically or mechanically compatible with the body, or that are contaminated by microorganisms, may cause an adverse tissue reaction or injury or illness in the patient. The Panel recommended that the labeling of the device should include a sketch that indicates geometric specifications as determined by the manufacturer. The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: the Panel based its recommendation on the Panel members' personal knowledge of, and clincial experience with, this device, and on their review of the medical literature (Refs. *44*, *45*, and *46*).

5. Risks to health: (a) Infection: If the device materials are not properly sterilized or are contaminated by microorganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant.

FDA agrees with the Panel recommendation and is proposing that endolymphatic shunt tubes be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clincial usage of endolymphatic shunt tubes over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general contols alone are insufficient to control the risks to health presented by the device.

FDA has reviewed representative clincial literature on endolymphatic shunt tubes. The agency notes that the literature reviewed concerned 329 patients with Meniere's disease in which vertigo was relieved in approximately 73 percent of the cases, hearing was either improved or conserved in approximately 69 percent of the cases, and tinnitus was relieved in approximately 44 percent of the cases by the implantation of the endolymphatic shunt tube. It should be noted that these results were obtained on medical failure patients. Complications associated with the implantation of the endolymphatic shunt tube include: further loss of hearing, reported in approximately 18 percent of the cases; and, worsening of tinnitus, reported in approximately 8 percent of the cases (Refs. *47* through *50*).

House et al., (Ref. *47*) reported the long-term results of endolymphatic shunt tube implantation in 172 patients with unilateral Meniere's disease. Vertigo was controlled in 106 patients (62 percent), with 22 percent of the successful cases reporting an improvement in hearing, and 14 percent reporting a long-term worsening of hearing. Tinnitus was relieved in 61 percent of the successful cases, and made worse in 2 percent of the successful cases. Paparella et al., (Ref. *48*) presented the results of endolymphatic shunt tube implantation in 43 ears. Vertigo was controlled in 94 percent of the patients, with a significant improvement in hearing observed in over 30 percent of the

patients. Morrison (Ref. *49*) implanted endolymphatic shunt tubes in 87 patients. After 1 to 4½ years of followup, 98 percent of the patients with unilateral endolymphatic hydrops obtained relief from vertigo. Of the patients who have had bilateral operations, relief from vertigo has been obtained in 90 percent of the cases. Of the patients with bilateral disease that have had unilateral operations, vertigo has been relieved in only 44 percent of the cases. An improvment in hearing has been reported in 69 percent of the patients, with tinnitus relieved in 64 percent of the ears. Tinnitus was made worse in 3 percent of the ears. Arenberg et al., (Ref. *50*) reported the results of endolymphatic shunt tube implantation in 35 patients. Vertigo was relieved in 69 percent of the patients, hearing was significantly improved in 46 percent of the patients, and tinnitus was relieved in 29 percent of the patients. The authors note, however, that when the results of surgery early in the course of the disease (as indicated by a positive glycerol test) are analyzed alone, vertigo is controlled in 89 percent of the patients, hearing is significantly improved in 59 percent of the patients, and tinnitus is relieved in 37 percent of the patients.

Section 874.3850; Docket No. 78N-1594; Endolymphatic shunt tube with valve.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of endolymphatic shunt tubes with valves:

1. Identification: An endolymphatic shunt tube with valve is an implanted device that consists of a unidirectional inner ear valve associated with a tube to direct excess endolymph from the distended end of the endolymphatic system into the mastoid cavity where resorption occurs and that is intended to relieve the symptoms of vertigo. The device is made of silicone elastomer and polyamide and contains gold radiopaque markers within the silicone elastomer sheath.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: the Panel recommends that endolymphatic shunt tubes with valves be classified into class III because the device is an implant and the Panel believes that premarket approval is necessary to provide reasonable assurance of its safety and effectiveness. The Panel also believes that the device presents a potential unreasonable risk of injury because trauma to the inner ear may result if the valve clogs, causing the device to become inoperative. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation to the Panel on January 27, 1978, by John Newkirk, D.Sc., Denver Surgical Instruments. Dr. Newkirk reviewed the history and the mechanical and design parameters of this device.

5. Risks to health: Trauma to inner ear: An inoperative or clogged valve may cause the device to damage the structures of the inner ear.

FDA agrees with the Panel recommendation and is proposing that endolymphatic shunt tubes with valves be classified into class III (premarket approval). The device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary for this device. FDA believes that the device presents a potential unreasonable risk of illness or injury to the patient if there are not adequate data to assure the safe and effective use of the device. In addition, the device is purported or represented to be for a use (relief of symptoms of vertigo) that is of substantial importance in preventing impairment of human health. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.3880; Docket No. 78N-1595; Tympanostomy tube.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tympanostomy tubes:

1. Identification: A tympanostomy tube is an implanted device that is intended for ventilation or drainage of the middle ear. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. A type of tympanostomy tube known as the malleous clip tube attaches to the malleous to provide ear ventilation. The device is made of materials such as polytetrafluoroethylene, polyethylene, or silicone elastomer, but tympanostomy tubes made of porous polyethylene are excluded.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that tympanostomy tubes be classified into class II (performance standards) because the Panel believes that the device has an established history of safe and effective use. The Panel believes that the use of materials in this device that are not biologically or mechanically compatible with the body, that are improperly designed, or that are contaminated by microorganisms may cause an adverse tissue reaction or injury or illness in the patient. The Panel recommends that labeling of the device include a sketch that indicates geometric specifications as determined by the manufacturer (e.g., tube length, diameter, thickness of wall, thickness of flange, etc.). The Panel believes that general controls alone would not provide sufficient control over these characteristics. Although this device is an implant, the Panel does not believe that premarket approval is necessary to assure its safety and effectiveness. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, this device, and the proceedings of the meeting on serious otitis media held in Columbus, Ohio, in 1975 and published in *The Annals of Otology, Rhinology and Laryngology* (Ref. *51*).

5. Risks to health: (a) Perforation: If the device's size, shape, or finish is inappropriate, the device may cause permanent perforation of the tympanic membrane. (b) Adverse tissue reaction: The use of materials in this device that

are not biologically or mechanically compatible with the body may cause and adverse tissue reaction with possible migration and extrusion of the implant. (c) Infection: If the device materials are not properly sterilized or are contaminated by microoganisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result. (d) Malleous erosion: A mechanically incompatible design of the malleous clip tube may result in erosion of the malleous.

FDA agrees with the Panel recommendation and is proposing that tympanostomy tubes be classified into class II (performance standards). Although the device is an implant, the agency believes that premarket approval is not necessary because of the extensive clinical usage of tympanostomy tubes over a long period of time and because there is sufficient information to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device.

FDA has reviewed pertinent clinical literature on tympanostomy tubes. The agency notes that this literature concerns 4,915 cases of tympanostomy tube implantation in which the authors report a minimal number of complications. Of the three potentially significant complications associated with the implantation of this device, permanent perforations of the tympanic membrane occurred in 45 cases (1 percent), persistent infections occurred in 75 cases (2 percent), and cholesteatoma occurred in 1 case (0.02 percent) (Refs. *51* through *54*).

Birch et al. (Ref. *51*) inserted tympanostomy tubes made of polytetrafluoroethylene in 736 patients, for a total of 2,327 operated ears, during a period of two years from 1972–1974. The most frequent complication was a draining ear following tube insertion, comprising 352 ears (15.1 percent). Of these 352 ears, 14 tympanostomy tubes (0.6 percent) had to be removed because of uncontrollable infection. Tympanic membrane perforation persisting for six months or longer was reported in 14 ears (0.6 percent). No instances of cholesteatoma were attributed to tube insertion. Hughes et al. (Ref. *52*) reviewed the complications of 838 tube tympanostomies that were performed from 1965 to 1967 at Duke University Medical Center and that had five to seven years of followup study. Purulent otitis media was reported in 30 cases (4 percent) and permanent perforations persisting for six months or longer occurred in 13 cases (2 percent). No instances of cholesteatoma were attributed to tube insertion. Kokko et al. (Ref. *53*) implanted tympanostomy tubes of either polyethylene or silicone elastomer in 181 patients (323 ears), and a followup study was made an average of three years and two months later. Purulent discharge occurred in 5 ears (2 percent), with a recurrence of mucoid otitis media present in an additional 9 (3 percent). Permanent tympanic membrane perforation was reported in 5 ears (2 percent), and only one instance of cholesteatoma was attributed to tube insertion (0.3 percent). Pappas (Ref. *54*) reported on his experience using tympanostomy tubes over five years in 1,460 ears. The tubes that were most commonly used in the study were made of polyethylene, silicone elastomer, and polytetrafluoroethylene with silicone elastomer. Permanent tympanic membrane perforations were reported in 13 ears (1 percent), with no instances of cholesteatoma attributed to tube insertion. Pappas stated that infections following tube insertion are uncommon if tubes are inserted under sterile conditions and the patient is careful to keep contaminants from getting into the middle ear through the tube.

The function of a tympanostomy tube is to provide ventilation for the middle ear in cases where the eustachian tube provides inadequate ventilation, because of blockage. The tympanostomy tube relieves the symptoms of a blocked eustachian tube, allows the middle ear to resume a normal appearance, and alleviates conductive hearing loss. As long as the tube remains in place and does not become occluded, it will effectively provide middle ear ventilation. Implanted ventilation tubes eventually extrude, with tubes of various configurations and materials having different rates of extrusion (Ref. *55*). When the tube extrudes, the ventilation through the eustachian tube may be sufficiently adequate to prevent reaccumulation of fluid in the middle ear.

Section 874.3910; Docket No. 78N–1641; Porous polyethylene tympanostomy tube.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of porous polyethylene tympanostomy tubes:

1. Identification: A porous polyethylene tympanostomy tube is an implanted device that is intended for ventilation or drainage of the middle ear. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that porous polyethylene tympanostomy tubes be classified into class III because this device is implanted in the human body and the Panel believes that premarket approval is necessary to provide reasonable assurance of its safety and effectiveness. The Panel notes from its knowledge of the literature on the clinical use of porous polyethylene (Refs. 56 and 57) that the literature does not identify the porous polyethylene material used in terms of its physical and chemical characteristics such as molecular weight range, additives, catalysts, mechanical properties, morphology, etc. Because the generic polyethylene polymer can have a wide range of physical and chemical characteristics and some of the combinations of characteristics may not be suitable for tympanostomy tube applications, the Panel believes that long-term safety and effectiveness data on clearly defined chemical and physical characterized porous polyethylene material(s) in tympanostomy tube applications are needed to justify a recommendation less stringent than class III (premarket approval). The Panel believes that general controls will not provide sufficient control over these characteristics. The Panel believes that a performance standard will not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness. The Panel recommended that labeling of the device include a sketch that indicates geometric specifications as determined by the manufacturer (e.g., tube length, diameter, thickness of wall, thickness of flange, etc.).

4. Summary of data on which the recommendation is based: The Panel based its recommendation on six presentations made before the Panel on

this device, its review of the medical literature, and on the Panel members' personal knowledge of, and clinical experience with, this device. The Panel received two presentations on porous polyethylene at its June 22, 1978 Panel meeting. The first presentation by J. Shea, M.D., Shea Clinic, G. D. L. Smyth, M.D., Belfast University Medical School, and B. Sauer, D.V.M., University of Mississippi Medical School, discussed the safety and effectiveness of porous polyethylene when used as an implant in the ear, nose, and throat area (Refs. *56* and *57*). The second presentation by E. B. Kern, M.D., and H. G. Neel III, M.D., Mayo Clinic, discussed research conducted at the Mayo Clinic involving implantation of materials, which included porous polyethylene, in rabbits. The Panel received two presentations on this device at its November 6, 1978 Panel meeting. The first presentation by R. Deanin, Sc.D., Lowell University, reviewed the chemistry of porous polyethylene, noting the different manufacturing processes. The second presentation by R. Rose, Sc.D., Massachusetts Institute of Technology, discussed the physical characteristics of different types of polyethylene implants. The Panel received two presentations on this device at its March 19, 1979 Panel meeting. The first presentation by L. Ziemlak, Ph. D., American Hoechst Corp., presented data on the characterization of ultra-high molecular weight polyethylene and related manufacturing controls. The second presentation, by J. Ferri, President, General Polymeric Corp., reviewed the manufacturing controls that are placed upon ultra-high molecular weight polyethylene resin after his company receives the material in powder form for further processing into a molded form.

5. Risks to health: (a) Perforation: If the device's size, shape, or finish is inappropriate, the device may cause a permanent perforation of the tympanic membrane. (b) Adverse tissue reaction: The use of materials in this device that are not biologically or mechanically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant. (c) Infection: If the device materials are not properly sterilized or are contaminated by micro-orgamisms associated with foreign particles that are electrostatically attracted to the device materials, an infection could result.

FDA agrees with the Panel recommendation and is proposing that porous polyethylene tympanostomy tubes be classified into class III (premarket approval). The device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary. In addition, FDA believes that the device is purported or represented to be for a use (ventilating the middle ear) that is of substantial importance is preventing impairment of human health and that the device presents a potential unreasonable risk of illness or injury to the patient. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.3930; Docket No. 78N-1596; Tympanostomy tube with semi-permeable membrane.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tympanostomy tubes with semi-permeable membranes:

1. Identification: A tympanostomy tube with a semi-permeable membrane is an implanted device intended for ventilation or drainage of the middle ear and for preventing fluids from entering the middle ear cavity. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. The tube portion of the device is made of silicone elastomer or porous polyethylene, and the membrane portion is made of polytetrafluoroethylene.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that tympanostomy tubes with semi-permeable membranes be classified into class III because this device is implanted in the human body and the Panel believes that premarket approval is necessary to provide reasonable assurance of the safety and effectiveness of this device. The Panel noted that blockage of the membrane pores may cause occlusion of the tube, which may result in hearing loss. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectivenss of the device and that there is not sufficient information to establish a standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel received a presentation at its June 23, 1978 meeting by John B. Castelli, M.D., which addressed the safety and effectiveness of the tympanostomy tube with a semi-permeable membrane. Dr. Castelli noted that tympanostomy tubes with semi-permeable membranes that would meet the design criteria to ventilate the middle ear and at the same time protect the middle ear from fluid are not currently available. The Panel believes that this device has not had a sufficient period of clinical evaluation to justify a recommendation less stringent than class III.

5. Risks to health: (a) Perforation: If the device's size, shape, or finish is inappropriate, the device may cause a permanent perforation of the tympanic membrane. (b) Adverse tissue reaction: The use of materials in this device that are not biologically compatible with the body may cause an adverse tissue reaction with possible migration and extrusion of the implant. (c) Infection: If the device materials are unable to be properly sterilized or are contaminated by microorganisms associated with foreigh particles that are electrostatically attracted to the device materials, an infection could result. (d) Hearing loss: Blockage of the membrane pores of this device may result in hearing loss.

FDA agrees with the Panel recommendation and is proposing that the tympanostomy tubes with semi-permeable membranes be classified into class III (premarket approval). The device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary. In addition, FDA believes that the device presents a potential unreasonable risk of illness or injury to the patient if there are not adequate data to assure the safe and effective use of the device. The device also is purported or represented to be for a use (ventilating the middle ear) that is of substantial importance in

preventing impairment of human health. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.4100; Docket No. 78N–1599; Epistaxis balloon.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of epistaxis balloons:

1. Identification: An epistaxis balloon is a device consisting of an inflatable balloon intended to control internal nasal bleeding by exerting pressure against the sphenopalatine artery.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device which presents no unreasonable risks to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification to the device would be safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that epistaxis balloons be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel recommendation that manufacturers of epistaxis balloons be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of epistaxis balloons, the agency cannot make the required finding. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

Section 874.4140; Docket No. 78N–1601; Ear, nose, and throat bur.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat burs:

1. Identification: An ear, nose, and throat bur is a device consisting of an interchangeable drill bit that is intended for use in an ear, nose, and throat electric or pneumatic surgical drill (§ 874.4250) for incising or removing bone in the ear, nose, or throat area. The bur consists of a carbide cutting tip on a metal shank or a coating of diamond on a metal shank. The device is used in mastoid surgery, frontal sinus surgery, and surgery of the facial nerves.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat burs be classified into class II (performance standards) because the physical properties and the properties of the materials used in the device need to be controlled to prevent injury to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Hearing damage: Excessive noise from the bur when drilling close to the cochlea or ossicular chain or vibration caused by the eccentricity of the bur may cause hearing damage. (b) Thermal injury: The use of a bur may cause an inordinate amount of heat buildup resulting in thermal injury to tissue, This heat buildup may be accentuated by eccentricity of the bur. (c) Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction. (d) Tissue and bone destruction: Eccentricity of the bur may result in excess tissue and bone destruction.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat burs be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4175; Docket No. 78N–1602; Nasopharyngeal catheter.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of nasopharyngeal catheters:

1. Identification: A nasopharyngeal catheter is a device consisting of a bougie or filiform catheter that is intended for use in probing or dilating the eustachian tube. This generic type of device includes eustachian catheters.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I (general controls) because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device which presents no unreasonable risks to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification of the device would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that nasopharyngeal catheters be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel recommendation that manufacturers of nasopharyngeal catheters be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4), the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of the nasopharyngeal catheter, the agency cannot make the required finding. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

Section 874.4250; Docket No. 78N-1604; Ear, nose, and throat electric or pneumatic surgical drill.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat electric or pneumatic surgical drills:

1. Identification: An ear, nose, and throat electric or pneumatic surgical drill is a rotating drilling device, including the handpiece, that is intended to drive an ear, nose, and throat bur (§ 874.4140) for the controlled incision or removal of bone in the ear, nose, and throat area.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat electric or pneumatic surgical drills be classified into class II (performance standards) because the design of the device must be controlled to prevent mechanical or noise trauma, electrical shock, or an explosion when used in the presence of flammable gases. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that labeling of the device indicate the range of revolutions per minute, the amount of torque generated both at the cutting edge and at the control end of the instrument, and that instructions be provided for the proper care and sterilization of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Mechanical trauma: Whip or wobble in the device may result in trauma to tissue. (b) Noise trauma: Excessive noise generated by the device may result in noise trauma. (c) Electrical shock: Excessive current or voltage levels may cause electrical shock. (d) Explosion: If explosive gases are present, the accumulation of electrostatic charge by this device may cause an explosion.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat electric or pneumatic surgical drills be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4350; Docket No. 78N-1606; Ear, nose, and throat fiberoptic light source and carrier.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat fiberoptic light sources and carriers:

1. Identification: An ear, nose, and throat fiberoptic light source and carrier is an AC-powered device that generates and transmits light through glass or plastic fibers and that is intended to provide illumination at the tip of an ear, nose, or throat endoscope. Endoscopic devices which utilize fiberoptic light sources and carriers include the bronchoscope, esophagoscope, laryngoscope, mediastinoscope, laryngeal-bronchial telescope, and nasopharyngoscope.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat fiberoptic light sources and carriers be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Electrical shock: Excessive current or voltage levels from the device may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat fiberoptic light sources and carriers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4400; Docket No. 78N-1607; Bronchial, tracheal, or esophageal surgical instrument.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of bronchial, tracheal, or esophageal surgical instruments:

1. Identification: A bronchial, tracheal, or esophageal surgical instrument is a device intended for use in surgical procedures to examine or treat the bronchus, esophagus, or trachea. This generic type of device includes the esophageal dilator, tracheal bistoury (a long, narrow surgical knife), tracheal dilator, and tracheal hook.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that bronchial, tracheal, or esophageal surgical instruments be classified into class II (performance standards) because the use of materials in these devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient

control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, these devices.

5. Risks to health: Tissue trauma: If these devices are corroded or fracture during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that bronchial, tracheal, or esophageal surgical instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 874.4410; Docket No. 78N–1608; Surgical instrument for the ear.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of surgical instruments for the ear:

1. Identification: A surgical instrument for the ear is a device intended for use in surgical procedures to examine or treat the ear. This generic type of device includes the ear curette, ear excavator, ear rasp, ear scissor, ear snare, ear spoon, ear suction tube, malleus nipper, mastoid gauge, mastoid rongeur, mastoid searcher, ear measuring rod, measuring gauge, microsurgical ear hook, microsurgical ear pick, middle ear chisel, myringotomy tube inserter, ossicle holding clamp, sacculotomy tack inserter, vein press, and wire ear loop.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that surgical instruments for the ear be classified into class II (performance standards) because the use of materials in these devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: the Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, these devices.

5. Risks to health: Tissue trauma: If these devices are corroded or fracture during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that surgical instruments for the ear be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 874.4420; Docket No. 78N–1609; Ear, nose, and throat multiple-use surgical instrument.

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat multiple-use surgical instruments:

1. Identification: An ear, nose, and throat multiple-use surgical instrument is one of a variety of devices intended for use in surgical procedures involving the ear, nose, or throat. This generic type of device includes the microrule; mirror; mobilizer; ear, nose, and throat punch; ear, nose, and throat knife; and ear, nose, and throat trocar.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat multiple-use surgical instruments be classified into class II (performance standards) because the use of materials in the devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue trauma: If the devices are corroded or fracture during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat multiple-use surgical instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 874.4430; Docket No. 78N–1610; Laryngeal surgical instrument.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of laryngeal surgical instruments:

1. Identification: A laryngeal surgical instrument is a device intended for use in surgical procedures to examine or treat the larynx. This generic type of device includes the laryngeal injection set, laryngeal knife, laryngeal saw, laryngeal trocar, and laryngectomy tube.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that laryngeal surgical instruments be classified into class II (performance standards) because the use of materials in the devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel

believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue trauma: If the devices are corroded or fractured during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that laryngeal surgical instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 874.4440; Docket No. 78N–1611; Pharyngeal surgical instrument.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of pharyngeal surgical instruments:

1. Identification: A pharyngeal surgical instrument is a device intended for use in surgical procedures to examine or treat the pharynx. This generic type of device includes the adenoid curette, adenotome, metal tongue depressor, mouth gag, oral screw, salpingeal curette, tonsillectome, tonsil guillotine, tonsil screw, tonsil snare, tonsil suction tube, and tonsil suturing hook.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that pharyngeal surgical instruments be classified into class II (performance standards) because the use of materials in the devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, these devices.

5. Risks to health: Tissue trauma: If the devices are corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that pharyngeal surgical instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information available to establish a performance standard for these devices.

Section 874.4450; Docket No. 78N–1612; Nasal and paranasal sinus surgical instrument.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of nasal and paranasal sinus surgical instruments:

1. Identification: A nasal and paranasal sinus surgical instrument is a device intended for use in surgical procedures to examine or treat the nasal or paranasal sinuses. This generic type of device includes the antrum perforator, ethmoid curette, frontal sinus-rasp, nasal curette, nasal rasp, nasal rongeur, nasal saw, nasal scissors, nasal snare, sinus irrigator, and sinus trephine.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that nasal and paranasal sinus surgical instruments be classified into class II (performance standards) because the use of materials in the devices that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue trauma: If the devices are corroded or fractured during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that nasal and paranasal sinus surgical instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information to establish a performance standard for these devices.

Section 874.4500; Docket No. 78N–1613; Ear, nose, and throat microsurgical carbon dioxide laser product.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat microsurgical carbon dioxide laser products:

1. Identification: An ear, nose, and throat microsurgical carbon dioxide laser product is a laser device intended for the surgical excision of tissue from the ear, nose, or throat area. The device is used, for example, in microsurgical procedures to excise lesions and tumors of the vocal cords and adjacent areas.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat microsurgical carbon dioxide laser products be classified into class II (performance standards) because the

electrical properties of the device need to be controlled to prevent electrical shock and the calibration characteristics of the device need to be controlled to prevent tissue damage to the patient from misalignment or overexposure. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risk to health: (a) Electrical shock: Excessive current or voltage levels may cause electrical shock. (b) Tissue damage: Misalignment or overexposure may cause tissue damage.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat carbon dioxide microsurgical laser products be classified into class II (performance standards). The agency believes that many of the risks to health presented by the device are controlled by the performance standards for laser products in §§ 1040.10 and 1040.11 (21 CFR 1040.10 and 1040.11). These standards were promulgated under the Radiation Control for Health and Safety Act (42 U.S.C. 263b through n). There are, however, other risks presented by these devices (e.g., electrical shock) that are not controlled by the present performance standards. These other risks should be controlled in future supplemental standards promulgated under section 514 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d). The agency believes that performance standards are necessary for this device because general controls alone are insufficient to control the risks to health. The present and future performance standards for these devices would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish standards for the device.

Section 874.4680; Docket No. 78N–1616; Bronchoscope (flexible or rigid).

The Ear, Nose, and Throat Device Classification Panel and the Anesthesiology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of bronchoscopes (flexible or rigid):

1. Identification: A bronchoscope (flexible or rigid) is a tubular endoscopic device intended to examine or treat, under fiberoptic illumination, the tracheobronchial tree. This generic type of device includes the rigid ventilating bronchoscope, rigid nonventilating bronchoscope, and nonrigid bronchoscope. The device is made of materials such as stainless steel or flexible plastic.

2. Recommended classification: Class II (performance standards). The Ear, Nose, and Throat Device Classification Panel recommends that establishing a performance standard for this device be a low priority. The Anesthesiology Device Classification Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panels recommend that bronchoscopes (flexible or rigid) be classified into class II (performance standards) because the electrical properties of the device and the materials used in the device need to be controlled to prevent injury or electrical shock to the patient. The Panels believe that general controls would not provide sufficient control over these characteristics. The Panels believe that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The Ear, Nose, and Throat Device Classification Panel identified the following risks to health: (a) Tissue trauma: If the device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction. (b) Electrical shock: Excessive voltage or current levels may cause electrical shock. The Anesthesiology Device Classification Panel identified the following risks to health: (c) Trauma: Sharp edges on the device may cause trauma to the patient's airway. (d) Asphyxiation: Improper size or shape of the device may cause obstruction of the patient's airway. (e) Reflex stimulation: Improper size or shape of the device may cause reflex stimulation in the patient. (f) Infection: If the device is unable to be properly sterilized, infection may result. (g) Inadequate ventilation: Failure of the ventilation system of the rigid, ventilating bronchoscope may cause the patient to receive inadequate amounts of breathing gas.

FDA agrees with the recommendations of both Panels and is proposing that bronchoscopes (flexible or rigid) be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

FDA has reviewed the recommendations of the Ear, Nose, and Throat Device Classification Panel and of the Anesthesiology Device Classification Panel for bronchoscopes (flexible or rigid) and has concluded that the classification of this device should be published in the part of the Code of Federal Regulations for ear, nose, and throat devices.

Section 874.4685; Docket No. 78N–1617; Ear nose, and throat endoscopic accessory.

The Ear, Nose, and Throat Device Classification Panel and the Anesthesiology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of ear, nose, and throat endoscopic accessories:

1. Identification: An ear, nose, and throat endoscopic accessory is one of a group of diagnostic or therapeutic devices intended for use as attachments to laryngoscopes, bronchoscopes, laryngeal-bronchial telescopes, nasopharyngoscopes, esophagoscopes, or mediastinoscopes in the aerodigestive tract. This generic type of device includes the flexible foreign body claw, bronchoscope tubing, flexible biopsy forceps, rigid biopsy curette, flexible biopsy brush, rigid biopsy forceps, flexible biopsy curette, and rigid bronchoscope aspirating tube, but excludes fiberoptic light sources and carriers.

2. Recommended classification: The Ear, Nose, and Throat Device Classification Panel recommends that ear, nose, and throat endoscopic accessories be classified into class II (performance standards) and that establishing a performance standard for these devices be a low priority. The Anesthesiology Device Classification Panel recommends that rigid bronchoscope aspirating tubes, a specific type of endoscopic accessory, be classified into class II and that

establishing a performance standard for this device be a low priority. The Anesthesiology Device Classification Panel recommends that bronchoscope accessories, another specific type of endoscopic accessory, be classified into class I (general controls) with no exemptions.

3. Summary of reasons for recommendation: The Ear, Nose, and Throat Device Classification Panel recommends that ear, nose, and throat endoscopic accessories be classified into class II (performance standards) because the use of unsuitable materials in these devices may cause tissue trauma to the patient through corrosion or fracture. The panel believes that general controls would not provide sufficient controls over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Ear, Nose, and Throat Device Classification Panel also recommends that the use of these devices should be restricted to qualified medical personnel and that the labeling of the device should state its length in centimeters. The Anesthesiology Device Classification Panel recommends that rigid bronchoscope aspirating tubes be classified into class II because the use of unsuitable materials in this device or the presence of sharp edges may cause tissue trauma to the patient. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Anesthesiology Device Classification Panel recommends that bronchoscope accessories, a specific type of endoscopic accessory, be classified into class I (general controls) because the Panel believes that the device presents no unreasonable risks to health and that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: The Ear, Nose, and Throat Device Classification Panel identified the following risk to health: (a) Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction. The Anesthesiology Device Classification Panel identified no risks to health for bronchoscope accessories, but identified the following risks to health for rigid bronchoscope aspirating tubes: (b) Tissue trauma: Sharp edges on this device or incompatibility of the device material with human tissue may cause tissue trauma to the patient.

FDA agrees with the Ear, Nose, and Throat Device Classification Panel recommendation and with the Anesthesiology Device Classification Panel recommendation concerning the rigid bronchoscope aspirating tubes, which the agency has determined are a specific type of ear, nose, and throat endoscopic accessory, and is proposing that ear, nose, and throat endoscopic accessories be classified into class II (performance standards). The agency believes that a performance standard is necessary for ear, nose, and throat endoscopic accessories because general controls alone are insufficient to control the risks to health presented by this device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency disagrees with the Anesthesiology Device Classification Panel recommendation that bronchoscope accessories be classified into class I (general controls). The agency believes that a performance standard is necessary for bronchoscope accessories, which the agency has determined are a specific type of ear, nose, and throat endoscopic accessory, because general controls alone are insufficient to control the risks to health identified by the Ear, Nose, and Throat Device Classification Panel for ear, nose, and throat endoscopic accessories. The agency believes that the risks identified by the Ear, Nose, and Throat Device Classification Panel for ear, nose, and throat endoscopic accessories are also presented by bronchoscope accessories.

FDA has reviewed the recommendations of the Ear, Nose, and Throat Device Classification Panel and of the Anesthesiology Device Classification Panel for ear, nose, and throat endoscopic accessories and has concluded that the classification of these devices should be published in the part of the Code of Federal Regulations for ear, nose, and throat devices.

Section 874.4710; Docket No. 78N-1619; Esophagoscope (flexible or rigid).

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of esophagoscopes (flexible or rigid):

1. Identification: an esophagoscope (flexible or rigid) is a tubular endoscopic device that is used to examine or treat, under fiberoptic illumination, esophageal malfunction symptoms, esophageal or mediastinal disease, or to remove foreign bodies from the esophagus. When inserted, the device extends from the area of the hypopharynx to the stomach. It is typically used with ear, nose, and throat endoscopic accessories and with fiberoptic light sources and carriers to provide illumination for viewing the esophageal mucosa. The device is made of materials such as stainless steel or flexible plastic.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that esophagoscopes (flexible or rigid) be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, and use of materials in this device that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause laceration of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction. (b) Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that esophagoscopes (flexible or rigid) be classified into class II (performance standards). The agency believes that a

performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4720; Docket No. 78N–1620; Mediastinoscope.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of mediastinoscopes:

1. Identification: A mediastinoscope is a tubular tapered electrical endoscopic device that is used to examine or treat, under fiberopotic illumination, tissue in the area separating the lungs. The device is used in diagnosis of tumors and lesions and to determine whether excision of certain organs or tissues is indicated. The device is made of material such as stainless steel.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that mediastinoscopes be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, and the use of materials in this device that are not biologically or mechanically compatible with the body, may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Tissue trauma: If the device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction. (b) Electrical shock: Excessive current or voltage levels may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that mediastinoscopes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4750; Docket No. 78N–1622; External laryngostroboscope.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of external laryngostroboscopes:

1. Identification: An external laryngostroboscope is a device that is used to observe glottic action during phonation. The device operates by directing a stroboscopic light through a lens for reflected viewing of glottic action. The device does not contact the patient. It uses a mirror to direct light into the patient and an external noncontact microphone to pick up acoustic signals from the glottic area.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device that presents no unreasonable risks to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device, or modification of the device, would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that external laryngostroboscopes be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Panel recommendation that manufacturers of external laryngostroboscopes be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of laryngostroboscopes, the agency cannot make the required finding. Premarket notification by the manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

Section 874.4755; Docket No. 78N–1643; Laryngostroboscope (patient-contacting).

The Ear, Nose, and Throat Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of laryngostroboscopes (patient-contacting):

1. Identification: A laryngostroboscope (patient-contacting) is a device that is used to observe glottic action during phonation. The device operates by focusing a stroboscopic light through a lens for direct viewing of glottic action. The fiberoptic carriers that serve to direct light into the patient and the microphone that amplifies acoustic signals generated from the glottic area may contact the patient.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that laryngostroboscopes (patient-contacting) be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel belives that general controls would not provide sufficient control over this characteristic. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Electrical shock: Excessive current or voltage levels from the device may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that laryngostroboscopes (patient-contacting) be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 874.4760; Docket No. 78N–1623; Nasopharyngoscope (flexible or rigid).

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of nasopharyngoscopes (flexible or rigid):

1. Identification: A nasopharyngoscope (flexible or rigid) is a tubular endoscopic device that is used to examine or treat, under fiberoptic illumination, the nasal cavity and nasal pharynx. The device is made of materials such as stainless steel and flexible plastic. This generic type of device includes the antroscope, nasopharyngolaryngoscope, nasosinuscope, nasoscope, postrhinoscope, rhinoscope, and salpingoscope.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that nasopharyngoscopes (flexible or rigid) be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical injury, and the use of materials in this device that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel provides reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels from the device may cause electrical shock. (b) Tissue trauma: If this device is corroded or fractures during use due to inferior material the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that nasopharyngoscopes (flexible or rigid) be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.4770; Docket No. 78N–1624; Otoscope.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of otoscopes:

1. Identification: An otoscope is a device used to inspect the external ear canal and tympanic membrane under magnification. The device provides illumination of the ear canal for observation by using an AC- or battery-powered light source and an optical magnifying system.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that otoscopes be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, and the use of materials in this device that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: If powered by alternating current, excessive current or voltage levels from this device may cause electrical shock. (b) Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may causes lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that otoscopes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.4780; Docket No. 78N–1625; Laryngeal-bronchial telescope.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of laryngeal-bronchial telescopes:

1. Identification: A laryngeal-bronchial telescope is a tubular endoscopic device that is used to examine the larynx and bronchial tree tissue structure under fiberoptic illumination and optical magnification. The device is made of materials such as stainless steel and flexible plastic.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that laryngeal-bronchial telescopes be classified into class II (performance standards) because the use of materials in this device that are not biologically or mechanically compatible with the body may cause illness or injury to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that

there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that laryngeal-bronchial telescopes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device. The agency notes that there is a risk to health of electrical shock from use of this device, in addition to the risks described by the Panel.

Section 874.4900; Docket No. 78N-1626; Tracheostomy tube.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tracheostomy tubes:

1. Identification: A tracheostomy tube is a device that is placed into a surgical opening of the trachea to facilitate the passage of air to the lungs. The device is made of either stainless steel or rigid plastic.

2. Recommended classfication: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that tracheostomy tubes be classified into class II (performance standards) because the use of materials in this device that are not biologically or mechanically compatible with the body may cause injury or illness to the patient. The device requires frequent, periodic cleaning and is not considered to be an implant. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue trauma: If this device is corroded or fractures during use due to inferior material, the resultant rough surfaces may cause lacerations of the body tissue. A device which fractures inside a patient may also cause tissue injury and necessitate emergency procedures for extraction.

FDA agrees with the Panel recommendation and is proposing that tracheostomy tubes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls along are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.4910; Docket No. 78N-1627; Tracheal tube cleaning brush.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tracheal tube cleaning brushes:

1. Identification: A tracheal tube cleaning brush is a device consisting of a brush with plastic bristles intended to clean tracheal cannula devices after their removal from patients.

2. Recommended classification: Class I (general controls). The Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that this device be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that it is a simple device which presents no unreasonable risks to health. The Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification of the device would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that tracheal tube cleaning brushes be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

In response to the Panel's recommendation that manufacturers of tracheal tube cleaning brushes be exempt from section 510(k) of the act (21 U.S.C. 360), FDA is proposing that these manufacturers be subject to registration and device listing under section 510(a) through (j) of the act, but exempt from premarket notification under section 510(k) of the act and Subpart E of Part 807 of the regulations.

However, FDA is proposing that manufacturers of this device who do not label or otherwise represent it as sterile be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, and § 820.198 (21 CFR 820.198), with respect to complaint files. A manufacturer of a tracheal tube cleaning brush that is labeled or otherwise represented as sterile is, in the manufacture of this device, subject to the GMP regulation in its entirety. See the discussion under the heading "Exemptions for Class I Devices" for a complete explanation of the agency's policies concerning exemptions.

Section 874.4920; Docket No. 78N-1628; Tracheostomy tube cuff.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tracheostomy tube cuffs:

1. Identification: A tracheostomy tube cuff is a device intended to establish a seal between the tracheal wall and a tracheostomy tube by means of an inflatable cuff surrounding the tracheostomy tube. The device is used to improve aspiration or to provide a method for positive-pressure breathing.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that tracheostomy tube

cuffs be classified into class II (performance standards) because the physical characteristics of the device need to be controled to prevent injury to the patient. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that labeling of the device indicate the maximum air pressure allowed in the cuff.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel memebers' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Tissue erosion: Overinflation or eccentric inflation of the cuff may result in erosion of the soft tissue of the trachea.

FDA agrees with the Panel recommendation and is proposing that tracheostomy tube cuffs be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.5220; Docket No. 78N–1629; Ear, nose, and throat drug administration device.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat drug administration devices:

1. Identification: An ear, nose, and throat drug administration device is one of a group of ear, nose, and throat devices intended specifically to administer medicinal substances to treat ear, nose, and throat disorders. These instruments include the powder blower, dropper, ear wick, manual nebulizer pump, and nasal inhaler.

2. Recommended classification: Class I (general controls). The Panel recommends that the devices be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3. Summary of reasons for recommendation: The Panel recommends that these devices be classified into class I (general controls) because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The Panel believes that they are simple devices that present no unreasonable risks to health. The Panel recommends that these devices be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device or modification of the device would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clincial experience with, the devices.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat drug administration devices be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The agency disagrees with the Panel recommendation that manufacturers of ear, nose, and throat drug administration devices be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. In the case of ear, nose, and throat drug administration devices, the agency cannot make the required finding. Premarket notification by manufacturers of these devices assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

However, FDA is proposing that manufacturers of these devices who do not label or otherwise represent them as sterile be exempt, in the manufacture of the devices, from all requirements in the GMP regulations except § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, and § 820.198 (21 CFR 820.198), with respect to complaint files. A manufacturer of an ear, nose, and throat drug administration device that is labeled or otherwise represented as sterile is, in the manufacture of this device, subject to the GMP regulation in its entirety. See the discussion under the heading "Exemptions for Class I Devices" for a complete explanation of the agency's policies concerning exemptions.

Section 874.5300; Docket No. 78N–1630; Ear, nose, and Throat examination and treatment unit.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ear, nose, and throat examination and treatment units:

1. Identification: An ear, nose, and throat examination and treatment unit is an AC-powered device intended to support a patient during an otologic examination while providing specialized features for examination and treatment. The unit consists of a patient chair and table, drawers for equipment, suction and blowing apparatus, and output receptacles for connection of specialized lights and examining instruments.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ear, nose, and throat examination and treatment units be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: Electrical shock: Excessive current or voltage levels from the device may cause electrical shock.

FDA agrees with the Panel recommendation and is proposing that ear, nose, and throat examination and treatment units be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.5350; Docket No. 78N–1597; Suction antichoke device.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of suction antichoke devices:

1. Identification: A suction antichoke device is a device intended to be used in an emergency situation to remove, by the application of suction, foreign objects that obstruct a patient's airway to prevent asphyxiation of the patient.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that suction antichoke devices be classified into class III because they are life-sustaining devices and the Panel believes that premarket approval is necessary to provide reasonable assurance of the safety and effectiveness of the device. The use of the suction principle has been found to be ineffective for removing foreign objects from the airway (Ref. *58*). The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel has strong reservations about the use of this device in emergency situations involving foreign body airway obstruction. The Panel also believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the study by Archer S. Gordon, M.D., U.C.L.A. Medical School (Ref. *58*). Dr. Gordon stated that his experience in testing this device revealed unsuccessful performance. He found that as suction was created by this device, the cheeks and tongue were sometimes sucked in, thereby hindering proper operation.

5. Risks to health: Asphyxiation: The suction feature of this device has been found to be ineffective for the removal of foreign objects from an obstructed airway. Failure of the device to perform as intended could result in asphyxiation of the patient.

FDA agrees with the Panel recommendation and is proposing that the suction antichoke devices be classified into class III (premarket approval). FDA believes that the device presents a potential unreasonable risk of illness or injury to the patient, in that ineffective operation of the device may waste valuable time and cause the patient to be asphyxiated. Moreover, the agency believes that the device is purported or represented to be for a use in supporting or sustaining human life. The Federal Food, Drug, and Cosmetic Act requires the agency to classify a life supporting or life sustaining device into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.5370; Docket No. 78N-1598; Tongs antichoke device.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommenation regarding the classification of tongs antichoke devices:

1. Identification: A tongs antichoke device is a device that is intended to be used in an emergency situation to grasp and remove foreign objects that obstruct a patient's airway to prevent asphyxiation of the patient. This generic type of device includes a plastic instrument with serrated ends that is inserted into the airway in a blind manner to grasp and extract foreign objects, and a stainless steel forceps with spoon ends that is inserted under tactile guidance to grasp and extract foreign objects from the airway.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of these devices be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that tongs antichoke devices be classified into class III because these devices are life-sustaining in an emergency situation and present a potential unreasonable risk of injury to the patient. The Panel notes that the use of this generic type of device on patients with partial obstruction of the airway may force the obstruction further down the airway causing complete obstruction. When using this generic type of device, the user cannot distinguish between foreign bodies or human anatomical structures; therefore, the user may inadvertently grip and tear or rupture these structures. Although the Panel believes that the risk of injuring body structures is less with the metal forceps with spoon ends than with the plastic instrument with serrated ends, the Panel believes the generic device presents a potential unreasonable risk of asphyxiation of, or injury to, the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel also believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the devices and that there is insufficient information to establish a standard. Therefore, the devices should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the devices and thus assure their safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on a presentation by David S. Halbert, M.D., Sabian Corp., at the November 6, 1978 Panel meeting and on a study by Archer S. Gordon, M.D., UCLA Medical School (Ref. *58*). Dr. Gordon reported that in 80 to 85 percent of the cases tested with a tongs-type foreign body extractor, an anatomical structure was grasped rather than the foreign body. Further, he reported that in 80 percent of the cases where the foreign body was grasped, it could not be removed with the tongs (Ref. *58*). Dr. Halbert addressed the safety and effectiveness of the forceps-type foreign body extractors, explaining the advantages of the foreceps-type design and the studies that he performed to show its effectiveness.

5. Risks to health: (a) Asphyxiation: The use of the generic type of device on a patient with a partial obstruction may force the obstruction further down the airway, causing complete obstruction. (b) Damage to anatomical structures: Anatomical structures can be grasped by the tongs and torn or ruptured. (Risk considered minimal by the Panel for the foreceps-type foreign body extractors with spoon ends). (c) Panic: Injured and bleeding anatomical structures may result in, or contribute to, panic of the patient (Risk considered minimal by the Panel for forceps-type foreign body extractor with spoon ends).

FDA agrees with the Panel recommendation and is proposing that the tongs antichoke devices be classified into class III (premarket approval). FDA believes that the device presents a potential unreasonable risk of illness or injury to the patient, in that the device may force the obstruction down the airway and may also, if it operates ineffectively, waste valuable time and cause the patient to be asphyxiated. Moreover, the agency believes that the

devices are purported or represented to be for a use in supporting or sustaining human life. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant or a life supporting or life sustaining device into class III unless it determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case the agency has determined that premarket approval is necessary. The agency believes that general controls or performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Section 874.5550; Docket No. 78N–1631; Powered nasal irrigator.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of powered nasal irrigators:

1. Identification: A powered nasal irrigator is an AC-powered device intended to wash the nasal cavity by means of a pressure-controlled, pulsating stream of water. The device consists of a control unit and pump connected to a spray tube and nozzle.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that powered nasal irrigators be classified into class II (performance standards) because the electrical properties of the device need to be controlled to prevent electrical shock, and the fluid pressure from the device needs to be controlled to prevent damage to the nasal mucosa. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard. The Panel recommends that the labeling of the device state the output pressure and flow rate with each nozzle.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: (a) Electrical shock: Excessive current or voltage levels from the device may cause electrical shock. (b) Nasal mucosa damage: Excessive fluid pressure levels from this device may cause damage to the nasal mucosa.

FDA agrees with the Panel recommendation and is proposing that powered nasal irrigators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information available to establish a performance standard for this device.

Section 874.5800; Docket No. 78N–1634; External nasal splint.

The Ear, Nose, and Throat Device Classification Panel and the General and Plastic Surgery Device Classification Panel, FDA advisory committees, made the following recommendation regarding the classification of external nasal splints:

1. Identification: An external nasal splint is a rigid or partially rigid device intended for use externally for immobilization of parts of the nose.

2. Recommended classification: Class I (general controls). The Ear, Nose, and Throat Device Classification Panel recommends that the device be exempt from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)). The General and Plastic Surgery Device Classification Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panels recommend that this device be classified into class I because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that it is a simple device which presents no unreasonable risks to health. The Ear, Nose, and Throat Device Classification Panel recommends that this device be exempt from the requirements of section 510(k) of the act, premarket notification, because the Panel believes that there would be reasonable assurance that any substantially equivalent device, or modification of the device, would be reasonably safe and effective.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' personal knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panels' recommendations and is proposing that external nasal splints be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency disagrees with the Ear, Nose, and Throat Device Classification Panel recommendation that manufacturers of external nasal splints be exempt from premarket notification under section 510(k) of the act. Under section 510(g)(4) of the act, the agency may exempt a manufacturer from section 510(k) only upon a finding that compliance with section 510(k) is not necessary for the protection of the public health. The agency cannot make the required finding for external nasal splints. Premarket notification by manufacturers of this device assures that FDA learns of new products, and of significant modifications of existing products, for which premarket approval is required.

FDA has reviewed the recommendations of the Ear, Nose, and Throat Device Classification Panel and the General and Plastic Surgery Device Classification Panel for external nasal splints and has concluded that the classification of this device should be published in the part of the Code of Federal Regulations for ear, nose, and throat devices.

Section 874.5840; Docket No. 78N–1635; Antistammering device.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of antistammering devices:

1. Identification: An antistammering device is a device that electronically generates a noise when it senses the user's speech and that is intended to prevent the user from hearing the sounds of his or her own voice. The device is used to minimize a user's involuntary hesitative or repetitive speech.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that antistammering devices be classified into class II (performance standards) because the acoustic output levels of the devices need to be controlled to prevent hearing damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a standard would provide reasonable assurance of the safety and effectiveness of the devices

and that there is sufficient information to establish a standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and clinical experience with, these devices.

5. Risks to health: Hearing damage: If the volume of sound produced by the device is excessive, hearing damage may result.

FDA agrees with the Panel recommendation and is proposing that antistammering devices be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by these devices. A performance standard would provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information to establish a performance standard for these devices.

Section 874.5850; Docket No. 78N–1636; Transdermal stimulator.

The Ear, Nose, and Throat Device Classification Panel, an FDA advisory committee, made the following recommendations regarding the classification of transdermal stimulators:

1. Identification: A transdermal stimulator is an electrical device that is intended to improve speech discrimination in hearing-impaired persons by introducing electromagnetic energy through electrodes positioned on the scalp.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that transdermal stimulators be classified into class III (premarket approval) because the Panel believes that the device presents a potential unreasonable risk of illness or injury and that premarket approval is necessary to provide reasonable assurance of the device's safety and effectiveness. The Panel believes this device to be ineffective and there is a serious hazard of learning impairment in deaf children who use this device in lieu of appropriate effective therapy. The Panel noted that the data respecting the effectiveness of the device are both sparse and contradictory, and a physiologic basis for the purported improvement in speech discrimination with use of this device is unknown. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness. The Panel recommends that this device should be considered only for investigative use under very carefully controlled conditions, with written informed consent from the patient, stating that the patient is aware that use of this device is experimental.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on its review of the medical literature (Refs. 59, 60, and 61) and on the Panel members' personal knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electric shock: Excessive current or voltage levels from the device may cause electrical shock. (b) Learning impairment: The use of this device with deaf children in lieu of appropriate treatment may result in impaired learning ability.

FDA agrees with the Panel recommendation and is proposing that transdermal stimulators be classified into class III (premarket approval). The agency believes that the device presents a potential unreasonable risk of illness or injury in that the use of an ineffective device with deaf children in lieu of appropriate therapy may cause learning impairment. The agency believes that general controls and performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

(*1*) American National Standards Institute, Inc., "Specifications for Audibmeters," ANSI S3.6–1969, New York, 1970.

(*2*) Texas Department of Health Resources, "Calibration Survey Report of 515 Audiometers Used in School Screening 1971–1974," Texas Department of Health Resources, Division of Maternal and Child Health, Hearing and Vision Conservation Program, 1976.

(*3*) American National Standard for Specification of Hearing Aid Characteristics, S3.22, 1976.

(*4*) Engler, C. W., "Treatment of Tinnitus," *Journal of the American Medical Association*, 163:815–816, 1956.

(*5*) Feldman, H., "Homolateral and Contralateral Masking of Tinnitus by Noisebands and Pure Tones," *Audiology*, 10:138–144, 1971.

(*6*) Sheehy, J. L. and J. A. Crabtree, "Tympanostomy, Staging the Operation," *Laryngoscope*, 83:1954–1621, 1973.

(*7*) Palva, T., A. Palva, and J. Karja, "Ossicular Reconstruction in Chronic Ear Surgery," *Archives of Otolaryngology*, 98:340–348, 1973.

(*8*) House, W. and J. L. Sheehy, "Functional Restoration in Tympanostomy," *Archives of Otolaryngology*, 78:304–309, 1963.

(*9*) Armstrong, B. W., M.D., "Middle Ear Devices," a report to FDA's Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel, September 28, 1976.

(*10*) Sheehy, James L., M.D., "Stapedectomy With Incus Replacement Prothesis: A Report of 50 Cases," *Laryngoscope*, 76(7):1165–1180, 1966.

(*11*) Schuknecht, Harold F., M.D., and Stanley Oleksiuk, M.D., "The Metal Prothesis for Stapes Ankylosis," *Archives of Otolaryngology*, 71:287–295, 1960.

(*12*) Schuknecht, Harold F., M.D., Manford T. McGee, M.D., and Bernard H. Coleman, M.D., "Stapedectomy," *Annals of Otolaryngology, Rhinology & Laryngology*, 69:597–609, 1960.

(*13*) House, H. P., "The Prefabricated Wire Loop-Gelfoam Stapedectomy," *Archives of Otolaryngology*, 76:298–302, 1962.

(*14*) House, H. P., "The Fistula Problem in Otosclerosis Surgery," *Laryngoscope*, 77:1410–1428, 1962.

(*15*) Sheehy, J. L., W. H. Powers, "Incus Replacement Prosthesis in Otosclerosis Surgery," *Archives of Otolaryngology*, 89:393–398, 1969.

(*16*) Sheehy, J. L., "Far-Advanced Otosclerosis, Diagnostic Criteria and Results of Treatment," *Archives of Otolaryngology*, 80:244–248, 1964.

(*17*) Powers, W. H., J. L. Sheehy, and H. P. House, "The Fixed Malleus Head: A Report of 35 Cases," *Archives of Otolaryngology*, 85:177–181, 1967.

(*18*) Sooy, F. A., E. Owens, and E. S. Neufled, "Comparisons of Wire-Vein and Wire-Gelfoam Prostheais in Stapedectomy for Otosclerosis," *Annals of Otology, Rhinology and Laryngology*.

(*19*) Shea, J. J., G. L. Smyth, and J. R. Emmett, "Biocompatible Implants in Otology," *Archives of Otolaryngology*, 104:191–196, 1978.

(*20*) Smyth, G. L., T. H. Hassard, A. G. Kerr, and F. P. Houlihan, "Ossicular Replacement Prostheses," *Archives of Otolaryngology*, 104:345–351, 1978.

(*21*) Shea, J. J., G. L. Smyth, and J. R. Emmett, "Biocompatible Implants in Otology," *Otology, Rhinology, Laryngology Digest*, 39:9–15, 1977.

(*22*) Janeke, Johan B., M.D., amd John J. Shea, M.D., "Self-Stabilizing Proplast™ Total Ossicular Replacement Prosthesis in Tympanoplasty," Paper presented at the Proplast™ Workshop, New Orleans, LA, January 25–26, 1974.

(23) Tabor, J. R., "Reconstruction of the Ossicular Chain," *Archives of Otolaryngology*, 92:141–146, 1970.

(24) Shea, J. J., G. L. Smyth, J. R. Emmett, "Biocompatible Implants in Otology," *Archives of Otolaryngology*, 104:191–196, 1978.

(25) Smyth, G. D. L., T. H. Hassard, A. G. Nerr, F. P. Houlihan, "Ossicular Replacement Prostheses," *Archives of Otolaryngology*, 104:345–351, 1978.

(26) Beekhuis, G. J., "Saddle Nose Deformity: Etiology, Prevention and Treatment; Augmentation Rhinoplasty with Polyamide," *Laryngoscope*, 84:2–42, 1974.

(27) Beekhuis, G. J., "Surgical Correction of Saddle Nose Deformity," *Transactions of the American Academy of Ophthalmology and Otolaryngology*, 80:596–607, 1974.

(28) Stucker, F. J., "Use of Implanation in Facial Deformities," *Laryngoscope*, 87:1523–1527, 1966.

(29) Beekhuis, G. J., "Augmentation Mentoplasty Using Polyamide Mesh," *Laryngoscope*, 86:1602–1605, 1976.

(30) Shea, J. J., G. L. Smyth, J. R. Emmett, "Biocompatible Implants in Otology," *Archives of Otolaryngology*, 104:191–196, 1978.

(31) Smyth, G. D. L., T. H. Hassard, A. G. Kerr, F. P. Houlihan, "Ossicular Replacement Prostheses" *Archives of Otolaryngology*, 104:345–351, 1978.

(32) Hahn, George W., D.D.S., and Donald A. Corgill, M.D., "Chrome-Cobalt Mesh Mandibular Prosthesis," *Journal of Oral Surgery*, 27:5–10, January 1969.

(33) Byrd, Lamar D., D.D.S., and James B. Holton, D.D.S., "Immediate Mandibular Replacement with Stainless Steel Mesh Prosthesis, Report of a Case," *Journal of Oral Surgery*, 29:436–439, 1971.

(34) Brown, James Barrett, M.D., et al., "Silicone and Teflon Prostheses, Including Full Jaw Substitution," *Annals of Surgery*, 157(6): 932–943, June 1963.

(35) Habal, Mutag B., M.D., and Varoujan Chalian A., M.D., "Prefabricated Silicone™ Subdermal Mandibular Implants: Observations and Problems Related to Their Application," Journal of Biomedical Materials, 7:529–536, 1976.

(36) Kent, T. N. and Homsy, C. A. "Pilot Studies of a Porous Implant in Dentistry and Oral Surgery," *Journal of Oral Surgery*, 30:608–616, 1972.

(37) Cody, D. T. R., "The Shunt Operation and Tack Operation-Long-Term Results," *Canadian Journal of Otolaryngology*, 3:3, 271–275, 1974.

(38) "The Tack Operation: An Analysis of the 5- to 10-year Post-Operative Results," Shambaugh Fifth International Workshop on Middle Ear Microsurgery and Fluctuant Hearing, Chicago, March 1–4, 1976 (unpublished).

(39) Cody, D. T. R., "The Tack Operation," *Archives of Otolaryngology*, 97:109–111, 1973.

(40) Cody, D. T. R., "The Tack Operation for Endolymphatic Hydrops," *Laryngoscope*, 79:1737–1744, 1969.

(41) Shea, J. J., and R. E. Cottrell, *"The Cody Tack Sacculotomy for Endolymphatic Hydrops," Journal of the Tennessee Medical Association*, 61:889–890, 1968.

(42) Cody, D. T. R., "Automatic Repetitive Sacculotomy in Endolymphatic Hydrops," *Otolaryngolic Clinics of North America*, 1:637–642, 1968.

(43) Burgert, P., R. L. Goode, F. B. Simmons, and M. F. W. Smith, "The Cody Tack Operation—An Evaluation," *Laryngoscope*, 82:2169–2173, 1972.

(44) House, W. F., "Meniere's Disease: Management and Theory," *Otolaryngologic Clinics of North America*, 8:515–535, 1975.

(45) Goode, R. L., and M. E. Glasscock, "The Tympano-Frontal Shunt: A Procedure for the Treatment of Chronic Eustachian Tube Insufficiency," *Laryngoscope*, 85:100–112, 1975.

(46) Glasscock, M. E., and G. W. Miller, "Diagnosis and Management of Cochlear Hydrops," *Laryngoscope*, 87:196–206, 1977.

(47) House, W. F., and F. D. Owens, "Long-term Results of Endolymphatic Subarachnoid Shunt Surgery in Meniere's Disease," *Journal of Laryngology and Otology*, 87:521–528, 1973.

(48) Paparella, M. M., D. G. Hanson, "Endolymphatic Sac Drainage for Intractable Vertigo (Method and Experiences)," *Laryngoscope*, 86:697–703, 1976.

(49) Morrison, A. W., "The Surgery of Vertigo: Saccus Drainage for Idiopathic Endolymphatic Hydrops," *Journal of Laryngology and Otology*, 90:87–93, 1976.

(50) Arenberg, I.K., and G. J. Spector, "Endolymphatic Sac Surgery for Conservation of Hearing in Meniere's Disease," *Archives of Otolaryngology*, 103:268–270, 1977.

(51) Report of Research Conference on Middle Ear Effusions," *The Annals of Otology, Rhinology and Laryngology*, (Supplement), 85:1–16, 1976.

(52) Birch, H. G., and Mravec, J. J., "Myringostomy for Middle Ear Effusions," *The Annals of Otology, Rhinology and Laryngology*, 85:263–267, 1976.

(53) Hughes, L. A., Warder, F. R., and Hudson, W. R., "Complications of Tympanostomy Tubes," *Archives of Otolaryngology*, 100:151–154, 1974.

(54) Kokko, E., and Palva, T., "Clinical Results and Complications of Tympanostomy," *The Annals of Otology, Rhinology and Laryngology*, 85:277–279, 1976.

(55) Pappas, J. J. "Middle Ear Ventilation Tubes," *The Laryngoscope*, 84:1098–1117, 1974.

(56) Shea, J. J., G. L. Smyth, J. R. Emmitt, "Biocompatible Implants in Otology," *Archives of Otolaryngology*, 104:191–196, 1978.

(57) Smyth, G. D. L., T. H. Hassard, A. G. Nerr, F. P. Houlihan, "Ossicular Replacement Prostheses," *Archives of Otolaryngology*, 104:345–351, 1978.

(58) Gordon, Archer S., "Emergency Management of Foreign Body Airway Obstruction, Current Concepts in CPR," (unpublished) 1976.

(59) Glattke, T. J. and F. B. Simmons, "Transdermal Therapy and Monosyllabic Word Discrimination," *Archives of Otolaryngology*, 100:91–95, 1974.

(60) Gerken, G. M., A. Glorig, and R. J. Roeser, "Transdermal Electrostimulation Therapy," *Archives of Otolaryngology*, 100:96–99, 1974.

(61) Hughes, E. C., R. H. Arthur, and C. W. Whitaker, "Transdermal Electrostimulation in Sensory Hearing Loss," *Archives of Otolaryngology*, 100:100–107, 1974.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979, 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))), and under authority delegated to him (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the Commissioner of Food and Drugs proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 874 to read as follows:

PART 874—EAR, NOSE, AND THROAT DEVICES

Subpart A—General Provisions

Sec.
874.1 Scope.

Subpart B—Ear, Nose, and Throat Diagnostic Devices

874.1050 Audiometer.
874.1060 Acoustic chamber for audiometric testing.
874.1070 Short increment sensitivity index (SISI) adapter.
874.1080 Audiometer calibration set.
874.1090 Auditory impedance tester.
874.1100 Earphone cushion for audiometric testing.
874.1120 Electronic noise generator for audiometric testing.
874.1325 Electroglottograph.
874.1500 Gustometer.
874.1800 Air caloric stimulator.
874.1810 Water caloric stimulator.
874.1820 Surgical nerve stimulator/locator.
874.1925 Toynbee diagnostic tube.

Subpart C—[Reserved]

Subpart D—Ear, Nose, and Throat Prosthetic Devices

874.3300 Hearing aid.
874.3310 Heaing aid calibrator and analysis system.
874.3320 Group hearing aid or group auditory trainer.
874.3300 Master hearing aid.
874.3375 Battery-powered artificial larynx.
874.3400 Tinnitus masker.
874.3430 Middle ear mold.
874.3450 Partial ossicular replacement prosthesis.
874.3465 Porous polyethylene partial ossicular replacement prosthesis.
874.3495 Total ossicular replacement prosthesis.
874.3510 Porous polyethylene total ossicular replacement prosthesis.
874.3540 Prosthesis modification instrument for ossicular replacement surgery.

Sec.
874.3620 Ear, nose, and throat polyamide mesh or foil synthetic polymer material.
874.3630 Ear, nose and throat porous polyethylene synthetic polymer material.
874.3650 Ear, nose, and throat polytetrafluoroethylene synthetic polymer with carbon fibers composite material.
874.3695 Mandibular implant facial prosthesis.
874.3730 Laryngeal prosthesis (Taub design).
874.3760 Sacculotomy tack (Cody tack).
874.3820 Endolymphatic shunt tube.
874.3850 Endolymphatic shunt tube with valve.
874.3880 Tympanostomy tube.
874.3910 Porous polyethylene tympanostomy tube.
874.3930 Tympanostomy tube with semipermeable membrane.

Subpart E—Ear, Nose, and Throat Surgical Devices

874.4100 Epistaxis balloon.
874.4140 Ear, nose, and throat bur.
874.4175 Nasopharyngeal catheter.
874.4250 Ear, nose, and throat electric or pneumatic surgical drill.
874.4350 Ear, nose, and throat fiber-optic light source and carrier.
874.4400 Bronchial, tracheal, or esophageal surgical instrument.
874.4410 Surgical instrument for the ear.
874.4420 Ear, nose, and throat multiple-use surgical instrument.
874.4430 Laryngeal surgical instrument.
874.4440 Pharyngeal surgical instrument.
874.4450 Nasal and paranasal sinus surgical instrument.
874.4500 Ear, nose, and throat microsurgical carbon dioxide laser product.
874.4680 Bronchoscope (flexible or rigid).
874.4685 Ear, nose, and throat endoscopic accessory.
874.4710 Esophagoscope (flexible or rigid).
874.4720 Mediastinoscope.
874.4750 External laryngostroboscope.
874.4755 Laryngostroboscope (patient-contacting).
874.4760 Nasopharyngoscope (flexible or rigid).
874.4770 Otoscope.
874.4780 Laryngeal-bronchial telescope.
874.4900 Tracheostomy tube.
874.4910 Tracheal tube cleaning brush.
874.4920 Tracheostomy tube cuff.

Subpart F—Ear, Nose, and Throat Therapeutic Devices

874.5220 Ear, nose, and throat drug administration device.
874.5300 Ear, nose, and throat examination and treatment unit.
874.5350 Suction antichoke device.
874.5370 Tongs antichoke device.
874.5550 Powered nasal irrigator.
874.5800 External nasal splint.
874.5840 Antistammering device.
874.5850 Transdermal stimulator.

Authority: Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).

Subpart A—General Provisions

§ 874.1 Scope.

(a) This part sets forth the classification of ear, nose, and throat devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 cannot show merely that the device is accurately described by the section title and identification provision of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, an ear, nose, and throat device that has two or more types of uses (e.g., used both as a diagnostic device and as a therapeutic device) is listed in one subpart only.

(d) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless othewise noted.

Subpart B—Ear, Nose, and Throat Diagnostic Devices

§ 874.1050 Audiometer.

(a) *Identification.* An audiometer or automated audiometer is an electroacoustic device that produces controlled levels of test tones and signals intended for use in conducting diagnostic hearing evaluations and assisting in the diagnosis of possible otologic disorders.

(b) *Classification.* Class II (performance standards).

§ 874.1060 Acoustic chamber for audiometric testing.

(a) *Identification.* An acoustic chamber for audiometric testing is a room that is intended for use in conducting diagnostic hearing evaluations and that eliminates sound reflections and provides isolation from outside sounds.

(b) *Classification.* Class II (performance standards).

§ 874.1070 Short increment sensitivity index (SISI) adapter.

(a) *Identification.* A short increment sensitivity index (SISI) adapter is a device that is intended for use with an audiometer in diagnostic hearing evaluations. A SISI adapter provides short periodic sound pulses in specific small decibel increments that are superimposed on the audiometer's output tone frequency.

(b) *Classification.* Class II (performance standards).

§ 874.1080 Audiometer calibration set.

(a) *Identification.* An audiometer calibration set is an electronic reference device that is used to calibrate an audiometer. It measures the sound frequency and intensity characteristics that emanate from an audiometer earphone. The device consists of an acoustic cavity of known volume, a sound level meter, a microphone with calibration traceable to the National Bureau of Standards, oscillators, frequency counters, microphone amplifiers, and a recorder. The device can measure selectable audiometer test frequencies at a given intensity level, and selectable audiometer attenuation settings at a given test frequency.

(b) *Classification.* Class II (performance standards).

§ 874.1090 Auditory impedance tester.

(a) *Identification.* An auditory impedance tester is a device that is intended to change the air pressure in the external auditory canal and measure and graph the mobility characteristics of the tympanic membrane to evaluate the functional condition of the middle ear. The device is used to determine abnormalities in the mobility of the tympanic membrane due to stiffness, flaccidity, or the presence of fluid in the middle ear cavity. The device is also used to measure the acoustic reflex threshold from contractions of the stapedial muscle, to monitor healing of tympanic membrane grafts or stapedectomies, or to monitor followup treatment for inflammation of the middle ear.

(b) *Classification.* Class II (performance standards).

§ 874.1100 Earphone cushion for audiometric testing.

(a) *Identification.* An earphone cushion for audiometric testing is a device that is used to cover an audiometer earphone during audiometric testing to provide an acoustic coupling (sound connection path) between the audiometer earphone and the patient's ear.

(b) *Classification.* Class II (performance standards).

§ 874.1120 Electronic noise generator for audiometric testing.

(a) *Identification.* An electronic noise generator for audiometric testing is a device that consists of a swept frequency generator, an amplifier, and an earphone. It is used to introduce a masking noise into the non-test ear during an audiometric evaluation. The device minimizes the non-test ear's

sensing of test tones and signals being generated for the ear being tested.

(b) *Classification.* Class II (performance standards).

§ 874.1325 Electroglottograph.

(a) *Identification.* An electroglottograph is an AC-powered device that employs a pair of electrodes that are placed in contact with the skin on both sides of the larynx and held in place by a collar. It is intended to measure the electrical impedance of the larynx to aid in assessing the degree of closure of the vocal cords, confirm laryngeal diagnosis, aid behavioral treatment of voice disorders, and aid research concerning the laryngeal mechanism.

(b) *Classification.* Class II (performance standards).

§ 874.1500 Gustometer.

(a) *Identification.* A gustometer is a battery-powered device that consists of two electrodes that are intended to be placed on both sides of the tongue at different taste centers and that provides a galvanic stimulus resulting in taste sensation. It is used for assessing the sense of taste.

(b) *Classification.* Class I (general controls). If the device is not labeled or otherwise represented as sterile, it is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180 with respect to general requirements concerning records, and § 820.198 with respect to complaint files.

§ 874.1800 Air caloric stimulator.

(a) *Identification.* An air caloric stimulator is an AC-powered device that delivers a stream of air to the ear canal at controlled rates of flow and temperature and that is intended for vestibular function testing of a patient's body balance system. The vestibular stimulation of the semicircular canals produce involuntary eye movements that are measured and recorded by a nystagmograph.

(b) *Classification.* Class II (performance standards).

§ 874.1810 Water caloric stimulator.

(a) *Identification.* A water caloric stimulator is an AC-powered device that delivers a stream of water to the ear canal at controlled rates of flow and temperature and that is intended for vestibular function testing of a patient's body balance system. The vestibular stimulation of the semicircular canals produces involuntary eye movements that are measured and recorded by a nystagmograph.

(b) *Classification.* Class II (performance standards).

§ 874.1820 Surgical nerve stimulator/locator.

(a) *Identification.* A surgical nerve stimulator/locator is a device that is intended to provide electrical stimulation to the body to locate and identify nerves and to test their excitability.

(b) *Classification.* Class II (performance standards).

§ 874.1925 Toynbee diagnostic tube.

(a) *Identification.* The toynbee diagnostic tube is a listening device intended to determine the degree of openness of the eustachian tube.

(b) *Classification.* Class I (general controls).

Subpart C—[Reserved]

Subpart D—Ear, Nose, and Throat Prosthetic Devices

§ 874.3300 Hearing aid.

(a) *Identification.* A hearing aid is a wearable electronic sound-amplifying devide that is intended to compensate for impaired hearing. This generic type of device excludes tinnitus maskers, master hearing aids, and group hearing aids or group auditory trainers.

(b) *Classification.* Class II (performance standards).

§ 874.3310 Hearing aid calibrator and analysis system.

(a) *Identification.* A hearing aid calibrator and analysis system is an electronic reference device intended to calibrate and assess the electroacoustic frequency and sound intensity characteristics emanating from hearing aids, master hearing aids, group hearing aids or group auditory trainers. The device consists of an acoustic complex of known cavity volume, a sound level meter, a microphone, oscillators, frequency counters, microphone amplifiers, a distortion analyzer, a chart recorder, and a hearing aid test box.

(b) *Classification.* Class II (performance standards).

§ 874.3320 Group hearing aid or group auditory trainer.

(a) *Identification.* A group hearing aid or group auditory trainer is a hearing aid that is intended for use in communicating simultaneously with one or more listeners having hearing impairment. The device is used with an associated transmitter microphone. It may be either monaural or binaural, and it provides coupling to the ear through either earphones or earmolds. The generic type of device includes three types of applications: hardwire systems, inductance loop systems, and wireless systems.

(b) *Classification.* Class II (performance standards).

§ 874.3330 Master hearing aid.

(a) *Identification.* A master hearing aid is an electronic device intended to simulate a hearing aid during audiometric testing. It has adjustable acoustic output levels, such as those for gain, output, and frequency response. The device is used to select and adjust a person's wearable hearing aid.

(b) *Classification.* Class II (performance standards).

§ 874.3375 Battery-powered artificial larynx.

(a) *Identification.* A battery-powered artificial larynx is an externally applied device intended for use in the absence of the larynx to excite the vocal cords. When held against the skin in the area of the voicebox, the device generates mechanical vibrations and thereby excites the vocal cords to produce sound.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180 with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 874.3400 Tinnitus masker.

(a) *Identification.* A tinnitus masker is an electronic device intended to generate noise of sufficient intensity and bandwidth to mask ringing in the ears or internal head noises. Because the device is able to mask internal noises, it is also used as an aid in hearing external noises and speech.

(b) *Classification.* Class III (premarket approval).

§ 874.3430 Middle ear mold.

(a) *Identification.* A middle ear mold is a preformed device that is surgically implanted and intended to reconstruct the middle ear cavity during repair of the tympanic membrane. The device permits an ample air-filled cavity to be maintained in the middle ear and promotes regeneration of the mucous membrane lining of the middle ear cavity. A middle ear mold is made of materials such as polyamide, polytetrafluoroethylene, silicone elastomer, or polyethylene, but does not contain porous polyethylene.

(b) *Classification.* Class II (performance standards).

§ 874.3450 Partial ossicular replacement prothesis.

(a) *Identification.* A partial ossicular replacement prosthesis is an implanted device that is intended for use in the reconstruction of segments of the ossicular chain and that facilitates the conduction of sound waves to the inner ear. The device is made of materials such as stainless steel, tantalum, polytetrafluoroethylene, polyethylene, polytetrafluoroethlene with carbon fibers composite, absorbable gelatin material, or from a combination of these materials, but it does not contain porous polyethylene.

(b) *Classification.* Class II (performance standards).

§ 874.3465 Porous polyethylene partial ossicular replacement prosthesis.

(a) *Identification.* A porous polyethylene partial ossicular replacement prosthesis is an implanted device intended for the functional reconstruction of segments of the ossicular chain and facilitates the conduction of sound waves from the tympanic membrane to the inner ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

(b) *Classification.* Class III (premarket approval).

§ 874.3495 Total ossicular replacement prosthesis.

(a) *Identification.* A total ossicular replacement prosthesis is an implanted device that is intended for use in the total reconstruction of the ossicular chain and that facilitates the conduction of sound waves ot the inner ear. The device is made of materials such as polytetrafluoroethylene or polytetrafluoroethylene with vitreous carbon fibers composite. Porous polyethylene is not used in the device.

(b) *Classification.* Class II (performance standards).

§ 874.3510 Porous polyethylene total ossicular replacement prosthesis.

(a) *Identification.* A porous polyethylene total ossicular replacement prosthesis is an implanted device intended for the functional reconstruction of the ossicular chain including the malleus and that facilitates the conduction of sound waves from the tympanic membrane to the inner ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

(b) *Classification.* Class III (premarket approval).

§ 874.3540 Prosthesis modification instrument for ossicular replacement surgery.

(a) *Identification.* A prosthesis modification instrument for ossicular replacement surgery is a device intended for use by a surgeon to construct ossicular replacements. This generic type of device includes the ear, nose, and throat cutting block; wire crimper; wire bending die; wire closure forceps; piston cutting jib; gelfoam punch; wire cutting scissors; and ossicular finger vise.

(b) *Classification.* Class I (general controls). If the device is not labeled or otherwise represented as sterile, it is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180 with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 874.3620 Ear, nose, and throat polyamide mesh or foil synthetic polymer material.

(a) *Identification.* Ear, nose, and throat polyamide mesh or foil synthetic polymer material is an implanted material that is intended for use as a space-occupying substance in the reconstructive surgery of the head and neck. The device is used, for example, in augmentation rhinoplasty and in tissue defect closures in the esophagus. The device is shaped and formed by the surgeon to conform to the patient's needs. This generic type of device does not contain porous polyethylene material.

(b) *Classification.* Class II (performance standards).

§ 874.3630 Ear, nose, and throat porous polyethylene synthetic polymer material.

(a) *Identification.* Ear, nose, and throat porous polyethylene synthetic polymer material is a porous polyethylene material that is intended to be formed by a surgeon into an implant used as a space-occupying substance and as a tissue-inviting replacement for diseased bone or tissue voids in areas of the ear, nose, and throat.

(b) *Classification.* Class III (premarket approval).

§ 874.3650 Ear, nose, and throat polytetrafluoroethylene synthetic polymer with carbon fibers composite material.

(a) *Identification.* Ear, nose, and throat polytetrafluoroethylene synthetic polymer with carbon fibers composite material is an implanted material that is intended for use as a space-occupying substance in the reconstructive surgery of the ear, nose, and throat. The device is used, for example, for cartilage and bone reconstruction and in situations where stabilization by tissue ingrowth is desired. An example of use includes the repair of mastoid and sinus obliteration. The device is shaped and formed by the surgeon to conform to the patient's need.

(b) *Classification.* Class II (performance standards).

§ 874.3685 Mandibular implant facial prosthesis.

(a) *Identification.* A mandibular implant facial prosthesis is an implanted device that is intended for use in the functional reconstruction of mandibular deficits. The device is made of materials such as stainless steel, tantalum, titanium, cobalt-chromium based alloy, polytetrafluoroethylene, silicone elastomer, polyethlene, polyurethane, or polytetrafluoroethylene with carbon fibers composite, but not porous polyethylene.

(b) *Classification.* Class II (performance standards).

§ 874.3730 Laryngeal prosthesis (Taub design).

(a) *Identification.* A laryngeal prosthesis (Taub design) is a device orally inserted and removed each day and intended to direct pulmonary air flow to the pharynx in the absence of the larynx. The device is interposed between openings in the trachea and the esophagus. During phonation, air from the lungs is directed to flow through the device and over the esophageal mucosa to provide a sound source that is articulated as speech.

(b) *Classification.* Class II (performance standards).

§ 874.3760 Sacculotomy tack (Cody tack).

(a) *Identification.* A sacculotomy tack (Cody tack) is an implanted device that consists of a pointed metal tack which repetitively ruptures the utricular membrane as the membrane expands under increased endolymphatic pressure and is intended to relieve the symptoms of vertigo. The device is made of stainless steel.

(b) *Classification.* Class II (performance standards).

§ 874.3820 Endolymphatic shunt tube.

(a) *Identification.* An endolymphatic shunt tube is an implanted device that consists of a tube which permits excess endolymph from the distended end of the endolymphatic system to flow into the mastoid cavity where resorption occurs and is intended to relieve the symptoms of vertigo. The device is made of polytetrafluoroethylene or silicone elastomer.

(b) *Classification.* Class II (performance standards).

§ 874.3850 Endolymphatic shunt tube with valve.

(a) *Identification.* An endolymphatic shunt tube with valve is an implanted device that consists of a unidirectional inner ear valve associated with a tube to direct excess endolymph from the distended end of the endolymphatic system into the mastoid cavity where resorption occurs and that is intended to relieve the symptons of vertigo. The device is made of silicone elastomer and polyamide and contains gold radiopague markers within the solicone elastomer sheath.

(b) *Classification.* Class III (premarket approval).

§ 874.3880 Tympanostomy tube.

(a) *Identification.* A tympanostomy tube is an implanted device that is intended for ventilation or drainage of the middle ear. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. A type of tympanostomy tube known as the mallious clip tube attaches to the malleous to provide middle ear ventilation. The device is made of materials such as polytetrafluoroethylene, polyethylene, or silicone elastomer, but tympanostomy tubes made of porous polyethylene are excluded.

(b) *Classification.* Class II (performance standards).

§ 874.3910 Porous polyethylene tympanostomy tube.

(a) *Identification.* A porous polyethylene tympanostomy tube is an implanted device that is intended for ventilation or drainage of the middle ear. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. The device is made of porous polyethylene alone or porous polyethylene with other materials.

(b) *Classification.* Class III (premarket approval).

§ 874.3930 Tympanostomy tube with semipermeable membrane.

(a) *Identification.* A tympanostomy tube with a semipermeable membrane is an implanted device intended for ventilation or drainage of the middle ear and for preventing fluids from entering the middle ear cavity. The device is inserted through the tympanic membrane to permit a free exchange of air between the outer ear and middle ear. The tube portion of the device is made of silicone elastomer or porous polyethylene, and the membrane portion is made of polytetrafluorethylene.

(b) *Classification.* Class III (premarket approval).

Subpart E—Ear, Nose, and Throat Surgical Devices

§ 874.4100 Epistaxis ballon.

(a) *Identification.* An epistaxis ballon is a device consisting of an inflatable balloon intended to control internal nasal bleeding by exerting pressure against the sphenopalatine artery.

(b) *Classification.* Class I (general controls).

§ 874.4140 Ear, nose, and throat bur.

(a) *Identification.* An ear, nose, and throat bur is a device consisting of an interchangeable drill bit that is intended for use in an ear, nose, and throat electric or pneumatic surgical drill (§ 874.4250) for incising or removing bone in the ear, nose, or throat area. The bur consists of a carbide cutting tip on a metal shank or a coating of diamond on a metal shank. The device is used in mastoid surgery, frontal sinus surgery, and surgery of the facial nerves.

(b) *Classification.* Class II (performance standards).

§ 874.4175 Nasopharyngeal catheter.

(a) *Identification.* A nasopharyngeal catheter is a device consisting of a bougie or filtform catheter that is intended for use in probing or dilating the eustachian tube. This generic type of device includes eustachian catheters.

(b) *Classification.* Class I (general controls).

§ 874.4250 Ear, nose, and throat electric or pneumatic surgical drill.

(a) *Identification.* An ear, nose, and throat electric or pneumatic surgical drill is a rotating drilling device, including the handpiece, that is intended to drive an ear, nose, and throat bur (§ 874.4140) for the controlled incision or removal of bone in the ear, nose, and throat area.

(b) *Classification.* Class II (performance standards).

§ 874.4350 Ear, nose, and throat fiberoptic light source and carrier.

(a) *Identification.* An ear, nose, and throat fiberoptic light source and carrier is an AC-powered device that generates and transmits light through glass or plastic fibers and that is intended to provide illumination at the tip of an ear, nose, or throat endoscope. Endoscopic devices which utilize fiberoptic light sources and carriers include the bronchoscope, esophagoscope, laryngoscope, mediastinoscope, laryngeal-bronchial telescope, and nasopharyngoscope.

(b) *Classification.* Class II (performance standards).

§ 874.4400 Bronchial, tracheal, or esophageal surgical instrument.

(a) *Identification.* A bronchial, tracheal, or esophageal surgical instrument is a device intended for use in surgical procedures to examine or treat the bronchus, esophagus, or trachea. This generic type of device includes the esophageal dilator, tracheal bistoury (a long, narrow surgical knife), tracheal dilator, and tracheal hook.

(b) *Classification.* Class II (performance standards).

§ 874.4410 Surgical instrument for the ear.

(a) *Identification.* A surgical instrument for the ear is a device intended for use in surgical procedures to examine or treat the ear. This generic type of device incudes the ear curette, ear excavator, ear rasp, ear scissor, ear snare, ear spoon, ear suction tube, malleus nipper, mastoid gauge, mastoid rongeur, mastoid searcher, ear measuring rod, measuring gauge, microsurgical ear hook, microsurgical ear pick, middle ear chisel, myringotomy tube inserter, ossicle holding clamp, sacculotomy tack inserter, vein press, and wire ear loop.

(b) *Classification.* Class II (performance standards).

§ 874.4420 Ear, nose, and throat multiple-use surgical instrument.

(a) *Identification.* An ear, nose, and throat multiple-use surgical instrument is one of a variety of devices intended for use in surgical procedures involving the ear, nose, or throat. This generic type of device includes microrule mirror; mobilizer; ear, nose, and throat punch; ear, nose, and throat knife; and ear, nose, and throat trocar.

(b) *Classification.* Class II (performance standards).

§ 874.4430 Laryngeal surgical instrument.

(a) *Identification.* A laryngeal surgical instrument is a device intended for use in surgical procedures to examine or treat the larynx. This generic type of device includes the laryngeal injection set, laryngeal knife, laryngeal saw, laryngeal trocar, and laryngectomy tube.

(b) *Classification.* Class II (performance standards).

§ 874.4440 Pharyngeal surgical instrument.

(a) *Identification.* A pharyngeal surgical instrument is a device intended for use in surgical procedures to examine or treat the pharynx. This generic type of device includes the adenoid curette, adenotome, metal

tongue depressor, mouth gag, oral screw, salpingeal curette, tonsillectome, tonsil guillotine, tonsil screw, tonsil snare, tonsil suction tube, and tonsil suturing hook.

(b) *Classification.* Class II (performance standards).

§ 874.4450 Nasal and paranasal sinus surgical instrument.

(a) *Identification.* A nasal and paranasal sinus surgical instrument is a device intended for use in surgical procedures to examine or treat the nasal or paranasal sinuses. This generic type of device includes the antrum perforator, ethmoid curette, frontal sinus-rasp, nasal curette, nasal rasp, nasal rongeur, nasal saw, nasal scissors, nasal snare, sinus irrigator, and sinus trephine.

(b) *Classification.* Class II (performance standards).

§ 874.4500 Ear, nose, and throat microsurgical carbon dioxide laser product.

(a) *Identification.* An ear, nose, and throat microsurgical carbon dioxide laser product is a laser device intended for the surgical excision of tissue from the ear, nose, and throat area. The device is used, for example, in microsurgical procedures to excise lesions and tumors of the vocal cords and adjacent areas.

(b) *Classification.* Class II (performance standards).

§ 874.4660 Bronchoscope (flexible or rigid).

(a) *Identification.* A bronchoscope (flexible or rigid) is a tubular endoscopic device intended to examine or treat, under fiberoptic illumination, the tracheobronchial tree. This generic type of device includes the rigid ventilating bronchoscope, rigid nonventilaing bronchoscope, and nonrigid bronchoscope. The device is made of materials such as stainless steel or flexible plastic.

(b) *Classification.* Class II (performance standards).

§ 874.4685 Ear, nose, and throat endoscopic accessory.

(a) *Identification.* An ear, nose, and throat endoscopic accessory is one of a group of diagnostic or therapeutic devices intended for use as attachments to laryngoscopes, bronchoscopes, laryngeal-bronchial telescopes, nasopharyngoscopes, esophagoscopes, or mediastinoscopes in the aerodigestive tract. This generic type of device includes the flexible foreign body claw, bronchoscope tubing, flexible biopsy forceps, rigid biopsy curette, flexible biopsy brush, rigid biopsy forceps, flexible biopsy curette, and rigid bronchoscope aspirating tube, but excludes fiberoptic light sources and carriers.

(b) *Classification.* Class II (performance standards).

§ 874.4710 Esophagoscope (flexible or rigid).

(a) *Identification.* An esophagoscope (flexible or rigid) is a tubular endoscopic device that is used to examine or treat, under fiberoptic illumination, esophageal malfunction symptoms, esophageal or mediastinal disease, or to remove foreign bodies from the esophagus. When inserted, the device extends from the area of the hypopharynx to the stomach. It is typically used with ear, nose, and throat endoscopic accessories and with fiberoptic light sources and carriers to provide illumination for viewing the esophageal mucosa. The device is made of materials such as stainless steel or flexible plastic.

(b) *Classification.* Class II (performance standards).

§ 874.4720 Mediastinoscope.

(a) *Identification.* A mediastinoscope is a tubular tapered electrical endoscopic device that is used to examine or treat, under fiberoptic illumination, tissue in the area separating the lungs. The device is used in diagnosis of tumors and lesions and to determine whether excision of certain organs or tissues is indicated. The device is made of material such as stainless steel.

(b) *Classification.* Class II (performance standards).

§ 874.4750 External laryngostroboscope.

(a) *Identification.* An external laryngostroboscope is a device that is used to observe glottic action during phonation. The device operates by directing a stroboscopic light through a lens for reflected viewing of glottic action. The device does not contact the patient. It uses a mirror to direct light into the patient and an external noncontact microphone to pick up acoustic signals from the glottic area.

(b) *Classification.* Class I (general controls).

§ 874.4755 Laryngostroboscope (patient-contacting).

(a) *Identification.* A laryngostroboscope (patient-contacting) is a device that is used to observe glottic action during phonation. The device operates by focusing a stroboscopic light through a lens for direct viewing of glottic action. The fiberoptic carriers that serve to direct light into the patient and the microphone that amplifies acoustic signals generated from the glottic area may contact the patient.

(b) *Classification.* Class II (performance standards).

§ 874.4760 Nasopharyngoscope (flexible or rigid).

(a) *Identification.* A nasopharyngoscope (flexible or rigid) is a tubular endoscopic device that is used to examine or treat, under fiberoptic illumination, the nasal cavity and nasal pharynx. The device is made of materials such as stainless steel and flexible plastic. This generic type of device includes the antroscope, nasopharyngolaryngoscope, nasosinuscope, nasoscope, postrhinoscope, rhinoscope, and salpingoscope.

(b) *Classification.* Class II (performance standards).

§ 874.4770 Otoscope.

(a) *Identification.* An otoscope is a device used to inspect the external ear canal and tympanic membrane under magnification. The device provides illumination of the ear canal for observation by using an AC- or battery-powered light source and an optical magnifying system.

(b) *Classification.* Class II (performance standards).

§ 874.4780 Laryngeal-bronchial telescope.

(a) *Identification.* A laryngeal-bronchial telescope is a tubular endoscopic device that is used to examine the larynx and bronchial tree tissue structure under fiberoptic illumination and optical magnification. The device is made of materials such as stainless steel and flexible plastic.

(b) *Classification.* Class II (performance standards).

§ 874.4900 Tracheostomy tube.

(a) *Identification.* A tracheostomy tube is a device that is placed into a surgical opening of the trachea to facilitate the passage of air to the lungs. The device is made of either stainless steel or rigid plastic.

(b) *Classification.* Class II (performance standards).

§ 874.4910 Tracheal tube cleaning brush.

(a) *Identification.* A tracheal tube cleaning brush is a device consisting of a brush with plastic bristles intended to clean tracheal cannula devices after their removal from patients.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807. If the device is not labeled or otherwise represented as sterile, it is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180,

with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 874.4920 Tracheostomy tube cuff.

(a) *Identification.* A tracheostomy tube cuff is a device intended to establish a seal between the tracheal wall and a tracheostomy tube by means of an inflatable cuff surounding the tracheostomy tube, the device is used to improve aspiration or to provide a method for positive-pressure breathing.

(b) *Classification.* Class II (performance standards).

Subpart F—Ear, Nose, and Throat Therapeutic Devices

§ 874.5220 Ear, nose, and throat drug administration device.

(a) *Identification.* An ear, nose, and throat drug administration device is one of a group of ear, nose, and throat devices intended specifically to administer medicinal substances to treat ear, nose, and throat disorders. These instruments include the powder blower, dropper, ear wick, manual nebulizer pump, and nasal inhaler.

(b) *Classification.* Class I (general controls). If the device is not labeled or otherwise represented as sterile, it is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180 with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 874.5300 Ear, nose, and throat examination and treatment unit.

(a) *Identification.* An ear, nose, and throat examination and treatment unit is an AC-powered device intended to support a patient during an otologic examination while providing specialized features for examination and treatment. The unit consists of a patient chair and table, drawers for equipment, suction and blowing apparatus, and output receptacles for connection of specialized lights and examining instruments.

(b) *Classification.* Class II (performance standards).

§ 874.5350 Suction antichoke device.

(a) *Identification.* A suction antichoke device is a device intended to be used in an emergency situation to remove, by the application of suction, foreign objects that obstruct a patient's airway to prevent asphyxiation of the patient.

(b) *Classification.* Class III (premarket approval).

§ 874.5370 Tongs antichoke device.

(a) *Identification.* A tongs antichoke device is a device that is intended to be used in an emergency situation to grasp and remove foreign objects that obstruct a patient's airway to prevent asphyxiation of the patient. This generic type of device includes a plastic instrument with serrated ends that is inserted into the airway in a blind manner to grasp and extract foreign objects, and a stainless steel forceps with spoon ends that is inserted under tactile guidance to grasp and extract foreign objects from the airway.

(b) *Classification.* Class III (premarket approval).

§ 874.5550 Power nasal irrigator.

(a) *Identification.* A powered nasal irrigator is an AC-powered device intended to wash the nasal cavity by means of a pressure-controlled, pulsating stream of water. The device consists of a control unit and pump connected to a spray tube and nozzle.

(b) *Classification.* Class II (performance standards).

§ 874.5800 External nasal splint.

(a) *Identification.* An external nasal splint is a rigid or partially rigid device intended for use externally for immobilization of parts of the nose.

(b) *Classification.* Class I (general controls).

§ 874.5840 Antistammering device.

(a) *Identification.* An antistammering device is a device that electronically generates a noise when it senses the user's speech and that is intended to prevent the user from hearing the sounds of his or her own voice. The device is used to minimize a user's involuntary hesitative or repetitive speech.

(b) *Classification.* Class II (performance standards).

§ 874.5850 Transdermal stimulator.

(a) *Identification.* A transdermal stimulator is an electrical device that is intended to improve speech discrimination in hearing-impaired persons by introducing electromagnetic energy through electrodes positioned on the scalp.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before March 23, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments regarding the general provisions are to be identified with the docket number found in brackets in the heading of this document. Comments regarding a particular device are to be identified with the docket number for that device found in the "Panel Recommendations and FDA's Proposed Classifications" section. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this proposed rule and has determined that, if promulgated, the rule wil not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this proposed rule has been carefully analyzed, and it has been determined that this proposal does not constitute a major rule as defined in section 1(b) of the Executive Order. Rules proposing classification of devices into class I generally maintain the status quo: These devices are now subject to only the general controls provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360, 360f, 360h, 360i, and 360j) and, under the proposed rules, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II would also remain subject only to the general controls provisions of the act unless and until an applicable performance standard were established. Similarly, devices classified into class III remain subject only to the general controls provisions of the act until an additional regulation is promulgated pursuant to section 515(b) of the act (21 U.S.C. 360e(b)) requiring that such devices have in effect approved applications for premarket approval. In accordance with section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)), devices classified by regulation into class III may remain in commercial distribution without an approved premarket approval application for 30 months following the effective date of classification of the device into class III, or for 90 days following the promulgation of a regulation under section 515(b) of the act (21 U.S.C. 360e(b)), whichever occurs later. In sum, device classification rules do not have a significant impact on a substantial number of small entities and are not major rules.

Dated: December 16, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-1497 Filed 1-21-82; 8:45 am]

BILLING CODE 4160-01-M

V
4
7
/
1
5
J
A
2
2
8
2

federal register

Friday
January 22, 1982

Part IV

Department of Education

Financial Assistance for School Expenditures and Construction in Cases of Certain Disasters; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 219 and 220

Financial Assistance for School Expenditures and Construction in Cases of Certain Disasters

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations governing financial assistance to local educational agencies (LEAs) that are damaged by certain disasters. These are disasters the President has determined to be major disasters, and other disasters—referred to in these regulations as "pinpoint disasters"—for which the Secretary determines to provide assistance. At this time, however, no funds are available for pinpoint disaster assistance; therefore, the Secretary is accepting applications only from those LEAs that are damaged by a disaster that the President has determined to be major. These regulations are a revision of existing ones and meet the need to have regulations that are clear, concise and easily understood. They reflect changes made as a result of a management review of the disaster assistance program.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schneider, Division of Impact Aid, U.S. Department of Education, 400 Maryland Avenue SW (Room 2113, FOB–6), Washington, D.C. 20202. Telephone: (202) 245–8412.

SUPPLEMENTARY INFORMATION:

Background

These regulations are a revision of existing ones and meet the need to have regulations that are clear, concise and easily understood. They reflect changes made as a result of a management review of the disaster assistance program and in response to comments received on a notice of proposed rulemaking (NPRM) published on June 29, 1979 (44 FR 36184).

Public Participation

In connection with these and other proposed rules published in the **Federal Register** on June 29, 1979, public meetings were held during August 1979 in each of the 10 regional office cities and in Pierre, South Dakota, Phoenix, Arizona and San Juan, Puerto Rico. There was also a 60 day period for the submission of comments. No comments were made on these proposed rules at the public meetings. One letter with comments was received from Congressman Perkins. The written comments and the response of the Secretary are summarized in the appendix to the regulations.

Summary of Changes From the Notice of Proposed Rulemaking

These regulations reflect some wording changes to promote clarity and ease of understanding.

In response to comments from Congressman Perkins, the final regulations contain some provisions that were not in the NPRM. These include certain provisions of the statutes governing this program which will enable applicants and grantees to better understand program requirements without having to refer to the statute.

Also, in response to comments, some provisions in the NPRM have been changed, clarified, or deleted.

The following sections of the final regulations summarize in greater detail the substantive changes made from the NPRM. Specific responses to comments received on the NPRM (45 CFR Part 112, redesignated as 34 CFR Part 219) are published in the appendix to these final regulations.

1. *Section 219.12(a)(3) Repair of school facilities.* This section now expands the definition of "minor repairs" to include both the restoration or replacement of any facility having no major structural element that is damaged in excess of 30 percent, and any total restoration or replacement whose cost is not more than $100,000.

2. *Section 219.15 Restoration or replacement of school facilities.* This section has been clarified and, in addition, has been changed to provide that facilities being constructed by an LEA—but not yet in use or accepted from the builder—may be restored or replaced with Federal assistance in the event these facilities are damaged by a disaster.

3. *Section 219.33(c)(2) Applications for situations in which it is unnecessary to relocate students.* This section has been expanded to provide that if an LEA's bond capacity is not limited by statute, the Secretary considers this capacity to be limited to 12 percent of the LEA's assessed valuation of real property.

4. *Section 219.41(b)(2) Use of equipment owned by a grantee.* This section of the proposed rules has been deleted. The use of a grantee's equipment during recovery from a disaster is not considered an eligible cost under the disaster assistance program.

5. *Section 219.41(d) Effect of insurance coverage.* This section has been changed to state that eligible costs include only the amount of an LEA's expenses exceeding any insurance proceeds available to the LEA. This rule now applies to LEAs that have experienced either a major or a pinpoint disaster.

6. *Section 219.42(b)(3)(ii) Eligible costs.* This section has been revised to clarify that an LEA may build a gymnasium or auditorium with a capacity exceeding its membership if the LEA pays all costs associated with the increased capacity. This is stated in § 219.42(b)(1)(iii) in the final regulations.

7. *Section 219.42(d) Effect of insurance coverage.* This section has been changed to parallel the change made in § 219.41(d).

Executive Order 12291

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to these regulations because the NPRM was published before January 1, 1981, the effective date of the Act.

Citation of Legal Authority

A citation of statutory or other legal authority for each section is placed in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance Number 84.040, School Assistance in Federally Affected Areas—Construction, and 84.041, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: January 18, 1982.

Approved: January 18, 1982.

T. H. Bell,

Secretary of Education.

The Secretary amends 34 CFR Parts 219 and 220 of Title 34 of the Code of Federal Regulations as follows:

PART 220 [REVOKED]

1. By revoking Part 220.

2. By revising Part 219 to read:

PART 219—ASSISTANCE FOR SCHOOL EXPENDITURES AND CONSTRUCTION IN CASES OF CERTAIN DISASTERS

Subpart A—General

Sec.
219.1 Disaster assistance program.
219.2 Eligible parties.
219.3 Regulations that apply to the disaster assistance program.
219.4 Definitions.

Subpart B—Kinds of Projects Assisted Under This Program

219.11 Replacement of instructional and maintenance supplies, equipment, and materials.
219.12 Payment for minor repairs.
219.13 Provision of needed temporary school facilities.
219.14 Payment of increased current operating expenses and replacement of lost revenues.
219.15 Restoration or replacement of school facilities.

Subpart C—How To Apply for Assistance

219.21 Application procedure.
219.22 State certification of applications.

Subpart D—How a Grant Is Made

219.31 Review of an application: Consideration of other resources available to an applicant.
219.32 Consultation with the State educational agency.
219.33 Determination of priorities among eligible applications.

Subpart E—Eligible Costs

219.41 Eligible costs for assistance related to replacement of instructional and maintenance supplies, equipment, and materials; minor repairs; or provision of temporary school facilities (Section 7(b) of Pub. L. 81–874).
219.42 Eligible costs for restoration or replacement of school facilities (Section 16 of Pub. L. 81–815).

Subpart F—Hearings

219.51 Hearings relating to assistance for restoration or replacement of school facilities (Section 16 of Pub. L. 81–815).
219.52 Hearings relating to assistance other than restoration or replacement of school facilities (Sections 7(a) and 7(b) of Pub. L. 81–874).

Authority: Sec. 7 of Pub. L. 81–874 (20 U.S.C. 241–1) and sec. 16 of Pub. L. 81–815 (20 U.S.C. 646), as amended, unless otherwise noted.

Subpart A—General

§ 219.1 Disaster assistance program.

(a) *Purpose.* Under this program the Department of Education provides financial assistance to local educational agencies (LEAs) that have been afflicted by certain disasters. This assistance is authorized by section 7 of Pub. L. 81–874 (Financial Assistance for Local Educational Agencies in Areas Affected by Federal Activity) and by Section 16 of Pub. L. 81–815 (School Construction in Areas Affected by Federal Activities). These two laws are referred to in this part as "the Acts." Assistance may include—

(1) Replacement of instructional and maintenance supplies, equipment, and materials;

(2) Payment for minor repairs;

(3) Provision of needed temporary facilities not including the acquisition of land or the erection of facilities;

(4) Additional assistance necessary to provide free public education, such as payment of increased current operating expenses and replacement of lost revenues; and

(5) Restoration or replacement of seriously damaged or destroyed school facilities.

(b) *Limits on assistance.* Assistance is limited to a reasonable amount of an LEA's expenses resulting from the disaster. The Secretary of Education determines the allowable amount of assistance after considering other resources available to the LEA.

(20 U.S.C. 241–1 (a), (b), 646(a))

§ 219.2 Eligible parties.

An LEA may apply for assistance if it meets these conditions:

(a)(1) *Occurrence of a disaster.* The President declares a major disaster encompassing an area in which part or all of the LEA is located; or

(2) The school facilities of the LEA have been seriously damaged or destroyed by a smaller disaster that the LEA requests the Secretary to declare as a pinpoint disaster.

(b) *Financial need.* As a result of the disaster, and in order to provide free public education to the children it serves, the LEA requires assistance of at least—

(1) $1,000; or

(2) One-half of one percent of its current operating expenses for the fiscal year preceding the fiscal year in which the disaster occurred, whichever is less.

(20 U.S.C. 241–1 (a), (b), 646(a))

§ 219.3 Regulations that apply to the disaster assistance program.

The following regulations apply to the disaster assistance program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and Part 77 (Definitions); except for these sections of EDGAR that do not apply to this program:

(1) 34 CFR 75.113 (Describe the key personnel).

(2) 34 CFR 75.115 (Describe the evaluation plan).

(3) 34 CFR 75.217–75.222 (Discretionary grant selection procedures).

(4) 34 CFR 75.603 (Grantee's title to site).

(b) General Regulations for Administration of Grants (34 CFR Part 74), which are incorporated by reference in EDGAR, except for these sections of Part 74 that do not apply to this program:

(1) 34 CFR 74.94 (Payment methods under construction grants).

(2) Subpart O (Property).

(c) The regulations in this Part 219.

§ 219.4 Definitions.

(a) *Terms defined in EDGAR.* (1) The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Project
Secretary

(2) The following terms used in this part are defined in General Regulations for Administration of Grants (34 CFR Part 74), which are incorporated by reference in EDGAR:

Grant
Grantee
Supplies

(b) *Terms defined by statute.* The following terms used in this part are defined in the Acts:

Child
Construct, Constructing, Construction
Equipment
Free public education
Local educational agency (LEA)
School facilities
State
State educational agency (SEA)

(c) *Terms defined in this part.* As used in this part, these terms have the following definitions:

"Acts" means Pub. L. 815, 81st Congress (64 Stat. 967), as amended, and Pub. L. 874, 81st Congress (64 Stat. 1100), as amended.

(20 U.S.C. 236–244, 631–647)

"Latent damages" means damages that are caused by a disaster but that become apparent only after an LEA has applied for a grant.

(20 U.S.C. 241–1(a), (b), 646(a))

"Major disaster" means a disaster the President determines to be, or threatens

to be, of sufficient severity and magnitude to warrant Federal disaster assistance. The disaster may result from flood, drought, fire, hurricane, earthquake, storm, or from some other catastrophe.

(20 U.S.C. 241–1(a)(1)(A), 646(a)(1)(A))

"Membership" means—

(1) The number of children in the membership of a school according to State law; or

(2) If no State law governs membership, the number of children who are listed on the school's current roll of pupils and who have not permanently left the school or become otherwise ineligible to attend classes there.

(3) An exception to the general rule stated in paragraphs (a) and (b) of this section applies if a child resides in the district of one LEA but attends school in the district of another under a tuition arrangement in which the LEA in whose district the child resides reimburses the other LEA. In these cases the child is considered to be a member in the LEA in which the child resides, unless the Secretary approves an agreement between the LEAs that the child will be recorded as a member in the LEA in which it attends school.

(20 U.S.C. 645(5))

"Minimum school facilities" means those facilities that the Secretary, after consultation with the SEA and LEA, considers necessary for an LEA's educational mission and for which Federal assistance may be provided. Generally, these are facilities—such as classrooms, auxiliary rooms, and initial equipment, machinery, and utilities—that support an educational program for the LEA's membership at normal capacity and in accordance with the laws and common practice in the State.

(20 U.S.C. 645(9), (10))

"Normal capacity" means the number of pupils that a school facility accommodates under ordinary conditions according to the laws and common practice of the State.

(20 U.S.C. 634, 645(9), (10))

"Pinpoint disaster" means a disaster the Secretary determines to have destroyed or seriously damaged an LEA's school facilities. The disaster may result from flood, fire, hurricane, earthquake, storm, or from some other catastrophe but may not result from negligence or malicious action.

(20 U.S.C. 241–1 (a)(1)(B), 646(a)(1)(B))

Subpart B—Kinds of Projects Assisted Under This Program

§ 219.11 Replacement of instructional and maintenance supplies, equipment, and materials.

The Secretary may authorize assistance to replace instructional and maintenance supplies, equipment, and materials—including text-books—that have been seriously damaged or destroyed as a result of a disaster (Sec. 7(b) of Pub. L. 81–874).

(20 U.S.C. 241–1(b))

§ 219.12 Payment for minor repairs.

The Secretary may authorize assistance for payment for minor repairs (Section 7(b) of Pub. L. 81–874).

(a) *Repair of school facilities.* Repair of a school facility is considered minor if the repair—

(1) Relates to an architectural, mechanical, or structural element of the facility, or to its site, grading, or surrounding improvements;

(2) Restores a portion of the facility to a condition similar to its condition before the disaster; and

(3)(i) Replaces no more than 30 percent of any one major structural element, such as a load-bearing wall or roof truss, that supports the weight of the facility; or

(ii) Replaces more than 30 percent of a major structural element but has a total cost of no more than $100,000.

(b) *Use of funds for construction.* (1) An LEA may choose to apply grant funds available for minor repairs to a damaged school facility to the razing of that facility and the construction of a new facility similar to the damaged facility.

(2) The LEA must pay all additional costs associated with its choice to construct a new facility rather than to repair the damaged facility.

(c) *Repair of equipment and materials.* (1) Repair of equipment and materials is considered minor if the repair costs less than replacement of the equipment and materials.

(2)(i) Unless the following exception applies, an LEA must repair rather than replace damaged equipment and materials if this repair is minor.

(ii) Exception: an LEA may choose to apply grant funds available for minor repairs to damaged equipment and materials to the purchase of new equipment and materials if the LEA pays all additional costs associated with that choice.

(20 U.S.C. 241–1(b), 244(13), (14))

§ 219.13 Provision of needed temporary school facilities.

The Secretary may authorize assistance for the provision of needed temporary school facilities (section 7(b) of Pub. L. 81–874).

(a) *Means of furnishing temporary school facilities.* Assistance may include the cost of—

(1) Purchasing equipment necessary to operate temporary facilities;

(2) Converting remaining portions of school facilities into classrooms and cafeteria facilities;

(3) A lease on temporary alternative school facilities for a period of time necessary to repair, restore, or replace permanent school facilities; or

(4) Lease or purchase, whichever cost is less, of temporary portable school facilities for a period of time necessary to repair, restore, or replace permanent school facilities if conversion of remaining facilities or lease of temporary alternative facilities is not practical.

(b) *Prohibition of permanent arrangements.* Assistance may not include the acquisition of land or the erection of facilities.

(20 U.S.C. 241–1(b))

§ 219.14 Payment of increased current operating expenses and replacement of lost revenues.

The Secretary may authorize assistance necessary to provide free public education, such as payment for increased current operating expenses and replacement of lost revenues (section 7(a) of Pub. L. 81–874).

(a) *Limits on assistance.* Assistance may not exceed an amount necessary to permit an LEA to provide a level of education equivalent to that maintained in its schools before the disaster.

(b) *Prohibition of unrelated expenses.* Assistance may not include—

(1) Elimination from the LEA's budget of a deficit balance preceding the disaster; or

(2) Creation for the LEA's budget of a carryover balance following the disaster.

(c) *Five years is the maximum period of assistance.* The Secretary provides assistance—for operating expenses or replacement of lost revenues—for no more than five consecutive fiscal years, beginning with the fiscal year in which the disaster is declared.

(d) *Diminishing amount of assistance available during the five-year period.* The maximum amount of assistance for which an LEA is eligible to apply diminishes during the five-year eligibility period as follows:

(1) Year of disaster—100 percent of eligible expenses.
(2) First year following disaster—100 percent of eligible expenses.
(3) Second year following disaster—75 percent of the amount provided in the first year following the disaster.
(4) Third year following disaster—50 percent of the amount provided in the first year following the disaster.
(5) Fourth year following disaster—25 percent of the amount provided in the first year following the disaster.

(e) *Private school children displaced by a major disaster.* (1) If a private school has been disrupted or impaired by a major disaster, assistance to an LEA may include an amount necessary to provide educational programs in which displaced children previously enrolled in the private school may attend and participate.

(2)(i) These programs must be under public auspices and administration.
(ii) No assistance is furnished for religious worship or instruction.

(20 U.S.C. 241–1(a))

§ 219.15 Restoration or replacement of school facilities.

(a) *Restoration or replacement.* The Secretary may authorize assistance for the restoration or replacement of seriously damaged or destroyed minimum school facilities (section 16 of Pub. L. 81–815).

(b) *Serious damage.* A school facility is considered to be seriously damaged if—

(1) It is necessary to restore or replace more than 30 percent of a major structural element, such as a load-bearing wall or roof truss, that supports the weight of the facility; and
(2) This restoration or replacement costs more than $100,000.

(c) *Limits on assistance.* Assistance is limited to those facilities that are necessary to operate a program of free public education for an LEA's membership at normal capacity in accordance with the laws and common practice of the State and, that prior to the disaster, were either—

(1) In use by the LEA; or
(2) Being constructed by the LEA.

(d) *Facilities for private school children displaced by a major disaster.* (1) In the case of a major disaster, minimum school facilities also include facilities necessary to serve displaced children previously enrolled in private school facilities that have been destroyed by the disaster and will not be replaced.

(2)(i) The LEA must be providing these children with educational programs they may attend and in which they may participate.

(ii) These programs must be under public auspices and administration.
(iii) No assistance is furnished for religious worship or instruction.

(20 U.S.C. 241–1(a), 646(a))

(e) *Damaged facilities.* For facilities seriously damaged but not destroyed, assistance is limited to the lesser of—

(1) The cost of restoring the facility; or
(2) The cost of replacing the facility.

(f) *Destroyed facilities.* For facilities that have been destroyed, assistance is limited to the lesser of—

(1) The cost of replacing the facility on the same site; or
(2) The cost of replacing the facility on another appropriate site.

(20 U.S.C. 646(a))

(g) *Excellence of architecture and design.* An LEA that restores or replaces a minimum school facility shall give appropriate consideration to excellence of architecture and design.

(20 U.S.C. 645(10)(A))

(h) *Access and use by handicapped persons.* An LEA that restores or replaces a minimum school facility shall ensure that all facilities constructed with assistance under this program provide appropriate access and use by handicapped persons.

(20 U.S.C. 645(10)(C))

Note.—Additional rules for determining the types of facilities that may be considered "minumum school facilities" are contained in § 219.42 of these regulations (Eligible costs for restoration or replacement of school facilities (Section 16 of Pub. L. 81–815)).

Subpart C—How To Apply for Assistance

§ 219.21 Application procedure.

(a) *Application requirement.* To be considered for assistance an LEA must file an application with the Secretary through its State educational agency (SEA).

Note.—Upon request, the Secretary supplies an LEA with an application and instructions for properly completing the application.

(b) *State certification: Closing date for filing.* The LEA shall submit its application to the SEA. The LEA shall ensure that the SEA certifies and transmits this material to the Secretary on or before a date 90 days after—

(1) The date of publication of a notice in the **Federal Register** that the President has declared a major disaster; or
(2) The date of the pinpoint disaster.

(c) *Change in information included in the application.* The LEA shall promptly inform the Secretary of any change in the information included in its application that would affect eligibility for assistance or the amount of a grant.

(d) *New application each year in certain cases.* In order to receive continuing assistance for payment of current operating expenses or replacement of lost revenues (Section 7(a) of Pub. L. 81–874), the LEA shall file a new application during—and for each—of the fiscal years following the initial application.

(20 U.S.C. 241–1(d), 636 (a), (b), 646(c))

§ 219.22 State certification of applications.

(a) *For major disasters.* The SEA's certification of an application related to a major disaster shall contain the following assurances on the authority of the Governor unless the Governor has previously filed these assurances with the Federal Emergency Management Agency:

(1) Assurance that the LEA is located in an area declared by the President as a major disaster area.

(2) Assurance of the LEA's need for Federal disaster assistance.

(3) Assurance that the State or one or more of its political subdivisions will expend an amount of funds the Secretary considers reasonable to assist the LEA.

(b) *For pinpoint disasters.* The SEA's certification of an application related to a pinpoint disaster shall contain a request from the Governor for assistance, accompanied by the following assurances:

(1) Assurance of the serious damage or destruction of the LEA's school facilities.

(2) Assurance of the LEA's need for Federal disaster assistance.

(3) Assurance that the State or one or more of its political subdivisions will expend an amount the Secretary considers reasonable to assist the LEA. The assurance must include a statement of the amount of funds available for expenditure.

(4) Assurance that the disaster site has been investigated by appropriate State or local officials who have determined—

(i) That the disaster was not caused by negligence or malicious action; or

(ii) If the cause of the disaster is unknown, that no evidence indicates the disaster was caused by negligence or malicious action.

(20 U.S.C. 241–1(a), (d), 646(a), (c))

Subpart D—How a Grant Is Made

§ 219.31 Review of an application: Consideration of other resources available to an applicant.

(a) *Review of application.* The Secretary reviews a properly completed application and considers other resources available to an applicant in order to determine the applicant's eligibility for assistance and the amount of assistance that would be reasonable.

(b) *Resources to be considered.* Other resources available to the applicant include, but are not limited to—

(1) State assistance;

(2) Local assistance;

(3) Federal assistance in addition to that provided under this program;

(4) Insurance proceeds; and

(5) Interest earned on resources listed in paragraph (a)(1) through (4) of this section.

(c) *Special rule in certain cases.* Other resources available to an applicant for assistance related to restoration or replacement of minimum school facilities (Section 16 of Pub. L. 81–815) also include—

(1) The proceeds of bonds voted specifically for restoration or replacement of a destroyed or seriously damaged facility; and

(2) The greater of—

(i) An amount the State requires an LEA to set aside in a related insurance program or mandatory reserve fund; or

(ii) All unobligated or unencumbered non-Federal funds that the Secretary determines have been set aside by the LEA in a related insurance program, monetary reserve fund, or other comparable fund.

(20 U.S.C. 241–1(a)(3), 646(a)(4)(5))

§ 219.32 Consultation with the State educational agency.

An application for assistance related to restoration or replacement of minimum school facilities (Section 16 of Pub. L. 81–815) is approved only if the Secretary, after consultation with the SEA, determines that the restoration or replacement—

(a) Relates exclusively to minimum school facilities; and

(b) Is not inconsistent with overall State plans respecting construction of school facilities.

(20 U.S.C. 645(10), 646(c))

§ 219.33 Determination of priorities among eligible applications.

(a) *General.* the Secretary funds eligible applications from appropriations provided by the Congress under the two respective Acts that authorize the program—Pub. L. 81–815 and Pub. L. 81–874. This results in these two separate appropriations:

(1) Funds that may be used for eligible applications that relate to the restoration or replacement of minimum school facilities (Pub. L. 81–815).

(2) Funds that may be used for all other eligible applications (Pub. L. 81–874).

Note.—In certain cases, Congress appropriates funds that may be used to fund only certain types of eligible applications. For example, in recent fiscal years, Congress has appropriated funds for LEAs damaged by major disasters but has not appropriated funds for LEAs damaged by pinpoint disasters.

(b) *Funding of eligible applications.* Normally, the Secretary awards a grant to each application of a type for which Congress has appropriated funds as soon as the Secretary determines the application is eligible for payment. However, if the funds Congress appropriates are insufficient to fund all of a number of applications that are potentially eligible, the Secretary awards as many grants as possible according to the priorities described in this section.

(20 U.S.C. 646(c), 241–1(d))

(c) *Priorities for applications related to restoration or replacement of school facilities.* If the amount of funds appropriated for eligible applications that relate to restoration or replacement of minimum school facilities is insufficient to permit the award of a grant to all these applications, the Secretary awards as many grants as possible in the following order of priority:

(1) *Applications for situations in which students must be relocated.* First the Secretary funds those applications that relate to situations in which an LEA must relocate students because of a disaster.

(i) The Secretary determines relative priority among these applications by computing for each application the following percentage, then ranking applications in descending order of priority from the highest to the lowest computed percent:

$$\frac{\text{Number of students requiring relocation}}{\text{LEA's total current membership}}$$

(ii) If an application relates to a major disaster as a result of which private school students require relocation, the percentage in paragraph (c)(1)(i) of this section is computed by including these students both in the number of students requiring relocation and in the LEA's total current membership.

(2) *Applications for situations in which it is unnecessary to relocate students.* After the Secretary funds applications requiring the relocation of students, the Secretary funds remaining applications. The Secretary determines relative priority among these remaining applications by computing for each application the following percentage, then ranking applications in descending order of priority from the highest to the lowest computed percent:

$$\frac{\text{Estimated Federal assistance required for the project described in the application}}{\text{Estimated unused bond capacity of the LEA on the date of the disaster (If the LEA's bond capacity is not limited by statute, the Secretary considers this capacity to be limited to 12 percent of the LEA's assessed valuation of real property)}}$$

(20 U.S.C. 646(c))

(d) *Priorities for applications not related to restoration or replacement of school facilities.* If the amount of funds appropriated for eligible applications that do not relate to restoration or replacement of minimum school facilities is insufficient to permit the award of a grant to all these applications, the Secretary awards as many grants as possible in the order of priority established by this method:

(1) The Secretary computes for each application the following percentage:

$$\frac{\text{Estimated Federal assistance required for the project described in the application}}{\text{The LEA's current operating expenses for the fiscal year preceding the disaster}}$$

(2) Applications are then ranked in descending order of priority from the highest to the lowest computed percent.

(20 U.S.C. 241–1(d))

Subpart E—Eligible Costs

§ 219.41 Eligible costs for assistance related to replacement of instructional and maintenance supplies, equipment, and materials; minor repairs; or provision of temporary school facilities (Section 7(b) of Pub. L. 81–874).

(a) *Secretary's approval.* A grantee may apply grant funds only to—

(1) Costs that the Secretary approves in advance; or

(2) Costs that the Secretary approves retroactively because they were necessarily incurred as emergency measures immediately prior to, during, or subsequent to a disaster.

(b) *Eligible costs.* Among the costs the Secretary approves as eligible for payment are reasonable costs related to the following items:

(1) *Preventive work.* Preventive work done on or immediately adjacent to a school site in anticipation of or during the disaster, if the work could

reasonably have been expected to minimize damage.

(2) *Work performed by a grantee's maintenance employees.* Work must be related to the disaster and performed by a grantee's maintenance employees in addition to—not in place of—their regular duties.

(3) *Installation of utilities.* Installation costs for utilities in temporary or leased facilities.

(4) *Replacement of equipment.* (i) Assistance in replacing movable equipment—including vehicles—if the equipment, when purchased, was essential to school operations, and if it would cost more to repair the equipment than to replace it.

(ii) If a school bus is being replaced, the Secretary determines the amount of assistance by deducting from the cost of replacement the salvage value of the bus and any available insurance proceeds and State transportation assistance.

(5) *Off-site work.* Off-site work to permit emergency access to damaged school facilities, if the work is consistent with State law and is not the responsibility of another unit of local government.

(6) *Trees, shrubs, and ground cover.* Replacement of trees and shrubs by the size of plantings customarily made on the site of new school facilities in the State, and of ground cover by seeding, unless sod is the only effective replacement.

(7) *Architectural and engineering fees.* Architectural and engineering fees that relate to a repair or replacement authorized by the program.

(8) *Repair of school facilities under construction or renovation and of those that are temporary or obsolete.* (i) Repair of school facilities that, at the time of the disaster, were under construction or revnovation, if the cost of repair is not covered by insurance.

(ii) Temporary or obsolete facilities may be repaired unless prior to the disaster the LEA took formal action to replace them.

(9) *Repair of school facilities damaged during disaster recovery.* Repair of school facilities necessarily damaged during disaster recovery activities to reestablish school operations.

(10) *Temporary facilities.* Provision of temporary facilities, including the purchase of necessary operating equipment.

(11) *Insurance on temporary portable classroom units that are purchased by the grantee.*

(12) *Necessary demolition of facilaities and removal of debris.*

(13) *Emergency repairs to prevent further damage to a facility or to make it immediately available for education.*

(20 U.S.C. 241–1(a)(b))

(c) *Ineligible costs.* The Secretary does not approve any costs related to the following:

(1) Acquisition of land.

(2) A gymnasium, stadium, or similar facility primarily intended for events that include an admission charge to the general public.

(3) Latent damages not reported to the Secretary within six months of the date the Secretary receives the LEA's application.

(20 U.S.C. 241–1(b), 244(13))

(d) *Effect of insurance coverage.* (1) Eligible costs include only the amount of the LEA's expenses that exceeds any insurance proceeds on the damaged or destroyed supplies, equipment, materials, and facilities.

(2) A grantee shall prosecute insurance claims promptly and fully.

(20 U.S.C. 241–1(a)(b))

§ 219.42 Eligible costs for restoration or replacement of school facilities (Section 16 of Pub. L. 81–815).

(a) *Secretary's approval.* A grantee may apply grant funds only to items described in its project application that the Secretary approves as eligible for payment.

(b) *Eligible costs.* (1) The Secretary approves reasonable costs to restore or replace any of the following minimum school facilities to a condition similar to that before the disaster:

(i) Classrooms and related facilities.

(ii) Fixed equipment, machinery, and utilities.

(iii) (A) An auditorium or gymnasium or both if it is justified by the size and educational program of the LEA and by standards and practices in the State.

(B) The capacity of the facility may exceed the membership of the school only if the LEA pays all additional costs associated with the increased capacity.

(iv) Air conditioning if it is justified by standards and practices in the State.

(2) The Secretary also approves reasonable costs related to the following items:

(i) Works of art—if their cost does not exceed one percent of a project's cost.

(ii) Design features that provide appropriate access and use by handicapped persons.

(iii) Design features that afford appropriate protection against personal injuries from future disasters.

(c) *Ineligible costs.* The Secretary does not approve any costs related to—

(1) Purchase of an interest in land;

(2) Off-site improvements;

(3) A gymnasium, stadium, or similar facility primarily intended for events that include an admission charge to the general public; or

(4) Emergency repairs to prevent further damage to a facility or to make it immediately available for education.

Note, however, that these costs related to emergency repairs are eligible under § 219.41(b)(13) *(Eligible costs for assistance related to replacement of instructional and maintenance supplies, equipment, and materials; minor repairs; or provision of temporary facilities (Section 7(b) of Pub. L. 81–874)).*

(5) Latent damages not reported to the Secretary within six months of the date the Secretary receives the LEA's application.

(20 U.S.C. 645(9)(10), 646(a))

(d)(1) *Effect of insurance coverage.* Eligible costs include only the amount of the LEA's expenses that exceeds any insurance proceeds on the damaged or destroyed facilities.

(2) A grantee shall prosecute insurance claims promptly and fully.

(20 U.S.C. 646(a))

Subpart F—Hearings

§ 219.51 Hearings relating to assistance for restoration or replacement of school facilities (Section 16 of Pub. L. 81–815).

(a) *Right to an administrative hearing.* This section applies to an LEA that is an applicant or grantee for assistance for restoration or replacement of school facilities. This LEA has a right to an administrative hearing in either or both of the following circumstances:

(1) If the Secretary proposes in whole or in part to disapprove the LEA's application.

(2) If, after a grant has been made, the Secretary acts to withhold payments to the LEA (the circumstances in which this occurs are specified in Section 11(a) of Pub. L. 81–815).

(b) *Hearing procedures.* The procedures described in 34 CFR Part 218 govern these administrative hearings.

(20 U.S.C. 636(c), 641(b))

§ 219.52 Hearings relating to assistance other than restoration or replacement of school facilities (Sections 7(a) and 7(b) of Pub. L. 81–874).

(a) *Right to an administrative hearing.* This section applies to an LEA that is an applicant or grantee for assistance for other than restoration or replacement of school facilities. This LEA has a right to an administrative hearing if an action of the Secretary affects the LEA adversely or aggrieves the LEA.

(b) *Hearing procedures.* The procedures described in Section 5(g) of Pub. L. 81-874 and in 34 CFR Part 218 govern these administrative hearings.

(20 U.S.C. 240(g))

Note.—This appendix will not appear in the Code of Federal Regulations.

Appendix

Summary of Comment and Responses

The following is a summary of comments received on a notice of proposed rulemaking (NPRM)—for School Assistance in Cases of Certain Disasters—published on June 29, 1979. Each comment is followed by a response that indicates any change that has been made or why no change is considered necessary. Specific comments are arranged in order of the sections of these final regulations to which they pertain.

§ 219.1 Disaster Assistance Program

Comment. One commenter asked why § 219.1(a)(3), which states that assistance may include provision of needed temporary facilities, omits a provision of Pub. L. 81-874 that says this form of assistance may not include acquisition of land or the erection of facilities.

Response. A change has been made to include this provision in § 219.1(a)(3).

Comment. One commenter noted that the law refers to "additional assistance necessary to provide free public education" and asked whether § 219.1(a)(4) limits this assistance to "payment of increased current operating expenses" and "replacement of lost revenues" that relate to free public education. The commenter also asked what is meant by replacement of lost revenues as distinguished from current operating expenses.

Response. A change has been made to clarify that the terms "payment of increased current operating expenses" and "replacement of lost revenues" illustrate, but do not restrict, the types of "additional assistance necessary to provide free public education" that are authorized by Section 7(a) of Pub. L. 81-874. "Replacement of lost revenues" refers to assistance made available to an LEA because the LEA's sources of funds have been impaired by a disaster. For example, an LEA may be severely harmed by the disaster-related destruction of taxable real property in its school district. This assistance may be necessary even if the LEA's "current operating expenses"—the costs related to running its schools—are not increased.

§ 219.2 Who May Apply for Assistance?

Comment. One commenter asked why § 219.2(b)(2) of the proposed rules omitted statutory provisions referring to "current" operating expenses and stating that only the lesser of the two monetary eligibility thresholds mentioned in this section must be met.

Response. A change has been made to include these statutory provisions in § 219.2(b)(2).

§ 219.4 Definitions

Comment. One commenter asked why the term "latent damages" must be defined in the regulations since it is not used in the law.

Response. No change has been made. The term "latent damages" is used in §§ 219.41(c)(3) and 219.42(c)(5) in contexts where the regulations clarify the time period within which applicants must report to the Secretary damages that were discovered after their applications were filed.

Comment. One commenter raised three points regarding the definition of "major disasters" in § 219.4(c): (1) May a drought be a major disaster? (2) Shouldn't the regulations include a provision of the law allowing the President to declare a threatening situation a major disaster? (3) Why do the regulations not state that only disasters occurring after August 30, 1965 are eligible for assistance?

Response. A change has been made to include the President's declaration of a threatening situation as a major disaster. The law does permit a drought to be a major disaster. Although the law states that only disasters occurring after August 30, 1965 are eligible for assistance, it is unnecessary to mention this in regulations which are for use by current applicants that have experienced disasters more recently.

Comment. One commenter asked why the definition of "membership" in § 219.4(c) varies in its wording from the definition of the same term given in the law.

Reponse. No change has been made. The definition in § 219.4(c) clarifies the statutory definition and is substantially identical to it. The § 219.4(c) definition also provides a rule for determining membership in cases where no State law governs that determination; the Secretary is required by law to regulate on this topic.

Comment. One commenter asked—regarding the definition of "minimum school facilities" in § 219.4(c)—whether the Secretary observes the legal requirements that SEAs and LEAs must be consulted prior to determinations of what facilities are minimum school facilities. The commenter also asked why the definition apparently omitted provisions of law requiring that, in constructing minimum school facilities, LEAs (1) must give due consideration to excellence of architecture and design, (2) must be allowed to include works of art if their cost does not exceed one percent of a project's cost, and (3) must provide appropriate access and use by handicapped persons.

Response. A change has been made to reflect that the Secretary consults SEAs and LEAs in determining what facilities are minimum school facilities. The other legal provisions regarding minimum school facilities are now included in §§ 219.15 (f), (g), and 219.42(b)(2) (i), (ii) of these final regulations.

Comment. One commenter noted that the term "normal capacity" is not used in the law and asked why it needs to be defined. The commenter also stated that the term "pupil stations," which was used in the proposed definition of "normal capacity," is confusing.

Response. A change has been made to refer to "pupils" rather than to "pupil stations." It is important to define the term "normal capacity" because it is used in these regulations to help measure an LEA's need for minimum school facilities.

Comment. A commenter questioned whether a "drought" could be included in the definition of "pinpoint disaster": The law does not mention a drought in this context.

Response. A change has been made. The definition of pinpoint disaster no longer includes a "drought."

§ 219.12 Payment for Minor Repairs

Comment. One commenter noted that the law does not specifically instruct the Secretary to define the term "minor repairs" and asked why this is necessary.

Response. No change has been made. Section 7 of Pub. L. 81-874 provides assistance for minor repairs to a damaged school facility, whereas Section 16 of Pub. L. 81-815 provides assistance for the restoration of seriously damaged or destroyed school facility. It is necessary to differentiate between these two types of assistance to properly administer these laws.

Comment. One commenter asked, in regard to § 219.12(a)(3), why replacement of 30 percent or less of a major structural element was chosen as a measure of whether a repair is considered "minor." The commenter also asked whether the regulations permit payments for an unlimited

number of repairs which do not affect a major structural element.

Response. No change has been made. The 30 percent factor reflects the judgment of the Department of Health and Human Services' Office of Facilities Engineering—which provides technical assistance in administering the disaster program—regarding which repairs are relatively minor. All repairs not involving replacement of a major structural element are classified as minor repairs and are eligible for assistance. Note that these final regulations expand the definition of minor repairs to include replacement of more than 30 percent of a major structural element if the total cost is no more than $100,000.

Comment. One commenter suggested that § 219.12(b), which permits an LEA to apply funds needed for minor repairs to the razing of a damaged facility and to new construction, is inconsistent with the purpose of Pub. L. 81–874.

Reponse. A change has been made to clarify that when an LEA does this the LEA must pay all additional costs associated with its choice to construct a new facility rather than to repair the damaged facility. However, the Secretary continues to believe that allowing an LEA this choice is consistent with Pub. L. 81–874. Section 7(b) of that statute provides an LEA afflicted by a disaster "an amount (the Secretary determines) to be necessary * * * to make minor repairs * * *." The intent of that provision is to benefit a distressed school district whose facilities have been damaged; there is no language in the law clearly indicating that Congress intended to deprive an LEA of this assistance simply because the LEA desires to replace, rather than repair, a damaged facility. Sometimes it is more economical to construct a new facility than to repair a damaged one; in these instances it makes sense to allow an LEA to embark on new construction without forfeiting its eligibility for disaster assistance. Because the LEA is held responsible for all costs in excess of the amount that would have been required to repair the facility, the cost to the Federal Government is not increased.

Note that §§ 219.12(c) and 219.42(b)(1)(iii) of these final regulations now contain similar provisions (without increasing the cost to the Federal Government, these provisions preserve an LEA's flexibility to replace damaged equipment and materials, and to choose the size of the gymnasium or auditorium the LEA will build to replace a gymnasium or auditorium that has been damaged or destroyed by a disaster). Note also that § 219.12(b) has been reworded to clarify that only a facility similar to a damaged facility can be constructed using funds available for minor repairs.

§ 219.13 Provision of Needed Temporary School Facilities

Comment. One commenter asked why the regulations in § 219.13 are more specific than the law, which merely authorizes temporary facilities.

Response. No change has been made. The object of § 219.13 is to enumerate and indicate the relationship between various alternative means of providing temporary facilities.

Comment. One commenter asked whether § 219.13(a)(1) refers to the initial purchase of equipment or to its ongoing operating costs.

Response. A change has been made to clarify that this section refers to purchase of equipment.

Comment. One commenter stated that provision of temporary cafeteria facilities is an allowable expenditure under Pub. L. 81–874 and asked whether § 219.13(a)(2) permits conversion of remaining portions of school facilities into cafeteria facilities.

Response. A change has been made to clarify that conversion to cafeteria facilities is permitted.

Comment. A commenter asked why § 219.13(a)(4), which permits the purchase of temporary portable facilities in certain circumstances, does not also permit the purchase of temporary nonportable facilities.

Response. No change has been made. Purchase of temporary nonportable facilities would include acquisition of land and this is expressly forbidden under Section 7(b) of Pub. L. 81–874. Section 219.13(b) has been reworded to clarify this prohibition.

Comment. One commenter noted that no erection of facilities is allowed under Pub. L. 81–874 and asked whether § 219.13(b) of the proposed rules, which explicitly forbade only the construction of "nonportable" facilities, implicitly suggested that temporary portable facilities could be erected.

Response. The Secretary does not consider the lease or purchase of a portable facility to be the erection of a facility. However, § 219.13(b) has been changed to clarify that no erection of facilities is allowed.

§ 219.14 Payment of Increased Current Operating Expenses or Replacement of Lost Revenues

Comment. One commenter suggested that § 219.14(a) of the proposed rules was not legally authorized, inasmuch as the section limited assistance to the lesser of an LEA's budgeted or actual current operating expenses in situations where one or both of these amounts was less than the amount necessary to maintain the level of education maintained by the LEA prior to the disaster.

Response. A change has been made. These sections of the proposed rules have been deleted. Pub. L. 81–874 states an absolute limit on assistance: It may not exceed the amount—together with other funds available to an LEA—necessary to maintain the LEA's level of education prior to the disaster. The law also gives the Secretary broad discretion within this limit to award the LEA amounts the Secretary considers in the public interest. The Secretary continues to believe it is lawful, at least in cases where an LEA budgets or spends a total amount for free public education that is less than that expended prior to the disaster, to take these facts into consideration in determining how much Federal assistance is in the public interest. These determinations will be made on a case-by-case basis.

Comment. One commenter suggested that § 219.14(d) should clarify that the percentages specified in this section are maximum amounts of assistance for which an LEA may apply.

Response. A change has been made to make this more clear: The word "maximum" is now included in § 219.14(d).

Comment. One commenter suggested that § 219.14(e), which deals with assistance to LEAs serving private school children displaced by a major disaster, be revised more clearly to express the intent of Pub. L. 81–874 that these children be educated under public auspices and without making payments for religious worship or instruction.

Response. A change has been made. The language of the law regarding educating these children under "public auspices and administration" and forbidding payments related to religious worship or instruction has been added to the regulations.

§ 219.15 Restoration or Replacement of School Facilities

Comment. One commenter wanted to know why § 219.15 of the proposed regulations stated that a facility is considered seriously damaged only if more than 30 percent of a major structural element needs restoration or replacement, and asked whether Pub. L. 81–815 funds—rather than Pub. L. 81–874 funds—must be used for such projects.

Response. No change has been made as a result of this comment. The 30 percent factor represents the judgment of the Department of Health and Human

Services' Office of Facilities Engineering—which provides technical assistance in administering the disaster program—regarding which projects involve "serious damage" rather than "minor repairs." See the parallel comment and response regarding § 219.12. Section 219.15 has been changed, however, to exclude projects costing no more than $100,000 from the definition of "serious damage"; Pub. L. 81–815 funds are used for all "serious damage." Pub. L. 81–874 funds are used for "minor repairs."

Comment. A commenter suggested that § 219.15 in the proposed regulations might prevent an LEA from receiving assistance if the LEA is located in a State having no law requiring restoration or replacement of facilities.

Response. A change has been made to eliminate that possibility. In addition, this section has been changed to contain a more liberal rule regarding which facilities not yet in use by the LEA may be restored or replaced with Federal assistance in the event these facilities are seriously damaged.

Comment. A commenter suggested that § 219.15(c), which deals with construction of school facilities for private school children displaced by a major disaster, be revised to more clearly express the intent of Pub. L. 81–815 that these children be educated under public auspices and without making any payment for religious worship or instruction.

Response. A change has been made. The suggested changes are now incorporated in § 219.15(c). See the parallel comment and changes for § 219.14(e).

§ 219.21 Application Procedures

Comment. One commenter suggested that it is unnecessary to require an applicant to submit a preapplication.

Response. A change has been made. This requirement has been deleted.

Comment. One commenter asked why § 219.21(f) requires a new application for each fiscal year in cases where assistance is being provided for payment of current operating expenses or replacement of lost revenues.

Response. No change has been made. An annual filing of an application is required because it is not possible to determine an LEA's need for this type of assistance without reviewing its proposed budget for a particular fiscal year.

§ 219.31 Review of an Application: Consideration of Other Resources Available to an Applicant

Comment. One commenter stated that §219.31(a)(4) should require consideration of insurance proceeds only for construction assistance because the law mentions their consideration only in the context of construction.

Response. No change has been made. While insurance proceeds are specifically mentioned concerning construction assistance by Section 16 of Pub. L. 81–815, all types of disaster assistance are subject to the condition that an LEA must have a need that cannot be met by other sources. If an LEA receives insurance proceeds to cover part of the cost of disaster recovery, there is a diminished need for Federal assistance.

Comment. One commenter stated, regarding § 219.31(5), that the law does not specifically mention consideration of interest that would be derived from funds provided by State, local, or Federal programs.

Response. No change has been made. An LEA that earns interest on funds made available by State, local, or Federal programs or on insurance proceeds would have use of that interest to pay for disaster recovery. Accordingly, the LEA would have a diminished need for Federal disaster assistance.

Comment. One commenter, in regard to § 219.31(b), stated that the resources referred to there are not mentioned by name in the law and asked whether they fall under the general category of funds locally available to an applicant.

Response. No change has been made. The resources mentioned in § 219.31(b) fall under the general category of local funds. They are mentioned in this section to make explicit that the Secretary considers them available to an applicant.

Comment. One commenter, in regard to § 219.31(b)(2)(ii), asked what information the Secretary will use to determine how much in unobligated or unencumbered non-Federal funds an LEA has set aside for insurance or as a reserve.

Response. No change has been made. The Secretary will use all pertinent information required in order to make this determination.

§ 219.32 Consultation With the State Educational Agency

Comment. One commenter, suggested that 219.32 be changed to clarify that consultation with the State educational agency (SEA) is required by statute only in cases in which an application concerns restoration or replacement of minimum school facilities. The commenter also suggested citation of other legal authority to support this section.

Response. A change has been made. The commenter's suggestions are now incorporated in § 219.32 of these final regulations.

§ 219.33 Determination of Priorities Among Eligible Applications

Comment. One commenter asked, in regard to § 219.33(c)(2), how the Secretary will determine an LEA's bond capacity in instances where that capacity is not limited by statute.

Response. A change has been made. Section 219.33(c)(2) now provides that, "If the LEA's bond capacity is not limited by statute, the Secretary considers this capacity to be limited to 12 percent of the LEA's assessed valuation of real property."

§ 219.41 Eligible costs for Assistance Related To Replacement of Instructional and Maintenance Supplies, Equipment, and Material; Minor Repairs; or Provision of Temporary School Facilities (Section 7(b) of Pub. L. 81–874)

Comment. One commenter stated, regarding § 219.41(b)(2) of the proposed rules, that the cost of use of a grantee's equipment is not fairly measured by the rental rate for comparable equipment.

Response. A change has been made. This section of the proposed rules has been deleted. Expenses for use of an applicant's equipment are not considered eligible costs under the disaster assistance program.

Comment. One commenter asked whether work performed by an applicant's maintenance employees, instead of their regular duties and because of an impending disaster, would be classified as an eligible cost.

Response. A change has been made. Work performed before or after a disaster by a grantee's maintenance employees may be considered an eligible cost if it is clearly related to the disaster and in addition to—not in place of—their regular duties.

Comment. One commenter questioned whether demolition of facilities and removal of debris can lawfully be considered an eligible cost.

Response. No change has been made. Section 7(b) of Pub. L. 81–874 authorizes the Secretary to determine the amount of funds necessary to make minor repairs and provide various other types of assistance to an LEA, and in many disasters demolition of damaged facilities and removal of debris are necessary to achieve these objectives.

Comment. One commenter asked whether the list of eligible costs in § 219.41 is intended to be comprehensive

and, if so, whether a number of basic costs have been left out.

Response. No change has been made. The list of eligible costs provided in § 219.41 is not intended to be comprehensive. Instead of stating all costs eligible for assistance, the list states rules governing typical situations that arise in the aftermath of a disaster. Certain items—such as textbooks—whose cost may be borne by Federal funds are not included in § 219.41 because they are previously mentioned in §§ 219.11, 219.12, and 219.13, which give a general description of the Pub. L. 81–874 disaster assistance program.

Comment. One commenter suggested that § 219.41(c)(1) should make clear that no costs relating to acquisition of land are allowed.

Response. A change has been made. Section 219.41(c)(1) has been clarified explicity to exclude acquisition of land.

Comment. One commenter stated that the six-month limitation on reporting latent damages in § 219.41(c)(3) is not specified in the law, and asked for the rationale for this cut off point.

Response. No change has been made. In order to administer the disaster program the Secretary must set a time limit for the report of latent damages, and giving an LEA six months after its application is received allows the LEA a reasonable period of time in which to detect and report these damages.

Comment. A commenter asked why § 219.41(d) of the proposed rules stated that eligible costs for grantees afflicted by pinpoint disasters would only include expenses in excess of the full value, at the time of the disaster, of the damaged items being replaced by the LEA. The proposed rules did not place a comparable limit on eligible costs for grantees afflicted by major disasters.

The commenter also asked whether the term "facilities" as used in proposed § 219.41(d) implied that the Secretary believes consideration of insurance proceeds on damaged or destroyed buildings is relevant to determining the amount of assistance an LEA may receive under Pub. L. 81–874. The commenter suggested that consideration of these proceeds is not relevant to that determination.

Response. A change has been made. Section 219.41(d) of the final regulations states that eligible costs include only the amount of an LEA's expenses exceeding any insurance proceeds available to the LEA. This rule applies to LEAs that have experienced either a major or a pinpoint disaster. However, the final regulations continue to imply that consideration of insurance proceeds on damaged or destroyed buildings is relevant to awarding appropriate amounts of assistance under Pub. L. 81–874. The statute authorizes payment for minor repairs which are usually to a facility such as a building owned by an LEA. In these situations, the Secretary believes it proper to consider any insurance proceeds available to the LEA from damaged or destroyed facilities—including buildings—in determining eligible costs to be paid from Pub. L. 81–874 funds.

§ 219.42 Eligible Costs for Restoration or Replacement of School Facilities (Section 16 of Pub. L. 81–815)

Comment. One commenter suggested that this section of the proposed regulations be revised to allow an LEA to build a gymnasium or auditorium having a larger capacity than a school's membership if the LEA pays for the extra cost associated with the increased capacity.

Response. A change has been made in § 219.42(b)(1)(iii) of these final regulations to provide that an LEA may do this.

Comment. One commenter asked why the proposed regulations omitted reference to a provision of Pub. L. 81–815 that permits expenditures needed to assure that after destroyed facilities are restored or replaced, these facilities will afford appropriate protection against personal injuries that could result from a future disaster.

Response. A change has been made. Section 219.42(b)(2) now includes this provision.

Comment. A commenter asked regarding the costs identified in § 219.42(c)(4) of the proposed regulations—"emergency repairs to prevent further damage to a facility or to make it immediately available for education"—whether these costs are excluded from funding under Pub. L. 81–815 because they are permitted under Pub. L. 81–874, or are prohibited from the disaster program altogether.

Response. No change has been made. In appropriate circumstances these costs are eligible for payment under Pub. L. 81–874. Section 219.41(b)(13) of these final regulations now makes this explicit.

Comment. One commenter asked why § 219.42(d) of the proposed rules stated that eligible costs for grantees afflicted by a pinpoint disaster would only include expenses in excess of the full value, at the time of the disaster, of the damaged or destroyed facilities being replaced by the LEA. The commenter noted that § 219.42(e) of the proposed rules stated a separate rule for LEA's afflicted by a major disaster: eligible costs for these LEAs were limited only by the insurance proceeds available to them.

Response. A change has been made. The rule for major disasters now applies in cases of a pinpoint disaster also. See the parallel comment, response, and changes regarding § 219.41(d) of these final regulations.

[FR Doc. 82–1517 Filed 1–21–82; 8:45 am]

BILLING CODE 4000–01–M

V
4
7
/
1
5
J
A
2
2
8
2

Re

INFO

PUB

Code
CFR

Gene
Incor
Printi

Fede
Corre
Daily
Gene
Priva
Public

Sched

Laws
Index
Law

Slip l

Presi
Execu
Public
Week

United

SERV
Agenc
Autom
Dial-a
Chi
Los
Wa
Librar
Magne
volu
Public
Regula
Specia
Subscr
Subscr
TTY f

FEDE

1–128.
129–58
589–74
745–93
935–11
1109–1
1257–1
1367–2
2073–2
2283–2
2475–2
2767–2
2855–2
2977–3
3071–3

Reader Aids

Federal Register

Vol. 47, No. 15

Friday, January 22, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4
129-588.....5
589-744.....6
745-934.....7
935-1108.....8
1109-1256.....11
1257-1366.....12
1367-2072.....13
2073-2282.....14
2283-2474.....15
2475-2766.....18
2767-2854.....19
2855-2976.....20
2977-3070.....21
3071-3338.....22

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4889).....1
4889.....1
4890.....2855
4891.....2977

Executive Orders:
1643 (Revoked by PLO 6101).....769
11157 (Amended by EO 12337).....1367
11476 (See EO 12340).....3071
11835 (See EO 12340).....3071
12171 (Amended by EO 12338).....1369
12310 (Amended by EO 12339).....2475
12337.....1367
12338.....1369
12339.....2475
12018 (See EO 12340).....3071
12198 (See EO 12340).....3071
12233 (See EO 12340).....3071
12306 (See EO 12340).....3071
12315 (See EO 12340).....3071

5 CFR

293.....3077
359.....2283
410.....935
832.....2284
1201.....936

Proposed Rules:
Ch. I.....154
352.....956
550.....958
610.....958
890.....961

6 CFR

Ch. VI.....2285
Ch. VII.....2285

7 CFR

Ch. XII.....2981
Subtitle B.....745
1a.....2073
2.....5, 6
68.....129, 2074
282.....532
301.....1257
319.....3082, 3086
425.....6
631.....130
701.....937
800.....131, 2254
801.....2979
905.....589
906.....1265
907.....746, 2074, 2980
910.....939, 2767, 3082
944.....747, 1265
1300.....2981
1701.....3088
1924.....590
1942.....590

Proposed Rules:
Ch. I.....3126
102.....631
360.....2874
979.....631
1004.....2118
1006.....814
1007.....962, 2122
1011.....2999
1012.....814
1013.....814
1033.....814
1036.....814
1040.....814
1046.....2999
1098.....2999
1124.....814
1125.....814
1133.....814
1134.....778, 814
1135.....814
1136.....778, 814
1137.....778, 814
1139.....814
1250.....1105
1701.....3126
1865.....33
1942.....2774
1951.....33

8 CFR

101.....940
204.....942
238.....131
264.....940
316a.....132

Proposed Rules
3.....1396

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
82.....1109, 3089
92.....591
331.....3089
381.....3089

10 CFR

2.....2286
40.....8
50.....2286
70.....8
71.....596
73.....600
150.....8
504.....749
506.....749

Proposed Rules:

Ch. XVI.....1138
50.....2876, 2879
317.....1137
378.....817
440.....1299
455.....2880
457.....1301
486.....3127
500.....161
501.....161
503.....161
710.....2874
790.....1302

12 CFR

Ch. VII.....1371
5.....132
203.....750
207.....2981
213.....755
217.....9, 2857
220.....2981
221.....2981
226.....755
327.....943
563.....3091
563c.....2857, 3091
614.....2477

Proposed Rules:

309.....3127
311.....3127
332.....3127
335.....3127
338.....3127
345.....3127
349.....3127
701.....963
702.....633, 2122

13 CFR

101.....2074, 2305
107.....2859
120.....9
124.....1109

14 CFR

21.....756
39.....10–14, 759, 1110–1113, 2477, 2479
71.....15–18, 759, 760, 1113–1115, 2079, 2481, 2984, 2985
73.....18, 2986
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140
1214.....3095

Proposed Rules:

Ch. I.....817
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489, 3002–3005
73.....1146, 2488, 2490
91.....818
121.....3068
296.....633
297.....633

15 CFR

50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

1.....3095
13.....1372
305.....18, 19

Proposed Rules:

14.....3128

17 CFR

201.....609
211.....1266
230.....3098
240.....1372, 1373, 2079

Proposed Rules:

1.....2325
210.....2776
230.....3130
239.....3130
274.....3130
240.....2124

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329
271.....39, 638, 2883, 2884
273.....638
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

10.....2124
18.....2125
111.....1396
177.....2126

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145
416.....3099

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
166.....3108
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374, 2986
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376, 2860

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522
874.....3280
878.....2810

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147
5e.....2986

Proposed Rules:

1.....163, 164, 988, 3006
15A.....164
301.....3007

27 CFR

Proposed Rules:

5.....1148
9.....1149–1153

28 CFR

2.....2312
17.....2861

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR

904.....3108
936.....2989

Proposed Rules:

Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41
701.....41
716.....926, 2340
764.....41
770.....41
771.....41
779.....41
780.....41
783.....41
784.....41
785.....41
786.....41
788.....41
816.....41
817.....41
825.....41
826.....926, 2340
828.....41
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
914.....3008
921.....560
922.....560
937.....560
939.....560
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822

585..... 190

33 CFR

110..... 1117
117..... 1118
165..... 1118

Proposed Rules:

88..... 826
89..... 826
117..... 3010

34 CFR

219..... 3328
220..... 3328
624..... 540
625..... 540
626..... 540
627..... 540
644..... 2258
674..... 736
675..... 736
676..... 736
690..... 736

Proposed Rules:

674..... 908
675..... 908
676..... 908

35 CFR

103..... 2991

36 CFR

Ch. II..... 745
60..... 3109

Proposed Rules:

Ch. II..... 2886
60..... 3138

39 CFR

601..... 1377

40 CFR

52..... 762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768 3110–3115
60..... 950, 2314
65..... 1293
80..... 764
81..... 763, 952, 1120, 1377, 2113, 2115
123..... 618, 1248, 2314
180..... 619–623, 1378–1384, 2862, 2863
193..... 1385
262..... 1248
264..... 953
265..... 1254, 2316
702..... 2771
762..... 148, 149

Proposed Rules:

50..... 2127, 2341
52..... 191, 1304, 1398, 2129 3138
58..... 2127
65..... 969, 2889
81..... 2131, 3011
86..... 972, 1306, 1642
123..... 1155, 2378
180..... 651–654, 2889
244..... 1307
245..... 1307
246..... 1307, 2379
761..... 2379
775..... 193
799..... 973, 2379

41 CFR

Ch. 50..... 145
Ch. 60..... 145
5–12..... 1385
5A–7..... 2481
5A–16..... 2481
5A–72..... 2481

Proposed Rules:

Ch. 60..... 402

42 CFR

405..... 1386
441..... 1386

43 CFR

7..... 2995
20..... 2316, 2995
428..... 624
3100..... 2864
3110..... 2864

Public Land Orders:

6100..... 21
6101..... 769

Proposed Rules:

Subtitle A..... 2381
426..... 2890
4100..... 1155

44 CFR

64..... 3116, 3119
65..... 770, 3121, 3122
66..... 770
67..... 22, 3123
70..... 771, 772, 3124, 3125

Proposed Rules:

13..... 2491
67..... 3012, 3140–3147
205..... 827

45 CFR

680..... 193
681..... 193
682..... 193
683..... 193
684..... 193

46 CFR

Proposed Rules:

69..... 2131
510..... 215
536..... 655

47 CFR

0..... 1294, 2864
2..... 953, 1386
21..... 953
73..... 150, 1386, 2116, 2865–2871
74..... 150, 953, 1392, 2864
83..... 2317
97..... 2872

Proposed Rules:

2..... 983, 1308
15..... 216, 836
73..... 58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385, 2890–2893
74..... 983
81..... 2894
83..... 2894
90..... 1310

48 CFR

Proposed Rules:

13..... 1400
17..... 1400

49 CFR

Ch. X..... 613
1..... 1122
571..... 2996
830..... 773
1033..... 151, 152, 624, 773, 776, 2482
1056..... 777
1136..... 2117
1139..... 2317

Proposed Rules:

1031..... 1155
1039..... 220
1300..... 220
1310..... 59

50 CFR

17..... 2317
23..... 1294, 2117
32..... 1122–1135
611..... 625, 1294, 1295
662..... 629
675..... 1295

Proposed Rules:

23..... 1242
611..... 2386
672..... 2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 8, 1982

V 47 / 15 JA 22 82 UMI

1-25-82
Vol. 47 No. 16
Pages 3339-3538

federal register

Monday
January 25, 1982

Highlights

3339 **National Consumer's Week** Presidential proclamation

3341 **Cuban and Haitian Entrants** Executive order

3512, 3521 **Securities** SEC issues rule and proposed rule on net capital requirements for brokers and dealers. (2 documents) (Part IV of this issue)

3531 SEC proposes to amend rules on borrowing and lending of securities by brokers and dealers. (Part IV of this issue)

3534 SEC publishes interpretation and proposal on uniform net capital rule and customer protection rule. (Part IV of this issue)

3401 **Grant Programs—Education** ED seeks applicants for noncompeting continuation projects under Handicapped Children's Model Program.

3413, 3414 **Grant Programs—Indians** Interior/BIA announces application period for Indian Child Welfare Act grants and publishes program distribution formula. (2 documents)

3417 **Energy** Interior announces availability of Report of the Commission on Fiscal Accountability of the Nation's Energy Resources.

3403 **Environmental Protection** EPA releases draft guideline for restraint of volatile organic compound emissions in gas/gasoline processing plants.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

3377 **Postal Service** PS solicits comments on second-class mail privileges change.

3392 **Railroads—Amtrak** ICC adopts interim procedures on costing methodologies for the Northeast corridor.

3486 **Air Transportation** DOT/FAA amends instrument rating requirements for airmen certification. (Part II of this issue)

3374 **Vessels** Treasury/Customs proposes to establish alternative evidentiary requirements for proof of damage to unmanned vessels.

3359 **Maritime Industry** FMC amends environmental assessment procedures.

3375 **Tariffs** Treasury/Customs requests comments on footwear classification.

3343 **Forest and Forest Products** USDA/AMS issues naval stores user fees for services.

3490 **Animal Diseases—Brucellosis** USDA/APHIS proposes to amend regulations on interstate movement of cattle. (Part III of this issue)

Antidumping Commerce/ITA issues notices on the following:

3393 Canned bartlett pears from Australia
3394 Expanded metal of base metal from Japan
3393 High power microwave amplifiers and components thereof from Japan
3395 Steel wire rope from Japan
3399 Sugar from France, Belgium and Federal Republic of Germany

3466 **Sunshine Act Meetings**

Separate Parts of This Issue

3486 **Part II, DOT/FAA**
3490 **Part III, USDA/APHIS**
3512 **Part IV, SEC (4 documents)**

Contents

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

The President

Executive Agencies
EXECUTIVE ORDERS
3341 Cuban and Haitian refugees, assistance (EO 12341)
PROCLAMATIONS
3339 Consumers' Week, National (Proc. 4892)

Agricultural Marketing Service
RULES
3343 Naval stores; user fee increases; final rule
PROPOSED RULES
Milk marketing orders:
3361 Lake Mead

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
3412 February

Alcohol, Tobacco and Firearms Bureau
NOTICES
3461 Reporting and recordkeeping requirements

Animal and Plant Health Inspection Service
PROPOSED RULES
Livestock and poultry quarantine:
3490 Brucellosis

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
3435 Acorn Engineering Co.

Centers for Disease Control
NOTICES
3413 Reproductive effects of glycol ethers, contract awards investigation; NIOSH diesel exhaust/coal dust study; and safety recommendations for manufacture of precast concrete products; meetings

Coast Guard
RULES
Navigation requirements:
3351 COLREGS demarcation lines; Puget Sound and adjacent waters, Wash.; interim; correction

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
RULES
Conduct standards:
3350 Official business transactions, prohibition; revocation

Customs Service
PROPOSED RULES
3375 Tariff classification of merchandise; footwear having foxing or foxing-like band at sole and overlapping the upper, and shells for "moon boots"; administrative ruling
Vessels in foreign and domestic trades:
3374 Lighter-Aboard-Ship ("LASH") barges and similar unmanned vessels; owner and operator applications for remission or refund of duty paid on foreign repairs and equipment purchases; alternative evidentiary proofs

Defense Department
NOTICES
3401 Courts-Martial Manual; policy on publication of proposed amendments

Education Department
NOTICES
Grant applications and proposals, closing dates:
3401 Handicapped children's model program

Energy Department
See Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
3353 California
3352 Massachusetts
Air quality planning purposes; designation of areas:
3354 California
PROPOSED RULES
Hazardous waste programs; interim authorizations; various States:
3378 Texas; extension of time
NOTICES
Air pollution control:
3403 Natural gas/gasoline processing plants; volatile organic compound emissions for equipment leaks; control techniques guideline document availability and inquiry

Federal Aviation Administration
RULES
Airmen certification:
3486 Pilots and flight instructors; instrument rating requirements; cross-country experience
Airworthiness directives:
3346 Government Aircraft Factories
3347 Lockheed-California Co.
3349 Control zones
3349 Control zones and transition areas
3348 Transition areas (2 documents)
3350 Transition areas; correction
PROPOSED RULES
3369 Rulemaking petitions; summary and disposition
3370 Transition areas

NOTICES
Meetings:
3458 Aeronautics Radio Technical Commission (2 documents)
3458 Vertical separation standards and measurements program; meeting

Federal Communications Commission
RULES
Radio services, special:
3360 Amateur radio services; facsimile and television transmissions in additional frequency bands; correction
PROPOSED RULES
Radio stations; table of assignments:
3389 Hawaii
3388 South Dakota
NOTICES
3404 Canadian standard broadcast stations; notification list
Hearings, etc.:
3404 Bryan Industrial Electronics, Inc., et al.
Meetings:
3405 Federal-State Joint Board; jurisdictional separations

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
3357 Alabama et al.
Flood insurance; special hazard areas:
3357 Alabama et al.
3356 Minnesota et al.
PROPOSED RULES
Flood elevation determinations:
3379 California et al.

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities:
3374 Cost and quality of fuels for electric plants, monthly report (Form No. 423); revision; extension of time
NOTICES
Environmental statements; availability, etc.:
3402 American Natural Rocky Mountain Co. et al.; construction and operation of pipeline from Fremont County, Wyo., to Kiowa County, Kans., etc.
3466 Meetings; Sunshine Act

Federal Labor Relations Authority
RULES
Regional office addresses, listing:
3343 Denver, Colo.; address change

Federal Maritime Commission
RULES
3359 National Environmental Policy Act; implementation; categorical exclusions
NOTICES
3405, 3407 Agreements filed, etc. (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
3407 Aktivbanken A/S et al.
3407 Commerce Bancshares, Inc.
3407 Fifth Third Bancorp
3408 First Bancshares, Inc.
3408 First Bulloch Banking Corp.
3408 First City Bancorporation of Texas, Inc.
3408 First Glen Bancorp, Inc.
3409 First State Holding Co., Inc.
3409 Great Guaranty Bancshares, Inc.
3409 Liberty National Bancshares, Inc.
3409 Mark Twain Bancshares, Inc.
3409 Minto Bancorporation
3409 Security Bancshares, Inc.
3410 Southwest National Corp.
3410 UNB Bancshares, Inc.
3410 United Madison Bancshares, Inc.
3410 Woodriver Banco, Inc.
3410 Youell Sales Department, Inc.
Meetings:
3411 Consumer Advisory Council

Federal Service Impasses Panel
RULES
Regional office addresses, listing:
3343 Denver, Colo.; address change

Federal Trade Commission
RULES
Prohibited trade practices:
3350 Tomy Corp.
PROPOSED RULES
Prohibited trade practices:
3371 Germaine Monteil Cosmetiques Corp.
NOTICES
3467 Meetings; Sunshine Act
Premerger notification waiting periods; early terminations:
3411 Brae Corp.
3411 Richco, N.V.

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control; Public Health Service.

Indian Affairs Bureau
NOTICES
Child custody proceedings, reassumption of jurisdiction; petition receipt, approval, etc.:
3414 Passamaquoddy Tribe
Grant applications and proposals, closing dates:
3414 Child and family service programs
3413 Grants; child and family service program; grant fund distribution formula

Interior Department
See also Indian Affairs Bureau; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.
NOTICES
3417 Fiscal Accountability of Nation's Energy Resources Commission; report availability
3415 Reporting and recordkeeping requirements

International Trade Administration
NOTICES
Antidumping:
3393 Canned Bartlett pears from Australia
3394 Expanded metal of base metal from Japan
3393 High power microwave amplifiers and components from Japan; extension of time and postponement of hearing

3395 Steel wire rope from Japan
3399 Sugar from France, Belgium, and West Germany
Meetings:
3399 President's Export Council

Interstate Commerce Commission
PROPOSED RULES
Rail carriers:
3392 Northeast corridor costing methodologies; commuter service and Conrail freight service; advance notice; cross reference
NOTICES
Motor carriers:
3427 Finance applications
3429 Permanent authority applications; operating rights republication
3430 Temporary authority applications
Rail carriers:
3418 Northeast corridor costing methodologies; commuter service and Conrail freight service; interim and proposed procedures

Justice Department
See Antitrust Division.

Land Management Bureau
RULES
Public land orders:
3355 Oregon; correction
NOTICES
Management framework plans, review and supplement, etc.:
3415 Oregon
Meetings:
3415 Battle Mountain District Grazing Advisory Board
Sale of public lands:
3415 Nevada

Management and Budget Office
NOTICES
3443, 3445 Agency forms under review (2 documents)

Metric Board
NOTICES
Voluntary metric conversion plans:
3439 Chemicals and allied products sector
3439 Instrument sector

National Credit Union Administration
NOTICES
3467 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
3400 Alaska Department of Fish and Game
3400 Korea
3400 Whaling Commission, International; Interagency Committee preparation schedule, etc.

National Science Foundation
NOTICES
Meetings:
3439, 3440 Behavioral and Neural Sciences Advisory Committee (3 documents)
3440 Engineering Advisory Committee
3440, 3441 Physiology, Cellular, and Molecular Biology Advisory Committee (3 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
3442 Southern California Edison Co. et al.
3442 University of Lowell
3442 Vermont Yankee Nuclear Power Corp.
3443 Virginia Electric & Power Co.
3441 Regulatory guides; issuance and availability

Postal Service
RULES
Domestic Mail Manual:
3351 Northern Mariana Islands; mail security
3352 Rates and fees; controlled circulation type second-class publications; requester provision effective date; correction
PROPOSED RULES
Domestic Mail Manual:
3377 Second-class mail privileges; circulation requirements; comprehensive revision; advance notice

Public Health Service
NOTICES
Committees; establishment, renewals, terminations, etc.:
3412 Health Care Technology Study Section

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials:
3458, 3459 Applications; exemptions, renewals, etc. (2 documents)

Securities and Exchange Commission
RULES
Brokers and dealers; securities net capital requirements:
3512 Alternative net capital requirements and net capital computation under basic or alternative method
PROPOSED RULES
Brokers and dealers; securities net capital requirements:
3531 Customer protection-rule; borrowing and lending of securities and related requirements
3521 Percentage deductions ("haircuts") increase
3534 Uniform net capital and customer protection rules; treatment of fails to deliver and fails to receive
NOTICES
Hearings, etc.:
3456 Principal World Fund, Inc., et al.

Small Business Administration
NOTICES
Disaster areas:
3457 California

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submissions; various States:
3377 Massachusetts, Michigan, Oregon, and Rhode Island; coal exploration operations on non-Federal land, etc.; correction
Permanent regulatory program, etc.:
3377 Exemptions for operations which affect two acres or less, definitions and terminology, and performance standards for special bituminous coal mines in Wyo.; correction

Transportation Department
See also Coast Guard; Federal Aviation Administration; Research and Special Programs Administration, Transportation Department; Urban Mass Transportation Administration.
NOTICES
Meetings:
3460 Minority Business Resource Center Advisory Committee; cancellation

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Customs Service.
NOTICES
Organization, functions, and authority delegations:
3464 Internal Revenue Service National Office; reorganization

Urban Mass Transportation Administration
PROPOSED RULES
3391 Capital and operating assistance grants, maintenance of effort; grantees project management procedures; and urban mass transit program (section 5 formula grants) operating assistance applications requirements; withdrawn
NOTICES
3460 Section 5 operating assistance application instructions; revised Circular 9050.1A availability

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
3399 President's Export Council, Washington, D.C. (open), 2–11–82

FEDERAL COMMUNICATIONS COMMISSION
3405 Meeting with telecommunications industry concerning jurisdictional separations, Arlington, Tex. (open), 2–2–82

FEDERAL RESERVE SYSTEM
3412 Consumer Advisory Council, Washington, D.C. (open), 1–27 and 1–28–82

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse and Mental Health Administration—
3412 Basic Behavioral Processes Research Review Committee, Rockville, Md. (partially open), 2–25 and 2–26–82
3412 Basic Psychopharmacology and Neuropsychology Research Review Committee, Silver Spring, Md. (partially open), 2–25 through 2–27–82
3412 Life Course Review Committee, Rockville, Md. (partially open), 2–10 and 2–11–82
3412 Psychopathology and Clinical Biology Research Review Committee, Washington, D.C. (partially open), 2–22 through 2–24–82
Centers for Disease Control—
3413 NIOSH diesel exhaust/coal dust study, Cincinnati, Ohio (open), 2–9–82
3413 Safety recommendations for manufacture of precast concrete products, Rockville, Md. (open), 2–24–82
3413 Three contracts to investigate reproductive effects of glycol ethers, Cincinnati, Ohio (open), 1–26–82

INTERIOR DEPARTMENT
Land Management Bureau—
3415 Battle Mountain District Grazing Advisory Board, Battle Mountain, Nev. (open), 2–11–82

NATIONAL SCIENCE FOUNDATION
3439, 3440 Behavioral and Neural Sciences Advisory Committee: Anthropology Subcommittee, Washington, D.C. (closed), 2–10 through 2–12–82; Neurobiology Subcommittee, Washington, D.C. (closed), 2–11, 2–12, 2–23 and 2–24–82; Sensory Physiology and Perception Subcommittee, Washington, D.C. (closed), 2–11 and 2–12–82
3440 Engineering Advisory Committee: Earthquake Hazards Mitigation Subcommittee, Washington, D.C. (open), 2–10 and 2–11–82
3441 Physiology, Cellular, and Molecular Biology Advisory Committee: Genetic Biology Subcommittee, Washington, D.C. (closed), 2–11 through 2–13–82
3440, 3441 Molecular Biology Subcommittee, Group A, Washington, D.C. (closed), 2–11 and 2–12–82; Cellular Physiology Subcommittee, Washington, D.C. (closed), 2–10 through 2–12–82

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
3458 Radio Technical Commission for Aeronautics: Special Committee 146 on Airborne Automatic Direction Finding Equipment, Washington, D.C. (open), 2–23 and 2–24–82; Special Committee 147 on Traffic Alert & Collision Avoidance Systems, Washington, D.C. (open), 2–23 through 2–25–82
3458 Vertical separation standards and measurements program, Washington, D.C. (open), 2–11–82

CANCELLED MEETING

TRANSPORTATION DEPARTMENT
3460 Minority Business Resource Center Advisory Committee, Washington, D.C. (open), 1–18–82

TENTATIVE MEETING

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
3400 International Whaling Commission,various locations, January through July meetings

CORRECTED HEARING

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
3377 Two-acre exemption rule, Washington, D.C., 1–25–82 (time correction)

RESCHEDULED HEARING

COMMERCE DEPARTMENT
International Trade Administration—
3393 High power microwave amplifiers and components thereof from Japan, Washington, D.C., rescheduled from 1–28–82 to 4–7–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations
4872.....3339
Executive Orders:
12251 (Revoked by EO 12341).....3341
12341.....3341

5 CFR
Ch. XIV.....3343

7 CFR
160.....3343
Proposed Rules:
1139.....3361

9 CFR
Proposed Rules:
78.....3490

14 CFR
39 (2 documents).....3346, 3347
61.....3486
71 (5 documents).....3348–3350
Proposed Rules:
Ch. I.....3369
71.....3370

15 CFR
0.....3350

16 CFR
13.....3350
Proposed Rules:
13.....3371

17 CFR
240.....3512
Proposed Rules:
240 (3 documents).....3521–3534

18 CFR
Proposed Rules:
141.....3374

19 CFR
Proposed Rules:
4.....3374
177.....3375

30 CFR
Proposed Rules:
700.....3377
701.....3377
764.....3377
770.....3377
771.....3377
779.....3377
780.....3377
783.....3377
784.....3377
785.....3377
786.....3377
788.....3377
816.....3377
817.....3377
825.....3377
828.....3377
921.....3377
939.....3377

33 CFR
80.....3351
82.....3351

39 CFR
111 (2 documents).....3351, 3352
Proposed Rules:
111.....3377

40 CFR
52 (2 documents).....3352, 3353
81.....3354
Proposed Rules:
123.....3378

43 CFR
Public Land Orders:
6100.....3351

44 CFR
64.....3355
65 (2 documents).....3357, 3358
Proposed Rules:
67.....3379

46 CFR
547.....3359

47 CFR
97.....3360
Proposed Rules:
73 (2 documents).....3388, 3389

49 CFR
Proposed Rules:
Ch. X.....3392
635.....3391
650.....3391
658.....3391

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

Presidential Documents

Title 3—

The President

Proclamation 4892 of January 21, 1982

National Consumers' Week

By the President of the United States of America

A Proclamation

An informed and educated consumer is vital to the long-term healthy growth of our economic system. Consumer education can help us make decisions that are right for ourselves and right for our economy. It helps motivate young people to formulate more realistic, attainable standards for a higher quality of life. It helps adults solve problems and make decisions in our increasingly complex financial world. And because consumer education promotes responsible consumer behavior and customer satisfaction, it is beneficial for consumers, business and government.

The American enterprise system has given us the greatest and most diverse outpouring of goods and services of any economy in history. We are the most prosperous nation in the world with unequaled opportunities for individuals to enjoy the fruits of their labors. Honest transactions in a free market between buyers and sellers are at the core of individual, community, and national economic growth.

In the final analysis, an effective and efficient system of commerce depends on an informed and educated public. Consumer dollars shape the marketplace with an expenditure of roughly two-thirds of the gross national product—almost twice that of government and business combined. The strength of this consumer purchasing power carries with it a responsibility that each citizen wisely decide which economic resources are to be saved and which are to be spent where.

There is a proper role for government involvement in the marketplace. For example, it is the responsibility of government to insure that our food and drug supplies are safe and that defrauders are brought to justice. Too much government regulation, however, simply adds to the costs to business and consumers alike without commensurate benefits. We are striving to correct excesses, at the same time recognizing that informed and educated consumers are our best hope for prosperity, efficiency, and integrity in the marketplace.

As we enter a new era of greater economic freedom, I urge schools, community organizations, the media, labor unions and businesses to develop programs and information so that consumer and economic education and information will be readily available to all.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning April 25, 1982, as National Consumers' Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of January, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-1945
Filed 1-22-82; 10:34 am]
Billing code 3195-01-M

V
4
7
/
1
6
J
A
2
5
8
2

Presidential Documents

Executive Order 12341 of January 21, 1982

Cuban and Haitian Entrants

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

Section 1. The functions vested in the President by Sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

Sec. 2. The Attorney General shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

Sec. 3. All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

Sec. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

Ronald Reagan

THE WHITE HOUSE,
January 21, 1982.

[FR Doc. 82-1946
Filed 1-22-82; 10:35 am]
Billing code 3195-01-M

V
4
7
/
1
6
J
A
2
5
8
2

R

This
con
gen
of
the
pub
U.S
The
by
Pric
first
mo

FE
AU

5 C

Re
Fin

AG
Aut
Cou
Aut
Imp

AC
reg

SU
App
352
(d)(
the
Lab
Ger
Rel
and
(Par
seq.
Kan
(Re
Aut
hea
Col
Reg

EFF

FOR
Lau
Cou

SUP
Janu
Cou
348
regu
case
and
the
regu
the
are
(198

Rules and Regulations

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Regional Office; Location Change; Final Rule

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(7) (45 FR 3522, January 17, 1980) and paragraph (d)(7)(a) (46 FR 23043, April 23, 1982) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR Part 2400 *et seq.* to announce the closing of the Kansas City, Missouri, Regional Office (Region 7) and the relocation of the Authority's Regional Office headquarters for Region 7 to the Denver, Colorado, Office (formerly a Sub-Regional Office within Region 7).

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel (202) 382–0811.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, January 17, 1982, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (1981). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth office addresses and telephone numbers of the Regional Directors of the Authority. Effective April 13, 1981, Appendix A, paragraph (d)(7)(a) of the rules and regulations was amended, at 46 FR 23043, April 23, 1982, and 46 FR 30327, June 8, 1981, to set forth the new address and telephone numbers for the permanent location of the Authority's Denver, Colorado, Sub-Regional Office within the Authority's Kansas City, Missouri, Regional Office. This amendment announces the closing of the Kansas City, Missouri, Regional Office and the designation of the Denver, Colorado, Office as the location of the Regional Office for Region 7. The change in the location of the Regional Office does not alter the geographic jurisdiction of Region 7. Based upon a careful review of costs and operating efficiencies, it has been concluded that the transaction of Authority business would be enhanced by moving the Regional Office headquarters to Denver, Colorado, and by closing the Kansas City, Missouri, Office.

Accordingly, in Appendix A to Chapter XIV, paragraph (d)(7) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1981)) is revised in its entirety to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdiction

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

(7) Denver Regional Office.	1531 Stout Street, Suite 301, Denver, Colorado 80202, Telephone: FTS 327–5224; Commercial: (303) 837–5224.

(5 U.S.C. 7134)

Dated: January 19, 1982.

Federal Labor Relations Authority.

For the Authority:

James J. Shepard,

Executive Director.

For the General Counsel:

S. Jesse Reuben,

Deputy General Counsel.

[FR Doc. 82–1664 Filed 1–22–82; 8:45 am]

BILLING CODE 6727–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 160

Regulations and Standards for Naval Stores; Proposed Rulemaking for User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), enacted August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for the establishment of standards, examinations, analyses, classifications and other services provided for by the Naval Stores Act of 1923, as amended, 7 U.S.C. 91–99. Such fees and charges shall cover as nearly as practicable the costs of providing such services, including administrative and supervisory costs. Therefore, the regulations governing naval stores are hereby amended to provide for such fees and charges.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250 (202) 447–2097.

SUPPLEMENTARY INFORMATION: Notice was given (46 FR 47053, September 24, 1981) that the Department was implementing as an interim final rule regulations providing for user fees for services provided by the department under the Naval Stores Act of 1923, as amended by the Omnibus Budget Reconciliation Act of 1981. Such fees and charges were set at a level which would cover as nearly as practicable the cost of providing such services, including administrative and supervisory costs. Interested parties were given an opportunity to comment upon the interim final rule. No comments were received. Based on the discussion below, the Department hereby adopts the regulations noticed in the interim final rule which provide for user fees, which as nearly as practicable, cover the costs of providing such services, including administrative and supervisory costs. The authority for

these regulations is contained in the Naval Stores Act of 1923 (42 Stat. 1435; 7 U.S.C. 91–99), as amended by the Omnibus Budget Reconciliation Act of 1981.

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), enacted August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for the establishment of standards, examinations, analyses, classifications and other services provided for under the Naval Stores Act of 1923, as amended, 7 U.S.C. 91–99. Such fees and charges shall cover as nearly as practicable the cost of providing such services, including administrative and supervisory costs. Pub. L. 97–35 further requires that fees and charges shall be assessed and collected from the processors and warehousers of naval stores, and inspection and related services shall be suspended or denied to any such processor or warehouser upon failure to timely pay the fees and charges assessed.

Prior to October 1, 1981, the fees charged to users of the naval stores services were unduly low and did not reflect the actual costs of providing the service since the difference between the revenues received and actual costs of providing the service was made up by appropriations from Congress. Since the Omnibus Budget Reconciliation Act now requires the full cost of the services to be borne by users effective October 1, 1981, such fees and charges must be increased to fully recover costs associated with providing the service.

The term "naval stores" is used collectively to describe two products: rosin and turpentine. Presently, there are only six firms operating eight processing plants that receive rosin inspection service. Additionally, there are four firms operating an unknown number of plants that package graded turpentine. One rosin plant is located in Mobile, Alabama, and the remainder are located in the State of Georgia. One turpentine plant is located in Georgia; the remainder are located in Massachusetts, New Jersey, and Ohio. These firms account for virtually all of the gum rosin produced in the United States each year and an unknown portion of turpentine production.

Since 1923, when the Naval Stores Act was promulgated, there have been minimal fees charged to users of the services but supervisory and administrative costs were funded by federal appropriation. Services currently provided by the Department are adequate to meet the needs of the naval stores industry. A revised fee schedule is herein adopted as a final rule based on a thorough review of historical data regarding production and marketing, and it is anticipated that the assessment fees will provide the necessary funds to continue the level of service in effect as of September 30, 1981.

This final rule has been reviewed under United States Department of Agriculture procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule because it does not meet the criteria contained therein for major regulatory action. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next five years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All naval stores operations within the industry fall within the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the naval stores industry of the anticipated implementation of user fees, and that there would be no change in the level of the services available. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

There are basically three types of recurrent fees to be collected by the Department as authorized by the Naval Stores Act: [1] Fees for inspections performed by the licensed inspectors; [2] annual rental for each of the approximately 60–70 sets of official U.S. Rosin Standards loaned by the Tobacco Division, Argricultural Marketing Service, to rosin processors; and [3] annual permit fees from processing plants certified eligible for inspection service.

Additionally, there are a number of other possible fees, such as original inspections and reinspections performed by a federal inspector, laboratory testing and analyses, and special request inspections. None of these other fees have been charged to the users of the service for years because the services have not been requested. However, the regulations are hereby amended to reflect an increase in these fees in the event these services are requested. The precentage of increase will parallel the increase in recurrent fees currently paid by the users of the service.

Accordingly, the regulations contained in 7 CFR Part 160, are hereby amended as described below:

1. Section 160.1(c) is amended to conform the regulations to the present agency designation.

2. Section 160.68 relating to fees is amended to specify the Department's collection process.

3. Section 160.69 relating to fees deposited to a trust fund is deleted. This will eliminate reference to a trust fund account.

4. Sections 160.70, 160.71, and 160.72 are renumbered 160.69, 160.70, and 160.71, respectively. Section 160.72 is reserved. Section 160.71 as renumbered is further amended to provide for suspension and denial of inspection and related services for failure to timely pay fees and charges assessed as required by the Omnibus Budget Reconciliation Act of 1981.

5. Section 160.76 is amended to increase the annual charge for providing duplicates and maintenance of the rosin standards and to increase the charge for additional servicing, postage and handling, and replacement parts.

6. Section 160.201 (a) and (b) is amended to increase all fees contained therein. This increase is necessary for the Department to continue to provide an efficient, cost-effective service to the naval stores industry and to recover costs commensurate with services rendered. Additionally, footnotes 1 and 2 thereunder are revised to incorporate increased costs. Footnote 2 is further amended to reflect a change in the organizational structure of the Tobacco Division, Agricultural Marketing Service.

7. Section 160.202 is amended to increase all laboratory analysis and testing fees contained therein.

8. Section 160.204 is amended to increase the hourly fee for laboratory and field inspection work. This rate has not been increased since 1958 and is insufficient to defray costs for rendering such services upon requests from the naval stores industry.

9. Section 160.205 is amended to increase initial and annual permit fees. The "note" thereunder is also amended to increase fees contained therein.

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

Accordingly, the regulations under the Naval Stores Act contained in 7 CFR Part 160, are hereby amended as follows:

§ 160.1 [Amended]

1. Section 160.1 is amended by removing the words "Consumer and" appearing in paragraph (c) and inserting the word "Agricultural" therein.

2. Section 160.68 is revised to read as follows:

§ 160.68 Collection of fees.

Beginning October 1, 1981, all fees and charges assessed to interested parties for services rendered under the Naval Stores Act shall be collected by the Director, Tobacco Division, Agricultural Marketing Service, to cover insofar as practicable, all costs of providing such services. Such fees shall be credited to the Division in accordance with fiscal regulations of the Department.

§ 160.69 [Removed]

§§ 160.70 and 160.71 [Redesignated as §§ 160.69 and 160.70]

3. Section 160.69 is removed and §§ 160.70 and 160.71 are redesignated 160.69 and 160.72 respectively.

§ 160.72 [Redesignated as § 160.71 and amended]

4. Section 160.72 is redesignated as § 160.71 and is further amended by removing the second sentence of the paragraph and inserting the following: "* * *After a claim becomes delinquent, the Administrator shall suspend or deny inspection and related services to any interested party who has failed to make timely payment of the fees and charges assessed, as well as any claims which have been rendered, and shall take such action as may be necessary to collect any amounts due."

§ 160.72 [Reserved]

5. Section 160.72 is reserved.

§ 160.76 [Amended]

6. Section 160.76 is amended by removing the figure "$5" in the first sentence and replacing it with the figure "$20". The figure "$5" appearing in the proviso is removed and replaced with the figure "$30".

Specific Fees Payable for Services Rendered

7. Section 160.201 is revised as follows:

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperatiave agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.*

(1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1) per drum—$1.24.

(ii) In 100 pound bags (see Note 1) per bag—$.23.

(iii) In tank cars, per car—$67.50.

(iv) In tank trucks, per truck—$34.00.

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums, per drum—$2.25.

(ii) In tank cars or trucks, per unit of 100 gallons—$1.41.

(iii) In bulk for delivery to tank steamer, per unit of 100 gallons—$2.25.

(b) Inspections by regularly employed, salaried Federal inspectors.

(1) Rosin.

(i) Grading and weighing at concentration and storage yards, per drum—$4.05.

(ii) Irregular inspection and grading at distillation or processing plants, up to 400 drums, per drum—$3.60; all over 400 drums, per drum—$2.25.

(iii) Weighing at concentration and storage yards, subsequent to grading, per drum—$2.25.

(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein—See Note 2 and § 160.204.

(v) Re-certification under L.S. Certificate of rosin moving in commerce, per drum—$.23.

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.).

(i) In drums of 55 gallons, per drum—$3.38.

(ii) In tank cars or trucks, per unit of 100 gallons—$2.81.

(iii) For bulk delivery to tank steamer, per unit of 100 gallons—$2.25.

Note 1.—When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total of 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of $1.01 per drum and $.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of $1.24 per drum and $.23 per bag.

Note 2.—The inspection or related examination of containers of rosin and their contents under section B(1)(iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the charge to be made therefore has been submitted to and accepted by the requesting person.

7. Section 160.202 is revised as follows:

§ 160.202 Fees generally for laboratory analysis and testing.

Except as provided in Section 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) *Rosin and turpentine.* (See Note 3).

(1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(i) Single Sample—$40.00.

(ii) Two or more samples analyzed at same time per sample—$35.00.

(2) Limited testing to determine kind, grade, or other factors related to quality of utility.

(i) Single Sample:

(*a*) Rosin—$14.00.

(*b*) Turpentine—$10.00.

(ii) Two or more samples tested at same time:

(*a*) Rosin—per sample—$10.00.

(*b*) Turpentine—per sample—$8.00.

Note 3.—The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204.

8. Section 160.204 is revised as follows:

§ 160.204 Fees for extra cost and hourly rate service.

The fees specified in §§ 160.201 and 160.202 apply to the routine field inspection and usual laboratory work incident to the certification of commodities covered by those sections. Should additional work be required to provide special information desired by the person requesting service, or should it be necessary for an inspector to make a special trip or to deviate from his regular schedule of travel, or should the fees prescribed in §§ 160.201 and 160.202 otherwise be insufficient to defray the cost to the Government for rendering such service, then the person requesting the service shall pay, in lieu of the prescribed fees, an amount computed by the Department as sufficient to defray the total cost thereof, including allowances for time spent in collecting and preparing samples obtaining identification records, traveling, performing laboratory tests or other necessary work, and also any expense incurred for authorized transportation and subsistence of the inspector or

analyst while in travel status. The charge for time so spent shall be computed at the rate of $17.80 per hour for laboratory and field inspection work. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays or holidays.

9. Section 160.205 is revised as follows:

§ 160.205 Permit fees for eligible processing plants under licensed inspection.

Initial permit fee—$20.00.
Annual renewal permit fee—$20.00.

Note.—The renewal permit fee shall be reduced to $10 per year when the inspection fees paid by the eligible processing plant aggregate $200 or more during the preceding fiscal year ended September 30, and shall be waived when such fees aggregate $400 or more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

Dated: January 19, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-1791 Filed 1-22-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CEF-3-AD; Amdt. 39-4302]

Airworthiness Directives; Government Aircraft Factories (GAF), Nomad Models N22 and N24 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 81-11-01, applicable to Government Aircraft Factories (GAF) Nomad Models N22 and N24 series airplanes. Instances have been reported where the passenger emergency exit door could not be opened due to its improper assembly. Therefore, the AD requires visual inspection of the passenger emergency exit and repair, if necessary, to assure that it can be opened when the exit door handle is in the open position.

EFFECTIVE DATE: January 28, 1982, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated May 13, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: GAF Nomad Telex Alert Service Bulletin ANMD 52-2 pertaining to this AD may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne, Victoria 3207 Australia. A copy of the Telex Alert Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. The document may also be examined in Room 7321, Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850; telephone (808) 546-8650 or 546-8658; or Earsa L. Tankesley, Chief, Airworthiness Standards Program, ACE-215, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-6937.

SUPPLEMENTARY INFORMATION: There have been reports where the passenger emergency exit door on certain GAF Model N22 and N24 series airplanes could not be opened due to the lock mechanism spindle not being properly positioned to the exit door interior handle. It is essential to the personal safety of the airplane occupants that the emergency exit can be opened when the exit door handle is placed in the open position.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby requiring the issuance of an AD. It was also determined that an emergency condition existed, that immediate corrective action was required, and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by letter dated May 13, 1981. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 81-11-01.

The AD, which is applicable to Government Aircraft Factories (GAF) Nomad Models N22 and N24 series airplanes requires visual inspection of the emergency exit door for proper operation and repair if necessary in accordance with the airplane maintenance manual and parts catalog. Since the unsafe condition described herein may still exist on other GAF Nomad Model N22 and N24 series airplanes, the AD is being published in the Federal Register as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Government Aircraft Factories (GAF): Applies to Nomad Models N22 and N24 series airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To assure the emergency exit can be opened when the emergency exit door handle is placed in the open position, within the next 10 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Visually inspect the emergency exit door for proper operation by rotating the emergency exit door handle (interior) to the open position and open the door by physically pushing outward at the bottom of the exit door. It is only necessary to move the door 0.5 inches (12 millimeters) outward to assure proper emergency door operation and that the door latch pins are fully withdrawn. Further movement of the door beyond 0.5 inches could fracture the door trim panel at the lower edge.

Note.—Operation of the door-locking mechanism should not require undue force in complying with this paragraph.

(B) If the emergency exit door opens properly in accordance with paragraph (A) of this AD, secure the door in the closed position and record compliance of this AD with an appropriate entry in the airplane maintenance records.

(C) If the emergency exit door handle will not rotate or the door will not open in accordance with paragraph (A) of this AD, accomplish the following:

1. Remove the inner trim panel from the door in accordance with the manufacturer's Maintenance Manual No. 25-20-00, page 201, paragraph 1B (3).

2. Visually inspect the door-locking mechanism, including linkage to door locking pins for proper assembly and also assure the door lock pins are free of corrosion and are not seized in the door frame or fuselage by performing the following as applicable:

(a) Proper assembly of the door lock assembly is assured if the forward door lock pin linkage rod is almost horizontal while the rear rod is angled upwards, thus as viewed from the inside, a clockwise rotation (towards open) of the exit door handle will withdraw the door locking pins. If the linkage is incorrectly assembled, refer to the manufacturer's Illustrated Parts Catalog No. 52-20-01, Figure 1, and:

i. Disconnect both operating (linkage) rods (item 8) from the lever assembly (item 12), by removing cotter pin, washer and connecting pins (items 9, 10 and 11).

ii. Rotate the door lever (handle) assembly (item 12) so that the forward end is sloping upwards at approximately 45 degrees and

reconnect the linkage rods using new cotter pins.

iii. Rotate the door lever (handle) clockwise (open position) and confirm that the door lock pins can be withdrawn from the door frame and lubricate the locking pins with MIL–G–21164 grease or equivalent.

(b) If the door locking pins are corroded or seized in the door frame or fuselage, free the pins, remove any corrosion and lubricate the pins with MIL–G–21164 grease or equivalent.

(c) Reassemble the door and reinstall the trim panels.

(D) If any part of paragraph (C) of this AD was completed, reaccomplish paragraph (A) of this AD to assure the emergency exit opens properly and record compliance of this AD with an appropriate entry in the airplane maintenance records.

(E) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can b accomplished.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850.

GAF-Nomad Telex Alert Service Bulletin ANMD–52–2 covers the subject matter of this AD.

This amendment becomes effective on January 28, 1982, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated May 13, 1981, and identified as AD 81–11–01.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting one of the persons identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on January 13, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–1824 Filed 1–22–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–NW–97–AD; Amdt. 39–4301]

Airworthiness Directives; Lockheed-California Company Model L–188 Series Airplanes Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive, applicable to Lockheed L–188 series airplanes, which requires inspection for fuel leakage and fatigue cracks, and replacement, as necessary, of defective parts on the wing lower Butt Line (B.L.) 65 splice joints. The original AD was prompted by reports of wing plank cracks which if undetected could result in fuel leakage and ultimately the structural failure of the wing. Since the issuance of this AD, it has been determined that cracks may develop earlier in the life of the aircraft than was originally known. This amendment therefore lowers the time-in-service threshold after which the aircraft must be inspected.

DATES: Effective date February 2, 1982. Compliance schedule as prescribed in the body of the AD, unless previously accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1, P.O. Box 551, Burbank, California 91520. Also, a copy of the service information may be reviewed at the Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Harvey Chimerine, Aerospace Engineer, Airframe Branch, ANM–120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2825.

SUPPLEMENTARY INFORMATION: Telegraphic AD T81–03–53 was issued January 30, 1981, to all known operators of Lockheed Model L–188 airplanes which required an inspection for wing plank cracks and fuel leaks on airplanes with 30,000 or more hours time in service. AD 81–03–53, Amendment 39–4243 (46 FR 52090, October 26, 1981) made this Telegraphic AD effective to all persons.

After issuing Amendment 39–4243, the Chief Los Angeles Area Aircraft Certification Office, Northwest Mountain Region obtained information which indicated that cracks up to 4 inches in length have been found that were initiated at under 30,000 flight hours.

Since this condition is likely to exist or develop in other airplanes of the same type design, an amendment to AD 81–03–53, Amendment 39–4243 (46 FR 52090) is being issued to reduce the initial inspection from 30,000 to 25,000 flight hours time in service. This amendment also includes two alternative nondestructive testing inspection procedures as specified in Lockheed Service Bulletin 88/SB–707A.

Since a situation exists that requires immediate adoption of this regulation, it is found that Notice and Public Procedure hereon are impractical, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 81–03–53 (Amendment 39–4243; 46 FR 52090 dated October 26, 1981) to read as follows:

Lockheed-California Company: Applies to Lockheed Model L–188 airplanes certificated in all categories. Compliance required as indicated, unless previously accomplished:

A. Compliance Schedule

1. For airplanes with more than 25,000 hours time-in-service on the effective date of this AD, compliance required within 48 hours calendar time after the effective date of this AD.

2. For airplanes with less than 25,000 hours time-in-service on the effective day of this AD, compliance required prior to reaching 25,000 hours time-in-service or within 48 hours calendar time after the effective date of this AD whichever is later.

B. Accomplishment Instructions

To detect cracks and prevent failure of the lower wing planks and fuel leakage, accomplish the following:

1. Visually check the lower Butt Line (B.L.) 65 splice joints for signs of fuel leakage prior to each takeoff.

Note.—This check may be performed and recorded by flightcrew if properly instructed in conducting the inspection.

2. Aircraft exhibiting surface wet with fuel seeps, dripping, and/or running leaks shall be inspected for cracks per Paragraph 6 below prior to further flight.

3. Aircraft exhibiting dry fuel stains that do not become wet shall be inspected for cracks per Paragraph 6 below within the next 500

flight hours time-in-service. Fuel stains that become wet must be inspected for cracks per Paragraph 6 below prior to further flight.

4. Aircraft showing no fuel stains shall be inspected for cracks per Paragraph 6 below within the next 2,000 flight hours time-in-service.

5. Repetitive inspections shall be conducted at intervals not to exceed 2,000 flight hours time-in-service if the inspection procedures specified in Paragraph 6(a) or (b) below are used and alternatively at 4,000 flight hours time-in-service if the inspection procedure in Paragraph 6(c) below is used. For aircraft that have been repaired in accordance with Lockheed-California Drawing No. 842394, this repetitive inspection requirement begins only after 15,000 flight hours time-in-service from the time of the repair have been attained.

6. (a) X-ray inspect both sides of each splice joint front to rear spar per Lockheed-California L-188 Service Bulletin 88/SB-707A dated November 12, 1981 (hereinafter referred to as 88/SB-707A) paragraph 2.A(3).

(b) As an alternate to paragraph 6(a) above, X-ray procedure per 88/SB-707A paragraph 2.A(4) may be substituted.

(c) As an alternate to paragraph 6(a) or 6(b) above, the ultrasonic inspection per 88/SB-707A paragraph 2.A(5) may be substituted.

7. Visual examination of lower surface B.L. 65 splice joint for fuel leakage prior to each takeoff per paragraph B(1) may be discontinued when inspection per Paragraph 6 and repair, if necessary, per paragraph C below are accomplished.

C. All cracks found per Paragraph B.6. must be repaired prior to further flight in accordance with a method approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and repairs required for the purposes of this AD when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region.

E. Equivalent inspections and repairs may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective February 2, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on January 13, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-1526 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-73]

Alteration of Transition Area and Control Zone: Binghamton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Binghamton, New York, Control Zone and Transition Area over Broome County Airport, Binghamton, New York. The airport has recently been renamed the Edwin A. Link/Broome County Airport. This will require amending the descriptions of the Zone and the Area to reflect the new name.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule is editorial in nature and imposes no additional burden on any person. Thus, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective on January 25, 1982 as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Binghamton, New York, control zone by deleting, "Broome County Airport," and substituting, "Edwin A. Link Field/Broome County Airport," therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Binghamton, New York, 700-foot floor transition area by deleting:

(a) "Broome County Airport," and by sutstituting, "Edwin A. Link Field/Broome County Airport," therefor.

(b) "Broome County Airport ILS" and by substituting, "Edwin A. Link Field/Broome County ILS" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on January 6, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1528 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-71]

Revocation of Transition Area: Lawrenceville, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the Lawrenceville, Virginia, Transition Area over Lawrenceville Municipal Airport, Lawrenceville, Virginia. An instrument approach procedure had been developed

for the airport based on the Lawrenceville VORTAC, but the VORTAC could not support the procedure. Since the procedure has been withdrawn, the transition airspace can be released.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: Since this rule releases airspace, it is less restrictive and imposes no additional burden on any person. Therefore, public comment and procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 25, 1982 by revoking the 700-foot floor Lawrenceville, Virginia, Transition Area.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on January 6, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1523 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-54]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Pottstown, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Pottstown, Pennsylvania, Transition Area, by changing the transition area to reflect modifications to the VOR instrument procedures. The new controlled area is necessary to protect aircraft using the approach and departure procedures.

EFFECTIVE DATE: 0901 G.m.t. January 21, 1982.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule will delete the transition airspace to the east and south which protected the former approaches. The new extension to the north is contained to a large extent within presently controlled airspace with the exception of approximately a 1 mile by 4 mile segment underlying a 1,200 foot transition area. In view of the foregoing, the rule is minor and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the description of the Pottstown, Pennsylvania 700-foot floor transition area by deleting, "and within 9.5 miles west and 4.5 miles east of the Pottstown, Pa., VORTAC 190° radial, extending from the VORTAC to 18.5 miles south of the VORTAC; within 5 miles each side of the Pottstown, Pa., VORTAC 066° radial, extending from the Pottstown, Pa., VORTAC to 18 miles east of the VORTAC;" and by substituting, "within 2 miles each side of the Pottstown, Pa., VORTAC 022° radial, extending from the VORTAC to 10.5 miles north of the VORTAC", therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on January 6, 1982.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 82-1478 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AGL-33]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate airspace necessary for a control zone to serve Columbus Bakalar Municipal Airport near Columbus, Indiana. This is a result of a request by the Columbus Board of Aviation Commissioners which has also advised the Federal Aviation Administration of its intent to operate a non-federal air traffic control tower on a part-time basis at Columbus Bakalar Municipal Airport from 0700 to 2200 local time.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The airspace required would lower the floor of controlled airspace from 700 feet above the surface down to the surface within a five statute mile radius of the geographic center of Columbus Bakalar Municipal Airport. The control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Airport/Facility Directory. In addition, aeronautical maps and charts will

reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 52121 of the **Federal Register** dated October 26, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to establish a control zone near Columbus, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 18, 1982, as follows:

In § 71.171 (46 FR 455), the following control zone is added:

Columbus, Indiana

Within a 5-mile radius of Columbus Bakalar Municipal Airport (latitude 39°15'50"N, longitude 85°53'55"W). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61, Federal Aviation Regulations (14 CFR 11.61))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on January 4, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-1526 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

Alteration of Transition Area; Ogdensburg, New York

Correction

In FR Doc. 82-144, appearing on page 760 of the **Federal Register** of Thursday, January 7, 1982, the "**EFFECTIVE DATE**" was incorrect. The "**EFFECTIVE DATE**" should have read January 7, 1982.

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 0

Amendment to Employee Responsibilities and Conduct Regulations

AGENCY: Department of Commerce, Office of the Secretary.

ACTION: Final rule.

SUMMARY: The Commerce Department is proposing to amend its regulations on employee responsibility and conduct. The purpose of the proposed amendment is to revoke a provision of the Department's Standards of Conduct regulations which prohibits an employee from transacting any official business which chiefly affects a person by whom he has been employed or with whom he has had any economic interest within the preceding two years. The provision is unnecessarily restrictive and is revoked because the proper interests of the public and the Government are served by provisions elsewhere in the same regulations applying to situations that create an appearance of impropriety.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Marilyn G. Wagner, Assistant General Counsel for Administration, (202) 377-5387.

SUPPLEMENTAL INFORMATION: This amendment pertains solely to a matter of agency personnel. Therefore, the provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking and delayed effective date are inapplicable. The requirement for an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is also inapplicable. Further, this amendment is exempt from the requirements of Executive Order 12291. Since this amendment does not contain an information collection requirement, the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, does not apply.

This amendment has been reviewed and approved by the Office of Government Ethics.

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

For this reason, Part 0, Subtitle A of Title 15, Code of Federal Regulations, is amended as set forth below: By revising § 0.735-13(b) to read as follows:

§ 0.735-13 Financial interests

(b) No employee shall participate in any manner, on behalf of the United States, in the negotiation of contracts, the making of loans, and grants, the granting of subsidies, the fixing of rates, or the issuance of valuable permits or certificates, or in any investigation or prosecution, or in the transaction of any other official business, which affects chiefly a person with whom he has any economic interest or any pending negotiations concerning a prospective economic interest, except with express prior authorization as provided for in Subpart G of this part.

* * * * *

(E.O. 11222, May 8, 1965, 30 FR 6469; 5 CFR 735.104.)

Marilyn G. Wagner,

Assistant General Counsel for Administration.

[FR Doc. 82-1704 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3080]

Tomy Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Carson, California corporation, among other things, to cease, in connection with the advertising, distribution and sale of any doll house, accessory, or other toy product, misrepresenting that any collection of products is a set, unless all the products depicted are available for purchase as a set. The firm is prohibited from misrepresenting the availability of any product; describing two or more toys in any advertisement which cannot

be purchased as a set, unless accompanied by a disclosure that such products are sold separately; and failing to distribute a copy of the order to all operating divisions, including any entity engaged in the preparation of the firm's advertising.

DATES: Complaint and order issued Jan. 6, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Judith Wilkenfeld, Washington, D.C. 20580 (202) 724–1467.

SUPPLEMENTARY INFORMATION: On Monday, August 24, 1981, there was published in the **Federal Register**, 46 FR 42681, a proposed consent agreement with analysis In the Matter of Tomy Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10–1 Availability of merchandise and/or facilities; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records. Subpart—Disseminating Advertisements: § 13.1043 Disseminating advertisements. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1572 Availability of advertised merchandise and/or goods; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or deceptively, To Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45))

Carol M. Thomas,

Secretary.

[FR Doc. 82–1716 Filed 1–22–82; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 80 and 82

[CGD 81–087]

Disestablishing of COLREGS; Demarcation Lines for Puget Sound and Adjacent Waters of Northwest Washington; Correction

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule; correction.

SUMMARY: This document corrects an interim final rule on the disestablishing of COLREGS demarcation lines for Puget Sound and adjacent waters of Northwest Washington that appeared at page 61456 in the **Federal Register** of Thursday, December 17, 1981, (46 FR 61456). This action is necessary to correct an inadvertent error in citations.

FOR FURTHER INFORMATION CONTACT: Commander Roger Pike, Port Safety Branch, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, 98174, (206) 442–5537.

The following corrections are made in FR Doc. 81–36102 appearing at page 61456 of December 17, 1981:

1. All references to 33 CFR Part "82", including section numbers, are corrected to read 33 CFR Part "80".

2. On page 61457, column 2, the fifth full paragraph, the heading "PART 82–72 COLREGS; INTERPRETIVE RULES" is corrected to read "PART 80—COLREGS DEMARCATION LINES".

(33 U.S.C. 151)

R. A. Bauman,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

January 18, 1982.

[FR Doc. 82–1792 Filed 1–22–82; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Northern Mariana Islands; Mail Security Regulations

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule authorizes postal employees in the Northern Mariana Islands to cooperate with customs officials of the Government of the Northern Mariana Islands by permitting them to examine the exterior of mail entering the Islands which may contain dutiable or prohibited articles and to open, without a search warrant or the consent of the sender or addressee, such incoming mail as the Postal Service has authority to open without a search warrant or consent. This extends to customs officials of the Northern Marianas the same cooperation which is authorized to be given by postal employees in Guam and American Samoa to customs officials of the Government of Guam and the Government of American Samoa, respectively, and by postal employees in the U.S. Virgin Islands to officials of the U.S. Customs Service in the Virgin Islands, under existing postal regulations.

EFFECTIVE DATE: February 24, 1982.

FOR FURTHER INFORMATION CONTACT: Scott L. Reiter, (202) 245–4620.

SUPPLEMENTARY INFORMATION: The Postal Service published this proposal in the **Federal Register** for comment on September 15, 1981, 46 FR 45787. An explanation of the purposes of the proposal accompanied it. Written comments were received from the Government of the Northern Mariana Islands, which is the entity most affected by the proposal, indicating its full concurrence with the proposed regulations. No other person or entity commented for or against the proposal. Accordingly, the Postal Service hereby adopts, without change, the following amendment of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** See 39 CFR 111.1.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Part 115—Mail Security

Part 115 of the Domestic Mail Manual is amended by adding a new section 115.95 as follows:

.95 *Customs Inspection in the Northern Mariana Islands.*

Postal employees in the Saipan post office and the Rota post office may permit designated Northern Mariana Islands customs officials, without a search warrant, to open, inspect, and read the contents of unsealed mail, and to examine the exterior (but not open or read the contents) of sealed mail which originates outside the Northern Mariana Islands and is addressed for delivery within the Northern Mariana Islands. Upon the request of Northern Mariana Islands customsofficials, postal employees in the Saipan post office or the Rota post office may ask the addressee of sealed mail which Northern Mariana Islands customs reasonably suspects of containing dutiable or prohibited matter to authorize Northern Mariana Islands

customs officials to open and inspect the contents of the sealed mail, or to appear at the post office to accept delivery of the sealed mail in the presence of a Northern Mariana Islands customs official.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3

(39 U.S.C. 401, 403, 404, 3623(d))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 82-1747 Filed 1-22-82; 8:45 am]

BILLING CODE 7710-12-M

---

39 CFR Part 111

Domestic Mail Manual; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: An effective date was included by the Postal Service in the Domestic Mail Manual regulation requiring controlled circulation type second-class publications to be circulated primarily to persons requesting the publication. The Postal Service Board of Governors, however, did not set an effective date for the requester provision. Accordingly, the effective date set by the Postal Service was erroneous.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Gloria Brogan Flanagan, (202) 245-4610.

SUPPLEMENTARY INFORMATION: On March 10, 1981, the Governors of the Postal Service adopted certain changes to the Domestic Mail Classification Schedule (DMCS) in conjunction with the general rate proceeding and published the rates and classification changes in the **Federal Register**. 46 FR 16404. Among the changes was the addition of section 200.0110, subsection f, which establishes a requirement that controlled circulation type second-class publications be circulated primarily to persons who have requested the publication. The last sentence of subsection 200.0110f reads: "This subsection will not be effective prior to March 20, 1982." 46 FR 16404, 16422. The Board of Governors, which has the authority to set the effective date of changes to the DMCS, has not yet acted to set an effective date for the requester requirement contained in subsection 200.0110f.

In the regulations published to implement in the Domestic Mail Manual (DMM) the changes adopted by the Governors, the Postal Service included section 422.6, which parallels the provisions of section 200.0110f of the DMCS. However, section 422.6d of the DMM states that the requester requirement will be effective on March 20, 1982. 46 FR 17758, 17767, March 20, 1981. Since an effective date has not been set by the Board of Governors the Postal Service is correcting section 422.6d of the Domestic Mail Manual to conform to the provision adopted by the Governors. When the Board of Governors takes action on the effective date, notice of that action will be published in the **Federal Register**.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Accordingly, section 422.6d of the Domestic Mail Manual is corrected to read as follows:

422.6 Controlled Circulation Publications

* * * * *

d. The publication must have a legitimate list of persons who request the publication, and 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be paid for including those at or below a nominal rate may be included in the determination of whether the 50 percent request requirement is met. Persons will not be deemed to have requested the publication if their request is induced by a premium offer or by receipt of material consideration. Requests which are more than three years old will not be considered to meet this requirement. This subsection will not be effective prior to March 20, 1982.

A transmittal letter making this change in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of this change will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2), 3625(f))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-1750 Filed 1-22-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2024-2]

Approval and Promulgation of Implementation Plans; Massachusetts Revisions—VOC Emissions Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this Notice is to approve revisions to the State Implementation Plan (SIP) for the State of Massachusetts which were submitted to EPA. These submittals satisfy two conditions set forth in the September 16, 1980 Part D rulemaking (45 FR 61293) which required that the State submit an updated Statewide VOC emissions inventory for both stationary and mobile sources and the procedures to be used to update them on an annual basis.

EFFECTIVE DATE: February 24, 1982.

ADDRESSES: Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 1903, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C.; Office of the Federal Register, 1100 L St., NW., Room 8401, Washington, D.C. and Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Thomas Wholley, Air Branch, Room 1903, JFK Federal Bldg., Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61293) EPA set forth various conditions for approval of revisions to the Massachusetts Part D SIP that were submitted to EPA on December 31, 1978 and May 16, 1979. Two conditions required that the State submit an updated statewide VOC emissions inventory for both stationary and mobile sources and the procedures to be used to update them on an annual basis. The stationary source inventory, including emission contributions from minor point sources (less than 100 tons emissions per year of any one pollutant),

was to be submitted by December 1, 1980. The mobile source inventory, including verification of the assumptions used to develop the inventory, such as vehicle speeds, vehicle mix, hot-cold start percentages, vehicle miles of travel (VMT), growth rates, and other refinements, was to be submitted by March 31, 1981.

The updated VOC emissions inventory, including sources emitting less than 100 tons per year, was submitted on September 3, 1981 and the procedures to be used for the annual update of the inventory were submitted on November 4, 1981. The section of the submittal entitled "Mobile Source Emissions Inventory" describes the procedures for developing the highway emissions inventory. The section of the submittal entitled "Area Sources" describes the procedures for developing the emissions inventory for non-highway mobile and stationary sources that are too small or too numerous to be treated individually as point sources.

EPA published a Notice of Receipt in the November 5, 1981 **Federal Register** (46 FR 54939). No public comments were received as a result of that Notice.

Action: EPA is approving the updated statewide "VOC Emissions Inventory" and the procedures for annually updating the inventory.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 110(a) and 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: January 18, 1982.

Note.— Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (44) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(44) The Massachusetts Department of Environmental Quality Engineering submitted an updated VOC emissions inventory on September 3, 1981, and the procedures to annually update this inventory on November 4, 1981.

§ 52.1166 [Amended]

2. In § 52.1166 *Rules and Regulations*, paragraphs (a)(8) and (a)(9) are removed and reserved.

[FR Doc. 82-1703 Filed 1-22-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-9-FRL-2020-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sierra County APCD

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: EPA is approving changes to the California State Implementation Plan, specifically to the Sierra County Air Pollution Control District rules. The changes, which were submitted by the California Air Resources Board, cover particulate matter, specific contaminants, process weight per hour, compliance tests and hearing board fees. All of the rules were evaluated and found to be in accordance with EPA policy and 40 CFR Part 51.

EFFECTIVE DATE: This action is effective February 24, 1982.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency Region IX, 215 Fremont Street, San Francisco, CA 94105, ATTN: Douglas Grano, (415) 974-8222.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following Sierra County APCD rules to EPA:

Rule 207, Particulate Matter
Rule 210, Specific Contaminants
Rule 211, Process Weight Per Hour
Rule 216, Compliance Tests
Rule 618, Hearing Board Fees

Under Section 110 of the Clean Air Act, as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51. On April 29, 1980 (45 FR 28371) EPA proposed to approve these rules. No comments were received. Therefore, this notice approves all the rule revisions listed above, and incorporates them into the California SIP.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(51)(xviii) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(51) * * *

(xviii) *Sierra County APCD.* (A) New or amended Rules 207, 210, 211, 218 and 618.

* * * * *

[FR Doc. 82-1687 Filed 1-22-82; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-9-FRL-2030-1]

Designation of Areas for Air Quality Planning Purposes: Attainment Status Designation; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's notice revises the attainment status designation of a portion of Kern County, California. The designation is changed from nonattainment to attainment for carbon monoxide (CO).

EFFECTIVE DATE: This action is effective March 26, 1982.

ADDRESSES: Information pertinent to the redesignation is available for public inspection during normal business hours at the EPA Region 9 office cited below and at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, S.W., Washington, D.C. 20460
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812
Kern County Air Pollution Control District, 1601 "H" Street, Suite 250, Bakersfield, CA 93301
Kern County Council of Governments, 1106 26th Street, Bakersfield, CA 93301.

FOR FURTHER INFORMATION CONTACT: Ronald Leach, State Implementation Plan Section, Air Programs Branch, Air Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Telephone: (415) 974-8252.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act, as amended, EPA promulgated attainment status designations for all states (43 FR 8962). In California, EPA designated the entire San Joaquin Valley Air Basin (SJVAB) portion of Kern County nonattainment for CO. This designation was recommended by the California Air Resources Board (ARB) and supported by measured ambient air quality violations. Under Paragraph 107(d)(5) of the Clean Air Act, a State may revise its designations of attainment status and submit them to EPA for approval and promulgation.

On April 16, 1981, Kern County submitted a document entitled "Redesignation of the Nonattainment Area for Carbon Monoxide: Kern County Portion of the San Joaquin Valley Air Basin" to the ARB with a copy to EPA, Region 9. This document contains data which support today's redesignation.

In a letter dated June 22, 1981, the ARB submitted a redesignation request to EPA referencing the April 1981 Kern County CO redesignation document. Along with the request, the ARB submitted an ambient air quality data summary for the Bakersfield area, and a legal description and map of the recommended attainment/nonattainment area boundary.

EPA Actions

EPA is redesignating the San Joaquin Valley Air Basin portion of Kern County (except the Bakersfield Metropolitan Area) to attainment for CO. This action is consistent with the EPA policy which allows nonattainment areas to be as small as possible as long as they encompass all areas expected to be experiencing ambient air quality violations and all sources which are believed to have a significant impact upon the expected violations.

The boundary between the Bakersfield Metropolitan Area (nonattainment area) and the remainder of the San Joaquin Valley Air Basin portion of Kern County (attainment area) is described below.

Beginning at the intersection of Gosford Road and White Lane, easterly along White Lane, southerly along Stine Road, easterly along Panama Lane, northerly along Cottonwood Road, easterly along Planz Road, easterly along Muller Road, northerly along Highway 184 (also known as Weedpatch Highway and Morning Drive), westerly along Freeway 178, northerly along Fairfax Road, westerly along Panorama Drive, northwesterly along Manor Street, northwesterly along Chester Avenue, northwesterly along James Road, southerly along Airport Drive, southerly along Freeway 99, southwesterly along the Kern River, and southerly along Gosford Road to the point of beginning.

The area outside the Bakersfield boundary has experienced no CO ambient air quality violations since measurement began in 1976. Also, no violations have been predicted outside the Bakersfield area.

EPA's approval of the above redesignation in California is being done without prior proposal because the redesignation is not controversial. The public should be advised that this approval action will be effective March 26, 1982. However, if notice is received by EPA on or before February 24, 1982 that someone wishes to submit adverse or critical comments, this approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the affect of the rulemaking action on "small entities." This action is not "major" because it approves State and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

(Sec. 107(d) and 301(a), Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601(a))

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designation

1. Section 81.305, California, in the San Joaquin Valley Air Basin, Kern County is divided into two areas, and the designation of Kern County, outside the Bakersfield Metropolitan Area, is revised as follows:

§ 81.305 California

* * * * *

California—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
San Joaquin Valley Air Basin (SJVAB):		
Kern County (SJVAB: within Bakersfield Metropolitan Area).	X	
Kern County (SJVAB: outside Bakersfield Metropolitan Area).		X
Kings County		X

[FR Doc. 82-1762 Filed 1-22-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6100

[OR-19328]

Oregon; Revocation of Reclamation Withdrawal

Correction

In FR Doc. 81-37420 appearing on page 21 in the issue of Monday, January 4, 1982 make the following correction:

On page 21, center column, under T. 6 S., R. 19 E., in the entry for Sec. 3, "* * * SE¼NW¼, and * * *" should have read "* * * SE¼NW¼, NE¼SW¼, and * * *".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-5237]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities' have applied to the program and have agreed to enact certain flood plain management measures. The communities participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Alabama: Jefferson County	Trussville, city of	010133	750626, emergency; 811116, regular	740628
California:				
Monterey County	Gonzales, city of	060198	750725, emergency; 811116, regular	740524
Siskiyou County	Yreka, city of	060367	720825, emergency; 811116	740322
Connecticut: Hartford County	Bristol, city of	090023	750502, emergency; 811116, regular	740517
Florida: Pasco County	Pasco County [2]	120230	710924, emergency; 811116, regular	771104
Michigan: Kent County	Kentwood, city of	260107	730330, emergency; 811116, regular	731102
Minnesota: St. Louis County	Hermantown, city of	270708	800618, emergency; 811116, regular	781013
Montana: Yellowstone County	Yellowstone County [2]	300142	750728, emergency; 811116, regular	[illegible]
New Jersey: Hunterdon County	Milford, borough of	340239	750805, emergency; 811116, regular	740625
New York:				
Erie County	Buffalo, city of	360230	740116, emergency; 811116, regular	740628
Niagara County	Newfane, town of	360504	730410, emergency; 811116, regular	740517
Westchester County	Tarrytown, village of	360933	740626, emergency; 811116, regular	740531
Wyoming County	Warsaw, village of	360951	740725, emergency; 811116, regular	740517
Ohio: Montgomery County	Centerville, city of	390409	750519, emergency; 811116, regular	740517
Pennsylvania:				
McKean County	Foster, township of	421855	740723, emergency; 811116, regular	740503
Delaware County	Glenolden, borough of	420415	720630, emergency; 811116, regular	770211
Westmoreland County	Scottdale, borough of	420896	730126, emergency; 811116, regular	730720
Illinois: Kane County	Batavia, city of	170321	811120, emergency; 811116, regular	760810
Virginia: Independent City	Williamsburg, city of	510294	751028, emergency; 811116, regular	750328
Wisconsin: Grant County	Boscobel, city of	550148	811127, emergency; 811116, regular	731217
Alabama:				
Baldwin County	Loxley, town of	010009	750424, emergency; 811201, regular	740628
Do	Bay Minette, city of	010004	750423, emergency; 811201, regular	751024

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Do.	Robertsdale, city of	010222	780828, emergency; 811201, regular	770128
Etowah County	Glencoe, city of	010081	750513, emergency; 811201, regular	740517
Do.	Attalla, city of	010079	750701, emergency; 811201, regular	731228
Colorado: Mesa County	Fruita, town of	080194	750605, emergency; 811201, regular	750124
Connecticut:				
Windham County	Ashford, town of	090165	751121, emergency; 811201, regular	741108
New London County	Franklin, town of	090154	750723, emergency; 811201, regular	741101
Florida: Orange County	Orange County[2]	120179	750729, emergency; 811201, regular	760130
[illegible]				
Kane County	West Dundee, village of	170335	750625, emergency; 811201, regular	740405
Rock Island County	Cordova, village of	170586	750418, emergency; 811201, regular	740315
Lake County	Wauconda, village of	170396	750113, emergency; 811201, regular	740405
Winnebago County	Pecatonica, village of	170797	780714, emergency; 811201, regular	740405
St. Clair County	Swansea, village of	170637	750113, emergency; 811201, regular	740405
Sangamon County	Riverton, village of	170603	811120, emergency; 811201, regular	731116
Indiana: Vigo County	Terre Haute, city of	180264	740123, emergency; 811201, regular	740109
Massachusetts: Worcester County	Warren, town of	250342	750723, emergency; 811201, regular	740517
Michigan:				
Oakland County	Franklin, village of	260625	750307, emergency; 811201, regular	750411
Wayne County	Flat Rock, city of	260224	750815, emergency; 811201, regular	740517
North Carolina:				
Surry County	Surry County[2]	370364	791109, emergency; 811201, regular	780811
Stanly County	Stanly County[2]	370361	790712, emergency; 811201, regular	780930
Surry County	Mount Airy, town of	370226	750528, emergency; 811201, regular	740628
Stanly County	Albemarle, city of	370223	740319, emergency; 811201, regular	731228
Lincoln County	Lincolnton, city of	370147	751103, emergency; 811201, regular	740405
Alamance County	Alamance County[2]	370001	750116, emergency; 811201, regular	750103
New Jersey:				
Bergen County	Cresskill, borough of	340024	750530, emergency; 811201, regular	740726
Hunterdon County	Bloomsbury, borough of	340231	750624, emergency; 811201, regular	740614
Camden County	Camden, city of	340128	750516, emergency; 811201, regular	740412
New York:				
Orange County	Monroe, town of	360621	750305, emergency; 811201, regular	740628
Erie County	Lancaster, town of	360249	740516, emergency; 811201, regular	740524
Cayuga County	Union Springs, village of	360129	750818, emergency; 811201, regular	750411
Oregon: Yamhill County	Amity, city of	410250	750520, emergency; 811201, regular	760730
Pennsylvania:				
Adams County	Mount Pleasant, township of	421258	750702, emergency; 811201, regular	750207
York County	Manchester, township of	420931	730126, emergency; 811201, regular	780201
Lebanon County	Swatara, township of	420582	730809, emergency; 811201, regular	740201
Adams County	Oxford, township of	420003	730606, emergency; 811201, regular	781228
South Carolina: Florence County	Florence, city of	450076	750417, emergency; 811201, regular	740631
Texas: Brazoria County	Manvel, town of	480076	751120, emergency; 811201, regular	741220
Virginia: Prince William County	Prince William County[2]	510119	721215, emergency; 811201, regular	780110
Vermont: Franklin County	Fletcher, town of	500064	751121, emergency; 811201, regular	741108
Washington:				
Island County	Island County[2]	530312	750327, emergency; 811201, regular	771025
Skagit County	Hamilton, town of	530166	750807, emergency; 811201, regular	750627
Wisconsin:				
Dane County	Mazomanie, village of	550085	750729, emergency; 811201, regular	731228
Columbia County	Columbus, city of	550058	741007, emergency; 811201, regular	731217
Pennsylvania: Butler County	Clinton, township of	422345	770301, emergency; 811201, regular	750110
Arkansas: Saline County	Benton, city of	050192	750702, emergency; 811201, regular	781116
Colorado: La Plata County	La Plata County[2]	080097	741212, emergency; 811201, regular	770603
Illinois: St. Clair County	St. Clair County[2]	170616	730330, emergency; 811201, regular	760521
Indiana: Boone County	Zionsville, town of	180015	750502, emergency; 811201, regular	740412
Louisiana: Tangipahoa Parish	Hammond, city of	220206	750414, emergency; 811215, regular	740306
New Jersey:				
Burlington County	Washington, township of	340117	750414, emergency; 811215, regular	740726
Monmouth County	Spring Lake Heights, borough of	340330	750307, emergency; 811215, regular	740503
Bergen County	Hillsdale, borough of	340043	711119, emergency; 811215, regular	740116
Hunterdon County	Bethlehem, township of	340554	750916, emergency; 811215, regular	741122
Somerset County	Raritan, Borough of	340442	741210, emergency; 811215, regular	740503
Passaic County	West Paterson, borough of	340412	750625, emergency; 811215, regular	740628
Ohio:				
Montgomery County	Montgomery County[2]	390775	770927, emergency; 811215, regular	780602
Montgomery County	Riverside, village of	390416	760512, emergency; 811215, regular	740215
Oregon: Linn County	Lyons, city of	410142	750228, emergency; 811215, regular	740306
Pennsylvania:				
Westmoreland County	Upper Burrell, township of	422195	750820, emergency; 811215, regular	740920
Northampton County	Lehigh township of	421931	750610, emergency; 811215, regular	741115
Allegheny County	Pittsburgh, city of	420063	730413, emergency; 811215, regular	740306
Lebanon County	South Lebanon, township of	420581	730316, emergency; 811215, regular	731228
Erie County	Waterford, borough of	420454	750821, emergency; 811215, regular	740510
Westmoreland County	Export, borough of	420878	750417, emergency; 811215, regular	740628
Do.	Youngwood, borough of	420506	750324, emergency; 811215, regular	740621
Do.	New Stanton, borough of	420692	750930, emergency; 811215, regular	740502
Virginia: Accomack County	Onancock, town of	510286	760217, emergency; 811215, regular	750131
Vermont: Lamoille County	Hyde Park, Village of	500251	760607, emergency, 811215, regular	740810
Washington:				
Lewis County	Lewis County[2]	530102	740406, emergency; 811215, regular	771129
Pierce County	South Prairie, town of	530145	800630, emergency; 811215, regular	761119
Yakima County	Yakima, city of	530311	750120, emergency; 811215, regular	750718

Total—92.

[1] Key for reading 4th column (Effective Date): First two digits designate the year, the middle two digits designate the month, and the last two digits designate the day.
[2] Disaster community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: January 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1559 Filed 1-22-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATES: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0222.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 65. (Presently appearing at its former Section 24 CFR Part 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by 60.3 (Presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former 24 CFR 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Alabama: Morgan	Town of Falkville (Docket No. FEMA 6066).	*The Hartselle Enquirer:* June 4, 1981; June 11, 1981.	Hon. Homer H. Landrum, Mayor, Town of Falkville, Route 3, P.O. Box 70, Hartselle, Alabama 35640.	Mar. 12, 1982	010177C.
Georgia: Cobb County	City of Smyrna (Docket No. FEMA 6111).	*Smyrna Neighbor:* July 30, 1981; August 6, 1981.	Hon. Frank B. Johnson, Mayor, City of Smyrna, P.O. Box 1226, Smyrna, Georgia 30081.	Mar. 12, 1982	130057C.
New Hampshire: Merrimack.	Town of Hooksett (Docket No. FEMA 6113.	*Union Leader:* July 24, 1981; July 31, 1981.	Mr. Lowell D. Apple, Chairman, Board of Selectmen, Municipal Building, 16 Main Street, Hooksett, New Hampshire 03106.	Mar. 12, 1982	330115C.
Minnesota: St. Louis	City of Duluth (Docket No. FEMA 6134).	*Duluth News Tribune:* August 21, 1981; August 28, 1981.	John Fedo, Mayor, City of Duluth, 403 City Hall, Duluth, Minnesota 55802.	Apr. 2, 1982	270421C.
Ohio: Summit and Portage	Village of Mogadore (Docket No. FEMA 6133).	*Akron Beacon Journal:* August 21, 1981; August 28, 1981.	William R. Gallagher, Mayor, Village of Mogadore, 135 South Cleveland Avenue, Mogadore, Ohio 44260.	Apr. 2, 1982	[illegible]

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 11, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1558 Filed 1-22-82; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 65

[Docket No. FEMA 6242]

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0220.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR 65.4 (Presently appearing at its former 24 CFR Part 1915)).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the comunity must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former 24 CFR 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Minnesota: Carver	City of Watertown	Carver County News: Nov. 12, 1981; Nov. 19, 1981.	Gary Neumann, City Coordinator, City of Watertown, Box 278, Watertown, MN 55388.	Nov. 20, 1981	270056B.
Ohio: Butler	City of Hamilton	The Journal News: Oct. 30, 1981; Nov. 6, 1981.	Hon. Robert L. Weigel, Mayor, City of Hamilton, Municipal Building, Room 204, Hamilton, Ohio 45011.	Nov. 6, 1981	390039C.
Illinois: Lake	Village of Round Lake Beach	Round Lake News: Dec. 17, 1981; Dec. 24, 1981.	Hon. Rod Brenner, Village of Round Lake Beach, 1212 North Cedar Lake Road, Round Lake Beach, IL 60073.	Dec. 25, 1981	170389C.
Michigan:					
St. Clair	City of Algonac	Courier Journal: Nov. 25, 1981; Dec. 2, 1981.	Gerald Tuznowski, City Manager, City of Algonac, Box 454, Algonac, MI 48001.	Dec. 4, 1981	260191C.
Wayne	City of Dearborn	Dearborn Times Herald: Dec. 15, 1981; Dec. 22, 1981.	Hon. John B. O'Reilly, City of Dearborn, 13615 Michigan Avenue, Dearborn, MI 48126.	Dec. 25, 1981	260220C.
Minnesota:					
Dakota and Washington	City of Hastings	Hastings Star Gazette: Dec. 10, 1981; Dec. 17, 1981.	Hon. Lou Sotoffel, City of Hastings, 100 Sibley Street, Hastings, MN 55033.	Dec. 18, 1981	270105D.
Houston	City of Houston	Houston Gazette and Country Journal: Nov. 26, 1981; Dec. 3, 1981.	Hon. Richard Dittman, City of Houston, P.O. Box 667, Houston, MN 55943.	Dec. 4, 1981	270193C.
Roseau County	Unicorporated area	Roseau Times Region: Nov. 24, 1981; Dec. 1, 1981.	Luke Hagan, County Engineer, Roseau County, County Highway Department, Route #1, Roseau, MN 56751.	Dec. 4, 1981	270663C.
North Carolina: Watauga	Town of Boone	Watauga Democrat: Dec. 17, 1981; Dec. 24, 1981.	The Hon. Marvin Hoffman, Mayor, Town of Boone, P.O. Drawer 192, Boone, NC 28607.	Dec. 25, 1981	370253C.
Ohio: Cuyahoga	City of Brooklyn	West Side Sun: Nov. 26, 1981; Dec. 3, 1981.	Hon. John Coyne, City of Brooklyn, 7619 Memphis Avenue, Brooklyn, OH 44144.	Dec. 4, 1981	390100C.
Pennsylvania: Dauphin	Borough of Highspire	The Patriot: Dec. 4, 1981; Dec. 11, 1981.	James Brokenshire, Borough Manager, Borough of Highspire, 640 Eshleman Street, Highspire, PA 17034.	Dec. 11, 1981	420361B.
Virginia: Independent City	City of Galax	The Gazette: Oct. 31, 1980; Nov. 7, 1980.	W. Harold Snead, City Manager, City of Galax, 123 North Main St., Galax, VA 24333.	Dec. 25, 1981	510066B.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Texas: Tom Green	City of San Angelo	Standard-Times: Aug. 26, 1981; Aug. 27, 1981.	The Hon. Thomas R. Parrett, Mayor, City of San Angelo, P.O. Box 1751, San Angelo, TX 76902.	Apr. 13, 1982	480623C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 11, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1500 Filed 1-22-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 547

[Docket No. 81-36; General Order No. 45, Amdt. 1]

Procedures for Environmental Assessment

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This amends § 547.4(a) of the Commission's environmental rules (46 CFR 547) by clarifying certain existing categorical exclusions and adding several new exclusions. Based upon its experience with these rules since their publication in May, 1980, the Commission has concluded that several additional exclusions are warranted to avoid unnecessary environmental assessments for actions having no potential for significantly affecting the environment. This action will reduce paper work and will allow the Commission to more effectively pursue actions before it.

DATES: This rule is effective March 1, 1982.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: This proceeding was initiated by Notice of Proposed Rulemaking published June 10, 1981 (46 FR 30667). The Commission proposed to amend § 547.4(a) of its environmental rules (46 CFR 547) to clarify existing categorical exclusions and to add certain new exclusions. Comments were received from, or on behalf of: (1) the Port of Seattle (Seattle), (2) the Port Authority of New York and New Jersey (N.Y.–N.J.), (3) the Maryland Port Administration (MPA), (4) Sea-Land Service, Inc. (Sea-Land), (5) the Port of Long Beach, (6) the United States Environmental Protection Agency (EPA), (7) the Pacific Westbound Conference, (8) the Pacific/Indonesian Conference and (9) the Pacific Straits Conference. The rule was also submitted to the Council on Environmental Quality (CEQ) for review pursuant to 40 CFR 1507.3(a). CEQ subsequently determined that the proposed amendments are consistent with its regulations.

All comments received were considered during preparation of the final rules. Those raising substantive issues are discussed below.

Seattle questions proposed § 547.4(a)(30)(ii), which excludes from analysis marine terminal agreements involving construction of facilities or structures of less than 50,000 square feet, contending that the exclusion should not be restricted by a 50,000 square foot threshold. Instead, the Port suggests that the rule simply exempt *all* marine terminal agreements from General Order 45 because (1) most terminal agreements involve nothing more than terms of occupation and use of facilities rather than actual construction, and (2) § 547.4(c) of General Order 45 already gives the Commission the flexibility to assess actions otherwise excluded when it believes such actions offer a reasonable potential of having a significant environmental impact. N.Y.–N.J. and MPA also suggested broader exclusions of marine terminal agreements than were provided by the proposed rule. The Commission agrees, and has therefore excluded all marine terminal agreements from environmental analysis in its final rule (§ 547.4(a)(30)). It has been the Commission's experience that virtually all agreements concerning marine terminal facilities have no significant impact on the quality of the human environment. However, the Commission's Office of Energy and Environmental Impact (OEEI) will continue to review all terminal agreements. When the OEEI identifies an action involving substantial levels of construction, dredging, land-fill, energy usage and other activities which may have significant environmental effects, it will prepare an environmental impact analysis pursuant to § 547.4(c).

Sea-Land also suggested that the scope of the proposed rule be expanded to categorically exclude general rate increases as defined in the Intercoastal Shipping Act, 1933 (46 U.S.C. 843). Since rate increases were not discussed in the proposed rule as published in the **Federal Register**, they cannot be considered in the final rule.

The EPA suggested that § 547.4(a) of the proposed rule be modified to give the Commission authority to complete environmental assessments on unusual actions before it, usually excluded under new § 547.4(a)(30), that could have a significant environmental impact. The change proposed by EPA was not incorporated into the final rule. Section 547.4(c) of the original rule (46 CFR 547) already provides a mechanism for initiating assessments on Commission actions that would routinely be categorically excluded from analysis when the actions appear to have a reasonable potential for significant environmental impact. Expanding the final rule to emphasize this point would be redundant.

Pursuant to 5 U.S.C. 603, the Commission examined the impact the proposed rule might have on small businesses, organizations and/or governmental jurisdictions; *i.e.*, "small entities" as described in section 601 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164. This rule will not impose additional reporting or record-keeping requirements which might result in a significant compliance or reporting burden on small entities. On the contrary, it will add six new classes of Commission actions which will be

excluded from environmental assessment, thereby reducing reporting requirements of all businesses subject to it. Accordingly, neither a full regulatory evaluation nor a regulatory impact analysis is required.

PART 547—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), Part 547, Title 46, Code of Federal Regulations, is amended as follows:

§ 547.4 [Amended]

1. The last sentence of § 547.4(a) introductory text is revised to read, "The following Commission actions, and rulemakings related thereto, are therefore excluded:".

2. Section 547.4(a)(3) is revised to read:

(a) * * *

(3) Certification of financial responsibility for water pollution cleanup pursuant to 46 CFR Parts 542, 543 and 544.

* * * * *

3. Section 547.4(a)(12) is revised to read:

(a) * * *

(12) Consideration of exclusive or non-exclusive equipment interchange or husbanding agreements filed for section 15 approval.

* * * * *

4. Present § 547.4(a)(18) is revised to read:

(a) * * *

(18) Consideration of actions solely affecting the environment of a foreign country;

* * * * *

5. The following new paragraphs (a)(30) through (a)(35) are added to § 547.4:

(a) * * *

(30) Consideration of all agreements involving marine terminal facilities and/or services except those requiring substantial levels of construction, dredging, land-fill, energy usage and other activities which may have a significant environmental effect;

(31) Consideration of agreements regulating employee wages, hours of work, working conditions or labor exchanges;

(32) Consideration of general agency agreements involving ministerial duties of a common carrier such as internal management, cargo solicitation, booking of cargo, or preparation of documents;

(33) Consideration of agreements pertaining to credit rules;

(34) Consideration of agreements involving performance bonds to a conference from a conference member guaranteeing compliance by the member with the rules and regulations of the conference; and

(35) Consideration of agreements between members of two or more conferences or other rate-fixing agreements to discuss and agree upon common self-policing systems or cargo inspection services.

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1709 Filed 1-22-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 80-252; RM-3239; RM-2861]

Amateur Radio Service; Facsimile and Television Transmissions in Additional Frequency Bands; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error made in the release date of the Final Rule (Report and Order) in BC Docket No. 80-252, (47 FR 2872; January 20, 1982) concerning facsimile and television transmissions.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Erratum, PR Docket 80-252, RM-3239, Rm-2861

In the matter of an amendment of the Amateur Radio Service Rules to permit facsimile and television transmissions in additional frequency bands.

On November 24, 1981, the Commission adopted a Report and Order in the above captioned proceeding. This document changes the release date of that Report and Order to read January 19, 1982 instead of January 14, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1751 Filed 1-22-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO–374–A6]

Milk in the Lake Mead Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order [1]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides certain changes in the Lake Mead order based on industry proposals considered at a public hearing held September 23–24, 1980. The changes relate to butterfat differentials for adjusting prices to the actual butterfat content of the milk being priced and to the classification of milk used in the production of ice cream and other frozen desserts. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area. Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued August 27, 1980; published September 3, 1980 (45 FR 58366).

Recommended Decision: Issued September 9, 1981; published September 15, 1981 (46 FR 45776).

Extension of time for filing exceptions to proposed rule: Issued October 2, 1981; published October 8, 1981 (46 FR 49908).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Lake Mead marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Las Vegas, Nevada, on September 23–24, 1980, pursuant to notice thereof issued Agust 27, 1980 (45 FR 58366).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on October 27, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under Issue number 4, *Payment obligations that must be met by the operator of a partially regulated distributing plant,* 7 new paragraphs are added following paragraph 26.

The material issues on the record of the hearing relate to:

1. Producer status of a dairy farmer delivering to a pool supply plant.
2. Classification of ice cream and other related products.
3. Adoption of a single butterfat differential.
4. Payment obligations that must be met by the operator of a partially regulated distributing plant.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Producer status of a dairy farmer delivering to a pool supply plant.* The requirement that at least 52 days' milk production of a dairy farmer be received at a pool supply plant during January and February if the farmer wishes to deliver milk to the same pool plant in the following March–July period and have it pooled under the order should be deleted.

The deletion of this requirement was proposed by the Lake Mead Cooperative Association (LMCA), which represents a substantial majority of the producers on the market. For a number of years, proponent operated the only supply plant that was regulated under the order. However, the cooperative closed the plant in 1980 and since that time has supplied pool distributing plants by delivering the milk of its member-producers directly from farms to the distributing plants. There is no other supply plant on the market.

Proponent's spokesman contended that the 52-day delivery requirement is no longer needed since the cooperative discontinued using its Minersville, Utah plant facilities as a supply plant for the Lake Mead market. He stated that although the cooperative continues to own the plant, under current marketing conditions it is not likely that in the future the plant will be needed to supply any of the pool distributing plants. Finally, he noted that this delivery requirement was suspended in 1978 to assure the continued association with the market of a number of the cooperative's member producers who were delivering milk to the cooperative's supply plant but who had not met the 52-day delivery requirement because the milk was being delivered at the time directly to pool distributing plants on a regular basis.

A proprietary handler who operates a pool distributing plant opposed the proposal. The handler objected to the proposal on the grounds that the basis for the 1975 decision to adopt the delivery requirement in question continues to be valid under current marketing conditions.

The 52-day delivery requirement became effective under the order on September 1, 1975. The practical effect of this provision is that during the months of March–July it excludes from the pool any dairy farmer whose milk production is received at or diverted from a supply plant with automatic pool status unless at least 52 days' milk production of such dairy farmer was associated with the supply plant during the preceding months of January and February. This provision was intended to prevent the attachment of reserve milk supplies from other markets to the Lake Mead market through a pool

[1] Agreement filed as part of the original document.

supply plant that has automatic pool plant status during the months of March–July. Under automatic pooling, a supply plant does not need to ship a certain percentage of its receipts to pool distributing plants. Thus, a supply plant could pool substantial quantities of milk during the automatic pooling period.

The record evidence establishes that current marketing conditions in the market are substantially different than existed at the time when the Secretary adopted the 52-day delivery requirement. As indicated earlier, there is no longer a supply plant associated with the market, and there is no indication that a supply plant will again be a part of the marketing system for this area.

Also, and perhaps more importantly, past experience with this delivery requirement has indicated that while its intent was valid its application to actual operating situations in the market was less than satisfactory. As indicated, it was necessary to suspend the requirement because it would have resulted in excluding from the pool a number of producers who had a bona-fide association with the market. If the provision were to be retained, it would be necessary to modify it in some manner to overcome this type of problem so that it would be appropriate for the market should there eventually be another supply plant on the market. Modification of this provision was not explored at the hearing. Thus the record provides no guidance on what changes might be made other than to remove it from the order.

Accordingly, it is reasonable that the provision be deleted. As a conforming change, the reference in § 1139.44(a)(7)(vii) to the receipts at a pool supply plant from dairy farmers who do not meet the 52-day requirement also should be deleted.

2. *Classification of ice cream and certain other related products.* A Class II classification should apply to milkshake and ice cream mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes. Such products are now classified under the order as Class III products. This would increase the minimum order price for producer milk in such uses by 15 cents per hundredweight.

LMCA proposed this change in the classification of ice cream and certain other related products. Proponent stated that the adoption of this change will bring the classification of such products under the order in line with the other 29 (formerly 39) orders which uniformly classify the above-mentioned frozen products as Class II products. In this connection, proponents' spokesman asserted there is need to have uniform classification provisions and other provisions among orders to accommodate inter-market movements of milk and milk products and to standardize accounting procedures of the Lake Mead order.

In further support of the proposal, the cooperative's spokesman testified that it initially supported a Class III classification for ice cream and related products at the time the order was promulgated based on the Department's initial tentative decision (37 FR 18984) at the time recommending a uniform milk classification plan for 39 markets. However, after the Lake Mead order was promulgated, the witness noted, a revised recommended decision for the 39 markets was issued by the Department, which provided for a Class II classification for ice cream and related products. This classification was later implemented under the 39 orders. The witness stated that it was always the intent of the cooperative that the Lake Mead order provide the same classification for ice cream and related products as was finally adopted in the 39-market classification decision.

Another reason cited by proponent in support of its proposal was that milk for use in ice cream production in this market by the operator of a pool distributing plant is supplied by producers on a regular and sustaining basis much the same as milk used for making cottage cheese. Proponent stressed that local producers represent the regular source of milk for the only regulated handler in the market that manufactures ice cream. In this connection, proponent's spokesman testified that this handler wants a dependable year-round milk suply from local producers for the production of ice cream in the same manner that handlers seek Grade A milk for the production of cottage cheese, a Class II product. The witness pointed out that the same reasoning for including cottage cheese in an intermediate price class is generally applicable to ice cream and related products. Finally, he contended that the adoption of the proposal will reflect some of the additional value which producer milk used in ice cream has to a regulated handler.

The only regulated handler under the order which manufactures ice cream opposed the proponent's proposal. A spokesman for the handler testified that if the proposal were adopted it would increase the handler's cost of producer milk used to produce ice cream about $550 per month. He claimed that this additional cost would jeopardize the competitive position of the regulated handler with unregulated processors that distribute ice cream in the Lake Mead market. The witness, however, did not provide any data or other evidence to support this claim.

The record clearly establishes that the above-mentioned regulated handler relies regularly on producer milk for ice cream and related products. As proponent pointed out in its testimony, the demand for producer milk used in such products is related closely to the current consumer demand for these products. Thus, the handler processing frozen desserts depends on regular supplies of producer milk being made available at his plant in the quantities and at the times needed for these uses. This is in contrast to the more storable "hard products" (butter, hard cheese and nonfat dry milk) that also are included in Class III. Traditionally, such hard products are residual uses of reserve milk supplies associated with the fluid milk market which is not the case with frozen desserts. Instead, the marketing situation is essentially the same for ice cream and other related products as it is for other "soft" dairy products presently included in Class II, such as cottage cheese. Milk used in cottage cheese is sought by handlers on a regular basis and in the quantities and at the times needed. Such milk is priced under the order at 15 cents per hundredweight over the Minnesota-Wisconsin manufacturing price. The record establishes that the handler processing ice cream generally cannot obtain alternative supplies of milk or product ingredients for frozen desserts on a regular basis at less than this cost. The higher classification of frozen desserts thus will compensate producers for some of the additional value which their milk used in these products has to the regulated handler.

The argument of the opposing handler that this classification change will jeopardize his competitive position for ice cream sales in the market is not convincing. The record evidence establishes that the opposing handler's principal competition is from California handlers. However, the higher cost of producer milk used in ice cream production to the opposing handler that would result from the proposed classification change would be offset, generally, by raw product costs and additional transportation costs incurred by his California competitors in supplying the local market.

3. *Adoption of a single butterfat differential.* A single butterfat differential should be used to adjust prices to the actual butterfat content of the milk being priced. This differential

should be the Chicago Grade A bulk butter price as reported by the Department for the month multiplied by 0.115.

Presently, the order provides for three separate butterfat differentials. For Class I milk, the differential (for each one-tenth percent of butterfat above or below 3.5 percent) is the Chicago butter price for the preceding month multiplied by 0.12, and for Class II and Class III milk it is the Chicago butter price for the current month multiplied by 0.115. The butterfat differential used in adjusting the uniform price is the average of the butterfat differentials for each class weighted by the proportion of butterfat in producer milk allocated to each class.

LMCA proposed that a single butterfat differential apply to all classes of milk. Under the proposal, which in essence would reduce the Class I butterfat differential from 12 percent of the butter price for the preceding month to 11.5 percent of the butter price for the current month, the butterfat differential for Class I milk would be the same as the present butterfat differential for Class II and Class III milk. This proposal was supported in its post-hearing brief by the only other producer association associated with the market, Western General Dairies, Inc.

In proposing a lower Class I butterfat differential, proponent contended that the values now assigned to butterfat and skim milk in Class I products do not reflect the current market values of these components of milk. Proponent's witness testified that the proposal also is designed to make butterfat utilized in all classes by regulated handlers more competitive with butterfat or vegetable oil in products distributed in the marketing area from unregulated sources, but in no event less than its alternative use in butter. Also, the witness stated that the proposal conforms the Lake Mead order to that of most other orders which use a single butterfat differential and simplifies the accounting process for regulated handlers.

The only proprietary handler in the market who operates a pool distributing plant opposed the proposal. The handler's witness testified that reducing the Class I butterfat differential in the manner proposed will increase the handler's cost of Class I low-fat products about one cent per gallon. According to the witness, such sales represent about 25–30 percent of the handler's total Class I sales. At the hearing and in its brief, the opposing handler asserted that similar arguments to decrease the value of Class I butterfat were advanced at the promulgation hearing and were rejected by the Department. On the basis of that hearing record, he added, the Department adopted the order's present Class I butterfat differential which he believes continues to be appropriate under current marketing conditions.

A change in the relative values of the components of milk in Class I uses has been occurring for some time. This has been related to the continuous decline, both nationally and locally, in the proportion of butterfat in Class I sales. An indication of this trend is the average test of fluid milk products sold in the Federal order marketing areas. In 1975 the average butterfat test in 55 Federal order markets for such sales was 2.75 percent. This percentage declined from year to year and in 1980 the comparable average butterfat test was 2.56 percent.[2] On a percentage basis, the average butterfat content in these fluid milk products declined 9 percent from 1975 to 1980. It is anticipated that this decline will continue because of consumer's preference for low-fat products.

Under the Lake Mead order, the average butterfat test of Class I sales has been declining at a rate similar to that experienced nationally. Most recently, the average test of Class I sales by handlers regulated by the order dropped from 3.06 percent in 1974 to 2.83 percent in 1979, a decline of 8 percent.[3]

The increasing demand for fluid milk products with lower butterfat content can be expected to result in a continuing decline in the average butterfat test of Class I sales under the order. Adopting the same butterfat differential for Class I milk as for other classes, as herein provided, will give recognition to the reduced demand and the related lower market value of butterfat in the fluid milk products in Class I. By reflecting a lower value for butterfat in the returns to producers, there will be less incentive to produce high-test milk which consumers do not want.

As indicated previously, the single butterfat differential would be based on the butter price for the current month, which is now used for computing the differentials for Class II and Class III. Presently, the Class I butterfat differential is based on the butter price for the preceding month. This change should have little impact on the level of the butterfat differential since there is little variation from month to month in the Chicago butter price. In view of this, it appears unnecessary to compute butterfat differentials applicable for the same month both on the current and preceding month's average monthly butter quotations, as is now the case.

Since the same butterfat differential would apply to all classes of milk, it is necessary under the order to provide only for a producer butterfat differential. Under this procedure, there is no need to provide for a separate butterfat differential for adjusting class prices nor is there any need to pool the value of butterfat in each class. All producer "differential" butterfat received by handlers will be priced the same to all handlers regardless of the class in which the butterfat is used. Accordingly, the order should be modified to provide only for the announcement and use of a single producer butterfat differential.

4. *Payment obligations that must be met by the operator of a partially regulated distributing plant.* The provisions of the order which specify the payment obligations that must be met by the operator of a partially regulated distributing plant [4] should not be modified on the basis of this record.

Under the present provisions of the order, an operator of a partially regulated distributing plant has three options in meeting the order's payment obligations on any fluid milk products that such operator disposes of on routes in the marketing area:

(a) The plant operator incurs no payment obligation if the operator purchases from any Federal milk order source an amount of milk classified and priced as Class I milk that is equivalent to such operator's fluid milk sales in the marketing area. Such purchases, however, may not be used to offset any obligation under another Federal order.

(b) The plant operator incurs no obligation under the order, except for an administrative assessment charge on the volume of fluid milk products disposed of in the marketing area, if the operator's payments to dairy farmers and to the producer-settlement fund of any Federal order are not less than the pool obligation that such operator would have incurred if such plant had been fully regulated under the order. Under this option, a plant operator whose payments for milk are less than the order's obligations may pay the difference either to his own dairy

[2] Official notice is taken of the February 1980 and May 1981 issues of the Summary of Federal Milk Order Statistics, issued by the Dairy Division, AMS, USDA.

[3] Official notice is taken of the Annual Summary for 1975, Federal Milk Order Market Statistics, Statistical Bulletin No. 554, issued by the Dairy Division, AMS, USDA.

[4] A plant with route disposition in the marketing area of less than 10 percent of its receipts of fluid milk products or its total route disposition of fluid milk products is less than 50 percent of such plant's receipts.

farmers or to the producer-settlement fund.[5]

(c) The plant operator may choose to pay to the producer-settlement fund the difference between the Class I price and the producer blend price of the order (both prices adjusted for the location of the plant) on all fluid milk products distributed in the marketing area (less any purchases of milk classified and priced as Class I milk under any Federal order).

The major cooperative on the market (LMCA) proposed the elimination of option B. The practical effect of the proposal under the current marketing situation would be that, irrespective of the amount that the plant operator may have paid his dairy farmers, a partially regulated distributing plant operator would be required to make payment into the producer-settlement fund on the quantity of Class I milk distributed in the marketing area. This would be at a rate equal to the difference between the order's Class I price and the blend price.

In addition to the proponent cooperative, the proposal was supported by the Nevada Milk Commission, Western General Dairies, Inc., and Anderson Dairy. These latter two parties, together with the proponent, operated at the time of the hearing the only three fully regulated distributing plants under the order.

Proponent's witness indicated that the elimination of option B is necessary to provide equity between dairy farmers supplying distributing plants fully regulated under the Lake Mead order and those dairy farmers supplying partially regulated distributing plants which also compete for total Class I sales in the Lake Mead market. He stated that the proposal was prompted by the rapid increase in recent years in the proportion of the market's Class I sales being made by the four partially regulated distributing plants serving the market. These plants are all located in the State of California and are fully regulated by the California State Bureau of Milk Stabiliation.[6]

In support of the proposal, proponent's witness testified that option B, which allows a partially regulated plant operator to meet the order obligation by demonstrating that he has paid at least the order's full class use value for such milk, has enabled California handlers to incur little or no obligations to the producer-settlement fund of the Lake Mead order. Because of this, the witness contended, producers supplying the fully regulated plants are disadvantaged since they are the only ones who share in the lower-valued reserve milk associated with the market. It was proponent's position that all Class I sales in the marketing area should contribute to the market's uniform producer price.

The spokesman for the proponent indicated that if option B were eliminated, the effect would be to equalize between the dairy farmers supplying regulated plants and the dairy farmers supplying California plants the benefits of the market's higher-valued Class I milk sales and the burden of carrying the market's reserve milk supplies. In his opinion, this would achieve equity between the two groups of dairy farmers involved.

In discussing the appropriateness of the proposal, the spokesman for the proponent noted that option B is uniformly provided in most other orders and may be an appropriate option available to the operator of a partially regulated distributing plant under the marketing conditions existing in those markets. However, the witness contended that option B is inappropriate for the Lake Mead market because of the unique circumstances and conditions existing in the market. He cited several factors to support this contention: (1) The Lake Mead market is small in comparison to the California market, both in terms of population and the volume of milk production involved; (2) The Class I milk disposition in the Lake Mead market by California plants is substantial in terms of the market's total Class I sales; (3) California plants are fully regulated by State regulation under terms markedly different from those of the Lake Mead order; (4) California plants are controlled by food chains operating both in the California and Lake Mead markets; (5) Class I sales in the Lake Mead market by California handlers represent only a minor part of their total Class I disposition; and (6) California plants normally are required by the State regulation to pay prices for Class I milk that are higher than those under the Lake Mead order. Because of these conditions prevailing in the California and Lake Mead markets, the witness concluded that option B is not equitable to fully regulated handlers and the producers supplying them.

At the hearing the proponent cooperative offered two alternative proposals in the event the Department did not adopt its proposal to eliminate option B. These alternative proposals (1) would eliminate the application of location adjustments to California plants in computing their order obligations under option B and (2) would apply the administrative assessment charge on a California plant's total milk receipts rather than on just the quantity of Class I milk distributed in the marketing area as the order now provides.

Proponent did not present any testimony in support of the first alternative proposal. In the case of the second alternative proposal, proponent held that when the handler elects option B the market administrator must audit a California handler's plant on the same basis as though the plant were fully regulated. In this case, proponent contended, it is appropriate that such plant be subject to an administrative charge equivalent to what is assessed against a fully regulated plant. Proponent's witness claimed that this change in the application of the administrative assessment would fully defray the costs of verifying the utilization and payments of such a plant electing option B which, he claimed, are now borne in large part by fully regulated handlers.

At the hearing, three of the four California handlers that presently have Class I route disposition in the Lake Mead market opposed the proposal to remove option B. They claimed that the adoption of the proposal would either force them to discontinue serving the market because of higher product costs or to increase their wholesale and retail prices to noncompetitive levels. In their post-hearing briefs, opponents argued that the proponent failed to demonstrate a need for the proposal. Beyond this, they questioned the legality of the proposal on the basis that it may constitute a trade barrier prohibited by the Act.

The current provisions of the Lake Mead order prescribing the payment obligations of a partially regulated distributing plant have been in effect since the inception of the order in August 1973. They were patterned after those adopted in most of the Federal orders following a 1962 U.S. Supreme Court decision that in effect invalidated many of the existing order provisions relating to the pricing of milk not fully regulated under an order. The court ruled against provisions that resulted in partially regulated handlers paying a higher cost for raw milk than handlers fully regulated under an order. The Court concluded that such a payment constituted a trade barrier to the free movement of milk, and, thus, was prohibited by the Act authorizing Federal milk orders.

In this regard, the Assistant Secretary's June 1, 1973 decision (38 FR

[5] In this proceeding and as used herein, this option is commonly referred to as option B.

[6] For ease of discussion, these plants are referred to herein as "California plants" and the operators of such plants as "California handlers."

15008) proposing a new order for the Lake Mead marketing area adopted the findings and conclusions of the Assistant Secretary's June 14, 1964 decision (29 FR 9002) which provided the basis for the three payment options available under the Lake Mead order to the operator of a partially regulated distributing plant. (These three options were summarized earlier.) These options were designed to place handlers operating partially regulated distributing plants and handlers operating fully regulated plants on a comparable basis with respect to the cost of Class I milk distributed in an order's marketing area.

The basis for option B was stated in the 1964 decision (referred to as option (a) in such decision) as follows:

"If the operator of the unregulated distributing plant elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler for in fact he has paid for all his milk as if he were fully regulated. Such an option accords him competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I whether inside or outside the marketing area, at the Class I price established by the order. The operator of the unregulated distributing plant will show that he has also paid at least the equivalent of the order Class I and Class II prices for milk utilized in these respective classes. This option provides a meaningful determination of actual pay prices for milk by such an operator."

The 1964 decision also stated that:

"* * * This option will particularly accommodate such operators who, because of State regulation of milk prices, pay their dairy farmers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. When he pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk, will assure the integrity of the regulatory plan has been protected."

Option B thus was established as a means of providing competitive partiy between fully regulated handlers who are required to pay the order's minimum class prices and those handlers who have only limited in-area sales and thus are not subject to full regulation and minimum prices. In dealing with the issue at hand, it is necessary to determine if there are overriding reasons, as suggested by proponent, for doing away with this means of maintaining competitive parity.

Option B, as well as the other two options available to the operator of a partially regulated distributing plant in meeting the order's payment obligations, was concluded to be appropriate at the outset of the Lake Mead order even though California plants at that time had substantial Class I sales in the Lake Mead market. Such sales were over 15 percent of the market's total Class I disposition during the first month (August 1973) that the order was effective. From 1974 through 1978 the percentage of total Class I sales in the Lake Mead market by the California plants increased slightly—from 19 percent in 1974 to 24 percent in 1978. However, this percentage jumped to over 36 percent in 1979, which was the basic factor prompting the proponent cooperative's proposal. The record reveals that this latter change was due largely to the closing of two pool distributing plants. Most of the Class I disposition from these two plants was taken over by California plants.

Early in 1980, the proponent cooperative started a bottling operation at one of the closed pool distributing plants, the former Logandale, Nevada plant of Knudsen Dairy. The cooperative then customed bottled part of the Lake Mead area sales that had been coming from Knudsen Dairy's California plant. As a result of this change, the share of the market's total Class I disposition by California plants declined in 1980 to 30 percent.[7]

In February 1981 Knudsen Dairy reacquired this plant from the cooperation.[8] With this change, it would be reasonable to expect that the share of the Late Mead Class I market held by California handlers will return to about the same level that existed prior to 1979.

At the time of the hearing, there were four California plants distributing Class I milk on routes in the Lake Mead market. These plants were purchasing their milk in California under regulations established by the California Department of Agriculture. Their principal sales were in the Las Vegas portion of the marketing area to their own retail store outlets. Such sales, however, represented only a small part of each plant's total sales, all of which are large Class I volume plants.

As indicated, the operator of a partially regulated distributing plant is exempt from the payment provisions of the Lake Mead order (except for an administrative assessment) during those months in which each operator pays a utilization value for all milk received at the plant from dairy farmers that is equal to or in excess of what the payment obligation would have been if it had been fully regulated un the Lake Mead order. For the most part, California handlers have not incurred a payment obligation under the order on their Class I sales in the marketing area for they have elected option B. This is because they paid as much or more for their total milk supply under the classified pricing plan established by the State of California than they would have been required to pay if they had been fully regulated by the Lake Mead order. A temporary aberration from this normal situation happened only when the California Class I prices became relatively low in relation to the Lake Mead order Class I prices. Under such circumstances, California handlers incurred a payment obligation to the producer-settlement fund.

Data placed in the record by a representative of the market administrator's office showed the extent of payments made by California handlers to the producer-settlement fund from the inception of the order in August 1973 until July 1980. During the 84 months covered by this tabulation, California handlers made no such payments in 69 of these months. In 15 of the remaining months, one or more of the California handlers made payments to the producer-settlement fund. However, this situation could change at any time as a result of price adjustments under either the State or Federal orders.

There is no indication that California partially regulated handlers enjoy a price advantage over fully regulated handlers in terms of the cost of Class I milk distributed in the marketing area. The order has not contributed to the inroads on the market's Class I sales by California handlers. Instead, it is apparent that the principal reason for the relatively large volume of in-area sales by these handlers is that the handlers operate stores in the Lake Mead market, which they choose to supply from their California plants. Because the handlers have no price advantage over Lake Mead handlers on their raw milk, the reasons for this marketing arrangement presumably are due to other incentives, such as

[7] Official notice is taken of the release entitled "Market Administrator's Report" issued monthly by the market administrator of the Lake Mead order for each month from January 1980 through April 1981.

[8] Official notice is taken of the commercial fact of this acquisition by Knudsen Dairy in February 1981.

increased plant efficiency with large-volume operations.

On the basis of the marketing conditions described above, it is concluded that the present payment provisions applicable to partially regulated handlers are carrying out the basic intent of placing pool and nonpool milk on substantially similar competitive positions.

The problem presented by proponent in connection with its proposal involves basically a concern that there is a lack of equity between dairy farmers supplying fully regulated plants in the Lake Mead area and dairy farmers supplying partially regulated plants that also are competing for Class I sales in the Lake Mead market. Proponent's position was that, when associated with the Lake Mead market, all dairy farmers, whether they are supplying a fully or partially regulated plant, should share proportionately in the benefits of the Class I sales as well as in the burden of the lower-priced reserve milk for the market. Proponent believes that equity for both groups of dairy farmers can be achieved by charging a California handler the difference between the order's Class I and blend prices on all of the handler's sales in the Lake Mead market. Proponent claims that this charge, in turn, would be passed on automatically to the California dairy farmer in the form of a lower price for their milk. The reasoning for this approach was that the California producers would thus share in the volume of the Lake Mead Class I sales only to the extent of the Lake Mead blend price. This is because the California handlers would have to pay the difference between the Class I price and blend price to the Lake Mead pool. Proponent indicated that in this way the returns to California producers would be comparable to these of the Lake Mead producers who also share in the market's Class I sales only to the extent of the blend price.

The present partially regulated plant provisions of the order should not be amended for this purpose. There is no indication that the increased sales by California handlers have had any serious impacts on the local producers supplying the market. Such sales have not reduces the proportion of producer milk classified as Class I under the order and thus have not reduced the net price received by the producers associated with the Lake Mead market. Data introduced into the record show that in 1974, the first full year of operation of the order, producer milk classified as Class I was 63 percent of the total. With one minor exception, Class I utilization of producer milk has increased over the previous year from 1974 to 1980, reaching a high of 74 percent in 1980. During this same period, producer deliveries also increased—129 million pounds in 1974 compared to 146 million pounds in 1980, an increase of over 13 percent. Under these marketing conditions, it is concluded that the sales by California handlers in the Lake Mead market have not had an adverse effect on the Lake Mead producer price.

In their exceptions to the recommended decision, Lake Mead Cooperative Association and Western General Dairies disagreed with the tentative conclusion that no change should be made in the present payment provisions applicable to partially regulated handlers. The cooperatives contended that the recommended decision dealt solely with the issue of equity between partially regulated handlers and fully regulated handlers. They claimed that the Department failed to recognize the producer equity problem that formed the basis of proponent's proposal to eliminate option B. The cooperatives stressed that when the Lake Mead order was established, marketwide pooling was provided so that all dairy farmers supplying the market would share equally in all uses of milk, including the lower-valued reserve supplies. They contended that while option B was included in the order at the same time, and was appropriate under the conditions then existing, it nevertheless departed from the sharing principle of marketwide pooling. The cooperatives argued that because of the increased sales in the Lake Mead area by California handlers, option B is no longer appropriate for the market in that it discriminates against Lake Mead producers relative to California dairy farmers.

In addition, these cooperatives argued that the elimination of option B would be consistent with the 1962 U.S. Supreme Court's decision mentioned earlier. The cooperatives indicated in their exceptions that the recommended decision inferred that option B could not be removed because of the Court's decision. They pointed out, however, that the New York-New Jersey and New England Federal orders do not have a so-called option B in their provisions for dealing with outside milk. The cooperatives argued that these orders were amended in response to the Court's decision and presumably are carrying out the intent of that decision while at the same time complying with 608c(5)(G) of the Act, which precludes any economic barriers to milk sales in the regulated market from outside areas. Exceptors further argued that the Court's decision indicated that the Secretary may take steps to protect the blend price of an order from any adverse economic effects of outside milk if done in a manner consistent with the Act. It was their contention that the elimination of option B would not be contrary to the Act.

A review of the record and the recommended decision in light of the exceptions does not lead to the conclusion that the tentative findings and conclusions were improper. The basic concern of exceptors is that there be "equity" between the Lake Mead producers and the dairy farmers supplying the partially regulated California handlers. The cooperatives contend that such equity results only when the local producers and the California dairy farmers are both sharing in the market's Class I sales through equalization at the order's blend price level.

The desire of the Lake Mead producers for this sharing of all Class I sales in the market is understandable, particularly when sales by local producers are lost to milk from outside sources. Nevertheless, the record of this proceeding does not demonstrate that orderly marketing can prevail only through the equalization of all Class I sales in the Lake Mead market from all sources. It is noted that since the inception of Federal regulation in this market the order has not provided for this type of equalization. For example, handlers in other Federal order markets may distribute Class I milk on routes in the Lake Mead market, or they may transfer packaged Class I products to a Lake Mead handler. In either case, the order does not require the handlers under the other order to equalize with the Lake Mead pool, and thus there is no sharing of sales among the producers in the two markets. Also, the order provides that a partially regulated handler may offset his in-area Class I sales with purchases of Class I milk from handlers under some order other than the Lake Mead order. In this case, also, there is no equalization with the Lake Mead pool. In these several cases, Lake Mead producers are not compensated for the loss of sales to milk originating from other Federal order markets.

Such regulatory treatment of milk from other Federal order markets has been predicated in part on the fact that producers in the other markets are participating in marketwide pools and thus are sharing in all uses of milk in their markets in a manner similar, in this case, to the marketwide sharing in the

Lake Mead market. The record of the current proceeding indicates that the California dairy farmers are not receiving returns reflecting just the Class I sales of California handlers in the Lake Mead market. Instead, their returns are reflecting the lower value of the reserve milk supplies associated with such sales. While there may not be the degree of equity between the California dairy farmers and the Lake Mead producers which the latter desire, the record does not indicate that a change is needed in the current means for incorporating milk from outside sources into the order's regulatory scheme.

In reviewing exceptors' concerns, consideration has been given to whether the current provisions for dealing with outside milk do major violence to the uniformity of treatment of all handlers and dairy farmers associated with the Lake Mead market. Full regulation of all handlers having Class I sales in the market, of course, would give that assurance. However, this would result in undue inequities for those handlers and dairy farmers who are associated basically with another market and who have only a very limited part of their business in the Lake Mead area. We believe that the record shows that the Lake Mead market has been orderly and that the present provisions have not unduly upset the uniform treatment of either producers or handlers in the Lake Mead area.

It should be noted that the retention of option B in the Lake Mead order is not on the basis that it is required by the 1962 Supreme Court decision. When order provisions dealing with milk from outside sources were reviewed in response to the Court's decision, it was concluded on the basis of public hearings that for most orders option B was one of several appropriate ways for dealing with the regulatory treatment of such milk. As exceptors pointed out, this type of provision was not included in the New York-New Jersey and New England orders. The outside milk provisions for these two orders were determined on the basis of separate hearings for each order and were developed in response to the conditions found existing at the time in the two markets.

Exceptors are correct in their contention that the Secretary has the authority to take steps to protect the blend price of an order from adverse effects of outside milk. However, this record does not provide a compelling need to change the regulatory treatment now applicable to such milk. Accordingly, the exceptions regarding option B are denied.

As indicated, the proponent cooperative proposed at the hearing that if its proposal to eliminate option B were not adopted then the California handlers involved in the market should be required to make a payment for administrative assessment based on their total plant receipts of milk from dairy farms. The proposal should not be adopted. There was no indication that the market administrator has inadequate funds to defray the costs of completing an audit to verify the utilization and payments of California handlers when they elect option B. Moreover, to apply the administrative assessment on the total receipts of a partially regulated plant would result in a monetary obligtion to the California handlers, because of their large size, in excess of their obligation through the alternative of electing to make payment into the producer-settlement fund at the Class I price minus blend price rate. Under such circumstance, it would nullify the purpose of providing the partially regulated distributing plant operator alternatives in meeting the order's payment obligations on any fluid milk products that such operator distributes in the marketing area.

Finally, the proponent's alternative proposal to eliminate the application of location adjustments to California partially regulated distributing plants should not be adopted. The spokesman for the proponent cooperative did not present any specific testimony on this issue other than merely offering the proposal. Moreover, the record provides no evidence of marketing problems that would warrant not applying location adjustments to California partially regulated distributing plants.

Rulings on Proposed Findings and Conclusion

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and affirmed, except where the conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Lake Mead Marketing Area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Lake Mead Marketing Area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: January 19, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[9] Amending the Order, Regulating the Handling of Milk in the Lake Mead Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead Marketing Area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lake Mead Marketing Area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on September 9, 1981 and published in the **Federal Register** on September 15, 1981 (46 FR 45776) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

§ 1139.12 [Amended]

1. In § 1139.12, paragraph (b)(5) is removed.

2. In § 1139.40, paragraph (b)(3) and (c)(1) are revised to read as follows:

§ 1139.40 Classes of utilizations.

* * * * *

(b) * * *

(3) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese; and

(ii) Milkshakes and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes.

(c) * * *

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Custards, puddings, and pancake mixes;

(v) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vi) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(vii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b)(1) of this section; and

(viii) Any product that is not a fluid milk product and that is not specified in paragraphs (b) or (c) (1) (i) through (vii) of this section;

* * * * *

3. In § 1139.44, paragraph (a)(7)(vii) is revised to read as follows:

§ 1139.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(vii) Receipts of milk from a dairy farmer pursuant to § 1139.12(b)(4);

* * * * *

4. Section 1139.53 is revised to read as follows:

§ 1139.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1139.55 [Removed]

5. Section 1139.55 is removed in its entirety.

6. In § 1139.60, paragraph (a), (b), and (c) are revised to read as follows:

§ 1139.60 Handler's value of milk for computing uniform price.

* * * * *

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1139.44 by the applicable class prices (adjusted pursuant to § 1139.52) and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1139.44(a)(14) and the corresponding step of § 1139.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1139.74, that are applicable at the location of the pool plant;

(c) Add the following: (1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant for the current month by the hundredweight of skim milk and butterfat subtracted from Class I

[9] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b) for the current month; or

(ii) The hundredweight of skim milk and butterfat remaining in Class III after the computations pursuant to § 1139.44(a)(12) and the corresponding step of § 1139.44(b) for the preceding month, less the hundredweight of skim milk and butterfat specified in paragraph (c)(1) of this section;

* * * * *

7. Section 1139.61 is revised to read as follows:

§ 1139.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1139.60 for all handlers who filed reports prescribed by § 1139.30 for the month and who made the payments pursuant to § 1139.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1139.75;

(c) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1139.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price."

8. Section 1139.62 is revised to read as follows:

§ 1139.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) the 12th day after the end of each month the uniform price for such month.

9. Section 1139.74 is revised to read as follows:

§ 1139.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

[FR Doc. 82-1744 Filed 1-22-82; 8:45 am]

[BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-82-1]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before March 26, 1982.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION:

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AG-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on January 18, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

PETITIONS FOR RULEMAKING

	Docket No.	Petitioner	Description of the rule requested
22470		National Air Transportation Association, Inc	*Description of Petition:* To amend § 91.181(a) to include all aircraft operated in accordance with the provisions of § 91.181(b)(1) through (9). To amend § 91.181(d)(10) to allow an additional charge of 25% of the expenses listed in § 91.181(d)(1). To add a paragraph (11) to § 91.181(d) requiring that records substantiating charges made for flights conducted under Part 91 would have to be maintained for 180 days after the completion of such flights and be made available to the Administrator upon demand.
		Regulations Affected: 14 CFR Subpart D § 91.181.	*Petitioner's Reasons for Rule:* The petitioner indicated that the rule change is needed to eliminate the discriminatory treatment now accorded operators of small aircraft

PETITIONS FOR RULEMAKING—Continued

Docket No.	Petitioner	Description of the rule requested
		which prohibits their recovery of certain operational costs. Additionally, the reduction of the additional charge permitted in § 91.161(d)(10) from 100% to 25% of the expenses of fuel, oil, lubricants, and other additives will prevent Part 91 operators from being overcompensated for their services.
22288	Transamerica Airlines	*Description of Petition:* To allow the "Fasten Seat Belt While Seated" signs to be affixed "within legible view of all passengers rather than requiring that they be affixed to each forward bulkhead and each passenger seat back."
	Regulations Affected: 14 CFR § 121.317	*Petitioner's Reasons for Rule:* The petitioner states the placards are not visible when trays are lowered, they are removed by bored passengers on long flights, and that placards on bulkheads across an aisleway are not legible to seated passengers.
20312	Hawk Industries Petition dated 10/19/80	To amend § 1.1 to redefine "small airplanes" to include airplanes weighing up to 20,000 pounds for use in "freight operations" only. "Small aircraft" is defined in § 1.1 as aircraft weighing less than 12,500 pounds maximum certificated takeoff wmg/ht.

NOTE.—This petition was previously published. The comment period is reopened as the petitioner amended the original petition to include aircraft weighing up to 20,000 pounds. The original petition included aircraft up to 14,500 pounds.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No. Petitioner	Description of the Rule Requested
None this period.	

[FR Doc. 82-1527 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ARM-13]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to alter the 700' transition area at Greeley, Colorado to provide controlled airspace for aircraft executing the new RNAV standard instrument approach procedure for Weld County Airport, Greeley, Colorado. There is no change to the 1,200' transition area.

DATE: Comments must be received on or before March 2, 1982.

ADDRESS: Send comments on the proposal to: Chief, Air Traffic Division, ATTN: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340-5494.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the 700' transition area at Greeley, Colorado. This proposal is necessary to provide controlled airspace for aircraft executing the new RNAV standard instrument approach procedure for Weld County Airport, Greeley, Colorado. Accordingly, the Federal Aviation Administration proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart G, § 71.181 so as to amend the following transition area:

Greeley, Colorado

That airspace extending upward from 700' above the surface bounded by a line beginning at latitude 40°38'00" N., longitude 104°53'00" W.; to latitude 40°41'00" N., longitude 104°27'00" W.; to latitude 40°21'30" N., longitude 104°24'00" W.; to latitude 40°19'00" N., longitude 104°50'00" W.; thence to point of beginning and that airspace extending upward from 1,200' above the

surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel Peterson, Office of the Regional Counsel, Rocky Mountain Region.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) is certified that at promulgation it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, January 14, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-1623 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0080]

Germaine Monteil Cosmetiques Corp.; Proposed Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a New York City cosmetic manufacturer and seller, among other things, to cease attempting to fix and maintain the resale prices at which its products are advertised or sold, through coercion or otherwise. The firm would also be prohibited from withholding any earned advertising credit or benefit from recalcitrant dealers; restricting the lawful use of its trademarks or brandnames; and seeking the identity of dealers who deviate from suggested resale prices. Additionally, for a two year period, the order would preclude the dissemination of suggested resale prices unless accompanied by a statement advising that such prices are merely suggested; and would require the firm to mail a letter describing the provisions of the order to all present and future accounts.

DATE: Comments must be received on or before March 26, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Judith D. Ford, Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102 (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

In the Matter of Germaine Monteil Cosmetiques Corporation, a corporation, File No. 801 0080 agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Germaine Monteil Cosmetiques Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Germaine Monteil Cosmetiques Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Germaine Monteil Cosmetiques Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 40 West 57th Street, New York, N.Y. 10019.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time

provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

A. "Product"

"Product" is defined as any item of cosmetic, fragrance or soap, any accessory containing any item of cosmetic, fragrance or soap, or any related accessory, including but not limited to any applicator or brush, which is manufactured, offered for sale or sold by respondent.

In addition to the foregoing, "product" is defined to include any item which is manufactured, offered for sale or sold by respondent for resale to consumers together with any "product" as defined hereinabove.

B. "Dealer"

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

C. "Resale Price"

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any suggested, established or customary resale price as well as the retail price in effect at any dealer.

It is ordered that respondent Germaine Monteil Cosmetiques Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price.

3. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price; or acting on any reports or information so obtained by threatening, intimidating, coercing or terminating said dealer.

4. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

5. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

6. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

7. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

8. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

9. Making any payment or granting any other consideration or benefit to any dealer because of the resale price at which any other dealer has sold or advertised any product.

II

1. For a period of two (2) years from the service of this Order, orally suggesting or recommending any resale price to any dealer.

2. For a period of two (2) years from the service of this order, communicating in writing any resale price to any dealer.

3. After said two (2) year period, respondent shall not suggest or recommend to any dealer any resale price on any list or order form, or in any catalogue or stock control book, unless it is clearly and conspicuously stated on each page thereof where any suggested or recommended resale price appears, the following: "The Retail Prices Quoted Herein Are Suggested Only. You Are Completely Free to Determine Your Own Retail Prices."

III

1. Nothing contained in this Order shall preclude respondent from publishing or printing any resale price which is specified by any dealer for use or inclusion in any advertising, mailer or promotional material which said dealer intends to disseminate to consumers; *provided, however,* that for a period of two (2) years from the service of this Order, in connection with each advertising, mailer or promotional material which any dealer intends to disseminate to consumers, respondent shall make a written request to said dealer to specify its resale price(s), and shall disclose therein in a clear and conspicuous manner the following: "Germaine Monteil Dealers Are Completely Free to Specify Retail Prices of Their Own Choosing for Inclusion In This [Advertising, Mailer or Promotional Material]. Please Insert Those Retail Prices You Wish To Be Printed on This [Advertising, Mailer or promotional Material]."

2. After said two (2) year period, respondent shall not suggest any resale price to any dealer for use or inclusion in any advertising, mailer or promotional material which said dealer intends to disseminate to consumers, unless respondent, in connection with each advertising, mailer or promotional material, makes a written request to said dealer to review said advertising, mailer or promotional material for its resale price(s), and discloses therein in a clear and conspicuous manner the following: "Germaine Monteil Dealers Are Completely Free to Specify Retail Prices of Their Own Choosing for Inclusion in This [Advertising, Mailer or Promotional Material]. You May Change Any Price We Have Suggested."

IV

It is further ordered That respondent shall:

1. Within sixty (60) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to each of its present dealers. An affidavit shall be sworn to by an official of respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to any person, partnership, corporation or firm that becomes a new dealer within two (2) years after service of this Order.

3. For a period of two (2) years from the date of service of this Order, mail annually under separate cover a copy of the enclosure set forth in the attached Exhibit B to each of respondent's then present dealers.

V

It is further ordered That respondent shall forthwith distribute a copy of this order to all operating divisions of said corporation; to all personnel, agents or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order; and, for a period of three years from the date of service of this order, to all new personnel, agents, or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

VI

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respective corporation which may affect compliance obligations arising out of the order.

VII

It is further ordered That respondent shall within seventy-five (75) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Dear Retailer: This letter is being sent to all Germaine Monteil accounts. On [date], Germaine Monteil Cosmetiques Corporation agreed to the entry of a Consent Order with the Federal Trade Commission concerning certain distribution practices. This Consent Order was entered into for settlement purposes only and does not constitute an admission that Germaine Monteil violated the law. As part of that Consent Order, we are obligated to send you this letter.

Germaine Monteil wants its accounts to know and understand the following:

1. You can advertise and sell Germaine Monteil products at any price you choose.

2. Germaine Monteil will not take any action against you, including termination, because of the price at which you advertise or sell Germaine Monteil products.

3. Germaine Monteil will not suggest retail prices for any product until [2 years after the date of service of the order].

4. The price at which you sell or advertise Germaine Monteil products will not affect your right to lawfully use Germaine Monteil trademarks or other identification in your sale or advertising of products bearing Germaine Monteil trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Germaine Monteil for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise a Germaine Monteil product.

6. Germaine Monteil will continue to publish or print mailers, advertising and other promotional materials which you intend to disseminate to consumers containing retail prices which you specify. Until [2 years from the date of service of this order], in connection with each advertising, mailer or promotional material we will publish for you to disseminate to consumers, we will be requesting in writing that you specify the retail prices you wish to be printed on these materials.

After [2 years from the date of service of this Order], we will send you materials for your review which may contain our suggested retail prices. You are completely free, however, to change these prices, and we will then print the materials with the retail prices which you have specified.

7. The price at which a store sells or advertises a Germaine Monteil product is its own business. Germaine Monteil does not want to be informed by an account of the price at which any other store sells or advertises any Germaine Monteil product.

If you have any questions regarding the Consent Order or this letter, please call———.

———

for Germaine Monteil
Cosmetiques Corporation

Exhibit B

Dear Retailer: We wish to remind you of the following:

1. You can advertise and sell Germaine Monteil products at any price you choose.

2. Germaine Monteil will not take any action against you, including termination, because of the price at which you advertise or sell Germaine Monteil products.

3. Germaine Monteil will not suggest retail prices for any product until [2 years from the date of service of this Order].

4. The price at which you sell or advertise Germaine Monteil products will not affect your right to lawfully use Germaine Monteil trademarks or other identification in your sale or advertising of products bearing Germaine Monteil trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Germaine Monteil for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise a Germaine Monteil product.

6. Germaine Monteil will continue to publish or print mailers, advertising and other promotional materials which you intend to disseminate to consumers containing retail prices which you specify. Until [2 years from the date or service of this Order], in connection with each advertising, mailer or promotional material we will publish for you to disseminate to consumers, we will be requesting in writing that you specify the retail prices you wish to be printed on these materials.

After [2 years from the date of service of this Order], we will send you materials for you review which may contain our suggested retail prices. You are completely free, however, to change these prices, and we will then print the materials with the retail prices which you have specified.

7. The price at which a store sells or advertises a Germaine Monteil product is its own business. Germaine Monteil does not want to be informed by an account of the price at which any other store sells or advertises any Germaine Monteil product.

If you have any questions, please call———.

———

for Germaine Monteil
Cosmetiques Corporation

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Germaine Monteil Cosmetiques Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Germaine Monteil Cosmetiques Corporation has restrained trade by establishing and maintaining the resale prices at which its dealers advertise, offer for sale and sell Germaine Monteil products.

The consent agreement provides as follows:

1. Germaine Monteil Cosmetiques Corporation cannot fix or otherwise control the resale prices at which its products are sold or advertised.

2. Germaine Monteil Cosmetiques Corporation cannot take any action against any dealer, including termination, because of the resale prices at which the dealer sells or advertises any Germaine Monteil product.

3. Germaine Monteil Cosmetiques Corporation cannot suggest resale prices for any product for two years from the date the order is issued.

4. Germaine Monteil Cosmetiques Corporation, for a period of two years, may ask each dealer to specify what resale prices should appear in advertisements and promotional material that Germaine Monteil prints for the dealer's sales campaigns. After that period, Germaine Monteil may suggest prices appearing in advertisements and promotional material, but dealers will have the right to review them. Germaine Monteil will print the advertisements using the prices specified by the dealer.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1794 Filed 1-22-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM 82-4]

Revision of Monthly Report of Cost and Quality of Fuels for Electric Plants: Form No. 423; Further Extension of Time for Comments

January 18, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; further extension of comment period.

SUMMARY: On December 3, 1981, the Commission issued a Notice of Proposed Rulemaking involving the revision of the monthly report of cost and quality of fuels for electric plants (46 FR 60214, December 9, 1981). On December 28, 1981, (47 FR 39, January 4, 1982) the Commission issued a notice extending the comment period to and including January 18, 1982. The comment period is being further extended at the request of McGraw-Hill Publications Company.

DATE: Comments must be submitted on or before February 3, 1982.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: On January 5, 1982, McGraw-Hill Publications Company (McGraw-Hill) filed a request for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued December 3, 1981, in the above-docketed proceeding. The motion states that additional time is required in order to allow McGraw-Hill's managers to evaluate the effect of the proposed rulemaking and to review documentation used by the Commission in the preparation of the rule.

Upon consideration, notice is hereby given that a further extension of time for the filing of comments is granted to and including February 3, 1982.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1271 Filed 1-22-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Vessels in Foreign and Domestic Trades; Proposed Alternative Evidentiary Requirements

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to set forth alternative evidentiary requirements which may be elected by owners and operators of Lighter-Aboard-Ship ("LASH") barges and similar unmanned vessels applying for remission or refund of the duty to be paid on foreign repairs and equipment purchases under section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466). Because the unmanned vessels are often damaged when there are no witnesses, it is proposed to allow alternative evidentiary proofs to be submitted by owners and operators who cannot meet the present standards.

DATE: Comments must be received on or before March 26, 1982.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Jerry C. Laderberg, Carriers, Drawback and Bonds Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The owner or master of an American vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, is required by section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), to declare, enter, and pay a special 50 percent ad valorem duty on the coast of all repairs (including purchases of equipment, repair parts, or materials) made to the vessel outside the United States. Section 466 also provides for remission of the duty if: (1) The repairs or purchases were necessary to correct damage caused by stress of weather or other casualty while the vessel was in the regular course of its voyage and to secure the safety and seaworthiness of the vessel to enable it to reach its port of destination; (2) the equipment, repair parts, or materials purchased were of American origin and installed by the vessel's crew or U.S. residents; or (3) the equipment, repair parts, or materials purchased, including the labor cost involved, were used as dunnage for cargo, or for the erection of temporary bulkheads or similar devices for the control of cargo.

By T.D. 80-237, published in the **Federal Register** on September 30, 1980 (45 FR 64560), Customs amended section 4.14, Customs Regulations, to clarify and make more specific the procedures for the reporting and entry of foreign repairs to, and equipment purchases by, U.S.-flag vessels, and established conforming amendments to take account of the consolidation of the Customs forms used in the reporting and entry procedures. In order for an owner or operator of a vessel to obtain a remission or refund of duties under 19 U.S.C. 1466(d)(1) the owner or operator of a vessel must meet certain evidentiary requirements.

As amended, § 4.14(d)(1)(iii) provides for the following evidence:

(iii) *Supporting evidence.* Unless such evidence is already filed with Customs, each application for relief shall include duplicate copies of the following evidence, in additioin to any other documents the applicant wishes to submit in support of the application:

(A) All itemized bills, receipts, and invoices covering items specified in paragraph (a)(1) of this section, segregating the cost of those items for which relief is sought from all other items listed in the vessel repair entry.

(B) Full and complete photocopies of the relevant parts of the vessel's logs.

(C) Photocopies of any American Bureau of Shipping or other

classification society report of the cause and type of damage and the nature of the remedial action taken, together with photocopies of any certifications of seaworthiness.

(D) A certification by the master or other responsible vessel officer with personal knowledge of the facts relating to the relief sought, including, but not limited to, details of the claimed stress of weather or other casualty, when and where it occurred, the damages due to such stress of weather or other casualty, and the place and date where the vessel was repaired or the equipment for the vessel was purchased.

(E) A certification by the master as to whether the repairs or equipment purchases were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States.

(F) A written description of the circumstances involved by the master or other responsible vessel officer having knowledge of the facts when remission or refund is sought under the provisions of paragraph (c)(3)(ii) (relating to the use of American equipment and labor) or (c)(3)(iii) (relating to dunnage) of this section.

Operators of LASH barges have complained to Customs that many of the requirements set forth in § 4.14(d)(1)(iii) cannot be met because LASH barges and similar vessels are unmanned. For example, § 4.14(d)(1)(iii)(D) requires a certification by the master or other responsible vessel officer with personal knowledge of the facts and details of the claimed stress of weather or other casualty and the resulting damage to the vessel. This particular evidentiary standard cannot usually be met because the LASH barges and similar unmanned vessels are often damaged when there are no witnesses, or when such witnesses will not report the damage for fear of personal liability.

In response to these complaints, Customs surveyed its regional field offices and all U.S.-flag operators of LASH-type vessels regarding various aspects of the problem. After considering the data submitted from the field offices, the suggestions and opinions of the LASH vessel operators, and the opinions of industry organizations representing the bulk of the U.S. shipping industry, Customs has concluded that requiring the same evidentiary proofs for these unmanned barges as for cargo vessels carrying a master and crew has unfairly burdened those owners and operators of LASH barges and similar unmanned vessels who are claiming a remission or refund under 19 U.S.C. 1466(d)(1). Accordingly, Customs is proposing to amend § 4.14(d)(1)(iii) by adding a new subparagraph (G) to provide for alternative evidentiary proofs without lessening the enforcement posture of 19 U.S.C. 1466.

It should be noted that the owners and operators of LASH barges and similar unmanned vessels may elect to submit the evidentiary proofs described in the proposed new subparagraph (G), instead of the evidentiary proofs listed under present subparagraphs (B), (D), (E), and (F). Subparagraph (G) is being proposed by Customs merely to afford equitable treatment to owners and operators of LASH barges and similar unmanned vessels in those cases where compliance with present subparagraphs (B), (D), (E), and (F) is impossible or unduly burdensome.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b)(1), Customs Regulations (19 CFR 103.11(b)(1)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Authority

These changes are proposed under the authority of R.S. 251, as amended sections 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1484, 1498, 1624).

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendment

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

It is proposed to amend § 4.14, Customs Regulations (19 CFR 4.14(d)(1)(iii), by adding a new paragraph (d)(1)(iii)(G) to read as follows:

§ 4.19 [Amended]

* * * * *

(d) * * *

(1) * * *

(iii) * * *

(G) In the case of LASH barges and similar unmanned vessels, the evidence required in subparagraph (B), (D), (E), and (F) may be omitted, and in lieu thereof, the owner or operator of each vessel will submit evidence showing that: (*1*) The vessel was inspected immediately prior to its lading aboard the vessel which transported it to a foreign port on the voyage in which the damage occurred, (*2*) the vessel was then found to be in seaworthy condition, (*3*) the damage was discovered during the course of the foreign voyage at issue, and (*4*) the repairs were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States.

* * * * *

William Green,

Acting Commissioner of Customs.

Approved: January 7, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-1712 Filed 1-22-82; 8:45 am]

BILLING CODE 4820-02-M

---

19 CFR Part 177

Tariff Classification of Footwear

AGENCY: Customs Service, Treasury.

ACTION: Notice and proposed change of practice—request for comments.

SUMMARY: This document solicits public comments regarding: (a) The interpretation of a provision in the Tariff Schedules of the United States pertaining to imported footwear having foxing or a foxing-like band applied or

molded at the sole and overlapping the upper; and (b) whether Customs should change its uniform and established practice of classifying shells for "moon boots", a type of footwear, imported with an equal number of removable liners as separate entities, dutiable individually, or whether the shells and liners should be classified as tariff entities pursuant to the doctrine of entireties.

Questions regarding these issues have arisen in connection with the tariff classification of moon boots. Because Customs determination in these matters will have a substantial impact upon both importers and domestic manufacturers, public comments are being solicited to aid Customs in formulating its policy in this regard.

DATE: Comments must be received on or before March 26, 1982.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1031 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

All articles imported into the United States are subject to duty or duty-free entry in accordance with their classification under the applicable items in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) which is prepared by the U.S. International Trade Commission. In determining the classification of imported merchandise, it is necessary for Customs to consider the type, kind, composition, and use of the imported article. In classifying imported footwear, it also is necessary to consider the design and construction of the article.

In connection with the classification of footwear, the exclusionary parenthetical clause in the superior heading to item 700.56, TSUS, states that "* * * footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper" may not be classified under item 700.56, TSUS.

The term "foxing" has been defined as follows:

Shoe upper material forming or covering the lower part of the quarter of a shoe. With rubber-soled canvas-upper shoes, foxing is usually a strip of rubber covering and securing the joint between sole and upper. *The Art and Science of Footwear Manufacturing* (American Footwear Industries Association), 1974.

A piece of leather put on the upper leather of the shoe along the edge next to the sole. *Funk and Wagnalls New Practical Standard Dictionary* (1956).

A piece of material applied to the upper or extending around the outsole of a boot or a shoe. *Webster's Third International Dictionary* (1961).

Moon boots are footwear which extend above the ankle and are designed to be worn over, or in lieu of, other footwear to protect against water, cold, or inclement weather.

Customs is now considering the question of whether moon boots are precluded from classification under item 700.56, TSUS, dutiable at the rate of 6 percent ad valorem because the bottom, usually of molded unit construction, is designed to simulate a non-functional outside foxing. A determination that the design constitutes a foxing-like band applied or molded at the sole and overlapping the upper would cause these moon boots to be classified under other provisions of the tariff schedules and thus be assessed duty at a substantially higher rate.

In order to consider all points of view before making a final determination in this matter, Customs is soliciting public comments concerning the applicability of the exclusionary parenthetical clause of the superior heading to item 700.56, TSUS, to the classification of moon boots. In addition, Customs is interested in learning how the terms foxing or foxing-like bands are understood within the footwear industry and the effect of such understanding on the tariff classification of footwear other than moon boots.

Moon boots may be imported as completed articles or the shells and liners may be imported unattached to be joined after importation to form the finished product.

By Headquarters Ruling No. 062041, dated August 6, 1979, Customs held that imported moon boot shells with separable liners are not entireties for tariff purposes, but that the shells and liners are classifiable separately. This ruling is in accordance with a previous determination published in the Customs Bulletin as T.D. 67-118(7), in which Customs held that a removable felt inner liner imported with a boot is classifiable separately.

Based upon Headquarter's August 6, 1979, ruling, and liquidations covering entries of the same merchandise at various ports, a uniform practice of classifying imported moon boots with an equal number of removable liners as separate articles exist within the meaning of section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)).

Because other types of merchandise imported as component parts but requiring assembly may be classified as completed articles under the doctrine of entireties, Customs is considering whether moon boot shells imported with separable liners now should be considered entireties for tariff purposes.

In the case of *Donalds Ltd., Inc.* v. *United States*, 32 Cust. Ct. 310, CD 1619 (1954), in discussing the doctrine of entireties, the Court stated "* * * if there are imported in one importation separate entities which, by their nature, are obviously intended to be used as a unit, or to be joined together by mere assembly, and in such use or joining the individual identities of the separate entities are subordinated to the identity of the combined entity, duty will be imposed on the entity they represent."

Proposed Change of Practice

Because the liners and shells are intended to be used as a unit and their individual identities are subordinated to the identity of the combined article, Customs proposes to change the current uniform and established practice of separately classifying moon boot shells imported with separable liners. Customs proposes that moon boot shells imported with an equal number of separable liners be classified as tariff entities pursuant to the doctrine of entireties, dutiable under various sections of Schedule 7, Part 1, Subpart A, TSUS.

Authority: Because the proposed change, if adopted, will result in the imposition of a higher rate of duty, Customs is giving interested parties notice and an opportunity to comment in accordance with section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

Comments

Before taking any further action on this matter, consideration will be given to any written comments, preferably in triplicate, timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations

and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William T. Archey,

Acting Commissioner of Customs.

Approved: January 8, 1982.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-1711 Filed 1-22-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 921 and 939

Federal Programs To Regulate Coal Exploration Operations on Non-Federal and Non-Indian Lands in the States of Massachusetts, Michigan, Oregon, and Rhode Island; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement, (OSM), Interior.

ACTION: Proposed rule; correction of address.

SUMMARY: The Office of Surface Mining is changing the locations where the administrative records on coal exploration operations on non-Federal and non-Indian lands for the States of Massachusetts and Rhode Island, which was published in the **Federal Register** on January 5, 1982, 47 FR 560, may be viewed.

DATES: The dates found in the proposed rule will remain the same.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Federal Lands Specialist, Office of Surface Mining, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, (202) 343-5866.

Correction

On page 562, columns 2 and 3, the addresses for Massachusetts and Rhode Island where written comments will be available for public review are changed to:

For Massachusetts: U.S. Fish and Wildlife Service, Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Contact Beth Foder.

For Rhode Island: Rhode Island Department of Environmental Management, 83 Park Street, Providence, Rhode Island 02903. Contact Victor Bell.

Dated: January 20, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1616 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Parts 700, 701, 764, 770, 771, 779, 780, 783, 784, 785, 786, 788, 816, 817, 825, and 828

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions and Terminology; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rulemaking; correction.

SUMMARY: The notice of proposed rulemaking relating to two-acre exemption, definitions and terminology, and special bituminous coal mines in Wyoming, published in the **Federal Register**, 47 FR 41-57, on January 4, 1982, inadvertently omitted the hours for the public hearing. The hearing will begin at 9:30 a.m.

DATES: The date for the public hearing on the above parts has not been changed. The public hearing will be held on January 25, 1982, at 9:30 a.m.

ADDRESSES: The public hearing will be held at the Department of the Interior, Main Auditorium, 18th and C Streets NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harriet Marple, Chief, Division of Regulation and Inspection, 202/343-5365.

Dated: January 20, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1753 Filed 1-20-82; 3:58 pm]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Change in the Requirements for Second-Class Mail Privileges

AGENCY: Postal Service.

ACTION: Solicitation of comments in advance of proposed rulemaking.

SUMMARY: The Postal Service is considering a comprehensive revision in the circulation requirements for second-class mail privileges. The purpose of this notice is to outline the changes under consideration and to solicit the views of mailers on whether the Postal Service should file a request with the Postal Rate Commission to recommend these changes.

In brief, the changes under consideration would eliminate the paid subscriber and requester requirements for second-class publications mailed at regular (non-subsidized) second-class rates. Elimination of the circulation requirements would simplify the second-class rate and classification structure, and may result in lower costs to both publishers and the Postal Service.

DATE: Comments must be received by February 25, 1982.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, in Room 8316, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Martin L. Cohen, 202/245-4589.

SUPPLEMENTARY INFORMATION: As a result of the recent general rate proceeding, the mail classification for controlled circulation publications was merged with regular second-class mail. See 46 FR 16404, 16422, March 12, 1981, and 46 FR 17758, 17767, March 20, 1981. A requirement that the former controlled circulation publications be distributed primarily to requesters (not scheduled to take effect before March 20, 1982) was established to parallel the second-class requirement for circulation primarily to paid subscribers. Since the announcement of the requester requirement, a great deal of concern has been expressed by mailers regarding the burden and expense of complying with the requirement. The Postal Service is aware that both the requester and the paid subscriber circulation requirements for second-class mail necessitate significant administrative costs for mailers to establish and maintain circulation records. Since the regular second-class rates for commingled non-subscriber/non-requester copies are now identical to the rates for subscriber/requester copies, the circulation requirements may no longer serve a useful purpose. Elimination of those requirements would relieve mailers of burden and expense, and reduce Postal Service costs of administration and verification of compliance. Moreover, the Postal Service is committed to doing its part to

reduce the burden of unwarranted government regulation. The requirement for circulation records for second-class publications may be the type of government regulation which should be reviewed at this time to see if it is the best interest of the Postal Service and the public.

The changes under consideration by the Postal Service are limited to regular second-class mail. Preferred subclasses and rate categories for which government subsidies (and therefore lower rates) are authorized would not be included in the changes under consideration. Therefore, publications for which any of the preferred rates are paid (second-class non-profit rate, classroom rate, limited-circulation rate, in-county rate, and the science-of-agriculture rate) would be required to maintain subscription records in accordance with present requirements.

In order to develop an idea of what the attitude of the public might be toward an elimination of the aforementioned circulation requirements for regular-rate second-class mail, the Postal Service is publishing this notice to invite public comments. After the comments have been received and analyzed, a determination will be made as to whether the Postal Service should file a request with the Postal Rate Commission to recomend the necessary changes in the Domestic Mail Classification Schedule.

[39 U.S.C. 401, 403, 404]

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-1749 Filed 1-22-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-6-FRL-2035-2]

Texas Application for Interim Authorization, Phase II, Components A and B Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: Today EPA is announcing the extension of the public review period of the Texas application for Phase II, Components A and B, Interim Authorization, Hazardous Waste Management program because substantial revisions and an addition were made to the Texas application subsequent to the notice in the Federal Register of November 13, 1981, (46 FR 55997) announcing the availability of this Texas application for public review. The revisions were made to the Memorandum of Agreement between the State and EPA and the addition was a Memorandum of Understanding entered into between three State agencies.

DATE: Comments will be received on the changes to the Memorandum of Agreement and on the Memorandum of Understanding until February 24, 1982.

ADDRESSES: Written comments should be sent to: Environmental Protection Agency, Region 6, Air and Waste Management Division, Attention: Beverly Foster, Hazardous Materials Branch, 1201 Elm Street, Dallas, Texas 75270, 214/767-2645.

Copies of the Texas Memorandum of Agreement and the Memorandum of Understanding are available during normal business hours at the following addresses for inspection and copying:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, 214/767-7341.

EPA Headquarters Library, Room 2404, 401 M Street, SW., Washington, D.C. 20460.

Texas Department of Health, Bureau of Solid Waste Management, Room 602 1100 West 49th Street, Austin, Texas 78756, 512/458-7271.

Texas Department of Water Resources, Stephen F. Austin State Office Building, Library—Room 511, 1700 N. Congress Avenue, Austin, Texas 78711, 512/475-3781.

Texas Department of Water Resources, District Office, 4301 Center Street, Deer Park, Texas 77536, 713/479-5981.

Texas Department of Water Resources, District Office, Klee Square Building, Suite 515, 505 South Water Street, Corpus Christi, Texas 78401, 513/882-2548.

Texas Department of Water Resources, District Office, 2321A 50th Street, Lubbock, Texas 79412, 806/799-1164.

FOR FURTHER INFORMATION CONTACT: Beverly Foster, Hazardous Materials Branch, U.S. EPA, Region 6, Dallas, Texas 75270, 214/767-2645.

SUPPLEMENTARY INFORMATION: In the November 13, 1981, **Federal Register** (46 FR 55997), the Environmental Protection Agency announced the availability for public review of the Texas application for Phase II, Components A and B, Interim Authorization, Hazardous Waste Management Program, invited public comment, and gave notice of a public hearing to be held on the application.

The public hearing was held on December 21, 1981.

Subsequent to the notice published on November 13, 1981, and prior to the public hearing, the State and EPA agreed to the following changes in the Memorandum of Agreement (MOA): (1) The Resource Conservation and Recovery Act of 1976, as amended by the Solid Waste Disposal Act Amendments of 1980, requires that the Administrator shall cause to be broadcast over local radio stations notice of the agency's intention to issue a permit to any facility for the treatment, storage, or disposal of hazardous waste (Section 7004(b)). The Act also makes this same provision applicable to authorized State programs. The regulations of the Texas Department of Water Resources encouraged but did not require that notice of proposed permits be broadcast over local radio stations. In an amendment to the MOA, the Texas Department of Water Resources agrees to mail a summary of public notices, involving each application to store, process or dispose of hazardous industrial waste, to one or more local radio stations and assure that such summaries are broadcast in the affected area.

(2) Regulations promulgated in 40 CFR Part 123 require that State programs have requirements for permitting which are substantially equivalent to EPA's requirements (40 CFR 123.129(d)). Regulations at 40 CFR 124.6 require that the Director tentatively decide whether to prepare a draft permit or to deny the application. If the Director decides to prepare a draft permit, 40 CFR 124.6(d) specifies the information that must be included in the draft permit.

Permitting regulations of the Texas Department of Health do not contain provisions for the issuance of a draft permit. However, the Texas Department of Health has agreed in the MOA to notice the preparation of a summary document prior to a public hearing which contains all of the elements of a draft permit and meets the requirements found at § 124.6(d).

(3) In the October 20, 1981, **Federal Register** (46 FR 51407) EPA proposed to temporarily suspend the effective dates of its January 1981 permitting standards for incinerators and storage surface impoundments, as applied to existing facilities, pending a re-examination of their appropriateness for existing facilities.

EPA also announced that in the period before a final decision is made on the suspension, EPA will continue to review State applications for Components A and B for substantial equivalence with

all aspects of the current Federal standards. However, EPA stated that it would only authorize State programs to permit facilities not covered in the proposed suspension (i.e., new incinerators, new storage surface impoundments and all tanks, containers, and waste piles). Texas, among other States, has recommended that the Administrator change this policy of only authorizing State programs to permit facilities not covered in the proposed suspension.

In anticipation of such a change in policy by the Administrator, Texas has amended the Memorandum of Agreement by adding the following language: "The State is aware that EPA has proposed to suspend the effective date of its January regulations as applied to existing incinerators and storage surface impoundments pending a re-examination of the appropriateness of those standards for existing facilities. 46 FR 51408 (October 20, 1981). The State recognizes that if the Administrator does suspend the effective date of the January regulations as they apply to certain facilities, there will then be no Federal program in effect for those facilities. Thus there will be no program for the State program to operate "in lieu of." The State agrees that if EPA suspends the effective date of its January standards as they apply to existing incinerators and storage surface impoundments, EPA's authorization of the State to issue RCRA permits to those facilities will automatically be suspended. State program authorization to issue these RCRA permits can be reinstated once EPA reestablishes this part of the Federal program by either reinstating the effectiveness of the existing regulations or promulgating new or amended regulations. EPA intends that procedures for reinstatement of State program authorization will be consistent with 40 CFR 123.13(a), (b) (1) and (2). If EPA suspends its January standards only with respect to certain categories of existing incinerators and storage surface impoundments, the State's authorization to issue RCRA permits to owners and operators for the remaining categories of facilities will continue in force. In other words, the State will continue to be authorized to issue RCRA permits to whomever EPA would be able to issue RCRA permits were the State not authorized. Any such suspension will have no effect on the State's ability to issue State permits under State law and regulations."

Should EPA not change its policy, this provision would be deleted from the MOA.

EPA is also making available for review and comment a Memorandum of Understanding between the Texas Railroad Commission, the Texas Department of Water Resources, and the Texas Department of Health. This Memorandum of Understanding, referenced in the Texas application, was executed after the application was submitted and became effective on January 1, 1982. The Memorandum of Understanding clarifies the division of responsibilities among those three agencies with respect to oil and gas related wastes.

(Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq. and 40 CFR Part 123 Subpart F)

Dated: January 19, 1982.

Dick Whittington,

Regional Administrator.

[FR Doc. 82-1737 Filed 1-22-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6243]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 40001-4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even of ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Blue Lake (city), Humboldt County	Dave's Creek	20 feet downstream of intersection of Dave's Creek and Arcata and Mad River Railroad Spur.	*86
		Shallow Flooding	Intersection of Gety Street and Chartin Road	#1
		Mad River	700 feet downstream of intersection of Hatchery road and Mad River.	*86
	Maps available for inspection at City Clerk's Office, 111 Greenwood Avenue, Blue Lake, California.			
	Send comments to the Honorable Mark Bryant, 111 Greenwood Avenue, Blue Lake, California 95525.			
California	Grass Valley (city), Nevada County	Wolf Creek	100 feet upstream from confluence with Little Wolf Creek.	*2315
			30 feet upstream from center of Railroad Avenue	*2447
		South Fork Wolf Creek	At intersection of Colfax East and St. Bennett Street	*2434
		Little Wolf Creek	30 feet upstream from center of Freeman Lane	*2358
			30 feet upstream from center of South Auburn Street	*2411
	Maps available for inspection at Department of Public Works, 125 East Main Street, Grass Valley, California.			
	Send comments to the Honorable Dennis Hill, 125 East Main Street, Grass Valley, California 95945.			
Connecticut	Meriden, city, New Haven County	Quinnipiac River	Downstream corporate limits	*73
			Upstream of Hanover Pond Dam	*91
			Upstream corporate limits	*108
		Sodom Brook	Confluence with Quinnipiac River	*91
			Coe Avenue (upstream side)	*100
			West Main Street (upstream side)	*120
			State Route 66 (upstream side)	*131
			Leonard Street (upstream side)	*139
			Approximately 3,550 feet upstream of Leonard Street	*163
		Harbor Brook	Confluence with Quinnipiac River	*91
			Hanover Street (upstream side)	*114
			Cooper Street (upstream side)	*122
			Center Street (upstream side)	*136
			Upstream of Westfield Road (downstream crossing)	*180
			North Broad Street (upstream side)	*158
			Confluence of Willow Brook and Spoon Shop Brook	*201
		Spoon Shop Brook	Confluence with Harbor Brook	*201
			Upstream of Bee Street	*231
			Tumblebrook Road (upstream side)	*247
			Upstream of Maple Avenue	*274
			Upstream of Valley View Drive	*316
			Upstream of Birdsey Avenue	[illegible]
		Willow Brook	Confluence with Harbor Brook	*201
			Upstream of State Route 15	*257
			East Main Street (upstream side)	*275
			East Road (upstream side)	*286
			Research Parkway (downstream side)	*290
		Crow Hollow Brook	Confluence with Sodum Brook	*100
			Downstream of Johnson Avenue	*140
			Upstream of West Main Street	*193
	Maps available for inspection at the Engineering Department, Meriden City Hall, Meriden, Connecticut.			
	Send comments to the Honorable Mr. Dana Miller, City Manager of the City of Meriden, City Hall, Meriden, Connecticut 05450.			
Illinois	(V) Beecher, Will County	Trim Creek Tributary	About 1200 feet downstream of Indiana Avenue	*701
			Just upstream of Church Road	*726
		Trim Creek	Within community	*696
	Maps available for inspection at the Clerk's Office, Municipal Building, 724 Penfield Street, Beecher, Illinois.			
	Send comments to Honorable Landis Wehling, Village President, Village of Beecher, Municipal Building, 724 Penfield Street, Beecher, Illinois 60401.			
Illinois	(C) East Moline, Rock Island County	Mississippi River	About 0.38 mile downstream of the downstream corporate limits.	*572
			At the upstream corporate limits	*574
		Rock River	Southeast of State Route 2	*577
		Shallow flooding (ponding due to rainfall).	Areas bounded by the Mississippi River Levees and the Chicago, Rock Island and Pacific Railroad, near the western corporate limits.	*566
			An area about 1500 feet west of Chicago, Rock Island and Pacific Railroad bridge over Sugar Creek, along the Mississippi River and Sugar Creek Levees.	[illegible]
			An area within the Sugar Creek Levee from the 4th Avenue bridge to the mouth of the creek.	*569
			An area northeast of 4th Avenue bridge over Sugar Creek, east of North 20th Avenue.	*573
			Area southeast of the intersection of 7th Street and 5th Avenue.	*574
	Maps available for inspection at the Public Works Department, City Hall Annex, East Moline, Illinois.			
	Send comments to Honorable Dennis Jacobs, Mayor, City of East Moline, City Hall, 915 Sixteenth Avenue, East Moline, Illinois 61244.			
Iowa	(C) Bellevue, Jackson County	Mississippi River	About 0.7 mile downstream of Lock and Dam No. 12	*602
			About 0.6 mile upstream of Lock and Dam No. 12	[illegible]
		Mill Creek	About 150 feet upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*602
			About 1250 feet upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	[illegible]
			About 2400 feet downstream of State Highway 62	*616

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 200 feet downstream of State Highway 62	*625
			About 1300 feet upstream of State Highway 62	*625

Maps available for inspection at the City Hall, Bellevue, Iowa.
Send comments to Honorable Larry Cheney, Mayor, City of Bellevue, City Hall, Bellevue, Iowa 52031.

Iowa	(C) Greene, Butler County	Shell Rock River	About 3,750 feet downstream of Traer Street dam	*955
			About 100 feet downstream of Traer Street dam	*956
			About 250 feet upstream of Traer Street dam	*958
			About 650 feet upstream of State Highway 14	*960
		Shell Rock River Overflow Channel	About 850 feet downstream of Main Street	*955
			About 400 feet upstream of Main Street	*958
			About 1,200 feet upstream of Iowa Street	*959

Maps available for inspection at the City Hall, Greene, Iowa.
Send comments to Honorable Arthur Weiss, Mayor, City of Greene, City Hall, Greene, Iowa 50636.

Iowa	(C) Manchester, Delaware County	Maquoketa River	At downstream corporate limits	*920
			Just upstream of West Marion Street	*932
			About 200 feet upstream of West Marion Street	*932
			About 1.9 miles upstream of West Marion Street	*936
		Tributary A	At mouth	*920
			Just upstream of South Brewer Street	*922
			Just upstream of East Main Street	*937
			Just downstream of East Union Street	*940
			About 1,900 feet upstream of East Acers Street	*952

Maps available for inspection at the City Hall, 208 East Main Street, Manchester, Iowa.
Send comments to Honorable Milt L. Kramer, Mayor, City of Manchester, City Hall, 208 East Main Street, Manchester, Iowa 52057.

Maryland	Poolesville, town, Montgomery County	Dry Seneca Creek	Downstream corporate limits	*327
			Approximately 2,600' upstream of downstream corporate limits	*352
			Upstream corporate limits	*367

Maps available for inspection at the Town Hall, Poolesville, Maryland.
Send comments to Honorable Charles W. Elgin, President of the Poolesville Board of Commissioners, P.O. Box 158, Poolesville, Maryland 20837.

Massachusetts	North Andover, town, Essex County	Merrimack River	Downstream corporate limits	*31
			Approximately 2 miles above corporate limits	*3(
			Confluence of Shawsheen River	*3(
		Shawsheen River	Downstream corporate limits	*3(
			Salem Turnpike State Route 114 (downstream)	*3(
		Cochichewick Brook	Confluence with Merrimack River	*3(
			Upstream of Sutton Pond Dam	*5(
			Upstream of Osgood Pond Dam	*7(
			Approximately 400' upstream of Elm Street	*9(
			Approximately 600' upstream of Osgood Street	*9(
			Approximately 910' upstream of Osgood Street	*11(

Maps available for inspection at the Board of Public Works Office, North Andover Town Hall, North Andover, Massachusetts.
Send comments to the Honorable Jack Graham, Chairman of the North Andover Board of Selectmen, Town Hall, 120 Main Street, North Andover, Massachusetts 01845

Nebraska	(C) Crete, Saline County	Big Blue River	About 2.5 miles downstream of State Highway 33	*134(
			Just upstream of Burlington Northern Railroad	*135(
			About 1.9 miles upstream of Tuxedo Park Road	*136(
		Walnut Creek	At mouth	*135(
			Just downstream of Boswell Avenue	*135(
			Just upstream of Boswell Avenue	*136(
			About 7500 feet upstream of Boswell Avenue	*137(

Maps available for inspection at the City Hall, 243 East 13th, Crete, Nebraska.
Send comments to Honorable Harlyn Crisman, Mayor, City of Crete, City Hall, 243 East 13th, Crete, Nebraska 68333.

New Hampshire	Keene, city, Cheshire County	Ashuelot River	Downstream corporate limits	*47(
			Upstream of Martell Court	*47(
			Upstream of Island Street	*47(
			Upstream of State Route 9	*47(
			Upstream of State Route 12A	*47(
			Upstream corporate limits	*48(
		Ash Swamp Brook	Downstream corporate limits	*47(
			Upstream of Winchester Street	*47(
			Approximately 650' downstream State Route 9	*47(
			Approximately 600' upstream State Route 9	*48(
			Approximately 100' upstream of West Street	*48(
			Approximately 50' upstream of Boston and Maine Railroad	*49(
			At Arch Street	*50(
		Beaver Brook	Confluence with Branch River	*47(
			Upstream of Water Street	*47(
			Approximately 100' downstream of George Street	*48(
			Approximately 30' upstream of Old Concord Railroad	*55(
			Upstream of State Route 10	*60(
			Approximately 2,030' upstream of State Route 10	*68(
			Upstream of State Route 9	*76(
			Approximately 5,000' upstream of Stone Dam	*79(
			Approximately 50' downstream of Stone Dam	*79(
			Approximately 50' downstream of Sullivan Center Road	*80(
			Upstream corporate limits	*82(

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Branch river	Confluence with Ashuelot River	*472
			Downstream of Main Street	*472
			Approximately 5,000' upstream of Main Street	*487
			Upstream of State Route 101	*520
			Confluence of Otter Brook	*555
		Otter Brook	Confluence with Branch River	*555
			Approximately 5,000' upstream of confluence with Branch River.	*604
			Approximately 100' upstream of Roxbury Road	*623
			Approximately 5,120' upstream of Roxbury Road	*669
		Minnewawa Brook	Confluence with Branch River	*555
			Approximately 100' upstream of Branch Road	*563
			Upstream corporate limits	*634

Maps available for inspection at the Planning Department, Keene City Hall, Keene, New Hampshire.
Send comments to the Honorable Richard Peloquin, Mayor of the City of Keene, City Hall, Keene, New Hampshire 03431.

New Jersey	North Bergen, township, Hudson County	Hudson River	Entire shoreline within North Bergen	*12
		Hackensack River	Along Conrail from 69th Street extended to Interstate Route No. 495.	*9
			Along Conrail from Interstate Route No. 495 to approximately 1,600 feet from intersection of Conrail and western corporate limits.	*5
			Along Conrail from eastern corporate limits to 86th Street (extended).	*9

Maps available for inspection at the Municipal Building, 4233 Kennedy Boulevard, North Bergen, New Jersey.
Send comments to Honorable Anthony DiVincent, Mayor of North Bergen, Municipal Building, 4233 Kennedy Boulevard, North Bergen, New Jersey 07047.

New Jersey	Ridgefield Park, village, Bergen County	Hackensack River	Entire shoreline	*9
		Overpeck Creek	Entire shoreline	*9

Maps available for inspection at the Municipal Building, 234 Main Street, Ridgefield Park, New Jersey.
Send comments to Honorable Fred J. Criscuolo, Mayor of Ridgefield Park, Municipal Building, 234 Main Street, Ridgefield Park, New Jersey 07660.

New Jersey	South Bound Brook, borough, Somerset County	Raritan River	Downstream corporate limits	*31
			Upstream of Conrail	*30
			Upstream corporate limits	*37

Maps available for inspection at the Municipal Building, 12 Main Street, South Bound Brook, New Jersey.
Send comments to Honorable Ron L. Wawrzyniak, Mayor of South Bound Brook, Municipal Building, 12 Main Street, South Bound Brook, New Jersey 08880.

New York	Cornwall, town, Orange County	Moodna Creek	Confluence with Hudson River	*5
			Approximately 1,500' upstream of confluence with Hudson River.	*18
			Approximately 4,650' downstream of dam	*79
			Upstream of dam	*127
			Upstream of Albany Turnpike	*169
			Approximately 5,000 feet upstream second dam	*199
			Approximately 1,660' downstream of Pleasant Hill Road.	*221
			Upstream of New York State Thruway	*236
			Approximately 1,740' downstream of Otterkill Road	*241
			Otterkill Road (downstream side)	*244
			Approximately 500 feet upstream Conrail	*252
			Approximately 5,800' upstream Conrail	*261
			Upstream corporate limits	*284
		Woodbury Creek	Confluence with Moodna Creek	*235
			Star Drive (upstream side)	*262
			Approximately 5,000' upstream Star Drive	*278
			Upstream Corporate Limits	*286
		Idlewild Creek	Confluence with Moodna Creek	*10
			Academy Avenue (upstream side)	*153
			Main Street (upstream side) (upstream crossing)	*252
			Approximately 3,020' upstream of Main Street (upstream crossing).	*287
		Hudson River	Entire shoreline within community	*8

Maps available for inspection at the Office of the Town Clerk and at the Public Library, Cornwall, New York.
Send comments to Honorable Charles F. Winchell, Deputy Supervisor of Cornwall, Town Hall, 183 Main Street, Cornwall, New York 12518.

New York	Crawford, town, Orange County	Shawangunk Kill	Downstream corporate limits	*292
			Upstream of Hardenburg Road	*316
			Upstream of dam	*331
			Upstream of dam at Crawford Road	*356
			Upstream of County Route 48	*380
			Upstream of Petticoate Lane	*404
			Upstream corporate limits	*420

Maps available for inspection at the Town Hall, Crawford, New York.
Send comments to Honorable Graham Jamison, Supervisor of Crawford, Box 7, Pine Bush, New York 12566.

New York	Gardiner, town, Ulster County	Wallkill River	Downstream corporate limits	*196
			Confluence of Shawangunk Kill	*204
			Upstream corporate limits	*213
		Shawangunk Kill	Confluence with Wallkill River	*204
			Downstream of Albany Post Road	*207
			Approximately 700' upsteam of Albany Post Road	*2113

Maps available for inspection at the Office of the Town Clerk, Gardiner, New York.
Send comments to Honorable William Keeping, Supervisor of Gardiner, Minnewaska Trail, Gardiner, New York 12525.

New York	Shawangunk, town, Ulster County	Shawangunk Kill	Confluence of Dwaar Kill West	*290

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Hardenburg Road	*316
			Upstream of Johns Estate Drive	*328
			Corporate limits	*352
		Verkeerder Kill	Confluence with Shawangunk Kill	*338
			Downstream of Ulsterville Road	*387
			Downstream of State Route 52	*413
			Approximately 6,300' upstream of State Route 52	*436
		Dwaar Kill West	Confluence with Shawangunk Kill	*290
			Upstream of Red Mills Road	*314
			Upstream of New Prospect Road/County Route 7	*348
			Upstream of Awosting Road	*400
		Wallkill River	Downstream corporate limits	*211
			Confluence of Dwaar Kill East	*234
			Upstream corporate limits	*262
		Dwaar Kill East	Confluence with Wallkill River	*234
			Upstream of Mud Tavern Road	*255
			Downstream of Bruyn Trunpike/County Route 18	*267
			Corporate limits	*312

Maps available for inspection at the Town Hall, Central Avenue, Wallkill, New York.
Send comments to Honorable Charles Flyn, Supervisor of Shawangunk, Town Hall, Central Avenue, Wallkill, New York 12589.

North Dakota	Spiritwood Lake City (city), Stutsman County	Spiritwood Lake	Along shoreline at East Lake County Road	*1450

Maps available for inspection at Fish & Game Headquarters, Spiritwood Lake City, North Dakota.
Send commendts to the Honorable Jean Brady, Route 1, Jamestown, North Dakota 58401.

Oklahoma	City of Seminole, Seminole County	Wewoka Creek	Just upstream of Harvey Road	*855
			Just upstream of Ideal Street	*865
		Carter Creek	Just upstream of Strotter Avenue	*861
			Just upstream of State Highway 9	*878
		Tributary No. 1 of Carter Creek	Just upstream of U.S. Highway 270	*860
		Tributary No. 2 of Carter Creek	Just approximately 100 feet from the corporate limits	*872
		Tributary No. 3 of Carter Creek	Just upstream of Harvey Road	*897
		Magnolia Creek	Just upstream of Strotter Avenue	*850
			Just upstream of State Highway 99	*868
		Tributary No. 1 of Magnolia Creek	Just upstream of State Highway 9	*875
			Just upstream of State Highway 99	*898
		Tributary No. 2 of Magnolia Creek	Just upstream of unnamed road	*877
		Tributary No. 3 of Magnolia Creek	Just upstream of Ideal Street	*886
		Tributary No. 1 of Tributary No. 3 of Magnolia Creek.	Just upstream of Good Hope	*907

Maps available for inspection at Department of Planning and Community Development, City Hall, Main and Evans Streets, Seminole, Oklahoma 74868.
Send comments to Mayor Gene Price or Mr. David Harris, City Manager, City Hall, P.O. Box 1218, Seminole, Oklahoma 74868.

Ohio	(C) Cincinnati, Hamilton County	Ohio River	Just upstream of confluence of Muddy Creek	*493
			About 2.0 miles upstream of confluence of Little Miami River.	*502
		Little Miami River	Within community	*502
		Muddy Creek	Within community	*493
		Mill Creek	Just upstream of confluence of Ohio River	*497
			Just downstream of Barrier Dam (near Eighth Street)	*497
			Just upstream of Barrier Dam (near Eighth Street)	*481
			Just downstream of Old Ludlow Avenue	*491
		East Fork Mill Creek	At confluence of West Fork Mill Creek	*526
			At upstream corporate limits	*540
		West Fork Mill Creek	At confluence of Mill Creek	*495
			About 450 feet upstream of Powers Street	*493
			Just upstream of Southbound Beekman Avenue (near Colerain Avenue).	*506
			Just downstream of West Fork Road	*522
			At confluence of McFarland Creek	*565
		Clough Creek	At confluence of Little Miami River	*501
			About 1.75 miles upstream of Beechmont Avenue	*553
		Duck Creek	At confluence of Little Miami River	*501
			Just upstream of Conrail (about 0.8 mile upstream of Wooster Road).	*505
			Just downstream of Red Bank Road	*517
			Just upstream of Chessie System	*537
			About 450 feet downstream of Duck Creek Road	*548
		Congress Run	At confluence of Mill Creek	*526
			About 100 feet upstream of Ridgeway Avenue	*533
			About 620 feet downstream of Ridgeview Drive	*587
			About 100 feet upstream of Ridgeview Drive (at corporate limits).	*622

Maps available for inspection at the Division of Engineering, City Hall, 801 Plum Street, Cincinnati, Ohio.
Send comments to Honorable David Mann, Mayor, City of Cincinnati, City Hall, 801 Plum Street, Cincinnati, Ohio 45202.

Pennsylvania	Lewis, township, Lycoming County	Lycoming Creek	Downstream corporate limits	*618
			Township Route 506 (upstream)	*631
			Confluence of Daugherty Run	*641
			Confluence of Wolf Run	*658
			Confluence of Trout Run	*672
			Approximately 5,000' upstream confluence of Trout Run.	*684
			Abandoned Railroad Bridge (upstream) first crossing	*691
			Township Route 840 (upstream)	*714

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence of Grays Run	*717
			Star Route 943 (Township Route 467) (downstream)	*730
			Abandoned railroad Bridge (upstream) fourth crossing	*740
			Legislative Route 41051 (upstream)	*764
			Approximately 4,750' upstream Legislative Route 41050.	*772
			Upstream corporate limits	*786
		Daugherty Run	Confluence with Lycoming Creek	*641
			Township Route 506 bridge ruins (downstream)	*655
			Approximately 650' upstream Township Route 506 bridge ruins.	*[illegible]
		Wolf Run	Confluence with Lycoming Creek	*[illegible]
			U.S. Route 15 (upstream)	*679
			Approximately 950' upstream U.S. Route 15	*692
		Trout Run	Confluence with Lycoming Creek	*672
			Township Route 836 (upstream)	*[illegible]
			U.S. Route 15 (upstream)	*717
		Grays Run	Confluence with Lycoming Creek	*717
			State Route 14 (upstream)	*723
			Private Bridge (upstream)	*752
		Shoemaker Run	Confluence with Lycoming Creek	*737
			Township Route 856 (upstream)	*740
			Approximately 1,830' upstream Township Route 856 bridge.	*814

Maps available for inspection at the residence of Ms. Grace Wettlaufer, Chairperson of the Lewis Planning Commission, Bodines, Pennsylvania.

Send comments to Honorable Indie Snyder, Chairman of the Lewis Board of Supervisors, Star Route, Trout Run, Pennsylvania 17771.

Tennessee	Town of Jonesboro, Washington County	Little Limestone Creek	Just downstream of 3rd Avenue	*1680
			Just downstream of North Cherokee Street	*1685
			Just upstream of City Street	*1742
		Tributary to Little Limestone Creek	Approximately 485 feet upstream of Sabine Lane	*1694
			Just downstream of Bugabee Spring Road	*1719

Maps available for inspection at Town Hall, Boone Street, Jonesboro, Tennessee 37659.

Send comments to Mayor Jimmy Neal Smith or Mr. Robert Browning, Town Administrator, Town Hall, Boone Street, Jonesboro, Tennessee 37659.

Tennessee	Unincorporated areas of Sullivan County	Horse Creek	Just upstream of County Road	*1195
			Just upstream of State Highway 93	*1209
			Just upstream of County Road (Rock Springs)	*1229
		Kendrick Creek	Just downstream of Rock Springs Road	*1232
			Just downstream of Summerville Pike	*1309
			Just downstream of Moreland Drive	*1309
			Just upstream of Kendrick Creek Road	*1327
			Just upstream of Interstate Highway 81	*1461
		Reedy Creek	Just upstream of Anderson Bridge (Bancroft Chapel Road).	*1248
			Just upstream of U.S. Highway 11W (State Highway 1)	*1262
			Just downstream of County Road (Barger Hollow Road).	*1406
			Just upstream of State Highway 37	*1613
			Just downstream of U.S. Highway 11	*1664
		Fall Creek	Just upstream of Toy Holt Road	*1327
			Just downstream of County Road (Green Road)	*1449
		Beaver Creek	Just upstream of Mill Pace Dam	*1406
			Just downstream of U.S. Highway 11E, 19, and 411 (Andrew Johnson Highway).	*1442
			Just upstream of speedway entrance Road	*1447
		Back Creek	Just approximately .04 mile to the limit of detailed study.	*1448
		Whitetop Creek	Just approximately .02 mile to limit of detailed study	*1460
		North Fork Holston Creek	Just upstream of Carters Valley Road	*1204
		South Fork Holston River	Just upstream of State Highway 93 (John B. Dennis Bypass).	*1197
			Just upstream of U.S. Highway 13	*1207
		South Fork Holston River Sluice	Just upstream of Wilcox Drive	*1187
			Just upstream of Eastman Drive	*1192

Maps available for inspection at Sullivan County Courthouse, Main Street, Blountville, Tennessee 37617.

Send comments to Judge Lor V. Boyd or Mr. Ralph Harr, Judge Pro Tem, Sullivan County Courthouse, P.O. Box 96, Main Street, Blountville, Tennessee 37617.

Tennessee	Unincorporated areas of Washington County	Cobb Creek	Just downstream of Austin Spring Road (MO. 23)	*1424
			Just upstream of Austin Spring Road (MO. 23)	*1425
			Just downstream of Austin Spring Road (MI. 14)	*1479
		Knob Creek	Just downstream of the sewage treatment plant	*1421
			Just downstream of city street	*1455
			Just upstream of city street	*1457
		Cedar Creek	Just downstream of U.S. Highway 23	*1360
			Just upstream of U.S. Highway 23	*1367
			Just downstream of County Road (MI. 61)	*1419
			Just upstream of County Road (MI. 61)	*1423
		Sinking Creek	Just downstream of David Miller Rd	*1805
			Just upstream of David Miller Rd	*1807
			Just upstream of Sinking Creek Rd	*1810
		Brush Creek	Just downstream of Watauga Road	*1425
			Just upstream of Watauga Road	*1429
			Just downstream of Mill Dam	*1471
			Just upstream of Mill Dam	*1476
			Just downstream of Dalewood Drive	*1507

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Boones Creek	Just upstream of Dalewood Drive	*1510
			Just downstream of County Road	*1421
			Just downstream of U.S. Highway 23	*1454
			Just downstream of State Highway 137 Southbound Ramp.	*1520
		Little Limestone Creek	Just downstream of David Crockett School Road	*1625
			Just upstream of David Crockett School Road	*1627
			Just downstream of unnamed subdivision road	*1630
			Just upstream of unnamed subdivision road	*1632
			Just downstream of U.S. Highway 34	*1647
			Just upstream of U.S. Highway 34	*1651

Maps available for inspection at State Planning Office, Boone Street, Jonesboro, Tennessee 37601.

Send comments to Mr. Robert Good, Washington County Executive, County Courthouse, P.O. Box 216, Jonesboro, Tennessee 37659.

Texas	City of Canyon, Randall County	Palo Duro Creek	Just downstream of Hunsley Hills Boulevard	*3501
			Just upstream of Jynteewood Drive	*3506
		Prairie Dog Town Fork of Red River (Tierra Blanca Creek).	Just upstream of State Highway 217	*3494

Maps available for inspection at City Hall, 301 Sixteenth Street, Canyon, Texas 79015.

Send comments to Mayor Philip R. Langen, or Glen R. Metcalf, City Manager, City Hall, 301 Sixteenth Street, Canyon, Texas 79015.

Texas	City of Grapevine, Tarrant and Dallas Counties	Bear Creek	Just upstream of Euless Grapevine Road	*537
			Just upstream of West Frontage Road (Highway 121)	*549
			Just upstream of Pool Road	*568
		Tributary BB–1	Just upstream of Glade Road	*525
		Tributary BB–2	Just downstream of Trigg Road	*548
		Tributary BB–3	At stream distance 1,500 feet from mouth	*540
		Tributary BB–5	Just upstream of Creekwood Drive	*564
		Denton Creek	At unnamed road	*473
			Just downstream of Grapevine Dam	*475
		Cottonwood Creek	Just upstream of Bethel Road	*532
			Just downstream of Wall Street	*556

Maps available for inspection at City Hall, Grapevine, Texas 76051.

Send comments to Mayor William D. Tate, or James L. Hancock, City Manager, City Hall, P.O. Drawer 1547, Grapevine, Texas 76051.

Texas	City of Keller, Tarrant County	Little Bear Creek	Just upstream of East corporate limits	*561
		Tributary LB–3	Approximately 660 feet upstream of confluence with Little Bear Creek.	*569
		Bear Creek	Approximately 200 feet upstream of east corporate limits.	*606
			Approximately 300 feet upstream of Keller Smithfield Road.	*646
			Just upstream of Whitley Road	*679
			Just upstream of State Highway 377	*683
		Tributary BB–9	Approximately 300 feet upstream of FM 1938	*618
		Tributary BB–10	Just downstream of Dana Drive	*668
		Tributary BB–11	Just downstream of J. T. Ohinger Road	*680
		Tributary BB–12	Just downstream of Pate Orr Drive	*661

Maps available for inspection at City Hall, Keller, Texas 76248.

Send comments to Mayor Bruce Lee, or John Barrett, City Administrator, City Hall, P.O. Box 770, Keller, Texas 76248.

Texas	Village of Lake Tanglewood, Randall County	Prairie Dog Town Fork Red River	At county road	*3394

Maps available for inspection at Village Hall, Lake Tanglewood, Texas 79101.

Send comments to Mayor Leo Forrest, or Mr. L. E. Vandoran, Chief Building Officer, Village Hall, Route 2, P.O. Box 44A12, Amarillo, Texas 79101.

Texas	City of Point Comfort, Calhoun County	Lavaca Bay	Along the shore line	*18

Maps available for inspection at City Hall, 106 Jones Street, Point Comfort, Texas 77978.

Send comments to the Mayor A. Rambikur or Mr. Rey Herrera, City Councilman, City Hall, P.O. Box 399, Point Comfort, Texas 77978.

Texas	Unincorporated areas of Randall County	Prairie Dog Town Fork of Red River.	Just upstream of Wildwood Drive	*3417
		Tierra Blanca Creek	Just upstream of FM 1541	*3443
			Just upstream of Hunsly Road	*3484
			Just upstream of State Highway 217	*3494
			Just upstream of U.S. Highway 87	*3501
			Just upstream of FM 2590 (8th St.)	*3516
		Palo Doro Creek	Just downstream of Topeka & Santa Fe Railway	*3488
			Just upstream of U.S. Highways 60 and 87	*3485
		Spring Draw	Just upstream of U.S. Highways 60 and 87 and Interstate 27.	*3511

Maps available for inspection at Randall County Judge's Office, Randall County Courthouse, Canyon, Texas 79015.

Send comments to the Judge Charles Purcell, Randall County Courthouse or Mr. Herb Hilliard, Randall County Road Superintendent, 100 Sixteenth Street, Canyon, Texas 79015.

Virginia	Leesburg, town, Loundoun County	Tuscarora Creek	Downstream corporate limits	*273
			State Route 643 (Sycolin Road) (upstream)	*296
			Harrison Street (upstream)	*302
			State Route 621 (Evergreen Mill Road) (upstream)	*312
		Town Branch	U.S. Business Route 15 (King Street (upstream)	*324
			Confluence with Tuscarora Creek	*302
			Catoctin Circle (upstream)	*304
			U.S. Business Route 15 (King Street) (upstream)	*319

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1,950 feet upstream from U.S. Business Route 15 (King Street).	*337

Maps available for inspection at the Town Hall, Leesburg, Virginia.
Send comments to the Honorable Kenneth Rollins, Mayor of Leesburg, P.O. Box 88, Leesburg, Virginia 22075.

West Virginia	Follansbee, city, Brooke County	Ohio River	Downstream corporate limits	*668
			Upstream corporate limits	*669

Maps available for inspection at the City Building, Follansbee, West Virginia.
Send comments to Honorable Adam Dallesio, Mayor of Follansbee, City Building, P.O. Box X, Follansbee, West Virginia 26037.

Wisconsin	(Uninc.) Washington County	Cedar Creek	At downtown county boundary	*839
			Just upstream of Sherman Road (upstream of Chicago and North Western Railroad).	*849
			Just downstream of State Highway 60 (about 700 feet upstream of Mill Road.	*890
			Just upstream of State Highway 60 (about 700 feet upstream of Mill Road).	*899
			Just downstream of Cedar Creek Road (downstream of Schweitzer Dam).	*952
			Just upstream of Cedar Creek Road (downstream of Schweitzer Dam).	*960
			Just downstream of County Highway C	*983
			Just upstream of County Highway C	*1001
			Just downstream of Cedar Creek Road (upstream of Schweitzer Dam).	*1011
			Just upstream of Cedar Creek Road (upstream of Schweitzer Dam).	*1018
			Just downstream of Hillside Road	*1019
			Just upstream of Hillside Road	*1025
			Just downstream of outlet to Cedar Lake	*1033
		Milwaukee River	About 0.8 mile downstream of County Highway A (at county boundary).	*809
			About 1.4 miles upstream of County Highway A (at county boundary).	*807
			About 2.7 miles downstream of State Highway 33	*849
			Just downstream of Wooden Mill Dam	*876
			Just upstream of Wooden Mill Dam	*884
			About 0.6 mile upstream of Wooden Mill Dam	*884
			About 0.5 mile downstream of Woodford Drive	*913
			About 2.75 miles upstream of County Highway H	*936
			About 1,000 feet upstream of confluence of West Branch Milwaukee River.	*943
		West Branch Milwaukee River	At confluence with Milwaukee River	*942
			Just upsteam of U.S. Highway 45	*945
			About 0.25 miles upstream of U.S. Highway 45 (at county boundary).	*947
		Little Cedar Creek	At confluence with Cedar Creek	*847
			About 200 feet downstream of Old U.S. Highway 45	*860
			Just downstream of Mayfield Road	*908
		Bonniwell Creek	Just upstream of Old U.S. Highway 45	*860
			Just downstream of U.S. Highway 41	*863
		Springside Creek	About 0.2 mile upstream of confluence with Cedar Creek.	*860
			Just upstream of U.S. Highway 45 Northbound	*902
			Just downstream of U.S. Highway 45 Southbound	*913
		Hasmer Creek	At confluence with Cedar Creek	*850
			About 0.6 mile upstream of confluence with Cedar Creek.	*864
			Just downstream of U.S. Highway 45	*872
			Just upstream of U.S. Highway 45	*878
			About 0.3 mile upstream of U.S. Highway 45	*898
		Jackson Creek	At confluence with Cedar Creek	*844
			About 0.6 mile upstream of confluence with Cedar Creek.	*860
		Bark River	Just upstream of County Highway Q	*969
			About 0.67 mile upstream of Bark Lake Road	*978
			Just downstream of St. Hubertus Drive	*1007
			Just upstream of St. Hubertus Drive	*1015
			About 0.25 mile upstream of Scenic Road	*1018
		Marsh Creek	At confluence with Bark River	*970
			About 0.5 mile upstream of confluence with Bark River	*972
		Scenic Brook	At confluence with Bark River	*975
			About 1.15 miles upstream of confluence with Bark River.	*982
		Amy Bell Creek	At confluence with Bark River	*975
			About 0.6 mile upstream of confluence with Bark River	*975
		Hubertus Ditch No. 1	At confluence with Bark River	*976
			Just upstream of Hubertus Road	*983
		Hubertus Ditch No. 2	At confluence with Bark River	*976
			About 0.7 mile upstream of confluence with Bark River	*977
		Ashippun River	About 1.55 miles downstream of County Highway 0 (at county boundary).	*955
			About 0.9 mile upstream of County Highway E	*991
		Rubicon River	About 0.65 mile downstream of Treatment Plant Road	*952
			Just downstream of Wacker Drive	*960

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.4 miles downstream of Hillside Drive (downstream of Pike Lake).	*988
			Just downstream of Hillside Drive (upstream of Pike Lake).	*1024
		Oconomowoc River	Just upstream of County Line Road	*934
			About 1300 feet downstream of St. Augustine Road	*936
			Just upstream of St. Augustine Road	*948
			About 500 feet downstream of County Highway J	*963
		Stony Creek	Just upstream of County Highway J	*966
			Just upstream of State Highway 64	*830
			Just downstream of Bolton Drive	*864
			Just upstream of Boltonville Dam	*874
			Just downstream of North Paradise Road	*902
		Bolton Brook	At confluence with Stony Creek	*839
			Just downstream of Boltonville Road	*881
		Silver Creek	Just downstream of Pick Dam	*976
			Just upstream of Pick Dam	*984
			Just downstream of Lucas Lake Outlet Dam	*987
			Just upstream of Lucas Lake Outlet Dam	*996
			About 1.0 mile upstream of Paradise Road	*1000
		Washington Creek	At confluence with Silver Creek	*978
			About 0.44 mile upstream of confluence with Silver Creek	*986
		East Branch Rock River	Just upstream of Soo Line Railroad	*947
			Just downstream of Hillcrest Drive	*963
		Quas Creek	At confluence with Milwaukee River	*871
			Just upstream of County Highway G	*893
			About 1.35 miles upstream of U.S. Highway 45	*981
		Myra Creek	Just downstream of County Highway I	*862
			Just upstream of County Highway I	*868
			Just downstream of Tuscola Lane	*873
			Just upstream of Tuscola Avenue	*878
			About 2000 feet upstream of Knollwood Drive	*921
		Wingate Creek	About 375 feet downstream of State Highway 33	*870
			Just downstream of Creek Drive	*890
		North Branch Milwaukee River	Just upstream of Riverside Drive (at county boundary)	*801
			About 1.57 miles upstream of Jay Drive (at county boundary).	*809
		Kohlsville River	Just upstream of Beechnut Drive	*954
			Just downstream of Main Street	*972
			About 100 feet upstream of Main Street	*981
			Just downstream of County Highway D	*993
		Kohlsville River (park route)	At confluence with Kohlsville River	*959
			Just downstream of Park Dam	*966
			Just upstream of Park Dam	*981
			At County Highway W	*982
		Kewaskum Creek	Just downstream of County Highway H	*937
			About 0.2 mile upstream of confluence of Kettleview Creek.	*941
		Kettleview Creek	At confluence with Kewaskum Creek	*939
			About 0.77 mile upstream of confluence with Kewaskum Creek.	*944
		Lake Five	At shoreline	*976
		Wallace Lake	At shoreline	*900
		Green Lake	At shoreline	*869
		Cedar Lake	At shoreline	*1034
		Gilbert Lake	At shoreline	*1034
		Coney River	At confluence with Oconomowoc River	*968
			Just downstream of Pleasant Hill Road	*982
			Just upstream of Pleasant Hill Road	*987
			Just downstream of County Highway J	*1012
			Just upstream of County Highway J	*1019
			Just downstream of County Highway E	*1037
		Putter Creek	At confluence with Coney River	*1006
			About 0.5 mile upstream of confluence with Coney River.	*1007
		Cedarburg Creek	At confluence with Cedar Creek	*842
			About 0.7 mile upstream of State Highway 60	*861
		Deer Creek	At confluence with North Branch Cedar Creek	*842
			Just downstream of South Church Street	*857
		North Branch Cedar Creek	At confluence with Cedar Creek	*842
			Just downstream of Washington Drive	*847
		North Branch Menomonee River	About 1,000 feet downstream of State Highway 145	*894
			About 0.6 mile upstream of State Highway 145	*901

Maps available for inspection at the County Zoning Administrator's Office, 515 East Washington, West Bend, Wisconsin.
Send comments to Honorable Rubin Schmahl, County Board Chairman, Washington County, 432 East Washington, West Bend, Wisconsin 53095.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19967; and delegation of authority to the Associate Director)

Issued: December 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1580 Filed 1-22-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-4; RM-3974]

FM Broadcast Station in Sisseton, S. Dak.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposed the assignment of Class C Channel 275, or in the alternative, Channel 257A, to Sisseton, South Dakota, in response to a petition filed by Lake Region News Corporation. The proposed assignment could provide for a first local FM broadcast service to Sisseton.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sisseton, South Dakota).

Notice of Proposed Rule Making

Adopted: January 11, 1982.

Released: January 14, 1982.[1]

1. The Commission herein considers a petition for rule making, filed by Lake Region News Corporation ("petitioner"), which seeks the assignment of Class C Channel 275 [2] to Sisseton, South Dakota. The proposed assignment could provide a first FM service to that community. Petitioner failed to state that it would apply for the channel, if assigned. It is requested to do so in comments to this proposal. No oppositions to the proposal were received.

2. Sisseton (population 2,789),[3] seat of Roberts County (population 10,911), is located in the northeast corner of South Dakota, approximately 240 kilometers (150 miles) north of Sioux Falls. It is without local broadcast service.

3. Petitioner states that Sisseton serves as the hub of commerce and recreation for the surrounding rural communities. Its economy is based primarily on agriculture, which includes agricultural support industries and agricultural machinery. The area is said to have an abundant supply of energy due to a large concentration of lignite coal. According to the petitioner, there is anticipation that these factors combined with the attractive lifestyle offered by the region, will attract new industry to the area. Petitioner suggests that adoption of the proposed assignment would be a positive step in the implementation of the Commission's current policy which is designed to encourage the development of communications systems in the rural areas.

4. The study submitted by the petitioner shows that preclusion will occur on Channels 265A, 266, 267, 268 and 269A, as a result of the proposed assignment. In comments to this proposal, petitioner is requested to submit a list of communities over 1,000 population without local aural service precluded by the assignment of Channel 275 to Sisseton. In addition it should indicate whether alternate channels are available for assignment to these communities.

5. Our established policy is to reserve Class C channels for larger urban areas. However, a departure from this policy is warranted when the Class C proposal could provide a significant amount of first and second service to surrounding area and population, or when the assignment of a Class C channel would enable a large sparsely populated area to be served. In consideration of this aspect of the proposal and our current policy, petitioner should submit a *Roanoke Rapids/Anamosa* study indicating first and second service to be provided by the Class C assignment. In the absence of such a showing we are proposing, as an alternative, assignment of Channel 257A to Sisseton, which we believe to be generally more appropriate for a community of its size.

6. Since Sisseton is located within 402 kilometers (250 miles) of the United States-Canadian border, the proposed assignment of Channel 257A or Channel 275 to Sisseton, South Dakota, requires coordination with the Canadian Government.

7. Accordingly, we propose the following alternate revisions in the FM Table of Assignments (§ 73.202(b) of the Rules) with respect to the community listed below.

City	Channel No.	
	Present	Proposed
ALTERNATE I		
Sisseton, South Dakota	.....	257A
ALTERNATE II		
Sisseton, South Dakota	.....	275

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Martin Blumenthal

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, It

[1] Public Notice of the petition was given on September 21, 1981, Report No. 1309.

[2] The petition as filed requested Channel 268. That proposal conflicted with the proposal to assign Channel 268 to Ortonville, Minnesota (RM-3882). Therefore petitioner agreed to amend its petition to specify Channel 275.

[3] Population figures are taken from the 1980 U.S. Census.

is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advaned in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-1748 Filed 1-22-82; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 82-5; RM-3925]

FM Broadcast Station in Waipahu and Honolulu, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action solicits comments on the proposal to reassign FM Channel 222 from Waipahu, Oahu, Hawaii, to Honolulu, Oahu, Hawaii, and the modification of license of Station KULA(FM), Waipahu, to reflect that reassignment, in response to a petition filed by Heftel Broadcasting Corporation.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of 73.202(b), Table of Assignments, FM Broadcast Stations. (Waipahu and Honolulu, Hawaii).

Notice of Proposed Rule Making

Adopted: January 11, 1982.

Released: January 15, 1982.

1. Presently before the Commission is the petition [1] filed by Heftel Broadcasting Corporation ("Heftel"), licensee of KULA(FM), Channel 222, Waipahu, Hawaii, seeking the reallocation of Channel 222 to Honolulu and modification of the license of KULA(FM) to specify Honolulu rather than Waipahu.[2] Opposition to the petition was submitted by Island Communications, Inc. ("Island"), licensee of KMAI(FM) and KIKI(AM), Honolulu. Heftel has filed a reply to the opposition.

2. Heftel states that while Waipahu may have been "sociologically separate" from Honolulu when Channel 222 was allocated in 1963, "the dramatic changes in the Hawaiian Islands since 1963 have today made Waipahu an integral part of Honolulu." Thus, Heftel claims, Waipahu no longer has the characteristics of a community deserving of its own FM allocation. Heftel bases its conclusion on the holding in *Seven Locks Broadcasting Company*, 22 R.R. 967 (1962). In that case, the Commission stated, at 970, that for assignment purposes, a place must be a particular city, town, political subdivision or community, which we described as "an identifiable population grouping separate and distinct from all others," with geographic boundaries which do not "enclose or contain areas or populations more logically identified as, or associated with, some other location." [3]

3. Heftel states that for political and legal purposes, Waipahu is a part of the City and County of Honolulu. Additionally, Heftel asserts that although Waipahu contains cultural and social groupings, "it does not provide sufficient local services or contain a sufficient number of the other indicia of a community to be considered separate from Honolulu." Waipahu, Heftel asserts, has no hospital, no local newspaper, "only a half dozen community groups," and no "Welcome Wagons" or similar entities. Heftel claims that in the years since the Commission assigned Channel 222 to Waipahu, the area has changed from a sugar plantation town separate from Honolulu to a "bedroom" annex of downtown Honolulu. All governmental services are provided by the City and County of Honolulu.

4. Heftel notes that KULA(FM) currently provides city-grade coverage to the entire island of Oahu, which is conterminous with the City and County of Honolulu. Thus, should the Commission modify KULA(FM)'s license to specify Honolulu, the station would be in conformance with minimum

---

[1] Public Notice of the filing of the petition was given on July 8, 1981, Report No. 1298.

[2] Heftel is also the licensee of AM broadcast Station KSSK, Honolulu.

[3] The Commission later determined that this standard imposed "too stringent a burden of proof upon the applicants" in that case, particularly in view of the nature of the suburban areas being claimed as communities. *Seven Locks Broadcasting Co.*, 37 FCC 82, 83 (1964).

coverage requirements. Additionally, Heftel states, the station maintains an auxiliary studio in downtown Honolulu which could be upgraded to main studio status if the petition is granted.[4]

5. In response to Heftel's petition, Island argues that Honolulu is "one of the most 'over-radioed' markets in the United States," with "one reported home station for every 30,000 man, woman and child 12 years of age or older." Honolulu radio stations, Island states, "have regularly lost a great deal of money," and Honolulu cannot support additional stations. Island asserts that Heftel's argument that there are no separate cities on Oahu suggests that all of the Oahu stations licensed to other communities should be reassigned. Island states that such action would increase by 20 percent the number of stations assigned to "over-radioed" Honolulu.

6. Island claims that Waipahu is an area with its own heritage which retains its own identity and has its own economic base. Waipahu, Island states, "is recognized as an identifiable entity by the United States Postal Service and by this Commission, not only in the assignment to it of radio stations, but also by the placement there of a monitoring station." Further, Island asserts that "because of rough terrain, FM stations from Honolulu are not well received in Waipahu." Thus, reassignment of Channel 222 would deprive Waipahu residents of "the only FM station that is assigned to meet its local needs."

7. In reply, Heftel asserts that the claim that Honolulu is "over-radioed" does not respond to its argument that there are no governmental, cultural and geographic distinctions between Waipahu and Honolulu. Financial performance of stations in the market is not an allocation criterion, Heftel states, and further, the Commission has never defined any market as "over-radioed" or "under-radioed." In any case, Heftel observes, KULA(FM)'s signal presently covers all of Oahu and all Oahu stations seek revenues from the same sources. Thus, reallocation would not introduce additional competition into the market. The fact that Waipahu has its own zip code is, Heftel claims, of no moment, as there are "many zip codes and post offices for various locations throughout Honolulu." As to the FCC monitoring station, Heftel comments that this no more suggests that Waipahu is a distinct community than would a monitoring station in Manhattan suggest that it is a separate city of license from New York City.

Discussion

8. The test of whether a specific locality is a community for assignment purposes "is a liberal one and encompasses consideration of the totality of the circumstances." *Teche Broadcasting Corp.*, 52 FCC 2d 970, 973 (Rev. Bd., 1975). The question is generally whether the residents function and conceive of themselves as residents of a community around which their interests coalesce. *North Naples and Immokalee, Florida*, 41 R.R. 2d 1549 (Broadcast Bur., 1977). Thus, the word "community" refers to "a community of interests associated with an identifiable population grouping." *Yorktown, Virginia*, 38 FR 6695, released March 12, 1973 (*Notice*). There is no need for the community to be incorporated and boundaries need not be specifically known. *Holiday, Florida*, 40 FR 29393, released July 2, 1975 (*Notice*).[5]

9. Therefore, that Waipahu is not a politically or legally separate entity is not dispositive of whether it is a "community" within the meaning of the Commission's Rules. Heftel notes in its comments that the City and County of Honolulu was established by the Hawaii legislature in 1907. The entire island of Oahu is conterminous with this governmental entity. While it is indeed possible that Waipahu can, within this governmental structure, be viewed as having become a "neighborhood" of Honolulu rather than a community in its own right, it is also possible that the area might appropriately be viewed as being largely similar in character to an independent unincorporated community within a given county, with government-related services provided by the county.

10. In the ascertainment of community needs submitted as part of its 1979 application to obtain the assignment of license of KULA(FM), Heftel described Waipahu as "an adjacent suburb to Honolulu." Community leaders interviewed included members of the Waipahu Community Association, Waipahu Recreational Advisory Council, Waipahu Business Association, Waipahu Women's Association, Friends of Waipahu Cultural Park, Waipahu Health Center, Waipahu Ward of the L.D.S. Church, Waipahu Elementary School, Waipahu Intermediate School, Leeward Community College, Waipahu Baseball Club, and Waipahu Filipino Association. While, with the decline of the sugar industry, there may well now be no major industry in Waipahu, and its residents may work in all parts of Oahu, the ascertainment does suggest that the place was then a "community" for assignment purposes, with its own particular needs. We solicit comment from Heftel and any other interested parties on the significance which might appropriately be attached to the existence of the broad variety of Waipahu area organizations enumerated above, and the importance which attaches to the apparently particularized community needs identified in the ascertainment survey. Additionally, we request information as to whether the service boundaries of various schools and the community college, as well as the State of Hawaii planning boundaries, are so intertwined with the area in which the above-referenced organizations exist as to have significance for assignment purposes.

11. The Commission is of the view, however, that for assignment purposes no significance attaches to Island's claim that Honolulu is "overradioed," or that the Commission's reassignment of Channel 222 to Honolulu might ultimately lead to the similar reassignment of other Oahu stations. Economic impact is generally not a factor considered in assignment proceedings. Even assuming, however, that such data might appropriately be considered, it appears that there would be little or no economic impact from the requested reassignment. KULA(FM)'s signal already covers all of Oahu, no change in the transmitter site is proposed, and the entire area apparently serves as the station's revenue base. The existence of a post office at Waipahu is not, of itself, a determinative factor, and the fact that the Commission has a monitoring station at Waipahu has no importance in the instant matter.

12. While the Commission does not believe, based on the information at hand, that we are able to make a final determination as to Waipahu's community status, we believe it appropriate to further investigate the matter through the solicitation of comments. Thus, we shall propose to reassign Channel 222 from Waipahu to Honolulu.

13. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the following communities:

[4] Although Heftel requests that the Commission issue a "show cause" order directing it to state why the KULA(FM) license should not be modified to specify Honolulu, such a procedure is unnecessary where a consenting licensee, such as Heftel, is petitioning for the modification.

[5] See, also, *Holiday and Dunedin, Florida*, 37 R.R. 2d 329 (Broadcast Bur., 1976) (*Report and Order*); *Declaratory Ruling Concerning the Meaning and Effect of 73.642(a)(3)*, 55 FCC 2d 187, 189 (1975).

City	Channel No.	
	Present	Proposed
Honolulu, Oahu, Hawaii	226, 230, 234, 238, and 248.	222, 226, 230, 234, 238 and 248.
Waipahu, Oahu, Hawaii	222	

14. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

15. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

16. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

17. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82–1752 Filed 1–22–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Parts 635, 650 and 658

[Docket Nos. 79–D, 80–G, and 80–M]

Maintenance of Effort, Project Management Guidelines and Section 5 Operating Assistance Requirements; Withdrawal of Notices of Proposed Rulemaking

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Withdrawal of notices of proposed rulemaking.

SUMMARY: This document withdraws three notices of proposed rulemaking (NPRM) that the Urban Mass Transportation Administration (UMTA) issued during the past three years. The statutory provision on which the Maintenance of Effort NPRM is based only applies to UMTA funds apportioned for use in fiscal years prior to October 1, 1981. Therefore, UMTA has determined that there is no need for a final rule for that provision. UMTA has reviewed the need for and burden of the other two NPRMs and has determined that the program material contained in the NPRMs can be more effectively provided in non-regulatory documents. Therefore, UMTA has decided to withdraw these two NPRMs and to issue non-regulatory policy guidance for each.

DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Gold, UCC–13, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590; Telephone: (202) 426–1906.

SUPPLEMENTARY INFORMATION: During the past three years, UMTA published the following NPRMs: (1) Maintenance of Effort, Docket 79–D (August 27, 1979; 44 FR 50067); (2) Project Management Guidelines, Docket 80–G (September 11, 1980; 45 FR 60306); and (3) Section 5

Operating Assistance Requirements, Docket 80–M (August 25, 1980; 45 FR 56742).

Pursuant to President Reagan's policy of reducing regulatory burdens and red tape, UMTA has reviewed each fo these NPRMs to determine if we should proceed with the rulemakings and prepare final rules. In each case, UMTA has determined that a final rule is unnecessary.

The rulemaking on Maintenance of Effort was undertaken to implement section 5(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(f)). Section 5(f) requires that State and local support and mass transportation non-farebox revenues be maintained for the provision of mass transportation services. This provision, however, only applies to UMTA funds apportioned in fiscal years prior to October 1, 1981. Since this statutory provision will apply to a dwindling number of areas as pre-fiscal year 1982 funds are expended, UMTA has decided that a final rule on Maintenance of Effort is not needed.

UMTA detailed application procedures and provided program guidance in the NPRM on Section 5 Operating Assistance Requirements. In the NPRM on Project Management Procedures for Grantees, UMTA proposed guidelines for grantees that would promote effective project management and ensure the prudent use of Federal and local funds in mass transit projects.

UMTA has reviewed each of these NPRMs and has determined that a regulation is unnecessary because the program material and guidance in these NPRMs can be more effectively provided to grantees in non-regulatory documents. These documents will permit increased flexibility and less Federal intrusion in local affairs.

In this same volume of the **Federal Register**, UMTA provides notice that the non-regulatory guidance material for the Section 5 Operating Assistance Program is available to the public. A summary of that material and the address to which the public should write to obtain a copy are also provided in that notice. UMTA is currently drafting the other non-regulatory guidance on Project Management Procedures for grantees and will publish it in the "Notice" section of the **Federal Register**.

Therefore, UMTA is providing notice that the following NPRMs are withdrawn and that the docket for each is closed:

1. Maintenance of Effort, Docket 79–D (August 27, 1979; 44 FR 50067);

2. Project Management Guidelines, Docket 80–G (September 11, 1980; 45 FR 60606);

3. Section 5 Operating Assistance Requirements, Docket 80–M (August 25, 1980; 45 FR 56742).

Issued on: January 19, 1982.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 82–1738 Filed 1–22–82; 8:45 am]

BILLING CODE 4910–57–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 417 and (Sub. 1)]

Costing Methodologies for the Northeast Corridor; Commuter Service and Conrail Freight Service

Cross Reference

For a notice announcing that proceedings originally issued as advance notices of proposed rulemaking (published at 46 FR 44999 and 45000, September 9, 1981) will now be continued as a notice of interim and proposed procedures, see FR Doc. 82–1730 in the Notices section of this issue. Refer to the table of contents for the appropriate page number.

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Canned Bartlett Pears From Australia; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on canned Bartlett pears from Australia. This review covers the four known exporters of this merchandise to the United States and the period October 3, 1978 through February 28, 1981. There were no shipments to the United States of this merchandise during the period and there are no known unliquidated entries.

As a result of the review, the Department preliminarily has decided to waive the requirement of a cash deposit of estimated dumping duties. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia H. McClenahan or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. (202–377–3986/2496).

SUPPLEMENTARY INFORMATION:

Background

On August 27, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 43223) the final results of its first administrative review of the antidumping finding on canned Bartlett pears from Australia (38 FR 7566, March 23, 1973) and announced its intent to conduct the next administrative review by the end of March, 1982.

As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted the latter administrative review.

Scope of the Review

Imports covered by this review are canned Bartlett pears, currently classifiable under item 148.8600 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all known exporters of the merchandise and the period October 3, 1978 through February 28, 1981. There were no shipments to the United States during the review period and there are no known unliquidated entries.

Preliminary Results of the Review

Because there were no shipments during this period and there have been no shipments since September, 1973, the Department shall waive requirements for a cash deposit, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of Australian canned Bartlett pears entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results.

Interested parties may submit written comments on or before February 24, 1982 and may request disclosure and/or a hearing on or before February 9, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

January 12, 1982.

[FR Doc. 82–1692 Filed 1–22–82; 8:45 am]
BILLING CODE 3510–25–M

High Power Microwave Amplifiers and Components Thereof From Japan; Extension of Time for Final Determination; Hearing Postponed

AGENCY: United States Department of Commerce.

ACTION: Extension of time and postponement of hearing.

SUMMARY: We have received a timely request for an extension of time for the final determination in the above captioned case. The effect of this request is to extend the time in which the Department of Commerce must make its final determination in this case to a date not later than May 17, 1982. The date for a public hearing has been postponed to April 7, 1982 to allow for analysis and verification of additional data being submitted by the respondent.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, Telephone: (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Extension of Time for Final Determination

On December 24, 1981, a preliminary affirmative determination of sales at less than fair value in the above captioned case was signed by the Deputy Assistant Secretary for Import Administration. Under section 735 of the Tariff Act of 1930 as amended ("the Act"), 19 USC 1673d, the Commerce Department's final determination would be due within 75 days from that date unless a request for extension of time were received from the exporter.

A timely request for extension of time and for postponement of the public hearing on the case was received on January 7, 1982. Under section 735 of the Act, the period for final determination is thereby extended until 135 days after the date of publication of the preliminary determination. The publication date was December 31, 1981 (46 FR 63364). Therefore, the final determination is postponed to not later than May 17, 1982.

Postponement of Hearing Date

A hearing was scheduled, as required by section 774 of the Act; the published date for the hearing was January 28, 1982. It is anticipated that responses to additional information that has been requested by this agency, as well additional verification data, will affect issues at the public hearing. Therefore, the hearing date will be postponed to April 7, 1982.

Public Comment

As described in 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. This hearing is scheduled to begin on April 7, 1982 at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

All notices of appearance must be submitted, February 16, 1982, to the Deputy Assistant Secretary for Import Administration, Room 3099b, at the above address. They should contain: (1) The party's name, address, and telephone number, (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by March 31, 1982. Oral presentations will be limited to the issues raised in the briefs.

Any written views should be filed in accordance with 19 CFR 353.46 at the above address, in at least ten copies, and before March 17, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-1696 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-25-M

Expanded Metal of Base Metal From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on expanded metal of base metal from Japan. The Department knows of twenty-five exporters of this merchandise to the United States. This review covers all exporters for the period January 1, 1980 through December 31, 1980. This review indicates the existance of dumping margins during the period for certain exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review.

Where company-supplied information was inadequate or non-existent, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or John Kugleman, Office of Compliance International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4273/5289).

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 29494-95) the final results of its first administrative review of the antidumping finding on expanded metal of base metal from Japan (39 FR 1979, January 16, 1974). The Department announced in that notice its intent to conduct the next administrative review by the end of January 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of expanded metal of base metal manufactured in three types (standard, flattened, and grating) and various thicknesses. Expanded metal of base metal is currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 25 firms engaged in the export of Japanese expanded metal to the United States. This review covers those firms for the period January 1, 1980 through December 31, 1980. Fifteen firms had no exports for the period in question. The estimated deposit rates for these firms will be the most recent information for each firm. Eight exporters failed to respond or provided inadequate responses to our questionnaire. For these non-responsive exporters we used the best information available to determine the assessment and estimated deposit rates. The best information available is the most recent assessment rate for each firm or, if none exists, the highest current rate for responding firms with shipments.

Eight firms covered in the previous administrative review are not covered by this review because they no longer manufacture expanded metal, because they are bankrupt, or because we have subsequently learned that they never exported expanded metal to the United States.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States as appropriate. Where applicable, deductions were made for ocean freight, insurance, U.S. and foreign inland freight, brokerage charges, trimming charges, storage, commissions to unrelated parties, and terminal, wharfage and handling charges in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price as defined in section 773 of the Tariff Act. The foreign market values were adjusted, where applicable, for inland freight and differences in packing. Adjustments were also made for differences in credit costs in accordance with § 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacture/Exporter	Margin (in percent)
Alton Trading Co	4.9
Daitoku Trading Co., Ltd	[illegible]
Eiko Co., Ltd	[1] 3.8
Hanwa Co., Ltd	[1] 0
Kanematsu-Gosho, Ltd	[1] 3.8
Kansai Tekko/Fuji Shoko Co., Ltd	0.3
Kansai Tekko/Mitsubishi Corp./Kawamoto & Co., Ltd	0.3
Kansai Tekko/Nichimen Co., Ltd	0.3
Kawamoto & Co., Ltd	0.3
Kawashige Kozai Co	[1] 4.9
Kawasho Corp	[1] 4.9
Kawatetsu Steel/Shibamoto	[illegible]
Kawatetsu Steel/Toyo Menka Kaisha	0
Kobayashi Metals Ltd	[1] 3.8
Marubeni Corp	[1] 0
Midorigaoka Co., Ltd	4.9
Mitsui & Co., Ltd	[1] 4.9
Nakaumi Kogyo, Ltd	[1] 4.9
Nippon Steel Products Co., Ltd	0.33
Nittetsu Shoji Co., Ltd	[1] 0
Ogawa & Co., Ltd	[1] 0.3
Okaya & Co., Ltd	[1] 0.33
Sumitomo Corp. (Sumitomo Shoji Kaisha)	[1] 3.8
Taisei International	[1] 4.9
Tomyasu & Co., Ltd	[1] 4.9

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before February 24, 1982 and may request disclosure and/or a hearing on or before February 9, 1982. Any request for an administrative protective order must be made no later than February 1, 1982. The Department will publish the final results of the administrative review

including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, where appropriate, on all entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments by these firms of expanded metal of base metal from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margins for Kansai Tekko, Ltd. (selling through Fuji Shoko Co., Nichimen Co., and Mitsubishi Corp.), Ogawa & Co., Ltd., Okaya & Co., Ltd., Kawamoto & Co., Ltd., and Nippon Steel Products Co., Ltd., are *de minimis*, the Department is waiving the deposit for these firms. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 18, 1982.

[FR Doc. 82-1693 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-25-M

Steel Wire Rope From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On September 2, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel wire rope from Japan. The review covered the 116 known manufacturers and exporters. The review generally covered the period April 1, 1978 through September 30, 1980.

Interested parties were given the opportunity to submit oral or written comments, and a public hearing was conducted on October 1, 1981. Members of the domestic industry and several Japanese manufacturers and exporters provided comments at the public hearing and during the comment period. Based on these comments, and subsequent analysis by the Department, the Department has made adjustments to the margins for twenty-one companies. Margins for the remaining exporters are unchanged from the margins published in the preliminary results. The Department has decided to exclude Tokyo Rope Mfg. Co., Ltd. from this review in order to collect more information from Tokyo Rope and companies related to it at that time to determine if exporter's sales price rather than purchase price is the proper basis for comparison.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Fredi-Ellen Bove or Michael Cox, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3460/4033).

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1973, a dumping finding with respect to steel wire rope from Japan was published in the **Federal Register** as Treasury Decision 73-296 (38 FR 28571). On September 2, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 44023-26). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. The steel wire rope covered is currently classifiable under item numbers 642.1200, 642.1400, 642.1500, 642.1600, and 642.1700 of the Tariff Schedules of the United States Annotated (TSUSA). The Department's notice of preliminary results covered a total of 115 Japanese firms and 1 transshipper engaged in the manufacture and exportation of steel wire rope to the United States. The Department has decided to exclude Tokyo Rope Mfg. Co., Ltd. from the final review in order to collect more information from Tokyo Rope and companies related to it during the period of review, to determine if exporter's sales price rather than purchase price is the proper basis for comparison. Since the publication of the preliminary results, the Department has learned of two additional Japanese manufacturers, Mill Wire Industries and Oriental Corp. The Department will include entries by these two firms for this review period in a subsequent review. In general, this review covers the period April 1, 1978 through September 30, 1980. Interested parties were given an opportunity to submit oral or written comments and a public hearing was conducted on October 1, 1981. The Department has considered all of the written comments and oral views in determining these final results of administrative review

Analysis of Domestic Industry's Comments

(1) *Comment:* Commerce has failed in certain cases to determine properly U.S. price because it did not ascertain that related parties existed, which would require the use of exporter's sales price.

Position: The Department has verified that, as stated by the domestic industry, a relationship existed during the period of review among Tokyo Rope Mfg. Co., Ltd., its trading company customer, C. Itoh and Co., Ltd., and the U.S. distributor to whom C. Itoh sells, Alps Wire Rope Corp: C. Itoh owned 40 percent of Alps, and Tokyo Rope owned the remaining 60 percent of Alps. As mentioned above, the Department has decided to exclude Tokyo Rope Mfg. Co., Ltd. from the current review in order to collect more information on control from Tokyo Rope, C. Itoh, and Alps to determine if exporter's sales price rather than purchase price is the proper basis for comparison. The Department will publish the results of its review for Tokyo Rope for the period April 1, 1978 through September 30, 1980 in a subsequent notice.

After reconsideration of the relationship between Nippon Steel Wire Rope Co., Ltd., Mitsui and Co., and Weisner Steel Products, Inc., the Department has revised the calculation of margins for Nippon Steel Wire Rope to base U.S. price on exporter's sales price rather than purchase price.

The domestic industry alleges that there are relationships among other manufacturers and trading companies. The Department is unaware that any other relationships exist and the domestic industry has not given the Department any specific evidence of other such relationships. If any such information is furnished to us, we will consider it in the next annual review.

(2) *Comment:* The Department has failed to make an adjustment for warranty and products liability insurance, which is a cost in the U.S. market but not the Japanese market.

Position: With the exception of the Japanese manufacturer Nippon Steel Wire Rope, the Department used the price between the manufacturer and an unrelated trading company selling to the U.S. as the basis for U.S. purchase price and the price to trading companies selling in the home market as the basis for foreign market value. The Department has verified by contacting Japanese manufacturers that the trading companies, rather than the manufacturers, bear the product liability and warranty costs in the U.S. and domestic markets. Therefore, these costs are not included in the price between the manufacturer and the trading company in either market, and no adjustment is required.

(3) *Comment:* The Department failed to make an adjustment for differences in density (weight per length) between wire rope sold in the home market and wire rope sold in the U.S. market.

Position: The Department has always been aware of the fact that rope sold in the home market meet Japanese Industrial Standards ("JIS") and that rope sold in the U.S. market met Federal Specifications ("FS").

The Department was aware that the difference between the two sets of specifications lay in the fact that, for any given length (in feet or meters), JIS rope generally weighs a different amount than the similar type of FS rope. Thus, the Department faced the decision of whether to compare equal lengths of similar rope in the two markets or to compare equal weights of similar rope. The Department ultimately decided it was correct to compare equal lengths because: (1) Wire rope is sold on the basis of length in both markets, and (2) length was the basis of comparison in the fair value investigation.

Having chosen a length basis, the Department considered whether an adjustment should and could be made to take account of the weight difference. A detailed examination by the Department of the two sets of specifications revealed that the density difference is not systematically biased; that is, for a given length of a certain type of rope, JIS rope is not always heavier than FS rope or vice versa. JIS rope was compared with FS rope that had similar characteristics, including the same material for core. In a sample of 63 of some of the most common types of wire rope sold in both markets JIS rope was heavier than the comparable FS rope in half of the cases (49%), while FS rope was heavier in approximately the other half of the cases (51%). Furthermore, the direction of the difference is not correlated with the diameter, construction, core, or coating of rope.

The Department therefore decided that it was not necessary to make an adjustment because: (1) The density difference went in either direction in roughly the same number of cases, and (2) an adjustment would be administratively too complex because of the fact that the magnitude as well as direction of the weight difference varies for each of the 353 types of wire rope sold in the U.S.

(4) *Comment:* An adjustment should have been made between fiber core rope using synthetic fiber core and rope using natural fibers.

Position: The Department has learned by contacting Japanese and U.S. manufacturers that (1) synthetic fiber costs more per kilogram than natural fiber and (2) synthetic fiber weighs less per length than natural fiber. Therefore, for a given length of wire rope a producer needs fewer kilograms of synthetic fiber than natural fiber. The higher price per kilogram of the synthetic fiber is offset by the smaller quantity in kilograms that is included, with the result that there is no significant cost difference between natural and synthetic fiber core rope. Therefore, no adjustment is necessary.

(5) *Comment:* In calculating Japanese cost of production the Department of Commerce omitted a number of significant factors or took at face value factors that were prima facie suspect.

Position: The Department verified every component of the cost data submitted by the 5 largest Japanese producers (with the exception of wire rod prices as discussed above) in verification trips to Japan in February–March 1980 and June 1981. At those verifications, the unit prices for inputs and the input/output ratios given in the responses (except for wire rod) were confirmed through examination of financial and factory records.

The domestic industry asserts that certain general expenses and subsidiary materials were not included in the Japanese cost data.

The Department did not request that the manufacturers itemize their cost data into the detailed categories suggested by the domestic industry, but rather allowed the manufacturers to group certain costs together. The Department verified that the Japanese producers did not exclude factors of production in their cost responses by confirming that the responses were consistent with the company reports detailing all company costs that are submitted by law to the Japan Ministry of Finance. The MOF reports in fact itemized some of the elements the domestic industry believed were omitted in the responses.

(6) *Comment:* The Department should have calculated the weighted average for each company by dividing the total margin by the value of the U.S. sales with margins, rather than dividing by the value of all U.S. sales.

Position: The Department, and previously, the Customs Service, has traditionally calculated the weighted average dumping margin, which is now used as the basis for deposit of estimated duties, as the sum of the duties due divided by the sum of the value of *all* U.S. sales. The methodology described by the domestic industry would lead to an overdeposit of estimated dumping duties.

(7) *Comment:* Confidential information submitted without a non-confidential summary should be rejected.

Position: The Department has received non-confidential summaries of all confidential material submitted after January 1, 1980, the effective date of title VII of the Tariff Act of 1930 ("the Tariff Act"). Under the prior law and regulations the Customs Service requested non-confidential summaries only of confidential material submitted for the original fair value investigation and as part of the revocation process. When the 1979 amendments to the Tariff Act became effective, the Department made the decision not to request a non-confidential summary of *all* confidential material submitted prior to January 1, 1980, but rather to request non-confidential summaries in a particular case if sufficient need was demonstrated. At the request of the domestic industry in this case, the Department arranged to have submitted non-confidential summaries of data provided by the two largest Japanese firms (Tokyo Rope and Shinko), as they are represented by U.S. counsel. Due to the time delay and language difficulty in communicating with Japanese producers not represented by outside counsel, the Department decided not to request non-confidential summaries of pre-1980 material from such firms, and as stated above, has no legal obligation to do so.

(8) *Comment:* Inadequate Japanese submissions should be rejected and replaced by the information submitted by the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers as that is the best information available.

Position: All of the Japanese manufacturers responded to the Department's cost questionnaire for Japanese fiscal year 1978, but with the exception of the two largest manufacturers (Shinko and Tokyo Rope) the respondents used in part inadequate methodology to derive cost of

production for individual types of wire rope. The methodology included allocation and averaging methods that might disguise possible sales below cost and dumping margins for certain sizes. The Department decided that the best evidence for the inadequately responding firms was cost data from the two Japanese firms that had responded adequately, since this data reflected Japanese material costs, labor costs and labor productivity, and the amount of manufacturer overhead consistent with the Japanese trading company system of distribution. Cost of production data furnished by U.S. firms during the review for this period would not meet those criteria.

(9) *Comment:* Shinko's cost of production data is not the best evidence to use for inadequately responding firms because Shinko is more efficient than other Japanese firms.

Position: Shinko may or may not be more efficient than other companies. Some of the smaller companies may be more efficient because they specialize in in only one or a few types of wire rope. The Department does not know definitively which company is more efficient since the smaller companies did not provide data in a form from which efficiency rates could be derived.

The Department considers the data from Shinko and Tokyo Rope to be the best evidence available because these data reflected cost of production in Japan.

(10) *Comment:* Information supplied as to U.S. sales involving Mitsui should be disregarded.

Position: Mitsui is currently the subject of a Customs Service fraud investigation. It is inappropriate for the Department to presume Mitsui submitted fraudulent information to the Department in its response until such fraud is proven. Further, liquidation of Mitsui entries is suspended for the duration of the fraud investigation. Finally, if Mitsui is found guilty of fraud, Mitsui is liable for lost duties, including dumping duties.

(11) *Comment:* Commerce has refused to disclose its cost of production methodology on a non-confidential basis.

Position: All confidential material requested by attorneys for the domestic interested parties, including confidential Commerce staff memos on methodology, were disclosed to the attorneys under protective order. The attorneys summarized some of the confidential material and asked the Department to allow them to transmit this summary to their client. The affected Japanese companies were contacted and had no objections to release of the proposed summary. The Department subsequently allowed the document to be released to the client.

Analysis of Comments from Japanese Manufacturers

(12) *Comment:* The Department failed to use trigger price, which is the best evidence for wire rod prices, and instead used Japan Metal Bulletin prices.

Position: All of the Japanese producers that responded to our cost questionnaire refused to disclose the actual price each firm paid for wire rod, the major input in wire rope. It was therefore impossible to verify whether the actual price paid by Japanese producers for rod was at or below trigger price, as the producers were claiming. The Department therefore considered the wire rod price published in the Japanese trade magazine, Japan Metal Bulletin as the best evidence of the price for wire rod charged in Japan to Japanese wire rope producers.

(13) *Comment:* The Department was incorrect in examining below cost sales on a size-by-size basis rather than comparing total below cost sales to total sales of wire rope.

Position: The Department examined below cost sales on a size-by-size basis because that approach was consistent with past administrative practice. In the Mexican vegetables case, contrary to what the respondents suggest, below cost sales were examined on a vegetable by vegetable basis. If more than 50 percent of the sales of a *particular vegetable* were below cost of production, then these sales were disregarded. Likewise, in the 1981 adminstrative review of the finding on carbon steel plate from Japan, below cost sales were examined on a dimension-by-dimension basis, and in the 1981 administrative review of the finding on roller chain from Japan below cost sales were examined on a model-by-model basis. In the latter two cases, as in the administrative review for wire rope, all below cost home market sales for a particular dimension or model were disregarded, and if insufficient sales remained (less than 5 percent of total home market sales of that size or model), constructed value was used for that size, regardless of the proportion of total sales accounted for by that particular size.

(14) *Comment:* The Department failed to use extrapolations of Tokyo Rope's own data as best evidence for types of wire rope with missing cost data in the period April 1, 1979 through September 30, 1980, even though the Department used this methodology for the previous period.

Position: The methodology applied to Tokyo Rope in the later period was the same as that applied to all other companies in that period and in the prior period. For types of wire rope for which a manufacturer supplied inadequate or no cost data, the Department used the cost data supplied by adequately responding firms or used regression results based on adequately supplied data. The Department made an exception to this standard methodology for Tokyo Rope for the earlier period because Tokyo Rope had supplied complete cost data on types of wire rope comprising 80% of Tokyo Rope's U.S. sales. Due to the high coverage rate, the best evidence of the margins on the small proportion of sizes without cost data was the average margin on the covered sizes. For the period April 1, 1979 through September 30, 1980 the Department requested but did not receive any cost data from Tokyo Rope. The Department inflated Tokyo Rope's cost data from the previous period, but found that it only covered sizes accounting for 60% of U.S. sales in the later period. The Department therefore did not except Tokyo Rope for this period. Extrapolation from the covered sizes would have been unreliable because: (1) The coverage rate was too low, and (2) the cost data was not Tokyo Rope's actual cost data for the later period.

Final Results of the Review

In addition to the change for Nippon Steel Wire Rope Company, the Department revised the dumping margins for six companies in light of information the Department requested just before publication of the preliminary results but did not receive until after the publication. The new information was: (1) Cost data from Kiku Steel and Wire Rope Co. and from Chuo Seisakusho, and (2) clarification of sales data from J. Gerber and Co., Ltd., F. A. Industries, Corp., S. M. Industries, and Yutoko and Co., Ltd. The Department received information from the Customs Service that 14 companies that had reported to the Department no sales during the period did in fact have U.S. entries with contract dates during the period. The Department revised the margins for these companies, now considering them to be not responsive to our questionnaire. As a result of all adjustments made based on comments received and our subsequent analysis, we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Ace Industrial Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	5.68
Ako Rope & Wire Mfg. Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Asahii Mini Rope Co., Ltd/Dia Enterprises Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Chrysanthemum Nippon Wire Rope Co., Ltd./Watanabe Trading Co	4/1/78–3/31/79	.77
	4/1/79–9/30/80	1.08
Chrysanthemum Nippon Wire Rope Co., Ltd./Kent-Moore Japan Ltd.	4/1/78–3/31/79	0
	4/1/79–9/30/80	3.27
Chrysathemum Nippon Wire Rope Co., Ltd/C. Itoh & Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Chuo Seisakusho Ltd./Kinyo Co., Ltd.	4/1/78–3/31/79	0
	4/1/79–9/30/80	1.30
Chuo Seisakusho Ltd./Kohshin Co	4/1/78–3/31/79	0
	4/1/79–9/30/80	1.30
Chuo Seisakusho Ltd./Other Trading Companies	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	1.30
Daido Corp.	[1] 4/1/79–9/30/80	5.68
Daisen Kogyo	[1] 4/1/79–9/30/80	5.68
Daishin Shoji Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	.43
Daishin Shoji Co., Ltd/Vanguard Steel Ltd. (transshipper)	4/1/78–3/31/79	0
Daiwa Steel Co., Ltd	[1] 4/1/79–9/30/80	11.88
	[1] 4/1/79–9/30/80	5.68
Daiwa Kogyo, K.K.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Dia Enterprises, Ltd.	4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Godo Tessen Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	5.68
Hakko Sangyo K.K./Mitsui and Co.	[1] 4/1/79–9/30/80	0
Hannan Wire Rope Mfg. Co., Ltd./Far East Industrial Co., Ltd.	4/1/78–3/31/79	5.68
Hannan Wire Rope Mfg. Ltd./Higashishiba & Co	[1] 4/1/79–9/30/80	11.88
	4/1/79–9/30/80	5.68
Igeta Wire Rope Co., Ltd./Mitsui & Co., Ltd	4/1/78–3/31/79	3.81
	[1] 4/1/79–9/30/80	3.81
Igeta Wire Rope Co., Ltd/Kimura Shorten, Ltd	[1] 4/1/78–3/31/79	3.81
	4/1/79–9/30/80	3.81
Ito-Ume and Co., Inc.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Iwata Wire Rope Mfg. Co., Ltd./Mitsui and Co., Ltd.	4/1/78–3/31/79	.47
	[1] 4/1/79–9/30/80	.47
Kasuga Seiko Co., Ltd./Higashishiba & Co	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Kasuga Seiko Co., Ltd./Kohshin Co	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Kasuga Seiko Co., Ltd./Nissho-Iwai	4/1/78–3/31/79	12
	[1] 4/1/79–9/30/80	.12
Kasuga Seiko Co., Ltd./Sumitomo Shoji Kaisha, Ltd.	4/1/78–3/31/79	1.08
	4/1/79–9/30/80	3.42
Kawashma Trading Co., Ltd.	4/1/78–3/31/79	11.88
	4/1/79–9/30/80	7.68
Kawatetsu Wire Products Co., Ltd./Mitsui and Co.	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
K-M International	[1] 4/1/78–3/31/79	11.88
Kinki Steel Wire Rope Mfg. Co. Ltd/S.M. Industries	4/1/78–3/31/79	0
	4/1/79–9/30/80	.80
Kinki Steel Wire Rope Mfg. Co., Ltd./Yutoko and Co	4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	11.88
Kobayashi Metals, Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Kokoku Steel Wire Ltd./Nichiman Co., Ltd.	4/1/78–3/31/79	.33
	4/1/79–9/30/80	0
Kokoku Steel Wire Ltd/Itotaka International	4/1/78–3/31/79	.31
	[1] 4/1/79–9/30/80	.31
Kokoku Steel Wire Ltd./Shinko Shoji Kaisha	4/1/78–3/31/79	1.76
	[1] 4/1/79–9/30/80	1.76
Kokoku Steel Wire Ltd./Mitsui and Co.	4/1/78–3/31/79	1.01
	4/1/79–9/30/80	2.55
Kokoku Steel Wire Ltd./Sumitomo Shoji Kaisha Ltd.	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Kokoku Steel Wire Ltd./Kanematsu-Gosho Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Kokoku Steel Wire Ltd./Yutoko & Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Kondo Iron Works Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Koshihara Iron Works Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Kyosei Industry Co., Ltd.	[1] 4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Kyowa Bussan, K.K.	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Kyowa Wire Rope Mfg. Co., Ltd./Mitsui and Co.	4/1/78–3/31/79	.07
	4/1/79–9/30/80	0
Maruka Machinery Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Marusen Wire Rope Mfg. Co., Ltd./S. M. Industries	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	3.39
Meiji Rope Mfg. Co., Ltd./Mitsui and Co	[1] 4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Mill Wire Industries/F. A. Industries	4/1/79–9/30/80	0
Misawa Trading Co., Ltd./S. M. Industries	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Naigai Rope Mfg. Co., Ltd./Mitani Kogyo Co	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Naniwa Wire Rope Mfg. Co. Ltd/Mitsui and Co.	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Naniwa Wire Rope Mfg. Co., Ltd./Higashishiba & Co	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	7.68
Naniwa Wire Rope Mfg. Co., Ltd./other than Mitsui or Higashishiba	[1] 4/1/78–3/31/79	11.88
	4/1/79–3/31/80	9.68
Nankai Senshu Steel Wire & Rope Co., Ltd./Sumitomo Shoji Kaisha	[1] 4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Nanri Trading Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Nihon Miniature Rope Mfg. Co., Ltd./ S. M. Industries	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Nihon Minature Rope Mfg. Co., Ltd./Yutoko and Co., Ltd	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Nikko Steel Wire Rope Mfg. Co., Ltd./Union Co	4/1/78–3/31/79	11.88
	4/1/79–9/30/80	7.68
Nippon Miniature Rope Co., Ltd./Kinyo Co., Ltd	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Nippon Steel Wire Rope Co., Ltd./Mitsui and Co	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Nishimura Wire Rope Mfg. Co., Ltd/Kinyo Co., Ltd	4/1/78–3/31/79	.35
	[1] 4/1/79–9/30/80	.35
Nishimura Wire Rope Mfg. Co., Ltd./K-M International	[1] 04/1/78–3/31/79	0
	[1] 04/1/79–9/30/80	0
Nisshi-Nippon Fujikara Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Nishiya Wire Rope Co., Ltd./Mitsui and Co	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Nobuhara Mfg. & Supply Co	[1] 4/1/79–9/30/80	5.68
Oriental Corp./F.A. Industries Corp	4/1/79–9/30/80	0
Osaka Wire Rope Mfrs. Assn./Mitsui and Co.	[1] 4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Rope Service K.K.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	9.68
Ryosei Shoji Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Sakai & Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Sanko Wire Rope Mfg. Co., Ltd./Tokyo Trading Co	[1] 4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Sanwa Seiko Co., Ltd./J. Gerber & Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Sanyo Shokai K.K./J. Gerber & Co., Ltd.	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Sasaki Kogyo Co., Ltd	[1] 4/1/79–9/30/80	5.68
Seiko Wire Rope Co., Ltd./Okura Trading Co., Ltd.	[1] 4/1/78–3/31/79	11.88
	4/1/79–8/ 3/79	0
Seiko Wire Rope Co., Ltd/Kinyo Co., Ltd.	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Seiko Wire Rope Co., Ltd./Kohshin Co., Ltd	4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Seiko Wire Rope Co., Ltd./Syuto Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Shibamoto & Co., Ltd.	[1] 4/1/79–9/30/80	5.68
Shigeyama & Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Shinko Wire Rope Co./Mitsui and Co.	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Shinko Wire Rope Co./Shinko Shoji Kaisha	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Shinko Wire Rope . Co./Nissho-Iwai	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Shinko Wire Rope Co./Kanematsu-Gosho Ltd	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Shinko Wire Rope Co., Ltd	4/1/78–3/31/79	0
	[1] 4/1/79–9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Higashishiba & Co	4/1/78–3/31/79	0
	4/1/79–8/ 7/80	0
Shinyo Ropes Mfg. Co., Ltd./Mitsui and Co	4/1/78–3/31/79	0
	4/1/79–8/ 7/80	0
Shinyo Ropes Mfg. Co., Ltd./S. M. Industnes, Inc.	[1] 4/1/78–3/31/79	11.88
	4/1/79–8/ 7/80	0
Shinyo Ropes Mfg. Co., Ltd./Vanguard Steel Ltd. (transshipper)	4/1/79–9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Yutoko and Co., Ltd	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Other Trading Companies	4/1/78–3/31/79	.80
	4/1/79–9/30/80	0
Showa Boeki Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Sumiyoshi Kinzoku Kogyo	[1] 4/1/78–3/31/79	11.88
	4/1/79–9/30/80	9.68
Taiho Seiko/Kinyo Co.	4/1/78–3/31/80	0
	[1] 4/1/79–9/30/80	0
Taisei International Corp.	4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Y. Takeuchi and Co.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Tanaka Metals Corp.	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Teikoku Sangyo Co., Ltd./Sumitomo-Shoji Kaisha, Ltd.	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Teikoku Sangyo Co., Ltd./The Tosho Co., Ltd	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Teikoku Sangyo Co., Ltd./Mitsui and Co	4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Teikoku Sangyo Co., Ltd./Nissho-Iwai	4/1/78–3/31/79	1.09

Manufacturer/exporter	Time period	Margin (percent)
	[1] 4/1/79–9/30/80	1.09
Teikoku Sangyo Co., Ltd./Watanabe Trading Co., Ltd	[1] 4/1/78–3/31/79	1.00
	4/1/79–9/30/80	0
Teikoku Sangyo Co., Ltd./Mitsubishi Corporation	[1] 4/1/78–3/31/79	0
	4/1/79–9/30/80	0
Toyo Sangyo Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Union Wire Rope Mfg. Co./Sanyo Bussan Kaisha, Ltd	4/1/78–3/31/79	.04
	4/1/79–5/ 7/80	0
Nikko Steel Wire Rope Mfg. Co., Ltd./The Union Co., Ltd	4/1/78–3/31/79	11.88
	4/1/79–9/30/80	0
Yamasho Co., Ltd	4/1/79–9/30/80	9.68
Yamato Industries Co., Ltd	[1] 4/1/78–3/31/79	11.88
	[1] 4/1/79–9/30/80	5.68
Yuasa Sangyo K.K	[1] 4/1/79–9/30/80	5.68
C. T. Takahashi & Co	[1] 4/1/79–9/30/80	5.68
Daimyo Bussan	4/1/79–9/30/80	9.68
IBA Steel Rope Mfg. Co., Ltd./Hori Trading Co., Ltd	4/1/79–9/30/80	9.68
Izumi Trading Co., Ltd	4/1/79–9/30/80	9.68
Japan Steel Wire Rope/Kohshin Co., Ltd	4/1/79–9/30/80	9.68
Kanto Steel Wire Co., Ltd	[1] 4/1/79–9/30/80	5.68
Kiku Steel and Wire Rope Co./Watanabe Trading Co., Ltd	4/1/79–9/30/80	0
Liberty Shokai, Ltd	[1] 4/1/78–3/31/79	5.68
Nan Rope Co., Ltd	4/1/79–9/30/80	5.68
Nissei Sangyo Co	[1] 4/1/79–9/30/80	5.68
Seo Hardware Corp	4/1/79–9/30/80	9.68
Taiyo Seiki Iron Works	[1] 4/1/79–9/30/80	5.68
Taiyo Iron Works	4/1/79–9/30/80	9.68
Tokyo Special Wire Co., Mfg. Ltd	4/1/79–9/30/80	5.68
Yasada and Co	4/1/79–9/30/80	9.68
Taiyo Sunco Inc	[1] 4/1/79–9/30/80	5.68

[1] No sales during period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of steel wire rope by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. The Department shall not require cash deposit on the shipments of any firm whose weighted average margin for the most current period is *de minimis* (less than 0.5%). These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of October 1982. The bonding requirement for Tokyo Rope shall remain in effect until publication of the final results of the review of its April 1978 through September 1980 sales.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 18, 1982.

[FR Doc. 82-1605 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-25-M

Sugar From France, Belgium, and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 16, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany. The review covered the thirteen known exporters and third-country resellers of this merchandise to the United States for the period June 1, 1980 through May 31, 1981. Interested parties were given an opportunity to submit oral or written comments. We received no comments.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 56228–29) the preliminary results of its administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany (44 FR 33878, June 13, 1979). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of sugar, both raw and refined, currently classifiable under item numbers 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of thirteen exporters and third-country resellers of sugar to the United States from France, Belgium, and the Federal Republic of Germany. The review covers all thirteen for the period June 1, 1980 through May 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As provided by § 353.48(b) of the Commerce Regulations, a cash deposit of 102 percent, 103 percent, and 121 percent, shall be required on all shipments of sugar from France, Belgium, and the Federal Republic of Germany, respectively, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. The cash deposit shall be reduced by the amount of any countervailing duty cash deposit, attributable to export subsidies, required at the time of entry. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of June 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 12, 1982.

[FR Doc. 82-1694 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council; Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a business meeting of the Export Promotion Subcommittee of the President's Export Council will be

held on Thursday, February 11, in room 4830 at the U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. from 1:30 p.m.–4:00 p.m. The President's Export Council was established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979 and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade.

The agenda of the meeting is as follows:

Opening remarks and introduction of subcommittee members;
Overview of trade development activities;
Briefing on specific export promotion programs and impediments to exporting;
Briefing on Foreign Commercial Service;
Status report on export trading company legislation;
Discussion of issue areas and assignments.

The meeting is open to the public with a limited number of seats available on a first come, first served basis. The public may file written statements with the Subcommittee before and after the meeting. To the extent time permits, oral statements and comments by the public will be welcomed at the end of the meeting. Copies of the minutes of the meeting and further information concerning the President's Export Council may be obtained from Mr. Jeffery Jackson, Room 1215, U.S. Department of Commerce, Washington, D.C. 20230, Telephone number (202) 377–1125.

Date: January 19, 1982.

Donald V. Earnshaw,

Deputy Assistant Secretary for Export Development, U.S. Department of Commerce.

[FR Doc. 82–1689 Filed 1–22–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit; Alaska Department of Fish and Game

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Alaska Department of Fish and Game (P66F).

b. Address: P.O. Box 3–2000, Juneau, Alaska 99802

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Beluga whale *(Delphinapterus leucas)*, 2910.

4. Type of Take: With radio tags-200, with visual streamer tags-500, by harassment in the tagging process and underwater vocal palyback-2,200, accidentally killed in the tagging process-10.

5. Location of Activity: Bering, Chukchi, and Beaufort Seas.

6. Period of Activity: April 1, 1982 thru December 31, 1984 (3 years).

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before February 24, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this appliation are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 19, 1982.

R. B. Brumsted,

Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82–1758 Filed 1–22–82; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Receipt of Application for General Permit; Republic of Korea

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations thereunder.

The Embassy of the Republic of Korea has applied for a Category 1: "Towed or Dragged Gear" general permit to incidentally take 100 otariid seals, 100 phocid seals, and 50 cetaceans within the U.S. fishery conservation zone in 1982.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on the application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

Dated: January 15, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Services.

[FR Doc. 82–1757 Filed 1–22–82; 8:45 am]

BILLING CODE 3510–22–M

International Whaling Commission; Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of meetings.

SUMMARY: NOAA makes use of an Interagency committee to assist in preparing for meetings of the International Whaling Commission. This notice sets forth guidelines for participation on the Committee and a tentative schedule of meetings and other important dates. Date: January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Dean Swanson, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Phone: (202) 634–1792.

SUPPLEMENTARY INFORMATION: Each year NOAA conducts a series of meetings and other actions to prepare for the Annual Meetings of the International Whaling Commission which are usually held during the summer. The Administrator of NOAA has the lead role for discharging the responsibility of the United States under the International Convention for the Regulation of Whaling. In that role, he is responsible for the preparation of U.S. positions on issues that will arise at the Commission meeting. He is assisted by the Departments of State and Interior,

the Marine Mammal Commission, and other interested agencies. The primary purpose of the preparatory meetings is to provide for participation in the development of policy by members of the public and non-governmental organizations interested in whale conservation. The government believes this participation is valuable and important for the effective development and implementation of U.S. whale policy.

Because the meetings discuss U.S. negotiating positions, the substance of the meetings must be kept strictly confidential. For example, proposed position papers that may be circulated at a meeting for discussion cannot be circulated outside of the meetings and must be collected at the close of each meeting.

Any person with an identifiable interest in U.S. whale conservation policy may participate, but NOAA reserves the authority to inquire about the interests of any person who appears at a meeting and to determine the appropriateness of that person's participation. Persons who represent foreign interests may not attend. These stringent measures are necessary to protect the confidentiality of U.S. negotiating positions. In spite of these restrictions, there is still more public participation during preparation for the International Whaling Commission meetings than there is during preparation for most other international negotiations.

The tentative schedule of meetings, including those of the IWC, and deadlines for preparation of position papers is as follows:

January 29—Interagency Committee Meeting to review the state of preparations for the March IWC meeting and initiate preparations for the July IWC meeting. A list of issues anticipated for July will be circulated in advance. Interested persons who are unable to attend are welcome to submit comments and recommendations on each issue to the Administrator of NOAA, John V. Byrne, by January 25. Responsibilities for drafting position papers will be assigned.

February 27–March 5—Special Scientific Committee Meeting, Cambridge, England.

March 19—Interagency Committee Meeting to approve the position paper(s) for the March IWC meeting and discuss arrangements for the Delegation's work.

March 23—Meeting of the U.S. Delegation, Metropole Hotel, Brighton, England.

March 24–25—Special IWC Meeting, Metropole Hotel, Brighton, England.

April 2—Nominations for the U.S. Delegation to the July IWC meetings are due to John V. Byrne.

April 2—Anticipated Interagency Committee Meeting following receipt of the preliminary agenda for the July IWC meetings (due to be circulated by the IWC Secretariat by April 11) to review proposed additions or annotations to this agenda. These proposals will be available at the meeting. The date of the meeting will be confirmed as soon as the preliminary agenda, which will be distributed at the same time, is available.

April 16—Draft position papers due to Dean Swanson, NMFS, for circulation to Agencies.

April 30—Comments on draft position papers due to Dean Swanson.

April 30—Forward U.S. agenda changes to IWC Secretariat.

May 10—Proposed prenegotiation plans and draft position papers due to John V. Byrne.

May 10–July 19—Prenegotiations.

May 21—Due date for circulation of the provisional agenda by the IWC Secretariat.

June 4—Revised position papers due to John V. Byrne.

June 23—Final Interagency Committee Meeting to approve position papers and discuss arrangements for the Delegation's work.

Week of June 26–July 9—Scientific Committee Meetings, Cambridge, England.

July 12–17—Technical Committee Working Group Meetings (on subsistence whaling by aboriginal people; additional working languages; non-IWC whaling; and the definitions of "local consumption," "factory ship," and "land station"), and preliminary meetings of the Finance and Administration Committee and the Infractions Subcommittee of the Technical Committee.

July 18—Meeting of the U.S. Delegation, Metropole Hotel, Brighton, England.

July 19–24—34th Annual Meeting of the IWC, Metropole Hotel, Brighton, England.

Persons who would like to be included in these meetings should contact Dean Swanson at the address or telephone number provided above. They will then be notified personally of subsequent meetings, including times and locations.

Dated: January 19, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-1783 Filed 1-22-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial Amendments; Amendment Policy

Notice is hereby given of the policy of the Department of Defense with respect to amendments to the Manual for Courts-Martial.

Notice that the Department of Defense intends to recommend changes to the Manual for Courts-Martial shall be published in the **Federal Register** before submission of such changes to the President unless the Secretary of Defense proposes that the President issue the change without such notice on the basis that notice and public procedure thereon is unnecessary or contrary to the sound administration of military justice. The notice shall include a brief description of the matters contained in the proposed change, the time and place where a copy of the proposed change may be examined, and the procedure for obtaining a copy of the proposed change. A period of not less than 75 days after publication of notice shall be allowed for public comment, but a shorter period may be prescribed when it is determined that a 75-day period is unnecessary or contrary to the sound administration of military justice. Comments shall be submitted to the Joint-Service Committee on Military Justice. This section is intended only to improve the internal management of the federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officer, or any person.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1982.

[FR Doc. 82-1789 Filed 1-22-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Handicapped Children's Model Program Grants

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Date for Transmittal of Applications for the Handicapped Children's Model Program—Continuation Demonstration Grants for Fiscal Year 1982.

Applications are invited for noncompeting continuation projects under the Handicapped Children's Model Program.

Authority for this program is contained in section 641, Part E of the Education for the Handicapped Act (20 U.S.C. 1441).

The purpose of this program is to develop and conduct model programs designed to meet the special educational needs of handicapped children.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by March 8, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023D, 400 Maryland Avenue S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW, Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Available funds: During previous years of the program, funding for third year demonstration projects has averaged between $80,000 and $125,000 per project.

However, these estimates do not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Handicapped Children's Model Program, Special Education Programs, Department of Education, 400 Maryland Avenue SW, (Donohoe Building) Washington, D.C. 20202–4714.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed thirty (30) pages in length. The Secretary further urges that only the information required by the application form and instructions be submitted.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Model Program (34 CFR Part 324, formerly 45 CFR Part 121h). Amendments to these regulations were published on April 3, 1980 (45 FR 22533) and January 19, 1981 (46 FR 5380–5381) and June 18, 1981 (46 FR 31996–31998). The Department is currently reviewing the selection criteria contained in the January 19, 1981 amendment. If the Department proposes substantial changes in the selection criteria, the closing date will be extended; and

(b) The Education Department General Administrative Regulations (EDGAR), (34 CFR Parts 75 and 77, formerly 45 CFR Parts 100a and 100c).

FOR FURTHER INFORMATION CONTACT: Ms. Jane Williams, Handicapped Children's Model Program, Special Education Programs, Department of Education, 400 Maryland Avenue, SW, (Donohoe Building) Washington, D.C. 20202–4714, telephone (202) 245–9722.

(Catalog of Federal Assistance No. 84.023D, Handicapped Children's Model Program)

(20 U.S.C. 1441)

Dated: January 16, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-1743 Filed 1-22-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP81-301-001 and CP81-328-000]

American Natural Rocky Mountain Co. and Colorado Interstate Gas Co.; Intent to Prepare Draft Environmental Impact Statement and Request for Comments on Its Scope

January 20, 1982.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the projects proposed in Dockets No. CP81–301–001 and CP81–328–000 would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), a draft environmental impact statement (DEIS) will be prepared. The DEIS will analyze these applications as they relate to eastward transportation of natural gas from the Rocky Mountain area.

In Docket No. CP81–301–001, American Natural Rocky Mountain Company (ANRMC) has proposed to construct and operate 634 miles of 24- and 20-inch diameter pipeline extending from Fremont County, Wyoming, to Kiowa County, Kansas and two compressor stations, one in Carbon County, Wyoming, and one in Washington County, Colorado, for a total of 5,200 horsepower. The estimated cost of the project is $231,153,990; it is proposed to deliver 175,000 cubic feet of gas per day to the Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) main pipeline in Kansas.

The pipeline would begin in the Lysite area in Section 11 (T. 38N., R. 90W.) of Fremont County, Wyoming, extending 114 miles south from Michigan Wisconsin's Lost Cabin Meter Station to the proposed Cedar Ridge Compressor Station near Rawlins in Section 25 (T. 21N., R. 86W.) of Carbon County, Wyoming. This portion of the pipeline would be generally adjacent to the Colorado Interstate Gas Company (CIG) Wind River Lateral pipeline. From the Cedar Ridge Compressor Station, the pipeline would extend east 145 miles, generally adjacent to CIG's main line

and the proposed Trailblazer pipeline, to the vicinity of Rockport, Colorado (Section 5, T. 11N., R. 66W., Weld County). The remaining 375 miles of pipeline would follow a straightline route (bearing about S52°E) from Rockport to Michigan Wisconsin's Greensburg Compressor Station in Section 16, T. 28S., R. 19W. Kiowa County, Kansas.

The Cedar Ridge Compressor Station would be 3,200 horsepower. The only other compressor station proposed for this project would be 2,000 horsepower; it would be about 9 miles south of Akron, Washington County, Colorado.

In Docket No. CP81–328–000, CIG has proposed to construct and operate approximately 300 miles of 20-, 26-, and 30-inch diameter pipeline looping in seven segments in Wyoming, Colorado, Kansas, and Oklahoma and a new 5,000-horsepower compressor station in Beaver County, Kansas, and to add 11,220 horsepower of compression at existing stations. The estimated cost of the project is $144,900,000. It is proposed to deliver 125,000,000 cubic feet of gas per day to Michigan Wisconsin and 400,000,000 to Panhandle Eastern Pipe Line Company.

Both of these projects propose to transport significant quantities of Rocky Mountain area natural gas eastward. To the extent the proposed service overlaps, the projects must be treated as alternatives to one another. However, a question of potentially greater significance is whether these projects could be replaced by a single project creating significantly less environmental impact. Such a project was suggested by the FERC environmental staff in the environmental impact statement prepared for the Trans-Andarko Pipeline System in Docket No. CP80–17–002.[1] The Trailblazer Extension described in that docket would use an expanded Trailblazer System extended 450 miles eastward from Beatrice, Nebraska, to near Centralia, Illinois. Total facility requirements for this alternative were estimated at about 773 miles of pipeline and 34,100 horsepower of compression. Fewer facilities, as yet undetermined, would be required for a Trailblazer Extension Alternative to the two projects described in this notice. The EIS prepared in this proceeding will also discuss the Trailblazer Extension Alternative and other alternatives to the proposals.

A copy of this notice and additional technical information regarding the proposed projects have been distributed to Federal, state, and local agencies, parties to the proceedings, and the public. These groups are requested to comment on anticipated environmental problems associated with the projects and the relative potential advantages of each. These comments will be used by the FERC staff to identify the issues which require in-depth environmental analysis. The staff's current intent is to emphasize discussion of agricultural, water resource, and cultural resource impact, although right-of-way maintenance will also be considered in detail.

Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Each recommendation for a topic or issue to be discussed in the EIS should be supported by a showing of sufficient detail to allow a reasoned judgment of the importance of such topic or issue. Written comments should be provided by February 28, 1982.

Additional information about this EIS is available from Mr. John S. Leiss, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, at the above address (Room 7102) or by telephone at (202) 357–9038.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–1686 Filed 1–22–82; 8:45 am]

BILLING CODE 6717–01–M

[1] Issued January 1982.

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL 1949–5]

Control Techniques Guideline Document; Equipment Leaks From Natural Gas/Gasoline Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of a draft control techniques guideline (CTG) document for public review.

SUMMARY: A draft CTG document for control of volatile organic compound emissions from equipment leaks from natural gas/gasoline processing plants is available for public review and comment. This informational document has been prepared to assist States in analyzing and determining reasonably available control technology for stationary sources of volatile organic compound emissions located within ozone national ambient air quality standard nonattainment areas with attainment dates after 1982

DATES: Comments should be submitted, in duplicate if possible, to the Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Fred Porter, on or before March 11, 1982. Comments will be available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Control Techniques Guideline Document

Copies of the draft control techniques guideline document may be obtained by contacting Mrs. Marcia Piotrowski; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Porter; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require each State in which there were areas exceeding the national ambient air quality standards (NAAQS) to adopt and submit revised State implementation plans (SIP) to EPA by January 1, 1979. States which were unable to demonstrate attainment with the NAAQS for ozone by the statutory deadline of December 31, 1982, could request extensions for attainment with the standard. States granted such extensions are required to submit a further revised SIP to EPA by July 1, 1982.

Sections 172 (a)(2) and (b) (2) and (3) of the Clean Air Act require that nonattainment area SIP's include reasonably available control technology (RACT) requirements for stationary sources.

The EPA is planning on publishing several control techniques guidelines (CTG) documents in 1981 to assist the States in determining RACT for various stationary sources.

CTG documents are informational in

nature and provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within ozone NAAQS extension nonattainment areas. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce emissions.

Under Executive Order 12291, EPA must judge whether a regulation is "major" or "minor." If "major," the regulation is subject to a Regulatory Impact Analysis. The draft CTG document for equipment leaks from natural gas/gasoline processing plants is considered "minor."

The CTG documents provide information to assist the States in analyzing and determining RACT to meet the statutory requirement of RACT on stationary sources. The CTG documents are not a regulation and do not impose any new requirements.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the attached document will not have a significant economic impact on a substantial number of small entities.

This **Federal Register** notice and copies of the draft CTG document was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

September 29, 1981.

[FR Doc. 82-1733 Filed 1-22-82; 8:45 am]

BILLING CODE 6560-25-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 82-6, File No. 22507-CD-P-(2)-81; CC Docket No. 82-7, File No. 20023-CD-P-(1)-82]

Bryan Industrial Electronics, Inc. and Radio Paging, Inc.; Applications

In the matter of applications of Bryan Industrial Electronics, Inc. for a construction permit to add an additional location on frequency 152.24 MHz and an associated control station on frequency 72.68 MHz for Station KWU276 in the Domestic Public Land Mobile Radio Service near Brenham, Texas (CC Docket No. 82-6, File No. 22507-CD-P-(2)-81) and Radio Paging, Inc. for a construction permit to add an additional location on frequency 152.24 MHz for Station KWU485 in the Domestic Public Land Mobile Radio Service at Hockley, Texas (CC Docket No. 82-7, File No. 20023-CD-P-(1)-82); Order designating applications for hearing.

Adopted January 7, 1982.

Released: January 12, 1982.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Bryan Industrial Electronics, Inc. (Bryan) and Radio Paging, Inc. (RPI). These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Bryan Industrial Electronics, Inc., File No. 22507-CD-P-(2)-81, and Radio Paging, Inc., File No. 20023-CD-P-(1)-82, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[1] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-1739 Filed 1-22-82; 8:45 am]

BILLING CODE 6712-01-M

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6404, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(a) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

November 30, 1981

CANADIAN LIST NO. 409 (MILLIVOLTS PER 1,000 KILOWATTS)

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				550 kHz					
CJOK	Fort McMurray, Alberta, N. 56° 41' 16", W. 111° 19' 55" (P.O. 1230 kHz).	10D/5N	DA-2	U	III				11-30-82
				630 kHz					
CHED	Edmonton, Alberta, N. 53° 23' 58", W. 113° 23' 46" (Change in Day pattern).	50	DA-2	U	III				11-30-82
				680 kHz					
CFTR	Toronto, Ontario, N. 43° 12' 50", W. 79° 36' 30" (Correction of geographical co-ordinates) (P.O. 25kW N. 43° 34' 48", W. 76° 38' 30") (°Day = 3.79mV/m, °Night = 31.7mV/m).	50	DA-2	U	II				
				730 kHz					
CKGB	Timmins, Ontario, N. 48° 27' 15", W. 81° 21' 35" (P.O. 680 kHz) P.N. N. 48° 25' 42", W. 81° 20' 07", change of directional antenna radiation patterns).	25	DA-2	U	II				11-30-82
				900 kHz					
CKTS	Sherbrook, Quebec, N. 45° 26' 28", W. 72° 00' 35" (Withdrawal of pattern change proposed in Change List No. 406).	10	DA-2	U	II				
				920 kHz					
CFLS	Levis, Quebec, N. 46° 48' 26", W. 71° 08' 37" (P.O. 1kW) (Reduction of night pattern RMS).	10	DA-2	U	III				11-30-82
				970 kHz					
CKCH	Hull, Quebec, N. 45° 22' 59", W. 75° 48' 47" (Minor changes in day-time directional antenna radiation pattern).	10D/5N	DA-2	U	III				11-30-82
				1340 kHz					
New	Corner Brook, Newfoundland, N. 48° 59' 13", W. 57° 56' 04".	1D/0.25N	ND-190	U	IV	190	120	294	11-30-82
				1350 kHz					
CKEG	Nanaimo, British Columbia, N. 49° 09' 07", W. 123° 48' 40" (Correction of co-ordinates in Change List No. 406).	10	DA-1	U	III				
				1380 kHz					
New	Calgary, Alberta, N. 50° 54' 04", W. 114° 12' 40" (Delete).	50D/25N	DA-2	U	III				
				1400 kHz					
New	Moncton, New Brunswick, N. 46° 03' 05", W. 64° 53' 02" (Delete).	10	DA-2	U	IV				

Laurence E. Harris,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 82-1738 Filed 1-22-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-286]

Industry Concerning Jurisdictional Separations; Meeting

Members of the Joint Board staff will meet with representatives of the telecommunications industry on February 2, 1982, from 9:30 AM until 5:00 PM at the Flagship Inn, 601 Avenue H East, Arlington, Texas, to discuss the issues concerning jurisdictional separations under study in this proceeding. The focus of the meeting will be on proposals to resolve the major issues in this docket and the relationship of data supplied in response to Information Requests issued by the Joint Board of these proposals. Members of the industry wishing to make presentations at this meeting or schedule particular issues for discussion should contact James W. McConnaughey of the Policy and Program Planning Division, Common Carrier Bureau, at (202) 632-9342 by Tuesday, January 19, 1982, with information about both the proposed topics of their presentations and the anticipated length of each. Public Notice of the schedule for the meeting will be released approximately a week later. Members of the public are welcome to attend this meeting as observers. (The telephone number at the Flagship Inn is (817) 640-1666.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

January 15, 1982.

[FR Doc. 82-1734 Filed 1-22-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit

comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos. T–2409–3 and T–2409–4.

Filing party: H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T–2409–3 between the Port of Seattle (Port) and North Star Forwarding Company (North Star) modifies the parties' basic agreement (North Star is a change of name from Alaska Rail Car Co. (ARC), which was the original signatory) which provides for the lease to North Star (formerly ARC) of premises to be used in the loading and unloading of railroad cars to and from barges via a rail loading ramp. The purpose of the modification is to delete North Star's option privilege to lease additional land.

Agreement No. T–2409–4 modifies the basic agreement between the parties to increase the monthly rental from $5,008.65 to $5,298.72 and to increase the amount of the lease bond to $63,585.

Agreement No. T–4011.

Filing party: Mr. Julio A. Nolla Amado, General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T–4011 is a month-to-month interim agreement form between the Puerto Rico Ports Authority (Authority) and maritime firms desiring to lease preferential and exclusive terminal facilities from the Authority. All steamship lines have equal access to such facilities subject to availability and to the Authority's responsibility to maximize terminal utilization and flexibility. Rates are as set forth in the Authority's Resolution No. 81–22.

Agreements Nos. T–4013 and T–4013–A.

Filing party: Mr. H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T–4013 between the Port of Seattle (Port) and Chemical Processors, Inc. (Lessee), provides for the lease of 4.0729 acres of land, buildings and storage tanks situated at Pier 91, Port of Seattle. The leased premises will be used for treatment of waste, oil/water separation, storage, receipt and distribution of petroleum products servicing vessels in the proximity of Puget Sound. The lease shall be for 6 years, commencing January 1, 1982 and ending December 31, 1987, with an option to renew the lease for an additional 6-year period. As compensation, the Port will receive a minimum of $174,916 per year in rental; and payment for concession rights consisting of (a) $.01 for each gallon of liquid waste received for processing; plus (b) 25 percent of the gross revenue received for the receipt, storage and distribution of all other petroleum products made from the premises each month, less (c) the amount of fixed rental for each lease month but not less than the basic minimum rental. Lessee will also pay dockage pursuant to Port Tariff No. 3.

Agreement No. T–4013–A provides for the sub-lease to Pacific Northern Oil Corporation (PNO) of a portion of the facility covered by Agreement No. T–4013. The portion is to be used in the blending and storage of residual fuel oil and diesel fuel. The term of the sub-lease is from May 1, 1981 through March 31, 1984, with an option to extend the term from up to 15 successive 3-year periods. PNO shall pay an annual rental of $300,000, with various adjustments as set forth in the agreement. The sub-lease is subject and subordinate to the master lease under Agreement No. T–4013.

Agreement No. 6400–20 and 8660–12.

Filing party: F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreements Nos. 6400–20 and 8660–12, amend the respective basic agreements of the Pacific Coast River Plate Brazil Conference and the Latin America/Pacific Coast Steamship Conference to expressly authorize designated persons to file future section 15 amendments with the Commission.

Agreement No. 10266–5.

Filing party: Edward Schmeltzer, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Ave., N.W., Washington, D.C. 20036.

Summary: Agreement No. 10266–5 amends the Gulf Europe Express joint service agreement between Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime. Agreement No. 10266–5 modifies the basic agreement as follows: (1) Enlarges the service provided by including cargo transshipped between U.S. or Europe and any other port; (2) deletes the average weekly limitation of 800 TEU's; (3) deletes the provision for reporting requirements; (4) provides for a notice to the Commission proposing certain limitations on container carryings in the trade; and (5) enlarges the scope by providing for a new trade between ports on the east coast of Mexico and U.S. Gulf and South Atlantic coast ports.

Agreement No. 10266–5 was filed pursuant to, and for consideration in, Docket No. 77–7.

Agreement No. 10374–2.

Filing party: Edward Schmeltzer, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Ave., N.W., Washington, D.C. 20036.

SUMMARY: Agreement No. 10374–2 amends the charter agreement among Hapag-Lloyd, A/S, Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime. Agreement No. 10374–2 amends the basic agreement as follows: (1) It adds Thos. & Jas. Harrison, Ltd. as a signatory to the agreement; (2) it enlarges the scope by the addition of a new trade between U.S. Gulf and South Atlantic coast ports and ports on the east coast of Mexico; (3) for 1982, it increases the average weekly vessel cargo carriage limitations from 800 TEU's to 950 TEU's in each direction, thereafter, the limitation will be 1,050 TEU's eastbound and 1,000 TEU's westbound; (4) it deletes the limitation on cargo in containers moving between the U.S. South Atlantic coast and Europe; (5) it increases the reefer cargo limitation to 50 TEU's eastbound and westbound; (6) it modifies article 3 by stating that each party will ship its containers on "* * * vessels it may operate and on the vessels operated by the other parties * * *" and clarifies that the parties shall charter to and/or from each other; and (7) it adds a new article in which the parties pledge to become members of conferences or rate agreements provided that major U.S.-flag carriers in the trade are likewise members, provided, however, when costs of membership for any party are prohibitive in relation to the amount of cargo it carries, the party need not obtain membership.

Agreement No. 10374–2 was filed pursuant to, and for consideration in, Docket No. 77–7.

Agreement No. 10266–1.

Filing party: Stanley O. Sher, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10286–1 amends the Italy/U.S.A. North Atlantic Pool Agreement. The purpose of the amendment is to: (1) Revise member lines party to the agreement; (2) remove open rated cargo from list of excluded cargo; (3) redefine the term "pool freight," (4) extend the term of the agreement until April 30, 1986; (5) adjust minimum service obligations and pool shares; and (6) enlarge the list of cargo to be excluded from "pool cargo."

By Order of the Federal Maritime Commission.

Dated: January 20, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–1760 Filed 1–22–82; 8:45 am]

BILLING CODE 6730–01–M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *10* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T–4014.

Filing party: John C. Barnett, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of New York & New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T–4014, between the Port Authority of New York and New Jersey (Port) and Scandinavian World Cruises (Bahamas) Limited, Inc. (Scandinavian), provides for (1) The consturction by Port of certain modifications and improvements to Pier 94 of the New York City Passenger Ship Terminal for use by Scandinavian in a proposed car cruise service; and (2) preferential berthing at Berth 6 for Scandinavian's cruise vessel.

As compensation, Scandinavian will pay Port a dockage fee of $1,050 per day of berthing time and wharfage fee of $5.25 per passenger, such fees subject to annual adjustment.

As payment for construction costs, Scandinavian will reimburse Port in eight quarterly installments, each such installment to be reduced by the amount of dockage and wharfage fees collected. Additionally, for the first three years of the agreement's five-year term (after completion of construction), Scandinavian may credit up to $200,000 of advertising costs incurred in connection with the car cruise service against the amounts due as dockage and wharfage fees.

By Order of the Federal Maritime Commission.

Dated: January 20, 1982

Francis C. Hurney,

Secretary.

[FR Doc. 82–1761 Filed 1–22–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Aktivbanken A/S.

Aktiv Bank Holding Co.; Formation of Bank Holding Company

Aktivbanken A/S, Vejle, Denmark and Aktiv Bank Holding Company, Long Beach, California, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 100 per cent of the voting shares of National Bank of Long Beach, Long Beach, California. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 29, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82–1769 Filed 1–22–82; 8:45 am]

BILLING CODE 6210–01–M

Commerce Bancshares, Inc.; Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 60 per cent or more of the voting shares of Wentzville State Bank, Wentzville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82–1770 Filed 1–22–82; 8:45 am]

BILLING CODE 6210–01–M

Fifth Third Bancorp; Acquisition of Bank

Fifth Third Bancorp, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Bank of Russellville Company, Russellville, Ohio. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1771 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares, Inc.; Formation of Bank Holding Company

First Bancshares, Inc., Slidell, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Bank, Slidell, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1772 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

First Bulloch Banking Corp.; Formation of Bank Holding Company

First Bulloch Banking Corporation, Statesboro Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquire 100 of the voting shares of First Bulloch Bank & Trust Company, Statesboro, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffices in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1773 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First City National Bank of Floresville, Floresville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1774 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

First Glen Bancorp, Inc.; Proposed Acquisition of Van Dyke Associates, Inc.

First Glen Bancorp, Inc., Glens Falls, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Van Dyke Associates, Inc., Glens Falls, New York.

Applicant states that the proposed subsidiary would engage in the business of appraising real property, including residential and commercial properties, for individuals, businesses, and governmental units. These activities would be performed from offices of Applicant's subsidiary in Glen Falls, New York, and the geograhic areas to be served are Warren, Washington, and Saratoga Counties, New York. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received no later than February 11, 1982.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1775 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

First State Holding Company, Inc.; Formation of Bank Holding Company

First State Holding Company, Inc., Mullinville, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Mullinville, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr,

Assistant Secretary of the Board.

[FR Doc. 82-1776 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Great Guaranty Bancshares, Inc.; Formation of Bank Holding Company

Great Guaranty Bancshares, Inc., New Roads, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Guaranty Bank and Trust Company, New Roads, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1777 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Liberty National Bancshares, Inc.; Formation of Bank Holding Company

Liberty National Bancshares, Inc., Lovington, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Liberty National Bank, Lovington, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1778 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Mark Twain Bancshares, Inc.; Acquisition of Bank

Mark Twain Bancshares, Inc., St. Louis, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Hub State Bank, Independence, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1779 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Minto Bancorporation; Formation of Bank Holding Company

Minto Bancorporation, Minto, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.5 percent of the voting shares of Bank of Minto, Minto, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1780 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Security Bancshares, Inc.; Formation of Bank Holding Company

Security Bancshares, Inc., Dunseith, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank

holding company by acquiring 100 percent of the voting shares of Security State Bank, Dunseith, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1781 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Southwest National Corp., Formation of Bank Holding Company

Southwest National Corporation, Greensburg, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of Southwest National Bank of Pennsylvania, Greensburg, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1782 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

UNB Bancshares, Inc.; Formation of Bank Holding Company

UNB Bancshares, Inc., Washington, D.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to United National Bank of Washington, Washington, D.C. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dsipute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1783 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01

United Madison Bancshares, Inc.; Formation of Bank Holding Company

United Madison Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of United Madison Bank, N.A., Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1784 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Woodriver Banco, Inc.; Formation of Bank Holding Company

Woodriver Banco, Inc., Oconto, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank, Oconto, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1785 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Youell Sales Department, Inc.; Acquisition of Bank

Youell Sales Department, Inc., Manson, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 35.6 percent of the voting shares of the Manson State Bank, Manson, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1706 Filed 1-22-82; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Wednesday, January 27, and Thursday, January 28. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The January 27 session is expected to begin at 1 p.m. and to continue until 5 p.m. The January 28 session is expected to begin at 9 a.m. and to conclude at 3 p.m., with a lunch break from 1 to 2 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer financial legislation and regulation. Time permitting, the Council will consider the following topics:

1. Regulatory Update

—Regulation E: Exemption for Small Institutions. A discussion of whether small institutions that participate in the federal government's direct deposit program but do not offer other electronic services subject to Regulation E should be exempted from the regulation's coverage.

—Regulation B: Credit Scoring Proposals. A discussion of the Board's proposals on two Regulation B rules concerning a creditor's consideration of applicant income and disclosure of reasons for adverse action, and how they should apply to various credit scoring practices.

2. Prime Rate Announcements by Commercial Banks

A discussion of prime rate lending practices by commercial banks, and the effect of these practices, if any, on consumer borrowing.

3. Variable Rate Transactions

A review of various variable-rate loan structurs and discussion about whether and how disclosures should be monitored, whether uniformity in disclosures should be adopted, and whether data concerning these transactions should be collected.

4. Policies Regarding Inactive Bank Accounts

A discussion of the bank practice of charging special service fees for maintaining inactive accounts from year to year (thus reducing the account balance prior to closing the account and turning the funds over to the state).

5. Legislative Briefing

Brief presentation by Board's staff on the legislative outlook for 1982.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, January 22, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-1966 Filed 1-22-82; 11:12 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Brae Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Brae Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Arthur I. Levy, Jr. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1690 Filed 1-22-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Richco, N.V.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Richco, N.V. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of TCF Holdings, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section

7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1691 Filed 1-22-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Health Care Technology Study Section; Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the reestablishment by the Secretary, HHS, with concurrence BY THE General Services Administration, of the following advisory committee:

Designation: Health Care Technology Study Section.

Purpose: The Stucy Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant applications in the information sciences (computer science, communications technology), decision sciences (operations research, industrial engineering, health care administration), technology assessment, bioengineering, and related fields as applied to hospital-based, ambulatory, and community health care. The members of this Study Section shall survey, as scientific leaders, the status of research in their field.

Authority for this Committee will expire on June 30, 1982, unless the Secretary, HHS, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: January 15, 1982.

Wayne C. Rickey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics and Technology.

[FR Doc. 82-1790 Filed 1-22-82; 8:45 am]

BILLING CODE 4160-17-M

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of February 1982.

Basic Behavioral Processes Research Review Committee

February 25-26; 9:00 a.m.

The Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008

OPEN—February 25, 9:00-10:00 a.m.

CLOSED—Otherwise

Contact: Anita Lipkin, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3936

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research activities in the fields of experimental and physiological psychology and comparative behavior, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9-10 a.m., February 25, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

Basic Psychopharmacology and Neuropsychology Research Review Committee

February 25-27; 9:00 a.m.

Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910

OPEN—February 25; 9:00-10:00 a.m.

CLOSED—Otherwise

Contact: Shirley Maltz, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3944

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research activities in the fields of basic psychopharmacology and neuropsychology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 25, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

Life Course Review Committee

February 10-11; 9:00 a.m.

The Shoreham Hotel, Room E630, 2500 Calvert Street, N.W.

Washington, D.C. 20008

OPEN—February 10; 9:00-9:30 a.m.

CLOSED—Otherwise

Contact: Ms. Dee Herman, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1367

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research activities in the field of child, family, and aging, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-9:30 a.m., February 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

Psychopathology and Clinical Biology Research Review Committee

February 22-24; 9:00 a.m.

Holiday Inn of Georgetown, 2101 Wisconsin Avenue, N.W.

Washington, D.C. 20007

OPEN—February 22; 9:00-10:00 a.m.

CLOSED—Otherwise

Contact: Christine Peers, Room 9C-24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1340

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities in the fields of clinical psychopathology and clinical biology, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9-11 a.m., February 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial

review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained from Mrs. Helen Garrett, Committee Management Office, NIMH, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Dated: January 19, 1982.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-1698 Filed 1-22-82; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Open Meetings for Three Contracts to Investigate Reproductive Effects of Glycol Ethers, Niosh Diesel Exhaust/ Coal Dust Study, and Safety Recommendations for Manufacture of Precast Concrete Products

The following meetings will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Open Meeting for Three Contracts to Investigate Reproductive Effects of Glycol Ethers

Date: January 26, 1982.
Time: 9:00 a.m. to 4:00 p.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B–38, Cincinnati, Ohio 45226.
Purpose: To review and discuss scientific validity of the following three draft requests for contract:
Teratogenic Assessment of Three Glycol Ethers Sex-Linked Recessive Lethal Tests of 15 Glycol Ethers
Assessment of 15 Glycol Ethers by Dominant Lethal and Sperm Head Morphology Tests.
Additional information may be obtained from: Mr. Bryan D. Hardin, Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684–8394.

NIOSH Diesel Exhaust/Coal Dust Study

Date: February 9, 1982.
Time: 8:30 a.m. to 4:00 p.m.
Place: NIOSH Ridge Facilities, 5555 Ridge Avenue, Conference Room C, Cincinnati, Ohio 45213.
Purpose: To present progress of the coal dust/diesel exhaust project since its onset in October 1977.
Additional information may be obtained from: Trent R. Lewis, Ph.D., DBBS, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684–8392.

Safety Recommendations for Manufacture of Precast Concrete Products

Date: February 24, 1982.
Time: 9:00 a.m. to 4:00 p.m.
Place: Dynamac Building, 11140 Rockville Pike, 6th Floor Conference Room, Rockville, Maryland.
Purpose: To discuss recommendations being developed to reduce worker exposure to safety hazards, as well as general industrial hazards associated with the manufacture of precast concrete products.
Additional information may be obtained from: Mr. Ronald L. Stanevich, Division of Safety Research, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, Telephone: 304/599–7574 or FTS/923–7574.

Dated: January 12, 1982.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 82-1697 Filed 1-22-82; 8:45 am]

BILLING CODE 4110-87-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Grant Funds Distribution Formula

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Title II of the Indian Child Welfare Act of 1978 authorized the Secretary of the Interior to make grants to Indian tribes and Indian organizations for establishment and operation of Indian child and family service programs.

In order to ensure insofar as possible that all applicants approved for funding receive a proportionate share of available grant funds under the provisions of 25 CFR Part 23, "Application and selection criteria", established by the Bureau of Indian Affairs, the distribution of these funds will be accomplished in accordance with the following formula.

Grants will be awarded to individual tribes or organizations within the following categories:

A. A maximum of up to $50,000 for eligible applicants with a total service area population of less than 2,500;

B. A maximum of up to $150,000 for eligible applicants with a total service area population of more than 2,500 but less than 7,500;

C. A maximum of up to $300,000 for eligible applicants with a total service area population greater than 7,500.

Service area population means the total number of Indians eligible for service under 25 CFR 23.2(d) (2) or (3) in the geographical area to which the tribe or organization can realistically provide the services proposed in the application.

These population figures will be based on identifiable statistical resources and the tribe's or organization's prior service records. Applicants will not be funded for more than their demonstrated need.

A consortium, which is an agreement or association of two or more eligible applicants, may apply for one level of grant above the maximum level which the consortium would be eligible for due to its total service population.

However, at no time may any Indian tribe or organization which is either an eligible individual applicant in accordance with 25 CFR 25.21 or a member of a consortium receive Indian Child Welfare Act grant funds greater than a maximum grant of $300,000 through a direct grant or through subgranting procedures with approved applicants.

The appropriation for this program is 9.6 million dollars. The percentage of funds projected as preliminary allocations to each of the Bureau of Indian Affairs' Area Offices will be:

Aberdeen	7.0%
Albuquerque	6.0%
Anadarko	7.0%
Billings	4.0%
Eastern	10.0%
Juneau	11.5%
Minneapolis	12.5%
Muskogee	5.0%
Navajo	3.5%
Phoenix	7.0%
Portland	9.5%
Sacramento	15.0%

These preliminary allocations are meant for information purposes to the public. They were determined by averaging the following factors for each Area Office: The total Indian population based on the 1980 census figures and the 1979 estimates of Indian population and labor force statistics compiled by the Bureau of Indian Affairs. Adjustments were made considering historical data and the structure of the grant program.

Final allocations for funding applications will be made at the Central Office.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 82-1740 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-02-M

Indian Child Welfare Act; Title II Grant Applications

January 19, 1982.

The period for submitting grant applications is effective upon the date of publication in the **Federal Register** and will end February 22, 1982. It is necessary that specific timeframes be established for submission of applications so that all applicants approved for funding under the provisions of 25 CFR Part 23 may be included in a competitive review and ranking process and can receive a proportionate share of available grant funds.

Application materials and related information may be obtained from Bureau of Indian Affairs offices nearest the applicant. Congress has appropriated 9.6 million dollars for Title II purposes. All grant application approvals will be subject to the availability of funds. Grant awards will be for a one-year period.

Grant applications will be accepted for the purpose of:

(a) Establishment and operations of Indian child and family service programs which promote the stability of Indian families; and

(b) Providing non-Federal matching shares for other Federal financial assistance programs for "on or near" reservation programs which contribute to the purpose stated in (a) above.

Applications must be received in the appropriate Bureau of Indian Affairs, Social Services Office, on or before 4:15 p.m. on the closing date of the application period. Applications sent by registered or certified mail, not later than the closing date, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service, will be considered.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 82-1741 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-02-M

Receipt and Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by th Passamaquoddy Tribe

January 11, 1982.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Receipt and approval of Petition for Reassumption of jurisdiction over Indian Child Custody Proceedings.

SUMMARY: The Indian Child Welfare Act of 1978 Provides that subject to certain specified conditions, Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

The Passamaquoddy Tribe has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Passamaquoddy Indian Reservation in Maine. The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Passamaquoddy Tribe's petition by the Department of the Interior.

EFFECTIVE DATE: The Passamaquoddy Tribe reassumes exclusive jurisdiction March 26, 1982.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Social Services, 18th and C Streets N.W. Washington, D.C. 20245, (202) 343-6434.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 U.S.C. 1918(c), 25 CFR 13.14, and 209 DM 8.

The principal author of this document os Louise Zokan-Delos Reyes, Division of Social Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.

Section 108 of the Indian Child Welfare Act of 1978, Public Law 95-608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation, as defined in 25 U.S.C. 1903(10), over which a state asserts jurisdiction over Indian child custody proceedings, pursuant to Federal statute, to reassume jurisdiction over such proceedings.

To reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by pubication in the **Federal Register.**

The Passamaquoddy Tribe has requested that the requirement in 25 CFR 13.14(a)(1), that the Department of the Interior wait at least 45 days after receipt of a petition before taking final action, not be applied to its petition. This requirement was established so that local agencies involved in child custody matters would have some advance notice that a change in jurisdiction was likely. With respect to the Passamaquoddy Tribe, however, advance notice that such a change of jurisdiction was likely has been provided by section 8 of the Maine Indian Claims Settlement Act of 1980, Pub. L. 96-420, 94 Stat. 1795, 25 U.S.C. 1727, which authorizes the Passamaquoddy Tribe to assume exclusive jurisdiction over Indian child custody proceedings pursuant to the Indian Child Welfare Act. The Passamaquoddy Tribe was exercising jurisdiction over Indian child custody proceedings prior to the effective date of the Maine Indian Claims Settlement Act, which granted exclusive jurisdiction to the state pending approval of the Secretary of the Tribe's petition (25 U.S.C. 1727(f). Expedited action on the petition has been requested in order to reduce the gap in tribal jurisdiction.

For these reasons, the requirement under 25 CFR 13.14(a)(1), that the Department of the Interior wait at least 45 days after receipt of a petition before taking final action, is waived. This waiver is granted pursuant to the authority of the Secretary of the Interior to waive department regulations when such waiver is in the best interest of the Indians, 25 CFR 1.2, and pursuant to the delegation of the authority to the Assistant Secretary—Indian Affairs under 209DM 8.

Notice: This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Passamaquoddy Tribe is approved effective March 26, 1982.

The geographic area subject to the reassumption of jurisdiction is the Passamaquoddy Indian Reservation.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 82-1742 Filed 1-22-82; 8:45 am]

BILLLING CODE 4310-02-M

Bureau of Land Management

[Amdt. N-31788]

Realty Action Non-Competitive Sale of Public Lands in Lander County, Nev.

January 14, 1982.

The following described lands have been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Mount Diablo Meridian, Nevada

T. 18 N., R. 45 E.,
Sec. 20, SE¼NW¼SE¼NW¼SW¼, SE¼NE¼SE¼NW¼SW¼, W½NW¼SW¼NE¼SW¼.

Containing 2.5 acres.

The lands will be sold to Andrew P. Kaltenbach, owner of the Frontier Tavern and owner of the improvements on the tract for sale. The Frontier Tavern provides a variety of services to the public, including a cafe-tavern-store, service station, and motel. Because of its location, it is important that the business be self-sufficient. The 2.5 acre parcel is the smallest amount of land which contains the following improvements necessary to keep the Frontier Tavern operating as a self-sustained business: Trailer spaces for employees, a portion of a parking lot, a sewage system, and a garbage dump.

The proposed sale is consistent with the Bureau's planning system. Public interest will be served, as the sale will assist the economy of the area by satisfying local government and private needs for land identified for disposal.

The Board of Lander County Commissioners has been notified about this sale.

The following conditions will be applicable to the sale:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

For a period of 45 days from the date of first publication interested parties may submit comments to BLM-Nevada State Director, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-1746 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-84-M

Battle Mountain District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 94-579 that a meeting of the Battle Mountain District Grazing Advisory Board will be held.

DATE: February 11, 1982, begin at 10:00 a.m. in the Battle Mountain District Office conference room at North 2nd and Scott Streets, Battle Mountain, Nevada.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 194, Battle Mountain, Nevada 89820 or phone 702-635-5181.

SUPPLEMENTAL INFORMATION: The agenda for the meeting will include: (1) The expenditure of range betterment funds for range improvements, (2) discussion of the Tonopah Experimental Stewardship Program and Allotment Management Plans, (3) the new rangeland management and range improvement policies, (4) management of riparian areas, and (5) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on February 11, 1982 or file written statements for the Board's consideration. If you wish to make oral comments please contact H. James Fox by February 3, 1982.

Minutes of the board meeting will be maintained in the district office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: January 19, 1982.

Michael C. Mitchell,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 82-1662 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. OR 33845]

Oregon; Designation of Addition to Brewer Spruce Research Natural Area

January 15, 1982.

Pursuant to the authority in 43 CFR Subpart 2070, and authorization from the Director dated November 9, 1981, I hereby designate lands within the following described area and displayed on a map labeled "Proposed Addition to the Brewer Spruce Research Natural Area" as Brewer Spruce Research Natural Area:

Willamette Meridian

T. 39 S., R. 6 W.,
Sec. 6, SW¼NE¼SW¼; portions of lots 5, 6, and 7
T. 39 S., R. 7 W.,
Sec. 1, lot 5 and 6

The designated area aggregates approximately 186 acres in Josephine County.

In accordance with 43 CFR 2071.4(a), this designation action is only for the purpose of identifying the Bureau's current management objectives for the area, and, unto itself, has no effect upon established use or management of the lands and resources involved. The area is designated under the category of Natural Resources Experiment and Research Areas, which covers relatively small areas used for research or experimental purposes (43 CFR 2071.(b)(4)). The primary management objectives for the Brewer Spruce Addition are to maintain its quality as a significant example of natural diversity, and to facilitate its use by authorized persons and groups for nonmanipulative and nondestructive scientific research and education. The area has been determined to meet the criteria for BLM Research Natural Areas prescribed by 43 CFR 8223.0-5. It will be managed under regulations in 43 CFR 8223.1 and in accordance with applicable provisions in the Josephine Management Framework Plan approved September 30, 1979.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 82-1099 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

List of Recordkeeping Requirements Imposed on the Public by the Department of the Interior

January 12, 1982.

In a memorandum dated November 23, 1981, addressed to Pub. L. 96-511 Senior Officials, the Office of

Management and Budget required all Federal agencies to publish a list of all recordkeeping requirements imposed on the public, together with CFR citations and OMB clearance numbers. The Department's list is published below. Questions or comments on the list may be directed to Vivian Keado, Office of Information Resources Management, telephone 343–6191.

Joseph E. Doddridge,

Acting Deputy Assistant Secretary—Policy, Budget and Administration.

BUREAU OF INDIAN AFFAIRS

Description of Requirement	CFR Citation	OMB Number
Net Harvest Log Sheet	25 CFR 258	1076–0001
Voter Registration Form	25 CFR 52.11	1076–0003
Application for Sioux Benefits	25 CFR 115	1076–0004
Federal Assistance	25 CFR 23	1076–0006
Accounting and Operating records	25 CFR 91.12	(1)
Cattle loan records	25 CFR 92.9	(1)
Oil production records	25 CFR 161.25	(1)
Mining Operations	25 CFR 171.18, 172.25.	(1)
Ore processing records	25 CFR 173.18	(1)
Restricted land leasing	25 CFR 174.34	(1)
Osage mining leases	25 CFR 175.13	(1)
Quapaw mining records	25 CFR 176.24	(1)
Osage oil and gas mining leases	25 CFR 183.30	(1)
Wind River oil and gas mining	25 CFR 184.26	(1)
Navajo, Hopi and Zuni Business transactions	25 CFR 252.20, 252.34, 252.41, 252.44, 252.58.	(1)
Guaranteed and insured loans	25 CFR 93.52	(1)
Dentention program	25 CFR 11.305	(1)
Grant records	25 CFR 276.5	(1)

[1] Submitted to OMB for clearance; clearance number not yet received.

OFFICE OF SURFACE MINING

Description of Requirement	CFR Citation	OMB Number
Underground Mining, General Performance Standards	30 CFR 717	1029–0009
Adoption of State	30 CFR 718	1029–0010
State Enforcement Activities	30 CFR 720	1029–0011
Initial Regulatory Program	30 CFR 710	1029–0008
General Performance Standards	30 CFR 715	1029–0007
Special Performance Standards	30 CFR 716	1029–0006
Submission of State Programs	30 CFR 731	1029–0023
Procedures and Criteria for Approval or Disapproval of State Program Submission	30 CFR 732	1029–0024
State Processing for Designating Areas Unsuitable for Surface Coal Mining Operations	30 CFR 764	1029–0030
Surface Mining Permit Applications-Minimum Requirements for Legal, Financial Compliance and Related Information	30 CFR 778	1029–0034
Surface Mining Permit Applications-Minimum Requirements for Information on Environmental Resources	30 CFR 779	1029–0035

OFFICE OF SURFACE MINING—Continued

Description of Requirement	CFR Citation	OMB Number
Surface Mining Permit Application-Minimum Requirements for Reclamation and Operation Plan	30 CFR 780	1029–0036
Underground Mining Permit-Minimum Requirements for Information of Environmental Resources in the Permit and Adjacent Areas	30 CFR 783	1029–0038
Requirements for Permits for Special Categories of Mining	30 CFR 785	1029–0040
Review, Public Participation and Approval of Disapproval of Permit Applications and Permit Terms and Conditions	30 CFR 786	1029–0041
Permit Reviews, Revisions and Renewals and Transfer, Sale and Assignment Rights Granted Under Permits	30 CFR 788	1029–0042
Procedures, Criteria and Schedule for Release of Performance Bond	30 CFR 807	1029–0046
Permanent Program Performance Standards-Surface Mining	30 CFR 816	1029–0047
Permanent Program Performance Standards-Underground Mining Activities	30 CFR 817	1029–0048
Special Permanent Program Performance Standards Operations on Steep Slopes	30 CFR 826	1029–0050
State Regulatory Authority Inspection and Enforcement	30 CFR 840	1029–0051
Reimbursements to States	30 CFR 725	1029–0012
Grants Program Development and Administration and Enforcement	30 CFR 735	1029–0013
Small Operator Assistance	30 CFR 795	1029–0014
Permits Federal Lands Program	30 CFR 741	1029–0026
General Requirements for Permits and Permit Applications	30 CFR 771	1029–0032
Underground Mining Permit Application-Minimum Requirements for Legal, Financial, Compliance and Related Activities	30 CFR 782	1029–0037
Underground Mining Permit Applications-Minimum Requirements for Reclamation and Operation Plan	30 CFR 784	1029–0039
General Requirements for Bonding Surface Coal Mining and Operations Under Regulatory Programs	30 CFR 800	1029–0043
Forms Conditions and Terms of Performance Bonds and Liability Insurance	30 CFR 806	1029–0045
Special Permanent Program Performance Standards-Operations in Alluvial Valley Floors	30 CFR 822	1029–0049
Federal Enforcement	30 CFR 843	1029–0052
Civil Penalties	30 CFR 845	1029–0053
Abandoned Mine Reclamation Funds	30 CFR 872	1029–0054
Rights of Entry	30 CFR 877	1029–0055
Acquisition Management and Disposition of Lands and Water	30 CFR 879	1029–0056
Reclamation on Private Land	30 CFR 882	1029–0057

NATIONAL PARK SERVICE

Description of Requirement	CFR Citation	OMB Number
Concessioners	36 CFR 5.6	(2)
Concessioners and Subconcessioners operating under concession contracts in areas administered by National Park Service	16 U.S.C. 20g	(2)

[2] Not yet submitted to OMB for clearance.

GEOLOGICAL SURVEY

Description of Requirement	CFR Citation	OMB Number
Quantity and quality of coal mined, its disposition, and prices received	30 CFR 211.66	(2)
Records of all well operations, casing used, and formations penetrated with the character of oil, gas, or water in each formation	30 CFR 221.23	(2)
Records of water use and disposal	30 CFR 231.4	(2)
Detailed books on ore and rock mined; ore milled; and mineral products sold, recovered, and lost	30 CFR 231.60	(2)
Records of each well operation including geologic and hydrologic conditions encountered	30 CFR 270.37	(2)
Logs of all well operations including geologic and hydrologic conditions encountered	30 CFR 270.73	(2)
Records of each geophysical survey, all seismic data, process geophysical information from seismic data, and other relevant data and information	30 CFR 251.12	(2)
Well records and production records, and information obtained in the course of well operations	30 CFR 250.38	(2)
State Reclamation Plans	30 CFR 884	1029–0058
State Reclamation Grants	30 CFR 886	1029–0059
Abandoned Mine Reclamation Fund Fee Collection and Coal Production Reporting	30 CFR 870	1029–0015
General	30 CFR 700	1029–0020
General Requirements	30 CFR 730	1029–0022
Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	30 CFR 707	1029–0021
Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs	30 CFR 733	1029–0025
Bonds and Liability Insurance on Federal Lands	30 CFR 742	1029–0027
State-Federal Cooperative Agreements	30 CFR 745	1029–0028
Areas Designated by Act of Congress	30 CFR 761	1029–0029
Petition Process for Designation of Federal Lands as Unsuitable for all or Certain Types of Surface Coal Mining Operations and for Termination of Previous Designation	30 CFR 769	1029–0031

GEOLOGICAL SURVEY—Continued

Description of Requirement	CFR Citation	OMB Number
General Requirements for Coal Exploration.	30 CFR 776	1029-0033
Amount and Duration of Performance Bond.	30 CFR 805	1029-0044

[1] Not yet submitted to OMB for clearance

BUREAU OF MINES

Description of Requirement	CFR Citation	OMB Number
Private helium distributors selling to Federal agencies.	30 CFR 602.4 Section VI.	1032-0113

U.S. FISH AND WILDLIFE SERVICE

Description of Requirement	CFR Citation	OMB Number
Migratory Bird commercial perservation facilities; recordkeeping requirements..	50 CFR 20.82	[1]
Federal aid in fish and wildlife restoration; recordkeeping requirements of Office of Management and Budget (OMB) Circular A-102.	50 CFR 80.28	[1]
Fish and wildlife permit recordkeeping requirements.	50 CFR 13.46	1018-0022
Federal aid in andromous fish conservation projects; recordkeeping requirements of OMB Circular A-102.	50 CFR 401.15	[1]
Federal aid in marine mammal conservation projects; recordkeeping requirements of OMB Circular A-102.	50 CFR 82.15	[1]
Buyers and tanners of American Alligator hides recordkeeping requirements.	50 CFR 17.42	1018-0022
Records of furs, hides, and skins shipped in interstate or foreign commerce.	50 CFR 14.83	1018-0022
Buyers of captive-reared migratory waterfowl.	50 CFR 21.14	1018-0020
Holders of permits to mark or band migratory birds.	50 CFR 21.22	1018-0017
Holders of permits to perform taxidermy services on migratory birds.	50 CFR 21.24	1018-0020;1018-0022
Holders of permits to sell migratory waterfowl.	50 CFR 21.25	1018-0020
Killing of certain depredating migratory birds in California.	50 CFR 21.44	Not subject to OMB clearance
Killings of certain depredating migratory birds in Louisiana.	50 CFR 21.45	Not subject to OMB clearance
Killing of certain depredating migratory birds in Washington and Oregon.	50 CFR 21.46	Not subject to OMB clearance
Persons engaged in business as importers or exporters of wildlife.	50 CFR 14.93	1018-0022

[1] Not yet submitted to OMB for clearance.

[FR Doc. 82-1700 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-10-M

Commission on Fiscal Accountability of the Nation's Energy Resources; Availability of Report

Notice is given that the Report of the Commission on Fiscal Accountability of the Nation's Energy Resources is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The stock number is 024-000-00875-4. The Commission was established on July 8, 1981 to (1) examine the allegations of massive irregularities in royalties on the Nation's energy resources which are owed to the Federal government, Indian tribes, and states; (2) investigate the allegations of theft of oil from Federal and Indian lands; and (3) make recommendations for improving the fiscal accountability of the Nation's energy resources. The Commission's findings and 60 recommendations are set forth in the report. The Commission's summary of its report, excerpted verbatim, follows:

Summary

Management of royalties for the Nation's energy resources has been a failure for more than 20 years. Because the Federal government has not adequately managed this multibillion dollar enterprise, the oil and gas industry is not paying all the royalties it rightly owes.

The government's royalty recordkeeping for Federal and Indian oil and gas leases is in disarray. For this reason, the exact amount of underpayment is unknown. The results of individual audits, which have often uncovered large underpayments, suggest that hundreds of millions of dollars due the U.S. Treasury, the States, and Indian tribes are going uncollected every year.

In addition, oil thefts are occurring on Federal and Indian leases. The extent of theft and the amount of royalty losses from theft are unknown, but it is well-documented that security at many Federal and Indian lease sites is lax and is an open invitation to theft.

The Nation can no longer afford mismanagement of royalties for its energy resources. The stakes are too high. With the rapid escalation of energy prices, oil and gas royalties have risen from less than $500 million in 1971 to more than $4 billion in 1981.

The government's royalty management system needs a thorough overhaul. This report of the Commission on Fiscal Accountability of the Nation's Energy Resources details 60 specific recommendations (listed in Chapter Nine of the report) for revising and rebuilding the system. Underlying these recommendations are some fundamental conclusions the Commission reached in the course of its intensive inquiry:

• *The government's royalty management system must have qualified managers.* The scientifically oriented Geological Survey, which now manages royalties, has never been able to supply the active, sophisticated management that is needed. It is largely for this reason that the Commission recommends removing the royalty management function from the Geological Survey. In a separate office with a clearly defined mission, royalty management could attract managers with the training and experience required.

• *The Federal government should work more closely with States and Indian tribes.* In fulfilling its royalty management responsibilities, it should cooperate much more than it has in the past with States and Indian tribes, sharing both information and specific tasks, such as auditing and site inspection.

• *The Federal government should perform an oversight role.* It must not waste its limited resources on tasks that are industry's responsibility. In managing royalty collection, it should not remain mired in bookkeeping details that rightly belong to the lessee. Instead, it should develop systematic, independent cross checks of royalties paid and reports submitted by companies, and it should impose meaningful penalties for false statements or gross errors. In helping to prevent theft, the government should not issue detailed, rigid regulations for security of lease sites. Rather, it should monitor the companies' performances in carrying out their own their site security plans and should penalize violations.

• *The oil and gas industry should carry out its obligation, as lessee, to pay royalties in full and on time.* The industry, not the government, has primary responsibility for the detailed recordkeeping needed to assure that all royalties are paid. The industry also has the obligation to assure the security of lease sites. The industry, not the government, is best suited to develop effective site security plans, subject to the government's minimum standards.

If there is one concept that sums up the Commission's overall approach, it is accountability. Oil and gas companies must be held accountable for the obligations they undertake when they lease Federal and Indian lands for minerals production. The Federal government must be held accountable for fulfilling a public trust, that is, assuring that royalties for the Nation's energy resources are fully and fairly collected on behalf of the people of the United States.

The Federal government has not fulfilled this trust in the past 20 years. It is now taking steps to better its performance. Complex and demanding as the task may be, it is achievable if the internal controls, site security

standards, and sanctions recommended here are made part of an improved royalty management system.

Dated: January 20, 1982.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 82-1786 Filed 1-22-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 417 and Ex Parte No. 417 (Sub-No. 1)]

Costing Methodologies for the Northeast Corridor; Commuter Service and Conrail Freight Service

AGENCY: Interstate Commerce Commission.

ACTION: Adoption of Interim Procedures and Notice of Proposed Procedures.

SUMMARY: Section 1163(a) of the Northeast Rail Service Act (Rail Act) requires that the Commission determine an appropriate costing methodology for compensating Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger and freight services. The Commission has determined that an avoidable costing methodology is the most appropriate one for determining the compensation to be paid to Amtrak for the use of its properties. Also, for purposes of assigning costs, Amtrak should be treated as the dominant user and the other users of its properties as the minority users. The proposed procedures are being adopted as interim procedures.

COMMENT DATE: Comments are due on or before March 1, 1982, after publication of these interim procedures in the **Federal Register.**

EFFECTIVE DATE: These interim procedures are effective upon publication in the **Federal Register** on January 25, 1982.

ADDRESS: An original and 15 copies of the comments should be submitted to: Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Stephen Grimm, (202) 275-0839 or Elaine Kaiser, (202) 275-0907.

SUPPLEMENTARY INFORMATION: On September 4, 1981, we issued two separate advanced notices of proposed rulemakings (Ex Parte No. 417, 46 FR 44999, and Ex Parte No. 417 (Sub-No. 1), 46 FR 45000, September 9, 1981) seeking comments on appropriate methodologies for determining the compensation to be paid to Amtrak for the use of its properties by commuter rail passenger service and freight service, respectively. Under section 1163(a) of the Rail Act, the Commission is to determine, within 120 days of the effective date of the Rail Act, an appropriate costing methodology for compensating Amtrak for the right-of-way related costs associated with the operation of commuter rail passenger and freight services over the Northeast Corridor (NEC) and other properties owned by Amtrak. Because of the stringent statutory time frame for developing a costing methodology, we are adopting the proposed procedures as interim procedures, effective upon **Federal Register** publication, pursuant to 5 U.S.C. 553. Further delay in implementing these procedures would impede the timely execution of our functions under section 1163(a) of the Rail Act.

Public comments are invited on the interim procedures as a basis for the final procedures. We shall act as quickly as possible to formulate final procedures and make any changes that appear necessary based on the comments.

For purposes of background information, we should note that there has been an on-going dispute between Amtrak, the commuter services, and freight services with regard to those costs the commuter and freight services should pay to Amtrak for the use of its properties. The allocation of costs between intercity passenger, commuter and freight services, as in the case of the NEC, has always been an issue where the various services operate over the same track. Although the Commission has always had jurisdiction to decide this dispute, none of the parties have approached the Commission for a final settlement. In order to resolve this issue, Congress gave the Commission authority under section 1163(a) to determine the procedures by which a final determination can be made. In the absence of an agreement between the parties, the Commission's cost methodology applies.

Although we originally believed that two proceedings were necessary to resolve this dispute, we now find that a single proceeding, incorporating both commuter rail passenger and freight services, will best serve the interests of the parties. Consequently, we have combined Ex Parte 417 and 417 (Sub-No. 1) into one proceeding. Also, these proceedings were originally issued as advance notices of proposed rulemaking. Since no changes to Title 49 of the Code of Federal Regulations will result from this proceeding we will now refer to it as a notice of interim and proposed procedures.

The Appropriate Standard

The parties generally agree that the primary decision to be made by the Commission is whether the selected costing methodology should be predicated on an avoidable or fully allocated costing methodology. Conrail and the commuter authorities submit that an avoidable costing methodology (using the Rail Services Planning Office's (RSPO) commuter subsidy regulations, 49 CFR 1127, as currently written) is the most appropriate choice. Amtrak maintains that the RSPO regulations adjusted to a fully allocated level is the most reasonable choice. The Commission has reviewed and evaluated the views of all the parties and after careful deliberation concludes that an avoidable cost methodology based on the RSPO regulations fulfills all statutory requirements and is also best suited to the unique configuration and operation of Amtrak's Northeast Corridor property.

The selection of an avoidable costing methodology has not been a simple one and we recognize that not all of the parties are likely to be totally satisfied with our decision. However, we believe that there are compelling reasons for selecting an avoidable rather than a fully allocated costing methodology.

Specifically, an avoidable costing methodology complies with all relevant statutory requirements. Section 1163(a) of the Rail Act requires that the Commission consider all relevant factors including those contained in certain statutory references as summarized below. These factors, some of which appear in more than one reference, are:

1. Avoidance of cross subsidization among commuter, intercity and freight services. (Section 205(d) of the Regional Rail Reorganization Act of 1973 (3R Act), section 701(a)(6) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) and section 402(a) of the Rail Passenger Service Act (Amtrak Act));

2. The Final System Plan (FSP) compensation principles (Section 205(d) of the 3R Act);

3. Equitable and fair compensation principles (Section 701(a)(6) of the 4R Act and section 402(a) of the Amtrak Act);

4. The avoidable costs of providing service. (Section 304(c) of the 3R Act);

5. RSPO Subsidy Standards. (Section 205(d) of the 3R Act);

6. Industry-wide compensation for freight trackage rights (Section 1163(a) of the Rail Act); and

7. Any additional costs associated with the high-speed service provided over the Northeast Corridor, (Section 1163(a) of the Rail Act).

The following discussion states our preliminary reasons as to how each of these factors relates to the concept of an avoidable costing methodology.

Avoidance of Cross Subsidization

All of the parties agree that every service must bear at least its avoidable costs in order to avoid cross subsidization among services. However, although Amtrak states that there is universal agreement with this position, it also argues that some parties have viewed the prohibition against cross subsidization as also requiring each service to bear a portion of the fixed base costs as well (*i.e.* the use of a fully allocated costing methodology).

Generally, we agree with the parties that cross subsidization is present when a service pays less than its avoidable costs of operation. However, we find no basis for holding that a user must pay more than its avoidable costs in order to prevent cross subsidization. Accordingly, we find that an avoidable costing methodology fulfills the statutory mandate of avoidance of cross subsidization among users.

Final System Plan Compensation Principles

The Final System Plan (FSP) published by the United States Railway Association (USRA) contained a statement of four "principles" regarding ownership of railroad properties and allocation of costs incurred by freight and passenger services.

The four principles are:

First, Conrail has the responsibility to provide satisfactory passenger service on all lines in its system.

Second, the provision of those services should not be subsidized by freight services and Conrail should not be burdened with any passenger deficit.

Third, passenger operations should have priority over freight operations.

Fourth, the exclusive or dominant user of a facility or in some special cases a state or public agency should be its owner.

USRA also indicated that five policies regarding ownership and allocation of costs flow from these basic principles.

The five policies are:

Where facilities exist or are built for the exclusive use of the type of service, i.e., passenger or freight, that entity should bear the full cost of those facilities.

In instances where two or more passenger entities jointly use an exclusive passenger facility, the responsibility for allocating costs on an equitable basis should lie with the users.

Where freight and passenger operations both use a facility, the dominant user should own the facility and bear all the costs of that facility except those which could be avoided if the minority user were not present. To determine the dominant user, all passenger services, both intercity and commuter, should be considered as one entity and all freight services, regardless of carrier, should be considered as one entity.[1]

The minority user should bear exclusively the cost of any additional facilities it requires both existing and proposed.

Where passenger and freight operations both use a facility on an equal basis, the costs of owning and using the facility should be shared equitably.

Taken together, we believe that these nine statements support the use of an avoidable costing methodology. In particular, the FSP's use of the terms "dominant" and "minority" users is specifically related to an avoidable costing approach, because it specifies that the minority user should bear only those costs which would be "avoided" absent the minority user's service.

Furthermore, as New Jersey Transit notes, the USRA staff, in an attempt to settle the dispute between the various users, presented a draft set of cost allocation principles to Conrail and Amtrak which specified that fully allocated costs were inappropriate and that an avoidable costing methodology should be employed between the parties. As a result, we further find that no conflict exists between the use of an avoidable costing methodology and the FSP's compensation principles.

It should be noted that Conrail and the commuter authorities generally agree that the FSP compensation principles support the selection of an avoidable costing methodology. However, Amtrak believes that the FSP compensation principles are irrelevant to this proceeding. Amtrak maintains that the FSP cost-sharing principles were rejected by Congress in favor of applying a standard of fairness and equity in all situations on the Corridor. In support of its position, Amtrak cites the language changes that occurred between the initial Senate version of the 4R Act and the 4R Act as it was ultimately reported by the Conference Committee. In Section 706(a) of the original Senate bill the Commission was ordered to resolve any compensation disputes as follows:

> The Commission * * * shall, consistent with compensation principles described in the final system plan, decide, within 180 days of the submission of a dispute to the Commission the proper amount of compensation for the provision of such services. The Commission, in making such a determination, shall consider all relevant factors, and shall not permit cross subsidization among intercity, commuter, and rail freight services."(Sen. Rep. No. 499, 94th Congress. 1st Session at 285.)

However, the Conference Committee deleted the phrase "* * * consistent with compensation principles described in the final system plan * * *" and substituted the phrase "* * * consistent with equitable and fair compensation principles * * *". The Conferee's explained that:

> "* * * the compensation principles for operations in the Corridor were clarified to make clear that the various users are to be treated fairly and equitably. It is contemplated that in determining compensation, appropriate consideration will be given to the actual magnitude and impact of operations conducted for intercity passenger, freight, and commuter users * * * (Sen. Report No. 595, 94th Congress, 1st Session at 217.)

While Amtrak suggests that this change in the language and explanation constitutes a rejection of the FSP compensation principles, we disagree. We note that a discussion of section 706(a) of the original Senate Bill (Sen. Rep. No. 499, 94th Congress, 1st Session at 103) set out a specific methodology for the Commission to follow in resolving compensation disputes on the Northeast Corridor. This methodology would have assigned long-term avoidable costs to the minority user(s). The determination of a dominant user would have required a segment-by-segment evaluation of the use of the particular corridor facilities. As such, the dominant user of any particular segment could have been intercity passenger, commuter, or freight service. Apparently, the conferees believed that this narrow prescription on a segment-by-segment basis might have resulted in an unfair and inequitable application of NEC costs. Consequently, they modified the original Senate language in a way that broadened the statutory basis upon which the Commission would resolve any NEC compensation dispute. However, nowhere do the conferees reject or otherwise discredit the FSP cost sharing principles. Also, we would like to remind Amtrak that Congress in

[1] We believe that although the FSP contemplated treating intercity passenger and commuter services as one when determining the dominant user, the language of the 4R Act prohibiting cross subsidization among services indicates that they are to be treated separately.

directing the Commission to develop a methodology specifically referred to section 205(d) which calls for consideration of the FSP principles. As a result, we cannot agree with Amtrak that the FSP cost sharing principles are irrelevant to this proceeding.

Equitable and Fair Compensation Principles

The definition of the phrase "equitable and fair compensation principles" referred to in two of the statutory references is a source of disagreement among the parties. New Jersey Transit submits that:

> The relevant statutory provisions requiring equitable and fair compensation principles * * * contain no definition of the terms equitable and fair. Furthermore, there is no pre-existing economic definition which applies in this proceeding, wherein the Commission is charged with determining an appropriate costing methodology for various federally and locally supported services. The statutory history also sheds little light on the meaning of the term. (NJ Transit pg. 12)

Amtrak, however, maintains that the phrase fair and equitable embraces the term just and reasonable. As support for this position, Amtrak states that Congress appears to have used the two phrases interchangeably. Amtrak goes on to argue that just and reasonable compensation for the joint use of rail facilities entails the sharing of base costs (i.e., a fully allocated costing methodology), absent explicit legislative direction to apply a different standard. As a result, Amtrak maintains that the Northeast Corridor methodology should embrace the sharing of base costs because of the interrelationship of the terms fair and equitable and just and reasonable.

The threshold issue is whether the term fair and equitable as provided for under section 1163(a) of the Rail Act does in fact embrace the term just and reasonable.[2] As support for its position, Amtrak argues that the two terms were interchanged in section 1137 of the Rail Act which amended Title 5 of the Amtrak Act. Specifically, Amtrak notes that the House version of the Rail Act (which amended section 504(g) of the Amtrak Act, now renumbered as section 504(f) of the Amtrak Act), originally contained the term "fair and equitable." However, the final language of section 1137 of the Rail Act amending section 504(f) contains the term just and reasonable rather than fair and equitable. Section 504(f) addresses, in part, the compensation to be paid by Amtrak to commuter authorities for the use of their property.

We have a number of concerns with Amtrak's argument. First, the fact that the term just and reasonable is used in another section of the Rail Act, a section which we might add addresses a different compensation problem, does not establish a basis for using that same term in developing a methodology under section 1163(a). Second, in the actual language of 1163(a) Congress makes no reference to the term just and reasonable. Quite simply, section 1163(a), which is the governing section, does not equate the phrase fair and equitable with just and reasonable.

Clearly, the fundamental rule in construing statutes is to ascertain legislative intent and this intent is gleaned from the language as contained in the statute and its supporting legislative history. As discussed above, the statutory language contains no basis for equating the two terms. As to the legislative history pertaining to section 1163, there is also no support for interchanging the terms. Moreover, with respect to section 504(f) Amtrak admits that the Conference Committee did not explain the specific reason for the cited language change in section 504(f). It appears to us that the change from "fair and equitable" to "just and reasonable" in section 504(f) may well have been made only to dovetail section 504(f) with section 402(a) of the Amtrak Act.

Section 402(a) provides the basis for settling compensation disputes arising from Amtrak's use of another carrier's property. We suggest this explanation is more plausible than Amtrak's since section 504(f) deals, in part, with the compensation to be received by a commuter authority when Amtrak exercises trackage rights over commuter authority property. Therefore, we do not believe that there is evidence of legislative intent to equate the two phrases for purposes of developing a costing methodology under section 1163(a).

In addition, we should point out that the original House version of the Rail Act included a discussion of the NEC costing dispute. In this discussion the House stated:

> This section is designed to settle the outstanding dispute among Conrail, Amtrak, and the commuter authorities over cost allocation for use of the Northeast Corridor for commuter service. It is also designed to settle the dispute between Conrail and Amtrak over appropriate compensation for freight operations by Conrail over the Corridor.
>
> Conrail and the commuter agencies contend that standards promulgated by the Rail Services Planning Office (RSPO), which are based on avoidable cost, should apply for allocating Northeast Corridor commuter costs. Amtrak, in contrast, believes the proper standard is fully allocated costs. House Rep. No. 153, 97th Congress, 1st Session at 38.

We believe that this discussion clearly reveals that the House was aware of the disparate costing positions of Amtrak on one hand and Conrail and the commuter authorities on the other. Rather than make a decision on its own, the House directed the Commission to determine the most appropriate methodology. We also find significant the fact that although the House could have used the phrase "just and reasonable" in describing the costing methodology to be determined by the Commission, the House instead used the terms "appropriate" and "fair and equitable" in the Rail Act.

In conclusion, we believe that the language of the Rail Act clearly indicates that the Commission was to settle this dispute after considering the views of all the parties. As such, we find that our adoption of an avoidable costing methodology is clearly an option contemplated by Congress and is one which we believe treats the parties fairly and equitably.

Finally, one other of Amtrak's arguments in favor of a fully allocated costing methodology warrants discussion. As further support for its position, Amtrak cites a Third Circuit Court decision that affected the RSPO Commuter Subsidy Standards, *Southeastern Pennsylvania Transportation Authority v. Interstate Commerce Commission*, 644 F.2d 238 (3rd Cir. 1981). The suit involved a ruling by the RSPO which assigned the base costs of a facility to the dominant user. The base costs were defined by the RSPO as being all costs that are specifically related to a rail property and/or facility, except those costs which could be avoided if the minority user's services were not present. In this suit, SEPTA alleged that the assignment of the base costs of a property to the owner based on an *irrebuttable* presumption that the owner is the dominant user, constituted an abuse of discretion. The Court agreed and remanded the matter to RSPO for reconsideration. Amtrak maintains that the court suggested that some apportionment of base costs among the users will be most consistent with Congressional intent. What the Court actually stated was:

> We therefore hold that the irrebuttable presumption that the owner is the dominant user cannot be maintained. We specifically

[2] Because of our determination that these terms are not interchangeable we need not resolve the question of whether the term just and reasonable embraces the sharing of base costs as Amtrak argues.

do not decide whether the RSPO may, if it deems it appropriate, impose the entire amount of base costs on one user. The RSPO may determine that such imposition is the only feasible method of allocating such costs. We only decide that if it decides to do so, it may not do so on the basis of an irrebuttable presumption of usage unrelated to any supporting evidence. Furthermore, *the RSPO will be free to reconsider whether some apportionment of base costs among the users will be most consistent with the congressional intent.* 644 F. 2d at 252 (emphasis added).

The court also noted that:

Nothing in this opinion is intended to suggest that its adoption of a rebuttable presumption based on ownership would be invalid. We believe it is appropriate to leave to the agency, in the first instance, the decision whether to establish such a presumption and, if so, to decide on the appropriate procedure for rebuttal. 644 F. 2d at 252

Therefore, while the Court found that the RSPO could consider allocating the base cost among the users, we find that the court decision does not require such an allocation. Consequently, this court decision does not preclude our requiring the dominant user to bear the base cost.

Avoidable Costs and the RSPO Subsidy Standards

Our selection of an avoidable costing methology is of course harmonious with the statutory requirement that we consider sections 304(c) and 205(d) of the Regional Rail Reorganization Act of 1973. In essence, Section 304(c) establishes that avoidable costs form the basis for certain freight and commuter subsidy payments, and section 205(d) directs the RSPO to develop standards for the computation of these subsidy payments based on an avoidable cost approach.

Industry-wide Average Compensation for Freight Trackage Rights

The mandated consideration of industry-wide average compensation for freight trackage rights has presented some difficulty in the instant proceeding. This difficulty stems primarily from a lack of information from which to determine the industry average. As Conrail's Witness Orr explains:

I wanted to select a "sample" of trackage right agreements and then analyze them in depth. My inquiries were not fruitful for I found that I.C.C. maintains no such list or respository and the American Association of Railroads does not keep such information * * *. Further, I found that some railroads have little central information as to the terms of their trackage right agreements and their determination of average compensation for freight trackage rights. * * * such an average, even if it could be struck, would be meaningless in the absence of a careful analysis of the different kinds of agreements utilized to develop that average. (Orr, pg. 2)

Witness Orr has succintly expressed the basic problems inherent in generalized comparisons between trackage rights agreements; *i.e.* a lack of specific compensation information and lack of uniformity in the agreements themselves. These problems, when coupled with a lack of specific cost information for the Corridor itself, significantly reduce our ability to incorporate the consideration of the average of industry-wide compensation into our decision.

We note that Amtrak believes that the dollar amounts paid for freight trackage rights are meaningless and that the Commission should consider only the methodology used in determining the compensation for freight trackage rights payments. However, even if we were to accept Amtrak's position that the actual compensation paid is irrelevant, the fact remains that trackage rights agreements cover a wide variety of circumstances and conditions. In other words, each agreement tends to be unique to the parties and designed to accommodate their particular needs. Therefore, given the lack of uniformity in either compensation or underlying methodology, we believe that the intent of Congress in requiring our consideration of trackage rights compensation is best served through the use of a costing methodology that can be tailored to fit the unique facilities and operations that characterize the Northeast Corridor. As will be discussed further on, we believe that an avoidable costing methodology best fulfills this role.

Additional Costs Associated With High Speed Service

Amtrak and Conrail agree that the statutory mandate to consider the additional costs associated with high speed service refers to the additional wear and maintenance requirements that result when heavy freight trains are operated over very high speed passenger tracks. The parties also agree that these additional maintenance requirements should be borne by Conrail on an avoidable basis. The Commission agrees with both parties and our adoption of an avoidable costing methodology will facilitate the assignment of these costs.

Other Considerations

As noted previously, we believe that not only is an avoidable costing methodology consistent with all statutory requirements, but it is also one that is best suited to assigning the costs associated with the unique configuration and function of the Corridor. However, before proceeding further it is necessary to understand the purpose behind any costing methodology. Simply stated, the basic purpose of a costing methodology is to provide information upon which to base economic decisions. Therefore, as Conrail's witness Spychalski notes, if the costing methodology selected

* * * is to serve properly—i.e., yield correct managerial decisions in business firms, and efficient allocations of resources within and between the various sectors of the economy * * * [it] * * * must be designed so as to minimize the possibility of error in the form of either understatement or overstatement. (Spychalski pg. 8)

We believe that the best way to minimize the possiblity of error is to employ a costing methodology that captures costs on a causal basis. In other words, if it can be established that an activity or group of activities "caused" a cost to be incurred, then the costing methodology should assign that cost to that activity. However, before a causal relationship can be established, one needs to define the different types of cost categories.

Definitions of Cost-Categories

The first cost category is termed "solely related" costs. These are costs that can readily be shown to have been caused by a given activity. For example, the costs of operating and maintaining a passenger station which only serves rail commuters may be readily identified as having been entirely caused by the operation of the commuter service. Therefore, it can be said that all these costs are solely related to the commuter service.

A second cost catergory is termed "directly attributable" and is also readily assignable. For example, an electrician may work on both freight and intercity passenger locomotives. However, his wages may be readily shown to have been caused by a particular service based on the number of hours that he works repairing the locomotives of each service. Therefore, although his wages are not solely related to either service, they are directly assignable to each of the particular services for which work was performed.

The assignment of solely related and directly attributable costs is normally not difficult and any costing methodology which is designed to capture them will suffice. However, a costing methodology must also be capable of assigning a third category of costs termed "common" costs. Common costs are those that result from collective activities and as such they cannot be readily traced to or shown to

be caused by a particular activity or group of activities. For example, it is relatively simple to determine the *total* costs associated with building and maintaining a track segment used by several sevices. However, the determination as to which train or group of trains of a particular service operating over the segment actually caused the costs to accrue is a difficult task.

In part, the difficulty in assigning common costs stems from the fact that these costs contain both "fixed" and "variable" elements. A fixed cost is one that remains constant over a given range of activities. For example, a rail will deteriorate from rust regardless of the number of trains that pass over it. Therefore, the cost of this deterioration may be said to be fixed. A variable cost on the other hand changes proportionately with the range of activities. For example, each train that passes over a rail segment wears away a fractional portion of the rail head. Therefore, the cost of this wear increases or decreases with the change in the number of trains that pass over a given rail length. Consequently, the cost of this wear may be said to be variable. However, it must be noted that the amount of the rail that is worn away is influenced by the number of axles and the speed and weight of the trains.

Furthermore, when considering the assignment of common costs one must deal with the situation that occurs whenever different activities require different physical conditions. For example, there may be several rail services operated over a track segment and one of those services operates at a relatively high speed. This high speed operation may require the installation of heavier rail than would be necessary if all users operated at the same lower speed. Since rail has been shown to be a common cost item there is a question as to how the additional costs of this heavier rail should be assigned.

As one may perceive from the above discussion, a costing methodology must be capable of resolving questions involving the need to assign costs on a causal basis and the difficulty in determining a causal relationship for certain common cost items. However, an avoidable costing methodology provides a rational solution to these problems.

Discussion of an Avoidable Costing Methodology

An avoidable costing methodology is premised on the idea that a change in the level of activities will result in a change in the level of the costs incurred. For example, if we assume that commuter service is terminated we can reasonably expect that a commuter service station could be eliminated and consequently no costs for the station would be incurred. Therefore these costs may be termed as avoidable costs. Similarly, if the number of trains operating over a track segment is reduced by the termination of commuter service we would anticipate a decrease in the amount of rail wear. The reduction of the wear can be estimated by using engineering studies and therefore it would be possible to estimate the change in the variable common costs of rail wear. Additionally, the termination of the commuter service may permit a decrease in the number of tracks on the line which would result in a decrease in the common fixed costs as well. For example, if we assume that a triple tracked rail segment is required to accommodate the services of three users and we know that only two tracks are required absent the commuter service then we can say that one track is avoidable. The reduction in the number of tracks would reduce the level of the fixed common costs by roughly one-third.

In effect, we have determined that if commuter service is terminated we can "avoid" incurring certain cost items. In other words, we have deduced that the difference between the total costs with all services and the costs with a reduced level of service is "caused" by the presence of the commuter service. It is this establishment of a causal relationship that permits the assignment of these costs to the commuter service.

However, before an avoidable costing methodology can be applied one additional factor is required. This additional factor involves the determination of a "dominant" user or service. In essence, the determination of a dominant user involves an analysis of the significance of each user or service which when taken together produce the total of all the cost categories. If the analysis establishes that one activity or group of activities is more significant than any of the others it may be said that this activity or group of activities is dominant. For example, if we assume that two services operate over the same track facilities and one service operates 100 trains per day while the other operates 10, the former service may be said to be the "dominant" user and the latter is the "minority user." However, it must also be recognized that other factors may need to be considered in determining a dominant user. These include ownership of the facilities, the operating and management control of the facilities and the degree to which the properties have been modified to serve the needs of each service.

Once an analysis of all these factors establishes that one user or service is dominant, the assignment of the common costs becomes relatively simple. A review of all cost elements is made to determine which elements would be required if *only* the dominant user's service were to be operated. All other cost elements would of course be considered avoidable and therefore assigned to the minority user.

One should recognize that when more than one minority user is present, a further separation must be undertaken to assign the avoidable costs to the proper minority user. Of course, the assignment of the solely related and directly attributable should be readily evident. However, the assignment of the avoidable common costs requires further analysis which is also predicated on an avoidable cost approach. For example, assume that for a triple tracked facility there is one avoidable track and that there are two minority users. Under an avoidable cost concept the resultant impact from the termination of either of the minority users should then be determined. The avoidable variable common costs may be determined on the basis of an engineering study and there should be little disagreement among the minority users on the proper assignment of these costs. However, the assignment of avoidable fixed common costs requires more analysis.

For example, the analysis may indicate that the loss of either minority user would have no impact upon the retention of the avoidable track. In other words, the avoidable track would remain as long as either minority service operated. In such a case the avoidable common costs of that track should be shared by the minority users on a reasonable basis, such as on a ratio of each user's variable common costs. However, if the analysis indicates that the loss of one of the minority users would permit the elimination of the avoidable track, then that user should bear the full avoidable fixed common cost associated with that track.

One should also recognize that an avoidable costing methodology differentiates and assigns the costs related to the physical specifications of each type of service, be it intercity passenger, commuter, or freight. Under this approach, the dominant user pays the costs specifically related to the physical specifications needed to accommodate its needs. The minority user would pay only the costs of those physical characteristics needed to accommodate its presence or, put another way, the costs of those

specifications that would be eliminated it the minority user were no longer present.

It is important to note that the application of an avoidable costing methodology does not place the dominant user in a poorer financial condition than if it operated alone. In addition, all other users are required collectively to bear their avoidable expenses. However, the avoidable users are not required to pay for facilities or personnel that they have not "caused" to occur by the presence of their operations. As a result, no user can claim that it has been disadvantaged by the presence of the other users.

Determination of the Corridor's Dominant User

We have examined the submissions of the parties and we find that they contain a considerable amount of information detailing operation, control, use, and condition of Amtrak's Corridor properties. This information, when combined with the statutory requirements for the operation and use of the Corridor, leads us to conclude that intercity passenger service is the dominant service and user of the Corridor.

First of all it is obvious from a review of the legislation applicable to the Corridor that Congress has intended that the Corridor function primarily as a high speed intercity passenger route. As Conrail's Witness Spychalski notes:

> Legislative action to make intercity passenger service preeminent in the Northeast began with Section 106(a)(3) of the Regional Rail Reorganization Act of 1973, which directed that the final plan for a reorganized north-eastern rail network should provide for "improved high-speed rail passenger service" in the Corridor. This directive was met in Chapter 2 of the United States Railway Association's *Final System Plan*, which recommended (*inter alia*) that (1) the physical plant of the Northeast Corridor be upgraded to standards commensurate with high speed passenger train operation, (2) full operational control of Northeast Corridor traffic be vested with Amtrak, and (3) Conrail freight traffic on Corridor trackage be minimized by the shifting of through freight trains to alternate parallel routes. The general thrust of these recommendations was placed in statutory form by the Railroad Revitalization and Regulatory Reform Act of 1976. Title VII of the Act mandated a high speed intercity passenger improvement program for the Corridor. As part of the program, Section 703 of the Act subordinated both commuter passenger service and freight service to intercity passenger service. (Spychalski pg. 10)

We would also note that the Passenger Railroad Rebuilding Act of 1980 further indicates that Congress intended the Corridor to be a high speed intercity route. This Act amended section 703 of the 4R Act and provided that the Secretary of Transportation develop plans for alternate off-corridor routings of freight traffic. In addition, this Act prioritized the items to be considered in the selection and scheduling of specific improvement projects and we note that the optimization of on-time performance for commuter and freight operations falls sixth on a list of seven items.

Second, we find that these Congressional mandates either have been achieved or are in the process of being fulfilled. Ownership and control of operations on the Corridor were transferred from Conrail to Amtrak in 1976. Millions of dollars have been spent since that time physically to upgrade many Corridor properties to accommodate a high speed intercity passenger service and Amtrak is in the process of improving intercity passenger schedules, services and equipment. At the same time commuter service has remained essentially unchanged while freight service over the Corridor has declined substantially. In fact Conrail's Witness Wieter indicates that freight car-miles on the Corridor have dropped by 35 percent between 1978 and 1981.

Third, only intercity passenger service makes a substantial and continuous use of Corridor properties. For example, as shown in Table 1, between Baltimore, MD and Wilmington, DE, only intercity passenger and freight services use the Corridor, while between Lane Hunter, NJ and New York City only intercity passenger and commuter service are found. Furthermore, we also find that even where the three services operate over the same track segments of the Corridor, the amount of usage varies greatly. For example, between Bowie, MD and Baltimore, MD the use that each service makes of the Corridor properties varies significantly as shown below:

Service	Number of trains per week	Percentage of total
Intercity passenger	412	[illegible]
Freight	171	[illegible]
Commuter	[illegible]	3
Total	[illegible]	[illegible]

TABLE 1.—NUMBER OF TRAIN MOVEMENTS DURING THE 1-WEEK PERIOD MAR. 23–29, 1980

Corridor segment	Approximate length (miles)	Intercity passenger	Commuter (contract)	Freight	Total
Washington-Landover	[illegible]	412	[illegible]		[illegible]
Landover-Bowie	[illegible]	412	20	144	576
Bowie-Baltimore	25	412	[illegible]	171	603
Baltimore-Perryville	[illegible]	412		[illegible]	[illegible]
Perryville-Davis-Ragan	21	412		159	571
Davis-Ragan-Wilmington	12	412		102	514
Wilmington-Hook	10	412	239	102	753
Hook-Arsenal-Brill	13	412	347	115	[illegible]
Arsenal-Bill-Philadelphia	3	412			412
Philadelphia-Zoo	2	[illegible]	682	78	[illegible]
Zoo-N. Philadelphia	3	[illegible]	[illegible]	[illegible]	[illegible]
N. Philadelphia-Shore	3	526	231	[illegible]	[illegible]
Shore-Morris	24	528	231	[illegible]	828
Morris-Trenton	2	528	234	211	[illegible]
Trenton-County	24	[illegible]	[illegible]	191	[illegible]
County-Union	13	528	447	171	1,146
Union-Lane-Hunter	7	[illegible]	[illegible]	178	1,516
Lane-Hunter-Newark	[illegible]	[illegible]	1,127		1,655
Newark-Penn Station	[illegible]	528	689		1,217
Total	225				

Source: Amtrak Exhibit F and D.

One should also recognize from the information detailed in Table 1 that, except for relatively short stretches of track around Philadelphia and New York City, Amtrak operates considerably more service than either commuter or freight services, even on a combined basis. However, it should be noted that train movements are only one

of several physical measurements that can be employed. Even so, of the physical use measurements available, train movements *is* the measurement that *is* most representative of all the operations of the users.

Overall then, it appears clear that Amtrak is the Corridor's dominant user since it fulfills all the requirements of a dominant user. Amtrak owns the Corridor, maintains and controls the operations of all users, has spent millions to configure the properties to meet its service needs and operates more service than any other user. Therefore, we believe that the use of an avoidable costing methodology is the most appropriate one for the Corridor.

Procedures for the Assignment of Right-of-Way Related Costs

Our procedures provide a basis for assigning the right-of-way related costs to the respective users of Amtrak's properties. These procedures apply in the event affected parties are unable to agree on an allocation method. In effect, we assign the avoidable costs to the minority users and the residual costs to Amtrak, the dominant user. The right-of-way related costs assigned to the minority users include operating expenses and a return on the value of the avoidable properties. Our procedures involve three basic steps. The first step is to develop Facilities Utilization Plans and Employee Utilization Plans (Utilization Plans). These plans are basically a listing of the facilities and personnel associated with the operation of Amtrak's properties. The Commission will resolve any dispute involving the content of the Utilization Plans if the parties are unable to agree.

The second step is to use the Utilization Plans to identify the solely related, directly attributable, and common right-of-way related costs. The utilization plans will employ Amtrak's accounting system and all accounts will be separated between labor and other-than-labor charges. If the parties cannot agree upon either the classification of a cost item or the separation between labor and other-than-labor costs, the Commission will resolve the dispute.

The third step is the actual assignment to the various users of the costs that are developed from the Utilization Plans. These costs are assigned as follows:

The costs that are solely related or directly attributable to a user shall be assigned directly to the user causing these costs.

Those costs that are common to both Amtrak and the minority user(s) shall be apportioned between Amtrak and the minority user(s). This assignment may be accomplished by using historical data, special studies, apportionment formulas or any combination of these methods. If special studies are employed, the party or parties requesting these studies must obtain the approval of the study design from the other users. The results of such a study shall be binding unless all the users agree to disregard the results. When two or more users request a particular study, they shall equally share the expense. If the parties cannot agree on a way to apportion the common costs, the allocation procedure contained in Appendix A will apply. If there is only one minority user, the common costs shall be assigned according to the methodology shown in Column 3 of Appendix A. If there are two or more minority users, the common costs shall be apportioned among these services according to the methodology shown in Column 4 of Appendix A.

We have also included a return on the value of Amtrak's properties as a right-of-way related expense. The reason is that Amtrak should be compensated for the capital investment that is required to accommodate the operation of the minority service(s).

The Amtrak Northeast Corridor properties on which a reasonable return shall be allowed shall consist of:

1. The book value of any equipment furnished by Amtrak, as identified in the various Utilization Plans for minority service less accumulated depreciation.

2. The net book value of those roadway and structure properties, as identified in the various Utilization Plans, which could be disposed of if minority service(s) were discontinued. The net book value shall include the net liquidation value of the properties as of April 1, 1976, (the date of transfer of the NEC to Amtrak) determined for their highest and best use, plus the value of additions and betterments completed after that date for the minority service(s). From this amount, any depreciation accruing from that date and also any costs of modifying the remaining properties so that Amtrak's operations can be continued should be subtracted. The return shall be determined by the average rate paid on United States Treasury Bills for the twelve-month period immediately preceding the service date of this decision. This average rate shall be paid for a period of one year following the service of this decision. For each succeeding twelve-month period, the rate shall be the average rate paid on United States Treasury Bills for the preceding twelve-month period. This average rate shall be paid on the value of Amtrak's properties as determined above.

The return on the value of Amtrak's properties should be directly assigned to the minority user(s). However, if there are two or more minority users, the return on the value properties must be apportioned between the minority users as follows:

Where two or more minority users share in the use of equipment, each user's share of the return on that equipment shall be determined on the basis of a percentage distribution of the minority user equipment miles (locomotive unit, car, etc). Where two or more minority user services share in the use of rail properties, each minority user's share shall be determined on the basis of a percentage distribution of the minority user's variable costs assigned within a designated area.

To facilitate the process, we are including definitions of terms which we believe are necessary to develop the Utilization Plans and to assign the costs. These definitions are as follows:

Definition of Terms

"Account" means an account in the ICC's Uniform System of Accounts as prescribed for the National Railroad Passenger Corporation. (Commission Order No. 36765, *Exemption of Amtrak From Uniform System of Accounts for Railroads*, served December 7, 1977)).

"Amtrak" means the National Railroad Passenger Corporation.

"ICC" means the Interstate Commerce Commission.

"Actual" means charges for railway facilities properties and services which are directly identified with a minority user in either a Facilities Utilization Plan or an Employee Utilization Plan.

"Minority User" means a user, other than Amtrak, which uses a portion of Amtrak's Northeast Corridor properties on an incremental basis.

"Amtrak's Northeast Corridor" means those portions of its railroad lines extending from Hartford, CT and Boston, MA on the North to Harrisburg, PA on the West and Washington, DC on the South, which are owned and operated by Amtrak. Amtrak's Northeast Corridor is not a contiguous line of railway. The term "Amtrak's Northeast Corridor" specifically excludes certain line segments within the above-defined geographic area, such as the segment between New Haven, CT and New Rochelle, NY.

"Right-of-way Related Costs" means those costs which are related to the

maintenance and operation of Amtrak's right-of-way and are developed through the various Employee Utilization Plans and Facility Utilization Plans, either adopted by Amtrak and the minority users or prescribed by the Commission.

"Common Costs" means those charges shown in Amtrak's accounts, identified by the various Facilities Utilization Plans and Employee Utilization Plans, which are incurred by Amtrak for the benefit of Amtrak and the minority users and which are not for the sole benefit of a single party.

"Designated Area" means a portion of Amtrak's Northeast Corridor facilities, such as track segments, shops, buildings, yards, etc., for which costs are collected for apportionment between Amtrak and minority user(s) and among minority user(s).

"Facilities Utilization Plan" means a document identifying and itemizing the road property and equipment used in providing minority user service(s). This plan shall identify the equipment which would be avoidable upon the discontinuance of minority user service(s). This plan shall also identify those road properties which would be avoidable upon the discontinuance of minority user service(s) for the purpose of determining depreciation, dismantling charges, and value of road properties. The roadway properties should be divided into areas or segments consisting of portions of property where operations are similar and pinpointing those locations where operations or usage changes (e.g., number of tracks change, minority user services begin or end, branch lines enter, or other similar changes). Properties normally included in a Facilities Utilization Plan include trackage, signal systems, electrification systems, interlocking plants, bridges and drawbridges, stations and platforms, highway grade crossings, grade crossing protection systems, yards, powerplants, shops, enginehouses, locomotive and car servicing facilities, land, rolling stock and other facilities, and equipment.

Source data normally include equipment rosters, track charts or maps of properties in the above classifications, and usage measurements for each class of facility and equipment by specific facility or segment (*e.g.*, track density charts, train sheets, operating timetables, blocking records, yard programs, station workload programs, etc.). They are needed to determine the minority user(s) percentage of use of facilities and equipment used in providing minority service.

"Employee Utilization Plan" means a list of all persons employed by Amtrak in providing right-of-way related minority user services. The plan shall list these persons according to job title, work location, account, and percentage of time devoted to various minority user services.

Access to Records and Facilities for Audit and Inspection

The various minority users and the ICC shall have reasonable access to Amtrak's records, accounts, working papers and other documents used in determining the charges to minority users for right-of-way related costs. The various minority users and the ICC shall have reasonable access to Amtrak's properties and equipment used in providing minority user service(s).

Access shall be granted for the following purposes:

1. To verify the accuracy and completeness of the various Facilities Utilization Plans and Employee Utilization Plans.

2. To verify the actual costs and expenses incurred and the service units and other statistics maintained in the provision of minority user service(s).

3. To inspect the equipment and properties used in providing minority user service(s).

4. To confirm facts and representations made or to be made by Amtrak in its provision of minority user service(s).

The properties and records described above shall be made available for inspection and examination by the various minority users and the ICC during regular business hours in either the offices of Amtrak in which such records are maintained or at a time and place agreeable to the parties. Amtrak shall reproduce such records provided the requesting party pays the reasonable cost thereof.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. Comments, however, are invited.

This action will not have a significant economic impact on a substantial number of small entities and therefore we certify that a regulatory flexibility analysis is not required. Our procedures are not expected to impact small entities significantly since the dollar amounts involved are small when compared to the total operating budget of the entities that are directly affected. More importantly, the entities that are directly affected by this action are larger than the definitions established for small entities in the Regulatory Flexibility Act, Pub. L. 96–354, (5 U.S.C. 601, *et seq.*).

Dated: January 18, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

APPENDIX A.—BASIS FOR THE APPORTIONMENT OF COMMON COSTS BETWEEN AMTRAK AND MINORITY USER SERVICE(S) AND BETWEEN/AMONG MINORITY USER SERVICES

Amtrak account No.	Amtrak account name	Basis of appertionment between Amtrak (dominant user) and minority user(s)	Basis of apportionment between/among minority user(s)
(1)	(2)	(3)	(4)
		Maintenance of Way and Structures	
201	Superintendence	Actual	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-279.
		Maintenance of Way and Structures—Yard and Way Switching Tracks	
202	Road Maintenance	Ratio of Minority User Car Miles to Total Car Miles—Designed Areas	Percentage Distribution of Minority User Car Miles—Designated Area
206	Tunnels and Subways	do	Do.
208	Bridges Trestles and Culverts	do	Do.
210	Elevated Structures	do	Do.
212	Ties	do	Do.
216	Other Track Material	do	Do.
218	Ballast	do	Do.
220	Track Laying and Surfacing	do	Do.

APPENDIX A.—BASIS FOR THE APPORTIONMENT OF COMMON COSTS BETWEEN AMTRAK AND MINORITY USER SERVICE(S) AND BETWEEN/AMONG MINORITY USER SERVICES—Continued

Amtrak account No.	Amtrak account name	Basis of apportionment between Amtrak (dominant user) and minority user(s)	Basis of apportionment between/among minority user(s)
(1)	(2)	(3)	(4)
		Maintenance of Way and Structures—Running Tracks	
202	Road Maintenance	SFGT [1]	Special Study.
206	Tunnels and Subways	....do	Do.
208	Bridges Trestles and Culverts	....do	Do.
210	Elevated Structures	....do	Do.
212	Ties	....do	Do.
214	Other Track Material	....do	Do.
216	Ballast	....do	Do.
220	Track Laying and Surfacing	....do	Do.
227	Station and Office Building	Special Study	Special Study.
229	Roadway	Ratio of Minority User Amounts Assigned to Accounts 202-220 to Total Amounts Assigned to Accounts 202-220—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-220—Designated Area.
231	Water Stations	Ratio of Minority User Locomotive Unit and Motor Car Unit Miles to Total—Designated Area.	Percentage Distribution of Minority User Locomotive and Motor Car Unit Miles—Designated Area.
233	Fuel Stations	Ratio of Amtrak/Minority User Fuel Consumed to Total Fuel Consumed—Designated Area.	Percentage Distribution of Minority User Fuel Consumed—Designated Area.
235	Shops and Engine Houses	Ratio of Minority User Direct Labor Charges to Total—Designated Area	Percentage Distribution of Minority User Direct Labor Charges—Designated Area.
247	Communication Systems	Ratio of Minority User Train Hours to Total Train Hours—Designated Area	Percentage Distribution of Minority User Train Hours—Designated Area.
249	Signals and Interlockers	Ratio of Minority User Train Movements To Total Train Movements—Designated Area.	Percentage Distribution of Minority User Train Movements—Designated Area.
253	Power Plants	Ratio of Minority User Killowatt Hours Consumed To Total Killowatt Hours Consumed—Designated Area.	Percentage Distribution of Minority User Killowatt Hours Consumed—Designated Area.
257	Power Transmission Systems	....do	Do.
265	Miscellaneous Structures	Ratio of Minority User Amounts Assigned to Accounts 202-220 to Total Amounts Assigned to Accounts 202-220—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-220—Designated Area.
267	Retirements	Actual	Percentage Distribution of Minority User Amounts Assigned to Accounts 206-210, 227-265—Designated Area.
269	Roadway Machines	Ratio Minority User Amounts Assigned to Accounts 206-220 to Total Assigned to accounts 202-220—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-220—Designated Area.
270	Dismantling Retired Road Property	Actual	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-220—Designated Area.
271	Small Tools and Supplies	Ratio Minority User Amounts Assigned to Accounts 202-220 to Total Amounts Assigned to Accounts 202-220—Designated Area.	Percentage Distribution of Minority User Amounts Assigned Accounts 202-220—Designated Area.
272	Removing Snow, Ice and Sand	....do	Do.
273	Public Improvements—Maintenance	....do	Do.
274	Injuries to Persons	Ratio of Minority User Amounts Assigned to Accounts 202-265 (except account 247) 260-273, 278, 279, 281 to Total Amounts Assigned to Accounts 202-265 (Except Account 247) 260-273, 278, 279, 281—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-265 (except account 247) 269-273, 278-279—Designated Area.
276	Stationery and Printing	....do	Do.
277	Employee's Health and Welfare Benefits.	Separate pension expense and other than pension expense. Assign pension expense on an actual basis. Apportion other than pension expense on the ratio of minority user wages assigned to Maintenance of Way and Structures Accounts to Amtrak Northeast Corridor total Wages Assigned to Maintenance of Way and Structures Accounts.	Percentage Distribution of Minority user wages assigned to Maintenance of Way and Structures accounts—Designated Area.
281	Right of Way Expenses	Ratio Minority User Amounts Assigned to Accounts 202-265 (except Account 249) 269-273, 275, 279 to Total Amounts Assigned to Accounts 202-265 (except Account 249) 269-273, 275, 279.	Percentage Distribution of Minority User Amounts Assigned to Accounts 202-265 (except account 247) 269-273, 278, 279—Designated Area.
278	Maintaining Joint Tracks, Yards and Other Facilities Dr.	Special Study	Special Study.
279	Maintaining Joint Tracks, Yards and Other Facilities Cr.	....do	Do.
xxx	All Other Maintenance of Way and Structures Accounts.	Actual	Actual.
		Transportation—Rail Line	
371	Superintendence	Actual	Percentage Distribution of Minority User Amounts Assigned to Accounts 372-392—Designated Area.
372	Dispatching	Ratio Minority User Train Hours to Total Train Hours—Designated Area	Percentage Distribution of Minority User Train Hours—Designated Area.
373	Station Employees	Special Study	Special Study.
376	Stations Supplies and Expenses	....do	Do.
377	Yardmasters and Yard Clerks	Ratio of Minority User Yard Locomotive Hours to Total—Designated Area	Percentage Distribution of Minority User Yard Locomotive Unit Hours—Designated Area.
378	Yard Conductors and Brakeman	....do	Do.
379	Yard Switch and Signal Tenders	....do	Do.
380	Yard Enginemen	....do	Do.
382	Yard Switching Fuel	....do	Do.
383	Yard Switching Power Produced	....do	Do.
384	Yard Switching Power Purchased	....do	Do.
388	Servicing Yard Locomotives	....do	Do.
389	Yard Supplies and Expenses	....do	Do.
392	Train Enginemen	Actual	Actual.
394	Train Fuel	....do	Do.
396	Train Power Produced	Ratio of Minority User Killowatt Hours Consumed to Total Killowatt Hours Consumed—Designated Area.	Percentage Distribution of Minority User Killowatt Hours Consumed—Designated Area.
398	Train Power Purchased	....do	Do.
400	Servicing Train Locomotives	Ratio of Minority User Locomotive Units Dispatched to Total Locomotive Units Dispatched—Designated Area.	Percentage Distribution of Minority User Locomotive Units Dispatched—Designated Area.
402	Train Supplies and Expenses	Ratio of Minority User Train Miles to Total Train Miles—Designated Area	Percentage Distribution of Minority User Train Miles—Designated Area.
404	Signal and Interlocker Operation	Ratio of Minority User Train Movements to Total Train Movements—Designated Area.	Percentage Distribution of Minority User Train Movements—Designated Area.

APPENDIX A.—BASIS FOR THE APPORTIONMENT OF COMMON COSTS BETWEEN AMTRAK AND MINORITY USER SERVICE(S) AND BETWEEN/AMONG MINORITY USER SERVICES—Continued

Amtrak account No.	Amtrak account name	Basis of apportionment between Amtrak (dominant user) and minority user(s)	Basis of apportionment between/among minority user(s)
(1)	(2)	(3)	(4)
405	Crossing Protection	Ratio Minority User Train Movements to Total Train Movements—Designated Area.	Percentage Distribution of Minority User Train Movements—Designated Area.
406	Drawbridge Operation	Ratio of Minority User Train Movements to Total Train Movements—Designated Area.	Percentage Distribution of Minority User Train Movements—Designated Area.
407	Communication System Operation	Ratio Minority User Train Hours to Total Train Hours—Designated Area	Percentage Distribution of Minority User Train Hours—Designated Area.
409	Employee's Health and Welfare Benefits.	Separate Pension and other than pension expenses. Assign Pensions on actual basis. Assign Other than Pensions on the Ratio of Minority User Wages in the Transportation Accounts to Amtrak Northeast Corridor Wages in the Transportation Accounts.	Percentage Distribution of Minority User wages assigned to Transportation Accounts.
410	Stationery and Printing	Ratio of Minority User Amounts in all Transportation Accounts except Account 409 to Total Amounts in all Transportation Accounts except Account 409.	Percentage Distribution of Minority User Amounts Charged to all Transportation Accounts except Account 409.
411	Other Expenses	Actual	Actual.
414	Insurance	Estimate from Insurance Underwriter of Avoidable Portion of Insurance Premium Absent Minority Service.	Percentage Distribution of (Based on Minority User Train Miles) of Minority User Insurance Costs.
415	Clearing Wrecks	Actual	Actual.
416	Damage to Property	Actual	Actual.
390	Operating Joint Yards and Terminals Dr.	Special Study	Special Study.
391	Operating Joint Yards and Terminals Cr.	....do	Do.
xxx	All Other Transportation Accounts	Actual	Actual.
		Maintenance of Equipment	
301	Superintendence	Actual	Percentage Distribution of Minority User Amounts Assigned to Accounts 301–337.
302	Shop Machinery	Ratio Minority User Amounts Assigned to in Accounts 311–329, 336, 337 to Total Amounts Assigned to Accounts 311–329, 336, 337.	Percentage Distribution of Minority User Amounts Assigned To Accounts 311–329, 336, 337—Designated Area.
304	Power Plant Machinery	....do	Do.
305	Shop and Power Plant Machinery—Depreciation.	....do	Do.
306	Dismantling Retired Shop And Power Plant Machinery.	....do	Do.
311	Locomotive Repairs	Road Locomotives—Actual; Yard Locomotives—Special Study	Road Locomotives—Actual; Yard Locomotives—Special Study.
317	Passenger Train Car Repairs	Actual	Actual.
328	Work Equipment Repairs	Ratio Minority User Charges to Accounts—202–220 to Total Charges to Accounts 202–220—Designated Area.	Percentage Distribution of Minority User charges To Accounts 202–220—Designated Area.
328	Miscellaneous Equipment Repairs	Ratio Minority User Misc. Equipment Hours to Total Misc. Equipment Hours—Designated Area.	Percentage Distribution Misc. Minority User Equipment Hours—Designated Area.
329	Dismantling Retired Equipment	Actual	Actual.
330	Retirements Equipment	....do	Do.
331	Equipment Depreciation	....do	Do.
332	Injuries to Persons	Ratio Minority User Amounts Charged to Accounts 311–329 336, 337—Designated Area.	Percentage Distribution of Minority User Amounts Charged to Accounts 311–329, 336, 337—Designated Area.
333	Insurance	Estimate from Amtrak's Insurance Underwriter of Amount of Avoidable Portion of Insurance Premium Absent Minority User Service.	Percentage Distribution of Minority User Amounts Assigned to Accounts 301–337.
334	Stationery and Printing	Ratio of Minority User Amounts Assigned to Accounts 311–329, 336, 337 to Total—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 311–329, 336, 337—Designated Area.
335	Employee's Health and Welfare Benefits.	Separate Pension and other than pension expense. Assign Pensions on an actual basis. Assign other than Pension Expense on the Ratio of Minority User Wages in the Maintenance of Equipment Accounts to Total Amtrak Northeast Corridor Maintenance of Equipment Wages.	Percentage Distribution of Minority User Wages Assigned to Maintenance of Way and Structures Accounts—Designated Area.
339	Other Expenses	Ratio of Minority User Amounts Assigned to Accounts 311, 324, 336, 337 to Total—Designated Area.	Percentage Distribution of Minority User Amounts Assigned to Accounts 311, 329, 336, 337—Designated Area.
390	Joint Maintenance of Equipment Expenses Dr.	Actual	Actual.
337	Joint Maintenance of Equipment Cr	....do	Do.
xxx	All Other Maintenance of Equipment Accounts.	....do	Do.
		Traffic	
351–350	All Traffic Expenses	Actual	Actual.
441–448	All Miscellaneous Operations Accounts.	....do	Do.
		General Expense	
451–463	All General Expenses	Actual	Actual.

[1] SFGT means the Speed Factored Gross Tons formula set forth in 49 CFR 1127, *Standards For Determining Commuter Rail Service Continuation Subsidies.*

[FR Doc. 82–1730 Filed 1–22–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules*

Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 18, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14773, filed December 29, 1981. ACE DORAN HAULING & RIGGING CO. (ACE) (1601 Blue Rock St., Cincinnati, OH 45223)—Purchase (Portion)—BOWLING GREEN EXPRESS, INC. (BGE) (Route 14, Box 66, Bowling Green, KY 42101). Representatives: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 and Henry E. Seaton, 929 Pennsylvania Bldg., 13th and Pennsylvania Ave., NW., Washington, DC 20004. Ace seeks to purchase a portion of the interstate rights of BGE. Richard E. Doran and Robert J. Doran, the sole shareholders of Ace seek to acquire control of said rights through the transaction. The rights to be transferred are contained in Certificate No. MC–97394 (Sub-No. 18F) and authorize the transportation of general commodities, with exceptions, over a *regular route* between Louisville, KY and Cincinnati, OH over Interstate Highway 71, serving no intermediate points. Transferee is a common carrier operating in all States pursuant to certificates issued in No. MC–112304. Application for temporary transfer has *not* been filed.

MC–F–14772, filed December 30, 1981. CSI SIX, INC (CSI Six) (2000 Market Street, Philadelphia, PA 19103)—Purchase—SCHEDULED TRUCKWAYS, INC. (Truckways) (Rogers, AR 72756). Representative: Harry J. Jordan, Suite 502, Solar Building, 1000—16th Street, NW Washington, DC 20036. CSI Six seeks authority to purchase the interstate operating rights and property of Truckways. Carrier Systems, Inc., which owns 100% of the outstanding stock of CSI Six, Sun Carriers, Inc., which owns all the stock of Carrier Systems, Inc., and Sun Company, Inc., which owns all the stock of Sun Carriers, Inc., seek authority in the same application to acquire control of the operating rights and property of Truckways. CSI Six is purchasing the interstate operating rights held by Truckways in Docket No. MC–150783 (Sub-Nos. 1 through 17) which authorize service as a motor common carrier, over irregular routes, of (1) general commodities, with exceptions, and specified commodities between various radial bases, ranging from individual plant sites, one or more counties, and complete states, and generally points throughout the United States. Sun Company, Inc., and Sun Carriers, Inc., commonly control the following carriers: Milne Truck Lines, Inc. ("Milne"), Jones Truck Lines, Inc. ("Jones"), Standard Trucking Company ("Standard", and Carrier Systems International Motor Freight, Inc. ("International"), and through ownership of Trucking Merger and Reorganization ("TMRI"), a non-operating carrier, owns St. Johnsbury Trucking Company, Inc. ("St. Johnsbury"). Authority is also sought by Sun Carriers, Inc., and Sun Company, Inc., to continue in control of Milne, Jones, Standard, International, TMRI, and St. Johnsbury. Milne holds authority under Docket No. MC–44605, and sub-numbers thereof; Jones holds authority form this Commission under Docket No. MC–111231, and sub-numbers thereof; Standard holds authority under Docket No. MC–39973, and sub-numbers thereof; International holds authority under Docket No MC–154050; and St. Johnsbury holds authority under Docket No. MC–108473 and various sub-numbers thereof. Condition: Sun company, Inc., a non-carrier holding company shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 only for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Sun Company, Inc., need only file such special reports as the Commission may from time to time require. Sun company, Inc., is not made subject to the accounting requirements of 49 U.S.C. 11142.

MC–F–14760, filed December 18, 1981. LIBERTY TRANSPORT, INC. (Liberty) (2501 Nicholson Road, P.O. Box 9182, Kansas City, MO 64168)—Purchase (Portion)—T.F.S., INC., (TFS) (Route 2, Box 126, Grand Island, NE 68801. Representative: Arthur J. Gerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Liberty seeks authority to purchase a portion of the interstate operating rights of TFS. George M. and Judith L. Butler, the sole stockholders of Liberty, seek authority to acquire control of said rights through the transaction. Liberty is seeking to purchase that portion of transferor's operating rights which were granted to transferor in MC–F–13943 as described in Certificate No. MC–119547 (Sub 27) as follows: *glassware,* from Columbus, OH,

to New Orleans, LA, and points in that part of WV on and east of a line beginning at the WV–VA State line near Bluefield, WV, and extending along WV Hwy 20 to junction WV Hwy 4 near Rock Cave, WV, then north along WV Hwy 4 to junction US Hwy 219 near Elkins, WV, then north along US Hwy 219 to the WV–MD State line, and to points in AL, AZ, CA, CO, GA, ID, MS, MT, NM, NV, ND, OR, SC, SD, TN, TX, UT, WA, and WY, restricted to the transportation of shipments originating at the named origins. Liberty is authority authorized to operate as a motor carrier under MC–145557.

MC–F–14767, filed December 28, 1981. GOLD LINE, INC. (Gold Line) (5500 Tuxedo Road, Tuxedo, MD 20781)—Purchase—DAWSON'S CHARTER SERVICE, INC. (Dawson's) (Box 144, Sandy Spring, MD 20860). Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Gold Line seeks authority to purchase the interstate operating rights of Dawson's. Frank Martz Coach Company, the sole stockholder of Gold Line, seeks authority to acquire control of said rights through the transaction. Frank M. Henry is the sole stockholder of Frank Martz Coach Company and will therefore be required to join in this application. Gold Line is seeking to purchase Dawson's authority in Certificate No. MC–125156 (Sub-No. 2) which authorizes the transportation as of *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Howard and Montgomery Counties, MD, and extending to points in DE, FL, GA, MD, NC, NJ, NY, PA, SC, TN, VA, WV, and DC, restricted against service being performed between points solely within the Washington Metropolitan Area Transit District. Condition: Prior to approval and authorization of this transaction, Frank M. Henry must submit an affadavit that he joins in this application as person in control of Frank Martz Coach Company.

Note.—Gold Line holds authority in MC–108452 and MC–130614. Frank Martz Coach Company holds authority in MC–3600.

MC–F–14765, filed December 22, 1981. BOOTHEEL TRANSPORTATION COMPANY, INC. (Bootheel) (P.O. Box 511, Highway 60 West, Sikeston, MO 63801)—Control and Merger—SOUTHERN EXPRESS, INC. (Southern) (P.O. Box 1088, Cape Girardeau, MO 63701). Applicant's Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. Bootheel seeks authority to acquire control of Souther and to merge the operating rights and property of Southern into Bootheel for ownership, management and operation. Stephen E. Henry and Harvey Henry, who control Bootheel also seek authority to control the merged rights through the transaction. Bootheel is authorized to operate as a motor common carrier, over irregular routes, pursuant to authority issued in MC–75281 and sub numbers thereunder, which authorize the transportation of specified commodities between points in the U.S. Southern is authorized to operate as a motor contract carrier, over irregular routes, pursuant to authority issued in MC–151364 and sub number 1 thereunder, which authorize the transportation, over irregular routes, of transportation equipment between points in the U.S. under continuing contracts with Disney Tire Company of Louisville, KY; and the transportation, over irregular routes, of materials, equipment and supplies used, sold or dealt in by a manufacturer of carpets, rugs, padding and cushioning between all points in the U.S. under continuing contracts with Recticel Foam Corporation of Buffalo, NY. Application has been filed for temporary control under 49 U.S.C. 11349.

MC–F–14777, filed January 4, 1982. BARNES FREIGHT LINE, INC. (Barnes) (P.O. Box 800, Carrollton, GA 30117)—Purchase—MAGNOLIA TRUCK LINE, INC. (Magnolia) (P.O. Box 16587, Memphis, TN 38116). Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. Barnes seeks authority to purchase the interstate operating rights and property of Magnolia. J. M. Barnes and Barbara Barnes, majority stockholders of Barnes, seek authority to acquire control of said rights and property through the transcation. Barnes is seeking to purchase the rights issued to Magnolia in MC–64832 (Sub-No. 12X) which authorize the transportation, over regular routes, of *general commodities* (except classes A and B explosives), as summarized as follows: (1) Between Memphis, TN, and Jena, LA, serving all intermediate points, (2) between Natchez, and Meadville, MS, serving all intermediate points and off-route points in Franklin County, MS, (3) between junction MS Hwy 33 and U.S. Hwy 98, and Natchez, MS, serving all intermediate points, (4) serving points in Clairborne County, MS, as off-route points in connection with carrier's authorized regular-route operations, (5) between Jena and Alexandria LA, serving all intermediate points, (6) between Alexandria and Marksville LA, serving all intermediate points, (7) between junction LA Hwy 28 and LA Hwy 115, and Alexandria, LA, serving no intermediate points, and serving junction LA Hwy 28 and LA Hwy 115 for purposes of joinder only and for operating convenience only, (8) between junction LA Hwy 28 and LA Hwy 115 and Marksville, LA, serving no intermediate points and for operating convenience only, (9) between Memphis, TN, and Baton Rouge, LA, serving all intermediate points, (10) between Woodville, MS, and Baton Rouge, LA, serving all intermediate points, (11) serving points in Avoyelles and Vernon Parishes, LA, as off-route points in connection with carrier's regular-route authority, (12) between Alexandria and New Iberia, LA, serving all intermediate points and off-route points in Acadia and Landry Parishes, LA, and (13) between Lafayette and Crowley, LA, serving all intermediate points. Barnes is a general commodity carrier, over regular routes, pursuant to certificates issued in MC–108633 and subs thereunder between points in GA, AL, MS, and Memphis, TN.

Note.—TA has been filed.

[FR Doc. 82–1731 Filed 1–22–82; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Decision Volume No. OP3–014]

Motor Carriers; Permanent Authority Applications; Republications of Grants of Operating Rights; Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broader grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 145095 (Sub-4) (Republication), filed February 27, 1981, published in the **Federal Register** issue of March 24, 1981, and republished this issue. Applicant:

POWER FUELS, INC., P.O. Box 1369, Minot, ND 58701. Representative: F. J. Smith, Suite 307, 420 North 4th St., Bismarck, ND 58501, (701) 255–3071. A Decision of the Commission, Review Board Number 1, decided June 16, 1981 and served July 1, 1981, a Decision of the Commission, Review Board Number 1, decided September 23, 1981, served October 7, 1981, and a Decision of the Commission, Division 2, Acting as an Appellate Division, finds on further consideration finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by a motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid molten sulfur,* between points in ND, SD, MT, MN, and WI; (2) *chemicals and related products,* between points in ND, SD, MT, MN and WI; and (3) *petroleum, natural gas, and their products,* between points in MT, on the one hand, and, on the other, points in ND; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1732 Filed 1–22–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–184

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159809 (Sub-1–1TA), filed January 6, 1982. Applicant: ATLANTIC HORIZON TRANS TOURS, INC., 2100 E. Verona Blvd., W. Atlantic City, NJ 08232. Representative: Dean N. Wolfe, Suite 145, 4 Professional Drive, Gaithersburg, MD 20879. *Contract Carrier:* irregular routes: *Passengers and their baggage, in charter operations,* beginning and ending at points in CT, NY, NJ, PA, MD, and DE, and extending to Atlantic City, NJ, under continuing contract(s) with Playboy Hotel & Casino, Tropicana Hotel & Casino, and Sands Hotel & Casino, all of Atlantic City, NJ. Supporting shipper(s): Playboy Hotel & Casino, 2500 Boardwalk, Atlantic City, NJ; The Tropicana Hotel & Casino, P.O. Box 59, Atlantic City, NJ 08404; Sands Hotel & Casino, Indiana Ave., at Brighton Park, Atlantic City, NJ 08401.

MC 134806 (Sub-1–24TA), filed January 12, 1982. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Plastic products, in cartons,* from Tyngsboro, MA and Nashua, NH to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY under continuing contract(s) with Family Products, Inc., Lowell, MA. Supporting shipper: Family Products, Inc., P.O. Box 1600, Lowell, MA 01853.

MC 140950 (Sub-1–5TA), filed January 6, 1982. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay, P.O. Box 2332, Station C, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Fruit sections and fruit juice* from Auburndale, FL to points in the US on the US/CD border at ME, MI, and NY under continuing contract(s) with Willett Foods, Limited, St. John, New Brunswick, CD. Supporting shipper: Willett Foods, Limited, Willet Avenue, St. John, New Brunswick, CD.

MC 142603 (Sub-1–31TA), filed January 11, 1982. Applicant: CONTRACT CARRIERS OF AMERICA, INC., 1071 Dwight Street, P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same as applicant). *Contract carrier:* Irregular routes: *Paper products, school and stationery papers* between points in Stockton, CA, Auburn, WA, Denver, CO, Kansas City, MO, Fort Worth, TX, Duluth, GA, Garden City, GA, Norfolk, VA, Franconia, VA, Belle Mead, NJ, Boston, MA, Springfield, MA, Bennington, VT, Albany, New York, Rochester, and Buffalo, NY, Detroit, MI, Indianapolis, IN, Tampa, FL and Chicago, IL, under continuing contract(s) with Clinton Paper Co., Inc. of Castanea, PA. Supporting shipper: Clinton Paper Co., Inc., Brown Street, Castanea, PA 17726.

MC 159000 (Sub-1–1TA), filed January 12, 1982. Applicant: FLEETWOOD FORWARDING LTD., 175 Underhill Boulevard, Syosset, NY 11791. Representative: Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374–4565. *Alcoholic Beverages,* between all points in the States of NJ and NY. Supporting shipper(s): BNP Distributing Co., Inc., 919 Third Avenue, New York, NY 10022; Castleton Imports, Inc., 380 North Broadway, Jericho, NY 11753; McKesson Wine & Spirits, 114 Monarch Road, Liverpool, NY 13088; Monarch Liquor Corporation, Crossroads Park Drive, Liverpool, NY 13088.

MC 159975 (Sub-1–1TA), filed January 7, 1982. Applicant: GEORGE KYER & SON, INC., 341 Maple Avenue, Oradel NJ 07649. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Malt beverages,* from the facilities of Miller Brewing at South Volney, NY, to the facilities of Merrimack Valley Distributors, Danvers, MA and Burke Distributing Corp., Randolph, MA. Supporting shipper(s): Merrimack Valley Distributors, 50 Prince Street., Danvers, MA 01923; Burke Distributing Corporation, 89 Teed Drive, Randolph, MA.

MC 143214 (Sub-1–2TA), filed January 8, 1982. Applicant: MATUSZKO

TRUCKING, INC., 19 Ball Lane, North Amherst, MA 01059. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Contract carrier:* Irregular routes: *Food and related products,* between South Deerfield and Ayer, MA on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NY, NJ, PA, DE, MD, WV, VA and DC, under continuing contract(s) with Oxford Pickle Company, a division of John E. Cain Company, South Deerfield, MA. Supporting shipper: Oxford Pickle Company, a division of John E. Cain Company, 15 Jewett Avenue, South Deerfield, MA 01373.

MC 159955 (Sub-1–1TA), filed January 6, 1982. Applicant: D. C. SWIFTLINE, INC., 200 Newfield Avenue, Edison, NJ 08837. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666. *Contract carrier:* Irregular routes: *General commodities, (except Classes A and B explosives, household goods, hazardous waste, and commodities in bulk),* between points in CT, ME, MA, RI, VT, NH, PA, NY, NJ, and MD under continuing contract with Service Merchandise Co., Inc., Nashville, TN. Supporting shipper: Service Merchandise Company, Incorporated, 2968 Foster Creighton Drive, Nashville, TN 37204.

MC 149579 (Sub-1–6TA), filed January 7, 1982. Applicant: TRANSPORT SERVICE, INC., 216 Amaral Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 304, Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. *Metal products, and materials, equipment, and supplies used in the manufacture, distribution, and sale of metal products,* between New Bedford, MA, on the one hand, and, on the other, points in the U.S. in and east of the western borders of MN, IA, MO, AK and LA. Supporting shipper: Continental Screw Co., Unit of AMCA International, 459 Mount Pleasant Street, New Bedford, MA 02742.

The following applications were filed in region 2. Send Protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 158821 (Sub-II–1TA), filed January 6, 1982. Applicant: BACHMAN TRANSPORT CORPORATION, 50 N. Fourth St., P.O. Box 898, Reading, PA 19603. Representative: James F. Rehr, 1 Washington Tower Plaza, P.O. Box 898. Reading, PA 19603. *Contract: Irregular: Food and related products,* between Reading, PA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: B.S.P. Soft Pretzels, Inc., 5 Spring Valley Road, Reading, PA 19605.

MC 145242 (Sub-II–2TA), filed January 5, 1982. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *General commodities (except classes A and B explosives),* between points in the United States in and east of ND, SD, NE, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ITOFCA, Inc., 1001 West 31st St., Downers Grove, IL 60515.

MC 123887 (Sub-II–5TA), filed January 6, 1982. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Such commodities as are dealt in by wholesale, retail, grocery and discount houses,* between points in Cabell and Wayne Cos. WV, on the one hand, and, on the other, points in the US in and east of MN, NE, KS, OK and TX for 270 days. Supporting shipper(s): Associated Grocers, Inc., 1900 Ohio River Rd., Lesage, WV 25537. Allied Warehousing Services, Inc., 20 26th St., Huntington, WV 25702.

MC 159940 (Sub-II–1TA), filed January 5, 1982. Applicant: D. L. PHILLIPS TRUCKING, 14840 Morris St., Damascus, OH 44619. Representative: James W. Moore, 4700 Treetop Dr., Akron, OH 44321. *Metal products; stone, clay, glass and concrete products,* between Trumbull County, OH, on the one hand, and, on the other, pts. in NY, NJ, PA, WV, KY, IN, MI and IL, for 270 days. Supporting shipper: Ironics, Inc., 2 South Main, Nile, OH 44446.

MC 119531 (Sub-II–2TA), filed January 5, 1982. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *General Commodities* (except classses A and B explosives) between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ITOFCA, Inc., 1001 West 31st St., P.O. Box 1518, Downers Grove, IL 60515.

MC 111956 (Sub-II–2TA), filed January 5, 1982. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, PA 15301. Representative: Donald J. Balsley, Jr., Esquire, 2310 Grant Building, Pittsburgh, PA 15219. *General commodities* (except Classes A and B explosives, household goods and commodities in bulk) between the facilities of PPG Industries, Inc., located at the intersection of County Routes 92 and 152, approximately one mile north of Cheswold, DE, on the one hand, and, on the other, Hartford, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 159780 (Sub-II–1TA), filed January 5, 1982. Applicant: R. W. TINNEY, INC., Box 151, Perrysburg, OH 43551. Representative: John L. Alden, 1396 W. 5th Ave., Columbus, OH 43212. *Steel coils,* between the facilities of Miami Industries, Div. of MSL Industries, Inc., at or near Piqua, OH, on the one hand, and, on the other, McLouth Steel Corp. at or near Gibraltar, Trenton and Taylor, MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Miami Industries Div. of MSL Industries, Inc., P.O. Box 912, North Dixie Hwy., Piqua, OH 45356.

MC 159858 (Sub-II–1TA), filed January 11, 1982. Applicant: MAURER TRUCKING SERVICE, INC., d.b.a. BLUE MOUNTAIN LINES, R.D. 2, Box 15, Pine Grove, PA 17963. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Contract:* Irregular: *Metal Products and Machinery* between Deer Lake, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY and OH under continuing contract with Hetran Inc./ Shalmet Corp., Orwigsburg, PA for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Hetran Inc./ Shalmet Corp., P.O. Box 202, Deer Lake, PA 17961.

MC 147850 (Sub-II–2TA), filed January 11, 1982. Applicant: BURGESS TRUCKING CO., INC., P.O. Box 96, Sedley, VA 23878. Representative: Gilbert W. Francis, P.O. Box 266, Boykins, VA 23827. *(1) Fabrics and woven products; and (2) equipment, materials and supplies used in the manufacture, processing, sales and distribution of the commodities in (1) above,* between Boykins, VA and Philadelphia, PA on the one hand, and on the other, points in the U.S., for 270 days. Supporting shipper(s): Boykins Narrow Fabric Corp., Serbin St., Boykins, VA 23827.

MC 43165 (Sub-II–1TA), filed January 11, 1982. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Computer components and materials and supplies*

used in the manufacture thereof, between the facilities of Scope Technology, Inc., at Reston, VA, on the one hand, and, on the other, the facilities of IBM Corp. at Research Triangle Park, NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Scope Technology, Inc., 1860 Michael Faraday Dr., Reston, VA 22090.

MC 150339 (Sub-2–53TA), filed January 11, 1982. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Pneumatic tires, inner tubes, and automotive products, and equipment and materials used in the manufacture, distribution and repair of the commodities named above,* between Albany, GA; Decatur, IL; Des Moines, IA; Memphis and Nashville, TN; Oklahoma City, OK; Chicago, IL; Dallas and Houston, TX; Denver, CO; Lenexa, KS; Minneapolis, MN; Portland, OR; Shelby, OH; Wilson, NC; Cranbury, NJ; and City of Commerce, CA, on the one hand, and on the other, points in the U.S. under continuing contract(s) with The Firestone Tire & Rubber Co., Akron, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, OH 44317.

MC 160017 (Sub-II–1TA), filed January 11, 1982. Applicant: QUALITY SUPPLIER TRUCKING, INC., Keyser Industrial Park, Keyser, WV 26726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: Recyclable materials, paper and paper products, including materials, equipment and supplies,* between points in MD, DE, NY, PA, OH, VA, WV, NC, MA and DC, for 270 days, under a continuing contract(s) with Allied Energy Business Systems of Petersburg, WV and Quality Supplier of Keyser, WV. An underlying ETA seeks 120 days authority. Supporting shippers: Allied Energy Business Systems, P.O. Box 606, Petersburg, WV 26849 and Quality Supplier, Keyser, WV 26726.

MC 160016 (Sub-II–1TA), filed January 11, 1982. Applicant: RONALD G. SCHOLLER AND MARIA L. SCHOLLER d.b.a. ROMA TRANSPORT SERVICE, 2201 Baker Drive, Allentown, PA 18103. Representative: Ronald G. Scholler (same as applicant). *Cement, dry bulk,* from Lehigh and Northampton Counties, PA to Fairlawn, Patterson, Edison, Trenton, Riverdale, Newark, Sussex and Freehold, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Joel Tanis & Sons, Inc., River and Range Roads, Fair Lawn, NJ 07410.

MC 35706 (Sub-II–2–TA), filed January 11, 1982. Applicant: ATSL, Inc., 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: H. Kirk House, 135 North Fourth Street, Philadelphia, PA 19106. *General Commodities* between points in the New York, NY and DC commercial zones and points in the states of PA, NJ and MD on the one hand, and, on the other, points in the states of PA, DE, MD, MI, NJ, NY, OH, VA, WV, DC, CT, MA, RI, ME, MS, IL, KY, WI, NC, AZ, TN, MN, CA, NM, OK, FL, GA, IN, LA, AL, MO, TX, CO, SC, NV, AR and OR. An underlying ETA seeks 120 days authority. Supporting shippers: There are 18 supporting shippers. Their statements may be examined at the Phila. ICC office.

MC 86690 (Sub-II–5TA), filed January 12, 1982. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith (same as applicant). *Contract; irregular: Containers: plastic, steel and tin,* between pts. in the US, under continuing contract(s) with The McClayton Co., Inc., Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: the McClayton Co., Inc., 1440 DeSoto Rd., Baltimore, MD 21230.

MC 145242 (Sub-II–3TA), filed January 11, 1982. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215. (1) *metal products, coal and coal products and materials and supplies used in the distribution of above commodities,* between facilities of or used by Marc Rich & Co., Inc., on the one hand, and, on the other, points in the U.S. (except AK & HI); and (2) *such commodities as are manufactured, distributed or sold by food and drug manufacturers or distributors,* between facilities of or used by Beecham Products Co. located in the Counties of Allegheny, Cumberland, Bucks, Fayette and Washington, PA; Passaic County, NY; Wayne Co., MI; Aiken Co., SC; Chatham Co., GA; Davidson Co., TN; Cook Co., IL; Jackson Co., MO; Dallas Co., TX; Denver Co., CO; Los Angeles and San Francisco Counties, CA; Multnomah Co., OR; Milwaukee Co., WI; and Hennepin Co., MN, on the one hand, and, on the other, points in the U.S. (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Marc Rich & Co., Inc., 501 Holiday Dr., Pittsburgh, PA 15220 and Beecham Products Co., P.O.B. 1467, Pittsburgh, PA 15230.

MC 14242 (Sub-II–13TA), filed January 13, 1982. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham (same as applicant). Contract, irregular: *General Commodities (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in the U.S., under continuing contract(s) with J. C. Penney Co. Supporting shipper: J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 159683 (Sub-II–2TA), filed January 13, 1982. Applicant: CLINTON R. DEAN, Rt. 1, Box 402, Rowlesburg, WV 26425. Representative: Clinton R. Dean (same as applicant). *Contract; irregular: Lumber products,* between the facilities of Coastal Lumber Mills, located in WV and the facilities of Coastal Lumber Mills located in PA, under continuing contract(s) with Coastal Lumber Co., Dailey, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Coastal Lumber Co., P.O. Box 8, Dailey, WV 26259.

MC 140889 (Sub-II–24TA), filed January 14, 1982. Applicant: Five Star Trucking, Inc., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. Contract, irregular: *General commodities (except Classes A & B explosives)* from points in CA to points in WI, IL, IN, OH and PA, under continuing contract(s) with Action Shippers Co-op, Inc. Supporting shipper: Action Shippers Co-op, Inc., P.O. Box 1268, Upland, CA 91786.

MC 152104 (Sub-II–2TA), filed January 12, 1982. Applicant: Home Run, Inc., 1299 Lavelle Dr., Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of building materials,* between Monroe County, IN, on the one hand, and, on the other, points in IL, MI, OH and KY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Mayhill Homes Corporation, P.O. Box 2269, Bloomington, IN 47402.

MC 160032 (Sub-II–1TA), filed January 11, 1982. Applicant: TRANS-MOTOR LEASING, INC., Carpenter Road, PO Box 462, Defiance, OH 43512. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular, such commodities as are dealt in or used by breweries,* between Milwaukee, WI;

Peoria and Belleville, IL; Frankenmuth, MI; Newport, KY; St. Paul, MN and Eden, NC, on the one hand, and, on the other, Defiance, OH, for 270 days. Supporting shippers: River Valley Distributing, Inc., 2100 Baltimore, Defiance, OH 43512 and ABC Distributing Co., Inc., Rt. 66 North, Defiance, OH 43512.

MC 138126 (Sub-II–5TA), filed January 14, 1982. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Rte. 313, P.O. Box 477, Federalsburg, MD 21643. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Such merchandise as is dealt in and distributed by wholesale, retail and chain grocery stores and food business houses,* from points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, to Syracuse, NY, and points in its commercial zone, for 270 days. Supporting shipper: Empire Freezers, Inc., P.O. Box 4892, Syracuse, NY 32114.

MC 159901 (Sub-II–1TA), filed January 12, 1982. Applicant: WOODY DISTRIBUTORS, INC., 1122 Rockland Ave., NW., Roanoke, VA 24012. Representative: J. Bernard Young (same as applicant). *Synthetic yarn,* between pts. in VA, NC, TN, and GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fred Whitaker, Inc., 941 Industry Ave., Roanoke, VA 24013.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 48221 (Sub-5–6TA), filed January 11, 1982. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Meat and meat products,* from Englewood, CO to Dallas, San Antonio and Abilene, TX. Supporting shipper: Mountview Packing Co., 2520 South Raritan Street, Englewood, CO 80150.

MC 97642 (Sub-5–1TA), filed January 11, 1982. Applicant: YOUNG TRUCKING, INC., P.O. Box 9197, Corpus Christi, TX 78408. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. (1) *Agricultural machinery, implements and parts including farm machinery, implements and parts including farm tractors, road construction machinery and equipment, industrial machinery including power plants, equipment and parts, earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in or in connection with (a) the transporration, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injunction or removal of commodities into and from holes and/or wells. Roy L. Jones, Inc. Extension—Earth Drilling equipment, 103 M.C.C. 447 (1966),* from Elba, AL, Los Angeles and San Francisco, CA, Atlanta and Cedartown, GA, Chicago, Mattoon, Decatur, Mossville, Joliet, Peoria, Springfield, Kewanee and Carroll Springs, IL, Cedar Rapids, Cedartown and Des Moines, IA, Kansas City, KS, Bowling Green, KY, Escanaba and Detroit, MI, Minneapolis, MN, Kansas City and Southwest City, MO, Gwinner, ND, Galion and Lima, OH, Eugene, OR, Shady Grove, PA, Columbia, SC, Memphis, TN, Newport News, VA, and Milwaukee, WI, to Corpus Chiristi, San Antonio, Edinburg, McAllen, Beaumont and Houston, TX (2) *Oilfield equipment, machinery, materials and supplies (Mercer Description)* from Corpus Christi, TX to points in CA, LA, MS and ND. Shipper Witnesses: 20.

MC 117275 (Sub-5–1TA), filed January 11, 1982. Applicant: MAURICE FRIEDMAN, P.O. Box 43, Templeton, IA 51463. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Beer and (2) materials, supplies, and equipment used in the manufacture and distribution of the commodities described in (1),* between Carroll County, IA, on the one hand, and, on the other, Peoria, IL; St. Paul, MN; and Milwaukee, WI. Supporting Shipper: Farner-Bocken Beverages Co., Highway 30 East, Carroll, IA 51401.

MC 144678 (Sub-5–7TA), filed January 11, 1982. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey, 9393 West 110th Street, Overland Park, KS 66210. Contract; Irregular. *General Commodities, (except household goods as defined by the Commission, Classes A and B explosives, and commodities in bulk),* between points in the U.S. except AK and HI, under a continuing contract(s) with J. C. Penney Company, Incorporated. Supporting shipper: J. C. Penney Company, Incorporated, 1301 Avenue of the Americas, New York, NY 10019.

MC 147910 (Sub-5–1TA), filed January 11, 1982. Applicant: SHAIN TRUCKING, INC., 8130 Upriver Road, Corpus Christi, TX 78410. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. (1) *Agricultural machinery, implements and parts including farm machinery, implements and parts including farm tractors, road construction machinery and equipment, industrial machinery including power plants, equipment and parts, earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injunction or removal of commodities into and from holes and/or wells. Roy L. Jones, Inc. Extension—Earth Drilling equipment, 103 M.C.C. 447 (1966),* from Elba, AL, Los Angeles and San Francisco, CA, Atlanta and Cedartown, GA, Chicago, Mattoon, Decatur, Mossville, Joliet, Peoria, Springfield, Kewanee and Carroll Springs, IL, Cedar Rapids, Cedartown and Des Moines, IA, Kansas City, KS, Bowling Green, KY, Escanaba and Detroit, MI, Minneapolis, MN, Kansas City and Southwest City, MO, Gwinner, ND, Galion and Lima, OH, Eugene, OR, Shady Grove, PA, Columbia, SC, Memphis, TN, Newport News, VA, and Milwaukee, WI to Corpus Christi, San Antonio, Edinburg, McAllen, Beaumont and Houston, TX. (2) *Oilfield equipment, machinery, materials and supplies (Mercer Description)* from Corpus Christi, TX to points in CA, LA, MS and ND. Shipper Witnesses: 19.

MC 148103 (Sub-5–1TA), filed January 11, 1982. Applicant: BIG JOHN TRANSPORTATION CO., P.O. Box 35018, Houston, TX 77035. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. (1) *Agricultural machinery, implements and parts including farm machinery, implements and parts including farm tractors, road construction machinery and equipment, industrial machinery including power plants, equipment and parts, earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting*

from drilling operations at well or hole sites and (d) the injunction or removal of commodities into and from holes and/or wells. Roy L. Jones, Inc. Extension—Earth Drilling equipment, 103 M.C.C. 447 (1966), from Elba, AL, Los Angeles and San Francisco, CA, Atlanta and Cedartown, GA, Chicago, Mattoon, Decatur, Mossville, Joliet, Perioa, Springfield, Kewanee and Carroll Springs, IL, Cedar Rapids, Cedartown and Des Moines, IA, Kansas City, KS, Bowling Green, KY, Escanaba and Detroit, MI, Minneapolis, MN, Kansas City and Southwest City, MO, Gwinner, ND, Galion and Lima, OH, Eugene, OR, Shady Grove, PA, Columbia, SC, Memphis, TN, Newport News, VA, and Milwaukee, WI, to Corpus Christi, San Antonio, Edinburg, McAllen, Beaumont and Houston, TX. (2) *Oilfield equipment, machinery, materials and supplies (Mercer Description)* from Corpus Christi, Texas to points in CA, LA, MS, and ND. Surrporting shippers: 19.

MC 149157 (Sub-5–7TA), filed January 11, 1982. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502–285. Contract; Irregular. *Such merchandise as is dealt in, or used by, home furnishings outlets,* between Los Angeles and Petaluma, CA, Denver and Peublo, CO, Bloomington, IL, Des Moines and Waterloo, IA, Waite Park, MN and Findlay, OH. Supporting shipper: Midwest Waterbed Distributors, Inc., 620 Sundial Drive, Waite Park, MN 56387.

MC 152406 (Sub-5–4TA), filed January 11, 1982. Applicant: TEXAS WESTERN EXPRESS, INC., Suite 502, 301 NE Loop 820, Hurst, TX 76053. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, Irregular: *Petroleum products, lubricants, oils, greases and related products,* except in bulk in tank vehicles, between points in the U.S., under continuing contract(s) with Pennzoil Products Company, of Maryland Heights, MO. Supporting shipper: Pennzoil Products Company, 2625 Wagner Place, Maryland Heights, MO 63043.

MC 155873 (Sub-5–2TA), filed January 11, 1982. Applicant: RICHARD LEJEUNE d.b.a. RICHARD LEJEUNE TRUCKING, Route 2, Box 164, Halfway, MO 65663. Representative: Bruce McCurry, Dickey, Allemann & McCurry, 910 Plaza Towers, Springfield, MO 65804. Contract; Irregular. *Artificial flowers and related products* between points in the U.S. under continuing contract with Universal Flowers, Inc., Springfield, MO. Supporting shipper: Universal Flowers, Inc., 1320 W. Poplar, Springfield, MO 65804.

MC 159137 (Sub-5–1TA), filed January 11, 1982. Applicant: PELLA/LINCOLN CONTRACT CARRIER, INC., Box 4588, Lincoln, NE 68504. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Contract; Irregular. *Building materials,* from Fredericksburg, VA to points in IA, NE, AR, CO, KS, MO, TX, LA, OK, TN, KY, MN, IL, IN and MS. Supporting shipper: General Products Company, Inc., P.O. Box 7387, Fredericksburg, VA 22401.

MC 159331 (Sub-5–1TA), filed January 11, 1982. Applicant: J.T.I. TRANSPORTATION CO., P.O. Box 78, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Meats, meat products, meat by-products, articles distributed by meat packinghouses and such commodities as used by meat packers in the conduct of their business,* between the facilities of Monfort of Colorado, Inc. at or near Grand Island, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Monfort of Colorado, Inc., P.O. Box 2137, Grand Island, NE 68801.

MC 159514 (Sub-5–1TA), filed January 11, 1982. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 2897, Morgan City, LA 70381. Representative: C. W. Ferebee, 3910 FM 1960 West, Houston, TX 77068. *Pipe, pipe fittings, and accessories and machinery, equipment, materials and supplies used in the testing and repair of pipe* between the facilities of O.T.I., Inc. located in Plaquimine Paris LA, on the one hand, and points in LA, TX, CO, and GA on the other hand. Supporting shipper: O.T.I., Inc., 6565 West Loop South, Suite 240, Bellaire, TX, 77401.

MC 159514 (Sub-5–2TA), filed January 11, 1982. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 2897, Morgan City, LA 70381. Representative: C. W. Ferebee, 3910 FM 1960 West, Houston, TX 77068. *Pipe, pipe fittings, and accessories and machinery, equipment, materials and supplies used in the testing and repair of pipe* between the facilities of Pipe Technology, Inc., located in St. Mary Parish, LA, on the one hand, and points in LA, and TX on the other hand. Supporting shipper: Pipe Technology, Inc., 137 Dove Circle, Lafayette, LA, 70508.

MC 160018 (Sub-5–1TA), filed January 11, 1982. Applicant: CIRCLE J FREIGHT LINES, INC., 5840 South Memorial, Suite 319, Tulsa, OK 74145. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Oil field commodities,* between points in Ellis, Roger Mills, Beckham, Custer, Washita, Blaine, Caddo, Canadian, Grady and Oklahoma Counties, OK on the one hand and, on the other, points in AR, CO, KS, LA, NM, TX, and WY. Supporting shippers: There are 11 supporting shippers.

MC 160031 (Sub-5–1TA), filed January 11, 1982. Applicant: TIDE TRANSPORTATION, INC., P.O. Box 475, Edmond, OK 73083. Representative: Cody B. Waddell, 4400 N. Lincoln, Suite 22, Oklahoma City, OK 73105. *Rubber, plastic and metal products and machinery and equipment, materials and supplies used in the manufacture of rubber, plastic and metal articles,* between points in Canadian and Oklahoma Counties, OK on the one hand, and, on the other, points in AL, AR, CO, KS, LA, NM, TX and WY. Supporting shippers. There are 2 supporting shippers.

MC 160064 (Sub-5–1TA), filed January 12, 1982. Applicant: BILLY MUNDS TRUCKING COMPANY, 6326 Border Lane, Shreveport, LA 71119. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Malt Liquors and Materials, Equipment and Supplies used in the manufacture, sale and distribution of malt liquors.* Between Longview, TX or Memphis, TN on the one hand, and, on the other, points in LA. Restricted to shipments originating at or destined to the Facilities of Shreveport Beverage Agency, Inc. Supporting shipper: Shreveport Beverage Agency, Inc., 6310 Sippel St., Shreveport, LA 71108.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 158818 (Sub-6–1TA), filed January 8, 1982. Applicant: BOB BOYD, d.b.a. BOB BOYD TRUCKING, 417 North M, Livingston, MT 59047. Representative: Charles A. Murray, Jr., 2822 Third Ave., N, Billings, MT 59101. *Lumber and wood products* from Livingston, MT to points in TX and OK, for 270 days. Supporting shipper: Brand S Lumber Co., Inc., P.O. Box 1022, Livingston, MT 59047.

MC 160007 (Sub-6–1TA), filed January 7, 1982. Applicant: DeJONG TRANSPORT, 33651 Arcadian Wy Rt. 3, Abbotsford, B.C., CD V2S 4N3. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421. *Contract Carrier;* Irregular routes: *(1) Malt beverages and (2) empty bottles in cases,* between Ports of entry on the U.S.-Canadian International Boundary Line on the one hand, and, points in the

U.S., on the other hand for 270 days. Supporting shipper: Bel-Air Imports, Inc., d.b.a. Berman Imports, 1436 So. LaCienega Blvd., Los Angeles, CA 90035.

MC 113059 (Sub-6–5TA), filed January 8, 1982. Applicant: KELLER TRANSPORT, INC., Route 9 Katy Lane, Billings, MT 59101. Representative: F. E. Keller (same as applicant). *Petroleum and Petroleum Products* between points in MT on the one hand, and points in ND and WY on the other for 270 days. Supporting shippers: There are twelve (12) supporting shippers to this application. Their statements may be examined at the regional office listed.

MC 159846 (Sub-6–1TA), filed January 5, 1982. Applicant: JACOB H. MOBERLY, d.b.a. MOBERLY MOVING & STORAGE, P.O. Box 192, Clovis, NM 88101. Representative: Terry L. Moberly (same as applicant). *Used Household Goods*, between points in Curry, Roosevelt, Quay, DeBaca, and Guadalupe Counties, NM; for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Base Contracting Division, 27TFW/LGCV, Cannon AFB, NM 88101.

MC 138151 filed January 8, 1982. Applicant: OREGON RUBBER CO., 390 W. 11th Ave., Eugene, OR 97401. Representative: J. W. McCracken, Jr., 975 Oak St., Suite 620, Eugene, OR 97401. (1) *Lumber*, from points in Douglas, Klamath, Lane, Linn, Jackson and Josephine Counties, OR, to points in Rio Arriba and San Juan Counties, NM. From points in OR, other than points in Douglas, Klamath, Lane, Linn, Jackson and Josephine Counties, to points in NM. From points in OR to points in Andrews, Armstrong, Bailey, Borden, Carson, Castro, Cochran, Crane, Culberson, Dallam, Dawson, Deaf Smith, Ector, El Paso, Gaines, Hale, Hartley, Hockley, Howard, Hudspeth, Hutchinson, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Oldhan, Parmer, Potter, Randall, Reeves, Sherman, Swisher, Terry, Ward, Winkler and Yoakum Counties, TX, for 270 days. Supporting Shippers: Snow Mountain Lumber Co., Inc., P.O. Box 25485, Albuquerque, NM 87125; White Sands Forest Products, P.O. Box 204, Alamogordo, NM 88310.

MC 159832 (Sub-6–2TA), filed January 6, 1982. Applicant: PAR TRUCKING, INC., 1008 E. Morven, Lancaster, CA 93535. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. (1) *cement, chemicals, oilwell cementing equipment and supplies*, from points in CA and NV to points in AZ, CA, NM, NV, TX and UT, (2) *cement, fly ash in bulk, plant machinery and equipment*, from points in AZ, CO and NV to points in CA, and (3) *magnesite and diatomaceous earth and other related chemicals, plant machinery and equipment*, from points in NV to Cucamonga, CA, for 270 days. Supporting shippers: Halliburton Services, 12320 Bloomfield St., Santa Fe Springs, CA 90670; Pre-Mixed Concrete Company, P.O. Box 64, San Diego, CA 92112; and Foseco, Inc., P.O. Box 219, Cucamonga, CA 91730.

MC 138824 (Sub-6–5TA), filed January 7, 1982. Applicant: CLIFFORD REED, INC., Rt. 1, Box 510, Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Salt and salt products*, from points in UT to points in ND and SD, for 270 days. Supporting shipper: Morton Salt Division, Morton-Norwich Products, Inc., 110 North Wacher Drive, Chicago, IL 60606.

MC 159998 (Sub-6–/TA), filed December 31, 1981. Applicant: SERUNTINE TRANSPORTATION CO., INC., d.b.a. ACCLAIM TANK TRANSPORT, 9920 Hayward Way, S. El Monte, CA 91733. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Alcoholic Beverages, Liquors and Wine, Juice and Juice Concentrates, Tallow and Yellow greases, and, Alcohol and distilled spirits used in the manufacture, production or distillation of the above named commodities, in Bulk*, Between the Ports of Entry on the International Boundary Line between the U.S. and the Republic of MX located in CA and points in CA on the one hand, and, on the other, points in CA, OR, WA, AZ and NM, and, from points in NM to points in AZ and TX; for 270 days. Supporting shippers: There are seven supporting shippers. Their statements may be examined at the Regional office listed.

MC 143821 (Sub-6–1TA), filed December 30, 1981. Applicant: KRIS'S TRUCK TRANSPORT, INC., 37521 Willow St., Newark, CA 94560. Representative: Bertha Kristiansen (same as above). *Heavy duty trucks* in the driveaway and/or truck away methods between Newark, CA on the one hand, and on the other Montogomery, AL and points in KS, MN, NE, NM, WI; between Madison, TN on the one hand, and on the other, points in CA, NM; between Denton, TX on the one hand, and on the other, points in CA and NM for 270 days. An underlying ETA seeks 120 days authority. There are seven (7) supporting shippers whose statements may be reviewed at the Regional Office listed above.

MC 151418 (Sub-6–3TA), filed December 16, 1981. Applicant: ROY L.T. TRUCKING, INC., 7117 E. Firestone Blvd., Downey, CA 90241. Representative: Roy Tyra (same as applicant). *Contract carrier:* Irregular routes: *Fireplaces, grills and ventilators and parts and accessories* thereto from Fullerton, CA to Phoenix and Tucson, AZ, Denver, CO, San Francisco and San Deigo, CA, Boise and Pocatello, ID, Missoula, MT, Las Vegas, NV, Albuquerque, NM, Portland, OR, Seattle and Tacoma, WA, Salt Lake City, UT, Casper, WY and El Paso, TX for 270 days. Supporting shipper: Superior Fireplace Co., 4235 Artesia Ave., Fullerton, CA.

MC 160606 (Sub-6–1TA), filed January 7, 1982. Applicant: NATHANIEL C. WILLIS, JR., d.b.a. WILLIS TRUCKING, P.O. Box 103, Idaho City, ID 83631. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract carrier:* Irregular routes: *Such commodities as are dealt in by grocery and food business houses*, between the facilities utilized by Ore-Ida Foods, Inc., in ID, OR and WI on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

W–303 (Sub-4), filed January 4, 1982. Applicant: WESTERN TRANSPORTATION CO., P.O. Box 3869, Portland, OR 97208. Representative: C. P. Blaskowsky (same as applicant). *Common carrier by water: general commodities*, by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage between all ports and points in WA on Puget Sound, The Strait of Juan de Fuca, Georgia Strait, Washington Sound, Admiralty Inlet, Saratoga Passage, Possession Sound, Hood Canal, Lake Union, Lake Washington and tributary waters for 180 days. Supporting shippers: ITT Rayonier Inc., Suite 900, Sea-Tac Office Center, Seattle, WA 98188; Crown-Zellerbach Corporation, One Bush St., San Francisco, CA 94104.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1729 Filed 1–22–82; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Attorney General

United States v. Acorn Engineering Co.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act,

15 U.S.C. Sections 16(b)–(h), that a proposed final judgment and a competitive impact statement, as set forth below, have been filed with the United States District Court for the Northern District of California in *United States* v. *Acorn Engineering Company*, Civil No. C–80–3388 TEH.

The complaint in this case alleged that the Acorn Engineering Company acquisition in 1979 of Aluminum Plumbing Fixture Corporation (APFC), which also did business under the "Super Secur" trade name, substantially lessened competition in the manufacture and sale of vandal-resistant plumbing fixtures used in prisons, other institutions, and park and recreation areas, in violation of Section 7 of the Clayton Act (15 U.S.C. 18).

The proposed judgment requires the defendant to divest itself completely of all Super Secur tooling and component parts; all engineering drawings associated with same; and all letters patent relating to vandal-resistant pumbing fixtures obtained in its acquisition of APFC and in its prior acquistion of certain assets of Kelsey Hayes. Defendant Acorn Engineering Co. must also divest itself of the trade marks or trade names "Super Secur," "Super Secur Ware," "Super Secur Manufacturing Company," and others associated with APFC.

Divestiture shall be to a single purchaser, other than Waltec, Inc., which can demonstrate its purpose and capability to compete effectively with Acorn in the vandal-resistant plumbing fixture market.

Acorn is enjoined for a period of ten years from acquiring capital stock or any part of the assets of any person engaged in the vandal-resistant plumbing fixture business. Acorn is also enjoined from transferring any of its capital stock or assets to a person engaged in the vandal-resistant plumbing fixture business.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, for the Northern District of California

United States of America, Plaintiff, v. *Acorn Engineering Company*, Defendant.

Civil No. C 80–3388 TEH.

Filed: December 23, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties hereto consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. 16], and without further notice to any party or any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of the Stipulation shall be without prejudice to plaintiff or defendant in this or any other proceeding. Dated:

For the Plaintiff United States of America: William F. Baxter, *Assistant Attorney General;* Mark Leddy; Anthony E. Desmond, *Attorneys, Department of Justice;* Howard J. Parker, *Attorney, Department of Justice;* Polly L. Frenkel, *Attorney, Department of Justice.*

For the Defendant Acorn Engineering Company: Gibson, Dunn & Crutcher, 515 South Flower Street, Los Angeles, California 90071.

By John J. Hanson, *Attorney for Acorn Engineering Company.*

U.S. District Court, Northern District of California

United States of America, Plaintiff, v. *Acorn Engineering Company*, Defendant.

Civil No. C 80–3388 TEH.

Filed: December 23, 1981

Final Judgment

Plaintiff, United States of America, having filed its complaint on August 19, 1980, defendant having filed its answer thereto, plaintiff's motion for preliminary relief having been heard and granted by the Court, and plaintiff and defendant by their respective attorneys having consented to the entry of this Final Judgment, and without this Final Judgment constituting evidence or an admission by any party with respect to any issue consented to:

Now, therefore, and upon a determination by this Court that entry of this Judgment will be in the public interest, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

As used in this Final Judgment:

A. "Acorn" shall mean defendant Acorn Engineering Company.

B. "APFC" shall mean Aluminum Plumbing Fixture Corporation, all the stock of which Acorn acquired on March 19, 1979.

C. "Vandal-resistant plumbing fixtures" shall mean aluminum and stainless steel urinals, lavatory wash basins, water closets, and combination water closet/wash basins of a configuration and with characteristics designed to be break-resistant, tamper-resistant, and to be used in an environment where there is a significant potential for fixture abuse, such as in a jail.

D. "Super Secur tooling and component parts" shall mean the tooling (dies and patterns) and component parts identified in Appendix A hereto.

E. "Person" shall mean any individual, partnership, firm, corporation, association, or any other business or legal entity.

III

The provisions of this Final Judgment shall apply to Acorn and its officers, directors, agents, employees, subsidiary companies, affiliates, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Acorn is ordered and directed to use its best efforts to divest itself completely, within 180 days of the date of this Final Judgment, as hereinafter provided, of all of its rights, title, interest and obligations in the following: the Super Secur tooling and component parts; all engineering drawings associated with such tooling and component parts as listed in Appendix B; all letters patent relating to vandal-resistant plumbing fixtures, accessories, or fittings obtained by Acorn in its acquisition of APFC and in its prior acquisition of certain assets of Kelsey Hayes, which patents are listed in Appendix C.

B. Acorn is ordered and directed to use its best efforts to divest itself completely, within 180 days of the date of this Final Judgment, as hereinafter provided, of all of its right, title, and interest, except as expressly provided below, in the trademarks or trade names "Super Secur," "Super Secur Ware," and "Super Secur Manufacturing Co." and in all other trade names, trademarks, symbols and distinctive logos associated with APFC's vandal-resistant plumbing fixture line, all of which are identified in Appendix D. For a period of eighteen months from the date of entry of this Final Judgment, Acorn may use, in marketing, its prefabricated metal building catalogs printed before November 1, 1981, provided that after the divestiture ordered herein closes, each such catalog reveals on the cover in a conspicuous way that Acorn has divested its rights to use the "Super Secur" name, but printed the catalog before such divestiture.

C. The divestiture described in the two immediately preceding paragraphs shall be made to a single purchaser who shall reasonably demonstrate to the plaintiff and/or the Court, as hereinafter provided, that (1) the purchase is for the purpose of competing with Acorn in the United States in the vandal-resistant plumbing fixtures market, and (2) the purchaser has the management,

operational and financial capability to compete effectively with Acorn. The purchaser shall not be Waltec, Inc. or any of its subsidiaries or affiliates, or any subsidiary or affiliate of Acorn.

V

A. Acorn shall utilize its best efforts to make the divestiture herein ordered and to make known promptly the availability of the assets by all ordinary and usual means. Acorn shall permit prospective purchasers to make such inspection of the assets as may be helpful in promoting the divestiture. In the event that the divestiture has not been completed within seventy-five (75) days from the entry of this Final Judgment, Acorn shall augment its best efforts by causing an advertisement offering the assets for sale to be published for a reasonable period in at least two trade or business publications of national circulation, including one circulated to the plumbing fixtures industry.

B. Acorn shall furnish to prospective purchasers all revenue and cost data for the operation formerly carried on by APFC, in the form prepared by APFC for calendar years 1976, 1977 and 1978; information concerning sources of supply for raw materials and parts for APFC vandal-resistant plumbing fixtures, specifically including the name and address of all such vendors indicating the item supplied; a list of all persons, and the address of each, who were sales representatives in 1978 or 1979 for vandal-resistant plumbing fixtures produced by APFC; and the name and address of major purchasers who placed orders, in 1978 and 1979, with APFC for the purchase of any vandal-resistant plumbing fixtures. Acorn shall not be required to submit any such information or materials to anyone unless the recipient thereof executes an affidavit requiring recipient to keep such information and/or materials confidential, not to reproduce the same, and to return the same to Acorn in the event a sale to such recipient is not consummated.

VI

The divestiture ordered and directed by this Final Judgment shall be made in good faith and shall be absolute and unqualified. Except upon written approval by the plaintiff or the Court, Acorn shall not reacquire any of the assets divested, nor accept any lien, mortgage, deed of trust or other form of security on or interest in any portion of the assets sold. Acorn shall take no action which will impair or impede the divestiture ordered by this Final Judgment.

VII

Each sixty (60) days following the entry of this Final Judgment until divestiture has been completed, or until the end of six (6) months from the date of entry of this Final Judgment, whichever first occurs, Acorn shall file with this Court and serve upon plaintiff an affidavit describing in detail the fact and manner of its efforts to accomplish the divestiture ordered by this Final Judgment. Such reports shall be supplemented by such additional information as the plaintiff may request.

VIII

At least thirty (30) days in advance of the anticipated closing date of the contract of divestiture pursuant to this Final Judgment, Acorn shall submit to plaintiff the name of the proposed purchaser and all pertinent information respecting the proposed divestiture together with such additional information as plaintiff may request in writing. Within fourteen (14) days after Acorn has supplied the name of the proposed purchaser, the pertinent information regarding the proposed divestiture, and any requested additional information, plaintiff will advise Acorn in writing of plaintiff's approval or objections to the proposed divestiture. If plaintiff objects to the proposed divestiture, then such contract of divestiture shall not be consummated unless (1) plaintiff notifies Acorn in writing of any subsequent approval or unless (2) the Court approves after a hearing at which Acorn shall have the burden of proving that the proposed divestiture is to a person (1) who has the purpose of competing with Acorn in the vandal-resistant plumbing fixtures market, and (2) who has the management, financial and operational capability to compete effectively with Acorn.

IX

If Acorn has not notified the plaintiff within one hundred twenty (120) days following the date of entry of this Final Judgment that it has entered into a contract of divestiture, each party shall notify the other in writing of the name and description of not more than two persons it wishes to nominate as a trustee to conduct a sale of the assets to be divested upon sealed or public bids. The parties shall seek to agree upon one of the nominees to serve. If they are unable to agree, the Court may select from said nominees after hearing the parties as to the qualifications of the candidates.

X

If Acorn is unable to complete the divestiture required by this Final Judgment within the period prescribed in Section IV above, the Court shall appoint a trustee to serve for a maximum period of six (6) months except as hereinafter provided. The trustee's main endeavor shall be effectively to advertise the prospective sale of the assets to be divested and to conduct a sale to a single purchaser of such assets upon sealed or public bids, in order to accomplish a prompt and full divestiture of such assets for the purpose of effectively promoting competition in the vandal-resistant plumbing fixture market in the United States. The purchaser shall not be Waltec, Inc. or any of its subsidiaries or affiliates or any subsidiary or affiliate of Acorn.

XI

The trustee, who may be an investment banker or broker, a person engaged in the business of selling industrial plants or equipment, or a similarly qualified person, shall perform at the expense of Acorn under a schedule of court-approved fees, incentive compensation and costs to be fixed at the time of the trustee's appointment. The compensation shall be based at least in significant part on a commission arrangement which shall be contingent on the trustee causing the sale of the assets.

XII

A. The trustee shall have all such powers as are necessary and proper to accomplish divestiture in accordance with the provisions of this Final Judgment. The trustee may require Acorn to convey all rights, titles, interests and obligations in the assets to be divested to any purchaser. Such conveyance shall be absolute and unqualified. The trustee shall have the right to assemble and permit inspection by prospective purchasers of the assets to be divested and to furnish to prospective purchasers the information furnished to prospective purchasers by Acorn, as described in paragraph B of Section V of this Final Judgment, and such other information pertaining to the assets to be divested as is reasonably necessary to accomplish the main endeavor of the trustee, as described in Section X of this Final Judgment.

B. Acorn shall also provide the trustee the revenue and cost data kept by Acorn in accord with paragraph 12 of the Preliminary Relief Order entered in this case on June 16, 1981 who shall have the right to furnish such data to prospective purchasers, provided however, Acorn may petition the Court to limit the disclosure permitted by this paragraph upon a showing that such disclosure would not aid the trustee in accomplishing his main endeavor, as described by Section X of this Final Judgment.

C. The trustee shall advise the parties of all significant matters arising in his efforts to make the divestiture ordered herein.

D. Acorn shall provide such reasonable assistance as the trustee may request to enable him to sell the assets to be divested.

XIII

In the event the trustee is unable to accomplish or complete the divestiture required by this Final Judgment during the term of the trust, such term shall be extended pending further orders of the Court. Plaintiff may apply to the Court for further instructions for the trustee in order to accomplish prompt and complete divestiture.

XIV

For two years following the date of closing of the contract of divestiture ordered herein, any person inquiring of Acorn, Elmco Sales, Inc., or Mechanical Sales, Inc., orally or in writing, about the possible purchase of any "Super Secur" vandal-resistant plumbing fixtures, including Super Secur replacement parts, promptly shall be informed of Acorn's divestiture of the Super Secur assets, and of the name and address of the person to whom Acorn divested such assets.

XVI

At any time during the period of ten (10) years from the date of entry of this Final Judgment, without prior written approval of the plaintiff, Acorn is enjoined and restrained from acquiring:

A. Any capital stock of any person engaged in the vandal-resistant plumbing fixture business in the United States;

B. All or any part of the assets (except for the purchase of products, inventory, or equipment in the normal course of business) of a person engaged in the vandal-resistant plumbing fixture business in the United States.

At any time during the period of ten (10) years from the date of entry of this Final Judgment, without prior written approval of the plaintiff, Acorn is enjoined and restrained from transferring, except as expressly provided in Section IV herein:

A. Any of its capital stock to any person engaged in the vandal-resistant plumbing fixture business in the United States;

B. All or any part of its assets (except for the transfer of products, inventory, or equipment in the normal course of business) to a person engaged in the vandal-resistant plumbing fixture business in the United States.

XVII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Acorn made to its principal offices, be permitted:

1. Access during regular office hours of Acorn to inspect and copy all relevant books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control or Acorn and without restrain or interference from Acorn, who may have counsel present; and

2. Subject to the reasonable convenience of Acorn and without restraint or interference from Acorn, to interview officers, employees, and agents of Acorn, who may have counsel present:

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Acorn's principal offices, Acorn shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

C. No information or documents obtained by the means provided in this Section XVII shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law; and

D. If at the time information or documents are furnished by Acorn to plaintiff in accordance with this Section XVII, Acorn represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Acorn marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to Acorn prior to divulging such material in any legal proceedings (other than a grand jury proceeding) to which Acorn is not a party.

XVIII

Acorn shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets of its vandal-resistant plumbing fixtures business that the acquiring party agrees to be bound by the provisions of this Final Judgment. An acquiring party subject to this provision shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

XIX

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith and for the punishment of any violation hereof.

XX

Entry of this Final Judgment is in the public interest.

Dated:

U.S. District Judge.

U.S. District Court for the Northern District of California

United States of America, Plaintiff, v. *Acorn Engineering Company,* Defendants.

Civil No. C 80–3388 TEH.

Filed: December 23, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On August 19, 1980, the United States filed a civil complaint under Section 15 of the Clayton Act [15 U.S.C. § 25], alleging that Acorn Engineering Company, Pott Industries Inc., and Houston Natural Gas Corporation had violated Section 7 of the Clayton Act [15 U.S.C. § 18]. The complaint charged that the March 19, 1979 acquisition of all the issued and outstanding common stock of Aluminum Plumbing Fixture Corporation by Acorn Engineering Company from Houston Natural Gas Corporation and its wholly-owned subsidiary, Pott Industries Inc., threatened to substantially lessen competition and create a monopoly in the manufacture and sale of vandal-resistant plumbing fixtures for use in prisons, other institutions, and park and recreation areas. On January 5, 1981, the complaint against Houston Natural Gas Corporation and Pott Industries Inc. was dismissed because of improper venue.

II. Description of Practices and Events Involved in the Alleged Violation

Prior to the acquisition, Aluminum Plumbing Fixture Corporation, under the "Super Secur" trade name, and Acorn Engineering Company, under the "Acorn" trade name, each manufactured and sold vandal-resistant plumbing fixtures. These fixtures (toilets, wash basins, combination units, etc.), which both companies distributed throughout the United States, were made of stainless steel and aluminum and designed to be used in detention institutions and recreation facilities where vandal resistance is required. In the year before the March 1979 acquisition, Acorn Engineering Company and Aluminum Plumbing Fixture Corporation were the only two competitors in the United States who manufactured and sold these vandal-resistant fixtures. The Government contends that the acquistion substantially lessened competition and gave Acorn Engineering Company monopoly power in the market for vandal-resistant plumbing fixtures for use in prisons, other institutions, and park and recreation areas.

III. Explanation of the Proposed Consent Judgment

The Government and the defendant have stipulated that the proposed consent judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact of law. Under the provision of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the Court is conditioned upon a determination by the Court that the judgment is in the public interest.

The proposed judgment requires the defendant to divest those assets obtained in the acquisition which the Government considers important in the manufacture and marketing of vandal-resistant plumbing fixtures. The proposed judgment requires the defendant to divest itself completely of all Super Secur tooling and component parts; all engineering drawings associated with same; and all letters patent relating to vandal-resistant plumbing fixtures obtained in its acquisition of APFC and in its prior acquisition of certain assets of Kelsey Hayes. Defendant Acorn Engineering Co. Must also divest itself of the trademarks or trade names "Super Secur," "Super Secur Ware," "Super Secur Manufacturing Company," and others associated with APFC.

The proposed judgment requires divestiture of these assets to a single purchaser approved by the Government. The purchaser must have the capability and intent to use the assets to compete in the vandal-resistant plumbing fixture market in the United States. If the divestiture is not completed by the defendant within 180 days, the proposed consent judgment requires the naming of a trustee whose main endeavor shall be the

prompt and complete divestiture of the assets.

IV. Alternatives to the Proposed Consent Judgment

The proposed judgment is the result of negotiation with the defendant. From the date of the filing of the complaint, the Government has sought divestiture of the acquired assets in order to restore competition in the vandal-resistant plumbing fixture market in the United States. The Government is not requiring divestiture of all assets acquired by the defendant since some of these assets are not involved in the vandal-resistant plumbing fixture market. The Government believes the assets selected for divestiture constitute the best package available to promptly attract a purchaser who will operate the assets and compete effectively with defendant Acorn. The Government believes divestiture of assets unrelated to the vandal-resistant plumbing fixture market would not aid in restoring competition in that market. Royalty-free licensing of certain Acorn patents was also considered and rejected in favor of a divestiture of certain patents acquired from Kelsey-Hayes. The Government believes the patent divestiture to be equally effective in restoring competition.

V. Remedies Available to Potential Private Plaintiffs

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies that they would have had were the proposed consent judgment not entered. However, pursuant to Section 5(a) of the Clayton Act [15 U.S.C. § 16(a)], as amended, this judgment may not be used as *prima facie* evidence in private litigation.

VI. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, California 94102, within the 60-day period provided by the Act. The comments and the Government's responses to them will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary in the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VII. Determinative Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated: December 23, 1981.

Howard J. Parker,

Attorney, U.S. Department of Justice.

[FR Doc. 82-475 Filed 1-22-82; 8:45 am]

BILLING CODE 4410-01-M

METRIC BOARD

Metric Board Action on American National Metric Council Chemicals and Allied Products Sector Conversion Plan

AGENCY: Metric Board.

ACTION: Notice.

SUMMARY: On November 18, 1981 at 46 FR 56768, the United States Metric Board (USMB) announced plans for review of an industry-wide metric conversion plan submitted by the Chemical and Allied Products Sector Committee of the American National Metric Council. Accompanying that notice was an abstract of the Plan. Public hearings were held on the Plan in Washington, DC, on December 17, 1981, and written and oral comments were received from the public. At its meeting in San Diego, CA, on January 7, 1982, the USMB considered the Plan and the comments received thereon, and adopted the following resolution:

Having reviewed the ANMC Chemicals and Allied Products Sector Conversion Plan and finding the Plan to be in compliance with the Board's Planning Guidelines, the Board endorses the Plan. This endorsement is not a mandate to proceed, since the USMB does not have such powers, but only a recognition by the USMB that the Plan has had adequate exposure, that affected individuals and groups have had an opportunity for comment, and that the USMB believes significant differences have been properly considered and resolved. The implementation of the Plan is now a matter for decision by individual companies, organizations and persons, but with the recognition that substantial coordination has been achieved.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Danner, Private Sector Coordinator, USMB, 1600 Wilson Blvd., Suite 400, Arlington, VA 22209, (703) 235-2583.

Theodore S. Farfaglia,

Executive Director.

January 19, 1982.

[FR Doc. 82-1701 Filed 1-22-82; 8:45 am]

BILLING CODE 8260-01-M

Metric Board Action on American National Metric Council Instrument Sector Conversion Plan

AGENCY: Metric Board.

ACTION: Notice.

SUMMARY: On November 18, 1981 at 46 FR 56771, the United States Metric Board (USMB) announced plans for review of an industry-wide metric conversion plan submitted by the Instrument Sector Committee of the American National Metric Council. Accompanying that notice was an abstract of the Plan. Public hearings were held on the Plan in Washington, D.C., on December 16, 1981, and written and oral comments were received from the public. At its meeting in San Diego, CA, on January 7, 1982, the USMB considered the Plan and the comments received thereon, and adopted the following resolution:

Having reviewed the ANMC Instruments Sector Conversion Plan, and finding the Plan to be in compliance with the Board's Planning Guidelines, the Board endorses the Plan. This endorsement is not a mandate to proceed, since the USMB does not have such powers, but only a recognition by the USMB that the Plan has had adequate exposure, that affected individuals and groups have had an opportunity for comment, and that the USMB believes significant differences have been properly considered and resolved. The implementation of the Plan is now a matter for decision by individual companies, organizations, and persons, but with the recognition that substantial coordination has been achieved.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen A. Vastagh, Private Sector Coordinator, USMB, 1600 Wilson Blvd., Suite 400, Arlington, VA 22209, (703) 235-2593.

Theodore S. Farfaglia,

Executive Director.

January 19, 1982.

[FR Doc. 82-1702 Filed 1-22-82; 8:45 am]

BILLING CODE 8260-01-M

NATIONAL SCIENCE FOUNDATION

Behavioral and Neural Sciences Advisory Committee; Subcommittee for Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences—Subcommittee for Anthropology.
Date and time: February 10–11–12, 1982, 9:00–5:00 p.m.
Meeting place: National Science Foundation, 1800 G Street, NW., Room 642.
Type meeting: Closed.
Contact person: Dr. John E. Yellen, Program Director for Anthropology, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–7804.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in anthropology.
Agenda: To review and evaluate proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

Dated: January 20, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–1715 Filed 1–22–82; 8:45 am]

BILLING CODE 7555-01-M

Behavioral and Neural Sciences Advisory Committee; Subcommittee on Neurobiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Neurobiology of the Advisory Committee for Behavioral and Neural Sciences.
Date and time: February 11, 12, and February 23, 24, 1982: 9:00 a.m. to 5:00 p.m. each day.
Place: Room 1224 February 11 and 12, and Room 540 February 23 and 24, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Steven E. Kornguth, Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/357–7471.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Neurobiology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 20, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–1718 Filed 1–22–82; 8:45 am]

BILLING CODE 7555-01-M

Behavioral and Neural Sciences Advisory Committee; Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.
Date and time: February 11 & 12, 1982, 9:00 A.M. to 5:00 P.M.
Place: Room 540 at The National Science Foundation, 1800 "G" Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, D.C. 20550; telephone: 202/357–7428.
Summary minutes: May be obtained from the Contact Person, Dr. Terrence R. Dolan at the address listed above.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(C), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

Dated: January 20, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–1716 Filed 1–22–82; 8:45 am]

BILLING CODE 7555-01-M

Engineering Advisory Committee; Subcommittee of Earthquake Hazards Mitigation; Meeting

In accordance with the Federal Advisory Committe Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Earthquake Hazards Mitigation of the Advisory Committee for Engineering.
Date and time: February 10, 1982—9:00 a.m. to 5:00 p.m.; February 11, 1982—9:00 a.m. to 12:00 Noon.
Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Room 523.
Type of meeting: Open.
Contact person: Ms. Ramona Lauda, Program Analyst for Communication, Program and Resources, National Science Foundation, Room 1110, Washington, D.C. 20550. Telephone (202) 357–9774.
Summary minutes: May be obtained from the Contact Person.
Agenda:

Wednesday, February 10, 1982

9:00–10:00—Welcome and Discussion of Division Activities
10:00–11:00—Review of Budgets and Reports of Sub-programs
11:00–12:00—Status Reports on Special Projects
12:00–1:30—Lunch
1:30–2:30—Continuation of Status Reports
2:30–5:00—Interagency Coordination and International Activities

Thursday, February 11, 1982

9:00–12:00—Discussion of General Issues for Long Range Planning
12:00—Adjournment

Dated: January 20, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–1713 Filed 1–22–82; 8:45 am]

BILLING CODE 7555-01-M

Physiology, Cellular and Molecular Biology; Subcommittee on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463 The National Science Foundation announces the following meeting:

Name: Subcommittee on Cellular Physiology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: February 10, 11, 12, 1982—starting at 8:30 a.m. to 5: p.m.

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Joseph Albright, Director, Cellular Physiology Program, Room 332 National Science Foundation, Washington, DC 20550; Tel. (202) 357–7377.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Cellular Physiology.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
Reasoning for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: Financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine act.
Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of the Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 20, 1982.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 82–1714 Filed 1–22–82; 8:45 am]
BILLING CODE 7555–01–M

Physiology, Cellular and Molecular Biology; Subcommittee on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: February 11–13, 1982, 9:00 AM–5:30 PM each day.
Place: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Delill Nasser, Program Director, Genetic Biology Program, Room 329. National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9687.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Genetic Biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: January 20, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–1717 Filed 1–22–82; 8:45 am]
BILLING CODE 7555–01–M

Physiology, Cellular and Molecular Biology Advisory Committee; Subcommittee on Molecular Biology, Group A; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology Group A, of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: February 11 and 12, 1982; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NFS on July 6, 1979.

Dated: January 20, 1982.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 82–1719 Filed 1–22–82; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public, methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.49, "Design of an Independent Spent Fuel Storage Installation (Water-Basin Type)," provides guidance acceptable to the NRC staff for use in the design of an independent spent fuel storage installation of the water-basin type. This guide endorses ANSI/ANS 57.7–1981, "Design Criteria for an Independent Spent Fuel Storage Installation (Water-Pool Type)," with certain exceptions.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md., this 18th day of January 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82–1708 Filed 1–23–82; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50-361 OL and 50-362 OL]

Southern California Edison Co., et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Stephen F. Eilperin, Chairman
Dr. W. Reed Johnson
Dr. Reginald L. Gotchy

Dated: January 15, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-1764 Filed 1-22-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-223]

University of Lowell; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. R-125, which consists of revised Technical Specifications to the operating license for a research reactor located in the University of Lowell in Lowell, Massachusetts.

The amendment is effective as of its date of issuance.

The amendment permits receipt, possession, use and transfer of Cobalt-60 sources.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 20, 1981 and supplemental information dated November 2, 1981, (2) Amendment No. 5 to License No. R-125, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, located at 1717 H Street NW., Washington, D.C. 20555. A copy of items 2 and 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information Document Control.

Dated at Bethesda, Md., this 15th day of January 1982.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-1765 Filed 1-22-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp. and Vermont Yankee Nuclear Power Plant; Modification of Jan. 13, 1981 and Nov. 25, 1981 Orders

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes the licensee to operate the Vermont Yankee Nuclear Power Plant (the facility) at power levels not in excess of 1593 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Windham County, Vermont.

II

On January 13, 1981 the Commission isued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR-8323), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than November 30, 1981, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

On November 25, 1981 a 45-day extension of this January 13, 1981 Order, published in the **Federal Register** on December 3, 1981 (46 FR-58760), was granted by the Director of the Division of Licensing pending Commission approval of a staff generic proposal to extend the completion dates for the Mark I long-term program containment modification for all affected licenses.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 23, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75 percent of the total program effort, have been completed. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining

modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order, as modified by the Order of November 25, 1981, to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50. *It is ordered,* That the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," as modified by the Order of November 25, 1981, is hereby changed to read as follows: "prior to the start of Cycle 10." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 24, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed prior to start of Cycle 10.

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Md., this 14th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1767 Filed 1-22-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280, 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-32 and Amendment No. 74 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to allow an increase in enrichment for new and spent fuel from 3.7 weight percent of U-235 to 4.1 weight percent of U-235.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 15, 1980, as supplemented September 15 and December 4, 1980, and March 26 and August 18, 1981, (2) Amendment Nos. 73 and 74 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 19th day of January, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-1766 Filed 1-22-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

January 18, 1982.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the paperwork reduction act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including Public Hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) Codes, referring to specific respondent groups that are affected;

Whether small business or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggesting for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Economic and Statistical Analysis
Chromium, Manganese and Silicon Ferroalloys and Related Materials
BIE–1981
Nonrecurring
Business or other institutions
Producers of ferroalloys and related materials
SIC: 331
Other advancement and regulation of commerce: 21 responses; 336 hours; $21,250 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The information is required for the investigation of imports of ferroalloys and related materials under section 232 of the Trade Expansion Act of 1962, as amended, safeguarding national security (effects of imported articles on national security).

Revisions

• International Trade Administration
Proposed Revision of 15 CFR Part 369, Restrictive Trade Practices or Boycotts
EAR 369; ITA 621P, and 6051P–A
Quarterly
Businesses or other institutions
U.S. Industry or Individual
SIC: Multiple
Small Businesses or organizations
Other advancement and regulation of commerce: 36,000 responses; 36,000 hours; $0 Federal cost; 4 forms; NPRM under 3504(h)
William T. Adams, 202–395–4814

The proposal establishes the prohibited nature of certain boycott terms in banking and financial transactions and reduces unnecessary and burdensome aspects of the antiboycott reporting requirements. The proposals will reduce by a factor of nearly one-half the required reporting of boycott requests. Eliminating these reporting requirements will have a beneficial effects on the business community.

Reinstatements

• National Oceanic and Atmospheric Administration
Foreign Fishing Regulations
On occasion/weekly/quarterly/annually
Businesses or other institutions
Foreign fishing vessels in the fishery conserv. zone, etc.
SIC: 951
Other advancement and regulation of commerce: 100,000 responses; 50,000 hours; $105 Federal cost; 9 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

These logs are used by the National Marine Fisheries Service in day-to-day fisheries management, to determine fees that must be paid by each Nation every three months, and to determine when a nation has its allocations.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Extensions (No Change)

• Immigration and Naturalization Service
Request for cancellation of Public Charge Bond
I–356
Nonrecurring
Individuals or households
Aliens with an outstanding bond
Federal Law enforcement activities: 1,000 responses; 250 hours; $5,000 Federal cost; $2,500 public cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Required in order to determine whether bond posted on behalf of alien in the U.S. should be cancelled.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

• Certificate of Release of a Motor Vehicle
On occasion
Individuals or households
Motor vehicles
General property and records management; 1 responses; 1 hour; $0 Federal cost; 2 forms; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

These are used by agencies that sell or release Government Motor Vehicle Data and provide data regarding the odometer mileage and accuracy.

PANAMA CANAL COMMISSION

Agency Clearance Officer—Hazel M. Murdock—202–724–0104

New

• Authorization for Disclosure of Medical Information
PC 8200
On occasion/weekly/monthly/other—see SF83
Individuals or households
Persons making or filing claims against the former, etc.

Water transportation: 50 responses; 9 hours; $100 Federal cost; 7 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

For release of medical information to attorneys, interested third parties, employees and individuals and physicians. The information may be used in settlement of third party claims, medical treatment or settlement of court cases. Also for purposes of compensation, awards.

• Personnel Administration Forms
Other—See SF83
Individuals or households
Applicants for employment
Water transportation: 14,200 responses; 51,900 hours; $180,000 Federal cost; 61 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The information is needed to determine the qualifications, suitability and availability of applicants for Federal Employment in the Canal Area so that U.S. Government agencies can be supplied with eligibles to fill vacant positions.

Arnold Strasser,

Acting Deputy Chief, Reports Management.

[FR Doc. 82–1514 Filed 1–22–82; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

Background

January 13, 1982.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information.

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96–511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Agricultural Marketing Service
Irish Potatoes Grown in Colorado (Marketing Order No. 948)
On occasion
Farms/businesses or other institutions
Potato handlers in the production area.
SIC: 515
Small businesses or organizations
Agricultural research and services: 426 responses; 13 hours; $435 Federal cost; 2 forms; $179 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395

The Colorado potato committees forms are used as a safeguard for handlers who wish to be exempted from grade, size, quality, or maturity requirements of the order.

• Department of Agriculture
Cable Television Borrower Annual Financial Reporting Form
FCC 326
Annually
Businesses or other institutions
Cable TV systems receiving loans or loan gurantees, etc.
SIC: 481
Small businesses or organizations
Energy supply: 45 responses; 90 hours; $654 Federal cost; 1 form; $1,012 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

This is a year end financial reporting form containing a balance sheet and income statement. It enables REA to monitor use of loan funds and helps ensure loan security.

Extensions (Burden Change)

• Agricultural Marketing Service
Federal Seed Act and Rules and Regulations
On occasion
State or local governments/businesses or other institutions
State seed certification agencies, seed retailers, etc.

SIC: 011, 013, 018, 019, 072
Small businesses or organizations
Agricultural research and services: 775 responses; 2,104 hours; $17,000 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The information is gathered to determine culpability for seed that is found to be improperly labeled. The records are used to support penalty actions and for court actions when prosecution is necessary.

• Animal and Plant Health Inspection Service
7 CFR Parts 319, 321, 352—Foreign Quarantine Notices
PPQ 533, 546, 564, 587
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Farms, nurseries, wholesalers, botanical and zoological, etc.
SIC: Multiple
Small businesses or organizations
Agricultural research and services: 5,685 responses; 846 hours; $109,461 Federal cost; 4 forms; $4,230 public cost; not applicable under 3505(h)
Nell Minow, 202–395–7340

Regulations implementing the Plant Quarantine Act relative to the importation into the U.S. of nursery stock plants, fruits, vegetables, roots, bulbs, etc. The regs identify articles which are restricted and specify procedures for obtaining permits required by the act to import plants and plant products.

• Agricultural Marketing Service
Regulations governing the inspection and grading of manufactured or processes dairy products—recordkeeping
On occasion
Businesses or other institutions
Manufacturers and distributors of dairy products.
SIC: 202, 964
Agricultural research and services: 7,600 responses; 7,100 hours; $0 Federal cost; 1 form; $35,500 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The regulation explains the basis of the inspection or grading service performed in accordance with the provisions of the regulation, the instructions and procedures issued or approved by the administrator, U.S. standards for grades, Federal specifications and other specifications as defined in a specific purchase contract.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (Burden Change)

• Bureau of the Census
Shipper's Summary Export Declaration
7525M
Monthly
Businesses or other institutions
Exporters.
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce:
948 responses; 1,896 hours; $4,476,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Form 7525–M is designed for use, if desired, by exporters who make numerous shipments of essentially the same commodities from one port of export to one country of destination where its use would result in a substantial reduction in the number of shipper's export declarations required under regular reporting procedures.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
ASVAB Validation Against Benchmark Industrial Business Occupations
Nonrecurring
Individuals or households/businesses or other institutions
Individs in various trades and skills, including: etc.
SIC: 120, 760
Small Businesses or organizations
Department of Defense—Military: 4,000 responses; 1,000 hours; $100,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

This contract is designed to validate the test performance of individuals who take the Armed Services Vocational Aptitude Battery by comparing that performance on the test to their work performance. This validation is necessary in order to provide pertinent job validity information to high school counselors who will be counseling students going into the world of work. Without this validity information, the credibility of the program will suffer greatly.

• Department of the Army
Civilian Markmanship Program Enrollment
On occasion
Businesses or other institutions
Civilian markmanship clubs
SIC: 999
Small businesses or organizations
Department of Defense—Military: 100 responses; 100 hours; $16,500 Federal cost; 6 forms; not applicable under 3504(h)
Andy Uscher, 202–395–4814

The enrollment forms are used to screen applications and provide a record that the requirements of Section 4307, Title 10 U.S. Code are met.

Extensions (Burden Change)

• Departmental and Others
School Officials Evaluation of Candidate
DD 1869
On occasion
Individuals or households
Local school officials
Department of Defense—Military: 60,000 responses; 15,000 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Candidates to U.S. Military and Naval Academies are required to provide an academic evaluation. The average applicant requests four school officials to complete the form.

Extensions (No Change)

• Departmental and Others
Claim for Exemption From Submission of Certified Cost or Pricing Data
DD 633–7
On occasion
Businesses or other institutions
Buss organ seeking negotiated defense contracts, etc.
SIC: 999
Small businesses or organizations
Department of Defense—Military: 4,000 responses; 2,000 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

This form was designed to provide the prospective contractor a basis for claiming exemption from submission of certified cost or pricing data, based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. This form is needed because it requires the minimum amount of sales data necessary for the contracting officer to determine that the contractor satisfies the exemption criteria.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

New

• Conservation and Solar Energy
Applicant Profile Data
WAPA–743R
On occasion
State or local governments/businesses or other institutions
Entities involved in the production, purchase, sales, etc.
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 125 responses; 1,000 hours; $13,500 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Data will be used to determine electric power allocations to preference entities in accordance with reclamation law.

• Departmental and Others
Health Effects of Low-Dose Radiation Exposure Among Nuclear Shipyard Workers
ER–487A, 487B, 487C
Nonrecurring
Individuals or households
Current and former nuclear shipyard workers, etc.
General science and basic research: 70,000 responses; 7,000 hours; $369,000 Federal cost; 3 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The objectives are to determine the leukemogenic, carcinogenic and other health hazards associated with repeated exposures to low levels of radiation and to evaluate current safety standards on the basis of any detectable risks associated with such exposures. Data collection will begin in earyl 1982 and be published in epidemiological journals.

• Economic Regulatory Administration
Amendments to Title III of the Powerplant and Industrial Fuel Use Act
ERA–328R
Nonrecurring
Businesses or other institutions
Existing powerplants
SIC: Multiple
Energy information, policy, and regulation: 45 responses; 45 hours; $7,200 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The information requirements for which clearance is sought are part of the regulations which establish the procedures and requirements for obtaining prohibition orders against the use of natural gas or petroleum in existing powerplants.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Social Security Administration
Reconciliation Statement
SSA–4792 (10–81)
Other—See SF83
State or local governments
Reporting officials for public employers
SIC: 944
Small businesses or organizations
General retirement and disability insurance: 75 responses; 38 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The payroll records of the sample public employers are examined to determine if those employees who are covered for Social Security purposes under their contract with the Secretary of Health and Human Services are correctly being reported and conversely those employees who are not covered for Social Security purposes are not being reported.

• Social Security Administration
April 1982 Current Population Survey (CPS), Alimony and Child Support Supplement
CPS–1
Nonrecurring
Individuals or households
Eligible interviewed housholds ¾ of April 82 sample
Other income security: 27,000 responses; 1,125 hours; $200,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This supplement provides data on never married women with children at home and on ever divorced or separated women with children at home from a previous husband. Survey questions will elicit information on whether child support or alimony was agreed to, how much of the agreed annual amount was actually received in 1981 and whether local child support enforcement offices were instrumental in helping mothers obtain child support.

• National Institutes of Health
An Epidemiologic Investigation of Cancer Risk in Radiologic Technologists
Nonrecurring
Individuals or households
American Registry of Radiologic Technologists Members Health: 75,000 responses; 25,000 hours; $270,000 Federal cost; 1 form; $247,500 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Studies of low-dose, fractionated radiation exposures are of particular importance. This study provides a unique opportunity to evaluate the risk of radiation induced cancer in a large well-defined, occupationally exposed population.

• Human Development Services
Three Year State Plan for Vocational Rehabilitation Services
ED (RSA) spur
Annually, biannually
State or local governments
State VA Agencies
SIC: 944
Social services: 82 responses; 1,640 hours; $16,400 Federal cost; 1 form; $16,400 public cost; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

This form fulfills the requirements for a State plan as stipulated in Rehab Act. The plan serves as the basis for flowing monies to the States under title I of P.L. 93–112. This plan covers the period fiscal year 1983 through 1985.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Indian Affairs
Forestry—Subchapter M 25 CFR [1]
On occasion, monthly, quarterly, annually
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Loggers, sawmills and other forest prod. comp. near Ind. lands
SIC: 085, 951, 241, 242, 243, 249, 913, 922
Conservation and land management: 98,342 responses; 98,342 hours; $1,784,351 Federal cost; 28 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Most of these forms, letters, etc. are involved with the sale of Indian timber and are needed to protect the Indians from loss. D.I. 1210 is needed to provide

[1] Section 3512 of the Paperwork Reduction Act precludes Federal agencies from penalizing any person failing to maintain or provide information to the agencies if the information collection request was made after December 31, 1981 and does not display a current OMB control number, or fails to state that the request is not subject to the Paperwork Reduction Act. Due to resource constraints, the Department of the Interior was unable to submit complete clearance packages for OMB review for many information collection requests before the December 31 deadline. OMB has agreed to approve the above information collection requests on a provisional basis. In exchange, Interior developed a schedule for submitting complete justification packages for these items. This schedule is available from the Agency Clearance Officer, Vivian A. Keado, at 202–343–6191.

information to Congress on Forest fire protection.
• Bureau of Indian Affairs
Subchapter N—Grazing 25 CFR 151, 152, and 153 [1]
On occasion, annually, other—see SF83
Individuals or households/farms/ businesses or other institutions
Livestock owners, lending agencies, trust Indian landowners
SIC: Multiple
Small businesses or organizations
Conservation and land management: 75,376 responses; 75,376 hours; $1,386,304 Federal cost; 16 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The attached list is used to advertise award and administer grazing permit contracts with Indian land.
• Bureau of Indian Affairs
Subchapter O, 25 CFR, Rights-of-Way Roads [1]
Annually
Individuals or households/State or local governments/businesses or other institutions
Indians on or near reservations, abstractors, public util.
SIC: 065–651–654
Area and regional development: 117,775 responses; 117,775 hours; $2,166,100 Federal cost; 25 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Most of these forms involve Indian lands, issuance of patents, sale or lease, rights-of-way, obtaining title information, etc.

• Bureau of Indian Affairs
Subchapter P—Mining [1]
On occasion
Businesses or other institutions
Businesses on Indian lands
SIC: Multiple
Small businesses or organizations
Area and regional development: 117,775 responses; 117,775 hours; $2,166,100 Federal cost; 25 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Not available.

• Bureau of Indian Affairs
Oil and gas, Subchapter Q [1]
On occasion
Businesses or other institutions
Mining, oil and gas doing business on Indian lands.
SIC: Multiple
Small businesses or organizations
Area and regional development: 122,486 responses; 122,486 hours; $2,252,744 Federal cost; 26 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Not available.

• Bureau of Indian Affairs
Subchapter R, 25 CFR [1]
Other—see SF83
Individuals or households
Individuals, tribal business enterprises and other contractors
Area and regional development: 3,475 responses; 3,475 hours; $433,220 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The granting of concessions, business, agricultural and grazing leases on permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or acquired in connection with Indian irrigation projects and managed for the benefit of Indian programs.

• Bureau of Indian Affairs
Subchapter S, 25 CFR [1]
BIA 50 5459
Other—see SF83
Farms
Owners or leases of irrigable land on Indian irrigation project
SIC: Multiple
Area and regional development: 9,422 responses; 9,422 hours; $173,288 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Execution of contracts for partial payment of construction costs required for administration of Indian irrigation projects.

• Bureau of Indian Affairs
Water Delivery Record 25 CFR 221.69l Application for Water [1]
Service 25 CFR 221.114 Subchapter T
Other—see SF83
Farms
Recipients of agricultural water of Indian irrigation project
SIC: Multiple
Small businesses or organizations
Area and regional development: 1,390 responses; 1,390 hours; $43,322 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Required information for the officer-in-charge to priority adminster the operation and maintenance of Indian irrigation projects.

• Bureau of Indian Affairs
Subchapter U—Electric Power System—25 CFR 231.4, 232.4 [1] and 233.4
Other—see SF83
Individuals or households/farms/ businesses or other institutions
Individuals, farms and businesses
SIC: Multiple
Small businesses or organizations
Area and regional development: 2,085 responses; 2,085 hours; $84,983 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Administration and management of electric power system operated in conjunction with Indian irrigation projects.

DEPARTMENT OF STATE

Agency Clearance Officer—Gail J. Cook—202–632–3538

Reinstatements

• Administration of Foreign Affairs
Application for Dependent Care/ Training Grant
JF–53
On occasion
Individuals or households
U.S. Government workers and dependents
Conduct of foreign affairs: 60 responses; 30 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The information collection is necessary to determine: (a) Eligibility of applicant (b) fund availability of classroom space (d) type of training requested (e) identification of day-care service, locality and estimated costs.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Filing of Dedicated Cars
On occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 1 response; 8 hours; $350 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 215, promulgated under 45 U.S.C. 431 and 438 requires railroads to notify FRA when cars are to be operated in dedicated service.

• Federal Railroad Administration
Designation of Qualified Persons
On occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 8,280 responses; 1,380 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 215.11 promulgated under 45 U.S.C. 431 shows railroad personnel

who are used to inspect equipment and make decisions relative to safe movement of defective equipment.

• Urban Mass Transportation Administration
Title VI as it applies to section 18
Other—See SF83
Businesses or other institutions
Public and private transit operators
SIC: 411
Ground transportation: 700 responses; 2,100 hours; $832,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Each UMTA grantee must include in its application for section 18 benefits a statement assuring that it is in compliance with title VI of the Civil Rights Act of 1964.

• Urban Mass Transportation Administration
Financial Management Records
Other—See SF83
State or local governments
State and local publication transportation agencies
SIC: 411
Ground transportation: 1,000 responses; 3,600,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The financial management records requirement for grantees is necessary to assist the Urban Mass Transportation Administration (UMTA) in monitoring the performance of a grantee and the use of Federal grant funds in accordance with the terms and conditions of the grant agreement/contract. Financial management records are used by the grantee to report financial information to UMTA.

Revisions

• Federal Railroad Administration
Track Safety Standards Reporting and Recordkeeping Requirements
Weekly, monthly, annually, other—See SF83
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 372,361 responses; 99,296 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Pub. L. 91–458—Federal track safety standards require railroads to conduct and record examination of tracks. Records are reviewed by Federal/State inspectors to ascertain degree of railroad complicance with frequency and extent of inspections.

Extensions (Burden Change)

• Federal Highway Administration
Annual Interstate Maintenance Program
Annually
State or local governments
State highway agency
SIC: 999
Ground transportation: 52 responses; 520 hours; $2,250 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Description of expected efforts to maintain the interstate highway system routes, to be used for evaluation of effectiveness and compliance with 23 U.S.C. 109(M).

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Internal Revenue Service
Worksheet To Determine Withholding Allowances
6355
On occasion
Individuals or households
Taxpayers who file nonexempt forms W–4
Central fiscal operations: 80,000 responses; 100,000 hours; $189,476 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Form 6355 is used in conjunction with letter 1380 (SC/DO) to contact employees who filed non-exempt forms W–4. The IRS uses this information to determine the number of withholding allowances the employee is entitled to claim.

Extensions (No Change)

• Internal Revenue Service
Employment—Reference Inquiry
2163
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Employers listed as references on employment applcations
SIC: All
Small businesses or organizations
Central fiscal operations: 20,000 responses; 4,000 hours; $26,385 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

This form is used to verify past employment history and to question listed and developed references as to the character and integrity of current or potential IRS employees. The information received is incorporated into a report on which a security determination is based.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301–634–7770

New

• Survey to Determine Consumer Exposure to Chain Saw Hazard
Nonrecurring
Individuals or households
Non-inner city households
Consumer and occupational health and safety: 1,100 responses; 451 hours; $85,756 Federal cost; 2 forms; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The Commission is preparing to evaluate a volutary standard for chain saws. Responses to the telephone inquiries and the follow-up mail-out questionnaire will provide information on the prevalence and usage of chain saws, their safety features and their accessories.

• Baby Bouncer, Walker-Jumper, Baby Walker
16 CFR 1500.86 (A)(4)
Nonrecurring
Businesses or other institutions
Manufacturers of baby walkers, jumpers and bouncers.
SIC: 251
Small businesses or organizations
Consumer and occupational health and safety: 25 responses; 50 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Requires manufacturer or importer to make, keep records of sales and testing, if performed, for a period of three years.

• Matchbooks—16 CFR 1202.2
On occasion
Businesses or other institutions
Matchbook manufacturers
SIC: 399
Small businesses or organizations
Consumer and occupational health and safety: 250 responses; 292 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Requires the maintaining of test results to support the certification of the matchbook as meeting the CPSA requirements.

• Unvented Gas Space Heaters—16 CFR 1212
Other—see SF83
Businesses or other institutions
Manufacturers of unvented gas space heaters
SIC: 343
Small businesses or organizations
Consumer and occupational health and safety: 13 responses; 329 hours; $0

Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Evaluate industry's use and incorporation of the oxygen depletion device as it relates to the standard effective 12/81.

• Standard for Cellulose Insulation—16 CFR 1209.38
Other—see SF83
Businesses or other institutions
Manufacturers of cellulose insulation
SIC: 521
Small businesses or organizations
Consumer and occupational health and safety: 2,000 responses; 42,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

CSPA Standards require that manufacturers of cellulose insulation certify that their product meets the standard. Manufacturers, therefore, perform quality control tests and maintain their records as proof of their claim for certification.

• Product Certification Swimming Pool Slide Standard
16 CFR 1207.9(A)
Other—see SF83
Businesses or other institutions
Swimming pool manufacturer
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The standard requires that certification on the part of the manufacturer be substantiated with records covering any tests performed to evaluate the swimming pool slide for certification.

• Clothing Textiles, Vinyl Plastic Film—16 CFR 1610.38 and 16 CFR 1610.31
On occasion
Businesses or other institutions
Textile and garment manufacturers
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 83,325 response; 13,887 hours; $37,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

These requirements permit firms to file a guarantee with the commission. In order to file such a guarantee the firm must perform certain tests and maintain the records on these tests. The guarantee provides purchasers certain legal protections.

• Toy Caps—Submission of Intentions to Reduce Sound Level of Caps, 16 CFR 1500.86(A)(6)
Quarterly
Businesses or other institutions
Manufacturers of toy caps
SIC: 209
Small businesses or organizations
Consumer and occupational health and safety: 16 response; 64 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

CFR requires that firms distributing toy caps which produce sound levels between 138 and 158 decibles advise the commission of how they intend to lower the sound level of caps in future production.

• Records Requirements for Children's Sleepwear
On occasion
Businesses or other institutions
Children's sleepwear manufacturers
SIC: 234
Small businesses or organizations
Consumer and occupational health and safety: 35,000 responses; 8,750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The children's sleepwear standard requires that records be maintained to establish a line of continuity through the process of manufacture of each production unit. For test results on prototype and production units and disposition of all failing or rejected items.

• Certification and Labeling Requirements—Architectural Glazing Standard, 16 CFR S.1201.5(A)
Nonrecurring
Businesses or other institutions
Architectural glazing manufacturers
SIC: 321
Small businesses or organizations
Consumer and occupational health and safety: 4,500 responses; 6,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Regulations require that architectural manufacturers certify that their product meets the standard. The manufacturers therefore perform tests according to their quality control program and maintain these records as required to verify their certification.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Compliance Requirement for the Child Resistant Packaging Act
Nonrecurring, other—see SF83
Businesses or other institutions
Pesticide chemical production and marketing industry
SIC: 286
Small Businesses or organizations
Pollution control and abatement: 7,500 responses; 12,000 hours; $115,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The regulation for the child-resistant packaging of pesticide authorizes standards for the packaging of pesticides or devices to protect children and adults from serious illness or injury from accidental ingestion or contact with these pesticides or devices. The information collected allows the agency to identify which products are used residentially and which are not.

• Trade Secret Clearance Justification (0613)
Nonrecurring
Businesses or other institutions
Pesticide product registrants which have submitted, etc.
SIC: 287, 286
Pollution control and abatement: 250 responses; 500 hours; $40,000 Federal cost; 4 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To determine the public release status of test data, pesticide registrants must be contacted and asked to make and substantiate claims of confidentiality.

• Biological Survey of the Nation's Flowing Waters (378)
Other—see SF83
State or local governments
State fish and game agencies
SIC: 951
Pollution control and abatement: 1,300 responses; 2,600 hours; $440,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

EPA will obtain an evaluation of the biological status of the Nation's flowing waters based on currently available information known to State fish and game agencies. The U.S. FWS will assist EPA in obtaining this information for a probability sample of the river reaches. This is being done as part of the OWRS water monitoring strategy and is needed to provide support to policy decisions related to the effectiveness of the agency abatement program.

• State Hazardous Waste Management Application
5700–33
Annually
State or local governments
States that voluntarily apply for Federal financial assistance.
SIC: 951

Pollution control and abatement: 54 responses; 12,960 hours; $176,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Section 3011 of RCRA requires States that voluntarily seek financial assistance in support of their State hazardous waste management programs to fill out and submit a grant application to EPA. The grant form and "narrative summary" are reviewed by EPA to evaluate the proposed grant program. The application is also used as a management tool by EPA and the State.

Reinstatements

• Guidelines for CO and NO_x Waiver Applications
On occasion
Businesses or other institutions
Auto manufacturers producing light-duty vehicles for, etc.
SIC: 371
Small businesses or organizations
Pollution control and abatement: 6 responses; 2,400 hours; $26,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information submitted by vehicle manufacturers in their waiver applications is analyzed to determine whether the manufacturers established that their models have met the criteria to receive waivers. The guidelines specify the information EPA needs to make that determination.

• Report of Pollution-Caused Fish Kill
EPA–7500–8
On occasion
State or local governments
State fish and wildlife and conservation agencies
SIC: 951
Pollution control and abatement: 683 responses; 170 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Establishes a uniform system of voluntary reporting needed for local, State and national assessment of the biological health of ambient waters. These reports are used by the EPA to confirm adequacy of State monitoring required for grants under section 106 and aid to the EPA in identifying causes and locations of water quality problem areas often missed by conventional monitoring networks.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

FCC Rules and Regulations Section 90.145—Special Temporary Authority
On occasion
Individuals or households/State or local governments/businesses or other institutions
Rescue organ., disaster relief organ., police, highway, etc.
SIC: 483, 922
Small businesses or organizations
Other advancement and regulation of commerce: 6,000 responses; 3,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Applicants may receive special temporary authority to use the radio facility in the private land mobile radio services by submitting in writing, or by telephone or telegraph in emergency cases, the information requested in § 90.145 of the FCC rules and regulations.

Revisions

• Application for Ship Radio Inspection or Survey
FCC 801
Annually, biennially
Businesses or other institutions
Shipboard radio service licensees
SIC: 441, 442, 443
Other advancement and regulation of commerce: 3,800 responses; 319 hours; $5,780 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Submitted by licensee to request inspection of shipboard radio service as required by FCC rules and regulations, the Communications Act, and Great Lakes Agreement. This form provides necessary information to inspecting office.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–287–8900

Reinstatements

• State and Local Emergency Management Annual Program Paper
FEMA 19–1; FEMA 19–2
Annually
State or local governments
State and local civil preparedness coordinators
SIC: 919
Defense-related activities: 4,656 responses; 33,040 hours; $12,200 Federal cost; 2 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The purpose of these forms is to state the status of civil preparedness capabilities in State and local jurisdictions and show those activities designed to improve their capability to cope with both natural and man-made disasters.

• Fair Plan Quarterly Report
HUD 1603
Quarterly
Businesses or other institutions
State insurance authorities
SIC: 999
Community development: 112 responses; 1,120 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Part A of Title XII of the National Housing Act (as enacted by Title XI of the Housing and Urban Development Act of 1968) provides for the development and carrying out of statewide plans to assure fair access to insurance requirements in urban areas (usually known as fair plans).

• Insurance Commitment
90–44 SIC 919
On occasion
State or local governments
Local governments in disaster areas
SIC: All
Disaster relief and insurance: 5,000 responses; 10,000 hours; $200,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The basic requirement for this form stems from the Disaster Relief Act of 1974, Pub. L. 93–288, and Federal disaster assistance regulations (44 CFR Part 205). FEMA policies and guidelines (Pub. L. 93–288 and Pub. L. 93–234) require under certain conditions the applicant must obtain and maintain hazard insurance as a condition for receiving disaster assistance. This form documents the insurance commitment and can be used for flood insurance as well as other types.

• Estimate/Adjuster's Short Form Report/Worksheet Contents/Personal Property/Statement Replacement Cost Coverage/Proof of Loss/Notice of Loss
On occasion
Individuals or households/farms/businesses or other institutions
Residences and businesses in flood-prone areas, etc.
SIC: 999
Small businesses or organizations
Disaster relief and insurance: 200,000 responses; 50,000 hours; $25,000

Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Forms used for the continued processing of claims for flood damages under the national flood insurance program.

• Recertification Questionnaire and Recommendation
HUD 99014
Quarterly—other—see SF83
Individuals or households
Disaster victims
Disaster relief and insurance: 20,000 responses; 10,000 hours; $137,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used as a tool to determine continuing elegibility for temporary housing, based on the applicant's progress toward obtaining permanent housing or adequate alternate housing.

• Change of Application Information
HUD 9962
On occasion
Individuals or households
Disaster victims
Disaster relief and insurance: 6,000 responses; 3,000 hours; $41,280 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Needed to keep all application information and applicant's status current in separate sections of the temporary housing field offices.

• Financial Statement
On occasion
Individuals or Households
Disaster victims
Disaster relief and insurance: 10,000 responses; 2,500 hours; $68,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The financial statement is used to determine a temporary housing occupant's ability to obtain affordable alternate housing, to determine rent to be charged on a government-provided temporary housing unit, and to determine a sales price for a fema-owned mobile home.

• Pre-Placement Questionnaire
HUD 9961
On occasion
Individuals or households
Disaster victims
Disaster relief and insurance: 3,000 responses; 1,500 hours; $30,960 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The Pre-placement interview is held with each temporary housing applicant prior to formal eligibility decision. The form aids the decision-maker to determine the applicant's needs.

• Verification of income
HUD 99016
Quarterly
State or local governments
Disaster victims and their employers
SIC: Multiple
Disaster relief and insurance: 4,000 responses; 1,000 hours; $20,640 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This is needed to verify one portion (income) of temporary housing occupant's financial status, upon which certain forms of temporary housing assistance are based (obtaining adequate alternate housing, rent on housing after rent-free period, and cost for a mobile home).

• Disaster assistance registration form (English and Spanish)
FEMA 90–46A, FEMA 90–46B
On occasion
Individuals or households/farms/businesses or other institutions
Disaster victims
SIC: Multiple
Small businesses or organizations
Disaster relief and insurance: 100,000 responses; 50,000 hours; $71,000 Federal cost; 2 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used to record disaster victims' visit to a disaster assistance center and to route the victim to various agency representative in the center.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

New

• 46 CFR 536—Publishing and filing ot tariffs by common carriers by water in the foreign commerce of the U.S.—Time/Volume Rates
GO 13
On occasion
Businesses or other institutions
Waterborne common carriers in U.S. foreign commerce
SIC: 441
Water transportation: 30 responses; 40 hours; $8,200 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Prescribes uniform rules and regulations governing the filing of time/volume rates. It will eliminate the present confusion and imprecision surrounding existing time/volume rates and their related tariff provisions. It will also permit the commission to monitor the use of time/volume rates to ensure that they comply with the terms of their related contracts and the Shipping Act, 1916.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Computer Generated "Recipient Cash Advance Request"
ED 874
Weekly/Monthly
State or local governments/businesses or other institutions
State education agencies
SIC: 821, 822, 823, 824, 829, 841, 941
Education, training, employment, and social services: 84,000 responses; 84,000 hours; $34,400 Federal cost; 1 form; $840,000 public cost; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

The recipient cash advance request form will be used by ED recipients to obtain funds for grants received from ED. The form will be used by those ED recipients who do not qualify for letter of credit. The recipients will request advances so that the Federal funds are available only immediately prior to their actual disbursement by the recipient for award activity in accordance with the General Accounting Office and Treasury regulations.

• Summary Date Sheet Listing Form (National Direct Student Loan)
ED 1269 1269–1
Annually
Businesses or other institutions
State education agencies
SIC: 941
Higher education: 57 responses; 1,140 hours; $149,000 Federal cost; 2 forms; $20,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition council, 202–426–5030

This form was designed to provide pertinent information to ed for compliance and statutory provisions governing both the national direct (defense) student loan program.

• Guarantee Agency Reserve Fund Analysis and Projections
ED 878
On occasion
State or local governments
State guarantee agencies
SIC: 821, 822

Higher education: 23 responses; 46 hours; $4,700 Federal cost; 1 form; $460 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The form is to be used to collect the data needed to decide if the agency should be allowed to retain the 422(a) Federal advance funds or if the Secretary should request the return of the funds.

- Performance and Financial Status Reports for Pub. L. 94–142 and Pub. L. 89–313

ED 873–1; 873–2
Annually
State or local governments
State education agencies
SIC: 941
Elementary, secondary, and vocational education: 116 responses; 522 hours; $5,000 Federal cost; 2 forms; $5,220 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Financial and performance reports are required annually as a condition of funding. SEP uses the data and information in program monitoring/compliance activities and in the annual congressional report. ED 873 collects information on the Pub. L. 94–142 State grant and incentive grant programs, as well as Pub. L. 89–313.

Revisions

- Application for Certification for Participation in Programs Under Title IV of the Higher Education Act of 1965, as Amended

ED 633
Annually
State or local governments
Institutions of postsecondary education
SIC: 822
Higher education: 1,900 responses; 3,800 hours; $400 Federal cost; 1 form; $190 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Form used by colleges and universities to apply to ed to participate in title IV programs.

- Education for the Handicapped Incentive Grant, FY 1984–86; Application for Federal Assistance

9055–1
Other—see SF83
State or local governments
State education agencies
SIC: 941
Elementary, secondary, and vocational education: 58 responses; 348 hours; $4,000 Federal cost; 1 form; $3,480 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Any State which has met the eligibility and program plan requirements of Pub. L. 94–142 may apply for an incentive grant to provide special education and related services to handicapped children aged 3 to 5.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Reinstatements

- Solicitation Application for Service Contracts

GSA 3325
Nonrecurring, on occasion
Businesses or other institutions
Individuals, firms and organizations interested in bidding, etc
SIC: 734, 739, 762
Small Businesses or organizations
General property and records management: 1,500 responses; 375 hours; $2,505 Federal cost; 1 form; $2,557 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 3325 is used to collect information to establish a bidders mailing list to be used by the PBS procuring activities responsible for procuring the building maintenance services. Bidders mailing lists are maintained in order to assume access to adequate sources of supply and to obtain meaningful competition.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

- Notice of Cancellation Motor Carrier Policies of Insurance Under Section 215 Interstate Commerce Act

BMC–35
On occasion
Businesses or other institutions
Motor carriers operating under author granted by the ICC
SIC: 413, 421
Ground transportation: 9,650 responses; 2,413 hours; $158,800 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated motor carrier of property or passengers has cancelled their required personal and property liability or cargo liability insurance policies (49 U.S.C. 10927). The ICC uses this information to publicize that the regulated motor carrier is no longer allowed to operate.

- Notice of Cancellation Motor Carrier and Broker's Surety Bonds Under Section 215 Interstate Commerce Act

BMC–36
On occasion
Businesses or other institutions
Motor carr and brokers oper under author granted by ICC
SIC: 413, 421
Ground transportation: 30 responses; 8 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report informs the ICC that an ICC regulated motor carrier or broker has cancelled their required insurance policy or surety bond (49 U.S.C. 10927). The ICC uses this information to cancel operating authority.

- Notice of Cancellation of Freight Forwarder Policy of Insurance Under Part IV of the Interstate Commerce Act

FF–35
On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the ICC
SIC: 421, 413
Ground transportation: 11 responses; 3 hours; $200 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated freight forwarder or passenger has cancelled their required personal and property liability or cargo liability insurance policies. The ICC uses this information to publicize that the regulated freight forwarder is no longer allowed to operate.

- Notice of Cancellation of Freight Forwarder Surety Bond Under Part IV of the Interstate Commerce Act

FF–36
On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the ICC
SIC: 421, 413
Ground transportation: 38 responses; 10 hours; $600 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report informs the ICC that an ICC regulated freight forwarder or broker has cancelled their required insurance policy or surety bond. The ICC uses this information to cancel operating authority.

- Endorsement for Freight Forwarder Policy of Insurance for Cargo Liability Under Section 403(c) of the Interstate Commerce Act

FF–32

On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the ICC
SIC: 421, 413
Ground transportation: 247 responses; 62 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record attached to existing insurance policies ensures that an ICC regulated freight forwarder of property has the minimum required amount of cargo liability insurance. The insurance company uses this record to establish the contractual agreements the ICC requires.

- Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 10927 Title 49 of the United States Code

BMC–90
On occasion
Businesses or other institutions
Motor carriers oper under author granted by the ICC
SIC: 421, 413
Ground transportation: 27,500 responses; 6,875 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record attached to existing insurance policies ensures that an ICC regulated motor carrier of property or passengers has the minimum required amount of personal and property liability insurance (49 CFR Part 1043). The insurance companies use this record to establish the contractural agreements the ICC requires.

- Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability Under Section 215, Interstate Commerce Act

BMC–32
On occasion
Businesses or other institutions
Motor common carriers of property open under authority, etc.
SIC: 421, 413
Ground transportation: 18,500 responses; 4,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record attached to existing insurance policies ensures that an ICC regulated motor carrier of property has the minimum required amount of cargo liability insurance. (49 CFR Part 1043). The insurance companies use this record to establish the contractual agreements the ICC requires.

- Endorsement for Freight Forwarder Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 403 of the Interstate Commerce Act

FF–50
On occasion
Businesses or other institutions
Freight forwarders open under author granted by the ICC
SIC: 421, 413
Ground transportation: 247 responses; 62 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record attached to existing insurance policies ensures that an ICC regulated freight forwarder of property and passengers has the minimum required amount of personal and property liability insurance. The insurance companies use this record to establish the contractual agreements the ICC requires.

- Motor Carrier Policy Injury Liability and Property Damage Liability Surety Bond Under Section 215 Interstate Commerce Act

BMC–82
On occasion
Businesses or other institutions
Motor carriers open under author granted by the ICC
SIC: 413, 421
Ground transportation: 320 responses; 80 hours; $5,220 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record ensures that ICC regulated motor carriers of property or passengers adequately maintain the required minimum levels of financial responsibility required (49 U.S.C. 10927 and 49 CFR 1043). The ICC uses this information to ensure compliance in liability cases.

- Motor Common Carrier Cargo Liability Surety Bond Under Section 215 Interstate Commerce Act

BMC–83
On occasion
Businesses or other institutions
Motor common carriers of property operating under, etc.
SIC: 421, 413
Ground transportation: 150 responses; 38 hours; $2,450 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record ensures that an ICC regulated motor carrier of property has the minimum required level of financial responsibility for reimbursing shippers for cargo damages (49 U.S.C. 10927(a)(3) and 49 CFR Part 1043). The ICC uses this record in cargo damage disputes.

- Broker's Surety Bond Under Section 211(c) of the Interstate Commerce Act

BMC–84
On occasion
Businesses or other institutions
Property brokers licensed by the ICC
SIC: 421
Ground transportation: 125 responses; 31 hours; $2,050 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record ensures that a transportation broker has the required minimum level financial responsibility (49 U.S.C. 10927(b) and 49 CFR 1043.4). The ICC uses this information to decide broker applications.

- Passenger Broker's Surety Bond Under Section 10927 of the Interstate Commerce Act

BMC–84A
On occasion
Businesses or other institutions
Passenger brokers licensed by the ICC
SIC: 413
Ground transportation: 270 responses; 68 hours; $4,400 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record ensures a broker of motor carriers of passengers has the required minimum level of financial responsibility (49 U.S.C. 10927(b)). The ICC uses this information to decide broker applications.

- Freight Forwarder Bodily Injury Liability and Property Damage Liability Surety Bonds Under Section 403(d) of the Interstate Commerce Act

FF–52
On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the I.C.C.
SIC: 421 413
Ground transportation: 11 responses; 3 hours; $190 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This record ensures that ICC regulated freight forwarders of property or passengers adequately maintain the required minimum levels of financial responsibility required. The ICC uses this information to ensure compliance in liability cases.

- Freight Forwarder Cargo Liability Surety Bond Section 403(c) of the Interstate Commerce Act.

FF–43
On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the I.C.C.
SIC: 421 413
Ground transporation: 11 responses; 3 hours; $190 Federal cost; 1 form; not applicable under 3504(h)

Donald Arbuckle, 202–395–7340

This record ensures that an ICC regulated freight forwarder of property has the minimum required level of financial responsibility for reimbursing shippers for cargo damages. The ICC uses this record in cargo damage disputes.

• Motor Carrier Cargo Liability Certificate of Insurance
BMC–34
On occasion
Businesses or other institutions
Motor common carriers of property oper under authority, etc.
SIC: 421 413
Ground transporation: 5,850 responses; 1,463 hours; $96,300 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated motor carrier of property has established the required amount of cargo liabilities insurance (49 U.S.C. 10927 (A)(3) and 49 CFR Part 1043). The ICC uses this certificate to ensure that regulated motor carriers of property are in compliance.

• Motor Carrier Automobile Bodily Injury Liability and Property Damage Liability Certificate of Insurance
BMC–91
On occasion
Businesses or other institutions
Motor carriers of property and passengers operating, etc.
SIC: 421 413
Ground transporation: 11,000 responses; 2,750 hours; $181,300 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated motor carrier of property has established the required minimum amount of personal and property liabilities insurance (49 U.S.C. 10927 (A)(1) and (2) established and 49 CFR Part 1043). The ICC uses this certificate to ensure that regulated motor carriers are in compliance.

• Freight forwarder Cargo Liability Certificate of Insurance
FF–34
On occasion
Businesses or other institutions
Freight forwarders oper under author granted by the I.C.C.
SIC: 421 413
Ground transporation: 42 responses; 11 hours; $700 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated freight forwarder of property has established the required minimum amount of cargo liabilities insurance. The ICC uses this certificate to ensure that regulated freight forwarders of property are in compliance.

• Freight forwarders Automobile Bodily Injury Liability and Propoerty Damage Liability Certificate of Insurance
FF–51
On occasion
Businesses or other institutions
Freight forwarders oper under authority granted by the ICC
SIC: 421 413
Ground transporation: 40 responses; 10 hours; $700 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This report notifies the ICC that an ICC regulated freight forwarder of property has established the required minimum amount of personal and property liabilities insurance. The ICC uses this certificate to ensure that regulated freight forwarders are in compliance.

PANAMA CANAL COMMISSION

Agency Clearance Officer—Hazel M. Murdock—202–724–0104

New

• Additional Information Form
Annually
Individuals or Households
Applicants for employment as apprentices
Water transportation: 150 responses; 75 hours; $100 Federal cost; 2 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Provides apprentice selection committee information on which to base selection of new apprentices.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4602

Revisions

• Application for Survivor Insurance Annuties AA–17, AA–17B, AA–18, AA–19, AA–19A, AA–19S, AA–20, G–476C
On occasion
Individuals or households
Individuals applying for survivor annuties
General retirement and disability insurance: 24,450 responses; 7,356 hours; $1,509,400 Federal cost; 8 forms; not applicable under 3504 (h)
Robert Neal, 202–395–6880

The applications obtain information from widow(er)s, children and parents of deceased railroad workers to support claims for survivor benefits. The information will be used for determining entitlement to and amount of annuity applied for.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

Reinstatements

• Form 8–K, Current Report Form Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934
SEC 873
On occasion
Businesses or other institutions
Issuers with sec. regis. under sec. 12 (b) or (g), etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,361 responses; 41,476 hours; $158,307 Federal cost; 1 form; $2,775,735 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 8–K elicts material information from issuers of publicly traded securities promptly after the occurrence of certain specified or other important corporate events in order that investors and the marketplace may have the benefit of current information when making investment decisions. The Commission is proposing technical amendments to coordinate the form with other forms in the integrated disclosure system.

• Deposits of Securities in Securities Depositories—Rule 17F–4 Under the Investment Company Act of 1940
On occasion
Businesses or other institutions
Registered management investment companies & their custod.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 200 responses; 100 hours; $0 Federal cost; 1 form; $2,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814.

The reports regarding internal accounting controls provide the investment company and its auditors access to information that may be necessary for them to evaluate a depository arrangement or to verify the investment company's holdings. The confirmation requirements provides the investment company objective evidence for transactions effected on its behalf.

• Regulation 12B: Registration and Reporting (17 CFR 240.12B–1 Through 240.12B–36)
On occasion
Businesses or other institutions
Persons filing regist. statements or reports pursuant, etc.
SIC: multiple

Small businesses or organizations
Other advancement and regulation of commerce: 1 responses; 1 hour; $3,290 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Regulations 12B (17 CFR 240.12B–1 through 240.12B–36) Provides instructions and the procedures to be followed by persons filing registration statements and reports under the Securties Exchange Act of 1934. The proposed amendments are designed to implement the intregrated disclosure program and to eliminate or revise outmoded or unnecessary regulations.

VETERANS' ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Extensions (Burden Change)

- Nonsupervised Lender's Nomination and Recommendatioin of Credit Underwriter

26–8736A
On occasion
Businesses or other institutions
Nonsupervised lenders and credit underwriters
SIC: 601 602 612 616
Small businesses or organizations
Veterans housing: 100 responses; 33 hours; $1,106 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Nonsupervised lender's nomination of credit underwriter to evaluate automatic loans proposed for guaranteed financing under 38 U.S.C. 1810. Form supplements lender's application for automatic lending authority pursuant to 38 U.S.C. 1802(d)(3). Information collected aids VA determinations and final action on lenders application.

- Application for authority to close loans on an automatic basis—Nonsupervised lenders

26–8736
On occasion
Businesses or other institutions
Nonsupervised lenders
SIC: 616
Small businesses or organizations
Veterans housing: 20 responses; 10 hours; $1,026 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Application submitted by nonsupervised lenders desiring authority to process loans under 38 U.S.C. 1810 on automatic basis. Information collected is essential to VA application of standards required by 38 U.S.C. 1802(d)(3).

Extensions (No Change)

- Application for designation as management broker

26–6685
On occasion
Individuals or households
Indiv. applying for designation as management broker
Veterans housing: 5,000 responses; 2,500 hours; $25,990 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202–395–6880

Form solicits qualifications and business experience information from applicants for management broker positions which are utilized on a fee basis, as authorized by 38 U.S.C. 1820 (a)(6), to manage properties acquired by VA through operations of the guaranteed and direct loan programs (38 U.S.C. 1810 and 1811). Information is evaluated by a panel for purposes of designating VA management brokers.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82–1515 Filed 1–22–82; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12163; (812–4966)]

Principal World Fund, Inc.; Application

January 15, 1982.

Notice is hereby given that Principal World Fund, Inc. ("World Fund"), Principal Equity Fund, Inc., ("Equity Fund"), Principal Cash Management Fund, Inc. ("Cash Management Fund") (hereinafter collectively referred to as "the Funds") and Principal Investors Corporation (collectively referred to with the Funds as the "Applicants"), 411 West Seneca Street, Seattle, Washington 98101, filed an application on September 1, 1981, and an amendment thereto on November 12, 1981, requesting an order, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from section 22(d) of the Act and Rule 22d–1 thereunder and permitting certain proposed offers of exchange pursuant to section 11(a) of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that each of the Funds, via its principal underwriter, Principal Investors Corporation, maintains a continuous public offering at the current offering price mentioned in the prospectus. Since Cash Management Fund is a no-load fund, that current offering price equals the net asset value of the offering. However, the current offering price of World Fund or of Equity Fund includes a sales load and, consequently, differs from the net asset value of the offering by the amount of such sales load. The sales load structure for Equity Fund and World Fund are the same; both vary from a maximum sales load of 8.5% of the offering price per share on purchases of less than $10,000 to a minimum of 1% of the offering price per share on purchases of $700,000 or more, as set forth in the following table:

Amount invested	Offering price (percent)	Net amount invested (percent)
Less than $10,000	8.5	9.29
$10,000 but less than $25,000	7.75	8.40
$25,000 but less than $50,000	6.25	6.66
$50,000 but less than $100,000	4.0	4.17
$100,000 but less than $200,000	2.5	2.56
$200,000 but less than $400,000	2.0	2.04
$400,000 but less than $700,000	1.5	1.52
$700,000 and over	1.0	1.01

The shares of Cash Management Fund may be acquired through reinvestment of dividends or capital gains distributions at net asset value, i.e. without a sales load. Shares of World Fund or Equity fund may be acquired through reinvestment of capital gains distributions at net asset value or through reinvestment of dividends at net asset value *plus* the sales load mentioned in the prospectus.

Each of the Funds requests permission to offer its shares to shareholders of the other Funds in exchange for shares of the other Funds, on the following basis:

(i) Shares that were acquired through an exchange of shares from one of the other Funds will be exchanged for shares of the Fund from which they were originally exchanged, on the basis of their relative net asset value per share at the time of the exchange; (ii) shares that were acquired through reinvestment of capital gains distributions will be exchanged for shares of any of the Funds at their relative net asset value per share; (iii) shares that were otherwise acquired will be exchange for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange, plus the sales load described in the prospectus of each of the Funds whose shares will be acquired in the exchange, less an amount equal to any sales load previously paid on the shares being exchanged. Consequently, shareholders who effect such exchanges will pay approximately the same *overall*

sales load that they would have paid had they directly purchased the same amount of shares of the other Fund.

If Fund shareholders desire to exchange only a portion of their shares, the shares that may be exchanged without sales load will be exchanged first. The remaining shares to be exchanged will be selected from those shares that require payment of the least additional sales load. No refunds of sales load will be made on any of the permitted exchanges. Shareholders who exchange shares more than five times in any one year may be assessed a special service charge of $10.00 per exchange or may be prohibited from or restricted in exchanging shares in the future.

Section 11(a) of the Act provides, in pertinent part, that "it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers which are in effect at the time such offer is made."

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Under certain circumstances Rule 22d–1 permits reductions in, or elimination of, the sales load charged upon the sale of shares.

Applicants submit that the sales load assessed upon certain of the proposed exchanges differs from the sales load described in the prospectus, resulting in a different offering price than that described in the prospectus. Therefore the proposed exchange offers may conflict with section 22(d) of the Act. Further, certain of the proposed exchange offers involve reductions in or elimination of sales load and may conflict with the provisions of Rule 22d–1.

Applicants submit that the purpose of the proposed exchange offers is to permit a shareholder whose investment objective changes to switch his/her investment to a different investment company within the fund complex. The exchange offer to shareholders of Cash Management Fund must include a sales load in order to avoid an inequitable result; shareholders of Cash Management Fund would have paid no sales load on their investments whereas shareholders of World Fund or Equity Fund who purchased their shares directly would have paid a sales load. Accordingly, Applicants submit that if a shareholder of Cash Management Fund could acquire shares of World Fund or Equity Fund without payment of a sales load the exchange permitting such acquisition would violate section 22(d) of the Act because investors would be able to purchase shares of World Fund or Equity Fund at other than the current offering price described in the prospectus.

Applicants submit that, although certain of the described transfers may involve payment of additional sales load to the sales representatives, there is not sufficient financial incentive for the sales representatives to initiate such transfers for their own benefit. Applicants represent that Principal Investors Corporation will establish sufficient internal monitoring and review procedures to ensure that such transfers are made at the request of the customer and not for a sales representative's personal gain.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Wshington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1745 Filed 1–22–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2022; Amdt. No. 1]

California; Declaration of Disaster Loan Area

The above numbered Declaration (See 46 FR 2447) is amended in accordance with the President's Declaration of January 7, 1982, to include Solano County and the adjacent counties of Alameda, Lake, Mendocino, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, Santa Clara and Yolo. The Small Business Administration will accept applications for disaster relief loans from disaster victims in Solano County and counties adjacent to Santa Cruz, San Mateo, Contra Costa, Marin, Solano and Sonoma Counties. All other information remains the same; i.e., the termination dates for filing application for physical damage is close of business on March 8, 1982, and for economic injury until the close of business on October 7, 1982.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 15, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82–1756 Filed 1–22–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding (ADF) Equipment to be held on February 23-24, 1982 in Conference Rooms 6A-B, Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on December 1-2, 1981; (3) Review of European Organization for Civil Aviation Electronics (EUROCAE) Cmments on Receiver Selectivity; (4) Review of Federal Aviation Administration Comments on ADF Warning Systems; (5) Review of Comments to Third Draft Report on Minimum Operational Peformance Standards for Airborne Automatic Direction Finding (ADF) Equipment; (6) Review of ADF Transition Plan; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 18, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-1676 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Traffic Alert and Collision Avoidance Systems; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert and Collision Avoidance Systems to be held on February 23-25, 1982 in Conference Rooms 8A-B-C, Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fifth Meeting Held on January 13-15, 1982; (3) Review of Draft Traffic Alert and Collision Avoidance System (TCAS) National Standard; (4) Report on TCAS-I Working Group Activity and Progress; (5) Briefing and Discussion on Outline for TCAS-II Minimum Operational Performance Standard; (6) Review of Requirements for Performance and Failure Monitoring; (7) Working Groups Meet in Separate Sessions; (8) Review of Draft Minimum Operational Performance Standards for TCAS; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 18, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-1677 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

Vertical Separation Standards and Measurements Program; Public Meeting

The FAA will convene a meeting to present to the public its approach to a program to investigate the feasibility of safety reducing vertical separation standards above Flight Level (FL) 290 to 1000 feet and to gather height-keeping performance data in support of the TCAS Program. Inputs, comments, and recommendations will be solicited on possible improvements or modifications of FAA's plan, or alternative ways that would accomplish the program objectives in a shorter, more cost-efficient manner. It is anticipated that DOD and NASA, and other government agencies, will be active participants in a joint effort with FAA. Aviation community support and participation will be essential to accomplish the program objectives.

The meeting is scheduled for up to two days, if necessary, beginning on February 11, 1982, at 9 am in Conference Room 9ABC at FAA Headquarters at 800 Independence Avenue, Southwest, Washington, D.C. The FAA point of contact for this meeting is Victor E. Foose of FAA/AEM-100 (x426-8828, Area Code 202).

Issued in Washington, D.C. on January 19, 1982.

S. B. Poritzky,

Director, Office of Systems Engineering Management, AEM-1.

[FR Doc. 82-1679 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions for the Department of Transportation's Hazardous Materials Regulation (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes February 9, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
2708-X	Union Carbide Corporation, Tarrytown, NY, Footnote 1.	2708
3121-X	U.S. Department of Defense, Washington, D.C., Footnote 2.	3121
3992-X	Stauffer Chemical Company, Westport, CT.	3992
3992-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	3992
3992-X	Dow Chemical Company, Plaquemine, LA.	3992
4291-X	Pacific Engineering & Production Company of Nevada, Henderson, NV.	4291
4291-X	Kerr-McGee Chemical Corporation, Oklahoma City, OK.	4291
4453-X	Strawn Explosives, Inc., Dallas, TX.	4453
4453-X	Maynes Explosives Company, Lee's Summit, MO.	4453
5122-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	5122
5243-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	5243
5243-X	Hercules Incorporated, Wilmington, DE.	5243
5736-X	Northern Petrochemical Company, Des Plaines, IL.	5736
5736-X	Phillips Petroleum Company, Bartlesville, OK.	5736
5948-X	U.S. Department of Energy, Washington, DC.	5948
6113-X	South Jersey Gas Company, Folsom, NJ.	6113
6113-X	San Diego Gas & Electric Company, San Diego, CA.	6113
6113-X	The Southern Connecticut Gas Company, Bridgeport, CT.	6113
6113-X	New Jersey Natural Gas Company, Asbury Park, NJ.	6113
6113-X	UGI Corporation, Reading, PA	6113
6113-X	L.P. Transportation, Inc., Chester, NY.	6113
6113-X	Public Service Electric and Gas Company, Newark, NJ.	6113
6397-X	Harstan Chemical Corporation, Brooklyn, NY.	6397
6464-X	L.P. Transportation, Inc., Chester, NY.	6464
6464-X	New Jersey Natural Gas Company, Asbury Park, NJ.	6464
6464-X	Public Service Electric and Gas Company, Newark, NJ.	6464
6464-X	South Jersey Gas Company, Folsom, NJ.	6464
6607-X	Bio-Lab, Inc., Conyers, GA	6607
6691-X	Union Carbide Corporation, Danbury, CT.	6691
6765-X	Bureau of Mines, Amarillo, TX	6765
6765-X	Phillips Petroleum Company, Bartlesville, OK.	6765
6765-X	Air Products and Chemicals, Inc., Allentown, PA.	6765
6765-X	Airco Industrial Gases, Murray Hill, NJ.	6765
6768-X	PPG Industries, Inc., Pittsburgh, PA.	6768
6801-X	Phillips Petroleum Company, Bartlesville, OK.	6801
6816-X	U.S. Department of Defense, Washington, DC.	6816
6824-X	Bio-Lab, Inc., Conyers, GA	6824
6883-X	Hedwin Corporation, Baltimore, MD, Footnote 3.	6883
6908-X	Garrett Corporation, Phoenix, AZ.	6908
7060-X	Aerotransit, Inc., Danvers, MA	7060
7060-X	Federal Express Corporation, Memphis, TN.	7060
7062-X	Bennett Industries, Pacoima, CA.	7062
7087-X	Unitex Corporation, Monrovia, CA.	7087
7205-X	U.S. Department of Defense, Washington, DC.	7205
7208-X	National Aeronautics and Space Administration, Greenbelt, MD.	7208
7255-X	U.S. Department of Defense, Washington, DC.	7255
7257-X	Brewer Chemical Corporation, Honolulu, HI.	7257
7482-X	Monsanto Company, St. Louis, MO.	7482
7536-X	U.S. Department of Defense, Washington, DC.	7536
7541-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	7541
7542-X	US Cylinders, Inc., Citronelle, AL.	7542
7549-X	Stauffer Chemical Company, Westport, CT.	7549
7607-X	U.S. Department of Health & Human Services, Cincinnati, OH.	7607
7641-X	American President Lines, LTD., Seattle, WA.	7641
7648-X	Intermountain Aerial Sightseeing, Salt Lake City, UT.	7648
7793-X	Hooker Chemical Company, Houston, TX.	7793
7883-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	7883
7948-X	Clark Tank & Manufacturing Company, Inc., Long Beach, CA.	7948
8081-X	National Aeronautics and Space Administration, Greenbelt, MD.	8081
8206-X	Copps Industries, Inc., Menomonee Falls, WI.	8206
8206-X	Copps Industries, Inc., Menomonee Falls, WI.	8207
8285-X	Radian Corporation, Austin, TX Footnote 4.	8285
8299-X	HTL Industries, Inc., Duarte, CA, Footnote 5.	8299
8303-X	Martin Marietta Corporation, Charlotte, NC.	8303
8308-X	SkyCab, Inc., East Brunswick, NJ.	8308
8309-X	Carrier Corporation, Syracuse, NY.	8309
8318-X	Texas Alkyls, Inc., Deer Park, TX.	8318
8324-X	Copps Industries, Inc., Menomonee Falls, WI.	8324
8329-X	Texas Instruments Incorporated, Dallas, TX.	8329
8468-X	Hedwin Corporation, Baltimore, MD, Footnote 6.	8468
8499-X	Hedwin Corporation, Baltimore, MD, Footnote 7.	8499
8556-X	L'Air Liquide Corporation, Paris, France.	8556
8644-X	Richmond Lox Equipment Company, Livermore, CA, Footnote 8.	8644
8704-X	Thiokol Corporation, Elkton, MD.	8704
8705-X	General Electric Company, San Jose, CA.	8705
8745-X	GOEX, Inc., Moosic, PA, Footnote 9.	8745

[1] To add a new design cargo tank for shipment of liquefied hydrogen.

[2] To authorize use of another cargo tank, of different design, for shipment of nitrogen tetroxide; to require special training for vehicle drivers.

[3] To provide for an oxidizer solution containing more than 52% hydrogen peroxide.

[4] To renew and to add iso-octane, flammable liquid, as an additional commodity.

[5] To renew and to revise various technical data pertaining to percentage of carbon dioxide, wall thickness calculations, retest period, etc.

[6] To provide for an oxidizer solution containing more than 52% hydrogen peroxide.

[7] To authorize shipment of hydrogen peroxide exceeding 52% strength classes as an oxidizer.

[8] To provide for another cargo tank design, almost identical to that presently authorized, for shipment of liquid oxygen and liquid nitrogen.

[9] To authorize water as an additional mode of transportation

Application No.	Applicant	Party to exemption
6801-P	Phillips Chemical Company, Bartlesville, OK.	6801
6874-P	Twain Incorporated, Denver, CO.	6874
6919-P	Northern States Power Company, Minneapolis, MN.	6919
7066-P	Compagnie Generale Maritime, Paris, France.	7066
8129-P	Applied Technology, Inc., Toms River, NJ.	8129
8129-P	Allied Chemical Company, Morristown, NJ.	8129
8284-P	PVS Chemicals, Inc. (NY), Buffalo, NY.	8284
8441-P	Jet Propulsion Laboratory, Pasadena, CA.	8441
8445-P	Ace Service Corporation, Philadelphia, PA.	8445
8445-P	Rohm and Haas Company, Philadelphia, PA.	8445
8732-P	Dow Chemical Company, Midland, MI.[1].	8732

[1] Request party status and to authorize MC-303 cargo tanks as additional container.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 11, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-1664 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes February 24, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8760-N	Applied Environments Corp., Van Nuys, CA	49 CFR 173.302(a), 175.3	To manufacture, mark and sell non-DOT Specification girth welded steel cylinders for shipment of air or nitrogen, classed as nonflammable gases. (Modes 1, 2, 4).
8761-N	The Heil Co., Milwaukee, WI	49 CFR 173.119(a)(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable, corrosive or poison B waste liquids or semi-solids. (Mode 1).
8762-N	O. I. Corp., College Station, TX	49 CFR 173.245, 173.287	To authorize shipment of chromic acid solution, containing less than 35% chromic acid by weight, classed as corrosive liquid, n.o.s. contained in glass ampules packed in styrofoam containers overpacked in a fiberboard box. (Mode 1).
8763-N	Liquid Air Corp., San Francisco, CA	49 CFR 173.316	To authorize shipment of liquid hydrogen in non-DOT specification cargo tank. (Mode 1).
8764-N	Applied Technology Transportation, Friedensburg, PA.	49 CFR 173.21, 173.242, 175.85	To authorize the transportation of an identification kit containing a propane torch and small quantities of a corrosive liquid, flammable liquid and an oxidizer aboard cago-only aircraft (helicopter). (Mode 4).
8765-N	Petro Jet Aviation, Inc., Midland, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 173.30(a)(1), 175.320(b), Part 107, Appendix B	To authorize carriage of class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4).
8766-N	Thiokol/Wasatch Division, Brigham City, UT	49 CFR 173.88(e)(2)(ii), 173.92(a), 177.834(1)	To authorize shipment of rocket motors, class B explosive in a propulsive state with temperature control in specially designed outside packaging. (Mode 1).
8767-N	Hydraulic Research-Textron, Pacoima, CA	49 CFR 173.302(a), 175.3	To manufacture, mark and sell non-DOT specification cylinders complying with DOT Specification 39 with certain exceptions for shipment of helium, classed as nonflammable gas. (Modes 1, 2, 4).
8768-N	Evans Tank Co., Lubbock, TX	49 CFR 173.315	To manufacture, mark and sell cargo tanks built to the proposed Specification MC-338 for shipment of various flammable and nonflammable gases, prepared and offered for transportation in accordance with Notice 79-3, Docket HM-115. (Mode 1).
8769-N	Rockwell International Corp., Canoga Park, CA.	49 CFR 173.134	To authorize shipment of triethyl borane (a pyrophoric liquid, n.o.s.), classed as a flammable liquid in non-DOT specification cylinder charged with nitrogen. (Mode 1).
8770-N	Eastman Kodak Co., Rochester, NY	49 CFR 173.242(c)	To authorize shipment of photographic kits containing a glass or plastic bottle of corrosive liquids, a plastic bottle of flammable solid/poisonous, and other non-hazardous materials overpacked in a DOT Specification 12A, 12B or 15A. (Modes 1, 2, 3).
8771-N	Spencer Kellogg, Buffalo, NY	49 CFR 172.336(c)	To authorize shipment of a flammable liquid and a combustible liquid contained in a compartmented cargo tank to use only one identification number "1866" associated with the product having the lowest flash point. (Mode 1).
8772-N	Armak Co., Chicago, IL	49 CFR 172.101(6)(b), 175.30	To authorize increased quantity, not exceeding 5 gallon capacity, in packages of certain corrosive liquids and flammable liquids that are corrosive, when shipped via cargo-only aircraft. (Mode 4).
8773-N	Applied Technology, Inc., Barnwell, SC	49 CFR 173.389(o), 173.392(c)(4), 173.392(c)(9), 173.393(j)(4), 177.842(a), 177.842(b).	To authorize the transportation of radioactive materials aboard motor vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met; to extend the operation of "exclusive use vehicle" to more than one consignor, and to allow more latitude in the instructional constraints therefore; and to allow relief from the radiation dose rate limit of 2 millirems/hour in any normal occupied position in the motor vehicle. (Mode 1).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 13, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-1663 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-60-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Cancellation of Meeting

Notice is hereby given of the cancellation of the Minority Business Resource Center Advisory Committee meeting for January 18, 1982, at 10:00 a.m. until 1:00 p.m. in Room 9230-9232 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. (Originally announced at 46 FR 59690, Dec. 7, 1981.)

Issued in Washington, D.C., on January 13, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 82-1669 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

Availability of UMTA Revised Circular 9050.1A; Application Instructions for Section 5 Operating Assistance

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of the availability of UMTA revised circular 9050.1A;

application instructions for Section 5 operating assistance.

SUMMARY: By this Notice, the Urban Mass Transportation Administration (UMTA) announces that UMTA Circular 9050.1A, "Application Instructions for Section 5 Operating Assistance" is available to the public. This Circular provides guidelines for the preparation of streamlined applications for operating assistance and provides related program guidance for UMTA's Section 5 Program. Although UMTA had intended to issue this material as a regulation, UMTA determined that the necessary program material could be more effectively provided in a non-regulatory document. A Notice announcing that decision is provided in a separate issuance published elsewhere in this issue of the **Federal Register.**

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Stout, Urban Mass Transportation Administration, Office of Transit Assistance, 400 7th Street SW., Washington, D.C. 20590; Telephone: (202) 472–7037. For a copy of UMTA Circular 9050.1A, contact: David C. Johnston, Office of Administration, Room 6421 at the above address; Telephone: (202) 426–4865.

SUPPLEMENTARY INFORMATION: On June 20, 1979, UMTA issued UMTA Circular 9050.1 to provide the public with application instructions for Section 5 Operating Assistance projects. UMTA intended subsequently to issue this material as a regulation and published a notice of proposed rulemaking (NPRM) on this subject on August 25, 1980 (45 FR 56742).

Pursuant to President Reagan's policy of reducing regulatory burden and red tape, however, UMTA reviewed the need for this regulation and decided that a final rule was not necessary. Instead, UMTA determined that the program material for the Section 5 program can more effectively be provided to grantees in a non-regulatory document. Therefore, UMTA has withdrawn further action on the NPRM and has published a Notice to this effect elsewhere in today's **Federal Register.** Comments received on the NPRM, however, were taken into consideration while developing the non-regulatory guidance.

UMTA has completed work on the non-regulatory guidance for the Section 5 Operating Assistance Program. This guidance is contained in UMTA Circular 9050.1A, "Application Instructions for Section 5 Operating Assistance." This Circular supersedes information contained in the previous UMTA Circular (9050.1), the NPRM on this subject, and the NPRM titled "Maintenance of Effort Requirements", published on August 27, 1980 (44 FR 50067).

The Circular eliminates several submissions, requires only one-time or annual submission of certain documents that previously were provided with each project application, and, wherever possible, relies on applicant assurances of compliance with statutory requirements rather than requiring extensive documentation of compliance. UMTA is also encouraging the programming of more than one year of operating assistance projects in the Annual Element of the Transportation Improvement Program in order to accelerate the approval of operating assistance grants in subsequent years. In addition, the Circular provides a mechanism for requesting 13(c) certification by the Department of Labor of general purpose operating assistance projects based on project information included in the TIP/AE. These changes are intended to streamline both the preparation of operating assistance applications and also the UMTA review of these applications.

Among the specific provisions and changes incorporated into this Circular are the following:

1. The Opinion of Counsel, the Authorizing Resolution, the Designation of Recipients, the Standard Assurances, the Private Enterprise description, and information on transit labor unions for 13(c) certification will be one-time submissions, to be updated as necessary;

2. The signed Standard Assurance document will certify continuing compliance with specific statutory requirements and regulations, including pertinent nondiscrimination requirements, Charter Bus and School Bus regulations, public hearing requirements, protection and private mass transportation company requirements, and half-fare requirements for the elderly and handicapped;

3. Section 15 Reports, the Governor's report on the allocation of funds to urbanized areas under 200,000 population, when required, the TIP/AE, and any required updates regarding nondiscrimination will be annual submissions;

4. A Standard Form 424, an UMTA Project Budget Form, a 13(c) certification, a statement that specific one-time submissions submitted previously remain valid, and, under certain circumstances, a certification of compliance with Maintenance of Effort (MOE) requirements will be required for each project; a Supplemental Agreement, when required, will be executed with each grant contract; and

5. Requirements for the submission of MOE calculations, LOE schedules, OMB Form 80–RO–186, Part III, audited financial statements for the two preceding fiscal years, the Transit System Overview, the Description of Half-Fare Procedures, certified copies of public hearing notices, and public hearing transcripts have been eliminated.

This Circular is effective immediately and UMTA is sending copies to all current Section 5 recipients. Any interested member of the public can obtain a copy by contacting: David C. Johnston, Urban Mass Transportation Administration, Office of Administrator, Room 6421, 400 7th Street SW., Washington, D.C. 20590: Telephone: (202) 426–4865.

Issued on: January 19, 1982.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 82–1735 Filed 1–22–82; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 82–1]

Listing of Public Use Forms and Control Numbers Required by the Paperwork Reduction Act of 1980

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General notice regarding compliance with the Paperwork Reduction Act of 1980.

SUMMARY: This action provides general notice to the public that the Bureau of Alcohol, Tobacco and Firearms has, in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, identified all ATF information collection requests utilizing public use forms and that such requests have been assigned a current control number by the Office of Management and Budget. The following notice lists the control numbers appearing on the public use forms. These requests are in compliance with the requirements of 44 U.S.C. 3507, that a control number be obtained from the Office of Management and Budget for each information collection request. Also listed within this general notice are those forms which were submitted to OMB for review but were not approved by OMB. Some forms were not approved by OMB because they were deemed to

be a certification (rather than an information collection request) or involved less than ten respondents.

FOR FURTHER INFORMATION CONTACT: Howard Hood, Paperwork Management Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7077).

Drafting Information

The principal author of this document is Daniel J. Hiland, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau participated in the preparation of this document, both in matters of substance and style.

SUPPLEMENTARY INFORMATION: The following listing constitutes those forms which are subject to OMB review. The form names, agency form numbers and OMB control numbers are listed as follows:

Name	Agency No.	Control No.
Requisition for Forms or Publications	AFT F 1600.1	1512-0001
AFT Distribution Center Survey	AFT F 1600.7	1512-0002
Requisition for Firearms and Explosives Forms	AFT F 1600.8	1512-0003
Reference Check	AFT F 2330.3	1512-0004
Application for Relief from Disabilities	AFT F 3210.1	1512-0005
Report of Multiple Sale or Other Disposition of Pistols and Revolvers	AFT F 3310.4	1512-0006
Report of Theft or Loss of Firearms	AFT F 3310.6	1512-0007
Return of Articles, Containers, or Substances	AFT F 169 (3330.3)	1512-0008
Reference Inquiry	AFT F 8600.2	1512-0010
Neighborhood Investigation	AFT F 8600.14	1512-0011
Police and Criminal Records	ATF F 8600.16	1512-0012
References	AFT F 8600.17	1512-0013
Credit Record	AFT F 8600.18	1512-0014
Education/Personal History	AFT F 8600.25	1512-0015
Application and Permit for Importation of Firearms, Ammunition and Implements of War	AFT F 6 (7570.3A) Part I	1512-0017
Application and Permit for Importation of Firearms, Ammunition and Implements of War	ATF F 6 (7570.3B) Part II	1512-0018
Release and Receipt of Imported Firearms, Ammunition and Implements of War	AFT F 6A (7570.3C)	1512-0019
Application and Permit for Permanent Exportation of Firearms	AFT F 9 (7560.9)	1512-0020
Application to Register as an Importer of U.S. Munitions Import List Articles	AFT F 4587 (7570.4)	1512-0021
Application to Transport Interstate or to Temporarily Export Certain National Firearms Act (NFA) Firearms	AFT F 7560.8	1512-0022
Certification of Tax Payment	AFT F 7590.3	1512-0023
Application to Make and Register Firearms	AFT F 1 (7560.1)	1512-0024
Notice of Firearms Manufactured or Imported	AFT F 2 (7560.2)	1512-0025
Application for Tax-Exempt Transfer of Firearm and Registration of Special Occupational Taxpayer	AFT F 3 (7560.3)	1512-0026
Application for Tax-Paid Transfer and Registration of Firearm	AFT F 4 (7560.4)	1512-0027
Application for Tax-Exempt Transfer and Registration of Firearms	AFT F 5 (7560.5)	1512-0028
Application for Registration of Firearms Acquired by Certain Government Entities	AFT F 10 (7560.10)	1512-0029
Quarterly Firearms Manufacturing and Exportation Report	AFT F 4483-A (5300.11)	1512-0030
Statement of Financial Condition and Other Information	AFT F 433 (5640.4)	1512-0032
Tax Information Authorization	AFT F 1534-A	1512-0033
Personnel Questionnaire—Alcohol and Tobacco Products	AFT F 5000.9	1512-0034
Referral of Information	AFT F 5000.21	1512-0035
From Letter—personnel inquiry RE: Applicant for Federal Permit	AFT F 5020.20	1512-0036
Form Letter—Request for Arrest Record Check	AFT F 5020.21	1512-0037
Authorization to Furnish Financial Information (Rights to Financial Privacy Act of 1978)	ATF F 5030.6	1512-0038
Questionnaire Pertaining to Published Firearms Ordinances	ATF F 5300.8	1512-0039
Form Letter—Taxpayer Delinquency Investigation Program	ATF F 5630.2	1512-0040
Form Letter—Statement of Liability	ATF F 5630.3	1512-0041
Application for License	ATF F 7 (5310.12)	1512-0042
Renewal of Firearms License	ATF F 8 Pt 3 (5310.11)	1512-0043
Registration of Still	ATF F 26 (5100.19)	1512-0044
Brewers Notice	ATF F 27-C (5130.10)	1512-0045
Registration of Volatile Fruit Flavor Concentrate Plant	ATF F 27-G (5520.3)	1512-0046
Application for Production of High Proof Concentrate	ATF F 27-G Supplemental (5520.4)	1512-0047
Wholesale Liquor Dealers Report of Receipts/Wholesale Liquor Dealer's Report of Disposals	ATF F 52A/52B (5170.9)	1512-0048
Importer's Report of Red Strip Stamps	ATF F 96 (5100.6)	1512-0049
Brewers Monthly Report of Operations	ATF F 103 (5130.9)	1512-0052
Notice of Intention to Remove Distilling Apparatus	ATF F 110 (5000.13)	1512-0053
Brewers Report of Meter Test	ATF F 138 (5130.18)	1512-0054
Wholesale Liquor Dealer's Semi-Annual Report	ATF F 338 (5110.48)	1512-0055
Requisition for Stamps (26 U.S.C. 5205)	ATF F 426 (5100.7)	1512-0056
Application and Permit to Ship Liquors and Articles of Puerto Rican Manufacture Taxpaid to the U.S.	ATF F 487-B (5170.7)	1512-0057
Application by Proprietor of Bonded Winery or Bonded Wine Cellar	ATF F 698 (5120.25)	1512-0058
Formula and Process for Wine	ATF F 698 (Supplemental (5120.29))	1512-0059
Transfer of Wine in Bond	ATF F 703 (5120.23)	1512-0061
Tax-Free Spirits or Specially Denatured Spirits for Use of U.S.	ATF F 1444/1486 (5150.33)	1512-0063
Application and Withdrawal Permit to Procure Spirits Free of Tax	ATF F 1450 (5150.13)	1512-0065
Report of Tax-Free Alcohol User	ATF F 1451 (5150.28)	1512-0066
Shipment and Receipt Specially Denatured, Tax-Free, or Recovered Spirits	ATF F 1473 (5110.16)	1512-0067
Application for Permit to Deal in Specially Denatured Spirits	ATF F 1474 (5150.30)	1512-0068
Application and Withdrawal Permit of Bonded Dealer to Procure Specially Denatured Spirits	ATF F 1477 (5150.15)	1512-0070
Bonded Dealer's Report of Specially Denatured Alcohol or Rum	ATF F 1478 (5150.10)	1512-0071
Application for Permit to Use Specially Denatured Alcohol	ATF F 1479 (5150.23)	1512-0072
Formula for Article Made With Specially Denatured Alcohol and Rum	ATF F 1479-A (5150.19)	1512-0073
User's Report of Denatured Alcohol or Rum	ATF F 1482 (5150.18)	1512-0075
Application and Withdrawal Permit of User to Procure Specially Denatured Spirits	ATF F 1485 (5150.12)	1512-0076
Application and Permit to Procure Samples of Specially Denatured Spirits	ATF F 1512 (5150.14)	1512-0077
Consent of Surety	ATF F 1533 (5000.18)	1512-0078
Power of Attorney	ATF F 1534 (5000.8)	1512-0079
Brewer's Bond Continuation Certificate	ATF F 1566-A (5130.23)	1512-0081
Drawback on Wine Exported	ATF F 1582-A (5120.24)	1512-0082
Drawback on Beer Exported	ATF F 1582-B (5130.6)	1512-0083
Application and Permit to Set Up Distilling Apparatus	ATF F 1609 (5110.24)	1512-0084
Claim to Internal Revenue Drawback on Distilling Apparatus Exported and Entry for Exportation Thereof	ATF F 1610	1512-0085
Report of Use or Other Disposition of Red Strip Stamps	ATF F 1627 (5100.15)	1512-0087
Drawback on Distilled Spirits Exported in Packages Filled in Internal Revenue Bond	ATF F 1629 (5110.55)	1512-0088
Application for Basic Permit Under Federal Alcohol Administration Act (FAA)	ATF F 1637	1512-0089
Application for Amended Basic Permit Under FAA Act	ATF F 1643 (5100.18)	1512-0090
Application for Certificate of Exemption From Label Approval—Under the FAA Act	ATF F 1648 (5100.26)	1512-0091
Application for and Certification of Label Approval Under Federal FAA Act	ATF F 1649 (5100.14)	1512-0092
Application for and Approval of Ingredient Information	ATF F 1649 Supplemental (5100-14A)	1512-0093

Name	Agency No	Control No.
Formula and Process for Nonbeverage Product	ATF F 1678 (5530.5)	1512-0095
Beer For Exportation	ATF F 1689 (5130.12)	1512-0096
Monthly Report of Concentrate Manufacturer	ATF F 1695 (5520.2)	1512-0099
Environmental Information	ATF F 1740.1	1512-0100
Supplemental Information Water Quality Considerations—Under 33 U.S.C. 1341(a)	ATF F 1740.2	1512-0101
Beer Tax Return	ATF F 2034 (5130.7)	1512-0102
Notice of Transfer of Untaxpaid Beer	ATF F 2035 (5130.14)	1512-0103
Wine Tax Return	ATF F 2050 (5120.27)	1512-0104
Pre-Payment Return-Wine Tax	ATF F 2052 (5120.37)	1512-0105
Application for Permit Under 26 U.S.C. Chapter 52 Manufacturer of Tobacco Products or Proprietor of Export Warehouse.	ATF F 2093 (5200.3)	1512-0107
Application for Amended Permit Under 26 U.S.C. 5712 Manufacturer of Tobacco Products or Proprietor of Export Warehouse.	ATF F 2098 (5200.16)	1512-0108
Extension of Coverage of Bond	ATF F 2105 (5000.7)	1512-0112
Monthly Report-Export Warehouse Proprietor	ATF F 2140	1512-0115
Notice of Release of Cigars, Cigarettes, Cigarette Papers or Cigarette Tubes	ATF F 2145 (5200.11)	1512-0116
Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers or Cigarette Tubes	ATF F 2147 (5620.7)	1512-0117
Bond-Drawback of Tax on Cigars, Cigarettes or Cigarette Papers or Tubes	ATF F 2148	1512-0118
Notice of Removal of Cigars, Cigarettes, Cigarette Papers, or Cigarette Tubes, from Export Warehouse	ATF F 2149/ (5200.14) 2150	1512-0119
Certificate of Age and Origin of Distilled Spirits	ATF F 2177 (5110.58)	1512-0120
Electronic Fund Transfer	ATF P 5000.8	1512-0121
Manufacturing Record of Products Containing Specially Denatured Alcohol	ATF F 133 (5150.29)	1512-0122
Details of Packages Filled With Denatured Spirits	ATF F 1467 (5110.15)	1512-0123
Record of Brewery Operations	ATF F 2051 Sheet 1 (5130.5)	1512-0124
Record of Brewery Operations	ATF F 2051 Sheet 2 (5130.5)	1512-0125
Inventory—Manufacturer of Cigarette Papers and Tubes	ATF F 2132	1512-0126
Record of Large Cigars	ATF F 3065 (5210.4)	1512-0127
Record of Small Cigars and Large and Small Cigarettes	ATF F 3066 (5210.10)	1512-0128
Firearms Transaction Record Part I—Intra-State Over-the-Counter	ATF F 4473 (5300.9)	1512-0129
Firearms Transaction Record Part II—Contiguous State or Non-Over-the-Counter	ATF F 4473 Part II (5300.9)	1512-0130
License (18 U.S.C. Chapter 40, Explosives)	ATF F 4706 (5400.14)	1512-0131
Permit (18 U.S.C. Chapter 40, Explosives)	ATF F 4708 (5400.15)	1512-0132
Explosives Delivery Record	ATF F 4721 (5400.8)	1512-0133
Tank Record of Spirits in Storage	ATF F 5110.29	1512-0134
Storage Summary Account	ATF F 5110.37	1512-0135
Application for Permit to Use Alcohol Free of Tax	ATF F 2600 (5150.22)	1512-0137
Certificate of Tax Determination—Wine	ATF F 2605 (5120.20)	1512-0138
Application to Procure, Reprocess, Bottle, Repackage, or Resell Products Containing Specially Denatured Alcohol	ATF F 2622	1512-0140
Claim—Alcohol and Tobacco Taxes	ATF F 2635 (5620.8)	1512-0141
Specific Export Bond—Distilled Spirits or Wine	ATF F 2734 (5100.25)	1612-0142
Specific Transportation Bond-Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouses—Class Six.	ATF F 2736 (5110.12)	1612-0144
Continuing Transportation Bond—Distilled Spirits and Wines Withdrawn for Transportation to Manufacturing Bonded Warehouses—Class Six.	ATF F 2737	1512-0145
Application, Permit and Report—Beer and Wine (Puerto Rico)	ATF F 2900 (5100.21)	1512-0149
Application by Proprietor of Tax paid Wine Bottling House	ATF F 2975 (5140.2)	1512-0154
Computation of Tax and Agreement to Pay Tax on Puerto Rican Cigars or Cigarettes	ATF F 2987 (5210.8)	1512-0156
Process for Concentration or Reconstitution of Beer	ATF F 3019 (5130.13)	1512-0158
Concentrate, Produced from Beer, for Exportation	ATF F 3021 (5130.19)	1512-0159
Transfer of Concentrate Produced from Beer	ATF F 3020 (5130.20)	1512-0160
Application for Distilled Spirits Stamps (Puerto Rico)	ATF F 3039 (5100.13)	1512-0161
Inventory—Manufacturer of Tobacco products	ATF F 3067 (5210.9)	1512-0162
Monthly Report—Manufacturer of Tobacco Products	ATF F 3068 (5210.5)	1512-0163
Schedule of Cigars, Cigarettes, Cigarette Papers or Tubes Withdrawn from Market	ATF F 3069 (5200.7)	1512-0164
Tax Return—Manufacturer of Tobacco Products	ATF F 3071 (5210.7)	1512-0166
Transportation in Bond and Notice of Release of Puerto Rican Cigars, Cigarettes, Cigarette Papers, or Cigarette Tubes.	ATF F 3072 (5210.14)	1512-0167
Notice of Transfer of Fruit Flavor concentrate	ATF F 3874 (5520.5)	1512-0169
Inventory—Export Warehouse Proprietor	ATF F 3373 (5220.3)	1512-0171
Application for Fruit-Flavor Concentrate	ATF F 3873 (5520.1)	1512-0173
Application for Limited Industrial Use and Withdrawal Permit	ATF F 4326 (5150.21)	1512-0174
Limited Withdrawal Permit to Procure SDA or Tax-Free Alcohol	ATF F 4327 (5150.11)	1512-0175
Notice of Intent to Manufacture Liquor Bottles, and Assignment of Manufacturer's Number	ATF F 4328 (5540.1)	1512-0176
Catering Locations	ATF F 4440 (5100.29)	1512-0177
Report of Firearms Transactions	ATF F 4483 (5300.5)	1512-0178
Bourbon Whisky Certificate of Authenticity	ATF F 4547 (5110.42)	1512-0179
Remittance Transmittal (Alcohol, Tobacco and Firearms)	ATF F 4640 (5600.5)	1512-0180
Contractor's Accounting of Tax-Exempt Cigarettes and Cigars	ATF F 4643 (5200.12)	1512-0181
Application for License Under 18 U.S.C. Chapter 40, Explosives	ATF F 4705 (5400.13)	1512-0182
Application for Permit Under 18 U.S.C. Chapter 40, Explosives	ATF F 4707 (5400.16)	1512-0183
Explosives Transaction Record (Nonlicensee or Nonpermittee)	ATF F 4710 (5400.4)	1512-0184
Report of Theft or Loss of Explosive Materials	ATF F 4712 (5400.5)	1512-0185
Application for Enrollment to Practice Before Bureau of Alcohol, Tobacco and Firearms	ATF F 5000.12	1512-0186
Report of Violations	ATF F 5030.5	1512-0187
Signing Authority for Corporate Officials	ATF F 5100.1	1512-0188
Report of Bottle Strip Stamps, Distilled Spirits Stamps, and Alternative Devices	ATF F 5100.8 (2260)	1512-0189
Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation	ATF F 5100.11	1512-0190
Application for Transfer of Spirits and/or Denatured Spirits in Bond	ATF F 5100.16 (2609)	1512-0191
Monthly Report of Bonded Storage Operations	ATF F 5110.11	1512-0192
Statement of Losses at Bottling Premises	ATF F 5110.13	1512-0193
Tax Paid Spirits Returned to Bonded Premises	ATF F 5110.17	1512-0194
Application for Operating Permit Under 26 U.S.C. 5171(d)	ATF F 5110.25	1512-0195
Gauge Report or Record	ATF F 5110.26	1512-0196
Transfer of Spirits, Denatured Spirits, or Wines in Bond	ATF F 5110.27	1512-0197
Monthly Report of Processing Operations	ATF F 5110.28	1512-0198
Drawback on Distilled Spirits Exported	ATF F 5110.30	1512-0199
Application and Permit to Ship Puerto Rican Spirits to U.S. Without Payment of Tax	ATF F 5110.31	1512-0200
Notice of Change in Status of Plant	ATF F 5110.34	1512-0202
Distilled Spirits Tax Return-Deferred Payment	ATF F 5110.35	1512-0203
Formula for Distilled Spirits Under the Federal Alcohol Administration Act	ATF F 5110.38	1512-0204
Monthly Report of Production Operations	ATF F 5110.40	1512-0205
Registration of Distilled Spirits Plants	ATF F 5110.41	1512-0206
Monthly Report of Processing (Denaturing) Operations	ATF F 5110.43	1512-0207
Package Gauge Report	ATF F 5110.45	1512-0208

Name	Agency No.	Control No.
Tax Deferral Bond-Distilled Spirits (Puerto Rico)	ATF F 5110.50	1512-0206
Application and Permit for Alcohol fuel Producer Permit Under 26 U.S.C. 5181	ATF F 5110.74	1512-0214
Alcohol Fuel Plant Report	ATF F 5110.75	1512-0215
Monthly Report of Wine Cellar Operations	ATF F 5120.17 (702)	1512-0216
Report of Wine Spirits Added to Wines	ATF F 5120.28	1512-0217
Withdrawal of Wine Spirits to Bonded wine Cellar	ATF F 5120.38	1512-0218
Redenaturation of Recovered Denatured Spirits	ATF F 5150.34	1512-0219
Application for Importer's and/or Wholesaler's Basic Permit Under Federal Alcohol Administration Act	ATF F 5170.4	1512-0220
Offer in Compromise of Liability Incurred under Chapters 51, 52, 58 or 78 of Internal Revenue Code	ATF F 5640.1	1512-0221
Offer in Compromise of Liability Incurred Under the Federal Alcohol Administration Act, as Amended	ATF F 5640.2	1512-0222
User-Limited Permit (18 U.S.C. Chapter 40, Explosives)	ATF F 4709. (5400.6)	1512-0242

OMB indicated that the following forms did not call for information beyond that necessary to identify the parties and amount of the bond involved. Accordingly they are deemed to be certifications and not information collection requests. They are not subject to OMB review and approval under 44 U.S.C. Chapter 35. The form names and agency numbers are listed as follows:

Name	Agency No.
Bond for Spirits or Denatured Spirits or Rum Brought into the U.S. Free of Tax.	ATF F ACB-VI 101 (5150.35).
Bond for Articles Brought into the U.S. Free of Tax.	ATF F ACB-V1 102 (5150.36).
Bond for Bonded Wine Cellar or Bonded Winery.	ATF F 700 (5120.36).
Tax-Free Alcohol User's Bond	ATF F 1448 (5150.25).
Bond of Dealer in Specially Denatured Alcohol and/or Rum.	ATF F 1475 (5150.22).
Bond of User of Specially Denatured Alcohol or Rum.	ATF F 1480 (5150.20).
Brewer's Bond (5130.22)060	ATF F 1566.
Bond Covering Revoval to and Use of Wine at Vinegar Plant.	ATF F 1676.
Concentrate Manufacturer's Bond	ATF F 1694 (5110.70).
Bond for Drawback Under 26 U.S.C. 5131.	ATF F 1730 (5530.3)
Bond Covering Deferred Payment of Wine Tax.	ATF F 2053 (5120.26).
Bond—Manufacturer of Cigarette Papers and Tubes.	ATF F 2102 (5210.1).
Bond—Export Warehouse Proprietor	ATF F 2103 (5220.5).
Export Bond—Customs Bonded Cigar Manufacturing Warehouse.	ATF F 2104 (5200.15).
Bond Under 26 U.S.C. 6423	ATF F 2490.
Continuing Export Bond—Distilled Spirits and Wine.	ATF F 2735.
Drawback Bond—Distilled Spirits and Wine.	ATF F 2738 (5100.32).
Tax Deferral Bond—Wine (Puerto Rico).	ATF F 2897 (5120.32).
Tax Deferral Bond—Beer (Puerto Rico).	ATF F 2898 (5130.16).
Deferral Bond—Cigars and Cigarettes (Puerto Rico).	ATF F 2986 (5210.12).
Bond—Manufacturer of Tobacco Products.	ATF F 3070 (5210.13).
Fruit—Flavor Concentrate Bond	ATF F 3872 (5120.30).
Distilled Spirits Bond	ATF F 5110.56.

The following forms have nine or fewer reporting respondents. Therefore these forms are not subject to the requirements of 44 U.S.C. Chapter 35. The form names and agency numbers are listed as follows:

Name	Agency No.
Monthly Report—Vinegar Plant	ATF F 1623 (5510.3).
Monthly Tax Return—Manufacturer of Cigarette Papers and Tubes.	ATF F 2137.
Monthly Report—Manufacturer of Cigarette Papers and Tubes.	ATF F 2138.
Prepayment Tax Return—Manufacturer of Tobacco Products.	ATF F 2617 (5210.11).
Deferred Tax Return—Wine (Puerto Rico).	ATF F 2927 (5120.33).
Prepayment Tax Return—Wine (Puerto Rico).	ATF F 2928 (5120.34).
Deferred Tax Return—Beer (Puerto Rico).	ATF F 2929 (5130.17).
Prepayment Tax Return—Beer (Puerto Rico).	ATF F 2930 (5130.21).
Deferred Tax Return—Puerto Rican Cigars and Cigarettes.	ATF F 2988 (5200.5).
Prepayment Tax Return—Puerto Rican Cigars, cigarettes, Cigarette Papers and Cigarette Tubes.	ATF F 3073 (5200.8).
Certificate of Prepayment of Tax on PR Cigars, Cigarettes, Cigarette Papers or Cigarette Tubes.	ATF F 3075 (5200.9).
Prepayment Return—Distilled Spirits Tax.	ATF F 5110.32.
Application, Permit, and Report—Distilled Spirits Products (Puerto Rico).	ATF F 5110.51.
Deferred Tax Return—Distilled Spirits (Puerto Rico).	ATF F 5110.52.
Prepayment Tax Return—Distilled Spirits (Puerto Rico).	ATF F 5110.53.

Dated: January 18, 1982.

G. R. Dickerson,

Director.

[FR Doc. 82-1798 Filed 1-22-82; 8:45 am]

BILLING CODE 4810-31

Office of the Secretary

[Number: 150-95]

Reorganization of Internal Revenue Service National Office, Assignment of Functions to Chief Counsel, Internal Revenue Service

January 11, 1982.

By Virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952, the Internal Revenue Service National Office is reorganized as specified in this Order. The offices and positions of Associate Commissioner (Operations), Associate Commissioner (Policy and Management), Associate Commissioner (Data Processing), and Assistant to the Commissioner (Congressional Affairs) are established in the Internal Revenue Service. The Associate Commissioners will report to the Commissioner through the Deputy Commissioner. The Deputy Commissioner will provide overall coordination and direction and will continue in the role of advising the Commissioner and providing line supervision to the Regional Commissioners.

1. *Office of the Associate Commissioner (Operations)*

The Associate Commissioner (Operations) is the principal advisor to the Commissioner on policy matters affecting operations.

The Associate Commissioner (Operations) is responsible for the following activities:

a. Serves as the spokesperson for the operating functions, which are: Collection of delinquent accounts and securing of delinquent returns; investigation of criminal fraud involving any internal revenue laws (except those concerning alcohol, tobacco, or firearms); examination of tax returns; approval and subsequent examination of Employee Plans and Exempt Organizations; and the Tax Information program.

b. Provides policy guidance and direction to the Assistant Commissioner (Collection), Assistant Commissioner (Examination), Assistant Commissioner (Criminal Investigation), and the Assistant Commissioner (EP/EO).

c. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, and the public on major cross-functional issues and discusses or explains the Service's policy formulation and long-term plans.

Under the supervision of the Associate Commissioner (Operations) are the following organizations:

a. Office of the Assistant Commissioner (Collection)

b. Office of the Assistant Commissioner (Examination)

c. Office of the Assistant Commissioner (Criminal Investigation)

d. Office of the Assistant Commissioner (Employee Plans and Exempt Organizations)

2. *Office of Associate Commissioner (Policy and Management)*

The Associate Commissioner (Policy and Management) is the principal advisor to the Commissioner on policy matters affecting agency administration.

The Associate Commissioner (Policy and Management) is responsible for the following activities:

a. Serves as the spokesperson for the administrative functions, which are: Personnel administration; fiscal management; training and employee development; management information systems; advice and assistance to foreign governments on tax administration; management of the Service's physical plant, equipment, property, and support services; disclosure and security; tax forms and publication design, printing, and distribution; provision of centralized clerical, typing, and mass processing support in district offices for the operating functions; and operation of the IRS Data Center (payroll and non-tax data processing).

b. Provides policy guidance and direction to the Assistant Commissioner (Support and Services), the Assistant Commissioner (Human Resources), and the Assistant Commissioner (Planning, Finance, and Research).

c. Conducts the research, planning, analysis, and budget formulation functions of the Service.

d. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, and the public on major issues, and discusses or explains the Service's policy formulation and long-term plans.

Under the supervision of the Associate Commissioner (Policy and Management) are the following organizations:

a. Office of the Assistant Commissioner (Support and Services)

b. Office of the Assistant Commissioner (Human Resources)

c. Office of the Assistant Commissioner (Planning, Finance, and Research)

3. *Office of Associate Commissioner (Data Processing)*

The Associate Commissioner (Data Processing) is the principal advisor to the Commissioner on policy matters affecting data processing.

The Associate Commissioner (Data Processing) is responsible for the following activities:

a. Serves as the spokesperson for the data processing functions, which are: Processing of tax returns and information documents, accounting for all revenues collected by the Service, maintaining master files of all taxpayer accounts, managing all large-scale tax-processing computers in the Service, and designing, developing, testing, and maintaining computer software used on large-scale tax-processing computers in the Service.

b. Provides policy guidance and direction to the Assistant Commissioner (Computer Services) and the Assistant Commissioner (Returns and Information Processing).

c. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, and the public on major data processing issues, and discusses or explains the Service's policy formulation and long-term plans.

Under the supervision of the Associate Commissioner (Data Processing) are the following organizations:

a. Office of the Assistant Commissioner (Computer Services)

b. Office of the Assistant Commissioner (Returns and Information Processing)

4. *Office of Assistant to the Commissioner (Congressional Affairs)*

The Assistant to the Commissioner (Congressional Affairs) is the principal advisor to the Commissioner, Deputy Commissioner, and top executives of the Service on all Congressional and legislative matters except those involving appropriation hearings, and is responsible for planning, developing, directing, and evaluating the Congressional Affairs program and activities of the Service.

5. *The Assistant Commissioner (Inspection) and the Deputy Assistant Commissioner (Inspection)*

The Assistant Commissioner (Inspection) and the Deputy Assistant Commissioner (Inspection) will, to ensure objectivity and integrity, continue to report directly to the Commissioner and Deputy Commissioner.

6. The Corporation Tax, Individual Tax, and Appeals Divisions are transferred to the Chief Counsel, and the Commissioner of Internal Revenue will exercise line supervision over the Chief Counsel for these functions. The transfer of such personnel, records, equipment and funds will be determined by the Commissioner of Internal Revenue and Chief Counsel as appropriate.

7. The Office of the Commissioner shall consist of the Commissioner, Deputy Commissioner, Assistants to the Commissioner, Assistant to the Commissioner (Public Affairs), Assistant to the Commissioner (Congressional Affairs), Assistant to the Commissioner (Taxpayer Ombudsman), the Assistant to the Commissioner (Equal Opportunity), and the Assistant to the Deputy Commissioner.

8. The Commissioner of Internal Revenue may assign functions to component organizations in such manner as he may determine to be in the interest of efficiency and economy of operation.

9. This Order shall become effective upon such date as the Commissioner of Internal Revenue may determine. Prior Treasury Department Orders are hereby amended, supplemented, or superseded as is appropriate.

Donald T. Regan,

Secretary of the Treasury

[FR Doc. 82-1787 Filed 1-22-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 16
Monday, January 25, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Energy Regulatory Commission	1
Federal Trade Commission	2
National Credit Union Administration	3

1

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., January 27, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E. Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—742nd Meeting, January 27, 1982, Regular Meeting (10: a.m.)

CAP-1. Project No. 2866, The Metropolitan Sanitary District of Greater Chicago
CAP-2. Project Nos. 2979-001 and 2980-001, Traverse City Light & Power Board
CAP-3. Project No. 4515, Eric R. Jacobson; Project No. 5413, Palisade Irrigation District
CAP-4. Project No. 4366-000, Consolidated Hydroelectric, Inc.; Project No. 4927-000, City of Rohnert Park, California; Project No. 5240-000, Modesto Irrigation District
CAP-5. Project No. 4343-000, Consolidated hydroelectric, Inc.; Project No. 4970-000, City of Rohnert Park, California; Project No. 5254-000, Modesto Irrigation District
CAP-6. Project No. 4190-000, Consolidated Hydroelectric, Inc.; Project No. 4830-000, City of Rohnert Park, California; Project No. 5224-000, Modesto Irrigation District; Project No 5232-000, Tehama County Flood Control and Water Conservation District
CAP-7. Project No. 3509, Little Falls Hydroelectric Associates; Project No. 4339-000 Mohawk Energy Corp. Project No. 4341-000, Niagara Mohowk Power Corp.; Project No. 5512-000, New York State Energy Research and Development Authority
CAP-8. Omitted
CAP-9. Project No. 4167, Energenics System, Inc.
CAP-10. Project No. 4226, Fort Miller Pulp & Paper Co.; Project No. 4557, Long Lake Energy Corp.; Project No. 5505, New York State Energy Research and Development Authority
CAP-11. Project Nos. 3499, 3500, 3501, and 3502, Chain Dam Hydroelectric Corp. and Cooperative Energy Development Association; Project No. 3788, American Hydro Power Co. and the Commonwealth of Pennsylvania, Department of Environmental resources
CAP-12. Project No. 3047, Pacific Power & Light Co.; Project No. 3313, City of Klamath Falls, Oregon
CAP-13. Omitted
CAP-14. Docket No. HB24-63-3, Public Service Co. of Colorado
CAP-15. Docket No. ER82-105, Sierra Pacific Power Co.
CAP-16. Docket No. ER82-128-000, Mississippi Power & and Light Co.
CAP-17. Docket No. ER82-141-000, Public Service Co. of New Hampshire
CAP-18. Docket No. ER82-146-000, Commonwealth Edison Co.
CAP-19. Docket No. ER82-123-000, Kansas City Power & Light Co.
CAP-20. Docket No. ER81-386-000, Virginia Electric & Power Co.
CAP-21. Docket No. ER80-569, Yankee Atomic Electric Co. et al.; Docket No. ER80-570, Public Service Co. of New Hampshire
CAP-22. Docket No. ER77-578, Kansas Gas & Electric Co.
CAP-23. Docket No. ER79-616, Northen States Power Co. (Minnesota) and Nothern States Power Co. (Wisconsin)
CAP-24. Docket No. EL79-8 and E-9558, Central Power & Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co., and West Texas Utilities Co.
CAP-25. Docket No. EL78-21, Seminole Electric Cooperative v. Florida Power Corp.
CAP-26. Docket No. ER81-518, Toledo Edison Co.
CAP-27. Docket No. ER81-367-000, Central Power & Light Co.
CAP-28. Docket No. ER81-199-000, Central Telephone & Utilities Corp.
CAP-29. Docket No. ER81-649-000, Central Vermont Public Service Corp.
CAP-30. Docket No. ER76-819, Central Illinois Light Co.
CAP-31. Docket No. ER81-577-000, Arkansas Power & Light Co.
CAP-32. Docket No. ER81-588-000, Florida Power & Light Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76 (Texas—11addition), high-cost gas produced from tight formations
CAM-2. Docket No. RM79-76 (Texas—1 addition), high-cost gas produced from tight formations
CAM-3. Docket No. RM79-76 (Louisiana—2 addition), high-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (Texas—7addition), high-cost gas produced from tight formations
CAM-5. Docket No. GP82- , State of Oklahoma, Section 103 NGPA determination, Phillips Petroleum Co. Crose A #1 Well; FERC No. JD80-59073, State Docket No. 5280
CAM-6. Docket No. GP81-46-000, State of Louisiana, NGPA Section 107 determinations; Ace Drilling Services, Inc.; Hopkins Estate No. 2 Well, et al.; JD Nos. 81-35124, et at.
CAM-7. Docket No. GP82-1-000, Commonwealth of Virginia, Section 108 NGPA determination Ashland Exploration, Inc. W. H. Matney No. 3 Well, J. D. No. 81-25503
CAM-8. Docket No. GP80-4, Louisiana-Nevada Transit Co.; Docket No. GP80-38, Zenith Natural Gas Co.
CAM-9. Docket No. RA81-66-000, Caribou Four Corners, Inc.

Consent Gas Agenda

CAG-1. Docket No. TA82-1-59-000, Kansas-Nebraska Natural Gas Co., Inc.
CAG-2. Docket No. TA82-1-14 (PGA82-1), Lawrenceburg Gas Transmission Corp.
CAG-3. Docket No. TA82-1-15 (PGA82-1), Mid Louisiana Gas Co.
CAG-4. Docket No. TA82-1-16 (PGA82-1), National Fuel Gas Supply Corp.
CAG-5. Docket No. TA82-1-17 (PGA82-1), Texas Eastern Transmission Corp.
CAG-6. Docket No. TA82-1-18 (PGA82-1), Texas Gas Transmission Corp.
CAG-7. Docket No. TA82-1-61 (PGA82-1), West Lake Arthur Corp.
CAG-8. Docket No. RP82-33, El Paso Natural Gas Co.
CAG-9. Docket No. TA82-1-33-001 (PGA82-1a), El Paso Natural Gas Co.
CAG-10. Docket No. TA82-1-32-001 (PGA82-1a), Colorado Interstate Gas Co.
CAG-11. Docket No. RP78-61-007, Mountain Fuel Resources, Inc.
CAG-12. Docket Nos. RP77-54-000, et al. Arkansas Louisiana Gas Co.
CAG-13. Docket Nos. CI77-488-001 and CI77-564-001, The Superior Oil Co.; Docket No. CS72-203-001, Petro Lewis Funds, Inc.; Docket No. CS73-158-000, Partnership Properties Co.; Docket No. CS73-158-001, Partnership Properties Co.; Docket No. CS75-B-001, Home Petroleum Corp. and HPC, Inc. (Home Petroleum Corp.); Docket No. CSB2-3-000, Royce A. Scott; Docket No. CI82-11-000, Conoco, Inc.; Docket No. CI74-392-002, Exxon Corp.
CAG-14. Docket No. CI76-559-001, Oil Lease Operating Co.

CAG–15. Docket Nos. CP81–378–000, CP–402–001 and CP81–417–000, Texas Eastern Transmission Corp.
CAG–16. Docket No. CP82–20–000, Michigan Wisconsin Pipe Line Co.
CAG–17. Docket No. CP81–305–000, Northern Natural Gas Co.
CAG–18. Docket No. CP82–8–000, Lone Star Gas Co., a Division of Enserch Corp.
CAG–19. Docket No. CP66–139, B–V Gas Gathering System, Inc.
CAG–20. Docket No. CP81–5–000, United Gas Pipe Line Co.; Docket No. CP81–66–000, Southern Natural Gas Co.; Docket Nos. CP81–83–000 and CP81–93–000, Transcontinental Gas Pipe Line Corp.
CAG–21. Docket No. CP81–528, Consolidated Gas Supply Corp.; Docket No. CP81–533, Texas Gas Transmission Corp.
CAG–22. Docket No. CP80–503–004, Arkansas Louisiana Gas Co.
CAG–23. Omitted
CAG–24. Docket No. RP82–32–000, Sea Robin Pipeline Co.

Power Agenda

I. Licensed Project Matters

P–1. Project No. 4057, Commonwealth of Pennsylvania and the Susquehanna River Basin Commission; Project No. 3367, Hydro Corp. of Pennsylvania
P–2. Project No. 405, Susquehanna Power Co. and Philadelphia Electric Power Co.
P–3. Project No. 2409, Calaveras County Water District
P–4. Project No. 3186, City of Ukiah, California; Project No. 3351, Sonoma County Water Agency

II. Electric Rate Matters

ER–1. Docket No. ER79–126, Arizona Public Service Co.
ER–2. Docket Nos. ER77–485 and ER77–551, Carolina Power & Light Co.; Docket No. E–9606, North Carolina Electric Membership Corp., Four County Electric Membership Corp., Electricities of North Carolina, and Cities of Bennettsville and Camden, South Carolina
ER–3. Omitted
ER–4. Docket No. EL78–29, Village of Penn Yann, New York; Docket No. EL79–29, Municipal-Electric Utilities Association
ER–5. Project No. 3654, City of Tenino, Washington; Project No. 4441, Pacific Power & Light Co.; Project No. 4702, City of Centralia, Washington
ER–6. Project No. 2361, Blandin Power Co. and Minnesota Power & Light Co.

Miscellaneous Agenda

M–1. Docket No. RM82– , Collection of cost of service information under Section 133 of the Public Utility Regulatory Policies Act of 1978
M–2. Reserved
M–3. Docket No. RM82– , Statement of policy regarding "fraud, abuse and similar grounds" under the NGPA

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP81–1–000, Michigan Wisconsin Pipe Line Co.
RP–2. Docket No. TA82–1–33–000, El Paso Natural Gas Co.

II. Producer Matters

CI–1. Docket Nos. CI75–45, et al., Tenneco Oil Co., et al.

III. Pipeline Certificate Matters

CP–1. Docket No. CP81–384–000, Transcontinental Gas Pipe Line Corp.
CP–2. Docket No. CP82–136–000, Distrigas of Massachusetts Corp.

Lois D. Cashell,
Acting Secretary.

[S–104–82 Filed 1–21–82; 9:49 am]
BILLING CODE 6717–01–M

2

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 47 1238, January 11, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m.,Thursday, January 21, 1982.

CHANGES IN THE AGENDA: Federal Trade Commission cancelled its Oral Argument scheduled for January 21, 1982. The argument has been rescheduled for Tuesday, February 2, 1982, at 2:00 p.m., in room 532.

[S–100–82 Filed 1–21–82; 2:54 pm]
BILLING CODE 6750–01–M

3

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, January 28, 1982.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Revised Policy on sale of loan portfolios.
3. Delinquent insurance premiums.
4. Proposed amendment to Part 747 of the NCUA Rules and Regulations regarding administrative hearings for insolvency proceeding initiated under Sections 120 and 207 of the Federal Credit Union Act.
5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, January 28, 1982.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemptions (8) and (9) (A)(ii).
2. Request from federally insured credit union for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9) (A) (ii).
3. Request for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9) (A) (ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–105–82 Filed 1–21–82; 9:50 am]
BILLING CODE 7535–01–M

V
4
7
/
1
6
J
A
2
5
8
2
UMI

federal register

Monday
January 25, 1982

Part II

Department of Transportation

Federal Aviation Administration

Pilots and Flight Instructors Certification; Instrument Rating Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. 22051; Amdt. 61-70]

Certification: Pilots and Flight Instructors; Amendment of Instrument Rating Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the rules governing the requirements for the issuance of an original or additional instrument rating added to an airmen certificate. It deletes the requirement that cross-country experience be gained in a specific category of aircraft. Under this rule, cross-country time gained in any powered aircraft may be applied toward meeting the experience requirements for the rating. The amendment is intended to relieve applicants from unnecessary duplication of experience. It relieves the public of an undue economic burden and prevents the waste of aviation fuel.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Dan Keenan, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Background

Part 61, Certification: Pilots and Flight Instructors, of the Federal Aviation Regulations (14 CFR Part 61) prescribes the requirements for issuing pilot and flight instructor certificates and ratings. Part 61 also prescribes the conditions under which those certificates and ratings are necessary and the privileges and limitations of those certificates and ratings. In 1973, Part 61 was revised to update the standards for issuing pilot and flight instructor certificates and ratings, and to adopt recent experience and proficiency check requirements. Amendment 61-60 (38 FR 1356; February 1, 1973) reflected the increased activity in aviation as well as the growing sophistication of aircraft and equipment being utilized in the national airspace system.

As part of this revision effort, the requirements for the issuance of a helicopter instrument rating were revised. These new requirements stemmed from, and were in recognition of, the increased interest and activity in the world-wide application of the helicopter. They included a requirement in § 61.65(e)(1) that an applicant for a instrument rating have at least a total of 200 hours as pilot in command, of which 50 hours are cross-country in the category of aircraft for which an instrument rating is sought.

When § 61.65(e)(1) was adopted, it was uncommon for a person to apply for an instrument rating in more than one category of aircraft. Compliance with the 50 hours of cross-country flight time in a single category of aircraft did not present a problem. However, with the increased demand for economic efficiency of corporate flight departments, more and more individuals must be qualified in both airplanes and helicopters. The increased cross-utilization of flight personnel has focused attention to the burden imposed on individuals seeking an additional instrument rating in another aircraft category, because of the cross-country flight experience requirements in § 61.65(e)(1).

Since this section was adopted in 1973, over 105,000 instrument ratings have been issued. Individuals seeking instrument ratings for both airplanes and helicopters have had to repeat cross-country flight experience in order to be eligible for the additional instrument rating. This has been an unnecessary burden in view of the fact that the cross-country experience gained in operating airplanes and helicopters is quite similar and not unique to the category of aircraft. This amendment relieves this burden. The rule change deletes the category requirement and permits individuals to combine the flight experience without compromising safety. It also eliminates the unnecessary waste of aviation fuel and the undue economic burden on the public.

Discussion of Comments

Interested persons were afforded the opportunity to participate in the making of this amendment by Notice 80-11 (46 FR 40646; August 10, 1981). Due consideration has been given to all comments presented in response to that notice.

Eight of the nine public comments received on the notice concur in the proposal. Four of the commenters agreed with FAA's conclusion as stated in the economic evaluation that the rule relieves a burden. One business entity cites a direct savings of $45,000 in transition training costs of its corporate flightcrews. The single opposing comment expresses concern that the experience gained in one category of aircraft will not suffice for the other because of the many performance, aerodynamic, control, and certification differences. The FAA has determined, however, that the experience gained during cross-country flight in one category of aircraft, which includes en route radio navigation and instrument approach procedures at different airports, is transferrable. The experience gained through making the necessary preflight plans, as well as operating in unfamiliar airspace and into a different airport, is the same. This experience will be gained even through the flight characteristics or handling qualities may differ from one category of aircraft to another. While cross-country experience may now be gained in any category of powered aircraft, an applicant is still required to obtain the necessary skill and experience to be eligible for an instrument rating.

The deletion of the aircraft category requirements provides individuals seeking an added instrument rating with an approximate savings of $1,500 to $2,500 and $5,000 to $6,250 for an added fixed-wing or rotorcraft rating, respectively. The savings for all helicopter pilots currently expected to add an airplane instrument rating to their pilot certificates, amounts to an annual estimate of $90,000 to $150,000.

As previoulsy stated, one business entity cites an expected savings of $45,000 in transition training costs of its corporate flightcrew. It is expected that many other entities will receive comparable savings.

Based on the foregoing, the FAA has determined that adopting this amendment relieves the public of an undue economic burden and prevents the waste of aviation fuel, without compromising the level of training necessary to ensure safety. Accordingly, the proposal is adopted without substantive change.

Adoption of the Amendment

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Accordingly, Part 61 of the Federal Aviation Regulations (14 CFR Part 61) is amended effective January 25, 1982, by revising § 61.65(e)(1) to read as follows:

§ 61.65 Instrument rating requirements.

* * * * *

(e) *Flight experience.* An applicant for an instrument rating must have at least the following flight time as a pilot:

(1) A total of 200 hours of pilot flight time, including 100 hours as pilot in command, of which 50 hours are cross-country in a powered aircraft.

* * * * *

(Secs. 313(a), 601, and 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1422); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—Since this amendment reduces the number of hours of flight experience that an applicant must have and, therefore, does not impose any cost or other economic burden on the applicant, it has been determined that this is not a major regulation under Executive Order 12291 and is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons, I certify that under the criteria of the Regulatory Flexibility Act, this amendment will not have a significant economic impact on a substantial number of small entities. A copy of the final regulatory evaluation is included in the regulatory docket.

Issued in Washington, D.C., on January 4, 1982.

J. Lynn Helms,

Administrator.

[FR Doc. 82-1676 Filed 1-22-82; 8:45 am]

BILLING CODE 4910-13-M

V 4 7 / 1 6 J A 2 5 8 2

federal register

Monday
January 25, 1982

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Brucellosis Regulations

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations governing the interstate movement of cattle, as related to brucellosis, by removing incorporation by reference of the July 1977 Uniform Methods and Rules (UM&R) and by incorporating pertinent provisions of the current UM&R directly in the regulations; by specifically removing the definition of the use of Certified Brucellosis-Free, Modified Certified Brucellosis, and Noncertified Areas and by defining and using Class Free, Class A, Class B, and Class C States in their places; by amending the requirements for interstate movement of livestock to reflect the new classification of States; and to make other amendments to update and clarify the regulations. This action is needed to correct various weaknesses in and to update the current regulations. The intended effect of these amendments is to make these regulations more effective in preventing the spread of brucellosis and to enhance the Department's brucellosis eradication program.

DATE: Comments must be received on or before March 26, 1982.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5961.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, Chief Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5961.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (§§ 78.1, 78.6, 78.8, 78.9, 78.10, 78.11, 78.16, 78.20, 78.21, 78.22, 78.25, and 78.29), have been approved by the Office of the Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0579–0064.

Executive Order 12291

This proposed action is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action would have an annual effect on the economy of less than one hundred million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; would not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because both direct and indirect costs to producers should be minimal. Direct testing costs to producers moving cattle interstate, are estimated to total approximately $1,200,000, would be spread out among the approximately 1,460,000 cattle owners in the United States. Direct costs to small entities moving livestock should therefore be minimal. Indirect costs to entities moving livestock should be approximately the same as under the current regulations. Some requirements would be relaxed under this proposal, but this would be partially offset by the additional cost of acquiring permits for entry into the various States. In addition, in Class Free States, quarantines would be imposed on herds adjacent to or having contact with infected herds. However, the number of entities potentially subject to such quarantines would be limited to only certain entities in Class Free States, which include only 10 States and which have the lowest rate of disease. The competitive position of small entities vis-a-vis larger ones should not be harmed, the cash flow and liquidity of small entities should not be affected, and the ability of small entities to remain in the market should not be affected by this proposal. At any rate, there is no basis for lessening restrictions on any small entities from a disease standpoint.

Historical Information

The Secretary of Agriculture is authorized to cooperate with the States in conducting a brucellosis eradication program. Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus brucella. Since 1947, minimum standards for the program have been recommended to the Department by the United States Animal Health Association (USAHA). The USAHA is a non-governmental organization dedicated to the betterment of livestock health and the livestock industry. It is composed of livestock industry organizations and individuals, State animal health officials, and Federal animal health officials. The Department serves on the Brucellosis Committee of USAHA both as members and as advisors. The recommendations of USAHA are reviewed by the Department. Those acceptable to the Department are proposed as amendments to the Brucellosis Eradication Uniform Methods and Rules (UM&R) APHIS Publication 91–1. The UM&R forms the basis for cooperation between the States and the Department to control and eradicate brucellosis. The 1977 edition of the UM&R, which contains provisions respecting interstate activity and interstate commerce, has been incorporated by reference into Part 78 of the regulations. The UM&R is subject to annual review and amendment to reflect progressive program needs as determined by representatives of all impacted segments of: the livestock industry, the scientific community, the State animal health officials and USDA–APHIS animal health officials. In 1976, the USAHA, the National Cattlemen's Association, several State cattlemen's associations, several dairymen associations both national and State, the American Farm Bureau Association, and a number of other livestock industry oriented organizations requested the Secretary of Agriculture to review the brucellosis eradication program. The Secretary responded to these requests by appointing a Brucellosis Technical Commission (hereafter referred to as the Commission). The Commission, a five member panel of non-USDA brucellosis experts not connected with the brucellosis eradication program, was charged with the responsibility to review the entire program for feasibility, cost, and technical effectiveness. If found to be feasible and cost effective, they were to make recommendations for program improvements. Their report was delivered in August 1978, and served as the basis for the UM&R published September 4, 1979. The amendments since that date have been the result of further deliberations of the USAHA in consultation with the Commission and the Department.

Analysis of Alternatives

Three alternative sets of regulations for interstate movement have been considered to limit the disease spread

and losses to the livestock industry. They are as follows: (1) Option A—the current system, (2) Option B—the Brucellosis Technical Commission (BTC) proposal of August 1978, and (3) Option C—the amendments proposed herein. The main difference among these options concerns the allowed herd infection rate, the Market Cattle Identification program reactor rate allowed in different areas, and the testing requirements imposed on animals moving interstate from those areas.

The following table shows the basic interstate movement and testing requirements of each alternative. The requirements apply only to cattle from non-quarantined herds moving interstate other than for slaughter or to quarantined feedlots.

Status	Classification criteria: Herd infection rate (percent)	Classification criteria: MCI reactor rate (percent)	Movement requirements—interstate [1]
Option A—The Current Regulations			
Certified brucellosis free area	1	N/A	No test required.
Modified certified brucellosis area	5	N/A	Test within 30 days before movement.
Non-certified area	N/A	N/A	Two tests before movement 30 days apart. First a complete herd test. Last within 30 days of movement.
Option B—Brucellosis Technical Commission's Proposal of November 1981			
Class A State	0	.2	No test required—recommend quarantine at destination and retest in 45 to 120 days.
Class B State	1	.5	Test before movement; postmovement quarantine and retest in 45 to 120 days.
Class C State	Over 1	Over 0.5	Two negative tests at intervals of not less than 60 days; plus postmovement quarantine and retest in 45 to 120 days.
Option C—Modification of BTC Proposal			
Class free State	0	.05	None.
Class A State	.25	.10	One negative test within 30 days of movement.
Class B State	1.5	.30	One negative test within 30 days of movement.
Class C State	Over 1.5	Over .30	Two negative tests at intervals of not less than 60 days. (Vaccinated animals may move with only one negative test prior to movement).

[1] Cattle from certified brucellosis free herds are exempt from premovement testing requirements.

The following table shows how many areas and herds would be subject to the various interstate test requirements for cattle under the three options.

Status	Number of States	Number of counties	Percent of counties	Estimated number of herds	Percent of all herds
Option A—The Current Regulations					
Certified brucellosis free	32	2,061	65.0	1,021,161	63.000
Modified certified brucellosis area	16	1,096	34.8	591,012	37.000
Non-certified area		6	0.2	1,530	0.001
Option B—BTC Proposal of August 1978					
Class A	5			21,279	1.5
Class B	40			1,291,521	80.0
Class C	5			300,903	18.5
Option C—Modified BTC Proposal					
Class free	5			21,279	1.5
Class A	27			676,536	42.5
Class B	13			614,992	37.5
Class C	5			300,969	18.5
Total				1,613,703	

As indicated in the historical section above, serious problems with the interstate movement of infected animals, particularly into Brucellosis-Free States, led to the Brucellosis Technical Commission (Commission) report in August 1978. Brucellosis currently results in losses due to decreased milk and beef production, abortions, and culling and replacement of diseased and exposed animals which exceed $33 million annually. The Department believes that either Option B or Option C would be more effective than the current system in controlling and preventing the spread of the disease, and thereby reducing losses caused by it. Adoption of either option would result in long run cost reductions to the general public, cattle owners and government entities involved in the disease control and eradication program, as diseased animals would be identified more quickly and eliminated as sources of infection.

All the plans would have approximately the same federal and States costs, as the governmental duties are similar and mainly supervisory in all cases. The Commission plan, Option B, would provide for three classifications of States, with 40 of the States falling into one classification. Option C would provide for four classifications, with the largest classification covering 27 States. Because Option C provides for an extra classification, it is possible under that option to write regulations which more closely meet the needs of individual States. In addition to this advantage, Option C provides a workable and effective plan for controlling and eventually eradicating brucellosis. Option B, while scientifically sound, would cause short-term great disruption and cost to the livestock industry and would cost more. The estimated cost to producers for tests required by these

options would be: 1) Option A—$390,390; 2) Option B—$1,529,300, and Option C—$1,202,400. Indirect costs, such as the cost to producers of acquiring the various permits required, should be no more than under the current regulations. For these reasons Option C is being proposed.

Proposal

A major recommendation of the Commission was for a change in the system of recognizing status of various areas under the brucellosis program. Presently, areas consist of the 3,153 counties in the United States. When a county reaches the highest level, Certified Brucellosis-Free Area, cattle may move from the county interstate without restrictions. The Commission recommended that classification in the future be by entire States and movements be permitted according to the status of that entire State. This would simplify the regulations and would at the same time encourage States with disease problems in source areas to improve the situation in order to raise the status of the entire State. In so classifying entire States, the terms would be Class Free, Class A, Class B, and Class C. The present terms used for counties, Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas would then be terminated and removed from the regulations. The basic infection rates and other differences between the different classifications are those recommended by the Brucellosis Technical Commission as being the most effective at reducing risk of disease spread to a minimum without overly restricting trade.

Proposed Class Free would be reserved for States with no infection with field strains of *Brucella abortus* for 12 months or longer. The present highest status, Certified Brucellosis-Free Area, only means that at some past point in time the area had a herd infection rate of less than one percent over a period of 18 months and that at the time of designation, has no known foci of brucellosis infection. As long as herd infection rates do not exceed one percent for any 18 month period, the area retains the Certified Brucellosis-Free Area status and its privileges in movement of cattle. The proposal for Class Free, recognizing that infection can be introduced from other States, would not permit the State to retain Class Free status unless any imported cattle herd found to be affected with brucellosis is slaughtered or returned to the originating State without spread of brucellosis to native herds.

Proposed Class A would be for those States having an annual prevalence rate of less than 0.25 percent of herds within the State infected with field strains of *Brucella abortus* or exceeding an annual prevalence rate of less than 1 reactor per 1,000 cattle tested in unrestricted marketing channels.

Proposed Class B would be for those States not yet qualifying for Class A but having less infection than those States required to be Class C.

The proposed Class C status would be for States that have more than a 12 months average prevalence rate of 1.5 percent of herds within the State infected with field strains of *Brucella abortus*, or exceed an annual prevalence rate of 3 reactors per 1,000 cattle tested in unrestricted marketing channels.

In order to accomplish the change from area status to State-wide status and to incorporate the Uniform Methods and Rules, other changes would be required in Part 78. This docket proposes amending § 78.1 by repositioning some definitions for better referencing, removing others, revising some, and adding a few new definitions. Paragraphs that would be removed, as they are no longer pertinent, are paragraphs (j), (l), (m), (n), (p), (y), and (z). Paragraphs (ee), (ll), and (mm) would be removed but added to other paragraphs that would be revised. Paragraphs (k), (o), (q), (r), (s), (u), (v), (x), (aa), (bb), (ff), and (gg) would be revised and repositioned.

Definitions in new § 78.1 (a) through (l) have not be revised, but some have been repositioned. The definition of "certificate," new § 78.1(m), would be reworded slightly for clarity. The definition of "permit," new § 78.1(n), would be revised in order to enable better control over brucellosis infected, exposed, and unknown status cattle.

The revised definition would identify a permit as either a VS Form 1–27 or a comparable State form, a "Permit for Entry", or an "S" brand permit. The "Permit for Entry" would be described as an authorization for entry of cattle into a State issued by an animal health official of that State. Such authorization for entry could be either oral or written. If an oral permit were issued, written confirmation would be sent to the shipper. An "S" brand permit would be described as any document that is required to accompany "S" branded animals which must be moved to a quarantined feedlot, to slaughter, or to an approved stockyard for sale for movement to slaughter or to a quarantined feedlot.

Under the current regulations, the only permit in use has been the VS Form 1–27 or comparable form. However, this permit is required for all movements, and is not being used effectively by the industry. It appears that its importance and use would be enhanced if it were restricted to certain movements. Therefore, the proposed regulations would restrict the use of the I–27 or comparable State form to infected animals and animals from infected herds. Any other animals of unknown status which must move to restricted destinations in trade, i.e. only to slaughter, to a quarantined feedlot, or to a specifically approved stockyard for sale to slaughter or to a quarantined feedlot, would be covered by the new "S" brand permit.

To better control cattle which test negative to brucellosis but which are actually incubating the disease, a requirement is proposed that cattle moving interstate from areas of greater risk, Class B and C States, must have, in addition to required tests and certificates, a permit for entry from the receiving State animal health official. This appears to be necessary to keep better track of these animals and ensure that they spread no disease.

It is proposed to amend the regulations to include a definition for "Permit for Entry" under the general definition of "Permit."

The definition of an official test has been repositioned as § 78.1(o). The proposed revised definition would define the official tests for the diagnosis of brucellosis, the use of the various tests, and standards for interpreting the test results. The present regulations refer to the July 1977 UM&R. Recent research and controlled field studies have caused the Department to propose significant revisions to standards used by the cooperative State-Federal Brucellosis Eradication Program since the time that version of the UM&R was published.

Through research and experience, the Department has developed a variety of serological tests to detect blood components caused by invasion of *B. abortus* into the bodies of animals. The immune responses of an animal's body to these invaders is very variable, both in production of components and in the length of time to reach measurable levels of these components. Any one test may be superior to another test at a given time after the animal is exposed to *B. abortus*. Each test that would be an official test is set forth in the proposed definition. Tests may be used as official tests only under conditions specified in the regulations. Some tests may be used to officially classify cattle as negative but not as reactors. In all cases, different

test results would indicate that an animal was positive, suspect, or negetive to brucellosis. The test results would also be dependent on other factors, such as, how recently the animal had been vaccinated against brucellosis. The rivanol test, for example, is adjusted to compensate for the fact that the vaccine itself causes a reaction until 5 months after it is administered. In addition, if there were reason to believe that the animals being tested could be harboring disease, then more strongly negative results would be required to support a determination that the animal was in fact not diseased. For example, the standard tube test for swine is so adjusted.

As this proposal would remove the incorporation by reference of the UM&R a complete definition of a "Certified Brucellosis Free Herd" would be added to the regulations in § 78.1(p).

"Validated Brucellosis Free Herds of Swine" would be defined in proposed § 78.1(q). Except for the addition of an approved individual herd plan, which is discussed later in this preamble, the proposed definition contains the same criteria as in the 1977 Uniform Methods and Rules.

A "Validated Brucellosis Free State for Swine" would be defined in § 78.1(r) as a State which has not had a diagnosed case of brucellosis infected swine in the preceding 12 months, and which has carried out all requirements of the surveillance program chosen by the area from those provided in the proposed regulations, and where an analysis of test results shows an equivalent to that which would have been attained under another of the possible surveillance methods. It would be revalidated by either complete herd testing, slaughter surveillance, or combined surveillance.

The standards for this new whole State classification system for controlling brucellosis have been developed after careful analysis of the functioning and effective of the current area classification system, as discussed above under "Analysis of Alternatives." A four-tier system is being proposed which classifies States according to the rate of brucellosis infection present and the general effectiveness of their brucellosis control and eradication program. A Class Free State would be a State with no known brucellosis infection for the 12 months preceding classificaitons. A Class C State would have the highest rate of brucellosis, with Class A and B States in between. This system also allow livestock moving interstate to be handled in a manner appropriate to the risk they pose of carrying or transmitting the disease.

The four classes—Free, A, B, and C, would be defined in proposed §§ 78.1(s) though (v). To be initially classified, a State would have to meet the basic standards and be certified by the State animal health official, the Veterinarian in Charge, and the Deputy Administrator. The basic standards for the different classifications of States would all require maintenance of: (1) a surveillance system which includes testing program for dairy herds and slaughtering establishments, and provisions for monitoring or placing herds at high risk to infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received, under approved action plans; (2) a State-wide average herd infection rate not to exceed a stated level; (3) a Market Cattle Identification (MCI) program reactor rate not to exceed a stated rate; and (4) minimum procedural standards for administering the program. States which do not meet even the minimum standards for Class C will be placed under Federal quarantine.

Each of these standards would be adjusted for the needs of disease control in each Class. They would reflect the fact that different classes would have different rates of infection. Class Free States would have the lowest incidence of disease—free from infection for at least 12 consecutive months, and Class C would have the highest—an infection rate more than 1.5 percent or 16 infected herds per 1,000. Likewise, the MCI reactor rate allowed in the different classes would vary. Again, Class Free would have the lowest rate—no more than 0.05 percent over a 12 month period, and Class C would have the highest—greater than 0.3 over a 12 month period.

In States with high infection rates, it would be more difficult to trace diseased animals and the infection they carried through the livestock population. On the other hand, because the disease was already high, it would not be quite as urgent that new or spreading infection be found and eliminated immediately. For these reasons, the proposed regulations would be slightly different for each class. The classes with lower infection rates would have requirements emphasizing speed and efficiency in locating and eliminating disease. The classes with high infection rates would operate under somewhat more relaxed rules. For example, all classes would be required to trace reactors found during market cattle testing to their source and then conduct an epidemiologic investigation to determine, among other things, the original source of the disease, whether it had spread to other herds, and its status within the herd. However, Class Free and Class A States would have to trace at least 90 percent of reactor cattle to their source within 15 days of finding them, while Class B and C States would have to trace at least 80 percent of such cattle to their source within 30 days.

Other requirements would also reflect the difference between classes. Herds adjacent to a reactor herd and other herds having contact with cattle in a reactor herd, and epidemiologically traced herds, that is herds from which infected animals were sold or which received infected animals, would have to be placed under quarantine and/or be subject to an approved action plan for testing or monitoring the herds in order to reduce the possibility of disease spread until all foci of infection are located. However, such herds in Class Free States would need to be both quarantined and placed under an approved action plan within 15 days of locating the affected herds. Such herds in Class A States would require only the approved action plan within 15 days, and such herds in Class B and C States would require only an approved action plan within 45 days.

Initial State classifications, and any reclassifications to a higher status would need to be certified to by the State Animal Health official, the Veterinarian in Charge, and the Deputy Administrator. However, reclassification to a lower grade could be certified by the Deputy Administrator alone. The State Animal Health official would be notified of such downgrading and would have an opportunity to present its objections and arguments to the Deputy Administrator prior to the downgrading taking effect.

Proposed § 78.1(w) would define a brucellosis reactor for cattle and bison in § 78.1(w)(1) and for swine in § 78.1(w)(2). The definitions would set forth classes of animals, i.e. whether or not they are official vaccinates, the disease status of their herd of origin, and the exact reactions to the several official tests that would require classification as a reactor.

Proposed § 78.1(x) would define a brucellosis suspect for cattle and bison in § 78.1(x)(1) and for swine in § 78.1(x)(2). The definition would set forth ages, classes of animals and the exact reactions to the several official tests that would require classification as a suspect.

Proposed § 78.1(y) would define a brucellosis negative test for cattle and bison in § 78.1(y)(1) and for swine in § 78.1(y)(2). The definition would set forth ages, classes of animals and the exact reaction to the several officials

tests that would require classification as a negative animal.

Proposed § 78.1(z) would define brucellosis exposed animals. This definition would combine previous definitions for such cattle and swine and would cover all animals as defined in proposed § 78.1(bb) as cattle, breeding swine, and bison. In addition, the definition would remove a present exception for cattle which have been exposed to reactors but have been in marketing channels for less than 24 hours. The Department believes the exception not to be in the best interests of the Brucellosis Eradication Program. This is because *Brucella* organisms can be tranmitted from animal to animal in mere seconds, and this exception allows the disease to be spread. The proposal would also define brucellosis exposed animals as animals that are part of a known affected herd or have been in contact with brucellosis reactors in marketing channels to be exposed animals regardless of the blood test results. This definiton includes suspects, animals in quarantined feedlots and quarantined pastures.

As in § 78.1(z), the definition of herd in proposed § 78.1(aa) would combine cattle, bison, and swine in one definition. This would provide a definition for herd which is not defined in the present regulations. The Department would define a herd as (1) all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, or ranch), and (2) all animals on two or more premises geographically separated but on which the animals have been interchanged or where there has been contact of animals between the premises. Brucellosis spreads primarily by animal to animal contact. The Department has found that under the present regulations, only portions of herds have been put under quarantine, defeating efforts to eradicate the disease.

Proposed § 78.1(cc) would be amended to add bison under the definition of a farm of origin. Bison are now domesticated in many States, and should be included in the definition.

Definitions § 78.1(dd) through (ii) are repositioned and redesignated without change. They are respectively: Herd of origin of swine, Breeding swine, Sow, Boar, Recognized slaughtering establishment, and Specifically approved stockyard.

Proposed § 78.1(jj) would define a herd blood test for all animals regulated by this Part 78. The Department believes such a definition is necessary to more clearly indicate the animals included in the term. The proposal would define cattle and bison together and swine separately. The proposal would define a herd blood test as follows:

Cattle or bison: The herd blood test must include all test-eligible, as defined in § 78.1(kk), cattle or bison.

Swine: The herd test shall include all breeding swine 6 months of age and older. All swine being held for feeding purposes, separate and apart from and with no physical contact with breeding swine, are exempt from herd test requirements, if they are to be moved direct to slaughter. This is because feeder pigs are never, for economic reasons, sold other than to slaughter, and when so sold they pose no threat of disease.

Proposed § 78.1(kk) would add a definition for "test-eligible cattle and bison." In defining cattle and bison eligible for a herd blood test it would read:

Test-eligible animals shall include all cattle or bison over 6 months of age except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of bison or beef breeds under 24 months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient (springers) or postparturient.

These are the only animals considered test-eligible as they are the only animals likely to be breeding, and therefore contracting and transmitting the disease.

For Market Cattle Identification (MCI) blood testing, two components of the program would be separated. Requriements for blood testing at livestock markets, farms, or ranches would read:

All cattle over 18 months of age except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of beef breeds under 24 months of age which are not parturient (springers) or postparturient.

These animals are included as they are the only animals likely to be breeding, and therefore contracting and transmitting the disease.

Blood sampling at slaughtering establishments would include all cows and bulls over 2 years of age. This is because the animals at a slaughtering plant are separated into two lines before slaughtering—one for animals 2 years of age and older, and the other line for younger animals. It would be very difficult to require that animals 18 months and older be tested, as this would disrupt the line. As tests conducted on animals 2 years and older appear to be adequate for the purposes of the program, this age is being proposed.

All tests for other movements would be the same as blood testing for MCI at livestock markets, farms, or ranches.

The definition for a quarantined area would be repositioned as § 78.1(11) and amended to refer to renumbered § 78.22 instead of the present § 78.22a, which would be removed.

The definition for a "qualified herd" would be repositioned as § 78.1(mm) and the present paragraph (a) of § 78.1(o) would be removed. That paragraph refers to a qualified herd in a noncertified area. As the designation of areas as noncertified would no longer exist under this proposal, that paragraph is no longer necessary. Paragraph (b) would remain as § 78.1(mm).

Present § 78.1(q), which defines "quarantined feedlot" would be revised as new § 78.1(nn). Also proposed as § 78.1(oo) would be a definition for a "quarantined pasture." This is needed to give herd owners more flexibility in handling exposed animals and to allow them to keep animals until they reach slaughter condition. Animals in both quarantined feedlots and pastures would have to be permanently identified with an "S" brand and would be classified as "exposed." Animals in feedlots would be allowed to move only direct to slaughter, to another quarantined feedlot, or to a specifically approved stockyard for sale to another quarantined feedlot or to slaughter. Animals in quarantined pastures could move only direct to slaughter or to a quarantined feedlot. A permit would be required. These restrictions are intended to ensure that animals do not spread disease to healthy stock. The brand would help ensure that they were not diverted from their proper destination; the restricted destination would limit their possible contact with other animals and the permit would allow authorities to keep track of them, and help ensure they are not diverted. However, there would be an exemption for finish fed heifers moving from a quarantined feedlot which could move direct to slaughter without branding or a permit. It is already uneconomical to divert such animals from slaughter; therefore those requirements would serve no useful purpose. Both operators of quarantined feedlots and pastures would be required to keep an accounting of the animals on their premises. Any system which kept track of the number of animals on the premises at any given time would be acceptable. Joint approval of quarantined feedlots and pastures by both Federal and State authorities would be required under the

new definition to better control exposed animals and limit spread of the disease. Before approval would be granted, the premises would be inspected and various items such as the following would be required and checked: 1) that animals were secure and isolated from possible contact with any nonquarantined feedlot or pasture animals; 2) that there were facilities for identifying animals as required in the regulations; and 3) that there was no possibility of mechanical transmission of disease from the premises, by such as improper drainage or vehicular traffic. Any specific criteria developed for approval will be promulgated and published in the **Federal Register.**

Proposed § 78.1(pp) would add a new definition not in the present regulations of "S" branded cattle or bison. This proposal would define these animals as cattle or bison which have been identified by branding with a hot iron the letter "S" at least 5 cm x 5 cm (2 x 2 inches) placed on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae). This is to distinguish infected animals and animals from infected herds from animals of unknown status which may only move interstate to slaughter to a quarantined feedlot, or to a specifically approved stockyard for sale to slaughter or to a quarantined feedlot.

Proposed § 78.1(qq) would add a new definition not in the present regulations of an "official metal eartag." The term is used throughout the regulations. It would be defined as a metal identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System. It provides unique identification for each individual animal.

Proposed § 78.1(rr) would add another definition not in the present regulations. The Department would rely strongly on the Market Cattle Identification (MCI) program in conducting surveillance of the cattle population to locate infected herds. The proposal would define MCI test animals as follows: Market cattle identification test animals are test-eligible animals moving through auction markets, stockyards, or to slaughtering establishments. Also they are those animals assembled at farms or ranches that are being readied for movement to markets, stockyards, slaughtering establishments, or to other places for sale, such as consignment and dispersal sales. Such animals shall be identified by eartag and/or backtag to the herd of origin prior to or at the first point of concentration in marketing channels.

These cattle need to be tested as they are moving into marketing channels where they could contract brucellosis or spread it to other animals. Therefore, the disease needs to be found before it can spread. If any diseased animals are found, they can be traced back to their origin and any other animals which may have come in contact with them can also be located. In this way brucellosis can be kept from spreading and foci of infection can be found and eliminated.

Official vaccination is an important part of the Department's program. Section 78.1(ss) would define an approved brucella vaccine as used in the brucellosis program as a *Brucella abortus* Strain 19 product that is approved by and produced under license of the U.S. Department of Agriculture for injection into cattle and bison to enhance their resistance to brucellosis.

A term used in these proposed amendments not presently defined is "whole herd vaccination." Section 78.1(tt) would define the term "Whole Herd Vaccination" as a situation when all female cattle in a herd over two months of age are officially vaccinated, including animals older than the age of official calfhood vaccination which would be vaccinated under specific conditions with a reduced dose of vaccine. All eligible calves as defined in proposed § 78.1(uu) would also be vaccinated and identified.

Section 78.1(uu) would contain the amended definition of "official vaccinates," and § 78.1(vv) would contain the amended definition for identification of vaccinates. Proposed § 78.1(uu) would fully define both official calfhood vaccinates and official adult vaccinates. The considerable changes in the proposed definition are the result of research, field studies, and input by the affected industry with the Department. Amending the regulations would relieve the considerable discrepancies which exist between the definition actually used in the eradication program and the outmoded definition which appears in the present regulations. Since these regulations were originally written, a new reduced dose vaccine against brucellosis has been developed, tested, and found to be effective, which is now used for all adult vaccinations. The development of this vaccine has in turn changed the ages of animals suitable for vaccination. Therefore, the regulations need to be amended to keep pace with this scientific advance.

The proposed changes in those definitions would be as follows:

1. The regulations would be revised to recognize the use of reduced dose vaccine which has been found effective against brucellosis. It should be noted that the national brucellosis program is a State-Federal cooperative program. Some States have not yet sanctioned the use of the reduced dose for vaccination of cattle. Consequently, it is proposed to establish two sets of conditions—one where standard dose vaccine was authorized for use in a State and another set where reduced dose vaccine was authorized for use in a State. A list of States using each size dose is available upon request from Veterinary Services.

2. The regulations would be amended and clarified to specifically authorize a Veterinary Services representative, State representative or accredited veterinarian to vaccinate cattle, instead of merely stating that the vaccination must be done under Federal or State supervision. Historically, this has meant that vaccination has been performed by accredited veterinarians who are under Federal and State control. The proposed change would be specific concerning who may officially vaccinate. The terms Veterinary Services representative and State representative would be substituted for "Federal and State supervision." Veterinary Services representative and State representative are already defined in Part 78 and would include the Federal and State personnel associated with the vaccination program. These changes are perceived by the Department to be non-substantive, clarification changes.

3. The regulations would be amended to specifically include bison in vaccination definitions currently referring to beef cattle. Bison are not used for dairy purposes. These changes are believed by the Department to be non-substantive in nature.

4. Because calfhood vaccinates are hardly ever identified by brands, it is proposed that the definition of official vaccinates and provisions relating to the identification of vaccinates be amended to delete the use of brands as a means of identification.

5. The definition of official adult vaccinate would be substantially reworded. It is proposed to amend it to apply to female dairy cattle over 6 months of age and female beef cattle or female bison over 10 months of age in States which administer standard dose vaccination to calfhood vaccinates. In States which administer reduced dose vaccination to calfhood vaccinates, adult vaccinates would be defined as female cattle of any breed over one year of age. In all of these situations, female animals over two months of age but younger than the stated ages, are eligible for calfhood vaccinations.

It is proposed that the definition also be revised, similar to the proposed

changes for calfhood vaccinates, to reflect specifically who can perform the official vaccination (i.e. Veterinary Services representative, State representative, or accredited veterinarian) for the reasons discussed above.

It is proposed that the vaccination of adult cattle would have to be authorized by both the Veterinarian in Charge and State animal health official instead of the State Veterinarian and Deputy Administrator, Veterinary Services. It has not been necessary for such high-level management employees to be involved in granting approval. The Veterinarian in Charge and the State animal health official are appropriate to determine whether authorization for a vaccination program is warranted. Authorization for vaccination would be required in the Federal-State Brucellosis eradication program because, through close control, the aim of the program, i.e. eradication of the disease, would be better accomplished. The provisions for authorization of vaccination would provide stability and consistency of procedures utilized by individual ranchers in the field.

The vaccination of adult cattle and bison would be required to be reported to the State animal health official or the Veterinarian in Charge to better enable the Federal and cooperating State governments to keep a record of the vaccination. Further, the animal would have to be identified by a V hot iron brand administered to the right jaw in a letter "V" 7.5 × 7.5 centimeters (3 × 3 inches). This branding would have to be conspicuous enough to identify the animal as a vaccinate. In lieu of branding, the proposed regulations would authorize the use of an adult vaccination tattoo applied to the right ear at the time of vaccination and testing. This alternative to branding is provided because this method should also adquately identify the animal as an adult vaccinate. The regulations also would require that all adult vaccinates be either individually identified with an official metal eartag or a tattoo recognized by a registered breed association. Both of these means of identification should likewise be adequate to identify the animal individually.

6. As noted above, the definitions would designate different procedures for those States where the reduced dose vaccine has been authorized for use. Vaccination would have to be done by a Veterinary Services representative, State representative, or accredited veterinarian. It is proposed that female calves in such States would be eligible for calfhood vaccination if they were cattle or bison between 4 and 12 months of age. The test data indicates that the reduced dose is effective for dairy and beef breeds and bison between such ages. A copy of data demonstrating the effectiveness of the reduced dose vaccine may be obtained by contacting Dr. A. D. Robb, Room 805, 6505 Belcrest Road, Hyattsville, MD. 20782, 301–436–5961. The Department has established that officially calfhood vaccinated animals should be 12 months of age or less because animals in this age group generally have a lower percentage of persistent titers when vaccinated with a reduced dose vaccine. The ages for officials calfhood vaccinates for animals vaccinated with standard dose Brucella vaccine would be established at two through six months for dairy breeds and two through ten months for bison and beef breeds since the larger number of brucella organisms present tend to produce persistent titers in animals as they develop closer to sexual maturity. The Department has determined that there is a definite correlation between the development of sexual maturity, the number of organisms in the vaccine and the development of a persistent titer. The identification requirements would be identical to those required for calfhood vaccinates vaccinated with standard dose vaccine. These would be adequate to identify the animal.

7. Adult cattle or bison would be eligible for vaccination with reduced dose vaccine if over 12 months old. As stated previously, persistent titer responses to brucella vaccination varies significantly with the number of organisms present in the vaccine and the age of the animal when vaccinated. Persistent titers are found in a higher percentage of animals as they reach sexual maturity. One year of age is considered an average age for sexual maturity.

8. A "grandfather" clause is added to the definitions to clearly indicate that cattle and bison officially vaccinated under the regulations prior to these amendments would continue to be recognized as official vaccinates. Animals vaccinated as calves usually retain their resistance to brucellosis for their lifetime. It is essential that they continue to be recognized as "official calfhood vaccinates" for the rest of their lives. Revaccination is not medically indicated and after they are past the age for "calfhood" vaccination, they can no longer be "officially calfhood vaccinated." Official calfhood vaccinates have an economic value in excess of animals that have not been so vaccinated. Therefore, it is in the interests of the producer and the program to assure their continued recognition as "official calfhood vaccinates."

Also added to the regulations would be a definition under § 78.1(ww), of "Approved Action Plan or Approved Individual Herd Plan." The definition would provide for a herd management and testing plan approved by the State animal health official and the Veterinarian in Charge which is designed by the herd owner, his veterinarian if so requested, and a veterinarian of the Cooperative Brucellosis Eradication Program, and which will control and eventually eradicate brucellosis from an affected herd. A similar plan for determining the true status of suspects and preventing exposure to brucellosis within the herd is also within the meaning of the term "Individual Herd Plan."

The plan must utilize those veterinary procedures most applicable to that immediate situation and circumstances and the proven herd management procedures necessary to assist in controlling the spread of brucellosis within the herd and thereby eradicating the disease from the herd. Factors to be considered in designing a plan would include the number of animals per acre, whether the calving season is controlled in the herd, type of watering facilities, and whether calfhood vaccination has been used in the herd in the past. All of these factors could affect the susceptibility of the herd to brucellosis and the course of the disease, should it be introduced.

Proposed § 78.1(xx) would define "official seal" and is unchanged from the present regulation where it is § 78.1(pp). It would be repositioned and renumbered.

Proposed § 78.1(yy) would be added to define "finished fed heifers," a term that would be used in revised § 78.8(a). The term "finished fed heifers," is generally used in the cattle industry to mean a heifer fed at a feedlot with no pasture available until it is ready for slaughter. The proposed definition would establish 90 days as the minimum days on feed in a quarantined feedlot necessary to fatten these animals to the degree desired by the consuming public for their steaks, chops, and other choice cuts of beef.

Also proposed are amendments of the requirements for interstate movement of animals. These proposed amendments to the regulations would remove conflicts among intrastate testing and identification requirements, intrastate movement requirements, and interstate movement requirements.

Specifically, these amendments would remove from § 78.6 *Steers and spayed heifers,* the words "over 6 months of age" and insert the words "of any age." The paragraph would then read as follows: "Steers and spayed heifers of any age may be moved interstate from any area without restrictions under this subpart." The restriction on calves under 6 months of age was necessary when the brucellosis status of many herds was unknown. Calves in such herds had a high probability of nursing an infected cow, receiving brucella organisms in the milk, and contaminating food and water by its feces or urine containing the brucella organism. Because the incidence of brucellosis in the nation's herds is now very low, the Department believes the possibility of such mechanical transmission to be so low that virtually no probability exists presently for such unknowing mechanical transmission to take place in herds not known to be affected. There is only a slightly greater chance of infection being spread by such non-breeding animals from other herds. Therefore, this continued restriction would be an unwarranted burden on cattlemen.

Section 78.8, *Brucellosis Exposed Cattle,* would be revised. In subsection (a)(1) and (b)(1), the phrase "or USDA backtag" would be added as an alternative method of identification. Including this alternate method of identification would relax the requirement that only a metal eartag could be used for exposed cattle moving to quarantined feedlots or to immediate slaughter. It has become clear in actual practice that requirring a metal eartag is unnecessarily restrictive and can not be defended as being necessary to prevent the spread of brucellosis. The USDA backtag is less expensive and easier to apply.

These amendments would provide in §§ 78.8(a)(2) and (b)(2) for optional use of the "S" brand permit, which is easier to prepare than the more detailed VS Form 1–27, when moving exposed cattle to quarantined feedlots or to immediate slaughter. Since there does not exist any method to distinguish between "S" branded exposed cattle and "S" branded untested cattle, all must be moved as exposed cattle. The large volume of such restricted animals makes it imperative that a less onerous, but still effective, method be constructed. The Department believes that both classes of cattle are a continuing threat to the brucellosis eradication program. This proposed amendment, using the same definition of "S" branded cattle, would allow for the use of a permit to move "S" branded cattle interstate to quarantine feedlots or to immediate slaughter.

Sections 78.8 (a)(3)(i) and (b)(3)(i) would be amended by deleting language describing "S" branding requirements, as this requirement would now be defined in proposed § 78.1 (pp.). Section 78.8(a) would be further amended by adding an exemption for finished fed heifers moving from quarantined feedlots directly to a recognized slaughtering establishment from the identification and permit procedures. These are young, usually nonpregnant females, which have been fed to a degree of fattening desired by the consuming public for their steaks, chops, and other choice cuts of beef. Additionally, the fattening process makes it uneconomical to divert them from slaughter to a breeding herd. The Department believes it would, therefore, be unproductive to the brucellosis eradication program to require these finished fed heifers to be restrained for identification and permit issuance which are designed to ensure that animals go only to slaughter.

Section 78.8(c)(1) would be amended by deleting the restrictive and contradicting phrase "other than to a quarantined feedlot or for immediate slaughter if such calves are accompanied by a permit." Under the proposal, permits would be required for restricted animals. As the preceding language in these paragraphs allows the described calves to move without restriction for any purpose, this phrase would be deleted. The regulations in § 78.8(c)(1) would also be amended to authorize the movement from any area to any other area without restriction, of official calfhood vaccinates under 12 months of age and steers and sprayed heifers of any age in a herd known to be affected, but which was following an approved individual herd plan. This authorization is restricted to herds following an approved individual herd plan because the level of exposure within such herds to brucellosis is low as compared to affected herds not following an approved individual herd plan. These animals do not appear to represent a measurable threat to disseminate brucellosis and, therefore, do not appear to warrant restriction of their interstate movement. This is because female cattle and bison under 12 months of age are not yet sexually active and, therefore, do not transmit brucellosis through sexual activity. Steers and spayed heifers being neutered also can not transmit the disease. This change would also be made for bison in § 78.16. The provisions applicable to brucellosis-exposed cattle should also be applicable to brucellosis-exposed bison because the disease follows the same course in bison as in cattle.

Section 78.8(c)(2)(ii) would be amended to remove an unnecessary reference to the UM&R.

Section 78.9 would be revised to contain the movement requirements from States designated as Class Free, A, B, and C. The material in §§ 78.10 and 78.11 which concerns cattle from non-certified areas, would be removed and these sections designated as reserved for future use. Proposed § 78.9 would thus contain all movement requirements for all cattle not affected with brucellosis.

Proposed § 78.9(a) would allow cattle from herds not known to be affected with brucellosis in Class Free States to move interstate without brucellosis testing requirements if accompanied by a certificate. To be designated Class Free, States must have been free of virulent field strain brucellosis for a minimum of 12 months. The Department believes the risk of cattle spreading brucellosis from herds in such States to be highly unlikely. Brucellosis incubation periods beyond one year are very rare. Surveillance procedures carried out during outbreaks of brucellosis prior to release from quarantine of the last affected herd within the State would be expected to have removed any animals capable of incubating brucellosis.

Proposed § 78.9(b) would regulate movements of cattle from Class A States. Exempt from brucellosis testing and certification would be cattle under 18 months of age, from farms of origin, official vaccinates of dairy breeds under 20 months, official vaccinates of beef breeds under 24 months of age, and cattle over these ages moving directly to a recognized slaughtering establishment or to a specifically approved stockyard for sale to such an establishment. The Department does not believe additional restrictions are justified on these cattle since the probability of their transmitting brucellosis to other herds is very remote. In Class A States, opportunity to become exposed to brucellosis is slight. Official vaccinates and sexually immature cattle have considerable resistance to brucellosis, and sexually immature cattle are unlikely to contract the disease. In addition, cattle moving directly to slaughter would not normally come in contact with other herds, thereby limiting opportunities to spread brucellosis if such cattle were infected.

Other cattle moving directly to slaughter or to quarantined feedlots would not be required to be brucellosis tested, neither would such cattle moving to specifically approved stockyards for sale for movement to slaughter or to quarantined feedlots if identity to the farm of origin was maintained. Identity can be maintained by penning animals from one farm apart from other animals, and by individually identifying animals to sale records showing the consignor. However, a certificate would be required to accompany such cattle. The Department believes that because of low infection levels in Class A States, the opportunity for such cattle to spread brucellosis is minimal and does not justify testing. Additionallly, as the destination is to either a quarantined feedlot, where brucellosis is expected to already be present, to slaughter, where the disease status of the animal is important only for tracing, or to a stockyard for sale to slaughter or to a quarantined feedlot, testing is superfluous.

For cattle which are not exempt from the requirements and which are moving other than to slaughter or to quarantined feedlots, the Department proposes to require a negative brucellosis test within 30 days prior to movement and to require that the cattle be accompanied interstate by a certificate. However, cattle moving interstate with no change of ownership would be exempt from testing and certificate issuance requirements. Cattle from Certified Brucellosis-Free herds would require only the certificate since such herds must be tested negative annually in order to retain their status. The Department believes such tests and procedures will adequately safeguard receiving herds.

An exception in the present regulations would be continued under this proposal. The Department recognizes that expanding ranching operations and rapid vehicular transport have changed the unitized ranch of yesteryear to a multiple location operation. In addition, increasingly, State lines bisect property used as a single ranching operation. The present regulations permit cattle which are moving interstate but which are not changing ownership to have an annual herd test to satisfy the testing requirements for interstate movement. The Department believes this requirement adequately protects other herd owners from exposure to brucellosis and avoids imposing unnecessary testing requirements on herd owners moving cattle from part of their property to another. No provision is made for documents to accompany the cattle on these movements as they are essentially normal ranching movements. To impose certification or permit requirements would not give better control of brucellosis but only add to the livestock producers regulation compliance burden. Therefore, this proposal would continue this exception to the testing and certification requirements in proposed § 78.9(b).

Proposed § 78.9(c) would regulate movement of cattle from Class B States. Exempt from brucellosis testing requirements would be cattle under 18 months of age, from farms of origin, official vaccinates of dairy breeds under 20 months, official vaccinates of beef breeds under 24 months of age, and cattle over these ages moving directly to a recognized slaughtering establishment or to a specifically approved stockyard for sale to such an establishment. The Department does not believe additional restrictions are justified on these cattle since the probability of their transmitting brucellosis to other herds is remote. Official vaccinates and sexually immature cattle have considerable resistance to brucellosis, and sexually immature cattle are unlikely to contract the disease. In addition, cattle moving directly to slaughter from farms of origin would not normally come in contact with other herds, thereby limiting opportunities to spread brucellosis if such cattle were infected.

Other cattle moving directly to slaughter or to quarantined feedlots from other than farms of origin in these proposed amendments would have a choice of two methods of compliance. The cattle could be tested negative for brucellosis immediately prior to movement. The Department prefers that this method be used because if cattle are found to be infected, other cattle exposed to them may be immediately controlled as to further movement. Such control prevents other herds from being inadvertently exposed. Further, the farm of origin is known at once and that herd can be placed under an individual herd plan for eradicating brucellosis from the herd.

The less favored method for moving cattle to slaughtaer or quarantined feedlots from other than a farm of origin would be by branding the letter "S" on the left jaw with a hot iron. The Department believes that cattle in a Class B State have an unacceptable possibility of being from affected herds. By hot iron branding the letter "S" on the left jaw, such untested cattle can be more readily kept in channels to slaughter or to a quarantined feedlot. To further control the movement of these cattle of unknown brucellosis status, the proposal requires they be accompanied by an "S" brand permit.

The proposed amendment to § 78.9(c) also offers an alternative method for moving such cattle to slaughter. The cattle would be allowed to move to immediate slaughter without "S" brand if accompanied by a VS Form 1–27 permit and the vehicle is closed with official seals applied by program officials. The Department believes such an exception to be less onerous but effective.

For cattle moving other than to slaughter or quarantined feedlots, the proposed § 78.9(c) would require a negative brucellosis test for the cattle within 30 days prior to movement and require the cattle to be accompained by a certificate and to have a permit for entry from the State animal health official. Cattle originating in Certified Brucellosis-Free Herds would require only the certificate since their negative test would be done annually. The Department believes such tests will adequately safeguard receiving herds.

Proposed § 78.9(d) would regulate movements from Class C States which have higher levels of infection than any of the other classes. Exempt from the brucellosis testing and "S" brand requirements would be cattle under 18 months of age from farms of origin, official vaccinates of dairy breeds under 20 months of age, official vaccinates of beef breeds under 24 months of age, and cattle over these ages moving directly to a recognized slaughtering establishment on to a specifically approved stockyard for sale to such slaughtering establishment. The Department does not believe additional restrictions are justified on these cattle since the probability of their transmitting brucellosis to other herds is remote. Official vaccinates and sexually immature cattle have considerable resistance to brucellosis, and sexually immature cattle are unlikely to contract the disease. In addition, cattle moving directly to slaughter from farms of origin would not normally come in contact with other herds, thereby limiting opportunities to spread brucellosis if such cattle were infected.

Cattle moving from a farm of origin directly to slaughter or to a specifically approved stockyard for sale to slaughter may be moved without being "S" branded and without being accompanied by an "S" brand permit. Cattle from other than a farm of origin may move interstate directly to slaughter if they are tested and found negative, or if they are "S" branded and accompanied by an "S" brand permit.

Finally, cattle from other than a farm of origin may be moved to immediate slaughter without being "S" branded if they are accompanied by a VS Form 1–27 permit and are moved in officially sealed vehicles.

Cattle moving to quarantined feedlots from a farm of origin would be moved without an "S" brand either directly to the quarantined feedlot or to a specifically approved stockyard for sale for movement to a specifically approved stockyard if the cattle were "S" branded upon arrival at the first location reached. These cattle from farms of origin at specifically approved stockyards or cattle from other origins when moved interstate would be required to be "S" branded and accompanied by an "S" brand permit.

Cattle from Certified Brucellosis-Free Herds would be permitted to move to any destination if accompanied by a certificate stating their origin as being from a Certified Brucellosis-Free Herd.

For movements other than to immediate slaughter or quarantined feedlots, official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age would be required to be accompanied by a certificate.

For movements other than to immediate slaughter or quarantined feedlots, official vaccinates of the dairy breeds over 20 months of age and offical vaccinates of the beef breeds over 24 months of age would be required to have a negative test within 30 days prior to movement and be accompanied by a "Permit for Entry."

Other cattle moving other than to immediate slaughter or to quarantined feedlots would be required to have had two negative tests. The first test would be valid for 12 months. The second test would be required to be more than 60 days after the first test. The second test would also be required to be within 30 days before the interstate movement.

Such cattle would also be permitted to move as official vaccinates or tested cattle to specifically approved markets to be tested prior to losing their identity to origin.

As previously discussed under proposed § 78.9(b), the exception to allow normal ranching operations would be continued in Class C also.

Presently, §§ 78.9, 78.10, and 78.11 refer to cattle movements from Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas. Under these proposed amendments, this area designation system would cease to exist, and would be replaced by a whole State classification system. These proposed amendments would provide for movements of cattle which will be in harmony with intrastate movements provided for in the UM&R, and interstate movement between Classes of States as provided in these proposed regulations.

In Subpart D, of Part 78, the headings and text in §§ 78.20, 78.21, and 78.22 would be removed, and new paragraphs (a), (b), (c), and (d) for Class Free, Class A, Class B, and Class C designations would be added. Since the designations of areas presently listed in these sections would no longer exist under these proposed regulations this material is being removed. Actual State classifications would be added later. The title of § 78.25 would be revised to read "Designations of States and approved stockyards."

Section 78.29 would be revised to remove references to the UM&R and to add paragraph (a) which would provide that breeding swine from Validated Brucellosis Free Herds and Validated Brucellosis Free Areas may be moved interstate for other than slaughter only if they are accompanied by a certificate and the certificate states that they originated in such herd or area. This is necessary as, through an oversight, such movements have not been provided for in the current regulations. Breeding swine from Validated Brucellosis Free Herds and Areas are unlikely to carry brucellosis, and would therefore be allowed to move interstate for purposes other than slaughter if their origin is certified.

PART 78—BRUCELLOSIS

For the reasons set out above, Part 78, Title 9, Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 78 reads as follows:

Authority: Secs. 4, 5, 7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, unless otherwise noted.

2. Section 78.1 would be revised to read as follows:

§ 78.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

(a) *Brucellosis.* The contagious, infectious, and communicable disease caused by bacteria of the genus Brucella. It is also known as Bangs disease, undulant fever, and contagious abortion.

(b) *Veterinary Services.* Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) *Veterinary Services representative.* A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(f) *State animal health official.* The State animal health official responsible for livestock and poultry disease control and eradication programs.

(g) *State representative.* A veterinarian or other person regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(h) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(i) *State.* Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(j) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(k) *Interstate.* From any State into or through any other State.

(l) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement.

(m) *Certificate.* An official document issued by a Veterinary Services representative, State representative, or accredited veterinarian at the point of origin of a shipment of domestic animals which shows the identification tag, individual animal registered breed association registration tattoo, or individual animal registered breed association registration brand, or registration number or similar

identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meets the requirements of 9 CFR Part 78 for interstate movement.

(n) *Permit.*—(1) *Permit (VS Form 1–27 or comparable state form).* Except for the terms "permit for entry" and "S brand permit," a permit shall mean an official document issued by a Veterinary Services representative, State representative, or accredited veterinarian which is required to accompany "B" branded cattle and bison (or exposed animals moved under official seal). It shall list one of the following: the identification tag, individual animal registered breed association tattoo, USDA backtag (when applied serially, only the beginning and the ending number need be recorded), registered breed association registration number, or similar individual identification. It shall also list the reactor tag number, owner's name and address, origin and destination locations, number of animals covered, and the purpose of the movement. If a change in destination is desired or becomes necessary, a new permit must be prepared.

(2) *Permit for entry.* A premovement authorization for entry of cattle into a State from the animal health official of the State of destination. It may be oral or written. If oral, written confirmation must be sent to the shipper as soon as practicable.

(3) *"S" Brand permit.* Any document which is required to accompany animals required to be moved to a quarantined feedlot, or to slaughter, or to an approved stockyard for sale for movement to slaughter. It must show the origin, the destination, the number of restricted cattle, the purpose of the movement, the identification tag, individual animal registered breed association tattoo, USDA backtag, registered breed association registration number, or similar individual identification (when applied serially, only the beginning and the ending number need be recorded). It shall be prepared at the point of origin by an accredited veterinarian, a representative of the State animal health official, or at a quarantined feedlot by an official designated for that purpose by the State animal health official. The original shall accompany the animals and shall be delivered at the destination.

(o) *Official test.*—(1) *Classification of cattle and bison.*—(i) *Card test.* Card test results are classified as either negative or positive. The card test is to be used as an official test to classify animals as reactors in livestock markets within a State when the State animal health official specifically designates the card test as the official test in livestock markets in his State. Any agglutination reaction will be considered a positive reaction.

(ii) *Standard tube test (STT) or standard plate test (SPT).* The blood titers of animals tested by the STT or SPT methods are classified by use of the following:

1:50	1:100	1:200	
Official Vaccinates			
			Negative.
I			Negative.
+			Negative.
+	I		Suspect.
+	+		Suspect.
+	+	I	Suspect.
+	+	+	Reactor.
All Others			
			Negative.
I			Suspect.
+			Suspect.
+	I		Suspect.
+	+		Reactor.
+	+	I	Reactor.
+	+	+	Reactor.

(iii) *Complement-fixation test (CF).* (A) Interpretation for all nonvaccinated test-eligible animals:

(*1*) Fifty percent fixation (2 plus) in a dilution of 1:20 or higher—reactor.

(*2*) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 50 percent fixation (2 plus) in a dilution of 1:20—suspect.

(*3*) Less than 50 percent fixation (2 plus) in a dilution of 1:10—negative.

(B) Interpretation for all test-eligible vaccinated cattle including adult vaccinated animals beginning 2 months postvaccination:

(*1*) Twenty-five percent fixation (1 plus) in a dilution of 1:40 or higher—reactor.

(*2*) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 25 percent fixation (1 plus) in a dilution 1:40—suspect.

(*3*) Less than 50 percent fixation (2 plus) in a dilution of 1:10—negative.

(iv) *Rivanol test.* Complete agglutination at dilutions of 1:25 or more is classified as a reactor. Less than complete agglutination at 1:25 is negative. There is no suspect classification with rivanol. Within 5 months postvaccination of adult animals, a less than complete agglutination at the 1:50 dilution is negative.

(v) *Semen plasma test.* The semen plasma test is approved as an official test in bulls used for artificial insemination when used in conjunction with another official serological test. The classification of such animals shall be based on the maximum agglutination titer of either the seriological test or the semen test.

(vi) *Buffered acidified plate antigen presumptive test.* Buffered acidified plate antigen tests may be used to classify animals negative on surveillance samples collected at slaughter and at livestock markets.

(vii) *Rapid screening test (RST).* The RST may be used for classifying animals negative in State-Federal laboratories.

(viii) *Milk ring test (also known as Brucellosis Ring Test of BRT).* The milk ring test conducted on composite milk samples from entire dairy herds are classified as either negative or suspicious (positive). Negative BRT tests classify herds, which are not quarantined as brucellosis affected, as negative for public health ordinances and for surveillance purposes. Herds classified as suspicious require a whole herd blood test to determine the animal and herd status.

(2) *Classification of swine.*—(i) *Card test.* Card test results are classified as either negative or positive. Any agglutination reaction is considered positive.

(ii) *Standard tube test.* The blood titers of swine tested by the STT method are classified as follows:

(A) If there are no animals on test with titers greater than Incomplete at 1:100, if it is not a retest of an infected herd, if it is a complete herd test, or if it is an incomplete test of a validated herd, then use the following: Animals with a complete titer at 1:100 would be considered reactors.

1:25	1:50	1:100	
I			Negative.
+			Negative.
+	I		Negative.
+	+		Negative.
+	+	I	Negative.

(B) If there are one or more animals on test with a titer greater than 1:100, or if it is a retest of an infected herd, or if it is an incomplete test of a herd of unknown status, then use the following:

1:25	1:50	1:100	
I	–	–	Negative.
+	–	–	Reactor.
+	I	–	Reactor.
+	+	–	Reactor.
+	+	I	Reactor.
+	+	+	Reactor.

(p) *Certified Brucellosis-Free Herd.* A herd of cattle which has qualified for an been issued a Certified Brucellosis-Free

Herd Certificate signed by both the appropriate State animal health official and by the Veterinarian in Charge. A herd may qualify by either of the following methods:

(1) In the case of a dairy herd, by conducting a minimum of three consecutive negative milk ring tests at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test: or

(2) By conducting at least two consecutive negative blood tests of all test-eligible cattle. Tests shall not be less than 10 months nor more than 14 months apart.

The status will remain in effect for 12 months beginning with the date of the qualifying herd blood test. A negative blood test of all test-eligible cattle must be conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if one herd test is conducted within 14 months of the last certification test date. If a herd is decertified because diseased animals are found, it may be recertified only be repeating the entire certification process.

(q) *Validated Brucellosis-Free Herds of swine.* Swine herds which are validated as brucellosis free by having one negative herd test of all breeding swine 6 months of age and over in the herd. Revalidation shall be done by a negative test of all breeding swine 6 months of age or over in the herd conducted within 10 to 14 months of the last validation test date or by showing that at least 20 percent of the adult breeding swine in the herd were tested under a market swine testing program (MST) during the year and that at least one-half of MST sampling occurred during the last 6 months of the validation period, or that all breeding swine 6 months of age or over in the herd are tested in groups according to an approved individual herd plan with each breeding animal tested at least once during the 1-year validation period.

(r) *Validated Brucellosis Free State for swine.* A State which meets the minimum procedural and qualifying standards and has necessary authorities for classification as a Validated Brucellosis Free Area and which has been certified as such by the appropriate State animal health official, by the Veterinarian in Charge, and by the Deputy Administrator. A State qualifies when it has not diagnosed a case of swine brucellosis in the preceding 12 months and a statistical analysis of combined test results of Market Swine Testing program (MST), change of ownership testing, farm validation tests, and diagnostic tests conducted during the period shows an effect equivalent to either complete herd testing or slaughter surveillance during a one or two year period. Revalidation may be obtained by either herd testing, slaughter surveillance, or combined surveillance.

(s) *Class Free State.* A State which meets standards for classification as a Class Free State and which has been certified as such, on initial classification or on reclassification from a lower class, by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower status shall be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. All cattle herds in the State in which brucellosis has been known to exist must be released from quarantine, pursuant to law, prior to classification. In addition, if any herds of other species of domestic livestock have been found to be infected with brucellosis or are suspected to be infected with brucellosis, they must be tested negative, slaughtered, or quarantined prior to such designation, so that no known foci of infection in any species is left uncontrolled. The following are the standards to attain and maintain Class Free Status.

(1) *Surveillance.*— (i) *Milk ring test (BRT)* The milk ring test of dairy herds shall be conducted at least four times per year at approximately equal intervals on all dairy herds in the State.

(ii) *Market cattle identification program (MCI).*

(A) *Coverage.* All State or Federally inspected slaughtering establishments in the State must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors.* At least 90 percent of all reactors found in the course of market cattle testing (including card test positive animals with or without supporting serologic test results) must be traced to herd of origin and an epidemiologic investigation conducted by State or Veterinary Services representatives within 15 days of their official notification by the cooperative State-Federal laboratory. Herd blood tests must be conducted within 30 days of official notification of market cattle test reactors and quarantine issuance or the herds are to continue to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a reactor herd shall be placed under quarantine and have an approved action plan for testing or monitoring the herd(s) in effect within 15 days after notification of State or Veterinary Services representatives of reactors in the herd.

(B) *Epidemiologically traced herds.* All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall be placed under quarantine and have an approved action plan or other individual herd plan for testing or monitoring the herd in effect within 15 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.*—(i) The State must remain free from field strain *B. abortus* infection for 12 consecutive months or longer to qualify.

(ii) An epidemiologic investigation of each herd having reactor cattle after designation as a Class Free State shall be conducted within 15 days of finding the reactors to identify the possible sources of infection. All possible sources shall be contacted within 15 days to determine appropriate action. If such investigation is not conducted, the State's classification will be changed to Class A or lower as appropriate.

(3) *MCI reactor prevalence rate.*— States must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050 percent). The MCI reactor rate will be adjusted for out-of-State cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(t) *Class A State.* A State which meets standards for classification as a Class A State and which has been certified as such, on initial classification or on reclassification from a lower class, by the State Animal Health official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower class shall be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. The following are the standards to attain and maintain Class A status.

(1) *Surveillance.*—(i) *Milk ring test (BRT).* The milk ring test shall be conducted on all dairy herds in the State at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.*—(A) *Coverage.* All State or Federally inspected slaughtering establishments in the State must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors.* A minimum of 90 percent of the reactors (including card test positive animals with or without supporting serologic test results) must be traced to the herd of origin and an epidemiologic investigation conducted by State or Veterinary Services within 15 days of their official notification by the cooperative State-Federal laboratory. Herd blood tests must be conducted within 30 days of official notification of State or Veterinary Services of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds.* All adjacent herds or herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 15 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds.* All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 15 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.*—(i) States must not exceed a herd infection rate, during any 12 consecutive months, due to field strain *B. abortus* of 0.25 percent or 2.5 herds per 1,000 except in States with 10,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States should qualify for Class A status. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle shall be conducted to identify the possible sources of infection by State or Veterinary Services representatives within 15 days of being notified that reactor cattle had been found by the cooperative State-Federal laboratory. All such possible sources shall be contacted within an additional 15 days to determine appropriate action.

(3) *MCI reactor prevalence rate.* A State must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed one reactor per 1,000 cattle tested (0.10 percent). The MCI reactor prevalence rate will be adjusted for out-of-State cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(u) *Class B State.* A State which meets standards for classification as a Class B State and which has been certified as such, on initial classification or on reclassification from a lower class, by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reclassification to a lower class would be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. The following are the standards to attain and maintain Class B status.

(1) *Surveillance.*—(i) *Milk ring test (BRT).* The milk ring test shall be conducted on all dairy herds in the State at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.*—(A) *Coverage.* All State or Federally inspected slaughtering establishments in the State must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors.* A minimum of 80 percent of the reactors (including card test positive animals (with or without supporting serologic test results)) must be traced to the herd of origin and an epidemiologic investigation conducted by State or Veterinary Services representatives within 30 days of their being officially notified by the cooperative State-Federal laboratory of the finding of reactor cattle. Herd blood tests must be conducted within 30 days of such official notification of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.*—(A) *Adjacent herds.* All adjacent herds or herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds.* All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.*—(i) States must not exceed an accumulated 12 consecutive months herd infection rate due to field strain *B. abortus* of 1.5 percent or 15 herds per 1,000 except in States with 10,000 or fewer herds. A special review by the Deputy Administrator will be made to determine if such small herd population States qualify for Class B status. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle in it shall be conducted by State or Veterinary Services representatives within 45 days of their notification by the cooperative State-Federal laboratory of the finding of reactor cattle to identify the possible sources of infection. All such possible sources shall be contacted within an additional 30 days to determine appropriate action to maintain Class B status.

(3) *MCI Reactor prevalence rate.*—The State must maintain a 12 consecutive months adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30 percent). The MCI reactor prevalence rate will be adjusted for out-of-State cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(v) *Class C State.* A State which meets standards for classification as a Class C State and which has been certified as such, on initial classification or on reclassification from being quarantined; by the State Animal Health Official, by the Veterinarian in Charge, and by the Deputy Administrator. Reduction in status to "quarantined" would be made by the Deputy Administrator after notice and opportunity to be heard is given to the State. The following are the standards to attain and maintain Class C status.

(1) *Surveillance*—(i) *Milk ring test (BRT)*—The milk ring test shall be conducted on all dairy herds in the State at least four times per year at approximately equal intervals.

(ii) *Market cattle identification program.* (A) *Coverage.* All State or Federally inspected slaughtering establishments in the State must participate in the Market Cattle Identification program. The rate of sampling of test-eligible market cattle shall be at least 95 percent at each State or Federally inspected slaughtering establishment.

(B) *Reactors.* A minimum of 80 percent of the reactors (including card test positive animals with or without supporting serologic test results) must be traced to the herd of origin and an epidemiologic investigation conducted by State or Veterinary Services representatives within 30 days of their official notification by the cooperative State-Federal laboratory that reactors have been found. Herd blood tests must be conducted within 30 days of such official notification of market cattle test reactors or the herds are to be confined to the premises under quarantine.

(iii) *Epidemiologic surveillance.* (A) *Adjacent herds.* All adjacent herds or

herds having contact of cattle with the reactor herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of notification of infection in the reactor herd.

(B) *Epidemiologically traced herds.* All herds from which cattle are sold into an infected herd and all herds which have received cattle from an infected herd shall have an approved action plan for testing or monitoring the herd in effect within 45 days of locating the source herd(s) or recipient herd(s).

(2) *Herd infection rate.* (i) A State with 1,000 or more herds having an accumulated 12 consecutive months herd infection rate due to field Strain *B. abortus* exceeding 1.5 percent or 16 herds or more per 1,000 is a Class C State. A special review will be conducted by the Deputy Administrator in a State with a small herd population but with a herd infection rate exceeding 1.5 percent to determine if it should be included as a Class C State. Locations of herds, sources of current infections, and control measures taken by the State will be considered.

(ii) An epidemiologic investigation of each herd with reactor cattle shall be conducted by State or Veterinary Services representatives within 45 days of their notification by the Cooperative State-Federal laboratory of the finding of reactor cattle to identify the possible sources of infection. All such possible sources shall be contacted to determine appropriate action within an additional 30 days.

(3) *MCI reactor prevalence rate.* The 12 consecutive months adjusted MCI reactor prevalence rate exceeds three reactor per 1,000 tested (0.30 percent). The MCI reactor prevalence rate will be adjusted for out-of-State cattle, recordkeeping errors, and animals traced to either infected herds or herds with negative tests.

(4) *Compliance with minimum procedural standards.* (i) A State must implement and maintain minimum procedural standards.

(ii) A State must make continued progress as judged over a two year period in reducing prevalence of brucellosis as determined by epidemiologic evaluation or it will be placed under federal quarantine.

(w) *Brucellosis reactor.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age and over and official vaccinates of bison or beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified serologically as reactors when they disclose complete standard plate test (SPT) or standard tube test (STT) agglutination reactions in the blood titer dilution of 1:200 or higher, are positive to the brucellosis card test where it has been the only test conducted, disclose titers of 25 percent fixation (1 plus) in a dilution of 1:40 or higher on the complement-fixation (CF) test, disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, or are found infected by other diagnostic procedures such as isolation of *Brucella abortus.*

(ii) All other bison and cattle more than 6 months of age are classified serologically as reactors when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher, are positive to the card test where it has been the only test conducted, disclose titers of 50 percent fixation (2 plus) in a dilution of 1:20 or higher on the complement-fixation test, disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, or are found infected by other diagnostic procedures such as isolation of *Brucella abortus.*

(iii) Where approved whole herd vaccination of herds at high risk (including Certified Brucellosis-Free Herds, infected herds, or herds not Certified Brucellosis-Free) with reduced doses of *B. abortus* Strain 19 has been carried out, adult vaccinated (AV), tattooed or branded animals are considered reactors if the CF test has at least 25 percent fixation (1 plus) in a dilution of 1:40 or higher. A first test is recommended at 2 months or as early thereafter as possible following the whole herd vaccination in order to facilitate elimination of field strain infection. At less than 5 months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:50 dilution or higher on the rivanol test. On such tests at more than 5 months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:25 dilution or higher on the rivanol test.

(2) *Swine.* Any swine that disclose complete STT agglutination reactions to the blood titer dilution of 1:100 or higher. Any swine in an infected herd or those on an incomplete test of a herd of unknown status having a complete reaction in the 1:25 dilution or higher. Any swine disclosing a positive card test reaction or found infected by another official test or by identifying the organism.

(x) *Brucellosis suspect.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of bison or beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified as suspects when they disclose SPT or STT agglutination reactions in the dilution of 1:100 or any partial agglutination in the 1:200 dilution. Cattle or bison negative to the SPT or STT tests but which are positive to the brucellosis card test, if it is performed, are classified as suspects. When the CF test is conducted, all test-eligible cattle having less than 25 percent fixation (1 plus) in a dilution of 1:40 and 50 percent (2 plus) or more in a dilution of 1:10 are classified as suspects.

(ii) All other cattle and bison more than 6 months of age are classified as suspects when they disclose any SPT or STT agglutination reactions in the blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution. Cattle or bison negative to the SPT or STT tests but which are positive to the brucellosis card test, if it is performed, are classified as suspects. When the CF test is conducted, all cattle or bison more than 6 months of age having less than 50 percent fixation (2 plus) in a dilution of 1:20 and 50 percent fixation (2 plus) or more in a dilution of 1:10 are classified as suspects.

(2) *Swine.* Card test positive swine disclosed in a herd which is otherwise serologically, bacteriologically, and epidemiologically negative will be held under whole herd quarantine until subjected to additional official brucellosis tests to determine the status of the animals.

(y) *Brucellosis negative.*—(1) *Cattle and bison.* (i) Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of bison and beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient are classified as negative when the SPT or STT disclose reactions of not more than complete agglutination in the 1:50 dilution, are negative to the brucellosis card test, disclose 25 percent fixation or less (1 plus) at the 1:10 dilution of the CF test, or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test. If only one test is run, that test must be negative; if more than one test is run, all reactions must be negative for the animal to be classified as brucellosis negative.

(ii) All other such cattle and bison more than 6 months of age are classified as negative serologically when the SPT or STT disclose reactions of not more than complete agglutination in the 1:25 dilution, are negative to the brucellosis card test, disclose 25 percent fixation or less (1 plus) at the 1:10 dilution on the CF test, or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test.

(iii) Blood samples collected at slaughter are negative when no evidence of agglutination is disclosed by the rapid screening test (RST) or buffered acidified plate antigen test. Blood samples collected at livestock markets are negative when no evidence of agglutination is disclosed on the buffered acidified plate antigen test. Blood samples collected at slaughter or at livestock markets showing some agglutination to the rapid screening test or the buffered acidified plate test, as appropriate, are classified negative if the confirmatory test (brucellosis card test or SPT) is negative.

(2) *Swine.* Any swine from an infected herd of herd of unknown status that discloses a STT agglutination reaction of less than complete agglutination in the blood titer dilution 1:25 or that has no reaction to the card test is classified as negative.

Any swine from a Validated Brucellosis-Free herd not known to be infected in a validated brucellosis free area, or any swine on a complete herd test that discloses a STT agglutination reaction of less than complete agglutination in the blood titer dilution of 1:100 or that has no reaction to the card test.

(z) *Brucellosis exposed animal.* Any animal that is part of a known affected herd or that has been in contact with brucellosis reactors in marketing channels are considered to be exposed regardless of the blood test results. If an interstate movement involves suspects, they shall be treated as exposed animals.

(aa) *Herd.* A herd is 1) all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot , farm, or ranch) and 2) all animals on two or more premises which are geographically separated, but on which the animals have been interchanged or where there has been contact among the animals on the different premises.

(bb) *Animals.* Cattle, bison, and breeding swine.

(cc) *Farm of origin of cattle and bison.* A farm or other premises where the cattle or bison to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which premises within the 4 months prior to the date of shipment, have not been used to assemble cattle or bison from any other premises.

(dd) *Herd of origin of swine.* Any herd in which swine are farrowed and raised or in which such swine were maintained for a period of 30 days immediately prior to shipment interstate.

(ee) *Breeding swine.* Any swine 6 months of age or over which are maintained for breeding purposes as a part of a formal breeding program.

(ff) *Sow.* A female swine which has given birth to one or more litters of pigs or which is parturient.

(gg) *Boar.* An uncastrated male swine which has reached a stage of maturity rendering him capable of being used as a breeding animal including those which through age or infirmity are no longer capable of such use.

(hh) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection act.

(ii) *Specifically approved stockyard.* A stockyard specifically approved for the purposes of the regulations in this part in accordance with § 78.25(b).

(jj) *Herd blood test.*—(1) *Cattle or bison.* The herd blood test shall include all test-eligible cattle or bison.

(2) *Swine.* The herd test shall include all breeding swine 6 months of age and older. All swine being held for feeding purposes, separate and apart and without physical contact with breeding swine, are exempt from herd test requirements.

(kk) *Test-eligible cattle and bison.*—(1) *Herd blood test.* Test-eligible animals shall include all cattle or bison over 6 months of age, (as evidenced by the loss of the first pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of bison or beef breeds under 24 months of age (as evidenced by the loss of the first pair of temporary incisor teeth) which are not parturient (springers) or postparturient.

(2) *Market cattle identification (MCI) blood testing.*—(i) *Blood sampling at slaughtering establishment.* All cows and bulls over 2 years of age are test-eligible.

(ii) *Blood testing at livestock markets or farms or ranches.* All cattle over 18 months of age (as evidenced by the loss of the first pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of beef breeds under 24 months of age (as evidenced by the loss of the first pair of temporary incisor teeth) which are not parturient (springers) or postparturient.

(3) *Test for other movements.* Same as § 78.1 (kk) (2) (ii).

(ll) *Quarantined area.* Any area listed in § 78.22.

(mm) *Qualified herd.* Any herd of cattle or bison in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd in the quarantined area shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a Qualified Herd and the second official test not more than 120 days prior to the date of such classification, and such tests shall be performed not less than 90 days nor more than 120 days apart. In order to remain a Qualified Herd, a herd must be subjected to successive requalifying official tests and found negative. To maintain status as a qualified herd, each such requalifying test shall be conducted not more than 120 days from the date of the immediately preceding official test. All cattle or bison added to a Qualified Herd must have been included in the preceding two official tests to qualify as cattle or bison from the Qualified Herd.

(nn) *Quarantined feedlot.* A quarantined feedlot shall be a confined area under official State quarantine and shall be approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after inspection and after the feedlot demonstrates that all animals are secure and isolated from contact with any other nonquarantined feedlot or pasture animals, that there are facilities for identifying animals as required, and that there is no possibility of disease being mechanically transmitted from the premises. All cattle and bison, except steers and spayed heifers in a quarantined feedlot shall be classified as exposed to brucellosis. The quarantined feedlot shall be maintained for feeding of cattle and bison for slaughter, with no provisions for pasturing or grazing. All negative exposed animals and all untested, test-eligible cattle must be permanently identified with a hot iron "S" brand either on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae) upon entering such feedlots. All cattle and bison, except steers and spayed heifers, leaving such feedlot must move directly to slaugher accompanied by a permit, directly to another quarantined feedlot accompanied by a permit from the State

animal health official, or, after being "S" branded at the feedlot, directly to a specifically approved stockyard to be sold for movement to slaughter or to another quarantined feedlot accompanied by a permit issued at the stockyard. However, finished fed heifers moving directly to recognized slaughtering establishments are exempt from the requirement for identification and the requirement to be accompanied by a permit. The animal health officials shall establish procedures for accounting for all animals entering or leaving such quarantined feedlots.

(oo) *Quarantined pasture.* (1) A quarantined pasture shall be a designated, confined grazing area under official State quarantine and shall be approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after inspection and after the owners of the pasture demonstrates that all animals are secure and isolated from contact with any other nonquarantined feedlot or pasture animals, that there are facilities for identifying the animals as required and that there is no possibility of disease being mechanically transmitted from the premises. The quarantined pasture shall be for the purpose of utilizing available forage to grow or to improve flesh condition of cattle. In all areas, these animal health officials shall request approval from the Deputy Administrator, Veterinary Services, APHIS, and justify the need. An intensified brucellosis eradication effort, which produces large numbers of exposed or adult vaccinated animals needing the grazing period to reach slaughter condition would be an acceptable justification. All animals, except steers and spayed heifers, in a quarantined pasture shall be classified as exposed to brucellosis. All cattle shall be of the same sex (e.g., all cows or all bulls), except that neutered animals may share the quarantined pasture. All animals except steers and spayed heifers must be permanently identified with a hot iron "S" brand either on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae) upon entering the quarantined pasture. All animals except steers and spayed heifers leaving the quarantined pasture must move to immediate slaughter at a recognized slaughtering establishment or to a quarantined feedlot. The movement shall be in accordance with established procedures for handling exposed animals, including issuance of "S" brand permits prior to movement.

(2) The State and Veterinary Services animal health official shall establish procedures for accounting for all animals entering or leaving the quarantined pasture. All exposed cattle must vacate the premises on or before the expiration of approval.

(pp) *"S" branded cattle or bison.* Cattle or bison which have been identified by branding with a hot iron the letter "S" at least 5cm x 5cm (2 x 2 inches) in size on the left jaw or high on the tailhead (over the fourth to the seventh coccygeal vertebrae).

(qq) *Official metal eartag.* A metal identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System. It provides unique identification for each individual animal.

(rr) *Market cattle identification (MCI) test animals.* Market test animals are test-eligible animals moving through auction markets, stockyards, or to slaughtering establishments. Also, they are those animals assembled at farms or ranches that are being readied for movement to markets, stockyards, slaughtering establishments or other places for sale, such as consignment or dispersal sales. Such animals shall be identified by eartag and/or backtag to the herd of origin prior to or at the first point of concentration in marketing channels.

(ss) *Approved brucella vaccine.*—A *Brucella abortus* Strain 19 product that is approved by and produced under license of the U.S. Department of Agriculture for injection into cattle and bison to enhance their resistance to brucellosis.

(tt) *Whole herd vaccination.* The vaccination of all female animals in a herd over 2 months of age, including animals older than the age for official calfhood vaccination, which may be vaccinated when their entire herd is authorized, by the State animal health official and by the Veterinarian in Charge, to be vaccinated with a reduced dose of vaccine.

(uu) *Official-vaccinate.* (1) In States administering a standard dose approved brucella vaccine containing a minimum of 25 billion live cells per 5 ml dose for calfhood vaccination: [1]

(i) *Official calfhood vaccinate.* Female cattle of a dairy breed vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with a standard dose approved *Brucella abortus* Strain 19 vaccine in accordance with its labeling while from 2 through 6 months (60 to 179 days) of age. Female cattle of a beef breed or female bison vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with a standard dose approved *Brucella abortus* Strain 19 vaccine in accordance with its labeling while from 2 through 10 months (60 to 299 days) of age: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official vaccinate.

(ii) *Official adult vaccinate.* Female cattle of a dairy breed vaccinated by a Veterinary Services representative, State representatative, or accredited veterinarian with an approved reduced dose *Brucella abortus* Strain 19 vaccine diluted as instructed jointly by the Veterinarian in Charge and the State animal health official while over 6 months (179 days) of age and as part of a whole herd vaccination plan authorized jointly by the State animal health official and Veterinarian in Charge. Female cattle of a beef breed or female bison vaccinated by a Veterinary Services representative, State representative, or accredited veterinarian with an approved reduced dose *Brucella abortus* Strain 19 vaccine diluted as instructed jointly by the Veterinarian in Charge and the State animal health official while over 10 months (299 days) of age and as part of a whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official adult vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official adult vaccinate.

(2) In States administering the reduced dose approved brucella vaccine containing at least 300 million and not more than 3 billion live cells per 2 ml dose for calfhood vaccination: [1]

(i) *Official calfhood vaccinate.* Female cattle of any breed or female bison vaccinated while from 4 through 12 months (120 through 365 days) of age by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose *Brucella abortus* Strain 19 vaccine diluted as instructed jointly by the Veterinarian in Charge and the State animal health official: *Provided, however,* That female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official vaccinate as incorporated by

[1] A listing of these States may be obtained from Veterinary Services, Federal Building, Room 814, Hyattsville, MD 20782.

reference into this part at the date of said vaccination, shall be deemed to be an official vaccinate.

(ii) *Official adult vaccinate.* Female cattle of any breed or female bison vaccinated when more than one-year (365 days) of age by a Veterinary Services representative, State representative, or accredited veterinarian with a reduced dose *Brucella abortus* Strain 19 vaccine diluted as instructed jointly by the Veterinarian in Charge and the State animal health official and as a part of whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge: *Provided, however,* That a female cattle or bison vaccinated prior to January 1, 1982, in accordance with the definition of an official adult vaccinate as incorporated by reference into this part at the date of said vaccination, shall be deemed to be an official adult vaccinate.

(vv) *Identification of vaccinates.*—(1) *Calfhood vaccinates.* Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartags. However, if already identified with an official metal eartag prior to vaccination, an additional tag is not required. Vaccination tattoos must be applied to the right ear. The tattoo must include the U.S. Registered Shield and "V", which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag must include the State numerical prefix as assigned by the National Uniform Eartagging System and a "V", followed by two letters and four numbers which will uniquely individually identify such vaccinated animal. Individual animal registered breed association registration tattoos or individual animal registered breed association registration brands may be substituted for official metal eartags.

(ii) *Adult vaccinates.* Animals which have been vaccinated over calfhood age in authorized "whole herd" vaccination herds shall be permanently identified as vaccinates by the following procedures:

(A) *Brucellosis affected herds and herds not Certified Brucellosis-Free but at high risk.* Animals will be identified by a "V" hot brand on the right jaw, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year, as well as official metal eartag (or individual animal registered breed association registration tattoo or individual animal registered breed association registration brand).

(B) *Certified Brucellosis-Free herds.* Animals will be identified by a "V" hot branded on the right jaw, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year as well as the official metal eartag (or individual animal registered breed association registration tattoo or individual animal registered breed association registration brand).

(ww) *Approved action plan or approved individual herd plan.* A herd management and testing plan which is designed by the herd owner, his veterinarian if so requested, and a veterinarian of the Cooperative Brucellosis Eradication Program to control and eventually eradicate brucellosis from an affected herd. Plans must be approved jointly by the State animal health official and the Veterinarian in charge. A similar plan for determining the true status of suspects and preventing exposure to brucellosis within the herd is also within the meaning of the term "Individual Herd Plan" or "Approved Action Plan."

(2) The plan must call for the most appropriate veterinary procedures and proven herd management procedures to control the spread of brucellosis within the herd and thereby eradicate the disease from the herd.

(xx) *Official seal.* A serially numbered, metal strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and which is applied by a representative of the Veterinarian in Charge or the State animal health official.

(yy) *Finished fed heifers.* Heifers in a quarantined feedlot which have been on full grain feed not less than 90 days.

3. Section 78.6 would be revised to read:

§ 78.6 Steers and spayed heifers.

Steers and spayed heifers of any age may be moved interstate from any area without restrictions under this subpart.

4. Section 78.8 would be revised to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle for immediate slaughter.* Finished fed heifers from quarantined feedlots moving directly to slaughter may move without restrictions. Other brucellosis-exposed cattle may be moved directly to a recognized slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment, only if such cattle are:

(1) Individually identified by a Veterinary Services approved metal eartag or a USDA backtag;

(2) Accompanied by a VS Form 1–27 permit or "S" brand permit; and

(3)(i) "S" branded before the animals leave the premises from which they move interstate; or

(ii) In the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3, they are identified with the letter "B" as prescribed in 9 CFR 51.5; or

(iii) If they are official adult vaccinates, they have been hot-iron branded "AV" or "V" on the right jaw; or

(iv) Moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services respresentative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinary Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the movement of such cattle from such stockyard directly to such slaughtering establishment if that movement is interstate.

(b) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle may only be moved directly to a quarantined feedlot or from a farm of origin directly through no more than one

specifically approved stockyard and then directly to a quarantined feedlot, and then only if such cattle are:

(1) Individually identified by a Veterinary Services approved metal eartag or a USDA backtag;

(2) Accompanied by a VS Form 1–27 permit or "S" brand permit; and

(3)(i) "S" branded before they leave the premises from which they move interstate, or

(ii) Officially adult vaccinated cattle and have been hot-iron branded "AV" or "V" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the movement of such cattle from any such stockyard directly to a quarantined feedlot if that movement is interstate.

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.* (1) Calves under 6 months of age which are being nursed by brucellosis exposed cows in a herd known to be affected with brucellosis, and which herd has been brucellosis tested within 10 days prior to the interstate movement of the calves, or calves under 6 months of age which have been weaned from brucellosis reactors or exposed cows not less than 30 days immediately preceding the interstate movement, may be moved interstate from any area into any area without restriction. Additionally, official vaccinates under 12 months of ago, and steers and spayed heifers of any age, in a herd known to be affected with brucellosis but which is following an approved individual herd plan may be moved interstate from any area into any area, without restrictions.

(2) Cattle that were moved interstate directly from a farm of origin to a specifically approved stockyard in accordance with the exception under §§ 78.9(b)(3)(iii) or (c)(3)(iii) and which have been subsequently determined to be brucellosis exposed animals, may be reshipped interstate directly back to the farm of origin under the following conditions:

(i) An authorized regulatory official of the State in which the animals are located and of the State to which the animals are to be moved advise Veterinary Services that such movement would not be contrary to the laws and regulations of their respective States;

(ii) The State to which the animals are to be moved agrees to quarantine the cattle on arrival and to provide for testing of all cattle on the farm of origin;

(iii) A permit for the shipment is obtained by the shipper from a Veterinary Services representative, State representative, or an accredited veterinarian upon a determination made by a Veterinary Services representative that the other conditions of this paragraph (§ 78.8(c)(2)) have been met; and

(iv) The cattle are accompanied to the farm of origin by such permit.

5. In § 78.9, paragraphs (a) and (b) would be revised and new paragraphs (c) and (d) would be added to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate only as follows:

(a) *Class Free States.* If such cattle originate from a farm of origin in a Class Free State, they may be moved interstate without being tested for brucellosis under this subpart. They must be accompanied by a certificate which states, in addition to the items specified in § 78.1(m), that the cattle originated in a Class Free State.

(b) *Class A States.* If such cattle originate from a farm of origin in a Class A State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfhood vaccinates of the dairy breeds under 20 months of age, they may be moved interstate without being tested for brucellosis. If such cattle originate from a farm of origin in a Class A State and are non-vaccinates over 18 months of age, are official calfhood vaccinates of the beef breeds over 24 months of age, are official calfhood vaccinates of the dairy breeds over 20 months of age, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* Such cattle may be moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment without being tested for brucellosis if identity to the farm of origin is maintained.

(2) *Movement to quarantined feedlots.* Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot without being tested for brucellosis if identity to the farm of origin is maintained.

(3) *Movement other than in accordance with paragraphs (b)(1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b)(1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate, which states, in addition to the items specified in § 78.1(m), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement, and accompanied interstate by a certificate, and the certificate shows in addition to items required under § 78.1(m), the test dates and results of the official brucellosis tests; or

(iii) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle may be moved to another premise without testing or a certificate so long as the ownership does not change.

(c) *Class B States.* If such cattle originate from a farm of origin in a Class B State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfhood vaccinates of the dairy breeds under 20 months of age, they may be moved interstate without being tested for brucellosis. If such cattle originate from a farm of origin in a Class B State and are non-vaccinates over 18 months of age, or are official calfhood vaccinates of the beef breeds over 24 months of age, or are official calfhood vaccinates of the dairy breeds over 20 months of age, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* (i) Such cattle may be moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly to a specifically approved stockyard for sale for direct movement to a recognized slaughtering establishment without being "S" branded and without being accompanied by an "S" brand permit. (ii) Such cattle from other than a farm of origin may also be moved interstate directly to a recognized slaughtering establishment if they are tested and found negative to an official test for brucellosis immediately prior to movement, or if they are "S" branded and accompanied by an "S" brand permit. (iii) Such cattle from other than a farm of origin may also be moved for

immediate slaughter without being "S" branded, if they are accompanied by a VS Form 1–27 permit and are moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by other persons authorized for this purpose by the Veterinary Services representatives.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved to a quarantined feedlot directly from a farm of origin without being "S" branded and without being accompanied by an "S" brand permit if such cattle are "S" branded upon arrival at the quarantined feedlot, or directly from a farm of origin to a specifically approved stockyard for sale, and direct movement to a quarantined feedlot without being "S" branded and without being accompanied by an "S" brand permit. (ii) Such cattle from other than a farm of origin may also move interstate directly to a quarantined feedlot if they are tested and found negative to an official test immediately prior to the movement, or if they are "S" branded and accompanied by an "S" brand permit.

(3) *Movement other than in accordance with paragraphs (c) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (c) (1) and (2) this section only if:

(i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate, which states, in addition to the items specified in § 78.1(m), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to interstate movement, are accompanied interstate by a certificate which shows in additions to items required under § 78.1(m), the test dates and results of the official brucellosis tests, and if such cattle are accompanied interstate by a "Permit for Entry;" or

(iii) Such cattle are moved directly form a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard, but prior to losing their identity with the farm of origin. These tested cattle shall be accompanied by a certificate which shows, in addition to the items required under § 78.1 (m), the dates and results of any official test required by this paragraph and shall be accompanied by a "Permit for Entry;" or

(iv) Such cattle originate from herds in which: (A) all the cattle were subjected to a complete heard test for brucellosis within 12 months of the dated of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

(d) *Class C State.* If such cattle originate from a farm of origin in a Class C State and are non-vaccinates under 18 months of age, or are official calfhood vaccinates of the beef breeds under 24 months of age, or are official calfood vaccinates of the dairy breeds under 20 months of age, they may be moved interstate without restrictions under this subpart, unless they have calved. It such cattle originate from a farm of origin in a Class C State and are non-vaccinates over 18 months of age, or are official calfhood vaccinates of the beef breeds over 24 months of age, or are official calfhood vaccinates of the dairy breeds over 20 months of age, they may only be moved interstate from such area under the conditions specified below:

(1) *Movement for immediate slaughter.* (i) Such cattle from Certified Brucellosis-Free Herds may move to recognized slaughtering establishments or to specifically approved stockyards for sale for movement to immediate slaughter at a recognized slaughtering establishment without being tested for brucellosis if identity to the Certified Brucellosis Free Herd is maintained. (ii) Such cattle may be moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or to a specifically approved stockyard for sale for movement to a recognized slaughtering establishment without being "S" branded and without being accompanied by an "S" brand permit. (iii) Such cattle from other than a farm of origin may also be moved interstate directly to a recognized slaughtering establishment, it they are "S" branded and are accompanied by an "S" brand permit. (iv) Such cattle from other than a farm of origin may also be moved interstate for immediate slaughter to a recognized slaughtering establishment without being "S" branded, if they are accompanied by a VS Form 1–27 permit and are moved in vehicles closed with official seals. Official seals shall only be applied or removed by a Veterinary Services representative, a State representative, an accredited veterinarian, or by other persons authorized for this purpose by the Veterinary Services representatives.

(2) *Movement to quarantined feedlots.* (i) Such cattle may be moved to a quarantined feedlot directly from a farm of origin without being "S" branded and without being accompanied by an "S" brand permit if such cattle are "S" branded upon arrival at the quarantined feedlot, and such cattle may be moved directly from a farm of origin to a specifically approved stockyard for sale and movement to a quarantined feedlot without being "S" branded and without being accompanied by an "S" brand permit. (ii) Such cattle from other than a farm of origin may also move interstate directly to a quarantined feedlot if they are "S" branded and accompanied by an "S"brand permit.

(3) *Movement other than in accordance with paragraphs (d) (1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d) (1) or (2) of this section only if: (i) Such cattle originate in Certified Brucellosis-Free Herds and they are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1(m), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are official vaccinates of the beef breeds under 24 months of age or of the dairy breeds under 20 months of age and are accompanied interstate by a certificate; or

(iii) Such cattle, except calves under 6 months of age, have been subjected to two consecutive official negative tests for brucellosis with the first test not less than 60 days before interstate movement and the second test not less than 60 days after the first test nor more than 30 days before the date of the interstate movement, provided however, that the time period for the first test is valid up to 12 months. These tested cattle shall be accompanied by a certificate which shows, in addition to the items required under § 78.1(m), the dates and results of any official test required by this paragraph and shall be accompanied by a "Permit for Entry;" or

(iv) Such cattle are official vaccinates of the beef breeds over 24 months of age or of the dairy breeds over 20 months of age, have been subjected to an official test for brucellosis not more than 30 days before the date of interstate movement, and such cattle are accompanied by a certificate which shows in addition to the items required under 78.1(m), the date and results of the official test required by this paragraph, and shall be accompanied by a "Permit for Entry;" or

(v) Such cattle, except calves under 6 months of age, have been subjected to an official negative test for brucellosis not less than 60 days nor more than 1 year before the interstate movement, are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard but prior to losing their identity with the farm of origin. These cattle shall be accompanied by a document which shows the date and results of the official test required to be administered prior to interstate movement; or

(vi) Such cattle, which are official vaccinates of the beef breeds over 24 months of age or of the dairy breeds over 20 months of age, are moved directly from a farm of origin to a specifically approved stockyard and the owner causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard but prior to losing their identity with the farm of origin. These cattle shall be accompanied interstate by a document which shows the date of vaccination; or

(vii) Such cattle originate from herds in which: (A) all the cattle were subjected to a complete herd test for brucellosis within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

§§ 78.10 and 78.11 [Removed and Reserved]

6. Sections 78.10 and 78.11 would be removed and designated "reserved."

§§ 78.14, 78.16, 78.17 and 78.18 [Nomenclature Change]

7. Subpart C, Restrictions on Interstate Movement of Bison Because of Brucellosis, is amended by removing the word "Area" and inserting in its place the word "State" wherever it appears in §§ 78.14, 78.16, 78.17, and 78.18.

8. In § 78.16 a new paragraph (c) is added to read as follows:

§ 78.16 Brucellosis exposed bison.

* * * * *

(c) *Movement of brucellosis exposed bison other than in accordance with paragraph (a) or (b) of this section.* (1) Bison calves under 6 months of age which are being nursed by brucellosis exposed bison cows in a herd known to be affected with brucellosis, and which herd has been brucellosis tested within 10 days prior to the interstate movement of the calves, or bison calves under 6 months of age which have been weaned from brucellosis reactor or exposed bison cows for not less than 30 days immediately preceding the interstate movement, may be moved interstate from any area into any area without restriction. Additionally, official vaccinates under 12 months of age and steers and spayed heifers of any age in a herd known to be affected but which is following an approved individual herd plan may be moved interstate from any area into any area without restrictions.

9. Section 78.20 would be revised to read:

§ 78.20 State classifications.

(a) Class Free.
(b) Class A.
(c) Class B.
(d) Class C.

§§ 78.21 and 78.22 [Removed and Reserved]

10. Sections 78.21 and 78.22 would be removed and reserved.

11. Section 78.22a would be revised to read:

§ 78.22a Quarantined areas.

Notice is hereby given that because of the existence of the contagion of brucellosis and the nature and extent of such contagion in certain areas which do not have control and eradication procedures adequate to prevent the interstate dissemination of the disease, the following areas are quarantined:

The entire State of Texas.

12. Section 78.25(a) would be revised to read:

§ 78.25a Designations of States and approved stockyards.

(a) The Deputy Administrator, Veterinary Services, is authorized to amend §§ 78.20, 78.21, and 78.22 to designate States as Class Free, Class A, Class B, or Class C, when he determines that the areas come within the appropriate definitions in §§ 78.1 (s), (t), (u), or (v), and to delete any State from any such list when he determines that the area no longer comes within the relevant definition.

13. Section 78.29 would be revised to read:

§ 78.29 Brucellosis testing of breeding swine.

(a) Breeding swine from Validated Brucellosis Free Herds and Validated Brucellosis Free Areas may be moved interstate for other than slaughter only if they are accompanied by a certificate and the certificate states that they originated in either a Validated Brucellosis Free Herd or in a Validated Brucellosis Free area.

(b) Breeding swine from nonvalidated brucellosis free herds in nonvalidated brucellosis free areas may be moved interstate for other than slaughter only if they have been officially tested negative for brucellosis and found to be negative within 30 days prior to interstate movement and are accompanied interstate by a certificate which shows, in addition to items required under § 78.1(m), the dates and the results of the official brucellosis test.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 19th day of January 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc 82-1080 Filed 1-22-82; 8:45 am]
BILLING CODE 3410-34-M

V
4
7
1
6
J
A
2
5
8
2

federal register

Monday
January 25, 1982

Part IV

Securities and Exchange Commission

Net Capital Requirements for Brokers and Dealers; Borrowing and Lending of Securities by Brokers and Dealers and Related Requirements; and Treatment of Fails To Deliver and Fails To Receive Under the Uniform Net Capital Rule and the Customer Protection Rule; Amended and Proposed Rules

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18417; File No. S7-855]

Net Capital Requirements for Brokers and Dealers; Amended Rules

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to net capital rule.

SUMMARY: The Commission is amending portions of the net capital rule. The amendments will lower the required minimum percentage of net capital to aggregate debit items under the alternative method of computing net capital. The amendments will also affect the computation of net capital under either the basic method or the alternative method.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Division of Market Regulation (202) 272-2372, 500 N. Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In October 1980, the Commission proposed for comment a number of far-reaching amendments to its net capital rule for brokers and dealers ("the Concept Release").[1] Those amendments would have substantially reduced the amount of liquid capital required to be maintained by those firms which have elected the alternative method of computing net capital. In a companion release, the Commission proposed for comment new haircut schedules for debt securities.[2] In the Concept Release, the Commission also solicited comment on a broad range of questions regarding the financial responsibility standards for brokers and dealers in its reexamination of the scope, adequancy and necessity of those rules. The Commission received thoughtful and helpful comments from self-regulatory organizations, industry groups and from several brokers and dealers. In light of these comments, the Commission has determined to modify its initial proposal and to adopt the amendments described below. The Commission has also issued three associated releases which deal with subsidiary questions relating to the net capital rule.

[1] Securities Exchange Act Release No. 17208 (Oct. 9, 1980), 45 FR 69915 (Oct. 22, 1980).

[2] Securities Exchange Act Release No. 17209 (Oct. 9, 1980), 45 FR 69911 (Oct). 22, 1980) ("the Haircut Release").

I.

Capital standards based upon liquidity for brokers and dealers have been in effect since at least 1934 when the Securities Exchange Act was adopted. Section 8(b) of the original Act made it unlawful for a member of a national securities exchange to allow "in the ordinary course of business as a broker" its aggregate indebtedness to all other persons to exceed such percentage of the net capital employed in the business (but not exceeding in any case 2000%) as the Commission may by rules prescribe as necessary or appropriate. The primary purposes of this section was to prevent a broker from operating on a "shoestring."[3] Because of inherent limitations in the wording of Section 8(b), it never was more than a general standard of conduct for the securities business.

In 1938, Congress enacted Section 15(c)(3) of the Securities Exchange Act which authorized the Commission to adopt financial responsibility standards for brokers and dealers. In 1942, the Commission adopted Rule X-15C3-1 which incorporated the aggregate indebtedness standards of Section 8(b). The rule exempted from coverage members of national securities exchanges whose rules and practices imposed minimum capital requirements more comprehensive than those of the Commission. In succeeding years, the Commission was generally satisfied with the financial responsibility program. During the years 1967-1970, however, the securities industry underwent an unprecedented financial and operational crisis. That crisis is extensively detailed in the Commission's Study of Unsafe and Unsound Practice of Brokers and Dealers [4] which the Commission was called upon to prepare for the Congress under Section 11(h) of the Securities Investor Protection Act of 1970. Referring to the operational crisis of the late 1960's, the Study exposed the structural weaknesses of an industry which could not withstand "the stresses and strains placed upon it by events of virtual hurricane force."[5] Out of this period emerged a number of legislative and administrative proposals designed to prevent recurrence of the resulting problems.

The first major development was the passage of the Securities Investor Protection Act of 1970 which was designed to give investors who dealt with brokers and dealers additional protections for their funds and securities, in the event of the insolvency of a broker or dealer. Therein Congress provided additional authority to the Commission to adopt rules relating to the acceptance of custody and use of customer securities and the carrying and use of customers' deposits and credit balances. Pursuant to this authority, the Commission adopted Rule 15c3-3 which requires a broker or dealer to have and maintain possession or control of all fully-paid and excess margin securities carried by it for the account of customers and to use customers' funds or customers related funds only in "safe" areas of its business of its business related to financing customer transactions and to deposit in a separate bank account any such funds not so used.

In the meantime the Commission also adopted Rule 17a-13 which requires quarterly counts of securities by brokers and dealers in their possession or control, in order to establish a minimum standard as to the location of securities for brokers and dealers. The Commission also improved its early-warning system to require a broker or dealer to report immediately any net capital violation or the lack of current books and records. The Commission, in addition, revised its reporting provisions to provide for more detailed surveillance of brokers and dealers and to coordinate effectively the examination programs of the Commission and the self-regulatory organizations.

Finally, the Commission, responding to Congressional concern, substantially reformed its net capital rule. The Commission eliminated the exemption in its prior net capital rule for all members of national securities exchanges and made virtually all registered brokers and dealers subject to the Commission's capital requirements.[6] The reformed rule continued the basic liquidity concept under which the securities industry had operated for many years. That concept requires a firm to have and maintain designated minimum amounts of liquid assets in relation to its aggregate indebtedness. In addition, the Commission introduced an alternative method to measure the capital adequacy of brokers and dealers. The alternative method linked the capital requirement of a broker or dealer

[3] *See, for example,* House Hearings on H.R. 7852 and 8720, 73rd Cong., 2nd Sess. (1934) at 87.

[4] *See* Securities and Exchange Commission, *Study of Unsafe and Unsound Practices of Brokers and Dealers,* H. Doc. No. 92-231, 92nd Cong., 1st Sess. (1971) [hereinafter cited as "Unsafe and Unsound Study"].

[5] *Id.* at 11.

[6] Section 15(c)(3) of the Act was amended by the Securities Acts Amendments of 1975 to require the Commission, by September 1, 1975, to establish minimum financial responsibility requirements for all brokers and dealers.

to its customer related business as measured by the requirement of Rule 15c3–3. These reforms were significant steps in the Commission's continuing efforts to structure its rules to provide adequate protection for customers' assets while recognizing the industry's need for flexibility in efficiently allocating capital resources.

The Commission's present net capital rule requires that a broker's or dealer's "aggregate indebtedness" never be more than 1500% of its "net capital," as those terms are defined in the rule. Net capital essentially means the net worth of a broker or dealer reduced by prescribed percentages of the market value of securities owned by the broker or dealer ("haircuts") and reduced by other assets not readily convertible into cash, but including certain subordinated debt, i.e., net liquid assets. Aggregate indebtedness inlcudes all the money liabilities of a broker or dealer, except certain specifically described items. In essence, the rule requires a broker or dealer to cover each dollar of its liabilities with not less than one dollar and six and two-thirds cents of liquid assets.

The alternative method of computing net capital requires a broker or dealer to maintain minimum net capital equal to the greater of $100,000 or 4% of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers under Rule 15c3–3 ("Reserve Formula"), 17 CFR 240.15c3–3a. The debit items in the Reserve Formula represent monies owed the broker or dealer in relation to customer transactions. The alternative method is founded on the concept that if the debit items in the Reserve Formula can be liquidated at or near their contract values, these assets, along with any cash required to be on deposit under the net capital rule, will be sufficient to satisfy all customer-related liabilities (which are represented as credit items in the Reserve Formula). As an additional safeguard, election of the alternative method requires a firm to reduce by 3% its aggregate debit items to provide, in essence, a bad debt reserve of firm capital to assure adequate resources to pay customer claims. Election of the alternative also requires that operational charges (stock record differences and suspense account items) be reflected in the Reserve Formula after seven business days, rather than after 30 business days, as permitted for those firms which have not elected the alternative method. These limitations, whether under the basic or the alternative method, allow a firm to increase its customer commitments only insofar as its net capital can support the increases.

Tables three through six of the Commission's Concept Release provide a financial profile of firms electing the alternative and basic methods of computing net capital. Most brokers and dealers utilize the basic method for complying with the net capital rule. As Tables three and four indicate, 139 of the 374 NYSE member firms conducting a public business as of December 31, 1979 were using the alternative method for the computation of net capital. These 139 firms accounted for 68% of the aggregate assets, 76% of the aggregate equity capital, and 81% of the aggregate revenues of the 374 NYSE firms conducting a public business. Of the classified NYSE member firms, all ten national full line firms elected the alternative capital approach, while 57 regional firms (48% of NYSE member firms classified as regional) utilized this method.[7]

Only 44 of the 2,066 brokers and dealers that conducted a public business as of December 31, 1979, and who were not members of the NYSE used the alternative method for computing net capital (*See* Tables five and six in the Concept Release). These 44 firms were, on average, substantially larger than the 2,022 firms using the basic method.

In this release, the Commission is adopting changes to the net capital rule which will affect not only the alternative method but also the basic method. Under the amendments, the net capital rule will still require, for the protection of customers, a cushion of liquid assets beyond the "net" amount of liquid assets needed to offset a broker's or dealer's liabilities.

The amendments will lower the ratio of required net capital to aggregate debit items. The amendments will also change the existing early warning levels. Finally, the amendments will modify the present treatment of certain items in the computation of net capital which will be applicable to firms using either the basic or alternative method. Other proposed amendments discussed in the companion releases will affect the treatment of certain debit items in the Reserve Formula, excluding those items from the computation of aggregate debit items, thereby further lowering the minimum net capital requirement under the alternative method.

The most significant issue before the Commission is whether the required ratio of net capital to aggregate debit items should be lowered from the present 4%. The Securities Industry Association (the "SIA") has recommended that the percentage be reduced to 2%. As a corollary, the SIA urges the Commission to lower the existing early warning levels, reasoning that otherwise there would be no effective lowering of the net capital required since prudent firms strive to stay above the early warning thresholds.

A. Lowering of the Percentage

Initially, the SIA proposed that the ratio of net capital applicable to item 10 debits be lowered from 4% to 2%. The "item 10 debits" are the debit balances in customers' cash and margin accounts or, more simply, the amount of money which customers owe the broker or dealer. The Commission proposed for comment a reduction to 3% and only as to the balances in margin accounts, not in cash accounts. The limitation as to margin accounts were premised on the theory that these accounts were adequately secured if in compliance with the maintenance margin rules of the appropriate self-regulatory organization.

The SIA in its comments to the Commission's proposal now recommends that the Commission reduce the minimum net capital requirement under the alternative method from 4% to 2% on all Reserve Formula debit items. It states that for the firms it observed it would require an inordinate operational effort to apply varying percentages to different debit items for purposes of computing net capital under the alternative method. In addition, for most firms, these remaining debits represent only a small portion of the total debits.

The Commission agrees with the SIA that any reduction in the required ratio should apply to all of the debit items. It is not, however, because the other debits are insignificant in amount. As to one large retail firm, those non-item 10 debits amounted to $207,000,000 or about 20% of its total debit items. Rather, for the sake of more simple calculations and manageability by all firms large and small, it is reasonable to extend the reduction to all debit items.

The main question before the Commission is whether the present ratio of net capital to aggregate debit items imposes an unwarranted requirement of liquid assets. This question is not easily

[7] National full line firms conduct a general securities business and have a nationwide branch office network. Regional firms, on the other hand, confine their activities to a more limited geographic area. For further information on classified NYSE member firms, *See* Chapter three Securities and Exchange Commission, *Staff Report on the Securities Industry in 1979*, September 1980.

answered. As the Commission said in its original proposal:

> Initially, it must be noted that there is not necessarily any direct correlation between the 4% figure presently in the Rule and the amount of liquid capital required to protect customers. That figure was selected based on judgments inferred from the then-existing system.

Essentially, the SIA's arguments in support of its recommendations are two fold:

A. The debit items in the formula are by and large collectable.

B. The pivotal development has been the emergence of Rule 15c3–3, the Customer Protection Rule, as the centerpiece of the Commission's financial responsibility program.

Neither point, however, is entirely conclusive in determining whether the liquidity requirements of the net capital rule should be lowered.

Collectability of Debits

The SIA states that statistics it has obtained indicate that even a 2% minimum net capital requirement would be more than adequate to account for the risk posed by item 10 debits.

The purpose of the net capital rule, however, is to ensure the ability of the broker or dealer promptly to pay its liabilities, particularly to customers. It requires the broker or dealer to be liquid at all times. When the Commission originally designed the Rule 15c3–3 formula it assumed that the debit items were fully collectable. It would have been inappropriate to allow the use of customer funds (the credits) to finance transactions which would result in uncollectable receivables. Thus, tying the net capital cushion to the collectability of these receivables mixes two concepts whose objectives are not entirely consistent. The capital cushion was designed to guard against the insolvency of a firm which could result from other losses.

The net capital rule establishes a minimum standard upon which customers and the industry can rely. Moreover, the liquidity cushion acts as a deterrent to the recurrence of those particular problems pointed out in the Unsafe and Unsound Study by dampening the degree of leverage a broker or dealer may achieve through its use of customers' assets.

Rule 15c3–3

The SIA also contends that the net capital rule is of lessened importance with the "success" of Rule 15c3–3. It states:

> To leave the uniform Rule substantially unchanged would be to disregard both the full extent of the protections afforded customers by Rule 15c3–3 and the Commission's own aim of placing less reliance on the uniform Rule after gaining operational experience with Rule 15c3–3. At this advanced date, that experience indicates that Rule 15c3–3 has succeeded to the point that it has been ready for some time to shoulder more of the Commission's financial responsibility regulation mandate.

The Commission has often expressed its desire to consider alternatives to the liquidity concept in the net capital rule. However, the present Rule 15c3–3, by itself, is not an adequate financial responsibility test. There are serious theoretical and practical limitations to its substitution for the net capital rule. First, as to the possession and control requirements of Rule 15c3–3, there are pronounced delays between the time when a decision is made that a security must be in possession or control and the time it must actually be in possession or control. As to the formula, the computation is made only once a week and there is a ten-day period between one computation and the next required deposit. Beyond that, however, examinations by the Commission and self-regulatory organizations have found substantial and continuing violations of Rule 15c3–3 and an apparent lack of understanding of the rule among some brokers and dealers some eight years after the rule's adoption.

Finally, it should be noted that many of the firms that have been liquidated under SIPC proceedings did not make the required deposits as they approached financial difficulty.

While limitations of the regulatory framework suggest caution, there are other factors which have led the Commission to believe that a lowering of the minimum percentage requirement from 4% to 2% is appropriate. Since 1975, the year the present net capital rule was adopted, brokers and dealers have exhibited a willingness to commit their capital to back-office improvements. Brokers and dealers have improved their ability to handle, without bookkeeping or other operational difficulties, heavy trading volume. Their inability to do this in the 1968–1970 period was an important factor in the demise of many brokers and dealers. Moreover, most brokers and dealers that compute net capital using the alternative method clear significant portions of their business through clearing agencies which reduces their exposure to losses and increases their efficiency. In addition to these operational improvements, the Commission and self-regulatory organization surveillance programs have been upgraded and the NYSE and the NASD have indicated that they intend to improve their surveillance techniques further.

Perhaps of equal importance is that the early warning rules of the Commission and the self-regulatory organizations will be set significantly above the 2% minimum now adopted. Based on these factors and the protections of Rule 15c3–3, as well as the Commission concern that there should be no unwarranted capital requirements to protect investors, the Commission in its judgment believes that a reduction from 4% to 2% is appropriate. The reduction will enable firms to reallocate capital without creating undue risks to investors.

B. Early Warning Levels

Although the net capital rule presently requires a broker or dealer to maintain net capital equal to only 4% of aggregate debit items, the rule contains other provisions restricting certain aspects of the broker's or dealer's business, if its net capital falls below 7% of aggregate debit items.[8] In addition, Rule 17a–11 requires a broker or dealer to file prescribed reports with the Commission if its net capital falls below 6% of aggregate debit items.

Since prudent brokers or dealers maintain sufficient net capital to avoid falling below these early warning levels, it would provide no relief for those firms if the Commission lowered the basic requirement of 4% without adjusting these early warning levels. In the Concept Release, the Commission proposed that these levels be replaced with amounts equal to 175% and 150%, respectively, of the amount of minimum net capital required. The NYSE has advised the Commission that it proposes to lower its own early warning test set forth in the Rule 325(b) to 5% of aggregate debit items if the minimum level under the alternative method is lowered to 2%. This appears to be a reasonable accommodation which the Commission believes should be incorporated into its own early warning system. The 3% cushion should be sufficient to provide advance warning of a possible impending failure of a broker or dealer and adequate time to initiate corrective action. Thus, the capital lock-in provisions of Rule 15c3–1(e), the restrictions in Appendix D and the early warning reporting requirements of Rule 17a–11 will be amended to be set at levels of 5% of aggregate debit items.

[8] Some restrictions become effective only when the firm's net capital falls below 6% of aggregate debit items.

III

Minimum Requirement

Election of the alternative method, as discussed above, requires that a broker of dealer maintain net capital of at least $100,000. In the Concept Release, the Commission announced its intention to consider lowering the minimum from $100,000 to $25,000. This reduction, the Commission noted, would result in equivalent minimum net capital requirements for non-introducing brokers and dealers that carry customer accounts, whether they comply with the aggregate indebtedness test (the basic method) or the aggregate debit items test (the alternative method). The Commission noted that consideration should be given to lowering the minimum in stages, and proposed for comment a new minimum of $75,000 for brokers and dealers electing the alternative method. Further, the Commission stated that, if the reduction was adopted, it would monitor the impact through FOCUS data and the review of SIPC liquidations and periodic on-site examinations of brokers and dealers.

Upon further review, the Commission has determined not to lower the minimum at this time for brokers and dealers electing the alternative method. The Commission notes that the $100,000 requirement has been substantially eroded by inflation.[9] The minimum level of required net capital was set originally because the alternative method's percentage requirements are based on customer-related receivables rather than liabilities. Thus, it was feared that a firm could expand its liabilities without limitation, thereby jeopardizing its solvency. The Commission sees no reason to alter its views on this matter.

IV

Short Securities Differences

Paragraph (c)(2)(v) of the uniform net capital rule requires brokers and dealers to deduct from net worth in computing net capital the market value of all short securities differences [10] that are unresolved for seven business days after discovery and the market value of long securities differences [11] where such securities have been sold by the broker or dealer before they are adequately resolved (less any reserves established therefor). Generally, the broker or dealer discovers these differences by performing a "box-count" and reconciling the results of the "box-count" with its books and records as required by Rule 17a–13.

Paragraph (c)(2)(v) of the net capital rule was promulgated in response to the industry's poor performance in the resolution of short securities differences during the "Paperwork Crisis" of 1968–70.[12] It was designed to provide an incentive to brokers and dealers to resolve short securities differences within a short time after discovery before the differences became impossible to trace. Potentially, if the securities are not located, the broker or dealer will be obligated to buy the missing securities in the open market to make delivery.

The Commission has determined that requiring a 100% deduction for unresolved short securities differences after seven business days is no longer warranted, although it should not be inferred that maintenance of current and accurate records and of adequate internal controls is being de-emphasized. As has recently been demonstrated, a broker or dealer can still encounter the same kind of recordkeeping problems that undermined many brokers and dealers from 1968 to 1970. It appears to the Commission from data submitted [13] that short securities differences are largely resolved over a period of time, although the data received relate to firms which have not failed. The scaling of deductions for short securities differences reflects more accurately the experience of brokers and dealers and, at the same time, adequately provides the necessary safeguards and incentives.

Furthermore, the early deduction may inhibit corrective action by a broker or dealer suffering severe and sudden operational problems. A broker or dealer faced with such a situation may be compelled to assign its personnel to research particular short securities differences in order to avoid potential capital charges rather than assign its personnel perhaps more productively to correct the underlying problems which gave rise to the operational problems.

While the NYSE recommended a different scaling than now adopted,[14] the Commission has determined to adopt a scaling that is compatible with the requirements of Rule 15c3–3(h) which generally requires broker-dealers to "buy-in" all unresolved short securities differences by at least the 45th calendar day after the discovery date. Forty-five calendar days is equivalent to approximately 30 business days. Under the scale proposed by the NYSE, if the broker or dealer is in compliance with Rule 15c3–3(h), the full capital charge would not be meaningful because the broker or dealer would have been required to buy in the short securities difference by the 28th business day or long before the 45th business day, the day on which a 100% deduction would be required under the NYSE scale. Consistent with Rule 15c3–3(h), the outer limits of the Commission's scale will be set at 28 business days. Since 28 business days is equal to approximately 40 calendar days, a broker or dealer would be required to have liquid assets equal to the short securities differences five days prior to the 45th calendar day, the day by which the broker or dealer would be required to "buy-in" short securities differences under Rule 15c3–3(h). The time periods specified in the scale (7, 14, 21 and 28 business days), will still provide a substantial incentive to brokers and dealers to review and eliminate their short securities differences. Finally, it appears prudent and less confusing to provide for equal increases of deductions from the market values of short securities differences at each successive level of the scale.[15]

In response to the need for flexibility to respond to sudden and unexpected occurrences, the amended rule provides

---

[9] The present value of $100,000 is about $65,000, as compared to 1975.

[10] "Short securities differences" occur where the securities record of a broker or dealer shows an obligation for a particular number of securities but which it is unable to locate.

[11] "Long securities differences" refer to situations where the "box-count" reveals securities in the broker's or dealer's possession or control, the owner of which is unknown.

[12] *See* Unsafe and Unsound Study at 100–104.

[13] The results of the study indicated that short securities differences and other unresolved items as reported by brokers and dealers in quarterly FOCUS filings from December 1979 through December 1980 ranged between $13.9 million and $100.7 million. Losses actually sustained during this period, however, were reported to be only $599 thousand.

[14] The NYSE proposed the following schedule:

Differences [1]	Number of business days after discovery
20 percent	10
40 percent	20
50 percent	30
100 percent	45

[1] Percentage of market value of short securities differences.

[15] The adopted scale is as follows:

Differences [1]	Number of business days after discovery
25 percent	7
50 percent	14
75 percent	21
100 percent	28

[1] Percentage of market value of short securities differences.

that, under appropriate circumstances, the examining authority for a broker or dealer can provide limited relief from the requirements of the rule. This flexibility would afford customer protection and also provide an opportunity to rehabilitate the broker's or dealer's operations under the oversight of an independent third party.[16] The self-regulatory organization of course is expected to notify the Commission if it grants an extension without which the broker or dealer in whose favor the extension was granted would have been compelled to send telegraphic notice to the Commission pursuant to Section 17a–11 because not in compliance with the net capital rule.[17]

V

Subordinated Loans

Appendix D to Rule 15c3–1 sets forth the minimum and non-exclusive requirements for satisfactory subordination agreements. Among other things, no prepayment or any payment of a payment obligation may be made (except under the strictly defined limitations of paragraph (c)(5) of Appendix D) before the expiration of one year from the effective date of the subordination agreement. This provision was designed to insure the adequacy as well as the permanence of capital in the industry.

Over the years, it has been suggested by both the self-regulatory organizations and brokers and dealers that firms meeting certain criteria be permitted to make use of "Revolving Subordinated Loan Agreements." Under the terms of such agreements, brokers and dealers are permitted to make subordinated borrowings which can be repaid at any time without penalty. The agreements would conform in all other respects to the requirements of Appendix D.

With limitations, the suggestion appears not to contravene the net capital rule's objectives. The NYSE has suggested criteria which appear to be appropriate. Accordingly, Appendix D to Rule 15c3–1 will be amended to permit any broker or dealer to prepay any borrowings arising out of a Revolving Subordinated Loan Agreement which could be prepaid at any time upon approval by the designated examining authority so long as:

1. The intended prepayment, along with other intended repayments and scheduled repayments of capital during the succeeding six months would not result in a capital ratio greater than 900% (if the broker or dealer is on the basic method) or a net capital percentage less than 6% of aggregate debit items (if the broker or dealer has elected the alternative method), or net capital less than 200% of the minimum dollar requirement (under either method); and

2. Pre-tax losses during the latest three month period equaled less than 15%[18] of current excess net capital.[19]

VI

Liquidity Concept

There are several additional proposals advocated by the SIA which would substantially lower the net capital requirements and which the Commission believes are not consistent with the liquidity concept of the net capital rule and therefore should not be wholly adopted, at least at this time.[20]

A. Exchange Memberships

The SIA has recommended that the current value of a firm's exchange seat, less appropriate haircuts, be includable in a firm's net capital. Under the present rule, the value of an exchange membership is considered a non-liquid asset which must be deducted from a firm's net worth. The SIA in its initial report argued that exchange memberships should be included in net capital because they are easily marketable.

The Commission, in its Concept Release, asked for additional comment on this recommendation noting that "though in most cases they may be readily sold at some price, because of the priorities set forth in exchange rules, it is not certain what amount of the proceeds would benefit customers."

In responding generally, the SIA noted the success of Rule 15c3–3 as the centerpiece of the Commission's financial responsibility program and then stated,

> This in turn indicates that the liquidity concept, and with it the notion that assets are properly allowable only to the extent that they will unconditionally inure to the benefit of customers upon liquidation, can be deemphasized. Rather, the question becomes to what extent a particular asset contributes to a level of financial viability sufficient to assure the completion of transactions among professionals (footnote omitted). In this light, the priority rules governing the disposition of the proceeds from the sale of exchange memberships are, if anything, a factor in favor of their allowance for purposes of the Rule.

The SIA submitted historical data which focuses on the fluctuation in value of exchange memberships, rather than their ready liquidity. The SIA concluded that this data demonstrated that it was unnecessary to deduct the entire value of an exchange membership in terms of the purposes of the net capital rule and that their present treatment under the net the net capital rule was both overcautious and presented particular difficulties for those smaller firms which commit a high portion of their net worth to exchange memberships recommendation to specify a 33⅓% haircut on exchange memberships.

Historically, the value of exchange memberships have not been included in a firm's net capital. The Securities Exchange Act, as originally enacted provided in Section 8(b) that firms must exclude only two items from net capital—fixed assets and *the value of exchange memberships.* This exclusion has continued into the present net capital rule. Further, two major exchanges did not allow member firms to include the value of memberships under their own rules concerning the computation of net capital.[21]

To allow the inclusion of exchange memberships in a firm's net capital would deemphasize the net capital rule's liquidity concept, the essential characteristic of the rule. Because of the substantial reduction in the required percentage of net capital for firms electing the alternative method, already discussed, the Commission does not believe that it would be appropriate to reduce the liquidity requirements further.

B. Receivables

Consistent with the concept of liquidity, Rule 15c3–1(c)(2)(iv) requires a broker or dealer in computing net capital to deduct from net worth "assets

---

[16] No proposal was made concerning long securities differences, and the Commission is unaware of any reason to change that provision.

[17] It should be noted that the provisions of Rule 17a–13 are not being amended.

[18] The NYSE recommended that 5% should be the criteria.

[19] The appropriate SRO must of course assure itself that the borrowings and repayments are being made for legitimate business purposes.

[20] In the Concept Release, the Commission solicited public comment on the SIA's recommendation that, for purposes of the Reserve Formula, a firm short position that allocates to a customer debit should be treated in the same manner as a firm long position that allocates to a customer credit. Currently, where a firm short position allocates to a customer debit both sides must be included in the Reserve Formula, whereas if a firm long position allocates to a customer credit, both sides are excluded from the Reserve Formula. The Commission stated the exposure inherent in a short sale to customers—that the broker or dealer selling short to a customer may be required to borrow securities in order to meet its delivery requirement under Rule 15c3–3. No comments have been received to negate this objection and the Commission knows of none. Accordingly, the interpretation will not be changed.

[21] *See* NYSE Rule 325 (June 1, 1975) and Chicago Board of Options Exchange Rule 13.3 (1973).

which cannot be readily converted into cash." Included in this category are most unsecured receivables, 100% of which must be deducted from net worth. Certain unsecured receivables, however, need be deducted only after a period of time specified in the net capital rule.

The SIA has recommended that underwriting receivables and investment banking receivables (otherwise known as "syndicate receivables") be given treatment similar to that accorded commissions receivable from other brokers and dealers under the net capital rule. In addition, the SIA has recommended that other unsecured receivables be allowed as liquid assets to the extent that they generate tax accruals.

The Commission has determined to allow inclusion of the receivables but only to the extent they generate tax liabilities which have not been paid.

While the data supplied by the SIA appears to demonstrate the high collectability of underwriting and investment banking receivables, their ultimate collectibility does not alone warrant amending the net capital rule to threat such unsecured receivables as allowable assets.

From the standpoint of liquidity, the question is first whether an asset is readily convertible into cash; this is an all important consideration since the purpose of the rule is to ensure that a broker or dealer has on hand at all times sufficient liquid assets to satisfy customer claims promptly.

As the Commission stated in the Concept Release,

> With certain limited exceptions, unsecured receivables have not been treated as readily convertible into cash because they may not be readily collectable on the initiative of the broker or dealer. If the broker's or dealer's debtor disputes the claim, or simply does not pay, court action and its attendant delays may be the only recourse.

The SIA's data have not demonstrated otherwise.

Although most unsecured receivables are not deemed by the net capital rule to be readily convertible into cash, the rule is somewhat inconsistent in recognizing other unsecured receivables as readily convertible into cash. This results largely from the fact that, in adopting the uniform net capital rule, the Commission annexed provisions from the various net capital rules of the self-regulatory organizations which accepted these unsecured receivables as liquid. Whatever the cause for these exceptions to an otherwise clear policy, the Commission does not view it as a reason to extend the exceptions any further.

Tax Offsets

The current treatment of receivables and corresponding accrued tax liabilities under the net capital rule subjects brokers and dealers to what appears to be a "double deduction." The rule does not allow a broker or dealer to add back actual tax liabilities (in contrast to deferred tax liabilities) to net worth even if the tax liability relates to a receivable which must be deducted from net worth in computing net capital. The Commission did not allow such offsets because current tax liabilities must be paid by the broker or dealer regardless of whether the asset to which the tax relates has been converted into cash.

In retrospect, the Commission believes that this treatment, while justified on a strict liquidity basis, seems unnecessary to protect the solvency of a broker or dealer. Accordingly, a broker or dealer will not be required to deduct from net worth receivables to the extent such receivables are offset by corresponding tax liabilities. Such tax liabilities, however, would have to be reflected as a liability and included in computing the broker's or dealer's aggregate indebtedness.

C. Free Shipments

Currently, Rule 15c3–1(c)(2)(iv)(B) provides that receivables arising out of "free shipments" of mutual fund shares need be deducted from net worth in computing net capital only if such receivables are outstanding more than seven business days. The NASD has requested that the Commission extend the time period during which receivables arising out of free shipments of mutual fund shares are considered "good assets" in computing net capital to 30 calendar days. In support of its proposal, the NASD points out that investment company share liquidations present little risk in view of Section 22(e) of the Investment Company Act of 1940 which provides that the proceeds of a mutual fund redemption must be paid within seven days of the tender of such securities. Moreover, the NASD believes that the seven business day processing period for mutual fund redemptions currently provided for in the rule is unrealistic and ignores current business practices. According to a study conducted by the NASD, on the average, a mutual fund redemption is settled in 18.9 calendar days.

It appears to the Commission that a period of 16 business days to allow for mutual fund redemption is appropriate. This period is based upon a study of the NASD data. Sixteen business days (or approximately 22 calendar days) exceeded the average number of days it took to "settle" mutual fund redemptions (18.9 according to the NASD) by approximately three days. Accordingly, Rule 15c3–1(c)(2)(iv)(B) will be amended to require a deduction from net worth for receivables arising out of free shipments of mutual fund shares after 16 business days rather than 7 business days as currently provided for in the rule.

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3), 17(a), and 23(a) thereof, 15 U.S.C. 78*o*(c)(3), 78*q*(a) and 78*w*(a), the Commission is amending § 240.15c3–1 and § 240.17a–11 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission believes that any burden imposed upon competition by the amendments is necessary in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Text of Amendments

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

In accordance with the foregoing, 17 CFR Part 240 is amended as follows:

1. In § 240.15c3–1, paragraph (a) is revised; (c)(2)(i)(E) added; (c)(2)(iv)(B) and (v), (e) and (f)(1)(i) and (2) revised and paragraph (g) removed to read as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) No broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 1500 percentum of his net capital, except as otherwise limited by the provisions of paragraph (a)(1) of this section, or, in the case of a broker or dealer electing to operate pursuant to paragraph (f) of this section, no broker or dealer shall permit his net capital to be less than 2 percent of aggregate debit items as computed in accordance with § 240.15c3–3a of this chapter, or, if registered as a futures commission merchant, 4 percent of the funds required to be segregated pursuant to the Commodity Exchange Act, and the regulations thereunder, if greater, except as otherwise limited by paragraph (f) of this section, and every broker or dealer

shall have the net capital necessary to comply with the following conditions, except as otherwise provided for in paragraph (f) of this section.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(E) Adding to net worth any actual tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to this section.

* * * * *

(iv) * * *

(B) *Certain unsecured and partly secured receivables.* All unsecured advances and loans; deficits in customers' and non-customers' unsecured and partly secured notes; deficits in special omnibus accounts maintained in compliance with the requirements of 12 CFR 220.4(b) of Regulation T under the Securities Exchange Act of 1934, or similar accounts carried on behalf of another broker or dealer, after application of calls for margin, marks to the market or other required deposits which are outstanding 5 business days or less; deficits in customers' and non-customers' unsecured and partly secured accounts after application of calls for margin, marks to the market or other required deposits which are outstanding 5 business days or less, except deficits in cash accounts as defined in 12 CFR 220.4(c) of Regulation T under the Securities Exchange Act of 1934 for which not more than one extention respecting a specified securities transaction has been requested and granted, and deducting for securities carried in any of such accounts the percentages specified in paragraphs (c)(2)(vi) or (f) of this section or Appendix A (17 CFR 240.15c3–1a); the market value of stock loaned in excess of the value of any collateral received therefor; receivables arising out of free shipments of securities (other than mutual fund redemptions) in excess of $5,000 per shipment and all free shipments (other than mutual fund redemptions) outstanding more than 7 business days, and mutual fund redemptions outstanding more than 16 business days; any collateral deficiencies in secured demand notes as defined in Appendix D (17 CFR 240.15c3–1d);

* * * * *

(v)(A) Deducting the market value of all short securities differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation) unresolved after discovery in accordance with the following schedule:

Differences [1]	Number of business days after discovery
25 percent	7
50 percent	14
75 percent	21
100 percent	35

[1] Percentage of market value of short securities differences.

(B) Deducting the market value of any long securities differences, where such securities have been sold by the broker or dealer before they are adequately resolved, less any reserves established therefor;

(C) The designated examining authority for a broker or dealer may extend the periods in (A) above for up to 10 business days if it finds that exceptional circumstances warrant an extension.

* * * * *

(e) *Limitation on withdrawal of equity capital.* No equity capital of the broker or dealer or a subsidiary or affiliate consolidated pursuant to Appendix C (17 CFR 240.15c3–1c) whether in the form of capital contributions by partners (excluding securities in the securities accounts of partners and balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner, or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any Payments of Payment Obligations (as defined in Appendix D (17 CFR 240.15c3–1d) under satisfactory subordination agreements which are scheduled to occur within six months following such withdrawal, advance or loan, either aggregate indebtedness of any of the consolidated entities exceeds 1000 percentum of its net capital or its net capital would fail to equal 120 percentum of the minimum dollar amount required thereby or would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or, if registered as a futures commission merchant, 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act, and the regulations thereunder, if greater or in the case of any broker or dealer included within such consolidation if the total outstanding principal amounts of satisfactory subordination agreements of the broker or dealer (other than such agreements which qualify as equity under paragraph (d) of this section) would exceed 70 percent of the debt-equity total as defined in paragraph (d). *Provided,* That this provision shall not preclude a broker or dealer from making required tax payments or preclude the payment to partners of reasonable compensation.

(f) * * *

(1)(i) A broker or dealer who is not exempt from the provisions of 17 CFR 240.15c3–3 under the Securities Exchange Act of 1934 pursuant to paragraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness as defined in paragraph (c)(1) of this section and certain deductions provided for in paragraph (c)(2) of this section. *Provided,* That in order to qualify to operate under this paragraph (f), such broker or dealer shall at all times maintain net capital equal to the greater of $100,000 ($25,000 in the case of a broker or dealer effecting transactions solely in municipal securities) or 2 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Rule 15c3–3, 17 CFR 240.15c3–3a), or, if registered as a futures commission merchant, 4 percent of the funds required to be segregated pursuant to the Commodity Exchange Act, and the regulations thereunder, if greater, and shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a broker or dealer has determined to operate pursuant to the provisions of this paragraph (f), he shall continue to do so unless a change is approved upon application to the Commission.

(2) In the case of a broker or dealer who has consolidated a subsidiary pursuant to Appendix C (17 CFR 240.15c3–1c), such broker's or dealer's minimum net capital requirements shall be the sum of the greater of $100,000 or 2 percent of the parent broker's or dealer's aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or, if the parent is registered as a futures commission merchant, 4 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if

greater, and the total of each consolidated broker or dealer subsidiary's minimum net capital requirements. The minimum net capital requirements of a subsidiary electing to operate pursuant to paragraph (f) of this section shall be the greater of $100,000 or 2 percent of its aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or, if registered as a futures commission merchant, 4 percent of the funds required to be segregated by the subsidiary pursuant to the Commodity Exchange Act and the regulations thereunder, if greater. Where the subsidiary which has been consolidated has not elected to operate pursuant to paragraph (f) of this section, its minimum net capital requirement is the greater of its requirements under paragraph (a) of this section or 6⅔ percent of its aggregate indebtedness.

* * * * *

2. In § 240.15c3–1d, paragraphs (b)(6)(iii), (7), (8)(i), (10)(ii)(B) and (c) (2) and (5) are revised to read as follows:

§ 240.15c–1d Satisfactory subordination agreements (appendix D to 17 CFR 240.15c3–1).

* * * * *

(b) * * *

(6) * * *

(iii) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by paragraph (b)(6)(ii) of this section, the lender with the prior written consent of the broker or dealer and the Examining Authority for the broker or dealer may reduce the unpaid principal amount of the secured demand note. *Provided,* That after giving effect to such reduction the aggregate indebtedness of the broker or dealer would not exceed 1,000 percentum of its net capital or, in the case of a broker or dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, net capital would not be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or, if registered as a futures commission merchant, 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act, and the regulations thereunder, if greater. *Provided, further,* That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No Examining Authority shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, net capital would be less than 120 percent of the minimum dollar amount required by 17 CFR 240.15c3–1.

(7) *Permissive Prepayments.* A broker or dealer at its option but not at the option of the lender, may, if the subordination agreement so provides, make a Payment of all or any portion of the Payment Obligation thereunder prior to the scheduled maturity date of such Payment Obligation (hereinafter referred to as a "Prepayment"), but in no event may any Prepayment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however,* That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of paragraph (c)(5) of this Appendix D. No Prepayment shall be made, if, after giving effect thereto (and to all Payments of Payment Obligations under any other subordinated agreements then outstanding the maturity or accelerate maturities of which are scheduled to fall due within six months after the date such Prepayment is to occur pursuant to this provision or on or prior to the date on which the Payment Obligation in respect of such Prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the broker or dealer, either aggregate indebtedness of the broker or dealer would exceed 1000 percentum of its net capital or its net capital would be less than 120 percentum of the minimum dollar amount required by 17 CFR 240.15c3–1 or, in the case of a broker or dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, its net capital would be less than 5 percent of its aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or if registered as a futures commission merchant, 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, or its net capital would be less than 120 percent of the minimum dollar amount required by paragraph (f) of 17 CFR 240.15c3–1. Notwithstanding the above, no Prepayment shall occur without the prior written approval of the Examining Authority for such broker or dealer.

(8) *Suspended Repayment.* (i) The Payment Obligation of the broker or dealer in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to Payment of such Payment Obligation (and to all Payments of Payment Obligations of such broker or dealer under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such Payment Obligation) either (A) the aggregate indebtedness of the broker or dealer would exceed 1200 percent of its net capital or, in the case of a broker or dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, its net capital would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3–3a or, if registered as a futures commission merchant, 6 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, or (B) its net capital would be less than 120 percent of the minimum dollar amount required by 17 CFR 240.15c3–1 including paragraph (f), if applicable. *Provided,* That the subordination agreement may provide that if the Payment Obligation of the broker or dealer thereunder does not mature and is suspended as a result of the requirement of this paragraph (b)(8) for a period of not less than 6 months, the broker or dealer shall thereupon commence the rapid and orderly liquidation of its business but the right of the lender to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of 17 CFR 240.15c3–1 and 240.15c3–1d.

* * * * *

(10) * * *

(ii) * * *

(B) The aggregate indebtedness of the broker or dealer exceeding 1500% of its net capital or, in the case of a broker or dealer which has elected to operate under paragraph (f) of 17 CFR 240.15c3–1, its net capital computed in accordance therewith is less than 2% of its aggregate debit items computed in accordance with 17 CFR 240.15c3–3a or, if registered as a futures commission merchant, 4% of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, throughout a period of 15 consecutive business days, commencing on the day the broker or dealer first determines and notifies the Examining Authority for the broker or dealer, or the Examining Authority or the Commission first determines and notifies the broker or dealer of such fact;

* * * * *

(c) * * *

(2) *Notice of Maturity or Accelerated Maturity.* Every broker or dealer shall immediately notify the Examining Authority for such broker or dealer if, after giving effect to all Payments of Payment Obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit

or loss of the broker or dealer, either the aggregate indebtedness of the broker or dealer would exceed 1200% of its net capital or its net capital would be less than 120% of the minimum dollar amount required by 17 CFR 240.15c3–1, or, in the case of a broker or dealer who is operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, its net capital would be less than 5% of aggregate debit items computed in accordance with 17 CFR 240.15c3–3a, or if registered as a futures commission merchant, 6% of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, or less than 120% of the minimum dollar amount required by paragraph (f) of 17 CFR 240.15c3–1.

* * * * *

(5) *Temporary Subordinations.* (i) For the purpose of enabling a broker or dealer to participate as an underwriter of securities or other extraordinary activities in compliance with the net capital requirements of 17 CFR 240.15c3–1, a broker or dealer shall be permitted, on no more than three occasions in any 12 month period, to enter into a subordination agreement on a temporary basis which has a stated term of no more than 45 days from the date such subordination agreement became effective. This temporary relief shall not apply to a broker or dealer if, at such time, it is subject to any of the reporting provisions of 17 CFR 240.17a–11 under the Securities Exchange Act of 1934, irrespective of its compliance with such provisions or if immediately prior to entering into such subordination agreement either (A) the aggregate indebtedness of the broker or dealer exceeds 1000 per centum of its net capital or its net capital is less than 120% of the minimum dollar amount required by 17 CFR 240.15c3–1, or (B) in the case of a broker or dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, its net capital is less than 5% of aggregate debits computed in accordance with 17 CFR 240.15c3–3a or, if registered as a futures commission merchant, 7% of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, or less than 120% of the minimum dollar amount required by paragraph (f) of this section, or (C) the amount of its then outstanding subordination agreements exceeds the limits specified in paragraph (d) of 17 CFR 240.15c3–1. Such temporary subordination agreement shall be subject to all the other provisions of this Appendix.

(ii) A broker or dealer shall be permitted to enter into a revolving subordination agreement which provides for prepayment within less than one year of any or all of the Payment Obligations at the option of the broker or dealer upon the prior written approval of the Examining Authority for the broker or dealer. The Examining Authority shall not approve any Prepayment unless:

(A) If, after giving effect thereto (and to all Payments of Payment Obligations under any other subordinated agreements than outstanding the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such Prepayment is to occur pursuant to this provision or on or prior to the date on which the Payment Obligation in respect of such Prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the broker or dealer, either aggregate indebtedness of the broker or dealer would exceed 900 percentum of its net capital or its net capital would be less than 200 percentum of the minimum dollar amount required by 17 CFR 240.15c3–1 or, in the case of a broker or dealer operating pursuant to paragraph (f) of 17 CFR 240.15c3–1, its net capital would be less than 6% of its aggregate debit items computed in accordance with 17 CFR 240.15c3–3a or if registered as a futures commission merchant, 7% of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder, if greater, or its net capital would be less than 200% of the minimum dollar amount required by paragraph (f) of 17 CFR 240.15c3–1 and

(B) Pre-tax losses during the latest three-month period equaled less than 15% of current excess net capital.

* * * * *

3. In § 240.17a–11, paragraph (b)(2) is revised to read as follows:

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain brokers and dealers.

* * * * *

(b) * * *

(2) If a computation made by a broker or dealer pursuant to § 240.15c3–1(f) shows, at any point during the month, that his net capital is less then 5 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A: Formula for the Determination of Reserve Requirements, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such broker or dealer shall file a report on Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter) as determined in accordance with the standards set forth in §§ 240.17a–5(a)(2)(ii) and (a)(2)(iii), within 15 days after the end of each month thereafter until three successive months shall have elapsed during which his net capital is not less than 5 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

January 13, 1982.

[FR Doc. 82–1706 Filed 1–22–82; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18418; File No. S7-856]

Net Capital Requirements for Brokers and Dealers; Proposed Rule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments.

SUMMARY: The Commission is reproposing for comment amendments to the uniform net capital rule which will result, overall, in an increase in the percentage deductions ("haircuts") from the market value of certain debt securities in the proprietary or other accounts of brokers or dealers, including Government securities, municipal securities and nonconvertible debt securities. The Commission is republishing all of the haircut schedules for these securities for the exclusive purpose of facilitating comment concerning the ability of brokers or dealers to deal with the complex procedures and increased haircut categories introduced in the proposed amendments which recognize hedging of certain debt securities as a method of reducing haircut requirements on those securities; the Commission intends to adopt the proposed haircut schedules themselves and is not soliciting public comment with regard to the appropriateness of specified percentage deductions. The Commission is proposing for comment amendments that will modify the current treatment of municipal securities that have no ready market, change the haircuts for redeemable securities of registered investment companies which invest solely in debt instruments and clarify the treatment of repurchase, reverse-repurchase and matched repurchase agreements under the net capital rule. Finally, the Commission is reproposing for comment amendments that will change the haircuts for preferred stock. In a companion release issued today, the Commission has adopted amendments to the net capital rule that will reduce the capital requirements for many brokers and dealers.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to File No. S7-856 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Esq., Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 at (202) 272-2372.

SUPPLEMENTARY INFORMATION: The uniform net capital rule (the "Rule") requires a broker or dealer to maintain a minimum net capital, the amount of which depends on the nature of its business and its aggregate liabilities if on the basic method of computing net capital (the "basic method") or its customer related receivables if on the alternative method of computing net capital (the "Alternative"). A broker or dealer on the basic method may not allow its aggregate indebtedness to exceed 1500% of its net capital. A broker or dealer electing the Alternative must maintain a minimum net capital equal to the greater of $100,000 or 4% of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (the "Reserve Formula").

In computing net capital, a broker or dealer is required to deduct from net worth certain percentages of the market value of all securities carried in its proprietary or other accounts. These deductions are generally referred to as "haircuts." The amount of the haircuts for debt securities (including short term notes) depends on the nature of the issuer, the time to maturity of the security and, for securities of non-governmental issuers, the ratings of nationally recognized statistical rating services. In general, the haircuts for debt securities were designed to take into account the historical market fluctuations of each type of instrument.

Recent events in the debt market caused the Commission to question the adequacy of the present haircut provisions for debt securities. Interest rates rose to unprecedented heights in the 1979-1980 period, causing precipitous declines in the values of already issued debt instruments. Some brokerage firms dealing primarily in municipal securities were forced to liquidate or withdraw from the market because of the unanticipated sharp changes in interest rates. Moreover, some major brokerage firms reportedly suffered large trading losses in debt securities, as did several large national banks.

In Securities Exchange Act Release No. 17209 (the "Haircut Release"),[1] the Commission proposed for comment amendments to the haircut schedules for Government securities, municipal securities and nonconvertible debt securities. Also, in an effort to make its financial responsibility rules more compatible with sound business practices, the Commission solicited comment on the degree to which the haircut provisions should deal with hedges among various classes of debt instruments. Through the comment process the Commission expected to develop criteria for hedging which would be objective, clear and easily determinable.

As discussed in the Haircut Release, data provided to the Commission tended to confirm doubts as to the adequacy of the present haircut provisions. The data were compiled from records accumulated by brokerage firms in the ordinary course of dealing in debt securities. In general, the data were covered a period of 49 months from February 1976 through February 1980. In the case of Government securities, daily values were provided for 3 month, 6 month, 9 month and 12 month Treasury bills and for selected 2 year, 5 year, 10 year, 20 year and 30 year coupon Treasury bonds. For municipals, weekly prices were extracted from the Bond Buyer Municipal Index. The data showed that the month-end to month-end price movements in most debt securities in the months of January 1977, October 1979, January 1980 and February 1980 were greater than the existing haircuts for the securities. They indicated a need for higher haircuts than the Rule presently provides.

The New York Stock Exchange (the "NYSE"), the National Association of Securities Dealers (the "NASD"), the Securities Industry Association (the "SIA") and several brokers and dealers presented well-reasoned comments which the Commission has integrated into its own proposals. These groups also presented the Commission with extensive new data on debt instruments, updating the previously furnished data.

In view of the complexity of provisions in the proposed amendments that would allow brokers and dealers to elect to recognize hedges among Government securities with different maturities and between Government and nonconvertible debt securities and the possible difficulty of computing appropriate deductions for such securities, the Commission is reproposing those provisions for comment.

The Commission, however, is not soliciting comment with regard to the specific percentage deductions for debt

[1] Securities Exchange Act Release No. 17209 (Oct. 9, 1980), 45 FR 69011 (Oct. 22, 1980).

securities because of its belief that its proposed deductions adequately reflect the increased volatility in the Government securities marketplace.

The Commission is also reproposing for comment haircuts on preferred stock and is proposing for comment haircuts on redeemable securities of registered investment companies which invest solely in debt instruments. Finally, the Commission is proposing for comment amendments to the Rule codifying existing staff interpretations, with some modifications, with respect to the treatment of repurchase, reverse-repurchase and matched repurchase agreements.

I Government Securities

Haircut Schedules

The Rule requires, in the case of a security issued or guaranteed as to principal or interest by the United States or any agency thereof, deductions from net worth equal to a percentage of the net long or short position in each category described in subparagraph (A) of the haircut provisions of the Rule. There is no deduction for securities having less than one year to maturity. The deduction for securities having one year but less than three years to maturity is 1%; that for securities having three years but less than five years to maturity is 2%; that for securities with five years or more to maturity is 3%.

The data submitted to the Commission by the SIA in 1979 indicated that these haircuts were inadequate in measuring the risk in carrying the securities, particularly those securities with less than one year to maturity and those with five years or more to maturity. That data showed that the majority of monthly changes in market value were greater than the existing haircuts and that, for some months, the month-end to month-end price movements were considerably greater than the existing haircuts. For example, in 26 of the 49 months in the survey, Treasury bills maturing in 6 months moved in price between one-tenth of 1% to over 1%. In one month, Treasury bills maturing in nine months moved 1.50% and in February 1980, 1.90%. Finally, in 39 of 49 months, Treasury bills maturing in 12 months moved between .1% and 2.51% (February 1980). In each case, however, the Rule required no haircut.

The data for 2 year coupon bonds, 5 year coupon bonds, 10 year coupon bonds, 20 year coupon bonds and 30 year coupon bonds showed the same discrepancies as securities having 1 year or less to maturity. For example, in 3 different months within a 6 month period, Treasury bonds maturing in 30 years declined substantially: 7.06% in February 1980, 8.82% in January 1980 and 9.16% in October 1979. Yet, the required haircut for these securities is only 3%.

Based largely on these data, the Commission proposed in the Haircut Release to alter the haircuts on Government Securities in Rule 15c3-1(c)(2)(vi)(A) as follows:

(A) In the case of a security issued or guaranteed as to principal or interest by the United States or any agency thereof, the applicable percentages of the market value of the net long or short position as specified below are:

[the present haircut is indicated in brackets]

(1) Less than 3 months to maturity—0% [0];

(2) 3 months but less than 6 months to maturity—⅛ of 1% [0];

(3) 6 months but less than 9 months to maturity—¼ of 1% [0];

(4) 9 months but less than 1 year to maturity—⅜ of 1% [0];

(5) 1 year but less than 3 years to maturity—1½% [1%];

(6) 3 years but less than 5 years to maturity—3% [2%];

(7) 5 years but less than 10 years to maturity—4½% [3%];

(8) 10 years but less than 20 years to maturity—5% [3%]; and

(9) 20 years or more maturity—6% [3%].

While the proposed haircuts were not based on the largest changes in any 30 day period, the Commission believed that they nevertheless represented a more realistic appraisal of the potential movements of Government securities over a 30 day period.

Hedges

The present Rule assesses deductions only on the net long or net short positions in the fixed categories of subparagraph (A), thereby recognizing certain limited hedges. In some cases, however, the Rule may not appropriately deal with hedges. For example, the Rule requires no haircut where a broker or dealer is long a Government security 1 month to maturity and short a Government security 11 months to maturity but requires a haircut of 1% on the short position where the broker or dealer is long a security 11 months to maturity and short a security 13 months to maturity. Furthermore, the Rule requires no haircut on the following position: A long Government security, 5 years to maturity, offset by a short Government security, 30 years to maturity. Yet, the data demonstrates that the historical market fluctuations of these two securities are not similar.

In the Haircut Release, the Commission solicited comment on the degree to which the Rule should deal with hedges and proposed to alter the hedging provisions to allow long or short positions to be netted as follows:

(*i*) Long or short positions with maturity dates within 1 year may be netted against long or short positions with maturity dates within 15 months, but only when such maturity dates are within 3 months of one another;

(*ii*) Long or short positions with maturity dates of between 1 and 5 years (except as in (*i*) above) may be netted against long or short positions with maturity dates of between 1 and 6 years, but only when such maturity dates are within 1 year of one another;

(*iii*) Long or short positions with maturity dates of 5 years or more (except as in *ii* above) may be netted against long or short positions with maturity dates of 5 years or more, but only when such maturity dates are within 5 years of one another.

Industry Response

The commentators generally supported the Commission's efforts to revise the haircut schedule to reflect adequately the increased volatility of Government securities over the spectrum of maturities. Some commentators suggested reductions for certain maturities while others suggested increases. Many supported the Commission's efforts to inject greater flexibility into the haircut provisions by recognizing offsetting hedges. Others indicated a preference for computational simplicity, even at the cost of more rigid haircut categories and less flexibility to reduce applicable haircuts.

Although not discussed in this release, these comments have been reviewed extensively by the Commission and incorporated, as appropriate, in the amendments that the Commission is republishing for comment. Because the Commission believes that the SIA's proposal concerning haircuts for Government securities provides an appropriate framework for determining deductions in a manner that attempts to reflect sound industry business practices in the Government securities marketplace, the discussion that follows will focus initially on the SIA's proposal. That proposal has been modified, however, to take into account data regarding monthly price fluctuations (instead of data regarding weekly price fluctuations from which the SIA derived

its initial haircut schedules),[2] and comments from other interested persons. At this point, interested persons may wish to examine the text of the proposed rule amendments concerning haircuts on Government securities as they appear at the conclusion of this release.

The SIA submitted a proposal for revising the haircut schedules that the Commission believes would permit brokers and dealers to recognize the reduction in market risks inherent in many hedging strategies. The SIA prepared a statistical analysis of the price fluctuations of 13 separate securities issues over a 39-month period ending in March 1980. This analysis included 9 types of Treasury bills and bonds, 8% Government National Mortgage Association bonds (commonly referred to as "GNMA's"), 20-year corporate bonds having the highest rating by nationally recognized ratings services, 3-month Treasury bill futures contracts and Treasury bond futures contracts. On the basis of this statistical analysis, the SIA derived the following haircut schedule:

Category 1

(1) Less than 3 months to maturity—0%;

(2) 3 months but less than 6 months to maturity—¼ of 1%;

(3) 6 months but less than 9 months to maturity—⅜ of 1%;

(4) 9 months but less than 1 year to maturity—½ of 1%;

(5) 1 year but less than 15 months to maturity—⅝ of 1%;

(6) 15 months but less than 18 months to maturity—¾ of 1%;

(7) 18 months but less than 2 years to maturity—⅞ of 1%;

(8) 2 years but less than 2½ years to maturity—1%;

(9) 2½ years but less than 3 years to maturity—1¼%;

Category 2

(10) 3 years but less than 5 years to maturity—1¾%;

(11) 5 years but less than 7 years to maturity—2%;

(12) 7 years but less than 10 years to maturity—2¼%.

Category 3

(13) 10 years but less than 20 years to maturity 2½%;

(14) 20 years or more to maturity—3%.

The categories are based on traditional definitions of what constitutes long, intermediate and short-term debt instruments. The division of the sub-categories was determined by an analysis of the statistical data indicating which positions had the strongest relationships to other positions. As proposed for comment in this release, however, the categories and sub-categories have been modified to take into account monthly rather than weekly data and to reflect the historical relationship among securities with different lengths to maturity without unnecessarily increasing the number of sub-categories.

The SIA proposed that the haircut for each category should be determined by brokers and dealers using the following seven step process:

Step 1: For each category, compute the net long or short positions for each sub-category.

Step 2: Apply the appropriate haircut to each of the net long or short positions.

Step 3: Aggregate the haircuts for all the net short positions.

Step 4: Aggregate the haircuts for all the net long positions.

Step 5: Take the smaller of the result of step 3 or step 4 and multiply by 65%.

Step 6: Net the aggregate long haircuts and short haircuts computed in Steps 3 and 4.

Step 7: Total the results of Step 5 and Step 6 to arrive at the haircut for the category.

The computation process includes the "weighting" of subcategory haircuts in determining the overall haircut for the category and is regarded by the SIA as providing a regulatory requirement that corresponds to the limitation of economic risk arising from hedging techniques. Permitting only a partial offset of haircuts among subcategories within each category, according to the SIA, is necessary to account for the increasing fluctuation in prices and yields as the difference in dates to maturity of the long and short positions increase. At the same time, however, permitting a partial offset of haircuts among sub-categories recognizes that the market risks of holding both positions are historically less than the total deduction that would be required with respect to each position if the haircut schedule did not permit hedging of securities in different sub-categories. Thus, for example, a long position consisting of $1 million of three month Treasury bills does not entirely offset a short position consisting of $1 million of six month Treasury bills.

The SIA's hedging formula also prescribes a safety factor that is a percentage of the lesser of the aggregate net long or net short positions within each category. By including the safety factor in the haircut computation for each category, the computation takes into consideration the degree to which the various security positions act as hedges for each other. Since the haircuts for the sub-categories reflect only the manner in which the market value of the individual security positions within a particular sub-category fluctuates, the safety factor adds a measure of how the market value of the sub-categories vary with each other.[3] The SIA determined that the safety factor for a haircut schedule based on an analysis of 30 day price fluctuations would be 48% rather than the 65% originally recommended. For ease of computation and to provide an added measure of safety in the case of portfolios with an undue concentration in a particular sub-category, the Commission has increased the safety factor to 50%.

Because fixed categories would impose arbitrary restrictions forbidding the recognition of otherwise bona-fide risk-limiting hedges, the Commission has included in the proposed amendments a provision whereby a broker or dealer can elect to recognize some cross-category hedges. Under that provision, an electing broker or dealer could exclude the market value of a long or short security from one category and a security from another category provided that such securities have maturity dates: (1) Between 9 months

[2] The SIA chose to examine volatility on a weekly basis using readily available data supplied by the Federal Reserve Bank of New York. This data described the 1980 average value of daily transactions and the average turnover for Government securities. The data indicated that dealers, on the average, turn over their inventory every 1.5 days. The use of weekly volatility data instead of monthly volatility data as the basis for determining haircuts appears to be inappropriate. While the SIA's data reflect the experience of 35 Government securities dealers, it is substantially distinct from that of other registered brokers and dealers; *e.g.*, only one-third of these Government securities dealers are registered brokers or dealers. Historically, the haircut schedules have been based on a 30-day period. This 30-day time period represents the accepted industry accounting cycle and, under the recordkeeping rules, is the frequency within which brokers and dealers are required to make and preserve a full net capital computation, even though the Rule requires continuous compliance. Thus, the Commission believes that haircuts on Government securities under the Rule should be based on an average holding period of 30 days and should anticipate adverse market fluctuations occurring over a 30-day period. Accordingly, the Commission asked the SIA to prepare a statistical analysis of the 30-day price fluctuations. From this analysis, the Commission extracted the proposed haircut schedule as published in this release. The SIA's analysis indicated that larger haircuts were warranted for the very short maturities but that the haircut schedule as published in the Haircut Release was appropriate for the other maturities.

[3] The safety factor was derived by analyzing the covariance coefficients of each security position to formulate the safety factor in terms of a percentage of the lesser of the aggregate haircut on the long positions or the aggregate haircut on the short positions within a given category.

and 15 months and within 3 months of one another; (2) between 2 years and 4 years and within 1 year of one another; or (3) between 8 years and 12 years and within 2 years of one another. The electing broker or dealer, however, would be required to include the net market value of the two securities in the category for the security with the longer date to maturity.

Futures Contracts

The Commission proposes to amend the Government securities haircut provisions to permit brokers and dealers to exclude long or short positions in Government securities that are hedged by certain futures contracts.[4] To qualify, the futures contract must be traded on a regulated market and must provide for the delivery of a Government security with a maturity date that would be within a specified range of the maturity date of the long or short Government securities position the broker or dealer seeks to exclude.

Brokers and dealers electing to exclude certain Government securities positions hedged by futures contracts, however, would be required to take the appropriate deduction from net worth in accordance with the requirements of existing Appendix B to the Rule.

Simplified Computation for Brokers and Dealers

The NYSE, the NASD and others expressed concern about the complexity of a haircut rule that would permit substantial hedging. The Commission's revised amendments will require greater precision and more work in determining applicable hedges. Brokers and dealers will be required to classify Government securities in their portfolios according to more distinct maturity dates and, if they wish to use the special hedging provisions, will be required to compare maturity dates. The Commission is concerned that the benefits of the proposals—reduction in required capital and capital requirements that are more compatible with economic reality—for some firms may be outweighed by the added computation costs.

The NYSE suggested that an additional section be added to the SIA's proposal that, as an alternative to the computation of haircuts under the SIA proposal, would allow a broker or dealer to deem all long and short positions as falling into the category of the position with the longest term to maturity and, without any netting of long and short positions, would require the deduction of the applicable percentage of the market value of both long and short positions. Although this alternative would not permit reductions in haircuts for hedging, it would simplify the computation for those brokers or dealers that do not have extensive Government securities inventories.

Accordingly, the Commission proposes, as an alternative to the principal haircut procedure, a simplified procedure for computing applicable haircuts that should satisfy the concerns of commentators that the Rule continue to provide a simple and direct method for computing required deductions from net capital. This procedure would require an electing broker or dealer to apply the percentage deduction provided in the schedule to the value of each net long or short position in Government securities in the 12 subcategories, and would prohibit any hedging between sub-categories or adjacent categories. By netting long and short positions within sub-categories, however, the Rule would continue to permit some risk-taking hedges by electing brokers and dealers.

II. Municipal Securities

Under the current Rule, haircuts for municipal securities are divided into two categories. The first category prescribes haircuts for short term municipal notes having a maturity of 731 days or less and which are issued at par value and pay interest at maturity, or which are issued at a discount and which are not traded flat or in default as to principal or interest.[5] The second category prescribes haircuts for any other municipal security which is not traded flat or in default as to principal or interest. This second category has four subcategories which presently require haircuts ranging from 1% for securities with less than one year to maturity to 5% for securities with five years or more to maturity.

In the Haircut Release, the Commission proposed to increase the haircut for municipal securities in the second category with more than two years to maturity.[6] The Commission also solicited comment on what criteria should be used to determine the market value of municipal securities for net capital purposes where the securities are the subject of quotations only by the computing broker or dealer. Finally, the Commission requested comment on whether the haircut provisions for municipal securities should distinguish between "rated" and "unrated" securities to differentiate between investment grade and more speculative issues.

Haircut Schedules

Data developed in the course of the rulemaking process revealed that the existing haircuts for municipal securities were not adequate to cover price fluctuations in the municipal bond market during the past years.[7] Accordingly, the Commission proposed to increase the haircuts for municipal bonds having at least two but less than five years to maturity from 3% to 5% and for municipal bonds having five or more years to maturity from 5% to 7%.

In response to the proposal, the Public Securities Association (the "PSA"), disputed the appropriateness of increasing the haircuts for certain long term municipal securities. The PSA stated its belief that the current haircut schedules for municipal securities were adequate to protect investors and that the increased haircuts proposed by the Commission would have an adverse impact on the municipal bond market. The PSA, however, did not submit any data to demonstrate the validity of these beliefs. Rather, it noted that in response to market volatility firms take independent action to reduce market risks.

The SIA, while conceding that recent volatility in the market for municipal bonds justified an increase in the haircuts for such securities, recommended increases more modest than those proposed by the Commission. More specifically, the SIA proposed that the haircut for municipal bonds with at least 2 but less than 5 years to maturity be increased from 3% to 3.5%, that a separate haircut category be created for municipal bonds with at least 5 but less than 10 years to maturity and that the haircut be 5% and, finally, that the haircut for municipal bonds with at least 10 years to maturity be increased from

[4] Exchange listed options on debt securities will be factored into a formula as the options begin trading. A separate haircut schedule as to GNMA options has already been approved. *See* letter from the Division of Market Regulation to the Chicago Board Options Exchange, Inc. dated Sept. 29, 1981. The Commission solicits comment and analysis on the impact of this development.

[5] This category contains seven subcategories prescribing haircuts ranging from 0% for those securities having less than 30 days to maturity to 1% for those securities having maturities from 456 to 731 days.

[6] The Commission did not propose new haircut schedules for municipal securities in the first category or municipal securities in the second category with less than two years to maturity due to lack of sufficient data. It solicited comment on this matter but received none.

[7] This data was compiled by brokerage firms dealing in debt securities (including municipal bonds) over a 49 month period from February of 1976 through February of 1980. Weekly prices were extracted from the Bond Buyer Municipal Index. The data showed that municipal bond prices moved 8.56% in October 1979 and 11.05% in February 1980.

5% to 5.5%. The SIA's proposed haircuts were based on data compiled on the relative price movements of 30 municipal bonds.

Unprecedented increases in interest rates in recent years have caused precipitous declines in the market values of municipal securities already issued. According to a study recently conducted by the Commission staff, 34 municipal securities dealers (banks and registered brokers and dealers) ceased doing business in the past year. Although in some cases financial difficulties could be attributed to fraud or some other impropriety, it appears that many firms went out of business either because of sharp declines in the value of their inventories or simply because the market for municipal bonds had "dried-up."

The Commission is concerned that volatility in the municipal bond market will not abate in the near future. Recent events, such as reduction in maximum personal federal income tax rates indicate continued uncertainty in the municipal securities marketplace. Interested persons are invited to submit objective data and to discuss the impact of the proposed amendments on the municipal securities marketplace.[8]

Market Value of Municipal Securities

Rule 15c3–1(c)(2)(vii) requires that a broker or dealer in computing net capital deduct 100% of the carrying value of securities in the proprietary or other accounts of the broker or dealer for which there is no "ready market." Subparagraph (c)(11)(i) of the Rule provides that a "ready market" includes a recognized established securities market in which there exists independent bona fide offers to buy and sell.

At the time the Rule was adopted, the Commission, recognizing that the structure of the municipal markets did not resemble the corporate securities markets on which the marketability provisions of the Rule were premised, decided to suspend, by interpretation, the application of Rule 15c3–1(c)(2)(viii) to municipal securities pending forthcoming development of appropriate marketability criteria. In the Haircut Release; the Commission requested comment regarding the appropriate criteria to determine the market value of municipal securities for net capital purposes where the securities are the subject of quotations only by the computing broker or dealer.

[8] Companion releases may provide some measure of relief for those brokers or dealers which use the alternative method of computing net capital.

Since 1977, the NASD has been recommending that the Commission adopt the concept of "presumed marketability" for pricing municipal securities. This concept is based on the premise that, although a particular municipal security is not actively traded on a recognized established securities market, all such securities have value, are marketable and can be sold. Conversely, the PSA recommended maintenance of the "status quo" and objected to the alternative marketability criteria developed and proposed by the NASD. According to the PSA, the present practice of not applying the ready market provisions to municipal securities has worked relatively well.

The interim period during which applications of the marketability provisions to municipal securities has been suspended has lasted almost seven years. It has not worked well because it has been difficult, if not impossible, for anyone to value the positions of a firm holding such securities. The Commission believes that the "presumed marketability" test suggested by the NASD is responsive to the structure of the municipal marketplace and is a reasonable alternative to the continued suspension of Rule 15c3–1(c)(2)(vii) to municipal securities. Accordingly, the Commission proposes to rescind the interpretation embodied in Securities Exchange Act Release No. 11854[9] suspending the application of the marketability provisions to municipal securities and to adopt the following:

If a municipal security has no ready market, a broker or dealer shall value it at cost for a period of 30 calendar days following settlement date.[10] In the absence of further valid price or transaction data, a firm shall mark down the value of each position by 5% of the cost per month until the value has declined to 50% of its originally assigned value. Thereafter, the position shall be valued at zero and considered a non-marketable security for net capital purposes.

Ratings for Municipal Securities

In the Haircut Release, the Commission solicited comment concerning whether the haircut provisions should distinguish between "rated" and "unrated" municipal securities to differentiate between investment grade and more speculative issues. Currently, under Rule 15c31(c)(2)(vi)(E) and (F), commercial paper, and nonconvertible debt securities receive more favorable capital treatment if they are rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations.

While the Commission believes that ratings for municipal securities may ultimately be appropriate for distinguishing between investment grade and speculative issues, it does not at this time have sufficient information to formulate an appropriate provision. Thus, for the time being, the Commission proposes that there be no distinction between rated and unrated municipal securities for purposes of haircutting municipal securities under the Rule.

[9] Securities Exchange Act Release No. 11854 (Nov. 20, 1975), 40 FR 57786 (Dec. 12, 1975).

[10] The NASD originally recommended that municipal dealers be allowed to value their inventories at cost for a period of 60 calendar days following settlement date. Upon examination, however, the Commission determined that 60 calendar days was too long and proposed that the period should be 30 calendar days.

III. Nonconvertible Debt Securities

Haircuts

Rule 15c3–1(c)(2)(vi)(F) requires, in the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are rated in one of the four highest rating categories by at least two of the nationally recognized statisitical rating organizations, haircuts ranging from 1% for those securities with less than one year to maturity to 7% for securities with five years or more to maturity.

In the Haircut Release, the Commission solicited comment regarding the appropriate haircuts for nonconvertible debt securities with less than five years to maturity. On the basis of available data, the Commission proposed to increase the haircut on long term nonconvertible debt securities (securities with more than five years to maturity) from 7% to 9%.

The Commission received few comments regarding the proposed amendment. The NYSE proposed that, in lieu of providing separate categories, a broker or dealer be allowed to lump all long and short positions into the category of the position with the longest term to maturity and deduct the applicable percentage of the market value of the greater of the long or short position. The Commission believes that such an approach, although simplifying computation of haircuts, would not adequately reflect the volatility of particular securities. Furthermore, the NYSE's proposal would require a broker or dealer to set aside an unduly and unnecessarily large sum of capital, since it would require the broker or dealer to take an unnecessarily large haircut on shorter term nonconvertible debt securities.

The NASD suggested that the Commission reduce the number of

categories in the haircut schedule from six to four and change the applicable percentages to coincide with those for municipal securities. Absent further data, however, the Commission does not believe that a reduction in the number of categories is warranted or that nonconvertible debt securities have the same volatility as their respective counterparts in the municipal securities categories.

The Commission believes that, in order to represent more accurately the volatility of nonconvertible debt securities, it is appropriate to raise the percentage haircuts in the schedule of maturity categories.

Hedges

In the Haircut Release, the Commission solicited comment on the degree to which the haircut provisions should deal with hedges among different securities. The Commission invited interested persons to submit data with regard to hedging among securities of different issuers. The Commission indicated that it may be possible to establish hedging criteria that are objective, clear, and easily determinable for reducing any required haircuts.

Most commentators supported, as a matter of principle, a reduction in haircuts under the Rule for hedged securities positions. Commentators noted that requiring haircuts on both the long and short components of a hedged position penalizes brokers and dealers for avoiding market risks.

Debt obligations of the United States Government, because of the virtual absence of credit risk, are widely used by brokers and dealers to price debt securities issued by corporations and other entities. The historic price relationship between debt obligations of the United States Government and other debt instruments, particularly noncovertible debt securities, appears to continue in the secondary market. Although the relative market prices of a particular issue of Government debt securities and a particular issue of nonconvertible debt securities may vary in response to such factors as changes in interest rates and relative supply and demand, the variation in the differences between the prices of the two debt obligations (the "spread") appears to be relatively narrow.

The Commission examined the range of dollar price spreads over a 6 month period between 31 corporate debt securities (including 13 industrials, 6 telephone and 12 utilities) and 4 Treasury bills that would appear to be logical choices for hedging market risks associated with long positions in the corporate debt securities. The spreads between the corporate debt securities and the appropriate hedging Government debt obligations did not vary significantly with different types of corporate obligations of the same maturity. Although the range of spreads varied depending on the date of maturity of the hedged positions, all hedged positions appeared to have spread fluctuations that, with the exception of corporate debt securities with maturity dates of less than 2 years, were less than half of the percentage deductions that are currently required under the Rule.

On the basis of this somewhat limited study, the Commission believes that it is appropriate to propose amendments to the Rule that would allow brokers and dealers to reduce applicable haircuts on nonconvertible debt securities that are hedged by certain debt obligations of the United States or agencies thereof. The proposed amendments, if adopted, would permit a broker or dealer to exclude from the haircut categories in computing haircuts on nonconvertible debt obligations those securities that are hedged by short or long positions in securities issued by the United States or any agency thereof having certain specified maturities.

The amendments would also permit the exclusion of the long or short position in Government securities from the applicable categories under Rule 15c3–1(c)(2)(iv)(A), thereby eliminating the requirement that the broker or dealer take a deduction with respect to both the long and short components of the hedged position. The amendments would require, however, that the electing broker or dealer deduct a specified percentage of the market value of the hedged nonconvertible debt securities position (depending upon its length to maturity), that would be generally equal to one-half of the percentage deduction that would otherwise be required with respect to a long or short position in nonconvertible debt securities of the same length to maturity. The required deduction under the amendments would also be substantially below the combined deduction that would be required if a haircut with respect to the Government securities position were also required.

The Commission specifically requests commentators to submit additional data concerning the price spreads of nonconvertible debt securities that are hedged by Government debt obligations. The Commission also invites commentators to submit data on price spreads involving other hedging strategies.

IV. Preferred Stock

Rule 15c3–1(c)(2)(vi)(H) requires in the case of cumulative, nonconvertible preferred stock a deduction of 20% of the market value of the greater of the long or short position. In its 1979 Report to the Commission on the net capital rule, the SIA proposed that the haircut on preferred stock be reduced from 20% to 15% for firms electing the Alternative.

In Securities Exchange Act Release No. 17208,[11] the Commission noted that the SIA failed to address the fact that the prices of preferred stocks tend to move in tandem with those of debt instruments and are thus influenced by factors other than those affecting common stocks. Noting that the present haircuts for debt securities are based on historical data of the fluctuation of these instruments over a long period, the Commission stated tht the same kind of record should be made for preferred stocks. The Commission also observed that, since preferred stocks, like corporate debt securities, are rated by nationally recognized statistical rating rating services, it might be appropriate to require a greater haircut for those preferred stocks that are not rated in the higher categories by statistical rating services.

In response to the Commission's proposal, the SIA revised its proposal and recommended that the haircut on nonconvertible preferred stock for firms electing the Alternative be lowered to 10% for securities rated on one of the four highest categories by statistical rating organizations and 15% for all other nonconvertible preferred stock. This revised proposal was based on data submitted by the SIA indicating that a 10% haircut for utility preferred stocks rated in one of the four highest categories by a nationally recognized statistical rating organization would cover approximately 95% of the monthly price movements.

Preferred stock is a hybrid security. While some of its characteristics are similar to those debt obligations, others more closely approximate those of equity securities. For this reason, problems related to this class of security are derived in part from those of debt obligations and in part from those of equity securities.

As approximately 85% of preferred stocks are rated by nationally recognized statistical rating organizations, the Commission believes it would be appropriate to treat those preferred stocks that are rated in one of the four highest categories by those

[11] Securities Exchange Act Release No. 17208 (Oct. 9, 1980), 45 FR 69915 (Oct. 22, 1980).

organizations in the same manner as nonconvertible debt securities. The higher rated preferred stocks present virtually no risk of non-payment of dividends when due. Giving preferential treatment to higher rated preferred stocks would more fairly reflect the degree of risk involved.

Accordingly, the Commission proposes to reduce the haircut from 20% to 10% for nonconvertible preferred stocks which are rated in one of the four highest categories by at least two of the nationally recognized statistical rating organizations.

With respect to lower rated preferred stocks, however, the Commission believes it would be more appropriate to treat these securities like common stock. This is primarily because, since the financial health of the issuer affects its ability to pay dividends on its preferred stock, the price of lower rated preferred stocks is more likely to approximate the volatility of the issuer's common stock rather than its debt obligations. Since Rule 15c3–1(c)(2)(vi)(H) will deal only with higher rated preferred stocks, every other issue will thereby be treated under Rule 15c3–1(c)(2)(vi)(J) which requires a haircut of 30%. For those firms on the Alternative, however, the haircut will only be 15%.

V. Securities of Certain Registered Investment Companies

Rule 15c3–1(c)(2)(vi)(D) requires in the case of securities of registered investment companies a deduction of 5% of the greater of the long or short position, if the assets of the investment company consist exclusively of one or more of the following: (1) Cash; (2) securities issued or guaranteed as to principal or interest by the United States Government or an agency thereof; (3) municipal securities; (4) securities issued or unconditionally guaranteed by the Canadian Government; (5) commercial paper which is rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations; and (6) bankers acceptances and certificates of deposit issued by any bank as defined in Section 3(a)(6) of the Securities Exchange Act of 1934.

In light of proposed changes in the haircut schedules for certain debt securities, the Commission believes it appropriate to adjust the haircut provisions relating to redeemable securities issued by registered investment companies investing in such debt securities. The Commission also believes that Rule 15c3–1(c)(2)(vi)(D) should be amended to clarify that it applies only to "redeemable" securities of registered investment companies.

With respect to the haircut provisions, the Commission proposes to amend the Rule to provide for: (1) A deduction of 2% of the market value of the greater of the long or short position of redeemable securities of a registered investment company whose assets consist of investments restricted to debt securities with one year or less to maturity ("the 2% Haircut") ("money market funds"), (2) a deduction of 7% of the market value of the long or short position of redeemable securities of a registered investment company whose assets consist of investment in long-term debt securities (other than corporate debt securities) with one year or more to maturity ("the 7% haircut"); and (3) a deduction of 9% of the market value of the long or short position of redeemable securities of a registered investment company whose assets consist of investments in long-term debt securities and nonconvertible debt securities ("the 9% Haircut").[12]

The 2% Haircut

Redeemable securities issued by investment companies are required to be sold and redeemed at their current net asset value. The current net asset value per share is the current market value of the company's assets less liabilities divided by the number of shares outstanding.[13] As a result, the net asset value per share would fluctuate with the market value of the investment company's portfolio. Since, however, most money market funds have obtained exemptive relief from the Commission to allow them to maintain a constant price per share (usually $1), few have fluctuating net asset values.

While the Commission recognizes that minimal risks are involved with maintaining positions in money market instruments, it nontheless recognizes that some risks are involved in managing the assets of the money market fund. Even though under normal circumstances the broker or dealer should be able to recover the full principal of his investment, the possibility of loss does exist. For these reasons, the Commission proposes a 2% haircut for redeemable securities of registered investment companies which invest in short-term debt securities with one year or less to maturity.

[12] Nonconvertible debt securities are defined in Rule 15c3–1(c)(2)(vi)(F) as those securities having a fixed interest rate and fixed maturity date and which are not traded flat or in default as to principal or interest and which are rated in one of the four highest rating categories by at least two of the nationally recognized statistical rating services.

[13] See Rule 22c–1 of the Investment Company Act.

The 7% Haircut

Due to the changes in the haircut schedules for long-term Government and municipal securities, the Commission believes that it is appropriate to adjust the haircut provision for redeemable securities of investment companies which invest in those securities. Accordingly, since the Commission is proposing to increase the haircut for long-term Government securities to 6% and the haircut for certain long-term municipal securities to 7%, the Commission proposes a haircut of 7% for redeemable shares of registered investment companies which invest in those securities.

The 9% Haircut

The 9% Haircut applies to securities of all other investment companies which, in addition to investing in Government and municipal securities, invest in high-quality nonconvertible debt securities. It has been the Commission's experience that nonconvertible debt securities are subject to a much greater risk of fluctuation in their market value, especially those with five years or more to maturity. Thus, investment companies which invest in these securities bear a greater risk. In order to protect against such market fluctuations, the Commission proposes a haircut of 9% for redeemable securities of registered investment companies which invest in long-term nonconvertible debt securities.

VI. Repurchase, Reverse-Repurchase and Matched Repurchase Agreements

The use of repurchase, reverse-repurchase and matched repurchase agreements by brokers and dealers as a means of financing proprietary, customer and institutional securities positions, primarily Government securities positions, has increased substantially during the past 10 years. These agreements, as represented on the balance sheets of brokerage firms, constitute the single largest liability and asset.[14]

A repurchase agreement, viewed from the perspective of a broker or dealer, is a method of financing a particular securities position, primarily Government securities and Federal

[14] According to data compiled by the Commission's Directorate of Economic and Policy Analysis, securities purchased under agreements to resell represented 32.0% of the aggregate total assets and securities sold under repurchase agreements represented 32.6% of the aggregate total liabilities of the approximately 2,532 broker-dealers that filed four quarterly FOCUS Reports in 1979. *See* Securities and Exchange Commission, *Staff Report on the Securities Industry in 1979*, at 24–26 (1980).

agency securities, whereby the broker or dealer sells the securities to another party subject to a commitment to repurchase the same securities at some future date. The broker or dealer usually obtains funds representing nearly 100% of the value of the securities and the repurchase price usually includes what is essentially an interest payment. A reverse-repurchase agreement is simply the other side of a repurchase transaction. Thus, when viewed from the perspective of a broker or dealer, a reverse-repurchase agreement represents an agreement whereby a broker or dealer agrees to finance a securities position of another party; the broker or dealer agrees to purchase securities from another party subject to a commitment to resell the same securities to that party.

A matched repurchase agreement represents a transaction whereby a broker or dealer provides financing for securities held by others by selling all or part of the securities to another party under a repurchase agreement. Maturities of repurchase, reverse-repurchase and matched repurchase agreements vary from 1 day to over 90 days, although the majority of these agreements mature in less than 30 days.[15]

Based upon concerns expressed by brokers and dealers, the Commission staff indicated by way of informal interpretation that, in repurchase transactions with certain persons, a broker or dealer could deduct, in lieu of total deficit,[16] a percentage of the total deficit with respect to a reverse-repurchase agreement determined by reference to the number of days to maturity of that agreement as of the net capital computation date as follows:

(1) 30 calendar days or less to maturity—0%.

(2) 31 calendar days to 90 calendar days to maturity—25%.

(3) 91 calendar days or more to maturity—100%.

In addition, the Commission staff stated that a charge should be taken equal to the amount by which the deficit in all reverse-repurchase agreements with 90 calendar days or less to maturity exceeds 5% of net capital before the application of subparagraphs (c)(2)(bi), (f)(3) or Appendix A to the Rule. Finally, the Commission staff indicated that the excess collateral in one reverse-repurchase agreement could be used to reduce the deficit in the same account or related accounts of the same "customer or non-customer."[17]

The Commission is proposing to amend Rule 15c3–1(c)(2)(iv) to clarify the treatment of repurchase, reverse-repurchase and matched repurchase agreements. The Commission believes that the proposed amendments will provide an appropriate framework for a discussion of these agreements, including the risks to brokers and dealers and customers of brokers and dealers and how these agreements should be treated under the financial responsibility rules.[18] The Commission also believes that these proposed amendments, if adopted, will eliminate some uncertainties surrounding the treatment of reverse-repurchase agreements and the different components of matched repurchase agreements under the Rule.

The proposed amendments would not change the current treatment of repurchase agreements and, if adopted, would codify the exclusion from the applicable haircut provisions of the Rule of those securities that are sold subject to repurchase as a component of matched repurchase agreements. Furthermore, the proposed amendments would codify the treatment currently accorded reverse-repurchase agreements (individually and as components of matched repurchase agreements)[19] and would require a deduction equal to only a percentage of any deficiency in the market value of the securities collateralizing the loan.

The proposed amendments would also permit the offset of any required deduction with respect to a reverse-repurchase agreement by any margin or other deposits held by the broker or dealer on account of the reverse-repurchase agreement. The proposed amendments, however, would alter the percentage deduction required with respect to repurchase agreements, increase the number of maturity categories to six, and require that brokers and dealers deduct the entire deficiency in the event that the market value of the securities falls to below 50% of the contract price for resale under the agreement.

The Commission invites commentators to explore the credit risks to brokers and dealers and to address whether these transactions raise regulatory concerns under the federal securities laws. In particular, brokers and dealers are invited to submit sample agreements and data concerning average daily commitments under repurchase, reverse-repurchase and matched repurchase agreements, length to maturity of these agreements, fluctuations in market value of securities under these agreements, and history of loss in connection with these agreements.

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (the "Analysis") in accordance with 5 U.S.C. 603 regarding the proposed amendments to Rule 15c3–1.

The Analysis notes that the amendments to Rule 15c3–1 are being proposed as a part of the Commission's

---

[15] According to a 1977 survey of 46 large member banks by the staff of the Board of Governors of the Federal Reserve System, 10% of their repurchase agreements extended for periods beyond 30 days; 39% ranged from 2 to 30 days; and 42% matured overnight or were terminable without advance notice. Approximately 25% of the average daily dollar volume of repurchase agreements with securities dealers, however, matured in more than 30 days. *See* "Repurchase Agreements and Federal Funds." *Federal Reserve Bulletin* at 353, 355–57 (May 1978).

[16] The Commission described the net capital treatment to be accorded repurchase, reverse-repurchase and matched repurchase agreements in Securities Exchange Release No. 11497 (June 20, 1975), 40 FR 29795 (July 16, 1975) (the "1975 Release"). Securities sold subject to repurchase agreements were to be treated as if owned by the broker or dealer with an appropriate haircut applied to the market value of the securities. Securities purchased under a reverse-repurchase agreement were to be treated as a secured receivable, inasmuch as the other party, in effect, borrowed funds from the broker or dealer; therefore, the broker or dealer was required to take a charge with respect to the deficiency, if any, in the securities collateralizing the receivable. Finally, the Commission stated that "matched repurchase agreements which result in fully secured matched contractual commitments to buy or sell U.S. Government securities should not normally receive a capital charge." Brokers and dealers argued that requiring a capital charge with respect to a reverse-repurchase agreement equal to the total deficit between the amount paid by the broker or dealer and the market value of the securities could have a significant negative impact on brokers and dealers reverse-repurchase operations.

[17] *See* NYSE Interpretation Handbook: Regulation and Surveillance at 139–140 (1979) [hereinafter "NYSE Interpretation Handbook"].

[18] Since a reverse-repurchase transaction, in essence, is a secured loan and is carried on the books of the broker or dealer as a secured receivable, a decline in the market value of the securities exposes the broker or dealer to a credit risk. In the event that the other party to the reverse-repurchase agreement refuses to accept delivery of the securities, the broker or dealer may be exposed to a loss in excess of any unrealized profit. Moreover, the existence of a matched repurchase agreement with regard to all or some of the securities subject to the reverse-repurchase agreement does not appear to substantially reduce or eliminate this credit risk, since the other party to the repurchase component of the matched repurchase agreements almost always will deliver the securities to the broker or dealer in the event of a decline in the value of the securities in order to obtain the return of cash.

[19] Although the 1975 Release excludes fully secured matched repurchase agreements, Commission staff interpretations, as reported in the NYSE Interpretation Handbook, imply that a haircut may be required with respect to the repurchase side of the matched repurchase agreement. *See* NYSE Interpretation Handbook at 140.

review of the broker-dealer financial responsibility and customer protection rules. The proposed amendments are intended, among other things, to reflect in the rule more accurately changing economic conditions and business practices in the securities industry.

The Analysis notes that the amendments to Rule 15c3–1 with respect to haircuts on securities would apply to all brokers or dealers that hold such securities and, therefore, could affect all brokers and dealers, including small brokers and dealers.[20]

The proposed amendments to Rule 15c3–1, as discussed in the Analysis, would change the amount of deductions required to be taken by brokers and dealers in computing regulatory capital requirements, and in the case of government securities the method by which the deductions are computed. A change in the applicable deductions will result in a change in the amount of cash or other liquid assets which a broker or dealer must maintain to satisfy regulatory requirements. An increase in applicable deductions may force some brokers and dealers to obtain additional capital through an offering of equity interests or through loans under subordinated loan agreements (which must satisfy the requirements of Appendix D to Rule 15c3–1).[21] For those brokers and dealers, including small brokers and dealers, that compute net capital under the alternative method, it would appear that an increase costs under the proposed amendments will be more than offset by the reduction in minimum regulatory capital requirements announced today in Securities Exchange Act Release No. 18417. For those that compute their net capital requirements using the basic method, the proposed amendments may, however, result in an overall increase in regulatory capital costs. Finally, the Analysis notes that reporting and recordkeeping requirements for all brokers and dealers would not appear to be significantly altered.

The Commission recognizes the need to formulate compliance and reporting requirements that take into account the economic impact on small brokers and dealers. The Regulatory Flexibility Act directs the Commission to consider significant alternatives to the proposed amendments that would accomplish the stated objectives of applicable statutes and minimize any significant economic impact on small brokers and dealers. As discussed in the Analysis, the Commission believes that it would be inconsistent with the purposes of the Exchange Act to exempt, categorically, any small brokers and dealers from the proposed provisions of these amendments. The Commission, however, has devised an alternative to the proposed provisions for computing haircuts on U.S. Government securities that, as discussed earlier in this release, it believes, will substantially reduce the costs to small brokers and dealers in computing those haircuts. The other proposed amendments do not appear to entail significant additional computational costs and do not appear to impose additional reporting or recordkeeping requirements on small brokers and dealers.

A copy of the Analysis may be obtained by contacting Michael A. Macchiaroli, Division of Market Regulation, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 at (202) 272–2372.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. sections 78(c)(3) and 78*w*(a), the Commission proposes to amend § 240.15c3–1 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

Text of Proposed Amendments

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

It is proposed to amend 17 CFR Part 240 as follows:

By adding paragraph (c)(2)(iv)(F) to § 240.15c3–1 and revising (c)(2)(vi) (A), (B)(*2*), (D), (F) and (H) to read as follows:

§ 204.15c3–1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *

(2) * * *

(iv) * * *

(F)(*1*) For purposes of this subparagraph:

(*i*) The term "repurchase agreement" shall mean an agreement to sell securities subject to a commitment to repurchase from the same person securities of the same quantity, issuer and maturity;

(*ii*) The term "reverse-repurchase agreement" shall mean an agreement to purchase securities subject to a commitment to resell the same person securities of the same quantity, issuer and maturity; and

(*iii*) The term "matched repurchase agreement" shall mean the purchase of securities pursuant to a reverse-repurchase agreement and the resale of such securities pursuant to a repurchase agreement.

(*2*)(*i*) In the case of a reverse-repurchase agreement, the deduction shall be equal to a percentage of the difference between the contract price for resale of the securities under the reverse-repurchase agreement and the market value of those securities, determined on the basis of the date to maturity of the reverse-repurchase agreement, as of the net capital computation date, as follows:

(*A*) 7 days or less: 0%

(*B*) 8 days to 14 days: 5%

(*C*) 15 days to 30 days: 10%

(*D*) 31 days to 60 days: 25%

(*E*) 61 days to 90 days: 50%

(*F*) 91 days or more: 100%

(*ii*) If the market value of the securities subject to the reverse-repurchase agreement declines to below 50% of the contract price for resale under that agreement, the applicable deduction shall equal 100% of the difference between the contract price for resale of the securities under the agreement and the market value of those securities.

---

[20] For purposes of this rulemaking proceeding, the Commission is proposing to define as small any broker or dealer that: (1) had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a–5(d) or, if not required to file such statements, had total capital of less than $500,000 on the last business day of the preceding fiscal year (or in the time it has been in business, if shorter); and (2) is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in the Regulatory Flexibility Act. "Total capital" for these purposes consists of net worth plus subordinated liabilities, including those subordinated liabilities that do not qualify for purposes of determining a firm's net capital under Rule 15c3–1. On the basis of data compiled by the Directorate of Economic and Policy Analysis from FOCUS Reports filed by brokers and dealers, it would appear that in excess of approximately 4100 brokers and dealers would qualify as small under this definition. As discussed in the Analysis, the Commission invites comments on the appropriateness of this definition and suggestions of alternative definitions.

[21] As discussed in the Analysis, the revision in haircuts on government securities, without taking into account the impact of those provisions that would reduce capital requirements by recognizing certain hedging strategies, could increase aggregate industry regulatory capital requirements with respect to such securities by approximately 120% to 180% or $42 million to $63 million and the revision in haircuts on municipal securities could increase aggregate industry capital requirements with respect to such securities by approximately 40% or $40 million to $45 million. The Analysis also notes that the proposed amendments, if in effect during 1980, would have increased aggregate industry haircuts with respect to nonconvertible debt securities (without accounting for the impact of provisions which would allow reduced haircuts for certain hedges between nonconvertible debt and U.S. government debt securities) by approximately $24 million.

(*iii*) A deduction on account of a reverse-repurchase agreement may be offset by any margin or other deposits held by the broker or dealer on account of the reverse-repurchase agreement or by any excess market value of securities over the contract price for the resale of those securities under any other reverse-repurchase agreement with the same person.

(*iv*) A broker or dealer shall deduct an amount equal to the excess of the difference between the market value of the securities and the contract prices for resale under reverse-repurchase agreements with 90 calendar days to maturity or less, which exceeds 5% of net capital before the application of paragraphs (c)(2)(vi), or (f)(3) of this section, or Appendix A to Rule 15c3–1 (240.15c3–1a).

(*3*) In the case of a matched repurchase agreement, a broker or dealer shall not be required to deduct a percentage of the value of the securities sold under the repurchase agreement pursuant to paragraphs (c)(2)(vi)(A) of this section, *Provided,* That a deduction is taken with respect to the securities purchased under the reverse-repurchase agreement pursuant to paragraphs (c)(2)(iv)(F)(*2*) of this section.

* * * * *

(c) * * *
(2) * * *
(vi) * * *

(A)(*1*) In the case of a security issued or guaranteed as to principal or interest by the United States or any agency thereof, the applicable percentages of the market value of the net long or short position in each of the categories specified below are:

Category 1

(*i*) Less than 3 months to maturity—0%;
(*ii*) 3 months but less than 6 months to maturity—½ of 1%;
(*iii*) 6 months but less than 9 months to maturity—¾ of 1%;
(*iv*) 9 months but less than 12 months to maturity—1%.

Category 2

(*i*) 1 year but less than 2 years to maturity—1½%;
(*ii*) 2 years but less than 3 years to maturity—2%.

Category 3

(*i*) 3 years but less than 5 years to maturity—3%;
(*ii*) 5 years but less than 10 years to maturity—4%.

Category 4

(*i*) 10 years but less than 15 years to maturity—4½%;
(*ii*) 15 years but less than 20 years to maturity—5%;
(*iii*) 20 years but less than 25 years to maturity—5½%;
(*iv*) 25 years or more to maturity—6%.

Except as provided in paragraph (c)(2)(vi)(A)(*2*) of this section and as modified by paragraphs (c)(2)(vi)(A) (*3*) and (*4*) of this section, brokers or dealers shall compute a deduction for each category above as follows: Compute the deductions for the net long or short positions in each sub-category above. The deduction for the category shall be the net of the aggregate deductions on the long positions and the aggregate deductions on the short positions in each subcategory plus 50% of the lesser of the aggregate deductions on the long or short positions.

(*2*) A broker or dealer may elect to deduct, in lieu of the computation required under paragraph (c)(2)(vi)(A)(*1*) of this section, the applicable percentages of the market value of the net long or short positions in each of the sub-categories specified in paragraph (c)(2)(vi)(A)(*1*) of this section,

(*3*) In computing deductions under paragraph (c)(2)(vi)(A)(*1*) of this section, a broker or dealer may elect to exclude the market value of a long or short security from one category and a security from another category *Provided,* That:

(*i*) Such securities have maturity dates:

(*A*) Between 9 months and 15 months and within 3 months of one another;

(*B*) Between 2 years and 4 years and within 1 year of one another; or

(*C*) Between 8 years and 12 years and within 2 years of one another; and

(*ii*) The broker or dealer includes the net market value of the two securities in the category for the security with the longer date to maturity.

(*4*) In computing deductions under paragraph (c)(2)(vi)(A)(*1*) of this section, a broker or dealer may exclude from the categories specified in paragraph (c)(2)(vi)(A)(*1*) of this section, long or short positions in securities issued by the United States or any agency thereof that are hedged by long or short positions in futures contracts on a contract market in securities issued by the United States or any agency thereof, *Provided,* That the securities deliverable under the futures contract and the related long or short securities position mature in: (*A*) Less than 15 months and within 3 months of one anothr; (*B*) more than 1 year but less than 5 years and within 1 year of one another; (*C*) more than 5 years and within 5 years of one another; and *Provided, Further* that the broker or dealer deducts the applicable percentage with respect to the positions in futures contracts in accordance with the requirements of Appendix B (17 CFR 240.15c3–1b).

(B)(*1*) * * *

(*2*) In the case of any municipal security, other than those specified in paragraph (c)(2)(vi)(B) (*1*) of this section, which is not traded flat or in default as to principal or interest, the applicable percentages of the market value of the greater of the long or short position in each of the categories specified below are:

(*i*) Less than 1 year to maturity—1%;
(*ii*) 1 year but less than 2 years to maturity—2%;
(*iii*) 2 years but less than 5 years to maturity—5%;
(*iv*) 5 years or more to maturity—7%.

* * * * *

(D)(*1*) In the case of redeemable securities of an investment company registered under the Investment Company Act of 1940, which assets are limited to cash or securities or money market instruments with 1 year or less to maturity which are described in paragraphs (c)(2)(vi) (A) through (C) or (E) of this section, the deduction shall be 2% of the market value of the greater of the long or short position.

(*2*) In the case of redeemable securities of an investment company registered under the Investment Company Act of 1940, which assets are in the form of cash or securities or money market instruments of any maturity which are described in paragraphs (c)(2)(vi) (A) through (C) or (E) of this section, the deduction shall be 7% of the market value of the greater of the long or short position.

(*3*) In the case of redeemable securities of an investment company registered under the Investment Company Act of 1940, which assets are in the form of cash or securities or money market instruments which are described in paragraphs (c)(2)(vi) (A) through (C) or (E) and (F) of this section, the deduction shall be 9% of the market value of the long or short position.

* * * * *

(F)(*1*) In the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are not traded flat or in default as to principal or interest and which are rated in one of the four highest rating categories by at least two of the nationally recognized statistical rating organizations, the applicable percentages of the market value of the greater of the long or short position in each of the categories specified below are:

(*i*) Less than 1 year to maturity—2%;

(*ii*) 1 year but less than 2 years to maturity—3%;

(*iii*) Two years but less than three years to maturity—5%;

(*iv*) 3 years but less than 4 years to maturity—6%;

(*v*) 4 years but less than 5 years to maturity—7%;

(*vi*) 5 years or more to maturity—9%;

(*2*) A broker or dealer may elect to exclude from the above categories long or short positions that are hedged with short or long positions in securities issued by the United States or any agency thereof and that have maturity dates of within—3 months, if the nonconvertible debt security has a maturity date or less than 15 months; 6 months, if the nonconvertible debt security has a maturity date of greater than 15 months but less than 2 years; 1 year, if the nonconvertible debt security has a maturity date of greater than 2 years but less than 5 years; and 5 years, if the nonconvertible debt security has a maturity of 5 years or more. The electing broker or dealer shall also exclude the hedging short or long securities position from the applicable under paragraph (c)(2)(vi)(A) of Rule 15c3–1(§ 240.15c3–1(c)(2)(vi)(A)), but shall deduct a percentage of the market value of the hedged long or short position in nonconvertible debt securities as specified in each of the categories below:

(*i*) Less than 1 year to maturity—1%;

(*ii*) 1 year but less than 2 years to maturity—1½%;

(*iii*) 2 years but less than 3 years to maturity—2½%;

(*iv*) 3 years but less than 4 years to maturity—3%;

(*v*) 4 years but less than 5 years to maturity—3½%;

(*vi*) 5 years or more to maturity—4½%.

* * * * *

(H) In the case of cumulative, nonconvertible preferred stock ranking prior to all other classes of stock of the same issuer, which is rated in one of the four highest categories by at least two of the nationally recognized statistical rating organizations and which is not in arrears as to dividends, the deduction shall be 10% of the market value of the greater of the long or short position.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

January 13, 1982.

[FR Doc. 82–1707 Filed 1–22–82; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release No. 34–18420; File No. S7–923]

Borrowing and Lending of Securities by Brokers and Dealers and Related Requirements; Proposed Rule

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rule amendments.

SUMMARY: The Commission today announced a proposal to amend the requirement in the customer protection rule that brokers and dealers obtain and maintain possession or control of customers' fully-paid and excess margin securities to exempt those securities that are borrowed from financial institutions and other persons pursuant to a written agreement that provides, among other things, for the full collateralization of the borrowed securities and the delivery of additional collateral to satisfy deficiencies in excess of five percent of the market value of the securities. In that connection, the Commission will interpret the customer protection rule so as to reduce the reserve and net capital requirements of certain brokers and dealers by excluding from the Formula for the Determination of the Reserve Requirements of Brokers and Dealers (the "Reserve Formula"), debit and credit items that are related to securities borrowed from financial institutions and other persons pursuant to a written agreement that provides, among other things, that the securities are collateralized by cash or United States Government securities. In connection with its review of the broker-dealer net capital and financial responsibility rules,[3] the Commission believes that it is appropriate to clarify the treatment of securities loans under those rules.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Persons wishing to submit written views should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7–923 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroni, Esquire, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2372.

[3] Securities Exchange Act Release No. 34–18417.

SUPPLEMENTARY INFORMATION: Rule 15c3–3 [§ 240.15c3–3] under the Securities Exchange Act of 1934 (the "Exchange Act") requires, among other things, that a broker or dealer obtain and thereafter maintain possession or control of all fully-paid [1] and excess margin [2] securities carried for the account of customers ("customer securities"). For purposes of Rule 15c3–3, a "customer" is any person "from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person" and may be construed to include any person or entity, such as an institution, that lends securities to a broker or dealer, whether or not it maintains an account with that broker or dealer. Since, under that interpretation, customer securities that have been borrowed and reloaned would not generally be held in a control location as defined under paragraph (c) of Rule 15c3–3, brokers and dealers would, in effect, be precluded from borrowing and relending them. The Commission's staff, however, has generally not objected to the borrowing and lending of customer securities for particular purposes under circumstances established primarily by general practice in the securities industry.

In connection with its review of the broker-dealer net capital and financial responsibility rules,[3] the Commission believes that it is appropriate to clarify the treatment of securities loans under those rules. In particular, the Commission believes that it is appropriate to reduce the net capital requirements for brokers and dealers that borrow securities from persons other than brokers, dealers, or municipal securities dealers and that compute their minimum net capital requirement under the "alternative method" [4] (*i.e.*, on the basis of a percentage of aggregate debit items in the Reserve Formula) by removing those transactions from the Reserve Formula under certain circumstances. Coincident with this reduction in net capital requirements and in order to assure the financial responsibility of brokers and dealers and provide a framework for the borrowing and lending of securities, the Commission is proposing to amend Rule 15c3–3 to codify staff interpretations of the possession or control requirement of that rule and industry practices that provide for the initial delivery of collateral by the borrowing broker or

[1] *See* 17 CFR 240.15c3–3(a)(3).

[2] *See* 17 CFR 240.15c3–3(a)(5).

[3] Securities Exchange Act Release No. 34–18417.

[4] *See* 17 CFR 240.15c3–1(f).

dealer to secure the loan and the subsequent delivery of additional collateral as necessary to satisfy deficiencies in excess of a specified percentage of the value of the collateral.

Introduction

Rule 15c3–3 requires a broker or dealer holding customer funds or securities, among other things, to establish a cash reserve, based on periodic computations pursuant to the rule, correlated to the customer monies held by the borker or dealer that are not necessary to finance its customer business. Through the Reserve Formula,[5] a broker or dealer compares the monies that it owes customers (liabilities, or credits in the Reserve Formula) against monies owed by customers to it (assets, or debits in the Reserve Formula) [6] and deposits to a reserve bank account, in satisfaction of the requirements of Rule 15c3–3, an amount of money or qualified securities equal to the excess (if any) of liabilities over assets (the "Reserve Requirement"). The Reserve Formula also serves as a basis for the determination of the minimum net capital requirement for those brokers and dealers electing to comply with the alternative method of computing net capital requirements as set forth in Rule 15c3–1(f).[7] Under that provision, generally, electing brokers and dealers are required to maintain minimum net capital equal to the greater of $100,000 or four percent of aggregate debit items computed in accordance with the Reserve Formula.

Currently, securities loan transactions by brokers and dealers must be reflected in the Reserve Formula if the securities are borrowed to complete customer transactions.[8] Securities borrowed from persons other than brokers, dealers and municipal securities dealers, including financial institutions, have been considered to be [9] borrowed from a customer, and debit and credit items associated with these transactions are includable in the Reserve Formula.[10] As a consequence, brokers and dealers that borrow securities from such persons, in addition to providing cash or Government securities to fully collateralize the loan, are required to reflect such transactions in computing their Reserve Requirements under Rule 15c3–3. Brokers and dealers that compute their required net capital using the alternative method must also maintain liquid assets equal to four percent of the collateral deposited against the securities.

The Commission believes that inclusion in the Reserve Formula of securities that are borrowed pursuant to a written agreement under which the broker or dealer has delivered to the lender full collateral in the form of cash or Government securities may impose an unnecessary financial burden on brokers and dealers. The Commission, therefore, is revising the treatment of these transactions for purposes of the Reserve Formula and proposing amendments to Rule 15c3–3.

For purposes of the Reserve formula, securities borrowed by brokers or dealers from any person (other than a broker, dealer or municipal securities dealer) under certain circumstances should now be treated in the same way as securtities borrowed by borkers or dealers from other brokers, dealers or muncipal securities dealers. To qualify for exclusion from the Reserve Formula, the securities must be borrowed pursuant to a written agreement and the broker or dealer must (i) deliver collateral in the form of cash or Government securities equal to at least 100 percent of the value of the securities; and (ii) undertake to deliver additional collateral to satisfy the entire deficiency in the event that the market value of the securities exceeds by five perent the value of the collateral.[11] Thus, securities borrowed in conformity with these requirements should be treated as if securities borrowed from a broker, dealer or municipal securities dealer. Furthermore, for purposes of allocating funds associated with these securities in the Reserve Formula, a broker or dealer may treat lenders of securities as being non-customers, so long as the broker or dealer complies with the requirements of proposed paragraph (b)(3) of Rule 15c3–3.

The exclusion of the market value of securities that are borrowed from financial institutions and others can be expected to reduce potential Reserve Requirements for brokers and dealers. In addition, it can be expected to reduce substantially the net captial requirements of brokers and dealers that operate under the alternaitve method and that borrow securities from persons other than brokers and dealers.

II. Proposed Amendments to Rule 15c–3

As noted above, Rule 15c3–3(b) requires a broker or dealer to have and maintain physical possession or control of all fully-paid and excess margin securities held for the account of customers. The term "customer," as defined in Rule 15c3–3, includes any person, other than a broker, dealer or municipal securities dealer, that lends securities to a broker or dealer, whether or not the lender maintains an account with that broker or dealer.[12] Thus, Rule 15c3–3(b) could be read to require brokers and dealers to maintain physical possession or control of securities borrowed from such persons; the Commission's staff, however, has informally advised brokers and dealers of circumstances under which it will not take such a view.

The Commission is proposing to amend Rule 15c3–3 to codify the staff's informal advice regarding the circumstances under which borrowed securities will not be treated as subject to the possession or control requirement of that rule. While generally codifying standard industry practice in securities loan transactions, the proposed amendments are also desgined to establish safeguards to assure the financial responsibility of the borrowing

[5] *See* 17 CFR 240.15c3–3a.

[6] The credits and debits also include payables and receivables on account of customer-related transactions. The notes to the Reserve Formula specify that the debit items are to be reduced by a specified percentage in computing Reserve Requirements. *See* 17 CFR 240.15c3–3a.

[7] Approximately 275 firms, accounting for a significant percentage of industry gross revenues and a combined required net capital of approximately $1.1 billion, elected to comply with the alternative net capital requirement as of December 31, 1980.

[8] The cash collateral given by the broker or dealer to the lender is entered as a debit in the Reserve Formula; the dollar value of the securities, if borrowed from persons other than brokers or dealers, is entered as an offsetting credit in Reserve Formula. Loans allocable to properitary transactions, however, are not included in the Reserve Formula. *See* Securities Exchange Act Release No. 9922, 38 FR 1737 (Jan. 18, 1973).

[9] *See* New York Stock Exhcange, Inc. Interpretation Handbook: Regulation and Surveillance 1601 (1980).

[10] The broad reading of "customer transactions" for purposes of determining Reserve Requirements and net capital requirements under the alternative method reflected, in part, the possibility that loans of fully-paid and excess margin securities by persons other than brokers or dealers might be protected under the Securities Investor Protection Act of 1970 (the "SIPA"). Among other things, SIPA established the Securities Investor Protection Corporation ("SIPC") to oversee broker-dealer liquidations and a fund (administered by SIPC with annual contributions from brokers and dealers) to insure customers against certain losses. Congress amended SIPA in 1978, however, among other things, to clarify that lenders of securities who receive collateral or compensation, generally, are not customers under SIPA and, therefore, are not protected by the SIPA fund against certain losses. *See* discussion in Section II, *infra*.

[11] These requirements represent current industry practices in borrowing and lending securities that have developed as a consequence of the requirements Regulation T and Rule 15c3–3(b) under the Exchange Act. *See* 12 CFR 220.6(h) and 17 CFR 240.15c3–3(b). As discussed in greater detail in Section II of this release, the Commission is proposing to amend Rule 15c3–3(b) to codify informal staff interpretations of that rule and to codify certain industry practices.

[12] *See* 17 CFR 240.15c3–3(a)(1).

broker or dealer and protect its customers.

The proposed amendments would exclude from the possession or control requirement of Rule 15c3–3(b)(1) fully-paid and excess margin securities borrowed, loaned or arranged to be loaned in accordance with the requirements of new paragraph (b)(3) of the rule. That paragraph, as proposed to be adopted, would require that the broker or dealer and the lender enter into a separate written agreement with respect to the loan [13] that, at a minimum, contains each of the disclosures or undertakings specified in the rule.

The primary undertaking by a broker or dealer in the loan agreement contemplated by the proposed amendments (*see* proposed paragraph (b)(3)(ii) of rule 15c3–3) is that the lender receive, at the time of the execution of the consent to the loan (or by the close of the business day of the loan, if the loan occurs subsequent to the execution of the agreement), actual possession of collateral that fully secures the loan. This undertaking appears to be necessary in order to cover the credit risks and to dampen the financial leverage available to brokers and dealers.

In order to preserve the integrity of the collateral, the proposed amendments would require borrowing brokers and dealers to undertake to mark the securities to the market. When the market value of the securities increases by more than five percent over the value of the collateral, the borrowing broker or dealer would be required to deliver to the lender, by the end of the next business day, cash or Government securities of sufficient value to fully secure the loan. The Commission believes that determining the amount of collateral deficiencies on a daily basis and delivering additional collateral to satisfy collateral deficiencies of five percent or more will relieve borrowing brokers and dealers of the expense of delivering additional collateral because of insignificant increases in the value of the securities while at the same time substantially maintaining the integrity of the collateral. The Commission invites commentators, in considering the collateral delivery and maintenance requirements, to report on the present basis by which collateral requirements are determined and met and to discuss whether those requirements are manageable and provide adequate protection for lenders. [14]

The Board of Governors of the Federal Reserve System (the "Board"), in response to a request by a large brokerage house, has recently proposed for comment amendments to § 220.6(h) of Regulation T that bear upon the form of the collateral that may be given in exchange for borrowed securities. [15] The proposed amendments would permit brokers and dealers to use irrevocable letters of credit (issued by banks that are insured by the Federal Deposit Insurance Corporation) as the required deposit when securities are borrowed. The proposed amendments, if adopted, would alter general industry practice by eliminating, in many circumstances, the need to deposit cash as collateral for securities borrowed by a broker or dealer.

The Commission is concerned that the use of letters of credit to secure borrowed securities may provide an opportunity for financial leverage on short-term transactions that could expose brokers, dealers and their customers to risks inconsistent with the financial responsibility requirements of the federal securities laws. The proposed amendments to Rule 15c3–3, therefore, do not permit the use of letters of credit in lieu of cash or Government securities as collateral for the loan. The Commission, however, invites commentators to address whether use of letters of credit as collateral for borrowed securities would be consistent with the current financial responsibility requirements of the federal securities laws and, in particular, whether alternative restrictions concerning the use of any cash generated by relending the borrowed securities may be appropriate in circumstances where unsecured letters of credit are used to collateralize a loan of securities.

The proposed amendments also would require that the loan agreement contain a prominent notice that the provisions of the Securities Investor Protection Act of 1970 ("SIPA") may not protect the lender with respect to the loan transaction and that, therefore, the collateral delivered to the lender would constitute the first source of satisfaction of the broker-dealer's obligation in the event the broker or dealer failed to return the securities. Lenders of securities, generally, would not be afforded the protections of SIPA with respect to specific loans of customer securities to brokers or dealers for which collateral or consideration is paid, [16] since the receipt of collateral or consideration, as a general rule, precludes the lender from attaining the status of a "customer" under SIPA with respect to those transactions. [17]

The Commission invites commentators to discuss whether it is appropriate to mandate that the loan agreement contain, for the benefit of lenders of securities, certain disclosures regarding the lender's rights to incidents of ownership in securities that are subject to the agreement. Under current industry practice, the lender may surrender most incidents of ownership, including the right to transfer, vote and tender the securities, in order to enable the borrowing broker or dealer to transfer or relend the securities as necessary to complete transactions. Often, however, the lender retains some incidents of ownership and the right to receive distributions on the securities. Accordingly, the Commission invites comment as to whether the proposed amendments should require the agreement specifically and clearly to disclose the nature of the rights relinquished, the period for which they are surrendered and the procedures for the delivery of distributions, in kind or in equivalent value, to the lender. Interested persons may also wish to discuss whether the Commission should require that the agreement advise the lender that it may terminate the loan at any time by notifying the broker or dealer in writing and that the agreement

[13] This requirement, however, should not be interpreted so as to preclude the parties from entering into an agreement that provides for the future delivery of loaned securities.

[14] Under the proposal, the lender could appoint an agent, other than the broker or dealer, to receive and maintain the collateral under the loan agreement. If the lender, however, appointed as its agent to receive the collateral either the borrowing broker or an associated person of the borrowing broker, the lender may significantly increase the risk of loss associated with the transaction. In the event that the broker failed to return the securities loaned or became insolvent, the lender could risk the loss of the securities and the collateral, since the lender would not appear to have a perfected security interest in either the securities or the collateral. *See*, U.C.C. 8–313, 317 (1977); U.C.C. 9–304 & 9–305 comment 2. Since it is not clear whether the lender would be protected under the Securities Investor Protection Act of 1970, *see* discussion *infra*, the Commission is considering whether to preclude borrowing brokers or their associated persons from retaining possession of the collateral and invites comment with regard to the appropriateness of such a restriction.

[15] *See* 46 FR 55533 (Nov. 10, 1981). Section 220.6(h) of Regulation T currently provides that:

[W]ithout regard to the other provisions of this part, a creditor (1) may make a bona fide deposit of cash in order to borrow securities (whether margin or nonmargin) for the purpose of making delivery of such securities in the case of short sales, failure to receive securities he is required to deliver, or other similar cases, and (2) may lend securities for such purpose against such a deposit.

[16] *See Securities Investor Protection Corp.* v. *Executive Securities Corp.*, 558 F.2d 98 (2d Cir. 1977).

[17] *See* Section 16(2) of SIPA as amended by the Securities Investor Protection Act Amendments of 1978, Pub. L. No. 95–283, 92 Stat. 249 (May 21, 1978), 15 U.S.C. 78*lll*(2).

specify the procedures for return of the securities and the collateral.[18]

III. Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (the "Analysis") in accordance with 5 U.S.C. 603 regarding the proposed amendments to Rule 15c3–3.

The Analysis notes that the amendments to Rule 15c3–3 are being proposed as a part of the Commission's review of the broker-dealer financial responsibility and customer protection rules. The objective of the proposed amendments to Rule 15c3–3 regarding borrowed securities is to assure the financial responsibility of brokers and dealers for the protection of their customers and lenders of securities through a codification of current industry practice.

The Analysis notes that the proposed amendments would apply to brokers and dealers that are subject to the possession or control requirement of Rule 15c3–3 and that borrow fully-paid or excess margin securities from persons or entities that are not brokers, dealers or municipal securities dealers. The Analysis also notes that, although the amendments could impose additional compliance costs on these brokers and dealers, the Commission believes that because many of the requirements of the proposed rule amendments (particularly the written-consent and collateralization requirements) represents accepted industry practice, the incremental costs associated with complying with the requirements of the amendments will not be substantial and will not be likely to have a detrimental effect on competition in the industry.

A copy of the Analysis may be obtained by contacting Michael A. Macchiaroli, Division of Market Regulation, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 at (202) 272–2372.

IV. Statutory Authority

The Commission is proposing to amend Rule 15c3–3 pursuant to authority granted in Sections 15(c)(3), 17(a), and 23(a) of the Exchange Act.[19]

V. Text of the Proposed Rule Amendments

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Part 240 of 17 CFR is proposed to be amended as follows:

By revising paragraph (b)(1) of § 240.15c3–3 and adding paragraph (b)(3) to read as follows:

§ 240.15c3–3 Customer protection—reserves and custody of securities.

* * * * *

(b) *Physical possession or control of securities.*(1) A broker or dealer shall promptly obtain and shall thereafter maintain the physical possession or control of all fully-paid securities and excess margin securities carried by a broker or dealer for the account of customers, except those fully-paid securities and excess margin securities borrowed, loaned or arranged to be loaned in accordance with paragraph (b)(3) of this section.

* * * * *

(3) A broker or dealer shall be deemed not to be in violation of the provisions of paragraph (b)(1) of this section regarding physical possession or control of fully-paid or excess margin securities borrowed, loaned or arranged to be loaned from any person, provided that the broker or dealer and the lender, at the time of the loan, enter into a written agreement with respect to the loan that, at a minimum:

(i) Identifies the securities to be loaned and the basis of compensation for the loan;

(ii) Specifies that the broker or dealer (A) must transfer to the lender, upon the execution of the agreement or by the close of the business day of the loan if the loan occurs subsequent to the execution of the agreement, actual possession of collateral, consisting exclusively of cash (in the form of a cashier's or a certified check) or United States Treasury bills and Treasury notes, which fully secures the loan of securities, and (B) must mark the loan to the market not less than daily and, in the event that the market value of all the outstanding securities loaned at the close of trading at the end of the business day exceeds 105 percent of the collateral then held by the lender, the borrowing broker or dealer must deliver additional cash or United States Treasury bills and Treasury notes to the lender by the close of the next business day, as necessary to equal, together with the collateral then held by the lender, not less than 100 percent of the market value of the securities loaned; and

(iii) Contains a prominent notice that the provisions of the Securities Investor Protection Act of 1970 may not protect the lender with respect to the securities loan transaction and that, therefore, the collateral delivered to the lender would constitute the first source of satisfaction of the broker's or dealer's obligation in the event the broker or dealer failed to return the securities.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

January 13, 1982.

[FR Doc. 82–1706 Filed 1–22–82; 8:45 am]

BILLING CODE 8010–01–M

---

17 CFR Part 240

[Release No. 34–18419, File No. S7–922]

Treatment of Fails To Deliver and Fails To Receive Under the Uniform Net Capital Rule and the Customer Protection Rule; Proposed Rule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule interpretation and proposed rule amendments.

SUMMARY: The Commission proposes to amend an interpretation to its customer protection rule so that fails to deliver and fails to receive which allocate to one another would be excluded from the Reserve Formula under that rule. This would have the effect of lowering the capital requirements for brokers and dealers who use the alternative method of computing net capital. In addition, the Commission is proposing to amend its uniform net capital rule to reduce in stages the time period before a deduction must be taken for fails to deliver and to provide a deduction for those fails to deliver which would be excluded from the Reserve Formula in accordance with the amended interpretation. The rule as amended would authorize the designated examining authority for a broker or dealer to extend the aging period under prescribed circumstances.

DATE: Comments must be received on or before March 15, 1982.

---

[18] Upon notice of termination of the loan agreement, the broker or dealer would be required, in compliance with Rule 15c3–3(d) (17 CFR 240.15c3–3(d)), to act to obtain possession or control of the customer securities. Pursuant to paragraph (d)(1) of Rule 15c3–3, the broker or dealer must determine, on a daily basis, the quantity of customer securities required to be in its possession or control. If there is a deficiency (as may be likely if a lender withdrew its consent to the loan), the broker or dealer must issue instructions not later than the next business day following its possession-or-control determination for the return of the securities so that they could be forwarded to the lender. It must obtain physical possession or control of the securities within five business days following the date of issuing instructions. Alternatively, the broker may borrow the securities needed for possession or control rather than recall the securities loaned. *See* Securities Exchange Act Release No. 9922, 38 FR 1737 (Jan. 18, 1973).

[19] 15 U.S.C. 78*o*(c)(3), 78q(a) and 78w(a).

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to File No. S7–922 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Division of Market Regulation (202) 272–2372, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Presently, fails to deliver [1] and fails to receive,[2] if aged, result in deductions to a broker's or dealer's net worth in computing its net capital pursuant to Rule 15c3–1 (the "net capital rule"). Under the net capital rule, the amount by which the market value of securities failed to receive outstanding longer than 30 calendar days exceeds the contract value of those fails to receive is deducted from net worth.[3] In addition, fail to deliver contracts are the subjects of deductions if they are outstanding 11 business days or longer (21 business days or longer in the case of municipal securities).[4] Under Rule 15c3–3 (the "customer protection rule"), customer related fails to receive and customer related fails to deliver not older than 30 calendar days are included in the Reserve Formula under items 4 and 12 respectively. The inclusion of fails to receive in the Reserve Formula (a credit item) increases a broker's or dealer's potential cash deposit requirement. For a firm electing to compute its net capital under the alternative method (Rule 15c3–1(f)), the inclusion of fails to deliver in the Reserve Formula (a debit item) raises the broker's or dealer's net capital requirement.

The current treatment of fails to receive and fails to deliver is derived in large part from the excessive number of fails which existed during the "Paperwork Crisis" of 1968–70. During this period, increased trading volume coupled with the inability of brokers and dealers to handle this increased volume caused the number of fails to reach unprecedented levels.[5] In its Unsafe and Unsound Study, the Commission noted that allowing fails to deliver to remain outstanding for long periods of time exposed the "failing" broker or dealer to great risks of loss. That is, the greater the duration of a fail to deliver, the more the "failing" broker or dealer is exposed to the risks of possible financial difficulties of the party to whom he is obligated to make delivery. Moreover, in order to fulfill its delivery obligation, the "failing" broker or dealer may ultimately be forced to procure the security at a price in the open market higher than the contract price.[6]

When the altenative method of computing net capital was adopted, the Commission authorized conservative interpretations regarding Reserve Formula items, when an allocation procedure was used. Fails to receive not allocable to the broker's or dealer's proprietary long positions and fails to deliver not allocable to the broker's or dealer's proprietary short positions were presumed to be customer-related and thus includable in the Reserve Formula. These interpretations were intended to insure that customer related fails would be provided for through a Reserve Formula deposit or increased capital requirement.

In its 1979 Report to the Commission on the net capital rule, the Securities Industry Association (the "SIA") recommended that fails to deliver and fails to receive which allocate to one another ("matched fails") be excluded from both sides of the Reserve Formula.[7] The SIA reasoned that, since matched fails occur with other brokers and dealers, customer assets are jeopardized only to the extent that the broker or dealer on the other side of the fail to deliver can demonstrate an obligation to redeliver to a customer. For this reason, the SIA argued that the current Reserve Formula treatment of matched fails was not justified in light of the purposes of the customer protection rule. In support of its recommendation, the SIA also argued that a fail situation creates a risk of loss only in the event of an "aged" fail to deliver, and Rule 15c3–1(c)(2)(ix) requires a capital charge for that aged fail to deliver.

In Securities Exchange Act Release No. 17208,[8] the Commission acknowledged that the present treatment of matched fails may no longer be justified. Noting that elimination of these fails from the Reserve Formula would exclude from net capital consideration a firm's collection risk on fails to deliver until these items became "aged," however, the Commission proposed an amendment under which a broker or dealer could elect to exclude from the Reserve Formula both fails to receive and fails to deliver which allocate to one another. The broker or dealer would, however, for purposes of Rule 15c3–1(c)(2)(ix) be required to treat these fails to deliver as "aged" 3 business days or longer after settlement (11 business days or longer for municipal securities). A broker or dealer who elected not to match fails would follow Rule 15c3–1(c)(2)(ix) as it presently stands. Under either election, the Commission reasoned, the net capital rule would assure protection of any customers who may be involved by providing incentives for the broker or dealer to resolve these items, and reduce the potential risk.

In response to this proposal, the SIA contended that a fail to deliver does not "age" more rapidly from a credit risk standpoint solely because it is offset by a fail to receive. Asserting that the provisions of the present Rule 15c3–1(c)(2)(ix) appropriately reflect the credit risk presented by fails to deliver under all circumstances, the SIA renewed its recommendation that, subject to the present provisions of Rule 15c3–1(c)(2)(ix), matching fails be excluded from the Reserve Formula.

The SIA, however, in a letter dated July 22, 1981, withdrew this recommendation. Instead, it recommended that: (1) Subject to the net capital rule's existing treatment of aged fails, a firm should have the option of completely or selectively excluding its matching fails from the Reserve Formula; (2) the minimum net capital requirement of a firm operating under the alternative method should be equal to the greatest of (a) the alternative's minimum capital requirement ($100,000 under the current net capital rule) or (b) 2 percent of the firm's aggregate Reserve

---

[1] A "fail to deliver" arises when the selling broker or dealer fails to deliver the certificates in proper form at the agreed upon settlement date to the buying broker or dealer. A fail to deliver is an asset since it represents monies due to the firm for sales of securities.

[2] A "fail to receive" arises when a buying broker or dealer has not taken delivery from the selling broker or dealer as of settlement date. A fail to receive is a liability which the buying broker or dealer must satisfy when the securities are delivered.

[3] *See* paragraph (c)(2)(iv)(E) of Rule 15c3–1.

[4] *See* paragraph (c)(2)(ix) of Rule 15c3–1.

[5] The Commission noted in its Unsafe and Unsound Study that fails to deliver of New York Stock Exchange (NYSE) member firms in December of 1968 amounted to $4 billion. Securities and Exchange Commission, *Study of Unsafe and Unsound Practices of Brokers and Dealers*, H. Doc. No. 231, 92nd Cong., 1st Sess. (1971) at 19.

[6] *Id.* It was in this context that the Commission and the exchanges adopted amendments to their net capital rules to provide deductions from net worth for fails to deliver outstanding beyond specified periods of time. *See* Securities Exchange Act Release No. 8508 (Jan. 30, 1969), 34 FR 1567 (Feb. 1, 1969).

[7] Such allocation procedure would allow a broker or dealer to match a security which he had failed to receive with a security of the same class and issuer he had failed to deliver and exclude both from the Reserve Formula.

[8] *See* Securities Exchange Act Release No. 17208 (Oct. 9, 1980), 21 SEC Docket 139, 45 FR 69915 (Oct. 22, 1980).

Formula debits (other than debits arising from excluded matching fails) or (c) that the firm should be required to have net capital equal to some appropriate percentage of the firm's excluded matching fail debits.

II

The Commission has considered carefully the SIA's proposal in light of the underlying purposes of the uniform net capital and the customer protection rules, and has determined that, although the proposal is consistent with the purposes of those rules, it reaches its goal at the cost of greatly increasing the complexity of the net capital rule. Accordingly, the Commission proposes herein an alternative scheme which it believes will achieve essentially the same results without increasing the difficulty of monitoring the net capital rule.

First, the Commission proposes that fails to deliver and fails to receive which allocate to one another should be excluded from both sides of the Reserve Formula. This will equate somewhat the treatment of matched fails under the alternative method to that now afforded matched fails under the aggregate indebtedness method.[9] More importantly, however, it appears that excluding matched fails from both sides of the Reserve Formula would have the effect of providing the greatest reduction in capital requirements for those firms having the fewest retail customers. It would appear that these amendments will benefit particularly those firms dealing heavily with municipal securities.[10]

In its original proposal the Commission would have amended the net capital rule to provide different aging criteria under paragraph (c)(2)(ix) for fails to deliver which allocated to fails to receive. In contrast to its earlier recommendation, however, the Commission believes that all fails to deliver should age at the same rate regardless of whether they are excluded from the Reserve Formula, but believes that the net capital rule allows too long a time before fails to deliver must be aged. At the same time, however, the Commission recognizes that its original proposal of allowing only 3 business days (11 business days in the case of municipal securities) before aging may be too short to be implemented practically and may not reflect current industry practices.[11] In order to reflect more realistically the time frame in which the industry operates, the Commission proposes that the time period for aging a fail to deliver be cut gradually from 11 business days or longer to 5 business days or longer (or from 21 business days or longer to 15 business days or longer in the case of municipal securities).

Since fails to deliver which allocate to fails to receive would be excluded from the Reserve Formula, the Commission proposes that fails to deliver excluded by allocation be subject to an additional capital charge of 1% of the contract value of the fail to deliver. Imposition of this additional capital charge will alleviate the problem of providing dangerously low minimum net capital requirements for those firms whose Reserve Formula debits consist largely of fails to deliver allocable to fails to receive. In addition, this proposal will impose a capital requirement for those firms with retail business which more closely approximates the customer risk involved, and, for any customers which may be involved, insure protection by providing incentives for the broker or dealer to resolve those items.[12]

Finally, the Commission proposes to amend the net capital rule to provide authority to the designated examining authority (the "DEA") to grant, upon application, an extension under appropriate circumstances of the number of days allowed before application of the required percentage deductions for "aged" fails under the net capital rule. The DEA may allow an extension for a period up to five business days before the provision of this subparagraph is applied upon an appropriate showing that the extension is warranted. Among other things, the firm must be able to show that the fail has not been disavowed in some way.

* * * * *

The proposed new interpretation is as follows:

(1) Fails to receive which are not allocable to long positions in the proprietary or other accounts of the broker or dealer or to fails to deliver of the same quantity and issue are customer related and should be included in the computation of the Reserve Formula; and (2) fails to deliver which are not allocable to short positions in the proprietary or other accounts of the broker or dealer or to fails to receive of the same quantity and issue are customer related and should be included in the computation of the Reserve Formula.

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (the "Analysis") in accordance with 5 U.S.C. 603 regarding the proposed amendments to Rule 15c3–1.

The Analysis notes that the amendments to Rule 15c3–1 are being proposed as a part of the Commission's review of the broker-dealer financial responsibility and customer protection rules. The proposed amendments are intended to eliminate a disparity in the treatment of failed to deliver contracts that match with certain failed to receive contracts under the two methods of computing net capital requirements. The Analysis also notes that the reduction, in stages, of the time frame within which brokers and dealers are required to take a deduction from net worth for failed to deliver contracts is intended to reflect in the rule more accurately the time frame within which the industry operates to resolve those items.

The Analysis notes that the amendments to Rule 15c3–1 concerning the amount of deduction with respect to certain failed to deliver contracts that match with failed to receive contracts would affect those brokers and dealers, including small brokers and dealers,[13]

---

[9] Although firms electing the basic method of computing net capital are required to take a deduction for aged fails to deliver under Rule 15c3–1(c)(2)(ix), these firms are allowed to exclude fails to receive for which the firm has matching fails to deliver from the aggregate indebtedness computation pursuant to Rule 15c3–1(c)(1)(iii). No such treatment is afforded firms having matched fails and electing the alternative method since, under the present rule, fails to deliver must be included as debit item in the Reserve Formula (thereby raising the broker's or dealer's capital requirement) regardless of whether the broker or dealer has corresponding fails to receive.

[10] The Commission has been advised that firms who do a substantially retail-oriented business have the largest percentage of fail items which would not match and therefore would continue to be included in the Reserve Formula. Conversely, those firms which do business primarily with other professionals have the largest percentage of matched fails and thus would benefit the greatest from this proposal. Excluding matched fails from the Reserve Formula has the desired effect of providing a reduction in the net capital requirement for all firms, with the greatest reduction going to those firms with minimal customer exposure.

[11] Some industry commentators objected to the proposed accelerated aging of fails to deliver excluded from the Reserve Formula, citing, among other things, the inadequacy of the present clearing systems to allow brokers and dealers to liquidate fails to deliver for securities within three business days. Also in this regard, the National Association of Securities Dealers, Inc. (the "NASD"), in a letter to the Commission dated March 16, 1981, suggested that five business days in the case of non-municipal securities was a more realistic guide for aging than the three business days proposed by the Commission. The NASD further stated that experience of NASD members indicate that many fails are resolved within five business days after settlement.

[12] The Commission responses in its letter to M. S. Wein & Co., Inc., dated July 15, 1976, and in similar letters to other brokers or dealers will no longer be applicable.

[13] For purposes of this rulemaking proceeding, the Commission is proposing to define as small any

Continued

that use the alternative method to compute required net capital. The Analysis also notes that the amendments to Rule 15c3–1 with respect to the timing of deductions from net worth on account of failed to deliver contracts would apply to brokers or dealers that carry customer accounts, including approximately 630 small brokers and dealers.

The Analysis notes that the proposed amendments to Rule 15c3–1 with respect to failed to deliver contracts that match with certain failed to receive contracts, in conjunction with a proposed interpretation of Rule 15c3–3, would decrease the amount of liquid assets that must be maintained by brokers and dealers that use the alternative method to compute capital requirements. The reduction in aggregate industry required minimum net capital, the Analysis notes, would be approximately $8 million and will likely accrue to the benefit of those brokers and dealers that do business primarily with other professionals and, therefore, have a large percentage of failed to deliver contracts that match with failed to receive contracts.

The Analysis notes that the reduction from 11 business days (21 business days for municipal securities) to 7 business days (17 business days for municipal securities) upon adoption of the proposed amendments and to 5 business days (15 business days for municipal securities) effective September 1, 1982, could increase, for some entities, the regulatory capital and securities processing costs associated with resolving failed to deliver contracts that remain outstanding. The time frames that will ultimately apply under the proposed amendments, however, conform to the time frames within which the industry operates and the proposed amendments, therefore, should not increase significantly the regulatory capital or securities processing costs of brokers and dealers whose operations conform to industry standards. Furthermore, any increase in costs associated with these amendments would appear to have no significant impact on competition among brokers and dealers.

The Commission recognizes the need to formulate compliance and reporting requirements that take into account the economic impact on small brokers and dealers. The Regulatory Flexibility Act directs the Commission to consider significant alternatives to the proposed amendments that would accomplish the stated objectives of applicable statutes and minimize any significant economic impact on small brokers and dealers. As discussed in the Analysis, the Commission believes that it would be inconsistent with the purposes of the Exchange Act to exempt, categorically, any small brokers and dealers from the proposed provisions of these amendments. The Commission, however, as noted in the Analysis, invites interested persons to suggest alternatives to the proposed amendments that they believe will accomplish the stated objectives of the Exchange Act and minimize any significant economic impact on small brokers and dealers.

A copy of the Analysis may be contained by contacting Michael A. Macchiaroli, Division of Market Regulation, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 at (202) 272–2372.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. §§ 78*o*(c)(3) and 78*w*(a), the Commission proposes to amend § 240.15c3–1 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

Text of Proposed Amendments

It is proposed to amend 17 CFR Part 240 as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By revising paragraph (c)(2)(ix) of § 240.15c3–1 and adding (f)(5)(iv) to read as follows:

§ 240.15c3–1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *

(2) * * *

(ix) Deducting from the contract value of each failed to deliver contract which is outstanding 5 business days or longer (15 business days or longer in the case of municipal securities) the percentages of the market value of the underlying security which would be required by application of the deduction required by paragraph (c)(2)(vi) of this section or, where appropriate, paragraph (f) of this section. Such deduction, however, shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security or reduced by any excess of the market value of the underlying security over the contract value of the fail but not to exceed the amount of such deduction; *Provided, however,* That until September 1, 1982, the deduction provided for herein shall be applied only to those fail to deliver contracts which are outstanding 7 business days or longer (17 business days or longer in the case of municipal securities). The designated examining authority for the broker or dealer may, upon application, extend for a period of up to 5 business days, any period herein specified where it is satisfied that the extension is warranted.

* * * * *

(f) * * *

(5) * * *

(iv) Deduct from net worth in computing net capital 1% of the contract value of all fails to deliver which are allocable to fails to receive of the same issue and which thereby are excluded from Item 12 of Exhibit A, 17 CFR 240.15c3–3a.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

January 13, 1982.

[FR Doc. 82–1708 Filed 1–22–82; 8:45 am]

BILLING CODE 8010–01–M

---

broker or dealer that: (1) had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a–5(d) or , if not required to file such statements, had total capital of less than $500,000 on the last business day of the preceding fiscal year (or in the time it has been in business, if shorter); and (2) is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in the Regulatory Flexibility Act. "Total capital" for these purposes consists of net worth plus subordinated liabilities, including those subordinated liabilities that do not qualify for purposes of determining a firm's net capital under Rule 15c3–1. On the basis of data compiled by the Directorate of Economic and Policy Analysis from FOCUS Reports filed by brokers and dealers, it would appear that in excess of approximately 4,100 brokers and dealer would qualify as small under this definition. As of December 31, 1980, approximately 275 brokers and dealers elected to compute capital requirements using the alternative method; only a few of these would appear to qualify as small brokers and dealers. As discussed in the Analysis, the Commission invites comment on the appropriateness of this definition.

V
4
7
/
1
6
J
A
2
5
8
2

Re

INFO

PUBL

Code
CFR U

Genera
Incorp
Printin

Federa
Correc
Daily
Genera
Privac
Public

Schedu

Laws
Indexe
Law n

Slip la

Presid
Execut
Public
Weekl

United

SERVI
Agency
Automa
Dial-a-
Chic
Los
Was
Library
Magnet
volu
Public

Special
Subscri
Subscri
TTY fo

FEDER

1-128...
129-58
589-74
745-93
935-11
1109-1
1257-1
1367-2
2073-2
2283-2
2475-2
2767-2
2855-2
2977-3
3071-3
3339-3

Reader Aids

Federal Register

Vol. 47, No. 16

Monday, January 25, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15
2475-2766	18
2767-2854	19
2855-2976	20
2977-3070	21
3071-3338	22
3339-3538	25

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

4707 (Amended by Proc. 4889)	1
4889	1
4890	2855
4891	2977
4892	3339

Executive Orders:

1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
11476 (See EO 12340)	3071
11835 (See EO 12340)	3071
12018 (See EO 12340)	3071
12171 (Amended by EO 12338)	1369
12198 (See EO 12340)	3071
12233 (See EO 12340)	3071
12251 (Revoked by EO 12341)	3341
12306 (See EO 12340)	3071
12310 (Amended by EO 12339)	2475
12315 (See EO 12340)	3071
12337	1367
12338	1369
12339	2475
12341	3341

5 CFR

Ch. XIV	3343
293	3077
359	2283
410	935
832	2284
1201	936

Proposed Rules:

Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Ch. XII	2981
Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
160	3343
282	532
301	1257
319	3082, 3086
425	6
631	130
701	937
800	131, 2254
801	2979
905	589
906	1265
907	746, 2074, 2980
910	939, 2767, 3082
944	747, 1265
1300	2981
1701	3088
1924	590
1942	590

Proposed Rules:

Ch. I	3126
102	631
360	2874
979	631
1004	2118
1006	814
1007	962, 2122
1011	2999
1012	814
1013	814
1033	814
1036	814
1040	814
1046	2999
1098	2999
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814, 3361
1250	1105
1701	3126
1865	33
1942	2774
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132

Proposed Rules

3	1396

9 CFR

Ch. I	745

Ch. II.....745
Ch. III.....745
82.....1109, 3089
92.....591
331.....3089
381.....3089

Proposed Rules
78.....3490

10 CFR
2.....2286
40.....8
50.....2286
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:
Ch. XVI.....1138
50.....2876, 2879
317.....1137
378.....817
440.....1299
455.....2880
457.....1301
486.....3127
500.....161
501.....161
503.....161
710.....2874
790.....1302

12 CFR
Ch. VII.....1371
5.....132
203.....750
207.....2981
213.....755
217.....9, 2857
220.....2981
221.....2981
226.....755
327.....943
563.....3091
563c.....2857, 3091
614.....2477

Proposed Rules:
309.....3127
311.....3127
332.....3127
335.....3127
338.....3127
345.....3127
349.....3127
701.....963
702.....633, 2122

13 CFR
101.....2074, 2305
107.....2859
120.....9
124.....1109

14 CFR
21.....756
39.....10–14, 759, 1110–1113, 2477, 2479, 3346, 3347
61.....3486
71.....15–18, 759, 760, 1113–1115, 2079, 2481, 2984, 2985, 3348–3350
73.....18, 2986
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140
1214.....3095

Proposed Rules:
Ch. I.....817, 3369
39.....1140–1142, 2485
71.....36–38, 1144, 1145, 2488, 2489, 3002–3005, 3370
73.....1146, 2488, 2490
91.....818
121.....3068
296.....633
297.....633

15 CFR
0.....3350
50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:
30.....2122
369.....2320

16 CFR
1.....3095
13.....1372, 3350
305.....18, 19

Proposed Rules:
13.....3371
14.....3128

17 CFR
201.....609
211.....1266
230.....3098
240.....1372, 1373, 2079, 3512

Proposed Rules:
1.....2325
210.....2776
230.....3130
239.....3130
240.....2124, 3521–3534
274.....3130

18 CFR
Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:
141.....39, 2329, 3374
271.....39, 638, 2883, 2884
273.....638
274.....638

19 CFR
4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:
4.....3374
10.....2124
18.....2125
111.....1396
177.....2126, 3375

20 CFR
Ch. I.....145
Ch. V.....145
Ch. VI.....145
416.....3099

Proposed Rules:
Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR
1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
166.....3108
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374, 2986
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376, 2860

Proposed Rules:
7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444–512
358.....522
874.....3280
878.....2810

22 CFR
42.....2089

23 CFR

Proposed Rules:
635.....1146

24 CFR
201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR
700.....2089

26 CFR
1.....147
5e.....2986

Proposed Rules:
1.....163, 164, 988, 3006
15A.....164
301.....3007

27 CFR

Proposed Rules:
5.....1148
9.....1149–1153

28 CFR
2.....2312
17.....2861

29 CFR
Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:
Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1990.....187
2672.....1304

30 CFR
904.....3108
936.....2989

Proposed Rules:
Ch. I.....402
Ch. VII.....820, 2338
100.....2335
211.....819
700.....41, 3377
701.....41, 3377
716.....928, 2340
764.....41, 3377
770.....41, 3377
771.....41, 3377
779.....41, 3377
780.....41, 3377
783.....41, 3377
784.....41, 3377
785.....41, 3377
786.....41, 3377
788.....41, 3377
816.....41, 3377
817.....41, 3377
825.....41, 3377
826.....928, 2340
828.....41, 3377
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
906.....967
913.....57
914.....3008
921.....560, 3377

922.....560
937.....560
939.....560, 3377
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

80.....3351
82.....3351
110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826
117.....3010

34 CFR

219.....3328
220.....3328
624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

35 CFR

103.....2991

36 CFR

Ch. II.....745
60.....3109

Proposed Rules:

Ch. II.....2886
60.....3138

39 CFR

111.....3351, 3352
601.....1377

Proposed Rules:

111.....3377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768, 3110–3115, 3352, 3353
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115, 3354
123.....618, 1248, 2314
180.....619–623, 1378–1384, 2862, 2863
193.....1385
262.....1248
264.....953
265.....1254, 2316
702.....2771
762.....148, 149

Proposed Rules:

50.....2127, 2341
52.....191, 1304, 1398, 2129, 3138
58.....2127
65.....969, 2889
81.....2131, 3011
86.....972, 1306, 1642
123.....1155, 2378, 3378
180.....651–654, 2889
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385
5A–7.....2481
5A–16.....2481
5A–72.....2481

Proposed Rules:

Ch. 60.....402

42 CFR

405.....1386
441.....1386

43 CFR

7.....2995
20.....2316, 2995
428.....624
3100.....2864
3110.....2864

Public Land Orders:

6100.....21, 3351
6101.....769

Proposed Rules:

Subtitle A.....2381
426.....2890
4100.....1155

44 CFR

64.....3116, 3119, 3355
65...770, 3121, 3122, 3357, 3356
66.....770
67.....22, 3123
70.....771, 772, 3124, 3125

Proposed Rules:

13.....2491
67.....3012, 3140–3147, 3379
205.....827

45 CFR

680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

547.....3359

Proposed Rules:

69.....2131
510.....215
536.....655

47 CFR

0.....1294, 2884
2.....953, 1386
21.....953
73.....150, 1386, 2116, 2865–2871
74.....150, 953, 1392, 2864
83.....2317
97.....2872, 3360

Proposed Rules:

2.....983, 1308
15.....216, 836
73.....58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385, 2890–2893, 3388, 3389
74.....983
81.....2894
83.....2894
90.....1310

48 CFR

Proposed Rules:

13.....1400
17.....1400

49 CFR

Ch. X.....613
1.....1122
571.....2996
635.....3391
650.....3391
658.....3391
830.....773
1033.....151, 152, 624, 773, 776, 2482
1056.....777
1136.....2117
1139.....2317

Proposed Rules:

Ch. X.....3392
1031.....1155
1039.....220
1300.....220
1310.....59

50 CFR

17.....2317
23.....1294, 2117
32.....1122–1135
611.....625, 1294, 1295
662.....629
675.....1295

Proposed Rules:

23.....1242
611.....2386
672.....2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 8, 1982

V 47 / 16
JA 25 82

V
4
7
/
1
6
J
A
2
5
8
2

V 47 / 16 JA 25 82 UMI

Just Released

Code of Federal Regulations

Revised as of October 1, 1981

Quantity	Volume	Price	Amount
_____	Title 46—Shipping (Parts 140 to 155)	$6.50	$_____
_____	Title 46 —Shipping (Parts 200 to 399)	8.00	_____
_____	Title 47—Telecommunication (Parts 0 to 19)	7.50	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA® MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

1-26-82
Vol. 47 No. 17
Pages 3539-3756

federal register

Tuesday
January 26, 1982

Highlights

3562 **Taxes** Treasury/IRS proposes rules on limitation of benefits in event of early termination of certain tax qualified retirement plans.

3558 Treasury/IRS proposes rules on imposition of excise taxes on undistributed income of private foundations.

3559 Treasury/IRS proposes rules on reduction of business energy credits by subsidized borrowings.

3541 **Consumer Leasing** FHLBB authorizes federally-chartered savings and loan associations and savings banks to engage in personal property leasing.

3543 **Federal Home Loan Banks** FHLBB amends reserve and net worth requirements.

3539 **Child Care Food Program** USDA/FNS changes maximum allowable reimbursement rates for sponsors of day care homes.

3545, 3546 **Employment Taxes** Treasury/IRS issues rules on voluntary withholding from annuity payments and submission of certain withholding certificates. (2 documents)

3551 **Health Systems Agencies** HHS/PHS amends rules on designation and funding.

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

3694 **Medical Devices** HHS/FDA proposes general rules on classification of all ophthalmic devices. (Part II of this issue)

3752 **Prisons** Justice/PB proposes rules on management of Youth Corrections Act Institutions, Adult Basic Education Program and Suicide Prevention Program. (Part III of this issue)

3555 **Banks and Banking** Treasury/Comptroller proposes to amend rules on disposition of credit life insurance income.

3613 **Oil and Gas Leasing** Interior/BLM requests comments on outer continental shelf bidding systems.

3554, 3555 **Loans—Rural Areas** USDA/REA proposes to amend bulletin on supplemental financing for electrical facilities. (2 documents)

3574 **Railroads** ICC invites comments on maintenance of demurrage and detention records for freight cars and trailers.

3566 **Occupational Safety and Health** Labor/OSHA seeks comments on occupational exposure to ethylene oxide.

Antidumping Commerce/ITA issues notices on:

3577 Spun acrylic yarn from Japan.

3579 Unrefined montan wax from German Democratic Republic.

3577 **Cheese** Commerce/ITA publishes annual list of foreign government subsidies on articles of quota cheese.

3576 **Privacy Act Documents** ACTION

3672 **Sunshine Act Meetings**

Separate Parts of This Issue

3694 Part II, HHS/FDA
3752 Part III, Justice/PB

Contents

Federal Register
Vol. 47, No. 17
Tuesday, January 26, 1982

ACTION
RULES
3553 Reporting and recordkeeping requirements
NOTICES
3576 Privacy Act; systems of records

Agricultural Stabilization and Conservation Service
NOTICES
Marketing quotas and acreage allotments:
3576 Peanuts; 1982 national poundage quota and 1982–1985 national poundage quota referendum period, etc.; correction

Agriculture Department
See Agricultural Stabilization and Conservation Service; Food and Nutrition Service; Rural Electrification Administration.

Air Force Department
NOTICES
Meetings:
3581 Scientific Advisory Board

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
3564 Madera, Calif.

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
3576 Connecticut
3577 Hawaii

Commerce Department
See International Trade Administration; National Bureau of Standards.

Comptroller of Currency
PROPOSED RULES
3555 Credit life insurance income; disposition

Consumer Product Safety Commission
NOTICES
3672 Meetings; Sunshine Act

Defense Department
See Air Force Department.

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
3581 Federal Paper Board Co.

Employment and Training Administration
NOTICES
Adjustment assistance:
3647 Allegheny Ludlum et al.
3647 Merck & Co., Inc., and Calgon Corp.
3648 Reid Stevens
3646 Washington Stove Works et al.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
3548–3550 California (3 documents)

Hazardous waste programs; interim authorizations; various States:
3551 Arizona; comment period opened and review period recommenced
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
3596 Fuel Maximiser
Pesticide registration, cancellation, etc.:
3596 2-Chlorotoluene
Toxic and hazardous substances control:
3591, 3592 Premanufacture notices receipts (2 documents)
3596 Premanufacture notification requirements; test marketing exemption applications

Federal Aviation Administration
RULES
Airworthiness directives:
3544 McDonnell Douglas

Federal Communications Commission
PROPOSED RULES
Common carrier services:
3573 Domestic fixed-satellite service; space stations licensing; extension of time
NOTICES
Meetings:
3598 National Industry Advisory Committee (2 documents)
3672 Meetings; Sunshine Act (2 documents)
3597 Public broadcasting; alternative financing for public telecommunications entities; inquiry
3597 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies; correction

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
3583 Bonneville Power Administration
3585 Grisdale Hill Co.
3586 Johnson, Michael E.
3588 Jordon-Reiwerts
3586 Marr, Douglas S.
3587 Modesto Irrigation District
3584 Mono, Calif.
3588 Tuolumne Regional Water District
3589 Waltham Hydroelectric Power Co.
3590 Woods Creek, Inc. (2 documents)

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
3543 Reserve and net worth requirements
Federal savings and loan system, etc.:
3541 Consumer leasing; authorization

Federal Mine Safety and Health Review Commission
NOTICES
3673 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Bank holding companies; proposed de novo nonbank activities:
3598 Citicorp et al.
3600 Philadelphia National Corp. et al.
Federal Open Market Committee:
3599 Domestic open market operations, authorization
3599 Domestic policy directives

Food and Drug Administration
PROPOSED RULES
Medical devices:
3694 Ophthalmic devices; general provisions and classification

Food and Nutrition Service
RULES
Child nutrition programs:
3539 Child care food program; reimbursement rates for day care homes sponsors; interim rule and request for comments

General Services Administration
NOTICES
Procurement:
3601 Bidders mailing list; addresses of government entities

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
3622 Aminoil U.S.A., Inc.
3622 Exxon Co., U.S.A.
3622 Shell Oil Co.

Health and Human Services Department
See also Food and Drug Administration; Public Health Service.
NOTICES
Organization, functions, and authority delegations:
3608 Office of Regional Director

Hearings and appeals Office, Energy Department
NOTICES
Applications for exception:
3591 Cases filed

Interior Department
See Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
RULES
Employment taxes:
3545 Annuity payments; voluntary withholding of income tax
3546 Withholding exemption certificates (Form W–4)
PROPOSED RULES
Excise taxes:
3558 Private foundations; minimum investment return
Income taxes:
3559 Business energy credits; reduction by subsidized borrowings
3562 Employee retirement plans, qualified; early termination

International Trade Administration
NOTICES
Antidumping:
3577 Spun acrylic yarn from Japan
3579 Unrefined montan wax from East Germany
3577 Cheese, quota; foreign government subsidies, annual list

Interstate Commerce Commission
RULES
Motor carriers:
3553 Household goods transportation; revision of operational regulations; availability of corrected copies of Form OCP–100
PROPOSED RULES
Rail carriers:
3574 Demurrage and detention records, etc.; maintenance
NOTICES
3630, 3631 Long and short haul applications for relief (2 documents)
Motor carriers:
3626 Compensated intercorporate hauling operations; intent to engage in
3628, 3631 Finance applications (2 documents)
3632, 3636 Permanent authority applications (2 documents)
3627 Permanent authority applications; correction
3630 Permanent authority applications; operating rights authority; republications
3634 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
3646 Continental Group, Inc.
3645 TeCe Corp.

Justice Department
See Prisons Bureau.

Labor Department
See Employment and Training Administration; Occupation Safety and Health Administration; Pension and Welfare Benefit Programs Office.

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
3624 Twin Falls livestock grazing management program, Idaho
Meetings:
3624 Outer Continental Shelf Advisory Board
Opening of public lands:
3622 Arizona

Outer Continental Shelf; oil and gas lease sales:
3613 Bidding systems; inquiry
Survey plat filings:
3624 Montana (2 documents)
Withdrawal and reservation of lands, proposed, etc.:
3623 Arizona (2 documents)

National Bureau of Standards
NOTICES
Information processing standards, Federal:
3581 Interface standards exclusion list; additions
3580 Interface standards exclusion list; proposed changes; inquiry
Senior Executive Service:
3580 Performance Review Board; membership

National Park Service
NOTICES
3625 Cape Cod National Seashore; water resources management alternatives analysis; availability and inquiry
Historic Places National Register; pending nominations:
3625 Alabama et al.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
3650 Boston Edison Co.
3651, 3655 Carolina Power & Light Co. (2 documents)
3652, 3653 Commonwealth Edison Co. (2 documents)
3654, 3655 Commonwealth Edison Co. et al. (2 documents)
3656 GPU Nuclear Corp. et al.
3657 Iowa Electric Light & Power Co. et al.
3658 Niagara Mohawk Power Corp.
3659 Northeast Nuclear Energy Co. et al.
3660 Northern States Power Co.
3661 Philadelphia Electric Co. et al.
3661 Power Authority of State of New York
3662–3664 Tennessee Valley Authority (3 documents)
Meetings:
3650 Reactor Safeguards Advisory Committee
3662 Regulatory guides; issuance and availability

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
3566 Ethylene oxide; occupational exposure standards; advance notice

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
3648 Kennedy Associated, Inc.

Prisons Bureau
PROPOSED RULES
Inmate control, custody, care, treatment, and instruction:
3752 Youth Corrections Act institutions, adult basic education program, and suicide prevention program

Public Health Service
RULES
3551 Health systems agencies; elimination of reviews, etc.
NOTICES
Organization, functions, and authority delegations:
3603–3608 Food and Drug Administration (4 documents)

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
3626 Chikaskia project, Kans. and Okla.; extension of time

Rural Electrification Administration
PROPOSED RULES
Electric borrowers:
3554 Supplemental financing for loans (Bulletin 20–14, Attachment A)
3555 Supplemental financing for loans (Bulletin 20–14, Attachment C)

Securities and Exchange Commission
NOTICES
Hearings, etc.:
3667 Narragansett Capital Corp. et al.
Self-regulatory organizations; proposed rule changes:
3665 Boston Stock Exchange, Inc.
3666 Chicago Board Options Exchange, Inc.
3666 Cincinnati Stock Exchange
3667 Philadelphia Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
3666 Cincinnati Stock Exchange
3666 Midwest Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
3671 Faulkner Investment Co.
3671 International Paper Capital Formation, Inc.
3671 Vadus Capital Corp.

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
3571 Ohio; hearing

Transportation Department
See Federal Aviation Administration.

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Comptroller of Currency; Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
3576 Connecticut Advisory Committee, Cromwell, Conn. (open), 2–18–82
3577 Hawaii Advisory Committee, Honolulu, Hi. (open), 2–20–82

DEFENSE DEPARTMENT
Air Force Department—
3581 USAF Scientific Advisory Board, Scott Air Force Base, Ill. (closed), 2–11–82

FEDERAL COMMUNICATIONS COMMISSION
3598 National Industry Advisory Committee: Executive Committee, Washington, D.C. (open), 2–16–82; Broadcast Services Subcommittee, Washington, D.C. (open), 2–16–82

INTERIOR DEPARTMENT
Land Management Bureau—
3624 Outer Continental Shelf Advisory Board, Scientific Committee, Washington, D.C. (open), 2–22 through 2–24–82

NUCLEAR REGULATORY COMMISSION
3650 Reactor Safeguards Advisory Committee, Qualification Program for Safety Related Equipment Subcommittee, Washington, D.C. (open), 2–10–82

HEARINGS

INTERIOR DEPARTMENT
Land Management Bureau—
3624 Twin Falls livestock grazing management program, draft environmental impact statement, Twin Falls, Idaho, 2–25–82
Office of Surface Mining Reclamation and Enforcement—
3571 Ohio Permanent Regulatory Program, Columbus, Ohio, 2–20–82

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
226..... 3539
Proposed Rules:
1701 (2 documents).....3554, 3555

12 CFR
541..... 3541
545..... 3541
561..... 3541
563..... 3543
Proposed Rules:
2.....3555

14 CFR
39..... 3544

21 CFR
Proposed Rules:
886..... 3694

26 CFR
31 (2 documents)..... 3445, 3546
32..... 3545
37..... 3546
Proposed Rules:
1 (2 documents)..... 3559, 3562
53..... 3558

27 CFR
Proposed Rules:
9.....3564

28 CFR
Proposed Rules:
524..... 3752
544..... 3752
549..... 3752

29 CFR
Proposed Rules:
1910..... 3566

30 CFR
Proposed Rules:
Ch. VII..... 3571

40 CFR
52 (3 documents)..... 3548–3550
123..... 3551

42 CFR
122..... 3551

45 CFR
Ch. XII..... 3553

47 CFR
Proposed Rules:
25..... 3573

49 CFR
1056.....3553
Proposed Rules:
1033..... 3574
1254..... 3574

V
4
7
/
1
7
J
A
2
6
8
2
UMI

Ru

This s
contain
general
of whi
the Co
publish
U.S.C.
The C
by the
Prices
first FE
month.

DEPA

Food

7 CFR

Child
Reimb
Day Ca

AGENC
USDA.

ACTION
comme

SUMMA
35, the
1981, th
of tiers
determ
reimbu
expens
care ho
Progra

DATES:
January
which
require
review
establi
Comme
before
consid

ADDRE
sent to
and Pr
Care a
Food a
Depart
Virgini

FOR FU
Beverly
or by t
Copies
availab
hours a
Drive,

SUPPLE
Classif

Rules and Regulations

Federal Register
Vol. 47, No. 17
Tuesday, January 26, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Reimbursement Rates for Sponsors of Day Care Homes

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: As mandated by Pub. L. 97–35, the Omnibus Reconciliation Act of 1981, this interim rule alters the number of tiers and adjusts the base rates which determine maximum allowable reimbursement for administrative expenses incurred by sponsors of day care homes in the Child Care Food Program (CCFP).

DATES: The interim rule is effective January 1, 1982, except § 226.16(d)(4)(ii) which contains information collection requirements which are subject to review by OMB. The Department is establishing a 60-day comment period. Comments must be received on or before March 29, 1982 to be assured of consideration for the final rule.

ADDRESS: Written comments should be sent to Beverly Walstrom, Chief, Policy and Program Development Branch, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Beverly Walstrom at the above address or by telephone at (703) 756–3888.
Copies of all written comments will be available for review during business hours at Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302.

SUPPLEMENTARY INFORMATION:
Classification: This rulemaking has been reviewed in accordance with Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. This rule has also been reviewed with regard to the requirements of Pub. L. 96–354. David B. Alspach, Acting Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

The Child Care Food Program (CCFP) is authorized by Section 17 of The National School Lunch Act, which was amended on August 13, 1981, by Pub. L. 97–35, The Omnibus Reconciliation Act of 1981. Among the provisions of Pub. L. 97–35 is a mandate to "adjust the maximum allowable levels for administrative expense payments (for organizations which sponsor day care homes) . . . so as to achieve a 10 percent reduction in the total amount of reimbursement provided to institutions for such administrative expenses."—Pub. L. 97–35, (Section 810(c) (August 13, 1981). The Department has determined that in order to comply with this provision, it will be necessary to cut actual expenditures approximately $1.8 million. To make this adjustment, moreover, Congress directed the Department to "increase the economy of scale factors used to distinguish institutions that sponsor a greater number of family or group day care homes from those which sponsor a lesser number of such homes."

Currently, the maximum allowable levels are as follows:

	Per home
First 25 homes	$59
26–75 homes	41
Each home over 75	35

This reimbursement structure was originally developed for the January 22, 1980, CCFP regulations by taking into account factors which indicated that certain economies of scale occur at 25 homes and 75 homes. Since it was assumed that most day care homes would participate in the CCFP under the auspices of moderately sized sponsoring organizations, the Department did not establish larger tiers to reflect the existence of further economies of scale.

However, over the last several years, sponsoring organizations have grown rapidly to enrollments far exceeding 75 homes. A review of available data now shows that over 20 percent of current sponsoring organizations operate more than 75 homes. These organizations, moreover, account for over 75 percent of all homes participating in the Program. Information available to the Department from a representative sample of sponsoring organizations further indicates that economies of scale which include, among other things, savings on overhead and savings resulting from more sophisticated recordkeeping occur at the levels of 50 homes and 200 homes. Based on experience, the Department also believes that a third level of 1,000 homes is reasonable. Therefore, the Department is replacing the current three-tiered structure used to determine maximum reimbursement with a four-tiered structure which recognizes economies of scale at 50 homes, 200 homes, and 1,000 homes. The Department believes this structure establishes economy of scale factors at more realistic levels for sponsoring organizations with large numbers of day care homes.

After creating a four tier system, the Department next determined reimbursement rates for each tier which would be equivalent to the rates paid to sponsoring organizations under the three tier structure. The Department then calculated the relative impact of the proposed rate changes on various size sponsors. In the case of the third and fourth tiers (201–1,000 homes and each home over 1,000, respectively), the rates would be the same under both the former structure and the new structure. Tier One went from 1–25 homes to 1–50, and Tier Two went from 26–75 homes to 51–200. The new tiers overlap the old tiers for sponsors which fall into the 26–50 home range and the 75–200 home range. For that reason, the Department had to recalculate rates.

The information on sponsors necessary to make these calculations was developed by Abt Associates as part of its nationwide study of administrative costs for sponsors of family day care homes. Of 492 sponsors with 1–50 homes, 346 have 1–25 homes and 146 have 26–50 homes. Abt weighted these sponsors according to

the number of sponsors in each of these two categories and determined that the weighted average at present reimbursement levels for each of the first 50 homes is $49. This rate, therefore, is transposed to the 1–50 tier.

The same procedure was followed to calculate the current rate for each of the next 150 homes. The 54 sponsors with 51–75 homes and the 76 sponsors with 76–200 homes were weighed to arrive at the current rate of $37 for each of the 150 homes in the second tier.

In accordance with this method, the current rates for the new tiers are as follows:

	Per home
First 50 homes	$49
51–200 homes	37
201–1,000 homes	35
Each home over 1,000	35

In adjusting these rates, the Department was guided by estimates of administrative costs of $18.3 million that would occur in Fiscal Year 1982 if neither the tiers nor the rates were modified. According to this information, in order to achieve the legislative mandate, the adjusted rates must ensure a savings in this area of at least $1.8 million. To achieve the goal of a 10 percent reduction in total amount of reimbursement provided to institutions for administration, the Department must first account for the fact that actual expenditures for organizations' administrative costs amount to only slightly more than 80 percent of the maximum reimbursement available under the current rate structure. Consequently, in order to comply with the mandate of the law, the Department first had to adjust the current rates to account for the fact that a portion of the reimbursement presently available to sponsoring organizations is not claimed. Therefore, the Department adjusted the rates for all tiers by 15 percent. The Department decided on this percentage rather than 20 percent to account for any possibility that subsequent claims might increase the portion of maximum reimbursement actually paid. The Department emphasizes that this adjustment does not, itself, represent a reduction in expenditures. Rather, it merely recognizes that actual reimbursement is below the maximum levels and that a rate reduction must be made before the rates can be further adjusted to achieve the required reduction in the Department's expenditures.

After making a 15 percent reduction in the rates in all four tiers, the Department considered a variety of options for accomplishing the 10 percent reduction in total reimbursements, as the law directs. In reviewing these options, the Department employed the following criteria. First, because the Department believes the proposed rate structure must offer reasonable assurance of achieving a 10 percent reduction in expenditures, the actual reduction in rates should result in a total projected expenditure reduction of slightly more than 10 percent. Secondly, the law directs the Department to make greater reductions in the rates for large organizations than in the rates for smaller ones in order to reflect existing economies of scale. Finally, the Department noted the possible effects which each option might be expected to have on each size of sponsoring organization. In particular, the Department was concerned that reductions in the administrative rates might affect the ability of organizations of certain sizes to continue operating the Program. If large sponsoring organizations, for example, were forced to cease operations due to insufficient administrative reimbursement, it is possible that Program benefits might be denied to many children currently being served.

For the reasons outlined above, the Department did not adopt a rate structure based on an across-the-board reduction in the rates for sponsoring organizations in all tiers. Such a rate structure would require small organizations to adjust as much as larger ones, even though the former have much less capacity than the latter to absorb reductions. The Department, therefore, has determined that a reduction in rates only for larger organizations serves the best interests of all participants in the program. Consequently, after the 15 percent adjustment in all tiers to account for the available reimbursement not presently paid, the Department made no further reduction in the first two tiers and reduced the third tier by 16 percent and the fourth tier by 28 percent. The new rates for all tiers are as follows:

	Per home
First 50 homes	$42
51–200 homes	32
201–1,000 homes	25
Each home over 1,000	22

A review of information projected by Abt Associates indicates that these rates would enable the Department to make the reduction in administrative reimbursement required by law. On the other hand, this structure does not make a precipitous reduction in overall expenditures. Moreover, smaller organizations would be less affected by the new rates than larger ones with greater economies of scale. Finally, the Department believes that this structure would allow the mandate of the law to be achieved without serious disruption to any group of sponsoring organizations. For these reasons, the Department is adopting this rate structure.

The Department emphasizes that there is no intention to reduce the ability of sponsoring organizations to operate in the Child Care Food Program. This rate structure recognizes both the fact that organizations' actual claims for reimbursement have generally been lower than the maximum available under the rates and the fact that Congress has mandated a reduction in *actual* administrative expenditures as part of a general effort to reduce spending by the Federal government. The Department also realizes that reductions in administrative reimbursement need to be accompanied by corresponding modifications to the administrative responsibilities which sponsoring organizations must discharge. For this reason, this regulation also reduces from four to three the minimum number of annual visits which sponsoring organizations must make to each of their homes. The sponsoring organization monitoring requirement is one of the more costly activities for which organizations are responsible. This reduction in monitoring, therefore, will assist sponsoring organizations in their adjustment to the new reimbursement levels. The Department is also prepared to consider reductions in other administrative responsibilities currently fulfilled by sponsoring organizations. The Department, therefore, requests commenters to recommend other areas in which administrative duties can be modified without adverse consequences.

Since the effective date of this change is January 1, 1982, it is impracticable for there to be prior notice and public comment thereon. However, subsequent comments will be received and considered.

The reporting and recordkeeping requirements contained in this regulation are subject to review by OMB under the Paperwork Reduction Act and are not effective until approved by OMB.

PART 226—CHILD CARE FOOD PROGRAM

Accordingly, 7 CFR Part 226 is amended as follows:

1. By amending § 226.12(a) to revise (a)(3) (i), (ii) and (iii) and add (iv) to read as follows:

§ 226.12 Administrative payments to sponsoring organizations for day care homes.

(a) * * *
(3) * * *
(i) Initial 50 day care homes by 42 dollars;
(ii) Next 150 day care homes by 32 dollars;
(iii) Next 800 day care homes by 25 dollars; and
(iv) Additional day care homes by 22 dollars. During any fiscal year, administrative payments to a sponsoring organization may not exceed 30 percent of the total amount of administrative payments and food service payments for day care home operations.
* * * * *

2. By revising § 226.16(d)(4)(ii) to read as follows:

§ 226.16 Sponsoring organization provisions.

* * * * * * *
(d) * * *
(4) * * *
(ii) Three times each year at each day care home, provided at least one review is made during each day care home's first four weeks of Program operations and not more than six months elapse between reviews;
* * * * * *

(Sec. 810 and 820, Pub. L. 97–35, Omnibus Reconciliation Act of 1981; Sec. 2, Pub. L. 95–627, 92 Stat. 3603 (42 U.S.C. 1766); Sec. 10, Pub. L. 89–642, 80 Stat., 899 (42 U.S.C. 1779))

Dated: January 19, 1982.

David B. Alspach,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 82-1810 Filed 1-25-82; 8:45 am]

BILLING CODE 3410-30-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541, 545 and 561

[No. 82-21]

Consumer Leasing

Dated: January 14, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Federal Home Loan Bank Board has adopted regulations to authorize federally-chartered savings and loan associations and federally-chartered mutual savings banks to engage in personal property leasing that may be considered the functional equivalent of lending that Federal associations are otherwise permitted to do. The regulation will enable Federal associations to more fully utilize their lending powers.

EFFECTIVE DATE: February 14, 1982.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, ((202) 377–6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 81–584, the Federal Home Loan Bank Board proposed regulations to allow federally-chartered savings and loan associations and federally-chartered mutual savings banks to engage in certain forms of leasing that are the functional equivalent of consumer lending. 46 FR 49135 (Oct. 6, 1981). The Board has determined that Federal associations have the power to engage in lease financing under the consumer lending authority created in Section 401 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 153, 12 U.S.C. 1464(c)(2) (Supp. IV 1980).

The proposed regulation closely followed those governing the leasing activities of national banks and bank holding company subsidiaries, 12 CFR 7.3400 and 225.4(a)(6) (1981), and incorporated the legal restrictions on permissible lease financing described in M&M Leasing Corp. v. Seattle First National Bank, 563 F.2d 1377 (9th Cir. 1977), cert. denied, 436 U.S. 956 (1978). Under the proposal, Federal associations would be permitted to enter into full payout, net leases. A net lease places all the burdens of ownership on the lessee who would be responsible for maintenance and repair of the leased property. The full payout requirement means that over the term of the lease the lessor must recoup its entire investment in the leased property plus the cost of financing. The lessor's return would come from the monthly payments made by the lessee, estimated tax benefits, and the estimated residual value of the property. Following the example of the Office of the Comptroller of the Currency (OCC), the Board proposed placing a limit of 25 percent of the original cost of the leased item on residual value estimates. Higher estimates would be allowed if the residual value were guaranteed by a financially capable party. The Board specifically asked for comment on the suitability of the 25 percent limit as well as for comment on the tax, accounting, and usury aspects of consumer leasing for Federal associations.

The Board received 15 comment letters on the consumer leasing proposal: 12 from savings and loan associations; two from state savings and loan leagues, and one from a certified public accountant. All commenters favored the proposal. Several felt that the proposed authority was too limited and should be extended to include commercial leasing. Other commenters sought some affirmative statement that indirect leasing is permissible. Several commenters found the net lease and full payout restrictions too inflexible.

With respect to the areas in which the Board specifically sought comment, respondents indicated no objection to the 25 percent limitation on unguaranteed residual values. It was noted that this figure does not place Federal associations at a disadvantage to national banks and in any event may be exceeded by merely obtaining a guaranty of the residual value. Regarding usury, commenters urged the Board to take the same position as OCC that leases are not subject to usury laws. Several suggested that the Board incorporate specific preemptive language in the final regulation. Concerning the tax aspects of leasing, two commenters noted that savings and loan associations would only receive half of any investment tax credit attributable to the purchase of leased property. *See* I.R.C. section 46(e). These commenters suggested that, for this reason, Federal associations may find it more advantageous to conduct their leasing activities through a service corporation and recommended that the Board authorize consumer leasing as a preapproved activity under 12 CFR 545.9–1(c) (1981). In the only comment offered on the accounting aspects of leasing, it was suggested that these issues were adequately covered in Accounting for Leases published by the Financial Accounting Standards Board.

Based on the comments received, the Board has determined that few changes should be made to the proposed regulation. Since commenters found the residual value estimate limits acceptable, the Board will retain the proposed formula in the final rule. The Board adheres to the position taken in the preamble to the proposed regulation that state usury laws would not apply to a consumer lease entered into by a federal association.

In the Board's view, it would be undesirable to delete the full payout and net lease requirements of the proposal at this time, in view of the present powers of federally-chartered savings and loans and savings banks, and the current state of the law. The limitations of full payout

and net leases were both cited by the Ninth Circuit as important indicia of a permissible leasing transaction for banks. See M&M Leasing Corp. v. Seattle First National Bank, 563 F. 2d 1377, 1380 (9th Cir. 1977), cert. denied, 436 U.S. 956 (1978). Accordingly, these restrictions are being affirmatively adopted by the Board at this time. However, if after federally-chartered associations have exercised the leasing authority provided in this rule, either the powers of such associations or applicable laws evolve further, the Board will reevaluate the restrictions imposed herein.

Certain questions have arisen with respect to the authority of federals to engage in indirect leasing transactions (*i.e.*, the purchase of a lease and the leased property after the lease has been executed between a dealer and the customer). It was the Board's intent in 12 CFR 5457–10a(a)(2) of the proposal that federal associations be permitted to engage in indirect consumer leasing to the same extent that they may engage in indirect consumer lending. Consequently, a federal association may purchase a consumer lease meeting the requirements of the regulation just as it might purchase a consumer loan. Such authority can be found in the Board's own regulations and the relevant case law as set forth in the preamble to the proposal.

Consumer leasing as approved today, may only be engaged in by federals as an incident to the consumer lending authority; federal associations may not directly engage in commercial leasing. However, Board staff will consider whether certain forms of commercial leasing could be offered by a service corporation and make appropriate recommendations to the Board.

The Board is aware that a significant percentage of automobile leasing is to small businessmen and professionals who use leased automobiles for both business and personal activities. Partial business use of the leased property may raise questions whether the lease may be considered a consumer lease for the purposes of this rule. In the Board's view, however, a lease to a natural person of personal property which will be put to some personal use should be presumed to be a consumer lease.

Leasing as a pre-approved service corporation activity is currently under study by the Board's staff. Accordingly, no amendment to that regulation will be made at this time. The Board is of the view, however, that leasing of the type described in this regulation is the functional equivalent of consumer lending and is authorized to service corporations as an incident to their consumer lending authority under 12 CFR 545.9–1(c)(1)(vi).

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 541 and 545 of Subchapter C and Part 561 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 541—DEFINITIONS

1. Amend § 541.25 by adding after the word "loan" in the first line:

§ 541.25 Consumer loan.

* * * (or a lease meeting the requirements of § 545.7–10a of this subchapter) * * *

PART 545—OPERATIONS

2. Add a new § 545.7–10a, to read as follows:

§ 545.7–10a Consumer leasing.

(1) Become the legal or beneficial owner and lessor of specific personal property or otherwise acquire such property at the request of the lessee who wishes to lease it from the association; or

(a) *General.* Within the limitations of § 545.7–10, a Federal association may:

(1) Become the owner and lessor of personal property by purchasing the property from another lessor in connection with its purchase of the related lease; and

(3) Incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property, if the lease is a net, full-payout lease representing a noncancelable obligation of the lessee, notwithstanding the possible early termination of that lease, and at the expiration of the lease all interest in the property shall be either liquidated or released on a net basis as soon as practicable.

(b) *Definitions.* For the purposes of this section:

(1) A "net lease" is a lease under which the association will not, directly or indirectly, provide or be obligated to provide for:

(i) The servicing, repair or maintenance of the leased property during the lease term;

(ii) the purchasing of parts and accessories for the leased property: *Provided, however,* That improvements and additions to the leased property may be leased to the lessee upon its request in accordance with the full-payout requirements of this section;

(iii) The loan of replacement or substitute property while the leased property is being serviced;

(iv) The purchasing of insurance for the lessee, except where the lessee has failed in its contractual obligation to purchase or maintain the required insurance;

(v) The renewal of any license or registration for the property unless such action by the association is necessary to protect its interest as an owner or financer of the property.

(2) A "full-payout" lease is one from which the lessor can reasonably expect to realize a return of its full investment in the leased property plus the estimated cost of financing the property over the term of the lease derived from:

(i) Rentals;

(ii) Estimated tax benefits; and

(iii) The estimated residual value of the property at the expiration of the initial term of the lease, which shall not exceed 25 percent of the acquisition cost of the property to the lessor unless the estimated residual value is guaranteed by a manufacturer, the lessee, or a third party not an affiliate of the association and the association makes the determination that the guarantor has the resources to meet the guarantee. In all cases, however, both the estimated residual value of the property and that portion of the estimated residual value relied upon by the lessor to satisfy the requirements of a full-payout lease must be reasonable in light of the nature of the leased property and all relevant circumstances so that realization of the lessor's full investment plus the cost of financing the property primarily depends on the creditworthiness of the lessee and any guarantor of the residual value, and not on the residual market value of the leased item.

(c) *Salvage powers.* if, in good faith, an association believes that there has been an unanticipated change in conditions which threatens its financial position by significantly increasing its exposure to loss, the provisions of paragraphs (a) and (b) of this section shall not prevent the association:

(1) As the owner and lessor under a net, full-payout lease, from taking reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease; or

(2) As the assignee of a lessor's interest in a lease, from becoming the owner and lessor of the leased property pursuant to its contractual right, or from taking any reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease.

(3) Additional terms. The provisions of paragraphs (a) and (b) of this section do not prohibit an association from

including any provisions in a lease, or from making any additional agreements, to protect ints financial position or investment in the circumstances set forth in subparagraphs (1) and (2) of this paragraph (c).

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

3. Amend § 561.38 by adding the following language to the first sentence after the word "mobile homes" and before the first colon:

§ 561.38 Consumer credit.

* * * and leases of personal property to consumers that may be considered the functional equivalent of loans on personal security * * *

(Sec. 401 of the Depository Institutions Deregulation and Monetary Control Act, Pub. L. No. 96-221, 94 Stat 151, (12 U.S.C. 1464(d)); secs. 402, 403, 407, National Housing Act, (12 U.S.C. 1725, 1726, and 1730). Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943-48 Comp.))

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1923 Filed 1-25-82; 8:45 am]

BILLING CODE 6720-01-M

---

12 CFR Part 563

[No. 82-19]

Net Worth Amendment

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has amended the reserve and net-worth requirements to reflect the latitude suggested by the National Housing Act which requires institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") to maintain reserves of between three and six percent of insured accounts as the Board may determine. This action is taken pursuant to the Board's discretionary authority under section 403(b) of the National Housing Act and serves to increase lending funds avilability.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel (telephone number: (202) 377-6457), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is amending its regulations pertaining to net-worth and reserve requirements to reflect the latitude suggested by the National Housing Act. Currently, the Board's regulations require insured institutions to maintain reserves at four percent of insured accounts and net worth at four percent of liabilities. 12 CFR 563.13 (1981). Under section 403(b) of the National Housing Act, insured institutions are required to maintain reserves of between three and six percent of insured accounts, as the Board may determine. 12 U.S.C. 1726(b) (Supp. IV 1980). In addition to this statutory reserve requirement, the Board requires insured institutions to maintain net worth at a specified percentage of liabilities as a measure of capital adequacy. 12 CFR 563.13(b) (1981).

In Section 409 of the Depository Institutions Deregulation and Monetary Control Act, Congress conferred discretionary authority on the Board to set the statutory insurance reserve requirement between three and six percent. Pub. L. No. 96-221, 94 Stat. 160 (1980) (codified at 12 U.S.C. 1726(b)). Pursuant to that authority, the Board lowered the reserve requirement from five to four percent. *See Net Worth Amendments,* 45 FR 76111 (Nov. 5, 1980).

The Board remains of the view that it is essential for insured institutions to maintain adequate capital to ensure their contained viability and to provide some cushion of protection to the FSLIC. However, the Board also believes that in the present economic environment, it is both unnecessary and unrealistic to retain the present basic statutory reserve and regulatory net worth requirements at four percent of insured accounts and four percent of liabilities, respectively. Such retention is unnecessary because the Board's supervisory staff is able to resolve situations involving troubled institutions successfully where the net worth of the institution is substantially below the four percent level. Such retention is unrealistic because many institutions are facing operating losses resulting almost exclusively from the disparity between the relatively low return received on their asset portfolios and the considerably higher return paid on their liabilites. Such losses are therefore largely beyond the current control of the institution.

The Board is of the opinion that when Congress conferred on the Board discretionary authority to adjust the statutory reserve requirement between three and six percent, it was the intent of Congress that the Board take circumstances such as the foregoing into account in setting the required statutory reserve and regulatory net-worth levels. Since the Board is of the view that a reserve and net-worth level of three percent still provides protection to the FSLIC and accountholders, the Board has therefore determined to amend the net-worth and reserve requirements to reflect the maximum flexibility suggested by the statute. The amendments provide that the percentage requirements will return to four percent on December 31, 1983.

The Board has determined that the public interest would be served by retroactive implementation to cover insured institutions whose fiscal years began on or after December 3, 1980, and therefore neither the notice and public procedure provisions of 5 U.S.C. 553(b) and 12 CFR 508.12 nor the 30-day delayed effective date provisions of 5 U.S.C. 553(d) and 12 CFR 508.14 will be observed.

Accordingly, the Board hereby amends Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth Below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

§ 563.13 Reserve accounts

1. Amend paragraphs (a)(2) and (b)(2) of § 563.13 by substituting the phrase "three percent" for the phrase "four percent" wherever it occurs.

2. Amend paragraph (b)(4) of § 563.13 by adding the following sentence thereto at the end:

(b) *Net-worth requirements.* * * *

(4) *Qualifying balance deduction.* * * * The authority granted by this paragraph shall not be used to reduce the institution's statutory reserve to less than the amount specified in paragraph (a). of this section.

(Sec. 409, 94 Stat. 160. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4891 3 CFR, 1943-48 Comp., p. 1071))

Dated: January 14, 1982.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1922 Filed 1-25-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-03-AD; Amdt. 39-4306]

Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that would require modification of the wing leading edge slat control system on McDonnell Douglas Model DC-10 series airplanes. The modification would consist of the installation of two balance spring assemblies on the slat control mechanism for the left and right outboard slat control valves as well as installation of balanced pressure relief valves in hydraulic systems No. 1 and No. 3 slat extend lines of the left and right outboard slat control systems. This AD will improve the capability of these airplanes to continue safe flight and landing by assuring that uncommanded outboard slat retraction does not occur as a result of a failure event during critical flight phases.

DATE: Effective date February 25, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2833.

SUPPLEMENTARY INFORMATION: On September 22, 1981, a DC-10-30F airplane experienced a failure of the No. 3 engine during takeoff resulting in subsequent rejection of the takeoff with no injuries to passengers or crew. During the investigation of this incident by the FAA, it was learned that uncontained failure of the No. 3 engine first stage low pressure turbine disk resulted in uncommanded retraction of the right wing outboard slats due to failure of the associated outboard slat follow-up cable. It was further learned during this investigation that a similar No. 3 engine failure in 1977 on a foreign-operated DC-10-30 may have also resulted in uncommanded retraction of the right hand outboard slats. In the latter case, the engine failure occurred at approximately 400-600 feet altitude with subsequent execution of a safe landing. These events prompted a re-evaluation by the FAA of the ability of the DC-10 airplane to be capable of continued safe flight and landing after the occurrence of a critical engine failure combined with outboard slat retraction, considering such occurrence as a single event. This re-evaluation centered around an analysis of the probability of occurrence of such an event during critical phases of flight in conjunction with a controllability analysis of the airplane under these conditions.

The results of analytical determination of the probability of occurrence of a critical engine failure combined with slat retraction during critical phases of flight (including takeoff and landing) show that the occurrence of such an event is considered extremely improbable (a likelihood of occurrence of less than one in a billion). Though such analysis may be used as evidence to indicate that a specific failure event is extremely improbable and, therefore, not warranting further consideration, it is the FAA's position that probability analyses alone do not determine acceptability of a given design. As with most probability analyses, certain assumptions must be made, based upon historical data were possible, which structure the bounds within which the results remain meaningful. In determining the probability of the event noted, sufficient room for judgment exists in establishing the bounds for some of the assumptions therein postulated to preclude acceptability of the design based on probability analyses alone.

Having considered the DC-10 service experience to date, the existing data concerning turbine engine failures, and the results of the above noted probability analysis, it is FAA's determination that sufficient area exists for judgment in the interpretation of this data to warrant a determination that design changes should be incorporated to improve safety.

Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued which requires modifications to the DC-10 slat control systems which would assure that the wing slats remain extended even if the systems that actuate them sustain severe damage. This action is in full accord with FAA policy to utilize AD procedures to make changes to the approved type design when appropriate in the interest of aviation safety.

It is expected that kit parts for the above modifications will be obtainable beginning April 1982 with worldwide DC-10 fleet parts availability completed by October 1982.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, and -40 series airplanes certificated in all categories.

To assure that the DC-10 wing slats remain extended even if the slat control system sustains severe damage, accomplish the following:

Unless already accomplished compliance is required with paragraphs A and B on or before January 31, 1983, or in accordance with a schedule of accomplishment approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

A. Modify the leading edge slat servo system and replace the outboard slat system follow-up cables as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 27-187, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. Install balanced pressure relief valves in hydraulic systems No. 1 and No. 3 slat extend lines, left and right wing, as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 27-189, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. Within the next 2000 flight hours after accomplishment of the modifications noted in paragraph A above, and at intervals not to exceed 4000 flight hours thereafter, visually inspect the balance spring assemblies and outboard slat follow-up cables, left and right wing, for integrity of installation.

D. Within the next 4,000 flight hours after accomplishment of the modifications noted in paragraph B above, and at intervals not to exceed 4,000 flight hours thereafter, functionally check for proper operation of the outboard slat relief valves as outlined in the Accomplishment Instructions, paragraph (E) of McDonnell Douglas DC–10 Service Bulletin 27–189, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

E. Upon the request of an operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive intervals specified in paragraphs C and D of this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

F. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective February 25, 1982.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.— The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on January 21, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–1989 Filed 1–25–82; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 32

[T.D. 7804]

Employment Taxes; Applicable on or After January 1, 1955; and Temporary Employment Tax Regulations Under the Tax Reform Act of 1969; Voluntary Withholding From Annuity Payments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final Employment Tax Regulations (26 CFR Part 31) relating to voluntary withholding of income tax from annuity payments. Changes to the applicable tax law were made by the Tax Reform Act of 1969 and the Act of December 24, 1980 (Pub. L. 96–601). The regulations provide guidance to payors and payees of annuities with respect to such withholding.

DATES: The regulations are effective for payments of annuities made after December 31, 1970.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828).

SUPPLEMENTARY INFORMATION:

Background

On May 19, 1981, the **Federal Register** published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 3402 (o) of the Internal Revenue Code of 1954 (46 FR 27357). The regulations were proposed to conform the existing regulations to section 805 (g) and (h)(3) of the Tax Reform Act of 1969 (83 Stat. 708, 709) and to the portions relating to annuities of section 4 of the Act of December 24, 1980 (Pub. L. 96–601; 94 Stat. 3495). The content of the proposed regulations, except for technical changes in titles, was identical to that of the Temporary Employment Tax Regulations under the Tax Reform Act of 1969 (26 CFR Part 32). Accordingly, 26 CFR Part 32 is deleted by this Treasury decision. A public hearing was not held, since one was not requested. After consideration of all comments regarding the proposed amendments, those amendments are adopted without change by this Treasury decision.

Response to Comments

Two comments relating to the notice of proposed rulemaking were received. One comment proposed that the minimum amount of tax to be withheld from a monthly annuity payment and the net amount of the annuity payment received by the payee below which tax may not be withheld both be increased ten-fold. This suggestion has not been adopted since such high minimums would eliminate the flexibility that the present regulations provide.

The other comment opposed the concept of withholding from annuities. These regulations, however, merely implement the clear mechanism that the Code provides for withholding from annuities. Congress has mandated withholding from annuities where the payee requests withholding, and the Service must implement that requirement.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will impose no new reporting or recordkeeping requirements.

Drafting Information

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, the regulations proposed to be prescribed as final Employment Tax Regulations (26 CFR Part 31) published as a notice of proposed rulemaking in the **Federal Register** for May 19, 1981 (46 FR 27357), are hereby adopted as proposed. In addition, 26 CFR Part 32 is deleted.

(Secs. 3402(o) (3) and (4) and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 3402(o) (3) and (4), 94 Stat. 3495; 26 U.S.C. 7805, 68A Stat. 917))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 15, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

PART 31—EMPLOYMENT TAXES: APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 1. Section 31.3402(o)–1 (relating to extension of withholding to certain payments other than wages) is amended by revising the caption for the section and for paragraph (a), to read as follows:

§ 31.3402(o)–1 Extension of withholding to supplemental unemployment compensation benefits.

(a) *In general.* * * *

* * * * *

PART 32—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

§ 32.1 [Redesignated as § 31.3402(o)–2]

Par. 2. Section 32.1 (relating to extension of withholding of income tax at source on wages to annuity payments if requested by payee) is redesignated as § 31.3402(o)–2, and such redesignated section is inserted after § 31.3402(o)–1. Section 31.3402(o)–2 as so redesignated is amended by removing the word "payer" and inserting the word "payor" in every place where the word "payer" appears, and by revising the caption for the section to read as follows:

§ 31.3402(o)–2 Extension of withholding to annuity payments if requested by payee.

* * * * *

PART 32—[Removed]

Par. 3. Part 32 is removed in its entirety.

[FR Doc. 82–1673 Filed 1–21–82; 4:21 pm]

BILLING CODE 4830–01–M

26 CFR Parts 31 and 37

[T.D. 7803]

Employment Taxes; Applicable on or After January 1, 1955; Temporary Employment Tax Regulations for Withholding Exemption Certificates; Submission of Certain Withholding Certificates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final Employment Tax Regulations (26 CFR Part 31) relating to the submission of certain withholding exemption certificates (Forms W–4). The regulations provide guidance to employers and employees with respect to the furnishing and honoring of employee withholding exemption certificates.

DATE: This document is effective with respect to withholding exemption certificates furnished by employees to employers on or after February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3829).

SUPPLEMENTARY INFORMATION:

Background

On March 19, 1981, the **Federal Register** published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3401 and 3402 of the Internal Revenue Code of 1954 (46 FR 17566). On the same date, the **Federal Register** also published Temporary Employment Tax Regulations for Withholding Exemption Certificates (26 CFR Part 37) under section 3402 of the Internal Revenue Code of 1954 (46 FR 17547). A public hearing was held on June 2, 1981. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Issues

Comments received from employers dealt with several issues. Some employers were concerned that § 37.3402–1(e)(4) of the temporary regulations, relating to the requirement that an employer submit to the Service any new Form W–4 and supporting statement that makes a claim inconsistent with the Service's prior notice to the employer, unnecessarily interposed the employer in the middle of a dispute between the employee and the Service. These employers suggested that the regulations be changed to require the employee to submit this form and statement directly to the Service. The final regulations have been modified to permit the employee to submit a new Form W–4 (with supporting statement) that makes a claim inconsistent with the notice furnished by the Service to the employer either (1) directly to the Service or (2) to the employer who must then forward it to the Service.

Several employers were concerned about the length of time the Service may take to review some W–4 certificates. The Service has developed new internal administrative measures to provide for monthly processing in order to reduce the period of any employer or employee uncertainty over the validity of the employee's claims.

Several employers expressed concern about recordkeeping burdens imposed on them by the regulations. Because the Code assigns to the employer the responsibility for collecting income taxes at the source on wages, it is impossible to eliminate this burden. Several other employers expressed appreciation for the provisions that based the employer's responsibility to submit Forms W–4 upon an objective numerical standard, rather than upon a subjective, case-by-case standard. The final regulations have been modified to require that employers submit to the Service copies of Forms W–4 that claim more than 14 exemptions, rather than more than 9 exemptions. This change will decrease the paperwork burden on employers. The submission requirements for Forms W–4 that claim exempt status are unchanged.

Comments received from certain individuals expressed the view that income tax withholding from wages constitutes a violation of one or more provisions of the United States Constitution. For example, the provisions forbidding unlawful seizures and deprivations of property under the Fourth and Fifth Amendments to the United States Constitution were cited.

The Federal withholding system does not violate any rights of taxpayers under the Constitution. The Supreme Court has denied a constitutional challenge to the withholding system in a case where the taxpayers sought to enjoin withholding from their wages. *United States v. American Friends Service Committee, et al.*, 419 U.S. 7 (1974). Also, the United States Court of Appeals for the Tenth Circuit has specifically held that federal income tax withholding does not result in the taking of property without due process. *Campbell v. Amax Coal Co.*, 610 F. 2d 701 (10th Cir. 1979). This

holding was based on an earlier decision in which the Supreme Court refused to grant the petitioner a writ of certiorari. *United States v. Smith*, 484 F. 2d. 8 (10th Cir. 1973); cert. denied, 415 U.S. 978.

Drafting Information

The principal author of these final regulations is Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the following amendments are made to the Employment Tax Regulations (26 CFR Part 31), and the Temporary Employment Tax Regulations for Withholding Exemption Certificates (26 CFR Part 37) are deleted from the Code of Federal Regulations.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

Paragraph 1. The last sentence of paragraph (b) of § 31.3401(e)–1 is amended by removing "§ 37.3402–1" and inserting in lieu thereof "§ 31.3402(f)(2)–1(g)".

Par. 2. The last sentence preceding Example (1) of § 31.3402(n)–1 is amended by removing "§ 37.3402–1" and inserting in lieu thereof "§ 31.3402(f)(2)–1(g)".

Par. 3. Section 31.3402(f)(2)–1 is amended by the addition of a new paragraph (g) thereto to read as follows:

§ 31.3402(f)(2)–1 Withholding exemption certificates.

* * * * *

(g) *Submission of certain withholding certificates*—(1) *General rule.* An employer shall submit, in accordance with paragraph (g)(3) of this section, a copy of any withholding exemption certificate, together with a copy of any written statement received from the employee in support of the claims made on the certificate, which is received from the employee during the reporting period (even if not in effect at the end of the quarter) if the employee is employed by that employer on the last day of the reporting period and if—

(i) The total number of withholding exemptions (within the meaning of section 3402(f)(1) and the regulations thereunder) claimed on the certificate exceeds 14, or

(ii) The certificate indicates that the employee claims a status exempting the employee from withholding, and the exemption provided by paragraph (g)(2) of this section does not apply.

(2) *Exception.* A copy of the certificate shall not be submitted under paragraph (g)(1)(ii) of this section if the employer reasonably expects, at the time the certificate is received, that the employee's wages (under chapter 24 of the Code) from that employer shall not then usually exceed $200 per week.

(3) *Rules for submission*—(i) *In general.* The reporting period is a calendar quarter. Copies required to be submitted under paragraph (g)(1) of this section shall be submitted at the time and place of filing Form 941 or 941E for the reporting period, or Form 941–M for the last month of the reporting period. Form 941, 941E or 941–M shall be used, in accordance with the instructions for the form, to transmit the copies.

(ii) *Option.* At the choice of the employer, copies required to be submitted under paragraph (g)(1) of this section may be submitted earlier and for shorter reporting periods than a calendar quarter. In such case, the employer shall submit the copies to the service center where the employer would file a Form 941 or 941E and shall include with the submission a statement showing the employer's name, address, employer identification number, and the number of copies of withholding exemption certificates submitted. However, in no event shall a copy be submitted later than the time for filing the report required to be submitted for the calendar quarter reporting period under subdivision (i) of this paragraph (g)(3).

(iii) *First report.* The first submission of copies shall include a copy of any certificate required to be submitted under paragraph (g)(1) of this section which is received by the employer on or after April 1, 1980.

(4) *Other withholding exemption certificates.* An employer shall also submit a copy of any currently effective withholding exemption certificate (or make the original certificate available for inspection), together with a copy of any written statement received from the employee in support of the claims made on the certificate, upon written request of the Internal Revenue Service. This request of the Service may relate either to one or more named employees or to one or more reasonably segregable units of the employer. In this regard, the Service may, by written notice, advise the employer that a copy of each new withholding exemption certificate received from one or more named employees, or from one or more reasonably segregable units of the employer, which is required, under this paragraph (g) to be submitted to the Service is to be submitted to the District Director. The employer shall then submit to the District Director a copy of each such new certificate of each such employee immediately after the employer receives the new certificate from the named employee.

(5) *Computation of withholding.* (i) Until receipt of written notice from the Internal Revenue Service that a certificate, a copy of which was submitted under this section, is defective, that certificate is effective and the employer shall withhold on the basis of the statements made in that certificate, unless that certificate must be disregarded under the provisions of subdivision (vi) of this paragraph (g)(5).

(ii) The Internal Revenue Service may find that a copy of a withholding exemption certificate submitted contains a materially incorrect statement or it may determine, after written request to the employee for verification of the statements on the certificate, that it lacks sufficient information to determine if the certificate is correct. If the Internal Revenue Service so finds or determines and notifies the employer in writing that the certificate is defective, the employer shall then consider the certificate to be defective for purposes of computing amounts of withholding.

(iii) If the Internal Revenue Service notifies the employer that the certificate is defective, the Internal Revenue Service will, based upon its findings, advise the employer that the employee either is not entitled to claim a status exempting the employee from withholding or is not entitled to claim a total number of withholding exemptions in excess of a number specified by the Internal Revenue Service in the notice, or both. The Internal Revenue Service will also specify the Internal Revenue Service office to be contacted for further information.

(iv) The Internal Revenue Service will provide the employer with a copy for the employee of each notice it furnishes to the employer under this paragraph (g)(5) in addition to the notice furnished to the employer for his own use. The Internal Revenue Service will also mail a similar notice to the employee at the address of the employee as shown on the certificate under review. The employer shall promptly furnish the employee who filed the defective certificate, if still in his employ, with a copy of the written notice of the Internal Revenue Service with respect to the certificate and may request another withholding exemption

certificate from the employee. The employer shall withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

(v) * * *

(vi) If and when the employee does file any new certificate (after an earlier certificate of the employee was considered to be defective), the employer shall withhold on the basis of that new certificate (whenever filed) as currently effective only if the new certificate does not make a claim of exempt status or of a number of withholding exemptions which claim is inconsistent with the advice earlier furnished by the Internal Revenue Service in its written notice to the employer. If any new certificate does make a claim which is inconsistent with the advice contained in the Service's written notice to the employer, then the employer shall disregard the new certificate, shall not submit that new certificate to the Service, and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service.

(vii) If the employee makes a claim on any new certificate that is inconsistent with the advice in the Service's written notice to the employer, the employee may specify on such new certificate, or by a written statement attached to that certificate, any circumstances of the employee which have changed since the date of the Service's earlier written notice, or any other circumstances or reasons, as justification or support for the claims made by the employee on the new certificate. The employee may then submit that new certificate and written statement either to (A) the Internal Revenue Service office specified in the notice earlier funished to the employer under this paragraph (g)(5), or to (B) the employer, who must then submit a copy of that new certificate and the employee's written statement (if any) to the Internal Revenue Service office specified in the notice earlier furnished to the employer. The employer shall continue to disregard that new certificate and shall continue to withhold amounts from the employee on the basis of the maximum number specified in the written notice received from the Service unless and until the Internal Revenue Service by written notice (under subdivision (iii) of this paragraph (g)(5)) advises the employer to withhold on the basis of that new certificate and revokes its earlier written notice.

(6) *Definition of employer.* For purposes of this paragraph (g), the term "employer" includes any individual authorized by the employer to receive withholding exemption certificates, to make withholding computations, or to make payroll distributions.

PART 37—TEMPORARY EMPLOYMENT TAX REGULATIONS FOR WITHHOLDING EXEMPTION CERTIFICATES [REMOVED]

Par. 4. The Temporary Employment Tax Regulations for Withholding Exemption Certificates, 26 CFR Part 37, are hereby removed.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 18, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-1874 Filed 1-21-82: 4:22 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL—2020-4]

Imperial and Monterey Areas; State of California; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: Today's action approves cutbacks in asphalt rules submitted by the State of California for the Imperial County Air Pollution Control District and the Monterey Bay Unified Air Pollution Control District. These rules will reduce hydrocarbon emissions and meet requirements of the Clean Air Act.

EFFECTIVE DATE: This action is effective on February 25, 1982.

ADDRESS: A copy of the State submittals is located at: The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105; Attn: Douglas Grano (415) 974-8222.

SUPPLEMENTARY INFORMATION: On November 10 and December 4, 1980 (45 FR 74480 and 80279), EPA approved with conditions the Imperial County and the North Central Coast (Monterey) Nonattainment Area Plans (NAP), with regard to Part D. The reader is referred to those **Federal Register** notices for a detailed discussion of EPA's findings. Today's notice discusses one condition of EPA's approval of the NAPs which required the State to submit cutback asphalt rules reflecting reasonably available control technology (RACT).

In response to the condition, the State submitted Rule 418.1, "Cutback Asphalt," for Imperial County and Rule 425, "Cutback Asphalt," for the Monterey Bay Unified Air Pollution Control District (MBUAPCD) on March 30, 1981. In addition, EPA received a letter dated April 2, 1981 from the MBUAPCD which provided data to justify an exemption contained in their rule.

On July 23, 1981 (45 FR 37911) EPA proposed to approve the two cutback rules. No comments were received. Therefore, EPA is taking final action under Part D of the Clean Air Act to approve the two rules and remove a condition of approval of the Imperial and Monterey NAPs.

Conditional approval of the overall NAPs will be continued until EPA publishes in the **Federal Register** final approval or disapproval of all the conditional approval items for the Imperial County and Monterey Bay Area NAPs.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities." This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

Subpart F of Part 52 Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(89) (iii) and (iv) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(89) * * *

(iii) Imperial

(A) New Rule 418.1.

(iv) Monterey

(A) New Rule 425.

* * * * *

[FR Doc. 82-1848 Filed 1-25-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-9-FRL-2019-8]

California State Implementation Plan Revision; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: Revisions to rules of the Butte County, Glenn County, Siskiyou County, and Yolo-Solano Air Pollution Control Districts (APCDs) were forwarded to EPA by the California Air Resources Board. These revisions generally are administrative and retain equivalent emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved. This action will be effective on March 29, 1982, unless someone submits adverse or critical comments to EPA on or before February 25, 1982.

EFFECTIVE DATE: March 29, 1982.

ADDRESSES: Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, S.W., Room 2404, Washington, D.C. 20460

Library, Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20408

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Butte County Air Pollution Control District, 316 Nelson Avenue, Oroville, CA 95965

Glenn County Air Pollution Control District, 720 North Colusa Street, Willows, CA 95988

Siskiyou County Air Pollution Control District, 525 South Foothill Drive, Yreka, CA 96097

Yolo-Solano Air Pollution Control District, 323 First Street, Suite 5, Woodland, CA 95695

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105 (415) 974-8222.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on the indicated dates:

Butte County

November 3, 1980

Rule

1 Definitions (Agricultural Burning, Agricultural Waste, No Burn Day, and Burn Day)
3-1 Orchard Heaters
3-2 Permit Required
3-6 Prohibition of Agricultural Burning on No Burn Days
3-11 Drying Period Required
3-11.2 Rice Straw Burning
3-11.3 Field Crop Ignition
3-12 Ignition Hours
3-12.1 Restricted Burning
3-12.2 Field Crops Harvested Prior to September 10
3-14 Exceptions (From Agricultural Burning Rules)
3-15 Special Permit
3-16 Restricted Burning
3-16.1 Range Improvement Burning

Glenn County

November 3, 1980

Rule

2 Definitions (Agricultural Burning, Brush Treated, Garbage, and Bulk Storage Plant)
3 Enforcement
11 Reporting—Recording
11.1 Agricultural Waste Burning Restrictions
11.2 No title (Specifies Burning Period)
13 No-Burn Days
13.1 Restricted Burn and Quota Burn Day
14 Preparation of Material to be Burned
14.1 Range Improvement Burning
14.2 Forest Management Burning
14.3 Rice Straw Burning
15 Acreage Limitation
16 Exceptions (From Agricultural Burning Rules)
19 Burning on No Burn Days
21 Fire Permit Districts
21.1 No title (Certification of Permitters)
22 Permit Form
75 Prohibition Under State Law
81 Exceptions (From Open Burning Rules)
83 Petroleum Storage and Dispensing
83.1 Service Stations and Bulk Storage Plants
83.2 Petroleum Solvents
96 Variances
110 Applicable Articles of the Health and Safety Code
112 Contents of Petitions

Siskiyou County

January 28, 1981

Rule

(No Number) General Provisions
Article I Definitions
Article II Notification of Burning Conditions
Article III Exceptions
Article IV Enforcement
Article V-5.1 Prohibitions—General
Article V-5.2 Prohibitions—Range Improvement Burning
Article VI Burning Permits
Article VII Agricultural Burning Reports

Yolo-Solano

November 3, 1980

Rule

1.2 Definitions (Agricultural Burning for Agricultural Operations and Range Improvement, and No Burn Day)
6.1 Prohibitions
6.3 Special Permits

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All the rules listed above have been evaluated and found in accordance with EPA policy and 40 CFR Part 51.

This notice approves all the rule revisions listed above and incorporates them into the California SIP. EPA's approval of the above revisions to the California SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective March 29, 1982. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities." This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby

certify that the action will not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

Subpart F of part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(96) (ii)–(iv) and (c)(98)(ii) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(96) * * *

(ii) Butte County APCD.

(A) New or amended rules 1–8, 1–8.1, 1–10, 1–13, 1–14, 3–1, 3–2, 3–6, 3–11, 3–11.2, 3–11.3, 3–12, 3–12.1, 3–12.2, 3–14, 3–15, 3–16, and 3–16.1.

(iii) Glenn County APCD.

(A) New or amended rules 2 (a,i,v, and aa), 3, 11, 11.1, 11.2, 13, 13.1, 14, 14.1, 14.2, 14.3, 15, 16, 19, 21, 21.1, 22, 75, 81, 83, 83.1, 83.2, 96, 110, and 112.

(iv) Yolo-Solano APCD.

(A) New or amended rules 1.2 (a and g), 6.1 and 6.3.

* * * * *

(98) * * *

(ii) Siskiyou County APCD.

(A) New or amended agricultural burning regulations consisting of "General Provisions" and Articles I–VII.

* * * * *

2. Section 52.255 is amended by adding paragraph (b)(3)(xiv) as follows:

§ 52.255 Gasoline transfer vapor control.

* * * * *

(b) * * *

(3) * * *

(xiv) Glenn County APCD.

* * * * *

[FR Doc. 82-1849 Filed 1-25-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-9-FRL—2020-1]

California Rule Revisions for Six Sacramento Valley Air Pollution Control Districts; Approval and Promulgation of Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On December 22, 1980, EPA proposed to take action on revisions to the rules of the Butte County, Sacramento County, Shasta County, Sutter County, Yuba County, and Yolo-Solano Air Pollution Control Districts (APCDs) in California's Sacramento Valley. Comments were received which caused EPA to reevaluate certain rules. EPA is today approving under the Clean Air Act rule revisions for the above six APCDs.

EFFECTIVE DATE: February 25, 1982.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air & Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105; Attn: Douglas Grano (415) 974–8222.

SUPPLEMENTARY INFORMATION: From October 15, 1979 through April 2, 1980, the California Air Resources Board (ARB) submitted to EPA revisions to the rules of six Sacramento Valley APCDs for inclusion into the California State Implementation Plan. The majority of rules submitted make minor administrative revisions to previously approved rules. New rules considered in today's notice concern volatile organic compounds, agricultural burning, and emergency variances.

Comments were received on the December 22, 1980 (45 FR 84096) proposal from the ARB and the Sacramento and Yuba County APCDs. The comments concerned the proposed disapproval of Sacramento County Rules 7 (*Ringelmann Chart*), 24 (Specific *Contaminants*), and 30 (*Exception*), and Yuba County Rules 2.1(j) (*Exceptions to Rule 2.0*) and 2.4(g) (Exception to Rule 2.3). The above rules were reevaluated by EPA and are being approved in today's notice because EPA now agrees that the rules will not interfere with maintenance of the National Ambient Air Quality Standards in the affected areas. Comments received are identified and responded to in EPA's "Public Comment Technical Support Document for the Sacramento Valley, Six Districts," which is available at the EPA Library in Washington, D.C. and the Region 9 Office.

This notice takes final action to approve those rules proposed for approval on December 22, 1980, with the exception of a number of rules which have been superseded by recent rule revisions. Also approved today are the rules listed above on which public comments were received. All of the rules approved in this notice have been evaluated and found consistent with the Clean Air Act and 40 CFR Part 51 requirements.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities." This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F—California

1. Section 52.220, paragraphs (c)(51)(xvi), (51)(xvii), (52) (xvi), (xviii), and (xix), (54) (iv), (vi), (vii), and (viii), (58) (vi), and (vii), (67)(iv), (70)(iii), and (79)(vi) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(51) * * *

(xvi) Sacramento County APCD.

(A) Amended Rule 71.

* * * * *

(xvii) Shasta County APCD.

(A) Amended Rule 3.4.

* * * * *

(52) * * *

(xvi) Yuba County APCD.

(A) New or amended Rules 1, Section 1 (except Silviculture Deletion), 1.1

(except PPM), 2.0–2.2, 2.4 except (a), 2.5–2.12, 2.15–2.20, 2.22–2.24, 2.27, 2.30, Section 5 (Deletion), 5.0–5.3, 5.5–5.19, 6.1–6.7, 7, 7.1 and 8.1.

* * * * *

(xviii) Shasta County APCD.

(A) New or amended Rules 1.1, 1.2, 2.11, 2.12, and 3.2 (except rows (vi) and (vii)).

(xix) Yolo—Solano APCD.

(A) New or amended Rules 4.1–4.3.

* * * * *

(54) * * *

(iv) Yolo—Solano APCD.

(A) Amended Rule 5.4.

* * * * *

(vi) Sutter County APCD.

(A) New or amended Rules 1.4, 2.8.1 (Deletion), 2.17, and 2.82.

(vii) Yuba County APCD.

(A) Amended Rule 2.26.

(viii) Butte County APCD.

(A) New Rule 2–12.e.

(58) * * *

(vi) Shasta County APCD.

(A) New or amended Rules 1.2, 3.14, and 3.15.

(vii) Yolo—Solano APCD.

(A) Amended Rules 2.8 and 6.6.

(67) * * *

(iv) Sacramento County APCD.

(A) New or amended Rules 7, 24, 25, 28, 30, and 53.

* * * * *

(70) * * *

(iii) Shasta County APCD.

(A) Amended Rule 3.3.

* * * * *

(79) * * *

(vi) Shasta County APCD.

(A) New Rule 3.17.

* * * * *

[FR Doc. 82–1859 Filed 1–25–82; 8:45 am]

BILLING CODE 6560–38–M

---

40 CFR Part 123

[SW–9–FRL–2035–1]

Arizona Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and recommencement of review period.

SUMMARY: EPA regulations to protect human health and the environment from improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (40 FR 33063).

These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. On November 3, 1980, the State of Arizona applied for Phase I Interim Authorization. Today EPA is announcing the availability for public review of additional material submitted by the State in support of its application, and is giving notice that the review period for the Arizona application is being recommended.

DATE: Written comments on the additional material submitted by Arizona must be received by February 25, 1982.

ADDRESSES: Copies of the material under review are available at the following addresses for inspection and copying by the public:

1. Arizona Department of Health Services, Bureau of Waste Control, 1740 West Adams Street, Phoenix, AZ 85007, (602) 255–1164.

2. The State depositories in each Arizona county. Please call the number above for specific references.

3. Environmental Protection Agency, Region 9, Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8076.

Comments and/or requests for a hearing should be sent to: Alexis Strauss, Hazardous Materials Branch, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8245.

FOR FURTHER INFORMATION CONTACT: Alexis Strauss, (415) 974–8245.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated Phase I of its regulations pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: The identification and listing of hazardous waste; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transition period in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases, corresponding to the two phases in which the underlying Federal program will take effect. In order to qualify for Interim Authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F. (45 FR 33479).

On November 3, 1980 the State of Arizona applied to EPA for Phase I interim authorization of its hazardous waste management program. On November 7, 1980, EPA issued a notice of a public hearing and comment period on the State's application in the **Federal Register**. The public hearing was held in Phoenix on December 11, 1980, and the comment period remained open until the close of the hearing. In order to meet the requirements of interim authorization, the State issued emergency amendments to the original (May 2, 1980) regulations on October 23, 1980. Final regulations, addressing several concerns raised by the regulated community, were adopted on October 14, 1981. These regulations were based on broad and various State statutory provisions, which provide the requisite legal basis for their promulgations, as certified by the Arizona Attorney General.

As the final regulatory amendments had not been adopted when the emergency regulations expired, Arizona requested an extended consideration of the application by EPA. The formal review period for the interim authorization application is hereby recommended. Those portions of the application which have been changed since the previous public notice are now available for public review and comment. EPA will make a final determination on the application within 90 days of the date of this notice.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82–1924 Filed 1–25–82; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 122

Health Systems Agencies

AGENCY: Public Health Service.

ACTION: Amendment to final rule.

SUMMARY: This regulation amends the Department's regulation governing the designation and funding of health

systems agencies (HSAs) to provide that HSAs will no longer be required to conduct appropriateness reviews, conduct reviews of the proposed uses of Federal funds, or collect, and make available to the public, the rates charged for each of the twenty-five most frequently used hospital services in their States. The intended effect of this regulation is to reduce the functional burden on HSAs during a period of reduced funding.

EFFECTIVE DATE: The amendment made by this regulation shall take effect October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Merrill, Director, Policy Coordination Staff, Bureau of Health Planning, Room 6–22, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6870.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act and Executive Order 12291

The Department of Health and Human Services has determined that this final rule will not significantly impact on small business and therefore does not require preparation of a Regulatory Flexibility Analysis under the Regulatory Flexibility Act, Pub. L. 96–354.

The Department also has determined that this final rule is not a "major rule" under Executive Order 12291. Thus, a regulatory impact analysis is not required because it will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

General

The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, contains a number of amendments to Title XV of the Public Health Service Act. Section 934(b) of the Reconciliation Act allows the Secretary to waive any or all of the requirements for HSAs to conduct appropriateness reviews, conduct reviews of the proposed uses of Federal funds, and/or collect and make available to the public rates charged for each of the twenty-five most frequently used hospital services in their States. The waiver can be made either on a case by case basis for each HSA, or for all HSAs by regulation if the Secretary determines that there are not sufficient funds for HSAs to meet these requirements.

The Secretary has determined that because of the reduced level of funding authorized for HSAs in FY 1982, HSAs will not have sufficient funds to conduct these three required activities. Thus, under the amended regulations set forth below, the Secretary has waived the requirements to perform the three functions by providing each HSA with the discretion to determine which, if any, of the three functions it has sufficient resources to perform. However, if, in exercising this discretion, an HSA elects to perform either or both of the review functions, it must do so in accordance with the regulations, 42 CFR Part 122, Subparts E and/or G. If an HSA elects to collect and make available hospital rates, it should follow the Departmental guidance (Program Policy Notice 80–19, dated May 9, 1980). In addition, each HSA that elects to perform any or all of these functions should notify its HHS Regional Office and the general public within its health service area of its decision.

Other Amendments

Public Law 97–35 also amends Title XV in these respects: reduces the total authorizations for the health planning program; delays by 12 months the penalty provision applicable to States that do not have a fully designated State health planning and development agency (SHPDA) by a certain date; extends the allowable time a SHPDA can be conditionally designated; raises the Federally required minimum thresholds for certificate of need reviews; allows chief executive officers of States and Territories to apply to the Secretary for designation under section 1536 of the Public Health Service Act; reduces the minimum Federal grants that HSAs can receive; allows HSAs to receive contributions from health insurers; and modifies the HMO exemption criteria (effective October 1, 1982) in the certificate of need program. Pub. L. 97–35 also deletes Title V funds from the funds that can be withheld under Section 1122 of the Social Security Act, for health institutions' capital expenditures that were not approved. These amendments, as well as amendments contained in the Health Planning and Resources Development Amendments of 1979, Pub. L. 96–79, and the Health Programs Extension Act of 1980, Pub. L. 96–538, will be incorporated as appropriate in program regulations as the Department completes its current program of reviewing, revising and streamlining the health planning regulations.

Comments

The Secretary has determined that for this regulation public participation in rulemaking would be impractical and contrary to the public interest and that good cause exists for making this regulation effective on October 1, 1981. Publishing these final rules at the earliest date will afford HSAs the opportunity to eliminate immediately their expenditures for these functions, and channel their remaining funds into the functions having the greatest effect on the health systems in their areas.

Accordingly, Subpart B of 42 CFR Part 122 is amended as set forth below.

Dated: November 17, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: January 5, 1982.

Richard S. Schweiker,

Secretary.

PART 122—HEALTH SYSTEMS AGENCIES

Title 42 is amended in § 122.107 by revising paragraphs (c)(15) and (c)(17) and by adding a new paragraph (c)(19).

1. In § 122.107, paragraphs (c)(15) and (c)(17) are revised and a new paragraph (c)(19) is added as follows:

§ 122.107 Full designation agreements.

* * * * *

(c) * * *

(15) The agency may review on a periodic basis in accordance with procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary (42 CFR Part 122, Subpart G), at least those institutional and home health services which are offered in the health service area of the agency and with respect to which goals have been established in the State health plan and shall make recommendations to the State Agency for each State in which the agency's health service area is located respecting the appropriateness in the area of such services.

* * * * *

(17) The agency may review and approve or disapprove, or may review and comment upon, as appropriate, in accordance with procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary (42 CFR Part 122, Subpart E) each specified proposed use within its health service area of Federal funds in accordance with section 1513(e) of the

Act and applicable regulations of the Secretary.

* * * * * *

(19)(i) The agency may collect annually on a form developed in consultation with the State Agency (or agencies) the rates charged for each of the twenty-five most frequently used hospital services in the State (or States) including the average semiprivate and private room rates.

(ii) Each health systems agency shall make available to the public for inspection and copying (at a reasonable expense to the public) any information supplied to the health systems agency pursuant to this subparagraph in readily understandable language and in a manner designed to facilitate comparisons among the hospitals in the health systems agency's health service area.

* * * * * *

[FR Doc. 82-1929 Filed 1-25-82; 8:45 am]

BILLING CODE 4160-15-M

ACTION

45 CFR Ch. XII

Listing of OMB Control Numbers in Action Regulations

AGENCY: Action.

ACTION: Technical amendments.

SUMMARY: This document amends ACTION's regulations to include OMB control numbers in the specific regulations where current information collection requirements are described.

EFFECTIVE DATE: January 26, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur F. Fergenson, General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, 202-254-3116.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the public protection clause (Section 3512) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, ACTION published in 47 FR 63, January 4, 1982, a notice listing the existing recordkeeping requirements, showing regulatory citations, sections containing the requirements, and current OMB numbers.

Following the text of each paragraph cited in the list, add parenthetically the OMB number provided:

CFR section	OMB No.
45 CFR 1203.5(a)(1)	3001-0016
45 CFR 1207.2-2	116-R0351
45 CFR 1208.2-2	116-R0351
45 CFR 1209.2-2(a)	116-R0351

Dated in Washington D.C., on January 15, 1982.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82-1851 Filed 1-25-82; 8:45 am]

BILLING CODE 6050-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 36)]

Household Goods Carriers Operational Practices

AGENCY: Interstate Commerce Commission.

ACTION: Notice of availability of corrected copies of modified form OCP-100.

SUMMARY: The Commission's Office of Compliance and Consumer Assistance is making available to the public corrected copies of Form OCP-100, Your Rights and Responsibilities When You Move. The text of the publication contains recent modifications and corrections of certain typographical errors which appeared in the most recent publication of this document. This action is intended to facilitate compliance by household goods carriers with that part of the operational rules which requires that this publication be furnished by such carriers to all prospective individual shippers.

ADDRESS: Corrected Form OCP-100 may be obtained from the Office of Compliance and Consumer Assistance, Room 7205, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844 or Patricia M. Schulze, (202) 275-7841.

Dated: January 19, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1928 Filed 1-25-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 17
Tuesday, January 26, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of Attachment A to REA Bulletin 20–14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise Attachment A to REA Bulletin 20–14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act. This bulletin is used in determining the REA/supplemental loan percentages for concurrent loans. As a result of the recent amendment to the RE Act, and in accordance with existing REA policy, 140 borrowers which had been eligible to receive 100 percent of their financing needs from REA at a 2 percent interest rate will be required to obtain up to 30 percent of their financing needs from non-REA sources. The remaining portion of their financing needs would be provided by an REA insured loan at a 5 percent interest rate. This proposed action will amend the REA/supplemental lending ratios for those former statutory 2 percent borrowers (those with two or fewer consumers per mile or an average adjusted plant revenue ratio of over 9.0 as of December 31, 1980) to allow them to obtain 90 percent of their financing needs from an REA insured loan at a 5 percent interest rate and the remaining 10 percent from non-REA lenders. It will apply to loan requests received by REA after July 24, 1981. All other REA borrowers will be unaffected by this change.

DATE: Public comments must be received by REA no later than March 29, 1982.

ADDRESS: Submit written comments to Charles R. Weaver, Director, Electric Loans and Management Division, Rural Electrification Administration, Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Milton E. Wright, Borrowers Management Branch—Electric Loans and Management Division, Room 3338, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 382–1936.

The Draft Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request to the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended, (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A–REA Bulletins by revising the first page of Attachment A of REA Bulletin 20.14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act, as follows:

Attachment A—Supplemental Loan Criteria for Electric Distribution Borrowers

I. *Borrower Eligibility for Supplemental Financing:* Borrowers in either of the following two categories will be expected, unless there are exceptional circumstances as determined by the Administrator, to obtain a portion of their long-term loan funds from a supplemental financing source:

A. Borrowers which have not previously received a concurrent REA and non-REA loan and which have a:

1. Times Interest Earned Ratio (TIER) (average of highest two ratios in last three years) of 1.5 or more, and

2. Debt Service Coverage (DSC) (average of highest two of last three years) of 1.25 or more.

B. Borrowers which have received one or more concurrent REA and non-REA loans.

II. *Loan Proportions for Concurrent Loans:*

A. The loan proportions for concurrent loans to borrowers, who are eligible for supplemental financing as set forth above, with an average consumer density (DENSITY) of two or fewer per mile or an average adjusted plant revenue ratio (APRR) of over 9.0 as of December 31, 1980, will be 90 percent from REA and 10 percent from supplemental sources.

B. The loan proportions for concurrent loans to all other borrowers, who are eligible for supplemental financing as set forth above, will be based on the borrower's plant revenue ratio (PRR) as follows:

PRR	REA percentage	Supplemental limit percentage
9.01 and above	90	10
8.01 to 9.0	80	20
8.00 and below	70	30

This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, and an OBM Circular A–95 review is not applicable to this action.

REA is initiating rulemaking procedures for a complete review and possible revision of REA Bulletin 20–14. The action proposed in this notice should be viewed as a temporary policy.

Among the various options which REA considered was allowing former statutory 2 percent borrowers to obtain 100 percent of their financing needs from REA at a 5 percent interest rate. This option would not encourage the use of non-REA financing, and it would increase the demand for REA insured loan funds. REA also considered taking no action. This option would create a hardship for some borrowers in terms of both the impact of increased interest costs and the impact of establishing new financing arrangements with non-REA lenders.

The primary objective of the action selected is to ease for certain borrowers the transition from 100 percent REA financing to partial supplemental financing and the resulting increase in interest costs. As a result of the proposed action, these borrowers will be required to establish and use supplemental lending sources. This action is also consistent with previous REA policy. When borrowers were first required to use outside lending sources REA used a transition period to ease the impact on the borrowers of going to partial supplemental financing.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours from the above office. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: January 18, 1982.
Jack Van Mark,
Acting Administrator.
[FR Doc. 82-1875 Filed 1-25-82; 8:45 am]
BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Attachment C to REA Bulletin 20–14, Supplemental Financing for Loans Under Sections 4 and 305 of the Rural Electrification Act

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to add an Attachment C to REA Bulletin 20–14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act. This attachment will amend this bulletin and all bulletins inconsistent herewith to provide that distribution and subtransmission purposes will be given priority in the making of loans under Sections 4 and 305 of the Rural Electrification Act. Generally generation and bulk transmission facilities, headquarters facilities, acquisitions, general plant equipment and other purposes will be financed by the borrower from non-REA loans or general funds, subject to approval requirements set forth in REA Bulletin 103–2. Attachment C also sets forth a procedure for determining the supplemental proportions for concurrent loans to power supply borrowers.

The proposed Attachment C will ensure that all distribution and power supply borrowers are treated consistently in the financing of subtransmission facilities and enable REA to make optimum use of available REA loan funds.

DATE: Public comments must be received by REA no later than March 29, 1982.

ADDRESS: Submit written comments to Charles R. Weaver, Director, Electric Loans and Management Division, Rural Electrification Administration, Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Milton E. Wright's Borrowers' Management Branch, Electric Loan and Management Division, Room 3338, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–1936.

All written submission made pursuant to this action will be available in Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

The Draft Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request to the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Bulletin 20–14, Supplemental Financing for Loans Under sections 4 and 305 of the Rural Electrification Act, by adding an Attachment C, Loans for Electric Facilities, to the bulletin.

This proposed action has been issued in conformance with Executive Order 12291. Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, and an OMB Circular A–95 review is not applicable to this action.

REA is also initiating rulemaking procedures for a complete review and possible revision of REA Bulletin 20–14.

Among the various options which REA considered was revising Bulletin 20–14 to specify that REA loans would be limited to distribution *facilities* only. REA also considered apportioning available loans to distribution *borrowers* only. These options would not ensure that all borrowers would be treated consistently for financing of facilities most closely related to electric distribution. In addition, the option selected makes optimum use of available REA electric loans for distribution and subtransmission facilities. The text of Attachment C follows:

Attachment C—Financing for Electric Facilities

I. *Priorities for REA Loans:* To make optimum use of available REA loan funds and to ensure that borrowers are treated consistently in the financing of different types of facilities, priority will be given to REA loans for the following purposes:

A. Distribution facilities.

B. Subtransmission facilities—those between (1) the high side voltage level of transformation to the applicable primary distribution voltage and (2) the low side of the next higher voltage transformation.

Except as otherwise determined by the Administrator, borrowers should use general funds or non-REA loans for other purposes. REA will consider accommodating the lien of its mortgage to facilitate financing from other lenders for such purposes. Loan guarantees will be available for bulk transmission and generation facilities in accordance with REA Bulletin 20–22 and for such other purposes as the Administrator may determine on a case-by-case basis.

II. *Supplemental Loan Proportions:*

A. *Distribution Borrowers:* Supplemental loan proportions for distribution borrowers are specified in Attachment A (or revisions thereof) of this bulletin.

B. *Power Supply Borrowers:* When a power supply borrower requests an REA loan, it will be required, unless otherwise determined by the Administrator, to obtain a supplemental loan. The supplemental loan proportion for a power supply system will be the arithmetic mean of the supplemental loan proportions for which its distribution system members would qualify.

Example—A power supply borrower with four members with supplemental loan proportions as follows would have a supplemental loan proportion of 22.5%:

	REA proportion (percent)	Supplemental proportion (percent)
Member A	70	30
Member B	70	30
Member C	80	70
Member D	90	10
		*90

*90 divided by 4 equal 22.5 percent.

Dated: January 18, 1982.
Jack Van Mark,
Acting Administrator.
[FR Doc. 82-1876 Filed 1-25-82; 8:45 am]
BILLING CODE 3410-15-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 2

[Docket No. 82–1]

Disposition of Credit Life Insurance Income

AGENCY: Comptroller of the Currency (OCC), Treasury.

ACTION: Proposed rule.

SUMMARY: OCC proposes to amend an existing regulation, 12 CFR Part 2, to reflect recommendations of the Federal Financial Institutions Examination Council. Among other things, the proposed amendments will permit limited bonuses and incentives to bank employees for credit life insurance sales and will define the compensation to be

paid to a national bank by an affiliate to which credit life insurance income is credited. OCC also proposes the repeal of certain provisions in 12 CFR Part 2 thought to be unnecessary.

DATE: Comments must be received by March 10, 1982.

ADDRESS: Send comments to Docket No. 82-1, Communications Division, Third Floor, Office of the Comptroller of the Currency, Washington, D.C. 20219, Attention: Marie Giblin. Telephone (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Ford Barrett, Assistant Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, telephone 202/447-1896.

SUPPLEMENTARY INFORMATION:

Special Studies

The Secretary of the Treasury has certified that the proposed amendments do not require a regulatory flexbility analysis on the ground that the amendments will have no significant economic impact. As proposed, the amendments will change several minor details of a long standing OCC regulation and bring it into conformity with a policy statement recommended by the Federal Financial Institutions Examination Council. In addition, the amendments will permit OCC to delete several provisions in the existing regulation that are thought to be unnecessary.

The amendments proposed below do not constitute a major rule under section 3 of Executive Order 12291, and therefore no regulatory impact analysis is necessary. The Federal Financial Institutions Examination Council concluded that its recommended policy statement, from which the proposed amendments are drawn, will have a beneficial impact on financial institutions. The effect on bank holding companies and individuals was assessed as immaterial and minor, respectively. Since OCC's regulation has been in effect for more than three years, the impact of the proposed amendments should not differ from the Council's assessment. In view of the proposed deletion of provisions relating to minority shareholders and board of director approvals, the impact of the proposed amendments should be even more favorable.

Background

In 1978 OCC promulgated a regulation, 12 CFR Part 2, prohibiting individual bank employees, officers, directors and principal shareholders from retaining for their own personal benefit commissions from the sale of credit life, health and accident insurance ("credit life insurance") to loan customers. Three years later, on December 31, 1980, the Federal Financial Institutions Examination Council ("Council") adopted, after soliciting public comments (45 FR 1152), a policy statement on the same subject with the same thrust, and recommended it to its member agencies. The Council's policy statement and the OCC regulation have the same overall purpose and effect, but differences exist in certain details. Moreover, as a result of the Council's action, OCC believes portions of its regulation are no longer necessary. Accordingly, OCC now proposes to amend 12 CFR Part 2 to achieve consistency with the Council's policy statement and to delete unnecessary provisions.[1]

Specifically, the following additions and deletions are proposed:

(1) The citations to OCC's rulemaking authority in 12 CFR 2.1 will be amended to include 12 U.S.C. 93a and 12 U.S.C. 1818(n). The former is OCC's general rulemaking authority and the latter is the rulemaking provision in the Financial Institutions Supervisory Act of 1966, 80 Stat. 1046, 1052-1053, as amended. The reference in the existing regulation to 12 U.S.C. 1818(b) will be deleted.

(2) The definition of "credit life insurance" in 12 CFR 2.3(e) will be expanded to include mortgage life and disability insurance. The term "mortgage life and disability insurance" is intended to cover any insurance designed to repay a mortgage loan on the death or disability of the borrower.

(3) A new sentence will be added to 12 CFR 2.4(a) to clarify that bank employees and officers may receive bonuses or incentives based on credit life insurance sales. Bonuses must be paid out of the bank's funds and may not be given more frequently than quarterly. The aggregate value of the bonuses and incentives in any one year may not exceed 5 percent of the recipient's annual salary. Alternatively, bonuses paid to any one individual during the year may not exceed 5 percent of the average salary of all loan officers participating in the plan.

According to the Council, "Allowing limited bonuses will respond to the comment voiced by many financial institutions that an incentive is required to motivate a loan officer to sell credit life insurance, while still reducing the potential for abusive sales practices." Moreover, OCC has previously interpreted 12 CFR Part 2 as permitting limited bonuses based on credit life insurance sales. See Interpretive Letters No. 26, 45 and 86 published at CCH Fed. Banking L. Rep. ¶85,101, ¶85,120 and ¶85,161, respectively.

(4) 12 CFR 2.4(b) will be amended to reflect the Council's recommendation that credit life income should be credited to the income accounts of the bank (or its operating subsidiary) and not to the bank's individual employees, officers, directors, principal shareholders, their interests, or other affiliates. However, such income may be credited to an affiliate operating under the Bank Holding Company Act or to a trust for the benefit of all shareholders, provided the bank receives reasonable compensation for use of bank personnel, premises and good will in the sale of the insurance. As a general rule, "reasonable compensation" means an amount equivalent to at least 20 percent of the affiliate's net income attributable to the financial institution's credit life insurance sales.

OCC has long held the view that the bank is the proper place to credit all income from the sale of credit life insurance on bank loans. See, e.g., 42 FR 48518, 48521 (1977). However, OCC recognizes that the Board of Governors of the Federal Reserve System has approved numerous applications under the Bank Holding Company Act on the assumption that this income would be credited directly to the holding company for use in servicing its debt. Accordingly, 12 CFR Part 2 currently permits this income to be credited to affiliates. OCC continues to believe this procedure is acceptable provided that reasonable compensation is paid to the bank. As the Council stated in the commentary accompanying its recommended policy statement, the reasonable compensation requirement "recognizes both the role of the financial institution in generating credit life insurance sales and the rights of any minority stockholders to share in the benefits of such plans."

Under the Council's recommended policy statement "income" includes commissions and experience rating credits (sometimes referred to as retrospective rate credits); it does not refer to that portion of the premium required to cover the underwriting risk.

The reasonable compensation requirement is intended to work as follows. Where a bank holding company operates an insurance agency selling credit life insurance to both the bank's customers and to customers of the

[1] The Board of Governors of the Federal Reserve System has adopted the Council's recommended policy statement. 46 FR 24690 (May 1, 1981).

holding company's finance company subsidiary, the minimum reasonable compensation to the bank would be 20 percent of the net income from credit life sales made by the bank. Where the entire credit life premium is credited to the holding company's reinsurance company subsidiary, there are two choices for satisfying the reasonable compensation requirement. Under the first, the bank would be paid an amount equivalent to 20 percent of the reinsurance company's net income attributable to the bank's credit life sales. Under the second, the bank would be paid 20 percent of the net income of a pro forma insurance agency affiliate receiving the ongoing rate of commission. Thus, if the standard rate of commission were 30 percent of the premium and the agency on a pro forma basis grossed 30 percent of all premiums paid by bank loan customers, the reinsurance affiliate would pay the bank approximately 20 percent of the 30 percent gross. (A small allowance could be made for the pro forma agency's expenses so that the 20 percent factor would be applied to a net figure.)

OCC understands that some states have placed limitations on the compensation a bank may receive from an insurer, including a bank holding company's reinsurance company subsidiary. For example, § 185.9 (a) and (c) of Regulation No. 27–A issued by the State of New York Insurance Department appears to place some limitations on compensation.[2] However, the limitations do not appear necessarily to conflict with the 20 percent of net income approach recommended by the Council and described above. Moreover, since § 185.9(c) allows the Superintendent of Insurance to approve compensation arrangements on a case-by-case basis, the Comptroller's requirement may be found to be acceptable. Finally, even if a direct conflict exists, the Comptroller's reasonable compensation requirement may supercede contrary state regulations since the sale of credit life insurance through a national bank may constitute the business of banking subject to the Comptroller's exclusive supervision under 12 U.S.C. 481 and 484 and not the business of insurance within the meaning of the McCarran-Ferguson Act, 15 U.S.C. 1011, *et seq.*

(5) The provision in 12 CFR 2.4(b) guaranteeing minority stockholders of a national bank their pro rata share of the credit life insurance income generated by the bank will be deleted. This action is proposed because it seems unusually burdensome to require both the payment of reasonable compensation and the reservation of the minority stockholders' share in all instances in which the credit life income is credited to a holding company or non-banking affiliate owning less than 100 percent of the bank's stock. Second, the minority shareholders will benefit, if only indirectly, from the requirement that the bank be paid reasonable compensation for use of its personnel, premises and good will. Finally, the Council's recommended policy statement contains no special provision for minority shareholders.

(6) 12 CFR 2.4(c) will be deleted in its entirety. The provisions in (c) either conflict with the amendments proposed to subsection (b) or are not consistent with the Council's recommendations. Subsection (d) will be renumbered as subsection (c).

(7) 12 CFR 2.5(a), which requires action by a national bank's board of directors in certain instances, will be deleted as no longer necessary. Subsections (a) and (b) were originally intended to make the board aware of the method used to distribute credit life insurance income. Since compliance with 12 CFR Part 2 has been good overall, this subsection can be deleted. Subsection (b) will be retained in slightly modified form.

(8) OCC proposes that the amendments will be effective 30 days after publication in final form in the **Federal Register**, except that the effective date of the reasonable compensation requirement in 12 CFR 2.4(b) will be May 1, 1983. Under the terms of the Council's policy statement, OCC is not required to delay the effective date of the reasonable compensation requirement for national banks. OCC proposes to do so nevertheless, since multi-bank holding companies with both national and state bank subsidiaries will find it easier to implement if the effective date is the same for both types of banks. National banks that elect to wait until May 1, 1983, to implement the reasonable compensation requirement must continue to adhere to the minority shareholder provision in the existing 12 CFR 2.4(b) until that date.

Alternatives

As noted above, OCC proposes to adopt the Council's position of allowing credit life insurance income to be credited to a non-bank affiliate of the holding company provided that reasonable compensation is paid to the bank for use of its premises, personnel and good will. Comment is also requested on alternative approaches, which include:

1. OCC would make no changes in 12 CFR Part 2 on this subject. The effect would be to continue to allow the credit life income to flow to a holding company affiliate, with no requirement for compensation to the bank. The existing proviso in 12 CFR 2.4(b) that the minority shareholders' proportionate share be placed in trust would be retained.

2. OCC would delete the proviso in 12 CFR 2.4(b) relating to the minority stockholders' proportionate share and monitor on a bank by bank basis the adequacy of the compensation paid by the holding company affiliate to the bank, subject to a guideline that, as a general rule, reasonable compensation means an amount equivalent to at least 20 percent of the affiliate's net income attributable to the bank's credit life insurance sales.

3. OCC would amend 12 CFR Part 2 to require that all income generated from credit life insurance sales be credited solely to the bank. This alternative is similar to the proposal on which the Federal Financial Institutions Examination Council sought comment, 45 FR 1152.

Comments should consider what impact, if any, OCC's proposal and the alternatives thereto will have on a national bank.

PART 2—DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Accordingly, OCC proposes to amend 12 CFR 2 to read as follows:

Section 2–1 is revised to read as follows:

§ 2.1 Authority.

This part is issued by the Comptroller of the Currency under the general authority of the national banking laws, 12 U.S.C. 1 *et seq.*, and under the specific authority of 12 U.S.C. 24 (Seventh), 60, 73, 92, 93a and 1818(n).

2. Section 2.3(e) is revised to read as follows:

§ 2.3 Definitions.

* * * * *

(e) The term "credit life insurance" means credit life, health and accident insurance, sometimes referred to as credit life and disability insurance, and mortgage life and disability insurance.

3. Section 2.4 is revised to read as follows:

§ 2.4 Distribution of credit life insurance income.

(a) No bank employee, officer, director or principal shareholder may retain

[2] In addition, § 185.10 appears to prohibit the payment of retrospective rate credits to banks selling group credit insurance.

commissions or other income from the sale of credit life insurance in connection with any loan made by the bank. Except as provided in paragraph (b) of this section, retention of credit life insurance income by such persons or by corporations, partnerships, associations or other entities in which such persons have an interest of more than 5 percent is an unsafe and unsound banking practice. Notwithstanding this prohibition, bank employees and officers may participate in a bonus or incentive plan under which payments based on credit life insurance sales are made in cash or in kind out of the bank's funds not more frequently than quarterly and in an amount not exceeding in any one year 5 percent of the recipient's annual salary. Alternatively, bonuses paid to any one individual during the year for credit life sales may not exceed 5 percent of the average salary of all loan officers participating in the bank's plan.

(b) As an accounting and operations matter, income derived from credit life insurance sales to loan customers shall be credited to the income accounts of the bank and not to the bank's individual employees, officers, directors, principal shareholders, their interests or other affiliates. However, such income may be credited to an affiliate operating under the Bank Holding Company Act or to a trust for the benefit of all shareholders; *Provided,* That the bank receives reasonable compensation in recognition of the role played by its personnel, premises and good will in credit life insurance sales. As a general rule, "reasonable compensation" means an amount equivalent to at least 20 percent of the affiliate's net income attributable to the bank's credit life insurance sales.

(c) Nothing in this section shall be construed to prohibit a bank employee, officer, director, or principal shareholder who holds an insurance agent's license from agreeing to compensate the bank for the use of its premises, employees, and good will; *Provided,* That all income received by said employee, officer, director, or principal shareholder from this activity is turned over to the bank as compensation.

4. Section 2.5 is revised to read as follows:

§ 2.5 Responsibilities of directors.

Directors shall observe the rules in § 2.4 and shall be mindful of their duty under both the common law and 12 U.S.C. 73 to promote and advance the interests of the bank over their own personal interests.

Dated: December 9, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 82-1800 Filed 1-25-82; 8:45 am]

BILLING CODE 4810-33-M

Internal Revenue Service

26 CFR Part 53

[EE-69-80]

Minimum Investment Return of Private Foundations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed clarifying amendments to regulations relating to the excise tax imposed by section 4942 on the undistributed income of a private foundation. The existing regulations do not deal explicitly with future interests created by the private foundation. The proposed regulations will provide guidance to foundations that may be subject to this tax.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 29, 1982. The amendments are proposed to be effective for taxable years beginning after December 31, 1969.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE-69-80, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George B. Baker of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T:EE-69-80, 202-566-3422 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942 of the Internal Revenue Code of 1954. The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Proposed Amendments

In determining whether a private foundation has undistributed income for a taxable year, the private foundation's minimum investment return must be computed. This involves multiplying the fair market value of the assets of the foundation, excluding certain assets, by the applicable percentage. For this computation, the regulations provide that future interests are excluded from the foundation's assets until all intervening interests have expired. The amendment clarifies that the exclusion is not available to any future interest created by the private foundation after December 31, 1969. An additional amendment deletes a cross reference in § 53.4942(a)-3(d)(2) to § 1.9100-1 of the regulations. The cross reference is inappropriate because § 1.9100-1, by its terms, is not applicable to the private foundation excise taxes in Subtitle D of the Code.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations was George B. Baker of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendment to the Regulations

Amendments to 26 CFR Part 53 are proposed as follows:

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

Paragraph 1. Section 53.4942(a)–2 (c) (2)(i) is revised to read as follows:

§ 53.4942 (a)–2 Computation of undistributed income.

* * * * *

(c) *Minimum investment return.* * * *

(2) *Certain assets excluded.* * * *

(i) Any future interest (such as a vested or contingent remainder, whether legal or equitable) of a foundation in the income or corpus of any real or personal property, other than a future interest created by the private foundation, after December 31, 1969, until all intervening interests in, and rights to the actual possession or enjoyment of, such property have expired, or, although not actually reduced to the foundation's possession, until such future interest has been constructively received by the foundation, as where it has been credited to the foundation's account, set apart for the foundation, or otherwise made available so that the foundation may acquire it at any time or could have acquired it if notice of intention to acquire had been given;

* * * * *

§ 53.4942 [Amended]

Para. 2. The last sentence of paragraph (2) of § 53.4942 (a)–3 (d) is removed.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–1884 Filed 1–25–82; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[LR–176–80]

Income Tax; Subsidized Borrowings Reduce Business Energy Credits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the rule which reduces the energy credit where energy property is financed by subsidized energy financing or tax exempt industrial development bonds. Changes to the applicable tax law were make by the Energy Tax Act of 1978 and the Crude Oil Windfall Profit Tax Act of 1980. These regulations will provide the public with the guidance needed to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 29, 1982. This amendment is proposed to be effective for certain periods after October 1, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attn: CC:LR:T (LR–176–80) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mary Frances Pearson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attn: CC:LR:T) (202–566–3458; not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 48 of the Internal Revenue Code of 1954. This amendment is proposed to conform the regulations to changes make by section 301(b) of the Energy Tax Act of 1978 (Pub. L. 95–618, 92 Stat. 3195) and sections 221(b)(2) and 223(c) of the Crude Oil Windfall Profit Tax Act of 1980 (Pub. L. 96–223, 94 Stat 229). The proposed regulations are to be issued under the authority contained in Code sections 7805 (68A Stat. 917, 26 U.S.C. 7805) and 38(b) (76 Stat. 962, 26 U.S.C. 38).

Explanation of Provisions

In general, the energy percentage, as determined under section 46 (a)(2)(C), is applied to the total amount of qualified investment in energy property to establish the amount of credit allowed. Section 301(b) of the Energy Tax Act of 1978 added section 48 (l)(11) to the Code. This provision in effect reduces the energy credit percentage by one–half if the energy property is financed in whole or in part with the proceeds of tax-exempt industrial development bonds within the meaning of section 103(b)(2) (exempt IDB's). Sections 221 (b)(2) and 223(c) of the Crude Oil Windfall Profit Tax Act of 1980 amended section 48(l)(11) to reduce the qualified investment in energy property by the amount of financing attributable to the proceeds of exempt IDB's and subsidized energy financing.

The 1980 Act amendments apply for the period after December 31, 1979, in the case of property qualifying under the 1980 Act as energy property for the first time. This property is called "early application property" and is described in § 1.48–9(o)(9) of the proposed amendments to the regulations. For all other energy property, the 1980 Act amendments apply for the period after December 31, 1982.

For example, assume a taxpayer acquires and places in service recycling equipment (which is not early application property) and finances the acquisition in part with exempt IDB's. If the equipment is acquired and placed in service before January 1, 1983, then to determine the credit for energy property, the energy percentage is reduced by one-half and then is multiplied against the total qualified investment in that property. If the equipment is acquired and placed in service after December 31, 1982, the qualified investment is reduced by the amount of the financing attributable to the exempt IDB's and the full energy credit is multiplied against the reduced qualified investment.

Subsidized Energy Financing

Section 48(l)(11), as amended by section 223(c) of the Crude Oil Windfall Profit Tax Act, defines subsidized energy financing as financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

The proposed regulations follow the Conference Report, which indicates that loan guarantees, credits against State and local income taxes, and taxable grants are not subsidized energy financing. *See,* H.R. Rep. No. 96–817, 96th Cong. 2d Sess. 136–137 (1980) (Conference Report). (For an example of a taxable energy grant, *see,* Rev. Rul. 79–356, 1979–2 C.B. 28). Non-taxable government grants also are not included within the definition of subsidized energy financing for purposes of the rule in section 48(l)(11). However, the same result is achieved for purposes of the energy credit since the basis of the property is determined with reference to cost under section 1012 and the amount of a non-taxable grant will not be taken into account in determining basis. Also, price guarantees and purchase commitments are not considered subsidized financing since these type of arrangements confer only a contingent benefit. However, if funds are advanced under a price guarantee or a purchase commitment agreement which, in effect, results in a loan (for example, where payments under the agreement are made before the project becomes operational), these advances are considered to be subsidized energy financing. The proposed regulations incorporate the substance of a colloquy between Senators Baker and Long on the Senate floor that subsidized energy financing does not include funds received by government owned utilities if the source of the funds is from rate-payers from the sale of services and no tax revenues are

involved. *See*, 126 Cong. Rec. S. 3052 (daily ed. March 26, 1980); Rev. Rul. 81–52, 1981–7 I.R.B. 9.

Allocation

The statutory rule under section 48(l)(11) multiples qualified investment by a fraction to determine the amount of qualified investment taken into account for the energy credit. The fraction is one minus another fraction the numerator of which is the portion of qualified investment in the property which is allocable to subsidized financing or proceeds of exempt IDB's and the denominator of which is the total qualified investment in the property before the application of this rule. The proposed regulations achieve the same result as the statute by simply reducing qualified investment for the energy credit by the portion attributable to the energy financing of proceeds.

The proposed regulations allocate the proceeds according to the type of borrowings used to finance the energy property. Borrowings attributable to subsidized energy financing are directly applied to reduce the qualified investment in energy property. The reason is that subsidized energy loans, *e.g.*, loans granted pursuant to the Energy Security Act (Pub. L. 96–294, 94 Stat. 611), have legal restraints on the use of loans by taxpayers. For example, under section 509(a)(1)(B)(ii) of that Act, proceeds must be used to acquire a specific type of energy property, *i.e.*, solar energy systems. On the other hand, the proceeds of exempt IDB's are ratably allocated between energy property and other property and then, once the allocation is made, the qualified investment in the energy property is reduced by the portion of exempt IDB financing attributed to the energy property.

The reason for this ratable allocation approach is to prevent tax avoidance. In general, proceeds from exempt IDB's can be applied to all property in a facility regardless of the mix of energy property or other property. In the absence of a ratable allocation rule, taxpayers in order to preserve the energy credit might attempt to allocate the proceeds first to non-energy property and only then, if any proceeds remain, to energy property.

Comments and Requests For a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations is Mary Frances Pearson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to the Income Tax Regulations (26 CFR Part 1) are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.48–9 [Amended]

Section 1.48–9 is amended by adding a new paragraph (o) to read as follows:

* * * * * * *

(o) *Energy property financed by subsidized energy financing or industrial development bonds*—(1) *In general.* (i) This paragraph (o) prescribes rules—

(A) for reducing the qualified investment for purposes of the energy credit. See section 48 (l)(11) as amended by section 223(c)(1) of the Crude Oil Windfall Profit Tax Act of 1980 (Pub. L. 96–223) and paragraph (o)(2) of this section.

(B) For reducing the energy credit percentage. See section 48(l)(11) as amended by section 221(b)(2) of that Act and paragraph (o)(6) of this section.

(ii) For effective dates, see paragraph (o)(8) of this section.

(2) *General rule.* For purposes of the energy credit, qualified investment in any energy property (determined without this paragraph (o)) is reduced by the amount of subsidized borrowed funds used to finance in whole or in part the energy property. Funds borrowed are subsidized if they are directly or indirectly attributable to the proceeds of exempt IDB's or subsidized energy financing.

(3) *Exempt IDB defined.* For purposes of this paragraph (c), an exempt IDB is an industrial development bond (within the meaning of section 103(b)(2)) with respect to which the interest paid is excluded from gross income under section 103.

(4) *Subsidized energy financing.* (i) Funds are attributable to subsidized energy financing if the source of the funds for financing (other than exempt IDB's) is provided directly or indirectly (such as in association with, or through the facilities of, a bank or other lender) by, or through, a government agency under a program a principal purpose of which is to provide (or assist in providing) financing for projects designed to conserve or produce energy. For purposes of this paragraph (o), a government agency is a State or local governmental unit referred to in § 1.103–1(a) or the Federal government.

(ii) Subsidized energy financing does not include a grant includible in gross income under section 61, a nontaxable government grant, or a credit against State or local taxes. Loan guarantees, price guarantees, purchase commitments, price support loans, and similar arrangements are not considered subsidized energy financing unless the arrangement is essentially subsidized borrowing under paragraph (o)(4)(i) of this section.

(iii) The following examples illustrate this paragraph (o)(4).

Example (1). A law in State A requires, as part of its State-wide energy program, that public utilities in the State provide low-interest loans to business enterprises for the purchase of energy property. The utilities are able to make these low-interest loans available to the enterprises by charging a 2 percent surcharge on each utility service bill. The funds from the surcharge are kept separate in an escrow account. This type of low interest loan is not subsidized energy financing and will not reduce the qualified investment of any energy property purchased with these funds.

Example (2). Assume the same facts as in example (1) except that, in lieu of the surcharge, the utilities receive money from the State for the express purpose of providing energy loans. Any low-interest loans made from these funds will be considered subsidized energy financing.

Example (3). State B allows a tax credit to a financial institution which makes low interest loans to corporations for the purpose of acquiring energy devices. The financial

institution receives a credit each year in the amount of the excess of the interest that would have been paid at market rates and the actual interest paid on such loans. The State B tax credit arrangement is an interest subsidy. Thus, any low-interest loans pursuant to this credit arrangement is considered subsidized energy financing.

Example (4). State C wishes to encourage the production of synthetic fuels. As an inducement to Corporation X to build a synthetic fuel production plant, C enters into a contract with X guaranteeing X a certain price for the first 1,000 barrels of daily production. Before the plant is operational and pursuant to the price guarantee commitment, X receives an interest free advance of $10,000. Since the advance of funds is essentially a subsidized energy loan, it is considered to be subsidized energy financing.

(5) *Allocation of proceeds.* (i) For purposes of the general rule, this paragraph (o)(5) sets forth the manner of determining the amount of subsidized borrowed funds that are considered used to finance energy property.

(ii) If borrowings attributable to subsidized energy financing are used to finance a facility, the entire amount of the borrowings are considered used to finance the energy property included in that facility and thus is applied directly to reduce the qualified investment in the energy property.

(iii)(A) If borrowings attributable to the proceeds of exempt IDB's are used to finance a facility, the borrowings reduce the qualified investment in that energy property. The amount of those borrowings considered used to finance energy property included in that facility equals to the amount of the borrowings multiplied by a fraction. The numerator of the fraction is the qualified investment in the energy property before the reduction and the denominator is the total cost of that facility.

(B) If borrowings are attributable to the proceeds of exempt IDB's the exempt status of which is derived solely under section 103(b)(4), and the proceeds of such borrowings are used solely to finance the type of property or facility described in section 103(b)(4) from which the issue derives its tax-exempt status, then the facility referred to in paragraph (o)(5)(iii)(A) of this section is the property or facility from which the issue derives its tax-exempt status.

(iv) If both borrowings attributable to subsidized energy financing and borrowings attributable to exempt IDB financing are used to finance a facility, the total amount of subsidized energy financing is first applied directly to reduce the qualified investment (determined without this subdivision (iv)) in the energy property included in the facility. Then, paragraph (o)(5)(iii) of this section is applied to the exempt IDB financing by reducing both the numerator and the denominator of the fraction by the same total amount.

(v) The following examples illustrate this paragraph (o)(5).

Example (1). In 1983, Corporation X builds a facility costing $10,000. The facility includes energy property having a useful life of 7 years and the qualified investment (before reduction) is $8,000. X receives in 1983 a $6,000 energy loan from the Department of Energy for this facility at a subsidized rate of interest. The qualified investment for the energy property is reduced by $6,000 to $2,000. See paragraph (o)(5)(ii) of this section.

Example (2). Assume the same facts as in example (1) except that the $6,000 is borrowed from a fund established by a local government unit from the proceeds of exempt IDB's. The qualified investment in the energy property is reduced by $4,800 (*i.e.*, $6,000 x $8,000/$10,000). Thus, the qualified investment is reduced from $8,000 to $3,200. See paragraph (o)(5)(iii)(A) of this section.

Example (3). Assume the same facts as in example (1) except that the total $6,000 borrowed to finance the property is from two sources. $2,000 is a subsidized energy loan and $4,000 is attributable to the proceeds of exempt IDB's. First, the qualified investment in the energy property of $8,000 is reduced by the subsidized energy loan of $2,000 to $6,000. For purposes of allocating the proceeds from exempt IDB's, the numerator and denominator of the fraction in example (2) are both reduced by this $2,000 from $8,000/$10,000 to $6,000/$8,000. Thus, the amount attributed to the proceeds of exempt IDB's is $3,000 (*i.e.*, $4,000 x $6,000/$8,000), and the qualified investment for the energy property is $3,000, *i.e.*, $6,000–$3,000. See paragraph (o)(5)(iv) of this section.

Example (4). (a) In 1983, Corporation Y constructs a coal gasification project having an estimated useful life of 20 years and consisting of a gasifier and air pollution control equipment. The total cost of the project is $60 million, allocable to various types of property as follows:

($000,000 omitted)

	Gasifier	Pollution control equipment
Energy property	$50	$10
Other	10	10
	60	20

(b) Y finances construction of the project with subsidized financing ($10 million) and conventional financing ($36 million). Y also receives proceeds of $14 million from an issue of exempt IDB's, the exempt status of which is derived solely under section 103(b)(4)(F). Y uses the proceeds of the exempt IDB's solely to provide the pollution control equipment.

(c) Qualified investment for the energy credit is determined as follows:

	Energy property	
	Gasifier	Pollution control equipment
1. Cost	$30	$10
2. Allocation of subsidized energy financing ($10) to energy property:		
(a) $10 x 30/40	7.5	
(b) $10 x 10/40		2.5
3. Remainder after applying paragraph (o)(5)(ii) of this section	$22.5	$7.5
4. Allocation of proceeds ($14) of IDB exempt solely under section 103(b)(4):		
(a) Fraction of cost of pollution control equipment that is energy property		10/20
(b) Reduce numerator and denominator of fraction by line 2(b)		7.5/17.5
(c) Multiply by proceeds		$14
(d) Allocated proceeds (line (b) x (c))		[illegible]
5. Qualified investment for energy credit after applying paragraph (o)(5)(i)–(iv) of this section (line 3–line 4(d))	$22.5	$1.5

(6) *One-half exempt IDB rule for certain periods.* For periods beginning on or after October 1, 1978, to which the general rule of paragraph (o)(2) of this section does not apply, the energy percentage for property is one-half of the energy percentage determined under section 46(a)(2)(C) if any funds borrowed to finance the facility of which the energy property is a part are directly or indirectly attributable to the proceeds of exempt IDB's. For explanation of the effective date of this paragraph (o)(6), see paragraph (o)(8) of this section.

(7) *Add-on equipment rule.* (i) Energy property is not considered to be financed with subsidized borrowings solely because it is installed in an existing facility which has been previously so financed.

(ii) The facts and circumstances determine if energy property installed in connection with existing property is a separate unit or installed pursuant to a design, plan, or as a component of a larger property (such as a project or facility).

(iii) The following example illustrates this paragraph (o)(7).

Example. In 1981, Corporation X finances its energy facility with the proceeds of exempt IDB's. The facility meets all air pollution laws and regulations in existence, or anticipated, when it is placed in service. In 1982, a new State reglation requires the installation of additional air pollution control equipment which is alternative energy property under section 48(f)(3)(A)(vi). X receives subsidized energy financing and installs the added equipment pursuant to the new regulation. The added air pollution control equipment is a separate unit.

Therefore, the subsidized energy loan for the facility is not imputed to the qualified investment in this new separate unit.

(8) *Effective dates.* (i) The general rule in paragraph (o)(2) of this section applies to early application property for periods after December 31, 1979. Early application property is defined in paragraph (o)(9) of this section. For other property, it applies to periods after December 31, 1982.

(ii) Notwithstanding paragraph (o)(8)(i) of this section, funds attributable under paragraph (o)(4) of this section to subsidized energy financing made before January 1, 1980, shall not be taken into account for purposes of reducing qualified investment under the general rule of paragraph (o)(2) of this section. See section 223(c)(2)(D) of Pub. L. 96–223. Subsidized energy financing is considered made before January 1, 1980, if it meets the requirements of § 1.167(j)–4(c) (applied without reference to any dates therein).

(iii) The one-half-exempt IDB rule in paragraph (o)(6) of this section applied for periods beginning after October 1, 1978, to which the general rule of paragraph (o)(2) of this section does not apply.

(iv) For purposes of this subparagraph (8), whether qualified investment (without any reduction under this paragraph (o)) falls within a period is determinied under section 48(m). If under section 48(m) this qualified investment for energy property is allocable to more than one period, the portion of subsidized borrowings used to finance the property (as determined under paragraph (o)(5) of this section) is ratably apportioned to this qualified investment for each period in proportion to this qualified investment for each period.

(v) The following examples illustrate this paragraph (o)(8).

Example (1). (a) Corporation Z begins building on February 1, 1980, a facility costing $100,000, $75,000 of which is solar energy property which generates electricity. The energy property has a useful life of seven years. The facility is completed in 1983. Z spent $45,000 for the energy property for the period ending on December 31, 1982, and $30,000 for periods after that date. In connection with this facility, Z receives a loan of $10,000 attributable to subsidized energy financing made in January 1980.

(b) The subsidized energy financing is allocated between the two periods in proportion to the amount of basis of energy property attributable to each period. Thus, $6,000 of the subsidized financing is allocated to the period before 1983 (*i.e.*, $10,000 x $45,000/$75,000) and $4,000 is allocated to the period after 1982 (*i.e.*, $10,000 x $30,000/$75,000). See paragraph (o)(8)(iv) of this section.

(c) The $6,000 of subsidized energy financing attributable to the period before 1983 does not reduce qualified investment in energy property (other than early application property) because the general rule in paragraph (o)(2) of this section does not apply. However, the qualified investment of $30,000 for the period after 1982 is reduced by $4,000 to $26,000.

Example (2). Assume the same facts as in example (1) except that the energy property is early application property. The general rule in paragraph (o)(2) of this section applies and the total amount of subsidized energy financing ($10,000) is subtracted from the total qualified investment. Thus, the qualified investment for the energy credit is reduced from $75,000 to $65,000.

Example (3). (a) Assume the same facts as in example (1) except that the $10,000 loan was attributable to the proceeds of exempt IDB financing. Exempt IDB financing allocated to pre-1983 periods does not reduce the qualified investment. Instead, the energy percentage is reduced by one-half from 15 percent to 7½ percent and applied against the qualified investment allocable to such periods, *i.e.*, $45,000. See section 46(a)(2)(C).

(b) The amount of exempt IDB financing attributable to qualified investment in energy property is $7,500 (*i.e.*, $10,000 x $75,000/$100,000). The portion of that amount attributable to periods after 1982 is $3,000 (*i.e.*, $7,500 x $30,000/$75,000). Accordingly, the qualified investment for the energy property attributable to periods after 1982 is reduced from $30,000 by $3,000 to $27,000. See paragraph (o)(8)(iv) of this section.

Example (4). Assume the same facts in example (3) except that the energy property is early application property. The general rule in paragraph (o)(2) of this section applies to the entire energy property, and the total amount of the proceeds of exempt IDB's is multiplied by the fraction in paragraph (o)(50(iii) of this section. Thus, the qualified investment of $75,000 is reduced by $7,500 (*i.e.*, $10,000 x $75,000/$100,000) by $67,500.

(9) *Early application property.* (i) Early application property is—

(A) Qualified hydroelectric generating property (described in section 48(l)(2)(A)(vii)),

(B) Cogeneration equipment (described in section 48(l)(2)(A)(viii)),

(C) Qualified intercity buses (described in section 48(l)(2)(A)(ix)),

(D) Ocean thermal property (described in section 48 (l)(3)(A)(ix)), or

(E) Expanded energy property.

(ii) Expanded energy property is—

(A) Property that is included for the first time as alternative energy property under clause (iii) or (v) of section 48 (l)(3)(A) by reason of the amendments thereto by section 222(b) (1) and (2) of the Crude Oil Windfall Profit Tax Act of 1980 (Pub. L. 96–223, 94 Stat. 229),

(B) Solar or wind energy property that provides solar process heat referred to in section 48(l)(4)(C),

(C) Modifications to alumina electrolyte cells referred to in section 48(l)(5)(L), and

(D) Property described in the last sentence of section 48(l)(3)(A) (relating to storage equipment for refuse-derived fuel).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-1883 Filed 1-25-82; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Part 1

[EE-11-78]

Income Tax; Early Termination of Qualified Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the limitation of benefits in the event of the early termination of certain tax qualified retirement plans providing defined benefits for employees. Changes in the applicable law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide the public with additional guidance needed to comply with that Act and would affect employers maintaining such plans and employees covered by such plans subject to Title IV of that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 29, 1982. In general, the amendments are proposed to be effective for plan terminations occurring on or after 60 days after the date final regulations are published in the Federal Register.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE–11–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202)–566–3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401 of the Internal Revenue Code of 1954. The amendments reflect certain provisions of Title IV of the

Employee Retirement Income Security Act of 1974 (88 Stat. 1003) related to plan termination insurance. These amendments are to be issued under the authority contained in sections 411(d) (2) and (3) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 88 Stat. 912; 26 U.S.C. 411(d) (2) (3) and 7805). The proposed amendments contain references to certain vesting regulations (section 411 of the Code and Income Tax Regulations § 1.411(d)–2 (26 CFR Part 1)).

Statutory Provisions

Section 401(a)(4) of the Code prescribes certain discrimination standards which are qualification requirements for employee retirement plans (and related trusts) described in sections 401(a), 403(a), and 405 of the Code. Section 411 (d)(2) and (d)(3) of the Code prescribe additional vesting-discrimination standards which are also qualification standards for these retirement plans.

Specific Rules Concerning Plan Provisions

Prior to the enactment of ERISA, a qualified plan could provide either for termination at will by the employer or discontinuance of contributions thereunder, and yet limit the likelihood that the plan would result in discrimination prohibited by section 401 (a)(4) and (a)(7). The plan did this by satisfying certain conditions, including the incorporation of provisions which complied with the restrictions contained in paragraph (c)(2) of § 1.401–4.

Because of various provisions added by ERISA, that regulation is proposed to be amended. In general, the amendment which is applicable to certain retirement plans covered by section 4021(a) of ERISA would raise the limit of employer contributions for the benefit of the 25 highest paid employees without violating the provisions of section 401(a)(4) of the Code. The additional employer contributions allowed as a result of this change will, as a result of the interaction of sections 401(a) and 411 of the Code, be mandatory. The increased amount available to substantial owners is equal to the present value of the benefit guaranteed for substantial owners under section 4022 of ERISA, or if the plan has not terminated, the present value of the benefit that would be guaranteed if the plan terminated on the date the benefit commenced. The increased amount available to employees other than substantial owners is equal to the present value of the benefit guaranteed under section 4022(b)(3)(B) of ERISA.

Under these regulations a plan would be required to apply the new dollar limits in order to continue to satisfy the vesting requirements of section 411. However, a plan amendment incorporating the higher limits would not be required to be adopted until 1984, unless the plan were terminated prior to that time. It is anticipated that, if this regulation is adopted, the Service will provide further guidance regarding plan amendments to raise the "high 25" limits.

In this connection it should be noted that nonforfeitable benefits for purposes of Title IV of ERISA are determined under the definition of that term in Title IV and implementing Pension Benefit Guaranty Corporation regulations.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal authors of these proposed regulations were Richard J. Wickersham and Leonard S. Hirsh of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31,1953

Section 1.401–4 is amended by adding three new sentences at the end of paragraph (c)(1) and by adding a new paragraph (c)(7). These added provisions read as follows:

§ 1.401–4 Discrimination as to contributions or benefits.

* * * * *

(c)(1) * * * Any pension plan containing a provision described in this paragraph shall not fail to satisfy section 411(a), (d)(2) and (d)(3) merely by reason of such a plan provision. Paragraph (c)(7) of this section sets forth special early termination rules applicable to certain qualified defined benefit plans for plan years affected by the Employee Retirement Income Security Act of 1974 ("ERISA"). Paragraph (c)(7) of this section does not contain all the rules required by the enactment of ERISA.

* * * * *

(7)(i) A qualified defined benefit plan subject to section 412 (without regard to section 412(h)(2)) shall not be required to contain the restriction described in paragraph (c)(2)(ii)(c) of this section applicable to an employee in a plan whose full current costs for the first 10 years have not been funded.

(ii) A qualified defined benefit plan covered by section 4021(a) of ERISA ("qualified Title IV plan") shall satisfy the restrictions in paragraph (c)(2) of this section only if the plan satisfies this paragraph (c)(7). A plan satisfies this paragraph (c)(7) by providing that employer contributions which may be used for the benefit of an employee described in paragraph (c)(2) of this section who is a substantial owner, as defined in section 4022(b)(5) of ERISA, shall not exceed the greater of the dollar amount described in paragraph (c)(2)(iii) of this section or a dollar amount which equals the present value of the benefit guaranteed for such employee under section 4022 of ERISA, or if the plan has not terminated, the present value of the benefit that would be guaranteed if the plan terminated on the date the benefit commences, determined in accordance with regulations of the Pension Benefit Guaranty Corporation ("PBGC").

(iii) A plan satisfies this paragraph (c)(7) by providing that employer contributions which may be used for the benefit of all employees described in paragraph (c)(2) of this section (other than an employee who is a substantial owner as defined in section 4022(b)(5) of ERISA) shall not exceed the greater of

the dollar amount described in paragraph (c)(2)(iii) of this section or a dollar amount which equals the present value of the maximum benefit described in section 4022(b)(3)(B) of ERISA (determined on the date the plan terminates or on the date benefits commence, whichever is earlier) without regard to any other limitations in section 4022 of ERISA.

(iv) A plan provision satisfying this paragraph (c)(7) may be adopted by amendment or by incorporation at the time of establishment. Any allocation of assets attributable to employer contributions to an employee which exceeds the dollar limitation in this paragraph (c)(7) may be reallocated to prevent prohibited discrimination.

(v) the early termination rules in the proceding subparagraphs (1) through (6) apply to a qualified Title IV plan except where such rules are determined by the Commissioner to be inconsistent with the rules of this paragraph (c)(7), § 1.411(d)–2, and section 4044(b)(4) of ERISA. The early termination rules of this paragraph (c)(7) contain some of the rules under section 401(a)(4) and (a)(7), as in effect on September 2, 1974, and section 411(d)(2) and (3). Section 1.411(d)–2 also contains certain discrimination and vesting rules which are applicable to plan terminations.

(vi) Paragraph (c)(7) of this section shall apply to a qualified Title IV plan which is considered terminated within the meaning of § 1.411(d)–2 (c)(2) on or after (60 days after the date final regulations are published in the **Federal Register**).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–1885 Filed 1–25–82; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 405]

Madera Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (AFT) is considering the establishment of a viticultural area in the state of California to be known as "Madera." This proposal is the result of a petition submitted by Mr. David B. Ficklin, president, Ficklin Vineyards. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will help wineries better designate the specific grape-growing area where their wines come from and will help wine consumers better identify the wine they purchase.

DATE: Written comments must be received by March 12, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, Attn.: Notice No. 405.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision AFT–60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Proposed Regulations

This notice of proposed rulemaking is intended to solicit comments from interested parties concerning establishment of the Madera viticultural area. While ATF feels that the evidence submitted in the petition may warrant the designation of a viticultural area, it is not convinced that the petitioned area is geographically or viticulturally distinct from surrounding areas, or that the name "Madera" is historically associated with the entire area. Therefore, ATF is not proposing any specific regulatory language. However, on the basis of written comments received in response to this notice, testimony received at possible future public hearings, and its own research, ATF may issue a final rule establishing "Madera" as a viticultural area without further notice.

Madera Viticultural Area-Petition

The proposed Madera viticultural area is located in portions of Madera and Fresno Counties within the eastern section of the Central San Joaquin Valley. This area consists of approximately 230,000 acres between the natural boundaries of the Chowchilla River on the north and the San Joaquin river on the south.

The petitioner states that the proposed area has a history relating to wine grapes and wine dating back to the 1870's. Presently there are six wineries within the proposed area. Two of these wineries label their wines utilizing "Madera" as an appellation of origin. Within the last six years, wines bearing the appellation "Madera" have received numerous national and international awards. Over the last 15 years, wine grape acreage has increased from 6,500 to over 30,000 acres.

The California Crop and Livestock Reporting Service, in its publication *1980 California Grape Acreage*, lists 33 separate varieties of wine grapes grown in Madera County. The grape growing area of Madera County is located within the proposed boundaries. Within California Madera County ranks fifth in acres of wine grapes, and third in total acres of grapes with over 68,000 acres. Due to the characteristics hot and dry climate of this area, grape growers rely

solely on irrigation water from the Sierra Nevada Mountains to the east. Because of the climate, and the availability of irrigation water, grape yield per acre in the proposed area is much larger than in the coastal regions of California. Fourteen of the 33 varieties of wine grapes grown in this area rank third or higher in acreage within the State. Some of these varieties include; *Grenache, Muscat Hamburg, Royalty* and *Tinta, Mederia* which all rank first in acreage within California. The area also includes significant plantings of *Barbera, Carignane, Chenin Blanc, French Colombard, Rubired* and *Ruby Cabernet* wine grapes.

The petitioner states that the soils are comprised of three major alluvial soil associations; San Joaquin-Madera, Cometa-Whitney and Hanford-Tujunga. These soil associations are all derived primarily from granitic sediments and are moderate to well-drained.

The elevation of the proposed area ranges from 190 feet above sea level on the western edge, in Madera County, and, after gently sloping for 30 miles, to 390 feet above sea level in the extreme eastern section located in Fresno County.

The six U.S.G.S. quadrangle maps, 15 minutes series, which show the boundaries of the proposed area are: "Clovis"; "Herndon"; "Madera"; "Firebaugh"; "Le Grand"; and "Chowchilla."

The boundaries of the petitioned area are as follows:

Beginning at the most northwestern point, located on the Madera-Merced County line, the interesection of Road (RD) 15 and the Chowchilla River; south along RD 15 for 11 miles to the intersection of Avenue (AVE) 17; east along AVE 17 for four miles to RD 19; south along RD 19 for five miles to AVE 12 (Firebaugh Road); east on AVE 12 (Firebaugh Road) for three miles to RD 22; south along RD 22 and a line extending RD 22 for a total of eight and one-half miles to the San Joaquin River. The boundary then runs easterly to northeasterly along the course of the San Joaquin River (Madera-Fresno County line) for approximately 23 miles to the point where a line extending Shepherd Avenue intersects; east, in Fresno County, along the line extending Shepherd Avenue and along Shepherd Avenue for a total of six miles to Sunnyside Avenue; north on Sunnyside Avenue and a line extending Sunnyside Avenue for a total of seven miles to a point where a line extending AVE 15 intersects; west along the line extending AVE 15, crossing the San Joaquin River into Madera County, and along Avenue 15 for approximately 17.5 miles to the Atchison, Topeka and Santa Fe (A.T.&S.F.) railroad tracks; northwest along the A.T.&S.F. railroad tracks approximately five miles to the intersection of RD 26; north along RD 26 for 11 miles to the Chowchilla River; west along the course of the Chowchilla River (Madera/Merced County line) for approximately 12 miles to the beginning point.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, would not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

ATF has previously approved the use of "Madera County (Madera)" as a county appellation of origin. This proposed viticultural area is smaller than the county appellation and the boundaries extend into the northeast portion of Fresno County. However, available information indicates that the wineries and vineyards which currently benefit from the use of the county appellation are located within the proposed viticultural area.

Therefore, ATF believes that this notice of proposed rulemaking, if promulgated as a final rule, would not have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. ATF particularly requests comments and information concerning: Possible alternative boundaries; viticultural and geographical evidence which may distinguish the proposed area from surrounding areas; and historical and current evidence that the name "Madera" is known as referring to or associated with the entire area specified in the petition.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Any interested person who desired an opportunity to comment orally at a public hearing on this proposed regulation should submit a request, in writing, to the Director within the 45-day comment period (March 12, 1982). The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This viticultural area is proposed under the authority of 27 U.S.C. 205.

Signed: December 9, 1981.

G. R. Dickerson,

Director.

Approved: January 8, 1982.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-1808 Filed 1-25-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-200]

Occupational Exposure to Ethylene Oxide

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Notice is given that OSHA is undertaking, through rulemaking procedures under section 6(b) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 655(b), a reevaluation of the current occupational health standard regulating employee exposure to ethylene oxide (EtO), 29 CFR 1910.1000, Table Z-1. This notice summarizes the information currently available to OSHA concerning the production and use of EtO, estimates of employee exposure, and the potential health effects of employee exposure to EtO. The notice also invites interested parties to submit data, views and comments regarding the development of a new standard for EtO and the appropriate scope of coverage.

DATE: Comments in response to this Advance Notice should be submitted by March 31, 1982.

ADDRESS: Comments should be submitted to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-200, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-7081.

SUPPLEMENTARY INFORMATION:

1. Introduction

The present OSHA standard for EtO (CAS Registry No. 75-21-8) requires employers to assure that employee exposure to EtO does not exceed 50 parts per million parts of air (50 ppm), determined as an 8-hour time weighted average (TWA) (*1*). This standard was adopted in 1971 from the existing Walsh-Healey Federal standard pursuant to section 6(a) of the Act. The source for the Walsh-Healey standard was the Threshold Limit Value (TLV) recommended in 1968 by the American Conference of Governmental Industrial Hygienists (ACGIH) (*2*).

The ACGIH documentation for this exposure level consisted of limited data on 6 month studies in animals which showed no adverse effects below 50 ppm and one study of workers exposed to EtO at 5 to 10 pmm for more than 10 years with no reported effects (*3*). Studies demonstrating carcinogenicity were not available when this TLV was adopted by the ACGIH. In the past 4 years, however, a substantial number of studies have become available that shed significant new light on the nature and extent of potential health effects related to EtO exposures.

In 1977, the National Institute of Occupational Safety and Health (NIOSH) issued a "Special Occupational Hazard Review" on EtO (*4*). NIOSH recommended that occupational exposure be limited to a ceiling concentration of 75 ppm determined during a 15-minute sampling period (which had been recommended as a Short Term Exposure Limit (STEL) by ACGIH in 1977) (*5*) in addition to the OSHA standard of 50 ppm as a TWA. NIOSH also concluded that occupational exposure to EtO may increase the frequency of mutations in human populations. This conclusion was based on observations of (1) changes in the genetic material of cells in at least 13 biological species following exposure to EtO, and (2) covalent chemical bonding between EtO and deoxryibonucleic acid (DNA), a major constitutent of genetic material. While these observations raised concern about the potential carcinogenicity of EtO, there were no epidemiologic studies or long-term carcinogenesis assays available at the time to assess carcinogenic potential for humans.

In 1979, ACGIH published a Notice of Intended Change for EtO to 10 ppm as a TWA concentration with no STEL (*6*), and adopted this change in 1981 (*7*). ACGIH based this action on a number of short-term *in vitro* studies which resulted in positive mutagenic responses to EtO and a 1979 study by Hogstedt et al. (*8*), documenting the occurrence of 3 cases of leukemia in a group of 230 workers (more fully discussed below). ACGIH's 1981 TLV publication also includes a Notice of Intended Change to further lower the EtO limit from 10 ppm to 5 ppm based on the positive carcinogenicity bioassay results in a study on rats conducted by the Bushy Run Research Center (*9*) (discussed below).

On May 22, 1981, NIOSH issued a "Current Intelligence Bulletin" on EtO (*10*) to inform employees and employers about the potential carcinogenic hazard of EtO to workers. Based on recent scientific data, NIOSH recommended that EtO be regarded as a potential occupational carcinogen and that OSHA's present exposure limit of 50 ppm be reexamined since the establishment of this limit preceded the recognition of the carcinogenic potential of EtO and was based only on consideration of acute and chronic nonmalignant health effects.

2. Petition for Emergency Temporary Standard (ETS)

On August 13, 1981, the Public Citizen Health Research Group and the American Federation of State, County and Municipal Employees (AFSCME) petitioned the Agency to issue an emergency temporary standard under section 6(c) of the Act lowering the current OSHA PEL from 50 ppm to 1 ppm as an 8-hour time-weighted-average with a maximum peak exposure of 5 ppm (15 minutes) (*11*). After reviewing the petition and available data, OSHA has determined that current conditions involving EtO do not warrant the issuance of an ETS under section 6(c) of the Act. The petition, therefore, has been denied (*12*).

3. Production and Use

EtO is also known as 1,2-epoxyethane, oxirane, and dimethylene oxide. At room temperature and atmospheric pressure, EtO is a colorless gas; at higher pressures it may be a volatile liquid. It has a characteristic ether-like odor with a widely variable odor threshold in humans; the mean detectable concentration in air is about 700 ppm (1260 mg/m^3) (*13*). It is completely miscible with water, alcohol, acetone, benzene, ether, carbon tetrachloride, and most organic solvents. Ethylene oxide is highly reactive and potentially explosive in the presence of alkali metal hydroxides and highly active catalytic surfaces, or when heated. EtO is relatively stable in aqueous solutions, or when diluted with carbon dioxide (CO_2) or halocarbons. In order to reduce explosion hazards when EtO is used as a fumigant or sterilant it is often used in gaseous mixtures (such as 10% EtO and 90% CO_2, or 12% EtO and 88% halocarbon).

Ethylene oxide is a major industrial chemical and is one of the 25 chemicals of highest production volume in the United States. Current production capacity in the United States is about 6.7 billion pounds per year. In 1980, the industrial consumption of EtO was about 5.3 billion pounds (*14*).

EtO is primarily used as an intermediate in the production of several industrial products. The largest consumption of EtO is in the production

of ethylene glycol for automotive antifreeze and as an intermediate chemical in the production of polyester fibers, films, and bottles. The second largest consumption is in production of nonionic surface-active agents for industrial applications and for heavy-duty home laundry detergents and dishwashing formulations. Production of glycol ethers (e.g., solvents for surface coatings) and ethanolamines (used in production of soaps, detergents, and textile chemicals) constitute the third and fourth largest uses, respectively.

Many smaller uses account for the remainder of EtO consumption. Ethylene oxide is used as a peticide fumigant (including antimicrobial sterilant). Industries and work settings where it is used as a sterilant or fumigant include: health care, diagnosis and treatment facilities; medical products manufacturing; animal and plant quarantine service at ports of entry; transportation vehicles (e.g., aircraft, buses, and railroad cars) fumigation; the food industry (spices and seasonings); clothing, furs, and furniture fumigation; research laboratories; libraries; museums; beekeeping; dairy packaging; and cosmetics manufacturing.

4. Potential for Occupational Exposure

NIOSH estimates that approximately 144,000 workers may be exposed to EtO. Since EtO is highly explosive and reactive, the process equipment containing it generally consists of tightly closed and highly automated systems. The equipment is often located outdoors, and workers spend most of their work shift inside or around control rooms, away from the equipment. Samples collected in general process areas of six plants indicated that EtO concentrations were, with few exceptions, less than 1 ppm (*15*). The greatest potential for worker exposure probably occurs during the loading or unloading of transport tanks, product sampling procedures, and equipment maintenance and repair. Exposures may be significant in operations where tightly closed and highly automated systems are not used.

In contrast to the chemical-manufacturing plants, other industries and activities may use only a very small portion of the total EtO produced, but are responsible for high occupational exposures to many workers. For example, less than 0.24% of the annual U.S. Production of EtO is consumed in the health care and medical products industries (*16*), and only about 0.02% of the production is used for sterilization in hospitals (*4*). Yet, NIOSH estimates that approximately 75,000 health care workers employed in sterilization areas are potentially exposed to EtO and that 25,000 others may be incidentally exposed. In a limited field survey of hospitals, NIOSH found that EtO concentrations near malfunctioning or improperly designed equipment may reach transitory levels of hundreds or even a few thousand ppm. TWA ambient and breathing zone concentrations were generally below the OSHA standard of 50 ppm (*4*).

It should be noted that based on recent health data (see below), several industrial users and producers have adopted internal company exposure limits well below OSHA's 50 ppm limit (for example, Exxon and the American Hospital Supply Corporation have adopted policies to limit employee exposure to EtO to 10 ppm; Shell Chemical Division, Union Carbide, and Medtronics have adopted 5 ppm limits; Dow Chemical and Celanese, 3 ppm; Texaco, 2 ppm; and Rohm & Haas and Johnson & Johnson, 1 ppm) (*17*).

5. Sterilant and Fumigant Use

The Environmental Protection Agency (EPA) has the authority to regulate the use and application of sterilants and fumigants under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136 et seq.). EPA regulations on the enforcement of FIFRA are found in 40 CFR Part 162. EtO for use as a sterilant or fumigant is regulated under FIFRA, and formulations of EtO pesticides are registered with EPA. All such pesticides are required to be labelled with warning information as to their toxicity to humans, an indication of the particular hazards, the route(s) of exposure, and the precautions to be taken to avoid accident, injury, or damage. Application of these pesticides may only be performed in accordance with the precautions set forth on the label.

Section 4(b)(1) of the OSH Act (29 U.S.C. 653(b)(1)) provides that nothing in the OSH Act "shall apply to working conditions of employees with respect to which other Federal agencies * * * exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health."

Accordingly, where the working conditions of applicators of EtO have been regulated by EPA under FIFRA, section 4(b)(1) preempts OSHA coverage of these working conditions as they relate to EtO exposure.

OSHA is soliciting information as to non-users and non-applicators of EtO pesticides who may be incidentally or intermittently exposed to EtO in the workplace as a result of sterilization and fumigation procedures.

6. Health Effects

A considerable volume of new scientific information regarding the possible occupational hazards of EtO has emerged over the past few years. Significant new data regarding the chronic toxicity, carcinogenicity, mutagenicity, and possible reproductive hazards of EtO have become available. These data, together with data regarding worker exposure to EtO, are under review at OSHA. The objectives of the review are to: (1) ascertain the extent to which any of these possible hazards may exist for workers under the current permissible exposure limit of 50 ppm; (2) determine whether current risks, if they should be shown to exist, need to be reduced; and (3) estimate the effectiveness of various possible lower exposure limits in reducing risks. OSHA presents below brief summaries of recent studies that raise concerns for adverse health effects of EtO exposure. OSHA is soliciting evaluations from the public on these and on any other studies that may be available.

(a) Carcinogenicity

(1) *Evidence in Animals.* The final report on the results of the inhalation toxicity study of EtO conducted by the Bushy Run Research Center, co-sponsored by a consortium of manufacturers of ethylene oxide, was released in January 1981 (*9*). The protocol included a chronic (24 month) inhalation study in which male and female rats of the Fischer 344 strain were exposed to three concentrations of ethylene oxide (100, 33, and 10 ppm, respectively) for 6 hours a day, 5 days a week. Two groups of animals, similarly housed and maintained except that they were not exposed to ethylene oxide, served as untreated controls.

Examinations were made of all animals that died or were killed at scheduled intervals at 6, 12, 18, 24, and 25 months. Based on histologic evaluation, the researchers concluded that the incidences of mononuclear cell leukemia and peritoneal mesothelioma were significantly increased because of exposure to EtO. The incidence of mononuclear cell leukemia in female rats was dose-related, increasing linearly with increasing exposure concentrations. A statistically significant increase in mononuclear cell leukemia was observed only in the group of females exposed at 100 ppm. For females exposed at 33 ppm, the cumulative percentage incidence of leukemia was significantly higher than that for one control group and for a conbination of both control groups, but

not for the second control group. However, the incidence of mononuclear cell leukemia in female rats exposed at 33 and 10 ppm did indicate a dose response relationship. The regression analysis of leukemia incidence versus exposure concentration was significant, with a correlation coefficient of +0.99.

Peritoneal mesothelioma was reported to be treatment-related in the male rats exposed at 33 and 100 ppm. Among the males exposed at 100 ppm, the cumulative percentage developing this tumor was reported higher (statistically significant) than controls beginning with the 21st month of exposure, whereas the incidence of the tumors in males exposed at 33 ppm was not appreciably higher than in controls until the last month of the study. There peritoneal tumors originated on the testicular mesothelium and were confined to the abdominal cavity.

In addition, the researchers reported that EtO exposure was associated with a higher frequency and/or earlier observation of mononuclear cell leukemia in male rats. The researchers also reported that a mortality-adjusted trend analysis indicated that the normal occurrence of pituitary adenoma in male and female rats was significantly accelerated by exposure to EtO.

In 1979, Dunkelberg reported preliminary results of a long-term carcinogenicity assay in mice (*18*). Ethylene oxide was administered to female NMRI mice by subcutaneous injection in weekly dosages of 0.1, 0.3, or 1.0 mg per animal. Two control groups were used. The animals had been treated for 91 weeks at the time of the report. Tumors (sarcomas) appeared at the injection site in the treated groups, but not in the control groups. The first tumor appeared in the 50th week of treatment. The number of subcutaneous tumors at the injection site appeared to increase with the dose; the number of tumors at sites distant from the injection sites was not significantly greater in the treatment groups than in control groups.

Reyniers et al. (1964) (*19*) reported tumors in 63 of 83 female mice accidentally exposed to ethylene oxide-treated bedding for 150 days and then moved to untreated bedding for the rest of their lifespan. In contrast, no tumors were reported in 83 female mice that had not been exposed to the ETO-treated bedding. The most common tumors in the exposed group were ovarian, lymphoid (malignant lymphoma), and pulmonary.

Two earlier studies on carcinogenicity should also be noted. Walpole (1957) subjected 12 "stock" rats to repeated subcutaneous injections of a total dose of 1 g/kg EtO in Archis oil for 94 days (*20*). The small sample of animals was observed for their lifetime and no tumors were observed. Van Duuren et al. (1965) applied 0.1 ml of a 10% ethylene oxide solution in acetone to the dorsal skin of 30 female Swiss Millerton mice three times a week for life (*21*). No tumors were observed.

(2) *Evidence in Humans.* Hogstedt et al. (1979) reported an excess of leukemia among Swedish workers in a factory where a mixture of EtO and methyl formate had been used to sterilize hospital equipment (*8*). Three cases of leukemia occurred between 1972 and 1977 among the 230 workers, compared to 0.2 cases expected based on age and sex-specific Swedish national leukemia rates for 1972. Two of the cases (females) had been exposed to an estimated eight-hour TWA of 20 ppm EtO. The exposure in the third case (male) was not specified for EtO, but he was known to have some contact with benzene in laboratory work. The cases of leukemia were categorized as chronic myeloid leukemia and acute myelogenic leukemia for women, and as macroglobulinemia for the man.

Hogstedt et al. (*22*) also reported the results of an historical prospective mortality investigation of workers in an EtO production facility. Individuals who had been employed in 1961, had a minimum of 1 year of employment or exposure and had achieved at least a ten year latency period from the start of exposure to the beginning of the observation period, were followed through 1977.

Among the 89 full time workers in the EtO production areas, an excess of total mortality was observed (23 deaths observed, 13.5 expected, p is less than 0.05). An excess of total cancer mortality (9 observed, 3.4 expected, p is less than 0.01) and circulatory system deaths (12 observed, 6.3 expected, p is less than 0.05) was reported. Site specific excess cancer mortality was noted for leukemia (2 observed, 0.14 expected, p is less than 0.01) and stomach cancer (3 observed, 0.4 expected, p is less than 0.01). No statistically significant excess mortality was noted among the 86 maintenance workers with intermittent EtO exposure or among the 66 workers who never were in EtO production areas. One leukemia death was noted among the maintenance workers. Other potential chemical exposures among those workers included ethylene, ethylene dichloride, ethylene chlorohydrin, and bis 2-chloroethyl ether. Exposure to EtO was estimated to range up to the odor threshold of 700 ppm in the 1940's, with average exposure below 14 ppm. EtO concentrations of 6—28 ppm during the 1950's and 1960's were estimated. EtO concentrations of 0.6—6 ppm were estimated for the 1970's.

(b) Evidence of Reproductive Effects

The final report of a one-generation reproduction study in rats by the Bushy Run Research Center is also available (*23*). Both male and female rats were exposed to doses of 100, 33, or 10 ppm of ethylene oxide vapor. The major treatment-related adverse effect was that significantly fewer pups were born per litter for rats exposed to 100 ppm EtO. A dose response relationship in fertility was observed at 100 ppm and 33 ppm, while no effect occurred following exposure to 10 ppm EtO.

LaBorde and Kimmel reported evidence of a teratogenic effect of intravenous EtO in the CD–1 mouse (*24*). They found that EtO was toxic to pregnant mice at doses of 150 mg/kg when administered intravenously during days 4–6, 8–10, or 10–12 of gestation but not at days 6–8. A significant increase in the percent of malformed fetuses was found as a result of EtO administration on days 6–8 and 10–12 of gestation.

(c) Evidence of Mutagenicity

The mutagenicity of ethylene oxide has been demonstrated in a wide range of biological systems, including submammalian and mammalian species. An increased frequency of cell mutations was observed in 13 different species including *Salmonella* (*25*), *Neurospora* (*26*), barley (*27*), (*28*), (*29*), (*30*), *Tradescantia* (*31*), *Drosophila* (*32*), (*33*), *E. coli* (*34*) and, as discussed below, rat, mouse and man.

Embree et al. (1977) have shown that ethylene oxide causes mutations in Long-Evans rats in the dominant-lethal assay. Male rats were exposed to 1000 ppm of ethylene oxide for 4 hours and each male mated with 2 females each week for 10 weeks (*35*). There was a significant increase in post-implantation deaths 1, 2, 3, and 5 weeks after treatment indicating that gametes in various stages of development from spermatocyte through mature sperm were adversely affected.

Generoso et al. (1980) reported the induction of dominant-lethal effects in rats resulting from a single intraperitoneal injection of 150 mg/kg (maximum tolerated dose). In a heritable translocation assay, male rates were given intraperitoneal injections of EtO daily on weekdays for 5 weeks with 60 or 30 mg/kg body weight per day. In addition to observed dominant lethal effects, an increased frequency of heritable translocations was reported for the EtO exposed groups (*36*).

An inhalation study of EtO on mice was performed by Cumming et al.(*37*). They found that unscheduled DNA synthesis was increased after male (101×C3H)F1 hybrid mice were exposed to 300 or 500 ppm ethylene oxide in a work-week type exposure regimen. EtO at doses of 600 and 800 ppm inhibited the repair of DNA damage as measured by a reduction in unscheduled DNA synthesis after 4 hours of exposure.

Ehrenberg et al. observed an elevated frequency of chromosomal aberrations in circulating lymphocytes among 10 people exposed to high concentrations of EtO 18 months prior to blood sampling compared to 10 controls (*38*).

A company using EtO in manufacturing and distributing health care products has reported the results of a medical evaluation including cytogenetic evaluation of 75 workers with potential EtO exposure at nine facilities (Abrahams, 1980) (*39*). Workers were exposed for an average of 2.9 years. A group of 37 workers with no known EtO exposure served as a comparison group for the cytogenetic evaluation. The data indicated that the facilities had complied with the OSHA PEL of 50 ppm as an 8-hour TWA. The physical examination revealed no unusual findings among exposed persons. A statistically significant increase in the number of chromosome aberrations in peripheral lymphocytes among the exposed workers was noted when compared to the nonexposed group. Workers also had an increased incidence of sister chromatid exchanges compared to nonexposed workers. Chromosome spreads were further evaluated for the presence of quadriradial forms per 100 cells analyzed. A significantly elevated frequency of individuals with 2 of more quadriradial chromosomes, 12% (9/73), was observed among exposed persons compared to no such chromosomes reported (0/73) among non-exposed persons. Individuals in two of the nine facilities were examined a second time. Using these values, the overall frequency of inividuals with 2 or more quadriradial chromosomes per 100 cells was 20% (11/56) as compared to 0% (0/37) in the controls. Data from the sperm analysis were inconclusive.

7. *Risk Assessment.* Evaluation of the carcinogenic, mutagenic, and reproductive effects of ethylene oxide should include an estimation of health risks under current conditions of exposure. OSHA intends to perform such assessments and requests information concerning methodologies to be used for this estimation. Questions addressing these issues are presented in detail in the section on Requested Public Submissions.

8. *Feasibility.* During this rulemaking, OSHA will develop an analysis of the feasibility of any proposed EtO standard, as required by the Act. In addition, pursuant to Executive Order 12291, OSHA will determine whether this is a major action and, if so, will prepare a Regulatory Impact Analysis. Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), if a significant impact on small entities is anticipated, a Regulatory Flexibility Analysis will also be performed. In order to provide data and information necessary to perform those required analyses. OSHA has contracted for the services of JRB Associates of McLean, Virginia. Their data collection effort will cover the industries that produce and use EtO.

As noted below, OSHA solicits all available information on current EtO exposure levels, methods of controlling exposure, and costs of compliance. OSHA requests that industry-wide feasibility studies and the collection of data relevant to assisting the Agency in complying with E.O. 12291, the Regulatory Flexibility Act, and the OSH Act be initiated by interested persons as soon as possible. In addition, any information or views on whether regulation of EtO would have a significant impact on the human environment within the meaning of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and the regulations at 40 CFR Parts 1500–1508 and 29 CFR Part 11 are also invited.

References:

1. Occupational Safety and Health Administration: OSHA Safety and Health Standards. 29 CFR 1910.1000, Table Z–1.
2. TLV Airborne Contaminants Committee: Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1968. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1968).
3. TLV Airborne Contaminants Committee: *Documentation of the Threshold Limit Values, Third Edition.* American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1968).
4. Glaser, Z. R.: *Special Occupational Hazard Review with Control Recommendations for the Use of Ethylene Oxide as a Sterilant in Medical Facilities.* U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, DHEW (NIOSH) Publication No. 77–200, 58 pp. (1977).
5. TLV Airborne Contaminants Committee: Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1977. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1977).
6. TLV Airborne Contaminants Committee: Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1979. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1979).
7. TLV Airborne Contaminants Committee: Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1981. American Conference of Governmental Industrial Hygienists, Cincinnati, Ohio (1981).
8. Hogstedt, C., N. Malmqvist, and B. Wadman: Leukemia in Workers Exposed to Ethylene Oxide. *JAMA 241*:1132–1133 (1979).
9. Snellings, W. M., C. S. Weill and R. R. Maronpot: Final Report on Ethylene Oxide Two-year Inhalation Study on Rats, Project Report 44–20, Bushy Run Research Center (formerly Carnegie-Mellon Institute of Research), January 28, 1981. Submitted by Union Carbide Corporation to the U.S. Environmental Protection Agency under Section 8(e) of the Toxic Substances Control Act, on behalf of cosponsors of the study (February 1981).
10. NIOSH. Current Intelligence Bulletin. Ethylene Oxide (EtO): Evidence of Carcinogenicity. May 22, 1981.
11. Petition submitted by the Public Citizen Health Research Group and American Federation of State, County, and Municipal Employees to Thorne Auchter, Assistant Secretary of Labor for Occupational Safety and Health. Submitted August 13, 1981.
12. Letter from Thorne G. Auchter to Dr. Sidney Wolfe, Public Citizen Health Research Group, September 28, 1981.
13. Clayton, G. D. and F. E. Clayton, Eds.: *Patty's Industrial Hygiene and Toxicology*, 3rd revised ed., Vol. 2A, p. 2186. John Wiley and Sons, New York (1978).
14. Key Chemicals: Ethylene Oxide, in *Chemical and Engineering News*, p. 10 (July 6, 1981).
15. Koketsu, M.: *Ethylene Oxide Industry-Wide Industrial Hygiene Study.* Submitted to the National Institute of Occupational Safety and Health under Contract No. 210–76–0162. SRI International, Menlo Park, CA, 43 pp. (1978).
16. Phillips, G. B., H. M. Holstein and L. J. Worden: Ethylene Oxide Technical Report, 1978 Submission to the Environmental Protection Agency. Health Industry Manufacturers Association, Washington, D.C. HIMA Report No. 78–3, 421 pp. (1978).
17. Roy, P. A. In HIMA, The Safe Use of Ethylene Oxide, 1980, P. 195.
18. Dunkelberg, H.: On the Oncogenic Activity of Ethylene Oxide and Propylene Oxide in Mice. *Br. J. Cancer 39*:588–589 (1979).
19. Reyniers, J. A., M. R. Sacksteder, and L. L. Ashburn: Multiple Tumors in Female Germfree Inbred Albino Mice Exposed to

Bedding Treated with Ethylene Oxide. *J. Nat. Cancer. Inst. 32*:1045–1057 (1964).
20. Walpole, A. L.: Carcinogenic Action of Alkylating Agents: *Ann. N.Y. Acad. Sci., 68*, 750–761 (1957).
21. Van Duuren, B. L., L. Orris, N. Nelson: Carcinogenicity of Epoxides, Lactones, and Peroxy Compounds, Part II, *J. National Cancer Institute:* 35, 707–716 (1965).
22. Hogstedt, C., O. Rohlen, B. S. Berndtsson, O. Axelson and L. Ehrenberg: A Cohort Study of Mortality and Cancer Incidence in Ethylene Oxide Production Workers. *Br. J. Ind. 36*:276–280 (1979).
23. Written communication. Final report on Ethylene Oxide One-Generation Reproduction Inhalation Study, Project Report 42–7, Carnegie-Mellon Institute of Research, May 1, 1979. Submitted by Union Carbide Corporation to the U.S. Environmental Protection Agency under Section 8(e) of the Toxic Substances Control Act, on behalf of the cosponsors of the study (June 1979).
24. LaBorde, J. B. and C. A. Kimmel: The Teratogenicity of Ethylene Oxide Administered Intravenously to Mice. *Toxicol. Appl. Pharmacol. 56*:16–22 (1980).
25. Embree, J. W. and C. H. Hine: Mutagenicity of Ethylene Oxide (abstract). *Toxicol. Appl. Pharmacol. 33*:172–173 (1975).
26. Kilbey, B. J. and H. G. Kolmark: A Mutagenic After-Effect Associated with Ethylene Oxide in *Neurospora crassa*. *Mol. Gen. 101*:185–186 (1968).
27. Ehrenberg, L., A. Gustafsson and U. Lundqvist: Chemically Induced Mutation and Sterility in Barley. *Acta Chem. Scand. 10*:492–494 (1956).
28. Ehrenberg, L., A. Gustafsson and U. Lundqvist: The Mutagenic Effects of Ionizing Radiations and Reactive Ethylene Derivatives in Barley. *Hereditas 45*:351–368 (1959).
29. Lindgren, D. and K. Sulovska: The Mutagenic Effect of Low Concentrations of Ethylene Oxide in Air (abstract). *Hereditas 63*:460 (1969).
30. Sulovska, K., D. Lindgren, G. Eriksson and L. Ehrenberg: The Mutagenic Effects of Low Concentrations of Ethylene Oxide in Air. *Hereditas 62*:264–266 (1969).
31. Smith, H. H. and T. A. Lotfy: Comparative Effects of Certain Chemicals on *Tradescantia* Chromosomes as Observed at Pollen Tube Mitosis. *Am. J. Bot. 41*:589–593 (1954).
32. Bird, M. J.: Chemical Production of Mutations in *Drosophila:* Comparison of Techniques. *J. Genet. 50*:480–485 (1952).
33. Fahmy, O. G. and M. J. Fahmy: Cytogenetic Analysis of the Action of Carcinogens and Tumour Inhibitors in *Drosophila Melanogaster*, Part V, Differential Genetic Response to the Alkylating Mutagens and X-radiation. *J. Genet. 54*:146–164 (1956).
34. Hussain, S. and S. Osterman—Golkar: Comment on the Mutagenic Effectiveness of Vinyl Chloride Metabolites. *Chem. Biol. Interact. 12*:265–267 (1987).
35. Embree, J. W., J. P. Lyon and C. H. Hine: The Mutagenic Potential of Ethylene Oxide Using the Dominant-Lethal Assay in Rats. *Toxicol. Appl. Pharmacol. 40*:261–267 (1977).
36. Generoso, W. M., K. T. Cain, M. Krishna, C. W. Sheu and R. M. Gryder: Heritable Translocation and Dominant-Lethal Mutation Induction with Ethylene Oxide in Mice. *Mutat. Res. 73*:133–142 (1980).
37. Cumming, R. B., R. A. Michaud, L. R. Lewis and W. H. Olson: Inhalation Mutagenesis in Mammals: Patterns of Unscheduled DNA Synthesis Induced in Germ Cells of Male Mice by Exposure to Ethylene Oxide in Air. *Mutat. Res.*, (in press 1981).
38. Ehrenberg, L. and T. Hallstrom: Haematologic Studies on Persons Occupationally exposed to Ethylene Oxide, in International Atomic Energy Agency Report SM 92/96. International Atomic Energy Agency, pp. 327–334 (1967).
39. Abrahams, R. H.: Recent Studies with Workers Exposed to Ethylene Oxide, in *The Safe Use of Ethylene Oxide: Proceedings of the Education Seminar*, J. F. Jorkasky, ed. Health Industry Manufacturers Association, Washington, D.C., HIMA Report No. 80–4, pp. 27–38, 211–220 (1980).

Requested Public Submissions

Public comment on the data discussed in this Advance Notice and other relevant issues is requested for the purpose of assisting OSHA in its reevaluation of the adequacy of the present EtO standard. OSHA also requests that interested parties submit any pertinent health data not discussed in this notice.

Comment is requested on the following issues relating to health effects, technological and economic feasibility, and provisions which should be considered for inclusion in a comprehensive EtO standard. Specifically, scientific and technical data and expert analysis and opinion are sought on the following issues:

1. Do the available human and experimental data indicate that the EtO standard should be revised on the basis of carcinogenic and reproductive risks?

2. Is OSHA's existing 8-hour TWA exposure limit of 50 ppm adequate to protect workers from the occurrence of adverse health effects associated with occupational exposure to EtO?

3. What is the risk of developing cancer or any other adverse health effects that might arise from exposure to EtO at OSHA's current exposure limit of 50 ppm, or from exposure to alternative limits of 0.5, 1, 5, 10 ppm and the lowest level capable of being achieved? Are these risks significant? Comment is requested specifically on the following related issues:

a. Methods for considering both cancer incidence and time-to-tumor observation data;

b. Methods for considering differences between timing, frequency, and duration of human and experimental animal exposure;

c. Models to be used for extrapolation of dose-response data and their applicability for estimating carcinogenic and reproductive risks;

d. Information that may assist in the selection of dose-response models and in comparing human and animal target organ doses in relation to inhaled doses;

e. The adequacy of the available scientific evidence for quantification of health risks associated with EtO exposure and other means the agency may rely on to assess risk, such as qualitative evidence and expert testimony.

4. What are the number of workers exposed to EtO, their current exposure levels, duration and frequency of exposure, the job being performed, and the Standard Industrial Classification (SIC) Codes for industries and processes using EtO?

5. Of those employees exposed to EtO as a result of fumigation or sterilization operations, how many are not engaged in the actual application of the EtO? Of the non-applicators who are exposed, how frequently are they exposed, and at what levels? What control methods are available for non-applicators?

6. Which of the following control methods are available to reduce exposures to EtO to alternative 8-hour TWA's of 0.5, 1, 5, or 10 ppm? Please provide a detailed discussion of the use of these controls, their application in various work settings, their efficacy, their costs, and the time necessary for implementation. Please also provide documentation with this discussion, including engineering feasibility studies and evidence concerning actual costs of control. This information will assist OSHA in evaluating the cost-effectiveness of various alternative control strategies and the feasibility of complying with alternative TWA's of 0.5, 1, 5, or 10 ppm. To what extent would these controls involve simple modifications of equipment or procedures? To what extent and in which processes would substantial changes be necessary? What is the lowest level feasible through implementation of these controls?

a. Engineering controls including: ventilation collection, isolation containment, substitution of product or process, modification of process or equipment.

b. Work practices, housekeeping and administrative controls.

7. Are there any unique conditions in work settings where EtO is produced or

used which would preclude the use of personal protective equipment, or engineering controls and work practices to reduce exposures?

8. Are there other OSHA standards that require the use of engineering controls which would also affect or be affected by a reduction in EtO exposure levels?

9. Have there been technological improvements or changes in the production or use of EtO for the purpose of improving productivity or product quality which have also resulted in reductions in EtO exposures?

10. Is a short-term or ceiling limit for EtO exposures necessary and why, and what would be the technological and economic feasibility of complying with that limit?

11. What methods are available for reducing worker exposure to EtO to 0.5, 1, 5, or 10 ppm by means other than engineering controls, work practices, and substitutes? Are negative pressure chemical cartridge respirators available for use with EtO? What other respiratory protection is available at the above levels?

12. What measurement and analytical methods are available for use in determining compliance with an EtO exposure limit of 0.5, 1, 5, or 10 ppm?

13. Is it necessary to establish provisions for medical examinations, respirators, personal protective clothing and equipment, hygiene facilities and practices, regulated areas, maintaining records, housekeeping, employee information and training, and labels and signs? What form should such provisions take in a proposed standard? To what extent are these provisions currently being employed by industry and what are their costs?

14. In order to perform an economic feasibility analysis, it is helpful to have a financial and economic profile of the industries producing and using EtO. The following information is requested to aid in the preparation of that profile. Data should be provided for the last five years.

a. What were the total annual volumes and dollar values of production, shipments, and inventories?

b. What were the total annual investments categorized as replacement, expansion, modernization, and environmental health and safety related?

c. What were the retained earnings, after tax income, total assets, stockholders' equity, net worth, depreciation charges, and debt-equity ratios?

d. What is the rate of return on assets and equity?

15. What were the total annual employment levels and labor turnover for the industries with EtO exposures for at least the last 5 years? What is the average rate of absenteeism?

16. If the Agency determines that a substantial number of small entities are affected by this rulemaking, OSHA will prepare a Regulatory Flexibility Analysis. The following information is requested to aid in this determination.

a. How many and what kind of small businesses or organizations would be affected by regulating exposures to EtO?

b. Which, if any, federal rules may duplicate, overlap, or conflict with a comprehensive OSHA regulation concerning EtO?

c. Will difficulties be encountered by small entities when attempting to comply with requirements for exposure monitoring, permissible exposure limits, medical examinations, respirators, personal protective clothing and equipment, hygiene facilities and practices, regulated areas, recordkeeping, housekeeping, employee information and training, and labels and signs? Can some of these requirements be deleted or simplified for small entities, while also achieving comparable protection of the health of employees of small entities?

d. What timetable would be optimal for allowing small entities sufficient time to comply?

17. The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.) requires that each Federal agency consider the environmental impact of major actions significantly affecting the quality of the human environment. Any person having information, data, or comments pertaining to possible environmental impacts is invited to submit them and accompanying documentation to OSHA. Such impact might include:

a. Any positive or negative environmental effects that could result should a new standard be adopted;

b. Beneficial or adverse relationships between the local short-term uses of the human environment and enhancement of long-term productivity; and

c. Any irreversible commitments of natural resources which could be involved should a standard be implemented.

In particular, consideration should be given to the potential direct of indirect impacts of any action, or alternative actions, on water and air pollution, energy usage, solid waste disposal, or land use.

Public Participation

Interested persons are invited to submit comment on these and other pertinent issues relating to occupational exposure to EtO by March 31, 1982. Comments should be sent in quadruplicate to the Docket Officer, at the address noted above where they will be available for inspection and copying. The data received in response to this Advance Notice will be carefully reviewed and will be used by OSHA to determine whether it is necessary and appropriate to pursue further regulatory activity regarding occupational exposure to EtO.

This Advance Notice of Proposed Rulemaking was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C. this 22nd day of January 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-2032 Filed 1-25-82; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Ohio Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; notice of receipt of Ohio Permanent Program Resubmission; schedule for public hearing and public comment period.

SUMMARY: The Office of Surface Mining (OSM) is announcing procedures for the public comment period and hearing on the substantive adequacy of the proposed Ohio regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which has been resubmitted by the State.

This notice sets forth the times and locations that the Ohio program is available for public inspection; the date when and the location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may resubmit written comments and data on the proposed program and other information relevant to public

participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the Ohio program not previously approved by the Secretary of the Interior will be held at 1:00 p.m. on February 18, 1982, at the address listed under "ADDRESSES".

Comments from members of the public must be postmarked no later than February 20, 1982, in order to be considered in the Secretary's decision the proposed Ohio program.

ADDRESSES: The public hearing will be held at the Howard Johnson Motor Lodge, 999 E. Granville Rd. at the intersection of I-71 and S.R. 161 in Columbus, Ohio. Written comments should be sent to: Office of Surface Mining, Attn: Ohio Program Review, 46 East Ohio Street, Indianapolis, Indiana 46204-1994.

Copies of the full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying of the OSM Region III office and the office of the State Regulatory Authority listed below, Monday through Friday 8:00 a.m.-4:00 p.m., excluding holidays.

Office of Surface Mining, Region III, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629;

Division of Reclamation, Ohio Department of Natural Resources, Fountain Square, Building B, Columbus, Ohio 43224, Phone (614) 265-6633.

For locations where copies of the full text of the proposed program are available for inspection see "Supplementary Information".

FOR FURTHER INFORMATION CONTACT: J. M. Furman, Assistant Regional Director, State & Federal Program, Office of Surface Mining, Room 527, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629.

SUPPLEMENTARY INFORMATION: Copies of the full text of the proposed program are available for inspection during regular business hours at the following locations:

Office of Surface Mining, Region III, Fifth Floor, Room 511, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204-1994;

Ohio Division of Reclamation, Department of Natural Resources, Fountain Square, Building B, Columbus, Ohio 43224;

Ohio Division of Reclamation, District II, 1894 East High Street, New Philadelphia, Ohio 44663;

Ohio Division of Reclamation, District III, 966 N. Market Street, Lisbon, Ohio 44432;

Ohio Division of Reclamation, District IV, Technical Building, 850 Airport Road, Route 4, Zanesville, Ohio 43701;

Ohio Division of Reclamation, District V, 46633 East Richland, St. Clairsville, Ohio 43950;

Ohio Divison of Reclamation, District VI, 10007 E. State Street, Athens, Ohio 45701;

Ohio Divison of Reclamation, District VI, 36 Portsmouth Street, Jackson, Ohio 45640;

Office of Surface Mining, District Office, 1100 Brandywine Blvd., Building D, Zanesville, Ohio 43701.

On February 29, 1980, the State of Ohio submitted to the Secretary of the Interior its proposed State regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326-15328), the Regional Director published notification of receipt of the program in the March 7, 1980 **Federal Register** (45 FR 14883-14884) and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public review meeting regarding completeness of the submission was held in Columbus, Ohio on April 11, 1980.

On April 28, 1980, the Regional Director published notice in the **Federal Register** that he had determined the Ohio program to be incomplete (45 FR 28168-28169) as required by 30 CFR 732.11(c).

Public hearings on the adequacy of the Ohio submission were held in St. Clairsville, Ohio on July 21, 1980, and in Columbus, Ohio on July 22, 1980, by the Regional Director after due notice on June 19, 1980, in the **Federal Register** (45 FR 41456-41458) and in newspapers of general circulation within the State.

The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice (45 FR 64962-64971) published on October 1, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which disapproved the Ohio program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Ohio would have had 60 days from the date of publication of the Secretary's disapproval decision in which to resubmit its program for consideration.

The Common Pleas Court of Franklin County, Ohio issued a Temporary Restraining Order against the State of Ohio on November 24, 1980 restraining and enjoining the State from resubmitting its proposed permanent program. On November 25, 1980, the State was enjoined from resubmitting its program for a period of one year by the Common Pleas Court of Belmont County, Ohio. Based on a Motion to Dismiss filed by the State, the Franklin County case was dismissed on July 10, 1981. The Belmont County injunction terminated on November 25, 1981. The State then had 60 days within which to resubmit its program. The State resubmitted its program on January 22, 1982.

In keeping with the public participation mandate of SMCRA and 30 CFR 732.13(f), a public comment and review period is being allowed for the Ohio program resubmission. The public review and comment period for the Ohio program ends on February 20, 1982. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program that was disapproved in the Secretary's initial decision now be approved, disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326-15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326-15327) and corresponding sections of the preamble (44 FR 14959-14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the resubmitted program is approved, the State of Ohio will have primary jurisdiction for the regulation of surface coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Ohio. If the revised program is approved, the Secretary and the Governor may also enter into a

cooperative agreement governing regulation of these activities on federal lands in Ohio. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Ohio. To codify decisions on state matters, OSM has established Subchapter T of 30 CFR Chapter VII.

Subchapter T will consist of Parts 900 through 950. Provisions relating to Ohio will be found in 30 CFR Part 935 after Ohio's resubmission has been approved or disapproved.

At the public hearing on February 18, 1982, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will begin at 1:00 P.M. and will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of the scheduled speakers. Persons not scheduled to speak but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of an oral presentation at the hearing. In addition, the Regional Director has prescribed the following format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 10, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons.

Interested members of the public are encouraged to read the Secretary's disapproval of the initial Ohio program submission (45 FR 64962–64971) published on October 1, 1980. That document contains detailed findings and explanations relating to the initial submission which was disapproved.

Set forth below is a summary of the contents of the Ohio program including resubmission material.

(a) State Law and Regulations.

(b) Other Related State Laws.

(c) Attorney General's Opinion.

(d) Delegation of Regulatory Authority.

(e) Structural Organization—Staffing Functions.

(f) Supporting Agreements between Agencies.

(g) Narrative Description for:

(1) Issuing Exploration for Mining Permits.

(2) Assessing Permit Fees.

(3) Bonding—Insurance.

(4) Inspecting and Monitoring.

(5) Enforcing the Administrative, Civil and Criminal Sanctions.

(6) Administering and Enforcing Permanent Program Standards.

(7) Assessing and Collecting Civil Penalties.

(8) Issuing Public Notices and Holding Public Hearings.

(9) Coordinating with Other Agencies.

(10) Consulting with Other Agencies.

(11) Designating Lands Unsuitable for Mining.

(12) Restricting Financial Interests.

(13) Training, Examining and Certifying Blasters.

(14) Providing for Public Participation.

(15) Providing Administrative and Judicial Review.

(16) Providing a Small Operator Assistance Program (S.O.A.P.).

(h) Statistical Information.

(i) Summary of Staff with Titles, Functions, Job Experience and Training.

(j) Description of Staffing Adequacy.

(k) Projected Use of Other Professional and Technical Personnel.

(l) Budget Information.

(m) Physical Resources Information.

(n) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Ohio program. Under Section 702(3) of SMCRA (30 U.S.C. 1292(3)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Edgar A. Imhoff,

Regional Director.

[FR Doc. 82–1876 Filed 1–25–82; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 81–704]

Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rule; extension of comment/reply comment period.

SUMMARY: This action extends time for filing comments and reply comments in a rulemaking involving Commission proposals to reduce spacing between domestic satellites to accommodate additional satellites in orbit and other related rules and policies governing the licensing of such radio facilities. Extension was granted because of the additional time needed by parties to perform extensive engineering analyses.

DATE: Comments must be filed on or before March 8, 1982 and reply comments on or before April 26, 1982.

ADDRESS: Submit comments to the Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ronald J. Lepkowski, Common Carrier Bureau, (202) 632–5930.

In the matter of Licensing of Space Stations in the Domestic Fixed-Satellite Service and related revisions of part 25 of the rules and regulations.

Adopted: January 13, 1982.

Released: January 19, 1982.

By the Common Carrier Bureau:

1. On November 18, 1981 the Commission released its *Notice of Inquiry and Proposed Rulemaking* (FCC 81–466) (46 FR 57067; November 20, 1981) initiating this Docket. The Commission requested interested parties to file their comments on or before January 25, 1982 and reply comments on or before March 1, 1982.

2. Three licensees authorized to construct and operate domestic satellites have requested that the time for filing comments be extended from January 25, 1982 until February 26 or March 31, 1982 and that the date for filing reply comments be extended until April 1 or May 5, 1982, respectively. These parties submit that the time extension is needed to prepare a response involving extensive engineering analyses and associated

projections of costs and demand with respect to the proposed reduction in orbital spacing between adjacent satellites. Also, complications resulting from heavy work schedules, including launch of new satellites in early 1982, and disruptions occasioned by the holidays in December 1981 allegedly placed further limits on the amount of time available to perform needed technical and other analyses.

3. We are aware that extensive efforts and analyses are required from interested parties to provide detailed and specific comments in the matters raised by our Notice in this proceeding. However, the Commission also has indicated its desire to reach an early decision on the question of orbital spacing. This would permit a new orbital deployment plan to be implemented prior to the launch of a significant number of new satellites and minimize disruption of service resulting from the relocation of satellites in orbit after launch. To meet this objective, a sufficient amount of time must therefore be afforded to allow the Commission's staff to review and analyze the comments and reply comments, and present its recommendations to the Commission for final decision. Based on current launch schedule information available to the staff, it would be desirable that the Commission consider this matter by the early fall of 1982. A balance must therefore be drawn between the desire of parties for additional time to prepare their comments and reply comments, and the needs of the Commission for a sufficient amount of time to analyze the record properly and to reach a timely decision within the limits of its available staff resources.

4. Accordingly, pursuant to § 0.291 of the Commission's Rules on Delegations of Authority, it is ordered that the period of time to file comments in the proceeding captioned above is extended until March 8, 1982 and the time to file reply comments is extended to April 26, 1982. We do not anticipate grant of any further extensions of time in this docket.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-1812 Filed 1-25-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1033 and 1254

[Ex Parte No. 285]

Maintenance of Records Pertaining to Demurrage, Detention, and Other Related Accessorial Charges by Rail Common Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Commission is assessing the need to retain rules pertaining to the maintenance of demurrage and detention records applicable to both rail freight cars and freight trailers. Such a review is consistent with 49 U.S.C. 10101a. If, based on the comments received, we conclude the rules are unnecessary in any or all respects, they will be modified accordingly or repealed in full.

DATES: Comments must be received by March 12, 1982.

ADDRESS: An original and 15 copies of all comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The demurrage/detention records regulations (49 CFR 1254.01-.06) were adopted in *Maintenance of Records Pertaining to Demurrage*, 352 I.C.C. 739 (1976). The purpose for establishing these regulations was to assure sufficient records for the proper assessment and collection of all applicable demurrage, detention, or other accessorial charges applicable to both rail freight cars and freight trailers. Because of subsequent legislation and rulemakings (discussed *infra*), it is appropriate to reconsider the value of these regulations.

It is also necessary to consider in this proceeding Car Service Rule 15 (49 CFR 1033.15). Although the car service rules were rescinded in Ex Parte No. 241 (Sub-No. 1), *Investigation of Adequacy of Freight Car Ownership*, 362 I.C.C. 844, 879 (1980) (45 FR 49942, July 28, 1980), Rule 15 was retained because of the reporting requirements it satisfied for the demurrage recordkeeping rules.

Recent legislation and Commission decisions have emphasized that rail operations and practices should be determined less by government regulations than by carrier management and marketplace competition. The Staggers Rail Act of 1980 enunciates this philosophy in the Rail Transportation Policy (49 U.S.C. 10101a), directing that federal regulations should be eliminated where they are unnecessary. Indeed, the legislative history, H.R. Rep. No. 96-1430, 96 Cong., 2d Sess. 80 (1980), by implication, notes the conflict between the costs of regulation and the need to achieve revenue adequacy.

We have undertaken a review of all existing regulations consistent with Executive Order No. 12291. The instant review is a part of that process.

Our recent administrative proceedings have been in keeping with these policies. (Some of the decisions preceded the 1980 legislation). Certain of these proceedings directly affect demurrage charges. See, for example, Ex Parte No. 334 (Sub-No. 4), *Order Granting Railroads Flexibility in Setting Per Diem Levels*, served August 18, 1980; Ex Parte No. 334 (Sub-No. 5) (45 FR 58259, September 2, 1980), *Zone of Reasonableness for Car Hire Charges*, notice of proposed rulemaking served October 29, 1980 (45 FR 73524, November 5, 1980); Ex Parte No. 358, *Change of Policy, Railroad Contract Rates*, served November 9, 1978, April 10, 1979, and February 21, 1980; Ex Parte No. 241 (Sub-No. 1), *supra;* and Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, served February 19, 1981 (46 FR 14348, February 27, 1981).[1] In all of these proceedings, an overriding concern was whether existing rules or statutory provisions continued to be necessary to implement the Interstate Commerce Act consistent with the goals of that Act. *American Trucking Assn.* v. *Atchison, T. & S.F. Ry. Co.*, 387 U.S. 397 (1967).

These actions and the requirement to reduce government regulations where appropriate, require a thorough review of the continuing need, if any, for these rules. In fact, we have recognized carrier difficulties in complying with the rules and have granted waivers of certain of them.[2] A general review of the rules to

[1] In *Improvement of TOFC/COFC Regulation, supra*, we exempted from regulation rail and truck service provided by railroads in connection with TOFC/COFC service. Because of this exemption, the demurrage recordkeeping rules for TOFC/COFC trailers (49 CFR 1254.05) no longer apply, and should be repealed.

[2] See 45 FR 81675 (December 11, 1980) and 46 FR 62196 (December 22, 1981). In these notices, we indicated our intent to review all the rules.

determine whether the benefits exceed the costs is far preferable to case-by-case waiver of them.

When the rules were first adopted, we concluded they were necessary to collection of applicable charges. We found that substantiating records were incomplete. Today, because marketplace competition is increasingly a more critical factor for rail carriers, we anticipate that carriers have sufficient self-interest to ensure accurate recordkeeping and, thus, collection of all applicable charges. In recent years, the railroads have made great strides in other related areas in recognition of the need to take all steps in their power to improve earnings. Computerization has also increased to a point where these rules may no longer be necessary. We note that the waivers we have granted have been necessary, to accommodate new computer recordkeeping.

These rules have been in operation for over 3 years. Our specific interests include: (1) The beneficial aspects of these rules; (2) the existing and anticipated burdens of compliance with the rules (the costs of compliance that will be saved); and (3) the relationship of their benefits to their costs. Comments should be in the context of actual experience with the demurrage recordkeeping rules. We also seek information as to how these rules may affect or be affected by changes (implemented or proposed) caused by the Staggers Act.

We note that, if the demurrage recordkeeping rules are rescinded, the carriers will still have the statutory obligation to collect applicable demurrage/detention charges and, correlative to that obligation, will have to maintain appropriate records to support these charges. Rescinding the regulations would in no way relieve the carriers of this duty to collect applicable charges, but instead would leave the method, format, and locations of records to management discretion.

We believe this action will not significantly affect either the quality of the human environment or conservation of energy resources. However, comments are invited.

We certify that this action will not have a significant impact on a substantial number of small entities. If the rules are repealed, the obligation to maintain records adequate to collect applicable charges remains. Moreover, the rules apply only to railroads, very few of which may qualify as small entities.

(49 U.S.C. 10101a, 10321, and 5 U.S.C. 553)

Dated: January 18, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1928 Filed 1-25-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 17
Tuesday, January 26, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Privacy Act of 1974; System of Records Amended

AGENCY: Action.

ACTION: Notice of amendment of ACTION's Privacy Act system of records entitled, ACTION Volunteer Applicant and Service Records System.

EFFECTIVE DATE: January 26, 1982.

FOR FURTHER INFORMATION CONTACT: Noel McCaman, Chief, Communications Operations Branch, Office of Recruitment and Communications, ACTION, Washington, D.C. 20525/ Telephone Number, area code 202–254–7520.

SUMMARY: This notice is published to inform the public of the establishment of records as a result of voluntary inquiries regarding ACTION/Peace Corps volunteer programs. The ACTION Volunteer Applicant and Service records System is amended to include the mention of the maintenance and use of data submitted to the agency by mail or personal contact. As a result of ACTION/Peace Corps program advertising throughout the United States, individuals interested in volunteer service contact the agency by telephone, in person or by mail, requesting program information and applications.

Whenever information/application kits are requested, a computer based record is created for the issuance of mailing labels and letters, follow-up letters and statistical studies. Such use of this date was in effect prior to the enactment of the Privacy Act. The original ACTION Privacy ACT system of record notices published in September, 1975, should have included mention of the creation and use of such records.

THEASAURUS TERMS: Volunteers, Privacy Act.

The ACTION Volunteer Applicant and Service Records System (ACTION/2) published in the Federal Register, Volume 44, dated September 26, 1979, at page 55493, is amended as follows:

The first sentence in "Categories of individuals covered by the system" is amended to read: "Current and former ACTION full-time volunteers, trainees, applicants, and individuals who request information regarding volunteer service in the Peace Corps, including Peace Corps United Nations Volunteers, or in one of ACTION's full-time Domestic Operations programs."

The first sentence of the first paragraph under "Categories of records in the system" is amended to read: "This major system covers a number of temporary and permanent records established during the interest inquiry, applicant, placement, selection and service stages."

The heading of Item (1) under "Categories of records in the system" is amended to add the interest Inquiry record and a sentence is added to explain the record: "(1) Interest inquiry Record, Volunteer Application Folder and Computer Based Record: The inquiry record is used to create a computer based record for issuing mailing labels, letters, follow-up letters and statistical data."

Paragraph (n) is added to the section on "Routine uses of records maintained in the system, including categories of users and the purpose of such uses" to read as follows:

"(n) In addition to the agency general routine uses the information furnished by mail or by personal contact is used only by the agency recruiting staff to furnish information to the individual concerning ACTION/Peace Corps volunteer programs and for the production of summary descriptive statistics and analytical studies in support of recruitment activities."

A sentence is added to the end of the "Retention and disposal" paragraph: "The inquiry records are maintained for one year. The computer based inquiry records are maintained for two years."

Under "System Manager(s) and Address" Item a. is changed to read:

"a. The ACTION Service Center Managers located in the field and the Chief, Communications Operations Branch, Office of Recruitment and Communications, located at 806 Connecticut Avenue, N.W., Washington, D.C. 20525."

This notice is issued in Washington, D.C., on January 26, 1982.

Winfred A. Pizzano,

Deputy Director, ACTION.

[FR Doc. 82-1830 Filed 1-25-82; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1982-Crop Peanuts; National Poundage Quota and Poundage Quota Referendum Period for 1982-Crop Peanuts

Correction

In FR Doc. 82–1501 appearing at page 3149 in the issue of Friday, January 22, 1982, on page 3149 in the first column, the "**EFFECTIVE DATE**" now reading "January 21, 1981" should read "January 21, 1982".

BILLING CODE 1505-01-M

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m., and will end at 9:30 p.m., on February 18, 1982, at the Lord Cromwell Inn, Exit 21, off I–91, Cromwell, Connecticut, 06416. The purpose of this meeting is to discuss the draft report, Governmental Response to Racially and Religiously Motivated Violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, John Rose, Jr., P.O. Box 3216, Hartford, Connecticut, 06103, (203) 525–4700 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-1621 Filed 1-25-82; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 11:00 a.m., and will end at 3:00 p.m., on February 20, 1982, at the Island Colony Hotel, 445 Seaside Avenue, Honolulu, Hawaii, 96815. The purpose of this meeting is to discuss the Hawaiian Homeland report, and program planning for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Patricia K. Putnam, 1910 Ala Moana Boulevard, Honolulu, Hawaii, 96815, (808) 948-7355 or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California, 90010, (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-1622 Filed 1-25-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Publication of annual list of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Susan E. Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3691.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly on articles of quota cheese. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 19, 1982.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Gross subsidy [1] (cents per pound)	Net subsidy [2] (cents per pound)
Belgium	European Community (EC) restitution payments.	20.8	20.8
Canada	Export assistance on certain types of cheese.	16.7	16.7
Denmark	EC restitution payments.	12.2	12.2
Finland	Export subsidy	89.8	89.8
	Indirect subsidies	20.1	20.1
		109.9	109.9
France	EC restitution payments.	11.5	11.5
Ireland	EC restitution payments.	9.7	9.7
Italy	EC restitution payments.	35.8	35.8
Luxembourg	EC restitution payments.	20.8	20.8
Netherlands	EC restitution payments.	3.1	3.1
Norway	Indirect (milk) subsidy	22.1	22.1
	Consumer subsidy	49.1	49.1
		71.2	71.2
Portugal	Direct subsidy on all sales of gouda cheese.	20.4	20.4
Switzerland	Deficiency payments	79.9	79.9
United Kingdom	EC restitution payments.	9.6	9.6
West Germany	EC restitution payments.	15.4	15.4

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS—Continued

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 82-1759 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Japan; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covers the four known manufacturers and nine known exporters of this merchandise to the United States and the period from April 1, 1980 through March 31, 1981. The review disclosed no shipments of spun acrylic yarn from Japan other than samples of insignificant commercial value. The Department has found these shipments of samples to be subject to assessment of antidumping duties.

The Department has also determined that yarn produced from modacrylic fiber is not of the same class or kind of merchandise as spun acrylic yarn and is clarifying the scope of the antidumping duty order accordingly.

As a result of this review, the Department has preliminarily determined to assess dumping duties on shipments of samples, produced by one manufacturer and shipped by one exporter. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 26, 1982.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel of David R. Chapman, Office of Compliance, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3059/2657).

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") published in the Federal Register on June 25, 1981 (46 FR 32928–9) the final results of the initial administrative review of the antidumping duty order with respect to spun acrylic yarn from Japan. In that notice the Department stated its intent to conduct the next administrative review by the end of April, 1982. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of spun acrylic plied yarn primarily for machine-knitting, currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA).

During the course of this review, the Japan Chemical Fibres Association ("JCFA") requested a ruling regarding the application of this order to shipments of spun, plied yarn produced from modacrylic fiber ("modacrylic yarn"). The Department considered information presented by JCFA concerning the differences in manufacturing, physical characteristics and uses of acrylic and modacrylic yarn, and comments submitted by the American Yarn Spinners Association ("AYSA") regarding the similarity of uses of the two products. After examination of this information and information available in our records, we conclude that acrylic and modacrylic fibers are recognized as distinct throughout the industry. Furthermore, the regulations that implement the Textile Fiber Products Identification Act establish separate generic names for these two fibers (16 CFR 303.7). We conclude that the class or kind of merchandise subject to this order is yarn produced from acrylic fiber, or chiefly from acrylic fiber. Although the petitioner now contends that modacrylic yarn falls within the scope of the petition and would have been explicitly included had there been significant importations at the time of the petition, we find no contemporaneous indication that the petition was intended to cover modacrylic yarn nor that the investigation addressed modacrylic yarn. Therefore, the Department has concluded that modacrylic yarn is not of the same class or kind of merchandise as that subject to this order and we are clarifying the scope of the order to exclude specifically shipments of spun, plied yarn produced from modacrylic fiber and currently classifiable under items 310.5049 or 310.5051 of the TSUSA.

This review covers the 13 known firms engaged in the manufacture and exportation of Japanese spun acrylic yarn to the United States and the period from April 1, 1980 through March 31, 1981.

Three manufacturers and eight exporters did not export spun acrylic yarn to the United States during this period. The rate for deposit of estimated duties for these firms shall be the most recent information for each firm.

One manufacturer and a related exporter stated that, while they did not sell any merchandise for exportation to the United States during the period of review, they did export five shipments of samples of yarn for purposes of testing and/or evaluation. Each of these shipments contained a small amount of yarn of insignificant commercial value.

Merchandise entered for consumption is subject to a finding of dumping whenever ownership is or has been transferred from the manufacturer or exporter to an unrelated party. Samples and other "non-commercial" disposals are no exception.

Where possible, the Department will calculate the foreign market value and U.S. price for each entry using specific price and/or cost data relating to that entry. However, where the shipments of samples involve a transfer of ownership and contain a small quantity of merchandise of insignificant commercial value, the Department may have to rely on information other than specific price or cost data. For assessment purposes, the Department will use the weighted average margin on the same manufacturer's commercial shipments of all yarn during the current review period, or if the manufacturer has no commercial shipments during that period, during the most recent review period where such shipments occurred. If there were no commercial shipments by that manufacurer during prior review periods, the Department will assess samples shipped during the current period at the highest weighted-average margin for commercial shipments of any other manufacturer during the current, or, if necessary, the most recent review period.

Samples assessed in the above manner shall not be considered shipments for purposes of possible revocation of this order under § 353.54 of the Commerce Regulations.

In this case, all five shipments were entered for consumption and ownership has been transferred to an unrelated party. Since the manufacturer and exporter had no commercial shipments during this period, nor the prior review period, the Department resorted to the manufacturer's margin calculated during the fair value investigation as the most recent information. The fair value margin for this manufacturer and exporter is 20.26%, and this shall be the estimated deposit rate for these firms.

Preliminary Results of the Review

We preliminarily determine that for the period from April 1, 1980 through March 31, 1981, the following margins exist:

Japanese exporter	Margin
Mitsui & Co., Ltd. (Mfr: Kanegafuchi Chem. Ind. Co., Ltd.)	[1]0
Diafibers Co., Ltd.:	
(Mfr: Japan Exlan Corp.)	[2]18.39
(Mfr: Mitsubishi Rayon Co., Ltd.)	[2]20.26
C. Itoh & Co., Ltd.:	
(Mfr: Asahi Chem. Ind. Co., Ltd.)	[1]29.05%
(Mfr: Mitsubishi Rayon Co., Ltd.)	[1]20.26%
Gunze Sangyo, Inc. (Mfr: Asahi Chem. Ind. Co., Ltd.)	[1]29.05%
Teijin Shoji Kaisha, Ltd. (Mfr: Asahi Chem. Ind. Co., Ltd.)	[1]29.05%
Itomas & Co., Ltd. (Mfr: Japan Exlan Corp.)	[1]18.33%
Nissho Iwai Corp. (Mfr: Mitsubishi Rayon Co., Ltd.)	[1]20.26%
Mitsubishi Corp. (Mfr: Mitsubishi Rayon Co., Ltd.)	[1]20.26%
Nichimen Co., Ltd.	[1]23.19%

[1] No shipments during review period.
[2] Shipments of samples only during review period.

Interested parties may submit written comments on these preliminary results on or before February 25, 1982, and may request disclosure and/or a hearing on or before February 10, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase or export dates during the period involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 20, 1982.

[FR Doc. 82-1727 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of early determination of antidumping duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of unrefined montan wax from the German Democratic Republic entered, or withdrawn from warehouse, for consumption from March 12 to August 31, 1981. This determination will also be the basis for the deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: January 26, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe or John P. Nolan, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3003/4347).

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 45177) an antidumping duty order covering imports of unrefined montan wax from the German Democratic Republic (GDR). In accordance with the order, Customs officers were directed to require a deposit of estimated antidumping duties on the merchandise pending liquidation.

On August 18, 1981, the only manufacturer of the merchandise, VEB Braunkohlenkombinat "Gustav Sobottka" ("BKK"), requested that we waive the deposit of estimated duties and make an early determination of duty. On October 5, 1981 (46 FR 48962), we announced that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price for all entries of this merchandise produced by BKK from the date of publication of our preliminary affirmative determination to the date of publication of the International Trade Commission's final determination. Deposit of estimated duties was waived pending the early determination of duty.

Scope of the Review

We reviewed all imports of unrefined montan wax from the GDR entered, or withdrawn from warehouse, for consumption during the period March 12, 1981 to August 31, 1981.

For the purpose of this review, the term "unrefined montan wax" applies to a nonoxidized mineral wax extracted from lignite, not advance beyond extraction or cleansing by solvent, currently classifiable under item 494.2000 of the Tariff Schedules of the United States Annotated (TSUSA).

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act, since all sales of unrefined montan wax from the GDR were to an unrelated U.S. customer and were concluded before the merchandise was imported into the United States. We calculated purchase prices on the basis of FOB prices to the unrelated U.S. purchaser, with deductions for loading charges, foreign inland freight, and export documentation.

Foreign Market Value

We decided in the final determination of the fair value investigation (46 FR 38555) that the economy of the GDR is state-controlled to the extent that we are unable to determine the foreign market value of unrefined montan wax by normal standards as described in the amended fair value final determination (46 FR 43727). We therefore constructed a value based on specific components or factors of production in the GDR, valued on the basis of prices in the Federal Republic of Germany (FRG), a non-state-controlled-economy country reasonably comparable in economic development to the GDR. For the purpose of this 736(c) review we constructed a value for unrefined montan wax, as in the amended final determination, equal to the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and costs.

Analysis of Comments Received

Interested parties were given an opportunity to submit written and oral comments. At the request of the petitioner, the American Lignite Products Co., a hearing was held on November 16, 1981. Both the petitioner and BKK submitted comments.

(1) Comment: The petitioner contends the Department used an arbitrary, inconsistent, and technically incorrect basis for determining steam cost—a major cost component of the unrefined wax manufacturing process. The petitioner proposes allocating the cost of steam between that used for producing electricity and that used for industrial processes based strictly on the actual amount of heat consumed for each purpose in a given quantity of steam.

Position: The petitioner's steam allocation method would overstate actual unit costs of industrial-process steam because it does not fully take into account BKK's dual use of a given quantity of steam produced. At the BKK facility each given quantity of steam is initially used to produce electricity and then, after the optimum amount of heat contained in that given quantity of steam is consumed in the production of electricity, the same quantity of steam, but with a lower heating value, is reused for industrial processes. The Department's steam cost allocation method, which is based on the usefulness of steam in producing electricity, takes this dual use into account and assigns a greater cost per calorie to steam used in producing electricity than the cost per calorie assigned to industrial-process steam.

The Department's steam cost allocation method, used in both the amended final fair value determination and the section 736(c) determination, is technically correct, takes into account all costs incurred in the production of steam, and properly allocates them.

(2) Comment: The petitioner also contends the Department should use the value for dried, not crude, lignite as the input material to derive the cost of producing steam, because the higher-valued dried lignite is the material actually used to produce steam at BKK. The petitioner proposes using the FRG price for dried lignite or, alternatively, the cost of a unit of heat produced by fossil fuels in the FRG in order to estimate the value of the input material used to produce steam at BKK.

Position: Use of a FRG price for dried lignite, if available, or of heat produced by a combination of fossil fuels, does not approximate as closely as the Department's method the heating value of the actual input material used at the BKK facility. The heating value used for the input material in the Department's method is the verified value of the actual fuel used at the BKK facility. Any understatement of costs in the Department's steam cost figure due to

use of crude lignite as an input material is offset by the lower heating value of BKK's crude lignite as compared to that of its dried lignite. While dried lignite is more expensive than crude lignite, less dried lignite is needed to produce equal calories of steam heat.

(3) Comment: In general, the respondent objects to both the Department's choice of the FRG as a surrogate country and the Department's allocation of pre-processing costs on the basis of the value of end products (wax, briquettes, and electricity). However, for the purpose of this administrative review, the respondent accepts the choice of the FRG as a surrogate country and the Department's allocation of pre-processing costs.

Position: The respondent's comments regarding choice of surrogate country and allocation of pre-processing costs are discussed in detail in the fair value final determination (46 FR 38555).

(4) Comment: The respondent contends the use of FRG prices, rather than costs, for electric energy and FRG public rail transport rates deprives BKK of the inherent advantages of its integrated facility. Furthermore, the respondent contends the 2.5:1 ratio of fuel costs to total costs used in the calculation of steam costs should be reduced to approximately 2.2:1.

Position: In the absence of any better information, the Department maintains that the FRG price for electric energy, the FRG rail transport rates, and the 2.5:1 ratio of fuel costs to total costs constitute the best information available.

(5) Comment: The respondent contends that the use of FRG male-only labor rates in the valuation of labor costs overstates actual labor costs at BKK because the BKK facility uses substantial female labor which has a lower cost in the FRG.

Position: While the respondent's position may be valid, the Department could not use a composite of male and female FRG labor rates because the respondent did not present information on the proportion of male and female employees at BKK needed to develop such a composite. Moreover, use of a composite male/female labor rate, rather than the FRG male-only rate, would not alter the final results of this early determination.

Results for Early Determination

As a result of our analysis, we determine that no margins exist on any of the sales made during the period of review. The absence of margins is a decrease from the 13.02 percent weighted-average margin found at the time of the final determination. The decrease in the margins is due to both an increase in the U.S. price and the appreciation of the dollar in relation to the West German mark, offset slightly be an increase in the constructed value. The appreciation of the dollar in relation to the West German mark would have been sufficient of itself to eliminate the margins that had been found in the fair value investigation. In addition an 8% to 15% increase in the U.S. price (in dollar terms) raises the U.S. price even further above the constructed value. The Department shall issue appraisement instructions separately to the Customs Service. Since these last known shipments of this merchandise resulted in the assessment of no dumping duties, the Department shall not require a cash deposit of estimated dumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of unrefined monton wax from the GDR entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1982.

This notice is published in accordance with section 736(c)(3) of the Tariff Act (19 U.S.C. 1673(c)(3)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 82-1728 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Appointment Of Additional Member To General Performance Review Board

In a notice published in the **Federal Register** on January 4, 1982 (47 FR 68), the National Bureau of Standards (NBS) announced the names and terms of six members of the General Performance Review Board (GPRB). That notice also announced the purpose of the GPRB and stated that upon the appointment of the seventh member of the GPRB which would bring the membership to its full complement, such appointment would be announced in the **Federal Register.**

This notice announces the appointment of the seventh member to the NBS GPRB, whose name, title and term is set out below. Dr. Richard I. Shoen, Senior Staff Associate, Division of Chemistry, National Science Foundation, 1800 G Street N.W., Washington, D.C. 20550. Term—January 1, 1982–December 31, 1983.

Persons desiring further information about the GPRB or its membership may contact Mrs. Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3555.

Dated: January 20, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-1825 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-13-M

Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on September 2, 1981 (46 FR 44027), the National Bureau of Standards (NBS) announced proposed changes to the exclusion list pertaining to Federal Information Processing Standards Publication 60–1, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Lever Power Control Interface; Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems; and Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems. Interested parties were allowed until October 19, 1981, to submit written comments regarding the proposed changes to the exclusion list.

As a result of a review and analysis of comments received, NBS has made a determination that the following additions will be made to the exclusion list:

Manufacturer and Model

Formation, F4000
Modular Computer Systems, Classic 7810
Modular Computer Systems, Classic 7820
Modular Computer Systems, Classic 7830
Modular Computer Systems, Classic 7840
Modular Computer Systems, Classic 7870
Prime, 150II
Prime, 250II
Prime, 550II
Sperry-Univac, DCT–9000

Interested parties are invited to submit written comments or recommendations regarding the exclusion list to the Director, Institute for Computer Sciences and Technology, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Comments specifically identifying candidate systems which should be added or removed from the exclusion list are especially encouraged. Comments should also include information supporting any proposed additions (or removals) to that list

according to the criteria described in the **Federal Register** notice of March 19, 1979 (44 FR 16466), which announced the availability of a proposed initial exclusion list. Any comments submitted which are deemed by the sender to contain confidential or proprietary information should be appropriately designated and marked.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments or recommendations regarding the exclusion list.

The exclusion list will be used in conjuntion with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: January 20, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-1823 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-CN-M

Proposed Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60-1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10096-10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The **March 19, 1979,** notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.**

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer and model

Four-Phase Systems, Inc., 311 System
Four-Phase Systems, Inc., 312 System
Zilog, System 8000

Interested parties will be allowed until March 12, 1982 to submit writtten comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: January 20, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-1824 Filed 1-25-82; 8:45 am]

BILLING CODE 3510-CN-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee on Enhancement of Airlift in Force Projection will hold meetings on February 10, 1982, from 8:00 am to 5:00 pm, and on February 11, 1982, from 8:00 am to 5:00 pm, at Scott Air Force Base, Illinois.

The ad hoc committee will receive classified briefings and hold classified discussions on training; survivability of aircraft; command, control and communications, and sustainability issues related to enhancement of airlift in force projection.

The meetings concern matters listed in Section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings are closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Winnidel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-3001 Filed 1-25-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 55069-9211-01-21; Docket No. ERA-FC-81-20]

Federal Paper Board Company, Inc.; Powerplant and Industrial Fuel Use Act; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of Tentative Staff Analysis.

SUMMARY: On July 20, 1981, Federal Paper Board Company, Inc. (FPB) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent cogeneration exemption and a temporary public interest exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42

U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas in new powerplants.

FPB proposes to install a 20.1 megawatt (MW) gas-fired combustion turbine, and a 3.5 MW steam turbine generator to produce electricity as well as hot water and process heat for the company's production process at its Commerce, California facility.

ERA accepted the petition on August 28, 1981, and published notice of its acceptance in the **Federal Register** on September 4, 1981 (46 FR 44495). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons also were afforded an opportunity to request a public hearing. The comment period ended October 19, 1981. One comment was received, from the California Cogeneration Task Force, encouraging a speedy and favorable determination regarding this and all future cogeneration exemption requests in California. There were no requests that DOE convene a public hearing.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis has been prepared which recommends that ERA issue an order granting a permanent cogeneration exemption to permit FPB to use natural gas as a primary energy source in the cogeneration facility.

The ERA additionally recommends that no further action be taken on FPB's request for a temporary public interest exemption to use natural gas in the proposed cogeneration facility prior to the proposed granting of the permanent exemption, as the start-up date of the proposed facility is well beyond the date by which ERA would expect to finalize a permanent exemption. However, should commenters provide ERA with data that could delay these actions, ERA proposes to grant the temporary exemption a expeditiously as possible.

ERA will issue a final order granting or denying the petition for a permanent exemption from the prohibitions of the Act within six months, unless extended by ERA, after the public comment period provided for in this notice has expired. Notice of, and a statement of reasons for, any extension will be published in the **Federal Register**.

DATE: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before February 8, 1982.

ADDRESS: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 6114, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA–FC–81–21 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6114, Washington, D.C. 20461, Phone (202) 653–3379

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request from the Case Manager at the above address.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), on May 15, 1979, and May 17, 1979, published in the **Federal Register** (44 FR 28530 and 28950), an interim rule to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). A final rule published on June 6, 1980 (45 FR 38276), became effective August 5, 1980, but those sections of the interim rule relating to the cogeneration exemption (44 FR 28994) were continued. FUA prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

FPB plans to install a 20.1 MW gas-fired cogeneration powerplant and a 3.5 MW steam turbine generator to produce electricity and hot water heat for its Commerce, California facility. The cogeneration facility will consist of a General Electric LM 2500 gas turbine generator, the exhaust gases of which will be passed through a heat recovery steam generator. The gas turbine has a design heat input rate of 183 million Btu's. The steam turbine generator has a heat input rate of 198.5 million Btu's/hour. The dual pressure heat recovery boiler will receive no supplemental firing. All electricity produced by the cogeneration facility will be sold to Southern California Edison, while the low pressure steam and exhaust gases will be utilized by internal process equipment and for hot water heating.

Pursuant to FUA section 103(a)(7)(B)(ii), the cogeneration facility will be treated as a powerplant because more than half of its annual electric power generation will be sold. FPB estimates that the cogeneration facility will consume approximately 1667.4 million Mcf of natural gas per year, and expects that it will begin commercial operation in late 1982. In accordance with 10 CFR 503.37, FPB petitioned ERA for a permanent cogeneration exemption from the provisions of FUA to enable it to burn natural gas as a primary energy source in the facility.

Tentative Staff Analysis

On the basis of an analysis of information presented in FPB's petition, the Staff has concluded that ERA should grant the requested permanent cogeneration exemption. After reviewing present and future regional power generation, ERA's staff has concluded that the proposed cogeneration facility would provide needed additional power to the grid immediately and into the 1990's to reduce a current and projected electrical shortfall and would eliminate or reduce the need for new oil- and gas-fired peaking units. In addition ERA has calculated that there exists an oil/gas savings potential of a minimum of 15,733 barrels of oil per year.

Based upon the information provided by FPB, ERA conducted an analysis which was reviewed by DOE's Office of Environmental Programs in consultation with the Office of the General Counsel, and DOE has concluded that the granting of this exemption is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall, in accordance with 10 CFR 501.68, be based on the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C., on January 18, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-1810 Filed 1-25-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. EF81-2021 and EF81-2011]

Bonneville Power Administration; Order Directing the Submittal of Briefs on Jurisdictional and Procedural Issues

Issued: January 19, 1982.

On June 24, 1981, the Assistant Secretary for Conservation and Renewable Resources of the Department of Energy submitted to the Commission for final confirmation and approval or disapproval, various wholesale power rate schedules, transmission rate schedules and general rate schedule provisions developed by the Administrator of the Bonneville Power Administration (BPA).[1] The rate schedules and rate schedule provisions were submitted to the Commission for final confirmation and approval pursuant to the authority vested in the Commission by the Secretary of Energy under Delegation Order Number 0204–33, as amended and supplemented, and pursuant to Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act or Act).[2] These rate schedules were granted interim approval by the Assistant Secretary pursuant to Delegation Order No. 0204–33 on June 24, 1981, to have become effective on an interim basis as of July 1, 1981.[3]

Public notices of the filing were issued on July 15, 1981, and August 7, 1981,[4] respectively. Interested parties were invited to file comments with the Commission on or before August 24, 1981.[5] In response to the Commission's notices, twenty-five petitions to intervene, protests, or notices of intervention were filed by interested parties. On October 23, 1981, the parties were given the opportunity to submit cross-comments in response to previous comments filed by the parties. Cross-comments were to be received by November 21, 1981.

Subsequent to the comment date but prior to the date established for cross-comments, however, three separate motions were filed[6] requesting that the cross-comment date be suspended pending a determination as to: 1) the scope of the Commission's authority to review the rate schedules developed by the administrator and placed in effect by the Assistant Secretary for Conservation and Renewable Energy and 2) the procedures to be followed by the Commission in reviewing the BPA rates. BPA also requested that the Commission substitute a request for briefing on the jurisdictional issues for the cross-comments that were to have been submitted by November 21, 1981.

In addition to the three motions asking for deferral of the cross-comment date, the California Energy Commission Staff filed a motion requesting that the Commission expeditiously resolve the scope of its jurisdiction to review BPA's rates.[7]

On November 18, 1981, the cross-comment date was suspended in order to give the Commission the opportunity to consider the above motions prior to the closing date established for cross-comments.

Discussion

The rates which are the subject of this proceeding are the wholesale and transmission rates for electric power and energy marketed primarily in the Pacific Northwest to various public and private customers. The new rates are the first to come before the Commission since the passage of the Pacific Northwest Electric Power Planning and Conservation Act on December 5, 1980. They are thus the first rates to be developed by the Administrator pursuant to procedures established in the Northwest Power Act, and will be the first rates to be confirmed and approved, or disapproved by the Commission pursuant to that Act. Prior to passage of the Northwest Power Act, the Commission's review responsibilities were conducted under the authority of the Bonneville Project Act of 1937,[8] the Flood Control Act of 1944,[9] the Federal Columbia River Transmission System Act,[10] the Department of Energy Organization Act,[11] and other statutory authorities by virtue of the Secretary of Energy's Delegation Order No. 0204–33.[12] In a Commission order issued in the previous Bonneville rate proceeding,[13] the Commission set out the standards established by these Acts which must be satisfied prior to final confirmation and approval. These statutory criteria provide that BPA rate schedules must be drawn:

1. Having regard to the recovery of the cost of generation and transmission of such electric energy;

2. So as to encourage the most widespread use of Bonneville power;

3. To provide the lowest possible rates to consumers consistent with sound business principles; and

4. In a manner which protects the interests of the United States in amortizing its investment in the projects within a reasonable period.[14]

The Commission, in its Remand Order, interpreted these standards so as to require more than merely a showing that the overall revenues to be generated by the rates would recover BPA's capital investment allocated to electric power and would appropriately amortize the Government's investment. The Commission required in addition that "the various components of BPA's overall pricing scheme meet the tests set forth in the Bonneville Power Act and the Flood Control Act."[15]

In the various pleadings and petitions to intervene filed in this docket, many parties have stated their concern over whether the Commission, in light of the Northwest Power Act, is authorized to review the rate design and interclass allocation of costs developed by the Administrator pursuant to Section 7 of the Act.

The Commission's role in the BPA ratemaking process is set forth in sections 7(a)(2) and 7(i)(6) of the Northwest Power Act which require that the rates developed by the Administrator be submitted to the Commission for confirmation and approval in order to become finally effective. Except as otherwise provided for one class of rates, all BPA rates are

---

[1] See Attachment A for rate schedule designations.

[2] 16 U.S.C. 839e, 94 Stat. 2723, December 5 1980.

[3] This interim authority now resides with the FERC as a result of a Commission rulemaking established pursuant to section 7(i)(6) of the Act. *See* "Confirmation and Approval of Interim Rates of the Bonneville Power Administration," Docket No. RM82–6, issued December 4, 1981.

[4] On August 3, 1981, Bonneville had submitted a brief amendment to its original filing.

[5] The comment date was originally established as August 15, 1981, but was altered on August 7, 1981, due to Bonneville's submittal of an amendment to its original filing on August 3, 1981.

[6] The three motions were filed by the Bonneville Power Administration, eleven utilities collectively referred to as the Public Generating Pool, and six utilities known as the Intercompany Pool (ICP) and CP National Corporation, respectively. In addition to these three motions, a number of parties in their initial comments requested an early determination of the Commission's jurisdiction.

[7] In addition to the above motions which are properly before this Commission, eight related appeals have been brought before the United States Court of Appeals for the Ninth Circuit seeking in part resolution of the Commission's review authority under the rate provisions of section 7 of the Northwest Power Act. *See Central Lincoln Peoples' Utility District* v. *Johnson, et al.*, 9th Cir. Nos. 81–7622, *et al.*

[8] 16 U.S.C. 832.

[9] 16 U.S.C. 825.

[10] 16 U.S.C. 838.

[11] Pub. L. 95–91 August 4, 1977 as amended.

[12] 43 FR 60636 (Dec. 28, 1978).

[13] *U.S. Secretary of Energy, Bonneville Power Administration*, "Order Remanding Rates Without Prejudice," (Remand Order) Docket No. EF80–2011, issued November 21, 1981.

[14] 16 U.S.C. 822, 825s.

[15] Remand Order, *supra*, mimeo at 9.

to become effective on a final basis only upon a finding by the Commission that such rates:

(A) Are sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs,

(B) Are based upon the Administrator's total system costs, and

(C) Insofar as transmission rates are concerned, equitably allocate the costs of the Federal transmission system between Federal and non-Federal power utilizing such system.[16]

Rates for the sale of nonfirm electric power within the United States but outside the Pacific Northwest region (non-regional rates) require somewhat different findings by the Commission than the three specified above.[17]

A number of parties to this proceeding, including the Bonneville Power Administrator, have interpreted Section 7(a)(2) as limiting Commission inquiry solely to whether Bonneville's overall revenues generated by the proposed rates will recover the overall capital costs related to Bonneville's electric power and energy fuctions. This interpretation would preclude the Commission from investigating the cost-revenue relationships of rate schedules for each class of customers, except for the mandatory statutory protection provided to non-regional power customers or BPA's transmission service customers. Such an interpretation would also prohibit the Commission from reviewing BPA's rates for purposes of insuring that the Administrator has developed "the lowest possible rates to consumers consistent with sound business principles." Conversely, a number of parties have argued that the three findings which Section 7(a)(2) of the Act requires the Commission to make do not limit the scope of review which the Commission may otherwise exercise.

Because of this conflict of interpretation over the scope of the Commission's authority to review rate design and interclass cost allocations under the Regional Power Act, we believe it would be both useful and appropriate to request briefs from the parties on the extent of the Commission's review authority. Specifically, the Commission would invite the parties' attention to the following questions. With respect to rates other than non-regional rates:

(1) Is the Commission's review authority limited solely to the three findings delineated in Section 7(a)(2) of the Act?

(2) If so, does Section 7(a)(2)(A) permit a Commission inquiry into individual rate design and interclass cost allocations developed by the Administrator or is the Commission's inquiry limited to overall rates?

(3) Is the Commission still required to utilize the statutory criteria set forth in the Flood Control Act of 1944 and other pertinent statutes, in addition to the standards set forth in Section 7(A)(2), in accordance with the responsibilities assigned to the FERC by the Secretary of Energy in Delegation Order No. 0204–33?

(4) Does the finding which the Commission is required to make under Section 7(a)(2)(B) establish the Administrator's total system costs as a floor for BPA's rates, or must the Commission disapprove the rates if they exceed total system costs?

(5) Is the Commission authorized to review allegations of procedural deficiencies on the part of the Administrator, such as claims of violations of the Administrative Procedure Act or of due process?

In addition to the jurisdictional issues, a number of the parties have raised inquiries into the form and extent of the proceedings that may be conducted at the Commission in undertaking its review of the BPA rates. In the Commission's Remand Order in the prior Bonneville docket,[18] the Commission stated that it viewed its role as being essentially appellate in nature.[19] While recognizing its authority to institute a hearing, the Commission nonetheless stated that it "would expect that due process and hearing requirements would be satisfied-by the Administrator]." [20] This role has been called into question by many of the parties in light of the Northwest Power Act. Section 7(k) of the Act requires that the Commission afford an additional hearing in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act. In light of the fact that no proceedings have yet been established with respect to the Section 7(k) hearing requirement, the Commission believes that it would be useful for the parties to brief and comment upon the procedures that they deem appropriate for the Commission to utilize in reaching a determination that the applicable statutory criteria have been met.

The Commission Orders

(A) All interested parties to this proceeding are hereby ordered to file briefs and comments with respect to the issues delineated in the body of this order.

(B) All briefs shall be filed with the Federal Energy Regulatory Commission within 30 days of issuance of this order. Reply briefs, if any, will be filed within 20 days of the initial briefs.

(C) The date for the submittal of cross comments is hereby stayed until reinstated by direction of the Commission.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

Bonneville Power Administration Rate Schedule Designations

I. System-wide Wholesale Power Rates, Docket EF81–2011.

(1) PF–1, Priority Firm Power Rate Schedule.

(2) IP–1, Wholesale Power Rate for Industrial Firm Power.

(3) MP–1, Wholesale Power Rate for Modified Firm Power.

(4) CF–1, Wholesale Firm Capacity Rate Schedule.

(5) CE–1, Emergency Capacity Rate Schedule.

(6) NR–1, New Resource Firm Power Rate Schedule.

(7) NF–1, Wholesale Nonfirm Energy Rate Schedule.

(8) RP–1, Reserve Power Rate Schedule.

(9) FE–1, Wholesale Firm Energy Rate Schedule.

(10) SI–1, Special Industrial Power Rate Schedule.

(11) General Rate Schedule Provisions.

II. System-wide Transmission Rates, Docket EF81–2021.

(1) FPT–2, Formula Power Transmission Schedule.

(2) UFT–2, Use-of-Facilities Transmission Schedule.

(3) ET–2, Energy Transmission Schedule.

(4) IR–1, Integration of Resources Schedule.

(5) General Transmission Rate Schedule Provisions.

(a) Set A.

(b) Set B.

[FR Doc. 82–1882 Filed 1–25–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5529–000]

County of Mono, Calif.; Application for Preliminary Permit

January 20, 1982.

Take notice that the County of Mono, California (Applicant) filed on October

[16] Section 7(a)(2) of the Northwest Power Act; 16 U.S.C. 839(a)(2).

[17] *See* Sections 7(i)(6) and 7(k) of the Act.

[18] Docket No. EF80–2011, *supra.*

[19] *Id.*, mimeo at 13.

[20] *Id.*, mimeo at pp. 17–18.

19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5529 to be known as the Leavitt Meadows Hydroelectric Project located on West Walker River in Mono County, California, on lands within the Toiyabe National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil B. Van Winkle, County Counsel, County Courthouse, Bridgeport, California 93517.

Project Description—The proposed project would consist of: (1) a 96-foot high, 1,150-foot long dam; (2) a reservoir with 28,000 acre-feet storage at normal pool elevation 7,211 feet; (3) a 5,500-foot long pipeline; (4) a 60-inch diameter, 650-foot long penstock; (5) a powerhouse containing one or more generating units with a total capacity of 6,200 kW; and (6) a transmission line. Applicant estimates the average annual energy production to be 37 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time engineering, economic and environmental feasibility studies are planned to ascertain project feasibility and to support an application for a license to construct and operate the project. Those studies would include core borings and test pits at the dam site, penstock route and powerhouse site. The Applicant has stated that new access roads are not necessary and that all disturbed lands would be restored. The estimated cost of the above activities is $200,000.

Competing Applications—This application was filed as a competing application to Eastern Sierra Energy Development and Modesto Irrigation District's applications for Project Nos. 5425 and 5493 filed on September 28, 1981, and October 13, 1981, respectively. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1693 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5706-000]

Grisdale Hill Co. Application for Preliminary Permit

January 20, 1982.

Take notice that Grisdale Hill Company (Applicant) filed on December 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)] for Project No. 5706 to be known as the Trout Lake Creek Project located on Trout Lake Creek, near Trout Lake, in Skamania County, Washington. The project would affect lands within Gifford Pinchot National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, Esq., Suite 1100, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) An 8-foot high concrete diversion dam; (2) a 1.5-mile long diversion conduit; (3) a headworks; (4) a 1,000-foot long, 54-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3,900 kW; (6) an access road; and (7) a 16-mile long transmission line. The average annual energy generation is estimated to be 22.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant proposes to make test borings at the diversion dam site and the penstrock route. Each boring site will be restored. The cost of the work to be done under the preliminary permit is $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 24, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 24, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application

for preliminary permit no later than May 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1694 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5566-000]

Michael E. Johnson; Application for Preliminary Permit

January 20, 1982.

Take notice that Michael E. Johnson (Applicant) filed on October 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5566 to be known as the Smith Creek Water Power project located on Smith Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael E. Johnson, P.O. box 82, Chattaroy, Washington 99003.

Project Description—The proposed project would consist of: (1) a 25-foot long, 8-foot high diversion structure; (2) a 660-foot long, 42-inch diameter penstock; (3) a powerhouse with a total installed capacity of 500 kW; and (4) a 4000-foot long, 7.2-kV transmission line from the powerhouse to an existing 7.2-kV transmission line. The Applicant estimates that the average annual energy production would be 2.23 million kWh. The proposed project is located on private land.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $6,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 24, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 24, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1695 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5069-001]

Douglas S. Marr; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 20, 1982.

Take notice that on November 17, 1981, Douglas S. Marr (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5069) would be located on Sygitowicz Creek, near Deming, Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr.

Douglas S. Marr, 1677 Mt. Baker Highway, Bellingham, Washington 98226.

Project Description—The project would consist of: (1) A 4-foot high, 30-foot long diversion structure impounding a reservoir with a storage capacity of about 15,000 gallons and surface area of about 0.04 acres; (2) a 2,000-foot long, 12-inch diameter penstock; (3) a powerhouse with an installed capacity of 185 kW; (4) a 100-foot long transmission line which would connect the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 0.887 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington State Department of Game and Washington State Department of Fisheries are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 2, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1890 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5808-000]

Modesto Irrigation District; Application for Preliminary Permit

January 20, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on December 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5808 to be known as the Daguerre Point Power Project located on the Yuba River in Yuba County, California on public lands administered by the Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee Delano, Modesto Irrigation District, 1231–11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of (1) An intake structure at the existing Corps of Engineers' Daguerre Point dam; (2) two 108-inch diameter, 450-foot long penstocks; (3) a powerhouse containing six generating units with a total capacity of 3800 kW and an estimated average annual energy production of 20.3 million kWh; and (4) a ¼-mile long transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month permit, during which time geological, environmental, economic and financial feasibility studies will be performed to support preparation of an environmental report, obtaining agreements with Federal, State and local agencies, and preparation of a license application. The estimated cost for the above activities is $100,000.

Competing Applications—This application was filed as a competing application to H–O–H Power's application for Project No. 5592 filed on November 2, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1697 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5019-000]

Jordon-Reiwerts; Application for Preliminary Permit

January 20, 1982.

Take notice that Jordon-Reiwerts (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)–825(r)] for Project No. 5019 to be known as the Aikens Creek Water Power Project located on Aikens Creek, within the Six Rivers National Forest, in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Oscar Larson and Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure; (2) a 2,000-foot long, 24-inch diameter, low-pressure conduit; (3) a pressure box; (4) a 1500-foot long, 20-inch diameter penstock; (5) a powerhouse with a total installed capacity of 500-kW; and (6) a 0.25-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the total annual energy production would be 3.4 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for 36 months during which it would conduct geological, hydrological, environmental and economic studies and prepare an FERC license application. These studies are estimated by the Applicant to cost $4,000.

Competing Applications—This application was filed as a competing application to Mac Hydro-Power's application for Project No. 4792 filed on June 3, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit, or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1698 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4309-000]

Tuolumne Regional Water District; Application for License (Over 5 MW)

January 20, 1982.

Take notice that Tuolumne Regional Water District (Applicant) filed on March 10, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as Phoenix Water Power Project No. 4309. The project would be located on South Fork Stanislaus River in Tuolumne County, California, within Stanislaus National Forest. Correspondence with the Applicant should be directed to: Mr. Gary Egger, General Manager/District Engineer,Tuolumne Regional Water District, 53 West Bradford Street, P.O. Box 728, Sonora, California 95370.

Project Description—The project would consist of the existing Phoenix Project and the proposed new Lyons Dam Project as described below:

(A) *Existing Phoenix Project* consists of:

(1) Lyons Reservoir with a gross storage capacity of 6,228 acre-feet and a surface area of 184 acres at elevation 4,226.6 feet; (2) Lyons Dam, a concrete arch structure with a crest length of 535 feet, a maximum height of 132 feet, and an integral spillway consisting of a 284-foot long overflow section surmounted by 4-foot flashboards and a gated section with 20-foot wide by 10-foot high radial gates; (3) a 20-foot high concrete arch division dam located approximately 80 feet downstream of Lyons Dam; (4) the Main Tuolumne Canal with a rated capacity of 52 cfs

and a length of 15.39 miles; (5) a steel penstock, about 5,611 feet long, with diameters that vary from 30 to 16 inches extending from a header box on the canal; (6) a powerhouse containing one generating unit with a rated capacity of 1.8 MW; and (7) a switchyard adjacent to the powerhouse.

(B) *Proposed Lyons Dam Project* would consist of:

(1) A 350-foot long, 48-inch diameter penstock connected to the existing 30-inch pipe at the lower sluiceway of the existing Lyons Dam;

(2) A powerhouse with a total installed capacity of 650 kW;

(3) A switchyard adjacent to the powerhouse.

The power produced by both projects would go directly into the existing 17-kV distribution system.

Purpose of Project—The Applicant estimates that the Phoenix Project would produce 13.0 million kWh annually and the Lyons Dam Project would produce 2.5 million kWh annually. All power generated from both powerhouses would be sold to the Pacific Gas and Electric Company or another electric utility.

Competing Applications—This application was filed as a competing application to Pacific Gas and Electric Company's application for Project No. 1061 filed on December 26, 1979. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [See: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1699 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5636-000]

Waltham Hydroelectric Power Co.; Application for Preliminary Permits

January 20, 1982.

Take notice that Waltham Hydroelectric Power Company (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5636 to be known as the Moody Street Water Power Project located on the Charles River in Middlesex and Norfolk Counties, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jason M. Cortell, President, Jason M. Cortell and Associates, Inc., 284 Second Avenue, Waltham, Massachusetts 02154.

Project Description—The proposed project would consist of: (1) The existing stone block masonry Moody Street Dam, 10 feet high and 150 feet long, owned by the Metropolitan District Commission of Massachusetts; (2) an existing reservoir with a storage capacity of about 750 acre-feet at elevation 38.8 feet m.s.l.; (3) an existing fish passage facility; (4) a new intake structure; (5) a new 6-foot diameter penstock 425 feet long; (6) a new powerhouse with an installed capacity of 364 kW; (7) a new 50-foot long tailrace; (8) a new transmission line about 600 feet long; and (9) other appurtenances. Applicant estimates an annual generation of 1,818,000 kWh. Project energy would be sold to adjacent industrial or residential complexes, the Boston Edison Company, or to the City of Waltham.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $87,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 26, 1982, the competing application itself [see 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 24, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 24, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1900 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5816-000]

Woods Creek, Inc.; Application for Preliminary Permit

January 20, 1982.

Take notice that Woods Creek, Inc. (Applicant) filed on December 24, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5816-000 to be known as the Fourth of July Creek Hydroelectric Project located on Fourth of July Creek in Snohomish County, Washington in the Snoqualmie National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Neil H. Macdonald, Project Manager, Woods Creek, Incorporated, 14 South Idaho Street, Seattle, Washington 98134.

Project Description—The proposed project would consist of: (1) A 6-foot high diversion weir at elevation 2320 feet; (2) a 36-inch diameter, 12,000-foot long penstock; (3) a powerhouse at elevation 1450 feet containing two generating units with a total rated capacity of 2800 kW and (4) a 7.5-mile long transmission line. The estimated average annual energy output would be 11.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24 month permit, during which time a geological, environmental and economic feasibility studies will be undertaken to support an application for license or exemption. The cost of the above activities is estimated by the Applicant to be $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 23, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 23, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 23, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1901 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5818-000]

Woods Creek, Inc.; Application for Preliminary Permit

January 20, 1982.

Take notice that Woods Creek, Inc. (Applicant) filed on December 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)] for Project No. 5818 to be known as the Eagle Creek Hydroelectric Project located on Eagle Creek in King County, Washington in the Snoqualmie National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil H. Macdonald, Project Manager, Woods Creek, Incorporated, 14 South Idaho Street, Seattle, Washington 98134.

Project Description—The proposed project would consist of: (1) A 6-foot high diversion weir at elevation 2,415 feet; (2) a 36-inch diameter, 11,000-foot long penstock; (3) a powerhouse at elevation 1,015 feet containing 2 generating units with a total rated capacity of 4,700 kW and and an estimated average annual energy production of 18.9 million kWh, and (4) a 1.8 mile long transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month permit, during which time engineering, environmental, geological and economic feasibility studies will be undertaken, in addition to obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies to support the application for license or exemption. The cost of these activities is estimated to be $125,000.

Competing Applications—Anyone desiring to file a competing application

for preliminary permit must submit to the Commission, on or before March 23, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 23, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 24, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 23, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–1902 Filed 1–25–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals; Cases Filed

During the week of December 25, 1981 through January 1, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occur first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 20, 1982.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Dec. 25, 1981 through Jan. 1, 1982]

Date	Name and Location of Applicant	Case No.	Type of Submission
Dec. 28, 1981	St. Sauver, Joseph E., Landover, Maryland	HFA–0024	Appeal of a Fee Waiver Request Denial. If Granted: Joseph E. St. Sauver would be granted a fee waiver with respect to his October 5, 1981 Freedom of Information Request.
Dec. 29, 1981	Broadway Shell (Williams), Oakland, California	HRH–0006	Request for Evidentiary Hearing. If Granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Raymond Williams in response to the Proposed Remedial Order issued to Broadway Shell (Williams) (Case No. BRO–1542).
Dec. 31, 1981	Dresser Industries, Inc., Washington, D.C.	HFA–0025	Appeal of an Information Request Denial. If Granted: The September 17, 1981 Information Request Denial issued by the Office of International Security Affairs would be rescinded and Dresser Industries, Inc. would receive access to certain documents related to export licenses.

[FR Doc. 82–1909 Filed 1–25–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[Opts–51385; TSH–FRL–2035–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATES: Written comments by: PMN 82–28, 82–29, 82–30, & 82–31, March 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51385]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances,

Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-28

Close of Review Period. April 18, 1982.

Manufacturer's Identity. The Harshaw Chemical Corporation, 1945 E. 97th Street, Cleveland, OH 44106.

Specific Chemical Identity. Boron Trifluoride - 2,4 Dimethylaniline Complex.

Use. The manufacturer states that the PMN substance will be used as an industrial epoxy resin catalyst.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	2,250
2d year	0	2,500
3d year	0	3,000

Physical/chemical Properties

pH—4-5
Specific gravity—9.3 lbs/gal
Flash point—205°F
Incompatible materials—Alkaline media
Extinguishing media—All types
Solubility: water—Partly soluble, hydrolizes
Color—Amber
Odor—Aniline

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and inhalation 8 hrs/day, 30 days/yr during packaging and reactor cleaning.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to land. Disposal is to an approved landfill.

PMN 82-29

Close of Review Period. April 18, 1982.

Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Naphthalenedisulfonic acid, monoazo acid dye, lithium salt.

Use. The manufacturer states that the PMN substance will be used as an industrial paper.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	3,000	5,000
2d year	5,000	10,000
3d year	8,000	12,000

Physical/Chemical Properties

Appearance—Dark red solution
pH—8.0-9.0

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience cleaning and clarification press exposure 2 hrs/day, 8 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land, and water. Disposal is to a publicly owned treatment works (POTW).

PMN 82-30

Close of Review Period. April 18, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polysubstituted alkyl polamine.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a destructive use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	5,000
2d year	3,000	12,000
3d year	5,000	18,000

Physical/Chemical Properties

Viscosity—A⁻
Color—13
% total solids—71.0

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 139 workers may experience dermal and occular exposure up to 6 hrs/day, up to 6 days/yr during sampling, testing, filling, cleaning, and charging.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10-100 to land. Disposal is by landfill or by incineration.

PMN 82-31

Close of Review Period. April 18, 1982.

Importer's Identity. Sandoz Colors and Chemicals, Route 10, E. Hanover, NJ 07936.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Quaternary, ammonium compound.

Use. The importer states that the PMN substance will be used as an industrial textile fiber modifier.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, viscous liquid
pH of 10% in water—Approximately 7.0
Ionic nature—Cationic
S. G. @ 20°C—1.003
Solubility: water—Unlimited.

Toxicity Data. No data were available on the PMN substance.

Exposure. The importer states that during processing 1 worker may experience dermal exposure 1 hr/day, 26 days/yr during transfer, padding, and printing.

Environmental Release/Disposal. The importer states that 10-100 kg/yr will be released to water. Disposal is to a POTW.

Dated: January 19, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1826 Filed 1-25-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51384; TSH-FRL-2035-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirteen PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-14, 82-15, 82-16, 82-17, 82-18, 82-19, 82-

20, 82–21, 82–22, 82–23, 82–25, 82–26, & 82–27—March 14, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51384]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of informtion provided by the manufacturer on the PMNs received by EPA:

PMN 82–14

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Reaction product of a substituted benzene, formaldehyde and inorganic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 82–15

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285 e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester from an unsaturated oil, alkane triol, carbomonocyclic anhydride and carbomonocyclic acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	7,000	45,000
2d year	13,200	90,000
3d year	33,000	225,000

Physical/Chemical Properties

Flash point—148° F
Viscosity—4 stokes
Acid value—13.6 mg KOH/g
Color, Gardner—8
% solids—30.0

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use a total of 85 workers may experience dermal and occular exposure up to 6 hrs/day, up to 250 days/yr during sampling, testing, transfer, and cleaning.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10–10,000 kg/yr released to land. Disposal is by distillation and incineration.

PMN 82–16

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$10,000,000 to $99,999,999.

Manufacturing site—South Atlantic region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted cyclic amide-aldehyde condensation product.

Use. The manufacturer states that the PMN substance will be used as an industrial paper coating additive.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	225,000	550,000
2d year	550,000	1,100,000
3d year	1,100,000	2,200,000

Physical/Chemical Properties

pH—6.5 ± 0.5
Specific gravity, 60/60°F—1,076
Boiling point—212°F
Flash point—Above 200°F Setaflash CC
Viscosity, @ 25°C—40–60 cps
Solubility: water—Complete
Color—Amber
% solids—46.5%
Lbs/gallon—9
Odor—Mild, Indiscernible

Toxicity Data

Acute dermal toxicity LD_{50} (rat)—> 5 g/k
Skin irritation (rabbit)—Not an irritant
Eye irritation (rabbit)—Not an irritant

Environmental Test Data

COD mg/1—785 gm/l
BOD_5—185 gm/l
BOD_{11}—325 gm/l

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure 1 hr/day, 67 days/yr during sampling, filling, and testing.

Environmental Release/Disposal. The manufacturer states that 1,000–10,000 kg/yr will be released to land. Disposal is to a publicly owned treatment works (POTW).

PMN 82–17

Close of Review Period. April 13, 1982.

Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sulfo monoazo dye, 2,2'-iminobis ethanol salt.

Use. The manufacturer states that the PMN substance will be used as an industrial sized-pressed paper.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	8,000	12,000
3d year	10,000	15,000

Physical/Chemical Properties

Appearance—Brown solution
pH—9.0–9.5

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure 2 hrs/day, 2 days/yr during cleaning of the clarification press.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land and water. Disposal is to a POTW.

PMN 82–18

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane aqueous dispersion.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	30,000
2d year	80,000	150,000
3d year	100,000	200,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Ames salmonella—Non-mutagenic

Exposure. The manufacturer states that during manufacture 2 workers may experience exposure during five 8 hr shifts while loading or transferring the product.

Environmental Release/Disposal. The manufacturer states that release to the environment is negligible.

PMN 82-19

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Emery Industries, Inc., 4900 Este Avenue, Cincinnati, OH 45232.

Specific Chemical Identity. Pentaerythritol isostearate esters.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Viscous yellow liquid, ester type odor
Specific gravity, 25/25° C—.94
Flash point ° F—500 minimum
Viscosity 100° F—248 cs
210° F—25 cs
Pour point ° F—10 maximum
Solubility: water—Negligible
Acid value—5.0 maximum
Vapor pressure—< 1 mm
Hydroxyl value—5.0 maximum

Toxicity Data

Oral toxicity LD_{50} (mouse)—25,500 mg/kg
(Guinea pig)—11,300 mg/kg
Threshold limit value (air)—10 mg/m^3

Exposure. The manufacturer states that during manufacture and disposal a total of 3 workers may experience dermal exposure up to 2 hrs/day, up to 8 days/yr during sampling, cleaning, drumming, and waste disposal procedures.

Environmental Release/Disposal. The manufacturer states that 100–1,000 kg/yr will be released to land and water. Disposal is to a POTW.

PMN 82-20

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Emery Industries, Inc., 4900 Este Avenue, Cincinnati OH 45232.

Specific Chemical Identity. Dipentaerythritol ester of isostearic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Viscous yellow liquid, ester type odor
Specific gravity 25/25° C—.94
Flash point, ° F—500 minimum
Viscosity 100° F—248 cs
210° F—25 cs
Pour point, ° F—10 maximum
Solubility: water—Nil
Vapor pressure—200° F
Evaporation rate—Nil

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and disposal a total of 3 workers may experience dermal exposure up to 2 hrs/day, up to 3 days/yr during sampling, cleaning, drumming, and waste dispoosal procedures.

Environmental Release/Disposal. The manufacturer states that 10–1,000 kg/yr will be released to land and water. Disposal is to a POTW.

PMN 82-21

Close of Review Period. April 13, 1982.

Importer's Identity. American Orient Chemical, Inc., 121 Tyler Street, Port Newark, NJ 07114.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Hydroxynaphthoic acid metal complex.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in a contained use.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	2,000
2d year	2,000	5,000
3d year	2,000	5,000

Physical/Chemical Properties

Appearance—Yellowish green powder
Solubility:
Water, room temperature—1,000 parts per million (ppm)
80° C—2,000 ppm
Methanol—7,000 ppm
Methl ethyl ketone—200 ppm
Toluene—1,000 ppm
Density—0.3 g/cc

Toxicity Data

Ames salmonella—Not mutagenic

Exposure. The importer states at a site controlled by others that during processing, use, and disposal a total of 6 workers may experience exposure up to 1 hr/day, up to 30 days/yr packing.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air 4 hrs/day, 30 days/yr. Disposal is by incineration.

PMN 82-22

Close of Review Period. April 13, 1982.

Manufacturer's Identity. Celanese Plastics and Specialties Company, P.O. Box 99038, Jeffersontown, KY 40299.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	50,000
2d year	100,000	200,000
3d year	200,000	450,000

Physical/Chemical Properties

Appearance—Clear
Flash point—95° F
Viscosity, Gardner Holdt—V–Y
Solubility:
Water—Insoluble
Ketone—Soluble
Toluene/xylene—Soluble
Butanol—Soluble
Glycol ethers—Soluble
Alkali ph >8—Soluble
Acid value—310–330 mg KOH/g
Weight/gallon—7.9–8.1 lbs.

Toxicity Data. No data were submitted,

Exposure. The manufacturer states that during manufacture, processing, and use 350 workers may experience dermal exposure 8 hrs/day, up to 200 days/yr during sampling, handling, transfer, and cleanup operations.

Environmental Release/Disposal. The manufacturer states that 100–10,000 kg/

yr will be released to land. Disposal is to an approved landfill.

PMN 82-23

Close of Review Period. April 13, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyhalogenated aromatic alkylated hydrocarbon.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN sustance will be used in a contained use.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	30,000
2d year	200,000	300,000
3d year	600,000	1,000,000

Physical/Chemical Properties

Appearance @ 20° C—Liquid
Specific gravity:
d^{20}_4=1.40 for the substance
1.42 for the preparation
d^{100}_4=1.34 for the latter
Boiling point @ 225° C—13 mbars
@ 380° C—1 atm
Flash point, open cup—225° C
Pour point—50° C
Explosiveness—Highly insensitive
Flammability—Incombustible
Products of pyrolysis and incineration—150° C
Solubility:
Water—Highly insoluble
Fat—Completely miscible
Organic solvents—Soluble
Color—White to pale yellow
Vapor pressure @ 20° C—0.1 mbars
@ 160° C—0.66 mbars
@ 220° C—10 mbars
@ 225° C—33 mbars approximately
Odor—Slightly aromatic
Surface tension 25° C—42.5 m/m
Water octanol distribution:
Coefficient f method—8.11
π method—7.48

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Practically non-toxic
Acute dermal toxicity LD_{50} (rat)—Practically non-toxic
Skin sensitization (guinea pig)—Non-irritant
Gene mutation—None
Bioaccumulation-elimination—Very little

Environmental Test Data

Acute toxicity in fish 48 hrs—400 mg/l
Accumulated toxicity in fish—1 mg/l
Biodegradation—Appreciable

Exposure. The importer states that during processing 2 workers may experience accidental dermal exposure in case of an accident.

Environmental Release/Disposal. Disposal is by incineration

PMN 82-25

Close of Review Period. April 13, 1982.

Manufacturer's Identity. American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted amine polymer.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—2,100 mg/kg
Acute dermal toxicity LD_{50} (rat)—> 2,000 mg/kg
Primary skin irritation (rabbit)—Mildly irritating
Primary eye irritation (rabbit)—Marked irritation, without washout
Ames salmonella—Non-mutagenic

Exposure. The manufacturer states that during manufacture and use up to 80 workers may experience dermal, inhalation and ingestion exposure up to 24 hrs/day, up to 330 days/yr during drumming, sampling, and maintenance.

Environmental Release/Disposal. The manufacturer states that release to the land is negligible. Disposal is to an approved landfill.

PMN 82-26

Close of Review Period. April 13, 1982.

Manufacturer's Identity. American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted amine.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—820 mg/kg
Acute dermal toxicity LD_{50} (rat)—> 2,000 mg/kg
Primary skin irritation (rabbit)—Mildly irritating
Primary eye irritation (rabbit)—Marked irritation, without washout
Ames salmonella—Non-mutagenic

Exposure. The manufacturer states that during manufacture up to 32 workers may experience dermal, inhalation, and ingestion exposure up to 24 hrs/day, up to 330 days/yr during drumming, sampling, and maintenance.

Environmental Release/Disposal. The manufacturer states that release to the land is negligible. Disposal is to an approved landfill.

PMN 82-27

Close of Review Period. April 13, 1982.

Manufacturer's Identity. American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted amine.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—8,230 mg/kg
Acute dermal toxicity LD_{50} (rat)—> 2,000 mg/kg
Primary skin irritation (rabbit)—Mildly irritating
Primary eye irritation (rabbit)—Marked irritation, without washout
Ames salmonella—Non-mutagenic

Exposure. The manufacturer states that during manufacture up to 80 workers may experience dermal, inhalation, and ingestion exposure up to 24 hrs/day, up to 330 days/yr during drumming, sampling, and maintenance.

Environmental Release/Disposal. The manufacturer states that release to the land is negligible. Disposal is to an approved landfill.

Dated: January 18, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1829 Filed 1-25-82; 8:45 am]
BILLING CODE 6560-31-M

[Opts—42011; TSH-FRL-2035-4]

2-Chlorotoluene; Negotiated Testing Plan and Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Hooker Chemicals and Plastics Corporation has submitted to the EPA a proposed testing scheme for 2-chlorotoluene (ortho-chlorotoluene), a schedule for testing, and protocols for some of the tests. The Agency is requesting public comments on these submissions, and also wishes to know if there is interest in a public meeting to discuss Hooker's proposal.

DATES: Comments on the documents should be received no later than February 22, 1982. Comments on the desirability of a public meeting, or the intent to attend if there is one, should be received no later than February 8, 1982.

ADDRESSES: Written comments and request, if any, for a public meeting, should bear the document control number 42011 and should be submitted in triplicate to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460.

The material from Hooker is available for public inspection in Rm. E–107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The material may be copied for a nominal fee.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: Hooker suggests that its voluntary testing proposal be accepted in lieu of requiring testing by rule under section 4 of the Toxic Substances Control Act. The EPA is requesting public comments on Hooker's testing scheme, schedule and protocols and on the company's proposed substitution of voluntary testing for testing required by rule.

(Sec. 4, 90 Stat. 2006, Pub. L. 94–469; (15 U.S.C. 2601))

Dated: January 13, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82–1827 Filed 1–25–82; 8:45 am]

BILLING CODE 6560–31–M

[AH-FRL-2035-8]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Fuel Maximiser™"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Fuel Maximiser™" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORIGIN OF REQUEST FOR EVALUATION: On February 11, 1981, the EPA received a request from the U.S. Postal Service for evaluation of a fuel saving device termed "Fuel Maximiser™". This device consists of a small coil of copper wire in a plastic enclosure which is positioned over the negative terminal of the vehicle battery. The device allegedly creates an ion charge in the vehicle which modifies the molecular structure of the fuel, thus increasing vehicle fuel economy.

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Fuel Maximiser™ device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–82–1 consisting of 91 pages including all attachments.

EPA also tested the Fuel Maximiser™ device. The EPA testing is described completely in the report "EPA Testing Evaluation of the Fuel Maximiser™—A Retrofit Fuel Economy Device." EPA–AA–TEB–81–4, consisting of 41 pages. This report is contained in the preceding 511 evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

The results of the EPA testing demonstrate that with either road or dynamometer testing procedures, the Fuel Maximiser™ failed to improve vehicle fuel economy. The two test vehicles tested are representative of domestic manufactured vehicles and should have noted an improvement if the device performed as it was claimed to do. It is concluded that the Fuel Maximiser™ has no effect on vehicle fuel economy.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: January 15, 1982.

Kathleen M. Bennett,

Assistant Administrator, for Air, Noise, and Radiation.

[FR Doc. 82–1833 Filed 1–25–82; 8:45 am]

BILLING CODE 6560–25–M

[OPTS–59079; TSH–FRL–2035–5]

Substituted Pyridinium Bromide Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which

must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: February 10, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–59079]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the TME received by the EPA:

TME 82–2

Close of Review Period. February 27, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted pyridinium bromide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used in a way that will release less than 5 kg/yr of the substance to the environment. The use will involve exposure to chemical industry employees with potential for skin contact and inhalation exposure. The chemical will be incorporated into a consumer article. Industrial releases to the environment will be to a Publicly Owned Treatment Works (POTW) and/or to a chemical landfill.

Production Estimates

20—Maximum (kilograms per year).

Physical/Chemical Properties

Melting point—>100° C.

Solubility: water—>10 g/l at 20° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 18 workers may have dermal and inhalation exposure for 16 hrs/day, 250 days/yr during manufacture, a maximum total of 198 workers (total all shifts) may have dermal and/or inhalation exposure for 24 hrs/day, 355 days/yr during processing, and a maximum of 4 workers may have dermal exposure 24 hrs/day, 355 days/yr during disposal.

Environmental Release/Disposal. The manufacturer states that all liquid and solid wastes that will be generated by this process, apart from those wastewater streams which are approved for discharge into the POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill, or for treatment or recovery.

Dated: January 18, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82–1628 Filed 1–25–82; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1326]

Petitions for Reconsideration of Actions in Rule Making Proceedings; Correction

January 20, 1982.

Report No. 1326, released January 8, 1982, inadvertently included a petition for reconsideration filed by Scott H. Robb for Catskill Communications, Inc., (WCKL) in BC Docket No. 81–322. The Catskill petition was originally listed on Report No. 1325, released December 28, 1981 and printed in the **Federal Register** on January 4, 1982, 47 FR 91. Therefore, the dates for filing oppositions and replies are January 19, 1982 and January 29, 1982, respectively.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–1611 Filed 1–25–82; 8:45 am]

BILLING CODE 6712–01–M

[Special Docket No. 81–1]

Special Inquiry on Alternative Financing for Public Telecommunications; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of public inquiry; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the due dates for filing of comments in Special Docket No. 81–1, adopted November 9, 1981. The extension will facilitate a complete public record.

DATES: Comments must be filed on or before January 22, 1982. Reply comments must be filed on or before February 22, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Judith Harman, Broadcast Bureau (202) 632–6302.

SUPPLEMENTARY INFORMATION:

In the matter of special inquiry on alternative financing for public telecommunications.

Order Extending Time

Adopted: January 11, 1982.

Released: January 19, 1982.

1. The Temporary Commission on Alternative Fimancing for Public Telecommunications ("TCAF") has before it a Motion for Extension of Time in response to the TCAF's action in the Notice of Public Inquiry, 46 FR 60270, December 9, 1981. The Motion for Extension of Time, filed on behalf of the Public Broadcasting Service, requests that the time for filing all comments in the above-captioned proceeding be extended for all parties to and including February 1, 1982 and to March 3, 1982 for all reply comments.

2. The TCAF issued the Notice of Public Inquiry to gather all relevant information on alternative revenue sources which may be available to public telecommunications entities. At present, comments are due to the TCAF on January 15, 1982 and reply comments are due on February 15, 1982. The TCAF desires to gather as thorough and meaningful a record as practicable. We are, therefore, sympathetic to petitioner's request. However, since the TCAF must submit a report to Congress on this matter by July 1, 1982, we cannot grant the full extension of time. We will, however, grant leave to file late comments in appropriate circumstances.

3. Accordingly, it is ordered, that the Motion for Extension of Time filed by petitioner is hereby granted in part. The date for filing comments in the above-captioned proceeding is extended to January 22, 1982. The date for filing reply comments is extended to February 22, 1982.

4. Authority for this inquiry is contained in Section 1232(g) of the

Public Broadcasting Amendments Act of 1981, Pub. L. 97–35.

Federal Communications Commission.

James H. Quello,

Chairman, Temporary Commission on Alternative Financing for Public Telecommunications.

[FR Doc. 82–1804 Filed 1–25–82; 8:45 am]

BILLING CODE 6712–01–M

National Industry Advisory Committee, Broadcast Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Broadcast Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, February 16, 1982. The Subcommittee will meet at the National Association of Broadcasters Board Room, 1771 N Street, NW., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: 1. Opening remarks by Chairman.
2. Report of Ad Hoc Working Group re proposed nationwide test of the Emergency Broadcast System.
3. Review of impact on Presidential EBS program distribution by conversion of networks to satellite feed.
4. Recommend to Executive Committee approval of FCC, NOAA–NWS, FEMA, and NIAC Memorandum of Understanding.
5. Review of revised Standard Operating Procedures.
6. Review of draft "500" Teletypewriter Network special instruction card.
7. EBS planning program update including nuclear power plant notification requirements.
8. Other business.
9. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632–7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–1805 Filed 1–25–82; 8:45 am]

BILLING CODE 6712–01–M

National Industry Advisory Committee, Executive Committee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Executive Committee of the National Industry Advisory Committee (NIAC) to be held Tuesday, February 16, 1982. The Committee will meet at the National Association of Broadcasters Board Room, 1771 N Street, NW., Washington, D.C. at 1:30 p.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: 1. Opening Remarks.
2. Subcommittee Activities.
a. Aeronautical Communications Services Subcommittee.
b. Amateur Radio Service Subcommittee:
- Approval of Amateur Radio Service Subcommittee prototype plan entitled, "An Amateur Radio Service Plan for the Support of Local Government."

c. Broadcast Services Subcommittee:
- Consideration of a nationwide on-the-air test of the Emergency Broadcast System (EBS).
- NIAC approval of a Memorandum of Understanding among FEMA, FCC, NOAA, and the NIAC for developing and evaluating effective EBS plans and related capabilities of the State and local levels of EBS operations.
- Status report of new White House Statement of Requirements—Presidential Communications with the Public During Periods of National Emergency.

d. Citizens Band Radio Communications Subcommittee:
- Approval of the Citizens Band Radio Communications Subcommittee prototype plan entitled, "Citizens Band Radio Service Plan for the Support of Local Government During Emergencies."

e. Domestic & International Common Carrier Communciations Services Subcommittee.
f. Industrial Communications Services Subcommittee.
g. Maritime Communications Services Subcommittee.
3. National Security Telecommunciations Policy (PD/NSC–53):
- Consideration of government requirements to use industry private line communications that have significant capabilities (e.g., pipe line, railroad, and airline).
- Consideration of interconnection and interoperability of industry common carrier facilities.
- Consideration of NIAC responsibilities and courses of action to be taken by NIAC subcommittees in meeting the requirements of PD/NSC–53.

4. Impact of FCC Orders 80–150 and 80–581, Amendment of Part 64 of the Commission's Rules to Provide for a New Priority System for the Restoration of Common Carrier Provided Intercity Private Line Service, upon NIAC subcommittee planning.
5. Other Business.
6. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632–7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–1806 Filed 1–25–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 16, 1982.

A. **Federal Reserve Bank of New York.** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp,* New York, New York (financing activities; Texas, Southwestern Oklahoma): to engage through its subsidiary, Citicorp Industrial Credit, Inc. in making or acquiring, for its own accout or for the account of others, commercial loans and other extensions of credit. These activities would be conducted from an office in Dallas, Texas serving the states identified in the caption above.

2. *Citicorp,* New York, New York (credit related property and casualty insurance activities; Georgia) to expand the activities of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Atlanta, Georgia. The new activity in which the office proposes to engage *de novo* is the sale of credit related property and casualty insurance protecting real and person property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc. to the extent permissible under applicable state insurance laws and regulations. The proposed service area for this activity is the entire state of Georgia.

3. *Citicorp,* New York, New York (commercial lending activities; Maryland, Delaware, Virginia, West Virginia, District of Columbia): to engage through a de novo office of Citicorp Industrial Credit, Inc. in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit. Such activities would be conducted from an office in Towson, Maryland serving the states of Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

4. *The Hong Kong and Shanghai Banking Corporation,* Hong Kong, B.C.C., Kellett, N.V., Curacao, Netherlands Antilles, HSBC Holdings, B.V., Amsterdam, The Netherlands, and Marine Midland Banks, Inc., Buffalo, New York (financing and investment advising activities; California): to engage through their subsidiary, Marine Midland Realty Credit Corporation, in the following activities: originating, making, acquiring, and servicing, for its own account or for the account of others, loans and other extensions of credit, either unsecured or principally secured by mortgages on residential or commercial properties or lease-hold interests therein; and acting as investment or financial adviser to the extent of serving as the advisory company for a mortgage or real estate investment trust, furnishing general economic information and advice on real estate matters, and providing portfolio investment advice on real matters. These activities are to be conducted from an office located in Los Angeles, California, and will serve the entire state of California.

5. *Manufacturers Hanover Corporation,* New York, New York (relocation of office; Ohio): to continue to engage in approved activities through its subsidiary, Manufacturers Hanover Mortgage Corporation ("MHMC"), after MHMC relocates an office located in Cincinnati, Ohio to Springdale, Ohio. The new office will continue to serve customers in the same service area and will engage only in activities previously approved.

6. *Manufacturers Hanover Corporation,* New York, New York (insurance activity; United States): to engage through a de novo indirect subsidiary known as MHMC Insurance agency, Inc. in the following activities: acting as insurance agent or broker for the sale of credit life and credit accident and health insurance related to loans and other extensions of credit such as would be made by a mortgage company, that are made, acquired, or serviced by Manufacturers Hanover Mortgage Corporation, for its own account or for the account of others, Such activities will be conducted at an office located in Phoenix, Arizona, serving the entire United States.

7. *Manufacturers Hanover Corporation,* New York, New York (relocation of office and expansion of service area; South Carolina): to continue to engage through its subsidiary, Finance One of South Carolina, Inc., in comsumer finance, sales finance, home equity lending, and credit related insurance activities, after Finance One of South Carolina, Inc., relocates its office located at 281 Meeting Street, Charleston, South Carolina, to 5060 Dorchester Road, North Charleston, South Carolina, and expands the service area of the office. The application does not involve the commencement of any new activities at the new location. The office will serve customers in Charleston, eastern Colleton, southern Dorchester, and southern Berkeley Counties.

B. Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, January 21, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1813 Filed 1-25-82; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on December 4, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on December 22, 1981.

Note.—For paragraph 1(a) of the authorization, see 36 FR 22697.

By order of the Federal Open Market Committee, January 4, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-1814 Filed 1-25-82; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of November 17, 1981

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 17, 1981.[1]

"The information reviewed at this meeting suggests that real GNP is declining appreciably in the current quarter and that prices on the average are rising somewhat less rapidly than over the first three quarters of the year. In October the nominal value of total retail sales dropped; industrial production fell more than in September; and nonfarm payroll employment, especially in manufacturing, declined sharply. The unemployment rate rose from 7.5 percent to 8.0 percent. Housing

[1] The Record of Policy Actions of the Committee for the meeting of November 17, 1981, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

starts edged down in September from an already depressed level. Over the first 10 months of 1981, the rise in the index of average hourly earnings was less rapid than during 1980.

The weighted average value of the dollar against major foreign currencies has declined only a little since early October, although U.S. short-term interest rates have declined more than foreign rates. A reduced U.S. foreign trade deficit in September brought the deficit for the third quarter close to the second-quarter rate.

The M1–B (adjusted for estimated shifts into NOW accounts) expanded in October almost as much as it had declined in September, and growth of M2 picked up. The level of adjusted M1–B remained well below the lower end of the Committee's range for growth over the year from the fourth quarter of 1980 to the fourth quarter of 1981; the level of M2 was at the upper end of its range for the year. Short-term market interest rates have declined substantially since the end of September, and bond yields have also dropped from the peaks generally reached about then. On October 30 the Board of Governors announced a reduction in Federal Reserve basic discount rates from 14 to 13 percent. The surcharge on frequent borrowings of large depository institutions had been reduced from 3 to 2 percentage points on October 9, and on November 16 the Board removed the remaining 2 percentage points.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. At its meeting in early July, the Committee agreed that its objectives would be furthered by reaffirming the monetary growth ranges for the period from the fourth quarter of 1980 to the fourth quarter of 1981 that it had set at the February meeting. These ranges included growth of 3½ to 6 percent for M1–B, abstracting from the impact of flows into NOW accounts on a nationwide basis, and growth of 6 to 9 percent and 6½ to 9½ percent for M2 and M3 respectively. The Committee recognized that the shortfall in M1–B growth in the first half of the year partly reflected a shift in public preferences toward other highly liquid assets and that growth in the broader aggregates had been running at about or somewhat above the upper end of their ranges. In light of its desire to maintain moderate growth in money over the balance of the year, the Committee expected that growth in M1–B for the year would be near the lower end of its range. At the same time, growth in the broader aggregates might be high in their ranges. The associated range for bank credit was 6 to 9 percent. The Committee also tentatively agreed that for the period from the fourth quarter of 1981 to the fourth quarter of 1982 growth of M1, M2, and M3 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively would be appropriate. These ranges will be reconsidered as warranted to take account of developing experience with public preferences for NOW and similar accounts as well as changing economic and financial conditions.

The Committee, after noting a moderate shortfall in growth of M1–B in October from the target path set at the last meeting, seeks behavior of reserve aggregates consistent with growth of M1–B from October to December at an annual rate of about 7 percent (after allowance for the impact of flows into NOW accounts) and with growth of M2 at an annual rate around 11 percent. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 11 to 15 percent."

By order of the Federal Open Market Committee, January 5, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-1815 Filed 1-25-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 12, 1982.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Philadelphia National Corp., Philadelphia, Pennsylvania (mortgage lending activities; Colorado): to engage, through its subsidiary, Colonial Mortgage Service Company Associated, Inc., in the origination of FHA, VA, and conventional residential mortgage loans and second mortgage loans. These activities would be conducted from a proposed new office in Denver, Colorado, serving the state of Colorado and adjoining areas of adjacent states.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

American Fletcher Corp., Indianapolis, Indiana, (mortgage banking and related lending activities; Florida): to engage through its subsidiary, American Fletcher Mortgage Company, Inc., in making for its own account, or for the account of others, and selling in the secondary market, loans secured by real estate, including, but not limited to, mortgage loans secured by mortgages on one-four family residential properties, condominiums, multi-family residential income properties, commercial income properties, and properties under development or construction. These activities will be conducted from an office in Deerfield Beach, Florida, serving the state of Florida.

NBD Bancorp, Inc., Detroit, Michigan (trust company activities; Florida): to engage through its subsidiary, NBD Trust Company of Florida) N.A., in activities that may be carried on by a trust company including activities of a

fiduciary, agency or custodian nature. These activities would be conducted from an office in West Palm Beach, Florida, serving the state of Florida.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64109:

Bankshares of Nebraska, Inc., Grand Island, Nebraska (financing, servicing, leasing activities; Midwest, United States): to engage, in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office at 202 West Third Street, Grand Island, Nebraska serving Nebraska, and contiguous states.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

United Mercantile Bancshares, Shreveport, Louisiana (leasing and financing: Louisiana): to engage through its subsidiary, United Mercantile Leasing Company, in leasing activities, including brokering leases, and making and servicing wholly-owned and leveraged true leases. These activities would be conducted from an office in Shreveport, Louisiana, serving the city of Shreveport, Louisiana and surrounding cities and towns.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corp.*, San Francisco, California (financing, servicing, and insurance activities; office relocation; New Jersey and southeast Pennsylvania): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Jersey corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in either the state of New Jersey or the southeast region of Pennsylvania. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an office located in 3001 Greentree, Executive Campus, Burlington County, Marlton, New Jersey, serving the entire state of New Jersey and the southeast region of Pennsylvania. This application is for approval to relocate an office presently located in Camden, New Jersey.

2. *BankAmerica Corp.*, San Francisco, California (financing, servicing, and insurance activities; Wisconsin): to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Wisconsin corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from a *de novo* office located in Wauwatosa, Wisconsin, serving the entire state of Wisconsin.

3. *Security Pacific Corp.*, Los Angeles, California (finance and insurance activities; New Jersey): to engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and making other extensions of credit such as would be made by a factoring company of a consumer finance company; and acting as broker or agent for the sale of credit life and credit accident and health insurance. These activities would be conducted from an office of Security Pacific Finance Corp. located in West Orange, New Jersey, serving the state of New Jersey and would constitute a relocation of an existing office of Security Pacific Finance Corp. which is currently located in Maplewood, New Jersey.

F. **Other Federal Reserve Banks.** None.

Board of Governors of the Federal Reserve System, January 20, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-1852 Filed 1-25-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Federal Procurement; GSA Bulletin FPR 55

January 6, 1982.

To: Heads of Federal agencies

Subject: Government entities and their addresses for bidders mailing list purposes.

1. *Purpose.* This bulletin provides a list of Government entities and their addresses for use by sources of products (domestic and foreign) that wish to be placed on bidders mailing lists.

2. *Expiration date.* The information contained in this bulletin is of a continuing nature and will remain in effect until canceled.

3. *Background.*

a. FPR Temporary Regulation 57, January 12, 1981, implemented the Agreement on Government Procurement, pursuant to the Trade Agreements Act of 1979. This bulletin has been prepared to assist foreign and domestic firms in competing for contracts subject to the Trade Agreements Act.

b. Section 1-6.1005-1(b)(1) of FPR Temporary Regulation 57 provides as follows:

Sources offering eligible products from designated countries shall be included, upon request by these sources, on bidders mailing lists and comparable source lists, in accordance with procedures in FPR § 1-2.205.

c. The entities with significant procurement programs are the Departments of Agriculture, Commerce, Health and Human Services, Interior, Labor, State, Treasury, the Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, and Veterans Administration. The other entities have relatively small programs.

4. *Action by sources.* Sources of products (domestic and foreign) that wish to be placed on the bidders mailing lists of Government entities should contact the addressees in attachment A.

The list does not include the Department of Defense.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

Addresses of Government Entities for Bidders Mailing List

Entities and Telephone Numbers

Action, Office of Contracts and Grants Management, 1735 I Street NW., Room 314, Washington, DC 20525, (202) 254–3513

Administrative Conference of the United States, 2120 L Street NW., Washington, DC 20037, (202) 254–7020

American Battle Monuments Commission, 20 Massachusetts Avenue NW., Washington, DC 20314, (202) 272–0533

Board of International Broadcasting, 1030 Fifteenth Street NW., Washington, DC 20005, (202) 254–8040

Civil Aeronautics Board, 1825 Connecticut Avenue NW., Room B–23, Washington, DC 20428, (202) 673–5282

Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, DC 20425, (202) 254–6830

Commodity Futures Trading Company, 2033 K Street NW., Washington, DC 20425, (202) 254–8735

Consumer Product Safety Commission, Contracts Branch, 5401 Westbard Avenue, Bethesda, MD 20014, (301) 492–6444

*Department of Agriculture, Office of Operations and Finance, Procurement Division, Room 1575, South Building, Washington, DC 20250, (202) 447–7527

*Excludes the procurement of agricultural products made in furtherance of agricultural support programs or human feeding programs.

Department of Commerce, Office of Procurement, 14th & Constitution Avenue NW., Room 6800, Washington, DC 20230, (202) 377–2773

Department of Education, Management Support Division, Operations Support Branch, Room 5673, 400 Maryland Avenue SW., Washington, DC 20202, (202) 245–1773

Department of Health and Human Services, Office of Small and Disadvantaged Business Utilization, Room 531–H, 200 Independence Avenue SW., Washington, DC 20201, (202) 755–6694

Department of Housing and Urban Development, Office of Small and Disadvantaged Business Utilization, 451 7th Street SW., Room B–133 (711 Bldg.), Washington, DC 20410, (202) 724–0040

*Department of the Interior, Office of Administrative Services, 18th & C Street NW., Room 5412, Washington, DC 20240, (202) 343–8341

*Excludes the Bureau of Reclamation.

Department of Justice, Assistant Director Procurement Management Section, Property Management and Procurement Staff, Justice Management Division, 10th & Constitution Avenue NW., Room 6320, Washington, DC 20530, (202) 633–2075

Department of Labor, Office of Procurement, Room of Procurement, Room 1521, Washington, DC 20210, (202) 523–9174

Department of State, Office of Supply and Transportation and Procurement, Procurement Division, Room 530, State Annex 6, Washington, DC 20520, (202) 235–0520

Department of Treasury, Office of the Secretary, Office of Procurement, 1331 G Street NW., Room 900, Washington, DC 20220, (202) 376–0650

Environmental Protection Agency, Office of Contracts, 499 S. Capitol St., Washington, DC 20460, (202) 382–2368

Equal Employment Opportunity Commission, Contracts, Grants and Procurement Division, 2401 E Street NW., Room 3200, Washington, DC 20506, (202) 634–7674

Executive Office of the President, Procurement and Contracting Branch, 726 Jackson Place NW., Room 4203, Washington, DC 20503, (202) 395–3570

Export-Import Bank of the United States, 811 Vermont Avenue NW., Washington, DC 20571, (202) 566–8951

Farm Credit Administration, Procurement Office, 490 L'Enfant Plaza East SW., Washington, DC 20578, (202) 755–2128

Federal Communications Commission, Procurement Branch, 1919 M Street NW., Room A–104, Washington, DC 20554, (202) 632–6407

Federal Deposit Insurance Corporation, Office of Contracts and Small Purchases, 550 Seventeenth Street NW., Washington, DC 20409, (202) 389–4355

Federal Home Loan Bank Board, Office of Contracts, 1700 G Street NW., Washington, DC 20552, (202) 377–6000

Federal Maritime Commission, Office of Administrative Services, 1100 L Street NW., Room 9135, Washington, DC 20573, (202) 523–5900

Federal Mediation and Conciliation Service, Division of Administrative Services, 2100 K Street NW., Washington, DC 20427, (202) 653–5310

Federal Trade Commission, Office of Procurement and Contracts, 600 E Street NW., Room 850, Washington, DC 20580, (202) 376–7916

*General Services Administration, Office of Administration, Centralized Mail List Servies (8BRC), Denver Federal Center, Building No. 4, Denver, Colorado 80225, (303) 234–4195

*Excludes purchases by the National Tool Center and the Region 9 Office, San Francisco, California.

Inter-State Commerce Commission, Twelfth Street and Constitution Avenue NW., Room 1315, Washington, DC 20423, (202) 275–0893

Maritime Administration, Department of Transportation, Procurement Division (MAR–315), 400 7th Street SW. (Plaza level), Room 1200, Washington, DC 20590, (202) 382–0433

Merit Systems Protection Board, Procurement and Contracts Branch, 1120 Vermont Avenue NW., Suite 903, Washington, DC 20419, (202) 653–7196

National Aeronautics and Space Administration, Office of Small and Disadvantaged Business Utilization, 600 Independence Avenue SW. (Code K), Washington, DC 20546, (202) 755–2288

National Credit Union Administration, Division of Procurement, Room 7081, 1776 G Street NW., Washington, DC 20456, (202) 357–0157

National Labor Relations Board, Procurement Section, 1717 Pennsylvania Avenue NW., Room 834, Washington, DC 20570, (202) 633–0623

National Mediation Board, Administrative Office, 1425 K Street NW., Washington, DC 20572, (202) 523–5950

National Science Foundation, Division of Grants and Contracts, Procurement Office, 1800 G Street NW., Room 237, Washington, DC 20550, (202) 357–7922

National Transportation Safety Board, Procurement and Contracts Office, 800 Independence Avenue SW., Room 838–C, Washington, DC 20594, (202) 382–6731

Nuclear Regulatory Commission, Division of Contracts, 4550 Montgomery Avenue, Room 2223, Bethesda, MD 20014, (202) 492–4800

Office of Personnel Management, Office of Management and Budget, Acquisition Section, 1900 E Street NW., Room 1452, Washington, DC 20415, (202) 632–4575

Overseas Private Investment Corporation, Procurement Office, 1129 20th Street NW., 7th Floor, Washington, DC 20527, (202) 653–2812

Panama Canal Commission, 425 Thirteenth Street NW., Room 312, Washington, DC 20004, (202) 724–0104

Railroad Retirement Board, Purchasing Division, 844 N. Rush Street, Room 1230, Chicago, Illinois 60611, (312) 751–4535

Securities Exchange Commission, Procurement and Contracts Branch, 500 North Capitol Street, Room 2125, Washington, DC 20549, (202) 523–1678

Selective Service System, Purchasing and Contracting Division, 1023 31st Street NW., Washington, DC 20435, (202) 724–0733

Smithsonian Institution, Office of Supply Services, 955 L'Enfant Plaza SW., North Building, Room 3120, Washington, DC 20024, (202) 287–3335

U.S. Arms Control and Disarmament Agency, Administrative and Contracts Division, 320 21st Street NW., Washington, DC 20451, (202) 235–8248

U.S. International Communication Agency, Contract and Procurement Division, 1717 H Street NW., Room 613, Washington, DC 20547, (202) 653–5573

U.S. International Development Cooperation Agency, Agency for International Development, Office of Business Relations, Room 633, SA–14, 320 Twentieth Street NW., Washington, DC 20523, (202) 235–9156

U.S. International Trade Commission, Finance and Budget Division, 701 E Street NW., Room 159, Washington, DC 20436, (202) 523–4516

Veterans Administration, Office of Procurement Operations, 810 Vermont Avenue NW., Room 762, Washington, DC 20420, (202) 389–3521

[FR Doc. 82–1654 Filed 1–25–82; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services as amended in pertinent part (39 FR 34318, September 24, 1974), is amended to reflect a retitling of the Division of Drug Advertising in the Bureau of Drugs as the Division of Drug Advertising and Labeling and a revising of the Division's functional statements to more clearly define its role in drug labeling activities.

Section HF-B, Organization and Functions, is amended as follows:

1. Delete paragraph (1-6-vii) *Division of Drug Advertising* (HFGQ) in its entirety and substitute the following:

(1-6-vii) *Division of Drug Advertising and Labeling* (HFGQ). Monitors and evaluates prescription drug promotion. Coordinates with other Bureau components to determine the compliance activity of the industry for prescription drug labeling.

Formulates and establishes policy for prescription drug labeling including professional labeling and patient package inserts and regulation of prescription drug promotion including advertisements, promotional labeling, and promotional practices.

Prepares, coordinates the review of, and implements special types of drug labeling such as generic, class, and patient package insert labeling.

Reviews for consistency with general labeling requirements and guidelines, labeling for new therapeutic entities and for previously marketed drugs about to be approved for major new indications.

Initiates or recommends administrative action to remedy violative prescription drug promotion, recommends field investigations, assists in the preparation of prospective cases.

Plans and supervises studies to evaluate the impact of patient package inserts, prescriptions drug promotion, and remedies for violative prescription drug promotion.

Plans and develops various informational and educational resources for health professionals, consumers, and FDA staff including a drug labeling manual, miscellaneous publications, symposia, and seminars.

Provides guidance and support in formulation of guidelines and regulations for prescription drug labeling and promotion.

Provides guidance to New Drug Evaluation Divisions, and to the Division of Generic Drug Monographs to assure quality, consistency, and timeliness in labeling of drugs during the premarketing and postmarketing periods.

Dated: January 18, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-1834 Filed 1-25-82; 8:45 am]

BILLING CODE 4120-03-M

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685-92, February 25, 1970, as amended in pertinent parts at 39 FR 18698-701, May 29, 1974, 43 FR 1136-37, January 6, 1978, and 43 FR 16420-21, April 18, 1978) is amended to reflect the establishment of a new division of Food Animal Additives, a revision in all fifteen current divisional functional statements, the movement of the Shellfish and Milk Sanitation Program from one division to another, the movement of the analysis functions for pesticides from one division to another, and a retitling of the Division of Retail Food Protection to the Division of Cooperative Programs. These changes will provide more efficient coordination of food animal additive issues between the Bureau of Foods and the Bureau of Veterinary Medicine and will more accurately reflect the functions of the respective organizational entities.

Section HF-B, Organization and Functions, is amended as follows:

1. Delete subparagraphs (k-3-i) through (k-3-iv) of paragraph (k) *Bureau of Foods (HFF)* in their entirety and substitute the following:

(k-3-i) *Division of Regulatory Guidance (HFFG).* Develops or participates in the development of regulations which implement, interpret, and grant exemptions to those provisions of the laws pertinent to bureau responsibilities.

Develops and recommends adoption of Agency compliance policy on food, cosmetic, pesticide, and food chemical matters.

Recommends legislation or reviews proposed legislation to solve compliance problems.

Manages the development of controversial or precedent-setting cases; develops and maintains legal guidelines for field use in specific areas and recommends delegations of authority to the Field-District Offices for direct handling of regulatory actions as necessary.

Reviews and approves or disapproves proposed regulatory actions in areas where authority for direct case handling has not been delegated to the Field-District Offices; provides guidance to the Field-District Offices in these areas and provides technical support for case development and contested court cases.

Manages and coordinates Headquarters activities associated with injunctions, seizures, and prosecutions. Provides bureau position on recalls with technical guidance to the field, as requested, and coordinates recall actions with other regulatory actions.

Issues letters providing informal comments in response to specific requests from industry trade associations, other Government agencies, and Congress.

Drafts and recommends issuance by the Commissioner of formal advisory opinions.

Reviews and evaluates present and prospective compliance problems involving foods, cosmetics, pesticides, and food chemicals and recommends solutions.

Plans and develops approaches to implement responsibilities in interstate travel sanitation under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act, including enforcement of applicable provisions of the Interstate Quarantine Regulations.

Develops and issues sanitation handbooks and standards relating to the sanitary design, construction, and operation of aircraft, buses, trains, and vessels.

Reviews and approves or disapproves plans for design and construction details of food service, water, and waste disposal facilities and equipment aboard conveyances.

(k-3-ii) *Division of Compliance and Industry Programs (HFFJ).* Develops and issues, with the concurrence of the Executive Director of Regional Operations (EDRO) and the Office of Regulatory Affairs (ORA), surveillance and compliance programs relating to the food, cosmetics, and related industries; coordinates the establishment of priorities for program activities.

Plans and assists in the development of information retrieval and appraisal systems for each compliance program. Manages the development of Compliance Program Evaluations,

develops Compliance Program Reports of Findings, and coordinates the development of Compliance Program Studies.

Coordinates the development of annual field workplans in conjunction with other bureau organization units and EDRO.

Develops and distributes, with assistance from the Office of Public Affairs (OPA), informational, instructional, and motivational materials designed to encourage voluntary compliance by food, cosmetics, and related industries.

Promotes a better understanding of the requirements and objectives of the laws and regulations enforced by FDA and serves as the bureau focal point for information concerning the compliance status of these industries.

Coordinates the promotion of technical, regulatory, and scientific assistance, including source country certification Memoranda of Understanding with foreign governments to obtain compliance with the Federal Food, Drug, and Cosmetic Act's requirements for imported food or cosmetic products. Maintains liaison with the ORA and the International Affairs Staff on matters relating to such activities.

Directs the registration of domestic and foreign low-acid canned food and acidified food manufacturers and their process filing under the requirements of 21 CFR Part 108.

Assists field offices, upon request, in the planning and implementation of workshops and seminars for food, cosmetics, and related industries on Current Good Manufacturing Practices and various problem areas.

Assists in the conduct of conferences, seminars, and meetings on specific industry compliance problems and on consumer educational activities in cooperation with the OPA, the Office of Consumer Affairs (OCA), and other FDA components, trade associations, and professional and academic groups.

Promotes the implementation of industry quality assurance assistance activities designed to prevent compliance failures; develops plans to help industry improve quality control capabilities.

Develops and issues, with the concurrence of EDRO, OCA, and OPA, consumer education programs for field implementation; coordinates the development and distribution to the field of programs support material.

(k–3–iii) *Division of Food Animal Additives (HFFK).* Develops policy statements and portions of **Federal Register** documents concerning the human safety aspects of food additive petitions and new animal drug applications for food-producing animals; transmits these documents, with supporting documentation, to the Bureau of Veterinary Medicine (BVM) for incorporation in the **Federal Register** documents in question.

Ensures that industry-submitted food additive petitions and new animal drug applications for food-producing animals are reviewed and evaluated by the appropriate divisions of the bureau, with respect to possible effects on the health of humans consuming food from the affected food-producing animals.

Plans and implements a cyclic review of approved food animal additives and new animal drugs for food-producing animals with regard to human safety.

In cooperation with other Agency components and appropriate divisions in the bureau, develops and applies scientific criteria for the approval or continued approval of substances used in food-producing animals; manages the development of testing protocols by the appropriate divisions in the bureau.

Analyzes and evaluates, in consultation with the appropriate divisions of the bureau industry and consumer comments on **Federal Register** documents concerning human safety aspects of food additives and new animal drugs for food-producing animals.

Compiles data for inclusion in administrative records to support proposed actions including Administrative Hearings, based on human safety concerns regarding food additives and new animal drugs for food-producing animals; prepares and transmits to the Office of General Counsel, through BVM, these data and other necessary documentation to support bureau scientific and regulatory positions.

Coordinates the preparation of human health hazard evaluations by the appropriate divisions of the bureau, as requested by BVM compliance units, and reviews evaluations prior to transmission to BVM.

Consults with BVM regarding preparation of compliance programs directed at monitoring residues of food additives and new animal drugs in animal products; reviews data from U.S. Department of Agriculture's residue monitoring programs.

Prepares portions of letters, for issuance by BVM, to sponsors of food additive petitions and new animal drug applications for food-producing animals to advise them of inadequacies in submitted required data to show safety; corresponds and schedules meetings with sponsors, in coordination with BVM.

(k–3–iv) *Division of Food and Color Additives (HFFH).* Develops bureau policy statements and procedural regulations concerning the review of the safety of food additives, color additives, Generally Recognized As Safe (GRAS) substances, and prior sanction substances.

Manages the bureau's petition review process, prepares proposed and final regulations for food and color additives and GRAS substances, and responds to any comments or objections received on the respective regulations.

Compiles and maintains for the bureau administrative records to support proposed actions on food and color additives, GRAS substances, and prior sanction substances.

Manages the agency's GRAS review program for cyclic reevaluation of GRAS substances; develops plans for and operates the cyclic review programs for direct food additives.

Provides bureau managers with accurate and consistent opinions and interpretations of regulations and of the status of substances under the regulations on food and color additives.

Operates a bureau control system for all petitions and letters pertaining to food and color additives, GRAS substances, and prior sanction substances.

(k–3–v) *Division of Cooperative Programs (HFFS).* Develops, publishes, revises, and promotes sanitation standards in the form of model ordinances for regulating food service, food store, and food vending operations, the shellfish industry, and the milk industry.

Cooperates with health-industry standards writing groups that produce milk and food equipment design and construction standards.

Provides information, training, and technical assistance to headquarters and field FDA components; other Federal agencies; State and local governments; international organizations; professional organizations; foreign governments; and the regulated industries relative to code interpretation, compliance procedures, and problem solving to maintain uniform FDA developed standards of sanitation for the retail food, shellfish (including the National Shellfish Sanitation Program), and milk industries (including the Federal-State Cooperative Interstate Milk Shippers Certification Program).

Plans and coordinates with EDRO field activities relating to the accomplishment of compliance program requirements, decisions in requests for special investigations, and the planning

and surveillance of food operations in federally managed locations.

Cooperates with the National Marine Fisheries Services, Department of State, and foreign governments in the development and conduct of bilateral international shellfish agreements.

2. Delete subparagraphs (k–4–i) of paragraph (k) *Bureau of Foods (HFF)* and substitute the following:

(k–4–i) *Division of Toxicology (HFFB).* Originates, plans, and conducts research on the toxic effects of substances for which the bureau has regulatory responsibility; i.e., direct and indirect food additives, food additives and new animal drugs for food-producing animals, color additives and other colors, GRAS substances, prior sanction substances, natural and human-made contaminants of food, natural toxicants in food, and cosmetics ingredients, and of metabolites of these substances.

Investigates mechanisms of the underlying toxicological reactions which may directly or indirectly cause adverse effects in man or laboratory animals.

Investigation, develops, and improves bases for establishing and evaluating toxicological injury to man or laboratory animals for substances for which the bureau has regulatory responsibility.

Conducts toxicological studies on various classes of substances for which the bureau has regulatory responsibility to provide data for evaluation of new petitions and proposals and for the review of current tolerances and applications.

Plans and conducts research pertinent to basic toxicity mechanisms affecting cell growth, reproduction, and function.

Performs toxicological analyses of regulatory samples, as requested, to support FDA compliance programs.

Provides toxicological evaluation of all chemical substances for which the bureau has regulatory responsibility.

Develops and makes recommendations regarding the establishment and updating of toxicologic evaluation criteria, guidelines, and protocols for application in the approval process of new substances and for the reaffirmation of presently used substances for which the bureau has regulatory responsibility.

Plans and implements discrete phases of the cyclic review of approved food additives and new animal drugs for food-producing animals as it applies to the toxicology component of the program.

Maintains liaison with other Federal agencies for harmonizing toxicologic procedures and information exchange.

Serves as the agency's chief source of advice on the toxicology of substances which are added to or become a component of food or cosmetics.

Interacts with and provides support to the National Toxicology Program (NTP) by identifying substances for which the bureau has regulatory responsibility that should be tested by the NTP, designing appropriate experiments for testing these substances, and assisting in the preparation of reports and other documents as required by NTP.

(k–4–ii) *Division of Pathology (HFFC).* Investigates the nature and significance of the gross and microscopic changes which occur in animal tissues and organs resulting from short- and long-term exposure to substances for which the bureau has regulatory responsibility.

Evaluates pathological data submitted in food and color additive petitions.

Provides support for the complete pathological evaluation of toxicological experiments and, upon request, provides pathology services to other bureaus.

Maintains a complete registry of pathological data on the effects of toxic stress on animals.

Develops new methods of anatomical and histochemical examination of organs and tissues from animals subjected to treatment with substances for which the bureau has regulatory responsibility.

Performs pathological analyses of regulatory samples, as requested, to support FDA compliance programs.

(k–4–iii) *Division of Mathematics (HFFE).* Develops mathematical methods and models and provides statistical analysis of bureau and field research, extramural, and regulatory programs.

Originates, plans, and conducts research with regard to the mathematical design, analysis, and interpretation of health, sanitation, and economic studies.

Reviews and evaluates experimental design and statistical data submitted in petitions for food and color additives, new animal drug applications for food-producting animals, and food standard regulations.

Provides statistical support to all components of the Bureau.

Investigates mathematical and statistical techniques for data analysis systems and for translation and interpretation of technical information for bureau use.

3. Delete subparagraphs (k–5–i) through (k–5–iv) paragraph (k) *Bureau of Foods (HFF)* and substitute the following:

(k–5–i) *Division of Chemistry and Physics (HFFA).* Devises new methods of analysis for food additives, natural contaminants and their alteration products in foods; conducts validation studies, recommends analytical procedures, and provides technical support when requested by the field laboratories. Conducts research to elucidate the chemical structure and properties of food components and potentially hazardous substances in foods.

Provides primary scientific evaluation of the chemical and tissue residue data in food additive petitions and of chemical methodology and chemical validation tests in new animal drug applications for food producing animals.

Provides expertise in specialized fields of advanced instrumentation and evaluates, designs, and adapts instrumentation to meet analytical needs in food research.

Provides other chemistry services, as requested, in support of bureau and field programs.

(k–5–ii) *Division of Chemical Technology (HFFM).* Investigates industrial practices and chemical uses and obtains information on the disposition, behavior, physical/chemical properties and fate of industrial chemicals, by-products, and process wastes and pollutants in the environment.

Maintains a registry of chemical products, manufacturing and processing information, and a repository of industrial chemicals.

Assesses and investigates the nature and magnitude of chemicals and chemical wastes in the environment and the factors which influence the uptake and persistence of these contaminants in food and in other parts of the ecosystem which interact with the human organism.

Devises new methods of analysis for pesticides, metals, industrial chemicals, and/or their alteration products in food; conducts validation studies, recommends analytical procedures, and provides technical support to FDA field and headquarters units and other Government agencies.

Obtains and evaluates technical information and data regarding production, use, properties, and incidence of residues of pesticides, industrial chemicals, and toxic metals in food and the environment. Assists in the development and direction of field regulatory and monitoring programs for these contaminants in food and "market basket" samples, prepares evaluations of the completed compliance programs.

(k–5–iii) *Division of Color Technology (HFFN).* Provides expert technical advice within FDA and to other Government agencies on problems relating to the chemistry and technology of colors.

Conducts laboratory research and development studies concerning the chemical properties, analysis, reactions, synthesis, impurities, and side reaction products of permitted colors.

Evaluates color additive petitions for the adequacy and reliability of chemical data (identity, composition, purity, stability), manufacturing controls, and methodology in proposals for listing color additives and color additive diluents.

Maintains liaison with technical personnel of manufacturers of certifiable color additives to maintain early awareness of new techniques, process changes, and other technical innovations.

Examines all batches of colors submitted for certification, and examines or administers examination of permitted colors exempt from certification, to assure conformance to the regulations on identity, composition, and purity.

Examines or administers examination of foods, drugs, and cosmetics for nonpermitted color additives and for permitted color additives used in an unsafe manner; develops examination methods for field use in determining if nonpermitted colors are used in foods, drugs, and cosmetics.

Performs inspections of color manufacturers in conjunction with the Office of the Executive Director of Regional Operations.

(k–5–iv) *Division of Cosmetics Technology (HFFP).* Provides expert technical advice within FDA and to other Government agencies on problems relating to the chemistry and technology of cosmetics.

Develops and maintains internationally recognized competence in the composition, function, and analysis of cosmetics. Maintains liaison with technical personnel of manufacturers to keep informed of new developments in cosmetic technology and products in order to prevent the use of potentially harmful ingredients such as primary irritants, sensitizers, and carcinogens.

Maintains and evaluates all cosmetic injury complaints received by the agency, including all pertinent corespondence, reports, replies, analyses of samples, and recommendations for regulatory actions.

Processes and evaluates all data received under the cosmetic registration program (location of cosmetic product establishments, ingredients in cosmetic product formulations, and cosmetic experience reports submitted by the cosmetic industry).

Performs chemical analysis of cosmetics for potential poisonous or deleterious substances and nonpermitted ingredients and develops analytical methods for field use.

Initiates requests for field inspection of cosmetic manufacturers and, in coordination with the Executive Director of Regional Operations, occasionally assists in these inspections.

4. Delete subparagraphs (k–6–i) through (k–6–iii) of paragraph (k) *Bureau of Foods (HFF)* and substitute the following:

(k–6–i) *Division of Consumer Studies (HFFQ).* Provides executive leadership and gives direction to all consumer matters that have an impact on the bureau's regulatory responsibilities; provides advice and guidance to bureau and agency management on consumer implications of agency philosophy, direction or policies; stimulates the development of consumer expertise and consumer orientation within the bureau and agency.

Identifies the consumer research needs of the Bureau; develops and conducts studies of consumers knowledge, beliefs, attitudes, perceptions, preferences, needs, and behavior as they relate to foods and cosmetics, including the nature and extent of consumer benefits that may accrue from regulations or other agency actions; uses existing psychological and sociological techniques and develops new methodologies; aids agency management in using consumer and market research findings to develop and evaluate agency policies.

Develops and maintains an ongoing data capacity on the organoleptic properties of foods, food and cosmetic packaging, and on advertising, promotion, distribution, pricing and composition, and of consumers' consumption and usage of food and cosmetic products.

Designs and conducts studies to measure the relationship between present and proposed agency regulations, actions, and policies, and consumer behavior; investigates the relationship between such factors as demographic or life style characteristics and/or independent experimental variables and purchase behavior of consumer or aggregate sales or consumption data, employing mathematical and statistical models and methods.

Analyzes the reliability, validity, and utility of consumption and sales data bases. Gives advice in regard to appropriate usage of the data.

Identifies consumer education needs. Plans, implements, monitors, and evaluates experimental and established consumer education programs in cooperation with the OPA, OCA, Executive Director for Regional Operations, and other bureau staff involved in consumer affairs activities. Provides bureau management with advice on appropriate material, media, methods and resources to ensure effective consumer education programs.

(k–6–ii) *Division of Microbiology (HFFD).* Originates, plans, and conducts research on the nature, extent, and significance of microbial and physical contaminants of foods and cosmetics.

Develops and evaluates microbiological methods for detecting harmful toxins, decomposition, extraneous matter, and other naturally occurring and biological hazards in raw and processed foods and in cosmetics.

Develops the technical and microbiological basis for recommended limits, guidelines, and practices applied to food in Current Good Manufacturing Practices and used by Federal, State, and local health agencies.

Evaluates, through laboratory investigations, the microbiological and other biological hazards associated with food processing and food service practices.

Performs microbiological and microanalytical analyses of regulatory samples, as requested, to support FDA compliance programs.

Develops standard analytical methodology and furnishes, in coordination with the Executive Director of Regional Operations, consultative and training services required for the microbiological and microanalytical control of the food industry by Federal, State, and local health agencies; approves State central milk testing laboratories and certifies State milk laboratory survey officers.

(k–6–iii) *Division of Nutrition (HFFT).* Develops and recommends plans, policies, and regulatory approaches to maintain and improve the nutritional quality of the national food supply.

Serves as the agency focal point for nutritional expertise and provides advice and support in nutritional matters, upon request, to other organizations or individuals, public or private.

Maintains FDA's nutrient research and nutrient analysis laboratory capabilities.

Originates, plans, and conducts research to elucidate the identity, priority, and amount of nutritionally significant substances in foods and of factors affecting the action of these substances; determines the effects of these substances on reproduction, growth, and development in biological and microbiological systems; and studies the metabolic fate of these

substances and their interaction with other food components such as food additives.

Devises new methods for the analysis of nutrients in different types of foods and investigates the mechanisms of the chemical reactions involved in such methods.

Organizes, plans, and conducts clinical nutrition studies to define the special dietary needs of individuals suffering from disease, injury, inborn errors of metabolism, or other conditions; the nutritional status of population groups; and the impact of dietary practices on human behavior, physical performance, mental acuity, and other quality of life parameters.

Maintains liaison with the national and international nutrition scientific community, both public and private.

(k–6–iv) *Division of Food Technology (HFFL).* Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture, packaging, and marketing of foods.

Develops, evaluates, and drafts the substantive content, including technological and engineering specifications, of Current Good Manufacturing Practices, Model Ordinances and Codes, Model Regulations, and amendments thereto.

Develops, evaluates, and drafts the substantive content of food standard proposals establishing standards of identity, quality, and fill of container.

Investigates currently developing food preservation processes, particularly their impact on established indices of decomposition, and develops new chemical indices.

Makes exploratory investigations into the technology of agricultural and industrial practices that may result in contamination of food with biotoxins.

Determines the minimum amount of a food additive necessary to achieve its intended functional effect.

Dated: January 18, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82–1835 Filed 1–25–82; 8:45 am]

BILLING CODE 4160–01–M

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685–02, February 25, 1970, as amended most recently at 45 FR 67776 dated October 14, 1980) is amended to reflect a reorganization within the Office of the Commissioner.

Functions regarding environmental impact are being transferred from the Office of Health Affairs and added to the Bureau of Foods and the Bureau of Veterinary Medicine. Functions for the Office of the Director, Bureau of Veterinary Medicine are being revised to more accurately reflect its activities. Functions concerned with nonregulatory international affairs are being transferred from the Office of Regulatory Affairs to the Office of Health Affairs.

Section HF–B, Organization and Functions are amended as follows:

1. Delete paragraph (f) *Office of Regulatory Affairs (HFA4)* in its entirety and substitute the following:

(f) *Office of Regulatory Affairs (HFA4).* Advises and assists the Commissioner and other key officials on regulations and compliance-oriented matters which have an impact on policy development and execution and long-range goals.

Coordinates, interprets, and evaluates the Agency's overall compliance efforts; as necessary, establishes compliance policy or recommends policy to the Commissioner.

Stimulates an awareness within FDA of the need for prompt and positive action to assure compliance by regulated industries; works to assure an effective and uniform balance between voluntary and regulatory compliance and FDA responsiveness to consumer needs.

Acts as liaison with other Federal agencies on FDA compliance matters and coordinates Agencywide voluntary compliance and industry information activities.

Directs and coordinates the regulation-making activities of the Agency, including preparation of **Federal Register** material, in coordination with the Regulations Management Unit of the PHS and Departmental Executive Secretariat, and with the Deputy General Counsel for Regulatory Review.

Evaluates and coordinates all proposed legal actions to ascertain compliance with regulatory policy and enforcement objectives.

Directs and coordinates with the Executive Director of Regional Operations (EDRO), bureaus, and HHS General Counsel, new or novel cases which may be precedent setting.

Resolves appeals when compliance actions are refused by EDRO, the bureaus, or General Counsel.

Coordinates development of new or novel Agencywide compliance programs such as bioresearch monitoring activities; monitors compliance activities to assure uniform application of compliance policy; serves as liaison with other Federal agencies and outside organizations relating to such Agencywide activities.

2. Delete paragraph (g) *Office of Health Affairs (HFA5)* in its entirety and substitute the following:

(g) *Office of Health Affairs (HFA5).* Advises and assists the Commissioner and other key officials on health affairs which have an impact on policy, direction, and long-range program goals.

Develops Agency policy and guidelines concerning medical and scientific extramural research, training, and fellowship activities; provides for the continuing appraisal of these activities.

Evaluates the adequacy of medical and scientific resources available to the Agency.

Evaluates medical and scientific research results originating from other Government agencies and private institutions for potential Agency use.

Develops and implements professional education policy and programs designed to promote understanding of, and support for, Agency efforts in the protection of public health.

Coordinates the nonregulatory international affairs activities of FDA programs and acts as liaison with the Department of State, other nations, international groups, and foreign firms. Coordinates and evaluates international travel plans, including the Annual International Travel Plan for the Commissioner's approval. Promotes international scientific collaboration through Pub. L. 480 and other related statutes.

Conducts hearings and provides medical and scientific review of hearing requests and proposed findings of fact and conclusions of law recommended by the Administrative Law Judge after evidentiary hearings.

3. Delete paragraph (k) *Bureau of Foods (HFF)* in its entirety and substitute the following:

(k) *Bureau of Foods (HFF).* Develops FDA policy with respect to the safety, composition, quality (including nutrition), and labeling of foods, food additives, colors, and cosmetics.

Conducts research and develops standards on the composition, quality, and safety of foods, food additives, colors, and cosmetics.

Conducts research designed to improve the detection, prevention, and control of contamination that may be responsible for illness or injury

conveyed by foods, food additives, colors, and cosmetics.

Develops and promulgates current good manufacturing practices for the food processing industry and model ordinances and codes and model regulations for State and local government use in assuring food safety and quality.

Plans FDA surveillance and compliance programs and evaluates progress toward objectives of planned program and regulatory activities relating to foods, food additives, colors, and cosmetics.

Reviews industry petitions and recommends promulgation of regulations for food standards and for the safe use of color and food additives.

Collects and interprets data on nutrition, food additives, and environmental factors affecting the total chemical insult posed by direct and indirect food additives.

Analyzes regulatory samples as necessary to support Bureau compliance programs.

Participates in training of FDA field personnel and provides guidance to the regulated industries in the application of the most effective procedures to assure food safety and quality.

Studies consumer experience with, expectation of, and exposure to Bureau-regulated products and maintains a nutritional data bank.

Recommends to the Office of the Commissioner new or revised legislation pertinent to the Bureau's responsibilities.

In cooperation with other Agency components, provides FDA policy development and direction on environmental impact matters.

4. Delete paragraph (k-1) *Office of the Director (HFF1)* in its entirety and substitute the following:

(k-1) *Office of the Director (HFF1).* Develops FDA food, food additive, color, and cosmetic policy for approval of the Commissioner.

Provides overall executive direction to the Bureau programs and activities and coordinates programs with other FDA organizational components, HHS, and other Government agencies.

Directs the development of Bureau regulatory policy.

Recommends to the Office of the Commissioner new and revised legislation pertinent to Bureau responsibilities and participates in the preparation of legislative proposals and testimony for presentation at congressional hearings.

Directs and coordinates the overall application of Bureau scientific and technical capabilities, coordinating Bureau scientific research within FDA and with other governmental and private agencies, both nationally and internationally, to facilitate collaboration in attacking common problems.

Recommends, initiates, and terminates all Bureau extramural research contracts.

Directs the Bureau's administrative and management programs.

Develops and interprets compliance and surveillance programs, current good manufacturing practices, model ordinances and codes, and model regulations.

Reviews and approves food standard proposals and evaluates food and color additive petitions.

Establishes, promotes, and maintains a climate of mutual cooperation with scientists and scientific bodies, nationally and internationally, in order to maintain contact with scientific events which may impact on Bureau activities.

In conjunction with the Bureau of Veterinary Medicine, provides FDA policy development and direction on environmental impact matters.

5. Delete paragraph (m) *Bureau of Veterinary Medicine (HFV)* in its entirety and substitute the following:

(m) *Bureau of Veterinary Medicine (HFV).* Develops and recommends the veterinary medical policy of the Food and Drug Administration with respect to the safety and efficacy of animal drugs, feed additives, and devices.

Evaluates, for animal safety and efficacy, proposed and marketed animal drugs and feed additives and marketed devices for animal use.

Coordinates the veterinary medical aspects of the FDA inspection and investigational programs and provides veterinary medical opinions in drug hearings and court cases.

Plans, directs, and evaluates FDA's surveillance and compliance programs relating to animal drugs, animal feeds, and other veterinary medical matters.

In cooperation with other Agency components, provides FDA policy development and direction on environmental impact matters.

6. Delete paragraph (m-1) *Office of the Director (HFV1)* in its entirety and substitute the following:

(m-1) *Office of the Director (HFV1).* Directs overall Bureau activities and coordinates and establishes Bureau policy in the areas of research, management, scientific evaluation, compliance, and surveillance.

Directs systems for planning, programming, and budgeting and provides administrative, statistical, and informational support for the Bureau.

Approves new animal drug application and issues notices of withdrawal of new animal drug approvals when the opportunity for a hearing has been waived.

Authorizes, for use as edible products, animals treated with investigational drugs and terminates exemption for investigational trials.

In conjunction with the Bureau of Foods, provides FDA policy development and direction on enviromental impact matters.

Dated: January 18, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-1636 Filed 1-25-82; 8:45 am]

BILLING CODE 4160-01-M

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization Functions and Delegations of Authority for the Department of Health and Human Services (35 FR 3685-92, dated February 25, 1970, as amended in the pertinent part at 45 FR 62905, September 22, 1980) is amended by revising Exhibit HF-1, Food and Drug Administration—Permanent Offices. Because of a reorganization in Region II two additional offices will be reflected in the Regional organizational structure.

Section HF-B Organization and Functions is amended by revising Exhibit HF-1 Food and Drug Administration—Permanent Offices by deleting the entry for New York State and entering the following:

State and city	Type of office	Address and ZIP Code
New York:		
Brooklyn	Field/District Office Import District Office.	850 Third Ave. 11232.
Buffalo	New York Laboratory Div. District Office.	599 Delaware Ave. 14202.

Dated: January 18, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-1637 Filed 1-25-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Part A, Chapter AD(1-X) (Office of the Principal Regional Official) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human

Services (last amended 46 FR 41215 of August 14, 1981) is amended. The amended statement reflects the change in title of the Principal Regional Official to the Regional Director, and makes other minor corrections to the Statement of Organization.

Part A, Chapter AD(1–X) Office of the Principal Regional Official is hereby replaced with the following:

Chapter AD(I–X)

Office of the Regional Director

AD.00 Mission
AD.10 Organization
AD.20 Functions
AD.30 Relationships to OPDIV Staffs
AD.40 Order of Succession
AD.50 Delegations of Authority

Section AD.00—Mission.—The Regional Director serves as the direct personal representative of the Secretary with the responsibility of carrying out the Secretary's policies in the Region. The Regional Director provides leadership, coordination, evaluation, and general administrative support to the complex activities of the Region.

Section AD.10—Organization. The Office of the Regional Director is under the direction and control of the Regional Director, who reports directly to the Secretary and Under Secretary through the Deputy Under Secretary for Intergovernmental Affairs, and consists of the following:

Regional Director AD(I-X)
Office of Intergovernmental and Congressional Affairs AD(I-X)H
Office of Public Affairs AD(I-X)K
Office of Service Delivery Assessment AD(I-X)R
Regional Administrative Support Center AD(I-X)L

Section AD.20—Functions.

A. The Regional Director:

1. Serves as the Secretary's representative in direct official dealings with State and local government organizations.

2. Establishes and maintains effective relationships with Governors, Mayors, county officials, and other key State and local officials; furnishes advice and assistance and strives to develop a mutually benefical Federal-State-local partnership; provides guidance and coordination to the efforts of all regional staff members on the priorities, emphasis, and merits of various programs based on the expression of needs and analyses by Governors, Mayors, and other key officials.

3. Provides a central focus in the Region for Department relations with Congressional delegations and individual Members of Congress.

4. Promotes general public understanding of the programs, policies, and objectives of the Department; participates in developing and carrying out of a region-wide public information program; and provides regional clearance on official public communiques.

5. Assesses the effectiveness of Department activities and makes reports and recommendations to the Secretary, Under Secretary, Deputy Under Secretary for Intergovernmental Affairs, and other Departmental officials concerning the application or improvement of policies and service delivery systems.

6. Serves as coordinator, facilitator, and expeditor in solving cross-cutting issues to assure effective, efficient, and responsible actions in the interest of total service to the public.

7. Advises the Secretary on the potential effect of proposed Department action, whether on legislation, regulation, or administrative decisions.

8. Provides input into policy decisions and strategy regarding the concerns and interests of State and local governments as derived from their key officials.

9. Provides highly professional and responsive centralized administrative services (such as personnel, financial management, administrative services, engineering and construction services) to regional program heads.

10. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action or natural disaster.

B. Office of Intergovernmental and Congressional Affairs (AD(I–X)H).

1. The director serves as the Deputy to the Regional Director. Shares responsibility, as directed by the Regional Director, for carrying out the Department's regional missions and policies. Receives functional supervision from the Deputy Under Secretary for Intergovernmental Affairs and the Assistant Secretary for Legislation. Serves as Acting Regional Director in the absence or disability of the Regional Director. Supervises the staff of the Office of Intergovernmental and Congressional Affairs (ICA).

2. Serves as chief advisor to the Regional Director for carrying out the full range of Regional Director responsibilities for external relations with chief elected and appointed officials at the State and local levels, including legislative bodies and tribal leaders of reservation Indians, with a primary emphasis on obtaining from these officials indications of attitudes, trends, and issues affecting HHS programs to provide early warning and advice to top HHS management and to get specific issues and problems of State and local officials resolved.

3. Serves as the focal point in the regional office for developing close working relations with Congressional district offices in order to ensure that: (a) Congressional inquiries on constituent problems are promptly resolved, either through the Regional Director or directly by the Operating Division, as appropriate, and (b) Congressional field offices are provided with ongoing information about HHS initiatives, policies, and organization, particularly on those programs administered through the regional offices of the Operating Divisions (OPDIVs).

4. Establishes methods for ensuring adequate internal coordination among the ICA office, other OS units, and the Regional OPDIVs necessary to carry out assigned functions, avoid duplication of effort, and ensure most effective targeting of regional resources to serve HHS grantees and clients.

5. Serves to articulate and support the Administration's position on key pending legislative proposals in dealings with State and local officials and with interest groups, whether of a local or regional nature or with national affiliation. Also disseminates information on the overall HHS budget, new HHS initiatives and trends, and ongoing HHS services.

6. In accordance with national and/or regional plans and working closely with the Regional Office of Public Affairs, develops and carries out regional procedures and stategies for ensuring that a full range of views is presented by or obtained from public officials, interest and client groups, and the general public on legislative and other policy issues which are in the developmental stage; e.g., through public hearings, conferences, and other means.

7. Consults State and locally elected officials, including legislative bodies, regional clients, and interest groups, as to the need for new HHS initiatives, regulations, or statutes, including the identification of HHS-imposed barriers or other procedures which may unnecessarily impede the most effective delivery of services in a given State or local jurisdiction. Brings such issues to the attention of the Assistant Secretary for Legislation, the Assistant Secretary for Planning and Evaluation, and through the Regional Director, to the attention of the Deputy Under Secretary for Intergovernmental Affairs.

8. Is generally responsible for ensuring that adequate liaison and relationships are established between the regional office and minority groups; serves as the

Regional Director's representative on various committees and task forces for special concerns of minority groups

9. As directed by the Regional Director, serves as a coordinator with other Federal departments and agencies when interagency efforts are required to implement new policies and legislation and resolve problems and issues which affect HHS and other Federal agencies. Provides staff support to efforts and activities of the Federal Regional Councils and/or other Federal interagency groups. Director serves as the Regional Director's alternate on the Federal Regional Council.

10. Establishes and maintains, for each State in the Region, a close working relationship with the Governor's staff and with the staffs of human resource agencies, budget and finance agencies, planning offices, and other key State Government agencies. Develops similar relations with major sub-State Governments, including cities, counties, Regional Councils of governments, and with State associations of Cities and Counties.

11. Develops close working relationships with State legislative bodies in the Region by providing legislators and their staffs with information on HHS programs, services, and trends; responding promptly to program inquiries from State legislators; and arranging, on a selective basis with the guidance of the Assistant Secretary for Legislation, for the appropriate HHS official to respond to requests to testify on proposed State legislation before various State legislative committees.

12. In cooperation with the OPDIVs and other regional units, develops and maintains processes for identifying and resolving major HHS/States issues of a regional nature which State and local officials identify as problems which are not being resolved in a timely fashion by the appropriate HHS program staff, or when directed through the Regional Director by the Deputy Under Secretary, Under Secretary, or Secretary.

13. Brings to the attention of the Director, Office of Service Delivery Assessment, those issues which State and local officials view as most important in settling priorities for assessments.

14. In coordination with the Director, Regional Administrative Support Center, and the Regional OPDIV Heads, facilitates multi-program requests for Federal assistance under the Joint Funding and Simplification Act.

15. Establishes and maintains through the appropriate Regional OPDIVs, procedures for compliance with the Intergovernmental Cooperation Act (including the processing of waivers) and with OMB Circular No. A–95.

16. In coordination with the Director, Regional Administrative Support Center, and the Regional OPDIVs, assists in the exchanges of State and local personnel with Departmental staff under the Intergovernmental Personnel Act of 1970.

17. Manages the solicitation, review, funding, and project management of grants awarded under the Department's Partnership Grant Program within the Region.

18. Ensures that consumer protection agencies at State and local levels are provided with timely information related to HHS policies, programs, and procedures.

C. Office of Public Affairs (AD(1–X)K).

1. Serves as the principal public affairs advisor to the Regional Director. Also serves as a major policy coordinating official whose principal concern is fostering general public understanding of the programs and policies of the Department.

2. Receives functional supervision from the Assistant Secretary for Public Affairs (ASPA) and represents the ASPA in the Region. Provides feedback to the ASPA on sensitive public affairs policy matters requiring the attention of headquarters.

3. Plans public information activities designed to support the policies and program objectives of the Department and the Administration as identified by the Secretary.

4. Counsels and acts for the Regional Director and his/her staff on public affairs matters in carrying out Presidential directives and Secretarial orders.

5. Advises all units in the Region, including Regional OPDIVs, on the public affairs aspects of their duties and program responsibilities. Coordinates efforts related to this advisory responsibility with all regional units.

6. Serves as the principal news media contact for HHS units in the Region.

7. Maintains public affairs liaison with those nongovernment agencies and organizations affected by Department programs, goals, and policies.

8. Administers the Freedom of Information Act (FOIA) and serves as the initial denial authority for access to all regional documents requested under the FOIA.

9. Administers the Privacy Act of 1974 for offices under the direct supervision of the Regional Director. Counsels other regional agency staffs through their designated Privacy Act coordinators.

D. Office of Service Delivery Assessment (AD(I–X)R).

Is responsible for regional participation in the National Service Delivery Assessment (SDA) Program. (The program's objective is to provide the Secretary, the Heads of Operating Divisions, and the Regional Directors with information on the effectiveness, timeliness, and economy with which HHS programs are serving clients. SDAs are intended to concentrate on how and how well services are delivered to clients of HHS programs as well as on relevant program management and organizational issues.) Under the Regional Director's general direction, implements and executes SDA projects that are included in the Inspector General's annual SDA workplan or are initiated by the Secretary.

1. Identifies potential or actual service delivery issues for consideration as part of the national SDA workplan.

2. Organizes, directs, and coordinates regional participation in SDA projects specified in the annual SDA workplan or assigned higher priority by the Secretary. Responsibilities include the following:

a. Providing staff members to serve as: (1) national project leader responsible for all national activities associated with an SDA project, (2) regional project leader responsible for all regional activities associated with an SDA project, or (3) participant in an SDA project;

b. Developing assessment design, in cooperation with the Office of the Inspector General, to include defining assessment issue(s), specifying assessment scope and methodology, developing appropriate measures of performance, formulating sampling plans, and specifying data analysis and reporting techniques and format;

c. Identifying HHS and State organizational units with greatest interest in the SDA issue(s) and arranging appropriate participation;

d. Training all staff involved in an SDA project to assure detailed understanding of project objectives, methodology, and techniques;

e. Implementing SDA project design and managing all data-gathering activities specified in the project design; and

f. Synthesizing, analyzing, and reporting on all data-gathering and findings.

3. Provides feedback on assessment findings and Secretarial decisions to the OPDIVs, State and local agencies, and non-government officials involved in SDA projects.

4. Participates in assessing the utility and accuracy of individual SDAs as well as regional implementation of

Secretarial decisions resulting from SDAs.

5. Develops working knowledge of the location and the strengths and weaknesses of regional, State, and local data sources that can be used to examine how and how well HHS programs are serving clients.

6. Maintains liaison with regional staffs of the Office of Intergovernmental and Congressional Affairs, HHS Audit Agency, and OPDIVs, and with State and local governments regarding assessment objectives and activities.

7. Analyzes SDAs to identify problems common to many programs.

8. Identifies and participates in testing techniques that can improve the rapidity, validity, and reliability of SDAs.

9. Assists the Regional Director, as required, when he/she is directed by the Deputy Under Secretary to obtain State and local government views on specific issues or proposals.

E. Regional Administrative Support Center (AD(I–X)L).

Under the functional supervision of and in accordance with authorities delegated by the Assistant Secretary for Management and Budget and Assistant Secretary for Personnel Administration, provides centralized administrative, engineering, accounting, budget fiscal, cost allocation and indirect cost negotiation, data processing, environmental program, and personnel services to the Office of the Regional Director and to the regional offices of the Operating Divisions, the Office for Civil Rights, the Office of the General Counsel, and the Office of the Inspector General, as follows:

1. Provides regional accounting, fiscal services, and financial reporting for all HHS activities for which the Regional Director is delegated the authority to provide such services. Is responsible for the recording and reporting of all financial transactions of the Regional Director and OPDIVs' operations through the maintenance of a standardized Regional Accounting System. Provides regional coordination and liaison with the HHS Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

2. Prepares regional budget justification and execution plans for the Regional Director, Office of Intergovernmental and Congressional Affairs, Office of Public Affairs, Office of Service Delivery Assessment, the Regional Administrative Support Center, and on request, for other HHS regional units.

3. In accordance with policies and procedures established by the Office of Grants and Logistics, conducts cost allocation activities. Negotiates and approves indirect cost rates; State and local government cost allocation plans; research patient care rates and amounts; fringe benefits, computer, and other special rates applicable to HHS awards. Provides financial management technical assistance on cost allocation to grantees and contractors, HHS grant and contract officials, and grant and contract officials of other Federal agencies.

4. Provides common administrative services (such as telecommunications support-telephone, teletype, and facsimile transmission; mail pickup and delivery; contract services, distribution of common supplies; maintenance of official regional files; moving and storage services; and printing and reproduction services) for all HHS activities colocated at the regional office location. Maintains a personal property management system (including property records). Operates and maintains the centralized regional data processing equipment.

5. Provides supervision of the Regional Office of Equal Employment Opportunity. Is responsible for the establishment and maintenance of a positive program on non-discrimination in Departmental employment in the Region. Has regional responsibility for the HHS Federal Women's Program and the Spanish Speaking Program. Monitors the OS/EEO complaint system and issues proposed dispositions on all formal complaints. With information provided by Regional Director and OPDIVs, prepares the Regional Annual Affirmative Action Plan. Coordinates the selection, training, and availability of EEO counselors and investigators. On request, provides assistance to OPDIVs and central and regional office staffs in the assignment of EEO investigators.

6. Provides personnel services. Exercises overall management direction for the provision of personnel services for all regional components. These services are provided by a regional personnel office which receives functional and technical direction from, and operates under policies established by, the Assistant Secretary for Personnel Administration. Included in the functions of a regional personnel office are: (a) the provision of the full range of sevices relating to the processes of staffing, position management and classification, training and career development, employee relations, labor-management relations, manpower planning, and employee appraisal; and (b) the provision of direct assistance to program managers in carrying out their personnel management responsibilities for employees within their organization; and (c) the exercise of the legal and regulatory personnel authorities which are delegated by the Assistant Secretary for Personnel Administration.

7. Administers regional facilities engineering, construction, and Federal surplus real property programs. Serves as principal advisor in the Region on all matters relating to Federal surplus real property program. Assures the delivery of total architectural and engineering services in support of HHS assisted and directed Federal construction programs. Carries out property management activities for HHS owned and utilized facilities. Conducts office space utilization surveys and allocation and periodic inspections of regional space and facilities. Ensures regional compliance with the Occupational Safety and Health Act. Develops and maintains the regional emergency operating center for use in natural disasters and war caused emergencies.

8. Is responsible for ensuring that the provisions of the National Environmental Policy Act and related laws and Executive Orders are carried out. Receives and monitors programs, provides technical assistance in effecting environmental determination and the preparation of supporting documents, and maintains timely consultation with environmental agencies at Federal, State and local levels.

Section AD. 30—Relationships to Regional OPDIV Staffs, Regional Office of Investigations, Regional Office of Audit, Office of Regional Attorney, and Regional Office for Civil Rights.

The above-named staffs and offices are under the line direction and control of their parent organizations. The functions for these staffs and offices are described in the functional statements of their parent organizations. These regional units receive administrative, financial, and other support services from the Regional Director and his staff.

Section AD.4—Order of Succession.— In the absence or disability of the Regional Director, the Director of Intergovernmental and Congressional Affairs serves as Acting Regional Director. In the absence or disability of the Regional Director and the Director of Intergovernmental and Congressional Affairs, the Director of Public Affairs acts as Acting Regional Director. In the event of the absence of all three, the Regional Director will designate and Acting Regional Director. In the event of a vacancy in all three positions, the

Secretary or Under Secretary will designate the Acting Regional Director.

Section AD.50—Delegations of Authority.— The delegations to the Regional Director are: [Reserved].

Dated: January 18, 1982.

Richard Schweiker,

Secretary.

[FR Doc. 82-1888 Filed 1-25-82; 8:45 am]

BILLING CODE 4150-04-M

V 47 / 17 J A 26 82 IIMI

PURPOSE AND SCOPE

4310-84

4310-84

Department of the Interior
Assistant Secretary, Land and Water Resources

Request for Comment on Outer Continental Shelf
Bidding Systems for Oil and Gas Lease Sales

SUMMARY

Specific comments are requested on the concept of a proposed planning guideline for Outer Continental Shelf (OCS) bidding systems. The Department of the Interior (DOI) is pursuing a policy which encourages expeditious exploration of frontier (wildcat) areas and which provides adequate incentives for efficient and diligent production in developed regions. Other objectives include the provision of incentives to improve technology, the assurance of receipt of fair market value by the government, the maintenance of competition, and the protection of the environment. An example of a proposed bidding systems guideline, in matrix form, distinguishes each geographic and geologic cost area in recognition of the variance of relative bidding system performance. This inquiry is directed towards bidding systems for sales starting in mid 1982 and thereafter which follow past and planned experiments with the alternative systems established in regulations promulgated by the Department of Energy (DOE). If a final guideline is issued, experimentation with certain systems may be discontinued while others would be tested further. The guideline concept would be consistent with the Department's new "streamlining" approach of offering larger areas for lease. More time would be available for planning purposes and a bidding system design would be provided for large groups of tracts within an entire region as opposed to individual tract designations.

PURPOSE AND SCOPE

The choice of bidding systems potentially affects (1) the receipt of fair market value, (2) the economic efficiency and physical recovery of resources, (3) the level of competition, (4) the distribution of risks between lessee and lessor, and (5) administrative costs to the lessees and the lessor. The bidding systems differ in the manner in which perceived risks are shared between lessees and lessors. There are two basic risks: geologic (the probability that hydrocarbons exist) and economic (the probability that hydrocarbons can be developed at a profit to lessees). The bidding systems have one or more fixed components and one variable component. The bidding variable may be a cash bonus, a work commitment or a contingency percentage (royalty, net profit share). The relationship between the initial payment and the contingency percentage influences the distribution of risks between the lessee and lessor, and the distribution of revenues obtained from production.

Experiments for alternative bidding systems have been conducted in 22 OCS lease sales. Four of the six systems established by DOE regulation have been tested. Future tests are planned for the remaining OCS sales in calendar year 1981 and early 1982. A summary of past and future experiments is presented in a following section. The Department recognizes the need to analyze the initial phases of experimentation and direct future tests toward those systems which offer the greatest promise to meet the goals prescribed in the OCS Lands Act (OCSLA). Moreover, a consistent, reliable policy is necessary for prudent investment planning by industry.

The next phase of testing seeks to avoid a random diffusion of numerous, unproven systems which may be incompatible for the purposes of unitization of adjacent tracts. Certain systems may be eliminated from future testing because either, (1) past experiments indicate the expected costs do not justify possible

gains, or (2) untested systems may be determined to present undue risks to the objectives of the OCS Lands Act.

It should be noted that a final analysis of the impacts of the tested alternative systems must ultimately await an observation of the effects on exploration, development, and production decisions. However, this does not mean that tests should continue until a final analysis is complete. It may be desirable to discontinue testing after an initial sample is deemed sufficient. If, in the future, the analysis concludes that a particular system enhances our achievement of the goals cited above, it may be determined that further leasing under that system is beneficial. The Department of the Interior currently plans to have substantially completed some testing of the most promising alternative systems by the end of calendar year 1981. At that time a sufficient sample size for those systems may have been offered for lease so that statistically significant results could be obtained. The analysis of the untested systems is continuing and the Department will inform interested members of the public of the results as they become available.

The purpose of this inquiry is to focus on the next phase of bidding system development for sales starting in mid 1982 and thereafter. A matrix of systems which offer the greatest contribution to our goals will be developed as a guideline for planning purposes. An example of a matrix is included in this notice. After receipt of comments, we plan to publish a final matrix which will serve as a policy base for specific sale designs. We recognize that specific conditions or new information and analysis may warrant the selection of different systems than those outlined. However, every effort will be made to inform interested parties of our bidding system plans. The goals of this approach are to provide adequate information to the public and to share the necessary expertise in order that consistent and efficient systems are selected.

BACKGROUND INFORMATION

The OCS Lands Act provides the Secretary of the Interior with the authority to issue oil and gas leases by competitive bidding on the submerged lands of the OCS. Bidders submit bids in response to a lease sale offering for particular tracts under the terms and conditions specified in a Notice of Sale and published in the Federal Register. The bidding system used determines the method by which successful high bidders pay the United States for the lease.

The bidding system or systems used by DOI in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed by Department of Energy (DOE) regulation (10 CFR Part 376). The Secretary of Energy also has the authority to disapprove the proposed bidding systems selected by DOI prior to issuance of the final Notice of Sale.

Section 8(a) of the OCSLA provides that bidding shall be by sealed bid and, at the discretion of the Secretary of the Interior, on the basis of the following types of systems:

"(A) cash bonus bid with a royalty at not less than 12-1/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;

(B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on a dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;

(C) cash bonus bid, or work commitment bid based on a dollar amount

The Department of Energy has issued regulations for the following

(C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 12-1/2 per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;

(D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(E) fixed cash bonus with the net profit share reserved as the bid variable;

(F) cash bonus bid with a royalty at no less than 12-1/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold; or

(H) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms and conditions which the Secretary determines to be useful to accomplish the purpose and policies of this Act, except that no such bidding system or modification shall have more than one bid variable."

The Department of Energy has issued regulations for the following systems:

(1) Cash bonus bid, fixed royalty;

(2) Royalty bid, fixed cash bonus;

(3) Cash bonus bid, sliding scale royalty;

(4) Cash bonus bid, fixed net profit share;

(5) Net profit share bid, fixed cash bonus; and

(6) Work commitment bid, fixed cash bonus, fixed royalty.

The statute requires that at least 20 percent, but not more than 60 percent of the total area offered each year be alternatives to a cash bonus bid, fixed royalty system (system A in the OCS Lands Act).

RECORD OF EXPERIMENTATION

A. Statistics for past sales The use of bidding systems other than the conventional cash bonus bid, fixed 16-2/3 percent royalty system began with OCS Sale 36 in the central Gulf of Mexico (GOM) in 1974, and testing has been conducted in a total of 22 OCS lease sales as of December 4, 1981. The following table displays this record of experimentation by bidding system.

Alternative Bidding System	Sale Name, Area, and Date
Royalty Bid, Fixed Cash Bonus	Sale 36, Central GOM, 10/16/74
	Sale CI, Lower Cook Inlet, 10/27/77
Cash Bonus Bid, Fixed 33-1/3% Royalty	Sale 35, Southern California, 12/11/75
	Sale 40, Mid-Atlantic, 8/17/76
	Sale A62, Central GOM, 9/30/80
	Sale 62, Western GOM, 11/18/80
	Sale 53, California, 5/28/81
Cash Bonus Bid, Sliding Scale Royalty 1/	
Sliding Scale Formula 1	Sale 43, South Atlantic, 3/28/78
	Sale 45, Central & Western GOM, 4/25/78
Sliding Scale Formula 2	Sale 65, Eastern GOM, 10/31/78
	Sale 51, Central & Western GOM, 12/19/78
	Sale 48, California, 6/29/79
	Sale 58, Central & Western GOM, 7/31/79
	Sale 58A, Central & Western GOM, 11/27/79
	Sale BF, Beaufort Sea, 12/11/79
Sliding Scale Formula 3	Sale 49, Mid-Atlantic, 2/28/79
	Sale 42, North Atlantic, 12/18/79
Sliding Scale Formula 4	Sale A62, Central GOM, 9/30/80
	Sale 62, Western GOM, 11/18/80
Sliding Scale Formula 5	Sale 55, Gulf of Alaska, 10/21/80
Sliding Scale Formula 6	Sale 53, California, 5/28/81
Cash Bonus Bid, Fixed Net Profit Share 2/	Sale A62, Central GOM, 9/30/80
	Sale 55, Gulf of Alaska, 10/21/80
	Sale 62, Western GOM, 11/18/80
	Sale A66, Central & Western GOM, 7/21/81
	Sale 56, South Atlantic, 8/4/81
	Sale 60, Lower Cook Inlet, 9/29/81
	Sale 66, Central GOM, 10/20/81

1/ The specific formulae cited herein include,
Formula 1 : R = 15.16667 ÷ V,
Formula 2 : R = 10(ln V/2.5),
Formula 3 : R = 9(ln V/2.5),
Formula 4 : R = 13(ln V/3.0),
Formula 5 : R = 9(ln V/3.5),
Formula 6 : R = 11(ln V/3.25),

where V equals the quarterly value of production, adjusted for inflation, in millions of dollars, and R equals the percent royalty that is due and payable on the unadjusted value of production saved, removed, or sold. Also, there are limits for R which are used in each formula. In formula 1, 16-2/3 ≤ R ≤ 50, while in all other formulae, 16-2/3 ≤ R ≤ 65. The symbol "ln" denotes a conversion to natural logarithms.

2/ Sales A62 and 62 provided a capital recovery factor of 1.00, while the design for Sale 55 permitted a 1.50 capital recovery factor. Sales A62 and 62 involved a 30 percent net profit share rate, while Sale 55 fixed a 40 percent rate. Sale A66 provided capital recovery factors (CRF's) ranging from 0.25-1.00, Sale 56 had CRF's of 0.50 and 1.50, Sale 60 had a CRF of 0.75, and Sale 66 had CRF's of 0.25 and 0.50. Sale A66 and 66 had a 50 percent net profit share rate, Sale 56 had profit share rates of 30 and 45 percent, and Sale 60 had a profit share rate of 40 percent.

Some comparative statistics of tract offerings for these 22 sales are as follows:

Bidding System	Tracts Offered	Tracts Bid On		Tracts Leased	
	No.	No.	% Offered	No.	% Offered
Cash Bonus Bid, Fixed 16-2/3% Royalty	2,246	1,096	48.8	995	44.3
Cash Bonus Bid, Fixed 12-1/2 % Royalty	85	38	44.7	33	38.8
Royalty Bid, Fixed Cash Bonus	56	38	67.9	38	67.9
Cash Bonus Bid, Fixed 33-1/3% Royalty	54	47	87.0	41	75.9
Cash Bonus Bid, Sliding Scale Royalty					
Sliding Scale Formula 1	96	50	52.1	41	42.7
Sliding Scale Formula 2	304	172	56.6	163	53.6
Sliding Scale Formula 3	113	64	56.6	58	51.3
Sliding Scale Formula 4	69	50	72.5	38	55.1
Sliding Scale Formula 5	32	3	9.4	3	9.4
Sliding Scale Formula 6	36	22	61.1	19	52.8
Cash Bonus Bid, Fixed					
Net Profit Share	384	157	40.9	139	36.2
TOTAL	3,475	1,737	50.0	1,568	45.1

B. Preliminary Analyses

The results from these tests are currently being analyzed with much attention being devoted to more detailed data disaggregations (e.g., comparisons between bidding system results for individual sales as well as tracts with similar resource, cost, or net worth expectations). Preliminary indications from these detailed analyses, which might not be readily apparent from the aggregate data shown above, suggest that most of the alternative bidding

greatly reduced incentives to explore and develop these tracts. The lessee

from these detailed analyses, which might not be readily apparent from the aggregate data shown above, suggest that most of the alternative bidding systems have produced no statistically meaningful differences in industry competition in comparison to the conventional cash bonus, fixed 16-2/3 percent royalty system. Also, there have been no indications that these alternative bidding systems have resulted in an increased government share of the expected economic returns on tracts leased. The preliminary findings for each bidding system regarding industry competition and effects on exploration, development, and production are further discussed in the following paragraphs. The intention of each of these systems is to increase competition by requiring higher contingency payments and reducing front-end bonuses. No effect on the government share of the expected economic profit has been observed and is not addressed.

1. Royalty Bidding. Of the alternative systems tested by DOI thus far, the royalty bidding system results appear to depict the sharpest contrast to the conventional OCS leasing system. On the surface, significant increases in competition for tracts offered under this system were evident, particularly in Sale 36 which required only nominal bonus payments. However, there are concerns regarding this system, which have resulted in our proposal to discontinue its use. First, the royalty rates submitted by winning bidders in Sales 36 and CI were sufficiently high to make substantial production losses very likely. A high royalty means the minimum economically developable field size must be higher in order for exploration and development to proceed and for marginal fields to be developed. Second, the winner of a royalty bid tract, particularly in the case of only a nominal fixed cash bonus, has little investment at risk compared to other successful bidders under alternative systems for similar tracts. Such risk may be so low that tract owners will have greatly reduced incentives to explore and develop these tracts. The lessee is likely to delay exploration for many reasons, including speculation, or hopes that another developer on a nearby tract will prove or disprove resources of the royalty bid tract. Because the expected losses in production from these effects are likely to be substantial, it is not anticipated that this system will be used in future OCS sales.

2. Fixed 33-1/3% Royalty. Preliminary findings from actual tests indicate that this system may have only modest beneficial effects on competition for OCS leases. Furthermore, simulation analysis has shown that the use of this system for lower valued tracts or for tracts in frontier areas may result in tracts not receiving bids and may yield significant production losses due to the higher royalties. Because of the geologic uncertainty associated with most of the areas to be offered in future OCS lease sales, it is anticipated that the use of this system will be limited to the tracts with lower costs and better resource prospects where higher risk sharing is desirable. At present, we do not wish to test this system in 1982 sales because of the urgent need to avoid production and exploration disincentives.

3. Sliding Scale Royalty. In general, this system has had no significant statistical effect on competition in comparison to the conventional fixed 16-2/3 percent royalty system. This has probably resulted from the conservative specifications of the sliding scale formulae used thus far, in order to reduce potential production effects. Thus, prospective bidders may have assessed a low probability that the majority of tracts offered under this system would produce quantities of oil and gas sufficient to incur a royalty rate higher than the 16-2/3 percent minimum rate. In this case, they would have conceived this system to be identical to the

conventional one-sixth royalty system. Recent OCS sales have incorporated a sliding scale formula which is more aggressive. However, when such a formula is used there is a risk that production may be delayed in order to avoid higher royalty payments. In addition, an aggressive formula reduces the lessee's payoff from exploration if large discoveries are made and thus may dampen investment in exploration. Finally, it is difficult to design a proper schedule given the uncertainty of real price changes which greatly influence effective royalty rates. Thus, it may be advisable to defer further use of this system.

4. Fixed Net Profit Share. Data on tests of this system show no statistically significant effects of this bidding system on industry competition in comparison to the conventional bidding system. It is probable, however, that this result may have been highly influenced by the uncertainty surrounding this new leasing system, which is significantly different from the more common cash bonus, royalty payment combination. Perhaps the most important test result on this system is that the geometric means of bids and high bids submitted for profit share leases were significantly lower than the same variables examined for similar fixed 16-2/3 percent royalty leases. Thus, front-end requirements for firms appear lower. An appropriately defined profit share system may be capable of generating modestly improved production incentives if the lessee is allowed to agre a normal profit before sharing returns with the government. A greater number of tracts may be explored and developed as compared to use of a royalty system since that system entracts payments on production regardless of the costs incurred by lessees. The fixed net profit share system may be preferable especially in frontier areas where large-scale production is necessary to cover the unusually high costs of exploration and development. Fixed net profit share bidding reduces the bidders' risks in areas of high geologic uncertainty and moderate to high tract values. However, such benefits are offset by administrative and accounting burdens on both lessees and the government.

In addition, the determination of the parameters of a fixed profit share bidding system are critical in determining subsequent exploration, development and production strategies. The fixed capital recovery factors which have been used in the past in conjunction with the fixed profit share bidding system present some problem areas because of the ex ante assumptions regarding both a necessary rate of return and the appropriate timing of capital expenditures. Incorrect estimates could result in large revenue losses to the government or companies and could cause large inequities creating misallocations of resources. Therefore, the Department is taking into consideration using an Investment Accounts System in addition to the Fixed Capital Recovery System in its consideration of fixed profit share bidding. It is anticipated that this system will continue to be tested in future OCS offerings, but with important attempts to eliminate the uncertainties previously experienced. In this manner, it is hoped that significant increases in competition and exploration incentives may be realized.

C. Alternative System Plans for Upcoming Sales

There are two additional tests of alternative bidding systems either completed or scheduled. Proposed bidding system designs have been published in the Federal Register as part of each offering's Proposed or Final Notice of Sale. These offerings are as follows:

Sale Name, Area, Expected Date	Number of Tracts by Bidding System
59, Mid-Atlantic, 12/81	Cash Bonus Bid, Fixed 16-2/3% Royalty - 4 Tracts Cash Bonus Bid, Fixed 12-1/2% Royalty - 166 Tracts Cash Bonus Bid, Fixed Profit Share - 83 Tracts
47, GOM, 2/82	Cash Bonus Bid, Fixed 16-2/3% Royalty - 223 Tracts Cash Bonus Bid, Fixed Profit Share - 13 Tracts

Of these bidding systems, the Cash Bonus Bid, Fixed 12-1/2 percent

bidder can increase his chance of obtaining a tract by submitting higher

Of these bidding systems, the Cash Bonus Bid, Fixed 12-1/2 percent royalty system has only been used in one previous OCS sale, Sale 56.

The use of this system has been recommended for certain deep water tracts for Sale 56 and Sale 59. These tracts are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. DOI analyses indicate that the minimum developable discovery on a tract in such deep water areas under a fixed 12-1/2 percent royalty system would be about 14 percent less than for the same tracts under a fixed 16-2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the slightly larger cash bonus bids associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

Of the remaining tests planned for 1981 and early 1982, the Cash Bonus Bid, Fixed Profit Share tests include specific variations in design. These are:

Sale	Formula
59	NPSR = 30%; CRF = 1.50
67	NPSR = 50%; CRF = .50, and NPSR = 40%; CRF = 1.00

These tests will permit a broader analysis on the performance of this system.

C. Untested Systems

The DOE has promulgated regulations on the following alternative systems which have not been tested and are, at present, not planned for future testing.

1. Net Profit Share Bid, Fixed Cash Bonus A possible benefit of this system is the encouragement of competition because of its lower cash bonus, but it may also produce profit share bids that are excessively high. This problem may result from an improperly defined cost recovery feature, and because a bidder can increase his chance of obtaining a tract by submitting higher bids with little financial commitment. At high profit share rates, the incentive to explore is relatively low and should production ensue, it will generally occur at too slow a pace. All of the strengths and weaknesses already discussed on the fixed net profit share system are also applicable to a variable net profit share approach in addition to the problems just mentioned. Finally, if the recovery factor is too high relative to the profit share rate, there may be an incentive for firms to make uneconomical expenditures to take advantage of the recovery feature.

2. Work Commitment Bidding, Fixed Bonus, Fixed Royalty The major goal of experimentation with alternative systems is to encourage increased competition through reduced front-end bonuses. The purpose of this system is to achieve such an improvement in competition by mitigating risk-averse behavior. However, firms must commit an expenditure equal to the estimated cash bonus plus expected exploration costs. Payments would be deferred until costs are expended or until the account is voluntarily closed before the commitment is satisfied.

Another objective of this system is to expedite exploration by permitting credits for actual expenditures and thereby forcing intensive exploration. However, this creates an incentive for firms to waste expenditures to avoid payments to the government. The result would be a serious misallocation of valuable resources. In order to prevent such an outcome Section 8(a) (7)(B) of the OCSLA provides that only 50 percent of qualifying exploration expenditures be included to satisfy the commitment. Despite this provision, our analysis indicates a potential for the drilling of exploratory wells which would not otherwise be economic.

MATRIX OF BASE SYSTEMS

The following example matrix is to serve as a guideline for the selection of bidding systems in each geographic area. A key variable in the determination of the appropriate system is the relevant cost function for the area involved. Exploration, development, and production decisions, as well as bid submission, are based on the relationship of the cost function with respect to an expected revenue profile. The contingency component of the bidding system can be viewed as a direct addition to the cost curve and thus influences the optimal private levels of investment in exploration and development and resulting rates of production. In frontier and deep water areas, costs may be at such extreme levels that substantial resources may go undeveloped if contingency payments are added at the margin. In the more developed and low cost areas, most resources will be developed irrespective of the contingencies since revenues usually allow higher contingencies to be added before production is affected or before the minimal economic field size is increased. In addition, there is some theoretically optimal percentage of profits which may be extracted before production losses are generated. If it is a goal of our bidding system to avoid negative impacts to production, it becomes necessary to design systems which yield the government this optimal fraction of profits. Thus, the analysis must concentrate on cost and revenue functions.

For these reasons we propose a matrix which differentiates bidding systems by generalized cost areas and water depth. After analysis of the comments received, a final guideline may be published if the matrix is deemed to be a useful planning tool.

Example Bidding System Matrix *

Geographic Area+	Water Depth 0-50 meter	50-200 meter	200-400 meter	400+ meter
Central, Western, and Eastern Gulf of Mexico	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 or 1/8 Royalty	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share
Northern and Southern Calif.	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 or 1/8 Roy Fixed Profit Share
Portion of North Atlantic - Northern Georges Bank	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/8 Royalty	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Sh.	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share
Mid, South and North Atlantic (except Northern Georges Bank)	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 or 1/8 Royalty Fixed Profit Sh.	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share
South Alaska (Includes Cook Inlet, Shumagin, Kodiak, Gulf of Alaska)	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/6 or 1/8 Royalty	N/A
N. Aleutian, Navarian, and Norton Basins	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/8 Royalty	Cash Bonus Bid Fixed 1/8 Royalty	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share
Diapir Field	Cash Bonus Bid Fixed 1/6 Royalty	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share	N/A
Barrow Arch & Hope Basin	Cash Bonus Bid Fixed 1/8 Royalty	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share	Cash Bonus Bid Fixed 1/8 Royalty Fixed Profit Share	N/A

* Note: Where the profit share system is listed it may also be used in combination with a fixed royalty (System F in the OCS Lands Act, as amended).

+ These areas correspond to those designated on the July, 1981 Proposed 5-Year OCS Oil and Gas Leasing Schedule.

In addition to water depth, there are several factors which may

approach acceptable? What specific alternative form should a matrix

In addition to water depth, there are several factors which may affect the level of oil and gas exploration, development, and production costs for each OCS area. These include distance to shore, physical field dimensions, production characteristics, quality of oil and gas, geologic surface conditions, and climatic elements. These influences have been considered in the bidding system recommendations shown in the above matrix and included in the analysis wherever possible.

SPECIFIC QUESTIONS

To assist in this determination of policy direction regarding bidding systems, the following questions are presented to all interested persons. Respondents are invited to offer comments on these specific issues, or any other topics germane to bidding systems which may be appropriate to use in future OCS lease sales.

1. Is the publication of a base case matrix useful as a means of informing the public on policy direction?
2. Are there any additional systems not discussed above which should be considered for future sales?
3. As indicated in the bidding system matrix, the bidding systems recommended for use are a function of water depth and location. Is this approach acceptable? What specific alternative form should a matrix follow? Are the specific area and water depth delineations we propose considered adequate to distinguish cost features?
4. What changes should be made to the specific bidding systems proposed in this matrix?
5. Should bidding systems recommended be a function of wildcat, development, or drainage type on a tract-by-tract basis?
6. Our proposal relies upon the continued testing of a fixed net profit share system in high cost areas as a means of promoting exploration and development, without the risk of contingency payments being obligated before costs are recovered. Is this a viable system? What are the administrative costs associated with this system?
7. What profit share parameters are suited to each region?

DATE AND ADDRESS

Information must be submitted by March 5, 1982 to the Assistant Secretary, Land and Water Resources, Attention David Russell, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION

Questions concerning this request should be referred to either Thomas Heidinger on (202) 343-5121 or H. Theodore Heintz on (202) 343-7258.

Garrey E. Carruthers

Assistant Secretary for Land and Water Resources

Certified to be a true copy of the original

Certifying Officer

[FR Doc. 82-1868 Filed 1-25-82; 8:45 am]
BILLING CODE 4310-84-C

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Oil Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed supplemental development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3594, Block 301, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 18, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1859 Filed 1-25-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Aminoil USA, Inc.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3378, Block A–310, High Island Area, offshore Texas. The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 18, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1857 Filed 1-25-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 026, Block 30, West Delta Area, offshore Louisiana. The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those pratices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 18, 1982.

Lowell G. Hammons,

Consevation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1858 Filed 1-25-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[PHX 075476, etc.]

Arizona; Order Providing for Opening of Public Lands

January 18, 1982.

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075476
T. 14 N., R. 12 W.,
Sec. 32.
T. 19 N., R. 20 W.,
Sec. 36, N½, SW¼, NW¼SE¼.
T. 19 N., R. 21 W.,
Sec. 36.

PHX 078045
T. 11 N., R. 15 W.,
Sec. 2.
T. 12 N., R. 17 W.,
Sec. 32.
T. 12 N., R. 15 W.,
Secs. 16, 32 and 36.
T. 12 N., R. 14 W.,
Sec. 2, S½.
T. 12 N., R. 16 W.,
Sec. 16, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 32.
T. 10 N., R. 17 W.,
Sec. 16, excepting land withdrawn for the Colorado River Survey;
Sec. 36.

PHX 079403
T. 16½ N., R. 10 W.,
Sec. 31, Lot 1.

T. 27 N., R. 20 W.,
Sec. 30, Lots 1, 2 and 3.
PHX 079911
T. 19 N., R. 18 W.,
Sec. 36, SW¼, NE¼SE¼.
T. 19 N., R. 18 W.,
Sec. 32, SW¼, W½SE¼.
T. 19 N., R. 21 W.,
Sec. 2.
PHX 080648
T. 16 N., R. 15 W.,
Sec. 3, W½SW¼;
Sec. 15, W½, W½E½;
Sec. 25, W½NW¼;
Secs. 27 and 35.
T. 27 N., R. 20 W.,
Sec. 20, SE¼NW¼, NW¼NE¼.
PHX 080766
T. 22 N., R. 18 W.,
Sec. 31.
T. 23 N., R. 19 W.,
Sec. 5, Lots 2, 3 and 4.
T. 27 N., R. 20 W.,
Sec. 28, E½, SE¼SW¼.
PHX 080849
T. 27 N., R. 20 W.,
Sec. 20, NE¼NE¼, S½NE¼, SE¼;
Sec. 28, NW¼, N½SW¼.
A 4558
T. 5 S., R. 14 E.,
Sec. 18, NE¼SW¼, NW¼SE¼;
N½SE¼SW¼, N½SW¼SE¼.
A 7840
T. 11 S., R. 29 E.,
Sec. 10, NE¼, E½NW¼, E½SE¼;
SW¼NW¼.

The areas described aggregate approximately 12,240 acres in Graham, Mohave, Pinal and Yuma counties.

2. The United States did not acquire the mineral rights on any of the lands described in paragraph 1 with the exception of the lands described under Serial Nos. A 4558 and A 7840.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws. The lands described under Serial No. A 4558 are also opened to mining under the mining laws (Ch. 2, Title 30 U.S.C.) and mineral leasing under the mineral leasing laws. Lands described under Serial No. A 7840 are opened to mineral leasing only. All valid applications received at or prior to March 21, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–1861 Filed 1–25–82; 8:45 am]
BILLING CODE 4310–84–M

[AR 030451]

Arizona; Partial Termination of Segregative Effect of Withdrawal Application

1. Notice of Application, AR 030451, filed by the Corps of Engineers, for the withdrawal and reservation of lands was published as FR Doc. 62–8983 on page 9827 of the issue of September 7, 1962. The application segregated the lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to existing valid claims. The proposed withdrawal was for the construction of the Camelsback Dam and Reservoir. The applicant agency has amended its application to permit mineral leasing under the mineral leasing laws on the following described lands;

Gila and Salt River Meridian, Arizona

T. 5 S., R. 28 E.,
Sec. 36, SE¼.
T. 6 S., R. 28 E.,
Sec. 1, Lots 1 and 2, S½NE¼, W½, SE¼;
Sec. 12, N½NE¼, NW¼, and N½SW¼.
T. 5 S., R. 29 E.,
Sec. 7, W½E½, E½W½, and SW¼NW¼;
Sec. 11, E½NE¼, S½SW¼, SE¼;
Sec. 12, Lot 1, Lots 5 to 16 inclusive, NW¼NW¼, S½NW¼, SW¼, and patented mineral surveys 1029B to 1033B, inclusive;
Sec. 13, NW¼NW¼;
Sec. 14, SW¼NE¼, N½NE¼, W½;
Sec. 15, E½NE¼, S½SW¼, SE¼;
Sec. 16, SE¼SE¼,
Sec. 18, N½, E½SW¼, SE¼;
Sec. 19,W½E½, and E½W½;
Sec. 21, NE¼, E½SW¼, SE¼;
Sec. 22, N½, NW¼SW¼, S½S½;
Sec. 25, Lots 2 and 3, Lots 5 to 16, inclusive, S½NW¼, SW¼;
Sec. 26;
Sec. 27, N½, N½N½SW¼, SE¼;
Sec. 28, N½N½,
Sec. 29, NE¼, S½NW¼, W½SW¼, N½SE¼,
Sec. 30;
Sec. 31, N½NE¼, W½;
Sec. 32, NW¼NW¼;
Sec. 35, N½N½;
Sec. 36, Lots 1 and 2.
T. 6 S., R. 29 E.,
Sec. 6, NW¼, W½SW¼;
Sec. 7, NW¼NW¼.
T. 5 S., R. 30 E.,
Sec. 6, Lots 3 to 6 inclusive, Lots 8, 9, 12, 13, 14, 15, 16, 17, 19, 20, 23 and 24, and Mineral Survey 1654B;
Sec. 7, Lots 1 to 4, inclusive, and NE¼NW¼;
Sec. 30, Lots 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 31, Lot 1, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32, S½NW¼, SW¼;
Sec. 33, SE¼NE¼, S½;
Sec. 34, SW¼NW¼, W½SW¼.
T. 6 S., R. 30 E.,
Sec. 1, Lots 5 to 12 inclusive;
Sec. 2, Lots 1 to 12 inclusive;
Sec. 3, Lots 1 to 7, inclusive;
Sec. 4, Lots 1 to 6, inclusive, the North 9.44 acres of Lot 7, SE¼NW¼, and the Gila River between the meander lines of said lots of secs. 1, 2, 3, and 4.

The areas described contain approximately 12,422 acres in Graham and Greenlee Counties.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2–1(c) the above described lands will be at 10 a.m. on February 28, 1982, relieved of the segregative effect as to mineral leasing. The lands will remain segregated as to mining under the mining laws (Ch. 2, Title 30 U.S.C.).

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–1862 Filed 1–25–82; 8:45 am]
BILLING CODE 4310–84–M

[AR 032143]

Arizona; Termination of Proposed Withdrawal and Reservation of Lands

January 18, 1982.

Notice of application, AR 032143, filed by the Bureau of Land Management, U.S. Department of the Interior, for withdrawal and reservation of lands was published as FR Doc. 62–12317 on Page 12379 of the issue of December 13, 1962. The withdrawal was proposed to establish a townsite to facilitate expansion of the existing community of Parker, Arizona. The applicant agency has cancelled its application in its entirety. The lands involved are described as follows:

Gila and Salt River Meridian, Arizona

T. 9 N., R. 18 W.,
Secs. 6, 7, 18, 19. 30 and 31.
T. 9 N., R. 19 W.,
Secs. 1, 2,
Sec. 3, Lot 7,
Sec. 11, Lots 3, 4, 5, 6, E½, NE¼NW¼,
Secs. 12 and 13,
Sec. 14, Lots 5, 6, 7, 8, E½,
Sec. 22, Lot 5,
Sec. 23, Lots 2, 3, 4, E½, E½W½, SW¼SW¼,
Secs. 24, 25, 26,
Sec. 27, Lots 5, 6, 7, 8, E½SE¼,
Sec. 34, Lots 5, 6, 7, 8, E½NE¼, SW¼NE¼, SE¼,
Secs. 35 and 36.
T. 10 N., R. 18 W.,
Sec. 31, Lots 1, 2, 3, 4, E½.

T. 10 N., R. 9 W.,
Sec. 34, Lots 5, 6, 7, E½E½,
Secs. 35 and 36.

The areas described contain 13,736.37 acres in Yuma County, Arizona.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2–1(c), the lands will be at 10 a.m. on February 26, 1982, relieved of the segregative effect of the above-mentioned application.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–1868 Filed 1–25–82; 8:45 am]

BILLING CODE 4310-84-M

Land Resource Management; Stillwater Lake

January 18, 1982.

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: The Plat of survey of three islands in Stillwater Lake will be officially filed in the Montana State Office, Bureau of Land Management, Billings, Montana, at 8 a.m. on March 29, 1982. The islands are described as follows:

Principal Meridian

T. 32 N., R. 23 W.,
Sec. 20, Lot 8 (1.02 acres), Lot 9 (0.57 acre), and Lot 10 (0.20 acre)

The area described aggregates 1.79 acres.

The subject islands are located in Lower Stillwater Lake northwest of Whitefish, Montana. Lots 8 and 9 have a heavy cover of fir and larch, some lodge pole pine, with alder and willow brush along the shore line. Lot 10 was completely logged by an early day logging operation, leaving numerous stumps and a light cover of alder and willow brush. All three islands are currently under the jurisdiction of the Bureau of Land Management.

At 8 a.m. on March 29, 1982 the survey plat will be officially filed, but the islands will not be opened to the operation of the public land laws or the mining laws pending proposed transfer of jurisdiction to the U.S. Forest Service.

EFFECTIVE DATE: March 29, 1982.

ADDRESS: Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

DATED: January 14, 1982.

Delores M. James,

Chief, Branch of Records and Data Management.

[FR Doc. 82–1855 Filed 1–25–82; 8:45 am]

BILLING CODE 4310-84-M

[M 45993–B (944)]

Land Resource Management; Horseshoe Lake

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: The plat of survey of two islands in Horseshoe Lake will be officially filed in the Montana State Office, Bureau of Land Management, Billings, Montana, at 8 a.m. on March 29, 1982. The islands are described as follows:

Principal Meridian

T. 27 N., R. 28 W.,
Sec. 28, Lot 10 (0.09 acre) and Lot 11 (0.11 acre)

The area described aggregates 0.2 acre.

The subject islands are located southeast of Libby, Montana. Lot 10 has several ponderosa pine and larch trees, with alder and willow brush along the shoreline. The soil is similar to that of the uplands. Lot 11 has several ponderosa pines with a medium cover of smaller pine and douglas fir scattered over the island. There is alder and willow brush along the shoreline, and the soil is also similar to that of the upland. Both islands are currently under the jurisdiction of the Bureau of Land Management.

At 8 a.m. on March 29, 1982 the survey plat will be officially filed, but the islands will not be opened to the operation of the public land laws or the mining laws pending proposed transfer of jurisdiction to the U.S. Forest Service.

EFFECTIVE DATE: March 29, 1982.

ADDRESS: Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Mangement, P.O. Box 30157, Billings, Montana 59107.

Dated: January 14, 1982

Delores M. James,

Chief, Branch of Records and Data Management.

[FR Doc. 82–1850 Filed 1–25–82; 8:45 am]

BILLING CODE 4310-84-M

Scientific Committee of the Outer Continental Shelf (OCS) Advisory Board; Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular A–63 Revised.

The Scientific Committee of the Outer Continental Shelf Advisory Board will meet on February 22–24, 1982. Meetings will begin at 8:00 a.m. each day, and adjourn at 5:00 p.m., except for the 24th when the meeting will adjourn at 11:00 a.m. The meeting will be held in the Congressional Room of the Quality Inn-Capitol Hill Hotel, 415 New Jersey Ave., NW, Washington D.C.

The agenda for the meeting will include the following subjects:

- Peer Review and Publication of Environmental Studies Data.
- Disciplinary Subgourp Activities.
- Discussions with Assistant Secretary, Land and Water Resources.
- Measuring the long-term effects of OCS operations.
- FY 1983 National Study Plan.

The meeting of this committee is open to the public. Approximatley 50 visitors can be accommodated on a first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Piet deWitt, Chief, Branch of Offshore Studies (623) Bureau of Land Management, Washington, D.C. 20240, Telephone: (202) 343–7744.

January 20, 1982.

David C. Russell,

Acting Assistant Secretary of the Interior.

James M. Parker,

Associate Director, Bureau of Land Management.

[FR Doc. 82–1803 Filed 1–25–82; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 82–2]

Twin Falls Livestock Grazing Draft Environmental Impact Statement; DEIS Availability and Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearing on Twin Falls Livestock Grazing DEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed grazing management program for the Twin Falls Planning Unit of the Burley District in southcentral Idaho. The proposal involves changes in initial

stocking rates, implementing improved grazing systems and installation of certain range improvements. Approximately 231,000 acres of public lands are involved. Copies of the draft environmental impact statement are available for inspection at the following locations:

Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318, Telephone: (208) 678–5514
Idaho State Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, ID 83724, Telephone: (208) 384–1770
Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director or the Burley District Manager, Bureau of Land Management, at the above addresses.

Notice is hereby given that the draft environmental impact statement is available for public review and comment. The Department of the Interior invites written comments on the adequacy of the draft statement. Notice is also given that a public hearing will be held at City Council Chambers, Twin Falls City Hall, 321 2nd Avenue East, Twin Falls, Idaho, on Thursday, February 25, 1982, at 7:00 p.m. m.s.t.

DATES: February 25, 1982—Public hearing in Twin Falls; March 26, 1982—Deadline for receiving written testimony.

ADDRESS: Written comments on the Draft EIS should be sent to: Burley District Office, Bureau of Land Management, Attention: Scott Anderson, Magic Resource Area Manager, Route 3, Box 1, Burley, ID 83318.

FOR FURTHER INFORMATION CONTACT: Scott Anderson, Magic Resource Area Manager, or Nick Cozakos, District Manager, Burley district Office, Telephone: (208) 678–5514.

SUPPLEMENTARY INFORMATION: The public hearing will be conducted by the Chief, Division of Resources, Idaho State Office, Bureau of Land Management. Individuals wishing to testify may do so by appearing at the hearing place as previously specified. Persons wishing to give testimony will be limited to ten minutes, with written submissions invited. Prior to giving testimony at the public hearing, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Burley District Manager at the above address.

Dated: January 15, 1982.

Clair Whitlock,

Idaho State Director.

[FR Doc. 82–1807 Filed 1–25–82; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Cape Cod National Seashore, South Wellfleet, Mass.; Availability of Analysis of Water Resource Management Alternatives

SUMMARY: The National Park Service has prepared an Analysis of Water Resource Management Alternatives (with Environmental Assessment) for Cape Cod National Seashore, Massachusetts. This analysis includes a description of National Park Service policies for water resource management alternatives, including an assessment of the environmental impacts of each alternative. With this Notice of Availability, the National Park Service is seeking comments on the Analysis of Water Resource Management Alternatives. These comments will assist the National Park Service in the selection of alternatives and the preparation of a Water Resource Management Plan for Cape Code National Seashore.

Written comments on the Analysis of Water Resource Management Alternatives will be accepted until April 1, 1982. Comments should be directed to: Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663. Copies of the Analysis of Water Resource Management Alternatives may be obtained from the Regional Director, North Atlantic Regional Office, 15 State Street, Boston, Massachusetts 02109, or the Superintendent, Cape Cod National Seashore, South Wellfleet, Masschusetts 02663.

Dated: January 15, 1982.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region.

[FR Doc. 82–1882 Filed 1–25–82; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 16, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by February 10, 1982.

Bruce MacDougal,

Acting Keeper of the National Register.

ALABAMA

Jefferson County

Birmingham, *Downtown Birmingham Historic District,* Roughly bounded by 1st and 3rd Aves., 20th and 25th Sts.
Birmingham, *Fourth Avenue Historic District,* 4th Ave., 17th and 18th Sts.

CALIFORNIA

Alameda County

Oakland, *McCrea House,* 3500 Mountain Blvd.

Humboldt County

Eureka, *Eureka Inn,* 7th and F Sts.

Los Angeles County

Los Angeles, *Golden Gate Theater,* 5170–5188 E. Whittier Blvd.
Malibu vicinity, *Saddle Rock Ranch Pictograph Site (4–LAN–717)*

Napa County

Napa vicinity, *Kreuzer Ranch,* 167 Kreuzer Lane

Riverside County

Palm Springs, *El Mirador Hotel and Tower,* 1150 N. Indian Ave.

San Francisco County

San Francisco, *Saint Paulus Lutheran Church,* 999 Eddy St.

Siskiyou County

Macdoel, *Hotel Macdoel,* Montezuma Ave. and Mt. Shasta St.

CONNECTICUT

Fairfield County

Newtown, *Glover House,* 50 Main St.

Hartford County

Hartford, *Dillon Building,* 69—71 Pratt St.
Hartford, *Houses at 140 and 144 Retreat Avenue*
Hartford, *Isham-Terry House,* 211 High St.

Windham County

Canterbury, *Wheeler, Jonathan, House,* Society Rd.

ILLINOIS

Cook County

Berwyn, *Dunham, Arthur J., House,* 3131 S. Wisconsin Ave.
Chicago, *Old Main Building,* 3235 W. Foster Ave. on North Park College campus
Oak Park, *Masonic Temple Building,* 119—137 N. Oak Park Ave.

Henry County

Galva, *Galva Opera House (Blue Ribbon Temperance Hall)* 334—348 Front St.
Galva, *Johnson, Olof, House,* 408 NW. 4th St.

Kane County

Batavia vicinity, *Stearns-Wadsworth House*, 1 S. 570 Bliss Rd.

Lake County

Lake Forest, *Armour, J. Ogden, House*, 1500 W. Kennedy Rd.

Lee County

Dixon, *Van Epps, William H., House*, 212 S. Ottawa Ave.

Peoria County

Bartonville, *Peoria State Hospital*, 600 Ricketts Ave.

Williamson County

Marion, *Allen, Willis, House*, 514 S. Market St.

INDIANA

Fayette County

Bentonville vicinity, *Lowry, William, House*, Kniese Rd.

Huntington County

Huntington, *Taylor-Zent House*, 715 N. Jefferson St.
Huntington vicinity, *Chief Richardville House and Miami Treaty Grounds*, W of Huntington on U.S. 24 and IN 9/32

Union County

Liberty, *Grave, Dr. John, House and Office*, 23, 25, and 27 S. Market St.

Vanderburgh County

Evansville, *Hose House No. 19*, 119 E. Columbia St.
Evansville, *Schaeffer, Michael, House*, 118 E. Chandler Ave.

KENTUCKY

Jefferson County

Louisville, *Vogt, Henry, Machine Company Shop*, 10th St. and Ormsby Ave.

MAINE

MAINE COMMERCIAL SCHOONERS THEMATIC RESOURCES. Reference—see individual listings under Knox County.

Cumberland County

Portland, *Lancaster Block*, 474 Congress St.
Portland, *Masonic Temple*, 415 Congress St.

Kennebec County

Augusta, *Tappan-Viles House*, 154 State St.
Benton vicinity, Reed, G. W., Travellers Home

Knox County

Camden, *Adventure (schooner) (Maine Commercial Schooners Thematic Resources)*
Camden, *Mattie (schooner) (Maine Commercial Schooners Thematic Resources)*
Camden, *Mercantile (schooner) (Maine Commercial Schooners Thematic Resources)*
Camden, *Roseway (schooner) (Maine Commercial Schooners Thematic Resources)*
Camden, *Taber, Stephen (schooner) (Maine Commercial Schooners Thematic Resources)*
Rockland, *French, Lewis R. (schooner) (Maine Commercial Schooners Thematic Resources)*

Sagadahoc County

Woolwich, *Reed, Robert, House*, ME 128 and Chop Point Rd.

Waldo County

Belfast, *Black Horse Tavern*, Searsport Ave.

Washington County

Calais, *Washburn, George, House*, 318 Main St.

York County

North Berwick, *Hobbs, Thomas, Jr., House*, Wells St.

MINNESOTA

Benton County

St. Cloud, *Ice Service Company Building*, Burlington Northern RR and 3rd Ave.
Sauk Rapids, *Wippich's Rock Garden*, 3rd Ave. North and 6th St., North

Pope County

Glenwood vicinity, *Sunset Beach Hotel*, SR 17
Sedan vicinity, *Iverson, Urjans, Cabin*, Off MN 104

Stearns County

St. Cloud, *Bensen, John N., House*, 402 6th Ave., South
St. Cloud, *Pan Motor Company Office and Sheet Metal Works*, 435—437 33rd Ave. North
Sauk Centre, *Palmer House Hotel*, 500 Sinclair Lewis Ave.

MONTANA

Custer County

Miles City, *Miles, George M., House*, 28 S. Lake St.

NEBRASKA

Dodge County

Millard vicinity, *Ehlers, Hans, Farmstead*, W of Millard

OHIO

Summit County

Peninsula vicinity, *Stanford, George, Farm*, 6093 Stanford Rd.

OKLAHOMA

Rogers County

Claremore, *Eastern University Preparatory School*, College Hill
Claremore, *Meyer, Maurice, Barracks*, College Hill

UTAH

Davis County

West Layton, *Layton, John Henry, House*, 683 W. Gentile St.

Iron County

Cedar City, *Hunter, Joseph S., House*, 86 E. Center St.

San Juan County

Bluff, *Nielson, Jens, House*, Off UT 47

[FR Doc. 82-1861 Filed 1-25-82; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-DES 81-43]

Chikaskia Project—Kansas-Oklahoma; Extension of Review and Comment Period

Pursuant to a request from the Governor of the State of Kansas, the Commissioner of Reclamation has extended the review and comment period for the draft environmental statement on the Chikaskia Project, Kansas-Oklahoma. The Governor requested a 90-day extension in order that the newly appointed Kansas Water Office Director may be afforded time to review the draft statement and review the comments of the other State agencies. This extension of time is granted to anyone who wishes to comment during this time period. The draft statement presents alternatives for meeting municipal and industrial water needs of the city of Wichita and the surrounding area. Corbin dam and reservoir is recommended as the most viable alternative. The dam would be located on the Chikaskia River in Sumner County, about 5 miles northeast of Caldwell, Kansas. The closing date for receiving comments is extended from December 31, 1981, to March 31, 1982.

Comments should be sent to: Regional Director, Bureau of Reclamation, Department of the Interior, 714 South Tyler Street, Suite 201, Amarillo, Texas 79101, Telephone: (806)–378–5477.

Dated: January 20, 1982.

Eugene Hinds,

Assistant Commissioner.

[FR Doc. 82-1865 Filed 1-25-82; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: January 20, 1982.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.1-percent surcharge for United Parcel Service, the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 6.7-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. January 22, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

APPENDIX—FUEL SURCHARGE

Base date and price per gallon (including tax)

Jan. 18, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

Jan. 18, 1982 ..... 131.2¢

	Transportation performed by—			
	Owner-Operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	15.9	2.9	6.3	3.3
Percent surcharge developed	18.0	3.1	6.7	[3] 2.9
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 6-percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 18, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 82-1724 Filed 1-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-332]

Motor Carriers; Permanent Authority Decisions; Decision-Notice; Correction

Decided: December 29, 1981.

The following volume was incorrectly published on January 8, 1982 (47 FR 1044) under the fitness guidelines, and is being republished this issue to reflect that the following applications fall under the non-fitness standards.

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 38591 (Sub-3), filed December 17, 1981. Applicant: NATIONWIDE MOVING & STORAGE CO., INC., 100 Peters Road, Bloomfield, CT 06002. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510 (203) 787-1288.

MC 39491 (Sub-18), filed December 2, 1981. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482-0881.

MC 113271 (Sub-84), filed December 18, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Patrick W. Rice, P.O. Box 2844, Great Falls, MT 59403, (406) 727-7500.

MC 116101 (Sub-15), filed December 21, 1981. Applicant: QUICK AIR FREIGHT, INC., Cargo Bldg., Columbus International Airport, Columbus, OH 43219. Representative: Russell S. Bernhard, 1625 K St. NW., Washington, DC 20006, (202) 393-3390.

MC 120080 (Sub-7), filed December 18, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Dr., Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, (405) 348-7700.

MC 121171 (Sub-2), filed December 18, 1981. Applicant: WILLIAMS TRANSPORTATION, INC., 1925 East Vernon Avenue, Los Angeles, CA 90058. Representative: Robert L. Cope, 1730 M St. NW., Suite 501, Washington, DC 20036.

MC 123490 (Sub-18), filed December 15, 1981. Applicant: CHIP CARRIERS INCORPORATED, 11218 Elm St.,

Omaha, NE 68144. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900.

MC 124170 (Sub-193), filed December 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900.

MC 124170 (Sub-194), filed December 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900.

MC 140950 (Sub-5), filed December 22, 1981. Applicant: BROOKVILLE TRANSPORT, LTD., 1170 Old Rothesay, Rd., St. John, New Brunswick, Canada. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651.

MC 143741 (Sub-1), filed December 15, 1981. Applicant: WILLIAMS BROTHERS TRUCKING, INC., P.O. Box 188, Hazelhurst, GA 31539. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320.

MC 147020 (Sub-4), filed December 21, 1981. Applicant: NORTHWESTERN TRADING COMPANY, INC., Route 4, Box 116B, Milton-Freewater, OR 97863. Representative: M. C. Risser, Suite 501, 1410 S.W. Morrison St., Portland, OR 97205, (503) 222–9261.

MC 147821 (Sub-2), filed December 14, 1981. Applicant: JOEL OLSON TRUCKING, INC., P.O. Box 837, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755.

MC 148021, filed December 21, 1981. Applicant: TRUXILLO DELIVERY SERVICE, INC., 364 Hord St., Harahan, LA 70123. Representative: Michael Truxillo, 2221 Pasadena St., Metairie, LA 70001, (504) 454–3332.

MC 151450 (Sub-2), filed December 14, 1981. Applicant: JOE GILBERT GONZALES, P.O. Box 93, Dixon, NM 82527. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856.

MC 151471 (Sub-13), filed December 21, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856.

MC 152730 (Sub-14), filed December 21, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, County Road 300 South, Hartford City, IN 47348. Representative: Larry Garrett, P.O. Box 349, County Road 300 South, Hartford City, IN 47348, (317) 348–0051.

MC 153560 (Sub-1), filed December 14, 1981. Applicant: AGRICULTURAL CARRIERS, INC., P.O. Box 13081, Wichita, KS 67213. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856.

MC 154170 (Sub-1), filed December 22, 1981. Applicant: BUNYON TRUCKING COMPANY, INC., 6500 Mt. Zion Blvd., Morrow, GA 30260. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30260, (404) 262–7855.

MC 156611 (Sub-1), filed December 18, 1981. Applicant: FOOD TRANSPORT, INC., 614 W. Sycamore St., P.O. Box 446, Fayetteville, AR 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701, (501) 443–3257.

MC 157400 (Sub-2), filed December 7, 1981. Applicant: W. N. PHELPS DRAYAGE, INC., 2109 Angelica Street, St. Louis, MO 63133. Representative: Austin C. Knetzger, 214 No. Clay, Kirkwood, MO 63122, (314) 821–4616.

MC 159720, filed December 14, 1981. Applicant: JORASON TRANSPORT CORP., Municipal Pier, Providence, RI 02905. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530.

MC 159791, filed December 21, 1981. Applicant: ENGLER AUTOMOTIVES, INC., P.O. Box 223, Wind Gap, PA 18091. Representative: Stanley S. Engler, 592 Getz Rd., Pen Argyl, PA 18072, (215) 759–5943.

MC 159801, filed December 21, 1981. Applicant: LARRY D. SMITH, P.O. Box 285, Marshville, NC 28103. Representative: Judy E. Smith, P.O. Box 285, Marshville, NC 28103, (704) 847–8804.

MC 159821, filed December 21, 1981. Applicant: ALLAN L. BLACKBURN, d.b.a. A & B TRUCKING, 343 Schneiders Lane, Elkton, MD 21921. Representative: Allan L. Blackburn, 343 Schneiders Lane, Elkton, MD 21921, (301) 398–8687.

[FR Doc. 82-1720 Filed 1-25-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC FC–79494. By Decision of December 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number approved the transfer to Perry Motor Freight, Inc. of Certificate No. MC-147677 (Sub-No. 2F and 3) issued April 22 and September 22, to J&L Truck Lines, Inc. 1981, respectively authorizing the transportation over regular routes of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Odessa, TX and Artesia, NM, serving all intermediate points in New Mexico, including the off-route points of Monument and Oil Center, NM: from Odessa over U.S. Hwy 385 to Andrews, TX, then over Texas Hwy 176 to junction New Mexico Hwy

18, then over New Mexico Hwy 18 to junction Hwy 82, then over U.S. Hwy 82 to Artesia, and return over the same route, and (2) between Odessa, TX and Artesia, NM, serving all intermediate points in New Mexico; from Odessa over Texas Hwy 302 to junction Texas Hwy 18; then over Texas Hwy 18 to junction U.S. Hwys 62 and 180 then over U.S. Hwys 62 and 180 to junction U.S. Hwy 285, then over U.S. Hwy 285 to Artesia, and return over the same route; (3) betweem Dallas and Odessa, TX, over Interstate Hwy 20, serving no intermediate points, (4) between Lovington and Roswell, NM: from Lovington over New Mexico Hwy 18 to junction U.S. Hwy 380, then over U.S. Hwy 380 to Roswell, and return over the same route, serving all intermediate points, (5) between Roswell and Artesia, NM, over U.S. Hwys 285 and Alternate 285, serving all intermediate points, (6) between Carlsbad and Whites City, NM, over combined U.S. Hwy 62 and 180, serving all intermediate points, and (7) between Whites City and Malaga, NM,: from Whites City over combined U.S. Hwys 62 and 180 to junction New Mexico Hwy 396, then over New Mexico 396 to Malaga, and return over the same route, serving all intermediate points. Applicants' representative: G. William Fowler, 115 West Fifth Street, Odessa, TX 79761.

MC FC–79027. By decision of January 1, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Fast Food Transport, Inc. of Certificate No. MC-142048 (Sub No. 4 and 10) and Permit No. MC-13499 and MC-13499 (Sub-Nos. 3 and 5) to issued to Pacific Transportation Lines, Inc. authorizing the transportation of such *merchandise as is dealt in by wholeside retail and chain grocery and food business houses, and equipment, materials and supplies as used in the conduct of such business* bounded by a line beginning at Buffalo, NY and extending to Erie, PA, then to certain areas in Western New York and Eastern Pennsylvania; and (2) from the facilities of Great Atlantic and Pacific Tea Company at Horseheads, NY to various counties in Eastern Pennsylvania, and (3) between the plantsite of Welch Foods, Inc. at North East and Erie, PA on the one hand, and on the other, points in New York (except New York, NY) *Frozen Foods* from Solon, OH to Cleveland, OH to Syracuse, NY, *Frozen foods* from Syracuse, NY to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Subject to the following conditions: Applicants' representative: William J. Hirsch, 1125 Conventions Tower, 43 Court Street, Buffalo, NY 14202.

Note.—These authorites are subject to certain restrictions.

MC FC–79536. By decision of January 5, 1982, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Safe Express of San Jose, CA of Certificate of Registration No. MC-121710 issued 9/7/73, to Dynamic Freight Corporation of Oakland, CA evidencing a right to engage in transportation in interstate commerce corresponding in scope to state certificate No. 81494 dated 6/19/73 issued by the Public Utilities Commission of the State of California. The Certificate authorizes the movement of general commodities (with exceptions) between points in CA which are located in the San Francisco Territory as described in the Certificate's Appendix. Subject to the following condition: Transferee shall, prior to or concurrently with consummation of this transaction, furnish to the Commission a certified copy of the California certificate as reissued to it, or if the Public Utilities Commission of the State of California does not reissue the certificate, a certified copy of the order which approves the transfer of the California intrastate certificate, together with a statement in writing confirming the date of consummation of the intrastate transaction. Applicant's representative is: Victoria A. Oldberg, 2510 Channing Ave., San Jose, CA 95131.

MC–FC–79541. By decision of January 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Allied International Trucking Co., Inc. of Everett, MA of Certificate No. MC–150618 and Sub 2 issued to Avion Transport, Inc. of Nashua, NH authorizing the transportation of (A)(1) paper, paper products, copying machines, inks, tapes and computer machine parts (except in bulk), and (2) materials equipment and supplies used in the manufacture and distribution of the commodities in (1) (except in bulk), between points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the facilities of Nashua Corporation and (B)(1) general commodities (except classes A and B explosives), between points in MA, NH, and RI on the one hand, and, on the other points in the United States, (2) pet products and pet supplies between points in Winnebago County, IL, on the one hand, and, on the other, points in the United States. Applicant's representative: Raymond Keigher, 400 E. Jefferson St., Ste. 102, Rockville, MD 20850. TA lease is not sought. Transferee is a carrier.

MC–FC–79542. By decision of January 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Mohawk Moving & Storage Corp. of Schenectady, NY of Certificate No. MC–76462 issued to Cook Moving & Storage, Inc. of Schenectady, NY authorizing household goods as defined by the Commission, between Schenectady, NY and points within 35 miles of Schenectady, on the one hand, and, on the other, points in VT, MA, CT, RI, NH, NY, NJ, PA, MD, OH, and the DC. Representative: James Dunbar, 450 Duane Ave., Schenectady, NY 12303. TA lease is not sought. Transferee is not a carrier.

MC–FC–79545. By decision of December 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to CALIFORNIA–NEVADA GOLDEN TOURS, d/b/a/ SUNWEST COUNTRY—BETTY'S TOURS, INC., of Reno, NV of License No. MC–130133, issued March 20, 1981, to BETTY'S TOURS, INC., of San Francisco, CA, authorizing the transportation, as a *broker*, at San Francisco, Oakland, Fresno, Payward, San Jose, Los Angeles, Palo Alto, Redwood City, Sacramento, San Diego, San Mateo, Walnut Creek, Lafayette, Concord, San Rosa, Stockton, Vallejo, Santa Ana, Corona, San Bernardino, and Long Beach, CA, in arranging for the transportation of *passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in CA and extending to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Representative: Irwin J. Borof, 2133 San Pablo Avenue, Oakland, CA 94612.

Notes.—TA has not been filed. Transferee is a non-carrier which is affiliated with motor carriers: Peerless Stages, Inc. (MC–66505) and Gray Line Scenic Tours (MC–106170).

MC–FC–79550. By decision of 1/7/82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Golden West Express, Inc., a non-carrier of Certificate No. MC–145608(5X) and 145608(7) issued August 13, and October 14, 1981 respectively, to Henry Johnson, Inc., in MC–145608 5(X) authorizing operation as a common

carrier transporting food and related products between Chicago and Carol Stream, IL and Moultree County, IL and Davenport, IA, on the one hand, and, on the other, Washoe County, NV between Washoe County, NV, on the one hand, and, on the other, points in AZ, CA, ID, MT, OR, UT, and WA. In MC–145608(7) authorizing operation as a common carrier transporting Confectionery and related advertising and display items from the facilities of E.J. Branch & Sons, Inc., at Chicago, Sullivan and Carol Stream, IL and Davenport, IA to the holders of E.J. Branch & Sons, Inc. at Reno, NV. TA application has been filed. Applicant's representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Anotta, NE 68114.

MC–FC–79527. By decision of December 29, 1981, Review Board No. 3 approved the transfer to Russell Transport, Inc., of Ft. Collins, CO of a portion of Certificate No. MC–51489 Sub 1 issued to Boyd L. Collins, dba Boyd's Hotshot Service, of Commerce City, CO authorizing: Machinery and transportation equipment, Between Denver, CO, on the one hand, and, on the other, points in SD, NE, and in Albany, Laramie, Platte, Goshen, Natrona, Converse, Niobrara, Johnson, Campbell, Weston and Crook Counties, WY. Representative: Charles M. Williams, Capitol Life Center, Suite 665, 1600 Sherman St., Denver, CO 80203.

MC–FC–79528. By decision of December 28, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to VENTURA TRANSPORTATION, INC., of Quebec, Canada, of Certificate Nos. MC–66512 and MC–66512 (Sub-Nos. 7, 8, 9, 10, and 12), issued to P & G MOTOR FREIGHT, INCORPORATED, of South Windsor, CT, authorizing the transportation of *general commodities* (with exceptions), over various regular and irregular routes, between points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA; and *specified commodities* such as paper and paper products, wool and silk waste, nursery stock, silk and silk products, machinery, dyes and chemicals, and paint and paint material, between points in CT, NY, NJ, and MA. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC–FC–79532. By decision of December 28, 1981, issued under 49 CFR 1132, Review Board Number 3 approved the transfer to JOHN J. BRANDT MOVING & STORAGE, of Lebanon, PA, of Certificate Nos. MC–1 7868 and MC–17868 (Sub-Nos. 5 and 7G), issued to H. E. BRINKERHOFF AND SONS TRANSPORTATION CO. (Charles J. DeHart, III, Trustee in Bankruptcy), authorizing the transportation of *household goods*, as defined by the Commission, between specified points in AL, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MA, MD, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV,and DC, and *wardrobes, cabinets, and tables*, uncrated, from Littlestown, Adams County, PA, to points in ME, NH, VT, MA, CT, RI, DE, NY, NJ, MD, VA, WV, NC, SC, KY, TN, GA, FL, OH, IL, IA, MI, AL, LA, MO, TX, and DC. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101.

Notes.—TA has not been filed. Transferee is not a carrier. Transfer of GT–887–80 is not approved. Certificates issued in accordance with Ex Parte No. MC–107, *Transportation of Government Traffic*, 131 M.C.C. 845, 870 (1979) are not transferable by sale or otherwise.

MC–79538. By decision of January 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Betty A. Thompson d.b.a. Thompson Motor Freight of Certificate No. MC–40994 issued to Harlan H. Thompson d.b.a Thompson Motor Freight authorizing *general commodities*, except those of unusual value, and Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment. Between Mason City, IA, and the jct. of unnumbered IA Hwy and MN Hwy 22, at the IA–MN State Line; from Mason City over U.S. Hwy 18 to jct. unnumbered hwy, then over unnumbered hwy via Hanlantown, IA to Fertile, IA, then over IA Hwy 9 to jct. unnumbered hwy, then over unnumbered hwy via Joice, IA, to jct. IA Hwy 105 to Lake Mills, IA, then over unnumbered hwy, via Scarville, IA, to jct. MN Hwy 22, at the IA-MN State line, and return over the same route, serving the intermediate and off-route points of Hanlontown, Fertile, Joice, Lake Mills, Scarville, and Vinge, IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1887 Filed 1–25–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

January 20, 1982.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43955, H. H. Kirchoff, Agent (No. 7), reduced rates on beet or cane sugar, from Bingham, East Grand Forks, and Wilds, MN; and Wahpeton, Drayton, and Redco, ND to Wheeling, IL, for account Burlington Northern Railroad Company, in Supplement 96 to its Tariff ICC KHH 3605–R, effective January 19, 1982. Grounds for Relief—market competition and rate relationships. This application was received by the Commission's Suspension Board on January 15, 1982. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of January 18, 1982, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and O'Malley, concluded to grant the requested relief in 111th Supplemental Long-And-Short-Haul Order No. 17508, subject to the proviso that the authority will expire 45 days' from January 18, 1982. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1886 Filed 1–25–82; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Vol. No. 7]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall address specifically the issue(s) indicated as the purpose for republication.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 157200 (republication), filed July 17, 1981, published in the **Federal Register** of September 10, 1981, and republished this issue. Applicant: ALL-SEASON ENTERPRISES, INC., 769 Fifth Avenue, Brooklyn, NY 11232. Representative: Brian S. Stern, North

Springfield Professional Center II, 5411–D Backlick Rd., Springfield, VA 22151. A decision by the Commission, Review Board #3, decided December 7, 1981, served January 13, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by grocery stores and food business houses, hardware, discount, and department stores, between Boston, MA, Cleveland, OH, Fairless Hills, PA, and points in Frederick County, MD, Chester County, PA, Pulaski County, KY, Tucker County, WV, Orange County, IN, and Hudson, Union, Ocean, Bergen, Passaic, and Middlesex Counties, NJ, on the one hand, and, on the other, those points in the United States in, east, and north of Michigan, Indiana, Kentucky, and Virginia, and (2) *pulp, paper, and related products, plastic products, and containers and closures*, between Chicago, IL, Baltimore, MD, Boston, MA, Brunswick, NJ, Fairport, NJ, Geneva, NJ, Cleveland, OH, Philadelphia, PA, Shelbyville, SC, Milwaukee, WI, and points in Fairfield County, CT, Lake, Kane, Cook, and Vermilion Counties, IL, Fayette County, KY, Cumberland County, ME, Worcester County, MA, Middlesex, Bergen, Hudson, and Warren Counties, NJ, Lucas County, OH, Franklin, Northampton, Dauphin, and Cumberland Counties, PA, Darlington County, SC, and Ashland, Brown, Marathon and Winnebago Counties, WI, on the one hand, and, on the other, those points in the United States in, east, and north of Wisconsin, Illinois, Kentucky, Tennessee, North Carolina, and South Carolina. Applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted broader authority.

[FR Doc. 82–1668 Filed 1–25–82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

January 21, 1982.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

FSA 43954: Southwestern Freight Bureau, carload rates on cottonseed hulls, and kindred and related articles, between Stations in Southwestern Territory, including Mississippi River Crossings Memphis, TN., and South, also between points in Southwestern Territory, on the one hand, and stations in Illinois and Western Trunk Line Territory, on the other hand, and only for the accounts of ATSF and/or TPW., in Tariff ICC SWFB 4450, to become effective February 10, 1982.

Grounds for relief: Origin rate relationship.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1721 Filed 1–25–82; 8:45 am]
BILLING CODE 7215-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79460. By decision of December 28, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ARK CITY EXPRESS, INC., of Arkansas City, KS, of Certificate No. MC–57393 (Sub-No. 2) and a portion of Certificate No. MC–57393 (Sub-No. 7), issued to WINTERS TRUCK LINE, INC., of Wichita, KS, which authorize the transportation, as a motor common carrier, over regular routes, of *general commodities*, (with the usual exceptions), as follows: (Sub-2) (a) between Wichita and Ashland, KS, serving all intermediate points and the off-route point of Buttermilk, KS: from Wichita over U.S. Hwy 81 to Wellington, KS, then over U.S. Hwy 160 to Harper, KS, then over KS Hwy 14 to Anthony, KS, then return over KS Hwy 14 to junction U.S. Hwy 160, and then over U.S. Hwy 160 to Ashland, and return over the same route; and between Anthony and Hardtner, KS, over KS Hwy 14, serving the intermediate points of Hazelton and Kiowa, KS, restricted against service to points in the Kiowa and Hardtner commercial zones which are outside the State of KS; and (Sub-7) (a) between Wichita and Wellington, KS, over U.S. Hwy 81, and (b) between Wellington and Ashland, KS, over U.S. Hwy 160, and (c) between Harper and Anthony, KS, over KS Hwy 14, serving all intermediate points in (a), (b), and (c) above. Representative: Charles J. Kimball, 655 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203.

Notes.—TA has been filed. Transferee is authorized to operate as a motor common carrier under MC–121625.

MC–FC–79490. By decision of December 28, 1981, issued under the Transfer Rules at 49 U.S.C. 10926 and 49 CFR 1132, Review Board Number 3 approved the transfer to SAN RAFAEL TRUCK LINE, of Phoenix, AZ, of a portion of Certificate No. MC–127602 (Sub-No. 30)X, issued to DENVER-MIDWEST MOTOR FREIGHT, INC., of Litchfield Park, AZ, which authorizes the transportation, as a motor common carrier, over regular routes, of *general commodities* (except classes A and B explosives), as follows: Paragraph No. 49, between Grand Junction, CO, and Denver, CO, over Interstate Hwy 70; and

Paragraph No. 72, between Phoenix, AZ, and Grand Junction, CO, serving all intermediate points: from Phoenix over AZ Hwy 79 (Interstate Hwy 17) to Flagstaff, AZ, then over US Hwy 89 to junction US Hwy 160, then over US Hwy 160 to Durango, CO, then over US Hwy 550 to Montrose, CO, and then over US Hwy 50 to Grand Junction, and return over the same route. Representatives: William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110; and Brian K. Ridenour, 1200 N Street, 500 The Atrium, P.O. Box 82028, Lincoln NE 68501.

Notes.—TA has been filed. Transferee is not a motor carrier.

MC–FC–79509. By decision of January 4, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., INC. (formerly MTS, Inc.) of Permit No. MC–116282 and sub numbers 11, 12, 16, 19, 20, 22, 24, and 29 thereunder issued to NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., INC. (now known as N.I.F. Corp.) authorizing: Bakery products and containers within various specified points in CT, MA, ME, NH, NJ, NY, RI and VT under continuing contract(s) with: MC 116282 Drake's Bakeries, Inc., Roxbury, MA, Continental Baking Company, Rye, NY, Berwick Cake Company, Boston, MA, Drake Bakeries Divisions of the Borden Company, Boston, MA, Drake Bakeries Division of the Borden Company, New York, NY, Lonsdale Bakery Co., Lincoln, RI, Drake's Bakeries, Inc., Boston, MA. Sub No. 11—Leo's Bakery, Inc., Woonsocket, RI. Sub No. 12—Jenny Lee Bakery Division of Elm Farm Foods Co., Lynn, MA. Sub No. 16—Pepperidge Farm, Inc., Norwalk, CT. Sub No. 19—Pepperidge Farm, Inc., Norwalk, CT. Sub No. 20—Borden, Inc., New York, NY. Sub No. 22—Drakes Bakeries, Food Division, Borden, Inc., Wayne, NJ, Pepperidge Farm, Inc., Norwalk, CT, Arnold Bakers, Inc., Greenwich, CT. Sub No. 24—Karnes Kitchens, Ltd., Woodstock, New Brunswick, Canada. Sub No. 29—F. R. Legape Bakery, Inc., Auburn, ME, Karnes Kitchen, Ltd., Woodstock, New Brunswick, Canada, S. B. Thomas, Inc., Totowa, NJ. Representative: John E. Hess, Eaton, Peabody, Bradford & Veague, P.O. Box 1210, Bangor, ME 04401. TA lease is sought. Transferee is not a carrier.

MC–FC–79514. (Republication) (previously published in the Federal Register on December 17, 1981) By decision of December 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board number 3 approved the transfer to GLOBAL FORWARDING, INC., A DELAWARE CORPORATION, of Permit No. FF–350 (Sub–No. 1), issued September 15, 1977, to GLOBAL FORWARDING, INC., A CALIFORNIA CORPORATION, authorizing the transportation of (a) *used household goods and unaccompanied baggage and (b) automobiles,* between points in the United States (including HI and AK), restricted in (b) above to the transportation of export-import traffic. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006.

Notes.—TA has not been filed. Transferee is not a carrier, but is a wholly-owned subsidiary of transferor. Transferor is a subsidiary of Global Van Lines, Inc., a motor carrier under MC–41096. The purpose of this republication is to correctly identify Transferee as a Delaware Corporation—not a Texas Corporation.

MC–FC–79537. By decision of December 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to SOUTHERN KENTUCKY BUS LINES, INC., of Rockfield, KY, of Certificate No. MC–153247, issued to BOWLING GREEN ALL SPORTS, INCORPORATED, of Bowling Green, KY, authorizing the transportation of *passengers and their baggage,* in charter operations, between points in Allen, Barren, Butler, Simpson, and Warren Counties, KY, on the one hand, and, on the other, points in the United States (except HI). Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79539. By decision of December 29, 1981 Review Board No. 3 approved the transfer to Maria Freight Ltd., of Lake Orion, MI, of Certificate No. MC–149146 Sub 2 issued to Stoney's Express, Inc., of Pontiac, MI authorizing: Automobile parts and accessories, between Detroit, MI, on the one hand, and, on the other, the facilities of Ford Motor Company at Louisville, KY. Representative: Alex J. Miller, 555 S Woodward, Suite 512, Birmingham, MI 48011.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79549. By decision of January 5, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to R. G. HOBELMAN & COMPANY, INC., of Baltimore, MD, of License No. MC–130707 issued to FREIGHT TRANSPORTATION SERVICES, INC., of Baltimore, MD, to engage in operations, as a *broker,* arranging for the transportation of *general commodities,* (except household goods), between all points in the United States. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79551. By decision of January 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Robin Transport, Inc. which seeks to purchase a portion of Robinson Cartage Company's Certificate No. MC–107103 (Sub No. 28X) authorizing (1) *Clay, concrete, glass or stone products, lumber and wood products, metal products, and pulp, paper and related products,* between points in Chippewa County, MI, on the one hand, and, on the other, points in the United States, and (2) *Forest products* and lumber and wood products, between the ports of entry on the International Boundary line between the United States and Canada in Michigan, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Ohio, Wisconsin, and Minnesota. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226.

Notes.—TA application has not been filed. Transferee is not a carrier.

MC–FC–79552. By decision January 4, 1982 Review Board 3 approved the transfer to Eact Coast Trucks Lines, Inc., of Columbia, SC, of Permit No. MC–143161 Subs 2, 3, and 4 issued to Beverage Transport, Inc., of Columbia, SC, authorizing: a beverage and bottle service under contract with Carolina Carriers South, Inc., Carolina Carriers, Inc., and Carolina Packaging, Inc. from or between facilities in Lexington County and Cheraw, SC, and (radially) various named states. Representative: Raymond P. Rivers, 1130 Bluff Rd, Columbia, SC 29201. TA lease is sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1723 Filed 1–25–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume OP 4–Vol. 1

Decided: January 18, 1982.

By the Commission Review Board No. 2 Members Carleton, Fisher & Williams.

MC 159947, filed January 4, 1982. Applicant: SUNSHINE BROKERAGE, INC., 4415 W. Harrison St., Suite 322, Hillside, IL 60162. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159996, filed January 7, 1982. Applicant: M. McNAMA, INC., P.O. Box 5243, Salinas, CA 93915. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume OP 4–12

Decided: January 11, 1982.

By the Commission, Review Board No. 2, Members Carleton Fisher, and Williams.

MC 1936 (Sub-53), filed January 4, 1982. Applicant: B & P MOTOR EXPRESS COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159936, filed January 4, 1982. Applicant: MIKE LAURENT, d.b.a. M & D TRUCKING, 6903 Chinook Dr., Yakima, WA 98908. Representative: Mike Laurent (same address as applicant), (509) 966–4180. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159956, filed January 4, 1982. Applicant: JAMES J. BOYLE & CO., 529 Commercial St., San Francisco, CA 94111. Representative: Tsutomu Kozuka, 1500 S.W. First Ave., #320, Portland, OR 97201, (503) 221–0909. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume OP5–09

Decided: January 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 152229 (Sub-9), filed December 29, 1981. Applicant: SALINAS MOTOR EXPRESS, INC., P.O. Box 177, Salinas, CA 93902. Representative: Ben Ryburn (same address as applicant), 408–757–2991. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152838 (Sub-1), filed December 21, 1981. Applicant: MALISSA COMPANY INCORPORATED, 1112 Haynes Drive, P.O. Box 2502, Leesville, LA 71446. Representative: Marvin E. Haynes (same address as applicant), (318) 239–9561. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense between points in the U.S., and (4) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 159908, filed December 29, 1981. Applicant: FREDERICK J. VERCHOT, d.b.a. A-TRUCK SERVICE, P.O. Box 1706, Oneco, FL 33558. Representative: Susan Nichols, P.O. Drawer 17308, Pensacola, FL 32522, 800–874–1558. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume OP–5–11

Decided: January 18, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 149608 (Sub-4), filed January 5, 1982. Applicant: REBEL EXPRESS COMPANY, 6241 North Dixie Highway,

Fort Lauderdale, FL 33334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159939, filed January 5, 1982. Applicant: GLENN L. & ROBERT G. MORLAN, d.b.a. MORLAN TRUCKING, Rt. 2, Box 76, Moses Lake, WA 98837. Representative: Glenn L. Morlan (same address as applicant), (509) 765–7288. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159949, filed January 5, 1982. Applicant: RUSSELL R. WILSON, d.b.a. COLSTRIP COMMUTER SERVICE, 136 Moore Lane #6, Billings, MT 59104–1241. Representative: Russell R. Wilson (same address as applicant), 406–245–5002.Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Billings and Colstrip, MT on the one hand, and, on the other, points in the U.S.

Volume No. OP–5–14

Decided: January 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 71718 (Sub-5), filed January 5, 1982. Applicant: SPOKANE TRANSFER & STORAGE CO., North 117 Napa, Spokane, WA 99202. Representative: Dale D. Ross (same address as applicant), (509) 535–7636. Transporting *Used household goods* for the account of the United States Government incident to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159999, filed January 7, 1982. Applicant: DONALD G. OSTRANDER, 2629 SE 166th Ave., Portland, OR 97236. Representative: Donald G. Ostrander (same address as above), (503) 760–1116. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* between points in the U.S.

Volume OP2–12

Decided: January 12, 1982.

By the Commission, Review Board No. 1 Members, Parker, Chandler and Fortier.

MC 155993 (Sub-2), filed January 4, 1982. Applicant: ISIS LEASING CORPORATION, 5800 Stilwell, Kansas City, MO 64120. Representative: E. Wayne Farmer, City Center Square—27th Floor, P.O. Box 26010, Kansas City, MO 64196, (816) 474–6420. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159953, filed January 4, 1982. Applicant: JENSEN & ASSOCIATES, INC., 355 South Santa Fe, Los Angeles, CA 90013. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786, (714) 981–9981. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP–3–009

Decided: January 12, 1982.

By the Commission, Review Board No. 2 Members Carleton, Fisher and Williams.

MC 159804, filed January 5, 1982. Applicant: CITY DELIVERY SERVICE, 601 South 22nd St., Fort Smith, AR 72901. Representative: Don Jordan (same address as applicant), (501) 783–2088. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159925, filed January 4, 1982. Applicant: CUSTOM FREIGHT SALES, INC., 5230 Olentangy Dr., Dayton, OH 45431. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159985, filed January 4, 1982. Applicant: N. WAYNE VAWDREY, d.b.a. V. X. R. SUPPLY, 535 W 5987 S, Murray, UT 84017. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers,* and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume OP 3–012

Decided: January 20, 1982.

By the Commission, Members Carleton, Fisher and Williams.

MC 126635 (Sub-6), filed January 6, 1982. Applicant: CHRISTIE-LAMBERT VAN & STORAGE CO., INC.,1010 6th Ave N., Kent, WA 98031. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 160014, filed January 5, 1982. Applicant: ROBERT R. EBBERT, d.b.a. ROBERT EBBERT TRUCKING, 1200 S.E. 6th St., Prineville, OR 97754. Representative: Robert R. Ebbert (same address as applicant) (503) 447–4335. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160015, filed January 8, 1982. Applicant: GLENN R. WRIGHT, P.O. Box 33, Tolleson, AZ 85353. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112, (817) 457–0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicles in such vehicle, between points in the U.S.

MC 160025, filed January 11, 1982. Applicant: SCAC TRANSPORT (USA), INC., 405 Lexington Ave., New York, NY 10007. Representative: Richard K. Bernstein, 485 Madison Ave., New York, NY 10022, (212) 371–8700. As a *broker of general commodities,* (except household goods), between points in the U.S

MC 160074, filed January 11, 1982. Applicant: TRI–Border Transportation, INC., P.O. Box 258, Port Orford, OR 97465. Representative: John A. Anderson, Suite 801–The 1515 Bldg., 1515 SW 5th Ave., Portland, OR 97201, (503) 227–4586. As a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1691 Filed 1–25–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 222]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 20, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 682 (Sub-29)X, previously filed 9–3–81, and noticed in the Federal Register of February 22, 1981, republished as follows: Applicant: BURNHAM VAN SERVICE, INC., P.O. Box 7966, Columbus, GA 31908. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 26X certificate to broaden the commodity description in part (1) from "household goods, as defined by the Commission" to "household goods and furniture and fixtures" in its authority to operate between points in the U.S. Sub-No. 26X superseded applicant's Sub-Nos. 11 and 12F. This application previously was denied. The Commission's decision in No. MC–8575 (Sub-No. 8)X, *Ferguson Van Lines, Inc.* (not printed) served 1–12–82 requires this Board to refile and republish the application.

MC 7585 (Sub-7)X, filed August 25, 1981, previously noticed in the Federal Register of September 8, 1981, republished as follows: Applicant: ANTHONY P. SPARACINO AND RALPH SPARACINO, a partnership, d.b.a. SPARACINO BROTHERS, P.O. Box 1382, 1031 Capouse Avenue, Scranton, PA 185011. Representative: David E. Tinker, 1000 Conn. Ave., NW Suite 1112, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 6 certificates to (1) broaden the community description to "household goods and furniture and fixtures" from household goods in both subs. This portion of the application previously was denied. The Commission's decision in No. MC–8575 (Sub-No. 8)X, *Ferguson Van Lines, Inc.* (not printed) served 1–12–82 requires this Board to republish the application.

MC 6992 (Sub-20)X, previously filed July 31, 1981 and noticed in the Federal Register of August 24, 1981, republished as follows: Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., P.O. Box 1127, Indianapolis, IN 46206. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 10 and 16 certificates to (1) broaden the commodity description from household goods, as defined by the Commission, to "household goods, and furniture and fixtures." This application previously was denied. The Commission's decision in No. MC–8575 (Sub-No. 8)X, Ferguson Van Lines, Inc. (not printed) served 1–12–82 requires this Board to refile and republish the application.

MC 93620 (Sub-14)X, filed September 21, 1981, previously noticed in Federal Register on October 16, 1981, republished to notice the following omissions: Applicant: STERLING TRUCKING, INC., 721 Waverly St., Framingham, MA 01701. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Sub-No. 13 (identified in previous notice as Lead; reissued as Sub-No. 13 pursuant to MC–FC–78602): (1) Authorize radial operations in lieu of one-way authority; (2) eliminate the service restriction "except those located on, south, and east of U.S. Highway 202" in the irregular route portion of the certificate.

MC 111676 (Sub-6)X, previously filed September 9, 1981, and noticed in the Federal Register of October 5, 1981, republished as follows: Applicant: CROWDER'S TRANSFER & STORAGE COMPANY, INC., 1219 First Street, Alexandria, VA 22314. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods and furniture and fixtures and materials, equipment, and supplies used in the manufacture, sale and distribution of furniture and fixtures." This application previously was denied. The Commission's decision in No. MC–8575 (Sub-No. 8)X, Ferguson Van Lines, Inc. (not printed) served 1–12–82, requires this Board to refile and republish the application.

MC 113651 (Sub-350)X, filed December 8, 1981, previously noticed in the Federal Register of December 18, 1981, republished as follows: Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 1, Omaha, NE 68154. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Subs 142, 203, 244, and 336F, broaden the commodity description from meat, meat products, meat by-products and articles distributed by meat packinghouses to "food and related products and chemicals and related products." The purpose of republication is to include chemicals and related products in the proposed commodity description.

MC 125353 (Sub-3)X, filed December 7, 1981, previously noticed in the Federal Register of December 30, 1981, republished as corrected this issue. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, 73 Deep Rock Road, Rochester, NY 14624. Representative: Robert D. Gunderman, 101 Niagara Street, Buffalo, NY 14202. Sub-No. 1: to Livingston, Monroe, Ontario, and Wayne Counties, NY for the Rochester-Monroe County Airport, NY; Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Somerset Counties, NJ, and Kings, New York, Queens and Richmond Counties, NY, for Newark Airport, NJ; Albany, Rensselaer, Saratoga, and Schenectady Counties, NY, for Albany County Airport, NY; Broome County, NY, and Susquehanna County, PA, for Broome County Airport, NY; Chemung County, NY, and Bradford County, PA, for Chemung County Airport, NY; Erie and Niagara Counties, NY, for the Greater Buffalo International Airport, NY; Jefferson County, NY, for Watertown Airport, NY; Oneida and Herkimer Counties, NY, for Oneida County Airport, NY; Madison, Onondaga and Oswego Counties, NY, for Clarence E. Hancock Airport, NY; New York, for LaGuardia Airport and John F. Kennedy International Airport, NY; St. Lawrence County, NY, for Massena Airport, NY; Tompkins County, NY, for Tompkins County Airport, NY; and Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties, OH, for Cleveland-Hopkins Airport, OH. The purpose of this republication is to correct the territorial broadening noted above.

MC 134440 (Sub-4)X, previously filed August 14, 1981, and noticed in the **Federal Register** of September 8, 1981, republished as follows: Applicant: LA VENTURE BROS. VAN LINES, d.b.a. La Venture Bros. Transfer and La Venture Bros. Van Lines, 3808 E. Slauson Avenue, Maywood, CA 90270. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Applicant seeks to remove restriction from its Sub-No. 3 certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures." This application previously was denied. The Commission's decision in MC–8575 (Sub-8)X, Ferguson Van Lines, Inc. (not printed) served 1–12–82 requires us to refile and republish this application.

MC 135895 (Sub-132)X, filed January 7, 1982. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Sub 127X: applicant seeks to broaden cities to counties. This board previously broadened some of these cities to counties but omitted certain counties which are included within their respective commercial zones. Part 7—Rankin County (Flowood), MS to Hinds and Rankin Counties, MS; parts 12, 19(h) & (i), 27(b), & 32—Houston, TX to Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, TX; parts 12, 19(h), & 40(b)—Jacksonville, FL to Baker, Bradford, Clay, Duvall, Nassau, and St. Johns Counties, FL and Camden and Charlton Counties, GA; parts 12, 19(a) & (g) & 26—Baton Rouge, LA to Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge and West Feliciana Parishes, LA; part 16—Mobile, AL to Mobile and Baldwin Counties, AL and Jackson County, MS; parts 19(a) & 27(b)—Fort Worth, TX to Dallas, Denton, Hood, Johnson, Parker, Wise and Tarrant Counties, TX; part 19(a) & (b)—Monroe, LA to Ouachita Parish, LA; part 19(a)—Bolivar County (Cleveland), MS to Bolivar and Sunflower Counties, MS; part 19(a)—Adams County (Natchez), MS to Adams County, MS and Concordia Parish, LA; parts 19(b), 29, 50(c), & 71(b)—Memphis, TN to points in Fayette, Shelby and Tipton Counties, TN; DeSoto, Marshall and Tunica Counties, MS, and Crittenden and St. Francis Counties, AR; part 19(b)—La Fourche Parish (Thibodaux), LA to La Fourche and Terrebonne Parishes, LA; part 19(b)—Forest County (Hattiesburg), MS to Forest and Lamar Counties, MS; part 19(c)—San Antonio, TX, to Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson Counties, TX; parts 19(d) & 83(a)—Washington County (Greenville), MS to Bolivar and Washington Counties, MS and Chicot County, AR; part 19(d)—Leflore County (Greenwood), MS to Carroll and Leflore Counties, MS; parts 19(e), 29 & 50(a)—Longview, TX to Gregg, Harrison, Rusk and Upshur Counties, TX part 19(f)—New Orleans, LA to Jefferson, Orleans, Placquemine, St. Bernard, St. Charles, St. John The Baptist, and St. Tammany Parishes, LA, and Hancock County, MS; part 19(f)—Galveston, TX to Chambers, Galveston, and Harris Counties, TX; parts 19(g) & 50(b)—Albany, GA to Dougherty, Lee, Terrell and Worth Counties, GA; part 19(h)—Tampa, FL to Hillsborough, Pasco, and Pinellas Counties, FL; part 19(i)—Terrebonne Parish (Houma), LA to LaFourche and Terrebonne Parishes, LA; parts 27(b), 34(a), 56 & 57(a)—Dallas, TX to Collin, Dallas, Denton, Ellis, Hunt, Johnson, Kaufman, and Tarrant Counties, TX; part 28—Clarke County (Pachuta), MS to Clarke and Jasper Counties, MS and Bronson, MO to Stone and Taney Counties, MO; part 32(a)—Birmingham, AL to Jefferson, Shelby and St. Clair Counties, AL; parts 34(c)—St. Petersburg, FL to Hillsborough, Manatee and Pinellas Counties, FL; part 34(d)—Charlotte, NC to Cabarrus, Gaston, Lincoln, Mecklenburg and Union Counties, NC and York County, SC; parts 34(e) & 40(a)—Atlanta, GA to Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinette, Henry and Rockdale Counties, GA part 37—Oklahoma City, OK to Canadian, Grady, Kingfisher, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie Counties, OK; part 40(a)—Lowndes County (Valdosta), GA to Brooks and Lowndes Counties, GA; part 40(c)—Pearl River County (Picayune), MS to Hancock and Pearl River Counties, MS and St. Tammany Parish, LA; parts 41 & 67—Warren County (Vicksburg), MS to Warren County, MS and Madison Parish, LA; part 50(b)—Rockingham County (Eden), NC to Rockingham County, NC and Henry and Pittsylvania Counties, VA; parts 52(c)—Monroe County (Clarendon), AR to Monroe and Prairie Counties, AR; part 52(d)—Salt Lake City, UT to Davis, Morgan and Salt Lake Counties, UT; part 66—Alcorn County (Corinth), MS to Alcorn County, MS and McNairy County, TN; parts 67, 68(b) and 73—Jackson, MS to Hinds, Madison and Rankin Counties, MS; part 68(a)—Mississippi County (Blytheville), AR to Mississippi County, AR and Dunklin County, MO; part 68(c)—Fairfield County (Bridgeport), CT to Fairfield and New Haven Counties, CT part 68(d)—Paterson, NJ to Bergen, Essex, Morris, and Passiac Counties, NJ; part 76(b)—Buncombe County (Arden), NC to Buncombe and Henderson Counties, NC; part 80—St. John The Baptist Parish (Reserve), LA to St. John The Baptist and St. Charles Parishes, LA; part 83(b)—St. Clair County (Memphis), MI to Macomb and St. Clair Counties, MI.

MC 143553 (Sub-8)X, filed December 31, 1981. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main Street, P.O. Box 236, Versailles, CT 06383. Representative: Bradford I. Greene (same as applicant). Subs 2, 4F, and 5 permits: (1) broaden paper, paper products, and supplies and materials to "pulp, paper and related products, and supplies and materials", Sub 2; (2) remove except commodities in bulk restriction and the facilities limitation, Sub 2; and (3) broaden the territorial authority to between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers.

MC 146840 (Sub-9)X, filed December 18, 1981. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 399, Black Eagle, MT 59414. Representative: Kenneth G. Thomas (same address as applicant). Subs 1F, 3F, 5F, 6F and 7F (1) broaden to: (a) "general commodities (except classes A & B explosives, and Household Goods as defined by the Commission)" from general commodities (with usual exceptions), Sub 1F; (b) "chemicals and related products" from lime and limestone products, Sub 3F; (c) "furniture and fixtures" from new furniture and materials, equipment and supplies used in the manufacture and distribution of new furniture, Sub 5F; (d) "textile mill products" from (1) rugs, carpets, and floor coverings and (2) materials and supplies used in the installation and maintenance of the commodities in (1) above, Sub 6F; (e) "pulp, paper and related products" from fiberboard, Sub 7F; (2) to radial service in Subs 3F, 5F, 6F and 7F, (3) remove "in containers" and "in bulk" restriction in Subs 3F, 5F and 6F, (4) delete foreign commerce only restriction in Sub 3.

[FR Doc. 82–1690 Filed 1–25–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal**

Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

OP5–13

Decided: January 19, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 60848 (Sub-1), filed January 5, 1982. Applicant: ACE MOVING & STORAGE, INC., d.b.a. EASTERN MOVING SYSTEMS, 1898 Leland Drive, Marietta, GA 30067. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor, Lenox Towers, South, Atlanta, GA 30326, (404) 262–7855. Transporting *household goods* as defined by the Commission, between points in the United States in and east of WI, IL, MO, OK, and TX.

MC 108359 (Sub-8), filed January 6, 1982. Applicant: WESTERN NEW YORK MOTOR LINES, INC., d.b.a. EMPIRE TRAILWAYS, 67 Chestnut St., Rochester, NY 14604. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. (703) 751–2441. Transporting *passengers and their baggage,* and express and newspapers in the same vehicle with passengers, between Rochester and Corning, NY from Rochester over Interstate Hwy 590 to junction Interstate Highways 590 and 390, then over Interstate Hwy 390 to Corning, and return over the same route, serving all intermediate points.

MC 118978 (Sub-13), filed January 7, 1982. Applicant: MERCURY EXPRESS, LTD., 2100 United Blvd., Coquitlam, BC, Canada V3K 3V4. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101 (206) 624–7373. Transporting *pulp, paper and related products* between points in WA, OR, CA, NM, CO, TX, ID, MT, UT, NV, and AZ, on the one hand, and, on the other, points on the International boundary line between the U.S. and Canada.

MC 136818 (Sub-140), filed January 8, 1982. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *food and related products* (except in bulk), between points in Brown and Wood Counties, WI, Barry, Jasper, Lawrence, Newton, and Greene County, MO, and Cache County, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140389 (Sub-5), filed December 28, 1981. Applicant: DELIVERY SERVICE CORPORATION, P.O. Box 445, Dearborn, MI 48126. Representative: William B. Elmer, 615 E. Eighth St., Traverse City, MI 49684, (616) 941–5313. Transporting *medicine and toilet preparations,* between points in St. Louis County, MO, Union County, NJ, and Wake County, NC, on the one hand, and, on the other, points in the U.S.

MC 150398 (Sub-10), filed January 6, 1982. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, 1730 Rhode Island Ave., NW., Suite 611, Washington, DC 20036, 202–223–5900. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between facilities used by Road Mark, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152849 (Sub-9), filed January 11, 1982. Applicant: RIVERLAND TRUCKING CO., INC., P.O. Drawer BC, Reserve, LA 70084. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S. under continuing contract(s) with Scott Paper Company of Philadelphia, PA.

MC 153138 (Sub-2), filed January 8, 1982. Applicant: LARRY DON EASLEY d.b.a. EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *machinery, and metal products,* between points in Smith County, TX on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153719 (Sub-1), filed December 21, 1981. Applicant: COMMERCIAL CARTAGE CORPORATION, 23845 Ecorse Road, P.O. Box 157, Taylor, MI 48180. Representative: Paul E. Dufault, 1222 Catalpa Drive, Royal Oak, MI 48060, (313) 399–7272. Transporting *general commodities,* between points in St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Wayne, Washtenaw, Jackson, Calhoun, Kalamazoo, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Lapeer, Genesee, Shiawassee, Clinton, Ionia, Kent, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Huron, Bay, Midland, Isabella, and Mecosta Counties, MI and Lucas and Wood Counties, OH.

MC 157048 (Sub-2), filed January 6, 1982. Applicant: AMATO MOTORS,

INC., 977 West Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of telecommunication equipment, between points in the U.S., under continuing contract(s) with Reliance Comm Tech, a division of Reliance Electric, of Franklin Park, IL.

MC 157948, filed December 30, 1981. Applicant: ROBERT J. WHITE d.b.a. YUBA SUTTER AIRPORTER, 954 Cooper Ave., Yuba City, CA 95901. Representative: Robert J. White, 1534 La Palma Court, Yuba City, CA 95991, (916) 671–1199. Transporting *passengers and their baggage* in same vehicle with passengers, in vehicles of 16 passengers or less (excluding the driver), in charter operations between Sacramento, Yuba City, and Marysville, CA, on the one hand, and, on the other, Lake Tahoe and Reno, NV.

MC 158878, filed December 21, 1981. Applicant: ZIMMERMAN TRUCKING, INC., P.O. BOX 306, Morgantown, IN 46160. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 635–2339. Transporting *malt beverages,* between points in IN on and south of IN Hwy 28, on the one hand, and, on the other, Milwaukee, WI, Detroit, MI, Peoria, IL, St. Paul, MN, Memphis, TN, Columbus, OH, Newport, KY, and St. Louis, MO.

MC 159579, filed January 11, 1982. Applicant: SIMPSON'S CARRIER, INC., Rural Route, Box 72, Plainview, NE 68769. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal buildings, between Milwaukee, WI; Oklahoma City, OK; and points in Cullman County, AL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, MT, NE, ND, SD, and WY.

MC 159809, filed January 6, 1982. Applicant: ATLANTIC HORIZON TRANS TOURS, INC., 2100 E. Verona Blvd., W. Atlantic City, NJ 08232. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, 301–840–8565. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in the U.S. under continuing contract(s) with Playboy Hotel & Casino, Tropicana Hotel & Casino, and Sands Hotel & Casino, all of Atlantic City, NJ.

MC 159889, filed December 28, 1981. Applicant: NEW CASTLE COLD STORAGE TRANSPORTATION, INC., 100 East Oakwood Way, New Castle, PA 16105. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Robert D. Johnston, d/b/a New Castle Cold Storage, Shenango Phenolics Corporation, Crisci Food Equipment Company, and Waldman's Meats, Inc., all of New Castle, PA.

MC 159919, filed January 5, 1982. Applicant: A TOUCH OF CLASS LIMOUSINES, INC., 5517 Roberts Ave., Sea Isle City, NJ 08243. Representative: Frank J. Pacifico (same address as applicant), (609) 263–8749. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special operations, limited to the transportation of not more than eight passengers in the same vehicle (including the driver), between points in NJ, on the one hand, and, on the other, points in VA, MD, DE, PA, NJ, CT, MA, NY, and DC.

MC 159988, filed January 6, 1982. Applicant: KILLINGTON SKI TOURS, INC., 11 South American Street, Woodbury, NJ 08096. Representative: Peter D. Campana (Same address as applicant), (609) 845–5729. To operate as a *broker* at Woodbury, NJ, arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, between Killington, VT, on the one hand, and, on the other, points in NJ and PA.

OP–5–10

Decided: January 18, 1982.

By the Commission Review Board No. 3, members Krock, Joyce, and Dowell.

MC 116118 (Sub-7), filed January 7, 1982. Applicant: GARDINER'S EXPRESS, INC, MR 1 Moss Hill Road, Hammonton, NJ 08037. Representative: Fritz R. Kahn, Suite 1100, 1660 L St., NW, Washington, DC 20036, (202) 452–7484. Transporting *general commodities,* (except classes A and B explosives) between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, and DC.

MC 138018 (Sub-71), filed January 4, 1982. Applicant: RFI TRANSPORT, INC., P.O. Box 17560, Denver, CO 80217. Representative: Jo Ann M. Harvey (same address as applicant), 303–292–1960. Transporting *food and related products,* between points in the U.S.

MC 143209 (Sub-22), filed January 4, 1982. Applicant: HOUSTON FREIGHTWAYS, INC., P.O. Box 607, Galena Park, TX 77545. Representative: C. W. Ferebee, 3910 F.M. 1960 W, Suite 106, Houston, TX 77068, 713–537–8156. Transporting (1) *commodities which because of their size or weight require the use of special equipment,* and (2) *metal articles,* between points in the U.S.

MC 143578 (Sub-3), filed January 6, 1982. Applicant: WILSON BUS CO., INC., 314 Alexander St., Fayetteville, NC 28301. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street N.W., Washington, DC 20001, 202–625–9243. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Beaufort, Bertie, Brunswick, Carteret, Columbus, Craven, Duplin, Halifax, Jones, Lenoir, Martin, New Hanover, Onslow, Pender and Washington Counties, NC, and Horry and Marion Counties, SC, and extending to points in the U.S.

MC 144369 (Sub-2), filed January 5, 1982. Applicant: GERARDO & SON MOTOR SERVICE, INC., 9850 Balmoral Avenue, Rosemont, IL 60018. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Zayre Corp. of Framingham, MA.

MC 145559 (Sub-18), filed January 4, 1982. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of medical and health care products, between points in the U.S. (except AK and HI), under continuing contract(s) with C. R. Bard, Incorporated, of Murray Hill, NJ.

MC 147549 (Sub-4), filed January 5, 1982. Applicant: ROADAIR LEASING, INC., 3999 Erie Avenue, Cincinnati, OH 45208. Representative: David Earl Tinker, 1000 Connecticut Ave. NW, Suite 1112, Washington, DC 20036–5391, (202) 887–5368. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pri-Pak, Inc., of Sunman, IN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5 Room 6370.

MC 147609 (Sub-3), filed January 4, 1982. Applicant: ARCH'S TRANSFER LTD., 2491 McKenzie St., Penticton, B.C. Canada V2A6H9. Representative: J. K. Thompson, 319 Robinson St., Penticton, B.C. Canada V2A 6M9, 604–493–4240. Transporting *lumber and wood products,* in foreign commerce only, between points in the U.S. under continuing contract(s) with Kee Pee Laminating Ltd., and Structurlam Products Ltd. both Penticton, B.C. Canada.

MC 148538 (Sub-3), filed January 8, 1982. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, 312–236–5944. Transporting *metal products,* between Hammond, IN, on the one hand, and, on the other, points in Muscatine County, IA.

MC 150618 (Sub-3), filed January 5, 1982. Applicant: SUSQUEHANNA TRANSPORTATION, INC., 7400 So. Alton Court, Englewood, CO 80112. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission) between points in Los Angeles County, CA, and Cuyahoga and Lake Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 151118 (Sub-14), filed December 7, 1981. Originally published in the **Federal Register** on December 21, 1981. Applicant: MDR CARTAGE, INC., 516 West Jackson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between the facilities of Uncle Ben's Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to reflect the appropriate territorial description.

MC 151118 (Sub-16), filed January 7, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson St., Jonesboro, AR 72401. Representative: Ralph D. Golden, Suite 2348–100 N. Main Bldg., Memphis, TN 38103, 901–526–1122. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with U.S. Freight Forwarder Co., Inc. of Memphis, TN.

MC 151118 (Sub-17), filed January 7, 1982. Applicant: M.D.R. CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting *such commodities* as are dealt in or used by manufacturers, distributors or retailers of footwear, between points in Bristol and Plymouth Counties, MA, Gibson, Williamson and Wilson Counties, TN, Christian and Todd Counties, KY, and points in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151528 filed January 7, 1982. Applicant: L. E. TUCKER & SON, INC., 2660 Greenway Dr., Jackson, MS 39204. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601–355–3543. Transporting *furniture and fixtures,* between points in Madison County, MS, on the one hand, and, on the other, points in CA, OR and UT.

MC 152609 (Sub-4), filed January 4, 1982. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *paper and paper articles,* between points in the U.S. under continuing contract(s) with Paper Pak Products, Inc. of LaVerne, CA.

MC 154969 (Sub-1), filed January 6, 1982. Applicant: WILLIAM S. LEE, d.b.a., WILLIAM S. LEE TRUCKING, Hidden Valley, Rt. 10, Box 249, McMinnville, TN 37110. Representative: Robert K. Goren, Suite 1025, 1875 Eye St., NW., Washington, DC 20006, (202) 463–6400. Transporting (1) *such commodities* as are dealt in by grocery stores between points in Davidson County, TN, on the one hand, and, on the other, points in Dade and Orange Counties, FL, and (2) *meats and meat products* between points in Lincoln County, TN, on the one hand, and, on the other, Los Angeles, CA and points in Dade County, FL.

MC 155258 (Sub-2), filed January 8, 1982. Applicant: ALTON DELIVERY SERVICE CO., INC., 100 West 43rd St., New York, NY 10036. Representative: John D. Heffner, 1776 K St., N.W., Suite 700, Washington, D.C. 20006, (202) 296–0600. Transporting (1) *food and related products,* under continuing contract(s) with Revere Sugar Corporation, of New York, NY, and (2) *printed matter,* under continuing contract(s) with Commerce Clearing House, Inc., of Clark, NJ, between points in the U.S.

MC 158949 (Sub-1), filed December 28, 1981. Applicant: SANTONE CONSTRUCTION & TRUCKING CO., INC., 32 Clark St., Greensburg, PA 15601. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *general commodities* (except classes A and B explosives), between points in Westmoreland County, PA on the one hand, and, on the other, points in VA, MI, MD, IL, NY, WV, OH, IN, NJ and KY.

MC 159888 filed January 5, 1982. Applicant: TAZEWELL AUTO SALVAGE, INC., Route 2, Box 590, N. Tazewell, VA 24603. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703–629–2818. Transporting *machinery,* between points in Tazewell County, VA, on the one hand, and, on the other, points in AL, KY, IL, IN, OH, PA, TN, VA and WV.

MC 159928, filed January 4, 1982. Applicant: MICHAEL ALLEN SMITH, d.b.a. L–B TRUCK LINES, P.O. Box M, Harbor City, CA 90710. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213–945–2745. Transporting *metal products,* between Oakland and San Francisco, CA, New Orleans, LA, and Portland, OR and points in Los Angeles County, CA; Duval and Hillsborough Counties, FL; Chatham County, GA; and Harris, Chambers, and Galveston Counties, TX on the one hand, and, on the other, points in AZ, CA, CO, FL, GA, ID, MT, NV, NM, ND, OR, SD, TX, UT, WA, and WY.

P–5–00

Decided: January 12, 1982.

By the Commission, Review Board No. 3. Members Kroch, Joyce and Dowell.

MC 29328 (Sub-12), filed December 31, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–242–3194. Transporting *general commodities* (except classes A and B explosives), between points in Will, Cook, DuPage, Grundy and Kane Counties, IL, on the one hand, and, on the other, points in IL, WI, IN, IA, MO, MI, KY, and OH.

MC 40978 (Sub-88), filed January 4, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *furniture and fixtures,* between points in NC on the one hand, and, on the other, points in IL, MN, WI, and the Upper Peninsula of MI.

MC 74609 (Sub-4), filed January 4, 1982. Applicant: JOHN E. MURRAY MOVING & STORAGE CO., INC., 88 Middle St., Geneva, NY 14456. Representative: Roy D. Pinsky, Suite 1020 State Tower Bldg., Syracuse, NY

13202, 315–422–2384. Transporting *general commodities* (except classes A and B explosives), between points in Monroe, Ontario, Seneca, Wayne and Yates Counties, NY.

MC 114868 (Sub-7), filed December 29, 1981. Applicant: HARRY EARL NEWLON, d.b.a. NEWLON'S TRANSFER, 1511 North Nelson St., Arlington, VA 22201. Representative: Betty Jo Christian, 1250 Connecticut Ave., N.W., Washington, DC 20036, 202–862–2158. Transporting *household goods* as defined by the Commission, between points in the U.S.

MC 120818 (Sub-4), filed January 4, 1982. Applicant: ALLFREIGHT LINES, INC., 309 New Boston Rd., Woburn, MA 01888. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting (1) *machinery,* and (2) *metal products,* between points in the U.S. under continuing contract(s) with General Electric Company, Medium Turbine Department (E&M) of Lynn, MA.

MC 123329 (Sub-61), filed January 4, 1982. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta Canada T2P2P9. Representative: D. S. Vincent, (same address as applicant), 403–265–9900. Transporting *lumber and wood products,* between ports of entry on the international boundary line between the United States and Canada on the one hand; and, on the other, points in AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, VT, WA and WY.

MC 134518 (Sub-8), filed January 4, 1982. Applicant: CHEESE HAULING, INC., 305 Bis-Man Ave., Mandan, ND. 58554. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, 319–557–1320. Transporting (1) *cheese and cheese products,* between points in Sioux County, ND and Dewey County, SD on the one hand, and, on the other, points in Los Angeles and Orange Counties, CA; and Maricopa and Pima Counties, AZ. (2) *cheese supplies,* between points in Washington and Waukesha Counties, WI on the one hand, and, on the other, points in ND and SD; and (3) *glass bottles,* between points in La Salle and Livingston counties IL on the one hand, and, on the other, points in Morton County, ND.

MC 152128 (Sub-6), filed December 28, 1981. Applicant: STATE TRANSPORT SERVICE, INC., 13029 Market St., Houston, TX 77015. Representative: C. W. Ferebee, 14614 Falling Creek, #124, Houston, TX 77068, 713–537–8156. Transporting *Mercer commodities* and *earth drilling equipment,* between points in TX on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, ID, KS, MT, NE, NV, ND, OR, SD, UT and WA.

MC 152629 (Sub-4), filed December 29, 1981. Applicant: ATLAS WAREHOUSE COMPANY, 923 Osborn Street, P.O. Box 456, Burlington, IA 52601. Representative: Michael D. Bromley, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005, (202) 296–3555. Transporting *building materials, pulp, paper and related products, and chemicals and related products,* between the facilities of Georgia-Pacific Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153429 (Sub-2), filed December 17, 1981. Applicant: ANSELM JOLLEY, C. F. FOWLER, AND BOBBY NOE, d.b.a. LAKEWAY TRUCKING COMPANY, P.O. Box 763, Morristown, TN 37814. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting (1) (*a*) *wood products and* (*b*) *furniture and fixtures* (except those in (a)), between points in Hancock, Grainger, Hawkins, and Cocke Counties, TN, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND, and (2) *textile mill products and rubber and plastic products,* between points in Hamblen County, TN, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 155658 (Sub-6), filed December 18, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy., P.O. Box 242, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *such commodities* as are dealt in or used by retail drug and grocery business houses and department stores, between points in the U.S., under continuing contract(s) with The Gillette Company of Boston, MA.

MC 158279 (Sub-1), filed December 29, 1981. Applicant: LEONEL A. BROUILLARD, d.b.a. LEO'S TRUCKING, 315 Turnpike Rd., Windsor Locks, CT 06096. Representative: Vincent W. Oswecki, Jr., 20 Maple Ave., P.O. Box 504, Windsor, CT 06095, (203) 688–8505. Transporting *general commodities* (except classes A and B explosives), between points in Queens, Broome, Monroe, and Albany Counties, NY, Bennington, Chittenden, Windham, and Windsor Counties, VT, Providence County, RI, and MA, NH, and CT.

MC 159058, filed January 5, 1982. Applicant: L & R TRUCKING, INC., 802 West South Omaha Bridge Road, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *meats and packinghouse products,* between points in the U.S., under continuing contract(s) with Dominic Pesavento Co., of West Covina, CA.

MC 159849, filed December 28, 1981. Applicant: DAYMARK FOODS, INC., d.b.a. ODISCO TRANSPORTATION, 500 West Main St., Suite 208, Russellville, AR 72801. Representative: Jeff McEowen (same address as applicant), (501) 968–4038. Transporting *frozen food* between points in Riverside County, CA, on the one hand, and, on the other, points in IL, MN, and TX.

MC 159898, filed December 29, 1981. Applicant: NORTHRAIL CORPORATION, Box A–15, Hanover, NH 03755. Representative: Yusuk Chang (same address as applicant). To operate as a *broker* at Hanover, NH, arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, beginning and ending at Hanover, NH, and extending to points in the U.S.

MC 159899, filed December 30, 1981. Applicant: ROGER F. BARTNIK, d.b.a. QUICK TOURS AND CHARTER CO., P.O. Box 8, Mountain, WI 54149. Representative: Roger F. Bartnik (same address as applicant), (715) 276–7550. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at Mountain, WI, and extending to points in the U.S. (except AK and HI).

MC 159909, filed December 29, 1981. Applicant: ADVANCED TRANSPORTATION SERVICES, INC., 1212 O'Neill Highway, Dunmore, PA 18512. Representative: Robert L. Cope, Suite 501, 1730 M Street N.W., Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S. under continuing contract(s) with Northeastern Pennsylvania Shippers Cooperative Association, Inc., of Dunmore, PA.

MC 159918, filed December 31, 1981. Applicant: SOUTHWESTERN EXPRESS, INC., P.O. Box 52112, Oklahoma City, OK 73152. Representative: Greg E. Summy, P.O. Box 2650, Edmond, OK 73083, 405–348–7700. Transporting *general commodities* (except classes A and B explosives), (1) between Tulsa, OK and Ft. Worth, TX: from Tulsa over Interstate Hwy 44 to Oklahoma City,

then over Interstate Hwy 35 to junction Interstate Hwy 35W; then over Interstate Hwy 35W to Fort Worth, serving all intermediate points; (2) between Tulsa, OK and Dallas, TX, over U.S. Hwy 75, serving all intermediate points; and (3) between Dallas, TX, and junction Interstate Hwy 35E and 35W, over Interstate Hwy 35E, serving all intermediate points.

OP2-14

Decided: January 18, 1982.

By the Commission, Review Board No. 1. Members: Parker, Chandler, and Fortier. Member Fortier not participating.

W-303 (Sub-3), filed January 5, 1982. Applicant: WESTERN TRANSPORTATION CO., P.O. Box 3869, Portland, OR 97208. Representative: C. P. Blaskowsky (same address as applicant), (503) 221-0933. To operate as a *common carrier* by water, in interstate and foreign commerce, transporting *general commodities*, by nonself propelled vessels with the use of separate towing vessels and by towing vessels in the performance of *general* towage, between all ports and points in WA on Puget Sound, The Strait of Juan de Fuca, Georgia Strait, Washington Sound, Admiralty Inlet, Saratoga Passage, Possession Sound, Hood Canal, Lake Union, Lake Washington and tributary waters.

MC 35153 (Sub-3), filed December 30, 1981. Applicant: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, Rt. 211, Middletown, NY 10940. Representativ: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ, 201-836-1144. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, PA, NY, and NJ.

MC 52473 (Sub-17), filed December 29, 1981. Applicant: BEHNKE, INC., 77 South Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-482-2400. Transporting *scrap paper*, between points in MI, IN, IL, OH, MN, WI, and IA.

MC 105902 (Sub-30), filed January 4, 1982. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Rd., Penn Yan, NY 14527. Representative: Jeffrey A. Vogelman, P.O. Box 11278, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750-1112. Transporting *jet engine housings, jet engine assemblies, and parts* for jet engine housings and assemblies, between Baltimore, MD, on the one hand, and, on the other, points in Adams County, OH.

MC 113983 (Sub-7), filed January 5, 1982. Applicant: CLEVELAND'S TRUCK LINES, INC., RD 2, Hormell, NY 14843. Representative: Lawrence Le Clair, 1 West Church St., Elmira, NY 14901, (607) 734-2271. Transporting *general commodities* (except classes A and B explosives), between points in Allegany, Broome, Cattaraugus, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Schuyler, Steuben, Tioga, Wyoming, and Yates Counties, NY, and Bradford, Tioga, and McKean Counties, PA. Condition: Coincidental cancellation of applicant's Certificate of Registration under MC-113983 Sub 6, issued May 11, 1981.

MC 146213 (Sub-16), filed January 6, 1982. Applicant: WISCONSIN FARM LINES, LTD., P.O. Box 76, Wisconsin Dells, Wi 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *chemicals and related products*, between Chicago, IL, points in Washoe County, NV, King County, WA, WI, and NJ, on the one hand, and, on the other, points in the U.S.

MC 146602 (Sub-8), filed January 5, 1982. Applicant: ODEAN DUANE BAKKEN, d.b.a. BAKKEN TRUCK LINE, 1301 Third Ave South, Northwood, IA 50459. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612-542-1121. Transporting *food and related products*, between Kansas City, MO, Omaha, NE, points in Warren County, IL, Saline County, MO, Freeborn County, MN and IA, on the one hand, and, on the other, points in AR, CT, DE, IA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI and DC.

MC 148832 (Sub-7), filed January 4, 1982. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Blvd., P.O. Box 1083, Poplar Bluff, MO 63901 Representative: Ronald D. Dodds (same address as applicant), 314-785-2340. Over *regular routes*, transporting *general commodities* (except classes A and B explosives and household goods), between Kansas City and Poplar Bluff, MO: (A) From Kansas City over U.S. Hwy 71 to junction MO Hwy 7, then over MO Hwy 7 to junction MO Hwy 13, then over MO Hwy 13 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Poplar Bluff, and return over the same route, and (B) From Kansas City over U.S. Hwy 50 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction MO Hwy 72, then over MO Hwy 72 to junction MO Hwy 21, then over MO Hwy 21 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Poplar Bluff, and return over the same route, serving all intermediate points and serving all points in Jackson, Platte, Clay, Greene, Webster, Wright, Douglas, Texas, Howell, Dent, Shannon, Oregon, Carter, Reynolds, Iron, Phelps, Butler, Laclede, Ripley and Pulaski Counties, MO, and Wyandotte and Johnson Counties, KS as off-route points in connection with routes (A) and (B) above.

MC 149133 (Sub-10), filed January 4, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as applicant), 704-588-2109. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Minnesota Fabrics, Inc., of Charlotte, NC.

MC 153093 (Sub-1), filed January 5, 1982. Applicant: ASSOCIATED MOVING & STORAGE CO., INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods*, between points in AL, AR, FL, GA, LA, MS, TN, TX, OK, CA, AZ, NM, CO, MO, NE, KS, KY, NC, SC, VA, and DC.

MC 153973 (Sub-4), filed January 5, 1982. Applicant SPARTAN SERVICE TRANSPORTATION, INC., 1501 W. Pershing Rd., Chicago, IL 60608. Representative: Donald E. Weishaar, Suite 202 1301 W 22nd St., Oak Brook, IL 60521, (312) 986-5855. Transporting *beverages*, between points in the U.S., under continuing contract(s) with Vierk Corporation, of Harvey, IL.

MC 154103 (Sub-5), filed January 5, 1982. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between St. Louis, MO, Detroit, MI, and Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158733 (Sub-1), filed January 4, 1982. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., SW, Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *popcorn*, between points in Marshall County, IA, on the one hand, and on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, PA, SC, SD, TN, TX, WI, and WY.

MC 159942, filed January 4, 1982. Applicant: CHEMICAL INDUSTRIES, INC., P.O. Box 890 Borger, TX 79007. Representative: Paul D. Angenend, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768, 512–476–6391. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Maywood, Incorporated, of Amarillo, TX.

MC 159952, January 4, 1982. Applicant: GOLDEN DISTRIBUTING, INC., 200 Hastings Ave., Newport, MN 55055. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *food and related products,* between points in ID, IL, IN, MN, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 159962, filed January 5, 1982. Applicant: JACK DALE TRIPP AND CLARENCE H. TRIPP, d.b.a. TRIPP BROTHERS TRUCKING, 803 Park View Way, P.O. Box 8436, Missoula, MT 59807. Representative: William E. Seliski, 2 Commerce St. P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting *such commodities* as are dealt in or used by lumber yards (a) between points in ID, MT, OR and WA, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, OK and TX, (b) between points in Scott County, MN, on the one hand, and, on the other, points in ND and SD.

MC 159993, filed January 7, 1982. Applicant: ROCKET EXPRESS, INC., P.O. Box 45065, Atlanta, GA 30320. Representative: Virgil H. Smith, 74 Hwy. N., Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *general commodities* (expect classes A and B explosives), between points in NC, SC, and those in GA on and north of U.S. Hwy 80.

Op–4 Vol. 14

Decided: January 18, 1982.

By the Commission, Review Board No. 2 Members Carleton, Fisher and Williams.

MC 123676 (Sub-10), filed January 7, 1982. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *cement,* between points in Butler County, PA, on the one hand, and, on the other, points in MD, NY, OH, and WV.

MC 129576 (Sub-8), filed January 4, 1982. Applicant: HORNER TRUCK SERVICE, INCORPORATED, 207 Ninth St., Coralville, IA 52241. Representative: Melvin M. Porter (same address as applicant), (319) 354–3686. Transporting *anhydrous ammonia and liquid and dry fertilizer,* between points in IA, IL, MN, MO, and WI.

MC 143776 (Sub-40), filed January 6, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave, S.E., Grand Rapids, MI 49506 Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *food and related products* between points in U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 147196 (Sub-23), filed January 6, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459 (504) 643–1700. Transporting *printed matter* between points in the U.S. (except AK and HI) under continuing contract(s) with Storm Printing Company, of Memphis, Tennessee.

MC 147216 (Sub-6), filed January 4, 1982. Applicant: CAR: KLEMM, INC., d.b.a. KLEMM TANK LINES, 1126 Terry LA, De Pere, WI 54115. Representative: James A. Spiegel, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum, natural gas and their products,* between Butler and Hamilton Counties, OH, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, ND, NE, SD, and WI.

MC 150746 (Sub-12), filed January 4, 1982. Applicant: DFS TRANSPORTATION COMPANY, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Joel H. Steiner, 29 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *alcoholic beverages* between points in the U.S., under continuing contracts(s) with Federated Industries, Inc. of Chicago, IL and its subsidiaries, Federated Distributors, Inc., of Chicago, IL, Lake Shore Distributing Co., of Rockford, IL, Illinois Wine and Spirits, of Plainfield, IL, Capitol Husting, of Milwaukee, WI, Tampa Crown Distributors, Inc., of Tampa, FL and Bohemian Distributing Company, of N. Hollywood, CA.

MC 150806 (Sub-5), filed January 8, 1982. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603, (913) 232–0601.Transporting *foodstuffs,* between points in Shawnee County, KS, on the one hand, and, on the other, points in AR, GA, MS, TN, and TX.

MC 150946 (Sub-2), filed January 7, 1982. Applicant: HABIT MOTOR LINES, INC., 9959 Nathan Lane, Maple Grove, MN 55369. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215.Transporting *plastic, wire and wood products, sporting goods and accessories, and dispenser containers,* between points in the U.S., under continuing contract(s) with Forster Mfg. Company, Inc., of Wilton, ME.

MC 151746 (Sub-7), filed January 4, 1982. Applicant: ORANGE DISTRIBUTION SERVICE, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, Ct 06103, (203) 728–0700. Transporting *such merchandise as is dealt in or used by distributors and manufacturers of automobile parts and accessories* between points in the U.S., under a continuing contract(s) with EIS, Division of Parker Corporation of Berlin, CT.

MC 154176, filed January 31, 1982. Applicant: EDDIE LAVERNE ELDRIDGE, d.b.a. ELDRIDGE TRUCKING, Route 22, Box 86, Lake Odessa, MI 48849. Representative: William R. Ralls, 118 West Ottawa, Suite B, Lansing, MI 48933, (517) 372–6622. Transporting *agricultural chemicals* between points in the U.S., under continuing contract(s) with Agrico Chemical Company, of Saginaw, MI, and Lake Odessa Co-op, of Lake Odessa, MI.

MC 159916, filed January 29, 1982. Applicant: ROMAR, INC., P.O. Box 1843, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with King B. Jerky, Inc., of Idaho Falls, ID, Leaf Confectionary, Inc., of Chicago, IL, and Ball Packing Co., of Idaho Falls, ID.

MC 159986, filed January 5, 1982. Applicant: AMAZON INDEPENDENT TRANSPORTATION, INC., 12480 24th Ave., Marne, MI 49435. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with S. D. Warren Paper Company, of Muskegon, MI.

OP4—Volume 13

Decided: January 15, 1982.

By the Commission, Carleton, Fisher and Williams.

MC 99877 (Sub-3), filed January 4, 1982. Applicant: RAPID FREIGHT SYSTEMS, 824 So. Vail Ave., Montebello, CA 90640. Representative:

William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, on the one hand, and, on the other, points in AZ, NV, OR, and WA.

MC 119917 (Sub-69), filed January 6, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE, Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *containers, container closures, container components and related items,* between Atlanta, GA, on the one hand, and, on the other, those points in the U.S. in and east of IL, KY, TN, MS, and LA.

MC 134547 (Sub-14), filed January 4, 1982. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768, (512) 472–6355. Transporting *building materials, and iron and steel articles,* between points in AR, LA, NM, OK, and TX.

MC 140857 (Sub-2), filed January 5, 1982. Applicant: EMMETT BARRICK d.b.a. B & B HOT SHOT SERVICE, 6509 S. Lindsay, Oklahoma City, OK 73149. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *Mercer commodities,* between points in OK, on the one hand, and, on the other, points in LA, NM, TX, and WY.

MC 149137 (Sub-13), filed January 4, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 500 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 615 E. Eighth St., Traverse, MI 49684, (616) 941–5313. Transporting *food and related products,* between Detroit, MI and points in Dade County, FL, Buncombe Country, NC, Muskingum County, OH, Brazoria, Fort Bend, Galveston and Harris Counties, TX, and points in IN, MD, PA, on the one hand, and, on the other, points in U.S.

MC 152257 (Sub-2), filed January 6, 1982. Applicant: LORDCO TRUCKING, INC., 555 N. Tripp St., Chicago, IL 60624. Representative: Paul J. Maton, 10 S. La Salle St., Suite 1620, Chicago, IL 60603, (312) 332–0905. Transporting *non-alcoholic beverages,* between points in the U.S., under continuing contract(s) with Joyce Beverages of Wisconsin, of Madison, WI.

MC 159867 filed December 29, 1981. Applicant: T. J. DELIVERY, INC., Bldg. 504, Raritan Center, Edison, NJ 08837. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Avon Products, Inc., of New York N.Y.

MC 159907, filed January 4, 1981. Applicant: M.A.K. FREIGHT, LTD., 5 Arapaho Drive, Brookfield, CT 06805. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *petroleum, natural gas and related products,* between points in the U.S., under continuing contract(s) with Intercontinental Lubricants Corp., of Brookfield, CT.

MC 159917, filed December 31, 1981. Applicant: BURCO CHEMICAL SERVICES, INC., 1689 Columbus Rd., Cleveland, OH 44113. Representative: Lynn R. Delnoce, 10219 Brecksville Rd., Brecksville, OH 44141, (216) 526–2718. Transporting *chemicals, lumber, and building materials,* between points in DE, IL, IN, KY, MD, ME, MI, MO, NH, NY, OH, PA, VA, and WV.

MC 159337, filed January 5, 1982. Applicant: KING TRANSPORTATION CO., 6727 Cottonwood, Shawnee, KS 66216. Representative: Daniel R. Hedrick (same address as applicant), (913) 631–0846. Transporting *automobile parts and accessories,* between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 159967, filed January 6, 1981. Applicant: INDY–O INC., 105 S.W. Third, Richmond, IN 47374. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in IN, IL, MI, and KY, on the one hand, and, on the other, points in KY, IL, OH, IN, MI, WI, NY, PA, MO, TN, and IA.

Op–3–013

Decided: January 20, 1982.

By the Commission, Review Board No., Members Carleton, Fisher and Williams.

MC 43165 (Sub-17), filed January 11, 1982. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *machinery,* between points in Fairfax County, VA, on the one hand, and, on the other, points in Orange, Durham, Wake and Chatham Counties, NC.

MC 99535 (Sub-6), filed January 11, 1982. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant St., Somerville, MA 02145. Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 99975 (Sub-4), filed January 11, 1982. Applicant: CATAWBA TRUCKING CO., INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Edward L. Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Synally Corporation, Blackman Uhler Chemical Division, of Spartansburg, SC, Kenco Chemical & Manufacturing Corporation, of Jacksonville, FL, Distribution Services of America, Inc., of Boston, MA, M. Lowenstein Corporation, of New York, NY, Mobay Chemical Corporation, of Union, NJ, Pfister Chemical, Inc., of Ridgefield, NJ, Martin Marietta Corporation, Sodyeco Division, of Charlotte, NC, Sonoco Products Company, of Hartsville, SC, and United Freight, Inc., of Morrow, GA.

MC 107825 (Sub-4), filed January 11, 1982. Applicant: MIDDLE CREEK GARAGE, INC., 95 National Rd., Triadelphia, WV 26059. Representative: Woodrow Knollinger Jr., Box 85, Triadelphia, WV 26059, (304) 547–1195. Transporting *mobile homes,* between points, in WV, PA, OH, KY, IN, NY, VA, TN, NC, SC, AL, GA, FL, and DC.

MC 111274 (Sub-81), filed January 12, 1982. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *lumber and lumber mill products,* between points in the U.S. under continuing contract(s) with Allee Lumber Co., of Mattoon, IL.

MC 125535 (Sub-35), filed January 8, 1982. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *steel articles,* between points in the U.S., under continuing contract(s) with Doolan Steel Corporation, of Moorestown, NJ.

MC 127264 (Sub-7), filed January 11, 1982. Applicant: AMERICAN PARCEL SERVICE, INC., 1800 Bessemer Ave.,

Greensboro, NC 27405. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of home care products, between points in the U.S. (except AK and HI), under continuing contract(s) with Amway Corporation of Norcross, GA.

MC 128075 (Sub-42), filed January 11, 1982. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *vegetable oils,* between points in the U.S., under continuing contract(s) with Agri Industries of Des Moines, IA.

MC 136774 (Sub-25), filed January 11, 1982. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 29 South LaSalle St., Chicago, IL 60603, (312) 236–0375. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Dean Foods Co. and its subsidiaries, of Franklin Park, IL.

MC 143915 (Sub-3), filed January 11, 1982. Applicant: KAPTUR ENTERPRISES, INC., 2250 E. 198th St., Lynwood, IL 60411. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *lumber and wood products,* between points in Cass County, IL, on the one hand, and, on the other, points in IA, IL, IN, WI, MI, and MN.

MC 143924 (Sub-7), filed January 12, 1982. Applicant: FUGATE TRUCKING, INC., P.O. Box 14, Danville, VA 24541. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101, (703) 893–4924. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 145124 (Sub-1), filed January 11, 1982. Applicant: GOLD CITY TOURS & TRAVEL LTD., No. 102, 8610 Jasper Ave., Edmonton, Alberta, Canada T5H 3S5. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at ports of entry on the International Boundary line between the U.S. and Canada, and extending to points in the U.S.

MC 145384 (Sub-59), filed January 8, 1982. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312, (515) 274–4985. Transporting *general commodities* (except classes A and B explosives), between points in IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, NM, NV, OR, UT, and WA.

MC 150124 (Sub-2), filed January 11, 1982. Applicant: MARBERN TRUCKING, INC., RD 1, Box 75, Albany St., West Winfield, NY 13491. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797–1970. Transporting *electrical appliances* and *metal products,* between points in the U.S., under continuing contract(s) with Broan Manufacturing Co., Inc., of Hartford, WI.

MC 152104 (Sub-3), filed January 11, 1982. Applicant: HOME RUN, INC., 1299 Lavelle Dr., Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in Monroe County, IN, on the one hand, and, on the other, points in the U.S.

MC 152544 (Sub-11), filed January 12, 1982. Applicant: CYPRESS TRUCK LINES, INC., 1746 E. Adams St., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *metal products,* between points in Georgetown County, SC, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.

MC 154185 (Sub-2), filed January 11, 1982. Applicant: RENN TRANSPORTATION CO., INC., 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305, (414) 497–7400. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Peter Paul Cadbury, Inc., of Naugatuck, CT, Swiss Colony, Inc., of Monroe, WI, and Stouffer Foods Corporation, of Solon, OH.

MC 154475, filed January 11, 1982. Applicant: MARGARET WEIR, d.b.a. WEIR EXPRESS, 11256 Cornell Park Drive, Suite 508, Blue Ash, OH 45242. Representative: Edward R. Kirk, 85 East Gay St., Columbus, OH 43215, (614) 221–8126. Transporting *confectionery and food and related products,* between points in the U.S., under continuing contract(s) with Hershey Chocolate Company, Division of Hershey Foods Corporation of Hershey, PA.

MC 155435 (Sub-2), filed January 11, 1982. Applicant: STILES TRUCK LINE, INC., 1901 Jasmine, Pasadena, TX 77503. Representative: Claude W. Ferebee, 3910 F.M. 1960 West, Suite 106, Houston, TX 77068, (713) 537–8156. Transporting *metal articles,* between points in the U.S.

MC 156274 (Sub-2), filed January 5, 1982. Applicant: IOWA MEAT DISTRIBUTING CO., INC., P.O. Box 36, Hope Hull, AL 36043. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *general commodities* (except classes A and B explosives), between the facilities of Chelsea Industries, Inc., its subsidiaries and affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 158504, filed January 11, 1982. Applicant: GULFPORT AUTO AUCTION, INC., Route 3, Box 163, Gulfport, MS 39501. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *automobiles* and *pickup trucks,* between Gulfport, MS, on the one hand, and, on the other, points in AL, FL, LA, and TX.

MC 159474 (Sub-1), filed January 8, 1982. Applicant: U.S. EXPRESS, INC., P.O. Box 9652, Little Rock, AR 72219. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 159794, filed January 11, 1982. Applicant: WILSON'S TRUCKAWAY, INCORPORATED, 120 W. Madison St., Suite 14 N, Chicago, IL 60602. Representative: Brady J. Langford, One N. LaSalle St., Suite 2265, Chicago, IL 60602, (312) 641–2260. Transporting *transportation equipment,* between points in the U.S.

MC 159975, filed January 11, 1982. Applicant: GEORGE KYER & SON, INC., 341 Maple Ave., Oradell, NJ 07649. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *malt beverages,* between points in Oswego and Onondaga Counties, NY, on the one hand, and, on the other, points in MA.

MC 160035, filed January 11, 1982. Applicant: SAFE-WAY BUS TRANSPORTATION, INC., 4230 80th St. South, Wisconsin Rapids, WI 54494.

Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60603, (312) 263–2397. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Adams, Clark, Jackson, Juneau, Marathon, Portage, Sauk, Waushara, and Wood Counties, WI, and extending to points in the U.S. (including AK and HI).

MC 160044, filed January 11, 1982. Applicant: SOUTHERN NEVADA FREIGHT LINES, INC., 123 West Colorado, Las Vegas, NV 89102. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *Food and related products, alcoholic beverages,* and *restaurant supplies,* between points in CA and NV.

MC 160045, filed January 11, 1982. Applicant: RICHARD A. HODGES, d.b.a. HODGES TRUCKING, Box 314, Monticello, IL 61852. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *Drugs, corn starch, containers, and cartons,* between points in the U.S., under continuing contract(s) with Sterling Drugs, Inc., of Monticello, IL.

MC 160054, filed January 11, 1982. Applicant: SHANNON TRUCKING, INC., 2002 Preston St., Rockford, IL 61102. Representative: Carl L. Steiner, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting (1) *iron and steel articles,* (2) *machinery* and (3) *fabricated structures,* between points in the U.S., under continuing contract(s) with Liebovich Bros., Inc. of Rockford, IL.

MC 160055, filed January 11, 1982. Applicant: AWC TRANSPORTATION CORPORATION, 355 Boyce-Greeley Bldg., Sioux Falls, SD 57102. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502–285, (712) 323–9124. Transporting (1) *such merchandise* as is dealt in or used by food business houses and (2) *such merchandise* as is dealt in or used by distributors of paper and related products, between points in the U.S., under continuing contract(s) with Hy Vee Food Stores, Inc. of Cherokee, IA and Paper Service Company of Mankato, MN.

MC 160065, filed January 12, 1982. Applicant: COSMO COACH LINE, LTD., 2006 Memorial Ave., Lynchburg, VA 24501. Representative: Mark Pestronk, 805 King St., Box 1417 A-40, Alexandria, VA 22313, (703) 549-8666. Transporting *passengers and their baggage,* in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

Volume OP–1–8

Decided: January 18, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 127100 (Sub-21), filed January 6, 1982. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Representative: Charles K. Boxell, First Federal PLaza, 711 Adams Street, Toledo, OH 43624, (419) 243–6281. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with Metropolitan Distributing Company, The Defiance Beverage Company, Shawnee Distributors, Inc., and The Thornburgh Sales Company, all of Toledo, OH.

MC 142461 (Sub-10), filed January 5, 1982. Applicant: H & W TRUCKING CO., INC., P.O. Box 1545, Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005, (202) 347–9332. Transporting *Furniture and fixtures,* between points in VA, NC, and TN, on the one hand, and, on the other, points in CA, AZ, NV, NM, TX, WA, CO, OR, ID, and UT.

MC 151941 (Sub-5), filed January 5, 1982. Applicant: DELMONT E. HARTT, INC., U.S. Route 2, Etna, ME 04435. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between points in the U.S., under continuing contract(s) with Armour Food Company, of Phoenix, AZ.

MC 160000, filed January 6, 1982. Applicant: MARTIN TRUCKING INC., 27330 Ecorse Road, Taylor, MI 48180. Representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647–3350. Transporting *general commodities* (except classes A and B explosives), between points in MI, OH, IN, IL, and MO.

Volume OP–5–23

Decided: January 19, 1982

By the Commission, Review Board No. 3, Members, Krock, Joyce and Dowell.

MC 153068, filed January 11, 1982. Applicant: CONWAY TRANSPORTATION, INC., 5723 Este Ave., Cincinnati, OH 45232. Representative: Robert Neville, 3906 Lori Drive, Erlanger, KY 41018, (606) 342–8847. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1669 Filed 1–25–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29475]

Rail Carriers; TeCe Corp. Purchase (Portion)-Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) in Texas, Oklahoma, and Kansas

AGENCY: Interstate Commerce Commission.

ACTION: Proceedings scheduled.

SUMMARY: The Commission is setting a procedural schedule for the filing of comments and evidence.

DATES: 1. Within 10 days of this publication, verified statements supporting or opposing this proposal must be filed.

2. Within 15 days of this publication, verified statements in reply must be filed.

ADDRESSES: The original and 10 copies of each submission should be sent to: Interstste Commerce Commission, Section of Finance, Room 5414, 12th & Constitution Ave., NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7245.

SUPPLEMENTARY INFORMATION: By application filed September 15, 1980, TeCe Corporation (TeCe), a non-carrier, seeks authority to purchase a segment of Rock Island property between Pringle, TX and Hardesty, OK (51 miles) and between Etter Junction and Morse Junction, TX, (9 miles) or, alternatively, between Liberal, KS and Pringle, and between Morse Junction and Wilco, TX, totalling 132.127 miles. Under its amended application filed January 4, 1982, TeCe proposes to purchase only 97.4 miles of track between Stinnet, Tx and Hardesty and between Etter Junction and Morse Junction, for total consideration of $2,450,000.

TeCe has submitted applications for financial assistance for the porposed transaction to the Texas Railroad Commission and to the Federal government under § 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act). Consummation is not contingent on federal or state financial assistance.

TeCe contemplates weekday operations on the line between Etter Junction (where applicant will connect with Atchison, Topeka and Santa Fe

Railway Company) and Morse Junction, and 2 to 3 days of operations a week on the line between Pringle and Hardesty. The only portion of the track proposed for joint operations is that part between Etter Junction and Sheerin, TX. TeCe anticipates it will handle 2, 000 cars annually. All of the involved track except the 9.8 miles between Pringle and Stinnet, TX is to be rehabilitated during the first 3 years of operation.

By decision served December 18, 1980, the Commission determined that TeCe's application was incomplete and would be treated as a purchase offer and handled expeditiously as an application when the pertinent information was filed.

Preliminary authorization of the proposed transaction by the Court overseeing the reorganization of Rock Island in *In the Matter of Chicago, Rock Island and Pacific Railroad Company, Debtor,* No. 75 B 2697 (U.S. Dist. Court, N.D. Ill.), was obtained December 3, 1981. The court has also directed that the Commission approve or disapprove TeCe's purchase application on or before February 16, 1982. Parties wishing to comment on the application may do so within the time outlined above.

Decided: January 19, 1982.

By the Commission, Herber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1723 Filed 1-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29808]

Rail Carriers; Transfer of Control of Rail Carrier Subsidiaries of the Continental Group, Inc., to a Wholly-Owned Subsidiary, Continental Forest Industries, Inc.; Exemption

January 20, 1982.

On December 24, 1981, the Continental Group, Inc. (Continental) which controls two rail carrier subsidiaries,[1] through stock ownership, notified the Commission that it intends to transfer its control of the two rail carriers to Continental Forest Industries, Inc. (CFI), Continental's wholly-owned non-carrier subsidiary. Continental will continue to control the two carriers through its control of CFI.

This is a transaction within a corporate family which is exempt because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family (49 CFR 1111.5(c)(3)). Continental is undertaking this transaction for the purpose of improving its operating and managerial flexibility and efficiency.

As a condition to the use of this exemption, any NL&G and CL&G employees affected by this transaction shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1725 Filed 1-25-82; 8:45 am]

BILLING CODE 7035-01-M

[1] North Louisiana & Gulf Railroad Company (NL&G), and Central Louisiana & Gulf Railroad Company (CL&G). Control of these two carriers was authorized pursuant to notice of exemption decided March 20, 1981 and published at 46 FR 19673-19675 (April 1, 1981). Petition for reconsideration denied May 22, 1981.

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period January 11, 1982 to January 15, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,001; Washington Stove Works, Everett, WA.
TA-W-12,074; Klingman Brothers, Inc., Sedro Woolley, WA.
TA-W-12,485; Peterson Shake Co., Amanda Park, WA.
TA-W-12,371; Musgrove Milling, Olympia, WA.
TA-W-11,664; Diane Handbags, Inc., Newburgh, NY.
TA-W-11,517; Thorntown Textile Co., Thornton, IN.
TA-W-11,329; Industrial Strainer Co., Plymouth, MI.
TA-W-11,915; Smallwood Packing Co., Inc., Middlefield, OH.
TA-W-12,343; North Shore Shake, Inc., Hoquia, WA.
TA-W-12,830; J & W Cedar Products, Ridgefield, WA.
TA-W-12,264; Red Cedar Products, Amanda Park, WA.
TA-W-12,092; B & W Shake Co., Inc., Forks, WA.

In each of the following cases the investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of *emblems* are negligible.

TA-W-12,283; D. L. Auld Co., Columbus, OH.
TA-W-12,009; Sebewaing Industries, Inc., Sebewaing, MI.
TA-W-12,062; J & V Products, Arcanum, OH.

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,388; Automatic Feed Co., Napoleon, OH.
TA-W-12,427; Elizabeth Fashions, Inc., Hoboken, NJ.
TA-W-12,784; Broderick & Bascom Rope Co., Houston, TX.
TA-W-12,448; Fortune Fashions, Inc., Jersey City, NJ.

In each of the following cases the investigation revealed that criterion (2) has not been met.

TA-W-12,149; Exide Corp., Cheektowaga, NY.
TA-W-11,221; The Gaines, Co., Gaines, PA.

In each of the following cases the investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-12,112; B & B Coat Corp., Paterson, NJ.
TA-W-11,974; Nickoletta Fashions, Inc., Jersey City NJ.

Affirmative Determinations

TA-W-11,020; Adesol Dress Corp., Selden, Long Island, NY.

A certification was issued in response to a petition received on September 8, 1980 covering all workers engaged in employment related to the production of sportswear, separated on or after April 6, 1980 and before February 8, 1981.

TA-W-11,433; General Electric Corp., Wiring Device Dept., Providence, RI.

A certification was issued in response to a petition received on October 20, 1980 covering all workers separated on or after September 1, 1980 and before June 30, 1981.

TA-W-11,490; General Electric Corp., Wiring Device Dept., Middletown, RI.

A certification was issued in response to a petition received on October 20, 1980 covering all workers separated on or after September 1, 1980 and before June 30, 1981.

I hereby certify that the aforementioned determinations were issued during the period January 11–15, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 18, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1980 Filed 1-25-82; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 211 (a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 18th day of January, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date received	Date of petition	Petition number	Articles produced
Allegheny Ludlum (USWA)	Breckenridge, PA	1-12-82	1-7-82	TA-W-13,179	Silicon electrical steel.
Allegheny Ludlum (USWA)	West Leechburg, PA	1-12-82	1-7-82	TA-W-13,180	Silicon electrical steel stainless steel alloys.
Bethlehem Steel Corp. (USWA)	Chesterton, IN	1-12-82	1-8-82	TA-W-13,181	Steel plate.
Charleston Garment Co. (workers)	Nitro, W. VA	1-12-82	12-18-81	TA-W-13,182	Sportswear.
Harbison-Walker Refractories (USWA)	Cape May Point, NJ	1-12-82	12-30-81	TA-W-13,183	Magnesite.
SKW Alloys (UAW)	Calvert City, KY	1-13-82	1-8-82	TA-W-13,184	Ferromanganese, silicomanganese.
True Temper Corp. (USWA)	Charleston, W. VA	1-12-82	1-5-82	TA-W-13,185	Striking tools and dies.
Union Carbide (workers)	Columbus, GA	1-12-82	10-28-81	TA-W-13,186	Electronic components.

[FR Doc. 82-1977 Filed 1-22-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-10,523]

Merck and Company, Inc., and Calgon Corp., Neville Island Carbon Plant, Pittsburgh, Pennsylvania; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 22, 1981, published in the **Federal Register** on January 8, 1982, (47 FR 1060), applicable to all workers of the Calgon Corporation's Neville Island Carbon plant in Pittsburgh, Pennsylvania producing coconut based activated carbon.

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification. The additional information revealed that several layoffs occurred two months prior to the impact date set in the certification.

The intent of the certification is to cover all workers of Calgon's Neville Island Carbon plant who were affected by the decline in the sales or production of coconut based activated carbon related to increased import competition.

The Certification, therefore, is amended to include a new impact date of August 1, 1980 for workers at the Neville Island Carbon plant of the Calgon Corporation, Pittsburgh, Pennsylvania.

The Certification applicable to TA-W-10,523 is hereby amended and issued as follows:

All workers of Merck and Company, Incorporated, Calgon Corporation, Neville Island Carbon Plant, Pittsburgh, Pennsylvania engaged in the production of coconut-based

activated carbon who became totally or partially separated from employment on or after August 1, 1980 and before February 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of January 1982.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 82-1678 Filed 1-25-82; 8:45 am]

BILLING CODE 4510-30-M

TA-W-12,925]

Reid Stevens, Commack, New York; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981 in response to a worker petition received on January 2, 1981 which was filed on behalf of workers and former workers producing ladies' coats at Reid Stevens, Commack, New York.

On August 24, 1981, an investigation (TA-W-12,925) was initiated on behalf of the same group of workers as TA-W-12,045.

Since the identical group of workers is the subject of the ongoing investigation TA-W-12,045, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 12th day of January 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1679 Filed 1-25-82; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Application No. D-2772]

Proposed Exemption for Certain Transactions Involving Kennedy Associates, Inc., Seattle, Washington

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the investment of plan assets on behalf of employee benefit plans (the Plan/Plans), with respect to which Kennedy Associates, Inc. (Kennedy) is a fiduciary, by Kennedy in the Multi-Employer Property Trust (MPT) or the EBT Real Estate Fund (EBT) both of which receive investment advisory services from Kennedy Associates Real Estate Counsel, Inc. (KAREC), an affiliate of Kennedy. The proposed exemption, if granted would affect participants and beneficiaries of the Plans, fiduciaries of the Plans, and Kennedy.

DATES: Written comments and requests for a public hearing must be received by the Department on or before February 26, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, Attention: Application No. D-2772. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code. The proposed exemption was requested in an application filed by Kennedy and KAREC pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Kennedy is an investment adviser registered under the Investment Advisers Act of 1940. Kennedy specializes in providing services to jointly trusteed multiemployer pension funds. Such services involve providing continuous advice as to the investment of funds on the basis of the individual needs of the clients. When Kennedy exercises discretionary authority or control of assets of the Plans, Kennedy is a fiduciary with respect to such Plans.

2. KAREC is an affiliated company of Kennedy. KAREC provides investment advice to MPT. MPT is a pooled real estate equity fund which was established by the National Bank of Washington (NBW) and which offers pension plans a vehicle for participating in the ownership of commercial real estate. Fiduciary responsibility for MPT's performance rests with NBW. NBW also acts as custodian for MPT's assets. MPT has received a ruling from the Internal Revenue Service that it is a tax-exempt common trust fund within the meaning of section 548(a) of the Code. NBW, the trustee of the fund, is also subject to examination by the Comptroller of the Currency.

3. KAREC is also an investment adviser to EBT established by The First National Bank of Fairbanks (FNBF) in Fairbanks, Alaska, another pooled real estate equity fund. Like NBW, FNBF acts as trustee and as custodian of EBT's assets and in all relevant respects, EBT's organizational structure and method of operation are substantially the same as MPT.

4. It is often preferable, for reasons such as investment diversification, for pension plans to invest in an open-end investment entity rather than investing directly in portfolio securities of the type held by an investment company. It is also often preferable for a pension plan that seeks to engage in real estate investment to do so indirectly through its ownership of an interest in a pooled real estate fund. Real estate investment, while potentially profitable for pension plans, could not be undertaken directly by most plan trustees or other fiduciaries, as it involves experience and expertise not normally required of such persons. The investment philosophy of MPT and EBT is designed to maximize the primary benefits inherent in ownership of real property, including a competitive level of current income, stability of investment return and protection from inflation. Kennedy represents that because participation in MPT or EBT will be based on units of ownership, and because the value of the ownership units is based on a proportional formula, an investment in

MPT of EBT would be an attractive and appropriate investment for pension funds of all sizes.

5. Kennedy and KAREC are requesting an exemption that will permit the investment of assets of the Plans in MPT or EBT. Because KAREC will be retained to render certain advisory services to MPT or EBT, the investment of Plan assets may be prohibited by the Act.

6. Kennedy represents that it will impose the following conditions to assure that the contemplated transactions be consistent with the Act and the standards set forth in section 408(a). The conditions are as follows:

1. Neither Kennedy, KAREC nor its shareholders or employees will be an officer, director or trustee of NBW or FNBF.

2. Services with regard to both MPT and EBT will be limited to investment advisory services, including but not necessarily limited to:

(a) Providing the trustee of EBT or MPT with direct access to Kennedy's research, personal and other professional resources;

(b) Referring appropriate investment opportunities for consideration by EBT or MPT;

(c) Advising on management of cash and money market instruments; and

(d) Advising on general economic conditions.

3. No sales commission will be paid to Kennedy or KAREC by a Plan in connection with the purchase of any interest in MPT or EBT and there will be no charge for the redemption of any interest in MPT or EBT.

4. The Plan will not pay to Kennedy an investment management, investment advisory or similar fee with respect to the Plan assets invested in MPT or EBT. A Plan which has its assets managed by Kennedy pays a fee of one percent and, for such fee, Kennedy provides investment advice, assists in establishing policy, and handles all relevant transactions, including lease negotiations and sales. Such fee does not include custodial services. Plans which invest in MPT or EBT will pay to MPT or EBT a fee of one and one-half percent. For this fee MPT or EBT will perform the above stated services that Kennedy would have performed and in addition will provide custodial service. The applicants represent that as a result of the many services provided by a bank-managed commingled fund, the cost are higher than those associated with managing individual accounts. KAREC, as a fee for its investment advisory services to MPT or EBT, receives there quarters of one percent from MPT or EBT on the assets of the Plans that are managed by MPT or EPT. In addition, each Plan's investment in MPT or EBT will be limited to 10 percent of the assets of such Plan at the time the investment is entered into.

5. Prior to any Plan entering into the proposed transaction, a second fiduciary with the respect to the Plan, who is independent of and unrelated to Kennedy, KAREC, MPT, EBT, NBW or FNBF must:

(a) Authorize investment of Plan assets in pooled real estate funds;

(b) Receive an offering memorandum describing material information about MPT or EBT in which Plan assets may be invested, including a description of the services to be rendered by KAREC to pooled real estate funds it advises and the compensation to be received by KAREC therefor;

(c) Approve in writing any prospective "fee differential" to be earned by KAREC by reason of the investments. The term "*fee differential*" means the fee to be received by KAREC for services to be rendered to MPT or EBT attributable to a Plan's investment, less the investment management fee otherwise payable to Kennedy in connection with the management of those assets;

(d) Be notified of any proposed change in fees to be paid to KAREC on account of services provided to MPT or EBT and approve in writing any fee differential resulting therefrom; and

(e) Receive periodic statements concerning the performance of the real estate fund(s), including an audited annual report by an independent public accounting firm as well as quarterly unaudited reports showing the cost and fair market value of each holding as determined by the relevant real estate fund's valuation committee.

6. In summary, the Applicant represents that the requested exemption would satisfy the statutory criteria contained in section 408(a) of the Act because: (1) All terms and conditions with respect to the investment by the Plans in MPT and EBT are specific and require review and approval by an independent fiduciary; (2) the independent fiduciary will be provided with adequate disclosure concerning the investments in MPT and EBT; and (3) the investments in real estate funds will be appropriate for the Plans as part of a program of diversification of their portfolios.

Notice to Interested Persons

In addition to the publication of the notice of pendency in the **Federal Register**, Kennedy will provide a copy of the notice of pendency to the trustee of any Plan that is currently considering an investment in the proposed transaction.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and request for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for

public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code shall not apply to the investment of Plan assets, with respect to which Kennedy is a fiduciary, by Kennedy in MPT or EBT, both of which receive investment advisory services by KAREC provided that the terms and conditions of such investments are at least as favorable as those obtainable with an unrelated party in an arms length transaction.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–1759 Filed 1–25–82; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Qualification Program for Safety Related Equipment; Meeting

The ACRS Subcommittee on Qualification Program for Safety Related Equipment will hold a meeting on February 10, 1982, at the Federal Home Loan Bank Board Building, 1700 G Street, NW, 5th Floor Conference Room, Washington, D.C. The Subcommittee will begin review of the NRC Equipment Qualification Program as outlined in SECY 81–504.

In accordance with the procedures outlined in the Federal Register on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 10, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 19, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–1920 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co., Pilgrim Nuclear Power Station; Modification of January 13, 1981, Order

I

The Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR–35 which authorizes the licensee to operate the Pilgrim Nuclear Power Station (the facility) at steady state reactor power levels not in excess of 1998 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Plymouth County, Massachusetts.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the Federal Register on January 28, 1981 (46 FR–9305), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than October 31, 1981 or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the

following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG–0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed within six months of the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "May 1, 1982 for completion of the major modifications and prior to the start of Cycle 7 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in section V of the January 13, 1981, "Order for Modification of License," should be changed to "May 1, 1982 for completion of the major modifications and prior to the start of Cycle 7 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Md., this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1903 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–325]

Carolina Power & Light Co., Brunswick Steam Electric Plant, Unit No. 1; Modification of January 13, 1981 Order

I

The Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR–71 which authorizes the licensee to operate the Brunswick Steam Electric Plant, Unit No. 1 (the facility) at power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The order, published in the **Federal Register** on January 28, 1981 (46 FR 9306) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than February 28, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter. On February 27, 1981, the licensee requested a hearing to contest the completion date specified in the Order.

III

The licensee's request for a hearing has been held in abeyance pending efforts to resolve the contested completion date by administrative means. By letter dated March 9, 1981, the licensee set forth various unforeseen difficulties and delays that have been encountered primarily related to: (1) Delay in completion of plant-unique analyses; and (2) slippages in refueling outages that have necessitated revision of the Order date.

Most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping have been or will be completed by the existing order date. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the

licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to withdraw the completion date proposed in the January 13, 1981 Order and substitute the completion date set forth below. The exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981, continues in effect.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date proposed in Section V of the January 13, 1981, "Order for Modification of License," is hereby withdrawn and the following completion date is substituted: "Prior to the start of Cycle 5."

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the licensee should be required to complete the design and installation of plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661 prior to the start of Cycle 5.

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Md., this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1904 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co., Dresden Nuclear Power Station Unit No. 2; Modification of January 13, 1981 Order

I

The Commonwealth Edison Company (the licensee) is the holder of Provisional Operarting License No. DPR–19 which authorizes the licensee to operate the Dresden Nuclear Power Station, Unit 2 (the facility) at power levels not in excess of 2527 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9309) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than January 31, 1983, or if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG–0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed during the outage that is prior to or expected to coincide with the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to start of Cycle 9 for completion of the major modifications and prior to July 1, 1983 for completion of the remaining modifications." The Order of January 13,

1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "Prior to start of Cycle 9 for completion of the major modifications and prior to July 1, 1983 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following futher proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1906 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-249]

Commonwealth Edison Co., Dresden Nuclear Power Station Unit No. 3; Modification of January 13, 1981 Order

I

The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-25 which authorizes the licensee to operate the Dresden Nuclear Power Station, Unit 3 (the facility) at power levels not in excess of 2527 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9311) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than July 31, 1982, or if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed within five months of the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "December 30, 1982 for completion of the major modifications and prior to the start of Cycle 9 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "December 30, 1982 for completion of the major

modifications and prior to the start of Cycle 9 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell B. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1907 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co., Quad Cities Nuclear Power Station, Unit No. 1; Modification of January 13, 1981 Order

I

The Commonwealth Edison Company, et. al. (the licensee) is the holder of Facility Operating License No. DPR-29 which authorizes the licensee to operate the Quad Cities Nuclear Power Station, Unit No. 1 (the facility) at power levels not in excess of 2511 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site near Cordova, Illinois.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9312) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than December 31, 1982, or if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed during the outage that is prior to or expected to coincide with the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the comtainment systems and expects improvements will continue to be made during the priod until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extent the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption of General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to start of Cycle 7 for completion of the major modifications and prior to July 1, 1983 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "Prior to start of Cycle 7 for completion of the major modifications and prior to July 1, 1983 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1908 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co., Quad Cities Nuclear Power Station, Unit No. 2; Modification of January 13, 1981 Order

I

The Commonwealth Edison Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-30 which authorizes the licensee to operate the Quad Cities Nuclear Power Station, Unit No. 2 (the facility) at power levels not in excess of 2511 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site near Cordova, Illinois.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9314) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than July 31, 1982, or if the plant is shut down on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping have been or will be completed by the existing Order date. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 7." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "Prior to the start of Cycle 7."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1909 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co., Brunswick Steam Electric Plant, Unit No. 2; Modification of January 13,1981 Order

I

The Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR-62 which authorizes the licensee to operate the Brunswick Steam Electric Plant, Unit No. 2 (the facility) at power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the

facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9308) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than November 30, 1981, or, if the plant is shutdown on that date, before the resumption of power operation thereafter. On February 27, 1981, the licensee requested a hearing to contest the completion date specified in the Order.

III

The licensee's request for a hearing has been held in abeyance pending efforts to resolve the contested completion date by adminstrative means. By letter dated March 9, 1981, the licensee set forth various unforeseen difficulties and delays that have been encountered primarily related to: (1) Delay in completion of plant-unique analyses; and (2) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort have already been completed. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to withdraw the completion date proposed in the January 13, 1981 Order and substitute the completion date set forth below. The exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981, continues in effect.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date proposed in Section V of the January 13, 1981, "Order for Modification of License," is hereby withdrawn and the following completion date is substituted: "Prior to the start of Cycle 6."

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the licensee should be required to complete the design and installation of plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661 prior to the start of Cycle 6.

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1905 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corp. and Jersey Central Power and Light Co., Oyster Creek Nuclear Generating Station; Modification of January 13, 1981 Order and December 29, 1981 Order

I

The GPU Nuclear Corporation and Jersey Central Power and Light Company (the licensees) are the holders of provisional Operating License No. DPR–16 which authorized GPU Nuclear Corporation, (the licensee) to operate the Oyster Creek Nuclear Generating Station (the facility) at power levels not in excess of 1930 megawatts thermal (rated power). The facility is a boiling water reactor located in Ocean County, New Jersey.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 26, 1981 (46 FR 8139) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than December 31, 1981 or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

On December 29, 1981 a 45-day extension of this January 13, 1981 Order, published in the **Federal Register** on January 6, 1982 (47 FR 702) was granted by the Director of the Division of Licensing pending Commission approval of a staff generic proposal to extend the completion dates for the Mark I long-term program containment modifications for all affected licensees.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated August 27, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or

more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG–0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed within 8 months of the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order, as modified by the Order of December 29, 1981, to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to start of Cycle 10 for completion of the major modifications and prior to the start of Cycle 11 for completion of the remaining modifications." The Order of January 13, 1981 as modified December 29, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "Prior to start of Cycle 10 for completion of the major modifications and prior to the start of Cycle 11 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1910 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-331]

Iowa Electric Light & Power Co. et al., Duane Arnold Energy Center; Modification of January 13, 1981 Order

I

The Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR–49 which authorizes the licensee to operate the Duane Arnold Energy Center (the facility) at steady state reactor core power levels not in excess of 1658 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site near Palo in Linn County, Iowa.

II

On January 13, 1981 the Commission issued an Oder modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9282), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than June 30, 1982 or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an intitial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG–0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed within four months of the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the Janaury 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 7 for completion of major modifications and prior to July 1, 1983 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the requests shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "prior to the start of Cycle 7 for completion of major modifications and prior to July 1, 1983 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1911 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp., Nine Mile Point Nuclear Station, Unit No. 1; Modification of January 13, 1981 Order.

I

The Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the licensee to operate the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at power levels not in excess of 1850 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR-9288), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1983 or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort completed have already been. The remaining items are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the

licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 8 at the completion of your Spring 1983 refueling outage." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "Prior to the start of Cycle 8 at the completion of your Spring 1983 refueling outage."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1912 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co. et al., Millstone Nuclear Power Station, Unit 1; Modification of January 13, 1981 Order

I

The Northeast Nuclear Energy Company, The Connecticut Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company (the licensees) are the holders of Operating License No. DPR-21 which authorizes the Northeast Nuclear Energy Company (the licensee) to operate the Millstone Nuclear Power Station, Unit 1 (the facility) at power levels not in excess of 2011 megawatts thermal (rated power). The facility is a boiling water reactor located in the Town of Waterford, Connecticut.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on February 4, 1981 (46 FR 10877) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than April 30, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owner' Group Status Summary Report, the licensee identified unforeseen difficulties and delays encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort have already been completed. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 9 for all modifications

inside containment and no later than July 1, 1983 for all remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "Prior to the start of Cycle 9 for all modifications inside containment and no later than July 1, 1983 for all remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1913 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co., Monticello Nuclear Generating Plant; Modification of January 13, 1981 Order

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR-22 which authorizes the licensee to operate the Monticello Nuclear Generating Plant (the facility) at power levels not in excess of 1670 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Wright County, Minnesota.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9291), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than April 30, 1982 or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Critieria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed within three months of the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Ordef for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 10 for completion of major modifications and prior to the start of Cycle 11 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order on or before February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the requests shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be

changed to "prior to the start of Cycle 10 for completion of the major modifications and prior to the start of Cycle 11 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1914 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al., Peach Bottom Atomic Power Station, Units 2 and 3; Exemption

I

The Philadelphia Electric Company (the licensee) and three other co-owners are the holder of Facility Operating License Nos. DPR-44 and DPR-56 which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are boiling water reactors located at the licensee's site in York County, Pennsylvania.

II

Sections 50.48(c)(2) and 50.48(d)(2) of 10 CFR Part 50 require that certain fire protection systems in the Peach Bottom Station be operatble by November 17, 1981.

By letters dated October 14, 27, November 13, 19, and December 24, 1981, the licensee requested exemptions from the 10 CFR 50.48 schedular requirements. Specifically, the following four systems are involved:

1. Sprinkler systems in three plant areas,
2. Smoke detector systems,
3. Breathing air bottle charging system, and
4. Remote supervision of the fire door system. In every instance, operability by November 17, 1981, is suffering a delay due to equipment delivery difficulties. The licensee's exemption request consists of a delay in the operability date of the three systems from November 17, 1981 to January 29, 1982 and to March 31, 1982 of the fourth system.

The licensee stated that in spite of delivery delays the work on the modifications remains in progress. For each of the four systems, the licensee has proposed compensatory measures to become effective on November 17, 1981, the effective date of the rule for these components; and to retain the compensatory measures until the systems are placed in an operable status. The compensatory measures consist of a patrol of the affected plant areas pending installation of required smoke detectors and suppression system (sprinklers) as described in the licensee's October 14 and November 19, 1981 letters, at a once per shift interval. These patrols will ensure that adequate housekeeping and fire control practices are in effect in these areas. In addition, an inspection of selected fire doors, that is, those lacking remote supervision, will be conducted, once per shift, to verify that the subject doors are closed. These doors are identified in the licensee's November 13, 1981 letter.

To compensate for installation of a qualified breathing air bottle charging system the licensee has provided for double the amount of self-contained breathing apparatus (SCBA) required by 10 CFR 50.48. In addition, the licensee has brought an unspecified number of additional SCBA and charged air bottles on site, which are stated to bring the total air supply to triple that required by the rule.

We conclude that the licensee's request to be exempt from the schedular requirements of 10 CFR 50.48(c)(2) and (d)(2), i.e., delaying the operability date of three of the systems from November 17, 1981, to January 29, 1982, and the fourth system to March 31, 1982, should be granted based on the following evaluation. The licensee is continuing work on the modifications despite equipment delivery delays and is instituting adequate compensatory measures until the systems are operable. The licnesee's letter of December 24, 1981, which contained the request for the January 29 and March 31, 1982, dates, did not make the dates contingent on equipment deliveries.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

The Commission has determined that the granting of this exemption will not result in any significant evironmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 13th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1915 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of State of New York, James A. FitzPatrick Nuclear Station; Modification of January 13, 1981 Order

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the licensee to operate the James A. FitzPatrick Nuclear Station (the facility) at power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9317) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than October 31, 1981, or if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the

implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG–0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, have already been completed or are in the process of being completed during the current outage. The remaining items are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 5 for the completion of major modifications and prior to the start of Cycle 6 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order by February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "Prior to the start of Cycle 5 for completion of the major modifications and prior to the start of Cycle 6 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1918 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.50, "Guidance on Preparing a License Application To Store Spent Fuel in an Independent Spent Fuel Storage Installation," suggests a format acceptable to the NRC staff for submitting the information required by 10 CFR Part 72 in an application for a license to store spent fuel in an independent spent fuel storage installation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82–1920 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–259]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 1; Modification of January 13, 1981, and November 25, 1981 Order

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR–33 which authorizes the licensee to operate the

Browns Ferry Nuclear Plant, Unit 1 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR–9318), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than October 31, 1981, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

On November 25, 1981 a 45-day extension of this January 13, 1981 Order, published in the **Federal Register** on December 8, 1981 (46 FR–58759), was granted by the Director of the Division of Licensing pending Commission approval of a staff generic proposal to extend the completion dates for the Mark I long-term program containment modifications for all affected licensees.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated May 22, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to torus and torus attached piping analyses, equipment delivery, outage scheduling at a three unit site, and personnel safety concerns associated with prolonged overtime during extended outages that have necessitated revision of the Order date.

Browns Ferry Unit 1 was shutdown for six months (April 11 to October 1, 1981) primarily for torus modifications. During that outage most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping were completed. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order, as modified by the Order of November 25, 1981, to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981 "Order for Modification of License," as modified by the Order of November 25, 1981, is hereby changed to read as follows: "prior to the start of Cycle 6." The Order of January 13, 1981 except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order by February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the Janaury 13, 1981, "Order for Modification of License," should be changed to "prior to start of Cycle 6."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1917 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–260]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 2; Modification of January 13, 1981, Order

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR–52 which authorizes the licensee to operate the Browns Ferry Nuclear Plant, Unit 2 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance

Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9320), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than September 30, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. Thses criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated May 22, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to torus and torus attached piping analyses, equipment delivery, outage scheduling at a three unit site, and personnel safety concerns associated with prolonged, overtime during extended outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed during the outage that is expected to coincide with the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order, to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "prior to the start of Cycle 5 for completion of all the major modifications and prior to the start of Cycle 6 for completion of all the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order by February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "prior to start of Cycle 5 for completion of major modifications and prior to the start of Cycle 6 for completion of all the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Md. this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82–1918 Filed 1–25–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–296]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Unit 3; Modification of January 13, 1981, Order

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR–68 which authorizes the licensee to operate the Browns Ferry Nuclear Plant, Unit 3 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR–9321), required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG–0661 be completed not later than March 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated May 22, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to torus and torus attached piping analyses, equipment delivery, outage scheduling at a three unit site, and personnel safety concerns associated with prolonged overtime during extended outages that have necessitated revision of the Order date.

Browns Ferry Unit 3 will be shutdown for over 4 months (October 30, 1981 to approximately March 6, 1982) primarily for torus modifications. During this outage most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping will be completed. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of most of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion date for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "prior to the start of Cycle 6." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order by February 25, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to "prior to start of Cycle 6."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Md., this 19th day of January 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1919 Filed 1-25-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18432; SR-BSE-82-1]

Boston Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

January 20, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 12, 1982, the Boston Stock Exchange, Inc. ("BSE"), One Boston Place, Boston, Mass. 02108, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change increases the BSE's original listing fee from $3,500 to $5,000 for each class of stock or bonds. The exchange stated that the purpose of the proposed change in listing fees is to partially offset the increasing costs to the exchange of supplying services to the issuers. The BSE cited Section 6(b)(4) of the Act, relating to the exchange's provision for equitable allocation of reasonable dues, fees and other charges among its members, issuers and other persons using its services, as the statutory basis for the proposed rule change.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before February 16, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be make to File No. SR-BSE-82-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that several listing applications are presently pending at the BSE,[1] and, in

[1] The BSE has informed the Commission that all issuers with pending listing applications were notified before submitting their listing applications that the proposed fee increase had been approved by the BSE Board of Directors and would probably become effective in early January, 1982, following

Continued

light of the exchange's unique current financial situation, the Commission believes the rule appears to be an appropriate measure for the exchange to employ in an effort to meet its near term financial needs.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1840 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18431; SR-CBOE-81-26]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

January 19, 1982.

The Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, submitted on November 12, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to make explicit the authority of floor officials relating to the enforcement of certain exchange rules. Among other things, the amendment allows floor officials, in addition to any disciplinary action taken by the exchange's business conduct committees, to impose fines for violations of its rules other than those related to decorum and to break or adjust trades that were effected in violation of specified rules.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18295, November 30, 1981) and by publication in the **Federal Register** (46 FR 59683, December 7, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

---

approval by the Securities and Exchange Commission.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1841 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17976; SR-CSE-81-3]

Cincinnati Stock Exchange; Order Approving Proposed Rule Change

July 27, 1981.

On June 4, 1981, the Cincinnati Stock Exchange ("CSE"), 209 Dixie Terminal Building, Cincinnati, Ohio 45202, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends the exchange's listing fee schedule. The proposed rule change imposes a $1,000 maximum charge for the initial listing of a single class or issue of a security, and a $500 maximum charge for the initial listing of each additional class of a security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17874, July 17, 1981) and by publication in the **Federal Register** (46 FR 32981, June 25, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1842 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

MidCon Corporation, Common Stock, No Par Value (File No. 7-6116)

Omnicare Inc., Common Stock, $1 Par Value (File No. 7-6117)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1844 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Koger Properties Incorporated, Common Stock, $.10 Par Value (File No. 7-6118)

USF & G Corporation, Common Stock, $2.50 Par Value (File No. 7-6119)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make

written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1965 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18430; File No. SR PHLX 81-23]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed Rule Change by Philadelphia Stock Exchange, Inc., relating to Automated Communication and Execution System. Comments requested on or before February 16, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 5, 1982, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would increase from 399 to 599 the number of shares eligible for the Philadelphia Stock Exchange Communication and Execution System ("PACE") and amend Phlx Rule 229 to revise certain standards for execution of orders under the PACE system. The revised standards would provide for (1) execution on the best bid/ask quote among the American, Boston, Cincinnati, Midwest, New York, Pacific or Philadelphia Stock Exchanges ("PACE Quote"); (2) elimination of the requirement that executions of market orders must be at or within the New York Stock Exchange daily high/low range; and (3) execution of round-lot limit orders when 1000 shares of the particular security print at the limit price on any exchange(s) eligible to compose the PACE Quote.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

PACE currently provides to Phlx member organizations on voluntary basis, a cost efficient, competitive order delivery and execution system through which specialists can expand their market making activities. The present submission would expand the size of orders eligible for PACE and revise certain standards for execution of those orders through PACE, in an effort to remain competitive with similar systems of other exchanges. The proposed rule change is based on Section 6(b)(5) of the Act which provides, in part, that the rules of the exchange be designed to promote just and equitable principles of trade, to facilitate transactions in securities, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments on the proposed rule change have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before March 2, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 16, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 19, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1843 Filed 1-25-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12166; 812-5005]

Narragansett Capital Corp. and Bevis Industries, Inc.; Filing of an Application for an Exemption Order

January 19, 1982.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company and licensed as a small business investment company ("SBIC") under the Small Business Investment Act of 1958, and Bevis Industries, Inc. ("Bevis"), 40 Westminster Street, Providence, Rhode Island 02903, a corporation presumed to be controlled by Narragansett (hereinafter Narragansett and Bevis are collectively referred to as "Applicants")

filed an application on October 29, 1981, for an order pursuant to Sections 17(b) and 17(d) of the Act and Rule 17d–1 thereunder, exempting from the provisions of Section 17(a) of the Act and permitting under Section 17(d) of the Act, two groups of interrelated refinancing transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the first set of transactions consists of the refinancing of indebtedness involving (1) the agreement by the holders of certain subordinated installment notes ("6% Notes") of Greenville Tube Corporation ("Greenville") a wholly-owned subsidiary of Bevis, to the deferral of installments of principal totaling $5,500,000 due January 15, 1982, under the 6% Notes; (2) the agreement by Narragansett as the holder of certain other subordinated installment notes of Greenville ("Subordinated Notes") to the deferral of principal payments totaling $1,700,000 due February 15, 1982, thereunder and (3) concessions made by Bevis and Greenville to obtain those agreements. The second group of transactions consists of (1) the purchase of Bevis and possibly Narragansett of 639,225 shares of the common stock of Bevis from three substantial stockholders of Bevis, including Bernhardt Denmark ("Denmark"), who is a director of Bevis; (2) the related resignations from the board of directors of Denmark and his two nominees on that board, Michael J. Lichtenstein ("Lichtenstein") and Wilson H. Kierstead ("Kierstead"); and (3) certain commitments by the principal officers of Greenville in the event the order applied for is not obtained.

Bevis conducts its business through two wholly-owned subsidiaries, Greenville and MD Pneumatics, Inc. ("MD"). Bevis has issued 2,924,963 shares of common stock, of which 425,000 shares are held as treasury shares and 2,499,963 are outstanding. The stock is traded in the over-the-counter market. The only persons known by Bevis to own more than 5% of such common stock, as of September 30, 1981, are Narragansett, which owns 836,952 shares (33.48%) and Denmark, who owns 500,000 shares (20%).

Arthur D. Little ("Little") is president of Bevis; Arthur H. McGonigal, Sr. ("McGonigal") and George K. Painter ("Painter") are president and executive vice president, respectively, of Greenville and Earl L. Fester ("Fester") is president of MD. All four serve as directors of Bevis (of which there are 10) with Frederick G. Frost, III ("Frost"), who is a nominee on the Bevis board and a director of Narragansett, Robert G. Huckins ("Huckins"), James E. Macdonald, Jr., Denmark, Lichtenstein and Kierstead.

According to Applicants, the refinancing transactions are the result of negotiations starting in March, 1980, between Bevis and the holders of the 6% Notes ("Noteholders") to obtain the agreement of the Noteholders to the deferral of the final installments thereunder totaling $5,500,000 which would otherwise be payable January 15, 1982. The 6% Notes were issued on December 28, 1976, pursuant to a Stock Purchase Agreement dated September 28, 1976 ("Stock Purchase Agreement"), under which Narragansett, McGonigal, Joseph H. Filner, R. J. Goss, Raymond Landfried, Donald Weaver, M. W. Weaver and Painter, (the former stockholders, other than Narragansett, are collectively referred to as the "Individual Noteholders") sold all of the stock of the former Greenville Tube Corporation to a subsidiary of Bevis for $125,000 in cash and $13,000,000 of 6% Notes, of which $6,500,000 were issued to Narragansett and $6,500,000 to the Individual Noteholders.

The 6% Notes are payable in interim installments totaling $1,500,000 due on January 15 of 1977 through 1981, and final installments totaling $5,500,000 due January 15, 1982, of which $2,000,000 is payable to the Individual Noteholders and $3,500,000 to Narragansett. By a Guaranty and Pledge Agreement dated December 28, 1976, Bevis guaranteed the payment of the 6% Notes and pledged the stock of Greenville as collateral for that guaranty. At the closing held December 28, 1976, (1) McGonigal and Painter entered into employment agreements with Greenville for terms ending on the later of January 15, 1982, or the date of payment of the 6% Notes; (2) Narragansett granted McGonigal and Painter options to purchase shares of the common stock of Bevis owned by Narragansett at a price of $1.51 per share exercisable at any time during the month of January, 1982, or if the 6% Notes had not been paid by January 31, 1982, during the 30 days following the date of such payment (in no event after December 31, 1982), provided the 6% Notes shall have been paid and Greenville shall have a tangible net worth of at least $5,000,000 and shall not have indebtedness in excess of $3,000,000 ("McGonigal and Painter Options from Narragansett"); and (3) Narragansett agreed to defer payment of $1,700,000 principal amount of Subordinated Notes until the first to occur of February 15, 1982, or payment of the 6% Notes.

On September 27, 1976, Bevis, Narragansett, Denmark, Royal Little, Sol Kittay ("Kittay") and Stanley Goldstein ("Goldstein") had entered into an agreement ("Bevis Stockholders Agreement") pursuant to which certain restrictions were placed on the sale of the shares of common stock of Bevis owned by the parties (other than Bevis) and Denmark was entitled, until the 6% Notes were paid, to have vacancies on the board of directors of Bevis caused by the resignations or inability to serve of Denmark, Kittay or Jack Brier filled by persons agreeable to him. Narragansett was entitled to fill two other vacancies.

On May 1, 1979, at the time of the purchase by Bevis of the stock of MD, the Bevis Stockholders Agreement was amended to add Fester as a party, to make the commitments with respect to the right of Denmark and others to fill vacancies on the Bevis board of directors effective until the payment of not only the 6% Notes but also the $4,900,000 of 6% Subordinated Installment Notes issued as part of the purchase price for the stock of MD, and to make certain other changes.

The above described prior transactions were the subject of applications and Commission orders permitting the transactions (Investment Company Act Release Nos. 9584 and 10752). Pursuant to a First Amendment to the Stock Purchase Agreement executed in October, 1978, and a Second Amendment thereto executed in January, 1980, certain installments of principal due under the 6% Notes on January 15, 1979, and January 15, 1980, were partially deferred. All such deferred payments had been fully paid by March 13, 1980. However, according to the Applicants, it became clear at that time that the final installments totaling $5,500,000 which would otherwise come due January 15, 1982, could not be paid when due without substantial borrowing by Bevis or Greenville and that efforts should be made to negotiate a deferral of the final installments agreeable to the Noteholders as well as a deferral agreeable to Narragansett of the $1,700,000 payable on February 15, 1982, under the Subordinated Notes.

At the April 17, 1980, meeting of the board of directors of Bevis, a memorandum was discussed recommending a deferral of the final installments of the 6% Notes due January 15, 1982, and the proposed form of the Third Amendment to the Stock Purchase Agreement ("Third

Amendment") to effect that deferral and to establish the terms of the related transactions required to obtain the approval of the Noteholders were dicussed at meetings of the Bevis board held August 5, and October 9, 1980.

Applicants state that following negotiations discussed at meetings held April 17, August 5 and October 8, 1980, the Bevis board on January 8, 1981, approved the execution of the Third Amendment pursuant to which the final installments of the 6% Notes totaling $5,500,000 would be payable $750,000 on January 15, 1982, $500,000 on January 15, 1983, and January 15, 1984, and $3,750,000 on September 30, 1984 (of which $2,625,000 would be paid to Narragansett and $1,125,000 would be paid to the Individual Noteholders), and the annual payments by Greenville to Bevis to cover general corporate overhead would be increased as of January 1, 1981, and again as of January 15, 1983. The Third Amendment included the agreement of Narragansett to defer payment of the $1,700,000 owed to it by Greenville under the Subordinated Notes until one month after the 6% Notes are paid or October 31, 1984, whichever shall first occur. To obtain those agreements, Bevis and Greenville agreed to increase the annual rate of interest on both the 6% Notes and the Subordinated Notes to 15% commencing January 15, 1982. Bevis obtained the agreement of Narragansett in the Third Amendment to extend the option periods under the McGonigal and Painter Options from Narragansett from January 31, 1982, until December 31, 1984, provided the other conditions precendent to their exercise are satisfied. Bevis and Greenville obtained the agreement of McGonigal and Painter in the Third Amendment to amend the McGonigal and Painter employment agreements, in consideration of (1) and increase in their minimum salaries; (2) to extend the terms thereof until December 31, 1984; and (3) to increase the duration of their agreements not to compete. The Third Agreement also included the agreement of Bevis to grant additional options to McGonigal and Painter to purchase shares of Bevis common stock at $2 per share, exercisable during the period from January 1, 1985, to December 31, 1985, provided that 6% Notes and the Subordinated Notes shall have been paid in full and to grant additional options covering in the aggregate 100,000 shares of common stock (12,500 shares to each) to eight other key employees at Greenville ("Employee Option Holders") on the same terms, except that the options will be exercisable until December 31, 1986.

According to the application, before the Third Amendment and related documents could be executed, the serious differences over management policy which had existed for several years between Denmark (and his two nominees on the Bevis board of directors) on the one hand and the remaining members of the Bevis board and the subsidiaries' management on the other, came to a head. The Bevis directors, other than Denmark and his nominees, agreed with the positions taken by the managements at Greenville and MD and felt that the continuing services of these management groups were vital to the success of Bevis. As a result of the disagreement, Narragansett, McGonigal and Painter indicated on July 22, 1981, that they were unwilling to proceed with the refinancing contemplated by the Refinancing Transactions authorized on January 8, 1981, so long as Denmark and his nominees were directors of Bevis and Denmark, Kittay and Goldstein were stockholders of Bevis. Under the terms of an agreement among Bevis and certain of its stockholders, until the 6% Notes and the notes involved in the purchase of MD are paid, Denmark is entitled to nominate three directors of Bevis.

On July 22, 1981, Narragansett and McGonigal owned $6,500,000 and $4,615,000, respectively, of the principal amounts of the 6% Notes, and were entitled to $3,500,000 and $1,420,000, respectively, of the final installments due January 15, 1982, thereunder. Any waiver of a default on the 6% Notes requires the consent of both Narragansett and McGonigal. On July 22, 1981, McGonigal and Painter were, and had been since the acquisition of Greenville by Bevis, the President and Vice-President, respectively of Greenville. In the opinion of a majority of the Bevis directors, the success of Greenville has been due to the managerial talents of McGonigal and Painter.

Applicants state that any refinancing that involved the payment of the 6% Notes when due would terminate the McGonigal and Painter Employment Agreements, and without their agreement to the extension of their employment arrangements thereafter, Greenville would lack experienced management, a condition which Applicants assert made it impractical to obtain loans from banks or other institutional lenders with which to pay the final installments.

Applicants state that when Bevis' negotiations with the Noteholders broke down, the Bevis board of directors appointed a committee of disinterested directors to investigate the various possibilities of refinancing the obligations due in January and February of 1982 under the 6% Notes and the Subordinated Notes. Efforts of the disinterested directors committee led to an offer on August 31, 1981, by Denmark, Kittay and Goldstein to Bevis to sell the 639,225 shares of Bevis common stock owned by them ("Shares to be Sold") at $3.25 a share, which was the asked price in the over-the-counter market on that date.

Applicants represent that the members of the board of directors of Bevis, other than Denmark and his nominees, met informally on September 2, 1981, to consider the offer. The disinterested directors committee recomended that the offer be accepted as the best way to obtain agreement to the refinancing contemplated by the Third Amendment and eliminate the friction among the directors in view of the refusal of banks to make loans (absent assurances of continued experienced management at Greenville) and the disadvantages of the possible alternative of bankruptcy proceedings. The committee felt that the proposed price was fair and that the purchase would be advantageous to the Bevis stockholders. The proposed price of $3.25 a share was the asked price according to the National Daily Quotation Service on August 31, 1981 (the date when the offer was made). Applicants assert that based on the pro forma cash flow projections as of December 31, 1981, prepared by management, the proposed price was less than the book value ($3.31), approximately 2 times tangible book value ($1.57) and 4.9 times fully taxed projected earnings for 1981 ($.67). The directors present agreed that the price was fair and that the redemption of the 639,225 shares offered at this price would be in the best interests of the stockholders, provided Denmark and his nominees agreed to resign from the Bevis Board.

According to the application, at a meeting held September 11, 1981, the board of directors of Bevis voted to accept the offer and approved an agreement among Bevis and certain of its stockholders and directors ("Purchase Agreement for Bevis Stock") setting forth the commitments of the various parties with respect to the purchase of the 639,225 shares owned by Denmark, Kittay and Goldstein. The Purchase Agreement for Bevis Stock provides that in the event that Bevis does not have sufficient earned surplus on the closing date to purchase the

Shares to be Sold without violating the Rhode Island Business Corporate Act, Narragansett will purchase those shares that Bevis cannot purchase. Bevis and Narragansett agree that any shares purchased by Narragansett will be sold to Bevis at the same price when and as Bevis has sufficient earned surplus with which to make the purchase. The Purchase Agreement for Bevis Stock is subject to the entry of the order by the Commission sought by Applicants. Bevis and Narrangansett may assign their rights to purchase the Shares to be Sold to persons not affiliated with Bevis or Narragansett. If no purchase is made by Bevis, Narragansett or their assignees on or before June 30, 1982, the agreement will terminate on that date. Should the Purchase Agreement terminate on June 30, 1982, the Purchase Agreement provides that McGonigal and Painter will serve in their present capacities at Greenville in accordance with the terms of their present employment contracts for a period of 120 days after such termination, provided the duration of their agreement not to compete shall not be adversely affected by such further service and the annual rate of their salaries shall be increased by 20% during such 120-day period.

At the same September 11, 1981, meeting, the Bevis board of directors approved the Third Amendment and related transactions in the form previously authorized on January 8, 1981, except that the Noteholders agreed that the $750,000 of installments under the 6% Notes previously scheduled for January 15, 1982 would be further deferred until July 15, 1982, and Narragansett agreed that the McGonigal and Painter Options from Narragansett would be further amended to make them immediately exercisable upon the effective date of the Third Amendment by eliminating the various conditions that must now be met before the options may be exercised, including the condition that the 6% Notes and Subordinated Notes shall have been paid. Narragansett and the Individual Noteholders agreed to these amendments.

According to Applicants, Bevis is an affiliate of Narragansett, which owns 33.4% of the outstanding common stock of Bevis and is presumed to control Bevis. Greenville, a wholly-owned subsidiary of Bevis, is an affiliate of Bevis and therefore an affiliate of Narragansett. Each of the Individual Noteholders is an affiliate of Greenville by virtue of his past or present employment, and hence is an affiliate of an affiliate of Narragansett.

Section 17(a) of the Act prohibits any affiliated person, as defined by Section 2(a)(3) of the Act, of a registered investment company or any affiliated person of such a person, acting as principal, from (1) selling any secruity to such registered investment company, unless such sale involves securities of which the buyer is the issuer, and (2) from purchasing from such registered company or a company controlled by such registered company any security, except securities of which the seller is the issuer. Under Section 17(b) of the Act, however, the Commission may, upon the filing of an application, exempt a transaction from the provisions of Section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Applicants request an order exempting from the provisions of Section 17(a) of the Act (1) the sale by Denmark to Narragansett of some or all of the shares of Bevis common stock pursuant to the Purchase Agreement for Bevis stock in the event that Bevis does not have sufficient earned surplus to purchase such shares; (2) the amendment of the McGonigal and Painter Options from Narragansett previously granted pursuant to which McGonigal and Painter may purchase from Narragansett shares of Bevis common stock; and (3) the agreement of Bevis to purchase from Narragansett any shares of Bevis common stock purchased by Narragansett from Denmark, Kittay, or Goldstein.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company or a company controlled by such registered company is a participant, unless an application regarding that transaction has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in the transaction is consistent with the provisions, policies and purpose of the Act and the extent to which that participation is on a basis different from or less advantageous than that of other participants.

Applicants also request, an order permitting, under Section 17(d) of the Act and Rule 17d-1 thereunder, all of the transactions described in the application since they are interrelated and involve parties who are affiliates of Narragansett or affiliates of affiliates of Narragansett who may be deemed to be engaging in transactions in connection with a joint enterprise or other joint arrangement or profit sharing plan in which Narragansett or Bevis is a participant.

Applicants assert that the terms of the Third Amendment and related transactions and those of the Purchase Agreement for Bevis stock and related transactions were negotiated over many months of arms-length negotiations between the various parties who are sophisticated and were represented by independent counsel. Those terms were also approved by the disinterested directors committee which also had the benefit of independent counsel. The price paid for the common stock of Bevis to be sold pursuant to the Purchase Agreement for Bevis stock is asserted to be fair under the accepted standards of valuation described above, and the price was deemed to be fair by the Noteholders, the disinterested directors committee and the principal stockholders of Bevis who will remain after the proposed purchase is consummated—namely, Narragansett, Fester, Huckins, Little, McGonigal, Frost and Painter. Applicants also assert that the proposed transactions do not involve overreaching on the part of any person involved and that the transactions benefit each party to them.

With respect to the Purchase Transactions, the Applicants assert that the transactions are reasonable and fair and do not involve overreaching on the part of any person involved. The stockholders of Bevis, including Narragansett, assertedly will benefit by the elimination of the dissention on the board of directors that had jeopardized the continued services of McGonigal and Painter at Greenville and Fester at MD and hence, the future profitability of Bevis. Applicants argue that the Bevis stockholders also will benefit by the reduction in the number of outstanding Bevis shares by 25.6% and an increase in the earnings and book value per share by over 34%. Applicants assert that without the purchase of these shares and the related resignations from the Bevis board, the Refinancing Transactions contemplated by the Third Amendment could not have been consummated and Bevis might have

been required to seek protection under Chapter 11 of the Bankruptcy Act to the detriment of the Noteholders, Narragansett and the Bevis stockholders in order to prevent the reversion of the stock of Greenville to the Noteholders. Narragansett and its stockholders are asserted to benefit in that Narragansett is by far the largest stockholder of Bevis and is owed $3,500,000 on 6% Notes and $1,700,000 on Subordinated Notes, all of which indebtedness is to be on a basis providing for a higher yield and greater assurance of payment.

Applicants also assert that the proposed transactions are consistent with the policies of Narragansett and with the general purposes of the Act.

Applicants assert that the participation of Narragansett and Bevis in the proposed transaction is consistent with the provisions, policies and purposes of the Act, and to the extent that their participation is on a basis different from or less advantageous than that of other participants, the transactions are fair and reasonable and do not involve any overreaching.

Notice is further given that any interested party may, not later than February 16, 1982, at 5:00 p.m., submit to the Commissionm a request in writing for a hearing on the matter accompanied by a statement as to the nature of such party's interest, the reason for such request, and the issues of fact or law proposed to be controverted, or such party may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personnally or by mail (priority mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the 1940 Act, an order disposing of the application herein may be issued by the commission upon the basis of the showing contained in the application, unless an order for a hearing upon the application shall be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–1839 Filed 1–25–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0434]

Faulkner Investment Co.; Issuance of a License To Opperate as a Small Business Investment Company

On June 19, 1981, a notice was published in the **Federal Register** (46 FR 32122) stating that Faulkner Investment Company, 870 Seventh Avenue, New York, New York 10019, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102(1981)), for a license to operate as a small business investment company.

Interested parties were given until the close of business July 6, 1981, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on November 5, 1981 issued License No. 02/02–0434 to Faulkner Investment Company, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–1869 Filed 1–25–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 02/02–5432]

International Paper Capital Formation, Inc.; Issuance of a Small Business Investment Company License

On April 6, 1981, a notice was published in the **Federal Register** (46 FR 20647) stating that an application has been filed by International Paper Capital Formation, Inc., 77 West 45th Street, New York, New York 10036, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license as a small business investment company.

Interested parties were given until close of business April 21, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02–5432 on November 5, 1981 to International Paper Capital Formation, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–1870 Filed 1–25–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 01/01–0314]

Vadus Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On July 16, 1981, a notice was published in the **Federal Register** (46 FR 36981) stating that Vadus Capital Corporation, Three Center Plaza, Boston, Massachusetts 02108 had filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on July 31, 1981, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01–0314 on November 3, 1981, to Vadus Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: January 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–1871 Filed 1–25–82; 8:45 am]

BILLING CODE 8025–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 17
Tuesday, January 26, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Communications Commission	2, 3
Federal Mine Safety and Health Review Commission	4

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, January 27, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW. Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Prednisone Exemption Petition PP 81-1*
The Commission will consider a request for an exemption to the child resistant packaging requirements of the Poison Prevention Packaging Act for Prednisone.
2. *School Laboratory Chemicals Status Report*
The staff will brief the Commission on the School Laboratory Chemicals Status Report. The purpose of the project was to identify potential chemical hazards in the school laboratory and to access the need for development of information/education materials to increase school laboratory safety awareness.
3. *Voluntary Standards—Policy on Acknowledgement*
The staff will brief the Commission on a policy on acknowledge for voluntary standards.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

4. *Section 15 Matters: Status*
The staff will brief the Commission on recent activities under Section 15 of the Consumer Product Safety Act.
5. *Enforcement Matter: OS 1085*
The staff will brief the Commission on issues concerning enforcement matter OS 1085.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342, 5401 Westbard Ave., Bethesda, Md. 20207.

[S-107-82 Filed 1-21-82; 4:35 pm]

BILLING CODE 6355-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, January 28, 1982

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, January 28, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Complaints and Compliance—1—Results of a field investigation into the operation of Radio Station KRDD, Roswell, New Mexico

Complaints and Compliance—2—Request by Curran Communications, Inc. for reconsideration of Commission's letter of admonition issued to Radio Station WPAM, Pottsville, Pennsylvania.

Hearing—1—Application for Review of a Review Board Memorandum Opinion and Order denying a request to reopen the record and enlarge issues in the Laredo, Texas, comparative FM proceeding (Docket Nos. 79-316, 79-317).

Hearing—2—Applications for Review in the Gulf Coast Communications, Inc., Tampa, Florida Public Coast III-B Maritime Mobile Radio proceeding. (PR Docket No. 78-259-60).

Hearing—3—Petition for Reconsideration in the Stereo Broadcasters, Inc., Garden City, New York, FM license renewal proceeding (Docket No. 20590).

Hearing—4—Petition for Leave to Amend; Motion to Enlarge Issues against Radio Station WABZ, Inc.; and Contingent Petitions to Enlarge Issues Against Victor Broadcasting, Inc., in the Albermarle, North Carolina FM radio proceeding (Docket Nos. 78-63 and 78-64).

Hearing—5—Petition for Reconsideration of the Commission's Decision in the Albuquerque, New Mexico TV renewal proceeding (Docket No. 20540).

Hearing—6—Certified Exemptions and related pleadings requesting review of the Initial Decision in the New York Metropolitan area Domestic Public Land Mobile Radio Service comparative proceeding (CC Docket Nos. 78-200, 78-201, and 78-202).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, Telephone number (202) 254-7674.

Issued: January 21, 1982.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-109-82 Filed 1-22-82; 3:31 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, January 28, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, January 28, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Radio Technical Commission for Aeronautics (RTCA). *Summary:* The Commission Participates in the RTCA with other government agencies. However, the current austere budget requires program reductions. The Private Radio Bureau has proposed cancelling the FCC membership in the RTCA.

General—2—*Title:* Responsibility of the Federal Communications Commission to consider biological effects of radiofrequency radiation when authorizing the use of radiofrequency devices. Potential effects of a reduction in the allowable level of radiofrequency radiation on FCC authorized communications services and equipment (Docket 79-144). *Summary:* It is proposed to amend § 1.1305 of the Commission's Rules implementing the National Environmental Policy Act. Would expand the list of "major actions" subject to environmental processing standards to include equipment or operations not in compliance with federal health and safety standards for radiofrequency or microwave radiation.

General—3—*Title:* Report of the United States Delegation to the Regional Administrative MF Broadcasting Conference (Region 2), Second Session, Rio de Janeiro, 1981. *Summary:* The United States participated in a conference in Rio de Janeiro which developed an agreement and master assignment plan governing AM broadcasting in the Western Hemisphere. The Chairman of the U.S. Delegation will report on the outcome of the Conference and its potential effect on the AM broadcasting service in the U.S.

Private Radio—1—*Title:* Reinstatement of expired Club and Military Recreation station licenses. *Summary:* The Commission will consider whether the staff should reinstate certain expired amateur radio licenses.

Private Radio—2—*Title:* Petition for Reconsideration of Commission's action of October 1, 1981, relating to Amateur station identification requirements. *Summary:* The Commission will consider whether to grant or to deny the Petition for Reconsideration.

Private Radio—3—*Title:* Amendment of Section 90.61 of the Commission's Rules concerning general eligibility in the Industrial Radio Services. *Summary:* The FCC will consider whether to adopt a rule amendment to permit the licensing of non-profit corporations and associations of eligible users in the Business and Special Industrial Radio Services in the bands below 512 MHz.

Common Carrier—1—American Telephone & Telegraph Company *et al.* For Authority Under Section 214 of the Communications Act to Construct and Operate a Submarine Cable System (Third Florida-St. Thomas Cable) Between the Continental United States and St. Thomas, U.S. Virgin Islands. (I–P–C–81–050) We are considering the aforementioned joint application for authority pursuant to Section 214 of the Communications Act of 1934 as amended to participate in the construction and operation of an approximately 3,000 circuit submarine cable (SG type—3,150 4 kHz circuits) between Florida and St. Thomas, U.S. Virgin Islands. Of the 3,000 circuits, the joint applicants intend to place 1,901 in service initially to be used solely for international service.

Common Carrier—2—*Title:* Application by AT&T, ITTCIVI, ITT Worldcom, RCA Globcom, TRT, and WUI (joint applicants) for a cable landing license to land and operate a submarine cable between Florida and St. Thomas, U.S. Virgin Islands. *Summary:* The joint applicants request a license pursuant to the provisions of 47 U.S.C. 34–39 to land and operate a submarine cable between Florida and St. Thomas, U.S. Virgin Islands.

Common Carrier—3—*Title:* American Telephone and Telegraph Company Restrictions on Resale and Sharing of Private Line Services to Form Equivalents of Message Telecommunications Service and Wide Area Tele-Communications Service. *Summary:* The Commission will decide whether to investigate the lawfulness of certain provisions in the American Telephone and Telegraph Company's private line tariffs which forbid the use of private line services in such a manner as to form services which are the equivalents of Message Telecommunications Service and Wide Area Telecommunications Service.

Common Carrier—4—*Title:* CC Docket No. 81–351, investigation of proposed revisions to AT&T's Series 7000 terrestrial television service offering. *Summary:* In Feb. 1981 AT&T proposed revisions to its Series 7000 terrestrial television transmission service offering. By order adopted in May 1981, the Commission suspended the revisions and set various issues for investigation (86 FCC 2d 661). These issues include the reasonableness of the proposed rate structure. During the investigation AT&T submitted an alternative rate structure and various parties filed comments. The Commission will consider the reasonableness of the proposed revisions based on the issues and comments in the investigation.

Common Carrier—5—*Title:* In the Matter of The Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended, for: General Telephone Company of Florida, General Telephone Company of Indiana, Incorporated, General Telephone Company of Michigan, General Telephone Company of Ohio. *Summary:* The Commission is considering prescription of depreciation rates for new additions to the outside plant accounts of the GTE companies of Florida, Indiana, Michigan and Ohio using the equal life group method of calculating such rates.

Common Carrier—6—*Title:* RCA American Communications Revisions to Tariff F.C.C. Nos. 1 and 2, Transmittal Nos. 323 and 328. *Summary:* The Commission considers petitions to reject or alternatively suspend and investigate tariff revisions filed by RCA Americom, Inc. proposing to establish a competitive bidding procedure for assigning transponders.

Common Carrier—7—*Title:* In the matter of Domestic Satellite Transponder Sales. *Summary:* The Commission considers proposals of domestic satellite space station licensees to sell transponders to users rather than leasing them pursuant to tariff.

Common Carrier—8—*Title:* In the matter of Satellite Common Carriers' Transponder Assignment Procedures. *Summary:* The Commission considers the petition of RCA American Communications Inc. requesting the Commission to direct all satellite common carriers to tariff their procedures for assigning transponders to customers or to remove such requiremets from RCA Americom

Cable Television—1—Amendment of Part O of the Commission's Rules and Regulations Concerning Delegations of Authority to the Chief, Cable Television Bureau. The Commission will consider modifying its delegation of authority to the Chief of the Cable Television Bureau, pursuant to Section 0.288 of the Commission's Rules in regard to the imposition of forfeitures on cable television system operators and Cable Television Relay Service (CARS) station licensees.

Cable Television—2—*Title:* Petitions for special relief filed by Stations WBRE–TV and WDAU–TV to be found significantly viewed in certain communities located in Pennylvania. *Summary:* Requests for declaratory rulings filed by Stations WBRE–TV and WDAU–TV, CSR–1764 an 1819, respectively, to be found significantly viewed in certain communities in Pennsylvania.

Cable Television—3—"Petition for Reconsideration" (CAR–14997–01) and Petitions for Orders to Show Cause (CSC–242, 243) filed March 4, 6, and 13, 1981, by American Cable Television, Inc. American Cable Television, Inc., operator and franchisee of several Arizona cable systems, seeks reconsideration of the grant of a construction permit for a new CARS Station WGZ–233 to Mesa Community Cable TV, Inc. American also seeks issuance of orders to show cause against Mesa for alleged violations of the Commission's Rules.

Cable Television—4—Petitions for Issuance of Tax Certificates (CSR–1843, CSR–1945) filed November 26, 1980, and May 15, 1981, by Kansas State Network, Inc. Kansas State Network, Inc., licensee of several television broadcast stations, seeks tax certificates, pursuant to Section 1071 of the 1954 Internal Revenue Code, for divestitures of its cable television interests.

Complaints and Compliance—1—*Title:* Application for Review of the Broadcast Bureau's ruling of March 31, 1981, filed by Minnesota Farmers Union on June 29, 1981. *Summary:* The Commission will consider whether to affirm the Bureau ruling which denied the complaint of the Minnesota Farmers Union ("Union") against Hubbard Broadcasting, Inc., licensee of KSTP–TV, St. Paul, Minnesota. The Bureau ruled that the licensee was not unreasonable in determining that the Union's use of a tax-exempt educational fund did not constitute a controversial issue of public importance within its service area. The Bureau declined to rule upon the Union's allegations of news distortion, in the absence of extrinsic evidence.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–110–82 Filed 1–22–82; 3:31 pm]

BILLING CODE 6712–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 18, 1982.

TIME AND DATE: 10 a.m., January 27, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following cases:

1. Secretary of Labor, MSHA v. Alexander Brothers, Inc., Docket No. HOPE 79–221–P.
2. Secretary of Labor, MSHA v. San Kennedy, d.b.a. Energy Salvage Company, Docket Nos. VINC 78–11 through VINC 78–15.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–108–82 Filed 1–22–82; 10:19 am]

BILLING CODE 6820–12–M

V
4
7
/
1
7
J
A
2
6
8
2
UMI

federal register

Tuesday
January 26, 1982

Part II

Department of Health and Human Services

Food and Drug Administration

Ophthalmic Devices; General Provisions and Classification of 119 Devices; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. 78N-3128]

Ophthalmic Devices; General Provisions and Classification of 119 Devices

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing general rules applicable to the classification of all ophthalmic devices. The Medical Device Amendments of 1976 require the agency to classify all medical devices intended for human use into three categories: class I, general controls; class II, performance standards; and class III, premarket approval. In the preamble to this proposal, FDA describes the development of the proposed regulation classifying 119 ophthalmic devices. The preamble also describes the activities of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel (formerly the Ophthalmic Device Classification Panel), an FDA advisory committee that makes recommendations to FDA concerning the classification of ophthalmic devices.

DATES: Comments by March 29, 1982. FDA proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Max M. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION:

Device Classification System

The Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295) establish a comprehensive system for the regulation of medical devices intended for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c) establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories are as follows: class I, general controls; class II, performance standards; and class III, premarket approval.

Most devices are not classified under section 513 of the act unit after FDA has (1) received a recommendation from a device panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. These steps must precede the classification of any device that was in commercial distribution before May 28, 1976 (the date of enactment of the amendments) and that was not previously regarded by FDA as a new drug under section 505 of the act (21 U.S.C. 355). A device that is first offered for commercial distribution after May 28, 1976, and that is substantially equivalent to a device classified under this scheme, is classified in the same as the device to which it is substantially equivalent.

A device that FDA previously regarded as a new drug, or a newly offered device that is not substantially equivalent to a device that was in commercial distribution before the amendments, is classified by statute into class III. These two types of devices are classified into class III without any FDA rulemaking proceedings. The agency determines whether new devices are substantially equivalent to proviously offered devices by means of the premarket notification procedure in section 510(k) of the act (21 U.S.C. 360(k)) and Part 807 of the regulations (21 CFR Part 807).

Related Regulations

In the **Federal Register** of July 28, 1978 (43 FR 32988), the agency issued final regulations describing the procedures for classifying devices intended for human use. These regulations, which were propsed in the **Federal Register** of September 13, 1977 (42 FR 46028), supplement the agency's regulations in Part 14 (21 CFR Part 14) governing the use of advisory committees. The agency also issued interim device classification procedures in a notice published in the **Federal Register** of May 19, 1975 (40 FR 21848). Related regulations on several ophthalmic devices that FDA considered new drugs before enactment of the amendments or that are subject to the Radiation Control for Health and Safety Act are discussed elsewhere in this preamble.

Activities of Panel

Anticipating enactment of the amendments, FDA established several advisory committees to make preliminary recommendations on device classification. The Ophthalmic Device classification Panel (the Panel) was originally chartered on August 9, 1976, as the Panel on Review of Ophthalmic Devices. FDA placed a report of the Panel's tentative classification recommendations on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, and announced the availability of the report to the public by notice published in the **Federal Register** of June 25, 1976 (41 FR 26245). On August 9, 1976, the Panel and other preamendments device classification panels were rechartered to reflect their new responsibilities under the amendments. The agency directed each panel to reconsider its preamendments classification recommendations in light of the new requirements. In 1976 and 1977, the Panel reviewed all devices that FDA has referred to it to make certain that its recommendations were in accord with the amendments. Throughout the Panel's deliberations, interested persons were given an opportunity to present their views, data, and other information concerning the classification of ophthalmic devices. The Panel also invited experts to testify and sought information on many devices from the published literature.

In October 1977, the Panel submitted to FDA a preliminary report of its recommendations. The report included a roster of current and former Panel members and consultants and listed all meeting dates. The agency placed a copy of the report in the Dockets Management Branch (HFA-305), Food and Drug Administration, and announced its availability to the public by notice published in the **Federal Register** of November 29, 1977 (42 FR 60792). At meetings held on February 16, 1978, June 13, 1978, and May 14, 1979, the Panel changed its previous recommendations concerning the classification of several devices. An addendum to the Panel report showing these changes has been placed in the Docket Management Branch, Food and Drug Administration. Also available in the Docket Management Branch are summary minutes from all Panel meetings, verbatim transcripts of meetings held after May 28, 1976 (the date of enactment of the amendments), and all references cited in this proposal.

On April 28, 1978, the agency terminated all of the device classification panels and then reestablished them with the same functions, but with new names and new structure. FDA published notices of

these changes in the **Federal Register** of May 19, 1978 (43 FR 21666, 21667, and 21668) and May 26, 1978 (43 FR 22672 and 22673). The Ophthalmic Device classification Panel was terminated, and its functions are now conducted by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.

Relationship Between the Device Names in the Device Registration and Listing Codes and the Device Names in Classification Regulations

Some manufacturers have become accustomed to identifying a device by its registration and listing name and three-letter code used for purposes of device listing under section 510 of the act (21 U.S.C. 360). However, FDA is still making changes in the names and identifications of generic types of devices in the classification regulations for all devices for which final regulations have not been published. Because FDA has not used the present device registration and listing names in the proposed and final classification regulations, FDA has prepared an index of names of generic types of medical devices used in classification regulations to aid a manufacturer in matching its device with the proper classification regulation. The index shows the device registration and listing product code for each device reviewed by a classification panel and the corresponding name of the generic type of device and classification panel in which the device classification will be published in the **Federal Register**. The agency announced the availability of this index in the **Federal Register** of March 6, 1979 (44 FR 12269). If necessary, this index will be updated and the availability of the revised index will be reannounced in the **Federal Register**. FDA believes that, because this index is available, it is unnecessary to include or cross-reference the present device registration and listing name and product code in the classification regulations. In the future, following publication of most of the device classification regulations, the agency will revise and reissue the device registration and listing product code, so the device names to be used for registratrion and listing correspond to the device names in the final device classification regulations.

List of Ophthalmic Devices

In 1972, FDA surveyed device manufacturers to identify the devices for which classifiction regulations would be needed. Following this survey, FDA developed a list of ophthalmic devices. The Panel supplemented the list using its members' knowledge of ophthalmic devices in use. Devices that were solely for experimental or investigational use, that were not generally available, or that had been regarded as new drugs were not included. Additional ophthalmic devices, which were not included in this list and which were commercially available before May 28, 1976, will be added to the list as necessary.

FDA is proposing to establish a new Part 886 in Title 21 of the Code of Federal Regulations. Part 886 will consist of sections identifying each ophthalmic device with a brief narrative description and stating the classification of that device. The list of ophthalmic devices appears elsewhere in the preamble.

Ophthalmic Device Classification Regulations

FDA is proposing to classify 119 ophthalmtc devices. The agency is proposing to classify 45 ophthalmic devices into class I (general controls), 51 ophthalmic devices into class II (performance standards), 4 ophthalmic devices into class III (premarket approval), and with respect to 19 other devices, FDA is proposing to classify them into class I when the device is battery-powered and into class II when the device is AC-powered. The agency also is publishing the recommendations of the Panel regarding these devices, as required by section 513(c)(2) and (d)(1) of the act (21 U.S.C. 360c(c)(2) and (d)(1)).

Panel Recommendations

The Panel recommendation concerning an ophthalmic device includes the information described below.

1. *Identification.* Both the Panel recommendation and the proposed FDA classification regulation include a brief narrative identification of the generic type of the device. The identification statement is necessarily broad because it applies to a category or type of device rather than to a specific device. As explained in proposed § 886.1, any manufacturer of a newly offered device who files a premarket notification submission under section 510(k) of the act (21 U.S.C. 360(k)) and Part 807 (21 CFR Part 807) of the regulations cannot show merely that the device is accurately described by the section title and identification provisions of a classification regulation. Although a newly offered device may be described accurately by the title and identification in a classification regulation, it is nevertheless in class III under section 513(f) of the act if it is not substantially equivalent to a preamendments device (or to a postamendments device that has already been reclassified from class III into class I or class II). It is not practical for FDA to publish an identification of each type of device that is so detailed as to anticipate every product feature that may be relevant in determining whether a new device is substantially equivalent to previous devices classified by the regulation. The agency believes that this problem was recognized in, and addressed by, the premarket notification procedures in section 510(k) of the act. Accordingly, any manufacturer who submits a premarket notification submission should state why the manufacturer believes the device is substantially equivalent to other devices in commercial distribution, as required by § 807.87 (21 CFR 807.87), and whether the device is described in a classification regulation.

Some products have both medical and nonmedical uses. FDA will regulate a multipurpose product as a medical device if it is intended for a medical purpose, i.e., for "use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease," or "to affect the structure or any function of the body." (Section 201(h) of the act (21 U.S.C. 321(h)).) FDA will determine the intended use of a product based upon the expressions of the person legally responsible for its labeling and by the circumstances surrounding its distribution. The most important factors the agency will consider in determining the intended use of a particular product are the labeling, advertising, and other representations accompanying the product. Products that have medical uses only are clearly intended for medical purposes and, therefore, will be regulated as medical devices whether or not medical claims are made for them.

2. *Recommended classification.* Each Panel's recommendation describes whether the device is recommended for classification into class I (general controls), class II (performance standards), or class III (premarket approval).

For each device recommended for classification into class I, the Panel considered whether the device should be exempt from any requirements under certain sections of the act: section 510 (21 U.S.C. 360, registrtion), section 519 (21 U.S.C. 360i, records and reports), and section 520(f) (21 U.S.C. 360j(f), good manufacturing practice requirements). Although the Panel did not recommend that any device be exempted at this time from section 510 of the act, the Panel did recommend that the manufacturers of

several class I devices be exempted from the records and reports requirements under section 519 of the act and from the good manufacturing practice regulation in section 520(f) of the act in the manufacture of these devices. The agency's policy concerning these exemption recommendations is discussed below in the section of this proposal concerning "Exemptions for Class I Devices."

A Panel recommendation that a device be classified into class II includes the Panel's recommended priority ("high," "medium," or "low") for establishing a performance standard for the device. Similarly, each Panel recommendation that a device be classified into class III includes the Panel's recommended priority ("high," "medium," or "low") for application of premarket approval requirements to that device. As explained below in the section of this notice concerning "Priorities for Class II and Class III Devices," FDA is not, however, proposing the establishment of FDA priorities at this time.

3. *Summary of reasons for recommendation.* The summary of reasons for the Panel's recommendation explains why the Panel believes a particular device meets the statutory criteria for classification into class I, II, or III.

Except in those instances in which FDA's classification proposal differs from the Panel's recommendation, FDA is adopting the Panel's summary of reasons as the agency's statement of the reasons for issuing the regulations, as required by section 517(f) of the act (21 U.S.C. 360g(f)).

In the "Panel Recommendations and FDA's Proposed Classifications" section the summary of the Panel's reasons for a recommendation identifies any device that is an implant or a life-supporting or life-sustaining device. The summary of reasons for any implant or life-supporting or life-sustaining device that is not recommended for classification into class III also explains why the Panel determined that classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. Also, FDA's proposed classifications provide a similar explanation for an implant or a life-supporting or life-sustaining device that is proposed to be classified into a class other than class III.

For many of the devices that the Panel recommends be classified into class II (performance standards), the only aspect of the devices that needs to be addressed by a performance standard is electrical safety; the Panel referred to two voluntary electrical safety standards that address safety problems presented by these devices (Refs. 1 and 2).

4. *Summary of data on which the recommendation is based.* In many cases, the Panel based its recommendations on Panel members' personal knowledge of, and clinical experience with, the devices under review. The Panel particularly relied upon clinical experience and judgment when considering a simple device that had been used extensively and was accepted widely before the amendments were enacted. The legislative history of the amendments provides that the term "data" has a special meaning in section 513(c)(2)(A) of the act, which requires that a Panel recommendation summarize the data upon which a recommendation is based. As used in that section, "data" refers not only to the results of scientific experiments but also to less formal evidence, other scientific information, or judgments of experts (House Committee on Interstate and Foreign Commerce, Medical Device Amendments of 1976, H.R. Rept. 94–853, 94th Congress, 2d Session 40 (1976)). FDA has determined that clinical experience and judgment is valid scientific evidence for classifying certain devices.

In several cases, FDA sought more data and information concerning the classification of a device than were cited by the Panel. References to these data and information are found in the section for each ophthalmic device under the heading "Panel Recommendations and FDA's Proposed Classifications." The agency is adopting as its statement of the basis for issuing the regulation under section 517(f) of the act the Panel's summary of the data on which a recommendation to classify a device is based, together with any additional data and information cited in the preamble to the proposed classification regulation.

5. *Risks to health.* In identifying the risks to health presented by ophthalmic devices, the Panel recognized that few devices are completely free of risk. The Panel listed the risks it considered most significant, especially those that are unique to the individual device. In some cases, FDA has identified risks to health presented by a device in addition to those listed by the Panel. These additional risks are set out for each device in the preamble under the heading "Panel Recommendations and FDA's Proposed Classifications." The term "electrical shock" in this section includes other adverse effects of electricity, such as burns and the consequences of electrically induced muscular contractions.

Because the classification recommendations and FDA regulations may not identify all risks to health presented by ophthalmic devices, future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) or requiring premarket approval under section 515(b) of the act (21 U.S.C. 360e(b)) may identify additional risks to health to be addressed by FDA requirements.

Proposed Classification

Each section for an ophthalmic device under the heading "Panel Recommendations and FDA's Proposed Classifications," states whether FDA agrees with the Panel's recommendation and describes the agency's proposed classification of the device.

FDA cautions that the final classification of a device may differ from the proposal. Factors that may cause such a change include comments, the agency's reconsideration of existing data and information, and the agency's consideration of new data and information.

Priorities for Class II and Class III Devices

For a device that the Panel recommends to be classified into class II or class III, section 513(c)(2)(A) of the act requires that the Panel's recommendation include, to the extent practicable, a recommendation for the assignment of a priority for application to the device of a performance standard or premarket approval requirements. In developing its advice concerning priorities ("high," "medium," or "low") of devices recommended for classification into class II, the Panel compared the devices with other ophthalmic devices, based on information available to the Panel members concerning the relative importance of use of the device and the relative risks presented by the device. The Panel recommended assignment of a "high priority" only to those class II devices that the Panel believed should receive the agency's immediate attention.

FDA is not proposing at this time to establish priorities for development of performance standards for all class II devices. Section 513(d)(3) of the act authorizes, but does not require, establishment of these priorities. In the **Federal Register** of February 1, 1980 (45 FR 7489), FDA published a notice identifying which class II devices the agency found to warrant a high priority for the development of performance standards. However, no ophthalmic devices are listed in this notice. At a

later date, the agency will establish priorities for the development of standards for the remaining class II devices. All priorities established by the agency are based on the panels's recommendations, available resources, and other relevant factors. The agency's priorities will be reflected in the agency's annual budget request and other publicly available documents and may be published in the **Federal Register**.

The agency intends to proceed as quickly as the agency and panel resources permit to require premarket approval of devices classified into class III. There are two factors affecting the length of time necessary before FDA requires submission of premarket approval applications for any particular device that is classified by an FDA regulation into class III: the number of devices reviewed by a panel and the priority of a particular device in relation to other class III devices considered by a panel. For example, where FDA classifies into class III only a few devices within a panel's specialty area, FDA may at the same time also publish regulations under section 515(b) of the act requiring premarket approval for many of the class III devices considered by the panel, regardless of whether of a high or a low priority. Where practical, FDA will publish these section 515(b) regulations during the grace period (30 months) following classification during which a device classified into class III by FDA regulation may lawfully remain on the market without a permarket approval application. The grace period is provided for in section 501(f) of the act (21 U.S.C. 351(f)).

Exemptions for Class I Devices

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that FDA may exempt a device recommended for classification into class I from a requirement under the following sections of the act: Section 510 (21 U.S.C.360), registration; section 519 (21 U.S.C. 360i), records and reports; and section 520(f) (21 U.S.C.360j(f)), good manufacturing practice.

Under section 510 of the act, a person "engaged in the manufacture, preparation, propagation, compounding, or processing of * * * a device or devices" must register with FDA (section 510(b) through (i)), file a list of devices (section 510(j)), and notify FDA at least 90 days before beginning commercial distribution of a device (section 510(k)). (See Part 807 (21 CFR Part 807).) Section 510(g)(4) authorizes the agency to exempt a device from section 510 if it finds that compliance with that section is not necessary for the protection of the public health. In § 807.65 (21 CFR 807.65), FDA has exempted certain classes of persons from section 510 of the act. Several device classification panels have recommended that manufacturers of certain class I devices also be exempted from all or some of the requirements of section 510. The agency has determined that protection of the public health requires that manufacturers of medical devices, other than those already exempt under § 807.65, register and list their products with FDA to ensure that the agency can identify these manufacturers and their products and conduct necessary inspections.

The agency has determined, however, that it is not necessary for the protection of the public health that FDA receive premarket notification submissions for certain devices. Thus, the agency has proposed to exempt manufacturers of certain devices from Subpart E of Part 807 of the regulations which implements section 510(k) of the act. The agency does not, at this time, anticipate that premarket approval will be required for these devices. The agency believes that the semiannual updating of device listing under section 510(j)(2) of the act will provide FDA with adequate notice of new products within these generic types of devices.

Section 519 of the act authorizes FDA to issue regulations requiring device manufacturers, importers, and distributors to establish and maintain such records, make such reports, and provide such information as the agency may reasonably require to assure that devices are not adulterated or misbranded and to otherwise assure their safety and effectiveness. The records and reports requirements in several of FDA's present device regulations are authorized, wholly or in part, by section 519. The most extensive of these requirements are found in the device good manufacturing practice (GMP) regulation under Part 820 (21 CFR Part 820), published in the **Federal Register** of July 21, 1978 (43 FR 31508). In the future, FDA may publish other regulations in accordance with section 519 of the act, including regulations requiring reports to FDA of experience with medical devices. Until these regulations are issued, FDA believes that it cannot properly issue exemptions from them. Whenever the agency proposes device regulations that include records and reports requirements, interested persons may submit comments requesting that certain classes of manufacturers or other persons be exempted from the requirements, and FDA will issue exemptions that are appropriate.

The only type of exemption from records and reports requirements that FDA is proposing now, in device classification regulations, is an exemption of certain manufacturers from most requirements of the device GMP regulation. As explained below, the exemption will not extend to two device GMP records requirements.

The device GMP regulation was published in final form in the **Federal Register** of July 21, 1978 (43 FR 31508). At the time of the Panel's recommendations, the GMP regulation had not yet been promulgated, and the agency had not yet developed criteria for exempting manufacturers of a class I device from GMP requirements. The agency has now decided that, if any one of the following criteria is met, FDA will consider exempting from the GMP regulation manufacturers of a class I device that is not labeled or otherwise represented as sterile. The agency will not, however, exempt manufacturers of a device from general requirements concerning records or complaint files. The criteria are:

1. FDA has determined, based on adequate information about current practices in the manufacture of the device and about user experience with the device, that application of the GMP regulation is unlikely to improve the safety and effectiveness of the device.

2. FDA has determined that all possible defects relating to the safety and effectiveness of the device are readily detectable before use, either through visual examination by the user or routine testing before use, e.g., testing a clinical laboratory reagent with positive and negative controls.

3. FDA has determined that any defect in the device that is not readily detectable will not result in a device failure that could have an adverse effect on the patient or other user.

FDA has determined that no device that is labeled or otherwise represented as sterile will be exempted from the device GMP regulation. A sterile device must be subject to the entire GMP regulation to ensure that manufacturers adequately reduce the bioburden (number of microorganisms) on the device and its components during the manufacturing process. This reduction is accomplished through adherence to a comprehensive quality assurance program as is required by the GMP regulation, with adequate environmental controls, trained personnel, appropriate maintenance and calibration of sterilization equipment, recordkeeping concerning lot sterility, strict packaging

and labeling controls, and other quality assurance measures.

The agency also has determined that no exemption from the device GMP regulation will extend to § 820.180, with respect to general requirements concerning records, or § 820.198, with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. To ensure that device manufacturers have adequate systems for complaint investigation and followup, all manufacturers are required to comply with the complaint file requirements. All device manufacturers also are required to comply with the general requirements concerning records to ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, may determine whether the manufacturer's corrective actions are adequate, and may determine whether the exemption from other sections of the GMP regulation is still appropriate.

In general, FDA has not initiated proposals to exempt manufacturers of devices from requirements under section 510 or 520(f) of the act, but has acted on the basis of exemption recommendations of the device classification panels. However, FDA has proposed occasionally to exempt manufacturers of certain devices classified into class I or class II from the requirements of certain sections of the GMP regulation, according to the above exemption criteria. Manufacturers and other interested persons may submit comments on the appropriateness of the proposed exemptions of manufacturers of devices, whether the exemptions are proposed in response to recommendations of the panels or on the agency's initiative. Comments requesting additional exemptions should be supported by information showing that the exemption of manufacturers of a device from the premarket notification requirement or the GMP regulation is consistent with the criteria discussed above.

Guidelines for Preparing Petitions Requesting Exemption or Variance From the Device GMP Regulation for Devices Classified Into Class I or Class II

FDA has prepared guidelines on the procedures that should be followed by persons who wish to submit petitions for exemption or variance from the device GMP regulation. These petitions may be submitted in accordance with provisions of section 520(f)(2) of the act (21 U.S.C. 360j(f)(2)). The agency announced the availability of the guidelines in a notice published in the Federal Register of January 18, 1980 (45 FR 3671).

List of Ophthalmic Devices

The following is a list of ophthalmic devices that FDA is proposing to classify, the section and the Subpart of Part 886 in Title 21 of the Code of Federal Regulations under which the regulation classifying the device will be codified, the docket number of the proposed classification regulation, and the proposed classification of each device:

Section	Device	Docket No.	Class
SUBPART B—OPHTHALMIC DIAGNOSTIC DEVICES			
886.1040 Ocular estfra-ziometer.	78N-3129		I
886.1050 Adapto-meter (biopho-tometer).	78N-3130		II
886.1070 Anoma-loscope.	78N-3132		II.
886.1090 Hai-dinger brush.	78N-3133		II.
886.1120 AC-powered ophthal-mic camera.	78N-3135		II
886.1140 Ophthal-mic chair.	78N-3137		I, II.
886.1150 Visual acuity chart.	78N-3139		II.
886.1160 Color vision plate illumina-tor.	78N-3140		II.
886.1170 Color vision tester.	78N-3141		I.
886.1190 Disto-meter.	78N-3142		I
886.1200 Optokin-etic drum.	78N-3143		I.
886.1220 Corneal endo-trode.	78N-3144		II.
886.1250 Euthyo-scope.	78N-3145		I, II.
886.1270 Ex-ophthal-mometer.	78N-3147		I.
886.1280 AC-powered fixation device.	78N-3148		II.
886.1300 After-image flasher.	78N-3149		II.
886.1310 Fluores-cein strip.	78N-3150		II.
886.1320 Fornix-scope.	78N-3151		I
886.1330 Amsler grid.	78N-3152		I
886.1340 Haplos-cope.	78N-3295		II
886.1350 Keratos-cope.	78N-3153		I, II
886.1360 Visual field tester instru-ment.	78N-3155		II
886.1375 Bagolini lens.	78N-3156		I
886.1380 Diagnos-tic con-densing lens.	78N-3157		I
886.1385 Poly-methyl-methac-rylate diagnos-tic contact lens.	78N-3158		II
886.1390 Flexible diagnos-tic Fresnel lens.	78N-3159		I
886.1395 Diagnos-tic Hruby fundus lens.	78N-3160		I
886.1440 Maddox lens.	78N-3161		I.
886.1405 Ophthal-mic trial lens set.	78N-3162		II
886.1410 Ophthal-mic trial lens clip.	78N-3163		I
886.1415 Ophthal-mic trial lens frame.	78N-3164		I
886.1420 Ophthal-mic lens gauge.	78N-3165		I.
886.1425 AC-powered lens measur-ing instru-ment.	78N-3166		II.
886.1430 Ophthal-mic contact lens radius measur-ing device.	78N-3167		II.

Section	Device	Docket No.	Class
886.1435 AC-powered Maxwell spot.	78N-3168		II.
886.1450 Corneal radius measuring device.	78N-3169		II.
886.1480 Stereopsis measuring instrument.	78N-3170		I.
886.1500 Head-band mirror.	78N-3171		I.
886.1510 Eye movement monitor.	78N-3172		II.
886.1570 Ophthalmoscope.	78N-3175		I, II.
886.1605 Perimeter.	78N-3178		I, II.
886.1630 AC-powered photostimulator.	78N-3181		II.
886.1640 Ophthalmic preamplifier.	78N-3182		II.
886.1650 Ophthalmic tuning prism.	78N-3184		I.
886.1655 Ophthalmic Fresnel prism.	78N-3185		I.
886.1660 Gonioscopic prism.	78N-3186		I.
886.1665 Ophthalmic rotary prism.	78N-3187		I.
886.1670 Ophthalmic isotope uptake probe.	78N-3188		II.
886.1690 Ophthalmic projector.	78N-3189		II.
886.1700 Pupillograph.	78N-3190		II.
886.1750 Pupillometer.	78N-3191		I, II.
886.1760 Skiascopic rack.	78N-3193		II.
886.1770 Ophthalmic refractometer.	78N-3194		II.
886.1780 Manual refractor.	78N-3195		I.
886.1790 Retinoscope.	78N-3196		I, II.
886.1795 Ophthalmic tangent screen (campimeter).	78N-3199		I.
886.1810 Tangent screen (campimeter).	78N-3200		I, II.
886.1840 Simulatan (including prism and cylinder).	78N-3206		I.
886.1850 AC-powered slitlamp biomicroscope.	78N-3207		II.
886.1860 Ophthalmic instrument stand.	78N-3208		I, II.
886.1870 Stereoscope.	78N-3210		I, II.
886.1880 Fusion and stereoscopic target.	78N-3212		I.
886.1905 Nystagmus tape.	78N-3213		I.
886.1910 Spectacle dissociation test system.	78N-3214		I, II.
886.1920 Tonometers and accessories.	78N-3218		II.
886.1940 Tonometer sterilizer.	78N-3220		II.
886.1945 Transilluminator.	78N-3221		I, II.

Subpart D—Ophthalmic Prosthetic Devices

Section	Device	Docket No.	Class
886.3100 Ophthalmic tantalum clip.	78N-3224		II.
886.3120 Ophthalmic conformer.	78N-3225		II.
886.3200 Artificial eye.	78N-3226		II.
886.3300 Absorbable implant (scleral buckling method).	78N-3227		II.
886.3320 Eye sphere implant.	78N-3228		II.
886.3340 Extraocular orbital implant.	78N-3229		II.
886.3400 Keratoprosthesis.	78N-3230		III.
886.3600 Scleral shell.	78N-3231		II.
886.3920 Eye valve implant.	78N-3232		III.

Subpart E—Ophthalmic Surgical Devices

Section	Device	Docket No.	Class
886.4070 Powered corneal burr.	78N-3233		I, II.
886.4105 Radiofrequency cautery apparatus.	78N-3235		II.
886.4115 Thermal cautery unit.	78N-3237		II.
886.4150 Vitreous aspiration and cutting instrument.	78N-3239		III.
886.4170 Cryophthalmic unit.	78N-3241		II.
886.4200 Ophthalmic knife test drum.	78N-3243		I.
886.4250 Ophthalmic electrolysis unit.	78N-3244		I, II.
886.4300 Intraocular lens guide.	78N-3250		I.
886.4335 Operating headlamp.	78N-3252		I, II.
886.4350 Manual ophthalmic surgical instrument.	78N-3253		I.
886.4370 Ocular surgery irrigation device.	78N-3254		I.
886.4370 Keratome.	78N-3255		I, II.
886.4390 Ophthalmic laser.	78N-3257		II
886.4400 Electronic metal locator	78N-3258		II

Section	Device	Docket No.	Class
886.4440	AC-powered magnet.	78N-3259	II.
886.4445	Permanent magnet.	78N-3260	I.
886.4570	Ophthalmic surgical marker.	78N-3261	I.
886.4610	Ocular [illegible] applicator.	78N-3264	II.
[illegible]	Eye pad.	78N-3265	I.
[illegible]	Phacofragmentation system.	78N-3266	III.
[illegible]	Ophthalmic photocoagulator.	78N-3267	II.
[illegible]	Ophthalmic eye shield.	78N-3268	I.
[illegible]	Ophthalmic operating spectacles [loupes].	78N-3269	I.
[illegible]	Ophthalmic sponge.	78N-3270	III.
[illegible]	Ophthalmic instrument table.	78N-3272	I, III.

Subpart F—Ophthalmic Therapeutic Devices

[illegible]	Ophthalmic beta radiation source.	78N-3273	II.
[illegible]	Low-power binocular loupe.	78N-3274	I.
886.5270	Spectacle frame.	78N-3276	II.
886.5400	Polymethylmethacrylate contact lens.	78N-3277	III.
886.5420	Contact lens inserter/remover.	78N-3278	I.
[illegible]	Prescription spectacle lens.	78N-3279	II.
886.5540	Low-vision magnifier.	78N-3281	II.
[illegible]	Ptosis crutch.	78N-3282	I.
886.5800	Ophthalmic bar reader.	78N-3283	I.
886.5810	Ophthalmic prism reader.	78N-3284	I.
[illegible]	Closed-circuit television reading system.	78N-3285	II.
[illegible]	Magnifying spectacles.	78N-3286	II.
[illegible]	Sung[illegible] (nonprescription).	78N-3287	II.
886.5870	Low-vision telescope.	78N-3288	I.
[illegible]	Electronic vision aid.	78N-3290	I, II.
[illegible]	Battery-powered image intensification vision aid.	78N-3292	I.
886.5915	Optical vision aid.	78N-3293	I, II.

Ophthalmic Devices Formerly Considered New Drugs

Before the passage of the Medical Device Amendments of 1976, certain ophthalmic devices were considered by FDA to be new drugs subject to 21 U.S.C. 355. Section 520(1) of the 1976 amendments (21 U.S.C. 360j(1)), contains transitional provisions to ensure that articles previously considered as new drugs continue to be subject to regulatory control until the amendments are implemented. The transitional provisions are applicable to any product that is a device (under a revised definition in 21 U.S.C. 321(h)) and that satisfies one or more of six criteria. These criteria are that the device is a product (1) for which an approved New Drug Application (NDA) was in effect on May 28, 1976 (the enactment date of the amendments); (2) for which an NDA was filed and no order of approval or refusal to approve had been issued by May 28, 1976; (3) for which a notice of claimed investigational exemption for a new drug (IND) was in effect on May 28, 1976; (4) which is substantially equivalent to a product described in item (1), (2), or (3), above, (5) which has been declared to be a new drug by a **Federal Register** notice before May 28, 1976; or (6) which was the subject of a legal action pending on May 28, 1976, for alleged violation of new drug requirements. Under section 520(1), these devices are classified into class III.

Several generic types of ophthalmic devices were regarded by FDA as new drugs before enactment of the amendments and are subject to the transitional provisions under one or more of the criteria listed above. These devices are:

1. Soft contact lenses and ophthalmic lens cleaning (sterilizing) solutions and wetting agents for use with soft contact lenses.

2. Intraocular lenses.

3. Gases used within the eye to place pressure on a detached retina if the device was subject to an IND or NDA or is substantially equivalent to a device that was subject to an IND or NDA.

4. Ophthalmic devices for measuring intraocular pressure that were subject to an IND or NDA or that are substantially equivalent to a device that was subject to an IND or NDA.

The statute has classified these devices into class III without need for regulations or other action on the part of the agency. See 21 U.S.C. 360j(1); 42 FR 63472 (December 16, 1977). The transitional devices above are thus not included in the list of ophthalmic devices that are the subject of this proposed rulemaking, but will be the subject of final regulations describing their statutory classification, to be published on the same date as the final regulations on ophthalmic devices based on this proposal. By notice published in the **Federal Register** of November 24, 1981 (46 FR 57648), FDA already has announced its intent to initiate proceedings to reclassify certain soft contact lenses from class III to class II.

FDA has published other **Federal Register** documents on contact lenses and intraocular lenses. See 40 FR 44844 (September 30, 1975) (proposed notice of FDA policy that soft contact lenses are regarded as new drugs and that hard contact lenses are regarded as medical devices); 43 FR 1966 (January 13, 1978) (withdrawal of proposed notice); 41 FR 14750 (April 6, 1976) (notice that intraocular lenses are regarded as new drugs); 41 FR 38802 (September 13, 1976) (notice that intraocular lenses were

classified by statute into class III); 42 FR 58874 (November 11, 1977) (requirements for distribution, investigation, and use of intraocular lenses).

Devices Subject to the Radiation Control for Health and Safety Act

In addition to FDA's authority over devices under the Federal Food, Drug, and Cosmetic Act, the agency also administers the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602) which authorizes FDA to establish and carry out an electronic product radiation control program, including development of performance standards for electronic products and related accessories. Under this program, radiation emission performance standards have been, and will continue to be, set and enforced for certain medical devices that emit electronic product radiation. Performance standards have been promulgated for diagnostic X-ray systems and their major components (21 CFR 1020.30); radiographic equipment (21 CFR 1020.31); fluoroscopic equipment (21 CFR 1020.32); laser products, whether or not used medically (21 CFR 1040.10 and 1040.11); and ultrasonic therapy products (21 CFR 1050.10). The agency will use its authority over radiation-emitting electronic medical products under the Medical Device Amendments of 1976 or the Radiation Control for Health and Safety Act of 1968, as appropriate. In the **Federal Register** of April 24, 1979 (44 FR 24236), FDA published a notice of the availability of a document determining the division of responsibility between FDA's Bureau of Medical Devices and its Bureau of Radiological Health with respect to products regulated under both statutes.

Devices Considered by Two or More Panels

Many devices were reviewed by two or more device classification panels. For these devices, FDA will publish each panel's recommendations and a single proposed classification regulation.

The Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel and the other panels listed below made classification recommendations concerning the following devices:

Device	Other panel(s)
Radiofrequency diathermy	Physical Medicine Device Section of the Surgical and Rehabilitation Devices Panel.
Surgical marking pen	General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel.
Trephine engine	Do.
Ophthalmic operating microscope and accessories.	Do.
Microscope drape	Do.
Patient drape	Do.
AC-powered fluorescein lamp	Do.
Absorbable suture	Do.
Nonabsorbable suture	Do.
Analog and digital recorder	Circulatory Systems Devices Panel.
Needle electrode	Neurological Device Section of the Respiratory and Nervous Systems Devices Panel.
Skin surface electrode	Do.
Ophthalmodynamometer	Do.
Ophthalmodynamograph	Do.
Syringe	General Hospital and Personal Use Device Section of the General Medical Devices Panel.
Ophthalmic ultrasonic imaging systems.	Radiology Device Section of the Obstetrics-Gynecology and Radiologic Devices Panel.

FDA is not at this time publishing the Panels' recommendations to classify the devices listed above. FDA will publish these recommendations, and proposed classification regulations, when the agency publishes the recommendations of the other panels that reviewed the devices.

Classification Regulations Published to Date

The following table shows the current structure of the advisory committees involved with the classification of medical devices and a list of all proposed and final classification regulations published to date:

Panel/Section Name	Publication date in FEDERAL REGISTER
Circulatory Systems Devices Panel.	March 9, 1979, 44 FR 13284–13434 (propsals); February 5, 1980, 45 FR 7904–7971 (final regulations).
Clinical Chemistry and Hematology Devices Panel:	
Clinical Chemistry Device Section.	
Clinical Toxicology Device Section.	
Hematology and Pathology Device Section.	September 11, 1979, 44 FR 52950–53063 (proposals); September 12, 1980, 45 FR 60576–60651 (final regulations).
General Medical Devices Panel:	
General Hospital and Personal Use Device Section	August 24, 1979, 44 FR 49844–49954 (proposals); October 21, 1980, 45 FR 69678–69737 (final regulations).
Gastroenterology-Urology Device Section.	January 23, 1981, 46 FR 7562–7641 (proposals).
Immunology and Microbiology Devices Panel:	
Immunology Device Section.	April 22, 1980, 45 FR 27204–27359 (proposals).
Microbiology Device Section.	April 22, 1980, 45 FR 27204–27359 (proposals).
Obstetrics-Gynecology and Radiologic Devices Panel:	
Obstetrics-Gynecology Device Section.	April 3, 1979, 44 FR 19894–19971 (proposals); February 26, 1980, 45 FR 12682–12720 (final regulations).
Radiology Device Section	
Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel	
Ophthalmic Device Section	January 26, 1982 (proposal).
Ear, Nose, and Throat Device Section.	
Dental Device Section	December 30, 1980, 45 FR 85962–86168 (proposals).
Respiratory and Nervous System Devices Panel:	
Anesthesiology Device Section.	November 2, 1979, 44 FR 63292–63426 (proposals).
Neurological Device Section.	November 26, 1976, 43 FR 54640–55732 (proposals); September 4, 1979, 44 FR 51726–51778 (final regulations).
Surgical and Rehabilitation Devices Panel:	
Physical Medicine Device Section:.	August 28, 1979, 44 FR 50458–50537 (proposals).
Orthopedic Device Section	
General and Plastic Surgery Device Section.	

Panel Recommendations and FDA's Proposed Classifications

Section 886.1040; Docket No. 78N–3129; Ocular esthesiometer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ocular esthesiometers:

1. Identification: An ocular esthesiometer is a device such as a single-hair brush used to touch the cornea to assess corneal sensitivity.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ocular esthesiometers be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the materials used in the device and the recommended method of sterilization should be specified in the labeling of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ocular esthesiometers be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1050; Docket No. 78N–3130; Adaptometer (biophotometer).

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of adaptometers (biophotometers):

1. Identification: An adaptometer (biophotometer) is an AC-powered device that provides a stimulating light source which has various controlled intensities used to measure the time required for retinal adaptation (regeneration of the visual purple) and the minimum light threshold.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that adaptometers (biophotometers) be classified into class II because the electrical properties of the device should be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that adaptometers (biophotometers) be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1070; Docket No. 78N–3132; Anomaloscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of anomaloscopes:

1. Identification: An anomaloscope is an AC-powered device used to test for anomalies of color vision by displaying mixed spectral lines to be matched by the patient.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that anomaloscopes be classified into class II because the Panel believes that the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproductibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that anomaloscopes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1090; Docket No. 78N–3133; Haidinger brush.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Haidinger brushes:

1. Identification: A Haidinger brush is an AC-powered device that provides two conical brushlike images with apexes touching which are viewed by the patient through a Nicol prism and used to evaluate visual function. It may include a component for measuring macular integrity.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that Haidinger brushes be classified into class II because the Panel believes that the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that Haidinger brushes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1120; Docket No. 78N–3135; AC-powered ophthalmic camera.

The Ophthalmic Device classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered ophthalmic cameras;

1. Identification: An AC-powered ophthalmic camera is a device used to take photographs of the eye and the surrounding area.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered ophthalmic cameras be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmic cameras be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency

also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1140; Docket No. 78N–3137; Ophthalmic chair.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of ophthalmic chairs:

1. Identification: An ophthalmic chair is an AC-powered or manual device with adjustable positioning in which a patient sits or reclines during ophthalmological examination or treatment.

2. Recommended classification: Class II (performance standards). The Panel recommends that AC-powered ophthalmic chairs be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that manual ophthalmic chairs be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommndation: The Panel recommends that AC-powered ophthalmic chairs be classified into class II because the design of the device must be controlled to prevent patient injury due to mechanical failure and to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device and that there is sufficient information to establish a performance standard. The Panel recommends that manual ophthalmic chairs be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Traumatic injury: Failure of mechancial features of the device could result in injury to the patient. (b) Electrical shock: Improper design or a malfunction of AC-powered ophthalmic chairs may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmic chairs be classified into class II (performance standards) and that manual ophthalmic chairs be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for the AC-powered device because general controls alone are insufficient to control the risks to health presented by the AC-powered device. A performance standard will provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency is proposing that manual ophthalmic chairs be classified into class I (general controls) with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the manual device. The agency believes that the mechanical features of the device can be sufficiently controlled by general controls to ensure the safety of the manual device.

Section 886.1150; Docket No. 78N–3139; Visual acuity chart.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of visual acuity charts:

1. Identification: A visual acuity chart is a device that is a chart such as a Snellen chart with block letters or other symbols in graduated sizes used to test visual acuity.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that visual acuity charts be classified into class II because the contrast of colors and the separation of letters or symbols on the chart must be standardized to prevent misdiagnosis. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel recognizes the existence of current work being done in the area of visual acuity chart standardization by the Committee on Optics and Visual Physiology of the American Academy of Ophthalmology. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Misdiagnois and inappropriate therapy: Improper design of the device could result in an incorrect measurement of the patient's visual acuity resulting in inappropriate therapy.

FDA agrees with the Panel recommendation and is proposing that visual acuity charts be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1160; Docket No. 78N–3140; Color vision plate illuminator.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of color vision plate illuminators:

1. Identification: A color vision plate illuminator is an AC-powered device that is a lamp used to properly illuminate color vision testing plates. It may include a filter.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that color vision plate illuminators be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that the labeling of the device include a statement of the illumination characteristics of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel member's knowledge of, and clinical experience with, this device.

5. Risk to health: None identified.

FDA disagrees with the Panel recommendation and is proposing that color vision plate illuminators be classified into class II (preformance standards). The agency believes that a performance standard is necessary for this device because the electrical properties of the device must be controlled to prevent electrical shock ot the patient or user. The agency believes that general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1170; Docket No. 78N–3141; Color vision tester.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of color vision testers:

1. Identification: A color vision tester is a device that consists of various colored materials such as colored yarns or color vision plates (multicolored plates which patients with color vision deficiency would perceive as being of one color) used to evaluate color vision.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that

color vision testers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in their measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel member's knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that color vision testers be classified into class I (general control) with no exemptions. The agency believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1190; Docket No. 78N-3142; Distometer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of distometers:

1. Identification: A distometer is a device used to measure the distance between the cornea and a corrective lens during refraction (measuring the change of the visual image when a lens is in place).

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that distometers be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that distometers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulations. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of distometers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of distometers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1200; Docket No. 78N-3143; Optokinetic drum.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of optokinetic drums:

1. Identification: An optokinetic drum is a drumlike device that is covered with alternating white and dark stripes or pictures that can be rotated on its handle. The device is used to elicit and evaluate nystagmus (involuntary rapid movement of the eyeball) in patients.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that optokinetic drums be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that optokinetic drums be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of optokinetic drums be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

FDA disagrees with the Panel's recommendation that manufacturers of optokinetic drums be exempt from the GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)). The agency believes that compliance with this regulation is necessary to assure the quality of this device and thus its safety, effectiveness, and compliance with the adulteration and misbranding provisions of the act. Compliance with the GMP regulation will help prevent production of optokinetic drums having defects that could harm users. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1220; Docket No. 78N-3144; Corneal electrode.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of corneal electrodes:

1. Identification: An corneal electrode is an AC-powered device usually part of a special contact lens, that is applied directly to the cornea and used to provide data showing the changes in electrical potential in the retina after electroretinography (stimulation by light).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that corneal electrodes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock or burns to the patient or user, and the materials used in the construction of the device must be controlled to ensure biocompatibility. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Inadequate design or a malfunction of the device may cause electrical shock. (b) Corneal abrasion: If improper construction

procedures are used, corneal abrasion may result.

FDA agrees with the Panel recommendation and is proposing that corneal electrodes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1250; Docket No. 78N–3145; Euthyscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of euthyscopes:

1. Identification: A euthyscope is a device that is a modified AC/powered or battery-powered ophthalmoscope (a perforated mirror device used in inspecting the interior of the eye) that projects a bright light encompassing an arc of about thirty degrees onto the fundus of the eye. The center of the light bundle is blocked by a black disk covering the fovea (the central depression of the macular retinae where only cones are present and blood vessels are lacking). The device is used in the treatment of amblyopia (dimness of vision without apparent disease of the eye).

2. Recommended classification: The Panel recommends that AC-powered euthyscopes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered euthyscopes be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered euthyscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered euthyscopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered euthyscopes.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered euthyscopes may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered euthyscopes.

FDA agrees with the Panel recommendation and is proposing that AC-powered euthyscopes be classified into class II (performance standards) and that battery-powered euthyscopes be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for AC-powered euthyscopes because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency also believes that there is sufficient information to establish a performance standard for the AC-powered device. The agency is proposing that battery-powered euthyscopes be classified into class I with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the battery-powered device.

Section 886.1270; Docket No. 78N–3147; Exophthalmometer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of exophthalmometers:

1. Identification: An exophthalmometer is a device, such as a ruler, gauge, or caliper, used to measure the degree of exophthalmos (abnormal protrusion of the eyeball).

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

Summary of reasons for recommendation: The Panel recommends that exophthalmometers be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that instructions for calibration be included in the labeling of the device and that the device be capable of recalibration.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that exophthalmometers be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1290; Docket No. 78N–3148; AC-powered fixation device.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered fixation devices:

1. Identification: An AC-powered fixation device is an AC-powered device used as a fixation target for the patient during ophthalmological examination. The patient directs his or her gaze so that the visual image of the object falls on the fovea centralis (the center of the macula retina of the eye).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered fixation devices be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered fixation devices be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1300; Docket No. 78N–3149; Afterimage flasher.

The ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of afterimage flashers:

1. Identification: An afterimage flasher is an AC-powered light that automatically switches on and off to allow performance of an afterimage test in which the patient indicates the positions of afterimages after

the light is off. The device is used to determine harmonious/anomalous retinal correspondence (the condition in which corresponding points on the retina have the same directional value).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that afterimage flashers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that afterimage flashers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1310; Docket No. 78N–3150; Fluorescein strip.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of fluorescein strips:

1. Identification: A fluorescein strip is a device that is a small strip of filter paper impregnated with fluorescein (a dye used for the diagnosis of certain ocular diseases) used to apply the fluorescein to the surface of the eye.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that fluorescein strips be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be packaged sterile.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that fluorescein strips be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1320; Docket No. 78N–3151; Fornixscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of fornixscopes:

1. Identification: An fornixscope is a device used to pull back and hold open the eyelid to aid examination of the conjunctiva.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that fornixscopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that fornixscopes be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1330; Docket No. 78N–3152; Amsler grid.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Amsler grid:

1. Identification: An Amsler grid is a device that is a series of charts with grids of different sizes that are held at 30 centimeters distance from the patient and used for the rapid detection of central and paracentral irregularities in the visual field.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that Amsler grids be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act (21 U.S.C. 360j(f)) because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act (21 U.S.C. 360i) because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel member's knowledge of, and clinical experience with, this device.

5. Risk to health: None identified.

FDA agrees with the Panel recommendation and is proposing that Amsler grids be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of Amsler grids be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of Amsler grids be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacturer of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to comlaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1340; Docket No. 78N–3295; Haploscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of haploscopes:

1. Identification: A haploscopes is an AC-powered device that consists of two movable viewing tubes, each contained a slide carrier, a low-intensity light source for the illuminiation of the slides, and a high-intensity light source for creating after-images. The device is used to measure strabismus (eye muscle imbalance), to assess binocular vision (use of both eyes to see), and to treat suppression and amblyopia (dimness of vision without any apparent disease of the eye).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that haploscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel beleives that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel member's knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that haploscopes be classified into class II (performance standards). The agency believe that a performance standard is necessary for this device because general controls alone are insufficient to control the risk to health presented by the device. A preformance standard will provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1350; Docket No. 78N–3153; Keratoscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of keratoscopes:

1. Identification: A keratoscope is an AC-powered or battery-powered device used to measure and evaluate the corneal curvature of the eye. Lines and circles within the Keratoscope are used to observe the corneal reflex. This generic type of device includes the photokeratoscope which records corneal curvature by taking photographs of the cornea.

2. Recommended classification: The Panel recommends that AC-powered keratoscopes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered keratoscopes be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered keratoscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device and that there is sufficient information to establish a performance standard. The Panel also recommends that photokeratoscopes be calibrated to provide data in millimeters and diopters and that calibration instructions should be included in the labeling of the device. The Panel recommends that battery-powered keratoscopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered keratoscopes. The Panel recommends that battery-powered keratoscopes be exempt from the good manufacturing practice regulation under section 520(f) of the act (21 U.S.C. 360j(f)) because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act (21 U.S.C. 360i) because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered keratoscopes may cause electrical shock to the patient or user. The Panel identified no risks to health associated with battery-powered keratoscopes.

FDA agrees with the Panel recommendation and is proposing that AC-powered keratoscopes be classified into class II (performance standards) and that battery-powered keratoscopes be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. FDA believes that a performance standard is necessary for AC-powered keratoscopes because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered keratoscopes be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the battery-powered device.

FDA disagrees with the Panel's recommendation that manufacturers of keratoscopes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of keratoscopes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1360; Docket No. 78N–3155; Visual field laser instrument.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of visual field laser instruments:

1. Identification: A visual field laser instrument is an AC-powered device that provides visible laser radiation that produces an interference pattern on the retina used to evaluate retinal function.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that visual field laser instruments be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user; the accuracy of the device must be controlled to ensure detection of visual field defects; and the design and performance of the device must be controlled to prevent unnecessary exposure of the patient or operator to laser radiation. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Tissue damage: Exposure of the patient or operator to laser light radiation not appropriate for the device's function could cause tissue damage. (c) Misdiagnosis and inappropriate therapy: The failure of the device to properly detect visual field defects could result in misdiagnosis and inappropriate therapy.

FDA agrees with the Panel recommendation and is proposing that visual field laser instruments be classified into class II (performance standards). The agency believes that an additional performance standard is necessary for this device because general controls and the present performance standard for laser products (21 CFR 1040.10 and 1040.11, issued under the Radiation Control for Health and Safety Act of 1968) alone are insufficient to control the risks to health that are characteristic of medical laser devices. Exposure to laser radiation must be limited to that necessary to conduct effective examination and testing procedures. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1375; Docket No. 78N-3156; Bagolini lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Bagolini lenses:

1. Identification: A Bagolini lens is a device consisting of a plane lens containing almost imperceptible striations that do not obscure visualization of objects. The device is placed in a trial frame and used to determine harmonious/anomalous retinal correspondence (the condition in which corresponding points on the retina have the same directional value).

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that Bagolini lenses be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that Bagolini lenses be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of Bagolini lenses be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of Bagolini lenses be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1380; Docket No. 78N-3157; Diagnostic condensing lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of diagnostic condensing lenses:

1. Identification: A diagnostic condensing lens is a device that is a lens used to focus reflected light from the fundus of the eye in binocular indirect ophthalmoscopy (a procedure that produces an inverted or reversed direct magnified image of the eye).

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that diagnostic condensing lenses be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that diagnostic condensing lenses be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulations. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of diagnostic condensing lenses be exempt from records and reports regulations under secton 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of diagnostic condensing lenses be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1385; Docket No. 78N-3158; Polymethylmethacrylate diagnostic contact lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of polymethylmethacrylate diagnostic contact lenses:

1. Identification: A polymethylmethacrylate diagnostic contact lens is a device that is a curved shell of polymethylmethacrylate applied for a short period of time directly onto the globe or cornea of the eye for diagnosis or therapy of intraocular abnormalities.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that polymethylmethacrylate diagnostic contact lenses be classified into class II because the Panel believes that a contaminated lens could result in eye infection and that vacuum contact lenses must be controlled to prevent suction of the aqueous which could result in angle closure glaucoma. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that materials used in this device in contact with the eye are generally acceptable or have known and acceptable properties. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device. The Panel also recognizes the existence of the American National Standards Institute Z–80 Committee Standards for contact lenses.

5. Risks to health: (a) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (b) Glaucoma: Suction of the aqueous by vacuum contact lenses could enhance angle closure resulting in glaucoma.

FDA agrees with the Panel recommendation and is proposing that polymethylmethacrylate diagnostic contact lenses be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1390; Docket No. 78N–3159; Flexible diagnostic Fresnel lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of flexible diagnostic Fresnel lenses.

1. Identification: A flexible diagnostic Fresnel lens is a device that is a very thin lens which has on its surface a concentric series of increasingly refractive zones. The device may be applied to the back of the spectable lenses of patients with aphakia (absence of the lens of the eye).

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that flexible diagnostic Fresnel lenses be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based it recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that flexible diagnostic Fresnel lenses be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1395; Docket No. 78N–3160; Diagnostic Hruby fundus lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of diagnostic Hruby fundus lenses:

1. Identification: A diagnostic Hruby fundus lens is a device that is a 55 diopter lens used in examination of the vitreous body and the fundus of the eye under slit-lamp illumination and magnification.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that diagnostic Hruby fundus lenses be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that diagnostic Hruby fundus lenses be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of diagnostic Hruby fundus lenses be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of diagnostic Hruby fundus lenses be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1400; Docket No. 78N–3161; Maddox lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Maddox lenses:

1. Identification: A Maddox lense is a device with that is a series of red cylinders that change the size, shape, and color of an image. The device is handheld or placed in a trial frame and used to evaluate eye muscle dysfunction.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that Maddox lenses be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that Maddox lenses be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that

general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of Maddox lenses be exempt from records and reports regulations under setion 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of Maddox lenses be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1405; Docket No. 78N–3162; Ophthalmic trial lens set.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic trial lens sets:

1. Identification: An ophthalmic trial lens set is a device that is a set of lenses of various dioptric powers that are handheld or inserted in a trail frame and used in vision testing to determine refraction.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic trial lens sets be classified into class II because the performance characteristics of the device, including lens power, centration, front curve, thickness, additive sphee, and cylindrical powers at a constant vertex distance, and axis alignment for cylindrical lenses, must be controlled to prevent misdetermination of refraction. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Misdiagnosis and inadequate therapy: Improper design of the device could result in misdetermination of refraction, resulting in misdiagnosis and inadequate therapy.

FDA agrees with the Panel recommendation and is proposing that ophthalmic trial lens sets be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1410; Docket No. 78N–3163; Ophthalmic trial lens clip.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic trial lens clips:

1. Identification: An ophthalmic trial lens clip is a device used to place prisms, spheres, cylinders, or occluders on a trial frame or spectacles for vision testing.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic trial lens clips be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic trial lens clips be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic trial lens clips be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic trial lens clips be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198 with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1415; Docket No. 78N–3164; Ophthalmic trial lens frame.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic trial lens frames:

1. Identification: An ophthalmic trial lens frame is a mechanical device used to hold trial lenses during vision testing.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic trial lens frames be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic trial lens frames be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1420; Docket No. 78N–3165; Ophthalmic lens gauge.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic lens gauges:

1. Identification: An ophthalmic lens gauge is a calibrated device used manually to measure the curvature of a spectacle lens.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic lens gauges be classified into class I because the Panel believes general controls are sufficient to provide reasonable

assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic lens gauges be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1425; Docket No. 78N–3166; AC-powered lens measuring instrument.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered lens measuring instruments:

1. Identification: An AC-powered lens measuring instrument is an AC-powered device used to measuer the power of lenses, prisms, and their centers (e.g., lensometer).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered lens measuring instruments be classified into class II because the electrical properties of the devices must be controlled to prevent electrical shock to the user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that these devices require special labeling to indicate to the user the accuracy, reproducibility, or limitations in their measurements. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, these devices.

5. Risks to health: Electrical shock: Improper design or malfunction of these devices may cause electrical shock to the user.

FDA agrees with the Panel recommendation and is proposing that AC-powered lens measuring instruments be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1430; Docket No. 78N–3167; Ophthalmic contact lens radius measuring device.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic contact lens radius measuring devices:

1. Identification: An ophthalmic contact lens radius measuring device is an AC-powered device that is a microscope and dial gauge used to measure the radius of a contact lens.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic contact lens radius measuring devices be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that ophthalmic contact lens radius measuring devices be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1435; Docket No. 78N–3168; AC-powered Maxwell spot.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered Maxwell spots:

1. Identification: An AC-powered Maxwell spot is an AC-powered device that is a light source with a red and blue filter used to test macular function.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered Maxwell spots be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered Maxwell spots be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard alone will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1450; Docket No. 78N–3169; Corneal radius measuring device.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of corneal radius measuring devices:

1. Identification: A corneal radius measuring device is an AC-powered device used to measure corneal size by superimposing the image of the cornea on a scale at the focal length of the lens of a small handheld single tube penscope or eye gauge magnifier.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that corneal radius measuring devices be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel recommends that calibration instructions be included in the

labeling of the device and that the device should enable measurement in millimeters and diopters. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that corneal radius measuring devices be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1460; Docket No. 78N-3170; Stereopsis measuring instrument.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Stereopsis measuring instruments:

1. Identification: A stereopsis measuring instrument is a device used to measure depth perception by battery-powered illumination or natural daylight illumination of objects placed on different planes.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that stereopsis measuring instruments be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that stereopsis measuring instruments be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1500; Docket No. 78N-3171; Headband mirror.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of headband mirrors:

1. Identification: A headband mirror is a device that is strapped to the head of the user to reflect light for examination of the eye.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that headband mirrors be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that headband mirrors be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of headband mirrors be exempt from records and reports regulations under setion 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of headband mirrors be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1510; Docket No. 78N-3172; Eye movement monitor.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of eye movement monitors:

1. Identification: An eye movement monitor is an AC-powered device with an electrode used to measure and record ocular movements.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that eye movement monitors be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that eye movement monitors be classified into class II (performance standards). The agency believes that general controls alone are sufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1570; Docket No. 78N-3175; Ophthalmoscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmoscopes:

1. Identification: An ophthalmoscope is an AC-powered or battery-powered device containing illumination and viewing optics used to examine the media (cornea, aqueous, lens, and vitreous) and the retina of the eye.

2. Recommended classification: The Panel recommends that AC-powered ophthalmoscopes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered ophthalmoscopes be classified into class I

(general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360j).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered ophthalmoscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered ophthalmoscopes be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered ophthalmoscopes. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered ophthalmoscopes may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmoscopes be classified into class II (performance standards) and that battery powered ophthalmoscopes be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that a performance standard is necessary for AC-powered ophthalmoscopes because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered ophthalmoscopes be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmoscopes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmoscopes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1605; Docket No. 78N-3178; Perimeter.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of perimeters.

1. Identification: A perimeter is an AC-powered or manual device used to determine the extent of the peripheral visual field of a patient. The device project's light on various points of a curved surface, and the patient indicates whether he or she sees the light.

2. Recommended classification: The Panel recommends that AC-powered perimeters be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that manual perimeters be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered perimeters be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that any automatic features of the device must be controlled to prevent inaccuracy of measurements. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that manual perimeters be classifed into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device. The Panel recommends that the labeling of all perimeters include instructions for calibration.

4. Summary of data on which the recommendation is based: The Panel basic its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of AC-powered perimeters may cause electrical shock to the patient or user. (b) Misdiagnosis and inappropriate therapy: Improper design or a malfunction of automatic features of AC-powered perimeters may result in misdiagnosis and subsequent inappropriate therapy. The Panel identified no risks to health associated with manual perimeters.

FDA agrees with the Panel recommendation and is proposing that AC-powered perimeters be classified into class II (performance standards) and that manual perimeters be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that a performance standard is necessary for AC-powered perimeters because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that manual perimeters be classified into class I because FDA believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of manual perimeters be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of manual perimeters be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements

concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1630; Docket No. 78N-3181; AC-powered photostimulator.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered photostimulators:

1. Identification: An AC-powered photostimulator is an AC-powered device that provides light stimulus which allows measurement of retinal or visual function by perceptual or electrical methods (e.g., stroboscope).

2. Recommended classification: Class II (performance standards). The panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered photostimulators be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user and the intensity of the light produced by the device must be controlled to prevent damage to the retina. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Retinal damage: If the light produced by the device is too intense, it could cause damage to the retina.

FDA agrees with the Panel recommendation and is proposing that AC-powered photostimulators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1640; Docket No. 78N-3182; Ophthalmic preamplifier.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic preamplifiers:

1. Identification: An ophthalmic preamplifier is an AC-powered or battery-powered device used to amplify electrical signals from the eye in electroretinography (recording retinal action currents from the surface of the eyeball after stimulation by light), electro-oculography (testing for retinal dysfunction by comparing the standing potential in the front and the back of the eyeball), and electromyography (recording electrical currents generated in active muscle).

2. Recommended classification: Class II (performance standards). The Panel recommends that AC-powered ophthalmic preamplifiers be classified into class II (performance standards) and that establishing a performance standard for this device be a high priority. The Panel recommends that battery-powered ophthalmic preamplifiers be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered ophthalmic preamplifiers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel also believes that the design and measurement function of the device must be controlled to prevent misdiagnosis and subsequent inappropriate therapy. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered ophthalmic preamplifiers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered ophthalmic preamplifiers. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of AC-powered ophthalmic preamplifiers may cause electrical shock to the patient or user. (b) Misdiagnosis and inappropriate therapy: Improper design or a malfunction of ophthalmic preamplifiers may result in misdiagnosis and subsequent inappropriate therapy.

FDA agrees in part with the Panel recommendation and is proposing that AC-powered ophthalmic preamplifiers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the AC-powered device. A performance standard will provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency believes that there is sufficient information to establish a performance standard for this device. However, FDA disagrees with the Panel recommendation that battery-powered ophthalmic preamplifiers be classified into class I (general controls) and is proposing that this device be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because the design and measurement function of all ophthalmic preamplifiers must be controlled to prevent misdiagnosis and inappropriate therapy. FDA believes that although the risk of electrical shock is minimal with battery-powered ophthalmic preamplifiers, general controls alone are insufficient to control the risk of misdiagnosis and inappropriate therapy presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the battery-powered device. FDA also believes that there is sufficient information to establish a performance standard for the battery-powered device.

Section 886.1650; Docket No. 78N-3184; Ophthalmic bar prism.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic bar prisms:

1. Identification: An ophthalmic bar prism is a device that is a bar composed of fused prisms of gradually increasing strengths used to measure latent and manifest strabismus (eye muscle deviation) or the power of fusion of the patients' eyes.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic bar prisms be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and

reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic bar prisms be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic bar prisms be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic bar prisms be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1655; Docket No. 78N–3185; Ophthalmic Fresnel prism.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic Fresnel prisms:

1. Identification: An ophthalmic Fresnel prism is a device that is a thin plastic sheet with embossed rulings which provides the optical effect of a prism. The device is applied to spectacle lenses to give a prismatic effect.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic Fresnel prisms be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic Fresnel prisms be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1660; Docket No. 78N–3186; Gonioscopic prisms.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of gonioscopic prisms:

1. Identification: A gonioscopic prisms is a device that is a prism which may be placed on the eye for the study of anterior chamber angles. The device may have angled mirrors to facilitate visualization of antomical features.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that gonioscopic prisms be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel noted that corneal abrasion could result if the surface of the device is rough, and that the device should be capable of being sterilized.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Infection: (a) If the device cannot be sterilized properly, an infection in the patient may result. (b) Corneal abrasion: If the device has a rough surface, placing the device on the eye could cause a corneal abrasion.

FDA agrees with the Panel recommendation and is proposing that gonioscopic prisms be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The agency believes that infection and corneal abrasion would only result from improper use of the device and that general controls would be sufficient to control any risks to health presented by the device.

Section 886.1665; Docket No. 78N–3187; Ophthalmic rotory prism.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic rotory prisms:

1. Identification: An ophthalmic rotory prism is a handheld device with various prismatic powers used to measure ocular deviation in latent and manifest strabismus (eye muscle deviation).

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic rotory prisms be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic rotory prisms be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1670; Docket No. 78N–3188; Ophthalmic isotope uptake probe.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic isotope uptake probes:

1. Identification: An ophthalmic isotope uptake probe is an AC-powered device used to measure, by a probe which is placed in close proximity to the eye, the uptake of a radioisotope (phosphorus 32) by tumors to detect tumor masses on, around, or within the eye.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic isotope uptake probes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. In addition, the design and performance characteristics of the device must be controlled to prevent; misdiagnosis or to prevent the need for a repeat examination which may result in higher than normal amounts of phosphorus 32 being delivered to the patient. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel also recommends that the device be capable of being sterilized and that its use be restricted to qualified personnel.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of the device may cause electrical shock to the

patient or user. (b) Infection: If the device cannot be properly sterilized, an infection in the patient may result. (c) Misdiagnosis and inappropriate therapy: Improper design or a malfunction of this device may result in misdiagnosis and subsequent inappropriate therapy.

FDA agrees with the Panel recommendation and is proposing that ophthalmic isotope uptake probes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1680; Docket No. 78N–3189; Ophthalmic projector.

The Opthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic projectors:

1. Identification: An ophthalmic projector is an AC-powered device used to project an image on a screen for vision testing.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic projectors be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the user.

FDA agrees with the Panel recommendation and is proposing that ophthalmic projectors be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1690; Docket No. 78N–3190; Pupillograph.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarging the classification of pupillographs:

1. Identification: A pupillographs is an AC-powered device that measures the pupil of the eye by reflected light and records the responses of the pupil.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that pupillographs be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that pupillographs be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1700; Docket No. 78N–3191; Pupillometer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of pupillometers:

1. Identification: A pupillometer is an AC-powered or manual device used to measure by reflected light the width or diameter of the pupil of the eye.

2. Recommended classification: Class II (performance standards). The Panel recommends that AC-powered pupillometers be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that manual pupillometers be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered pupillometers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient informafion to establish a performance standard. The Panel recommends that manual pupillometers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that manual pupillometers be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered pupillometers may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of manual pupillometers.

FDA agrees with the Panel recommendation and is proposing that AC-powered pupillometers be classified into class II (performance standards) and that manual pupillometers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. FDA believes that a performance standard is necessary for AC-powered pupillometers because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that manual

pupillometers be classified into class I (general controls) because it believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the manual device.

FDA disagrees with the Panel's recommendation that manufacturers of pupillometers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of pupillometers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1750; Docket No. 78N-3193; Skiascopic rack.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of skiascopic racks:

1. Identification: An skiascopic rack is a device that is a rack and a set of attached ophthalmic lenses of various dioptric strengths used as an aid in refraction.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that skiascopic racks be classified into class II because the performance characteristics of the device including lens power, centration, front curves, thickness, additive sphere, cylindrical powers at a constant vertex distance, and the axis alignment for cylindrical lenses must be controlled to prevent misdetermination of refraction. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Misdiagnosis and inappropriate therapy: Improper design of this device may result in misdetermination of refraction, resulting in misdiagnosis and inappropriate therapy.

FDA agrees with the Panel recommendation and is proposing that skiascopic racks be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1760; Docket No. 78N-3194; Ophthalmic refractometer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic refractometers:

1. Identification: An ophthalmic refractometer is an automatic AC-powered device that consists of a fixation system, a measurement and recording system, and an alignment system used to measure the refractive power of the eye by measuring light reflexes from the retina.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic refractometers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user, and the accuracy of the measurement function of the device must be controlled to prevent misdetermination of refraction. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Misdiagnosis and inappropriate therapy: Inaccuracy of the measurement function of the device could result in misdetermination of refraction, resulting in misdiagnosis and inappropriate therapy.

FDA agrees with the Panel recommendation and is proposing that ophthalmic refractometers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1770; Docket No. 78N-3195; Manual refractor.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of manual refractors:

1. Identification: A manual refractor is a device that is a set of lenses of various dioptric powers that are used to measure the refractive error of the eye.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that manual refractors be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that the labeling of the device include a calibration procedure.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that manual refractors be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1780; Docket No. 78N-3196; Retinoscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of retinoscopes:

1. Identification: A retinoscope is an AC-powered or battery-powered device used clinically to measure the refraction of the eye by illuminating the retina and noting the direction of movement of the light on the retinal surface and of the refraction by the eye of the emergent rays.

2. Recommended classification: The Panel recommends that AC-powered retinoscopes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered retinoscopes be classified into class I (general controls) and that this device be exempt from the good

manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered retinoscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard to provide such assurance. The Panel recommends that battery-powered retinoscopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered retinoscopes. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered retinoscopes may cause electrical shock to the patient or user. The Panel identified no risks to health associated with battery-powered retinoscopes.

FDA agrees with the Panel recommendation and is proposing that AC-powered retinoscopes be classified into class II (performance standards) and that battery-powered retinoscopes be classified into class I (general controls) with exemptions from some requirements of the GMP regulation. FDA believes that a performance standard is necessary for AC-powered retinoscopes because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for AC-powered device. FDA is proposing that battery-powered retinoscopes be classified into class I (general controls) because FDA believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of battery-powered retinoscopes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of battery-powered retinoscopes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1790; Docket No. 78N–3198; Nearpoint ruler.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of nearpoint rulers:

1. Identification: A nearpoint ruler is a device calibrated in centimeters that is used to measure the nearpoint of convergence (the point to which the visual lines are directed when convergence is at its maximum).

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that nearpoint rulers be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that nearpoint rulers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of nearpoint rulers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of nearpoint rulers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1800; Docket No. 78N–3199; Schirmer strip.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of Schirmer strips:

1. Identification: A Schirmer strip is a device made of filter paper or similar material used to test for tear formation ability. It is inserted under the lower eyelid.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that Schirmer strips be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be packaged sterile.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that Schirmer strips be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1810; Docket No. 78N–3200; Tangent screens (campimeter).

The ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation

regarding the classification of tangent screen (campimeters):

1. Identification: A tangent screen (campimeter) is an AC-powered or battery-powered device that is a large square cloth chart with a central mark of fixation used to map the central thirty degrees of the patient's visual field on a flat surface. This generic type of device includes projection tangent screens, target tangent screens and targets, felt tangent screens, and battery-powered stereo campimeters.

2. Recommended classification: The Panel recommends that AC-powered tangent screens be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered tangent screens be classified into Class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered tangent screens be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered tangent screens be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered tangent screens. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered tangent screens may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered tangent screens.

FDA agrees with the Panel recommendation and is proposing that AC-powered tangent screens (campimeters) be classified into Class II (performance standards) and that battery-powered tangent screens (campimeters) be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that a performance standard is necessary for AC-powered tangent screens because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered tangent screens be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of battery-powered tangent screens be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of battery-powered tangent screens be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to genaral requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for complete explanation of the agency's policies concerning exemptions.

Section 886.1840; Docket No. 78N–3206; Simulatan (including crossed cylinder).

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of simulatans (including crossed cylinders):

1. Identification: A simulatan (including crossed cylinder) is a device that is a set of pairs of cylinder lenses that provides equal plus and minus various refractive strengths. The lenses are arranged so that the user can exchange the positions of plus and minus cylinder lenses of equal strengths. The device is used for subjective refraction (refraction in which the patient judges whether a given object is clearly in focus, as the examiner uses different lenses).

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that simulatans (including crossed cylinders) be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that simulatans (including crossed cylinders) be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.1850; Docket No. 78N–3207; AC-powered slitlamp biomicroscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered slitlamp biomicroscopes:

1. Identification: An AC-powered slitlamp biomicroscope is an AC-powered device that is a microscope for eye examination that projects into the patient's eye through a control diaphragm a thin, intense beam of light.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered slitlamp biomicroscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendataion and is proposing that AC-powered slitlamp biomicroscopes be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide

reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1860; Docket No. 78N–3208; Ophthalmic instrument stand.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic instrument stands:

1. Identification: An ophthalmic instrument stand is an AC-powered or nonpowered device used to store ophthalmic instruments and make them readily accessible.

2. Recommended classification: The Panel recommends that AC-powered ophthalmic instrument stands be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that nonpowered ophthalmic instrument stands be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered instrument stands be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that general controls would not provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that nonpowered ophthalmic instrument stands be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device. The Panel recommends that labeling include a warning regarding the sudden release of any springs that may be present.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered ophthalmic instrument stands may cause electrical shock to the user. The Panel identified no risks to health associated with nonpowered ophthalmic instrument stands.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmic instrument stands be classified into class II (performance standards) and that nonpowered ophthalmic instrument stands be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulations. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the AC-powered device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that nonpowered ophthalmic instrument stands be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic instrument stands be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic instrument stands be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1870; Docket No. 78N–3210; Stereoscope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of stereoscopes:

1. Identification: A stereoscope is an AC-powered or battery-powered device that combines the images of two similar objects to produce a three-dimensional apppearance of solidity and relief. It is used to measure the angle of strabismus (eye muscle deviation) and to evaluate binocular vision (usage of both eyes to see). The device is also used for corrective exercises for eye muscles.

2. Recommended classification: The panel recommends that AC-powered stereoscopes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered stereoscopes be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered stereoscopes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered stereoscopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The panel believes that the risk of electrical shock is minimal with battery-powered stereoscopes. The panel recommends that battery-powered stereoscopes be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that battery-powered stereoscopes be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered stereoscopes may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered stereoscopes be classified into class II (performance standards) and that battery-powered stereoscopes be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. FDA believes that a performance standard is necessary for AC-powered stereoscopes because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient

information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered stereoscopes be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagress with the Panel's recommendation that manufacturers of battery-powered stereoscopes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of battery-powered stereoscopes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1880; Docket No. 78N–3212; Fusion and stereoscopic target.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of fusion and stereoscopic targets:

1. Identification: A fusion and stereoscopic target is a device that is a viewing object used with a stereoscope (a device that combines the images of two similar objects to produce a three-dimensional appearance of solidity and relief). It is used in various ophthalmological examinations for eye muscle disorders, such as amblyopia (weak eye muscles), and for corrective exercises for eye muscles.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that fusion and stereoscopic targets be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that fusion and stereoscopic targets be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of fusion and stereoscopic targets be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of fusion and stereoscopic targets be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1905; Docket No. 78N–3213; Nystagmus tape.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of nystagmus tapes:

1. Identification: Nystagmus tape is a device that is a long, narrow strip of fabric or other flexibile material on which a series of printed objects are moved across the patient's field of vision to elicit optokinetic nystagmus (abnormal and irregular eye movements) and to test for blindness.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exemp from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that nystagmus tape be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that nystagmus tape be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of nystagmus tape be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of nystagmus tape be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section. 886.1910; Docket No. 78N–3214; Sepctacle dissociation test system.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of spectacle dissociation test systems:

1. Identification: A spectacle dissociation test system is an AC-powered or battery-powered device, such as a Lancaster test system, that consists of a light source and various filters, especially red/green filters, that is used subjectively to measure ocular muscle imbalance.

2. Recommended classification: The Panel recommends that AC-powered spectacle dissociation test systems be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered spectacle

dissociation test systems be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered spectacle dissociation test systems classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered spectacle dissociation test systems be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered spectacle dissociation test systems. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered spectacle dissociation test systems may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered spectacle dissociation test systems.

FDA agrees with the Panel recommendation and is proposing that AC-powered spectacle dissociation test systems be classified into class II (performance standards) and battery-powered spectacle dissociation test systems be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. FDA believes that a performance standard is necessary for AC-powered spectacle dissociation test systems because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered spectacle dissociation test systems be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of battery-powered spectacle dissociation test systems be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of battery-powered spectacle dissociation test systems be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.1930; Docket No. 78N–3218; Tonometer and accessories.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of tonometers and accessories:

1. Identification: A tonometer and accessories is an AC-powered or manual device used to measure intraocular pressure by the degree of indentation produced by the application of a known force on the globe of the eye (Schiotz type) or to measure intraocular tension by applanation (the application of a small flat disk to the cornea). Accessories for the device may include a tonometer calibrator or a tonograph recording system. The device is used in the diagnosis of glaucoma.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that tonometers and accessories be classified into class II because the performance characteristics of the device, including the accuracy of the measurement function, must be controlled to prevent misdiagnosis. The electrical properties of AC-powered tonometers must also be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel acknowledges the existence of the American Academy of Ophthalmology and Otolaryngology Committee on Standards for Tonometers. The Panel recommends that the labeling of the device indicate to the user the accuracy, reproducibility, or limitations in the device's measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Misdiagnosis and inappropriate therapy: Improper design or a malfunction of the device may result in misdiagnosis and subsequent inappropriate therapy. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (c) Electrical shock: Improper design or a malfunction of AC-powered tonometers may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that tonometers and accessories be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1940; Docket No. 78N–3220; Tonometer sterilizer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of tonometer sterilizers:

1. Identification: A tonometer sterilizer is an AC-powered device that is used to sterilize by heat a tonometer (a device used to measure intraocular pressure).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that tonometer sterilizers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the user. The Panel also believes that a performance standard is necessary to ensure that the device provides adequate sterilization and to ensure that the design of the heating element allows sufficient cooling of the tonometer to prevent injury to the cornea. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Corneal burns: Improper design or a malfunction of the device could result in burns to the cornea from use of an insufficiently cool tonometer. (b) Infection: If the device fails to sterilize the tonometer adequately, infection in the patient may result. (c) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the user.

FDA agrees with the Panel recommendation and is proposing that tonometer sterilizers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.1945: Docket No. 78N–3221: Transilluminator.

The Ophthalmic Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel, FDA advisory committees, made the following recommendation regarding the classification of transilluminators:

1. Identification: A transilluminator is an AC-powered or battery-powered device that is a light source used to transmit light through tissues to aid patient examination.

2. Recommended classification: The Panels recommend that AC-powered transilluminators be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panels recommend that battery-powered transilluminators be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panels recommend that AC-powered transilluminators be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panels believe that general controls would not provide sufficient control over this characteristic. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panels recommend that battery-powered transilluminators be classified into class I because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that the risk of electrical shock is minimal with battery-powered transilluminators.

4. Summary of data on which the recommendation is based: The Panel based its recommendations on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered transilluminators may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered transilluminators.

FDA agrees with the recommendations of both Panels and is proposing that AC-powered transilluminators be classified into class II (performance standards) and that battery-powered transilluminators be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the AC-powered device.

A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered transilluminators be classified into class I with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.3100; Docket No. 78N–3224; Ophthalmic tantalum clip.

The Ophthalmic Device Classification Panel, an FDA advisory Committee,, made the following recommendation regarding the classification of ophthalmic tantalum clips:

1. Identification: An ophthalmic tantalum clip is a malleable metallic device used to bring together the edges of a wound to facilitate healing or to prevent bleeding from small blood vessels in the eye. The device may be implanted permanently, or removed after a short period of time.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic tantalum clips be classified into class II because the design of the device must be controlled to prevent breakage of the device, or erosion of the device through the sclera into the vitreous, and the materials used in the construction of the device must be controlled to ensure biocompatibility. The Panel believes that general controls would not provide sufficent control over these characteristics. Although this device is implanted in the human body, the Panel believes that premaket approval is not necessary because sufficient information exists to establish a performance standard that would provide reasonable assurance of the safety and effectiveness of the device. The Panel also recommends that the device be capable of being sterilized to prevent infection.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Infection: If the device cannot be properly sterilized, an infection in the patient may result. (b) Eye damage: Breakage of the device or erosion of the device into the vitreous could cause damage to the eye.

FDA agrees with the Panel recommendation and is proposing that ophthalmic tantalum clips be classified into class II (performance standards). The agency has reviewed certain literature regarding ophthalmic tantalum clips. Henry M. Carney (Ref. *3*) conducted a study on the effects of tantalum implants in dogs and found that there were no instances of discoloration or edema and no inflammatory changes in surrounding tissue. Robert H. Pudenz, M.D. (Ref. *4*) found that tissue reaction to tantalum consists of a "minimal investment by connective tissue and/or neuroglia fibrils" and that a characteristic foreign body reaction does not occur. Although this is an implanted device, the agency believes that premarket approval is not necessary because a performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency believes that a performance standard is necessary because general controls alone are insufficient to control the risks to health presented by the device.

Section 886.3130; Docket No. 78N–3225; Ophthalmic conformer.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of opthalmic conformers:

1. Identification: An ophthalmic conformer is a device, usually made of molded plastic, that is inserted temporarily between the eyeball and eyelid to maintain space in the orbital cavity and used to prevent closure or adhesions during the healing process following plastic surgery.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic conformers be classified into class I because the Panel believes that

general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA disagrees with the Panel recommendation and is proposing that ophthalmic conformers be classified into class II (performance standards). The agency believes that this device may present a risk of tissue damage from leaching of materials used in the device into tissues or by the bioincompatibility of the materials. FDA believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.3200; Docket No. 78N-3226; Artificial eye.

The Ophthalmic Device Classification Panel and the General and Plastic Surgery Device Classification Panel, FDA advisory committees, made the following recommendation regarding the classification of artificial eyes:

1. Identification: An artificial eye is a removable, prosthetic device resembling the eyeball, usually made of glass or plastic, that is placed in the eye socket for cosmetic purposes following removal of the eye.

2. Recommended classification: The Ophthalmic Device Classification Panel recommends that the device be classified into class I (general controls) and that there be no exemptions. The General and Plastic Surgery Device Classification Panel recommends that the device be classified into class II (performance standards) and that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: the Ophthalmic Device Classification Panel recommends that artificial eyes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The General and Plastic Surgery Device Classification Panel recommends that artificial eyes be classified into class II because a performance standard is necessary to ensure the biocompatibility of the materials used in the construction of the device. The Panel believes that the device should be nonallergenic, noncarcinogenic, and nonantigenic and that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel also recommends that the device be sterilized before use.

4. Summary of data on which the recommendation is based: the Panels based their recommendations on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (b) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatable, the patient may have an adverse tissue reaction.

FDA agrees with the recommendation of the General and Plastic Surgery Device Classification Panel and is proposing that artificial eyes be classified into class II (performance standards). The agency disagrees with the recommendations of the Ophthalmic Classification Panel that this device be classified into class I. The agency believes that general controls alone are insufficient to control the risks to health presented by the device. The agency believes that a performance standard is necessary for artificial eyes because the materials used in the construction of the device must meet a satisfactory level of tissue compatibility to prevent adverse tissue reactions. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.3300; Docket No. 78N-3227; Absorbable implant (scleral buckling method).

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of absorbable implants (scleral buckling method):

1. Identification: An absorbable implant (scleral buckling method) is an implanted device placed on the sclera to aid retinal reattachment.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that absorbable implants (scleral buckling method) be classified into class II because the materials used in the construction of the device must be controlled to ensure biocompatibility. The Panel believes that general controls would not provide sufficient control over this characteristic. Although an absorbable implant (scleral buckling method) is an implanted device, the Panel believes that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device because sufficient information exists to establish a performance standard. The Panel also recommends that the device be sterilized before use to prevent infection.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result.

FDA agrees with the Panel recommendation and is proposing that absorbable implants (scleral buckling method) be classified into class II (performance standards). L'Esperance (Ref. *5*) states that the use of absorbable collagen implants in retinal repair may obviate many of the delayed complications associated with nonabsorbable silicone implants, such as extrusion, intrusion, orbital migration, and permanent anatomic and physiologic impairment of the eye. King, et al. (Ref. *6*) states, for example, that an absorbable gelatin implant is an "excellent absorbable implant when used in repairing retinal detachments that do not need a permanent buckle or an encircling element." King also states that the thickness of the gelatin implant is important in reducing the rate of complications, i.e., a higher complication rate was recorded for 0.75 millimeter gelatin implants than for 0.5 millimeter gelatin implants. Although this is an implanted device, the agency believes that premarket approval is not necessary because a performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device because absorbable implants have been used successfully for over 15 years. The agency believes that a performance standard is necessary because general controls alone are insufficient to control the risks to health presented by the device.

Section 886.3320; Docket No. 78N-3228; Eye sphere implant.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of eye sphere implants:

1. Identification: An eye sphere implant is an implanted device used to occupy the space in the eyeball following the removal of the contents of the eyeball with the sclera left intact.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that eye sphere implants be classified into class II because, although the device is implanted in the human body, the Panel believes that premarket approval is not necessary to assure its safety and effectiveness because the risks to health presented by the device can be adequately controlled by a performance standard. The Panel believes that a performance standard is necessary because the design and materials of the device must be controlled to prevent its coming out (extrusion), to ensure that the device is biocompatible to prevent adverse tissue reaction, and to ensure that the device can be adequately sterilized to prevent infection. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (b) Extrusion of the implant: Improper design or materials of the device may result in extrusion. (c) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that eye sphere implants be classified into class II (performance standards). Vistnes and Paris (Ref. *7*) state that when the normal globe is removed and replaced with an implant and a prosthesis, there remains a volume deficit which is corrected by adding various space-occupying materials to the orbit. In addition to autogenous and homologous materials, foreign material such as polytef (Teflon®), silicone, and glass beads have been used to occupy the potential space. These authors describe the use of room temperature vulcanizing silicone in the reconstruction of the socket.

Lyall (Ref. *8*) states that many implants of various materials, such as acrylate, nylon mesh, and tantalum mesh, have been used after enucleation to improve movement of the prosthesis and the patient's appearance. He describes the use of an inert alloplastic material prepared from a combination of Telflon® fluorocarbon polymer and vitreous carbon fibers that when wholly implanted is invaded by fibrous tissue and is not rejected.

Although this is an implanted device, the agency believes that premarket approval is not necessary because a performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device because eye sphere implants have been in use for over 15 years (Refs. *9* and *10*). The agency believes that a performance standard is necessary because general controls alone are insufficient to control the risks to health presented by the device.

Section 886.3340; Docket No. 78N–3229; Extraocular orbital implant.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of extraocular orbital implants:

1. Identification: An extraocular orbital implant is a device used in scleral surgery for buckling or building up the floor of the eye, usually in conjunction with retinal reattachment. This nonabsorbable device includes implants and floor support for scleral buckling methods, but excludes injected substances.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that extraocular orbital implants be classified into class II because, although the device is implanted in the human body, the Panel believes that a large percentage of the problems associated with this device are the result of poor surgical techniques and not of the device, and that premarket approval is not necessary to assure its safety and effectiveness because the risk to health presented by the device can be adequately controlled by a performance standard. The Panel believes that a performance standard is necessary because the design and materials of the device must be controlled to prevent its coming out (extrusion), to ensure that the device is biocompatible to prevent adverse tissue reaction, and to ensure that the device can be adequately sterilized to prevent infection. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clincial experience with, this device.

5. Risks to health: (a) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (b) Extrusion of the implant: Improper design or materials of the device may result in extrusion. (c) Adverse tissue reaction: If the materials used in the contruction of the device are not biocompatible, the patient may have an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that extraocular orbital implants be classified into class II (performance standards). Otto and Bourghouts (Ref. *11*) state that after a severe trauma of the face, patients complain of diplopia because of eyeball dislocation and incarceration or fibrosis of the external eye muscles.

The treatment consists of closing and raising the orbital floor. To cover the floor fracture, implants are placed under the periost of the orbital floor. Kumpf (Ref. *12*), states that auto-, homo-, and hetero-plastic materials have been used by various investigators; silicone (silastic dimethylpolysiloxane) being preferred by most surgeons. Chrome cobalt, gold, and methylmethacrylate prosthesis also have been used successfully. Although this is an implanted device, the agency believes that premarket approval is not necessary because a performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that sufficient information exists, relative to design, sterilization characteristics, and biocompatibility, to establish a performance standard for the device. Extraocular orbital implants have been used successfully for over 20 years (Ref. *13*). The agency believes that a performance standard is necessary because general controls alone are insufficient to control the risks to health presented by the device.

Section 886.3400; Docket No. 78N–3230; Keratoprosthesis.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of keratoprostheses:

1. Identification: A keratoprosthesis is an implanted device, made of plastic, used to replace the central area of the opacified natural cornea of the eye and used to maintain or restore sight.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that keratoprostheses be classified into class III because the device is purported or represented to be for a use (replacing the natural cornea of the eye) in maintaining or restoring human sight, the device is intended to be implanted in the human body, and the device presents a potential unreasonable risk of illness or injury since extrusion (coming

out) of this implant can lead to loss of the patient's eye. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a performance standard. Therefore the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and, thus, assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clincial experience with, this device and on the lack of medical data available to assure the safety and effectiveness of the device.

5. Risks to health: (a) Loss of eye: Extrusion of the implant, resulting from faulty materials or design of the device, may cause loss of the patient's eye. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (c) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that keratoprostheses be classified into class III (premarket approval). The agency believes the device is purported or represented to be for a use (replacing the natural cornea of the eye to maintain or restore human sight) that is of substantial importance in preventing impairment of human health. The device is intended to be implanted in the human body, and the device presents a potential unreasonable risk of illness or injury because extrusion of the device can lead to loss of the patient's eye. The Federal Food, Drug, and Cosmetic Act requires FDA to classify an implant into class III unless the agency determines that premarket approval is not necessary to provide reasonable assurance of the device's safety and effectiveness. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls or performance standards would provide reasonable assurance of the safety and effectiveness of the device.

Section 886.3800; Docket No. 78N–3231; Scleral shell.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of scleral shells:

1. Identification: A scleral shell is a removable device made of plastic or glass that fits over the cornea and proximal-cornea sclera for cosmetic or reconstructive purposes. The device usually has an artificial eye painted on it.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that scleral shells be classified into class II because the materials used in the construction of the device must be controlled to ensure biocompatibility, and the design and finish of the device must be controlled to prevent corneal abrasion. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction. (b) Corneal abrasion: Improper design or finish of the device may cause corneal abrasion.

FDA agrees with the Panel recommendation and is proposing that scleral shells be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.3920; Docket No. 78N–3232; Eye valve implant.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of eye valve implants:

1. Identification: An eye valve implant is a one-way pressure-sensitive, valve-like device used to normalize intraocular pressure. The device may be used in the treatment of glaucoma.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that eye valve implants be classified into class III because the device is intended to be implanted in the human body and is purported or represented to be used in normalizing intraocular pressure and in supporting or sustaining human sight. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a performance standard. Therefore the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness. The Panel also believes that the materials used in the construction of the device must be biocompatible to prevent adverse tissue reaction, that the device must be sterile to prevent infection, and that the design and performance characteristics of the device must be adequate to prevent extrusion.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device and on the lack of medical data available to assure the safety and effectiveness of the device.

5. Risks to health: (a) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction. (b) Extrusion of the implant: Improper design or a malfunction of the device may result in extrusion. (c) Infection: If the device cannot be sterilized properly, an infection in the patient may result.

FDA agrees with the Panel recommendation and is proposing that eye valve implants be classified into class III (premarket approval). The agency believes the device is purported or represented to be for a use (normalizing intraocular pressure to support or sustain human sight) that is of substantial importance in preventing impairment of human health. The device is intended to be implanted in the human body. The Federal Food, Drug, and Cosmetic Act requires the agency to classify an implant into class III unless the agency determines that premarket approval is not necessary to provide reasonable assurance of the safety and effectiveness of the device. In this case, the agency has determined that premarket approval is necessary. The agency believes that insufficient information exists to determine that general controls or performance standards would provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4070; Docket No. 78N–3233; Powered corneal burr.

The Ophthalmic Device Classification Panel, FDA advisory committee, made the following recommendation regarding the classification of powered corneal burrs:

1. Identification: A powered corneal burr is an AC-powered or battery-powered device that is a motor and drilling tool used to remove rust rings from the cornea of the eye.

2. Recommended classification: The Panel recommends that AC-powered corneal burrs be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered corneal burrs be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered corneal burrs be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered corneal burrs be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that for all powered corneal burrs the material composition and the recommended method of sterilization of the device should be specified in the labeling.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered corneal burrs may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered corneal burrs.

FDA agrees with the Panel recommendation and is proposing that AC-powered corneal burrs be classified into class II (performance standards) and that battery-powered corneal burrs be classified into class I (general controls). The agency believes that a performance standard is necessary for AC-powered corneal burrs because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device. The agency is proposing that battery-powered corneal burrs be classified into class I (general controls) with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4100; Docket No. 78N-3235; Radiofrequency cautery apparatus.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of radiofrequency cautery apparatus:

1. Identification: Radiofrequency cautery apparatus is an AC-powered or battery-powered device used during ocular surgery to coagulate tissue or arrest bleeding by a high-frequency electric current.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel reommends that AC-powered or battery-powered radiofrequency cautery apparatus be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that a performance standard is necessary for all radiofrequency cautery apparatus to ensure that the amount of electric current delivered by the device can be adequately controlled to ensure sufficient tissue coagulation or arrest of bleeding without unwanted effects. The Panel recommends that the device's electrodes be capable of being sterilized in order to prevent infection. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that radiofrequency cautery apparatus should not be used in the presence of inflammable objects or explosive gases. The Panel also notes that the device may cause interference with other devices.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of AC-powered or battery-powered radiofrequency cautery apparatus may cause electrical shock to the patient or user. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (c) Inadequate tissue coagulation or failure to arrest bleeding: If the device fails to deliver sufficient amounts of electrical current, inadequate coagulation of tissue or failure to arrest bleeding may result.

FDA agrees with the Panel recommendation and is proposing that radiofrequency cautery apparatus be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a perfomrnace standard for this device.

Section 886.4115; Docket No. 78N-3237; Thermal cautery unit.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of thermal cautery units:

1. Identification: A thermal cautery unit is an AC-powered or battery-powered device used during ocular surgery to coagulate tissue or arrest bleeding by heat conducted through a wire tip.

2. Recommended classificaton: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of the reasons for recommendation: The Panel recommends that thermal cautery units be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that a performance standard is necessary for all thermal cautery units to ensure that the amount of heat delivered by the device can be adequately controlled to ensure sufficient tissue coagulation or to ensure arrest of bleeding without burns to tissue. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that thermal cautery units should not be used in the presence of inflammable objects or explosive gases. The Panel recommends that the device tip be capable of being sterilized in order to prevent infection.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of thermal cautery units may cause electrical shock to the patient or user. (b) Traumatic injury: The use of this device near highly inflammable objects or in the presence of explosive gases could result in fire or an explosion. (c) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (d) Tissue burns: Burns to tissue may result if excessive amounts of heat are delivered by the device. (e) Inadequate tissue coagulation or failure to arrest bleeding: If the device fails to deliver sufficient amounts of heat, inadequate coagulation of tissue or failure to arrest bleeding may result.

FDA agrees with the Panel recommendation and is proposing that thermal cautery units be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and

effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4150; Docket No. 78N-3239; Vitreous aspiration and cutting instrument.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of vitreous aspiration and cutting instruments:

1. Identification: A vitreous aspiration and cutting instrument is an electrically powered device, which may use ultrasound, that is used for the removal of vitreous matter from the vitreous cavity or for removal of the crystalline lens.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that vitreous aspiration and cutting instruments be classified into class III because this device presents a potential unreasonable risk of injury. A malfunction of this device may result in destruction of the retina, choroid, or iris. Exposure of tissue to ultrasonic vibrations or tip shavings from this device may result in tissue damage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a performance standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and, thus, assure its safety and effectiveness. The Panel believes that the electrical properties of AC-powered vitreous aspiration and cutting instruments must be controlled to prevent electrical shock to the patient or user. The Panel believes that the device tip should be capable of being sterilized and that the composition of materials used in the device should be specified in the labeling.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Traumatic injury: Destruction of the retina, choroid, or iris may result from malfunction of the device. (b) Adverse tissue reaction: Tip shavings from the device may become imbedded in the eye and cause an adverse tissue reaction. (c) Energy damage to tissue: Tissue damage may result from exposure to ultrasonic energy from the device. (d) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (e) Electrical shock: Improper design or a malfunction of AC-powered vitreous aspiration and cutting instruments may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that vitreous aspiration and cutting instruments be classified into class III (premarket approval). The agency believes that this device presents a potential unreasonable risk of injury because serious eye damage could result from a mechanical malfunction of the device and damage to tissue could result from either tip shavings or ultrasonic energy from the device. In addition, the agency believes that the device is purported or represented to be for a use (removal of vitreous matter from the vitreous cavity or removal of the crystalline lens) that is of substantial importance in preventing the impairment of human health. The agency believes that insufficient information exists to determine that general controls or performance standards would provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4170; Docket No. 78N-3241; Cryophthalmic unit.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of cryophthalmic units:

1. Identification: A cryophthalmic unit is a device that is a probe with a small tip that becomes extremely cold through the controlled use of a refrigerant or gas. The device may be AC-powered. The device is used to remove cataracts by the formation of an adherent ice ball in the lens, to freeze the eye and adjunct parts for surgical removal of scars, and to freeze tumors.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a medium priority.

3. Summary of reasons for recommendation: The Panel recommends that cryophthalmic units be classified into class II because the Panel believes that the mechanical strength of the tip of the unit should be able to withstand appropriate safe levels of pressure without bursting of the tip. The Panel believes that the temperature of the tip should be predictable and reproducible. If the tip is excessively cold, it may injure the eye. The Panel believes that an unpredictable freeze/thaw time could result in eye damage. If the device is AC-powered, the Panel believes that the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Traumatic eye injury: Eye damage could result from bursting of the tip. (b) Ocular freezing damage: Eye damage could result from an excessively cold tip or an unpredictable freeze/thaw time. (c) Infection: If the device cannot be sterilized properly, an infection to the patient may result.

FDA agrees with the Panel recommendation and is proposing that cryophthalmic units be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4230; Docket No. 78N-3243; Ophthalmic knife test drum.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic knife test drums:

1. Identification: An ophthalmic knife test drum is a device used to test the keenness of ophthalmic surgical knives to determine whether resharpening is needed.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic knife test drums be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic knife test drums be classified into class I (general controls) with exemptions from some of the

requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic knife test drums be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic knife test drums be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacturer of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.4250; Docket No. 78N–3244; Ophthalmic electrolysis unit.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic electrolysis units:

1. Identification: An ophthalmic electrolysis unit is an AC-powered or battery-powered device used to destroy ocular hair follicles by the passage of a galvanic electric current.

2. Recommended classification: Class II (performance standards). The Panel recommends that AC-powered ophthalmic electrolysis units be classified ino class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered ophthalmic electrolysis units be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered ophthalmic electrolysis units be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered ophthalmic electrolysis units be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered ophthalmic electrolysis units.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered ophthalmic electrolysis units may cause electrical shock to the patient or user. The Panel identified no risks to health associated with battery-powered ophthalmic electrolysis units.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmic electrolysis units be classified into class II (performance standards) and that battery-powered ophthalmic electrolysis units be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for the AC-powered device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency believes that there is sufficient information to establish a performance standard for the AC-powered device. The agency is proposing that battery-powered ophthalmic electrolysis units be classified into class I (general controls) with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4300; Docket No. 78N–3250; Intraocular lens guide.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of intraocular lens guides:

1. Identification: An intraocular lens guide is a device that is inserted into the eye during surgery to direct the insertion of an intraocular lens.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that intraocular lens guides be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the device should be packaged sterile and that the composition of materials used in the device should be specified in the labeling.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that intraocular lens guides be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4335; Docket No. 78N–3252; Operating headlamp.

The Ophthalmic Device Classification Panel, the Ear, Nose, and Throat Device Classification Panel, the General and Plastic Surgery Device Classification Panel, the Neurology Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel, FDA advisory committees, made the following recommendations regarding the classification of operating headlamps:

1. Identification: An operating headlamp is an AC-powered or battery-powered device worn around the head of the user to provide a light source to aid visualization during surgical, diagnostic, or therapeutic procedures.

2. Recommended classification: The Ophthalmic Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel recommend that AC-powered operating headlamps be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Ophthalmic Device Classification Panel, the General and Plastic Surgery Device Classification Panel, the Neurology Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel recommend that battery-powered operating headlamps be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Ophthalmic Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel recommend that AC-powered operating headlamps be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panels believe that general controls would not provide sufficient control over this characteristic. The Panels believe that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Ophthalmic Device Classification Panel, the General and Plastic Surgery Device Classification Panel, the Neurology Device Classification Panel, and the Gastroenterology and Urology Device Classification Panel recommend that battery-powered operating headlamps be classified into class I because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panels believe that the risk of electrical shock is

minimal with battery-powered operating headlamps.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered operating headlamps may cause electrical shock to the patient or user. The Panels identified no risk to health associated with the use of battery-powered operating headlamps.

FDA is proposing that AC-powered operating headlamps be classified into class II (performance standards) and that battery-powered operating headlamps be classified into class I (general controls) with no exemptions. The agency thus agrees with the recommendations of the Ophthalmic Device Classification Panel and the Ear, Nose, and Throat Device Classification Panel for AC-powered operating headlamps, and with the recommendations of the Ophthalmic Device Classification Panel, the General and Plastic Surgery Device Classification Panel, the Neurology Device Classification Panel, and the Gastoenterology and Urology Device Classification Panel for battery-powered operating headlamps. The agency believes that a performance standard is necessary for AC-powered operating headlamps because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered operating headlamps be classified into class I with no exemptions because it believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4350; Docket No. 78N-3253; Manual ophthalmic surgical instrument.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of manual ophthalmic surgical instruments:

1. Identification: A manual ophthalmic surgical instrument is a nonpowered, handheld device used to aid or perform ophthalmic surgical procedures. This general type of device includes the manual corneal burr, ophthalmic caliper, ophthalmic cannula, eyelid clamp, ophthalmic muscle clamp, iris retractor clip, orbital compressor, ophthalmic curette, cystotome, orbital depressor, lachrymal dilator, erisophake, expressor, ophthalmic forcep, ophthalmic hook, sphere introducer, ophthalmic knife, ophthalmic suturing needle, lachrymal probe, trabeculotomy probe, corneo-scleral punch, ophthalmic retractor, ophthalmic ring (Flieringa), lachrymal sac rongeur, ophthalmic scissors, enucleating snare, ophthalmic spatula, ophthalmic specula, ophthalmic spoon, ophthalmic spud, trabeculotome, or ophthalmic manual trephine.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that manual ophthalmic surgical instruments be classified into class I because the panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The Panel believes that the material composition of the devices and the recommended method of sterilization should be specified in the labeling of the devices.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, these devices.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that manual ophthalmic surgical instruments be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices.

Section 886.4360; Docket No. 78N-3254; Ocular surgery irrigation device.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ocular surgery irrigation devices:

1. Identification: An ocular surgery irrigation device is a device that is suspended over the ocular area during ophthalmic surgery and delivers continuous, controlled irrigation to the surgical field.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ocular surgery irrigation devices be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the devices. The Panel believes that the material composition of the devices and the recommended method of sterilization should be specified in the labeling of this device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ocular surgery irrigation devices be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the devices.

Section 886.4370; Docket No. 78N-3255; Keratome.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of keratomes:

1. Identification: A keratome is an AC-powered or battery-powered device used to shave tissue from sections of the cornea for a lamellar (partial thickness) transplant.

2. Recommended classification: The Panel recommends that AC-powered keratomes be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered keratomes be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered keratomes be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered keratomes be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the labeling of keratomes should include instructions for depth calibration of the device. The Panel believes that the recommended method of sterilization be specified in the labeling of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered keratomes may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that AC-powered keratomes be classified into class II (performance standards) and that battery-powered keratomes be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for the AC-powered device because general controls alone are

insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered keratomes be classified into class I (general controls) with no exemptions because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the battery-powered device.

Section 886.4390; Docket No. 78N–3257; Ophthalmic laser.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic lasers:

1. Identification: An ophthalmic laser is an AC-powered device used to coagulate tissue of the eye, orbit, and surrounding skin by a laser beam.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that lasers be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user, and the design and performance of the device must be controlled to prevent exposure to excessive intensity of the laser beam. The Panel believes that general controls would not provide sufficient control over these characteristcs. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Tissue damage: Insufficiently controlled energy levels emitted by this device may cause unnecessary tissue damage.

FDA agrees with the Panel recommendation and is proposing that ophthalmic lasers be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls and the performance standard for laser products (21 CFR 1040.10 and 1040.11) promulgated under the Radiation Control for Health and Safety Act (42 U.S.C. 263f) alone are insufficient to control the risks to health that are characteristic of medical laser devices. Control must be exerted to limit the exposure to laser radiation of the patient and personnel to that necessary to conduct effective surgical examination and testing procedures. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4400; Docket No. 78N–3258; Electronic metal locator.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of electronic metal locators:

1. Identification: An electronic metal locator is an AC-powered device with probes used to locate metallic foreign bodies in the eye or eye socket.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that electronic metal locators be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that the device should be capable of being sterilized to prevent infection and that this device requires special labeling to indicate to the user the accuracy, reproducibility, or limitations in its measurements.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result.

FDA agrees with the Panel recommendation and is proposing that electronic metal locators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4440; Docket No. 78N–3259; AC-powered magnet.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of AC-powered magnets:

1. Identification: An AC-powered magnet is an AC-powered device that generates a magnetic field and that is used to find and remove metallic foreign bodies from eye tissue.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered magnets be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel also believes that the temperature of the tip should be controlled to prevent burns. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Burns: If the tip of the device overheats, burns to the eye may result.

FDA agrees with the Panel recommendation and is proposing that AC-powered magnets be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4445; Docket No. 78N–3260; Permanent magnet.

The Ophthalmic Device Classification Panel and the General and Plastic Surgery Device Classification Panel, FDA advisory committees, made the following recommendation regarding the classification of permanent magnets:

1. Identification: A permanent magnet is a nonelectronic device that generates a magnetic field and that is used to find and

remove metallic foreign bodies from eye tissue.

2. Recommended classification: Class I (general controls). The Panels recommend that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panels recommend that permanent magnets be classified into class I because the Panels believe that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panels recommend that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panels believe that the quality of the device is easily discernible and defects are readily apparent to the user. The Panels recommend that this device be exempt from records and reports requirements under section 519 of the act because the Panels believe that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panels based their recommendations on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the recommendations of both Panels and is proposing that permanent magnets be classified into class I (general controls). The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of permanent magnets be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i)

FDA disagrees with the Panel's recommendation that manufacturers of permanent magnets be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.4570; Docket No. 78N–3261; Ophthalmic surgical marker.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic surgical markers:

1. Identification: An ophthalmic surgical marker is a device used to mark the location of ocular or scleral surgical manipulation by ink, dye, or indentation.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic surgical markers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic surgical markers be classified into class I. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic surgical markers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

FDA disagrees with the Panels' recommendation that manufacturers of ophthalmic surgical markers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360(f)). See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.4610; Docket No. 78N–3264; Ocular pressure applicator.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ocular pressure applicators:

1. Identification: An ocular pressure applicator is a manual device that consists of a sphygmomanometer-type squeeze bulb, a dial indicator, a band, and bellows, and that is used to apply pressure on the eye in preparation for ophthalmic surgery.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that ocular pressure applicators be classified into class II because the design and performance characteristics of the pressure regulator of the device must be controlled to prevent ocular damage as a result of excessive pressure exerted on the eye. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Traumatic injury: Improper design or a malfunction of the device, resulting in excessive pressure exerted on the eye, may cause ocular damage.

FDA agrees with the Panel recommendation and is proposing that ocular pressure applicators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4650; Docket No. 78N–3265; Eye pad.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of eye pads:

1. Identification: An eye pad is a device that consists of a pad of gauze and cotton used as a bandage over the eye for protection and absorption of secretions.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that eye pads be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the device must be packaged sterile.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Infection: If the device cannot be sterilized properly, an infection in the patient may result.

FDA agress with the Panel recommendation and is proposing that eye pads be classified into class I (general controls) with no exemptions.

The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA believes that general controls are sufficient to ensure the sterility of the device.

Section 886.4670; Docket No. 78N–3266; Phacofragmentation system.

The Ophthalmic Device Classfication Panel, an FDA advisory committee, made the following recommendation regarding the classification of phacofragmentation systems:

1. Identification: A phacofragmentation system is an AC-powered device with a fragmenting needle used in cataract surgery to disrupt a cataract with ultrasound and extract the cataract.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that phacofragmentation systems be classified into class III because the device presents unreasonable risks of illness or injury. Use of the device may expose the eye to unacceptably high ultrasonic energy levels or cause burns to eye tissue if the flow rate of the irrigating solution in the device is inadequate to prevent overheating of the device. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a performance standard. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and, thus, assure its safety and effectiveness. The Panel believes that the materials used in the construction of the device are not considered generally acceptable for contact with the body and may necessitate additional control requirements. The Panel also believes that the electrical properties of the device must be controlled to prevent electrical shock to the patient or user.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device and on the lack of medical data to assure the safety and effectiveness of the device.

5. Risks to health: (a) Electrical shock: Improper design or a malfunction of this device may cause electrical shock to the patient or user. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (c) Energy damage to tissue: Excessive ultrasonic energy emitted by the device may cause tissue damage. (d) Burns: A reduced flow rate of the irrigation solution could result in overheating of the device and burns to eye tissue.

FDA agrees with the Panel recommendation and is proposing that the phacofragmentation systems be classified into class III (premarket approval). The agency believes the device presents a potential unreasonable risk of illness or injury because burns or damage to eye tissue could result from excessive ultrasonic energy levels delivered by the device or from an inappropriate flow rate of the irrigating solution in the device. In addition, the agency believes the device is purported or represented to be for a use (disrupting and extracting a cataract) that is of substantial importance in preventing impairment of human health. The agency believes that insufficient information exists to determine that general controls or performance standards would provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4690; Docket No. 78N–3267; Ophthalmic photocoagulator.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic photocoagulators:

1. Identification: An ophthalmic photocoagulator is an AC-powered device that uses the energy from an extended, noncoherent light source to occlude blood vessels of the retina, choroid, or iris.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic photocoagulators be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user and to prevent power surges that could cause tissue destruction in the patient's eye. The Panel also believes that malfunction of the device's filter could cause burns to the operator's eye and injury could result from explosion of the device's xenon tube. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Damage to tissue: Power surges could result in tissue destruction of the patient's eye. (b) Electrical shock: Improper design or a malfunction of the device may cause electrical shock to the patient or user. (c) Burns: A malfunction of the filter could result in burns to the operator's eyes. (d) Traumatic injury: Explosion of the xenon tube in the device could result in injury to the patient or operator.

FDA agrees with the Panel recommendation and is proposing that ophthalmic photocoagulators be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4750; Docket No. 78N–3268; Ophthalmic eye shield.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic eye shields:

1. Identification: An ophthalmic eye shield is a device that consists of a plastic or aluminum eye covering that is used to protect the eye or retain dressing materials in place.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic eye shields be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic eye shields be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic eye shields be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic eye shields be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device who does not label or otherwise represent it as sterile be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.4770; Docket No. 78N–3269; Ophthalmic operating spectacles (loupes).

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of ophthalmic operating spectacles (loupes):

1. Identification: Ophthalmic operating spectacles (loupes) are devices that consist of convex lenses or lens systems worn by a surgeon to magnify the surgical site during ophthalmic surgery.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic operating spectacles (loupes) be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based. The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, the device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic operating spectacles (loupes) be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.4790; Docket No. 78N–3270; Ophthalmic sponge.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of ophthalmic sponges:

1. Identification: An ophthalmic sponge is a device that is a sponge or an absorbent pad of folded gauze or cotton used to absorb fluids from the operative field in ophthalmic surgery.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic sponges be classified into class II because the Panel believes that a performance standard is necessary to prevent shedding of particles of the device material which may subsequently become intraocular foreign bodies. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel also believes that the device should be capable of being sterilized and that the composition of materials used in the device should be specified in the labeling.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Surgical reintervention and adverse tissue reaction: If particles of the device material shed, they may become intraocular foreign bodies, resulting in an adverse tissue reaction and possible requiring corrective followup surgery. (b) Infection: If the device cannot be sterilized properly, and infection in the patient may result.

FDA agrees with the Panel recommendation and is proposing that ophthalmic sponges be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.4855; Docket No. 78N–3272; Ophthalmic instrument table.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic instrument tables:

1. Identification: An ophthalmic instrument table is an AC-powered or manual device on which ophthalmic instruments are placed.

2. Recommended classification: The Panel recommends that AC-powered ophthalmic instrument tables be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that manual ophthalmic instrument tables be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered ophthalmic instrument tables be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that manual ophthalmic instrument tables be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety and effectiveness of the device. The Panel recommends that labeling include a warning regarding the sudden release of any springs that may be present.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered ophthalmic instrument tables may cause electrical shock to the patient or user. The Panel identified no risks to health associated with manual ophthalmic instrument tables.

FDA agrees with the Panel recommendation and is proposing that AC-powered ophthalmic instrument tables be classified into class II (performance standards) and that manual ophthalmic instrument tables be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that a performance standard is necessary for AC-powered ophthalmic instrument tables because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. FDA believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that manual ophthalmic instrument tables be

classified into class I (general controls) because it believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of manual ophthalmic instrument tables be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i). In response to the Panel's recommendation that manufacturers of manual ophthalmic instrument tables be exempt from the device GMP regulation under section 520 (f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5100; Docket No. 78N–3273; Ophthalmic beta radiation source.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic beta radiation sources:

1. Identification: An ophthalmic beta radiation source is a therapeutic medical device used to apply radiation superficially to benign and malignant ocular growths.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that beta radiation sources be classified into class II because the radiation properties of the device must be controlled to prevent exposure of the patient or user to excessive radiation and that the materials used in the construction of the device must be controlled to ensure biocompatibility. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel believes that this device should be restricted to use by operators with adequate training and that the device comply with applicable regulations of the Nuclear Regulatory Commission.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: (a) Energy damage to tissue: Inadequate shielding or poor calibration of the device could result in exposure of the patient or operator to excessive radiation resulting in tissue damage. (b) Adverse tissue reaction: If the materials used in the construction of this device are not biocompatible, the patient may have an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that ophthalmic beta radiation sources be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.5120; Docket No. 78N–3274; Low-power binocular loupe.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of low-power binocular loupes:

1. Identification: A low-power binocular loupe is a device that consists of two eyepieces, each with a lens or lens system, intended for medical purposes to magnify the appearance of objects.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that low-power binocular loupes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that low-power binocular loupes be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of low-power binocular loupes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of low-power binocular loupes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5270; Docket No. 78N–3276; Spectacle frame.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of spectacle frames:

1. Identification: A spectacle frame is a device made of metal or plastic used to hold lenses worn by a patient to correct refractive errors.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that spectacle frames be classified into class II because the Panel believes that a performance standard is necessary to ensure that the materials used in the construction of the device are nonflammable and do not cause dermatitis. The Panel also believes that the design of the device must be controlled to prevent interference with the patient's vision. The design and construction of the device must also be controlled to prevent breakage of the frame or lens. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device. The Panel also recognizes the existence of the American National Standards Institute Z–80 standards for spectacle frames.

5. Risks to health: (a) Dermatitis: Certain frame materials could cause dermatitis. (b)

Burns: If the materials used in the Construction of the device are flammable, burns to the patient could result. (c) Traumatic injury: Faulty construction of the device could result in breakage of the frame or lens and subsequent injury to the patient. (d) Vision blockage: Improper design of the device could result in blockage of the patient's vision.

FDA agrees with the Panel recommendation and is proposing that spectacle frames be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

Section 886.5400; Docket No. 78N–3277; Polymethylmethacrylate contact lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classifiction of polymethylmethacrylate contact lenses:

1. Identification: A polymethylmethacrylate (hard) contact lens is a device that is a curved shell of polymethylmethacrylate that is worn by a patient for extended periods of time directly on the globe or cornea of the eye to correct refractive errors.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that polymethylmethacrylate contact lenses be classified into class II because the Panel believes that a performance standard is necessary to prevent poor lens configuration, rough lens edges, or insufficient polishing, which may cause corneal epithelial abrasion. The Panel believes that a contaminated lens may cause corneal infection. The Panel also believes that a performance standard is necessary to ensure that the materials used in the contruction of the device are biocompatible. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device. The Panel recognizes the existence of the American National Standards Institute Z–80.2 standards for polymethylmethacrylate contact lenses.

5. Risks to health: (a) Corneal damage. Corneal epithelial abrasions may result from poor lens configuration, rough lens edges, or an insufficiently polished lens. (b) Infection: If the device cannot be sterilized properly, an infection in the patient may result. (c) Adverse tissue reaction: If the materials used in the construction of the device are not biocompatible, the patient may have an adverse tissue reaction.

FDA agrees with the Panel recommendation and is proposing that polymethylmethacrylate contact lenses be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is sufficient information to establish a performance standard for this device.

The lenses subject to this proposal are commonly known as hard contact lenses. FDA is not publishing a proposal on soft contact lenses, for the reasons given in the discussion in this preamble under the heading "Ophthalmic Devices Formerly Considered New Drugs." FDA will publish a final regulation on soft contact lenses on the same date as the final regulation based on this proposal.

Section 886.5420; Docket No. 78N–3278; Contact lens inserter/remover.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of contact lens inserters/removers:

1. Identification: A contact lens inserter/remover is a handheld device used to insert or remove contact lenses by surface adhesion or suction.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that contact lens inserters/removers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that contact lens inserters/removers be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.5450; Docket No. 78N–3279; Prescription spectacle lens.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of prescription spectacle lenses:

1. Identification: A prescription spectacle lens is a glass or plastic device that is a lens worn in a frame by a patient to correct refractive errors.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that prescription spectacle lenses be classified into class II because the Panel believes that a performance standard is necessary to ensure that the device is impact resistant to prevent eye trauma as a result of lens breakage. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel recognizes the existence of the American National Standards Institute Z–80 Committee standards for spectacle lenses. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Traumatic injury: Trauma to the eye could result from lens breakage.

FDA agrees with the Panel recommendation and is proposing that prescription spectacle lenses be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. FDA believes that there is sufficient information to establish a performance standard for this device and that the performance standard promulgated at 21 CFR 801.410 provides reasonable assurance of the safety and effectiveness of the device.

Section 886.5540: Docket No. 78N–3281; Low-vision magnifier.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of low-vision magnifiers:

1. Identification: A low-vision magnifier is a device that consists of a magnifying lens, which may be handheld or attached to spectacles, and that is intended for use by a patient who has impaired vision.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under

section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that low-vision magnifiers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is readily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device. The Panel recommends that the degree of magnification provided by the device should be specified in the labeling.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that low-vision magnifiers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of low-vision magnifiers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of low-vision magnifiers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5600; Docket No. 78N–3282; Ptosis crutch.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ptosis crutches:

1. Identification: A ptosis crutch is a device that is mounted on the spectacles of a patient who has ptosis (drooping of the upper eyelid as a result of faulty development or paralysis) to hold the upper eyelid open.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that ptosis crutches be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that this device may cause abrasion of the eyeball if the device is improperly aligned.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Eyeball abrasion: If the device is improperly aligned, it may press against the upper eyelid and cause abrasion of the eyeball.

FDA agrees with the Panel recommendation and is proposing that ptosis crutches be classified into class I (general controls) with no exemptions. The agency believes that general controls alone are sufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA believes that the risk to health noted by the Panel (eyeball abrasion) would occur only if the device was misused.

Section 886.5800; Docket No. 78N–3283; Ophthalmic bar reader.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of ophthalmic bar readers:

1. Identification: An ophthalmic bar reader is a device that consists of a magnifying lens that is intended for use by a patient who has impaired vision and that is placed directly onto reading material to magnify print.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic bar readers be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 530(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic bar readers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic bar readers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic bar readers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacturer of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5810; Docket No. 78N–3284; Ophthalmic prism reader.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of ophthalmic prism readers:

1. Identification: An ophthalmic prism reader is a device intended for use by a patient who is in a supine position, to change the angle of print to aid reading.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that ophthalmic prism readers be classified into class I because the Panel believes general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is

easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that ophthalmic prism readers be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of ophthalmic prism readers be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of ophthalmic prism readers be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5820; Docket No. 78N–3285; Closed-circuit television reading system.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of closed-circuit television reading systems:

1. Identification: A closed-circuit television reading system is a device that consists of a lens, video camera, and video monitor and that is intended for use by a patient who has subnormal vision, to magnify reading material.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that closed-circuit television reading systems be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient. The Panel believes that general controls alone would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper electrical design or a malfunction of this device may cause electrical shock to the patient or user.

FDA agrees with the Panel recommendation and is proposing that closed-circuit television reading systems be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The agency also believes that there is sufficient information to establish a performance standard for this device.

Section 886.5840; Docket No. 78N–3286; Magnifying spectacles.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of magnifying spectacles:

1. Identification: Magnifying spectacles are devices with convex lenses intended to be worn by a patient who has impaired vision, to enlarge the image of objects.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: the Panel recommends that magnifying spectacles be classified into class II because a performance standard is necessary to ensure that the device is impact resistant to prevent eye trauma as a result of lens breakage. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel noted the American National Standards Institute Z–80 Committee standards for lenses for spectacles.

4. Summary of data on which the recommendation is based: the Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Traumatic injury: Trauma to the eye could result from breakage of the device.

FDA agrees with the Panel recommendation and is proposing that magnifying spectacles be classified into class II (performance standards). The agency believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health presented by the device. FDA believes that there is sufficient information to establish a performance standard for this device and that the performance standard promulgated at 21 CFR 801.410 provides reasonable assurance of the safety and effectiveness of the device.

Section 886.5850; Docket No. 78N–3287; Sunglasses (nonprescription).

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of sunglasses (nonprescription):

1. Identification: Sunglasses (nonprescription) are a device that consists of absorbing, reflective, tinted, or polarizing lenses in a frame that an individual wears to protect the eyes from bright sunlight. This generic type of device also includes sunglasses with photosensitized lenses.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for these devices be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that sunglasses (nonprescription) be classified into class II because the Panel believes that the materials used in the construction of devices must be controlled to prevent shattering of the lenses and flammability of the frame and lenses. The Panel recognizes the existence of the American National Standards Institute Z–80 Committee standards for sunglasses. The Panel recommends that flammability standards should be developed for the frame and lenses. The Panel believes that general controls would not provide sufficient control over these characteristics. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the devices and that there is sufficient information to establish a performance standard.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, these devices.

5. Risks to health: (a) Traumatic injury: Trauma to the eye or orbit could result from lens breakage. (b) Burns: Serious burns could result from the use of flammable material in the frame or lenses.

FDA agrees with the Panel recommendation and is proposing that sunglasses (nonprescription) be classified into class II (performance standards). The agency believes that a performance standard is necessary for these devices because general controls alone are insufficient to control the risks to health presented by the device. FDA

believes that there is sufficient information to establish a performance standard for this device and that the performance standard promulgated at 21 CFR 801.410 provides assurance of the safety and effectiveness of the device regarding impact resistance. However, this standard has no requirements concerning reducing the possible hazard of flammability of the device.

Section 886.5870; Docket No. 78N–3288; Low-vision telescope.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of low-vision telescopes:

1. Identification: A low-vision telescope is a device that consists of an arrangement of lenses or mirrors and that is intended for use by a patient who has impaired vision, to increase the apparent size of objects. This generic type of device includes handheld or spectacle telescopes.

2. Recommended classification: Class I (general controls). The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)), and exempt from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that low-vision telescopes be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to ensure the safety or effectiveness of the device. The Panel recommends that the degree of magnification provided by the device be specified in the labeling of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommmendation and is proposing that low-vision telescopes be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of low-vision telescopes be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

FDA disagrees with the Panel's recommendation that manufacturers of low-vision telescopes be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)). The agency believes that compliance with this regulation is necessary to assure the quality of this device and thus its safety, effectiveness, and compliance with the adulteration and misbranding provisions of the act. Compliance with the GMP regulation will help prevent production of low-vision telescopes having defects that could harm users. See the discussion under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

Section 886.5900; Docket No. 78N–3290; Electronic vision aid.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of electronic vision aids:

1. Identification: An electronic vision aid is an AC-powered or battery-powered device that consists of an electronic sensor/transducer and that is intended for use by a patient who has impaired vision or blindness, to translate visual images of objects into tactile or auditory signals.

2. Recommended classification: The Panel recommends that AC-powered electronic vision aids be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered electronic vision aids be classified into class I (general controls) and that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that AC-powered electronic vision aids be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient or user. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered electronic vision aids be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered electronic vision aids. The Panel also recommends that the labeling of all electronic vision aids include instructions written in braille.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of AC-powered electronic vision aids may cause electrical shock to the patient or user. The Panel identified no risks to health associated with the use of battery-powered electronic vision aids.

FDA agrees with the Panel recommendation and is proposing that AC-powered electronic vision aids be classified into class II (performance standards) and that battery-powered electronic vision aids be classified into class I (general controls) with no exemptions. The agency believes that a performance standard is necessary for AC-powered electronic vision aids because general controls alone are insufficient to control the risks to health presented by the device. A performance standard will provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency also believes that there is sufficient information to establish a performance standard for the AC-powered device. FDA is proposing that battery-powered electronic vision aids be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Section 886.5910; Docket No. 78N–3292; Battery-powered image intensification vision aid.

The Ophthalmic Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of battery-powered image intensification vision aids:

1. Identification: A battery-powered image intensification vision aid is a battery-powered device that is intended for use by a patient who has limited dark adaptation or impaired vision, to amplify ambient light.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that battery-powered image intensification vision aids be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: None identified.

FDA agrees with the Panel recommendation and is proposing that battery-powered image intensification vision aids be classified into class I (general controls) with no exemptions. The agency believes that general controls are sufficient to provide

reasonable assurance of the safety and effectiveness of the device.

Section 886.5915; Docket No. 78N–3293; Optical vision aid.

The Ophthalmic Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of optical vision aids:

1. Identification: An optical vision aid is a device that consists of a magnifying lens with accompanying AC-powered or battery-powered light source and that is intended for use by a patient who has impaired vision, to increase the apparent size of object detail.

2. Recommended classification: The Panel recommends that AC-powered optical vision aids be classified into class II (performance standards) and that establishing a performance standard for this device be a low priority. The Panel recommends that battery-powered optical vision aids be classified into class I (general controls) and that this device be exempt from the good manufacturing practice regulation under section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) and from records and reports requirements under section 519 of the act (21 U.S.C. 360i).

3. Summary of reasons for recommendation: The Panel recommends that AC-powered optical vision aids be classified into class II because the electrical properties of the device must be controlled to prevent electrical shock to the patient. The Panel believes that general controls would not provide sufficient control over this characteristic. The Panel believes that a performance standard would provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard. The Panel recommends that battery-powered optical vision aids be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. The Panel believes that the risk of electrical shock is minimal with battery-powered optical vision aids. The Panel recommends that this device be exempt from the good manufacturing practice regulation under section 520(f) of the act because the Panel believes that the quality of the device is easily discernible and defects are readily apparent to the user. The Panel recommends that this device be exempt from records and reports requirements under section 519 of the act because the Panel believes that these requirements are not necessary to assure the safety or effectiveness of the device. The Panel recommends that the labeling of all optical vision aids include instructions written in braille.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' knowledge of, and clinical experience with, this device.

5. Risks to health: Electrical shock: Improper design or a malfunction of the AC-powered device may cause electrical shock to the patient. The Panel identified no risks to health associated with the use of battery-powered optical vision aids.

FDA agrees with the Panel recommendation and is proposing that AC-powered optical vision aids be classified into class II (performance standards) and that battery-powered optical vision aids be classified into class I (general controls) with exemptions from some of the requirements of the GMP regulation. The agency believes that a performance standard is necessary for AC-powered optical vision aids because general controls alone are insufficient to control the risks to health presented by the device. A performance standard would provide reasonable assurance of the safety and effectiveness of the AC-powered device. The agency also believes that there is sufficient information to establish a performance standard for the AC-powered device. The ageny is proposing that battery-powered optical vision aids be classified into class I (general controls) because the agency believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA disagrees with the Panel's recommendation that manufacturers of battery-powered optical vision aids be exempt from records and reports regulations under section 519 of the act (21 U.S.C. 360i).

In response to the Panel's recommendation that manufacturers of battery-powered optical vision aids be exempt from the device GMP regulation under section 520(f) of the act (21 U.S.C. 360j(f)), FDA is proposing that a manufacturer of this device be exempt, in the manufacture of the device, from all requirements in the GMP regulation except § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files. See the discussion in this preamble under the heading "Exemptions for Class I Devices," for a complete explanation of the agency's policies concerning exemptions.

References

The following information has been placed in the Dockets Management Branch (HFA–305) (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

(*1*) Association for the Advancement of Medical Instrumentation, "American National Standard: Safe Current Limits for Electromedical Apparatus," ANSI/AAMI SCL 12/78, Association for the Advancement of Medical Instrumentation, Arlington, VA, 1978.

(*2*) Underwriters Laboratory, "UL 544: Standard for Medical and Dental Equipment," Underwirters Laboratory, Northbrook, IL, 1972.

(*3*) Carney, H. M., "An Experimental Study With Tantalum," *Proceedings of the Society for Experimental Biology and Medicine*, 51:147–148, 1942.

(*4*) Pudenz, R. H., "The Use of Tantalum Clips for Hemostasis in Neurosurgery," *Surgery*, 12:791, 1942.

(*5*) L'Esperance, F. A., Jr., "Absorbable Collagen and Encircling Elements in Retinal Detachment Surgery," *Transactions of the American Academy of Ophthalmology and Otolaryngology*, March-April 1966.

(*6*) King, L. M., Jr., et al., "Gelatin Implants in Scleral Buckling Procedures," *Archives Ophthalmology*, Vol. 93, September 1975.

(*7*) Vistnes, L. M. and G. L. Paris, "Uses of RTV Silicone in Orbital Reconstruction," *American Journal of Ophthalmology*, Vol. 83, April 1977.

(*8*) Lyall, M. G., Proplast® Implant in Tenon's Capsule After Excision of the Eye," Transactions of the Ophthalmological Society of the United Kingdom, Vol. 96, 1976.

(*9*) Hill, J. C. and C. J. Radford, "Treatment of Advancing Enophthalmos," *American Journal of Ophthalmology*, Vol. 60, 1965.

(*10*) Freeman, R. S., T. M. Biggs, and A. E. Beall, "Injectable Silastic in Deformities of the Facial Skeleton," *Archives of Surgery*, Vol. 90, 1965.

(11) Otto, A. J. and J. M. H. M. Bourghouts, "Orbital Corrections with the Use of Alloplastic Material," Proceedings of the 2d International Symposium on Orbital Disorders, Amsterdam, 1973, *Modern Problems in Ophthalmology*, Vol. 14, pp. 641–644 (Karger, Basel 1975).

(12) Kumpf, W., "Orbital Floor Support Using Silicone Tubes," Proceedings of the 2d International Symposium on Orbital Disorders, Amsterdam, 1973, *Modern Problems in Ophthalmology*, Vol. 14, pp. 489–492, (Karger, Basel 1975).

(13) Converse, J. M., B. Smith, M. F. Obear, and D. Wood-Smith, "Orbital Blow-Out Fractures. A Ten-Year Survey," *Plastic Reconstructive Surgery*, Vol. 39, P. 20, 1967.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 886, to read as follows:

PART 886—OPHTHALMIC DEVICES

Subpart A—General Provisions

Sec.
886.1 Scope.

Subpart B—Ophthalmic Diagnostic Devices

886.1040 Ocular esthesiometer.
886.1050 Adaptometer (biophotometer).
886.1070 Anomaloscope.
886.1090 Haidinger brush.
886.1120 AC-powered ophthalmic camera.
886.1140 Ophthalmic chair.
886.1150 Visual Acuity chart.
886.1160 Color vision plate illuminator.
886.1170 Color vision tester.
886.1190 Distometer.
886.1200 Optokinetic drum.
886.1220 Corneal electrode.
886.1250 Euthyscope.
886.1270 Exophthalmometer.
886.1290 AC-powered fixation device.
886.1300 Afterimage flasher.
886.1310 Fluorescein strip.
886.1320 Fornixscope.
886.1330 Amsler grid.
886.1340 Haploscope.
886.1350 Keratoscope.
886.1360 Visual field laser instrument.
886.1375 Bagolini lens.
886.1380 Diagnostic condensing lens.
886.1385 Polymethylmethacrylate diagnostic contact lens.
886.1390 Flexible diagnostic Fresnel lens.
886.1395 Diagnostic Hruby fundus lens.
886.1400 Maddox lens.
886.1405 Ophthalmic trial lens set.
886.1410 Ophthalmic trial lens clip.
886.1415 Ophthalmic trial lens frame.
886.1420 Ophthalmic lens gauge.
886.1425 AC-powered lens measuring instrument.
886.1430 Ophthalmic contact lens radius measuring device.
886.1435 AC-powered Maxwell spot.
886.1450 Corneal radius measuring device.
886.1460 Stereopsis measuring instrument.
886.1500 Headband mirror.
886.1510 Eye movement monitor.
886.1570 Ophthalmoscope.
886.1605 Perimeter.
886.1630 AC-powered photostimulator.
886.1640 Ophthalmic preamplifier.
886.1650 Ophthalmic bar prism.
886.1655 Ophthalmic Fresnel prism.
886.1660 Gonioscopic prism.
886.1665 Ophthalmic rotary prism.
886.1670 Ophthalmic isotope uptake probe.
886.1680 Ophthalmic projector.
886.1690 Pupillograph.
886.1700 Pupillometer.
886.1750 Skiascopic rack.
886.1760 Ophthalmic refractometer.
886.1770 Manual refractor.
886.1780 Retinoscope.
886.1790 Nearpoint ruler.
886.1800 Schirmer strip.
886.1810 Tangent screen (campimeter).
886.1840 Simulatant (including crossed cylinder).
886.1850 AC-powered slitlamp biomicroscope.
886.1860 Ophthalmic instrument stand.
886.1870 Stereoscope.
886.1880 Fusion and stereoscopic target.
886.1905 Nystagmus tape.
886.1910 Spectacle dissociation test system.
886.1930 Tonometer and accessories.
886.1940 Tonometer sterilizer.
886.1945 Transilluminator.

Subpart C—[Reserved]

Subpart D—Ophthalmic Prosthetic Devices

886.3100 Ophthalmic tantalum clip.
886.3130 Ophthalmic conformer.
886.3200 Artificial eye.
886.3300 Absorbable implant (scleral buckling method).
886.3320 Eye sphere implant.
886.3340 Extraocular orbital implant.
886.3400 Keratoprosthesis.
886.3800 Scleral shell.
886.3920 Eye valve implant.

Subpart E—Ophthalmic Surgical Devices

886.4070 Powered corneal burr.
886.4100 Radiofrequency cautery apparatus.
886.4115 Thermal cautery unit.
886.4150 Viterous aspiration and cutting instrument.
886.4170 Cryophthalmic unit.
886.4230 Ophthalmic knife test drum.
886.4250 Ophthalmic electrolysis unit.
886.4300 Intraocular lens guide.
886.4335 Operating headlamp.
886.4350 Manual ophthalmic surgical instrument.
886.4360 Ocular surgery irrigation device.
886.4370 Keratome.
886.4390 Ophthalmic laser.
886.4400 Electronic metal locator.
886.4440 AC-powered magnet.
886.4445 Permanent magnet.
886.4570 Ophthalmic surgical marker.
886.4610 Ocular pressure applicator.
886.4650 Eye pad.
886.4670 Phacofragmentation system.
886.4690 Ophthalmic photocoagulator.
886.4750 Ophthalmic eye shield.
886.4770 Ophthalmic operating spectacles (loupes).
886.4790 Ophthalmic sponge.
886.4855 Ophthalmic instrument table.

Subpart F—Ophthalmic Therapeutic Devices

886.5100 Ophthalmic beta radiation source.
886.5120 Low-power binocular loupe.
886.5270 Spectacle frame.
886.5400 Polymethylmethacrylate contact lens.
886.5420 Contact lens inserter/remover.
886.5450 Prescription spectacle lens.
886.5540 Low-vision magnifier.
886.5600 Ptosis crutch.
886.5800 Ophthalmic bar reader.
886.5810 Ophthalmic prism reader.
886.5820 Closed-circuit television reading system.
886.5840 Magnifying spectacles.
886.5850 Sunglasses (nonprescription).
886.5870 Low-vision telescope.
886.5900 Electronic vision aid.
886.5910 Battery-powered image intensification vision aid.
886.5915 Optical vision aid.

Authority: Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).

Subpart A—General Provisions

§ 886.1 Scope.

(a) This part sets forth the classification of ophthalmic devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 cannot show merely that the device is accurately described by the section title and identification provision of a regulation in this part but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, an ophthalmic device that has two or more types of uses (e.g., used both as a diagnostic device and as a therapeutic device) is listed in one subpart only.

(d) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

Subpart B—Ophthalmic Diagnostic Devices

§ 886.1040 Ocular esthesiometer.

(a) *Identification.* An ocular esthesiometer is a device such as a single-hair brush used to touch the cornea to assess corneal sensitivity.

(b) *Classification.* Class I (general controls).

§ 886.1050 Adaptometer (biophotometer).

(a) *Identification.* An adaptometer (biophotometer) is an AC-powered device that provides a stimulating light source which has various controlled intensities used to measure the time required for retinal adaptation (regeneration of the visual purple) and the minimum light threshold.

(b) *Classification.* Class II (performance standards).

§ 886.1070 Anomaloscope.

(a) *Identification.* An anomaloscope is an AC-powered device used to test for anomalies of color vision by displaying mixed spectral lines to be matched by the patient.

(b) *Classification.* Class II (performance standards).

§ 886.1090 Haidinger brush.

(a) *Identification.* A Haidinger brush is an AC-powered device that provides two conical brushlike images with apexes touching which are viewed by the patient through a Nicol prism and used to evaluate visual function. It may

include a component for measuring macular integrity.

(b) *Classification.* Class II (performance standards).

§ 886.1120 AC-powered ophthalmic camera.

(a) *Identification.* An AC-powered ophthalmic camera is a device used to take photographs of the eye and the surrounding area.

(b) *Classification.* Class II (performance standards).

§ 886.1140 Ophthalmic chair.

(a) *Identification.* An ophthalmic chair is an AC-powered or manual device with adjustable positioning in which a patient sits or reclines during ophthalmological examination or treatment.

(b) *Classification.* (1) Class II (performance standards) for AC-powered ophthalmic chairs.

(2) Class I (general controls) for manual ophthalmic chairs.

§ 886.1150 Visual acuity chart.

(a) *Identification.* A visual acuity chart is a device that is a chart such as a Snellen chart with block letters or other symbols in graduated sizes used to test visual acuity.

(b) *Classification.* Class II (performance standards).

§ 886.1160 Color vision plate illuminator.

(a) *Identification.* A color vision plate illuminatior is an AC-powered device that is a lamp used to properly illuminate color vision testing plates. It may include a filter.

(b) *Classification.* Class II (performance standards).

§ 886.1170 Color vision tester.

(a) *Identification.* A color vision tester is a device that consists of various colored materials such as colored yarns or color vision plates (multicolored plates which patients with color vision deficiency would perceive as being of one color) used to evaluate color vision.

(b) *Classification.* Class I (general controls).

§ 886.1190 Distometer.

(a) *Identification.* A distometer is a device used to measure the distance between the cornea and a corrective lens during refraction (measuring the change of the visual image when a lens is in place).

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1200 Optokinetic drum.

(a) *Identification.* An optokinetic drum is a drumlike device that is covered with alternating white and dark stripes or pictures that can be rotated on its handle. The device is used to elicit and evaluate nystagmus (involuntary rapid movement of the eyeball) in patients.

(b) *Classification.* Class I (general controls).

§ 886.1220 Corneal electrode.

(a) *Identification.* A corneal electrode is an AC-powered device, usually part of a special contact lens, that is applied directly to the cornea and used to provide data showing the changes in electrical potential in the retina after electroretinography (stimulation by light).

(b) *Classification.* Class II (performance standards).

§ 886.1250 Euthyscope.

(a) *Identification.* A euthyscope is a device that is a modified AC-powered or battery-powered ophthalmoscope (a perforated mirror device used in inspecting the interior of the eye) that projects a bright light encompassing an arc of about thirty degrees onto the fundus of the eye. The center of the light bundle is blocked by a black disk covering the fovea (the central depression of the macular retinae where only cones are present and blood vessels are lacking). The device is used in the treatment of amblyopia (dimness of vision without apparent disease of the eye).

(b) *Classification.* (1) Class II (performance standards) for AC-powered euthyscopes.

(2) Class I (general controls) for battery-powered euthyscopes.

§ 886.1270 Exophthalmometer.

(a) *Identification.* An exophthalmometer is a device, such as a ruler, gauge, or caliper, used to measure the degree of exophthalmos (abnormal protrusion of the eyeball).

(b) *Classification.* Class I (general controls).

§ 886.1290 AC-powered fixation device.

(a) *Identification.* An AC-powered fixation device is an AC-powered device used as a fixation target for the patient during ophthalmological examination. The patient directs his or her gaze so that the visual image of the object falls on the fovea centralis (the center of the macula retina of the eye).

(b) *Classification.* Class II (performance standards).

§ 886.1300 Afterimage flasher.

(a) *Identification.* An afterimage flasher is an AC-powered light that automatically switches on and off to allow performance of an afterimage test in which the patient indicates the positions of afterimages after the light is off. The device is used to determine harmonious/anomalous retinal correspondence (the condition in which corresponding points on the retina have the same directional value).

(b) *Classification.* Class II (performance standards).

§ 886.1310 Fluorescein strip.

(a) *Identification.* A fluorescein strip is a device that is a small strip of filter paper impregnated with fluorescein (a dye used for the diagnosis of certain ocular diseases) used to apply the fluorescein to the surface of the eye.

(b) *Classification.* Class I (general controls).

§ 886.1320 Fornixscope.

(a) *Identification.* A fornixscope is a device used to pull back and hold open the eyelid to aid examination of the conjunctiva.

(b) *Classification.* Class I (general controls).

§ 886.1330 Amsler grid.

(a) *Identification.* An Amsler grid is a device that is a series of charts with grids of different sizes that are held at 30 centimeters distance from the patient and used for the rapid detection of central and paracentral irregularities in the visual field.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1340 Haploscope.

(a) *Identification.* A haploscope is an AC-powered device that consists of two movable viewing tubes, each containing a slide carrier, a low-intensity light source for the illumination of the slides, and a high-intensity light source for creating afterimages. The device is used to measure strabismus (eye muscle imbalance), to assess binocular vision (use of both eyes to see), and to treat suppression and amblyopia (dimness of vision without any apparent disease of the eye).

(b) *Classification.* Class II (performance standards).

§ 886.1350 Keratoscope.

(a) *Identification.* A keratoscope is an AC-powered or battery-powered device used to measure and evaluate the corneal curvature of the eye. Lines and circles within the keratoscope are used to observe the corneal reflex. This generic type of device includes the photokeratoscope which records corneal curvature by taking photographs of the cornea.

(b) *Classification.* (1) Class II (performance standards) for AC-powered keratoscopes.

(2) Class I (general controls) for battery-powered keratoscopes. The battery-powered keratoscope is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1360 Visual field laser instrument.

(a) *Identification.* A visual field laser instrument is an AC-powered device that provides visible laser radiation that produces an interference pattern on the retina used to evaluate retinal function.

(b) *Classification.* Class II (performance standards).

§ 886.1375 Bagolini lens.

(a) *Identification* A Bagolini lens is a device consisting of a plane lens containing almost imperceptible striations that do not obscure visualization of objects. The device is placed in a trial frame and used to determine harmonious/anomalous retinal correspondence (the condition in which corresponding points on the retina have the same directional value).

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1380 Diagnostic condensing lens.

(a) *Identification.* A diagnostic condensing lens is a device that is a lens used to focus reflected light from the fundus of the eye in binocular indirect ophthalmoscopy (a procedure that produces an inverted or reversed direct magnified image of the eye).

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1385 Polymethylmethacrylate diagnostic contact lens.

(a) *Identification.* A polymethylmethacrylate diagnostic contact lens is a device that is a curved shell of polymethylmethacrylate applied for a short period of time directly onto the globe or cornea of the eye for diagnosis or therapy of intraocular abnormalities.

(b) *Classification.* Class II (performance standards).

§ 886.1390 Flexible diagnostic Fresnel lens.

(a) *Identification.* A flexible diagnostic Fresnel lens is a device that is a very thin lens which has on its surface a concentric series of increasingly refractive zones. The device may be applied to the back of the spectacle lenses of patients with aphakia (absence of the lens of the eye).

(b) *Classification.* Class I (general controls).

§ 886.1395 Diagnostic Hruby fundus lens.

(a) *Identification.* A diagnostic Hruby fundus lens is a device that is a 55 diopter lens used in examination of the vitreous body and the fundus of the eye under slit-lamp illumination and magnification.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1400 Maddox lens.

(a) *Identification.* A Maddox lens is a device that is a series of red cylinders that change the size, shape, and color of an image. The device is handheld or placed in a trial frame and used to evaluate eye muscle dysfunction.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1405 Ophthalmic trial lens set.

(a) *Identification.* An ophthalmic trial lens set is a device that is a set of lenses of various dioptric powers that are handheld or inserted in a trial frame and used in vision testing to determine refraction.

(b) *Classification.* Class II (performance standards).

§ 886.1410 Ophthalmic trial lens clip.

(a) *Identification.* An ophthalmic trial lens clip is a device used to place prisms, spheres, cylinders, or occluders on a trial frame or spectacles for vision testing.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1415 Ophthalmic trial lens frame.

(a) *Identification.* An ophthalmic trial lens frame is a mechanical device used to hold trial lenses during vision testing.

(b) *Classification.* Class I (general controls).

§ 886.1420 Ophthalmic lens gauge.

(a) *Identification.* An ophthalmic lens gauge is a calibrated device used manually to measure the curvature of a spectacle lens.

(b) *Classification.* Class I (general controls).

§ 886.1425 AC-powered lens measuring instrument.

(a) *Identification.* An AC-powered lens measuring instrument is an AC-powered device used to measure the power of lenses, prisms, and their centers (e.g., lensometer).

(b) *Classification.* Class II (performance standards).

§ 886.1430 Ophthalmic contact lens radius measuring device.

(a) *Identification.* An ophthalmic contact lens radius measuring device is an AC-powered device that is a microscope and dial gauge used to measure the radius of a contact lens.

(b) *Classification.* Class II (performance standards).

§ 886.1435 AC-powered Maxwell spot.

(a) *Identification.* An AC-powered Maxwell spot is an AC-powered device that is a light source with a red and blue filter used to test macular function.

(b) *Classification.* Class II (performance standards).

§ 886.1450 Corneal radius measuring device.

(a) *Identification.* A corneal radius measuring device is an AC-powered device used to measure corneal size by superimposing the image of the cornea on a scale at the focal length of the lens of a small handheld single tube penscope or eye gauge magnifier.

(b) *Classification.* Class II (performance standards).

§ 886.1460 Stereopsis measuring instrument.

(a) *Identification.* A stereopsis measuring instrument is a device used to measure depth perception by battery-powered illumination or natural daylight illumination of objects placed on different planes.

(b) *Classification.* Class I (general controls).

§ 886.1500 Headband mirror.

(a) *Identification.* A headband mirror is a device that is strapped to the head of the user to reflect light for examination of the eye.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1510 Eye movement monitor.

(a) *Identification.* An eye movement monitor is an AC-powered device with an electrode used to measure and record ocular movements.

(b) *Classification.* Class II (performance standards).

§ 886.1570 Ophthalmoscope.

(a) *Identification.* An ophthalmoscope is an AC-powered or battery-powered device containing illumination and viewing optics used to examine the media (cornea, aqueous, lens, and vitreous) and the retina of the eye.

(b) *Classification.* (1) Class II (performance standards) for AC-powered ophthalmoscopes.

(2) Class I (general controls) for battery-powered ophthalmoscopes. The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1605 Perimeter.

(a) *Identification.* A perimeter is an AC-powered or manual device used to determine the extent of the peripheral visual field of a patient. The device projects light on various points of a curved surface, and the patient indicates whether he or she sees the light.

(b) *Classification.* (1) Class II (performance standards) for AC-powered perimeters.

(2) Class I (general controls) for manual perimeters. The manual device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1630 AC-powered photostimulator.

(a) *Identification.* An AC-powered photostimulator is an AC-powered device that provides light stimulus which allows measurement of retinal or visual function by perceptual or electrical methods (e.g., stroboscope).

(b) *Classification.* Class II (performance standards).

§ 886.1640 Ophthalmic preamplifier.

(a) *Identification.* An ophthalmic preamplifier is an AC-powered or battery-powered device used to amplify electrical signals from the eye in electroretinography (recording retinal action currents from the surface of the eyeball after stimulation by light), electro-oculography (testing for retinal dysfunction by comparing the standing potential in the front and the back of the eyeball), and electromyography (recording electrical currents generated in active muscle).

(b) *Classification.* Class II (performance standards).

§ 886.1650 Ophthalmic bar prism.

(a) *Identification.* An ophthalmic bar prism is a device that is a bar composed of fused prisms of gradually increasing strengths used to measure latent and manifest strabismus (eye muscle deviation) or the power of fusion of the patient's eyes.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1655 Ophthalmic Fresnel prism.

(a) *Identification.* An ophthalmic Fresnel prism is a device that is a thin plastic sheet with embossed rulings which provides the optical effect of a prism. The device is applied to spectacle lenses to give a prismatic effect.

(b) *Classification.* Class I (general controls).

§ 886.1660 Gonioscopic prism.

(a) *Identification.* A gonioscopic prism is a device that is a prism which may be placed on the eye for the study of anterior chamber angles. The device may have angled mirrors to facilitate visualization of anatomical features.

(b) *Classification.* Class I (general controls).

§ 886.1665 Ophthalmic rotary prism.

(a) *Identification.* An ophthalmic rotary prism is a handheld device with various prismatic powers used to measure ocular deviation in latent and manifest strabismus (eye muscle deviation).

(b) *Classification.* Class I (general controls).

§ 886.1670 Ophthalmic isotope uptake probe.

(a) *Identification.* An ophthalmic isotope uptake probe is an AC-powered device used to measure, by a probe which is placed in close proximity to the eye, the uptake of a radioisotope (phosphorus 32) by tumors to detect tumor masses on, around, or within the eye.

(b) Classification. Class II (performance standards).

§ 886.1680 Ophthalmic projector.

(a) *Identification.* An ophthalmic projector is an AC-powered device used to project an image on a screen for vision testing.

(b) *Classification.* Class II (performance standards).

§ 886.1690 Pupillograph.

(a) *Identification.* A pupillograph is an AC-powered device that measures the pupil of the eye by reflected light and records the responses of the pupil.

(b) *Classification.* Class II (performance standards).

§ 886.1700 Pupillometer.

(a) *Identification.* A pupillometer is an AC-powered or manual device used to measure by reflected light the width or diameter of the pupil of the eye.

(b) *Classification.* (1) Class II (performance standards) for AC-powered pupillometers.

(2) Class I (general controls) for manual pupillometers. The manual pupillometer is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1750 Skiascopic rack.

(a) *Identification.* A skiascopic rack is a device that is a ract and a set of attached ophthalmic lenses of various dioptric strengths used as an aid in refraction.

(b) *Classification.* Class II (performance standards).

§ 886.1760 Ophthalmic refractometer.

(a) *Identification.* An ophthalmic refractometer is an automatic AC-powered device that consists of a

fixation system, a measurement and recording system, and an alignment system used to measure the refractive power of the eye by measuring light reflexes from the retina.

(b) *Classification.* Class II (performance standards).

§ 886.1770 Manual refractor.

(a) *Identification.* A manual refractor is a device that is a set of lenses of various dioptric powers that are used to measure the refractive error of the eye.

(b) *Classification.* Class I (general controls).

§ 886.1780 Retinoscope.

(a) *Identification.* A retinscope is an AC-powered or battery-powered device used clinically to measure the refraction of the eye by illuminating the retina and noting the direction of movement of the light on the retinal surface and of the refraction by the eye of the emergent rays.

(b) *Classification.* (1) Class II (performance standards) for AC-powered retinoscopes.

(2) Class I (general controls) for battery-powered retinoscopes. The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1790 Nearpoint ruler.

(a) *Identification.* A near point ruler is a device calibrated in centimeters that is used to measure the nearpoint of convergence (the point to which the visual lines are directed when convergence is at its maximum).

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1800 Schirmer strip.

(a) *Identification.* A Schirmer strip is a device made of filter paper or similar material used to test for tear formation ability. It is inserted under the lower eyelid.

(b) *Classification.* Class I (general controls).

§886.1810 Tangent screen (campimeter).

(a) *Identification.* A tangent screen (compimeter) is an AC-powered or battery-powered device that is a large square cloth chart with a central mark of fixation used to map the central thirty degrees of the patient's visual field on a flat surface. This generic type of device includes projection tangent screens, target tangent screens and targets, felt tangent screens, and battery-powered stereo campimeters.

(b) *Classification.* (1) Class II (performance standards) for AC-powered tangent screens (campimeters).

(2) Class I (general controls) for battery-powered tangent screens (campimeters). The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1840 Simulatan (including crossed cylinder).

(a) *Identification.* A simulatan (including crossed cylinder) is a device that is a set of pairs of cylinder lenses that provides equal plus and minus various refractive strengths. The lenses are arranged so that the user can exchange the positions of plus and minus cylinder lenses of equal strengths. The device is used for subjective refraction (refraction in which the patient judges whether a given object is clearly in focus, as the examiner uses different lenses).

(b) *Classification.* Class I (general controls).

§ 886.1850 AC-powered slitlamp biomicroscope.

(a) *Identification.* An AC-powered slitlamp biomicroscope is an AC-powered device that is a microscope for eye examination that projects into the patient's eye through a control diaphragm a thin, intense beam of light.

(b) *Classification.* Class II (performance standards).

§ 886.1860 Ophthalmic instrument stand.

(a) *Identification.* An ophthalmic instrument stand is an AC-powered or nonpowered device used to store ophthalmic instruments and make them readily accessible.

(b) *Classification.* (1) Class II (performance standards) for AC-powered ophthalmic instrument stands.

(2) Class I (general controls) for nonpowered ophthalmic instrument stands. The nonpowered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1870 Stereoscope

(a) *Identification.* A stereoscope is an AC-powered or battery-powered device tht combines the images of two similar objects to produce a three dimensional appearance of solidity and relief. It is used to measure the angle of strabismus (eye muscle deviation) and to evaluate binocular vision (usage of both eyes to see). The device is also used for corrective exercises for eye muscles.

(b) *Classification.* (1) Class II (performance standards for AC-powered stereoscopes.

(2) Class I (general controls) for battery-powered stereoscopes. The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1880 Fusion and stereoscopic target.

(a) *Identification.* A fusion and stereoscopic target is a device that is a viewing object used with a stereoscope (a device that combines the images of two similar objects to produce a three-dimensional appearance of solidity and relief). It is used in various ophthalmological examinations for eye muscle disorders, such as amblyopia (weak eye muscles), and for corrective exercises for eye muscles.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1905 Nystagmus tape.

(a) *Identification.* Nystagmus tape is a device that is a long, narrow strip of fabric or other flexible material on which a series of printed objects are moved across the patient's field of vision to elicit optokinetic nystagmus (abnormal and irregular eye movements) and to test for blindness.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1910 Spectacle dissociation test system.

(a) *Identification.* A spectacle dissociation test system is an AC-powered or battery-powered device, such as a Lancaster test system, that consists of a light source and various filters, especially red/green filters, that

is used subjectively to measure ocular muscle imbalance.

(b) *Classification.* (1) Class II, (performance standards) for the AC-powered spectacle dissociation test system.

(2) Class I (general controls) for the battery-powered spectacle dissociation test system. The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.1930 Tonometer and accessories.

(a) *Identification.* A tonometer and accessories is an AC-powered or manual device used to measure intraocular pressure by the degree of indentation produced by the application of a known force on the globe of the eye (Schiotz type) or to measure intraocular tension by applanation (the application of a small flat disk to the cornea). Accessories for the device may include a tonometer calibrator or a tonograph recording system. The device is used in the diagnosis of glaucoma.

(b) *Classification.* Class II (performance standards).

§ 886.1940 Tonometer sterilizer.

(a) *Identification.* A tonometer sterilizer is an AC-powered device that is used to sterilize by heat a tonometer (a device used to measure intraocular pressure).

(b) *Classification.* Class II (performance standards).

§ 886.1945 Transilluminator.

(a) *Identification.* A transilluminator is an AC-powered or battery-powered device that is a light source used to transmit light through tissues to aid patient examination.

(b) *Classification.* (1) Class II (performance standards) for AC-powered transilluminators.

(2) Class I (general controls) for battery-powered transilluminators.

Subpart C—[Reserved]

Subpart D—Ophthalmic Prosthetic Devices

§ 886.3100 Ophthalmic tantalum clip.

(a) *Identification.* An ophthalmic tantalum clip is a malleable metallic device used to bring together the edges of a wound to facilitate healing or to prevent bleeding from small blood vessels in the eye. The device may be implanted permanently, or removed after a short period of time.

(b) *Classification.* Class II (performance standards).

§ 886.3130 Ophthalmic conformer.

(a) *Identification.* An ophthalmic conformer is a device, usually made of molded plastic, that is inserted temporarily between the eyeball and eyelid to maintain space in the orbital cavity and used to prevent closure or adhesions during the healing process following plastic survey.

(b) *Classification.* Class II (performance standards).

§ 886.3200 Artificial eye.

(a) *Identification.* An artificial eye is a removable, prosthetic device resembling the eyeball, usually made of glass or plastic, that is placed in the eye socket for cosmetic purposes following removal of the eye.

(b) *Classification.* Class II (performance standards).

§ 886.3300 Absorbable implant (scleral buckling method).

(a) *Identification.* An absorbable implant (scleral buckling method) is an implanted device placed on the sclera to aid retinal reattachment.

(b) *Classification.* Class II (performance standards).

§ 886.3320 Eye sphere implant.

(a) *Identification.* An eye sphere implant is an implanted device used to occupy the space in the eyeball following the removal of the contents of the eyeball with the sclera left intact.

(b) *Classification.* Class II (performance standards).

§ 886.3340 Extraocular orbital implant.

(a) *Identification.* An extraocular orbital implant is a device used in scleral surgery for buckling or building up the floor of the eye, usually in conjunction with retinal reattachment. This nonabsorbable device includes implants and floor support for scleral buckling methods, but excludes injected substances.

(b) *Classification.* Class II (performance standards).

§ 886.3400 Keratoprosthesis.

(a) *Identification.* A keratoprosthesis is an implanted device, made of plastic, used to replace the central area of the opacified natural cornea of the eye and used to maintain or restore sight.

(b) *Classification.* Class III (premarket approval).

§ 886.3600 Scleral shell.

(a) *Identification.* A scleral shell is a removable device made of plastic or glass that fits over the cornea and proximalcornea sclera for cosmetic or reconstructive purposes. The device usually has an artificial eye painted on it.

(b) *Classification.* Class II (performance standards).

§ 886.3920 Eye valve implant.

(a) *Identification.* An eye valve implant is a one-way, pressure-sensitive, valve-like device used to normalize intraocular pressure. The device may be used in the treatment of glaucoma.

(b) *Classification.* Class III (premarket approval).

Subpart E—Ophthalmic Surgical Devices

§ 886.4070 Powered corneal burr.

(a) *Identification.* A powered corneal burr is an AC-powered or battery-powered device that is a motor and drilling tool used to remove rust rings from the cornea of the eye.

(b) *Classification.* (1) Class II (performance standards) for AC-powered corneal burrs.

(2) Class I (general controls) for battery-powered corneal burrs.

§ 886.4100 Radiofrequency cautery apparatus.

(a) *Identification.* Radiofrequency cautery apparatus is an AC-powered or battery-powered device used during ocular surgery to coagulate tissue or arrest bleeding by a high-frequency electric current.

(b) *Classification.* Class II (performance standards).

§ 886.4115 Thermal cautery unit.

(a) *Identification.* A thermal cautery unit is an AC-powered or battery-powered device used during ocular surgery to coagulate tissue or arrest bleeding by heat conducted through a wire tip.

(b) *Classification.* Class II (performance standards).

§ 886.4150 Vitreous aspiration and cutting instrument.

(a) *Identification.* A vitreous aspiration and cutting instrument is an electrically powered device, which may use ultrasound, that is used for the removal of vitreous matter from the vitreous cavity or for removal of the crystalline lens.

(b) *Classification.* Class III (premarket approval).

§ 886.4170 Cryophthalmic unit.

(a) *Identification.* A cryophthalmic unit is a device that is a probe with a small tip that becomes extremely cold through the controlled use of a refrigerant or gas. The device may be AC-powered. The device is used to remove cataracts by the formation of an adherent ice ball in the lens, to freeze

the eye and adjunct parts for surgical removal of scars, and to freeze tumors.

(b) *Classification.* Class II (performance standards).

§ 886.4230 Ophthalmic knife test drum.

(a) *Identification.* An ophthalmic knife test drum is a device used to test the keenness of ophthalmic surgical knives to determine whether resharpening is needed.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.4250 Ophthalmic electrolysis unit.

(a) *Identification.* An ophthalmic electrolysis unit is an AC-powered or battery-powered device used to destroy ocular hair follicles by the passage of a galvanic electric current.

(b) *Classification.* (1) Class II (performance standards) for AC-powered ophthalmic electrolysis units.

(2) Class I (general controls) for battery-powered ophthalmic electrolysis units.

§ 886.4300 Intraocular lens guide.

(a) *Identification.* An intraocular lens guide is a device that is inserted into the eye during surgery to direct the insertion of an intraocular lens.

(b) *Classification.* Class I (general controls).

§ 886.4335 Operating headlamp.

(a) *Identification.* An operating headlamp is an AC-powered or battery-powered device worn around the head of the user to provide a light source to aid visualization during surgical, diagnostic, or therapeutic procedures.

(b) *Classification.* (1) Class II (performance standards) for AC-powered operating headlamps.

(2) Class I (general controls) for battery-powered operating headlamps.

§ 886.4350 Manual ophthalmic surgical instrument.

(a) *Identification.* A manual ophthalmic surgical instrument is a nonpowered, handheld device used to aid or perform ophthalmic surgical procedures. This generic type of device includes the manual corneal burr, ophthalmic caliper, ophthalmic cannula, eyelid clamp, ophthalmic muscle clamp, iris retractor clip, orbital compressor, ophthalmic curette, cystotome, orbital depressor, lachrymal dilataor, erisophake, expressor, ophthalmic forcep, ophthalmic hook, sphere introducer, ophthalmic knife, ophthalmic suturing needle, lachrymal probe, trabeculotomy probe, corneoscleral punch, ophthalmic retractor, ophthalmic ring (Flieringa), lachrymal sac rongeur, ophthalmic scissors, enucleating snare, ophthalmic spatula, ophthalmic specula, ophthalmic spoon, ophthalmic spud, trabeculotome, or ophthalmic manual trephine.

(b) *Classification.* Class I (general controls).

§ 886.4360 Ocular surgery irrigation device.

(a) *Identification.* An ocular surgery irrigation device is a device that is suspended over the ocular area during ophthalmic surgery and delivers continuous controlled irrigation to the surgical field.

(b) *Classification.* Class I (general controls).

§ 886.4370 Keratome.

(a) *Identification.* A keratome is an AC-powered or battery-powered device used to shave tissue from sections of the cornea for a lamellar (partial thickness) transplant.

(b) *Classification.* (1) Class II (performance standards) for AC-powered keratomes.

(2) Class I (general controls) for battery-powered keratomes.

§ 886.4390 Ophthalmic laser.

(a) *Identification.* An ophthalmic laser is an AC-powered device used to coagulate tissue of the eye, orbit, and surrounding skin by a laser beam.

(b) *Classification.* Class II (performance standards).

§ 886.4400 Electronic metal locator.

(a) *Identification.* An electronic metal locator is an AC-powered device with probes used to locate metallic foreign bodies in the eye or eye socket.

(b) *Classification.* Class II (performance standards).

§ 886.4440 AC-powered magnet.

(a) *Identification.* An AC-powered magnet is an AC-powered device that generates a magnetic field and that is used to find and remove metallic foreign bodies from eye tissue.

(b) *Classification.* Class II (performance standards).

§ 886.4445 Permanent magnet.

(a) *Identification.* A permanent magnet is a nonelectronic device that generates a magnetic field and that is used to find and remove metallic foreign bodies from eye tissue.

(b) *Classification.* Class I (general controls).

§ 886.4570 Ophthalmic surgical marker.

(a) *Identification.* An ophthalmic surgical marker is a device used to mark the location of ocular or scleral surgical manipulation by ink, dye, or indentation.

(b) *Classification.* Class I (general controls).

§ 886.4610 Ocular pressure applicator.

(a) *Identification.* An ocular pressure applicator is a manual device that consists of a sphygmomanometer-type squeeze bulb, a dial indicator, a band, and bellows, and that is used to apply pressure on the eye in preparation for ophthalmic surgery.

(b) *Classification.* Class II (performance standards).

§ 886.4650 Eye pad.

(a) *Identification.* An eye pad is a device that consists of a pad of gauze and cotton used as a bandage over the eye for protection and absorption of secretions.

(b) *Classification.* Class I (general controls).

§ 886.4670 Phacofragmentation system.

(a) *Identification.* A phacofragmentation system is an AC-powered device with a fragmenting needle used in cataract surgery to disrupt a cataract with ultrasound and extract the cataract.

(b) *Classification.* Class III (premarket approval).

§ 886.4690 Ophthalmic photocoagulator.

(a) *Identification.* An ophthalmic photocoagulator is an AC-powered device that uses the energy from an extended, noncoherent light source to occlude blood vessels of the retina, choroid, or iris.

(b) *Classification.* Class II (performance standards).

§ 886.4750 Ophthalmic eye shield.

(a) *Identification.* An ophthalmic eye shield is a device that consists of a plastic or aluminum eye covering that is used to protect the eye or retain dressing materials in place.

(b) *Classification.* Class I (general controls). If the device is not labeled or otherwise represented as sterile, it is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.4770 Ophthalmic operating spectacles (loupes).

(a) *Identification.* Ophthalmic operating spectacles (loupes) are devices that consist of convex lenses or

lens systems worn by a surgeon to magnify the surgical site during ophthalmic surgery.

(b) *Classification.* Class I (general controls).

§ 886.4790 Ophthalmic sponge.

(a) *Identification.* An ophthalmic sponge is a device that is a sponge or an absorbent pad of folded gauze or cotton used to absorb fluids from the operative field in ophthalmic surgery.

(b) *Classification.* Class II (performance standards).

§ 886.4855 Ophthalmic instrument table.

(a) *Identification.* An ophthalmic instrument table is an AC-powered or manual device on which ophthalmic instruments are placed.

(b) *Classification.* (1) Class II (performance standards) for AC-powered ophthalmic instrument tables.

(2) Class I (general controls) for manual ophthalmic instrument tables. The manual device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Subpart F—Ophthalmic Therapeutic Devices

§ 886.5100 Ophthalmic beta radiation source.

(a) *Identification.* An ophthalmic beta radiation source is a therapeutic medical device used to apply radiation superficially to benign and malignant ocular growths.

(b) *Classification.* Class II (performance standards).

§ 886.5120 Low-power binocular loupe.

(a) *Identification.* A low-power binocular loupe is a device that consists of two eyepieces, each with a lens or lens system, intended for medical purposes to magnify the appearance of objects.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.5270 Spectacle frame.

(a) *Identification.* A spectacle frame is a device made of metal or plastic used to hold lenses worn by a patient to correct refractive error.

(b) *Classification.* Class II (performance standards).

§ 886.5400 Polymethylmethacrylate contact lens.

(a) *Identification.* A ploymethylmethacrylate (hard) contact lens is a device that is a curved shell of polymethylmethacrylate that is worn by a patient for extended periods of time directly on the globe or cornea of the eye to correct refractive errors.

(b) *Classification.* Class II (performance standards).

§ 886.5420 Contact lens inserter/remover.

(a) *Identification.* A contact lens inserter/remover is a handheld device used to insert or remove contact lenses by surface adhesion or suction.

(b) *Classification.* Class I (general controls).

§ 886.5450 Prescription spectacle lens.

(a) *Identification.* A prescription spectale lens is a glass or plastic device that is a lens worn in a frame by a patient to correct refractive errors.

(b) *Classification.* Class II (performance standards).

§ 886.5540 Low-vision magnifier.

(a) *Identification.* A low-vision magnifier is a device that consists of a magnifying lens, which may be handheld or attached to spectacles, and that is intended for use by a patient who has impaired vision.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.5600 Ptosis crutch.

(a) *Identification.* A ptosis crutch is a device that is mounted on the spectacles of a patient who has ptosis (drooping of the upper eyelid as a result of faulty development or paralysis) to hold the upper eyelid open.

(b) *Classification.* Class I (general controls).

§ 886.5800 Ophthalmic bar reader.

(a) *Identification.* An ophthalmic bar reader is a device that consists of a magnifying lens that is intended for use by a patient who has impaired vision and that is placed directly onto reading material to magnify print.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.5810 Ophthalmic prism reader.

(a) *Identification.* An ophthalmic prism reader is a device intended for use by a patient who is in a supine position, to change the angle of print to aid reading.

(b) *Classification.* Class I (general controls). This device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 886.5820 Closed-circuit television reading system.

(a) *Identification.* A closed-circuit television reading system is a device that consists of a lens, video camera, and video monitor and that is intended for use by a patient who has subnormal vision, to magnify reading material.

(b) *Classification.* Class II (performance standards).

§ 886.5840 Magnifying spectacles.

(a) *Identification.* Magnifying spectacles are devices with convex lenses intended to be worn by a patient who has impaired vision, to enlarge the image of objects.

(b) *Classification.* Class II (performance standards).

§ 886.5850 Sunglasses (nonprescription).

(a) *Identification.* Sunglasses (nonprescription) are a device that consists of absorbing, reflective, tinted, or polarizing lenses in a frame that an individual wears to protect the eyes from bright sunlight. This generic type of device also includes sunglasses with photosensitized lenses.

(b) *Classification.* Class II (performance standards).

§ 886.5870 Low-vision telescope.

(a) *Identification.* A low-vision telescope is a device that consists of an arrangement of lenses or mirrors and that is intended for use by a patient who has impaired vision, to increase the apparent size of objects. This generic type of device includes handheld or spectacle telescopes.

(b) *Classification.* Class I (general controls).

§ 886.5900 Electronic vision aid.

(a) *Identification.* An electronic vision aid is an AC-powered or battery-powered device that consists of an electronic sensor/transducer and that is intended for use by a patient who has impaired vision or blindness, to translate visual images of objects into tactile or auditory signals.

(b) *Classification.* (1) Class II (performance standards) For AC-powered electronic vision aids.

(2) Class I (general controls) for battery-powered electronic vision aids.

§ 886.5910 Battery-powered image intensification vision aid.

(a) *Identification.* A battery-powered image intensification vision aid is a battery-powered device that is intended for use by a patient who has limited dark adaptation or impaired vision, to amplify ambient light.

(b) *Classification.* Class I (general controls).

§ 886.5915 Optical vision aid.

(a) *Identification.* An optical vision aid is a device that consists of a magnifying lens with accompanying AC-powered or battery-powered light source and that is intended for use by a patient who has impaired vision, to increase the apparent size of object detail.

(b) *Classification.* (1) Class II (performance standards) for AC-powered optical vision aids.

(2) Class I (general controls) for battery-powered optical vision aids. The battery-powered device is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Interested persons may, on or before March 29, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments regarding the general provisions are to be identified with the docket number found in brackets in the heading of this document. Comments regarding a particular device are to be identified with the docket number for that device found in the "Panel Recommendations and FDA's Proposed Classifications" sections. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this proposed rule and has determined that, if promulgated, the rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this proposed rule has been carefully analyzed, and it has been determined that this proposal does not constitute a major rule as defined in section 1(b) of the Executive Order. Rules proposing classification of devices into class I generally maintain the status quo: These devices are now subject to only the general controls provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360, 360f, 360h, 360i, and 360j) and, under the proposed rules, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II would also remain subject only to the general controls provisions of the act unless and until an applicable performance standard were established. Similarly, devices classified into class III remain subject only to the general controls provisions of the act until an additional regulation is promulgated pursuant to section 515(b) of the act (21 U.S.C. 360e(b)) requiring that such devices have in effect approved applications for premarket approval. In accordance with section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)), devices classified by regulation into class III may remain in commercial distribution without an approved premarket approval application for 30 months following the effective date of classification of the device into class III, or for 90 days following the promulgation of a regulation under section 515(b) of the act (21 U.S.C. 360e(b)), whichever occurs later. In sum, device classification rules do not have a significant impact on a substantial number of small entities and are not major rules.

Dated: December 16, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-1537 Filed 1-25-82; 8:45 am]

BILLING CODE 4160-01-M

V
4
7
/
1
7
J
A
2
6
8
2

federal register

Tuesday
January 26, 1982

Part III

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 524, 544 and 549

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is proposing a set of rules for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rules on (1) Youth Corrections Act (YCA) Institutions; (2) Adult Basic Education (ABE) Program; and (3) Suicide Prevention Program. The first rule establishes procedures to ensure that offenders committed under provisions of the Youth Corrections Act are housed separate from other inmates. The rule also establishes procedures to ensure that the YCA inmate is afforded treatment, as required by 18 U.S.C. 5011. The Bureau of Prisons' rule on the ABE program is intended to replace the Bureau's existing rule on optional programming. The new rule requires Federal inmates who are unable to read, write, or do mathematics at the 6.0 academic grade level to attend an adult basic education program for a minimum of 90 calendar days. The rule on suicide prevention program provides guidelines for Bureau of Prisons' management of potentially suicidal inmates.

DATE: Comments must be received on or before March 4, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washingotn, D.C. 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/274/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to pubish in the **Federal Register** its proposed rules on Youth Corrections Act Institutions, Adult Basic Education Program, and Suicide Prevention Program.

Recent Federal court rulings have held that persons committed under the provisions of the Youth Corrections Act are to be housed separate from other inmates. These rulings did not consider the Bureau of Prisons previously established "YCA Units" to meet the statutory requirements of the Youth Corrections Act. Accordingly, the Bureau of Prisons developed a plan for separating YCA offenders from other inmates. This plan has been subject to the review of, and approval by, several Federal courts. The plan calls for the establishment of "all-YCA" institutions and the development of an individualized treatment program for each YCA inmate housed within the YCA institution. The proposed rule discusses aspects of this program.

The proposed rule on the Adult Basic Education Program recognizes the importance for each individual to function at a minimal grade level of 6.0. The sixth grade level is generally accepted as the basic standard for measuring functional literacy in our society. Persons functioning below that level often encounter serious difficulties in obtaining employment and in carrying out their day-to-day activities and responsibilities.

The Bureau's rule on its suicide prevention program provides guidelines for the management of potentially suicidal inmates. While suicides occur infrequently within the Bureau of Prisons, it is the Bureau's responsibility to monitor the health and welfare of individual inmates, and to ensure that procedures are pursued to preserve life.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to these rules since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before March 4, 1982 will be considered before final action is taken. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows:

1. In Subchapter B, add Subpart C to Part 524;

2. In Subchapter C, remove existing Subpart H and add a new Subpart H to Part 544; and

3. In Subchapter C, add Subpart F to Part 549.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

In Part 524, by adding Subpart C to read as follows:

PART 524—CLASSIFICATION OF INMATES

* * * * *

Subpart C—Youth Corrections Act (YCA) Institutions

Sec.

524.20 Purpose and scope.
524.21 Definitions.
524.22 Designation to a YCA institution.
524.23 YCA program.
524.24 Classification.
524.25 Treatment.
524.26 Pre-release.
524.27 Educational and work-oriented programs.
524.28 Conditional release (parole).
524.29 Parole violators.
524.30 Exceptions.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5005–5020, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Youth Corrections Act (YCA) Institutions

§ 524.20 Purpose and scope.

The Director, Bureau of Prisons has designated selected federal institutions to house only those persons committed under the provisions of the "Federal Youth Corrections Act" (YCA). 18 U.S.C. 5011 of this Act states "Insofar as practical, such institutions * * * shall be used only for treatment of committed youth offenders, and such youth offenders shall be segregated from other offenders * * *." The Warden at each YCA institution shall ensure that a three-phase program, comprised of a classification, a treatment, and a pre-release phase, is developed for every YCA commitment. Designated Bureau of Prisons staff (ordinarily the Warden) may authorize an inmate committed under the Youth Corrections Act to be housed with non-YCA inmates only under conditions specified in this rule. Other exceptions to the requirements of this rule for commitment of YCA inmates shall be made only upon written approval of the Director, Bureau of Prisons.

§ 524.21 Definitions.

(a) For purposes of this rule, a "YCA inmate" is an inmate confined under the provisions of 18 U.S.C. 5010 (b), (c), or (e), who is not also sentenced to a concurrent adult term, whether state or federal.

(b) For purposes of this rule, an inmate confined under the provisions of 18 U.S.C. 5010 (b), (c), or (e) who has a subsequent consecutive adult sentence is not considered a "YCA inmate" when the court that imposed the consecutive adult sentence states that, in the court's opinion, YCA treatment will not be of further benefit to the inmate. Absent this determination by the court, the inmate is to be considered a "YCA inmate" and treated accordingly.

(c) Study Cases. YCA inmates committed for a period of study (under 18 U.S.C. 5010(e)).

(d) Committed Youth Offenders. YCA inmates sentenced under 18 U.S.C. 5010 (b) or (c). This category includes those individuals who have been sentenced after undergoing a 5010(e) study, and those sentenced to a period of confinement without the study procedure.

§ 524.22 Designation to a YCA institution.

A YCA inmate shall be designated to a YCA institution at the time of initial commitment by appropriate staff in the Regional Office.

§ 524.23 YCA Program.

Each Warden of a YCA institution is to ensure that each committed youth offender is involved in a three-phase program, to include a classification, a treatment, and a pre-release phase (See §§ 524.24–26). The program is to incorporate a graduated release concept to specifically address the return to the inmate of increasing levels of liberty and personal responsibility. In accordance with policy guidelines, the inmate is to be advised of the earliest possible date when consideration may be given to possible reductions in custody level. The graduated release concept is also to focus on the earliest date when the inmate's unit team will consider the inmate for town trips (for purpose of attending a nearby social or sports event), work and/or study release, and furloughs. The inmate is to be advised that for these steps toward release to occur, the inmate will be required to maintain a level of behavior which complies with Bureau of Prisions rules and institutions guidelines.

§ 524.24 Classification.

This phase shall include an inmate orientation period, a system for unit assignment, and the development of an individualized program plan incorporating the graduated release concept. Except for those inmates returned as committed youth offenders subsequent to a 5010(e) study, YCA inmates are to participate in a classification procedure prior to the development of their individualized program plans. YCA inmates who were returned by the court as committed youth offenders subsequent to a 5010(e) study may be placed immediately into their assigned units and begin the individualized program outlined in the report submitted to the court.

(a) *Orientation.* During the classification period, an inmate is expected to participate in general orientation activities to become familiar with the overall operations of the institution and the types of programs available. Staff shall schedule the inmate for a variety of other activities, including medical and dental examination, and psychological, eductional, and vocational screening. In addition, each unit shall develop its own orientation program to introduce the new arrival to the specific programs within the inmate's assigned unit.

(b) *Unit Assignment.* The Warden shall develop procedures to systematically assign newly admitted inmates to unit living quarters.

(c) *Initial Classification.* Within four weeks of the committed inmate's arrival at the designated YCA institution, the Unit Team shall meet with that inmate for purpose of initial classification and program assignment. Staff shall notify the inmate of this meeting at least 48 hours prior to the inmate's scheduled appearance before the Unit Team. An inmate may waive in writing the requirement of 48 hours notice. The inmate is expected to attend, and to participate in, the initial classification meeting. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal to appear and, if known, the reasons for refusal.

(d) *Program Plan.* The Unit Team shall prepare a staff evaluation which summarizes the inmate's needs and outlines the program plan developed jointly with the inmate. The program plan shall specify the inmate's individualized correctional goals, the programs in which the inmate will participate to attain these goals, an estimate of the time needed to reach these goals, and a recommendation to the Parole Commission. The Unit Team in their evaluation shall explicitly address and document their decision as to whether the YCA inmate's needs can best be met in the presently assigned institution, in another YCA institution, in a community program, or in some other setting as specified in 18 U.S.C. 5011.

§ 524.25 Treatment.

Each YCA inmate is to be exposed to unit-based, institution-based, and community-based programs. Each YCA inmate shall be provided periodic reviews during this phase. The treatment phase begins when the inmate attends the programs and activities described in the program plan and ends approximately six months prior to the inmate's anticipated release date.

(a) *Program Structure.* Each inmate in a YCA institution shall be assigned program involvement in accordance with the inmate's needs. The "program day" shall consist of morning, afternoon, and evening time periods, during which the inmate shall be scheduled for self-improvement, work, and leisure-time activities. The inmate shall be expected to comply with the program plan. The inmate's refusal to participate may result in disciplinary action.

(b) *Programs.* Program activities consist of those conducted within the unit, those conducted at centralized locations within the institution, and those conducted within the community. Each YCA institution shall offer programs in each of these three areas.

(1) *Unit-Based Programs.* This includes those activities designed to enhance staff/inmate and inmate-to-inmate relationships, and to help ensure the orderly running of the unit. Examples of unit-based programs include unit business and information-sharing meetings, individual and group counseling sessions, leisure-time and recreation activities, daily sanitation details, periodic drug surveillance, and group and individual psychotherapy.

(2) *Institution-Based Programs.* This includes activities conducted at a centralized location within the institution and includes self-improvement, educational and work-oriented programs (see § 524.27), physical recreation and other leisure-time activities. Examples of institution-based programs include religious services and related study groups, community volunteer programs, music and drama clubs, and ethnic groups.

(3) *Community-Based Programs.* This includes those activities designed to help re-orient the inmate to a successful return to free society living. The activities may be similar to institutional activities, with the primary difference being the community location. Examples of specific activities which may be found only in the community include enrollment in a community vocational training program, an institutional choir

that sings at churches, lectures by selected inmates to school groups and community organizations concerning crime, drugs, etc.

(c) *Reclassification.* Staff shall conduct periodic reviews of the inmate's program plan and shall modify the plan in accord with the level of progress shown. Each YCA inmate shall be afforded a review at least once each 90 days and shall have a formal progress report prepared at least yearly summarizing the inmate's level of achievement. Staff shall notify the inmate of the 90-day review at least 48 hours prior to the inmate's scheduled appearance before the Unit Team. An inmate may waive in writing the requirement of 48 hours notice. The inmate is expected to attend and to participate in the review. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal to appear and, if known, the reasons for refusal. Each review shall be documented and the results placed in the inmate central file.

(d) *Incentives.* Staff may establish incentives to motivate YCA inmates and to encourage program completion. Examples of such incentives may include special recognition, ceremonies, awards, and "vacation days."

§ 524.26 Pre-release.

The YCA inmate shall enter the pre-release phase approximately six months prior to release. The Pre-Release phase is ordinarily divided into two portions: A pre-release program in the institution, and a stay at a halfway house.

(a) Each YCA institution shall develop a formal pre-release program. All inmates who are within six months of a release date shall be assigned to this program. The pre-release program shall focus on the types of problems the inmate may face upon return to the community, such as reestablishing family relationships, managing a household, finding and keeping a job, and developing a successful life style. In addition, the pre-release program may include visits from prospective employers who describe what they look for in a job applicant and from former inmates who have demonstrated a successful post-release community adjustment for at least one year.

(b) Halfway House. A YCA inmate released from a YCA institution is ordinarily expected to serve a period of time in a halfway house, to ease community transition. Exceptions to halfway house placement must be approved by the Warden, with a written record of the reasons for exclusion placed in the inmate central file.

§ 524.27 Educational and work-oriented programs.

Each YCA institution shall offer the following types of educational and work-oriented programs:

(a) Academic Education—Programs in this area are to include the following.

(1) *Adult Basic Education (ABE).* Designed to assist the inmate whose academic skills are below the sixth grade level.

(2) *Adult Secondary Education (ASE).* Designed to assist the inmate in preparation for obtainment of a high school level diploma [General Equivalency Degree (GED)].

(3) *Adult Continuing Education (ACE).* Designed to assist the inmate who wishes to continue to expand or to "brush up" in a specific educational area, such as English as a second language.

(4) *Postsecondary Education (PSE).* Designed to assist the inmate who desires to take accredited courses above the high school level. These courses may be in either the educational or vocational area.

(5) *Social Education (SE).* Designed to assist the inmate in his adjustment. These programs concern personal growth, increased ability to cope with problems such as stress, self-image, alcoholism, and responsibilities as a parent.

(b) Occupational Education.—(1) Programs in this area are to focus on helping the inmate acquire or improve upon marketable skills. Each YCA institution shall offer at least three training areas, in such skills as automotive repair, computer programming, welding, heating, and air conditioning.

(2) Within the occupational education area, each YCA institution shall also offer at least two approved apprenticeship programs, such as baking, cooking, painting, and stationary engineering.

(c) Work-Oriented Programs. Programs in this area include Federal Prison Industries (UNICOR) and institutional maintenance and service details. UNICOR is to operate apprenticeship training programs. Eligibility for an industrial placement requires the recommendation of the Unit Team and an indication that the inmate is either functioning at least at a 6.0 grade level (as shown by the Stanford Achievement Test), or is presently participating in an ABE program with progress toward attaining a 6.0 grade level. The inmate who works full time in an industrial assignment must possess at least a 6.0 grade level.

§ 524.28 Conditional release (parole).

The U.S. Parole Commission is the releasing authority for all YCA inmates. Upon request of the U.S. Parole Commission, the Bureau of Prisons shall provide the U.S Parole Commission with a progress report on the YCA inmate. When institutional staff wish to notify the Parole Commission of a special post-release need of the inmate, the Unit Team shall either make notation of this need in the progress report or may submit a separate report bringing the post-release need to the attention of the U.S. Parole Commission.

§ 524.29 Parole violators.

A YCA inmate whose conditional release is revoked by the U.S. Parole Commission shall ordinarily enter the Bureau of Prisons' three-phase program for YCA inmates as described in this rule.

§ 524.30 Exceptions.

A YCA inmate may be considered for transfer to a non-YCA institution under the following conditions.

(a) A YCA inmate may be housed within the general population of a community treatment center, halfway house, or work release facility, and may work with non-YCA's at a factory, office, or other workplace in the community during the pre-release phase of treatment.

(b) A YCA inmate may be confined at the Medical Center for Federal Prisoners, Springfield, Missouri, or at the Federal Correctional Institution, Butner, North Carolina, or at the Federal Correctional Institution, Lexington, Kentucky, as necessary for the duration of special medical or mental health treatment not available within the inmate's present YCA institution.

(c) A YCA inmate may be confined temporarily in a non-YCA institution on "holdover" status (en route to another institution). The YCA inmate who is confined temporarily on "holdover" status must be physically separated from non-YCA inmates at all times.

(d) A YCA inmate, upon approval of the Director, Bureau of Prisons, may be confined in a non-YCA institution for other compelling reasons.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

In Part 544, by removing existing Subpart H and adding a new Subpart H to read as follows:

PART 544—EDUCATION

* * * * *

Subpart H—Adult Basic Education (ABE) Program

Sec.
544.70 Purpose and scope.
544.71 Procedures.
544.72 Federal Prison Industries (UNICOR) and Inmate Performance Pay (IPP) Assignments.
544.73 Incentives.
544.74 Disciplinary action.
544.75 Exceptions.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5038; 28 U.S.C. 509; 510; 28 CFR 0.95–0.99.

Subpart H—Adult Basic Education (ABE) Program

§ 544.70 Purpose and scope.

The Bureau of Prisons requires that all federal inmates who cannot read, write, or do mathematics at the 6.0 grade level attend an Adult Basic Education Program (ABE) for a minimum of 90 calendar days. The Warden may establish incentives to encourage an inmate to complete an ABE program.

§ 544.71 Procedures.

(a) The Warden at each federal institution shall ensure that an inmate who is functioning below a 6.0 grade level in reading, writing, and mathematics, is enrolled in an ABE program.

(b) The Warden or designee shall assign to an education staff member the responsibility to coordinate the institution's ABE program. The ABE coordinator shall meet initially with the inmate for the purpose of enrolling the inmate in the ABE program. Subsequently, the ABE coordinator shall meet with each inmate involved in the ABE program at least once every 30 days to review and record the inmate's progress in this program. The ABE coordinator shall place documentation of this interview in the inmate's education file.

(c) At the end of 90 consecutive days in class, excluding sick time, furloughs, or other authorized absences from scheduled classes, the inmate shall meet with the inmate's team in respect to continued involvement in the ABE program towards attainment of the 6.0 academic grade level. At this time, the inmate may elect not to continue in the ABE program, without negative consequences.

§ 544.72 Federal Prison Industries (UNICOR) and Inmate Performance Pay (IPP) Assignments.

Inmates who wish to secure a UNICOR or IPP work assignment above the fourth grade of compensation must be able to demonstrate achievement of at least a 6.0 academic grade level.

§ 544.73 Incentives.

The Warden shall establish a system of incentives to encourage an inmate to obtain a minimum academic grade level of 6.0.

§ 544.74 Disciplinary action.

As with other mandatory programs, such as work assignments, staff may take disciplinary action against an inmate whose academic level is below the 6.0 grade level when that inmate refuses to enroll in, or to complete, the mandatory 90-day ABE program.

§ 544.75 Exceptions.

The provisions of this subpart on the adult basic education program do not apply to:

(a) Pre-trial inmates;

(b) Sentenced aliens with a deportation detainee;

(c) Those inmates already in UNICOR or IPP assignments in pay grades 1, 2, and 3 at the time of implementation of this rule who do not presently function at the 6.0 academic grade level;

(d) Those inmates for whom treatment is mandated by statute (for example, Youth Corrections Act); and

(e) Other inmates who for good cause, the Warden may determine are exempt from the provisions of this rule (for example, those inmates who are either physically or mentally handicapped).

When an inmate is exempted from the provisions of paragraphs (a)–(e) of this section, the Warden shall document the reasons for the exemption in the inmate's education file.

In Part 549, by adding Subpart F to read as follows:

PART 549—MEDICAL SERVICES

* * * * * * *

Subpart F—Suicide Prevention Program

Sec.
549.70 Purpose and scope.
549.71 Suicide prevention program.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4005, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart F—Suicide Prevention Program

§ 549.70 Purpose and scope.

The Bureau of Prisons provides guidelines for the management of potentially suicidal inmates. While such occurrences as suicide attempts are infrequent, it is the responsibility of the Bureau of Prisons to monitor the health and welfare of individual inmates, and to ensure that procedures are pursued to preserve life. Towards fulfillment of this objective, each Warden shall designate a staff member (ordinarily the Chief Psychologist or, in the absence of the Chief Psychologist, the Hospital Administrative Officer) to serve as Program Coordinator for an institution suicide prevention program.

§ 549.71 Suicide prevention program.

The Program Coordinator shall ensure that the institution's suicide prevention program contains the following elements.

(a) *Identification.* Staff at each institution shall be trained (ordinarily by psychology services personnel) to recognize those signs exhibited by an inmate which may be indicative of a potential suicide.

(b) Referral staff shall immediately refer to the Program Coordinator an inmate who exhibits behavior indicative of a potential suicide. Documentation of the referral shall be placed in the inmate medical file.

(c) *Crisis Intervention.* Upon receipt of a referral, the Program Coordinator is to immediately initiate appropriate crisis intervention techniques. These techniques include, but are not limited to, the following:

(1) Meeting with the inmate;

(2) Demonstrating a caring concern; and

(3) Not leaving the inmate unattended.

(d) *Maintenance.* The Program Coordinator shall arrange for the inmate identified as a potential suicide to be under frequent surveillance. The Program Coordinator shall also utilize, as determined appropriate, other maintenance techniques. Examples of such techniques include, but are not limited to, temporary reassignment of housing, increased contact with those staff members with whom the inmate has developed a positive relationship, and the provision of treatment services.

(e) *Documentation.* Staff shall document in the inmate medical file all efforts made on behalf of the potentially suicidal inmate.

(f) *Training.* The Program Coordinator shall ensure that both staff and selected inmates are provided training in suicide prevention techniques. Staff shall receive this training as part of their annual refresher training. Selected inmates shall be trained as "suicide prevention aides", with their function to monitor suicide-prone inmates. "Suicide prevention aides" shall be compensated for time spent monitoring a potentially suicidal inmate.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 82-1927 Filed 1-25-82; 8:45 am]

BILLING CODE 4410-05-M

V
4
7
/
1
7
J
A
2
6
8
2.
UMI

Re

INFO
PUBL
Code
CFR
Gener
Incorp
Printi
Feder
Corre
Daily
Gener
Privac
Public
Sched
Laws
Index
Law
Slip l
Presid
Execu
Public
Week
United
SERVI
Agenc
Autom
Dial-a
Chi
Los
Was
Library
Magne
volu
Public
Specia
Subscr
Subscr
TTY f

FEDE

1-128.
129-58
589-74
745-93
935-11
1109-1
1257-1
1367-2
2073-2
2283-2
2475-2
2767-2
2855-2
2977-3
3071-3
3339-3
3539-3

Reader Aids

Federal Register

Vol. 47, No. 17

Tuesday, January 26, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12
1367-2072	13
2073-2282	14
2283-2474	15
2475-2766	18
2767-2854	19
2855-2976	20
2977-3070	21
3071-3338	22
3339-3538	25
3539-3756	26

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
4707 (Amended by Proc. 4889)	1
4889	1
4890	2855
4891	2977
4892	3339
Executive Orders:	
1643 (Revoked by PLO 6101)	769
11157 (Amended by EO 12337)	1367
11476 (See EO 12340)	3071
11835 (See EO 12340)	3071
12018 (See EO 12340)	3071
12171 (Amended by EO 12338)	1369
12198 (See EO 12340)	3071
12233 (See EO 12340)	3071
12251 (Revoked by EO 12341)	3341
12306 (See EO 12340)	3071
12310 (Amended by EO 12339)	2475
12315 (See EO 12340)	3071
12337	1367
12338	1369
12339	2475
12341	3341

5 CFR

Ch. XIV	3343
293	3077
359	2283
410	935
832	2284
1201	936
Proposed Rules:	
Ch. I	154
352	956
550	958
610	958
890	961

6 CFR

Ch. VI	2285
Ch. VII	2285

7 CFR

Ch. XII	2981
Subtitle B	745
1a	2073
2	5, 6
68	129, 2074
160	3343
226	3539
282	532
301	1257
319	3082, 3086
425	6
631	130
701	937
800	131, 2254
801	2979
905	589
906	1265
907	746, 2074, 2980
910	939, 2767, 3082
944	747, 1265
1300	2981
1701	3088
1924	590
1942	590
Proposed Rules:	
Ch. I	3126
102	631
360	2874
979	631
1004	2118
1006	814
1007	962, 2122
1011	2999
1012	814
1013	814
1033	814
1036	814
1040	814
1046	2999
1098	2999
1124	814
1125	814
1133	814
1134	778, 814
1135	814
1136	778, 814
1137	778, 814
1139	814, 3361
1250	1105
1701	3126, 3554, 3555
1865	33
1942	2774
1951	33

8 CFR

101	940
204	942
238	131
264	940
316a	132
Proposed Rules	
3	1396

9 CFR

Ch. I.....745
Ch. II.....745
Ch. III.....745
82.....1109, 3089
92.....591
331.....3089
381.....3089

Proposed Rules

78.....3490

10 CFR

2.....2286
40.....8
50.....2286
70.....8
71.....596
73.....600
150.....8
504.....749
508.....749

Proposed Rules:

Ch. XVI.....1138
50.....2876, 2879
317.....1137
378.....817
440.....1299
455.....2880
457.....1301
486.....3127
500.....161
501.....161
503.....161
710.....2874
790.....1302

12 CFR

Ch. VII.....1371
5.....132
203.....750
207.....2981
213.....755
217.....9, 2857
220.....2981
221.....2981
226.....755
327.....943
541.....3541
545.....3541
561.....3541
563.....3091, 3543
563c.....2857, 3091
614.....2477

Proposed Rules:

2.....3555
309.....3127
311.....3127
332.....3127
335.....3127
338.....3127
345.....3127
349.....3127
701.....963
702.....633, 2122

13 CFR

101.....2074, 2305
107.....2859
120.....9
124.....1109

14 CFR

21.....756
39.....10-14, 759, 1110-1113, 2477, 2479, 3346, 3347, 3544
61.....3486
71.....15-18, 759, 760, 1113-1115, 2079, 2481, 2984, 2985, 3348-3350
73.....18, 2986
75.....18
93.....2079
97.....1115
159.....2079
201.....132
207.....134
208.....134
212.....135
231.....137
245.....761
246.....762
298.....604
302.....138
321.....139
380.....140
399.....140
1214.....3095

Proposed Rules:

Ch. I.....817, 3369
39.....1140-1142, 2485
71.....36-38, 1144, 1145, 2488, 2489, 3002-3005, 3370
73.....1146, 2488, 2490
91.....818
121.....3068
296.....633
297.....633

15 CFR

0.....3350
50.....18
371.....609
373.....609
376.....609
378.....609
379.....141
385.....141, 609
390.....144
399.....141, 609

Proposed Rules:

30.....2122
369.....2320

16 CFR

1.....3095
13.....1372, 3350
305.....18, 19

Proposed Rules:

13.....3371
14.....3128

17 CFR

201.....609
211.....1266
230.....3098
240.....1372, 1373, 2079, 3512

Proposed Rules:

1.....2325
210.....2776
230.....3130
239.....3130
240.....2124, 3521-3534
274.....3130

18 CFR

Ch. I.....613
141.....1267, 2083
270.....614
282.....20

Proposed Rules:

141.....39, 2329, 3374
271.....39, 638, 2883, 2884
273.....639
274.....638

19 CFR

4.....2084
6.....2085
10.....944
18.....2086
101.....1286, 2088

Proposed Rules:

4.....3374
10.....2124
18.....2125
111.....1396
177.....2126, 3375

20 CFR

Ch. I.....145
Ch. V.....145
Ch. VI.....145
416.....3099

Proposed Rules:

Ch. I.....402
Ch. V.....402
Ch. VI.....402
404.....642
416.....642, 2127

21 CFR

1.....946
2.....946
73.....946
105.....946
135.....1287
145.....2311
166.....3108
170.....946
172.....946
173.....145
175.....1288
176.....1288
178.....1288
193.....616, 1374, 2986
510.....146, 2312, 2767
522.....146
558.....1289, 2312
561.....1375, 1376, 2860

Proposed Rules:

7.....2331
20.....162
146.....963
168.....163
310.....424, 430
333.....436
357.....444-512
358.....522
874.....3280
878.....2810
886.....3694

22 CFR

42.....2089

23 CFR

Proposed Rules:

635.....1146

24 CFR

201.....616, 617
203.....916
234.....916
511.....1117
540.....1117
541.....1117
551.....1117
555.....1117
556.....1117
561.....1117

25 CFR

700.....2089

26 CFR

1.....147
5e.....2986
31.....3545, 3546
32.....3545
37.....3546

Proposed Rules:

1.....163, 164, 988, 3006, 3559, 3562
15A.....164
53.....3558
301.....3007

27 CFR

Proposed Rules:

5.....1148
9.....1149-1153, 3564

28 CFR

2.....2312
17.....2861

Proposed Rules:

524.....3752
544.....3752
549.....3752

29 CFR

Subtitle A.....145
Ch. V.....145
Ch. XVII.....145
1952.....1289
2619.....2313

Proposed Rules:

Subtitle A.....402
Ch. V.....402
Ch. XVII.....402
Ch. XXV.....402
5.....966
1910.....3566
1990.....187
2672.....1304

30 CFR

904.....3108
936.....2989

Proposed Rules:

Ch. I.....402
Ch. VII.....820, 2338, 3571
100.....2335
211.....819
700.....41, 3377
701.....41, 3377
716.....928, 2340
764.....41, 3377
770.....41, 3377
771.....41, 3377
779.....41, 3377
780.....41, 3377
783.....41, 3377
784.....41, 3377
785.....41, 3377

786.....41, 3377
788.....41, 3377
816.....41, 3377
817.....41, 3377
825.....41, 3377
826.....928, 2340
828.....41, 3377
870.....967
872.....967
874.....967
875.....967
877.....967
879.....967
882.....967
884.....967
886.....967
888.....967
913.....57
914.....3008
921.....560, 3377
922.....560
937.....560
939.....560, 3377
948.....2340

31 CFR

535.....145

32 CFR

230.....2112

Proposed Rules:

543.....822
585.....190

33 CFR

80.....3351
82.....3351
110.....1117
117.....1118
165.....1118

Proposed Rules:

88.....826
89.....826
117.....3010

34 CFR

219.....3328
220.....3328
624.....540
625.....540
626.....540
627.....540
644.....2258
674.....736
675.....736
676.....736
690.....736

Proposed Rules:

674.....908
675.....908
676.....908

35 CFR

103.....2991

36 CFR

Ch. II.....745
60.....3109

Proposed Rules:

Ch. II.....2886
60.....3138

39 CFR

111.....3351, 3352
601.....1377

Proposed Rules:

111.....3377

40 CFR

52.....762, 763, 947, 948, 1119, 1290–1292, 2112, 2113, 2768, 3110–3115, 3352, 3353, 3548–3550
60.....950, 2314
65.....1293
80.....764
81.....763, 952, 1120, 1377, 2113, 2115, 3354
123.....618, 1248, 2314, 3551
180.....619–623, 1378–1384, 2862, 2863
193.....1385
262.....1248
264.....953
265.....1254, 2316
702.....2771
762.....148, 149

Proposed Rules:

50.....2127, 2341
52.....191, 1304, 1398, 2129 3138
58.....2127
65.....969, 2889
81.....2131, 3011
86.....972, 1306, 1642
123.....1155, 2378, 3378
180.....651–654, 2889
244.....1307
245.....1307
246.....1307, 2379
761.....2379
775.....193
799.....973, 2379

41 CFR

Ch. 50.....145
Ch. 60.....145
5–12.....1385
5A–7.....2481
5A–16.....2481
5A–72.....2481

Proposed Rules:

Ch. 60.....402

42 CFR

122.....3551
405.....1386
441.....1386

43 CFR

7.....2995
20.....2316, 2995
428.....624
3100.....2864
3110.....2864

Public Land Orders:

6100.....21, 3351
6101.....769

Proposed Rules:

Subtitle A.....2381
426.....2890
4100.....1155

44 CFR

64.....3116, 3119, 3355
65...770, 3121, 3122, 3357, 3358
66.....770
67.....22, 3123
70.....771, 772, 3124, 3125

Proposed Rules:

13.....2491
67.....3012, 3140–3147, 3379
205.....827

45 CFR

Ch. XII.....3553
680.....193
681.....193
682.....193
683.....193
684.....193

46 CFR

547.....3359

Proposed Rules:

69.....2131
510.....215
536.....655

47 CFR

0.....1294, 2864
2.....953, 1386
21.....953
73.....150, 1386, 2116, 2865–2871
74.....150, 953, 1392, 2864
83.....2317
97.....2872, 3360

Proposed Rules:

2.....983, 1308
15.....216, 836
25.....3573
73.....58, 837, 983, 985, 1308, 2135, 2136, 2384, 2385, 2890–2893, 3388, 3389
74.....983
81.....2894
83.....2894
90.....1310

48 CFR

Proposed Rules:

13.....1400
17.....1400

49 CFR

Ch. X.....613
1.....1122
571.....2996
635.....3391
650.....3391
658.....3391
830.....773
1033.....151, 152, 624, 773, 776, 2482
1056.....777, 3553
1136.....2117
1139.....2317

Proposed Rules:

Ch. X.....3392
1031.....1155
1033.....3574
1039.....220
1254.....3774
1300.....220
1310.....59

50 CFR

17.....2317
23.....1294, 2117
32.....1122–1135
611.....625, 1294, 1295
662.....629
675.....1295

Proposed Rules:

23.....1242
611.....2386
672.....2386

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982

V 47 / 17 JA 26 82

V 4 7 / 1 7 J A 2 6 8 2 UMI

V 4 7 / 1 7 J A 2 6 8 2 UMI

The authentic text behind the news . . .

The Weekly Compilation of **PRESIDENTIAL DOCUMENTS**

Administration of Ronald Reagan

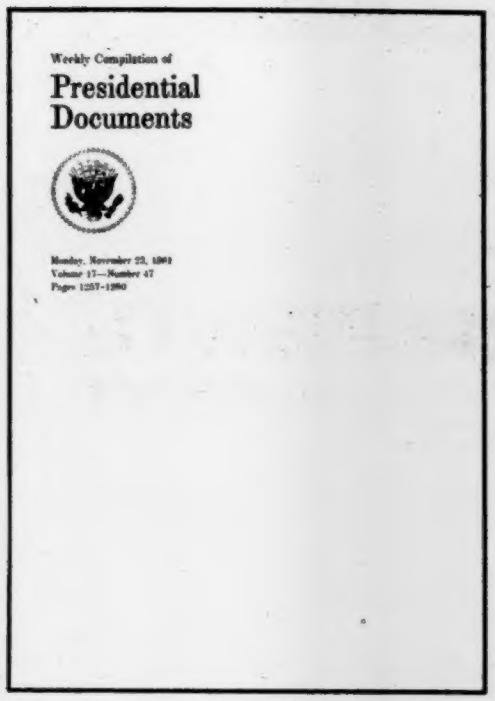

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published quarterly, semiannually, and annually. Other features include lists of acts approved by the President and of nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

---

SUBSCRIPTION ORDER FORM

ENTER MY SUBSCRIPTION FOR 1 YEAR TO: WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)

@$35.00 Domestic; @$43.75 Foreign.
@$79.00 if Domestic first-class mailing is desired.

PLEASE PRINT OR TYPE

Name—First, Last

Company name or additional address line

Street address

City State ZIP Code

(or Country)

☐ Remittance Enclosed (Make checks payable to Superintendent of Documents)

☐ Charge to my Deposit Account No. .....

MAIL ORDER FORM TO:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402